SUFFOLK COUNTY LEGISLATURE

GENERAL MEETING

EIGHTH DAY

MAY 9, 2000

Taken by: Lucia Braaten
Alison Mahoney

Riverhead, New York

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[THE MEETING WAS CALLED TO ORDER AT 9:40 A.M.]
P.O. TONNA:
Henry, let's start with the roll call. That's --
MR. BARTON:
Good morning, Mr. Chairman.
P.O. TONNA:
Good morning. How are you?
(*Roll Called by Mr. Barton*)
MR. BARTON:
I count 11.
P.O. TONNA:
Okay. Thank you very much.
LEG. CARACCIOLO:
You have me, Henry?
MR. BARTON:
Yes.
LEG. LEVY:
To introduce the clergy, Legislator Guldi.
LEG. GULDI:
Should we do a salute to the flag first?
P.O. TONNA:
Okay. Legislator Guldi, why don't you lead us in a salute.
[SALUTATION]
Thank you very much. And now, Legislator Guldi, for the purposes of introducing the clergy.
LEG. GULDI:
Good morning, everyone. It's my pleasure this morning to introduce Barbara Melzer, who is the United -- the Reverend -- the Pastor of both -- she does double duty -- the United Methodist Church of Westhampton Beach and the United Methodist Church of East Quogue. Talking to Reverend Melzer before the meeting, she -- of course, the Ducks came up and she mentioned that she's had box seats at the Mets for 31 years. Now, that's a matter of faith if there ever was one. In any event -- and she mentioned how much she'd like to go to a Ducks game.
REVEREND MELZER:
Yeah.
LEG. GULDI:
Reverend Melzer?

REVEREND MELZER:
Thank you.
LEG. GULDI:
Thank you.
REVEREND MELZER:
Could we please be in an attitude of prayer?
[INVOCATION]
P.O. TONNA:
Thank you very much.
REVEREND MELZER:
Thank you.
P.O. TONNA:
It was a pleasure. Thank you so much. Okay. We have a few

proclamations. First, Legislator Dave Bishop?
LEG. BISHOP:
No.
P.O. TONNA:
No? Okay. Then I'll -- I want to bring, if I can, Vinny and his wife, if you could come up. As you know, last meeting was Volunteers Month, or whatever else, and this is my Volunteer of the Year.
It's with great pleasure that I present to you, for all of the hard, hard work that you've provided for the community in North Babylon. Vinny Sciacca has been -- not only is he a veteran of the Army, a New York City Police Officer, and many other things, if you read his newsletter in the community, quite a number of different things. But when I came to North Babylon as a new Legislator, I'd have to say that it was Vinny's enthusiasm, his involvement, his knowledge of the issues, and his ability to reach out to the community that really has made this place great. Vinny, thank you for all of the hard work. Joanne, thank you very much for all the hard work in putting up with this guy. I know he's a millstone around your neck, but somebody's got to do it. Anyway, again, for Volunteer of the Year, congratulations. Thank you.
MR. SCIACCA:
Thank you, Paul.
(Applause)
P.O. TONNA:
Legislator Mike Caracciolo with a proclamation.
LEG. CARACCIOLO:
Yes, sir. Good morning everyone. And I have the privilege this morning of presenting a proclamation -- make sure -- is this thing on?

MS. JULIUS:
Yes.
LEG. CARACCIOLO:
Proclamation to Mr. -- pardon my -- pardon me. Get organized here. Robert Strimban. Let me tell you a little bit about Mr. Strimban. He was born in New York City, and as a youngster of four years of age, his family moved to Glen Cove. And shortly thereafter, as he, I guess as a young person, determined what his talents and skills were, he decided to pursue art and sculpture, and he attended Pratt Institute on a scholarship, and he also graduated from the Art Students League. After his graduation, he went into freelance art and he became an illustrator and a designer and designed many covers for many of the nation's most prestigious news magazines like Newsweek, and Forbes, and Fortune, Business Week, and illustrations for the New York Times. Mr. Strimban also had the privilege of creating the first book jacket, the art work for the first book jacket for Rachel Carson's book "The Sea Around Us". As we all know about Rachel Carson, she was a preeminent leader in the legacy of preserving this nation's environment and calling to action those of us in elective office, as well as elsewhere, the general population, to understand and preserve our environment.
I guess during Mr. Strimban's most recent years, he and his wife have relocated to the beautiful North Fork of Long Island, the First Legislative District in the Hamlet of Cutchogue.
And the reason why we are taking note of his lifelong work, love and

pursuits is that one of those -- one of his achievements is a -- let me get this straight, the location here -- at the Greenway Industrial Park on Pinelawn Avenue in Farmingdale, which I assume might be Legislator Postal's district, okay, and that very busy and bustling industrial park. Mr. Strimban has been privileged to provide them, and I'll this around, there's a beautiful picture here of some of his work that's on display in that industrial park.
So it's with, again, pride and my privilege today that on behalf of you and the members of this austere body that we take note and recognize those members of our community who add on a daily basis to the beauty around us. Congratulations, Mr. Strimban.
MR. STRIMBAN:
Thank you very much.
(Applause)
LEG. CARACCIOLO:
Paul, would you like me to continue with the next presentation?
P.O. TONNA:
You know what, let's let Legislator Towle, and then -- you know, I like coming attractions, different things, moving back and forth.
LEG. CARACCIOLO:
Okay.

P.O. TONNA:
So let's go with -- let's go with Freddy, and then we'll come back.
LEG. TOWLE:
Thank you, Mr. Presiding Officer.
P.O. TONNA:
All right?
LEG. TOWLE:
First of all, I think the first thing we need to do is get the air conditioning on in here, that's for sure. I'd ask two members --
P.O. TONNA:
Did we call?
MS. JULIUS:
I called.
P.O. TONNA:
Okay.
LEG. TOWLE:
Two members of our Probation Officers to come on up, Officers Sean Curran and Officer Helen {McCagney}. This morning -- I'm going to ask Ilona here if you wouldn't mind helping me out there for a second. You just want to pass those around to the Legislators?
Earlier last month I became aware of some of two members of our County staff, two Probation Officers that are here with me this morning that I think is truly heroic. Both of these Probation Officers, acting on information that they received from the Seventh Precinct and to from community leaders, paid a visit to the home of what turned out to be a parole violator in which they found weapons, drugs and also a large cash of fireworks, illegal fireworks, that were being held in this house. On their information and based on their actions, they truly averted, you know, not only a potential problem in a residential community, but also picked up someone who clearly has continued and had a long history of violating the law. And I think it only emphasizes

the job that our Probation Officers do each and every day. It's not something that we think about sometimes as policy-makers, particularly when we're voting on the budget, and it's something that I think we need to pay a little more attention to, because, as we move in society to attempt to deal with some of our problems, each level of our law enforcement community needs to be supported, and the Probation Officers clearly I think demonstrated here today some very heroic actions, and I'd like to present them with a County proclamation from the Legislature commending them on their activities and their efforts on behalf of our community. Thank you. Congratulations.

(Applause)

P.O. TONNA:
Thank you very much. Legislator Caracciolo.

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LEG. CARACCIOLO:
Okay. This time, Mr. Chairman, I'd like to invite up to the dais here with me Kermit Graf, the Executive Director of Suffolk County Cornell Cooperative Extension and the members of his volunteer staff that are here for the purposes of this recognition. Kermit?
MR. GRAF:
Good morning.
LEG. CARACCIOLO:
Good morning. That's it? I thought you had all the volunteers.
MR. GRAF:
No, we don't have all the volunteers, we just have recognition of the volunteer efforts.
LEG. CARACCIOLO:
Okay. I would like at this time to turn the mike over to Mr. Graf. He has for us a symbolic check, or a check that's symbolic of the many hours in the last year that the volunteers, through his agency's coordinated efforts, to provide services for all the residents of this great county of ours. So, Mr. Graf.
MR. GRAF:
Thank you. These hours include people working with young children in 4-H Clubs, it includes our Master Naturalists who work in the parks to help people better understand their environment, our Master Gardeners who are out planting educational gardens at schools and in parks and in other public facilities, and working with communities on improving the aesthetics of their community, and the volunteers who serve on our many committees and boards. So we appreciate their efforts, and on behalf of their efforts, we'd like to present the Legislature with a check for $515,000, which represents, at $10 an hour, which is a little on the low side for most of our volunteers, the efforts that they've made in the past year.
P.O. TONNA:
That's great. Thank you very much.

(Applause)

LEG. CARACCIOLO:
What we failed to mention, Mr. Chairman, is that there were over $1,350 volunteers.
P.O. TONNA:
Wow.
LEG. CARACCIOLO:

And given that last month, as a result of the initiative by Legislator Carpenter, this Legislative body took note of the many individual volunteers that were singled out for recognition. I think it's consistent with our recognition of volunteerism in Suffolk County that we, as a County, and the residents of the County benefit each and ever day by the uncountless hours of work provided by the volunteers at Cornell.

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So, again, Kermit, on behalf of all of us and I'm sure the County Executive, thank you very, very much. And please extend to those volunteers our heartfelt thanks and appreciation.

P.O. TONNA:

Thank you, Kermit.

(Applause)

Okay. Just to announce, also, at 5:30 this evening, we're going to do -- be providing proclamations to Girl Scouts who won the poster contest sponsored by the Suffolk County Electrical Contractors Association. Okay. Let's go to -- is there any other proclamations or anything that's not listed? All right. Let's go to the public portion. And first on our list here is Michael Mart. Michael? I would ask any Legislators in the back if they could please come forward. Thank you. Go ahead, Michael.

MR. MART:

Good morning. Thank you. I'm here this morning to speak in principle in favor of proposed legislation that I read about in Newsday. And I'll begin by saying that I'm ashamed --

P.O. TONNA:

Michael, either put that microphone closer to you, make sure that it's on.

MR. MART:

Can you hear me now?

P.O. TONNA:

Can we hear him now? Okay, I guess.

MR. MART:

Okay. I'll speak louder. I've never been here before. Bear with me. I prepared my remarks --

P.O. TONNA:

That's okay. You might never want to come back again either.

MR. MART:

I hope that's not the case. But I'm here this morning to speak in principle in favor of some legislation that I read about that's being proposed by Legislator Ginny Fields.

In a sense, I'm ashamed to live in a county where there are no underage smokers. We can change that here. The nation's attention has recently been focused on the phenomenon of teenagers smoking cigarettes and becoming addicted. Is this attention well deserved when, in fact, there are no underage smokers in Suffolk County? Why shouldn't children of any age smoke cigarettes in this region? It is only illegal to sell tobacco to those under 18, but it is not illegal for children to use tobacco products.

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New regulations, which make it more difficult for tobacco companies to peddle their products to our youth are laudable, but alone are not

likely to realize their intended goal. This will change if Legislator Fields is successful in enacting her legislation prohibiting the use and possession of tobacco products for anyone under the age of 18 in Suffolk County.

If the tobacco companies are truly serious about not aiming their products at children, they should join Legislator Fields and join you in your efforts to enact this legislation. However, in the past, major tobacco companies recently took out full-page newspaper ads saying in part, "Can we really make the underage smoking problem smaller by making federal bureaucracy bigger," all the while concealing the fact that children are not prohibited from using their products. These companies would rather blame the problem on the federal government and local government and have the only legal restriction of their products placed on the lowly retailer.

Studies have shown that most adults addicted to cigarettes began smoking before the age of 18, that nicotine is addictive, that current laws restricting only the sale of tobacco products are ineffective, that nearly 3,000 youth begin smoking every day in the United States, that almost 1,000 of those young smokers will die from a smoking-related disease, that the cigarette industry profits about $1.5 billion a year from the illegal sale of it's products to minors, and that in short, the programs of self-regulation most often touted by the tobacco industry, in effect, puts more dollars in their pockets than reduces the number of children smoking.

Without an age specific prohibition on the use of tobacco products in this county, we are in the absurd position of telling children they cannot buy cigarettes, but if they do or get them some other way, it is all right to smoke them. Time and again, we read that school districts prohibit smoking on school grounds, thereby forcing student smokers of any age to smoke off school grounds, but smoke nonetheless. Without an age specific prohibition, no one outside the home has the authority to confiscate tobacco products, especially cigarettes from those under 18 who boldly smoke in public. This is not an uncommon scene in any community. Just look around your parks and your street corners and you will see people under 18 smoking. Part of the attraction to smoking for young people comes from doing it in public as a way of posturing among their peers. Imagine the consequences if liquor, marijuana and other drugs were regulated in the same manner as tobacco is in Suffolk County.

Critics of the proposed legislation might argue that it will criminalize our youth, or that there are many more important problems facing this same population. The proposed bill will support the authority of parents to prohibit their children from smoking outside the home. The known health-related problems of nicotine addiction will eventually take their toll on yet another generation if we do not act now.

Many of us know people who drink, but they're not alcoholics. Many of us know people who may have experimented with drugs, but they're not drug addicts. Many of us know adult smokers. Ask them. See if

they're addicted. Most are. Its a different product.

Unlike some unpredictable random hordes faced by children in many of our communities, nicotine addiction, with it's slow but certain

consequences, is preventable should be viewed not as a trivial problem. The point of this long overdue legislation is to create a compelling connection between the law that prohibits the sale of tobacco products to people under 18 and its use and possession by the same age group. As adults, we cannot tell our youth that they cannot buy tobacco because it is bad for them, but if they obtain it, they can use it, and we act as if we don't care. If the tobacco company -- excuse me. Hypocrisy of that nature used as the logic behind authority renders that authority invalid. Kids know hypocrisy when they experience it. If the tobacco companies are sincere when they profess not to target young people with their ads, they can have no objection to joining any effort across the country to prohibit the use of their products for those under the age of 18. Let us see just how many tobacco companies and their lobbyists support Legislator Fields precedent-setting legislation. Thank you very much.

(Applause)

P.O. TONNA:
Thank you. Phyllis Garbarino. Phyllis?
LEG. FISHER:
Thank you, Michael.
LEG. CARPENTER:
She's in the back.
LEG. GULDI:
She's here.
P.O. TONNA:
I know she's here. Phyllis Garbarino? All right. We'll --
LEG. GULDI:
Call it again.
P.O. TONNA:
We'll call it again later. Maybe somebody --
LEG. CRECCA:
We'll go in the back, see if she's in the back.
P.O. TONNA:
Yeah. Ellie Smith?
MS. SMITH:
Good morning. I don't know if this is on. Can you hear me? Okay. This is an exciting time for us in Long Island, because I see with our volunteers being awarded a special privilege and special honors by you, I am very proud to say that the Year 2001 is the international year of the volunteer. The United Nations has now proclaimed that throughout the world, volunteers will be recognized for their millions and

billions of hours of service. We on Long Island are fully represented by a committee, which I'm privileged to serve on, which is chaired by Susan Brody from Nassau County, and our own Tom Williams from the Community -- Suffolk Community Council. We're very busy in our programs and we're very busy getting ready for the December 5th kickoff in the United Nations in New York City. So I'd be thrilled to have your input if you know organizations that are fully volunteer, if you know people who are committed, lifelong committed, as you have given your proclamations to, please let me know and I will pass the information on. Because, as you know, the American Red Cross is the number one volunteer international organization and I'm proud to have

been with them. This is my twentieth year of service with the Red Cross. To that end, we are proud of our volunteers, the volunteers that each year you helped support through your resolutions and the Operating Budget.
Those who serve their time in the community serve under the public good, as defined by Penal Law 6510-2-H and Family Court Act 758A. Now, in our twentieth year, we have also returned one million hours of volunteer service to Suffolk County. We have close to 14,000 people who have committed crimes and paid for their crimes in the community, and it's all been with your 100% support.
Six hundred and fifty not-for-profit agencies, institutions, corporations, governments, towns, villages all are our customers. Our success rate, those that complete their service, is 84% for the adult population and 92% for the juvenile population. We are number one outside of any major city in the success rate, according to the New York State Division of Probation and Correction alternatives annual report. We're very proud that we are able to complete 84% of our 14,000 people that have been sentenced to do community service.
Now to the -- that's the good news. Now to the reasons we need Resolutions 1470 and 1486, which will be laid on the table. They are just being proposed for you to look at. And we would like -- I'd like now to introduce Helen Meyer from our juvenile staff, the manager, program manager of our juvenile court -- of our juvenile program, and Brian Schaefer to speak.
P.O. TONNA:
Okay. Just you're pretty much close to the time.
MS. SMITH:
And they have cards also, the two of them have cards.
P.O. TONNA:
Well, then they have to wait for their cards.
MS. SMITH:
Okay.
P.O. TONNA:
Okay?
MS. SMITH:
Thank you so much for your support for both.

P.O. TONNA:
Brian, that's you, and then Helen. Actually, you're right, one after the other, so that's fine. Go ahead, Brian.
MR. SCHAEFER:
How are you this morning?
P.O. TONNA:
Good. I love your hairstyle. I just want you to know, I love that hairstyle.
MR. SCHAEFER:
I'm just up here briefly to speak about --
LEG. GULDI:
On him it looks good.
MR. SCHAEFER:
What the work crews have been doing out in your County for the last few months, actually, for the last -- since 1981. Right now, we're up to, as Ellie said, a million hours of volunteer time per year for our

program. Last year we came up, we had asked in proposed Resolution 1476, which enabled our program to go ahead and purchase and receive new equipment and new materials, so we could bring the clientele or the offenders out into the community --
LEG. FISHER:
Could you pull the mike a little closer to you?
MR. SCHAEFER:
Sure.
LEG. FISHER:
Thank you very much.
MR. SCHAEFER:
As I was saying, last year we had proposed a resolution to help our program receive some funding, so we could out and get better equipment and some better materials, so we could bring the offenders into the community and put them back to work and do bigger and better projects for the County, as well as state and town institutions.
The problem we run into this year is, as Ellie, was saying, there is an increase in the amount of referrals and increase in the amount of referrals and increase in the amount of clients that are coming through the program. We now have the equipment in place, but we do not have the proper staffing to have the crews go and run as smoothly as they should. Like I said, there's nine to twelve weekly crews going out, and the burden on the staff at the Red Cross right now is overwhelming with the amount of logistics and paperwork that must get put back into the criminal justice system and the courts to see how their clients are doing with their community service.
We're asking for your support on this resolution, so we can go ahead and get these work crews to run as smooth and efficiently as possible.

For a few of you -- a few of the Legislators that I have not yet done work for, I have mailed out correspondence asking if there's any projects you would like the Red Cross to do in your areas. At the end of today's session, I will leave you my card, and also pass around the photo album for you guys to see what kind of projects have been going on in the community, and we look forward to your help in helping our program grow and service the community better. Thank you.
LEG. FISHER:
Thank you.
P.O. TONNA:
Thank you very much, Brian. Thank you. Helen?
MS. MEYER:
Yes. My name is Helen Meyer and I represent the Juvenile Division, and I'm here today to ask for your support for Resolution Number 1486. We've had an increase of referrals on the East End and we would like to offer the juveniles crew placements. The transportation, the lack of transportation on the East End could really set a child up for failure if he doesn't have the proper placement or can't get to his placement. So what we would like to do, I have the -- number one, the juvenile delinquents that are mandated from Family Court to perform hours of service for the public good has increased again this past year. It's been on a steady rise for the last four years, as you can see by the graph on page 3. We are now at our second quarter and are projecting a 15% increase above last year. We provide transportation to and from

the work sites throughout Suffolk County for four juvenile crews at the present time. We have two crews in Brookhaven, a crew in Babylon and an Islip crew to complete their supervised work. We also must expand the number of crews and crew chiefs. As I said, we have an influx of referrals from the East End and transportation is really a problem. With the largest numbers of juveniles coming from the East End, we would really like to be able to serve this population. We are requesting a full-time staff person to cover the East End expansion. And with the summer months approaching and the juveniles out of school, we need to expand our weekday supervision of the population as well. A part-time position would allow us to work in this time frame with additional staff person for increased management and crew work. We look forward to one or two midweek crews come this summer when the juveniles are out of school.
The juveniles are very active in beautification work, as well as just picking up litter along the sides of the roads. We do work along with Home Depot volunteers, so that it's not just -- it's not just picking up paperwork, they do get an opportunity to learn how to construct various projects. In the past, we've constructed patios, bench planters, fences, and we would really like to work more closely with Home Depot by providing transportation and really getting these youths out there to do community projects, satisfy their community service obligation, and really raise their self-esteem. Thank you very much.
LEG. CRECCA:
Paul, on the question.

P.O. TONNA:
Yes, Andrew. Legislator Crecca.
LEG. CRECCA:
Miss Meyers, just a very quick -- two quick questions. First of all, I just want to say that I've worked indirectly with the program that you're talking about, and I can say to my fellow Legislators, they do a great job running the Community Service Program and do a great job working with our youth. And there has been an increase from Family Court of these juveniles who are mandated to do community service. The question I have for you is I notice that we're talking about the work crews in providing transportation, that we have two in Brookhaven, Babylon and an Islip crew. Do we have one in Smithtown? And if not, why is that? Is there not a need there?
MS. MEYER:
The influx of referrals is not as great from the Smithtown area, although one of the Brookhaven crews overlaps into that area. So far, we have been able to place the juveniles individually in the Town of Smithtown. But if there is a problem, the children are either driven to the office, or, like I said, the one Brookhaven crew incorporates part of that and we pick them up on the way out. Yes, they're being served.
LEG. CRECCA:
Thank you.
P.O. TONNA:
Okay. Thank you, Legislator Crecca. Thank you, Helen.
MS. MEYER:
Okay.

P.O. TONNA:
Okay. Lynn -- oh, no. Phyllis Garbarino. Phyllis, are you here?
MS. GARBARINO:
Good morning. I'm here to urge this body to bring forward today Introductory Resolution Number 1432, which is the extension of the lease at the Coram DSS and Health Center. At committee, at Ways and Means Committee, I realize that it was not discharge, the committee stating they still had some questions on it. This is ongoing on for 15 years this issue. It's a critical issue. The employees there have been working in literal filth, and I know a number of Legislators have gone to the building and have seen the deplorable conditions. I spoke with the -- they talked about a special Space Management meeting. I spoke with the Commissioner of Public Works, who stated that this lease contains all of the questions that this body had last year. All the administrators from Social Services are here today with any information that anybody here could need. I'm sure that if you have any further questions, you could get them answered today. It's not just a delay of two weeks or a month, we're talking about a delay that has gone on for 15 years. There have been build-to-suits presented before this body. They've been knocked down for one reason or another. It's not in this backyard and not in that backyard.

Right now, the building location apparently seems to meet the needs of the community. If you allow this building to be fixed to the point that the employees will have decent working conditions, plumbing that works, an HVAC system that works, elevators that work, it's going to be from all intent and purposes a total gut-out, which has never been proposed before. All of that is addressed in the lease. Time frames are addressed in the lease. I know from what -- the research I have done, I don't see of any other questions that anybody here could have that could not be answered by today. So I'm urging you to please bring this out here today.
We have the Center Manager from Coram was here this morning. The employees, obviously, couldn't take off because of coverage problems, they have to cover the center. But they are working in the worst conditions. When our union office was on 112 a couple of years ago, there were days that they had to come to our building to use the toilet facilities, because the plumbing was breaking down. We need to stop this, we need to fix it. Looking for another location now will be another five years minimum. So I'm urging you to please bring that forward today and to vote to extend this lease. And the County will hold the landlord's feet to the fire and making sure that all of the terms of the lease are met.
LEG. D'ANDRE:
Mr. Chairman. Mr. Chairman, I would urge that you bring this out of order and get it passed, so that these people can all go home.
LEG. TOWLE:
Motion.
P.O. TONNA:
No, no, no, no. Just hold it one second.
LEG. D'ANDRE:
This is a highly important bill for all of us --
P.O. TONNA:

I understand it.
LEG. D'ANDRE:
-- Mr. Chairman.
P.O. TONNA:
I understand that. Right now we're in the public portion. Okay?
LEG. D'ANDRE:
I know. But I'm just --
P.O. TONNA:
We're not -- I'm not --
LEG. D'ANDRE:
I'm just reminding you, the first order of business, we get it out of committee, I mean, out of --

P.O. TONNA:
Well, I'm going to -- I think, well, right now, we're still in discussions here, and I know that the Chairman of the committee has some concerns, and until we can work that out today --
LEG. LEVY:
I just want to --
P.O. TONNA:
First of all, there is no bill right now. There might be a CN, but there's a bill still in committee. So we have to, you know --
MS. GARBARINO:
But it can be voted out to the floor, you have the power to do that.
P.O. TONNA:
I have the power.
MS. GARBARINO:
Yes.
P.O. TONNA:
Yes.
LEG. D'ANDRE:
And that's why I appeal to you, Mr. Chairman.
P.O. TONNA:
We have the power, but --
LEG. TOWLE:
The operable word is "we".
P.O. TONNA:
But I think there are -- what I would say is I think that, generally, there are Legislators who have concerns, have heard what you had to say, both publicly and the lobbying effort on behalf of a lot of different people. I would also -- I know that the Chairman of the Ways and Means Committee has a number of concerns. There are some people here from DSS today, maybe they can answer those questions, maybe they can't. But, you know, we'll let the day proceed and we'll see where we go.
LEG. LEVY:
If I could just, you know, pass --
P.O. TONNA:
Oh, wait, no, no. Legislator Fisher first, then Legislator Levy.
LEG. FISHER:
Actually, Mr. Presiding Officer, you've addressed part of my question, which is that I understand that you generally don't encourage moving on legislation which has not been approved in its committee.

P.O. TONNA:
In respect to the Chairman.

LEG. FISHER:
However -- out of respect to the Chair. I understand that there were some questions that we needed to address in order for it to be approved in Ways and Means. Mrs. Garbarino has indicated that they have -- she has brought information and that there is information available today. Is that so, Phyllis?
MS. GARBARINO:
Yes. Social Service Administration is here. Bill Jones, who has worked on this lease, and other administrators are here with all of the paperwork. I'm sure that any questions can be asked today, it can be addressed.
LEG. FISHER:
And I'm just saying the Chairman of Ways and Means was concerned about Budget Review issues, what kind of costs we --
MS. GARBARINO:
I think that Budget Review could also have any of their questions answered.
LEG. FISHER:
Okay.
MS. GARBARINO:
I mean, if Space Management Committee felt that this lease, and I did, as I said, spoke with the Commissioner, felt that all of the questions that this body had last year were all addressed in this lease, as it's written now, and so, therefore, he doesn't see what other additional information could be needed, but I'm sure any other questions could be entertained.
LEG. FISHER:
Do you have a copy of that lease here today?
MS. GARBARINO:
I don't have it, the Social Services does have it with them.
LEG. FISHER:
Okay. Thank you, Phyllis.
MS. GARBARINO:
Okay, you're welcome.
LEG. D'ANDRE:
Mr. Chairman. Oh, you got Levy. Levy.
P.O. TONNA:
Yeah, just Legislator Levy, then Legislator D'Andre.
LEG. LEVY:
Just before this goes too far with the debate and the discussion right now, I first wanted to recognize that Phyllis and AME have been really at the forefront of speaking out on this particular lease for the longest time, probably been the most complained about lease that we --

I've ever --
MS. GARBARINO:
Absolutely.
LEG. LEVY:
-- seen in my tenure here on the Legislature. So you guys really deserve accolades for fighting for the membership, no question about

it. And I know that you just want to get it done, because your members have been so patient and waiting for something to happen. The reason that we asked it to be tabled for just one cycle in Ways and Means is because it was not a unanimous decision by the Space Management Committee. Budget Review raised a number of questions, and they were not questions that came to the Legislature a year ago, that's one of the problems.
In the Space Management Committee about a year ago, it was said, and one of the members of the Legislature on that Committee voted with the condition that the information be brought to the Legislature a year ago, voted for it, that information was not brought forth to the Legislature a year ago, and then everything was coming upon us rather quickly. Budget Review still had a number of unanswered questions and we just felt it appropriate. You know, we waited this long. It really can't hurt to just wait one more cycle, let them go through Space Management Committee again, hash out all those questions and come back to the committee, so that we can digest it intelligently and responsibly. Then what we found out, when we made a request to Space Management to sit down and discuss it, and I think everybody should understand this, we made the request for Space Management, which meets again on May 18th, to just go over those last minute questions and make sure everybody's satisfied. The Department of Public Works refused to entertain the questions on it at Space Management. Now, that raises even more questions. I mean, I think if they just gave us the two weeks to digest this properly, there'll probably be an 18-0 vote next go-around. But when Space Management starts saying that they don't want to evaluate, they already did this, yeah, they already did it, but our Budget Review Office said that they had substantive concerns, and until they were answered, I wasn't comfortable with just letting it out of committee. We just said, "We waited it for years, just wait one more cycle. What is the big deal about pushing it out now?" There was no real reason other than, "Well, we waited a long time and we want to get it done right now. I don't think it was unreasonable to just say just give us one more committee meeting to digest this, let space management look at it again, let's get all those questions answered. And, yes, can someone from Public Works come up here and start saying some things today? Certainly. But Fred and Budget Review need some adequate time to verify those numbers that are given to us.
P.O. TONNA:
Steve, okay, that's a good question.
LEG. D'ANDRE:
Mr. Chairman.
MS. GARBARINO:
Can I just respond to that question?

P.O. TONNA:
That was a very long question.
MS. GARBARINO:
Can I just respond to that?
P.O. TONNA:
Yes, and then Legislator D'Andre has the floor.
MS. GARBARINO:
With all due respect, Legislator Levy --

P.O. TONNA:
For questions.
MS. GARBARINO:
-- one more meeting has gone on for 15 years.
LEG. LEVY:
Not to us.
MS. GARBARINO:
And my fear is that one more meeting is not going to do it again, because I personally, as a representative on the executive level, have watched this for six years --
LEG. LEVY:
You did.
MS. GARBARINO:
-- on continuous buildings, this lease. When they didn't like this building, go out and look for another building; turned down that building. I don't have any faith in that one more meeting is going to do it, I really don't.
P.O. TONNA:
Just what I would suggest, Phyllis, is that I know the Committee Chairman. If he says it's one more meeting, he wants some questions.
LEG. LEVY:
No more tablings after that.
P.O. TONNA:
The problem is, though, is that if we have certain departments in the County Executive's Office who are unwilling to answer questions, which I find difficult to believe sometimes, there is a "huh," you know, it's a sarcasm type of question. And the point is is that if so, the Committee Chairman in that committee said, "We need some questions answered." I don't think there is anybody here in Legislature who says that they don't want to move ahead with the lease. But in the cycle of things, I haven't seen this on the table for 15 years, I've seen this on the table, you know, for one voting cycle, and they've tabled it once --

MS. GARBARINO:
This time.
P.O. TONNA:
-- to get some questions.
MS. GARBARINO:
This time. This has been --
LEG. D'ANDRE:
You haven't been around that long, Mr. Chairman.
MS. GARBARINO:
That's right. This is exactly -- thank you, Legislator D'Andre.
LEG. D'ANDRE:
You haven't been around that long.
P.O. TONNA:
You have to admit, I mean, the Coram Health Center has been an embarrassment.
MS. GARBARINO:
Yes.
P.O. TONNA:
The guy -- the company person, whatever else, who has leased this

building has been an embarrassment in the services that they've provided to the County with regard to this building, the upkeep, and everything else. I think that Legislator Levy's concern, as Chairman of Ways and Means, has been, "I have some questions that have to be answered." I can say, Steve, if -- you know, if those questions aren't answered, whatever else, I mean, can we answer those, some of those today, if they're willing to come down and answer those questions?
LEG. LEVY:
You know, it's something like that. Possible? Maybe, but it's not the proper way to do it, because even -- I have to say, even if you get information that comes forward today, our -- we ask our Budget Review, "How do you feel about those things?" They say, "Well, let us review it. We just can't give you an answer off the top of our head." That's why we want it to go through committee.
P.O. TONNA:
Hasn't Budget Review -- but wait a second. Just, Fred, hasn't Budget Review reviewed this? I mean, hasn't this been on your radar screen for at least this cycle?
MR. POLLERT:
What had transpired is, last year, the vote on the Space Committee was to bring the resolution before the Legislature by June 2nd of last year. The intent was, because we knew that there had been long-standing problems with the lease, was to get a sign-off as a policy matter from the Legislature. There was a competing proposal to construct a brand new building directly across the street, and we felt that it was up to Legislature, because the costs of the two buildings

were nearly the same, to make a policy decision whether or not to move ahead with the -- with the renovations to the existing building, or whether or not to construct a new building. The resolution never came before the Legislature. Instead, detailed plans took place to do the renovations to the Coram Center. Yesterday I received a memoranda from the Law Department, which I am going to distribute to all the Legislators, from Roy Dragotta, which indicates that the proposal that was made for an alternative building across the street continues to be an alternative, and that the price could be approximately the same or higher, depending upon what the annual lease escalation clauses are. So we're more or less in the same spot that we were last year, which is it's a Legislative policy option. You have a building that had long-term chronic problems versus the alternative of constructing a new building. What the major difference is is that it's now one year later, with the detailed plans having been made --
P.O. TONNA:
We got to get this moving.
MR. POLLERT:
-- as opposed to getting a sign-off from the Legislature one year ago, this is the way the Legislature wanted to move.
P.O. TONNA:
Right.
LEG. CARPENTER:
Mr. Chairman, if I could.
P.O. TONNA:
Okay. We're at questions. Legislator D'Andre. I'm sorry, somehow

we've moved into a debate. Legislator D'Andre, then Legislator Carpenter.
LEG. D'ANDRE:
Well, let me say this. I don't like the way the Legislature operates when we have people's lives at stake and they get technical. You can get technical on out-of-town things, but on things that are local and people's lives are involved, you've got to come to terms. And we've answered enough questions already, Mr. Chairman. You haven't been here long enough to know that, but you will be pretty soon. And I say this. This lady's making a plea. We have all the Social Services people down here. We'll get any question answered today and we're going to go with it today. If this Legislature's with me or with the working people, fine. We're going to sign it off and we're going to give them permission to go ahead and renovate that building and pass it, let them go home happy. Thank you, Mr. Chairman.
MS. GARBARINO:
Thank you.
(Applause)
P.O. TONNA:
Okay. Nice question, Legislator D'Andre. Let's just -- let's try to get back to questions. Legislator Carpenter.
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LEG. CARPENTER:
Well, it's not --
P.O. TONNA:
Okay, go ahead.
LEG. CARPENTER:
It is a question, it's a question of the Presiding Officer.
P.O. TONNA:
Okay.
LEG. CARPENTER:
I was wondering if we could perhaps, since so many people are here to offer their input in the public portion, if we could continue with the public portion, but perhaps special -- schedule a time specific for all of the interested parties from the administration that have this information, that have the ability to answer the questions. I was very encouraged to hear the Chairman of Ways and Means say that it is possible that perhaps his questions could be answered today, so that we could move forward with this today.
P.O. TONNA:
This is my -- this is my concern. I have -- we have a certain rule. I mean, they have dispersed the cards of people who want to speak and dispersed through this thing, if we create sometime. I mean, we have a very, very busy schedule today.
LEG. LEVY:
Which is why I thought it best in committee.
P.O. TONNA:
Right. And we do have a committee process. I mean, the question is there's going to be -- basically, I guess the County Executive's going to bring over a CN, I think, for this today, whether we, you know --
LEG. FISHER:
Didn't we just get the CN?
P.O. TONNA:

Excuse me?
LEG. FISHER:
Didn't we just get the CN?
P.O. TONNA:
Well, no. This is for -- this is the existing bill as it stands, or discharge petition.
LEG. TOWLE:
Or a motion to discharge.
P.O. TONNA:
You know, I don't -- I mean, I have to talk to the Chairman. I have to sit down and talk with the Chairman. But, basically, it's either going

to go up or down today, and if not, it goes back to committee. That's how the process works.
LEG. D'ANDRE:
Mr. Chairman, I'd like you to be more positive on this. Don't say it may go up or down, it's going to pass.
P.O. TONNA:
Okay.
LEG. D'ANDRE:
That's certain.
P.O. TONNA:
Okay.
LEG. D'ANDRE:
These are for the working people.
P.O. TONNA:
All right.
LEG. LEVY:
Mike, but you say it's for the working people --
P.O. TONNA:
Wait, wait. Can I say something?
LEG. LEVY:
This is the same landowner who's been --
P.O. TONNA:
Okay.
LEG. LEVY:
-- really putting in conditions that these working people --
P.O. TONNA:
Ladies and Gentlemen, this is the public portion. This is the time when the public is supposed to speak. Okay?
LEG. D'ANDRE:
Yeah. We've been excusing this thing --
LEG. CARPENTER:
And that was my point.
P.O. TONNA:
We'll have time for debate later and we'll have time to -- we're going to go through this.
LEG. D'ANDRE:
But just so you know, Mr. Chairman.
P.O. TONNA:
The next person is Lynn Lynch. Lynn?

LEG. TOWLE:

Whoa, whoa, whoa. Wait a second.
MS. GARBARINO:
Thank you.
P.O. TONNA:
Thank you.
LEG. TOWLE:
Whoa. Wait a second.
P.O. TONNA:
Oh, you had a question? I'm sorry.
LEG. TOWLE:
I thought you had a list.
P.O. TONNA:
Legislator Towle. I apologize.
LEG. TOWLE:
Not a problem. You're losing track of your own list over there.
Uh-oh.
P.O. TONNA:
Yeah. I have to look at it, that's my problem.
LEG. TOWLE:
First of all, if you don't look at, I'll remind you.
P.O. TONNA:
I know.
LEG. TOWLE:
First of all, as some of you have already heard, Legislator Fields and I took a look at the facility recently. I've been to the facility more in the past. But, quite honestly, you know, Phyllis is not inaccurate when she says that this is the worst facility that we have County employees working in. There is no discrepancy about that at all. The reality, though, is at the eleventh hour, to say that we should look at other options of building our own building, we should look at other options of maybe finding another location, is not only not fair to the employees who work in that building, who understand that the lease is before us in committee, but it's also not fair to the residents in the communities, the surrounding communities, that utilize a building that is disgusting, a building that is in horrendous shape, not only for the employees, but also for the residents that have to use it. I'm not in awe with the person who owns this building, but the reality is that part of the lease negotiations have included a schedule of work completion to bring that building up to speed, as well as the addition. And to delay that today is an injustice to the employees, and it's an injustice to the community.
I'm going to make a motion to discharge 1432 for the purpose of aging,

because, obviously, we won't even be able to debate this until probably after lunch, but the bill does need to come out of committee in order for us to consider this today. And I think -- and I think that Legislator Levy should get any and all of his questions answered as the Ways and Means Chairman. We've only had five years that we haven't had a lease at this building to get all our questions answered and we're doing it at the eleventh hour, which is fine, and I think any questions he has should be answered. If his questions can't be answered, he can vote no or abstain, just like the rest of us can. But to potentially put this lease off beyond a month, because that's what we're talking

about doing if we force them to go back and look at some of these other options at this hour, potentially could pass the summer break and we could be discussing this lease in August and September, which is ridiculous. It's ridiculously unfair to the community and it's ridiculously unfair to our employees. That is why I am going to make a motion to discharge 1432 out of committee.
LEG. D'ANDRE:
Mr. Chairman
LEG. POSTAL:
Second.
P.O. TONNA:
Can I just -- can I make a suggestion, okay?
LEG. D'ANDRE:
This young lady would like to speak.
P.O. TONNA:
Legislator Towle, we don't even have ten people in this room. You really want to do this right now?
LEG. TOWLE:
Call them in here.
P.O. TONNA:
Okay.
LEG. TOWLE:
Let's get everybody in the room.
P.O. TONNA:
I'm going to ask for a roll call. All Legislators, please come to the horseshoe.
LEG. TOWLE:
I mean, if the public has to be here to speak today about this, the Legislators should be here to vote on this.
(Applause)
LEG. GULDI:
We'll be here when it's time to vote.

LEG. TOWLE:
Well, you're voting now. I made a motion and there's a second.
LEG. D'ANDRE:
What's the motion?
P.O. TONNA:
Okay. I'm going to -- there's a motion and a second. Roll call.
LEG. LEVY:
On the motion.
LEG. D'ANDRE:
What's the motion?
LEG. LEVY:
On the motion.
LEG. GULDI:
On the motion.
LEG. HALEY:
What's the motion?
LEG. POSTAL:
Discharge.
P.O. TONNA:
Yes. On the motion, Legislator Levy.

LEG. TOWLE:
Questions on the discharge alone.
LEG. LEVY:
I understand where Legislator Towle talks about this being in the mix for five years, but it hasn't been before this Legislature for five years. In fact, what --
MS. GARBARINO:
Yes, it has been.
LEG. LEVY:
-- I brought out before --
MS. GARBARINO:
Yes, it has been.
LEG. LEVY:
No, no.
MS. GARBARINO:
Yes, it has been.
LEG. TOWLE:
Every committee.

LEG. LEVY:
Phyllis. Phyllis, I'm talking about this particular resolution with these particular Legislators --
MS. GARBARINO:
Does that mean every time there's an election, you have to look at it again?
LEG. LEVY:
What does it have to do with an election?
MS. GARBARINO:
You just said with these particular Legislators.
LEG. LEVY:
With these particular Legislators who never had a chance to evaluate this lease, exactly.
MS. GARBARINO:
And if it --
LEG. LEVY:
And what I'm saying -- wait. I have the floor, please. And what I'm saying is we've waited for five years and it's just now that we're getting this resolution where a year ago it was stated in the Space Management Committee that the information should have come to us back then, so that we could have evaluated these things. Now, this is a question beyond should we go across the street or should we stay in the same building. If you're going to stay in the same building and you're going to use the same landlord that we've been using for all of this time, who everybody seems to be upset with, and we're locking ourselves into a 15-year lease, doesn't it make sense to bring that landlord down to committee and have the opportunity to question that man about what he's going to do in the future, and how he's going to correct the problems that have existed over all this time? We haven't had five years to do that, because it hasn't been before our committee. Now it is. We're asking for one more opportunity, so that we know, when we sign on the dotted line for another 15 years, we have some protection for these people. Because once you sign off on it, all bets are off, it's gone, you're not going to have anymore leverage. That's all.

MS. GARBARINO:
Legislator Levy, at your last committee meeting --
P.O. TONNA:
Wait, wait, wait, wait. Phyllis.
MS. GARBARINO:
-- a representative was there from the management company.
P.O. TONNA:
Okay. Hold it a second. We're right in the middle now discussing a bill, right?.
LEG. LEVY:
Yeah.

P.O. TONNA:
Okay.
LEG. HALEY:
Discussing a motion.
P.O. TONNA:
Legislator Crecca has next, then Legislator Towle.
LEG. HALEY:
Discussing a motion.
LEG. CRECCA:
Yeah, we're discussing a motion. Just --
P.O. TONNA:
I mean a motion. I'm sorry. Thank you, Legislator Haley, for the correction.
LEG. CRECCA:
On the motion. One of -- one of your concerns, Steve, was that some of the new Legislators haven't had an opportunity to review it. I can tell you personally that I've seen the lease, I reviewed the lease. We've -- one of my committees, Social Services, there was discussion on this. I had an opportunity to investigate it further with Bill Jones. Everything down to the reimbursement issues, to the space, I think everything's been addressed, and I'm satisfied that the County Executive's in -- on this particular circumstance has done their homework, and it is the best decision to extend this lease. So I'm going to urge my fellow Legislators to support this. It's certainly something that -- from a social service point of view, but we need to get done. It needs to happen. And it will make a difference if we hold it up another committee meeting or two, because there is a tight schedule to get the renovations done and to get things going. So that's all I want to say.
P.O. TONNA:
Okay. I'm looking at the list. Legislator Towle.
LEG. TOWLE:
Thank you. To address Legislator Levy's comments, I could not disagree with you more. I do not think it is the place of the landlord to be here at the Legislature to debate whether this lease should be approved or not. You, as Committee Chairman, if you had those questions, you should have requested through the Division of Real Estate or Space Management for him to be at the meeting. And as Phyllis pointed out, there was somebody there from the management company allegedly at your committee meeting.
I've got to tell you that I also served as Ways and Means Chairman and

I remember debating this particular lease when I was Chairman, which was probably two years ago now. I've also served on the Social Services Committee in the past. I remember debating this lease four years ago. So this is not a new issue that is before the County Legislature. So to paint that picture would be inaccurate, not to

mention that I've received numerous calls from the community.
I know Miss Owens here is today, Mrs. Owens is here today, despite the fact that she had a tragedy over the weekend in which her husband passed away, to speak about this lease, because she serves as the Community Center's representative in that building. The community is here today to support the lease. The representatives of the County employees are here today to support that lease. All of those people have looked at that lease. All of us have had the opportunity to look at the lease and get any questions we may have answered. I believe that Mr. Dragotta, who negotiated the lease and who is the person that did exactly what you said we should have done, that's his job as a county employee, not mine, to negotiate lease -- leases, he is on his way here today.
LEG. GULDI:
He's here.
LEG. TOWLE:
He may be here. I've been corrected, he's here to be able to answer any of those questions. I can't imagine that there's going to be a question you're going to ask today that any and all of these people, who are intricately involved in this, far more than you and I are, could answer any of your questions.
LEG. LEVY:
Well, the first question I'd like to know is why they didn't give us the -- give us the policy option a year ago when they promised Space Management Committee they would give it to the Legislature. They got a vote from a member of the Space Management Committee upon that condition and then they broke that promise by not coming before the Legislature by hashing out all the options. That's a big problem.
P.O. TONNA:
Okay. Legislator Guldi.
LEG. GULDI:
Yes.
P.O. TONNA:
You have the floor, sir.
LEG. GULDI:
Legislator Towle's -- first of all, I have a concern. I share Legislator Levy's concern, Budget Review's. I'm very concerned about the comments about the fact that we've -- we're supposed to have the competing proposal and analysis on a build and own option versus a lease option, especially since, if you look at the cost analysis, the break-even point is 15 years comparing the lease to ownership. But at the end of 15 years, you own the real estate and the building and you got a multi-million dollar asset on your hands. So the analysis is of concern to me. But I'm further concerned about making a motion to discharge a resolution during public portion when we got a number of people here who have come to speak on this issue, and because of this debate, we can't hear them.

P.O. TONNA:
Right.
LEG. GULDI:
And, frankly, until we hear the people -- and we shouldn't be entertaining the question. So I would request that the movant to discharge play by the rules, withdraw the motion, let's hear from the people.
LEG. D'ANDRE:
No way.
LEG. CARPENTER:
Mr. Chairman.
LEG. D'ANDRE:
No way.
LEG. BISHOP:
Absolutely.
LEG. HALEY:
The rules are he can make the motion.
LEG. CARPENTER:
If I could just respond to that.
P.O. TONNA:
Hold it. Hold it one --
LEG. TOWLE:
Since that -- since that --
LEG. BISHOP:
That's only fair, because this is public portion.
LEG. TOWLE:
Since that --
P.O. TONNA:
No. Legislator Carpenter has the floor. Legislator Towle, you want it right after that, you can have it.
LEG. CARPENTER:
I do believe, when we started this, I had asked about setting a time aside, so that we could hear the public. But I would support Legislator Towle's motion to discharge this, because you know as well as I, and probably better than I --
P.O. TONNA:
Legislator Carpenter has the floor, everybody.
LEG. CARPENTER:
That discharging the resolution allows it to age for an hour. We can't do anything on the resolution, it ages for an hour. So that we discharge the resolution and we listen to the public that's come to

speak on the resolution.
P.O. TONNA:
Legislator Towle, then Legislator Bishop.
LEG. TOWLE:
Thank you. Legislator Guldi, you've got a better chance of finding icebergs in the parking lot today if you think I'm not going to move this resolution to be discharged at this point. The last time I played by your rules, I wound up leaving the Legislature and not voting on a bill that was important to constituents who sat here until one o'clock in the morning. And I would be hard-pressed to believe that there's

any member of the audience that does not support moving this lease today. And if you are, why don't you stand up for a second, because I'd like to meet you.
P.O. TONNA:
When we run by audience rules, I think that would be very interesting. I guess that's how you figure your Legislative agenda. Legislator Bishop.
LEG. D'ANDRE:
Bishop, you're up.
LEG. BISHOP:
Not everybody in the audience is here on the lease.
P.O. TONNA:
Not even close.
LEG. BISHOP:
Right.
P.O. TONNA:
As a matter of fact --
LEG. BISHOP:
Okay. And this is the public portion, the time we reserve for the public.
P.O. TONNA:
To speak.
LEG. BISHOP:
We do business after the public.
P.O. TONNA:
Right.
LEG. BISHOP:
Now, I'm not saying where I am on this lease issue, I really want to hear the debate and the discussion, but I do know that it's wrong to have it now. So we should pull back, do it at the appropriate time later. The lease is not contingent on what hour of the day it's passed, it could be done later on.

P.O. TONNA:
Okay.
LEG. GULDI:
We'll be here until midnight anyway.
P.O. TONNA:
All right. Thank you very much. Roll call.
(*Roll Called by Mr. Barton*)
LEG. TOWLE:
Yes, to discharge.
LEG. POSTAL:
Yes.
LEG. CARACCIOLO:
Pass.
LEG. GULDI:
Pass.
LEG. CARACAPPA:
Absolutely.
LEG. FISHER:
Pass.
LEG. HALEY:

Yes.
[LEG. FOLEY-NOT PRESENT]
LEG. FIELDS:
Pass.
LEG. ALDEN:
Pass.
LEG. CARPENTER:
Yes.
LEG. CRECCA:
Yes, yes.
LEG. D'ANDRE:
Yes. I want to be counted in favor of in this bill.
LEG. BISHOP:
Abstain -- no. Make it no.
[LEG. BINDER-NOT PRESENT]
LEG. COOPER:
Pass.

LEG. LEVY:
No.
P.O. TONNA:
No, not now.
LEG. CARACCIOLO:
No.
LEG. GULDI:
No.
LEG. FISHER:
No.
LEG. FIELDS:
No.
LEG. ALDEN:
Yes.
LEG. COOPER:
Abstain.
MR. BARTON:
Eight. (Not Present: Legs. Foley and Binder)
P.O. TONNA:
Okay. Let's go back to the public portion. Lynn Lynch, please.
LEG. POSTAL:
Mr. Chairman. Mr. Chairman.
P.O. TONNA:
Yes.
LEG. POSTAL:
Just, as the next speaker comes up, if I could have the floor for a moment.
P.O. TONNA:
Oh, yes, yes. I recognize Legislator Postal for the purposes of making an announcement.
LEG. POSTAL:
Yes. Thank you, Mr. Chairman. I'm kind of filling in for Legislator Brian Foley, who had hoped to be able to do this himself, but is at the funeral of Lucille Divona this morning.
With us today is the Brookhaven Learning Center of Eastern Suffolk

BOCES Student Council, and they're here to watch government in action. Their acting president is Andrew Flood. Andrew, would you, please, stand up?

(Applause)

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And there are a number of staff people who have accompanied the Student Council. With us we have Sandra Thomas, who was just here for the last meeting, and Kitty Lebens, who are faculty advisors.

(Applause)

Pat Kuhn and Nelida Ortiz, who are paraeducators. Ladies, will you allow us to recognize you?

(Applause)

And Kathy Nicosia, who's a Counselor. Kathy?

(Applause)

Thank you for being with us today. Thank you, Mr. Chairman.

P.O. TONNA:

Thank you, Legislator Postal.

LEG. CARACAPPA:

Mr. Chairman.

P.O. TONNA:

I think, Legislator Caracappa --

LEG. CARACAPPA:

Yes.

P.O. TONNA:

For a point of recognition, or something.

LEG. CARACAPPA:

Yes, absolutely. I waited a little to do this, but I'd like to introduce and have my colleagues recognize a gentleman and a group that are here today called On The Move. You may have heard from them. John Cortez is here, he's the man in the green shirt right in front of us. He's the president of this organization.

If you don't know about On The Move, they're a group that is -- they're an advocate group for those with disabilities, for them after or during, dealing with injuries or this new type of life-style, for them to get out and be productive, and to live a normal life, and to do so many things that we take for granted and we take advantage of. And I'd like just to say hello to John, welcome to the Legislature, and commend you for all the good work you do within your group.

MR. CORTEZ:

Thank you.

(Applause)

P.O. TONNA:

Thank you very much. Okay. Lynn Lynch, are you here? Hi, Lynn.

00033

MS. LYNCH:

Good morning, everyone.

P.O. TONNA:

Good morning.

MS. LYNCH:

My name is Lynn Lynch. I'm the Services Director of SILO, the Suffolk Independent Living Organization, and I also am on their Advisory Committee Board. On behalf of the Board of Directors, June Roberts, the Executive Director, staff and consumers, I'd like to thank you to

allow me to have the time to comment on the renovations at the Coram Center.
SILO is a consumer-based organization that empowers people with any disability by providing an environment that promotes and encourages individuals to develop and explore options, make informed choices, and control their own lives. The staff and board, most of whom are people with disabilities, believe and adhere to the firm belief that all people are diverse, have value, and are entitled to full inclusion in all aspects of society. All programs adhere to the independent living philosophy and the Disability Rights Movement.
As a service provider and a catalyst for community change, SILO strives to remove architectural attitudinal and communication barriers that inhibit the full integration of all people into their communities. The American with Disabilities Act, ADA, was signed in 1990. Title II of the ADA applies to state and local governments, and specifically states that all facilities altered by, on behalf of, or for the use of a public entity must be readily accessible and usable by individuals with disabilities, if the alteration is begun after January 26th, 1992. This means that the facility must be altered in strict compliance with a design standard, ADAAG. We are fortunate, also, to live in a state that is also covered by the American National Standard, ANSI, and that in some instances, these regulations are more stringent than the ADA.
SILO supports Introductory Resolution Number 1432 regarding the renovation of the Department of Social Services Coram Center. We endorse all alterations that comply with these required standards, and would certainly be available to provide technical assistance, if necessary.
When expanding the parking area, there should be one disabled parking space for every 25 spaces, with an adjoining access aisle eight feet wide. Two vehicles may share this access aisle. These parking spaces must be designated with permanently installed above-grade signs, using an international symbol of accessibility. There should also an above -- there should also be an above-grade sign installed above the access aisles, which reads "No Parking Anytime," and that includes for people with disabilities or without disabilities. These parking spaces must be located on the shortest accessible route to an accessible entrance using curb cuts when required. Entrance doors must be a minimum of 32 inches in width. They should be automatic or have a maximum door weight of 8 1/2 pounds and be operable with a closed fist. Elevators should have visual and tactile signage. There should be visual strobe and audible fire alarms. Public telephones must also be accessible

using wheelchairs in height and in clearance. They must also have volume controls for persons who are hearing impaired. Bathrooms must have at least one accessible toilet stall, with a five-and-a-half foot turning radius and provide grab bars. Sinks must have knee clearance and be no higher than 34 inches above the floor. Paper towel dispensers must be no higher that 54 inches. It is our hope that when the Center is finished, seating arrangements and table heights are also wheelchair accessible.
Again, thank you for the opportunity to comment on these proceedings. If we can provide further assistance, please call on us.
LEG. CARACCIOLO:

Mr. Chairman.
D.P.O. LEVY:
Legislator Caracciolo.
LEG. CARACCIOLO:
Yes. Miss Lynch, has this been provided, this handout that we've just received, has this been provided to anyone else in County government?
MS. LYNCH:
I'm sorry, I didn't hear the question.
LEG. CARACCIOLO:
Has this handout been provided to anyone else in County government, besides the Legislature this morning?
MS. LYNCH:
The Legislature this morning.
LEG. CARACCIOLO:
That's it.
MS. LYNCH:
Uh-huh.
LEG. CARACCIOLO:
Okay. Mr. Chairman, I would make a recommendation that not only should this handout be included in today's record, but that it should be provided to the Department of Public Works, so that in the plan and design of not only renovations, but the concerns raised with the parking lot and the other handicapped accessed facilities, that the department is fully aware that the lease contain provisions addressing these concerns.
D.P.O. LEVY:
Will you please make a note of that, Henry, and have it transferred to Public Works.
MR. BARTON:
I'll forward a copy of Miss Lynch's testimony to Commissioner Bartha and the County Attorney.

D.P.O. LEVY:
Thank you. Thank you, ma'am. Okay. I believe our next speaker is John Cortez.
MR. CORTEZ:
Is it possible if I can sit up here?
D.P.O. LEVY:
Whatever you'd like, yeah.
MR. CORTEZ:
Can I sit up there?
D.P.O. LEVY:
Come on up.
LEG. GULDI:
Come on up.
LEG. CARPENTER:
You have to run for office.
LEG. CARACAPPA:
He's not there.
D.P.O. LEVY:
You'll regret it, believe me.
LEG. GULDI:
All you got to do is run for election.

LEG. TOWLE:
You can appoint him.
MR. CORTEZ:
Can you hear me?
D.P.O. LEVY:
Yes.
MR. CORTEZ:
Am I doing good?
LEG. LEVY:
Sure.
MR. CORTEZ:
Okay. Many times a constituent will communicate an area in which they wish to discuss with you. I'd like that same opportunity and our area of topic shall be the disabled community. The only difference is I'd like to address these areas of concern in a positive fashion. I'd like to discuss the areas of concern and a plan on how we together, and I emphasize together, we can make a difference.
On The Move, as Legislator Caracappa said, thanks for being here, is a social support and active group assisting today's disabled individuals

with their return to the community. We're revitalizing the disabled community with a variety of socially rewarding programs. We believe that an individual who is more socially active will become independent faster than those who are not. Our goal for our participants is to enhance their quality of life by reintroducing the community to them, thus affording them a window of opportunity they may have never explored. In existence since 1998, On the Move has assisted individuals, not just here in Suffolk and in Nassau, but in ten other states. Our ever increasing membership is credited to our abilities to revitalize disabled people. We are now in a total of 11 states and increasing these numbers on a monthly basis as individuals from across the country realize that, because of a disability, life does not end.
I'd like to take this moment to discuss our accomplishments and goals to date. Traumatic injuries can alter a person's life forever. I am an example of this as a result of an injury that left me paralyzed. Upon completing my rehabilitation, I was capable of getting dressed, medicating myself, and preparing for the day. However, nobody could tell me what to do. All -- there are so many different programs that are available for disabled people. However, we're not telling anybody about them.
The question I have for you today, and I'm just going to skip right through this, because you don't want to listen to my whole speech, is I want to ask each and every person in this room one question, and how is that that we can work together to improve the quality of life for anybody with any type of a disability in each of your districts and in the County? And I spoke with Mr. Bruce Blower over the weekend and he said to me, "Go ahead be this program," because what we need to do is we need to unify the different organizations. We're all -- like SILO was just up here speaking and there's so many of us in the community that are doing our own little thing. However, we're only a chip in the iceberg. There's so much that we can do.
Disabled programs are not publicized. If I were to ask each and every one of you, do you know of a disabled sports team in your community, I

don't think you'd tell me the answer. But I play for the Long Island Express Wheelchair Basketball Team, I play with the Suffolk Sea Gulls. All these sports teams are out there and they're exciting sports to go and watch. They're full contact. They're not sissy sports, they're full contact. You'll get hurt watching them.
So the question I ask you, will unification work for us? Put all these organizations underneath one umbrella. So somebody with a disability that's in a rehabilitation center, God forbid somebody in this room gets hurt, who are you going to call? The insurance companies are going to send you where they want you to go, because it's a timesaving and money-saving engine for them. Who's it going to benefit? Them, not you. How about if we start benefitting the people in the disabled community? Can we work together? Unification will work. We need to be unified under one umbrella whereas an individual seeking a particular product or service can call one place and get the information or travel the internet. For example, there was an expo at Southampton College two weeks ago. There were so many different products and service providers that we didn't even know of, and now what we're doing is we're networking with all these organizations to pool together all our

information, so when somebody needs something, we know where to go. So the question we ask is you can we all work together and make this program work?
D.P.O. LEVY:
Thank you very much.
LEG. FIELDS:
Can I ask?
LEG. CARPENTER:
Mr. Chairman.
D.P.O. LEVY:
I think Legislator Guldi was first, then Legislator Fields, then Legislator Carpenter.
LEG. GULDI:
Yeah. Counsel, we have legislation in place for the East End social service organizations under Peconic Community Council. Could we adapt that kind of legislation and try to create some kind of central organization for handicapped services along the lines suggested by the speaker, and could you use that as a model to draft the legislation to commence that process?
MR. SABATINO:
I'll be willing to look at the document, I haven't looked at it yet, but it's possible, but I really haven't researched it.
LEG. GULDI:
I would like you to undertake to do that and I'll sponsor the legislation when we get it drafted. Thank you.
D.P.O. LEVY:
Legislator Fields.
LEG. FIELDS:
Mr. Cortez, do you have a suggestion for us, beyond what Legislator Guldi suggested?
MR. CORTEZ:
Certainly. I'd be reneging my duties if I didn't. What we need to do is form a committee, put some people together, but not in a week and

not in a month, let's get it done now. Because when you tell a disabled person that tomorrow's the answer, it's a day too late. It's like giving your child money and telling them they can go spend it in a week. That's not fair. And not fair is not the proper term, but we need to do something now. What we need to do is get some people together, politicians, people in the disabled community, the general public, people that offer the products and services, and let's get this committee together and find out how we can work together. We don't have all the answers, together we do, though.
LEG. FIELDS:
Monthly, there is a meeting that Bruce Blower goes to that I have attended, as Chairperson of the Health Committee. I would like to talk

to you about it, so I'll get your number from Legislator Levy and we'll discuss, you know, maybe forming that committee, or adding to the committee that we meet at monthly.
MR. CORTEZ:
Okay.
LEG. FIELDS:
Thank you for coming.
D.P.O. LEVY:
Legislator Carpenter.
LEG. CARPENTER:
I was just going to ask, you had said you weren't going to read all of your statement, but if you could, just give it to the Clerk, so it can be copied and distributed to the Legislature, so that we can review it.
MR. CORTEZ:
Okay.
LEG. CARPENTER:
And thank you for coming down.
MR. CORTEZ:
I'd just like to ask one last thing. If, perhaps, we could meet with each of you on an individual basis to go over what our group has accomplished to date a little more in detail and what our goals are for the future, and perhaps how we can work together in each district, where we can go district by district and make it all pro disabled. This would be the first time this has happened in the United States. It was tried once before on a national level, but when you start something too big and you try and go down, it doesn't work. But if we can start on your district and your district and work up, together with our volunteer staff, and we're not asking for anything, we're not asking for any money, we're asking to your time and means, that's all we're asking for, can we do that?
LEG. CARPENTER:
I would encourage you to contact each of the offices and set up appointments. I'm sure everyone would be willing to do that.
MR. CORTEZ:
I will do that. Thank you for your time.
D.P.O. LEVY:
Legislator Haley.
LEG. HALEY:
Thank you, Legislator Levy.

LEG. TOWLE:
Tax levy, did you say?

LEG. HALEY:
Mr. Cortez.
MR. CORTEZ:
Yes, sir.
LEG. HALEY:
Perhaps you can come see me first.
MR. CORTEZ:
I'd love to.
LEG. HALEY:
Okay. And the reason I ask you to is because we started a program quite a number of years called CrissCross, which basically did somewhat of the same thing I think you're looking to do, and that is is that they develop catchment areas throughout the County, they divided the County up into 20 some-odd I think districts, and they look for community-based organizations to triage for the community, triage everything, all kinds of services, whether it's -- obviously, most of it surrounds family and youth, counseling, prevention programs, and it's probably very easy to just plug in that extra component. Because hat they do is they -- first thing they do is they go out and do a needs assessment of the community. Secondly, they go out and they do an inventory of all the services that are available at every level, church, town, county, federal and state, so that anyone calls them at any given point, they have the ability to make that connection and put them where they need to be. I think that that -- I'd be more than happy to sit with you and give you a primmer on how that -- excuse me -- that works and, in particular, in my district with the North Shore Youth Council and how that may be something very easily is plugged into an existing program and an existing attempt by the County to get people like yourself plugged into those services.
MR. CORTEZ:
If I could take that one step further. God forbid something happens to somebody, they're in a rehabilitation center. Do they know about that? One thing we need to do is once we start this program, is publicize it, let's start telling people about it. We had an article that was in Suffolk Life two weeks ago where we're working with the Town of Brookhaven. What we're doing is we're going out, we're inspecting the parks and the beaches and the facilities and making recommendations on renovations that can improve the quality of life, so the able body and the disabled can enjoy the same facilities. So Suffolk Life is working with us, the radio stations, the local media. Let's start telling people about all the programs we have. Let's get the word out. If they're willing to work with us, and you are, this program has to work.
LEG. HALEY:
I don't think it needs a new program, I just think we just need to plug in.
MR. CORTEZ:
We do. We need to put gas in the engine and start it.

LEG. HALEY:

Thank you.
MR. CORTEZ:
Thank you.
D.P.O. LEVY:
Legislator Towle.
LEG. TOWLE:
Thank you. First of all, John, obviously, it's a pleasure seeing you. I've had an opportunity to work with John's group on more than one occasion and I found all those occasions to be very positive. I'd urge the members of the Legislature to take part in some of their activities and get an opportunity to meet some of the people that are involved in On The Move. They have a very large base of people that are throughout our districts.
The other thing I wanted to just touch base on was that last year in our omnibus bill, we provided some additional funding this year for On The Move, and I wanted to thank those Legislators that supported that money. I know it's gone to good use, and some of the programmings and activities that John's group is sponsoring. And it truly is an inspiration when you see the work that they've done in going out and reaching people that didn't know there were some avenues for them to leave their home, people that felt they trapped at home or home-bound. This group has gone out and done a lot of outreach in that area. Truly, they should be commended for that. But I just wanted to remind and thank Legislators for their support of that funding.
D.P.O. LEVY:
Legislator Fields.
LEG. FIELDS:
Legislator Haley, I think that Mr. Cortez brings up a very good point. We may have programs available to people in the County, but for some reason, we just don't know how to market them, we don't know how to expose them. And I would be happy to meet with you and figure out a way in which we can do things much better than we do them now.
MR. CORTEZ:
Thank you very much. Thank you for your time.
D.P.O. LEVY:
Thank you very much. Okay. Our next speaker is June Roberts.
MS. ROBERTS:
I don't have -- I have a chair that decides to move on its own.
D.P.O. LEVY:
You can take the mike out, that's fine.
MS. ROBERTS:
My name is June Roberts and I'm the Executive Director of SILO, which is Suffolk Independent Living Organization. I know many faces on the Legislature, although I've not been able to find time in the last few

years to attend meetings.
SILO has been around Suffolk County for 15 years. We do exactly what On The Move is talking about. I want to commend them for the social aspect of their programs. However, I want to caution any group that goes out and does anything that has to do with ADA. ADA does not just cover architectural accessibility, it does not just mean having a ramp, having a door wide enough, having an automatic door. One of the big problems with the ADA that is not being implemented is communication

accessibility. If there was a person who was deaf or severely hearing impaired in this room, they would not understand anything we are saying.
This Legislature, I understand, has in one office an FM hearing system. That needs to be in every public building. We loan for meetings such equipment. We have been integrating people in the community in Suffolk County for 15 years. There are 35 centers like SILO through New York State and 200 centers across the country. To say there is no concerted effort to consolidate or put people together with disabilities and do outreach, no, nobody ever reaches everybody. But we have served over 5,000 people in the last 15 years in Suffolk County, over 1,000 in the last year. So instead of instituting a new group, instituting a new process, maybe we should look at the processes already in place. Maybe we need to look at the groups already in place. There's a group in Suffolk County called HANDS. They've been around longer than SILO, they have been doing social groups. So maybe we need to widen our horizons and look and see what's there. Maybe we can pull things together.
The one thing I would caution is that the independent living movement is to integrate people within the community. I don't want to live in a segregated housing, I don't want to live in a group home. In fact, I make too much money, I couldn't. But let's make some houses in the first-floor houses accessible. Let's put in a ramp. Big deal. All people with disabilities don't need an accessible bathroom, they can use the bathroom that's there. But if you put in the studding in the house when you build it, so that it could be made accessible, then you have a house that anybody could move in. But I want to caution about creating new programs, new processes, instead of looking what's there. Yes, maybe it can be done better, I'm not denying that. But to insinuate that there is nothing being done, that there's no outreach -- one of the most important things I heard the gentleman talk about before is if you become disabled, your first point of contact is that hospital that you're in, is that rehab organization you're in. The law says that everybody must have a discharge plan. People with disabilities that are living in the community need to be part of those discharge plannings, so that people do know. Doctors, nurses, sometimes do not know what's available in the community. That's the first line of defense, because if you were injured today, that's where you'd get your information.
But there are organizations out there and SILO has been one of them for 15 years. As SILO, we were an agency before that serving under a host agency for two years, so we've actually been around 17 years. I would like to see people with disabilities getting together to see that things are done, but I don't want to isolate us off anymore. We've

been institutionalized much too long. Thank you.
D.P.O. LEVY:
Thank you, June.
MS. ROBERTS:
Thank you for your -- for the opportunity to talk to you.
D.P.O. LEVY:
Thank you very much. Our next speaker -- oh, we have two for the price of one here, Ernie and Greg Schimizzi.

MR. SHIMIZZI:
We just have one. Thank you very much for this opportunity. I must say, as a citizen --
D.P.O. LEVY:
Just make sure you speak directly into the microphone.
MR. SCHIMIZZI:
I'm Ernie Schimizzi. Thank you for this opportunity. Together with my brother Greg and I. We're here to speak on behalf of the Sense Resolution 31-2000. And what this particular sense resolution addresses is we're a local T.V. station. My brother and I started a local T.V. Station out in East Hampton, and our station is seen on the East End, on Channel 85, and we're here before you today because we've received individually letters from many of the Legislators, but collectively, we need a resolution which would say to the cable company, Cablevision, that Suffolk County deserves another T.V. station, maybe a dedicated T.V. station, which is what we wish to be, which will cover Suffolk County. And in hearing what I've heard today, and I know I'm not going from my votes here, I know there's a lot of people looking to reach the public with their story. And, yes, there is News 12 and there is Cablevision which provides that service, but we feel that we could be another independent voice and we'd like to be part of that. Our station is licensed by the FCC as a community broadcast television station, and we're the last to be licensed on all of Long Island. There are not going to be anymore licensed T.V. stations like ours. Nielson Media Research reports that 95% of T.V. viewers watch T.V. Via cable, even though the small dish has been trying to make inroads. First of all, its carriage of local programming is pretty limited, it's only the network channels. And second to that, here on Long Island, there have only been about 60,000 dishes sold. It's not the ground swell that one would think.
So, as a community broadcaster, we wish to step up and meet our obligation by creating new jobs for Suffolk County residents, along with new opportunities for partnership institutions. For example, Suffolk County Community College is very interested in working with us. They've written letters in our behalf, they've attended meetings in our behalf, because we have students who are learning film, video, television who would like to be able to live close to home and would like to have more career opportunities than those that are presently being offered. We feel that our independent channel would address this need and provide a great service to citizens. And as I had stated,

that there is much local talent yearning for expression and seeking a career close to home.
Also, our elected officials have come to us and they've said that they would like more outlets to be able to reach the public, especially in times of emergency. Our plan would be to establish studios county-wide. There are a number of businesses like ours that have studios in Smithtown and Brookhaven and throughout the County that would plug into what we're doing, so that it would be a county-wide broadcast station. Allowing increased competition has been shown to foster better quality, and right now, we really don't have that competition.
I'm happy to read that there was a letter sent by Cablevision to each

and every one of the members here, and in that letter, Cablevision announced that in the short term, Cablevision will be unveiling an expanded local programming schedule with eight new community programs. Wonderful. Competition brings about change. And what we're trying to do is we'd like to be part of that by bringing about new job opportunities and programming. Now, what's happened and why we're here why we have an urgency and we'd like for you to consider this today is that Cablevision has now realigned their channels. As you're all aware of, there's been a change in the channel listings. And with that, we've were promised, because we've been on Cablevision since 1995 carried on the East End, we were promised that, "When that change occurs, you as a local broadcaster," the only one that's actually broadcasting from studios in Suffolk County, there is T.V. 55 in Melville on the border, but we're the only ones that are actually broadcasting from a transmitter in East Hampton and have studios out on the East End, they said, "You would be included." Well, that hasn't happened. What has been included are three new metro channels, Animal Planet, the Soap Channel, Speedvision, the Golf Channel, and an additional Pay-Per-View Spice Adult Channel, but we haven't been added, and that's why in frustration we're coming to you for your vote of support in what we're trying do.
D.P.O. LEVY:
If you could just conclude, please.
MR. SCHIMIZZI:
Yes. Well, in conclusion -- I'm sorry for running on here -- we feel that if given the opportunity, we would -- we would be a good citizen to Suffolk County, be an employer and offer opportunity, and for that reason, we would hope that you can address this sense resolution today.
D.P.O. LEVY:
Thank you very much, Schimizzi.
MR. SCHIMIZZI:
Thank you very much.
LEG. CARACCIOLO:
Mr. Chairman.

D.P.O. LEVY:
Legislator Caracciolo. Before you speak, Legislator Caracciolo, if we can kindly make a request to have more Legislators come into the horseshoe, please.
LEG. CARACCIOLO:
Mr. Schimizzi, maybe you could just elaborate for a moment or two as to what the sense resolution would help you accomplish.
MR. SCHIMIZZI:
Well, the sense resolution, we've had individually letters from all levels of Legislators, County Executive Gaffney has written on our behalf, Supervisor Grucci, every Supervisor from Babylon to Smithtown has written on our behalf. What this does is it codifies to cablevision in particular, who we're dealing with, that this is the interest of the Legislature, and that it shouldn't be overlooked. It's only a sense resolution. They're going to do at the end of the day whatever it is that they're going to do, but it further reinforces the individual letters that we receive from many of the membership here,

that this is something that has value. And for that reason we're requesting, requesting that to appeal to appeal to their community sense, that this is something that would be of value to the community.
LEG. CARACCIOLO:
And, finally, if Cablevision fails to take up that request, what does that mean to your business and your operation?
MR. SCHIMIZZI:
It's very difficult for us, because right now, we're broadcasting 24 hours a day of television programming, movies, we're the CNN affiliate, news, Martha Stewart is on our air, plus what we're most proud of is our local programming. We're the T.V. Station for the Hampton Classic Horse Show, the film festival, plus individual programs by individual producers who come up to us and say, "We'd like to do a show." The problem we have is you need a broader audience in order to attract advertising. The advertising helps pay for the programs. And right now, we're only seen in about 80,000 homes, which is a very small market, and Cablevision is a major competitor to us also, because they sell advertising around all of their T.V. Channels. So it could -- it could kill us not having the ability to grow and to go forward. And we feel that Suffolk County, as a county should be one. We shouldn't lop off the East End separate from the rest of this. And we've done a great job on the East End. If we had more, I know we'd do a great job.
LEG. CARACCIOLO:
Thank you very much.
D.P.O. LEVY:
Thank you, sir.
MR. SCHIMIZZI:
Thank you.
D.P.O. LEVY:
We do not have a quorum. Could we please have more Legislators come

into the horseshoe, please.
LEG. CARACAPPA:
We have ten, Steve.
D.P.O. LEVY:
We do have a quorum. I'd still like to see if we can get a few more Legislators. I know Legislator Towle wants to listen to the public, and a few others do as well, so roll call, please.
LEG. BISHOP:
He don't want to listen.
D.P.O. LEVY:
I'm sure he does want to listen to the public based on his statements.
(*Roll Called by Mr. Barton*)
Okay. Thank you all for coming in.
MR. BARTON:
Thirteen present. (Not Present at Roll Call-Legs. Towle, Haley, Foley, Carpenter, and P.O. Tonna)
D.P.O. LEVY:
Fred Eisenbud.
MR. EISENBUD:
Good morning. My name is Fred Eisenbud. I'm the attorney for the Nassau-Suffolk Landscape Gardeners Association. I'm here to address

Legislator Binder's resolution, I believe it's 1431. Nassau-Suffolk Landscape Gardeners have 1,500 members, all of whom have taken the DEC's required 30-hour course, are certified to apply pesticides in New York, and their businesses are registered, and they are all licensed by the Suffolk County Community Affairs.

The reason I'm here is because of ambiguity in this bill. Chapter 380 dealing with pest control previously only applied to applications of pesticides all on County-owned or leased property. It's now, at least in the first part of the amendment, you're going to add language which says, "Or any property adjacent to municipally-owned, state-opened or federally-owned property. If that situation arises, it appears as though you are seeking to require certain notification. I don't understand that this is limited to people under contract with the County, because they wouldn't be under contract with the County to apply pesticides off of County-owned or leased property, they would be on their own. So what you're seeking to do is to extend your jurisdictional control from County-owned property to properties adjacent to a very wide spector of properties. For example, I believe every road in this County would fit within the definition of municipally-owned, state-owned, or federally-owned property. Therefore, you really are seeking to have notice go out every time pesticides are applied.

We believe the law is completely established and settled, that the DEC Commissioner has exclusive jurisdiction over all matters dealing with

the use of pesticides and all other matters dealing with pesticides in the State of New York.

Yesterday, I hand-delivered to the Legislature in Hauppauge a lengthy letter setting out the law. Each of you should have it in your folders, I was told you would. I inadvertently failed to attached to it a referenced decision by Justice Goldstein in 1996, which struck down Nassau County Legislature's attempt to have a notice provision that applied throughout the County. So I would like to hand up another copy of the letter I handed out yesterday that has the proper attachment.

I would ask you to either excise from the bill the amendments to 380-6 insofar as it seeks to expand the application of the law to any property adjacent to municipally-owned, federally-owned or state-owned property. If you don't do that, then I ask you to at least adjourn and get an opinion from the County Attorney as to whether you have the power to do this.

LEG. BINDER:

It should have already been changed. And I don't know if you have the newest corrected copy. I don't know. What does it say at the top of your --

MR. EISENBUD:

I picked it up this morning from the Clerk's Office.

LEG. CARACAPPA:

Does it say, "Corrected copy as of"?

MR. EISENBUD:

No, it doesn't say, "Corrected copy." May I see a copy?

LEG. BINDER:

Well, that's -- I'm trying to get the newest corrected copy.

MR. EISENBUD:
How is it --
LEG. BINDER:
I have Counsel going to get that now.
MR. EISENBUD:
How is it corrected, if I may?
LEG. BINDER:
Let me get that and I'll go through that with you.
D.P.O. LEVY:
What we'll do, sir, is go on to another speak, and then when the corrected copy does come out, we'll bring you back up, okay?
LEG. ALDEN:
I have a question.

D.P.O. LEVY:
All right. Why don't we just continue. Legislator Alden.
LEG. ALDEN:
Professor, you're here as a representative of --
MR. EISENBUD:
The Nassau-Suffolk Landscape Gardeners Association has 1,500 members, I believe would be subject to this amended law.
LEG. ALDEN:
Okay. So as far as policy, you're not really speaking as far as a policy issue that we're going to be considering.
MR. EISENBUD:
Well, there is a policy issue in that I think it's important for this -- and I have to see the amendment to see how you amended it. But 1987, the State DEC attempted to adopt notice regulations dealing with pesticides. They clearly have jurisdiction. The Third Department, in 1989, struck it down, because under SEQRA, they failed to prepare a draft environmental impact statement, which looked at the impact on integrated pest management. And I think, to the extent that you require prior notification having to come back twice, you are having a severe impact on integrated pest management and you have to prepare an environmental impact statement before you do that. My understanding is you've already adopted a negative declaration. I think it's going to render this law subject to attack.
LEG. ALDEN:
Okay. I just would point out to the rest of the Legislature that Mr. Eisenbud is the preeminence, actually, of -- but as far as environmental law. He's also been a professor, but he was in the County when we adopted -- or actually his department drafted and adopted some of the most, I would say at that time, far-reaching and really tended to go where no man had gone before in some of the laws that he brought forth in Suffolk County. So thank you.
MR. EISENBUD:
Thank you.
D.P.O. LEVY:
Thank you.
MR. EISENBUD:
I guess I need to see the amended law. I apologize. I picked up what I had from the Clerk this morning, so --
D.P.O. LEVY:

Legislator Binder.
LEG. BINDER:
The legislation still says adjacent, but let me read the words, which were pretty clear. "Pesticide application for adult mosquitoes by the County of Suffolk or by persons or businesses under contract or lease with the County." So no one else. Unless you're -- unless we've directed you to be out there, if you did it on your own, this is not

applicable, it's not going to be applicable to anyone in your group unless they are actually working for us or they are the County, and they're not. So unless they're actually working for the County or contracting, this doesn't even apply to anyone in your group.
MR. EISENBUD:
And it only deals with adult mosquitoes?
LEG. BINDER:
And adult. It's pesticide application for adult mosquitoes. That was changed. That was one of the major changes, because it's adulticide, not larvicide. Larvicides are generally biological or bacterialogical in nature and they're not pesticides. Here we're talking about adult mosquitoes, which could be anything, Scourge, Malathion, other things, and that's why we made the differentiation. So, generally, your people that are in your organization, more than generally, if they're not actually engaged by the County under contract to do adult spraying, they're not affected by this in any way.
MR. EISENBUD:
Okay. Thank you very much. I wish I had seen that this morning.
D.P.O. LEVY:
Thank you, Fred.
MR. EISENBUD:
May I get a copy?
LEG. BINDER:
Yeah, I'll give you this. I'll make some copies. I'll get you one.
D.P.O. LEVY:
Debra O'Kane or Kanes, I can't read it, from the Orient.
LEG. CARACCIOLO:
From the Orient?
D.P.O. LEVY:
Orient -- not the Orient, from Orient. That's a long trip. From Greenway East, Orient, New York.
MS. O'KANE:
It's O'Kane. Good morning. My name is Debra O'Kane. I'm the Executive Director at the North Fork Environmental --
LEG. CARACCIOLO:
Excuse me, Debbie, if you wouldn't mind an interruption. I think maybe for some Legislators, including the one that just spoke --
D.P.O. LEVY:
That is the Orient, right?
LEG. CARACCIOLO:
-- it is the Orient, right, Steve?

D.P.O. LEVY:
It's more like Ireland over there.
MS. O'KANE:

I'm the Executive Director of the North Fork Environmental Council. I'm here today in support of Resolution 1404 regarding private water well testing in Suffolk County. As we learned from the results of last year's water quality report, Suffolk County is faced with a very serious and potentially harmful problem of pesticide contamination in our drinking water. Not only were over 30 pesticides detected in Suffolk County wells, but a fairly high percentage of wells, approximately 19% in Southold Town, which I represent, and over 20% in Riverhead Town show contamination that exceeded safe drinking water standards. It is important to keep in mind that these drinking water standards are based on potential impacts to a normal, healthy 150 pound adult male. We do hot yet know the affects of these high levels of pesticides on infants, on children, on pregnant women, the elderly, and the immune-compromised.
If a Suffolk County resident's private water supply is contaminated, it is of utmost importance for the resident to know this. Waiving the fees for private water well testing will certainly provide the incentive for homeowners to move ahead with this procedure. The water quality report states that high nitrate levels put pregnant woman at risk for first trimester miscarriages. Pesticides, even those that have been banned for years are persistent in our groundwater and are linked to many forms of cancer, birth defects and nerve damage.
Please support Resolution 1404. It's a great step in the right direction. Much more testing needs to be done, though, and there are many pesticides that have been used and are yet to be tested.
Dr. Philip {Landrigan}, who is Chair of the Department of Community and Preventive Medicine at Mount Sinai Hospital in New York, has stated that an estimated 80 to 90% of all cancer in humans is caused by exposure to carcinogens found in the environment. Suffolk County must keep pesticides monitoring and reduction, especially in our groundwater, a major focus for the foreseeable future. Thank you.
D.P.O. LEVY:
Thank you very much.
LEG. FISHER:
Thank you.
D.P.O. LEVY:
Our next speaker is Ralph Schiano. He's from Sag Harbor, not East Hampton.
MR. SCHIANO:
Well, it is pronounced Schiano, though. I'm Ralph Schiano, I'm the President of the South Fork Groundwater Task Force and I'm here to speak in support of Resolution 1404. South Fork Groundwater Task Force is a not-for-profit organization. Our mission is to protect our groundwater, our only source of drinking water, from contamination, depletion and misuse. And I'm here to remind you all, look down, that's it, our reservoir is beneath our feet, and we do a lot of bad

things to it that we have to start cleaning up.
Most of us on the East End where I'm from still have private wells. There are still large areas where the water is clean and pure, but we have our share of problems; salt water intrusion, where overuse is bringing in that boundary from the ocean and the bays. We have our share of hazardous waste sites, state and federal superfund sites,

petrochemical spills, including a whole bunch of MTBE spills, where there's been a lot of publicity about MTBE in the news recently. But let me tell you, just because we're phasing it out in four years doesn't mean we have a problem now. There are over 200 active spill sites in Suffolk County.

To give you an idea how bad MTBE is, it's a gasoline additive. It was intended to clean up our air. It's turned out not to be so efficient as an oxidizer, plus it's created tremendous groundwater problems. There's enough MTBE in ten gallons of gasoline to pollute 50 million gallons to the point where it's considered a health risk. Just drive down past the traffic circle into Flanders and look at that Metro Gas Station. There's a perfect example of what can happen without notification, and why we need testing of private wells.

But by far, the worst problem we have out here is pesticides. We have literally thousands of acres contaminated by pesticides. Health effects from the various pesticides we find in our groundwater include cancer, nerve and brain damage, genetic defects, birth defects and a lot more we're just beginning to understand. In Suffolk County we use nearly two million pounds of pesticides a year.

The recent DEC Health Department study that we're all quoting, to give you an idea, on the five East End Towns, private wells, 15.4% of the wells exceeded the maximum contaminant level for one or more pesticides. County-wide, 12.7% of the wells exceeded MCLs for nitrates. These are big numbers. And this report didn't explore cumulative impacts from residential and commercial use, and, specifically, they didn't really look at a lot of golf courses. They looked at some public courses. We need to look at that much more closely.

Now, we're working on a number of efforts to reduce pesticide use, and one of the things we pass around, this book, we're working hard on public education. But we think that need to go beyond that in terms of pesticides, and at another time, I'd like to talk about that. But we need to look at your remediation processes, and most important for the East End is the preservation of our watershed lands.

Now, in regard to testing private wells, we tell people they should test their wells each year, and if they had done that at the Metro Gas Station, maybe there wouldn't be so many illnesses on that plume. And $100,000 isn't a lot of money when you consider one person getting sick can rack up that much in the way of medical bills. Was that my time, that beep.

D.P.O. LEVY:

Yeah. If you could just wrap it up.

MR. SCHIANO:

Well, that's it. I'd like to see more money devoted to testing wells. And I recommend to you and everyone out in the audience that has a private well, test your water every year. Thank you.

D.P.O. LEVY:

Thank you. Thank you, Ralph.

LEG. FISHER:

Thank you, Ralph.

D.P.O. LEVY:

John Sicignano. John? On sober houses?

MR. SICIGNANO:
Boy, that came up quick. How are you doing? My name is Sicignano, from the Mastic Park Civic Association.
D.P.O. LEVY:
Just make sure you speak into the mike, please, John.
MR. SICIGNANO:
We're missing a lot of people here today.
LEG. CARACCIOLO:
I'm sorry. Which association?
MR. SICIGNANO:
The Mastic Park Civic Association in Mastic.
D.P.O. LEVY:
Hold on one second John. I'm sure Legislator Towle wants to hear this, as do other Legislators.
LEG. CRECCA:
We only have seven people.
D.P.O. LEVY:
We are going to have to call a roll call soon. Please, have Legislators come to the horseshoe. We do not have a quorum. We are discussing the sober house issue. For any Legislator who's interested, please come to the horseshoe. Okay.
MR. SICIGNANO:
We were here 4/18, pretty late at night.
D.P.O. LEVY:
Yes.
MR. SICIGNANO:
Remember?
D.P.O. LEVY:
Very well.

MR. SICIGNANO:
It was after midnight. We spoke -- I think we spoke about just about everything about this here local law that we need desperately. Since 4/18 until now, there's another sober house in my area now, and I said that the last time I was here, that if we don't hurry up and get this thing passed, they're going to start shoving them in, knowing that this thing is coming down the pike, and that's exactly what's happening. So we implore you to please vote on this law today and let's at least regulate what's going to happen in these homes.
I'd like to read a portion of the purpose of the law, which I think you all know and I think we talked about already, but I'd like to put it into record. "Therefore, the purpose of this law is to force the communication cooperation between government agencies and the local community -- and local communities to establish a clearly defined procedure for the selection of location for sober houses to protect the interest of the ill while still ensuring the acceptance by local communities." And that's just a nonsense -- it's a no-nonsense law, it's something that we need desperately. And I know there were a few people here that were adamantly against it, but I think the majority, because we pulled it out of the committee, were for it. And I know -- I'm thinking today that will we come to the floor for the vote today to establish this law? That's why we're here today, we're hoping that it comes through.

I was looking over it. We're seeing the occupancy limit is six per sober house, which makes sense, because if you're only going to have one sober -- you're only going to have one worker, social worker there, I mean, how is he going to take care of 20, where some of them have 20 people in them. It's no good for the people that are ill that are trying to get better, and it's certainly no good for the community to be overpopulated on one street. We have -- I think it's Meadowmere, is it Grace?
MS. IAONNIDIS:
Yes.
MR. SICIGNANO:
We have two back-to-back sober houses, and they're more than 20 people in these houses. I mean, it's ridiculous. I mean, this should have been done years ago. Someone should have foresaw this. And I think I talked to you, Steve Levy, that you helped even bring about this law many years ago, helped write it, actually, so you saw the -- you saw it was a need back then. I think it's a need now to try to push it forward and let's get it established. And if anybody has any qualms about it, where I know some people like Jon Cooper over here had some problems with the wording, and I think Mr. Guldi had some problems with it, let's get those problems resolved.
LEG. HALEY:
So did I.
MR. SICIGNANO:
You had problems with it, too? I think you voted for it, though.

LEG. HALEY:
No, I didn't.
MR. SICIGNANO:
He didn't. Well, let's change your mind.
LEG. HALEY:
Freddy's still mad at me.
MR. SICIGNANO:
Freddie's still mad. Well, we're all mad at you. Well, we need to -- we really need to get this thing passed. We've been back here, this is our third, fourth, time.
D.P.O. LEVY:
Why don't you finish your statement, then we'll go to Legislator Alden.
MR. SICIGNANO:
Third, fourth time back here. We're taking off from work. We're all -- you know we're working people here. To have to come here to try to do something everyone knows here that's right, this is the right thing to do, this isn't something that, well, we want it because we feel like having it. This is a quality of life issue, a quality of life issue.
It needs to be addressed, it needs to be done, and it needs to be done today. We don't want to come back again, you know, in two weeks, or in two months, or in two years, we want it done today, because we have approximately -- now, I don't know the exact number, but I'm saying near a dozen, and that's not -- I don't have the exact number, but I know of three for sure, and I know it from other people talking that there are a lot more of them. So I'm just -- took notes and I came up with near 12 within two square miles. This law regulates that you can only have four within two square miles, which makes sense.

One community should not be overburdened over another just because they don't have the wealth that another community and that's what you're doing --
MS. IOANNIDIS:
No more dumping.
MR. SICIGNANO:
-- by shoving them in one area because the cost of housing is much cheaper is really discriminating. You want to talk about discrimination, that's discriminating against the people that are homeowners in Mastic and Shirley and Mastic Beach.
AUDIENCE MEMBER:
Taxpayers.
MR. SICIGNANO:
So this will help not just Mastic, Mastic Beach and Shirley, it will help the whole -- all of Suffolk County.
D.P.O. LEVY:
Thank you, John. Thank you Ladies and Gentlemen. Why don't you stay there. I know Legislator Alden has some questions, and probably others

will as well.
LEG. ALDEN:
When you say -- you make a statement that quality of life. What specifically, as far as the quality of life? And I'll tell you where I'm going. I have a brother and a sister that are both physically and mentally challenged, and my brother lives in a house that, you know, it's not going to be called a sober house, it's going to be called an adult home. But --
MR. SICIGNANO:
They're regulated, by the way. Go ahead.
LEG. ALDEN:
Thanks. But anyway, I attended some community meetings where they didn't want his type of person in the community and I find that offensive. But if you could tell me some specifics as far as, you know, like, really, what you're talking about with, you know, your quality of life and things like that?
MR. SICIGNANO:
We have specifics, but I know of one conversation. A lady called me up that if people don't make it back to the house -- now, it's not regulated, it's just a house that's owned by somebody, I think it's a private sober house, and if they don't make it in in a certain amount of time, they lock the door, they can't get in. So where are they going? They're on the street, they're walking down the street. I don't know where. They're hanging out on the street. Where else are they going to go? That's one issue that they're now on the street and they're not being watched. And let's face it, people that have drug abuse or alcohol abuse, and nobody's kidding anybody, these people have problems in their life and they're there to be -- have these ills taken care of and they're in a residential community with homeowners. So, I mean, this is an issue. She wants to talk, because --
MS. IOANNIDIS:
This is the man that will give a statement about --
MR. SICIGNANO:
Okay. Let this man give a statement.

MS. IOANNIDIS:
-- What you ask and you ask your questions and not the answer --
LEG. ALDEN:
Well, actually, and I'm going to go through the Chair --
MS. IOANNIDIS:
Just the answer to your question, this gentleman here.
LEG. ALDEN:
Well, I'm going through the Chair. If he's got a card in or something like that, I just -- you were the one that was speaking, so my questions --

MR. SICIGNANO:
Because I'm listening to the people. I'm a civic leader and they --
LEG. ALDEN:
Yeah. My question's directed, you know, to you. You gave me one instance of a, you know, quality of life. If you had any other ones, I'd like to hear them.
MR. SICIGNANO:
There are other ones where if the worker is not mandated to stay there 24 hours a day, so they leave. So now the house is -- just has alcoholics and drug abusers in the house with nobody there to watch it. It's not regulated.
D.P.O. LEVY:
Okay. Did your --
MR. SICIGNANO:
That was another issue that was brought to me.
D.P.O. LEVY:
Sir, did you have a specific answer?
MR. SICIGNANO:
"Where is the person that runs the house?" "Well, they'll be back tomorrow morning at 9 o'clock." They're not staying there. I mean, that's a quality of life issue. Then why don't we all get a couple of cases of beer and hang out, I mean, basically is what can happen. These people have problems. I mean, that's why they're there, right? Someone should be on the premises 24 hours a day to take care of these people if they have a problem. We're not saying we don't want them in our area, we don't want to be oversaturated in our area. This isn't a case of discrimination, this is a case of discrimination against homeowners, basically, if it's not regulated. That's the key word.
LEG. ALDEN:
Actually, you've given me two instances.
MR. SICIGNANO:
Well, how many do you want? You want me to -- I didn't write them down.
LEG. ALDEN:
No. I want to understand the problem, and I want to understand what -- you're having, you know, like a difficult time dealing with it, so I really want to understand the problem. You know, have you called the police a lot; is that what happens? Are there extra break-ins?
MR. SICIGNANO:
Well --
LEG. ALDEN:
Is there, you know, activity in the street? Do you have to have the

police there? Is it documented? That type of thing.

MS. IOANNIDIS:
Yes, it is.
MR. SICIGNANO:
It is, from what these other people will tell you. But, as far as I know, I don't have one on my block, but I represent a large area in Mastic Park and I'm getting complaints from where they are. Me personally, do I have one on my block? I don't, so I can't tell you -- I can't go to the Police Department, or I -- if I had one on my block, I would, to find who I have living next to me. Just like the school system tells you if you have a sex offender next to you, they send it to your house to let you know. We don't know who these people are either.
LEG. ALDEN:
Yeah, but somebody that's got a disease is a little bit different than a sex offender. But, anyway, I want to go into, you know, like -- I was trying to just get from you, you know, like how is it impacting on your quality of life, you know, specifics.
D.P.O. LEVY:
We have an individual here who says he wants to speak to that. Do you want to --
MR. SICIGNANO:
Well, that's why I wanted -- someone that lives next one could tell you better than I could.
LEG. ALDEN:
Okay.
D.P.O. LEVY:
Sir, you want to answer that question directly, please?
AUDIENCE MEMBER:
This gentleman has two houses his block on Meadowmere.
D.P.O. LEVY:
Well, does he want to speak for himself, or do you want to it first, sir? You want.
AUDIENCE MEMBER:
Go ahead.
MR. HAYES:
I live in Mastic. I have two of the sober houses on my block. They weren't there when I first moved there.
LEG. ALDEN:
Excuse me just one second. Could you just state your name just for --
MR. HAYES:
Dennis Hayes.
LEG. ALDEN:
Thanks.

MR. HAYES:
I moved to my house about 20, 25 years ago. There were none, no sober houses in the area. One of my neighbors who lived next door to me purchased a house a few years ago on the same block. She used to live next door to me. She moved about three or four houses down and she made the house next door to me a sober house. Then awhile later she purchased another house about four houses away from that and there's --

she made another sober house out of it. She also lives on the block in another house.
As far as to answer about the quality of life, my married daughter has seen one of the women from the house in the past where a guy, a man on the stoop looked like they were performing a sex act. Another time, my son-in-law has seen them in the yard, what looked like they were smoking marijuana. I have a neighbor on the other side, the sober house, that just recently moved to Arizona, he's been at the town complaining for the last year or two, he has seen guys that visit the sober houses urinating in the backyard. So this is, to answer your question, is a quality of life. There are horns beeping all morning from different vans picking up the people. We keep looking out the window.
LEG. ALDEN:
I'm sorry. There's what?
MR. HAYES:
Vans that pick up their people to bring them to the programs, they're constantly beeping all morning to pick the people up, they don't go ring the bell. We've yelled out a couple of times, "Go ring the bell," because if they beep and the girls don't come out, they just pull away. So, obviously, they're not really mandated to go to the program if they're -- I guess if they oversleep, they don't have to go.
AUDIENCE MEMBER:
There's nobody there.
MR. HAYES:
So that's the quality of life that's affecting my neighborhood.
D.P.O. LEVY:
Okay. Thank you, sir.
LEG. CARACCIOLO:
Mr. Chairman.
D.P.O. LEVY:
Are you done, Legislator Alden?
LEG. ALDEN:
Yeah.
D.P.O. LEVY:
Legislator Caracciolo.

LEG. CARACCIOLO:
Yes. For the benefit of the group that's making this presentation, do they really understand what this resolution does, in other words, what jurisdiction the County has and what jurisdiction the County does not have in this issue? And is anyone prepared to address the legislation in terms of what position the Town of Brookhaven takes with respect to this resolution? Has anyone checked with the Town of Brookhaven?
D.P.O. LEVY:
State your name, please, before you speak.
MS. IOANNIDIS:
My name is Grace Ioannidis; I represent the Citizen Action Coalition. We have over 6,000 members throughout the Town of Brookhaven. The purpose of this today is to endorse and sponsor the legislation 1155 that is being sponsored by our local Legislator, Fred Towle. There's a rising need about regulating these homes. I have come before you on several occasions to express to you the desperation of our community.

It's not only our community, but it's all throughout the County. Many of you personally have been involved in a conflict with the sober houses sobriety on your block. I know Steve Levy has several houses, one house where he has a house, and so does Legislator Bishop, that has problems, he has four houses on his block. This is an escalating problem. This is a problem that all of us are facing. It is time that we take notice of what's happening to our neighborhoods. The State cleverly got rid of these institutions and dumped these people on our neighborhoods. We don't know who these people are. We don't know whether they continue using drugs. We know from several residents that have complained to us that the police have been at those premises on numerous of occasions. I have members that have informed us that there has been police reports 60, 90 times in one year. These people are given the option, instead of going to jail, they decide to go to a sober house and go through treatment. Some of these people are not really sincere about getting better.

It is hard for us to take all that responsibility when we are property owners and the most valuable investment is our home. It is time that all of us here today decide what is -- what are we going to do, are we going to continue to dump on our neighborhoods, or are we going to preserve the quality of life? Please vote yes for this resolution.

LEG. CARACCIOLO:

Mr. Chairman, I'd like to try to get an answer to my question, and that is do the members of this community understand what the resolution does?

D.P.O. LEVY:

John, you want to --

MR. SICIGNANO:

Yes.

MS. IOANNIDIS:

Yes, we certainly do.

LEG. CARACCIOLO:

What the County's jurisdiction is.

MS. IOANNIDIS:

It sets up a form of limits on what's going on. Right now, like Fred Towle put it out on one meeting, this is what we have. It's not, like he said, it's not a rabbit, it's zero, meaning we have nothing to regulate these people. We need regulations. We need somebody on those premises. We need to know that the people across the street from us, they're not sex offenders and they're not criminals. We need to know that there's no more than six people, that there's a minimum, and that we can actually contain it. If we are going to be the role models of these people and we are going to help society and remedy the problems of society, we cannot be overwhelmed with this problem. We have to have regulations. And I encourage you to please vote yes today on this legislation.

MR. SICIGNANO:

I'd like to ask answer your question.

LEG. CARACCIOLO:

Thank you.

MR. SICIGNANO:

Your question is do we know what this law will do. Well, we certainly

know what it's not -- what we don't have it --
MS. IOANNIDIS:
Right.
MR. SICIGNANO:
-- What it's doing, that we know. Can you answer me what you can do, then?
LEG. CARACCIOLO:
No.
MR. SICIGNANO:
Because you're asking a question.
LEG. CARACCIOLO:
I'm going to go to the sponsor, so just -- because it's clear to me now that no one that's here, and I think there's a lot of sympathy --
MR. SICIGNANO:
It regulates it. It regulates the --
LEG. CARACCIOLO:
There's a lot of sympathy among elected officials in this room to assist your efforts to minimize the placement of these homes in your community, because we all face the same problem throughout the County. Now, I wrote to the Town of Brookhaven and the other Towns I represent. Two of the four Towns that I represent responded. One Town, the Town of Riverhead is in support of this resolution. The Town of Brookhaven is not. And I'd like to hear from --

MS. IOANNIDIS:
That's not news for us.
LEG. CARACCIOLO:
-- the representatives of the Town of Brookhaven if they have heard otherwise. Now that correspondence I have received is about ten days old, and, in effect, to paraphrase --
LEG. TOWLE:
Are you suggesting it could change since then in ten days?
MR. SICIGNANO:
Yeah, I think we can.
LEG. CARACCIOLO:
To paraphrase the --
LEG. TOWLE:
And the last time I checked, you also represented a portion of Brookhaven as well.
LEG. CARACCIOLO:
-- the correspondence, the concern on the part of the Town is that the County is stepping into a jurisdiction that we do not have. So I'd like maybe Legislator Towle to address --
LEG. TOWLE:
I will never attempt to speak -- with the Chairman's permission, I would never expect to speak on behalf of the Town of Brookhaven, but I have spoke to the Supervisor and his Chief of Staff. I spoke to both of them as late as yesterday pertaining to this subject, and they are prepared to work with the County, particularly the Department of Social Services and the Health Department in trying to do whatever we can do to attempt to regulate the 25% of the sober houses, drug and alcohol treatment facilities that are placating a lot of communities throughout the Town of Brookhaven, and, obviously, this law would be in effect on

a county-wide basis. I've been very clear that the bulk of these problems, the balance or the 75% are state and federally funded facilities. The other part of bringing this issue to light is in hopes to get our state and federal officials off the dime to police and patrol these houses.
You're not in Social Services Committee, Legislator Caracciolo, but I think for those members that are here today that are, they will remember the testimony that we received from the Commissioner of Social Services saying that there are numerous regulations, but not one of them is enforced, not one by the federal or state government. He also went on to say that this is a growing problem throughout the County, that it was not some, you know, white elephant that's just happening in Mastic/Shirley/Mastic Beach, that it was a problem that happened throughout the County of Suffolk, and that any attempt to move in a positive direction was an attempt that he supported as the Commissioner.
LEG. CARACCIOLO:
Okay.

LEG. TOWLE:
And since our last meeting and since the last activity in which this bill was tabled at one minute to midnight, I've had an opportunity to speak to other members here in the Legislature and try to incorporate some of the suggestions and ideas that were articulated. Counsel also tightened up the bill as far as wording was concerned. And I read with great interest this morning the article on Page 33 in which an individual who runs one of these houses supports the measure and didn't see any problem with it, from her perspective as a person who runs these types of facilities. So from my perspective, is it a perfect world and is this going to fix every problem? No, it is not, and I don't attempt to suggest that. What I'm suggesting is that we're finally moving forward to tackle a problem. And can we do more? Are there other things that are going to come from this? Without question, yes.
LEG. CARACCIOLO:
I'm looking forward to the other things that will come from this, because I don't think this bill does what the community thinks it's going to do. But that being said, we'll save that for suggestion or debate when the bill comes before us. Thank you.
P.O. TONNA:
Thank you, Legislator Caracciolo. Is there a list on this for other questions?
LEG. TOWLE:
They're all up there.
MS. IOANNIDIS:
There's one more speaker.
P.O. TONNA:
Oh, one more speaker? Do I have their card?
MS. GONZALEZ:
Yep.
P.O. TONNA:
Okay. Just so that I can get it, your name, ma'am.
MS. GONZALEZ:

Susan Gonzalez.
P.O. TONNA:
Thank you very much, Susan. Go ahead.
MS. GONZALEZ:
Okay. Hello to everybody. I don't know if you realize what's going on in our low income neighborhoods. I don't think --
P.O. TONNA:
You're just going to have to pull the microphone a little closer. And I'd ask that the door be closed. Thank you.

MS. GONZALEZ:
Okay. I don't know if you guys and girls realize what's going on in the low-income neighborhoods. We have a lot of greedy investors coming in. And they say they're in drug rehabs and alcohol rehabs, and it's not happening, not when you buy a $40,000 house and just shove 12 people in there. How could that be a drug rehab when they don't even have like workable toilets? Okay. I had one on my block.
I'm with the Citizens Action Coalition, I live in Mastic, and I'm in support of Legislator Towle's resolution. Sober homes have been placed in the Mastic/Shirley area for years with a policy of stockpiling clients. These properties were even alongside liquor stores with no regard for their client's rehabilitation. This, in turn, created dangerous mixtures of problems for families living in our home towns. When not supervised properly, these so-called sober homes become transient pitstops for chemically unbalanced clients. The supporting families, surrounding families have no say in the matter regarding the harm these transients inflict in our community. Immoral investors flock to get this rich-quick scheme going, and then in turn makes our laughing stock out of our communities and our struggling neighborhoods. Records can easy show extremely high amounts of police intervention at these sites, with the range of all crime situations imaginable. It's time to stop the monopoly on misery along with its mutilation of our neighborhoods.
LEG. FOLEY:
Thank you.
P.O. TONNA:
Thank you very much.
LEG. FOLEY:
Thank you.
P.O. TONNA:
Okay. Gordian Raacke.
MR. RAACKE:
Good morning. My name, for the record, is Gordian Raacke; I'm the Executive Director of the Citizens Advisory Panel, the LIPA watchdog group, and I'm here today to ask for your help. As you probably know, our court-appointed -- court-provided funding has expired. We will be forced to shut our doors this week if we don't secure further funding. There is I think a clear need, and I think you all recognize that, for continuing our work, for continuing to provide an oversight function over the Long Island Power Authority.
Maybe just the latest example of one of our successes is the fact that we have been doing a routine examination of LIPA's budget. We happened to discover that LILCO and now Keyspan cheated ratepayers out of

$22 million of RICO settlement payments that were supposed to be made and were not made. We brought this to the attention of the Federal District Judge who oversees the RICO settlement and this resulted in an order to have LILCO and its successor, Keyspan, return 30 million, or in excess of $30 million to Long Island's ratepayers. That's a great victory for ratepayers, of course. Naturally, the defendant is

appealing that right now, which is going to buy them some more time, but, eventually, that money is going to get pack to where it belongs, into ratepayers' pockets.

We have recently also approached LIPA to provide some funding. LIPA has set up a $1 million ratepayer advocacy fund to support the kinds of activities that we are engaged in. However, we had to apply on an emergency basis, because LIPA has not finalized its guidelines for giving out and for eligibility for this fund. Our emergency application for funding was refused at the last board meeting of LIPA Trustees, when, on the other hand, LIPA had no problem to give $204,000 of this money to the New York State Consumer Protection Board, despite the fact of not having guidelines in place. The LIPA Board of Trustees voted to give from that fund to a sister agency with -- which has done fine work representing consumers before investor-owned utilities, but in the case of LIPA being State authority, of course, has an obvious conflict of interest here would be a situation where one State agency goes before another State agency, and that cannot -- that will not mean that consumers are going to be represented fairly.

LIPA also has given freely to the Boy Scouts and the Girl Scouts and other charitable groups, but, again, has not been -- a total of $125,000, by the way, when we went to apply on an emergency basis for $50,000, so that we can keep our doors open, LIPA turned that request down.

I'm told that a procedural resolution is going to be introduced today to provide a portion of our funding, $150,000 to us, so that we could continue advocate on behalf of consumers, on behalf of LIPA customers, and I urge you, and this is our last resort here, I urge you to support that resolution to vote in favor of it today, which will allow us to continue to do our work and represent the interests of LIPA consumers.

P.O. TONNA:

Thank you very much.

LEG. BINDER:

Mr. Chairman.

P.O. TONNA:

Legislator Fisher, then Legislator Guldi, then Legislator Binder.

LEG. FISHER:

Hi, Gordian. Thank you for being here. Gordian, I did have a question about the LIPA guidelines, as far as the use of the advocacy funds. As I was perusing the guideline, I noticed that there was one section which referred to the fact that LIPA would not provide funds to any organization or advocacy group that would have the power to litigate against LIPA. I believe I pointed that paragraph out to you. Was that part of the discussion that you just had with the Board recently?

MR. RAACKE:

That was not. That was not said at the meeting, at the Board meeting, but you're absolutely right, that is one of the conditions of LIPA's

ratepayer advocacy fund that the monies cannot be used for litigation, one of several very restricting -- restrictive regulations in the

guidelines.
LEG. FISHER:
Okay. That those particular funds cannot be or that the group cannot initiate any court proceedings?
MR. RAACKE:
I believe -- I don't have it in front of me now.
LEG. FISHER:
How can we interpret that?
MR. RAACKE:
I believe the restriction is that LIPA funding cannot be used for litigation.
LEG. FISHER:
Okay. So that would not preclude your group, if you did receive funding from LIPA, it would not preclude you from initiating a lawsuit, if you saw fit, if you weren't using that part of your funding?
MR. RAACKE:
I believe so, yes, we could not use any of the funding received from LIPA for that purpose, if the guidelines are adopted the way they're written right now. But we could, of course, use -- I would argue we could use funding from other sources.
LEG. FISHER:
Okay. Thank you, Gordian.
P.O. TONNA:
Sorry to interrupt. Just get an idea. So they're saying they'll help you fund you, but they can never sue you -- I mean, you can never sue them.
MR. RAACKE:
That's correct.
LEG. FISHER:
But you could never sue them, so --
MR. RAACKE:
Well, in fact, it's even broader than that. It's not just to bring litigation, but you can't engage in any activity that would be considered in the realm of the judiciary, which is very restrictive. I think it's --
LEG. FISHER:
It's very restrictive.
MR. RAACKE:
Ridiculous, because you could not seek advice --
LEG. FISHER:
For an advocacy group not to be able have that power seems to be absurd.

MR. RAACKE:
You could not seek the advice of a lawyer on a LIPA issue, which doesn't make any sense.
P.O. TONNA:
What are they afraid of? Anyway, Legislator Guldi.
LEG. FISHER:
Anyway, I had another question.

P.O. TONNA:
Oh, I'm sorry. Legislator Fisher still has the floor.
LEG. FISHER:
How is LIPA going to be returning those funds to ratepayers, in a credit or --
MR. RAACKE:
The 30 -- the $30 million --
LEG. FISHER:
Yes.
MR. RAACKE:
-- fund? That would be returned the same way the RICO refunds were to be returned initially, which is on a per usage basis, so that ratepayers who had higher usage, higher electric bills would get somewhat more than ratepayers with a lower bill. That's how the RICO settlement was written and, therefore, that's how it will be refunded.
LEG. FISHER:
So individual households would receive a credit, or would they receive a refund?
MR. RAACKE:
It would -- yes, it would be a credit.
LEG. FISHER:
They would get the refund?
MR. RAACKE:
It would be a credit on the electric bill.
LEG. FISHER:
A credit, okay.
MR. RAACKE:
In fact, the County would receive a substantial credit having over $10 million in electric bills, I believe. The County itself would receive a proportionate refund to the size of its electric bill for all of its facilities.
LEG. FISHER:
Okay. Thank you, Gordian.

MR. RAACKE:
You're welcome.
P.O. TONNA:
Thank you very much. Hold it one second. Legislator Guldi.
LEG. GULDI:
Yeah. All I wanted to do is, to my colleagues, inform you that the Procedural Motion Number Four is in your folders in front of you, and I will be making -- moving the question later in the meeting after the public hearing.
P.O. TONNA:
George, just a quick question. Do you have an offset and everything?
LEG. GULDI:
Yes.. We're going to use -- we're using actually the funding that was provided for the litigation when we did the budget, for LIPA litigation, which is no longer necessary for that funding -- Counsel want to clarify the source of the funding. But the one thing I did want to point out to everyone is that continuing CAP's role, not only are we talking about the $22 million they're saving ratepayers of both Nassau and Suffolk from last year, but we're talking about going a long

way to fulfilling part of our responsibilities under the referendum approved --
P.O. TONNA:
Right.
LEG. GULDI:
-- by 72% of the voters.
P.O. TONNA:
Right.
LEG. GULDI:
However, I want to caveat tell you that that's not all of our responsibility. I think, and I talked to Gordian about this, we have additional oversight, both beyond consumer advocacy as to both technical forensic accounting and into --
P.O. TONNA:
He loves that word,"forensic."
LEG. GULDI:
That's good stuff. I can't wait for it to apply to you, Mr. Chairman.
P.O. TONNA:
Yeah, I'm sure you will. I'll give you some technical forensic screening back there. Go ahead.
LEG. GULDI:
And, also, or some of our engineering expertise, we'll need additional consultants.

P.O. TONNA:
Okay. Thank you. We're going to subject this to -- we're subjecting this to questions. Legislator Binder has the floor.
LEG. BINDER:
Gordian, have you made any comments on the fact that LIPA has more than a million dollars now that they've gone out to contract with, again, same political P.R. firm in Nassau County, I mean, one of the partners ran for office, you know, in Nassau County, and that they're spending a million dollars when they have no competition? Have you -- I mean, I just went to -- I went to a Ducks game on Sunday and people were walking around with LIPA shirts and this big LIPA backboard and I'm wondering is this where we're supposed to be spending our electric rates, telling me that I should be happy that I have LIPA? And, of course, Mr. Kessel's name is, you know --
MR. RAACKE:
No, absolutely, you're absolutely right. The use of over a million dollars, actually, each year. LIPA had a $1.8 million budget last year on advertising. This year, they show a little bit in excess of $1 million, but they have also shuffled some accounts around, some amounts around to sort of hide it under community, communications and relations and so on to use those amounts, and it's ratepayer money after all, to air these good-feel ads and take out full-page advertisements in the newspaper when they are the only game in town I think is an outrageous waste of ratepayers' money. With LILCO, in many instances, we were able to force LILCO shareholders to pay for those advertisements. With LIPA, there's nobody else who will pay for it. That's something we have to I think continue to --
LEG. BINDER:
So there's no one else to argue.

MR. RAACKE:
That's right.
LEG. BINDER:
In other words, no one else to criticize LIPA for giving me a T-shirt that I bought.
MR. RAACKE:
Well, there's no one else to send the bill to, you're paying for it yourself. I've gotten a lot of comments from citizens on that who absolutely hate the idea that their hard-earned money sent to LIPA is then being sent out to advertising firms to pay for these commercials.
LEG. BINDER:
How much is going to Newsday, do you know?
MR. RAACKE:
I don't know. In fact, we have --
LEG. BINDER:
It seems to be almost an ad a day, a full-page almost every day or every other day.

MR. RAACKE:
Yeah, almost. We have requested an accounting of these monies from LIPA. LIPA has not --
LEG. BINDER:
Yeah, we did, too.
MR. RAACKE:
Has not provided that to date.
LEG. BINDER:
Yeah, yeah. They were very forthcoming with us about that, too, and I say that tongue in cheek. You said they gave money to the Scouts for -- under what purpose did they give a hundred and twenty-five -- I mean, I understand, we often fund -- see, we're a real government agency that has to do things in the community, that's kind of our job. How does an electrical agency -- is there something electrical going on, utility-wise going on in the Scouts that I don't know about?
MR. RAACKE:
No, absolutely not. There -- LIPA elected to allocate -- to take $125,000 of ratepayers' money --
LEG. BINDER:
Of our money, right.
MR. RAACKE:
-- and give that out to charitable groups of their choice.
LEG. BINDER:
Of who's choice?
MR. RAACKE:
Of LIPA's choice. So it's not even up to the ratepayer to make that decision.
LEG. BINDER:
Who made the decision at LIPA, do you know?
MR. RAACKE:
The LIPA Board of Trustees has selected -- has selected a --
P.O. TONNA:
Hold it one second. Just Legislator Binder has the floor. I'd ask that people be a little quieter thank you.
MR. RAACKE:

LIPA's Board of Trustees has chosen about a dozen or so of charitable groups who are to receive, at this point, $125,000 of ratepayers' money.
LEG. BINDER:
Would you know if that's pretty evenly split between the two counties?
MR. RAACKE:
Again, we don't have a breakdown of that.

LEG. BINDER:
Can't get a breakdown of that either. I'm wondering if there's something that our Counsel, or at least maybe Legislator Guldi could pursue where this money is being spent to Scouts and other -- you know, is this bicounty? First off, I don't understand how they're in the business of using our rate money as tax money is used for programs. You know, this is brand new. They're becoming a third government, you know, like a bicounty government. But the other question is whether they're really bicounty, because I know they pretty much pulled out of here with all their leases. They've made sure that they have a minimal presence in Suffolk County and a maximum presence in Nassau County. In terms of the place where they are in the Omni Building, have you guys tried to publicize the cost of that space, because it just happens to be the most expensive space on all of Long Island?
MR. RAACKE:
Well, we have questioned the Authority on their lease, their office lease expense, and, again, have not been able to get the full data on that. They've not been able to -- well, they have not been willing to provide us the data. They -- last time we asked, we submitted detailed interrogatories on the 2000 LIPA budget where we're told that, at the moment, they are understaffed, they're not able to provide the backup figures for their budget, which consisted of 22 pages or so of summaries. When we requested backup data on their budget and their various expenses, including the lease expense on the Omni Building, we were told that they will provide those, that, currently, they're not able on to do that in a timely fashion.
LEG. BINDER:
How many months ago was that? When was that when you asked for this information?
MR. RAACKE:
That was in -- I believe in November of last year.
LEG. BINDER:
November.
MR. RAACKE:
Yes. We have not gotten the answers yet.
LEG. BINDER:
Did you request that under the Freedom of Information Act.
MR. RAACKE:
No, we requested it as a -- as part of our process of going through the budge, submitting interrogatories, and they have provided answers to some questions, but not to others.
LEG. BINDER:
But do you understand, now they're a public --
MR. RAACKE:
Of course. We could --

LEG. BINDER:
They're a public concern.
MR. RAACKE:
We could submit a FOIL request, yes, yes.
LEG. BINDER:
Right. And, if not, you could actually bring action under the Freedom of Information Act to receive that information. Unfortunately, we haven't pursued that and I think we should, because there's a lot of information we asked for that they won't give us or haven't given us and I think the people of Suffolk have a right to know the answers to these questions. This is a public concern now, this is not a private company, a private utility and we have the right to the information, and I think there's a point at which we should go forward and bring an action. The only question is, of course, you know there's the "Deal", in quotes, that was put together muzzles the Suffolk County Legislature and Legislators in that if we bring any actions, and I don't know if that would be included in a Freedom of Information Act action, that the whole deal crumbles, that there's no deal once we bring any kind of action. I don't know if that's included.
Last question. When this -- when the drive towards making this LIPA transaction, scheme, whatever, a reality started, before I was muzzled by the Ethics Commission in Suffolk County, I had asked Richard Kessel about fact that the papers and the documents seem to very well protect the shareholders of LIPA, but there was no one to protect us, because now they were losing the PSC due process opportunities, even slim as they may have been, but at least they existed that we were able to get information, that we were able to have some kind of due process for grievance. And I said to him, "Where is that?" And, at the time, and I would have to go search out the documents to get the transcripts, but he said that we're working on it now, we're going to be putting procedures in place for a grievance, for a rate grievance, for -- because, you know, they are everything, they are the PSC, they are the purveyors of power, they are everything here. And he said, "We're going to put that into place, because we want to be consumer friendly, we're going to have a due process, due" -- you know, "people could do due diligence, they can have an opportunity to do that." Can you tell me if there's anything in place, grievance procedures that they put through that give people due process?
MR. RAACKE:
Well, LIPA has instituted a complaint resolution procedure, which is similar to the HEFPA, the Home Energy Fair Practices Act, or similar to what you would have before the PSC, with one problem, though, which is that in the case of the Public Service Commission, HEFPA rules, if you had a complaint against LILCO, there was a third party, namely the Commission and its staff, it would hear the complaint and render a decision ultimately. In the case of LIPA, if you have a complaint against LIPA or LIPA and its Chairman as to how they handle certain issues in regards to your account, the ultimate arbiter, the ultimate decision-maker in deciding on a complaint that you bring against the Authority and its Chairman is the Authority and its Chairman, Richard Kessel, will have the final say on how that complaint is going to be

resolved. Therefore, I believe these procedures are inadequate, to say the least.
LEG. BINDER:
Thank you.
MR. RAACKE:
I just wanted to make one comment or one clarification to the Legislators. As you recall, last year, the Legislature here voted unanimously to provide $150,000 in funding to CAP. We did not -- we never requested that funding last year. It was not -- we did not need the funds and we wanted to save the County that expense. But we're here today to request again those funds thank you.
LEG. CARACCIOLO:
Mr. Chairman. Gordian?
MR. RAACKE:
Yes.
LEG. CARACCIOLO:
In terms of the $150,000 expenditure that was approved last year, have you provided anyone in County government with a report as to where that money was spent or how it's being spent?
MR. RAACKE:
We did not, no. What I'm saying is we did not --
LEG. CARACCIOLO:
You didn't take it last year.
MR. RAACKE:
We did not take it last year.
LEG. CARACCIOLO:
Okay. In the future, is there anything in this resolution that requires such report?
LEG. GULDI:
It would be done -- if I may.
LEG. CARACCIOLO:
Yeah.
LEG. GULDI:
The agreements to be executed between the Presiding Officer and CAP would require regular reporting and accounting for both services rendered and on the information developed through Energy and Environment, the way we have traditionally supervised our consultants on energy issues for the last decade or more.
LEG. CARACCIOLO:
But I think it's fair up front to maybe just elaborate as to how you would intend to expend these County funds. In terms of your overall budget, where would we --

P.O. TONNA:
We don't need a forensic accountant, right, to check in to how he'd spend it, right? I just wanted to make sure.
MR. RAACKE:
Well, we would -- and, actually, I have provided to Paul Sabatino a listing -- draft language for the contract to be drawn up. Basically, to summarize it, we would continue to act in a watchdog capacity over LIPA, attend all LIPA meetings, monitor LIPA's activities, policies, and procedures. We would intervene before LIPA in rate proceedings and other policy proceedings. For example, do the -- do the -- continue to

do the examination of LIPA's budget. We would also monitor developments at the local state and national levels in energy policies and technologies to make certain recommendations to the County and to LIPA as to new policies, and -- well, that's basically in a nutshell what we would be doing. We would continue to do the work we've been doing up to this point.
LEG. CARACCIOLO:
So, in essence, it would be -- these expenditures would be used to cover your overhead and staff and personnel costs.
MR. RAACKE:
Right.
LEG. CARACCIOLO:
Okay. And you'll provide us with a budget of what those costs will be?
MR. RAACKE:
We have already, yes.
LEG. CARACCIOLO:
Thank you very much.
P.O. TONNA:
Thank you very much.
MR. RAACKE:
Thank you.
LEG. GULDI:
Thank you.
P.O. TONNA:
Okay. Dolores Eckerson. Eckerson? Thank you, Dolores.
MS. ECKERSON:
You're welcome. Good afternoon. My name is Dolores Eckerson and I'm the Coram Center Manager for the Department of Social Services. My written presentation started out as "good morning," but I'm changing it to "good afternoon." I would wait ten hours to speak if I had to. I would wait ten hours to speak if I had to, because that's how important the --

LEG. FOLEY:
Ma'am. Ma'am, that's not on. Ilona, could you please see whether or not --
P.O. TONNA:
It's on.
MS. JULIUS:
It's on.
P.O. TONNA:
It's on. She's just not --
LEG. FOLEY:
Well, no. She's speaking closer to the mike.
MS. ECKERSON:
Can you hear me now?
LEG. FOLEY:
Barely.
MS. ECKERSON:
You don't want me to start over, though, do you?
P.O. TONNA:
Dolores, just --

LEG. FOLEY:
Is there a way to increase the volume somewhat?
P.O. TONNA:
No. It's a matter of -- just turn it a little that way.
MS. ECKERSON:
Okay. Okay?
LEG. GULDI:
That's better.
P.O. TONNA:
Go ahead, Dolores.
MS. ECKERSON:
Okay. Do you want me to start over, or should I just continue?
P.O. TONNA:
Start over. I'll start the clock again. Beep. Okay, go right ahead.
MS. ECKERSON:
Okay. My name is Dolores Eckerson and I'm the Coram Center Manager for the Department of Social Services. I've been the Center Manager there for four years, but the building has had a reputation of being in deplorable condition long before my arrival in 1996. I now know firsthand how deplorable the building is. It's not only overcrowded, the size is inadequate for the population that we handle. The Coram

Center handles 25.3% of the public assistance and food stamp cases in Suffolk County. For the month of March, we had 2,200 appointments. That's not talking about how many walk-ins we had to service the public that had problems and then we were there to help.
The Coram Center is the only DSS center that does not have a separate interview area to interview the applicants that come to us. This not only causes a problem for the staff, it causes a problem for public, because the applicants sit back to back with another applicant. The staff at my center interviews them and must ask very personal questions of a sensitive nature. They're not always happy about answering questions in privacy, they're less happy about answering them when they sit back to back with someone who may be their neighbor or a stranger and they don't really want their lives publicized. The office where the prescreeners sit that interview the people that come into our center is more of a passageway than it is of an office. It's very small, there are six examiners that sit there, and they each have two guest chairs to interview the applicants. The staff in the center has to pass through this passageway in order to get to the rest room. So not only do we have noise going on and confusion going on, we have 70 people marching in and out of that passageway to get to the rest room. This also causes a security issue.
Being that we don't have the separate interview area and the interviewers work from their desks, they have their staplers, they have all kinds of equipment on their desk that can become weapons, and they have in past. It's also a security issue, because the security guards don't have just one area to monitor, they have several different areas to monitor where the clients are actually sitting at the worker's desks. So it's a problem for the staff and for the public.
Also, we have 51 women that work for Social Services in Coram and we have about, I guess, 20 nurses, I'm just guessing, that share the floor with us, and also share the staff bathroom. Now, there are only two

commodes and you have 70 women. So I don't know if you know what that's like, but it's worse than a one-day sale at Macy's.
We also have to endure the extremely cold temperatures in the building, where sometimes the staff has to wear their coats. I myself have worn gloves in the past. And sometimes it's excessively hot, like we did yesterday. The building hit 84 degrees in my office, and that's not even the hottest part of the office. The hottest part is actually where the applicants are and where the interviewers interview at their desks.
As much as the public doesn't have the privacy of when they speak to us and answer the sensitive questions that we must ask, it's very difficult on the staff, because they don't have any quiet time. If they're finished with their interviews and now they want to do their paperwork, which is very involved, they don't have the quiet time to concentrate like they should be afforded, because the examiner opposite them may still have somebody at their desk. And they also don't have the opportunity to ask that examiner a question when they come upon something that they would like some clarification as they're proceeding with their paperwork.

Also, in our office, we would like the adult protective service workers and the CPS workers, who do not work out of our office, but the opportunity to come to our office to make telephone calls from a desk when they're out in the field, so that they could stop at the closest office and do this. There's no room for them to do that.
We've also endured dust mites, which is our current situation at the moment, and it's -- the dust mite has become our mascot for the center, kind of replaced the mice, so that's pretty sad.
We've also had water leaks where the ceiling over different parts of the office had tremendous water leaks, where they've actually -- actually ruined equipment, ruined paperwork. We have to constantly move our computers around the best we can to prevent them from getting wet.
In the 31 years that I've worked for the Department of Social Services, and I've worked for many different offices over the 31 years, I have never worked in an office as deplorable as the Coram Center. And I'm here representing the staff as well as myself. The staff does a remarkable job under such adverse conditions. The renovations have been paramount for the staff to -- we need a safer and healthier place to work. It's not just something that we want, it's something that's a necessity and something that's really overdue. The patience that the staff has shown has been unbelievable and a lot of it is their dedication to the public.
Bill Jones and Tom {Categni} have come to the center many times and met with the staff to make sure that they've covered every single possibility of what our needs are and what needs to be done to service the public.
So, on behalf of myself and the staff at the Coram Center, I thank you very much for your time, and I hope that you remember us. Thank you.
LEG. FIELDS:
Paul.
P.O. TONNA:
We have a list. Legislator Fisher first, then Fields, then Foley.

MS. ECKERSON:
Okay.
P.O. TONNA:
Three F's. No, she got you right -- she was first on the draw.
LEG. FISHER:
Hi, Dolores.
MS. ECKERSON:
Hi.
P.O. TONNA:
You got to wake up pretty early in the morning to beat Legislator Fisher.

LEG. FISHER:
That's right. The early worm fishes -- whatever. Hi, Dolores.
MS. ECKERSON:
Hi.
LEG. FISHER:
Thank you for being here.
MS. ECKERSON:
You're welcome.
LEG. FISHER:
I've written down at least eight different issues that you have brought up as you've spoken.
MS. ECKERSON:
Okay.
LEG. FISHER:
And I was wondering -- of course, I've seen the plans for the renovations, and I was wondering how many of these are addressed by the renovations that had been planned for the center. For example, Number 2, which was the size being an issue, of course, if it's the same facility, how will that address the issue of size that you need in order to accommodate the number of people who pass through this facility?
MS. ECKERSON:
Okay. I believe the answer to that is that because we don't have a separate interview area, which is what I have covered, we do need a separate interview area for the safety of the staff and the public. So that is why additional staff -- additional space is needed, plus other programs that --
LEG. FISHER:
But my question is --
MS. ECKERSON:
I'm sorry.
LEG. FISHER:
-- does the renovation of the existing facility, with the signing of a new lease and the -- will that provide for the additional space that you need?
MS. ECKERSON:
I don't believe so, because right now, we're sharing part of the second floor with the Suffolk County Visiting Nurses.
LEG. FISHER:
But you are advocating that we pass the resolution that's before us?
MS. ECKERSON:

Yes, that you pass the resolution and that the renovations --

LEG. FISHER:
But that won't solve that problem, your space problem? This is my question that I'm asking.
MS. ECKERSON:
Yes.
LEG. FISHER:
Although I've seen the plans, I don't really know whether they will accommodate the issue here of space, your space limitations, because you said the number of clients that are passing through has increased, and that the space that you have is limited, and that you can't accommodate the number of people who are coming through. So perhaps I can ask that question of DPW a little later on, okay, if you're not certain of that.
MS. ECKERSON:
Okay. What was your question?
LEG. FISHER:
Does the renovation accommodate the other issue of a private interview area?
MS. ECKERSON:
Yes, it does.
LEG. FISHER:
Will that space be provided?
MS. ECKERSON:
Yes.
LEG. FISHER:
So that it's not in the hallway that goes through where people have to walk through to get to rest rooms, etcetera?
MS. ECKERSON:
Yes.
LEG. FISHER:
Okay. How many more public -- how many more rest rooms will be available to the staff, do you know?
MS. ECKERSON:
I believe that in the plans, and correct me if I'm wrong, but I think there's four commodes and four toilets for the staff, for the women.
LEG. FISHER:
Okay. All right. Thank you very much, Dolores.
MS. ECKERSON:
You're welcome.
LEG. FISHER:
You've given me information that I can use to ask questions later of

DPW.
MS. ECKERSON:
Okay.
LEG. FISHER:
Thank you very much.
MS. ECKERSON:
You're welcome.
P.O. TONNA:
Legislator Fields.

LEG. FIELDS:
I don't know who would respond to this question, but of the problems that you had in Department of Social Services and in the Coram building, who was --
MS. ECKERSON:
I'm so sorry. I'm sorry, I thought I was finished. I'm sorry.
P.O. TONNA:
Okay. No, you still have two of the people with -- Legislator Fields.
MS. ECKERSON:
I'm very sorry.
P.O. TONNA:
Go ahead.
LEG. FIELDS:
In response to the questions of problems that you've had over the years, who is responsible to answer those questions and provide the change in what your problems have been, such as dust mites? Who's responsible to take care of that problem?
MS. ECKERSON:
Okay. Well, the protocol at the DSS Center is that we call in all building problems to the health clinic downstairs, since we share the same building, so that we don't make duplicate calls to the different places that have to respond to our individual problems. So I think that could be better addressed by Wayne Jones, who's the Director of the Health Center and who handles those calls. His office handles the calls, we call them downstairs to them.
LEG. FOLEY:
Legislator Fields, to answer the question directly. Yes, it goes to the Health Department and then they're supposed to work with both Department of Law, which oversees all the contracts for rentals, and with the Department of Public Works to attempt to correct the problems. The situation here is we have what I consider the worst landlord in the history of this County. And the critical question, the critical question is that if this person or this organization has been chronically the worst landlord in the past, how do we have any confidence that they're going to do the right thing in the future? And

that's one of the things that we're going to have to talk about. That's why I hope it stays in committee, so we can really talk about this in detail about the lack of RFP's going out to try to get other locations in a similar area, if not closer to Coram. There's a whole host of issues that need to be addressed, which, quite frankly, some of them may be addressed today, Madam Chair, but I would hope that we could discuss this in more detail in committee.
LEG. FIELDS:
I think that -- just one other comment, that if the landlord seems to be the problem and has been the problem in the past, maybe, if the question is how soon can we get in there if we renovate, then perhaps what should be negotiated is the responsibilities of the landlord, how he responds to those responsibilities, and if he doesn't, we withhold the rent. But those I think are questions that should be addressed in committee and not lunged into just because there are problems that we want to duplicate again.
MS. ECKERSON:

Right. Well, it's my understanding that all of these safeguards have been built into the lease that's being proposed. That's my understanding.
LEG. FIELDS:
They weren't --
MS. ECKERSON:
But I'm not involved with that.
LEG. FIELDS:
Well, I think those are questions we need to have legitimate answers. You know, we -- we're assuming, but I would love to get those, and those were the reasons. In three committees this came up that I am on, those three committees, and no one on any of the committees was happy. Not no one, but most of the people on the committees were happy to just let this go without finding out the answers. And I think, as responsible Legislators, we have to at least think about what the questions and the answers are.
P.O. TONNA:
Thank you. Legislator Foley.
LEG. FOLEY:
Thank you for coming here today.
MS. ECKERSON:
You're welcome.
LEG. FOLEY:
And I just want to assure you and those who are in the audience that we as Legislators take not only jobs seriously, but the fact that we want you to be in much better working conditions. And many of us -- many of us have been laboring with this issue for years. Some of us who don't even represent the area helped fight the fight to keep the Health Center in Coram, as opposed to having it move further south. So we do want to see the right thing done for the workers there and for the

catchment area that use that particular center. As I said earlier, there's a series of questions that we need to have answered. But I do want to thank you for giving us your testimony on behalf of the workers that you represent.
MS. ECKERSON:
You're welcome. Thank you.
P.O. TONNA:
Okay. And now we move to Legislator Levy.
LEG. LEVY:
Just a quick question. Hi. Some of us had thought that one of -- a good idea for this lease would be a clause that would enact a monetary penalty were problems to develop again in the future, as they have in the past. Now, any tenant has the right to withhold money when various repairs are not taking place, but we had that authority in the previous lease and it didn't really help all that much. We're thinking that maybe we should have a stricter penalty that would be enacted, or fines that can be issued to the landlord if these problems persist. Would you think that's a good idea to try to incorporate to help make sure that this landlord carries out the provisions of the lease?
MS. ECKERSON:
Again, it's my understanding that the lease does have all these safeguards built in it. I have not personally seen it and I was not

involved with the development of the lease.
LEG. LEVY:
Did you know of a specific provision of this lease which enacts penalties on the landlord for not carrying out provisions of the lease, other than withholding rent?
MS. ECKERSON:
Well, I believe that was one of the intents to be in the lease.
LEG. LEVY:
I think that's an important question, and, you know, which is one of the things we want to ask. And if it's hot there, would you feel better if a clause was placed in this lease to enact some kind of penalties to give the landlord incentive to carry out the terms?
MS. ECKERSON:
Yes.
LEG. LEVY:
Okay. Thank you.
P.O. TONNA:
Okay. Any other questions? Okay. Thank you very much.
MS. ECKERSON:
Thank you.
P.O. TONNA:
All right. We're going to break for lunch until 2:30.

[THE MEETING WAS RECESSED AT 12:30 P.M. AND RESUMED AT 2:35 P.M.]
LEG. BISHOP:
Clerk Barton?
MR. BARTON:
Yes, Mr. Chairman.
LEG. BISHOP:
What is the status of the affidavits?
MR. BARTON:
Mr. Chairman, the affidavits of publications are in order and have been properly filed.
LEG. BISHOP:
So our first public hearing is 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 site. We have four cards. The first speaker is Amie Hamlin, New York League of Conservation Voters. You have ten minutes.
MS. HAMLIN:
Thank you. I'll be very brief. Again, I'm with the New York League of Conservation Voters, Long Island Chapter. I want to express my support for the bill to designate open space at Pilgrim State. It's a great idea, not only for open space, which is a good idea in itself, but it will provide greater control over any development in the special groundwater protection area. It's crucial that we do everything we can to protect groundwater on Long Island, and I want to thank Dave Bishop for introducing this important bill.
I also want to put in a really quick word about the bill to make tobacco illegal for minors. I urge you to vote against that bill. I need to say this because my former position was as a Tobacco Control Director, and responsibility should lay with the tobacco industry and the tobacco retailers. And so I just want to say, please, vote against

that bill. Thank you.
LEG. BISHOP:
Ready?
P.O. TONNA:
No, no, go ahead.
LEG. BISHOP:
I know the cards because I -- Sarah Meyland.
MS. MEYLAND:
Hello. My name is Sarah Meyland. I'm the Executive Director of Citizens Campaign for the Environment, the largest environmental group in the State of New York. And I'm here to speak on behalf of the charter law to implement smart growth by designating open space of critical environmental concern in connection with suburban renewal at Pilgrim State site.

Citizens Campaign for the Environment has been speaking out and standing up for groundwater protection since Citizens Campaign came into being 15 years ago, and for 15 years, we have been advocating greater protection, greater land use control, greater oversight for those areas that have particular importance for ground water protection.

It was thirteen years ago that the State of New York adopted a statewide law called the Special Groundwater Protection Area Act, and part of what it did was to create nine special groundwater protection areas on Long Island, and these areas were recognized by all professionals on Long Island and at the State level for having special importance for maintaining the high quality of the groundwater system over the present and years to come.

Eight years ago, the State adopted the Special Groundwater Protection Plan that was created from the Special Groundwater Protection Law, and that plan recommended a number of activities to protect open pace, to protect these groundwater recharge areas. Very often, when we talk about groundwater protection, we think about the east end of Long Island, because of the importance of the Pine Barrens and the vast open paces that they encompass. But it's important to remember that the western part of the County, where the greatest portion of the population resides, has special groundwater protection areas there as well, and one of the unique ones is the oak brush plains, which is around 3,000 acres of various types of land use activities, including a lot of institutional land, a lot of existing open space, some utilities. But the biggest single land use there is institutional land.

The bill before you today would create additional oversight for portions of the oak brush plains. This area sits on top of a deep recharge area, the core area of the Island that contributes water to the deeper parts of the groundwater system from which most of us draw our drinking water supply. It is imperative that open lands over the deep recharge area be preserved, both to enhance their present recharge quality and to control future water demands out of these areas.

One of the unique functions of the oak brush plains SGPA is that it sits in between two clay lenses, one that moves toward the North Shore, and one that moves toward the South Shore, and recharges high quality groundwater to parts of the groundwater flow that moves to Long Island

sound, and parts that moves to the Great South Bay and the South Shore. Both the Towns of Babylon and Islip draw the bulk of their water from portions of the aquifer that sit below this clay barrier. And so it is imperative that clean groundwater get into the groundwater system before these clay barriers begin. That is one of the important functions of the oak brush plains SGPA.

Almost all of the groundwater protection strategies for Long Island have looked at how to keep water in the magothy, the largest of the three formations in the groundwater system, clean and plentiful. We are now in the beginning of what appears to be another record-breaking summer. We saw yesterday, we see today, probably tomorrow, some incredibly high temperatures, possibly followed by what we had last

year, which is an incredibly severe drought that was only broken, because we got some major hurricanes through at the end of the summer. If that happens again this year, which there's every chance to expect that it will, then areas like the oak brush plains SGPA provide two critical functions, getting clean groundwater in the system, and helping to maintain high groundwater levels when we have peak summer drought conditions like we had last year. The Legislative resolution that is before you will serve both of these functions, because it will add additional oversight to whatever land use proposals may come for the oak brush plains area, and because it gives better oversight to future sanitary service, if it is proposed to any of these lands.

This proposal does two additional things that are important to keep in mind. One, it satisfies the intent of the Special Groundwater Protection Act, and, in addition, it complies with a specific recommendation of the SGPA plan, which states, "New York State, Suffolk County, and the Town of Islip should maximize the preservation of existing open space within their respective holdings, so as to protect the remaining undisturbed recharge areas."

Citizens Campaign for the Environment fully supports this proposal, and we strongly recommend that upon the adoption of this proposal, that a copy of this act be sent to both the State DEC Region I Office, as well as the Albany Headquarters of the State DEC, so that they can keep track of this designation pursuant to this legislation. Thank you very much.

D.P.O. LEVY:

Thank you, Sarah. Are you ready?

LEG. BISHOP:

Yes. I have a question. I appreciate your testimony. I think the critical issues for Legislators are, one, why would we seek to inject the County in a discussion of land development? Isn't that solely the purview of a town, for example, to which I would ask you is do you think that development of such a large track would have an impact beyond the borders of Town of Islip for your community in Brentwood?

MS. MEYLAND:

Yes, absolutely, it will. And the reason is because that the groundwater that flows from this site feeds all of the areas to the south of the site, and the communities and the water supply areas that rely on groundwater coming from the site can and will be impacted by the land uses on this site.

LEG. BISHOP:

Does development -- I mean, this is elementary, but just to go over it for Legislators. Does development of property generally mean negative impact on groundwater? Is there a correlation?
MS. MEYLAND:
If it is an active use, the answer is yes.
LEG. BISHOP:
In all -- isn't there certain types of development which is always compatible with ground -- quality -- preserving the quality of

groundwater?
MS. MEYLAND:
The land use that has been deemed most appropriate, if we have to have land use in an SGPA, and that is a land use other than, say, passive parkland, would be large lot residential, and, historically, that has meant five acre housing.
LEG. BISHOP:
You've worked for many years prior to the Citizens Campaign for the Environment for New York State --
MS. MEYLAND:
Correct.
LEG. BISHOP:
-- in a Legislative capacity, working on the Legislative Commission on Protection of Groundwater?
MS. MEYLAND:
Yes, the New York State Legislative Commission on Water Resource Needs of Long Island.
LEG. BISHOP:
In that Commission's work, was a watershed mark the approval of the special groundwater protection areas?
MS. MEYLAND:
A watershed function?
LEG. BISHOP:
No. I'm saying was that an important moment in your work was the approval of the SGPA's.
MS. MEYLAND:
Absolutely, yes. It was one of the major pieces of legislation that the Commission drafted and saw into law.
LEG. BISHOP:
When SGPA's were approved, the feeling was these lands would be primarily preserved and not developed. Pilgrim State was one of those SGPA's.
MS. MEYLAND:
Correct.
LEG. BISHOP:
Now, just a few years later, ten years later, the State is going on the path of encouraging extensive development; correct?
MS. MEYLAND:
That's correct.
LEG. BISHOP:
So this bill would inject the County into that process, so that the County, which would be impacted in the quality of our groundwater,

would have a voice in what type of development occurs.

MS. MEYLAND:
That's exactly right, and that is, in part, what the precise language of the recommendation from the plan says, that the State of New York, the County of Suffolk, and the local towns should all be involved in the oversight in future direction of how this land gets used.
LEG. BISHOP:
I just have one last question just to bring this point to further illuminate it. Underneath Long Island, this is how I understand it, it's kind of simplistic, there's a spine that runs underneath Long Island. North -- if water fell north of the spine, it flows north, if water falls south of the spine, it flows south. South of that spine, there is extensive development much more than north of the spine; is that correct?
MS. MEYLAND:
Yes. Yes, that's exactly right.
LEG. BISHOP:
So this parcel, this large track, is one of the last areas south of the spine that is underdeveloped and/or not developed at all?
MS. MEYLAND:
Yes, that's right, and that's what makes it so important. We don't have many sites like this in Western Suffolk County, and, certainly, we don't have any the size of this Pilgrim State site.
LEG. BISHOP:
Thanks a lot. I appreciate your coming down.
MS. MEYLAND:
So your hydrology is exactly correct.
LEG. BISHOP:
You're the one that's talking.
LEG. LEVY:
Adrienne Esposito.
MS. ESPOSITO:
Good afternoon, Legislators. Actually, I'm here today representing John Turner, who's the Legislative Director for the New York State Water Commission on Water Resource Needs for New York State and Long Island. Luckily, I work for a group with a much shorter name. But, anyway, I'd like to just read into the record John Turner's statement. He was unable to be here today.
On behalf of the New York State Legislative Commission and Water Resource Needs for New York State and Long Island, to which I serve as Legislative Director, I appreciate the opportunity to express our support for the charter law to implement smart growth by designating open space of critical environmental concern in connection with the suburban renewal at Pilgrim State site, which, if adopted, would provide for much greater oversight of any and all development proposals

situated within the oak brush plains special groundwater protection area, commonly referred to as SGPA's. The New York State Water Commission would like to especially applaud County Legislator David Bishop for his sponsorship of this important and worthwhile initiative.
Nine special groundwater protection areas were established pursuant to Article 55 of the New York State Environmental Conservation Law through legislation that the Commission drafted. The management plan for each

of these areas was developed under the auspices of the Long Island Regional Planning Board. The proposed County legislation is in keeping with both the intent and the spirit of the management plan prepared for the oak brush plain SGPA. Section I of the bill provides a clear rationale for adopting additional governmental oversight of the oak brush plains SGPA. For example, the area contains the best remaining example of oak brush plains left in the world. The oak brush plains originally formed the western-most Pine Barrens landscape on Long Island, merging with the Hempstead Plains to the west and other Pine Barrens communities to the east.

In addition to the rarity of this natural community, it also provides habitat to a host of rare and endangered plant and animal species. The oak brush plains SGPA has also -- also has considerable public value as an area of special groundwater recharge. Due to its lightly developed nature, the oak brush plains recharges high quality of groundwater to the underlying water system in a densely developed region of Suffolk County. The Suffolk County Water Authority has recognized the value of the public water supply in this SGPA, given its recent interest in locating a major public water supply well field in the 88 acre parcel adjacent to the State's Edgewood Preserve.

In conclusion, the New York State Water Resource Commission reiterates its support for the County Legislature's adoption of this measure. The measure will provide desirable additional County safeguards and oversight of a landscape segment that is important to the quality of life of the many residents in Western Suffolk County. Thank you.

LEG. ALDEN:
Steve.

D.P.O. LEVY:
Before you go, Adrienne.

LEG. ALDEN:
I have a question.

D.P.O. LEVY:
Legislator Alden.

LEG. ALDEN:
Was that opinion delivered to New York State prior to them coming up with this plan to dispose of the property?

MS. ESPOSITO:
You know, I'm sorry, I don't know. I was just asked by John Turner to read it into the record, so I'm not sure. But it is a New York State

Legislative Commission, so I would assume so, but I don't know.

LEG. ALDEN:
Wait a minute. Now I'm really confused. It's a New York State Legislative Commission and they're telling us to exercise more oversight over this piece of property hat they've thrown out into the -- almost like thrown out there to be developed. Is that characterized correctly or --

LEG. BISHOP:
I think the situation -- I don't think she'd be able to answer that.

LEG. ALDEN:
She can't answer it, but --

MS. ESPOSITO:
I'm just reading this in the record for John Turner.

LEG. BISHOP:
You want an answer, or you just want --
LEG. ALDEN:
I'd like an answer, I mean, if Dave can give me an answer.
D.P.O. LEVY:
I think -- let's just get organized. I think the speaker's already said she wasn't sure, because she's just representing another individual. Legislator Bishop wants to add to the discourse, so why don't you take the floor, Legislator Bishop.
LEG. BISHOP:
Well, I would say that this land was not transferred by Legislative resolution of the State Legislature, so you may have a conflict between the Legislative branch and the Executive branch in New York State. In any case, they didn't come to us, this proposal was made and they were asked their opinion on it, and that State Legislative Commission is saying that they think it's a good idea. Now, it's true, if you look at the work of the State, the State is now working at cross purposes with itself. A decade ago, it declared it a critical -- a special groundwater protection area, said that the County, State and Town should all work to maximize preservation, and now, a decade later, through the Economic Development arm of the State, they're looking to encourage significant development on the parcel.
D.P.O. LEVY:
Thank you. The next speaker is Wayne Prospect, to be followed by Gregg Richler.
MR. PROSPECT:
Members of the Legislature, my name is Wayne Prospect and I am the Public Affairs Consultant to Todd Shapiro Associates, and Todd Shapiro Associates represents Jerry Wolkoff. Who's the president and owner of the Heartland Business Center. I am here to discuss with you Resolution 1254. I would like to discuss with you the lands contained in the Pilgrim State area, which is a region of about 1,500 acres, and the Heartland Business Center, which is an industrial park of

approximately 400 acres in Islip Town. The industrial park consists of more than 100 businesses, providing about 3,000 jobs.
First, without getting into the specific details of Resolution 1254, I would like to commend the sponsors of the legislation for recognizing the importance of scrutinizing the proposed land use plans for redevelopment of approximately 460 acres of the Pilgrim State Property. You see, the Empire State Development Authority had complete jurisdiction over the bidding out of this land. And not the fault of any of the bidders in the process, but the Empire State Development Authority showed absolutely no interest in the land use plan of any of the bidders. I'm sure the bidders would have been very forthcoming in presenting their plans, but the Authority was only interested in having an auction on a piece of property, and the land use plans were pushed to the side and the bidding process was just given to the high bidder. Now, the high bidder may submit the best land use plan in the world, we would never know that, because the land use plans were never scrutinized. I'm sure in Suffolk County, if there were such a process, the Legislative body would weigh the high bidder with the quality of the land use plan and then make a judgment, but such judgments were

never made by the State because the Empire State Development Authority just awarded it to a high bidder. So to this day, no one really knows what the land use plan is. So I think it's commendable to want to take a look at what is being proposed, and, again, without getting into the specifics of the -- of Resolution 1254.

The problem, as we see it, though, the boundaries of the legislation go beyond Pilgrim State to include the Heartland Business Center, and I'd like to spend some time going over that with you. For the purposes of illustration, I have some maps that I'd like to distribute. I think the maps will provide some context and perspective, and we'll go over it. There's enough for everybody.

By the way, but before we get into the map, Mr. Wolkoff I indicated is out of town and could not be here and he apologizes. But Adam Wolkoff, why don't you stand, Adam, is here, in case anyone has a question.

D.P.O. LEVY:

Wayne, we had a request just for you to just speak directly into the mike.

MR. PROSPECT:

Yeah, yeah, okay. First, looking at the same scale, just turn it this way, so the little arrow here is on this side. If you look at the map, north is to your left, and to the left in the upper part of the map, is the Pilgrim State property. That's the property that is going to be redeveloped, that's where the proposal is. We have a little mark that says "P", that's for Pilgrim -- that's for Pilgrim State. It looks like a quadrangle, that's the area, about 460 acres, give or take, and that's the area that has been bid out. To the right of -- to the right, where you see that"H", that's the part of the Heartland Business Center, and that's the 88 acres that has not yet been developed that is part of the Heartland Business Center. The rest of that area has already been developed and is part of the industrial park, the area right on top of the little ink mark "H". Everything underneath that "H" the Edgewood Preserve, and that has not been discussed today.

Everything underneath that, where you see that green, that's about 600 acres of watershed preserve that has been permanently protected. Six hundred acres has already been protected by acts of the County and acts of the State. That land can never be touched, already protected. This whole region, the Pilgrim State property area, the Heartland Business Center, the whole region has been declared by the State a critical area of environmental concern.

Any proposed development, even in the Heartland Business Center, any proposed triggers an environmental impact statement and intensive scrutiny by the Suffolk County Health Department. In other words, any proposed development on the 88 acres are already the subject of public hearings and environmental oversight by the Suffolk County Health Department. Now, the type of development that will occur in the 88 acres will not negatively impact the 600 acres that you see in the map. Why? Because it will be dry industry. All the development in the industrial park, the entire park is all dry industry. There is no wet industry in any part of this park, nor will there be any wet industry in the development of the 88 acres.

As a result of these facts that I'm bringing to your attention, Mr. Wolkoff respectfully requests that the lands of the Heartland

Business Center be deleted from Resolution 1254. And when you look at the map, you see where the 88 acres is, where they are. Underneath that is the entire preserve; it's already protected. To be quite honest with you, if you will indulge me a personal observation, I would not be here today addressing this issue if the development of the 88 acres in any way would negatively impact the 600 acre watershed preserve that currently exists. Answer any questions.
LEG. CARACCIOLO:
Mr. Chairman.
D.P.O. LEVY:
Legislator Caracciolo.
LEG. CARACCIOLO:
Mr. Prospect, Wayne.
MR. PROSPECT:
How are you, Michael?
LEG. CARACCIOLO:
Okay. In your former capacities, both as a Legislator and then later on, I believe you did some work at Stony Brook, and just refresh my memory, with the entity up there that had to do with water resources.
MR. PROSPECT:
The Long Island Groundwater Research Institute?
LEG. CARACCIOLO:
There you go.
MR. PROSPECT:
Okay.

LEG. CARACCIOLO:
Okay. I think you have more than perhaps a superficial -- superficial knowledge of this particular area and this particular site. In that context, and speaking based on that knowledge, what can you tell us about the area located -- looks like the L.I.E. is just at the very northern edge of this photograph.
MR. PROSPECT:
Correct, the L.I.E. and Sagtikos Parkway.
LEG. CARACCIOLO:
Okay.
MR. PROSPECT:
Right.
LEG. CARACCIOLO:
And the "H" -- not the "H", but the area just north of the area designated by the letter"H" is -- that's the industrial park?
MR. PROSPECT:
The Heartland Business Center is all that land just north of the "H", where I designated on the map.
LEG. CARACCIOLO:
Right.
PROSPECT:
It's all -- you could see that it's plainly been -- it's plainly been developed. It's all this area in here right on top of the "H".
LEG. CARACCIOLO:
Okay. Are there any known contamination sites, areas, anywhere in the vicinity of Edgewood or the business park?
MR. PROSPECT:

On the Heartland Business Center, Mr. Wolkoff routinely, he has placed monitoring wells all over the industrial park. It is dry industry, but nonetheless, he has routinely hired environmental consultants and chemists to routinely test the underground -- the groundwater, and to date, since the industrial park went up, there has been no plumes and no negative impacts to the groundwater. The Pilgrim State site itself, which is not part of the Heartland Business Center, of course, does have some septic and some surface areas where they've treated sanitary waste, and the hope is to clean all that up eventually.
LEG. CARACCIOLO:
Anywhere in this vicinity, are there such sites, you know, highly contaminated sites or businesses?
MR. PROSPECT:
To my knowledge -- to my knowledge, there are no contaminated sites anywhere. To my knowledge, the Heartland Business Center, as I said, routinely monitors the groundwater. It's all dry industry, not an acre, not an inch of wet industry anywhere. The groundwater has not been negatively impacted. The 88 acres will be developed in the same

way the rest of the business center and industrial park has been developed, and in no way will that development of 88 acres impact the 600 acre watershed preserve, which my friends who spoke earlier, refused -- not refused, but they neglected to mention that there are 600 acres here that have already been protected. It took a lot of hard work in a former life, along with other County officials and State officials, to make this 600 acre preserve a reality. And just logic indicates that if you develop 88 acres and it's responsible dry industry, look, you're not going to negatively impact the 600 acres, not going to happen.
LEG. CARACCIOLO:
Well, as we all know, land use decisions rest with the town government and not the County government, and it would appear, then, that if that site were to be developed at some subsequent date, that applications would have to be submitted, draft and final environmental impact statements and all of the environmental reviews that go with any application for any development; correct?
MR. PROSPECT:
The Business Center is part of a critical environmental area and they automatically have to draft an environmental impact statement of a comprehensive nature. It is already, and you can get testimony from your own Health Department, any development on that 88 acres would be subject to an aggressive environmental review by your own Health Department. The --
LEG. CARACCIOLO:
Thank you very much.
MR. PROSPECT:
Okay.
LEG. BISHOP:
I have a question. Is it fair to summarize your testimony as saying that the bill is a good idea, except, in your opinion, on the lands that are part of the Heartland Industrial Complex, including those that are undeveloped, which are designated as "H" on the maps provided?
MR. PROSPECT:

Yes. Deleting the Heartland Business Center for reasons I stated I think makes sense. Without getting into the specifics of any language in the bill, the concept, and I will leave it at that, the concept of looking at the proposed development on the Pilgrim State property, the 460 acres that the State has bid out, the concept of the Legislature having a hearing on it or looking at it I think is -- maybe has some merit, since to date nobody knows what the land use plan is, and that's not the fault of the person who's going to develop it, because the Empire State Development Authority just didn't express any interest in any of the land use plans of any of the bidders. So I think if the County wants to take an interest in the nature of the development that is proposed for this area, one can make an argument that that's a reasonable type of initiative, again, without commenting on the specifics of any of the sections of the bill.

LEG. BINDER:
Mr. Chairman.
P.O. TONNA:
Wait. There's a list. Dave, are you done?
LEG. BISHOP:
Yeah.
P.O. TONNA:
Okay. I think it's Legislator Alden, unless there was a list kept by Legislator Levy. It's Alden, Crecca, Binder, D'Andre.
LEG. CARPENTER:
Carpenter.
P.O. TONNA:
And then Carpenter. So, Legislator Alden, you have the floor.
LEG. ALDEN:
Mr. Prospect, you said before that Mr. Wolkoff's out of town?
MR. PROSPECT:
Yeah.
LEG. ALDEN:
Okay. And you also mentioned, and Legislator Bishop just, I guess, reiterated it, there's never been a plan submitted for the development of Pilgrim State?
MR. PROSPECT:
The current redevelopment plan of that 460 acres that's highlighted on the map, to my knowledge, the Empire State Development Authority had the jurisdiction to bid out this property. To my knowledge, they were not interested in any of the land use plans of any of the bidders. Again, this is not the fault of those who bid the property, because they would have complied with any request. But the -- for some reason, the Authority and the State had blinders on, they just auctioned off the property as a blind auction and the high bidder won. That's -- you know, those were the rules. Given what -- given the rules of the game that they set up, I think one can make an argument in the County that, you know, maybe we should show an interest on the land use plan that is eventually put forward here.
LEG. ALDEN:
I have a request, actually probably end up two requests. Number one, Mr. Wolkoff you said would have been here today, but he had to go out of town. So if you could take this back, if you would be willing to

work with either me, or the committee, or the rest of the Legislature and give his expert opinion on possible development of the -- of that site and also what set-asides should be -- you know, be used to achieve, you know, like the watershed and things like that, and, also, I'm thinking, and this is more on my district, if he would be available to work, I have a site, it's called Liberty Plating, in my district, and if he would act as an unpaid consultant and give us some advice on that. If you'd ask him if he would do that, I would appreciate that.

MR. PROSPECT:
Well, two parts to your question. The perverse part, the land development could be a complicated issue. And if this -- if the Legislature passes some legislation and some committees of the Legislature have oversight role in examining whatever the land use plan is, and you invited -- wanted to invite Mr. Wolkoff to provide some expert testimony on the quality of the land use plan that's put forward, I'm safe to speak for Mr. Wolkoff, that he would be -- he would gladly come before any of the committee, subject to an invitation, to express his views on the nature of any development that is put forward. Regarding the local problem in your area, in that particular piece of property, I have discussed that with him and he does want to be as helpful as he can be.
LEG. ALDEN:
Good. Thank you very much.
P.O. TONNA:
Okay. Legislator Binder.
LEG. BINDER:
The Pilgrim area is part of that critical watershed area, isn't that?
MR. PROSPECT:
Yeah.
LEG. BINDER:
So anything that's done there, also, has to be subject to very intense environmental review by County Health Department.
MR. PROSPECT:
Once the land is officially transferred from the State to the bid-winner and it becomes private hands, then the Town of Islip will have to put forward the necessary zoning, and then the developer will put together his plan, and the Health Department of the County will automatically become involved in that process.
LEG. BINDER:
To make sure that environmentally they, obviously, mitigate or minimize any -- I mean, there's already substantial damage just because of what's been used --
MR. PROSPECT:
Yeah. You see the open --
LEG. BINDER:
What's been -- what's happened there.
MR. PROSPECT:
You see the open pits there and all that will have to be -- I'm sure in any plan, that will all be -- the developer will be cleaning that up.
LEG. BINDER:
Well, I'm sure we'll also find that -- but that the whole -- that whole area, just the way it was set up, it wasn't an environmentally friendly

construction.
MR. PROSPECT:
No. Right.
LEG. BINDER:
As we both know --
MR. PROSPECT:
Right.
LEG. BINDER:
-- just because of having represented the area.
MR. PROSPECT:
Right.
LEG. BINDER:
Thanks.
P.O. TONNA:
Okay. Legislator D'Andre.
LEG. D'ANDRE:
Hi, Wayne.
MR. PROSPECT:
Hey, Michael.
LEG. D'ANDRE:
It's good to see you again. And I know one thing, you wouldn't work for somebody that's not a good builder or businessman.
MR. PROSPECT:
Well, like I said Michael, I don't -- I wouldn't -- Legislator D'Andre, I would not -- I would be interested to hear an argument how dry industry on the 88 acres that would be intensively monitored would any way impact the Edgewood Watershed Preserve.
LEG. D'ANDRE:
Well, I don't know, Jerry Wolkoff has a pretty good reputation. He built in Smithtown and industrial park and he dealt with our planning department, he dealt with our Highway Department, he dealt with our Town Board, and all I've heard was very good. So eliminates that fear, he's a reputable builder.
MR. PROSPECT:
Yes.
LEG. D'ANDRE:
And you being there just guarantees he's got to be good, because you'd walk off the job if anything was just a little colorful.
MR. PROSPECT:
Well, I appreciate the spirit of your comments, Mr. D'Andre.

LEG. D'ANDRE:
Of course, you're -- we disagreed many times, but --
P.O. TONNA:
Legislator D'Andre, questions. Questions, Legislator D'Andre.
LEG. HALEY:
He wants an unpaid consultant, too.
LEG. D'ANDRE:
The question for you is when is Jerry going to get started with this?
MR. PROSPECT:
Well, the 88 acres is right now in court. I believe the Pine Barrens Society took it to court. I think round one in State Supreme Court was

lost. It's now on appeal. And notwithstanding a judicial determination to the contrary, notwithstanding that, it's only a matter time before the 88 acres -- there's a proposal to develop the 88 acres. But the court, the court calendars and dockets will have to be cleared up first.
LEG. D'ANDRE:
It's just nice to hear, Mr. Chairman, that Jerry Wolkoff is the recipient of this property. Not that I like to see it developed, but, look, somebody's got to pay the taxes, so Jerry will bring in that income through good clean business. Thank you, Wayne, and good luck.
MR. PROSPECT:
All right, Mike.
P.O. TONNA:
Okay. Legislator Carpenter is next.
LEG. CARPENTER:
I'll wait.
P.O. TONNA:
Now you'll wait? Legislator Crecca, do you still want to wait, because I still got other people.
LEG. CRECCA:
Yeah, I'd still -- well, I'll try my question. I don't know, Wayne, if you can answer the question or not, because it's not directly related to the Heartland, but to the other area. My understanding, and I don't have -- specifically, is that the DEC has already preserved, or the State has preserved about 50 acres in the oak brush plain area here. And I guess my question to you, or he bill's sponsor, is have you spoken with the DEC, and where are they on this? Because my understanding is, is that they've really already set up to preserve those areas that are most critical under this, and I just -- why are we duplicating a process which has already been gone through?
MR. PROSPECT:
Well, all of this in green right here, there's about 600 acres there, that's -- that land is already locked up. Not even an act of Congress could open that land for development. You have the Edgewood Watershed

Preserve. That land is protected. Now, right to the -- your right of that "H" there, right about here, remember the old Multi-Town scandal, the incinerator, there's about a hundred acres there, even that land now is part of the 600 acres, and so for a total of 700 acres of land has been protected, because the Multi-Town property, which was about a hundred acres, has already under -- has been given to the DEC for permanent stewardship. So in addition to the 600 acres of Edgewood, you got the hundred acres of Multi-Town. So this land is not threatened or jeopardized, assuming that the land development plans at Pilgrim State are responsible, and I have no reason to doubt at this point that they won't be responsible, I'm sure they will, although this Legislature has a right, if it so chooses, to want to take a look at any land use plan that is put forward, given the fact that no one in the State -- no one in the State has bothered to take a look at it. At least the -- at least the agency responsible for auctioning off the property didn't take a look at it, that was their own choice.
LEG. CRECCA:
But it's going to have to be looked at before the development's

approved anyway.
MR. PROSPECT:
Yes.
LEG. CRECCA:
And this is not -- the County Legislature is not the body to do that.
MR. PROSPECT:
The County Legislature can define its own obligations and responsibility. I leave that to your judgement.
P.O. TONNA:
Okay. All right. Hold it a second. Legislator Carpenter, do you want document to go now or --
LEG. CARPENTER:
No.
P.O. TONNA:
Because, if not, Legislator Postal.
LEG. POSTAL:
Wayne, I need to have my recollection refreshed. About 10 or 12 years ago, if you remember correctly, there was a proposal made to the County by the State of New York with regard to inclusion of this property in the Southwest Sewer District. Do you remember that?
MR. PROSPECT:
You mean, the Heartland or the Pilgrim Property?
LEG. POSTAL:
The entire -- the entire Pilgrim property.
MR. PROSPECT:
I remember, vaguely remember. I do remember discussions about could

the property here be hooked up to Southwest.
LEG. POSTAL:
Right.
MR. PROSPECT:
Yeah.
LEG. POSTAL:
And the -- I guess the repayment for agreeing to do that was that the State would agree to float bonds to pay for new clarifiers at Bergen Point. Does that sound familiar?
MR. PROSPECT:
There my recollection begins to fade a little bit.
LEG. POSTAL:
Okay. Then just one last thing. If you remember that that was all contingent on a proposal to develop senior citizens housing on that property. Do you remember that, because --
MR. PROSPECT:
Just vaguely, Maxine.
LEG. POSTAL:
Okay.
MR. PROSPECT:
Just vaguely.
LEG. POSTAL:
All right. That was -- because that's what I remember and I just wanted to see if your recollection was the same.
MR. PROSPECT:
I just don't recall that.

LEG. POSTAL:
Okay.
MR. PROSPECT:
Okay.
LEG. POSTAL:
Thank you.
MR. PROSPECT:
All right.
P.O. TONNA:
Okay. Legislator Carpenter.
LEG. CARPENTER:
Thank you. Wayne?

MR. PROSPECT:
Yeah.
LEG. CARPENTER:
You made a statement that the Empire State --
MR. PROSPECT:
Development Authority.
LEG. CARPENTER:
-- Development Corporation auctioned off the property with blinders on.
MR. PROSPECT:
Well, that was my way of expressing the thought, perhaps a little glibly, that -- I'm not saying they broke the law in any way. They have the jurisdiction to sell the property. They made -- the decision was made in the State to auction off the State-owned property, Pilgrim State, for a -- to a private developer for development purposes. And so they went through with the auction, they had to do it twice, but is complete. They didn't have a legal obligation. I didn't mean to imply that they had to look at the land use plan. In my opinion, I think it's something they could have done, but they didn't have a legal obligation to do it.
LEG. CARPENTER:
Are you aware --
MR. PROSPECT:
And they just --
LEG. CARPENTER:
Are you aware of the fact that there was a task force in place for many years? In fact, I'm a Legislator seven years and it preceded my tenure on Legislature. In fact, the task force was just winding down, because I attended just one meeting. But it included the Town Planning. In fact, at the time, at the time, it was Tom Isles, Planning Commissioner and the Suffolk County Planning Commissioner. So that goes to another statement that you made that you might consider this kind of resolution to have some merit, because it would give the County an opportunity to -- or the County -- if the County wanted to take an interest, "wanted to take an interest" was what you said. And I just feel it's important to straighten out the record, because the County has already been very much involved in its participation via our Suffolk County Planning Commissioner, Steve Jones, who was also one of the members of the task force looking at the possible uses for the property and the kinds of things that the community, including participation from someone from

Empire State Development, meeting with people in the community, as far as what the land uses the community would consider acceptable.
And the other question I have for you is the comment about the contamination on the parcel now. Did you say something --
MR. PROSPECT:
No.

LEG. CARPENTER:
-- on the Pilgrim State --
MR. PROSPECT:
You have some open, you know, sanitary cesspools there, but I don't -- I'm not -- the nature of any contamination I'm not aware of. You can see the open pits there in the map. That's the only thing --
LEG. CARPENTER:
If the land were not passed on to a developer and if it were left to just lay there, and there were problems with the property, it seems to me that it would probably be more of a problem for the groundwater. Rather than having someone go in there now and prior to doing anything, would they not have to adhere to very strict environmental reviews and regulations and everything before anything could be done? Wouldn't remediation have to then be done?
MR. PROSPECT:
Yeah, I assume there's going to have to be remediation of some of the open pools that you see there. I -- this is my own opinion, I'm sure Mr. Wolkoff shares it. I think redevelopment there of the Pilgrim property, of the Pilgrim part, is a good idea, you know, of course, depending upon the nature of the development, which we still don't know. So I think redevelopment will improve the property if it's the right type of development.
LEG. CARPENTER:
And, certainly, the County would be intimately involved with the Planning Commission, with our Planning Commissioner, and I think you very correctly said the Suffolk County Health Department.
MR. PROSPECT:
Without this body doing anything, any development here automatically will trigger the involvement of the Suffolk County Health Department. What I --
LEG. CARPENTER:
Okay. So that I think it's fair on say that the statement about if the County wants to take an interest, this is would be a way they could do, it sort of begs the question is the County really going to take an interest. But the County will be taking an interest, and by law, has got to be involved in the process via Planning --
MR. PROSPECT:
Yeah.
LEG. CARPENTER:
-- Health Department and so forth.
MR. PROSPECT:
There are various -- you know, various components to the County --
LEG. CARPENTER:
Right.

MR. PROSPECT:

-- but the County's involvement does get triggered. But if Legislators wanted to find some areas of interest for themselves, you're free to do that. The only thing I was saying earlier was that regardless of whatever task forces were in place to look at various proposals to solicit community input and input of expert planners, all that was fine and good, but the statement, they bid out the property, when they had to make the final decision as to what land use plan made sense, or who had a good bid, who had a high bid, they didn't juxtapose the nature of the --

LEG. CARPENTER:

Well, legally, could they do that? Could someone -- I mean, and you had said even the County. If you have an item, whether it's a parcel of land or something that you're putting out for bid, legally, are you not required to go to the highest bidder?

MR. PROSPECT:

You know, there's all --

LEG. CARPENTER:

You can't just say, "Oh, I'm going to give you the right to build there because you're building a Burger King and I like Burger King better than McDonald's and McDonald's is paying less money."

MR. PROSPECT:

Well, there are different types of bidding processes and there's an RFP --

LEG. D'ANDRE:

Responsible bidding.

MR. PROSPECT:

The different types of bidding, if the County had, say, 200, 300 acres of property that everyone concluded they wanted to see developed, and it auctioned off the property, knowing how business is done in Suffolk County, I know that the County would look at land use plans of a bidder, make a judgment as to the high bid, and juxtapose the quality of the land use plan against the bid, and maybe you'd have a situation where the high bidder submitted one type of land use plan, and maybe someone whose bid was not as high, but maybe the quality of his land use plan was better, then the County makes a decision, despite the fact that the high bidder bid the highest, we like the land use plan of Person B. But --

LEG. CARPENTER:

Well, it's probably because the State knew, in their infinite wisdom, what a wonderfully run county the County of Suffolk is, and that the Town of Islip Planning Department in particular does an absolutely extraordinary job and probably had an extreme comfort level in moving forward with the process, knowing that the controls were in place via the Town and the County to make sure that whatever was done with this parcel would be done in total compliance with the law and something that would be nothing but totally beneficial for the community and the surrounding communities.

MR. PROSPECT:

Legislator Carpenter, there's no doubt in my mind that everything will be done in compliance with the law. And we're not talking about the process, we're talking about the nature of the development, what type of development will go on there. All I'm saying here is that no one in

the State, and they weren't legally obligated to do so, I think they had the discretion to do it if they wanted to, maybe they didn't, and that's not even the point. But what is a fact is that to date, no one has looked at the land use plan, because it hasn't -- because we don't know what the land use plan is. A decision was made to award a bid, a decision was not made on a land use plan, so there's two different things. The high bidder won, but the nature of the land use plan was not part of the equation. Now some may say it didn't need to be, some may say it should have been. I'm just stating the fact it wasn't part of the that equation. The only component in the equation was who was the high bid. What was not in the equation was the nature of the plan. The law was not broken, forgive me if I implied it was.
LEG. CARPENTER:
No, I wasn't suggesting it was.
MR. PROSPECT:
No, I know you were not, but I just want to make that clear. Whether the Empire State Development Authority had the discretion to do that, I don't know. I'm just making the observation that the land use pieces were not part of the equation.
LEG. CARPENTER:
And neither you nor I were part of the process, so we really don't know.
MR. PROSPECT:
No, we do. We do know -- I do know that for a fact. The land use plans of the bidders were not part of the process, and that's not the fault of the bidders, that's just the way it was set up.
LEG. BISHOP:
And that's why effectively the community wasn't involved. I mean, they can have as many meetings as they want with the Brentwood community, but there's no actual land use plan before them.
MR. PROSPECT:
And I'm sure all the bidders, if they were requested to do so, would have submitted land use plans. So it's not that the bidders didn't want to, it just wasn't part of the process as it was set up by the State Authority, that's all.
P.O. TONNA:
Okay. Legislator Postal.
LEG. POSTAL:
No.
P.O. TONNA:
You have something?

LEG. POSTAL:
I had my opportunity.
P.O. TONNA:
Okay. I just want to ask the sponsor. I'm a cosponsor of the bill. It would seem from the testimony and the questions that were asked, is there a way that you can amend the bill to take this piece of property, the Heartlands property specifically, out of the bill? I think --
LEG. BISHOP:
I would certainly be amenable to removing the already developed portion of the Heartland Industrial Complex. The whole complex is now within the bill. So I certainly agree with the portion that says -- the

argument that says the portion that's already developed should be removed. Then there's the adjoining, what is it, 80 acres?
MR. PROSPECT:
It's the 88 acres, the adjoining 88.
LEG. BISHOP:
Which I would argue should remain in the bill, which is if the cosponsors -- you know, if I don't have the votes for it --
LEG. GULDI:
Right, yeah. I mean, to tell you truthfully --
LEG. BISHOP:
Then I can't go forward, but it's --
P.O. TONNA:
Dave, I mean, from my standpoint, and I don't want to conduct this in public, but I am.
LEG. BISHOP:
As it should be done.
P.O. TONNA:
Yeah, right. So -- no. I mean, you know, all I'm saying is, is that the 80 acres, here is a developer who is -- who has this land that's contiguous to their -- to already developed land and I think we should leave this alone, you know.
LEG. CARPENTER:
Yeah, me too, since it's in my district.
P.O. TONNA:
Well, to tell you the truth, Angie, then I'm surprised you didn't ask the sponsor. I guess I, you know -- but I would say that I think that irrespective whose district is it in, I think that this is not the thing to do.
The Pilgrim State piece I'd still like to investigate more. I have some problems with the whole bidding process that took place with New York State. I have the whole -- I have a huge, huge problem with the whole idea that New York State on one hand says that there's an environment -- and on the other hand in another department says, Let's

develop it," and let's do this, that, or whatever else and I think that needs to be looked at. But I think that this piece and the 80 adjoining acres, you know, which is in private ownership, has to be taken out.
LEG. CARACCIOLO:
Mr. Chairman.
P.O. TONNA:
And I'd ask the sponsor to amend the bill, you know, or, you know, we'll talk to him.
LEG. BISHOP:
I'll poll the cosponsors and we'll see that's --
P.O. TONNA:
Who are the other cosponsors beside myself?
LEG. BISHOP:
Legislator Cooper. Counsel, do you have the list of the -- I don't have the latest version.
P.O. TONNA:
Cosponsors to --
MR. PROSPECT:

Legislators Bishop, Tonna, Cooper and D'Andre.
LEG. BISHOP:
D'Andre.
P.O. TONNA:
Okay.
LEG. BISHOP:
Well, I know where he stands.
P.O. TONNA:
Okay.
LEG. BISHOP:
He's always against the bill at this --
P.O. TONNA:
Okay. So I think Legislator Cooper has indicated to me he feels the same way, I think, so -- but anyway, okay. Thank you, Dave. All right. Legislator Caracciolo.
LEG. CARACCIOLO:
Mr. Chairman, I just made an observation here. Earlier, when I made reference to this map, apparently, I was looking at it incorrectly. I notice now the copy I had, the "N" that's on the right-hand edge, if you hold it upright on my copy, I couldn't distinguish that it was an "N", so now I understand that is for the direction north.

MR. PROSPECT:
Right.
LEG. CARACCIOLO:
Given where the groundwater divide is, as Legislator Bishop noted earlier, running down the spine or the center of the Island, or the County in this case, I thought I heard you say, Mr. Prospect, that there has been some known sewage treatment effluent or contamination at the Pilgrim site.
MR. PROSPECT:
I would rather your Health Department comment on that. These are open pits, cesspool pits, that should be dealt with responsibly at some point, and they're clearly -- you clearly see them here.
LEG. CARACCIOLO:
Okay. But if you hold -- if you hold your map as I'm holding this --
MR. PROSPECT:
Right. They're right here.
LEG. CARACCIOLO:
-- facing north. No. Turn it up this way.
LEG. BISHOP:
Vertical.
LEG. CARACCIOLO:
Vertically.
MR. PROSPECT:
Right. Okay.
LEG. CARACCIOLO:
Okay? The point I'm trying to make is that with the groundwater divide being where it is, and we're talking south of that groundwater divide, we now have possibly contamination coming off the State-owned property at Pilgrim underneath your client's property at Heartland, as well as this 88 acre site. I don't see where in the future, given all of the heavy development to the south of the Heartland 88-acre site that you

mention, designated by the letter "H", that it would cause any future contamination, down -- you know, downstream, if you will. I mean, am I interpreting something here wrong?
MR. PROSPECT:
No. But these areas, though, I'm sure the developer will have a proposal to deal with it.
LEG. CARACCIOLO:
I understand that. What I'm saying is if you develop that site, I don't see where, given what's north of that site --
MR. PROSPECT:
Right.

LEG. CARACCIOLO:
-- and the directional flow of groundwater, where this is going to add anything to he concerns that may be out there now.
MR. PROSPECT:
The Health Department has --
LEG. CARACCIOLO:
Right, Andrew?
MR. PROSPECT:
There are monitoring wells here. Mr. Wolkoff and Health Department have monitored the Heartland Business Center property, and any types of plumes would have been -- already been detected. So to date, and I emphasize to date, as far as everything south of Pilgrim, there have been no groundwater problems, at least the test results have shown no groundwater problems.
LEG. CARACCIOLO:
All right. Now just to the west of that property, the Edgewood Property is the property you referenced earlier; correct?
MR. PROSPECT:
Right.
LEG. CARACCIOLO:
How many acres is that?
MR. PROSPECT:
You have about give or take 600 acres that's part of the Edgewood Pine Barrens Preserve. If you want to include the Multi-Town property that's just to the east, that's another hundred -- that's another hundred acres. So in total, you've got about 700 acres there.
LEG. CARACCIOLO:
I think if this 88-acre parcel were in the center of that open space refuge, if you will, and you wanted to develop it, then I think, clearly, this resolution would make eminent sense. But given where it is located and the groundwater flow to the south, I don't see where it's going to have any additional impact on groundwater quality. If someone here sees it differently, I'd be willing to listen.
MR. PROSPECT:
And I'll make an observation, not that I'm a -- or I would be a proponent of it, but just on the hypothetical construct, if you put the 88 acres in the center, just from a function of groundwater, if it was dry industry, you couldn't make an assumption, just because it was in the middle, somehow there's going to be a plume. A plume from where?
LEG. CARACCIOLO:
I understand that.

MR. PROSPECT:
So -- but that's just -- we're both --

LEG. CARACCIOLO:
But it all depends on what kind of use you approve it for.
MR. PROSPECT:
We're both glad it's not in the middle.
LEG. CARACCIOLO:
Right, right.
LEG. BISHOP:
Mr. Chairman.
P.O. TONNA:
Bishop.
LEG. BISHOP:
Can I just ask Sarah Meyland to --
P.O. TONNA:
Okay. Any other questions for Mr. Prospect?
LEG. BISHOP:
To come back and then I'll be -- then we'll conclude.
P.O. TONNA:
Yes. Any other questions for Mr. Prospect? Nice seeing you, Wayne.
MR. PROSPECT:
Nice seeing you, Paul.
P.O. TONNA:
Okay.
MR. PROSPECT:
Mr. Presiding Officer.
P.O. TONNA:
Yeah, yeah, yeah. Okay. Thank you.
LEG. BISHOP:
Hopefully, this will expedite the process, and so we don't have everybody come back at the next one.
P.O. TONNA:
Now, Legislator Binder, do you have any expert questions to ask previously Legislator Prospect? No? I just wanted to know. I know you guys spent a lot of time in the fall together, or at least --
LEG. BINDER:
We're buddies.
P.O. TONNA:
-- hobnobbing the same areas, so I just wanted to know.
MR. PROSPECT:
You should have seen how much time we spent together.

LEG. BINDER:
We're buddies, I have to tell you. No problem here.
P.O. TONNA:
Yeah, all right. There you go. There you go.
MR. PROSPECT:
Thank you.
P.O. TONNA:
All right. Peace. All right. Yes.
LEG. BISHOP:
I just want to ask --

P.O. TONNA:
Thank you, ma'am, for coming back.
LEG. BISHOP:
-- Ms. Meyland if she has a response to any of the scientific judgments that were made during the previous testimony.
MS. MEYLAND:
Yes. I think, just to respond to the question of can't some of the boundary areas be carved out and amended, I would just call to your attention the fact that what you're trying to do with this legislation is to both protect any future land use activities that are proposed for this site, which is entirely appropriate for the County to have an opinion on any oversight to -- but, in addition, it looks at any future sanitary waste collection services that are going to be provided, then that should appropriately include any that would go to Heartland, and that's why the boundaries should not be changed.
LEG. BISHOP:
Thank you. Motion to adjourn.
P.O. TONNA:
Okay. I'll second that motion.
LEG. BINDER:
To adjourn?
LEG. BISHOP:
Yes.
LEG. CARPENTER:
The meeting?
LEG. BISHOP:
No.
P.O. TONNA:
You want --

LEG. BISHOP:
To recess, rather.
P.O. TONNA:
Recess the -- yes.
LEG. BISHOP:
Adjourn the hearing is what I meant, but recess the hearing.
LEG. BINDER:
Mr. Chairman, on the motion. Why is --
P.O. TONNA:
On the motion to recess?
LEG. BINDER:
I'd just like to know why we're --
P.O. TONNA:
Wait, wait, wait. There's a second by myself. Now go ahead. On the motion, Legislator Binder.
LEG. BISHOP:
I was contacted by additional parties, and I also want to seek the comments of additional parties, and those parties include Nassau/Suffolk Building Trades, Suffolk County Department of Health, and Brentwood Civic Association.
P.O. TONNA:
Just before a we --
LEG. BISHOP:

By the way, not all of those, I assume, would be on the same side as I am --
P.O. TONNA:
Before a motion.
LEG. BISHOP:
-- But they do want to speak on the issue.
P.O. TONNA:
It's hard. It's even hard to hear myself think, but that's hard in general. There is one more card, by the way.
LEG. BISHOP:
Oh.
P.O. TONNA:
Gregg Rechler? Come on up, Gregg.
VOICE IN AUDIENCE:
Which hearing are they up to?
P.O. TONNA:
Thank you very much. Okay. The no walkie-talkie rule, although it is

not strictly enforced, there is a Sheriff there. If it goes off again, pistol whip him. All right. Thank you very much.
LEG. BINDER:
No, no, no. Fred, that's for Fred Towle.
P.O. TONNA:
Oh, that was for Fred Towle?
LEG. BINDER:
He does pistol-whipping.
P.O. TONNA:
Well, there you go.
LEG. BINDER:
He does it.
P.O. TONNA:
All right. Gregg, thank you very much. I'd ask that people just be quiet and we can hear the speaker. Thank you, Gregg.
MR. RECHLER:
Thank you, Mr. Presiding Officer, Legislators. I'm going to keep this brief, but open myself up for significant questions, if needed. My name is Gregg Rechler; I'm Executive Vice President and Co-Chief Operating Officer of Reckson Associates Realty Corp. We are the successful bidder on the Pilgrim State Development project lead by Empire State Development Corporation. Am I not speaking clearly?
P.O. TONNA:
There you go.
MR. RECHLER:
Is that better?
P.O. TONNA:
Yes.
MR. RECHLER:
Okay, thanks. Sorry. I really want to speak on three issues briefly. One is the environment and the environmental conditions of the property as they exist today. I heard the site referred to as this -- you know, I'll paraphrase a little bit, but a pristine site of oak brush plains. I need to clarify what actually exists on the site today, the fact that as a bidder, as a bidder twice on this property, we've done extensive

Phase II -- Phase I and Phase II environmental studies on this property as relates to HAZMAT.
A few comments. One is the site isn't, in fact, pristine. About 85% of the site has been developed by the State and consists of over 4 million square feet of structures abandoned by the State, ladened with asbestos. In addition to that, there are miles and miles and miles of underground tunnels containing sewer pipes and steam pipes that are also wrapped with deteriorating asbestos that exist and lay within these tunnels.

Additionally, there are several landfills on the site. One is a hazardous waste landfill, the other is the Garafolo landfill. There is an underwater lagoon cistern with contaminated water sitting in several acres of the site. This is by no means a clean pristine piece of parkland left by the State, rather, I would tell you one of the more contaminated sites that exists here in Suffolk County.
We believe only through private business and development does this site have -- ever have a chance of being remediated and cleaned. So that's my point on environmental as it relates to HAZMAT.
As it relates to development, again, you know, I agree with Legislator Carpenter in her statement that, you know, she believes and she believed the State believes that both the Town and the County have the resources and the capabilities of determining the best, one, land use for the site; two, administering proper procedures and policies as it relates to SEQRA, environmental, traffic to ensure that this site is developed, you know, in accordance with all local laws that exist today, and that clearly would be our intention. Our intention is to -- would be to come up with a plan that is developed in accordance with all the current laws and regulations that exist here today, and maybe even enhance those.
The second point I wish to talk about is the economic growth that will stem from this property. We -- you know, we've hired an economist who has done significant studies, and I'd be happy to submit those studies at a later date to this group and just -- this project represents about three-quarters of a billion dollars of total investment into this property over the next seven years. It also represents about 8,000 jobs, union construction jobs that will take place on this site over the next several years. With that will come about 16 --
P.O. TONNA:
Let me make -- I heard union?
MR. RECHLER:
Yeah, you heard union.
LEG. BISHOP:
Because you've been non-union in the past.
MR. RECHLER:
With that will come about 16,000 secondary jobs that will trickle through the economy in Suffolk County and Nassau County with -- and once the project's complete, about -- it will-- this park will also generate about 8,000 permanent jobs, with another 10,000 secondary jobs that will be realized within the Nassau and Suffolk County combined.
LEG. FOLEY:
Sir.
MR. RECHLER:

Yes.

P.O. TONNA:
Wait, wait, wait. Let him finish his statement. No. Just let him finish and then you him a question.
LEG. FOLEY:
Okay.
P.O. TONNA:
Okay.
MR. RECHLER:
I'll be done shortly. And that's -- you know, that's the second point. My third point is the issue of smart growth. In addition to being the Co-Chief Operating Officer of Reckson, I also am a Director of the Regional Plan Association, and I do -- and I do sit on several smart growth committees. I, as well as my company, am pro smart growth. However, and, you know, we could open this up to debate now or later, you know, we believe this bill really doesn't depict the values or all the values, maybe some, but not all of the values of smart growth. And, you know, we would be in favor of a bill that did depict all the values, and, you know, where people, and there are some terrific planners and the leaders within our community, as well as within the New York Tri-State area and around the country who are experts on this issue, but we believe that, you know -- that this -- you know, that a bill could be put forth depicting the true values of smart growth beyond, you know, what's in here. And those are three points that I wish to speak on.
P.O. TONNA:
Thank you very much. Legislator Foley, and then Legislator Bishop. Legislator Foley.
LEG. FOLEY:
Thank you. Thank you, Mr. Chairman. Sir, can you tells what kinds of jobs -- to create thousands of jobs.
MR. RECHLER:
Yes.
LEG. FOLEY:
What kind of jobs?
MR. RECHLER:
Well, initially --
LEG. FOLEY:
Are we looking at high paying jobs, low-wage jobs, a mixture of the two.
MR. RECHLER:
Yeah. What --
LEG. FOLEY:
One or the other?

MR. RECHLER:
Okay. You know, initially, about 8,000 jobs will be construction-related jobs that will be created, and you could draw your own conclusion as to what you think, you know, the wage base of that is. I would say a relative mix, and I could provide further data as to what that mix would be on the permanent jobs. It would be -- you know, it would be -- and forgive me, I don't mean to skirt around the issue

of -- you know, and the question may be to me --
LEG. FOLEY:
I'm not asking you to give away any negotiations ongoing with future tenants.
MR. RECHLER:
It's not even -- it's not even --
LEG. FOLEY:
I want to know, are they high-tech jobs, low-tech jobs?
MR. RECHLER:
Yes. It's not even negotiations with future tenants, but it's also -- you know, under our contract with the State, we're also prohibited to disclose any potential plans that we may have for the site. So if I dance a little bit, that's why I'm dancing.
LEG. FOLEY:
Those kinds of restrictions with the State sums up the problem that the State won't respond to Freedom of Information forms either --
MR. RECHLER:
Well, we submitted those --
LEG. FOLEY:
-- for other properties.
MR. RECHLER:
We submitted those forms as well, so --
LEG. FOLEY:
You have.
MR. RECHLER:
Yeah.
P.O. TONNA:
Okay.
LEG. FOLEY:
- but anyway, so what kind of -- are we looking at high-wage jobs, are we looking at low-wage jobs.
MR. RECHLER:
It would be --
P.O. TONNA:
It all depends on the individual --

LEG. BISHOP:
Very low-wage jobs.
P.O. TONNA:
-- where they see.
LEG. BISHOP:
There plan is to --
MR. RECHLER:
It would be a mix, it would be a mix of both. A mix of both, yeah.
LEG. FOLEY:
Both, 50-50, 90-10?
P.O. TONNA:
Brian, that would be tough. Anybody who runs a business, that would be tough.
MR. RECHLER:
Yeah.
LEG. FOLEY:
Paul, Paul. Please, Paul. Do you have any idea -- what's your aim.

What would you like to see as a mix there, let's put it that way?
MR. RECHLER:
Again, you know, it's really going to be driven by a bunch of different things. Again, I would love to stand here and disclose what we would -- what our plans for the site would be. I can't -- I can't do that.
LEG. FOLEY:
You can't do that?
MR. RECHLER:
I can't do it, because I am -- because I'm precluded for other legal reasons. I will submit, you know, to this group a study that was done by Tom {Conasenti} that depicts all the different types of jobs that he would think would be on the site based on development.
LEG. FOLEY:
That would be very helpful.
MR. RECHLER:
Yeah.
LEG. FOLEY:
Thank you.
MR. RECHLER:
Okay.
P.O. TONNA:
Thank you. Legislator Bishop.

LEG. BISHOP:
Yes. Hi. Thank you for coming down.
MR. RECHLER:
Thank you. What is the threat to you of this bill? Why is it a negative, in your opinion?
MR. RECHLER:
Well, I think it's a negative for -- you know, for -- it's an obvious negative in the sense that we were selected as the preferred bidder for the site, so, you know, e -- you know, we do believe that this bill singles out this property from all other property in the County. It takes autonomy that would otherwise be in the Town's hands, as well as other agencies' hands away from the Town and would severely impact the environmental impact statement process, the SEQRA process, the entire development process, and, you know, we feel that's a huge detriment to this property.
LEG. BISHOP:
Well, I just -- it doesn't take away autonomy, it takes away exclusivity. The Town of Islip wouldn't be the sole government involved in the process, the County Legislature would be involved in the process as well. So, I don't know. That probably doesn't change your opinion of it, but just so you understand.
MR. RECHLER:
No, that's our -- and I said that's our opinion.
LEG. BISHOP:
I understand.
MR. RECHLER:
Okay.
LEG. BISHOP:
And, again, I appreciate you coming down, and we'll continue a dialogue. Thank you.

P.O. TONNA:
Okay. Legislator Carpenter?
LEG. CARPENTER:
I didn't hear. What was the dollar figure that you said would be invested in this parcel?
MR. RECHLER:
We have a total dollar figure of close to three-quarters of a billion dollars will be invested in this property.
LEG. CARPENTER:
Three-quarters of a billion.
MR. RECHLER:
Yeah.

LEG. CARPENTER:
Thank you.
P.O. TONNA:
Anybody else? Any other questions?
LEG. CARACCIOLO:
Yes, me.
P.O. TONNA:
Oh, Legislator Caracciolo.
LEG. CARACCIOLO:
Okay. You mentioned in passing a reference to smart growth, and as a member of the RPA, you would incorporate other aspects of smart growth in the development of this site. Are you at liberty to share that with this group? And specifically, what guiding principles of smart growth would you like to incorporate on this property?
MR. RECHLER:
Yeah, I could talk a little bit in generalities to smart growth. You know, one of the key principles to smart growth is the concept of controlling urban sprawl and promoting mixed use development, which in turn mitigates traffic flow, you know, which, again, in turn, flows into other kinds of use such as environmental and everything else. I mean, there are several things. I mean, again, I would be happy to, you know, either, one, be a part of a committee, recommend people from the RPA to do a presentation to this committee on the principles of smart growth. I think the concept is -- you know, the concept is great, we've been studying it. It's our intention to use those -- the fundamental principles in the planning perspective of smart growth in our proposed plan, and you could look forward to seeing that when we get that point.
LEG. CARACCIOLO:
Final question. Are there any models around the country in the Northeast that you would point to as an example of something on this scale that you would try to emulate in terms of smart growth?
MR. RECHLER:
There's nothing on the Northeast that we have seen to date. There's a lot more projects in the Midwest, in Austin, Texas, for example, that have taken place, or legislation has been put forth for those. It's still-- as you know, it's still a new concept. I don't think you've seen a lot of the development trickle through the concept and the notion and the principles of smart growth, yet, there are a lot of proposed plans out there that are taking those elements and using

them. I believe there's another plan also in South Palm Beach, also, I believe, that's also using smart growth as -- you know, as their principle guidelines.
LEG. CARACCIOLO:
When could you arrange to have individuals come before the Legislature to address that?

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MR. RECHLER:
I would be happy to do it, you know, within two weeks time.
LEG. CARACCIOLO:
Okay. Perhaps our next meeting, Mr. Chairman, we could extend an invitation. Paul?
P.O. TONNA:
Excuse me?
LEG. CARACCIOLO:
I said perhaps our next meeting, we can extend an invitation to his associates to make a presentation?
P.O. TONNA:
I would leave -- I would leave that up, also, to work with the sponsor in coordinating that of this bill, so that that -- that the dialogue.
LEG. CARACCIOLO:
What committee does this resolution get assigned to?
P.O. TONNA:
This is the -- I think it's Energy and Environment --
LEG. CARACCIOLO:
E & E?
P.O. TONNA:
But it's --
LEG. CARACCIOLO:
E & E?
P.O. TONNA:
This is the Pilgrim State.
LEG. CARACCIOLO:
Okay.
P.O. TONNA:
Dave? Dave, this is in the E & E Committee?
LEG. BISHOP:
Yes.
P.O. TONNA:
Yeah, okay.
P.O. TONNA:
But motion a to recess, if I may.
P.O. TONNA:
Right, and I second that. Motion to recess by Legislator Bishop, seconded by myself. Thank you very much, sir, for coming today.

00117

MR. RECHLER:
Thank you.
P.O. TONNA:
Okay. All in favor? Opposed? Recessed. Okay. Let's go on to the next, okay, public hearing -- where is the agenda? Here we go. Okay. Public Hearing Number 1292 is -- should not be on, because of why, Legal Counsel?

MR. SABATINO:
Because, at that last meeting, when we broke at midnight, we had not adopted the resolution to set it. So it will be adopted today, it will set the hearing for June 6th, so it will be on for June 6th.
P.O. TONNA:
Thank you. Okay Public Hearing Number 1405 (A local law to strengthen Deadbeat Parent Occupational Licensing Law). Is there any -- I don't have any cards. That's the Deadbeat Occupational Licensing Law. Okay?
LEG. POSTAL:
Motion to close.
P.O. TONNA:
I'll second that. All in favor? Opposed? Closed. Okay. Number 1425 (A local law to ban purchase of tobacco products by minors in Suffolk County). I have a number of cards on that and we'll start with Claire Millman. Claire?
MS. MILLMAN:
I'm here. Good afternoon. I'd like to say hello to all my old friends. I've been known -- I've known a load of you for many, many years.
P.O. TONNA:
Claire, you're going to have to pull that mike so -- is there anybody in the house here who can fix this thing?
MS. MILLMAN:
Okay. I'll take it out and talk. How's that?
P.O. TONNA:
There you go. All right. It looks much more like the Oprah Show and I feel much more comfortable in that venue. Thank you.
MS. MILLMAN:
I am Claire Millman; I'm President of the Alliance for Smoke-Free Air. And we applaud the goal of this bill to reduce initiation of and addiction to tobacco smoking among our children and spare them the disease, suffering and death tobacco use has for too many generations inflicted on our society.
The Supreme Court ruling that the FDA has no authority to regulate tobacco stresses the urgency for our local officials to act. Even in voicing the majority opinion, Justice Sandra Day O'Connor stated, "Tobacco use, particularly among children and adolescence, poses perhaps the single most significant threat to public health in the

United States."
"Smoke Resistance," Newsday's May 6th featured article on addicted teens and their plight related that a teenage smoker, when asked if there was someone to help him quit, what would he want them to do, replied, "Tell them not to smoke around me, not to offer me cigarettes, not to buy me cigarettes." To that end, we suggest that the most effective measures to be taken include, one, strengthening penalties to those who sell to minors. As New York City recently enacted with the provisions of "Two Strikes You're Out," the retailer can lose his license after two violations, stiffer fines, $1,000 for the first violation, 2,000 for the second violation, and no transfer of licenses.
Number two, we suggest including a provision in the law making it a violation, with strong penalties, for adults who buy tobacco products

for minors. To our knowledge, neither ATUPA, nor the County currently includes this provision. The City of Long Beach took action on this last month.

Number three, strengthen, please strengthen the Suffolk County Smoke-Free Restaurant Law, which presently allows minors in smoking rooms if they are accompanied by a guardian 25 years old or older. We urge that the law prohibit minors in those smoking rooms.

In addition to the serious health hazard, children's systems and membranes are more susceptible to the toxins and carcinogens present in environmental tobacco smoke. It promotes the false image of tobacco smoking as both a normal part of everyday life and as an attractive, desirable, and pleasurable habit.

Four, include a provision that there be no smoking outside the entrances of movie theaters. This would cover all ages, protect against ETS, and be one more place where teens could not light up. Security guards are already there facilitating enforcement.

Five, we vaccinate our children, an invasive procedure, to protect them against life-threatening disease. We should be intensively and extensively working with all children from early age on, causing to be imprinted indelibly in their minds by progressively graphic education and close-up observances the ravages of tobacco use. In surveys, teens have indicated they react more to more graphic adds depicting the horrors of tobacco use.

Six, in addition to the County's projected program of additional education in the schools, we suggest that there be strengthened enforcement of the law prohibiting smoking on school premises by stressing accountability of school administrators. We have found, by the way, through the years that in some schools, there is absolutely no smoking by anybody on the premises. Children don't smoke in the bathrooms, they just don't. And we have found that this is because the administrators of those particular schools care enough to be on top of it constantly. We would suggest that all school administrators be held accountable in that respect, and so that we don't have some yes and some no, and we don't have the smoking going on by the children on the premises where it is a law not to.

Reducing youth smoking should be part of a comprehensive plan, including mandating a smoke-free environment in all public places, so that we show them that smoking is not a part of life and it's just wrong.

Education, prevention and cessation strategies. It is our belief that incorporating these positive measures, instead of penalizing the youth, will result in greater success.

I would like to clarify our position. If minors are caught purchasing, we agree with the bill, that they should attend a tobacco prevention program for minors designed to prevent them from using tobacco.

I would also suggest, in accordance with tightening the smoking restriction laws in public places, that bowling alleys go entirely smoke-free. This, again, is another area where we feel the law, the present law could be strengthened considerably, and that it would produce less smoking among our teen population or our children, because, again, you are allowing smoking in public places where there should be no smoking in public places, both because of the ETS, and

because you're presenting it as a form of life that -- a way of life that should no longer be a way of life in our communities. Thank you.
LEG. FOLEY:
Thank you.
LEG. FISHER:
Thank you.
P.O. TONNA:
Thank you very much. Lori Benincasa. Thank you, Lori.
MS. BENINCASA:
Hi.
D.P.O. LEVY:
The floor is yours.
MS. BENINCASA:
Hi. I'm Lori Benincasa; I'm the Director of Health Education for the Department of Health Services. The new Learn To Be Tobacco-Free Program funded through the tobacco settlement was incorporated into the Office of Health Education. Suffolk County is very fortunate to have the support of the County Executive and the Legislature, both moral and fiscal, for a new tobacco control program. We are truly the envy of health departments throughout the country. We have consulted with federal and state health and governmental agencies. We have also worked locally to get input and advice from schools and other agencies interested in health and tobacco control. What we have developed is a program that incorporates the proven elements of a tobacco control program. In fact, it addresses many of the issues stated in the Legislative intent of Resolution Number 1425. We are, of course, still looking for new and innovative ideas that have been shown to reduce tobacco use among children.

Those involved in tobacco control, health agencies, and advocates are not of the opinion that laws which make possession or intent to purchase tobacco products by minors illegal decreases the rate of children who smoke. Some believe it does just the opposite. In fact, over 30 states in this country have similar laws on the books, yet is stated in this Legislation the rate of tobacco use among children continues to rise nationwide.
It must seem odd for the Department of Health Services to be speaking out against a law that is intended to reduce tobacco use by children.
In my 21 years with the Department of Health, we have supported measures which penalize merchants for selling tobacco products to children, require these products to be removed from self-service displays, ban the sale through vending machines, and limited advertising of tobacco products near items almost exclusively purchased by children. We fully supported clean indoor air laws that protected everyone, especially children, from the dangers of secondhand smoke. We used whatever limited resources were available to educate children about the harmful effects of tobacco use and the benefits of living a tobacco-free life. In this case, although I believe it is well intentioned, the legislation has serious flaws.
The tobacco industry markets their wares directly to our children to the tune of $1 million a day in New York State. We have got to use our resources to counter that advertising and make children refuse tobacco products because they want to. Otherwise it is like holding out a

plate of cookies to our children, describing how delicious they are, and smacking their hands when they go to take one. It is illegal for merchants to sell tobacco products to children already. If they do their jobs, ask for proof from anyone who appears to be under 26, and denies sales to those without such proof, there would be fewer children able to get their hands on tobacco.

The Department's Compliance Check Program under ATUPA has been very successful. We have brought the rate for noncompliance down from 60% in 1992 through 1993 to under 21% for 1999. The passing of this law could jeopardize that program. If it were illegal for minors to possess tobacco products, it would seem immoral, possibly even illegal, to send them into establishments to try to purchase them.

We are currently working to develop and implement smoking cessation programs in Suffolk's school districts. Nicotine is one of the most addictive substances known. Children who smoke regularly are as addicted as any adult. Many wish they had never started to smoke and want to quit, but have been unsuccessful. Through the years, we have held smoking cessation programs for students on a very limited basis. Now, using the settlement funds, we hope to provide education and support for cessation to all students who seek help. Our concern is that if possession of tobacco products is illegal, minors might not come forward for cessation, because they fear retribution in the form of a fine or some other penalty.

It is no coincidence that the tobacco industry has come out to support measures similar to Introductory Resolution Number 1425 throughout the country. Laws like this one take the emphasis off them and their marketing maneuvers to hook teens. They also take the heat off

merchants who break the law by selling tobacco products to minors and put the blame on the bad children who disobey our directives and smoke. I don't think children who smoke are bad. I think they have been lured by advertisements that depict the most attractive, athletic and happy individuals I've ever seen having a great time while enjoying a smoke.

I want children to resist the pressures to use tobacco from their peers and from the tobacco industry. Outlawing the possession of tobacco products by minors is not likely to serve that purpose. Some believe it makes them more defiant. They will be determined to disobey the law and try to get away with yet another behavior that adults tell them is off limits or only for grown-ups. I think it will be more successful if we start telling children from the earliest ages how their bodies work, what they need to keep -- to do to keep them healthy, and what substances should be avoided because they're harmful to health. That is exactly what we propose to do in our new education program. We will teach Suffolk's children how to resist pressures. To remain strong and resilient. Please listen to the experts in tobacco control who have taken a position opposing this issue. Let's use the resources we have in the most appropriate manner. Thank you.

D.P.O. LEVY:

Thank you very much.

MS. BENINCASA:

I also have a statement. Dr. Bradley couldn't be here, but she asked me to hand out a statement from her.

D.P.O. LEVY:
That would be fine. Give it to the Clerk and it will be distributed.
MS. BENINCASA:
Thank you.
D.P.O. LEVY:
Our next speaker is Russell, again, it's tough to read, it looks like Schiandra.
MR. SCHIANDRA:
Very good. Thank you. I'm Russell Schiandra; I'm Director of the Center for a Tobacco-Free New York in Albany, which is a state-wide advocacy group that represents a coalition of many of the major public health and health provider organizations. I've been involved in tobacco control research for about 25 years. I've published 30 peer reviewed papers on tobacco issues, and I was one of the authors of the 1989 Surgeon General's report. It's always a pleasure to come to Suffolk County, which, for many years, has been a leader in efforts to control tobacco use, not only in New York State, but, really, nationwide. Your public smoking restrictions, your youth access laws, your self-service display ban, your advertising restrictions have all helped to make Suffolk County a real model for progressive action against tobacco. But I'm afraid I have to say that Intro 1425, while well-intentioned, is misguided. And the main reason I say this is that there's little evidence that criminalizing kids actually helps to reduce their tobacco use.

Several papers have been published which have looked at the impact of youth access regulations on teenage smoking. The first was one that was published in the Journal of the American Medical Association that reported on a program in Illinois. That program used both merchant restrictions on sales to children, and also included a law against possession by kids, and that was actually the first paper that showed that a supply reduction approach could help to reduce smoking among kids. Since then, some other papers have been done which have all looked at controlling merchant sales and have not examined possession, and I think the burden of the evidence is that it is possession -- it is not possession restrictions that have an impact, it is the sales restrictions that have an impact on kids.
The article that appeared in the Journal of the American Medical Association showed that they achieved a 95% compliance rate on the part of merchants with the law against selling cigarettes to kids. The papers that have come out since indicate the same thing. You have to have a very high merchant compliance rate before you actually succeed in reducing the supply to children. But once you get up there, you are going to have an impact. Suffolk County, we just heard, has about an 80% compliance rate. So you really still have a ways to go before that law will really have the impact that it could.
Now, the law that was reported in JAMA did also criminalize possession by children. Out of the, I would estimate, about 1,000 teenage smokers in that little town, they handed out 50 citations to 46 different kids. And I would submit that that action probably had relatively little effect on kids smoking. If you wanted to really test a possession law, you would have to have very extensive enforcement activities. You would probably have to set up a special court to deal

with the cases, and it would involve quite a bit of expense, which, frankly, I think would be better spent on other anti-smoking measure. I would also be concerned, as was stated by the last speaker, that laws like this create the forbidden fruit phenomenon, where it actually makes smoking more attractive to some kids who will see -- see this all the more as a rebellious kind of behavior. A very successful anti-smoking program in Florida has succeeded by actually portraying not smoking as the rebellious behavior, and I think that's the kind of thing that we have to look at. I also think that there's a danger that a law like this can really just breed contempt for law among children as they observe hypocrisy and selective enforcement as the law is implemented.
So I would just ask you to reject this particular law, but to continue Suffolk County's tradition of strong action against tobacco use to support the new tobacco control program that you're funding from the tobacco settlement, to support stronger, more extensive enforcement of the existing laws against sales to minors, to support the laws against smoking in schools, and to look for every opportunity to increase restrictions on tobacco industry marketing.
D.P.O. LEVY:
Thank you. Legislator Foley.

LEG. FOLEY:
Thank you, and welcome from the North Country.
MR. SCHIANDRA:
Thank you.
LEG. FOLEY:
How would you define the way that this bill criminalizes children? Because I've heard that term used today and in the past to criticize the bill. How would you say that we're making criminals out of kids?
MR. SCHIANDRA:
Well, I mean, actually, that may be overstating. I'm not sure that it actually criminalizes them.
LEG. FOLEY:
That was the term that's been used.
MR. SCHIANDRA:
I am concerned, first of all, that it might have legal implications for children. I believe that there are certain jobs that you can't have, even if you've been convicted of whatever this would be, an offense or something, a youngster might not be able to grow up to be a policeman, for instance, so that is a concern. But --
LEG. FOLEY:
So, in essence, then, to correct the record, this resolution does not criminalize kids, it's similar to, at least a scrap of it, of a parking ticket. If you get a parking ticket, you're not a criminal. If a child was cited under this bill, they are not a criminal. And I think for those in the public who are -- have an honest difference of opinion about the bill, one of the things that I would counsel on is to be very careful about the words and the language that we use to criticize the bill. For anyone to say that we're criminalizing kids is way off the mark, because it doesn't do that. And I think one of the real salutary provisions of this bill, and maybe we need to fine tune it as to how we're going to bring those kids, but I think one of the best parts of

the bill is for those children to see what 30 or 40 years of smoking does to somebody, and I think that is most constructive, most educational, one of the best things that we could do for those children. Now, do we do it through a $25 fine? Do we do it through the Sanitarians? Those points, I'm sure, will be discussed again in committee. But I think the most salutary portion of this bill is that if and when children are caught smoking, that they should be required, maybe we've got to change the mechanism, they should be required to see where they might be 30 or 40 years from the time that they were given that particular ticket. So I would -- that's the best part of this bill. Maybe we have to make some changes to it. But I would -- I would counsel, I would strongly suggest to those, including yourself and others, that it's highly misleading to use the term that others have used to criticize the bill, it's misleading to say that this bill criminalizes kids, because it doesn't.

MR. SCHIANDRA:

Well, you know, I accept that point. I would say that I'm not sure that this is the best teachable moment as an educator.

LEG. FOLEY:

I come from an educator's family and I can tell you that if you show kids someone who's on a respirator, someone who's on an oxygen tank because they took up smoking when they were that same age 30, 40 years ago, that to me is probably one of the best educational tools that you could ever give a child.

MR. SCHIANDRA:

But I'm not sure that the circumstances where the kid is being, you know, dragged in to see it is actually --

LEG. FOLEY:

Kids don't like to go to detention after school either.

D.P.O. LEVY:

Okay. Well, thank you very much for taking the time to join us and to give us your thoughts all the way from Albany. Our next speaker, Patricia Bishop-Kelly from the American Cancer Society.

MS. BISHOP-KELLY:

Do I need to hold this?

D.P.O. LEVY:

If we could -- just before you start, Patricia, if we could please have a call to have more Legislators come to the horseshoe, please, Legislators to the horseshoe. We do not have a quorum. We need more Legislators in the horseshoe.

LEG. GULDI:

Now we have 11.

D.P.O. LEVY:

Yeah, we have Fred. Proceed, please.

MS. BISHOP-KELLY:

Okay. Good afternoon. I'm Patricia Bishop-Kelly. I'm Regional Director of Advocacy for the American Cancer Society, and it's nice once again to be before this governing body. The American Cancer Society, unfortunately, opposes Resolution 1425, a proposed local law banning the purchase of tobacco products by minors in Suffolk County. While the prevention of using tobacco products by youth is critical priority for the American Cancer Society and all tobacco control

advocates, penalizing those who are victims of the tobacco industry's predatory marketing is not. There is no evidence that this is an effective vehicle to achieve positive results in decreasing tobacco use by minors. What this type of legislation can achieve is a convenient diversion for the tobacco industry by focusing on those who purchase rather than those who produce, market and sell those deadly products. Since "Big Tobacco's" corporate behavior has been inconsistent with its public statements, we must keep the industry accountable for the fact that they continue to attract over 3,000 new customers nationwide every day. New customers who by and large are children of an average age of twelve to thirteen. The tobacco industry spends over $53 million a year in New York State alone on advertising. Savvy and slick

marketing, coupled with easy access to tobacco products, has helped normalize tobacco as a way of life in our society. The denormalization of tobacco use, making it as unattractive and unappealing as possible to children and adults, is critical to reversing the current trend.

The American Cancer Society, along with the Centers for Disease Control, and now with our own Suffolk County, recommends a comprehensive strategy for tobacco control. These strategies include school and community-based education programs, strong, convenient and accessible smoking cessation and hard-hitting anti-tobacco campaigns, coupled with strict enforcement of retail and advertising restrictions.

We are also very concerned that the penalties for youthful convictions for violation of this proposed law would require minors to spend time at a hospice program program, providing eight hours of community service. Hospice programs are unique and specialized programs designed for end of life care for the terminally ill, normally with only six months or less to live. Most patients are suffering from the ravages of cancer and receive palliative care, which is relief from chronic and horrific pain, and pastoral and spiritual care, as well as professional emotional support for both the patient and family. Great care and sensitivity is taken to asses the individual needs of each patient and their family as they live out their last remaining days. Hospice programs are often provided in a patient's home and not in a facility. Since sensitivity, privacy, access to appropriate care and patient confidentiality are key to any course of medical treatment, it would be highly inappropriate to have youngsters convicted for possession of tobacco products to intrude upon in whatever capacity a dying person's few remaining days, or sent scurrying around the halls of a hospital with gravely ill patients.

While well-intended, and there is no reason that we have to believe that this isn't a well-intended legislation, on the surface and seemingly a good idea to keep children away from tobacco products, there is no credible scientific evidence from any study that this type of legislation produces the desired results of curbing youth tobacco use. This legislation addresses the serious issue in a manner that could reduce the effectiveness of Suffolk County's already significant tobacco control policies.

In recent years, Suffolk County has emerged as a state and national leader in tobacco control initiatives. We have some of the strongest clean indoor air laws and regulations restricting access to tobacco

products in advertising. We encourage this Legislature to continue this forward momentum with tobacco control measures that are sound, proven and supportable. The American Cancer Society does oppose Resolution 1425.
D.P.O. LEVY:
Thank you. Legislator Fields would like to ask you a question.
MS. BISHOP-KELLY:
Okay.

LEG. FIELDS:
Hi, Pat.
MS. BISHOP-KELLY:
Hi, Ginny.
LEG. FIELDS:
A couple of things that you said was that Suffolk County has a comprehensive strategy for --
MS. BISHOP-KELLY:
Right.
LEG. FIELDS:
For smoking. But I think what we're lacking here is the one component of making children accountable for what they're going to be doing. And I can give you a classic example, the other day, of a newsman who was doing the story about this who witnessed a young girl 12 to 14 years old in front of 7-Eleven. An older person went in and bought cigarettes for her, came out, handed her the cigarettes and her change, he went away, she then opened up the pack and lit up the cigarettes. And what she's saying to all of us is, "Ha, ha, I can smoke. I'm allowed to smoke. It's legal for me to smoke publicly." That's the first thing where I think it's not really a comprehensive strategy. We have a lot of things.
MS. BISHOP-KELLY:
We have only -- Suffolk County has just started --
LEG. FIELDS:
Let me just finish.
MS. BISHOP-KELLY:
Okay.
LEG. FIELDS:
The second thing is you mentioned, I think, that there were no studies done that were conclusive, or I'm not sure of what your terminology was, but I can tell you --
MS. BISHOP-KELLY:
Supportable.
LEG. FIELDS:
Or that they weren't supporting this. I can tell you that there are two people, two states that I spoke to, Woodridge, Illinois and Flemington, New Jersey. We just spoke to Flemington, New Jersey a little while ago. An officer there, Chris Foley said that this law works very well. It was passed in 1995, and the statistics in '95 were 75, down to 55, down to 35, down to 27. And I can tell you that I've spoken to the people in Woodridge, Illinois who say that since 1991, it's definitely brought their smoking of young people down to down 50%. I think that we haven't had a place that has all of the components in place, and maybe that's what the problem is here.

Everyone is giving statistics where they have some of the components in place, but not all. We're a very --

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MS. BISHOP-KELLY:
I know the --
LEG. FIELDS:
We're a very--
MS. BISHOP-KELLY:
The issue, the JAMA article that you're referring to, and my colleague, Russell Schiandra, just referred to that as well. The concern with this particular article is that there is no way to determine exactly what the downturn was a result of, and the -- not only the decisions, but the conclusions that were drawn from this is that the supportable documents refer to the licensing and the sales regulation, as opposed to the possession piece. The possession piece is being referred to as a possible modality in the downturn. But the licensing and the enforcement of sales was the centerpiece of this particular piece of legislation.
This particular study, it's very hard to separate out what really caused the downturn, plus we have a difficulty in terms of the sampling. As Russell just said, only 46 kids were cited in the Woodridge, Illinois study. There is probably about 1,000 to 1,500 kids who are of smoking age and there is concern what happened with those other children. Were they ignored? Was this just a select group to just get study -- you know, information and data into the study? So there is some concern about this particular document, not that --
LEG. FIELDS:
I'm not referring to the document, though, I'm referring to the fact that I spoke to the people in Woodridge, Illinois.
MS. BISHOP-KELLY:
But this is the document that has the supportable data.
LEG. FIELDS:
Well, that's from 1990 --
MS. BISHOP-KELLY:
The -- you know the JAMA -- '91, right. I'm
LEG. FIELDS:
I'm just saying that I spoke to Flemington, New Jersey and Woodridge, Illinois, and the police department there told me that percentages are way down. I'm just telling you an up-to-date. That study's from 1991, I believe.
MS. BISHOP-KELLY:
But we don't know what the percentages are a result of. Is it because there is really strict enforcement of the sales laws and the licensing laws, or were they issuing more citations, and what was the result of those? I really don't know. And did they indicate that there was a difference? Did they do a follow-up data study on that?
LEG. FIELDS:
Okay. I can just tell you what they've told me personally, that

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they've seen the results --
MS. BISHOP-KELLY:
Okay, it's anecdotal.
LEG. FIELDS:

-- of the kids and they say that the smoking is way down. And I think there was one other thing that I wanted to tell you, but I can't think of what it is at the moment. Oh, the only other question I have for you is we do have some of the components in Suffolk County, but what do we do for the kids who are getting their cigarettes from an adult or from an older child who's -- I mean, we have nothing to control that.

MS. BISHOP-KELLY:

One of the best things that Suffolk County has embarked upon is smoking cessation. Many of the experts in that field have -- in the field of tobacco control have indicated that it's a very fine line before a child starts to smoke. And one of the -- besides advertising and the marketing, which is so prevalent and has really normalized tobacco in our society today, one of the best things that anyone can do is to get adults to quit. That, again, embodies the normalization of smoking in front of children. And there are many adults who would like to quit, but, again, tobacco cessation -- smoking cessation programs have not been available to them, or have been too expensive, or they just haven't had time to do it. The smoking cessation program that is being embarked on by Suffolk County is -- will be more available. We'll be going out into the communities, we'll be providing an opportunity for many, many more of the residents to stop smoking. Once kids see adults not smoking -- and, again, you know, we're talking anti-tobacco measures, you not the hard-hitting anti-tobacco advertisements, you have adults who are trying to quit, you have smoking cessation programs for kids in school. These are all components of denormalizing the tobacco issue in a kid's life. By setting up again a system of where a child is penalized for possession, again, may create a forbidden fruit type of a thing. It may also create a system where it's okay for adults to smoke, but why isn't it okay for a kid to smoke, and that, again, approves of tobacco smoke -- you know, use of tobacco by an adult.

LEG. FIELDS:

I would argue that it's okay for an adult to drink, also, and I would argue that we've had laws that protect children. And we have had -- someone mentioned before we have immunizations. That's -- before a kid can go to school, they have to be immunized. It's for their own health and for their own safety and for the safety of others around them. We have seat belt laws that were balked at before we enacted them and those are to save lives. We have helmet laws, both bicycles and motorcycles, that are made to help cut down on the incidents of serious injury or death. We have alcohol laws, we have driver's licences. We -- you know, the only thing we're not doing here is making kids accountable for doing something that they're -- everyone here has acknowledged that nicotine is one of the most addictive substances around. And if you read Newsday on Saturday, you read how difficult it is for those children who have started to smoke and have become addicted to quit. The percentages are well below 10%.

MS. BISHOP-KELLY:

And you also have an industry that spends billions of dollars every year on advertising their product and has remained a legal product because of the influence of the tobacco industry.

One of the things that you mentioned is the alcohol issue and all of

the other -- the seat belt laws and the helmet laws, which are very, very laudable and very necessary things in our society. You very rarely have anybody coming out against those things. You don't have an organized industry lobbying against those, because nobody really is going to put money into those -- into opposing those kinds of things. The tobacco industry is another issue and they support these kinds of legislation, because it will put a crimp in their style. It takes the focus on -- off the tobacco industry who markets this stuff, who makes this stuff.

Don't forget, no matter how old a kid is, if a kid is nine years old, some adult made that product, some adult marketed and packaged that product, and some adult had to give that product to a kid. So the adults in this case are the tobacco industry and they are responsible. We have to look at that.

And I know, and, again, I want to reiterate, that we know that the intent of this legislation is very noble and very good. I have a thirteen year old son, I'm a Suffolk County resident. I would like to say that I would see a tobacco-free society for my son, because I'm concerned about what he's going to grow up into. Don't forget, tobacco kills over 400,000 people every year. It's going to be on the rise, so we are concerned. But, again, this legislation is not the way to do it. We would like to see more time invested in the tobacco control program that has just been started by Suffolk County, give it a chance to really take hold. It's a very, very good program. California has embarked on a comprehensive program. They've had 20% downturn in their tobacco use; Florida, the same thing. Massachusetts has had a 17% downturn. It's a comprehensive program and they don't penalize kids.

LEG. FIELDS:

I think I'm looking for higher percentages, that's all.

MS. BISHOP-KELLY:

That's a good start. That's a good start.

LEG. FIELDS:

I think I'm looking for -- you know, I think I'm looking for more. I agree with some of the points that you're making, but I have to say that I lost my father when I was 16 and he died from emphysema, and I've worked in pulmonary medicine for ten years and I watched people cry and beg and say, "If only, if only someone would have prevented me from getting to be an addict to nicotine." And this is my way of saying, "We can help you. We can help you if we are responsible enough to try to do that." And that's what I'm going to attempt to try to do here.

MS. BISHOP-KELLY:

I know --

D.P.O. LEVY:

Okay. We have a lot of other individuals who want to speak, so let's go to Legislator Haley for a question for Ms. Kelly.

LEG. HALEY:

I can't help but -- because I know there was a little bit of debate in there. So before I ask my question, I will say to Legislator Fields, it's spoken like a true liberal. One of the things that I'm concerned about is there's something absent in this whole process. And when we look at our children, yours in particular, age thirteen, would you --

would you agree that the most appropriate person that should be accountable for the actions of that thirteen year old would be you as opposed to the government?
MS. BISHOP-KELLY:
That's a very difficult question in terms of his use of tobacco. Again, if you're talking about tobacco use, use of tobacco or is that the general --
LEG. HALEY:
I'm talking about in general. I'm talking about -- well, my general is, is that a lot of us have children, all right, and a lot of us understand that our children are obviously a product of what we -- of what we do and what we teach them, and we have a level of responsibility. And what I found all too often is that there's an awful lot of different government programs, and this is a perfect example of which, where we're taking the parent out of the process. We're not holding people accountable for their actions as parents, we're not hold people accountable as store owners for their actions, we're just finding another way. And you know what, I say to Legislator Fields, let's take it a step further. We could solve the DWI tomorrow. I think what we need to do is do away with cars and we won't have that problem. So where does it end?
D.P.O. LEVY:
Your point is made. Legislator Crecca, followed by Legislator Caracciolo.
LEG. HALEY:
There was a question in that. Did you want to answer that?
MS. BISHOP-KELLY:
I didn't understand your question.
D.P.O. LEVY:
Neither did we.
LEG. HALEY:
Then I get to repeat it.
LEG. TOWLE:
Neither did we.
LEG. HALEY:
Then I'll have to repeat it then.

LEG. FOLEY:
Anti-government question.
LEG. HALEY:
Then I get to repeat it.
LEG. CARACAPPA:
It's a Libertarian question.
LEG. HALEY:
It's a Libertarian question? I guess I'm conservative.
MS. BISHOP-KELLY:
Okay.
LEG. HALEY:
The question is pretty simple. Whether it's a 13 year old, 15 year old or 16 year old, who should be held most accountable for that child's actions?
[SUBSTITUTION OF STENOGRAPHER - ALISON MAHONEY]
MS. BISHOP-KELLY:

I think we're debating an issue that's been a long-standing debate in the halls of many Legislatures. You know, again, it depends on the issue at this point. And we have -- we could take it another step, Mr. Haley, and say who has been responsible for allowing tobacco to be normalized in our society today? We have had historic opportunities over the years, Legislatures, Congress, especially two years ago when they snubbed the comprehensive settlement that was before us which was an extremely, extremely solid and hard hitting document that would have again held big tobacco accountable for decreases in children smoking. That was done away with. The tobacco industry didn't want that because they didn't want to be responsible to make sure that the numbers of kids decreased substantially over a year, otherwise they would have to pony up and pay a substantial fine.

And now, again, it sounds like it's a really good idea to hold parents and everyone else and the kids responsible for tobacco use, but you know what, tobacco has been normalized in our society, we see it every day. If these laws worked, they would be supported by a lot of other folks.

I do have a letter that I have been given by Dr. Michael Cummings who is the Director of Cancer Control at the Roswell Park Cancer Institute. He couldn't be us with us today but he did ask me to read it; it is a substantial letter.

D.P.O. LEVY:

I'm going to ask that you kindly distribute that to the Clerk and pass it around, because we still have a number of people who want to speak. And I'm going to ask everybody if you could succinctly state your question, if we could have succinct answers, I'd appreciate that. We have numerous people on this particular hearing. Legislator Caracciolo?

LEG. CRECCA:

You mean Crecca. They sound alike and we're both Italian, but that's about it.

D.P.O. LEVY:

I'm sorry. You know, I had recognized you, then we went back to Mr. Conservative over here, now we're back to you.

LEG. CRECCA:

Actually, for the sake of expediting this hearing, I am going to withdraw my request to ask a question and I will save my comments for the debate when we vote on this.

D.P.O. LEVY:

Spoken like a true statesman.

LEG. FOLEY:

It's in committee.

LEG. CARACCIOLO:

Mr. Chairman, I will do likewise because there will be, I'm sure, much, much, more discussion about the merits of this legislation. Let me say that I think the bill's sponsor should be congratulated for bring this issue to the floor. I think she's being very courageous as a freshman Legislator to bring this issue right out there foursquare for everybody.

LEG. HALEY:

It's pandering.

LEG. CARACCIOLO:

It's not pandering, Marty. I see a lot of what I call feel good, look good legislation --
LEG. HALEY:
It's government control, Mike.
LEG. CARACCIOLO:
-- that really doesn't do very much. And I won't go into people around this horseshoe who have sponsored such legislation because I don't believe in getting down in the mud with personal tax. I would just say that I think this is a very courageous initiative, Mr. Chairman. And I would hope that we have started the debate, and certainly I intend to follow this issue and make whatever contributions I can. Because the question I do have for the speaker, and I will just throw one out, is --
LEG. CARPENTER:
I thought you were going to ask one?
LEG. CARACCIOLO:
Well, I wasn't, but since Marty --
D.P.O. LEVY:
He couldn't help himself

LEG. CARACCIOLO:
You know, as a society, we certainly want to teach our children the right thing and good values. And certainly, when it comes to their health -- and there's been a lot of talk already about when they're children we take them to the doctor to make sure they get their shots and they do things like that. But as a society, as lawmakers, we also make sure that when children act in a way and have behavorial patterns that go above and possibly harm someone else, either individually or their property -- i.e., graffiti, okay -- parents are held responsible, and that's the right thing to do.
So as part of this legislation, I think parents have to begin in this country to be held responsible for their children's actions, behavior, attitudes, if it it's going to be an attitude that's going to infringe upon others in a way that's not conducive to an orderly society. So I'll just leave it there, Mr. Chairman.
D.P.O. LEVY:
Okay. We don't need a response on that, that's more rhetorical. Legislator Alden and-- as was yours, Legislator Conservative.
LEG. ALDEN:
I just want to make like a little bit of a public service announcement. For those people that might want to contact the Legislator that was just speaking about any of his comments, it's not Cameron Alden over there, that's Mike Caracciolo.
D.P.O. LEVY:
So direct your mail to -- Legislator Cooper.
LEG. COOPER:
I also wanted to withhold most of my comments until such time when we consider this bill in more detail, but I had one quick question for you. Do you know whether the cigarette companies have taken any position either in favor or opposed to these other bills that have been either considered or put into effect in other parts of the country?
MS. BISHOP-KELLY:
Relating to possession?

LEG. COOPER:
Correct.
MS. BISHOP-KELLY:
Correct. They're in favor of them; the tobacco industry is strongly in favor of these kinds of legislations. And again, those of us who have toiled in the field of tobacco control for many years have come to know this industry we refer to as the evil empire. They're very much in favor of it because it takes the focus away from them. It takes the spotlight away from their responsible actions and that's why they're much in favor of this, if that answers your question.
LEG. COOPER:
Thanks. I do want to just say that, Ginny, I also applaud you for raising this issue and in my heart, my gut feeling was to support the bill, but I do have to say that I am concerned by the almost uniform

opposition by organizations that should be our natural allies on this. I'm a vehement opponent of smoking. I've got five kids, one of them is at the age where a number of his friends are smoking. And I understand the risks caused by peer pressure upon my children and I want to do anything that I can to counteract that. But with the American Cancer Society and the Lung Association and Clare Bradley all being opposed to the bill, it's just raised some questions in my mind. So I haven't made up my decision on this. But I applaud you for raising the issue, I know that in your heart you believe that you're doing the right thing. But I also want to give full consideration to the concerns that I believe are also heart felt on the part of well known, recognized opponents of smoking. So I'm conflicted on this and I look forward to the next hearing so we can hear a lot more about this on both sides. Thank you.
P.O. TONNA:
Okay. Any other questions?
LEG. FOLEY:
Yes.
P.O. TONNA:
Okay, Legislator Foley.
LEG. FOLEY:
Hi, Patricia.
MS. BISHOP-KELLY:
Hi, Brian.
LEG. FOLEY:
Will you be attending the next Health Committee meeting that this issue will be taken up? I think it would be worthwhile to do so.
MS. BISHOP-KELLY:
I believe so.
LEG. FOLEY:
Because one of the issues we'll discuss at that point is you mentioned how the spotlight would be turned from the tobacco industry to the kids, there are many of us who believe that with the finances that should be come available, as long as the State holds up to its bargain in this case, that there will be more than enough resources to do both, to keep the spotlight on the tobacco industry and at the same time use some things to make the kids aware that, to a point, they also have to learn the lesson that they do have personal responsibility. So but at

any point, we can discuss this in more detail in committee. But many of us believe that there are, you know, twin approach, multiple approaches that will be available for us with the amount of resources that will be coming to the County. So I hope that you will attend the next Health Committee meeting and others so we can discuss this in more detail at that time.
MS. BISHOP-KELLY:
I would encourage the Members of the Legislature to read carefully the letter that has been distributed from Dr. Michael Cummings; it's a very

pointed, it's a very well written letter. He is a known, a nationally-known expert on youth smoking. Dr. Cummings has published a number of studies and articles, he is well recognized in the field of tobacco control. He is sorry that he couldn't be here today, but I urge you to read his letter and digest it carefully. Thank you.
P.O. TONNA:
Thank you very much. Okay. I just ask Legislators one more time, confine these things to questions, we have a long night. And I think everyone is being polled whether we want to have a dinner break or not.
LEG. CARACAPPA:
Let's get to work.
P.O. TONNA:
So, you know, I just would say that we should think about that. Okay. Anyway, Dr. Michael Cummings? Not here? Okay. Was he coming, no?
MS. BISHOP-KELLY:
He wasn't able to come.
P.O. TONNA:
He wasn't able to come, all right. Now, can I ask you, how did -- did he just like appear, fill out the card and then -- or did somebody fill out this card for him? All right, I'll do the handwriting analysis, where is that forensic guy that Guldi keeps on talking about? Anyway, all right, Eric Price? Its not your handwriting, Eric, I notice, so I'll allow you to speak. Thank you very much.
MR. PRICE:
I did not write it. Good afternoon or evening now. I represent the Suffolk Youth Partnership for Health located in the Town of Babylon. We're a youth empowerment group. We concentrate on getting kids active in different issues, different health issues to be specific. And one of the bigger issues at hand, what comes up to mind, is tobacco; tobacco is the single most preventable disease that Americans suffer today. Today we're talking about youth possession laws. And Legislator Fields has brought this to the table and it's a great thing to talk about, it's a good thing that we need to discuss. I actually had thought about doing it earlier in the Town of Babylon. After meeting with many of the people in the field, I felt, as well as others felt, that different parts of it were too controversial, too on the edge, possibly. And the fact that the tobacco company came out in droves to get it enforced on each of these issues, it seemed to me that maybe we were making the wrong decision.
Again, youth empowerment. Minimal cost, the cost of enforcement is always something big that we always look into. In Suffolk County, if you are talking a new law or a new bill being presented, you have to

think about the cost involved in it. I work on a limited budget. I reach about 300 to 500 kids every year through different things; assemblies, programs, traveling to meet Legislators, talking to our representatives, teaching kids valuable skills. At the same time, many of them are smokers; I have no problem with that. The reason being is

we're providing cessation, we're providing them with the skills to learn and to change their own environment. As we know, tobacco is a big peer pressure thing. Kids see other kids doing it, no one wants to be singled out, no one wants to be the lone wolf, everyone wants to be socially accepted. And one of the things that they see is tobacco use, so they want to be accepted. We provide them with the skills to make it more socially acceptable not to smoke or to be in this group. And again, we have smokers and non smokers alike, we have parents that are smokers and non smokers alike, and all of them support this type of program.

In Babylon Village, we were able to achieve 100% compliance, and that's vendor compliance. This is something big. If we don't allow the kids access, we know longer have a problem. I mean, granted, that's in the perfect world, but by restricting access we're then restricting our kids' access to this type of product. We're doing advertising bans the Town of Huntington and the Town of Babylon have both adopted new codes and ordinances that restrict tobacco advertising within a thousand feet of schools, parks and playgrounds, which seems to be a big area of tobacco advertising. Why? Because we know that tobacco companies specifically advertise where kids will be. They need 3,000 new smokers every day to maintain their current profit levels; 16 in Suffolk County become regular smokers every single day, that's under the age of 18.

I understand that this board -- well, this Legislature is concerned about our kids, and I support you in every way, shape or form about supporting our kids and protecting our kids from the tobacco industry.

I know you guys have been -- I should say guys, I should say I know everyone here is concerned about our kids and it's looking to do the right thing for our kids, and that's commendable. Suffolk Could has always been very for their kids and specifically in the health field. We're one of the most progressive counties in the nation and we continue to be, but certain laws, although well intended, can hurt our approach. We have been good so far, let's try and keep it that way. Educate our kids; I saw that in there, I love it. Educating our kids, that's what I do. I teach them skills, I teach them usable information, scare tactics; although they don't work long term, they work short term. I have been invited by different members of the medical community, specifically Stony Brook, to have smokers attend autopsies, one of a smoker and one of a non smoker; although extreme, it may work. I try things new all the time and I'm looking -- I'm always looking for new avenues to explore and new ways to prevent kids from being addicted.

The reason being is I was addicted. I smoked for five years, I was smoking a pack a day and I know just how hard it was. In fact, my grandfather was a model for Marlboro, he was one of the Marlboro Men, and he too quit with me. It was hard, it took me about a year to quit, and I've got to tell you, if I was -- at the time I was a minor, but at the time if I was being penalized by a government agency for being

addicted, I feel that maybe -- and I'm pretty sure I'm correct on this, I deal with kids on a regular basis -- that they would be pretty adamant about opposing you. Just like a parent figure, if you have a -- parents say, "Don't do this," one of the first things they're going to do is they're going to touch. "Don't touch that, it's hot," it's going

to take them to touch it until they realize that it's hot. That's about it. Is there any questions?
LEG. FOLEY:
Yes.
MR. PRICE:
Sure.
LEG. FOLEY:
Just on that very point, and Legislator Fields mentioned it earlier. Just as it is illegal for, let's say, the public consumption of alcohol, let's say if a teen, an under age teen was drinking publicly, they would receive a ticket for that.
MR. PRICE:
Right.
LEG. FOLEY:
And they know there there is a penalty associated with that behavior. And just as with smoking, there is a lot of advertisement for alcohol consumption, equally -- in fact, greater than tobacco. So the kids know they're not supposed to drink publicly also, okay?
MR. PRICE:
Right.
LEG. FOLEY:
With that in mind, I think there's a similar strategy here where we have the same approach with smoking. That if there's an under age child who publicly smokes, well then there's going to be -- if you want to call it a penalty to that or that there's going to be some response to that public smoking where it would be, again, not so much a criminal sanction.
MR. PRICE:
Right.
LEG. FOLEY:
But to then give these kids not just the -- well, the opportunity to see what could happen to them 30, 40 years hence. So just as there is this approach to those who drink at an early age and ways to combat that, I think there's a similar approach that we're trying to undertake for under age smoking as well.
LEG. CRECCA:
Again, could we just limit this to questions?
LEG. FOLEY:
It was.
LEG. CRECCA:
Not a question, Brian, you've done this three times during the debate.
P.O. TONNA:
Can we have --

LEG. FOLEY:
Then I'll ask a question, then.
P.O. TONNA:

No, no, no, don't ask now, you were done. Don't worry about it.
LEG. FOLEY:
Why do you see a difference between the way that we approach alcohol and the way that we approach trying to combat under age smoking?
MR. PRICE:
Well, as well as smoking, the law restricting public use and possession of alcohol, kids still do it, they just don't do it in front of you now; they go to the local parks. I guarantee if you talk to Suffolk County Policemen and women that you'll find that there is a specific location for smoking, for drinking, all the things that we deem not publicly accepted, under age smoking, under age drinking. Although one in the same, I don't agree with that either. We're sending out mixed messages. All they're going to do is go under ground. They may not do it in front of our faces, they'll do it somewhere else, they'll do it behind the stores, they'll do it in the parks. Where now suddenly they're at risk of personal injury, too, because now they're in a place that they wouldn't normally have been and possibly risking injury to themselves, or others.
P.O. TONNA:
Any other? Thank you very much.
LEG. BISHOP:
I have a question.
P.O. TONNA:
You do, a question.
LEG. BISHOP:
Yes, I'll phrase it in the form of a question.
P.O. TONNA:
Oh, great.
LEG. BISHOP:
Are you pleased that Legislator Postal and myself have put in a resolution that would extend $100,000 grant to the Suffolk Youth Partnership for Health to expand the program that you have in Babylon Village to your communities --
P.O. TONNA:
How about did you know, did you know would be more of a question.
LEG. BISHOP:
Well, I want to know if he's pleased.
P.O. TONNA:
I'm sure he read the packet of new bills before anybody else. You know something? Wait, wait, is there Newsday -- oh, Newsday is here, okay,

good.
LEG. BISHOP:
Well, I don't think Newsday is going to cover it. But I do want --
P.O. TONNA:
But if they do, just on the chance.
LEG. BISHOP:
Well, they have a photographer here, too, so that's good. Just so you know, the bill is in and it would expand the program to the communities outside of Babylon Village in the Town of Babylon that Paul Tonna represents and Maxine Postal represents. And because of the success, we're pushing for the bill. Thank you.
MR. PRICE:

I truly appreciate it. Thank you, Mr. Bishop.
LEG. BISHOP:
I had the effect that I wanted.
MR. PRICE:
Again, the bill will allow us to expand our efforts that we've done in Babylon Village and expanded townwide. We're looking to reach into disparate populations, including Amityville, Wyandanch and some other hot locations where this is a concern. It's money well invested. Thank you, Mr. Bishop.
LEG. CARACCIOLO:
Mr. Chairman?
P.O. TONNA:
Yes.
LEG. CARACCIOLO:
Could you just elaborate on how long your program has been in effect?
MR. PRICE:
Our program was originally funded by the New York State Department of Health and continues today. Originally we were funded with only one part-time coordinator, it wasn't myself. We started about I would say about four years ago and within two years we were able to achieve a Statewide Expansion Grant, which the State selected five locations in the State of New York that was already progressively working in the tobacco field with kids. It was a youth empowerment type program. We expanded on our program, we were able to achieve some of these benchmarks that we now hold ourselves to. We're looking to take this program that we now have time invested in, we have some sort of unity in the town, we have friends, we have people that are really looking to restrict tobacco use in our town. And the time being right, we're looking to extend townwide, reach some of the more at risk neighborhoods such as Wyandanch and Amityville, if you're familiar with the Town of Babylon. We're looking to expand our efforts. We're looking to take this program and then duplicate it in other areas.

LEG. CARACCIOLO:
Could you elaborate on what the program consists of?
MR. PRICE:
Sure. It's an education program. We have regular meetings, the kids meet at a youth center. They're educated on tobacco use, they attend Statewide trainings which is held by the Department of Health. We have guest speakers, we provide mini grants to schools, we also provides assembly programs to schools. So we're not just reaching this small core of kids, these kids are now taking their program. And rather than having peer pressure for tobacco, we have peer pressure for a non tobacco society and we have these these kids teach other kids the effects of smoking; it comes better from them than from any of us.
LEG. CARACCIOLO:
Okay. And what empirical data or evidence do you have that the program has long-term effect?
MR. PRICE:
Long-term effects? Well, we're actually measuring that. We actually -- being one of the five groups in the State that have been selected to have this expansion grant and this wonderful opportunity to take our program to the next level, we actually -- together, the five groups

have hired Columbia University to do a long-term study of our program to show its effect in our community. We believe strongly enough in the program and we know that it's effective, so we're looking to prove that and put that on paper.
LEG. CARACCIOLO:
And who is under writing the cost of that study?
MR. PRICE:
That is currently funded through each of the five mini grants -- well, five grants --
LEG. CARACCIOLO:
The State.
MR. PRICE:
-- from the state, the New York Department of Health.
LEG. CARACCIOLO:
Okay. And the funding that is incorporated in the resolution sponsored by Legislator Bishop and Postal would be used in what manner?
MR. PRICE:
We're looking to take our State program and expand it within the Town of Babylon to disparate locations, including --
LEG. BISHOP:
Using the tobacco money.
LEG. CARACCIOLO:
Right. No, I understand.

MR. PRICE:
Right.
LEG. CARACCIOLO:
I understand where the offset is. I thought I heard you say early on that you have a program that's reached somewhere between three and 500 students? Now, these are mentors, I gather, now.
MR. PRICE:
We have a core group usually of about 20 to 25 kids, it fluctuates each year depending on who's graduating and who's coming in. We take these kids and we bring them to school districts, we talk at health fairs, we do numerous other activities throughout the year reaching these kids. Again, we do assemblies, we hire, you know, professionals in the field to do guest speaking, we do numerous activities. We participate in a bike-a-thon every year, we actually host --
LEG. CARACCIOLO:
When would you expect the Columbia study to be undertaken and completed and results known?
MR. PRICE:
I believe within two years.
LEG. CARACCIOLO:
Two years.
MR. PRICE:
It's part of a three year study.
LEG. CARACCIOLO:
Okay.
P.O. TONNA:
Okay. Any other questions? Great. Next? Thank you very much.
MR. PRICE:
You're welcome.

P.O. TONNA:
By the way, I love your hairstyle.
MR. PRICE:
It's a good look.
P.O. TONNA:
Yes, it's a great look. All right, anyway. Nancy Hemendinger.
LEG. GULDI:
As long as you've got good sunscreen.
P.O. TONNA:
I hear ya. I hear ya, George. Nancy, how are you today?
MS. HEMENDINGER:
Good. How are you?

P.O. TONNA:
You look very nice in blue.
MS. HEMENDINGER:
Thank you.
P.O. TONNA:
There you go.
MS. HEMENDINGER:
You're going to behave today, right?
P.O. TONNA:
I'm going to try. I just want -- Legislator Bishop, over there, your friend, I know you have seen the same places, what is that, two terms ago? Anyway, go ahead, please.
MS. HEMENDINGER:
We're friends now.
P.O. TONNA:
All right. Well, I feel bad for you, Nancy.
MS. HEMENDINGER:
Especially after proposing that bill. I have a written statement but following, if you would also like to ask me questions to follow up on Eric's report of the Youth Partnership for Health, because that was originally sponsored through the Nassau-Suffolk Tobacco Control Task Force and the Suffolk County Health Department. I'll be glad to answer any questions if you have any further questions regarding that.
P.O. TONNA:
Okay.
MS. HEMENDINGER:
I am here on my own time as Chairperson of the Nassau-Suffolk Tobacco Control Task Force. As you know, I've been involved with tobacco control initiatives for about 15 years and I would like to address my concerns regarding Resolution 1425.
Also, as you know, the Nassau-Suffolk Tobacco Control Task Force, we were formed back in 1990, we have about 30 people in our membership, 30 organizations, some who have spoken today. And our goal back in 1990 was to change the social acceptability of tobacco use in Suffolk County. Thanks to many of you here today, Suffolk County's landscape in regard to tobacco use and its acceptability have changed significantly. In fact, Suffolk County, as you've heard over and over, is a leader throughout the State and the country in tobacco control policies and initiatives. Because of your leadership willingness to work with the task force representatives, Suffolk County has made

progressive strides in tobacco control.
I remember past Legislator Nora Bredes addressing the issue of punishing children for purchasing or the use of tobacco products. She stated, "First we allow the tobacco industry to allure children into

using the products and then we take the bait when they take the bait and punish them." An example of this powerful and manipulative advertising is in this little pack of cigarettes that I've brought here today that I'll pass around. On the cover it says, "Fantasia". If you know, Fantasia, the Disney movie, has the same lettering, and inside, these certainly don't look anything like cigarettes, they look like crayons or candy. I'll leave those for you to all look at.
This is what we are up against this. Is what allures and attracts our children. We need to take the allure out of the product so that we can have our children believing and supporting this non smoking message.
And Legislator Foley, you asked who's responsibility it is. I'm a firm believer that responsibility as far as educating your parent in regard to many issues, including tobacco, falls on -- on your children, falls on the parent. However, as a parent who has been very active in this cause -- and you've known I've brought my children since they were so big to the Legislative hearings -- it's very difficult when you have advertising such as this and the normalcy of cigarettes surrounding young children.
For the past 10 years, I have worked closely with youth that are addicted with nicotine. As Suffolk has changed the landscape from a smoky environment to one where you can breath freely, youth and adults addicted to tobacco have been impacted by these changes. I hear things that cessation programs for youths and adults such as when we open up, "I feel like a leper," "I'm angry that I can't smoke in certain places, yet I'm smoking less," "I feel out of place, I feel like a misfit." And for any of those who understand addiction and getting to the point where you reach the bottom, it's when a person who's addicted to any substance, when they reach the bottom, hit the bottom or they're close to it, whether you're an adult, a child or a teen-ager, that's when we can reach out and help that person. And that's what we have actively been doing with limited resources in Suffolk County.
Youth are interested. They want our help. However, the youth, the ones who are smokers, they're the ones who have self-esteem problems, they're the ones that lack confidence. I ask you, try to imagine -- Dave, this is for you, too -- a vulnerable time in your life when you had to face a major challenge; perhaps when you ran for election. During that time period, especially maybe a week before, it was key to have people around you that were positive, supportive and encouraging. You made sure you could --
LEG. BISHOP:
Where were you when I needed you?
MS. HEMENDINGER:
I always told you I liked you, what else did you want from me?
P.O. TONNA:
He actually loved running against you. No, I'm joking. It's not a shot, I'm a friend; we're all friends.
MS. HEMENDINGER:
It's friends. I'm trying to bring you into a time where you're -- so

you can relate to the type of people that I deal with when I'm dealing

with the youth and the adults. And this is a time period I know for all of you, having been through it but not sitting on that side, that you do need people around you you can trust, who will encourage you and build your confidence, because you have people constantly taking shots at you. We did this because of the challenge you face. Youth coming off tobacco face an enormous challenge; it only makes sense that we provide them with the support and encouragement they need to face their challenge to battle nicotine.

For the first time in history -- and let me tell you, I never thought I'd believe it, working 17 years for the County. Because of you and County Executive Gaffney, tobacco control in Suffolk County has been allocated resources to help combat challenges of nicotine cessation and prevention. The Health Department is in the process of developing a comprehensive Tobacco Control Program that is based on the Centers for Disease Control's Guidelines. Please support this thought out initiative as a way to protect and help keep our young people off tobacco. Let us extend our hands and build our youth up with positive reinforcement and not punishment. And in regard -- an addendum --

P.O. TONNA:

We're almost out of time.

MS. HEMENDINGER:

Okay. There are materials that I have used in the schools with youth, youth who are addicted to nicotine; Pam {Lefflin}'s story, I don't know if you've seen that video. And I will tell you, I agree with you, yes, it has an impact, but it lasts for about a week or two weeks. And what's needed are these proven cessation programs, the TAP, TEG and NOT Program that Maryann Zacharia can talk about. With those programs in place, with youth feeling welcome to come and say, "I need help," open, not feeling like they're going to be punished. So please keep that in mind and consider the programs that are evaluated and effective. Thank you.

P.O. TONNA:

Okay. Thank you very much.

LEG. FOLEY:

Thank you.

LEG. TONNA:

All right. Any questions? Great. Thank you. Dr. Andrew Packard, who happens, by the way, to have a much lower handicap than he reports. No, I'm joking. Go ahead.

DR. PACKARD:

Not if I'm out here all day.

P.O. TONNA:

Dr. Packard, welcome to open government.

DR. PACKARD:

Oh, Lord. It's a lot easier seeing patients in your office than sitting here listening to all of you.

LEG. FOLEY:

It's not, "Oh, Lord," but "Thank God."

P.O. TONNA:

That's right.

DR. PACKARD:
Anyway, I'm Dr. Packard and some of you know me and some of you don't, and it's nice to be here today. And, actually, what I decided to do today was to listen to what everybody was saying before I decided what kind of a statement that I would actually make in relation to Bill 1425.
For those of you who do know me, I'm a physician from Huntington, where I practiced for about 17 years and been a Director of Medical Education and Patient Education for most of those years. Because of my frustrations in health care and the inability to prove that people actually learned what they were supposed to learn and took responsibility for their health. Several years ago, some other physicians and I began to try and build some new computer-based technology to educate and prove it. Those studies are now ongoing. But the reason we did it was because of our frustrations, and what I hear here today are a lot of frustrations.
And let me just share something with you today that has not been talked about. I've listened to everything except the one point, and I address this to Legislator, District Number 7, Foley. Number one, under no circumstances do I want an angry young child in my house with my mother dying, forced to be there through hospice. The intent is good, the vehicle is bad. Every physician that I talked to and every nurse that I talked to thought this was a bad idea. So the intent to show people things that will make an impact on them is very good. The vehicle to put them in a home where somebody is dying and have them be angry is bad, so redo the intent.
Now, with relation to that, one of the problems with teaching children of any kind is they don't believe it's ever going to happen to them. They are not afraid of death. In fact, most of you are not afraid of death. What you are afraid of is chronic disabling disease. What you're afraid of is that you will lose a limb and live another 20 years because of smoking. What you're afraid of is that you won't be able to walk up the stairs because you smoked so many cigarettes that you can't go three flights, you can now only go two steps, and if you can only go two steps, you'll live like that for 20 years. What you're afraid of is that you may never be able to speak again because you lose your larynx. Those are the messages that have to get across, the message that it is disabling chronic disease and it's permanent.
Two, nicotine and tobacco is a disease, it is addiction. It is a disease called addiction. We have spoken all day today about the tobacco tree, we've spoken all day today about nicotine, the marketing and the effects. We need to do a study.
One of the things that we tend to do is we jump all over a good idea without data. And in terms of this, as I sat here today and I applaud almost everybody in this room, because I know everybody in this room

has been involved in this tobacco addiction, make no mistake, please, tobacco addiction is a disease and it is no different than the addiction to anything else. Addiction is a disease, addiction is a disease, addiction is a disease, and it doesn't come in little bits. You are either addicted or you are not, there is no in-between. So what we have to do is deal with the addiction, we have to deal with the disease. We have to teach these children that they are sick. They

have a disease called addiction, and they have to be put in programs where they can get help. So any legislation that is passed needs to be passed in such a way that the children get help. For example, if we now punish, and I don't think that's a very good word, and I think the intent of this bill is terrific, by the way, and I am also going to go on record for being for it, despite the fact that the American Cancer Society, the American Heart Society, and the American Lung Society and every other reputable person in the world is against it, I'm for it. I am for anything that makes it harder for a kid to smoke, anything. And we're using old data, we're using old approaches, and the bottom line is you must make this drug difficult to get, no matter how you do it. Kids are already angry, they're already out there smoking. Don't make it easier. However, those kids who are already addicted need help, not punishment. We have allowed advertising to them. We have allowed this to be legal. You cannot then step forward and slap them and say, "You're doing something wrong." They're already addicted. These kids are already addicted.

I have to walk and talk, and I'm sorry, Carly, I can't do this. I can't stand still and not do this.

The disease is addiction. It takes four cigarettes to become addicted, by the way, four cigarettes, if you have the gene. Not everybody has the gene. It takes four cigarettes. Now, if you smoke and you have the disease called addiction, you have that disease for life, it never goes away, never. So all you can do is change the environment and teach. Now, fortunately, we have really good drugs today to really help with this, and all of this is being worked on, and there are now studies being done about using drugs in children. In fact, it really looks like it's very safe to use some of these drugs in children. But the point is if the children are already addicted now because we allowed it, we can't then make it a crime. We have to give them help. We have to demand that every child in school go through some kind of a cessation program. Make it part of your health, whether they smoke or not. At least that way we may get the attention of the smokers and we may be able to get them to set what is called a quick date. You all hear that term. You're all involved in the industry of this. But the point is I urge you to think of cigarettes and smoking and tobacco as a disease and the disease is addiction, they need help, and that should be the intent of the legislation. Thank you very much.

P.O. TONNA:

Thank you very much, Andy.

LEG. FOLEY:

Paul.

P.O. TONNA:

Okay.

LEG. FOLEY:

Paul.

P.O. TONNA:

Oh, Legislator Foley has a question.

LEG. FOLEY:

I have a question for the Doc.

P.O. TONNA:

It's a question.

LEG. FOLEY:
Thank you. Paul wants this as a question, but I have to clarify for the record what the Doctor said earlier. None of us -- the intention of this bill is not to force underage kids to go into a home setting where families are grieving for the, let's call it for the lack of a better description, the upcoming loss of a family member. That's not the intent, nor would that be the result if this resolution would be approved.
DR. PACKARD:
Good.
LEG. FOLEY:
So I just want --
DR. PACKARD:
I'm glad of that.
LEG. FOLEY:
I just wanted you to have that clarified for the record. It would be, as in other kinds of progressive legislation, it would be a cooperative approach with those hospice organizations that many of us know well to try to put together, you know, in a very sensitive way the kind of program, if you will, that respects those family members, and, at the same time, try to impress upon the kids, "This is what could happen to you," but would not be forced upon any family.
DR. PACKARD:
That's good. I do suggest that you just take the word "hospice" out there and put some kind of other medical thing that they can be involved in, that's all.
LEG. FOLEY:
That's fine. That's the beauty of our --
DR. PACKARD:
Right.
LEG. FOLEY:
-- of our deliberations.
DR. PACKARD:
Right.

LEG. FOLEY:
It's still in committee, so we can refine the bill.
DR. PACKARD:
It's a great idea, just take "hospice" out, that's all.
LEG. FOLEY:
Thank you.
P.O. TONNA:
Thank you.
DR. PACKARD:
Any other questions?
P.O. TONNA:
Legislator Guldi.
LEG. GULDI:
Yeah. Thank you. I appreciate your remarks a great deal. I, too, am inclined to support this legislation, because I echo your sentiments about anything you can do to make the drug more difficult, particularly from the perspective of someone who knows they have the gene.
DR. PACKARD:

Right.
LEG. GULDI:
What do you do with the angry 17 year old that's already addicted beyond that? You know, how do you get past the sense of immortality?
DR. PACKARD:
You figure it out, you come to my house and help me out as a parent. But, I mean --
LEG. GULDI:
That's what I was asking you for.
DR. PACKARD:
But, I mean, what we do, what we've tried to do is actually approach the idea of anger and turn the anger around and make them understand that they are tobacco addicts and that they've been manipulated into it for whatever reason. I actually am so cynical about the tobacco industry that I wouldn't even wonder if they're not smart enough to think that if they show everybody they're supporting this bill, that people won't pass the bill. That's how cynical I am about that industry. So I take that with a real grain of salt, I really do. They know what they're doing. But the point is, I'm not -- what we don't want to do, the intent of this is to not make the children a criminal. The intent of this is to make it difficult for children to get it. And I -- one of the things, I also called Woodridge, Illinois, by the way, before I came here, because what I wanted to know, and I think what all of you have to know, is that we're going to do a great job with these kids under 18, we are going to do a great job. They're not going to smoke, we're going to introduce all this legislation, we're going to

put all these programs in the school, but God help you when your kid gets to be 18, because they've been sold out. We have sold them out as a society and you better get ready for it. They have no rights to litigation.
The $250 billion tobacco settlement over the next 20 years, 90 some-odd percent of it is not going to prevention, and the deal was that they can advertise with reckless abandon to anybody over 18. Start looking at Sports Illustrated, start looking at House and Garden, start looking at Vogue, Cosmopolitan, open the magazines and see the six and eight page ads and see who they are for. The incidents of tobacco addiction in colleges is off the wall. It is off the wall, because that's where the money is now going. So one of the things that's going to happen is we're all going to stand around and we're going to applaud ourselves for all these efforts and we're going to say, "Our kids aren't smoking." We got -- look at this. Guess what, guys? All the advertising went from 13 1/2 to 17 1/2 for the last years. Now it's going to go from 18 to 21. So you're going to not have your kids smoke when they're 15, 16, 17 and 18, they're going to come home from college smoking. Now, that's a whole other issue, and it's a whole other issue that we're all going to have to deal with if in reality we don't want society to really let people smoke. But in response to that, what we try to do is turn the anger around. Let them get mad at who they should be mad at and that's the environment that allows them to get addicted and make them understand that they have a disease called addiction and put them in a cessation program. Identify them and give them help.

P.O. TONNA:
I mean, don't -- thank you. I don't want to prolong it.
LEG. FOLEY:
Go ahead, ask.
P.O. TONNA:
No. Are you familiar with anything with regard -- I mean, we do that with programs when teenagers -- with regard to driving. We put them in six-hour classes, four yours here, three-hour classes there, for driving safety, defensive driving, or whatever else. I mean, that's what you're advocating. In other words, if they get caught --
DR. PACKARD:
Yeah, actually, I'm advocating -- yeah.
P.O. TONNA:
-- They have to -- they have to go to some type of County-sponsored or some education cessation program.
DR. PACKARD:
That's what I'm advocating, is that if they're found smoking, put them in a cessation program. Make them understand they have a disease. Now, the sad part of all this is, and all my colleagues know this, that only six, eight, maybe 11% of teenagers who smoke, 90% want to quit, or at least those are the figures. And I -- again, these are figures that everybody quotes, and all the different articles. You look at the JAMA article, the real problem with the JAMA article is that once you make

it illegal, the data starts getting skewed, because what happens is children don't report that they're smoking. I mean, so you really have to look at the data. Any kind of data that gets reported when something's illegal, the data gets very biased by who's reporting the data. And one of the things I tried to find out from them is how many of their 18, 19 and 20 year olds were smoking. I mean, what did it do ten year later, and they don't have that data, that doesn't exist. Do you have that data?
LEG. FIELDS:
No, I don't.
DR. PACKARD:
Yeah.
LEG. FIELDS:
But I do have data, and if you read the article in Newsday on Saturday --
DR. PACKARD:
Right.
LEG. FIELDS:
-- about kids that are being -- that are addicted is that the younger they smoke the more addicted they become --
DR. PACKARD:
Right.
LEG. FIELDS:
-- then the harder it is for them to quit.
DR. PACKARD:
Right.
LEG. FIELDS:
So, yes, I agree with you, that we will have targeted 18 year olds, but I think it will be less of a problem than -- I mean, it's still going

to be a problem, but according to those statistics, they are saying that the younger they are --
DR. PACKARD:
I'm not sure I agree with that, because addiction is addictions, and when you get addicted and how you get addicted, it's still the disease of addiction and that we have to deal with it. But frighteningly, the programs that have been put in place for teenagers to quit have not worked very well. The recidivism rate of smoking tobacco is about 90% within a year. And so when people talk about the disease of addiction, I think that the most important thing that we can remember is that it's a disease and it's a very, very difficult disease to treat. But you don't have a little high blood pressure, you either have hypertension or you don't. You don't have a little addiction, you either have addiction or you don't. You can treat it. The repercussions may be different. You may not have malignant hypertension that's going to kill you and you may not have the addiction that's going to give you emphysema, but nonetheless, you still have the disease.

And what I would urge the Legislative body to do is to explore all avenues, to look at new ways teach, to new ways to prevent, and new ways to develop cessation techniques. And if you really want to look at what your bill is, I actually wrote down, "Do a study." I mean, why not take a town like Babylon and that has -- that has a contained town, put in a bill that it's illegal, or surround it. Do something like that and look and see what happens over a year. See if there's a big difference before you make it a County-wide bill. I mean, actually, look at the data and do it somewhere. You got the money now from the tobacco settlement, do some kind of a study to see whether or not it's a reasonable thing to do, rather than just vote on it yes or no. And that's -- I think that that may be one of the solutions.
P.O. TONNA:
Thank you. Legislator Haley, has a question. No?
LEG. HALEY:
No, forget it.
P.O. TONNA:
Okay. Any other questions? Thank you very much, Dr. Packard. Okay. Marianne --
MS. ZACHARIA:
Zacharia.
P.O. TONNA:
I can never get that. As soon as I hit the "Z", I'm gone.
MS. ZACHARIA:
All right. And I know "Z" throws everybody off.
P.O. TONNA:
There you go. Thank you, Marianne.
MS. ZACHARIA:
Okay. Thank you very much. I heard a lot of really important points today. I hope to make a couple of new ones. I know that a lot of my colleagues have made some important points and some of the reasons why. The American Lung Association of Nassau/Suffolk is against this piece of legislation to outlaw possession of tobacco products for the youth. Although we appreciate Ms. Fields intention of preventing children from a lifelong addiction to tobacco products, we really feel

that this is not the way to go. This is sending -- this is a negative way of dealing with the problem. We would like to see a positive way of dealing with the problem.
The tobacco industry is supporting new possession laws because the laws deflect the punishment and attention away from them and onto the children. And as far as we know, there really are no credible studies that are able to faction out all of the things to say that this particular kind of a law is effective in reducing the amount of teens that are smoking.
The best way to prevent tobacco -- to prevent and reduce teen smoking

is through a comprehensive education and cessation program, which is implemented through schools and communities. Aggressive youth-driven counter-advertising campaigns have proven to be extremely effective, as illustrated in a recent Florida campaign. And this is what I mean by youth empowerment and keeping it positive. Let the youth feel that they are in control. Let them feel that they are the ones who have made the decision not to smoke those tobacco products, instead of us saying to you, "No, you can't do it, we won't allow it." Let them make that decision, "Yes, we have decided not to smoke. We're empowered."
While teenage smoking has been on the rise nationwide, Florida's aggressive anti-smoking campaign has produced a proven and very unprecedented, amazed me, unprecedented 54% decline in middle school tobacco use over the past two years. It only took two years for their comprehensive education program to take effect, and in high school, over the past two years, a 24% drop. Thanks to the smart thinking of this Legislature for earmarking $6 million of the tobacco settlement for such a comprehensive prevention cessation program, the Suffolk County Health Department is well on its way to implementing such a plan. I would like to see you give their plan a chance and let's see what comprehensive education cessation programs are doing.
Instead of passing youth possession laws that don't work, a more a appropriate proposal would be to increase the penalties for selling tobacco illegally to children, and to prohibit retailers from switching tobacco merchant licenses to other family members after they've been convicted of illegally selling to minors.
The Adolescent Tobacco Use Prevention Act, which we talked a little bit about today, the ATUPA laws, provides the Suffolk County Department of Health Services with funds to pay youth to perform tobacco sting operations. This has been a very effective method. If this legislation is enacted, this particular program would be gutted and the State monies would be lost, as far as I can see. We can't possibly ask the youth to go to try to purchase tobacco products if in doing so they are breaking the law.
So I'm going to urge you to consider these important points and to try to make the right decision, and to reject this legislation, and to rethink some really more appropriate means of keeping our children away from tobacco products.
D.P.O. LEVY:
Thank you very much for your comments. Our next speaker, Carolann LaSala from the East Islip School District.
MS. LA SALA:
Mr. Capozzi asked me to come here today. And I have to apologize for

my a tire. I was in Connetquot State Park with our kids, and they said, "Carolann, please take about a 15-minute ride out to Riverhead." I live in Westbury. I know I'll be in that car until 9 o'clock tonight, but thank you for having me.
As a District Office Administrator in the East Islip School District, I am here on the request of our Superintendent, Mr. Michael J. Capozzi to express our sentiments in support of legislation that will seek to ban

the purchase of tobacco products by minors in Suffolk County. Certainly, given all that we now know about the adverse and addictive effects of tobacco and nicotine on youth and adults alike, we wish to express and lend our support in any effort that secures the health and well-being of a student. We are, of course, committed to continuing efforts in teaching children about appropriate health choices and are proud of our smoke-free school environments.
I wish to thank you all for your time on this day and for your continued efforts in making Suffolk County such a terrific place in which to live and work. We very much enjoy working with you all and know how many efforts you exert on our behalf. And, as long as I'm here, before I head back westerly to Westbury where I live, I wish to invite you all to our time capsule event to be held on Saturday, June 17th at 11 a.m. at the East Islip High School.
D.P.O. LEVY:
Thank you very much. Believe it or not, that concludes our speakers for this particular hearing. Are there any other speakers on this? Hearing none, let's go to Legislator Fields, who is the prime sponsor. What is your preference?
LEG. FIELDS:
Motion to close.
D.P.O. LEVY:
Close?
LEG. FOLEY:
Second.
D.P.O. LEVY:
Leave --
LEG. FIELDS:
Yes.
D.P.O. LEVY:
-- soon and hope? Yes. Motion to close by Legislator Fields, second by Legislator Foley. In favor? Opposed? Motion carries. It is now closed.
We go to Public Hearing 1431, a charter law formalizing notification procedures for Suffolk County spraying and pesticide application. I do not have any cards. We have a motion by Legislator Binder to close, second by myself. In favor? Opposed? Motion carries.
LEG. BINDER:
Mr. Chairman, I just wanted to let the members know that I'm going to be making a motion to discharge, because now's the time that we have to start the notification. So when there are -- when we have a full compliment of members, I'm going to need 12 votes to discharge and I'm going to make that motion tonight.
D.P.O. LEVY:
Very good. Resolution 1453, a charter law establishing common sense

Capital Project Sunset Policy for Suffolk County. This must be tabled, the SEQRA is not complete. No cards, no one's speaking. Motion by Legislator Crecca to table.
LEG. GULDI:
Recess.
LEG. FIELDS:
Recess, recess.
D.P.O. LEVY:
Recess, second by Legislator Guldi. In favor? Opposed? Motion carries. Public Hearing regarding 2001 2,000 Capital Budget and the 2001 to 2003 Capital Program. We have no cards. Motion to close by myself, second by Legislator Guldi. In favor? Opposed? Motion carries.
Let us make a motion -- I'll make a motion to set the date of June 6th, 2000, 2:30 P.M. in Riverhead, for the following public hearings: Introductory Resolution 1457, 1481, 1522, 1571. We have a second by Legislator Haley. In favor? Opposed? So moved. So carried.
Okay. We go back to the public portion, if anyone is still here in that regard. Loretta Privett.
LEG. GULDI:
Loretta. She's here.
MS. PRIVETT:
Hello. I'm Loretta Privett. I'm representing a community in East Moriches. At the risk of rambling, I'm just going to read from a letter that I wrote a local newspaper. And if anybody has any questions, what have you, let me know.
D.P.O. LEVY:
Loretta, you're welcome to do that, but you have three minutes, okay, so I want you to be concise.
MS. PRIVETT:
Okay. I do urge that I.R. 1424 gets passed unanimously. I live in a community that has one of the last parcels of open space. It has been brought to my attention that this parcel of land is currently being proposed by a developer to build 25 homes. This piece of land borders New York State conservation land, as well as residential blocks of Evergreen Avenue, Benjamin Avenue, and Newport Beach Boulevard. On the preservation site are wetlands, some 70 species of birds, deer, and other significant wildlife. Currently, the parcel is a working farm.
With the building of 25 homes would come 25 lawns, all I'm sure which would not be organically landscaped. The runoff from these lawn, as well as the roads, driveways, and sewage would infest the vulnerable wetlands, the innocent wildlife, and our drinking water. Also, along with these homes would come 50 somewhat automobiles.
Today there is an average of one asthmatic per home. Mother Nature has presented us with a near perfect ecosystem of filtering our polluted air. Must we continue to make her job harder? The added pollution of

cars could be devastating to our loved ones. The additional traffic flow would also devastate our paths to home.
East Moriches is a lovely town. There is currently mass building being approved all over this community. This is the only parcel of land left. Our schools are overwhelmed, our taxes are even more

overwhelming. We tend to tolerate a lot that has been charged to us via taxes because of the beauty of this town and what we hope it will remain. The tax burden that 25 additional homes will have on our community will be horrendous. One must understand that 25 residential homes will not help our tax burden, it will only increase the tax money we pay to Brookhaven. With the addition of these homes, more Town services will be needed, including school services. In no way will these homes carry the burden along for all these increases of services needed. The increases would be spread amongst the already overburdened community. No, I am not suggesting that the owner of this farm go without. I have strong respect for farmers and their dedication to the land. I also believe that farmers should receive fair monies for their investment. Under the Open County, Open Space, and/or Farmland Preservation monies are available. Brookhaven voters approved by referendum an additional $10 million to preserve such beauties of land.
D.P.O. LEVY:
Ma'am, your time is --
MS. PRIVETT:
Thank you.
D.P.O. LEVY:
-- expired. Just if you have a sentence to wrap up with.
MS. PRIVETT:
I -- just when all of the space is gone, it's gone, and there'll be nothing left. And as a resident in this community, I'm -- I'm very concerned about the overbuilding, the overdevelopment of our land, as is my community. We currently have mass petitions being signed. We're just very concerned.
D.P.O. LEVY:
We appreciate your thoughts in coming down.
MS. PRIVETT:
Thank you.
D.P.O. LEVY:
Thank you.
MS. PRIVETT:
Good night, everybody.
D.P.O. LEVY:
Good night.
MS. FARRELL:
Sure.

MS. JULIUS:
Thank you.
D.P.O. LEVY:
Have a safe trip.
MS. PRIVETT:
It's a long day.
D.P.O. LEVY:
Bill Carroll from Boston, Massachusetts. He takes the cake today. Almost as far as the Orient we were talking about a little earlier today. It's an inside joke, if you weren't here a little earlier. Speaking on the helicopter acquisition.
MR. CARROLL:
Yes. My name is Bill Carroll, a Regional Marketing Manager for American

Eurocopter. Eurocopter is the largest helicopter manufacturer in the world and we're wholly owned by the --
D.P.O. LEVY:
If we could have attention here and have Legislators come to the horseshoe. And this is a rather important resolution that we'll be voting on later today. So go ahead, sir.
MR. CARROLL:
We are wholly owned by the third largest aerospace company in the world, with a total commitment to the civilian helicopter line, which no other helicopter manufacturer can claim. We're here to talk to you today about Bill Number 1452, and what we're asking for is to remove the reference to the MD 902 and let this go to a bid process, a competitive bid process, define a mission, and buy the helicopter that is most cost effective, it does the job for Suffolk County. The EC 135 was the first choice of the Suffolk County Police Department, and, indeed, was the first choice of most EMS operators in the United States. It is the most popular new EMS helicopter in the United States by a long shot. It is also $1.6 million cheaper to by the EC 135's than the MD 902's. The EC 135 is also a more capable helicopter for two-patient transfer, which became an issue on this, and that anybody focused on cubic feet and space and forgot about the load carrying capability of the helicopter, and the EC 135 has it, the 902 does not. The police have backed off somewhat in that they said that they would accept the 902, but the only they're saying they will accept it is to expedite this whole process. This whole thing has been going on for sometime now and they don't want the thing to drag out anymore. Right now, you're looking at possibility of placing a helicopter on the East End for next season, and if this process doesn't get along, you're not going to have two new helicopters for next season, which is another thing, that we can deliver our helicopters about five to six months sooner than most anybody else.
So, basically, that's all I'm looking for is just to strike the MD 902 and make it a competitive bid.

D.P.O. LEVY:
Thank you, Mr. Carroll. Legislator Guldi had some questions, please.
LEG. GULDI:
Yeah. Mr. Carroll, I was looking at your testimony from May 2nd in front of the Public Safety Committee, and I actually had a number of questions that -- concerns that were raised by that line of questioning, and I'd like to, therefore, ask you some specific questions. You mentioned in your testimony the maximum gross weight of both the 135 and the MD 902 is 6,500 pounds; is that not correct?
MR. CARROLL:
No. 6,250 pounds.
LEG. GULDI:
And that's true of both aircrafts?
MR. CARROLL:
Yes.
LEG. GULDI:
So what's the fuel capacity of each?
MR. CARROLL:
Mine --

LEG. GULDI:
With standard tanks.
MR. CARROLL:
Theirs is -- I believe theirs is 159, mine's 189, but we also burn less fuel per mile.
LEG. GULDI:
What's the -- at average cruise air speed, what's the air speed and what's the fuel rate burn for each of the aircraft?
MR. CARROLL:
Their fast cruise is 137 knots and their fuel burn is 4.02 pounds per nautical mile. Mine is 138 knots, and the fuel burn is about 3.8 pounds per nautical mile. Now, we also have a lighter air frame, so --
LEG. GULDI:
Yeah. What's the empty weight of each of the aircraft, as equipped?
MR. CARROLL:
Well, the base helicopter is 3,285 for mine, theirs is 3,402, and I'm just allowing that either helicopter, you're going to add the same amount of weight to it.
LEG. GULDI:
The avionics, etcetera.
MR. CARROLL:
Right.

LEG. GULDI:
Your medical equipment --
MR. CARROLL:
Right. We're allowing 980 pounds in this case and --
LEG. GULDI:
Yeah, but there's a 118 pound difference between the aircraft. Would you consider that to be material on a 6,200 pound gross?
MR. CARROLL:
Yes. I'll very -- I give you an example. In my mind, the best mission for Suffolk County, mission definition, would be to sit on the airport at Islip, which even if you do the thing on the East End, you're still going to be seasonal. So nine months out of the year, you're still operating out of Islip with both helicopters. So my justification is that the helicopter should on Islip with enough fuel to go to Montauk, the furthest point in the County, to come back to Stony Brook, back to Islip, with a reserve, plus now you people want to go IFR, which means instrument flight, you need fuel for an alternate.
LEG. GULDI:
All right. What would you propose for an alternate?
MR. CARROLL:
Forty nautical miles will give you Kennedy, LaGuardia, Bridgeport, New Haven.
LEG. GULDI:
And at ILS at Gabreski.
MR. CARROLL:
Yeah. You're more apt to have the same weather at Gabreski you're going to have --
LEG. GULDI:
Not always.
MR. CARROLL:

It's fairly homogeneous along the Island.
LEG. GULDI:
Yeah. I notice from your testimony that you testified at a half hour reserve for IFR from your alternate. Isn't it 45 minutes per the IFR's.
MR. CARROLL:
No, it's 30 minute reserve.
LEG. GULDI:
For IFR operations?
MR. CARROLL:
Well, what you need -- depends on the weather. You need fuel to your destination, and if the weather is low enough, the ceiling and visibility is low enough, you have to have fuel to an alternate

airport.
LEG. GULDI:
I understand that. And if your fueled --
MR. CARROLL:
Plus a half an hour in a helicopter.
LEG. GULDI:
A half an hour. It's different than fixed wing.
MR. CARROLL:
Yes, it is.
LEG. GULDI:
And the dimension difference between the two aircraft, you mentioned that you thought that was the wrong focus, but what are the numbers?
MR. CARROLL:
The interior on the 902, I believe, is a hundred -- right around 170 cubic feet in the cabin. And -- you need a lot of numbers off the top of my head. It's about 145 to 150. The place where we don't have quite as much space is at the foot of the patient.
LEG. GULDI:
Right.
MR. CARROLL:
With one patient, you've got full access to the body. If something is going to go wrong in flight and you're going to do something, normally like tube a patient, you're working in the upper -- and we have more room. We have a wider cabin, we have more room.
LEG. GULDI:
What's the cabin width and height in both, or at least in yours. What's the cubic footage in yours?
MR. CARROLL:
Mine's about six inches wider at that point. It's a little over four feet.
LEG. GULDI:
Okay. Thank you.
MR. CARROLL:
Thank you.
D.P.O. LEVY:
Thank you. Legislator Caracciolo.
LEG. CARACCIOLO:
Hi. Mr. Carroll, do you have copies of the data sheets for your aircraft as well as your competitor's?

MR. CARROLL:
Yes. I don't -- I don't know if I have my competitor's with me.

LEG. CARACCIOLO:
Could you provide us with copies of same?
MR. CARROLL:
Definitely.
LEG. CARACCIOLO:
Get back to Legislator Guldi's last question on the height, size, width and cubic footage of the comparable aircraft between -- is it McDonald Douglas, the MD?
MR. CARROLL:
Yeah -- well, no, it's not.
LEG. CARACCIOLO:
Okay. It sounds like --
MR. CARROLL:
It's been sold.
LEG. CARACCIOLO:
Okay. All right.
MR. CARROLL:
It's MD, it's a Dutch company.
LEG. CARACCIOLO:
Okay, fine. How do they compare?
MR. CARROLL:
In cubic feet?
LEG. CARACCIOLO:
Yes. Can you get two -- could you -- for example, what are the weight limitations.
MR. CARROLL:
Well, that's where -- that's where I -- they've got a little more space, but they don't have the weight carrying capability that I have.
LEG. CARACCIOLO:
What is the difference in the weight carrying capabilities?
MR. CARROLL:
Basically, it's 180 pounds difference, sitting on a ramp at Islip, in capability.
LEG. CARACCIOLO:
Is that fully equipped with all the equipment that they should be equipped with for EMS purposes?
MR. CARROLL:
Yes.

LEG. CARACCIOLO:
Okay. And what are the limitations in terms of pilot, co-pilot, EMS staff, and aided injured, you know, is it four, six total capacity?
MR. CARROLL:
What we figured, the Police Department flies with two pilots, and we figured the maximum mission, of course, would be two patients, which would require a minimum of two attendants. So we figured two pilots, two attendants, two patients.
LEG. CARACCIOLO:
In terms of the cabin space, is there a difference in how your cabin space and theirs compares in terms of the doors? And, you know, is it

comfortable inside for four people in the back of that helicopter?
MR. CARROLL:
Yes, for rear --
LEG. CARACCIOLO:
Okay. Doesn't interfere with the need of EMS personnel to provide perhaps life-saving treatment?
MR. CARROLL:
No. The only -- the only area -- when you put two patients in there, the only thing that's going to be inaccessible is about the thighs on down, or just above the knees on down, where when you pick up somebody in a scene 16, that part of their body is well stabilized before you put them in there. The own thing you're concerned about is things changing. You want to stabilize the patient before you go and you don't want things to change enroute. If they do, things change enroute, it's in the upper body that it happens, so you have as much room as anybody in that area.
LEG. CARACCIOLO:
Okay. Now what entity or corporation do you represent and in what capacity?
MR. CARROLL:
I'm a Regional Marketing Manager for American Eurocopter.
LEG. CARACCIOLO:
Okay. So marketing is another word for -- another --
MR. CARROLL:
Sales.
LEG. CARACCIOLO:
Sales, okay. Do you make a living off commission, or is yours a --
MR. CARROLL:
It's salary and commission. It's primarily salary.
LEG. CARACCIOLO:
Okay. If the County were to purchase two aircraft from your company, what would your commission on that sale be?

MR. CARROLL:
It's a -- it's law enforcement, so I have to share with our law enforcement specialist. I think we're looking at six -- I would guess it's probably 35, $40,000.
LEG. CARACCIOLO:
That's the total commission involved for you and --
MR. CARROLL:
No.
LEG. CARACCIOLO:
-- another associate?
MR. CARROLL:
There's a law enforcement specialist that hasn't had anything to do with this sale, but just because of his position, he gets part of it.
LEG. CARACCIOLO:
Okay. And the combined commission would be how much, 35,000, plus something else, or total?
MR. CARROLL:
Yes, will be about 45.
LEG. CARACCIOLO:
$45,000. Okay and you'll be able to provide us with the data sheets

with all the complete information about both --
MR. CARROLL:
Yes. And I've got a weight analysis here that tells you how we established the numbers using manufacturers numbers for both my helicopters and theirs.
LEG. GULDI:
From the type -- from the aircraft type certificates and operator's manuals.
MR. CARROLL:
Right, flight manual -- flight manual information.
LEG. TOWLE:
Mr. Presiding Officer. Paul, I don't know if you have a speaking list, but --
P.O. TONNA:
Just, I would ask, after -- Fred, we have the Girl Scouts here, we have a dinner break at 6:30, so I would like to move through this, any questions, quickly, and then so that we can get these two orders of business, and we still have -- we only have four cards left after this, five cards, so let's -- I'd like to finish everything by 6:30.
LEG. TOWLE:
I received a copy of Bill's comments, I looked at them, I've sat with him and spoke to him. I also received a copy of Budget Review's review of those comments, and I'd ask Fred Pollert, for the purpose of maybe

the Legislators who have not looked at Budget Review's memo to just kind of review the different engines and equipment that was not included, I guess, that we had talked about, Fred, if you could touch base on that.
MR. POLLERT:
Yes. At your request, we had done a memo to you, again, using the data which was included in the Litton Group. We just note that the -- that the Eurocopter does not include the avionics necessary for the instrument flight landing, which adds approximately 100 pounds, according to the Police Department. Therefore, that would narrow the gap between the two helicopters. Likewise, the new MD helicopters were recommended to be speced out with a new larger engine, which is available, which will also reduce the lift capability between the two helicopters.
MR. CARROLL:
Can I address --
LEG. TOWLE:
Bill. Yeah, that's exactly what I wanted you to address. That's why I asked him to bring it up.
MR. CARROLL:
First of all, the weight analysis that we have done is apples to apples. These are identically equipment helicopters, and we do have the 180 pound weight advantage with the identically equipped helicopters.
LEG. GULDI:
I have 117 pounds. You keep calling it 180, but on the numbers you gave me, it's 117.
MR. CARROLL:
All right. Well, I've got these sheets here. It was -- well, I'll

tell you what happened. I had bad numbers on their fuel burn, and, you know, what I was doing was we were using their fuel burn for economy cruise. They're using fast cruise for the assumption.
LEG. GULDI:
Okay.
MR. CARROLL:
And I was using fast cruise fuel burn on my aircraft, so now they're both the same.
LEG. GULDI:
Provide a copy of that to the Clerk, please.
MR. CARROLL:
Bill, do you want to address the engines or -- do you want to address the engine issue? Because that really --
MR. CARROLL:
Then the engine --

LEG. TOWLE:
That really gets to the weight issue.
MR. CARROLL:
No, the engine is not going to change the weight. The gross weight of the aircraft is the gross weight of the aircraft.
LEG. TOWLE:
No, not the gross weight of the aircraft, what the aircraft is capable of doing; how much it can lift, how much it can't lift.
MR. CARROLL:
The engine's not going to change that. The problem you have is gross weight. It's got sufficient power with either engine.
P.O. TONNA:
Can I just -- okay. You're done?
LEG. TOWLE:
Yep.
P.O. TONNA:
All right. Any other questions? Great. Thank you very much, sir.
MR. CARROLL:
Thank you, sir.
P.O. TONNA:
Okay. I'd like to -- at this point, I just wanted to welcome the Girl Scouts, the families, the Electrical Contractors Association, and start with -- is all Legislators in the auditorium? Maybe we can -- Linda, if you can get all Legislators here. I'd ask, Henry, just do a quick roll call.
(*Roll Called by Mr. Barton*)
P.O. TONNA:
Okay. The month of May has been declared National Electrical Safety Month and the Suffolk County Electrical Contractors Association, in tune with this designation, sponsored a poster contest. The Girl Scouts of Suffolk County cooperated by heightening the awareness of Suffolk residents, safety in the homes -- home and produced meaningful posters, thereby earning appropriate honors for their creativity. We're pleased to congratulate the following youngsters who contributed to their time and effort for the benefit of the general public.
I'd like to call up Michael Towers and Joseph Mikulas. Did I pronounce that correctly?

MR. MIKULAS:
Close enough.
P.O. TONNA:
All right. Thank you very much. Okay. We'd like to call up for proclamations -- first of all, the prize in the poster contest, first place in the Daisies, Colleen Byrd. Colleen?

(Applause)
D.P.O. LEVY:
Don't worry, he makes us cry, too, all right.
LEG. GULDI:
Could Presiding Officer Tonna stop scaring the children?
P.O. TONNA:
Yeah, I know.
LEG. TOWLE:
I'd like to make a motion to ask the Deputy Sheriff to remove the Presiding Officer.
LEG. GULDI:
Second.
P.O. TONNA:
Colleen, you don't know how much this is going to cost me.
LEG. TOWLE:
Sounds like dinner.
P.O. TONNA:
Okay. Kristina Brittingham for first place from the Brownies.
(Applause)
LEG. LEVY:
How about a prize for that hat, too, huh?
P.O. TONNA:
You're going to stand right there. Oh. Are you okay? All right. I didn't whack you too hard? Now I whacked somebody with the --
LEG. TOWLE:
You're two for two here tonight.
LEG. LEVY:
First emotional abuse and now physical abuse.
(Photographs were taken)
P.O. TONNA:
What town do you live in?
MR. BRITTINGHAM:
Manorville.
P.O. TONNA:
Manorville? Manorville.
LEG. CARACCIOLO:
Right here.

P.O. TONNA:
Who's the Legislator from Manorville?
LEG. CARACCIOLO:
Right here.
P.O. TONNA:
Come on in.
LEG. TOWLE:
He's running County-wide now.

P.O. TONNA:
All right. We're going to let Legislator Caracciolo get a picture with you.
(Photograph was taken)
That is some hat, let me tell you, and I'm particular to wearing hats.
(Photograph was taken)
Great. Thank you very much.
(Applause)
Audrey Zaweski is not here. Third place from the Brownies, Nicole Leonick.
MS. LEONICK:
Leonick.
P.O. TONNA:
Leonick. Come on, come on.
(Applause)
And what town are you from? What town do you live in? What town does she live in?
AUDIENCE MEMBER:
Mastic Beach.
P.O. TONNA:
Mastic Beach. I know that Legislator. Come on up. He'll never miss a photo op, trust me. I just want to make sure I'm not in the same photograph. Hold on a second.
LEG. TOWLE:
I want you right in the picture with me.
P.O. TONNA:
There you go. Hold it one second. Mom, you want to come in?

LEG. TOWLE:
Hop in. I want to get in a picture with you. I'll hang this one in my office.
P.O. TONNA:
I'm sure you will. Right next to the dart board.
(Photographs were taken)
P.O. TONNA:
All right. Thanks. Leann.
TOWLE:
Congratulations.
P.O. TONNA:
Leann, destroy all negatives. Thank you. Okay. This is Nicole. This is Nicole Byrd, Colleen's sister. Come on up.
(Applause)
Let me get your camera here. Would you like to come up with your dad? No? Okay, it's not just me. Oh, wait. What town?
MR. BYRD:
Smithtown.
P.O. TONNA:
Smithtown.
LEG. CRECCA:
Which one?
P.O. TONNA:
Smithtown. Wait, wait, wait. Why not both?
LEG. D'ANDRE:

Wait for this grandfather.
P.O. TONNA:
Come on up.
LEG. CRECCA:
That's him, by the way, not me.
LEG. D'ANDRE:
You never know.
(Photograph was taken)
P.O. TONNA:
Okay. Breanna McIntyre. This is third place for the Juniors. And what town? What town are you guys from?
MS. MC INTYRE:
Jamesport.

P.O. TONNA:
Jamesport? There you go. Some great artists in that area, huh? Legislator Caracciolo, I'd love to see you kneel.
(Photograph was taken).
P.O. TONNA:
All right. Thank you. Congratulations. Congratulations, Mom. Okay. We have a Cub Scout here. Where is this young man? Cub Scout Alexei Brandt.
(Applause)
Mom and dad both here? Come on up. What town?
MR. BRANDT:
Mount Sinai.
LEG. HALEY:
Yes.
P.O. TONNA:
Mount Sinai. Marty. Get your jacket, Marty.
LEG. GULDI:
Hey, Marty, you want to borrow a jacket?
LEG. HALEY:
I got a jacket.
(Photograph was taken)
P.O. TONNA:
And now, I understand that I have a special proclamation and certificates for a whole troop, Troop 458. You worked on this all together? Congratulations. Come on up. All right?
(Applause)
I'd ask for the -- I want to say Scout Leader. Is that good enough? I'm an Eagle Scout and I can't even remember. All right. Girl Scout Leaders. Here you go. This is to Troop. Okay? And let's read these great certificates, too. Brianna Burnside? There you go. Congratulations. Jennifer? Thank you. Cahn, is it?
MS. CAHN:
Yes.
P.O. TONNA:
Megan Fuchsius. Rose-Marie Iorizzo? Did I pronounce that right? I'm trying, I'm really trying. Okay. Amanda Kiernan? All right. We're getting there. Okay.
MS. LINK:
Angela.

P.O. TONNA:
Okay. All right. Where are you? Congratulations, young lady. Okay. Erin. Erin Schwarz. Thank you. All right. I'll give you the first and you tell me the last. Erin.
GIRL SCOUTS IN UNISON:
Skelly.
P.O. TONNA:
All right. Which one? There you go. All right. Hold it. One, last, but not least. Danielle. Danielle.
AUDIENCE MEMBER:
She's not here. Kaitlyn.
P.O. TONNA:
Kaitlyn? All right. Kaitlyn, we're going to get a special one for you. You hold this for now. All right. Mr. Levy, what do you know. What an opportune time for a photo op, Mr. Levy. Yeah. Why don't we do it -- if we can, let's get all in front and we'll take it right there. I don't know. All the Huntington, right up -- right up there and we'll do it all together, ladies.
(Photograph was taken)
Congratulations, ladies.
(Applause)
P.O. TONNA:
Okay. We have four more cards. Wayne Jones. Mr. Jones. Mr. Jones. Okay, here, we got him. This is about the Health Center.
MR. WAYNE JONES:
Correct.
P.O. TONNA:
Thank you, sir.
MR. WAYNE JONES:
Well, I'm actually going to represent all four -- well, more than four of the others who were here since this morning, but, unfortunately, had to leave. They are Elsie Owens, who's Chair of the Health Council, North Brookhaven, George Boykin on the Advisory Board.
P.O. TONNA:
Just so -- you know what, we'll wait a second, Mr. Jones, just with regard to the -- congratulations, Girl Scouts. You did a great job. All right?
(Applause)
And young man, wherever he is. All right.

LEG. CRECCA:
What was your service project, that's what we want to know.
P.O. TONNA:
Mine? Actually, it was -- my Eagle Scout project was to put chess tables at -- it used to by Gwynne Park, but at West Hills Park in a senior citizen, a whole senior citizen area.
LEG. CRECCA:
Did you get other people to do it, or did you really do it yourself?
P.O. TONNA:
No, no, I got everyone else to do it. That's the whole -- you know, that was the whole thing, you had to delegate. That's right, I had to delegate. That was the whole thing.

LEG. CARACAPPA:
Mr. Chairman.
P.O. TONNA:
As a matter of fact, I walked there last week and I noticed they got rid of it very quickly. It was -- so, anyway, okay. Yes. Okay. Mr. Jones, Mr. Jones, sorry.
MR. WAYNE JONES:
That's quite all right.
P.O. TONNA:
It's just we've been here a long time, too. I apologize, sir.
MR. WAYNE JONES:
That's quite all right.
P.O. TONNA:
Okay.
MR. WAYNE JONES:
I am the administrator of the North Brookhaven -- formally known as North Brookhaven. It's the Elsie Owens Health Center now. I did have many of the community members here with me today, which you have the cards in front of you. I will just read off their names in case you want to pull their cards, because they couldn't stay any longer, but they stayed as long as they could. That is Elsie Owens, who the Health Center is named after, and there's George Boykin, Advisory Board, Angela Earl, Roger Yurko, who represents the University Hospital, who has the contract with the County, {Dr. Gwendolyn Strech}, who's the Medical Director, and Margaret Culhane, who's the Nurse Director.
What my hopes are is -- and my plans have changed since I've been sitting here, because I know that there are many questions that you may have that I hope to try and answer for you. My name was mentioned earlier by Dee Eckerson as the Administrator and Facility Manager of the building, which I hope to go over.
Just briefly, I just wanted to tell you a little bit about the facility as much as about the Health Center. We do about 33,000 visits a year in

the Health Center. The building is one of the busiest in the County with 111,000 visits a year. That adds up to about 460, if you adjust for holidays, etcetera, about clients or patients going through its doors on a daily basis, making it extremely busy. We do about 30 births per month from our prenatal care program that are delivered over at Stony Brook. And we have a whole range of services.
What I wanted to bring forth is to show the support for the space renovation and the construction of the building. I know there are questions as to how much square footage. I hope to cover that in this speech, as well as answer any questions that you may have. It is no doubt by anyone that the building is in a deplorable condition and has been for some time. It has been extremely strenuous on me and my staff to try on a daily basis, and there's several calls made daily to get repairs done. The conditions, as Mrs. Fields has mentioned, Legislator Fields had mentioned in a previous meeting, that when she came for a tour, it was on a Friday, you were absolutely right in everything that you saw; elevators, hallways, etcetera. Those problems have tried to be addressed. I would say, as far as the landlord is concerned, I think they have a management company whose name is Jobco. I've been there for about five years. They came the year before I

arrived. Jobco has, I would say, been responsive to the calls, but as far as replacing or fixing, they do fix the equipment when it's broken, but that's on a call basis. There is not -- it is not done on a proactive basis. Thank you.

Unfortunately, we do lack a lot of space, we have not enough space. For example, we have about one exam room for each provider, which is a totally inefficient system. The renovation will allow us to have two exam rooms. We'll be going from 14 to 26 new exam rooms with the renovation. That will allow a lot of space. There are services that we would like to have at the Health Center that we currently could not provide because of a lack of space, such as additional nutritional services, expanding our podiatry program, and, in fact, I would even say that because of the lack of renovation, the lack of space, we have lost patients in a sense of not coming to the Health Center because of its conditions.

Legislator Fields had noticed at that time that there were many bags in the lobby of the Health Center when she visited. That is really unacceptable, and I think it's been explained what that situation was, I hope. If not, certainly ask me again and I'll try my best to do that.

To talk about the quality of service, unfortunately, we have high quality staff, we have the physicians, nurses, nurse practitioners, we have a radiology and a laboratory. We provide good quality service to that North Brookhaven community. The problem is, is that the perception by the people, by the clients that come to that Health Center is that it's run down. Even the indigent, the poor don't like coming to us when it's necessary because of the crowded conditions, and many times we do have clients standing up.

The renovation will take us up to approximately 50,000 square feet, I believe as much as 50,900 square feet. We are currently 40,000 square feet. Added to the Health Center, added to the building -- I'm sorry,

I'll speak on behalf of the facility -- is an additional 10,000 square feet which, is a new wing that's added. That will give additional exam rooms, treatment rooms. It will consolidate radiology and laboratory into one area, whereas, currently, I have to divide those in many different locations.

The only -- you may ask also, how are we going do increase the space that we're getting? There are a number of ways. I just mentioned one, which is the addition of a new wing. The second way of increasing additional space through renovation is by reconfiguration. What I mean by that is, currently, if you had visited the Health Center, you'll notice that there are two corridors going down, that will not exist in the renovation program. We'll be using every additional space that we possibly can. The only common area will actually be the elevators for which DSS clients can go upstairs. The parking lot will be expanded by 106 parking spaces. It is currently crowded most of the time, and I hope they do solve that sand problem that's coming over. It occupies a space of currently five acres. Expansion will occur first in the parking lots, which goes out to the north side, the front, and the back of the facility. That's unique. In the front of this facility, there is no current parking. That will be expanded, and it is my hope that we can convince the patients to come in through the front and having

the bus stop also in the back where clients can enter the building.
Just talking about the lease a little bit, I had a chance to read the lease. I've gone over it at least four or five times in hopes to answer any of your questions. There are parts of the lease that address repairs. There's a specific part that tries -- and I'll try to answer the penalty portions, which I think interest you the most. In the event that the landlord does not make any repairs, the County has the right -- they have the right -- they have to make repairs within 48 hours of notice of calling them. If in that 48 hours they do not respond and repair what is there, the Department of Health or the County has the right to repair the problem itself and reduce the monthly rent by the amount that it would cost. I would have to say that if that is the case, then that will be a far more expensive option to the landlord than it would be for them, then, if they had to repair it themselves, as far as the work being charged back. There is also additional parts in there that gives specific time frames such as the construction. Construction must be completed by a certain date. There's also the option that if we are not pleased with that work, about the time frame, that we can pull out of that facility.
At this point, I would like to actually entertain any questions that you may have, but I also want to stress again that there is overwhelming support by the community for the renovation and expansion of the square footage that we currently have at the facility.
LEG. FOLEY:
Mr. Chairman, if I may. Wait, wait, wait. Are you done yet?
MR. WAYNE JONES:
Yes, I'm done.
P.O. TONNA:
Just, there's a list. Legislator Foley. Anybody else want to be on

that list, they should -- okay.
LEG. FOLEY:
Thank you, Mr. Jones.
P.O. TONNA:
Legislator Towle, do you want to be on that list?
LEG. TOWLE:
(Nodded yes).
LEG. FOLEY:
And I would say for the record that Wayne Jones is a top flight administrator who has done a wonderful job under very trying circumstances, and the only question that I would have is that were you asked, Wayne, to come down here today and --
MR. WAYNE JONES:
No. At the last hearing --
LEG. FOLEY:
Right.
MR. WAYNE JONES:
-- it's almost kind of you have the answers, you want to ask -- answer and you want to jump up and say something but you know that you can't. I didn't want to miss that opportunity this time.
LEG. FOLEY:
This bill is still in committee, and one of the things that amazes me, when I look out in the crowd and I see at least I'd say eight, ten

folks from the Executive Branch here, and that there is a process that we follow in the Legislature and that when a bill -- and this is no reflection on you, Wayne.
MR. WAYNE JONES:
Sure.
LEG. FOLEY:
I'm just saying is that when there's a bill that's still in committee and that when a bill isn't ready, that we use the committee process to ask all these questions, we use the committee process to flesh out the questions, so we can answer certain questions, we use the committee process to try to improve a particular piece of legislation or resolution. And in the past, an example being the Brentwood Health Center, we tabled it in committee, we used the committee system to make some changes to it, also to give information that wasn't readily available to the public and to Legislators. We did -- we hammered all this out at the committee level. And where I am -- I won't say I take exception to it, but what I'm -- I'm not even disappointed, but it's just a shame that, whether it's yourself or others that are here all day, the point that I would raise is that at the next committee cycle, and this is both in the Health Committee and the Ways and Means Committee, that instead of having you here all day waiting to speak, where the rubber meets the road will be in committee to talk about these things, to see how we can improve this, and ask a whole myriad of

questions, not so much from the perspective of you as a health administrator, but from the perspective of the process that has been followed over the last year to year-and-a-half, where we ended up with going back to the landlord that we've been having to live with for all these years.
So, Mr. Chairman, I don't have any questions for the speaker, but I would say to you that this is a perfect example where we should let the committee process work itself and not have all of these members from the Executive Branch, with the speaker excluded, here tonight to try to force this issue tonight that we've been living with for years, and that to give a false impression if we don't do it tonight, somehow the whole house of cards is going to fall apart. And again, that's excluding the present speaker, who I have much admiration for.
P.O. TONNA:
Wayne, I just have a couple of quick questions. You mentioned, and I have not served on the Ways and Means Committee, so I'm not familiar with the details with regard to leases that some other members of the Legislature might be. But my sense is is that you just quoted a thing about fixing -- if in 48 hours they don't -- isn't that a standard thing with the County already, and did you have that in the past lease agreement?
MR. WAYNE JONES:
I don't know if that existed in the past lease agreement.
P.O. TONNA:
Well, this is -- okay.
MR. WAYNE JONES:
It was my interest to make sure that it was in this current lease agreement.
P.O. TONNA:

Okay. This is my concern. If it -- and, you know, here we have a building that is in deplorable shape, right, and we are now contracting for, you know, a complete renovation --
MR. WAYNE JONES:
Yes.
P.O. TONNA:
-- with somebody who, just from a business sense, somebody who has already, let's say, demonstrated less than, you know, capabilities, less capabilities than before. What's the converse, tell me. Did you sit him down, hand him a rubber hose, say, "Beat yourself, you're going to have to really do it this time, the last fifteen years didn't really count, but now that we're going to renovate this thing, now we're really going to enforce that"? I mean, what -- what was the --
MR. WAYNE JONES:
What's the difference?
P.O. TONNA:
Yeah what's, the difference? I'd like to hear.

MR. WAYNE JONES:
Okay.
P.O. TONNA:
You know, I want to hear about this great transformation that took place in the owner of this building who said, "You know what, now maybe the people who utilize these services deserve a really good health center, and, you know, and deserve renovations done, or clean up done, or things fixed on a timely basis." What happened?
MR. WAYNE JONES:
I think a lot of it is what you have to say deals with accountability. And, as Legislator Foley had mentioned, I've been there going on five years. When I first came on, one of the things was to be who was accountable, and has been the question repeated here in the Legislature. Who is responsible for the internal workings of the building? Who is responsible for the outside, the external parts of the building?
P.O. TONNA:
Right.
MR. WAYNE JONES:
That is a very large question and is one that I always have to sort out when I deal with it. As the administrator --
P.O. TONNA:
Right.
MR. WAYNE JONES:
I know that as far as the interior of the building, that has basically been the responsibilities of different departments within the Suffolk County. The external parts of the building has been, historically, the responsibility of the landlord. However, there are things that I feel that should be replaced, certainly, like cabinets, chairs, and so forth on the --
P.O. TONNA:
Ceiling tiles.
MR. WAYNE JONES:
Ceiling tiles, absolutely. To give you one big issue --
P.O. TONNA:

Lights.
MR. WAYNE JONES:
Yeah. One of the big issues that Legislator Fields brought up the last time had to do with painting.
P.O. TONNA:
Right.
MR. WAYNE JONES:
That's a challenge. There are ways that that has been done, and as she

noted down in the Department of Health, it looked a little bit better than it certainly did on the second floor. That's because, personally, I have also come in on Sundays and painted, and a few other things to make it work. I'd rather see a job done and moving ahead.
Now, going back to my original statement, which had to do with accountability.
P.O. TONNA:
Right.
MR. WAYNE JONES:
First being hired, I met with the Jobco Company and I wanted to establish a mechanism where we could --
P.O. TONNA:
Right. And they were in before, right? These were the guys -- these are the guys, the Jobco?
MR. WAYNE JONES:
Yes.
P.O. TONNA:
Jobco Company.
MR. WAYNE JONES:
Yes. They took over the management of the building. I understand they have other buildings as well. The idea was to -- can we have one focal point, which became me.
P.O. TONNA:
Right.
MR. WAYNE JONES:
Between the Department of Social Services and the Department of Health, that when repairs had to be done, they answered to one person who kept the track, a record of what was done, how long it took, and could make the repeated phone calls. Historically, people will come to fix things in the building and could not get into the building. They didn't know who to contact or where to go, because a phone call was made, but they didn't know who to work with --
P.O. TONNA:
Now, Wayne.
MR. WAYNE JONES:
-- or how to do that.
P.O. TONNA:
Wayne, just --
MR. WAYNE JONES:
Yeah.
P.O. TONNA:
You know, you mean for the last -- you've been there six years. For

the last six years --

MR. WAYNE JONES:
I'll clean up my answer.
P.O. TONNA:
-- you call up, somebody in the Department of Social Services or Health would call up and these people didn't know how to fix? They couldn't get in? I mean, they couldn't --
MR. WAYNE JONES:
Sure.
P.O. TONNA:
They didn't figure, "Okay, here's the directory"?
MR. WAYNE JONES:
And I can explain.
P.O. TONNA:
"Okay, Administrator, maybe I should go to him."
MR. WAYNE JONES:
Right. What would happen is let's say that a phone call is made at four o'clock by the Department of Social Services, but they close at 4:30 or 5 o'clock, the workman would be up at 6:30 and was looking for the problem, but there was no one to tell them, because it was on a different floor.
P.O. TONNA:
Right. I can see that once.
MR. WAYNE JONES:
Sure.
P.O. TONNA:
I can see it twice.
MR. WAYNE JONES:
Right.
P.O. TONNA:
I could even see it three times. But we're talking about years --
MR. WAYNE JONES:
Okay.
P.O. TONNA:
-- of disrepair, right? So much so that the administrator had to come on the weekend and do some painting himself. Now, come on. I mean, I might have been born yesterday --
MR. WAYNE JONES:
I'm not justifying the landlord.

P.O. TONNA:
-- but I wasn't born today. And all I'm -- what I'm trying to say is you still have not -- and, listen, I'm not picking on you.
MR. WAYNE JONES:
I know that.
P.O. TONNA:
You know, and, please, trust me, I'm not picking -- you have a great reputation and you're a very, very hard worker and stuff.
MR. WAYNE JONES:
I'm just trying to show accountability that --
P.O. TONNA:
But if there's accountability, okay, and I think the issue today is about accountability, by the way.
MR. WAYNE JONES:

Sure.
P.O. TONNA:
This isn't about the issue of we don't want a Coram Health Center looking good, or this isn't an issue -- not one Legislator here -- you know, actually, the difference of opinion among Legislators today is about how we hold accountable. Some say let's just go ahead and close our eyes and trust because we're desperate, some say, "Hey, these guys got to be put through the coals," especially this -- coals -- especially, this Jobco.
MR. WAYNE JONES:
Sure.
P.O. TONNA:
And the County, who's responsible, whether it be Public Works or whatever, to make sure that -- the accountability, where is the conversion that they were accountable in the last lease? Because I know County leases, at least a modicum of County leases, there's accountability clauses everywhere. Okay? If there was a provision, and you said you read this lease four or five times over, because you wanted -- did you read the last lease?
MR. WAYNE JONES:
No, I have not.
P.O. TONNA:
Okay. Were you responsible for them, basically, as the administrator to take care of the last lease, an enforcement of the last lease?
MR. WAYNE JONES:
We have been without a lease, to my understanding, for about two years.
P.O. TONNA:
Okay.

MR. WAYNE JONES:
And I've been working with what I -- I've read portions of it as to who is responsible for what.
P.O. TONNA:
Right.
MR. WAYNE JONES:
And then call that responsible party to get the job repaired. Now, I know with Jobco, not trying to defend them, but --
P.O. TONNA:
Good.
MR. WAYNE JONES:
-- I did have emergency phone numbers for them. I have called them off hours and on weekends. When something needed to be repaired, they have responded. The biggest problem is preventive maintenance and major upkeep.
P.O. TONNA:
Well, who's responsible for that in the last lease or the current lease we have?
MR. WAYNE JONES:
Again, it's a broken out responsibility between internal and external County --
P.O. TONNA:
Okay, internal. Let's say internal facilities, that's Jobco, right?

MR. WAYNE JONES:
The majority of the --
P.O. TONNA:
What --
MR. WAYNE JONES:
I'm sorry.
P.O. TONNA:
This is the thing, and I'm trying to get at this and you still haven't answered the question --
MR. WAYNE JONES:
Sure.
P.O. TONNA:
-- Even though you are answering everything you can. The question is we have the same entity. All right? Great. Now they say they're going to do a better job.
MR. WAYNE JONES:
Right.

P.O. TONNA:
But they have a track record.
MR. WAYNE JONES:
Of doing poorly.
P.O. TONNA:
Right. The track record stinks.
MR. WAYNE JONES:
Right.
P.O. TONNA:
All right? We're desperate. They have us over a barrel. We need to take of these people.
LEG. CARACAPPA:
Mr. Chairman.
P.O. TONNA:
That's what I want to know.
LEG. TOWLE:
You're really asking the wrong guy the question.
LEG. FOLEY:
You are asking --
LEG. TOWLE:
I could probably --
LEG. FOLEY:
Yeah. Mr. Chairman.
LEG. TOWLE:
I could probably answer that question.
P.O. TONNA:
Well, he's going to the nexus person. He's going to be the key contact person for this new lease to make sure that all of this is done.
LEG. FOLEY:
Mr. Chairman.
LEG. TOWLE:
Mr. Chairman.
P.O. TONNA:
I'm not picking on him.
LEG. FOLEY:

Mr. Chairman.
LEG. TOWLE:
Mr. Chairman.

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LEG. FOLEY:
Just to answer your question to you directly, the administrator is really responsible, for the most part, for the operation of the Health Center. You asked some very good questions, but I would ask those questions of Mr. Jones from the Social Services Department, and also of Mr. Dragotta from the County Attorney's Office, as well as folks from the Department of Public Works. The questions are excellent, but they are posed, with all due respect, to the wrong person. They should be posed to the ones that I just outlined, Social Services, from the County Attorney's Office, and from the Department of Public Works. They're the ones that are responsible to see that the landlord fully executes the terms and conditions of the contract. Mr. Jones' primary responsibility is supposed to be the operational administration of that particular health center, and it's symptomatic of the problems that he's had to go beyond his role as an administrator of operations to take on these other mantles of responsibilities, which, for the most part, are really not part of what he's supposed to be focusing. And it's to his testament that it's to his --
LEG. CARACCIOLO:
Testament? Testimony.
LEG. FOLEY:
No. It's been his testimony that he's had to go beyond that to even come on Sundays.
LEG. HALEY:
Are you asking questions?
P.O. TONNA:
All right.
LEG. HALEY:
Do you have some questions?
LEG. FOLEY:
So your questions really should go towards, I would say --
P.O. TONNA:
I was.
LEG. FOLEY:
-- towards the ones that I had mentioned earlier.
P.O. TONNA:
Okay.
LEG. CARACAPPA:
Mr. Chairman.
P.O. TONNA:
All right. Let's just --
LEG. CARACAPPA:
To answer your question, though --

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P.O. TONNA:
Yeah.
LEG. CARACAPPA:
You asked about why now. Why has this guy turned --
P.O. TONNA:

Right.
LEG. CARACAPPA:
-- to do -- to be a do-gooder.
P.O. TONNA:
Right. Why has he all of a sudden had a miracle conversion and say --
LEG. CARACAPPA:
Right.
P.O. TONNA:
-- that the County really counts?
LEG. CARACAPPA:
And believe me when I tell you, when I answer this question, I am not defending this landlord or this company in any way, shape or form, because they've been lousy. The reason why they're finally being called to the carpet and they're doing what we're asking them, because we were going to dump them, finally. It's horrible that I have to sit here today and say that we as a County waited so long to call these people to the carpet, to take them to task for the building, for the responsibility of that building, and for doing what's right as a landlord and with tenants, especially being a health center. We went to them, the County Attorney went to them and said, "You're gone unless you do X, Y, Z, and then some." And guess what? That's what the lease spells out, finally. And, again, I'm not -- I am not defending them.
P.O. TONNA:
Right.
LEG. CARACAPPA:
I am saying they've done 15 years of lousy service to the County as landlords to that building. But, again, we finally took them to the carpet, we finally took them to task. I don't think it's right or incumbent upon us now to hold up this lease at this point in time when we finally have gotten what we want.
P.O. TONNA:
Okay. Let me just -- let me just say, and I'm sorry, I'm the one -- I was asking question.
LEG. BISHOP:
Mr. Chairman.
P.O. TONNA:
We're in a debate.

LEG. BISHOP:
Yeah.
P.O. TONNA:
We're going to debate this later.
LEG. BISHOP:
Yeah, we're going to debate this later.
LEG. GULDI:
I have a question.
P.O. TONNA:
Yeah, we're going to debate this later. We have ten more minutes. We have a few more speakers before we break. Do you have specific questions to ask him?
LEG. GULDI:
Yeah, some --
P.O. TONNA:

Okay.
LEG. GULDI:
Specific questions.
P.O. TONNA:
Then, wait, wait. Legislator Caracciolo is first, Legislator -- actually --
LEG. TOWLE:
Yeah, I was.
P.O. TONNA:
Legislator Towle is --
LEG. TOWLE:
I just --
P.O. TONNA:
No. Legislator Caracciolo was after me, then Towle, then Guldi.
LEG. CARACCIOLO:
Mr. Jones.
MR. WAYNE JONES:
Yes.
LEG. CARACCIOLO:
Okay. Perhaps the questions I have would be more suitable for Bill Jones instead of yourself. Is Bill in the auditorium?
LEG. GULDI:
Bill's actually gone to get another copy of the lease, because I didn't like what I just saw.

LEG. CARACCIOLO:
Okay. Then Mr. Wayne Jones.
MR. WAYNE JONES:
Yes.
LEG. CARACCIOLO:
Can you tell me -- you said you were not familiar with the previous lease; correct?
MR. WAYNE JONES:
No. I read portions of it.
LEG. CARACCIOLO:
What was the term of the previous lease? When did it begin and when did it end?
MR. WAYNE JONES:
I can't give you the specifics on that. All I know is that two years ago --
LEG. CARACCIOLO:
Did I hear you say that it was expired -- it expired two years ago?
MR. WAYNE JONES:
It is expired by about two years, could be more.
LEG. CARACCIOLO:
Okay.
MR. WAYNE JONES:
But two years, to my knowledge.
LEG. CARACCIOLO:
Mr. Chairman, can we get someone request that those individuals who are familiar with the previous lease provisions in the auditorium, so that we can get a sense, those of us who are not on Ways and Means, as TO the difference between this proposed lease --

P.O. TONNA:
But I'd rather not do that right now --
LEG. BISHOP:
Mr. Chairman.
P.O. TONNA:
-- because this is a speaker. We're still in the public portion.
LEG. BISHOP:
Right, this the public portion.
P.O. TONNA:
This is a time when the speak -- when the public, you know, can speak to us. If we're going to debate it tonight and we're going to deal with that issue, then I think -- I think, Mike, that's when we need to sit down and talk.

LEG. CARACCIOLO:
Okay. Then let me raise this question.
LEG. FOLEY:
We could cut this to the quick and let it go to the committee, where it should be discussed.
P.O. TONNA:
Thank you. Okay.
LEG. CARACCIOLO:
Paul.
P.O. TONNA:
Just wait one second. Yes.
LEG. CARACCIOLO:
Question. Okay. So I understand from your presentation, Mr. Jones, you indicated that there are -- well, my words, not yours, but let me ask you this. Are there incentives or penalties for this landlord to meet the deadlines of 450 days to build out the addition, plus make the improvements, the renovations, if he doesn't meet that timetable?
MR. WAYNE JONES:
That's correct.
LEG. CARACCIOLO:
What are those incentives and/or penalties?
MR. WAYNE JONES:
The penalties, I understand, is that we're 30 days beyond that --
LEG. CARACCIOLO:
Hold it. Mr. Chairman, I can't hear.
LEG. FOLEY:
I'm sorry, Mike.
MR. WAYNE JONES:
It's my understanding that if they go 30 days beyond that completion date of 450 days, that we have the right to pull out of any agreement that we may have with them.
LEG. CARACCIOLO:
All right.
MR. WAYNE JONES:
I'm only paraphrasing.
LEG. CARACCIOLO:
So that puts us in a situation, prospectively that we're in today.
MR. WAYNE JONES:
Okay.

LEG. CARACCIOLO:
Okay?
MR. WAYNE JONES:
I would say --
LEG. CARACCIOLO:
That is the position and the argument that we've been hearing all day by proponents of this new lease is that, "My goodness, if you don't approve this lease today, we have a terrible Health/Social Services center and we have to start the process of finding a replacement and/or construct a new building."
MR. WAYNE JONES:
Well, that's if --
LEG. CARACCIOLO:
What advantage is it to us to give someone with a prior record, a dismal record, an opportunity to prove himself when -- and maybe Fred Pollert would know the answer to this question. The previous lease agreement when for what term?
MR. POLLERT:
Frankly, I don't know. But we had pulled an old report that carried the lease through -- I think it was -- hold on one second.
LEG. BISHOP:
People are just determined to debate this off of one speaker when we should debate it later on.
LEG. FOLEY:
No. It should be done in committee, that's where it should be done. We'll have a full debate.
MR. POLLERT:
Through 1993. And then we did another lease that I believe went through 1997, and I believe they've been on a month-to-month since that period of time.
LEG. CARACCIOLO:
And this lease commenced when, when did it start?
MR. POLLERT:
Probably we've been there for at least the last 20 years or so. I you know --
P.O. TONNA:
Michael.
MR. POLLERT:
You know, roughly 18 years.
LEG. CARACCIOLO:
Well, I'm just trying to give everyone a sense, as you pointed out very well, that why should we today, you know, consider this landlord for further consideration when for the last 20 years, he hasn't lived up to

his responsibilities? I mean, how do we justify that?
P.O. TONNA:
Okay. Legislator Towle, you're on the list, then Guldi, and then I'm going to invoke executive privilege, if I have one, and -- no, I don't. Okay. This is the Legislature, I forgot. Okay. Forget the Air National Guard. Let's just get going. Go ahead.
LEG. TOWLE:
I'm prepared to hold off on my questions and comments.

LEG. BISHOP:
Yea.
LEG. TOWLE:
But I want to make something very clear, because I heard you say something earlier and I just want to make sure that that's accurate. Obviously, the bill is in committee. And although I respect Legislator Levy's wishes to keep it in committee, I don't agree with him. I don't agree with him. I don't agree with him, because we're not all in that committee. And I can guarantee that none of us are all going to that committee to hear -- to hear the -- to hear the process. Let me just finish my thoughts for a second. To hear the process. I think the process should be debated here. I'm not a fan of the company either, but knowing the community, knowing what the community wants, having spoke to the County officials, having taken time to go look at the facility, having spoken to Mr. Jones in the past, having spoken to everybody that there possibly could be to speak to on this particular issue, there really is no other locations for us to move this facility to. We're kind of boxed in. Now, that's not to say that we can't look at something else, but the longer we tinker with this and the longer we look at this, the longer the people that work there and the people that use the community center, the health center, or Social Services, suffer.
P.O. TONNA:
Right.
LEG. TOWLE:
I'm all for debating this until the cows come home tonight, if that's what we have to do, and voting it up or down on the merits. It's clearly --
P.O. TONNA:
Are you saying something about my wife? No, I'm joking.
LEG. TOWLE:
Clearly -- clearly, as you pointed out, every person, every person --
P.O. TONNA:
He said Carol? He said cows?
LEG. TOWLE:
Every person that would be involved in this issue, as far as the County goes, has been walking around the building today and clearly is here to answer our questions. So does that mean that we are going to try to

discharge the bill from committee --
P.O. TONNA:
No. It means --
LEG. TOWLE:
-- to debate it?
P.O. TONNA:
Okay.
LEG. TOWLE:
What is your plan, as far as that goes.
P.O. TONNA:
My plan is, because of the way that the rules are structured in the Legislature, which I agree with, is somebody on the prevailing side would like to discharge the resolution today, then so be it. There'll be a motion, there'll be a second, there'll be a debate, and it will go

on. If there is not somebody on the prevailing side, I am not going to be one of them, because I feel that this should be discussed in committee, and the rule that I've tried to live be, but never too consistent, I don't want to get anybody too upset here, is that the committee chairman of each committee has the right, one bullet in his gun, to be able to say, "Hey, no discharge for one cycle until we get to look at it." That's what Legislator Levy is hanging his hat on with the sober bill when he discharged, because it went through two cycles. So all that I say is --
LEG. LEVY:
One cycle.
P.O. TONNA:
Right. All I say is that, Fred, there are people on the prevailing side, if there's somebody there, then let the vote go up and down. This is America. But right now, I just wanted to finish -- okay. So --
LEG. TOWLE:
So the answer to the question is you have no plans on scheduling this as a discussion tonight.
P.O. TONNA:
Well, I don't really --
LEG. TOWLE:
As you've said earlier.
P.O. TONNA:
I have never planned discussions, to tell you quite honestly, in general. It wasn't -- it's not on the agenda. You brought it up as a motion. I recognized that motion. There was a vote, it went down. If there's somebody on the prevailing side, after the public portion, hopefully, then we'll be -- we'll debate it until the cows come home.

LEG. TOWLE:
Or should the County Executive's Office bring over a CN.
P.O. TONNA:
Or if the County Executive should bring over a CN, as our rules abide.
LEG. FOLEY:
But if he does, I'll state for the record, if he does that, then it shows absolute disrespect towards this committee process --
P.O. TONNA:
Okay.
LEG. FOLEY:
-- and towards the Chairs of the different committees that are seeing this for --
P.O. TONNA:
By the way, Wayne, I think you're done. You don't have to sit here and subject yourself to that.
LEG. JONES:
I'm enjoying it, actually.
LEG. D'ANDRE:
Mr. Chairman, I just have a question.
P.O. TONNA:
Wait. You have a question?
LEG. D'ANDRE:
Just one question.

P.O. TONNA:
Okay. Wait. Legislator Guldi is next, and then --
LEG. GULDI:
I'll withdraw my question.
P.O. TONNA:
Okay.
LEG. GULDI:
And let's wait until we get through the public portion --
LEG. TOWLE:
Legislator Tonna.
P.O. TONNA:
And hold the questions about the documents.
P.O. TONNA:
Okay.
LEG. TOWLE:
Legislator Tonna.

P.O. TONNA:
Legislator D'Andre.
LEG. TOWLE:
Legislator Tonna.
P.O. TONNA:
Yes.
LEG. D'ANDRE:
Mr. Jones, is it?
LEG. TOWLE:
I don't believe I was done.
P.O. TONNA:
Oh, wait, wait, wait, wait. Wait a second. Legislator Towle, you have a question of the speaker?
LEG. TOWLE:
Not of the speaker. I just want to finish what I was saying, because the question actually was of you because of your comment earlier. Legislator Foley, with all due respect to you, we get CN's at every one of our meetings for a whole host of issues. If you, as the Chairman of Public Works, were concerned as you say you are about this particular lease, you had the same ability that Legislator Fields did, you have the same ability that I did, not as a Chairman, and that was to get a copy of the lease, which was faxed to my office yesterday, so I could look at it, because I had heard some rumor it was coming here today, you had the same ability to tour the facility, you had the same ability to speak to the Director, or to Mrs. Owens, or to any of the other community people. And the fact of the matter is, because people didn't do that, the community and the people who work at the facility should not suffer because of that.
LEG. BISHOP:
Mr. Chairman.
P.O. TONNA:
Let me just say something to everyone.
LEG. BISHOP:
May I make a motion.
P.O. TONNA:
I am -- I have the ability to recess this meeting. Okay? We have some

things here that I would like to finish up. There are three people still from the public portion. If -- all right? If not, they have to come back at around 8 o'clock. All right? I would ask that we just be respectful to the public and let the last three speakers speak and then we move on with our dinner break and then go on.
LEG. BISHOP:
Mr. Chairman, I just -- on a procedural point. I would ask Legislators, we can do two measures that have been worked on

extensively over the past couple of weeks that we can finish up before we go to the dinner break as well, the herbal cigarettes and the sober houses, and we'll get those out of the way. So, when we come back from dinner, it will be very --
LEG. LEVY:
No.
P.O. TONNA:
Okay. This is the deal.
LEG. BISHOP:
No, I --
P.O. TONNA:
No, no, no.
LEG. BISHOP:
I suspect, Legislator Levy, that all those debates have already been had at the previous meetings, and we could just pass them --
P.O. TONNA:
I will suggest, if Legislator Towle be a good boy, all right, maybe we'll get that sober house bill done within a couple of minutes --
LEG. BISHOP:
We can get those measures --
P.O. TONNA:
If everyone --
LEG. GULDI:
I won't be more than an hour.
P.O. TONNA:
Oh, gosh. Well, Legislator Guldi, can we -- can we basically get these discussions done, because if not, I am going to bang this thing and wait until we come back. I would rather -- these people have waited long enough, all right.
LEG. D'ANDRE:
I have that --
P.O. TONNA:
And I have still three people for the public portion.
LEG. D'ANDRE:
I have that question, Mr. Chairman.
P.O. TONNA:
Okay. Legislator D'Andre has a question of the speaker. That's the rules.
LEG. D'ANDRE:
This Jobco, is that the name of the company?

MR. WAYNE JONES:
That's the management company for the landlord.
LEG. D'ANDRE:

Is that the Pontillo Family?
MR. WAYNE JONES:
I don't know if that's the Pontillo Family.
LEG. D'ANDRE:
You don't know that?
MR. WAYNE JONES:
No.
LEG. D'ANDRE:
You don't know who owns it?
MR. WAYNE JONES:
I only deal with the people who are responsible for completing the job that needs to be done.
LEG. D'ANDRE:
Thank you.
P.O. TONNA:
Thank you very much, Legislator D'Andre. Okay I have three more speakers. Helen Meyer? Helen, are you here? Going once, going twice, sold. Okay. Vincent Iaria. I can never -- Vinny --
LEG. BISHOP:
This is an administration official. This could be put off until after dinner. Absolutely. This is not a member of the public. This is public portion.
MR. IARIA:
I'll be very quick.
P.O. TONNA:
Are you on -- are you on your own time?
MR. IARIA:
I don't get paid overtime to do this.
P.O. TONNA:
Okay. Are you on your own time? All right. We'll wait for you later. Okay. Next, Dorothy Patricia Walsh. Dorothy Patricia Walsh, please.
AUDIENCE MEMBER:
She's not here.
P.O. TONNA:
Dorothy Patricia Walsh isn't here? All right. Come on back up, Vinny. Come on up. All right, there you go.

LEG. BISHOP:
You're too soft, Tonna.
P.O. TONNA:
I'm soft, I'm soft. No, I'm just kidding.
MR. IARIA:
I'll be very brief, because many of you know what the situation is. I'm speaking on 1352, which adds five Probation Assistants. Right now, Suffolk County has a mandated responsibility to provide detention beds for juvenile delinquents that the court orders into our care. We don't have any beds in the State. We've relied in the past on other counties to help us. They don't have the beds. We've been forced to put makeshift places up in the County. Today I learned that we had to open up the Seventh Precinct to put five additional kids in. We're running -- we're running a detention program, holdover facilities with Probation staff that are not dedicated to it. They're running this on overtime. At any given day, we use -- with three shifts, we're using

15 people, pulling them from other assignments to do this, and most of the time, it's on overtime. This 1352 puts -- us some Probation Assistants to do this job, not on an overtime basis, but as dedicated staff. So I'm asking that you really consider this.
P.O. TONNA:
Thank you very much.
LEG. CARACCIOLO:
Mr. Chairman.
P.O. TONNA:
Oh. Yes, Legislator Caracciolo.
LEG. CARACCIOLO:
No. In light of the presentation that was just made here, it was also made at the Finance Committee meeting --
P.O. TONNA:
Okay.
LEG. CARACCIOLO:
-- it should be pointed out that this year, you anticipate overtime expenditures in the department to be what amount, Vinny?
MR. IARIA:
Over 500,000.
LEG. CARACCIOLO:
Yeah. And what was budgeted?
MR. IARIA:
Under 400,000, I think.
LEG. CARACCIOLO:
Okay. There's a sense of urgency to consider and take up this resolution. I'd like to call it out of order and vote to approve 1352.

LEG. BISHOP:
We could do this one in order. This is housekeeping.
P.O. TONNA:
Okay. Michael.
LEG. CARACCIOLO:
You don't want to do it now.
P.O. TONNA:
Is there a general public here that are -- I mean, the only real --
LEG. CARACCIOLO:
All right. We'll do it later.
P.O. TONNA:
-- time that I do it, you know --
LEG. CARACCIOLO:
We'll do it later.
P.O. TONNA:
Just this is something -- it's only Vinny that is waiting.
LEG. CARACCIOLO:
Right.
P.O. TONNA:
Since he doesn't get paid overtime --
MR. IARIA:
That's right, what the hell.
P.O. TONNA:
-- we're making money on this deal.
MR. IARIA:

All right.
LEG. BISHOP:
That are two resolutions we've had public interest on today, with the sober houses --
P.O. TONNA:
Yes.
LEG. BISHOP:
-- and the cigarettes. So why don't we move on those?
P.O. TONNA:
So I'm waiting for a motion.
LEG. TOWLE:
Motion to pull 1155 out of order and approve.

LEG. BISHOP:
Second.
P.O. TONNA:
You know what, I will even second that, Legislator Towle.
LEG. CRECCA:
Vinny.
P.O. TONNA:
After all of those wonderful --
LEG. CRECCA:
Vinny.
P.O. TONNA:
-- changes.
LEG. CRECCA:
I'll make sure --
LEG. TOWLE:
I guess I'm going to buy you dinner.
P.O. TONNA:
No, I don't need dinner. Thank you.
LEG. CRECCA:
I'll do my best to make sure 1352 gets passed.
P.O. TONNA:
That's all right, though. Anyway, motion and a second. All in favor?
LEG. GULDI:
This is -- on the motion.
LEG. BISHOP:
This is to take it out of order.
P.O. TONNA:
To take it out of order.
LEG. GULDI:
Oh, yes, okay.
P.O. TONNA:
On the motion to take it out of order. All in favor? Opposed?
LEG. TOWLE:
Motion to approve.
P.O. TONNA:
Motion to approve by Legislator Towle.
MR. BARTON:
16, 2 not present.

LEG. BISHOP:

Second.
P.O. TONNA:
Seconded by myself. All in favor? Opposed?
LEG. TOWLE:
Roll call.
P.O. TONNA:
On the motion.
LEG. GULDI:
On the motion.
P.O. TONNA:
Legislator Guldi.
LEG. GULDI:
On the motion. Before we vote on this, I want to point out three salient factors. I think that we're doing a disservice to this community, because what they're here complaining about is conduct in a neighborhood which is already illegal. You're talking about public nuisance conduct, noise violations and housing code violations. The State has active and regulated alcoholism treatment in this State through Mental Hygiene and Health laws, including certification, not just for social workers, as is provided in this statute, but for certified alcoholism counseling. Our effort to circumvent and contradict State law is per se illegal and preemptive. We're not going to do anything with this law but provide employment for lawyers. In addition to that, the State housing laws have been litigated in a number of contexts, including summer rental context, and the Supreme Court of the United States has repeatedly held that municipalities cannot regulate and prohibit occupancy of a dwelling house by fewer than six unrelated adults. Our bill provides for four. We already -- so we know it's going to be invalid.
P.O. TONNA:
I think the bill was changed to six.
LEG. GULDI:
Is it six? No, it was changed from three to four. It's still four.
LEG. CARACCIOLO:
Six, six, six.
LEG. GULDI:
All right. So we meet the minimum requirement --
P.O. TONNA:
666?
LEG. GULDI:
-- of constitutionality there, but we still don't get past the fact that we are acting extra legally and we're not attempting to reach the

conduct which is complained of, instead we're reaching a class or category and we're addressing people's status. I find it ill-advised, I think it's clearly unlawful, I know it's not going to work, and I urge you to vote with me against this and, instead, try to work with these communities to get some real relief to address the issues they're actually complaining of instead of this piece of --
P.O. TONNA:
Okay. Thank you, Legislator Guldi. Roll call
LEG. CARACCIOLO:
On the motion.

P.O. TONNA:
On the motion, Legislator Caracciolo.
LEG. CARACCIOLO:
Could we have the County Attorney address the legal issues that were raised by Legislator Guldi?
LEG. BINDER:
Good night.
P.O. TONNA:
I see a couple of Assistant County Attorneys going, "Oh, my God, don't ask me this." I love your hairstyle, though, I want you to know. All right.
LEG. GULDI:
This is third time today --
P.O. TONNA:
I know.
LEG. CARACCIOLO:
Paul.
P.O. TONNA:
I know. Just -- I'm telling you, these guys are very attractive looking men.
LEG. CARACCIOLO:
Paul.
P.O. TONNA:
Anyway, go ahead. Yes.
LEG. CARACCIOLO:
I'd like the County Attorney representative here.
P.O. TONNA:
Okay. Is there a County Attorney representative? You're getting somebody? Dave, this is great. This is just one of your --
LEG. LEVY:
Pose it to Paul.

P.O. TONNA:
Hey, well, you should have polled people.
LEG. LEVY:
Hey, Mike.
LEG. BISHOP:
We have Legal Counsel. It's unusual for a Legislator to ask for the County Attorney. So the --
LEG. CARACCIOLO:
Well, because -- because, if there's an action taken against the County, it's the County Attorney who represents us.
LEG. BISHOP:
Well, if the County Attorney believes it's illegal, then the County Executive will veto it.
LEG. CARACCIOLO:
Well, that's something perhaps we should know in advance.
LEG. BISHOP:
However, while we're waiting for that, why don't we take I.R. 1357 out of order?
P.O. TONNA:
Hold it a second.
LEG. TOWLE:

While we're waiting for the County Attorney's Office --
P.O. TONNA:
Yes.
LEG. TOWLE:
I mean, with all due respect to Legislator Caracciolo, you know, maybe for the 200 bills where we got tonight, we ought to call Bob on the phone to find out if he plans to veto any of these, so we know that before we vote on them.
LEG. HALEY:
Good idea.
LEG. TOWLE:
I mean, that's ridiculous. You know, that's --
P.O. TONNA:
No.
LEG. TOWLE:
-- what we have an attorney for --
P.O. TONNA:
Wait, wait, wait.

LEG. TOWLE:
-- to give us legal advice.
P.O. TONNA:
Legislator Towle. Legislator Towle, everybody, I just ask -- okay. I'm going to make a motion to ask Legislator Cooper to make -- Legislator Cooper, make a motion right now, while they're getting the County Attorney's people.
LEG. CARACCIOLO:
They're here.
LEG. COOPER:
I make a motion --
LEG. CARACCIOLO:
They're here. They're here.
LEG. COOPER:
Ah, they're here. Saved by the bell. Mea. Mea, Mea.
LEG. CARACCIOLO:
You want to repeat your objections?
P.O. TONNA:
I'm going crazy.
LEG. CARACCIOLO:
Mea, I don't know if you heard the comments made by Legislator Guldi about what he feels are objectionable legal issues and the County's right to pass this legislation.
P.O. TONNA:
Sober houses we're talking about.
LEG. CARACCIOLO:
Right. So maybe Legislator Guldi could just reiterate or repeat.
P.O. TONNA:
No, I don't want to reiterate. But --
LEG. CARACCIOLO:
Is she familiar with the legal objections he's raised? Are you, Mea?
P.O. TONNA:
Mea.
LEG. CARACCIOLO:

Did you hear what he had to say?
MS. KNAPP:
I didn't. Did you talk about the County has entered into a stipulation --
LEG. FOLEY:
I'm sorry. You're microphone's not on.

00200

LEG. GULDI:
We can't hear you.
MS. KNAPP:
The County has recently entered into a stipulation of settlement on a related matter on sober houses.
LEG. GULDI:
No, we're not aware of it.
MS. KNAPP:
Okay.
P.O. TONNA:
Okay.
MR. KNAPP:
That is -- that was one legal issue I though you might --
LEG. CARACCIOLO:
Could you elaborate?
LEG. HALEY:
You have to speak up.
MS. KNAPP:
The federal government brought an action against the County based upon enforcement of the amount of payment, Social Services payments that were made to individuals, Social Service recipients who were residing in what might be denominated as sober house, and the government made a very strong case, and the County entered into a stipulation of settlement that basically said that we would adhere to the government, the government's definition.
LEG. CARACCIOLO:
If the Legislature approved the resolution before us, would it be -- does the County Attorney's Department, the Department of Law, have a position as to whether or not this would be legal and whether or not -- would you advise the County to approve this resolution or to veto it?
MS. KNAPP:
The County Executive has not asked for a legal opinion on this bill as yet. We did advise that there were certain legal issues that were related to this bill and that it was important to make sure that we didn't put the County in the position where we were violating any agreements we may have made with the federal government. I'm not certain, though, that this bill does do that.
LEG. CARACCIOLO:
Thank you.
LEG. BISHOP:
There's no official position --

00201

P.O. TONNA:
Okay.
LEG. BISHOP:
-- of the County Attorney on it?

MS. KNAPP:
There -- we have not been --
LEG. BISHOP:
Okay.
LEG. BINDER:
Wait, wait. Wait a minute. Wait a minute.
LEG CRECCA:
The Social Services Committee asked that this looked at --
LEG. BINDER:
Wait a minute. Wait.
LEG. CRECCA:
-- by the County Attorney's Office a month ago.
LEG. BINDER:
Mr. Chairman.
P.O. TONNA:
Okay. Can I -- all right.
LEG. BINDER:
Could I --
P.O. TONNA:
If we're going to make a list, all right, I would rather just vote this thing up and down.
LEG. BINDER:
But I want to ask Mea Knapp.
P.O. TONNA:
All right. Legislator Binder has the floor.
LEG. BINDER:
Mea, could I ask you a question? This side. Thanks. Are you saying that there are a number of issues that needed to be -- this bill needed to be looked at in light of -- because now we're talking about agreements we've made under a stipulation. And so you can't tell us, because you haven't looked at -- when was this stipulation made?
MS. KNAPP:
I believe the stipulation was entered into in February.
LEG. BINDER:
So between February and May, and we've had the bill in circulation, no one's looked at -- let me ask, was our -- was our Counsel -- our

Counsel advised as to this and was he given the stipulation? It's important. The reason I'm asking is, because I'd like to know before I vote whether we have a resolution that has --
P.O. TONNA:
You know what, I think the truth is, I think you're right, and Legislators should not be forced to vote if they have questions to ask. There are four other Legislators who indicated to me that they want to ask these questions. All I'd say is, obviously, we're not going to take a vote right now. I'm going to call a recess. If we want to try it, let's try the herbal cigarettes, to get that out. Can we do that?
LEG. BINDER:
Thank you.
P.O. TONNA:
Can we make a motion in the middle of this and then call a recess? I'm asking people to be reasonable here, one or the other. I am calling a

recess in four minutes.
LEG. LEVY:
Motion to defer.
LEG. COOPER:
I make a motion to take 1357 out of order, please.
LEG. BISHOP:
Second, Mr. Chairman.
P.O. TONNA:
Now, from a procedural standpoint, can we do this in the middle of a debate?
LEG. TOWLE:
You've got a motion to approve.
LEG. GULDI:
You've got a motion to approve.
LEG. BISHOP:
Well, first, make a motion to defer.
LEG. BINDER:
No, a motion to postpone.
MR. SABATINO:
You have to make a motion to postpone the vote --
LEG. BINDER:
Right.
MR. SABATINO:
-- because we had a motion --

LEG. BINDER:
Right.
MR. SABATINO:
-- and a second. So you could postpone this vote to a time certain.
LEG. BISHOP:
Motion to postpone the vote on I.R. -- Give me the number, please.
LEG. TOWLE:
1155.
LEG. COOPER:
I second.
LEG. BISHOP:
Until 8 o'clock. So it's the first thing we do when we come back.
P.O. TONNA:
Okay.
LEG. BISHOP:
Second.
LEG. HALEY:
Second.
P.O. TONNA:
Okay. All in favor? Opposed?
LEG. TOWLE:
Opposed.
LEG. CARACAPPA:
Opposed.
LEG. CARPENTER:
Opposed.
P.O. TONNA:
Okay. We have three oppositions. It passes. (Not present: Leg.

Fisher) all right, Henry? Every body else but --
LEG. BISHOP:
Motion to take --
P.O. TONNA:
Now there's a motion -- Legislator Cooper this is the time you speak up.
LEG. COOPER:
I make a motion to take 1357 out of order.
LEG. BISHOP:
Second.

00204

P.O. TONNA:
Second by Legislator Bishop. All in favor? Opposed? Approved? Now there's a motion to approve.
LEG. COOPER:
I make a motion to approve 1357.
P.O. TONNA:
Okay. Who's the cosponsor? Myself. I second that motion.
LEG. COOPER:
Thank you.
P.O. TONNA:
All in favor? Opposed? Approved. (Vote: 17, 1 not present) (Not Present: Leg. Fisher) (Cosponsored by Legs. Carpenter, Caracappa, Crecca, Guldi, Towle)
LEG. COOPER:
Thank you.
P.O. TONNA:
Now -- yes.
LEG. BINDER:
Mr. Chairman, just let me ask, if it can be really quick, if there's no debate --
P.O. TONNA:
No, it can't be quick, Legislator Binder.
LEG. BINDER:
Could I -- I'd just like to -- I'd like to make a motion to discharge 1431, so it has time to age.
LEG. LEVY:
What is that?
LEG. BINDER:
Which is the -- adopting a local law --
LEG. GULDI:
Second.
LEG. BINDER:
-- formalizing notification --
P.O. TONNA:
Fine.
LEG. HALEY:
Second.
LEG. BINDER:
-- of teachers for spraying pesticides.

00205

P.O. TONNA:
Second by Legislator --

LEG. TOWLE:
We don't have a copy of that.
LEG. BINDER:
Yes, everyone has a copy. It's in front of everyone.
P.O. TONNA:
No, we can't.
LEG. BINDER:
It's distributed.
P.O. TONNA:
Well, is everyone -- okay.
LEG. BINDER:
Everyone has a copy.
P.O. TONNA:
No. I mean just -- no.
LEG. BINDER:
It's just a motion.
LEG. HALEY:
Motion to recess to 8:15.
P.O. TONNA:
We will be here to age it when we get back --
MR. BARTON:
Mr. Chairman.
P.O. TONNA:
-- trust me.
MR. BARTON:
Mr. Chairman.
P.O. TONNA:
Okay.
MR. BARTON:
The vote is 17-1. (Not Present: Leg. Towle)
P.O. TONNA:
I'm calling a dinner recess until --
LEG. HALEY:
8:15.
P.O. TONNA:
What?

LEG. CRECCA:
8:15.
P.O. TONNA:
8:15.
LEG. CRECCA:
He doesn't have the vote right.
MR. BARTON:
The vote is 17-1 on 1357, the herbal cigarettes, 17-1, one not present.
LEG. CRECCA:
Henry, put me down as a cosponsor, it's Crecca, on the herbal cigarette.
LEG. CARPENTER:
Henry, cosponsor, too.
[THE MEETING WAS RECESSED AT 6:45 P.M. AND RESUMED AT 8:23 P.M.]
P.O. TONNA:
Call the roll.

(*Roll Called by Mr. Barton*)

MR. BARTON:
16.
P.O. TONNA:
Thank you very much, Clerk of the Legislature.
MR. BARTON:
Thank you, Mr. Chairman.
LEG. BISHOP:
Mr. Chairman, I make a motion to approve 1155.
P.O. TONNA:
Yeah, let's go right back to the video tape. All right?
LEG. TOWLE:
I think there was a motion for that.
MR. BARTON:
I have a motion.
P.O. TONNA:
Yeah, at 8 o'clock. It's 8 -- no, I'm joking. Okay. Let's -- I see them, they're all like, "What's going on here?" I know. Okay. There was a motion and a second already, I think, right?
LEG. TOWLE:
By you and I?

LEG. FIELDS:
For what?
MR. BARTON:
Yes, there is, Mr. Chairman.
LEG. FIELDS:
Repeat the motion.
LEG. TOWLE:
By you and I.
LEG. BISHOP:
I think we deferred.
P.O. TONNA:
Procedurally, yeah.
LEG. BISHOP:
We have to make a new motion, perhaps not.
P.O. TONNA:
Is that true?
LEG. TOWLE:
I'll make a motion to approve.
P.O. TONNA:
Wait. I just want to --
MR. SABATINO:
The motion that was made was --
P.O. TONNA:
It's a learning process for me.
MR. SABATINO:
The motion that was made was to postpone that vote. The vote that was occurring was based on a motion and a second that I forget who made, but if the Clerk just repeats it, we'll be back on track.
MR. BARTON:
Motion by Mr. Towle, seconded by Mr. Tonna.
P.O. TONNA:

Okay. So there's a motion by Legislator Towle, seconded by myself. We are now -- if I remember correctly, Legislator Binder was discussing various and sundry issues.
LEG. D'ANDRE:
Sundry issues?
P.O. TONNA:
Sundry.

00208

LEG. BINDER:
I was attempting to discharge 1431, so we could get it to age for an hour.
LEG. BISHOP:
We did that.
P.O. TONNA:
No, we did not.
LEG. BINDER:
No. I tried to and then everybody started screaming.
P.O. TONNA:
Okay. Can I just say something? Just hold it one second, everyone. One of the -- and there are three or four Legislators who have come to me and mentioned that when we close out meetings, it gets a little disorganized. Back from lunch -- dinner, it gets a little disorganized. My personal preference is disorganization, I thrive on that. But Legislator Binder has a motion. We have a motion in front of us right now. Let's finish debate on this. We're going to have more than an hour. The next motion will be yours, Legislator Binder, you'll have the hour, because we still have a double agenda meeting to get to.
LEG. D'ANDRE:
What is the motion?
P.O. TONNA:
The motion right now is to approve the sober house, seconded by myself. Legislator Binder, do you have a question to ask? No. Okay roll call. Roll call on this.
(*Roll Called by Mr. Barton*)
LEG. TOWLE:
Yes.
LEG. TONNA:
Yes.
LEG. CARACCIOLO:
This is on the sober house bill?
MR. BARTON:
Yes, 1155.
LEG. CARACCIOLO:
Yes.
[LEG. GULDI-NOT PRESENT]
LEG. CARACAPPA:
Yes.

00209

LEG. FISHER:
Yes.
LEG. HALEY:
No.

LEG. FOLEY:
Yes.
LEG. FIELDS:
Yes.
LEG. ALDEN:
Yes.
LEG. CARPENTER:
Yes.
LEG. CRECCA:
Pass.
LEG. D'ANDRE:
Yes.
LEG. BISHOP:
Yes.
LEG. POSTAL:
Yes.
LEG. BINDER:
Yes.
LEG. COOPER:
Yes.
LEG. LEVY:
Yes.
LEG. CRECCA:
No.
MR. BARTON:
Legislator Guldi. 15, 2, 1 not present. (Not Present: Leg. Guldi)
P.O. TONNA:
Great. Thank you very much. Congratulations. Go home. Have a good day. Hopefully, you don't have to see us again for another hundred years.
(Applause)
Okay. Legislator Binder has a motion.
LEG. BINDER:
I'd like to make a motion to discharge 1431.

P.O. TONNA:
I second that motion. All in favor?
LEG. FOLEY:
Title on the bill.
P.O. TONNA:
Opposed?
LEG. FOLEY:
Title on the -- on the motion. On the motion.
LEG. BINDER:
Charter law formalizing notification procedures for Suffolk County spraying and pesticide application.
LEG. BISHOP:
Second.
P.O. TONNA:
It's going to take 12 votes, you understand, I'm sure.
LEG. BINDER:
To discharge.
P.O. TONNA:

Yes.
LEG. BISHOP:
I make a motion and second.
P.O. TONNA:
Allan "Robert Rule of Order" Binder, understands. There's already a second. Okay. It's to discharge. All -- this is -- this is a bill -- Legislator Binder's the author. Go ahead, Legislator Binder. Just give them the quick summary.
LEG. BINDER:
This is a bill to put into law the notification procedures by the Department of Health, and Vector Control, and Department of Public Works, so there will be a regular notification process for spraying for adulticides for mosquitoes. And there's ground spraying and aerial spraying in different notifications. And it's handed out, so everyone should have a copy of the latest version.
LEG. D'ANDRE:
What about the legalities of --
P.O. TONNA:
Okay. Let's -- this is just a motion to discharge first, Legislator D'Andre.
LEG. D'ANDRE:
Okay.

P.O. TONNA:
There's a motion, a second. All in favor? Opposed? Approved.
MR. BARTON:
17, 1 not present.
P.O. TONNA:
Now it has to age for one hour and then we'll deal with the merits of the issue later. Okay. Is there any other things --
LEG. BISHOP:
Yeah.
P.O. TONNA:
-- before we go the agenda?
LEG. BISHOP:
Mr. Chairman, I think we should make a motion to extend the meeting to one a.m.
P.O. TONNA:
Right now?
LEG. BISHOP:
Yeah, on the theory that we're not going to -- we're going to be up against all the insanity later on.
P.O. TONNA:
You know what, actually, we don't have to stay to one if there's nothing there..
LEG. CARACAPPA:
Motion to approve the Consent Calendar.
LEG. BISHOP:
Yeah, right, we don't have to stay to one if --
P.O. TONNA:
Right.
LEG. LEVY:
Motion. I second.

LEG. GULDI:
Second.
LEG. LEVY:
Second.
P.O. TONNA:
All --
LEG. FOLEY:
On the Consent Calendar?

00212

P.O. TONNA:
Okay.
LEG. FOLEY:
Are we on the Consent Calendar?
P.O. TONNA:
No.
LEG. D'ANDRE:
Mr. Chairman.
P.O. TONNA:
Motion and a second to extend the meeting to one o'clock, so that we do not have to worry about any midnight --
LEG. D'ANDRE:
Mr. Chairman, they'll take their time if they know they've got another hour. They'll B.S., and B.S.
LEG. ALDEN:
Motion to extend until four o'clock.
LEG. D'ANDRE:
We'll be here longer.
LEG. BISHOP:
You could choke a horse with this agenda.
P.O. TONNA:
Okay. Could I just say something? There's been a motion and a second. The rules are we're calling a vote on this. Just vote it no, then.
All in favor?
LEG. BINDER:
Wait, wait, Mr. Chairman.
P.O. TONNA:
Opposed?
LEG. BINDER:
Parliamentary inquiry, just so we understand what happens with this vote with Counsel. If we vote this down and we get up to near 12, what is --
LEG. BISHOP:
We can't pick one.
LEG. BINDER:
How is it incumbent upon us --
P.O. TONNA:
Can't pick one.
LEG. BINDER:
-- to do what? How --

00213

LEG. BISHOP:
You can't pick one.
LEG. BINDER:

We just not pick one?
P.O. TONNA:
Pick 1:01.
LEG. BINDER:
Could we pick any other time? Do we have to recall that vote, as reconsider that vote? I just want to make sure, so everyone understands.
MR. SABATINO:
Well, if we get to -- if this vote is defeated to extend it at this hour, but we get to moments before midnight, the ordinary rules will apply at that time. Somebody would have to make a motion to extend the meeting to sometime certain, otherwise we'll be automatically adjourned.
P.O. TONNA:
Okay. Right. Okay. So, all in favor? Opposed? (Legislators said"opposed" in unison) Just count the opposed. Legislator Caracciolo, Legislator Guldi, Legislator Caracappa, Legislator Fisher, Legislator Haley, Legislator Foley, Legislator Crecca, Legislator D'Andre, Legislator Postal, Legislator Binder. Okay.
LEG. BISHOP:
All right.
LEG. D'ANDRE:
That's it.
LEG. BISHOP:
So we'll have the insanity later on.
P.O. TONNA:
Fine.
LEG. BISHOP:
You think that makes us --
MR. BARTON:
Seven.
P.O. TONNA:
Okay, there we go.
LEG. CARACAPPA:
Motion to approve the Consent Calendar.
P.O. TONNA:
Motion is --

LEG. GULDI:
Second.
P.O. TONNA:
Now, I just -- wait. What?
LEG. CARACAPPA:
Motion to approve the Consent Calendar.
P.O. TONNA:
Okay. Just one thing before we start. Henry, we're going to move through this very quickly. All right? Everyone get ready. Stay seated, stay focused, and let's roll.
MR. BARTON:
We're missing --
LEG. CRECCA:
And don't --
P.O. TONNA:

All right.
LEG. CRECCA:
Keep the comments down, so we --
P.O. TONNA:
A motion. Motion by Legislator Caracappa, seconded by Legislator Guldi --
LEG. FOLEY:
On the motion.
P.O. TONNA:
-- to approve this Consent Calendar.
LEG. FOLEY:
On the motion.
P.O. TONNA:
The Consent Calendar.
LEG. FOLEY:
On the motion.
P.O. TONNA:
Go ahead.
LEG. FOLEY:
I want to table Resolutions 1385 and 1390.
LEG. GULDI:
Why?
LEG. FOLEY:
Can we take them out of the Consent -- out of the --

LEG. LEVY:
Second.
LEG. HALEY:
We want to know why.
LEG. LEVY:
Courtesy. He wants to review it.
LEG. FOLEY:
They're in my district.
LEG. BINDER:
You don't have to make --
LEG. FOLEY:
They're in my district. I want to review them before the next meeting.
LEG. BINDER:
You don't have to make a motion, just a request.
LEG. CRECCA:
Paul, you got to keep some order, this is really crazy.
LEG. GULDI:
Okay.
P.O. TONNA:
There is a motion by Legislator Foley.
LEG. FOLEY:
Legislator Binder says I just need to make a request to --
LEG. BINDER:
Right.
LEG. GULDI:
Amend the motion to eliminate those.
LEG. BINDER:
Any one Legislator could request anything on the Consent Calendar be

taken out --
LEG. HALEY:
We should have made you P.O.
LEG. CARACAPPA:
Mr. Chairman.
LEG. BINDER:
-- because it has to be unanimous if it's on there.
LEG. CARACAPPA:
Mr. Chairman, I'd like to amend my motion.

00216

LEG. BISHOP:
Paul.
P.O. TONNA:
Guys, what in --
LEG. BISHOP:
Paul.
P.O. TONNA:
What in my opening statements didn't you understand about let's stay focused? Okay. Go ahead, Legislator Caracappa.
LEG. CARACAPPA:
I'd like to amend my motion to approve the Consent Calendar, except for those resolutions --
LEG. GULDI:
1385 and 1390.
LEG. CARACAPPA:
1385 and 1390, which I asked within my motion to be tabled to the next Consent Calendar, or go back to committee, so Legislator Levy -- Foley can review them.
LEG. FOLEY:
Thank you, Legislator Caracappa.
P.O. TONNA:
Okay. Can you do that, Henry? Fine. All in favor? Opposed? Fine, we're there.
LEG. FOLEY:
Thank you.
MR. BARTON:
17, 1 not present. (Not Present: Leg. Towle)
LEG. BISHOP:
Mr. Chairman, I don't think we had a vote to set the public hearings.
LEG. GULDI:
Yes, we did.
LEG. BISHOP:
Do we do that at the very end or --
LEG. FIELDS:
We did it.
LEG. LEVY:
Pay attention.
LEG. BINDER:
We did, we did.

00217

LEG. GULDI:
Legislator Bishop --
LEG. BISHOP:

Well, I'd like to make a -- on public hearing for Resolution for 1481, I would like to set the date as August 8th.
P.O. TONNA:
Second.
LEG. BISHOP:
Not June 6th.
LEG. CARPENTER:
Wait a second.
LEG. CRECCA:
Well, which one?
CARPENTER:
What was 1481?
LEG. HALEY:
No. We already set it.
LEG. CARPENTER:
Where's 1481?
LEG. BISHOP:
So I would make a motion to reconsider the setting of the public hearing.
LEG. GULDI:
Second the motion to reconsider and set the date for August 8th.
LEG. LEVY:
Just recess it at the next one.
MR. BARTON:
Mr. Bishop is the sponsor.
P.O. TONNA:
No, we don't --
MR. BARTON:
What date do you want?
P.O. TONNA:
Wait.
LEG. BISHOP:
I want August 8th.
P.O. TONNA:
Okay.

LEG. FISHER:
Motion to reconsider all public hearings?
P.O. TONNA:
Well, there's a motion to -- seconded by Legislator Fisher to recommit -- reconsider. All in favor? Opposed? Fine. Now we're there. Now set it.
LEG. CARPENTER:
Mr. Presiding Officer.
LEG. BISHOP:
Okay. So motion to set the public hearing date for Resolution 1481 as August 8th, 2000.
P.O. TONNA:
I'll second that. All in favor? Opposed? It's fine. The public hearing --
LEG. BISHOP:
All right. Now --
P.O. TONNA:

-- for that resolution is set for August 8th.
LEG. BISHOP:
-- set the other public hearings for June 6th.
LEG. LEVY:
For June 6th.
LEG. BISHOP:
-- because we have to do that.
P.O. TONNA:
Yes.
LEG. CARACAPPA:
Second.
LEG. GULDI:
Second.
LEG. BISHOP:
1457, 1522 and 1571.
P.O. TONNA:
All in favor? Opposed? Fine, we're set.
LEG. BISHOP:
Thank you, Mr. Chairman.
P.O. TONNA:
Thank you. Now can we get to tabled resolutions?

LEG. CARPENTER:
Well, what happens to those two resolutions that were pulled out of the consent, you're not addressing them?
P.O. TONNA:
No, they go to the committee.
MS. FARRELL:
We tabled them.
LEG. CARPENTER:
Again?
P.O. TONNA:
They go to committee. They weren't -- oh, yeah, I guess so. Where do they go?
LEG. CARPENTER:
They were approved in committee.
MR. BARTON:
Tabled.
LEG. CARPENTER:
They stay here.
MS. FARRELL:
No, we just tabled them.
MR. SABATINO:
They were tabled on the floor.
P.O. TONNA:
Okay. Thank you.
MS. FARRELL:
Tabled to the next agenda.
P.O. TONNA:
Okay. Let's start with tabled resolutions. 1041 (A Charter Law to establish competitive-bidding process for selection of County Bond Counsel). Is there a motion?
LEG. BINDER:

Motion to table.
LEG. CRECCA:
Second.
LEG. GULDI:
Second.
P.O. TONNA:
Motion to table by Legislator Binder. Let's keep everything down a little lower, so we can move this. Motion by Legislator Binder, seconded by Legislator Guldi. All in favor? Opposed? Tabled.

00220

MR. BARTON:
17, 1 not present. (Not Present: Leg. Towle)
P.O. TONNA:
1061 (Amending the 2000 Operating Budget transferring funds to the Office for the Aging for the Shelter Island Affairs Council). Is there a motion?
LEG. CARACCIOLO:
Motion to table.
P.O. TONNA:
Seconded by myself. All in favor? Opposed? Tabled.
MR. BARTON:
17, 1 not present. (Not Present: Leg. Towle)
P.O. TONNA:
Number 1084 (To implement use of natural gas as fuel for County fleet). Is there a motion?
LEG. LEVY:
Motion to table.
P.O. TONNA:
Motion to table by Legislator Levy, seconded by myself. All in favor? Opposed? Tabled. (Vote: 17 yes, 1 not present-Leg. Towle)
number 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). Motion.
LEG. POSTAL:
Motion to table.
MR. BARTON:
Mr. Tonna.
P.O. TONNA:
Motion to table by Legislator Postal.
LEG. LEVY:
Slow down.
LEG. FISHER:
Wait. Why are we tabling this?
LEG. BINDER:
Why are we tabling this?
MR. BARTON:
What was the motion on 1084?
LEG. FISHER:
On the motion. Why are we tabling?

00221

P.O. TONNA:
1084 is 17-1, motion to table.
MR. BARTON:

Tabled, 17-1. Thank you.
P.O. TONNA:
Okay. Same motion, same second. On the motion.
LEG. BINDER:
On which, 1102?
LEG. CARPENTER:
Mr. Chairman.
P.O. TONNA:
1102. There is a motion and a second and now there's a question. Legislator Binder.
LEG. BINDER:
On the motion.
P.O. TONNA:
On the motion, and then Legislator Carpenter.
LEG. CARPENTER:
Mr. Chairman, I would ask you to just hold up on the meeting until I get a revised agenda. I had a different agenda.
LEG. CARACAPPA:
Me, too.
LEG. GULDI:
Joey Caracappa got one, yeah.
LEG. CARACAPPA:
Me, too.
LEG. CARPENTER:
Yeah. So let's -- it has -- there's a revised.
P.O. TONNA:
Absolutely.
LEG. CARACAPPA:
Some of the folders did not have it.
P.O. TONNA:
It's one of the things, I try to keep you out of photographs, I give you a whole different agenda.
LEG. CARPENTER:
He wasn't paying attention, though.

P.O. TONNA:
I know. They've been doing this to me for years. When I was a Legislator, I never noticed. Anyway.
LEG. HALEY:
At least you admit it.
LEG. BISHOP:
Mr. Chairman.
P.O. TONNA:
Okay. We're going to have a little staff meeting with the P.O.'s Office very soon about this. This is number two.
LEG. FOLEY:
It's all in a manila envelope. I mean, it's all there.
LEG. LEVY:
The P.O. Is P.O.'d.
LEG. FOLEY:
You have folders.
LEG. BISHOP:
Mr. Chairman, if we go slower, perhaps we could still proceed.

LEG. CARACAPPA:
I got it.
LEG. BISHOP:
This is Resolution 1102, which is authorizing the execution of an agreement by the Administrative Head of Suffolk County Sewer District Number 3 - Southwest with the developer of We're Associates Office Building.
P.O. TONNA:
Thank you.
LEG. BISHOP:
I have a motion table, seconded by Legislator Postal.
P.O. TONNA:
All in favor?
LEG. BINDER:
And I said on the motion.
P.O. TONNA:
Opposed?
LEG. BINDER:
I said on the motion.
P.O. TONNA:
On the motion.

LEG. BINDER:
Right. We have been tabling this for meeting after meeting and I think we really shouldn't be tabling these resolutions. The bottom line is that this is important for a part of our County, this kind of development, and if we're going to just stop development in Huntington and in this area, then I think we're doing ourselves a disservice. There is -- there's a school district that would like to see this move forward because of taxes that go to their school district. There's a town where property taxes would make a difference to that area, to the County. We should allow this building to move forward as we have all the other resolutions that have come before when it comes to Southwest Sewer District Number 3.
P.O. TONNA:
Okay.
LEG. POSTAL:
Mr. Chairman.
P.O. TONNA:
Yes, Legislator Postal.
LEG. POSTAL:
Yeah. There are really a couple of reasons why this resolution should be tabled. One is the reason that I've been making the motion to table it so far, and that has to do with the per gallon out-of-district surcharge. That resolution to increase the per gallon charge from 12 to 15 dollars a gallon, which brings revenue into the sewer district, has not been approved out of Public Works. I think that it's really important that before we approve this resolution, we formally increase the per gallon charge.
P.O. TONNA:
Right. Because right now it's at $12, and this resolution it's at --
LEG. POSTAL:
The Sewer Agency has -- is going to raise it to 15, has voted to raise

it to 15, but that is not a formal procedure until this Legislature votes on the resolution.
P.O. TONNA:
Right.
LEG. POSTAL:
That's one reason why we should be doing this. The other reason why we should be tabling this at this time is because since last August, this Legislature has approved a motion to have a consultant look at alternate methods of sludge disposal, because we have a 3% increase built into our sewer charges. Those of us who are in the Southwest Sewer District are asking our constituents to continue to pay a 3% a year increase on sewer charges without even looking at cheaper and more efficient and effective ways of disposing of sludge. I think that until we approve the resolution formally raising the per gallon fee to $15, until we actually select a consultant and begin studying alternate methods of sludge disposal, we should be tabling this resolution.

LEG. BINDER:
Mr. Chairman.
P.O. TONNA:
Okay. Legislator Carpenter is next.
LEG. CARPENTER:
I would just like to ask what is the delay in the study? Where are we at with that? Ask the Chairman of what?
LEG. POSTAL:
Ask the Chairman of Public Works Committee.
LEG. CARPENTER:
Okay. Chairman of Public Works.
P.O. TONNA:
Okay, hold it. Through the Chair.
LEG. FOLEY:
Thank you.
LEG. CARPENTER:
Through the Chair.
P.O. TONNA:
Chairman of Public Works.
LEG. FOLEY:
Yeah.
P.O. TONNA:
Keep this short.
LEG. FOLEY:
We expect in the near future to take up the issue.
LEG. BINDER:
Mr. Chairman.
P.O. TONNA:
Excuse me? Not that short. I didn't even hear you. What?
LEG. FOLEY:
We expect in the near future would -- future to take up the issue of going through the process of selecting a consultant to develop a report on alternatives to sludge hauling.
P.O. TONNA:
Okay.
LEG. BINDER:

Mr. Chairman.
LEG. CARPENTER:
Through the Chair, how long has the resolution been passed?
00225
LEG. FOLEY:
It was passed at the end of last -- towards the Fall of last year, and there was not enough time to do it at the end of last year. It was resubmitted this year for our consideration and we had a number of issues that the committee has been grappling with in the first part of the year, which we had to take care of. Now that we've taken care of some of the other issues, we do intend to take this up in the very near future.
LEG. CARPENTER:
Through the Chair.
P.O. TONNA:
Yes. Oh, I love to be the middleman.
LEG. CARPENTER:
Could we have a little bit more specific time frame than in the near future? Because it seems to me that for a resolution that according to the sponsor passed last August, in the near future could be another year, and I think that would be a little problematic.
LEG. FOLEY:
I don't think it's going be in the next year, it's going to be within a matter of whether it's going to be May or June, but we will be taking this up in the near future.
LEG. CARPENTER:
Well, considering the fact, through the Chair, that we have the Capital Budget coming forward and then we don't meet in July, it might be a good idea if you could give us a little bit better commitment than that, that perhaps you could do it -- have it in your next cycle, so that we can address it at the June 6th meeting.
LEG. FOLEY:
Yeah, we have two meetings in June, so I'm sure it will be taken care of by that time.
P.O. TONNA:
Okay.
LEG. BINDER:
Mr. Chairman.
P.O. TONNA:
All right. Legislator Binder, do you have anything else to add?
LEG. BINDER:
Yes, I do.
P.O. TONNA:
The die is cast, go right ahead.
LEG. BINDER:
Number one. Number one, what we do, you know, we could talk about putting off someone's ability to develop a month, two months. It's not
00226
us that has to have the carrying costs, the taxes, while we have property that can't -- can't produce revenue for a landlord. So it's easy for us to just say, "Well, we'll get to it when we get to it." And we're talking about getting to this for months and months and months. Number two, we're talking about increasing from 12 to $15. That's

fine. But right now, we have a resolution and an office owner, and I'm not sure actually who it is, I don't know We're Associates, but whoever the office owner is had an understanding that they were coming through with the $12 a gallon, or whatever it was that the rules are where we were. Now we should --
LEG. BISHOP:
What's the development.
LEG. BINDER:
What we should pass -- I don't know the developer.
LEG. BISHOP:
Right. You don't even know what the development is.
LEG. BINDER:
What I'm saying is we should pass this. I do know that it brings economic development to Huntington.
P.O. TONNA:
Wait, wait, wait, wait, wait.
LEG. BINDER:
It brings jobs to Huntington, and it moves Huntington forward in taxes.
P.O. TONNA:
Legislator Binder, you don't have to respond to Legislator Bishop. He doesn't have the floor, you do.
LEG. BINDER:
Well, he wants to just keep just jumping in and being rude and that's fine. The bottom line is this developer had an understanding at a particular number. We shouldn't wait to see if we can now jack up the price while we were hanging this one out to dry while he had to have carrying costs, and then we increase the number, then we pass it for higher rates later. We should pass this now and let others that now will come through in the future, and I understand and I agree with. That's fine to bring it from 12 to 15. Then we'll impose that with their understanding. But we should pass this now, we shouldn't be holding this guy up. We shouldn't be stopping jobs from going forward.
P.O. TONNA:
Okay.
LEG. BINDER:
Call the question.
P.O. TONNA:
Call the question, and the question is?

MR. BARTON:
It was a motion to table.
P.O. TONNA:
Motion to table by Legislator --
MR. BARTON:
Bishop.
P.O. TONNA:
-- Bishop, seconded by Legislator Postal. All in favor?
LEG. BINDER:
Roll call.
P.O. TONNA:
Roll call.
(*Roll Called by Mr. Barton*)
LEG. BISHOP:

Please, yes.
LEG. POSTAL:
Yes.
LEG. CARACCIOLO:
Yes.
LEG. GULDI:
Yes.
LEG. TOWLE:
Pass.
LEG. CARACAPPA:
Yes.
LEG. FISHER:
Yes.
LEG. HALEY:
No.
LEG. FOLEY:
Yes.
LEG. FIELDS:
Yes.
LEG. ALDEN:
Yep.
LEG. CARPENTER:
Yes.

LEG. CRECCA:
Yes.
LEG. D'ANDRE:
No.
LEG. BINDER:
No.
LEG. COOPER:
Yes.
LEG. LEVY:
No.
P.O. TONNA:
Nope.
LEG. TOWLE:
No.
MR. BARTON:
12.
P.O. TONNA:
Okay, tabled. Number 1163 (Making a SEQRA determination in connection with the proposed improvements to Sewer District #14 - Parkland.
Is there a motion? A motion --
LEG. LEVY:
Motion.
P.O. TONNA:
Legislator -- to approve?
LEG. LEVY:
Yeah.
LEG. HALEY:
Second.
P.O. TONNA:

Legislator Levy, seconded by myself. All in favor? Opposed? Approved.
MR. BARTON:
18.
P.O. TONNA:
Number 1168 (Making a SEQRA determination in connection with the proposed Greenways acquisition of the DeLalio Sod Farm for active recreation, Eastport, Town of Brookhaven). Is there a motion?
LEG. CARACCIOLO:
Motion to table.

00229

P.O. TONNA:
Motion to table by Legislator Caracciolo, seconded by Legislator Guldi. All in favor? Opposed? Tabled.
MR. BARTON:
18.
P.O. TONNA:
Number 1203 (Authorizing land acquisition under water quality protection component of the 1/4% Drinking Water Protection Program (property adjacent to Northport Veteran's Administration, Town of Huntington) Suffolk County Tax Map Nos. 0400-060.00-01.00-001.006 and 0400-086.00-03.00-001.000). Is there a motion?
LEG. BISHOP:
Are we on the right agenda here?
P.O. TONNA:
Legislator Cooper, is there a motion?
LEG. COOPER:
Motion to table.
P.O. TONNA:
Second by myself. All in favor? Opposed? Tabled.
MR. BARTON:
18.
P.O. TONNA:
Number 1204 (Establishing County policy in connection with vending machine contracts). Is there a motion? I feel like Mr. Greenhouse, or whatever his name is, Robins, or whatever, Robinson.
LEG. LEVY:
Motion to approve.
P.O. TONNA:
Rogers. I knew there was something.
LEG. FIELDS:
Second.
P.O. TONNA:
All in favor? Okay, seconded by Legislator Fields.
LEG. LEVY:
All in favor? Opposed?
LEG. CARPENTER:
Motion to approve.
LEG. CRECCA:
Explanation.

00230

P.O. TONNA:
Yes, this is a motion to approve. There is a request from Legislator

Crecca for an explanation.
LEG. CRECCA:
On 1204.
P.O. TONNA:
Okay.
LEG. LEVY:
What we founding is that there have been machines throughout County buildings, vending machines, where nobody knows where they came from, nobody knows how much revenue we got from them, no one knows if there were ever leases for them, which is pretty much an abomination. So this bill cleans that up. We have worked with a committee of representatives from the County Executive and the Legislature. It does a number of things including, number one, all these machines have to go out to bid; number two, there has to be an separate line item in the budget so we can monitor how much money is coming forward.
LEG. CRECCA:
I got you.
P.O. TONNA:
Third is approved by DPW, and the fourth is, is that they got a sign on the machine.
LEG. LEVY:
It will have a decal with the owner's number and --
LEG. CRECCA:
And Steve Levy's picture on each machine.
P.O. TONNA:
I got the notes.
LEG. LEVY:
And the expiration date of the lease.
LEG. CRECCA:
That might affect sales, though, Steve.
P.O. TONNA:
Okay.
LEG. LEVY:
It's the target that you kick on the machine when your candy doesn't come out, right?
P.O. TONNA:
And, also, this is subject to an RFP process. Anyway, all in favor? Opposed? Approved.
MR. BARTON:
18.

P.O. TONNA:
There you go.
LEG. FISHER:
Mr. Presiding Officer.
P.O. TONNA:
Yes.
LEG. FISHER:
I'd like to make a motion to take 1423 out of order, because Dr. Alicandro and Dr. Henry have been here all afternoon.
P.O. TONNA:
Okay.
LEG. TOWLE:

Second.
LEG. FISHER:
It's in Public Safety, Page 9.
P.O. TONNA:
Okay.
LEG. FISHER:
The helicopter.
LEG. BISHOP:
I'll make the motion to second.
P.O. TONNA:
Okay. There is a motion and a second on Number --
LEG. FISHER:
1423.
P.O. TONNA:
1423.
LEG. BINDER:
To take it out of order?
P.O. TONNA:
To take it out of order.
LEG. FISHER:
Take it out of order.
P.O. TONNA:
All in favor? Opposed? Approved.
LEG. CARACCIOLO:
Cosponsor.

P.O. TONNA:
Okay. Now -- no.
LEG. CARACCIOLO:
Henry, cosponsor.
MR. BARTON:
Got it.
P.O. TONNA:
You want to cosponsor the -- okay. Now the motion -- is there a motion to approve?
LEG. FISHER:
I make a motion to approve.
LEG. GULDI:
Second.
LEG. FOLEY:
Second.
P.O. TONNA:
By Legislator Fisher, seconded by Legislator Guldi.
LEG. ALDEN:
On the motion.
P.O. TONNA:
On the motion, Legislator Alden.
LEG. ALDEN:
There's a question of Counsel whether it's -- and I think Paul should be able to answer this. If we approve this and then cannot provide the service, are we opening ourselves up to any kind of liability?
MR. SABATINO:
The implementation of the program is subject to there being three

helicopters in the County fleet. So it's specifically subject to that third helicopter. If you don't have the third helicopter, then it's not triggered, so there will be no liability.
LEG. ALDEN:
But, Paul, if we don't act to or if we delay purchasing the helicopters, there's no liability in any of that?
MR. SABATINO:
No, because the bill is specifically made subject to, so there would be no liability.
LEG. ALDEN:
Okay, thanks.
P.O. TONNA:
Okay.

LEG. FISHER:
That's one of the resolves.
LEG. CARPENTER:
On the question.
P.O. TONNA:
Hold it one second.
LEG. CARPENTER:
When --
LEG. FISHER:
I was just saying that that's one of the resolves in the resolution.
P.O. TONNA:
Okay.
LEG. FISHER:
That it's contingency upon having three helicopters.
P.O. TONNA:
Thank you. Legislator Carpenter.
LEG. CARPENTER:
Right now, we have two helicopters. Does anyone know when we expect to have the third?
LEG. TOWLE:
August or September.
LEG. BISHOP:
Actually, we'll have three, but three -- one is usually down. So if you think about it, you need --
P.O. TONNA:
Go ahead, tell us.
LEG. BISHOP:
-- three helicopters to have the effective force of two helicopters. So if you want to have two locations, an additional location in addition to McArthur, then you need four helicopters. So the question that you really want to ask is when will we have a fourth helicopter?
LEG. D'ANDRE:
Right now, we're going to vote.
LEG. BISHOP:
And to that, we don't have an answer.
LEG. CARPENTER:
The way the bill is drafted, if I understand correctly, we have to have ownership of three helicopters for one helicopter to be staged at Gabreski during the summer months.

LEG. FISHER:
Yes.
LEG. CARPENTER:
Right now, we have two helicopters in our possession.
LEG. FISHER:
That's correct.
LEG. CARPENTER:
When will we have the third helicopter?
LEG. CARACAPPA:
August or September.
LEG. TOWLE:
August or September.
LEG. CARPENTER:
So why are we approving this resolution now for helicopter service during the summer months when we may not have that third helicopter?
LEG. FISHER:
It's Summer of 2001. This resolution is dated for Summer of 2001.
LEG. CARPENTER:
Well, it's still -- it's still a good question.
LEG. TOWLE:
Can I try to answer it?
LEG. CARPENTER:
Why are we rushing to do this now if it's not until next year?
LEG. TOWLE:
Could I try to answer it?
LEG. FISHER:
Go ahead, you can answer it.
P.O. TONNA:
Through the Chair, you can ask anything you want or answered.
LEG. TOWLE:
Well, I was going to answer it.
P.O. TONNA:
Legislator Carpenter, you have the floor. Do you want to get --
LEG. CARPENTER:
Yes.
P.O. TONNA:
Okay. Legislator Towle.

LEG. TOWLE:
I think my answer to both, Legislator Fisher, is a question of policy. You know, we set policy. The Police Department needs to understand what our direction is and what the policy we would like them to go into, and that's why I think it needs to be passed now. If Legislator Bishop is accurate, we need a fourth helicopter. We're about to start in the next couple of months to debate the Capital Program for next year. And I'd like to know for sure if they can't implement it without a fourth helicopter, so that we could prepare the Capital Program for another helicopter at that point. But I think they need to know from us what direction we'd like them to go into.
LEG. CARPENTER:
Well, I can understand the intent of this and would like to be supportive, but I'm really very concerned, not having that third

helicopter, to go forward with approving this now.
LEG. CARACAPPA:
Roll call.
LEG. LEVY:
Mr. Chairman.
LEG. FISHER:
Can we call the roll?
LEG. LEVY:
I just --
P.O. TONNA:
Wait. Legislator Carpenter, are you done yet?
LEG. CARPENTER:
Yes.
P.O. TONNA:
Okay. Now it's Legislator Levy's turn. Does anybody else want to speak on this?
LEG. LEVY:
Very quickly before we vote, there's no harm done by passing the resolution. If you don't get the third helicopter, there's nothing to worry about. But if you do get them --
LEG. BISHOP:
Mr. Chairman.
LEG. LEVY:
-- At least you have the policy in effect to give the direction that the sponsors wish to give to the department.
LEG. BISHOP:
Actually --
LEG. FISHER:
That's exactly the --

P.O. TONNA:
Can I say something?
LEG. BISHOP:
Actually, that's not true.
P.O. TONNA:
We have to have this debate through the Chair, or else everyone will be talking to everyone --
LEG. BISHOP:
May I?
P.O. TONNA:
-- total chaos, and I'll be totally confused.
LEG. BISHOP:
I think --
P.O. TONNA:
Right now, Legislator Levy has the floor. Legislator Levy, if you want to listen to Legislator Bishop, then Legislator Alden has it next, and then Legislator Bishop.
LEG. BISHOP:
May I just respond directly to that? Because I think it would be helpful for everybody. To achieve the no-harm status, you would need four helicopters, not three, because they station, they currently station three.
LEG. CARPENTER:

Right.
LEG. FISHER:
But according to --
LEG. BISHOP:
Just for the record, if I can have -- there's folks out in the audience who seem to be familiar with this, who are shaking their heads no, that's not correct. So I think we should hear from them.
LEG. FISHER:
Through the Chair. Legislator Levy --
P.O. TONNA:
Now we're also reading a whole bunch of body language?
LEG. FISHER:
Okay.
P.O. TONNA:
I just wanted to get an idea here.
LEG. FISHER:
Mr. --

P.O. TONNA:
Wait. Legislator Alden has the floor.
LEG. LEVY:
It's pretty clear.
LEG. FISHER:
Okay. But as the sponsor, I wanted to respond to that, because I have spoken to Commissioner Gallagher, and three means three, three does not mean four. Okay? And he was comfortable --
LEG. BISHOP:
If three means three --
LEG. FISHER:
-- with three.
LEG. BISHOP:
-- then you're implementing a change in policy, because, currently, we use three at McArthur, because the theory is that one is usually down.
LEG. FISHER:
But now we're -- okay. One is not usually down. You have to have the capability to have one down and still have two up to have two stations. Okay? Commissioner Gallagher said that he was comfortable with this resolution as it is written with the contingency that we have three helicopters. He said he was very comfortable with this. So I -- three does not mean four.
P.O. TONNA:
Okay.
LEG. FISHER:
Three means three.
P.O. TONNA:
Okay.
LEG. BISHOP:
Then let me ask you this.
LEG. LEVY:
It sounds very Clintonian.
P.O. TONNA:
It's this a Sesame Street lesson.
LEG. BISHOP:

Why does -- why does three mean two currently?
LEG. FISHER:
Because we have currently one very old helicopter, okay, and we can't always have three on -- operational; okay? We can't always have three operational. You do need maintenance time, etcetera. However, in order to have two sites, you need three helicopters, so that if one is

down, you still have two.
LEG. BISHOP:
Right. But --
P.O. TONNA:
This isn't the new math.
LEG. FISHER:
So three is perfectly fine with the Commissioner. I specifically asked him that.
LEG. BISHOP:
So what you're saying is three new, you could have two sites, but if you have old helicopters, then you could only have one site.
LEG. FISHER:
Well, I'm assuming you're not going to need to have as much work done on a brand new helicopter.
P.O. TONNA:
Okay. I find this is very interesting that Legislator Levy asked a question and now we're in a debate between Legislator Fisher and Legislator Bishop both responding to Legislator Levy's.
LEG. BISHOP:
Because all of us sat through Public Safety hearings and --
P.O. TONNA:
Okay.
LEG. BISHOP:
-- and some things happened post hearing.
P.O. TONNA:
All right. Legislator Alden has the floor.
LEG. ALDEN:
My question -- first, I have a question of Legislator Bishop. Dave, was this debated in the -- or fully explored in Public Safety?
LEG. BISHOP:
It was explored.
LEG. ALDEN:
Okay. Did --
LEG. BISHOP:
Perhaps more fully after the hearing.
LEG. ALDEN:
Did Commissioner Gallagher come before the -- what I'm getting at is I want to see the minutes, then, before I even vote on this, because I had a discussion with, for lack of a better word, Special Forces, the air wing of our Police Department, and I've also talked to --

LEG. BISHOP:
Aviation.
LEG. TOWLE:
Special Services.
LEG. ALDEN:

Special Services. And I've also had a conversation, or more than one conversation, with Commissioner Gallagher, and my recollection of those are that at almost every point in time, we have one bird that's down for just routine servicing. He also said that flying between McArthur and any point out east is going to increase the normal operational type of downtime, because there's certain things that have to be done at ten hour, twenty hours, etcetera, etcetera, down the line. So I'm not prepared to vote on this right now one way or the other, because I'd have to see that and I really have to have more comfort.
LEG. CRECCA:
Motion to table.
LEG. ALDEN:
Second.
P.O. TONNA:
Okay. There's a --
LEG. HALEY:
Roll call.
P.O. TONNA:
There's a motion and a second to table. On the motion to table --
LEG. HALEY:
Roll call.
P.O. TONNA:
-- Legislator Towle.
LEG. TOWLE:
Thank you, Mr. Chairman, appreciate it. Legislator Alden, let me try on address both of your questions. First, let's talk about the downtime and the issue of a helicopter traveling from Islip to Gabreski. That would not be the case. The helicopter would be stationed at Gabreski from Memorial Day to Labor Day. It would not fly back and forth between Islip -- let me just answer your question. It would not --
LEG. ALDEN:
That doesn't answer my question, because if it's -- Fred, if it's --
LEG. TOWLE:
If you'll let me finish.
LEG. ALDEN:
If it's stationed out there, the only place that we do service on is back at McArthur.

LEG. TOWLE:
You didn't let me finish.
LEG. ALDEN:
Okay, go ahead.
LEG. TOWLE:
Okay. But if I don't answer your question, then you can -- if the Chairman will allow you to come back, that would be fine. First of all, as I said, it would be stationed there, so it would not be flying back and forth. Basic routine maintenance would be able to be done at Westhampton. Major overhauls, the aircraft would have to be flown back to Islip, but that is not a daily occurrence, obviously. That's the plan as far as the helicopter and the overhaul is concerned.
Your second question was, you know, what position the Police Department has taken. They sent out a memo. In all the memos that they've sent

out, there was never a question of, if we had three airships, which we're going to have three new airships, one that's on order and should be here sometime in the end of August, beginning of September, hopefully, tonight we'll approve the other resolution that's in the Public Safety portion of the agenda that will approve enough money to buy two more aircrafts. So we'll have three brand new aircrafts when we're all said and done. The question then becomes, you know, as far as policy, and that's why this bill has been moved forward. The Commissioner has never expressed any concern, because I've attended all the Public Safety Committee meetings, except the last one, about this particular issue, has never expressed any concern publicly that I'm aware of that three airships would not provide him the tools he needs to do the job. He has expressed concerns about overtime, he has expressed concern about additional potential costs, i.e. a hangar, i.e. things like that, but he has not said anything that I've heard that three airships would prevent him from, you know, servicing the County.
P.O. TONNA:
Okay.
LEG. BISHOP:
Yeah, I don't -- am I next, if I want to speak?
P.O. TONNA:
Yes. Legislator Bishop, you have the floor.
LEG. BISHOP:
I think that the Public Safety Committee was comfortable with the notion that if we received a fourth ship, that we would station it on the East End, and we had a hearing on that issue and that was what everybody was speaking about. This is a little different. What this is saying is now we're going to have three relatively new ships, two which are large, which can accommodate two patients, one which is smaller. We haven't hashed out the issue of which one would be stationed on the East End, the smaller ship or one of the two larger ones, where it will be housed. There were a number of issues that flow off of this that we haven't hashed out yet. This is not to say that it's a bad bill or that we won't go in this direction, because,

clearly, the members wanted to have a ship stationed on the East End, but I don't think we fully explored it at this time. So I would urge --
P.O. TONNA:
Does the East End -- has there been discussion about if the East End is benefitting from this service with Suffolk County Police since they have village police and stuff that they are going to --
LEG. BISHOP:
No, no. Helicopters are like murder investigations, it's clearly in the purview --
P.O. TONNA:
Great.
LEG. BISHOP:
-- of the county --
P.O. TONNA:
Let's hope we have few of them.
LEG. BISHOP:
-- and not the village police, and we want to provide the service.

The question is do we want to do it in a way that would compromise what we already have, is this the best way, can we fully accommodate it, and so forth. We will have that discussion at the next Public Safety meeting. I didn't realize this bill was speaking about three, I thought we were speaking about when we get a fourth, we will station it on the East End. And I apologize to the sponsor for that.
LEG. FISHER:
Well, it was clear at the meeting, when Commissioner Gallagher was there, that he supports this resolution, that he supports this resolution as it is written with three helicopters. It was very clear. I specifically asked him that resolution, because Legislator Postal had mentioned it. He said that he wanted it passed. If we were going to look at this for next year, that he wanted it passed during this round, so that we could look at it with an eye at next year's budget, as Legislator Towle has mentioned. So there is a time-sensitive issue here, and it is a policy issue that we want to serve the East End of Long Island, that we want to provide the helicopter service for the eastern portion of Suffolk County.
LEG. POSTAL:
Mr. Chairman.
P.O. TONNA:
Okay. Legislator Crecca has the floor.
LEG. CRECCA:
I was just going to ask that we vote. I think we've hashed out what the issues are. Let's just take a vote on the motion to table. At this point, I'd ask if we could do that and take a roll call.

P.O. TONNA:
Well --
LEG. CARACCIOLO:
Mr. Chairman.
P.O. TONNA:
Unfortunately, we can't, if Legislators want to speak on the issue of a tabling motion.
LEG. CARACCIOLO:
Mr. Chairman.
P.O. TONNA:
No, wait. There's Legislator Towle, then Legislator Postal, then Legislator Caracciolo.
LEG. TOWLE:
I think the question you asked really went unanswered, which tells me a couple of things, one, that maybe people did not remember the presentation that was made by Dr. Henry, who's in the audience, and that's why -- and Dr. Alicandro, why Legislator Fisher moved this resolution tonight. Their review of data showed there were 187 or 189 calls that could have used the assistance of the police helicopter in Eastern Suffolk County, and of those calls, 18 people died last year. So we're not talking about --
LEG. BISHOP:
That's not what was -- that is --
LEG. CARPENTER:
That's not what was said.
LEG. TOWLE:

That is exactly what was said. And if you'd like to bring Dr. Henry back up again, I'm more than happy to accommodate that. I've read his paper quite often. A hundred and eighty-seven calls could have used the service of the police helicopter and did not for various reasons. That was from information collected from the State Department of Health.
P.O. TONNA:
Now, the 18 deaths, Fred, was it 18 deaths that could have been saved if they had a helicopter, or were they 18 dead on arrival? I mean, give me a break.
LEG. TOWLE:
If you would allow -- if you would allow Dr. Henry, which out of the procedure --
P.O. TONNA:
Well, right now --
LEG. TOWLE:
-- to come up to address that question. But it was a valid question that you asked, and that's why I think this policy issue is an

important issue.
P.O. TONNA:
But these are issues that should have been discussed in committee.
LEG. TOWLE:
They were.
LEG. CRECCA:
In committee. It should go back to committee.
LEG. TOWLE:
They were.
P.O. TONNA:
So then why aren't we voting on this?
LEG. BISHOP:
They were not fully looked at.
LEG. TOWLE:
Because some of the people that are asking the questions and making the motions to table are not on the Public Safety Committee. And all I'm saying is that this is very relevant to tabling this resolution, that if you don't know those facts --
LEG. BISHOP:
It went from, when we have an extra helicopter, we'll put it on the East End, to now we're going to redeploy what we have. That's the fundamental issue.
LEG. GULDI:
That's not what it says.
LEG. BISHOP:
Yes. We have three currently --
P.O. TONNA:
Can you use the microphone, Dave?
LEG. BISHOP:
Well, Legislator Postal's next.
P.O. TONNA:
Okay. Right now, Legislator Postal is next.
LEG. POSTAL:
Yeah. I really think that there was a flaw in covering this in the last

Public Safety Committee, because this was discussed. I think that what came out of the discussion was a commitment to provide East End helicopter service. There were a great many things said. The Police Department said 80% of the Medevac calls are on the west end of the County. However, they also said that the majority of interhospital transports are on the east end of the County for obvious reasons. There were a great many questions. As a result, I asked Legislator Fisher, because I was very uneasy about supporting this at the time of

the last committee meeting because of what I felt it did to the west end of the County, leaving it ill-equipped to meet the needs that the West End faces.

The Police Commissioner has said that he would not support this until and unless we had three helicopters. I understood him to mean three Medevac helicopters. I expressed that to Legislator Fisher, who spoke to the Commissioner. He said three helicopters, period. Now, there is some question about, with three helicopters, which one are we speaking about stationing in the East End at Gabreski and what's the capacity? For example, I know that the two -- the MD902's, which are the ships that we're looking at purchasing, are capable of transporting two patients each. I guess my question is, I'd like to hear from the Police Department, whether the A-Star is capable of transporting a single -- it's smaller, obviously -- a single patient who's being treated, or possibly it's capable of transporting a single patient, but not allowing for treatment. I think that there are some questions and there are some concerns, and I think that the committee is committed to providing the service, but I think that there legitimately are some concerns, and I think it's unfortunate that there wasn't a full discussion.

I will say that at the committee, the Chair, Legislator Bishop, asked the Commissioner whether he had any comments on any other resolution or matter on the agenda before the committee, and he said he really -- he didn't, and it really didn't lend itself to a full discussion of this resolution.

P.O. TONNA:

Okay. Legislator Caracciolo.

LEG. CARACCIOLO:

Thank you, Mr. Chairman. First, anyone who's taken the time to look at the resolution, it's clear in the second "resolved" clause that it requires three -- I'll read from the resolution. "A fleet of at least three helicopters has been secured by the County of Suffolk." So to go back to the earlier concerns, which I'm sympathetic to, by Legislator Carpenter and Alden about perhaps not considering the resolution at this time because we don't have a fleet of three, I understand where you're coming from. And I think, as Legislator Towle and Fisher have mentioned, we're going into the Capital Budget in another month and it would be our responsibility, if we adopt this policy, to ensure that a year from now that we have at least three County Police Medevac helicopters. So, I mean, they dovetail each other. You don't adopt a policy and then not secure the equipment to carry out the mission. But let's talk about the mission.

I had requested and received from the Police Department a printout of medical missions performed by Police Medevac last year, and on the East

End there were 120 requests for police Medevacs, and 48 of those, as was correctly mentioned by Legislator Postal, were what they call interfacility transfers, which is when someone is initially transported to a local hospital and then requires tertiary treatment at a facility such as Stony Brook and has to be Medevaced to Stony Brook. Forty-eight out of 120 were in that category. Fifty-two were individuals who were removed from the scene of an accident to a

hospital, be it local or Stony Brook. There is clear evidence that given the increase in summer population of the five East End towns, that there is a demonstrated need for this service.
We all pride ourselves as Suffolk County having the diversity it has, both ethnically, and socially, and economically. Let's not forget that the largest industry in this County is tourism and that tourism is predominantly generated -- the money that we receive from sales tax, for example, is predominantly generated, for a good part of it, from the tourism attractions and business that takes place in the five East End towns. Any one of us could be on the East End, or any one of our loved ones could be on the East End and require this type of medical response, and in the absence of providing the equipment and the policy --
LEG. TONNA:
Excuse me, ma'am. Ma'am?
LEG. CARACCIOLO:
Elizabeth.
P.O. TONNA:
Excuse me, ma'am.
MS. CHAMBERLAIN:
I wanted to get an agenda.
P.O. TONNA:
I'm sorry.
MS. CHAMBERLAIN:
Could we get more agendas here?
P.O. TONNA:
You know, you're going to have to see -- not distract them when they're in the middle of this.
MS. CHAMBERLAIN:
Okay.
P.O. TONNA:
Thank you.
LEG. CARACCIOLO:
So I think it's clear that this is a two-step process; one, adopt a policy, and then two, put the money in place to provide the equipment. And the resolution doesn't take effect, as Legislator Fisher pointed out, until a year from now. It's just good planning for the future to meet the needs that we presently have for all County residents and visitors in our tourism-based economy. Thank you.
P.O. TONNA:
Okay.
LEG. CARPENTER:
Mr. Chairman, if I could.

P.O. TONNA:

Legislator Carpenter has the floor.
LEG. CARPENTER:
When Legislator Caracciolo raised the issue of tourism, yes, there are many tourists that are on the East End, but they have access via ambulance when there's an emergency.
LEG. HALEY:
You just charge them a fee.
LEG. CARPENTER:
When the tourism that's on Fire Island, and it's nearly a million visitors every year, if there's an emergency on Fire Island, they don't have the luxury of being taken off by ambulance, they have to be taken of by helicopter. So, again, until we know that there is a commitment and that we have the three Medevac helicopters in place, I don't -- I think it's a little bit premature for us to be approving this, and I think we should be tabling it and having that full discussion in committee, that it seems from what the Chairman of the committee said, where it didn't take place.
LEG. CARACCIOLO:
Mr. Chairman, if I might just --
LEG. TONNA:
Why not?
LEG. CARACCIOLO:
Personal privilege.
P.O. TONNA:
Why not?
LEG. CARACCIOLO:
Okay. Thank you. With all --
P.O. TONNA:
How many personal privileges do we get, each of you, by the way?
LEG. CARACCIOLO:
With all due respect to my esteemed colleague from the 11th District, Angie, how long does it take -- I mean, what is the policy, because I'm not familiar with the policy, when someone is on Fire Island that has to be Medevaced, and we don't -- we have low ceilings and we can't do it by air? How do they get to Good Sam, or one of the other hospital facilities on the South Shore?
LEG. ALDEN:
Ferry.
LEG. CARACCIOLO:
By ferry?

LEG. CARPENTER:
They don't. Either the Marine Bureau can try to take them off on a boat or the ferry, if they can get a ferry over there. But their main source of evacuation is the Marine Bureau can try to take them off on a boat, or the ferry, if they can get a ferry over there. But their main source of evacuation is the helicopter, that's why it is so critical to Fire Island.
LEG. CARACCIOLO:
It's also critical to the residents of Shelter Island, it's also critical to the residents on the South Fork. I mean, if you spoke to Jackie Farrell, for example, living on the South Fork, do you know what Montauk and Sunrise Highway is like on the South Fork in the

summertime? I mean, not even the summertime. It's already begun.
LEG. CARPENTER:
But it still is different when there is an --
LEG. CARACCIOLO:
It could take you, without exaggeration --
LEG. CARPENTER:
Yeah. But when an ambulance puts its siren on, people move over and an ambulance can get through. There is no way to get off there by ambulance on Fire Island.
LEG. CARACCIOLO:
Not on the South Fork.
P.O. TONNA:
This is --
LEG. BISHOP:
What I would recommend, Mr. Chairman, is call the vote --
P.O. TONNA:
Yeah, let's hear what the Chairman of Public Safety recommends.
LEG. BISHOP:
The Chairman of Public Safety apologizes to the sponsor, because I think, truly, some wires got cross and errors were made.
P.O. TONNA:
Yeah.
LEG. BISHOP:
At the next Public Safety Committee hearing, we will endeavor to explore this issue fully.
P.O. TONNA:
Get this tightened up.
LEG. BISHOP:
Absolutely.

P.O. TONNA:
Okay.
LEG. BISHOP:
And we will write policy.
P.O. TONNA:
Do you need extra staff?
LEG. BISHOP:
No.
P.O. TONNA:
Do you need extra staff?
LEG. BISHOP:
All we need --
P.O. TONNA:
Because the P.O.'s staff will be glad to help you through this process.
LEG. BISHOP:
All I need is the sponsor's indulgence and graciousness to accept the apology.
LEG. FISHER:
Okay. I'd love to give you that, but I can't, because we have gone through the process. We did not try this --
LEG. BISHOP:
We have not gone --
LEG. FISHER:

I didn't try to discharge this out of committee, I didn't try to --
LEG. CRECCA:
We have a motion to table. Let's take a roll call vote.
LEG. FISHER:
Okay. Let's just call the vote on the motion to table.
P.O. TONNA:
Okay. There is a motion to table and a second. Is there anybody else who wants to speak on this? Come on, why not?
LEG. CRECCA:
Mr. Chairman, can we ask the Legislators to come to the horseshoe for the roll call vote?
P.O. TONNA:
Yes. Could all Legislators please come to the horseshoe.
LEG. HALEY:
Move the vote.

LEG. CRECCA:
That was very well done. Thank you.
P.O. TONNA:
Okay. Now, there's a motion and a second. Roll call.
(*Roll Called by Mr. Barton*)
LEG. CRECCA:
Yes.
P.O. TONNA:
To table.
LEG. ALDEN:
Yes.
LEG. CARACCIOLO:
No.
LEG. GULDI:
No.
LEG. TOWLE:
No.
LEG. CARACAPPA:
Pass.
LEG. FISHER:
No.
LEG. HALEY:
No.
[LEG. FOLEY-NOT PRESENT]
LEG. FIELDS:
Yes.
LEG. CARPENTER:
Yes.
LEG. D'ANDRE:
No.
LEG. BISHOP:
Yes.
LEG. POSTAL:
Yes.
LEG. BINDER:
Yes.

LEG. COOPER:
Yes.
LEG. LEVY:
No.
P.O. TONNA:
No.
LEG. CARACAPPA:
To table? No.
MR. BARTON:
Legislator Foley? Eight.
P.O. TONNA:
Eight to table. Okay. Now there's a motion --
LEG. FISHER:
Motion to approve.
LEG. BINDER:
Motion to recommit.
MR. BARTON:
I have it.
P.O. TONNA:
There is a motion and a --
LEG. BINDER:
Motion to recommit.
LEG. BISHOP:
Second on the recommit.
P.O. TONNA:
Okay. Hold it a second now. Now there's a motion -- now, can I ask you the logic? If there was -- it went down with the tabling. What do you think, all of a sudden, people are going to say --
LEG. BISHOP:
No, I'm going to speak --
P.O. TONNA:
-- "Oh, let's do the substantive thing"?
LEG. BISHOP:
I think there's going to be more discussion about the implications of the change of policy and so forth.
P.O. TONNA:
Okay. So let's do a motion to recommit by Legislator Binder, seconded by the esteemed Chairman of the Public Safety Committee, Legislator Bishop. Go right ahead.

LEG. HALEY:
There's something wrong.
P.O. TONNA:
Go ahead.
LEG. BISHOP:
On the motion.
P.O. TONNA:
On the motion, Legislator Bishop.
LEG. BISHOP:
To boil it down to its nub, there are currently, or earlier this year before the accident, there were three helicopters, all of which were stationed at MacArthur which served the County. Nobody, to our knowledge, was ever denied service. We didn't have testimony to that

effect.
LEG. GULDI:
Yeah, we did.
LEG. FISHER:
Yes, we did.
LEG. GULDI:
There are people in the audience to testify.
LEG. BISHOP:
That's a hazy issue, also.
LEG. TOWLE:
Not hazy at all.
LEG. BISHOP:
Three helicopter were stationed at MacArthur. Understood? Now, we're going to have three helicopters this year. This resolution says that only two will be stationed at MacArthur and one will be stationed at Gabreski. That's clearly a policy change. The Public Safety Committee did discuss it at one hearing, but we did not discuss it in terms of taking the fleet of three and redeploying it and what implications that would have. That needs to be more fully discussed. What was discussed was --
P.O. TONNA:
Was the purchase.
LEG. BISHOP:
-- was if we had the fourth helicopter, we certainly should have a policy to put a fourth helicopter at Gabreski. That's clear. But whether to redeploy the three that we have, or will have soon, it is not clear. So I would ask that we recommit this to Public Safety, have a full discussion, and do it the right way.
P.O. TONNA:
Okay.

LEG. CRECCA:
Roll call.
P.O. TONNA:
Do you -- can we do --
LEG. CRECCA:
A roll call.
LEG. TONNA:
Roll call.
P.O. TONNA:
Okay.
LEG. CRECCA:
Call the roll.
P.O. TONNA:
No, no. Legislator Guldi.
LEG. GULDI:
All I want to do is -- I got to respond to the Chairman of Public Safety, he said you discussed four helicopters. The bill says, "Resolved, that such plan shall not be implemented unless and until the requisite fleet of at least three helicopters." Why are you talking about something other than the bill?
LEG. BISHOP:
Because the discussion was had before the bill. The bill was filed

after the discussion.
LEG. CRECCA:
Let's just take a roll call.
LEG. BISHOP:
In fact -- in fact, Legislator Towle -- the discussion on the agenda the day we discussed East End service and -- was on the report of the consultants of whether to buy the A-Star or the MD 902, and so forth, it wasn't about East and West End Service. This issue popped up out of nowhere. Legislator Fisher tried to respond to what she heard and said, "I want to have East End service," and that's understandable. But we didn't have that bill in front of us, so we didn't discuss the full implications of it, and can we certainly didn't discuss taking three and redeploying two to one area and one to the other.
LEG. GULDI:
What was the vote, the Clerk's Office, or, Counsel, I think your notes will reflect, what was the vote --
LEG. BISHOP:
Probably five-nothing.
LEG. GULDI:
-- on discharging this out of committee from Public Safety? What was

the vote in Public Safety?
P.O. TONNA:
I mean, this got out of committee.
LEG. BISHOP:
It would probably be five-zero, because -- because --
LEG. GULDI:
Five-zero. Okay, thank you.
LEG. BISHOP:
But, Legislator Guldi, as I --
LEG. GULDI:
No, further questions.
LEG. BISHOP:
This is not a damn trial, I'm having a discussion on policy. As I said earlier, all of us had our wires crossed. We thought we were talking about four, and I think that Legislator Cooper --
LEG. COOPER:
I agree, that's the recollection.
LEG. BISHOP:
-- Legislator Postal, myself, we all understood it that way.
P.O. TONNA:
Guys, guys.
LEG. BISHOP:.
So you haven't proved your point
LEG. CARACAPPA:
Roll call.
P.O. TONNA:
My point -- I have one just quick question. There's a bill that was voted on in committee. People read the bill, hopefully, as I read every single bill that I've ever voted on.
LEG. BISHOP:
Right.
LEG. TOWLE:

Wrong answer.
P.O. TONNA:
So, therefore, how does a bill get out of committee and then come to the floor of the Legislature, and say, "I'm sorry, this wasn't the bill that I really meant to vote on"? That's the only question I'm asking. Legislator Postal, could you answer that question?
LEG. POSTAL:
I could only answer it for myself.

P.O. TONNA:
Thank you.
LEG. POSTAL:
At the time that the bill was before the Public Safety Committee, again, the Commissioner was asked if he had any other comment on anything else on the agenda, he said no, he left the room. At that point, we started to go through the other resolutions on the agenda, including this one, and I asked some questions about it and I was told that it didn't go into effect until 2001, it was contingency on having three helicopters, and, in fact, it was not going to be moved out of committee at that meeting. That was what I was told at that point in time.
P.O. TONNA:
Okay
LEG. POSTAL:
Then a little later in the committee meeting, Legislator Fisher came over to me and said that it was contingent on having three helicopters. I said to her I interpreted -- and we will have three helicopters, she said. I interpreted that -- the Commissioner to mean when he said he needed three helicopters to mean three Medevacs. We will have at the end of this year two Medevacs and one A-Star. Now I said that to Legislator Fisher. She said she was going to go to the Commissioner and clarify that and she did, and she came back and said, no, you know, the Commissioner said he can do that with the two Medevacs, the one A-Star. Frankly, at that point, we were toward the end of the agenda. Everything was moving very quickly. Even at that point, I didn't know that there was going to be a motion to approve it, I thought we were going to be waiting until the next committee meeting. And then when the motion was made, I have no problem, I voted to table it.
LEG. CARACAPPA:
No. We had tabled it in committee --
LEG. POSTAL:
We had --
LEG. CARACAPPA:
-- remember, and she reconsidered it.
LEG. POSTAL:
Oh, okay. You know, I didn't remember the circumstances, but I remembered it was --
P.O. TONNA:
Okay.
LEG. POSTAL:
-- at the end of the committee meeting, it was very fast, and there are, obviously, some questions.

P.O. TONNA:
Okay.
LEG. POSTAL:
Sometime questions come up about --
P.O. TONNA:
All right.
LEG. POSTAL:
-- a major policy change like this.
P.O. TONNA:
Okay. So there's a motion --
LEG. CRECCA:
Motion.
P.O. TONNA:
-- to recommit to committee --
LEG. CRECCA:
Correct.
P.O. TONNA:
-- and a second, and roll call.
(*Roll Called by Mr. Barton*)
LEG. BINDER:
Yes.
LEG. BISHOP:
Yes.
LEG. CARACCIOLO:
No.
LEG. GULDI:
No.
LEG. TOWLE:
No.
LEG. CARACAPPA:
Pass.
LEG. FISHER:
No.
[LEG. HALEY-NOT PRESENT]
LEG. FOLEY:
Pass.

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

No.
LEG. TONNA:
Yes.
LEG. HALEY:
Yes.
LEG. FOLEY:
No.
LEG. HALEY:
No. No on the recommit, no.
MR. BARTON:
Legislator Foley?
LEG. FOLEY:
No.
LEG. CARACAPPA:
No.
MR. BARTON:
Ten.
LEG. TOWLE:
Mr. Chairman.
P.O. TONNA:
Again, I just wanted to -- can we -- let's get these policy issues fleshed out in committee, so we can come back and get this thing done.

LEG. TOWLE:
Mr. Chairman.
P.O. TONNA:
Yes.
LEG. TOWLE:
I dread even doing this, but I'm going to do it, because I don't think it's fair to leave Dr. Alicandro and Dr. Henry here any longer than we have to. I'm going to make a motion to approve Legislator Bishop's bill, 1432. I'll make a motion to waive the rules and pull that out of order to approve it tonight.
P.O. TONNA:
Okay. Just --
LEG. TOWLE:
That's the purchase, the extra money to purchase the two helicopters.
P.O. TONNA:
All right. Can I say something? In the future, though, this is the last meeting, hopefully, that we'll do this. Listen, we all -- I don't care if people wait in the audience any longer. If -- in general, last meeting that we had, we got bogged down in heavy discussions with three or four bills because of our deference to the public, which is very laudable. But we have a huge agenda here that now it's going to build to three agendas. So I would say, after this, no more. I would ask Legislators to discipline themselves a little and tell -- if they have people coming or something, tell them they're going to be here until one o'clock in the morning. That's the industry standard.
LEG. HALEY:
Twelve, twelve.
P.O. TONNA:
Twelve. Well, not tonight. They're going to be here until on o'clock in the morning, and if they're willing to sit there, tough. All right?

LEG. CARACAPPA:
Second the motion.
P.O. TONNA:
All right. What number -- what --
LEG. TOWLE:
1452, Mr. Chairman.
P.O. TONNA:
Okay. There's a motion to take it out of --
LEG. TOWLE:
And I appreciate the courtesy. Thank you.
P.O. TONNA:
Take it out of order --

LEG. CARACAPPA:
Second.
P.O. TONNA:
-- 1452, seconded by Legislator Caracappa. What committee?
LEG. CARACAPPA:
Public Safety.
LEG. TOWLE:
Public Safety.
LEG. CARACAPPA:
Roll call on the bond.
LEG. CARACCIOLO:
On the motion.
P.O. TONNA:
Okay. There's no bond. This is just --
LEG. FOLEY:
Yes, there is.
P.O. TONNA:
There's no roll call on the bond.
LEG. CRECCA:
There is a bond.
P.O. TONNA:
There is no bond. Okay? Just trust me, no bond. I have my notes. There's no bond, it's a mistake. All right. 1452. All in favor?
LEG. CARACCIOLO:
On the motion.
P.O. TONNA:
Okay.
LEG. CARACCIOLO:
This is to take it out of order?
P.O. TONNA:
First of all, we're taking it out of order.
LEG. CARACCIOLO:
Fine. Go ahead.
P.O. TONNA:
All in favor? Opposed? Now it's in front of us. Does somebody want to make a motion?
LEG. TOWLE:
Motion to approve.

LEG. CARPENTER:

Second.
P.O. TONNA:
Motion to approve by Legislator Towle, seconded by Legislator Carpenter. On the motion, Legislator Caracciolo.
LEG. CARACCIOLO:
The resolution is very clear as to what equipment we would be purchasing, what kind of a fleet we would have after we make those purchases. I just want to make certain that given the presentation that was made earlier today, that we are, in fact, with this resolution purchasing the two MV 902's; correct, Fred?
LEG. BISHOP:
Correct.
LEG. CARACCIOLO:
Okay. And, in addition, we will retain the purchase of the A-Star helicopter. Now that's the one that's on order?
LEG. TOWLE:
Correct.
LEG. CARACCIOLO:
And we expect to have that in September?
LEG. TOWLE:
End of August, beginning of September.
LEG. CARACCIOLO:
Okay. And then it also permits the trading in of the current, what is that, the Bell, the BK 117? No, the Bell is the Jet Ranger.
LEG. TOWLE:
Yeah, Jet Ranger and the BK 117.
LEG. CARACCIOLO:
Okay. Now what is the age on those two --
LEG. TOWLE:
One is over 30 years old, and the other one is about 15 years old.
LEG. CARACCIOLO:
Okay, that's fine. Thank you.
P.O. TONNA:
Okay.
LEG. D'ANDRE:
Move the question.
P.O. TONNA:
All right. All in favor? Opposed? Approved. Great, we got something done.

LEG. POSTAL:
Mr. Chairman.
MR. BARTON:
17, 1 not present. (Not Present: Leg. Caracappa) (VOTE AMENDED TO 18)
P.O. TONNA:
Don't, please, Maxine.
LEG. POSTAL:
I know. Just real fast, I promise.
LEG. BISHOP:
Did we finish helicopters?
LEG. POSTAL:
Yes.
LEG. D'ANDRE:

Yeah, just passed it, approved.
LEG. POSTAL:
If I could, Mr. Chairman.
P.O. TONNA:
Yes, I'm recognizing you, Legislator Postal.
LEG. POSTAL:
I just want to make a motion to discharge from committee Introductory Resolution 1015-2000, which has been distributed, which establishes fair and equitable connection fees for Southwest Sewer District contractees.
LEG. CARPENTER:
Second.
LEG. POSTAL:
So many things hang on this.
LEG. LEVY:
No. Mr. Chairman, this --
P.O. TONNA:
Let's just -- you want to discharge this so you can vote on it today, right?
MR. BARTON:
Mr. Chairman, the vote on --
P.O. TONNA:
Has it gone through the committee process?
LEG. CRECCA:
This is the one that got stuck in --

LEG. FOLEY:
It's in committee.
LEG. LEVY:
It has some ramifications that --
P.O. TONNA:
I know. Okay. Let's call the vote. I would just -- there's a motion and a second. I would ask people to respect the committee process, I would ask that you do not discharge this, you leave it in committee. The Committee Chair wants to keep it in committee until it's discussed? Who's the chairman?
LEG. BISHOP:
Foley.
P.O. TONNA:
Legislator Foley?
LEG. FOLEY:
Me. Yes.
P.O. TONNA:
Okay.
LEG. POSTAL:
Mr. Chairman.
P.O. TONNA:
Now, on the --
LEG. POSTAL:
On the motion.
P.O. TONNA:
Yes.
LEG. POSTAL:

Could we ask the Chair of the committee whether he wants to keep it in committee?
P.O. TONNA:
Yeah, I just did, he said yes.
LEG. FOLEY:
Let's -- we have a process. There'll be another committee meeting, Maxine, you've spoken at it before. If there's enough votes at the next committee meeting, we'll report it out, you know, we'll report it out at the next meeting.
LEG. BISHOP:
You know, you should stop recognizing these out-of-orders.
P.O. TONNA:
Okay. There's a vote -- there's a motion and a second.

LEG. POSTAL:
I would still make a motion.
P.O. TONNA:
You what?
LEG. POSTAL:
I would --
P.O. TONNA:
Okay, great. All right.
LEG. CARACAPPA:
Mr. Chairman.
LEG. BINDER:
Mr. Chairman.
P.O. TONNA:
Let's go back now --
LEG. BINDER:
Mr. Chairman.
LEG. CARACAPPA:
I'd like to have my --
LEG. POSTAL:
No. I said I'm still making a motion, Mr. Chairman.
P.O. TONNA:
Oh.
LEG. POSTAL:
I'm still making a motion to discharge.
P.O. TONNA:
Oh. Then what withdraw -- what motion did you just withdraw?
LEG. POSTAL:
I said I would still make the motion.
P.O. TONNA:
Oh, all right. All in favor?
LEG. CARPENTER:
On the motion, please, real quick.
LEG. BISHOP:
You have a motion.
P.O. TONNA:
Yeah, on the motion to discharge.
LEG. CARPENTER:
On the motion to discharge, if I could.

P.O. TONNA:
Okay. On the motion.
LEG. CARPENTER:
I would just ask -- I can respect the Presiding Officer's wish to acquiesce to the Chairman of the Committees, as far as tabling resolutions, but I just looked at this resolution. This has been in committee since January 3rd, it was laid on the table, corrected in March. And from what Legislator Postal said earlier, this policy, as far as increasing the fee, has already been approved by the Sewer Agency.
LEG. FOLEY:
That's right
LEG. CARPENTER:
And they can't go forward with it unless we pass this resolution.
LEG. FOLEY:
That's not true. That's not true. That's why --
P.O. TONNA:
Brian, just let her finish, please.
LEG. CARPENTER:
I'm finished. I said I'd be fast.
P.O. TONNA:
I am going to use my privilege as Presiding Officer. If I get one more discharge motion, because I will recognize you, I am going to call a recess, and I'm going to keep calling recesses until we stick to the numbers on the agenda. This is absolutely ridiculous. Okay? So somebody wants to do this, I'll call a half an hour recess, I'll call a forty-five minute, whatever you want, but we got to get to the agenda.
LEG. BINDER:
Mr. Chairman.
P.O. TONNA:
No. There is a motion and a second to discharge, it was recognized. Let's have the vote and let's go on.
MR. BARTON:
Who was the second, Mr. Chairman?
P.O. TONNA:
The second was Legislator Carpenter. All in favor? Opposed?
LEG. FOLEY:
Opposed.
P.O. TONNA:
I'm opposed.

LEG. LEVY:
Opposed.
LEG. BINDER:
Roll call.
P.O. TONNA:
Opposed. Roll call.
(*Roll Called by Mr. Barton*)
LEG. POSTAL:
Yes.
LEG. CARPENTER:
Yes.
LEG. CARACCIOLO:

No.
LEG. GULDI:
Pass.
[LEG. TOWLE-NOT PRESENT]
LEG. CARACAPPA:
Yes.
[LEG. FISHER-NOT PRESENT]
LEG. HALEY:
Yes.
LEG. FOLEY:
No.
LEG. FIELDS:
No.
LEG. ALDEN:
Yeah.
LEG. CRECCA:
Yeah.
LEG. D'ANDRE:
No.
LEG. BISHOP:
No.
LEG. BINDER:
No.
LEG. COOPER:
No.

LEG. LEVY:
No.
P.O. TONNA:
No.
LEG. GULDI:
No.
P.O. TONNA:
And I'd ask, in the future, if anybody has --
MR. BARTON:
Six.
P.O. TONNA:
-- motions to discharge, that they count their votes beforehand, it would help a little.
LEG. BINDER:
Mr. Chairman.
LEG. CARACAPPA:
Mr. Chairman.
P.O. TONNA:
Yes. No, I'm not --
LEG. BINDER:
Mr. Chairman.
P.O. TONNA:
I'm sticking with the agenda.
LEG. CARACAPPA:
I'd just like to add my vote to the copters. I stepped out of the room for a brief moment.
P.O. TONNA:

Add his vote.
LEG. BINDER:
Mr. Chairman, the problem --
MR. BARTON:
The vote on 1452 is 18.
P.O. TONNA:
All right.
LEG. BINDER:
The problem with not doing discharges is that if someone has a discharge, it has to age for an hour, so that's why you have to do it now. If you don't do them early --

00266

P.O. TONNA:
Count your votes beforehand. If it goes down with six or it goes down with seven, somebody hasn't counted their votes and they're just wasting the people's time.
LEG. BINDER:
Let's do it right.
LEG. BINDER:
Mr. Chairman, I'd like to -- motion to discharge 1432, which is the Coram Health Center.
LEG. TOWLE:
Second.
P.O. TONNA:
I am going to --
LEG. BINDER:
I'm on the prevailing side.
P.O. TONNA:
-- call a recess if you do this.
LEG. BINDER:
I'm making a motion to reconsider.
P.O. TONNA:
All right. I get a five-minute recess.
LEG. HALEY:
Second.
P.O. TONNA:
No, you don't need to second it.
LEG. BINDER:
No, he meant my motion.
P.O. TONNA:
Five-minute recess.
[THE MEETING WAS RECESSED AT 9:25 P.M. AND RESUMED AT 9:30 P.M.]
P.O. TONNA:
Henry, roll call.
(*Roll Called by Mr. Barton*)
MR. BARTON:
17.
P.O. TONNA:
I have tabled Resolution Number 1221 (Appropriating funds in connection with the purchase of a Video Conference Server Trail).

00267

LEG. BINDER:
Motion to re --

P.O. TONNA:
Is there a motion?
LEG. BINDER:
I have a motion, Mr. Chairman.
P.O. TONNA:
A motion? I'll make a motion. Is there a second?
LEG. CARPENTER:
Second.
LEG. ALDEN:
On what?
P.O. TONNA:
Second on 1221. Roll call on the bond. 1221, motion to table.
LEG. ALDEN:
You have a motion to table.
P.O. TONNA:
Roll call on the bond.
LEG. CARACAPPA:
Motion to table.
LEG. FOLEY:
No. It's motion to table.
P.O. TONNA:
Yeah.
LEG. BISHOP:
Motion to table.
LEG. CARACAPPA:
No roll call on the bond, motion to table.
P.O. TONNA:
Oh, right. Motion to table. All in favor? Opposed? Tabled. (Vote: 18) What am I doing here?
MR. BARTON:
Who made the motion, Mr. Chairman?
LEG. CARPENTER:
Why are we tabling it?
LEG. BINDER:
Mr. Chairman.

LEG. CARPENTER:
Let's do it.
P.O. TONNA:
Yes. We just tabled it.
LEG. BINDER:
Motion to reconsider 1432.
P.O. TONNA:
Allan, fine. Let's get this vote over with.
LEG. BINDER:
I'm on the prevailing side.
P.O. TONNA:
I'm not -- I was going to vote for it, now I am voting against it; okay? And I would ask my colleagues who insist, that want to have some organization in this, just understand why now I am definitely voting against this. Okay. There's a motion by Legislator Binder. Is there a second for the Coram lease?
LEG. FIELDS:

Wait a minute. Where is it?
LEG. TOWLE:
Second.
LEG. LEVY:
Was he on the prevailing side?
LEG. BINDER:
I was not here, so I'm considered on the prevailing side. I was not here, so either -- in either event, I'm considered on the prevailing side.
P.O. TONNA:
Right.
MR. SABATINO:
So the motion is a motion to reconsider the defeated discharge motion. So the vote will be solely on reconsideration first.
P.O. TONNA:
Okay. Is there a second?
LEG. TOWLE:
Second.
LEG. CARACCIOLO:
Roll call.
P.O. TONNA:
Roll call.

LEG. GULDI:
On the reconsideration.
P.O. TONNA:
Yep.
(*Roll Called by Mr. Barton*)
LEG. BINDER:
Yes.
LEG. TOWLE:
Yes.
LEG. CARACCIOLO:
No.
LEG. GULDI:
No.
LEG. CARACAPPA:
Yes.
LEG. FISHER:
Yes.
[LEG. HALEY-NOT PRESENT]
LEG. FOLEY:
No.
LEG. FIELDS:
No.
LEG. ALDEN:
Pass.
LEG. CARPENTER:
Yes.
LEG. CRECCA:
Yes.
LEG. D'ANDRE:
Yes.

LEG. BISHOP:
No for now.
[LEG. POSTAL-NOT PRESENT]
[LEG. COOPER-NOT PRESENT]
LEG. LEVY:
No.

00270

P.O. TONNA:
No.
LEG. ALDEN:
No.
P.O. TONNA:
I would ask people count their votes --
MR. BARTON:
Seven.
P.O. TONNA:
-- before they push for discharge petitions. That's right I told you not to push now.
LEG. BINDER:
I wouldn't have {batted} it.
P.O. TONNA:
Let's go on. That's right. I told you not to push now. Let's go on to Number 1223A (Appropriating funds in connection with Fiber Cabling Network and Systems Upgrades). Is there a motion?
LEG. CARACAPPA:
Motion to table.
LEG. CARPENTER:
Motion.
P.O. TONNA:
Motion to table by Legislator Caracappa. Is there a second?
LEG. LEVY:
On the motion. I don't care, whatever you want to do, but it came --
LEG. CARACAPPA:
That's good? It's good?
LEG. LEVY:
Yeah.
LEG. CARACAPPA:
I withdraw my motion
LEG. LEVY:
Mr. Greenberg came to us and presented some information, which seemed to satisfy us at committee. I'll make a motion to approve and --
LEG. FIELDS:
Second.
LEG. LEVY:
-- whatever the will of the Legislature.

00271

LEG. CARACAPPA:
I withdraw my motion.
P.O. TONNA:
I would tell the County Exec's people, don't think this is dead. There might be another reconsideration of the Coram Health Center. Don't leave. That's what I would ask you. Don't -- you know, go out for some pizza, but don't leave. Thank you.

LEG. ALDEN:
On the motion. On the motion.
LEG. CARACAPPA:
Go, Mr. Chairman, please.
LEG. GULDI:
Can we do the agenda?
P.O. TONNA:
Let's go.
LEG. ALDEN:
On the motion.
P.O. TONNA:
On the motion.
LEG. ALDEN:
This is 1223.
P.O. TONNA:
Yes.
LEG. ALDEN:
What information was supplied that the rest of us don't have? What information was supplied on 1223?
LEG. LEVY:
I could distribute this. If you want, we could pass over it. It was a letter from Paul Greenberg to us just explaining what they're going to do with the -- you know, with the product and came to committee and talked about it a little bit. If you'd like --
LEG. ALDEN:
What was the ranking of this?
LEG. LEVY:
What's that?
LEG. ALDEN:
What's the ranking of this project?
LEG. LEVY:
Budget Review?

MR. POLLERT:
The ranking is -- that's not included on the resolution. I don't know offhand.
LEG. ALDEN:
Motion to table.
P.O. TONNA:
Okay. Motion to table by Legislator Alden. Is there a second?
LEG. LEVY:
If there was a reason to table it, I'd say fine.
P.O. TONNA:
The motion fails for a lack of a second. Motion to -- it's a motion to approve local -- I mean, Number 1223A.
LEG. GULDI:
Roll call on the bond.
P.O. TONNA:
Roll call on the bond.
MR. BARTON:
The motion was Mr. Levy. Who made the second?
P.O. TONNA:
Who was the second?

LEG. CARPENTER:
I seconded it.
LEG. CRECCA:
Carpenter.
P.O. TONNA:
Legislator Carpenter seconded it.
(*Roll Called by Mr. Barton*)
LEG. LEVY:
Yes.
LEG. CARPENTER:
Yes. I'm sorry.
LEG. CARACCIOLO:
Yes.
LEG. GULDI:
Yes.
[LEG. TOWLE-NOT PRESENT]
LEG. CARACAPPA:
Yes.

LEG. FISHER:
Yes.
LEG. HALEY:
Pass.
LEG. FOLEY:
Yes.
LEG. FIELDS:
Yes.
LEG. ALDEN:
Nope.
LEG. CRECCA:
Yes.
LEG. D'ANDRE:
Yes.
LEG. BISHOP:
No.
LEG. POSTAL:
Yes.
LEG. BINDER:
Yes.
LEG. COOPER:
Pass.
P.O. TONNA:
Yep.
MR. BARTON:
Legislator Towle?
LEG. HALEY:
Yes.
LEG. COOPER:
Yes.
MR. BARTON:
15.
P.O. TONNA:
Okay.

LEG. TOWLE:
16.

P.O. TONNA:
Same vote, same second. All in favor? Opposed? Approved. Okay. Resolution Number 1244 has been withdrawn. Number 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. CARPENTER:
Motion.
P.O. TONNA:
Motion by Legislator Carpenter. Is there a second?
LEG. CRECCA:
What's the motion for, to approve?
P.O. TONNA:
To approve, that's why there's the motion.
MS. BURKHARDT:
Second by Levy.
P.O. TONNA:
By Levy. All in favor? Opposed? Approved.
MR. BARTON:
18.
P.O. TONNA:
Number 13 -- there's a --
MS. FARRELL:
Bishop's opposed.
MR. BARTON:
17, 1 in opposition.
P.O. TONNA:
Okay. Number 1312 (Establishing policy for Suffolk County African American Advisory Board). Is there a motion?
LEG. LEVY:
Motion to table. I have to revise it.
P.O. TONNA:
Motion to table by Legislator Levy, seconded by myself. All in favor? Opposed? Tabled.
MR. BARTON:
18
P.O. TONNA:
Number 1314 (Clarifying grant of right-of-way through Manorville-Branch Road (CR 91) dedication).

LEG. CARACCIOLO:
Motion to approve.
LEG. GULDI:
Second.
P.O. TONNA:
Motion to approve --
LEG. FIELDS:
Second.
P.O. TONNA:
-- by Legislator Caracciolo, seconded by Legislator Fields.

LEG. BISHOP:
Wait a second. Isn't this the thing that we have all these --
LEG. ALDEN:
On the motion.
LEG. LEVY:
It's been modified.
P.O. TONNA:
On the motion.
LEG. ALDEN:
Paul, how does this affect us, or is there any legal effect of approving this?
LEG. BISHOP:
This is prime to be tabled.
MR. SABATINO:
This was just -- this was just to set the record straight in terms of clarifying the easement that was granted two years ago.
LEG. ALDEN:
Does it give more of a -- does it give more substance to a lawsuit, or does it -- is it neutral as far as the effect?
MR. SABATINO:
Well, I sent the long detailed memo to all Legislators. There really shouldn't be a lawsuit because the Town has, my understanding, committed to an acquisition of the property.
LEG. BISHOP:
Motion to table to the next meeting.
P.O. TONNA:
Motion to table. Is there a second?
P.O. TONNA:
Motion fail --

LEG. CARACAPPA:
Second.
P.O. TONNA:
Motion and second by Legislator Caracappa. All in favor? Opposed?
LEG. CARACCIOLO:
No, no, no, no, wait. This has been --
P.O. TONNA:
On the motion, Legislator Caracciolo.
LEG. BISHOP:
I know, that's exactly why. I mean, we've had a lot of discussion in executive -- and I'm -- I don't think anybody here can summarize it to vote on it so quickly.
LEG. LEVY:
It's clarifying the intent, Dave.
LEG. CARACCIOLO:
Very simply, you're right, there has been a long history dealing with this issue and it's time to put it to rest.
LEG. BISHOP:
All right. Where are we at? Explain.
LEG. CARACAPPA:
I withdraw my second.
LEG. CARACCIOLO:
Joe Caracappa withdraws the second.

P.O. TONNA:
Okay. So the tabling motion, is there a second now? No. No, so it fails --
LEG. CARACCIOLO:
Motion to approve.
P.O. TONNA:
-- for a lack of a second. Motion to approve by Legislator Caracciolo --
LEG. BISHOP:
Where are we at?
P.O. TONNA:
Seconded by Legislator Fields. Is there anybody on the motion? Let's just --
LEG. BISHOP:
Yes. Where are we at with this? Explain to me. Give me a reason. Thumbnail sketch.

LEG. CARACCIOLO:
With the approval of this resolution, this body will clarify exactly what type of easement was granted.
LEG. CARACAPPA:
Which is?
LEG. CARACCIOLO:
Which is a limited -- well, I'll have Counsel, you know, elaborate as to the exact limitations of the easement.
MR. SABATINO:
This would simply state that it was intended to be a surface easement for the purpose of allowing the property owner to cross over the land, as defined in Blacks Law Dictionary, and not for the purposes of a road and not for the purposes of a subdivision. As I explained in that detailed memo I sent to everyone, there can't even be a subdivision, because there was no --
LEG. BISHOP:
Okay, I got it.
MR. SABATINO:
-- Town resolution adopted.
P.O. TONNA:
Thank you. Okay. All in favor? Opposed?
LEG. CARACAPPA:
Abstention.
P.O. TONNA:
Approved.
LEG. GULDI:
Opposed, Henry. One opposed.
P.O. TONNA:
One opposition, one abstention.
MR. BARTON:
One not present. 15-1-1-1. (Not Present: Leg. Haley)

WAYS AND MEANS

P.O. TONNA:
Number 1318 (Authorizing certain technical correction to adopted Resolution No. 9 - 2000). Motion? Is there a motion?
LEG. CRECCA:

Motion to approve.
P.O. TONNA:
Seconded by myself. This is Introductory Resolutions. We're finally into an actual agenda.

00278

LEG. CARPENTER:
This is progress.
P.O. TONNA:
1318, motion by Legislator Crecca, second by Legislator Carpenter. All in favor? Opposed? Approved.
MR. BARTON:
17, 1 not present. (Not Present: Leg. Haley)
P.O. TONNA:
Number 1322 (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 property designated as Town of Babylon). Motion by Legislator Towle, seconded by Legislator Guldi. All in favor? Opposed? Approved.
MR. BARTON:
17, 1 not present. (Not Present: Leg. Haley)
P.O. TONNA:
Number 1323 (Authorizing certain technical corrections to adopted Resolution No. 415-1999). Motion by Legislator --
LEG. TOWLE:
Same motion, same second.
P.O. TONNA:
Same motion, same second.
LEG. LEVY:
Same vote.
P.O. TONNA:
Same vote. (Vote: 17, 1 not present-Leg. Haley)
LEG. GULDI:
Rock and roll, let's go.
P.O. TONNA:
1329 (Authorizing transfer of surplus County computers to the Community House of Long Island).
LEG. POSTAL:
Motion.
P.O. TONNA:
Motion by Legislator Postal.
LEG. FIELDS:
Second.
P.O. TONNA:
Seconded by Legislator Fields. All in favor? Opposed? Approved.

00279

MR. BARTON:
17, 1 not present. (Not Present: Leg. Haley)
P.O. TONNA:
Number 1345 (Approving the appointment of Wanda Lavista as a detective in the Suffolk County Police Department). Motion by Legislator Carpenter, seconded by --
LEG. POSTAL:
Second.

LEG. FIELDS:
Second.
P.O. TONNA:
Legislator Postal. All in favor? Opposed? Approved.
MR. BARTON:
17, 1 not present. (Not Present: Leg. Haley)
P.O. TONNA:
Number 1346 (Authorizing certain technical corrections to adopted Resolution No. 25-2000). Motion by myself, second by Legislator Fields. All in favor? Opposed? Approved.
MR. BARTON:
17, 1 not present. (Not Present: Leg. Haley)
P.O. TONNA:
Bond, 1350 (Amending the 2000 Capital Budget and Program and appropriating funds for land acquisition in connection with safety improvements on CR 16, Portion Road @ Hans Boulevard, Town of Brookhaven). Motion to approve by myself.
LEG. CARACAPPA:
Second.
P.O. TONNA:
Seconded by Legislator Caracappa. Roll call on the bond.
(*Roll Called by Mr. Barton*)
LEG. TONNA:
Yes.
LEG. CARACAPPA:
Yes.
LEG. CARACCIOLO:
Yes.
LEG. GULDI:
Yes.
LEG. TOWLE:
Yes.

LEG. FISHER:
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. Same motion, same second, same vote. Number 1354 (Adjusting contributions and expenditure limits for Suffolk County Officers). Legislator Levy?
LEG. LEVY:
Motion.
LEG. CARACCIOLO:
Explanation.
P.O. TONNA:
Yeah.

LEG. LEVY:
It would be automatic --
P.O. TONNA:
Well, let's first get a motion and a second.
LEG. FISHER:
Second.
P.O. TONNA:
Hold it. There's got to be a motion and a second.
LEG. FISHER:
Second.
P.O. TONNA:
You have a motion, Legislator Levy?
LEG. LEVY:
Automatic increase that comes about through the --
P.O. TONNA:
Second by Legislator Fisher.
LEG. LEVY:
-- through the CPI. This is the automatic increase that comes about for the CPI for expenditure limits based upon the Campaign Finance Reform Act that passed back in 1988. If you opt -- if you opt into the program, the limits that are set, they will gradually increase based upon inflation. And that's the --
LEG. CARACCIOLO:
Campaign finance reform.
LEG. LEVY:
Right.
LEG. BISHOP:
Okay, keep it moving.
P.O. TONNA:
Okay.
LEG. CARPENTER:
This is just a typo.
P.O. TONNA:
All right. Is there a motion and a second? All in favor? Opposed?

Approved.
MR. BARTON:
18.
P.O. TONNA:
Number 1359 (Extending time period regarding conveyance of parcel to

Town of Babylon for affordable housing purposes (Section 72-h, General Municipal Law). Is there a motion? I'll make a motion, seconded by -- oh, Legislator Postal made the motion, seconded by myself. All in favor? Opposed? Approved.
MR. BARTON:
18.
P.O. TONNA:
Number 1277 (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 properties for reconstruction of C.R. 67, Motor Parkway, Town of Islip, Suffolk County, New York, C.P. 5533.210). Is there a motion?
LEG. CARPENTER:
Motion.
P.O. TONNA:
Legislator Carpenter, second by Legislator Alden. All in favor? Opposed? Approved.
MR. BARTON:
18.
P.O. TONNA:
Number 1278 (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 properties for intersection improvements on C.R. 35, Park Avenue at C.R. 11, Pulaski Road, Town of Huntington, Suffolk County, New York, C.P. 3301.219). Motion by myself, seconded by Legislator Binder. All in favor? Opposed? Approved.
MR. BARTON:
18.
P.O. TONNA:
Number 1379 (Authorizing conveyance of parcel to Town of Brookhaven for use by VIBS (Section 72-h, General Municipal Law).
LEG. POSTAL:
Motion.
P.O. TONNA:
Motion by Legislator --
LEG. FISHER:
Second.
LEG. TOWLE:
Motion to table.
P.O. TONNA:
Motion to table by Legislator Towle.

LEG. FOLEY:
Second.
P.O. TONNA:
Seconded by?

LEG. FOLEY:
Second.
P.O. TONNA:
Seconded by Legislator --
LEG. HALEY:
Haley. Haley.
P.O. TONNA:
-- Foley. All in favor? Opposed?
LEG. BISHOP:
On the motion. Can I --
P.O. TONNA:
On the motion.
LEG. BISHOP:
Can I get the nature of the objection?
P.O. TONNA:
Well, he's the sponsor, so --
LEG. TOWLE:
Yeah, I'm the sponsor. I'd be happy to explain.
LEG. BISHOP:
Oh, you're the sponsor.
LEG. TOWLE:
Yeah.
LEG. BISHOP:
Well, what's wrong?
LEG. TOWLE:
It's not a question of what's wrong. They're actually looking -- it's my district, actually. They're looking at a couple of other parcels that might be better suited for what they want to do in the Town of Brookhaven and the list was not ready prior to today.
LEG. BISHOP:
Thank you.
P.O. TONNA:
All in favor? Opposed? Tabled.
MR. BARTON:
18.

P.O. TONNA:
Number 1383 (Sale of County-owned real estate pursuant to Local Law 13-1976 (Thomas J. Zukas). Motion by myself, seconded by Legislator Fields. All in favor? Opposed? Approved.
MR. BARTON:
18.
P.O. TONNA:
Number 1402 (Amending the Classification and Salary Plan and authorizing a fee schedule for the Suffolk County Board of Elections Election Inspectors).
LEG. CARPENTER:
Motion.
P.O. TONNA:
Motion by Legislator --
LEG. CARPENTER:
Motion.
LEG. CARACCIOLO:

Motion.
P.O. TONNA:
Excuse me?
LEG. CARPENTER:
Motion.
P.O. TONNA:
Motion by Legislator Carpenter.
LEG. FISHER:
Second.
P.O. TONNA:
Seconded by Legislator Fisher. Excuse me, guys.
LEG. BISHOP:
They're fighting. Mr. Chairman, they're fighting.
P.O. TONNA:
Can I ask, there's -- can I ask there to be some --
LEG. TOWLE:
Sergeant at arms?
P.O. TONNA:
Some decorum. I heard some profanities and I'd ask that that not be repeated on the record. Okay, sure, right.
Okay. 1402.

LEG. TOWLE:
Motion to approve.
P.O. TONNA:
Is there a motion?
LEG. CRECCA:
Motion to approve.
P.O. TONNA:
Motion to approve by --
LEG. CARACCIOLO:
On the motion.
P.O. TONNA:
Okay, yes, on the motion.
LEG. CARACCIOLO:
Explanation. What's the term of the lease?
LEG. LEVY:
It increases the amount for inspectors to $132 per day.
LEG. CRECCA:
Oh, I thought we were on 1416.
LEG. CARACCIOLO:
I thought you were on 1416.
P.O. TONNA:
No, we're on 1402.
LEG. CARACCIOLO:
All right.
P.O. TONNA:
All right.
LEG. CRECCA:
We already approve -- we already approved that.
LEG. CARACCIOLO:
I have questions on 1416.
P.O. TONNA:

Okay. I didn't call the vote. All in favor? Opposed? Approved, 1402.
MR. BARTON:
18.
P.O. TONNA:
Okay. 1416 (Authorizing the extension of a lease of premises located at 11 Newton Place, Hauppauge, NY for the Suffolk County Department of Public Works).

00286

LEG. CRECCA:
Motion.
P.O. TONNA:
Is there a motion?
LEG. CRECCA:
Motion to approve.
P.O. TONNA:
Motion to approve by Legislator Crecca. Seconded by?
LEG. LEVY:
Myself.
LEG. CARPENTER:
Second.
P.O. TONNA:
Legislator Levy.
LEG. TOWLE:
Explanation.
P.O. TONNA:
On the motion.
LEG. TOWLE:
Explanation.
P.O. TONNA:
Legislator Caracciolo, on the motion.
LEG. LEVY:
This is -- this is --
P.O. TONNA:
No, Legislator Caracciolo has the floor.
LEG. CARACCIOLO:
Explanation.
LEG. LEVY:
He's asking me the question.
P.O. TONNA:
Okay.
LEG. LEVY:
We're leasing space to park our County trucks, an extension.
LEG. GULDI:
Seventy thousand a year?

00287

LEG. CRECCA:
It's a lot of space.
LEG. FISHER:
It's a lot of space.
LEG. CRECCA:
Big trucks.
LEG. LEVY:

It's a big, big area.
P.O. TONNA:
I know somewhere where -- no.
LEG. TOWLE:
What trucks.
MR. POLLERT:
It's heated space, so that the sewer trucks don't freeze up during the winter time.
LEG. TOWLE:
Sorry, Fred.
MR. POLLERT:
What we have to do is this is heated space, because these are sewer trucks and {vactor} Trucks, they can't freeze during the wintertime.
LEG. GULDI:
So it's garage space.
LEG. TOWLE:
Mr. Chairman, if you just suffer one more question on that.
P.O. TONNA:
Sure.
LEG. TOWLE:
Have they looked at any other locations to store our own trucks besides renting somebody else's facility?
MR. POLLERT:
Yes. The Budget Review Office had recommended a few alternatives, but they were inadequate for the needs of the Department of Public Works. Public Works has been doing this for about the last probably 15 years. Previously, were at the Coates Avenue garage.
LEG. TOWLE:
So we're paying $70,000 a year, 70?
MR. POLLERT:
That's correct.
LEG. TOWLE:
And for the last 15 years we've been doing this, and clearly could have

built a building with what we're paying a year in rent over the last 15 years. Is that your final answer?
LEG. BISHOP:
That's $1 million. Let's go.
LEG. GULDI:
Can we do the agenda?
LEG. BISHOP:
Come on, Paul.
P.O. TONNA:
Okay. 1443, is there a motion?
LEG. FISHER:
Motion.
MR. BARTON:
Mr. Chairman, you haven't called the vote on 1416.
P.O. TONNA:
Oh, no.
LEG. CRECCA:
The vote.
P.O. TONNA:

1416, motion and a second. All in favor? Opposed?
LEG. GULDI:
Roll call.
(Opposed said in unison by Legislators)
P.O. TONNA:
Opposed. Okay, we got -- let's do a roll call here. Go ahead.
(*Roll Called by Mr. Barton*)
LEG. CRECCA:
Yes.
LEG. LEVY:
Yes.
LEG. CARACCIOLO:
No.
LEG. GULDI:
No.
LEG. TOWLE:
No.

LEG. CARACAPPA:
Yes.
LEG. FISHER:
Yes.
LEG. HALEY:
Pass.
LEG. FOLEY:
No.
LEG. FIELDS:
Pass.
LEG. ALDEN:
Nope.
LEG. CARPENTER:
Yes.
LEG. D'ANDRE:
Yes,
LEG. BISHOP:
Yes.
LEG. POSTAL:
Yes.
LEG. BINDER:
Yes.
LEG. COOPER:
Yes.
P.O. TONNA:
Yep. Okay.
LEG. HALEY:
Yes.
LEG. FIELDS:
Yes.
MR. BARTON:
Thirteen.
P.O. TONNA:
Okay. Number 1443 (Authorizing transfer of surplus County computers to the Comsewogue Youth Club).

LEG. FISHER:
Motion.

00290

LEG. FIELDS:
Second.
P.O. TONNA:
Motion by Legislator Fisher, seconded by Legislator Fields. All in favor? Opposed? Approved.
MR. BARTON:
18.

ECONOMIC DEVELOPMENT & EDUCATION

P.O. TONNA:
Okay. And to Economic Development and Education. 1410 (Accepting and appropriating a grant award from the Raytheon Company, d/b/a Raytheon Systems Company for a Raytheon/GM Training Program at the Ammerman Campus 100% reimbursed by private funds at Suffolk County Community College). Is there a motion?
LEG. FOLEY:
Motion.
LEG. GULDI:
Take the money.
P.O. TONNA:
Motion by Legislator Foley, seconded by Legislator Cooper. All in favor? Opposed? Approved.
MR. BARTON:
18.
P.O. TONNA:
Number 1412 (Accepting and appropriating 100% federal grant funds to the Department of Health Services from Brookhaven National Laboratory for the Brookhaven Radiological Lab Program).
LEG. FOLEY:
Motion.
P.O. TONNA:
Motion by Legislator Guldi, seconded by Legislator Caracappa. All in favor? Opposed? Approved.
MR. BARTON:
18.
P.O. TONNA:
Number 1412?
MS. FARRELL:
17.
MR. BARTON:
17.

00291

LEG. TOWLE:
Explanation.
P.O. TONNA:
17.
LEG. FOLEY:
Motion.
P.O. TONNA:
Motion by Legislator Foley, seconded by Legislator Haley. All in favor? Opposed?

LEG. TOWLE:
Explanation.
P.O. TONNA:
Explanation.
LEG. FOLEY:
It's really self-explanatory. It's to have a farmer's market to operate this summer at the South Brookhaven West Health Center.
P.O. TONNA:
Okay. All in favor? Opposed? Approved.
MR. BARTON:
18.
P.O. TONNA:
Number 1426 Endorsing application to USDA for establishment of RC&D area).
LEG. FOLEY:
Motion.
P.O. TONNA:
Motion by Legislator Foley, seconded by --
LEG. FISHER:
Motion.
P.O. TONNA:
By Legislator Fisher.
LEG. CRECCA:
Explanation.
P.O. TONNA:
Explanation.
LEG. CRECCA:
Brief.
LEG. FOLEY:
Again, as part of the backup of the resolution, it's self-explanatory,

this is to have Suffolk County to be part of the statewide RC&D area. It's an agricultural area that will --
LEG. GULDI:
Conservation and development.
LEG. FOLEY:
Right. It will enable Suffolk County to take part in both studies, and also to be eligible for monies to help the agricultural communities, in Eastern Suffolk.
LEG. CRECCA:
Does it cost us anything?
LEG. FOLEY:
We get money.
P.O. TONNA:
Okay. All in favor? Opposed? Approved.
MR. BARTON:
18.
[SUBSTITUTION OF STENOGRAPHER - ALISON MAHONEY]
P.O. TONNA:
No. 1435 - Approving the appointment of Frederick Lee as a member of the Long Island Market Authority (County Executive).
LEG. GULDI:
Motion.

P.O. TONNA:
Can I ask -- Okay, motion by Legislator Guldi, second by Legislator Caracciolo. On the motion. The Long Island Market Authority; please, tell me, what is the Long Island Market Authority?
LEG. CARACCIOLO:
Well, the resolutions you were just talking about provides -- well, the State passed legislation creating the Market Authority.
LEG. GULDI:
New York State law.
LEG. CARACCIOLO:
The two resolutions we just approved allocate the space and there is a governing body in authority and there are five members -- seven members, I understand.
P.O. TONNA:
Five of them appointed by the County Exec? Who wrote that resolution?
LEG. CARACCIOLO:
It's State legislation.

P.O. TONNA:
Okay, there you go.
LEG. FOLEY:
State legislation.
P.O. TONNA:
Okay. How many by the Legislature, five and two? I don't like those numbers.
LEG. TOWLE:
I'm with you.
LEG. FOLEY:
None, none by us. It's all seven.
MR. SABATINO:
It will be seven picked by the Executive subject to Legislative confirmation.
LEG. FOLEY:
We have to confirm them.
P.O. TONNA:
Okay. Well, motion, second. All in favor? Opposed? Approved.
MR. BARTON:
18.
LEG. BISHOP:
Motion to table. I'm tabling.
P.O. TONNA:
Do you want to table?
LEG. GULDI:
No, I want to approve this one.
P.O. TONNA:
Okay. Dave, do you want to really table them, or do you want to just be like kind of tabling them?
LEG. BISHOP:
No. No, I think you made a valid point.
P.O. TONNA:
I know, but it's New York State Legislation.
LEG. CARPENTER:
But it's the law. What are you going to do, wait for them to pass new

legislation?
LEG. CRECCA:
Why don't you run for the Assembly?

00294

P.O. TONNA:
On 1435, there was a motion and a second. All in favor? Opposed? Approved.
MR. BARTON:
18.
P.O. TONNA:
No. 1436 - Approving the appointment of Richard Lofstad as a member of the Long Island Market Authority (County Executive).
LEG. FISHER:
Motion.
LEG. CARACCIOLO:
Same motion.
P.O. TONNA:
Same motion, same second. All in favor? Opposed? Approved.
MR. BARTON:
18.
P.O. TONNA:
No. 1437 - Approving the appointment of Lyle Wells as a member of the Long Island Market Authority (County Executive).
LEG. CARACCIOLO:
Same motion.
P.O. TONNA:
Same motion, same second. All in favor? Opposed? Approved.
MR. BARTON:
18.
P.O. TONNA:
1438 - Approving the appointment of Joseph Gergela as a member of the Long Island Market Authority (County Executive).
LEG. CARACCIOLO:
Same motion.
P.O. TONNA:
Same motion, same second. All in favor? Opposed? Approved.
MR. BARTON:
18.
P.O. TONNA:
1439 - Approving the appointment of James Stark as a member of the Long Island Market Authority (County Executive).
LEG. CARACCIOLO:
Same motion.

00295

P.O. TONNA:
Same motion, same second. All in favor? Opposed? Approved.
MR. BARTON:
18.
P.O. TONNA:
By the way, just to ask, Jonathan, have all of these people come in front of your committee?
LEG. COOPER:
Yes, that's why there are only five out of seven, because two of them

were not able to make it.
P.O. TONNA:
There you go. Very good. So we're doing our due diligence. Thank you, Legislator Cooper.
Okay, Finance, Technology & Management Services:
1206 - Adopting Local Law No. 2000, a Charter Law to adopt"Pay as you go" financing for 1/4% Environmental Protection Program (Caracciolo). Is there a motion?
LEG. CARACCIOLO:
Motion.
LEG. BISHOP:
Second.
LEG. GULDI:
On the motion.
P.O. TONNA:
Okay, motion by Legislator Caracciolo, seconded by Legislator Guldi?
LEG. GULDI:
Well, yeah, I'll second for the purpose of the discussion and ask the sponsor to differentiate it from the same pay-as-you-go bill concept that I introduced, how is this different than mine?
LEG. HALEY:
Big difference.
LEG. CARACCIOLO:
Big difference, I know.
LEG. CARPENTER:
This has his name on it.
LEG. CARACCIOLO:
About $9 million difference. Fred Pollert, you want to explain the difference?
MR. POLLERT:
Well, what this resolution would do would be to prevent the County from

borrowing for the Quarter Cent Environmental Protection Program. As was done with the first Pine Barrens Program, it would limit debt service to 25% of both the open space portion as well as the farmland acquisition portion.
LEG. GULDI:
So this only relates to pay-as-you-go on farmland that's on open space, not on the Capital Budget.
MR. POLLERT:
That is correct. So it would prevent what happened with the pine barrens program where the debt service ate up a significant portion of the revenue stream.
LEG. GULDI:
Except that -- let me ask you a question on the economics of the open space and land development. Isn't it true that historically land prices, particularly undeveloped land in Suffolk County, have doubled at an average of five to ten years, depending on the economic heat? And isn't it fiscally imprudent to not bond since the market escalation cost -- historic market escalation and current market escalation patterns exceed the debt service cost?
MR. POLLERT:
It all depends where you are with respect to if the market is at the

peak or if, in fact, it will continue to increase. If the market is going to continue to increase, then it would be prudent to bond. However, if we're at the peak and prices are going down, it would not be economically prudent. But the last program, we bonded when the market was going up and we bonded when the market was coming down based upon the assumption it was a good time to purchase when the market was coming down, that we could never acquire as much land if we continued to wait.

LEG. GULDI:
Well, yeah, the only --

MR. POLLERT:
So you can make an argument either way.

LEG. GULDI:
-- other question I have is are you aware -- well, I guess let me quote it from Mark Twain; "I don't think they're making it anymore."

MR. POLLERT:
Right.

LEG. GULDI:
So I think that if you wait for it -- if you wait for the economy to turn around there won't be any left. Thank you.

LEG. FOLEY:
Mr. Chairman?

P.O. TONNA:
Legislator Alden is next, then Foley.

LEG. ALDEN:
Mike, I support this. But we had a discussion, too, that you would entertain some discussion as far as eliminating even the 25% -- this allows 25%.

LEG. CARACCIOLO:
Absolutely.

LEG. ALDEN:
But I would like to see this passed now and maybe even just take it so we don't borrow any money.

LEG. CARACCIOLO:
Yeah. I told you I was open to that, obviously we have to get a consensus in the majority to support that. But this would obviously be the first step in that direction.

P.O. TONNA:
Legislator Foley.

LEG. FOLEY:
Thank you. Fred, this is to you and/or to Mike. Mike or Fred, if this is approved, is there less monies available for outright acquisition of land, acquisition of properties?

MR. POLLERT:
You won't be incurring any debt service costs so that you could use all of the revenues for the acquisition of land as opposed to servicing debt.

LEG. FOLEY:
So we will be able to acquire more property or less property -- if this is not approved, where would we be when we move forward?

MR. POLLERT:
If this is not approved, there are no guidelines. The County could

purchase land immediately using bond proceeds to be repaid with the revenue stream from the sales tax. What this would do would be to limit for the two components of the Quarter Percent Program, the fact that you cannot issue more than 25% of the revenue stream can't be issued in debt service costs.
LEG. FOLEY:
And then what would happen --
LEG. LEVY:
Would you suffer an interruption?
LEG. FOLEY:
Yeah.
LEG. LEVY:
Wouldn't it be clear to say that what this does is that it would allow

you to buy more in the short-term but less in the long-term? Because it's allowing you to borrow the money up front to buy a lot of these parcels right now, but when you incur that debt service --
LEG. GULDI:
It's the other way.
LEG. BISHOP:
It's the opposite.
LEG. LEVY:
No, no. The way the system works now but when we were allowed to borrow the money, they were borrowing the money to buy more right now, but eventually what happens when you do that is that all that money that you're collecting in the future on a yearly basis is going to go towards the debt service, paying off the interest rather than buying more land and you're depleting the amount of revenue you have on a yearly basis to buy more land. So actually the way the bill is structured, the way this bill is structured, it's a nice balance because it's 25%, it still allows you to do some borrowing, it doesn't eliminate it totally because you might want it to some extent, but doesn't allow us to go hog wild where, in the future, all we'll be doing is spending our money on debt service.
LEG. CARACAPPA:
And on the back end, we actually prosper, on the back end of purchase.
LEG. FOLEY:
If I may reclaim my time. If only 25% can be used for debt service, then if we want to acquire properties more than that, do we have the financial wherewithal to do that?
MR. POLLERT:
You could always do it through the Capital Program, just like the Proposed Capital Program also includes funding for farmland acquisition. So 7.35% of this revenue stream is going to be used for farmland acquisition, you can continue to purchase more through the Capital Program if you want to.
LEG. CARACAPPA:
Mike?
MR. POLLERT:
So it does not exclusively restrict your land acquisitions just to this revenue stream.
LEG. FOLEY:
Yeah, but just using this revenue stream, are we restricting the amount

that we can use at any given year to purchase properties, through this revenue stream?
MR. POLLERT:
Yes, it would be pay-as-you-go. Seventy-five percent of the revenues would, at a minimum, be dedicated to pay-as-you-go acquisition of land. And if you don't spend it in one year, it goes into -- it will just

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continue to roll over from one year to the next, it can't be used for any other purpose.
P.O. TONNA:
Okay. Let's go on, I think we have a good explanation. All right, there is a motion and a second. All in favor? Opposed?
LEG. CARACCIOLO:
Henry? I think there are requests from Legislators to cosponsor.
P.O. TONNA:
Okay. All right. All in favor? Opposed? Approved.
LEG. GULDI:
Opposed.
P.O. TONNA:
Opposed, Legislator Guldi.
LEG. CARACAPPA:
Cosponsor.
LEG. FIELDS:
Me too.
LEG. FISHER:
Me, too.
P.O. TONNA:
And you're opposed?
LEG. FIELDS:
No, cosponsor.
LEG. ALDEN:
Henry.
MR. BARTON:
17-1.
P.O. TONNA:
1265 - Adopting Local Law No. 2000, a Charter Law requiring revenue impact statements for tax policy (Caracciolo). Is there a motion? Legislator Caracciolo, do you want to have a motion on your bill?
LEG. CARACCIOLO:
Yes, motion to approve.
LEG. HALEY:
Second
P.O. TONNA:
Okay, second by Legislator Haley. Can you please explain the bill?
LEG. BISHOP:
Why do we have to explain every bill now?

00300

LEG. LEVY:
If he could, he would.
LEG. CARACCIOLO:
I will. This resolution came at the suggestion of the Budget Review Office, because often times when we receive financial impact statements prepared by the Budget Director, they're nowhere near as complete as

they are from our own BRO staff. This, as I understand it, kind of makes them -- puts them to the same standard as our own financial impact statements to be more complete and thorough.
P.O. TONNA:
Okay. Thank you very much. On the motion.
LEG. HALEY:
On the motion. I'm a cosponsor of this, but I didn't realize this was a shot by BRO at the Budget Office; is that what it is?
MR. POLLERT:
No, actually --
LEG. CRECCA:
Yeah, I think Pollert's going to cosponsor this.
MR. POLLERT:
What the resolution does is there are quite a few resolutions which adjust revenues. What this resolution would do would be to make a requirement that there be a fiscal impact statement on how a revenue reduction is to be addressed, either through increases of other revenues or reductions in services.
P.O. TONNA:
Right. So when a certain Legislator might have a bill to cut all our energy taxes or this or that and all of a sudden he says, "No problem," and he has to have a financial impact statement that says where he's going to cut it from, from police, from kids who want to be fed, things like that, right? Okay, thank you very much.
LEG. HALEY:
Mr. Chairman? I have the floor. But I think heretofore, there was not a requirement of the Budget Office to do that, it was a recommendation that the Budget Office provide that information.
P.O. TONNA:
Right.
LEG. HALEY:
Right, is that correct?
LEG. CARACCIOLO:
Yes.
MR. POLLERT:
Yes.
LEG. HALEY:
Okay, thank you. It wasn't as if they were failing at some part, it was

an additional requirement that we all think is appropriate.
LEG. BISHOP:
It has nothing to do with the Budget Office.
MR. POLLERT:
Right. So this would be a requirement to both Budget Review Office as well as the Budget Office, it would expand the fiscal impact statement law.
LEG. BINDER:
Mr. Chairman? Mr. Chairman?
P.O. TONNA:
Somebody has the floor.
LEG. BISHOP:
You.
P.O. TONNA:

All right.
LEG. BINDER:
Mr. Chairman?
P.O. TONNA:
I have the floor. Fred, you spoke enough. Okay, there is a motion and a second.
P.O. TONNA:
Legislator Binder.
LEG. BINDER:
Would this also include something that would be for the next year; in other words, where the enactment date would be for the next budget year? Because it would be impossible to require a revenue impact statement to say how you are going to get the revenue, the lost revenue, if the enactment of whatever this proposal is is for the next budget year and you don't have a budget before you.
LEG. CRECCA:
That's a good question.
MR. POLLERT:
Paul?
P.O. TONNA:
Okay. Paul, are you going to answer the question?
MR. SABATINO:
I'm not sure. Is the question would it apply to the Operating Budget as well --
LEG. BINDER:
If in the event whatever the proposal is and the enactment date is in

the next budget year, it's not during the current budget, we don't have that next budget before us, how can you have revenue impact statements? Because you can't be saying what you're going to do because you haven't even formulated that budget. It's the same thing, we've asked the County Executive in a lot of instances --
MR. SABATINO:
Okay, I understand your question. The information that's required, if you read it carefully, is just an indication as to how it would be accommodated by talking in terms of identifying what it is you would do; adjustments in revenues, reductions in appropriations, elimination of programs, abolition of positions, use of reserve. So you wouldn't need the level of detail that you're talking about because all you need to do is identify what the proposal would do.
LEG. BINDER:
Okay. Except here's the problem with that. In the next budget --
P.O. TONNA:
Legislator Binder has the floor, please.
LEG. BINDER:
In the next budget year, if we haven't done the budget, we don't know what the revenue pictures look like or the revenue estimates, so if you are losing revenue on something, you can't be sure how it's going to be dealt with in the next budget, you can't be specific about budget cuts or anything else because you don't know how the budget can be formulated. Meaning, if we don't know, we may be estimating higher revenues, if we're estimating higher revenues that might fill the hole right there. I don't think -- I could understand if you're doing it for

the current year, so you're in the budget year and you're doing something that would hurt revenues in that particular budget year so you have to say, "How do I propose to fill that" --
LEG. BISHOP:
But you've heard --
LEG. BINDER:
If I can finish.
LEG. BISHOP:
Everything is equal.
LEG. BINDER:
When I'm done, you can say anything you want.
LEG. BISHOP:
You're bogging us down with bull.
LEG. BINDER:
Boy, you've never had any bull. I'll tell you, everything you say is so damn important. Legislator Bishop, everything you say, I mean, I have never heard -- in all the time I've been here with you, you've never said anything that's bull.

P.O. TONNA:
Legislator Binder has the floor.
LEG. BINDER:
The bottom line is you've got no way to understand what to do in the next budget year or how to characterize to fill the hole. I can understand it for a current budget year, this makes a lot of sense. But for a future budget you don't now it's formulated, so this doesn't make any sense in that particular instance.
P.O. TONNA:
Okay. There's a motion and a second. All in favor? Opposed?
LEG. BINDER:
I'm opposed.
P.O. TONNA:
Okay, approved.
MR. BARTON:
17, 1 in opposition.
P.O. TONNA:
Okay. No. 1319 - To readust, cancel, compromise and grant refunds on real property correction of errors by County Legislature for Village of Babylon (SCTM No. 0102-013.00-01.000-031.000) (Bishop). Motion by Legislator Bishop, seconded by myself. All in favor? Opposed? Approved.
MR. BARTON:
18.
P.O. TONNA:
No. 1352 - Amending the 2000 Operating Budget by transferring funds between various departments' permanent salary accounts and creating five positions in the Department of Probation and one position in the Department of Law (County Executive). Motion by myself, seconded by Legislator Caracappa. All in favor? Opposed? Approved.
LEG. TOWLE:
Cosponsor.
MR. BARTON:
18.
P.O. TONNA:

No. 1370 - Electing one-sixtieth salary benefit plan for Sheriff, Undersheriffs and Deputy Sheriffs engaging in law enforcement activities (D'Andre).
LEG. HALEY:
Motion.
P.O. TONNA:
Motion by Legislator D'Andre.

00304

LEG. HALEY:
Second.
P.O. TONNA:
Seconded by Legislator Haley. All in favor? Opposed? Approved? Congratulations, Legislator D'Andre.
MR. BARTON:
18.
P.O. TONNA:
Public Safety:
Now we're into Public Safety, truncated Public Safety.
1264 - Adopting Local Law No. 2000, a Local Law to streamline anti-nepotism provisions for Police Department officials (Bishop).
Is there a motion?
LEG. BISHOP:
Motion.
P.O. TONNA:
Motion by Legislator Bishop, seconded by myself. All in favor? Opposed?
LEG. CRECCA:
Whoa, whoa. Explanation, please. I didn't have a copy of this bill, I apologize, in my packet.
P.O. TONNA:
Okay.
LEG. BISHOP:
Paul, or do you want me to do it? The bill essentially does --
P.O. TONNA:
Well, I am a veritable information source.
LEG. BISHOP:
No, I meant Sabatino.
P.O. TONNA:
That's what I thought.
LEG. BISHOP:
The bill essentially does two things. We have a nepotism statute in place currently in which if there is a relative on the police force, it has to come -- the promotion has to come to the County Legislature for an affirmative vote; this would change that whereas the promotion would go forward but the County Legislature would have 45 days to reverse it. So we would still have the same oversight we've always had, except we don't have to have an affirmative vote every time an officer is implicated.
LEG. HALEY:
On the motion.

00305

LEG. BISHOP:
The second thing that this resolution does is it requires the Police Department to develop minimum criteria for positions outside of patrol

for officers, for line officers. So assignments like K-9, emergency services and so forth which currently don't have criteria but are completely at the discretion of the department would require a minimum criteria and guidelines.
LEG. LEVY:
Why would you need that; what is the point here?
LEG. BISHOP:
Well, the point is that many officers feel that assignments to these elite units are not always based on merit or some sort of objective criteria, they're based on sort of subjective field that the brass implements; favoritism in other words. Legislator Postal keeps putting the buzz words in my ear, I'm trying to avoid them and she keeps --
LEG. LEVY:
Well, what is the criteria that's set in the bill?
LEG. BISHOP:
It's not, they have 90 days to develop it. In other words, they have -- we've had a number of cases in Public Safety, which you don't serve on, where people are coming to us and saying, "We're going to sue the County because we didn't get this assignment or this promotion and we earned it." And what this actually does is protect us because the Police Department would have to develop the criteria so that officers would have to fall within the criteria to get the promotion, currently it's completely nebulous.
P.O. TONNA:
Okay. Legislator Haley has the floor, then Legislator Guldi.
LEG. HALEY:
Legislator Bishop, so you are asking that the Police Department be -- get exceptional treatment from the normal anti-nepotism law that we typically follow.
P.O. TONNA:
No.
LEG. HALEY:
In other words, everyone else has to come before the Legislature before they get approved and you're making an exception with the Police Department saying that they can go ahead and get that promotion and then we have 45 days to reverse it?
LEG. BISHOP:
See, one of the problems -- there are two things to that. The current nepotism law was ill-defined as to what triggers having to come to the Legislature. So for example, two people relatively on the same plain, brother and sister, any promotion would have to come to the Legislature, even though they have relatively low level appointments in

the department. This resolution would say Deputy Inspector and above is the trigger, which makes a lot of sense, you're talking about people who are in policy command positions --
LEG. HALEY:
Then why don't we do that elsewhere?
LEG. BISHOP:
-- that implicate who gets the promotion and who doesn't.
LEG. HALEY:
Why don't we --
LEG. BISHOP:

The second thing it does is because, as you know, often we don't meet for periods of time, is rather than delay any promotion, it would simply say that the Legislature has the right to prevent the promotion. So we still have the oversight except we don't have to affirmatively approve it.
LEG. HALEY:
Yeah, but I submit to you that obviously that rule pertains to everyone else. Even the lowest level job sometimes within the rest of the County has to come before us, so why are we not applying that same rule throughout the County?
LEG. BISHOP:
I don't understand it to be that way. When we did the nepotism law which I was the sponsor of last year for the Police, and it was -- I think you voted against it, in fact -- it was a very tough road to get it passed. And we were -- at that time, this was the most aggressive law possible, it is being tweaked here. It's not being repealed, we still keep the same oversight over every appointment, we're still notified, except that the presumption is not that we have to approve it.
LEG. HALEY:
I think you missed my point. If you're going to tweak it, why don't you tweak it for everyone, for every department that has low level --
LEG. BISHOP:
Well, I was just dealing with the Police issue.
LEG. HALEY:
Obviously.
LEG. BISHOP:
Was it last year we approved it specifically for Police.
LEG. POSTAL:
Yeah. Can I, Mr. Chairman?
LEG. BISHOP:
It's a special law for Police, it's not a special exception to the law.

P.O. TONNA:
Legislator Guldi has the floor after --
LEG. HALEY:
I will yield to Legislator Postal.
P.O. TONNA:
I'm sorry.
LEG. HALEY:
I'll yield to Legislator Postal.
P.O. TONNA:
You really can't do that.
LEG. HALEY:
Why not?
LEG. POSTAL:
Well, I was going to respond to his question.
P.O. TONNA:
Okay. Go ahead, and then Legislator Guldi.
LEG. POSTAL:
I think that the answer is that the Police Department has been a department in which there have been a great many allegations of favoritism with regard to promotions, awards and assignments to special

divisions; that's been an ongoing problem. There's been -- there actually was part of the Consent Decree had to do with not only increasing participation of minority groups, but promotions of minority Police Officers within the Police Department, that was something that the Justice Department said was a problem. So that I think that the Police Department has been a department in which there has been -- at least there have been allegations of special abuse.
LEG. HALEY:
I can't follow how that relates to my question.
LEG. BISHOP:
That doesn't relate to your question. What you're asking about is you're saying that there's a County Nepotism Law -- and this is
LEG. LEVY:
Use your microphone.
LEG. HALEY:
Yeah, it's a County Nepotism Law and if you are going to tweak it, you should tweak it for all departments.
LEG. BISHOP:
The Police have a special nepotism law. It's not like we're drawing a special exception for Police, they already come under a different nepotism law than the general County Nepotism Law.
P.O. TONNA:
Yeah, because they're structured in a completely different way.
00308
LEG. BISHOP:
So it's not creating an exception specifically for Police, it's just tweaking what we already have which is specific to Police.
P.O. TONNA:
Okay. Legislator Guldi has the floor.
LEG. GULDI:
I have actually two areas of concern with respect to the tweaking. One is what is the problem that we're trying to correct? I have been here -- we have, what, two resolutions this month and we haven't done an agenda in a long, long time. It doesn't strike me that we're inundated with applications of the Nepotism Law in its current form and that we have a substantial administrative burden on the department which, as Legislator Postal has pointed out, has historically -- has indicated its scrutiny is not necessarily a problem.
Secondly, the statute -- the revisions to the extent that they -- they don't even articulate a mechanism for notification to the Legislature or that members of the Legislature will even have the certainty of notification for the 45 day clock to run for it then to be incumbent upon Legislators to make a procedural motion instead of as we do with every other nepotism waiver, have the department come in with the waiver.
The third little tweak that I'm concerned about is we change the definition of the statute of those promotions that we're going to require a nepotism waiver from from anyone above the rank of Police Officer to anyone above the rank of Deputy Inspector, thereby exempting relatives of every Captain, Lieutenant, Sergeant and Detective. I mean, how many people are we exempting by that little language change? Can I get an answer to that question, or is legislator Haley monopolizing the sponsor?

P.O. TONNA:
I think Legislator Postal who is the apologist right now for the tweaking law.
LEG. LEVY:
Let's make a motion to table.
LEG. POSTAL:
Right.
P.O. TONNA:
Go ahead.
LEG. POSTAL:
Well, I'll just answer your last question first. I think that the -- originally the resolution had to do with relatives at lower levels than Deputy Inspectors. And it was clear that, for example, the resolution we approved tonight having to do with Wanda LaVista, the reason that that was, I guess, delayed and held up was because her husband is a Sergeant. I truly don't think having a relative who's a Sergeant gives

someone the same advantage in terms of promotion because Sergeants don't have the input of recommending people for promotion. I think that the reason it was raised to Deputy Inspector is, Legislator Bishop said it before, a Deputy Inspector and ranks above Deputy Inspector are policy making ranks and they have the ability to exercise, I guess, undo influence in recommending certain people for promotions.
LEG. BISHOP:
That's part of the process.
LEG. LEVY:
Well that's -- Legislator Guldi, that's okay, that's logical. But then it goes to the next step where you say that it's going to be automatic unless we reverse it, and that's the concern that I have. I mean, if you just left it at what you're talking about, it makes sense and we do away with a lot of unnecessary tinkering. But we really shouldn't be reversing the process where now it's our burden to find out who got promoted and put in a bill --
LEG. BISHOP:
No, no, I think that part's wrong. Paul Sabatino, it's not our burden, the Police still have to notify the Clerk of the Legislature.
LEG. LEVY:
Who knows --
LEG. GULDI:
But then you have to ask for the Procedural motion and sponsor it.
LEG. LEVY:
Yes.
LEG. GULDI:
I'm going to take back the floor because I still have it.
LEG. BISHOP:
Well, the presumption is --
LEG. GULDI:
Which essentially puts the burden on you as a Legislator, or some Legislator, to undo somebody's promotion.
LEG. BISHOP:
Right, whereas now you have to approve every single one.
LEG. GULDI:
Yeah, hold on. And how many have we had this year?

LEG. BISHOP:
Well, how many do you think you're going to undo? How many do you think --
LEG. GULDI:
What is the matter with doing it in public?
LEG. BISHOP:
There is no problem with doing it in public. The problem is that there

00310

is --
LEG. GULDI:
Then what are we --
LEG. BISHOP:
-- situations where people are --
LEG. GULDI:
Then that goes back to my first question, what is the problem with trying to correct?
LEG. BISHOP:
Because the presumption then currently that we have to approve, which suggests that it's wrong in the first instance and we have to write the wrong, causes a delay. Sometimes we don't meet for six, eight, ten weeks.
LEG. D'ANDRE:
Motion to table, Mr. Chairman. We had enough of this.
LEG. CRECCA:
Second.
LEG. HALEY:
That a boy, Mike.
LEG. BISHOP:
I would argue against the tabling; that's in short form.
P.O. TONNA:
Okay. Legislator Guldi, do you yield the floor now?
LEG. FISHER:
Second the motion to table.
P.O. TONNA:
All right. So can we please -- there's a motion and a second. All in favor? Opposed?
LEG. BISHOP:
Opposed.
LEG. POSTAL:
Opposed.
P.O. TONNA:
To what, to tabling?
LEG. BISHOP:
To tabling.
P.O. TONNA:
There's a tabling motion?
LEG. CRECCA:
Yeah, there's a tabling motion.

00311

P.O. TONNA:
Okay. There's a tabling motion. All in favor? Opposed? Let's do a roll call on the tabling.
LEG. LEVY:

Come on, we don't need a roll call.
P.O. TONNA:
Okay. I'm opposed.
LEG. COOPER:
I'm opposed.
LEG. BISHOP:
Opposed.
LEG. POSTAL:
Opposed.
P.O. TONNA:
It's great when you have caucus meetings and you all say, you know, we're here. Okay. All in favor? Opposed?
MR. BARTON:
13, 4 opposed, one not present (Not Present: Legislator Carpenter).
P.O. TONNA:
All right, tabled.
LEG. BISHOP:
Can I get a copy of that, as Allen Binder says when he loses a vote.
P.O. TONNA:
All right. Public safety is getting really -- I tell you, your agenda, Dave, is getting really wripped apart.
1420 - Accepting and appropriating 73.4% Federal Grant funds from the New York State Division of Criminal Justice to the Department of Health Services, Division of Forensic Sciences for a Cold Search Initiative (County Executive). Is there a motion?
LEG. ALDEN:
Motion.
P.O. TONNA:
Motion by Legislator Alden, second by Legislator Cara -- Caracciolo. All in favor? Opposed? Approved.
MR. BARTON:
18.
P.O. TONNA:
No. 1423 - motion by -- oh, that's recommit? Okay, we're out of --
No, 1442 - Authorizing the County to enter into an Intermunicipal

Agreement with the Village of Amityville for the provision of bay constables (Bishop). Is there a motion, Legislator Bishop?
LEG. CARACCIOLO:
Explanation.
LEG. BISHOP:
Yeah, it's in the Operating Budget, it was part of the Omnibus.
LEG. CARACCIOLO:
What's in the Operating Budget?
LEG. LEVY:
That doesn't make me feel any better.
LEG. CARACCIOLO:
What does this resolution do?
P.O. TONNA:
Don't give Legislator --
LEG. BISHOP:
Motion to recess, Mr. Chairman, for five minutes, please.
P.O. TONNA:

Wait, wait. There is a motion to recess. Is there a second?
LEG. D'ANDRE:
Why?
LEG. CRECCA:
Why?
LEG. POSTAL:
Second.
P.O. TONNA:
You want a five minute recess? Okay. In favor? Opposed?
LEG. HALEY:
Opposed.
LEG. CRECCA:
Opposed.
LEG. CARACCIOLO:
Roll call.
P.O. TONNA:
Okay. I'm going to recess for five minutes anyway, that's my prerogative. Five minutes. And I would like to talk to some people myself for five minutes.
[THE MEETING WAS RECESSED AT 10:15 P.M. AND RESUMED AT 10:35 P.M.]
[RETURN OF COURT STENOGRAPHER-LUCIA BRAATEN]

P.O. TONNA:
Okay. Roll call.
LEG. BISHOP:
Do I have a motion?
P.O. TONNA:
Wait. Do we have a roll call?
MR. BARTON:
No, not yet.
P.O. TONNA:
We don't need one. Okay. There's a motion by Legislator Bishop. Is there a second?
LEG. TOWLE:
For what?
P.O. TONNA:
For the Bay Constable deal.
LEG. GULDI:
I'll second it.
P.O. TONNA:
Second by Legislator Guldi. What a magnanimous second.
LEG. FIELDS:
What's the number?
MS. BURKHARDT:
1442.
P.O. TONNA:
1442. It was a good year.
LEG. TOWLE:
Explanation.
LEG. CARPENTER:
Explanation, right.
LEG. BISHOP:
This is a resolution which is authorizing a program which was budgeted

for in the omnibus. Part of the omnibus, there was included the --
thank you.
LEG. GULDI:
Can we do the agenda?
P.O. TONNA:
All in favor? Opposed? Approved. 1442 is approved.
LEG. LEVY:
No.

00314

LEG. CRECCA:
Abstain.
P.O. TONNA:
Okay. Abstain? Who abstained?
LEG. CRECCA:
I did. Why?
LEG. BISHOP:
Legislator Levy.
P.O. TONNA:
Legislator Crecca abstained? No. Who abstained?
LEG. CRECCA:
I abstained.
P.O. TONNA:
Okay. Legislator Crecca abstained. Okay. Number -- we're into Social Services.
MR. BARTON:
15-1-1 and 1. (Not Present: Leg. Caracappa)
P.O. TONNA:
Social Services
LEG. GULDI:
What happened to 1452, Capital Budget.
P.O. TONNA:
No, we did that already. Okay. Stay focused, George.

SOCIAL SERVICES

1344 (Accepting and Appropriating 100% funds to expand the Hospital Outreach Program at Good Samaritan Hospital, creating a position, and authorizing the County Executive and the Commissioner of Social Services to execute a contract). Is there a motion? I'll make the motion, seconded by Legislator Fisher. All in favor? Opposed? Approved. Number 1155 has been done already.
MR. BARTON:
17, 1 not present. (Not Present: Leg. Caracappa)
P.O. TONNA:
Right, Freddy?
LEG. FOLEY:
Yes.
P.O. TONNA:
You had your press release all ready already? Okay. 1409 (Accepting and appropriating a 100% reimbursed grant from the U.S. Department of

00315

Housing and Urban Development for an Emergency Shelter Grants Program and authorizing the County Executive to execute an agreement).
Is there a motion?
LEG. FOLEY:

Motion.
LEG. FISHER:
Motion.
LEG. GULDI:
Motion.
P.O. TONNA:
Motion by Legislator Foley, seconded by Legislator Fisher. All in favor? Opposed? Approved. Look at that, now we're into the Health Committee.
MR. BARTON:
17, 1 not present. (Not Present: Leg. Caracappa)
P.O. TONNA:
All right.
LEG. TOWLE:
Henry, cosponsor.
P.O. TONNA:
We've already done 1357. Did you get on News 12, Jonathan? You got that whole thing settled?
LEG. COOPER:
Lead story.
P.O. TONNA:
There you go.

HEALTH

P.O. TONNA:
1404 (Establishing a Legislative policy for the charging of fees for private well water testing by the Suffolk County Department of Health Services). Is there a motion?
LEG. FIELDS:
I'll make the motion.
P.O. TONNA:
Motion. Motion by Legislator Fields, seconded by myself. Legislator Caracciolo, it's your bill, do you want to make the motion?
LEG. CARACCIOLO:
Motion.
P.O. TONNA:
Motion by Legislator Caracciolo. I'm sorry.

LEG. FIELDS:
Second.
LEG. GULDI:
Second.
LEG. TOWLE:
Explanation.
P.O. TONNA:
Seconded by Legislator Fields.
LEG. HALEY:
Explanation.
P.O. TONNA:
Explanation. You notice there was no explanation until they found out it was your bill, Legislator Caracciolo.
LEG. CARACCIOLO:
I'm going to let Counsel do the explaining.
LEG. TOWLE:

Not sure what your bill says, huh?
LEG. CARACCIOLO:
I know exactly what it says, it waives fees for private well testing.
MR. SABATINO:
In the omnibus -- in the omnibus resolution, the revenues for fees for private water well testing were deleted. This legislation would now -- would now execute and implement that program by allowing for the waiving of fees for the testing of private water wells in a limited number of circumstances, which are set forth in the corrected copy, which are basically those areas that have been determined by the Health Department in conjunction with the New York State Department of Environmental Conservation to be high-risk areas of pesticide contamination, and this waiver would be for a period of three years.
LEG. CARACCIOLO:
Correct. And it also opens the floodgates of a million-and-a-half dollars in State funding to assist us in this program.
LEG. GULDI:
Call the question.
P.O. TONNA:
Okay. All in favor? Opposed? Approved.
MR. BARTON:
17, 1 not present. (Not Present: Leg. Caracappa)
P.O. TONNA:
Okay. Congratulations. All right. Number 1411 (Accepting and appropriating additional 100% grant funds form the New York State

Office of Mental Health to the Department of Health Services, Division of Community Mental Hygiene Services to help refurbish and rehabilitate client related areas in contract agencies). Is there a motion?
LEG. FISHER:
Motion.
P.O. TONNA:
I'll make a motion --
LEG. FOLEY:
Second.
LEG. FISHER:
Second.
P.O. TONNA:
-- seconded by Legislator Foley. All in favor? Opposed? Approved.
MR. BARTON:
17, 1 not present. (Not Present: Leg. Caracappa)
P.O. TONNA:
1413 (Accepting and appropriating 98.1% federal grant funds to the Department of Health Services from the New York State Department of Health for the Children with Special Health Care Needs Program). Motion by Legislator Fields, second by Legislator Fisher. All in favor? Opposed? Approved.
MR. BARTON:
17, 1 not present. (Not Present: Leg. Caracappa)
P.O. TONNA:
1414 (Amending the Department of Health Services 2000 adopted budget to provide continued supportive case management programs in Suffolk County).

LEG. FOLEY:
Motion.
LEG. FISHER:
Second.
P.O. TONNA:
Motion by Legislator Foley, seconded by Legislator Fisher. All in favor? Opposed? Approved.
MR. BARTON:
17, 1 not present. (Not Present: Leg. Caracappa)
P.O. TONNA:
1415 (Amending the Department of Health Services 2000 adopted budget to provide continued psychosocial programs in Suffolk County)
LEG. FOLEY:
Motion.

P.O. TONNA:
Motion by Legislator Foley, seconded by Legislator Tonna. All in favor? Opposed? Approved.
MR. BARTON:
17, 1 not present. (Not Present: Leg. Caracappa)
P.O. TONNA:
Now we have a bond, 1421 (Appropriating funds in connection with the public & environmental health laboratory equipment purchase).
LEG. FOLEY:
Motion.
P.O. TONNA:
Motion by Legislator Foley, seconded by Legislator Crecca. Roll call.
(*Roll Called by Mr. Barton*)
LEG. FOLEY:
Yes.
LEG. CRECCA:
Yeah.
LEG. CARACCIOLO:
Yes.
LEG. GULDI:
Yes.
LEG. TOWLE:
Yes.
[LEG. CARACAPPA-NOT PRESENT]
LEG. FISHER:
Yes.
LEG. HALEY:
Yes.
LEG. FIELDS:
Yes.
LEG. ALDEN:
Nope.
LEG. CARPENTER:
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:
16-1, and 1 not present. (Not Present: Leg. Caracappa)
P.O. TONNA:
Okay. Same motion, same second. All in favor? Opposed? Approved.

PARKS, LAND ACQUISITION & CULTURAL AFFAIRS

All right. Now we're into Parks. Motion.
LEG. CARACCIOLO:
Motion.
P.O. TONNA:
1317 (Approving acquisition under Suffolk County Land Preservation Partnership Program (Property known as Corey Pond) Town of Brookhaven).
LEG. FISHER:
Second.
P.O. TONNA:
By Legislator Caracciolo, second by Legislator Fisher. All in favor? Opposed? Approved.
MR. BARTON:
17, 1 not present. (Not Present: Leg. Caracappa)
P.O. TONNA:
1343 (Appropriating funds in connection with the construction of improvements to campgrounds). And this is a bond, so let's do a roll call.
LEG. FISHER:
Motion.
P.O. TONNA:
Motion by Legislator Fisher, seconded by Legislator Guldi.

(*Roll Called by Mr. Barton*)
LEG. FISHER:
Yes.
LEG. GULDI:
Yes.
LEG. CARACCIOLO:
Yes.
LEG. TOWLE:
Yes.
[LEG. CARACAPPA-NOT PRESENT]
LEG. HALEY:
Yes.
LEG. FOLEY:
Yes.
LEG. FIELDS:

Yes.
LEG. ALDEN:
Pass.
LEG. CARPENTER:
Yes.
LEG. CRECCA:
Pass.
LEG. D'ANDRE:
Yes.
LEG. BISHOP:
Yes.
LEG. POSTAL:
Yes.
LEG. BINDER:
Yes.
LEG. COOPER:
Yes.
LEG. LEVY:
Yes.
LEG. TONNA:
Yes.

LEG. ALDEN:
Just one second.
P.O. TONNA:
130,000.
LEG. ALDEN:
130,000? No.
P.O. TONNA:
Okay.
LEG. CRECCA:
No. Change to yes.
P.O. TONNA:
You always have that Blydenburgh Park. No campgrounds.
MR. BARTON:
16-1 and 1 not present.
P.O. TONNA:
All right. Number 13 --
MR. BARTON:
Same motion, same second on companion bond.
P.O. TONNA:
Same, yeah. Same motion, same second on the bond. All in favor? Opposed? Approved. Okay.
Number 1369 (Authorizing land acquisition under water quality protection component of the 1/4% drinking water protection program (Irish Lane property Town of Islip Suffolk County Tax Map No. 0500-345.00-01.00-074.000). Is there a motion?
LEG. FISHER:
Motion.
P.O. TONNA:
That's you, Legislator Fields.
LEG. FIELDS:
Motion.

P.O. TONNA:
Motion.
LEG. FISHER:
Second.
P.O. TONNA:
Legislator Fisher seconded. All in favor? Opposed? Approved.
MR. BARTON:
17, 1 not present. (Not Present: Leg. Caracappa)

P.O. TONNA:
Number 1198 (Implementing Greenways Program in connection with acquisition off Active Parklands, at new Highway, North Amityville (Town of Babylon). Motion by Legislator -- who's North Amityville?
LEG. FISHER:
Bishop.
LEG. FIELDS:
Bishop.
P.O. TONNA:
Bishop, or, no, Postal. Seconded by Legislator --
LEG. POSTAL:
Wait, wait, wait, wait.
LEG. FIELDS:
It's Bishop's bill.
LEG. POSTAL:
Is there a motion to approve, is that what you're --
P.O. TONNA:
Yeah.
LEG. FISHER:
Yes.
LEG. FIELDS:
1198?
LEG. POSTAL:
I would make a motion. Oh, on which one 1198? Motion to table.
LEG. BISHOP:
Second.
P.O. TONNA:
Okay. There's a motion and a second to table your Bishop bill.
LEG. BISHOP:
We have to wait until June? We have another meeting in June?
P.O. TONNA:
Okay. All in favor? Opposed? Tabled. You guys work that out.
MR. BARTON:
What was the motion, Mr. Chairman, and second?
P.O. TONNA:
What? Motion by Legislator Bishop, seconded by Legislator Postal to table.

MR. BARTON:
17, 1 not present. (Not Present: Leg. Caracappa)
LEG. CARACCIOLO:
Motion.
P.O. TONNA:
1198. Okay. Now we're on 13 --

LEG. FISHER:
27.
LEG. LEVY:
Sorry. Would you put me on as a cosponsor as 1369, please? I'm sorry about that.
P.O. TONNA:
Let's stay focused.
LEG. GULDI:
Motion.
P.O. TONNA:
1327 (Reappointing Richard F. White, Jr. As a member of the Suffolk County Board of Trustees of Parks, Recreation, and Conservation). Motion by Legislator Guldi.
LEG. FISHER:
Second.
P.O. TONNA:
Seconded by Legislator Fisher. All in favor? Opposed? Approved.
MR. BARTON:
17, 1 not present. (Not Present: Leg. Caracappa)
P.O. TONNA:
1378 (To repeal State funding provision for acquisition of land of Federation of Jewish Philanthropies property, Wheatley Heights, Town of Babylon (SCTM Nos. 0400-271.00-01.00-030.00 & 0400-271.00-01.00-062.00), and West Hills-Melville area, Town of Huntington (SCTM No. 0100-011.00-01.00-002.000).
LEG. POSTAL:
Motion.
LEG. CARACCIOLO:
On the motion.
P.O. TONNA:
Motion by Legislator Postal. Hold it.
LEG. FISHER:
Second.

P.O. TONNA:
Just let me get a second --
LEG. FISHER:
Second.
P.O. TONNA:
-- By Legislator Fields. On the motion, Legislator Caracciolo.
LEG. CARACCIOLO:
I'd like Counsel to explain what this resolution does. Paul?
LEG. POSTAL:
What's that? Did Legislator Caracciolo ask for an explanation?
LEG. CARACCIOLO:
Yes.
P.O. TONNA:
Yes.
LEG. POSTAL:
Okay. This is -- there were two resolutions approved last year to acquire either development rights or the property, the Federation property. There was inadvertently an error in the resolution that made it -- it used three funding streams, quarter cent, Land Preservation

Partnership and Greenways. It made one of those, I don't remember which, probably quarter cent, contingent on matching State funds and that should not be, because it actually stalls the whole process. So this just corrects it to eliminate the contingency on matching State funds.
LEG. CARACCIOLO:
So the funding source that this acquisition would be made through is Water Quality Protection Program?
LEG. POSTAL:
Water Quality Protection, Land Preservation Partnership, and Partnership with the Town of Huntington, and Greenways Open Space.
LEG. CARACCIOLO:
Has the Town of Huntington provided us with a Town Board resolution?
LEG. POSTAL:
Yes.
LEG. CARACCIOLO:
They have. Okay.
P.O. TONNA:
Okay. By the way, who's the second on that?
LEG. FISHER:
Me.

MR. BARTON:
Legislator Fields.
P.O. TONNA:
I would ask if you mind if I second it, it's in my district?
LEG. FISHER:
Absolutely not.
P.O. TONNA:
Thank you. Could you change that for me to second that?
MR. BARTON:
Yes.
P.O. TONNA:
Thank you. All in favor? Opposed? Approved.
MR. BARTON:
17, 1 not present. (Not Present: Leg. Caracappa)
P.O. TONNA:
Okay. Number 1424 (Authorizing the acquisition of development rights to farmlands by the County of Suffolk, of East Moriches Far (a/k/a Old Orchid Farm) S.C.T.M. #0200-833-002.007.1). Motion by -- East Moriches. Is that Legislator Guldi?
LEG. FISHER:
Guldi.
LEG. TOWLE:
Second.
P.O. TONNA:
Second by Legislator Towle. All in favor? Opposed? Approved.
LEG. FOLEY:
Cosponsor.
LEG. LEVY:
Cosponsor as well.
P.O. TONNA:
Okay. 1428.

MR. BARTON:
17, 1 not present. (Not Present: Leg. Caracappa)
P.O. TONNA:
(1428-Authorizing the acquisition of development rights to farmlands by the County of Suffolk, of Fink Property in Manorville, Town of Riverhead). Motion by --
LEG. CARACCIOLO:
Me.

P.O. TONNA:
Legislator Caracciolo, seconded by Legislator Guldi. All in favor? Opposed? Approved.
MR. BARTON:
17, 1 not present. (Not Present: Leg. Caracappa)
P.O. TONNA:
1440 (Authorizing planning steps for the acquisition of Bauer Property in Town of Riverhead). Motion by Legislator Caracciolo.
LEG. CARACCIOLO:
Yes.
P.O. TONNA:
Seconded by --
LEG. GULDI:
Second.
P.O. TONNA:
Legislator Guldi. All in favor? Opposed? Approved.
MR. BARTON:
17, 1 not present. (Not Present: Leg. Caracappa)
P.O. TONNA:
1447 (Authorizing Verbatim Transcription of minutes for Vanderbilt Museum Commission Meeting).
LEG. FISHER:
Motion.
P.O. TONNA:
Motion by Legislator --
LEG. FIELDS:
Second.
LEG. FISHER:
Second.
P.O. TONNA:
Fisher, second by Legislator Fields.
LEG. CRECCA:
Explanation.
P.O. TONNA:
Explanation.
LEG. FISHER:
Okay.
LEG. CRECCA:
I know what the bill does, I just don't understand the need for it.

LEG. FISHER:
Okay. We have asked the Vanderbilt Museum to provide minutes of their Trustees meetings for the Legislature. It is expensive for them to provide those minutes using the private stenography -- stenographer

service that they had been using. So they have entered into an agreement with the Office of the Clerk to use our stenographers to do the minutes of their meeting, but we have to approve the monies being paid to our stenographers by the Vanderbilt and they would be working on their own time, overtime, it wouldn't take time from their job here at the Legislature.
MR. BARTON:
Normally, my employees are not permitted to get overtime, this would authorize it.
LEG. CRECCA:
Is the County paying -- is the --
MR. BARTON:
We're being 100% reimbursed by the Museum.
LEG. CRECCA:
Okay.
LEG. FISHER:
We're being reimbursed by them.
LEG. CRECCA:
That's fine. That's all I really need to know. Thank you.
LEG. FISHER:
Okay. So there's a motion.
P.O. TONNA:
Okay. Motion and a second. All in favor? Opposed? Approved.
MR. BARTON:
17, 1 not present. (Not Present: Leg. Caracappa)

PUBLIC WORKS & TRANSPORTATION

P.O. TONNA:
All right. Now we're into Public Works and Transportation. Brian, finally, we're there with you. All right. Number 1292 (Authorizing public hearing for authorization of establishment of rates for Beach Taxi, LLC). Is there a motion?
LEG. FOLEY:
Motion.
P.O. TONNA:
Motion by Legislator who?
LEG. FOLEY:
Motion.

P.O. TONNA:
Legislator Foley.
LEG. FISHER:
Second.
P.O. TONNA:
Seconded by --
LEG. FISHER:
Second.
P.O. TONNA:
-- Legislator Fields -- Fisher. All in favor? Opposed? Approved.
MR. BARTON:
17, 1 not present. (Not Present: Leg. Caracappa)
P.O. TONNA:
Okay. Bond Resolution Number 1332 (Appropriating funds in connection with the alternations to Labor Department Bldg. CO15 (CP 1608). Motion

by Legislator Foley, seconded by myself.
LEG. ALDEN:
On the motion.
P.O. TONNA:
On the motion.
LEG. ALDEN:
What is the ranking of this project?
P.O. TONNA:
Ranking.
MR. SABATINO:
Fifty-seven.
LEG. FOLEY:
It's in the bill.
P.O. TONNA:
Fifty-seven?
LEG. FISHER:
It's in the bill, it says it.
MR. SABATINO:
Fifty-seven.
P.O. TONNA:
Fifty-seven.
LEG. ALDEN:
Also, what does this bring us up to, Fred, this is directed to Budget

Review, as far as appropriations? It's not even appropriations, it's, you know, we're approving bonding. So what does that bring us up to as total?
P.O. TONNA:
You knew he'd finally ask these type of questions, didn't you?
MR. POLLERT:
We're pulling up the file.
MR. SPERO:
We're at 6.3 million so far this year, excluding the appropriations made for the Greenways Program.
LEG. ALDEN:
So that's in addition to the other 200 million that are outstanding.
MR. SPERO:
Correct.
LEG. ALDEN:
Unissued. And, if I could -- I just had one other question of the Chairman of Public Works, too. And I think I remember the conversation, but were they going to get to this this year, or was this even backed up into next year and the year after?
LEG. FOLEY:
If and when we approve these resolutions, they would start the project, and the way they would start the project, if you look at many of these resolutions, is with the engineering design phase. The actual stake in ground, as we would call it, some of them they would do this year, some of them they would do next year. But by approving it this year, they can at least start the process of hiring the engineers, hiring the design work, so they can do, you know, the first phase of the project, which is doing the engineering, the design, so then they'd be ready to go out and do the actual reconstruction or construction work, if not

this year, then next year. But they really can't do that point until they do the -- you know, let's say the first steps, which is to do the engineering and the design.
But to answer the question on this particular Labor Department, that would be done this year, from what I was told, this particular resolution.
LEG. ALDEN:
I would just like to bring it to the attention of the rest of the Legislators that we do have over $200 million worth of approved projects, not so much of this, but maybe similar to this, and we should take a long hard look at what's out there already, and also what we approved even today in subsequent meetings. We're going into the capital process where we look at the capital -- the proposed capital budget. And I would actually recommend tabling some of these until we look at it and see how it fits in with the proposed capital budget, and, also, with what we're going to do with that already authorized, but unissued, debt that is over $200 million. Thank you.
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LEG. FOLEY:
Mr. Chairman.
P.O. TONNA:
Okay.
LEG. FOLEY:
Mr. Chairman.
P.O. TONNA:
Yeah.
LEG. FOLEY:
Mr. Chairman, very quick. Just as a quick follow-up to Legislator Alden's remarks, almost all of these resolutions, which we're about to vote on, I'd say almost -- practically all them are part of the approved Capital Program for this year. So with that said, I hope we can move forward and support all these resolutions.
P.O. TONNA:
Great. Okay. Thank you very much. Okay. Roll call on the bond.
(*Roll Called by Mr. Barton*)
LEG. FOLEY:
Yes.
P.O. TONNA:
Yep.
LEG. CARACCIOLO:
Yes.
LEG. GULDI:
Yes.
LEG. TOWLE:
Yes.
LEG. CARACAPPA:
Yep.
LEG. FISHER:
Yes.
LEG. HALEY:
Yes.
LEG. FIELDS:
Yes.

LEG. ALDEN:
Abstain.
LEG. CARPENTER:
Yes.

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LEG. CRECCA:
Yeah.
LEG. D'ANDRE:
Pass.
LEG. BISHOP:
Yes.
LEG. POSTAL:
Yes.
LEG. BINDER:
No.
LEG. COOPER:
Yes.
LEG. LEVY:
Pass, please.
MR. BARTON:
Legislator D'Andre.
P.O. TONNA:
Yes.
LEG. D'ANDRE:
Yes.
MR. BARTON:
Thank you, Mr. D'Andre.
P.O. TONNA:
Okay.
LEG. LEVY:
No. Change my vote, make it a yes.
MR. BARTON:
16-1 and 1.
P.O. TONNA:
Thank you. Okay. Same motion, same second, same vote.
Number 1333A (Appropriating funds in connection with the replacement cleanup of fossil fuel, toxic and hazardous material storage tanks).
LEG. FOLEY:
Motion.
P.O. TONNA:
Is there a motion?

00332

LEG. FOLEY:
Motion.
P.O. TONNA:
Motion by Legislator --
LEG. FISHER:
Second.
P.O. TONNA:
-- Foley, seconded by Legislator Fisher. Roll call.
(*Roll Called by Mr. Barton*)
LEG. FOLEY:
Yes.

LEG. FISHER:
Yes.
LEG. CARACCIOLO:
Yes.
LEG. GULDI:
Yes.
LEG. TOWLE:
Yes.
LEG. CARACAPPA:
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:
Same motion, same second, same vote. Number 1334 (Appropriating funds in connection with the installation of Emergency Systems for major County-owned buildings/NYS Fire Standards). Roll call -- motion by myself, seconded by Legislator Levy. Roll call.

(*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:
Yes.

LEG. CARPENTER:
Yes.
LEG. CRECCA:
Yes.
LEG. D'ANDRE:
Yes.
LEG. BISHOP:
Yes.
LEG. POSTAL:
Yes.
LEG. BINDER:
Yes.
LEG. COOPER:
Yes.
MR. BARTON:
18.
P.O. TONNA:
Okay. Same motion, same second, same vote. Resolution Number 1336A Appropriating funds in connection with the removal of toxic and hazardous building materials and components at various County facilities). Motion --
LEG. FISHER:
May I ask a question about this before the motion or after?
P.O. TONNA:
Let's get a motion first. Motion by myself, seconded by Legislator Levy. On the motion, Legislator Fields.
LEG. FISHER:
I'd like to ask Budget Review --
LEG. FISHER:
Fisher.
P.O. TONNA:
Fisher, Fisher.
LEG. FISHER:
Did you say my name?
P.O. TONNA:
Yes.
LEG. FISHER:
Okay. Budget Review, Fred, when I looked at these resolutions in the Public Works Committee, I notice that there's a great deal of money that we're spending on engineering consultants. And my question is

don't we have engineers in DPW? And wouldn't it be more cost effective to have professional engineers who work for the County work up these designs and plans and studies rather than hiring consultants at -- from 60,000 to $100 apiece -- $100,000 apiece? I'm in agreement with Legislator Alden, that we're seeing a tremendous amount of money going out here, and I don't see that it's all justified.
MR. POLLERT:
We are increasingly relying upon consultants. The Department of Public Works used to have more design engineers in-house and used to do more of the designs in-house, both the roads, the bridges, as well as the buildings. We used to do all of the highway designs. We're now contracting out most of that work. It, in fact, does amount to millions of dollars worth of contracted costs. The trend is continuing in part because the Department has not been successful in combating both attrition as well as the early retirement incentive programs, and the design staff has been attrited down. The same thing is also taking place in the Community College. They had three architects on staff that could expedite projects. Within the last few months, they have all left the Community College.
LEG. FISHER:
Now, how aggressively are they attempting to fill these positions that are vacant?
LEG. FOLEY:
If I may just answer the question through the Chair. We have brought this up, Legislator Fisher, at a number of committee meetings. At every committee meeting, we do have a report from the Commissioner on the status of vacant budgeted positions where the 167 Forms have been signed by the executive branch or not. We had over the past two years been adding a number of positions to the Operating Budget, which were not in place prior to two years ago. There is a new number of engineering aides and junior civil engineers that have been part of the budget, which were not part of the budget prior to last year. A number of those positions have been filled. As a matter of fact, this year alone, there have been nine engineering aide positions that have been filled, which prior to this year weren't even part of the budget.
So that partially addresses the very real concern about the over-reliance on outside consultants. However, it's difficult to undo a good six to eight years worth of over-dependency on outside consultants in a short period of time. As we speak, there's a number of budgeted positions for junior civil engineers, which we put into the budget, but the County Executive's Office has not signed off on the 167 forms and that will be a topic of discussion at our next committee meeting to -- and also a letter that we'll be sending forthwith to the County Exec's Office to recommend to them that they release those engineering positions immediately, because, as we speak, graduations are occurring at a number of engineering universities and colleges, and DPW wants to go to those campuses to recruit those students, but they can't until the County Executive signs the 167 forms. So we have through the --
LEG. FISHER:
Those are SCIN forms?

LEG. FOLEY:
SCIN forms.
LEG. FISHER:
The 167's.
LEG. FOLEY:
So through the committee process, we have made great gains in creating new position in both engineering aides and junior civil engineers. The problem is is that it's going to take awhile to make up for the years of lost time. And also the Early Retirement Incentive Program hit DPW harder than any other department, so that's another reason why we still see resolutions that appropriate monies for engineering as well as the call the -- what's called the regular capital work for this particular project.
LEG. FISHER:
Are any of the engineering titles for which the candidates must take exams, Civil Service exams, or are they professional level -- what kind of competitive titles are they? Fred, do you know?
MR. POLLERT:
To the best of my knowledge, they all require a competitive Civil Service exam. I know that a few of the titles that -- will also require professional licensure, like a professional engineering degree. But I believe that they're all competitive Civil Service titles.
LEG. FISHER:
Is there an existing list? If we have the SCIN forms, are there -- is there an existing list from which we can get candidates?
MR. POLLERT:
That I don't know. I would have to defer to the department. I don't know offhand.
LEG. FISHER:
Okay. If there is not an existing list, how long would it take to give the test that would be a --
MR. POLLERT:
Generally, what happens is if there's no existing list, you can hire -- you can hire a --
LEG. FISHER:
Provisional?
MR. POLLERT:
Provisional employee. It generally takes about a year for the Department of Civil Service to announce an exam and then it could take anywhere up to about six months to actually grade the exam and establish the list.
LEG. FISHER:
Okay. Because I believe that we have to look very carefully at this

practice and continue to scrutinize this expenditure. It's a tremendous amount of money.
P.O. TONNA:
Okay.
LEG. FOLEY:
Agreed, and that's why the Presiding Officer and others in the omnibus bill we put in 14 new positions for this year, principal engineering positions in highway, to try to start cutting back on the amount of

consultant monies. But, in the meantime, we still --
LEG. FISHER:
But they have to fill them.
LEG. FOLEY:
In the meantime, they have to fill them, but we still have projects that need to move ahead and that's why the next ten or so resolutions still rely on engineering consultants. But if we don't have them --
P.O. TONNA:
Brian.
LEG. FOLEY:
-- then these projects won't be moving forward.
P.O. TONNA:
Twelve o'clock is the pumpkin time, so let's --
LEG. FOLEY:
Plenty of time.
P.O. TONNA:
-- get moving.
LEG. GULDI:
Not just for your resolutions, but for everyone.
P.O. TONNA:
Okay, let's --
LEG. FISHER:
Okay.
P.O. TONNA:
There's a question --
LEG. FISHER:
Well, I think they're important questions, otherwise, I wouldn't ask --
P.O. TONNA:
Okay. I just wanted --
LEG. FISHER:
-- them at this time of the night.

P.O. TONNA:
Okay, thank you. Okay. Roll call on the bond.
(*Roll Called by Mr. Barton*)
LEG. TONNA:
Yes.
LEG. LEVY:
Yes.
LEG. CARACCIOLO:
Yes.
LEG. GULDI:
Yes.
[LEG. TOWLE-NOT PRESENT]
LEG. CARACAPPA:
Yes.
LEG. FISHER:
Yes.
[LEG. HALEY-NOT PRESENT]
LEG. FOLEY:
Yes.
LEG. FIELDS:
Yes.

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

LEG. HALEY:
Yes
MR. BARTON:
17, 1 not present.
LEG. TOWLE:
Yes.
MR. BARTON:
18.
P.O. TONNA:
Okay. Same motion, same second, same vote.
LEG. CRECCA:
Can I make that motion?
P.O. TONNA:
Number 1337A (Amending the 2000 Capital Budget and Program and appropriating funds for Engineering in connection with drainage improvements on CR76, Townline Road, Towns of Islip and Smithtown (Capital Program Number 5039).
LEG. CRECCA:
Can I make that motion, please?
P.O. TONNA:
Motion by Legislator Crecca.
LEG. CRECCA:
My district.
P.O. TONNA:
Seconded by Legislator D'Andre. Roll call, please, Henry.
(*Roll Called by Mr. Barton*)
LEG. CRECCA:
Yes.
LEG. D'ANDRE:
Yes.
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. 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 on that. Number 1338 (Appropriating funds for Engineering in connection with reconstruction CR 80, Montauk Highway at Summit Boulevard, Town of Southampton). Motion by Legislator --
LEG. GULDI:
Guldi.
P.O. TONNA:
Guldi, seconded by Legislator Caracciolo. Roll call.
(*Roll Called by Mr. Barton*)
LEG. GULDI:
Yes.

LEG. CARACCIOLO:
Yes.
LEG. TOWLE:
Yes.
LEG. CARACAPPA:
Yes.
LEG. FISHER:
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.
P.O. TONNA:
Yeah.
MR. BARTON:
18.

P.O. TONNA:
Okay, great. Don't even wait for the yes's, Henry. Same motion, same second, same vote. Okay. Number 1339A (Appropriating funds for Engineering in connection with drainage improvements on CR 58, Old County Road, Town of Riverhead). Motion by Legislator Caracciolo, seconded by Legislator Guldi. Roll call.

(*Roll Called by Mr. Barton*)

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:
Yes.
LEG. CARPENTER:
Yes.

LEG. CRECCA:
Yes.
LEG. D'ANDRE:
Yes.
LEG. BISHOP:
No.
LEG. POSTAL:
Yes.
LEG. BINDER:
Yes.
LEG. COOPER:
Yes.

LEG. LEVY:
Yes.
LEG. TONNA:
Yeah. All right.
MR. BARTON:
17-1.
P.O. TONNA:
Same motion, same second, same vote. 1340 (Appropriating funds for Engineering in connection with CR 83, Patchogue Mt. Sinai Road Corridor Study (CP 5548).
LEG. FOLEY:
Motion.
LEG. CARACAPPA:
Second.
P.O. TONNA:
Motion by Legislator Foley, seconded by Legislator --
LEG. CARACAPPA:
Caracappa.
P.O. TONNA:
Caracappa. Roll call.
(*Roll Called by Mr. Barton*)
LEG. FOLEY:
Yes.
LEG. CARACAPPA:
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. Where are we? 14 --
MS. FIELDS:
Thirteen.
LEG. CRECCA:
1341.
P.O. TONNA:
1340.
LEG. CRECCA:
One.
P.O. TONNA:
Forty-one. (1341-Appropriating funds for engineering in connection with a Traffic Study of CR 80, Montauk Highway, Town of Southampton (CP 5550). Okay, motion, second. Motion by myself -- oh, motion by Guldi, seconded by Legislator Caracciolo. On the motion. Roll call.
(*Roll Called by Mr. Barton*)
LEG. GULDI:
Yes.

LEG. CARACCIOLO:
Yes.
LEG. TOWLE:
Yes.
LEG. CARACAPPA:
Yes.
LEG. FISHER:
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:
I'm no.
P.O. TONNA:
Yep.
MR. BARTON:
17-1.
P.O. TONNA:
Okay. Same motion, same second, same vote. Number 1342 (Amending the

2000 Capital Budget and Program and appropriating funds for Engineering in connection with the reconstruction of CR 85, Montauk Highway, Town of Brookhaven (Capital Program Number 5554).
LEG. FOLEY:
Motion.
P.O. TONNA:
Motion by Legislator Haley? Or, okay, Legislator Foley, seconded by Legislator Haley.
LEG. ALDEN:
On the motion. Just to point out, this is for $40,000. That's a little ridiculous to bond it.
LEG. BISHOP:
For what?
P.O. TONNA:
This is for 40,000?
LEG. CRECCA:
It's $40,000 that we're bonding on this one.
LEG. BISHOP:
Which one?
LEG. CRECCA:
1342.
LEG. FISHER:
1342.
LEG. BISHOP:
We've got to stop it. Motion to table.
LEG. FOLEY:
Hold on a second.
LEG. TOWLE:
Dave, a little more sincerity.
LEG. CRECCA:

I mean, correct me if I'm wrong. Is that --
P.O. TONNA:
It's planning money. It's planning money, guys.
MR. POLLERT:
Yes, it's correct. What it does is it moves the funding from construction to planning.
LEG. FOLEY:
Right.

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MR. POLLERT:
It moves $40,000 from construction to planning.
LEG. FOLEY:
Right.
P.O. TONNA:
I'm sorry. Okay.
LEG. FOLEY:
The overall amount is $750,000. This moves only $40,000 of it.
LEG. HALEY:
You stand corrected --
P.O. TONNA:
All right.
LEG. HALEY:
-- Legislator Bishop.
P.O. TONNA:
Dave. Dave, let's stay focused. Okay. Here we go. We're now making a motion to roll call.
LEG. FISHER:
To roll call?
P.O. TONNA:
It's already been approved.
(*Roll Called by Mr. Barton*)
LEG. FOLEY:
Yes.
LEG. HALEY:
Yes.
LEG. CARACCIOLO:
Yes.
LEG. GULDI:
Yes.
LEG. TOWLE:
Yes.
LEG. CARACAPPA:
Yes.
LEG. FISHER:
Yes.
LEG. FIELDS:
Yes.

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LEG. ALDEN:
No.
LEG. CARPENTER:
Yes.
LEG. CRECCA:

No.
LEG. D'ANDRE:
Yes.
LEG. BISHOP:
Yes.
LEG. POSTAL:
Yes.
LEG. BINDER:
Yes.
LEG. COOPER:
Yes.
LEG. LEVY:
Yes.
LEG. TONNA:
Yep.
MR. BARTON:
16-2.
P.O. TONNA:
Same motion, same second, same vote. 1347 (Appropriating funds for engineering in connection with the reconstruction of CR 11, Pulaski Rd. From Larkfield Rd. To NYS 25A, Towns of Huntington and Smithtown). Motion by Legislator Binder, seconded by Legislator Cooper.
LEG. D'ANDRE:
Mr. Chairman.
P.O. TONNA:
Roll call. Yeah. You want to be a second?
LEG. D'ANDRE:
Well, second or first. It's my district.
LEG. CRECCA:
It is.
P.O. TONNA:
Oh, it is?

LEG. CRECCA:
It is, yeah.
P.O. TONNA:
I'm sorry.
LEG. CRECCA:
That is Legislator D'Andre.
P.O. TONNA:
I thought that was Binder's district. Okay. Legislator D'Andre is motion, second by Legislator Binder. Roll call. Sorry, Legislator D'Andre.
(*Roll Called by Mr. Barton*)
LEG. D'ANDRE:
Yes.
LEG. BINDER:
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:
Yes.
LEG. CARPENTER:
Yes.
LEG. CRECCA:
Yes.

LEG. BISHOP:
Yes.
LEG. POSTAL:
Yes.
LEG. COOPER:
Yes.
LEG. LEVY:
Yes.
P.O. TONNA:
Yep.
MR. BARTON:
18.
P.O. TONNA:
Same motion, same second, same vote. Number 1348 (Appropriating funds for Engineering in connection with intersection improvements on CR 35, Park Avenue, Town of Huntington (CP 5519). Motion by myself, seconded by Legislator Binder.
LEG. GULDI:
Roll call.
(*Roll Called by Mr. Barton*)
P.O. TONNA:
No, I think this is mine. Yep.
LEG. BINDER:
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:
Yes.
LEG. CARPENTER:
Yes.
LEG. CRECCA:
Yes.
LEG. D'ANDRE:
Yes.
LEG. BISHOP:
Yes.
LEG. POSTAL:
Yes.
LEG. COOPER:
Yes.
LEG. LEVY:
Yes.
MR. BARTON:
18.
P.O. TONNA:
Okay. Same motion, same second, same vote. 1349 (Appropriating funds in connection with the County Share for participation in the Clean Water Bond Act Projects (Capital Program Number 8233). Motion by Legislator -- who likes clean water? Postal, seconded by Legislator Bishop.
LEG. POSTAL:
Give him.
P.O. TONNA:
Okay. Go ahead, roll call.
(*Roll Called by Mr. Barton*)
LEG. POSTAL:
Yes.
LEG. BISHOP:
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:
Yes.
LEG. CARPENTER:
Yes.
LEG. CRECCA:
Yes.
LEG. D'ANDRE:
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. Great. 1351 (Authorizing the purchase of up to eight (8) Paratransit Vans from a New York State Contract for a cost not to exceed $432,000 and accepting and appropriating County, State, and Federal funds for this acquisition (Capital Program No. 5658). Motion by myself, seconded by Legislator
LEG. FISHER:
Second.

P.O. TONNA:
-- Fisher.
LEG. CRECCA:
On the motion.
P.O. TONNA:
All in favor? Opposed?
LEG. CRECCA:
On the motion.
P.O. TONNA:
On the motion.
LEG. CRECCA:
On this one here, I just ask, Fred, I think we're only bonding $50,000 on this one; is that correct?
LEG. BINDER:
No bond.
P.O. TONNA:
No bond.
MR. POLLERT:
No. Actually, the County cost is $43,000.
P.O. TONNA:
But there's no bond.
LEG. CRECCA:
I take that back. There's no bond. Sorry.

P.O. TONNA:
Okay. Motion by myself, second by Legislator Fisher. All in favor? Opposed? Approved.
MR. BARTON:
18.
P.O. TONNA:
Number 1353 (Requiring Engineering Certificates in connection with County RFP Process). Motion by Legislator Haley. Is there a second?
LEG. FISHER:
Second.
P.O. TONNA:
Second by Legislator Fisher. All in favor? Opposed? Approved.
MR. BARTON:
18.
P.O. TONNA:
Okay. Number 1291 (Approving cross bay ferry license for Beach Taxi,

LLC). I think there is a motion to table by Legislator --
LEG. FIELDS:
Second.
LEG. LEVY:
Second.
LEG. FOLEY:
Motion to table. Motion to table.
P.O. TONNA:
By Legislator Foley, seconded by Legislator Levy. All in favor? Opposed? Tabled.
MR. BARTON:
18.
P.O. TONNA:
Okay. Bond, 1335A (Appropriating funds in connection with the improvements to Water Supply Systems, various County buildings). Motion by myself, seconded by Legislator Fields. Roll call.
P.O. TONNA:
Yep.
LEG. FIELDS:
Yes.
LEG. CARACCIOLO:
Yes.
LEG. GULDI:
Yes.
LEG. TOWLE:
Yes.
LEG. CARACAPPA:
Yes.
LEG. FISHER:
Yes.
LEG. HALEY:
Yes.
LEG. FOLEY:
Yes.
LEG. ALDEN:
Abstain.

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:
17, 1 abstention.
P.O. TONNA:
Great. Okay. Same motion, same second, same vote. All right.
Number 1418 (Authorizing an agreement between the County of Suffolk and the Town of Islip for the dedication and maintenance of Belt Drive East and Courthouse Drive, Town of Islip).
LEG. FIELDS:
Motion.
P.O. TONNA:
Motion by -- Town of Islip. Legislator Carpenter. I'll recognize Legislator -- she lives in the Town of Islip, right?
LEG. CARPENTER:
That's Fields.
LEG. CRECCA:
It's actually Fields.
P.O. TONNA:
Oh, it's actually Fields?
LEG. CRECCA:
It's Fields' district.
P.O. TONNA:
That's all right. Carpenter. Oh, you did say motion?
LEG. FIELDS:
Yes, I did.

P.O. TONNA:
All right. Legislator -- what did you say? Motion by Legislator Fields, seconded by Legislator Carpenter.
LEG. CARACCIOLO:
On the motion.
P.O. TONNA:
Okay.
LEG. CARACCIOLO:
On the motion.
P.O. TONNA:
On the ocean.

LEG. CARACCIOLO:
Quick, quick explanation. What does this agreement do?
P.O. TONNA:
Paul.
LEG. ALDEN:
The Town's going to maintain the roads for us.
LEG. CARACCIOLO:
Good. Okay.
LEG. GULDI:
Call the question.
P.O. TONNA:
Okay. Excuse me?
LEG. GULDI:
Call the question on 1418.
P.O. TONNA:
Okay. All in favor? Opposed? Approved.
MR. BARTON:
18.
P.O. TONNA:
Okay. We're going to go back --
LEG. CRECCA:
Motion to --
P.O. TONNA:
By the way, we're going to go back for a second to Resolution Number 1351.
LEG. CRECCA:
Motion to reconsider.

P.O. TONNA:
Yeah, motion to reconsider. Make a motion, I'll second it. Legislator Crecca did his homework. It actually should have a bond. For some reason, it was not part of the accompanying resolution. And, therefore, I make a motion -- well, let's wait -- let's vote on the reconsideration. All in favor? Opposed? Okay, it's in front of us now, right?
LEG. CRECCA:
Yes.
P.O. TONNA:
Great. Now I make a motion to table, seconded by Legislator Crecca. All in favor? Opposed? Tabled.
MR. BARTON:
18.
P.O. TONNA:
Let them get their act together on that one and we'll come and see it again.
Okay. Number 14 -- by the way, some -- in committee, that should have been picked up in committee. Okay? I just want -- I just want the committee Chair --
LEG. FOLEY:
Yeah, by the finance people, not by the Chair.
P.O. TONNA:
Okay. That's what I like.
LEG. FOLEY:

Fred should have come up to me in committee.
P.O. TONNA:
There you go. A lot of projection going on here. But anyway, okay. Now we're back to the regular agenda. Number 1419 (Calling a public hearing upon a proposal to form Suffolk County Sewer District No. 13 - Windwatch to include the developments known as Windwatch, Willowood, MacArthur Center III, Radisson Islandia Hotel, Metroplex, Computer Associates, Islandia Associates, Worrell Office Building and the Center for the Aging in the Towns of Islip and Smithtown).
LEG. CRECCA:
Motion to approve. That's my district.
P.O. TONNA:
Motion to approve by Legislator Crecca, seconded by Legislator Fields. All in favor? Opposed? Approved.
MR. BARTON:
18. And Mr. Chairman.
P.O. TONNA:
Number 1422.

MR. BARTON:
Mr. Chairman, on that --
P.O. TONNA:
Motion by?
MR. BARTON:
Mr. Chairman, on that resolution, are we setting the date as June 6th on that hearing?
P.O. TONNA:
Would you like that, Henry?
MR. BARTON:
Yes.
P.O. TONNA:
Yes.
MR. BARTON:
Okay.
P.O. TONNA:
Fine. That's what we're doing, then.
MR. BARTON:
All in favor? Opposed? 18.
P.O. TONNA:
Okay. All in favor? Opposed?
LEG. GULDI:
Henry for Presiding Officer.
P.O. TONNA:
I can throw my voice, I can even make it sound like Henry. All right. There we go. Thanks, Henry. You know what I mean, just watch over me. All right. 1422 (Amending the 2000 Capital Budget and Program by appropriating funds in connection with the painting of County bridges). Is there a motion? No. 1422.
LEG. CARACAPPA:
Motion.
LEG. CARACAPPA:
Motion.
P.O. TONNA:

Motion by Legislator --
LEG. HALEY:
Second.
P.O. TONNA:
-- Caracappa, second by Legislator Haley. All in favor? Opposed?
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Approved.
MR. BARTON:
18.
P.O. TONNA:
Number 1448 (Endorsing project at Montauk Airport (Self Fueling Facilities). Motion by Legislator Guldi, seconded by Legislator --
LEG. CARACCIOLO:
Alden.
P.O. TONNA:
Caracciolo. Oh, Alden.
LEG. ALDEN:
No, Caracciolo.
P.O. TONNA:
We'll get them in the mix here. All in favor? Opposed? Approved.
MR. BARTON:
18.
P.O. TONNA:
Number 1449 (Endorsing project at Spadaro Airport (Concrete Overlay).
LEG. GULDI:
Motion.
P.O. TONNA:
Motion by Legislator Guldi, seconded by Legislator Alden.
LEG. TOWLE:
Explanation.
P.O. TONNA:
All in favor? Opposed?
P.O. TONNA:
Explanation.
LEG. GULDI:
If you will, there's a State grant to repave the existing runway at Spadaro Airport. It's 100% State funded. The State grant requires a local sponsor of a governmental entity in order to approve the grant. We are -- this resolution provides that.
LEG. HALEY:
What is the runway out of now?
P.O. TONNA:
Okay.
LEG. GULDI:
The runway is made out of asphalt. This is a --
00360
P.O. TONNA:
George, can I ask you, have you ever landed at this place?
LEG. GULDI:
No. I landed at the one next door that Brookhaven just closed and --
P.O. TONNA:
Which is the one where you cracked up? Okay.
LEG. HALEY:

He's crashed at this one.
P.O. TONNA:
Yeah, I know.
LEG. HALEY:
He's never landed.
LEG. GULDI:
That's the next resolution.
P.O. TONNA:
Oh, that's the next? You crashed at Montauk Airport. Okay. All in favor? Opposed? Approved.
LEG. TOWLE:
Wait.
P.O. TONNA:
Wait.
LEG. ALDEN:
Freddy Towle, Freddy Towle.
P.O. TONNA:
Fred?
LEG. TOWLE:
Yeah. I still wasn't done. I actually had a question. This is a private airport, though, isn't it, this isn't public facilities?
LEG. GULDI:
It's a private airport. It's funded with a State grant out of an aviation fuel tax, and that's what the source of the funding is, dedicated --
P.O. TONNA:
Another fuel tax, Freddy. Get working on that.
LEG. BISHOP:
Does anybody know where it is?
LEG. CARPENTER:
George this is the one that article was written on.

LEG. BISHOP:
Where?
LEG. CRECCA:
I think six people use this airport.
LEG. D'ANDRE:
It's in his backyard.
LEG. GULDI:
No. The one that was --
P.O. TONNA:
It's on somebody's boat.
LEG. CRECCA:
Really? I was kidding. I was.
LEG. GULDI:
The one that the article was written on was adjacent.
LEG. CARPENTER:
Seven.
LEG. CRECCA:
Seven.
LEG. GULDI:
That's (Loffner).
LEG. CRECCA:

Seven-and-a-half.
P.O. TONNA:
That whole East End is loaded with airports.
LEG. GULDI:
A different article. I have five in my district.
P.O. TONNA:
All right. A lot of drug deals. All right, here we go. Got to keep that -- got to keep that white stuff going out of the East End. All right. Anyway, number -- in favor? Opposed? Approved.
MR. BARTON:
18.
P.O. TONNA:
Okay. All from -- all from, you know -- anyway.
LEG. CARACCIOLO:
Paul, that's why we need helicopters.
LEG. FIELDS:
Make sure that that's off the record.

P.O. TONNA:
No, no. I said "white stuff", I didn't mean -- no one knows what I mean.
LEG. GULDI:
He meant snow.
LEG. CRECCA:
Snow.
LEG. FISHER:
Snow.
P.O. TONNA:
All right.
LEG. HALEY:
Rice, rice.
P.O. TONNA:
There we go. Number 1450. Is there a motion?
LEG. GULDI:
Motion.
LEG. ALDEN:
Motion.
P.O. TONNA:
Motion by Legislator Guldi, seconded by Legislator Alden. All in favor? Opposed? Approved.
MR. BARTON:
18.

ENERGY & ENVIRONMENT

P.O. TONNA:
Okay. Energy and the Environment. Now we're into the heart of Legislator Guldi's heart, hopefully. Okay. Number 1358 (Amending the 2000 Capital Program and Budget and appropriating funds for the purchase of pump-out vessels for use by Towns and Villages within Suffolk County). Do we have a --
LEG. FIELDS:
Motion.
P.O. TONNA:
Motion by Legislator Fields, seconded by myself. Let's --

LEG. CRECCA:
Explanation.
P.O. TONNA:
Okay, explanation.

00363

LEG. CRECCA:
Yeah, only because I'm seeing here there was -- I guess we're bonding about $140,000 for pump-out vessels, and why is this necessary?
P.O. TONNA:
Oh, I don't want to second this.
LEG. LEVY:
The money.
P.O. TONNA:
Excuse me, take me off as second. Second by Legislator Levy. Yeah.
LEG. LEVY:
This is money that's available only if -- only if the Town comes up with money, we will match them the money to purchase the pump-out --
LEG. CRECCA:
Why?
LEG. LEVY:
What a pump-out vessel is, a pump-out -- right now, if there were a vessel out on the Great South Bay or the Sound, a lot of people are discharging the waste directly into the waterways --
LEG. FISHER:
I'll second this.
LEG. LEVY:
-- and it's really destroying the waterways. What they found is where they have these mobile vessels, they go right up to the boat and siphon it out. They've done it at Block Island with miraculous results. Southampton Town is one of the leaders in this and we're trying to copy upon what they've been doing, so we're providing incentive where we will help match the Town with some funds whenever they come up with the money.
LEG. GULDI:
Does that mean that Southampton could qualify for getting half back, half of what it already spent?
LEG. LEVY:
Well, they could do it on a prospective basis.
P.O. TONNA:
Okay. There's a roll call on the bond.
LEG. BINDER:
Mr. Chairman, just --
P.O. TONNA:
Yes.
LEG. ALDEN:
Motion to table.

00364

P.O. TONNA:
Wait.
LEG. BINDER:
The question is whether this is setting a precedent. And as I was thinking about it, aren't we just setting a precedent for responsibilities of the Town and giving incentives in -- this is the

first of how many areas? This is the first one we pick, but there can be a number of things, that we're going to start matching funds, giving incentives, and spreading around County dollars to do this and I have a concern about it.
P.O. TONNA:
Right.
LEG. BINDER:
Laudable as the goal may be and understandable as it is.
LEG. LEVY:
Fair point, but in this particular instance, this has County-wide implications with the quality of our waterways, it's not something that is particular, just as something in Islip Town, or just as something in Brookhaven, this is something that affects all of our waterways and we're going to have to pay for the cleanup if we continue to allow --
P.O. TONNA:
Okay.
LEG. BINDER:
Sure. But that could be said for almost everything that needs to be done by towns.
LEG. CRECCA:
Second the motion.
LEG. BINDER:
Well, there are a lot of things. I mean, I'm worried about Pandora's box, if you know what I mean.
P.O. TONNA:
Okay. Everybody --
LEG. CRECCA:
Mr. Chairman, second.
P.O. TONNA:
Our goal is to finish by twelve. Let's --
LEG. CRECCA:
Second the motion.
P.O. TONNA:
There's a motion by Legislator Alden to table, seconded by Legislator Crecca.

LEG. LEVY:
On the motion.
P.O. TONNA:
On the motion.
LEG. LEVY:
I would just ask it not be, because we're getting into the boating season. And if you just look at the statistics from Southampton Town, the difference from the year that they did incorporate the vessels to the year they didn't, they dramatically increased the amount of sewage that was collected. In the past, the only way you'd be able to get rid of this sludge was to go up to the portable sites. The problem -- excuse me, the stationary sites that are available. The problem with them is either they're broken, or they're inconvenient, or they charge money. As soon as they went into using these portable boats, okay, by tenfold, they increased the amount of this material collected. So what does that mean? The year before, all of that material was going right into our bay and right into our Sound. So this has far-reaching

implications to try to improve our waterways.
LEG. D'ANDRE:
Mr. Chairman, it's also the lobster problem out in -- out there, so we can't afford to empty more waste water into the bay.
LEG. BINDER:
Mr. Chairman, I mean, are we going to expand this to now garbage collection and garbage dumping? It's County-wide problem. You know, we've got to help the towns with these things, because there are a lot of problems in garbage. I mean, my problem -- my concern is this really sets --
P.O. TONNA:
Okay.
LEG. BINDER:
Sets a precedent.
P.O. TONNA:
Yes.
LEG. D'ANDRE:
This is one of Levy's better bills.
LEG. LEVY:
Thank you, Michael.
P.O. TONNA:
All right. Legislator Fields has the floor.
LEG. FIELDS:
The problem with pump-out stations, or the lack thereof, is that they're also closed, they're not just not available or so forth. I'm a boater. I have watched people on the Great South Bay go in circles while they dump their sewage right out into the bay. This is not like garbage. Garbage goes somewhere. This goes for all of us into our

bays, into all of our waterways, and this affects all of us, as far as the cleanliness and the pollution of the bay.
LEG. CRECCA:
Why shouldn't the boaters, though, pay to get rid of that waste? - why are --
LEG. FIELDS:
They do pay. And the problem that Legislator Levy spoke about is that the pump-out stations are either inoperable, closed or nonfunctioning. And even at Watch Hill and some of the other beaches where you go over at Fire Island --
LEG. BINDER:
But there's regulations.
LEG. FIELDS:
Hold on, hold on.
LEG. CRECCA:
Yeah.
LEG. FIELDS:
Let me finish.
LEG. CRECCA:
I agree.
LEG. FIELDS:
Let me finish.
LEG. BINDER:
Fine.

LEG. FIELDS:
Can I finish? The problem over at some of the beaches is that there's a long waiting list. You have to go there and sit to get a slip on a Wednesday instead of just even on a Friday. When you go to leave and use a pump-out station, someone else takes your slip. So the problem is it's not convenient for people to use pump-out stations and this would make it much more convenient. And when it's used -- Dave. When it's used in other areas, it makes a huge difference in their bays and the cleanliness and lack of pollution.
LEG. D'ANDRE:
It's too bad it's a Levy bill, but it's a good bill.
LEG. LEVY:
It is proven and it really does work well.
P.O. TONNA:
Okay. There is a motion to table and a second.
LEG. D'ANDRE:
No, no tabling this bill.

P.O. TONNA:
There's a motion to table, right?
LEG. D'ANDRE:
It's sanitary.
LEG. ALDEN:
On the motion.
P.O. TONNA:
Okay. Who's tabling this, by the way?
MR. BARTON:
Mr. Alden.
LEG. CRECCA:
Alden and Crecca.
P.O. TONNA:
Alden and Crecca. This is like a little -- like M & M. Okay, go ahead.
LEG. CRECCA:
M & M?
LEG. D'ANDRE:
No way.
P.O. TONNA:
M & M's?
LEG. ALDEN:
The first time that we discussed this --
P.O. TONNA:
Great chocolate candy.
LEG. ALDEN:
-- you were open to the suggestion of just funding it completely out of -- out of County funds. Is this still just we're going to provide a certain amount of money as an incentive to towns to go and do this program?
LEG. LEVY:
Right. This is not a mandate to the towns and it's not money that's solely coming out of the County. The money will only be expended -- we're making it available and it will only be expended when a town says, "We would like to put up some money and have you match it." If

they don't come up with it, we don't spend anything, but it is there to say, if you guys come up with the money, we'll match.
LEG. ALDEN:
Maybe I'm missing something, but what was the response of the towns so far?

00368

LEG. LEVY:
We got responses back from Supervisor McGowan, Supervisor Vecchio and Southampton, all positive, that they'd like more information and are interested.
LEG. ALDEN:
They'd like more information or they're going to take advantage of it?
LEG. LEVY:
I don't know if they're going to take advantage. They're just finding out about it. But the point is, unless we put up the money that it's available, they're not going to move forward, and we don't spend anything if they say they're not coming forward and they don't want to do it. That's the beauty of it.
LEG. ALDEN:
But we're bonding money here, too, right?
LEG. LEVY:
No, no. It's only -- it's only spent, it's only bonded and spent if them come forward and say that they want the money and then we'll match it, we're making it available.
LEG. ALDEN:
But there's no provision in here for any kind of sequential borrowing. This is all or nothing. If one town comes forward and says, I'm going to do it, we have to borrow the whole amount.
LEG. CRECCA:
He's right.
LEG. LEVY:
No, no.
LEG. ALDEN:
When you authorize bonding, you have to do it that way.
P.O. TONNA:
All right. Let's -- I think --
LEG. FIELDS:
Fred wants to respond.
P.O. TONNA:
All right. Fred, you want to respond?
MR. POLLERT:
What you're doing is authorizing the bond, but the County Comptroller will only issue the amount of bonds that he actually needs cash for. So if one town comes in and they want to buy a $20,000 boat and the County matches $10,000, he'll only include $10,000 the next bond issue.
LEG. ALDEN:
Well, actually, I read this as this is $140,000 worth of authorization, not up to $140,000, this is 140,000. My reading is that's either a 140 or nothing.

00369

MR. POLLERT:
No. You -- the Comptroller can do the full amount of the bond issue whenever he needs the cash, but under the Tax Reform Act, we wind up in

a rebate situation, if he borrows the cash before he actually needs it.
LEG. ALDEN:
How long will it take him to get the money to do this program, then? When's the next time we're going to do some bonding?
MR. POLLERT:
They borrow from the General Fund for cash flow purposes, and he would actually do the bond during the Fall borrowing. So that we would actually do the bond in the Fall borrowing, if he needs the cash, but if he needs the cash tomorrow, once it's authorized, he can borrow money from the General Fund.
LEG. ALDEN:
All right. Thanks, Fred.
P.O. TONNA:
Okay.
LEG. D'ANDRE:
Move the question.
P.O. TONNA:
Move the question. All in -- this is a tabling motion. All in favor? Opposed?
(Opposed said in unison by Legislators).
P.O. TONNA:
Okay.
LEG. CRECCA:
Tough crowd.
LEG. CARACCIOLO:
Roll call.
P.O. TONNA:
Roll call.
LEG. BISHOP:
Whose bill is this?
LEG. D'ANDRE:
Levy's.
P.O. TONNA:
Levy.
MR. BARTON:
Legislator Alden.

LEG. D'ANDRE:
It's one of his better bills.
LEG. ALDEN:
You don't have to, I'll withdraw the motion.
MR. BARTON:
Okay.
LEG. LEVY:
Thank you.
P.O. TONNA:
Fine. Okay. Motion to approve. Second.
LEG. FOLEY:
Second.
LEG. FISHER:
I'm seconding.
MR. BARTON:

It's a bond.
P.O. TONNA:
Second. Legislator Fisher is the second.
MR. BARTON:
It's a bond.
P.O. TONNA:
Oh, no, Fields was the second on this, I think. I'm sorry.
MR. BARTON:
I have it.
P.O. TONNA:
Levy/Fields. All in favor? Opposed?
LEG. BISHOP:
Opposed.
MS. FARRELL:
It's a bond.
P.O. TONNA:
Oh, roll call on the bond.
(*Roll Called by Mr. Barton*)
LEG. LEVY:
Yes.
LEG. FIELDS:
Yes.

LEG. CARACCIOLO:
Yes.
LEG. GULDI:
Yes.
LEG. TOWLE:
Yes.
LEG. CARACAPPA:
Yes.
LEG. FISHER:
Yes.
LEG. HALEY:
Yes.
LEG. FOLEY:
Yes.
LEG. ALDEN:
Abstain.
LEG. CARPENTER:
Yes.
LEG. CRECCA:
No, because of the bond -- because we're bonding it.
LEG. D'ANDRE:
Yes, by all means.
LEG. BISHOP:
Yes.
LEG. POSTAL:
Yes.
LEG. BINDER:
No.
[Leg. Cooper-Not Present]
P.O. TONNA:

No.
MR. BARTON:
Thirteen. (Not Present: Leg. Cooper)
P.O. TONNA:
Okay.
MR. BARTON:
Three-one-one.

LEG. GULDI:
These are SEQRA determinations. Same motion.
P.O. TONNA:
All right. No. Same motion, same second, same vote on -- okay. These are SEQRA determinations, so we can do this whole thing like -- okay.
LEG. GULDI:
Motion and second, same thing.
P.O. TONNA:
(1360 - Making a SEQRA determination in connection with the proposed renovation of tennis courts, Timber Point County Park, Town of Islip). Motion by Legislator Guldi, seconded by Legislator Caracciolo. All in favor? Opposed? Approved.
MR. BARTON:
17, 1 not present. (Not Present: Leg. Cooper)
P.O. TONNA:
Okay.
LEG. GULDI:
Same motion. 1361 (Making a SEQRA determination in connection with the proposed renovation of tennis courts, Charles R. Dominy County Park at West Sayville). Same motion, same second, same vote.
MR. BARTON:
17, 1 not present. (Not Present: Leg. Cooper)
P.O. TONNA:
1362 (Making a SEQRA determination in connection with the proposed planning and improvements to historic sites and buildings within the County (Mary Booth House, Southaven County Park, Yaphank.) Same motion, same second, same vote.
MR. BARTON:
17, 1 not present. (Not Present: Leg. Cooper)
P.O. TONNA:
1363 (Making a SEQRA determination in connection with the proposed construction of a new 6th Police Precinct Building, Selden, Town of Brookhaven). Same motion, same second, same vote.
LEG. FOLEY:
Abstain.
P.O. TONNA:
Abstain.
LEG. HALEY:
Abstain.
P.O. TONNA:
Okay.

LEG. GULDI:
Hold on.
P.O. TONNA:

You got the count?
MR. BARTON:
Yeah, 15.
P.O. TONNA:
Okay.
MR. BARTON:
Two abstentions, one not present. (Not Present: Leg. Cooper)
P.O. TONNA:
1364 (Making a SEQRA determination in connection with the proposed planning and improvements to Historic sites and buildings within the County (Dayton House & Farm Complex, Middle Island). A motion by Legislator --
LEG. CARPENTER:
Motion.
LEG. BISHOP:
Come on.
P.O. TONNA:
Carpenter, seconded by Legislator Fields. All in favor? Opposed? Approved.
LEG. BISHOP:
He doesn't know where Middle Island is.
MR. BARTON:
17, 1 not present. (Not Present: Leg. Cooper)
P.O. TONNA:
Thirteen -- I don't know where Middle Island is. I know where the golf course is. 1365 (Making a SEQRA determination in connection with the proposed planning and improvements to historic sites and buildings within the County (Coindre Hall County Park, Huntington).
LEG. FIELDS:
Same motion.
P.O. TONNA:
I'll make a -- I want to make -- Legislator Cooper? Where is Legislator Cooper?
LEG. FIELDS:
He's out.

P.O. TONNA:
And Hackeling can't vote on this on, it's too bad. Okay. Motion by myself, seconded by Legislator Binder, in fond memories of Legislator Hackeling. All in favor? Opposed? Approved.
MR. BARTON:
17, 1 not present. (Not Present: Leg. Cooper)
P.O. TONNA:
Same motion, same second, same vote on 1366 (Making a SEQRA determination in connection with the proposed planning and improvements to historic sites and buildings within the County (Coindre Hall County Park, Maintenance Garage, Huntington).
MR. BARTON:
17, 1 not present. (Not Present: Leg. Cooper).
LEG. CARPENTER:
Same motion.
P.O. TONNA:
1367 (Making a SEQRA determination in connection with the proposed

planning and improvements to historic sites and buildings within the County (Coindre Hall County Park, Maintenance Garage, Huntington). Same motion, same second, same vote. The maintenance garage.
MR. BARTON:
17, 1 not present. (Not Present: Leg. Cooper)
P.O. TONNA:
The Hackeling maintenance garage. Okay. 1368 (Making a SEQRA determination in connection with the proposed planning and improvements to historic sites and buildings within the County (Blydenburgh County Park, Smithtown).
LEG. CRECCA:
Crecca.
P.O. TONNA:
Same motion -- oh, let's let Legislator Crecca, seconded by Legislator D'Andre. That --
LEG. FIELDS:
All in favor.
P.O. TONNA:
All in favor? Opposed? Approved.
MR. BARTON:
17, 1 not present. (Not Present: Leg. Cooper)
P.O. TONNA:
Okay.
LEG. FIELDS:
1330.

P.O. TONNA:
All right. Before we start getting into these, we're getting close to the time and there are a couple of time sensitive issues.
LEG. BISHOP:
No. We've got four more resolutions.
P.O. TONNA:
All right.
LEG. GULDI:
Four more.
P.O. TONNA:
1330 (Approval of affordable Suffolk County alternative energy plan). Is there a motion?
CHAIRMAN GULDI:
Motion.
LEG. TOWLE:
Explanation.
P.O. TONNA:
By Legislator -- oh, you guys are killing me here. Legislator --
LEG. FIELDS:
Guldi.
P.O. TONNA:
Guldi, seconded by Legislator Explanation. Legislator Towle, go ahead. I know, I'm teasing. Legislator Caracciolo seconded that.
LEG. TOWLE:
I'd second it. I just want to get an explanation.
P.O. TONNA:
That's okay. Give the explanation, Paul.

LEG. FOLEY:
It's George's bill.
LEG. BISHOP:
Come on, let's go.
LEG. CRECCA:
Somebody explain, please.
LEG. CARPENTER:
Fast.
MR. SABATINO:
In 1998, the Legislature appropriated $200,000 for the Alternative Energy Plan through Public Works, and now that the RFP's have gone out, only one firm responded, which is Keyspan. Because there was only one

responder, you have to have a two-thirds vote approving that particular award.
P.O. TONNA:
Okay.
LEG. FISHER:
Oh, I'll second that motion.
P.O. TONNA:
Okay. All in favor? Opposed? Approved.
MR. BARTON:
18.
P.O. TONNA:
Okay. Number 1381 (Appointing member to Council on Environmental Quality (John Finkenberg).
LEG. FIELDS:
Motion.
P.O. TONNA:
Motion by Legislator Fields.
LEG. CARPENTER:
Second.
LEG. BISHOP:
Second, please. My district.
P.O. TONNA:
Second by Legislator Bishop.
LEG. CARPENTER:
Bishop.
P.O. TONNA:
All in favor? Opposed? Approved.
MR. BARTON:
18.
P.O. TONNA:
Number 1427 (Reappointing Chairman of the Suffolk County Water Authority (Michael A. LoGrande).
LEG. CRECCA:
Motion.
P.O. TONNA:
Motion by myself.
LEG. CARPENTER:
Motion.

P.O. TONNA:

Seconded by --
LEG. HALEY:
Second.
LEG. CARPENTER:
Motion.
P.O. TONNA:
Legislator Haley.
LEG. ALDEN:
Everybody.
P.O. TONNA:
All in favor? Opposed?
LEG. CRECCA:
Everybody.
P.O. TONNA:
Approved.
MR. BARTON:
18.
P.O. TONNA:
Okay.
LEG. CARPENTER:
Cosponsor.
P.O. TONNA:
Now, we go to --
LEG. FOLEY:
1431.
LEG. BINDER:
I'll make a motion, 1431.
P.O. TONNA:
1431 is an error, should not be on the agenda, because --
LEG. BINDER:
But it was discharged. I made --
P.O. TONNA:
Public hearings --
LEG. BINDER:
That's why I discharged it, Mr. Chairman.
P.O. TONNA:
Oh, this is the one that's been discharged, right.

LEG. BINDER:
Right. So I'll make a motion to approve.
P.O. TONNA:
It's aged. Make a motion to approve.
LEG. GULDI:
Second.
P.O. TONNA:
Seconded by myself.
LEG. HALEY:
Second.
P.O. TONNA:
All in favor? Opposed? Approved.
MR. BARTON:
18.
LEG. HALEY:

Mr. Chairman.
P.O. TONNA:
Okay.
LEG. HALEY:
Just a quick note.
P.O. TONNA:
Wait, wait.
LEG. CRECCA:
Henry.
P.O. TONNA:
I have two procedural motions that I have.
LEG. HALEY:
Just a quick note. In the packet, I.R. 1529, I'm withdrawing that.
LEG. CRECCA:
Henry, cosponsor on 1427, LoGrande.
P.O. TONNA:
Okay.
LEG. HALEY:
Henry, you got that? 1529.
LEG. CRECCA:
It's the second to last one.

LEG. HALEY:
Withdraw that, please.
LEG. CARPENTER:
Henry.
P.O. TONNA:
Okay, guys.
LEG. HALEY:
1529.
LEG. CRECCA:
Add Carpenter, too, Henry.
LEG. GULDI:
Procedural Motion 4, Mr. Chairman.
LEG. HALEY:
New packet. New packet.
P.O. TONNA:
There's Procedural Motion Number 3 first Legislator Guldi.
LEG. GULDI:
Okay.
P.O. TONNA:
It's a motion by Legislator Alden.
LEG. FOLEY:
Title, title, please.
P.O. TONNA:
Seconded by --
LEG. FOLEY:
Title.
P.O. TONNA:
I will, I will. It's a procedural motion authorizing the retention of advertising firm to establish "Shop in Suffolk and Save" advertising program. Legislator Alden, seconded by myself. All in favor? Opposed?

LEG. LEVY:
Just on the question.
LEG. FOLEY:
Opposed.
LEG. FIELDS:
Opposed.
LEG. LEVY:
I just don't know if we need an advertising consultant to let people
00380
know what the facts are, I think they know it already.
LEG. BISHOP:
Okay, vote no.
LEG. LEVY:
We have -- we have a lower tax than Nassau.
P.O. TONNA:
All right. Roll call.
LEG. BISHOP:
It pays for itself.
(*Roll Called by Mr. Barton*)
LEG. ALDEN:
Yes.
LEG. TONNA:
Yes.
LEG. CARACCIOLO:
Yes.
LEG. GULDI:
Yes.
LEG. TOWLE:
Yes.
LEG. CARACAPPA:
No.
LEG. FISHER:
Yes.
[LEG. HALEY-NOT PRESENT]
LEG. FOLEY:
No.
LEG. FIELDS:
No.
LEG. CARPENTER:
Abstain.
LEG. CRECCA:
Abstain.
LEG. D'ANDRE:
Pass.
LEG. BISHOP:
Yes.
00381
LEG. POSTAL:
Yes.
LEG. BINDER:
Yes.
LEG. COOPER:
Yes.

LEG. LEVY:
No.
LEG. D'ANDRE:
Yes.
MR. BARTON:
11. (Not Present: Leg. Haley)
P.O. TONNA:
All right. There you go. Procedural Number 4, procedural motion authorizing retention of Citizens Advisory Panel for LIPA oversight. I make a motion by Legislator Guldi, seconded by myself. All in favor?
LEG. TOWLE:
Explanation.
P.O. TONNA:
Opposed? Explanation.
LEG. GULDI:
Explanation. I'll do it briefly, I'll keep it real short. CAP is -- had been funded from the RICO suit that the Legislature, through its E & E Committee a decade or so ago, successfully waged against LILCO. CAP's funding has run out under that. CAP saved the ratepayers $22 million in charges last year. We have a referendum that requires us to exercise oversight over LIPA. CAP has the expertise. This resolution provides half of their annual operating budget. If they don't receive funding, they're out of business and closed on Friday. We need their help, they need our help. I'm making the motion.
LEG. CARACCIOLO:
Second.
P.O. TONNA:
Second it.
LEG. GULDI:
I urge you to --
LEG. TOWLE:
So it provides them funding?
P.O. TONNA:
All right.

LEG. GULDI:
Provides them $150,000 --
LEG. HALEY:
On the motion.
LEG. GULDI:
Up to $150,000 in funding for the next four years.
LEG. HALEY:
On the motion.
P.O. TONNA:
Legislator Caracciolo, then Legislator Haley.
LEG. GULDI:
The source of the funding is the funds that were budgeted for oversight in the Operating Budget by us when -- because we had the referendum. At the time, we anticipated $250,000. This allocates 150,000 of that and reserves $100,000 for our other oversight obligations and purposes.
LEG. TOWLE:
The money we gave them the last time they didn't use?

LEG. GULDI:
Yeah. Last year, we authorized $150,000 for CAP and they drew down zero, because they didn't need the money, because they found other sources of funding.
LEG. D'ANDRE:
We need this Advisory Council.
P.O. TONNA:
All right.
LEG. CARACCIOLO:
I second the motion, Mr. Chairman.
P.O. TONNA:
No. I've seconded it already, I think. But, anyway, all in favor? Opposed.
LEG. HALEY:
On the motion. On the motion. On the motion.
P.O. TONNA:
Oh, sorry. Legislator --
LEG. HALEY:
I just think it should be noted, because LIPA -- I have a sense resolution that's coming out that asks that we get some equal representation in Suffolk County. Even though they have equal numbers of individuals on this LIPA Board, the Chairman and the substantial committees are held by Nassau residents. I want you to know for the record that two of our representatives, Jonathan {Sinright} and Bob

Maimone, argued for LIPA to continue the funding of this citizens oversight committee; am I correct? And so that we're on the right track, and I wholeheartedly support this. Thank you.
P.O. TONNA:
Great. All in favor? Opposed? Approved. Great, Gordian.
MR. BARTON:
16-2 not present. (Not Present: Legs. Caracappa and Bishop)
P.O. TONNA:
Give them hell. All right?
LEG. GULDI:
Late-starters we're at, Mr. Chairman?
P.O. TONNA:
Okay. You have another Procedural Motion, Legislator Guldi?
LEG. GULDI:
No. I'll move that we lay the late-starters, 1473, 4, 5, 6 and 7 on the table.
MS. BURKHARDT:
1573.
LEG. POSTAL:
1573.
LEG. GULDI:
That's what I said.
P.O. TONNA:
Okay. 1573 will be assigned to Budget and Social Services; 1575, Public Works and Finance. Sense -- oh, 1577 -- oh, 1576 to Ways and Means. Oh, if I could read this. And 1577 to Economic Development.
LEG. HALEY:
Henry, cosponsor 1577.

P.O. TONNA:
Okay. Motion to lay on the table Sense Resolution Number --
LEG. GULDI:
Motion to lay on the -- Sense -- no, Sense Resolution 69 do separately.
P.O. TONNA:
Okay. Anyway --
LEG. POSTAL:
Mr. Chairman.
P.O. TONNA:
There's a -- just for these to lay on the table. Motion, second by myself. All in favor? Opposed?

LEG. GULDI:
Okay.
P.O. TONNA:
Laid on the table.
LEG. GULDI:
With respect to Sense 69, you need a motion --
MR. BARTON:
17. (Not Present: Leg. Bishop)
LEG. GULDI:
-- to lay it on the table and approve it, because it extends the public comment period on the BNL Peconic River cleanup --
LEG. FOLEY:
Second the motion.
LEG. GULDI:
-- which flows into May 15th.
P.O. TONNA:
Okay.
LEG. HALEY:
What is it? What is it?
P.O. TONNA:
Hold it. This is the point where we're going to be a little more organized; okay? There are people who in the last few meetings were voting on sense resolutions that they had no idea what they were voting on and we're going to go a little slowly here.
LEG. GULDI:
Okay.
P.O. TONNA:
It's getting a little later.
LEG. HALEY:
Thank you, Mr. Chairman.
LEG. GULDI:
Sense 69 has been on the table for about two hours in front of you. It asks -- as a result of hearings held this last week, it asks the BNL and DOE to keep the public comment period on the cleanup plan open at least until November 15th of 2000 --
LEG. HALEY:
Second the motion.
LEG. GULDI:
-- or until the plan is completed.

LEG. FOLEY:

Second the motion
LEG. GULDI:
And if we do not pass this tonight, the public comment period will --
P.O. TONNA:
Fine.
LEG. GULDI:
-- close May 15th.
P.O. TONNA:
Okay. There's a motion and a second. Do you want me to assign you a second? You got him?
LEG. FOLEY:
Second.
P.O. TONNA:
Fine. All in favor? Opposed? Approved.
MR. BARTON:
17, 1 not present. (Not Present: Leg. Bishop)
LEG. POSTAL:
Mr. Chairman.
P.O. TONNA:
Yes.
LEG. POSTAL:
I'd like to make a motion to --
P.O. TONNA:
I have --
LEG. POSTAL:
-- to waive the rules, and lay on table, and vote on Sense 53 --
P.O. TONNA:
I have it in front of me.
LEG. POSTAL:
-- which is before you.
P.O. TONNA:
I was -- okay. Sense 53, a Memorializing Resolution requesting State of New York to authorize tax-free zone signs at Nassau/Suffolk border.
LEG. GULDI:
Second.
P.O. TONNA:
Seconded by Legislator Alden. All in favor? Opposed? Approved.

LEG. CRECCA:
Cosponsor, Henry.
LEG. TOWLE:
Cosponsor.
MR. BARTON:
17, 1 not present. (Not Present: Leg. Bishop)
P.O. TONNA:
Now, we're going to do the CN's. Brenda, you're here, but just -- let's go through them quickly. Number 1533, certificate, and this is -- all right. 1533, this is a John Cooper resolution to permanently exempt veterans from paying County fee entrance fees on Memorial Day Weekends.
LEG. D'ANDRE:
I'll second that.
P.O. TONNA:

Second by Legislator D'Andre, both --
LEG. CRECCA:
Cosponsor.
P.O. TONNA:
-- a veteran and a senior citizen. Anyway, yes.
LEG. FIELDS:
A true American.
P.O. TONNA:
Okay. Everyone cosponsors this, okay?
LEG. FOLEY:
Cosponsor.
P.O. TONNA:
All right. All in favor? Opposed?
MR. BARTON:
The motion and the second, I didn't get it.
P.O. TONNA:
Approved. What?
MR. BARTON:
I got all the cosponsors. I don't know who made the motion.
P.O. TONNA:
The motion was Legislator Cooper, seconded by myself.
MR. BARTON:
Thank you.

P.O. TONNA:
Okay.
MR. BARTON:
18.
LEG. GULDI:
Call the question.
P.O. TONNA:
Certificate -- we already voted on it.
MR. BARTON:
18.
P.O. TONNA:
Certificate of Necessity Number 1572 (Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act, Ann Carroll, as Administratrix of the Estate of Thomas A. Carroll). You have it in front of you. Is there -- I'll make a motion.
LEG. HALEY:
Second.
P.O. TONNA:
Is there a second? Okay. Seconded by Legislator Haley. All in favor? Opposed? Approved. Okay, we're done with that. I have one more here. I have Resolution Number 1574 (Approving the appointment of summer employees to various positions pursuant to Section 6-3 of the Suffolk County Code).
LEG. GULDI:
Motion.
P.O. TONNA:
Motion by Legislator Guldi.
LEG. FOLEY:

Second.
P.O. TONNA:
Seconded by Legislator Foley. All in favor?
LEG. LEVY:
Hold on. Hold on.
LEG. FISHER:
Wait a minute.
LEG. LEVY:
What exactly -- who are we appointing here?
LEG. FISHER:
Motion.

LEG. CARPENTER:
It's on the backup.
LEG. GULDI:
It's in the backup.
LEG. LEVY:
Three individuals?
LEG. GULDI:
Robert Schneider, David Schneider, and Peter Scully, Jr. at -- as students interns or assistant labor crew or park attendants for the summer.
LEG. LEVY:
What is it, for the nepotism law?
LEG. GULDI:
Nepotism Waiver Law.
P.O. TONNA:
By the way, I just want you to know, for the information, there was some even question whether they had to submit it. It was the County Executives people who came to us in full disclosure and said, "We don't even know if we have to, but here is the information," and we said, "Let's go through the resolution."
LEG. POSTAL:
Mr. Chairman.
P.O. TONNA:
All right? So just so that you understand that.
LEG. POSTAL:
Mr. Chairman.
P.O. TONNA:
Yes. Wait, wait. Did we vote on this?
LEG. POSTAL:
I don't think so.
P.O. TONNA:
Are you on the motion? This is on the motion?
LEG. POSTAL:
Yeah.
P.O. TONNA:
Okay.
LEG. POSTAL:
I am supporting the resolution. I don't think that these people should be denied opportunities that are already in the budget. But I had asked whether we had other paid summer internships. And I'm not going to interrupt the meeting for that now, but I would appreciate knowing

if there are and where they are, because I'm sure Legislative offices are contacted by young people seeking summer internships. So I'm sure we would all like to have that information.
LEG. BISHOP:
Yeah, me, too.
P.O. TONNA:
I agree. That doesn't mean they should work in your office, Legislator Bishop, but I'm sure there are places, you know, for them to work. Anyway --
LEG. BISHOP:
They should work with Alan Schneider and Peter Scully.
P.O. TONNA:
Okay. All in favor? Opposed? Approved.

SENSE RESOLUTIONS

Okay. Now we're on to the Senses. And I'd ask that everyone sit down, relax.
MR. BARTON:
18.
P.O. TONNA:
Just let's not rush through these.
LEG. GULDI:
Motion to approve Sense 31 (Memorializing resolution requesting Cablevision to extend full Suffolk County coverage to WVVH-TV 58, Hamptons Television).
P.O. TONNA:
Okay. Motion by Legislator Guldi, seconded by Legislator Caracciolo.
LEG. BINDER:
Mr. Chairman. Mr. Chairman. Mr. Chairman. Mr. Chairman.
P.O. TONNA:
Okay. We are in front -- Sense 30 was withdrawn. Sense 31, there's a motion by Legislator Guldi, seconded by Legislator Caracciolo --
LEG. BINDER:
Mr. Chairman.
P.O. TONNA:
-- to approve this legislation. Yes.
LEG. BINDER:
I think I'm listed as a cosponsor. I just wanted my name removed.
P.O. TONNA:
Okay. He's being removed from that piece of legislation.

LEG. GULDI:
I second removing Legislator Binder.
P.O. TONNA:
Okay. All in favor? Opposed?
LEG. CRECCA:
Abstain.
P.O. TONNA:
Abstain, Legislator -- abstain, Legislator -- oh, opposed, Legislator Binder.
LEG. CARPENTER:
Abstain.
LEG. ALDEN:

Not opposed.
P.O. TONNA:
He's opposed.
LEG. CARPENTER:
Abstain.
P.O. TONNA:
Legislator Binder is opposed. Abstain, Legislator Crecca, Legislator Carpenter, and Legislator Alden.
LEG. CARACAPPA:
And Towle.
P.O. TONNA:
And Towle.
LEG. HALEY:
And Haley.
P.O. TONNA:
And Haley. I think we got it. Okay. We're still there. All right. Great.
MR. BARTON:
12-1-5.
P.O. TONNA:
Legislator Towle, do you want to -- do you want to make a motion for the second -- by the way, if you guys read the list, you'll know what you sponsored. I would like you -- you know, unless you want me to assign you as the sponsor to make the motion, but --
LEG. TOWLE:
Motion.
P.O. TONNA:
Okay. Sense 32 (memorializing resolution requesting State of New York

to suspend State diesel fuel tax). There's a motion by Legislator Towle. Is there a second?
LEG. CRECCA:
Second.
LEG. GULDI:
Second.
P.O. TONNA:
Seconded by Legislator --
LEG. CRECCA:
Crecca. Crecca.
P.O. TONNA:
-- Crecca.
LEG. FOLEY:
On the motion.
P.O. TONNA:
Yes on, the motion.
LEG. FOLEY:
These are fuel taxes. From my understanding, those tax monies are used for environmental purposes in New York State, whether it's for environmental cleanups, for Clean Air Act --
P.O. TONNA:
Probably.
LEG. FOLEY:
-- uses and the like. So I think we should really think twice about

suspending a source of revenue that's actually used to clean up the environment, particularly when you consider that diesel is one of the dirtier fuels for internal combustion engines.
P.O. TONNA:
Okay. All in favor? Opposed?
LEG. FOLEY:
Opposed.
LEG. BISHOP:
Opposed.
LEG. D'ANDRE:
Opposed.
P.O. TONNA:
Okay. Opposed, Legislator Bishop, Legislator D'Andre, Legislator Cooper, Legislator Tonna, Legislator Haley, Legislator Foley, Legislator Fisher. Okay, Legislator Levy.

LEG. LEVY:
I abstain.
LEG. ALDEN:
I abstain.
P.O. TONNA:
Okay. Legislator Alden and Levy abstain.
LEG. CARACCIOLO:
I abstain.
LEG. BISHOP:
And Crecca, I think.
P.O. TONNA:
And Legislator Caracciolo abstains. Do I have one more buyer? No, I'm joking. Okay.
LEG. HALEY:
Change my vote to a yes.
P.O. TONNA:
Okay. Change his vote to a yes.
LEG. CARACAPPA:
Okay, terrific.
P.O. TONNA:
Henry, good luck at the counting on that one.
LEG. TOWLE:
I feel bad myself.
MR. BARTON:
Nine.
P.O. TONNA:
Nine.
MR. BARTON:
It fails.
P.O. TONNA:
Okay, it fails.
LEG. TOWLE:
Motion to approve.
P.O. TONNA:
Okay. No there was --
LEG. TOWLE:
The next bill.

LEG. GULDI:
33.
P.O. TONNA:
Oh, okay. Number 30 --
LEG. TOWLE:
You wanted a motion, I'm giving you a motion.
LEG. GULDI:
It's on the agenda here.
P.O. TONNA:
Okay. Sense 33 (Memorializing resolution requesting State of New York to grant psychologists a role in implementing "Kendra's Law").
There's a motion to approve by Legislator Towle, seconded by Legislator Fisher. All in favor? Opposed? Approved.
MR. BARTON:
18.
P.O. TONNA:
Okay. Sense 35 (Memorializing resolution requesting State of New York to repeal surcharge imposed for accessing Megan's Law sex-offender database registry).
LEG. CARACAPPA:
Motion.
P.O. TONNA:
Motion by Legislator --
LEG. FISHER:
Second.
P.O. TONNA:
-- Caracappa, seconded by Legislator Fields. All in favor? Opposed? Approved.
LEG. HALEY:
Opposed.
P.O. TONNA:
Opposed.
LEG. GULDI:
Abstain.
P.O. TONNA:
Abstain. Did you get those, Henry?
MR. BARTON:
Sure.
LEG. GULDI:
Abstention on 33.

MR. BARTON:
16-1-1.
P.O. TONNA:
Okay. Sense 37 (Memorializing resolution requesting State of New York to fund program for outpatient treatment of mental illness).
Legislator Levy, what is your pleasure?
LEG. LEVY:
Motion.
LEG. FOLEY:
Second.
P.O. TONNA:

Motion by Legislator Levy, seconded by Legislator Foley. All in favor? Opposed? Approved.
MR. BARTON:
18.
P.O. TONNA:
Sense 38 (Memorializing resolution requesting State of New York to adopt Broadbased Energy Conservation Credit). Legislator Caracciolo, do you want to make a motion for Sense 38?
LEG. CARACCIOLO:
Yes.
P.O. TONNA:
Okay.
LEG. HALEY:
What is that? Explanation.
P.O. TONNA:
There's a motion by Legislator Caracciolo.
LEG. HALEY:
Second on the explanation.
P.O. TONNA:
Seconded by Legislator Haley. All in favor? Opposed.
LEG. HALEY:
Explanation.
P.O. TONNA:
Approved. Oh, information. All in favor? Opposed? Approved.
MR. BARTON:
18.
P.O. TONNA:
I guess after awhile, who cares about the information? All right.

Sense 39 (Memorializing resolution requesting State of New York to prohibit sale of herbal cigarettes to minors). Is there a motion?
Yes. Legislator Cooper, this is your day.
LEG. COOPER:
Motion.
P.O. TONNA:
Motion.
LEG. CRECCA:
Second.
P.O. TONNA:
Seconded by myself.
LEG. CRECCA:
Cosponsor, Henry.
P.O. TONNA:
All in favor? Opposed? Approved.
LEG. CRECCA:
Cosponsor, Henry.
P.O. TONNA:
All right.
MR. BARTON:
18.
P.O. TONNA:
Number -- Sense 43 (Memorializing resolution requesting State of New York to enact Telemarketing and Consumer Fraud and Abuse Prevention

Act).
LEG. CARPENTER:
Motion.
P.O. TONNA:
Motion by Legislator Carpenter.
LEG. CRECCA:
Second.
P.O. TONNA:
I got that one right this time, Legislator Carpenter. Seconded by Legislator Fields. All in favor? Opposed? Approved.
LEG. CRECCA:
Cosponsor.
P.O. TONNA:
Cosponsor there. Okay. Sense 44 (Memorializing resolution requesting state of New York to increase subsidy for senior citizen prescription drugs). Is there a motion, Legislator Carpenter?

LEG. FIELDS:
Second.
P.O. TONNA:
Seconded by Legislator Fields. All in favor? Opposed? Approved.
LEG. FISHER:
Cosponsor.
P.O. TONNA:
Cosponsor.
LEG. CRECCA:
Cosponsor.
LEG. COOPER:
Cosponsor.
LEG. BISHOP:
Cosponsor.
P.O. TONNA:
You heard that.
LEG. FIELDS:
I think everybody on that one, right?
LEG. D'ANDRE:
Everybody. Everybody.
LEG. CARACAPPA:
Okay, terrific.
LEG. CRECCA:
Everybody in the pool.
P.O. TONNA:
Yeah, as long as we don't have to pay for it, everybody. There we go.
MR. BARTON:
18.
P.O. TONNA:
All right. Sense 45 (Memorializing resolution requesting the New York State Public Service Commission (PSC) to expedite telephone disconnect/reconnect phone service). Is there a motion, Legislator Levy?
LEG. LEVY:
I want to make a motion to table, because I want to have a hearing on this --

LEG. GULDI:
Second, second, second.

LEG. HALEY:
Second.
LEG. CRECCA:
Second.
LEG. LEVY:
-- in Consumer Affairs.
LEG. CRECCA:
Third, fourth.
P.O. TONNA:
All right. Cosponsor on the tabling. Okay, here we go. Anyway, Legislator Levy, seconded by Legislator Haley, to table. All in favor? Opposed? Tabled.
MR. BARTON:
18.
P.O. TONNA:
Sense 46 (Memorializing resolution requesting State of New York to advance State delayed funding for capital projects at the Suffolk County Community College). Is there a motion?
LEG. CARACCIOLO:
On the resolution. Brian, is this the funding that was just released by the State?
LEG. FOLEY:
It still is a timely resolution, because they only released a small portion of the overall funding.
LEG. GULDI:
Second.
LEG. CARACCIOLO:
Okay. So I'll make a motion to approve.
LEG. FOLEY:
Second.
LEG. GULDI:
Second.
P.O. TONNA:
Seconded by Legislator Foley. All in favor? Opposed? Approved.
MR. BARTON:
18.
P.O. TONNA:
Okay. Sense 47 (Memorializing resolution requesting the United States Senate approve Senate joint Resolution 39, recognizing the 50th anniversary of the Korean War and expressing gratitude of the American people to members of the armed services who served during this war). Is

there a motion?
LEG. GULDI:
Motion.
LEG. D'ANDRE:
I second it.
LEG. CRECCA:
Second.
P.O. TONNA:

Motion by Legislator Guldi, seconded by Legislator D'Andre. All in favor? Opposed? Approved.
LEG. CRECCA:
Cosponsor, Henry, Crecca.
LEG. CARPENTER:
Cosponsor.
P.O. TONNA:
Everyone.
LEG. CARACCIOLO:
Cosponsor.
LEG. FISHER:
Cosponsor.
MR. BARTON:
18.
P.O. TONNA:
Does anybody not want to cosponsor this?
MR. BARTON:
18, all present.
P.O. TONNA:
Legislator Bishop's the only one, right, because you don't want to cosponsor anything that you're not an author of?
LEG. BISHOP:
No. I want to cosponsor this.
P.O. TONNA:
Okay. You've changed that policy, huh?
LEG. BISHOP:
It's not a bill, it's a -- sense resolutions, it doesn't apply.
P.O. TONNA:
Oh, okay. As he aspires for higher office, let's get on every issue.
Okay. Sense 49 (Memorializing resolution requesting the New York State Senate approve Senate bills regarding Health Maintenance Organization

(HMO) reforms). Is there a motion?
LEG. GULDI:
Motion.
P.O. TONNA:
Legislator Guldi.
LEG. FIELDS:
Second.
P.O. TONNA:
Second by Legislator --
LEG. FIELDS:
Fields.
P.O. TONNA:
Fields.
LEG. CRECCA:
Can I just -- and I hate to do this, but can I get a very brief explanation, George?
P.O. TONNA:
Yeah, what --
LEG. CRECCA:
What is this?
LEG. GULDI:

49. Wait a minute, I got the wrong one in front of me.
LEG. CRECCA:
49.
LEG. ALDEN:
Use your microphone.
LEG. GULDI:
49 essentially asks --
LEG. ALDEN:
Use your microphone.
LEG. GULDI:
-- for HMO accountability on doctor -- on doctor visit approval.
P.O. TONNA:
Okay. So there's a motion --
LEG. GULDI:
Withholding approval for --
LEG. CRECCA:
That's enough, George.

P.O. TONNA:
And second. All in favor? Opposed? Approved.
MR. BARTON:
18.
P.O. TONNA:
Sense 50 (Memorializing resolution requesting the New York State Senate approve Senate Bill S06772 directing the production of an all-inclusive statewide cancer incidence map). Is there a motion?
LEG. CARACCIOLO:
Cosponsor.
LEG. GULDI:
Motion.
LEG. FIELDS:
Second.
P.O. TONNA:
Okay. Motion by Legislator Guldi, seconded by Legislator Fields. Everybody's going to cosponsor this, right?
LEG. CRECCA:
Cosponsor.
LEG. ALDEN:
Cosponsor.
P.O. TONNA:
All in favor? Opposed? Approved.
MR. BARTON:
18.
P.O. TONNA:
I'll tell you, it's unbelievable what we're passing here. Number Sense 51 (Sense Resolution to discourage medical coverage companies from pulling out of the East End). Is there a motion, Legislator Caracciolo?
LEG. CARACCIOLO:
Yes, motion.
LEG. FIELDS:
Second.
LEG. GULDI:
Second.

P.O. TONNA:
Okay. Seconded by Legislator Fields. All in favor? Opposed? Approved.
LEG. GULDI:
Cosponsor, Henry.

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LEG. FIELDS:
Cosponsor.
MR. BARTON:
18.
LEG. CRECCA:
I want to --
P.O. TONNA:
Sense 52 (Memorializing resolution requesting State of New York to "buy back" military bill. Legislator D'Andre.
LEG. CRECCA:
I wanted to second that one.
P.O. TONNA:
Second, Legislator Crecca.
LEG. CARPENTER:
What does this mean?
P.O. TONNA:
"Buy Back" military bill?
LEG. CARPENTER:
No, no, no, no, 51.
P.O. TONNA:
Well, it's already --
LEG. FIELDS:
It's already passed.
P.O. TONNA:
It's already passed.
LEG. D'ANDRE:
It's very, very little.
P.O. TONNA:
Angie, just go with the flow here.
LEG. CARPENTER:
I am.
LEG. D'ANDRE:
It's very, very little.
P.O. TONNA:
All right. Number 52. There's a great "buy back" military bill from Legislator D'Andre.
LEG. ALDEN:
Second.

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P.O. TONNA:
Seconded by Legislator Crecca. All in favor? Opposed?
LEG. ALDEN:
Everybody cosponsor.
LEG. CRECCA:
Cosponsor.
P.O. TONNA:
Approved.
LEG. CRECCA:

Everybody should go on.
LEG. D'ANDRE:
Put everybody on it.
P.O. TONNA:
Put unanimous cosponsorship.
LEG. D'ANDRE:
Put everybody on it.
MR. BARTON:
18
P.O. TONNA:
Okay. Sense 55 (Memorializing resolution requesting the Federal government to pay for methyl tertiary butyl ether (MTBE) cleanup costs).
LEG. D'ANDRE:
Put in Levy.
LEG. CARPENTER:
Cosponsor.
P.O. TONNA:
There is a motion by Legislator Fisher, seconded by Legislator Carpenter. All in favor? Opposed? Approved.
MR. BARTON:
18.
P.O. TONNA:
Is there anything else?
MR. BARTON:
Yes. Mr. Chairman. On --
P.O. TONNA:
Hold it, hold it.

LEG. CRECCA:
A motion to continue the meeting for another minute.
P.O. TONNA:
Just -- yeah, right.
LEG. FISHER:
Until one o'clock.
MR. BARTON:
I just need one second. Mr. Chairman, on Procedural Motion Number 3, I read it as 11. In fact, the vote is 12.
P.O. TONNA:
Okay.
MR. BARTON:
That's it.
P.O. TONNA:
Thank you, Henry, for that correction. Meeting -- motion to adjourn.
LEG. FIELDS:
Second.
P.O. TONNA:
Second by Legislator Fields. All in favor? Opposed? Adjourned.
[THE MEETING WAS ADJOURNED AT 11:45 P.M.]
{} Denotes spelled phonetically.