

SUFFOLK COUNTY LEGISLATURE

GENERAL MEETING

TENTH DAY

JUNE 27, 2000

Taken by: Lucia Braaten
Alison Mahoney
Riverhead, New York

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[THE MEETING WAS CALLED TO ORDER AT 9:45 A.M.]

P.O. TONNA:

Okay. Henry, call the roll. I'd ask, all Legislators, please come to the horseshoe, so that they can be counted as ten. Thank you.

(*Roll Called by Mr. Barton*)

MR. BARTON:

Eleven present. (Not Present at roll call: Legislator Guldi, Legislator Caracappa, Legislator Haley, Legislator Foley, Legislator Bishop, Legislator Postal, Legislator Binder.)

P.O. TONNA:

Thank you very much. Let's all rise for the salute of the flag led by Legislator Levy.

(Salutation)

Thank you very much. Now, I'd like to recognize Legislator Fred Towle to introduce our clergy.

LEG. TOWLE:

Thank you, Mr. Presiding Officer, and good morning. I'm very pleased to welcome Reverend David Plank here this morning to give our invocation for a long day of business and many things that are important that the public are going to be looking at. Reverend Plank.

REV. PLANK:

Thank you for inviting me this morning. I want to acknowledge the Legislators for their hard work in struggling with difficult issues, and I want to acknowledge those of you who are here to speak this morning for your care and your concern and your commitment for the quality of life in our communities. So, in that spirit, let us pray. Creator God, at all times and all places, you have spoken to your people through holy men and women. You have taught us that all that is required is that we love you with our whole being, we love our neighbors, and we love ourselves; that we should do to others as we would have them do to us. In that spirit, grant that those who speak today may speak to the listening of others, and those who listen may listen, so that they call forth the best in others. In your holy name we pray, amen. Thank you.

P.O. TONNA:

Thank you very much, Reverend. I'd like to -- before we do a proclamation, I'd like to just make a few announcements quickly. At 12:30 today, by a resolution that was introduced and passed last year, Legislator D'Andre, it was a resolution renaming the lobby in the Evans Griffing Building in Riverhead as the Lou Grasso Lobby.

LEG. D'ANDRE:

That's this building here.

P.O. TONNA:

Right, that's this building here. So at 12:30 today, there'll be that

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ceremony, right, Michael? Okay. Thank you.

LEG. D'ANDRE:

All are invited.

P.O. TONNA:

All are invited. Okay. And, also, just to announce, at noon, the Commission to Evaluate Property Tax Alternatives will present their report to the Legislature. It's on our agenda. They need about 15

minutes, so by law, I think we created that -- you know, that they offer their report at that time.

Okay. Now I'd like to recognize Legislator Angie Carpenter for the purposes of presenting a proclamation.

LEG. CARPENTER:

Thank you, Mr. Presiding Officer.

P.O. TONNA:

Thank you.

LEG. CARPENTER:

Good morning. I have the honor this morning of recognizing yet another achievement that has been reached by the members, the students at Bay Shore Schools. And I would ask Barbara Fishkind and Jean Geyer, if they would please come forward.

The Bay Shore Girls Softball Team has a long rich history of being achievers, and this year, they achieved another milestone. They won the League Championship, but even more importantly, they went on to the State, and for the fifth time, five out of seven times that they've gone to the State, they have won the New York State Championship. And other the guidance of Jim McGowan, who was their coach, he has amassed a record of 400 wins as a coach of softball. So we're really very, very proud of Bay Shore for many, many reasons, none the which is the Girls Softball Team, also the Girls Lacrosse Team, who won League Championships. Jean Geyer is retiring June 30th, two days, after a long wonderful career as Director of Physical Athletic and all of the other things in Bay Shore that you do. And Barbara serves as a community relations person, does a wonderful job of getting the word out of all of the wonderful achievement of Bay Shore Schools. So, on behalf of myself and Legislator Alden, who had to step out for a moment, I would like to present this to Bay Shore.

MS. GEYER:

Thank you very much.

LEG. CARPENTER:

You're very welcome.

MS. FISHKIND:

Thank you. I'd like to thank the Legislature for giving us this opportunity to get the good news out about Bay Shore. We're very proud of our girls. And they would be here today, except they're at baseball camp practicing for the next win.

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P.O. TONNA:

Wow.

MS. FISHKIND:

So thank you.

P.O. TONNA:

Well, that's great, that's wonderful. Thank you.

(Applause)

LEG. CARPENTER:

What is interesting with this particular team, almost all of the students are returning next year.

P.O. TONNA:

Wow.

LEG. CARPENTER:

So we look to see them come back.

P.O. TONNA:

Sure.

LEG. CARPENTER:

Thank you. Hold it. We want to get a picture. Hold it one second, though. I think Legislator Fields just wants to --

LEG. FIELDS:

I just wanted to say that I played on that team back in the '60's when I graduated from Bay Shore High School, but we didn't go to the State.

P.O. TONNA:

Well, congratulations. Legislator Alden, maybe go back there also.

LEG. ALDEN:

Do I want to?

P.O. TONNA:

Yeah. Could I ask people with -- okay. Could -- just a general rule. Could anybody who has a beeper put it on vibrate? If you have a phone, shut it off or put it on vibrate. I do not -- you know, just the National being played with a beeper thing, or whatever else, it's just it is a little distracting, when usually I'm easily distracted. Okay. Let's go to -- and, again, I'd ask all Legislators, please, to come to the horseshoe.

Okay. We have cards. We'll start -- is there any other business before we get to the public portion? No? Okay. I'd like -- our first card, Police Commissioner John Gallagher.

LEG. TOWLE:

Mr. Chairman. Mr. Chairman.

P.O. TONNA:

Yes.

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LEG. TOWLE:

Before the Commissioner starts, I'm assuming he's here to speak about the Fourth of July resolution. And I just think two things, if I could. One, there are members of the public that are here on their own time, not on County time. And Number 2, since we're going to be voting on this issue probably much later this afternoon and the bulk of the County Legislature is not here this morning, I really would prefer to defer this conversation from the Commissioner and Commissioner Fishler to after lunch, or at least until the Legislators get here. We're going to be debating this issue this afternoon and there's six of us here, or seven of us that are here that are going to have an opportunity to listen and question and then have to vote on something later, and thirteen of us, you know, or whatever number is not here is not here.

P.O. TONNA:

Well, all I can say is that the Commissioner filled out a card. He's more than able to do this. Shame on the Legislators who are not here right now. There is a quorum of 11 Legislators in the room and, unfortunately, the Legislators who do not make the public portion of meetings, you know, although there is nothing that we can do about that, shame on them for not attending when they should be here. And I'm not going to --

LEG. TOWLE:

I actually --

P.O. TONNA:

-- stop running County government, or whatever.

LEG. TOWLE:

I actually count eight, not eleven.

P.O. TONNA:

Okay.

LEG. TOWLE:

We actually don't even have a quorum at this point.

P.O. TONNA:

Well, we had one. I'd ask, all Legislators, please come to the horseshoe. We'll wait. Commissioner, we're going to just wait until -- I think there's two taking a photograph outside, and I'm sure there's a few somewhere. Let's try rounding them up again, Ralphie.

LEG. TOWLE:

Well, while we're doing that, Mr. Chairman, I'd ask the Commissioner, then, to clear his calendar today, because I'd like him back here. And I'm going to make an official request as a Legislator that he and Commissioner Fishler be here when we vote on this, so that since you did not extend me that courtesy this morning, that they be here this afternoon, so that other Legislators, including myself, can question the, not during the public portion, since Commissioner Gallagher and Commissioner Fishler are paid employees of the County of Suffolk, unlike the people that are sitting in the audience on their time taking

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a day off.

P.O. TONNA:

You have every right to request anything you want. Whether they comply with the request, or whatever else, is another matter, but --

LEG. TOWLE:

So you're telling me, as the Presiding Officer --

P.O. TONNA:

I think --

LEG. TOWLE:

-- you're not going to honor a request of a County Legislator to request a department head to be here on a resolution that we're going to vote on today?

P.O. TONNA:

I think, Fred, what I'm saying is I'm trying to be consistent with you, since you're making such a big deal of the issue, that the Commissioner of Police --

LEG. TOWLE:

No different than anybody else.

P.O. TONNA:

-- is on his time -- I mean, on the time of the County. I think it would be really ridiculous to have the Police Commissioner sit here all day waiting for you to ask some questions, which you can ask him right now, and you know you can ask him right now.

LEG. TOWLE:

And you're right, I can, Mr. Chairman, and I will do that.

P.O. TONNA:

There you go.

LEG. TOWLE:

But I think the other courtesy should be available to the other Legislators as well who did not know he was going to be the first

speaker here this morning. And we have Commissioners --

P.O. TONNA:

They should be here.

LEG. TOWLE:

And we have Commissioners sitting here and Department Heads, and County employees at every one of our meetings.

P.O. TONNA:

Clearly, you're --

LEG. TOWLE:

And if you'd like me to start announcing those, I'd be happy to do that this morning.

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P.O. TONNA:

Fred, clearly, you're the one that wants to ask questions, you're here, and I'm glad you're here. Other Legislators, I am not going to accommodate the fact everyone knows there's a 9:30 today. It's been like this way before I even knew how to spell Legislator. And all I can tell you is, quite honestly, shame on them for not being here. But I'm not going to stop County government based on the use of an attendance record. We have a quorum and that's it. Do we have the 11 here?

LEG. CRECCA:

No.

P.O. TONNA:

Okay. I'll wait until we get everybody else here. They're here, though.

P.O. TONNA:

Henry, could you read the roll? Just tell me what the roll is, so that I know, because there were 11 people here when we -- when we did the roll. Go ahead.

MR. BARTON:

Legislator Caracciolo.

P.O. TONNA:

Okay, that's one. Go ahead. Who else?

MR. BARTON:

Who were?

P.O. TONNA:

Who was here.

MR. BARTON:

Who were present?

P.O. TONNA:

Who was here? Who was present. Legislator Caracciolo was not here. Who else?

MR. BARTON:

That's it.

LEG. LEVY:

D'Andre.

P.O. TONNA:

D'Andre, Legislator D'Andre?

MR. BARTON:

Legislator D'Andre.

LEG. LEVY:

Here he is, here's Mike. Come on in, Mike, we need you.

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P.O. TONNA:

Michael.

LEG. D'ANDRE:

Yes.

P.O. TONNA:

We're waiting for you.

LEG. D'ANDRE:

Waiting for me?

P.O. TONNA:

We don't have a quorum, Mike.

LEG. LEVY:

We do now.

LEG. D'ANDRE:

Lafayette, I'm here.

P.O. TONNA:

Okay.

LEG. LEVY:

You got a quorum.

P.O. TONNA:

All right. We have a quorum? Commissioner?

LEG. CRECCA:

We have ten.

P.O. TONNA:

Please. I'm sorry that you had to wait and everything else. Thank you.

COMM. GALLAGHER:

Thank you, Legislator Tonna. Good morning. I'll be brief. Since I'm on County time, I won't take too much of your time up.

P.O. TONNA:

The truth is aren't you always on County time? I mean, you're on 24 hour call.

COMM. GALLAGHER:

Actually --

P.O. TONNA:

I would think with, you know, being the Commissioner of Police, my sense is that you're always on County time. But anyway, go ahead.

COMM. GALLAGHER:

I'm just briefly going to address Resolution 1616, which is the resolution regarding the use of Smith Point Park for a fireworks Fourth of July display. I know there's been a lot written about it in local

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press, and I just wanted to make sure that it's clear to everybody the position I've taken and why I've taken it, and that's the use of Smith Point as a venue to have this celebration every year is something that's been a troublesome point for me, really, since I became Commissioner because of the reports I got, the after-event reports, or debriefings, as we call them, regarding traffic problems that emanate from using that location. It's a very popular event. It draws thousands and thousands of people, I think even Legislator Towle at one point said somewhere between 40 and 60,000 people over the course of the three days of the event.

The July Fourth event is the crux of the whole weekend, or the whole three-day event that used to be a part of the celebration. And it's a

simple matter of logistics, that when you put as many people in a location such as Smith Point Park for a single event, and then, at the termination of the event, most of those people want to leave at the end of this time, you simply create an impossible situation as far as traffic goes.

We have one means of ingress and egress to Smith Point. It's a small bridge, two-lane bridge that goes over to the park. It's the only way of getting people, vehicular traffic, and pedestrian traffic, actually, that walk across the bridge, getting them in and out of the location. In July of 1998, and I'd like to stress that since I think, you know, there's been some misunderstanding that this position was come by just recently, in July of 1998, I wrote to then Commissioner Michael Frank, Commissioner of Parks, where I said that if we continue to use this venue, Smith Point Park, this was on July 9th, right after the event, after I was debriefed, that we must recognize that we will always experience traffic congestion during those periods when people go in and out of the park. For that event is a massive number of people coming in at one time and generally leaving at approximately the same time. My first concern was then, in July of '98, I wrote, for the police officers from my department, from the Suffolk County Park Police Department, and for the safety of the public attending the event, I asked then, in my final point to the Parks Commissioner, "I would ask that you give serious consideration to a change of location for the future July Fourth special events. Ideally, we should use somewhere where we are not constrained by such limited access as is found at Smith Point."

In '99 I had the same reservation, the debriefing I had then from the incident commander at that point, in July 19th, '99, Fifth Precinct Inspector Croke. The incident commander at that time that debriefed him was a Captain, said, "A situation develops in which a response to an emergency incident would be difficult or impossible," the situation being the immediate flow of traffic going in and out at a given time. Smith Point is always an area that has certain amount of traffic congestions, that's a given, because of its narrow bottleneck access road. But what happens with the July Fourth event, and it's unique to Smith Point, is that you have literally thousands and thousands of cars trying to get out at the same time.

So April of this year, April of 2000, I reiterated my points to the now
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Commissioner of Parks, Peter Scully, said, in 1998, I pointed out to Commissioner Michael Frank an overriding issue that cannot be overcome regardless of how well we plan if on this event, that is serious traffic congestion. Vehicles can only move in and out of the park via the bridge to Smith Point. The bridge feeds traffic into one location. In addition to that, it feeds traffic to a single major artery, William Floyd Parkway. The continued use of Smith Point Park as a venue for this event that draws so many people guarantees we will not be able to reconcile the need for access for those attending the display and the need for, I consider, the need for public safety concerns.

My concerns on safety are from a police safety standpoint. I don't intend to address the fire or emergency medical service aspects of this, and I understand there are local departments, both fire and emergency medical services, who feel that the event can be properly

maintained. I just -- I have to disagree with them from a police safety standpoint. To try to get those people to an event -- to an incident during the event I feel would be a major, major problem to us. And for those reasons, I respectfully request that you take my consider -- my points into consideration when you vote on 1616. Thank you.

LEG. FISHER:

Thank you, Commissioner.

P.O. TONNA:

Thank you very much, Commissioner. I think, Legislator Towle, you have some questions.

LEG. TOWLE:

Mr. Chairman, before I start my questions, I'd defer to any other County Legislators that may have questions, because I know I have a long list of stuff that I'd like to go over.

P.O. TONNA:

Great. Does anybody else have any questions? Okay.

LEG. ALDEN:

I just have a quick --

P.O. TONNA:

Sure, okay. Hold it one second. Legislator Alden.

LEG. ALDEN:

Commissioner, just the very nature of Smith Point Park, even like on a day like a Saturday or a Sunday, when you're going to have a lot of beach-goers, doesn't the same type of bottleneck occur then?

COMM. GALLAGHER:

You have a bottleneck, but it's a bottleneck which is somewhat more staggered than the event that is created by the Fourth of July, where after the fireworks, after the actual fireworks show, it's been our experience that it's then that a vast majority of the thousands of people that are at the event want to leave at the same time. The bottlenecks that are created during the normal summer weekend or summer day traffic, especially weekends, they are -- they are a part of any

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traffic pattern that we face, and they are -- yeah, there can be considerable, but nothing that's in the magnitude of -- we have 4,200 spaces in the parking lot at Smith Point, 4,200 spaces in the parking lot. In past events, not every one of those has been used, because some spaces has been taken up with carnival, space to run a carnival. But just figure 4,000 to run cars. We have last year, the outer beach, which is an area for -- that we allow by permit, you know, four-wheel drives. There were 500 vehicles registered for Fourth of July on the outer beach. There are 200 campsites at Smith Point, each of which has capacity for two cars. So you have 400 -- potential for 400 more vehicle, and they, indeed, in turn, can allow for visitors. I understand each campsite is allowed to have one -- I think one additional vehicle for a visitor. So when you add just last year, you know, using last year's 500 outer beach permits up, it's around 5,000 vehicles. And what happens, the problem is that, as I say, at this particular event, most people want to get out as soon as the event is over, and that's what creates, you know, massive, a massive traffic jam.

LEG. ALDEN:

Does the same thing happen now over at the baseball stadium?

COMM. GALLAGHER:

No, because, again, the other thing is most people want to get out, you have only one way to get out. The baseball, they have --

LEG. ALDEN:

Two.

COMM. GALLAGHER:

At the Duck's Stadium, they have at least two means of egress getting -- you know, they can direct traffic over at least two different arteries.

LEG. ALDEN:

Thanks, Commissioner.

P.O. TONNA:

Legislator Crecca. Legislator Crecca.

LEG. CRECCA:

Yeah. Commissioner, in the past years, when we've -- when the event has been done there, apparently, I mean, they were able to manage or were they not been able to manage? What's been the problem in the past? Because I haven't heard of any, you know, disasters happening. But in the same respect, too, I'd like to hear as on the problems that you've had in the past and how you've handled them.

COMM. GALLAGHER:

Well, in terms of what -- you know, what has happened in the past or what could happen, I think it's one of these things that this is the type of situation, I guess, in police parlance where it never happens until the day it happens, you know, you never have this until the day it happens. Well, we haven't had a medical -- disastrous medical emergency. We've had some medical emergencies, they've been handled. You know, we've been able to -- I think get two people that have been

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-- had a medical emergency during the event. We've had some disturbances. Last year, we had an altercation in a bar somewhere that we needed to get personnel to aid the officers that were there. That was proved to be a difficult situation. But I think what I'm really worried about, Legislator Crecca, is that the thing that never happens happening, some kind of disastrous event, fire, explosion, something, anything that leaves us with a jammed traffic artery that no one can get to, either by vehicular traffic, or even by Medevac Helicopter, because there's no place for the helicopter to land close to where the incident is taking place.

It's a question, really, if you talk to traffic engineers, it's a question of you've left yourself no room for any kind of alternative to what you have, what you -- you know, all you have is a massive line of cars that are not moving. I think it takes -- the last couple of years, it's taken somewhere between three and three-and-a-half hours for the final cars to get through the bridge and out of there.

LEG. CRECCA:

Is there a way to leave a lane, a fire lane open for -- you know, emergency lane for emergency vehicles, or there really isn't a way to do that?

COMM. GALLAGHER:

The problem with that is you only have -- the bridge only has two lanes, and when you're getting people out, part of the problem is

traffic management. They will -- you know, again, in the anxiousness to get out, you have -- very difficult to control the traffic moving in either direction, especially on the egress side, where they're leaving at the end of the event. It would be very difficult to hold a lane open.

P.O. TONNA:

Are you done?

LEG. CRECCA:

Yeah.

P.O. TONNA:

Legislator Towle?

LEG. TOWLE:

Thank you. Commissioner, let's start off with giving some of the Legislator some facts. Last year's event was a four-day event, this year's event is a one-day event. How long were you at last year's event, you personally?

COMM. GALLAGHER:

How long was I? I don't --

LEG. TOWLE:

Yeah. Did you stop in each day? Did you spend five hours there? What did you do?

COMM. GALLAGHER:

It would be difficult for me to remember how long I was at the event.

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I think I stopped in there at one point during the event, but --

LEG. TOWLE:

You did, for less than an hour, because that was the day that I saw you, and I remember that distinctively. The year before, same situation, Commissioner. However, I've been there all four days getting a full perspective, working with your people, working with the EMS volunteers, and working with the Fire Department, and the Parks Department, and the Civic Association, and the community organizations, to make sure that each and every year we improve this event.

So let's talk about some of the things that you said this morning that were inaccurate, such as Legislator Crecca's question. Legislator Crecca's question was why can't we keep a lane open? And the answer is we do keep a lane open, Legislator Crecca. The lane that's going in southbound is kept open, so that should an ambulance have to leave the facility, they would take the -- the normal southbound lane, they would go north. They would go north to Neighborhood Road and then get over to the lane that does go north normally. So, to answer that question, that would be the answer to your question.

As far as the helicopter, Commissioner, I can't even believe that you would bring that up, but let's go there, too. You said there's no place to land the helicopter. Well, first of all, we've landed the helicopter on the outer beach plenty of times. We don't like doing that, but from a safety point of view, if we have to to rescue somebody, we have.

COMM. GALLAGHER:

No. I'd have to correct you, Legislator Towle. I didn't say there's no place to land it, I said in the event of a medical emergency, in the midst of that traffic pattern, we could not land a helicopter at the scene of the emergency.

LEG. TOWLE:

We would land it at Shirley Marina, Commissioner, is where the plan called for the last time. It also called for the center median and the traffic circle at Smith Point Park. It also called for the helipad at the Fire Island National Seashore property, which abuts the Smith Point property. And as a last resort, we talked about the outer beach. We also talked about possibly having one of the helicopters there, and your department recommended against that, because that may have to go to another call, which made a lot of sense. But there were at least three or four locations that were designated to possibly land that helicopter, should we need do that, you know.

I think the other thing that Legislator Alden mentioned, you know, do we have this kind of problem somewhere else, and you emphasized that Smith Point is the only place that has one way in and one way out. Well, let's talk about the Gabreski Air Show, because I went to that, Commissioner. I went to that the year that the planes crashed, and there's only one way in that airport and one way out. I also went to another event, the Brookhaven Balloon Festival.

P.O. TONNA:

Questions, Freddy, questions.

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LEG. TOWLE:

Well, I'm asking him questions. He's made statements that I believe that are just inaccurate.

P.O. TONNA:

Okay. So stay to the questions.

LEG. TOWLE:

Your statement was that there's only one way in, one way out. Gabreski Air Show, Balloon Show as Brookhaven Airport, the same situation. Why are those events not a problem for you? Why have you, as Commissioner, not written a letter about those events? Why have you not been adamant about opposing those events, both of which draw far more crowds than the Fourth of July fireworks at Smith Point?

COMM. GALLAGHER:

Well, may I answer? I think, again --

LEG. TOWLE:

It's his meeting.

P.O. TONNA:

Yes. As a matter fact, that's your responsibility. Because if he's just talking, he has to ask you a question and then you, of course, would like you to answer.

COMM. GALLAGHER:

Just simply that --

LEG. TOWLE:

I'm glad he clarified that for both of us. I'll tell you, I was confused.

P.O. TONNA:

Maybe -- Fred, what is question the question? Just one more time.

COMM. GALLAGHER:

I think the question is how come I didn't complain about other --

P.O. TONNA:

Gabreski.

LEG. TOWLE:

That have one way in and one way out.

COMM. GALLAGHER:

I didn't voice --

P.O. TONNA:

I thought it was, of course, I know Legislator Guldi flies out of there sometimes and it's a health risk for anybody to go there. But,

anyway --

LEG. TOWLE:

That's true. I would concur with that, Legislator Tonna.

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COMM. GALLAGHER:

Actually, you know, I'd have to say, in terms of Gabreski Airport, at least, or the Balloon Show, I believe was -- is Calabro, is that the airport?

LEG. TOWLE:

Yeah, Brookhaven Airport.

COMM. GALLAGHER:

I think both ever those, really, I'd have to differ with you. I think there are more than one means of access into those airports in terms of side roads off the main road that can get you where you can establish a traffic flow. But, really, the overriding issue, the overriding issue for all of those events is people are not concentrated to coming and going from the event in a very concentrated period of time such as they are with the Fourth of July festival. And I have to, again, differ with you about the one way in, one way out. The bridge is a choked artery. At the time at which people are going in and leaving the bridge, the two-lane bridge chokes up and chokes up for several miles on either side of them, at least on the north side. On the south side, it chokes up all along the access road out of the parking lot. So that's what I mean by one lane, or no -- you know, no means of access. It's the bridge traffic that becomes, really, the choke point.

LEG. TOWLE:

No different, I imagine, than the one lane that goes into -- no different than I would imagine the one lane that goes into the one entrance of Brookhaven Airport or, the two lanes that are in front of the Gabreski Airport. But that's okay, Commissioner, we can disagree on that point.

You talked about the debriefing reports. Do you have copies of those for us by any chance?

COMM. GALLAGHER:

I don't have them with me, no.

LEG. TOWLE:

Can we get those today before we vote on this for each year of the event? Because I've never seen them, quite honestly.

COMM. GALLAGHER:

Well, actually it wouldn't be something that you would be --

LEG. TOWLE:

Oh, so it's nothing in writing, then?

COMM. GALLAGHER:

-- be normally talking to you about, anyway, because it's just incident report from the incident commander.

LEG. TOWLE:

Okay.

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COMM. GALLAGHER:

I have -- I know I have one somewhere from '99, I don't know if I have the '98.

LEG. TOWLE:

Well, since the event is at least four years long now, why don't, if you could today before we vote on the resolution, get us copies of those debriefing reports. I'd be curious to see what the incident commander's put down, because I also don't remember seeing Inspector Croke at any of these events. Commissioner, you --

COMM. GALLAGHER:

Well, you know, I'd have to say, Legislator Towle, not being there is not necessarily, you know, a hindering effect in finding out what went on.

LEG. TOWLE:

That's obvious, Commissioner. It hasn't prevented you from being here this morning complaining about this.

COMM. GALLAGHER:

I have relied on people who were there, sir, and I rely on people who have a lot more expertise in traffic engineering that neither you or I do.

P.O. TONNA:

All right. Maybe we should invite Bill Shannon.

P.O. TONNA:

You mean, Commissioner, you're not omnipresent, you're not at every single event, every single place? Because you are on 24 hour time, you know that. Okay.

LEG. TOWLE:

It's interesting, because he doesn't seem to make comments about other events at other locations, Legislator Tonna.

Commissioner, are you aware that there's no carnival this year, so, obviously, there would be additional parking spaces, I would assume, in the lot to accommodate some of that traffic flow?

COMM. GALLAGHER:

I'm aware that there's no carnival. That only raises my concern further, that that adds to the number of cars that are going to be all -- you know, making their way in and out at the same time.

LEG. TOWLE:

Okay. I read in the paper that you were concerned about not only Police, but also Fire and EMS.

COMM. GALLAGHER:

I'm concerned about being able to let them do their jobs, yes.

LEG. TOWLE:

Okay. Despite the fact that they have testified and probably will testify today that they believe they can and have responded to all

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their calls in a timely manner?

COMM. GALLAGHER:

That's -- I defer to their expertise and their ability to respond. I'm only using this from a police safety standpoint, that our job is to get them to the site, and I am concerned about my ability to let them get there to do their job.

LEG. TOWLE:

One of the things you mentioned this morning was the outer beach and the fact that 500 cars could potentially or have been potentially on the outer beach. If that was such a bone of contention as far as you're concerned, you and I both know, I would assume, that we could just have the outer beach closed by the Parks Department for this particular event during time. Why would --

COMM. GALLAGHER:

Well, that I don't --

LEG. TOWLE:

Why would we not recommend that?

COMM. GALLAGHER:

I don't know, sir. I don't know what the Parks Department policy is on permits to the outer beach, whether they can take people who have -- I don't know what kind of permits they issue, seasonal, weekend, weekly, what.

LEG. TOWLE:

Okay.

COMM. GALLAGHER:

So I wouldn't -- I wouldn't know whether or not they could close it for a single day.

LEG. TOWLE:

But I would think, and I would -- curious if you would think that it would be feasible to close the outer beach that day. If that's a problem for you from a traffic safety point of view.

COMM. GALLAGHER:

If it reduced the number of cars, it would be -- it would be an added incentive, yes, if it would reduce the number of cars that were -- or vehicles, I should say, because most of those are four-wheel-drive. They are by definition four-wheel-drive vehicles.

LEG. TOWLE:

Okay.

LEG. FISHER:

If you could suffer just an interruption.

LEG. TOWLE:

More than happy, Legislator Fisher.

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LEG. FISHER:

I had a question about that.

LEG. TOWLE:

Go ahead.

LEG. FISHER:

Haven't the permits already been granted on the outer beach for this --

LEG. TOWLE:

Seasonal, for the seasonal, not for the Fourth of July. I don't think there's any special permits for that, no. But I'm not the Parks Commissioner.

LEG. FISHER:

Okay.

LEG. TOWLE:

So I wouldn't --

LEG. FISHER:

I'll wait.

LEG. TOWLE:

Yeah. My knowledge is we issue outer beach permits, period, and you can go on the outer beach whenever you want. Commissioner -- Legislator Crecca, go right ahead. If it's all right with the Chairman, it's fine with me.

P.O. TONNA:

Let's -- yeah, go ahead.

LEG. CRECCA:

No. It's a question. Has there ever been explored the possibility of, and I'm not that familiar with Smith Point, I've been there, but a long time ago, of parking at some other satellite location and busing in? I mean, has that been explored by either you, Legislator Towle, or by anybody at the County level?

LEG. TOWLE:

Commissioner Gallagher's recommended that, I've recommended it. One of the problems that we've had in the past is that the County buses do not run on that particular day this year, that the Fourth of July falls on a Tuesday. We have looked into that option, but, quite honestly, no concrete plans have been made for this year's event due to the fact that this resolution has been stalled in committee and then stalled here today, and there's been some controversy as far as --

LEG. CRECCA:

I meant special shuttle buses, or whatever, not even the regular County bus route. I mean, you know, we got a couple of school buses to run back and fourth. I'm just looking for a possible solution to this problem, that's the only reason why I suggested it.

LEG. TOWLE:

It's a viable solution, one that I would support, and I think so would

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the organization that's sponsoring this. I know they're here today and going to speak.

P.O. TONNA:

Okay. Do you want to yield to Legislator Binder, who has a question?

LEG. TOWLE:

I'd be happy to, if it's all right with you, yeah.

P.O. TONNA:

Okay. Legislator Binder, you have a question.

LEG. BINDER:

How long during the event is the area choked -- we call it choked off on the bridge. Is it choked off for an hour, five hours? Is it the whole time?

COMM. GALLAGHER:

Well, actually, during the -- it's the post event, immediate, after the display ends. It's usually -- I think we've taken -- it's been wall to wall traffic, you know, up to and across the bridge and up William Floyd Parkway to the point where it takes approximately three-and-a-half hours to empty the parking lot.

LEG. BINDER:

So what do they do after, let's say, a Jones Beach concert? What do they do after the fireworks and stuff down at Jones Beach? I know there are bridges, choke points, same kind of idea. In fact, those bridges are particularly long, and I, unfortunately, have been caught in multiple, multiple hours of traffic. And, by the way, that's only an event. Let's talk about a beach day, you're 9 o'clock in the

morning, 8 o'clock in the morning, you're on your way to Jones Beach and you're going over the Fire Island Bridge, or whatever, Robert Moses Causeway Bridge, and I can tell you, I'm backed up for hours. I mean, and there's -- you're talking about choke points. What if there's an accident or something happens right in the middle of the bridge then? What are we doing about -- because now I'm hearing that we have a major problem here and I'm getting concerned about all these other problems that we're not obviously addressing.

COMM. GALLAGHER:

Well, in the question of Jones Beach, it's really -- I think you'd have to be talking to the New York State Parks Department or to Nassau County. You know, I think most of the jurisdiction falls under their jurisdiction, State Park Police, State Police or Nassau County, so --

LEG. BINDER:

Obviously, for years, they haven't -- they felt like they can deal with whatever the problem. Let's talk then about --

LEG. TOWLE:

Bald Hill, Brookhaven Airport.

LEG. BINDER:

-- what happens on a beach day. It's ninety degrees outside, everybody's heading out. I've been there trying to get across the

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Robert Moses Bridge, and I'm talking hours, and parking fields are full. And, by the way, this could be not just for an event, one quick event, and maybe a couple of hours of backed up traffic and it's over and the parking lot's empty, this could be literally most of a day when people are going in, and then most of a day when people are going out. This is Suffolk County. Do we have a major problem here and do we have to do something about the Robert Moses Bridge, because it's a major choke point? And, I don't know, maybe we have to shut the beaches down.

LEG. TOWLE:

It's a thought.

MS. IOANIDIS:

Shut Mastic Beach down.

LEG. BINDER:

Well, I don't know, it sounds the same to me. I don't know.

COMM. GALLAGHER:

The only thing I could tell you, Legislator Binder, is that those areas are areas that always experience traffic delays, as does Smith Point. But I think they are unique to -- what is unique to this event is the event itself. At the time of the end of the display, you have literally, it could be many as 5,000 cars at one time trying to make their way across this narrow bridge and up through William Floyd Parkway..

LEG. BINDER:

Well, do we have a-- do we have a count? At the end of a day, beach day, sun's going down, parking lots are pretty much filled, and everyone seems to leave about -- I mean, I've been in the middle of this, unfortunately. I would guess it's probably 5,000 people trying-- or cars trying to leave multiple fields, by the way. This is not just one field, this is multiple fields all coming into one bridge. What do we do?

COMM. GALLAGHER:

I think what you're -- well, what you're asking is --

LEG. BINDER:

What have we done?

COMM. GALLAGHER:

What you're asking is difference of degree and kind in both the nature of the event, people there for a day at the beach versus a day just a half hour of fireworks. And whether it's -- I don't know if it's an attitudinal thing or what, but it's a different event, I think, in terms of how they respond to leaving. They sit -- I think you just said yourself, you sat for hours in traffic. At the Smith Point event, there's generally an attempt to get out all at once by everybody at once.

LEG. BINDER:

So what do they do? I mean, they're not driving off the bridge. So, I mean, they're basically in line, waiting to hours in traffic. I know

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they'd like to get out, but I think they understand that.

COMM. GALLAGHER:

Some people have gone beyond just basically waiting in line, there's been some dangerous conditions, in my opinion, some dangerous conditions that are created.

LEG. BINDER:

What was that?

COMM. GALLAGHER:

People not paying any heed to traffic, lanes of traffic, or traffic directions from officers and just trying to -- just cutting each other off and trying to, you know, make their way ahead of somebody else using nonlane access points.

LEG. BINDER:

I got to tell, anyone that goes to the beach knows that there are people who are impatient. They get on the grass, they get on the shoulder lane, that try to get around you. Everybody gets mad. I mean, anyone here knows that you get all PO'd, no disrespect to the Presiding Officer, you get all PO'd when somebody runs down the shoulder lane, when you've waited half an hour, two hours whatever it is, and then they try to get in and you're like, "Uh-uh, I'm not letting them in. I'm moving up, because this guy's not getting in front of me. He didn't have to wait like I did." And it happens all the time. And people are -- any time you have a traffic situation, now maybe there's more --

P.O. TONNA:

Questions, questions, questions. We have a long day. Questions, questions.

LEG. BINDER:

It is a question. Why are we not-- I mean, why are we not concerned about all similar situations? Maybe there's a degree difference. But why are we -- why have we decided now, at this event, when we have major times, and I think Legislator Towle brought up a couple of other events as Bald Hill, there is Gabreski and maybe there -- maybe there's another entrance, I don't think there is, but everybody at an event, any event, wants to leave at once, and what happens is everyone wants to get on one road with limited access for the number of people, it

always happen, we find a way to get around that at events. We've decided now, all of a sudden, at this event, it's all of a sudden not acceptable. And, I don't know, it seems to me that we've picked one out when we have major problems just like this all over the Island, maybe on a regular basis and we're not -- and if it really is a problem, that we're not dealing with it other places.

(Applause)

P.O. TONNA:

I'd just ask Legislator Binder and everyone else -- that's great, thank you very much for your applause. I would ask that you ask questions; okay?

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LEG. BINDER:

I just said, and why are we not dealing with it as we are? Because I have to be worried that we're not dealing appropriately, not just by degree, then we're not -- if you're telling me that I should be scared about this, we should be worried about safety here, I have to tell you that I am concerned we have to put some kind of police management plan at the beaches and other --

P.O. TONNA:

Where's the question? Where's the question? State the question.

LEG. BINDER:

I did state the question and --

P.O. TONNA:

Then let him answer.

LEG. BINDER:

I'm just expanding it.

P.O. TONNA:

Then let him answer.

LEG. BINDER:

I'm expanding it. Why -- do we have something to be concerned about? Why are we not doing it everywhere?

P.O. TONNA:

Fine. There's the question.

COMM. GALLAGHER:

Well, because --

P.O. TONNA:

Try as best you can to answer the questions as quickly as he asks them; okay?

COMM. GALLAGHER:

If I understand --

LEG. TOWLE:

Well, forget it, we'll be here until midnight.

COMM. GALLAGHER:

If I understand you, Legislator Binder, I think the event itself, as I had said before, it's a difference in degree, in kind, not just in the event to event, that why -- we look at traffic patterns in every event, we try to establish traffic patterns. I have said in both -- all three years that I've had comments on this event, that my recommendation is we change the venue. I'm not saying the events --

LEG. TOWLE:

To where?

COMM. GALLAGHER:

-- should be -- well, that's not my place to tell you where to change
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it. I'm asking those who organize the event and who have been on notice this year since at least April that we try to -- either try to find some other way or do something other than the way we do it. And that's all I've been asking, Legislator Binder, is that the event itself is poorly located, that the venue is not a proper venue. I can't help a beach being a beach. That's where people go when they want to swim. But I can at least recommend that if you're going to have something that has the ability to be held in any other place

P.O. TONNA:

At any other time.

COMM. GALLAGHER:

-- in any number of other places --

LEG. TOWLE:

Hey, hey, questions.

COMM. GALLAGHER:

-- then use the other places. That's all I'm recommending. Don't create this kind of crisis situation for us every year on this particular day. So, really, I think your analogy limps in that people going to a beach, that's not an event, that's people spending time at a public location that is available to them, a recreational area.

Deciding to stage a specific type of extravaganza at a place that's inappropriate, in my opinion, is what I'm asking you to reconsider.

LEG. BINDER:

Would you support legislation that asks us to study all of the events, Bald Hill, Gabreski, to give us a very good overall, give us traffic numbers and show us all of them? Because I have to tell, it's not just the beach day where now I'm concerned, but now I'm thinking --

COMM. GALLAGHER:

Well, I don't know why you'd be concerned about Bald Hill when there's nothing going to happen at Bald Hill that I know of.

LEG. TOWLE:

The amphitheater has events every weekend, Commissioner.

COMM. GALLAGHER:

And we never have the traffic pattern problems that we have at Smith Point. You're trying to make analogies --

LEG. TOWLE:

You're right. Somebody died there going to a concert, that's correct, Commissioner.

COMM. GALLAGHER:

You're trying to make analogies that just aren't correct.

P.O. TONNA:

Can we just stay --

LEG. TOWLE:

Somebody died there.

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P.O. TONNA:

Can we stay to -- just stay on the record. If you have a question, you ask, and then an answer. We don't need the Peanut Gallery. Go ahead, Legislator Caracciolo.

LEG. CARACCIOLO:

Thank you. Earlier I heard the Presiding Officer make reference to

Legislators that weren't in the auditorium. I'd like to just state for the record that while I was not here physically, I was in a room where I could hear the proceedings and I did hear the Commissioner's full remarks.

P.O. TONNA:

And we knew you were here in spirit also, Legislator Caracciolo.

LEG. CARACCIOLO:

Commissioner, in terms of this event, could you just recap the number of years it's been held at this venue? I heard you mention there were 4,200 parking spaces. How -- what are the number of spectators that attend this event, over what period of time?

COMM. GALLAGHER:

Well, in the past, I think the event has -- Legislator Towle would know better than I. About five years or six years it's been held. You know, in the past, the estimates have been, both from Legislator Towle and from I don't know who else, but I know Legislator Towle has stressed that in the events, the totality of the weekend, as many as 60,000 people attend. I don't know on the specific Fourth of July day how many thousands of people could be counted as attending, but it runs into the tens of thousands that attend that particular day, that fireworks display.

LEG. CARACCIOLO:

Well, let's go back to the first event, because I know, at that time, there were Legislators, including myself, had concerns about the revenues this event generates and the method of collection. What can you tell me about that? Whose responsibility? Are there revenues collected? Are there fees charged?

COMM. GALLAGHER:

I really couldn't address that at all, sir. I don't, you know, know. I have no idea what the arrangements are.

LEG. CARACCIOLO:

Do we have anyone here from the Parks Department?

LEG. TOWLE:

If you would suffer an interruption.

LEG. CARACCIOLO:

Okay.

LEG. TOWLE:

I don't think there is anybody here from the Parks Department. But as far as the revenues collected, the only fees that are collected,

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Legislator Caracciolo, is the \$5 parking fee that's collected by the Parks employees. That money remains within the possession of the County and it is the County's revenue. It will probably generate somewhere of about \$20,000 extra in revenue that day because of the Fourth of July event. There is no other fees that are charged. The Civic Association, which is represented here today by its President, the Bay Area Civic that sponsors the program, also sponsors the Youth Program at the site. They have sponsors of the event. Ball park figure, they've probably raised somewhere between eight and \$10,000. That has not been accepted at this point, because, obviously, the event has not been approved, but they would raise about eight to \$10,000 in sponsorship fee. That money goes right back into the Youth Program, i.e., entertainment, i.e., food, i.e., whatever's put for the 10,000

kids to take part in the 40-night youth program at Smith Point. That is no different than the youth program at Legislator Levy's district, or he one in Patchogue in Legislator Foley's district, or anybody else for that matter.

LEG. CARACCIOLO:

Okay.

COMM. GALLAGHER:

Mr. Chairman, if I might to answer --

P.O. TONNA:

Yeah.

COMM. GALLAGHER:

-- your question, Mr. Caracciolo.

P.O. TONNA:

Yes. And, remember, this is a forum where we ask the Commissioner questions, because he's the speaker, and back and forth..

LEG. CARACCIOLO:

Well, he didn't have the answer and the sponsor did, so I thought that was appropriate.

COMM. GALLAGHER:

I just wanted to -- Mr. Towle has, I think, given us at least a partial answer to your first question about numbers in that he said that the \$5 parking fee generated \$20,000 in additional revenue last year.

LEG. CARACCIOLO:

Well, I was going to get to that.

COMM. GALLAGHER:

-- on Fourth of July. That means there are 5,000 extra cars than the normal Fourth of July revenue generated at the beach. I mean that's an indication of the magnitude of the crowd.

LEG. CARACCIOLO:

Well, my question is, in terms of the fiscal plan there at the limitation on parking, if we only have 42,000 spaces, how could we could fit in 5,000 cars? Are there cars parking on the outer beach?

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COMM. GALLAGHER:

I'm sorry, it's 4,000. There are--

LEG. CARACCIOLO:

Are there vehicles on the outer beach? How do they --

COMM. GALLAGHER:

Yes, they allow for permit parking on the outer beach. I don't know.

There's no set number, I understand, on the outer beach. It's not preset by number, it's by, you know, availability. Last year I was told there were 500 permits that were in use.

LEG. CARACCIOLO:

In the aggregate, do you or the sponsor have a figure as to what this event generates in terms of revenue for the County?

LEG. TOWLE:

Yeah, I do, Legislator Caracciolo. I just want to correct one point.

The reason we generated an additional \$20,000 in revenue, before I answer your question, is that, normally, we stop collecting fees at 5 o'clock at Smith Point.

LEG. CARACCIOLO:

And then after that, the event is free?

LEG. TOWLE:

No. Normally, you would go to the park for free at that point. However, since we are charging -- since we have an event there at 9 o'clock, the fireworks show, from 5 o'clock to 9 o'clock, that window of four hours, we continue to charge \$5. So during those four hours, the 4,000 cars fill up the parking spaces that are in the park, that we built the park for 4,200 cars, we didn't build it for the Fourth of July fireworks, there's 4,200 cars that potentially could go there this Saturday, if it's a beautiful day, like any other day that that park is mobbed. If you don't get there by 11 o'clock, you're not getting on Smith Point, all right, because I live two miles from the park. All right? And as far as revenues for the County, as I said, last year, we generated about \$20,000 in revenue to help offset our costs for whatever that may be, for Park Police, Police, whatever. And there, obviously, is a cost to the County, no different than there was a cost to the County when we did the Gabreski Air Show --

P.O. TONNA:

Guys, guys.

LEG. TOWLE:

-- or anything else.

P.O. TONNA:

We have a lot of cards.

LEG. CARACCIOLO:

Well, if --

P.O. TONNA:

If he doesn't know the answer, let's -- we're going to debate this bill

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anyway.

LEG. CARACCIOLO:

The purpose of this session, Mr. Chairman, is Q and A.

P.O. TONNA:

Right. Okay.

LEG. CARACCIOLO:

And that's what I'm doing, I'm asking questions.

P.O. TONNA:

All right. But we should be asking the speaker. Fred Towle has every bit of information. If he doesn't have the answer, he's going to have the answer. If he has the answer, he's going to have the answer. You know that, I know that. Just, whatever he --

LEG. TOWLE:

Insulting Legislators now?

P.O. TONNA:

If he doesn't know, let somebody else get back to us.

LEG. TOWLE:

We've stooped to all new levels, I'll tell you.

P.O. TONNA:

You know, and let Fred fill us in, you know, when we're debating the bill.

LEG. CARACCIOLO:

All right. The question of spectators --

LEG. TOWLE:

Before we should have had debate for the bill?

LEG. CARACCIOLO:

-- and the number of spectators this event generates for the fireworks

show, do we have an estimate?

COMM. GALLAGHER:

We have an estimate of about 20,000 at one -- one year. It varies from year to year.

LEG. CARACCIOLO:

I heard 60,000 earlier.

COMM. GALLAGHER:

Well, 60,000 for the four-day event that took place I think in '99, was the -- the estimate was 60.

LEG. CARACCIOLO:

So, this is event -- this is an event, the fireworks show, that attracts 20,000 spectators.

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LEG. TOWLE:

You're asking me the question?

LEG. CARACCIOLO:

Yeah.

LEG. TOWLE:

Okay. In the park, we'll have about 16 to 20,000 people actually in the park because of the number of parking spaces, four people per car, approximately 4,000 cars, 16,000 people; obviously, the campers, the outer beach, and then some walkovers. And then there's probably about 2,000 boats that are out over the bridge area and along the bay area watching the fireworks. And when I say 2,000, I am not exaggerating.

LEG. CARACCIOLO:

Okay. This is a County facility and it generates, I would assume --

LEG. TOWLE:

It's the largest --

LEG. CARACCIOLO:

-- spectators from different parts of the County, perhaps out of the County?

LEG. TOWLE:

Yes.

LEG. CARACCIOLO:

Do we have any demographic material that demonstrates where the spectators come from?

LEG. TOWLE:

I haven't seen it.

LEG. CARACCIOLO:

Because some may argue that this is primarily a show that benefits the local community and not the broader community, which raises the issue of the County sponsoring this event indirectly through its resources. Commissioner, how many Police personnel and Parks Police or Parks personnel are deployed for this event?

COMM. GALLAGHER:

Well, I don't have an exact number on either, but I know that in the case of the Suffolk County Police, upwards of 45 to 55 officers are deployed for the event.

LEG. CARACCIOLO:

Are any of those officers on overtime?

COMM. GALLAGHER:

Yes. It's a holiday, it's the Fourth of July, so some of them --

LEG. CARACCIOLO:

And what are the costs associated with the overtime for this event?

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COMM. GALLAGHER:

I -- the only thing I could give you was, one, I think it was last year, we did an estimate of \$40,000 for the Fourth of July.

LEG. CARACCIOLO:

That was police overtime expense.

COMM. GALLAGHER:

Yes. But, you know, with the caveat that some of that overtime would have been incurred anyway, you know, because of the holiday pay.

LEG. CARACCIOLO:

That's fair. That's fair. In terms of the egress issue, I'm a little bit confused as to why, after three or four years, it has reached this point where we have determined, or you have made the determination, rather, that it is unsafe to continue this venue for this purpose.

COMM. GALLAGHER:

Well, actually, I've said this since '98, that I think -- I didn't think it was a good place to have this, you know, I didn't think the venue was correct, and I thought that back in '98, and, you know, this is the third year I've been, in effect, saying it.

LEG. CARACCIOLO:

So you're saying you have been consistent?

COMM. GALLAGHER:

Well, I've been pointing out the, I think, inappropriateness of the location, you know, for three years now.

LEG. CARACCIOLO:

Okay. I and I would hope others would agree with a recommendation you made earlier, and that is that while this event may or may not happen,, and that remains to be seen this year, there is no reason why, and I've even had this frank conversation with the sponsor that it may not happen this year. If that is the case, then I would hope good people would put their minds together and work to find a venue next year --

COMM. GALLAGHER:

Absolutely.

LEG. CARACCIOLO:

-- at other County-owned property. I mean, we have over 30,000 acres, 35,000 acres of parkland in this County. We have a wonderful resource at Gabreski, which has more than one access and egress to it, so I take issue. And I heard the comments earlier by the sponsor when I was out of the room that there is only one way in and out of that facility.

That's simply not the case. Maybe for the event they had designated one, but there are many access points to and from. That is a very large facility, and I did attend the show that year. I wasn't there the day the tragedy took place, but there's many ways to get in and out of there, or evacuate the site, if that were to become necessary. I'm not familiar with Bald Hill. I heard the ball park being mentioned earlier. I think you're talking about a crowd of 6,000 at maximum at the ball park. So there are no parallels, as far as I can see, when you talk about the ball park and this event. I think we should all

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look to the future, organize a group of individuals, volunteers, and move forward for next year to make this a larger, better, and more productive event for everybody. Thank you.

P.O. TONNA:

Okay. Fred, do you have more questions?

LEG. TOWLE:

I think Legislator Cooper wanted to interrupt me as well. I think I've been interrupted six times now.

P.O. TONNA:

Well, I think you've wanted to do that, right?

LEG. TOWLE:

Yeah, it's fine.

P.O. TONNA:

That's the flow you want, right?

LEG. TOWLE:

That's fine.

P.O. TONNA:

Okay.

LEG. TOWLE:

I have no problem with it.

P.O. TONNA:

Legislator Cooper.

LEG. COOPER:

Commissioner, my normal inclination would be to defer to the traffic control experts in the Police Department. I'm a little concerned by some of the counter-arguments that were made today. But I was just wondering, as an alternative to cancelling the fireworks show, if that's really an option, from the point of view of the Police Department, if there's some acceptable compromise, perhaps to limit the number of parking permits issued to some level that you would consider safe? And if so, what would that safe level be?

COMM. GALLAGHER:

Well, in terms of limiting, I don't -- you don't -- you know, you don't get a permit to park in the parking lot, you just pull in and pay a fee to park.

LEG. COOPER:

But can't they just stop granting permission after a certain number of people pull up?

COMM. GALLAGHER:

You could -- you could try.

LEG. TOWLE:

We did.

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COMM. GALLAGHER:

I think it would take a certain amount of planning at this point to try to work out a traffic plan that would allow for, at a certain point, cutting off the cars. I don't know what kind of -- you know, that creates other kinds of problems along William Floyd. But, I think, actually, the whole issue, I think Legislator Caracciolo is perhaps most prescient in his remarks, that this is something that has to be planned for with a lot more lead time than we have at this point to plan for it. You know, in April, I asked him -- I asked for some planning and the committee, or whatever the organizing group was, I don't know what happened, but, you know, it did not -- they never got any response about planning for alternatives or alternate types of control, traffic control, traffic patterns.

I think there are several agencies that have to be -- you know, we haven't even addressed. I know from past experience, you have, I think, the Coast Guard is one of the agencies, and the National Seashore, Fire Island National Seashore, National Park Service has to be included in the planning. So I think we're reaching a very -- I think we're almost at the point of no return, as far as this year goes. But I would welcome that kind of planning for an event next year, if it -- again, I can't -- I can't back -- I can't see any other position to take, but that I think it's an unsafe condition to put it where it is. But if you continue to put it there, at least let's plan to mitigate the circumstances.

LEG. COOPER:

Thank you.

P.O. TONNA:

Thank you very much. Fred, I --

LEG. TOWLE:

Mr. Chairman. Commissioner, who actually handles, you know, for Legislative clarification, who actually handles the traffic plan for this event; is it your department or who else?

COMM. GALLAGHER:

It's a combination of the Police Department and the Traffic Safety Division of the Public Works Department.

LEG. TOWLE:

Right, which was Bill Shannon last year and has been in the past years, to answer Legislator Cooper's question. In the past, Commissioner, what was the plan regarding once the parking lot got full?

COMM. GALLAGHER:

To stop people going in there.

LEG. TOWLE:

And to do what with them?

COMM. GALLAGHER:

To do what with them?

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LEG. TOWLE:

Yeah.

COMM. GALLAGHER:

I think the only thing I can recall is to turn them around.

LEG. TOWLE:

Exactly, which is the question that Legislator Cooper asked. There were numerous turnaround points. And, obviously, the Department of Public Works and the Police were in contact, I would assume, by radio along William Floyd Parkway, and once the park reached its capacity, the park was closed down and did not accept anymore cars; is that accurate?

COMM. GALLAGHER:

We closed down access to the park, yes, that's accurate. Where the cars all went, I can't actually attest that they all left, because --

LEG. TOWLE:

Well, they clearly didn't get into the park once we reached capacity in the park.

COMM. GALLAGHER:

No, but there was a lot of congestion along the side roads off of William Floyd Parkway.

LEG. TOWLE:

Agreed. Let me ask one other question, Commissioner. We keep on going back to the fact that the park has 4,200 parking spaces. If this Saturday is --

COMM. GALLAGHER:

Well, no, you keep on going back to that.

LEG. TOWLE:

Yeah.

COMM. GALLAGHER:

I just mentioned it once.

LEG. TOWLE:

Yeah, that's the number, that's the number that's there. You know, we built a park with 4,200 hundred parking spaces and we wonder why it's difficult for traffic. Okay, makes a lot of sense. My question is, this Saturday, how many police officers will you have at Smith Point and to help control traffic along William Floyd Parkway?

COMM. GALLAGHER:

I don't know that I'll have any specifically assigned to Smith Point.

It's a -- first of all, it's a County park, so Suffolk County Park

Police have prime jurisdiction over the area.

LEG. TOWLE:

Correct. How many police officers will be on William Floyd Parkway to help control traffic?

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COMM. GALLAGHER:

No more than the normal number of officers --

LEG. TOWLE:

None.

COMM. GALLAGHER:

-- that are doing patrol work on William Floyd Parkway.

LEG. TOWLE:

Zero, none.

COMM. GALLAGHER:

We don't have traffic fixed post, sir. We don't have a fixed traffic post on William Floyd Parkway.

LEG. TOWLE:

So, literally, we could have 4,200 cars in Smith Point, 12,000 people.

COMM. GALLAGHER:

Yeah, but neither do we have 4,200 cars leaving at the same time.

LEG. TOWLE:

Well, I don't know, then it could rain. Everybody could decide to leave the beach at the same time. Then what are we going to do? Are you going to dispatch police officers on overtime to help control traffic on William Floyd Parkway on Saturday?

COMM. GALLAGHER:

I would dispatch police officers anywhere where there's a safety condition that requires their presence, yes.

LEG. TOWLE:

The bottom line, Commissioner, is I would assume that we're not prepared any other time for any large crowds at Smith Point unless we know about it. I mean, it could be a nice day on Saturday, we could have three, 4,000 cars. We're not going to have any extra police to help deal with the traffic for the people that live in

Mastic/Shirley/Mastic?

COMM. GALLAGHER:

I don't -- I don't understand your question.

LEG. TOWLE:

The question is are we preparing or have we prepared ourselves for large traffic jams along William Floyd Parkway at Smith Point Park? Because we have a park with 4,000 spaces and could literally have 16,000 people at the park at any one time, whether it's the Fourth of July event or not. And I'm curious, are you -- now that you're very concerned about this, which is very admirable, are we going to be concerned about that all year long, so that we can deal with the traffic situations for the community?

COMM. GALLAGHER:

No.

00033

LEG. TOWLE:

Because I get complaints all the time.

COMM. GALLAGHER:

No, I'm not going to be concerned about it the way I am about --

LEG. TOWLE:

So why are we not concerned about that and we're only concerned about this?

COMM. GALLAGHER:

Because it's a single event that results in a massive traffic exodus all at the same time.

LEG. TOWLE:

Okay. Well, I'll make it a point to keep an eye on that, Commissioner, and alert you to the fact that it's like that every weekend at Smith Point.

COMM. GALLAGHER:

I know. I acknowledged earlier that there are -- any given day, any given summers day, there are traffic problems at Smith Point. That's why it only is --

LEG. TOWLE:

But we don't do anything about it, Commissioner. You don't come down here and say that, you know, we should limit the number of parking spaces at Smith Point, you don't say that you need more overtime, you don't say that you need more police, you don't say that we're going to do anything to fix that problem. The only thing you should say is we shouldn't do an organized event with over a hundred law enforcement officers between Parks and the Police Department at the event. You know, I think by cancelling this event, Commissioner --

P.O. TONNA:

Questions.

LEG. TOWLE:

And this will be a question.

P.O. TONNA:

Questions.

LEG. TOWLE:

This will be a question. By cancelling this event, I'm concerned, and I'm curious of your thought. What do you think everybody's going to now do, Commissioner, since there is no organized fireworks show in Suffolk County, what do you think may or may not happen?

COMM. GALLAGHER:

I have no idea.

P.O. TONNA:

Thank you, Commissioner.

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LEG. TOWLE:

Okay. Kind of figured, Commissioner.

P.O. TONNA:

All right. Legislator Caracciolo. And then I am telling you, unless somebody has an important question, we're going to get on with the next speaker and the next speaker, and the other 70 speakers that we have today. Legislator Caracciolo?

LEG. CARACCIOLO:

Thank you. I'm just waiting for some information. But, in the meantime, did I just hear in the exchange the Commissioner make comments, in response to Legislator Towle's question, that there are occasions during the course of this three-day event where people attempting to get to this event are turned away because of limited parking capacity?

COMM. GALLAGHER:

In the actual July Fourth Day, yes. We had a traffic plan that when the count on the number of cars that were into the parking lot area was estimated to have reached capacity, we asked cars to -- we stopped the traffic and told people to turn around.

LEG. CARACCIOLO:

Through the good offices of Legislator Guldi and his Legislative Aide, I just requested some information regarding the Air Show at Gabreski and been advised that on the first day of that show, there were 18,000 spectators. So it would seem to me that in terms of other venues and looking forward, there are other locations that would permit not only the residents in the Mastic/Shirley community that frequent the present show, but many other County residents attending a show similar to that one. I'm not familiar with the organizers, Legislator Towle, but I would encourage you and others to work together for a bigger and better show at a larger venue and a safer venue next year. Thank you, Mr. Chairman.

P.O. TONNA:

Thank you very much. Okay. Thank you very much, Commissioner, for coming. And since you're on 24-hour call, you know, I'm sure we'll say hello whenever.

COMM. GALLAGHER:

Okay.

P.O. TONNA:

Okay.

COMM. GALLAGHER:

Thank you.

P.O. TONNA:

Okay. David -- David Fishler, Commissioner of FRES.

COMM. FISHLER:

Thank you. It's interesting some of the discussions that were heard this morning, and I really emphasize is the one issue that concerns me

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is that in the past, we've had months and numerous meetings in the

planning of this event. This year, we have not. We have a saying within the Fire -- EMS, emergency management area, that failing to plan means planning to fail, and this event, we would only have three days left to do any adequate planning.

A comment was made before and we've worked with the agencies that have been involved. The Fire Department, Mastic Beach Fire Department, Mastic Beach Ambulance have been excellent partners working with us in their operations. And two years ago, when we had an issue, it was addressed last year and they have worked closely and they work hard to do the proper thing, and I know that was a concern of Legislator Towle's. It was a concern of ours, that it's more than just the Fire Department and EMS who have done a fine job, it's the whole event of bringing people together for one specific event and the planning issue.

We had last year, looking back at records, we had four meetings over a period of two months preceding this. In addition, it was eluded to that there's a permit process that's required and a bunch of permits. To the best of my information, as of yesterday, many permits, if not all of them, have not been applied for. The New York State Department of Health requires a mass gathering permit, that is the agent for the New York State Department of Health; with that permit is the Suffolk County Department of Health Services. The sponsoring agency needs to apply for that permit, according to their regulations, 30 days prior to the actual advertisement of the event. Does the permit get issued with less than 30 days? Yes, it does. But that permit process has not even begun. We know there is a permit process, which Commissioner Gallagher eluded to, that requires the Coast Guard, because of the navigable waterways, that they have -- authorize this event. To the best of my knowledge of last week, that has not occurred in terms of them giving any type of information.

Within our own office, we are under New York State Penal Law. The issuing permit agency for fireworks on County park property is the Parks Commissioner. My office works with the Parks Commissioner in looking at the safety of the fireworks, distances that are required by law and by Fire Code, to see that it's safe for the people. We have seen the tragedies, not necessarily in Suffolk County, but we have seen the tragedies throughout the country where fireworks, organized fireworks displays go awry, and that's even with some of the codes being met. So we need to assure that safety.

And, finally, what's interesting to note, last week, I attended a meeting in Ocean Beach with various Fire Island agencies, and at that meeting, and I think it was emphasized again this past week in Newsday's article concerning closing a {democratic} point at Robert Moses because of the piping plover. The piping plover is an endangered species under the Endangered Species Act, the United States Endangered Species Act. There are more piping plover nests today, as it was reported to us, than there has ever existed before, which is good. And I think the number that was used is 575 birds have to be counted before it comes off the endangered species, and I think that's -- you know, and we are getting more and more birds each year. The law reads under -- and that's supervised. The Endangered Species Act is enforced by

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the U.S. Fish and Wildlife Services. The law reads that within

three-quarters of a mile of a piping plover nest, that if there's any disturbance and there are eggs in a nest, and this gets a little complicated, but if there are eggs in the nest and there's any disturbances that causes the birds to flee and not to come back to that nest, that is considered a take, and that is a criminal felony under U.S. Code. In addition, if there is -- and this really gets to -- you know, interesting. In addition, if there are piping plovers, but no eggs in the nest, but observation of the plovers indicate that they are going through a courtship period, that is -- that's considered harassment and -- I told you it was going to be interesting.

LEG. TOWLE:

Dave, did you get a degree in piping plovers?

COMM. FISHLER:

It's something we deal with --

LEG. FOLEY:

It's related to this.

COMM. FISHLER:

Pardon me?

LEG. FOLEY:

It's related to -- related to the discussion at hand.

COMM. FISHLER:

Well, we --

LEG. FISHER:

Let him finish.

COMM. FISHLER:

As I said, through the courting period, any disturbance of that courtship would -- is considered harassment, another criminal act under the U.S. Code. What I'm saying is that we have the Fire Island National Seashore adjacent to our property.

In addition, it is our belief, from the report, and I don't have the information to back it up, we would need to seek that information from the U.S. Fish and Wildlife Service, that piping plover nests exist more also within our County property limits. So I think that's an additional factor that we need to put in here.

But going back to what we started, we don't have an adequate planning process in place. Years before, Legislator Towle was active and continued through that process, conducting many meetings, this year, we have not. I don't want to be caught short rushing around. We're going into a long weekend. Let's face it, Friday is it. A lot of people are gone Saturday, Sunday and Monday --

D.P.O. LEVY:

Dave, we have a couple --

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COMM. FISHLER:

-- and people that we may need to work with.

D.P.O. LEVY:

We have a couple of people who want to ask some questions and --

COMM. FISHLER:

About piping plovers?

D.P.O. LEVY:

Yes, believe it or not. Legislator Fields.

LEG. FIELDS:

I'm on the National Audubon Society Board of Directors and there are --

I've done some research, because I asked Legislator Towle this question at the committee meeting, and I have since found out that there are two piping plover nests a quarter of a mile from the Smith's Point campground on the outer beach, and they are an endangered species. And if fireworks are performed that particular evening, that would be a known cause of disturbing their nesting patterns and that would disrupt the nest.

COMM. FISHLER:

Any further questions? I have nothing else.

D.P.O. LEVY:

Legislator Towle, to be followed by Legislator Fisher.

LEG. TOWLE:

Thank you, Mr. Chairman, I appreciate it. Dave.

COMM. FISHLER:

Oh, I'm sorry.

LEG. TOWLE:

Dave, you're not getting away that fast. I want to talk to you about your expertise, because I think that's what we should talk to you about. And if Legislator Fields has questions about piping plovers, I asked the Parks Commissioner to give her a call. That's his level of expertise. So let's stick to yours for a second. What do we do when we have over 5,000 people at a site like Smith Point? What do we require as far as medical requirements are concerned?

COMM. FISHLER:

We don't require anything. New York State --

LEG. TOWLE:

We don't require a doctor on site?

COMM. FISHLER:

The New York State Department of Health requires at any mass gathering, is the definition, and that's submitted by Suffolk County Health Department for Suffolk County, that there's certain medical requirements, emergency medical service requirements. The Parks Department --

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LEG. TOWLE:

One of which is having a doctor at the site.

COMM. FISHLER:

At a certain number, and I'm not sure what that number is. It's just that, that I know the permit process --

LEG. TOWLE:

Right.

COMM. FISHLER:

-- has not been applied for. I'm not the expert within the Health Department regulations, so I don't know what that number is, requires a physician to be on site, or just EMS, and how many ambulances.

LEG. TOWLE:

And every year, we've had a doctor on site at Smith Point.

COMM. FISHLER:

Yes.

LEG. TOWLE:

Okay. So that's number one. So let's let the Legislators know that.

For those that have not been down there, every years there is a doctor actually at site at Smith Point. How many EMS volunteers do we have at

Smith Point --

COMM. FISHLER:

Volunteers, I --

LEG. TOWLE:

During the day of the Fourth of July event.

COMM. FISHLER:

The Mastic Beach -- as I said, Mastic Beach Ambulance has adequately supplied their personnel on the beach, with mutual aid assistance on the mainland.

LEG. TOWLE:

Well, let's give the Legislators a number, that's your expertise.

COMM. FISHLER:

I have no number.

LEG. TOWLE:

So you have no clue how many EMS volunteers we have. You're the Commissioner of Fire Rescue and Emergency Services, you've come down here to express concern about an event, and you don't even know how many volunteers we have on site.

COMM. FISHLER:

I did not.

LEG. TOWLE:

But you're talking about piping plovers.

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COMM. FISHLER:

I did not express --

LEG. TOWLE:

Okay.

COMM. FISHLER:

I did not express concern, concern of the fire and EMS operations. In fact, I praise their operations --

LEG. TOWLE:

So you came to express concern about piping plovers.

COMM. FISHLER:

I express my concern about lack of planning that has gone on in this particular event. Like in any other event, whether we had the Gabreski Air Show, we have had months of planning. You yourself have led to the planning meetings over the past. For some reason, this year, we did not have those, as I --

LEG. TOWLE:

No. We had one, Dave, we did, so --

COMM. FISHLER:

We had one planning session.

LEG. TOWLE:

That's correct.

COMM. FISHLER:

But we never continued on --

LEG. TOWLE:

At which point, the County Executive said he wasn't supporting this event, and that's what we've been arguing for the last month-and-a-half.

COMM. FISHLER:

That we had never continued company on to the planning that was done in the previous events.

LEG. TOWLE:

Just for the Legislators' clarifications, because they're, obviously, going to have to vote on this, Dave, have any of the ambulance companies in that community, Mastic/Shirley/Mastic Beach, during this event, failed or been unable to respond to a call for help outside the Smith Point Park facility in the community?

COMM. FISHLER:

Not that I'm aware of, because the mutual aid process --

LEG. TOWLE:

Correct.

COMM. FISHLER:

-- has been initiated. And as I said in my statements that the Fire

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Department operation and the EMS operation is not at issue.

LEG. TOWLE:

So the --

COMM. FISHLER:

And I am the supporter of that group there.

LEG. TOWLE:

That's great.

COMM. FISHLER:

They are very good.

LEG. TOWLE:

So then it's safe to say that the Fire Department also has not been able-- not failed in any way to respond to any calls?

COMM. FISHLER:

There was one issue two years ago, which was addressed last year through the planning process, because we were able to plan, that they assured that -- and that was on a mainland issue, and they assured that that issue did not recur from two years ago. So, because of the planning, we have been more successful --

LEG. TOWLE:

How many --

COMM. FISHLER:

-- each time.

LEG. TOWLE:

How many generic fires have those three fire departments had to respond to in the Mastic/Shirley/Mastic Beach community over the last two or three years because of the fireworks, you know, just generically, people launching fireworks and fires being set?

COMM. FISHLER:

I don't have that number.

LEG. TOWLE:

Okay. The answer is none. The answer is none. In fact, for the last three years, they've had no fire calls whatsoever on the Fourth of July. One other question, Dave. Being a very educated man, obviously --

D.P.O. LEVY:

Excuse me. Could we please stop the --

LEG. TOWLE:

Thank you, Mr. Chairman.

D.P.O. LEVY:

-- murmuring in the background? Thank you.

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LEG. TOWLE:

Obviously, knowing this event very well, because you have been on site numerous times and for lengthy periods of time --

COMM. FISHLER:

I've never attended it personally.

LEG. TOWLE:

Okay. Oh, that's interesting, too, you've never been down there as well. Okay. I'm just curious, what do you think people are going to do if there is no organized event for people to go to this year? Well, what do you think is going to happen? What are people going to do to celebrate the --

COMM. FISHLER:

Organized event in the Mastic Beach area. There are other organized fireworks shows.

LEG. TOWLE:

On the Fourth of July? Where in Suffolk County?

COMM. FISHLER:

Not on Fourth of July, but on --

LEG. TOWLE:

Oh, okay.

COMM. FISHLER:

Throughout that weekend. If anybody -- and Legislator D'Andre would be glad to invite people up within his district in Saint James. July 1st there's an organized show by Saint James Chamber of Commerce, which has --

LEG. TOWLE:

So what do you think -- what do you think people are going to do on the Fourth of July this year if 20,000 or 16,000 people have no place to go at Smith Point, what do you think's going to happen? You're the Commissioner of Fire --

COMM. FISHLER:

I believe there are other organized shows, as we know, like they did the --

LEG. TOWLE:

On the Fourth of July.

COMM. FISHLER:

In this year, I have not looked at the calendar. The other years --

LEG. TOWLE:

I have.

COMM. FISHLER:

-- it was on a weekend, so the last two years, Fourth of July was a Sunday last year, Saturday year before. Being that this is now on a Tuesday, I have not looked at a calendar to say where else.

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LEG. TOWLE:

With the exception of Jones Beach.

COMM. FISHLER:

But during that weekend, there are other fireworks shows within Suffolk County, maybe not exactly on the Fourth.

LEG. TOWLE:

With the exception of Jones Beach, there are none. And what's going to happen, Dave, and the Commissioner? And both of you ducked the answer

and it's an obvious answer. It's an obvious answer that, unfortunately, because there is no organized event, people will decide on their own to launch their own fireworks illegally. And, unfortunately, someone potentially could be injured. And every year that I've picked up the paper the day after the Fourth of July, we read about somebody who injured themselves with fireworks. And because we're not doing an organized, controlled event this year, it is likely and very unfortunate that that number of injuries will increase, unfortunately.

COMM. FISHLER:

Well, using that rationale, we're only talking 20,000 people, I don't even want to start square-rooting that we should then cover 1.4 million people in that same rationale. So 1,300,000 go unprotected, you know, I really don't see that. That the illegal use of fire works will occur, no matter what we -- whether we have a show or not.

D.P.O. LEVY:

Okay. I'd like to move on, if we can. Legislator Fisher, to be to be followed by Legislator Carpenter, and we really do have to move on. I'll make a motion to extend the public portion.

LEG. TOWLE:

So moved.

D.P.O. LEVY:

Second by Legislator Towle. In favor? Opposed? Carries.

LEG. FISHER:

Good morning, David.

COMM. FISHLER:

Good morning.

LEG. FISHER:

I was disturbed by some of the information that you've testified to today, which is it's been represented all morning that there have been very good support services, EMS services, and fire, ambulance. But the indications that you've given us here have been that, legally, we can't hold this event this year because the permits have not been filed. And if they have not yet been filed, the likelihood --

COMM. FISHLER:

The best information I had, that the permits have not been filed that require the various agencies. There are certain kinds --

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LEG. FISHER:

Okay. We're looking at the Health Department permit, which was not filed, which was to have been filed 30 days prior to the event.

COMM. FISHLER:

As I indicated, we --

LEG. FISHER:

Has that been filed yet, to your knowledge?

COMM. FISHLER:

As of yesterday, in my -- it has not. No permit has been submitted to them. Have permits been issued in less than a 30-day period? Yes. But the people need to submit the paperwork and meet the criteria.

LEG. FISHER:

And this is --

COMM. FISHLER:

Has not been done as of --

LEG. FISHER:

Has not yet been. And the Coast Guard permit?

COMM. FISHLER:

Coast Guard, as of last week, had not issued any formal application.

LEG. FISHER:

And how much lead time is required?

COMM. FISHLER:

I'm not sure what their regulations are.

LEG. FISHER:

Okay. You did give us a detailed description of the parameters of EPA protection of the piping plover and that's important.

COMM. FISHLER:

U.S. Fish and Wildlife, not EPA.

LEG. FISHER:

Yes, Fish and Wildlife Service. And that's important for us to know because of further information that was given to us by Legislator Fields, that there are piping plover nests within a quarter mile of where this event would be held. So the likelihood of being permitted to have fireworks here then would again be questionable.

COMM. FISHLER:

It would be questionable only if, one, there are any nests with eggs in it, or if they're going through the courtship process and that's --

LEG. FISHER:

Okay. Legislator Fields, do you know if --

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COMM. FISHLER:

I don't know that.

LEG. FISHER:

-- of the report that you just made about the quarter of a mile?

LEG. FIELDS:

Usually, the courtship is not this time of the year, but there should be eggs and there may be young fledglings. And if the mother leaves the nest, the eggs can die or the babies can die.

LEG. FISHER:

But the nest that you indicated that was within a quarter of mile --

LEG. FIELDS:

Yes, quarter of a mile, which I believe the ruling is within three-quarters of a mile.

COMM. FISHLER:

Three-quarters of a mile.

LEG. FISHER:

Three-quarters of a mile is what you were delineating for us.

COMM. FISHLER:

Yes.

LEG. FISHER:

So -- and Legislator Fields is correct, right, this would be too late for the courting; this would now probably have either fledglings, because --

COMM. FISHLER:

I have not looked. We need somebody to go look.

LEG. FISHER:

But those were fledglings.

LEG. FIELDS:

Or eggs.

LEG. FISHER:

Thank you very much. So this is the issue here, not whether you have the number of EMS personnel that were at the beach last year or the year before.

COMM. FISHLER:

Right. That has never been an issue.

LEG. FISHER:

Or not whether there has been a doctor or will be a doctor, but the fact that the requisite permits were not filed.

COMM. FISHLER:

And we have not had the planning process that we've had in the past. And, as I said, in our field, failing to plan is planning to fail.

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LEG. FISHER:

Okay. And although we do want to preclude accidents that come out of people having private firework displays, we also don't want to have an unregulated event, which includes 20,000 people, that might result in a tragedy coming out of that event because it hasn't been planned for adequately.

COMM. FISHLER:

Right.

LEG. FISHER:

Thank you, David.

COMM. FISHLER:

Thank you.

D.P.O. LEVY:

Legislator Carpenter.

LEG. CARPENTER:

Thank you. Dave, you said that the amount of emergency personnel was not a question, or that's what I understood you to say.

COMM. FISHLER:

Yes. There's -- the Mastic Beach Fire Department, the Mastic Beach Ambulance Company have always performed exceptionally.

LEG. CARPENTER:

Did they not -- did I hear that at that Law Enforcement Council meeting that you spoke of earlier, that some of the Fire Island departments were solicited to provide backup service on the Fourth of July for Smith Point Park, but they declined?

COMM. FISHLER:

At the meeting that we -- at the meeting we attended, Ocean Beach Fire Department EMS was asked to supply EMS services on the west side of the park, and because Fire Island and the nature of it, they said they could not leave their community and supply those services to that west side of the park,

LEG. CARPENTER:

So can you check and get back to us today before we address this bill as to whether or not that concern is there now, that they don't have enough personnel, that they were reaching out to other departments?

COMM. FISHLER:

I believe they'll be -- I believe they could reach out to other departments. That was only one agency. While they have the four-wheel-drive vehicles, I'm sure that Mastic Beach, as they have in

the past, Mastic Beach Ambulance Company has reached out to other agencies and to supply EMS coverage in that area.

LEG. CARPENTER:

No. I'm just concerned, because if --

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COMM. FISHLER:

So I think Ocean Beach's concern, you know, was the distances they were from their community.

LEG. CARPENTER:

No, which stands to reason. I mean, they have their own community that they have to protect and the Fourth of July is a busy time on all of the beaches.

COMM. FISHLER:

Yeah, as we know the problems they've had.

LEG. CARPENTER:

But I'm just concerned that there is an issue with a lack of personnel if they were reaching out to other departments for, you know, a commitment that they would, in fact, protect Smith Point Park on the Fourth of July.

COMM. FISHLER:

I believe that -- you know, I'll try to get that, contact the Mastic Beach Ambulance Officers and the -- obviously, you know, they work during the day. I will try to get that information today. But I don't consider that an issue at all. I believe there may be a representative here today that you could ask that question to and he would be able better to answer that, so I don't think that would be an issue, because they -- we know that there are -- we have a very strong EMS group throughout the County. I think we can -- they can draw upon other resources, if so needed.

LEG. CARPENTER:

Okay. Thank you.

D.P.O. LEVY:

Okay any further questions? All right. Thank you very much --

COMM. FISHLER:

Thank you.

D.P.O. LEVY:

-- Mr. Fishler. We're going to call up Mr. John Cortez and Angela Patelli, and then we're going to go to Jim Morgo, who will be next on the list after that. John? Fred, can you provide a microphone, please? Thank you very much. John, welcome. You have three minutes.

MR. CORTEZ:

Thank you. I'm just waiting for Legislator Towle.

D.P.O. LEVY:

Okay.

LEG. HALEY:

It could be a long wait. Somebody go fetch him.

D.P.O. LEVY:

Angela, do you need to wait for Mr. Towle as well?

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MS. PATELLI:

Yes.

D.P.O. LEVY:

Okay. We're going to give it about 30 seconds. Otherwise, I'm going

to go to the next speaker, and then we'll get right back to you.

LEG. HALEY:

Didn't he have something else to speak to?

MR. CORTEZ:

Yes, it's two things.

D.P.O. LEVY:

We have two items?

MR. CORTEZ:

Yes.

D.P.O. LEVY:

Why don't you speak to the other item first. Thank you.

MR. CORTEZ:

Good morning. Do I have to speak real loud? Is this on?

D.P.O. LEVY:

Yeah, right up to the mike, please.

LEG. FOLEY:

Very close.

MR. CORTEZ:

It's on? I am an avid viewer of C-Span, MSNBC, CNBC and all those other shows that feature up-to-date events. I enjoy the issues they discuss, however, all too many times, the segment is one-sided, which results in finger-pointing, who's right, who's wrong, who do we blame. As I have learned from previous speaking engagements, personal meetings and sessions just like this one today, the tone is a lot different in this room. You people are a lot of fun and very -- I give you a lot of credit there.

LEG. FISHER:

It's a circus, maybe.

D.P.O. LEVY:

Entertaining at the very least, right?

MR. CORTEZ:

Entertaining is the word.

LEG. TOWLE:

Tickets, charge tickets.

MR. CORTEZ:

Maybe you should, then you could raise money for --

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LEG. TOWLE:

Charities.

MR. CORTEZ:

See that? Okay.

D.P.O. LEVY:

We have our own fireworks right over here in the Legislature.

MR. CORTEZ:

Recently, on C-Span, the conversation focused on the rising fuel costs. Who is to blame? Is it OPEC, the big gas companies, or the individual gas station? For one hour I listened as all the representatives had their reasons for the escalating prices. The only agreement they could reach was a solution was six to eight weeks away. Six to eight weeks away. Isn't that a long time to take to get something done? Why can't we just simply agree that there is a problem and we need to do what we promised upon election? Do what's in the best interest of the citizens of this community. A simple equation would include components of the

community involvement, marketing, plus legislation and solutions would be reached much sooner, much more detailed and much more agreeable. The problem arises when marketing components of this equation are eliminated. By not informing the community and allowing the community to work together with each of you, it's a mistake. When you include the community to share your thoughts and be a part of the process, the end results are more favorable.

One of the problems we face here in Suffolk County is lack of community involvement due to lack of marketing and promotion. A bill was passed recently whereas a County website is to be up and running by March of 2001, and although it's long due -- long before due, the site's not current. The Paperwork Reduction Act enables residents to download forms right off the internet. It's a wonderful thing. If it's posted on the internet and people are not aware of this, or do not know of this site, the bill is not doing the job. Marketing the bill through the proper channels is the answer; one will assist the other. In each of the elected official's office, you will find brochures regarding County services. These brochures can affect a person's life for the better. Just as we are marketing our program, and I sat before you, all of you on May 9th and you agreed to work with each of us in our program at On the Move to find local programs for the disabled, we're asking each of you to do this. And the problem is the word is not being spread. Unless people are coming into your office, they don't know the brochures are there.

The warm reception you afforded me that day will be remembered forever. As I said to the -- you said to the entire disabled community this you wanted to help. I enjoyed working with those of you I had the chance to and await the opportunity to meet with those I have not.

D.P.O. LEVY:

All right. John, I know you've got a lot more to go. The three minutes is up. I want to give you a little more time, because we interrupted you a little bit --

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MR. CORTEZ:

Okay.

D.P.O. LEVY:

-- but you're going to have to try to condense; okay?

MR. CORTEZ:

Okay. I'll be real quick, real quick. I don't want to take too much time. I have to get to the beach by 11.

D.P.O. LEVY:

Okay.

MR. CORTEZ:

The reason we are successful --

LEG. FISHER:

You're late.

MR. CORTEZ:

Stop interrupting me, I only have three minutes. Is that we are marketing and promoting our programs through the media, the website, and through community association, and we believe the County should follow suit. The media's a wonderful engine to get your message across. It must be, he's here today. And I'll give you an example. Legislator Dave Bishop, I met with him in his office after May 9th and

we got to talking about our program. Right away, he got on the phone, called WALK and said, "This is a great program." A week later, we were on the air. After that, I had over 20 phone calls. So that what I'm speaking with today is with Legislator Ginny Fields' bill that has been tabled temporarily, is something unique to work on. You have so many services for the County, for the residents, for the constituents, but you're not telling anybody, and the question I ask you is why?

D.P.O. LEVY:

All right. I'm -- thank you for your comments. They're very well spoken. And I just want to make this point, John, because this is an important one. The Legislature, we enact legislation. It's up to the County Executive to carry out that legislation. We, unfortunately, have had numerous instances where the County Legislature will put in place what we think is a pretty revolutionary idea and we turn around, you know, three, four years later and find out it wasn't implemented. There was -- I'm not getting on a soap box here, but there was just an editorial in today's Newsday, I know Legislator Bishop was bringing it up a little before and he can elaborate on it a little later, but the Legislature passes a bill about tires not being able to be collected and recycling. It doesn't get implemented, not because it's the Legislature's fault, the Legislature just enacts the law, it's up to the Executive Branch to actually carry that out. And what does Newsday do, they come back to the Legislature and bash the Legislature for not -- for not carrying out it's provisions.

So I just bring this up to note, we in the Legislature can do a lot. We can put forth the policy directive, but we really need the cooperation of the County Executive to carry out the mandate that we put forth. When Legislator Fields puts forth this bill for the

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website, we can pass the bill for a website, but we can't create a website here in the Legislature. We need the workers within the County Executive's administration to actually do it. Sometimes it happens, sometimes it doesn't. We have to be more vigilant in making sure it actually does. So any other questions here? Yeah, Legislator Haley.

LEG. HALEY:

I was just wondering what your question was.

D.P.O. LEVY:

I think it was a response to the question from the --

MR. CORTEZ:

If I could just add one --

D.P.O. LEVY:

From the speaker, who did ask a question.

LEG. HALEY:

That's not normal.

LEG. LEVY:

Okay.

MR. CORTEZ:

If I could just add one.

D.P.O. LEVY:

In this body it is. Yes, John.

MR. CORTEZ:

As a disabled individual, I'm handicapped, I have a spinal cord injury. I was at Southaven Park recently and I did some horseback riding.

While I was there, I decided to pick up my Green Keys pass. I figured I could get a discount getting into the park. The lady charged me \$20. She said it's \$20 for the fee. I said, "No, no, no, it's \$9 for handicapped people." She said, "Let me see your Suffolk County handicapped I.D. card." I almost laughed. I said, "Are you serious?" She said, "Yeah, you need this form. You have to fill this form out." So, needless to say, all of you passed the bill to have it printed, you just forgot to tell everybody about it. So now people are going home from hospitals, rehab centers or whatnot and have no clue that this is here. Great job. No disrespect.

D.P.O. LEVY:

No, no. We appreciate you bringing this forward. But all we're saying is when you say, "You guys didn't do it," all we're saying is we, as a Legislature, we put forth the law. You have a separate branch of government, which is the County Executive's Office, he has 10,000 employees working under him who actually has to implement this stuff. I'm not saying what you're saying is wrong, I'm just saying it has to be directed to the Executive Branch, and that's what we'll do --

MR. CORTEZ:

Exactly.

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LEG. LEVY:

-- now that you brought it forward to us.

MR. CORTEZ:

Exactly. Just one more quick thing. I have the list of the different departments within the Suffolk County government and it makes you wonder, of all the information they have that's available to the public, is it reaching the public? And that's what I'm presenting today is, please, let the people of the County know what you're doing. We're proud of what you're doing, we just want to know. We want to be part.

D.P.O. LEVY:

Good point. The Chairman of the Parks Committee, Legislator Fisher, would like to make a comment, or actually ask a question, so we don't get Legislator Haley in a huff.

LEG. FISHER:

I can't remember, John, in our conversation if I had mentioned to you the community resource data base. I think I had mentioned that to you.

MR. CORTEZ:

Yes, you did.

LEG. FISHER:

Have you had an opportunity to use that? It's available at the public libraries. And I'm not begging the issue, I agree with you, that we need more communication. But I'm hoping that you can let your membership know about the community resource data base that's available at public libraries. Have you had a chance to look at it, yet?

MR. CORTEZ:

Yes, I have, and you can access it from home on your own personal computer.

LEG. FISHER:

Absolutely, yes.

MR. CORTEZ:

The problem is I tried four different titles, putting in wheelchair sports, disabled sports and nothing came up. Jim {Tullo} from the Economic Development in the Town of Brookhaven chairs that committee and the site has not been updated since 1996. Now, if there's an organization such as ours, which began in 1998, we're not listed. So how do we tell people about the community resource data basis that don't know about it. We have to get word out. Go get a blimp, put it up there. Tell people about these services.

LEG. FISHER:

Well, actually, that group just got a grant to do exactly what you're saying, not to get a blimp, but to --

MR. CORTEZ:

Okay.

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LEG. FISHER:

-- publicize that that information's available.

MR. CORTEZ:

Excellent.

LEG. FISHER:

Thanks, John. I'm glad you took a look at it.

MR. CORTEZ:

Thank you very much for your time. And if I could just take one moment and ask Legislator Towle to join me. Is he -- please.

D.P.O. LEVY:

What are you looking to do?

MR. CORTEZ:

We have a proc we'd like to present to Fred.

D.P.O. LEVY:

Oh, very good.

MR. CORTEZ:

Back in 1998, we formed On the Move. It's an organization that assists disabled individuals, as you all know. But back in 1998, we knew what our end result was going to be. We wanted to get disabled people more revitalized, we just didn't know how to get there. And a friend of mine says, "Why don't you meet with Legislator Towle?" Well, first off, I didn't even know what a Legislator was or who he was. However, he had some very important things to tell us, be very patient, make friends, network, get into the community, but be patient, be patient, be patient. And one thing, he's always been there for us no matter what we're doing, whether -- not so much with the fund-raising, but just the advice and the leadership. So today we'd like to present this plaque, to County Legislator Towle on behalf of all of his continuous efforts to revitalize the disabled community.

(Applause)

LEG. TOWLE:

Thank you, John.

MR. CORTEZ:

Thank you.

LEG. TOWLE:

Thank you very much, John.

MR. CORTEZ:

Thank you.

LEG. TOWLE:

Appreciate it very much. Thank you.

MR. CORTEZ:

And I'd also like to make a note that county Legislator Joe Caracappa
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was presented with the very same plaque, because, for the last two years, they've been nonstop in helping disabled people, not only in their community they serve, but in the County.

D.P.O. LEVY:

All right. Thank you very much, John.

MR. CORTEZ:

Thank you very much for your time.

D.P.O. LEVY:

Okay. Angela, were you wishing to speak?

MS. PATELLI:

No.

LEG. LEVY:

Okay. Thank you.

MR. CORTEZ:

I have to get to the beach now, it's almost 11 o'clock.

D.P.O. LEVY:

Okay, good. Work on that tan.

MR. CORTEZ:

Thank you very much.

LEG. LEVY:

Thank you very much. Jim Morgo. Is Jim around? I haven't seen Jim yet. We'll get back to Jim later. Oh, here he is. Jim, you're down to 30 seconds. No. Hi, Jim. Welcome.

MR. MORGO:

Good morning. Jim Morgo, President of -- no.

LEG. LEVY:

Welcome back.

MR. MORGO:

Good morning. I'm Jim Morgo, I'm president of the Long Island Housing Partnership. You should have all received -- you should have all received an annual report from the Housing Partnership, so if you want to take a look at that, you can see some of the things the Housing Partnership's been up to the last year. I'm here to speak on -- in favor of I.R. 1571, legislation that would facilitate homeownership for low and moderate income Suffolk County residents.

It would be my guess, as I look around the horseshoe -- notice, Steve, I don't say {horseshoe} anymore -- as I you look around the horseshoe, that most of you live in homes that you own. I know I was brought home to a home that my parents own, so homeownership was never that big a deal to me, but it's getting to be a very big deal on Long Island now, particularly for kids whose parents have owned their homes. And these kids who were brought up on Long Island, went to school here at great cost to the local taxpayers are not now able to own homes. And I'd

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like you to think for a minute of what homeownership means to low and moderate Long Island -- low and moderate income Long Islanders who have never had homeownership in their families. It means a lot of things.

We all know about the tax benefits of homeownership, but it also means to particularly low and moderate income people an accumulation of

assets, of equity. And think of what equity means to someone who never mind has never had homeownership in their families, but has never had any college graduates in their families. It's from that equity that these folks can send their kids to college. It means a sense of family stability. Many young people court, get married, have children, and they don't have adequate nests to keep their children and safe places for their children to grow. The homeownership means a great deal also to community renewals. Think of some of the low income communities, where homeowners bring and anchor, bring a kind of solid concern for the communities, because they own a piece of that community. This legislation that you'll be considering today, I hope, will continue the partnership between municipalities, towns, the County and not-for-profits like the Long Island Housing Partnership to make homeownership available to folks who otherwise would never have the chance. It also would be very important to our economy.

I think you all know, that the single biggest single threat to continued prosperity is the lack of available workers here on the Island. And why do workers not locate here, why do they go other places? Because they cannot afford to live here. The legislation would provide funds and property, two of the most important things in creating affordable homeownership. And, as I said, it would continue the partnership among you, the County Legislators. You've been very important over the years for creating affordable homeownership throughout Suffolk County. It would continue this partnership.

And I only urge you to pass this legislation expeditiously, because, like any developer, the Housing Partnership knows that delays cost money. Unlike for-profit developers, when we are delayed, we can't raise the price of the homes that we sell, because if we did that, the people for whom the homes are intended would never get mortgages and they'd never get into the homes.

So I urge you to pass this legislation today. I know you did a very good thing in early June when you authorized the bonding for the legislation. I urge you to take the next step. Thank you.

D.P.O. LEVY:

Thank you. Jim, before you go. By the way you still said {harseshoe}, so no matter how hard you try, you still said it. Some of the concerns that a few of us had was as it pertained to vacant land. And there were folks who came forward at our last session and said, "Don't put forth a complete prohibition against the use of vacant land." And their point was well taken. I don't think we want to go there, where we want to totally prohibit the use of vacant land. But what we wanted to do, and I wanted to get your thoughts on this, is to at least have some safeguards in place, so that we're not having our Affordable Housing Program compete against our Environmental Preservation Program. For instance, we get -- as you know, you're one of the pioneers in using the surplus tax default properties and putting them back to the towns through the form of a 72-h process. We get that property for free. So

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a question from a lot of Legislators is, "Well, why do we now want to go out and pay for vacant property when we get vacant property for free?" And, furthermore, what do we do to prevent this program from being a competitor to our environmental programs? Is there some kind of a hybrid that we can possibly enact here?

MR. MORGO:

Well, Steve, you were talking earlier about the fact that the Legislature legislates, creates laws, and it's up to the Executive Branch to implement the laws. One of the things that I've seen through the County Executive's Office under really every administration since I've had this job is that there is coordination through community development, through planning. I can't imagine -- Steve Jones is sharp or Joe Sanseverino is sharp -- looking to take any environmentally sensitive land. If land were vacant, say property behind a Main Street, behind a Main Street in one of our rundown downtowns where you could get residents in there, people to go back to the town, people to provide human traffic for the stores there, I don't think you'd want a prohibition against using that kind of vacant land. I can't -- for one thing, it's usually more expensive to buy vacant land. And my understanding under this legislation, 1571, the Legislature will look at the -- will have a chance to review the properties that are being acquired.

D.P.O. LEVY:

But if I could interrupt, aren't -- is it the Executive response that it's actually cheaper to buy the vacant land and to build on vacant land than it is to take that dilapidated area and refurbish it as per the smart growth concept?

MR. MORGO:

Well -- and they're right, and they're so right. I could -- I know Alden, Cameron, Legislator Alden and Legislator Carpenter are going to know what I'm going to elude to now. The Housing Partnership, working with the two aforementioned Legislators and the Town of Islip, have taken eight blocks in Downtown Bay Shore, the most blighted area in the entire Town of Islip, right after Carlton Park as transformed to College Woods, and it's incredibly more expensive, Steve. The demolition, the disposal of the property, relocation, remediation costs for environmental problems. It's -- but, you know what, it's also incredibly worth it --

D.P.O. LEVY:

I agree.

MR. MORGO:

-- to remove blight and create a vibrant new community. Yeah, it is more expensive. However, what I was saying, that if you -- I don't think anybody is talking about, you know, building on that pristine potato field. I think the property here, the property that's being identified, from what I read and understand, are the abandoned strip shopping centers, the property adjacent to a downtown area, places that would not be -- would not do anything to preserve our open space and quality of life. In fact, one of the things you mentioned, working with environmentalists, we in housing know that environmentalists are not our enemy. I think this whole smart growth movement has come about

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because people who want livable communities realize that you need residents, you need people downtown, and you need to keep young people on the Island.

D.P.O. LEVY:

Thanks, Jim. That was my question. Legislator Bishop, followed by Legislator Cooper.

LEG. BISHOP:

Hi, Jim.

MR. MORGO:

Hi, David.

LEG. BISHOP:

Good morning. On the other bill that's before the Legislature, although it's not on today's agenda, on the Long Island Development Center and what the future of that property should be, and whether it should include affordable homes, has the Partnership taken a position yet and will they?

MR. MORGO:

Okay. Yes, we have taken a position. But I would beg the Legislature's indulgence. Do you want me to react to this? Because it's off the subject, David, but --

D.P.O. LEVY:

Well, if you think --

MR. MORGO:

And I know you have a lot of other speakers.

D.P.O. LEVY:

If you think it's somewhat related, David.

LEG. BISHOP:

I don't need a 20-minute explanation.

MR. MORGO:

All right. Yes, the Housing --

LEG. BISHOP:

I just want to know, what guidance are you giving us? Should we do it or not do it?

MR. MORGO:

Yes, the Housing Partnership has taken a position, and we see the plans, the current plans for the Long Island Development Center as a missed -- go ahead, what?

LEG. BISHOP:

I didn't mean Huntington's plans, I meant the bill that the Legislature has.

MR. MORGO:

Oh, your bill.

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LEG. BISHOP:

Yeah, Tonna and myself.

MR. MORGO:

Yeah. And to make sure I understand it correctly, it would provide an incentive for any developer who is creating affordable homes on -- to sewer district costs, right, is that it?

LEG. BISHOP:

Right.

MR. MORGO:

Yeah. Yeah, it's great. That kind of thing -- I'm sorry, I misunderstood your question.

LEG. BISHOP:

Right. I didn't want you to --

MR. MORGO:

But you know what, I have to rush to Huntington now for a 12 o'clock meeting, and that's what I was making a phone call on. Any bill, any

initiative that brings down particularly infrastructure costs, particularly infrastructure costs. They add incredibly to the cost of producing affordable homes. The most expensive thing is land. Second most expensive is infrastructure. We did a job in East Quogue, yeah, we did a job in East Quogue, and because of where it was located, we got the land for free, but because of where it was located, it was \$29,000 per home just for infrastructure. Well, it was incredible infrastructure, it was a railroad crossing and gates, and all kinds of stuff. But anything that would bring down the cost of infrastructure is welcomed.

LEG. BISHOP:

Okay. So when you go back to the Partnership, if we can get a letter to be distributed to the Legislature, I'd appreciate that.

MR. MORGO:

Sure.

LEG. BISHOP:

I don't know what the fate of that bill is going to be, it's sort of tied into what goes on in Huntington. But even if it doesn't pass in its current form, it's a good idea, as you were saying, to use our resources, especially with this money as part of the LIPA --

MR. MORGO:

Yeah, yeah.

LEG. BISHOP:

-- transactions to try to encourage affordable homes. So I'd also like to explore that concept in the downtowns. Perhaps there's a way we can tie that in together.

MR. MORGO:

Yeah, it would have been great in Bay Shore.

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LEG. BISHOP:

Thank you.

D.P.O. LEVY:

Okay. Legislator Cooper.

LEG. COOPER:

Jim, I just have a couple of quick questions. There's a clear consensus in the business community, and the general public, and County government that increased availability of affordable homes is a top priority in Suffolk, and I think recent polls have shown that it's one of the top three or four concerns of the average Suffolk resident.

MR. MORGO:

It was just under taxes and traffic. I never thought I'd see that.

LEG. COOPER:

Okay. The devil is in the details, and I was just hoping that you can address a couple of things. Number one, what is your experience with NIMBYism and the whole affordable housing, affordable home issue? And, number two, how do you address community concerns that affordable homes necessarily have a negative impact on property values? I think that most residents in the community, they're thinking about putting affordable homes, their primary objection is that it's going to drive down their property values; is that necessarily the case?

MR. MORGO:

Okay. On the two questions, on NIMBYism -- you've heard the new acronym haven't you, BANANA? Build Absolutely Nothing Anywhere Near Anyone but

so much for that. We have seen a real change in attitudes, probably -- a change for the better, in fact, probably because we're talking about the children of current residents. Since I've been doing this, there's been a {seat} change. And that doesn't mean that everybody says, "Yes, build affordable homes in my neighborhood," but there has been a change. Getting back to Bay Shore, some of you may remember in Bay Shore, when Southwind Village, revitalization of Smith Avenue started. Someone in the town plastered the town with fliers and the fliers said, in effect, "Be against this. Call Town Hall, and if we have to, we'll storm Town Hall to stop this." Well, Town Hall got nine calls on this; seven were in favor of Southwind Village, one was opposed, it's probably the guy who put up the fliers, and one senior citizen wanted to know how to get one of the rentals. So there has been an incredible change. Again, to be honest, though, that's because it was downtown. To bring that first question in with your second question, property values, I don't know if any of you around the table now remember Hope Ridge. I know if Marty Haley was here, he would remember that, because he was on the not-for-profit that built it. It's in Selden.

LEG. CARACAPPA:

Hope Court.

MR. MORGO:

Hope -- no Hope Ridge, I think, Joe. It was built by --
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LEG. CARACAPPA:

The street is Hope Court.

D.P.O. LEVY:

All right. We believe you both. Next.

MR. MORGO:

Okay. It was built by Charlie Mancini of Park Ridge. Anyway, when it was being proposed, there was incredible opposition. The local civic association was wild against it. I was at a meeting at Brookhaven Town Hall, I was working for the County then, and Supervisor Acampora had a couple of police escort me out, and I didn't know what was going on. Hope Ridge now is one of the best communities in the Selden area. If you look at its -- what its done to property values there, it's actually enhanced property values. That's just one anecdote, and you'll say, Well, that's one example. I didn't know I'd be asked the question.

Back at the Housing Partnership, I have a pretty extensive study by the Fannie Mae Foundation, and the Fannie Mae Foundation took I think about seven developments built in the last 14 years and they were rentals affordable to low income families, rentals, not homeownership, that were built in affordable -- built in middle class and higher income areas, and they actually enhanced rentals affordable for lower income people. There's misunderstandings about the question of what they do to neighborhoods and I think it's because of our proximity to New York City where real mistakes were made in the '60's and '70's. They're not being made anymore, John.

LEG. COOPER:

Jim, would it be possible for me to get a copy of the Fannie Mae --

MR. MORGO:

Yes.

LEG. COOPER:

-- study?

MR. MORGO:

Yes.

LEG. COOPER:

Thanks.

D.P.O. LEVY:

Legislator Alden.

LEG. ALDEN:

Jim, when you go back to the Board, the LIDC property, the only thing I have with that is one of the incentives that's being offered there is for the Southwest Sewer District. And just, if you take a close look to that, because I have a some problems with exclusion of people that are, you know, like down closer to where the original boundaries of the Southwest Sewer District at the expense of some northern properties, so -- and I'll be contacting your office anyway on it.

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MR. MORGO:

Okay.

LEG. ALDEN:

Thanks.

MR. MORGO:

Thank you, Cameron. Okay.

D.P.O. LEVY:

I think that's it, Jim. We'll let you get up to Huntington in a jiffy.

MR. MORGO:

Okay. Thank you very much.

D.P.O. LEVY:

Take care. Thanks a lot. Bye-bye. Okay. Next is Bob Breutzo on affordable housing. I guess that means, BRK, Brookhaven?

MR. BREUTZO:

Town of Brookhaven, yes.

D.P.O. LEVY:

Town of Brookhaven. Okay, Bob.

MR. BREUTZO:

And he's always a tough act to follow. Ladies and Gentlemen of the Legislature, my name is Bob Breutzo; I am the Commissioner of Department of Housing, Community Development for the Town of Brookhaven. I appear before you today to express my support for Intro. Resolution 1571.

The Town of Brookhaven has built affordable housing since 1984, when we first constructed modular homes on Suffolk County tax foreclosures. I believe we were one of the first towns to participate in that program. We have continued our partnership with Suffolk County since that time using low-cost tax foreclosures to build single family homes, as well as senior citizen housing for those at or below 80% of median. The subject resolution will allow for the continuance of this program, providing tax foreclosures, both developed and undeveloped, for nominal consideration in lieu of the \$3,000 cost now in place. The obvious benefit and immediate benefit will be a reduction of \$3,000 for each of the homes that will eventually be built there. The spin-off effects shall be the immediate improvement to the community in which the home is built.

The Town's program largely centers in depressed neighborhoods

undergoing some level of revitalization. The construction of new or the rehabilitation of existing housing will act -- the construction of new or rehabilitation of existing housing will act as a positive force against the slum and blighting influences that are currently found within these neighborhoods. In many cases, the County parcel itself, unfortunately, and not due to anyone's fault, has become a blighting influence simply because it's there and it accumulates debris. The construction of a new affordable home on this site, upon transfer at no cost, will eliminate that cost to the County and that negative

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influence within that neighborhood.

The sale of developed properties to first-time homeowners at 80% of the median income via your auction will also create another opportunity for affordable housing units. This portion of the program can be linked directly with a Town program that's been in place for many years. We have a program known as the Residential Rehabilitation Program that's part of our overall Community Development Program. We have done and will continue to do, and, hopefully, we can establish the linkage, where, upon your auction, someone buys the home, many times even though it's sold at auction, the home itself may need some level of rehabilitation. I would suggest that we can establish a linkage through the Real Estate Department, at least to put on notification to new homeowners, to new purchasers that the Town of Brookhaven does have a program that will allow up to \$20,000 of rehabilitation that, upon assuming that homeownership they would become eligible for, as long as they're a Town of Brookhaven resident. The --

D.P.O. LEVY:

If you can just wrap it up, Bob, if you have a chance.

MR. BREUTZO:

Yes, okay. One last paragraph. The provision of funding by Suffolk County to acquire land to stimulate affordable housing will be a new initiative that should assist in production of such units. It takes the cost of land out of the initial equation and it allows it to be placed as a deferred mortgage on the property. In this format, the new homeowner is not burdened by a monthly principal and interest payment, but must pay back the land cost upon selling their home. The County gets their investment back at that time, also.

As we look down the road a decade from now, land will loom as a larger and larger concern. Limited availability of buildable parcels for affordable housing will in all likelihood intensify, and the ability to provide a new funding source for acquisition of land will assist us in addressing this problem. Thank you for allowing me to present my comments today. I'll entertain any questions.

D.P.O. LEVY:

Anybody?

LEG. HALEY:

Thanks, Bobby.

MR. BREUTZO:

Thank you.

LEG. CARACCIOLO:

I have a question, Steve.

D.P.O. LEVY:

Thanks, Bob. Oh, Legislator Caracciolo.

LEG. HALEY:

You're in trouble now.

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LEG. CARACCIOLO:

Where within the boundaries of Town of Brookhaven would your town recommend locations?

MR. BREUTZO:

Currently, we are working in areas associated with our Community Development Program. We would need to sit down. I think, in general, if this law goes through, your County personnel will have to sit down with our Planning Departments and decide where exactly these areas will present themselves within each town.

LEG. CARACCIOLO:

Have there been any conversations with the Planning Director for Suffolk on potential sites?

MR. BREUTZO:

At this point in time, I think there were preliminary discussions, but nothing in detail as far as what appropriate sites they would be.

LEG. CARACCIOLO:

I think that's key, Mr. Chairman, to considering this legislation. As we heard in previous testimony, the Planning Director indicated that he first would like to share this information with towns, since towns have jurisdiction as it relates to the housing issues and the County does not. That's all well and good, but I think before the Legislator considers his bill, we, too, need to know what potential sites and locations are to be considered, because, as we know from other issues, whether they be sober house issues or group home destinations and locations, that constituents don't distinguish between different levels of government and problems associated with different homeownership, if you will, when these sites are selected and we carte blanche authorize their approval up front. So I would argue that before the Legislature passes a final judgment on this resolution, that locations be submitted as part of the legislation. Thank you.

D.P.O. LEVY:

Well, let me just respond to your inquiry, and then I'll give it on over to Legislator Haley. I just want to note that the resolution was put out of committee without recommendation. I had raised questions in committee regarding the concerns related to vacant properties and there were other concepts such as yours that have been talked about. It was mentioned by some representatives of the County Executive's Office that they needed certain portions of this bill to move forward immediately, and I know Mr. Grecco is here and maybe he can elaborate upon it later as it relates to some of the 72-h's and the Local Law 13's, and things of that sort. I said I had no problem with that, but what we probably need is a CN today to break up the bill to allow those important aspects to move forward, but as to other major policy decisions, that we still had the time to deliberate.

We called up the Executive's Office yesterday. They said they had no intentions of breaking up the bill, that they wanted all or nothing. So I just bring that up, because it's something that we have to discuss at our lunch break to see how we want to proceed with this. I think that would be a mistake on the Executive's part, because we'd like to work with them in that regard. Legislator Haley.

LEG. HALEY:

Now that we're debating the issue, but I will start with a question and then I'll expand upon that. Bob, isn't typically what we've done in Town of Brookhaven, as it relates to affordable housing, done so based on the availability of property, period, irrespective of where it is?

MR. BREUTZO:

Yes. Largely, there are two ways in which we move forward in creating affordable housing. One has been the historic way, the typical way, using Suffolk County tax foreclosures within any one of our community development target areas, and that has been very successfully done. The other is to rely on either the developer, be it someone like the Diocese of Rockville Centre, or private developer coming forward with a parcel of land already identified. Now, of course, we were much more productive years back, as the availability of land, either through Suffolk foreclosures, which used to be larger tracks, now, we're now talking about mostly single family development that we use, in the past, there were much larger acreages that we used. Now we depend upon, for larger tracks, the holding of the land by a developer coming forward, wishing to participate in an affordable housing format.

LEG. HALEY:

So, it could be any way, really.

MR. BREUTZO:

Yeah.

LEG. HALEY:

Would you say that the Brookhaven Towns, when they were active in affordable housing, would you say that that program, would you say that the Long Island Housing Partnership Program and that the Habitat for Humanity Program have been successful to date?

MR. BREUTZO:

Oh, yes. There's not doubt in my mind that they've been successful.

LEG. HALEY:

And would you say that all of those have gone forward consistent with the zoning prerogatives of the Town?

MR. BREUTZO:

Yes. In most cases, we take the parcel without a zone change, with the acceptance, perhaps, of the Federal 202 programs that we've done, where we need a senior housing category, most likely PRC3, which is a subsidized housing category, we request a zone change and get it from the Board.

LEG. HALEY:

Would you say that this particular legislation is an attempt by the County Executive to just expand what towns and LIHP and Habitat for Humanity have been doing to date?

MR. BREUTZO:

I think it's -- my understanding of the original authority granted to transfer parcels was done in the mid '80's by resolution. I think this

formalizes what has transpired and evolved since then.

LEG. HALEY:

That's been going on already.

MR. BREUTZO:

Yes, and creates an additional benefit in that now you're foregoing the

\$3,000 cost per unit, you're creating new tools for which land costs can be mitigated and brought down to an affordable rate.

LEG. HALEY:

Thank you, Bob. My biggest concern is that the towns have always had zoning capabilities and have an idea from a planning perspective where or where that may not want to deal with certain issues regarding housing. But I have found that the towns typically are going to go along -- well, I'll speak for Brookhaven, having participated somewhat. If there's a availability of a location for affordable housing --

LEG. CARACCIOLO:

No quorum.

LEG. HALEY:

They don't necessarily -- excuse me?

LEG. CARACCIOLO:

No. I'm talking to the Presiding Officer. There isn't a quorum in the auditorium.

P.O. TONNA:

I'll take care of that.

MR. BREUTZO:

It must be me.

LEG. HALEY:

It must be you, Bobby, yeah.

LEG. FISHER:

We've got three from Brookhaven, three from Brookhaven.

MR. BREUTZO:

There's four here.

LEG. HALEY:

Oh, Brookhaven's here anyway, yeah.

MR. BREUTZO:

I'll turn this way.

D.P.O. LEVY:

All Legislators, report to the horseshoe. We do not have a quorum.

LEG. HALEY:

Thank you, Mr. Chairman. Bobby, my biggest concern is, and addresses what Legislator Caracciolo says, I'm concerned that if, all of a

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sudden, that the County of Suffolk is going to attempt to get approval of all the sites that take place, first of all, it's going to be extremely burdensome, it's probably going to work --

LEG. FISHER:

Delay.

LEG. HALEY:

Delay. It's going to work contrary, I think, to the intent of the program, as set forth by the County Executive, which is just an extension of the efforts that have taken place to date. The biggest thing that drives a process is affordability and where those parcels might pop up. If we're going to create affordable housing consistent with whether it's federal guidelines or consistent with what we've done in the past, for the County Legislature all of a sudden to decide where those properties might be, first of all, you're not going to find the parcels that are going to be acceptable. We're not talking about low-income housing, we're not talking about denigration of

neighborhoods and residential areas, we're talking about affordable housing, and that is people with an income of 54,000 or 55,000, with a family of four being able to afford a house. It's a pretty simple thing. It's been -- you've seen it in the paper of late. It happens to be a function of good economic times. The value of properties are so extremely high that people have been unable to afford to purchase --

MR. BREUTZO:

Exactly.

LEG. HALEY:

-- houses.

MR. BREUTZO:

You're talking about the median income, not being able to afford the median home costs.

LEG. HALEY:

So I don't think that the Legislature should move forward in a form of NIMBYism, worried about that they might have an affordable house which is not low income housing or any blight on the neighborhood in their particular district, and on top of that, I don't think they should take actions that are really contrary to the purview of the towns. The towns have a good sense of it. We're just talking about residential properties. I have yet to see even the Town of Brookhaven try to push anything in any particular direction or neighborhood that wasn't consistent with any federal guidelines or consistent with an arrangement with the Arch Diocese, or consistent with a developer who felt that they wanted to participate in the process. We've done it all over. And, you know what, if they have the sites in Rocky Point, they're welcome. If they have the sites in Stony Brook, I'm sure they'd be welcome over there. The reality of it is those sites, wherever they might be affordable, may change from day to day based on the availability, and based on the availability, not only Federal and affordable housing corporation funds of the State, but based on the availability of developers willing to participate in the program. Thank you.

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LEG. CARACCILO:

That was some question.

LEG. HALEY:

Well, I started with three or four. I had three or four questions. I had to make up for the lack of questions prior to me.

D.P.O. LEVY:

Were they comments or were they questions, Legislator Haley?

LEG. HALEY:

I had three or four questions, Mr. Chairman.

D.P.O. LEVY:

I'm breaking your chops.

P.O. TONNA:

Okay. Who's next?

LEG. FISHER:

No one.

P.O. TONNA:

Nobody? Okay. Thank you very much, sir.

MR. BREUTZO:

Thank you, sir.

P.O. TONNA:

Okay. Steve Jones. Joseph -- do you want to do them all together?
Steve, do you want to bring everybody up?

MR. JONES:

We'll each take one minute.

P.O. TONNA:

Okay.

MR. JONES:

Three minutes, right? We'll each take one minute?

P.O. TONNA:

Whatever you want, Steve.

LEG. LEVY:

That sounds good to us.

MR. JONES:

Is that okay?

LEG. CARACAPPA:

Beautiful.

P.O. TONNA:

Okay.

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MR. JONES:

Yeah.

LEG. CARACAPPA:

Perfect.

MR. JONES:

Okay.

P.O. TONNA:

Fifty seconds, 49, 48. No, I'm joking.

MR. JONES:

For my one minute, let me just say that the bill that you're considering today does not authorize projects. It does not authorize projects.

P.O. TONNA:

Policy bill, right?

MR. JONES:

It authorizes us to try to put projects together for your future consideration on an individual project-by-project basis, and, also, you retain the right with the 72-h's to convey any and all properties from County ownership to a town ownership, or somebody else's eventual ownership for affordable housing purposes. So I'll say again, this is the green light for us, this will be the green light for us to put projects together for your consideration.

The only other thing I want to add is that vacant land is very important to have in the mix. College Woods in Central Islip wouldn't have happened without the acquisition of a large vacant are, which forms the northern third of that project. A number of other projects that we're working on in North Bellport, Wyandanch, North Amityville, and Gordon Heights and some other locations in the County include vacant land, land that's never been built on. We need to have the flexibility to take vacant land, combine it with the land we already own, combine it with land that's owned by other government entities. We're not thirsting after large vacant properties to build affordable housing project on. It's not going to happen. The projects bubble up

from the bottom. They have to go to zoning changes. Most all vacant land in Suffolk County is low density zoned. It's going to probably have to go in for a zoning change. This is not going to happen quick when you're presented with a fait accompli. It's going to have to be put together very carefully on the town level, and it's just -- it's very unlikely that you're going to see a large plot of vacant land used exclusively for an affordable housing project. So we ask you to keep that vacant land provision in there as a flexibility. And, again, the bottom line is you get to see all of these projects, whether they're vacant land or not vacant land. I'll turn it over to

--

LEG. CARACCIOLO:

Mr. Chairman, I have a question.

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P.O. TONNA:

Yes. Do you want to have the trio finish their --

LEG. LEVY:

Yeah, let them have -- let all three speak, yeah.

P.O. TONNA:

-- presentation and then ask questions?

LEG. LEVY:

It's probably a better idea, Mike.

P.O. TONNA:

Who wanted to ask the question? I heard a voice, but I didn't know from where.

LEG. LEVY:

Mike, and I do, too, but I'll defer.

P.O. TONNA:

Michael, do you mind if the trio finishes and then you ask the question?

LEG. CARACCIOLO:

No. I have a question for Mr. Jones.

P.O. TONNA:

Okay, go ahead. I love it, like, question, Mr. Jones. I always think of that song. You know, anyway, go ahead.

LEG. CARACCIOLO:

Steve, with respect to the locations and program itself, first of all, is this program something that has been devised locally by yourself and others in County government, County agencies, and not-for-profit, you know, entities like Habitat for Humanity, Long Island Housing Partnership? What's the genesis of this particular proposal?

MR. JONES:

The County Executive -- it was the County Executive's initiative to create a full program that not only includes existing County land, but includes for the first time the opportunity for the County to buy land to put into the mix and to have a financing structure that recaptures the money at a later time, so that we can create affordable housing projects. So it's part of the County Executive's initiative to take existing programs that we've had over of the years, which principally are 72-h conveyances to the towns, and have a new component which provides and authorizes and allows the County to acquire land for the first time to help break down the cost of that land.

LEG. CARACCIOLO:

Okay. I guess my question is do we anticipate that the demand far exceeds the conveyance of 72-h's from the County to the towns?

MR. JONES:

Yes.

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LEG. CARACCIOLO:

It does, okay. Is this particular proposal modeled after some other model or program elsewhere?

MR. JONES:

From what I understand, I'm not personally familiar with it, but from what I understand, Westchester County in New York State has also had a program for I think maybe a year or two now which authorizes the County to acquire land for -- land for affordable housing purposes.

LEG. CARACCIOLO:

Has the County of Westchester funded that affordable housing program?

MR. JONES:

Joe, are you -- Joe Sanseverino is more familiar with it than I.

LEG. CARACCIOLO:

Okay. Then, maybe, Joe, would you like to answer the question?

MR. SANSEVERINO:

Westchester has been funding the program. They've gone out and purchased a couple of properties and are assembling proposals now.

LEG. CARACCIOLO:

And what is the amount of funding that they put forth for this purpose?

MR. SANSEVERINO:

I believe it was \$10 million.

LEG. CARACCIOLO:

And it started a couple of years ago?

MR. SANSEVERINO:

Uh-huh.

LEG. CARACCIOLO:

And they have already spent \$10 million?

MR. SANSEVERINO:

No, they haven't spent it, no.

LEG. CARACCIOLO:

Okay. And what is the end goal here in terms of how many affordable housing units would this additional \$20 million provide?

MR. SANSEVERINO:

Probably under a thousand, I would say.

LEG. CARACCIOLO:

Under a thousand, okay. And that would be dispersed throughout the County.

MR. SANSEVERINO:

It would be -- really depend on -- certainly, it could be used anywhere in the County, but since the way the program is designed, it's designed

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with the use -- utilization of participation by the local towns or villages. They would have to be a partner in this program with us. We could not just take -- buy property and build on it ourselves. We need the towns to participate with us in the program. They would have the power to, so to speak, the zoning powers to, rezoning or to build the housing with -- in conjunction with a nonprofit. We need their

participation or else we can't do this.

LEG. CARACCIOLO:

Okay. We just had a speaker here from the Town Brookhaven. Aside from that town, which apparently has expressed interest in support for this initiative, what other towns have done so?

MR. SANSEVERINO:

I've had conversations with the Towns of Islip, East Hampton, Riverhead. They have all supported. As a matter of fact, Riverhead had to leave for another meeting, but they were here to support it this morning.

LEG. CARACCIOLO:

Okay. And --

MR. SANSEVERINO:

Southold would be another.

LEG. CARACCIOLO:

In terms of the --

MR. SANSEVERINO:

And Babylon.

LEG. CARACCIOLO:

-- process, first home buyers would have to meet certain income qualifications. I heard Legislator Haley talk about 54, \$55,000 family median income for a family of four. Are those the correct numbers?

MR. SANSEVERINO:

Depending on the program, family median income of four right now is about \$76,000. Most of our programs operate at 80%, which would be about \$62,000.

LEG. CARACCIOLO:

Okay. All right. Thank you very much.

P.O. TONNA:

Okay. You got your one minute now. No, I'm joking. Just go ahead.

MR. GRECCO:

All right. Thank you. I would urge the passage of this bill for several reasons. Most importantly, we would like to get our auction in November going in light of the spirit of this bill, meaning that we would have 5% down for first-time home buyers. If this bill is not passed, we're going to be obligated to put these parcels up for sale and the first-time home buyers are going to be competing against other people and speculators, plus it's not going to meet the goals we're all looking for.

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In addition, we're going to be faced with the issue with these vacant parcels as to whether we 72-h them to the town for nominal consideration, or whether we choose to auction them as well. Now, if we have to face that policy decision, we would be auctioning vacant lots primarily to speculators. I don't think that sort of thing helps in a general idea of assisting the affordable housing initiative. So I would urge the passage of this bill for -- so at that with can get going on those first two components. You're going to see immediate results. There's absolutely no question. We've sold 80% of our parcels last time on the open market. I'm absolutely confident that we are going to be able to assist the first-time home buyers immediately, and we'd like to get going on it for our November auction. As to the third element of the bill, which deals with the vacant land,

the towns, the not-for-profits and the recapture provision, I understand your concerns. Preservation, development, preservation, development. Not every parcel is worthy of preservation, and quite frankly, not every parcel is worthy of development.

Now, the bill encompasses your participation to the extent that not only do we have to get the town to go on board as a partner, but they're going to have their own town meetings. They're going to get the public and the community involved. You can watch that. And then, once we have what we hope is all of our ducks in line, we have to come back to you with each project. And, clearly, if you have concerns, you could put it in for Preservation Partnership. You could kill the bill.

LEG. ALDEN:

Paul. Just, Paul, call time out for just one second.

P.O. TONNA:

Yeah.

LEG. ALDEN:

Are you all right.

P.O. TONNA:

Hold it one second please?

LEG. ALDEN:

Hold it, hold it. Are you all right?

P.O. TONNA:

I would -- I'd ask that, Linda, that you make a policy to clear the hallway.

MS. BURKHARDT:

Could we clear the hallway, please?

LEG. FISHER:

Can somebody get more paper towels?

P.O. TONNA:

Okay. Paper towels? And can we get paper towels, please? Is this a
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first at the Legislature?

P.O. TONNA:

Go ahead.

LEG. CRECCA:

Okay, thank you. Yeah, just to continue, we welcome and want your participation, you know, as we have had with the preservation programs. We've tried to keep you all abreast of where we're going and how our negotiations are doing. You've come to our offices and we've kept you in the loop of our efforts. And we believe that this is not just a partnership between the not-for-profits, the towns, and the County Executive Office, but also the Legislature, and we would hope that you would see this as an innovative program being put forth by the County Executive, looking for assistance. Thank you.

P.O. TONNA:

Okay. Just the order is Legislator Levy, Legislator Alden, Legislator Fisher.

LEG. FISHER:

Okay.

P.O. TONNA:

Okay? But do we want to let the last of the "Three Amigos" speak?

LEG. LEVY:

I don't have a problem with that.

MR. SANSEVERINO:

I'm fine.

P.O. TONNA:

You're fine, you don't want to speak?

MR. SANSEVERINO:

I'll take questions.

P.O. TONNA:

A little shy? Come on. No, I'm joking.

MR. SANSEVERINO:

No.

P.O. TONNA:

All right.

LEG. LEVY:

All right. You want to --

P.O. TONNA:

Legislator Levy.

MR. SANSEVERINO:

A long day.

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P.O. TONNA:

Go ahead.

LEG. LEVY:

Okay. Allan, you had brought the same point up in committee, and out of courtesy, we put the forth the resolution to the entire Legislature.

You had mentioned that there was a need to try to get things in order vis-a-vis the auction coming up. What specifically are you referring to.

MR. GRECCO:

Well, we have our November auction coming up and we have a stockpile of inventory, both improved and unimproved. And as to our improved inventory, if I don't sell it at a certain point, it becomes unimproved, if you know what I mean.

LEG. LEVY:

What does this bill have to do with that?

MR. GRECCO:

Well, if I am -- if I am unable to have the first-time home-buyer auction in November, I can then have the houses, which we feel we have about 40, at least 40 houses, which would be appropriate for this 5% down first-time home-buyer auction. To hold -- real estate is a liability for us. Ordinarily, real estate is viewed as an asset, but when we hold it, it's a liability. The longer we hold it, the worse condition it gets in, you know, the more taxes we're paying on it. It's our objective to move real estate. So if I'm obligated to move the real estate, I want to move it in this direction.

LEG. LEVY:

I just don't understand, and maybe I'll ask Counsel. Is there anything in this bill -- is there anything that would result from our inaction in this bill today that would have a negative impact on Allan facilitating the transfer of these properties, as he's hoping to do?

MR. SABATINO:

Candidly, I'm not sure, because I don't fully understand what you think the bill is going to do.

MR. GRECCO:

That I can't do already?

MR. SABATINO:

That's going to do that would change, you know, your current ability to go to auction. I mean, I know I know there's a couple of provisions in there that talk about the difference between habitable and uninhabitable, but that's -- it doesn't seem to fit into your discussion of the 5%, but maybe I'm misunderstanding it, so I --

MR. GRECCO:

The simplest issue is that under the existing law, which I believe Legislator Postal put in several years ago --

MR. SABATINO:

It goes to the owner occupied, that's the current law, right..

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MR. GRECCO:

The owner occupied, but they don't have to be first-time home buyers.

MR. SABATINO:

Right.

MR. GRECCO:

Now our experience has been that you can have people with significant money who buy these parcel -- these houses and put their children in. That doesn't help the first-time home-buyer. We're looking to help the first-time home buyers under the guidelines that Mr. Sanseverino can go forward.

MR. SABATINO:

I understand that, but I think that -- I think that you've created the impression that there's something in here that's separate and apart from affordable housing that's going to, you know, help you facilitate the auction, but that's not really true. I mean, what you're saying is that if this passes, there's going to be a comprehensive County-wide program for affordable housing and that's true. But in the absence of this bill passing today, if it passes on August 8th, I mean, nothing's going to really change in terms of --

MR. GRECCO:

Well, my problem is prepping the auction, and in order to prep the auction, we would have to change the booklet, we'd have to get on the website, line up the hotel. It's a significant amount of work.

MR. SABATINO:

But if I could, just to -- I mean, to put it in the simplest direction, you're really basically saying you want to -- the thing that's important to you today is to repeal the owner occupied provision and replace that with an affordable housing provision for the next auction, that's the essence of your concern for today?

MR. GRECCO:

That's just one issue I'm raising. That's just -- that's only one issue I'm raising. There's a number of other issues.

LEG. LEVY:

But wait a minute. But, Alan, hat I'm referring to, I took this resolution out of committee as a courtesy for you, because you were concerned that its staying in committee was going to have a deleterious effect on the auction in November, and that's a very narrow subject that we're talking about. So my point is, is there something that you want as a Certificate of Necessity today -- understanding that you want the whole bill through, okay, but if some of us have some concerns that

we want to address over the next month regarding this policy and all you want to get is a certain provision related to auction, I want to know specifically what is the wording of that resolution that you're looking for.

MR. GRECCO:

I think what we were looking for today was an overall policy as to how we were going to deal with the affordable housing problem in this
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County and we felt that this bill addressed it.

LEG. LEVY:

Okay. But see, now, this I'm a little upset about, because it's somewhat disingenuous, because I didn't want to push this out of committee, I wanted to continue to deliberate the details. And you came before us at committee and you said, "Oh, you do that, the sky is going to fall down, because I'm not going to be able to do what I need to do at auction come November." Well, I didn't want the sky to fall down, so I said, "Well, give me something specifically that you're looking for as it pertains to November's auction and we'll try to get a part of this bill crafted that will facilitate your needs in that regard." But now you're saying, "Well, we want a general housing policy." We know that. You can get a general housing policy passed today, you can get a general housing policy passed in August, it's not going to make a heck of a lot of difference whether it's today or in August. If it pertains to the auction in November, time is of the essence. Well, what pertains to the auction, that's what I want to know.

MR. GRECCO:

Okay. Clearly, I'm talking about both issues. The whole policy is something we believe should be addressed, but specifically, I was just raising this one issue, and if you want me to just address that one issue, I'll be happy to.

LEG. LEVY:

Yes, please.

MR. GRECCO:

All right. I have an inventory of real property, which, as I indicated before, is a liability. The sooner we move it for whatever purpose and just about forever price -- for whatever price, in the long run does us well. Now, if I don't have some authority to allow me to auction the property to first-time home buyers to the 5% down, so I can limit the buying demand market, I believe our inventory may be depleted prematurely, so that the -- let us assume that the two elements of this bill are not passed, or let's assume the bill is not passed at all --

LEG. LEVY:

All right. Let me -- you are asking that on the 72-h's, that there be a condition attached that it has to go to a first-time homeowner.

MR. GRECCO:

No, not on -- on 72-h's?

LEG. LEVY:

Home buyer.

MR. GRECCO:

Affordable housing initiatives.

LEG. LEVY:

Yes. That's what your concern is about. Paul, addressing that issue,

okay, is it necessary for this -- the County Executive's bill to pass to facilitate Alan's desires in that regard?

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MR. SABATINO:

If the desire is to convert the current state of law, which is owner occupied, to a new concept of first-time homeowner, then you would need to repeal the existing law with regard to owner occupied and replace it with -- I think it's just one paragraph, quite frankly, in the bill, which says that you could go to the first-time homeowner. That would be a conversion of the existing law to a new first-time homeowner law just with regard to what's in the inventory. That could live separate and apart from, you know, the balance of the affordable housing initiative that's in front of you, but I think the argument that's being made is that they want to have, you know, all of it.

D.P.O. LEVY:

I understand. But for the purposes of the auction, what you want is some type of a Certificate of Necessity that would make that change, so that it would have to be a first-time home-buyer for anyone purchasing these parcels that come from the 72-h for affordable housing. That's what you're looking for --

MR. GRECCO:

And auction.

D.P.O. LEVY:

-- as it pertains to the auction. Okay, I've got that clear. Beyond that, you want the whole kit and caboodle passed, I understand that as well. Okay.

MR. GRECCO:

Okay? Yeah.

D.P.O. LEVY:

Anything else for Allan?

LEG. ALDEN:

Yes.

LEG. FISHER:

I have a couple of questions.

D.P.O. LEVY:

Cameron, and then Legislator Fisher.

LEG. ALDEN:

D.P.O. LEVY:

Alan, on the 72-h transfers, this bill really doesn't modify that in any way, shape or form, does it?

MR. GRECCO:

The only thing it does, our current policy has been to just standardize the transfer of vacant properties under 72-h for \$3,000 per building lot. Essentially, what we're doing is we're waiving that \$3,000. What we found is as, quite often, we would have the vacant property, the town governments would want it, and they would sit for several years before they finally took the transfers, while we're covering the tax liabilities. In essence, if I'm giving it away for a nominal

00077

consideration, they'll take it right off our hands and they'll get right -- they'll get started right away. So it really -- it's almost penny wise, pound foolish to look for \$3,000.

LEG. ALDEN:

The old way the 72-h's used to work was for nothing. It was a transfer basically for --

MR. GRECCO:

Right.

LEG. ALDEN:

You know, we didn't get part of the, you know, back taxes and things like that; is that correct?

MR. GRECCO:

That's correct.

LEG. ALDEN:

Okay. And then we went to this procedure in what year? Mid '90's right?

MR. GRECCO:

I would say '94, yeah.

LEG. ALDEN:

Yeah. So it would behoove us all to contact our town governments if there are properties on your list or even in the inventory that they think they can use for affordable housing, to just maybe pass some resolution that would reserve them from the auction?

MR. GRECCO:

We do that all the time, quite frankly. We give them our -- we give them our booklet, they see us on the internet, and we respect their requests to hold parcels off.

LEG. ALDEN:

So what I'm saying is, you know, there's a couple of options that we can do here. We can collectively do a resolution to remove a whole bunch of properties in anticipation that the towns are going to use those for an affordable housing program, especially if we make this funding available to them. So, again, it doesn't really modify the 72-h Program.

MR. GRECCO:

No.

LEG. ALDEN:

Okay.

MR. GRECCO:

It's the same as your current 72-h program. The only difference is we're not going to get \$3,000 per lot.

LEG. ALDEN:

Okay, thanks.

00078

D.P.O. LEVY:

Legislator Fisher. Then I will remark, after Legislator Fisher, we are going to go to -- and Legislator Foley, we're going to go to the report from the Tax Commission.

LEG. FISHER:

Hi, Alan. The first --

MS. BARBATO:

Could I just ask one question? For the benefit of those of us who got here at 8:30 this morning, when am I speaking. I'm number seven.

D.P.O. LEVY:

Believe it or not, we're still on number five. So Legislator --

MS. BARBATO:

How did that happen? I have six names written down that spoke.

MR. GRECCO:

We're collectively.

MS. BARBATO:

Oh, I know.

D.P.O. LEVY:

No. There were two.

MS. BARBATO:

I know you're one.

D.P.O. LEVY:

These are three. These are three folks as one, and we had two individuals from the Handicapped Department, who we gave preference to, and that was it. Other than that, we're in order.

MS. BARBATO:

I know. It's obvious that the questions --

D.P.O. LEVY:

Okay.

MS. BARBATO:

-- are the time consuming part. But after then, if I can't speak, can I at least distribute a memorandum?

LEG. LEVY:

Well, you can distribute anything you want at any time to our Clerk.

But, at this point, I'm going to hand it over to Legislator Fisher.

Everyone is being taken in order. We apologize for the delay, but we get into some of these beefy issues between the fireworks at Smith Point and also the Housing Policy, which is a pretty important issue. Legislator Fisher.

LEG. FISHER:

My first question was about the auction and I think that you have

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clarified that fairly well. I was looking for the portion of the resolution which referred to first-time home-buyers, that Paragraph A, which you had just referred to, and I can see how that would be timely with regards to the auction, that one piece of it. My other question is, if you could walk me through the approval procedure. You had said that we would, here in the Legislature, have final approval. Can you walk through that process for me, Alan? You just mentioned it in passing that we would, indeed, have approval. Can you go through that?

MR. GRECCO:

Surely. With respect to the 72-h vacant land transfers, which we want to do for nominal consideration, we would have to get a resolution for each parcel. So you would -- you would be involved there. I think the

--

LEG. FISHER:

At which point? Because I believe you had said that, first, the town would make a decision, and then it would come back to us; is that what --

MR. GRECCO:

Okay. Now -- there are two different things with --

LEG. FISHER:

Okay.

MR. GRECCO:

I'll go through the easy one first, all right?

LEG. FISHER:

Okay.

MR. GRECCO:

The easy one first deals with vacant land in my inventory.

LEG. FISHER:

Okay.

MR. GRECCO:

If takes a resolution from the town to say, "I want it under 72-h for affordable housing purposes." Once I get that resolution and the parcel is appropriate, we then give it back to the Legislature for resolution through the Ways and Means Committee, which we have done as of course.

LEG. FISHER:

Okay.

MR. GRECCO:

So there's no departure from that process. In the third component, which deals with the acquisition of land --

LEG. FISHER:

Yes.

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MR. GRECCO:

-- Transfer to the town, transfer to the not-for-profit, and then the ultimate purchaser.

LEG. FISHER:

Right.

MR. GRECCO:

What we envision is it's going to be putting all our line -- all our ducks in line before we get into a contract, it will be all subject to. So there will be site identification. There will be discussions with the town as to its appropriateness for affordable housing rather than commercial use, or rather than preservation. We will then have the discussions with the not-for-profits as to whether they can deliver a product within a range of price that actually makes it a viable affordable housing initiative. We will then come to you and say, "Look, we have identified this property." Now, we could do it for planning purposes, just as we do in the --

LEG. FISHER:

Land acquisition.

MR. GRECCO:

-- Preservation Program, or we could do it in acquisition, whichever you prefer. And we could say, "Look, we have met with the town, we have met with the not-for-profits, we have put together what we believe is a plan that can work."

LEG. FISHER:

And, at that point, there would be a town resolution?

MR. GRECCO:

There would be -- there would be a town resolution that would -- it may need a zone change, it may not need a zone change. So that, ultimately, we would have to come back to this body and say that we can acquire this piece of property for "X" amount of dollars, we anticipate that we are going to transfer it to the town, who will then have a zone change, or has a zone change in place as a contract vendee on behalf of the ultimate not-for-profit, who's going to build "X" number of units at a certain price. And, clearly, you can participate and keep a pulse

on what your constituents are doing by checking Town Hall. But the ultimate decision will be up to this body, once we have the entire package put together.

D.P.O. LEVY:

Okay.

LEG. FISHER:

Okay. Thank you, Alan.

MR. GRECCO:

All right.

LEG. FISHER:

Paul, is that in the resolution, this process? Is it delineated as clearly? I didn't remember it.

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MR. SABATINO:

Yes, that whole notion that there has to be a town plan, that the package has to be put together, it's got to be approved, that --

LEG. FISHER:

And that it has to come back to us for approval on each --

MR. SABATINO:

That's clearly in the legislation.

LEG. FISHER:

Okay.

MR. SABATINO:

You would make the final call on those proposals.

LEG. FISHER:

Okay. Thank you, Alan.

MR. GRECCO:

Legislator Levy, if you took my comments as disingenuous, I apologize to you. I'm looking -- I'm looking for --

D.P.O. LEVY:

No, I don't think it was purposely done.

MR. GRECCO:

All right. I just -- I wanted to emphasize one element of this program and the important of it, as well as the entire program.

D.P.O. LEVY:

I understand.

MR. GRECCO:

Thank you.

D.P.O. LEVY:

Okay. If we could have all Legislators come to the horseshoe, we're going to have a presentation from the Commission for Alternative Taxation, if I stated that properly..

LEG. BISHOP:

What about the cards? What are you going to do with all the cards?

D.P.O. LEVY:

We've got about 30 or 40 cards. And it was already stated on the record that at 12 o'clock, the Commission would be making its report at 12 o'clock. We're already 20 minutes beyond that. So let's once again get Legislators to the horseshoe, so that we can have our presentation.

LEG. CARPENTER:

Mr. Chairman, if I could just address the fact that we are taking this time in the public portion. This resolution was passed by the

Legislature. They are required to file a report with the Legislature.

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They have to make this presentation during the public portion. It was announced this morning at 9:30 that we, in fact, would be doing this at noon, that it would take about 15 minutes.

LEG. LEVY:

It's not unprecedented.

LEG. CARPENTER:

And it's not like we don't have a number of cards, exactly.

D.P.O. LEVY:

We do this with the Human Rights Commission and the Hispanic Commission, a lot of other commissions that report to the Legislature to give us their finding, so that they can get the entire Legislature at one time. So welcome, John. I know you're the Chairman of this committee. We thank you.

Could we please close this door and clear the hallway? It's rather loud back there. Okay. John, the floor is yours.

MR. COCHRANE:

Thank you, Mr. Deputy Presiding Officer, and Ladies and Gentlemen of the Legislature. It's always a pleasure to meet with you, and I appreciate the opportunity to submit this report to you, and to have the opportunity to present the information contained therein for your review.

This particular Commission was impaneled and appointed by the Suffolk County Legislature, and the Commission has held hearings in Suffolk and Nassau Counties, received numerous reports and information from informed individuals and organizations, and held many meetings of the members themselves. I would like to publicly thank the members of the Commission, who are listed on the cover sheet, for their input, their time and their patience. We have several with us today; Angie Carpenter, of course, as Vice Chair, Dave Bishop has been a member and participated in our activities. Mitch Pally is represented by Mr. Michael Borsuck, who has been at all of our meetings and been particularly helpful to us, and Dr. Harry Withers from the Suffolk County Planning Department. The other members are listed on the cover sheet.

The program, as it progressed, was interesting in that the implementation of the STAR Program and the Enhanced STAR Program, by coincidence, were enacted during the early days of our studies, and we were moving in that direction as far as our recommendations. That has been a very positive move in the reduction of the school portion tax of the real property tax.

In the interest of brevity, I would like to recognize the outstanding work that was done by Robert Lipp and Amihai Ulman from the Budget Review Office. This, in effect, is their handy work that you have before you. They took the information and all the work of the Commission and put it together for your review.

So with that very brief overview, Angie, I would like to see if you would like to add any comments to our presentation.

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LEG. CARPENTER:

The hour is late, so I will be very brief. I just want to publicly thank the members of the Commission, who spent countless hours. There

were many, many meetings, travel to Riverhead or the hearing, had the hearings in Hauppauge, and also in Nassau County at their Legislative Auditorium in Mineola. I particularly would like to thank Mike Borsuck, who was probably at almost every meeting with Mitch Pally from the LIA, and Harry Withers, too. And we had representatives from the School Boards Association, the unions. It was very, very participatory. And up until last year, we did even have participation on the part of Nassau County, Nassau County Legislature.

MR. COCHRANE:

Thank you, Angie. I would like to ask Robert Lipp to give a very brief overview in the executive summary. And we thank you again for your time and your interest.

MR. LIPP:

Hopefully, the emphasis will be on brief. This is -- this is really good stuff. I want you to appreciate this. We spent -- not only did we spend a lot of time, but the important thing is taxation is a really, really important part of government. The Commission was mandated to explore alternative revenue sources, including reforms of the current property tax system and replacing the property tax system with either an income tax or a sales tax. Our mandate was not to look at what the overall tax burden is and how to cut costs, but, rather, how should we finance it. And there's a lot of stuff in this report in terms of recommendations, that if you run with some of this stuff, you can make some meaningful change to the system out here in a positive way, both in terms of equity and in terms of economic efficiency. So I would ask you, after the presentation, to pay some attention to the overall report itself. You have a copy of the entire report as well a two-page briefing that's the body of the presentation here.

The bottom line is the Commission finds that proposals to replace the property tax with other revenue sources are not advisable. Instead, we recommend that the current property tax system on Long Island be reformed. The main motivation for replacing property taxes has been because on Long Island we have some of the highest tax burdens in the nation. Unfortunately, local tax burdens associated with a sales tax and income tax are also very high. So if we shift, what we're going to do is we're going to create a big burden in terms of the other taxes. On efficiency grounds, both the sales tax and income tax are at or beyond the threshold level that results in significant economic disincentives.

In terms of equity, an income tax falls short, because a highly equalizing aid formula would still be needed to provide the necessary fiscal capacity in poor municipalities. You would still need, for instance, major revamping of the State Aid formula of the school districts.

An income tax was also found to be deficient because of the likely large increase in the level of cheating. We all know that people tend

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to cheat on their income taxes. Welcome to the real world. The likely loss of a tax base associated with the prevalence of nonresident second homeowners in Eastern Suffolk should we go through an income tax, and the disincentive to attracting and retaining businesses by both business entrepreneurs and their employees. It's a major -- just ask the LIA, it's a major factor what the overall income tax is in terms of

business location decisions.

In spite of these conclusions, we still feel that the State's income tax can play a vital role in reforming the current property tax system. You ask, "Well, how?" One of the most effective ways to address inequities in the property tax system is to simplify and expand tax preferences in the form of income tax credits or circuit breakers. Property tax credits are a dollar-for-dollar reduction in the State income tax liability of low income property owners. So, in other words, after you establish what your adjusted gross income is, and after you figure out what your tax liability is, you can reduce dollar for dollar your tax liability. We're not talking 15%, 28%, 38, 3%, but we're talking a dollar-for-dollar reduction.

Compared to other states, New York State has a -- does not have a very generous circuit breaker program. Okay. So if you want to provide equity in the property tax system, you could pass a memorializing resolution to the State requesting them to improve on their circuit breaker program for low income property owners.

To -- okay, so that's one recommendation. To administer the property tax system, the Commission recommends creating a tax force that would include each of the Assessors on Long Island and support staff from both counties. The Task Force would draft uniform standards to be adopted by all municipalities. This approach would allow Town Assessors in Suffolk to maintain autonomy.

We also recommend that the Task Force consider transitioning to County-wide assessing, but we need to be pragmatic also, and they could set up the uniform standards. If they don't want to go that way, we can keep the town assessing units and have uniform standards. Uniform standards at the joint counties and town's task force should adopt, we list a whole variety, and I'll go through some of them real quick; okay? For instance, we recommend reassessing all property at 100% of market value. We would also require frequent updates on assessments, because after a few years, they go out of whack. Case in point, in the case of Shelter Island, they went through 100% reassessment just a few short years ago. They have to reassess soon, otherwise they'll be going out of whack, and they recognize that.

And, of course, Islip and Riverhead went to full value assessing in the late '70's, and those have gravitated down to the level of where assessments are maybe 25 to 30% of market values now out there. In addition, the Task Force would also recommend -- well, actually, the Legislature could recommend this, a home rule or memorializing resolution to request the State to increase State Aid for first year reassessments from \$5 to \$20 per parcel. This was a recommendation that was part -- it was part of the State budget two years ago now that went on the cutting room floor, but it was something that was

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considered. And with the surpluses we have these days, they may be willing to do that.

Another recommendation is establish criteria, we're looking at this as a Long Island Task Force. So we would recommend establishing criteria to reform the system in Nassau County that taxes different classes of property differently. Unlike Suffolk, Nassau taxes different classes of property differently. Residential is taxed at a different rate than commercial and industrial, etcetera, etcetera. What's failed to be

recognized, for instance, in the press these days is that change -- that, effectively, what happened is the class shares of the total tax levy were frozen at their 1982 levels. And change in Nassau County and changes in market values over time, and favorable caps on annual increases for residential property have distorted the shares by class. If they are going to reassess all property, not just residential, the moral of the story is it would be a large increase in residential taxes; okay? So you have -- you have a very inequitable system in Nassau, that if they were to go to a fully equitable system where businesses would be assessed properly, there would be a large increase in residential property. We make some recommendations on how to deal with that particular issue, because it's not something that you could push under the rug. And if you read the report, you'll what the recommendations are.

Also, finally, in terms of uniform standards, with the Task Force, we recommend that they consider taking over the assessment of all utility properties. That would eliminate the problem we had with Shoreham. I could talk for hours on Shoreham, but I won't. I'll spare you; okay? Last, a few other recommendations beyond the Task Force. Property tax collection should be based on a two-plus-two system; that is the schools receive their taxes at a different point in time, September and March, while the rest of the municipalities, including the County, December and May. By the way, Nassau County has a two-plus-two system, but it's only partially implemented. So they could -- they could still go further in implementing a full two-plus-two system; that is their property taxes are collected in November and May as opposed to when they ideally would be in terms of maximizing the cash flow benefits and not having to borrow more than they have to if they did it in September and March.

[SUBSTITUTION OF STENOGRAPHER - ALISON MAHONEY]

MR. LIPP:

Regional cost of living adjustments for State aid to school districts were conditionally supported and the commission also recommended a more ambitious approach of completely revamping the State aid formula. Finally, in terms of the STAR Program, the commission found a number of problems with it including that it was an unnecessarily complex way of both reducing the local share of school district revenues and provide -- a difficult way of providing tax relief for low income property owners. The recommendations offered in this report if they were adopted would lead to a much more equitable and efficient tax system. There is a lot of really good, really complex stuff in this report. And if you look at it carefully, I wouldn't suggest you just say okay,

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rubber stamp it, but the commission members would be at your beck and call if you wish to talk about it further in terms of what the pros and cons of each of the recommendations are. I thank you very much for your time.

D.P.O. LEVY:

Thank you, Robert. As a courtesy, let's go to Legislator Carpenter to be followed by Legislator Fisher.

LEG. D'ANDRE:

Put me down, Mr. Chairman.

LEG. CARPENTER:

I just want to publicly thank Bob -- Robert for all of the work that he put into this report. I know that Budget Review does an extraordinary job, Fred and Jim, and we always, or try to recognize their efforts. Robert really went above and beyond and I thank you very much.

MR. LIPP:

You're welcome. You can thank Fred on that, also.

LEG. FISHER:

Thank you, Robert. It certainly does look like a very comprehensive report. One of the concerns that educators have and we as a community have, and I notice that there are several people from the educational field who were --

MR. LIPP:

On the commission.

LEG. FISHER:

-- a part of the commission, is the inequities among the different school districts. And you did you touch on that very briefly when you said that the State aid, the percentage of State aid coming back to us would be -- our goal is to reach the 50% mark. Were there any other reforms that were touched upon that would help to alleviate the inequities among the school districts?

MR. LIPP:

Well, we spoke about the State aid formula and we said that we would support totally revamping it because it's such a confusing thing that it doesn't really make any sense, there's so many band-aids on it. And as a perhaps less ambitious approach, maybe have some sort of cost of living factor in there. But there are some problems with the cost of living adjustment approach, I would rather not go into the details of that.

LEG. FISHER:

Would County assessment address that at all, do you think?

MR. LIPP:

Well, there are two ways of looking at it. We're recommending setting up a task force so we'll have all of the Town Assessors and support staff from the County, and also we want to try to include Nassau County in on this also, to set up uniform standards. The view there is it's sort of an interesting approach, we have talked about County wide

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assessing forever, okay, and it's never gone anywhere. And to be perfectly honest in part because, you know, you already have your piece of turf, you know, we could also say let's have -- for argument's sake, let's have County wide assessment -- I'm sorry, there was another issue here that was just called to my attention, regionalizing taxation of non residential property was another issue that was also referred to in the study. We did not recommend that.

What regionalizing non residential property is, the argument is that residential property owners receive a direct benefit from school districts, okay, that is you bring your kids there so in that sense you get a direct benefit, sort of a user fee approach. And in addition, even if you don't have kids or you're senior or blah, blah, blah, your property values are affected. Clearly, when people look for where to live, one of the first questions a lot of them ask is what's the school district, "I don't care if it's the worst house in the neighborhood or not, I want to know what the school district is," at the risk of

exaggerating. So in that sense, there is a benefit to all residential property owners. In terms of non residential, though, the link is a much less direct, you know, you're not getting your labor pool right from that school district. So the argument is regionalize all non residential taxes. The problems with that --

D.P.O. LEVY:

Rob, if you could just wrap up, we have Legislator D'Andre.

MR. LIPP:

Make it quicker, okay. The problems with that, plain and simple, are that you need a highly equalizing aid formula, you would really shoot a hole in all of the poorer school districts if you regionalize, unless you are willing to do a strongly progressive aid formula which is not clear if that would happen or not.

LEG. FISHER:

Thank you, Robert.

D.P.O. LEVY:

Legislator D'Andre.

LEG. D'ANDRE:

I heard all your arguments and so on and so forth and we have a tax assessor in every town here, Nassau has one tax assessor. And you'll hear the argument that one assessor is the better way to go than the way we are, but the bottom line doesn't bear that out. First of all, the taxes wouldn't be so bad if it wasn't for the school taxes, and maybe the State should take that over on their own. So that we'll just pay for the property taxes outside the school taxes and then the low district or the poorer areas will be equalized. The way it is now, it's not that way.

MR. LIPP:

Correct.

LEG. D'ANDRE:

Shoreham-Wading River has a tough time in their school district, Levittown has a tough time in that area. And you hear a full taxation

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or full exemptions, it's all systems and systems and systems but the bottom line hasn't been reduced. And my taxes are over \$10,000 and I think it's atrocious, in fact it's criminal.

LEG. LEVY:

Okay, mike. Do we have a quick question here, please?

LEG. D'ANDRE:

Yeah. My quick question is how can you reduce the taxes period without all the marlarkey?

MR. LIPP:

The answer to that is --

D.P.O. LEVY:

And answer that in ten seconds or less, please.

MR. LIPP:

I can do that in ten seconds or less. The answer to that is, plain and simple, the mandate of this commission was to look at different revenue sources to see what would be the best way of financing regardless of what the overall tax burden was? That our mission was not to say that the tax burden should not be here but should be here and here's how to bring it there, but rather how to finance. It's a complete -- you're asking a question that's beyond the scope of this commission.

LEG. D'ANDRE:

I understand that. Then why should we be --

MR. LIPP:

But an excellent question, nevertheless.

LEG. D'ANDRE:

Why should we be addressing that if you can't reduce the taxes?

Mr. Chairman, would you please make the announcement that we're going to have the Lou Grasso Dedication?

LEG. LEVY:

Yes, I will. Did you want to wrap up, John?

MR. COCHRANE:

Yes. I want to thank the Members of the Legislature for their understanding and patience. And hopefully, as Robert has pointed out, you will have a chance to review this report and we'll be available to answer any other questions or provide information that was a part of the study. Thank you very much and have a good day.

D.P.O. LEVY:

Thank you for your hard work, Ladies and Gentlemen of the commission. We are going to take a break until 2:30, as is customary for our lunch break. There will be the proceedings and ceremonies for the dedication for the Lou Grasso Auditorium. We'll be back up with number six at 2:30.

[THE MEETING WAS RECESSED AT 12:40 P.M. AND RESUMED AT 2:40 P.M.]

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[RETURN OF COURT STENOGRAPHER-LUCIA BRAATEN]

(*Roll Called by Mr. Barton*)

MR. BARTON:

Ten. A quorum is present. (Not Present at Roll Call: Legislator Guldi, Legislator Towle, Legislator Caracappa, Legislator Fisher, Legislator Haley, Legislator Fields, Legislator Postal, and Legislator Binder)

D.P.O. LEVY:

Okay.

MR. BARTON:

The affidavits of publication for the legal notices are -- have been filed and are in order.

LEG. LEVY:

Thank you, Mr. Clerk.

MS. JULIUS:

You're welcome.

D.P.O. LEVY:

Could we have some attention, please, and get Legislators in the horseshoe? We are beginning the public hearing.

Public Hearing Number 1579, a local law to ban discriminatory zone pricing -- oh, excuse me. Prior to that, we have the public hearing regarding Suffolk Community College Budget. There are no cards. We have a motion to close by Legislator D'Andre, second by Legislator Fields. In favor? Opposed? Carries. It is closed.

Public Hearing 1579, a local law to ban discriminatory zone pricing of gasoline in Suffolk County. We have a few speakers. Steve Haizlip.

MR. HAIZLIP:

Here.

D.P.O. LEVY:

Yes.

MR. HAZLIP:

Ladies and Gentlemen of the Legislature, my name is Steven O. Haizlip, and the "O" doesn't stand for outcast, which a lot of elected leaders have been taking it at such, like the high society leader of George Pataki, Bob Gaffney, and President Clinton. I write to them on this subject, they don't respond. But, yet, I'm good enough to take my tax money and let them spend it and stay in high society. Okay. Now let's get down to this public hearing. Mr. Alden, I believe, is sponsoring this.

LEG. D'ANDRE:

He's right here.

MR. HAZLIP:

All right. Mr. Alden, what is the -- what are you striving for here?

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Are you going for uniform pricing throughout Suffolk County? You mention on here zone. Otherwise, you could take the First Legislative District, say, and that would be a zone, and they could have one price, then you take the Second and they could have another price. So I take it that you're trying to strive for uniform pricing in Suffolk County.

LEG. ALDEN:

What I'm trying to do away with is discrimination. When you take a secret formula, and the gasoline companies and the oil companies are not somebody that I really put a lot of faith in, so when they're operating with a secret formula that could be discriminatory, that's something we can't allow, and that's how they price. And we will hear some testimony later on about how they could carve it out any way they want, so a zone could include only one station and it could be a station that they want to run out of business. So they could charge a higher price for that station and operate their own station only less than a half a mile away and give them a lot lower price. So if it's discrimination and it's a secret formula, it just -- it doesn't smell right, and that's what we're going to look into.

MR. HAZLIP:

Sounds very good and I'm for it. I want to say, on the 18th of April, I arrived in Lynchburg, Virginia. First thing I noticed was gas prices 1.25.9, and I just left 1.59.9 here. So I tried to figure out why is it different in the southern states than it is in the northern states. So I think I finally come to the conclusion that up here, there was Yankee greed, and as long as these prices stay up, George Pataki is happy, Clinton is happy, and Gaffney is happy, because the sales tax is rising. And when you -- none of them will help you or say anything about it, but, yet, in their State of -- Clinton, in his State of the Union, he tried to say we were better off. At that time, the gas had already reached to 1.55. He hid that, he didn't say anything. Now, I understand that they've taken the gas prices out of the CPI and they're not going to figure it anymore in the cost of living. So what you're doing, I commend you, and it should be a uniform price for everybody, and the richer shouldn't get richer, and the poorer shouldn't get poorer. So it's about time somebody spoke up and started to help us that's retired and on social security. Thank you very much, Mr. Alden.

D.P.O. LEVY:

Thank you, Mr. Haizlip.

LEG. ALDEN:

Thank you.

D.P.O. LEVY:

Our next speaker, combined, Kathy Pollane and Kevin Beyer.

MS. POLLANE:

Hi. I'm here to represent the Long Island Gasoline Retailers Association. We are a not-for-profit trade association. Our members consist of service stations in the Downstate New York area. We have, I'd say, approximately 400 stations in Suffolk County.

We want to thank, first of all, Legislator Alden for developing this resolution to ban zone pricing, we fully support it. Basically, what

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we feel it will do is level the playing field in retail sales for gasoline between the dealers and the oil companies. And I think, the bottom line, it will bring about fair pricing for everybody, no matter where you live, so we're 100% for it.

LEG. D'ANDRE:

Steve. Steve.

D.P.O. LEVY:

I want to make sure you're finished. Are you both done?

MR. BEYER:

Okay. Actually, I'll just have something specific to give you. I was speaking to a retailer yesterday, a fellow retailer. He has locations in Port Jefferson and locations out in the Hamptons. And he called me, didn't know -- didn't know about this bill that we were -- that you're proposing and everything that you're doing, and he's complaining that out in Southampton, it's costing him five cents more per gallon than it is in Port Jeff. Now, this is through one of the major oil companies, and what had happened was, originally, the gas used to come out of Inwood Terminal and have to go all the way out to Southampton. When that happened, it was okay. It used to be a three cent spread, which was fair enough; you're coming all the way from Inwood, going out to the Hamptons, you're losing transportation and a driver, it's understandable. When the companies merged, now they own the terminal out of Holtsville. So, now, you're being supplied in Suffolk County from Holtsville, going out to the Hamptons, or going to Port Jefferson, it's not a -- you're not running from Inwood. Now, the increase is up another two cents and it's a five cent difference spread between the Port Jefferson and his Southampton location. So by doing this, it will definitely help the industry it will help the -- it will help the retailers as well as the consumers.

D.P.O. LEVY:

Okay. Legislator D'Andre. Question, please.

LEG. D'ANDRE:

You know, this is bigger than just you retailers. I mean, you're at the end of chain. But we don't have an energy policy in this country. The President has failed to do that. I don't know who he's in with or where it's going. But let me say this to you. The big money is in energy on a national level, and somehow or other, the gas station retailer is a pawn in all of this. They control him like -- well, they control other things. And they tell him how much he can get, what he can't get, not in so many words, but by their interaction. And they're clever enough to make sure that they don't look like they're dominating, but they are. You can only get from the distributor.

P.O. TONNA:

Questions, Mike, questions.

LEG. D'ANDRE:

And the question here is, do you feel that we have a proper national energy program, or do you think that the gasoline retailers are responsible for this?

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MR. BEYER:

Well, the gasoline retailers are definitely not responsible for what's going on. It's been going on now for months. We've been watching this spike, you know, coming up and increasing each month, each -- actually, each week, we've been getting pretty big increases. I just got one again today for another two cents. So, truthfully, what you're seeing on the street is definitely not nearly what it will be, because it will be going up more and more as the other fees that are involved also get tacked on, as far as credit card fees. People are going to be using their credit cards more often than outlaying the cash, and the fees are going to increase also to the retailers, so that's going to be passed along to the consumer also.

LEG. D'ANDRE:

And my other question is, do you think we need a change at the national level?

D.P.O. LEVY:

Well, let's not get into that. That's getting a little beyond the scope here.

LEG. D'ANDRE:

Well, that's where the problem is coming from.

LEG. BISHOP:

This is an election year, he's all fired up,

LEG. D'ANDRE:

This is where the problem is coming from. If we don't have an energy problem and you want the same --

D.P.O. LEVY:

But I think it's putting the speakers on the spot to make a political endorsement here, which I don't think they're here for. But I do have a question or you, because we had at committee a representative from the wholesalers, and the question was specifically asked to that representative as to that cause, and she didn't right come out and say it's the fault of the retailer, but said that the discretion lies with the individual retailers. So I'd just like to have your comment on that. And how does this play out vis-a-vis the wholesalers? Is it strictly a matter of lack of supply from OPEC, or is it more than that, that there is a combination effect in that the wholesalers are taking a little profit off of this as well? I'd like to hear your thoughts.

MS. POLLANE:

Zone pricing -- let me just say that zone pricing is used, in my opinion, by the wholesalers to maximize their profits, because they determine where they can make the most money and they set up a zone there and they charge the most for the gasoline, and that's the way it works. It's always been the case where retailers are dictated the price that they're selling by the oil companies, that's just the way it is.

MR. BEYER:

Yeah, it's manipulation. That's all it is, it's manipulation, and numbers like, you know, I'm giving you that specific from out in the
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Hamptons. So that retailer, yeah, it's his option, he can keep his prices five cents lower, but how can he do it? How can he afford to do it? He can't do it, basically.

D.P.O. LEVY:

Well, you're there all the time. You see what's coming in on a daily basis. Is it your opinion that this is more than just a matter of lack of supply from OPEC?

MR. BEYER:

I think it's a little bit of manipulation all the way around. I think it started with the OPEC and it's just -- it just keeps feeding from there. Now, you have every -- every time there's any reason for an excuse to raise the price, they're going to do it, just like they were talking about the reformulated gasoline, they're talking about the pipeline that broke out in the Midwest. So anywhere they want to, they're going to figure a way to increase it while they can, especially we're in the heat of the driving season right now.

LEG. D'ANDRE:

It's bigger than that.

D.P.O. LEVY:

Okay. Thank you. Any further questions?

LEG. D'ANDRE:

It's bigger than that.

D.P.O. LEVY:

Okay. Thank you --

MR. BEYER:

Thank you.

D.P.O. LEVY:

-- Kathy and Steve. We have another speaker who just signed up, Cathy Kenny.

MS. KENNY:

Good afternoon. I have copies of the testimony that I delivered to the committee of other members of the full Legislature, which I have a copy of it. My name is Cathy Kenny and I'm the Associate Director for the New York State Petroleum Council. Petroleum Council is a trade association that represents the major suppliers of petroleum products in the State. Our members include BP Amoco, CITGO, Exxon Mobil and Texaco/Shell thank you for the opportunity to speak on the zone pricing bill ahead of us. Unfortunately, I just got in and missed the testimony of the former witnesses.

I understand from the committee meeting that the sponsor's intention of the bill was very different than the preconceived notion I had from reading the bill, and that is his -- the bill was intended to get out, quote, unquote, secret formulas that were based on I think affluence, well, what the bill says, geographic limitation, racial discrimination, etcetera.

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As I did at the committee, the definition of "zone pricing" from the industry's point of view is a price that is set for different dealers, different dealer tank wagon prices from zone to zone, depending on a number of factors, and, basically, those are geographic, those are

taxes, those are personnel costs, and essentially local competition. Suffolk County is fairly unique in the respect that it has many independent stations, that's unlike anywhere else in the urban areas, although Suffolk is not urban, but it's a fairly big County, with high through-put.

When I spoke with Charlie Gardner about two years ago on another matter, he told me that the independents took up about 20% of this market. Exxon Mobile, Exxon has divested all of its stations to an independent called {Tosco}, so I would be willing to guess that that independent presence now in Suffolk County is about 30%. With that, that brings keen competition for the branded station. The independent buys his -- a lot of his product on the spot market. A retail franchisee, he has to buy his dealer -- through a dealer tank wagon price, and that includes, of course, delivery and security of long-term supply. Your independent doesn't have that. So the price for the franchisee is obviously going to be a little higher, because it includes transportation costs from the terminal to the station.

The zone pricing, from our point of view, permits a franchisee dealer who's across the street from a Cosco to compete with that independent competitor. My -- our concern is that if this bill is enacted, we're required to charge one price to all dealers. The price is going to be charged probably at the higher price, and those other dealers that are faced with keen independent competition are not going to survive. We're in the business of selling gasoline. If that retailer does not survive, we do not get to sell our product. This is a high consuming County, it consumes -- all of Long Island actually consumes 10% of the product distributed in the State, so it's pretty high. And unlike other counties, Suffolk, as you know is more dependent on their cars because of the lack of public transportation in many of rural areas. So I'm presuming what I heard from the retailers, because we've testified various times.

There's always dealers that are on the borderline. Just the way you're on the borderline when you travel, you don't -- the geographic political boundaries, frankly, don't -- in the marketing area don't always define the market area. So there's always a dealer who's going to feel that that guy across the street or a mile down the road is getting a lower dealer tank wagon price and that's what's squeezing me. But a lot goes into consideration. I have that in my testimony. I can review it.

I see members, many members of the Consumer Affairs Committee here today, so they've heard pretty much what our view of the zone pricing. We do have -- some of the problems I'm sure Charlie has already brought up. There's no due process in the bill. You need a little more definitiveness if you're going to make something a crime. There's really no notice to the dealer or the supplier. If the bill does go through as written, it gives the County Consumer Affairs Director the

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authority to close gas stations and terminals. I'd hate to think what that would do to the supplier. I know that's not the intent, but as it's written, that's the way it would go. I can go into this further, but I heard some bit about prices and maybe I could address that. The Congressional research Service was asked by Congress recently to investigate, or, really, to give their summary and opinion about the

recent price hikes. And the Congressional Research Service, that's an independent partisan arm of the federal government, as you probably know, they do research for Congress, and their conclusion was pretty much what you've heard from me and others. Pipeline disruptions, the use of ethanol in the Midwest accounted for that problem, high crude oil prices, and the increase in demand. The demand is very high and it's gone up despite the fact that high -- high prices. Usually, you'll see some diminution in consumption when prices go this high. We don't see this actually increasing by 2%.

There's an incredible demand for gasoline in this country and certainly on the East Coast during the summer, so any one of those things could cause problems. The combination of all three or four can account easily. If you look at the price of crude, what it was a year -- when you were paying 99 cents a gallon, crude was down to \$11 a barrel, today it's over 30. If I can show -- I can show you a chart which shows you that retail prices, although they go, obviously, in tandem with crude, have not risen proportionately as to what they did in crude.

And I'll finally end with a footnote that you probably won't believe either, but taking into account inflation, gasoline is what it would cost in the 1950's. If you took the base measure of 1967, gasoline should be at 2.40 by now and it's not, even at its highest worst price. That's not comforting to the motorist, but when people talk about manipulation and all of that, that's the economics of this. Part of the price was able to keep down because of advances in technology, merges and acquisitions, and some cost efficiencies. They do horizontal drilling now, which is helpful. You can take the same well and drill many more feet deep without leaving a bigger footprint. But the fact is a lot of investment had to go into that technology. And when the company spends \$1.2 million, approximately, on a station for a franchisee, he's taking a gamble. The gamble there is on the franchiser, so they want them to sell gasoline, they want them to be successful, and zone pricing is part of the marketing strategy, they think helps them do that. Thank you and I'll take any questions.

D.P.O. LEVY:

Thank you. Legislator Alden?

LEG. ALDEN:

Hi.

MS. KENNY:

Hi.

LEG. ALDEN:

Don't take this personally, but -- and I told you this at the committee meeting, you don't represent nice people. Unfortunately, the gas

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companies and the major oil companies, if you go back in time and you look at what they've done to the consumer, they've done nothing but conspire to nail that consumer, to inflict as much suffering on the consumer as possible. Back to -- and even when you go back and look at the trust busting that had to go on with the federal government, and that's with the standard oil companies. Now you come up to present day and you mentioned about, you know, like the consumer and we're using a lot more gas. We're using so much gas that in the middle of the wintertime, all the major oil companies that use this as an excuse,

they had to produce gasoline and not home heating oil, so that the price of home heating oil spiked up in the middle of the wintertime, when the peak demand was there. So they used that as an excuse to spike the price of home heating oil. And that's the testimony we heard even from the major oil companies at the time. "Well, we didn't know it was going to be cold." It's the middle of the wintertime. They didn't know it was going to be cold, so they produced gasoline instead of home heating oil.

Now, you mentioned before that there's a number of things that go into your zone pricing? I'd like you to be more specific, because does it include, or can you just zone price around one gas station? Can you go into different towns? What can you do with zone pricing?

MS. KENNY:

I'll be honest with you, most of my member companies do not use it, or if they do use it, Suffolk County is one -- or all of Long Island is one zone. So there are some.

LEG. ALDEN:

Well, then -- wait, wait. Then you don't really have to be here before us, because if Suffolk County is all one zone, then you guys can comply with my bill, no problem.

MS. KENNY:

All of my member companies use zone pricing. All I'm saying is in Suffolk County in some places they don't, but they would like the option. It's a strategy they have to use. Cosco has not opened a -- they have in Albany, but they haven't opened in Riverhead yet. When that Cosco starts selling gasoline, the retailers in that area are going to have to get a break. And there are just as many retailers I could bring to this meeting that are as upset.

LEG. ALDEN:

We had testimony, and when you bring up retailers, we had testimony in our -- in the committee that sometimes a zone is drawn around one station and the price that that station has to pay is jacked up, whereas right down the street, there's a company operated station that's selling gas much, much cheaper than this one that they're possibly driving out of business. Is that something that zone pricing is used for?

MS. KENNY:

Do you mean the dealer -- the dealer tank wagon price is extremely different than the one down the block; is that what you're saying?

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LEG. ALDEN:

In a zone. Can you draw a zone around one gas station --

MS. KENNY:

Most zone --

LEG. ALDEN:

-- and force him out of business? Out

MS. KENNY:

I don't know that anybody has done that in Suffolk. I've heard --

LEG. ALDEN:

Where have they done it?

MS. KENNY:

I have heard retailers complain of that, but I'm not privy, and nor I can be --

LEG. D'ANDRE:

That's a good question.

MS. KENNY:

-- of their pricing strategies, other than to tell you generically what goes into it. I have been told by my companies, if there is a difference, it's one to two cents. You know, retailers can sell their gasoline, the same franchisee, you've seen it go -- this is not new to anybody, go up and down, I don't know --

LEG. ALDEN:

Right, at a loss. I know.

MS. KENNY:

A major road --

LEG. ALDEN:

Retailers can sell it at a loss.

MS. KENNY:

But some of them --

LEG. ALDEN:

And they'll be in business for a long time if they do that.

MS. KENNY:

Let me just make -- can I make this one point why there's some differences and franchisees can do it?

D.P.O. LEVY:

Let here get -- continue, make your statement.

MS. KENNY:

If you have a high volume, you've met your cap for the month, some branded suppliers will give that dealer a discount on succeeding on excessive over throughput. So that guy for a month can maybe sell his gas a little less than even the guy down the block who's got the same

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dealer tank wagon price. This dealer may have repair bays. He can make a lot more money off of that and decide for his own that he'll take a loss lead on his has, because it brings in customers, or he has an INM and he can do his inspections. There's all sorts of marketing strategies that individual dealers can use. So that also accounts for some of the variances in the price that you see from one station on one block and one over here.

LEG. ALDEN:

But let's go back to the basic product. What's a price of the basic product of crude oil based on?

MS. KENNY:

Today?

LEG. ALDEN:

Manipulation and collusion; correct or not correct?

MS. KENNY:

That is one -- I wouldn't admit to that it's collusion. The OPECs make a decision on their supply, they don't set the price. Demand, once it hits the global market, is going to affect that price. And what happened when the gas got so cheap is that Asia economy fell, and that was going to supply and use a lot of that, so they wound up with excess supply, and that's why your gas went down to 99 cents. They had to get rid of it, there's no storage capacity.

LEG. ALDEN:

So the --

MS. KENNY:

So that what I'm saying is that's one small --

LEG. ALDEN:

What they do is a -- is that called a free enterprise system, supply and demand? Or they're using supply and demand, but is it under the free enterprise system? No. I shouldn't answer for you.

MS. KENNY:

I'm not sure of the question.

LEG. ALDEN:

What's a basic price of crude oil, which means -- and that's going to translate into the price of home heating oil and gasoline. What's it based on, what OPEC sets the price of a barrel of crude?

MS. KENNY:

I don't know that they set the price. The price is set on the world market. They say how much they're going to produce and they cap it and then they agree.

LEG. ALDEN:

And that has an affect on the price.

MS. KENNY:

Obviously, it's supply and demand.

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LEG. ALDEN:

They manipulate the price. Right. They manipulate the price. They also ask America to send our men and women over there to protect them and to give up their lives to make sure that they can go and manipulate the price of gas, so that we freeze out of our houses in the wintertime and so in the summertime we can't even drive to the grocery store. So that's good. But now, to get back to a more specific instance, a little while ago, we heard that in the Hamptons, the price of gasoline, same station, was five cents more than the price in Port Jefferson; same dealer, same oil company. How does something like that happen?

MS. KENNY:

The dealer tank wagon price, you mean, or the retail price?

LEG. ALDEN:

The price -- no. The price that he is being charged. So you're talking about a wholesale, which would be the dealer tank wagon price.

MS. KENNY:

And it's the same --

LEG. ALDEN:

From the same company.

MS. KENNY:

Same company. Was it -- well, if it's an independent, I have no idea of how he set his price or why. You know, there's different franchise relationships. Also, if it's the same franchisee and it's in a different town, there might be a separate zone for that based on geography, based on throughput, based on competitive forces. This is probably a fairly competitive market based on this, what I told you before.

LEG. ALDEN:

So a secret formula, again, we're going to discriminate against for whatever reasons we decide, but under the secret formula, and it is discriminatory, in this geographic location, and then over in this geographic location, they're going to get a cheaper price.

MS. KENNY:

Well, not all market --

LEG. ALDEN:

Who supplies Cosco, by the way?

LEG. D'ANDRE:

Yeah, I'd like to know that.

LEG. ALDEN:

A major? Do you know what major supplies Cosco?

MS. KENNY:

Oh, I'm sure Cosco's buying on the spot market. He probably buys from everybody, or they probably buy from everybody, not necessarily a major. You know, this is not just done in the gasoline industry, this

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is done in hotels. If you go to a McDonald's somewhere else, it's a different price.

LEG. ALDEN:

Yeah, but we're not talking about all that stuff. Now --

D.P.O. LEVY:

Wait, wait. Let her just -- let her just finish the statement.

MS. KENNY:

My point is -- in fact I attached them, and I don't think I brought it today, but I attached my testimony at the hearing. They went to a -- this was a Connecticut article, but it was the best one I thought could illustrate the point. In Connecticut, the reporter went to different supermarkets, I forgot the name of it. Same supermarket, different prices for different items. Same -- I'm sorry. Same item, different stores, different prices. This is done across the board, not just in franchisees, but in independents. Some of them just have a cooperative agreement. It's done in restaurants, it's done in car rentals, it's done in hotels. You won't pay the same for a Marriott in Albany, I'll tell you, than you do down here. It's done regularly across the board, and they all base it on the things that I've listed; competitive market conditions, geography, taxes, retail costs in personnel.

LEG. ALDEN:

That's fine.

MS. KENNY:

Okay.

LEG. ALDEN:

Now, you have a major oil operator, major oil company, they have their own station operated by the company. A ways down the street, they have one that's a franchisee. How do you explain the difference --

MS. KENNY:

They are charged the same dealer tank wagon price. Company ops have no difference in prices.

LEG. ALDEN:

That's by what law?

MS. KENNY:

It's their practice.

LEG. ALDEN:

Except if they're in a different -- that's by practice? So except if they're in a different zone, then it could be a next door neighbor, you can zone that one gasoline station and you can ride -- run it up, right?

MS. KENNY:

Very rarely will you see it next door. Will it make sense for me to give this guy here cheaper prices? And, first of all, gas stations aren't that close. But how you define a zone, yeah, there's always a bone of contention and dealers can protest it under a federal act. But

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very rarely will you see it once. Does it make marketing sense to charge this guy less and this one more? It doesn't. I mean, it goes beyond logic.

LEG. ALDEN:

Good. Then you guys can comply with my legislation with no problem.

MS. KENNY:

Well, I think we have some legal problems.

LEG. ALDEN:

Just charge everybody the same price.

MS. KENNY:

Now you know what's going to happen if we do that?

LEG. ALDEN:

What.

MS. KENNY:

There's two possibilities. And I'm not allowed to talk about future prices, but I can conjecture what might happen. If we have to charge all the dealers the same price, the dealer who's getting the lower detail -- dealer tank wagon price will be in here screaming. And, also, if we're only allowed to charge one price, guess what the price is going to be?

LEG. ALDEN:

Well, maybe not, because now you're going under a presumption that I find a little bit incredible, because the majors so gouge the people in the Midwest and so aggravated everybody that Congress had convened a special panel to look into why they spike up, and they were getting close to 2.50 a gallon.

MS. KENNY:

And Congress --

LEG. ALDEN:

And that's not all that far.

MS. KENNY:

And Congress did some research and that's the report I have here. It's done in June, maybe last week. And the report that Congress received from their own research service was that the reasons that the oil company gave you are essentially the reasons, and there's no evidence of price gouging. They didn't do a legal investigation, but I can tell you, there's been scores of --

LEG. ALDEN:

If anybody believes that there's no price gouging, then they believe in the good tooth fairy, and I don't buy that argument.

MS. KENNY:

I only have the facts in the report.

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D.P.O. LEVY:

Okay. Do we have any other questions or comments? Okay. Thank you very much --

MS. KENNY:

Thank you.

D.P.O. LEVY:

-- Ms. Kenny.

LEG. FOLEY:

Thank you.

D.P.O. LEVY:

I think we have -- actually that's it for this particular category.

Any other speakers on this matter? There being none, we have a resolution -- a motion by Legislator Alden to close the hearing. We have a -- Mr. Alden, close it or recess?

LEG. ALDEN:

Close it.

D.P.O. LEVY:

Second by Legislator D'Andre. In favor? Opposed? Motion carries. It is closed.

Our next public hearing, 1584. 1584, a local law to require alternative pesticide use training for licensed landscapers. Our first speaker on this hearing is Debra O'Kane.

MS. O'KANE:

Good afternoon. My name is Debbie O'Kane and I'm here representing the North Fork Environmental Council in support of the proposed legislation to establish an organically trained certificate program for licensed landscapers in Suffolk County. A shift toward the use of least toxic and nontoxic alternatives in landscaping is essential in light of increasing evidence of the detrimental affects on human health and the environment of the thousands of pesticide products being used throughout our County. For several years now, the North Fork Environmental Council has been advising local residents on safer alternatives to pesticides throughout the home and in landscaping. We know that with education, consumers are becoming more aware of organic alternatives and are definitely increasing the demand for these products and services. A New York State DEC course in organic alternatives would provide landscapers the incentives to offer these alternatives. Hopefully, this will bring to fruition a win-win situation where the public gets the benefit of reduced exposure to toxic pesticides, and landscapers get to grow their businesses, expanding with new and profitable practices.

As mentioned, the NFEC has done quite a bit of educational outreach on the East End on organic alternatives, but we would be very interested in helping the County in any way to encourage homeowners who use Suffolk County landscapers to hire those who are organically trained. Thank you.

00103

D.P.O. LEVY:

Thank you. Okay. Our next speaker is Adrienne Esposito.

Welcome, Adrienne.

MS. ESPOSITO:

Hi. Good afternoon, Legislators. I'd like to -- I'm representing Citizens Campaign for the Environment and we'd like to offer our strong support for Legislator Bishop's Resolution 1584, establishing an organic trained certificate program for licensed landscapers in Suffolk County.

As several of you probably know, the legislation establishes a

three-hour course that would aid landscapers in organic methodology, so they can apply them and use them here in Suffolk County. This legislation is a win-win. It's legislation that provides education for both the public and the consumer, and also for the landscapers in Suffolk County that need more information on organic methodologies to meet the growing demand for -- to meet the growing demand for these particular needs and interests of the public.

So the legislation is -- also has voluntary compliance, it doesn't have mandated compliance, therefore, landscapers can't be too upset to be asked to voluntarily attend a course, and those that do attend will have the added benefit of the public seeking out and wanting to use their expertise in that area.

So we really think that this legislation is a good step forward for the public and for landscapers, and it's something we think both parties that are usually in conflict can now agree on, so we're asking you to please support this legislation. Thank you.

D.P.O. LEVY:

Thank you.

LEG. BISHOP:

Mr. Chairman.

D.P.O. LEVY:

Legislator Bishop.

LEG. BISHOP:

As much as I enjoy the ratio of Democrats to Republicans right now, perhaps we should urge a few more Legislators to come into the horseshoe.

D.P.O. LEVY:

This is to all Legislators in the building. We do not have a quorum.

We need you at the horseshoe. Please report immediately. Legislator

D'Andre.

LEG. D'ANDRE:

Yes. I think, if there's anything wrong with this bill, it doesn't require enough training. You don't learn in three hours. I'm a horticulturist, I've been one all my life. I've gone through organics, inorganics, and there are organics that are deadly poison. You got to go with the idea of eliminating as much pesticides, whether they're

00104

organics or inorganics, as possible as a creed. But when you take the courses at the colleges, you learn entomology the right way. Now, the great -- what's his name, the detective that wrote those --

MS. ESPOSITO:

Sherlock Holmes?

LEG. D'ANDRE:

Sherlock Holmes, he used curari in his case.

D.P.O. LEVY:

You get the refrigerator for that. Very good.

MS. ESPOSITO:

I'm thinking like Legislator D'Andre.

LEG. D'ANDRE:

Now, he used curari, which is an organic deadly, deadly poison. So there's a lot of danger here. You can't --

D.P.O. LEVY:

You have a question, Mike?

LEG. D'ANDRE:

Yes. Would you support college courses for entomological training, other than a three-hour, minimal three hours that you have here? I mean, it's a nothingness thing, it's dangerous.

MS. ESPOSITO:

Legislator D'Andre, we would love that. We would love nothing more, frankly, than to see all pesticide use phased out here in Suffolk County.

LEG. D'ANDRE:

Well, you can't, you can't.

MS. ESPOSITO:

Right. And so we know that it's a step-by-step and a tiered approach that needs to occur. We're saying this is one step along that important pathway, and we think it's an important one because we think it's one that landscapers won't battle against and won't resist. And, frankly, part of the big problem is that landscapers are resistant to change. And so we're hoping that --

LEG. D'ANDRE:

Everybody is resistant to change.

MS. ESPOSITO:

Okay. I can buy that.

LEG. D'ANDRE:

Not just landscapers.

MS. ESPOSITO:

But in this area. And so we're hoping that this will wear down their resistance a little bit and help them come along into the process to

00105

see that organic methodologies can be profitable and doable at the same time.

LEG. D'ANDRE:

Let me give you one example, if I may, Mr. Chairman.

D.P.O. LEVY:

Make it quick, please, Mike. There are a lot of other speakers.

LEG. D'ANDRE:

A lot of untrained people will tell the customer, "Well, you eat, so the plants got to eat, so you got to give them fertilizer." That's not necessarily true. The difference between a plant and an animal is that a plant manufactures its own food through photosynthesis. So you see how much -- you know, that kind of training is important?

MS. ESPOSITO:

Yes.

LEG. D'ANDRE:

And only then will you start straightening out the public out there, is by having knowledgeable nurserymen or knowledgeable gardeners.

MS. ESPOSITO:

Yes, we agree.

LEG. D'ANDRE:

Thank you.

MS. ESPOSITO:

Thank you very much.

D.P.O. LEVY:

Thank you, Adrienne. Before we go to the next speaker, I am again going to ask Legislators to report to the horseshoe. We will not have

another speaker until we have a quorum.

LEG. BISHOP:

Thank you.

D.P.O. LEVY:

Next on line is Marilyn Engelman. Why don't you hold off a minute. Come on up Mrs. Engelman, but -- Ms. Engelman.

LEG. D'ANDRE:

Steve, did you close that?

D.P.O. LEVY:

Let's wait until we get some Legislators.

MS. ENGELMAN:

Wait for the troops to come back.

D.P.O. LEVY:

Yes, please.

00106

LEG. D'ANDRE:

Did you close that?

MS. ENGELMAN:

So they can hear my words of wisdom. Back

LEG. BISHOP:

No.

D.P.O. LEVY:

We have an Aide trying to round everybody up.

LEG. BISHOP:

Apparently not.

D.P.O. LEVY:

Okay. The floor is yours, Marilyn.

MS. ENGELMAN:

Thank you. My name is Marilyn Engelman, as you know. I live in Coram and I'm a member of EarthSave. And I want to thank you for letting me speak about something that I'm very passionate about. And I would like to thank Legislator Bishop for introducing Bill 1584.

I want to share some of my concerns with the use of pesticides, including personal application of mosquito repellent, but I would like to preface my remarks with an occurrence that was related to me. A family went out east camping with their four year old child. They were very caring parents and wanted to protect their child against the mosquitoes, and what they did before that crawled into their tent at night to sleep, they applied OFF to this child's body. In the morning, the child did not wake up. The child ended up in a coma. As far as I know, the child is all right. I'm trying to get in touch with the family to see if they will give me information, because I think it would be a very good educational tool. But the part is, is that the child could not have been okay, the child could have died, because a lot of these things are neurotoxins, deet, because off has deet in it. Deet is a known neurotoxin. And what will be the long-term effects of deet on this child and others?

If you recall, when deet first came out for ticks, they finally said it is a neurotoxin, do not apply it to your skin. They took it off the market, they brought it back, and now they are showing adults putting this stuff on their children's skin. Does that mean it's no longer a neurotoxin? I don't think so. There are safe alternatives. For instance, I have come in contact, I had gotten the information about

one called All Terrain, that's essential oils. It's in beeswax, which makes it sweat and moisture resistant, and it's microencapsulated and that means that you have four hours of continuous protection. And what I have is copies of the testing that was done. I have one for each of you, so you can read it for yourselves. I tested it myself in a salt marsh in Nassau County. Nothing bothered me. And I've used it again, and other people have gone in their backyards that I know that have gotten it and the mosquitoes were crazy until they put it on and the mosquitoes went away. It has not been tested for anything but

00107

mosquitoes, but a lot of the essential oils do repel ticks and other insects.

We need to educate the public about the truth about pesticides, they are not safe, and about the available safe alternatives of which there are many. Please, do all you can to protect us and our children and yours. And please remember, people do have power. If anybody didn't know, when they were spraying in the Smithtown area and Fire Island, which had nothing to do with West Nile Virus, it was nuisance spraying, as they call it, because the people were complaining about the pests, when they got to Gilgo, the people actually turned the trucks away. So we do have power.

And I also just wanted to mention the 1693 neighbor notification bill. Thank you for that one, also, it's very important. Thank you very much.

D.P.O. LEVY:

Thank you.

P.O. TONNA:

Thank you very much. Jeff Frank, please.

LEG. BISHOP:

Mr. Chairman.

P.O. TONNA:

Jeff Frank?

LEG. BISHOP:

We're now at a record low, we're down to four Legislators, five Legislators.

P.O. TONNA:

I'd ask all Legislators that can get in here, please come to the horseshoe, thank you. There's more than four, Dave.

LEG. BISHOP:

Five, six?

P.O. TONNA:

Right now, I have six, but that's okay.

LEG. BISHOP:

That's a third. We can do better than that.

P.O. TONNA:

Okay.

LEG. BISHOP:

This is my bill, that's why.

P.O. TONNA:

Mr. Frank?

00108

MR. FRANK:

Hi.

P.O. TONNA:

Hi.

MR. FRANK:

My name is Jeff Frank. I'm the co-founder -- I'm the founder and co-instructor of a school The Lyceum for Organic Horticulture. It's the only school in the United States teaching environmental horticulture, it's located in Westhampton Beach. And we take people from the green industry and teach them how to do organics in two days. It's a 16-hour course. And what we want to do is tell you that we agree with the Legislator's bill, and we think that three hours of voluntary education in organics would do something and would be important, and we are attempting to tell everybody that this is a great thing that you're doing here in Suffolk County. We've been doing this for six years with The Lyceum, and we have 273 graduates from all over the country who are changing their homes, changing their employees, changing their companies to do things in a low-tech common sense way and they're actually making a lot of money doing it. They find that by using alternatives, they don't have to use the deadly toxic genetic chemicals that are out there. There are no schools in the country teaching organics. Cornell doesn't teach it, Rutgers doesn't teach it, U-Mass doesn't teach it, no schools teach it in the United States.

LEG. D'ANDRE:

It's not true.

MR. FRANK:

It is true. I have the only school in the country doing it.

LEG. D'ANDRE:

College teaches it.

P.O. TONNA:

Okay, wait. Michael, this is the time for the public to speak. You can ask a question later.

LEG. D'ANDRE:

Okay.

MR. FRANK:

And we find out that by doing this in a low-tech common sense way, we can change these people's minds and they start going out and becoming people that change other people's minds. Marder's Garden Center in Bridgehampton just changed everything that they did, threw out all their chemicals, and bought a half a million dollars worth of organic products and they are the big person on Long Island doing organics, along with Hick's Nursery and a few other ones. So they're starting to see the change that's coming. People are demanding this, people want this, people need this. It's time that it happened. And I'm very happy that Dave Bishop is behind this and doing this. Any questions I can answer for anybody?

00109

LEG. D'ANDRE:

Yes.

P.O. TONNA:

Mike? Thank you, Jeff.

LEG. D'ANDRE:

First of all --

P.O. TONNA:

Wait, no. Mike. Mike, a question.

LEG. D'ANDRE:

No. This is important.

P.O. TONNA:

Yeah, but it's a question.

LEG. D'ANDRE:

This is life-saving and -- a life-saving issue.

P.O. TONNA:

No. But a question, Mike.

LEG. D'ANDRE:

And it's important that they get the proper information.

P.O. TONNA:

Can I suggest, this is a time just to ask him questions.

LEG. D'ANDRE:

I'll ask the question.

P.O. TONNA:

Okay.

LEG. D'ANDRE:

But I've got to make this statement. Don't feel comfortable in organics alone. There's organics that are deadly poisons, I said before. And in part of the entomological courses at Farmingdale, we had organics. The government is about to come out with a whole new program on organics. That haven't got --

MR. FRANK:

What government?

LEG. D'ANDRE:

The federal government.

MR. FRANK:

You mean the organic rules and regulations?

LEG. D'ANDRE:

Right. As soon as they come out with that, you can label -- it will be uniform labeling throughout the country on organics. But don't think for one minute that all organics are safe, they're not.

00110

MR. FRANK:

I don't. We don't teach that either.

LEG. D'ANDRE:

So you lead us to believe here the way you talk that they are, so --

MR. FRANK:

No. Everything on the whole planet is organic, we know that, it's all carbon based. What we're saying is that there are alternatives that you can use that are safe to use, garlic for one, hot pepper wax, corn gluten for weeds, all sorts of interesting things that are out there today, that you don't have to use any --

LEG. D'ANDRE:

Yeah, and as you go broke doing it, you know.

MR. FRANK:

Excuse me.

LEG. D'ANDRE:

As you go broke experimenting.

MR. FRANK:

As I --

LEG. D'ANDRE:

You've got to have cures that are cures, and, hopefully, they are

organic, but not necessarily so.

MR. FRANK:

I have 273 graduates all over the country that their companies are making a lot of money, and I said Marder's is one of them. And you can go right over to Marder's in Bridgehampton and talk to Kathleen Marder and find out how good they're doing. Just look around and they'll tell you.

LEG. D'ANDRE:

I know the field.

MR. FRANK:

Hick's Nursery.

LEG. D'ANDRE:

I know the field. I've been a horticulturist all my life.

MR. FRANK:

Then you should understand that we're going in the right direction.

LEG. D'ANDRE:

We are. But you got to -- you can't let them think that they're going to paradise when they go into organics. Organics are deadly, too.

MR. FRANK:

This is Earth, there's nothing safe on the planet.

00111

LEG. D'ANDRE:

Okay. So tell it that way to the users.

P.O. TONNA:

Michael.

LEG. D'ANDRE:

Tell it that way.

P.O. TONNA:

Michael, we've got a lot of cards today.

LEG. D'ANDRE:

Yeah.

P.O. TONNA:

Okay. Thank you, Jeff.

MR. FRANK:

Thank you.

LEG. BISHOP:

Thank you, Jeff.

MR. FRANK:

Thanks, Dave.

P.O. TONNA:

Amie, and, Amie, I can't read the writing. {Hampin}? {Hampton}? {Hampin}?

MS. HAMLIN:

Hamlin.

P.O. TONNA:

Thanks, Amie.

MS. HAMLIN:

Amie Hamlin.

P.O. TONNA:

Hi, Amie.

MS. HAMLIN:

Hi.

P.O. TONNA:

How are you? Now I know the Amie.

MS. HAMLIN:

I'm with the New York League of Conservation voters. We support the local law introduced by Legislator Bishop, to establish organically trained certificate program.

Pesticides are poisons. I believe that all persons applying pesticides for any purpose should be trained in the use of nontoxic alternatives.

00112

This law does not require such training, it simply offers it on a voluntary basis. Therefore, I hope there will be brought support for the law.

More than one pound of pesticides per resident of Suffolk County is applied each year. With our sole source aquifer, high cancer rates and with asthma on the rise, we have an obligation to teach our landscapers about organic techniques, and consumers have a right to know that there are safe alternatives.

Many people don't know that pesticides tracked into a house on the bottom of shoes can linger in carpets for a year or even longer. If you have young children or pets that play on the carpet, or if you use your floor to do your exercises, then you and your family risk further exposure than what you already get outside in the sprayed areas. Toys and hands that are on the floor that end up in the mouths of young children make the situation even worse.

There's an entire book published by the Environmental Protection Agency called Recognition and Management of Pesticide Poisoning. Flipping through this book really gives you an idea of how many pesticides in common use can cause respiratory system, nervous system, reproductive system, and immune system disorders.

Years ago, everyone thought DDT was perfectly safe. Children followed the spray trucks on their bicycles and road directly in the mist. DDT was applied in situations where a group of -- groups of people congregated and sprayed directly on people. No one thought a thing about it. Thirty years later, after DDT was banned, it's still found in human tissue, and it's been highly associated with breast cancer. We know pesticides are poisons. All we have to do is read the warning labels on them to know how they can cause myriad problems. We don't know what the effects of all the pesticides being used today will have in the future. Furthermore, we don't know the cumulative effects of all of the various pesticides we are exposed to either.

So to offer a voluntary cost in safe nontoxic alternatives, and I want to emphasize safe, we're talking about ones that are known to be safe, nontoxic alternatives seems like a no-brainer to me. I hope you'll all support this law, and thanks, Dave, for introducing it.

LEG. BISHOP:

Thank you, Amie.

P.O. TONNA:

Thank you very much. Virginia Regnante.

MS. REGNANTE:

That's it. It hasn't changed yet in ten years.

P.O. TONNA:

Is that how you say your name?

MS. REGNANTE:

Regnante, yes.

00113

P.O. TONNA:

There you go. I don't think you need that mike --

MS. REGNANTE:

No, I never did.

P.O. TONNA:

-- Good booming voice like yourself.

MS. REGNANTE:

I never did. Good afternoon.

P.O. TONNA:

Good afternoon.

MS. REGNANTE:

Good afternoon, Dave. Speak into it?

LEG. LEVY:

Yes.

MS. REGNANTE:

Okay, thank you.

MS. JULIUS:

Pull it forward.

MS. REGNANTE:

All right, I will. I want to thank Suffolk County for being a leader in the use of organics. On behalf of the breast cancer activists in Suffolk County, we are proud of the work that you are doing, and, of course, to Dave Bishop for his legislation today. It is important to encourage the homeowners, since they are the largest users of chemicals on their properties, we have to get information to them, better information, better education, and alternative use, and the breast cancer activists are working on that issue through their newsletters and through our forums, but we need your help to continue that work. Of course, this is a voluntary issue, and that's good. We don't want to force anyone's hand. But in most cases, when something good is approached, people will begin to understand. Our consumers are not dumb here in Suffolk County, they hear what's going on about cancer, and they will respond and they want to know more. And I think if we make that an offer to them, a viable offer, an easy way to get proper information, then that is where we have to go.

So I thank you again for this opportunity and for the good work you're doing. Thank you.

P.O. TONNA:

Thank you. By the way, Mrs. Regnante.

MS. REGNANTE:

Yes.

00114

P.O. TONNA:

You know, now I know. Your husband and I worked at Saint Francis Hospital together

MS. REGNANTE:

That's right, that's right.

P.O. TONNA:

-- for quite -- what a gentleman.

MS. REGNANTE:

Yes.

P.O. TONNA:

You know, I hear you say he's a millstone around your neck, but, you know, I just --

MS. REGNANTE:

No, he's not. Actually, he drove me here today.

P.O. TONNA:

Did he really? Where is he?

MS. REGNANTE:

He's out in the back.

P.O. TONNA:

What do you mean he's out in the back?

MS. REGNANTE:

He was listening the -- he won't -- he doesn't want to hear me.

P.O. TONNA:

Bring that guy in here. I'll talk to him later. Anyway, okay.

MS. REGNANTE:

Okay, Mr. Tonna. Thank you.

LEG. D'ANDRE:

What's the question, Tonna? What's the question?

P.O. TONNA:

The question is, "Mrs. Regnante, is your husband the gentleman who worked at Saint Francis Hospital?" She said yes.

MS. REGNANTE:

Yes, yes.

P.O. TONNA:

Okay. Thank you very much.

MS. REGNANTE:

Thank you.

P.O. TONNA:

Sister Mary Waters. This is great, Sister. I'm telling you, this is

00115

great to have you here again. She's up, she's up. Sister Mary Waters?

Where's Sister Mary Waters. That's you. Come on up.

LEG. BISHOP:

Same bill?

P.O. TONNA:

No. Oh, we better -- right. Anybody else on this bill?

LEG. BISHOP:

Motion to close.

P.O. TONNA:

Sorry. Motion to close, seconded by myself. All in favor? Opposed? Closed. Oh, there is somebody on the bill. Sister, do you mind sitting down again? This is the punishment I inflict on nuns when they come here due to my first and second grade nun who used to beat the heck out of me. All right. For good reason, by the way, I just wanted you to know. We are still on this. Young lady, please, just name, rank, serial number and --

MS. FITENI:

I remember when you used to teach at Saint Anthony's High School, too.

P.O. TONNA:

Were you a student?

MS. FITENI:

I guess.

P.O. TONNA:

Now, do you still practice the faith? I was a religion teacher. I just want to make sure you haven't become an atheist after that.

MS. FITENI:

Yes. I remember, you were a religion teacher.

P.O. TONNA:

Okay. Good, good. I did my job then. You have -- you know what, everyone gets ten minutes, you have 20. Go right ahead.

MS. FITENI:

Thank you. Okay. My name is Beth Fiteni, and I'm here on behalf of Neal Lewis, representing the Long Island Neighborhood Network, and I just have a very brief statement, that we did want to thank Legislator Bishop, and we support this measure for a certificate program for training in organic methods for landscapers. We think, basically, education is a good idea. Obviously, it's required in order to be competent in the area of organic methods. Also, this legislation encourages more people to learn organic methods, but, also, we also hope that it will bring a greater supply of the courses that will -- you know, that will emerge for people to learn more about these methods. And, also, it will take some care -- some care will be needed in order to design these courses, and if we can be of service in that area, we would love to help.

00116

We do work with a group of organic landscapers, of which Mr. Jeff Frank is one, and so we do have proof that there is demand for these services as awareness about pesticides is raised, is rising. And Neighborhood Network does everything we can to raise this awareness, so it goes right hand in hand with our work. Thank you.

P.O. TONNA:

Thank you very much.

LEG. FISHER:

Thank you.

P.O. TONNA:

Thank you. Any questions? No? Okay.

LEG. BISHOP:

No, but thank you.

P.O. TONNA:

Thank you very much.

LEG. BISHOP:

You did a good job.

P.O. TONNA:

All right. Now, there was a motion to close. What --

LEG. BISHOP:

Motion to close.

LEG. CARACAPPA:

Second.

P.O. TONNA:

15-- sorry? 1584? Seconded by myself. All in favor? Opposed? Closed. It probably closed already, so you can -- you know, you could redact that last paragraph. Okay. Anyway, now we have in front of us -- hold it a second. Let me get the bill. This was just in case anybody thought they knew what I was doing. Now I proved that I don't. Where were we? Is it 1615?

SR. MARY WATERS:

1587.

P.O. TONNA:

Oops, sorry. 1587. Okay. Public Hearing adopting a local law regulating congregate emergency shelters. Okay. That's yours, Legislator Postal?

LEG. POSTAL:

Right.

P.O. TONNA:

As you know. Sister Mary Waters. By the way, what order?

00117

SR. MARY WATERS:

Sisters of Mercy.

P.O. TONNA:

Okay, there we go. I was the -- it was the Sisters of Saint Christopher that beat me up, so go right ahead.

SR. MARY WATERS:

We were the merciless ones and I still am. Bruno Laspina was supposed to represent the Shelter Providers Association this afternoon and he had a family emergency, so I'm going to read a short statement that he asked me to read, and then just some of our comments from the Association.

Says Bruno, "I truly regret not being able to be present before the Legislature today regarding Resolution 1587. A family emergency precludes me from doing this. I would be remiss, however, if I did not recognize in some fashion the cooperative and open manner in which I was received by Legislators Towle and Postal regarding the concerns that the Shelter Providers Association had with this resolution as originally proposed. Although, as providers, we believe the amount of oversight and regulation presently imposed upon us is quite extensive and at times difficult to consistently comply with, we are not unmindful of the significant pressure you, as Legislators, face when programs such as ours are sited in your community. And there is a perception, for the most part misguided, that no one is watching the store, or if they are, their oversight is less than sufficient."

"It isn't often that we as providers have the opportunity to have our concerns listened to and heard by our lawmakers. In this regard, I sincerely appreciate the reception offered me by Ms. Postal and Mr. Towle as just the beginning of an ongoing context of communication and appreciation of our mutual and even divergent concerns. I believe everyone, providers, consumers, and the man on the street will see that even if we don't agree, we all at least agree to listen and allow for the caliber of flexibility which is always associated with compromise and progress. Thank you. Bruno."

P.O. TONNA:

Thank you very much.

LEG. POSTAL:

Mr. Chairman.

P.O. TONNA:

Legislator Postal.

LEG. POSTAL:

Thank you. Can I ask whether you or Mr. Laspina has received a copy of the corrected copy of the resolution that followed our meeting?

SR. MARY WATERS:

We got a copy of the corrections.

LEG. POSTAL:

Right.

00118

SR. MARY WATERS:

But not a copy of the full --

LEG. POSTAL:

Not the actual resolution.

SR. MARY WATERS:

Correct.

LEG. POSTAL:

Okay. There is a copy of the corrected resolution on its way to

Mr. Laspina.

SR. MARY WATERS:

Great. Thank you.

LEG. POSTAL:

Thank you.

P.O. TONNA:

Thank you very much. Do you want to keep on speaking?

SR. MARY WATERS:

Uh-huh.

P.O. TONNA:

Go right ahead, Sister.

SR. MARY WATERS:

Well, although we greatly appreciate the efforts and considerations given to us by yourself and Mr. Towle, we the Shelter Providers, still believe that Resolution 1587, even as presented today in its new form, is redundant and unnecessary. We think that the emergency shelter system is already one of the most regulated and supervised systems in Suffolk County. Shelters already compete in and comply with an RFQ process, are under contract to provide emergency housing and services for Suffolk. The contract requires code compliance, 24-hour supervision staff, regular program review, and property oversight by DSS Housing. We believe that it's quite detailed and comprehensive and sufficient as it stands to ensure the quality of our programs.

LEG. POSTAL:

Mr. Chairman.

SR. MARY WATERS:

Go ahead.

P.O. TONNA:

Can we let her finish her statement?

LEG. POSTAL:

Oh, I thought she -- I'm sorry.

SR. MARY WATERS:

I have just one more.

00119

LEG. POSTAL:

Oh, okay.

SR. MARY WATERS:

Yeah.

P.O. TONNA:

Thank you.

SR. MARY WATERS:

Those of us that are charged with the shelter and care of, and the advancement of the homeless population do all in our power to help refocus and upgrade the quality of their lives. The County Legislators and Executive encouraged us to open shelters at a time when the homeless were all being sheltered in welfare motels, and I think you were very instrumental in moving them out of those terrible and unproductive situations. And with the number of homeless increasing, the last thing we want to see is back to motels again.

We're concerned about the issue of site selection, a serious consideration for us providers, which we think will further hamper our efforts and cause delays and increased NIMBYism that already exists, and any further stigma or discrimination against the homeless is anathema to us.

We pledge, on behalf of the Shelter Providers Association, to do all we can to provide safe and decent and challenging environments for the emergency housing and services, and I think we need to all work toward resolving the issue of nonaffordable permanent housing, and then we could get rid of the shelters, and that would be wonderful. So I thank you, and for hearing me.

P.O. TONNA:

Thank you. I think Legislator Postal has a question or two.

SR. MARY WATERS:

Oh, yes.

LEG. POSTAL:

Yeah, I have a few. First, I'm sorry, I thought you had finished your statement previously.

SR. MARY WATERS:

That's okay.

LEG. POSTAL:

You spoke about the rigorous standards that are currently in place for the -- and, you know, I mean I think we're all in agreement that motels were not a satisfactory solution to housing homeless people, but you spoke about the rigorous standards. And are you aware that in the contract that the Department of Social Service enters into with an operator of a congregate emergency shelter, there's a requirement that the shelter be in compliance with local zoning codes?

00120

SR. MARY WATERS:

Yes, I am.

LEG. POSTAL:

Are you aware that the Department of Social Services has not been enforcing that provision of the contract?

SR. MARY WATERS:

No, I was not aware of that.

LEG. POSTAL:

Okay. I can tell you that we found that to be true. When we asked the Department about that, they responded that they had no place else to put people. So, in essence, they had a portion of their contract that they knew to be -- that they knew an agency was not in compliance with and, yet, they ignored the fact that there was no compliance with the contract.

The other -- I think another issue has to do -- and there is, by the way, a change in the new copy having to do with the site selection

based on my discussion with Mr. Laspina. But would you say that there is at any point a level of saturation that can impact hurtfully on a community with regard to congregate emergency shelters?

SR. MARY WATERS:

Absolutely, I would agree with that.

LEG. POSTAL:

Would you say --

SR. MARY WATERS:

I think that, and I'll speak for mostly myself, but as the coordinator -- convener of the providers. I think that we very seriously take very prudent care when we're choosing a site, for the most part, and 99% of the time 99% of us do okay. And I think that that's where we feel the burden for perhaps one or two that may be abusing the system to some extent, that we're all going to be hampered in our mission to really serve the homeless and try to bring them forward into society again.

LEG. POSTAL:

Yeah. And I think that's an important point that you make that I'd like to come back to. Would you think that four congregate emergency shelters within a two-mile radius in any community would be -- would have a dramatically negative impact, or could have a dramatically negative impact on a community, four in a two-mile radius?

SR. MARY WATERS:

It probably could. I think it would depend on the site control that the agency had over each of those sites. It might depend on the different populations, if they were all different or similar. You know, each shelter may be dealing with a different population and I think that would make a difference. I know I have three houses, two that are shelters and one that's a Division for Youth house, I have teenagers, and I'm probably within a four-mile radius of each other. But for me, I think that's a great advantage, because I can be at any

00121

one of those sites very quickly. So I think that a lot of it depends on who's doing the work.

LEG. POSTAL:

Right. Let me continue. You said that there are very stringent requirements, 24-hour supervision, so on and so forth. For example, I believe that one of the missions of operators of the congregate emergency shelters is to assist clients to find permanent housing and either jobs or better jobs to help them overcome --

SR. MARY WATERS:

Yes.

LEG. POSTAL:

-- the conditions that made them homeless in the first place. If I told you that there was a shelter, a congregate emergency shelter, at which clients were not permitted to use the telephone in order to try to find permanent housing, or try to secure employment, and that when that was reported to DSS, the clients were really completely resistant to coming forward, would you find it hard to believe that those clients might be resistant to come forward and report what they had reported anonymously to me?

SR. MARY WATERS:

I would probably find it hard to believe that they were not allowed to

use the phone, because the pressure put on us by DSS to move the families along is always a big issue about phone bills, because they're considered administration and they're used primarily by the residents for all of the things that you just mentioned, so I would -- I'd have to question the validity of that statement from them.

LEG. POSTAL:

Well, let me put --

SR. MARY WATERS:

Do I think that they would be afraid to come forth and tell? I know that when they leave the shelters, they are visited by another person that they haven't met in the past, another worker from DSS who does a questionnaire with them and asks them about those kinds of things, what was their satisfaction level, and I don't see that would have any vested interest to not tell the truth on that. So I would hope that it would come in both ways and that would verify it.

LEG. POSTAL:

Yeah. Sister, I really think that you're speaking from the point of view of somebody who's running a reputable and responsible agency.

SR. MARY WATERS:

Absolutely, I am.

LEG. POSTAL:

Would you tend to give greater credibility to, for example, the situation I told you, where clients say they have been forbidden to use the telephone. If reports were received by me from different individuals about the same operator over a long period of years, where these people had not come into contact with each other?

00122

SR. MARY WATERS:

I would certainly give it some credibility, but I would need to -- I would hope that you would then go back to that provider and say, "What's going on here," and this is --

LEG. POSTAL:

I have.

SR. MARY WATERS:

Okay, yeah.

LEG. POSTAL:

And, you know, it's very difficult, because I will tell you, I have had reports from a provider of inadequate food -- not from a provider, from clients about a provider serving inadequate food. Now, after probably five years, I have the first person who's willing to stand up and talk about it. And I can tell you, the people who come to me are afraid, even when they're leaving during an exit interview. They don't know if they're going to be homeless again, they don't want to be out on the street. They feel that it's better to live in a place where you can't use the phone and may not have enough to eat than to be homeless, to be out on the street. So --

SR. MARY WATERS:

And I think that's a very sad testimony.

LEG. POSTAL:

It is, and that's why this bill is in. Let me ask you another question. In your -- and this is probably my last question, everybody will be happy to know. In your contract, are you required to check on the possible criminal background or prohibited from having felons

employed on site?

SR. MARY WATERS:

All of our staff are given a criminal background check, they're fingerprinted. Staff --

LEG. POSTAL:

Are you required to do that by DSS in your contract?

SR. MARY WATERS:

Yes, that's in the contract.

LEG. POSTAL:

And do you know of any agency which in any case has had to change employees because of that, in other words, they had somebody who was in that situation and DSS said, "Okay, you've got to replace this individual"?

SR. MARY WATERS:

Well, I guess I could say that I probably was one of them. The first time that we did it, my staff was, you know, quite upset that what are they going to do this for and what does it mean and everything. And then I got a letter saying, "One of your staff has a criminal background, call us immediately." And the criminal background, the

00123

woman was about in her late forties that worked for me, and she had a DWI when she was in college. That was her criminal background, was still against her. And we had to do all kinds of paperwork and conversations with her and DSS about has she been rehabilitated and how she whatever, you know, all that kind of stuff. And the ultimate, the end result was that she could stay in our employ, but she could not drive for us, she not drive any of the clients. So, you know, I felt that that was pretty, like, pretty good.

LEG. POSTAL:

I'm kind of puzzled by something. When I met with Mr. Laspina, he was very concerned about the provision in the resolution that has to do with people who have been convicted of felonies, and he felt that that was something that should be removed and shouldn't be. Why would he have said that if it's included in your contract?

SR. MARY WATERS:

I think he felt that, as I did in this particular case, perhaps, and I didn't have any conversation with him about it, though, is that depending on what the felony was for, I think his argument -- actually we did have a conversation -- was that if a person was convicted of forging checks or writing bad checks, was convicted for that, and now they were doing grounds maintenance, they had nothing to do with money, they had no access to anything, why could they not be employed? That, you know, the nature of the felony needed to match the nature of the position.

LEG. POSTAL:

But that would be the case with your --

SR. MARY WATERS:

That, obviously, you're not going to hire your financial -- your bookkeeper, if they --

LEG. POSTAL:

But wouldn't that be the same thing with your contract with DSS if they're prohibiting you from hiring convicted felons at those sites; wouldn't that be the same as the resolution?

SR. MARY WATERS:

They're not -- I don't think they're prohibiting us from hiring, they're requiring a background, criminal background check, and then an investigation, the same as with -- like I work with the teenagers and babies, so my staff is also cleared through Child Protective.

LEG. POSTAL:

Right.

SR. MARY WATERS:

And so it very clearly says in their law that even if a person had a founded complaint, that you need to investigate when it was and the circumstances, and etcetera, etcetera, etcetera. It doesn't automatically mean that they cannot be in your employ. So I would think the same law would --

00124

LEG. POSTAL:

Yeah. I would just say --

SR. MARY WATERS:

Yeah.

LEG. POSTAL:

-- that I think that that's very much the same as the provision that has to do with complying with local zoning codes. If DSS was kind of vigilant about some of the things that are in the contract, maybe there wouldn't be a need for this resolution, that's my only point.

SR. MARY WATERS:

Okay.

LEG. POSTAL:

And I think you made another comment about 99% of the agencies are --

SR. MARY WATERS:

On top of it 99% of the time.

LEG. POSTAL:

-- in compliance and doing well and that's my point, that I think you'll see in the corrected copy. And I would hope Mr. Laspina felt that with the corrected copy being as it is, that not only would this help to ensure clients were in safe surroundings, but it would also, I guess, benefit the reputable providers, because the unreputable providers are probably giving a bad name to all of the congregate shelters. Those are the ones that people know about. So thank you very much.

SR. MARY WATERS:

Okay. If I could just say one other thing in terms of the difference between the contract and the license. I guess that's something that wasn't clear to me. I think, if I read it correctly, that the Division of Housing is still going to be the monitoring agency, and if that's the -- you know, what's the difference if we have a license or we have a contract? Compliance still needs to be kept in place.

LEG. POSTAL:

Yeah, and that's true.

SR. MARY WATERS:

So maybe this is redundant to put another layer of licensing on when maybe the problem is that the contractees needs to be kept in compliance.

LEG. POSTAL:

And I think you make a good point. And I think the reason for the

licensing or the rationale behind it is just to kind of hold the Housing Division's feet to the fire in terms of insuring that their own standards are being met on their part, I don't mean on the part of the providers, but that they're doing their job when it comes to insuring that every provider has to live up to those standards.

00125

SR. MARY WATERS:

Thanks. Thank you very much.

P.O. TONNA:

Any other questions? No? Okay. Legislator Postal -- anybody else speaking on this issue? Okay.

LEG. POSTAL:

Motion to close.

P.O. TONNA:

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

LEG. FOLEY:

We don't have a quorum.

P.O. TONNA:

Yeah. Do you need one?

MR. BARTON:

No.

P.O. TONNA:

Okay, great.

LEG. POSTAL:

No, not to close the hearing.

P.O. TONNA:

Okay. Let's go to -- I have -- by the way, I made a mistake. Are there any people who wanted to speak on 1584 that did not speak? No? Okay. Is there anybody here who is speaking on a public hearing that -- you know, that did not fill out a card or that wants to speak? We'll do it like they do those wedding things, you know, forever hold your piece. So once, twice. Nobody else here wants to speak on that. All right. So let's close the rest of the public hearings.

LEG. FOLEY:

1615.

P.O. TONNA:

1588 (Adopting Local Law No. 2000, a local law to require truth-in-selling statement for ATV's). Is there a motion? What do you want to do, Legislator Fields?

LEG. FIELDS:

I think somebody wants to speak.

P.O. TONNA:

Well, nobody's -- nope? I asked them, right? You don't want to solicit somebody, do you?

LEG. FIELDS:

No, I don't. Did Commissioner Scully want to speak on the -- on that bill or no?

00126

P.O. TONNA:

You don't, right?

MR. SCULLY:

If you have -- if it would be helpful, I will. If you don't need me, that would be fine. I could give the history of the process.

P.O. TONNA:

I'd say when the bill is on and stuff. Okay. Motion to close, seconded by myself. All in favor? Opposed? Closed. Number 1615 (Adopting Local Law No. 2000, a local law to implement well-water testing requirements for acquisition of residential homes). Legislator Caracappa?

MS. BURKHARDT:

He's not in the room.

P.O. TONNA:

All right. Well, I'll make a motion to close. Is there a second?

LEG. FISHER:

Second.

LEG. CARPENTER:

Second.

P.O. TONNA:

Second by Legislator Fisher. All in favor? Opposed? Closed. Number 1652 (Adopting Local Law No. 2000, a charter law establishing the Division of Sports and Recreation within the Department of Parks, Recreation and Conservation). Is there a motion? I'll make a motion to close, seconded by Legislator --

LEG. FISHER:

Did the Parks Commissioner want to talk about it?

P.O. TONNA:

Do you want to talk on this one? No, no. Are you here to talk on any public hearings? Just say no if no.

MR. SCULLY:

Forgive me for not being clear on the process, but if the Legislature would benefit from input --

P.O. TONNA:

No. This is for the public. He's going to have a time through committee and through the -- all right. Thanks.

LEG. FISHER:

Okay

P.O. TONNA:

Right. All in favor? Number 15 --

00127

LEG. FISHER:

Motion to close.

P.O. TONNA:

1652, motion to close by Legislator Fisher, seconded by myself. All in favor? Opposed? Good, closed.

All right. Setting the date of August 8th at the Suffolk County Community -- do we need a quorum for this.

MR. BARTON:

(Shook head no).

P.O. TONNA:

Okay. The Suffolk Community College. I just want to remind Legislators the 8th is a 7 P.M. meeting.

MS. BURKHARDT:

No, it's at 5:30.

P.O. TONNA:

Oh, 5:30, sorry. Motion by myself, seconded by Legislator Caracappa. All in favor? Opposed? Okay, done.

I'd like to set the following hearings for August 8th: Public Hearing for Introductory Resolution Number 1481, 1582, 1668, 1672, 1693, and 1694.

LEG. FISHER:

Second.

P.O. TONNA:

Okay. By Legislator Fields. A motion to change the location of the following general meetings. Oh, all in favor? Opposed? Fine. Then a motion to change the following locations of general meetings and special meetings of the Legislator.

LEG. FISHER:

Motion.

P.O. TONNA:

Okay. And do I have to announce them?

MS. BURKHARDT:

Do you have to announce them?

P.O. TONNA:

Do I have to announce them, Henry?

MR. BARTON:

We'll be publishing them in the legals.

P.O. TONNA:

Great. Motion by Legislator Fisher, seconded by myself. All in favor? Opposed? Approved.

00128

All right. Let's go to the cards. We now have Hoot Sherman. Hoot Sherman? Okay. Going once, going twice, sold. Don Garber?

LEG. FISHER:

He left.

P.O. TONNA:

All in favor? No. Okay. Going once, going twice, sold. Debra O'Kane. Going once, going twice, done. Okay. Are you hear? Is there a --

MS. ESPOSITO:

She's here.

P.O. TONNA:

Is there a Debra O'Kane?

MS. O'KANE:

That's me.

P.O. TONNA:

Okay, Debra, you got three minutes.

MS. O'KANE:

I'm sorry. I didn't realize that we were still doing this. Okay. Good afternoon. My name is Debra O'Kane and I'm here today representing the North Fork Environmental Council.

LEG. CARACAPPA:

Ma'am, just pull that microphone up to you, please.

MS. O'KANE:

Sure. The NFEC would like to urge the Legislature to sustain the County Executive's veto for Capital Project 8701, to restore funding for Farmland Preservation. Farmland, quite literally, represents the backbone of our two eastern most towns on the North Fork of Suffolk County. Our most fertile farmland runs along the spine of the North Fork, and our economy is supported and sustained by the agricultural business along with the tourist business that is so dependent on our

rural surroundings. Without our agricultural base, the economies of both Riverhead and Southold Towns would be severely impacted. Suffolk County holds the boasting rights to two great claims. Being the leader in New York State as the top producer of agricultural products is no small feat. Being the pioneers of the nation's farmland preservation efforts and the first to implement the purchase of Development Rights Program should serve as a mandate for making farmland preservation one of the top priorities for the County over the next five years. Our window of opportunity grows smaller each day. The pressure to sell and subdivide our farms is great. There is little time left to accomplish what we need to do to ensure that farming will remain a viable industry for Suffolk County. Funding is being requested on every level, from local, to county, to state, and on up to the federal government. We hope that our County Legislators will continue to support this effort with any means possible, since time is running short, along with the availability of land for preservation. Thank you.

00129

LEG. FISHER:

Thank you.

P.O. TONNA:

Thank you very much. Rick Van Dyke. You know, Rick, it's so tempting, because I used to watch the -- you know, the Dick Van Dyke Show.

MR. VAN DYKE:

Yeah.

P.O. TONNA:

It's so -- it's just so tempting to fall into that pattern with you.

MR. VAN DYKE:

It sure is.

P.O. TONNA:

But, I mean, you know -- but I did like the Mary Tyler Moore Show a little better, you know, afterwards, but anyway, go right ahead.

MR. VAN DYKE:

You and a lot of other folks. Thank you --

P.O. TONNA:

Thank you.

MR. VAN DYKE:

-- Legislators, for giving me and others this opportunity to present. One of the things that my mother taught me was patience and that it is a virtue, and I guess you all have learned that, too. I'm here to speak about children and youth. And in many places here in Suffolk County, we have developed a partnership between government, between government and not-for-profits, and between not-for-profits and youth. And somehow in the last few weeks there has been a breach or apparently a breach of this partnership between government and not-for-profits and young people, and I'm here as the Executive Director of Family Service League of Suffolk County to talk about this and I have brought a couple of people with me who will further tell you what this is all about. We began this year with a very clear understanding that for the young people in the William Floyd School District, that we had a contract to provide an anti-violence prevention program called VINES. We had a contract last year at William Floyd. We were asked by the County of Suffolk to find the very, very best violence prevention program and to

develop it. We signed a contract with this County government for \$140,000, and recently, we learned, after having spent a proportionate amount of that money this year that \$75,000 is to be withdrawn, and I have difficulty understanding that, especially in these times of great affluence.

Why I'm here, though, for the most part, is because of the impact on the approximately 100 children with whom we have been working. These are kids who in many instances have lost their parent or parents, who have been torn by the fact that their heroes and heroines have disappeared from their lives. And I think it's pretty tragic when we

00130

have been asked, as professionals, to develop clear relationships with these children and to bring them along and to move them from antisocial behavior to pro-social behavior as a part of becoming good citizens of this world, to find that we, again, need to suddenly pull the rug out from under them and end a relationship. I think this is very destructive, and I would appeal to you to do something to save these children and youth from further horrors.

We're in a situation where I've given notice to our staff, and in three days time, they will be terminated. I have no other choice, I have no other resources from which to draw from, and that's very painful to me as an advocate for children and families in this County. So I hope you will join with me as their advocates, and that you will make every effort to bring forth some kind of a resolution, even if it requires a Certificate of Necessity, to make this happen. And here with me today, there are two other folks, Steve, who are with me, and I would appreciate it if they could just follow in track.

D.P.O. LEVY:

We could do it very quickly. You had three minutes, you've used it all, but they're here. If you just --

MR. VAN DYKE:

Well, they also signed up.

D.P.O. LEVY:

Did you sign cards? Okay, fine.

MR. VAN DYKE:

They are signed here.

D.P.O. LEVY:

Why don't you -- why don't you -- we'll wrap this all up.

MR. VAN DYKE:

So the first person I would like to introduce is one of the Social Workers at William Floyd in the VINES Program. VINES, by the way, stands for Violence is Not an Effective Solution. And Susan Mead will present to you, followed by eight grade student Nicole Lombardo.

D.P.O. LEVY:

Okay. I'm going to -- I'm going to make a deal with you. I'm going to take them out of order if you'll try to make it very condensed; okay?

MR. VAN DYKE:

We're working on that.

D.P.O. LEVY:

Thank you very much.

MS. MEAD:

My name is Susan Mead and I had the privilege of being the coordinator for the VINES Program in the William Paca Middle School this year.

LEG. FOLEY:

Ma'am, you have to speak up a little bit. I'm sorry.

00131

MS. MEAD:

Okay. The challenge of preventing youth violence is learning to recognize the warning signs, and these signs include disruptions in reasonable mastery, caring attachments to others, and the loss of a meaningful purpose in life. The serious warning signs include depression, substance abuse, and untreated Post Traumatic Stress Disorder. Cultural factors, biological factors, and sociological factors are also known to be associated with subsequent acts of youth violence. This year's VINES Program addressed most of these causes for violence, and students voiced and demonstrated feelings of isolation, such as being disconnected from peers, family and society. VINES provided a community or family within the school where the students felt they belonged, were special and welcomed.

Low self-esteem: VINES provided group support, reality testing, as well as opportunities to experiment with their behavior in a safe environment.

Poor social skills: VINES provided a forum to discuss the impact of their behaviors, as well as practice new ones.

Limited problem solving skills: VINES provided the opportunity to participate in role plays and discussions regarding the impact of their behaviors and alternatives to negative interactions.

Improved school performance: VINES provided a bridge between students and teachers, and encouraged a team effort to improve grades, as well as improve classroom behavior.

Those students who participated in the VINES Program demonstrated an decrease in in-school and out-of-school suspensions, improved attendance, increased positive family involvement through home visits, which encouraged parents and guardians to no longer view school as negative or the enemy, created a team for working with the children, involved families who might not otherwise have become involved. We also participated in activities, including individual counseling, which occurred a minimum of once a week, in which we discussed home, school, peer and in-school relationships. Group counseling in groups of three to four students, which occurred once a week, in which we did role play, current events, response to in-school occurrences, and discussions of whatever the students indicated an interest in.

We are also involved in outside-of-school activities, one of which was a project which involved planting pine seedlings in the Pine Barrens. This promoted a sense of accomplishment, camaraderie, a feeling of contributing to the community, and, ultimately, a feeling of connectedness, and the pictures coming around are pictures of the kids participating in this. We're also doing a 1K walk on July 1st to benefit the Lymphoma/Leukemia Society in honor of and eight grade student who died in March of this year. And Nicole Lombardo is the eighth grade student who's coordinating this project, and she'd like to talk to you now.

D.P.O. LEVY:

Very good. Nicole. Go ahead, Nicole.

00132

MS. LOMBARDO:

Hi.

D.P.O. LEVY:

Hi.

MS. LOMBARDO:

I'm Nicole Lombardo and I have been part of VINES for the past year. It has helped me a lot. VINES has taught me skills that have helped me this year and will help me in years to come. Because of VINES, I am now able to express my feelings verbally instead of with violence. I have also improved in my decision-making skills and I am now able to remove myself from risky situations that would hurt me emotionally or physically. I have also had better relationships with both my family and my friends, because VINES taught me to better respect myself and other people. I am also getting along better in school. My attendance has improved and I've been having fewer suspensions and detentions, and I've been getting better grades. I've also joined after school activities, such as the Paca Peace Project, and because of all of this, I have better self esteem. I think it would be a tragedy if VINES no longer existed and the kids in William Paca who needed help and support didn't get it. Thank you.

(Applause)

D.P.O. LEVY:

Thank you, Nicole.

LEG. BINDER:

Mr. Chairman. Mr. Chairman.

D.P.O. LEVY:

Legislator Binder.

LEG. BINDER:

Could I --

D.P.O. LEVY:

Oh, I'm sorry.

LEG. BINDER:

Could I ask Rick.

D.P.O. LEVY:

Allan. Allan, excuse me, George was -- did contact me earlier.

LEG. BINDER:

Sure.

LEG. GULDI:

I'll yield.

LEG. BINDER:

That's fine. Rick. Rick, if I can ask a question.

00133

LEG. TOWLE:

Add me to the list, too, Legislator Levy.

LEG. BINDER:

I missed the very beginning. Did you talk about how long it would be before you had to cut the funding and let go -- let, you know --

MR. VAN DYKE:

Three days.

LEG. BINDER:

Three days of funding left before you're able to --

MR. VAN DYKE:

Have to cut, cut staff, let staff go. They've been notified already.

LEG. BINDER:

Okay. And they've been working for how long now?

MR. VAN DYKE:

Since January.

LEG. BINDER:

So since January, we've had a program. And would you say that the kids in the program have a specific attachment to the people working in this particular program?

MR. VAN DYKE:

Absolutely.

LEG. BINDER:

And what does that mean for the kids, let alone the --

MR. VAN DYKE:

Well, as I indicated in my testimony, for many of these children, they've had -- they've had adults who have deserted them, who have in many ways abused them through this desertion. And any adult heroes in their lives, heroes or heroines in their lives are very, very important. And for everyone who lives, it takes that much more to develop a trusting relationship. And if we continue to do this, we're going to have more and more kids on our PINS rolls, working with probation officers, we're going to have more and more young adults incarcerated in our jails and prisons. This is anti-violence prevention program, which is designed to enhance pro-social behavior and to help these children and youth become Better citizens of this County for all of our future.

LEG. BINDER:

Mr. Chairman, the reason I'm asking these questions, I've been asking the County Exec's Office since the last meeting to try to put together a CN or giving a CN. As you know, we can't put in budget amendments until September and there's three days left here. I asked the -- and, by the way, I asked Budget Review to get together with Ken Weiss. They agreed on what an offset would be that would be acceptable, County Exec's Office. And I met with the County Executive himself and the County Executive said that he would do it, he wanted to do it, I think

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he did it and for all the right reasons. We had the discussion and I told him about what we were talking about. These were kids who really need the help, they have the attachment. You can't do it just somewhere else and start it up in another school, it has to be here, because this is where the program is. And we've hired people based on a contract, based on our representation in this County that we were going to do this program. They have this thing up and running. There are kids dependent on this program.

The County Executive said to me just the other day he wanted to do it, he was going to do it. Legislator Haley happened to be up in the County Exec's area and the County Exec was walking around trying to get this thing to happen. Between now and that time, two days ago, two or three days ago and now, it doesn't happen. And see, and it's from -- from everything I could see, as the County Executive's staff, I don't know what it is, but I am asking them, and if they're -- and they are obviously in earshot, because I know they listen to this. I am asking the County Executive's staff to put aside any political considerations or any other considerations they're thinking about and think about what they've just heard today. If they'd like to come out, I'd like to show

them the pictures that are going around the Legislature of these programs with specific kids who have specific problems and now attachments with people who are helping them, and I'm asking right now to do the right thing. The County Executive himself, the man we elected as County Executive, wants to give this CN. I hope his staff will work with the County Executive and get that thing done, and I hope, before the end of the day, we will have a CN issued.

D.P.O. LEVY:

Legislator Guldi was here, he's gone, so Legislator Towle.

LEG. TOWLE:

Thank you, Mr. Chairman. First of all, I just want to cover a couple of things. One is I obviously support Legislator Binder's request for a CN. And I just want to go on the record saying that, you know, I'm very pleased with the work that you've done. I've heard positive things from speaking to the School District. I've heard positive things about what your program's been able to accomplish. I just want you to understand that this is, unfortunately, not about you.

Unfortunately, there was an error back in January. \$75,000 that had been allotted for the William Floyd School District through our omnibus bill somehow wound up with you, and it wound up with you through no doing of your own, it wound up through the doings of the Department of Social Services and the County Executive's Budget Office, who could have easily called the Budget Review Office and said, "What was this money for and who gave it?" And Budget Review would have said, "It was \$75,000 out of our omnibus bill that came from Legislator Towle's Office, and before you allocate that, you might want to talk to Legislator Towle." Clearly, that did not take place, so you accepted the money in good faith. As you accepted the money in good faith, so did the William Floyd School District, who hired two counselors, not one. And both of those counselors have been in place since September and have just went on summer break and are due to come back in September, and the School District has been paying those counselors for a very similar program that they're doing in the high school, and I made a commitment to them to do that. That is why the resolution was

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before us at the last meeting of the Legislature and that's why the money was moved back to the William Floyd School District. I had offered then to amend the resolution to make sure that your organization was made whole. I offer that today, I'd support that effort.

I asked a member of the Presiding Officer's staff that very question, that if we could approach the County Executive's Office for a CN, because if I were to amend the bill at the last meeting, we would not have been able to vote on it, and I was told that there was no way they were going to allow another \$75,000 to go to my district, and that's what I was told verbatim. And I've heard from Legislators here today that they've been told worse, and it's unfortunate that it's really come down to that, because the program that you provide doesn't affect me personally, it affects the children of our County. And, unfortunately, I am going to make a motion to override the County Executive's veto today, because I gave the William Floyd School District my word and that is very important to me, as I'm giving you my word that I will continue to work with Legislator Binder to make you

whole, just so you know that.

MR. VAN DYKE:

Appreciate that. Thank you.

D.P.O. LEVY:

Okay, thank you. The next speaker is Mary Barbato, Group for the South Fork. Mary is not here. I believe Debra O'Kane has gone. Tom Ruhle?

Tom? It's on affordable housing.

MR. RUHLE:

Yes, back to affordable housing. On behalf of -- my name is Tom Ruhle, I'm Assistant Director of Housing, Community Development for the Town of East Hampton. I'm here to -- on behalf of the Town of East Hampton to support Resolution 1571, which is the whole bill for doing

affordable housing, including the implementation of the capital project, which the board -- the County Legislature has supported. Some of you may remember last time when I spoke at the hearing on that.

The Town of East Hampton has done a lot for affordable housing in conjunction with the County, in conjunction with working with the County Legislature. We happen to think this bill has enough protections in it, because each project would have to go before the County Legislature before it was approved for acquisition.

I don't see that there will be a problem with competing between that land which should be preserved for environmental purposes and that land which can be developed because they ought not to be -- we ought not to be bidding on land that ought to be preserved. I think between the towns and the County Planning Commission and Planning Department, we'll be able to identify those lands, including vacant land. You know, the towns had a great working relationship with the County, and we'd like to continue it, and I would suggest that this law be passed.

I understand some of you have some concerns with it. I think it meets -- because every project has to come back before this Legislature and because it has to be approved by the towns, I think there's enough

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safeguards in there that we're not going to create a problem. If the law isn't perfect, somebody once told me that if you give good people an imperfect law, they'll do a better job than bad people will do with a great law. And then on that note, it's been a long day for all of us, and I thank you. If anyone has any questions, I don't --

D.P.O. LEVY:

Any questions from anybody on the board?

LEG. FISHER:

No. He made some good points.

D.P.O. LEVY:

He made some very good points.

MR. RUHLE:

Thank you.

D.P.O. LEVY:

Thank you very much, Tom. Susan Mead?

LEG. CARACAPPA:

She spoke.

D.P.O. LEVY:

And Nicole Lombardo has also spoken?

LEG. FISHER:

Yes.

D.P.O. LEVY:

Andrea Lohneiss, Town of Riverhead Affordable Housing. Andrea Lohneiss is not here. Peter Kramer.

AUDIENCE MEMBER:

He left.

D.P.O. LEVY:

Peter Kramer has gone. John Sicignano or Sicignano, Mastic Beach. John's been here before.

MR. SICIGNANO:

Yes. Unfortunately, I'm back again because of Mr. Robert Gaffney's veto of the Sober House Bill. I'm the President of the Mastic Park Civic Association. And as you said, we were here before to talk about a sober house problem in my community.

I don't know if number has seen last Friday's paper, Page 33A. It talks about a man named Carter. And I want to talk a little bit about this article, because I think it fits into the sober house problem, also.

This man Carter was a drug addict. He went into a program and he got cured, basically. But this is what he was offered. A Brooklyn Judge offered him a choice, face several years in prison, or take a pilot drug treatment program, and he man replied, "That was the decision right there," Carter said laughing. I say, "Yes, I'll take the treatment." And this is part of the problem that we're going to have

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of bringing people into these sober houses in every area of Suffolk County, not just Mastic.

Also in that article, if you read on, it also talks about the problems in the narcotics cases has risen 400% since 1980, so there's a big problem out there. So they don't have enough housing in the jails for them, so where else do that put them? So, I mean, if you read this and you read all the other things that are happening out there, you can -- you know, common sense to say where else would they go but in our neighborhoods, then, for treatment, and I think it's a big problem. I think they should have these sober houses, but they should be regulated they shouldn't oversaturate one area over another. And we've been here again and we talked about it, talked about it, talked about it and I think Robert Gaffney made a mistake.

D.P.O. LEVY:

Okay, John. Vivian Fisher.

LEG. FISHER:

Thank you. I understand your concern and we have seen you here before and I recall your speaking before us. However, I think that using this particular instance regarding Mr. Carter is a stretch, to say that that would impact --

MR. SICIGNANO:

No, not really.

LEG. FISHER:

Because I believe, if I understand correctly, that it has to be a certified drug rehabilitation program that the person would have to enter into if they're going to --

MR. SICIGNANO:

It doesn't say that.

LEG. FISHER:

It would -- I think I would be hard-pressed to believe that they would

just be able to go into one of these sober houses that doesn't have the standing. We can could inquire about that --

MR. SICIGNANO:

Okay, yes.

LEG. FISHER:

-- because it would be a frightening thought to think that they would go into an unsupervised, uncertified, unlicensed home.

LEG. FISHER:

Well, it says in the article, it says in the article here.

D.P.O. LEVY:

There are not requirements.

LEG. FISHER:

No. It says drug rehabilitation.

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D.P.O. LEVY:

There are -- there are no requirements by any law on any federal, or state, or local level regarding any rules or regulations on these houses.

LEG. FISHER:

But that's not what I'm talking about. I'm speaking to the case that this gentleman read from the newspaper --

MR. SICIGNANO:

No. If you --

LEG. FISHER:

-- which is if someone is convicted of a drug -- on drug charges, that they could choose either to go to jail or to go to rehab; okay? If they choose rehab, I think it would be highly unlikely that the court would accept residents at a sober house as their rehab treatment.

MR. SICIGNANO:

Well, the State --

LEG. FISHER:

I think it's a stretch.

MR. SICIGNANO:

No, it's not a stretch, and I'll tell you why. I know of a place, I don't know if anybody heard of Timothy Hill Ranch. It helps kids here in Riverhead, as a matter of fact, and I know the people that run it, they used to go to my church. Before -- as a matter of fact, the ranch is named after Timothy, the kid that was -- the parents' child was killed by a car, and when they went through his room, they found a letter and the letter said, I wish everybody had a home like mine, such and such, and it touched them. And they had some property and they started bringing in kids that were homeless. Now, these weren't from the courts, these weren't from the State, these were people they were bringing in that knew, word of mouth from churches, churches of Christ, mainly, places like that. Well, they wanted to expand the program, so they started taking State money, and they got money and they built another shelter, and they went on and on. They started to have to take State kids and they came from the juvenile system. And I saw them, because I taught at my church. I taught these kids and I saw the difference between one segment of kids and another segment, and I'm just using this as an analogy. It's the same when the State --

LEG. FISHER:

But, again, I'm not certain if your analogy is --

MR. SICIGNANO:

If these sober houses take State money, they're going to take people from the State, they're going to take people from the courts. They're going to have to if they take State money. They have to.

LEG. FISHER:

Okay.

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MR. SICIGNANO:

It's not even a question about it.

LEG. FISHER:

We can go on debating it. I don't agree that it's correct.

MR. SICIGNANO:

Without a regulation and you're bringing in different types of people, people from the courts, people from probation, and that's where these people are coming from. They're drug -- they have records from drugs, alcoholic abuse, DWI, whatever. I mean, these people need to be taken care of, but not all in one area, it needs to be spread out. And I don't think anything's wrong with Mr. Fred Towle's legislation that puts certain criteria in there to protect the people that pay for these programs, anyway, to begin with. We're the ones that pay for it as the working class people. I've been here all day. I took a day off from work to come here to speak and you let Gallagher come up as the first speaker. I mean, I think that's ridiculous. This man's getting paid. He probably went home, he went swimming, or something, and I'm here all day sweating. Well, I don't think it was right. I think you should look at that possibility also. I think the public should be up here first and not a man that's getting paid 150, \$200,000 a year and he's getting back in his stretch limo, or something, to go to work. You know what I'm saying? Well --

D.P.O. LEVY:

All right, John.

MR. SICIGNANO:

I think Mr. Gaffney needs to be told loud and clear, and let's show him right now today that this is a government of the people, for the people, and by the people, and I think we should do that again by sending it right back. Let's make it law today.

D.P.O. LEVY:

All right. Thank you, John.

MR. SICIGNANO:

Thank you very much.

D.P.O. LEVY:

As always, appreciate it.

(Applause)

Our next speaker, Steve Melnick. Mr. Melnick? Elizabeth Molinari? Miss Molinari? Alpa Pandya? Alpa Pandya, not here. William Walter. Fred Schlauch.

[SUBSTITUTION OF STENOGRAPHER - ALISON MAHONEY]

MR. SCHLAUCH:

I'm a Bioscientific Consultant and I'm here talking about Resolution No. 1526 and I'm here on behalf of Darlene Balducci, the West Hills Nature Preservation Society, Peter Kramer and William T. Walter.

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I wish to speak briefly on the subject parcel of land in the West Hills

Section of the Town of Huntington and to speak in favor of the acquisition of this parcel by the County for preservation on a strictly forever wild basis. Our knowledge of the intricate workings and complexities of the natural communities, ecosystems and biogeographic regions of Long Island generally and Suffolk County specifically is still very much in its infancy. I, for example, was the first biologist to clearly name, define and map the biogeographic regions of the Long Island Pine Barrens during the 1970's known as the Long Island Dwarf Pine Plains and the Long Island Oak Brush Plains. More recently, in 1997, I was the first to name, map and define the Grandafolia Sandhills, a unique and dynamic region of huge, forested sand dunes along the Long Island Sound Bluff in the Town of Riverhead. As odd as it may seem, no authoritative biologist has yet met and clearly defined the biogeographic region of Suffolk County that encompasses the West Hills in the Town of Huntington. In so many ways, the West Hills ecosystem remains a reservoir of natural biodiversity awaiting to be fully discovered. But it is really already quite clear that the West Hills region supports a very preservation worthy but fragile biodiversity. Key features of the West Hills region are its endangered morainal springs and streams and the natural biodiversity sustained by these waters. One of the most important of these streams is Historic Brook, a natural wonder that flows through the historic wetland which includes the {Giddleman} Property covered by the present resolution.

The present resolution has some flaws but still, it certainly merits your support and passage. The resolution refers to estuarine values of the historic wetland even though this fresh water wetland neither is part of nor directly flows into an estuary. Estuaries are by definition title areas of rakish and salt waters. As important and endangered as estuaries are, spring-fed fresh water habitats like the historic wetland have become many times scarcer on Long Island and their natural biodiversities have overall become much more endangered than have those of estuaries.

I urge that the study proposed by the resolution be restricted to the option of purchasing and preserving the parcel in a truly forever wild state. The so-called conservation easement by the current landowner, at least the version that I have seen, would allow him under County easement ownership to destructively mow wetland vegetation, to remove natural Forest microhabitats and nutrient sources so important to maintain the natural biodiversity and to dredge historic pond and thereby sustain predatory fishes alien to West Hills and destructive to native animal species. Wetland vegetation destruction, natural ecosystem, nutrient disruption and alien species proliferation are not actions that the County should allow on nature preserve lands.

The resolution should, therefore, be supported by the Legislature with the understanding that the proposed study should be directed specifically towards expeditious acquisition of the parcel for strictly forever wild preservation purposes, not towards the ill conceived conservation easement option. The reason for the preservation of this

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site goes beyond the boundaries of the immediate parcel, it extends to lands well off the site to other lands that are wet remains of the West

Hills ecosystem, including lands that are part of West Hills County Park. This parcel is a significant piece of Long Island's great natural heritage and an important part of the overall biotic health of the entire West Hills ecosystem, including the County parklands with which it is biotically linked.

I urge the County Legislature to act quickly, to study and then to acquire and to preserve this parcel for the sake of its own biotic uniqueness, for the overall natural well being of West Hills biodiversity, and indeed for that of Long Island's natural biodiversity as a whole. Thank you.

LEG. D'ANDRE:

Mr. Chairman?

D.P.O. LEVY:

Mr. D'Andre for a question, please.

LEG. D'ANDRE:

I will give you a question in a second. That particular property or all of that property should have had one house on it, it should have been preserved in its entirety.

MR. SCHLAUCH:

I agree.

LEG. D'ANDRE:

And unfortunately, in the Depression or at other times they probably bought cheaply because those days they wanted plain, open plots, not even wooded plots, but later on as we prospered they got into them. I found a Magnolia Communis in that area, rare for --

MR. SCHLAUCH:

It's very rare on Long Island.

LEG. D'ANDRE:

Yeah, there's one there and there's one in the hicks of the state.

D.P.O. LEVY:

You don't to make a question if you don't have one, Mike.

LEG. D'ANDRE:

No, but I say this to you. Is there any -- other than voting for this bill, and I hope my colleagues will see it as a natural preserve, that they --

MR. SCHLAUCH:

Yes, that's the only use appropriate here, it's too sensitive for anything else.

LEG. D'ANDRE:

Yeah, and we've been criminals till now, so at least we can preserve that property now.

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D.P.O. LEVY:

Thank you, Mike. We need Legislators at the horseshoe, we do not have a quorum. We need Legislators at the horseshoe. Legislator Fields?

LEG. FIELDS:

How large is that property?

MR. SCHLAUCH:

I believe this property is only about two to three acres in size. It's basically the end of Historic Brook which is like a vernal stream that runs along Sweet Hollow Road.

LEG. D'ANDRE:

You also have a park there, too, an existing park.

MR. SCHLAUCH:

Yeah, the park is around the area, it sort of semi-surrounds it.

LEG. D'ANDRE:

But we can't lose another piece of property there, we just can't.

LEG. FIELDS:

Thank you.

MR. SCHLAUCH:

No. And it's like one of Long Island's greatest naturalists, John Bernley, recently --

LEG. D'ANDRE:

Will Rogers said it best, they don't make it anymore.

D.P.O. LEVY:

Legislator Fields?

LEG. FIELDS:

No.

D.P.O. LEVY:

Okay. Thank you, Fred.

MR. SCHLAUCH:

Okay, thank you.

D.P.O. LEVY:

Next speaker is Kathleen Ayers-Lanzillotta.

MS. AYERS-LANZILLOTTA:

Hi. I'm Kathleen Ayers-Lanzillotta and thank you for the opportunity to speak today. I agree with Rick VanDyke that patience is a virtue, I have been here since 9 AM waiting to speak.

I work for Catholic Charities, Diocese of Rockville Center, I'm the Administrator of the Alcohol and Substance Abuse Services and I'm here to speak to you about the sober house legislation that's before you. Speaking on behalf of the Suffolk County Quality Consortium which is a partnership of 24 not-for-profit organizations in Suffolk County

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dedicated to the delivery of comprehensive, affordable and accessible chemical dependency prevention and treatment services. We are committed to supporting our member organizations and their ability to meet the changing needs of their communities. We maintain a leadership roll in advocacy, dissemination of information, networking and training. The Suffolk County Quality Consortium is also a member organization Statewide of the New York State Association of Substance Abuse Providers which is one of the strongest national groups in the field of alcohol and substance abuse advocacy issues.

I testified before the Suffolk County Social Services Committee on April 11th on this proposed resolution and was directed by Presiding Officer Paul Tonna to write to Legislator Towle and I had done that four days later after getting a consensus from the member organizations of the Quality Consortium to write on behalf of not just Catholic charities but on behalf of all 24 agencies. Got that letter out in four days, which was a feat, requesting that a summit of the drug and alcohol treatment professionals in partnership with our government officials be convened to provide feedback on this legislation before the bill was voted on. Unfortunately, this legislation passed on May 9th before that meeting could occur, fortunately for some -- others think that input should have been made and that no such meeting ever took place. But now that the legislation is considering overriding the

County Executive's veto of the bill, we would like to again request that a summit be arranged so that the treatment providers may have the time to offer input on the specifics of the bill and we can create a law that is most conducive to meeting the legislative intent of the bill.

I think that I can safely say that the treatment providers that work with a lot of the people that live in the sober homes would say that the intent of this legislation is good. I can say personally I said, "Wow, that's really good, we need to clean up these sober homes. We really need to have a monitoring arm." But when reading the specifics of the legislation, I saw some problems with it and I wanted to have the opportunity to meet with other professionals that are governed and licensed to review it in more detail and give more specific input on the legislation.

I can summarize for you some of the specific concerns that we had on the bill but would welcome the opportunity to meet at greater length to discuss these because I can't say I'm the only expert on the subject. The first question that I would raise is does the legislation violation the Fair Housing Amendment on land use regulations affecting people with disabilities enacted on March 12th, 1987? Don't pose to be an expert on that, but I do know that that is a law that could come up to be. I had a conversation with the Counsel's Office with the New York State Office of Alcohol and Substance Abuse Services on this and he said there was a similar proposal in the Finger Lakes Region that got shot down when it got up to the State Attorney General's Office, I think that's where a Legislator -- a Local Law has to get approved by the State Attorney General's Office -- because of the Fair Housing Amendment on land use regulations. So that's a question that I think deserves more deliberation.

Other areas of specific concern are in the site selection procedures.

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They may set extensive limitations and procedures which prevent these homes from even being established. An example of that would be in Section 3, Subpart F, the municipality has the ability to interpret the "excessive number of houses", what is an excessive number, what is not an excessive number. When left open to interpretation, this could be something that would be subjective and prevent houses from even coming to pass.

The occupancy limit of six. Now, I'm not saying what it should or shouldn't be, but I'm just saying that number of six occupants in a house is one that would create a situation where the house probably would not be fiscally viable; you couldn't operate it on 309 a month times six individuals and pay the rent and pay the mortgage and pay a full-time social worker. You wouldn't have people wanting to do or wanting to run these houses, they really wouldn't be able to do it with that amount of income. So that in itself is where you would have to look at the legislation if the intent of the legislation was to, as it stated, really protect the interests of the ill. I just question that.

D.P.O. LEVY:

Can you wrap up, please, Kathleen?

MS. AYERS-LANZILLOTTA:

The licensing requirements provided for needing to monitor but may also prevent the house owners from seeking such licenses. And then the

fourth area of concern would be that the legislation defines a social worker; what kind of a social worker, bachelor's level social worker, a master's level social worker? Who does that social worker report to, who supervises, what's the job description? A lot of these questions are questions that I think really need further consideration.

D.P.O. LEVY:

Speaking of questions, we do have some Legislators with some questions. Legislator Crecca?

MS. AYERS-LANZILLOTTA:

All right. Just in closing, if I may, I would just like to request that we have this meeting before you push this bill through, that there be an opportunity for the treatment providers to meet with you.

LEG. CRECCA:

Actually, Kathie, do you have a copy of the letter that was sent to Legislator Towle?

MS. AYERS-LANZILLOTTA:

Yes, I do.

LEG. CRECCA:

If you can just give that to the Clerk and I'll have copies made and we'll return it to you? I would like to see that. And I would commend you on your efforts to get that letter out and to offer to meet with Legislator Towle and some of the other people to try to resolve this problem. As I have stated in the past, I think there are problems with the law itself the way it's written and opens the County up for lawsuits, but I do want to see this problem resolved. So I would encourage you to continue to reach out to Legislator Towle and others

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to try to sit down and work with the residents, the concerned citizens and government officials to try to resolve this problem. So don't give up is what I'm saying.

MS. AYERS-LANZILLOTTA:

I welcome that opportunity. Thank you.

LEG. CRECCA:

Because I think everyone wants to see the problem resolved and I think to get something that is meaningful and long-lasting, we're going to need both sides to sit down at the table and come up with a law that works. Thank you.

MS. AYERS-LANZILLOTTA:

Thanks. I'd be happy to do that. Thanks.

LEG. CRECCA:

Thank you for coming today.

D.P.O. LEVY:

Thank you very much, we appreciate it. Our next speaker, Bennett Rechler?

MR. RECHLER:

My name is Bennett Rechler, I'm a principal of We're Associates. We're owners and builders, we've built about two million square feet of office space in Melville and probably a like amount of industrial space. I am here to support Resolution 1102 which is basically approval to connect our building to the sanitary sewer which is in the street outside our building.

The building that's questioned in part of this resolution was basically occupied by NEC from its construction to about a year and a half ago

when they downsized and moved to Texas. They presently occupy a small portion of the building, the building is now a multi-tenanted office building which was expanded from about 160,000 feet to 200,000 feet. It's occupied by a number of tenants in the existing three story office building that had an on-site sanitary system. Basically, we are increasing the flow, the sanitary flow from 11,000 gallons per day to 14,000 gallons per day and what we wanted to do is connect the site to the existing sewer.

We have paid the New York Blood Center \$60,000 and Estee Lauder \$77,000 in their fair share -- in our fair share of costs to the sewer mains they installed. We also have to pay a connection fee of approximately \$140,000 and sewer taxes of \$47,000 per annum. The property generates \$500,000 a year in local property taxes when it's completed, employees 2,000 people. We have done this project and invested \$10 million of our money without IDA assistance which has now been granted to a number of our competitors in the Melville area and this resolution has been tabled for approximately three months now. We have tenants whose businesses depend on having this building delivered to them, including a division of {Phonar} Who is looking to move in in a month. The building will employ approximately a thousand people when it's completed. You know, that's my statement.

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LEG. D'ANDRE:

Mr. Chairman?

D.P.O. LEVY:

Mr. D'Andre, go ahead.

LEG. D'ANDRE:

That's a most welcome building and it's going to bring in some big income and generate a lot of jobs. Who's giving you a hard time?

MR. RECHLER:

Well, this -- I can't identify who's giving me a hard time. This proposal has been before the Legislature now for approximately three or four months, as you can tell from the resolution number, it's 1102, we're at fifteen something. As I said, we did this without any government -- you know, any IDA support or anything else and --

LEG. D'ANDRE:

Usually they go out and solicit something like this, they pay a premium or offer a premium back. And all you're asking is --

MR. RECHLER:

We also replaced -- I mean, NEC moved to Texas, we had -- it was our job to put this building back into productive use, which we've done.

D.P.O. LEVY:

Legislator --

LEG. CRECCA:

Alden.

D.P.O. LEVY:

-- Crecca was first; you want to defer?

LEG. CRECCA:

I will defer to Legislator Alden.

D.P.O. LEVY:

Legislator Alden.

LEG. ALDEN:

Part of the reason that it wasn't acted on immediately when it came

before us was we were waiting for basically some input from you, and I'm glad you're here today. The second thing was we were going through basically a change I think in rates and that came to pass only within the last month or so, so there's two good reasons.

The other thing is there's an ongoing debate as far as -- I'm a Legislator from the Southwest Sewer District. Now, I have people that in the Southwest Sewer District have paid taxes on their property for the sewers since the early 70's. And we're always looking at fairness issues and, you know, how much should be the connection fee, things like that, that's a fairness issue, but also we have to monitor the amount of gallonage that Bergen Point can handle. Because if we're going to hook-up an office building -- which it sounds like yours is a great thing for the community, it's going to provide jobs and it does

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provide a lot of taxes to the school district and other entities -- we also are possibly shutting out some people that are in the Southwest Sewer District from actually hooking up in future years. So it's just a monitoring process that really, you know, it's a good process I think that has to go on and a good debate has to take place.

MR. RECHLER:

Well, my problem with the process is that in March of 1999 we applied for and were granted conceptual approval to connect to the sewer, had we been denied it at that time we might have taken different action.

LEG. ALDEN:

Yeah. Well, actually --

MR. RECHLER:

But now we have a completed building and no sewer.

LEG. ALDEN:

But just to give you a complete history, too. I'm not taking credit for holding the bill up because, you know, I haven't. But I was just trying to give you some insight into some of the processes that we have to go through.

LEG. CRECCA:

And I can tell you, too, you coming here and speaking to the Legislature and explaining the site, the hook up and all that, I think that will help. I certainly know I will be -- if no one else will, I will make a motion to approve that today.

MR. RECHLER:

Thank you.

LEG. POSTAL:

Mr. Chairman?

D.P.O. LEVY:

Legislator Postal.

LEG. POSTAL:

Yeah. You said that back, what was it, two years ago that you were given --

MR. RECHLER:

Well, March, 1999.

LEG. POSTAL:

Right.

MR. RECHLER:

We received a conceptual certification of this building as part of our SEQRA, you know, review.

LEG. POSTAL:
From the sewer agency.

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MR. RECHLER:
Yes.

LEG. POSTAL:
Did they make you aware that ultimately final approval had to come from the Legislature?

MR. RECHLER:
Yes, and we also had an agreement with the Legislature which we processed. We've paid the money to the various people, have fair share fees, we had a building permit for the building.

LEG. POSTAL:
Right, but you said you had an agreement with the Legislature.

MR. RECHLER:
Well, we have an agreement with the Suffolk County Sewer Agency --

LEG. POSTAL:
Right.

MR. RECHLER:
-- which I guess has to be approved by the Legislature. Wouldn't -- I mean, if the Legislature doesn't want to approve connections to the sewer, shouldn't they not grant -- should the sewer agency not grant conceptual certifications?

LEG. POSTAL:
No, and I think that that's an important issue that I would point out to the Chair of the Public Works Committee. That if the sewer agency is leading applicants to believe that conceptual approval is, in essence, approval and/or that the legislative action is just a rubber stamp, then I think that there's a real problem. Let me ask --

LEG. FOLEY:
Just to answer -- excuse me, Legislator Postal.

LEG. POSTAL:
Sure, I would yield if I could have the floor back.

LEG. FOLEY:
Mr. Rechler, it's stated very clearly in very plain language that when the sewer agency approves -- gives conceptual approval, that that in no way, shape, form or manner implies final approval, nor can it be used as a reason for a municipality to grant a change in zone. So that's clearly spelled out in the duly ratified resolution of a sewer agency, that when they do grant conceptual approval that it doesn't in any way infer eventual approval when the final approval process takes place. So that's very, very clear and it's made clear both to applicants as well as to municipalities.

MR. RECHLER:
We asked for no change of zone, we asked for no change or variance to the site plan approval of this building.

LEG. FOLEY:
Right. I'm just saying that with conceptual approval it says it very

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clearly that it does not guarantee that it's going to be approved when there's a final application made.

MR. RECHLER:
We also have an on-site sanitary system that's handling 11,000 gallons

per day. If the board so desired, we could just take the incremental flow of 3,000 gallons per day and discharge that to sewer which would cut down the --

LEG. FOLEY:

Right. The staff of the agency has recommended approval on this.

LEG. POSTAL:

Can I -- if I could continue?

D.P.O. LEVY:

Go ahead.

LEG. POSTAL:

So that -- first of all, my point was just that I was concerned because you said that the conceptual approval indicated to you that you shouldn't take another course of action.

MR. RECHLER:

Well, conceptual approval is used by the towns to decide whether or not you --

LEG. POSTAL:

I know. I'm just telling you --

MR. RECHLER:

We're going around somewhere else in the looking glass to some extent because we went and asked for consent to hook-up to the sewer district, I don't -- you know, and then we received this conceptual certification. I understand that it then said that the board, the Legislature would have to act on it. But we also received approval to build a building and a building permit.

And in addition, a lot of-- you're now sponsoring, the Suffolk County Legislature, through granting IDA Grants in Melville, you are asking for increased rateables in that town and, you know, on the other side of it, we did this without government assistance and we're being held up.

LEG. POSTAL:

I understand what you are saying. We don't grant any kind of IDA abatements or anything like that. You know, and I understand you're impatient, I mean, you're a businessman, you're looking for what is most advantageous. I would be interested in a couple of things. If you were not -- at the time that you acquired the building, that NEC left

--

MR. RECHLER:

No, we own the building from the time --

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LEG. POSTAL:

You own the building, okay.

MR. RECHLER:

We built it for NEC.

LEG. POSTAL:

Okay. At the time that NEC left, though, that had played a part in your decision to make the application to hook-up to Southwest?

MR. RECHLER:

Yes.

LEG. POSTAL:

What were the --

MR. RECHLER:

We expanded the building by -- from 160,000 feet to 200,000 feet,

roughly 25%; it's on 18 acres, so this is still not a dense development.

LEG. POSTAL:

Right. What would the difference in cost have been if you expanded your on-site treatment plant, do you have any idea?

MR. RECHLER:

Well, our on-site treatment plant is the septic system.

LEG. POSTAL:

Okay.

MR. RECHLER:

Which was approved --

LEG. POSTAL:

Which was approved --

MR. RECHLER:

-- at that time.

LEG. POSTAL:

Right, but now you'd have to do something different.

MR. RECHLER:

Right.

LEG. POSTAL:

Do you have -- you know, I don't know that there's any point in belaboring this. But I just think that there really seems to be -- first of all, if there's an understanding or a misunderstanding about what conceptual approval means, I think that that needs to be made very clear right now to every applicant, not just yourself. Because I still come back to the issue of who should get this excess capacity and I think that that's a policy matter that this Legislature has got to determine, whether it's going to be the business community or residential users. So that's always been my opposition to additional out of district hook ups. But, you know, obviously this is a booming

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economy, the real estate market is doing better than it has in a long, long time and it's a business call, it's a judgment call. So I would just suggest to the Legislature that before you make any commitment in terms of voting today, I would wait for the discussion on the floor.

Thank you.

LEG. D'ANDRE:

Mr. Chairman?

P.O. TONNA:

Thank you very much. Legislator D'Andre.

LEG. D'ANDRE:

When a man comes into the community with millions and millions of dollars to spend, to help our assessed evaluation, to help labor, to help business, the economy and so on and so forth. When one of the former Suffolk County leaders went and got a hold of Computer Associates from Nassau County to come here, they promised them the moon to bring them in here and they got him here, and it's been a boom ever since. They gave thousands of dollars, millions of dollars to Stony Brook University for programs.

Now, when you come in here to spend the money, you're spending -- and they gave you tentative approval or whatever moniker you put on it, I think we underwent an obligation to your company, or we should have not admitted you from the beginning or given you an option and

said, "Look, this is the case, we will or will not give you permission" or "You're on your own." But you can't let a company come in and spend millions of dollars on a whim, I mean, this is the real world where you have real, hard dollars to put forward. So I think we owe it to you and your company to approve this legislation. And in the future, if we're going to be so and so about an application, we should be so and so and say it up front. So as a businessman, I sympathize with you and the investment you made and I'm going to support your application.

MR. RECHLER:

Thank you, Sir.

LEG. D'ANDRE:

Thank you, Mr. Chairman.

P.O. TONNA:

Any other questions? Okay, thank you very much, Sir.

MR. RECHLER:

Thank you.

P.O. TONNA:

Joseph Werner?

MR. WERNER:

Actually, this is a one time presentation, not like the campaign I launched December 4th, 1991, when I had found this Local Law which in essence makes Suffolk County the unofficial entry board for illegal aliens. Now, I'm just going to read some excerpts from it and want you to realize that the past Legislature really created a big problem, a

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tremendous problem, we have the day laborers, etcetera. This was a law, Local Law No. 3-1986 that I will just -- as I said, I will read some excerpts from it. "Legislative Intent," now this is a law, "It is a further purpose of this law to encourage access to all individuals residing within the County of Suffolk regardless of nation of birth or current citizenship, to afford benefits, opportunities and services provided or administered by the County of Suffolk for public health, welfare and safety purposes." And then it goes down, "Prohibitions", and it says that, "No employee shall request information about or otherwise assist in investigation of citizenship or residency status of any person located within the County of Suffolk such as inquiring the specifically and explicitly" -- actually, just located within the County of Suffolk.

Then, "No employee shall disseminate information regarding the citizenship or residency status of any person located within the County of Suffolk. C, no employee shall condition the provisions of Suffolk County benefits, opportunities or services administered or rendered by this department on matters related to citizenship or residency status and administrative requirements. Each department shall promptly review all of its applications, questionnaires, interview forms, used in connection with, etcetera, ascertaining any questions regarding citizenship or residency status. Any such suggestions not so required shall be deleted from such application questionnaires and interview forms within 180 days effective the date of this law."

And again, as a few of you know, when I launched this campaign on December 4th I was at every meeting here, sent out news releases galore, presented thousands of names on petitions, attended the Town Board meetings. This is one of the pamphlets, flyers that I put out;

"Suffolk County sinks while its Legislature Majority gives life preservers to illegal aliens".

P.O. TONNA:

Your time is up.

MR. WERNER:

And Local Law 386 also includes provisions to help hide illegal aliens from our State and the Federal Government.

P.O. TONNA:

Sir, your time is up so I would ask that you summarize your remarks. If anybody has a question that's fine, if not your time is up.

MR. WERNER:

Okay. Well, actually, the purpose of my being here, as I said, it's a one time presentation. But the onus is being I believe put on others in Brookhaven, whereas it was caused here. And let me just say, illegal aliens can also vote. I called up, when I was involved in this I had called up and asked how does one register to vote, I called the Election Board, they said, "We'll send an application, voter application, you fill it out and then we'll send it back and you're registered." And I had said, "Well, what if a person is an illegal alien", and the girl had said, "Well wait, I'll ask my supervisor", and she asked the supervisor and said, "There's a man here asking a question, I don't have the answer." How would we know he wasn't a

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little legal citizen here and she said, "Well, if we get the letter back, we get the application" --

P.O. TONNA:

Sir, Sir, your time is up. Thank you.

MR. WERNER:

Okay.

P.O. TONNA:

Any questions? Okay. Thank you. And I will just say in the future, I know -- I know you come often and stuff, make sure that you have a three minute, you know, time yourself maybe in front of a mirror or something.

MR. WERNER:

It used to be five minutes, right? Because I was here as a citizen for a year and a half.

P.O. TONNA:

It's three now.

MR. WERNER:

Okay.

P.O. TONNA:

Okay, thank you. Next speaker, Annette Sparaco?

MS. SPARACIO:

Sparacio.

P.O. TONNA:

Sparacio, thank you. Second time.

[RETURN OF COURT STENOGRAPHER-LUCIA BRAATEN]

MS. SPARACIO:

Very depressing day today. We turned down fireworks, we got pesticide problems.

P.O. TONNA:

Why don't you get a little bit closer to the mike, so that we can hear

you.

MS. SPARACIO:

A depressing day today. We turned down fireworks, we have pesticide problems, we have sewers that can't be hooked up, and now I just come in front of you to express the feelings of the residents of Mastic, Mastic Beach and Shirley. I guess the fireworks problem is a fait accompli and we're not going to have it. And I mean a telephone for the Citizens Action Coalition. I have received enormous amount of telephone calls from residents, and I'm sure Fred Towle's Office was ringing off the hook as well regarding the fireworks, but that's over with. But the residents do want to be heard and this is what they're saying.

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With all the other major problems facing the areas of Mastic, Mastic Beach and Shirley, the Fourth of July fireworks seems insignificant. However, the area has had the fireworks for five years with no serious or life-threatening accidents. In fact, when you consider approximately 20,000 or 40,000 people in the area during the fireworks, you can only agree that there was -- have been virtually no problems. In a recent survey of residents conducted by the South Shore Press, our local newspaper, the vote to have the fireworks was 1,100 positive and 40 negative. The emergency services from fire departments to medical have agreed any problem can be addressed. The main questions the area residents have is why didn't the County Executive and Police Commissioner question this situation in prior years? And most importantly, why did they wait until April of this year to propose cancelling the event and relocating the fireworks to another area? Today the Police Commissioner had memoranda from 1988 and 1999. We did not come to the community in -- why did they not come to the community in 1999, so that their concerns could be addressed and promptly resolved?

Fireworks are conducted on Jones Beach with approximately 280,000 visitors attending the area, with three accesses for evacuation, one of which is hardly used, I understand. Doing simple math, 280,000 divided by three is 93,000, and if only two accesses are used, the number becomes 140,000. This doesn't appear to be a problem in Nassau County.

The residents of Mastic, Mastic Beach and Shirley really don't want to be whiners, however, the record clearly reflects we have been dumped upon from the highest amount of social services in past years to currently getting letters averaging monthly from the school district advising sex offenders being relocated in our area. We have a sober house issue above and beyond all areas, and we can't get our roads paved for over 20 years.

I am sure you have recognized us as the Citizens Action Coalition and we are backed by the community, and we're determined to change our area for the better and be treated equally. We assure you, it is through these appearances we are sending a message to you and other officials. We will continue to fight and achieve all of our goals, no matter who is in office and what stumbling blocks will be created. We pay our taxes regularly as other areas do and we are fed up with the lack of services, dumping of all kinds, and the general apathy demonstrated toward our area.

The tradition of the Fourth of July fireworks at Smith's Point Park should continue to be at Smith Point Park and we ask you to help us.

LEG. FOLEY:

Grace.

MS. SPARACIO:

That's it?

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P.O. TONNA:

Thank you very much. Question?

LEG. FOLEY:

Thank you. Grace?

P.O. TONNA:

No, Annette. Annette.

LEG. FOLEY:

Annette.

P.O. TONNA:

Annette.

LEG. FOLEY:

Annette.

P.O. TONNA:

Annette, there's a question from Legislator Foley, the esteemed Legislator from the Patchogue area.

LEG. FOLEY:

Thank you, Annette for your comments. And many of us are ready to override the veto on the sober homes. However, let me ask -- let me just make this point. Are you aware, particularly on the Town issue that you raised, are you aware that one positive way of correcting the, let's say, the Town's ignorance towards your problems with roadways is the movement within the township for council districts. And so -- yeah, council districts. One of the things that many of us throughout the Town in a tripartisan fashion have been trying to get that particular initiative on the Town ballot.

MS. SPARACIO:

Right, and the Citizens Action Coalition --

LEG. FOLEY:

Right.

MS. SPARACIO:

-- supports it.

LEG. FOLEY:

Yeah. And your example of roadways needing to be repaved is just another example of why we need to have council districts on a town level, as we have Legislative districts on the federal -- on the County level, where Legislators from different parts of -- being the Chair of Public, Legislators from different parts of the County appeal to public works to repave the roadways in their particular areas. That's what council districts would do for your particular area. And I'm happy to report tonight that there was a positive ruling by a court --

P.O. TONNA:

Brian, question.

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LEG. FOLEY:

-- on that particular issue. So I -- no question, but I just want to make you aware of it.

P.O. TONNA:

Brian.

LEG. FOLEY:

A question?

P.O. TONNA:

You tricked me again.

LEG. FOLEY:

Okay.

P.O. TONNA:

All right. Next speaker --

LEG. FOLEY:

Thank you.

P.O. TONNA:

Thank you very much. Grace. He is a sneaky devil, this Brian Foley.

LEG. TOWLE:

We're going to watch him a little more closely.

P.O. TONNA:

I got to watch him a little more closely. You got to wake up early in the morning to fool Brian Foley.

MS. IOANNIDIS:

Good afternoon. I think that --

P.O. TONNA:

How do I say your last name, Grace?

MS. IOANNIDIS:

Yeah, I think -- my last name is Ioannidis.

P.O. TONNA:

Ioannidis.

MS. IOANNIDIS:

I think Legislator Brian Foley knows that the Citizens Action Coalition is in support of councilmatic districts, so he knows he has our support and we'll continue on that.

P.O. TONNA:

Okay. Go right ahead.

MS. IOANNIDIS:

My name is Grace Ioannidis. You know me well now. I spent 40 hours before you in support of Legislation 1155. Yes, the Citizens Action Coalition is guilty as charged, if those charges of waking up the

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sleepy community of Mastic, Mastic Beach and Shirley. This name was given to us by our local Legislator Fred Towle, not as an insult, but as the truth. We recognize this to be our fault, but no more.

On May 9th, we came before you to help us in stopping the social dumping in our communities. We ask for an equal and fair distribution throughout the County. Members of our coalition gave personal testimony of the fear they experienced living across the way to an unregulated sober house, a house packed with single men, strangers walking through our neighborhoods late at night, because they have been thrown out for not following the house rules. And in the Hamlet of Ridge, {Chris Tobic}, president of the Ridge Civic Group, informed us and informed the Coalition police was called to a sober house where two individuals were found butt naked, having sex in the driveway of an alleged drug sober house.

We want an explanation. We want government to serve the people. We

demand it. What were government officials in charge of placing these people thinking about? I have the answer. They wanted to solve their problem, taking for granted the impact in our neighborhoods. They expect us to coexist with a group of people who they themselves had labeled dangerous, either mentally or physically. They expect us to knock on their door, introduce ourselves, bring a cake, and welcome to destroy our neighborhoods. We are expected to be their role models at our expense? Yet don't think for a minute that we as human beings don't have compassion for these people who are less fortunate. It was compassion that was interpreted as a sign of weakness in our community, and, once again, our quality of life was compromised.

As a resident of this County, we have a moral responsibility to ensure the health and safety standards for both clients and folks living in our communities, our neighbors. We, the Citizen Action Coalition, commend all of you in saying yes to 1155. Please continue your support. Thank you.

P.O. TONNA:

Thank you very much. Scott Cullen?

MS. IOANNIDIS:

Any questions?

MS. ESPOSITO:

He left

P.O. TONNA:

Okay. S. Haizlip, general discussion of --

LEG. FIELDS:

Haizlip, he was here.

P.O. TONNA:

Haizlip. Is here? Haizlip gone. Chuck Hammer? Is he related to M.C.?

Okay. Adrienne? Adrienne?

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LEG. FOLEY:

Adrienne Esposito.

P.O. TONNA:

Adrienne Esposito. How do -- I love the spelling of that name.

MS. ESPOSITO:

You'd think you would know it by now.

P.O. TONNA:

Adrienne, just, it's a very neat -- is that a neat spelling, but is that the normal spelling?

MS. ESPOSITO:

That was a nice cover-up, but that's the normal spelling.

P.O. TONNA:

All right. Like I -- well, an abnormal guy. Okay. Thank you very much. Sorry.

MS. ESPOSITO:

Okay. Good afternoon again. Or is it evening? No, it's still afternoon. Very quickly, I have a noncontroversial topic, and that is we're going to ask you to vote yes on a piece of legislation that's not even on your agenda, the but we do expect to be introduced by a CN this evening, and that is Resolution 1666, and it's a resolution to -- for the Community Oversight Committee, which -- for the Peconic River, which this Legislative body created about a year ago in conjunction with the County Health Department to come up with a better plan to

clean the Peconic River. Last month, the Department of Energy put forth a plan for cleaning up the Peconic River, and all sides rejected the plan. All sides that have normally been in conflict and couldn't agree on anything did agree on this, and that is that the plan didn't clean up the river and also would destroy the river in that cleanup process. So the Department of Energy agreed to postpone the cleanup for six months. In the interim, we would like this independent committee that's already been established by the Legislature to be empowered and charged with devising a cleanup plan that works, that gets the -- that gets the contamination out of the river and also preserves the river habitat at the same time. We think it's a logical step for this committee to undertake, given all the other responsibilities they have with the Peconic River, and we'd ask you to support the legislation.

Thank you.

P.O. TONNA:

Adrienne, I swear to you, the next time you come, I'm going to get it right on the numbers.

MS. ESPOSITO:

Okay. You all heard that here.

P.O. TONNA:

That's right. Thank you.

LEG. FISHER:

It's on the record, Adrienne. It's on the record.

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P.O. TONNA:

It had to happen when I lost my hair. Okay. Susan Gonzalez. Come on up, Susan.

MS. GONZALEZ:

Hi.

P.O. TONNA:

Don't you feel like the Price is Right? You've already been up, now you're down.

MS. GONZALEZ:

Hello. I have a typed statement form --

P.O. TONNA:

Okay. Speak into the mike.

MS. GONZALEZ:

-- Sachem Quality of Life Organization.

P.O. TONNA:

Okay. You want to just hand it into the record? There you go. All right? You got three minutes.

MS. GONZALEZ:

Okay.

P.O. TONNA:

If I could set this timer.

MS. GONZALEZ:

I have that Newsday article, if anybody wants to read it. Hello again to all the County Legislators. My name is Susan Gonzalez. I'm here in support of the Sober House Law sponsored by Fred Towle.

LEG. FISHER:

Susan, can you move the mike a little closer to your mouth?

MS. GONZALEZ:

I'm a member of the Citizens Action Coalition and Mastic Park Civic

Association. I live in Mastic. As stated in Newsday by Judge {Judy Kay}, our society has a huge drug problem. We in the Mastic/Shirley area know this. Are there swarms of recovering drug addicts and alcoholics next to you? As of now, there are no rules and regulations on sober homes. Sober homes' only business is to provide housing, and by labeling it a sober home, they skirt the rental laws. Where the lowest cost of housing is, that's where you'll find the bulk of the so-called sober homes. The sky is the limit to amount of sober homes put in your neighborhoods. Aren't these landlords responsible for anything, or are they just adding up the dollars and cents for the body counts?

If these sober home landlords don't feel they have to comply with State regulation standards, you have to ask yourself what are they trying so hard to hide? Perhaps it's the living conditions or activities

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inside. Some of these landlords don't even live in this great state. Are the drug courts sending more drug addicted criminal defendants to our neighborhoods?

Newsday states the fact that interviews show that crack addicts sell crack to support themselves. Newsday also states Judge Jonathan Lippman and Judge {Kay} said drug addicted offenders have a very high chance of committing another crime.

The public safety should be priority number one. We need to regulate all sober homes now. And the court of public opinion, the public has already spoken through it's 15 Legislators in favor of the law. So I'm asking you again, on behalf of many concerned citizens, to stand by your constituents again and vote yes in favor of the sober house law. Thank you.

LEG. CARACAPPA:

Thank you.

P.O. TONNA:

Any questions? Thank you very much.

LEG. FISHER:

Thank you.

P.O. TONNA:

Bill Doyle, please.

MR. DOYLE:

Hi. I'm the President of the Bay Area Civic Association. We are the primary sponsor of the fireworks at Smith Point.

In all due respect to this Commissioner of Police, this event has been on for four years with no major incidents at all; nobody hurt, nobody killed, no major accidents on the bridge, nothing. Each year our plan's gotten better. We have EMS staged throughout the area. We have fire departments staged throughout the community. We deal with the problems, and as a result, what he fails to mention is that the safety in the community around Smith Point, Center Moriches, Bellport, Brookhaven, Shirley, Mastics --

P.O. TONNA:

Your time is up. I apologize, that was my mistake. Go ahead.

MR. DOYLE:

Okay. Has seen a decrease in problems outside with private fireworks. Nobody gets hurt with a firework in their hands, no more fires in open lots, no more houses catching on fire, because people are shooting off

their own private fireworks. As the word spreads that this is not going to take place, people are now rushing out to purchase their own private fireworks. And I seriously don't think the Police Department will do much about it to stop it when it happens on the Fourth. They won't be able to, there would be just too many of them.

We ask you to allow us to have this event. Let me assure you, we have looked at other alternate sites. We checked with Dowling College.

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Unfortunately, they were planning a major building program this summer and could not let us use the land this year. We continue to look for other places to try to relieve the concerns of others, including some people in Mastic Beach with the inflow of people coming in there for the fireworks. But our community looks forward to this event, other people in Suffolk County looks forward to this event. We ask you to allow it to take place.

On sober houses, I do ask you to vote to override the Executive. We understand that we have to provide places for people with a legitimate problem. All we're saying is you just can't send it all to one place. That reasonable restrictions should be allowed and that's your responsibility to give us the reasonable -- and everybody share the burden.

Finally, I also ask you to find a way of getting the \$75,000 for the VINES Program. Our school district does wonderful things, and this is a wonderful program, and it should not been hurt by some kind of bureaucratic error.

In closing, let me state this to you. The Shirley and Mastic area often sees itself as being unfairly treated by the County and town government. These two events has only further -- these three events only further reinforce that. Once again, our community is saying, sure enough, we get something good, they take it away. They got a problem, they send it to us. And, really, this is unfair to our community. I hope you will address all these three events and give us the events we need and support we need for our community. Thank you for your time and for attention.

P.O. TONNA:

Thank you, sir. Anthony Abruscato? Is that right? Is that close?

MR. ABRUSCATO:

Abruscato.

P.O. TONNA:

Oh, I didn't see the "S".

MR. ABRUSCATO:

Just call me Abbo.

P.O. TONNA:

All right, Anthony Abbo, Jr. All right.

MR. ABRUSCATO:

Good morning Legislators, and letting us be heard. Being a member of the Citizens Action Coalition, an organization dedicated to improving the quality of life in the community, I had the opportunity recently to meet some of the residents in the community of Mastic and Shirley. I was passing out fliers, notifying residents in the area that Gaffney, once again, {dulled} out and said no to the people of Mastic, Mastic Beach and Shirley. When I had given one of the fliers to a 15 year old kid, he told me that he already had heard about it and that's why him

and some friends had gone down to Georgia and purchased fireworks to sell in the community, affecting all of our quality of life. I would

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think that our Police Commissioner would want to improve our quality of life by not letting these illegal fireworks to foster itself where groups of kids in different areas of the community congregate. And there's a tendency to commit crimes in the area where there's a lot of kids hanging out.

Another quality of life issue is the overabundance of sober houses, which Gaffney wants more of in the Mastic/Shirley area. Should people be harassed by someone asking for money to buy booze while patronizing an establishment, which happens to be near a sober house? Why should people be witness to people shooting up drugs in the woods in Mastic, which I have seen. And I was also told by local residents in the community that there was a sober house right next door to a crack house in Mastic, where there are prostitutes who walk up and down Mastic Road and where open drug dealing is a common occurrence on Patchogue Avenue in Mastic.

Me and a few friends of mine thought that if we pooled our money together and bought a house next to Mr. Gaffney's and decided to open up a sober house, maybe then Mr. Gaffney would be passing -- wouldn't be passing the buck to the State. And, please, say to Mr. Gaffney no more dumping in our community and support the sober house. Thank you and have a good day.

P.O. TONNA:

Thank you very much. John McKinney. Going once, going twice. John? No. Sold. Marc, I think it's Mark, Rosado? Rosado? Rosado?

LEG. CARACAPPA:

Sold.

P.O. TONNA:

Sold. That's the fireworks. Marc Rosado. All right. And Anthony -- you just spoke, but I guess you filled out two cards?

MR. ABRUSCATO:

Yes.

P.O. TONNA:

Ah, no, I see what's going on here. All right. A handwriting analysis dictates that there's two different people filling out this card.

Sheriff, pistol whip him. No. All right. Anyway, let's --

LEG. TOWLE:

Hey, hey, enough with pistols there.

P.O. TONNA:

All right, all right. Forget it. We're going to give you leniency this time. Thank you, Sheriff.

Well, we're ready for the agenda. So what I'm going to ask is that all Legislators please come to the horseshoe. Has anybody else filled out a card that I somehow lost?

LEG. CARACAPPA:

Motion to approve the Consent Calendar.

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LEG. FISHER:

Second.

P.O. TONNA:

Okay. There's a motion to approve the Consent Calendar, seconded by

Legislator Fisher. All in favor? Opposed? Approved. (Vote: 18)

LEG. TOWLE:

Mr. Chairman.

P.O. TONNA:

Yes.

LEG. TOWLE:

I appreciate you recognizing me for a second. Before we go on to the agenda, I would like to move to override the County Executive's veto on the Sober House Law, which is Resolution 1155.

LEG. CARACAPPA:

Second.

P.O. TONNA:

Do we want to do the vetoes now? Can I -- I did say all Legislator, please come to the horseshoe.

LEG. GULDI:

Yeah, I know. It takes a second to walk to the chair.

P.O. TONNA:

Okay. Could I -- can you include Legislator Guldi in the Consent Calendar vote.

MR. BARTON:

I haven't called the vote yet.

P.O. TONNA:

And Legislator Alden by Executive Order.

MR. BARTON:

I haven't called the vote yet.

P.O. TONNA:

Okay, there you go.

MR. BARTON:

I'm finding my papers.

P.O. TONNA:

Okay, he's still finding his papers. Henry, I tell you, you can work with you, I can see that.

MR. BARTON:

I don't want to have to redo all the slips.

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P.O. TONNA:

All right. There's -- Legislator Haley, is he around? And Legislator Caracciolo?

MS. JULIUS:

Right behind you.

P.O. TONNA:

Okay.

LEG. GULDI:

Caracciolo is in building.

P.O. TONNA:

There's Legislator Haley. Where's Legislator Caracciolo?

LEG. GULDI:

He's in the building, he was a moment ago.

P.O. TONNA:

Okay. What I'd like to do is -- this is what we're going -- this is what we're going to do. We're going to do the best job we can here. What we're first going to do is we're going to do the -- oh, you made a motion, right?

LEG. TOWLE:

And I had a second.

P.O. TONNA:

And there's a second.

LEG. TOWLE:

On 11 --

P.O. TONNA:

Okay. On sober house override.

LEG. TOWLE:

1155.

P.O. TONNA:

Okay.

LEG. FISHER:

On the motion.

P.O. TONNA:

Well, there has to be a motion first to take it out of order, right?

Or how does this work?

LEG. GULDI:

No. Motion to override the veto.

LEG. POSTAL:

No, it's an override.

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LEG. TOWLE:

No, it's not order.

P.O. TONNA:

Paulie?

LEG. TOWLE:

It's just a veto.

LEG. CARACAPPA:

It's a veto.

P.O. TONNA:

You know what, let's get this over with. Okay, fine.

MR. SABATINO:

But it's appropriate to entertain it, if there's a motion.

P.O. TONNA:

All right. Let's entertain it. I'm in an entertaining mood.

LEG. FISHER:

Okay, I'll entertain it.

P.O. TONNA:

Let's entertain it. On the motion, Legislator Fisher. And then after this one, I'd like on get to the CN's, and then whatever. Go ahead.

LEG. FISHER:

One of the speakers who spoke to us this evening was from Catholic Charities, I don't recall her name, but it was a woman who said that she had been trying to pull together a summit of professionals who work with drug and alcohol rehabilitation. She had been trying to get together a summit of these professionals with people from the Department of Health in order to address some of the weaknesses that they see inherent in the resolution as it stands. I would like to ask the sponsor of the resolution if he would be willing to work with this summit? I have asked the woman from Catholic Charities if she thought that they could get together during the month of July before our next meeting, so that we could work out the parts that they, as

professionals, will advise us are the parts that they feel would be in violation of the State Housing Act. And that if we reworded it and voted it -- voted for it again in August, it might be more successful in passage. But I thought, if we had the professionals advising us on how best to implement this resolution. I have supported it in the past, I think it's very worthwhile. I don't think it's fair to saturate a community with this type of house or -- and activity, but I do believe that it wouldn't hurt us to meet with the summit, which was indicated earlier, and make a wiser decision in our -- at our August meeting.

LEG. TOWLE:

With the Chairman's permission, I'd address your question, Legislator.

D.P.O. LEVY:

Legislator Towle.

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LEG. TOWLE:

Thank you, Legislator Levy. First of all, I'd be happy to meet with anybody to discuss any issues. So, you know, my office is available. All they need to do is call up and set up an appointment, I'll go anywhere or meet anywhere. I do want to move on the override tonight. I want to do that, pause I think, as a group, we need to set a policy decision. I'm more than happy to amend the law from this day forward with any recommendations that Legislators or community groups have to try to make the law better and more workable. This law has never been to hurt people, this law has been not only to help communities, but to also help people that need services to make sure they get them in an appropriate manner, which, clearly, I don't think today in a lot of facilities they are getting services.

So the answer would be, yes, I'm willing to meet people, and, yes, I'm willing to consider any amendments to the law once we move to override that tonight, that would make the law more effective or more beneficial, not only to the communities, but also to those people that are receiving services through, you know, drug and alcohol rehabilitation.

My concern, Legislator Fisher, is that as I read the veto statement, there has been no indication by the County Executive that, you know, he has any positive suggestions or recommendations. It's just, "No, I can't do it, because some attorney in Albany says it's not good." And I think that's really a cop-out and a real sad statement as far as policy goes in this County of Suffolk. I think we have an obligation to try to improve our communities, and that's what this bill has been about from the very beginning. That's why I've entertained changes, it's why I've tried to be cooperative, it's why I've tried to work with Legislators and address their concerns and needs, you know, through the committee process and through here at the Legislature. So, you know, my door has been open and will continue to be open.

And I have never thought that this was going to be a magic wand to solve every problem in every community, but I thought it was a step in the right direction. And I think the other thing that it did is it took an issue that was on the back burner, hurting communities, and brought it to the front burner. And, hopefully, you know, the State and Federal Government will get off their duffs to also do something.

LEG. CARACAPPA:

Here-here.

LEG. FISHER:

Thank you, Fred. Actually, you're absolutely right, that it did bring it forward, because before your resolution, I had never heard of sober houses, I didn't know what they were, so it certainly educated me.

P.O. TONNA:

Maxine.

LEG. POSTAL:

Yeah. You know, in deciding whether to override this veto, which, by the way, I'm voting to do, I looked very carefully at the letter that

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the County Executive refers to in his veto message, which is from {Mark Boss}, who's a Senior Attorney with the Office of Alcoholism and Substance Abuse Services, and in the letter there are a number of points that he makes, which, in essence, all come down to discriminating against people with disabilities and the question of whether it's legal to do that in terms of the Sober House Bill. And I really think that there's a basic misunderstanding that many people have fallen prey to, including the person who wrote this letter, which is the difference between a substance abuse treatment residential facility and the type of residents called a sober house, because they're very, very different. And I would not have supported the initial bill if it was directed at certified substance abuse treatment houses, because those are places which do provide services and do provide the kinds of support for people to help overcome their substance abuse. Sober houses are places where people who have substance abuse problems are exploited for the benefits of a property owner. Not only --

(Applause)

Not only are they exploited, but they're, in fact, put in an unsafe and unhealthy situation, because they're housed in close proximity to other substance abusers without benefit of treatment, which we know, anybody who has had any training in substance treatment knows is a dangerous environment for a substance abuser to be in close proximity with other substance abusers without benefit of treatment. So that this comes down -- this is very much like the discussion on the congregate emergency shelters that took place a little earlier. If our, for example, Department of Social Services would deny payment to these landlords who are running these places, which are not in compliance with zoning codes, which are unsafe and unhealthy, then it wouldn't be necessary to pass this type of resolution, but, in fact, they're not. And I know Legislator Levy was intimately involved in this situation in which the Department of Social Services I think at one point even attempted to take steps to stop providing a windfall profit to these slumlords who are exploiting both clients and taxpayers. But the point is that, for whatever reason, that's not being done, it's not able to be done.

And so I think that what we have got to do, and, you know, I hate to say this, this sounds really like twisted logic, but I truly believe that in passing this Sober House Law and overriding this veto, we are, in fact, protecting people who are substance abusers, who are victims of substance abuse.

(Applause)

We're actually preventing them from being exploited and placed in close proximity with other substance abusers, to prevent them from ever reaching sobriety. So I'm going to -- I'm going to vote to override this veto, I hope that you will, too.

(Applause)

P.O. TONNA:

Maxine can I just ask -- just before I go, I think it's Legislator
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Foley and Legislator Crecca, but I'd just like to ask you a question. How does this help anyone if we have no town that wants to participate in this? We have -- in other words, listen, this is good. I think, and I'm going to say, in credit to Legislator Towle, and I think that this is an issue that is plaguing, you know, and preying upon our communities, there's no doubt in my mind. I am critical of the fact that we had to wait until after we pass a law, when Legislator Crecca in committee asked time and time again, "Where is the County Attorney on this? Where is the County Attorney on this? Where is the County on this? Where is the County Attorney?" And we didn't hear anything about the County Attorney's statement until after it was--

LEG. TOWLE:

You still haven't.

P.O. TONNA:

Well, no, we have, we have a letter.

LEG. TOWLE:

It's an attorney from the State, not the County Attorney's Office.

P.O. TONNA:

No.

LEG. CRECCA:

You're right.

P.O. TONNA:

But my concern is there's not a town that has come forward yet, there's not one town that has come forward yet and said they would even consider this. So tell me how this in actuality, except for being a symbol to create some concern and some energy with regard to the abuses of sober housing, how -- how does this really in actuality do anything?

LEG. POSTAL:

Okay. Let me give you some answers, since you asked me the question. First of all, let me address the issue of whether a town would support establishment of a facility that people might first think nobody would want on the basis of NIMBYism, because the same issue came to me with regard to the congregate emergency shelters. Mr. Laspina, who was referred to before when Sister spoke, said exactly the same thing, no town is going to give approval for a congregate emergency shelter. And I said, "You're wrong." I can't speak for any town, but I can speak for the Town of Babylon. And I know this is near and dear to your heart, Mr. Presiding Officer, when I mention Resurrection House. You asked me the question.

AUDIENCE MEMBER:

Hello. Hello.

P.O. TONNA:

Oh, I'm listening, I'm listening.

LEG. POSTAL:

Resurrection House.

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P.O. TONNA:

Yes.

LEG. POSTAL:

Which is in the Town of Babylon --

P.O. TONNA:

Yes.

LEG. POSTAL:

-- which you know very, very well.

P.O. TONNA:

I do.

LEG. POSTAL:

And you know that that has existed in the Town of Babylon with the knowledge and approval of the officials at Town of Babylon for more years than I can even think of. And the point is that, again, I can't speak for any other town, I'm only going to speak for Babylon, that when there's a responsible operator, the Town will look at the situation objectively. I'm going to tell you the same thing happened in North Amityville with Thea Bowman Residence, which was a facility for disabled individuals. There were people in the community who were very opposed to that. Town of Babylon could have responded to their reaction, but that residence was approved. The Town of Babylon has looked at who's a responsible operator and who's not a responsible operator, and this gives the towns the ability to do that. Again, I will speak for no other town other than Babylon, because I have no experience with any other town. But the point is that right now, what this does is to also safeguard the people who are living there, even aside from town approval, because it sets up a procedure that really is vital, that really is necessary, that affects, for example, our Department of Social Services and where we're making placements. So, you know, we've got to resolve the problem. I think that there are facilities which are certified by OASIS, and those facilities may fall under Padavan, they may fall under OMH, so that they are being sited, that will continue to be sited. It's just that these facilities, which should not be approved, which are not approved. And, again, I'm coming back to my definition of a sober house, they're different. And there are other residences which have been approved and will be approved, because they are operated by responsible operators.

P.O. TONNA:

Thank you, Legislator Postal. Legislator, I think it was Foley --

LEG. FOLEY:

Yeah.

P.O. TONNA:

-- and then Crecca, right?

LEG. FOLEY:

And thank you, Mr. Chairman.

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P.O. TONNA:

Or was it the other way?

LEG. FOLEY:

No.

P.O. TONNA:

No, it was Foley and Crecca.

LEG. FOLEY:

It was Foley first. Thanks.

LEG. CARACAPPA:

Of course not.

LEG. FOLEY:

All right.

LEG. FISHER:

Of course not.

P.O. TONNA:

Of course not.

LEG. FOLEY:

Thank you, Mr. Chairman. When we look at the original date of the bill, which was February 29, four months have almost gone by, a series of changes were made to the bill. There was ample opportunity in committee for a robust debate, pros and cons on the bill. So I would hope that the vote that we had at our last meeting that was nearly unanimous, that we have a similar vote this time to override the veto. If there are changes to be made, as Legislator Towle has mentioned, we can do as we've done in plenty of other examples in the past, which is then to amend an existing law to make it a better law. But with that said, four months have gone by, there was plenty of opportunity in committee to make one's positions known. Changes were made to the bill subject to public hearings and subject to debate in committee. So, at this point, I hope that we will have more than enough votes to override this particular veto. Thank you.

AUDIENCE MEMBER:

Amen.

P.O. TONNA:

Thank you very much. Okay, Legislator Crecca.

LEG. CRECCA:

I originally -- again, first of all, let me commend Legislator Towle. You're right, this brought this issue to the forefront, and you've done a very good job of that. And I do support the concept of the legislation, as you know. I have voiced concerns about this potentially opening up the County to some lawsuits. I think there are some problems with the legislation as it's written. But I just want to make it clear to you, while it's my intention to sustain the County Exec's veto, I would invite you, should that happen, to sit down and

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I'll be the first one there to help you with Catholic Charities and the programs, and try to work out a bill that will fit within the confines of the law, because I do think this is a problem that needs to be addressed. So I want to just let you know that I will support you, if this does go down, to work out a bill that will address this problem, which does need to be addressed for our County.

LEG. FOLEY:

Roll call.

P.O. TONNA:

Thank you very much. Anybody else? Okay. I'd like all --

LEG. COOPER:

Mr. Chairman. Mr. Chairman.

P.O. TONNA:

Yes, Legislator Cooper. And I'd like all Legislators, so that they can vote on this, I know they want to vote on this issue.

LEG. COOPER:

I just wanted to say that even this doesn't impact on my district, I don't think I have any sober houses in my district, to my knowledge --

P.O. TONNA:

Yes, you do.

LEG. COOPER:

Yes, I do?

P.O. TONNA:

Yeah, you do.

LEG. COOPER:

Okay. But I'm just very upset at the way this whole thing transpired. And I have tremendous sympathy for the people in the audience that have spoken and come out time and time and time again on this issue. And I'm very upset that it took so long to hear from the State attorney and get his legal opinion on this. And I'm sorry that it took so long to hear from -- I guess it was someone from Catholic Charities that raised some questions about the bill. And this is probably the toughest vote that I'm going to have to cast so far.

AUDIENCE MEMBER:

Vote for it.

P.O. TONNA:

There'll be tough votes.

LEG. COOPER:

Well, but this is -- I mean, I should not have been put in this position. It's --

P.O. TONNA:

Well, then you don't run for elected office. Of course you're being put in this position. Every day you're put in this position. Every

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vote's a tough vote, depending on the issue.

LEG. COOPER:

No. But if this had been done properly, and I don't know who messed up on this, or at what level, but we should have been having some arguments earlier on, or some of the concerns that were expressed should have been expressed before the bill was passed. And now we're trying to clean up the mess afterwards and there's no easy answers. On I'm not an attorney, I can't render my own legal opinion. I certainly don't want to cast a vote that may end up costing the County tens of thousands of dollars or more in legal fees, but we've got to address this wrong that I see. So I'll decide in about 30 seconds how I'm going to vote, I don't know yet.

AUDIENCE MEMBER:

Vote for it, come on.

P.O. TONNA:

Okay. Can I just ask -- I mean, this is not an applause meter, Jon,, either. I mean, just -- all right. Anybody else on the issue? Yeah, you get a lifeline. You want a lifeline? Okay. Here we go.

LEG. TOWLE:

Call me over here.

P.O. TONNA:

Okay.

AUDIENCE MEMBER:

Poll the audience.

P.O. TONNA:

I just -- I know that there are two Legislators who have expressed interest in making sure that, before I call the roll, that they're here to vote. So -- no. There are three that aren't here, two of them -- Alison, can you go back there? All right. Let's get everybody in here. I'm going to ask, all Legislators, please come to the horseshoe.

LEG. TOWLE:

While you're doing that, Mr. Chairman.

P.O. TONNA:

What?

LEG. TOWLE:

While you're doing that, if I --

P.O. TONNA:

Well, for you. I mean, basically --

LEG. TOWLE:

You know, and I -- I said while you're doing that, I had --

P.O. TONNA:

Oh, while, while. Why are you doing that, I thought. Because --

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LEG. TOWLE:

No, no. I know why you're doing that.

P.O. TONNA:

-- You know, there might be a positive --

LEG. TOWLE:

I appreciate why you're doing that.

P.O. TONNA:

A no -- a no is a no. It works out to --

LEG. TOWLE:

Yeah, yeah. No. I appreciate what you're doing. I just had a couple of thoughts.

P.O. TONNA:

I just think people should vote up and down.

LEG. TOWLE:

Yeah. I just had a couple of thoughts to Legislator Cooper's comments and --

P.O. TONNA:

Okay.

LEG. TOWLE:

-- also to your own. First of all, I did speak to the Supervisor of the Town of the Brookhaven about this and they are supportive of this, and believe that this mechanism would be a tool for them to use. That's number one. I think Legislator Cooper's comment is a very interesting comment and I think it gets right to the heart of the problem.

For those people that sit on the Social Service Committee, you will remember the Commissioner of Social Services, the County Executive's appointee, coming out and speaking in favor of this bill and speaking in favor of the fact that this is a problem that is throughout the County of Suffolk, and that this bill would be a step in that direction to try to resolve this problem. As I've said, it's not a magic wand,

it's not going to make everything go away and make everything perfect. If we had that, we clearly would not be sitting in this body, we'd be doing something else. But the fact of the matter is it is a step in the right direction.

And you're right, Legislator Cooper, this is a mess, and it's a mess that, unfortunately, people have continued to avoid, and ignore, and not pay any attention to. To this day, some February, March, April, May, June, five months now, four or five months, the County Attorney hasn't taken an opinion on this. It was some attorney that works for the same State agency that's supposed to be policing these facilities on the State level that said, "Guess what, you can't do that." I find it interesting, too, because it's not even the County Executive who asked for the opinion, it's someone who works for the Department of Health or the Department of Social Services, when the Commissioner of

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that very department came out in favor of this. So I'm very suspicious of that legal opinion rendered by some attorney that sits in Albany, that doesn't sit in our communities, and doesn't understand the problem, and hasn't taken the time that we've taken to try to rectify, you know, a wrong.

P.O. TONNA:

Okay. Call the vote.

LEG. COOPER:

Mr. Chairman.

P.O. TONNA:

Call the vote. Somebody want to say --

LEG. COOPER:

I just --

P.O. TONNA:

Okay. Go right ahead, Legislator Cooper.

LEG. COOPER:

I think I've just decided how I'm going to vote. And, look --

P.O. TONNA:

Okay. Well, you get a chance to vote.

LEG. COOPER:

No. But I just want to -- I just got to say something.

P.O. TONNA:

It's like the Oprah Show, I swear. Go ahead.

LEG. COOPER:

And I know that, you know, once you make a commitment, you're supposed to honor your commitment and all of this. But one thing I did before I ran for office, my 14 year old son, Daniel, who didn't want me to run, and he said, "Dad, you know, all politicians are corrupt and they all lie and they all cheat, and you're going to get in there and pretty soon you're going to become, you know, just like them." And, you know, I promised him that I would be able to go home each night and look him in the eyes and justify every vote that I cast that day. And, look, I don't want to waste possibly tens of thousands of dollars in legal fees, but it's not the first time I'm sure that the Legislature has wasted money.

P.O. TONNA:

Absolutely.

LEG. COOPER:

And, you know, we force --
P.O. TONNA:
Okay. Just --

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LEG. COOPER:
-- these people to come out for months and months.
P.O. TONNA:
Just vote, Jonathan, just vote.
LEG. COOPER:
But it's not my turn, not my turn.
P.O. TONNA:
Everyone has a decision-making process. Every single person here has those things. Just make a vote.
MR. BARTON:
Legislator Towle.
P.O. TONNA:
Okay. Roll call.
(*Roll Called by Mr. Barton*)
LEG. TOWLE:
Yes.
LEG. CARACAPPA:
Yes.
MR. BARTON:
Mr. Cooper. Legislator Cooper?
P.O. TONNA:
Make a vote, Legislator Cooper, just say yes or no.
LEG. COOPER:
I'll keep you all in suspense and I'm going to pass.
LEG. BINDER:
Yes.
LEG. POSTAL:
Yes.
LEG. BISHOP:
Yes.
LEG. D'ANDRE:
Pass.
LEG. CRECCA:
No, to override.
LEG. CARPENTER:
Yes.
LEG. ALDEN:
Pass.

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LEG. FIELDS:
No.
LEG. FOLEY:
Yes.
[LEG. HALEY-NOT PRESENT]
LEG. FISHER:
Pass.
LEG. GULDI:
No.
LEG. CARACCILOLO:

Pass.
LEG. LEVY:
Yes.
P.O. TONNA:
Nope.
LEG. COOPER:
Yes.
LEG. D'ANDRE:
No, to override.
LEG. ALDEN:
No, to override.
[LEG. HALEY-NOT PRESENT]
LEG. FISHER:
No.
LEG. CARACCIOLO:
Nope.
MR. BARTON:
Nine. (Not Present: Leg. Haley)
P.O. TONNA:
Thank you very much.
LEG. TOWLE:
Mr. Chairman.
P.O. TONNA:
I'd like to go to -- somebody say, "Mr. Chairman"?
LEG. TOWLE:
Yeah, I did.

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P.O. TONNA:
Okay, go ahead.
LEG. TOWLE:
I want to make a motion as well on another bill, unfortunately,
Resolution 1474. I'd like to make a motion to override the County
Executive's veto there as well.
P.O. TONNA:
Which one is this?
LEG. TOWLE:
It's regarding the funding for the William Floyd School District.
P.O. TONNA:
Okay. I'll second that motion.
LEG. TOWLE:
Thank you.
P.O. TONNA:
Let's vote on this motion.
LEG. CARACAPPA:
Second.
P.O. TONNA:
No, I already seconded it.
(*Roll Called by Mr. Barton*)
LEG. TOWLE:
Yes.
LEG. TONNA:
Yes.
LEG. COOPER:

Yes.
LEG. BINDER:
No.
LEG. POSTAL:
Pass.
LEG. BISHOP:
I'll pass.
LEG. D'ANDRE:
Pass.
LEG. CRECCA:
Pass.

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LEG. CARPENTER:
Pass.
LEG. ALDEN:
Pass.
LEG. FIELDS:
Pass.
LEG. BISHOP:
Mr. Chairman, is it proper to make a motion to defer until later in the meeting at this time; can I do that?
LEG. LEVY:
I would second that.
LEG. BINDER:
Postpone, motion to postpone.
LEG. BISHOP:
Motion to postpone this vote?
LEG. CARACCILO:
Why? Why can't we --
P.O. TONNA:
Why?
LEG. BISHOP:
Because I know that a majority of Legislators feel they're in a bind on this vote.
P.O. TONNA:
No, wait. Can I say something? That's why you get paid to be a Legislator.
LEG. BISHOP:
No.
P.O. TONNA:
Okay?
LEG. BISHOP:
I get paid to solve --
P.O. TONNA:
We're in binds all the time.
LEG. BISHOP:
I get paid to solve problems. There's a problem and I think, if we go --
P.O. TONNA:
Okay.

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LEG. BISHOP:
-- down this path, we will not solve it.

P.O. TONNA:

I'll make a point -- as the Presiding Officer, I'll make a point of order. Legal Counsel, he asked a question. Can you answer his question?

LEG. BISHOP:

I made a motion. I made a motion to postpone.

P.O. TONNA:

No. You asked a question, is it proper to make that motion.

LEG. BINDER:

It's a parliamentary inquiry. Can he do that in the middle of a roll call?

LEG. BISHOP:

It's a parliament -- okay.

P.O. TONNA:

If he can, then we have to entertain the motion.

LEG. BISHOP:

I'm getting coached by Dr. Evil over here.

MR. SABATINO:

If somebody seconds the motion to postpone the vote --

LEG. LEVY:

Levy did.

MR. SABATINO:

-- that vote --

P.O. TONNA:

Okay.

MR. SABATINO:

That motion, I should say, would take priority.

P.O. TONNA:

All right. Legislator Levy, you seconded the motion?

LEG. LEVY:

Yeah.

P.O. TONNA:

Okay. Roll call on motion to postpone the vote and second.

LEG. BISHOP:

Motion to postpone the vote until --

LEG. CARACCIOLO:

On the motion.

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P.O. TONNA:

On the motion, Legislator Caracciolo.

LEG. BISHOP:

Until before -- well, I have -- don't I have to make it to a time certain, or to a, you know, point?

LEG. BINDER:

Right.

MR. SABATINO:

It should be to a moment certain or a time certain.

LEG. BISHOP:

A moment, okay. So I would make it as the last resolution prior to Sense Resolutions.

P.O. TONNA:

Fine.

LEG. BISHOP:

The last piece of business prior to Sense Resolutions.

LEG. CARACCILOLO:

To the motion's sponsor, what is the purpose of delaying this vote?

LEG. BISHOP:

I hope that some sort of compromise can be reached, so that I think that, if I understand the situation correctly, if we vote with -- this is to override, so the veto -- okay. You want to --

LEG. BINDER:

Would you yield, so I --

LEG. BISHOP:

Sure, I yield.

LEG. BINDER:

Right. The thing is, if the veto is overridden, 75,000 moves, and it's understandable, and I understand what Legislator Towle is trying to do. The problem is that \$75,000 will be taken out of a program. Family Service League, mistaken or not mistaken, contracted with the County, hired people, and have developed individuals, counselors have developed relationships with children who need them, and we would be ending the program in three days. And so therein lies the problem and it is a very -- I think it's a very serious problem.

LEG. BISHOP:

Right. So, I mean, on one hand, Legislator Towle is correct. The Executive Branch, I believe it was the Executive Branch, it seems to be --

LEG. HALEY:

Not necessarily.

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P.O. TONNA:

No, I don't think it was this time.

LEG. BISHOP:

Well, somebody erred.

LEG. HALEY:

Yes, that's good enough.

LEG. BISHOP:

Somebody in County government erred, and the money that he had directed in a certain manner wasn't used in that manner. He wants to correct that error. I agree with him, we should correct that error. I don't know if I want to do it at the cost of terminating a program that is underway, we heard testimony is effective. So it's a bind, it's a bind I'd rather not be in, and it's also a bind that seems infinitely solvable with a little imagination. I would hope that in the time between now and the end of the meeting --

LEG. HALEY:

Very good.

LEG. BISHOP:

-- greater minds than mine can solve the problem.

P.O. TONNA:

Okay, thank you.

LEG. CARPENTER:

I support that.

P.O. TONNA:

Wait. Legislator Haley, and then Legislator Towle.

LEG. HALEY:

I can't agree with you more. One of the things that's very -- it happened to me out of that same omnibus. There was monies that went to Suffolk Community Council that should have gone into North Shore Youth Council, and, fortunately, I caught it. But, obviously, there's a mistake here, and in deference to Legislator Binder, who obviously placed that money in the omnibus and has shown a willingness --

LEG. BINDER:

No, no.

P.O. TONNA:

No, no.

LEG. POSTAL:

No, no, Towle.

P.O. TONNA:

Legislator Towle.

LEG. HALEY:

But he used your --

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P.O. TONNA:

No. He's just advocating for the Family Service League, that's all.

LEG. HALEY:

I'm concerned about the other issue with Family Service League.

P.O. TONNA:

Right.

LEG. HALEY:

And a willingness by Legislator Binder to allow that program that had normally been attributed to initiative on his part to allow that to continue in that district.

P.O. TONNA:

It wasn't an initiative. It wasn't an initiative on his part.

LEG. HALEY:

But it is now.

P.O. TONNA:

No. He's just advocating for the Family Service League.

LEG. HALEY:

He's advocating for the Family Service Program --

P.O. TONNA:

What happened was -- is that they have a valid program. Legislator Binder, who I think is correct in advocating for kids and everything else. The catch 22 is they have a program that's up and running, they have a program that's up and running, Family Service League. I'd like to find money for both, so that nobody gets -- but we can't do that right now.

LEG. HALEY:

Okay. You know what, I'll end at that. I agree with -- I agree with Legislator Bishop, that we should -- if we could spend sometime today and find --

P.O. TONNA:

I'd like to find a solution.

LEG. HALEY:

-- some solution to resolve both issue, I think it would bode well for everyone. Because, you know what, sometimes government does make a mistake. I know some of you don't believe so, but sometimes it happens.

P.O. TONNA:
No, we do, we do.
LEG. CARACCIOLO:
Mr. Chairman.

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LEG. BISHOP:
Certainly not any government that --
P.O. TONNA:
Wait, wait, wait. There's an order of speakers.
LEG. TOWLE:
I'm next.
LEG. BISHOP:
Certainly not a government that Marty Haley's associated with.
P.O. TONNA:
Okay. There was an order of speakers. I think --
LEG. CARACCIOLO:
Well, my question was --
P.O. TONNA:
Yes.
LEG. CARACCIOLO:
-- to the motion's sponsor --
P.O. TONNA:
Yeah, but he had -- he had the floor. He interrupted.
LEG. CARACCIOLO:
-- is there an alternative, is there something to fix the problem
forthcoming; yes or no? If so, from whom and when?
P.O. TONNA:
Is this to Budget Review?
LEG. BINDER:
Mr. Chairman, if he'll yield.
LEG. BISHOP:
Well, let me just comment on mistakes.
LEG. BINDER:
Will you yield? Because I've been working on this a good part of the
day. Mr. Chairman.
P.O. TONNA:
It's very, very hard with 18 independent Legislators. Can I say
something? We are now, by the way, debating, if I'm not mistaken, the
postponement vote.
LEG. BINDER:
Right.
P.O. TONNA:
Right?

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LEG. CARACCIOLO:
But it's important.
LEG. BINDER:
Okay. Just wait. Yes. Just wait one second. Right now, Legislator
Caracciolo has the floor. He asked a question of who?
LEG. BISHOP:
I guess me.
LEG. BINDER:
Would you yield for --

LEG. CARACCIOLO:

Who, what, when, where, how is this problem going to be fixed?

LEG. BINDER:

Can I -- let me.

P.O. TONNA:

Wait, wait.

LEG. BISHOP:

It would seem to me that what we need --

P.O. TONNA:

Okay.

LEG. BISHOP:

-- is somebody from the County Executive's Office who's authorized to make decisions.

LEG. CARACCIOLO:

Could someone, a representative come out --

LEG. BISHOP:

I think they would --

LEG. CARACCIOLO:

-- And tell us how this problem is going to be fixed?

LEG. BISHOP:

I would hope so. If the Presiding Officer would take some --

P.O. TONNA:

Well, I think -- well, this is my concern. My concern is we had this debate last meeting.

LEG. TOWLE:

Right.

P.O. TONNA:

We've had an opportunity of a couple of weeks. Obviously, I was hoping that Legislator Towle and Legislator Binder would get together and work out something that the rest of the Legislature would agree to. I don't think there's a Legislator here --

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LEG. BISHOP:

I don't think --

P.O. TONNA:

-- that does not sympathize with Legislator --

LEG. BISHOP:

I don't think that --

LEG. CARACCIOLO:

Mr. Chairman.

LEG. BISHOP:

-- they're the people that can work it out.

LEG. CARACCIOLO:

Mr. Chairman.

LEG. BISHOP:

I think it require the school district --

LEG. CARACCIOLO:

Mr. Chairman, I recall earlier this afternoon Legislator Binder speaking very --

LEG. BISHOP:

Passionately.

LEG. CARACCIOLO:

Passionately --

LEG. BISHOP:

I'm here to help.

LEG. CARACCIOLO:

-- on this issue and what he believed was a commitment to fix the problem.

P.O. TONNA:

From who?

LEG. CARACCIOLO:

I believe he represented the County Executive.

P.O. TONNA:

Okay.

LEG. CARACCIOLO:

Is that correct, Allan?

LEG. BINDER:

Yes, he made a personal commitment.

P.O. TONNA:

All right. Brenda, you know, Legislator Binder spoke passionately, you
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guys responded. What's the outcome?

MS. ROSENBERG:

I'd just like to put on the record, first of all --

P.O. TONNA:

Why don't you get the mike, so --

MS. ROSENBERG:

On the record, first of all, this was not --

LEG. GULDI:

It's on.

MS. ROSENBERG:

It is on. It's on.

P.O. TONNA:

Yeah, okay.

MS. ROSENBERG:

This is not an Executive mistake, this was in the budget, in the omnibudget on --

P.O. TONNA:

We know that, we know that.

MS. ROSENBERG:

Okay. I just wanted to correct that for --

LEG. HALEY:

We don't care about that.

MS. ROSENBERG:

-- for Legislator Bishop.

P.O. TONNA:

When it's your mistake, we want to point it out. When it's our mistake, we don't want to point it out; okay?

LEG. BISHOP:

Every mistake is ultimately the County Executive's.

MS. ROSENBERG:

That's why we --

LEG. CARACCIOLO:

Brenda.

MS. ROSENBERG:

Wait. David, that's why we corrected it and vetoed this piece of

legislation.

LEG. BISHOP:

And every triumph, according to Newsday editorial, is also the County Executive's.

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MS. ROSENBERG:

I've been --

LEG. CARACCIOLO:

Brenda. Brenda, if you could. My question's very simple.

P.O. TONNA:

Brenda, I'd say we have a very direct question. We want --

LEG. CARACCIOLO:

Very simple.

P.O. TONNA:

Yeah.

MS. ROSENBERG:

What's your question.

LEG. CARACCIOLO:

Do we have a fix in the works?

MS. ROSENBERG:

We will try to find an offset right now to see --

LEG. CARACCIOLO:

And there'll be a -- there'll be a CN?

MS. ROSENBERG:

We will try to do that.

LEG. CARACCIOLO:

Okay.

MS. ROSENBERG:

I'll work on that right now.

LEG. CARACCIOLO:

Okay. I think that's important before we take this vote.

P.O. TONNA:

Okay. So let's postpone a vote.

LEG. CRECCA:

Very good.

LEG. CARPENTER:

Great.

LEG. CARACCIOLO:

That's all. Thank you. Thank you, Brenda.

(Applause)

MS. ROSENBERG:

Thank you.

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P.O. TONNA:

Thank you. There we go.

LEG. CRECCA:

Thank you, Ms. Rosenberg.

P.O. TONNA:

Okay. So I would say Legislator --

MS. ROSENBERG:

Excuse me, Paul.

P.O. TONNA:

Yeah.

MS. ROSENBERG:

But you will sustain this veto if we do that; correct?

P.O. TONNA:

No. No.

LEG. TOWLE:

No. Wait a second.

MS. ROSENBERG:

Not you.

P.O. TONNA:

Listen to me.

LEG. TOWLE:

Whoa, whoa. Wait a second.

LEG. CARACAPPA:

First things first.

LEG. TOWLE:

Okay. Come over here.

P.O. TONNA:

Listen to me. What we're doing right now -- Brenda, what we're doing right now is trying to find what they call a win-win situation.

MS. ROSENBERG:

That's what we're going to do.

P.O. TONNA:

We'll worry about the win-lose situation later. Legislator Binder wants a win-win situation. I'm sure, as long as Legislator Towle gets his money back for a program that's already existing, he would have no problem. Let's postpone the vote; okay? Let's do -- let's postpone the vote, we'll talk about it later, and I'm sure you will go back, diligently work on a compromise.

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LEG. TOWLE:

Mr. Chairman.

P.O. TONNA:

Are you happy with that?

LEG. TOWLE:

Mr. Chairman.

P.O. TONNA:

Legislator Towle.

LEG. TOWLE:

Okay. We need to clarify a couple of things here, because we're about to postpone this, which I don't have a problem postponing it, by the way.

P.O. TONNA:

Right.

LEG. TOWLE:

But there needs to be some clarity --

P.O. TONNA:

Let's clear it up.

LEG. TOWLE:

-- so that we're all on the same page. Overriding the County Executive's veto will return \$75,000 to the William Floyd School District, where it was intended to go all along.

P.O. TONNA:

Right.

LEG. TOWLE:

They have two people in place that have been in place in September.

P.O. TONNA:

Right.

LEG. TOWLE:

I gave that school district, after we passed the omnibus and we approved that as a body, my word that they had \$75,000.

P.O. TONNA:

Right.

LEG. TOWLE:

They hired two people and those people have been working in the high school.

P.O. TONNA:

Right.

LEG. TOWLE:

So regardless of what Brenda does tonight, I would ask the Legislature
00190

to override the County Executive's veto, so that \$75,000 --

P.O. TONNA:

We understand that.

LEG. TOWLE:

-- stays intact.

P.O. TONNA:

And I've seconded that motion.

LEG. TOWLE:

Okay, appreciate that.

P.O. TONNA:

Because I was part of that omnibus process --

LEG. TOWLE:

Correct.

P.O. TONNA:

-- and when we made that commitment, and I know the commitment we made.

LEG. TOWLE:

Correct.

P.O. TONNA:

But --

LEG. TOWLE:

Secondarily --

P.O. TONNA:

I would still like to --

LEG. TOWLE:

Secondarily, Legislator Binder has introduced a resolution, that I have cosponsored, that has found \$75,000 between Budget Review and the County Executive's Office.

LEG. BINDER:

They did but, I can't introduce it until September. It can only be done by the County Executive --

LEG. TOWLE:

Right.

LEG. BINDER:

-- under the Davis Bill.

LEG. TOWLE:

Right, if they do a CN.

P.O. TONNA:

All right. So --

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LEG. TOWLE:

He's asked the County Executive for a CN.

P.O. TONNA:

Okay.

LEG. TOWLE:

The County Executive told him --

P.O. TONNA:

So you guys were trying to work it out.

LEG. TOWLE:

-- told him that. We got the packet of CN's a few minutes ago.

P.O. TONNA:

And it's not there.

LEG. TOWLE:

That resolution is not there. So the only question I have of Brenda, since we're asking questions, is where is the CN to fund the Family Service League?

P.O. TONNA:

Wait. See, now --

LEG. BISHOP:

All right. Now it seems to be the point where you should take Towle, Binder, and them, and her and --

P.O. TONNA:

Right, that's what I said the whole time.

LEG. BISHOP:

-- work it out.

P.O. TONNA:

Fine. Let's vote. Let's vote on -- let's vote on the postponement.

You're going to -- Freddy. Freddy, we're with you. We're going to --

LEG. TOWLE:

I think some of us are with me and I'm not sure about other people.

P.O. TONNA:

Well, right now, hopefully --

LEG. TOWLE:

I learned a very valuable lesson, Legislator Tonna, with the Sober House Bill.

P.O. TONNA:

Okay, fine.

LEG. TOWLE:

Four people that were with me --

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P.O. TONNA:

Brenda, answer the question.

LEG. TOWLE:

-- are not with me when we voted.

P.O. TONNA:

Fred. Legislator Towle asked a question, you know, where are you with whatever, the CN's and stuff. And I will tell you, just add impetus to help this process smooth over, I'm not going to do the CN's until such a time as we, hopefully, see a CN that will make a win-win situation.

MS. ROSENBERG:

What we would like done is the veto to be sustained as is --

P.O. TONNA:

I know that.

MS. ROSENBERG:

-- with the Family Service League. He's asking us not to do that and that's not our wish.

P.O. TONNA:

Well, we're not going to --

MS. ROSENBERG:

And then we will give the CN for the additional funding.

LEG. CARACCILOLO:

To?

P.O. TONNA:

No, that's just the -- to William Floyd?

LEG. TOWLE:

No.

LEG. GULDI:

To William Floyd.

MS. ROSENBERG:

To William Floyd.

P.O. TONNA:

We want it the opposite way.

MS. ROSENBERG:

We want it the opposite way.

P.O. TONNA:

We want a bill -- can I say something, Brenda? If I have to talk to somebody, now we are -- now we're just really, what do they call, cutting hairs?

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LEG. TOWLE:

Nickel and diming.

MS. ROSENBERG:

Semantics. Splitting hairs.

LEG. D'ANDRE:

Spinning your wheels.

P.O. TONNA:

Now splitting hairs. I knew it was cutting, splitting or something like that.

LEG. D'ANDRE:

Spinning your wheels.

P.O. TONNA:

We're just splitting hairs. Whether one side or the other, it doesn't matter. We'd be glad to try to facilitate this thing in the interest of a win-win situation; okay?

MS. ROSENBERG:

I'll be back to you in a few minutes.

P.O. TONNA:

Why can't the CN do both? Why don't we do that? Why don't we have the CN do both, and, you know, we'll have both. Solomon did this many, many moons ago. We'll do them both, we'll cut the baby in two, we'll set it up, one vote. And then, you know, on this, we won't even vote on it. We won't even vote on the veto message --

LEG. GULDI:

Because then it will be moot.

P.O. TONNA:

-- because you'll get them both, it will be moot. How's that?

LEG. GULDI:

It will be moot if you do them both.

LEG. BISHOP:

Terrific.

P.O. TONNA:

That's why Paul Sabatino makes the big bucks.

LEG. GULDI:

Since when?

LEG. CRECCA:

Ultimately, Solomon didn't cut the baby.

P.O. TONNA:

All right.

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LEG. BISHOP:

I hope Solomon didn't cut the baby in two.

P.O. TONNA:

Thank you very much.

LEG. BISHOP:

Mr. Chairman.

LEG. CRECCA:

We don't really have to cut babies in two.

P.O. TONNA:

So postpone the vote. You have a motion and a second.

LEG. BISHOP:

I have a motion postpone and second. All in favor?

P.O. TONNA:

Okay. Just do one at -- all in favor? Opposed? Postponed. Okay?

MR. BARTON:

18.

LEG. BISHOP:

Mr. Chairman.

P.O. TONNA:

Thank you. Linda Burkhardt, I'd ask you to facilitate this with Brenda. Allan, do you have a staff person or somebody? I'm sure Fred Towle does. I know he always -- you know, why don't you guys go back there, hammer this thing out, and let's get that done. All right? Great.

LEG. BISHOP:

Mr. Chairman, I'd like to make a --

P.O. TONNA:

Yes.

LEG. BISHOP:

-- motion at this time. I make a motion to override veto of 1486 of 2000. That is transferring funds for the Probation Department Community Service Juvenile Alternative Sentencing Program.

P.O. TONNA:

Okay. There's a motion. Is there a second?

LEG. HALEY:

I'll second it.

LEG. FISHER:
Second.
LEG. HALEY:
Second.

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LEG. GULDI:
Which bill number is that?
P.O. TONNA:
Number 1492.

LEG. HALEY:
Second.

LEG. BISHOP:
The Juvenile --
P.O. TONNA:

I mean 492.

LEG. FOLEY:
That's Resolution 492?

P.O. TONNA:
Oh, 490?

LEG. FISHER:
490.

LEG. POSTAL:
1486 was the I.R. Number.

P.O. TONNA:
Okay. Hold it one second. Legislator Bishop, you've made a motion.
Can you get the proper veto override for us?

LEG. FOLEY:
492.

LEG. BISHOP:
Let me read it again. I'm sorry. Resolution 492-2000, which we knew
in this institution as Introductory Resolution 1486 of 2000.

LEG. HALEY:
Second.

P.O. TONNA:
Okay. Second by Legislator Haley. Okay.

LEG. HALEY:
On the motion.

P.O. TONNA:
Do we want a motion?

LEG. BISHOP:
On the motion.

P.O. TONNA:
On the motion, Legislator Bishop.

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LEG. BISHOP:
I think real quick. The reason we have the Budget Committee is to deal
with situations where after we pass an operating budget and we're in
the year that the budget is allocating funds, there are exigent
circumstance which could not be anticipated, and we want to have the
ability to a adjust to meet a need. This is one such situation. This
is not a new initiative being brought forth in the middle of the year,
but it's a problem because the juvenile referrals to the Red Cross
Community Service Program by the courts are way up, so they needed the

extra staff to meet the demand that's created by the courts. It's not anything that they initiated, they're simply coming to us, saying, "Can you help us?"

The County Executive's Office agrees with our analysis of the situation that they need more staff. They vetoed it because of a concern of the offset. Legislator Haley and I are making a commitment that towards the end of the year, we will find alternative sources of funds to reimburse Social Security. We'll move money from elsewhere in the budget --

LEG. HALEY:

Thank you.

LEG. BISHOP:

-- to reimburse Social Security.

LEG. FISHER:

Okay.

P.O. TONNA:

Okay. Yeah, great.

LEG. BISHOP:

That's a compromise that was acceptable to the Executive, so urge everybody to support this.

P.O. TONNA:

Okay. Roll call on the vote. This is to override the County Executive's veto.

(*Roll Called by Mr. Barton*)

LEG. BISHOP:

Yes.

LEG. HALEY:

Yes.

LEG. COOPER:

Yes.

LEG. BINDER:

Yes.

LEG. POSTAL:

Yes.

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LEG. D'ANDRE:

Pass.

LEG. CRECCA:

Yes, to override.

LEG. CARPENTER:

Yes.

LEG. ALDEN:

Yes.

LEG. FIELDS:

Pass.

LEG. FOLEY:

Yes, to override.

LEG. FISHER:

Yes.

LEG. CARACAPPA:

Yes.

LEG. TOWLE:

Yes.

LEG. GULDI:

Yes.
LEG. CARACCIOLO:
Yes.
LEG. LEVY:
No.
LEG. TONNA:
Yes.
LEG. D'ANDRE:
Yes, to override.
LEG. FIELDS:
Yes.
MR. BARTON:
17-1. It's overridden.
P.O. TONNA:
All right, great. Next?
LEG. BISHOP:
Mr. Chairman, I'd like to make a motion on Resolution 1490,
Introductory --

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P.O. TONNA:
490, 490.
LEG. BISHOP:
490.
LEG. HALEY:
Second.
LEG. BISHOP:
Introductory Resolution --
P.O. TONNA:
Okay, great.
LEG. BISHOP:
1470. Same motion, same logic.
LEG. HALEY:
Same second.
LEG. GULDI:
Same vote.
LEG. FISHER:
Same vote.
LEG. HALEY:
Same second.
P.O. TONNA:
Yes. Same motion, same second, same vote. There you go.
LEG. BISHOP:
Thank you very much.
MR. BARTON:
17-1.
P.O. TONNA:
Okay. Is there any -- we have other -- is there any -- okay. I'm going
to make a motion with regard to override the County Executive's veto on
Resolution No. 405, amending the proposed 2001-2003 Capital Budget and
proposed 2001 Capital Budget. Okay? This is the farmland compromise.
And he says, no, he wants the five million a year. You realize --
well, first, I need a second. Is there a second?
LEG. GULDI:

Fails for lack of a second.

P.O. TONNA:

All right. Fails for lack of a second. We're on --

LEG. CRECCA:

Second.

00199

P.O. TONNA:

Is there a second? Okay. Second, Legislator Crecca. On the motion?

Yes, Legislator Tonna, what do you feel about this? Yes, I feel that --

LEG. TOWLE:

What's the question, Legislator Tonna?

P.O. TONNA:

That if we don't override this, we're adding \$2.5 million into next year's five million -- well, 2.5, \$2.5 million into next year's Capital Program, which wipes out our -- I think our decrease. Am I right, Jim?

LEG. GULDI:

No.

P.O. TONNA:

Yes, because it was one million something.

MR. SPERO:

It would put five million back in the Capital Budget.

P.O. TONNA:

Right.

MR. SPERO:

It reduced the two out years by two-and-a-half million. So five million plus in 2001. If this is sustained --

P.O. TONNA:

Right.

MR. SPERO:

-- you would still have a slight reduction of almost 800,000 to the Capital Budget overall.

P.O. TONNA:

If it was sustained? So we still have a savings. All right. Let's just vote on it. Obviously, I don't have much of a support. Let's not even roll call. All in favor?

LEG. BISHOP:

Wait, wait, wait. On the motion. Listen, the reason that we -- the omnibus committee and the Legislature as a whole rescheduled was because it was asserted to us -- Mr. Chairman.

P.O. TONNA:

Yes, go ahead.

LEG. BISHOP:

I need you to comment on this.

P.O. TONNA:

I'm focusing, I'm focusing.

00200

LEG. BISHOP:

Focus on this. It was maintained to us, and perhaps Fred can comment, that there was no way that the County could purchase all the farmland in the pipeline.

P.O. TONNA:

Right.

LEG. BISHOP:

So that there was more than enough money in next year --

P.O. TONNA:

Absolutely.

LEG. BISHOP:

-- to do an aggressive farmland program.

P.O. TONNA:

We're flushed.

LEG. BISHOP:

We were not in any way jeopardizing our commitment to farmland --

P.O. TONNA:

I mean flush.

LEG. BISHOP:

-- we were just --

P.O. TONNA:

Flushed.

LEG. BISHOP:

-- being more realistic and rescheduling the money to the subsequent years. So, ultimately, the County purchases just as much farmland, except we do it in a more orderly manner, which is better for taxpayers; isn't that correct.

P.O. TONNA:

That is absolutely correct.

LEG. CARPENTER:

Absolutely.

LEG. CRECCA:

Absolutely correct.

LEG. BISHOP:

And can I get Fred Pollert to comment?

P.O. TONNA:

I can't get anybody to second this thing.

LEG. GULDI:

A subtle problem, if I may.

00201

LEG. CRECCA:

There's a question to Fred, though.

LEG. GULDI:

There's one subtle distinction here.

MR. POLLERT:

Yes.

LEG. BISHOP:

Well, let me have him say yea and then you could tell me nay.

MR. POLLERT:

Yes, that is correct.

P.O. TONNA:

Okay. Now, go ahead, Legislator Guldi.

LEG. BISHOP:

No. I want to hear Fred.

P.O. TONNA:

Oh, he said yea.

MR. POLLERT:

Yes, that's correct.

LEG. GULDI:

You happy now?

LEG. CRECCA:

Yes.

LEG. GULDI:

Now can I? There's only one problem.

LEG. BISHOP:

What's that?

LEG. GULDI:

The \$20 million is different than the five, because the \$20 million is under Greenways, it's 70/30 partnership. We need a partner in every town to spend that money. To the extent that the towns have conditions, and programs, and restrictions, and desires that are variance with the County's, that 20 million is unavailable, because it can only be spent in the partnership transactions. To that extent, the County has zero dollars in -- left in 2001, because we've stripped the 100% County money by putting it into later years. The only money you'll have left available in 2001 that's 100% County money where we get to decide 100% of what to do is going to be the typical million to two-and-a-half million dollars a year that runs from year to year as a balance in the program from its inception over the last many years.

P.O. TONNA:

No. Legislator Guldi, you know, because you hammered out the compromise, that we have quarter percent money and the sewer district

00202

money that is 100%.

LEG. GULDI:

Quarter percent money is town --

P.O. TONNA:

No.

LEG. GULDI:

-- discretionary money. It's not County discretionary money.

P.O. TONNA:

No, no.

LEG. GULDI:

It's within the town.

P.O. TONNA:

Okay, let me just -- maybe I'm wrong, I could be wrong. I have come to trust you on the issues.

LEG. GULDI:

Quarter percent drinking water money is open space and not farmland anyway.

P.O. TONNA:

No.

LEG. CARACCIOLO:

No, that's wrong.

P.O. TONNA:

That's wrong, George. But let me just -- just wait one second, but it was a good try. Fred, just -- Allan, you're here, right? Why don't we -- Allan, come on up here. You know, are you on 24-hour call, too? Because I know -- I know the Commissioner of Police is. Allan, could you tell us how -- how much money -- forget about the money in the Capital Program. We know about the Greenways money, there's a 70/30, I think, split. There is also money in the quarter cent money that is

with sewer district relief, and farmland preservation, and tax stabilization.

LEG. GULDI:

Allan, just tell him I'm right.

MR. GRECCO:

On the extension, as far as --

P.O. TONNA:

On the quarter cent, yeah. Yes.

MR. GRECCO:

Yeah. Our projections were that between Open Space, Drinking Water and Farmland, we were looking at probably 13 million a year.

00203

P.O. TONNA:

Right. And is there a partnership where the towns have to kick in? Isn't that 100% monies from the County?

MR. GRECCO:

That is 100% money.

P.O. TONNA:

Okay. So, George, George, just please, say it on record. George, come on, just get a microphone and say, "Legislator Tonna, you're right."

LEG. GULDI:

No.

P.O. TONNA:

Okay. Thank you. Now, the second thing I would like to ask is --

LEG. HALEY:

Nice try, George.

P.O. TONNA:

It's amazing, I actually got one right. The second thing that I'd like to ask is, Fred -- no. This one, Fred. Allan, don't worry about this. Fred, in the whole history, okay, of the Farmland Preservation Program, how much money, give or take a dollar, okay, I know how accurate you are, how much money have we spent in the program?

MR. POLLERT:

That I knew three weeks ago, I don't know offhand. But it -- my --

P.O. TONNA:

I know. Do you want me to say? 24 million, does that sound right?

LEG. FOLEY:

No, thirty-five.

P.O. TONNA:

Thirty-five?

LEG. FOLEY:

Thirty-five million.

P.O. TONNA:

In 20 -- in the last 24 years of the program, 35 million.

MR. POLLERT:

Yes.

MR. GRECCO:

No.

P.O. TONNA:

No? How much, Allan. What do you think around? Just give us a ball park figure.

00204

MR. GRECCO:

My guess is closer to 70 million.

P.O. TONNA:

Seventy million?

MR. GRECCO:

Yeah.

LEG. GULDI:

That's correct. That's my recollection.

MR. SABATINO:

No. That's totally, completely untrue.

MR. GRECCO:

No.

MR. SABATINO:

Two weeks ago, it was --

MR. GRECCO:

It's a guess.

P.O. TONNA:

Wait, wait.

MR. GRECCO:

Excuse me.

LEG. CARPENTER:

Don't hold back.

MR. GRECCO:

I wasn't prepared--

P.O. TONNA:

I guess Legis -- I guess -- I'm sorry, not Legislator. I guess our Legal Counsel wants to comment.

MR. GRECCO:

I was not prepared to answer the question today.

P.O. TONNA:

Legal Counsel, how much is your recollection?

MR. SABATINO:

The program is 24 years old, it goes back to 1976. The last Capital Budget document I looked and Budget Review report put the cost in the \$26 million range. It might be 30, but it was clearly not \$70 million.

MR. GRECCO:

Three million -- three million a year times 24. Do the math.

00205

MR. SABATINO:

Well, it's not in the Capital Budget that was --

MR. POLLERT:

No.

MR. SABATINO:

-- document that was submitted, and it's not in the Budget Review analysis.

MR. POLLERT:

Well, we're getting a copy of our report.

MR. SABATINO:

We're talking farm -- we're talking farmland preservation over 24 years.

MR. GRECCO:

I was not prepared to come in here with the stats.

P.O. TONNA:

Okay. No problem. Okay.

MR. GRECCO:

But my understanding was \$3 million a year.

P.O. TONNA:

All right. No problem, Allan. Allan, I don't -- you know, I don't blame you. You have a Palm Pilot, put all your notes on that Palm Pilot and, I'm telling you, you'll be in great shape. Okay. Now, my point is this, only by way of not demonstrating that I actually know something for once in awhile, but to demonstrate. Like Legislator Bishop has said, we have a partnership program that's just supposed to encourage the towns to actually say that this is a value to them. Fine. We have an additional \$13 million pool, which a portion of will go to farmland preservation. We're flush with farmland possibilities. And we also have, okay, under the quarter percent, farmland is going to get this year, \$63 million not shared, and this year alone, it will get --

LEG. CARACCIOLO:

Next year, it's next year.

P.O. TONNA:

Next year, it will get \$3,567,000, so -- and now we have an additional 2.5 million, and what we're doing is we're just putting it into outer years. I like the idea of farmland preservation. Let's have the vote.

LEG. CARACCIOLO:

On the motion.

P.O. TONNA:

Yes.

LEG. CARACCIOLO:

Could we have Mr. Grecco back?

00206

P.O. TONNA:

Sure.

LEG. CARACCIOLO:

Allan, would you address in tonight's packet the omnibus farmland preservation resolutions? And if you were successful in negotiating a majority of those land acquisitions, what kind of a cost would you associate with those?

MR. GRECCO:

All right. We had originally a much larger list. You're referring to the 70/30 Greenways Farmland?

LEG. CARACCIOLO:

Right.

LEG. GULDI:

Right.

MR. GRECCO:

Yeah. We paired it down. Of the 20 million that we're going to spend, and presumably the 8 million which will come from the towns, if everyone said yes, we're assuming it would be \$45 million.

P.O. TONNA:

Can I say something? If everyone said yes, have you ever had a situation -- I mean, in all fairness, Allen, come on. Have you ever had a situation where everyone says yes?

MR. GRECCO:

No, no.

P.O. TONNA:

What is the percentage of people who say yes, 20%?

MR. GRECCO:

No. I would say it's higher.

P.O. TONNA:

Okay, 30?

MR. GRECCO:

You know, again, I was not prepared to go with this.

P.O. TONNA:

I know. But, come on, just as a --

MR. GRECCO:

I would say it's closer to 40 to 50% in some programs.

P.O. TONNA:

Okay, 40, 50% of 46 million.

MR. GRECCO:

Let me say this, let me say this. With respect to the farmland funds, when you're dealing with Preservation Partnership, when it's 50-50 --

00207

P.O. TONNA:

Right.

MR. GRECCO:

Versus Greenways --

P.O. TONNA:

Well, it's 70/30.

MR. GRECCO:

70/30.

P.O. TONNA:

Oh, yeah, right.

MR. GRECCO:

We have the partnership of the town.

P.O. TONNA:

Right.

MR. GRECCO:

Which sometimes I have good news and bad news. The good news is they accept the price, the bad news is they don't accept the conditions of the partner.

P.O. TONNA:

Right.

MR. GRECCO:

Now, having dedicated 100% farmland money gives us the ability to make a transaction happen.

P.O. TONNA:

Right.

MR. GRECCO:

That's the only thing I'm going to say, it's up to you --

P.O. TONNA:

Right.

MR. GRECCO:

-- to decide whether this funding is adequate.

P.O. TONNA:

Right.

MR. GRECCO:

And if I have a transaction where the seller is willing to sell to the County at our price, it might be nice to be able to switch the funding.

P.O. TONNA:
Right.

00208

MR. GRECCO:
Now, again, the price --

P.O. TONNA:
But you can already, because you're going to have \$5.5 million. You're going to have three-and-a-half million, three-and-a-half, 67,000, three-and-a-half million dollars from the quarter cent money that's available in 2001 and you're going to have 2.5 million from the Capital Budget. So you're going to have already, you're going to have \$20 million, okay, plus the 30% --

LEG. CARACCIOLO:
That's sharing with towns.

P.O. TONNA:
Just wait.

LEG. CARACCIOLO:
Well, put --

P.O. TONNA:
Plus an additional 30%. Now you say, "Hey, the town is not going to do that." You're going to have a pool to now transfer that money. And I agree with you, I think that's a great idea. Sometimes they're going to put conditions. You're going to have \$5.5 million to play with when the match doesn't happen.

MR. GRECCO:
That's correct.

P.O. TONNA:
Right. What I'm asking you is how about this, because this we can empirically -- in a year from now, and I'm going to write this one down, we can empirically look at this for future, when we start looking at capital budget items and farmland in the future. Do you anticipate that you're going to spend the five -- the existing right now, if we override the County Executive's farmland proposal, you anticipate spending all \$5.5 million? And do you think that you're going to need that extra \$2.5 million to make this program work? I know what you want to say, because, you know, but just tell me truthfully.

MR. GRECCO:
We never --

P.O. TONNA:
Because we're going to check that and a year from now, we're going to check it.

MR. GRECCO:
I understand. I understand. You always check my numbers.

P.O. TONNA:
Well, I don't, but, you know, I have Budget Review to do that. I don't even remember my numbers.

00209

MR. GRECCO:
Well, obviously, we never spend all the money, we always carry a balance.

P.O. TONNA:
Right.

MR. GRECCO:

I would not anticipate that the balance would be significant. In this day and age, the values are rising, we're spending significant monies.

P.O. TONNA:

Do you think you're going to need that extra 2.5 million, really?

MR. GRECCO:

It wouldn't hurt to have it.

LEG. ALDEN:

See, it wouldn't hurt to have it.

MR. GRECCO:

This is your decision.

P.O. TONNA:

I know that.

MR. GRECCO:

This is your decision, with all due respect.

P.O. TONNA:

I'm not going to -- I'm not -- thank you very much. I appreciate the best answer that you can give me. All right. Let's vote. Okay, let's vote. Did I handle myself in this debate, or what? Come on, let's vote.

LEG. CARACAPPA:

Roll call.

P.O. TONNA:

Roll call. I would ask Legislators, please, to come back to the horseshoe.

MR. BARTON:

Legislator Tonna. --

P.O. TONNA:

Okay. Roll call.

(*Roll Called by Mr. Barton*)

P.O. TONNA:

I am saying yes to the override.

LEG. CRECCA:

Yes, to override.

00210

LEG. COOPER:

Yes, to override.

LEG. BINDER:

No.

LEG. POSTAL:

No.

LEG. BISHOP:

Yes.

LEG. D'ANDRE:

Yes, to override.

LEG. CARPENTER:

Yes.

LEG. ALDEN:

Pass.

LEG. FIELDS:

Pass.

LEG. FOLEY:

No.

LEG. HALEY:

Yes.
LEG. FISHER:
Yes.
LEG. CARACAPPA:
Pass.
LEG. TOWLE:
Pass.
LEG. GULDI:
No.
LEG. CARACCIOLO:
No.
LEG. LEVY:
No.
LEG. ALDEN:
Yes.
LEG. FIELDS:
No.
LEG. CARACAPPA:
Yes.

00211

LEG. TOWLE:
Yes.
MR. BARTON:
11.
P.O. TONNA:
Okay.
LEG. CARPENTER:
Change my vote to a no, please.
LEG. CARACAPPA:
Change my vote to a no.
P.O. TONNA:
You know what, I'll give everyone an opportunity to change their vote to a no. Do you all want to change your vote to a no?
LEG. ALDEN:
Everyone change it to a no.
P.O. TONNA:
Okay.
MR. BARTON:
You're withdrawing the motion?
P.O. TONNA:
They all change their vote to a no.
MR. BARTON:
You're withdrawing --
P.O. TONNA:
Oh, withdraw the motion. I withdraw the motion. Okay, there we go. We tried, we tried. Okay. Anything else?
LEG. CARACCIOLO:
You can't do that.
P.O. TONNA:
Sure, you can.
LEG. CARACCIOLO:
Not after the vote, you can't do it.
LEG. FOLEY:

You can't, the votes been called.

P.O. TONNA:

Oh, you can't? All right, then you can't. You can't, fine. All right. Don't worry about it, believe me.

00212

LEG. GULDI:

And everyone changes their vote on the record.

LEG. CARACCIOLO:

Profiles in courage.

P.O. TONNA:

I could just see -- I could see somebody coming up to your district with a plow in hand, ha-ha, you're going to lose. All right.

LEG. CARACCIOLO:

Well, that's our Legislative seal, the plow.

P.O. TONNA:

There you go. I know.

LEG. CARACCIOLO:

Disgrace.

P.O. TONNA:

We've been plowed.

LEG. CARACCIOLO:

What a disgrace.

LEG. CRECCA:

It's a beach chair, that's what it is.

P.O. TONNA:

Is there any other veto overrides being entertained? No. Great. Let's go then to the agenda.

MS. FARRELL:

What are we doing?

LEG. GULDI:

The agenda.

MS. FARRELL:

Are we putting the CN's aside?

LEG. GULDI:

What we came here for.

P.O. TONNA:

No, I'm not going to do the CN's until we have a hammered-out compromise, hopefully. Okay. All right. We're going to move very quickly. All right? So I'd ask that Legislators stay focused.

MS. FARRELL:

And in their seats.

LEG. CRECCA:

And quiet.

00213

P.O. TONNA:

And quiet.

LEG. CARACCIOLO:

You're saying that, stay focused?

LEG. GULDI:

He doesn't know what it means, that's the problem.

RESOLUTIONS TABLED TO JUNE 27, 2000

P.O. TONNA:

Okay. Tabled Resolution Number 1041 (Adopting Local Law No. -2000, a

Charter Law to establish competitive-bidding process for selection of County Bond Counsel). Is there a motion? I'll make a motion to approve. Legislator Binder, you want to pay attention to this one, it's your --

LEG. BINDER:

Motion to table.

P.O. TONNA:

You want to table it?

LEG. BINDER:

Yes.

P.O. TONNA:

All right. I'll second the motion to table. All in favor? Opposed?

Tabled.

MR. BARTON:

18.

P.O. TONNA:

Number 1061 (Amending the 2000 Operating Budget transferring funds to the Office for the Aging for the Shelter Island Affairs Council).

Is there a motion, Legislator Caracciolo?

LEG. CARACCIOLO:

Table.

P.O. TONNA:

Motion to table, seconded by myself. All in favor? Opposed? Tabled.

MR. BARTON:

18.

P.O. TONNA:

Number 1084 (To implement use of natural gas as fuel for County fleet). Is there a motion?

LEG. CRECCA:

Motion.

00214

LEG. LEVY:

Motion to table.

LEG. FISHER:

Second.

P.O. TONNA:

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

MR. BARTON:

18.

P.O. TONNA:

18. 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). Is there a motion?

LEG. CRECCA:

Motion to approve.

LEG. BINDER:

Second.

P.O. TONNA:

Motion to approve by Legislator Crecca, seconded by Legislator Binder.

LEG. POSTAL:

On the motion.

P.O. TONNA:

All in favor? Oh, no.

LEG. CARACCIOLO:

Hold it, hold it.

P.O. TONNA:

On the motion, Legislator Postal.

LEG. POSTAL:

Yes. First of all, a little earlier, when this was discussed, it came down to, first of all, that the applicant had, or at least he represented that he believed that when he had conceptual approval, that meant that he assumed that he was approved for a hookup. He stopped looking for alternatives, and that really is troublesome to think that that might be the case. Because, if that's the case, then any applicant who comes along who gets conceptual approval, this Legislature means nothing in the process, we're just a rubber stamp. But the other issue and the bigger issue here is the question of the excess capacity that I've spoken about time after time after time and looking at establishing a policy for appraising what we should be doing with this excess capacity. Should we be considering health considerations as the prime issue in utilizing that excess capacity and hooking up residential users who are not wealthy, who can't afford to pay whatever the alternative would be to being within the sewer

00215

district, or should we be hooking up on an economic basis? Now, we've done that. We've talked about creating jobs and we've used that as a rationale.

But the fact of the matter is that in this case, in this booming real estate market, I really have a serious problem with giving a developer the ability to use some of this excess capacity when that developer could very well afford to build an on-site sewage treatment plant. Now, you know, certainly, it's cheaper to hook into Southwest, that's why developers want to do it. But this is a developer who is financially very well able to do that in a real estate market which is booming. And believe me, if he incurred the additional cost of this expansion with the on-site sewage treatment plant, there is nobody here who's going to tell me that he wouldn't make a profit on his investment. So what he's trying to do is maximize his investment. Every investor wants to do that. But I don't think that we have the right or that we should be deciding that that's our priority in maximizing an investor's investment when the alternative can be to dedicate that excess capacity to helping a small residential property owner who cannot afford maybe putting in a new septic system to hook up to a sewage treatment plant. I think that that should be our priority. And so that I'm asking that we either table this again or vote no on it. I will definitely oppose approving this.

LEG. BINDER:

Mr. Chairman.

P.O. TONNA:

Legislator Binder, then Legislator D'Andre.

LEG. BINDER:

Okay. One of the arguments Legislator Postal has used in the past is the cost to hook up. She doesn't use that anymore --

LEG. POSTAL:

Right.

LEG. BINDER:

-- because we've taken care of that.

LEG. POSTAL:

We took care of that.

LEG. BINDER:

So we held it up for awhile to make sure we got past that. Now there's an increased cost, and this person or this group will have an increased cost.

Talking about us being a rubber stamp, it's not a question of being a rubber stamp, the fact is that I think that the Legislature has seen in the past the need to do these hookups, the importance of the hookups. And we've done them as a regular course, because we think it's the right thing to do. So it's not a question of rubber stamp. But anyone who looks at what we've done over time would normally and naturally think that we regularly approve these as long as there's something not very bad and outstanding or a real problem with the project.

00216

With the excess capacity, I agree with Legislator Postal, that we should be doing something to talk about the excess capacity, set policy, that's why we're a Legislature, set policy on how we want to deal with the excess capacity. But the answer is not to hold everything up while we're waiting to have that happen, because the truth is this Legislature has not moved to set policy in excess capacity, we've not done anything to go down that road. And so, if we're not going to go down that road and we're going to say we're going to hold up everything, then we're going to get none of these hooked up, and that's going to hurt development particularly in Huntington. And let me go one step further. What we're talking about, then, is saying to a developer go and put in a treatment plant. And if that treatment plant doesn't work and there are problems with it, then that's a problem for this area, wherever this building is, because it's just more dangerous, environmentally dangerous. Here we have an ability to put it into the sewer district where we know it's clean, safe for the area.

And I'd hope we can go forward with this for all those reasons. It's the right thing to do. We've held this up long enough. I hope we can go ahead today and do this.

LEG. CRECCA:

Call the vote. Call the vote.

P.O. TONNA:

Yeah, hold it. No, there was another person. Does anybody else want to speak on this? Yes, Legislator D'Andre.

LEG. CRECCA:

Oh, I'm sorry, Mike.

LEG. D'ANDRE:

That's all right. Mr. Chairman, it isn't right or fair when you consider that Pat Halpin brought Computer Associates to Suffolk County. He took them away from Nassau County by promising to walk them through the permit process, and so on and so forth. This business does not send kids to school. It doesn't give us any costs, except it pays taxes. Now, you just can't operate with homeowners who have a problem paying their taxes. However, they send kids to school at another

expense. So here we have somebody bringing in money to the community, creating jobs, and you can't promise that you're going to look into it, or you're going to give -- this is a serious business of laying out money to build a factory or plant of some kind. You don't play games with that on a whim of your personality, my personality his personality. You either get serious and give him the okay, or stop them at the very beginning.

So all I can say is I'm going to on support this. It's the only honorable thing to do after all this time. Thank you.

P.O. TONNA:

Okay. Call the vote.

00217

LEG. CARACCIOLO:

Roll call

MR. BARTON:

On the -- motion to approve?

LEG. CARACCIOLO:

Roll call.

MR. BARTON:

Legislator Crecca.

P.O. TONNA:

There's a motion to approve by Legislator Binder, second by Legislator Crecca. Ledge correct

LEG. BINDER:

Could you call the Legislators --

LEG. CARACCIOLO:

Roll call.

LEG. BINDER:

-- back to the horseshoe.

MR. BARTON:

Legislator Crecca.

P.O. TONNA:

All Legislators, please come back to the horseshoe.

LEG. BINDER:

Who are we missing.

MR. BARTON:

Mr. Crecca.

P.O. TONNA:

Wait, wait. Let's wait. Legislator Binder's right, let's just wait.

LEG. GULDI:

He could start the roll call.

LEG. BINDER:

I think we're okay now.

LEG. D'ANDRE:

This is important.

LEG. BINDER:

I think everybody's here.

LEG. D'ANDRE:

This is important.

00218

P.O. TONNA:

All right. Please, call it.

(*Roll Called by Mr. Barton*)

LEG. CRECCA:
Yes.
LEG. BINDER:
Yes.
LEG. COOPER:
Yes.
LEG. POSTAL:
No.
LEG. BISHOP:
No.
LEG. D'ANDRE:
Yes.
LEG. CARPENTER:
Pass.
LEG. BISHOP:
Isn't there a motion to table on this?
LEG. ALDEN:
Yes.
P.O. TONNA:
No.
LEG. BISHOP:
Motion to table.
MR. BARTON:
Legislator Fields.
LEG. POSTAL:
Second.
P.O. TONNA:
Motion to table by Legislator Bishop, seconded by Legislator Postal.
LEG. HALEY:
Roll call.
P.O. TONNA:
Yeah, roll call on the tabling motion.
MR. BARTON:
On the motion to table.

00219

(*Roll Called by Mr. Barton*)

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

Yes.
LEG. FOLEY:
Yes.
LEG. HALEY:
No.
LEG. FISHER:
Yes.
LEG. CARACAPPA:
Yes.
LEG. TOWLE:
No.
LEG. GULDI:
Pass.
LEG. CARACCIOLO:
Yes.
LEG. LEVY:
Yes.
P.O. TONNA:
Yep.

00220

LEG. CARPENTER:
No.
LEG. GULDI:
Yes.
LEG. COOPER:
Yes.
MR. BARTON:
11. It's tabled.
P.O. TONNA:
Okay. Let's go--
LEG. CARACAPPA:
Let's roll. Let's roll.
P.O. TONNA:
Let's roll. 1198 (Implementing Greenways Program in connection with acquisition of Active Parklands, at New Highway, North Amityville (Town of Babylon). Is there a motion? Legislator Bishop?
LEG. BISHOP:
Motion to approve.
P.O. TONNA:
Motion to approve.
LEG. POSTAL:
Second.
LEG. FISHER:
Second.
P.O. TONNA:
Seconded by Legislator Fisher. All in favor? Opposed? Approved.
MR. BARTON:
18.
P.O. TONNA:
Number 1264 (Adopting Local Law No. 2000, a local law to streamline anti-nepotism provisions for Police Department officials). Is there a motion?
LEG. BISHOP:

Motion to approve.

P.O. TONNA:

Motion to approve, second by myself. All in favor?

LEG. HALEY:

Roll call.

00221

P.O. TONNA:

Roll call.

MS. FARRELL:

Who made the motion?

P.O. TONNA:

Motion to approve by Legislator Bishop, seconded by myself.

MR. BARTON:

Legislator Bishop.

LEG. ALDEN:

On the motion on the motion.

P.O. TONNA:

On the motion, Legislator Alden.

LEG. ALDEN:

This is a question to Legislative Counsel. This makes it -- this actually rolls back the Anti-Nepotism Law, it makes it -- relaxes some controls.

P.O. TONNA:

Now, there's a leading question. If I was a judge, I'd say, "There's a leading question."

LEG. ALDEN:

Sustained.

P.O. TONNA:

Okay, go ahead.

MR. SABATINO:

It changed --

LEG. TOWLE:

You get your law degree, you might.

P.O. TONNA:

I'm not getting my law degree.

MR. SABATINO:

It changes the burden from the individual receiving the job obtaining the affirmative vote of the Legislature to approve the appointment to a burden on the County Legislature to act to negate the appointment. So it's just -- it's making it -- it's making it a burden on the Legislature to take the initiative as opposed to the individuals seeking the job or that department taking the initiative.

LEG. LEVY:

Question.

LEG. CARACAPPA:

Gives us veto power.

00222

LEG. BISHOP:

It's veto power.

P.O. TONNA:

Okay.

LEG. BINDER:

Mr. Chairman.

P.O. TONNA:

Legislator Binder. Okay?

LEG. BINDER:

Mr. Chairman.

P.O. TONNA:

And then who else wants to speak?

LEG. LEVY:

I got a question.

LEG. BINDER:

I would think it's -- I would think it's pretty clear that the burden shouldn't be on us, the burden should be on the Police Department, like it is everywhere else all over government when someone has to -- falls under the nepotism -- when people -- when there is someone that falls under the nepotism statute, they come to the Legislature with a resolution to take care of the problem and then we look at it.

Everyone here knows that if it happens reversed, that we're not going to look at a lot, and it's just going to go by and we're not going to see it. And it is -- if we're serious about it, if we're serious about a anti-nepotism statute, we'll defeat this, and so I'm going to be voting no.

D.P.O. LEVY:

Any other question before I ask questions? Question to Counsel. Paul I understand this resolution has been modify, so now it pertains to Deputy Inspectors, I believe, and above. But what is -- what is pertaining to that rank and above, is it the fact that everyone below that does not come under the nepotism statute at all, or is it for those under Deputy Executive that it's veto power for the Legislature and those above that it has to be affirmative from the department?

MR. SABATINO:

The simplest way to describe it is that it's changing the burden. Under the previous statute, the department would come forward with the individual covered by the nepotism provisions and then there would be a resolution in front of you. The person couldn't take -- couldn't receive the point without there being an affirmative act by the Legislature. Instead, what's going to happen here is there's going to be silence out there, there's going to be no action, unless within a 45-day period, the Legislature steps forward and takes the initiative. So it's--

D.P.O. LEVY:

That's going to be for all, all employees within a department?

00223

MR. SABATINO:

Well, for all employees, except for those who have received the position by virtue of competitive civil service exams. So it's the people who are being promoted to a rank of Deputy Inspector or above.

D.P.O. LEVY:

So, all right, let's talk about that. For the positions Deputy Inspector and above, if there --

LEG. BISHOP:

There you have the trigger.

D.P.O. LEVY:

If there is someone in that category who gets a promotion --

LEG. BISHOP:

No.

D.P.O. LEVY:

At that --

LEG. BISHOP:

Somebody related to them --

D.P.O. LEVY:

I know that.

LEG. BISHOP:

-- gets a promotion.

LEG. LEVY:

I know that. Well, that's what I'm talking about, in that category, okay. That will automatically transpire, unless someone from the Legislature puts in a bill to stop it?

MR. SABATINO:

Well, actually or a procedural motion, yeah.

D.P.O. LEVY:

Okay.

MR. SABATINO:

The key is that the way the law is currently structured, the department has the burden to come forward with a resolution. So nothing can happen until that resolution is not only submitted, but acted upon by the Legislature. In the absence of an affirmative vote by the Legislature, the person can't hold the slot. This is really the obverse, which is that unless the Legislature acts on its own initiative to block that position within 45 days --

D.P.O. LEVY:

All right.

MR. SABATINO:

-- on the 46th day, the person's in.

00224

D.P.O. LEVY:

What about --

MR. SABATINO:

So in --

LEG. LEVY:

What about members of the Police Department below Deputy Inspector, they don't apply at all to the nepotism statute?

MR. SABATINO:

No, they're covered if they're -- if they're a relative of a police official whose rank is Deputy Inspector or above and they're getting a job -- you know, it's not below that rank, they're just getting a job in -- for a position that's not being filled, you know, pursuant to a competitive examination. So if they're getting a promotion or if they're being hired to a position above a civil service test, but below Deputy Inspector, actually, all the way up, I should say, but they're related to somebody who's a Deputy Inspector or higher, they'll be covered by the statute.

D.P.O. LEVY:

Okay. Okay.

MR. SABATINO:

The trigger is are they related to somebody with a rank --

D.P.O. LEVY:

I see.

MR. SABATINO:

-- a Deputy Inspector or above.

D.P.O. LEVY:

Okay, I follow.

MR. SABATINO:

If they're getting the job because they take a civil service competitive exam, they're not going to be covered at all.

D.P.O. LEVY:

So it's anyone in a department --

MR. SABATINO:

But they're getting any one of those other jobs all the way up to the top and they're related to somebody with that title --

D.P.O. LEVY:

All right.

MR. SABATINO:

-- then they're covered by the anti-nepotism provisions.

D.P.O. LEVY:

All right. So it's anyone in the department getting a promotion who
00225

happens to be related to someone from Deputy Inspector and above.

Okay.

MR. SABATINO:

Right. It's a double -- it's a double test.

D.P.O. LEVY:

Okay. Any other questions or comments, or -- we have a motion?

MR. BARTON:

Yes.

LEG. BISHOP:

Yeah.

D.P.O. LEVY:

There's been a motion to approve?

LEG. BISHOP:

I have a motion to approve.

LEG. HALEY:

Roll call. Roll call.

MR. BARTON:

There's a motion and a second to approve.

D.P.O. LEVY:

Is there a motion to table?

LEG. ALDEN:

Motion to table.

D.P.O. LEVY:

Motion to table by --

LEG. BINDER:

Second.

D.P.O. LEVY:

-- Legislator Alden. Second by --

LEG. HALEY:

Roll call.

D.P.O. LEVY:

Legislator --

LEG. BISHOP:

On the --

D.P.O. LEVY:

Binder.

LEG. BISHOP:

On the tabling, I would urge that we just go to the up-down vote and
00226

reject the tabling. If it's going to be voted down and Legislators make clear what their problem is with the bill, then it could be reformulated, perhaps, in a way that would gain majority support. I happen to think it's a good bill the way it's written. What it does is it --

LEG. ALDEN:

Who wrote it?

LEG. BISHOP:

Paul Sabatino, and then he advocates against it, but he did it on my request. What it does is it does not diminish in any way the Legislature's ability, capacity to stop an appointment which we think is troubling. It just -- it just allows the Police Department to operate efficiently and effectively, it doesn't harm individual officers who receive appointments and then can't start their positions, because they need us to act upon it. If there is something -- by the way, I don't believe since we've had these nepotism laws that we voted down any. I can't recall. Have we voted down anything lately?

LEG. HALEY:

They've tried.

LEG. BISHOP:

Caputo one, right, the daughter of Caputo?

MR. SABATINO:

One of the major impacts of the Anti-Nepotism Law is the people you don't see. Because the law is out there, I can tell you with certitude that there are a lot of positions that never even get in front of you, because --

LEG. BISHOP:

Exactly. And I agree with that.

MR. SABATINO:

Yeah, okay.

LEG. BISHOP:

And it would still, that -- that incentive, that value to the Nepotism Law would not be lost, because it would still have to be made public, the appointment. We don't have to ferret it out, they have to file it with the Clerk of the Legislature. So it's not like it's going to be a -- we're turning a blind eye to this situation. What we're simply doing is allowing it to go forward unless we say no. That seems logical, since we have not, over the last few years denied anything so far. So, I mean, to pretend that there were these great lions, you know, blocking all these inappropriate appointments and now we're going to close our eyes is just nonsense.

D.P.O. LEVY:

Legislator Alden and then Cooper.

LEG. ALDEN:

We have a Anti-Nepotism Law, and then this creates another --

00227

LEG. BISHOP:

Maybe we should do the Nepotism Law that way.

LEG. ALDEN:

Okay. Well, that might make sense, if you wanted to do all of them like this. But what we've got now is a different class with the Police Department. Plus it puts more of a burden on us.

LEG. BISHOP:

What.

LEG. ALDEN:

I think the other way was working, where we have to affirmatively act, and I believe that that's a positive thing --

LEG. BISHOP:

They're going to notify the Legislature. They notify you, assume, right?

LEG. ALDEN:

-- for the public and for us, the integrity of the body. So, to have a second category, I think we're just -- we're really muddying the waters. And I'd be -- really, I'm against --

LEG. BISHOP:

Okay.

LEG. ALDEN:

-- this in its current form. If you want to change the whole Anti-Nepotism Law across the County --

LEG. BISHOP:

No, I don't. What I'm saying is we're on a tabling motion. I'm saying --

LEG. ALDEN:

Otherwise, I don't see why you want to --

LEG. BISHOP:

Good.

LEG. ALDEN:

You solicited comments, too. So, otherwise, I don't see why we're just carving out one, you know, one --

LEG. BISHOP:

No, I'm not arguing against your comment, I appreciate them. What I'm urging you to do is, okay, you don't like it in its current form, vote it down. Let's not just keep delaying it, so --

D.P.O. LEVY:

Legislator Cooper

LEG. COOPER:

Just I had one question. Is it possible for someone to be appointed to a position under this bill and they assume the position and they work

00228

there for "X" period of weeks, and then we decide to vote against it, and then what happens? Wouldn't that be very disruptive if --

LEG. BISHOP:

They revert back to what they had prior.

LEG. COOPER:

But couldn't that be very disruptive within the department?

LEG. BISHOP:

Sure. But it's probably more likely and, therefore, more disruptive to continually hold appointments until there is an actual vote of the Legislature, when this person's colleagues would be assuming positions and there's a whole row of people behind this person that would move up, if this person moved up.

LEG. COOPER:

But how often has that happened?

LEG. BISHOP:

That happens a -- well, a lot is not a quantitative figure. That happens all the time.

D.P.O. LEVY:

Okay. Any other questions, comment? All right. We have a motion to table with a second. Roll call.

(*Roll Called by Mr. Barton*)

LEG. ALDEN:

Yes.

LEG. BINDER:

To table, yes.

LEG. COOPER:

To table, yes.

LEG. POSTAL:

No.

LEG. BISHOP:

No.

LEG. D'ANDRE:

No, to table.

MR. BARTON:

Legislator Crecca, on the motion to table.

LEG. CRECCA:

It's a motion to table this bill? No. I would like to get this resolved once and for all.

LEG. CARPENTER:

Yes.

00229

LEG. FIELDS:

Yes.

LEG. FOLEY:

No, to table.

LEG. HALEY:

No, to table.

LEG. FISHER:

No.

LEG. CARACAPPA:

No.

LEG. TOWLE:

Yes, to table.

LEG. GULDI:

Yes, to table.

LEG. CARACCIOLO:

Yes, yes.

LEG. LEVY:

Yes.

P.O. TONNA:

No, to table.

MR. BARTON:

Nine.

D.P.O. LEVY:

We have a motion to approve with a second. Roll call.

(*Roll Called by Mr. Barton*)

LEG. BISHOP:

Yes.

P.O. TONNA:

Yes, to approve.

LEG. COOPER:

No.

LEG. BINDER:

No.

LEG. POSTAL:

Yes.

LEG. D'ANDRE:

Pass.

00230

LEG. CRECCA:

No.

LEG. CARPENTER:

Yes.

LEG. ALDEN:

Nope.

LEG. FIELDS:

No.

LEG. FOLEY:

Yes.

LEG. HALEY:

Pass.

LEG. FISHER:

Yes.

LEG. CARACAPPA:

Pass.

LEG. TOWLE:

Pass.

LEG. GULDI:

Pass.

LEG. CARACCIOLO:

Pass.

LEG. LEVY:

No.

LEG. D'ANDRE:

No.

LEG. HALEY:

Yes.

LEG. CARACAPPA:

No.

LEG. TOWLE:

No.

LEG. GULDI:

No.

LEG. CARACCIOLO:

Nope.

00231

MR. BARTON:

Seven.

P.O. TONNA:

Okay. What's the roll call? Motion failed?

MR. BARTON:

Motion failed.

P.O. TONNA:

Okay. Next the next is 1291 (Approving cross bay ferry license for Beach Taxi, LLC.) Is there a motion.

LEG. FOLEY:

Motion to table.

LEG. CARACAPPA:

Second.

P.O. TONNA:

Motion to table by Foley, second by Legislator Caracappa. All in favor? Opposed? Tabled. (Vote: 18)

Number 1312 (Establishing policy for Suffolk County African American Advisory Board). Is there a motion?

LEG. LEVY:

Table one more meeting.

LEG. FOLEY:

Second.

P.O. TONNA:

Motion to table by Legislator Levy, seconded by Legislator Foley. All in favor? Opposed? Tabled.

MR. BARTON:

18.

P.O. TONNA:

Number 1356 (Establishing policy for collecting contributions to the Suffolk County Campaign Finance Fund). A motion?

LEG. LEVY:

Motion.

LEG. FOLEY:

Second.

P.O. TONNA:

Motion to approve, seconded by Legislator Foley.

LEG. POSTAL:

On the question.

00232

MR. BARTON:

Who made the motion, Mr. Chairman?

LEG. POSTAL:

On the question.

MR. BARTON:

You didn't say the name.

P.O. TONNA:

Legislator Levy made the motion, seconded by Legislator Foley.

MR. BARTON:

And that was to table.

LEG. ALDEN:

On the motion.

LEG. POSTAL:

On the motion.

P.O. TONNA:

On the motion.

LEG. CRECCA:
Motion to table.
LEG. POSTAL:
Second.
P.O. TONNA:
Wait.
LEG. FOLEY:
No, that's motion to approve.
LEG. HALEY:
Second.
P.O. TONNA:
Wait. Wait, I know.
LEG. POSTAL:
Well, I have a question.
LEG. CRECCA:
I have a motion to table.
P.O. TONNA:
Motion to table by Legislator Crecca, seconded by Legislator --
LEG. POSTAL:
On the question.
P.O. TONNA:
Haley.

00233

LEG. CARACAPPA:
On the question.
LEG. POSTAL:
Mr. Chairman.
P.O. TONNA:
I'm sorry. Legislator Postal, I apologize.
LEG. POSTAL:
That's all right. At the last meeting, I had been concerned about the cost to do this, the cost to the towns, and I had -- I felt it was kind of an unfunded mandate. I don't remember having seen a corrected copy which would assume the burden of -- for the County of either paying for the cost of postage and/or or paying for any increased cost in preparing the postage, whether it's stuffing envelopes, or whatever it is. But until that's done, I would be very uncomfortable about moving forward with this.
LEG. LEVY:
Paul.
P.O. TONNA:
Legislator Alden, then Legislator Levy.
LEG. ALDEN:
I have to agree with you, Maxine, that I'm concerned about the cost and I would like to see a little bit more information on that. But, number two, I'm also concerned because testimony that came here before us stated that there was other alternatives to do this. The reason, one of the primary reasons to do it in a tax bill was that people won't just throw it away and that they'll open up and read it. It's creating a situation where you're going to have a town tax bill that's returnable to a Receiver of Taxes from the town, and you're going to have another envelope in there asking you to send a check to the Suffolk County Treasurer's Office. And I could foresee eight million

phone calls to each one of our Legislative district offices asking for forgiveness on penalties and interest, when they mail their taxes in to the Suffolk County Treasurer and then they're marked as delinquent. So I would urge that we look at maybe another way, and I did present an alternative, that we all do mailings. So under our mailings, we can mail out a solicitation for the campaign finance, this way, public finance of campaigns. So I did present another alternative. And I would like to hear from the Campaign Finance Review Board to see if that can fly.

LEG. LEVY:

Mr. Chairman

P.O. TONNA:

Legislator Levy.

LEG. LEVY:

Thanks. I very much appreciate the constructive comments from some
00234

Legislators regarding this bill. As to the County funding it, listen, if we came up with a resolution that said, "Here's "X" amount of dollars to do it," I really don't have a problem with it, but I have a feeling that that would be even more difficult to pass than this. Moreover, this would not be the first time that we have passed resolutions that deal with the County tax bill. Some of them have cost money -- excuse me, the town tax bill. Some of them have cost money, some of them have not. We've had the ones with the out-of-county tuition, we've had it for erroneous assessment. Town Assessors have said -- stated that's an undue administrative burden on them and it cost too much money.

If there's any particular resolution that we passed that had a fiscal impact on the towns, I would say it was Legislator Postal's bill, which I cosponsored, and I thought it was a really good bill, on the partial payment of taxes. That absolutely had a fiscal impact on the towns, because now you're requiring the town administrators to calculate how much money is coming in from each individual. There's no question, we put that little extra on them. But, you know what, we did it because we thought that the benefit far outweighed the cost. We didn't say, "Hey, we're not going to pass this bill until we first front a County bill that pays for the difference." We said, "Look, this is an important policy statement, let's go with it."

I say it's the same thing with this particular resolution. I appreciate the thought that maybe can Legislators can put out in our newsletters a request for money, or we can try to directly mail to people, but I don't really think that's practical, that we know that we're going to have enough money in our budget to make that direct solicitation and have the administrative wherewithal in our County offices to decipher where that money goes. I don't think this is a perfect system, I really don't, I just think it's one that is the best of what we have out there.

We asked our Campaign Finance Review Board to come up with their ideas as to what they -- as to what way -- what is the best way to go. This is what they came up with. And, you know, I hope we can give them some deference in this regard and start this process going, because it was 1998 when this passed and we've got to get this thing up and going. Remember, it's the 2002 election. We go in 2003, but it's actually

2002. There's one or two County elections during that time county-wide. We've got to get that up and going, and we need at least a year to start collecting that money. And if we don't get them in action right away, we're not going to at least see if it could work. Let's give it a chance to see if it could work is all I'm saying.

Thanks.

LEG. POSTAL:

Mr. Chairman. Mr. Chairman.

P.O. TONNA:

Yes. Legislator Crecca, then Legislator Postal. I have a list.

LEG. CRECCA:

To the sponsor --

00235

P.O. TONNA:

Oh, sorry. No, that was the other way.

LEG. CRECCA:

I commend you --

P.O. TONNA:

Yes.

LEG. CRECCA:

I commend you for trying here, but, again, even by your own admission, this is not the best resolution. We've identified --

LEG. LEVY:

I didn't say it wasn't the best, I said it's not perfect, and I don't know anything that is or anything that's better.

LEG. CRECCA:

Well, actually I have a suggestion for you, that's why. Sense Resolution 80-2000, which is on our agenda today, we'll be voting on it, asks New York State to put on income tax returns, much like is done in Yonkers. There's for Suffolk County residents. And if we can make that happen, and I certainly will lobby my State Delegation to pass that, it's a cleaner way to do it, a safer way to do it, and it will certainly -- and, as a matter of fact, if you get to the Assembly and it doesn't happen before then --

P.O. TONNA:

You'll lobby him.

LEG. CRECCA:

I'll be lobbying you, Legislator Levy. But, no, seriously, I think that's a better solution. Again, no criticism. You're trying to solve a problem that we need to solve, but this isn't the answer.

LEG. LEVY:

Point of personal privilege to just respond.

P.O. TONNA:

Okay. It better be personal privilege.

LEG. LEVY:

The difference between Yonkers and Suffolk is Yonkers has an income tax, we don't. I don't mind the sense resolution Legislator Carpenter put in, I will certainly support it, but what we're asking for is the State to give authority just for Suffolk County to have a check-off on its -- wait a minute.

LEG. CRECCA:

Right.

LEG. LEVY:

On its State tax forms. Number one, I don't think it would pass. Number two, if it did, I think it would take several years, and all I'm saying is we don't have that luxury. I would say let's pass this resolution, and let's also pass Legislator Carpenter's, because I think

00236

it's great, if we can get it done, but I don't think it's happening any time soon.

LEG. FOLEY:

Paul. Paul.

P.O. TONNA:

Yes.

LEG. FOLEY:

Mr. Chairman.

P.O. TONNA:

Just wait. No, Legislator Postal's next.

LEG. POSTAL:

Yeah. First, with regard to the Campaign Finance statute, and, Steve, thank you for your support, I do have another one, you may have noticed.

LEG. LEVY:

I know.

LEG. POSTAL:

Moving along.

LEG. LEVY:

And we heard from the Assessors --

LEG. POSTAL:

Moving along.

LEG. LEVY:

-- by the way, in committee.

LEG. POSTAL:

That's right. And, by the way, the Treasurer's Office indicates that with some increased software, that can, in fact, not only accept those partial payments, but they can assist the towns to do so. The question is, first of all, I think there's a difference, because we don't know how much additional work it was. You know, there's some question about that. But we certainly had a Budget Review Office opinion that started the whole process that said that they felt that if we could accept partial payments, we would, in fact, get additional revenue from people who wanted to pay something, who might not be able to pay all of their tax bill, but would make a payment. You know, like if you owe Macy's a thousand dollars, it would make sense to accept a payment of 200 and, you know, instead of refusing to take any, if you don't have the whole thousand. So I think that there was some benefit to us in passing that, along with helping taxpayers.

I don't know what the solution is here. I just have great reservations. I know I personally, while I disagree with Legislator Alden's suggestion as far as a newsletter goes, because I don't know that people do read that, and I do know that they do open their tax bill for sure, I know that I don't do newsletter mailings. I haven't

00237

in I don't know how many years. I do maybe one every other year. I would certainly be willing to make a commitment of -- and God knows I don't know how long I'm going to be here, but for as long as I'm here,

I would make a commitment of whatever funding is appropriated for my newsletters.

P.O. TONNA:

Legislator Poster -- Legislator Postal. I was saying postage.

LEG. POSTAL:

That's all right.

P.O. TONNA:

Legislator Postal is speaking. Could everyone please be a little quieter? Thank you.

LEG. POSTAL:

I would certainly be willing to make a commitment that the money that's budgeted for my Legislative newsletters could be used to provide the towns with the funding, whether my town would need more than I could provide, or whether there would be money to help another town. I would be willing to do that. I would be willing to make that commitment for whatever period of time, I represent the 15th Legislative District, because I just do feel that it's necessary both to support public campaign financing, and also to provide the towns with whatever costs might be incurred. So I'll make that commitment right now. I don't know what that would be, but I'd be willing to do that now or at any time.

P.O. TONNA:

Okay. Legislator somebody, Foley.

LEG. FOLEY:

Thank you. In response to Legislator Crecca, I think what we can do is try to approve -- well, approve this resolution before us, and then in future years, if we need to take any State action, you can then contact in the future then Assemblyman Levy, who would be able to take care of this at the State level in future years. So let's take care of this this year, and then if doesn't work, then in future years, we can contact Steve in Albany.

P.O. TONNA:

Okay. Anybody else? Great. Roll call.

MR. BARTON:

On the motion to table.

(*Roll Called by Mr. Barton*)

LEG. CRECCA:

Yes, to table.

MR. BARTON:

Legislator Haley.

00238

LEG. LEVY:

Was there a motion to table?

P.O. TONNA:

Yes. There was a motion by Legislator Crecca, seconded by Legislator Haley.

LEG. LEVY:

Oh. Just may I before? I didn't know there was a motion, so may I just make a comment on the motion to table?

LEG. CRECCA:

Sure.

LEG. LEVY:

I was actually asked by the folks at the Commission not to have this

tabled. Please just vote it up or down, because they have to know if they should stay in existence. They don't want to meet anymore if they don't feel that they have a job to do. Remember, this was passed in a 1998 referendum, and we face the potential embarrassment of not following through with the mandates of that particular referendum, which calls for us to solicit money from the private citizens. So they just ask go for it one way or the other, and I would hope that we can avoid the tabling. Let's just have a vote on the merits.

P.O. TONNA:

Okay. Legislator Alden.

LEG. ALDEN:

Just in answer to that, why can't they come up with an alternative? They've heard -- they could just take the comments that we've made, they were here for the comments that we made, and they can come up with an alternative, as far for the mailing to, that addresses our concerns.

LEG. LEVY:

But they -- in all due respect, they've been meeting for months to come up with alternatives. They've met with a lot of different people. They've been at committee where they've heard various suggestions. They've kicked everything around. They're now saying, "You know, we can go from now until doomsday with various suggestions. You got to fish or cut bait at some point, or we're not going to have the time to actually implement the program. This, they say, is the best concept. In fact, it mirrors what was asked for in the referendum, they just want to be able to carry it out.

LEG. ALDEN:

I don't know if they said, you know, like this is the best. This is what they thought might be, not even the best, but just to get an envelope open by the individuals. They didn't address some of the concerns that I had as far as, you know, what are we going to do with people when they mail the check back into the Treasurer's Office that they should have mailed to the Receiver of Taxes? Because, traditionally, we don't pass those, or it's been a battle to pass anything other than what's outlined, you know, why people are late with their tax payments. So are we going to -- are we going to amend our

00239

laws to allow anybody that makes that mistake to automatically get relief?

LEG. LEVY:

There have been two other suggestions. One was yours, Legislator Alden, which I respect, but, you know, which was to have us send it out through the newsletter, or what have you, and the other one was the sense resolution, also, I think a good idea, but I don't think it should be exclusive to this particular resolution. I think this is the only one that makes it reality and the others might be supplemental. But like I say, I would just ask that we vote it up or down.

LEG. CARACAPPA:

Let's go.

LEG. FISHER:

Good. Let's vote it up or down.

P.O. TONNA:

Okay. Let's if vote it -- no. We have a motion and a second to

table.

LEG. CARACAPPA:

Yes, there is.

P.O. TONNA:

Let's have roll call. Just to organize Legislators for a second, there is a motion and a second to table Resolution Number 1356, okay, and we were in the middle of a roll call, I think.

MR. BARTON:

Yes.

P.O. TONNA:

Or we'll start, whatever.

MR. BARTON:

Yeah, I'll start over again, for those who count.

P.O. TONNA:

Okay. Thank you, Clerk of the Legislature.

MR. BARTON:

Thank you.

(*Roll Called by Mr. Barton*)

LEG. CRECCA:

Yes, to table

LEG. HALEY:

Yes.

LEG. COOPER:

No, to table.

00240

LEG. BINDER:

Yes.

LEG. POSTAL:

Yes.

LEG. BISHOP:

Pass, please. I'm sorry, pass.

LEG. D'ANDRE:

No, to table.

LEG. CARPENTER:

Yes.

LEG. ALDEN:

Yes.

LEG. FIELDS:

No.

LEG. FOLEY:

No, to table.

LEG. FISHER:

No.

LEG. CARACAPPA:

No.

LEG. TOWLE:

No, to table.

LEG. GULDI:

No.

LEG. CARACCIOLO:

No.

LEG. LEVY:

No.

LEG. TONNA:

No.

LEG. BISHOP:

No, to table.

MR. BARTON:

Six. Tabling fails.

LEG. LEVY:

And I had a motion to approve.

LEG. FOLEY:

Second.

00241

LEG. FISHER:

Second.

MR. BARTON:

I have it.

P.O. TONNA:

I think there's a motion and a second already. Okay, roll call.

(*Roll Called by Mr. Barton*)

LEG. LEVY:

Yes.

LEG. FOLEY:

Yes.

LEG. COOPER:

Pass.

LEG. BINDER:

Pass.

LEG. POSTAL:

Can I ask you a question before I vote? I know it's in the middle of a roll call. Could I ask our Counsel? And, really this has impact. Is it possible that I could in some way allocate the money that I use for my -- I could use for my newsletter to the Town of Babylon to cover the cost of their postage and --

LEG. CRECCA:

No.

LEG. D'ANDRE:

It's out of order.

LEG. CRECCA:

It's out of order.

P.O. TONNA:

No. It's not your money, really, it's in an account.

LEG. POSTAL:

Can I do it as a resolution, I mean, in future years?

LEG. GULDI:

Yeah, budget bill. A budget amendment.

P.O. TONNA:

It sets a bad precedent.

LEG. POSTAL:

Like a budget amendment.

00242

MR. SABATINO:

Well, could you -- I'm thinking out loud. It would be a budget amendment to take postage money in a Legislative account and give it to a town --

P.O. TONNA:

Could I say something?

MR. SABATINO:

We could -- I mean, it's a legitimate governmental purpose, because it would be a mailing related to the program, so --

LEG. POSTAL:

Okay.

MR. SABATINO:

No, a resolution, a resolution. You can't do it unilaterally, it would take a resolution.

LEG. POSTAL:

No problem.

MR. BARTON:

Legislator Postal.

P.O. TONNA:

Can I just say something.

LEG. GULDI:

We're in the middle of a roll call.

P.O. TONNA:

No. I just would ask -- go ahead. Go ahead. It sets a terrible precedent. Go ahead.

(*Roll Call Continued by Mr. Barton*)

MR. BARTON:

Legislator Postal, your vote.

P.O. TONNA:

Go ahead, finish the roll call. Finish the roll call.

MR. BARTON:

Legislator Postal. She doesn't want to vote. Legislator Bishop.

LEG. FISHER:

Legislator Postal, you said yes?

LEG. CRECCA:

You voted yes?

LEG. POSTAL:

Oh, I voted yes.

00243

MR. BARTON:

Thank you.

LEG. BISHOP:

Yes.

LEG. D'ANDRE:

Pass.

LEG. CRECCA:

No way.

LEG. CARPENTER:

Yes.

LEG. ALDEN:

Pass.

LEG. FIELDS:

Yes.

LEG. HALEY:

No.

LEG. FISHER:

Yes, yes, yes.

LEG. CARACAPPA:

Yes.

LEG. TOWLE:

Yes.

LEG. GULDI:

Yes.

LEG. CARACCIOLO:

Negative.

P.O. TONNA:

Yep.

LEG. COOPER:

Affirmative.

LEG. BINDER:

Yes.

LEG. D'ANDRE:

Yes.

LEG. ALDEN:

Yes.

MR. BARTON:

15.

00244

LEG. CARACCIOLO:

Profiles in courage.

P.O. TONNA:

Okay. Let's go to 1379 (Authorizing conveyance of parcel to Town of Brookhaven for use by VIBS (Section 72-h, General Municipal Law)).

Is there a motion? I would say that --

LEG. GULDI:

Legislator Towle.

P.O. TONNA:

Motion to table by --

LEG. GULDI:

Legislator Towle.

P.O. TONNA:

-- Legislator Towle, seconded by myself.

LEG. GULDI:

Second.

P.O. TONNA:

All in favor? Opposed? Tabled. Number 1506 (Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Island Management Corp.) Is there a motion. I'll make a motion to approve. Somebody tabled it for some reason. Is there a second?

LEG. GULDI:

Hold on a minute.

MR. BARTON:

It was on the Consent Calendar, the County Executive requested it.

It's okay now.

P.O. TONNA:

Okay.

LEG. CARACAPPA:

Second.

P.O. TONNA:

Second. All in favor. That's second by Legislator Caracappa. All in favor? Opposed? Approved.

MR. BARTON:

18.

P.O. TONNA:

Okay. Number 1576 (Directing County Board of Elections to publicize ballot proposals within Suffolk County). Is there a motion?

00245

LEG. POSTAL:

Motion to table.

P.O. TONNA:

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

Approved. Now, to the agenda.

MR. BARTON:

18.

P.O. TONNA:

Ways and Means. Okay. There is -- okay. There is a -- make a motion, Legislator -- because this doesn't mean anything.

LEG. FISHER:

Motion to approve?

P.O. TONNA:

Just make a motion. You have --

P.O. TONNA:

Okay.

LEG. GULDI:

Let's go, let's rock and roll.

P.O. TONNA:

Legislator Alden has the floor, thank you.

LEG. ALDEN:

I'm making a motion to discharge Introductory Resolution 1082, and for the purpose to let it age for an hour.

LEG. FOLEY:

Second the motion.

P.O. TONNA:

Right. Okay. And this is a motion --

LEG. ALDEN:

Steve, I did talk to you about this one.

LEG. LEVY:

I know. Just remind everybody.

LEG. ALDEN:

This is that one for --

LEG. GULDI:

Waiver of interest penalties.

LEG. ALDEN:

-- The {Grillos}, he had a heart attack.

P.O. TONNA:

Right. And I understand -- I understand, though, that you have no

00246

problem, as the Chairman, to allow this to be discharged.

LEG. LEVY:

Yeah.

P.O. TONNA:

Yeah, fine.

LEG. LEVY:

I'm not going to vote for it, but let it be heard.

P.O. TONNA:

Just that's a rule --

LEG. ALDEN:

Thank you.

P.O. TONNA:

-- you know, a self-imposed rule that we have.

LEG. ALDEN:

Thank you, Steve

P.O. TONNA:

Okay, great.

LEG. CARACAPPA:

Second.

P.O. TONNA:

Second. A roll call. No. Just All in favor? Opposed?

MR. BARTON:

18. Discharged.

P.O. TONNA:

Okay. And it has to age for an hour now.

LEG. FOLEY:

Age for an hour, right.

WAYS AND MEANS

P.O. TONNA:

Okay. Ways and Means. Number 1135 (Adopting Local Law No. -2000, a Local Law to establish "Good Neighbor" Public Notification Policy as to change of use in County lands). Is there a motion?

LEG. FISHER:

Motion to approve.

P.O. TONNA:

Motion to approve by Legislator Fisher, seconded by Legislator Fields.

All in favor? Opposed?

00247

LEG. TOWLE:

Explanation. Explanation.

P.O. TONNA:

On the motion, Legislator Towle.

LEG. TOWLE:

Explanation.

P.O. TONNA:

Legislator Fisher, you have the floor.

LEG. FISHER:

Okay. The explanation is that when the County owns property and they plan on making major improvements, building something on it that -- just as any other entity that's doing improvements or construction, that the County let -- notify anyone who's within 200 feet of the activity.

LEG. CRECCA:

Question for the sponsor.

P.O. TONNA:

Legislator Crecca.

LEG. CRECCA:

Wouldn't -- but if we're building something as a County, we're also

subject to the same town ordinances to get a permit?

LEG. FISHER:

No, we're not, and that's why we're doing this.

P.O. TONNA:

Okay. All in favor? Opposed? Approved.

MR. BARTON:

18.

P.O. TONNA:

Number 1482 (Authorizing certain technical correction to Adopted Resolution No. 79-2000). Motion by Legislator Fisher.

LEG. CARACAPPA:

Second.

P.O. TONNA:

Seconded by myself. All in favor? Opposed? Approved.

MR. BARTON:

18.

P.O. TONNA:

Number 1571 (A Local Law establishing a comprehensive policy for County Affordable Housing Opportunities Program). I'll make a motion,

seconded

by --

00248

LEG. COOPER:

Second.

LEG. LEVY:

I make a motion to table.

P.O. TONNA:

-- Legislator--

LEG. CARACAPPA:

Motion to table.

P.O. TONNA:

Wait, wait. There's a motion to approve by myself, seconded by Legislator Cooper.

LEG. CARPENTER:

Second.

LEG. BISHOP:

I have a question on that.

LEG. LEVY:

Motion to table.

P.O. TONNA:

Now there's a motion to table by Legislator Levy. Is there a second?

LEG. CARACAPPA:

Second it.

P.O. TONNA:

Seconded by Legislator Caracappa. Is there somebody who wants to speak on the motion?

LEG. BISHOP:

Motion. I have a question --

LEG. LEVY:

Yes, I do.

LEG. BISHOP:

-- of Budget Review.

MR. POLLERT:

Yes.

LEG. LEVY:

I want to speak, Paul.

LEG. BISHOP:

Could you just outline the -- in brief what this program is and how it expends money?

00249

LEG. LEVY:

Paul, I'd like to speak.

LEG. CRECCA:

What committee did this come out of?

LEG. LEVY:

It's not his bill.

LEG. ALDEN:

Ways and Means.

LEG. BISHOP:

I'm not on the Ways and Means.

LEG. CRECCA:

Yeah, I'm sorry.

LEG. BISHOP:

It's \$20 million in capital, right, to purchase land for affordable house -- homes?

P.O. TONNA:

Well, do you want -- there's somebody from --

LEG. LEVY:

Why don't you ask Counsel?

P.O. TONNA:

-- the County Executive's Office.

MR. BARTON:

Please, use the microphones.

P.O. TONNA:

Why don't we ask the County Executive's Office?

LEG. BISHOP:

Oh, I'm sorry.

P.O. TONNA:

This is a -- all right.

LEG. ALDEN:

Mea Knapp might be able to speak.

P.O. TONNA:

We got -- we have the esteemed Allan Grecco and Mea Knapp, both esteemed individually. Go ahead. The question is what does the bill do?

MS. KNAPP:

It's a three-part program. The first part of the program would allow the Division of Real Estate to sell improved properties in our inventory to first-time home buyers.

00250

LEG. BISHOP:

Directly?

MR. GRECCO:

By auction.

MS. KNAPP:

By auction.

LEG. BISHOP:

By auction.

MS. KNAPP:

Yes.

LEG. BISHOP:

We don't do that now?

MS. KNAPP:

Habitable improved parcels would be limited to first-time home buyers.

That's a change in what we do now.

LEG. POSTAL:

It's very hard to hear you.

LEG. CARACAPPA:

Instead of speculators.

LEG. BISHOP:

I can't hear.

LEG. POSTAL:

We can't hear you.

P.O. TONNA:

I think a -- oh, you can't hear because of the mike, or because of the --

LEG. FISHER:

Because of the mike.

LEG. CRECCA:

No, it's the mike.

P.O. TONNA:

All right. Microphone, okay.

LEG. BISHOP:

That's better.

MS. KNAPP:

It's a three-part program. The first part of the program would allow the Division of Real Estate to sell at auction habitable improved parcels to first-time home buyers. The auction would be limited to people who qualified as first-time home buyers for houses.

00251

LEG. CARACAPPA:

So speculators would be out.

LEG. BISHOP:

Okay. And how is that a change from current policy?

MR. GRECCO:

All right. Dave, the change from the current policy is that there is only a restriction that it is owner-occupied or occupied by the bidder's blood relatives.

LEG. BISHOP:

So now we're going to change it to first-time home buyers.

MR. GRECCO:

That's correct. We are just limiting it to the first-time home buyers.

The way it's going now, someone of a monetary means can buy the house and then put a relative in the house. So we're trying to identify the group that we're looking to help.

LEG. BISHOP:

And -- I'm sorry. May I continue to ask questions, Mr. Chairman?

LEG. CRECCA:

Yes.

LEG. BISHOP:

Thank you, Mr. Chairman. Currently, I mean, in this year, if this were already in place, how many homes would have been affected?

MR. GRECCO:

We have at least 40 houses, which we are ready to put into this program.

LEG. BISHOP:

And how many -- what's our --

MR. GRECCO:

Our overall inventory?

LEG. BISHOP:

Inventory, yeah.

MR. GRECCO:

The overall inventory is probably 250 to 300 homes, which may seem shocking to you, but some of them are in various stages of redemption, some of them in various stages of repair, and some of them have use in occupancy fees attached to them. We -- it takes a certain ripeness.

LEG. BISHOP:

In the last auction, for example, how many dwellings?

MR. GRECCO:

We had 90 dwellings up for auction and we sold 85% of them. The market's very robust.

00252

LEG. BISHOP:

Right. And, in other words, we're not -- we're not getting in a lot of inventory right now, we're not taking --

MR. GRECCO:

No, that's correct. Our inventory is dwindling for several reasons.

There's less tax defaults on the inside, and when we do have tax defaults, people realize they have values, so there's more redemptions.

So my available inventory has dwindled, plus our auction went from 35% of bid parcels to 85% bids. So what's happening is people are seeing there's value to real estate. We are really shrinking our inventory.

So we want to focus what we have left towards this group.

LEG. BISHOP:

Right. Now, in -- one last question on this one aspect of the three part program, which is, of the inventory that's eligible to be

auctioned, what percentage will now be for first-time home buyers, 100% or 50 -- I mean --

MR. GRECCO:

Well, again, the inventory is a rolling stock. I'm saying to you I can have 40 to 50 houses ready for this program by the November auction.

MS. KNAPP:

And 100% of them --

MR. GRECCO:

And 100% of them --

MS. KNAPP:

Would go to --

MR. GRECCO:

-- would go to the first-time home buyers, if that's your question.

LEG. BISHOP:

So I'm saying, we pass this bill, from now on, improved lots would go to first-time home buyers.

MR. GRECCO:

That's correct.

LEG. BISHOP:

A hundred percent of them.

MR. GRECCO:

Yeah, which are -- which are ripened for auction.

LEG. BISHOP:

Which are -- okay.

MR. GRECCO:

Meaning that --

00253

LEG. BISHOP:

Understood. So if the --

MR. GRECCO:

-- you know, we've held it for the statutory period, etcetera.

LEG. BISHOP:

Right. And, so, if we had a large inventory, then this would be -- a lot of first-time home buyers would stand to benefit.

MR. GRECCO:

That's correct, too.

LEG. BISHOP:

Right, okay. Part two.

MS. KNAPP:

And, of course, they do have to meet the income guidelines.

LEG. BISHOP:

Right. And part --

MS. KNAPP:

That goes without saying, to the -- the first-time home buyers can't be first-time home buyers who have high incomes, obviously.

LEG. BISHOP:

Right. And what's part two?

MS. KNAPP:

The second part of the program is uninhabitable improved parcels and vacant parcels, and those would be transferred to municipalities for nominal consideration, and that should be rehabilitated or developed for affordable housing purposes.

LEG. BISHOP:

This is the bill that Legislator Postal and myself and some others --

MS. KNAPP:

What we did was we --

LEG. BISHOP:

You rolled it in.

MS. KNAPP:

-- Incorporated your bill --

LEG. BISHOP:

Very good.

MS. KNAPP:

-- into the-- into the program.

LEG. BISHOP:

Thank you.

00254

MS. KNAPP:

We made a whole program out of it.

LEG. BISHOP:

And the third part? Well, how many? Let's go through it. How many lots would that be?

MR. GRECCO:

Okay. Again, the lots we have now would ordinarily be auctioned and then developers or speculators would buy them. This would enable us to get them to the people we want to help. How many lots?

LEG. BISHOP:

In 2000. You know, what are we looking at right now?

MR. GRECCO:

In the Year 2000, I would suspect, oh, gosh, a hundred lots or so.

LEG. BISHOP:

Okay.

MR. GRECCO:

County-wide.

LEG. BISHOP:

Very good. And then the final aspect is the \$20 million, right?

MS. KNAPP:

And that's, clearly, the most complicated part of the program. It would require the Planning Department and the Division of Real Estate to identify parcels that could be used for affordable housing purposes, and that would include both vacant land and parcels to be redeveloped for affordable housing purposes. It would require that the municipalities or not-for-profit enter into a plan with the County for these parcels. Ultimately, the entire plan --

LEG. CARACAPPA:

Mr. Chairman.

MS. KNAPP:

-- with the identified parcels --

LEG. CARACAPPA:

I withdraw my second.

MS. KNAPP:

-- would come back to the Legislature for a resolution allowing us to purchase it. It would ultimately be transferred to the municipality or the not-for-profit. We would monitor their compliance with the plan that presented, and in that way, hopefully, both affordable homeownership and some rentals would be built.

P.O. TONNA:

Okay.

00255

LEG. BISHOP:

In this part, we are buying land, we are not improving it, somebody else always is. So this is about buying the land upon which affordable homes will be put, will be placed.

MS. KNAPP:

And we anticipate in virtually every instance that there will be funds, both from the State and from the Federal programs. There's something in the State called AHC, the Affordable Housing Corporation. We would expect that they would be contributing funds. There's the Home Program, the Federal Home Program, Community Development Block Grant Programs. We anticipate a variety of funding sources to ensure affordability.

[SUBSTITUTION OF STENOGRAPHER - ALISON MAHONEY]

LEG. BISHOP:

Mea, one of the things that the Legislature has spoken about and seems to have some enthusiasm for, although we've never had an actual bill, is using our downtown areas and building upon the stores that are already there; this would seem to preclude that, it doesn't -- I mean, you'd have to buy a commercial property in this case.

MR. GRECCO:

Not necessarily.

MS. KNAPP:

No. I know that we have had some interest from the Islip Community Development Agency which is doing a redevelopment in downtown Bay Shore now, they're looking at this program to see if it could help them. One of my favorite examples is the College Woods Redevelopment in Central Islip in which the County contributed a large number of parcels, both vacant and improved.

LEG. BISHOP:

I guess what I'm saying is take the traditional downtowns that we know of, and there's been discussion about taking the second and third stories above stores and using them better to provide affordable homes for young families and for seniors. It would seem that that type of initiative is not included in this comprehensive program; it doesn't mean that we can't do it another way, but it certainly is not part of this. Because in this case we have to buy the property, right?

MR. GRECCO:

No. I believe under Section 362-c1, if you read it, it would encompass the idea of picking up parcels, depressed parcels in a downtown as well. We're not just talking about vacant land, they could be abandoned shopping centers, they could be parcels between others, it could be buildings ready for demolition or renovation. And I believe that if you --

LEG. BISHOP:

Okay, good. I appreciate that interpretation. I am counting on that being correct and I encourage us to move forward.

00256

MS. KNAPP:

And to the extent that -- if you're referring to private owned buildings that are presently rented for store use on the first floor --

LEG. BISHOP:

Right.

MS. KNAPP:

-- and you want to encourage the land owners to --

LEG. BISHOP:

Right.

MS. KNAPP:

I think that while this may not specifically target that, whenever you do a program that does a redevelopment and allows for affordable housing, it's never an isolated event. So that to the extent that you have a downtown -- a business district, a bid, and you work with the bid and you put affordable housing in and you encourage the bid to allow rentals on the second and third floor, you do a whole redevelopment and the County can help in that.

LEG. BISHOP:

Yeah. And what I was saying with my question is I hope we have that type of flexibility, where if that's where we wanted to move we have the flexibility to do that we wouldn't be hemmed in by the need to buy the land underneath.

LEG. D'ANDRE:

Motion.

LEG. BISHOP:

Which is what I understood the program to be, that we always have to buy the land underneath.

MS. KNAPP:

We do have to buy the land, please don't -- I don't think that when Allen said to you that the program was flexible enough for that, we do have to purchase the land but, as I say, as part of any overall redevelopment, there are going to be some parcels that do need to be purchased and there will be others that will just be part of the redevelopment.

LEG. BISHOP:

Thank you and I appreciate everybody's tolerance.

LEG. D'ANDRE:

Foley, you lost your title, he just won your title.

LEG. LEVY:

Mr. Chairman?

P.O. TONNA:

Okay. There was a withdrawal of a second to table. Was there somebody who wanted to table it? There is no second now, so the tabling motion

00257

fails --

LEG. CRECCA:

Second.

LEG. FOLEY:

Second to table.

LEG. LEVY:

We have a second.

P.O. TONNA:

Where is the second to table.

LEG. LEVY:

Legislator Crecca and Legislator Foley.

LEG. FOLEY:

Crecca made the motion.

P.O. TONNA:

Okay. Legislator Foley, you want to second his motion to table the affordable housing? Okay. Go ahead.

LEG. FISHER:

I would like to make a motion to approve.

LEG. CRECCA:

I'll withdraw my second.

LEG. LEVY:

May I speak?

P.O. TONNA:

Yes. Anybody else on the record.

LEG. LEVY:

Legislator Bishop, before you go away here. You had asked a question --

LEG. CRECCA:

I'll withdraw my second.

LEG. LEVY:

You had asked a question as to part one of this proposal which relates to the use of the tax default parcels to first time home buyers; fine concept. It was stated by Mr. Grecco that he would like that to move forward as quickly as possible, which I don't have a problem with, I don't want to block that. So what I had recommended in the committee is that we parcel, no pun intended, this part of the entire program out of the bill and allow for a CN to pass to today for that and that alone so that we can move forward.

There still are a number of questions that I believe should be answered by this Legislature regarding a very ambitious and I think laudable concept. But my suggestion is that we place parameters on what vacant

00258

parcels can and cannot be paved over. We should concentrate on already developed areas as opposed to building on precious open space. And you can say, "Oh, well, this is just a planning document", but, you know, you don't want to have the horse leave the barn before you develop your overall game plan. That's why we have the committee process, that's why we have the opportunity for us to sit down and roll up our sleeves and come up with a policy that both the Executive and the Legislature feel comfortable with.

I think long-term we have a good concept here that we can use to embellish the amount of affordable housing we have in this County. But we shouldn't be giving cart blanche ultimate discretion for any particular open spaces that are available out there, we should set the parameters; it's not that hard to do, we have a month to do it. And I just ask that we table the overall program until August. If there's an urgency regarding those particular parcels for auction, we can -- I'll be happy to support a CN on that, but this is a major policy decision. And I would dare say that I would say a number of Legislators, no fault of their own, they're busy, they're on other priorities, I'm not sure they themselves are sure of all of the details of the bill. I would say wait for another session.

P.O. TONNA:

Legislator Fisher.

LEG. FISHER:

Okay.

P.O. TONNA:

And then Legislator Postal.

LEG. FISHER:

I understand your concerns, Legislator Levy, but this after -- this morning when Allen Grecco was speaking before us, I asked him specifically about this because I knew that there were concerns about our controlling the process. And I completely support this concept and I completely support this resolution, because as we go through the process we are not handing over control cart blanche. Every purchase, every plan, every parcel will have to go through this Legislature for approval. So that is the time when we will be rolling up our sleeves and looking up very -- looking very, very carefully, scrutinizing in minute detail. We won't be rubber stamping parcels to be purchased for this project, for this purpose. We will look at each parcel carefully

and be certain that it's appropriate for this program. And I think that is the way to do it, we're looking at this whole -- we've all said that we support affordable housing. We all said -- we have said in Smart Growth that we want to look at planning in a big and visionary manner; I think that this plan does that. And I don't think that we should be fearful going into it when we are the ones who are going to have the final say in approving each and every part of this project. If we look at the three parts, when we look at the auction, you all know that when the parcels are sold at auction we get the list of the prices and we have to approve of that list; Allen, yes? Well, Counsel had said yes, we do have to approve of the list.

00259

MR. SABATINO:

Of the actual purchases, yes.

LEG. FISHER:

Of the actual purchases at auction. When there is uninhabitable -- when there are uninhabitable parcels and vacant parcels, again, we must approve of those acquisitions, so there is no way that we're giving this away carte blanche. So I really encourage everyone to support approval of this resolution so that we can get moving with this program.

P.O. TONNA:

Thank you. Legislator Postal, then Legislator Fields.

LEG. POSTAL:

Yeah. I would really like to see us approve this today, I think that we need to start moving on some of these things. There's a fourth part to the program to provide some funding for actually rehabilitating these parcels.

I think the concern is a valid concern about being afraid that we're going to be enabling development of space that we'd like to preserve. I think Legislator Fisher's point is a good one in that we're actually going to be having an opportunity to look at the proposals for land acquisition. I would hope that we can approve this today. If we don't, I know that Legislator Alden had made what I thought was a very, very good suggestion, that the resolution be changed to indicate that those properties which are prioritized by the County for acquisition and preservation as open space not be included in land acquisition for affordable housing.

MS. KNAPP:

That's administratively, the Department of Planning -- I mean, I can never envision them selecting parcels that are more appropriate for open space preservation and suggesting them for affordable housing. But in the event they were to do something like that, the bill provides for you to -- I mean, veto.

LEG. POSTAL:

I know. I am just saying that I think it would provide a certain comfort level to people who may have reservations with approving it as it is right now.

MS. KNAPP:

You mean build it into the Local Law?

LEG. POSTAL:

Yeah. Well, I'm saying that I would hope it would pass, but I think that that's been the objection since the beginning on the part of those

individuals who had reservations about approving it now. So what I'm suggesting is that if there are not the votes to approve it today, that building that into the Local Law might be what's necessary to get it approved at the next meeting.

MS. KNAPP:

Just so I'm clear on Legislator Alden's suggestion, it's that in the

00260

part of the bill -- are we talking about in the part that has to do with the County inventory of vacant parcels?

LEG. POSTAL:

The County acquiring property for development as affordable housing.

MS. KNAPP:

And the change would be that the department of -- that the Planning Department not consider any parcel that would be more appropriate for open space preservation?

LEG. POSTAL:

I think, Cameron, your suggestion was I believe that the County not consider any parcels that the County had prioritized, the Legislature or the Executive Branch had prioritized for preservation?

LEG. ALDEN:

Sure.

P.O. TONNA:

Let me ask you, what I'm --

MS. KNAPP:

I can never envision a situation where the Planning Department would --

P.O. TONNA:

Just wait one second everybody. Please, let's just get -- our County Attorney, Mea Knapp is talking, Assistant County Attorney.

MS. KNAPP:

Deputy as a matter of fact.

P.O. TONNA:

Deputy, Deputy County Attorney.

MS. KNAPP:

It's difficult for me to envision the Planning Director coming to you with a parcel that they Legislature had already indicated should be a priority for open space acquisition. But certainly, if that's what the Legislature would want in the Local Law, we could put that in that.

P.O. TONNA:

And what, you want to table it then and put it into the next --

MS. KNAPP:

No. No, I would strongly urge the Legislature to pass it in its present form because I feel absolutely certain that no Planning Director --

P.O. TONNA:

Right.

MS. KNAPP:

-- would ever bring you a parcel --

00261

P.O. TONNA:

Great.

LEG. CARPENTER:

Least of all our Planning Director.

P.O. TONNA:

Right.

MS. KNAPP:

Excuse me?

P.O. TONNA:

Least of all our Planning Director.

MS. KNAPP:

It's hard for me to imagine.

P.O. TONNA:

Okay.

LEG. LEVY:

Mr. Chairman?

P.O. TONNA:

Yes. No, Legislator Fields, then Legislator Levy.

LEG. FIELDS:

What would be the process, either Mea or Allen, for approval, would it be through committee or through the full Legislature?

MS. KNAPP:

A duly enacted resolution that would be required for all County -- we can't acquire property legally without a legislative resolution, nor can we 72-h property, that is transfer property to another municipality, without a duly enacted resolution.

MR. GRECCO:

Nor auction property.

MS. KNAPP:

Excuse me?

MR. GRECCO:

Nor even auction the property to affordable housing first time home buyers. We can't do anything, quite frankly, without getting a resolution approving it.

LEG. FIELDS:

But it would be through the committee first and then --

MR. GRECCO:

Probably, I suspect it could be, what committee, Parks or Ways and Means?

00262

LEG. GULDI:

Preservation.

LEG. LEVY:

Ways and Means.

LEG. FIELDS:

But the question is through committee first, then --

MS. KNAPP:

Yes.

LEG. FIELDS:

Okay, that was just my question. Thank you.

LEG. LEVY:

Finally, Mr. Chairman?

LEG. FISHER:

All the normal channels.

P.O. TONNA:

Legislator Levy, then Legislator Carpenter.

LEG. LEVY:

I'll be very quick. I recognize and I've heard it at this meeting, I've heard it at the meeting before that parcels will come back to us, which

is fine. But make no mistake, we are sending out a policy directive to administrators.

MS. KNAPP:

Yes.

LEG. LEVY:

And if you don't want to place parameters, that's your prerogative, that's fine. Just don't complain later if you see the overwhelming majority of these particular individual affordable housing complexes coming about on vacant land; they might, they might not. I thought when I first heard this it was incorporated in the whole concept of Smart Growth, and that lit up the light bulb in my head that we were referring mostly to redeveloping already developed areas. Now, I'm not saying that there would be a hundred percent that type of activity, but if you want to make sure that that's the lion's share of this type of a program, I don't recommend that you sit back and wait for each and every parcel to come before you one by one and say, "No, that's not what I wanted, no, that's not what I wanted." I would say as a Legislature, go out in the forefront and promote the policy directive that you want the administrators to follow. If, in fact, we want our administrators to follow a course of redevelopment as priority over developing vacant land, then we should say so at the outset. That's the only point I'm making. If you don't care about that, that's your prerogative, and then you can take each and every parcel as they come by you one by one. I would prefer to set the policy at the outset. That's why I make a motion to table.

00263

LEG. FOLEY:

Second the motion.

MS. KNAPP:

Paul?

P.O. TONNA:

Yes.

LEG. LEVY:

Anybody else before we --

P.O. TONNA:

Legislator Carpenter.

LEG. CARPENTER:

Before I say something, Mea, did you want to respond?

MS. KNAPP:

I would make just one comment, and you're absolutely correct that this is a policy statement that the Legislature is making. My only comment with your comments about Smart Growth and the vacant land, vis-a-vis redevelopment of properties that are not used to their best potential. The problem that this bill seeks to address is to keep young people on Long Island, to keep a work force on Long Island that allows people not to move to North Carolina for jobs.

LEG. LEVY:

We understand that.

MS. KNAPP:

Not to move to Florida. It's a slightly different problem than the problem that Smart Growth addresses. This is an affordable housing bill. To the extent that you can incorporate affordable housing with the redevelopment of downtown areas, you have a win/win situation. But

I do think that you have to recognize that if you limit this to redeveloping properties that have already been approved, you may find that you're not going to achieve the objective of retaining young people on Long Island and retaining a work force.

LEG. LEVY:

Anybody else before we call the vote?

LEG. GULDI:

Call the question.

LEG. ALDEN:

No, Legislator Carpenter was next.

LEG. CARPENTER:

Ginny, you can go.

P.O. TONNA:

Yes, Legislator Fields.

00264

LEG. FIELDS:

Mea, in the Smart Growth bill it does encompass Smart Growth, that's one of the aspects of the Smart Growth bill. So I don't know how this is --

MS. KNAPP:

As I said, there are two slightly different objectives. What the Smart Growth bill seeks to do is to not continue to build on vacant land when there are appropriate areas that have already been developed that need to be redeveloped and rehabilitated for different uses. In some cases that may mean an affordable housing use, but that's tangential to the Smart Growth aspect of it. The converse of that is this bill that seeks to address the problems of affordable housing and the lack of affordable housing in Suffolk County; the median home price is very high right now. There is a tangential benefit in terms of Smart Growth and the redevelopment of downtown areas. Again, I mean, the one that I'm most familiar with is the College Woods Development where you had a very, very dilapidated housing stock that was redeveloped; in some cases they were bulldozed, in other cases they were able to be -- they were added on to and they were improved. That sparked a redevelopment in the entire area, that you now have -- you have industrial use, you have the Court houses, it's all part of a program. Smart growth is a program, this is related to it. The main purpose of this bill is affordable housing for first time home buyers.

LEG. GULDI:

Call the question.

LEG. LEVY:

Okay, let's call the question. Can we have everybody to the horseshoe, there's an important vote, I know everybody's going to want to vote on it.

LEG. GULDI:

Roll call.

P.O. TONNA:

Roll call. And the motion by Legislator Levy, seconded by Legislator Foley, is a tabling motion. Okay.

(*Roll called by Mr. Barton*)

MR. BARTON:

Legislator Levy?

LEG. LEVY:

I would just rather wait one second till we get everybody in. All right, let's start it. I will vote yes to table.

LEG. FOLEY:

Yes to table.

LEG. COOPER:

No to table.

00265

LEG. BINDER:

No to table.

LEG. POSTAL:

No.

LEG. BISHOP:

On the tabling? No to table.

LEG. D'ANDRE:

Pass.

LEG. CRECCA: (Not Present)

LEG. CARPENTER:

No.

LEG. ALDEN:

No to table.

LEG. FIELDS:

No.

LEG. HALEY: (Not Present)

LEG. FISHER:

No.

LEG. CARACAPPA:

No.

LEG. TOWLE:

Pass.

LEG. GULDI:

No.

LEG. CARACCIOLO:

No.

P.O. TONNA:

No.

LEG. GULDI:

Do we have to still wait?

LEG. FISHER:

Motion to approve.

LEG. CARPENTER:

Second.

P.O. TONNA:

There's already a -- oh, sorry.

00266

LEG. D'ANDRE:

No.

LEG. CRECCA: (Not Present)

LEG. TOWLE:

No to table.

P.O. TONNA:

I would ask all Legislators to come in.

LEG. FISHER:

Is there a motion to approve?

P.O. TONNA:
Yes, there is already a motion and a second; am I right?

MR. BARTON:
Yes. Two to table, that fails.

P.O. TONNA:
Motion by?

MR. BARTON:
Yourself, seconded by Mr. Cooper.

P.O. TONNA:
Okay. Please call the roll. And try to get people in here.
(*Roll called by Mr. Barton*)

P.O. TONNA:
Yes, to approve; this is to approve the affordable housing.

LEG. COOPER:
Yes.

LEG. GULDI:
Why do we have to roll call? Just do it.

P.O. TONNA:
I want to do it.
(*Roll Call Continued by Mr. Barton*)

LEG. BINDER:
Yes.

LEG. POSTAL:
Yes.

LEG. BISHOP:
On approval, yes.

LEG. D'ANDRE:
Yes.

00267

LEG. CRECCA:
Pass.

LEG. CARPENTER:
Yes.

LEG. ALDEN:
Yes.

LEG. FIELDS:
Yes.

LEG. FOLEY:
Yes.

LEG. HALEY:
Yes.

LEG. FISHER:
Yes.

LEG. CARACAPPA:
Yes.

LEG. TOWLE:
Yes.

LEG. GULDI:
Yes.

LEG. CARACCIOLO:
Yes.

LEG. LEVY:
Yes.

LEG. CRECCA:

Yes.

MR. BARTON:

18.

LEG. CARPENTER:

Congratulations.

LEG. CARACAPPA:

Now can we move?

LEG. GULDI:

Can we do the agenda?

P.O. TONNA:

Thank you very much. Let's get to the agenda, let's get back to the agenda. Okay, No. 1578 - Designating individual volunteers as official volunteers for Heckscher State Park 2000 Summer Youth Program (Levy).

00268

Is there a motion?

LEG. LEVY:

Motion.

LEG. ALDEN:

Second.

P.O. TONNA:

Is there a motion? Motion by Legislator Levy, seconded by Legislator Alden. All in favor? Opposed? Approved.

MR. BARTON:

18.

P.O. TONNA:

1581 - Calling for a Public Hearing for the consent to the acquisition of additional land at Cutchogue, Town of Southold, County of Suffolk, State of New York, by the Cutchogue Cemetery Association, Inc., for cemetery expansion purposes (Caracciolo). Motion, Legislator Caracciolo?

LEG. CARACCIOLO:

Yes.

LEG. CARACAPPA:

Second.

P.O. TONNA:

Seconded by Legislator Caracappa. All in favor? Opposed? Approved.

MR. BARTON:

18.

LEG. CARACCIOLO:

Same motion.

P.O. TONNA:

Okay, same motion --

MR. SABATINO:

No, you can't vote on 82, the public hearing has to occur first.

P.O. TONNA:

Public hearing, okay.

MR. SABATINO:

In fact, it was tabled in committee, I don't know how it got out.

LEG. GULDI:

Motion to table.

P.O. TONNA:

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

All in favor? Opposed? Tabled.

00269

MR. BARTON:

18.

LEG. BISHOP:

Mr. Chairman?

P.O. TONNA:

Yes.

LEG. BISHOP:

I'm sorry, real quickly. I'd like to lay on the table so it can age for an hour 1484 - Establishing RFP policy for entertainment use of County property. I don't know whether this bill will be approved or not, but I want it to be eligible perhaps as some sort of compromise to a later --

P.O. TONNA:

Fine. I'll second --

LEG. BISHOP:

Discussion which I think may occur.

P.O. TONNA:

Right. I'll second that motion. All in favor? Opposed?

LEG. CARACAPPA:

Opposed.

LEG. BINDER:

Wait. Mr. Chairman?

LEG. GULDI:

Opposed.

LEG. CARACCIOLO:

Opposed.

LEG. BINDER:

Mr. Chairman, no, no, wait.

P.O. TONNA:

On the motion.

LEG. BINDER:

Yeah, on the motion. Is this a resolution; what is he laying on the table?

P.O. TONNA:

Is this to discharge or to lay on the table?

MR. SABATINO:

Motion to discharge is what you mean.

LEG. BISHOP:

Discharge. Did I say lay on the table? I apologize.

00270

P.O. TONNA:

He meant discharge.

LEG. GULDI:

Point of order; has it been distributed?

LEG. BISHOP:

Yeah, it's in front of you.

P.O. TONNA:

And who is the committee Chairperson?

LEG. BISHOP:

Legislator Levy.

P.O. TONNA:

Legislator Levy?

LEG. BISHOP:
Is that alright?
LEG. LEVY:
I don't have a problem.
P.O. TONNA:
Okay.
LEG. BISHOP:
Thank you.
LEG. CARACAPPA:
Opposed.
P.O. TONNA:
Well, let's do a roll call.
(*Roll Called by Mr. Barton*)

LEG. BISHOP:
Yes.
P.O. TONNA:
Yes.
LEG. COOPER:
Yep.
LEG. BINDER:
Pass.
LEG. POSTAL:
Yes.
LEG. D'ANDRE:
Pass.

00271

LEG. CRECCA:
Pass.
LEG. CARPENTER:
Pass.
LEG. ALDEN:
Pass.
LEG. FIELDS:
Pass.
LEG. FOLEY:
Pass for a moment.
LEG. HALEY: (Not Present)
LEG. FISHER:
Yes.
LEG. CARACAPPA:
No, it should be discussed in committee.
LEG. TOWLE:
No.
LEG. GULDI:
No.
LEG. CARACCIOLO:
No.
LEG. LEVY:
Yes.
LEG. FOLEY:
Yes, Henry.
LEG. BINDER:
No.

LEG. D'ANDRE:
Yes.
LEG. CRECCA:
No.
LEG. CARPENTER:
No.
LEG. ALDEN:
This is just to lay it --
MR. BARTON:
Discharge.

00272

LEG. ALDEN:
Yes.
LEG. FIELDS:
Yes.
LEG. HALEY: (Not Present)
MR. BARTON:
Ten, it's discharged.
P.O. TONNA:
Okay, let's get to --
LEG. CARPENTER:
1585.
P.O. TONNA:
Okay, No. 1585. And I would ask Legislator Levy, could you read some of the resolutions?
D.P.O. LEVY:
1585 - Adding depository to list of designated depositories for Suffolk County (Hamptons State Bank) (Guldi). Motion by Legislator Guldi, second by Legislator Caracciolo. In favor?
LEG. BINDER:
Mr. Chairman, on the motion. Did the Treasurer come before the committee on this?
LEG. GULDI:
Yes, he did. The Bank of the Hamptons is being added now and wasn't included the first year because it didn't exist, it's new.
LEG. BINDER:
And they meet all the criteria for collateralization?
LEG. GULDI:
And they meet the criteria, otherwise they wouldn't be authorized under -- yes.
LEG. BINDER:
I just want to make sure, I want it on the record. Thank you.
D.P.O. LEVY:
I know Caputo wasn't there, was there somebody else?
LEG. GULDI:
Not Caputo.
MR. SABATINO:
The point is the recommendation came from Treasurer Cochrane in writing. He was not at the committee but the recommendation was in writing, it was attached with the backup.

00273

LEG. GULDI:
Thank you.

D.P.O. LEVY:

Okay. We have a motion, we have a second. In favor? Opposed? Motion carries.

MR. BARTON:

17, 1 not present (Not Present: Legislator Haley).

1586 - Establishing citizen friendly website for County Board of Elections (Levy). I'll make the motion.

LEG. FISHER:

Second.

D.P.O. LEVY:

Second by Legislator Fisher. In favor? Opposed? Motion carries.

MR. BARTON:

17, 1 not present (Not Present: Legislator Haley).

1589 - Establishing a Suffolk County Website Office for Public Information (Fields).

LEG. FIELDS:

Motion to table.

LEG. FISHER:

Second.

D.P.O. LEVY:

Motion to table by Legislator Fields, second by Legislator Fisher. In favor? Opposed?

P.O. TONNA:

I'm here, Henry.

LEG. BINDER:

Roll call.

D.P.O. LEVY:

For tabling; you want a roll call to table?

LEG. CARPENTER:

It's her bill, she wants to table it.

LEG. CRECCA:

She wants to table, it's her bill.

MR. SABATINO:

It's got to be tabled, there was a corrected copy filed last night, it's not eligible to be approved.

LEG. BINDER:

Okay.

00274

D.P.O. LEVY:

Okay. In favor? Opposed? Motion carries.

MR. BARTON:

17, 1 not present, it's tabled (Not Present: Legislator Haley).

1592 - Appropriating funds for the Year 2000 in accordance with policy established for use of fees collected from Title Examiners utilizing County facilities (Presiding Officer Tonna).

LEG. CARACAPPA:

Second.

D.P.O. LEVY:

Who's making the motion?

LEG. GULDI:

I'll make the motion.

D.P.O. LEVY:

Motion by Legislator Guldi, second by Legislator Caracappa. In favor?

Opposed? Motion carries.

MR. BARTON:

17, 1 not present (Not Present: Legislator Haley).

D.P.O. LEVY:

1594 - 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 Brookhaven, Suffolk County Tax Map No. 0200-650.00-02.00-011.000 (Item No. 80-00250) pursuant to Section 40-D of the Suffolk County Tax Act (County Executive). Same motion, same second, same vote.

MR. BARTON:

17, 1 not present (Not Present: Legislator Haley).

D.P.O. LEVY:

1595 - 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, Suffolk County Tax Map No. 0100-058.00-06.00-007.000 (Item No. 80-00250) pursuant to Section 40-D of the Suffolk County Tax Act (County Executive). Same motion, same second, same vote.

MR. BARTON:

17, 1 not present (Not Present: Legislator Haley).

D.P.O. LEVY:

1600 - Sale of county-owned real estate pursuant to Section 72-h of the General Municipal Law (town of Brookhaven) (0200-958.00-03.00-023.000) (0200-958.00-03.00-025.000) (0200-958.00-04.00-020.000) (0200-973.70-04.00-004.000) (0200-973.70-04.00-005.000) (0200-973.70-04.00-006.000) (County Executive).

00275

LEG. FOLEY:

Motion.

LEG. CARACAPPA:

Second.

D.P.O. LEVY:

Same motion, same --

LEG. FOLEY:

No, no. Mr. Chairman?

D.P.O. LEVY:

Motion by Legislator Foley --

LEG. FOLEY:

Thank you.

D.P.O. LEVY:

Seconded by Legislator Caracappa. In favor? Opposed? Motion carries.

MR. BARTON:

17, one not present (Not Present: Legislator Haley).

D.P.O. LEVY:

1612 - Authorizing public hearing pursuant to Article 2 of the Eminent domain Procedure Law of the State of New York in connection with the acquisition of properties for the reconstruction of a portion of CR 2, Straight path, Town of Babylon, Suffolk County, New York, CP 5527 (County Executive).

LEG. FOLEY:

Motion.

D.P.O. LEVY:

We'll have the same motion, same second, same vote.

LEG. FOLEY:

Very good.

MR. BARTON:

17, 1 not present (Not Present: Legislator Haley).

D.P.O. LEVY:

1614 - Establishing County website suggestion box for public use (Cooper).

LEG. COOPER:

Motion.

LEG. FISHER:

Second.

D.P.O. LEVY:

Motion by Legislator Cooper, second by Legislator Fisher. In favor?

00276

Opposed? Motion carries.

MR. BARTON:

17.

LEG. LEVY:

I'll be a cosponsor on that, I like that idea.

MR. BARTON:

17, 1 one not present (Not Present: Legislator Haley).

LEG. CARPENTER:

Cosponsor.

LEG. CRECCA:

Henry, I'll be a cosponsor on 14 also.

LEG. ALDEN:

Cosponsor.

LEG. FISHER:

Cosponsor for me too, Henry.

LEG. LEVY:

Anyone not wishing to be a cosponsor? Everyone will be a cosponsor on 1614.

1616 - Authorizing use of county property for concerts/fireworks (Towle). Legislator Towle --

LEG. TOWLE:

Motion.

LEG. ALDEN:

Second.

LEG. LEVY:

-- makes the motion, we have a second by Legislator Alden. In favor?

Opposed?

LEG. CARACCIOLO:

Opposed.

LEG. FISHER:

Opposed.

LEG. CARACAPPA:

Roll call.

LEG. BISHOP:

Roll call.

LEG. TOWLE:

Mr. Chairman, before you do the roll call, on the motion.

00277

D.P.O. LEVY:

On the motion, Legislator Towle.

LEG. TOWLE:

First of all, I think it's apparent what the community wants, I mean, they were here this morning in force. Second of all, I understand the Police Commissioner's concerns, however I don't agree that his are valid in many instances and I think some of that was exposed today. I think it's obvious that if this resolution passes there's not going to be enough time between now and the Fourth of July to organize this event. But I think it's important, I think it's important -- and I think it's also obvious that the County Executive is going to veto it, I don't think anybody's under that misimpression today -- but I think it's important that we again as Legislators take a position and send a message that we as the Legislature do support these type of events at our facilities. Many of us have youth programs in our district respectively. The money raised from this event which, you know, can be and has been audited by Audit and Control and by members of the local media, the books are open to the public, there is not a question about that. No one has come to the Legislature, as they have in the past to speak out against this event; in fact, I have not seen anything against this event to date.

You know, I think the community deserves an honest and clear message from us that we support these type of events. And I think, you know, that at least puts us on a sound footing to organize this event possibly for Labor Day or possibly for the next Fourth of July and, you know, that's what I would hope that each of you would do.

LEG. CARACAPPA:

Very good, well said.

D.P.O. LEVY:

Legislator Fisher.

LEG. FISHER:

Fred, I had just noted my opposition because I didn't think that there would be enough time to get permits for this; I was surprised this morning to see that the permits had not been secured yet or applied for. So your presumption was that it would be vetoed and that's why the permits had not been applied for? This is a question.

[RETURN OF COURT STENOGRAPHER-LUCIA BRAATEN]

LEG. TOWLE:

Well, quite honestly, the deliberation -- with the Chairman's permission, I'll answer your question.

D.P.O. LEVY:

I'm sorry.

LEG. TOWLE:

With the Chairman's permission, I'll answer it.

00278

LEG. FISHER:

I have a question directed --

D.P.O. LEVY:

Yeah.

LEG. TOWLE:

Yeah.

LEG. FISHER:

He can answer my question.

LEG. TOWLE:

You know, I think it was obvious, over the last 45 days, you know, in dialogue with the County Executive's Office, which I've had consistently with the Commissioner of Parks, the Commissioner of Police, Commissioner of Fire Rescue and Emergency Services, and the County Executive's staff, but the County Executive was not supportive of this. They did look into other alternative sites, one being Bald Hill, and one also being Gabreski Airport, and that was scrapped, both of those. So there will be no fireworks show at this point. But, as I said earlier, and that is the reason that, you know, everything was not moved forward with, because it was obvious, I think, that they were opposed to it. I was hoping that a compromise would have been reached before today in selecting another site, that did not happen. But, I think, as a policy matter, I think these type events are what our County facilities are for. And I think if we vote against this resolution today, we send out the wrong message, that we don't support, you know, community-based organizations using our property. There is a resolution six or seven down from this that Legislator Alden is sponsoring to do an event at the H. Lee Dennison Building. Legislator Crecca's predecessor, Legislator Holst did that. I remember distinctively, right after the event was done, it had been terrible weather for the three or four days and the Lyons Club lost a ton of money for that event, and they came to the Legislature to look to get the fee waived and we did that, because we're not in the business to make money off the back of community organizations, we're in the business to support community organizations, particularly ones that do good programs that help us and prevent us from spending a lot of dollars. And the Bay Area Civic Association is one of those programs, they take thousands of kids off the street during the summer months, no different than the youth program over in Legislator Levy's district, or the one that's been done in the Village of Patchogue, or the ones that are done over at Sunken Meadow and Islip and Babylon.

LEG. CARACAPPA:

And Mount Sinai.

LEG. TOWLE:

And Mount Sinai.

D.P.O. LEVY:

Okay. Legislator Fields.

00279

LEG. FIELDS:

The only thing that I would suggest next time around, if this were to go through, is when, in the permit process, that we discuss the piping plover issue, and on so forth, and that would be totally approved of by the --

LEG. FISHER:

Fish and wildlife.

LEG. FIELDS:

Fish and Wild and by our Parks Department.

LEG. BISHOP:

May I ask a question, Steve?

D.P.O. LEVY:

Legislator Bishop.

LEG. BISHOP:

If there's nobody else on the list. Fred, I didn't realize this was coming up so soon and that it wouldn't be -- I thought it would be a more contentious debate. Do you have any objection to the 1484 bill that says that -- the one that I sponsored that says that it should be by an RFP process?

LEG. TOWLE:

Well, quite honestly, this would be my concern.

LEG. BISHOP:

Sure.

LEG. TOWLE:

Groups use our facilities to run community-based events. Some of those events raise money, some of them do not. You know, quite honestly, if we're going to use the major factor in selecting whether or not a group can use a County facility as to how much money we make off their backs, you know, I don't know if I support that concept, and I'd want to think about that and I'd be willing to look at that policy.

No one else has ever been opposed, by the way, to use Smith Point Park. No one has approached me, at least, and, to the best of my knowledge, Legislator Foley, the only group that did approach Legislator Foley was ABCO, and he asked me earlier this year how I felt about that. And I said, if they were willing to -- I said I'd meet with the civic, which is looking to do this event, which I did, and the civic told me, if they were willing to split the costs, they would be willing to split the proceeds, and ABCO felt that, you know, they weren't able to do that.

LEG. BISHOP:

I mean, my concern, more than the monetary return to the County, and that's completely secondary, is the responsible bidder language, which would address a lot of the concerns that are coming up right now.

LEG. TOWLE:

But, you see, the responsible bidder language --

00280

LEG. BISHOP:

In other words --

LEG. TOWLE:

-- language is in place now. The civic is required to have insurance. They are required to get whatever permits are necessary that fall under their jurisdiction. They're required to coordinate with local EMS. They're required to coordinate with the fire department.

LEG. BISHOP:

But I'll tell you, in the past years, the way I've seen it done, and I -- if you recall, I think I was the only vote against it last year or the year before, is it typically came in and, you know, the weekend before or the week before the resolution would come before -- the week before the resolution would come before the Legislature, and it's, "All right, Legislature, are you going to deny 20,000 people their fireworks show that they wanted so much," and everything was already selected, and it seemed to me that there may be other groups out there that would want to participate in the show. Maybe we could have more than just one specific civic group benefit from it. So maybe there's more than one fireworks company that wants to be the vendor on it, also.

LEG. TOWLE:

I'm more than --

LEG. BISHOP:

So I never understood how the process quite worked, except that I was placed between a rock and a hard place at the end. I understood that very well.

LEG. TOWLE:

Just to answer that, I mean, it's two questions, actually, one, as I said, I'm supportive of anybody using County facilities that are responsible and have a legitimate purpose for using them. That is why I voted for every resolution that has been sponsored by any of my other colleagues that were reasonable. And, to the best of my knowledge, I can't think of voting against any, since I've been here over the last five years.

As far as Smith Point is concerned, although I get the good and the bad, because people think it's my district, clearly, once you get over the bridge, you're in Legislator Foley's district, and the fact of the matter is, you know, they're the only group that's applied to use it at this point, to the best of my knowledge. I'd support other groups using the facility.

As far as your issue of it always appeared to be coming late, every year this particular issue, for whatever reason, Legislator Bishop, and I'd have to take I guess complete and sole responsibility for this, has been a hot political bed of some, you know, nonsense from some other issue that has enveloped itself into this. We approve resolutions pretty much pro forma, as I imagine we will with Legislator Alden's resolution resist shortly. And I imagine, you know, for Gabreski we did that, and I imagine for the carnival at the Dennison, we did that. For some reason, you know, controversy has plagued this even, because, I

00281

guess, the first two years, some people, for political purposes, spoke out against that. Those people have been in and out of this room all day today. Some of the people that spoke out against the event were here today in support of it, but couldn't stay here all day. You know, you've received calls, I imagine, probably not as many as I have, but, you know, the reality is no one has getting overwhelming calls against this. I would be hard-pressed to find anybody that has gotten that.

LEG. BISHOP:

If it's the same type program as the previous years, and I know there's no carnival this year --

LEG. TOWLE:

Yeah, it's one day as opposed to four.

LEG. BISHOP:

Essentially, the reason it's controversial is you were taking a public beach, closing it down at a certain point, and then starting to charge admission for parking. There were extra fees on a public space that were never there before, and it was the July 4th weekend, and it was -- you know, it was rather extraordinary. It may have been worthwhile, but it was extraordinary. It's not the same as taking an empty parking lot, you know, at the Dennison Building, which was under construction, and throwing up a Kiwanis fair at the time. I mean that's --

LEG. TOWLE:

Well, it's the same concept --

LEG. BISHOP:

It's an analogy that really doesn't work --

LEG. TOWLE:

It's the same concept --

LEG. BISHOP:

-- when you get into reality.

LEG. TOWLE:

Yeah, it's the same concept, though, in using public property for nonprofit groups, that's the policy I'm referring to. I'm not talking about the policy of the event. If we want to make a better comparison, the air show would be even a better one. It's a much larger organized event in a County facility. You know, and as I said, this vote tonight, so that there's no delusions, is more of a symbolic vote that we support this concept.

LEG. CARACAPPA:

Roll call. Roll call.

D.P.O. LEVY:

Okay. We had a motion, we had a second. I don't believe we had a tabling motion. So let's get every Legislator in. And I don't know if -- we'll have a roll call, because there were some people who seemed to be opposed.

(*Roll Called by Mr. Barton*)

00282

LEG. TOWLE:

Yes.

LEG. ALDEN:

Yes.

LEG. COOPER:

No.

LEG. BINDER:

Yes.

MR. BARTON:

Legislator Postal.

LEG. FISHER:

She's on her way in. She's coming, she's coming.

D.P.O. LEVY:

Well, we'll pass it by her. The fireworks. Maxine, you're being called, fireworks bill.

MR. BARTON:

On the motion to approve.

D.P.O. LEVY:

The County property. Why don't you pass.

MR. BARTON:

You want to pass.

LEG. POSTAL:

I'll pass. Come back.

MR. BARTON:

Okay.

(*Roll Call Continued by Mr. Barton*)

LEG. BISHOP:

Abstain.

LEG. D'ANDRE:

No.

LEG. CRECCA:

Pass.

LEG. CARPENTER:

Pass.

LEG. FIELDS:

Abstain.

00283

LEG. FOLEY:

Yes.

[LEG. HALEY-NOT PRESENT]

LEG. FISHER:

Yes.

LEG. CARACAPPA:

Yes.

LEG. GULDI:

Yes.

LEG. CARACCIOLO:

No.

LEG. LEVY:

No.

LEG. TONNA:

Yes. What am I saying yes to?

LEG. CARACCIOLO:

Fireworks.

LEG. CRECCA:

The fireworks.

P.O. TONNA:

No.

LEG. CRECCA:

You almost had him, Fred.

LEG. POSTAL:

No.

LEG. CRECCA:

Respectfully, abstain.

LEG. HALEY:

Yes.

LEG. CARPENTER:

Abstain.

MR. BARTON:

Eight.

D.P.O. LEVY:

Okay.

LEG. CARACAPPA:

Motion and a second for 1618.

00284

MR. BARTON:

Eight, six, and four abstentions.

P.O. TONNA:

Okay. I'll take -- 1618 (Authorizing certain technical correction to adopted Resolution No. 70-2000), is there a motion?

LEG. CARACAPPA:

Motion.

P.O. TONNA:

Motion by Legislator Caracappa, seconded by myself. All in favor? Opposed? Approved. Thanks, Steve, by the way.

MR. BARTON:

18.

P.O. TONNA:

1619 (Authorizing certain technical correction to adopted Resolution Nos. 811-1999 and 30-2000). Motion? Same motion, same second, same vote, no? Yeah. Technical correction. Thank you.

MR. BARTON:

18.

P.O. TONNA:

1637 (Amending the 2000 Capital Budget and Program and appropriating funds in connection with the Real Property Integrated Land Information System (Capital Program #1758). Roll call on this. I'll make a motion, seconded by Legislator --

LEG. CARACCIOLO:

Yeah, I'll second it.

P.O. TONNA:

Caracciolo. Roll call.

MR. BARTON:

On the bond.

(*Roll Called by Mr. Barton*)

LEG. TONNA:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. COOPER:

Yes.

LEG. BINDER:

Yes.

LEG. POSTAL:

Yes.

00285

LEG. BISHOP:

Yes.

LEG. D'ANDRE:

Pass.

LEG. CRECCA:

Pass.

LEG. CARPENTER:

Yes.

LEG. ALDEN:

Yes.

LEG. FIELDS:

Yes.

LEG. FOLEY:

Yes.

LEG. HALEY:

Yes.

LEG. FISHER:

Yes.

LEG. CARACAPPA:

Yes.

LEG. TOWLE:

Yes.

LEG. GULDI:

Yes.

LEG. LEVY:

No.

LEG. D'ANDRE:

Yes.

LEG. CRECCA:

Yes.

MR. BARTON:

17-1.

P.O. TONNA:

Okay. Just --

MR. BARTON:

Same vote on the companion resolution.

00286

P.O. TONNA:

Thank you. Just as a -- just a dinner commercial. This is what we have the options available to us. I could do two things. We are going to break; okay?

LEG. BISHOP:

No, keep going.

P.O. TONNA:

Listen to me.

LEG. BISHOP:

Let's get this thing done.

P.O. TONNA:

I don't have to break right now. I can either do the short break, order some pizzas for people, as long as you reach into your pocket for change, and we'll --

LEG. CARPENTER:

We did last time.

P.O. TONNA:

Yes, some of us did. And then you can -- we'll make a half an hour, 45-minute and get that done, or I'm going to give an hour-and-a-half break, or whatever else, and, you know.

LEG. BISHOP:

Mr. Chairman.

P.O. TONNA:

Yes.

LEG. BISHOP:

Why is --

P.O. TONNA:

I'm open for to suggestions. I recognize --

LEG. ALDEN:

I paid for pizza last time and didn't get any.

P.O. TONNA:

I recognize -- I recognize Legislator Bishop for --

LEG. BISHOP:

It seems to me that the controversial bills are behind us, aren't they?

LEG. CARACAPPA:

Yes.

LEG. CARACCIOLO:

Yes.

MR. BARTON:
Yes.

00287

LEG. BISHOP:
So why aren't we just plowing ahead.

LEG. GULDI:

Yes, do it.

LEG. BISHOP:

We're going to be done in an hour.

LEG. CARACCIOLO:

Paul, we can get through this.

LEG. BINDER:

We will make the most uncontroversial bills controversial.

P.O. TONNA:

Right. No.

LEG. CARPENTER:

How about pizza and 15 minutes.

P.O. TONNA:

What?

LEG. CARPENTER:

Pizza and 15 minutes.

P.O. TONNA:

Pizza and I have forty-five minutes. Okay.

LEG. BISHOP:

No.

P.O. TONNA:

Wait, wait, wait. Go ahead.

LEG. CRECCA:

Pizza and why 45?

LEG. BISHOP:

No, no break.

LEG. BINDER:

Let's just recess for an hour.

LEG. BISHOP:

I don't want pizza.

LEG. CARACAPPA:

Mr. Chairman, I concur with Legislator Bishop. We can roll through this if we just control ourselves a little bit and just do the work, and we could be home before you even get the pizzas ordered.

LEG. BISHOP:

Exactly.

00288

LEG. CARACAPPA:

So I would recommend that we work --

P.O. TONNA:

Okay.

LEG. CARACAPPA:

-- and just get this done.

P.O. TONNA:

This is what I'm going to do then. This is what --

LEG. CARACAPPA:

Please.

P.O. TONNA:

Okay.

LEG. CARACCIOLO:

8:30.

P.O. TONNA:

Okay. What I'm going to do is we'll stay with a 15-minute pizza break; okay? I have -- I'm just trying to find middle ground. We're going to order some pizzas. Reach deep into your pockets. We're going to get some pizzas probably in a half an hour. We'll have a 15 minute, and then we -- you know, bathroom break, everything else, and then we're done. If -- all right?

LEG. BISHOP:

Mr. Chairman.

P.O. TONNA:

Linda, I'd ask you to facilitate the pizza.

LEG. BISHOP:

Can I ask? Can I --

P.O. TONNA:

All right. And who --

LEG. BISHOP:

I don't see a big ground swell for pizza.

LEG. CARACCIOLO:

No, he's right.

LEG. BISHOP:

I'm on the internet, I'm discussing --

LEG. CARACCIOLO:

Paul.

LEG. BISHOP:

-- dinner.

00289

P.O. TONNA:

I'm not voting on that. Anyway --

LEG. CARACCIOLO:

Paul, why don't we go to 8:30 and try to get out of here.

P.O. TONNA:

Okay.

LEG. CARACCIOLO:

We could do it.

LEG. BISHOP:

I don't want to vote on that. What I want to say is, why don't you --

P.O. TONNA:

Fine.

LEG. CARACCIOLO:

Let's go to 8:30 and get out of here.

P.O. TONNA:

Okay.

LEG. BISHOP:

Let's go to 8:30.

LEG. CARACCIOLO:

Yeah.

LEG. BISHOP:

Before you order.

LEG. CARACAPPA:

8:30.

LEG. HALEY:

Five-minute recess.

LEG. CARACCIOLO:

Can we do that, go to 8:30 and --

P.O. TONNA:

Okay. We'll go to 8:30 and then we'll --

LEG. BISHOP:

Evaluate.

LEG. CARACCIOLO:

Reassess.

P.O. TONNA:

Evaluate.

00290

LEG. BISHOP:

Excellent. That's what I was saying.

P.O. TONNA:

Okay. On -- roll call on the bond, did we do that?

LEG. BISHOP:

Yeah, we did that.

P.O. TONNA:

Okay.

P.O. TONNA:

We're going to 1648 (Amending the 2000 Operating Budget for the transfer of two positions from the Department of Audit and Control to the Department of Finance and Taxation). Is there a motion?

LEG. CARACCIOLO:

Motion.

P.O. TONNA:

Motion by Legislator Caracciolo.

LEG. CARPENTER:

Second.

P.O. TONNA:

Second by Legislator Carpenter. All in favor? Opposed? Approved. Number 1649, motion.

MR. BARTON:

Wait.

MS. FARRELL:

Wait.

MR. BARTON:

Mr. Chairman, if you have all the Legislators in their seats, I can follow along.

P.O. TONNA:

All the Legislators, please be in your seats. Legislator Binder, where are you?

MR. BARTON:

Legislator Towle.

P.O. TONNA:

Get in a seat.

MS. FARRELL:

No, your seat.

P.O. TONNA:

I feel like Duck-Duck-Goose here. All right. All right.

00291

MR. BARTON:

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

P.O. TONNA:

Okay. 1649 (Authorizing the County to enter into a settlement agreement between the County of Suffolk and Delilah Realty Co., Jerry Williams and Stephen Brown d/b/a Delilah Realty Co., Inc. or their successors or assigns). Motion by?

LEG. BISHOP:

Same motion. Come on, come on.

P.O. TONNA:

Same -- no, you can't do that, can you?

LEG. BISHOP:

Sure, you can. Just give him a name --

LEG. GULDI:

Same motion, same second, same vote.

P.O. TONNA:

Same motion, same second, same vote.

LEG. CARACCIOLO:

No, I'm voting against it. I don't know what this settlement's about.

P.O. TONNA:

Okay.

LEG. LEVY:

I'll tell you very quickly.

P.O. TONNA:

Wait.

LEG. BISHOP:

We don't want to hear it. Pass.

MR. BARTON:

And he made the motion.

LEG. LEVY:

Do I know what it's about?

P.O. TONNA:

There's a motion and a second. On the motion.

MR. BARTON:

He made the motion.

LEG. CARACCIOLO:

I said I'm voting no.

LEG. BISHOP:

He voted no.

00292

LEG. LEVY:

Well, you said you didn't know what it's about. I was just going to explain what it is. Okay, never mind.

P.O. TONNA:

Okay. I make a motion to approve 1649. Is there a second?

LEG. FISHER:

Second.

P.O. TONNA:

Seconded by Legislator Fisher. All in favor? Opposed?

MR. BARTON:

16-1, 1 not present. (Not Present: Leg. Towle)

P.O. TONNA:

Okay.

LEG. CARPENTER:

Motion.

P.O. TONNA:

Number 1654 (Authorizing the sale of surplus County cars to Brentwood School District).

LEG. CARPENTER:

Motion.

LEG. BISHOP:

Motion.

LEG. ALDEN:

Second.

P.O. TONNA:

Motion by Legislator Carpenter, seconded by Legislator. All in favor? Opposed? Approved.

LEG. ALDEN:

Cosponsor.

P.O. TONNA:

1657.

MR. BARTON:

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

(1657, Authorizing the Long Island Voices Foundation Inc. To use County property for charity carnival).

LEG. ALDEN:

Motion.

00293

LEG. CRECCA:

Second.

P.O. TONNA:

Motion by Legislator Alden, second by Legislator --

LEG. CARPENTER:

Second.

LEG. CRECCA:

Crecca.

P.O. TONNA:

-- Carpenter. All in favor? Opposed? Approved.

LEG. CRECCA:

Cosponsor.

MR. BARTON:

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

P.O. TONNA:

1658 (Authorizing transfer of surplus County filing cabinets to the Office of the Riverhead Town Historian).

LEG. CARACCIOLO:

Motion.

P.O. TONNA:

Motion by Legislator Caracciolo, seconded by?

LEG. CARACAPPA:

Second.

P.O. TONNA:

Legislator Caracappa. All in favor? Opposed? Approved.

MR. BARTON:

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

P.O. TONNA:

1659 (Authorizing procedure for reimbursement of Campaign Finance Board expenses). Motion by?

LEG. LEVY:

Excuse me. Just back on 58. Never mind, go ahead.

P.O. TONNA:

Good, thank you.

LEG. FISHER:

Second.

P.O. TONNA:

Legislator Levy, motion by Legislator Levy, seconded by Legislator Fisher.

00294

MR. SABATINO:

The corrected copy -- table it --

LEG. LEVY:

Motion to table.

LEG. CRECCA:

Motion to table.

P.O. TONNA:

Motion to table by Legislator Levy, second by Legislator Fisher. All in favor? Opposed? Tabled.

MR. BARTON:

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

ECONOMIC DEVELOPMENT & EDUCATION

P.O. TONNA:

Economic Development. Number 1092 (Establishing a non-lapsing policy for out of County tuition incentive payments for Suffolk County Community College).

LEG. HALEY:

Motion to table.

P.O. TONNA:

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

Opposed? Tabled.

MR. BARTON:

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

P.O. TONNA:

Number 1466 (Establishing County policy for maximum minority business participation in County contracts). Motion by Legislator Postal, seconded by Legislator Fisher. All in favor? Opposed? Approved.

LEG. LEVY:

Henry, cosponsor. (Vote: 17, 1 not present-Leg. Towle)

P.O. TONNA:

1623 (Appropriating funds in connection with renovation of Babylon Student Center-Ammerman Campus).

LEG. FOLEY:

Motion.

P.O. TONNA:

Motion by?

LEG. FOLEY:

Motion.

00295

MR. BARTON:

17, 1 not present (1466). (Not Present: Leg. Towle)

P.O. TONNA:
It's a Babylon students --
LEG. HALEY:
Second.
P.O. TONNA:
Okay.
LEG. FOLEY:
Motion.
P.O. TONNA:
I would -- I think a Babylon --
LEG. FOLEY:
It's not Babylon.
LEG. CARACAPPA:
It's not in Babylon, it's in Selden.
P.O. TONNA:
Okay.
LEG. BISHOP:
That Ammerman Campus.
MR. BARTON:
There's a bond. Bond.
P.O. TONNA:
Motion by Legislator Foley.
LEG. CARACAPPA:
Second.
LEG. GULDI:
Second.
P.O. TONNA:
Seconded by Legislator Caracappa. All in favor? Opposed?
MR. BARTON:
Bond.
P.O. TONNA:
Approved.
(*Roll Called by Mr. Barton*)
LEG. FOLEY:
Yes.

00296

LEG. CARACAPPA:
Yes.
P.O. TONNA:
Oh, is this a bond?
MR. BARTON:
Yes.
LEG. COOPER:
Yes.
MR. BARTON:
Legislator Binder.
LEG. CARPENTER:
No, it's not.
MR. BARTON:
1623 was misprinted, there is a bond. It's not on your agenda. There
is a bond.
LEG. HALEY:
There is a bond. Keep going.

P.O. TONNA:
I would ask that the Clerk, when we get to a vote, if there's something missing, just tell us it's missing on the agenda. On 1623 --
MR. BARTON:
We have it.
P.O. TONNA:
-- there is supposed to be a bond.
MR. BARTON:
It was a typo.
P.O. TONNA:
Right. Okay.
MR. BARTON:
We have the bond, it's in place.
P.O. TONNA:
And I'd ask that you --
MR. BARTON:
I'm sorry, I didn't explain it.
P.O. TONNA:
-- please, in the future, just tell us, so that people aren't confused.
MR. BARTON:
Okay. We have a bond.

00297

LEG. FOLEY:
A roll call, then?
P.O. TONNA:
All right. Roll call on the bond.
(*Roll Call Continued by Mr. Barton*)
LEG. BINDER:
Yes.
LEG. POSTAL:
Yes.
LEG. BISHOP:
Yes.
LEG. D'ANDRE:
Yes.
LEG. CRECCA:
Yes.
LEG. CARPENTER:
Yes.
LEG. ALDEN:
Yes.
LEG. FIELDS:
Yes.
LEG. HALEY:
Yes.
LEG. FISHER:
Yes.
LEG. CARACAPPA:
Yes.
LEG. TOWLE:
Yes.
LEG. GULDI:

Yes.
LEG. CARACCIOLO:
Yes.
LEG. LEVY:
Yes.
P.O. TONNA:
Yes.

00298

MR. BARTON:
18 on the bond.
P.O. TONNA:
1639 -- oh, 1623 same motion, same second, same vote. 1639 (Amending
the 2000 Capital Budget and Program and appropriating funds in
connection with life safety alterations and fire alarm upgrades -
College-wide).
LEG. GULDI:
Same motion.
P.O. TONNA:
Bond. No, you can't. Bond. Roll call. Motion by Legislator --
LEG. CARPENTER:
Motion.
P.O. TONNA:
-- Tonna, seconded by Legislator Carpenter.
(*Roll Called by Mr. Barton*)

LEG. TONNA:
Yes.
LEG. CARPENTER:
Yes.
LEG. COOPER:
Yes.
LEG. BINDER:
Yes.
LEG. POSTAL:
Yes.
LEG. BISHOP:
Yes.
LEG. D'ANDRE:
Yes.
LEG. CRECCA:
Yes.
LEG. ALDEN:
Yes.
LEG. FIELDS:
Yes.
LEG. FOLEY:
Yes.

00299

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

LEG. FOLEY:

Yes.

LEG. GULDI:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. LEVY:

Yes.

MR. BARTON:

18 on the bond.

P.O. TONNA:

Okay. Thank you very much. Number 1640? Oh, same motion, same second, same vote.

MR. BARTON:

Right.

P.O. TONNA:

Number 1640 (Amending the 2000 Capital Budget and Program and appropriating funds in connection with Renovation of the Smithtown Science Building - Ammerman Campus). I make a motion, seconded by --

LEG. CRECCA:

Motion.

P.O. TONNA:

Legislator Crecca. On the bond.

(*Roll Called by Mr. Barton*)

LEG. TONNA:

Yes.

LEG. CRECCA:

Yes.

LEG. COOPER:

Yes.

LEG. BINDER:

Yes.

00300

LEG. POSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. D'ANDRE:

Yes.

LEG. CARPENTER:

Yes.

LEG. ALDEN:

Yes.

LEG. FIELDS:

Yes.

LEG. FOLEY:

Yes.

LEG. HALEY:

Yes.

LEG. FISHER:

Yes.

LEG. CARACAPPA:

Yes.

LEG. TOWLE:

Yes.

LEG. GULDI:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. LEVY:

Yes.

MR. BARTON:

18 on the bond.

P.O. TONNA:

All right. Okay. Same motion, same second, same vote on 1640.

PARKS, LAND ACQUISITION & CULTURAL AFFAIRS

LEG. CARACCIOLO:

Motion.

P.O. TONNA:

On 1397 (Approving William Cremers as a member of the Suffolk County
00301

Planning Commission replacing Lydia A. Tortora representing the Town of Southold), motion by Legislator Caracciolo, seconded by Legislator Guldi. All in favor? Opposed? Approved.

LEG. FIELDS:

Abstain.

P.O. TONNA:

Okay.

MR. BARTON:

17, 1 abstention.

P.O. TONNA:

Okay. Number 1398 (Approving the appointment of David Casciotti as a member of the Suffolk County Planning Commission replacing Robert J. Duffy representing the Town of Southampton). Motion by Legislator Guldi, am I right?

LEG. CARACCIOLO:

Yep.

LEG. GULDI:

Yes.

P.O. TONNA:

Seconded by Legislator Caracciolo. All in favor? Opposed?

LEG. FIELDS:

Abstain.

P.O. TONNA:

Okay.

MR. BARTON:

17, 1 abstention.

P.O. TONNA:

Number 1399 (Approving the reappointment of Donald Eversoll as a member-at-large of the Suffolk County Planning Commission).

LEG. FISHER:

Motion.

P.O. TONNA:

Motion by Legislator Fisher, seconded by Legislator Bishop. All in favor? Opposed?

LEG. FIELDS:

Abstain.
LEG. CARACAPPA:
Abstain.
LEG. LEVY:
I'll abstain on this one, too.

00302

LEG. FOLEY:
Abstain.
P.O. TONNA:
Number 14 -- Foley, Levy and Fisher -- I mean Fields. Sorry, I apologize.
MR. BARTON:
14, 4 abstentions.
P.O. TONNA:
Okay. Number 1400 (Approving the reappointment of Richard M. O'Dea as a member of the Suffolk County Planning Commission representing the Town of Riverhead).
LEG. CARACCIOLO:
Motion.
P.O. TONNA:
Motion by Legislator Caracciolo, seconded by Legislator Guldi. All in favor? Opposed?
LEG. FIELDS:
Abstain.
MR. BARTON:
17, 1 abstention.
P.O. TONNA:
1401 (Approving the reappointment of Robert Martin as a member of the Suffolk County Planning Commission representing the Town of Smithtown). Motion by?
LEG. D'ANDRE:
I'll second. I'll make that motion.
P.O. TONNA:
Legislator D'Andre.
LEG. CRECCA:
Second.
P.O. TONNA:
Seconded by Legislator Crecca. All in favor? Opposed?
LEG. FIELDS:
Abstain.
P.O. TONNA:
Abstain. Okay. 1455.
MR. BARTON:
16, 2 abstentions.

00303

P.O. TONNA:
(1455, Approving acquisition under Suffolk County Land Preservation Partnership Program (Camelot/Paumanok Wetlands/S.C.T.M. No. 0400-191-02-024) Town of Huntington). I make a motion, seconded by --
LEG. FISHER:
Second.
P.O. TONNA:
-- Legislator Cooper. Legislator Fisher. All in favor? Opposed?

Approved.

MR. BARTON:

18.

P.O. TONNA:

Number 1491 (Approving acquisition under Suffolk County Land Preservation Partnership Program (Lands of Red Fire Associates, Flanders Property) Town of Southampton). Motion by Legislator Guldi, seconded by Legislator Caracciolo. All in favor? Opposed? Approved.

MR. BARTON:

18.

P.O. TONNA:

Number 1313 (Implementing Greenways Program in connection with acquisition of active parklands at Silberstein Farm (Town of Huntington). Motion by Legislator Binder, seconded by Legislator Tonna. All in favor? Opposed? Approved.

MR. BARTON:

18.

P.O. TONNA:

1526 (Authorizing planning steps for the acquisition of Gittleman Property Development Rights in Town of Huntington (SCTM No. 0400-231.00-01.00-021.000). Motion by myself. By the way, on -- well, seconded by Legislator Binder. On this --

LEG. BINDER:

Mr. Chairman.

P.O. TONNA:

It is not developmental rights; okay? You don't want to second it?

LEG. BINDER:

Yeah, I'll second it.

P.O. TONNA:

Okay.

LEG. BINDER:

I just want to ask you a question, if I could.

P.O. TONNA:

Yeah. I just wanted to say, this is -- even though the resolution says
00304

"developmental rights," if you looked at the guts of the bill, you'd see this is a land purchase. Okay, yes, Legislator Binder.

LEG. BINDER:

Yeah, my -- on the motion. My concern is that 1526 passed and not 1527 out of committee. I'm wondering if it would be proper also to try to discharge that, get that out of committee, because I do know that Mr. Gittleman has a substantial offer on the property, and if we don't try to move forward with the acquisition of this one, I'm kind of concerned.

P.O. TONNA:

Okay. I would have to -- I'm going to defer --

LEG. BISHOP:

You'll never get it done in an hour.

P.O. TONNA:

Well just -- first of all, I'm going to defer to the Chairman of that committee. And why they held up the other, there was a reason, I think. I don't know why.

LEG. FISHER:

Counsel, I think there was some --

MR. SABATINO:

Because this is the traditional Open Space Program. The way you do it is first you do the planning steps, you get the survey, you get the appraisal, you get the engineering report. Then after you get all of that, if there's a viable deal, then you do the second resolution, which is authorize the acquisition. So 1527 was tabled intentionally to allow the planning process to take place first.

LEG. BINDER:

Except -- Mr. Chairman.

P.O. TONNA:

Yeah, there's developmental pressure.

LEG. BINDER:

Often -- often -- right, we have developmental pressure. And often, we -- well, not often, but we do in a number of times put two steps together even in one legislation, especially when we have a concern. And I would tell the Legislature, this is an important parcel for Huntington to acquire. And I can see where we wouldn't go forward until the planning's done, but the concern is, right now, there is a major offer that is -- has been made on this land. And so I would hope that we can discharge this and maybe do something a little out of the ordinary to make sure that we can acquire this.

LEG. FISHER:

Well, I'm hoping we'll be gone within an hour, so I really --

LEG. CARACCIOLO:

Yeah, same here.

00305

LEG. FISHER:

-- am not going to push it.

LEG. CARACAPPA:

Likewise.

P.O. TONNA:

Okay. Well, I would -- I want to second that. There's a motion to approve. Let's just get the motion to approve, I think, and a second. All in favor? Opposed? Approved.

MR. BARTON:

18.

P.O. TONNA:

Okay, great.

LEG. BINDER:

I'd make a motion -- I'd like to make a motion to discharge 1527.

LEG. LEVY:

I'm going to say no.

P.O. TONNA:

Okay. Motion to discharge 1527.

LEG. LEVY:

I'm no on 1526.

P.O. TONNA:

Wait, just wait. Oh, you're no on 1526, you mean.

LEG. LEVY:

Yeah.

MR. BARTON:

Okay. So --

LEG. BISHOP:

Parliamentary objection, inquiry whatever the hell it is.

P.O. TONNA:

Now, just -- just, there's a motion. The motion --

MR. BARTON:

17-1.

P.O. TONNA:

To tell you quite honestly, I'd like -- I would like to second this motion, because I agree with Legislator Binder. I am bound, though. The Chairman, I told -- the Chairman has an opportunity. I will not second anything or do anything with a discharge petition without the Chairman's permission. But I'd ask that the Chairperson of this committee make sure that in the August meeting, if you can, just give it every bit of scrutiny to get this thing moving, you know.

00306

LEG. FISHER:

I don't see any reason why there should be a problem in the August meeting.

P.O. TONNA:

Okay, fine.

LEG. FISHER:

But, usually, we get this done --

P.O. TONNA:

Okay. I just make an appeal.

LEG. BINDER:

Except, Mr. Chairman --

LEG. CARACCIOLO:

You can't purchase the property until you complete the planning steps.

P.O. TONNA:

Right. Okay.

LEG. CARACCIOLO:

So there's no -- you're not gaining anything by doing it now.

LEG. BINDER:

Well --

P.O. TONNA:

Right. Okay.

LEG. CARACCIOLO:

You can wait until August. You're not going to have appraisals before August.

LEG. BISHOP:

Come on.

P.O. TONNA:

Right, okay.

LEG. BINDER:

Mr. Chairman.

LEG. CARACCIOLO:

Move, let's go.

LEG. BINDER:

Mr. Chairman.

P.O. TONNA:

That's a rule a live by.

LEG. BINDER:

Right. Mr. Chairman.

00307

P.O. TONNA:

But is there a second for Legislator Binder?

LEG. BISHOP:

No. Let's go.

P.O. TONNA:

Okay. Legislator Binder, I recognize you, if you want to say something.

LEG. BINDER:

I understand that, but by August, there might not be an offer, it might have been accepted. What we could do is have an appraisal done very quickly and before August, if all of that works out, and an offer could be made by the County, so we can avoid losing this property.

P.O. TONNA:

This is what I suggest, Legislator Binder. We have -- we still have another possible -- no. This is it. Okay, sorry. I'm sorry. All right. Let's go on to the next resolution.

Number 1580 (Authorizing land acquisition under Water Quality Protection component of the 1/4% Drinking Water Protection Program (Barrett Heating and Cooling Company property, Town of Islip, Suffolk County Tax Map No. 0500-369.00-01.00-016.000). Is there a motion?

LEG. ALDEN:

Motion.

P.O. TONNA:

Motion by Legislator Alden. Seconded by?

LEG. FISHER:

Second.

LEG. CARPENTER:

Second.

P.O. TONNA:

Legislator Fisher. All in favor? Opposed? Approved.

MR. BARTON:

18.

P.O. TONNA:

Number 1583 (Authorizing land acquisition under Water Quality Protection component of the 1/4% Drinking Water Protection Program (NYCONN property, Town of Islip, Suffolk County Tax Map No. 0500-407.00-05.00 P/O 025.800 and 0500-407.00-05.00 P/O 025.013). Motion by Legislator Fields.

LEG. FOLEY:

Second.

LEG. CARPENTER:

Second.

00308

P.O. TONNA:

Seconded by Legislator Foley.

LEG. LEVY:

Cosponsor on 1580.

P.O. TONNA:

All in favor? Opposed? Approved.

MR. BARTON:

18.

P.O. TONNA:

Number 1590 (Amending the 2000 Capital Budget and Program and appropriating funds for land acquisition bordering Lake Ronkonkoma (CP 7019.213).

LEG. CRECCA:

Motion to table one meeting.

P.O. TONNA:

Motion to table one meeting.

LEG. CARPENTER:

Second.

P.O. TONNA:

Seconded by Legislator Carpenter, I would just ask why?

LEG. CRECCA:

There's -- what happened was the County Executive, in a CN at the last meeting, used some of the offset money. Also, the County Exec has asked me if they could do a SEQRA first, so -- but it's been --

P.O. TONNA:

Oh, it's your bill correct.

LEG. CRECCA:

It's my bill.

P.O. TONNA:

Okay, fine. Motion and second. All in favor? Opposed? Tabled.

MR. BARTON:

18.

LEG. LEVY:

Mr. Chairman, we went very quickly. I just wanted to make sure I was noted as a cosponsor on 1583; okay?

P.O. TONNA:

There you go. Great. Okay. Number 1625 (Appropriating funds in connection with the renovation of tennis courts (CP 7012). Is there a motion?

00309

LEG. FISHER:

Motion.

P.O. TONNA:

Motion by Legislator Fisher, seconded by Legislator Caracciolo. On the -- roll call on the bond.

(*Roll Called by Mr. Barton*)

LEG. FISHER:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. COOPER:

Yes.

LEG. BINDER:

Yes.

LEG. POSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. D'ANDRE:

Yes.

LEG. CRECCA:

Yes.

LEG. CARPENTER:

Yes.

LEG. ALDEN:

Yep.

LEG. FIELDS:

Yes.

LEG. FOLEY:

Yes.

LEG. HALEY:

Yes.

LEG. CARACAPPA:

Yep.

LEG. TOWLE:

Yes.

LEG. GULDI:

Yes.

00310

LEG. LEVY:

Yes.

P.O. TONNA:

Yes.

MR. BARTON:

18 on the bond.

P.O. TONNA:

Okay. Same motion, same second, same vote. 1631, is there a motion?

LEG. FIELDS:

26.

LEG. GULDI:

1626.

P.O. TONNA:

I'm sorry, I apologize. 1626 (Appropriating funds in connection with improvements to Old Field Horse Farm (CP 7176).

LEG. FISHER:

Motion.

P.O. TONNA:

Motion by Legislator Fisher.

LEG. CARACCIOLO:

Second.

P.O. TONNA:

Seconded by Legislator Caracciolo. Roll call on the bond.

(*Roll Called by Mr. Barton*)

LEG. FISHER:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. COOPER:

Yes.

LEG. BINDER:

Yes.

LEG. POSTAL:

Yes.

LEG. BISHOP:

Yes.

00311

LEG. D'ANDRE:

Yes.

LEG. CRECCA:

Yes.

LEG. CARPENTER:

Yes.

LEG. ALDEN:

Yes.

LEG. FIELDS:

Yes.

LEG. FOLEY:

Yes.

LEG. HALEY:

Yes.

LEG. CARACAPPA:

Yes.

LEG. TOWLE:

Yes.

LEG. GULDI:

Yes.

LEG. LEVY:

Yes.

P.O. TONNA:

Yes.

MR. BARTON:

18 on the bond.

P.O. TONNA:

Okay. Same second, same motion, same vote, same everything.

LEG. ALDEN:

Let's vote this one down.

P.O. TONNA:

Same motion, same second, same vote. Number 1631 (Authorizing the acquisition of development rights to farmlands by the County of Suffolk (Phase V). Is there a motion?

LEG. CARACCIOLO:

Motion

P.O. TONNA:

Motion by Legislator Caracciolo.

00312

LEG. CRECCA:

Second.

P.O. TONNA:

Seconded by Legislator Guldi. All in favor? Opposed? Approved.

MR. BARTON:

18.

P.O. TONNA:

1634 (Implementing Greenways Program in connection with acquisition of Farmland Development Rights at multiple sites). Motion by Legislator Caracciolo, seconded by Legislator Fisher. All in favor? Opposed?

Approved.

MR. BARTON:

18

P.O. TONNA:
1635 (Authorizing the acquisition of land in the Suffolk County Land
Preservation Partnership Program (Town of Brookhaven, St. John's Place).

Motion by?

LEG. CARACCIOLO:

Motion.

P.O. TONNA:

Legislator --

LEG. FISHER:

Second.

P.O. TONNA:

-- Caracciolo, seconded by Legislator Fisher. All in favor? Opposed?

Approved.

MR. BARTON:

18.

P.O. TONNA:

Number 1643 (Appropriating funds in connection with improvements to
historic sites and buildings at the Dayton Farm Complex, Middle Island
(CP 7510). It's a motion by Legislator --

LEG. CARACCIOLO:

Motion.

P.O. TONNA:

Who? Who?

LEG. LEVY:

Whoever.

P.O. TONNA:

Caracciolo, seconded by Legislator Caracappa. Roll call on the bond.

00313

(*Roll Called by Mr. Barton*)

LEG. CARACCIOLO:

Yes

LEG. CARACAPPA:

Yep.

LEG. COOPER:

Yes.

LEG. BINDER:

Yes.

LEG. POSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. D'ANDRE:

Yes.

LEG. CARPENTER:

Yes.

LEG. ALDEN:

No.

LEG. CRECCA:

Record me as a no, too, Henry.

LEG. FIELDS:

Yes.

LEG. FOLEY:

Yes.

LEG. HALEY:
Yes.
LEG. FISHER:
Yes.
LEG. TOWLE:
Yes.
LEG. GULDI:
Yes.
LEG. LEVY:
Yes.
P.O. TONNA:
Yes.

00314

MR. BARTON:
16-2 on the bond.
P.O. TONNA:
Okay. Same motion, same second, same vote. Number 1647. Motion by --
LEG. GULDI:
44.
LEG. FISHER:
44.
P.O. TONNA:
Sorry. 1644 (Appropriating funds in connection with improvements to historic sites and buildings at the Mary L. Booth House, Yaphank (CP 7510). Active parklands). Motion by?
LEG. CARACCIOLO:
Legislator Towle.
LEG. TOWLE:
Yes.
P.O. TONNA:
Legislator Towle.
LEG. CARACCIOLO:
Second.
P.O. TONNA:
Second by Legislator Caracciolo.
LEG. TOWLE:
Cosponsor as well.
P.O. TONNA:
Roll call.

(*Roll Called by Mr. Barton*)

LEG. TOWLE:
Yes, cosponsor.
LEG. CARACCIOLO:
Yes.
LEG. COOPER:
Yes.
LEG. BINDER:
Yes.
LEG. POSTAL:
Yes.

00315

LEG. BISHOP:
Yes.

LEG. D'ANDRE:

Yes.

LEG. CRECCA:

No.

LEG. CARPENTER:

Yes.

LEG. ALDEN:

Nope.

LEG. FIELDS:

Yes.

LEG. FOLEY:

Yes.

LEG. HALEY:

Yes.

LEG. FISHER:

Yes.

LEG. CARACAPPA:

Yes.

LEG. GULDI:

Yes.

LEG. LEVY:

Yes.

P.O. TONNA:

Thank you. Yes.

MR. BARTON:

16-2 on the bond.

P.O. TONNA:

Same motion, same second, same vote. 1647 (Implementing Greenways Program in connection with the planning for acquisition of the Schwenk Property for active parklands). Motion by? Who wants to make a motion?

LEG. CARPENTER:

Motion.

P.O. TONNA:

Motion by Legislator Carpenter.

LEG. FISHER:

1647?

00316

P.O. TONNA:

Seconded by -- 1647.

LEG. CARACCIOLO:

Explanation.

P.O. TONNA:

Motion by Legislator Carpenter, seconded by Legislator Fisher.

LEG. CARACAPPA:

What are we on?

LEG. CARACCIOLO:

Forty-six.

LEG. GULDI:

What's the bill?

LEG. LEVY:

Forty-seven.

LEG. CARACAPPA:

We're on 46?

LEG. CARACCIOLO:
Forty-six.
LEG. BISHOP:
It's planning.
LEG. CRECCA:
1647.
LEG. CARACCIOLO:
I have 46 on my copy.
LEG. LEVY:
No, no. Forty-Six is in Sports and Recreation.
LEG. GULDI:
Forty-seven.
LEG. CARACCIOLO:
Oh, I'm sorry. I'm ahead of you.
LEG. LEVY:
It's the last one in Cultural Affairs.
LEG. CARACCIOLO:
Okay.
LEG. CARPENTER:
We're on the Greenways.
LEG. CRECCA:
Wait. We're on 1647, right?

00317

LEG. CARPENTER:
Greenways, right.
P.O. TONNA:
Yes.
LEG. GULDI:
Yes.
LEG. FOLEY:
Motion.
P.O. TONNA:
It's okay.
LEG. FOLEY:
I'll make the motion.
LEG. CARACCIOLO:
Go ahead, move it, move it, move it.
MR. BARTON:
We have a motion and second to approve 1647.
P.O. TONNA:
There's a motion and a second already. Somebody asked --
LEG. CARACCIOLO:
No, no, no. Wrong bill.
P.O. TONNA:
Fine. All in favor? Opposed? Approved.
MR. BARTON:
18.

PUBLIC SAFETY

P.O. TONNA:
Okay. Now we're into Public Safety. Legislator -- Deputy Presiding
Levy, could you roll it for awhile?
D.P.O. LEVY:
I can deputy that, sure, I could roll it. All right.

LEG. GULDI:

Motion.

D.P.O. LEVY:

1624 (Appropriating funds in connection with the 800 MHz Communication System (CP 3222)). We have the bond.

LEG. CARACCIOLO:

Move faster, Steve.

00318

D.P.O. LEVY:

Roll call on the bond.

MR. BARTON:

Motion to approve.

LEG. CRECCA:

We need a motion to approve, though.

LEG. GULDI:

Motion.

D.P.O. LEVY:

Motion by Legislator Guldi, second by Legislator Caracciolo. On the bond.

(*Roll Called by Mr. Barton*)

LEG. GULDI:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. COOPER:

Yes.

LEG. BINDER:

Yes.

LEG. POSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. D'ANDRE:

Yes.

LEG. CRECCA:

Yes.

LEG. CARPENTER:

Yes.

LEG. ALDEN:

Yes.

LEG. FIELDS:

Yes.

LEG. FOLEY:

Yes.

[LEG. HALEY-NOT PRESENT]

00319

LEG. FISHER:

Yes.

LEG. CARACAPPA:

Yep.

LEG. TOWLE:

Yes.

LEG. LEVY:

No.

[P.O. TONNA-NOT PRESENT]

MR. BARTON:

Okay. 15-1, and 2 not present on the bond. (Not Present: P.O. Tonna and Leg. Haley)

D.P.O. LEVY:

On the bond, same motion, same second -- on the resolution, same motion, same second, same vote.

SPORTS & RECREATION

Sports and Recreation. (1646), amending the 2000 --

LEG. CARACAPPA:

Motion.

D.P.O. LEVY:

-- Operating Budget to establish an Enterprise Fund and transferring funds into the newly created Fund 620, Suffolk County Ball Park.

LEG. CARACCIOLO:

Okay. That's the one I had a question about.

LEG. FIELDS:

On the motion.

D.P.O. LEVY:

Let's get a motion first. Do we have a --

LEG. CARACAPPA:

Motion.

D.P.O. LEVY:

Legislator --

LEG. CARACCIOLO:

Second.

D.P.O. LEVY:

-- Caracappa.

LEG. FIELDS:

On the motion.

00320

D.P.O. LEVY:

Caracappa, second by Legislator Fisher. On the motion, let's go.

LEG. CARACAPPA:

I have an explanation.

D.P.O. LEVY:

Legislator Fields is first.

LEG. CARACCIOLO:

I'd like an explanation.

LEG. CARACAPPA:

I think he wants an explanation first.

D.P.O. LEVY:

Well, let's start with Legislator Fields, then we'll get to that.

LEG. FIELDS:

Can we ask Ken to step up to answer some questions?

LEG. FISHER:

Step up to the plate.

LEG. TOWLE:

It's very quick.

LEG. FIELDS:

And maybe we could just can ask Paul to give us a little review of it, and then I'm sure there'll be a couple of questions.

LEG. CRECCA:

Let Joe do it, since --

LEG. FIELDS:

Joe.

D.P.O. LEVY:

Well, let's start with Counsel, then we'll go to Joe. Go ahead, Counsel.

MR. SABATINO:

Well, I'll defer. I know what it does. It's \$200,000 from the naming rights that's going to go into a separate account with that service in the capital reserve, 125,000.

LEG. CARACCIOLO:

Thank you. That's all I wanted to know.

LEG. CARACAPPA:

This would keep tabs on all the revenues that come in from the ball park, so we can keep better tabulations of what came in.

LEG. GULDI:

Call the question.

00321

LEG. CARACAPPA:

Also, there's a question as of -- can we transfer funds in the future from this account to other accounts, if it's flush, so to speak. The answer is actually yes and no. But I'll have Mr. Knapp come up and explain technically for us.

D.P.O. LEVY:

Does anybody need that question answered?

LEG. FIELDS:

Yes.

D.P.O. LEVY:

Okay.

LEG. CRECCA:

Yes.

MR. KNAPP:

And I'll also ask if Fred can jump in, too. If I miss something, I'd appreciate it.

The ability of the Enterprise Fund, like Legislator Caracappa had mentioned, is that everything is specific within -- relating to the ball park, within the fund. And when there does come a time down the road, when there is an excess of revenues coming into the ball park, one of our obligations first were to be -- pay off all the existing bond obligations and other obligations. And, at that point, once we feel comfortable and confident that all of our obligations are met, we will be able to collapse the fund. And by collapsing the fund, we'll disestablish the fund and then transfer whatever excess revenues that we have at that time to the General Fund, or any other place where the parties to be feel that it's necessary on go, i.e. a tax stabilization fund, or something at that point.

LEG. CARACAPPA:

Very good.

D.P.O. LEVY:

Okay. Legislator Alden?

LEG. CARPENTER:

Good job.

MR. KNAPP:

Thank you.

LEG. ALDEN:

This can't be categorized as a contingency fund, can it?

MR. KNAPP:

No.

LEG. ALDEN:

All right. Thanks.

00322

D.P.O. LEVY:

Okay. We have a motion, we have a second. In favor? Opposed? Motion carries.

MR. BARTON:

13, 5 not present. (Not Present: P.O. Tonna and Legs. Towle, Fisher, Haley and Bishop)

PUBLIC WORKS & TRANSPORTATION

D.P.O. LEVY:

Public Works. 1015 (Adopting Local Law No. -2000, a Local Law establishing fair and equitable connection fees for Southwest Sewer District #3 Contractees outside the District).

LEG. CARACCIOLO:

Motion to approve.

MR. BARTON:

You're missing five Legislators.

D.P.O. LEVY:

We've got a majority.

MR. BARTON:

Okay.

LEG. LEVY:

Local Law establishing fair and equitable connection fees for Southwest Sewer District. We have a motion by Legislator --

LEG. POSTAL:

Yeah, I thought we approved this. Is this --

LEG. CARACAPPA:

I thought it was approved.

LEG. POSTAL:

No?

MR. SABATINO:

No. The meeting with the fire alarm, we never got to it, at 11:55.

LEG. POSTAL:

Motion to approve.

D.P.O. LEVY:

We have a motion by Legislator Postal, second by Legislator Caracappa.

Quick explanation from Council --

LEG. D'ANDRE:

On the question.

D.P.O. LEVY:

From Legislator --

00323

MR. SABATINO:

This will codify the \$15 connection fees, which the Sewer Agency has now agreed to. This will make it statutory.

D.P.O. LEVY:

We have a motion, we have a second. In favor? Opposed? Motion carries. (Vote: 12 yes, 1 abstention, 5 not present-P.O. Tonna and Legs. Towle, Fisher, Haley and Bishop)

1134 (To implement prevailing wage enforcement policy).

LEG. GULDI:

I'll abstain.

D.P.O. LEVY:

we passed over that. I'm going to make a motion to table, and we have a second by --

LEG. FOLEY:

I'll second that.

D.P.O. LEVY:

By Legislator Foley to table.

LEG. CARACCIOLO:

You did that very slick. The sponsor was out of the room and you tabled his resolution.

D.P.O. LEVY:

We'll pass over it.

LEG. CARACCIOLO:

Oh, you passed over it?

LEG. LEVY:

Pass over it. I spoke to him yesterday. I had the impression he wanted to table, that's why I said that.

LEG. CARACCIOLO:

Oh, all right. Okay. Well, if you know that --

MR. BARTON:

Mr. Chairman, on --

D.P.O. LEVY:

If I'm wrong, he can just make a motion.

MR. BARTON:

Mr. Chairman, on 1015, the vote is 12, 1 abstention, and 5 not present. (Not Present: P.O. Tonna, Legs. Towle, Fisher, Haley and Bishop)

D.P.O. LEVY:

Okay.

00324

LEG. FOLEY:

You have me as --

MR. BARTON:

You're present, yes.

D.P.O. LEVY:

1134, I'll make a motion to -- no. You know what, let's pass over this, just so we'll be sure. 1461 --

LEG. FOLEY:

Motion.

D.P.O. LEVY:

-- Is amending the 2000 Capital Budget --

LEG. FIELDS:

Second.

D.P.O. LEVY:

-- for demolition of buildings on County-owned land. We have a motion by Legislator Foley, second by Legislator Fields. On the bond, roll call.

LEG. POSTAL:
I don't know we have --
D.P.O. LEVY:
Fields is here.
LEG. POSTAL:
Do we have 12 people here?
(*Roll Called by Mr. Barton*)

LEG. FOLEY:
Yes.
LEG. FIELDS:
Yes.
LEG. COOPER:
Yes.
LEG. BINDER:
Yes.
LEG. POSTAL:
Yes.
[LEG BISHOP-NOT PRESENT]
LEG. D'ANDRE:
Yes.

00325

LEG. CRECCA:
Yeah.
LEG. CARPENTER:
Yes.
LEG. ALDEN:
Yes.
[LEG. HALEY-NOT PRESENT]
[LEG. FISHER-NOT PRESENT]
LEG. CARACAPPA:
Yes.
[LEG. TOWLE-NOT PRESENT]
LEG. GULDI:
Yes.
LEG. CARACCIOLO:
Yes.
LEG. LEVY:
Yes.
[LEG. TONNA-NOT PRESENT]
MR. BARTON:
Thirteen. (Not Present: P.O. Tonna, Legs. Towle, Fisher, Haley and Bishop)
D.P.O. LEVY:
On the bond, same motion, same second, same vote.
LEG. FOLEY:
Thank you.
D.P.O. LEVY:
1485.
LEG. CARACAPPA:
Motion.
D.P.O. LEVY:
Appropriating funds for construction --
LEG. GULDI:

Second.

D.P.O. LEVY:

-- of a repair and equipment storage garage in Yaphank. We have a motion by Legislator Caracappa, second by Legislator Guldi. On the bond, roll call.

00326

LEG. CARACAPPA:

Change the motion to Legislator Towle, please.

LEG. GULDI:

Yeah.

D.P.O. LEVY:

Motion by Legislator Towle, second by Legislator Guldi.

(*Roll Called by Mr. Barton*)

LEG. TOWLE:

Yes.

LEG. GULDI:

Yes.

LEG. COOPER:

Yes.

LEG. BINDER:

Yes.

LEG. POSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. D'ANDRE:

Yes.

LEG. CRECCA:

Yeah.

LEG. CARPENTER:

Yes.

LEG. ALDEN:

Yeah.

LEG. FIELDS:

Yes.

LEG. FOLEY:

Yes.

[LEG. HALEY-NOT PRESENT]

[LEG. FISHER-NOT PRESENT]

LEG. CARACAPPA:

Yep.

LEG. CARACCIOLO:

Yes.

00327

LEG. LEVY:

Yes.

[LEG. TONNA-NOT PRESENT]

LEG. BISHOP:

Yes.

MR. BARTON:

Legislator Haley. Legislator Fisher. That's 15 on the bond. (Not Present: Legs. Fisher Haley and Bishop)

D.P.O. LEVY:

On the resolution, same motion, same second, same vote. 1525.

LEG. FOLEY:

Motion to table.

LEG. CARACAPPA:

Second.

D.P.O. LEVY:

Requiring the Department of Public Works -- motion to table by
Legislator Foley, second by Legislator Caracappa. In favor? Opposed?
Motion carries. (Vote: 15 yes, 3 not present-P.O. Tonna, and Legs.
Fisher and Haley)

1539, amending the 2000 --

LEG. CRECCA:

Cosponsor on 1525. Excuse me, Mr. Chairman.

D.P.O. LEVY:

What's that?

LEG. FOLEY:

It's tabled.

LEG. CRECCA:

Oh, it was tabled?

D.P.O. LEVY:

It's tabled.

LEG. CRECCA:

Sorry. I thought --

D.P.O. LEVY:

You can cosponsor the tabling, if you want, though.

LEG. CRECCA:

Yeah, I'll cosponsor the tabling.

MR. BARTON:

15, 3 not present. (Not Present: P.O. Tonna, and Legs. Fisher and
00328

Haley)

D.P.O. LEVY:

1539, amending --

LEG. POSTAL:

Motion.

D.P.O. LEVY:

-- the 2000 Capital Budget --

LEG. FOLEY:

Second the motion.

D.P.O. LEVY:

-- in connection with installation of Traffic Safety Devices. Motion
by Legislator Postal, second by Legislator Foley. In favor? Opposed?
Motion carries.

MR. BARTON:

15, 3 not present. It's approved. (Not Present: P.O. Tonna and Legs.
Fisher and Haley)

D.P.O. LEVY:

1543, amending the capital budget for major operations. Same motion,
same second, same vote.

MR. BARTON:

15, 3 not present. (Not Present: P.O. Tonna and Legs. Fisher and
Haley).

D.P.O. LEVY:

1552, appropriating funds in connection with Red Bridge. On the bond, same motion, same second. Let's have a roll call.

(*Roll Called by Mr. Barton*)

LEG. BINDER:

Yes.

LEG. GULDI:

Yes.

LEG. COOPER:

Yes.

LEG. POSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. D'ANDRE:

Yes.

00329

LEG. CRECCA:

Yes.

LEG. CARPENTER:

Yes.

LEG. ALDEN:

Yes.

LEG. FIELDS:

Yes.

LEG. FOLEY:

Yes.

[LEG. HALEY-NOT PRESENT]

[LEG. FISHER-NOT PRESENT]

LEG. CARACAPPA:

Yep.

LEG. TOWLE:

Yes, cosponsor.

LEG. CARACCIOLO:

Yes.

D.P.O. LEVY:

Yes.

[P.O. TONNA-NOT PRESENT]

MR. BARTON:

15 on the bond, 3 not present. (Not Present: P.O. Tonna, Legs. Haley and Fisher)

D.P.O. LEVY:

On the resolution, same motion, same second, same vote. 1632, authorizing execution --

LEG. CRECCA:

Motion to approve.

LEG. POSTAL:

Motion to table.

LEG. LEVY:

-- of agreement to the Suffolk County Sewer District No. 3, Brookview Gardens).

LEG. BINDER:

Motion.

LEG. CARPENTER:

Where is that?

00330

LEG. BISHOP:

Motion to table.

LEG. FIELDS:

Where is that?

D.P.O. LEVY:

1632. Are we all together here?

LEG. FIELDS:

Where is that? I just want to know where it is?

D.P.O. LEVY:

Oh, what geographically, where that is?

LEG. FIELDS:

Yeah, yeah.

D.P.O. LEVY:

Counsel.

MR. SABATINO:

It's located in Deer Park and it's going to generate about 33,000 gallons per day.

LEG. BINDER:

Probably a thousand dollars in tax money.

LEG. GULDI:

I'll second Legislator's Bishop's motion to table.

D.P.O. LEVY:

We have a motion to table by Legislator Bishop, we have a --

LEG. BINDER:

Motion to approve.

D.P.O. LEVY:

-- second by Legislator Guldi.

LEG. CRECCA:

Second.

LEG. BINDER:

I have a motion to approve.

D.P.O. LEVY:

That takes precedence. We'll --

LEG. BISHOP:

Tabling takes precedence. Let's go.

D.P.O. LEVY:

That's what I said. The motion to table takes precedence.

00331

LEG. CARPENTER:

It this a residential?

D.P.O. LEVY:

In favor?

LEG. BISHOP:

Roll call.

D.P.O. LEVY:

We have a question first from Legislator Carpenter.

MR. SABATINO:

It's a senior citizen apartment complex located in Deer Park.

LEG. CRECCA:

Roll call, please.

LEG. BINDER:

Mr. Chairman.

D.P.O. LEVY:

Legislator Binder.

LEG. FOLEY:

Second the motion to approve.

LEG. BINDER:

Do we really want to hold up a senior citizen complex?

LEG. POSTAL:

I have a question.

LEG. BINDER:

I just want to know.

LEG. POSTAL:

I have a question, Mr. Chairman.

D.P.O. LEVY:

You want some music along with that, Mr. Binder?

LEG. POSTAL:

Mr. Chairman.

D.P.O. LEVY:

Legislator Postal.

LEG. POSTAL:

I have a question on the senior citizen development that's asking to hook up to Southwest. Have they made any commitment with regard to the amount that they're going to charge for rentals; does anyone know?

LEG. BISHOP:

Who's the developer?

00332

LEG. FOLEY:

We can't make that part of the decision.

LEG. BISHOP:

Who are these people that --

LEG. POSTAL:

I know we can't. What I'm suggesting here is that we should table this, because there may not be any public purpose to hooking this up.

I want to know what about senior citizen developments in the Hamlet of Wyandanch, and what about senior citizen developments in the Hamlet of North Babylon.

LEG. D'ANDRE:

But we're not going to differentiate.

LEG. POSTAL:

That's why I think we need to table this.

LEG. D'ANDRE:

If it's for senior citizens, we pass it.

LEG. CARPENTER:

And I'll agree to table that, because I would want to --

D.P.O. LEVY:

Hold on.

LEG. CRECCA:

Mr. Chairman.

D.P.O. LEVY:

Hold on. Legislator Carpenter.

LEG. CARPENTER:

Thank you. And I would echo what Legislator Postal is saying. I've got senior citizens that live in my district north of the parkway who

would very much like to be hooked up to the sewers, who, you know, can't afford to be constantly pumping out their cesspools. So I will second that tabling.

D.P.O. LEVY:

All right. We have a motion to table. Let's have a roll call.

(*Roll Called by Mr. Barton*)

LEG. BISHOP:

Yes.

LEG. GULDI:

Yes.

LEG. COOPER:

Yes.

00333

LEG. BINDER:

No, I won't.

LEG. POSTAL:

Yes.

LEG. D'ANDRE:

No.

LEG. CRECCA:

No.

LEG. CARPENTER:

Yes.

LEG. ALDEN:

Pass.

LEG. FIELDS:

Yes.

LEG. FOLEY:

No.

[LEG. HALEY-NOT PRESENT]

LEG. FISHER:

No.

LEG. CARACAPPA:

No.

LEG. TOWLE:

Pass.

LEG. CARACCIOLO:

Yes.

LEG. LEVY:

No.

[P.O. TONNA-NOT PRESENT]

LEG. ALDEN:

No.

LEG. TOWLE:

No.

MR. BARTON:

Seven to table. (Not Present: P.O. Tonna and Leg. Haley)

D.P.O. LEVY:

Do we have a motion to approve?

00334

LEG. BINDER:

Motion to approve.

LEG. CRECCA:

Second.

D.P.O. LEVY:

Motion to approve, Legislator Binder, second, Legislator Crecca. In favor? Opposed?

LEG. GULDI:

Opposed.

LEG. CARACCIOLO:

Opposed.

LEG. POSTAL:

Opposed.

LEG. FIELDS:

Opposed.

LEG. BISHOP:

Abstain.

D.P.O. LEVY:

Please, raise your hands for opposition. Legislator Postal, Legislator Guldi, Legislator Caracciolo, Legislator Fields, and abstention from Legislator Bishop. 1633.

LEG. GULDI:

Hold on, wait for the vote.

LEG. CRECCA:

Can we get a count?

D.P.O. LEVY:

I guess so. Let's have a count.

MR. BARTON:

Eleven, 11-4-1-2. Approved. (Not Present: P.O. Tonna and Leg. Haley)

D.P.O. LEVY:

1633, authorizing the execution of an agreement with Terryville Plaza. Motion by Legislator Caracappa, second by Legislator Towle. In favor? Opposed?

LEG. GULDI:

Opposed.

D.P.O. LEVY:

Motion carries.

LEG. GULDI:

Opposed. You got me, Henry?

00335

MR. BARTON:

Yep.

D.P.O. LEVY:

Opposed, Legislator Guldi.

MR. BARTON:

15-1, 2 not present. Approved. (Not Present: P.O. Tonna and Leg. Haley)

D.P.O. LEVY:

1636, amending the 2000 Operating Budget --

LEG. CARPENTER:

Explanation.

LEG. CRECCA:

Explanation.

D.P.O. LEVY:

-- for Public Works specifications. Explanation is requested. Paul.

MR. BARTON:

Motion.

MR. SABATINO:

This is 5-25-5 money in the amount of \$100,000. It would be used for a consultant's, you know, study on work that should be done for highways --

LEG. BINDER:

Mr. Chairman, I would ask that we pass over this. I think this is Legislator Haley's concern.

D.P.O. LEVY:

Okay. Let's pass over 1636. Speaking of passing over --

LEG. GULDI:

1134.

D.P.O. LEVY:

Let's finish one more resolution, and then we're going to have to go back to one.

LEG. GULDI:

1134.

D.P.O. LEVY:

Thank you. 1638, appropriating funds in connection --

LEG. BISHOP:

Motion.

LEG. BINDER:

Second.

00336

D.P.O. LEVY:

-- with renovation of Public Works building. Motion, Legislator Foley, second by Legislator Bishop. In favor? Opposed?

MR. BARTON:

Legislator Foley.

LEG. BINDER:

We have to do a bond.

D.P.O. LEVY:

I didn't see a bond here. Sorry about that.

MR. SABATINO:

That should be a bond, yes.

LEG. GULDI:

Next page.

D.P.O. LEVY:

No bond there. Okay.

MR. BARTON;

there is a bond, previous page.

D.P.O. LEVY:

Oh, I split the page. Sorry about that. On the bond.

(*Roll Called by Mr. Barton*)

LEG. FOLEY:

Yes.

LEG. BISHOP:

Yes.

LEG. COOPER:

Yes.

LEG. BINDER:

Yes.

LEG. POSTAL:

Yes.
LEG. D'ANDRE:
Yes.
LEG. CRECCA:
Yes.
LEG. CARPENTER:
Yes.
LEG. ALDEN:
Nope.

00337

LEG. FIELDS:
Yes.
[LEG. HALEY-NOT PRESENT]
LEG. FISHER:
Yes.
LEG. CARACAPPA:
Yep.
LEG. TOWLE:
Yes.
LEG. GULDI:
Yes.
LEG. CARACCIOLO:
Yes.
D.P.O. LEVY:
Yes.
[LEG. TONNA-NOT PRESENT]
MR. BARTON:
Okay. That's 15-1, 2 not present on the bond. (Not Present: P.O. Tonna and Leg. Haley)
LEG. LEVY:
On the resolution, same --
LEG. BISHOP:
On 1134, motion to table.
LEG. LEVY:
On the resolution, same motion, same second, same vote.
Back to 1134. Motion to table by Legislator Bishop, second by Legislator Foley. In favor? Opposed? Tabled.
MR. BARTON:
16, 2 not present. (Not Present: P.O. Tonna and Leg. Haley)
CONSUMER PROTECTION & GOVERNMENT OPERATIONS
D.P.O. LEVY:
Consumer Protection, Government Operations. We have a bond.
LEG. BISHOP:
Even they bond, gees.
D.P.O. LEVY:
1553, appropriating funds for purchase of vehicles, Weights and Measures. Motion by Legislator Alden, second by Legislator Carpenter.

00338

LEG. ALDEN:
On the motion.
D.P.O. LEVY:
On the motion.
LEG. ALDEN:

I want to just make one really quick statement. Some of these things that we've been approving, and we did get a memorandum from Freddy's department that we are running a bill up again on capital projects. That's the bad news. The good news is, at Legislator Caracciolo's last Finance meeting, we were assured, that, when we were considering a bill that I put in, that it looks like we might be able to knock of \$100 million worth of authorized, yet unissued debt. So that's the good news. And some of these are a little bit of -- troublesome, but -- normally, I would not like to see this go by, but these are specialty vehicles that are quite expensive, so --

D.P.O. LEVY:

We have a motion by Legislator -- we have a motion, we have a second. In favor? Opposed? Oh, roll call.

(*Roll Called by Mr. Barton*)

LEG. ALDEN:

Yes.

LEG. CARPENTER:

Yes.

LEG. COOPER:

Yes.

LEG. BINDER:

Yes.

LEG. POSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. D'ANDRE:

Yes.

LEG. CRECCA:

Yes.

LEG. FIELDS:

Yes.

LEG. FOLEY:

Yes.

[LEG. HALEY-NOT PRESENT]

00339

LEG. FISHER:

Yes.

LEG. CARACAPPA:

Yep.

[LEG. TOWLE-NOT PRESENT]

LEG. GULDI:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. LEVY:

Yes.

[LEG. TONNA-NOT PRESENT]

MR. BARTON:

15, 3 not present. (Not Present: P.O. Tonna, Legs. Haley and Towle)

FINANCE, TECHNOLOGY & MANAGEMENT SERVICES

D.P.O. LEVY:

Okay. Finance, Technology. 1057, let's pass.

MR. BARTON:

Same vote on the companion resolution.

D.P.O. LEVY:

I'm sorry.

MR. BARTON:

Same vote on the resolution, 1553.

P.O. TONNA:

Okay. I'd ask a motion to table.

LEG. CARACCIOLO:

Second.

LEG. LEVY:

Hold on. Hold --

P.O. TONNA:

I just -- the reason why ask for a motion to table --

LEG. LEVY:

Paul, Paul I did not hear what you said, Henry.

MR. BARTON:

1553, the companion resolution, it's the same vote.

00340

LEG. LEVY:

Okay. Same motion, same second, same vote. Mr. Presiding Officer.

LEG. GULDI:

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

LEG. CARACCIOLO:

Second.

P.O. TONNA:

-- 1057 (To modify fiscally responsible pilot payment policy for Suffolk County). Seconded by Legislator Caracciolo. All in favor? Opposed? Tabled.

MR. BARTON:

18.

P.O. TONNA:

Okay. We'll deal with this next meeting. 1444 (Directing County Budget Office to implement accounting requirement by municipalities for Public Safety Revenue Sharing Funds). Is there a motion?

LEG. CARACCIOLO:

Motion to approve.

P.O. TONNA:

Motion by Legislator Caracciolo, seconded by myself.

LEG. POSTAL:

On the motion.

P.O. TONNA:

On the motion.

LEG. POSTAL:

Just very, very quickly. At committee, it seems to me that we had discussed this for awhile, but I actually took a look at what these municipalities are going to have to do. They're going to have to provide 21 copies of a report on how they use their revenue sharing monies for public safety. I know that Legislator Carpenter represents Ocean Beach. Ocean Beach gets -- I think it's \$7,000, and they're going to have to provide 21 copies of a report of how they used it.

Quogue, \$12,000 they're going to have to provide --

LEG. CARACCIOLO:

Maxine, will you suffer an interruption?

LEG. POSTAL:

Yes.

LEG. CARACCIOLO:

I get your drift. I'll table the resolution --

LEG. POSTAL:

Thank you.

00341

LEG. CARACCIOLO:

-- amend it that only three copies be necessary. Will you support it at that time?

LEG. POSTAL:

I don't know, I'll think about it, but I certainly won't support it now.

LEG. CARACCIOLO:

That's not fair. That's not fair.

LEG. CRECCA:

Is that your --

LEG. CARACCIOLO:

I mean, here you are telling us--

LEG. CRECCA:

Is that your final answer?

LEG. GULDI:

I'll second the tabling motion.

LEG. CARPENTER:

Second the tabling.

LEG. CARACCIOLO:

We'll table it. We'll table it for one cycle.

P.O. TONNA:

Motion to table by George Guldi, seconded by Legislator Caracciolo.

All in favor? Opposed? Tabled.

MR. BARTON:

18.

P.O. TONNA:

That's 1444. Okay. 1606 (To readjust, compromise and grant refunds and chargebacks on correction of errors/County Treasurer. By: County Legislature #104). Is there a --

LEG. ALDEN:

Motion.

LEG. GULDI:

Motion.

P.O. TONNA:

Motion by Legislator Alden, seconded by Legislator Guldi. All in favor? Opposed? Approved.

LEG. HALEY:

Mr. Chairman.

P.O. TONNA:

Number 16 0-0

00342

MR. BARTON:

18.

P.O. TONNA:

Yeah. Just wait. Can I just move through these?

LEG. HALEY:

I want to go back to 1636.

P.O. TONNA:

Let me just get through this, go same motion, same second, same vote.

On 1606, 1607, 1608, 1609, 1610, 1611.

LEG. FOLEY:

That's it.

P.O. TONNA:

Okay. I'd like to make same motion, same second, same vote.

LEG. CARPENTER:

Wonderful.

P.O. TONNA:

Okay, great.

LEG. CARACAPPA:

Just give the clerk --

P.O. TONNA:

Okay. Now --

LEG. CRECCA:

Give him a second, Paul.

P.O. TONNA:

-- I recognize Legislator Haley.

MR. BARTON:

18 on all those. Legislator Haley

LEG. HALEY:

A motion to approve 1636 on Page 11.

LEG. BINDER:

Second.

LEG. GULDI:

Second the motion. Last page.

LEG. BINDER:

Second.

LEG. HALEY:

1636 on Page 11.

00343

P.O. TONNA:

I think there's to -- is there a motion to have to re --

MR. BARTON:

We just passed over it.

P.O. TONNA:

Okay. Which one? Where are we, Marty?

LEG. GULDI:

1636, Page 11.

LEG. FOLEY:

Bottom of Page 11.

P.O. TONNA:

Okay. 1636 (Amending the 2000 Operating Budget and the 2000 Capital Budget and Program and appropriating funds for standardization of Public Works specifications). Seconded --

LEG. CRECCA:

Explanation, brief.

P.O. TONNA:

Who's the second? Who's seconding it?

LEG. BINDER:

Second.

P.O. TONNA:

Second by Legislator Guldi.

LEG. HALEY:

Well, to be quite blunt --

LEG. BISHOP:

Come on, boys, we're moving good.

LEG. HALEY:

-- if you remember the \$455,000 pork money that we had -- we each had in the omnibus bill for 2000, this was the 100,000 that I put in to do some specifications to {indidization}.

LEG. CRECCA:

You don't say anything else.

LEG. HALEY:

Thank you.

LEG. LEVY:

I will not support is as pork money, but for its good cause.

LEG. CARACAPPA:

Mr. Chairman.

00344

P.O. TONNA:

Somebody said "Mr. Chairman" in a deep voice.

LEG. CARACAPPA:

Mr. Chairman, over here.

LEG. HALEY:

Call the question.

LEG. CARACAPPA:

Oh, there was -- after the vote, please.

P.O. TONNA:

Okay. So we're calling the question. All in favor? Opposed?

Approved, 1636.

MR. BARTON:

18.

P.O. TONNA:

Legislator Caracappa.

LEG. CARACAPPA:

I'd like to make a motion to take Home Rule Message Number 7 out of order.

LEG. CARACCIOLO:

Second.

P.O. TONNA:

Wait. Are we already. Wait. Can I say something? Can we just -- just wait. I got -- I still have --

LEG. CARACAPPA:

Yeah, she's here, so we can do -- before we do all the senses.

P.O. TONNA:

We're done -- we're not even close to -- I still got two more resolutions to do here.

MS. FARRELL:

Yeah, two more.

P.O. TONNA:

16 -- there's a motion. 1650 (Amending the implementing of taxes for the year 1999-2000 for the Town of Southold (Town portion of tax levy

only). Is there a motion?

LEG. CARACCIOLO:

Motion.

LEG. GULDI:

Second.

P.O. TONNA:

Motion by Legislator Caracciolo, seconded by Legislator Guldi. All in
00345

favor? Opposed? Approved.

MR. BARTON:

18.

P.O. TONNA:

1651 (Authorizing amended tax warrant for the Town of Southold to be
signed by the Presiding Officer and the Clerk of the County
Legislature).

LEG. CARACCIOLO:

Motion.

LEG. GULDI:

Second.

P.O. TONNA:

Motion by Legislator Guldi, seconded by Legislator Caracciolo.

LEG. HALEY:

Henry, you got a vote on 1536, right?

MS. FARRELL:

Yeah.

LEG. CARACAPPA:

Mr. Chairman.

P.O. TONNA:

All in favor? Opposed? Approved.

MR. BARTON:

18.

LEG. CARACAPPA:

Mr. Chairman.

P.O. TONNA:

Okay. Just wait. I'd like to do the CN's and late-starters first, then
I'll do the Home Rule Message.

LEG. CARACAPPA:

It's -- she's here.

P.O. TONNA:

All right. Go ahead. Home Rule -- go ahead, go ahead.

LEG. CARACAPPA:

I'd ask the Motion take out of order.

LEG. CARACCIOLO:

Second.

LEG. FISHER:

Second.

00346

P.O. TONNA:

Second by Legislator --

LEG. GULDI:

D'Andre.

P.O. TONNA:

D'Andre. This is a motion -- can you just read --

LEG. CARACAPPA:

To take out of order.

P.O. TONNA:

Yeah. Can you just read the motion?

LEG. CARACAPPA:

(Home Rule Message 7-2000) It's a Home Rule Message requesting New York State Legislature to grant retirement service credit to Suffolk County Employee (Eileen F. Kelly), who is the Under-Sheriff of Suffolk County. And I'd ask that the -- after the vote be taken, that Legislator D'Andre be the person that makes the motion.

P.O. TONNA:

Okay.

LEG. LEVY:

Explanation, please.

P.O. TONNA:

Yes. Just wait one second. We have a motion and a second to take it out of order. Let's get that done first. There's a motion and second. All in favor? Opposed? Approved to take it out of order.

MR. BARTON:

18.

LEG. D'ANDRE:

Motion to approve.

P.O. TONNA:

Now, there's a motion by Legislator D'Andre

LEG. CRECCA:

Second.

P.O. TONNA:

-- for approval, seconded by Legislator Crecca. Okay. Legislator Levy wants an explanation.

LEG. HALEY:

From whom?

P.O. TONNA:

From Counsel.

00347

LEG. LEVY:

Could we move on to something else for the moment?

P.O. TONNA:

Okay. Just -- no, no. Give him a second. Give him a second. Fred, do you have anything?

LEG. LEVY:

I've received an explanation. I don't need anything further.

LEG. GULDI:

Withdraw the question.

P.O. TONNA:

Okay, great.

LEG. CARACCIOLO:

Move the motion.

LEG. CARPENTER:

Call the vote.

P.O. TONNA:

Call the vote. Roll call.

LEG. FOLEY:

Oh, no, no, no, no.

LEG. HALEY:

Why?

P.O. TONNA:

I want a roll call.

(*Roll Called by Mr. Barton*)

LEG. D'ANDRE:

Yes.

LEG. CRECCA:

Yes.

LEG. COOPER:

Yes.

LEG. BINDER:

Yes.

LEG. POSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. CARPENTER:

Yes.

00348

LEG. ALDEN:

Yes.

LEG. FIELDS:

Yes.

LEG. FOLEY:

Yes.

LEG. HALEY:

Yes.

LEG. FISHER:

Yes.

LEG. CARACAPPA:

Yes.

LEG. TOWLE:

Yes.

LEG. GULDI:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. LEVY:

Yes.

P.O. TONNA:

No.

MR. BARTON:

17-1.

LEG. D'ANDRE:

There you go. You made it.

MS. KELLY:

Well, thank you.

LEG. D'ANDRE:

Good luck to you. First woman Under-Sheriff in New York State.

LEG. CARACAPPA:

New York State.

LEG. D'ANDRE:

Well deserved.

(Applause)

LEG. LEVY:
All right.

00349

P.O. TONNA:

Okay. I'm going to -- just wait one second. You got that done. Just before the resolutions, do we have the CN's ready and everything?

Okay. I'm going to recognize Legislator Alden.

LEG. D'ANDRE:

What was that count?

P.O. TONNA:

Legislator Alden.

MR. BARTON:

17.

LEG. ALDEN:

Motion to approve 1082.

P.O. TONNA:

Motion to approve, I'll second that.

LEG. GULDI:

Read the bill, please.

LEG. FISHER:

Wait, wait, wait. What is --

LEG. ALDEN:

It was discharged.

P.O. TONNA:

This was the discharged one an hour ago, authorizing a waiver of interest and penalties for property tax for Anthony and --

LEG. GULDI:

Second.

P.O. TONNA:

-- Carmella Grillo.

LEG. GULDI:

I'll second.

LEG. HALEY:

On the motion.

P.O. TONNA:

There's a motion by Legislator Alden --

LEG. HALEY:

On the motion.

P.O. TONNA:

Seconded by myself.

00350

LEG. HALEY:

On the motion.

P.O. TONNA:

On the motion, Legislator Levy.

LEG. LEVY:

I don't believe it qualified for the criteria and, you know, just as a matter of consistency.

LEG. BISHOP:

Just ask Counsel, "Does it meet the criteria?"

LEG. LEVY:

Counsel, did this meet the criteria?

LEG. GULDI:

No. Second.

MR. SABATINO:

No, it doesn't meet the criteria. The person referred to an angioplasty. Medical problem is not part of the criteria.

P.O. TONNA:

Okay.

LEG. LEVY:

The person is not a senior, I don't believe.

P.O. TONNA:

Right. Thank you. Okay. All in favor? All in --

LEG. HALEY:

Roll call.

P.O. TONNA:

-- favor? Opposed?

LEG. HALEY:

Roll call.

P.O. TONNA:

Roll call.

LEG. LEVY:

Opposed.

P.O. TONNA:

Roll call.

(*Roll Called by Mr. Barton*)

LEG. ALDEN:

Yes.

00351

LEG. TONNA:

Yes.

LEG. COOPER:

Yes.

LEG. BINDER:

Yes.

LEG. POSTAL:

Yes.

LEG. BISHOP:

Pass.

LEG. D'ANDRE:

Yes.

LEG. CRECCA:

Pass.

LEG. CARPENTER:

Yes.

LEG. FIELDS:

No.

LEG. FOLEY:

Pass for a moment.

LEG. HALEY:

No.

LEG. FISHER:

Abstain.

LEG. CARACAPPA:

Yes.
LEG. FOLEY:
Henry, put a yes.
LEG. TOWLE:
Yes.
LEG. GULDI:
Yes.
LEG. CARACCIOLO:
Abstain.
LEG. LEVY:
No.
LEG. BISHOP:
Yes.

00352

LEG. CRECCA:
Abstain.
LEG. FOLEY:
Yes.
MR. BARTON:
12.
LEG. ALDEN:
On behalf of the Grillo Family, I really appreciate that. Thank you.
P.O. TONNA:
Okay. I'm going to beforehand just get this out of the way. I want to lay -- I want to make a motion to waive the rules and lay on the table Sense Resolution Number 96. This is a Memorializing Resolution --
LEG. GULDI:
Second.
LEG. CARPENTER:
Second.
P.O. TONNA:
-- requesting Off Track Betting Corporation to reform its practices.
LEG. CARPENTER:
Second.
P.O. TONNA:
And approve, by the way, and approve.
LEG. FISHER:
Cosponsor.
LEG. BISHOP:
Waive the rules, lay on the table, and approve --
P.O. TONNA:
Right.
LEG. BISHOP:
-- in one motion.
P.O. TONNA:
Yes, because it's a sense resolution. Okay. Anybody on the motion? Legislator Binder, you want to say something on the motion? Legislator Binder.
LEG. BINDER:
This is -- I'm sorry.
P.O. TONNA:
Yeah.

00353

LEG. BINDER:

I just want 96. Yeah. I'm wondering in the -- because I just received this a little while ago, so it's the first time --

P.O. TONNA:

Right.

LEG. BINDER:

I had an opportunity to look at.

P.O. TONNA:

We did it today, we just did it. We just did it.

LEG. BINDER:

Okay. I haven't seen it, so --

P.O. TONNA:

Right.

LEG. BINDER:

-- you know, this is pretty new. It says permit a representative of the Presiding Officer of Suffolk County Legislature to be designated to attend all the board meetings, OTB Board meetings. Is that with pay? Is that --

P.O. TONNA:

No.

LEG. BINDER:

Are we paying --

P.O. TONNA:

It's a nonvoting capacity, no pay.

LEG. BINDER:

No. Are we paying out --

P.O. TONNA:

No.

LEG. BINDER:

-- of Legislative funds anyone to be there? Is this going to cost us overtime? Are we paying someone, or --

P.O. TONNA:

It's not going to cost any overtime.

LEG. BINDER:

Okay, it's not.

P.O. TONNA:

I might attend them myself, who knows.

LEG. BINDER:

Okay. No, I --

00354

P.O. TONNA:

Exempts get no overtime. And I'll make a commitment, at least while I'm Presiding Officer, that it will be an exempt status position, like we do at the Suffolk Community College, like we do with so many others.

LEG. BINDER:

Okay. The other --

P.O. TONNA:

I just think, because one of the concerns, Legislator Binder, is the porosity of information that this Legislative body gets with regard to the operation of OTB. And if anything, and talking to the Directors of OTB, I thought it was very, very interesting, speaking with one Director, that calling me out of the blue and saying, since I'm his

boss, you know, he would like to talk to me about OTB. And I felt that if I had some better facilitation and a representative, then, you know, I would already, on a regular basis, like the Community College and or other places, although I think we stopped sending a person to the Community College --

LEG. CARPENTER:

No, no, no. There's someone at every board meeting.

P.O. TONNA:

No? We still have them? All right. Anyway, I felt that this was a good way to facilitate information to Legislators. It's also in response to the presentation at the Ways and Means, many Legislators who have come to me and asked that I do everything that I can to send a very clear message as a Legislative body to make sure that we want better access of information.

LEG. BINDER:

Okay.

P.O. TONNA:

Thank you.

LEG. BINDER:

The other question I'd have is, since we're sending this over as a sense of the Legislature, and it would be our desire to see these things, on Number 5, would we want to strengthen that, where it says, "Appointed President of OTB is committed to," and then it's a list of things do, we also want to know that this person is not only committed to, but has the background, expertise and ability to do whatever we're talking about, i.e., it's an almost 400 person organization with a multi-million dollar budget, that they have the ability, they've been a CFO, a COO, they have some kind of capacity that we know a fiscally troubled agency with such a large budget and a large number of people, that they have the -- not only committed, because it's great to be committed, but if -- you know, if you're not able to do it, commitment doesn't do anything. Do we care that if we're sending over our opinions, we're telling them we want them to be committed, do we also want to say to them, We'd like you to pick someone who has the background, expertise, ability, the history that not only you, but we would be comfortable that this will turn around a fiscally troubled

00355

environment?

P.O. TONNA:

Right. That's a --

LEG. LEVY:

Mr. Chairman.

P.O. TONNA:

Yes, Legislator Levy.

LEG. LEVY:

I'm a cosponsor, and I support the resolution. And I commend the Presiding Officer, who has been working for several months behind the scenes to try to head off some of the problems that did materialize over the last couple of weeks, I think this is a good first step. I hope that we can follow through next week when we go even further and have --

LEG. HALEY:

Even further?

D.P.O. LEVY:

Even further.

LEG. HALEY:

Oh, I -- okay. All right. Go ahead.

LEG. LEVY:

And have placed on the board a man with the credentials, such as Fred Pollert. Because, remember, we have the ability in this Legislature to make appointments to the Board itself, and that's where the real control comes about, and I hope that, at that point, we can look at that resolution with a great deal of thought.

LEG. BINDER:

I'm wondering, Mr. Chairman, is --

P.O. TONNA:

Okay. Can I just say something, just for --

LEG. BINDER:

Is there a will to --

P.O. TONNA:

Wait, wait, wait. Legislator Levy, are you done?

LEG. BINDER:

I asked a question.

P.O. TONNA:

Are you done? Okay. Legislator Binder, you want to go back?

LEG. BINDER:

I just asked the question, is there --

00356

P.O. TONNA:

Well, I think this. This resolution has to do -- I think this resolution has more to do with facilitating communication and expressing to the Directors, because it has no force of law, it communicates to the Directors what our plan is. I don't want to micromanage, as far as the -- I don't want to start writing a job description for the OTB Chairperson. I don't think that's -- I don't think you're competent to do it, I don't think I'm competent to do it. This is --

LEG. BINDER:

I wouldn't ask -- I wouldn't ask that.

P.O. TONNA:

Wait. Let me finish, Legislator Binder.

LEG. BINDER:

Sure.

P.O. TONNA:

You asked me a question.

LEG. BINDER:

Sure.

P.O. TONNA:

I think what this says very clearly is the Directors have a responsibility, they have a fiduciary responsibility, they have a responsibility to appoint somebody based on a criteria. They've been -- the current Directors right now have been there for quite sometime. I hope and pray that they're going to make the right choice, that they're going to choose, obviously, somebody who's competent. If they're not, if they choose somebody who's not, or choose somebody who, whatever else, we have that right. You put in a bill because,

obviously, you don't think at least one Director is doing the job right. You think somebody else is more qualified. You think the past Presiding Officer is more qualified to be able to know what OTB is run, and everything else. Legislator Levy put in a bill to remove that same Director and put in Fred Pollert, who he thinks is more qualified to be able to do that. So you have that right as a Legislator to put in those things -- to put in bills to change directorships.

What I'm saying is I would like to give an opportunity, I have -- because part of -- part of the reason why this issue, and we're looking at reform, is because the issues were brought up by the Directors themselves. I'm looking at not micromanaging what the Directors do, I'm looking at saying we want communication, we want reports, we want accountability, and hear from reading news articles, from listening to a committee meeting, to doing all of these things, these are the things that we would like them to look at, that's what we are.

LEG. BINDER:

If I can just respond to that. Number 5 is a pretty long paragraph.
Five

00357

LEG. BISHOP:

Motion.

LEG. BINDER:

So when you're talking about --

P.O. TONNA:

Let him finish. Let him finish his statement. Legislator Binder has the floor.

LEG. BINDER:

Number 5 is a pretty long paragraph, and so while I'm not talking about micromanaging it, what you've done is, in this resolution, you said, "It is our opinion you should appoint someone who is committed to doing all of these things."

P.O. TONNA:

Right.

LEG. BINDER:

I'm also saying, not to say exactly what their backgrounds should be, but should -- not only should it say who is committed to, but who has at background, experience and experience to, and then -- I'm not even micromanaging, I'm asking --

LEG. GULDI:

Motion to close debate.

LEG. HALEY:

Second.

P.O. TONNA:

Okay.

LEG. BINDER:

A few of --

LEG. GULDI:

Motion and second.

LEG. CARACCILO:

Motion.

LEG. BINDER:

A few words to make it specific --

P.O. TONNA:

Okay. Wait, wait.

LEG. BINDER:

-- that this Legislature cares about --

P.O. TONNA:

Everyone, Legislator Binder has the floor. There's a motion by Legislator Guldi.

00358

LEG. GULDI:

Motion to close debate. This has 15 sponsors. Come on, it's 8:30.

P.O. TONNA:

Okay. Seconded by Legislator Caracciolo.

LEG. GULDI:

I agree with both of the principles, neither one of you are competent to write the qualifications for a CO.

LEG. BINDER:

I didn't ask to do that. I'm talking about three or four words --

P.O. TONNA:

Wait, wait, wait, wait.

LEG. BINDER:

-- that say we're concerned --

P.O. TONNA:

There's a motion and a second.

LEG. BINDER:

-- about their background, because we have a fiscally out of control problem, and, obviously, you don't care, Legislator Guldi --

P.O. TONNA:

Okay.

LEG. BINDER:

-- it doesn't matter.

P.O. TONNA:

I think Legislator Guldi cares.

LEG. BINDER:

No, he doesn't.

P.O. TONNA:

Motion and a second. This is a nondebatabable motion; am I correct?

LEG. GULDI:

Correct.

P.O. TONNA:

Roll call on the vote.

(*Roll Called by Mr. Barton*)

LEG. BISHOP:

This is on what?

LEG. GULDI:

Yes, close debate.

00359

MR. SABATINO:

This is to cut off debate.

P.O. TONNA:

To cut off debate.

LEG. CARACCIOLO:

Yes.

LEG. COOPER:

Yes.

P.O. TONNA:

It takes twelve votes.

LEG. BINDER:

Unfortunately it's short on substance, but, yes, I'll do it, whatever it is.

LEG. BISHOP:

No. You're cutting -- you're voting yes to cut off debate?

P.O. TONNA:

Cut off you're own debate?

LEG. CRECCA:

Motion is to close debate.

LEG. BINDER:

No. Just make a motion --

LEG. BISHOP:

This is a motion to cut off debate.

LEG. BINDER:

Motion to approve. I'm not saying anything.

LEG. LEVY:

Withdraw the -- withdraw the motion.

LEG. GULDI:

I'll withdraw the motion.

P.O. TONNA:

Okay, fine.

LEG. LEVY:

Motion to approve.

P.O. TONNA:

There's a motion to approve by myself, seconded by?

LEG. FISHER:

Second.

00360

MR. BARTON:

Legislator Carpenter.

P.O. TONNA:

By Legislator Fisher.

LEG. HALEY:

Roll call.

P.O. TONNA:

Oh, I'm sorry. There was already a second, Legislator Carpenter. I apologize, Legislator Carpenter.

LEG. HALEY:

Roll call.

P.O. TONNA:

Roll call

(*Roll Called by Mr. Barton*)

P.O. TONNA:

Yes.

LEG. CARPENTER:

Yes.

LEG. COOPER:

Yes.

LEG. BINDER:

While it's short on the substance, yes, I'll vote it yes anyway.

LEG. POSTAL:

Yes.
LEG. BISHOP:
Yes.
LEG. D'ANDRE:
Will you please identify the bill?
MR. BARTON:
Sense Resolution 96.
LEG. CRECCA:
96-2000.
LEG. D'ANDRE:
Okay. Yes.
LEG. CRECCA:
Yes.
LEG. ALDEN:
Yes.

00361

FIELDS:
Yes.
LEG. FOLEY:
Yes.
LEG. HALEY:
No.
LEG. FISHER:
Yes.
LEG. CARACAPPA:
Yes.
LEG. TOWLE:
Yes.
LEG. GULDI:
Yes.
LEG. CARACCIOLO:
Yes.
LEG. LEVY:
Yes.
MR. BARTON:
17-1.
P.O. TONNA:
Thank you very much. Okay. Now we go to lay some stuff on the table
and approve some things, or whatever else.
LEG. CARACAPPA:
CN's. CN's.
LEG. POSTAL:
Mr. Chairman.
P.O. TONNA:
All right. You want to go to CN's, let's go to CN's. Go ahead.
LEG. POSTAL:
Mr. Chairman.
P.O. TONNA:
What?
LEG. POSTAL:
While you're waiving the rules with regard to sense resolutions, laying
them on the table and voting on them.
P.O. TONNA:

And approving?

00362

LEG. POSTAL:

Yes. I would like to--

P.O. TONNA:

Okay. Can you -- can you just -- I know, I used my own prerogative to do this.

LEG. POSTAL:

I know. And I'm just --

P.O. TONNA:

Let the CN's go.

LEG. POSTAL:

Okay.

P.O. TONNA:

Let the CN's go.

LEG. POSTAL:

Right after the CN's I'd like to have that opportunity.

P.O. TONNA:

And, yeah. I have one by Legislator Fisher first, then yourself.

LEG. POSTAL:

Okay.

LEG. FIELDS:

Fields.

P.O. TONNA:

Fields, Fields, Fields.

LEG FISHER:

That's Fields, I'm Fisher.

P.O. TONNA:

I'm sorry, I'm sorry. Fields and Dreams.

LEG. CRECCA:

I'm going to make a motion they wear name tags.

P.O. TONNA:

I know, I know. It's me. It's me. It's a brain thing. CN's? All right. Okay. Let's look at them. There's a motion by Legislator Carpenter, seconded by myself on Introductory Resolution 1457, a local law to authorize the immobilization of the --

LEG. LEVY:

Hold on.

P.O. TONNA:

-- Deadbeat parent vehicles.

00363

LEG. LEVY:

Hold on.

P.O. TONNA:

I just -- yeah. I just want to say that with this, Legislator Carpenter has worked with the Department of Social Services, has worked with the Chairman of the Social Services Committee. I can honestly tell you I think this is a very, very good bill. I want to commend Legislator Carpenter on being able to, by raising this issue with deadbeat parents, to raise the issue of the inadequacies in CSEB, and that's why she has my second. Thank you very much.

LEG. BINDER:

Can I ask, Mr. Chairman?

P.O. TONNA:

Sure.

LEG. BINDER:

What are the changes in the bill that have caused such a dramatic turnaround in opinion?

P.O. TONNA:

Right.

LEG. BINDER:

I'm curious.

P.O. TONNA:

I think -- no, there's not a dramatic turnaround in opinion at all. As a matter of fact, if you look at the minutes of the Social Service Committee, which I'm sure you haven't, I don't even look at them, I think that what you would see is that from the very beginning, I said that I would like to have a bill that is a little more -- that would work along with DSS. DSS has admitted that they have dropped the ball on certain issues. Legislator Carpenter and DSS has basically come to a meeting of the minds, and that's all wanted. I wanted to make sure that there was a bill that the Department was comfortable in enforcing and now we have that bill.

LEG. LEVY:

All right. Could I --

LEG. CARPENTER:

Thank you. If I could just --

LEG. LEVY:

Could I make a motion.

LEG. CARPENTER:

If I could just --

LEG. LEVY:

I didn't even see this bill yet and it's --

00364

LEG. CARPENTER:

Clarify. Well, it's been sitting here for the last hour.

LEG. LEVY:

Yeah, but it's a corrected copy on major piece of policy that we're being asked to vote on right now.

LEG. CARPENTER:

That we've been discussing for the last three months.

LEG. LEVY:

Yeah. But now we're being told that it's completely changed.

P.O. TONNA:

Legislator Carpenter has the floor, then Legislator Levy, you're going get able to speak.

LEG. LEVY:

All right. All right. Go head.

P.O. TONNA:

That's how the democratic process works.

LEG. LEVY:

Go ahead. I'm going to make a motion to defer.

P.O. TONNA:

Legislator Carpenter has it, Legislator Levy. Oops.

LEG. CARPENTER:

Thank you, Mr. Chairman.

P.O. TONNA:

I'm swinging and whatever, and then I kill --

LEG. D'ANDRE:

Hey, easy.

P.O. TONNA:

I kill the 19th Legislator, my goodness. And then Legislator Crecca.

Go ahead.

LEG. D'ANDRE:

Don't hurt the innocent. Jesus.

P.O. TONNA:

Go ahead. Sorry, Paul.

LEG. CARPENTER:

This bill has had a number of modifications made to it. It was reintroduced at the last -- the second public hearing that we had, there was no commentary on it. The bill went to committee and it was there that I learned that the Department still had some minor concerns. So this week I have been working with the Department of Social Services, with the County Attorney's Office, and the County Executive's staff, Brenda Rosenberg, and the changes that they had have

00365

all been incorporated. They really just delineate the process better. They left less to the imagination, so to speak. But it just delineated the process. The steps are all outlined as far as what has to take place before the booting can occur. It, in essence, is the bill that we had before us in the beginning with some minor modifications.

LEG. BINDER:

Mr. Chairman.

LEG. LEVY:

Well, I'm just --

LEG. CRECCA:

I'm on the list next.

P.O. TONNA:

Wait, wait. No.

P.O. TONNA:

Legislator Levy has the floor, he has to express his outrage, and then you get your turn.

LEG. LEVY:

No, I'm not expressing outrage.

P.O. TONNA:

Okay. I just want to make a motion to defer because -- I mean, I'm glad --

LEG. BINDER:

Refer.

LEG. LEVY:

-- That we're moving along.

LEG. BINDER:

Refer to committee.

P.O. TONNA:

Reefer? No reefer here.

LEG. LEVY:

Motion to refer and to defer --

LEG. FISHER:

It's refer madness.

LEG. LEVY:

To committee. I'm glad that we're making some progress, but it's pretty major policy and I really don't want to make a decision with having not even read this thing in the last five minutes.

LEG. BINDER:

I'll second it. I haven't seen it. I'm a cosponsor, I haven't even seen the changes. So with being the cosponsor, not having seen the changes, I don't want to vote tonight.

00366

LEG. D'ANDRE:

This bill has been kicked around enough. Let's pass it.

LEG. LEVY:

The bill's been kicked around a lot --

LEG. BINDER:

Not with changes.

LEG. LEVY:

-- but there's changes --

LEG. CRECCA:

Okay.

LEG. HALEY:

Roll call

LEG. LEVY:

-- that we haven't seen.

LEG. BINDER:

Give Legislators a chance to read the new --

LEG. CRECCA:

Could we please have --

P.O. TONNA:

Can I say something? This is how it works. Everyone might not be happy with what another Legislator says or the motion that they make --

LEG. LEVY:

All right. Cut to it.

P.O. TONNA:

-- but Legislator Levy made a motion. He made a motion to refer --

LEG. CARACCILOLO:

Call the question, will you?

P.O. TONNA:

-- back to committee. Is there a second?

LEG. HALEY:

Yeah, Legislator Binder.

LEG. D'ANDRE:

No second.

P.O. TONNA:

Legislator Binder, did you second Legislator Levy's?

LEG. BINDER:

Yes.

00367

LEG. HALEY:

Roll call.

P.O. TONNA:

Okay. Now, is there anybody who would like to speak?

LEG. CRECCA:

I'd like to speak on the motion.

P.O. TONNA:

On this motion, Legislator Crecca.

LEG. CRECCA:

Okay.

LEG. D'ANDRE:

Boy, you handled that beautifully.

LEG. CRECCA:

Thank you. Me or Tonna?

P.O. TONNA:

See, it's simple. That's what they have, rules.

LEG. D'ANDRE:

Not you.

LEG. CRECCA:

Oh, I thought I did.

LEG. D'ANDRE:

The Presiding Officer.

LEG. CRECCA:

I thought he was giving me a complement. I was all excited. On the -- I'll be -- on the motion to defer, folks, the bill, in sum and substance, is the same. However, defer, refer, I don't know, whatever it is.

P.O. TONNA:

Oh, please, no reefer. Okay.

LEG. CRECCA:

I didn't inhale, though. All right. Listen. The reality is, is that there are changes to this motion. As someone who practices in this area of law, I can tell you that the changes that were made actually make a lot of sense. They tightened up some areas that were questionable.

LEG. D'ANDRE:

They kicked the hell out of it, that's what they did.

LEG. CRECCA:

And then this bill has been around for four months. I can tell you right now, for those who are concerned about referring it back to committee, I serve on the Social Services Committee, we were very

00368

comfortable with the bill. The only reason it was done this way is there was one thing that had to be double checked, it's been double checked. So this bill -- quadruple checked. And I'm telling you right now, this bill comes out of committee, and if there's anybody on the Social Services Committee who disagrees with me, it comes out of committee with the endorsement of each member of the committee and approval.

LEG. POSTAL:

Mr. Chairman.

P.O. TONNA:

Legislator Postal.

LEG. POSTAL:

Yeah.

P.O. TONNA:

I think you were next.

LEG. POSTAL:

Yeah. You know, I was, I guess, an original cosponsor of this, so I

supported it right from the beginning, I still support it. This bill, in my opinion, is changed, if in any way, very minutely. And the only point I'm making has nothing to do with the bill, because I voted for it every time it came up for a vote. What it has to do with is this Legislature and people's attitudes and the procedures here, which is truly disgusting. I mean, I've been here this is my thirteenth year.

LEG. D'ANDRE:

You're not that old.

LEG. POSTAL:

Yeah. There have been times over those years when Legislators made decisions based on who was sponsoring something, who it would benefit, whose district it was for, how close it was to an election, but by and large, that hasn't been done until this year. This is the most embarrassing, repellent year that I have been in this Legislature, because there are so many people who sit here who have the most incredible hypocrisy, who vote on things based on whose name is on it, who's supporting it and who's against it. And you have no shame, people. Those of you who are doing this, you have absolutely no shame. Your commitment is not to your constituency. You have no principles, you have no ideals other than what deal you're going to make and who you like and who you don't like. That's my comment with regard to this.

P.O. TONNA:

Thank you, Legislator Postal. Anybody else? Legislator Caracciolo.

LEG. CARACCIOLO:

That was a very provoking statement by Legislator Postal. Maybe she could elaborate and go into detail exactly who she was making reference to and what horse trading may be going on.

00369

LEG. POSTAL:

If the shoe fits, wear it.

LEG. D'ANDRE:

Oh, that's what I was going to say, Postal.

LEG. GULDI:

She's on a roll.

LEG. CARACCIOLO:

Seriously.

LEG. BISHOP:

That would be a shoe horse, a horseshoe, rather.

P.O. TONNA:

Okay. Everyone has a right -- Legislator Caracciolo, is that -- anybody else?

LEG. COOPER:

Mr. Chairman.

P.O. TONNA:

There's a motion and a second to refer back to committee; okay?

LEG. CARPENTER:

Roll call.

P.O. TONNA:

Roll call

(*Roll Called by Mr. Barton*)

LEG. LEVY:

Yes.

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

00370

LEG. ALDEN:
No.
LEG. FIELDS:
No. Can I just say something or no?
P.O. TONNA:
No, you can't.
LEG. FIELDS:
Okay.
P.O. TONNA:
You had an opportunity.
LEG. FOLEY:
No.
[LEG. HALEY-NOT PRESENT]
LEG. FISHER:
Yes.
LEG. CARACAPPA:
No.
LEG. TOWLE-NOT PRESENT]
LEG. GULDI:
Yes.
LEG. CARACCIOLO:
Yes.
P.O. TONNA:
Nope.
LEG. HALEY:
No.
P.O. TONNA:
No to refer.
LEG. TOWLE:
No to defer.
MR. BARTON:
6-12.
P.O. TONNA:
Okay. Now there's a motion and a second to approve. All in favor?
LEG. BINDER:
On the motion.

00371

P.O. TONNA:

Opposed?

LEG. CARACCIOLO:

Roll call.

LEG. BINDER:

On the motion.

P.O. TONNA:

Wait, wait.

LEG. BINDER:

On the motion.

P.O. TONNA:

Legislator Cooper I recognize first. Go ahead.

LEG. BINDER:

Okay.

LEG. COOPER:

Maxine, you know I love you, and -- but I just feel that I have to --

LEG. POSTAL:

I can't wait to hear the but.

LEG. COOPER:

No. I have to just defend myself a little bit. I was one of the opponents over the past few months of Angie's bill and it was primarily because I was concerned that it was seen as a fix-all and it would solve all the problems of CSEB, and I knew that there were other inherent problems at the agency with the computer system and lack of personnel, etcetera. I think that, however, with the past few months, those problems have been brought to light in the papers and at the Legislature. I also think that the way the bill is now written, this is just going to be used as a tool, perhaps as a tool of last resort. I'm comfortable with that now. So I honestly don't know anything about any horse trading or any deal cutting. I could only speak for myself, but I'm just voting for the bill now, or plan to vote for the bill, because I feel that it's been changed sufficiently. And taken in conjunction with everything else that's transpired over the past few months, this is something that I can live with.

P.O. TONNA:

Okay. Legislator Binder, you're next, then Bishop, then Fields.

LEG. BINDER:

Obviously, I haven't seen it, so -- and I think it's usually better for Legislators who have changes to make sure that their cosponsors see the different changes. So it's unfortunate that I didn't get it. So that's why I agreed to a motion to refer, because it doesn't have to be done now, it could be done at the next meeting. Considering that everyone had a predilection to constantly for three, four, or five meetings tabled the last version of this, which was apparently, or at least from what I'm hearing, almost not even different. So all these

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Legislators who were very much ready to table it and table it, and spoke fiercely, all of a sudden, all of a sudden I'm hearing that, "Well, I was just kind of against it, because" --

P.O. TONNA:

That's not true at all.

LEG. BINDER:

-- "they had some problem there."

P.O. TONNA:

That's not even close.

LEG. BINDER:

I think I have the floor, Mr. Chairman, and I'd like to finish.

P.O. TONNA:

Yes, that's true. That's -- guys, can everyone listen?

LEG. BINDER:

And I heard a lot of Legislators had all of these problems. The problems are really supposedly not fixed that were complained about at the time. The bill is essentially the same. And it's my opinion that Legislator Postal is clearly correct. That's why it's here, that's why it's before us, that's why it's going to pass tonight, because there was some very good horse trading going on. And I have to tell you, my knee-jerk was because I think part of the horse trading was directed at me, and my knee-jerk was, you know, I'm not going to be on this, I'll walk away, I'm not going to -- I'm not going to vote for it. But the truth is that it's good legislation. I stand by that, I said it, I believe it, and it's good for our constituents, it's good for people who -- the kids out there who really needs this, need this help and need our government to have this tool. I am just seriously upset about the way it's -- and I guess very disappointed, very disappointed in how it's here. It's unfortunate, but, Legislator Postal says --

LEG. CARACAPPA:

It is what it is.

LEG. BINDER:

It is what it is, Legislator Caracappa, and it's very unfortunate, it's disappointing is what it is.

P.O. TONNA:

Okay. We have -- Legislator Bishop goes next, then Legislator Fields, then Legislator Guldi.

LEG. BISHOP:

On opposed it in the past, because I went to the experts that I know about this issue, which is my staff who have to deal with CSEB all the time. And I said, "Do you have confidence in CSEB?" "Absolutely not." We have -- I had dozens of cases where people were being garnished wrongly, they didn't have the orders, and we had to fight to correct that. We had other cases where people were not being garnished correctly who should be, who should have been; we had to fight for those. I haven't had a chance to speak with my staff, but I suspect

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that it's still going on. And I don't think anybody here has any information that tells them that the situation has gotten better since this was first proposed. Do you? Does anybody have anything that could quantify improvement there?

P.O. TONNA:

Yes, yes. Just --

LEG. BISHOP:

What do you the got? Because I would like to know. Because if there truly is so much progress that I can be confident that we're not going to boot the wrong car, and we're not going to be in a liability situation, we're not going to impose real hardship on people wrongly, then I'll vote for it. Because, obviously, the concept has always been one that I support and I believe a majority of my colleagues support. The problem has been that we don't have confidence, those of us who

have opposed it, in the agency to carry this out at this time, and that's not the personnel's -- the fault of the personnel at the agency, it's the fault of neglect over the years for that agency, and something that we had vowed to take care of. Now, we did take care of it in a resolution, but resolutions are not magic wands, you know, it takes time and I don't see any quantifiable evidence that significant progress has been made in the quality of the service of that agency.

P.O. TONNA:

Legislator Fields.

LEG. FIELDS:

Those who are -- are and were in the Social Services Committee would understand this whole process, those who weren't would not. We went through this with a fine tooth comb, with aggravation, with all kinds of analysis, and then we had Legislator Tonna put together a working group. There were hirings that were put out and there were changes made, the working group went through it. We discussed all kinds of issues with Social Services, and only then were -- I'll speak for myself, was I satisfied that this bill, with its refinements, could accomplish what we thought it should accomplish. So those who are talking about horse trading I think need to know all of the complex problems, and solutions, and decisions, and work that we put into this, hours and hours and hours. We spent one night from 3 o'clock until 9 o'clock or 10 o'clock working on mostly this issue. So unless you've been there and gone through the process, you wouldn't understand, and so then you shouldn't be disappointed. And when we speak about it, Legislator Binder, maybe you should listen.

P.O. TONNA:

Okay. Legislator -- I think Legislator -- no, Guldi and then Levy.

LEG. GULDI:

The concern I have is that we've been, yes, debating this issue for quite a number of months, and, yes, we have it back, and, yes, it's really the same stuff with a different flavor. Only now we're expediting it with the County Executive providing a CN, and I suspect that we're hurrying because --

00374

P.O. TONNA:

No, no.

LEG. GULDI:

-- we know now that --

P.O. TONNA:

Can you ask me the question of why a CN; how about that?

LEG. GULDI:

No, that's all right. I got the floor. I'll do it my way. You can make a statement, if you'd like to, later.

P.O. TONNA:

All right. I can tell you why, but that's okay.

LEG. GULDI:

Because I think what we've done is we've really reached the assurance level that we're never going to use this. We've got the Department which just approved a massive number of personnel for. The conditions in the bill and the portions of it I've had the opportunity to read, because, yes, while it's a CN and been distributed for an hour, there has been other business being transacted in this room during that hour

that has required some attention. So the fact that we're proceeding with a CN on the issue, together with the fact that the bill's essentially the same compel me at this point to abstain on the issue, because it has not been -- it should -- the proper approach should have been to refer the revised version to committee, where we could have a full and complete discussion of it.

P.O. TONNA:

No. Can I -- I'd just like to respond to that, and then Legislator Levy. This bill was discussed in committee ad nauseam a thousand different times.

LEG. CARPENTER:

He's not on it.

P.O. TONNA:

The last -- of course, he's not on the committee, he wouldn't know. But that's okay, that's why we have a committee system. At the last committee meeting, the committee felt that this bill now, given the fact that we're not offering it as a panacea to save every single person who has CSEB problems, that the Department has made a commitment, after scrutiny from the Social Service Committee with regard to phone systems, capital projects, staffing, and then, finally, the last piece was that in the committee, the Department of Social Services said "We still have a problem with the bill."

I asked, in due respect to the sponsor, okay, who I think was there, I said to them, if you could, work out your differences, whatever it is, communicate what you think the intent of the bill is, do whatever you have to do, and if the Department and the sponsor of this bill get together and agree, then we'll put a CN in, because nobody wanted to defer without would recommendation, nobody wanted to do any other movement. It's not that we're rushing it not through the committee

00375

system. What we did was I just said that, so that the Department had their last opportunity to look at the bill, and they said on the record, "You know what, we didn't look at it the last time, we had a problem last time. Let me sit down with the sponsor." That's what they did. That's why they're offering a CN, not because it didn't go through the committee process and not because there's an immediate rush. We've talked about this thing for years, and not because, as Legislator Postal and Legislator Binder have spoken about, that there's some ghost and goblins, horse trading and everything else. None of that could be further from the truth.

LEG. GULDI:

So what were the --

P.O. TONNA:

It's easy for people to claim those things. It's very, very simple to say that since they're outside the process. Each one could see, each one could have asked, each one could have talked to the sponsor what was going on. They didn't do that. It's much easier to incriminate. The truth is, is that none of those things have happened.

LEG. GULDI:

If I can have the floor back.

P.O. TONNA:

Yes.

LEG. GULDI:

The question then is, well, then, so if the sponsor and the Executive through the Department have come up with changes to change their opposition to the bill to support for the bill, what were those changes? Why hasn't the bill been changed?

P.O. TONNA:

Yes.

LEG. FISHER:

That's what I'd like to know.

LEG. GULDI:

What changed other than the deal?

P.O. TONNA:

What deal? What deal? What deal?

LEG. GULDI:

The deal to have them support the bill.

P.O. TONNA:

I think there was a communication --

LEG. GULDI:

What was the substantive principle policy changes?

P.O. TONNA:

Well, I'll let the sponsor, if you want to -- Angie, I mean, you're the
00376

one who dealt with it.

LEG. GULDI:

I'd like someone to tell me, because I'm looking at it and I don't see any.

P.O. TONNA:

Okay. Well, ask the sponsor of the bill.

LEG. CARPENTER:

Right. If you look on Page 2, under the requirement Section 2, Number -- Section 2, Number A, Paragraph 2, the total accumulated arrears are to be in an amount equal to or greater than the amount of the current support due for a period of four months. Originally, we had \$2,500 and four months. This way it is just specific to being four months overdue, so that if the amount of child support went beyond the 2,500 or was not 2,500, at least the trigger now is four months. Does that answer your question?

LEG. GULDI:

Is that the only change?

LEG. CARPENTER:

That's -- no, that's one. Legislator Crecca, you had worked with Mr. Hickey on one of the others, if you want to go over that.

LEG. CRECCA:

Yeah. And that change is significant, because you could have somebody who has a monthly child support obligation. It's not unusual to have a 2,500 monthly child support obligation. So what you could have is somebody unintentionally being booted. So that was important change, number two.

Number three is sort of important. From within the Department itself, they've sort of spelled out the other remedies that would take place first before the bill goes. I know that within CSEB and within their own procedures, they were more comfortable having that spelled out. There's change in languages. Actually, in that whole Section A, while the intent is still there and it pretty much does the same thing,

they've cleaned up the language to make it a much cleaner bill. I can tell you as someone who's practiced in this specific area of law for the last six years, I am in this court specifically, the hearing examiner parts, at least once or twice a week. I am -- I have to commend the Department for their changes. I didn't even pick some of these changes up in the process. They're not major changes, the intent of the bill is the same, but it's been cleaned up.

And I will just reiterate what the Presiding Officer said earlier. In committee, we wanted to pass it out. Dan Hickey, was -- who was there, I think was just a little unprepared for it, and said that he just wanted go back and double check a couple of things to make sure that we had the right bill before us, and there was a commitment from the committee that we would ask for a CN to bring this out after that was taken care of, so --

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LEG. GULDI:

Two questions. Two more questions, if I may, Mr. Chairman.

LEG. LEVY:

Recognize him to make a statement.

LEG. GULDI:

If I may. I'd like to -- a couple of more questions, if I may.

P.O. TONNA:

Yes. Go ahead.

LEG. GULDI:

I note that the bill still only applies to owned or wholly owned by a corporation. I do note that the existence of a lien doesn't preclude booting, but it certainly would preclude liquidating the vehicle.

LEG. CRECCA:

Right.

LEG. GULDI:

The problem I -- the problem I see still is the true evaders could very simply circumvent this entire structure by continuing or by placing the car in the name of a third party --

LEG. CRECCA:

George --

LEG. GULDI:

-- in the name -- or the corporation in the name of a third party, and this bill doesn't reach them at all.

LEG. CRECCA:

That's correct. And, George, let --

LEG. GULDI:

So the bill doesn't reach the true evader who knows how to work the system at all.

LEG. CRECCA:

I don't want to misrepresent to anyone. This bill, if some of the problems you had were with the underlying concepts like that, for example, this bill doesn't solve that problem, so --

LEG. GULDI:

See, the concern I have always had about the bill, and stay with me on the dialogue if you would, is not that -- not just that CSEB was understaffed and overwhelmed and that the process was hamburger, but that we are not going to get to the real evaders. That the real evaders under this are going to have the -- have the Ferrari leased by --

leased or owned by a third party, or whatever, and that we're going to get instead is the unfortunate {shnook} whose paperwork is jammed up somewhere.

00378

LEG. CRECCA:

Yeah.

LEG. GULDI:

And I'm still concerned that that's the realistic possibility --

LEG. CARPENTER:

Mr. Chairman.

LEG. GULDI:

-- under the bill. We don't get to the real evaders with this bill.

LEG. BINDER:

Motion to close debate.

LEG. GULDI:

Is that correct.

LEG. COOPER:

Mr. Chairman.

P.O. TONNA:

Okay. Can I --

LEG. BINDER:

Motion to close debate.

P.O. TONNA:

Wait. Legislator -- Legislator Guldi, are you done?

LEG. GULDI:

No. I'd like an answer to that question.

LEG. BINDER:

No. Motion to close debate.

P.O. TONNA:

Okay. Legislator Carpenter would like --

LEG. CARPENTER:

I would like to respond to that.

P.O. TONNA:

There's not a second, Allan.

P.O. TONNA:

Legislator --

LEG. CARPENTER:

I would like --

P.O. TONNA:

-- Carpenter has the floor --

LEG. BINDER:

It's also out of order, by the way.

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LEG. CARPENTER:

There is no --

P.O. TONNA:

-- to respond.

LEG. CARPENTER:

There is no perfect panacea, there is no perfect bill that's going to get to the hard-core evader, but this is going to get to some people. And in Fairfax County, Virginia, where it was one of the first places that it was implemented, when the first 47 vehicle were booted, over \$351,000 in back child support payments came forward. But what was

very interesting was that voluntary compliance to the tune of over 500 cases happened just because the bill was on the books, and I think that's what we're going to be seeing. I think we're going to be seeing people who have been calling, who -- especially when there was a lot of media attention on this, who were calling, who were concerned that this had already passed, because they were afraid they were going to have their vehicles booted and wanted to find out how they could pay their back child support, so that it wouldn't happen to them. And another change that was made in the bill was in the beginning, in the Legislative intent, when we talked about the fact that it was being implemented in Fairfax County, Virginia, and they had hoped to do it state-wide, well, we had to change that from might be implemented state-wide to has been implemented state-wide, because it was so effective in Fairfax County, Virginia, that they are now doing it statewide. And I would hope that that would be the case here, that Suffolk County will pass this this evening, it will be implemented here, it will be enforced here, it will be effective here, we will be seeing some of these deadbeats come forward and pay their child support and we'll see it implemented in other parts of the state.

LEG. LEVY:

Mr. Chairman.

LEG. COOPER:

Mr. Chairman.

P.O. TONNA:

Yes. Legislator Levy has the floor.

LEG. LEVY:

You know, the reason why I wanted it to go back to committee is not so much for the members of the committee to be able to go over this, because I understand you've gone over this ad nauseam, and you were privy to this information, and you were not surprised by any of the details here, because you dealt with in committee. Had this been introduced through the loop, we would have known, the rest of us, that there was the potential that this resolution might be before us today, so we might have the opportunity to ask questions, to ask some people to be down here to ask the questions, too.

I want to tell you a story. When I was at a soccer field the other day and a woman came up to me and said, "Steve, you got to help me." She

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was in tears. And I asked, "What's wrong?" She said, "The County seized my husband's car, but now they've admitted that they're going to wipe out the charges, but I can't get the car back. Would you, please, help me out?" That was the problem that many Legislators here had about the concept of either seizing cars or booting cars. The concept was, for those who opposed this in the first instance, was the theory of mistake. Now, if there were provisions in this modified version that deals with that, I'm open to that, I want to see it, I want to talk about that. But I don't know if that's in here, because I haven't had a chance to talk about it --

LEG. CARPENTER:

Well, stop talking and read it.

LEG. LEVY:

-- and we could be here for about, you know, three hours to get into that. That's what I wanted to know. That's why I'd like this thing to

go back through the process, so we have the opportunity to deal with that.

LEG. COOPER:

Mr. Chairman.

P.O. TONNA:

Could we have a roll call? No? Who? Yes.

LEG. COOPER:

I just want to make one more point. At least the reason why I changed my vote wasn't so much changes in the bill itself, but changes at CSEB, and what we helped implement. For example, it was my Aide, Barbara LoMoriello, who made the phone call at the Social Services Committee meeting, 20 minutes, continual busy signal, couldn't get through. I called CSEB myself for another reason last week on four occasions, got through the first time every time. So their phone system seems to be working now. We voted to increase personnel at CSEB. So it's a different CSEB than it was three months ago, four months ago of. My primary concern was that innocent people have their cars booted, the same issue that you raised, Steve. I think that's less likely now than it would have been three or four months ago.

LEG. LEVY:

How is that? How is that?

LEG. COOPER:

Because of increased personnel and because of increased access by the public to people at CSEB. If you have a concern, if have a question, you can now reach somebody, whereas three, four months --

LEG. LEVY:

Well, would you suffer an interruption, if I might?

LEG. COOPER:

Sure.

LEG. LEVY:

You know, if we went through a couple of months and we now saw that

00381

we're not getting the same kind of horror stories we have for years past, I would be willing to give an admission to that. But, I mean, just because you've hired a few more employees and now you're able to get somebody on the other end of the line doesn't mean that you've wiped out all the glitches that exist in those computers.

LEG. BISHOP:

Yeah. How of much of your casework is on CSEB stuff? A lot of my office still is on CSEB.

P.O. TONNA:

Okay.

LEG. BISHOP:

It's constant.

LEG. CARPENTER:

Well, give them -- pass this legislation tonight and they have another tool to go after the deadbeats and you'll have even less calls in your office.

P.O. TONNA:

Okay. This is -- just can I say something?

LEG. BISHOP:

Yeah, but it's not always the -- it's not always the person who's supposed to receive the money that's calling my office. Often it's the

pair that's calling my office and saying.

LEG. LEVY:

The people who are mistakenly accused.

LEG. BISHOP:

Exactly. That's what's troubling. When I stop getting those calls, I'll say yeah.

LEG. HALEY:

In my district, they pay.

P.O. TONNA:

Okay. There's a motion and a second.

LEG. CARACAPPA:

You're going to be the first one booted, Marty.

P.O. TONNA:

Wait. There's a -- all Legislators, please come to the horseshoe.

This is why we should do a dinner break, because we're more focused.

There's people outside the room. Everyone --

LEG. BISHOP:

We're almost -- we're finished.

LEG. POSTAL:

We're finished.

00382

P.O. TONNA:

We're not finished yet. We have some more CN's. Could everyone please. There's a motion now and a second to approve. There's a motion and a second?

LEG. LEVY:

No, no. There was a motion to defer -- to refer.

P.O. TONNA:

Okay, refer by you? Who's the second?

LEG. BINDER:

That was defeated.

MR. BARTON:

It failed.

P.O. TONNA:

Binder.

MR. BARTON:

It failed.

P.O. TONNA:

That was already defeated.

LEG. LEVY:

Never mind.

LEG. BISHOP:

That did fail.

P.O. TONNA:

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

LEG. D'ANDRE:

Roll call.

LEG. LEVY:

I'm abstaining.

P.O. TONNA:

Roll call.

LEG. BISHOP:

Abstain. Abstain.

P.O. TONNA:

Roll call.

(*Roll Called by Mr. Barton*)

LEG. CARPENTER:

Yes.

00383

P.O. TONNA:

Yes.

LEG. COOPER:

Yes.

LEG. BINDER:

Yes.

LEG. POSTAL:

Yes.

LEG. BISHOP:

Abstain.

LEG. D'ANDRE:

Yes. Cosponsor.

LEG. CRECCA:

Yes.

LEG. ALDEN:

Yes.

LEG. FIELDS:

Yes.

LEG. FOLEY:

Yes.

LEG. HALEY:

Pass.

LEG. FISHER:

Abstain.

LEG. CARACAPPA:

Yes.

[LEG. TOWLE-NOT PRESENT]

LEG. GULDI:

You know, I hate when this happens, but I think I'm going to actually change my mind based on what I heard in debate and vote yes on this.

LEG. HALEY:

Whoa.

LEG. CRECCA:

Thank you, George.

LEG. LEVY:

Give us a break.

P.O. TONNA:

Isn't that great.

00384

LEG. CARACCILOLO:

Yes.

LEG. D'ANDRE:

You saw the light.

P.O. TONNA:

There were no ghost and goblins.

LEG. LEVY:

Abstain.

P.O. TONNA:

Okay. Thank you.

LEG. HALEY:

Yes.

P.O. TONNA:

Okay.

MR. BARTON:

14.

P.O. TONNA:

Okay, great.

LEG. LEVY:

14 what?

P.O. TONNA:

14 in favor.

MR. BARTON:

Three abstentions, one not present. (Not Present: Leg. Towle).

P.O. TONNA:

Okay. Congratulations, Angie.

LEG. CARPENTER:

Thank you.

P.O. TONNA:

Okay. Introductory Resolution Number 1662, accepting excepting -- by the way, just before I go through anymore CN's, the reason why we have a number of CN's that depart from whatever else, we did not have time to lay on the table last time. So I said that as long as the CN's were discussed in committee and given an opportunity to discuss in the committee, then we do it and we don't need the urgency. But because we have --

LEG. CARACAPPA:

Motion to approve.

00385

P.O. TONNA:

Oh, okay.

LEG. GULDI:

Motion.

P.O. TONNA:

Fine.

LEG. GULDI:

Second.

P.O. TONNA:

Motion by Legislator Guldi, 1662 (Accepting and appropriating a 100% State Funded Grant to fund a Summer Youth Employment Program), seconded by Legislator Caracappa. All in favor? Opposed? Approved.

LEG. BISHOP:

What does it do?

MR. BARTON:

18.

LEG. GULDI:

Take 100% grant.

MR. BARTON:

18.

P.O. TONNA:

Okay. 1663 (Accepting and appropriating additional 100% reimbursable funds for the IIIC-2 Program).

LEG. GULDI:

A hundred percent grant. Motion.

LEG. CARPENTER:

Second.

P.O. TONNA:

And seconded by Legislator --

LEG. CARPENTER:

Second.

P.O. TONNA:

Carpenter. All in favor? Opposed? Approved.

MR. BARTON:

18.

P.O. TONNA:

1665 (Accepting and appropriating a 100% Grant Award from the New York State Emergency Management Office (SEMO) and authorizing the County Executive to enter into grant related agreements).

00386

LEG. GULDI:

Same motion, same bill.

P.O. TONNA:

Motion by Legislator Guldi, seconded by Legislator Carpenter. All in favor? Opposed? Approved.

MR. BARTON:

18.

P.O. TONNA:

1666, creating Suffolk County Peconic River Cleanup Oversight Committee. Motion by Legislator Fields, seconded by Legislator Fisher. All in favor? Opposed?

LEG. GULDI:

My motion, my bill.

P.O. TONNA:

Okay. It was your motion?

LEG. FIELDS:

I'll second that.

LEG. GULDI:

I'd like to make the motion.

P.O. TONNA:

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

MR. BARTON:

18.

P.O. TONNA:

Number 1735 (Authorizing the sale, pursuant to Local Law 16-1976, of Real Property acquired under Section 46 of the Suffolk County Tax Act, Howard R. Renning, as surviving tenant by the entirety 0400-121.00-02.00-037.000). Motion buy who? Is there a motion?

Okay.

LEG. CARPENTER:

Explanation.

LEG. CRECCA:

Explanation on it.

LEG. FISHER:

Wait a minute.

P.O. TONNA:

Okay. I'll make -- I'm making a motion to approve, just for the purposes of debate.

LEG. GULDI:

Second.

00387

P.O. TONNA:

Second by Legislator Guldi. On the motion, you want to make an explanation?

LEG. CRECCA:

Real brief.

LEG. GULDI:

Town of Huntington, it's a Local Law 16.

P.O. TONNA:

Okay. Go ahead, Brenda.

MS. ROSENBERG:

This is for an 80 year old veteran who has to sell his house, and the closing is in the first week of July, so he needs this approved --

P.O. TONNA:

Okay.

MS. ROSENBERG:

To go on with the closing.

LEG. GULDI:

Call the question.

P.O. TONNA:

There's a motion and a second. All in favor? Opposed? Approved.

MR. BARTON:

18.

P.O. TONNA:

Number 1740 (Amending the 2000 Operating Budget and transferring funds for the William Floyd School District's After School Program). Is there a motion?

LEG. BINDER:

Motion.

LEG. TOWLE:

Motion.

LEG. GULDI:

Second.

P.O. TONNA:

Motion by Legislator --

LEG. GULDI:

Towle.

LEG. FISHER:

Wait, wait, wait.

00388

P.O. TONNA:

Wait, wait.

LEG. FOLEY:

What's the number, Mr. Chairman?

LEG. FISHER:

What about seventeen-thirty --

P.O. TONNA:

1740.

LEG. CARPENTER:

1740.

LEG. TOWLE:

Motion.

P.O. TONNA:

Motion by Legislator Towle, seconded by Legislator Binder. All in favor? Opposed?

LEG. BINDER:

Wait.

LEG. HALEY:

Hold it. Hold it. Hold it.

P.O. TONNA:

On the motion. Legislator Binder, you want to clarify this?

LEG. BINDER:

No. I just -- what I'd like to do is thank the County Executive's Office, and particularly the staff for doing this. I always knew they had a heart, we just had to bring it --

P.O. TONNA:

Well, I'd like to -- I think, also, I'd like to commend Legislator Binder.

LEG. BINDER:

I appreciate it, I really do.

P.O. TONNA:

Okay. I'd like to commend Legislator Binder for trying to find -- making sure that, you know, we found a win-win situation. All in favor? Opposed? Approved.

MR. BARTON:

18.

SENSE RESOLUTIONS

P.O. TONNA:

Okay.

00389

LEG. POSTAL:

Mr. Chairman.

P.O. TONNA:

Now we go to the Sense Resolutions.

LEG. POSTAL:

Oh, okay.

P.O. TONNA:

Okay. Legislator Fields first, then Legislator Postal.

LEG. FIELDS:

I'd like to make a motion to lay on the table and approve Sense Resolution Number 83.

LEG. FOLEY:

Second.

LEG. GULDI:

Doing what?

P.O. TONNA:

That's -- I'll just read it for you. That's a memorializing resolution requesting State of New York to approve a bill to improve processing --

LEG. FISHER:

Cosponsor.
P.O. TONNA:
-- of health care claims and create a Health Insurance Guarantee Fund.
LEG. GULDI:
Cosponsor.
P.O. TONNA:
Cosponsor. Who's the second?
LEG. FOLEY:
I was the second.
P.O. TONNA:
Second by Legislator Foley. Cosponsors?
LEG. FOLEY:
Cosponsor.
LEG. FISHER:
Cosponsor.
LEG. CRECCA:
I don't have a copy of it, and I apologize, but --
P.O. TONNA:
Okay, wait. Let's see who's a cosponsor first. Legislator Caracciolo.
Guldi, do you want to --

00390

LEG. GULDI:
Guldi.
P.O. TONNA:
Guldi, Towle. Caracappa?
LEG. CARACAPPA:
No.
P.O. TONNA:
Okay. Fish. Anybody else?
LEG. HALEY:
On the motion.
LEG. LEVY:
Yeah.
P.O. TONNA:
Wait. Okay. On the motion.
LEG. HALEY:
Yeah. I still would like an explanation. I'm not sure what I'm
reading.
P.O. TONNA:
Okay. Paul, would you like to? Go ahead, Paul.
MR. SABATINO:
Okay. The legislation is going to establish procedures where -- for
dealing with conflicts between insurance companies and health care
providers, and it's to establish a Health Insurance Guarantee Fund that
will be used to make payments in those instances in which there can't
be a resolution of a dispute.
P.O. TONNA:
Okay, great.
LEG. HALEY:
Where does that fund come from?
P.O. TONNA:
Excuse me?
LEG. HALEY:

Where does that fund come from?

MR. SABATINO:

That's going to be coming from insurance company payments under the legislation.

P.O. TONNA:

Okay. Just for the record, I have to abstain on this on advice of Legal Counsel, because I do in my private business deal with HMOs. Yes, Legislator Fields.

00391

LEG. FIELDS:

We attended a Nassau-Suffolk Hospital Legislative breakfast in which they did explain many of the problems that occur between HMOs and hospitals, where they actually -- the payment denials jeopardize the financial soundness of the hospitals, which are making it more and more difficult for them to treat patients. And this kind of helps in many different ways with prompt payments, and having disputes on claims, and working on payment practices and timeliness, and everything else, to help, really, the hospitals and patients with HMOs.

P.O. TONNA:

Okay.

LEG. HALEY:

Okay. I still haven't had my question answered. Where does the money come to creating the Health --

MR. SABATINO:

There'll be assessments imposed on insurance companies, and to the extent that there's a shortfall, there'll be General Fund transfers, meaning General Fund transfers from the budget.

LEG. HALEY:

Assessments?

P.O. TONNA:

From the State.

LEG. HALEY:

In other words --

LEG. FIELDS:

This is the State.

LEG. HALEY:

No. I understand. I mean, you're asking me to ask the State to do something. There's going to be assessments against insurance companies? Is that --

MR. SABATINO:

Yes. It's --

LEG. HALEY:

On what basis would an insurance company be assessed? Or is it a general assessment that they're going to put -- and then they're going to put those into a general -- into a fund, this guarantee fund.

MR. SABATINO:

It's going to be an assessment imposed on insurance companies. The money will be transferred into a separate segregated fund. And to the extent that there's a need to make up the difference or any shortfalls, there'll be funding by transfers from the General Fund, which means that the State Legislature would have to appropriate the monies.

00392

P.O. TONNA:

Okay.

LEG. CRECCA:

Mr. Chairman.

P.O. TONNA:

Yes, Legislator Crecca.

LEG. CRECCA:

Yeah. I mean, it sounds like a good piece of legislation, but there's certainly questions, I think Mr. Haley has raised a number of them. I don't understand. This New State Legislature isn't even in session now, they've broken for the summer. I don't understand why we have to rush this through. And it's no -- I think it's a good bill, probably, Ginny, but I just don't know why we couldn't go through the committee process on this. I know it's only a sense resolution, but it's -- again, it's not going to -- we could approve it in August, it would have the same effect.

LEG. FIELDS:

It went through the committee, and, also, this was on the last month when we had the fire alarm.

P.O. TONNA:

Yeah. What happened was, is that this was --

LEG. CRECCA:

This went through Health Committee?

LEG. BISHOP:

Which I'm tempted to pull again. Whoops.

P.O. TONNA:

Okay. Yeah, right. Okay. Let's just -- let's vote it up or down.

LEG. HALEY:

Mr. Chairman. Mr. Chairman.

P.O. TONNA:

It's a sense resolution.

LEG. HALEY:

I wasn't finished.

P.O. TONNA:

Oh, I'm sorry.

LEG. CRECCA:

I'm sorry, Mr. Haley.

LEG. HALEY:

Was it in the packet, original packet?

LEG. FIELDS:

Last month, it was.

00393

LEG. HALEY:

It was in the packet.

LEG. BISHOP:

Come on, Marty.

LEG. HALEY:

Right?

LEG. BISHOP:

Table it or not. Let's go.

LEG. FIELDS:

It was in the packet last --

P.O. TONNA:

Can I say something? Everyone -- Legislator Haley has the floor.

Legislator Haley.

LEG. HALEY:

I listened to you all night, Dave.

P.O. TONNA:

Legislator Haley.

LEG. HALEY:

I know you want to get out of here.

LEG. BISHOP:

All night? I've said about three words.

LEG. HALEY:

It doesn't make sense to me --

LEG. LEVY:

It's been enjoyable.

P.O. TONNA:

He doesn't want to say much on the record right now, Legislator Bishop.

LEG. HALEY:

It doesn't make sense to me -- it doesn't make sense to me that while health insurance companies are trying -- obviously, they're saving money, there's a lot of problems, and I agree from that perspective. But what good is it going to do to create a guarantee fund where you're going to just increase the overhead for insurance companies by collecting monies from them for a guarantee fund to hospitals? I mean, it doesn't -- it seems like it's round-robin. I don't think you're really resolving a problem.

LEG. LEVY:

Call the question.

00394

LEG. FIELDS:

Well, then let's just vote for it.

LEG. LEVY:

Call the question.

P.O. TONNA:

Okay. Legislator Haley, you're asking questions?

LEG. HALEY:

Motion to defer to -- back to committee.

P.O. TONNA:

Okay. There is a second?

LEG. CRECCA:

Second.

P.O. TONNA:

Okay. So all in favor of deferring it back to committee? Opposed?

Opposed.

LEG. GULDI:

Opposed.

LEG. FISHER:

Opposed.

LEG. FIELDS:

Opposed.

P.O. TONNA:

Okay.

LEG. BINDER:

Roll call.

P.O. TONNA:
Why don't we do a roll call on this. Go ahead, Henry.

MR. BARTON:

Okay.

LEG. GULDI:

This is a motion to defer to committee?

P.O. TONNA:

Yeah.

(*Roll Called by Mr. Barton*)

LEG. COOPER:

Yes.

LEG. BINDER:

Yes.

00395

P.O. TONNA:

83.

LEG. POSTAL:

No.

MR. BARTON:

Legislator Bishop.

P.O. TONNA:

Guys, could we --

LEG. BISHOP:

No.

P.O. TONNA:

Gentlemen and ladies, could we please stay focused for 15 more minutes and we'll be done, this agenda? Thank you.

MR. BARTON:

Legislator Bishop.

LEG. BISHOP:

I voted no.

MR. BARTON:

You voted no.

LEG. D'ANDRE:

Pass.

MR. BARTON:

Legislator Crecca, send it to committee.

LEG. CRECCA:

Pass.

LEG. CARPENTER:

This is to defer? No.

LEG. ALDEN:

Yes.

LEG. FIELDS:

No.

LEG. FOLEY:

No.

LEG. HALEY:

Yes.

LEG. FISHER:

Wait. What is this for?

00396

LEG. CARACAPPA:

To defer.
LEG. BISHOP:
To defer.
LEG. FISHER:
To defer, no.
LEG. CARACAPPA:
No.
[LEG. TOWLE: NOT PRESENT]
LEG. GULDI:
No.
LEG. CARACCIOLO:
No.
LEG. LEVY:
No.
LEG. TONNA:
No.
LEG. D'ANDRE:
No.
P.O. TONNA:
Okay.
MR. BARTON:
Legislator Crecca.
LEG. BISHOP:
All in favor? Opposed?
P.O. TONNA:
Okay. All in favor?
LEG. CRECCA:
Abstain.
P.O. TONNA:
Oh, sorry. All in favor? Opposed? Opposed, Legislator --
LEG. BISHOP:
Haley.
P.O. TONNA:
Haley.
LEG. ALDEN:
Abstain.

00397

LEG. CRECCA:
Abstain.
P.O. TONNA:
Abstain, Legislator Alden --
LEG. CRECCA:
Abstain.
P.O. TONNA:
-- Binder, Crecca, and Legislator Tonna, who has to abstain.
LEG. BISHOP:
Excellent.
P.O. TONNA:
Okay? All right. Thank you very much.
LEG. LEVY:
What's the vote?
P.O. TONNA:
Now, let's --

LEG. POSTAL:

Motion.

MR. BARTON:

13, 4 abstentions --

P.O. TONNA:

No, Legislator Postal's next.

MR. BARTON:

-- one not present. (Vote: 12-1-4-1 - Not Present: Leg. Towle)

LEG. POSTAL:

Yes. Motion to waive the rule, to lay on the table, and approve Sense 84, which you have in the back of your packet, which is a memorializing resolution that just affirms the right of the County Executive and the bargaining units in the collective bargaining process to address the issue of domestic partner benefits.

LEG. GULDI:

Second.

P.O. TONNA:

Okay. There's a motion. Motion by Legislator Postal, seconded by Legislator Guldi. Okay?

LEG. CRECCA:

Motion to defer to committee.

LEG. HALEY:

Second.

00398

P.O. TONNA:

Okay. Just wait one second. Just does everyone have the resolution in front of them?

LEG. FOLEY:

No.

LEG. FISHER:

No.

LEG. CARPENTER:

No.

LEG. ALDEN:

I don't have it.

LEG. FOLEY:

No, it's not in -- it's not in --

P.O. TONNA:

Look at your packet.

LEG. ALDEN:

Don't have it.

MS. BURKHARDT:

It's in your packet at the back of it.

LEG. CARPENTER:

It's not in the packet.

MS. BURKHARDT:

It's at the bottom.

LEG. CRECCA:

I don't have it.

MR. BARTON:

Because of the fire alarm, they had not been laid on table at the last meeting.

P.O. TONNA:

Okay. There's a motion and a second to approve. There's now a motion and a second to defer to committee.

LEG. FISHER:

What's the number on that bill?

P.O. TONNA:

Okay?

LEG. HALEY:

83.

P.O. TONNA:

Or refer to committee.

00399

MR. BARTON:

84.

P.O. TONNA:

All right.

LEG. FISHER:

It's 84?

P.O. TONNA:

84. The motion was by Legislator --

LEG. LEVY:

Postal.

P.O. TONNA:

No, no. The one to refer to committee was who?

LEG. CRECCA:

Motion was by Crecca, seconded by Haley.

P.O. TONNA:

Okay. All right. Roll call on the vote.

LEG. CARACCIOLO:

Why the roll call?

LEG. GULDI:

No roll call. Come on.

LEG. BISHOP:

Just come one.

P.O. TONNA:

Okay. All in favor? Opposed? I'm opposed.

(Opposed said in unison by Legislators)

LEG. BISHOP:

Count them up.

LEG. LEVY:

Let's count them.

LEG. GULDI:

Referring it to committee.

LEG. FISHER:

I'm opposed.

LEG. LEVY:

Just count the -- why don't you just say who's for it?

P.O. TONNA:

Okay.

00400

LEG. CARACAPPA:

Ten in opposition.

P.O. TONNA:

Do you have them? You have Legislator Cooper, Postal --

LEG. HALEY:
Does anybody have a copy in front of them?
P.O. TONNA:
-- Bishop --
LEG. FISHER:
Does anyone have a copy?
P.O. TONNA:
-- D'Andre. Go ahead, and who else?
MS. BURKHARDT:
It's in the back of your packet.
LEG. CARPENTER:
It's in the big packet.
LEG. FISHER:
It's not.
P.O. TONNA:
Fields, Tonna, Levy, Foley.
LEG. FOLEY:
No, no, no.
P.O. TONNA:
You want it referred to committee? Okay. Forget Levy.
LEG. FISHER:
No.
P.O. TONNA:
Fisher?
LEG. FISHER:
No.
P.O. TONNA:
Guldi. And that's it.
MR. BARTON:
Eight. (Not Present: Leg. Towle)
P.O. TONNA:
Okay. Now, there was a motion to approve by Legislator Postal,
seconded by Legislator Guldi.

00401

LEG. CRECCA:
Roll call.
P.O. TONNA:
All in favor?
LEG. BINDER:
Roll call.
LEG. HALEY:
Roll call.
P.O. TONNA:
Roll call.
(*Roll Called by Mr. Barton*)
LEG. POSTAL:
Yes.
LEG. GULDI:
Yes.
LEG. COOPER:
Yes.
LEG. BINDER:
No.

LEG. BISHOP:
Yes.
LEG. D'ANDRE:
Yes.
LEG. CRECCA:
No.
LEG. CARPENTER:
Abstain. Abstain.
LEG. ALDEN:
Abstain.
LEG. FIELDS:
Yes.
LEG. FOLEY:
Yes.
LEG. HALEY:
No.
LEG. FISHER:
Yes.

00402

LEG. CARACAPPA:
Abstain..
[LEG. TOWLE: NOT PRESENT]
LEG. CARACCIOLO:
Negative.
LEG. D'ANDRE:
Change my vote to a no, please.
MR. BARTON:
Yes, sir.
LEG. LEVY:
Yes.
P.O. TONNA:
Yes.
LEG. ALDEN:
Henry, no.
P.O. TONNA:
I'll make a --
LEG. D'ANDRE:
I'm a no.
P.O. TONNA:
I'll make a motion.
MR. BARTON:
No? Okay.
LEG. D'ANDRE:
You got me?
P.O. TONNA:
I'm going to --
MR. BARTON:
Hold on.
LEG. D'ANDRE:
I'm a no.
MR. BARTON:
I got to count.
LEG. CARACAPPA:

What's the count?
P.O. TONNA:
I'll make a motion to table to a --

00403

LEG. GULDI:
Second.
P.O. TONNA:
Table.
LEG. CARACCILOLO:
No, no, no, no.
LEG. CRECCA:
He can't do that.
P.O. TONNA:
I'm making a motion to table.
LEG. POSTAL:
Second.
P.O. TONNA:
Seconded by Legislator Postal.
LEG. CRECCA:
How can you make a motion to table?
P.O. TONNA:
All in favor? Opposed?
LEG. BINDER:
Wait, wait, Mr. Chairman.
LEG. CRECCA:
After a vote was taken?
LEG. BINDER:
Parliamentary inquiry.
P.O. TONNA:
Sure.
LEG. GULDI:
It hasn't been announced yet.
P.O. TONNA:
It has not been announced.
LEG. BINDER:
Parliamentary inquiry. Let me ask --
P.O. TONNA:
Sure.
LEG. BINDER:
This is a new piece of legislation. I don't know how we can table it.
In other words, it's not, in a sense, before us. There was a motion to
lay it on the table and --

00404

LEG. POSTAL:
Right, it is laid on the table.
LEG. BINDER:
-- to pass it tonight. Is this --
LEG. POSTAL:
It is laid on table, it's in the packet.
LEG. BINDER:
Oh, it's in the packet. So it's laid on the table and it's in
committee. Well, it's in committee.
LEG. LEVY:

It's a Sense, though.

LEG. POSTAL:

But it's a Sense.

LEG. LEVY:

You don't have to -- you can't veto it in committee.

LEG. BINDER:

No, I understand. So you -- the motion --

P.O. TONNA:

I don't know. I'll let -- I'll let -- I'll let --

LEG. BINDER:

There was a last motion to --

P.O. TONNA:

There's a parliamentary inquiry by Legislator Binder. That's what we have a Legal Counsel for, that's why he makes the big bucks. Paul, rule, or whatever.

MR. SABATINO:

This is why it's important, really, to separate out the motions. The first motion should always be to waive the rules and lay it on the table. I don't think that happened here. I think we had a consolidated motion. So because it's a consolidated motion, you don't have the ability to do a separate tabling resolution, so --

LEG. BINDER:

Well, Counsel, my understanding is that it was in the packet, so it's automatically laid on the table.

LEG. GULDI:

Withdraw -- I withdraw my second before the votes announced.

LEG. BINDER:

I'm just trying to figure out where we are.

LEG. LEVY:

It's in already.

00405

LEG. POSTAL:

That's right. Good. I'll withdraw the motion.

LEG. CARACAPPA:

Make a motion to lay it on the table.

MR. SABATINO:

I don't -- well, unfortunately --

LEG. GULDI:

The motion's withdrawn.

MR. SABATINO:

-- I don't have my packet, so I don't know if that's --

LEG. HALEY:

Paul.

MR. SABATINO:

-- true or not.

LEG. LEVY:

The motion's withdrawn.

LEG. GULDI:

The motion's withdrawn.

LEG. HALEY:

The motion's withdrawn.

P.O. TONNA:

Okay, the motion's withdrawn.

LEG. HALEY:
It's in committee.
LEG. BISHOP:
Next.
P.O. TONNA:
It's in committee. Great. Good work.
P.O. TONNA:
Okay.
LEG. HALEY:
I want to stay until 12.
LEG. GULDI:
You can.
LEG. CARACAPPA:
You can, if you'd like.

00406

LEG. GULDI:
If you'd like, you can even turn the lights off.
P.O. TONNA:
All right. I just want to --
LEG. HALEY:
I'll filibuster until twelve.
MR. BARTON:
We have 24 --
P.O. TONNA:
Ladies and Gentlemen, we are right now -- let us just focus for I think ten minutes and we'll be done, this whole thing.
LEG. GULDI:
Let's go, let's go.
P.O. TONNA:
Okay. I'm going to make a motion to lay on the table Introductory Resolution Number 1736. I'm assigning it to Public Works.
LEG. BINDER:
What is this? Just read the title.
LEG. GULDI:
Oh, 1736, 1737, 38 --
P.O. TONNA:
1736, 1737, 1738, 1739, 1741, 1742. Okay?
LEG. GULDI:
And Sense 95. Sense 95.
P.O. TONNA:
All in favor?
MR. BARTON:
And set the public hearing for 1741 for 8 -- August 8th.
P.O. TONNA:
Okay, great. All in favor? Opposed? Approved. I'd like to lay on the table Sense --
MR. BARTON:
17. They're all laid on the table.
P.O. TONNA:
Sense Number 95 (Memorializing Resolution requesting State of New York to restrict cell phone use in cars) and assign it to Public Safety.
All in favor? Opposed? Approved.
MR. BARTON:

It's laid on the table.

00407

LEG. LEVY:

Mark me as a cosponsor. I had that written up separately.

P.O. TONNA:

Okay. What else?

MS. BURKHARDT:

That's it.

P.O. TONNA:

That's it?

MS. BURKHARDT:

Done.

P.O. TONNA:

Okay. Now, I'd like to go to the Sense Resolutions. Sense 25 (Sense of the Legislature imploring the New York State Legislature to amend the New York State Income Tax Code by removing the marriage tax penalty).

Is there a motion?

LEG. GULDI:

Levy.

LEG. LEVY:

Motion.

P.O. TONNA:

Seconded by myself. All in favor? Opposed? Approved.

LEG. CARPENTER:

Cosponsor.

LEG. CRECCA:

Cosponsor, Henry.

P.O. TONNA:

Okay.

LEG. CARACAPPA:

Cosponsor.

LEG. FOLEY:

Cosponsor.

P.O. TONNA:

Great. Sense --

MR. BARTON:

You've got to give me a chance, Mr. Chairman.

LEG. D'ANDRE:

Everybody.

LEG. BINDER:

Everybody.

00408

LEG. FISHER:

Everybody.

LEG. LEVY:

Wow, Andrew was with me on one.

P.O. TONNA:

I think the only one that is not here is Legislator Towle.

LEG. BINDER:

It sounded like a Republican --

MR. BARTON:

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

P.O. TONNA:

Okay. There is a motion -- Sense Resolution 40 (Memorializing resolution requesting United States Congress to roll back excise tax on price of gasoline).

LEG. GULDI:

Second.

P.O. TONNA:

Wait.

LEG. LEVY:

Motion.

P.O. TONNA:

Legislator Levy's motion.

LEG. LEVY:

Yeah, motion.

LEG. HALEY:

Hold it, hold it, hold it.

P.O. TONNA:

Second by Legislator Guldi.

LEG. CARACAPPA:

Cosponsor.

LEG. ALDEN:

This isn't a political statement, is it, that you're trying to make?

LEG. HALEY:

Hold on. Hold on a second.

LEG. LEVY:

That's right. We want to get rid of that tax.

LEG. HALEY:

Hold on a second.

00409

LEG. CRECCA:

Is this to get rid of the Clinton Tax?

LEG. HALEY:

Is there any reference to any prior elected official in Sense 40, Legislator Levy?

LEG. CARPENTER:

What?

LEG. LEVY:

I don't know. I know this -- there was a resolution that took away the tax dating back to like 1993, and this goes further back into like 1990.

LEG. HALEY:

And who was the President at the time?

LEG. GULDI:

No, there is no reference.

LEG. LEVY:

One of the Bush guys, I forget which one.

LEG. CRECCA:

Henry, cosponsor on this one, 40.

LEG. GULDI:

There is --

LEG. HALEY:

Motion to table.

P.O. TONNA:

Okay.

LEG. CARPENTER:

Henry.

LEG. CRECCA:

Carpenter, too.

LEG. LEVY:

Oh, be my guest to vote against it.

LEG. GULDI:

Mr. Haley, in response to your question, the only reference is to President Clinton, in that he's on the list of people who it should be referred to.

LEG. HALEY:

Oh, Clinton's on there?

P.O. TONNA:

Okay. Can we just -- all right. There's a motion, no second. All in
00410

favor? Opposed?

LEG. HALEY:

Opposed.

P.O. TONNA:

Approved. Okay. Number Sense 45. Is there a motion?

MR. BARTON:

16-1, 1 not present.

P.O. TONNA:

Levy?

LEG. GULDI:

Steve.

P.O. TONNA:

Levy, since half these are yours, stay focused on this.

LEG. LEVY:

Yeah.

LEG. GULDI:

Stay awake.

LEG. LEVY:

Motion to approve.

LEG. HALEY:

Second.

P.O. TONNA:

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

MR. BARTON:

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

LEG. ALDEN:

Cosponsor, Henry.

P.O. TONNA:

Number Sense 57 (Memorializing Resolution requesting the New York State Senate pass Senate bills equivalent to Assembly bills passed the STAR Program, I.E. A8359, A9648, A7210-B, A7993, A1936-A, A8603, A8360, A9647, A4795-A, and A1882).

LEG. GULDI:

57, motion.

P.O. TONNA:

Is there a motion? By Legislator Guldi, seconded by?

LEG. CARPENTER:

Co, Hen.

00411

P.O. TONNA:

Legislator Who?

LEG. CRECCA:

On the last one, me, too.

P.O. TONNA:

Who's the second?

LEG. ALDEN:

Second.

LEG. FISHER:

I'll second.

LEG. HALEY:

Explanation.

P.O. TONNA:

By Legislator Alden. All in favor? Opposed?

LEG. BINDER:

Explanation. No, no, no. On the motion.

LEG. HALEY:

Explanation.

LEG. CRECCA:

Explanation on 57, please.

LEG. BINDER:

Not running through these.

LEG. GULDI:

The explanation on this, this is an effort to clarify STAR rebate chargeback practices.

LEG. LEVY:

Oh, that clarifies that.

LEG. CRECCA:

That tells me a lot.

LEG. BINDER:

There we go. I'm comfortable now.

LEG. CRECCA:

That assumes that I understand the entire STAR Program.

P.O. TONNA:

Okay. Now, all in favor?

LEG. GULDI:

I trust that leaves the darkness unobscured.

00412

P.O. TONNA:

Right. In favor? Opposed? Approved.

LEG. HALEY:

Abstain.

LEG. BINDER:

Abstain. Abstain.

P.O. TONNA:

Abstain, Legislator Binder.

LEG. HALEY:

And Legislator Haley.

P.O. TONNA:

Sense Number 58 (Memorializing resolution requesting State of New York to guarantee independent village elections). Is there a motion.

MR. BARTON:

The vote is 15, 2 abstentions, 1 not present on 57. (Not Present: Leg. Towle)

LEG. CRECCA:

I'm sorry. Abstention on 57, too, because that explanation lacked.

LEG. LEVY:

You know, before, 57 -- again, could we have Counsel just give a little clear explanation of this?

LEG. BISHOP:

No. We're done.

LEG. HALEY:

We voted.

LEG. FOLEY:

No.

LEG. LEVY:

No. It --

LEG. BISHOP:

On which one?

LEG. LEVY:

On 57.

LEG. BISHOP:

We're done with 57. We passed it.

P.O. TONNA:

Number --

LEG. LEVY:

Go ahead.

00413

P.O. TONNA:

Right now, we're on Sense --

MR. BARTON:

The vote on 57 is 14, 3 abstentions.

P.O. TONNA:

Thank you. Sense 58 (Memorializing resolution requesting State of New York to guarantee independent village elections). Legislator Bishop?

LEG. FOLEY:

Second.

LEG. ALDEN:

Explanation.

LEG. HALEY:

Explanation.

LEG. FOLEY:

Second.

P.O. TONNA:

Second by Legislator Foley.

LEG. ALDEN:

Explanation.

P.O. TONNA:

Dave?

LEG. BISHOP:

I can sum this up and very brief. This resolution says that village elections should be run by our County Board of Elections, which, as you know, we fund very generously --

LEG. GULDI:

Second.

LEG. BISHOP:

-- and are best qualified to run elections. Unfortunately, village elections in New York State are run by the village governments themselves, which often leads to the government in power being accused, rightly or wrongly, of manipulating the actual election.

LEG. BINDER:

Improprieties.

LEG. CARACAPPA:

Second.

LEG. BISHOP:

Of improprieties. The only fair way to have an election in Suffolk County is to have our Board of Elections run it.

00414

P.O. TONNA:

All in favor? Opposed? Approved.

LEG. HALEY:

Opposed.

P.O. TONNA:

Okay, one opposition.

MR. BARTON:

16-1, 1 not present. (Not Present: Leg. Towle)

P.O. TONNA:

Sense 59 (Memorializing resolution requesting State of New York to enact protection for officials against violent acts during organized sports events). Is there motion, Legislator Carpenter.

LEG. CARACAPPA:

Second.

LEG. CARPENTER:

Yes, motion.

P.O. TONNA:

Seconded by Legislator Caracappa. All in favor? Opposed? Approved.

MR. BARTON:

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

P.O. TONNA:

Number -- Sense 61 (Memorializing resolution requesting New York State Legislature to adopt Hate Crimes Act).

LEG. FIELDS:

Motion.

P.O. TONNA:

Motion by Legislator Fields.

LEG. BINDER:

Wait. What are we on?

LEG. FIELDS:

Second.

P.O. TONNA:

What. We're on Sense --

LEG. BINDER:

Wasn't this passed by the New York State Legislature?

P.O. TONNA:

59 just passed.

LEG. BINDER:

No, no, no.

00415

P.O. TONNA:
Now we're on 61.
LEG. BINDER:
I know. But didn't New York State pass --
LEG. CARACCIOLO:
This was already approved by the State Legislator.
LEG. LEVY:
Yeah, but I don't think the Governor has signed it yet.
LEG. BINDER:
Yes, he did.
LEG. LEVY:
I don't believe so.
LEG. FOLEY:
No. No.
LEG. CARPENTER:
He did. He did.
LEG. BINDER:
My understanding, well -- he did, he signed it.
LEG. FISHER:
I'll second that.
LEG. LEVY:
I'm not sure he has. I'm going to make the motion.
LEG. BINDER:
He signed it.
P.O. TONNA:
We're at Sense 61. Is there a motion?
LEG. COOPER:
Motion.
P.O. TONNA:
By Legislator Cooper.
LEG. BISHOP:
Wasn't that passed?
P.O. TONNA:
Oh, Fields, and seconded by Fisher.
LEG. CRECCA:
Motion to table.

00416

P.O. TONNA:
All in favor?
LEG. BINDER:
Motion to table. Motion -- second.
P.O. TONNA:
Motion to table by Legislator Crecca.
LEG. BINDER:
Second.
P.O. TONNA:
Seconded by Legislator Binder.
LEG. BINDER:
We'll find out if it's passed.
P.O. TONNA:
Okay. All in favor? Opposed to tailing?
LEG. GULDI:
Opposed.

P.O. TONNA:
Opposed, Legislator Guldi.
LEG. LEVY:
Opposed to tabling.
LEG. CARACCIOLO:
Opposed.
LEG. FISHER:
Opposed.
LEG. FOLEY:
Opposed.
P.O. TONNA:
Okay. Who else.
LEG. CRECCA:
He already passed it.
LEG. FOLEY:
No, no. It's going to the Governor. The Governor hasn't signed it yet.
P.O. TONNA:
Okay.
LEG. BISHOP:
The Governor hasn't signed it yet.
P.O. TONNA:
Just look at the people opposed.

00417

LEG. CARACCIOLO:
Opposed. Opposed, Henry.
LEG. LEVY:
Why don't you ask who's in favor?
LEG. GULDI:
Tim says he's going to sign it.
LEG. LEVY:
We've been asked, who's in favor, please raise your hand, in favor of tabling.
LEG. POSTAL:
In favor of what?
LEG. LEVY:
In favor of tabling this resolution. The Clerk wants to know. Please, raise your hand, if you're in favor. One, two, three. Got it? Four.
Okay.
LEG. CRECCA:
I disagree with that count. I'm just, you know.
LEG. LEVY:
Well, do it again. If you're in favor --
P.O. TONNA:
Roll call on the vote.
LEG. HALEY:
Roll call.
LEG. FOLEY:
No, no.
MR. BARTON:
No. I have three. I have three.
P.O. TONNA:
Roll call on the vote.
LEG. HALEY:

Roll call.

MR. BARTON:

I have three in favor of tabling.

P.O. TONNA:

61. And I would ask people, a little more --

LEG. CRECCA:

If everybody was quiet, we could think.

00418

P.O. TONNA:

61. Roll call on the vote, Henry.

LEG. FOLEY:

On what vote, table or approve?

LEG. LEVY:

On the tabling. This is tabling now.

LEG. FISHER:

On the tabling?

P.O. TONNA:

Tabling. I think it's ridiculous that we're --

MR. BARTON:

I have the vote.

P.O. TONNA:

What?

MR. BARTON:

Only three were in favor of tabling.

P.O. TONNA:

What?

MR. BARTON:

Three.

P.O. TONNA:

Three tabled?

MR. BARTON:

Three.

P.O. TONNA:

Fine.

LEG. LEVY:

I do you agree with that? Just want to make sure Mr. Correct is in agreement with that, because if he's got a problem, I want a roll call.

LEG. CRECCA:

Just forget it.

LEG. LEVY:

It's right? Okay.

P.O. TONNA:

I mean, why waste your time? Okay.

LEG. CRECCA:

Why can't we go through these orderly, like we did the other bills? I know it's late.

00419

P.O. TONNA:

Guys, there is three to, what, sixteen? I mean three to fourteen? What am I saying? Okay.

MR. BARTON:

Three to thirteen, two out.

P.O. TONNA:
Sense Resolution 62 (Memorializing resolution requesting State of New York to share VTL fines and penalties with County of Suffolk). Is there a motion?

MS. FARRELL:

No, no.

P.O. TONNA:

Oh, I'm sorry. 61 to approve. There's a motion to approve and a second. All in favor? Opposed?

LEG. CARACCIOLO:

Opposed.

LEG. CRECCA:

Abstain.

LEG. HALEY:

Abstain.

P.O. TONNA:

All right. One, two, three. There you go. Okay?

LEG. CRECCA:

Abstain.

LEG. LEVY:

Cosponsor.

P.O. TONNA:

Fine. Isn't that wonderful? Okay, now --

MR. BARTON:

All right. Sixty-one is approved.

P.O. TONNA:

Yes.

MR. BARTON:

Thirteen, one in opposition, two abstentions and --

P.O. TONNA:

Sense 62.

LEG. FOLEY:

Three in opposition.

00420

P.O. TONNA:

Motion by Legislator Alden. Is there a motion second?

LEG. POSTAL:

Second.

MR. BARTON:

I can't do it.

P.O. TONNA:

Second. No, you're a motion.

MR. BARTON:

I can't do it.

P.O. TONNA:

Second by Legislator Postal.

MR. BARTON:

I can't even -- I couldn't even do 61.

LEG. LEVY:

Time out.

LEG. BISHOP:

Come on.

LEG. LEVY:

Mr. Chairman, go back for the Clerk on 61, make sure they have that straight.

MR. BARTON:

On 61, I have Mr. Caracciolo as a no, Mr. Haley as an abstention, Mr. Crecca as an abstention, Mr. Towle and Mr. Caracappa out of the room,

LEG. BISHOP:

Right.

LEG. CARACCIOLO:

Change me to an abstention, Henry.

LEG. BISHOP:

Right.

LEG. LEVY:

Just to make you crazy.

P.O. TONNA:

Fine.

LEG. CARACCIOLO:

Without seeing the State's bill, I don't know what --

LEG. LEVY:

Just to make you nuts.

00421

P.O. TONNA:

Fine.

MR. BARTON:

Okay, thirteen. It's approved.

P.O. TONNA:

Sixty-two, there's a motion to approve by Legislator Alden. Is there a second?

LEG. POSTAL:

Second. I seconded it.

P.O. TONNA:

Second by Legislator Postal. Okay. All in favor? Opposed?

Approved. Number Sense --

MR. BARTON:

16, 2 not present.

P.O. TONNA:

Sense 63 (Memorializing resolution requesting State of New York to include local government courses in Social Studies curriculum for middle school students (grades 6 through 8).

LEG. HALEY:

Motion.

P.O. TONNA:

Is there a motion?

LEG. HALEY:

Motion.

P.O. TONNA:

Legislator Haley.

LEG. BISHOP:

Cosponsor.

LEG. CRECCA:

Cosponsor.

LEG. CARPENTER:

Cosponsor.

P.O. TONNA:

Wait. There's a second by Legislator Bishop?

LEG. BISHOP:

Second.

P.O. TONNA:

Okay. All in favor? Opposed? Approved. Henry?

00422

MR. BARTON:

15-1, and 2 not present.

P.O. TONNA:

Fine.

LEG. GULDI:

Give me an abstention 63.

P.O. TONNA:

Sense 64 (Memorializing resolution requesting State of New York to ensure equitable representation in Long Island Power Authority Board leadership).

LEG. LEVY:

Explanation.

LEG. FOLEY:

Explanation.

MS. BURKHARDT:

Joey Caracappa's back in the room.

LEG. HALEY:

First, I have a motion to approve Sense 64.

LEG. GULDI:

I'll second.

LEG. ALDEN:

Second.

LEG. HALEY:

The problem with the -- the problem with the Long Island Power Authority, while everybody thinks we have equal representation, what's happened is that why there are -- there's equal representation as and where the individuals live. However, the stronger committees are held -- the Chairmen of the stronger committees are held strictly by Nassau people. So that while it appears on the surface that we have equal representation, they actually control a lot more what's going on with the LIPA Board. Not only that, I'd ask that the Chairman, all right, in this case is Richard Kessel, that I think after every three -- I think after every three years, they have to consider a Chairman from Suffolk County. So what -- it's just trying to get us equal representation on the LIPA Board.

P.O. TONNA:

Okay. All in favor? Opposed?

MR. BARTON:

Motion, second.

P.O. TONNA:

There's a motion and a second, we have that already. Legislator Haley made a motion.

00423

MR. BARTON:

Thank you.

P.O. TONNA:

Okay. No. We're on the LIPA Board, 64. Legislator Bishop seconded it,

right? All in favor? Opposed? Approved.

MR. BARTON:

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

P.O. TONNA:

Sense 66 (Memorializing resolution requesting the New York State Senate to approve Bill A01237 (substituted for S5108A) requiring State Economic Development Agencies to give preference to small business and entrepreneurs when awarding State Economic Development Assistance). Is there a motion?

LEG. BISHOP:

Motion.

P.O. TONNA:

Legislator Guldi?

LEG. GULDI:

Yes, motion.

P.O. TONNA:

Seconded by?

LEG. CARPENTER:

Second.

P.O. TONNA:

Legislator Carpenter. All in favor? Opposed? Approved.

MR. BARTON:

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

P.O. TONNA:

Number Sense 68 (Memorializing resolution requesting State of New York to extend beverage container deposit/refund law).

LEG. COOPER:

Motion.

P.O. TONNA:

Legislator Cooper made a motion, I second.

LEG. FISHER:

Second.

P.O. TONNA:

All in favor? Opposed? Approved.

MR. BARTON:

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

00424

P.O. TONNA:

Sense 70 (Memorializing resolution requesting State of New York to reinstate superfund program), by Legislator Carpenter.

LEG. LEVY:

Cosponsor on 68.

P.O. TONNA:

Seconded by Legislator Tonna. All in favor? Opposed?

LEG. CRECCA:

Cosponsor.

P.O. TONNA:

Approved.

MR. BARTON:

17, 1 not --

LEG. HALEY:

Abstain for me, Henry, please.

MR. BARTON:

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

P.O. TONNA:

Sense 71 (Memorializing resolution requesting United States government to enact "Remove Service Members from Food Stamps Act of 2000").

Motion by Legislator D'Andre,

LEG. CRECCA:

Second by Crecca.

P.O. TONNA:

Seconded by Legislator Crecca.

LEG. FISHER:

Explanation.

LEG. ALDEN:

Cosponsor.

P.O. TONNA:

Explanation.

LEG. FISHER:

What does that mean? Remove Service Members From Food Stamps Act?

MR. SABATINO:

This requests the federal government to adopt legislation that's currently pending. I think John McCain is the sponsor, if I remember correctly, which would pay \$180 of additional monthly allowance to food stamp eligible soldiers, because there's been a recent report that indicates approximately somewhere between 6,000 and 20,000 armed service members are on food stamps.

00425

LEG. FISHER:

Okay. Because it says "remove service members" --

P.O. TONNA:

No. It gives money --

LEG. FISHER:

So that's why it confused me.

P.O. TONNA:

It gives money to veterans. Okay.

MR. SABATINO:

That's the title of the bill in Congress.

P.O. TONNA:

Okay.

MR. SABATINO:

They just happened to name the bill that way.

LEG. FISHER:

I see.

P.O. TONNA:

All in favor? Opposed? Approved

MR. BARTON:

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

LEG. CRECCA:

Cosponsor.

LEG. ALDEN:

Cosponsor.

P.O. TONNA:

Sense 72 (Memorializing resolution requesting the New York State Senate approve legislation comparable to A1913 to implement a phaseout of the use of herbicides on utility rights of way).

LEG. GULDI:
Motion.
P.O. TONNA:
Motion by Legislator Guldi.
LEG. FISHER:
Second.
P.O. TONNA:
Seconded by Legislator --
LEG. FISHER:
Fisher, over here.

00426

P.O. TONNA:
Fisher. All in favor? Opposed? Approved.

MR. BARTON:

17, 1 not --

LEG. HALEY:

Abstain.

MR. BARTON:

16. (Not Present: Leg. Towle)

P.O. TONNA:

Abstain, Legislator Haley.

MR. BARTON:

One abstention, one not present.

P.O. TONNA:

Sense 73 (Memorializing resolution requesting the New York State Senate approve Bill S7609, which would prohibit the sale or distribution of end use formulations for use on humans of DEET with concentrations of DEET greater than 30% except controlled-release formulations with more than 33.3% of DEET active ingredients).

LEG. GULDI:

Motion.

P.O. TONNA:

Motion by Legislator --

LEG. FIELDS:

Second.

P.O. TONNA:

-- Guldi.

LEG. FIELDS:

Second.

P.O. TONNA:

Seconded by Legislator

LEG. FIELDS:

Fields.

LEG. FISHER:

Fields, on that side.

P.O. TONNA:

Fields. All in favor? Opposed? Approved.

MR. BARTON:

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

00427

P.O. TONNA:

Sense 74 (Memorializing resolution requesting the New York State Assembly and the New York State Senate vote Bills A7036 and S1096 out

of their respective transportation committees and enact the legislation, which establishes State and local integrated vegetation management practices for public lands, highways, roads, and rights of way).

LEG. GULDI:

Motion.

P.O. TONNA:

Motion by Legislator Guldi, seconded by Legislator

LEG. FISHER:

I'll second that.

LEG. FOLEY:

I'll second the motion.

P.O. TONNA:

Foley.

LEG. CARPENTER:

On the motion.

P.O. TONNA:

On the motion.

LEG. CARPENTER:

Legislator Guldi, are you proposing that when they do this integrated vegetation management, that they start cutting the grass along the highways now?

LEG. FISHER:

You're a wild man.

LEG. GULDI:

Yes, absolutely.

P.O. TONNA:

Okay. All in favor? Opposed? Approved.

MR. BARTON:

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

P.O. TONNA:

Sense --

LEG. HALEY:

That's being able to use Roundup.

P.O. TONNA:

Sense 75 (Memorializing resolution requesting State of New York to adopt volunteer firefighter college assistance proposal). I'll make a motion.

00428

LEG. CARACAPPA:

Second.

P.O. TONNA:

Seconded by Legislator Caracappa.

LEG. CARACAPPA:

Cosponsor.

P.O. TONNA:

Just on the motion. No, forget it. All in favor? Opposed? Approved.

MR. BARTON:

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

LEG. LEVY:

Cosponsor.

LEG. CRECCA:

Cosponsor.

LEG. COOPER:

Cosponsor.

LEG. ALDEN:

Cosponsor.

LEG. LEVY:

Everybody.

P.O. TONNA:

That's what I have a staff for to --

LEG. FOLEY:

Cosponsor.

P.O. TONNA:

-- cater to --

LEG. LEVY:

Make sure everybody's a cosponsor.

P.O. TONNA:

Everyone wants to be a cosponsor; okay? Sense 76 (Memorializing resolution requesting State of New York to establish independent Ratepayer Advocacy Fund Committee for LIPA).

LEG. GULDI:

Motion.

P.O. TONNA:

It's my staff, you know.

LEG. FISHER:

Second.

00429

P.O. TONNA:

Can you believe I did a sense resolution?

LEG. BISHOP:

Come on.

LEG. HALEY:

On the motion.

P.O. TONNA:

Sense 76. Motion by Legislator Guldi.

LEG. FISHER:

Second.

LEG. HALEY:

On the motion.

P.O. TONNA:

Seconded by Legislator Fisher. On the motion, Legislator Haley.

LEG. HALEY:

This relates to our taxpayer -- that group.

LEG. GULDI:

The Advocacy Fund.

LEG. HALEY:

Right. And what happened --

LEG. GULDI:

LIPA has a million dollars and this -- what this would do, this one, and I have two in, so let me -- this one requests the State of New York to require the Ratepayer Advocacy Fund Committee for LIPA not be comprised of LIPA employees, etcetera.

LEG. HALEY:

And it provides for some funding, right?

LEG. GULDI:

Well, no. The fundings there, they have the fundings, they collect it in rates. What this is -- what this asks is that the State to regulate the way in which LIPA creates the committee to supervise the disbursements of that funding.

LEG. HALEY:

Okay.

P.O. TONNA:

Fine.

LEG. GULDI:

Again, like your bill, it requests proportionate --

00430

LEG. HALEY:

Right.

LEG. GULDI:

-- representation between Nassau and Suffolk --

P.O. TONNA:

Motion --

LEG. HALEY:

I understand.

LEG. GULDI:

-- but in that context.

LEG. HALEY:

I understand.

P.O. TONNA:

-- by Legislator Guldi, seconded by Legislator Fisher. All in favor?

Opposed? Approved.

LEG. CRECCA:

Abstain.

P.O. TONNA:

Abstain, Legislator Crecca. Sense 77.

MR. BARTON:

16-1, 1 not present. (Not Present: Leg. Towle)

P.O. TONNA:

Thank you. Sense 77 (Memorializing resolution requesting State of New York to ban Long Island Power Authority (LIPA) ratepayer advocacy funding of government entities). Motion by Legislator Guldi.

LEG. GULDI:

Yeah, motion.

LEG. BINDER:

Second.

P.O. TONNA:

Okay. Seconded by Legislator Binder. All in favor? Opposed?

LEG. CRECCA:

Is this 77?

LEG. GULDI:

Yeah.

LEG. CARPENTER:

Explanation.

P.O. TONNA:

I just don't know what it is.

00431

LEG. GULDI:

This one, what this one does is part of the million dollars a year for

ratepayer fund. The State -- LIPA last year gave \$280,000 of that to the State of New York to do statewide fund-raising --

P.O. TONNA:

Right.

LEG. GULDI:

Statewide consumer --

P.O. TONNA:

Fine.

LEG. GULDI:

-- advocacy advertising.

LEG. BISHOP:

Advertising.

P.O. TONNA:

For their position, right.

LEG. GULDI:

And I'm saying, "Wait a minute, you're taking money out of Long Island to fund a State agency based in Albany to do advertising statewide?"

LEG. LEVY:

Second.

LEG. GULDI:

I don't think so.

LEG. LEVY:

Cosponsor.

LEG. GULDI:

This bill asks to prohibit that practice.

P.O. TONNA:

All in favor?

LEG. FISHER:

Cosponsor.

P.O. TONNA:

Opposed?

LEG. CRECCA:

Opposed.

LEG. LEVY:

Cosponsor.

00432

P.O. TONNA:

Opposed, Legislator Crecca. Fine, approved. Okay.

MR. BARTON:

16-1, 1 not present.

P.O. TONNA:

Sense 78 (Memorializing resolution requesting United States Congress to adopt National Veterans Awareness Week).

LEG. CARPENTER:

Motion.

P.O. TONNA:

Motion by Legislator Carpenter.

LEG. ALDEN:

Second.

P.O. TONNA:

Seconded by Legislator Alden. All in favor?

LEG. CRECCA:

Cosponsor.

P.O. TONNA:
Opposed?
LEG. FIELDS:
Everybody.
P.O. TONNA:
Okay. All in favor?
LEG. LEVY:
Cosponsor.
P.O. TONNA:
Opposed?
LEG. FOLEY:
Cosponsor.
P.O. TONNA:
Approved.
MR. BARTON:
17, 1 not present. (Not Present: Leg. Towle)
P.O. TONNA:
79 (Memorializing resolution requesting LIPA to post energy costs on
LIPA website). Motion by Legislator Binder
LEG. GULDI:
Second.

00433

P.O. TONNA:
Seconded by Legislator Guldi. All in favor? Opposed? Approved.
MR. BARTON:
17, 1 not present. (Not Present: Leg. Towle)
P.O. TONNA:
Number 80 (Memorializing resolution requesting State of New York to
authorize income tax check-off system for public financing of Suffolk
County election campaigns). Motion by Legislator Carpenter, seconded
by?
LEG. ALDEN:
Second.
LEG. CARPENTER:
Legislator Levy.
P.O. TONNA:
Legislator Levy.
LEG. ALDEN:
Levy, Levy.
P.O. TONNA:
No, Alden said it.
LEG. LEVY:
I'll second it.
LEG. ALDEN:
No, let Levy.
P.O. TONNA:
Oh, okay. Levy.
LEG. ALDEN:
No. We want Levy.
LEG. LEVY:
I'm there.
P.O. TONNA:
All in favor? Opposed?

LEG. HALEY:
Opposed.
P.O. TONNA:
This is a new coalition.
LEG. HALEY:
Opposed.
P.O. TONNA:
All in favor? Opposed?

00434

LEG. HALEY:
Opposed.
P.O. TONNA:
Opposed, Legislator Haley.
MR. BARTON:
16-1, 1 not present. (Not Present: Leg. Towle)
P.O. TONNA:
Sense 81 (Memorializing resolution requesting State of New York to enhance Family Court representation of the poor). Motion by myself.
LEG. FISHER:
Second.
P.O. TONNA:
Seconded by Legislator Fisher. All in favor? Opposed?
LEG. GULDI:
Cosponsor.
P.O. TONNA:
Approved.
LEG. FISHER:
Cosponsor.
P.O. TONNA:
We have just conducted a large, almost two-meeting agenda --
MR. BARTON:
17, 1 not present. (Not Present: Leg. Towle)
P.O. TONNA:
-- By 9:30.
LEG. LEVY:
What a guy.

(Applause)

P.O. TONNA:
Motion to adjourn, seconded by Legislator Levy.
LEG. CRECCA:
Henry, 81, cosponsor.
P.O. TONNA:
All in favor? Opposed? Approved. Thank you.

[THE MEETING WAS ADJOURNED AT 9:35 P.M.]

00435