SUFFOLK COUNTY LEGISLATURE

GENERAL MEETING

TWELFTH DAY

AUGUST 31, 2000

Taken by: Lucia Braaten
Alison Mahoney

Riverhead, New York

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

P.O. TONNA:

Just as a local rule, I'd ask that everyone turn off their beepers or put them on vibrate, if you have them. Your mobile phones should be off, including Legislators, Legislative staff. Just put those beepers on vibrate and stuff. And, Henry, can you call the roll?

(*Roll Called by Mr. Barton*)

MR. BARTON:

Ten. Ten persons present. (Not Present at Roll Call: Legs. Guldi, Towle, Fisher, Haley, Foley, Crecca, Postal and Binder)

P.O. TONNA:

Thank you very much. Okay. We'll start with a salute to the flag led by our Deputy Presiding Officer, Steve Levy.

(Salutation)

Thank you very much. Okay. If you could please remain standing, we're going to just spend a moment of silence. We have no clergy with us today, but maybe a moment of silence just for the sacrifice of all the volunteers fighting wildfires in the west.

(Moment of Silence)

Okay. And then Joe Caracappa, I think, for a moment of silence.

LEG. CARACAPPA:

Thank you, Mr. Chairman. I'd ask everyone to bow their heads and remember a man that was friends to us all in this Legislature and throughout Suffolk County, Gaetano "Butch" Dellecave, a local basketball star in his day, one of the most profound and prolific basketball referees in Suffolk County and in the nation, passed suddenly Sunday evening. Butch was also the curator of our Suffolk County Sports Hall of Fame, a vision of his, a dream of his. We will miss Butch. He's done so much for us all and he was a man of just incredible integrity and character and he just loved everyone. So I'd ask everyone to please remember Gaetano "Butch" Dellecave and pray for his family, that they get through this horrible time.

(Moment of Silence)

P.O. TONNA:

Thank you very much. Okay. I think there are a few proclamations, and I just -- first is Mary Ingargiola here? Mary? Oh, there you are, Mary. Okay. And also, I guess, the Assistant Principal, Steve, are you here? Okay, Steve. You can come right over to podium.

On a brighter note, the -- today a special proclamation is given to Mary. Next week, Mary begins her senior year at South Huntington's Walt Whitman High School. And today I'm honoring Mary for something she has been involved in for the past few years. Mary is a volunteer with Suffolk County's Habitat for Humanity, the national organization

which builds homes for the people in need. Mary recently won the Habitat's prestigious -- how do you pronounce that?

MS. INGARGIOLA:

Pritzer.

P.O. TONNA:

Pritzer. Pritzer Cousins Scholarship, which gives a few selected students the opportunity to work together, building a home and, hopefully, building friendships along the way. It's a way for our

young people to gain appreciation for the cultural diversity in America. Last month, Mary joined with 16 other student representatives and a handful of adults from across the Northeast in I guess it's Alabama for two weeks to participate in what they call a blitz build, the quick construction of a home. The two dozen volunteers built a home in just eight days. Besides volunteering her elbow grease in Suffolk County, working with a hammer and a paintbrush, Mary also uses her brain power. She has raised some $7,000 in fund-raising activities at Walt Whitman High School for Habitat for Humanity. Congratulations, Mary, for the wonderful example you set for everyone. Thank you.

(Applause)

Do you want to say something or -- Mary, would you like to say something? No?

MS. INGARGIOLA:

Just thank you.

P.O. TONNA:

Okay. Do you want to take a picture?

(Photograph was Taken)

Legislator Cooper, where are you? And I'd like Joe Diaz and Steve Connolly, and, Joe, you can -- Jose, you can bring your family with you also.

On August 23rd, Jose Diaz and Steve Connolly were on their way to work had they saw an apartment in Huntington Village on fire. They quickly jumped into action, they propped a ladder against a building and saved the people from the burning building; a teen-ager and two two year old -- two year old twins were saved. I just think this is one of the most amazing stories here had Suffolk County, that you would put both yourselves at risk before a fire department could get here to do such an amazing, an amazing feat. And I just wanted, on behalf of the Suffolk County Legislature and all the people of Suffolk County, to say congratulations and thank you so much for your brave actions.

(Applause)

LEG. COOPER:

I just wanted to flesh out a little bit what Paul said. It was last Wednesday, August 23rd, about 11 o'clock in the morning and a fire broke out in a second floor apartment on Main Street in Huntington

Village. (The previous statement was translated into Spanish by Ms. Pena)

MR. DIAZ:

Okay. Gracias.

(Applause)

LEG. COOPER:

As I was saying, luckily, for the three children in the apartment, Matthew Smith, who is 17, and his young nephew and niece, {Tiesha} And her brother, who are two year old twins, Jose Diaz and Steven Connolly were working on the street below, heard their cries for help, and using a ladder from the Cablevision truck that Steven was driving, they propped it against the building and they embarked upon a dramatic rescue attempt. And thanks to their quick wit and their fast action, they were able to save the lives of all three children. So the Town of Huntington owes them an eternal debt of gratitude. In behalf of the Suffolk County Legislature, I'd also like to thank you both for your

heroic actions. Thank you.
(Applause)
(A Photograph Was Taken)
P.O. TONNA:
I'd ask, Steve. Steve, can you --
D.P.O. LEVY:
Do we have any other presentations from any Legislators. Okay. There being none, as soon as the hallway clears here, we'll go into our speakers. Okay. Our first speaker is our District Attorney, James Catterson. Welcome, Jim.
MR. CATTERSON:
Good morning. Good morning and thank you.
D.P.O. LEVY:
Could we have Legislators present, please?
MR. CATTERSON:
Thank you, Mr. Levy. I have asked for a few minutes today to talk on a topic which I know will not rival, I'm sure, an intensity the long debate you're going to have today, but one which will have a long-term effect on the County of Suffolk and that is the pending legislation dealing with the creation of a Suffolk County Children's Shelter.
Suffolk County has enjoyed for a long time a relatively stable criminal justice system regarding youth crime. Up to this point, we've handled it through the Family Court with great effect, and we've handled it in the adult courts by dealing with them as youthful offenders, if it merited. The problem is in Suffolk County is that we're way behind the times when it comes to youth crime. It's not a problem, it's a blessing. Across the country is sweeping a wave of juvenile crime, which is not increasing in numbers, but increasing in variety and the violent senseless nature of it to the point that the schools can no

longer deal in the usual disciplinary manner in dealing with youth crime.
When a young person is brought before the Bar of Justice on the complaint of a school, that he has brought a weapon to school or dealt drugs in school, we are incapable of detaining that person for any length of time, because we don't have the facilities. It's a national and a county crime that we have to send young people to Niagara County where we wouldn't do that to adults. Sending them to the Riverhead facility, of course, an adult jail, is no -- is no panacea.
We were shocked a couple of weeks ago when a 15 year old was accused of gunning down or shooting five individuals in Huntington, which may be the aftermath of gang activity. That youth today is in the Riverhead Jail. Riverhead Jail is no place for a 15 year old, no matter how violent he or she is. But the great majority of youthful offenders are not violent. But the schools have to -- they can no longer contain the problem within the schools on a usual basis. In the old days, we left the discipline to the schools, Columbine changed all of that.
Not only is the problem dealing with we have no place to detain violent, disruptive youth pending adjudication of their cases in the Family Court or in the adult court, but we have no way to divert them from this, once we've identified who they are. It's been truthfully said that no one begins a life of crime after they reach the age of 18, but if they're not deterred before that time, you better believe it,

they'll continue to a life of crime.
Only two weeks ago a, jury brought in a death verdict against a person by the name of Nicholson McCoy. If I needed a poster child to deal with the failure of the system to address a youth who grew out of a dysfunctional family, it was Nicholson McCoy. Had he been reached by the adult society early on in his development, it may well be that the two victims that he -- people that he had murdered, one in Suffolk County, one in Manhattan, and the countless robberies that he imposed upon people may never have occurred. From his earliest youth, he was projected and identified as a person in need of diversion and supervision. Now, those same factors, Nicholson McCoy is not a Suffolk County resident, but those same factors are facing us more in the criminal justice system.
We need facilities to deal not only with detaining youth accused of crime, the time until their case comes to bar, we also need programmatic space to provide alternate school settings for youth who just can't do it in school, because they come from dysfunctional families and have a dysfunctional childhood. We need to build facilities that will divert young people from crime, rather than only dealing with the aftermath and jailing them after they commit violent crime. The kid who commits vandalism today, unless he is deterred, may well be the person who commits violent burglary in the future, and if not deterred at that point, will get into greater life of crime.
So I beseech you, we cannot build enough jail cells to contain the people who commit the crimes when they're adults. If we invest in the youth of our future of our County to those less fortunate than your children and my children, who have loving and guiding parents, if we

can provide programmatic solutions that will help us divert kids, rather than just lock them up and warehouse them, we're going to do a lot. Now, we need a facility that's not going to be a lockup, it's going to be a youth shelter, a place where we can detain and provide in a not jail setting, but with strictures, for those youth who are unfortunately incapable of dealing with their surroundings in their middle years. We need a place where we can provide alternate schooling for them, so that the schools won't be required to try and take them back and go through an endless round of suspensions and re-education or home tutoring. We need places where, if we put somebody on probation as a part of a graduated series of sanctions, if their offenses become more, we do more, where if they're put on probation, they can spend a month or two in the summer in an alternate school setting, so they get a little taste of the deprivation of freedom without making jailbirds out of them.
These are all the things that the 21st Century holds for Suffolk County, and for those who have the vision and for those who have the will to overcome the negatives who want the status quo. We'll never be in the status quo. Unless we change, we regress. So I applaud the initiatives. I know you have problems in siting, and that's something that will have to be dealt with in the future, but I'm not talking about a hard-core maximum security facility for kids. Kids don't belong in jail. Kids have to be diverted from the way they're going. Vinny Iaria is a pioneer across the country in probation alternates to incarceration. We have developed in Suffolk County many, many

systems. At the present time, we're working very closely with a couple of commercial firms to develop monitoring equipment that will actually work. When we put a kid on probation, if he's told he can't go near the school, we'll know it when he does it. It's in the future, but it's coming, and it's not going to be a long time off. So if we combined alternates to incarceration, a central facility that will assist us in delivering programs to them and have the will to do it, we can save in the long run so much more money and so much more in human misery than just merely waiting until they commit the crime as an adult and then locking them up for a long period of time. It solves nothing and creates waste, and it doesn't take advantage of the human spirit.
So I really encourage you to continue with your work, to bring together a youth diversion center, if we can use that terminology, so that we can act early to divert kids when they're in their formative years, when the judgements haven't been formed, or if, as a result of their upbringing, they don't have the same possible judgments that others do. And by doing that with one, we're going to assist the best schools in the country in doing their mission and not make policemen out of them, we're going to make more productive citizens in Suffolk County, and you will have a legacy that will not be based just in bricks and mortar, but on what you've done for the youth of Suffolk County to invest in their future and not just promise them, "If you do it, you're going to go to jail." That's not the solution. We can't build enough jails. I think the last 15 years in New York State have proven we can't build enough jail space if we just let the system run its course. We have to be proactive in this area and not just reactive.

The rising tide of vandalism, as I see every week in my newspaper, is indicative that there are a lot of kids out there who haven't gotten the message. Do they deserve to go to jail for long-term? Possibly, probably not. Do they deserve a chance to divert their attention to something more creative, yes, they do. And I'm asking you and depending upon you for the people of Suffolk County to leave this legacy, where we do something proactive for the kids in Suffolk County, and I know you'll do it, I know you have the will. It's not easy, but, you know what, we have a motto in my office, and I tell it to the young ADA's, that says, "Do right, risk consequences." Sometimes you have to have the political courage, and you've shown that you do have the political courage to take this dynamic step to build a core facility, which eventually we can enlarge to increase and to include all sorts of programmatic means as alternates to incarceration, because the bottom line is jail is no place for a 16 year old kid. Thank you very much.
LEG. D'ANDRE:
Just a minute.
LEG. CARACCIOLO:
Mr. Chairman.
D.P.O. LEVY:
Okay. Thank you.
D.P.O. LEVY:
Before we entertain questions or comments, I've got good news and bad news. The good news is there are loudspeakers in the hallway, the lobby. The bad news is the Sheriff has indicated that, for fire safety reasons, we are going to have to clear this main corridor here. We

apologize for that, but for obvious safety reasons, it's going to have to be cleared. He will be coming in. I will ask -- we have chairs that we're setting up outside. There also is a terrible murmur that's coming back from the lobby, so we want to try to improve the acoustics in here. So if people can kindly, quietly start to migrate pack into the lobby, the Sheriff will be in here to assist you in that, and from there, we will entertain some questions from some of the Legislators.
LEG. CARACCIOLO:
Steve. Steve.
LEG. CRECCA:
I'll go after Mike.
D.P.O. LEVY:
We'll have Legislator Caracciolo, followed by Legislator Crecca. And thank you, Ladies and Gentlemen, for your cooperation.
LEG. CARACCIOLO:
Thank you, Mr. Chairman. I'd like to thank the District Attorney of Suffolk County, James Catterson. Is it James M. Catterson?
MR. CATTERSON:
(Nodded yes).

LEG. CARACCIOLO:
Does that "M" stand for Michael?
MR. CATTERSON:
I wish it did, Michael.
LEG. CARACCIOLO:
Okay. Jim, you've had a long and distinguished career in many capacities in the criminal justice system, having now served in Suffolk County, I believe this is your third term. During the course of your tenure, among those issues you have identified as being problematic, I know this probably is close to the top of list. Could you share with the Legislators here the type of facility you envision? Could you share with the Legislators here your experience, and I know you've been involved with the National Association, I think you might even be a past president. As you traveled around the state and country, these facilities exist in every municipality, at least of county size or larger, where -- I say that, because the State of Connecticut is the only state in the country that doesn't have a county governmental system. But having said that, what has been your experience, what has been your observation in terms of what type of neighbors these facilities make? Because that is truly the underlying issue that this Legislative body has to deal with and deal with very sensitively. We don't want to locate it in a community where it's going to have any detrimental, deleterious effects on the image of the community. So could you just share your thoughts with us on that?
MR. CATTERSON:
Yes. Thank you very much. I make two observations first. Compared to the rest of the country, Suffolk County has not really been visited with a severe youth crime, juvenile justice problem. It is so rampant in other parts of the country that whole programs, I mean multi-million dollar programs are devoted to the juvenile justice system alone. In Suffolk County, we handle it in a simplified manner. Up to age 15 or to 16, actually 16, juvenile offenders, except for certain serious crimes such as murder and A felonies, are dealt with in the Family

Court, and the Family Court does an exceptionally good job in dealing with it. It's a court of reconciliation, of conciliation, and it takes into effect the youth and the age of the children.
Unfortunately, what has happened is while the juvenile crime in this county as not increased, some of the types of juvenile crime has become a little more beyond the capacity of schools to deal with. When they're referred to the court, and that someone brings a knife into school, someone assaults someone in school and there's a weapon present, these type of things, the schools have to call the police, they're arrested, taken to the Family Court. If the individual has a history of prior antisocial behavior, the Family Court was put in the position of do we turn them into the custody of their parents? What about their education? Are they turned back to school? And the kids in school feel that if you get arrested, it doesn't mean anything.
And, you know, in the life of a young person, 60 days is a long period of time. So if a person gets arrested in April and there's no adjudication of his case for a year, the kids, the other kids are fed a system of nothing works. And so the Family Court Judges have no place, at this point, to detain a young person until such time as their case

is adjudicated and a final solution to his problem is created. And what does that do? They only have been able to detain the most egregious ones, and those have to be sent into either Nassau County, and we can't do that anymore, and as far away as Niagara County. Now, we would not send an adult to Niagara County pretrial, they're presumed innocent. And so we have no holding place. So the first thing, of course, is we need a secure holding place.
But you have to understand, under the Division for Youth, New York State, they set the criteria for creation of the conditions under which young people can be detained. It's a facility which has secure outer walls, but doesn't appear to be a jailhouse. Within it, it's divided by walls, but not by bars, necessarily. It's not a lockup. We're treating kids like kids should be street treated. They have problems, they're troubled, yes, and they have to be controlled in that environment. But they should not be made into jailhouse people, because that's the exact thing we want to avoid. That's number one.
Number two, around the country, Jacksonville is a leader, they are using the juvenile system to create diversion, things, matters I was talking about before, to prevent the youthful offender who creates a -- does a minor offense from repeating with greater intensity. So we're talking about diversion programs which involve the parents, which involve truancy, which involve a lot of things, which, if we can catch the kid early on, we can -- we can make a difference, we can make a good citizen.
Teachers tell me time and time again, "We can spot the kids that are going to be in trouble when they're eight and nine years old." When you get a ten year old in one of our school districts say to a female in his class, "I want you to have my baby," he didn't pick that up by himself, he learned it in his dysfunctional family from which he came. And we have to overcome that, and it's not easy, but it -- it takes patience and it takes educating of the educators, and it takes alternate education, if they can't be controlled in a normal classroom setting. So, eventually, we would like to do that.

I would like to see a system that will allow us when a -- a series of escalating sanctions for people who don't learn the first time. A young kid gets in trouble the first time, he gets suspended from school. The second time, he may get kicked out of school. The third time, he has to go to a student thing. And then he gets in the criminal justice system and the cops arrest him. What's a judge going to do with a 13 year old? Is he going to put him in jail? Of course, he isn't. So he gets probation, and if he does it again, he keeps going. I would like to see each time a little more intensity to the point when they get where they've been sentenced to a period of probation, they do part of it, part of it under an alternate school setting in a facility. Maybe not this year, maybe not next year, but five years from now, we should have a comprehensive treatment of kids who are in trouble, who get in trouble many times for reasons beyond their own ability to -- if Nicholson McCoy had been intercepted early on, he never would have killed Vicky Peyman, I'm confident of that, and we have an obligation to do that.

So the setting that you asked me, around the country, they're much more advanced than us, because Suffolk County is a unique place to live, without laying a lot of laurels on ourselves, because we have our own bumps and everything. We have more families living in a family setting per capita than any other county in the country. We have more families living in their own homes than any other county in the center. We have more minority of our -- members of our minority community homeowners. Now, what does that mean? It makes for a much more stable environment than possibly outside of L.A., or I don't want to pick on any other community, but it's coming to us, too. Our kids are not immune. They see the television, they go out with everybody, they go to their parties, and they are subject to so many pressures that we never had when we went to school, and we have to be cognizant. We just can't sit back and say, "Okay, if you screw up, young man, we're going to throw you -- put you in jail." Remember those days, everybody said, "We're going to put you in jail"? That doesn't mean anything to the kids anymore, because they know it doesn't happen. We don't want to get to that point. We want to divert these kids and make them useful members of our society, working through the schools, working with more than the traditional law enforcement, with good probation, with good social services.

Do I sound like a social scientist? I'm not. I've been in this long enough to know that merely waiting until the end and in convicting them of a heavy crime and putting them away is not the.

I'm going to talk next week at Mr. Crecca's new judiciary committee about a life of crime by a crack addict. We should have diverted that fellow a long time ago. We're talking about how he was finally caught again through DNA, and that's going to be a great salvation for us.

Let me get right back to what you're saying, Michael. Youth diversion in our kids. We're not talking about hardened criminals, we're not talking about putting drug addicts in a community, we're talking about a center that can deal with troubled youth who will, for any other reason, if they're going to be on probation anyway, they would be walking in the community. If I can make them part of a center, if we can make them together part of a center in which we're instilling new

values in them, people that care about them, taking care of their education, because education is key to this thing, we're going to do a lot. And I don't think it's going to be anymore obtrusive than a small hospital, a small center for youth, because, obviously, the kids who are too violent are not going to end up in this place anyway, they're going to end up in a hard place and we failed again, but that won't happen.

LEG. CARACCIOLO:

In one of your prior experiences in the adjoining county, in the County Attorney's Office, you, like I, who were -- was employed there in the Police Department, had experience to deal with juveniles in the juvenile detention facility they have in Westbury right behind the Family Court. Could you help describe the community and the proximity of the community to that facility? It is -- as you know, it's East Meadow, Westbury.

MR. CATTERSON:

Right, right, right.

LEG. CARACCIOLO:

And it's -- it borders, literally borders the facility

MR. CATTERSON:

The private property, yes. I don't know that we've had, that I can recall in the time since then, an incident that a neighbor was troubled or intruded upon by someone coming out of that facility. First of all, the ratio of supervisors to detainees is extremely high, it's almost one to one. So in Nassau County, I remember when we created in 1976, I don't know how big it was forty-eight bed or forty-six, I was amazed at the -- whereas the jail might be six or seven or eight to one -- excuse me, four or five to one, the prisoners to guard, it's almost a two-to-one ratio when you're dealing with young people, because of the restrictions that the Division of Youth places on it. So, one, the supervision is much more intense. And that's another thing, just building the bricks and mortar is not enough, I'm asking you to buy into a program that's going to put more supervisors, more psychologists, more social service folks involved. And you say big money? Compare that to the 871 uniformed correction officers we have in Suffolk County and I tell you, this is a great saving for the people of Suffolk County in the long run. If we can keep kids out of jail, we're going to save money, because it doesn't cost the monies that we will spend in the future. We found that out in the '80's when we built the State -- State. . .

I can't say anymore. I can tell you that we're just coming to the point where many other communities were forced to do it many years ago. And I'm trying to encourage you, because I know you've already taken the initiative to not lose heart on this; that we have to plan for the future, because if we wait until the crisis is on it, we're too late, we can't do anything. You're planning ahead. As the problem will begin to increase even more, you will be ready, Suffolk will be ready, and we can deal with the problem, as we do with a lot of other problems, you know.

LEG. CARACCIOLO:

Thank you very much.

MR. CATTERSON:

Okay, Michael.
LEG. CRECCA:
Actually, I'll be brief, because Michael addressed my questions already. But I just wanted to say -- I wanted to commend you for -- you know, a lot of D.A.'s, as a former prosecutor, I can say a lot of District Attorneys have -- take the attitude that, well, once a crime is committed, that's where you come in and that's what your role is. But, you, as a D.A., have taken a more comprehensive approach, and especially when it involves our youth, which, really, you could cast aside as not being under your jurisdiction, not having to be dealt with, but in working with Vinny Iaria, in working with diversion programs, and with trying to stop crime, curb crime before it actually happens, you ought to be commended for being an innovator in that area

as a prosecutor and as our District Attorney. So I do want to thank you for that, and I want to thank your input on this important issue, and that's why we look forward to your input as we move forward in this process as a Legislature, and why we've asked on the legislation, why Mike has asked you to be a member of the task force that will determine the scope and site of this committee. So thank you, and look forward to working with you on this --
MR. CATTERSON:
Thank you very much.
LEG. CRECCA:
-- and the Judiciary Committee.
MR. CATTERSON:
Thank you very much.
P.O. TONNA:
Thank you.
MR. CATTERSON:
Anybody else?
P.O. TONNA:
Thank you very much.
LEG. D'ANDRE:
Thank you.
LEG. CARACAPPA:
Thank you, Mr. Catterson.
MR. CATTERSON:
Thank you all.
P.O. TONNA:
Okay. Thank you very much, Mr. Catterson.
LEG. BISHOP:
Mr. Chairman.
P.O. TONNA:
Yes. You have a question?
LEG. BISHOP:
I assume many of the speakers are speaking on the Caracappa proposal that's coming up.
P.O. TONNA:
No, not necessarily. I have --
LEG. BISHOP:
All right.
P.O. TONNA:

I have --

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LEG. BISHOP:
All right. In any case, regarding the Caracappa proposal, could you have staff request that Chief Robilotto and --
LEG. CARACAPPA:
They're next.
LEG. CARPENTER:
They're here.
P.O. TONNA:
Yeah.
LEG. BISHOP:
They're here?
P.O. TONNA:
We have -- the Commissioner is next on the list.
LEG. BISHOP:
And the Chief is here?
P.O. TONNA:
Well, I --
LEG. BISHOP:
Because the Chief made most of the statements of fact.
P.O. TONNA:
Right.
LEG. BISHOP:
And I just want to --
P.O. TONNA:
I have --
LEG. CARACAPPA:
They're all coming up.
LEG. BISHOP:
They're all here. Okay, very good.
P.O. TONNA:
Okay. I'd ask that Police Commissioner John Gallagher --
LEG. CARACAPPA:
Chief Robilotto.
P.O. TONNA:
And for those in the auditorium, we've requested Public Works to come in and bring chairs. There doesn't seem to be enough chairs to accommodate everyone, so we will be bringing in more chairs.
LEG. CARACAPPA:

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Paul, put me on the list for questions first.
P.O. TONNA:
Yeah. Oh, you mean after he speaks.
LEG. CARACAPPA:
Yes.
P.O. TONNA:
Yeah. Joe, I'm not cutting off any debate. Anything you want to say --
LEG. CARACAPPA:
No. Just put me on the list, I'm saying.
P.O. TONNA:
Okay, yeah. Well, you're number one, Joe.

LEG. FISHER:
Put me number two.
P.O. TONNA:
You're number two.
LEG. CARACAPPA:
Vivian's really number one.
P.O. TONNA:
In my mind.
LEG. CARACAPPA:
All right. The Chief's going one way and the Commissioner is going the other way. That's a bad sign already.
LEG. FISHER:
Uh-oh.
P.O. TONNA:
Commissioner, Legislator Foley will have a chance to address you in a second. Come on up. I'd ask, all Legislators, please come to the horseshoe, so that a quorum is present. One, two, three, four, five, six, seven, eight, nine. We're missing nine Legislators. Oh, ten. Okay. Commissioner, it's a pleasure to see you once again.
COMM. GALLAGHER:
Thank you. Thank you, Mr. Chairman.
LEG. CARACAPPA:
You're going to go right into questions, or you're going to make a statement, Commissioner?
COMM. GALLAGHER:
I'll just make a brief statement that --
LEG. CARACAPPA:
Okay. Thank you.

COMM. GALLAGHER:
I distributed this morning to each of you -- oh, by the way, I have the Chief of the Department, Chief Robilotto will be here. I've asked him to, you know, accompany me in case they have -- questions come up that I would have to defer to his expertise on.
I distributed to each of you a series of numbers that I just want to go over with you and make sure that it's clear to you what these numbers are and how they were arrived at. The heading is "Arrests from CHASE," that's C-H-A-S-E. CHASE is an acronym for Criminal History And Suspect Evaluation. It's our computer module in this criminal justice information network that we use for tracking arrest records. What we did with the program that we wrote for the -- for this report was we asked the module to give us arrests of individuals, not of arrest charges. You may see other figures at other times in reports that we give you that would show a lot higher number than the numbers you're looking at. That's because one arrest of an individual can often result in several charges being placed, and that means each of those charges is technically separate arrests. So the numbers you have in front of you are number of individuals that were arrested in the years 1995 through August 28th of this year. We did two runs, one of the entire police district, which, as you know, takes in the five western towns. Of all the individuals that were arrested, of all those who were arrested who were U.S. Citizens, all those who were arrested who indicated they were not citizens, that's part of the standard arrest

package that is sent up to the State. That is part of the universal reporting system that we deal with. And one of the questions asked of a person who's arrested is, "Are you a citizen?" If they answer no, we note that. We ask them what they -- what country they are a citizen of. We also can ask at that point if they have an alien registration card. Now, that does not go on the arrest packet, on the standard packet, there's no entry for that question. It just simply says are you a citizen or not?

You see another category in both columns, but the one specific to the Hamlet of Farmingville and to the district -- it's a district that says "unknown." "Unknown" means those arrests that were made and the vast bulk of the unknowns are arrests that were made of field appearance tickets. A field appearance ticket is an issued -- it's a summons, in effect, that's issued for a violation of laws, it's not a crime. I could give you some -- you know, just some everyday examples; carrying liquor in an open container, alcohol in an open container, which violates certain -- sometimes it violates town ordinances or village ordinances if it's in a park or whatever, we issue field appearance tickets for that kind of a violation. Shoplifting under a certain amount, a field appearance ticket is issued. Now, the field appearance ticket is an arrest, but it does not give the arrest -- the ticket form does not give you the ability to indicate whether or not the person being given the ticket was a citizen or not. So that's why "unknown" simply is setting aside those who were issued field appearance tickets. I'd say 99% of those unknowns were field appearance tickets being issued. Okay?

Now, you see the numbers go from the police district and the final column in the district says, "The district percent of non-citizens

arrested." That's known non-citizens against known total arrests. And the percentage that Legislator Bishop asked me to -- myself and Chief Robilotto, if we could give him some kind of a comparison between that and the Hamlet of Farmingville.

The only other point I want to make on the numbers regarding Farmingville, when I say, "Farmingville arrests," that doesn't mean the arrests of people who reside in Farmingville. Our records are kept by location of the arrest, so arrests in Farmingville would not necessarily mean someone who resided there, but merely that the arrest took place in that Hamlet. Case in point would be someone who was driving, stopped for driving while intoxicated and arrested, that arrest is listed as a Farmingville arrest, although it might not necessarily have anything to do, the person arrested might have nothing to do with Farmingville as a community.

Now, you see all persons, again, '95 through '99. Let me just point something out, I wouldn't want to miss the opportunity in front of this group, from '95 through '99, if you look at that first column, Police District, all arrests, it's gone down.

P.O. TONNA:

Does anybody have those numbers? Do we all have them?

LEG. FOLEY:

Yes.

P.O. TONNA:

I don't, and I don't think Ginny Fields has them.

LEG. CARACAPPA:
They're getting to you right now.
COMM. GALLAGHER:
I know they distributed one to each of you this morning. I have extras.
LEG. FISHER:
I had made copies, Commissioner, from the one you had sent to my office.
P.O. TONNA:
Okay. Thank you.
COMM. GALLAGHER:
Just if you note, in 1995, there were 52,000 arrests made in the district; in 1999, that's down to 40,000. And there is -- you know, undoubtedly, that is due, to some extent, in the decrease in crime. The rate of crime and the incidence of crime have gone down, both in those years.
In the Hamlet of Farmingville, you have -- the numbers speak for themselves, it's been fairly steady. I think at the -- experiencially, from '95 through '99, the numbers don't vary that much. The non-citizen arrests, '95 through '99 also have been fairly steady. There was -- well, in '97, there was a drop of non-citizen arrests in

Farmingville, and I think Chief Robilotto has some information about that. But that doesn't necessarily mean that there was an increase in crime in the next year, simply that we had a rather concentrated effort and in resources in '97 at one point. The numbers, again, the percent of non-citizens arrested in Farmingville as opposed to the percent of all arrests made is moved up slightly from '97 through '98 into '99. I've said this before, there was some question, at least through the press, and to correct that impression, that somehow we were dealing with a crime wave in Farmingville. We're not. The Farmingville arrests, the Hamlet arrests, as you see them in front of you, 463 in '95 down to 436 in '99, but we don't keep our arrest stats by Hamlet. But, you know, we don't normally refer to them by hamlet, but we can do that, if we want to. And based on, you know, what the Chief has told me, our records are fairly -- it's fairly clear that our records are indicating that that's not an unusually high arrest number for a hamlet the size of Farmingville. To have that many arrests take place this that hamlet is not that unusually high.
LEG. D'ANDRE:
It raises heck with those people. It raises heck. Them come here --
P.O. TONNA:
Michael. Michael, you're going to -- can get on the list, Mike.
COMM. GALLAGHER:
I -- well, actually, I'm finished, Mr. Chairman. I just -- these are the numbers that were asked of me to provided by the Public Safety --
-- Public Safety Chair asked me to provide these numbers to the entire --
LEG. D'ANDRE:
Mr. Chairman.
P.O. TONNA:
Okay. Thank you.
COMM. GALLAGHER:

-- Legislative body.
P.O. TONNA:
I'll put you on the list, Michael. There's already four people on the list.
LEG. D'ANDRE:
Oh, yeah?
P.O. TONNA:
Yeah. Okay. We're going to start with Joe Caracappa.
LEG. CARACAPPA:
Thank you, Commissioner. I'm going to ask some quick, pointed, straight-to-the-point questions, and I'm going to actually be redundant with regards to my questionings and what you just said.
In the press and the opponents, they've said the numbers that I've

presented over the last week or two have been fake, false, pulled out of my hat.
P.O. TONNA:
Who said that?
LEG. CARACAPPA:
It's been documented that way. Are the numbers and stats that I've presented truthful and honest, and were they provided by the Suffolk County Police Department?
COMM. GALLAGHER:
The numbers that you presented in the preface to your bill, that is, Legislator Caracappa, they were accurate. They were provided to you by us. One of the things we have been doing in the Sixth Precinct is making a notation for the precincts own use, because of the need to determine how our resources should be committed there. And, also, to answer several inquiries about the number of undocumented aliens that have been arrested in the Farmingville area, we have been keeping a precinct, just a precinct record. It doesn't go on the arrest packet, but we're keeping a precinct record of when someone cannot produce documentation and is a foreign citizen, we put that down as an undocumented arrest, undocumented alien arrest.
LEG. CARACAPPA:
So they were truthful and honest.
COMM. GALLAGHER:
It's a hand-generated record. But you're not -- the citations you make, I checked them personally, they're all -- they're all accurate. Accurate
LEG. CARACAPPA:
Thank you. Let's talk about Farmingville for awhile, because it's my district.
P.O. TONNA:
Questions.
LEG. CARACAPPA:
Yes, absolutely. You've mentioned already, in Farmingville, over the last three years, I'm looking at the numbers, there's been an increase; correct?
COMM. GALLAGHER:
From, you mean, 98-99?
LEG. CARACAPPA:
'97.

P.O. TONNA:
Just can you define your terms? An increase in what?
LEG. CARACAPPA:
Ninety --
P.O. TONNA:

An increase in crime among undocumented, is that your you're saying?
LEG. CARACAPPA:
Yeah, percentages, percentages, '97 to 2000.
COMM. GALLAGHER:
Yes, that has gone up.
LEG. CARACAPPA:
By what, by what percentage?
COMM. GALLAGHER:
Well, in '97, the non-citizen to total arrests was 3.37%.
LEG. CARACAPPA:
And it's now?
COMM. GALLAGHER:
Now, it's at 7.6% in '99.
LEG. CARACAPPA:
Okay.
COMM. GALLAGHER:
And it looks like it might remain -- it might remain in that number --
LEG. HALEY:
6.42.
COMM. GALLAGHER:
-- 2000.
LEG. CARACAPPA:
Okay.
COMM. GALLAGHER:
Well, 6.42 in '99. I'm sorry, 7.6 up to date in 2000. I'm sorry. And it looks like it will hold steady at that 7% number.
LEG. CARACAPPA:
Chief, Chief Robilotto, in nineteen-ninety, I guess, six, early '96, you and I, and Legislator Foley, when we entered into this problem and started doing something, you were the Commander of the Sixth Precinct then. Do you think the drop from 8.64 to 4.45 and then down to 3.37 was because of the added police presence that we put down there over those years?
CHIEF ROBILOTTO:
Absolutely.
LEG. CARACAPPA:
Absolutely. It came back up. Do you think it was because we pulled that saturation level back over those other years?
CHIEF ROBILOTTO:
I wouldn't say we pulled it back, we --

LEG. CARACAPPA:
It wasn't as intense.
CHIEF ROBILOTTO:
We redistricted it.
LEG. CARACAPPA:
It wasn't as intense; correct? Okay.

CHIEF ROBILOTTO:
Right, it wasn't as intense at all. We brought the --
LEG. CARACAPPA:
What -- okay. What kind of patrols do we have?
P.O. TONNA:
Wait, just -- just to -- so then you pulled back the -- they're not doing the same thing they were doing the years before?
LEG. CARACAPPA:
Saturation-wise.
CHIEF ROBILOTTO:
They are now. What we -- the perception in the community is what counts. Obviously, we have to deal with the perception, and the perception in the community was that there was a problem. There was a very large group of people, larger, in fact, than the one that's here at present, met with Legislator -- both of the Legislators at the Farmingville Firehouse. As the Commanding Officer of the Precinct, I intensified the patrol through the COPE auspices and literally inundated that one Hamlet with uniformed force.
P.O. TONNA:
And then somebody pulled that back.
COMM. GALLAGHER:
Well --
LEG. CARACAPPA:
They weren't --
COMM. GALLAGHER:
-- I think rather than use phraseology like that, Mr. Chairman, "somebody pulled that back," I mean when you -- when you saturate an area, you're taking away from resources from other areas. I mean, eventually, when you see the problem diminish, you start reassessing the -- realigning the resources to take -- you know, the Sixth Precinct is a huge precinct.
P.O. TONNA:
Yeah.
COMM. GALLAGHER:
So --

LEG. CARACAPPA:
Can I go on, Mr. Chairman?
P.O. TONNA:
Yeah. Sorry.
LEG. CARACAPPA:
Okay.
P.O. TONNA:
I was just trying to define the terms, so that I understand what you're saying.
LEG. CARACAPPA:
Speaking of the patrols, saturation patrols, what are we talking about? Are there more or less than other places?
COMM. GALLAGHER:
Right now?
LEG. CARACAPPA:
Usually, over the last couple of years, and especially when it's at the saturation level, that you said helped, or the Chief helped, helped

chief keep those numbers down.
COMM. GALLAGHER:
Well, there are more patrols going on in Farmingville right now than in a normal hamlet in other parts of the precinct. That is because, at certain times of the day, we have visibly stepped up our patrols in order to enforce the V & T laws, the Vehicle and Traffic Laws regarding unsafe stops, unsafe actions on the roads, to make sure that those who come into the hamlet and make use of the day labor pool do so in a safe manner. You know, we're strictly enforcing the V & T laws and --
LEG. CARACAPPA:
So in those -- with those increased patrols, we have numbers still rising in Farmingville. That's -- I'm not asking that, you've already stated it. Let me go on.
All right. Chief Robilotto, in the Public Safety Committee, and I have the minutes in front of me, I'm just going to read some quotes by you and you, and you just ask me if you said them or not. "Crime has definitely been in -- has been on the increase in Farmingville."
CHIEF ROBILOTTO:
Yes.
LEG. CARACAPPA:
"It's an exasperating problem and there's no end in sight."
CHIEF ROBILOTTO:
Yes.
LEG. CARACAPPA:
Chief Robilotto, you went on to say, "We have seen an increase in not

only the type of crime, but the level of crime. The drunk and disorderly charges that were the benchmark of four or five years ago, and they were rare because generally they're a very definite population, has increased considerably. Additionally, if you look at the sheets in front of you that are in the bill," which I got from the Police Department, I just inserted that myself, "the attacks on individuals have increased drastically."
CHIEF ROBILOTTO:
Yes, they have. The numbers are there, they speak for themselves.
LEG. CARACAPPA:
Okay, thank you. Again, just to say that again, the numbers and stats that I have spoken about, that I have been presenting, have been truth -- truthful and honest, as presented to me by the Police Department; correct?
COMM. GALLAGHER:
Yes.
LEG. CARACAPPA:
Okay. Two last question. The INS, Commissioner, in your view, have they put an unfair burden on the County of Suffolk's Police Department and the taxpayers of Suffolk County due to their complete inaction as a Federal agency?
COMM. GALLAGHER:
Well, I was going to --
(P.O. Tonna banged the gavel)
P.O. TONNA:
There's a lot of background chatter. Legislator Caracappa is asking questions. I'd ask the people listen.

COMM. GALLAGHER:
The INS, by its failure to take any action, really, has -- you could characterize it as an unfair burden on us, because we are, you know, having to deal with the results of INS failure to take action against certain individuals, certain individuals who turn out to be eligible for INS -- INS arrests, and because of criminal activity and who are not arrested, and if there's a repeat of -- you know, if the criminal activity continues and it's a repeat arrest, we wind up actually, yeah, having to place a burden on ourselves. As you know, the INS is the agency, that by federal both law and regulation, is the agency that does arrests, makes the arrests of undocumented aliens for deportation, and they have -- they have not, in effect, stepped up to the plate here at all in this community.
LEG. CARACAPPA:
I appreciate that. One final point. The word "crime wave" has been used time and time again in trying to, I guess, in the character assassinations of myself in the press lately. That's part of the business and I accept it. Did I ever to you, or in my bill, or to number else say there was a crime wave?

COMM. GALLAGHER:
Well, in the bill, obviously, you didn't. Not to my recollection, I don't remember you ever using that phrase to me.
LEG. CARACAPPA:
Well, I went through the minutes, too, of the Public Safety Committee and there was never an instance of me saying there was a crime wave, and I think that's just a dereliction of duties on --
P.O. TONNA:
All right. Where's the question, Joe? I just want to keep it at questions.
LEG. CARACAPPA:
I'm asking it. Where was -- did I ever ask -- did I ever say there was a crime wave?
LEG. D'ANDRE:
You've got to give him some latitude, Mr. Chairman, you've got to give him some latitude. It's a tough situation.
LEG. CARACAPPA:
And the answer was no. And I'm just saying -- I'm just finishing up my questions by saying that was a complete dereliction of duty by the writers of the articles that took it upon themselves to editorialize it. I thank you for answering my questions.
COMM. GALLAGHER:
You're welcome.
(Applause)
P.O. TONNA:
Just, Legislator Fisher, you're next. I'm after you. Then --
LEG. BISHOP:
I thought I was on --
P.O. TONNA:
Dave Bishop and Mike D'Andre, and then Allan Binder.
LEG. FISHER:
Good morning, Commissioner. Good morning, Chief.
COMM. GALLAGHER:

Good morning.
CHIEF ROBILOTTO:
Good morning.
LEG. FISHER:
Thank you for all the help that you've given us in trying to get the information regarding the crime issue here. I know that you've been working on this for the past couple of weeks, which is what the Chair of the Public Safety Committee has stated when we voted to -- when we voted this legislation out of committee, that we wanted to have this

issue appear before the full Legislature, so that we could explore with all of the -- with the -- in the presence of all the Legislature, the full Legislature, the ramifications and the issues behind this legislation.
My first question is regarding one of the columns in the statistics. Farmingville non-citizens, can you, please, explain very clearly what you mean by Farmingville non-citizens? Does that necessarily mean an undocumented person?
COMM. GALLAGHER:
No, it does not, because the arrest package that is prepared for our, you know, formal records and the records that are transmitted to other agencies only has one field. It says citizen or non-citizen and that's all we ask. If you're not a citizen, we do ask you what country are you a citizen of, if you've been an arrested. That's what gets transmitted up to -- as I say, goes up to the State and, ultimately, the federal government. So a non-citizen arrest does not automatically, in fact, we know it does not, automatically equate to an arrest of someone who does not have an alien registration card. Someone could be a non-citizen, be here legally as a resident alien and -- registered alien and still be arrested, obviously.
LEG. FISHER:
So then the number of undocumented people who have been arrested is really not reflected in this chart, because this reflects non-citizens, and that would be a sub-group. The --
COMM. GALLAGHER:
Yes. I guess the best way to put it would be, yes, one -- A does not equate to B, but it is a sub-group of A --
LEG. FISHER:
It becomes a sub-group of that number.
COMM. GALLAGHER:
When they're -- when a non-citizen is arrested who also does not have an alien registration card, they are, you know, folded into the non-citizen column.
LEG. FISHER:
So, if we extrapolate from that statement, then we would say that the percentage of undocumented immigrants would not only in absolute numbers be smaller than the number listed under non-citizens, but in percentage it, would be a smaller percentage at the end of the column.
COMM. GALLAGHER:
I don't know. I mean, I don't know that every --
LEG. FISHER:
But, if it's a sub-group, it wouldn't be a greater number, it would more likely be a lesser number.

COMM. GALLAGHER:
Well, I'd be more comfortable, Legislator Fisher, saying district-wide,

you know, of the 2,324 non-citizen arrests made so -- to date, I'd feel very confident saying that, mathematically, it's almost a certainty that, you know -- it's a certainty --
LEG. FISHER:
Okay.
COMM. GALLAGHER:
-- that there are some of them who are legal, you know, here in the country legally, but non-citizens. Of the 20 -- of the 19 arrests in Farmingville, I don't know how many of them --
LEG. FISHER:
Okay. And you don't have that information, so I don't expect you to --
COMM. GALLAGHER:
No.
LEG. FISHER:
-- be able to give it to me. But I'm saying a logical extrapolation would be that if it's a sub-group, that it wouldn't be a greater number, that it more likely would be --
COMM. GALLAGHER:
That I would --
LEG. FISHER:
-- a smaller number.
COMM. GALLAGHER:
That I would agree with you, it could not be a greater than the number.
LEG. FISHER:
Okay. I have a question about the unknowns. I notice that in the 2000 numbers that we seem to have a larger number of unknowns. I mean, the 1999, we have 73 and 46. Why does that number seem to be a greater percentage in Farmingville than in the general County numbers?
COMM. GALLAGHER:
Well, I'll let the Chief, you know, give you detail. But just off -- I mean, just say in general that it's a coefficient of the type of arrest that's made. If the type of arrest that's made is an arrest that is a violation and it warrants giving a field appearance ticket rather than a full arrest, and that will vary, you know, I think by circumstances to where arrests are being made. Certain types of arrests, the officer knows that it's not worth going through the arrest -- this isn't an arrest, it's -- it's an arrest for a violation --
LEG. FISHER:
Okay.
COMM. GALLAGHER:
-- and so they issue a field appearance ticket, unless you have any --
CHIEF ROBILOTTO:
No.

COMM. GALLAGHER:
Anything more.
LEG. FISHER:
Okay. I had one more question. There was a comparison made earlier in another question with regards to the percentage in 1999 and 2000

relative to the 3.37% in 1997. You have previously stated that, at that time, you had saturated the area with more police presence. So, in fact, the 3.37 might be called an artificial number, and that comparing 2000 with '97 wouldn't be as fair as, let's say, comparing 2000 with 1995 or 1996, 1998, 1999. '97 and the end of '96 probably was when you increased the police presence. Is that an accurate picture of what was occurring?
COMM. GALLAGHER:
Well, the increase was done in '97, right, when we saturated the area.
CHIEF ROBILOTTO:
'96.
LEG. FISHER:
Okay.
COMM. GALLAGHER:
'96, I'm sorry, '96.
LEG. FISHER:
Okay. So in '96 -- well, and -- wherein lies the 4.45%.
COMM. GALLAGHER:
That's correct.
LEG. FISHER:
Okay. So then that would be a fair observation, that because of the increased presence, we had a dip or a lowering of the percentage of non-citizens arrested. So the comparison of '99 and 2000 with those numbers would be an artificial comparison.
COMM. GALLAGHER:
I'm going to let the numbers speak for themselves.
LEG. FISHER:
Okay.
COMM. GALLAGHER:
I'm not a statistician.
LEG. FISHER:
All right. I'm not going to ask. All right. I have another question, and that is although the word "crime wave" was not stated, the word that probably would lead us -- and I have spoken with Legislator Caracappa about this. The open language of the resolution is something that we -- I have a problem with, but I will speak to that later on. The one word in the first sentence of the resolution says, "Whereas; a recent spate," and a spate does generally imply a marked increase, a

peak, a very steep acceleration. So, if we look at the numbers that you have provided for us, I don't think that those numbers reflect a spate.
COMM. GALLAGHER:
That I would agree with.
LEG. FISHER:
Okay. Thank you very much.
(Applause)
P.O. TONNA:
Thank you. Okay. I think -- I'm next, and then Legislator Bishop. Just to ask, Chief and John, just to cut to the quick about some questions, is the passage of this bill going to make Farmingville safer? Is this bill going to make the residents of Farmingville safer? That's what we're asking, right? This is why we have so many

people down here today.
LEG. CARACAPPA:
No, that's not the question.
P.O. TONNA:
I want to know, is this going to make the residents of Farmingville safer to live in Suffolk County because of the passage of this bill?
LEG. CARACAPPA:
That's not what the bill does, Paul.
P.O. TONNA:
I'm just asking. I want to know. People want safe streets, they want safer streets. They want to make sure there's not a -- you know, an increase in crime in this area. Is it going to make it safer?
COMM. GALLAGHER:
Well, you're asking me a hypothetical that I really don't feel comfort answering, you know, as to --
P.O. TONNA:
Well, you're the Police Commissioner. You're the one who's responsible for our safety here in Suffolk County. You have your Chief, we have statistics. Are we going to be safer?
CHIEF ROBILOTTO:
It can't hurt.
COMM. GALLAGHER:
Well, as the Chief just said, maybe if you look at it in the chicken soup analogy, it can't hurt, but if it -- let me put it --
P.O. TONNA:
Well, I want to -- I want to hear the Chief say it.
COMM. GALLAGHER:
I'll put it to you this way.

P.O. TONNA:
Tell me about the chicken soup.
COMM. GALLAGHER:
I'll put it to you this way. If the passage of this bill moves the INS to take -- pay more attention to us when we report to them nondocumented alien arrests of felons, then I'd say it would make the streets safer, if the -- if the INS is moved to do something.
(Applause)
LEG. FISHER:
Mr. Chairman, would you suffer an interruption, Mr. Chair?
P.O. TONNA:
Let me ask you -- wait. I just --
LEG. FISHER:
Would you suffer an interruption?
P.O. TONNA:
Sure.
LEG. FISHER:
Because there was a -- that was part of another question I had that I forgot to get to, which is, in our discussions, one of the very important points that we discussed and that the INS must step in and help Suffolk County with is the arrests -- felony arrests. And, Mr. Chairman, a big issue that we have seen here is that in felony arrests --
LEG. POSTAL:

Paul.
LEG. FISHER:
Okay. If I could --
P.O. TONNA:
A question.
LEG. FISHER:
The question I was going to ask, if the INS, Mr. -- if the Commissioner --
COMM. GALLAGHER:
Yeah.
LEG. FISHER:
-- could respond to this. If the INS were to take an active role in felony arrest situations, would we then see the risk of flight lowered? Because that's been the case with the DWI that resulted in vehicular manslaughter and in a rape case, where there was bail posted and there was a very great risk of flight, and, in fact, the person who had been arrested has not been -- has fled and has not been apprehended; is that correct? Would having the INS play a greater role

in this help? And I think that's the area where we've discussed, Mr. Chairman, where the INS could be of greatest help.
COMM. GALLAGHER:
Well, again you're asking me to speak for an agency over which I have no control. I mean, whether the INS would have intervened or interceded at the time of an arrest, what --
LEG. FISHER:
No. My question was would that have helped if they had intervened in the felony arrest?
COMM. GALLAGHER:
If they had intervened, yes. If an arrested felon was put into the -- you know, put under the jurisdiction of the INS, which means they usually are detained, by INS rules, I believe they're detained somewhere, well, then, yes, obviously, it would help, because there would not be a flight from the jurisdiction at that point.
LEG. CARACAPPA:
Mr. Chairman.
P.O. TONNA:
I still have questions.
LEG. CARACAPPA:
I just want to -- if I could make a passionate plea to you and others. Do not -- please, do not fall victim to the spin job that's been placed on this bill over the last week, and please, please address it as what it is. It goes after the federal agency and nobody else for reasons that have been stated on the record so far. That's all I ask of and I appreciate it.
P.O. TONNA:
Chief, question. Let me just continue with my questioning. Do we keep statistics about crimes committed to undocumented? I mean, we commit -- we keep statistics about crime that are committed --
COMM. GALLAGHER:
Well --
P.O. TONNA:
-- by people who don't have documents. Do we in any way keep

statistics about crimes that are committed to undocumented people, or by, you know --
COMM. GALLAGHER:
Well, first of all, the undocumented alien, non-registered alien that we keep a record of in the Sixth Precinct at this point was an informal record. We do --
P.O. TONNA:
We don't do it in Huntington, we don't do in any other place?
COMM. GALLAGHER:
At this point, we don't keep those records, no. At this point, not

that -- you know, just in terms of doing it in the Sixth Precinct, we're doing it because we had -- we had a resource issue as to whether or not we would need -- you know, we were going to continue to put resources, of what type, what degree, and because of, again, the attendant public outcry in -- among the community that there was a large increase, if you will, of undocumented alien arrests. We were just trying to make sure we understood what was going on up there. As for incident reports that come in, sometimes the -- if you have a complainant who is an undocumented alien, again, we don't ask them that. If they're a complainant, we don't ask them, "Are you a citizen or not," we simply -- they say, "I was attacked," "I was assaulted," "I was robbed," I was whatever. We simply, you know, take that down as the complainant, as a number, as a report, we don't ask them about their citizenship at that point.
P.O. TONNA:
When you have increased patrols, or I forget how you put it, increased presence --
COMM. GALLAGHER:
Saturation patrol.
P.O. TONNA:
Saturation. Does that generally do more arrests and activities occur or less?
COMM. GALLAGHER:
It drives down the incidents of crime, it doesn't necessarily mean more arrests, but --
P.O. TONNA:
It drives down the incidents of crime, it doesn't initially drive up the incidents of arrests and stuff. In other words, there are more people on the streets --
COMM. GALLAGHER:
It depends on the community.
P.O. TONNA:
-- patrolling. So the less cops we have, the -- the what? The more -- more arrests. No? I just want to know. I just want to hear it, how it is.
CHIEF ROBILOTTO:
When you place marked units into an area, it initially -- it undoubtably drives down crime, it's a proven fact county-wide. The rearview mirror with the police car in it is the best example. Nobody runs a red light when there's a marked car behind them. You put marked cars on the street, it stops. You take the marked cars off the street, it goes back up.

P.O. TONNA:
And so the crimes that are listed -- I don't think any traffic violations were listed in the bill, right? We weren't talking about traffic violations.

COMM. GALLAGHER:
Yes, there were. There are DWI's.
P.O. TONNA:
I mean, DWI, things like that, I mean, is that the same thing? There's less DWI when there's more police patrolling the streets?
COMM. GALLAGHER:
Well, again, every type of criminal behavior or violative behavior, such as passing red lights, goes down when you -- as the Chief said, it's just -- it's common sense. When people see, I'll use a word that's been shown, with a spate of marked cars in an area, they're going to -- you know, they're going to be more careful about what they're doing.
P.O. TONNA:
Okay.
COMM. GALLAGHER:
Both the criminal and the noncriminal.
P.O. TONNA:
Okay. Legislator Bishop.
LEG. BISHOP:
Thank you. We had a very dramatic Public Safety meeting on August 22nd, and, essentially, what occurred is that the debate was framed in terms of whether the claims of the resolution, that there's been a spate of crime, can be borne out by the statistics. And I just want to address the notion of where misconceptions come from. Chief Robilotto, this is what you said at the hearing and I just want to know if it's still your opinion. "Crime has definitely been on the increase in Farmingville. Additionally, as we have noted, the public speakers on the issue are correct. Just doing head counts in the morning, from when I was commander of the precinct, you just drive through. We have been driving through and doing the head counts and it's been consistently increasing over the years. The third problem we faced this summer is the weather. They are not working because the weather has been bad, so idle hands are the devil's workshop, so to speak. So it is exacerbating the problem and there's no end in sight." Chief, is that still your opinion?
CHIEF ROBILOTTO:
Absolutely, and the numbers speak for themselves. If you look, the numbers for 19 -- for 2000 are eighth month numbers, they're not full year numbers.
LEG. BISHOP:
You go on, Chief, and you say, because the question comes up, it's not only the amount of crime, but the type of crime. "Right. What's going on in Farmingville, and in fairness to all sides, is that we're attracting a lower level of individual. A lot of the people that are coming here are not returning anymore, they're staying here, they're not working over the winter, so we've seen an increase in not only the

type of crime, but the level of crime. The drunken disorderly charges

that were the benchmark of four or five years ago, and they were rare, because, generally, they're a very definite population, has increased considerably. Additionally, if you look at the sheets in front of you," -- "if you look at the sheets in front of you that are in the bill, the attacks on individuals have increased dramatically." Is that your opinion?
COMM. GALLAGHER:
Attacks on individuals, you say?
LEG. BISHOP:
Have increased dramatically.
COMM. GALLAGHER:
Well, again, increase in number --
LEG. BISHOP:
This is a question for Chief Robilotto, because he test -- well, testified, we don't swear you in, but this is what your statements were at the committee.
CHIEF ROBILOTTO:
We have anecdotal evidence that the attacks on individuals are on the increase. And in fairness to all people here, oftentimes the undocumented people don't report the attacks on them, they're afraid.
LEG. CARACAPPA:
That's true.
P.O. TONNA:
No kidding. No kidding.
CHIEF ROBILOTTO:
So the biggest group of victims per se are the people who are undocumented. They're being victimized by their own people.
LEG. BISHOP:
So, as the hearing progressed, I asked, "Can you provide us by Thursday, the 31st, some data showing over the last five years whether there's been an increase in violent crime attributed to illegal alien population?" Well, I don't see that.
COMM. GALLAGHER:
Well, what you have is the -- but I -- we cannot --
LEG. BISHOP:
I don't think --
COMM. GALLAGHER:
No, we cannot give you an increase that targets illegal alien population, because, as I said, that's not tracked on the arrest packets. It's not tracked as part of the arrest record.
LEG. BISHOP:
Yeah, but you didn't -- you didn't -- even the non-citizen population

statistic for violent crime is not provided here.
COMM. GALLAGHER:
That would be another field. We'd have to --
LEG. BISHOP:
Right. And that was specifically --
COMM. GALLAGHER:
We'd have to do a whole other run.
LEG. BISHOP:
I'll read you the minutes. We specifically requested that.
COMM. GALLAGHER:

I don't know. Again, I don't know that I can provide you that. Non-citizen arrests, we'd have to separate out what -- you know, determining what you mean, we'd have to go through almost by hand.
LEG. BISHOP:
I'll tell you, I'm disappointed that the Chief stood by these statements, because I think the statements, without the statistical backup, show a terrible indifference to the population in Farmingville. And I think as well that it's reckless to support a bill that we can't support with statistics. At the hearing, it was clear that the Department felt that this bill was merited by the statistics. From the stats that I see before me today, I don't see that. And I don't want to make a speech now, but I will offer you an opportunity to comment on that statement.
COMM. GALLAGHER:
Well, first of all, I don't know that we were supporting at the hearing, I don't recall us saying we supported the bill. You asked us about --
LEG. CARACAPPA:
They ask -- they answered questions.
COMM. GALLAGHER:
You asked us questions about the bill and about the incidents of crime in Farmingville. It's not my -- you know, it's not my recollection that I was there, you know, actually providing a support for the bill, I providing you, you know, request of answers to questions you asked.
P.O. TONNA:
Does --
COMM. GALLAGHER:
You asked -- now, just let me just finish. In terms of the context of -- you know, a lot of this has got to really boil down to your 18 collective minds' wisdom as to weather you think taking an action against the internal --
LEG. CARACAPPA:
Them, too.

COMM. GALLAGHER:
The Immigration and Naturalization Service is going to in any way provide more response from them for any problem that we have. You know, I could characterize it in another way is that every non-citizen working without an alien registration card is actually violating the laws of the United States. That's a violation of law. So, you know, I don't know how else to tell you. I've told you and I've told you as clearly as I can, I don't consider --
P.O. TONNA:
Is that a criminal act?
COMM. GALLAGHER:
I don't --
P.O. TONNA:
A criminal act? That's a criminal act?
COMM. GALLAGHER:
It's an Internal Revenue -- Internal Revenue.
LEG. ALDEN:
No, it's not a criminal act.
COMM. GALLAGHER:

Immigration Naturalization Service. You're violating whatever regulations they operate under, if you're --
LEG. ALDEN:
It's a civil violation.
COMM. GALLAGHER:
-- if you're not -- if you don't have an alien registration card and you're employed. But my point is that I've tried to make it as clear as possible to put in perspective for you to make your decision. We do not, and I said it before, I'll say it again, we do not have, whether the word that was used in terms of one question that was put to me, not by Legislator Caracappa, but we do not have a crime wave in Farmingville, we do not have a serious increase in crime in Farmingville, we do not have a serious incidence of crime in Farmingville as a hamlet. The total numbers of arrests there are not that different from hamlets throughout the district.
P.O. TONNA:
John, do undocumented people, do your statistics say that undocumented people commit more crime than documented people?
LEG. CARACAPPA:
No.
COMM. GALLAGHER:
No, I couldn't -- I couldn't support that statement.
LEG. BISHOP:
Commissioner. Just may I interrupt? What you just said is the conclusion that I'm reaching, but it's counter what was presented at

the committee hearing --
COMM. GALLAGHER:
No. I --
LEG. BISHOP:
-- by the Department. It says, "Additionally, if you look at the sheets in front of you that are in the bill, the attacks on individuals have increased drastically."
COMM. GALLAGHER:
Well, they have-- attacks on individuals, as reflected in the arrest sheets --
LEG. BISHOP:
But you can't substantiate that.
COMM. GALLAGHER:
-- that were pulled out for the bill, I mean --
LEG. BISHOP:
Well, no. Increased substantially --
COMM. GALLAGHER:
If you go from zero to two is --
LEG. BISHOP:
-- means that they were at one level and they've gone up.
LEG. CARACCIOLO:
Let him answer the question.
LEG. BISHOP:
That has not been substantiated by statistics.
COMM. GALLAGHER:
Well, I think they have --
LEG. BISHOP:

And they were asked for for this meeting and that's the issue.
COMM. GALLAGHER:
They have gone up by a level of increase in number, not necessarily a large number. I'm saying, the number doesn't reflect what I would call a serious increase in crime, but they -- certain -- certain types of assaults have gone up.
LEG. BISHOP:
I don't even see that statistic. Where is the -- just the raw level of attacks on individuals over the last five years? Because that's not what's here, so maybe I'm not seeing it.
COMM. GALLAGHER:
I can't give you that number.

LEG. BISHOP:
Right.
P.O. TONNA:
Okay.
LEG. CARACAPPA:
Can I just clear that --
P.O. TONNA:
There's many speakers.
LEG. CARACAPPA:
Can I just clear that up.
P.O. TONNA:
There's many speakers here. Legislator Bishop, are you done?
LEG. BISHOP:
Yes.
P.O. TONNA:
Okay.
LEG. CARACAPPA:
Can I just --
P.O. TONNA:
Joe, do you --
LEG. CARACAPPA:
Can I just clear that up for David? If you look in the minutes, it says, "As it relates to the bill," not stats district-wide.
LEG. BISHOP:
Right.
LEG. CARACAPPA:
And if you look at the bill, there are a lot of attacks on people, whether it be a rape, sexual assault, sexual abuse, non-sexual contact, and that's what the -- and that's what the Chief was talking about, and it's right there in the minutes, as it relates to the sheets or the bill in front of you. That's what the minutes are borne out from.
LEG. BISHOP:
On Page 42, of the minutes, and the minutes that you're providing --
P.O. TONNA:
Okay, wait. Guys, I don't want to get into debate. We have the --
LEG. BISHOP:
We're cut off at Page 40.
P.O. TONNA:
We have the Police Commissioner in front of us and Chief. Let's keep that.

LEG. BISHOP:
I just want to make the point that we requested the statistics on violent crime and they're not yet provided, perhaps they will come over.
LEG. CARACAPPA:
That's true.
P.O. TONNA:
Okay. I'd ask that we stay to questions. Legislator D'Andre has the floor.
LEG. D'ANDRE:
Mr. Chairman, I'd like a little latitude with this problem, because it's a psychological problem.
P.O. TONNA:
Legislator D'Andre, I'm going to give you a 30-second latitude.
LEG. D'ANDRE:
Never mind about that 30 seconds.
P.O. TONNA:
Thirty seconds.
LEG. D'ANDRE:
This --
P.O. TONNA:
This is -- this --
LEG. D'ANDRE:
We've got taxpayers here --
P.O. TONNA:
Right.
LEG. D'ANDRE:
-- who are here --
P.O. TONNA:
Right.
LEG. D'ANDRE:
-- fighting for their life.
P.O. TONNA:
We do not want you to rev up the crowd, they're revved up enough.
LEG. D'ANDRE:
I'm going to rev up anybody. These people pay taxes and they deserve to be protected.
(Applause)
P.O. TONNA:

Everybody deserves to be protected, Legislator D'Andre, even you and I.
LEG. D'ANDRE:
And, Mr. Commissioner, we have a Police Department.
LEG. CARACAPPA:
Shh, please, people.
LEG. D'ANDRE:
And that Police Department is supposed to be used to protect us, and for the most part, it does, and does a hell of a good job. We've got top-notch people. However, in the case of this type of situation where we have undocumented aliens causing a problem, and it's not hard to understand, these people are away from home, the federal government's

supposed to tell them what to do, and it's so far removed from our sight, the nearest law is our precinct, that's -- what, is it Sixth Precinct out there? Sixth Precinct. And why are they not putting a patrol car there to protect these people with their children going to the store and just ruining their life?
LEG. CARACAPPA:
That's not what the bill is about, Mike.
LEG. D'ANDRE:
I mean --
P.O. TONNA:
Legislator --
LEG. D'ANDRE:
-- I don't care about what the bill says, I'm caring about these people and why they're here. They're not here because statistics are low, that the crime wave is low, they're here because they're not comfortable in their own home, and they deserve to live in peace.
LEG. CARACAPPA:
I agree.
LEG. D'ANDRE:
Okay. Having said that --
P.O. TONNA:
Ask the question, Mike.
LEG. D'ANDRE:
Mr. Commissioner, I'm asking you, until this is resolved, if it ever does get resolved, because Washington isn't going to solve a damn thing, and you know it and I know it, put a patrol car up there to guarantee these people safe ingress and egress in their homes until such a time as the federal government or -- stop World War III with these people. These other people come here to work.
P.O. TONNA:
Okay. Thank you.

LEG. D'ANDRE:
Now, I'm asking you to put a patrol car up there, whether we pass this law or not, until this problem is cleared up, no matter how long it takes. That's why they're paying taxes. And, no, I don't hate you, compadres, I don't hate you. I want to protect you as well as those people. But something is wrong in our system.
P.O. TONNA:
Mr. D'Andre, we're going to debate this bill. And I say you have some good words.
LEG. D'ANDRE:
That's --
P.O. TONNA:
Let's spend it for the debate.
LEG. D'ANDRE:
That's tough talk for a tough situation, Mr. Chairman.
P.O. TONNA:
Okay.
LEG. D'ANDRE:
Thank you.
P.O. TONNA:
Thank you very much, Legislator D'Andre. Legislator Binder has the

floor.
LEG. BINDER:
Thank you. The numbers I see in front of me are about Farmingville.
COMM. GALLAGHER:
That's correct.
LEG. BINDER:
Would you say that there are -- these numbers are compatible with numbers that you would pull out from areas that don't have the same problems with illegal aliens in their hamlets, areas? I think maybe Smithtown. I don't know if that's true that they don't have a problem, but like maybe off the top of my head, if Smithtown downtown doesn't have the same kind of problem, are they experiencing these kinds of numbers? Because you had said before, Commissioner, that the number is reasonable for the size of the hamlet. I take that at its face as a statement, but have you done any comparison so I could understand?
COMM. GALLAGHER:
I -- we haven't done any for this particular run, but we have, you know, from -- throughout the district, regularly, each precinct, through its precinct commanders, gets, you know, weekly, even daily in some instances, reports of criminal activities in the hamlets within the precinct. And it's my understanding, you know, and, again, it's hard to make an absolute comparison, because Farmingville has a certain characteristic of residency, it does not have, you know, a downtown, say like Port Jefferson has, but it's my understanding that these

numbers are not out of line with what you would find if you did similar runs in other hamlets.
LEG. BINDER:
And you're saying other hamlets that don't have the same numbers of illegal aliens --
COMM. GALLAGHER:
That I don't know.
LEG. BINDER:
-- within the hamlet, trying to get jobs and waiting on the corners, that kind of thing --
COMM. GALLAGHER:
I'm looking --
LEG. BINDER:
-- that the activities that Legislator Caracappa was talking about?
COMM. GALLAGHER:
Looking at all persons arrested would be where I'd say the numbers don't seem to be any -- you know, that dissimilar. I don't know. I haven't done that kind of a comparison of a -- you know, I'd have to pick a hamlet that has a large -- I don't know that we have that many of them that have the same particular problem that Farmingville has.
LEG. BINDER:
Well, I'd actually -- I mean, you know, part of the interest would have been if there are hamlets that don't have the same particular problem, but they have the same, let's say, population, general characteristics of where you say don't have a downtown --
COMM. GALLAGHER:
Well --
LEG. BINDER:

-- but they have a main drag and they have --
COMM. GALLAGHER:
Yeah. But what they don't have is, you know, the day laborer population that lines up for work in the morning, that is --
LEG. BINDER:
Exactly. What I'm saying is --
COMM. GALLAGHER:
You know, we don't have that many other hamlets that have anything like that.
LEG. BINDER:
We don't have hamlets that don't have that?
COMM. GALLAGHER:
We have -- to my knowledge, there's not that many at all that do have that situation.

LEG. BINDER:
That do have it. Okay. So maybe I'm not being clear. In a hamlet that doesn't have it, which is, you're saying, most of them, in the same kind of characteristics, without a downtown, maybe the same general population numbers, would you say that the crime statistics in that hamlet, let's call it Hamlet A, would be very similar to the crime statistics you're looking at here in Farmingville where there is a day laborer lining up, you know, is it --
COMM. GALLAGHER:
Okay.
LEG. BINDER:
Is it comparable? That's --
COMM. GALLAGHER:
Put in those terms I -- you know, again, I cannot -- I'd ask you not to hold me, you know, jod and tittle to this, but it would appear --
LEG. BINDER:
Right. I didn't give you a warning I was -- I was going to ask that.
COMM. GALLAGHER:
It would appear that the statistics are not -- the total arrests for the hamlet are not different, that different from other hamlets.
LEG. BINDER:
Okay. That would actually be an interesting number, because it would actually tell me a lot more than -- it would almost tell me more than what's happening, particularly in this particular hamlet. In looking at this particular hamlet and the numbers that were given, and we're going back and forth on the numbers with the crime statistics that are -- that have been happening -- I mean, you know, I was at a press conference with you and the County Executive talking last year, talking about, you know, the luring of crime and, you know, how it's going south. Does this, even though the numbers -- I mean, even a couple of numbers change the percentage number, but going from down to 4.5, 4.5, 3.4, and then back up to 7.6, which could be higher this year, because this is just through August, it would seem that this doesn't align with what's happening on Long Island in Suffolk County with what we've been doing with crime statistics, it just seem -- doesn't seem to jibe.
COMM. GALLAGHER:
Yeah. I've done some reflection on that myself, and it would seem the best way to characterize this particular isolated hamlet and the

percent of non-citizens arrested to total arrests from other areas of the County is that the total citizens arrest in this hamlet has gone -- the best way I could put it is it's been flat, it's remained somewhat steady, whereas in other areas, we see a decrease. So now, I can't attribute that to strictly non-citizen activity, though. I mean, just the geographic area has remained more flat than some other communities where the crime has -- where crime has decreased over the years.
LEG. BINDER:
And you don't have a particular thing that you could attribute that to? In other words, the way you've looked at this area, your -- the

way you look at the profile of the area, of either the population, the demographics, or the day laborer question, you can't get -- you're telling me that you don't have a specific cause and effect or --
COMM. GALLAGHER:
No, I don't have a specific cause or effect of this number remaining a flat number, no. Yeah, it's a concern. I mean, I know Legislator Bishop seemed upset by some of the Chief's remarks, but one thing that does concern us as police administrators, when you put and increased presence of police in an area and it still remains flat, you know, that's a concern to us.
P.O. TONNA:
Sorry.
LEG. BINDER:
Sure, go ahead.
P.O. TONNA:
Suffer a -- this is the problem I think Legislator Binder is getting to the point, and a number of others. When you start keeping statistics, you know the old saying, there are lies, there are damn lies --
COMM. GALLAGHER:
Right.
P.O. TONNA:
-- and then there are statistics.
COMM. GALLAGHER:
Right.
P.O. TONNA:
When you take -- when a Legislator or whoever wants to make a request, I see that you're making head counts and all this stuff, when you do one in one area and you don't have something uniform for the larger County at whole, those statistics mean nothing; okay? They don't -- they mean nothing, because you have nothing to compare it to. If you could give us statistics that say that in Farmingville, in Hamlet A and B, as Legislator Binder was saying, that you have the same control group and different groups than we see, because there are more undocumented people. I mean, obviously, as a Precinct Commander, you were doing head counts, right, you were driving by doing head counts. I would suggest, Commissioner, that that might be the first area that you look to civilianize. Have somebody else do head counts, if that's what you're involved in doing. But, when doing this --
COMM. GALLAGHER:
That's -- that's a low blow, Mr. Chairman.
P.O. TONNA:
It is. It's a low blow, because there's some woman -- "a lower level

of people." I see here, "We're attracting a lower level of individual." Can you define what "a lower level of individual" is?

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LEG. BINDER:
See, I wouldn't have given you my time --
P.O. TONNA:
What does that mean?
LEG. BINDER:
-- if I knew you were going to ask my question.
P.O. TONNA:
Right. What does "a lower level of individual" mean? This is --
(Applause)
This is outrageous; okay? I'm sorry. It's a low blow, because I just want to know, what does that mean? They don't take care of their family as much --
COMM. GALLAGHER:
Well, no. I'll --
P.O. TONNA:
They commit more crime? I want to know what that means.
COMM. GALLAGHER:
No. I think I can answer that.
P.O. TONNA:
And so, what I'm saying is, if you're going to give statistics to people, to the public, or to a Legislator, who is then going to put together a bill and utilize those statistics, or utilize that as a framework to pass legislation and you don't have any control groups, I think that's problematic. And I'm asking you, how do you feel about that?
LEG. BINDER:
That was your question?
P.O. TONNA:
Yes.
COMM. GALLAGHER:
Well, first of all, I think that you're asking something that is hypothetically much harder to do than it would be in reality.
P.O. TONNA:
Right.
COMM. GALLAGHER:
In reality, it would be much harder to do than hypothetic. Control groups, you'd have to do a demographic study, you'd have to do an ethnocentric study, you'd have to do all kinds of studies, which, frankly, as a Police Commissioner, I don't want to do.
P.O. TONNA:
Right, great.

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COMM. GALLAGHER:
Because I don't think, you know, they are what the police job is. They smack of profiling, they smack of things that I don't want to get into.
P.O. TONNA:
Right.
COMM. GALLAGHER:
So I'm not going to say I'm going to do these kinds of studies in order

to come up with some number.
P.O. TONNA:
Right.
COMM. GALLAGHER:
I'm looking at the raw score numbers of 28 in '99 non-citizen arrests, and I don't even know that all 28 of those were undocumented aliens; 73 unknown field appearance tickets. Some of them --
P.O. TONNA:
Right.
COMM. GALLAGHER:
May well have been -- I don't know what the population of undocumented aliens is in Farmingville. I don't know what, I mean -- and I really don't think it was fair to criticize a man for riding by, literally riding by and --
P.O. TONNA:
Head counts.
COMM. GALLAGHER:
Yeah. Well, he's doing a window --
LEG. CARACAPPA:
Paul, have you ever been to Farmingville.
COMM. GALLAGHER:
-- what they call a windshield --
P.O. TONNA:
Yes, I have, Joe.
COMM. GALLAGHER:
-- a windshield count.
P.O. TONNA:
And I understand your concern.
COMM. GALLAGHER:
So, I mean, to just take the time --
P.O. TONNA:
I live in Huntington station, I know.

COMM. GALLAGHER:
To take the time to do, you know, a visual, just a visual check of how many -- when you see 60 and then you see 160, what does that tell you? Well, there's more people there.
P.O. TONNA:
Right.
COMM. GALLAGHER:
I'm not saying that that's all he was doing. As for -- look, I'm not putting words in the Chief's mouth, but I think, you know, when we had -- in the early days of the influx of non-citizen residents coming into Farmingville as a work population, we had maybe, in terms of -- the phenomenon was the people who came in and then went back, you know, went back to their native country at the end of their work season. Apparently, there's less of -- you know, more people --
P.O. TONNA:
Right.
COMM. GALLAGHER:
-- coming in, not as many of them going back. That's -- again, these are anecdotal. I can't give you an absolute.
LEG. BINDER:

Can I -- can I take --
COMM. GALLAGHER:
But police have to work on that sort of thing. You have to -- you know, you can't get an absolute statistic for everything you're doing, you have to -- you have to -- you know, often, the officer on the scene has to make decisions based on what he thinks is going on around him.
P.O. TONNA:
The only thing that I'd say, and Legislator Binder has the floor and I appreciate you letting me cut in, is then, when you start keeping any statistic, once you start doing head counts, once you start doing statistics, any type, and submitting them for -- you know, to look at for public debate, this is problem that is created, because, as Legislator Bishop has said and as Legislator Fisher has said, you know, this doesn't mean anything. Thank you.
LEG. BINDER:
Let me --
P.O. TONNA:
Legislator Binder.
LEG. BINDER:
Thanks.
P.O. TONNA:
I'm going to take a vote to extend the public portion.
LEG. CARACAPPA:
Second.

P.O. TONNA:
Make a motion by myself, second by Legislator Caracappa. All in favor? Opposed? Approved. Extended. Legislator Binder.
LEG. BINDER:
These numbers, it is -- is it your opinion that if the INS were doing their job, and this is going to be a difficult for -- I'm going to throw a little bit of a knuckle ball in, so I'm letting you know before I throw it. If the INS were to do their job the way they should be doing it, and, obviously, haven't been doing it around the United States and here in Suffolk County, is it your opinion that these numbers, would they be different? If they were doing their job and enforcing immigration law, would these numbers be different? Now, I'm not asking about the bill, particularly, I'm asking if, if INS was doing its job, would these numbers here be different, would they be different in maybe even other places like Huntington Station and other places we have the -- you know, a question of day-laborers and others?
COMM. GALLAGHER:
I would have to venture to say that if INS receives a report of an undocumented, unregistered alien committing a felony, and then -- again, I can't speak for the agency, but you would assume that the next step they would do would be to move to incarcerate that person under their jurisdiction. Yes, then they would be doing their job and their doing their job would be helping us.
LEG. BINDER:
Would -- are -- oh, I'm sorry.
COMM. GALLAGHER:
Now, maybe they want -- now, maybe I might be jumping the gun. They might -- they might be looking more for the other end of the criminal

justice system for a conviction, rather than an arrest. You know, that's -- I could see that, too, though. You know, within reason, I could see the INS saying, "Well, we're not going to incarcerate someone who's been, you know, arrested for a felony, we're going to wait to see what the disposition of the case is."
LEG. BINDER:
Then the next question is, are they doing an adequate job in Suffolk County of carrying out their responsibilities under federal law? Are they carrying out their duties and responsibilities, or are -- I mean, that's a base line question. Are they doing what they should be doing? Are they doing their job?
COMM. GALLAGHER:
I think the best way to answer it is they're not doing anything.
(Applause)
LEG. D'ANDRE:
Very good, very good.
LEG. BINDER:
Let me just -- I want to end with --

LEG. D'ANDRE:
Very good.
LEG. BINDER:
-- one question, actually, a follow-up on Legislator Tonna's. And I would actually ask the Chief to answer rather than the Commissioner. Legislator Tonna read the part that I'm concerned about, he said he's concerned about, and he says here -- and the Chief says, "We're attracting a lower level of individuals." I'd like the Chief to speak for himself as to what those words meant, because, you know, standing by themselves, and if you leave them by themselves, I can see where people can be very upset by words like that, particularly from the Chief of the Department.
CHIEF ROBILOTTO:
I appreciate the question. The question was in reference to -- that the answer and the statement was in reference to the arrests in the bill. If you -- it did nothing -- in fact, part of the problem, obviously to me at any rate, is that I was misquoted in the minutes. The word I used was deferential, not different. I said, generally, we are dealing with a very deferential population, they're very polite people, and that --
LEG. BINDER:
Okay. That's -- yeah, that's the page -- I think that's the page before. Let me -- where is that?
LEG. CARACAPPA:
Forty.
CHIEF ROBILOTTO:
The point was, is and remains that when I started as the Precinct Commander, in response to both this Legislature or members thereof, and the perception in the community, one of the points that we made at the meeting that was held in Farmingville was that there was relatively no crime. If anything, we were -- I was more afraid of the people who were coming in and standing on the streets being made victims, because they don't come forward, they're afraid. So the entire discourse was set to the point that all of the individuals listed in the bill were a

different type of person, not the group, it was the people listed in the bill. We had never had sexual assaults by any of the people in the area, the -- if you look in Legislator Caracappa's bill, he talks to actual incidents that hadn't occurred until just the last two years. That was what I meant. I was talking about the last several years and that these people, these criminals were coming to our attention. It had never happened before.

LEG. BINDER:

So you're not talking about generally illegal aliens coming in, you were talking about specifically criminals, whether they were illegal or not, but that criminals were coming into the area.

CHIEF ROBILOTTO:

We were tracking in Farmingville. The entire discourse of that whole section at the Public Safety Committee meeting was discussing the people arrested in Legislator Caracappa's bill. And if you look at the

people that were arrested, it's a totally different type of an arrest that we didn't have before. They weren't -- nobody was driving down. And one of the problems that we have as a Police Department, and one of the things that alarms me, having been a policeman for 35 years, is that when we take the type of resources that we have dedicated to the problem in Farmingville and we can't effect it, we have a problem that's escalating. And my point, again, the statistics bear it out, is when I first began to address the problem, clearly, it went down. Now it not only didn't go down, it remained the same.

LEG. BINDER:

You make a -- the next sentence, where you say, "A lot of the people that are coming here are not returning anymore," I assume that's returning to whatever country they came from, "they're staying here and they're not working over the winter, so we've seen an increase in not only the time of crime, but the level of crime." So that taken with the line before it, what you're saying about a lower level of individuals are those individuals who are staying here, not going back, and they're not working over the winter. Because, I mean, you made a direct connection between the sentence before it and that sentence.

CHIEF ROBILOTTO:

Right. What I said and what I meant to say, and let me clarify it now, is that many of the individuals -- let me withdraw that -- some of the individuals who are no longer returning to their homeland. We did this with the Catholic Church. We had a Spanish-speaking priest in the area. And I point out again that I did say very deferential people. I was discussing the level of crime by a criminal, not by the population. I was speaking directly to the criminality of the people arrested, not the base.

LEG. BINDER:

And the sentence before, that's pretty clear. The problem is within this sentence, you're -- you are making a connection between people that are not returning, staying here, not working over winter, and then so, "so" meaning as a result, as a causative -- when you use the word "so" at that point, saying because of this happened, so we've seen an increase not only in the type of crime, but the level of crime. So you're making a connection, basically, that's what you're -- I mean, I didn't -- these are -- this is verbatim, that people who don't return

and --
CHIEF ROBILOTTO:
You have an advantage. I don't have the verbiage in front of me. Let me clarify it for the record. What I was talking about were the individuals that were arrested and the level of crimes committed by the individuals that were arrested vis-a-vis the history of the general area.
COMM. GALLAGHER:
General population.
LEG. BINDER:
Okay.

COMM. GALLAGHER:
Of the general immigrant population.
LEG. BINDER:
I just -- I'm just saying I'm concerned about --
CHIEF ROBILOTTO:
Again, I appreciate --
LEG. BINDER:
-- especially on that sentence about the causative.
CHIEF ROBILOTTO:
I appreciate --
D.P.O. LEVY:
We've gone over this. I think it's been a question that's been answered. Let's move on, just to say this, we still have five more Legislators who want to speak. It's 25 after 11, we've got 100 cards, so if we could just make the questions quick and the responses very brief and to the point.
COMM. GALLAGHER:
I'll be glad to step down, Legislator Levy.
D.P.O. LEVY:
I know. Legislator Cooper.
LEG. COOPER:
Commissioner, I have just a couple of questions. I wanted to clarify, the saturation patrols began in what year, in '97?
COMM. GALLAGHER:
'96, they began in '96.
LEG. COOPER:
'96. At the Public Safety Committee meeting, we heard testimony that there were three times the number of undocumented aliens in Farmingville compared to '97.
COMM. GALLAGHER:
I think that would be an estimate, Legislator Cooper. You know, you're going -- because the very nature of the population, we don't -- we can't -- I can't give you an actual -- they don't come in and register.
LEG. COOPER:
I understand. That was not provided by the police, that was from the Civic Association.
COMM. GALLAGHER:
Okay. So, yes, there's been -- whether the three times -- you know, I'll go -- I'll take -- there are more there, whether it's three times --

LEG. COOPER:
But there was a dramatic increase in the population.
COMM. GALLAGHER:
There's been an increase, yes. Yes, an increase in the population.
LEG. COOPER:
Going back to the statistics again, though, if you look at '95, from '95 to year-to-date, and if you extrapolate for the balance of 2000, there was a pretty dramatic decrease in arrests of non-citizens, 40 down to 28, if you extrapolate, which is a 30% decrease.
COMM. GALLAGHER:
Right.
LEG. COOPER:
If you compare that to arrest of citizens in Farmingville for the exact same period, there was a less of a decrease, only 21%. So wouldn't that seem to point out that the problem lies more with citizens in Farmingville than non-citizens?
COMM. GALLAGHER:
I wouldn't -- I'm not going to comment anymore on these numbers like that, because I don't -- you're making -- you're asking me to make conclusions. I already said, the arrests in Farmingville, the incidents of the arrest took place in Farmingville. You know, more arrests of citizens in Farmingville might be more people using County Road 83, which goes through Farmingville to drive to and from their homes and we're making more V & T arrests. You know, the only thing I'm afraid of is, when I said I'm not going to comment, Legislator Cooper, I mean, I don't want to get into making assumptions or making extrapolations from numbers that strictly are just that, just numbers. You know, I'm not a demographer, I'm not able to, you know, take a sociological or demographic conclusion based on these numbers.
LEG. COOPER:
But would you at least agree that if we want -- if there was, indeed, a problem in this community, whether it was with undocumented aliens or with citizens, the best way to address it would not be to call upon the INS to take some action, but would be rather to reinstitute the saturation patrols?
COMM. GALLAGHER:
I don't even know if that would be the best way to address it. You know, the saturation patrol, as I tried to point out to you, is something that has to be done on a relative basis. You know, every hamlet is entitled to its protection, and so we can only keep -- you know, you try to do those things to meet a specific need when the need isn't seen. You keep them as long as you need to do that and then you move them on to other resources. You know, you move those resources around to where you need them elsewhere. Would this bill be less effective than going back to saturation patrols? I really am at a loss to tell you. You know, I'm making speculation here, really. I'd be guessing. I'd be guessing.

D.P.O. LEVY:
Okay.
LEG. CARACAPPA:
Legislator Cooper.

D.P.O. LEVY:
Anymore questions?
LEG. CARACAPPA:
Legislator Cooper.
LEG. COOPER:
No, thank you.
D.P.O. LEVY:
Okay.
LEG. CARACAPPA:
Can I just ask Jon a question as it relates to his questioning?
D.P.O. LEVY:
If he defers. Defer quickly.
LEG. CARACAPPA:
Yeah. Just a quick question.
LEG. COOPER:
Sure, sure.
LEG. CARACAPPA:
I understand what you're saying in regards to the --
D.P.O. LEVY:
Use your microphone, please.
LEG. CARACAPPA:
The citizens -- it's picking it up. The citizens of Farmingville, arrests are high there as well. Well, not high, just higher than the other number, and that's just based on the sheer differential in numbers in regards to people in Farmingville.
LEG. COOPER:
Well, no. We're talking percentages.
LEG. CARACAPPA:
Right. What does the citizen of Farmingville have to do with the INS, regardless of getting arrested or not? That's what this bill is. I'm just asking.
LEG. COOPER:
But going back to the resolution, talking about the spate of crime and everything we've been talking about for the past hour, it looks like, if there is a problem with crime in Farmingville, just percentage-wise, there's been more of a decrease, substantially more of a decrease in arrests of non-citizens, whether they're undocumented or documented,

than citizens. So I'm not saying that there is no problem with non-citizens in Farmingville, but, if you want to be fair, there's an even greater problem with citizens of Farmingville.
LEG. CARACAPPA:
Right. That's --
LEG. COOPER:
So I'm just making that point.
LEG. CARACAPPA:
That's -- I appreciate your point, but I'm just trying to keep everyone focused on what my bill does.
D.P.O. LEVY:
Okay.
LEG. CARACAPPA:
Thank you.
D.P.O. LEVY:

Okay. Legislator Foley.
LEG. CARACAPPA:
No disrespect, Jon.
LEG. COOPER:
None taken.
LEG. FOLEY:
Thank you, Mr. Chairman. Jon, part of the -- part of our decision-making process is to read not only the minutes of the Public Safety meeting, hear what you and the Chief have to say today, and, also, over the next number of hours, to hear from a number of speakers who have signed cards. What I want to focus on for several minutes, Commissioner, is a line of questioning that in some respects gets to the heart of the issue for some of us, which is it's not a national issue of whether or not there should be a mass deportation of aliens, of documented or of undocumented aliens, but, really, the heart of the matter for some of us is the issue of a lack of protocol, if you will, that if arrests are made, felony arrests are made, it does not seem to be in place a protocol whereby the Police Department would, on a consistent basis, notify INS about an arrest, about an arrest -- about a felony arrest of an undocumented alien.
And what I would like to ask you, number one, is would you agree that we don't need a law for the Police Department, the District Attorney, the County Executive, and INS to meet, to try to set up that kind of consistent protocol whereby when arrests are made, felony arrests are made, that in each and every case, there would be a referral to INS?
COMM. GALLAGHER:
Well, no, we don't need --
LEG. FOLEY:
We don't need a law -- we don't need a law to do just --

COMM. GALLAGHER:
No.
LEG. FOLEY:
We don't need a law to have that kind of protocol --
COMM. GALLAGHER:
No.
LEG. FOLEY:
-- established.
COMM. GALLAGHER:
No. As a matter of fact, you know, in just --
LEG. FOLEY:
Now --
D.P.O. LEVY:
Let him answer.
COMM. GALLAGHER:
It is in our rules and procedures that we do that.
LEG. FOLEY:
Okay. Now, the question then become has there been -- has there been-- has there ever been a meeting among the Police Department, the INS, the District Attorney's Office, to establish this protocol?
COMM. GALLAGHER:
Well, there was a meeting approximately two months ago, I believe, I may be wrong on the timing of it, but it was at the request of the

District Attorney, and we were involved -- we did have a representative at that meeting with the INS and we talked about, you know, what their role is, what our role is, what they could or, you know, what they would commit to or could not commit to. I don't have the minutes of that meeting, I don't have, you know, verbatim. I don't want to characterize what went on at that meeting, because I was not there, but my understanding is that the INS, since that meeting, we've had -- we've had no response from them to whatever we asked of them during that meeting.
LEG. FOLEY:
Well, who from the Department was present, was there --
COMM. GALLAGHER:
Deputy Commissioner Abbott.
LEG. FOLEY:
Okay. Now, would you not think that since there hasn't been any follow-through from the federal agency, that there should then be another administrative level to step in place, for instance, yourself as Commissioner and the Chief Executive Officer of the County, the County Executive, to say, "All right, a couple of months have gone by, there hasn't been any protocol established, we need to take this to a higher level," not only within the County Administration, but in the

Federal Administration? See, the point that I'm raising is that before we pass a law, I would like to have some level of comfort of whether or not we've exhausted all of our administrative possibilities before we go --
COMM. GALLAGHER:
Well --
LEG. FOLEY:
-- to the extent of passing a law.
COMM. GALLAGHER:
I'd have to respond, we haven't exhausted them, because we -- you know, that particular meeting, obviously, there were some allusions made, I understand, at that meeting to the INS being available to increase its presence, and I think that was the phrase that was used.
LEG. FOLEY:
Okay.
COMM. GALLAGHER:
And I know I spoke with Legislative Counsel, who has done some research on this, and I think I understand now what they're talking about. Mr. Sabatino has shown me some instances that in I think 35 cities where they have come in with some kind of a -- kind of a -- what I would call saturation, that would be my term. I don't know if the INS would use that term.
LEG. FOLEY:
Okay.
COMM. GALLAGHER:
But that did not materialize. So I'd say, yeah, we should be -- well, no matter what you do with this bill, we should be going back to them --
LEG. FOLEY:
All right.
COMM. GALLAGHER:

-- to try to push them to see what they're going to do.
LEG. FOLEY:
That's my central point. And you know how Legislator Caracappa, in particular, and, you know, many of us, while we've had respectful difference of opinion over the years on some portions of this issue, we certainly still respect each other and throughout the horseshoe for take an approach that we deem best fit for our constituents.
But let me say this, Commissioner. This -- as important as this meeting was two months ago, knowing the fact that Legislator Caracappa, myself, who also represents Farmingville, which sometimes some people tend to forget, and there are others who are interested in this issue, I would strongly recommend that a quick follow-up meeting be held with the same principals that were at this other meeting, and you include Legislator Caracappa, and you include myself and others, so we can look

directly any the face of INS and say why -- and also to the Police Department, with all due respect. What is the difficulty with setting up a protocol for a very defined group. Again, I'm not talking about a mass deportation, I'm talking about specifically and I would almost say exclusively in those instances where felony arrests are made, that there should be an intergovernmental protocol established that would immediately notify INS about that particular problem. Why can't we have that kind of meeting? And why can't people be in a respectful and in a constructive, as opposed to a confrontational, in a constructive way meet with all these principals, so we can discuss that very point?
COMM. GALLAGHER:
Well, obviously, you know, it's -- obviously, yes, there can be such a meeting.
LEG. FOLEY:
All right. I think that would be very important, because, as I say, even though we legislate, it has always been -- through the Chair, and I thank you for latitudes to make a quick point as well as a question, that there needs to be, before we legislate, because we all agree that there's a lot of laws on the books, that we should first see whether the existing laws can work before we go to the next step. And the way that we can make the existing laws work is to have administration in place to make them work. Now, if it doesn't work after a full-faith effort is made, well, then, yes, then we need to look at the laws.
COMM. GALLAGHER:
Just to make sure that it's clear to everybody, the meeting was -- the meeting was sponsored by the District Attorney. In other words, he called the meeting, we were asked to attend. And I would -- I will certainly convey to him, you know, your sentiments about this.
And I just want to also clarify, as far as protocol, this goes back to 1992, Executive -- a department directive that was issued in 1992. "Arrest of Aliens. If an alien does not have an alien registration card in his possession, forward of the arrest copy shall be" -- "arrest report shall be made to the Detective Division Office of the Chief of Detectives and a criminal alien report will be completed and transmitted to the United States Department of Immigration and Naturalization Services." So we do have the protocol in place, though I'm not --
LEG. FOLEY:

You know what the follow-up -- John, you know what the follow-up question is?
COMM. GALLAGHER:
I don't -- do we follow it? No, we don't follow it in every instance, no.
LEG. FOLEY:
Well, that's a key. And, again, I'm not confrontational, but that's the key managerial question here, is, good, there's a directive in place, there's a protocol in place. But then the natural follow-up question from Public Administration 101 is where is the managerial follow-up to ensure that that protocol is being scrupulously followed?

COMM. GALLAGHER:
Well, partially, in answer to your question was the Immigration and Naturalization Service apparently at some point prior to 19 -- post 1992, it had indicated either by -- specifically or by inference that they weren't interested in receiving those reports.
LEG. FOLEY:
Okay. Well, that's important to know and it's important for us to know, because if it was ever -- if it was inferred, implied, or directly said, well then that should set the wheels in motion for what we're talking about, which is this kind of sit-down meeting among all the principals involved to find out why are they implying this, inferring this, or saying it directly.
COMM. GALLAGHER:
Okay.
LEG. FOLEY:
And this is coming from a person who doesn't agree with the point of view of mass deportation, but certainly agrees, certainly agrees with the standpoint that if there are felony arrests being made, that the process needs to be improved in that particular area.
LEG. CARACAPPA:
Mr. Chairman. Mr. Chairman, just quickly on that.
D.P.O. LEVY:
Joe, why don't you hold -- you're going to be the last one wrapping it all up. Why don't you hold it for that? We have Legislator Postal, and then you're going to wrap it up, and then we're getting out of this particular area. Legislator Postal.
LEG. POSTAL:
Thank you. I have two questions; one relates to the saturation patrols. And if I understood your responses to questions, Legislator Cooper's question and other questions on the saturation patrols, they were effective at the time that they were used, but there were other demands for coverage in other parts of the County. You can't keep saturation patrols; is that what you're saying, in one area perpetually.
COMM. GALLAGHER:
In its simplest form, yes, not even in so much other parts of the County, although that could be, that could be if you were using something like a crew, but in other parts of the precinct, too. You know, as times of the year, conditions may change and, you know, you may find yourself pulled in many different directions to put more police in a certain community.

LEG. POSTAL:
Right. And I can understand that, but it seems as if what we're saying -- what you've said is that crime has been reduced in other areas --
COMM. GALLAGHER:
Well, it always --

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LEG. POSTAL:
-- as a general rule.
COMM. GALLAGHER:
As a general condition, crime has gone down. That's irrespective of saturation patrols, it's gone down.
LEG. POSTAL:
Right. Now, I guess what I'm asking is that I know that there are understaffings created by our inability to hire new police officers.
COMM. GALLAGHER:
Absolutely. And that's -- I'll make my pitch now. Crime has gone down partially, because we did get up to a level of, or strength in the department, in patrol the force, which helped me get that crime level down.
LEG. POSTAL:
I guess that --
COMM. GALLAGHER:
And we're -- that's eroding.
LEG. POSTAL:
Yeah. And that brings me to my question. If, at some point in time, which I hope will be in the near future, we're able to hire additional police officers to increase our numbers, and if the level of crime in this area has stayed relatively stable, while in other areas it's gone down, would it make sense to reinstitute saturation patrols in this area?
COMM. GALLAGHER:
Well, actually, the Chief just -- we have gone back to them, frankly. We are now using them more so now than -- you know, in the recent past, we've gone back up.
LEG. POSTAL:
In that area.
COMM. GALLAGHER:
Yes. I have two letters from two families have noted it, you know, noticed it, wrote me and thanked me for the increased presence of the police.
LEG. POSTAL:
So, if I interpret what you're saying, it's had a positive effect.
COMM. GALLAGHER:
I hope so. We don't know yet.
LEG. POSTAL:
I hope so, yeah.
COMM. GALLAGHER:
It's, you know --

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LEG. POSTAL:
But I would -- I would just kind of draw a conclusion from what you're saying that that might be an effective way to address the problem.
COMM. GALLAGHER:

Yes.
LEG. POSTAL:
Thank you. That was -- that was one question I had. The other question related to a comment that you made, Mr. Commissioner, about the INS. I think the Presiding Officer asked whether it would reduce crime, if we were to go ahead with the action that's proposed in the bill, and you said, "It's like chicken soup, it can't hurt." And my concern is and my question is that I'm afraid that it could hurt, and the reason, and leading to my question, the reason relates to something else that either you or the Chief said, that very often, individuals who are victims of crimes are immigrants and they're victims of crimes that are perpetrated by other immigrants and they're afraid to come forward.
COMM. GALLAGHER:
Apparently, you know, we get that information from time to time, that there's been a failure to report crimes to -- you know, we hear it from sources such as Catholic Charities.
LEG. POSTAL:
Yeah, exactly. That's my concern, that --
COMM. GALLAGHER:
By the way, let me -- I just want to make sure. You know, I see the Chief's words have come back to be quoted to him time and time again here this morning. When I said it can't hurt like chicken soup, I don't intend to be flip about this. I'm just saying that -- I think the context of which I was answering the question was not can this bill, you know, help us reduce crime, this specific bill, but can the increased presence, if you will, of the INS in the community, you know, increase its presence among our communities. Yes, that can't hurt.
LEG. POSTAL:
Well, that leads to my question, because about ten years ago, the Police Department initiated an outreach into the Latino community, and I know, because there was a real effort made in the Town of Babylon and in the Hamlet of Copiague to hold community meetings involving the Police Department and the community to, I guess, foster a spirit of cooperation and eliminate fear and hesitancy on the part of the immigrant community in working with the police in both reporting crime and coming forward as victims of crime. And my perception was that was very effective. And what I'm afraid of is that we could be hurting the people who are being victimized, who are afraid to come forward. That if we go forward with this, we send a message perhaps to the immigrant, some of whom are here today, that the INS is going to be out there, and, "We shouldn't communicate with the police, we need to keep a low profile, we shouldn't be reporting when we're victims of crime, we shouldn't come forward when we're witnesses to crime." And I'm concerned that we could be counterproductive and undo whatever cooperation we've established with the Latino community. And I'd like

to hear your comments about that
COMM. GALLAGHER:
Well, obviously, I think it's always favorable to have -- more information we have, the better we're -- that makes our job easier, the better able we are able to do our job, the more information we have. You know, as I've said to our officers time and again, that we -- you

know, we have a mission that -- the mission says you will be -- you know, in my statement, my mind, the mission of the Police Department is that people will be kept safe in their homes, on their streets, in their place of business, and where they recreate, and that's people -- that's everybody. Every citizen, every non-citizen, anybody that's here has a right to police protection. That's our -- that's our job. And the more we know about crimes being committed against individuals,, the better we're able to do our job.
So I would -- obviously, I have to say in terms of both Legislators Foley and Caracappa, that those kinds of meetings you describe, Legislator Postal, I think that actually have been held by both of those Legislators, community forum type meetings among the Latino community in the area. Yes, I would say it's a positive thing. I know -- you know, I've talked to officers in minority communities, minority -- where the minority is a majority, such as the Third Precinct, in certain communities in the Third Precinct. And I know that we deal with a cultural wall that we face as police where certain cultural backgrounds of some of the people we're dealing with, they view the police as an oppressive force, as indeed even a fatal force to deal with, that when you come in contact with them, you may not come out alive. We've had that said to us. And, you know, we're trying to break that barrier down from whatever cultural background is creating to that culture, that ethos fear of the police, to tell them, "No, you're not" -- "we're not" -- "you shouldn't be afraid of us. Come to us, talk to us, and, you know, our job is to try to help you. Sometimes we have to arrest you."
D.P.O. LEVY:
Okay.
LEG. POSTAL:
Thank you.
D.P.O. LEVY:
Thank you.
COMM. GALLAGHER:
"But our job is to help you, basically."
D.P.O. LEVY:
Thank you, John. To wrap it up, Legislator Caracappa.
LEG. CARACAPPA:
Thanks. Commissioner, Chief, needless to say, I appreciate you coming down. And this is an issue that is really no winning, regardless of what side you come out on, legitimate concerns or not, whatever it may be, no matter how you view it. So, to sit there and take the fire, I appreciate it.

To Legislator Foley, I say how many meetings do I have -- how many letters, how many meetings do we have to have before -- and how many times do we have to take the INS saying to us, who represent a community, "Leave us alone, we're not going to do anything"? The INS was in the Farmingville Firehouse last year, stood up, Jack Byrnes from the INS and said, and these people will back me up, "You know what, learn to live with it." Okay? What -- how many times do we have to take a slap across the face before we do go to next level, the next level being a lawsuit?
To Legislator Postal, she said, well, maybe, maybe just the saturation

levels are good and it can handle the problem. Granted, yes, but why should the taxpayer and our Police Department not get reimbursed or compensated for having to deal with this? Why not go after the INS for compensation as well?
I ask of all of you, as we move forward tonight in what will be I'm sure a spirited debate to, please, keep the spirit of the legislation in -- at the forefront and don't get swayed into believing into something else other than going after a federal bureaucracy that has failed in their ways and in their duties in such a derelict fashion that we're all paying, both monetarily, humanistically for these people, too, who are being -- they're failing them as well.
D.P.O. LEVY:
Okay.
LEG. CARACAPPA:
We'll talk about this later.
D.P.O. LEVY:
We'll talk about that in debate.
LEG. CARACAPPA:
But please keep that in the forefront of your mind.
D.P.O. LEVY:
All right. Let's move on. Thank you very much. Thank you, Commissioner.
COMM. GALLAGHER:
Thank you.
D.P.O. LEVY:
And Chief. Appreciate it.
LEG. BISHOP:
I think we're going along at a good pace.
D.P.O. LEVY:
Okay. We are now going to get to the public speakers. Fred Eisenbud on a different topic, the Landscaper's Association. Welcome back, Fred.

MR. EISENBUD:
Thank you. I have letters for distribution, please. I have two cards in, actually. I'm going to switch hats and I'll be under six minutes for both of them combined.
The first one I'd like to address. My name is Frederick Eisenbud. I'm an attorney in Melville, and I'm the attorney for the Nassau-Suffolk Landscape Gardener's Association, and I'm here I guess with a little bit of heresy, because I'm here to oppose your taking any action today on 1693, which is the decision to opt into the State 48-hour pesticide notification law. And the reason I'm urging you not to vote today is that the SEQRA resolution is flawed. You are classifying it as a Type II Action under SEQRA, not requiring any environmental review. It's impossible. If you look at the section which is cited, it clearly doesn't apply. You cannot call something a Type II Action that may have a significant impact on the environment. What is the significant impact here? It will kill the Integrated Pest Management Program. As I'm sure you know, that has been the policy of the State for the last 15 years.
The Nassau-Suffolk Landscape Gardener's Association has worked closely with the DEC and Cornell Cooperative to try to learn how to train its

members to use integrated pest management techniques. It requires you to understand the life cycles of pests, and based on degree days, to go to a site when you know they're first emerging and that allows you to use the weakest form of pesticide over the smallest area. If they're required to come back twice, which is what they would be required to do if you opt into this system, they won't do it. No one will pay them to come back twice, and the little critters will grow to big critters and they're going to have to use stronger pesticides anyway. And the result is going to be that they're going to go back to doing what they did 15 years ago, which is to go once and spray with the strongest pesticides they can over the broadest areas, so they don't have to come back. You will be causing inadvertently more pesticides to be used rather than less.

There's no question that this may have a significant impact on the environment. And you cannot adopt this law without first doing an environmental impact statement to look at those impacts. There are two courts which have held that. The DEC in 1988 attempted to adopt notification regulations, and the Third Department Appellate Division said, "Uh-uh, not without doing an environmental impact statement to look at IPM." 1996, the Nassau County Legislature attempted to do it, and in part, the Supreme Justice said you can't do it without doing an environmental impact statement. First look at the impact on IPM, that's all we're asking you to do.

The law can't go into effect until March anyway. You might as well do it right, because if you don't, my suspicion is that someone will challenge it in court, and the amount of delay that will create could cause this law to be killed and you won't be able to readopt until after March.

D.P.O. LEVY:

Fred, your time is up. Can you conclude?

MR. EISENBUD:

That's my conclusion. Please --

D.P.O. LEVY:

Okay.

MR. EISENBUD:

Please, take a hard look at this. Comply with SEQRA, otherwise I think you'll be adopting a law that won't be able to withstand scrutiny.

D.P.O. LEVY:

Thank you very much.

MR. EISENBUD:

I have the next card I believe as well.

D.P.O. LEVY:

Well, technically, you're only supposed to have three minutes for everything you're going to say. I'll tell you what, I'll give you another minute to wrap it up.

MR. EISENBUD:

Well, I'm also here as the attorney for the Townline Association, Inc., a not-for-profit corporation formed to oppose the PPL proposed 600 megawatt power plant in Kings Park. It has over 4,000 members and is growing daily. We are asking this body to have the Health Department and the Department of Public Works assigned to review the preliminary scoping session, which has been submitted. It is part of the process

of approval. It contains a lot of technical elements that we need the County's experts to look at it. We're not asking you to oppose this now, but we think once everybody is educated, you will join us in opposing it, so I'm asking you to do that.
D.P.O. LEVY:
Thank you, Fred.
LEG. D'ANDRE:
Mr. Chairman.
D.P.O. LEVY:
Okay.
LEG. D'ANDRE:
I just want to tell the man something.
D.P.O. LEVY:
Quick, quickly.
LEG. D'ANDRE:
We ordered -- we ordered a study for the Energy and Environment Committee on that PPL situation, so some truths should be coming out.
MR. EISENBUD:
Thank you very much, sir.

D.P.O. LEVY:
Okay. Thank you, Mike. Thank you, Fred. Next speaker, Chris Kirk, dredging. Chris? Okay. Yeah. Can we have Legislators come in, so we have a quorum, please? We need at least two or three more Legislators. Give it one more second, Chris.
MR. KIRK:
Okay.
D.P.O. LEVY:
We need Legislators, please. All right. We have a quorum. You can go ahead, Chris, and we'll try to get more in as you're speaking.
MR. KIRK:
Excuse me. Thank you. My name is Chris Kirk. I am the president and owner of a company called Gibson and Cushman Dredging.
D.P.O. LEVY:
Just speak into the microphone, please, so our stenographer can pick it up. Thank you.
MR. KIRK:
Gibson and Cushman Dredging in Bay Shore. We've been there for about 90 years. We do the vast majority of the dredging in Suffolk County. And I'm coming before you today, and I apologize for taking your time, I've spoken before this body several times in the last 25 years, but I'm actually here to ask your help in defeating a CN that's being proposed to dredge Stony Brook Harbor and the Nissequogue River. That project has been pending for a little over 18 months. It was -- funding was requested for it through the regular budgetary process and was -- was not provided. Our company follows the dredging industry in Long Island very closely. We were assured by DPW in the muddle of July that that project wasn't going to happen, both due to money constraints and permit constraints, basically, with the Town of Smithtown. As a result, we took work for the next four months in Maine, in Wells Harbor, Maine. We're taking every dredging employee off of Long Island who currently works in the union trade, which is the only trade in the hydraulic dredging market here in Long Island, and we're displacing

them to Maine, and someone from somewhere, probably Louisiana, is going to come and attempt to do this work in Long Island. And the history of that attempt, so that this body understands, is one that failure, that the projects fail, the money gets spent, people get hurt, the environment is degraded due to fuel spills that have occurred. There have been substantial problems that are well documented. There's one going on now with the Corps of Engineers with a Louisiana company at Fire Island Inlet by the Coast Guard.
I'm just here to ask that either the Legislature consider getting back to the bad old days of budgeting work and letting DPW spend it in a regulated fashion that makes sense to them and to the contractors and the people, and if they had a certificate of need to be presented, to present one to fund a way to make sure that you permit work, that work is permitted in Long Island other than three months from the middle of September to the 1st of January, which is devastating.

D.P.O. LEVY:
Just speak up right in to the mike. The people outside can't hear you. Thank you.
MR. KIRK:
I'm not sure many are here to hear me. The --
D.P.O. LEVY:
No. Through the microphone and the system outside, they will.
MR. KIRK:
I understand. To reiterate, right now, the permit process limits the dredging industry from about the 15th of September until the 1st of January. That has made the dredging industry and the people who work in it have to find other means of employment, and the result is now that what was a 200 person industry in Long Island is a 20 person industry. So you have an opportunity to help solve that. We've had meetings with the Assemblymen, we've been to Albany. Not much has changed, and, actually, things have gotten worse. Your own County dredge will probably operate half has much as you anticipated it would work when you acquired it.
D.P.O. LEVY:
Thank you very much, Chris.
LEG. D'ANDRE:
Steve. Steve.
LEG. CRECCA:
Steve.
D.P.O. LEVY:
We have Legislator Fisher first, then Legislator Crecca.
LEG. CRECCA:
I'll let Legislator D'Andre go before me.
D.P.O. LEVY:
Well, Legislator Fisher had the floor.
LEG. FISHER:
Thank you. Mr. Kirk, I understand that the difficult position that you're in. I'd like to ask you a couple of questions about the window that's used for dredging. Why was that window of -- that dredging period established?
MR. KIRK:
Currently, there are four, I believe, oversight agencies to the permit

process for the work in Suffolk County. Actually, when the local towns are involved, there can be more. But the U.S. Fish and Wildlife, and currently, the most problematic one is the Department of State in the State of New York protects species which may or may not need protection. That's -- right now, winter flounder have all of a sudden been protected in Great South Bay, although no one knows if there are any winter flounder to protect. And as you may or may not be aware, there are no economic values assigned to this theoretical protection.

That's generally by statute.
LEG. FISHER:
Although it's not our purview to question why U.S. Fish and Wildlife is protecting one species and not another. And the window is there based not on bureaucratic decisions made with regards to budgeting issues, but more because of environmental issues; is that not so?
MR. KIRK:
No. I would say that it has been so easy for a bureaucracy to be rolled over, much like New York Harbor was for five years, until it got to a threshold of companies moving, people leaving. All of a sudden, all of the concerns of New York Harbor, everyone disappeared. Material that couldn't be touched, couldn't be moved is being dredged, because the Vice President of the United States showed up and said, "We need to dredge this harbor." Every environmental concern, every bureaucratic concern disappeared in one day, and it is a bureaucratic problem, it's absolutely one.
LEG. FISHER:
Now, with regards to the delay of the -- I think I should cede to Legislator D'Andre on this, because it was an issue with a permit problem with the Town of Smithtown. So I will let them pursue that line of questioning.
MR. KIRK:
Okay.
LEG. FISHER:
Thank you, Mr. Kirk.
D.P.O. LEVY:
All right. Legislator Crecca, you have the floor. Do you wish to defer to Legislator D'Andre?
LEG. CRECCA:
Yeah.
D.P.O. LEVY:
Very good.
LEG. CRECCA:
Who will defer back to me.
D.P.O. LEVY:
Go ahead, Legislator D'Andre, quickly, for a question.
LEG. D'ANDRE:
Since this dredging is in my district, I think I should speak. You mention that people from Louisiana are doing the dredging, or somewhere Down South. Don't they know how to dredge?
MR. KIRK:
If you call the Corps of Engineers, they'll say no. The Corps of Engineers' position is that small dredging companies are very parochial, very much work in their own backyard, and as they -- as

they're forced or choose to work in other areas, the failure rate is substantially different than otherwise. And I could certainly refer you to the Corps or the Coast Guard, who has a substantial problem with a company from Louisiana working here now.
LEG. D'ANDRE:
Well, I have a little trust in our Public Works Department. They're not unintelligent, they're pretty experienced, and I should think that they should be able to run this and have safeguards into place. I still would like the people who have done it in the past to do it, but if they're not available, it doesn't mean we must stop everything. They can't get through at low tide in Fisher's district and in my district.
MR. KIRK:
Well, I'm well aware. We dredged this Nissequogue River the last time it was done. We did Stony Brook the last time it was done and it --
LEG. D'ANDRE:
But if you miss out on this one, I can't help it. We pay cash, we don't want credit. We want people that will do the job. Now --
MR. KIRK:
And so do we, that's my point.
LEG. D'ANDRE:
But you can't dictate to somebody else or tell somebody else he's not qualified. I mean that is not purview, your purview is to sell yourself, not down somebody else. That I didn't like.
D.P.O. LEVY:
Okay. That's your point, Mike.
LEG. D'ANDRE:
That's my point.
D.P.O. LEVY:
Legislator Crecca.
LEG. CRECCA:
Yeah, I have a question for you. You're saying that you're not available because of other commitments outside of the state, is that --
MR. KIRK:
Yes.
LEG. CRECCA:
Okay. But you have the right to participate in the bidding process for this job; correct?
MR. KIRK:
There are no -- there are no people to operate the equipment. We have two huge --

LEG. CRECCA:
But that's not the fault of the County, that's because you've made other commitments elsewhere.
MR. KIRK:
In fact, if the County had funded this projects as they -- what was requested by DPW, the County would have known the money was in place, the contractors would have known the money was in place, and the work would have been bid, and under a normal circumstance, not a certificate of need, the award process would have taken place under a normal fashion and it would have been done by a contractor. I mean --

LEG. CRECCA:
But you agree that the dredging project needs to be done; correct?
MR. KIRK:
It needed -- yes.
LEG. CRECCA:
Okay.
MR. KIRK:
Hundreds do in this County.
LEG. CRECCA:
Right. And the reason for delay in this particular project, I can tell you, along with Legislator D'Andre, and I think Fisher knows this --
LEG. FISHER:
Is was not a funding problem.
LEG. CRECCA:
It not funding. The problem here was with the Town of Smithtown and the permit process. That has been resolved after -- thanks to the good work of Legislator D'Andre and some people both at the Public Works Department and the County -- I'm sorry, and the Town all working together to come up with a compromise position everybody was happy with.
MR. KIRK:
Okay.
LEG. CRECCA:
So that was the -- just so the record is clear, that was the reason for the delay. And my question for you is, is that you still, although you've made other business commitments, and I understand, we do feel that this needs to be done expeditiously. You know, the fact that a company is shut out from doing that because they've made other business commitments should hot stop us from going ahead with the competitive bidding process and get this work done quickly. That's --
MR. KIRK:
I appreciate your position. My call is to ask the County to be more proactive to extend dredging windows, so that work, number one, has more flexibility, that the County has more flexibility, and that the

people who do the work don't have to do it and be hurt, killed doing it.
Right now, the Nissequogue River is going to be done in winter, the only time that the wind blows steadily out of the northwest, and the only time that harbor is exposed to horrific weather conditions. It's unsafe.
LEG. CRECCA:
What I will do is I'll give you my commitment that Legislator D'Andre myself, and I'm sure Legislator Fisher, will address that issue with Charlie Bartha and the Public Works Department. I think that's a legitimate request and we'll certainly do that.
MR. KIRK:
Thank you.
D.P.O. LEVY:
All right. Thank you all very much. Thank you, sir.
LEG. D'ANDRE:
And the piping plover are in there at the other times of the year.
D.P.O. LEVY:

Okay. Next speaker, Randy Snell. Oh, wait a minute. How did we get -- I'm sorry. That's number 30.
LEG. FIELDS:
No that was right. That was right.
D.P.O. LEVY:
James Staudenraus.
LEG. BISHOP:
Randy Snell? Go ahead. It's Randy Snell.
D.P.O. LEVY:
I called you, go ahead. I don't know who's playing with these cards, but leave them alone, they're in order. The people came here, they signed one at a time and they're going to go one at a time. Go ahead, sir.
MR. SNELL:
Yes. My name is Randy Snell and I'm a Vice President with Citibank, but I'm also president of a group called SEARCH, which is Seeking Answers About Rhabdomyosarcoma Children, and I'm vice president of a group called A Mother's Kiss, which helps out families when their children get cancer here on Long Island. But more importantly, I'm a father of four little girls and I live in Manorville, New York; Jillian, who's 11, Lauren, who's eight, and Jennifer and Amanda who's four years old. In 1995, my family's life was turned upside down when we noticed that my second daughter, Lauren, started to slur her words and drool a lot. Upon taking her to our pediatrician, he referred us to and ENT specialist who told us that my daughter had a very aggressive type of

cyst called a plunging ranula, and that he would go in, take it out and we'd have our daughter back two days later. Well, a forty-five minute operation that took two-and-a-half hours. We were led into a room and we were introduced to an oncologist at Stony Brook by the name of Dr. Robert Parker who informed us that our daughter of three years old was diagnosed with Rhabdomyosarcoma, which is a -- was a very rare and aggressive type of cancer, and that my daughter would have to stay in the hospital and get treatment for this. Well, thirty-one straight days later, my daughter was still in the hospital, three surgeries later. They told us originally that this type of cancer only hit one in four million kids a year. Upon further inspection of the numbers, it showed that the rate across the country was about 3.2 cases per million.
One real bad day, when my daughter was getting stuck with a needle for the sixth or seventh time, she grabbed me around the neck, as a little girl would grab her father, and screamed, "Why, Daddy, why?" And I didn't have an answer for her, but I was determined to try to find out the reason that she got this cancer.
Now, Stony Brook in 1995 was treating about 20 cases of cancer and four of the cases were Rhabdomyosarcoma, which got me to thinking that seems like an awful high number for the statistics that they were giving me. Upon further -- you know, as we went through the hospital, going through the operating rooms and the clinics and that, I found four other children who had this type of cancer and they all seemed to live in the same area. That brought me up to eight total cases. Now, with the help of some celebrities and that, we got on some T.V. exposure, and to date, we have 22 cases of this type of cancer in Suffolk County,

and it all seems to be clustered in certain areas of the County.
A recent scientific study was done that showed that it was 15 times the national rate. Rhabdomyosarcoma is a very aggressive type of cancer. The survival rate past five years is approximately 65%. That means that 35% of these kids that get this cancer don't make it five years. That means that families and friends of these kids go through horrific conditions. If your child gets cancer, the first thing they do is they drill near your heart and they insert a tube that feeds into your heart, and that's what they feed the chemotherapy through. These kids lose their hair, they miss school, they miss their friends. During the formative years of their growth, their growth is stunted. We will never know if my daughter will be able to have children. She will need reconstructive surgery to repair her jaw; they found it in her mouth and her tongue. They wanted to cut her tongue out. I insisted that they didn't, so she would have as normal of a life as possible.
There's too many kids here in Suffolk County that are being affected by childhood cancer. A child is diagnosed every four-and-a-half days in Suffolk County with childhood cancer, much too high. Creating this task force would hopefully help us identify the number of cases out there. We've been shut out from the State, on the federal level, on the local level, and until a public servant by the name of Ginny Fields stood up and said, "I believe there's a problem, too," that this go nowhere, and I have to thank you for that. But there is a problem. These kids need help. The families of the Rhabdomyosarcoma victims, they need a voice here in Suffolk County. We have to find out what's

going on and what the extent of it is.
D.P.O. LEVY:
Thank you, sir.
MR. SNELL:
Thank you.
D.P.O. LEVY:
Legislator Alden.
LEG. ALDEN:
I want to thank you for coming in today and actually bringing some of this to attention for the first time. Is there a probable cause for this type off cancer?
MR. SNELL:
Well, there are two known studies done, one by a name of the {Dr. Seymour Grufferman} out of the University of Pittsburgh who identifies an increase in Rhabdomyosarcoma with low level radiation exposure, ionizing radiation. There was just another study done where they exposed laboratory mice to something called Strontium 90 and it showed that the laboratory mice also got Rhabdomyosarcoma.
LEG. ALDEN:
That you very much.
D.P.O. LEVY:
Thank you, sir. Anything else? Thank you.
MR. SNELL:
Thank you.
D.P.O. LEVY:
James Staudenraus?
MR. STAUDENRAUS:

My name is James Staudenraus. I'm here in two capacities today, one, as a resident of the County, and two, as a representative of the nation's oldest and largest immigration reform group, a national non-profit out of Washington that has studied the criminal aspect of illegal immigration for 20 years now.

I want to just speak to a couple of specific points that were made. The INS will meet with you from now until eternity, but will not act. They have unilaterally decided to stop what's called interior enforcement, which is what you're suffering from in the Farmingville community. Meeting with them is good, it's always good to have a dialogue, but right now, there is no interior enforcement going on anywhere in the United States.

Legislators -- Legislator Caracappa's bill is something worth considering, because it puts a pressure on the INS. It let's them know that not going their job, a job which does not fall to the Suffolk County Police without great hardship and a great resource commitment.

It tells the INS, "We're not going to stand by and watch you not do your job.

To Paul Tonna's question about safety, will this bill increase the safety, I can only answer that with a statistic from my drunk driving research. One-third, roughly, of all drunk drivers, one-third of all drunk drivers are repeat offenders. On July 1st, as some of you know, Goretta Doyle, a single mother of two, was killed by a drunk driver, who police later identified as an illegal alien.

We spend a lot of time on statistics and I want to just clear the air on the statistics back and forth. The truth is no police agency, ours included, keeps the kinds of records that accurately track these crimes, and it's very, very different difficult through the snapshots that they have to make any broad conclusions. It's very frustrating getting information, because it's not routinely tracked. What we do know at the federal level, the federal prison system does track these statistics, and we do know that the largest single growing group in the federal prison population is foreign born. That does include people who are in the country legally. It's roughly 25% plus and growing.

As far as the issue here, the issue here is safety and it's nothing more or less than that. It's do we have a right in our own town to live safely and without fear of crime.

Getting the INS's attention, this is a tool that I think would be very effective, and anything that you can do to get their resources allocated to this area where they're needed, anything you can do to get the INS to do its job is something worth doing. Thank you.

P.O. TONNA:

Thank you very much. I'd ask once again, everyone, shut off their beepers and phones. Okay.

MR. STAUDENRAUS:

I'm sorry. Let me mention one last thing. I will supply each of the members of the Legislature with some specific -- there is a bill -- there is a piece of federal legislation available to you, it's called Section 133. The Justice Department does have a program under which the State and the County can request that some of our local police agents become deputized to perform INS functions. That training, as I understand from talking to officials in the County, that training would

have to be requested probably from Albany, but it should be -- if it's something you want to consider, I can get you details on that. There is a formal mechanism. Thank you.
LEG. CARACAPPA:
Mr. Chairman, just on that.
P.O. TONNA:
Thank you very much.
LEG. CARACAPPA:
Just on that, just to make my colleagues aware, we did seek an opinion through our County Attorney's Office to State Attorney General, and as you're probably aware, the State has to have something in place with

regard to State law that allows the local municipalities to be deputized. New York State does not allow that, and that has been rendered in the opinion from the New York State Attorney General's Office, so we have looked into it. Thank you.
MR. STAUDENRAUS:
Thanks very much.
P.O. TONNA:
Okay. Thank you very much. Christine Brinkley.
MS. BRINKLEY:
Hi. My name is Christy Brinkley. I'm a board member of the STAR Foundation, that's Standing for Truth About Radiation. I'm a full-time resident of Suffolk County and I'm a concerned mother of three. I am here in support of Legislator Ginny Fields' proposal to create a Rhabdomyosarcoma Task Force. I feel that the question today is not if we should create a Task Force, the question is why is it taking so long?
I first learned of Rhabdomyosarcoma through my involvement with the STAR Foundation. That was over two years ago. I heard it from Randy Snell, who you just heard speak, and you only have to hear Randy speak once about what his family went through, the terrifying diagnosis and the painful procedures that his daughter endured to know that something has to be done for these families and for the other families that are going through this horrifying ordeal, and to prevent this apparent cluster from continuing to grow. Randy has spent years uncovering other family's heart-breaking stories of their experiences with Rhabdo. I told his story on the Rosie O'Donnell Show, and the phones at the Rosie O'Donnell Show and at the STAR Foundation started ringing off the hook. The people were realizing through a T.V. show that they were a part of this cluster. Just last week, Rosie reran the show and the phones started ringing again, and since the re-airing of that program last week, we've uncovered two more cases of Rhabdomyosarcoma. This isn't how people should be learning that they are part of a -- of a real cluster. I mean, they would not have even known if they hadn't seen a rerun T.V. show.
So I'm here to say that this is not Randy's job, this is not Rosie O'Donnell's job, but this is your job and your responsibility to help protect our community and get answers. And the families that you'll hear speak here today deserve answers. My most important job is as a parent, and without answers, I can't do my job of protecting my children. Thank you.
LEG. D'ANDRE:

Mr. Chairman.
P.O. TONNA:
Just one at a time. Legislator Fields has the floor. And, Michael, questions.
LEG. FIELDS:
I understand that you're not a parent of a child who has Rhabdomyosarcoma, but I really want to thank you for taking the time and coming down. Thank you.

MS. BRINKLEY:
Thank you.
P.O. TONNA:
Legislator D'Andre, question?
LEG. D'ANDRE:
Yes. Christy Brinkley, we're very happy to have you in our County as a resident. And I applaud you for coming down before this committee voicing your views on that program you want.
MS. BRINKLEY:
Thank you.
LEG. D'ANDRE:
We're going to try our best. That man made a powerful plea and you reinforced that on top of that.
MS. BRINKLEY:
And being here to --
LEG. D'ANDRE:
And I commend you for coming down before us, and we're honored to have you here.
MS. BRINKLEY:
Thank you.
LEG. D'ANDRE:
Thank you.
MS. BRINKLEY:
Thank you very much.
LEG. D'ANDRE:
You're welcome.
P.O. TONNA:
We have our own ambassador here, Legislator D'Andre, our ambassador of good will. Thank you.
LEG. D'ANDRE:
I have two daughters like you.
P.O. TONNA:
Thank you very much. Thank you.
MS. BRINKLEY:
Thank you. I appreciate your time.
P.O. TONNA:
James Staudenraus.

AUDIENCE MEMBER:
He already spoke.
P.O. TONNA:
Excuse me?
AUDIENCE MEMBER:
He already spoke. He spoke.

P.O. TONNA:
He already did?
AUDIENCE MEMBER:
Yes.
P.O. TONNA:
Okay. Bill Murphy?
AUDIENCE MEMBER:
He had to leave.
AUDIENCE MEMBER:
He had to leave.
P.O. TONNA:
Okay.
AUDIENCE MEMBER:
Returned to work.
P.O. TONNA:
Patrick Young.
MR. YOUNG:
I have a memo to distribute to the --
P.O. TONNA:
Sure.
MR. YOUNG:
-- members.
P.O. TONNA:
The Clerk -- this fine young lady here, Ilona.
MR. YOUNG:
There you go. You know, I was really happy to hear Legislator Caracappa clarify that there is no crime wave in Farmingville, and I would note that 93% of the arrests in Farmingville were of U.S. citizens. So, certainly, anything that looks at immigrants, undocumented or otherwise, is really dealing with the margins. It sounds like if there are problems with crimes, most of the problems are with U.S. citizens there.
I just -- you know, there's a lot of reasons why the proposed legislation is bad, but I'm not going to go into those. I think the other folks behind me are going to talk a lot more about them. I just

want to say why it's not going to work you. It's not going to work, because you guys brought this same type of a lawsuit five years ago. I don't know if Legislator Caracappa has talked to you about it, but Suffolk County was part of a lawsuit, Padavan, Suffolk County, et al. versus the United States, suing the INS essentially for similar things to what Legislator Caracappa wants to sue them for now, and the case was essentially laughed out of court. I guess you're all aware of that, although I haven't heard it come up yet in the discussion. But I think that you should also be aware that bringing frivolous lawsuits can lead to sanctions against the attorneys who bring them. You may want to consider whether you want to waste the taxpayers' time and money, whether you want to waste the money of the courts and the time of the courts. So I think that's something very important for you to look at.
I'll also note that there has been a lot of talk about whether the INS has been successful in its -- in stopping undocumented immigration, and, of course, there hasn't been a halt to undocumented immigration.

But I think even if the courts heard your case, you'd lose there anyway, because, if you look at the back page of the handout I've given you, the number of deportations, removals, exclusions by the INS has gone up 400% over the last eight years, and I don't think you're going to convince a court that what the INS views as a successful program of removing undocumented immigrants from the United States should be tinkered with by Suffolk County. So I think that those are two reasons why you should not go forward with the bill.
I think you also need to understand that this bill is being watched very closely by Latinos and other immigrants in Suffolk County and they are afraid of this bill. They're not afraid because they're undocumented immigrants, they're afraid because they're hearing calls in Newsday today for the United States Army and for the National Guard to be moved into Farmingville. There's a leader of the -- one of the groups that's supporting Mr. Caracappa's legislation where he's calling for tanks to be moved into the village. Well, you know, that's extremist, I think we have to call it what it is, and we need to move away from this. Latinos and immigrants are living in Farmingville, although I'll note that immigrant crime in Farmingville is below the percentage in other villages around Suffolk County, so good for the Suffolk County immigrants, although I've certainly heard from some folks in Farmingville that now immigrants make up 20 or 30% of the population there, so they're probably committing crimes much less frequently than others in that village.
LEG. D'ANDRE:
Mr. Chairman, I think --
P.O. TONNA:
Wait, wait. Let him finish. Are you done?
MR. YOUNG:
No, I'm not.
P.O. TONNA:
No. Let him finish, please --

LEG. D'ANDRE:
Oh, I thought he was finished.
P.O. TONNA:
-- Legislator D'Andre, before you ask your questions.
LEG. D'ANDRE:
I thought he was finished.
MR. YOUNG:
But I think -- I think what immigrants are afraid of and what other Latinos are afraid of is that there's an attempt to racially profile all Latinos as undocumented immigrants or as criminals. The INS is constrained by the same constitution that the police are constrained by. You cannot simply point to someone and say, "Arrest that person, he's an illegal immigrant." As the INS once said at a community meeting, "You've shown me where the Latinos are, now where are the illegals?" You cannot simply question everyone who is a Latino and ask them for their identification. I'd ask the folks around this table today, show your proof that you're a United States citizen. How many of you had it? I asked one of the folks from the Sachem group to prove it and he held up his driver's license. Well, that shows me he knows how to drive, it doesn't show me he's a U.S. citizen.

The INS will not, they will not go to every Latino in Farmingville or every Latino in Suffolk County and ask them based on racial profiling for identification. So I think you're really barking up the wrong tree with this legislation. You need to reach out more to the Latino community, especially the police need to reach out more to the Latino community and should not build walls around that community, they should break down the barriers, so that they can fully participate as residents of Suffolk County. Thank you.
LEG. D'ANDRE:
Well, Mr. Chairman.
D.P.O. LEVY:
Legislator D'Andre.
LEG. D'ANDRE:
I get kind of concerned when our citizens, our tax-paying citizens are not happy in their homes after paying these outrageous taxes, and paying for a police force, and paying for a federal government that devours our money. These people deserve to have peace in their own home, that's --
P.O. TONNA:
Mike, question.
LEG. D'ANDRE:
That's what's -- hold it a minute. I've got to set the stage for this. That's what civilized government is all about. This is not civilized government when these people have to come out of their homes, come down here to defend or protect themself or ask for protection. They're not just crazy, there's something wrong that's bringing these people here.

MR. YOUNG:
Well, you know, I --
P.O. TONNA:
Patrick, can you respond to that, because that was a -- that was question.
MR. YOUNG:
Okay. I agree with you. I think that the many folks from Farmingville who've come here today, who've been harassed by other members of their community are entitled to protection. I think that Suffolk County should look into the spate of incidents directed against Latinos in the Farmingville area. I agree with you 100%, Mr. D'Andre, and I think that the --
LEG. D'ANDRE:
Then how can we stop this?
MR. YOUNG:
Well, I think the first thing is for the Legislature and for Suffolk County to work to bring the Latinos and the native born population together.
LEG. D'ANDRE:
But when we petition the federal government, they play footsies, they play games with us. We've got to -- we've got to fix this here ourselves with our law the best we can. Federal government is not going to help us. Joe is having a trouble trying to get help in his district, and we're 18 Legislators here.
MR. YOUNG:

That's right.
LEG. D'ANDRE:
And we ever the power in Suffolk County to bring law and order there.
LEG. CARACAPPA:
Paul. Paul.
LEG. D'ANDRE:
Now, I have nothing against these people, they're good family people, they always have been. The Latinos have been wonderful family people. My problem is with the system and the laws involved. So in the meantime, until we get something in there, I want to put one or two patrol cars there with two policemen in it, and when it hurts your pocketbook, we may get law and order.
MR. YOUNG:
Well, I agree with you, Mr. D'Andre. The answer is --
LEG. D'ANDRE:
I have nothing against these people.
MR. YOUNG:
The answer is not to go to the federal government or sue the federal government.

LEG. D'ANDRE:
These people should be able to go to the store.
D.P.O. LEVY:
Mike. Mike.
LEG. D'ANDRE:
They should be able to go to the store, their children should be able to go on errands for them without being molested.
P.O. TONNA:
Okay. Mike --
LEG. D'ANDRE:
And that's why I went to war.
P.O. TONNA:
Mike, this is -- this is -- wait.
(Applause)
P.O. TONNA:
Mike?
LEG. D'ANDRE:
Yes, Mr. Chairman.
P.O. TONNA:
Pat, you have an opportunity to respond to that, and then Legislator Caracappa has a question.
LEG. D'ANDRE:
How can he respond?
P.O. TONNA:
Well, because you asked the question. If not, I would have to strike the testimony.
MR. YOUNG:
Sure.
P.O. TONNA:
Go ahead.
LEG. D'ANDRE:
Oh, come on.
P.O. TONNA:

Please.
MR. YOUNG:
Mr. D'Andre, I think --
LEG. D'ANDRE:
World War II was fought over this.

LEG. LEVY:
Mike, all right.
P.O. TONNA:
Strike that testimony.
MR. YOUNG:
I think that the best -- the best protection for everyone in Farmingville and in Suffolk County is good relations among communities, not walls built up.
LEG. D'ANDRE:
It's not working. Fine, I like it, but it's not working.
LEG. LEVY:
Mike.
P.O. TONNA:
Mike, let Patrick finish his statement, please, sir.
LEG. D'ANDRE:
Isn't it true?
P.O. TONNA:
Let him -- let him finish.
LEG. D'ANDRE:
It's not working. It's not working.
MR. YOUNG:
I think, unfortunately, rather than look for solutions to the situation, I think that there has been political grandstanding, there have been attempts --
LEG. D'ANDRE:
Oh, come on.
MR. YOUNG:
-- to portray the immigrant community as a criminal community, or a community that's out of control.
LEG. D'ANDRE:
Because they don't know how to strike out at this, that's why, they don't where to go.
P.O. TONNA:
Okay. Thank you.
LEG. D'ANDRE:
They call the police, it doesn't work.
MR. YOUNG:
Mr. D'Andre --
LEG. D'ANDRE:
They call the federal government, it doesn't work.

MR. YOUNG:
Mr. D'Andre, when somebody who's identified as a spokesperson for a group calls for the stationing of tanks in Farmingville, do you think that that's an attempt to build bridges.
LEG. D'ANDRE:
That's extreme.

MR. YOUNG:
Yeah, that is extreme.
LEG. D'ANDRE:
People get desperate.
P.O. TONNA:
Thank you. Legislator Caracappa.
LEG. CARACAPPA:
Hello, Patrick.
MR. YOUNG:
Hi. How are you?
LEG. CARACAPPA:
Thanks for coming down. It's nice to once again pick up the spirited debate on this issue, that is a tough issue that we always deal with. Where do you -- where do you work again, what's the center?
MR. YOUNG:
I work at the Central American Refugee Center, 2000 Brentwood Road, Second Floor, Brentwood, New York.
LEG. CARACAPPA:
Thanks.
AUDIENCE MEMBER:
Where do you live?
MR. YOUNG:
Where do I live? I live in --
LEG. CARACAPPA:
That's not necessary. That's not necessary. Let's just keep it civil. Are you aware of this?
MR. YOUNG:
Am I aware of what?
LEG. CARACAPPA:
This wanted poster.
MR. YOUNG:
It's a wanted poster. Okay.
P.O. TONNA:
Can you show us all? I haven't even seen it.

LEG. CARACAPPA:
This is one of the wanted posters that have come -- it's in the backup. It's a wanted poster of a certain person, undocumented alien, manslaughter second degree, hit and run, DWI, killed a mother of two. One of the daughters were in the car, severely injured, too. Those kids are orphans now. Is this what you're condoning? Should we step in?
MR. YOUNG:
Drunk?
LEG. CARACAPPA:
Should we -- should the INS have something to do with this?
MR. YOUNG:
I think, first, you asked me a question.
LEG. CARACAPPA:
Please answer my question.
MR. YOUNG:
Yeah, I'm trying to.
LEG. CARACAPPA:
Should the INS step in and do something with this?

MR. YOUNG:
The first thing is that --
LEG. CARACAPPA:
He doesn't answer. Please, just come on, Pat.
MR. YOUNG:
Do I condone drunk driving? No. The second is, should the INS step in and deport violent felons? Yes.
AUDIENCE MEMBER:
Okay, that's it.
LEG. CARACAPPA:
Thank you. Okay. Let's move on. You see this one?
MR. YOUNG:
Yes.
LEG. CARACAPPA:
You know what this one is?
MR. YOUNG:
I -- you know, I -- it may be my eyesight. Maybe other folks can see it.
LEG. CARACAPPA:
No. I'll read it for you, but this is a sexual assault on a young girl in a K Mart. This guy fled as well. Should the INS get involved with this?

MR. YOUNG:
I think I already said that they should.
LEG. CARACAPPA:
On this one.
MR. YOUNG:
Sure.
LEG. CARACAPPA:
Okay. This one, I know you can't read it, illegal alien, sexual assault on a young woman in Farmingville in a K Mart. Should the INS get involved with this?
MR. YOUNG:
Yes.
LEG. CARACAPPA:
Thank you. That's all.
P.O. TONNA:
Okay. Any other questions? Patrick, thank you very much.
MR. YOUNG:
Okay. Thank you.
P.O. TONNA:
Okay. Supervisor Jay Schneiderman. Nice to see you.
SUPERVISOR SCHNEIDERMAN:
Thank you very much.
P.O. TONNA:
Legislator Guldi, I know you've been waiting with bated breath.
SUPERVISOR SCHNEIDERMAN:
Hi, George, how are you? I'm going to first talk, and try to keep all my comments brief, first in support of four resolutions, 1812, 1813, 1818, and 1833. They are all for land preservation, all for ground water, surface water protection and habitat protection, many contiguous to -- most contiguous to other County acquisitions. You have a letter

from the Nature Conservancy going into detail on each one. The names of the properties, the last one, 1833, is Jacob's Farm. It's the largest piece left of undeveloped property in the Town of East Hampton. And then -- and, actually, that one I've heard that the committee has tabled. I'd ask you to discharge that and consider it on the floor.
1818 is the Weitzman Property on Accabonac Harbor critical for surface waters. 1813 is the Gardiner Property, which we're looking for funding through the quarter penny money. And the other one, Resolution 1812, is a Preservation Partnership on the Leonard Property, important primarily for groundwater purposes and I urge your support for that.
I thank you in the past for your tremendous commitment to open space and environmental preservation on the East End of Long Island. As you know, we are in the throes of a building boom that is altering our landscape and threatening to deprive us of that which makes us unique.

Time and time again, you have come to our rescue. For that we are forever grateful, and we hope that you again support these acquisitions.
I'd like to now speak on Resolution 1843, against resolution 1843, which has been introduced by Legislator Guldi, which is an attempt to rescind Resolution 582, which supports consideration of a forty-two acre property in East Hampton for consideration in the active recreational portion, the active parkland portion of the Greenways Program.
East Hampton is not just another pretty place, we are a year-round community of some 20,000 people who live, work and play. It is on their behalf that I appear before you today. The year-round families of the Hamptons, often too busy to come to meetings like this, many are working two or three jobs just to survive. You read in the papers about the lifestyles of the rich and famous. Well, this year, the workers began to get a little bit of national and international attention. There was a piece in the cover of the New York Times about how the workers are being driven out of town by the higher cost of living. I was on BBC just last week with this issue, on CNN. There is a lot of international attention to some of this. They are struggling to survive in the same -- to survive in the same Hamptons as the multi-millionaires. It's a hard life, there's little time for play, and right now, little opportunities. The wealthy have their yachts, polo fields, tennis clubs, and private golf courses. They have plenty of time and plenty of places to play, the local workers have little time and few places.
To address this need in the face of escalating real estate values, we again turned to you for help. Again, you responded. We asked you to consider a piece of property, forty-two acre piece of property across from our only public high school as a potential site for recreation. You agreed, supported it in a resolution for considering for planning purposes only. We also applied on the very same day for farmland preservation money for the same property. It is a property that has been historically farmland, and many in the community would like to see it remain that way. The Town -- that was also approved. We're not -- the County --
P.O. TONNA:
Your time is --

SUPERVISOR SCHNEIDERMAN:
Okay, I'll speed up. Okay.
P.O. TONNA:
Your time is --
SUPERVISOR SCHNEIDERMAN:
Okay.
P.O. TONNA:
And I know George will have some questions, and we're into our lunch.
SUPERVISOR SCHNEIDERMAN:

The County then requested a plan from the Town. We haven't submitted that plan, we are under study. There is a movement afoot to rescind that before we're even done planning. We did have a public information meeting where we entertained public comment. There was tremendous support for recreation, there was also tremendous support for farmland preservation on this property. We don't want to rule out the possibilities of having this property accommodate some of our recreational needs until that study is completed. We expect to have that study, a recreational needs study completed in the next few months. We will then let you know if we need that property or not. We can structure this deal in lots of ways. The East Hampton Star, one of the local newspapers, has recommend 30% of this property be used for recreation, the other 70 for farmland. I don't personally have a problem with that. We may not need to use any of it for recreation. That's a possibility. We will know more.
And what I'm really here today to urge you is to keep the options alive. Mr. Guldi's introducing a resolution to rescind that recreational support. I ask you not to do that. The County Executive introduced this resolution in good faith from the Town Board. We passed it by a four-to-one majority, the initial request to the program, and the Board remains committed to it. And please let us let you know when the time has come where we don't need you to consider this property for active recreation. Thank you.
P.O. TONNA:
Thank you. Questions? You don't have any, Legislator Guldi?
LEG. GULDI:
None.
P.O. TONNA:
Legislator Haley, do you have a question? Thank you, sir.
SUPERVISOR SCHNEIDERMAN:
Thank you.
P.O. TONNA:
Thank you very much for coming.
SUPERVISOR SCHNEIDERMAN:
Thanks for giving me the opportunity to speak.
P.O. TONNA:
Okay. It's now 12:30. We're going to break for hunch. We'll be back at 2:30. Thank you.
[THE MEETING WAS RECESSED AT 12:30 P.M. AND RESUMED AT 2:30 P.M.]
D.P.O. LEVY:
Mr. Clerk, can we have a roll call, please?
(*Roll Called by Mr. Barton*)
MR. BARTON:

Mr. Chairman, a quorum is present. (Not Present: Legs. Caracciolo,
00084
Guldi, Legislator Caracappa, Legislator Haley, Legislator Fields, and P.O. Tonna). I also have -- the affidavits of publication for the hearings have been filed.
D.P.O. LEVY:
Thank you. We're going into our public hearings each speaker will be allotted ten minutes, as opposed to the public portion, where it's three minutes.
Okay. Public Hearing Number 1481 (Adopting Local Law No. 2000, a local law to permanently establish living wage policy for the County of Suffolk (Bishop). We do not have any speakers. Motion by Legislator Bishop to recess? David?
LEG. BISHOP:
Yes.
D.P.O. LEVY:
Second by Legislator Postal. In favor? Opposed? Motion carries to recess.
Public Hearing 1582, consenting to acquisition of additional land at Cutchogue, Town of Southold. I do not have any cards on this either. Legislator Caracciolo is not here. I'll make a motion to close.
LEG. FISHER:
Second.
D.P.O. LEVY:
Second by Legislator Fisher. If Legislator Caracciolo wishes to change that later, we'll definitely cede to that request. We have a motion to close, second. In favor? Opposed? Motion carries.
MR. BARTON:
Majority of those present.
D.P.O. LEVY:
Make sure we have-- we have ten. Do we have ten? You have -- count to ten on that? No?
MR. BARTON:
It's majority of those present.
D.P.O. LEVY:
Okay.
MR. BARTON:
It's closed.
D.P.O. LEVY:
Public Hearing 1745, a local law to reform the process of Public Works' change orders. I do not have any speakers on this particular hearing as well, Legislator Towle's resolution. We have a motion to close by Legislator Crecca, second by Legislator D'Andre. In favor? Opposed? Motion carries.
00085
Public Hearing 1754, a local law to ban County occupational licenses for violation -- violators of employment law. I don't believe I -- oh, I do have -- I do have some individuals here. I can't tell if that's nine or four. I believe that's four. Barbara Olshansky. I can't read the penmanship here. Did I get that right? Barbara Olshansky? Okay, Barbara, you have ten minute. This is 1754, a local law to ban County occupational licenses. Welcome, and the floor is yours. I don't know if your microphone is on. Ilona, could you put in on for the young

lady, please, and speak directly into the microphone.
MS. OLSHANSKY:
How's that.
MS. JULIUS:
There you go.
D.P.O. LEVY:
That's very good.
MS. OLSHANSKY:
I'm a Professor of Constitutional Law and the Assistant Legal Director of the Center for Constitutional Rights. I'd like to thank the Legislature today for providing the Center with the opportunity to testify on the proposed Intro. I'll be fairly brief. I actually took only a quick look at the bill after it was circulated. But I do want to make some points about the scope of the resolution, which I think is clear from anyone looking at it that conspicuously absent from the resolution is any reference to -- either to Federal Labor Law, such as the National Labor Relations Act, the Labor Management Relations Act, {ARISA}, the Fair Labor Standards Act, any of those laws. And in the absence of clear definitions in the bill, people can't ascertain the intention of the drafter as to whether those laws are included within the scope of the phrase Federal Employment Laws. Along the same lines, also conspicuously absent from the bill is any reference to occupational safety and health laws.
If the goal of the bill is to ensure that there are -- that people who are working are working in good conditions, that they're here in a proper capacity and are complying, and that all those who are employing people are complying with the laws, we see no reason why they shouldn't include OSHA as well to make sure that everyone's working in a safe and healthy workplace, so we would recommend that.
With regard to the penalty provision of the resolution, I think I should make this very clear, because I think the resolution as it stands is constitutionally infirm. This is for several reasons.
First, Section 345.5, which talks about no license or license renewal, is really ambiguous. While it seems to say that no license will be granted in the first instance to anyone who has violated the enumerated laws, it doesn't say whether this bar would include those who have violated the law in any particular fashion, at any time in the past, in any business that he or she has owned or operated, or even in a personal capacity. In other words, it's completely unclear whether the language means that if you have violated any one of these laws, even in the most minute fashion at any time even up to 25 years ago, you could arguably still be ineligible for a license. That would knock out of

the box a huge number of people that would be interested in applying for a license to own or operate a business in Suffolk County.
The language concerning those seeking renewals of licenses is similarly problematic. First, the troubling implications for people's due process rights are clearly evident. For example, the law is unclear, as I said before, about how far back in time the County will look in order to impose the ineligibility penalty.
Furthermore, this provision seems to say in one sentence that the penalty be -- penalty will be a one-year bar, and then in the next sentence, that the penalty will be a five-year bar. That kind of

ambiguity is a serious flaw that would render the bill alone on the due process grounds unconstitutional.
Finally, the last sentence of the provision states that any such applicant for a license renewal who has violated any of these laws shall be guilty of an unclassified misdemeanor punishable by imprisonment of up to one year. I have to say that I think this portion of the law is really poorly drafted, and so, so vague as to be unconstitutionally vague and, therefore, unenforceable. The principles of unconstitutional vagueness mean that people are not apprised of the conduct which would render them subject to imprisonment and criminal liability. This is sort of a classic textbook case of an unconstitutionally vague provision. It's really unclear under what circumstances the County would be planning to punish people, and it looks as though from the language of the bill, and that's what the courts look at, is who has reasonable notice and what you have notice of from the face of the law, that it looks as though the County would be planning -- it looks as though the County would be planning to punish people merely because they apply for a license renewal. That's what the bill says to the reasonable person on the street.
I'm just -- I know you're shaking your head, but I'm just telling you I've tried a number of cases up to the Supreme Court on unconstitutional vagueness grounds. This is deeply flawed. If you have questions, I'll take them.
LEG. CARACAPPA:
I'll take -- Mr. Chairman.
D.P.O. LEVY:
Okay. Are you done, ma'am?
MS. OLSHANSKY:
Yeah.
D.P.O. LEVY:
Okay. Legislator Caracappa.
LEG. CARACAPPA:
Okay. First, when you say in one -- in one line, it's one year, that's the first instance. If you get caught or -- by the County of Suffolk Consumer Affairs that does the licensing first time around, you'll have a one-year suspension of your license, second time around, the second instance, it's a five-year penalty and possible misdemeanor. So just

clearing that up.
MS. OLSHANSKY:
Okay. If that's so, that that would certainly clarify it. I don't see it. The version of the bill that I -- that was circulated to me did not specify that, so I could not --
LEG. CARACAPPA:
No. It's in every -- it's in every license term, fee conditions, transfer and display for each and every -- each and every license that we give out in regards to the occupation, so it's on just about every page in the bill.
I respect your position and what you've done in the past with regards to, you know, I guess Labor Law and things of that nature, but do you think it's -- you know, it's incumbent -- it would be incumbent upon us as a County that issues licenses to contractors that work on people's homes -- hold on, let me finish -- to let them break the law in any

way, shape or form and still provide licenses to them?
MS. OLSHANSKY:
Well, I'm not really talking about condoning any violations, I'm talking about the bill that's presented and the flaws in the bill just as I see it. I'm really -- I don't really know enough about, you know, whose license and whether or not they violated the law in Suffolk County, I won't pretend to. I'm a Constitutional Law Professor. What I look at is the constitutional ramifications. And because what you're -- what this is akin to is -- just hear me out. I'm really just talking from a legal perspective, not from a factual perspective in Suffolk County, which is, if you're looking at something that is making people responsible for a violation in the past and then making them criminally responsible for something they did in the past, that's called strict criminal liability, and the constitutional implications for that are great. And the law -- and the courts are very clear about what you have to do to notify people of the conduct which would run them afoul of the criminal statute, so that you don't avoid -- so you don't run afoul of a vagueness challenge, and that's really all that I'm saying here.
LEG. CARACAPPA:
I understand. So let's try and clear this up with our own Counsel. Paul, in the bill, it basically would take effect, number one, the day it's signed by the Secretary of State and returned here to Suffolk County; correct?
MR. SABATINO:
Right.
LEG. CARACAPPA:
And it would take --
MR. SABATINO:
Plus there's a statutory presumption under McKinney's Laws, you know, statutes that laws are applied on a prospective basis. To deal with that issue, I think the clause is there, but if it's not, we'll just add the standard clause that we have in all the bills, which says that

it applies to those occurrences, which take -- those events which occur on or after the effective date, so it won't be a problem.
LEG. CARACAPPA:
That's usually a pro forma --
MS. OLSHANSKY:
I'm not talking about retroactivity, that's a separate issue. I'm really talking about when you look at a law and you try and ascertain what conduct will make you run afoul of the law, what will I do that will be problematic so that I might be imprisoned, and what --
LEG. CARACAPPA:
Break any -- any law.
MS. OLSHANSKY:
That's the law. That's the law that talks about vagueness of criminal proscriptions. And what you're saying here -- what I'm saying here is the language of this law is so unclear about what you have to do to run afoul in that last provision, in that penalty provision that it is constitutionally infirm. I mean --
LEG. CARACAPPA:
I respectfully disagree with you, of course, but the fact remains is

it's pretty clear in each and every one of the provisions as it relates to applicable licenses that we distribute to contractors that -- or any person that looks for an occupational license from the County of Suffolk that if you -- if you break or violate any law, you will -- and you're found guilty of that, and it's on record, you're not getting a license from Suffolk County and you shouldn't.

MS. OLSHANSKY:

Well, let me give you an example then. Maybe this is best explained by a hypothetical. I really don't mean to argue with you, but let's say that 25 years ago, you were notified by the IRS that you committed some violation of the Internal Revenue Code and that you owe some penalty under the code. As an individual living in Suffolk County, you just made a boo-boo on your taxes.

LEG. CARACAPPA:

Right

MS. OLSHANSKY:

And the question is are you -- from that civil violation that you committed 25 years ago, do you run a risk of this? Well, you know what, that's not clear from the face of this statute and that's why it's unconstitutionally vague.

LEG. CARACAPPA:

We'll go over it with Counsel and we'll just clean up that language if you don't see it here. But I think the bill is self-explanatory. And I understand what your concerns are. And the bottom line is this bill will deny or revoke any license that -- to any contractor or any occupation where there is a license handed out by Suffolk County. That would be revoked and terminated if they're breaking any law that's on the books, basically.

MS. OLSHANSKY:

I just do have to say one thing from a pragmatic perspective, which is that the scope of this bill is so large that it will be significantly -- a significantly onerous ordinance if imposed on the business community here, and I just would like to say that for the record, and thank you. That's it

LEG. CARACAPPA:

Well, this Legislature is famous for that anyway.

D.P.O. LEVY:

Okay. Next speaker is Shirley Claasen.

MS. CLAASEN:

Members of the Legislature, okay, I am Shirley Claasen from Huntington Station. I speak in support of Resolution Introduction Number 1754, adopting Local Law Number 2000.

Contractors, landscapers, restaurateurs, etcetera, hire illegal immigrants off the books and they all escape paying social security, federal and state taxes, workmen's compensation, etcetera. Government is subsidizing, supporting and condoning the illegal activities of these businessmen when it does not take legal steps to correct the unlawful activity.

Along with other local residents, I oppose the Town of Huntington's day worker site. A town official was quoted in the newspaper as saying the site was established with the knowledge of the INS and is compliant with federal regulations. I read the article about the Town's meeting

with the INS and nowhere did I understand that other than lack of funds and time on their part, the INS, was this a permissible undertaking, nor did it state that this endeavor was compliant with federal regulations. What I did gather was that the INS was going to look the other way, and the Town could now make it easier for the contractors to break the law by hiring the illegal aliens. This makes a mockery of our law.

Reputable contractors rightfully claim that because they have to pay their workers more money than those who hire illegal immigrants, it makes competing for jobs harder. Since their services cost more money than those contractors who are paying less, they lose out on more jobs.

Huntington has become a magnet for illegal immigrants to the detriment of its law-abiding citizens. Realtors and speculators who use licensed contractors, etcetera, profit from the illegal apartments and overcrowded houses caused by the influx of illegal immigrants. Low and moderate priced homes, which is what I live in, in stable neighborhoods are targeted for purchase because of their preferable cost-to-profit ratio. This has an adverse effect on the quality of life and the character of the selected neighborhood.

The terrible impact of illegal immigration across our southern borders is truly horrendous for the immigrants and for the people of Arizona,

Texas and New Mexico. Many illegal immigrants suffer great hardship to cross our border. Ranchers complain of stealing, destruction of water tanks, pipelines, fences, etcetera. With 50 to 100 illegal immigrants trampling through their property at night, they are concerned about the welfare and safety of their families. The situation is tense. Well, who do you think the ranchers blame for this condition?

LEG. CARACAPPA:

Ms. Claasen.

MS. CLAASEN:

Yes.

LEG. CARACAPPA:

I'm sorry, if I could just stop you here for a second. I'd ask that you -- respectfully, I'd ask that you keep your testimony based on the occupational license bill.

MS. CLAASEN:

And that's what I'm going to do.

LEG. CARACAPPA:

Okay. Just making clear.

MS. CLAASEN:

I'm leading into something; okay?

D.P.O. LEVY:

Go ahead, ma'am, you have the floor.

MS. CLAASEN:

Okay. We come to it. Okay. Who do you think the ranchers blame for this condition? The federal government and all its subdivisions that have made getting into this country so attractive by allowing illegal employment and free entitlements with no questions asked. Now, the new President of Mexico also blames this country for the immigration problem for the same reason. He said people would not risk life-threatening situations to get here if we upheld our own laws. He

said we work hard to keep people out, but once they cross the border, they are free to travel the country, cannot be questioned, and are rewarded with jobs, and he is absolutely right. And for all of these reasons, I ask you to pass this local law. Thank you
D.P.O. LEVY:
Thank you, ma'am.
MS. CLAASEN:
Yes.
(Applause)
and I realize we have some Legislators from Huntington here, so I think they know what the situation is, especially in Huntington Station, so I don't think I have to elaborate on that.

D.P.O. LEVY:
Okay. Are you finished ma'am? I thought you were done.
MS. CLAASEN:
Yes, I am.
D.P.O. LEVY:
Okay.
MS. CLAASEN:
Who's speaking?
D.P.O. LEVY:
I'm going to go on to the next speaker.
MS. CLAASEN:
Oh. Might I just say one thing? I wanted to speak on the other resolution, the INS. Could I give that out? Because I will not be here later.
D.P.O. LEVY:
Ma'am, the public hearing has to be particular to what is the particular resolution. You can hand out your --
MS. CLAASEN:
Yes. That's what I --
D.P.O. LEVY:
-- pamphlet and it will be distributed for you. Okay?
MS. CLAASEN:
Thank you. That's what I'd like to do.
D.P.O. LEVY:
Great.
MS. CLAASEN:
Thank you.
D.P.O. LEVY:
That's wonderful. Okay. The next speaker is Albert Bruno or Brund. I can't read the --
MR. BREUD:
Breud. Breud.
D.P.O. LEVY:
Breud, okay. Sorry.
MR. BREUD:
Everybody has that problem. You have to forgive me, my voice is going. My name is Albert Breud, Jr., I reside at 60 Mount Ranier Avenue, Farmingville. I'm the President of the Farmingville Historical Society, and I'm here to speak in favor of passage of this Local Law 1754. We've given a lot of credit to illegal immigrants, but I prefer

to call them illegal aliens. I'm not -- all I'm trying to say, in

essence, if you want to hire laborers, you go to Labor Ready in Patchogue. If you want to hire laborers, you go to Local 66, I believe, in Melville. These laborers pay federal income tax, state income tax, they're covered by Workmen's Compensation, etcetera. A homeowner doesn't have responsibility when they're are people working on their homes, etcetera, cutting their lawns as far as lawsuits are concerned, etcetera.

So I certainly urge this Legislative body to pass Mr. Caracappa's resolution. I know that those of you who vote yes will be labeled racist, so am I, I'm going to be labeled a racist. But, for the record, I just want you to know my father is a Cajun, my mother is Italian, I married an Irish-German woman, my grandchildren are Hispanic. So sticks and stones will break my bones, but names will never harm me.

(Applause)

I want to thank Legislator Caracappa, who's my Legislator, and I want to thank Michael D'Andre for standing tall. Thank you very much.

LEG. CARACAPPA:

Question.

D.P.O. LEVY:

Legislator Caracappa.

LEG. CARACAPPA:

Al, you're the President of the Farmingville Civic Association as well?

MR. BREUD:

I'm President of the Farmingville Civic Association, that's why I'm here.

LEG. CARACAPPA:

And the Historical Society.

MR. BREUD:

Vice President of the Farmingville Historical Society. I am also President of the local Republican Club and the area Chairman for the Republican Party --

LEG. CARACAPPA:

Do you. I'm sorry to cut you off. Do you think the fault lies not in worker that's hired, but in the contractor?

MR. BREUD:

Oh, absolutely, absolutely. I don't begrudge anybody working, any immigrant working, as long as they're here legally. And it's funny you mention that, because I needed a green card to speak before you people, so maybe you ought to change -- maybe you ought to change the colors.

LEG. CARACAPPA:

Thank you, Al.

MR. BREUD:

Thank you.

(Applause)

D.P.O. LEVY:

Any other speakers on this resolution? I don't have any on the cards. Did you have to sign a card, sir?

MR. ARONOW:

I gave a card.
D.P.O. LEVY:
A yellow card or a green card?
MR. ARONOW:
Green card.
D.P.O. LEVY:
What's your name, sir?
MR. ARONOW:
Paul Aronow.
D.P.O. LEVY:
You know, I'm sorry, I don't have a card for you. What --
MR. ARONOW:
I gave it to the man at the desk.
D.P.O. LEVY:
All right. What was that?
MR. ARONOW:
I gave it to the man at the desk.
D.P.O. LEVY:
Why don't we do this. When we get your card, I'll call you up. We'll just find it. I just don't want to -- I just don't want to set a --
LEG. CARACAPPA:
Are there anymore speakers on this bill, Mr. Chairman.
D.P.O. LEVY:
No.
LEG. CARACAPPA:
So we've always asked, as a matter of policy --
D.P.O. LEVY:
All right.
LEG. CARACAPPA:
-- is there anybody else to be heard on this hearing.

D.P.O. LEVY:
I just don't want to start a floodgate here. We're going to get -- you got the card? Good. That settles it.
MS. JULIUS:
Paul what?
D.P.O. LEVY:
There you go.
MR. ARONOW:
Paul Aronow.
D.P.O. LEVY:
You got it. Ten minutes.
MR. ARONOW:
Now it's legal, right? As long as it's legal. My name is Paul Aronow, I'm a member of the -- I live in Holtsville. I'm a member of the Chamber of Commerce and two civic groups. I'm hot here on any position for the groups themselves, just as a concerned citizen, just to let you know that we come out and we take part in community affairs, and I'm speaking on behalf of myself and some of my neighbors. We're in support of the bill.
We know that there are contractors who have illegal people working for them constantly. In fact, I've spoken to at least two contractors who brag about the fact that they have illegal aliens coming up after the

winter, they go home for the winter where it's warm, they come up and work three seasons here. They don't stand on the corner. They have their own communication system, they have their own setup, and they work. There are other contractors who pick up from the corners that we know about it, Horse Block Road in Farmingville, and so forth. These contractors will pick up laborers who need the work, and they'll pick them up for that day to load the dumpsters or whatever, so that the contractor's own crew does not have to leave the job to do these little -- menial work, I guess you'd call it. Now, we know that these illegal people are coming here for a better life, we know they're human beings, we know that they want to do better, we know that they -- that they send money home and they're trying to do better for themselves, but they are stepping on the rights and the quality of life of the legal residents that are here. We also know that these illegal people don't care the property values of the people that are here, because they're interested in themselves, they're interested only in doing better for themselves. But the property rights of the homeowners, the legal people who earned the right to be here and to pay these prices for the houses and to keep up the houses, they have to be, they have to be prime, they have to be the main concern of everyone here. These -- see, the illegal people don't care if you have $190,000 house that's going to be sold later years from now for $150,000, because they're not buying it anyway. They're still going to go on their merry way. But the -- and if the neighborhood changes, they don't care, because it will still be better than the neighborhood that they came from. So they only care for themselves, but we have to care for ourselves, and to keep the standard of living and the quality of life that we earned and that we're paying for.

The key to the situation is the contractors. You've got to cut off the source of income. You can't go against the people. They're human beings, we know that, but they're here illegally for their own purpose, they're not here for legal residents' purpose. The key is to cut off the contractor's source of income. You've got to go after the contractors. Bills like this and other bills that you may come up with, however modified, or whatever, is the key to the situation to stop this plague. Thank you.

(Applause)

LEG. CARACAPPA:
Motion to close.
LEG. HALEY:
Second.
D.P.O. LEVY:
Motion to close by Legislator Caracappa, second by Legislator Haley. In favor? Opposed? Motion carries. That hearing is closed.
I want to go back to Public Hearing 1481 (Adopting Local Law No. 2000, a local law to permanently establish living wage policy for the County of Suffolk). We have a card, Ruth Gaines. Good afternoon.
MS. GAINES:
Thank you. I forgot -- I thought you forgot about me.
D.P.O. LEVY:
You have ten minutes.
MS. GAINES:

Good afternoon. My name is Ruth Gaines, and I'm the Co-Coordinator of the Long Island Labor Religion Coalition. On behalf of the coalition, I want to speak in support of Introductory Resolution 1481, to establish a living wage policy for Suffolk County.

First, let me commend this Legislature for adopting the sweat-free legislation back in April, which pledged Suffolk County not to purchase apparel made in sweatshops. The living wage under consideration today is yet another example of your interest and concern for the needs of working people. We applaud the provision in that this bill would require any agency or business that receives a County contract to pay no less than $9 an hour with benefits. Do we heed this bill? The facts speak for themselves.

Special recent studies have indicated that a family of four living on Long Island must earn a minimum of $35,000 a year to maintain a life of minimum dignity. That's about $18 an hour. I have seen these studies. I reviewed the family budgets used to arrive at the $35,000 base income. We're talking about a no-frills life; basic food intake to maintain health, a simple two bedroom apartment, one car, minimal clothing purchases, no restaurants, no vacations, not even a trip to the movies once a month. Now, if $18 an hour yields a life of minimal dignity, then the $5.15 minimum wage yields a life of poverty, only

about 10,000 a year, yet 80% of the people earning a minimum wage are adults with families. This is intolerable.

The Suffolk Department of Labor recently reported that 80% of the people living on welfare or work -- that 80% of the people living -- leaving welfare for work are earning under $9 an hour. Their average wage is about $7 an hour, or about $14,600 a year, which is the federal poverty level. These people are working full-time to live lives of poverty.

Too many of our neighbors, too many are among Suffolk County's working poor. This economic boon we hear so much about has passed them by. They can be found in almost every community in Suffolk, struggling every day to find affordable housing, to find health care and health insurance, and, yes, to put food on the table.

A Catholic Charities study of clients in parish outreach centers earlier this year found that 30% of these people, many of them working people, went without food for one day in the previous month. Ladies and Gentlemen, don't be fooled by the economic numbers. We have right here among us too many hard working people who struggle each day to make ends meet. The living wage bill is an important step in helping them to live a life of basic dignity, which every working person deserves. Thank you.

D.P.O. LEVY:

Thank you.

(Applause)

LEG. BISHOP:

The motion earlier was to close or to recess?

D.P.O. LEVY:

It was to close, but --

LEG. BISHOP:

Recess. I'd like to change that to a recess.

D.P.O. LEVY:

You want to make it a recess?
LEG. BISHOP:
Please.
D.P.O. LEVY:
We have a motion to reconsider the closing of Public Hearing 1481, but was --
MR. BARTON:
Mr. Chairman, it was recessed.
D.P.O. LEVY:
It was recessed, okay.

LEG. BISHOP:
It was recessed?
D.P.O. LEVY:
It was recessed already.
LEG. BISHOP:
Thank you very much. And thank you for coming down, Ruth.
D.P.O. LEVY:
Next Public Hearing, 1755, a local law to regulate the use of mobile telephones while operating a motor vehicle. Could we ask Legislators to please come to the horseshoe. We have a request. First speaker is Ronald Silber.
D.P.O. LEVY:
Do you have a microphone, sir?
MR. SILBER:
Is that my turn, then?
D.P.O. LEVY:
Yes, it is, sir, the floor is yours. You have ten minutes.
MR. SILBER:
Thank you. I don't think I'm going to take ten minute. I just wanted to say that just under seven years ago, my wife, my daughter, and myself went out on a Sunday morning, a sunny Sunday in October, to do some pumpkin picking on the North Fork. During that trip, a person driving a rather large vehicle, a Ford Explorer, if I may, coming in the opposite direction was reaching for a cell phone. She had to lean down in order to get to it, and in so doing, lost sight of the road and drove across the yellow lines in the road and head on into us, which left us collectively with about two dozen fractures in our bodies. My wife's ankles were crushed and still pinned as of this day. My daughter's right femur was broken so badly, they had to put a steel bar up the center of it, which is still there. And myself, I had over a dozen fractures in the left hip area, which rendered me the way you see me now.
Now, I'm a traffic safety professional, I was so, certainly, until I had to retire because of these injuries. And I'm not going to regale you with my knowledge. I don't think I'm going to show off any at all. In fact, if I wanted to, you'll pardon the expression, kick butt, I frankly wouldn't know which leg to stand on, not having one of them to work at all. But I would like to say this much. The time's come for this. People are dying out there. We're among the lucky ones, myself and my family. People are dying from this. People are not paying attention. A lot of people say, "Well, it's my right to have a cell phone in my car." Certainly, it is. I'll bet you a

constitutional lawyer would make a good argument against taking it out of the car. So we don't want to do that, do we? We just want to ask them, "Hey, pull off to the side of the road." We'd like to make that a law. Nothing wrong with that. We're not taking their rights from them. And, by the way, what about the rights of the victims? Shouldn't that be considered as well? I certainly hope so.

People are dying. This is an emotional appeal, I realize, but I'm making it. I want you guys to know this is what's happening. You've done your homework, all of you, I'm sure, and you know that this law is needed, and I hope that nothing's going to stand in the way of us getting it. I hope so, please, please. History is full of -- full of accounts of Legislatures doing the right thing, and occasionally the wrong thing. I'm here to ask you, please, do the right thing, and that's all I have to say.

LEG. D'ANDRE:

Mr. Chairman.

LEG. FOLEY:

Thank you.

D.P.O. LEVY:

Thank you, sir. We have --

LEG. HALEY:

Mr. Chairman.

(Applause)

D.P.O. LEVY:

Legislator Haley is first.

LEG. HALEY:

Sir, I have a question for you, and I mean this in all due respect. Do you think that your accident possibly could have also been caused if someone was reaching for the radio or reaching for a CD that was down on the floor, reaching for a pack of cigarettes, or turning around yelling at a kid in the back seat?

MR. SILBER:

I think that all those things are possible, but all the indications that I've heard of in the last few years about the studies that were made indicate that this particular habit of reaching for a phone, making a call, answering a call, are so distracting as to make the act as dangerous as drunk driving. They've equated it with that.

LEG. HALEY:

Right, I understand that. But studies that I've seen, and I think that it might still be out yet, because they haven't had enough history for cell phone use, but I think to date, the statistics will show that there's been more accidents based on other things that have taken place in the car than cell phones. But that's not to say that I disagree with you, I'm just simply stating that as a statistic. I'm finished. Thank you, Mr. Chairman.

MR. SILBER:

I think my point here is that, that be that as it may, and if we leave it up to the good sense of the driver, and we'd like to do that, of course, but if we do, if we do and he doesn't have good sense, then the rights of the victim, the guy in the other car, are now infringed upon.

D.P.O. LEVY:
Okay. Thank you.
LEG. D'ANDRE:
Mr. Chairman.
D.P.O. LEVY:
Mike, for a quick question.
LEG. D'ANDRE:
The quick question is this. We see the example before us what had happened to this gentleman, we know how it happened. There's no use looking for excuses. And you're firmly committed to the fact that that accident happened because somebody was reaching for a phone?
MR. SILBER:
Yes, sir.
LEG. D'ANDRE:
With that in mind, Mr. Chairman -- Mr. Chairman, listen. I would like you to take this out of order --
LEG. CARACAPPA:
You can't.
LEG. D'ANDRE:
-- and vote on it now, so he can go home knowing he was big --
LEG. CARACAPPA:
It's a public hearing.
LEG. D'ANDRE:
-- big help in passing this law.
D.P.O. LEVY:
Mike, that's a noble gesture, however, we still have a number of speakers, number one. And, secondly, as you know, when we have a public hearing --
LEG. D'ANDRE:
They wouldn't need to speak if we passed this bill.
D.P.O. LEVY:
Well, when you have the public hearing, it's expected that the vote will be in the following meeting, which is normally the case.
LEG. D'ANDRE:
I know that, that's normally.
D.P.O. LEVY:
So today is just for the --
LEG. D'ANDRE:
But this is --

D.P.O. LEVY:
-- Legislators to hear from the public, and then we'll vote next week on that.
LEG. D'ANDRE:
This is special, Mr. Chairman, and I believe that we could make the day for everybody here and pass this bill.
D.P.O. LEVY:
Okay. Well, we'll leave that to the chief sponsor, who has the right to decide if he wants to push it now or at another time.
LEG. D'ANDRE:
Well, I wouldn't ignore him.
D.P.O. LEVY:
Any other --

LEG. D'ANDRE:
I'm a cosponsor.
D.P.O. LEVY:
Any other questions? Okay. Thank you very much, Mr. Silber.
MR. SILBER:
Thank you.
D.P.O. LEVY:
Appreciate it.
MR. SILBER:
Thank you.
LEG. COOPER:
Ron, thank you very much for coming down, I really appreciate it.
(Applause)
D.P.O. LEVY:
Thank you. Brian Hall.
MR. HALL:
Good afternoon. My name is Brian Hall, and I'm here to speak on the cell issue, because I had an incident which I had to witness firsthand. Last year, around Thanksgiving, my brother's family left their house in East Northport to drive down to my younger brother's in Virginia for a Thanksgiving weekend. The weekend went well. They started heading home, left early, and pulled over for a rest stop in Maryland. At that point, another car was on the road and the driver reached down to get a hand-held cell phone, at which point, on sitting up again, he lost control of the car, which slammed into my brother's car. This killed my brother, John Michael Hall, and my sister-in-law, Carol Hall, instantly. It also broke my niece's back, Sara. And probably worst of all was my nephew, who wasn't physically hurt, but who witnessed this horrible tragedy and it's entrenched in his mind.
00101
According to the authorities, this probably would have been avoided if not for the distraction of reaching for the cell phone. And I wouldn't want anyone to have to go through what my family's gone through on this. It's been very painful. My mother is 80 years old and she was just a grandmother living with the kids, and now she's in charge of the kids and having to try to raise them with the help of myself and my brothers. While most kids were getting ready for Mother's Day and getting cards together, we were visiting the cemetery to plant flowers at the grave, and only a month later on Father's Day, we were back again to plant flowers again at the grave.
Like I said, the kids are affected by this. I don't know what's the outcome going to be in the long run, but I do know that according to the authorities, this could have been avoided if the person did not reach down for his cell phone. I understand there's a lot of distractions in cars, but this is -- this is compounding it, and I just feel that if we could find some safer way of using cell phones in cars, we could have avoided this. I know my brother and sister-in-law are not coming back, but if -- you don't know how many lives you might save with this, but even if you save one, I think you'd be doing the right thing.
That's about all I have to say. Thank you for your attention.
D.P.O. LEVY:
Legislator Alden, then Legislator Cooper.

LEG. ALDEN:
Hi. Thanks a lot for coming down. Was there any prosecution done or any summonses, or anything like that issued?
MR. HALL:
It's being sorted out as we speak.
LEG. ALDEN:
So there is criminal -- there's criminal charges?
MR. HALL:
I believe there will be, yes.
LEG. ALDEN:
And I would imagine your family brought civil -- like a civil action against him, too, right?
MR. HALL:
Well, we have retained a lawyer --
LEG. ALDEN:
Good.
MR. HALL:
-- who's investigating it to the situation.
LEG. ALDEN:
Okay. And thanks again for coming.

MR. HALL:
Okay.
D.P.O. LEVY:
Jon.
LEG. COOPER:
Brian, a personal question. How are the kids doing today?
MR. HALL:
They're doing better. They're strong kids. I mean, they have, you know, the nights where it's bad, a little bit of crying and nightmares. They're seeing a therapist and they're seeing -- you know, getting help and, hopefully, you know we'll be able to move ahead. Like I said, it's a long-range plan. We don't know the ultimate, what's going to happen on this, but they're heading in the right direction.
LEG. COOPER:
Thank you very much.
D.P.O. LEVY:
Next speaker, Diane Dono.
D.P.O. LEVY:
Good afternoon. The floor is yours. Go ahead, Ms. Dono.
MS. DONO:
Good afternoon, Ladies and Gentlemen of the Suffolk County Legislature and fellow concerned citizens. Among all the voices which will be heard today for or against Introductory Resolution 1755, two voices will not be heard. Those two voices were forever silenced when another drivers eyes and mind were distracted from the road for only a moment, a moment which cost two people their lives. Carol and Michael were our next door neighbors in East Northport. In the nine years we lived side by side, we grew to be very close friends. We shared the good times and we helped one another through the bad. We began to feel more like family to each other than friends. Two years ago, we danced together at my stepdaughter's wedding. Less than one year ago, we received the phone call everyone dreads.

The legislation before you is not without critics, but taking on controversial issues is nothing new to this Legislature. Therefore, let us go forward with setting a new standard of safety by legislating that only hands-free cell phones may be used while driving. Let us hope that by taking this bold step, that we are paving the way for a higher level of traffic safety, which begins here in Suffolk County, but doesn't end until it extends all across our state and the nation. I urge you all to have the courage and the foresight to vote favorably for Introductory Resolution 1755. Please, don't wait until it is you who loses your spouse, your child, your parent, your friend, your neighbor. Thank you.

(Applause)

D.P.O. LEVY:
Thank you. Randy Wood.

MR. WOOD:
Hi. I'm Randy Wood; I represent A-1 Wireless Services. I've been in the wireless industry for seven years. And I just want to read an article that's in August 28th of the U.S. News, that the New England Journal of Medicine suggests that cell phones could quadruple a driver's risk of collision. That was a study done in 1997. I think they saw it then and I think we're seeing it now. I have never seen the sale of hands-free devices go up from anywhere from three to five to ten per day. The public already knows it's a problem because I hear their stories. They come into my store, "Do you have something hands-free for my wife? She was talking on the phone and backed into a tree." Or, "I changed lanes unexpectedly." Or, "I almost hit this guy" --

D.P.O. LEVY:
Could you just speak into the mike, please? Thank you.

MR. WOOD:
Or "I almost hit this guy, because I didn't see him." The response to people -- I'm going to comment on another thing. When they said, "Could a radio, somebody adjusting their radio do it." Yes. But when your phone rings, you jump and you look over here and you reach for it, you don't just -- you know, a radio, you just tune it like that and you're still watching straight. Cell phone could be under the seat, could be anywhere. If the person would have had a hands-free, all they had to do is reach -- it's like they would reach their radio and push the button and go "Hello," simple as that. And the public already knows it's a problem. They're already buying the hands-free themselves. And I think if we made it a law to have hands-free, then I think a lot of it would have been avoid, because they're relatively expensive. They could cost anywhere from $19 to $400 and they all do the same thing.

A lot of states have already passed these laws, small states that aren't as populated as we are, that includes Ohio, Pennsylvania and New Jersey, and they're not as populated as New York. And I really think this is something we need to pass. Thank you.

D.P.O. LEVY:
Thank you.

(Applause)

LEG. COOPER:

Randy. Randy.
D.P.O. LEVY:
Randy, you got -- we have a question from Legislator Cooper.
LEG. COOPER:
Not really a question, but I wanted to mention that Randy was another one of the unsung heroes of the fire at the apartment in Huntington. His store was right below the apartment where the fire took place, and he went up into the apartment with a fire extinguisher before the fire department arrived and helped extinguish the flames. So I wanted to thank you very much for that, Randy.

MR. WOOD:
Thank you.
(Applause)
D.P.O. LEVY:
Dermot McGrath.
MR. MC GRATH:
My name is Dermot McGrath and I want to talk about the cell phone issue. I was almost killed on Easter Sunday taking my niece to mass. And I thought, while I was in the service, that maybe, maybe God was trying to tell me something here. And ever since then, I've been trying to get a law passed to ban driving under the influence of a cell phone. This is an important issue. We have -- there are more and more cell phones on the road now over the years, and one day it's going to affect someone in your family. It's just the numbers are there.
I can't understand what the big argument is against having a law banning the use of a cell phone while driving a vehicle. Ten years ago, when I was out on the road making sales calls, I would go to a diner, or I'd go to a 7-Eleven, I'd go to a gas station, I'd pull over, look for a phone and I'd make my phone call. What is the big issue now? Why can't people pull over to side of the road and use their cell phone? I mean, you're not going to have to use a public phone, you can just use your cell phone. But we're all in such a hurry now that we say, "Oh, no, we can't do this."
And I was a little disturbed today in reading in Newsday that there was an article by the Chief Deputy of the Suffolk County Executive, and he made it sound as if that, oh, this is a -- this is such and inconvenience for us, because we have to -- you know, we have to stop using our cell phones? And he says, "Do you have to put up signs in your border -- on your border of Suffolk County that says, "Welcome to Suffolk County, Put Down Your Cell Phones"? I mean, that's kind of a naive statement to be made by someone who's in authority. I'd only say that, you know, why doesn't he hire someone like a -- as a consultant like that previous speaker we had back, Ron Silber? He won't be doing anything for the rest of his life. His life is ruined because of some moron who went and ran him over and broke his back in 14 places.
But anyway, whatever you decide to do, if a law is passed, it might be a good idea to notify the Department of Motor Vehicles to put in a special section in their drivers manual outlining the problems with cell phones and how dangerous they can be, and how we can't be irresponsible, and we should get up, try and at least act like adults when we're behind the wheel of a car. I just hope we don't sweep this whole matter under the rug and because of whatever reason, because it

is important. And I don't want to get hurt and I don't want to have any members of my family get hurt. Thank you.
D.P.O. LEVY:
Thank you, sir.

00105

(Applause)
Chris Garvey. Chris Garvey, one more time. All right.
MR. GARVEY:
Yes, yes.
D.P.O. LEVY:
Here he comes. Okay, Chris, it's all yours.
MR. GARVEY:
I'd just like to say a few words against this cell phone law. It's more intrusion into our cars, one more intrusion on -- in our freedom. The -- there are some studies that indicate that even after you hang up the phone, there's an increased probability of an accident, because you're thinking about the telephone call. The hands-free phone is not going to necessarily stop this, because, if you're going to dial, you're going to have to look at that telephone at some point. Even if you're scrolling through your list, you're going to have to look down at that list. There are ways to minimize the hazard, and a lot of people are going to use those things just because they recognize it's not all that easy to drive a car while you're -- while you're speaking on these telephones. But the fact is there are times when you have to use them. And I very often, when I'm driving through the City of New York, there's no place to pull over. There's a guy on the side of the road he, needs help, I pick up the cell phone, I dial 911. I think that would be a violation of this law.
It seems to me, also, this law would apply to the police, who have to pick up that microphone. Every time they're in a chase, they're in a high-speed chase, they're talking on the microphone, unless they've got another officer sitting next to them, I think they're going to have to pull over under this law, and then make their call and then get back into their chase.
There are judgments that can be made better from behind the wheel about what is safe and what is possible to do, be made better from behind the wheel at that time than they can be made in this room, judging for all circumstances, for everybody who's driving all the time in Suffolk County. And I just think that I want you out of my car. Thank you.
(Applause)
LEG. COOPER:
Excuse me, Chris, I had a question.
MR. GARVEY:
Yes.
LEG. BINDER:
Over this way.
MR. GARVEY:
Yes.

00106

LEG. COOPER:
Hi.
MR. GARVEY:
How are you doing?

LEG. COOPER:
How are you doing?
MR. GARVEY:
Good.
LEG. COOPER:
Are you aware that my bill does not require you to pull to the side of the road, it allows you to use any of a number of hands-free --
MR. GARVEY:
Yeah.
LEG. COOPER:
-- devices such as this?
MR. GARVEY:
Yeah, I -- yeah.
LEG. COOPER:
Or you can use headphones.
MR. GARVEY:
I am aware of that, and I think that even if you're using a hands-free phone and you're dialing, you're going to increase your hazard. But there's got to be some judgement about when -- when you can -- you know, if you're -- if you're on a long straightaway on the Sunrise Highway and there's -- and there's nobody around and there's nobody too close in front of you, you can take your eyes off the road for a few seconds, the car will continue to go in a straight line, and if there's nothing close and it's not a -- it's not a tricky situation, you can dial a telephone. But if you're in -- but you could be talking on a hands-free phone and be distracted by what you're thinking about in a tight situation, and just because you're mentally distracted you could be in danger. You've got to use some judgment in these things and you've got to -- and drivers do have some judgment, and I think, for the most part, people exercise it. Yes, there are going to be mistakes, there are going to be accidents, there are going to be accidents where people are concentrating on what they're doing with total concentration and they're going to -- they're going to make mistakes even without the telephone. It does increase the probability, that's why I seldom use one when I'm driving, unless I've got to make an appointment or something and I've got to tell somebody I'm running late, or if I'm calling for some sort of distress that I see on the side of the road. But I don't want to have you guys in my car looking to see if I've got a telephone handy, and if I have happen to be holding it up -- you know, I even put the thing down so I can shift gears and then pick it up, you know, but I just don't want another excuse to pull me over.

LEG. COOPER:
Then Chris, but you do admit that it would increase the likelihood of an accident if you talked --
MR. KIRK:
Yes, it does. Yes, it does.
LEG. COOPER:
And on another matter, something that creates a blind spot, where it's difficult to see out of one window or the other, do you agree that that increases the likelihood if you do have an accident?
MR. GARVEY:
There are a lot of cars built that way, yes. Yes.

LEG. COOPER:
So if you're holding a hand-held cell phone, and I don't know if you've paid attention, but if you hold it in the left hand, it obscures the vision from your driver's side window, if you hold it in the right hand, it completely obliterates the vision from the passenger side window.
MR. GARVEY:
Yeah, most of -- most of the time, you're looking straight ahead, and unless you are --
LEG. COOPER:
But if you need to --
MR. GARVEY:
Unless you're about to change lanes, in which case you better put that thing out of your field of vision and actually look behind you. Don't count on your mirrors when you're changing lanes.
LEG. COOPER:
And I feel the best way to accomplish that is to go hands free and don't have the phone in your hand at all. You have -- you can have both hands on the wheel, you have much better control, it's less distracting, there's no obstruction of your field of view. I've been hands-free myself for nearly three months now and I feel I have much better concentration, it's much less of a distraction. And my feeling is that if you can save even one life, the life of a child, of a loved one, it's worth it. One final question.
MR. GARVEY:
Have you considered -- have you considered banning five gallon buckets yet? Because there have been about 40 children drowned in those things since 1996.
LEG. COOPER:
And, Chris, could you identify the organization that you're with.
MR. GARVEY:
I'm with the Libertarian Party, and I'm also representing myself.

LEG. COOPER:
And what is the basic goal of the Libertarian Party?
MR. GARVEY:
To maximize freedom, to maximize freedom. And I see on the agenda today all kinds of intrusions into our freedom; what our children have to wear on their heads when they're in-line skating and bicycling. If anybody should violate any part of the Labor Law, they're going to lose their license to work in this County. The gun storage bill where you're going to be looking into our houses and second guessing on how safe it is to store a gun, and I'll be speaking on that in a little bit. But I just see every -- on this agenda, there is just infringement upon infringement. I mean, I could stand here all day and I'm taking off from work to do this. Every time I turn around, the Suffolk County Legislature --
D.P.O. LEVY:
Okay.
MR. GARVEY:
-- is coming up with another infringement on my freedom.
D.P.O. LEVY:
We're going to save that for when you come back up here on the yellow

card; okay? But thank you.
MR. GARVEY:
That's on a green card, too. But this is -- this is another one. And I'm just tired of the Suffolk County Legislature. I mean, there was a proposal last year --
D.P.O. LEVY:
All right. Let's --
MR. GARVEY:
-- which I didn't get out here on, to make us stop and wait for all ice cream truck transactions to end before we could drive past an ice cream truck.
D.P.O. LEVY:
Okay. Jon, let's --
LEG. COOPER:
Just one more question.
D.P.O. LEVY:
One final question and let's move on.
LEG. COOPER:
One final question.
D.P.O. LEVY:
Thanks.
LEG. COOPER:
Chris, how many lives, how many more lives have to be lost, how many more people have to become paraplegics, how many more children have to

be killed before you would agree that some measure like this appropriate?
MR. GARVEY:
There is some risk in all aspects of life, and it would be nice if we could minimize them all, and I think we should do it through education and telling people that they shouldn't be doing this. But, if you want to send a message, call them on their cell phones, but don't pass another stupid law. Thank you.
(Applause)
D.P.O. LEVY:
Okay. That was Chris Garvey. That was Mr. Garvey; correct? I believe so. Okay. I think that's it for this particular hearing. Was there anyone who I missed who had signed? There being none, we have a motion by Legislator Cooper to recess?
LEG. COOPER:
Yes.
D.P.O. LEVY:
To recess, second by Legislator Foley. In favor? Opposed? Motion carries to recess.
LEG. CARACAPPA:
To recess or close?
LEG. FISHER:
You don't want to close it?
D.P.O. LEVY:
It's your call.
LEG. COOPER:
If I wanted to entertain the possibility of bringing this up for a vote later, what would be the proper --

LEG. BINDER:
Close.
LEG. POSTAL:
You'd have to close it.
D.P.O. LEVY:
Well, you'd have to close it now, but you'd have to get twelve votes instead of ten votes, and it would have to age, so --
LEG. COOPER:
Okay. I make a motion to close.
LEG. FISHER:
Second.
D.P.O. LEVY:
All right. We have a motion to reconsider by Legislator Cooper.

LEG. FOLEY:
Second.
D.P.O. LEVY:
Second by Legislator Foley. In favor? Opposed? Motion carries. Motion to close by cooper.
LEG. FOLEY:
Second.
D.P.O. LEVY:
Second by Legislator Foley. In favor? Opposed? Motion carries. It is closed.
Public Hearing 1765, a Charter Law to require safe storage of firearms in Suffolk County. And let me just get these in order. Fred Winter. Here he comes. Okay. He's got everything.
MR. WINTER:
How do I pass out material?
D.P.O. LEVY:
Give it to the Clerk, please.
LEG. D'ANDRE:
You've got to be kidding me. Are you going to hand all that out?
MR. WINTER:
Hi. It's my habit as a teacher to pass out notes. If I can't get to say everything, a least it's in the record.
LEG. CARACAPPA:
You can start, if you'd like.
D.P.O. LEVY:
Go ahead, sir.
MR. WINTER:
I can begin at any time?
D.P.O. LEVY:
Yes, please.
MR. WINTER:
Oh, okay. I'm here to speak about the safe storage bill. My name is Fred Winter, I live in Wading River. I have two daughters. I'm a married fellow, teach college. Didn't have a lot to do with guns for most of my life. In fact, my first purchase was last November. I've taken a lot of training and learned a lot in the past year, but some of the things I see in the bill trouble me.
There's a lot of problems it seems to me on the practical end in terms of how to check without violating constitutional rights, how do you

really verify if a safe is -- in the bill it says a safe should be

unaccessible by an unauthorized individual. How do you determine that? In the bill, safety locks are to be used to render a gun inoperable. "Operable" in the bill is defined as if you can put ammunition in it fires, it operates. How does the -- is there really a safety lock that can prevent that?

There's been a lot of data on what we call CAP laws, child access protection laws. CAP laws have been enacted in 15 states. Many of the decreases associated -- wrongly associated with CAP laws started occurring before cap laws were enacted. Training, which has been present in all 50 states, safety training on firearms, even as low as pre-K, has shown an increase in the decrease of accidents and injuries and harmful things happening to children. In this bill, a child is defined as under 21. New York State law allows for a 12 to 16 year old to be at a range under supervision. It seems to me that there would be situations, which have nothing to do with pointing the firearm at anybody, which could cause harm, and under this bill, it would -- it seems there would be much liability for situations that -- perhaps such liability is unwarranted. I fear that the law is oppressive and really would seek to scare gun owners into not owning guns, when there's a lot of evidence to the contrary that guns are beneficial. That only proven element is the legal, lawful abiding gun owner, everything else is a lot of speculation.

Safe storage laws promote crime. In 15 states, it's been studied that crime increases, rapes are up 9%, burglaries, aggravated assaults up, you know, significant percentages. It's in the handout. So I wonder if we're not doing more harm than good. The bill, the penalties are rammed up with a high degree as a child becomes involved. But, again, a child is 21 -- under 21. I can envision a few scenarios, which I have in the packet, where people under 21, in fact, I know of a story of a person in the law enforcement in Suffolk County, who as a youth himself came to the aid of a neighbor by injuring an assailant and that person now is a -- is in the -- in the law enforcement of Suffolk County and would have been -- could have been accused of a lot of -- could have been held accountable for a lot of penalties or the parent of such a child, according to this bill.

Where's the evidence? I don't really see the evidence. Even Mr. Cooper has acknowledged in the Public Safety committee last week meeting that the Eddie Eagle Training Program is effective for five and older. In fact, the NRA claims, for pre-K and older, it's effective. The general accounting office of the federal government cites that safety locks for six and older are ineffective.

On the home front, I'm uncomfortable when our abilities to govern our home environment are second guessed. In some of the laws, there's a question of how "intent" is defined. A lot of -- a lot of issues come to mind when I read it. I'm for-- I'm for safety with children, but I feel that that is not consistent with being against this bill for the reasons I've cited. Let's see. I think that's about all I have to say. I thank you for your attention.

LEG. FISHER:

Thank you.

LEG. CARACAPPA:
Thank you.
MR. WINTER:
I'll answer any questions if any exist. If not, thank you.
LEG. COOPER:
I did have, not a question, a correction.
MR. WINTER:
Correction.
LEG. COOPER:
I never said that the Eddie Eagle Program was effective for children over five. I'm not sure where that came from. I said that 20/20 ran a special that we'll be seeing at the next Public Safety Committee meeting that demonstrated that for younger children, kids that went through the Eddie Eagle Program were just as likely to pick up a gun as those that didn't. I said that for older kids, it was -- had some effect, but for younger children, it had no effect.
MR. WINTER:
Okay. I just wanted to clarify that point, because I was a bit dumbfounded at the meeting, because I didn't really know what the youngest age it covered was and I've since researched it, and there claim is that it covers pre-K. I just wanted to state that for the record.
D.P.O. LEVY:
Thank you.
LEG. D'ANDRE:
May I ask the sponsor a question, Mr. Chairman.
D.P.O. LEVY:
Mike.
LEG. D'ANDRE:
Mr. Cooper, does this mean long guns, pistols, or what?
LEG. COOPER:
The way the bill is currently written includes handguns, as well as long barreled, although I'm open to counter-arguments as regards to the long barreled, but definitely handguns. Also, just to set the record straight, in case there are other speakers, the bill has been modified in recent days to limit the bill just to loaded weapons, to limit the definition of a child to under the age of 16. And it also exempts gun owners from liability and those instances in which the weapon is obtained through unlawful means such as burglary, robbery or trespass.
MR. WINTER:
That's -- okay. I'm glad to hear the part --
LEG. COOPER:
Again --

MR. WINTER:
-- about unlawful entry, but I would -- I would disagree with the 16 year old age limit. For instance, in Virginia, age of access under a safe storage law is at 12 and that's consistent with our own New York State law, which does prevent a supervised youth between 12 and 16 to fire a weapon at a range. I have personally been at NRA sponsored events where I've had next to me a young 16 year old young lady named {Lisa Last}, young fellow name {Rory Abazzio}, and there's a New York State champion Jennifer Bono comes from Upstate. Just this Saturday, I

was -- happened to be watching a T.V. show on some NRA matches and I saw a 12 year old competently behave in a match safely, and also I saw a family participate in a match. So it seems to me that there's much to consider before we star limiting.
LEG. D'ANDRE:
So what's your answer, is long guns included or not?
LEG. COOPER:
The bill, the way it's currently written, includes long barreled, but, again, I said I'm willing to consider counter-arguments on that.
LEG. D'ANDRE:
Consider or do it? I'd like to see you do it, because --
LEG. COOPER:
I want to hear arguments on the other side, Mike.
LEG. D'ANDRE:
Well, it's very simple, you're encroaching on the Second Amendment, very simple.
(Applause)
LEG. COOPER:
Mike, so if it just pertained to handguns, then it would have your support, your objection is to long barreled?
LEG. D'ANDRE:
Well, I'm not going to make --
D.P.O. LEVY:
All right. Mike, we're going to debate this at a later time.
LEG. D'ANDRE:
No, no, we're not -- we're not debating it.
D.P.O. LEVY:
Right now, we have the public hearing.
LEG. D'ANDRE:
Mr. Chairman.
D.P.O. LEVY:
We've got 30 people on this --

LEG. D'ANDRE:
We're not debating it.
D.P.O. LEVY:
-- hearing alone.
LEG. D'ANDRE:
I don't make --
D.P.O. LEVY:
We've got to move on.
D.P.O. LEVY:
I'm not going to make a deal, Mr. --
D.P.O. LEVY:
Thank you.
LEG. D'ANDRE:
-- Sponsor.
LEG. COOPER:
And just one additional point, as far as the -- as far as the age. It's correct, I think one state has 12 as the cutoff point. Most of them are either 14, 16 or 18, and that's why I settled on 16.
LEG. D'ANDRE:
I'm not going to make a deal to settle for that bill.

D.P.O. LEVY:
Okay. Thank you, sir.
LEG. D'ANDRE:
Mr. Chairman, I'll vote on its merit.
D.P.O. LEVY:
All right. I'm going to go back. I had overlooked -- on 1582, there was one speaker whose card was here and it was shuffled around. It's Abigail Wickham. Is Ms. Wickham here on the Cutchogue bill? I'll give her a second. Abigail Wickham. If you are here, ma'am, come up and we'll recognize you as soon as you approach the podium. We'll go back to this public hearing. That was Mr. Winter. Pete Candela. Welcome, Pete.
MR. CANDELA:
Good afternoon.
D.P.O. LEVY:
Good afternoon.
MR. CANDELA:
I'm here to talk about this current bill proposed by Legislator Cooper. On April 19th in 1775, the British Army occupied the Town of Concord, Massachusetts, the site of the first resistance of the American Revolution, immortalized as the shot heard around the world. The purpose of the occupation was to disarm and destroy all guns and

ammunition belonging to the citizens of Concord. Forewarned -- when Paul Revere said "The British are coming," forewarned, the citizen removed most of the arms and, consequently, the British were driven back by the Minutemen, and this action triggered that -- triggered the start of the Revolution. Are we now again in danger of losing our God-given right to self-defense?
The Legislature -- Legislator Cooper's safe storage firearm bill is a bad bill, because it includes all firearms, rifles, pistols, shotguns, and it seems that this law's only purpose is to make it more difficult for legitimate gun owners to possess firearms.
LEG. D'ANDRE:
You got it.
MR. CANDELA:
To comply with the outrageous conditions of this bill is almost impossible, and that is its purpose. And for the County to enforce this bill is to violate the constitutional right of privacy and of search and seizure without warrant or justification to be on your property or our property. Must there be a second shot heard around the world?
England has tightened its strangulation -- has tightened to strangulation its draconian gun control laws, so that only certified members of approved target shooting clubs are allowed to own guns, 22 caliber or less, and must be kept locked up at the club at all times. England is now known as a nation of thieves, as reported in the London Sunday Times. And they noted, quote, more than one in three British men by the age of 40 has a criminal record. And in the May/June 2000 issue of the Medical Sentinel, an Association of American Physicians and Surgeons states that while British laws have disarmed law abiding citizens, a black market has flourished, as usual, with prohibition supplying criminals with guns. Up to three million illegal guns are in

circulation in Britain today leading to drive-by shootings and gangland style executions. Remember the Roaring Twenties and the prohibition of alcohol?
LEG. D'ANDRE:
Not many remember that here.
D.P.O. LEVY:
Go ahead, Pete.
MR. CANDELA:
Well, I was too young to drink then.
LEG. D'ANDRE:
We remember.
MR. CANDELA:
Remember the Roaring Twenties and the prohibition of alcohol? What did the prohibition give rise to? Bootlegging, murder, speakeasies. And I'd like to throw this in for what it's worth. The Kennedys made a fortune as bootleggers. Do we want a rerun of the Twenties?
00116
If you Legislators are seriously concerned, and I repeat, if you legitimately are seriously concerned about the safety of your constituents, then you must also introduce a bill barring the following:
One, no airplane can ever take off from Kennedy, LaGuardia and Newark, or any airport unless you can guarantee that those planes will never crash, killing thousands of men and women each year.
Number two, no automobile can travel unless you can guarantee that there will never be an auto accident killing about 50,000 people, men and women, each year.
I'd like to just deviate a moment here. In today's Newsday, there's an article where a fatal combination, a dad drinking, drunk, unintentionally shoots his son. All right? A gun did it. He didn't do it, the gun did it, right? Well, let's turn this around a little bit. Supposing this man in the same state that he was in when he shot that gun, let's put him in an automobile. That automobile becomes just as dangerous, if not more, than that gun.
So, therefore, number three, no trains shall run unless you can guarantee it will never derail or strike a vehicle at a railroad crossing.
And number four, no one, but no one should be allowed to get out of bed each morning unless you can guarantee that that person will not have an accident.
Ladies and Gentlemen, your intentions may be sincere, but, please, stop trying to be politically correct. Instead, use some common sense and let's learn from history. Thank you very much.
(Applause)
D.P.O. LEVY:
Okay. We're going to go on to the next speaker. Just to give those in the audience a sense of perspective here, I got yet another yellow card, and just so you can plan your day --
LEG. ALDEN:
Or the next two days.
D.P.O. LEVY:
Or the next couple of days, we still have about 40 green cards; okay? That is the public hearing. After that, we go back to the public --

ell, we'll go into either resolutions or the public portion. There's approximately 89 cards here; okay? A lot of people will have left in the meantime. But if you wish to plan your day around that, you know what your number is, we're going to be here if awhile. Okay number three is Frederick Meyer.
MR. MEYER:
Good afternoon, Ladies and Gentlemen. My name is Frederick Meyer. Is this working?

D.P.O. LEVY:
Yes, it is, sir.
MR. MEYER:
All right. I'm an attorney at law. I practice in Shinnecock Hills. I am here speaking on my own behalf, not any specific organization. I'm a -- 60 years old. I'm a Vietnam combat veteran, and I was decorated many times over in Vietnam. I have objections to the bill. I'll run through those quickly and then I'd like to talk to you about my experiences with young men and their experiences with firearms.
Number one, there are findings. The prologue of this legislation says that it finds that the following is true, and lists some acts or some propositions. And I think I would like to know what those facts are that those findings are based upon. I suspect they're based upon emotions, because every fact, every study that's ever been done shows that the type of legislation that's proposed here has the opposite effect. It does not promote safety of any group, children or otherwise, it does just the opposite, it makes it extremely dangerous in households.
I notice also that it says that this is designed to present (sic) accident or an impulsive act. I would ask the sponsor, Mr. Cooper, is defense of one's home and family an accident or an impulsive act? Can you answer that, sir?
D.P.O. LEVY:
Well, sir, why don't you finish your statement --
MR. MEYER:
All right, I shall.
D.P.O. LEVY:
-- then we'll go into that; okay?
MR. MEYER:
When you take away from me by putting in a locked box the weapon that I use to defend my home and my family, you deprive me of the right to defend my family. Now, when I was a young buck, maybe I was invincible and maybe I could take on the burglar that came in the door, but I notice that the burglars are getting younger and bigger, and I rely now on my firearms to protect my children, who are nine and twelve, and my wife and my family. And I notice that in the past, because I live in Hampton Bays, which is a summer community, that if there is some kind of altercation outside my house and I call the police, it may take as much as two hours for a police officer to show up at my house. How many people are going to die in the two hours that we're waiting, or maybe I could get into the locked box and open it in time.
Now, I also wanted to ask the question, before I heard that this was amended, regarding how it will be enforced. How are you going to enforce this message -- this legislation if its purpose is prevention?

Is it to prevent danger to the children, which is the big cry now, the feel-good cry? How will it be enforced? Will you go into homes and inspect to see that the guns are in there? Have you heard of the

Fourth Amendment? Will you ask for warrants from the local judges to send SWAT Teams to the home of private citizen who are known to own weapons? Is the real purpose of this legislation to harass people exercising their constitutional rights?

A question regarding liability to the sponsor, if he's listening, and I would beg his indulgence. If the 20 year old infant invades a home, murders a husband, because he can't get into his locked box, rapes and murders the wife and the children, are their estates liable if the murderer takes the box home, pries it open, and uses the enclosed weapon in other crimes? I don't think this legislation properly addresses the possible chain of liability under the reasonable -- the foreseeability of the fact that that weapon would be used. It couldn't be used to defend the owner, but once acquired through murder, it could be used to kill other people.

Now, the draft further seems to say that "operable" means a weapon which is able when loaded. Does that mean that an empty weapon must be locked up?

Now, I also notice that while there are onerous penalties against any private citizen who violates this law, there are no penalties imposed against the licensing officer for failure to perform his duties to drive the notification. I would propose this bill be amended to provide for 50 years in jail and a million dollar fine to any police officer or licensing officer who fails to provide the proper notice, because if you don't know about the law, how preventative is it?

I would correct a former speaker here. You have no constitutional right to a cell phone, but you do have a constitutional right to keep and bear arms, one I cherish very much.

(Applause)

Now, I want to tell you, and my Legislator, Mr. Guldi, can confirm this to you, I'm a decorated combat veteran, and I would say highly decorated, and I took -- and I'm speaking to the few female representatives here, if I can have their indulgence. I took your children into combat, I commanded them. I took them, some of them, to their deaths. I took the boys from New York and I took the boys from Tennessee and Alabama. The boys from New York died in an hour, the boys from Tennessee and Alabama came home with me on the plane. The boys from New York, who never handled a firearm until they got into that 15-hour training course in the military, came home in a box. And I say to any mother who's here, you want your son to come home in a box, keep passing these stupid laws, because only the dead have seen the end of war. Your sons will go to war, men like me will have the experience of leading them into war, and we will see the boys from Tennessee and Alabama who grew up with firearms save their own lives and we will see your boys come home in a box, and you get a free flag.

(Applause)

LEG. COOPER:

Sir.

D.P.O. LEVY:

Legislator Cooper.
LEG. COOPER:
I wanted to respond to some of the questions that you raised, sir.
MR. MEYER:
I didn't think I had your attention.
LEG. COOPER:
You had my full attention. You asked whether the bill applied to unloaded weapons. I had said at the outset, if you were paying attention, that it was limited to only loaded weapons.
Number two, the purpose of my bill is not to ban handguns. I've said numerous times that I support the right of law abiding citizens to own a handgun. The purpose of my bill is to make sure that if children have access to the firearm under my -- it says that multiple times throughout the bill, if they have access to a firearm, then that -- if it's loaded, it has to be either locked up or with a safety locking device put on it.
MR. MEYER:
You know --
D.P.O. LEVY:
Wait, let him finish.
LEG. COOPER:
I didn't specify the type of -- please, I gave you respect, if you can respect me back, please. I did not specify the type of locking device. All the Legislators have some correspondence that I received from Saf-T-Lok, which is a manufacturer of, I believe, the best safety locking mechanism on the market. You can see a list of about 40 police departments, sheriff departments that use Saf-T-Loks, which, by the way, I'll pass this down, you'll see what we're talking about. It becomes an integral part of the weapon.
D.P.O. LEVY:
David, pay attention. It's show and tell, pass it around.
LEG. COOPER:
You'll also see that there are letters of support from police departments, sheriff's departments, school districts and the like that have standardized on this particular safety locking mechanism. It could be removed in seconds. It could be removed in the dark.
This bill, I believe, is a common sense legislation that I believe will save lives. That's the only purpose of the bill. I have no ulterior motive. This is not a Trojan horse leading up to a ban on handguns.
My sister, who lives in rural Texas, has about six guns. She defends wholeheartedly her right to own a weapon. If she had to depend on the local sheriff to get to the house, if someone broke into her house, it would take about an hour for them to arrive, so she has firearms. She has a Saf-T-Lok on all of her handguns. She was actually the one who first told me about this.

Hopefully, my colleagues will take out a couple of minutes, flip through the paperwork that I had distributed from police organizations, sheriff's organizations and the like, testifying to the effectiveness of the safety locking mechanism. Just to quote from one, a sergeant, this is in Elmira, New York, "I like the lock because it is quick and easy to apply and remove, and in doing so, you don't even have to remove the round in the chamber, which makes using it safer than

unloading. For my particular home-work situation, it is not feasible for me to always keep my service weapon in a gun safe, so my gun was not always locked up. Since I've obtained the lock, my gun is always locked when I'm off duty. When I arrive home from work, I immediately apply the lock before I take off my gun belt. I use it religiously. I have four children. The other guys in my department have used and are using the lock and feel the same way about Saf-T-Lok as I do."
Another one. "Saf-T-Lok magazine is well made and renders the gun safe and secure, all this without having to unload the weapon, or even having to take the gun out of the holster. Yet, even with a gun being rendered totally safe, it can be quickly and easily brought back into use. It takes a matter of seconds." I've done it in as little as three seconds, removing the lock.
MR. MEYER:
So what?
LEG. COOPER:
So what? The point is -- excuse me. You asked a question. I'll reply to your "so what". If you're a licensed gun owner and you have young children in the house, and there may be some debate as to whether it should be under 16, under 14, under 12. I'll give you that much, I'm willing to here counter-arguments. If you have a young child in the house, either it's one of your kids, one of your grandchildren, you're babysitting for a neighbor's kid, you should not have a loaded weapon laying around within reach of that child. If you don't have kids in the house, if you don't have grandchildren visiting, if you don't have neighbor's kids coming into your house, you can leave a loaded weapon on your kitchen table for all I care.
D.P.O. LEVY:
Okay. Let's not --
MR. MEYER:
But you would violate this --
D.P.O. LEVY:
Let's not get into debate on the bill.
LEG. COOPER:
No, you would not. It would be helpful next time, sir, if you read the resolution. It said --
MR. MEYER:
You have changed it since your office delivered it to me.
D.P.O. LEVY:

This is where we are, Ladies and Gentlemen. We could probably debate this bill ad nauseam, but we've got a lot more speakers. This is mostly for the public hearing. Thank you, sir, for your thoughts on that. And --
(Applause)
Legislator Cooper had a chance to respond. Let's go to the next speaker. I believe that was Mr. Meyer. Next speaker, Peggy Eckart.
AUDIENCE MEMBER:
She's not here, Steve, but I've given her letter to --
MR. BARTON:
She submitted a letter to the record, Mr. Chairman. (Letter on file at the Legislative Clerk's Office)
D.P.O. LEVY:

Okay. Her letter's been submitted, it will be distributed to Legislators. John Cushman. John is here.

(Applause)

MR. CUSHMAN:

We're ready?

D.P.O. LEVY:

Yes, sir.

MR. CUSHMAN:

Okay. My name is John Cushman; I'm the President of the Sportsmen's Association for Firearms Education. I want to thank the County Legislature for giving me the opportunity to speak to you. This is an issue that hits home.

One of the first things that I want to touch on is the fact that the Public Safety Committee has had plenty of information provided to them at their hearings concerning the inadvisability of mandating something that general people should be doing. The problem with -- and I don't presume to say it's from this Legislative body, but there are many Legislative bodies, you cannot legislate responsibility, you cannot legislate morals, and you cannot legislate ethics. That is an individual choice.

(Applause)

The fact of the matter is we all exercise what we think is the appropriate course of action.

I'm a certified instructor in rifle, pistol, shotgun and personal protection for 25 years. I've given the courses to men, women and children. One of the things that bothers me most about this bill is the sponsors, I think there's more than one, know perfectly well that there are many experts out there who can and will give you all of the information you need to draft something that's worthwhile. When you want to know about building a building, you invite your engineers in.

When you want to know about building a road, you invite those engineers. When you want to know about how to do an electrical system, you don't hire a plumber, you hire an electrician. Why would you not talk to the public first? Why wouldn't you want to approach the organization such as the NRA? And I know -- I can see some people rolling their eyes already. The NRA's been here for 129 years. It is the premier organization in the world, free or unfree, in the area of firearms education, safety, training and responsibility. To pretend they don't exist by ignoring them and writing legislation in spite of them is just ill-advised and wrong. It shouldn't happen. Why do we fail to use these experts? I really don't know. I have to draw conclusions based on the actions, not on what may or may not have actually been.

For example, the press already knew about this legislation before the County Legislature did. The sponsor decided to do a press release on it before it was even introduced. That was August 7th. The bill was introduced August 8th. I know, because I was asked to give a comment. I thought it was wrong. If you really want to propose something that's going to solve a problem, which will get me back to my other issue in a moment, then you would talk to the people who are most affected, the firearms owners in the County. The rest of the County people don't know anything about firearms, and there is another issue I will raise

in a minute.
Number one, the people who don't have firearms are the one most likely not to know anything about them or have any ability for safety. The people with, by your own records, by your own history, we don't have a problem in Suffolk County.
I was at one of the Public Safety Committee meetings when Mr. Gallagher, the Police Commissioner, was asked how many situations do we have of this type coming up, this is when the last trigger lock bill was introduced a year-and-a-half ago, and he said none. If we don't have a problem that's happening with any degree of regularity, why are we proposing such a harsh solution to a problem that doesn't exist? I don't understand that. Usually, there's a problem, you address it, and you should refer to experts to help you come up with a reasonable way of handling it; this has had none of that.
If you're sincerely interested in safety as opposed to legislating the minutia of the people's lives, then you would go to safety. Again, Eddie Eagle Program, another, I guess, because it's an NRA endorsed program, is not always seen in the best of light. But the reality is it's in 50 states, it's had 13 million children go through it over a twelve-year period, it has won national and international awards for its program, for its content. It does work. Of course, you have to give it an opportunity to work. You can't give somebody a twenty-minute program and expect them to do what most children are taught to do on constant repetition. My children grew up in a house with firearms, I did not need locks. Like children needed education, they got it. They needed to be sure that if they touched it, it was wrong. Even my daughter today, who's a grown woman, does not own a firearm, but she never wants to give up her right, nor does she want government interfering with her making that choice, and it's not the way to go.

The problem, I guess, with some people is that no matter what education program you come up with in the area of firearms, they won't accept it, and the reason they don't accept it, it doesn't do what their real purpose is and that is to demonize firearms, to demonize gun owners, to make people who own firearms somehow feel like they're less than normal average tax-paying citizens and that's wrong. That debate's been going on a long time. We have a program that works, use it. If it fails, you always have this course of action that you can take anyway. But first, you should be giving it a chance, you should mandate it in the schools for both those who own firearm, as well as those who do not own firearms.
According to the Justice Department, there are 240 million firearms in the hands of roughly 80 million people. Nationwide, on accidents, not misuses, accidents, under the National Safety Council, 114 children died two years ago. Now, that is a tragedy and that we're sorry for. But considering the number of firearms in this country has quadrupled, the number of people has doubled, what have we done? We've made it the safest sport around. You look at any sport that the children engage in and there's a lot more people going to the hospitals and actually suffering more than firearms, than shooting. And, by the way, shooting is one of the oldest sports and recreational hobbies in the United States.

Anybody here know the name {Lonnie Malully}, {Trina Caine}, or {Kim Rhodes}? Does anybody here know those names? {Trina Caine} lives right here in Nassau County. She just was on the news. She is an 18 year old girl who's been shooting most of her life from the time she's 12 years old and she is now going to be on the Olympic Committee representing the United States in Olympic shooting right from Nassau County, yet this same girl couldn't compete in Suffolk County with a handgun for competitive purposes, because Suffolk County didn't allow juniors. The rest of the state allows juniors. Suffolk County decided not to allow it, therefore, she couldn't compete.

{Kim Rhodes}, she won a gold medal for the United States in shotgun shooting at the age of 16. How old do you think she was when she started shooting, 16? Try eight. At eight years of age, they could responsibly and reasonably handle firearms and we have thousands of cases just like that.

This bill addresses such a small insignificant statistical probability that it really doesn't deserve to be on the agenda. We should try the alternative approaches first and that is the education.

Just as a reminder, and I guess maybe I shouldn't say this, it may sound insulting, I don't mean it to be, but it seems to be a common thing lately, Legislators are elected by the people to represent the people, not the government.

(Applause)

Sometimes I get the impression that once elected, that you feel like you are compelled or you're required or you must introduce some kind of legislation interfering with normal lives of normal people going about ordinary business. My personal wish would be that you wouldn't do

that, not unless there's a real problem to be addressed.

(Applause)

In conclusion, I again thank you. I don't believe this bill addresses a documented problem. I believe, like as the previous speaker, that your Legislative findings are inaccurate and outright right wrong, and, therefore, what followed those findings is inappropriate and the bill should not be passed. I would urge you reject the bill. Thank you for your opportunity.

(Applause)

LEG. COOPER:

I just wanted to respond to one point that you made. You said that I made no effort to speak with your organization. Lewis Giordano, are you hear?

MR. CUSHMAN:

He's outside.

LEG. COOPER:

I met with --

P.O. TONNA:

Jonathan, questions. We're -- questions.

LEG. COOPER:

Are you aware that I met with Lewis Giordano at my district office --

MR. CUSHMAN:

Right.

LEG. COOPER:

-- to get his input on this bill? Are you aware that we had an

appointment for last Saturday? I was going to take time off, not go horseback riding with my 11 year old daughter to meet with you, and your office canceled the meeting, it was not my office that cancelled; is that correct?
MR. CUSHMAN:
May I respond?
LEG. COOPER:
I'm asking a question, yes, sir.
MR. CUSHMAN:
Yeah. Okay, yeah. Well, I didn't want to presume. We had no meeting for Saturday. I -- we had a meeting for Tuesday at 7:30 p.m. at your office with three people. Your office called me and said, "We can't make it, we have other things to do." I said, "Okay, we'll try to reschedule." Your office then called me back. We made three or four times and said, "Let me know which one is most convenient for Mr. Cooper." No one ever got back to me. Somebody must have penciled it in and said I was supposed to be there, and until your office called me the day before, and by that time I already had a show to be at, so

there was no way I was going to cancel that. I couldn't, I was the man responsible to be there. If there was a miscommunication for that, I will apologize. I will meet with you any time, as long as we will discuss the issues of the bill, not whether I'm willing to accept what you're just throwing out for consideration.
LEG. COOPER:
That was my original purpose in meeting with Lewis Giordano --
MR. CUSHMAN:
Then I'll be more than happy and I think every --
LEG. COOPER:
And that was my original purpose in agreeing to meet with you.
MR. CUSHMAN:
Most of the Legislators who are here today know who I am, some of them are new faces. I have always, and any time, day and night, been available to help work it out. My big concern is we don't want to see honest, good people get hurt in the process of trying to stampede towards something we think sounds good, but, in reality, may actually do more damage.
LEG. D'ANDRE:
Mr. Chairman
MR. CUSHMAN:
I don't think you want that either.
LEG. COOPER:
And that's my goal as well, to make sure that innocent people, innocent children do not get hurt. You have mentioned --
MR. CUSHMAN:
Absolutely.
LEG. COOPER:
You have mentioned that my desire was demonize firearms owners. As I said --
MR. CUSHMAN:
I can't --
LEG. COOPER:
As I said, my sister is a firearms owner. I love my sister. That is

not my intention.
MR. CUSHMAN:
Right.
LEG. COOPER:
And, please, don't impugn motives like that to me.
P.O. TONNA:
Okay. Jon --

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LEG. COOPER:
We can debate on the issues, there's no need to get personal.
LEG. D'ANDRE:
May I ask --
P.O. TONNA:
Okay. Hold it one second. Questions only. This is the time for the public to speak --
LEG. D'ANDRE:
May I ask --
P.O. TONNA:
-- not for us to -- okay.
LEG. D'ANDRE:
May I ask you a question?
P.O. TONNA:
Yes.
MR. CUSHMAN:
Sure.
P.O. TONNA:
Legislator D'Andre. Or else I'll have to strike it from the record.
LEG. D'ANDRE:
Just what does that Second Amendment say to us citizens of this country, even those who didn't fight for it?
MR. CUSHMAN:
Unlike the gentleman before me, I'm also a veteran, not as well decorated. I got lucky.
LEG. D'ANDRE:
That's all right.
MR. CUSHMAN:
I wasn't faced with the circumstances he was. But --
LEG. D'ANDRE:
But you answered the call.
MR. CUSHMAN:
-- my understanding of the history of the Second Amendment was it was simply an expression by the people at that time acknowledging that certain inalienable rights exist and that the government should not be interfering with those rights, period, that's all it says. It doesn't say we give you this right, it says we recognize this right to exist and that we will not interfere in those rights, one of them being the militia at the time was every abled body citizen in the United States, in order to maintain that militia and the security of a free state, the right to keep and bear arms shall not be infringed. Each time we make a law or a proposal, it infringes.

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LEG. D'ANDRE:
Now, did that break it down between long guns, short guns?

MR. CUSHMAN:
No, sir.
LEG. D'ANDRE:
So where do they get all of this noise from and make up -- I mean, the law was pretty simple, the right to bear arms and arms is guns.
MR. CUSHMAN:
You're absolutely right.
(Applause)
LEG. D'ANDRE:
So where do you get off breaking it down? I don't understand these people.
P.O. TONNA:
All right. Legislator D'Andre, you'll have time to debate it at the bill.
LEG. D'ANDRE:
I'm not debating, I'm making a point, sir.
P.O. TONNA:
Okay.
LEG. D'ANDRE:
Thank you.
P.O. TONNA:
Thank you.
MR. CUSHMAN:
Any other -- any other --
P.O. TONNA:
Okay. Anybody else wants to make a point with this gentleman?
LEG. COOPER:
I have one more question for Mr. Cushman. I don't know how old your children are, I don't know if you have any kids under five. If you had a five year old, a four year old, would you leave a loaded gun
AUDIENCE MEMBER:
Oh, please.
LEG. COOPER:
Please. Can I ask my question?
AUDIENCE MEMBER:
Then you shouldn't have a gun.

LEG. COOPER:
Would you leave a loaded gun within reach of your four year old?
MR. CUSHMAN:
No.
LEG. COOPER:
Is there any --
MR. CUSHMAN:
That's a --
LEG. COOPER:
Excuse me.
MR. CUSHMAN:
Oh, I'm sorry. I was trying to elaborate on the answer to my question.
LEG. COOPER:
Go ahead.
MR. CUSHMAN:
The answer is no. But I exercise good reasonable responsibility and I

think most gun owners do the same thing.
LEG. COOPER:
But do you agree that there are some gun owners that are irresponsible?
MR. CUSHMAN:
Absolutely.
LEG. COOPER:
Do you have any objection to a bill that would require irresponsible gun owners that might be willing to leave a loaded weapon within reach of a five year old, put a law into effect that would make that illegal?
MR. CUSHMAN:
I would have to ask you the question, are you willing to throw out all of the reexisting statutes in state law that talk about negligence or negligence with children, or criminal liability when you do something stupid with children now? Are you suggesting that Suffolk County can make a law that would supersede all of the existing state laws that already punish people for misuse or stupidity?
LEG. COOPER:
Excuse me. Could I have a ruling from Counsel? Would it be legal for us to pass a law in Suffolk that would prohibit gun owners from leaving loaded weapons within the reach of a five year old?
MR. CUSHMAN:
No, no. I said, would you be --
MR. SABATINO:
Yes, absolutely. I want to clear up one misconception. The Second Amendment, as construed by the United States Supreme Court, starting in

1939 in a case called United States versus Miller has clearly held that there's no individual right to possess a firearm, and in over a hundred cases --
AUDIENCE MEMBER:
That's not true.
AUDIENCE MEMBER:
Not true.
MR. SABATINO:
And in over a hundred cases --
P.O. TONNA:
Hold it one second. Wait, Legal Counsel.
MR. SABATINO:
In over a hundred cases --
P.O. TONNA:
Wait. I just want to say something; okay? One person speaks at a time. We have enough sheriffs here. I'd be glad to have them remove people. If they want to talk, they can talk outside. One at a time, that's how it works in this auditorium. Thank you.
LEG. BISHOP:
If they talk outside, they'll be joining the Legislators, because no one is here.
MR. SABATINO:
And in over a hundred cases thereafter, that same principle has been sustained, including 22 Federal Circuit court decisions. So there would clearly be authority for the County Legislature to approve the legislation that's currently before you.
P.O. TONNA:

Okay. Jonathan.
MR. CUSHMAN:
May I?
P.O. TONNA:
Jonathan, listen to me.
LEG. COOPER:
Okay.
P.O. TONNA:
Okay?
LEG. COOPER:
I'm turning off the mike.
P.O. TONNA:
Thank you. Thank you very much, sir.

MR. CUSHMAN:
Thank you.
(Applause)
P.O. TONNA:
Who said this is a democracy? Edward Bosch? Edward? I only have 24 more speakers on this issue alone; okay? Jonathan, I only have 24 more speakers on this issue alone.
LEG. D'ANDRE:
We'll adjourn until tomorrow.
P.O. TONNA:
Okay? So let's save our really most --
LEG. COOPER:
Sorry about that.
P.O. TONNA:
-- you know, important questions as time goes on. Thank you, sir.
MR. BOSCH:
Hello. My name is Ed Bosch. I reside in Lake Ronkonkoma, New York, and I'm a sixty-one year old responsible licensed gun owner that's been involved with hunting and fishing and all outdoor activity, all sports, I'm a sportsman, since the age of nine years old. I don't have any notes here, I have nothing prepared. I'm just going to tell you from here what it really is.
I was raised at about the age of eight or nine years old -- my father had bought me a Red Rider BB gun, there's probably quite a few people here that remember that, and I've learned, I was taught how to be safe with that gun. Later on, throughout the years, from that point on, I got a hunting license at 14, I went for a safety instruction course, I received my hunting license. I've been hunting ever since. I've been shooting, I've been target practicing, along with many other sports. I've gotten married, I've raised two children. I've had many a children in my homes throughout the year and not once did I ever have to worry about any of them, because I educated them while they were in my home, and I -- but I did not keep a loaded gun. And I don't know of anybody throughout my years that keeps a loaded gun laying around the house with children.
I don't know if Mr. Cooper knows what we have to go through to be licensed in this county here, but you have to be scrutinized. It takes anywhere from six months to 11 or 12 months to receive a handgun permit. Also, by the way, before you receive this handgun permit, you

have to assure the Police Department that you're going to have your handguns locked up in a safe. That's already established. So what he's proposing now, I don't see any point in this at all.
I have many guns. I'm also a collector, somewhat of a collector, you can say. And I have -- I have a home that has two dead bolts on each door, plus the normal locks. I have a security system throughout the

whole -- our whole home. There is no way somebody's going to get in there without being a problem. And in the event that all my guns were locked up and there was a break-in, I have no means to protect my home and my family, just as Mr. Meyer stated.
So the purpose of -- you know, let me give you an example. We're talking about guns here, but I want to talk about something else, and maybe people can get the idea what I'm talking about here. I don't know the exact number of how many people get killed by drunk drivers. I believe it's somewhere around 50,000 people a year get killed by drunk drivers, and the law goes after the drunk driver, prosecutes the drunk driver. And now they're taking away the cars here of the drunk drivers in Nassau and Suffolk County, but they're not infringing upon the decent people, taking away their licenses and taking away their cars. I mean, if all of these people are getting killed, well, you eliminate the problem, let's just take the cars away from everybody and that will eliminate the problem of drunk driving. It's just simple as that, it really is as simple as that, you know. And like I said, I've been -- I've been around guns all my life and I know the difference from right and wrong, and anybody that I'm involved with. I am also a member of SAFE and I'm a lifetime member of NRA, and I believe this is all nonsense.
We're all interested in safety. Like Mr. Cushman says, we're demonized, anybody that owns guns, we're demonized, you know, and it is our right to carry and bear arms, regardless of what anybody else says. It's my right to carry and to bear arms and I'm not about to give them up under no circumstances. Thank you.
LEG. COOPER:
Sir, I have a question.
(Applause)
I know. I'm just -- but I have to respond.
P.O. TONNA:
No, you don't.
LEG. COOPER:
Well, I'd like --
P.O. TONNA:
You don't have to respond, you have to ask a question.
LEG. COOPER:
I am. Are you aware that my bill does not prohibit anyone from owning a firearm? Are you aware that my bill only seeks to do what you yourself, you said, that you don't know anyone who keeps a loaded gun lying around the house if there are children around. All I'm trying to do is put that into law. You don't know everyone. So if there are people on Long Island, in Suffolk County that leave a loaded weapon lying around with children around, should that be prohibited?
MR. BOSCH:
Of course it should be prohibited. That's only common sense.

LEG. COOPER:
But that's what I'm --
MR. BOSCH:
But you're talking about shotguns.
LEG. COOPER:
That's what I'm requesting.
MR. BOSCH:
You're talking about locking up shotguns and rifles, and now, all of a sudden, you're ready to maybe change a little bit. Why did you start with that? Answer that question.
LEG. COOPER:
Because I wanted to hear arguments both ways.
MR. BOSCH:
Yeah.
LEG. COOPER:
I'm willing -- I don't have all the answers. My --
MR. BOSCH:
So --
LEG. COOPER:
Let me just respond.
MR. BOSCH:
Go ahead.
LEG. COOPER:
There are cap laws -- as you know, there are cap laws in 17 states. Most states, I believe, they apply to both long barreled weapons and handguns. Some states, it's true, only apply to handguns. When I drafted this bill, I decided to make it as broad as possible, knowing that I can easily cut it back. I've told anyone that has asked over the past few weeks that I'm willing to consider eliminating the clause that pertains to long barreled weapons. I wanted to get public input on this. That's why we're having this public hearing. I definitely think that should apply to handguns. As I said, there's some give and take on the age. I put it down for under 16. Maybe it should be under 14, maybe it should be under 12. I'm willing to get input. I'm trying to work with your organization. I already met with one of your officials. I'm not a wild hard radical on this. I'm trying to enact common sense legislation that I believe will save a life one day. And anyone from SAFE that would like to contact my office and meet with me, meet with my Aides, we'll set it up today; I would welcome that. And I'm pleased to hear that you would support rational common sense legislation.
P.O. TONNA:
Jonathan.

LEG. COOPER:
Thank you very much.
[SUBSTITUTION OF STENOGRAPHER - ALISON MAHONEY]
P.O. TONNA:
Jonathan, this is the last, next time I'm going to have to strick you from the record. Okay, thank you very much. I can't -- I don't have that power, I can't strick anybody from records, I'm just joking.
LEG. FIELDS:

Strike.
P.O. TONNA:
Strike, strick; I want to strick him. Oh gosh, I swear, if there was a language requirement, I would fail every time. All right, I guess I have to -- a grammar requirement. Lewis Giordano.
MR. GIORDANO:
Thank you for this opportunity to speak. I spoke at the meeting and there were several points of the bill that I disagreed with at the meeting.
P.O. TONNA:
Sir, could you just speak into the microphone?
MR. GIORDANO:
Sure.
P.O. TONNA:
That way we'll get you on the record.
MR. GIORDANO:
The requirement of master locks, at the meeting we gave the Safety Committee a recall from the Master Lock Corporation, how they recalled almost 750,000 locks that the kids were taking apart. And I contacted Magic Lock Push-button Trigger Lock Corporation, which I think is the same as one of the trigger locks that Mr. Cooper is referring to, and they specifically state that you don't put a trigger lock on a loaded gun. And the reason I bring that up is that if we are forced to put locks on guns, people are not going to have their right to self-defense. There's a lot of elderly that won't be able to handle this lock. You said -- you had mentioned you have the safety look, the one we spoke about? You turn the lights off and try to do that in two o'clock in the morning if somebody is trying to break in the house; you think you can do it, is that possible, has anybody ever tried that?
LEG. COOPER:
I did it.
MR. GIORDANO:
At two o'clock in the morning? Well, I don't know. Personally I don't trust it because at the meeting, like you said, you don't know if it's off. You said you hit a few buttons and you hear it click, I believe that's what we discussed, how do you know it's off, pull the trigger? This is one of the things -- if the problem doesn't exist in Suffolk

County, why are we trying to fix it? We keep doing this every time. Excuse me, Mr. Cooper, how much does that lock run?
LEG. COOPER:
I think it's forty some odd dollars.
P.O. TONNA:
Sir, could I just ask you, finish your statement, you know, to the public. We're not testing Jonathan -- Legislator Cooper's competency in the area, we'll test that in the debate later.
MR. GIORDANO:
Also at the Safety Meeting, we showed some videos of the guns going off with the locks on it. This composed a very serious hazard to people, again to a problem that doesn't exist if this bill is enacted. And like I said, the best way at the meeting, it moved Mr. Cooper, is that the best way to teach our kids is to educate them. The Eddie Eagle Program, as much as people don't like it, has documented proof that it will

work. And also if the Legislature wants, I can bring the videos in at the next meeting and show you those. Thank you.

(Applause)

P.O. TONNA:

Thank you very much, sir. Okay, Richard {Mazacharous}; am I even close, Richard?

MR. MAZARAKIS:

Very close.

P.O. TONNA:

All right, I feel a little better. Mazarakis?

MR. MAZARAKIS:

Yes, sir.

P.O. TONNA:

Thank you very much, sir.

MR. MAZARAKIS:

Of center Moriches. I'll be brief.

P.O. TONNA:

Okay.

MR. MAZARAKIS:

And I'm sure I will not be as eloquent as previous speakers. I would just like to make a few things --

P.O. TONNA:

Could you speak into the mike, sir?

MR. MAZARAKIS:

I would just like to express my thoughts on a few of these things. As far as the safety locks go, not too long ago on CNN Governor {Paris

Glendenning} Of Maryland actually passed a gun lock law, and on television he tried to show how easy it was to take off this gun lock and after two minutes he gave up; and this was on television and that's after the law was passed. Now, I think the first probably five minutes of a home burglary are the most important. The police are not going to get there, they can't get -- you probably won't even get to the phone. So restricting access to a firearm to a law abiding citizen just doesn't work. We're leaving the criminals in charge.

The safe storage of firearms, I have to ask safe for whom, the criminal or the homeowner? Criminals by definition break the laws, so only good, lawful citizens will lock away their legal arms and be at mercy of criminals. Let's enforce the laws already on the books and prosecute the criminals involved in gun crimes and not further encumber honest citizens. That's pretty much all I have to say. I think any responsible person would take care of his guns and anymore incumbrance is just that, an incumbrance. Thank you.

(Applause)

P.O. TONNA:

Thank you very much. Jim Kelly?

MR. KELLY:

Good afternoon, Ladies and Gentlemen, and thank you for giving me this opportunity to speak. I attended the hearing on August 22nd because I'm afraid that this bill would endanger people rather than save them. The facts don't support a need for such a law. Since the 1930's the number of guns in the hands of people of this country has quadrupled, the population has doubled, yet fatal firearms accidents have decreased 65%

and continue to decrease. Fatal firearms accidents account for only 1% of all fatal accidents and only .05% of all deaths in the U.S.; in fact, fatal firearms accidents are down 75% since 1975. To put it succinctly, three times as many people every year die from drowning as they do from fatal firearms accidents. In my opinion, these facts don't tell us to support this law, but rather show that there is no need for such a law.

Further, I am concerned about the effects of such a law on the elderly and the infirmed who are not able to quickly manipulate a trigger lock. For a person who is infirmed, this could be the potential difference between life and death. Please remember that the average citizen is not entitled to police protection.

I also have grave concerns about this bill on constitutional grounds. My concern is how this bill could be enforced. Will there be random checks? Will you come in the middle of the night to check? And what's next, registration of all firearms so you have a list to check up on the gun owners? I think this brings up serious, constitutional questions; in short, there is no factual or constitutional basis for a such a law. And based on the evidence so far, those states that have trigger lock laws have had an accident reduction rate of 24%, but those states that didn't have such laws had an accident reduction rate of 32%. Education, not legislation, is the answer. And that's it, short, simple and to the point.

(Applause)

Oh, and there's one other thing I would like to bring up. Legislator Cooper, on Tuesday, last Tuesday on the 22nd, said that the Eddie Eagle Program does not work with all age groups, and he's right; I did check with the NRA, that is true. But the point is that when you train your child, you know, you train them when they're young, you don't wait till they're a teenager. That's number one. And number two, I would like to suggest that maybe the Legislature would like to use the Eddie Eagle Program. The NRA and SAFE is willing to provide this program free, it won't cost the taxpayers any money. And this program is so good that the United States Secret Service, those men on the presidential protection detail, use this program. And you've got to remember, these men bring home fully automatic weapons every night, so if it will work in their home it will certainly work in every home here. And education, not legislation, is the answer to this problem. And I thank you.

(Applause)

P.O. TONNA:

Thank you, sir. Tony Cuzz -- is it a soft C or a hard C?

MR. CUZZUCOLI:

It's a hard C, Mr. Tonna. And with a name that ends in I, you would think you would know how to pronounce it.

P.O. TONNA:

Okay. Cuzzucoli? Thank you, sir.

MR. CUZZUCOLI:

But I've heard so many nice things about you, Mr. Presiding Officer.

P.O. TONNA:

None of them are true.

MR. CUZZUCOLI:

I don't believe that for a moment. Mr. Presiding Officer, first of all, Members of the Legislature, I am pleased that I will have this opportunity to address this particular piece of legislation this afternoon. I've just returned from Atlanta where I've been with my grandchildren for the entire summer, just walked off the plane and heard about this piece of legislation. So I must admit that I have not had the opportunity to review it in order make a more precise response and to ask more critical questions. I would echo the comments of the speaker before me. I don't believe I'll rise to the level of previous speakers, but I would like to voice some immediate concerns about this particular piece of legislation.

I think it's only fair to put on the record that, first of all, I am a licensed gun owner, that I first joined the NRA over 45 years ago when the NRA had not been stigmatized, demonized and otherwise found itself under continuous assault by people who may be somewhat ignorant or speak in ideological agendas. I grew up in a farm village of a little over 800 people, everyone hunted and fished, everyone respected firearms. And there's no question that as I have reviewed this

particular issue over the 34 years that I have taught Constitutional Law, American History and Government, Sociology, that I see more and more that this issue, like the abortion issue, is one that has become increasingly divisive, that is pitting one segment of America against the other, cultural areas of this country -- rural, urban, suburban -- at each other's throats over this issue. I would suggest to the Members of the Legislature that this is an issue of privacy and individual freedom, among other things.

The issue today, however, with regard to this piece of legislation, which I must admit I have not reviewed but from what I've heard and in principle, is one of necessity. It's already been stated that fatal firearm accidents are at an all-time low, at an all-time low, while legal firearm possession is at an all-time high and growing. Unless, Mr. Speaker -- Mr. Presiding Officer, my apologies -- but unless Suffolk County data suggests otherwise, I would question the necessity of this legislation and I will speak to that in a moment.

Mr. Presiding Officer, Members of the Legislature, most states already provide reckless endangerment statuettes, penalties for adults who have been found grossly negligent in the storage of firearms. And under certain circumstances --

P.O. TONNA:

If you could wrap up your comments, sir.

MR. CUZZUCOLI:

I will make every effort to, sir.

P.O. TONNA:

Well, you're past your time. Actually, technically I can say you're done, but I'm just asking you to wrap it up.

MR. CUZZUCOLI:

I see. Far shorter, sir, than previous speakers --

P.O. TONNA:

Well, I have ten minutes and, I mean, that's what the clock said.

MR. CUZZUCOLI:

It's a quick ten. Then allow me, if I may, just these --

P.O. TONNA:

No, go ahead, wrap it up. I don't want you to lose your train --
MR. CUZZUCOLI:
I almost have.
P.O. TONNA:
Okay.
MR. CUZZUCOLI:
But here are the questions that I am interested in in the creation of this piece of legislation. I am interested in the demographic research that I must assume generated the necessity of the current handgun storage proposal. My greatest concern is the soundness of this

research, to wit. Has the Public Safety Committee reviewed the population of children under the age of 18 who reside in Suffolk County; what is the breakdown of those children ages 5 through 9, 10 through 14, 15 through 18 in Suffolk County? What's the breakdown of households with one or more children as opposed to households with no children? Do we have a percentage breakdown of firearm ownership in apartments, homes, cluster homes, gated communities? I ask that question because of the complexity of the burden that might be placed on the Suffolk County Police Department? Do you have statistical data for the last ten years involving children with regard to the number of drowning accidents, motor vehicle accidents, bicycle accidents, pedestrians and school crossing accidents, poisoning accidents, fire fatalities ingested objects? And of course, the number of firearms, what are those statistical data? And where is the accompanying legislation, as asked by a previous speaker, to increase the safeguards to prevent this panoply of accidents? That seems to plague us as humans in this County. Have you resorted to the statistical data that's generated from the Center for Disease Control, JAMA, the FBI, Suffolk County Department of Health, Suffolk County Police Department; was all of that part of this legislation?
P.O. TONNA:
Sir, I'm going to have to have you --
MR. CUZZUCOLI:
I feel the pressure, Mr. Tonna, so I will just quickly summarize. I wish to add my request to those who have previously stated it that the Eddie Eagle Program is one that I firmly believe the Suffolk County Legislature should subsidize, should make every effort to bring to pass in this County in the public school system.
The proper way to deal -- and this is my last paragraph, sir.
P.O. TONNA:
Okay.
MR. CUZZUCOLI:
Aside from our free speech rights, it's our right to bare arms to protect our homes, it's that which transcends our class, race, ethnicity. The proper way to deal with a perceived problem is through education, not ineffective laws that subvert our constitutional rights. And please keep in mind, not more than six months ago there was evidence found, historical evidence, that James Madison, when he put together, listed what were to be subsequently called the Bill of Rights, did not put the people's right to bare arms as the second on that list of rights, he had it first.
P.O. TONNA:

Right.
MR. CUZZUCOLI:
It was only in committee that it was changed. I want to thank you for your indulgence and your patience and the Legislature.
(Applause)
P.O. TONNA:

Thank you, sir. Hold it one second. Jonathan, one question.
LEG. COOPER:
Sir, I just had one question. You mentioned inherent individual freedoms; do you think that anyone has inherent individual freedom to leave a loaded weapon within reach of a young child?
MR. CUZZUCOLI:
I don't believe that anyone has a freedom to do so. I think anyone who does so is irresponsible. I have trigger locks I use and particularly when my grandchildren come to visit. However, however, sir, unlike some members of the County Legislature, the State Legislature, State Legislatures across the country and in the Congress, I happen to believe that it is the individual responsibility that must preclude that happening. And that for you to burden this police department with most likely a paragraph that will be deemed invasive in having, for whatever the cause may be, to knock on doors is to further burden them when they should be out pursuing other criminal activity. So no, you and I have individual responsibilities. However, I must say to you, having taught constitutional law, having taught for over 34 years, and as a former Truman Democrat, Scoop Jackson Democrat,
LEG. D'ANDRE:
Did you change?
MR. CUZZUCOLI:
I have, sir, I am an Independent.
LEG. D'ANDRE:
Good boy.
MR. CUZZUCOLI:
I would suggest to you, I would suggest to you that unlike some people who appear to focus on groups and collectivism, I was born before the Second World War and it was imparted in my family ideal that each and every one of us is responsible. So if we're going to look at all of the items, the accidental areas that I cited earlier and the accompanying legislation I am asking to come out of the Public Safety Committee, do you have parallel legislation that will increase the safety of swimming pools? He's invited it, sir, and I simply answering him.
P.O. TONNA:
I know, that's why I'm going to kill him.
MR. CUZZUCOLI:
Have you, have you or do you intend to introduce additional legislation to increase the safety of swimming pools and to what extent, to what extent are you going to have another bureaucratic agency involved in that endeavor? And that would go right down the list of home accidents that occur. But where does it end? Yes, you and I must hold that individual, we must hold that person responsible where he has been irresponsible, but I would suggest to you that I hope that in this coming debate I'm going to hear you reply to my questions about your research and how that seems to have driven you to introduce this piece

of legislation.

P.O. TONNA:
Sir, what I suggest, okay -- no, no.
LEG. COOPER:
He asked a question.
P.O. TONNA:
He's asked a question, we have a committee process where these questions will come up.
LEG. COOPER:
Ten seconds.
LEG. FOLEY:
It's still in the committee.
P.O. TONNA:
I give you the opportunity to go in the back of the room and answer every one of his myriad amount of questions with regard to demographics --
LEG. COOPER:
I could have answered it already.
P.O. TONNA:
Go ahead, I'm giving you 30 seconds.
LEG. COOPER:
In Huntington, if you have a swimming pool, you've got to put a fence around your swimming pool. If you have lead paint in your home, you've got to remove lead paint from your home. Obviously we cannot protect against every risk that's out there, but my legislation -- every speaker I believe, every speaker that's spoken against my bill so far would say that they would never leave a loaded weapon lying around their home where a child could get access to it. All my bill says is that if a child can get access to your weapon and it's loaded, do not leave it lying around your home. Everyone agrees that it's common sense and you support that concept; what is wrong with putting that into law?
MR. CUZZUCOLI:
Mr. Cooper, do you know of anyone who is not concerned about children?
P.O. TONNA:
Okay. Okay, that's called beating the witness. Thank you very much, sir.
MR. CUZZUCOLI:
Yes. And the level of the issue itself, the issues revolving around swimming pools, etcetera, do not rise to the level of the constitutional issue that we are speaking to here.
P.O. TONNA:
Well, I would suggest, sir --

MR. CUZZUCOLI:
Thank you for your courtesy.
P.O. TONNA:
Thank you. And I would suggest, I think there's much -- if you want to go, Jonathan, and talk with him about this, we can move through these other --
LEG. COOPER:
Let's take it outside.

P.O. TONNA:
Okay, thank you very much. Angelo Sbrocchi? Is that even close?
MR. SBROCCHI:
That's very close.
P.O. TONNA:
All right, thank you. I'm trying. By the way, it's fully my intention that at six o'clock, even though we have this -- when we finish the public hearings, to move right to the agenda, even though we have another hundred cards here, to move to the agenda and get some of our work done here also. Thank you. Go ahead, sir.
MR. SBROCCHI:
Good afternoon. I would like to thank the members of the Legislature for their attention, I see a lot of them are here now. In reference to resolution 1765-2000, a Charter Law to require safe storage of firearms in Suffolk County to prevent access to children. I would like to start off by protesting this hearing because of the time of day and location, I believe it should have been held in the evening in a centrally located spot in Suffolk County.
I would also like to preface my remarks by saying that this proposed law, if passed, would restrict our rights under the Second Amendment of the Constitution, U.S. Constitution, which states that the right of the people to keep in bare arms shall not be infringed. This proposed law infringes on our Constitutional rights by dictating and restricting how and where we can store our firearms, and any such restriction is unconstitutional. Also, this proposed law dictates to the people as to how we must store our legally owned, Constitutionally protected possessions, how we must behave in our own homes and businesses, how we must raise our children. How can the government pass such laws in a free and democratic society such as ours?
Under Section I of the Legislative Intent, it is stated that the Legislature hereby finds -- and I'm not aware that the Legislator provided any statistics that show any deaths or injury in Suffolk County as a result of unsecured, easily accessible, loaded firearms in the home. So I am in opposition of the statement that the Legislature hereby finds, I know of no such findings; if there are such findings, I think it's a responsibility of the Legislator to bring them forward.
The proposed law mentioned in Section 1(A), a loaded weapon, yet in Section 2(B), definitions of operable in relation to a weapon defines that the weapon is able, when loaded with ammunition, to be fired or

discharged. So this definition can be interpreted to include any and all unloaded firearms; such a requirement I believe is ridiculous. Also in Section 2(H), definition of a weapon shall mean a machine gun. The inclusion of a machine gun is meant to misinform the government -- the general public, I'm sorry, because in New York State the people are forbidden to own a machine handgun, so I don't even know why that's in this proposed law. The general public shall not be misled that there are machine guns floating around Suffolk County.
Under Section 1, the Legislative Intent of this proposed law, it mentions a loaded weapon in the home, but in Section 2(C), definitions of a person shall mean natural persons, individuals and corporations, unincorporated associations, proprietorships, firms, partnerships, joint ventures or other entity or business organizations of any kind.

Again and again in Section 3(B) it mentions leaving an operable weapon in any location within the County of Suffolk. These two sections contradict the Legislative Intent as related to the word home as stated in Section 1. So which is it going to be, the home or a business location, or is the word home just another way to mislead the public, the general public to believe that this proposed law is good because it supposedly would protect the children in the home. What about protection of life and property in the business place or in our homes, in our meeting places? How can we choose, if we prefer to, to protect our life and property if we have or are forced to disarm and lock up all of our firearms? Do we stop and ask a criminal's permission to stop and hold it while we go get my own -- my gun, unlock it and load it so I can defend myself against you? That's ridiculous.

This proposed law mentions children under the age of 21 years; an 18 or 20 year old person is not a child. They can legally own a firearm without permission from anyone, they can serve in the military where they must be able to handle and use a firearm officially, they can obtain a hunting license and pursue their legal, natural right to hunt, they can work in our law enforcement agencies where they must also learn how to handle and use firearms efficiently, they can compete in the Olympics in the use of firearms, they can pursue the sport of all forms and types of target shooting with various firearms for entertainment or competition. Twelve year olds can legally hunt in this country and parents have the right to teach their children at any age how to safely handle or use a firearm. How can this Legislature propose such a law that would dictate to a parent on how he or she should raise and train their children? For this proposed law is, in essence, sending a message that guns are evil and we should not have anything to do with them. Children and parents should be trained in the safe handling of all firearms and should learn to treat them with respect, not fear.

In Section 1 it's mentioned that gun owners are responsible for keeping their firearms from falling into the hands of children.

As the owners of firearms we are well aware of that, but how can a law dictate and force responsibility? How can you legislate responsibility? And what about the protection of our children from kitchen knives, household poisons and other toxic chemicals under our sink cabinets, in our basements and our garages; I don't see any laws dictating the storage of these dangerous items. Sections 3(A) and (B) are enforceable unless the Legislature intends to invade the homes of all firearms owners in Suffolk County and to search and visibly check each and every

firearm within this County, so why pass such an enforceable and unconstitutional law that can't be enforced?

D.P.O. LEVY:

You want to wrap up, sir?

MR. SBROCCHI:

Yes, I will. Also Section 3(A) does not take into consideration that gun locks can easily be removed by many youngsters with a simple hacksaw or a drill or by a criminal who may steal a firearm and remove said gun lock. This proposed law is just another anti-gun law to add to the already 20,000 or so anti-gun laws that are currently on the books in this country; we don't need any more gun laws, we need some safe education. And speaking recently, in closing, New York State just

passed a gun lock law for hand guns, why do we need another law in Suffolk County for these same gun locks?
D.P.O. LEVY:
Thank you, sir.
(Applause)
LEG. COOPER:
Sir, I just wanted to say that you are again referring to an earlier version of the bill, I've said it about three or four times now. It's children 15 and younger, it's not 21, 15 and younger
MR. SBROCCHI:
Well, I just received -- to reply to your remark, I just received a fax from your office that did not state that revised portion.
LEG. LEVY:
Okay. Well, now we know it is, that that's the case. Thank you very much, Jon. Thank you, sir, for your comments. Of course Legislator Guldi has to ask a question.
LEG. GULDI:
Sir, I have to take issue with only one aspect of your remarks, totally off subject but which I think needs to be addressed. The time of the hearing and the location that you objected to are -- how many miles are we from Montauk?
MR. SBROCCHI:
I couldn't guess right now.
LEG. GULDI:
About 45. How many miles are we from Babylon and Huntington?
MR. SBROCCHI:
Probably the same.
LEG. GULDI:
About 45. This is the County Seat and the center of the County.
MR. SBROCCHI:
I stand corrected.

LEG. GULDI:
And there are people from Montauk who have been waiting since 7:30 this morning to speak on other issues.
MR. SBROCCHI:
Okay.
LEG. GULDI:
But I thank you for your comments on this legislation and I apologize for any inconvenience.
MR. SBROCCHI:
Thank you.
D.P.O. LEVY:
It's going to be that much longer now for them to be heard. Okay, next speaker -- I believe that was Fred Munnich, that was Fred; you were Fred Munnich?
MR. SBROCCHI:
No, Fred is next.
D.P.O. LEVY:
Okay, Fred is next.
MR. CUSHMAN:
Apparently he's not here.
D.P.O. LEVY:

Okay, if he comes you could tell us. Rico Cannone.
MR. CUSHMAN:
Could you repeat that?
D.P.O. LEVY:
Rico Cannone. Next is Lori Rhein.
MS. RHEIN:
Hello, Ladies and Gentlemen. I thank you for your time. I'm going to be brief, I know I get ten minutes, but a lot of people have been up here talking about -- giving you a lot of information. I want to be here, too, as a younger person, mother of two young children and a gun -- a licensed gun owner, my husband and myself and my father-in-law, I represent three voters and three owners. We oppose this law for many of the reasons you have already heard and we want you to hear us. Thank you.
(Applause)
D.P.O. LEVY:
Wow, no questions from Legislator Cooper. Okay, let's move along here.
LEG. COOPER:
Question.

D.P.O. LEVY:
Kenneth Gubelman. Kenneth Gubleman?
LEG. FISHER:
All right, one, two, three, next.
[RETURN OF COURT STENOGRAPHER, LUCIA BRAATEN]
D.P.O. LEVY:
And next is Al DiBernardo? Al is here. Okay. To be followed by Doug Broccone.
MR. DIBERNARDO:
Hello, Legislature. I was speaking before the Public Safety Committee last time I was here and I showed them some very videos. And in those particular videos I showed the Public Safety Committee, you can see that trigger locks on firearms do not negate them from being used.
D.P.O. LEVY:
Doug, could you -- I'm sorry. Is it Al or --
MR. DIBERNARDO:
It's Al.
D.P.O. LEVY:
It's Al, right?
MR. DIBERNARDO:
Al, yes.
D.P.O. LEVY:
Al, can you just speak closely --
MR. DIBERNARDO:
Okay.
D.P.O. LEVY:
-- into the microphone? Thank you.
MR. DIBERNARDO:
Sure. Basically, trigger locks -- I showed a few videos last time I was here to the Public Safety Committee, and, basically, the videos showed that trigger locks do not stop firearms from being fired. On the contrary, firearms can still be loaded with the trigger lock on there, they can still be fired with a trigger lock on there, and in many ways,

they actually make the firearm more dangerous than an unlocked firearm, reason being, basically, the main risk to people are from households that do not have guns. And the reason that is is because those children have not gone through any type of firearm safety. Those parents kind of put their head in the sand and they say, "I don't like guns, I don't believe in guns," which is fine. I believe in freedom and freedom for everybody. But they feel that somehow by ignoring the issue that their children will never be put into a situation where they may encounter firearms, and I think that's foolish and I think that's extremely unwise. And it's generally those children that stand the highest risk of being injured by firearms. This bill does nothing to

address that, because since those parents don't have firearms, they're not going to be purchasing trigger locks. Basically, what's going to save those children, and we've heard several times that we must save the children, and I believe we must save the children, but I believe a human life is a human life, and every human life is precious, and, basically, the best way to save those children is through education, to teach them what the Eddie Eagle program teaches them, what the F.B.I. endorses, which is if you see a firearm, do not touch it and go and get an adult.

There's been 12 million people, 12 million children in this country who have gone through the Eddie Eagle Program and it's had excellent results. And this particular bill does nothing to address the actual education, which is the safest way to prevent firearm accidents from occurring, not from added legislation.

I could see a pattern developing from when I look at all the other legislation that's being proposed here today about wearing helmets with bikes and cell phones that we're trying to legislate common sense. Common sense can never be legislated. And I think, if we're going down that path, we're going to go down the path that's not going to be a very nice world to live in, because we'll have a law for every aspect of every danger that could possibly exist. And, unfortunately, to live free, we have to accept certain responsibilities and we have to accept certain risk. And this country was founded on freedom, not on trying to legislate common sense, and legislate parenting, and try to say -- well, you know, I was recently married and I plan on having children shortly and I own several firearms, and I plan on safely storing those firearms, but I object to a bill that's making it mandatory for a law like that, because, number one, how do you enforce such a law?

All of you have taken an oath to uphold the Constitution of the United States of America. The only way to enforce this particular law is to go indiscriminately into people's homes without a search warrant to see if their firearms are properly stored. I would hope that everybody takes that oath seriously and certainly would not want to pass a law which is nothing better than feel-good legislation that can certainly never be enforced.

The other aspects that I'd like to make a mention of is the -- as far as Legislator Cooper had mentioned that he has a few different safety locking devices. Master Lock combination -- Master Lock Company, I just gave that to the last Public Safety Committee here, and just recalled 750,000 handgun safety locks, or any -- actually, not handgun safety locks, firearm safety locks. So these particular locks

certainly do not make a firearm safe. And what it really does is it loathes somebody who does not know about firearms. They see a firearm maybe in a closet or under a bed, or wherever it may be with a lock on there and they think it's okay to fiddle around with the firearm now, not realizing that it can still be fired. I truly believe, if this legislation is passed, you will have children being killed with firearms in Suffolk County because of this particular reason I just stated. The only way to protect these children is through education. And we're offering an alternative. We're not saying that your intentions are bad, but the way of going about it is certainly poorly stated. I think it's senseless and foolish legislation that you are

proposing here today and it's not going to accomplish anything. And I think a lot of my previous speakers hit the constitutional issues. And I take my freedoms very seriously and I look at this as it's like a salami in a deli slicer, and each time, with every law to make the children safe or to make people safe, we cut away a little bit more of that salami. You know what, eventually, we'll have no more salami left, and eventually, we have no more rights left. And I think it's all an erosion factor. We're worried about the erosion on Fire Island, I'm worried about the erosion of my Second Amendment right, and we need to take that seriously. And everybody may have a little smirk or a little comment, thinking, "Oh, well, we're not trying to take the guns, we're not trying to do this." Well, you know what, history has shown that eventually that will happen. We can look towards England, we could look towards Australia where they have banned and confiscated firearms, we can look in New York City where they have banned and confiscated firearms, and we can look in World War II Germany where they banned and confiscated firearms, and then something called the holocaust happened to the people that gave up their firearms.

So, if you -- you know, people say that registration doesn't, you know, kill lives, I say to the contrary. I know this is not a registration bill, but I believe it goes along the same lines, is that we're limiting freedoms and we're trying to legislate common sense, we're trying to legislate parenting, and I don't believe anybody should be told how to properly parent their children, even if your intentions are good. And I'm not saying that anybody's intentions here are bad, but I think this legislation will, unfortunately, take the lives of children. And not only that, as far as I know, there's over 20,000 pistol licensees in Suffolk County and I'm not aware of any difficulties with children being killed with firearms.

I was a police officer in Nassau County for a period of time, and I can -- and I'm also a pistol licensee in Suffolk County, and I can say it's more difficult to get a pistol license in Suffolk County than it is to become a police officer in Suffolk or Nassau County. The reason I say that is because if you've been convicted of a felony, you can never get a pistol license in either County or in New York State, but you can still become a police officer. And I was in the Police Academy with people who were convicted of felonies and they were -- you know, that was years past and they're better people now. And I'm not saying that maybe they shouldn't have become police officer, but I'm just making a statement. You're talking about people here who are the best of the best, the law abiding people, they're not the problems. This

bill does nothing to address criminal use of firearms.
I'm against unsafe handling of firearms, I'm against criminal use of firearms, and I'm against handgun violence, but I'm for responsible ownership of firearms and this bill does nothing to address that.
D.P.O. LEVY:
Thank you very much, sir. Doug Broccone.
MR. BROCCONE:
Legislators, how are you tonight?

D.P.O. LEVY:
Just bring the mike down to your mouth, thanks. Thank you.
(Applause)
MR. BROCCONE:
Hello. Before I was -- just had a prepared statement I was going to make. Before I get into that, though, I just want to address one thing that I heard from one of the Legislatures -- Legislators. Somebody had asked a question whether it be legal to make a law restricting the right to bear arms, you know, under the Second Amendment of the Constitution, and someone said that there was 22 cases; is that what you said?
LEG. BISHOP:
The 19th Legislator.
D.P.O. LEVY:
Legislator Sabatino.
MR. SABATINO:
It was a 1939 United States Supreme Court decision. There's over a hundred cases nationwide, 22 of which are in the Circuit Court of Appeals.
MR. BROCCONE:
Right. It's U.S. versus Miller. That case is under contention right now in the Fifth District Court I believe in Texas. Judge -- actually not that case, but --
MR. SABATINO:
That's the Emerson case. That's a District Court --
MR. BROCCONE:
The Emerson case, that's right. Yeah, and --
MR. SABATINO:
That tentative decision is in conflict with the U.S. Supreme Court and --
MR. BROCCONE:
Right.
MR. SABATINO:
-- the Circuit Courts of Appeal.
MR. BROCCONE:
Exactly. And the reason that is, I believe, I just want to like, you know, mention it, is that the Miller very -- does not clearly dismiss a right -- an individual right to bear arms simply for one of the reasons I think, if I'm not mistaken, is the legal concept of standing. That the person that asserted their Second Amendment privilege in the case was not dismissed on grounds of standing. He had -- apparently, according to the Supreme Court, he had standing to bring the case, which meant that, just by that alone, the Court did at some point recognize an individual right to bear arms. All the other subsequent

court cases, and I believe there's only been six Supreme Court cases, including I think {Presser and Crikshank}, have been based on an erroneous view of the original Miller case, at least that's my position. I think a lot of the legal scholars would agree with me, including Lawrence {Tribe}, who is a Harvard scholar, right, and writes constitutional law books.

But, you know, having said that, I just wanted to mention that, because I was upset with what you had said before, and I believe it is still much under contention right now, not in our state, but across the United States and especially in the Emerson case.

My name is Douglas Broccone, I am 30 year old, I live in Suffolk County where I've been a Huntington resident most of my life. I'm a newcomer to the intricate process of representative government demonstrated here today, so you'll have to bear with me. I wish I had always been so informed about the way things work, but I've only recently become aware of this -- the problem, where the most threatening problem that I think is facing our country, which is the erosion of our individual civil liberties. You know, the right to keep and bear arms is kind of like the redheaded stepchild of our Bill of Rights and -- but I believe it's a true honor and a privilege that's shared with no other land on the face of the Earth. It is treated as an embarrassment by people who are ill-informed or thoughtless, and are so simple to think that correlation equals causality, that people can own guns and if accidents happen with guns, then people who own guns cause the accidents and that's just not the case.

You know, guns are used in crimes, but locking up my guns are not going to prevent other people's crimes. It is apparent that Mr. Cooper thinks that it will, and he, obviously, holds me under some suspicion that I am necessarily devious or incompetent, or out to plunder or pillage his constituents just because I own a firearm.

What Mr. Cooper is saying is that in order to own guns safely here on Long Island, that they must remain readily inoperable. His claim is that he sincerely believes someone can unlock -- well, this is before he revised his proposal, but even that, that someone could unlock and aim a gun in the period of time it takes to defend oneself is absurd when he, you know, generally scoffs at the notion that anybody could defend themselves without the encumbrance of a lock. He doesn't think even average people can do it without that, the lock on, and, therefore, it's clearly there's no difference between what Mr. Cooper is proposing and an outright ban -- an outright ban on the use of guns in Suffolk County to defend oneself. I mean, he doesn't think people can do it without having locks on their guns as it is, and now he's going to say, "Well, let's put a lock on it. Oh, but that will be much easier." He wants to see people fail in this regard. It seemingly validates his view that most people are victims who need his law to protect them from themselves. It's an extremely cynical or even paranoid prognosis, considering that he wouldn't even -- he couldn't even recall at the committee meeting that there was a single accidental death relevant to this issue in Suffolk ever. Regardless of how the actual gun-related injury or death rate is compared to other categories, and we've been through this before, car accidents, swimming pools, fatalities, Mr. Cooper wants to blame all the ills in the world

on Smith and Wesson or on, you know, the other gun companies and the people who buy them, even when he knows this is not the case. According to -- I'm sorry. In order to inflate the national statistics, which he bases his gun ban proposal, which -- and this is what it is, it is a gun ban, it not -- it is incremental, but it will be -- it will eventually make it so that people cannot own guns. He -- even though like he's changed the age in his proposal to where that affects, he has to use national statistics to justify this new law, where he counts full-grown adults that are barely under 21 years old as children, well, not him personally, but the people who are doing the statistics that he's using, and include drug related violence committed by people who are, you know, gang-bangers, or people who are involved in drugs that are young.
Mr. Cooper, I believe is an Ideologue who misleads us with a purpose. For all of his equivocating, he simply hates the idea that guns being left in the hands of -- hates the idea of guns being left in the hands of ordinary people, something that the founders of this country thought was of paramount importance if we were to remain free from the kind of petty tyrants who would falsely alarm the population in order to maintain selfish power.
D.P.O. LEVY:
Thank you very much.
MR. BROCCONE:
And that's basically all I have to say.
D.P.O. LEVY:
Appreciate your views. Paul Aronow. Mr. Aronow?
MR. BROCCONE:
Any questions?
D.P.O. LEVY:
Joseph Phillips? Charles {Gaselman}, if I'm reading that correctly from the handwriting. Charles {Gaselman}, Gabelman. I can't see if it's a "B" or an "S". Anthony {Lusich}. I can't read your read your last name, Anthony, so you're going to have to bear with me on that.
MR. LINICH:
How are you doing? First, I'd like to say that I'm very fortunate to be able to --
D.P.O. LEVY:
Anthony, can you state your name for the record, please?
MR. LINICH:
Oh, I'm sorry. It's Anthony Linich.
D.P.O. LEVY:
Okay, thanks.
MR. LINICH:
I'm very fortunate to be able to say that I'm able to speak up here unlicensed an unrestricted as per my First Amendment rights, and these

rights are -- make up part of the Bill of Rights, which was amended to the Constitution almost 200 years ago, or 200 years ago. And the Second Amendment clearly states, "A well regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed," meaning that this cannot be violated, encroached or trespassed. And the Tenth Amendment right

as well also fortifies this statement or right, rather. "The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people." So, basically, any kind of gun control in any form, way or shape is unconstitutional. But in New York, they have -- we have "X" amount of laws already that, you know, we have gun licensing, so forth, so on. Now you want to put, you know, trigger locks.
I have here a lighter that's supposed to be a child proof lighter. It's probably baby proof more so than child proof. Most five year olds can spark this lighter.
Furthermore, I have to tell you a story. When I was younger, a friend of mine's father, a police officer, had a safe, not a locked box, not a trigger lock, but an actual safe. Me and my -- well, actually, my friend was able to open the safe, pull out a handgun and fired it into the ground in the backyard. That was the only time that had ever occurred. So all these locked boxes and all these devices that you plan on using isn't effective. This was a locked safe with a combination, three inches thick of steel, the safest you can have and it's totally ineffective. Education is a much better, you know, alternative than any -- any time you try to restrict something, someone's going to be curious to know what it's all about, you know. Curiosity, you know, could be dangerous, and as a result, you know, accidents happen, so forth, so on. Education is a much better alternative.
And about a hundred years ago, the federal government had to ask the gun manufacturers to assist in making guns safer, so forth, so on. I think this was in the early 1900's. The federal government did this because they knew they had no right and they asked the favor, basically, of gun manufacturers and so forth, so on to help them assist in making guns safer with education, so forth, so on, which was paid for by gun manufacturers, anyone that's related to the guns and so forth. So, basically, nowadays, you know, we have, you know, certain leaders of this country that are trying to make claims like they're making guns safer, so on, so forth, but, in reality, this was already done a hundred years ago. You know, everyone just keeps forgetting about that and so forth, but, in reality, I really think that you have to look at the big picture, that all these gun boxes can locks really make it unsafe for the homeowner who needs their gun to protect themself, possibly, in cases that arises where there's a dangerous situation, too much time lapses, you know, with the guns, you know, not being able to be obtained for protection.
Furthermore, it is also known that 87% of officers that are in the line of duty that their lives are in danger, they take the shot and miss.
So it's a dangerous situation all around, but, you know, I mean, if you have a gun in a locked box, you know, you have no protection whatsoever.

D.P.O. LEVY:
Thank you.
MR. LINICH:
Thank you.
LEG. FOLEY:
Thank you.

(Applause)
D.P.O. LEVY:
Michael Breen.
MR. BREEN:
My name is Michael Breen. This is the first time I'm speaking here, so bear with me. I do oppose this law. I do know -- I think that it does infringe --
D.P.O. LEVY:
Mike, just speak into the microphone, please, as closely as possible. Thank you.
MR. BREEN:
Okay. Is that close enough?
D.P.O. LEVY:
That's much better. Thanks.
MR. BREEN:
Okay. I think this law infringes on the constitutional rights of the Second Amendment and the Fourth particularly. I oppose the law and I just think it's a bad law to be proposed. That's all I have to say.
D.P.O. LEVY:
Thank you very much.
MR. BREEN:
Okay.
LEG. FOLEY:
Thank you.
(Applause)
D.P.O. LEVY:
Chris Garvey gets his chance again. Chris Garvey, did he stick around?
MR. GARVEY:
Yes, I'm still here. Well, once again, I'm speaking on behalf of myself and on behalf of the Libertarian Party. Nationally, there have been 30 -- in 1996, which is the only year I have statistics for, 30 children under the age of five died in firearms accidents, which is one-third the number of children who are killed by government mandated

air bags, and less than the number of children that died in five gallon buckets, drowning in five gallon buckets. Now, the -- I know OSHA did propose putting holes in the bottom of the five gallon buckets, but they eventually realized there wasn't very much utility in a bucket with a hole in it, neither is there very much utility in a gun you can't get at. And we're not suggesting that anyone who improperly stores buckets goes to jail, which is what we're proposing in this -- in this bill. In the unlikely event that a parent does lose a child in a tragic gun accident, isn't that punishment enough? And do we really need to send them to jail for that? Isn't the prospect of losing a child enough of a deterrent for safe gun storage.
Thousands of lives per year are saved by the crime deterrent effects of gun ownership, and the book by John Lock, "More Guns Less Crime" details this very, very thoroughly based on the 1996 Bureau of -- Department of Justice statistics. The-- there's a revised version for 1998. There is a net benefit to gun ownership, and every time you put a burden on that -- on that gun ownership you are -- you are reducing the net benefit that is going to occur from that. You've got to weigh that

net benefit of the lives that are saved by widespread gun ownership against the burdens that you're putting on it with every law you seek to burden the gun owner with. Negligent use of gun owner -- of guns already carry civil liabilities. Common tort law renders the gun owner -- the gun owner responsible for foreseeable damage by his gun or any other of his possessions.

We don't need this law, it's something that's already been dealt with. Gun owners already weigh the burdens of such liabilities in deciding whether to keep guns. But this bill imposes on such owners burdens of potential criminal liability for mere storage of their gun, regardless of any consequence. You don't have to have a bad outcome to be prosecuted under this law. And in the hands of an overzealous prosecutor, this can be a very dangerous weapon, and I think we've seen enough overzelous prosecution locally to know that you've always got to worry about what laws you put into the prosecutors' hands. Thank you very much.

D.P.O. LEVY:

Thank you.

(Applause)

D.P.O. LEVY:

Chris Fallier.

MR. FALLIER:

Hello, gentlemen.

D.P.O. LEVY:

Good afternoon.

MR. FALLIER:

Thank you for allowing me to address you on this issue. We've heard a number of points here and I'm not going to restate them, I think they're all quite clear. So I'll give you a personal history on how gun laws affect people individually.

Prior to my disabling injury, I was a field engineer and I traveled extensively to plants, chemical plants, nuclear plants, all sorts of power plants, where I was allowed access and individual responsibility. And after the disabling injury, I fell victim to an assault, that the only reason I had saved myself was because I'd had an ax from a camping trip right next to my seat while I was driving and I fended the man off. And it was very close, and the man, luckily, he left. But it became clear that I needed to defend myself, because I couldn't fight, run away, or even think as clear as I should, so I applied for a pistol license in Suffolk County; I live in Islip Town. I was denied, because I was viewed as possibly being depressed, although no doctor has said so. The police officers viewed in their medical opinion that I was incapable and, therefore, denied me a firearm. Now, this goes to show where this law will lead.

In your well-meaning intentions of providing safety for us, you're probably going to deny people the right to defend themselves. Whether you can conceive of the situation or not, it will probably arise, and in the process, deny somebody their rights. I can only think of one -- just a small example is, if somebody were, again, the victim of a theft of their firearm, they're victimized once. If they report it, because they had failed to meet safe storage laws, they're a victim again. Now they're going to be prosecuted, because the prosecutors will be

compelled to prosecute them. And then, furthermore, if they decide not to report the crime, they become a criminal again, because failure to report the theft of a firearm is a crime, and then there would be no way to avoid the loss of their Second Amendment rights by this law. So I'd ask you to not pass this law. Thank you.
D.P.O. LEVY:
Thank you.
(Applause)
D.P.O. LEVY:
K.H. Dini. Mr. Or Ms. Dini. Mr. Dini?
MR. DINI:
Dini.
D.P.O. LEVY:
Oh, I'm sorry. It said D-N-I -- D-I-N-I, is the way it looks like.
K.H.?
MR. DINI:
K.H. D-I-N-I. Good evening, Ladies and Gentlemen, I had a couple of questions for Legislator Cooper. One is where is the money for this bill going to come from? How much are our taxes going to go up to implement this bill? You know, our taxes have been going up and up and up. Now, how much more for a bill that there's other laws governing? It doesn't make sense. If there's laws on the books, which there are, plus there's common sense, right, why should we be penalized by paying for a nonsense law; okay?
Another thing is Legislator Cooper brought up a gun lock, a trigger lock that somebody gave a testimonial about. I want to know if that --

what the name of that gun lock was and if there was a disclaimer on that lock for being on a loaded weapon, because most of the manufacturers that I know of tell you do not put on a -- a trigger lock on a loaded weapon. They do give a disclaimer, because they don't want to be responsible.
Also, on his ages, how is a child going to hunt if he's never been able to target shoot, never been able to handle a firearm? Now, a child is allowed to practice at 11 by State DEC. Now we're taking that away from him? How are you going to train a child to hunt when he does want to hunt? Very short. I will not keep you people, I know it's getting late, but I would like a couple of answers from Legislator Cooper on where the money is coming from?
D.P.O. LEVY:
Okay. Questions were apposed --
MR. DINI:
And how much are our taxes?
D.P.O. LEVY:
Legislator Cooper, you want -- did you gather those questions in? Did you hear his questions? Where is the money coming from to pay for the implementation of the bill?
LEG. COOPER:
Paul, do we have any estimate as to what the cost would be, if any, of this bill?
MR. DINI:
You know, wouldn't it be nice to let the people know?
D.P.O. LEVY:

Okay. Let him answer.
MR. SABATINO:
There's no contemplation to adding to the law enforcement work force staffing, so there'll be no cost, because there'll be an additional duty or responsibility that's undertaken in the course of a day. There would be no impact.
D.P.O. LEVY:
Okay.
LEG. COOPER:
Thank you.
MR. DINI:
So that there would be no extra cost. So the police officers would be told they have to do more work.
D.P.O. LEVY:
I believe that's what he said.
MR. SABATINO:
If you have an eight-hour workday, you have an eight-hour workday. If you have a ten-hour workday, you have a ten-hour workday. You do what

your job entails --
MR. DINI:
But they are overburdened.
MR. SABATINO:
-- in the course of that day.
MR. DINI:
They are overburdened already in certain areas.
D.P.O. LEVY:
Okay. Well --
LEG. COOPER:
I just wanted to say the Police Department supports the bill.
D.P.O. LEVY:
Thank you. All right.
MR. DINI:
Wouldn't the police --
D.P.O. LEVY:
The question was asked and answered, and let's move on.
MR. DINI:
Okay.
D.P.O. LEVY:
Thank you, sir.
MR. DINI:
Who in the Police Department is supporting it?
LEG. COOPER:
Among others, Police Commissioner Gallagher.
MR. DINI:
Okay. In what way, the way you have it written, or the way you're now changing it?
LEG. COOPER:
He supported the earlier version and he supports the current version.
MR. DINI:
Okay. Are we going --
LEG. COOPER:
As does the Head of the Police Benevolent Association.

MR. DINI:
The PBA is supporting it fully?
LEG. COOPER:
Yes. They were at the press conference, standing side by side with me.
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MR. DINI:
Okay. When are we going to get a copy of the revised bill?
LEG. COOPER:
Right here.
D.P.O. LEVY:
Okay. Thank you for your patience.
LEG. COOPER:
Anyone who would like a copy, just see me or one of my Aides.
MR. DINI:
All right. Thank you, Ladies and Gentlemen.
D.P.O. LEVY:
Thank you very much. Paul DeBiase. Paul DeBiase?
MR. DE BIASE:
Hi, that's me. Hi. My name is Paul DeBiase. I'm not a public speaker, so I'm --
D.P.O. LEVY:
That's okay. Take your time.
MR. DE BIASE:
I'm going to try to --
D.P.O. LEVY:
But just talk into the microphone, please, Paul.
D.P.O. LEVY:
I'm just going to try to do this as best as I can. I'm opposed to this bill. I am disabled. I have a broken back, I have crushed sciatic nerves.
D.P.O. LEVY:
Paul, a little closer to the microphone, so the people outside can hear you. Thank you.
MR. DE BIASE:
I'm sorry. It's very difficult for me already to defend myself and my family. I just feel that this puts another burden on Americans that are just trying to do the right thing, and they really haven't broken any laws. A point was made earlier about somebody losing a child and that being enough punishment, and it really, really is.
Two to two-and-a-half million Americans a year use a firearm to protect themselves. What do we say to those people that are not going to be able to, those two-and-a-half million people, to protect themselves? I only see this bill protecting criminals, rapists and murderers, anybody that prey on law-abiding people. Any of these other countries, Australia or England, that have gone down that slippery slope of gun control really have come up on the -- on the bad side. Things haven't brightened up. The statistics prior to that had showed a decrease in crime, and murder, and rapes. And in one Australia town, Victoria,
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homicides were up 300% one year after the enactment of the gun ban. Same thing in England.
I just think that this is a feel-good law, it makes people look good on paper, and you can say, "Hey, look what I did," and I don't think

that's what it's all about. I really think that public service is something about serving the public. Everybody does want to protect children in the best way possible, and all the people I know who do have guns and handguns are extremely -- they're so safe about it, it's -- the safety is the number one issue. And if we are -- if this is about children, which I assume it is, education. Child -- children respond well to education, and I really think that that's the best route we can go. So I'm opposed to it, and I just feel that it's a -- it's not really going to help anybody. So I appreciate your time. I know it's been a long day. And I would like to get a copy of that revised bill.

D.P.O. LEVY:

Okay. We'll have a copy available for you.

MR. DE BIASE:

Thank you very much. And have a good evening.

D.P.O. LEVY:

Thank you very much. Bob Hildebrand.

(Applause)

Bob Hildebrand. Robert Baumann?

MR. BAUMANN:

Good afternoon, Ladies and Gentlemen. Thank you for the opportunity to be heard. My name is Baumann. I'm a retired police officer from Nassau County. I live in Copiague and I had the pleasure of serving in New York State Rifle and Pistol Association, which is the official State affiliate group of the NRA in New York State, and I'm the Vice President and Firearms Chairman of the Suffolk Alliance of Sportsmen. It was very gratifying to hear on the speaker outside in the lobby while I was listening that Mr. Cooper has reconsidered some of the more draconian provisions of his bill. Thank you very much, and I shall do my best to convince you to reduce a few of others that remain. I'll try not to hit on any of the topics that have been mentioned so far. I've got my number -- page numbers down to four from 40, so we'll just get into it.

If I may, the gentleman who was talking about the Miller Bill, the Miller Bill really cannot -- I'm sorry. The Miller Decision in the United States Supreme Court really cannot be considered as definitive, because before the ruling was made, Mr. Miller disappeared. Nobody ever heard, found out what happened to him, so that the defense's opportunity to present the position that a sawed-off shotgun, which was the firearm in question at the time, was, indeed, a suitable militia weapon was never raised. However, trigger locks and similar appliances raise a false sense of security in the public's eye. Those who are

unfamiliar with firearms think that it may be a panacea. However, it has been demonstrated that regardless of the quality or the expense of the trigger lock or other firearm securing device, the average 12 or 13 year old can disable one within a few minutes, using tools that are readily found in most ordinary homes. Although it might sound contrary there's another side to that coin and that side is that two of this country's preeminent gun grabbers, Maryland Governor {Paris Glenn Denning} And a gentleman by the name of Mr. Dennis Henican, H-E-N-I-C-A-N, who was affiliated with handgun control, both embarrassed the bejesus out of themselves when, on two separate

occasions, they staged photo opportunities for the media in which they were going to demonstrate how quickly and easily they could deactivate an applied trigger locking device and employ the firearm. After several minutes, they were thoroughly embarrassed, and as you are probably aware, you've never seen that on the 7 o'clock news, nor I doubt you ever will.

However, many of us in the legitimate firearms community for -- correctly or incorrectly, regard this particular piece of legislation or proposal as a lock up your safety/protect your friendly neighborhood burglar bill. It does have a definite tendency to go that way. However, others of us regard it as just another turn of the screw of gun control marching down the road towards total confiscation, ala England and Maryland. However, I'm here to submit to you for your consideration that the most effective firearm safety device exists between the owner's ears. The NRA and affiliated groups have been preaching, preaching, and preaching firearm safety for years and years and years. The summer is drawing to a close. Another few days, it's all going to be over, the kids are going to be going back to school, and we're going to see those bumper stickers, "Schools Open, Drive Carefully," that's all well and good. However, over the course of the summer in this County alone, we saw a little six year old girl kid by an automobile at an ice cream truck, I believe it was in Brentwood, and on several occasions, we had tragedies involving very small children in swimming pools. I challenge the members of Legislature to recall one incident since the first of the year of an infant of those tender years being injured or killed in a firearm accident.

It has been said that the main purpose, or one of the main purposes of government is to create a crisis and blow it out of proportion, and then present itself as the sole solution to that crisis. With the approach of Election Day, if I were a cynic, I might think that this was the case here. However, the -- one of the gentlemen mentioned earlier, I heard on the speaker, that there were some police officials who had come out in favor, glowing -- glowing testimonials to the use of firearm -- firearms trigger lock and safety devices.

Having served 36 years in the Nassau County Police Department in my more tender years, and being rather intimately involved at several levels and ranks with the politics involved, and cognizant of the litigious nature of our society, which seem to be expanding expedientially, I can tell you that in relation to these particular incidents, the possibility of liability for any action that a

governmental entity, such as the police department, takes is one of the prime considerations. Each and every one of those police administrators almost invariably looks at the liability problem, because he doesn't want any trouble with his boss, at whose pleasure he serves. By the same token, those police administrators, who were so glowing in their reports, in their endorsement of trigger lock and safety devices must be cognizant of the fact that in the case of the Police Commissioner, for instance here, he serves at the pleasure of Mr. Gaffney. Sorry. I almost said Gallagher. So let's assume for a moment that Mr. Gaffney says to Mr. Gallagher, "Mr. Gallagher, this my line on trigger locks, firearm safety." Now, for Mr. Gallagher to have a differing opinion, he would have to be one of three things. He would

have to be a very, very principled man, or he would have to be an independently wealthy man, or he would have to be very close to retirement. So I wouldn't put too much emphasis on what the police administrators say is the proper approach to this particular, and in my view, virtually nonexistent problem. If you really want to find out what the police attitude towards firearms may be, I suggest that you talk to the guys in the street and find out what's all going on.
Certain sections of this have been discussed as being intrusive, offensive contrary to the Second Amendment, etcetera, etcetera. I think some of those arguments have some validity and some do not. However, I look at it in this respect. Since there has not been a demonstrated need here, regardless of the merit of the argument, that government, or at least a certain portion of it, has in this case fallen into the trap of generating a problem, expanding on it, and then proposing itself as the only viable solution to that problem. I hope that is not the case.
However, by attacking, although in a rather gentle manner, the legitimate gun owners in our community, and Lord only knows how many of them there are, because only handguns so far, thank God, require licensing and registration, I think we're looking at the wrong target. The legitimate gun owner is not the problem, the problem is the reckless, careless, illegitimate gun owner. And that goes hand in hand with a survey that the government did, our esteemed federal government a while ago that found that children who are introduced to firearms in a family setting are considerably less likely to become involved in the law -- against the law in an adversarial condition and are considerably less likely to become juvenile delinquents, drop out of school, where children who are introduced to firearms on the street are greatly in danger of falling into those particular situations. Yes, things do happen, there always will be accidents. I can't recall when the last one was here, and I pray God I'm not -- I'm going to be around a long, long time and I won't hear about another one. In the meantime, my position is on this, we are not the problem. Get off our backs. Thank you.
D.P.O. LEVY:
Thank you, sir.
LEG. D'ANDRE:
Let me tell you something, Mr. Chairman.

D.P.O. LEVY:
Mike, please.
LEG. D'ANDRE:
I just want to --
D.P.O. LEVY:
We've got a lot. Unless you have a question, let's move on.
LEG. D'ANDRE:
I just want to congratulate him for a nice presentation.
D.P.O. LEVY:
Okay.
LEG. D'ANDRE:
The best presentation we've had here today.
MR. BAUMANN:
Thank you.

(Applause)
LEG. BISHOP:
It's an essay contest now.
D.P.O. LEVY:
I believe that was Mr. Baumann. Georgia Maas. Oh, are you Mr. Baumann?
MR. BAUMANN:
No, I'm Mr. Baumann.
MR. DAM:
That's Mr. Baumann. Are you taking the requests on numerical order?
D.P.O. LEVY:
Yeah, we are.
MR. DAM:
I was number ten.
D.P.O. LEVY:
Were you on -- were you on this particular hearing, sir?
MR. DAM:
Yes, sir.
D.P.O. LEVY:
What's your name?
MR. DAM:
Henry Dam.
D.P.O. LEVY:
Henry Dan?

MR. DAM:
Dam, D-A-M.
D.P.O. LEVY:
D-A-M? I'll look for that. In the meantime, hold off for a second and we'll try and find it. If not, we'll put you toward the end, okay? But we'll try and find it. Georgia Maas?
MS. MAAS:
Yes, sir.
D.P.O. LEVY:
Thanks, Georgia.
MS. MAAS:
Good afternoon, Ladies and Gentlemen. As an NRA firearms instructor, I know firsthand how important firearm safety is. I have been teaching firearm safety as well as safe storage for ten years. The NRA has had firearm safety programs for over 100 years. It is the main reason why they became an organization in the first place.
Gun legislation is no substitute for firearm safety education. An educated person is a safe person, but whenever the subject comes up to our elected officials, the usual proposals always seem to target law-abiding gun owners. People will have no inclination to break the law. Why? The legislation proposed here today will not prevent accidents from occurring, nor can it be enforced unless our Legislators would like to violate the Fourth Amendment. What will and has proven to work is firearm safety courses and in the safe handling and storage of firearms, and the Eddie Eagle Program, which has taught many children to stay away from guns and has also won many National Safety Council awards.
Law abiding people have always been counted on to do the right thing

and in the right way. I wish the same could be said about our politicians on the gun issue. There is a difference between a politician and a statesman. A politician cares about the next election, a statesman cares about the next generation. Thank you.

(Applause)

D.P.O. LEVY:

Thank you very much. Henry, you were placed in the wrong pile. You're correct, you are number ten. Come on forward; okay?

MR. DAM:

I'm Henry, I'm from Cold Spring Harbor, Long Island. I gave all you folks a paper. There's been a lot said tonight and -- I guess it is night already -- and a lot of good points were brought out. I'll just skim down on the first page of what I wrote here. And we talk about the Second Amendment. Nobody has mentioned the fact that the Second Amendment protects all the other bills, parts of the Constitution. Without the Second Amendment, we can all be overcome by a dictatorial government or any other force that decides to subvert the citizens of the United States.

I put a few facetious marks in here -- remarks in here, which I'll skim over. But the accidental shootings by juveniles cover the age bracket from one to 21. Any firearm death or injury is a personal tragedy. Why do the politicians put the guilt or grief upon society?

Last week, five children were killed and injured by motor vehicles. Why do -- I'll skip that, too. I have documented proof where children arm themselves with a readily available firearm and save their parents from a criminal. Had these firearms been locked up, the criminal would have either killed the parents or killed the kids, and, therefore, had another tragedy. What next? All edge tools are also to be locked up. This is an ostrich mentality, out of sight, out of mind. We teach our children the proper use of knives, forks, the proper use of scissors, needles, fish hooks, bats, golf clubs, any other dangerous items, why not firearms? There's a lot of schools that have canceled out firearm training. They use the guise of led poisoning or led being present in the thing, and basically, it was a kangaroo court, whereby the parents objected to the use of firearms, and they also subsequently found there was no health hazard to justify the closing of the thing.

It's been mentioned here a lot that the people -- that education is necessary. An uneducated person with a firearm is inviting danger. All right? My granddaughter just passed a hunter training course, she is 12 years old. I have been handling firearms for the last 69 years. I started using a firearm when I was 10 years old. I've lived with firearms. I've shot thousands and thousands of rounds of firearms. I have raised four children with firearms. I taught them the safe use of a firearm, the awesome power of a firearm, and respect of a firearm, and the common sense use of firearms; never had an accident.

I wrote down here on the bottom of my paper, every gun in my house is loaded. I tell this to people and they go up and say, "Horrors, all the guns in your house are loaded." Yes. They're not really, but I tell everybody they're loaded. Why? Because you're going to handle it like a loaded gun. You're going to open up the breach and make sure it is not loaded, because I told you it was loaded. Therefore, I'm instituting a little reverse psychology, which in turn keeps my guns

safe. There's no presumption that it's empty until it's properly checked. Unwittingly, politicians are protecting the criminal by putting more restrictions on the honest law abiding citizen.
I laid awake last night thinking up all that. I have also just recently purchased a deadly weapon, which is called a computer and I'm using it. Hi, Ginny.

(Applause)

Let me get down to the bottom of this. I thank you for this opportunity to speak against a proposal to make it mandatory to lock up my firearms, which is tantamount to disarming the citizenry. You are denying me the accessibility to a firearm in case I need one to protect my family, property, or myself, or life, or whatever happens to be. I own these firearms and use these firearms for my recreation and security. The time it takes to unlock a firearm from a safe may be the difference between life and death or the means to avert a commission of a crime or injury by an assailant. If you can guarantee that all crime

will cease when my firearms are locked up, I will support Cooper's proposal. Until then, I will oppose it.
You know that when one is threatened by a criminal, that calling 911 sometimes is an exercise in futility. By the time the police arrive, the crime is committed, and you're reduced to a forensic statistic. 9.6 crimes were averted last year by the mere presence of a firearm being available. By your action, you seem to be laboring under the impression that gun violence is a common thing in the average home. Contrary to this, there are more vehicle deaths than injury by firearms in Suffolk County. Last year and this year, there have been more children killed in swimming pools and more deaths of adults while boating and fishing in Suffolk than have been killed or injured by firearms in the last five years.
Cooper's purpose seems to me as a feel-good attempt for the soul purpose of self-edification, or a need to jump aboard the bandwagon of politically and socially correct anti-firearm hype, which brings up a point as who is going to enforce this legislation? Will the County Legislator his own Gestapo? Now we've answered that question that the Police Department is going to handle it. How are they going to handle it? I don't know. Maybe my neighbor's going to call him up and say, "Mr. Damn has guns," and they're going to come running down there and bang on my door with a subpoena, or whatever it is, and -- or writ and say, "Hey, we want to see your guns." But, here, again, I'm going to read here further.
I am responsible for the safe hanging of my firearms, not the elected officials of the County. My home is still my castle under my responsibility. What I do in my -- in my -- yeah. What I do is my business. If the County owned my property, then I would be obligated to abide by their edict. But as long as my personal property is in my castle, the County has no right to intrude into my personal lifestyle, no matter how pious the reason. Personally, if the Legislators embarked on a program of education in the use and handling of firearms, this time and effort would be better justified. There are more violent crimes being committed than accidental shootings.
I have the constitutional right to keep and bear arms, which has been told over and over again here, which shall not be amended or infringed

upon. This right is a given right of all citizens. There is not exception, unless one uses this right to commit a crime. The founders did not write in any clauses dictating the storage -- safe storage or handling of firearms. They trusted the citizens to be responsible and have common sense. That is more than you can say for our overzelous Cooper. Hi, Cooper.
LEG. COOPER:
Hi.
MR. DAM:
There is a saying -- wait a minute. There is a saying that if the government can't trust the people, then why should the people trust the government? I trust the Legislators will reconsider this bill, and as it is arbitrary, capricious, vindictive and self-serving. Boy, that computer really works. Yes, sir.

LEG. COOPER:
No.
D.P.O. LEVY:
Okay.
MR. COOPER:
Hi, Henry.
D.P.O. LEVY:
Okay.
MR. DAM:
Okay.
D.P.O. LEVY:
Thank you very much, sir. We appreciate it. Next speaker I believe is Nelson Klein. Nelson Klein? Next speaker, Dennis Ahearn. Sir? Nelson Klein or Dennis Ahearn?
MR. KLEIN:
Nelson Klein here.
D.P.O. LEVY:
Okay. You want to come forward, Mr. Klein?
MR. KLEIN:
Hello. My name is Nelson Klein. I'm an electronics technician, I work in Melville, and I'm speaking -- I'm speaking in opposition to I.R. 1765, the safe --
D.P.O. LEVY:
Just speak into the microphone, sir. Thank you.
MR. KLEIN:
I'm speaking in opposition to I.R. 1765, the safe storage bill. Just about everything I was going to say has been said. I was first exposed to firearms 39 years ago; I was 11 years old. I began my firearms education in Boy Scout camp. I continued it with my friends in the Boy Scouts. We fired 22's, BB guns, sometimes formally, sometimes in a friend's basement with an appropriate backstop. Nobody got hurt, nobody was -- nobody was killed. And the reason of that -- the reason for that was because we were taught firearm safety by responsible adults, not because of any law. All the gun safety laws in the world will not make irresponsible people responsible. All the gun safety laws in the world will not make stupid people smart. I have no easy answer for the problem of irresponsible people. I don't know if there is an answer.

LEG. D'ANDRE:
Simply put but very well.
MR. KLEIN:
All I know is that I don't trust politicians who don't -- who probably, more than likely, don't know the good end of a gun from the bad end to

tell me how to be safe in my own home. The only thing this ridiculous law will accomplish will be to discourage people, responsible people, from owning firearms and learning to use them properly, and it will -- and it will create the momentum for the next ridiculous law to further restrict our civil right of self defense, and the next one after that, until, ultimately, all guns are confiscated.
A brief digression. They mentioned -- mention was made of the 1939 Miller versus United States case. I don't believe there was any final decision on that, that was mentioned. And there was no -- there seemed to -- there was no indication in the opinion of the court as that -- oh, excuse me. Let me -- let me calm down here. Okay. The court did not question that the Second Amendment right -- that the right specified under the Second Amendment were individual right. He only questioned that the sawed-off shotgun that was being -- that was the central point of this case was appropriate for military use.
And when you talk about saving lives, you should consider that the firearms are dangerous implements, which can be used for bad -- to do bad things or to do good things. Power tools, many hand tools are dangerous implements or could be used as dangerous implements. But people learn to be responsible with them. They're taught -- they're taught in the shop or in their house by their parents, like the proper use of a power drill, or similar things, cars. Cars are dangerous implements, but they have a very valuable use for everybody in the country. People learn to be responsible with them. And we have -- we have car registration, we got licensing of drivers. That doesn't stop people from doing bad things with cars. That's something you should consider. You should consider both sides of the equation, don't just consider, like you might -- you might save one life by passing this law, which I'm just saying that for the sake of argument. I don't think you will save any lives with this law. You should also consider that if we pass this law, we might take ten lives. What is the net effect?
There have been people that have defended themselves with firearms in Nassau and Suffolk County, it's been in Newsday. You've heard about push-in robberies in New York City, victim gets killed. There was a push-in robbery in Nassau County. I'm sorry, I don't have the exact newspaper article, it was in Newsday. Maybe you'll remember it, some of you. An elderly gentleman was locked in his closet, in a closet in his house, and the robber ransacked the house, and when he was done ransacking the house, he came, opened up the closet, and, unfortunately for him, he happened to lock him up in a closet where there was an old German luger, which this gentleman may have forgotten about, and this elderly gentleman killed him with it. Now, if it had a trigger lock on it, maybe wouldn't have had the key and we would have had a different result to that situation.
There was a carjacking, again, I think it was in Nassau County, I'm not sure, that made the papers and it was on the radio. The carjacker

locked his victim in the trunk of his car. Unfortunately for the carjacker, the man had a pistol and a revolver locked -- also locked in the trunk, and when he took him to the secondary crime location to dispose of his victim, the victim killed him with the pistol and

revolver.
D.P.O. LEVY:
Can you conclude?
MR. KLEIN:
So like this is only like two instances. That's all I have. That's all I have for you, but there are many more. That's just two I could specify.
I don't feel this law is about safety. It demonizes guns, even though you sincerely might not believe it does. What this law tells the public, if you pass it, is that gun owners aren't responsible, that's what it says, and it won't accomplish anything. And I think I -- I'll just end on that. And thank you for letting me speak.
D.P.O. LEVY:
Thank you. Okay. Dennis Ahearn is not here? Frank Loria? Frank Loria is not here. I believe that concludes the cards. Did anyone sign a card who was not recognized on this particular hearing? Going once, going twice. I believe that's it.
LEG. BISHOP:
Motion to close.
D.P.O. LEVY:
You're making a motion to close, right, Legislator Cooper?
LEG. COOPER:
Second.
D.P.O. LEVY:
To close, okay. Second by Legislator Bishop. In favor? Opposed. Motion carries. Okay. Moving right along. Let me get the agenda. It's been so long since I've looked at the agenda here.
1766, a local law to require truth in selling statement for jet skis. Do we have anyone signed up on this? I don't believe so. Motion by Legislator Fisher.
LEG. FISHER:
Motion to close.
D.P.O. LEVY:
To close, second by Legislator Caracappa. In favor? Opposed? Motion carries. 1771, we have three speakers. A local law electing a retirement incentive program for eligible employees. Allan Reed. Mr. Reed.
P.O. TONNA:
Going once, going twice.
D.P.O. LEVY:
Allan Reed? No. Joyce Ceglio. Joyce Ceglio. Joseph Stasys. Joyce?

MS. CEGLIO:
Yes.
D.P.O. LEVY:
Okay. Joyce Ceglio, or {Keglio}. I'm not sure which it is.
MS. CEGLIO:
Ceglio.

D.P.O. LEVY:
Ceglio. You have the floor, Joyce.
MS. CEGLIO:
My name is Joyce Ceglio and I've worked with the Suffolk County Probation Department for almost 27 years. I am a Tier II employee, Administrator I. I am also AME Probation Unit President.
The New York State Retirement System has given Suffolk County the option of buying into another retirement incentive this year. I have already heard that Nassau County has bought into the incentive for this year. Although our union's Executive Board of the Association for Municipal Employees may not be supporting the incentive, I would like to take this opportunity to urge the Legislature to give it careful and thoughtful consideration.
Some of my fellow employees have informed me that this year's incentive is one of the best to come down for us from the State in a long time.
As a resident of Suffolk County, I believe this incentive would be instrumental in saving the County money. The savings might be used to help insure a fair and equitable contract for County employees beginning 2001. The employees who would be retiring have given long years of hard work to serve the people of Suffolk County. They deserve your consideration. They have worked their way up through promotions, union contract negotiations, and are ready to step aside and allow the County to hire beginners at half their salaries. Their savings would go back to the County. Through your careful fiscal consideration, I believe we will find -- that you will find that accepting this particular incentive for the employees of Suffolk County will be of both a benefit to the employees of Suffolk County and the taxpayers of Suffolk County. I urge your acceptance and I thank you for your consideration and attention.
I understand that there's not a resolution on the table to pass this, and I understand that there's a time constraint. I don't understand why this has happened to us.
D.P.O. LEVY:
Paul, what's the deadline for passing this resolution?
MS. CEGLIO:
I believe it's tomorrow.
D.P.O. LEVY:
Paul?

MR. SABATINO:
The deadline is September 3rd. But it's too late, because the County Executive would have to hold public hearings and either sign the bill or veto it and have an override before that time line. It's impossible between today and September 3rd to accomplish all that.
MS. CEGLIO:
Why wasn't this brought up before?
LEG. POSTAL:
Mr. Chairman.
D.P.O. LEVY:
I'll recognize Legislator Postal.
LEG. POSTAL:
Yeah. I'm the sponsor of the bill. As soon as I became aware -- because we didn't have any meetings in July, we don't have any meetings

scheduled for July. As soon as I became aware that the State had passed the enabling legislation, I had the bill drafted and I asked the County Executive for a Certificate of Necessity in the hopes that we could vote on it on August 8th when it was laid on the table, and I was not able to get a Certificate of Necessity. So, you know, as soon as I found out about it, I had the bill drafted. There were no legislative meetings in July. At the first opportunity, which was August 8th, if I had my choice, we would have had a Certificate of Necessity, but only the County Executive can issue them and he refused.
MS. CEGLIO:
He refused. So we're not getting an incentive this year, is that what you're telling me?
LEG. POSTAL:
Not with this will bill. It's -- you know, even if we were to pass it today, there's no way that it could happen by September 3rd.
D.P.O. LEVY:
Sorry, ma'am.
MS. CEGLIO:
I'm disappointed. Thank you.
D.P.O. LEVY:
I believe that was -- I think I had mentioned Joseph Stasys. I think you just got your question answered there.
MR. STASYS:
Yes, I did get my question answered.
D.P.O. LEVY:
You want to say anything further?
MR. STASYS:
I'm just kind of disappointed that this isn't going through, but, yet, everyone is so concerned about handguns and guns being locked up when people in the County are looking forward to a decent retirement, which

this would help them out considerably. And, unfortunately, it's senseless for me to even speak about this, because it's not going to get anywhere and it can't get anywhere. And I just wanted to come up and express to you my disappointment in the fact that it's not going anywhere. Thank you.
D.P.O. LEVY:
Thank you, sir. We have a motion by Legislator Postal to close.
LEG. POSTAL:
To close.
D.P.O. LEVY:
Second by Legislator Foley. In favor? Opposed? Motion carries.
Public Hearing 1830, a local law to amend Chapter 256 of the (Suffolk County) Code. SEQRA is complete. Motion by myself to close, second by Legislator Foley. In favor? Opposed? Motion carries.
Public Hearing 1847, a local law to require use of helmets by minors bicycling and on-line skating -- in-line skating. Motion by Legislator Cooper to close.
LEG. FOLEY:
Carpenter.
D.P.O. LEVY:
Carpenter, I'm sorry, to close, second by Legislator Cooper. In favor? Opposed? Motion carries to close.

Setting the a date of September 12th, 2000 --
LEG. FISHER:
Motion.
D.P.O. LEVY:
-- at 2:30 in Riverhead for the following public hearings. Public Hearing 1866, 1870, 1899, 1900.
LEG. FISHER:
Motion.
D.P.O. LEVY:
A motion by Legislator Fisher, second by Legislator Foley. In favor? Opposed? Motion carries.
Setting the date of September 26th, 2000, at 9:30 a.m., at the Dennison building in Hauppauge for the following public hearings: Public Hearing 2001 operating -- regarding 2001 Operating Budget. Same motion, same second, same vote.
Setting the date of October 3rd at 2:30 in Riverhead, public hearing regarding 2001 Operating Budget. Same motion, same second, same vote.
We are now at the point of the agenda, and Mr. Presiding Officer, you might want to take the helm here and express your desires as to which way you want to go at this point.

P.O. TONNA:
Thank you very much. Thank you very much, Steve. We're going to do -- we are going to hear cards for about an hour. Do I have to make a motion to --
MR. SABATINO:
What you do is extend the -- make a motion to extend the public portion to --
P.O. TONNA:
Fine.
MR. SABATINO:
-- seven o'clock.
P.O. TONNA:
Until seven o'clock. After seven o'clock, I think then we are going to get to voting. I'll make a motion.
LEG. GULDI:
Second.
P.O. TONNA:
Seconded by Legislator Guldi. All in favor? Opposed? Fine.
I would ask this, for those people who are coming up to speak. It behooves the process of public portion of this process to not repeat what other people are saying, that way people could move through this process much quicker. If you have something to say that has already been said, I would ask that you stand up and just say, "I agreed with this or that," or whatever else, so that everyone has an opportunity. There are some people in this auditorium know that it is not uncommon for us to go to three in the morning. You know, we have a commitment to listening to everyone speak. But I would ask, I would plead, I will beg, it's bad enough to having to listen to fellow Legislators, and I'm sure they say the same thing about me, until three in the morning.
LEG. GULDI:
Amen.
P.O. TONNA:

So I would say that, please, just let's keep it as quick as possible.
Susan Jackson.
MS. JACKSON:
I started off with good morning, I moved it to good afternoon, and now it's good evening. So a little humor; okay?
My name is Susan Jackson and I live in the Town of Farmingville for the past 26 years with my husband and two daughters, ages 19 and 14. I am here before you this -- this evening, sorry, to ask your support of Resolution 1752, to initiate a lawsuit against INS, and also my reasons why this resolution is so important to me, to my town, and to all of Suffolk County.
As you know by now, the Town of Farmingville has been the -- what I

consider the target of a mass influx of illegal aliens. By the term "illegal alien," I mean any individual from any country who has chosen to ignore the laws of this nation in order to gain entrance into the United States.
If you have been reading Newsday, as I'm sure all of you have, these individuals openly admit to being in the country illegally. This also means that these individuals have no proof of identification, therefore, setting the stage to avoid detection in the United States.
How does this affect me? I have "wanted" posters for two illegal aliens wanted in connection for two sexual assaults on two women. These illegal aliens live less than one mile from our home. I ask all of you, do any of you have daughters? Would you feel safe if these people lived one mile from your home?
I also have with me a "wanted" poster for another illegal alien wanted in connection of leaving the scene of an accident, and then within moments of that first accident for a fatal DWI automobile crash where a woman was killed. The accident occurred in Farmingville at the intersection of Blue Point and Horse Block Roads. My 19 year old daughter drives through that intersection at least five or six times each day. I ask you, would you feel safe for your daughter?
These three incidents are just an example of the criminal activities occurring in and around Farmingville. There has also been a forcible rape in Medford, numerous incidents of public lewdness, other sexual assaults, and multiple DWI's and driving without licenses.
I found it interesting that just after Mr. Caracappa presented this proposed legislation, INS was quoted as saying that they are now on notice. Isn't that refreshing? I have personally called the INS at Federal Plaza seven times during 1999, I checked it on my Bell Atlantic bill, and three times this year. At every occasion, I spoke to a duty officer. I identified myself and briefly stated my concerns regarding the hundreds of illegal aliens in my town. They weren't the least bit interested. They didn't even want to take down my name.
P.O. TONNA:
I'd ask that you summarize your comments.
MS. JACKSON:
Okay. I asked if they could refer me to a supervisor, they told me no. During my last conversation in 1999, out of sheer desperation, I asked the duty officer what he would recommend I do. He stated, and I quote, "Ma'am, may I suggest that if you have the means, you relocate." So much for my federal government. Not willing to give up, I wrote to

Special Agent Chris {Dykeman} at Federal Plaza, I mailed my letter certified, return receipt, I enclosed newspaper articles, pictures of the -- one which featured a picture of illegal aliens taken in Farmingville, a group shot, and copies of two of the "wanted" posters. I telephoned his office the following week, I left him a voice mail. He never returned my phone call, he never answered my letter.
The INS had made a -- has made a cognizant effort not to enforce our immigration laws, and because of that, the chances of apprehending the three illegal aliens on the "wanted" posters and bringing them to

justice are slim to none. Perhaps if INS had done their job, just maybe those two women wouldn't have been sexually assaulted, and maybe the woman killed by the drunk driver would be alive today to see her daughters grow up. You see, the problems in Farmingville will continue to grow.
I urge you to support and pass Resolution 1752. As Suffolk County Legislators, you are the lawmakers. If you do not pass this resolution, you will encourage the law-breakers. Thank you.
(Applause)
P.O. TONNA:
Thank you very much. Lorraine Foss.
MS. FOSS:
Good evening. Thank you for this opportunity to address the Legislature. It is sad that the Suffolk County Legislature must even consider bringing a lawsuit against the agency of the federal government for not fulfilling its duty and mandate to the American citizens. However, a lawsuit against the Immigration and Naturalization Service must be initiated in order to protect our County. As County Legislators, you are aware of the effect that the persistent lack of enforcement of our immigration laws by the INS has had on Suffolk County. Whether you agree with the laws or not is not the issue, the issue is that these laws exist and they should be enforced. We are a nation of laws and the enforcement of the laws affords a protection on everyone. If we do not enforce our laws, we endanger everyone.
Don't be fooled by those who will tell you that this is an issue of hate or racism, it is not. This is an issue of law. By definition, every undocumented alien is breaking the law every day. This is a fact and it is undisputed. If you have read the front of the T-shirts, they say, "No Human Being Is Illegal." That is true. The back of the T-shirts should read, "But Human Beings Do Illegal Acts."
Please remember that this resolution is rooted in law and will help to protect and serve all the people of Suffolk County. To vote against Resolution 1752 will leave the citizens of Suffolk County wondering which side of the law you were on. Thank you again.
(Applause)
P.O. TONNA:
Anne Spiegeleire. Is that right?
MS. SPIEGELEIRE:
Close enough.
P.O. TONNA:
Okay.
MS. SPIEGELEIRE:

I've been called worse.

LEG. CARACAPPA:
So have I.
P.O. TONNA:
One with good reason.
LEG. GULDI:
Yeah, but for you, it's true.
LEG. CARACAPPA:
Thanks, George.
MS. SPIEGELEIRE:
My name is Anne Spiegeleire and I stand before you as a sixteen-year resident of Farmingville who has seen firsthand the changes in the community. I am also here representing my husband and sons, who are 14 and 11. I have one plea to all of you. Please help us pass Bill 1752.
I implore all of you to pass this bill as a way to curtail crime in our community. One rape, robbery, sexual assault, etcetera is one too many when committed by someone who resides in Suffolk County with illegal status, making their very presence here law-breaking. Because of INS's failure to enforce immigration laws, this is allowed to continue and community residents reap the consequences. Any criminal activity should not be tolerated by any individual, but especially not from those who are in the County illegally. Waiting to work does not give any -- wanting to work does not give anyone the legal right to break the law.
I was brought up in a super strict Italian home and my sister and I weren't allowed to do anything. I allow my children to do even less because of my fears of what could happen. My 14 year old is a very good responsible son who has earned his independence. This independence is denied, because I won't allow him to ride his bike to buy a soda or to a friend's house, as he should be allowed to do.
Why? Because kids have been robbed of their bikes and money, coming home bruised and bloody, as what happened on Berkshire Drive and Granny Road this past winter. Can you imagine what it would be like when my 11 year old is a teenager? We do not patronize businesses in Farmingville because of personal experiences, such as being spit upon and leered at, and the criminal activity that has happened within this vicinity. We just don't feel comfortable.
William Campbell was sentenced earlier this week to two and one-quarter to seven years in prison in Nassau County Court for the DWI killing of his friend and passenger, Jeanine Mundo. I can't help but think about the grieving family of the woman killed in Farmingville on July 1st in the DW car -- a DWI car accident perpetrated by an illegal alien. Her family will not gain comfort knowing this immigrant who responsible is found guilty and serving jail time, as bail was posted and he fled the area. This certainly is not the first time an illegal immigrant who committed a crime has fled, I'm sure it won't be the last. How would you feel if this had happened to someone in your family? That woman should still be alive today. That dead woman could just as easily have been me.

If INS is not held responsible -- accountable, criminal activity will continue and I fear flourish escalate. Once again, my fervent plea to

all of you is please pass Bill 1752. I implore you, it's worth a try. You represent your own families, my family, and all of Suffolk County. If you won't work to protect us, who will?

(Applause)

P.O. TONNA:

Ma'am, you have to wrap it up now.

MS. SPIEGELEIRE:

It has to start with someone, why not all of you? All of you are in a position to do the right thing, the lawful thing. What message will you be sending to illegal immigrants breaking our laws if you don't pass this bill, not only those in Farmingville, but all over Suffolk County? What message will you be sending to the illegal immigrant advocacy groups if you kowtow to their demands?

We are family men and women trying to protect our own while working hard by day. Pass this bill and please, please be our advocacy group, otherwise we will all be victims in the end. Send a loud, clear message to our children that being in a Legislature means being brave enough to do the right thing, even if it is not the most popular stance to take.

One last note. Mr. Caracappa, whatever happens, you are my hero. Thank you for being someone in politics I would want my children to emulate and look up to.

(Applause)

P.O. TONNA:

Thank you very much.

MS. SPIEGELEIRE:

I can only --

P.O. TONNA:

Ma'am.

MS. SPIEGELEIRE:

Pray and hope --

P.O. TONNA:

Ma'am.

MS. SPIEGELEIRE:

-- my children --

P.O. TONNA:

Ma'am.

MS. SPIEGELEIRE:

-- grow up half as courageous as you.

P.O. TONNA:

You're taking time away from a number of people that want to speak.

MS. SPIEGELEIRE:

Your continued efforts are tremendously appreciated and will not be forgotten.

(Applause)

P.O. TONNA:

Thank you, ma'am. Did you get that on the record, by the way? I just -- I know I was talking over her. You got that on the record?

MS. BRAATEN:

Yes.

LEG. CARACAPPA:

Thank you, Anne.

P.O. TONNA:

Okay. Thank you.
MS. SPIEGELEIRE:
Would you like me to repeat it?
P.O. TONNA:
Yeah, go ahead, because you were wrapping it up. Go ahead. Go ahead, just -- you want to say it, go ahead.
MS. SPIEGELEIRE:
I would love to say it again.
P.O. TONNA:
Go ahead. Just the last sentence.
MS. SPIEGELEIRE:
Your continued efforts are tremendously appreciated and will not be forgotten.
P.O. TONNA:
All right. Thank you.
P.O. TONNA:
Barbara {Olshakes}. Barbara somebody? Barbara --
LEG. FIELDS:
Olshansky.
P.O. TONNA:
Olshansky. Barbara Olshansky? Okay. Is she here?
AUDIENCE MEMBER:
No.
P.O. TONNA:
No? Okay. Abel? Is there Abel? No? Okay. Is he here? Okay. Thank you.

MR. JACKSON:
I'll be translating.
P.O. TONNA:
Okay. Could you speak into the mike, please?
(The Following Statement of Abel was Translated by Randy Jackson)
ABEL:
I want to begin this testimony by giving thanks to God for allowing me to be here in this blessed land, which was built by immigrants from all over the world.
Good evening. My name is Abel. I am Mexican and I work in construction and live in Farmingville. I am here representing the thousands of other immigrant workers who could not be here today. We want to ask you to vote against this legislation, which blames new immigrants for crime in Suffolk County. We want you to know the reason for which we come to this country. They are the same reasons which everyone in this room or their ancestors had for coming here. We came looking for a better future for our families and a dignified future. We have children who depend on us to be able to eat ever day. This is why we come here to work. We contribute to the County of Suffolk with our hard work and our effort. We work long days, up to 12 and 14 hours, or until the sun goes down, sometimes until our employers see that we are too tired to produce. Sometimes we pass the entire day without eating, mistreated by some employers; abandoned in the places where we are working, sometimes without being paid, suffering accidents, which no one covers, beaten physically and verbally. We have built so many houses and fixed so many streets that it is not fair for our whole

community to be called criminals because of the misconduct of a few. Each day we find people who insult us, who throw rotten food at us, who follow us with video cameras, who close the doors of their businesses on us, and who attack us physically with stones and with bats. Some have even been shot at. We never believed that this would happen to us in the United States.
We are the new poor, the tired, the oppressed who seek freedom. Give us the opportunity on live and work in peace.
P.O. TONNA:
You're going to have to wrap up.
ABEL:
Thank you.
P.O. TONNA:
Thank you very much.
(Applause)
P.O. TONNA:
Nadia, and Samuel Chavez. Nadia?
MR. CHAVEZ:
Honorable members of the County Legislature, good evening. My name is

Samuel Chavez. I am a resident of the Suffolk County and I live in Brentwood. I am currently a student at New York State University at Stony Brook. I'm President of the Board of Directors of the Workplace Project. I am also an immigrant.
MS. MARIN-MOLINA:
My name is Nadia Marin-Molina and I'm the Executive Director of the Workplace Project. We're a community-based membership organization of over 500 immigrant workers fighting for dignified working conditions for immigrants and all low-wage workers. We are here today to express our firm opposition to Resolution 1752 and to urge you all to vote against this legislation.
MR. CHAVEZ:
First, we find it reprehensible to allege that undocumented immigrants are a threat to the public health and safety. This is false and unfounded. With no evidence, the law tars all immigrants with the accusation of crime. In Suffolk County and throughout the country, immigrants are the backbone of the economy. Immigrants mow the lawns, cleans buildings, build the homes and care for the children of thousands of Long Island families, and they are the least appreciated for their labor.
We are even more concerned about what this legislation represents in eyes of the broader public. With a single stroke, Resolution 1752 attempts to paint undocumented immigrants as criminals. Suffolk County should not authorize legislation that scapegoats the most vulnerable workers for larger social problems.
Last year this Legislature considered and voted against a bill that will have made it illegal for worker to find jobs in public spaces.
LEG. CARACAPPA:
Wrong.
MR. CHAVEZ:
This idea now comes from the same anti-immigrant sentiment, discrimination and hatred.
MS. MARIN-MOLINA:

During the past year, hard-working immigrants have been brutally beaten, stoned, arrested without cause, shot at, and verbally and physically harassed by neighbors and employers. This law will only feed the fervor of the anti-immigrant groups and lead to more beatings and more discrimination. But let's suppose that the law does pass. Suffolk County taxpayers will then be spending hundreds of thousands of dollars in a futile legal battle against a federal government agency. The threat of greater INS activity will only scare immigrants from seeking better working and living conditions, which they're entitled to. So this is going to lower the standards for all working families, whether they're citizens or noncitizens. Who's going to win? If this legislation passes, all of Suffolk County is going to lose. We urge you to vote against.

MR. CHAVEZ:
Thank you.

P.O. TONNA:
Okay.
LEG. CARACAPPA:
Hold on.
P.O. TONNA:
Hold it. There's a few questions. Legislator Crecca, then Legislator Caracappa.

(Applause)

LEG. CRECCA:
Just wait for Ilona.
P.O. TONNA:
Legislator Crecca?
LEG. CRECCA:
I'm just -- I was waiting for Ilona. My first question to you is that I keep hearing about immigrants. My grandparents are immigrants on both sides of my family, so I don't think this bill addresses -- is anti-immigrant, or saying anything against immigrants. I think almost everybody on this horseshoe has an ancestry with people who came to this country.
My question for you is the bill really addresses illegal aliens, people who are here without legal status.
LEG. CARACAPPA:
Committing crime.
LEG. CRECCA:
So I guess my question to you is, are you advocating as a group, as -- in your testimony here today that it's okay for people to work here in Suffolk County who are undocumented aliens, who do not pay taxes? That's my first question.
MS. MARIN-MOLINA:
I wouldn't say that we're advocating anything like that. I would say the fact is that there are thousands of immigrant workers right now who are doing the jobs that every single person in this room is benefitting from. And so the question is what is Suffolk County going to do about that and how is it going to recognize that kind of immigration?
LEG. CRECCA:
Okay.
MS. MARIN-MOLINA:

Calling somebody -- excuse me. Just about the illegal alien part. Calling somebody an illegal alien, which -- and differentiating that from an immigrant is something that's -- that doesn't have any -- any justification in the sense that an immigrant, for example, comes to this country, legendarily works to send money to their families, to support their families, etcetera. An illegal alien could have become

somebody who had a visa, came here, overstayed, for whatever reason was not able to keep that visa and continues to stay in the United States. And so you're calling somebody illegal when originally they were a legal immigrant and suddenly they've become something else. The fact is that it's a legal term. And, right now, the people who are here are hard-working, the same as every single immigrant who's come before them.

LEG. CRECCA:

I don't doubt that they're hard-working individuals.

P.O. TONNA:

Questions. This is not --

LEG. CRECCA:

I do have a question.

P.O. TONNA:

We'll have the debate. Okay.

LEG. CRECCA:

I do have a question.

P.O. TONNA:

What's the question?

LEG. CRECCA:

The question is, is that, again, I'm asking the -- we're seeking with the lawsuit is that the INS enforce its own rules, the federal laws regarding the legal status of individuals. And I'm asking you again, do you have a problem with -- forget about the lawsuit and the legislation for a second. Is there a problem with the immigration and naturalization service enforcing the laws regarding deportation of people who are not here legally?

MS. MARIN-MOLINA:

I don't -- I don't think that what we're discussing here is whether the Immigration and Naturalization Service can or can't. It's going to -- it's a government agency, it's going to follow its own laws. What we're discussing here is whether Suffolk County is going to sue them based on that and then -- and get into a -- get into this legal struggle, that's what we're talking about.

P.O. TONNA:

Thank you. Legislator Caracappa.

LEG. CARACAPPA:

Nadia, thanks for coming down, I appreciate it, I really do, as much as you probably don't believe me. You just hit it right on the head. You started the statement by talking about --

P.O. TONNA:

Question, question.

LEG. CARACAPPA:

I'm leading -- it's a leading question about how hard the immigrants work, and no one's ever, ever disputed that, and you've never heard me

say anything other than that, and I respect it, and I honor it. And it's a tradition of this country for which my family was a part of and everyone's family, we all know that. But what does that have to do with my bill? Question, number one.
MS. MARIN-MOLINA:
Okay, I'll answer you that question. What it has to do with the bill is that the bill clearly states that there has been a rise in crime, and it's called a spate --
LEG. CARACAPPA:
Spate.
MS. MARIN-MOLINA:
-- not a crime wave. And what it does is that implies that immigrants in general, documented and undocumented, are responsible for this spate --
LEG. CARACAPPA:
No.
MS. MARIN-MOLINA:
-- In crime.
LEG. CARACAPPA:
No, it does not.
MS. MARIN-MOLINA:
And so --
LEG. CARACAPPA:
You're putting words -- you're making words up. It doesn't say -- it says, "Undocumented." In every one of those cases on my bill is undocumented from the Sixth Precinct. That is the only precinct in Suffolk County that does their police arrests according to undocumented and legal status.
MS. MARIN-MOLINA:
But what you're --
P.O. TONNA:
Okay, wait. We're not here debating the bill. You asked a question, let her finish the answer, and then --
LEG. CARACAPPA:
But it's a wrong answer.
P.O. TONNA:
-- if you want to ask her an additional -- well, I remember going to school, I had a lot of wrong answers, but, you know, they let me --
LEG. CARACAPPA:
I'm sorry, continue.

P.O. TONNA:
-- at least finish them.
LEG. CARACAPPA:
I apologize.
P.O. TONNA:
Go ahead.
MS. MARIN-MOLINA:
Thank you. And so what it does is that I think what you have to consider is the perception, that people who are both documented and undocumented are going to leave this room with. You have to think about what people who are immigrants and who are the hard-working people that you say you respect, what they're going to think about when

they hear that Suffolk County is advocating this legislation. And I can tell you that what these people are thinking is that Suffolk County does not want immigrants here.
P.O. TONNA:
Okay.
MS. MARIN-MOLINA:
That's --
LEG. CARACAPPA:
No, that's -- okay. More questions.
P.O. TONNA:
Joe. Okay.
LEG. CARACAPPA:
There's questions.
P.O. TONNA:
Don't you want to hear more people speak, though?
LEG. CARACAPPA:
Yes, I do, but this is -- this is --
P.O. TONNA:
Okay.
LEG. CARACAPPA:
-- imperative. You mentioned why get involved in a lawsuit that's going to cost a couple of hundred thousand dollars that you think is frivolous. Did this happen, this "wanted" poster, or is this made up?
MS. MARIN-MOLINA:
No, the "wanted" poster exists.
LEG. CARACAPPA:
The poster exists. Did the crime exist, did it happen?

MS. MARIN-MOLINA:
I don't know.
LEG. CARACAPPA:
Okay. Well --
MS. MARIN-MOLINA:
As far as I know, it was an arrest, it was an accusation. There has -- I don't think that that's a conviction.
LEG. CARACAPPA:
It was an arrest and the guy never returned to court. Okay.
MS. MARIN-MOLINA:
Was there a conviction on that?
LEG. CARACAPPA:
No, because he never returned to court.
P.O. TONNA:
Wait, wait.
MS. MARIN-MOLINA:
No, there --
LEG. CARACAPPA:
Okay.
MS. MARIN-MOLINA:
There wasn't a conviction, so there's no --
P.O. TONNA:
Can I say something? Just --
LEG. CARACAPPA:
No. I'm -- this is a leading question.

MS. MARIN-MOLINA:
There is no proof.
LEG. CARACAPPA:
Come on, Paul.
P.O. TONNA:
All right.
LEG. CARACAPPA:
This is important.
P.O. TONNA:
All right.
LEG. CARACAPPA:
This one, too? It's another sexual assault, and then the manslaughter DWI.

MS. MARIN-MOLINA:
Again, I'll -- well, I don't know about the last one.
LEG. CARACAPPA:
Okay.
MS. MARIN-MOLINA:
But the -- I know that the sexual assault ones were arrests. I don't know if there was ever a conviction. I don't think that there was.
LEG. CARACAPPA:
Why?
MS. MARIN-MOLINA:
And so -- I don't know why. So --
LEG. CARACAPPA:
You know why.
MS. MARIN-MOLINA:
If there was no conviction, there is no proof.
LEG. CARACAPPA:
Okay. If they returned to court --
P.O. TONNA:
That's our system.
LEG. CARACAPPA:
The question is -- the question started was $100,000. Do you know what it costs the Suffolk County taxpayer to deal with "wanted" posters like this through our Police Department, our correctional facilities, our court system? And you're worrying about $100,000 going after a federal agency that's been lacks, not only in doing the criminal aspect --
P.O. TONNA:
Okay. Where's the question?
LEG. CARACAPPA:
I'm asking her. You keep cutting me off. Paul, please. You're worried about $100,000 as it relates to a federal agency that's been so lacks in both the criminal aspect of their job, the aspect of the job of getting these gentlemen documented in a timely fashion? That, also, and on top of that, compensation for the County of Suffolk?
MS. MARIN-MOLINA:
I admit that any of you up here knows much more than I do about finances in the County of Suffolk. I don't claim to know about budgeting or about how much that costs. But what I can tell you is you've had a bunch of people stand up here before you today and tell you that this lawsuit has been tried before, it didn't work.

LEG. CARACAPPA:
One person.

MS. MARIN-MOLINA:
And that -- and that based on the legal precedent and the legal arguments, it's not going to work. So you're going to make your own decision based on that.
P.O. TONNA:
Okay. Thank you very much.
LEG. CARACAPPA:
Thank you, Nadia.
P.O. TONNA:
Thank you. Okay.
(Applause)
P.O. TONNA:
Sergeant Timothy Gozaloff. How do I say it? Gozaloff.
LEG. FIELDS:
Gozaloff.
P.O. TONNA:
Gozaloff. Thank you, Sergeant.
SGT. GOZALOFF:
My name is Sergeant Timothy Gozaloff. I work in the Third Precinct for the Suffolk County Police --
LEG. FISHER:
It's hard to hear you.
LEG. FOLEY:
You have to speak up, Sergeant.
SGT. GOZALOFF:
I work in the Third Precinct in Bay Shore. I'm here today to speak about the possessed local law which addresses the towing and seizure of parked vehicles from privately owned parking lots within Suffolk County. Currently, consumers are at risk of having their vehicles seized without any process of law.
This is a brief description of the methods utilized by several tow companies within the County. A tow company will enter into an agreement with a property owner or manager to tow, quote, unauthorized or illegally parked vehicles from a shopping center or apartment complex. Warning signs are normally posted in the lot. The tow truck operator or company then becomes the enforcer of these regulations. The tow truck operator then seizes private vehicles for a variety of reasons. Some of them include parking in a fire zone, handicapped parking, also expired registration stickers, inspection stickers, or anything else the tow truck operator feels is illegal or unauthorized. The vehicle owner is then required to pay the tow company to release the vehicle. In many circumstances, the price is two or three times more than permitted by the local township. The vehicle owner must pay whatever the tow company demands to release the vehicle. The only

recourse is a civil lawsuit by the vehicle owner after the fact. In most circumstances, the property owner is unaware that a particular vehicle has even been seized, the reason for the seizure of the vehicle or the cost of the seizure to the consumer. The tow company then, as required by the New York State Vehicle and Traffic Law, notifies the

local police precinct and advises them where the vehicle has been taken.

I've received numerous complaints in the past in reference to these type of tow practices. I have spoken with numerous government agencies and I have found that this type of seizure is legal and not regulated. The fees charged by these companies are completely arbitrary and have ranged from 100 to up to $1,300 per vehicle. One woman told me that when she called a tow company to retrieve her vehicle, the price she was quoted on the telephone by the company was $150. When she went to pick the vehicle up, the owner of the company told her he didn't like the way that she spoke to him and raised the price to $200. He then told her that she wasn't going to get her car back that night, that she can come back tomorrow and drove away with her car. These actions by the tow company are currently legal. There are no laws prohibiting this type of conduct.

It should be noted that met with Legislator Carpenter several times offer this issue. She set up a meeting with a local tow company who conducts this type of vehicle seizures along with his normal course of business to draft this legislation. At this meeting, we were actually surprised when this owner of the company requested that the law be even more restrictive than had been originally proposed. He stated to us that these disreputable tow companies gave his company a bad name.

At the subcommittee hearing last Thursday, some questions arose reference to Section 3, Subdivision B(2) where this specific law requires that a property owner or representative be present and authorize the vehicle to be towed. There are several reasons why this section of law is necessary. Towing a person's vehicle is a significant infringement on their personal property rights. In most cases, a car is the second largest investment a person owns. It is common that vehicles worth over 10 or $20,000 are seized. Many people's livelihoods depend on their cars. Currently, these seizures are conducted without any due process of law. It places the responsibility of seizing ---- this section places the responsibility of seizing said vehicles where it belongs, on the property owner and not a tow truck driver. The property owner, who is ultimately liable for the seizure, decides which vehicle should be towed.

Tow truck operators make money on every vehicle seized. Most work on a commission basis. They are not likely to be fair and impartial when their paycheck depends on amount of money for vehicles that they seize. Presently, in the normal course of business, property owners are required to have a representative on call or available after business hours, during weekends or holidays, to address routine problems that occur with their properties, for example, burglar, fire alarms, power outages, or other type of property damage or accidents. This law allows for the property owner to designate a representative to authorize the tow. It could be a security guard, store manager, clerk, or other employee. This law actually benefits the tow companies and

the tow truck operators, because they will have on their person a written authorization from the property owner to seize a vehicle in their possession. It is -- in case the vehicle is unknowingly stolen.

I have dealt with the problems of these unregulated vehicle seizures for several years. It has been frustrating to say the least. Dozens

if not hundreds of unsuspecting consumers have been victimized by unscrupulous tow truck operators. I believe a local law which protects a consumer on preserving the private property rights of these privately owned public access parking lots is long overdue. Thank you.
P.O. TONNA:
Thank you so much. And, Officer, I know it's been a very, very long day, so thank you very much. Legislator Carpenter, do you have a question?
LEG. CARPENTER:
Just one question. Sergeant Gozaloff, I know it has been a long day. And earlier this morning, if you could just state for the record, who-- there were members of the New York State Attorney General's Office here also, and also other Precinct Crime Section officers were here who have all had the same problem.
SGT. GOZALOFF:
Yes. There was Officer William {Mamone} from the Fourth Precinct Crime Section who had to leave. He's dealt with similar problems in the Fourth Precinct and also in the Huntington Township. There was a representative of the United States Attorney -- it's the United States, I believe, Attorney General's Office, actually two of their representatives who testified before the Consumer Protection Committee last week who stated that they received numerous complaints reference to these same tow companies, tow operations.
LEG. CARPENTER:
Thank you very much, and thanks for your work on this.
P.O. TONNA:
Thank you very much. Okay. Barbara {O'Shaughnessy}, or {Oslansky}, or something like that. Barbara, sorry. Thank you.
MS. OLSHANSKY:
Hi. Thank you.
P.O. TONNA:
Hi.
MS. OLSHANSKY:
I introduced myself earlier, but for the record again --
LEG. FOLEY:
You have to speak closely into the mike.
MS. OLSHANSKY:
-- my name is Barbara Olshansky and I'm and Assistant Legal Director of the Center for Constitutional Rights and a Professor of Constitutional Law --

LEG. FOLEY:
Ma'am. Ma'am.
MS. OLSHANSKY:
-- with City College Urban Legal Studies Program.
LEG. FISHER:
It's difficult to hear you, Barbara.
MS. OLSHANSKY:
And I'm here today --
P.O. TONNA:
Yeah, hold it. Barbara, if you could just speak into the mike a little.
MS. OLSHANSKY:
A little bit better? Better?

P.O. TONNA:
Better.
MS. OLSHANSKY:
Better, okay. I'm here today to discuss the Constitutional ramifications and infirmities in the proposed legislation. And I'd like to say at the outset that the Center opposes the proposed resolution, which we believe communicates a Legislative intent to target individuals because of their ethnicity, rather than their stated goal of mitigating criminal activity in Suffolk County, and I want to explain why we say this.
I think this message is found both in the language of the proposed resolution and in the resolution's articulated objective. The resolution's enumeration of arrests is troubling to the Center, because it turns the most fundamental premises of our criminal justice system on their head. Our system of justice is based on the notion that every person is innocent until proven guilty. Moreover, our system does not sanction governmental action which seeks to make one person liable for the criminal acts of another absent a criminal Conspiracy. By passing this resolution, County officials would be stating that a mere arrest means that one must be deemed guilty before a trial has even been commenced, and that all of those who share the same ethnic background must be deemed guilty as well. We find it difficult to believe that any political leader in this country today would feel comfortable espousing such a position or condoning any official action taken in support of such undemocratic views. The citizens of this country have time and again rejected outright politicians who have made ill-founded judgments borne of bias and fear like that being considered today.
That said, I'd like to talk with regard to the factual basis alleged for the resolution. I won't go into the statistical issue, which I think was addressed very adequately by Commissioner Gallagher and by members of the Legislature. I will say, however, that I think that given the history of intolerance and hostility toward immigrants in Suffolk County, which has been increasing in recent years, the usefulness of arrest statistics must be seriously questioned. In fact,

the Center, my organization, is currently working on several cases in which immigrants have been wrongly or mistakenly arrested after they were attacked by County residents and sought to file complaints with the Suffolk County Police Department. So arrest statistics I think on the whole are problematic.
That said, I'd like to talk about the legal problems with the bill.
P.O. TONNA:
I'll just say you have about 30 seconds left.
MS. OLSHANSKY:
Okay. I'll be really quick.
P.O. TONNA:
So, you know, just so that you can --
MS. OLSHANSKY:
Okay. I'll say it very quickly. I'm sorry. The courts have firmly rejected efforts to make an agency of the federal government take specific action to enforce the law. This specific body tried that five years ago in Padavan, and in that case, the court was very clear that the constitutional infirmities are basic ones. A lawsuit would violate

bedrock principles of the separation of powers and the supremacy clause. Congress has plenary power over immigration, not states. Second, the Judiciary Act of 1789, you know, back from Marbury versus Madison, those first cases, means that Article 3 courts don't have the power to tell the Executive Department of this country what to do, and that is clear. The court in Padavan said cases like this are not justiciable in federal courts, and state courts have even a larger hurdle in facing the supremacy. I think that's really clear.
And then I want to address two questions that were raised by members of the Legislature. The fact -- the Immigration Law is really clear, the 1996 amendments did not change this, that the fact that a person is undocumented is not a crime in this country under both federal and state law, it is only a civil violation. This means that a person living and working here without papers, regardless of how they came to be here, is responsible only for a civil violation and cannot be arrested by anyone.
Furthermore, the law is clear that neither local police, nor federal immigration agents may engage in sweeps or target individuals for an inquiry merely because they believe an individual is undocumented. We don't do that in this country, and neither the Fourth Amended or the Equal Protection Clause allows us to.
P.O. TONNA:
Just to -- just to allow --
MS. OLSHANSKY:
Thank you.
P.O. TONNA:
No, no.

MS. OLSHANSKY:
That's it.
P.O. TONNA:
I'm going to ask you, can you, you know --
MS. OLSHANSKY:
Yeah.
P.O. TONNA:
-- because the time is up, maybe just --
MS. OLSHANSKY:
That's it. Thank you.
P.O. TONNA:
I'd like to know just the last piece that you were saying, because I have to ask a question.
MS. OLSHANSKY:
Yeah.
P.O. TONNA:
The last piece that you were saying with regard to sweeps, could you, please, elaborate on that?
MS. OLSHANSKY:
Yeah. What I was -- I was asked to respond to Robert Cimino's letter that -- to Attorney General Spitzer regarding local law enforcement of the Immigration Law, and in that context, I did a very significant amount of research to find out what the law is in that regard. And the law is clear under the Immigration Act, that local law enforcement officers don't have the authority to arrest for any civil violation,

neither does the INS. It's a civil violation, it's like a parking ticket. Yes, it's a problem, but the fact that people are here and are undocumented they can't do anything about. And the fact that you have -- you have an idea that somebody may be here illegally does not permit you to stop anyone on the street to even inquire about their status just because of the way they look or what you think. The cases go back from the Supreme Court more than 20 years that talk about that kind of sweep and that kind of effort. That effort that would be -- what seems like it would be made under this type of lawsuit to compel the INS just can't be made. Neither the INS can do it, nor can the Suffolk County Legislature, nor can an Article 3, Federal Court. They can't under the Fourth Amendment stop somebody, no one can, because they believe that they're undocumented because of the way they look,, because they have a hunch, they can't, and the Equal Protection Clause precludes that well. There's just no question about that.
So the question is what is the intention of a lawsuit to force the INS? What are we going to force -- what would you force the INS to do beyond what they're doing? And you know what, there really isn't very much. What the INS can do is arrest people for the crime of illegally entering. They have to -- a federal officer has to see that happening in order to make that arrest. That's what their -- the limitations are

of the Immigration Law of this country, and whether or not this Legislature likes it, it can't force the INS to do any different.
P.O. TONNA:
Okay. Legislator Alden.
LEG. FISHER:
Oh, I thought I was first.
LEG. ALDEN:
Hi.
P.O. TONNA:
Oh, I'm sorry. Then Legislator Fisher. I did say yes the first time. Cameron.
LEG. ALDEN:
Are you an attorney?
MS. OLSHANSKY:
Yeah.
LEG. ALDEN:
Okay.
P.O. TONNA:
Sounded like it, I just want you to know.
MS. OLSHANSKY:
Yeah, I definitely am.
LEG. ALDEN:
Well, it doesn't say it on the, you know --
LEG. HALEY:
Strike one.
LEG. ALDEN:
You don't have an esquire on the -- no, no, not in my book.
LEG. CARACAPPA:
Strike two.
LEG. ALDEN:
But, anyway, you've cited Padavan.

MS. OLSHANSKY:
Padavan.
LEG. ALDEN:
And it says it's New York State?
MS. OLSHANSKY:
It's actually a United States Second Circuit Court of Appeals opinion. I have it here --

LEG. ALDEN:
No, no. But --
MS. OLSHANSKY:
-- if you'd like to see
LEG. ALDEN:
Plaintiff was New York State?
MS. OLSHANSKY:
The plaintiff was --
LEG. ALDEN:
Because you said before that --
MS. OLSHANSKY:
Frank Padavan -- oh, yeah, Nassau and Suffolk County were plaintiffs in that case. This very body was a plaintiff in that case and it was brought by Robert Cimino, the County Attorney.
LEG. ALDEN:
Okay. I'm not familiar with the case and I wasn't a Legislator at that time.
MS. OLSHANSKY:
No, no. I'm just telling you that --
LEG. ALDEN:
Can you tell me what --
MS. OLSHANSKY:
Yeah.
LEG. ALDEN:
What was the premise of the action?
MS. OLSHANSKY:
The lawsuit was brought under a range of different clauses in the Constitution to seek reimbursement from the federal government for state expenditures on undocumented individuals, to say that immigration policy infringed on citizens' rights to determine spending priorities, to say that the government, you know, failed to protect the people by preventing influx of legal and illegal aliens. I mean, really, there is no doubt that what you're trying to do falls within the parameters of this case. And I do think that Patrick Young, who was here earlier, who's also an attorney that knows about immigration law, was correct, that by bringing a lawsuit that has been so soundly rejected by the Second Circuit, this body would really seriously risk sanctions under Rule 11, which can be significant. There's a safe harbor, which means you get a chance to bow out, but I don't think this Legislature wants to go there.
LEG. ALDEN:
Have you prepared a memorandum of law on that, on Padavan?

MS. OLSHANSKY:
Yeah, and my comments are pretty heavily detailed in the law. They

cite cases.
LEG. ALDEN:
All right. I was just handed this, so I didn't get a chance to --
MS. OLSHANSKY:
No, no, no.
P.O. TONNA:
Just wait.
MS. OLSHANSKY:
And if you want a more detailed one, I would be happy to provide you. I've done a significant amount of research in this area.
LEG. ALDEN:
I absolutely would like --
MS. OLSHANSKY:
Yeah.
LEG. ALDEN:
-- a more detailed analysis of it. And if you could also supply that to our County Attorney, which --
MS. OLSHANSKY:
Yeah, sure.
LEG. ALDEN:
If it was Bob Cimino who brought the lawsuit in 1990, he'd be more familiar with it than any of us anyway. But I would --
MS. OLSHANSKY:
This decision came down in April of 1996, so it should be fairly fresh in his memory, given the language of the decision.
LEG. ALDEN:
Okay. The decision came down in '96.
MS. OLSHANSKY:
Yeah.
LEG. ALDEN:
What was the date of -- it would have had to been brought how many years before that, or how many months before that?
MS. OLSHANSKY:
Well, it was argued on January 10th, and it went up fairly quickly through the courts, so I would gather that it was filed the year before.
LEG. ALDEN:
Okay. Thank you very much.

P.O. TONNA:
Thank you. Legislator Fisher.
LEG. FISHER:
Thank you for being here, Barbara. Certainly, you're shedding a great deal of light on this and solidifying some of the information that I have received before, the -- I did speak to some of the people from Elliot Spitzer's Office regarding the merits of the suit, because I had been told by Senator Schumer's Office and Michael Forbes' Office that it didn't have the merit. Now -- but that's not my question. The question that I've had that no one seems to be able to respond to is we are faced with -- you've seen Legislator Caracappa hold up those "wanted" signs, okay. Those are three felony arrests. There were -- the perpetrators were, or the accused had been arrested, but then they were released on bail. They were very high risk of flight. What kind

of help could Suffolk County get from the INS in cases where there are felony arrests? What are the parameters of the type of help that would -- could legally be given to the Police Department in cases like this? And then it would be separating people who are accused of a criminal act from -- in other words, we would be zooming in on individuals who are accused of crimes rather than having that telescopic lens and blaming all immigrants and blaming all undocumented people for it.
MS. OLSHANSKY:
Well, there are -- in the most recent amendments to the Immigration Act, there are provisions that permit the deportation of individuals that are convicted of enumerated felonies in the Act and --
LEG. FISHER:
And, actually, we wouldn't want them deported, because we would want people to stand trial here.
MS. OLSHANSKY:
Well, that -- I mean, that -- you have actually hit it on the head. Where the difficulty comes in is the State's interest in enforcing its criminal laws versus the INS interest in enforcing the immigration laws, which at that juncture, when you're talking about, you know, criminal -- being in the criminal justice system and processing to conviction means their interest is in deportation, and that's the way the 1996 law was restructured. So I think what you're talking about is --
LEG. FISHER:
They couldn't help with detention, with detaining the accused?
MS. OLSHANSKY:
People are detained usually -- really solely for the determination about whether they're going to be given asylum in this country or deported, and so the INS's jurisdiction really doesn't extend to ongoing State criminal proceedings. Whether or not there could be some informal arrangement, I don't know. I don't think many states have that, I think the INS usually comes in when someone is, in fact, been convicted of an enumerated felony, and the State requests -- the State notifies the INS and says, you know, "Do you to take jurisdiction here and deport somebody out of the country?"

LEG. FISHER:
What is the constitutionality of denying bail in a felony arrest if someone doesn't have permanent residence, if they have no papers, if they're undocumented?
MS. OLSHANSKY:
Well, each -- a criminal court has fairly wide discretion in the setting of bail. I mean, criminal law is not my expertise, but the courts regularly do deny bail in flight risk cases. And my -- I don't know what happened in these individual situations and why the court didn't, you know, make that assessment --
LEG. FISHER:
Well, they posted bail and they left.
MS. OLSHANSKY:
But that's an individual determination by a criminal judge and the application has to be made by the prosecuting attorney that this is a flight risk, that we think this individual should be bound over and

held for --
LEG. FISHER:
So the onus is upon Suffolk County and the officials of Suffolk County then.
MS. OLSHANSKY:
Yeah. And it's really not an issue in which, in my experience, the INS will interject itself because of the limitations of the immigration law and what their jurisdictional purview is.
LEG. FISHER:
Okay. Thank you very much.
MS. OLSHANSKY:
Sure.
P.O. TONNA:
Next is Legislator Foley.
LEG. FOLEY:
Thank you, Mr. Chairman. Just a follow up on some of the comments that you've made. Are you saying to us today that if this resolution passes that it's unconstitutionally -- let's say it's unconstitutional or it's constitutionally suspect, that there is black letter law that states that one level of government cannot bring a lawsuit against a Federal agency because of settled law or Federal judicial decisions in this area; is that what you're telling us today?
MS. OLSHANSKY:
Well, I think you -- if I may --
LEG. FOLEY:
Yes, please.

MS. OLSHANSKY:
-- I think you are asking sort of two different questions.
LEG. FOLEY:
Go right ahead.
MS. OLSHANSKY:
One is whether or not this proposed resolution as it sits on its face is unconstitutional; I don't think so, you could pass it. Do I think that it demonstrates animus so that there could be arguably be an equal protection claim brought regarding it? Yes, but do I think that that's the real problem? Well, I think sort of, yeah, in a sociological sense it's a very serious problem that what this Legislature would like to convey to the rest of the people in the world. But with regard to the issue of constitutionality, I think the law --
LEG. FOLEY:
Well, there's the Primacy Clause, the Padavan.
MS. OLSHANSKY:
Yeah. I think that law is, you know, undeniably and remarkably clear.
LEG. FOLEY:
Clear, again, in what fashion?
MS. OLSHANSKY:
Clear in the sense that from the time that we created the Article 3 Federal Courts, a regular Federal Court System, that there are limitations on Federal Judges powers and, you know, those limitations derive from the Separation of Power's Doctrine. We have a Judiciary and an Executive for checks and balances.
LEG. FOLEY:

So how does that limitation apply to the resolution that we're reviewing?
MS. OLSHANSKY:
Okay, in several ways. What you would be -- what presumably you would be asking the INS to do, what you would be asking a court to ask the INS to do, if you have your courts say, "INS, you must A, B and C, enforce these policies and/or regulations."
LEG. FOLEY:
Right, right.
MS. OLSHANSKY:
And the law is settled and clear that there is no basis for a Federal Court to do that.
LEG. FOLEY:
All right, just on that.
MS. OLSHANSKY:
Because -- okay.

LEG. FOLEY:
Okay, fine, that's my answer. And this is important colloquy because some of us are trying to wade through it to decide whether or not this is the right avenue. Now, we've heard from I would say a professional in this particular. I want to hear from our Legislative Counsel that in light of what he's just heard from
LEG. FISHER:
Barbara Olshansky.
LEG. FOLEY:
From Ms. Olshansky about this being settled law particularly in the area of limitations, so forth and so on, how would you respond to the way -- and it's an important response because we're hearing different if not conflicting information about whether or not we can even entertain this approach to try and address an issue.
P.O. TONNA:
Just as a caveat, I don't think she said we can't entertain it, we can entertain anything we want.
LEG. FOLEY:
No, no, we can entertain it.
P.O. TONNA:
But this is truly the first time I've ever had a she said/he said, I'd like to have a dynamic take place. Legislative Counsel?
LEG. FOLEY:
Counsel, could you please respond to the other Counsel's remarks on this matter?
MR. SABATINO:
Okay. Well, just to the set the record straight, first of all a state or a municipality can clearly sue a Federal agency. The Suffolk County Legislature did not authorize the lawsuit in 1995. What happened was in 1994 the County Legislature adopted a Memorializing Resolution, it was No. 75 of that year, which asked the State of New York to join in a lawsuit that the States of Florida and California at that particular time had brought against the Federal Government seeking reimbursement for costs that were incurred for medical, educational and Medicaid purposes related to what was argued a saturation of illegal aliens in various communities; they were trying to get into a $35 million fund

that the Attorney General had received by virtue of an appropriation from Congress. The State of New York ignored the request to take that action and then the following year, which was 1995, several State Senators brought a lawsuit in their individual capacities and then the County of Nassau through their County Executive and the County of Suffolk through its County Executive joined in that lawsuit. In 1995 we didn't even know the lawsuit had been undertaken, to tell you the truth. There was no argument made that there was no ability to bring that lawsuit, there was no argument made that it was an attempt to single out people and attack them on the basis of their background. The lawsuit both in Florida, California and New York was unsuccessful, but it was not just summarily dismissed by the courts. The courts

analyzed all the arguments that were made under the Tenth Amendment, there was an invasion argument that was made, there was a Republican form of government argument that was made, there was a Medicaid argument that was made, there was a guaranteed clause argument that was made. The court dismissed those claims, but they dismissed it on the following legal theory which is that it was a, quote, political question. When the court tells you that they're throwing out a lawsuit because of a political question, they're telling you two things. They're telling you, number one, that they want to punt the issue someplace else, that they believe another branch of government can decide that issue; in this case they said the Attorney General or Congress should resolve that matter. They're also telling you that because it's a political question, it's something that's open to our very political judges making a different determination in a different set of circumstances in a different time.

By way of example, I mean, there's literally a thousand examples, I'll only give you a few. In 1994, the Federal Courts imposed a Consent Decree on the county of Los Angeles telling them that even though they wanted to allocate money to be used for mass transportation through subways, that the money should be allocated instead for the purchase of mass transportation buses. Now, I would submit to you that nothing could be more political in a good political sense than prioritizing the allocation of revenues or resources for public transportation, and yet that court had no problem imposing a consent decree on the City of Los Angeles.

LEG. FOLEY:

I see.

MR. SABATINO:

The other examples real quickly, they went into Atlanta and told them how to run their sewers.

LEG. FOLEY:

Okay.

MR. SABATINO:

They told Mayor Guliani -- I'm sorry, they told the City of New York from 1975 until 1996 through Federal Court Decrees how to run the New York City Correctional Facilities. It took an act of congress in 1996, to a large extent lobbied for it by Mayor Guliani, to overturn those details. They run school districts throughout the entire country based on an argument of there's a systemic breakdown in the way the schools are being run. They told the State of Missouri --

LEG. FOLEY:
All right.
MR. SABATINO:
-- to impose an income tax to fund a program they had for school districts in the City of St. Louis.
LEG. FOLEY:
Paul, you've --

MR. SABATINO:
There are literally hundreds of examples.
LEG. FOLEY:
So --
MR. SABATINO:
No, I want to take it further because this deserves a full explanation. Now, the other thing that comes out of all those court decisions is yes, when you seeked the reimbursement you were unsuccessful because it was, quote, a political decision. However, there's also a standard in the Heckler Case which basically said, and it's a very difficult standard to meet and Legislator Caracappa knows that, but the standard is that if you can show that a Federal agency that acted so outrageously that it has in effect it has abdicated its responsibility to fulfill its particular roll, in this case it would be an enforcement roll, then in that circumstance you have the opportunity to try to compel to do something. Now, it's an extremely difficult standard to meet because you really have to show they've abdicated all their responsibility. Legislator Caracappa I believe attempted to get to that point by generating some statistics; it's now an open question as to whether or not the statistical evidence is sufficient to get to that point. I don't think we're quite -- you know, based on what we've heard today, I don't think we're at that point where we can really make a final decision that it has reached that.
LEG. FOLEY:
So when -- okay.
MR. SABATINO:
But that's, in a very short description, the totality of --
LEG. FOLEY:
Thank you, Paul.
P.O. TONNA:
Okay.
LEG. FOLEY:
So -- I have the floor.
P.O. TONNA:
You have the floor.
LEG. FOLEY:
So when Ms. Olshanski mentions on page five that there's arguably -- this is the second paragraph, first sentence, "There's arguably only one narrow avenue open to those who seek to compel an officer of a federal agency to act, the {Mandamus and Venue} Act of '62, but this avenue is not available to the County Legislature." In other words, Paul, with what you've just told us, you would disagree with her contention in that particular paragraph, that the only --
MR. SABATINO:
I disagreed -- I want to be careful the way I word it.

LEG. FOLEY:
Let me finish. The only limited avenue that's available is not available to the County Legislature; you disagree with that.
MR. SABATINO:
When somebody says that there's absolutely no avenue, I disagree, okay. Do I believe that it's an extremely difficult standard to meet based on the way the courts have ruled on the reimbursement cases? Yes, but this is not a reimbursement case. And again, it would come down to whether or not you could establish a sufficient statistical basis to try to reach that standard of an abdication of responsibility.
LEG. FOLEY:
Thank you.
P.O. TONNA:
I just would -- you're done? I would just like to have this she said part back and since it's my turn, I just want to respond to that because, you know, this is an important issue. And many of us are not attorneys, so we're only, you know, grasping for information.
MS. OLSHANSKY:
Thank you very much. I guess what I have to say is I respectfully, heartily disagree.
First of all, the court in Padavan is really clear, and I'm going to leave the decision for the Legislators so that you can see, that what Mr. Sabatino is talking about with respect to political issues, the court says in no uncertain terms that the matter is non justiciable which the court says when it means -- what it means when it says you cannot bring this matter before this court, it is a political question that belongs to the Executive Branch of Government. And you know what, the court actually says that to Suffolk County in it, it says, "This court's adjudications of questions as to the success or failure of the Federal Government's immigration policy poses a grave risk of national embarrassment and clearly is something better left to the elected branches of our national government under the supremacy clause and the plenary power of congress." That language is in this decision, it speaks directly to this.
Let me talk about for a second about -- Mr. Sabatino cites a Heckler v. Ringer and those cases and the {Mandamus and Venue} Act which you raised. That is -- I raised that because that is arguably the only avenue in which an entity can sue an agency to perform a particular duty, and that is very specific and the courts have interpreted that consistently forever. And that is when a Federal Officer owes a non discretionary duty, a mandatory duty under the law to an individual plaintiff. If I say I'd like to get a passport and you're a Federal Officer and you say no, you owe me that duty, you have to do it, I can sue you for it. But a body can't come in and say to the INS, "You generally have to enforce the immigration laws," and that's what the Separation of Powers Doctrine is all about. And the {Mandamus and Venue Act} Is very narrow and the law is very clear on that.
And furthermore, even if there were some crap pot judge -- and I say this because I'm a crap pot lawyer -- that was willing to buy an

argument that the Suffolk County Legislature could bring that claim, there are so many other hurdles that would face the Legislature. The

first is even under the {Mandamus and Venue Act}, you have to exhaust administrative remedies, which means arguably you have to make this appeal to the INS and go up through the Immigration Board of Appeals and exhaust those remedies before you could even seek a remedy in Federal Court; that's just not feasible, you know.
Finally, there's one other hurdle that goes beyond just the structure of our Federal Government, beyond the Supremacy Clause, beyond the Plenary Power of Congress. There are actual Federal statutes on the books and one of them is Administrative Procedures Act which says that it actually in no uncertain language precludes judicial review of matters committed to agency discretion by law. Enforcement of the immigration laws and regulations are matters committed to the agency for discretionary determination. We have empowered a particular Federal agency, you know, with the decision making authority in this area. They have the expertise to make these decisions, that's what the courts defer to and that's what these statutes say. It's not just the U.S. Constitution that says this, it's these individual statutes that say it as well and it just is repeated throughout the law. I really can't tell you strongly enough that I think that there is really no basis for this in the law.
P.O. TONNA:
Can I just ask one last question then? Paul, are you itching to go back at this?
MR. SABATINO:
Yes, I want to because it's extremely important --
P.O. TONNA:
Okay.
MR. SABATINO:
It's extremely important just to have the record clear. These matters are portrayed as being absolutely clear and it would take a crack pot Judge or a crap pot lawyer to even make the argument.
P.O. TONNA:
We've seen a number of them, crap pot Judges.
MR. SABATINO:
Yeah. Well, the implication was also a crap pot lawyer, but that's okay because lots of these cases are decided 5-4, lots of the cases are decided 6-3. But I would just point out to you that in 1982, admittedly a long time ago, four United States Supreme Court Justices -- Justices White, {Ranquist}, O'Connor, and {Burgher} -- signed on to the following sentence, I don't think those four gentlemen -- three gentlemen and one lady were crack pots, but they took a position in a related decision that, "A State has no power to prevent unlawful immigration and no power to deport illegal aliens," we know that, "Those powers are reserved exclusively to Congress and the Executive. If the Federal Government properly charged with deporting illegal aliens fails to do so, it should bare the burdens of their presence."

What's the point? The point is that, yeah, five judges ruled the other way, but four United States Supreme Court justices in 1982, two of them are still sitting on the bench, didn't see this absolute clarity of inability on the part of a State or a locality to bring the lawsuit.
And you know, the close-out argument of all is if you really want to be convinced how these things are decided, you read a book called Closed

Chambers written by Ed {Lazarus} Who's a former Clerk to a Supreme Court Justice and it lays it all out, these are all political decisions cited by a political process in the court. And that's why when a court tells you that the case has been tossed out because it's a political issue, they're telling you it can be decided a different way in a different time with different circumstances.
LEG. FOLEY:
But Paul --
P.O. TONNA:
Okay. The last --
LEG. FOLEY:
Paul --
P.O. TONNA:
I have the floor now. You were done.
LEG. FOLEY:
No, I wasn't, you took the time away from me. On the issue of political, let's say, review of this, it's a political review solely in the area of the Federal Government, or can the local governments also be part of that political process that you mentioned that the judicial decisions stated that there could be a political decision made on issues like this? Did they reserve that, as Olshanski is saying, to the Federal Government or did they also give that ability to local governments to try to address the issue of immigration? Because she's saying yes it was a political decision, but that's only reserved by the Judges to the Federal Government, it's not something that they had given to a local, lower government.
MR. SABATINO:
No. When they say it's a political decision, what they're saying is that some other branch of government meaning a coordinate branch, either the Executive Branch or the Legislative Branch, meaning the Attorney General, INS or Congress is charged with the responsibility of addressing that issue.
LEG. FOLEY:
Right.
MR. SABATINO:
My only point was -- and that happens to be the law right now with regard to reimbursement, but four Judges saw it differently in a different time and a different place.
LEG. FOLEY:
But if there's a political --

P.O. TONNA:
All right, just --
LEG. FOLEY:
Wait. If there's a political decision making process that the Judges are leaving it to the process, they're leaving it to the Federal political branch --
MR. SABATINO:
Right.
LEG. FOLEY:
-- not to the local political branch; is that correct?
MR. SABATINO:
Absolutely, I wasn't clear about that. They're absolutely leaving it to

the Federal Branch.
P.O. TONNA:
What do I know. Okay, thank you. I have one last question, okay, and that is you mentioned about the negative effects of frivolous lawsuits or whatever else and you mentioned that we might be in violation, you know, doom and gloom -- just sanctions or whatever else, nobody wants Federal sanctions after the Town of Huntington. Anyway, just I am asking you, what is -- what would be the down side of this, what sanctions, what can happen? You said they were I think, I don't want to put words in your mouth, onerous or whatever else. What happens, do Legislators get shackled and sent to debtors prison, I mean, what happens?
MS. OLSHANSKY:
The Federal Rules of Civil Procedure provide for sanctions for frivolous lawsuits. Frivolous doesn't mean, you know, flowery, it means when you can't argue for a reasonable extension of the law based on existing precedence. What that means here is if the law is clear, as it is clear in this circuit and in other circuits as Mr. Sabatino noted, that you can't, in this circuit at least, make -- I think make a case for a reasonable extension of a law given the existing decisions, that puts you at risk for sanctions.
P.O. TONNA:
Which means?
MS. OLSHANSKY:
And sanctions can be fairly used depending on what you're trying to do. The courts -- this is the caveat, the courts do give you what they call a safe harbor where you can withdraw your lawsuit back out and sort of run away before they hit you with it, but I just don't think that this body wants to be in that position.
P.O. TONNA:
But what happens? A sanction, okay, we're under sanctions.
MS. OLSHANSKY:
Sanctions are --

P.O. TONNA:
Monetary what?
MS. OLSHANSKY:
They're monetary sanctions, they range greatly. People have, you know, tried them against me in civil rights lawsuits but, you know, they can ask for hundreds of thousand of dollars. Will they get that? I don't know.
P.O. TONNA:
Right. Okay.
MS. OLSHANSKY:
And it's at the discretion of the courts to grant -- whether or not to grant sanctions for bringing a frivolous lawsuit.
P.O. TONNA:
Thank you very much. Thank you for your time.
MS. OLSHANSKY:
Thank you.
(Applause)
P.O. TONNA:
Okay. It's 7:15 right now, I have to, I guess, really extend the public

portion again, right?
MR. SABATINO:
It takes a vote, yes.
P.O. TONNA:
Yeah. I'll make a motion to extend it for an additional half hour and then I think we're going to move on to the agenda. Is there a second?
LEG. FISHER:
I'll second that.
LEG. FOLEY:
Second the motion.
P.O. TONNA:
Second, okay. All in favor? Opposed? Approved. By the way, we have literally still 88 cards to go.
LEG. BISHOP:
Good, excellent.
P.O. TONNA:
Evette Soto-Maldona --
MS. SOTO-MALDONADO:
I'll pronounce it for you. Hi, good afternoon.
P.O. TONNA:
Hi.

MS. SOTO-MALDONADO:
Or good evening now I should say. My name is Evette Soto-Maldonado. I am an Associate Counselor with the Puerto Rican Legal Defense and Education Fund. We appreciate the opportunity to provide comments today on proposed Resolution 1752-2000.
The fund is a national civil rights organization established in 1972 to protect the rights of Puerto Ricans and other Latinos and to ensure their equal protection under the law. We as an organization are also concerned more generally for the protection of basic human rights of people regardless of their race, ethnicity or immigration status. We are not here today to query over whether or not there has been a recent crime wave or spate in Suffolk County, that may or may not be the case. What we are most concerned with is the unsupported assumption in the proposed legislation that this alleged crime wave can be directly attributed to undocumented immigrants with no reliable evidence cited to show that this is, in fact, the case.
One can only infer from such a broad and unsubstantiated assertion that there is an under lying purpose of this legislation apart from its articulated goal of decreasing the crime rate in Suffolk County; It can only be read as an attempt to rid Suffolk County of "undesirables". As such, I believe this legislation is not drastically different from the military order passed in 1942 to rid certain areas of this country of American citizens who happen to be of Japanese Ancestry as a result of currently racist and biased beliefs that because of their ancestry they could not be loyal to the United States. More than 50 years after this bleak period in American History, we cannot help but believe that similar racist and xenophobic beliefs underlie this latest attempt by a limited but local number of Suffolk County residents to trample the rights of immigrants.
For this reason, the fund urges the Legislature to veto this legislation. That the propose resolution is nothing more than a

creature of xenophobia is clear from its very terms. It begins with a list of a handful of arrests and leaps to the conclusion that undocumented immigrants that must be carted away from Suffolk County are the perpetrators. The proposed resolution essentially tries and convicts those Latinos with surnames in Suffolk County on the basis of an arrest. This represents a dangerous and ill-advised abandonment of a wonderful national asset, the right to a trial and the presumption of innocence until proven guilty. Only fear and hysteria can explain such feelings of siege when confronted with a presence of such a vulnerable population. Feelings of siege used by the US in the past to try and justify xenophobic actions.

During the World War I Era, German-Americans were harassed for their very ethnicity. They were prohibited through ill-conceived legislative action from speaking German on public streets and even on the telephone. Lutheran schools were closed, the teaching of American in public schools and even in Lutheran schools as prohibited. These actions were ultimately found to be unconstitutional by Federal Courts, but not before the lives of ordinary German-Americans were made miserable, churches and schools were closed and a flourishing German language and culture were virtually extinguished.

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In deciding that a German Bible School teacher should be allowed to continue to teach the Bible in German, the Supreme Court acknowledged the anti-German sentiment that was sweeping the nation as the basis for the State's prosecution of teaching German -- of the state's prosecution of a teacher for teaching in German. We would go further and say that they are unAmerican, that this legislation was unAmerican. Feelings of siege were also used by the US justify the internment of Japanese-Americans in concentration camps during World War II. In one of the most shameful acts of our national history, the U.S. Supreme Court allowed that to happen in the case of {Cormotsu} V. United States. Time and the cooling of hysteria have proven the dissenter in that case, Justice Murphy, to have been the true, bold visionary. He stated that the court's upholding of the military order was the legalization of racism and went on to state that racial discrimination in any form and in any degree has no justifiable part whatever in our democratic way of life.

P.O. TONNA:

You're going to have to wrap it up, ma'am.

MS. SOTO-MALDONADO:

Okay. It is unattractive in any setting but is utterly revolting among a free people who have embraced the principals set forth in the Constitution of the United States. All residents of this country are akin in some way by blood or culture to a foreign land, yet they are primarily and necessarily a part of the new, distinct civilization of the United States.

And I would just like to end by saying just as Justice Murphy understood what was really at the heart of the military order under review in {Corimotsi v. U.S.}, and dissented from what has now been recognized as an unjust opinion by the Supreme Court, I would urge you today to be that dissenter and vote against this ill-conceived and xenophobic legislation. Thank you.

(Applause)

P.O. TONNA:
Thank you very much, ma'am. Cesar Calva Aguilar? Going once, going twice.
UNKNOWN AUDIENCE MEMBER:
Yes, he's right here.
P.O. TONNA:
Oh, okay.
UNKNOWN AUDIENCE MEMBER:
Just waiting for the translator.
P.O. TONNA:
By the way, the 88 cards that are left, that gives us five hours, okay, just want you to know.
(*The following statement was translated by Randy Jackson*)

MR. AGUILAR:
Good evening, Honorable Legislators. We begin walking in our communities at five o'clock in the morning to begin walking to the areas where we look for work. We work up to 14 hours daily and often until the sun sets or our employers see that we're too tired to produce any more. And then on the return, we have to walk another half hour to return to our homes, as I said previously. Sometimes we often encounter neighbors who are hostile to us and who insult us, and they make fun of our physical state because they notice that we are tired. As we don't have our families with us here in this country when we return home, nobody waits for us with food or a welcome. We have to work another half an hour to prepare the food for our evening, for our dinner and for the following day's breakfast.
You can see through the effort that we put in day after day, how are we going to find the time to enter the streets and commit the crimes that we're being accused of? Thank you very much.
(Applause)
P.O. TONNA:
Thank you. Dionicio Albina?
(*The following statement was translated by Randy Jackson*)
MR. URBINA:
Good evening to all of you. My name is Dionicio Urbina. Thank you for hearing me today. There are -- as you can see, there are many reasons that we can prove we're not here -- we haven't come to this country to commit crimes. We are the new poor, the oppressed coming here to look for liberty, and supposedly the Statute of Liberty welcomes us with open arms. May God save this blessed Earth of America for having opened its arms to all immigrants from throughout the world who have looked -- who have come here looking for refuge, opportunity and liberty. Thank you, America, because you have given me the opportunity to follow and to be part of the American dream. Thanks a lot.
(Applause)
P.O. TONNA:
Thank you very much. Nancy Manfredonia?
LEG. FIELDS:
She's not here.
P.O. TONNA:
Okay. Noel Bonilla? Okay. You have a question for the last speaker?
LEG. CARPENTER:

Yes.
P.O. TONNA:
Okay. I apologize, I was too hasty. Mr. Urbina? Could you please come up, there is a question to ask -- Legislator Carpenter has a question

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for you.
LEG. CARPENTER:
I seem to sense a pride in the fact that you are here in America. And my question to you is when you said -- and I forget what your exact words were about being in America, did part of being that American -- being part of the American dream mean that you wanted to be a part of this country and eventually become a citizen of this country?
(*The following statement was translated by Randy Jackson*)
MR. URBINA:
What I would like to say in my personal opinion is that I came to this country when I was 15 years old, I escaped my home and I came to this country and was able to learn to respect the laws of this country. What I would like to say is that I feel proud of being Mexican and I feel also proud of having come to know the United States of America. Our parents teach us to respect every human being and, on top of everything, to know God. And God has said that the Earth belongs to everyone, regardless of color or creed.
LEG. CARPENTER:
Okay, let me just cut to the chase here. My question wasn't answered, though.
P.O. TONNA:
Do you want to be a citizen or not; would you like to be a citizen if you could, right?
LEG. CARPENTER:
Right.
P.O. TONNA:
If I could become a citizen, of course I would.
LEG. CARPENTER:
Okay. That was what I wanted to hear, but I would also like -- can I just ask one more? How old are you, do you mind saying?
MR. URBINA:
Twenty.
LEG. CARPENTER:
So you have been here five years. Have you made any attempt -- I heard you say thanks a lot -- have you had the opportunity or made any attempts to learn the language?
(*The following testimony was spoken in English by Mr. Urbina*)
MR. URBINA:
Yeah, the first time I came here I went to high school.
LEG. CARPENTER:
I love it, I love it. That's great.
(Applause)

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P.O. TONNA:
Can I just -- I have one last question, because this is a question that comes up often. Do you have any -- you know, you don't have to answer this, but do you have any children here living with you?
MR. URBINA:

I have three little brothers.
P.O. TONNA:
Are any of them born in this country?
MR. URBINA:
Yes.
P.O. TONNA:
So you have a child who's actually a citizen of this country.
LEG. CRECCA:
No, a brother, a brother.
P.O. TONNA:
Wait. Let me -- no. Okay, you have to come up to the microphone. Do you have any nino, ninas?
MR. URBINA:
No, I am single.
P.O. TONNA:
Single? Okay. All right, thank you very much.
LEG. LEVY:
That doesn't mean you can't either.
LEG. CRECCA:
It doesn't mean you can't apply either.
P.O. TONNA:
Okay, thank you very much. Taline Mennita?
MS. MENNITI:
Menniti.
P.O. TONNA:
Menniti.
MS. MENNITI:
Eleven hours and worth the wait, even in my condition. My name is Taline Menniti, I'm a naturalized citizen of the country and Treasurer of the Farmingville Civic Association.
In 1996 -- excuse me, I just need a second. In 1996, Congress overwhelmingly passed and President Clinton signed the Bipartisan Immigration Reform Law. It mandates detention of most criminal aliens until their removal, INS was granted two years to implement the law. Congress doubled the funding for detention and deportation since '96 to

$730 million, yet the INS is still not ready to implement the law; maybe if we sue them they'll have a change of heart, although I think it's ridiculous to have to sue the Federal Government to uphold the laws of our country.
Unfortunately, in Farmingville it's not surprising to hear that a teen-age boy's face was slashed up with a razor by an illegal alien or that a teen-aged K-Mart employee was sexually assaulted by a group of illegal aliens, or that we watched Goretta Doyle's daughter scream for her as her dead body lay on Horseblock Road thanks to a drunk, illegal alien who has gotten away with murder; her children are now orphans. As a citizen of Suffolk County, we should not tolerate this chaotic atmosphere. Your sympathy should be with the citizens of this County, those like myself who can't go grocery shopping unless we fear it and have to be escorted with our husbands.
Local law enforcement agencies which contact the INS in connection with the detention of illegal aliens are told by the INS it does not have resources to take custody of the aliens and they should be released.

Of the 275,000 illegal aliens that sneak into the country each year, how many do you think have previous criminal backgrounds? Think on that while I tell you that the INS Commissioner, Doris {Meisner}, planned to release 1,600 jailed, criminal aliens detained for such crimes as burglary, robbery, drug smuggling, arson and rape. Mr. {Lamarre} Smith who chairs the House Judiciary Subcommittee overseeing INS operations objected to this horror story in a letter to Janet Reno; within days INS announced it was dropping its plan. The big disappointment here, Ladies and Gentlemen, is the INS' handling of criminal aliens and just that. And this failure has a direct impact on the safety of Suffolk County citizens and their quality of life.

Today all of you have a hand in insuring a better Suffolk County for my child and the one on the way. Please support Legislator Caracappa and vote yes to go after the INS -- and he's in the room, okay, I wasn't sure if you were. Thank you, Legislator Caracappa, for your brave, unrelenting efforts to stand up for the laws of the County, of the country as well. You're my only hope that my children will grow up in a safe neighborhood and I can't thank you enough.

(Applause)

P.O. TONNA:

Thank you very much, and thank you for the long wait. Tom Kennedy? Carol Morrison? Marilyn Beck? Simon Hernandez?

(*The following statement was translated by Randy Jackson*)

MR. HERNANDEZ:

Good evening, Representatives of the Legislature. My name is Simon Cuautle Hernandez.

LEG. LEVY:

Could you both share that microphone, please?

MR. HERNANDEZ:

Just to reiterate what my companions have said, we work very hard and the accusations that are being brought against us are false. We work from dawn to dusk and do a lot for the community in terms of building Suffolk county. In representation of those who are here in this room today who are few and the thousands more that are in this country along with us, we ask that this Legislature act with justice and ensure a strong future for us as well as for the rest of the country. Thank you very much for allowing us the ability to come and testify here today.

(Applause)

P.O. TONNA:

Thank you. Elsa Ford? Patricia Gristek? Patricia, tell me how to pronounce that name.

MS. GYSCEK:

You'll never get it.

P.O. TONNA:

Gyslek?

MS. GYSCEK:

No. Hi. Pat Gyscek.

P.O. TONNA:

Gyscek, all right, you got me. Go ahead. Thank you.

MS. GYSCEK:

Good evening. I have been a resident of Farmingville for over 24 years. I have three grown children who all went through the Sachem School

District. I know many people in the community because of our years of involvement in school, sports, church and employment as a Community Health Nurse in Brookhaven Town. It is with this background that I have come to speak to you regarding the legislation proposed to address the immigrant situation in Farmingville.

There are issues involved that I am not certain how to speak about, legal issues concerning immigration and employment, among other things. However, one thing I can speak about is the atmosphere of the community that I live in. I have been extremely disturbed by the reporting of some of our local newspapers. To read the accounts of the community concerns regarding the day laborers, you would think that rape, pillage and plunder are happening on a daily basis on Horseblock Road and in the aisles of K-Mart. I have never heard from anyone that I know a first hand account of these types of activities, although I don't deny that there have been incidents. Certainly in any area with a large population of any group there will be a percentage who might commit infractions of the law.

Much of the evidence that I have heard in the recent reportings in Newsday suggest that there may be more acts of violence against the Hispanic men than by them. My son-in-law worked on a construction crew last year, often there would be Latino men on the job. He didn't know their legal status, but he'd say to me, "Mom, these are the hardest work guys. They don't take breaks or eat lunch, they just keep quite

and do their work." The economy of Suffolk County is booming right now and the day laborers play an important role in jobs that are often difficult to fill.

Another concern raised is that property values in Farmingville are at risk of declining because of the immigrants. I think that the unrelenting and exaggerated publicity about the situation if anything is what gives the town a bad image. My family lives in a very integrated neighborhood that includes a home of Latino men. The house across the street from us sold in May for $289,000 after being on the market for less than a month.

I don't deny the concerns regarding traffic and housing, but while you in an official capacity try to decide how to handle the broader and very complicated problems of immigration and employment, strong community feelings continue to fester. I hope that Suffolk County officials will boldly address some of these concerns and promptly. The issues of traffic, sanitation, acculturation and health screening could all be addressed immediately by establishing a safe site off the streets while the legal issues are debated. It's time to take firm action and seek just solutions. I think that convicted felons should be deported if they're illegal immigrants, but I am disappointed in the proposed legislation. I think it's a feeble attempt to address the panic related to a very immediate problem. Thank you.

(Applause)

P.O. TONNA:

Thank you very much. Mary Weiler; how do I say that?

MS. WEILER:

Weiler, like the lemonade.

P.O. TONNA:

Okay. Thank you, Mary.

[RETURN OF COURT STENOGRAPHER, LUCIA BRAATEN]

MS. WEILER:

My name is Mary Weiler, I'm a resident of Medford; West Medford, I live near the corner of North Ocean and Long Island Avenue where the day laborers stand to be picked up for their day's work. When an individual can't provide food, clothing, shelter, or safety for their family in their own homeland, the United States stands as a land of freedom from economic and political repression. It doesn't matter what rules Suffolk County or anyone else puts into existence, it doesn't matter what quotas exist.

LEG. FISHER:

Excuse me. Ms. Weiler, I'm having a hard time hearing you. Can you speak a little closer to the mike?

MS. WEILER:

Sure.

LEG. FISHER:

Thank you.

P.O. TONNA:

Thank you, ma'am.

MS. WEILER:

It doesn't matter what rules, quotas, laws exist, only that there's hope here for a better future. The threat by Suffolk County to sue the INS for failure to enforce immigration laws is not going to deter people who come to Farmingville and other areas of Long Island to work or to send money back to their families. They do the manual labor that other people don't want to do. We can't get our teenagers to do anything today, this is who used to do this kind of work. The immigrants are here and they're here and they willingly do the work. And has been said before me, they do it willingly, they don't take breaks, and then keep at it.

The other thing that's been cited time and again is traffic as a problem. As Pat said before me, an area that's set aside for the immigrants to congregate would solve that problem. At that site, you could teach English culture, you could teach an understanding of our laws and maybe a goal could be towards legalizing the immigrants.

On October 28th, 1886, Grover Cleveland accepted a gift from France to the United States. Inscribed on that gift were words written by Emma Lazarus, "Give me your tired, your poor, your huddled masses yearning to breathe free. The wretched refuse of your teaming shore, send these the homeless, tempest tossed to me. I lift my lamp beside the golden door." If those words are no longer true, maybe we should remove the Statue of Liberty from New York Harbor. Thank you.

P.O. TONNA:

Thank you very much.

(Applause)

LEG. BISHOP:

Paul. Paul.

P.O. TONNA:

There's a question? Do you have a question?

LEG. BISHOP:

Can we move this bill now?

P.O. TONNA:

Excuse me?
LEG. BISHOP:
You know, we've heard both sides.
P.O. TONNA:
Yeah.
LEG. BISHOP:
Is it possible to, you know --

P.O. TONNA:
Well, we have five more minutes. We voted for a half an hour, so we have five more minutes, and then we're going --
LEG. BISHOP:
And then we can call this first and get it out?
P.O. TONNA:
Hopefully. Edward Hernandez. Edward.
MR. HERNANDEZ:
How are you doing? My name is Ed Hernandez. As you said, I'm not going to repeat some of the eloquent arguments that were made here tonight. I just want to add a few more things into the mix.
I have here multiple listings of 242 homes sold in the last two years in Farmingville. The median sale price was only 2.1% less than the asking price. The median number of days on the market was 57.5 days. So an another statistic where property values are declining that are not true. This is multiple listings. There's a case-by-case list here that anybody can get.
Just to comment on some of the comments that were made tonight. Legislator D'Andre spoke about people not being happy in their homes. There is a large group in Farmingville that's not happy in their homes, not because of the day-laborers, because they don't have the right to voice their opinion and can't speak out for what they feel is right. People have suggested things such as finding a place for men to congregate that is off the road. They've been shouted down, cursed at, and everything else. If you read Suffolk Life, you can see the running battle that I'm having with the people of some of the organizations. Legislator Caracappa asked if the INS would make a difference. Obviously, the answer is yes. Would adding 50 police officers make a difference to the area? Yes. But the question is what is the most appropriate use of the resources that are available, given the nature of the problem? There's no spate of crime, there's no decline of property values. Do you really want to send -- spend County dollars? We also heard somebody say, "These people break the law every day." You've also heard testimony from the lawyers that this is a civil matter. So do half the drivers on the L.I.E. They speed every day, and it's been proven that higher speeds cost lives. Why has this not been an issue? We don't see"wanted" posters about people who kill people on the L.I.E. that are breaking civil law over here.
(Applause)
And who do we sue there? I mean, this is also a civil matter.
The bottom line, especially when you read quotes in the paper, "I'd rather see ten tanks on the street than 400 immigrants," shows, you know, where people are going. And does the Legislature really want to support this type of action over here? You know, INS roundups are no longer the way to go. If you want action, why don't we try solving the

problem in ways that are available to us before we go suing the INS? Thank you.

(Applause)

P.O. TONNA:
Thank you very much. There's -- Legislator Foley has a question, sir. Sir, Legislator Foley has a question.

LEG. FOLEY:
Ed. Ed. Just for the record, Ed Hernandez has also been the past President of the Civic Association of Farmingville. He's been active and he's been a family person in that community for many, many years. Ed, knowing you for as many years as I have, and there's no doubt later that when we discuss this issue where there's going to be different debates, but let me ask you this question. I hear some nervousness in your voice. Can you tell us why you have that? And, also, my second question is, you believe that instead of us passing this law, that there are other avenues that we can pursue to try to come to grips with the evident problems that do exist in that community and other communities? So if you could just please answer those two questions.

MR. HERNANDEZ:
Nervousness to speaking in front of a body and seeing the next round of letters written about me in Suffolk Life. But --

P.O. TONNA:
Ed, don't worry about Suffolk Life, you know.

MR. HERNANDEZ:
I don't.

LEG. FISHER:
I don't.

MR. HERNANDEZ:
But what can we do? We had a meeting -- we had a series of meetings up with the County Exec and representatives of the police force. Joe was there, a representative from your office, and representative from other groups. People are opposed to anything but just getting rid of the problem through INS and claiming laws that are not quite interpreted the way that they are properly interpreted. Nobody really went forward. I mean, they said absolutely no to a hiring site, no to a hiring location, no to a hiring hall, no to anything else. They would rather let people stand on the streets and be a perceived problem to everybody than come up with a solution. If they tried a hiring hall, or for whatever you want to call it, and it didn't work, and, yes, there's legal precedence that as long as you don't charge a fee, it's not illegal to have a hiring site, and it didn't work, then they'd have an argument. But people just seek to keep these people on the street, so they come before you and make all these statements, which the Police Commissioner said is untrue, I have the multiple listings to say it's untrue, to generate fears that aren't present in the community.

P.O. TONNA:
Thank you, sir.

LEG. FOLEY:
Thank you.

(Applause)

P.O. TONNA:

Okay. I think, to tell you quite honestly, I'd like to move now with the agenda.
LEG. LEVY:
No, no, no.
P.O. TONNA:
Oh, no. We're going to take literally a five-minute break to give Legislators an opportunity to relieve themselves, and then we're going to get to the agenda. Thank you.
[THE MEETING WAS RECESSED AT 7:50 P.M. AND RESUMED AT 8:05 P.M.]
P.O. TONNA:
Okay. I just -- roll call, please.
(*Roll Called by Mr. Barton*)
(Not Present at Roll Call: Legislator Towle and Legislator Haley)
LEG. CARACAPPA:
Mr. Chairman.
P.O. TONNA:
I make a motion to accept the Consent Calendar?
LEG. CARACAPPA:
Second.
P.O. TONNA:
Seconded by Legislator Levy. All in favor? Opposed? Approved.
LEG. CARACAPPA:
Mr. Chairman.
MR. BARTON:
18.
LEG. CARACAPPA:
Mr. Chairman.
P.O. TONNA:
Thank you.
LEG. CARACAPPA:
Mr. Chairman.
P.O. TONNA:
Tabled resolutions.

LEG. CARACAPPA:
Mr. Chairman.
P.O. TONNA:
Yes. Let's just wait. Let me get the tabled resolutions. Let's get people humming, all right, and then we'll --
LEG. CRECCA:
Let's get people to the horseshoe.
P.O. TONNA:
Exactly, Joe.
RESOLUTIONS TABLED TO AUGUST 31, 2000
There's a motion on 1041 (Adopting Local Law No. -2000, a Charter Law to establish competitive bidding process for selection of County Bond Counsel).
LEG. BINDER:
Table.
P.O. TONNA:
Table by Legislator Binder, seconded by myself. 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).
LEG. CARACCIOLO:
Table.
P.O. TONNA:
Table by Legislator Caracciolo, seconded by myself. All in favor? Opposed? Tabled. Number 1084.
MR. BARTON:
18.
P.O. TONNA:
(1084 - To implement use of natural gas as fuel for county fleet). Legislator Levy, what is your pleasure?
LEG. LEVY:
Motion to table.
LEG. FISHER:
Second.
P.O. TONNA:
Table by Legislator Levy, seconded by Legislator --

LEG. FISHER:
Fisher.
P.O. TONNA:
Fisher. All in favor? Opposed? Okay, tabled.
MR. BARTON:
18.
P.O. TONNA:
1102 (Authorizing the execution of an agreement by the Administrative Head of Suffolk County Sewer District No. 3 - Southwest with the Developer of We're Associates Office Building).
LEG. POSTAL:
To table.
P.O. TONNA:
Motion?
LEG. POSTAL:
Motion to table.
LEG. BINDER:
Motion to approve.
P.O. TONNA:
Okay. Motion to approve by Legislator Binder.
LEG. LEVY:
Explanation.
P.O. TONNA:
Okay. Wait, wait. There was a motion to approve.
LEG. LEVY:
Oh, never mind.
P.O. TONNA:
Is there a second?
LEG. LEVY:
Never mind.
P.O. TONNA:
Is there a second to approve?

LEG. FOLEY:
Which resolution?
LEG. FISHER:
I'll second it.
P.O. TONNA:
Number 1102.

00219

LEG. FOLEY:
Second.
LEG. CRECCA:
Yeah. I'll second --
LEG. FISHER:
I'll second.
LEG. CRECCA:
-- the motion to approve.
P.O. TONNA:
Okay. Motion to approve by Legislator Binder, second by Legislator Foley. All in favor? Opposed?
LEG. GULDI:
Opposed.
LEG. POSTAL:
I'm opposed.
P.O. TONNA:
Okay.
LEG. BISHOP:
Opposed to what?
P.O. TONNA:
Opposed, Legislator Guldi.
LEG. POSTAL:
1102.
P.O. TONNA:
1102. Legislator Guldi, Legislator Postal, Legislator Bishop, and I'll abstain. Okay. What do we have there?
LEG. FISHER:
1134?
P.O. TONNA:
I think -- fine.
LEG. BISHOP:
Did we pass 1134, yet?
P.O. TONNA:
Wait. I just want the count. Just the count.
MR. BARTON:
I need Mr. Haley's vote.
P.O. TONNA:
He voted to approve.

00220

MR. BARTON:
Okay.
LEG. HALEY:
On 1102? Yes.
MR. BARTON:
Thirteen. (Not Present: Leg. Towle)
P.O. TONNA:

Thank you. 1134 (To implement prevailing wage enforcement policy). Motion by Legislator Bishop.
LEG. FISHER:
Second.
P.O. TONNA:
Seconded --
LEG. CARPENTER:
The public hearing is still --
LEG. FOLEY:
Were there changes made to it?
LEG. CARPENTER:
You recessed the public hearing.
LEG. LEVY:
Were there changes?
LEG. FOLEY:
Were the amendments made to it?
LEG. BISHOP:
There were --
P.O. TONNA:
Okay. Legislator Bishop? Wait. First of all, there's a motion by Legislator Bishop. Who's the second?
LEG. GULDI:
Second.
P.O. TONNA:
Second by Legislator Guldi. On the motion?
LEG. BISHOP:
Why don't we begin with, since it's probably been months since anybody, including the sponsor, has read the bill, with what it does. Paul, could you just give us the thumbnail? And I know what the --
LEG. CRECCA:
Yeah, it's really sad.

LEG. BISHOP:
I know what the delaying issue was, but I want to get the --
MR. SABATINO:
Well, as you recall in the Omnibus Resolution for Fiscal Year 2000, we had -- the Legislature had funded positions to enforce the prevailing wage laws in Suffolk County by creating 15 positions. In order to implement the law now, you have to basically put the program in place, which is to require Public Works to do the certified payrolls and the record-keeping on a quarterly basis.
LEG. BISHOP:
That's fine. The issue that -- and reason it has been tabled for several months is that many of the advocates for the policy were hoping that the Comptroller would step forward, as the Comptroller has done in the City of New York, and play an aggressive role in this oversight. The Comptroller is not interested and has indicated as such. So it would be our Department of Public Works, as we originally envisioned, that will do this. So that's what the delay was about, so since we've broached the topic with the Comptroller and they've demurred, it's ready to go.
MR. SABATINO:
And, also, the quarterly reporting was then in the corrected copy

changed to monthly. That was -- and the record-keeping was reduced to three years at the request of Public Works.
LEG. BISHOP:
Right.
P.O. TONNA:
Okay. There's a motion and a second?
MS. FARRELL:
Yep.
P.O. TONNA:
All in favor? Opposed? Approved.
MR. BARTON:
17, 1 not present. (Not Present: Leg. Towle)
P.O. TONNA:
Okay. Number 1291 (Approving cross bay ferry license for Beach Taxi, LLC). Is there a motion?
LEG. LEVY:
Motion to table.
LEG. FOLEY:
Second.
P.O. TONNA:
Motion to table by Legislator Levy, second by Legislator Foley. All in favor? Opposed? Tabled.

MR. BARTON:
17, 1 not present.
P.O. TONNA:
1312 (Establishing policy for Suffolk County African American Advisory Board). Is there a motion?
LEG. LEVY:
Motion to approve.
LEG. FIELDS:
Second.
P.O. TONNA:
Seconded by Legislator Fields. All in favor? Opposed? Approved.
MR. BARTON:
17, 1 not present.
P.O. TONNA:
Number 1379 (Authorizing conveyance of parcel to Town of Brookhaven for use by VIBS (Section 72-h, General Municipal Law). Motion?
LEG. GULDI:
Legislator Towle's not here.
P.O. TONNA:
I'm going to ask --
LEG. GULDI:
Skip over it.
P.O. TONNA:
-- in respect to Legislator Towle, we're just going to gloss over that one and then we'll come back to it. Just I'd ask that the Clerk's Office remind me. Okay. Thank you.
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 to approve by Legislator Caracciolo, seconded by myself.
LEG. LEVY:
Explanation.
P.O. TONNA:
Or second by Legislator Alden.
LEG. CRECCA:
Explanation.

LEG. FOLEY:
Explanation.
LEG. CARACCIOLO:
Suffolk County provides villages and town with revenue sharing funds for public safety. In the past, or to date, not every municipality has been responsive to the requirement to provide documentation annually as to how these funds were expended. What this resolution does, originally, what it would have done, it would have withheld reimburse -- not reimbursements, but it would have withheld revenue sharing funds beginning the Year 2000 for those municipalities that did not comply. At the suggestion and request of Legislator Postal, who thought that was a little bit too harsh too soon, I've amended the bill to reflect that the penalty provision, if you will, for not complying with a County law already on the books shall commence beginning 1/1/2001 instead of this year. So no one will be adversely affected for at least another three months now, and plenty of notice will be given to those municipalities that this is a requirement. It's the carrot and the stick. Call the roll, Mr. Chairman.
P.O. TONNA:
Okay.
LEG. GULDI:
Paul, I've got a couple of questions.
LEG. LEVY:
Paul, just have Paul give a quick explanation?
P.O. TONNA:
Well, why don't you ask him?
LEG. LEVY:
Paul, give a quick explanation. I'm sorry. Paul, give a explanation.
MR. SABATINO:
This bill is on a law that was adopted in 1995, which says that when you give sales tax money to towns and villages for public safety purposes, they were supposed to report by March 31st of the following year to explain and verify that the money was, in fact, spent for public safety purposes as opposed to just General Fund purposes. Five years, we still haven't, with the exception I think of one village, which was the Village of Ocean Beach or Saltaire, gotten timely reporting. Legislator Caracciolo's bill would now, you know, strengthen the 1995 law by saying once and for all that beginning with revenues coming in in the Year 2000, you know, and applying in the Year 2001, they would lose the money in the future if they didn't provide the accounting.
LEG. LEVY:
All right. I understand.

LEG. CARPENTER:
And is this a cumbersome kind of --

P.O. TONNA:
Thank you. Legislator Carpenter.
LEG. CARPENTER:
The documentation they have to provide, is this a cumbersome kind of reporting that we're requesting from them, or a pro forma kind of report sheet or --
MR. SABATINO:
No, it's really -- it's extremely important, because the money was authorized --
LEG. CARPENTER:
No, no, no, I'm not saying about important, I'm saying is this a --
LEG. CARACCIOLO:
It's letter.
LEG. CARPENTER:
-- pro forma kind of -- is it just a letter? Is it a --
LEG. CARACCIOLO:
Legislator Carpenter, it's a letter.
LEG. CARPENTER:
Okay.
LEG. CARACCIOLO:
It's a letter. It's a one-page piece of correspondence saying we received the funds, we've expended those funds in the following manner. It's a very simple report requirement.
LEG. CARPENTER:
Okay.
P.O. TONNA:
Okay, thank you. Henry, I thought you had something to add. And this might be a first, at least under my tenure as a tenor -- tenure.
MR. BARTON:
Well, thank you. Typically, we start hearing from the towns and villages in April, after the deadline. This year we've heard from five of the 14 or 16 that are required to report.
P.O. TONNA:
Thank you very much. Thanks, Henry.
LEG. GULDI:
On the motion. Is there any --
P.O. TONNA:
Yes, Legislator Guldi.
LEG. GULDI:
I'm reading the corrected copy as of July 14th, 2000, and I don't see any provision for an opportunity to cure whatsoever, even as to future

years. Can I get Counsel to clarify both the cure issue and the ongoing years issue?
MR. SABATINO:
When you say"cure", do you mean for prior years?
LEG. GULDI:
Meaning --
MR. SABATINO:
No. Because there's an earlier -- no. There was an earlier version.

The first version that was filed said that prior failure to adhere to the Blass Law would disqualify you from future funds. That provision was taken out of Legislator Caracciolo's bill and in the form that you have in front of you is no longer that previous disqualification, it would be prospective.
LEG. GULDI:
All right. So the way this works is --
LEG. CARACCIOLO:
Prospective.
LEG. GULDI:
Prospective future for 2001, village "X" calls the Clerk's Office, not in March, but in April, the Clerk's Office advises them they're too late, "You don't get any money next year, you're out of luck, there's nothing you can do about it, and you're out of the money forever"? Is that the effect of this legislation as its current form?
LEG. CARACCIOLO:
No.
LEG. GULDI:
And if not, show me the language that permits a different course.
MR. SABATINO:
Well, I think you've oversimplified it, so let's just --
LEG. GULDI:
Okay.
MR. SABATINO:
Let's just go through it one more time; okay? If they -- you know, in the second RESOLVED clause, if they don't provide the information by March 31st of each year, which is, you know, the current law, if they don't provide it by March 31st, they're disqualified from receiving future funds. If they don't -- in the third RESOLVED clause, if they failed to file the accounting that was required for prior tax years, from 1995 to the Year 2000, then they would be disqualified, you know, in the future and starting with January 1st of 2001.
LEG. CARACCIOLO:
Mr. Chairman.

LEG. GULDI:
Yeah. I got another one.
LEG. CARACCIOLO:
Go ahead. I'll let George go.
LEG. GULDI:
Let me finish, because you didn't answer my question. Okay, so they're in default. They -- as of the date we enact this legislation, they have not provided the accounting. There is nothing in the legislation that permits them to cure that default or to qualify for funding in future years ever under any circumstances is the way I read it. Is that the Legislative intent?
MR. BARTON:
Well, as of this date, they're all in compliance up through 1999. Everyone is caught up. It's just this year that I don't have them.
LEG. GULDI:
Still, I want to get to the effect of the law, because the way I-- the way I look at it, it says if you're in default on March 1, period, no money, and no opportunity and it's silent --

MR. SABATINO:
I think we're -- I think we're confusing two ideas.
LEG. GULDI:
Silent as to opportunity to cure, and it's silent as to future years, so it would have to be deemed in perpetuity. I don't know if that's the intent, but that's the language I'm looking at.
MR. SABATINO:
Two different situations. On a prospective basis in the future, if they don't meet the March 31st deadline, the law will be the way the law was under Blass, which is if you don't meet the deadline, you don't get the money in the future, you're disqualified, you're out, you're ineligible.
LEG. FISHER:
Forever?
LEG. CARACCIOLO:
That's the existing law.
MR. SABATINO:
Period, end of story. There's a secondary provision which generated this bill, which was, "Gee, from 1995 to the current date, the towns and villages ignored the Blass Law. Should there be a penalty or a consequence to be paid for that?" There was differences over language between prior copies and the current copy. But this copy says, if they don't get the information to us by December 31st of this year, if they don't clean up those defaults from prior years by the end of this year, then, yes, they're going to lose eligibility in the future.
LEG. CARACCIOLO:
And, Mr. Chairman, that's as it should be. You know, we penalize

taxpayers who fail to meet the statutory deadlines semiannually for not paying taxes. I think there should be some penalty for municipalities that fail to meet a simple obligation of submitting a one or two page letter telling us how they spent the money we provided.
LEG. LEVY:
Move the question.
LEG. GULDI:
Hold on.
LEG. POSTAL:
I have a question.
LEG. GULDI:
Hold it.
P.O. TONNA:
There is a motion --
LEG. GULDI:
May I respectfully take --
P.O. TONNA:
Sure.
LEG. GULDI:
-- the mike back.
P.O. TONNA:
Only if it's respectfully.
LEG. GULDI:
While I don't disagree that there should be some penalty, the question is should that penalty be forfeiture of all of the money forever with

no opportunity to cure or file a late return or pay a penalty? I don't think so. That's what this bill says. In that form, I can't support it. Thank you.
LEG. POSTAL:
I have a question.
P.O. TONNA:
Yes, Legislator Postal.
LEG. POSTAL:
Henry said that about five of the municipalities had responded by April?
MR. BARTON:
No. I started receiving them -- I received one village's prior to the deadline, I received a couple in April, and that was typical of prior years. This year, I've received from five different municipalities. I wasn't as diligent this year in sending out letters reminding them, only because we had this pending, and also because of the action that the Legislature had taken codifying the fact that the funds existed.

Over the five years of the program, the money was in, the money was out, the source of the funding had changed. But, typically, I do get responses, and when it's held over their head they're going to lose the money, they do respond.
LEG. POSTAL:
That's what I wanted to ask. At this point, they can still respond up to December 31st; is that the case, Paul? If I could ask our Counsel, they can still respond up to December 31st?
MR. SABATINO:
For prior year defaults. They're going to have until the end of this year to clean up their past defaults.
LEG. POSTAL:
Right. Now, what about for the current year for next year's funding?
LEG. CARACCIOLO:
You mean the Year 2000, Maxine, if I can --
LEG. POSTAL:
Right.
LEG. CARACCIOLO:
Yes, they have until December.
LEG. POSTAL:
They have until December.
LEG. CARACCIOLO:
Right.
LEG. POSTAL:
And so what I wanted to find out was what communication is the Clerk's Office sending out to the municipalities letting them know this?
MR. BARTON:
Any time you --
LEG. CARACCIOLO:
All right. I don't want to speak for Henry, but I think what I -- what he would mostly likely do is upon passage of this resolution, cite this resolution and give them three-and-a-half months notice to meet those requirements.
MR. BARTON:
Every year I've sent them copies of the original resolution and I've

requested the information from them. I would do the same in this instance. There has been some concern, particularly with the villages in the past, because their fiscal years are different than ours, and some of the villages are more seasonal in nature, particularly on Fire Island, so I've tried to work with them. We've always had compliance, it just isn't always timely.
LEG. POSTAL:
Right. And is it your intention that if this resolution passes, that

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you would continue to send out notification to the various municipalities?
MR. BARTON:
If it's signed by the County Executive, I will send to the Clerks of all the affected municipalities certified copies of the resolution, along with a letter from myself requesting the information as soon as possible.
LEG. POSTAL:
Would it also be possible for Legislators to receive, say the deadline is March 1st, each year say by February 15th, or some date prior to March 1st, notification of which municipalities have and have not responded?
MR. BARTON:
In the past, I have not sent it to the full Legislature, I just simply contacted the Legislators whose districts were affected.
LEG. POSTAL:
Okay. That would be agreeable.
LEG. CARPENTER:
But I would make it February 1st.
LEG. POSTAL:
Yeah.
P.O. TONNA:
What are we doing, we're changing this bill?
LEG. POSTAL:
No, no. We're just asking the Clerk's Office to notify the Legislators whose districts are affected of which municipalities have and have not responded a month before the deadline.
P.O. TONNA:
Okay.
LEG. CARACCIOLO:
Move the motion.
P.O. TONNA:
Okay. There's a motion by Legislator Caracciolo, seconded by myself, I think?
LEG. CARACCIOLO:
Yes, yes, yes.
P.O. TONNA:
Okay. All in favor? Opposed?
LEG. GULDI:
Opposed.

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P.O. TONNA:
Opposed, Legislator Guldi. Okay.
LEG. BISHOP:

In favor.
LEG. LEVY:
In favor.
LEG. HALEY:
Favor.
P.O. TONNA:
Favor, favor. 1525 (Requiring the Department of Public Works to prepare and disseminate program evaluation and review techniques (PERT) time line charts for all capital construction projects). Is there a motion?
MR. BARTON:
(1525) 16-1.
LEG. FOLEY:
Motion to table.
MR. BARTON:
One not present. (Not Present: Leg. Towle)
P.O. TONNA:
Okay.
LEG. FOLEY:
Motion to table.
P.O. TONNA:
Motion to table by Legislator --
LEG. FISHER:
Second.
P.O. TONNA:
-- Foley, seconded by Legislator Levy. All in favor? Opposed? Tabled. Number 15 --
LEG. CARPENTER:
Excuse me. I have a question for Legislator Foley.
P.O. TONNA:
Okay.
LEG. CARPENTER:
Just seeing that this is time line -- time line charts for all capital construction projects kind of sort of makes me wonder what the time line is for the reconstruction of the Legislative building that seems long overdue.

LEG. FOLEY:
Right.
LEG. CARPENTER:
In fact, a point of interest, the Legislative auditorium, or the Legislative building, the reconstruction of that started before the construction of the Multi-Purpose Building at the Western Campus, which has already --
LEG. FOLEY:
Right, that's right.
LEG. CARPENTER:
-- been done, completed and opened.
LEG. FOLEY:
It's a beautiful building.
P.O. TONNA:
I think --
LEG. FOLEY:

It's a beautiful building.
P.O. TONNA:
-- there was a movie out this summer, I think the name was Shaft. I think that was the theme of how we got our Legislative building dealt with.
LEG. D'ANDRE:
Very good, Tonna.
P.O. TONNA:
I think it was Shaft.
LEG. D'ANDRE:
Very good, Tonna. And I don't think it had any reflection on Legislator Foley's efforts, because Legislator Foley was there working very, very hard, but -- and maybe Legislator Foley, just in response to Legislator --
LEG. FOLEY:
Sure.
P.O. TONNA:
Do you want to tell any tales of woe?
LEG. LEVY:
This is a tabled resolution.
P.O. TONNA:
All right.
LEG. FOLEY:
First, this resolution has nothing to do with the question, but I'll be happy to answer the question, which is, number one, if one followed at

any great length the amount of capital projects extant both in the County and the public sector and the private sector, the building trades are stretched to the limits. And there are number of projects, be they in the private or public sector, where there are a number of delays. And this is not uncommon from what I've been told by both the Department of Public Works, as well as by -- as well as by a variety of building trades, folks. But if you wish, Legislator Carpenter, that you want an in-depth review of this situation, you're more than welcome, as you well know, to speak directly to the department responsible for this, which is the Department of Public Works.
P.O. TONNA:
Fred, just the last thing. You were on the Space Committee, right?
MR. POLLERT:
Yes.
P.O. TONNA:
The final frontier, space. Could I ask you very quickly, what is the estimated time of a functional building to arrive?
MR. POLLERT:
We should be there for the November 17th meeting of the Legislature.
P.O. TONNA:
Yeah, right.
MR. POLLERT:
We've had discussions with Public Works.
LEG. GULDI:
Which year?
MR. POLLERT:
We may not be able to be totally moved into the offices --

P.O. TONNA:
Right.
MR. POLLERT:
But the building should be in good enough shape to have copiers and computers in there, so that we can have the November 17th meeting.
P.O. TONNA:
Okay. Thank you.
LEG. CRECCA:
I think I'm doing breakfast there.
P.O. TONNA:
All right. Thank you very much. Good. And, hopefully, the plugs work, because we want a hot meal, Legislator Crecca. Okay. Number 1525 was already tabled.
Number 1576 (Directing County Board of Elections to publicize ballot

proposals within Suffolk County). Is there a motion, Legislator Postal?
LEG. POSTAL:
Yeah, motion to approve.
MR. BARTON:
The vote on the tabling was 17-1. (Not Present: Leg. Towle)
P.O. TONNA:
Motion to approve. Is there a second?
LEG. FOLEY:
Second.
LEG. CARACCIOLO:
Explanation.
LEG. POSTAL:
Yes.
LEG. CRECCA:
And also cost, how much is this going to cost us?
LEG. FOLEY:
Good government.
LEG. POSTAL:
Yeah.
P.O. TONNA:
We want to know how much this good government initiative is going to cost us. Go ahead, Legislator Postal, you have the floor.
LEG. POSTAL:
Yeah. I don't have the information in front of me about the mailing. However, I will say that what this is is a resolution that empowers the Board of Elections to provide certain information to voters about candidates for public office, as well as ballot propositions, and they would do a number of things. For example, videotapes would be prepared of ballot propositions that would be provided in all the public libraries prior to Election Day. Information would appear on the County website about the ballot propositions and candidates for public office provided by the candidates for public office, as well as a mailing that would go out to all registered households with the information about the propositions and the candidates, if it's received by a certain deadline prior to Election Day.
I've met with both Commissioners of the Board of Elections on a number of occasions. There were some concerns expressed. I've made a number

of changes in the bill. You certainly will be aware that there were corrected copies that came out, and at this point, both Commissioners of the Board of Education -- of the Board of Elections -- sorry, previous history -- feel that this is something that would be beneficial, it would increase and improve the amount of information that voters have when going to the polls, and that it's workable and

doable within their budgets.
LEG. CRECCA:
If I can.
D.P.O. LEVY:
Legislator Crecca.
LEG. CRECCA:
Legislator Postal, I have two concerns. First of all, is in the preparation of these materials, I did read your bill. There is certainly going to be concern that things could be skewed, whether it's for an incumbent, another candidate. There's also concern even on ballot proposals, that, you know, it's very difficult to present something in an unbiased manner that might not be interpreted as trying to influence a voter, that's number one.
The other question I have is you're talking about video production costs, you're talking about massive mailing costs. From the way I read it, every single registered voter in the County is going to receive a packet from the Board of Elections, and unless there's been a fiscal impact statement, I'm really concerned with passing this and administering it.
LEG. POSTAL:
Well, I -- first of all, I don't have it with me, but I believe there has been a fiscal impact statement on it. But I know that neither Commissioner had a problem with the ultimate cost of even the mailing. The resolution states that the Board of Elections may work with an outside agency in developing an objective explanation of all ballot proposals and would ultimately have the final decision on approving information provided by the candidates.
The League of Women Voters, which was initially mentioned specifically in the bill by name, said that they didn't want to be mentioned by name. However, they would be happy to work with the Board of Elections, they just did not want to be obligated by being mentioned in the bill. But the Board of Elections is in the bill given the ability to go to an outside agency.
LEG. CRECCA:
I'm going to give you an example of why I think this is dangerous. The League of Women Voters, who I support a lot of what they do, but they've also taken positions against political candidates, against political issues.
D.P.O. LEVY:
They don't do that. By issues, but not candidates.
LEG. POSTAL:
Yeah.
LEG. CRECCA:
I'm sorry, issues. But I apologize, you're right. I misstate that when I say candidates, but certain issues that candidates have presented,

and that concerns me. And some -- whether it's people here or other candidates running, again we don't want them if they take a position against certain political parties and things like that, or they say they don't. I mean, some of their positions do. A perfect example is the right to life issue. We've had them testify before this Legislature.
Again, I have no problem if we want to mail something with the names of the candidates and the districts they're running in, but beyond that -- and same thing with ballot proposals, what a ballot proposal is. Beyond that, I think we re getting into --
LEG. POSTAL:
Right. Well, if I could --
LEG. CRECCA:
-- electioneering.
LEG. POSTAL:
I could respond to your questions. Because first of all, the information that's called for in the resolution about the candidates, can be a photograph of the candidate, the name of the candidate, information about the candidate's employment and educational background for as much as the prior ten years. That would be number one.
With regard to the ballot propositions, the League of Women Voters prepares every year, and I'm not -- you know, the League of Women Voters certainly may not be the agency that the Board of Elections decides to utilize. But I will tell you that every year, the League of Women Voters prepares a booklet on propositions, ballot propositions, and what they do is they state the ballot proposition and they provide a pro and con that, in my opinion, has been -- they're very, very careful to be objective in presenting that. But, again, the Board of Elections is not constrained to use the League of Women Voters, they can make their own decisions, and all decisions would be cooperatively agreed to by both Commissioners. But, certainly, Counsel might have comment on this.
MR. SABATINO:
Yeah. There's been a lot of corrected copies. Just make sure you're working off the final corrected copy, because in the final corrected copy, the abstract proposition section is the one that the outside organization, which has to be nonpartisan, would do the preparation on. The candidate information, unlike earlier versions, in the final version, the candidate information would be provided exclusively by the candidate, so it wouldn't be the third party providing the candidate information in this bill.
LEG. CRECCA:
Again, this question regarding the reliability of it, I think that I'm seeing a lot of looks of concern. And, Legislator Postal, I'm going to make a motion to table this. I think the underlying idea is good. I think we need to even, I hate to say this --
P.O. TONNA:
Okay. Is there a second on the tabling motion?

LEG. HALEY:
Second.
P.O. TONNA:
Seconded by Legislator Haley. Okay. Can we just do a roll call on the

table and let's get -- unless -- do you feel there are any other issues that have not been discussed?
LEG. POSTAL:
You know, I would just -- I would be willing to table it for one meeting, but I would hope that, you know, we could iron out whatever issues remain, because I would not like to --
LEG. CRECCA:
I'll give my commitment --
P.O. TONNA:
Okay.
LEG. POSTAL:
-- table it into perpetuity.
LEG. CRECCA:
-- to work with the sponsor on it. I think --
P.O. TONNA:
All right.
LEG. LEVY:
We have a motion.
P.O. TONNA:
Make a motion and a second to table.
LEG. BINDER:
Let me just --
P.O. TONNA:
All in favor?
LEG. BINDER:
Let me -- let me just --
P.O. TONNA:
Opposed?
LEG. GULDI:
Opposed.
LEG. BINDER:
I just want to ask one question real quick --
P.O. TONNA:
Sure.

LEG. BINDER:
-- of counsel. Counsel, with the descriptions for the candidates is, is it limited to what information? Could they but a paragraph on what they want, their issues, their concerns?
MR. SABATINO:
No, it's been scaled back. I mean, just for the record, the final version would be limited to the following information, which would be current occupation, age, educational background, and employment experience for up to the prior ten years. So only those four items of information in the final version.
P.O. TONNA:
I just -- and this is going to go on the ballot near the --
LEG. GULDI:
No.
LEG. CRECCA:
Mailed to every voter.
LEG. FISHER:
No.

LEG. GULDI:
It would go in the mail.
LEG. POSTAL:
It would be --
LEG. FISHER:
In the mail.
LEG. POSTAL:
-- mailed to voters. It would be on --
P.O. TONNA:
Thank you.
LEG. POSTAL:
-- the website, and it would be on video tape at the public libraries with regard to the ballot propositions.
P.O. TONNA:
Thank you. Thank you very much. Okay. There's a motion to table and a second. All in favor? Opposed?
LEG. GULDI:
Opposed.
LEG. CARACCIOLO:
Opposed.
P.O. TONNA:
Opposed to tabling? Okay. There's two -- let's do a roll call.

MR. BARTON:
15-2, 1 not present. (Not Present: Leg. Towle)
LEG. FOLEY:
No.
LEG. CARPENTER:
It's not necessary.
P.O. TONNA:
No. There's a roll call.
LEG. CARPENTER:
It's tabled.
P.O. TONNA:
I roll call.
LEG. CARPENTER:
It's tabled. We don't need it.
LEG. FOLEY:
Call the vote. Call the vote.
P.O. TONNA:
I have a Legislator who asked for a roll call.
LEG. LEVY:
Who wants a roll call?
LEG. BISHOP:
Who, you?
LEG. LEVY:
Who wants a roll call?
LEG. GULDI:
It wasn't me.
P.O. TONNA:
I want -- I'll take the heat for this. I want the roll call. Go ahead.

(*Roll Called by Mr. Barton*)

LEG. CRECCA:
Yes, to table.
LEG. HALEY:
Yes.
LEG. COOPER:
Yes.
LEG. BINDER:
Yes.

00239

LEG. POSTAL:
Yes.
LEG. BISHOP:
Yes.
LEG. D'ANDRE:
Yes.
LEG. CARPENTER:
Yes.
LEG. ALDEN:
Yes.
LEG. FIELDS:
Yes.
LEG. FOLEY:
One meeting, yes.
LEG. FISHER:
Yes.
LEG. CARACAPPA:
Yes.
LEG. TOWLE:
(Not Present)
LEG. GULDI:
No.
LEG. CARACCIOLO:
No.
LEG. LEVY:
Boy, am I glad we did a roll call. Yes.
P.O. TONNA:
No. Okay.
MR. BARTON:
14-3, one not present. (Not Present: Leg. Towle)
LEG. ALDEN:
Motion to recess for 15 minutes.
LEG. GULDI:
Second.
LEG. CRECCA:
Can we finish this?
P.O. TONNA:
Let's just --

00240

LEG. CRECCA:
Finish the tabled resolutions.
P.O. TONNA:
Can we finish the tabled resolutions, please?
LEG. FISHER:

Opposed.
LEG. CRECCA:
There's three more -- four more.
P.O. TONNA:
Okay. Number 1582 (Consenting 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). Is there a motion?
LEG. CARACCIOLO:
Motion to approve.
P.O. TONNA:
Motion to approve.
MR. SABATINO:
Before you do it, I just -- I think you have to wait. There's an affidavit. You need to show that it was published six consecutive weeks. That affidavit comes from the property owner. I don't know if we have it, yet. I don't think they had enough time.
P.O. TONNA:
Do we have it?
LEG. LEVY:
Motion to table.
MR. SABATINO:
So just table it one more cycle to give them -- it's not our fault. They have to get six consecutive weeks.
LEG. FISHER:
Second.
P.O. TONNA:
Okay. A motion to table.
LEG. CARACCIOLO:
Just on that point. I mean, this resolution was introduced in May. Why would it not have been filed?
MR. SABATINO:
Because the hearing -- the hearing wasn't held until today, so I don't --
LEG. CARACCIOLO:
Oh, okay. So the hearing closed today?

MR. SABATINO:
I'm not sure they were able to get the six consecutive weeks in a timely fashion.
LEG. CARACCIOLO:
All right.
MR. BARTON:
That's why the -- that's why the hearing was held tonight, but I don't have the affidavit.
MR. SABATINO:
You don't have a legal defect when they go to acquire it.
LEG. LEVY:
I'll second the motion to table.
P.O. TONNA:
Okay. All in favor? Opposed? Tabled. Okay. Number 1590, it's a bond.
LEG. LEVY:

1589.
P.O. TONNA:
15 -- I'm sorry. 1589 (Establishing Suffolk County Website Office for Public Information).
LEG. FIELDS:
Motion to table.
P.O. TONNA:
Second by myself. All in favor? Opposed? Tabled. Number 1590 (Amending the 2000 Capital Budget and Program and appropriating funds for land acquisition bordering Lake Ronkonkoma).
LEG. CRECCA:
Motion to table for one meeting. We're still waiting one more thing.
LEG. GULDI:
Second.
P.O. TONNA:
Second by Legislator Guldi. All in favor? Opposed? Tabled. (Vote: 17-1 Not Present: Leg. Towle)
LEG. CARACAPPA:
Mr. Chairman.
P.O. TONNA:
We're going to -- I think there's a motion for a 15-minute recess.
LEG. CARACAPPA:
Mr. Chairman.

P.O. TONNA:
Yes.
LEG. FISHER:
Opposed.
LEG. CARACAPPA:
If I just could.
LEG. GULDI:
Second.
P.O. TONNA:
Wait. There's a motion and a second. Okay. On the motion.
LEG. CARACAPPA:
We have one real, right now, compelling issue before us.
LEG. CRECCA:
Fifteen minutes.
LEG. CARACAPPA:
Well, that -- what the audience members are still here for. Maybe we -- I don't think it's going to be a long debate. I think we all --
LEG. LEVY:
It will.
LEG. CARACAPPA:
No, I think we -- I think we've all stated where we're going to be on it.
P.O. TONNA:
Legislator Caracappa, I think that my sense of the Legislature, it's just a sense of the Legislature, this will be a long debate.
LEG. BISHOP:
No, it won't.
LEG. GULDI:
Yeah, it will.

LEG. LEVY:
Yes, it will.
LEG. FOLEY:
Yes, it will, David.
P.O. TONNA:
Okay. Well, Legislator Bishop, you've given -- you know, you're only going to be five minutes, but there are at least -- at least ten people who want their five minutes, so I'm calling a recess.

[THE MEETING WAS RECESSED AT 8:35 P.M. AND RESUMED AT 8:50 P.M.]

P.O. TONNA:
Okay. Roll call.

(*Roll Called by Mr. Barton*)

LEG. CARACCIOLO:
Here.
LEG. GULDI:
Yeah, that's two of us.
LEG. TOWLE:
(Not Present)
LEG. GULDI:
Yeah, that's -- you're done now.
LEG. CARACAPPA:
(Not Present)
LEG. FISHER:
Here.
LEG. HALEY:
(Not Present)
LEG. FOLEY:
Present.
LEG. FIELDS:
Here.
LEG. ALDEN:
Here.
LEG. CARPENTER:
Here.
LEG. CRECCA:
(Not Present)
LEG. D'ANDRE:
(Not Present)
LEG. BISHOP:
Here.
LEG. POSTAL:
(Not Present)
LEG. BINDER:
Here.
LEG. COOPER:
Here.

LEG. LEVY:
Here.
P.O. TONNA:
Yes, I'm here.
MR. BARTON:

14 are present.
P.O. TONNA:
Okay, great. Let's go to --
LEG. CARACAPPA:
Mr. Chairman.
P.O. TONNA:
Yes.
LEG. CARACAPPA:
Take out of order 1752.
P.O. TONNA:
Okay, I just -- I have, Joe, in front of me, I still have -- okay. I still have --
LEG. BISHOP:
I'm sure those people would rather vote on the thing than be continued.
LEG. CARACAPPA:
I think they'd just rather see us vote on --
LEG. BISHOP:
Right.
LEG. CARACAPPA:
-- that one, Mr. Chairman.
P.O. TONNA:
Okay. There are --
LEG. BISHOP:
There's no point in delaying this. Let's just do it.
LEG. CARPENTER:
Are they non-Farmingville speakers?
P.O. TONNA:
There are non-Farmingville --
LEG. CARPENTER:
Are there?
P.O. TONNA:
Yes. But there are a number of Farmingville people who still want to

speak.
LEG. CARACAPPA:
They left, they all left.
P.O. TONNA:
No, they did not. I got one --
MS. BURKHARDT:
This is the last -- this is the last one.
P.O. TONNA:
-- Two, three, four --
LEG. BISHOP:
I'm sure that if the Legislator who's carrying their issue wants to move the bill --
P.O. TONNA:
Okay.
LEG. BISHOP:
-- Let's just vote it up or down and bring --
P.O. TONNA:
All right.
LEG. BISHOP:
-- some closure to this.

LEG. FISHER:
Yes.
LEG. CRECCA:
That's a good idea.
P.O. TONNA:
All right.
LEG. CRECCA:
Let's just take a roll call on it.
LEG. D'ANDRE:
What are we talking about?
P.O. TONNA:
Okay. Legislator Caracappa, you made a motion to take out of order number -- what resolution number?
LEG. FISHER:
1752.
LEG. CARACAPPA:
1752.
P.O. TONNA:
1752. Okay. Is there a second?

LEG. FISHER:
Second.
LEG. CARACCIOLO:
Yes.
P.O. TONNA:
Okay. All in favor? Opposed?
LEG. BISHOP:
It's before us.
P.O. TONNA:
Taking it out of order. It's now before us.
LEG. CARACAPPA:
Motion.
P.O. TONNA:
Is there a motion? Motion to on approve by Legislator Caracappa. Is there a second for approval?
LEG. CRECCA:
Second.
P.O. TONNA:
Second by Legislator Crecca. Is there somebody that would like to speak on the motion?
LEG. CARACAPPA:
On the motion.
P.O. TONNA:
On the motion, Legislator Caracappa.
LEG. CARACAPPA:
All right. I made some liner notes here, just so I can keep focused, so bear with me. I'll wait for everyone to settle in.
P.O. TONNA:
We're listening to Legislator Caracappa right now. Go ahead.
LEG. CARACAPPA:
All right. This has been an exceptionally tough issue, probably the toughest issue we're going to face over the next couple of years in regards to policy in Suffolk County and how to deal with it. It is an

issue that is polarizing. No matter how benign a stand or statement you make on it, it becomes that. Unfortunately, the second any person deals with it, such as I have, you're tagged as a racist, among other things.
Those of you who know me know I do things based on real concerns -- George, excuse me. Know I do things based on real concerns and real quality of life issues, not based on inflated numbers or false claims, and I think you all know I'm like that, I do things based on true concerns of my constituents.

Last year I had the bill on, for those of you who weren't here, I had a bill on that made it illegal for contractors to stop and solicit employment on County roadways. That bill failed for obvious reasons, and I really, at this point in time, understand. But during that time, the opponents of that bill said, "You know, Joe, you're doing what you have to do, we understand there's a problem, but, you know, it's an INS problem." "It's an INS problem," "It's an INS problem." But here I am over a year later with a proposal that goes after the INS.
You've heard from the Police Department and even some of my opponents on the bill that say the INS has just not done its job whatsoever as it relates to every aspect of their job, and each and every one of you I think in your heart know that there is truly a problem. Regardless of how, again, tough an issue it is and how tough it is for you to take a stand on it, I think you all know there is a problem to be dealt with here.
I just want to go around the horseshoe here quickly, Mr. Chairman, and ask a series of questions of my colleagues, and it has to do with litigation. Legislator Guldi, you were the prime mover and shaker of the LIPA litigation. Could you tell me why you went after -- why you wanted to go after LIPA; was it based on law and statute?
LEG. GULDI:
It was -- if I may.
LEG. CARACAPPA:
Yes.
LEG. GULDI:
It was based on law and statute and on a presumption that we had a judiciable and legal right to the relief we were seeking in the lawsuits.
LEG. CARACAPPA:
So it was based on law and statute as it related to that tax cert and the LIPA statute that said we didn't have to pay a cent of it; correct?
LEG. GULDI:
That's correct.
LEG. CARACAPPA:
Law and statute. Legislator Bishop, you spearheaded the lawsuit that we're involved in right now as we speak against the State correctional system for state-readies and the policy of the State correctional system for not taking those state-readies in a timely fashion, and that suit was based on a change of policy and compensation?
LEG. GULDI:
Nodded yes
LEG. BISHOP:
Fair enough.

LEG. CARACAPPA:
And you've been successful in that -- well, just about successful.
LEG. BISHOP:
We assume so, yes.
LEG. CARACAPPA:
We assume so, and we're counting on it to be successful. And it was -- you've done a good -- you've done a great job on that. So we have law and -- we have litigation based on law and statute, we have litigation based on compensation against the State in regards -- and the change of policy in regards to state-readies.
Legislator Levy, last year in the omnibus, you put in a budget amendment to put money aside for a litigation against the Long Island Railroad. Why? Why did you --
P.O. TONNA:
It's not a rhetorical question, he's asking.
LEG. FIELDS:
He's asking you.
LEG. LEVY:
You actually want me to answer?
LEG. CARACAPPA:
Yeah.
P.O. TONNA:
He actually wants an answer.
LEG. LEVY:
Because the train whistle was too loud.
LEG. CARACAPPA:
It's a laugher.
P.O. TONNA:
So we got law and statute, whatever, and a train whistle.
LEG. LEVY:
Go ahead.
LEG. CARACAPPA:
Quality of life; correct? An authority was telling you and your constituents, "We're not going to change it. You live with our horn and we're going to come through there at every hour of the day with this horn blowing." It was a quality of life issue for your constituents and you did what you thought was necessary. You put that money aside and you said, "If the Long Island Railroad does not respond to my constituents, I'm going to hit them with a lawsuit to change it, so we have -- we have a quality of life litigation that this Legislature has done. We have compensation and change of policy litigation that this Legislature has done, and we have one based on law and statute, all within the last year-and-a-half. Am I missing

something here?
LEG. GULDI:
Yep.
LEG. CARACAPPA:
Well, George says yes, and he'll let me know why.
LEG. D'ANDRE:
It's stacked against you.
LEG. CARACAPPA:

It's -- of course. I know you guys are getting my drift, I'm just trying to make my point. Why those and not this when we all know in our hearts there's a severe problem? I know there are legal questions and I know there's a small spot on a target that we must hit directly and split the hairs on it to be successful, but it's like that in every litigation when this Legislature goes after an authority or another level of government, and I don't know why we can't just try and make it based on real life concerns on everyone's part.
I am praying that you're not frightened by the name-calling and the types of press that I have received resulting from my bill. I over last week have been -- I've received two death threats based on this, and I've had my home vandalized over the weekend, and there's no doubt in my mind that it was people who have opposed me on this bill, and, in fact, I know it is, the same people that live by the motto of love and peace and non-hate. And all I can ask of you is to vote your conscience and to stand with me, just as you've done for your constituencies in similar instances, and do this based on right reasons and not wrong ones. And just take a stand with me. I know it's a tough one.
And I'm sorry that I had to bring this issue to this body. I know it's a tough issue. And I don't know why I'm apologizing, because -- but I have to, because I hold you all in the highest regard and I know this is the most difficult issue for us to face in this County, and it's one that is taken by my opponents and ripped into two pieces and you're a bad guy if you even consider fixing a problem within your community that has anything to do with the word alien, immigration or INS. That is my reasoning for bringing this forward, not for any press, not for any glamour, not for any grandstanding, as been accused my me -- of me today, but for all the right reasons, and I think each and every one of you knowing, me over the last five years, know that to be true, and I can just make one final plea for you to join me.
LEG. FISHER:
Paul.
P.O. TONNA:
Thank you.
LEG. CARACCIOLO:
Mr. Chairman.
P.O. TONNA:
I'm next on it, and we have a list. There's -- after that, there'll be Legislator Fields, Cooper, Fisher, Postal and Caracciolo, Foley.

LEG. LEVY:
I'm glad we're having a short debate on this.
P.O. TONNA:
Okay.
LEG. BINDER:
Tonna.
P.O. TONNA:
Fields, Fisher.
LEG. GULDI:
Get to me.
LEG. BINDER:
Tonna.
P.O. TONNA:

Fisher. Hold it a second. No, I didn't --
LEG. CRECCA:
Why don't we just have a roll call on it?
P.O. TONNA:
Wait, wait. After Fisher, it was Postal.
LEG. BISHOP:
Everybody should just speak for two minutes.
P.O. TONNA:
Just wait one second. I just want to be --
LEG. GULDI:
Put me on the end.
P.O. TONNA:
Postal, Foley, then Binder.
LEG. CARACAPPA:
I'm sorry for taking so long, by the way.
P.O. TONNA:
Binder, and then Guldi. Okay. Joe, just a few things. First of all, I think you're right, I don't think anybody here in the horseshoe who has worked with you for the last, you know, six years, five-and-a-half years, whatever it's been, would ever doubt your sincerity, and I surely do not. And I think that anybody who would have said anything, that you're a political grandstander or any other things, I haven't heard those things, but anyone who has said any of those things, they couldn't be further from the truth, and I believe that about you, and I believe that about your intention when putting this legislation in. On the other hand, I'd like to address the legislation that you put in, specifically on a couple of issues.

First of all, I know that this must be a very, very pressing issue. I've driven through Farmingville. We have a similar situation in Huntington, but not to the same extent with regard to day-laborer problems and the situation with regard to people outside in an area where they shape-up or shape-up crews. The concern that I have is that I think legislation like this does not help promote the process of finding a reasonable solution. You yourself said, and I'll use my word, there's only a scintilla of possibility that this might work to a desired effect. We've had legal experts come today and say not only is there not a scintilla, but there is absolutely no possibility. And if anything, that we might actually have a situation where there would be sanctions brought against this County for legislation. I don't know how true that would be.
The concern that I have is this. As long as people in the Farmingville community believe and put their hopes on these -- at the very best, scintilla of hope that there is going to be some type of massive solution to the concern with people who are undocumented, who reside and work and congregate in that area, I think that retards the real work that needs to be done, which is to put people together, and say, "How do we work together to find a solution?" There have been other alternatives suggested. There are alternatives similar to the one that was found in Huntington that has worked with mixed review, and there are times where, you know -- and there's processes that are taking place to make it a better solution, but to find a situation where people on both sides are dealt with dignity and respect.

The fact is, is that you're right about the federal government. I personally, it's my own opinion, feel that our federal government has allowed a situation to take place where there could be massive immigration into this country. And, actually, the victims in my mind, a number of the victims are people who come here, are not able to get licenses, are not able to get fair living wages, who have to live in substandard housing, because they're not -- they're not given the same opportunities that citizens of this country are, but, yet, our economy is so dependent on this slave labor class. That, really, when it comes right down to it, every single one of us who have gone to a restaurant, every single one of us who might be able to afford landscaping for our homes, or whatever else, knows quite clearly, if these people were paid the wages that they deserve and the laws that are on the books that say what a fair day's labor work, with overtime, with benefits and everything else, you'd see quite clearly that our economy and the prosperity that we are experiencing right now would be in jeopardy. And so, yes, we have a problem, but the solution is not going to be, and I've had -- and I don't think this piece of legislation has suggested that, but I think in the minds of people who support this type of legislation, there are this hope that there's going to be massive deportations and we're going to get back to the community similar to, you know, the Ozzie and Harriet days, where everyone is a citizen, when they come over, they process their papers, and that type of situation. Those days are gone. The fact is we have another problem. We're about two generations away from most of these people becoming and being citizens, although I have heard testimony today and in conversations with a number of the day-laborers who go back and forth and have their families in the countries that they were born in.

There is still an equal number, if not larger number, of people who come to this country and raise their children here, have children here, who are citizens now of this country, and are given every single right as a citizen of this country to receive every single benefit. And so we are a generation away, basically, of having a situation where we are going to have a large citizen influx of people whose parents were immigrants to this country and who now are afforded each of these benefits.

There is an acculturation process that this country, through a series of immigration waves, have taken place. The sad thing here in my mind is that somehow we have amnesia about our own pasts. And the fact is, is that when it comes right down to it, if we were working better to say how do we make the process of acculturation a more smooth process, how do we make sure that those who are breaking the law, whether they be -- and this was one of the things that I saw very clearly the Police Department's statistics that were so flawed from my standpoint, if we're going to give real statistics. There is no statistics on the victimization of day-laborers, there were no statistics on general population versus -- I mean, is there a disproportionate amount of undocumented people who commit crime versus people who are legitimate, you know, citizens? We didn't hear any of that. And so my sense is, is that this bill, although I know the sponsor of this bill is trying to deal with a very, very different -- very difficult situation, I feel that if we're able -- if we really want to solve the problem in

Farmingville or begin the process of solving this very difficult problem, that any facile, simple Suffolk County Legislator bill solutions, if we think that these things are really going to answer the problem, we're just fooling people, because the truth is, is that if this bill passed, the streets would be in the same situation that they're in. The INS can't come in here and start proofing people, okay, we know that. My meetings with people in the INS, you know, said it over and over again, they're -- they can't come in here and start proofing people for citizenship. This is really not going to help.
And so, what I would say, and finally, is that the reason why I originally opposed this bill is the sign value. We, as elected officials, have a responsibility to pass legislation that's going to bring people together, not to divide communities, or not to be in a situation where we're going to create unrealistic expectations. There's no end game in this legislation. If you tried to visualize what's going to really happen, there is really nothing here that's going to make the situation in Farmingville any better. And if we have people who are committing heinous crimes in Farmingville, whether they be citizens or undocumented, they deserve the full penalty of the law. Our Suffolk County Police, which I have full confidence in, can enforce those laws. If you said, "Hey, we have a situation here where there's a spate, spat, increase in the level of crime in Farmingville, then I would be the first one to vote for more resources of the Suffolk County Police Department; okay? I would do that. And those people should be tracked down and imprisoned if they have committed a crime and found guilty. But this, I think the sign value is wrong. It puts people at odds with each other, not together.
The last thing. You mentioned about people with death threats and you mentioned about your home being vandalized. Joe, that is wrong, we all know it's wrong. But so, too, I've gotten phone calls, and you know

about this, from people in Farmingville who have said that the reason why I oppose bills like this is because of my wetback children, okay, and situations like that. I'm not condoning any of this type of action. This is how volatile a situation it is. And so I would say, whether it be death threats, or threats to your family, or vandalization, if we start putting people together, and my appeal is to the people of Farmingville, I would ask that real leadership, if you want real leadership in this community, and I think Joe is trying to provide this leadership also, but we have to bring people together. And the citizens in Farmingville, if we have realistic expectations and try to build some rapprochement and some assembling and meeting of the minds, maybe we can be in a situation, like so many other processes of acculturation, where people will begin to work together, will be able to support each other, and build the type of communities we all want to live in. Thank you very much.
LEG. D'ANDRE:
There's only one thing wrong with that argument.
P.O. TONNA:
Legislator D'Andre, you're going to have your opportunity. Legislator Fields.
LEG. FIELDS:
I would just like to say that when I first heard about this bill, I was

ready to support it. And I would like to commend Joe for -- Legislator Caracappa for bringing it forward, because I think what he's not illustrating is an attempt at bigotry, but an attempt to try to solve the problems of the constituents of his community, and that's what we were all elected for. And I think first and foremost, that's what he was trying to do. And there's a problem there, a big problem, we all heard it. And that's the beauty of these public hearings, you do get to hear both sides. And I think that there's a real frustration on the part of the community, and on a part of the workers, and especially on Joe's part, because he's trying to do a good job for his constituents. And he's not here to prevent people from becoming citizens, he's not here to try to pass that message on. I don't think that has been evident in anything he tried to do.

I found today, I used to think before today that INS could go into a group of people and just proof them all. I found out today you can't do that, so that's a frustration, you know, on people's parts who say "Well, why aren't you doing anything about it?" It's very difficult, apparently, from what we've learned today to do anything about that. We did hear some testimony about INS having a meeting with the Police Department and with other people. I think maybe we could try to work on that part of it. I think maybe there's a question here of zoning, and maybe making the laws stronger in Brookhaven for zoning. And I think that there are a great many workers here, we saw many of them today. I've seen many of them that are hard, decent, honest workers and they want a chance in life to get ahead. I know that -- I read once that when people come here from another country, the first generation doesn't speak English, the second generation speaks English and become homeowners and business owners, the third generation does not even speak the mother language, and we're all a product of that.

We all had parents, grandparents, great-grandparents come here. But I just want to say that I think, at this point, it is a quality of life issue, it is a problem, it is a frustration. And I did want to support it. I no longer feel that I can because of all of the testimony that we heard today, but I'd like to work towards solving the problem and having a good solution to the problem, and I think maybe we can try to do that, and I think Joe would probably work very hard at trying to arrange those meetings and still continue to work for his people.

P.O. TONNA:

Legislator Cooper.

LEG. COOPER:

Joe, I have a great deal of empathy for what I know your community sees as a serious quality of life issue. But when I looked at the CHASE arrest statistics that we were presented with today and we saw that there was a 30% decrease in arrests of non-citizens, including undocumented aliens, compared to only a 20% decrease in arrests on citizens, I think that reiterated that the problem really is not with the undocumented alien population as a whole, but with that very, very small proportion of that population that commits crimes. And I know that your attempt to address this problem is sincere. And I had my staff check with Paul Sabatino to see whether it would be possible for the Legislature, if we wanted, to pass a resolution that would require the police to reinstate saturation patrols in Farmingville, or perhaps

roving patrols, Farmingville and Huntington Station, wherever they would need it, and I think Paul replied that that was possible. But I think he mentioned something else that was interesting and he spoke about the INS's special enforcement units, which apparently focus on criminal acts in particular, and help train the local police to deal with criminal acts by undocumented aliens. And, apparently, in March of '99 they sent out teams to 35 different cities around the country. Instead of trying to get the INS to patrol the entire undocumented alien community, if we want to look to the INS, maybe this is the proper step to take and see if they could send a Special Enforcement Unit to Farmingville and help the local police deal with a criminal problem. Paul, could you elaborate on that a little bit?

MR. SABATINO:

Well, in the course of doing the research for Legislator Caracappa, one of the things I uncovered was that there's something called the Special Enforcement Unit that operates out of the INS, and as you properly or correctly indicated, 35 cities were assigned these units with funding to cover it. What they do is they only focus on the criminal aspect of it, and they work with the local law enforcement community to basically track down and try to enforce those aspects of it. They wouldn't be doing any of the civil work.

The problem is, you know, only 35 cities got it and they were kind of unusual cities that, at least on the face of it, seemed to be unusual cities that got it. You'd have to get some kind of a, you know, process going to try to secure that aid. You know, Legislator Caracappa's proposal I think was to try to create some leverage to get to that situation. I mean, there are other ways to try to get there. You can try to combine the leverage with, you know, dealing with people at, you know, another branch of government at a higher authority to try

to bring the pressure to get that, but that -- and Commissioner Gallagher, when I met with him this morning, indicated that one of his people had attended a meeting just several months ago and this was brought up in a kind of tangential kind of a way, they didn't fully realize what it was. And I think what he agreed to this morning was that maybe there would be a follow-up meeting to pursue that.

But the point is that there are, you know, potential political solutions out there, if you can find the right kind of local activities to get -- to hit the right pressure points at the federal level. I'm not sure I know what those pressure points are with certainty, but there's a whole array of possibilities to try to get there.

LEG. POSTAL:

Paul.

LEG. BISHOP:

Paul, who's next? Pick someone.

LEG. FIELDS:

Postal.

P.O. TONNA:

Vivian Fisher.

LEG. FIELDS:

Postal, Maxine.

P.O. TONNA:

Thank you.

LEG. FIELDS:
No, Maxine, then Vivian.
LEG. POSTAL:
No, Vivian is before me.
P.O. TONNA:
No, Vivian's next.
LEG. FIELDS:
No. Vivian is, right.
P.O. TONNA:
I have this committed to memory.
LEG. FISHER:
The first thing I'd like to mention on the record is that the issues that are surrounding this question in Farmingville are very complex. And characterizing Joe in newspapers and in some informal conversations as a racist I think is not only unfair, but it works to further polarize the people who live in Farmingville, who live and work in Farmingville. And I would like to state that I can't look into a man's heart, but I'm convinced that Joe is not motivated by any racial feelings. I believe that he was motivated by exactly what Ginny has said before me and Paul. He was -- he's been making an effort to fix a

problem in his Legislative district.
Earlier today, I was speaking to some people who were representing the Attorney General's Office, and they said, "Why would a Legislator be doing this? This isn't the purview of the County." And I tried to explain to them that we really have a sense of taking care of our constituents. We see ourselves as the point of last recourse for the people in our communities. And I think there are 18 people sitting around this horseshoe and I would dare say that all of us feel that way about our jobs. If there's a problem, with we want to fix it.
But when I look at the legislation, there are many weaknesses that it has, and I've talked about this with Joe. I think, number one, it was so broad that it left itself open to any kind of interpretation or innuendo that anyone wanted to read into it. Joe said to me that the first issue that he had in mind was the issue of felony arrests where there is tremendous risk of flight, and that's why he's been holding up those "wanted" posters all day. That is a very serious issue and that's a very specific issue. And from what we've heard today, that's an issue that has to be addressed by the County officials; the Police Department, the D.A.'s Office and the Judge who imposes the bail, or denies bail because of risk of flight. We don't call on the INS to do that. The INS does not step in until there's a conviction. None of those three people whose "wanted" posters were held up here today had been convicted of a crime.
The other problem I had with these -- the resolution was the first "whereas," which although Joe never said that there was a crime wave, did use the term a spate of alleged criminal acts. If you look very carefully at the criminal acts that are listed on the first page of the resolution, you will see that they not only are -- when we look at the statistics, not -- do not represent a spate of criminal acts, but the level and intensity and level of criminality here really covers quite a broad range. We have one petit larceny --
LEG. GULDI:

Five.
LEG. FISHER:
One petit larceny which was the theft of a box of skin cream worth $4.30. This crime is listed on the same page and treated with the same broad stroke as a rape or as a DWI, which resulted in the death of a young mother. We can't look at this on one page and act as if these are just all crimes, you have to look very carefully at this.
Let me just look at my notes, because there were so many different levels at which I had a problem with this.
I was very touched by the testimony that I heard last week in the Public Safety Committee, because we are all outraged when our community comes forward and says, "I'm afraid to walk in my neighborhood,""I'm afraid to go out," "I worry for my daughters." We want to protect our citizens. However, I went to Farmingville, I went to Farmingville a few times, and I saw that by 8 o'clock in the morning, most of the people had dispersed, most of the day-workers had found employment and had dispersed. That was the first observation. The second thing I did

was I went into the Stop and Shop and K-Mart and I spoke to shoppers, I spoke to people who worked there, and there was not -- and I spoke to women, I only spoke to women. There was not one person who indicated that they were afraid, not one person. There were people who said they didn't like the situation, but there was not one woman who said that she felt afraid. That's very important.
What happens and why there is a sense that there's bigotry involved is that if you look at a situation and you use a panoramic lens, you're going to get a very broad picture and you're going to look at a big problem. But what you need to do is take that lens and zoom in on the human beings who compose that group, and when you do that, you get a very different view. The people that I spoke to at Stop and Shop, especially the people in the bakery there who spoke to me awhile, said, These guys don't bother anybody, they're standing out there looking for work. They work so hard. We see them when they come in here and do their shopping, we try to help them because they don't speak Spanish" -- I mean, "Because they don't speak English." This is the sense that I got form people when I spoke to individual people.
There was -- there was -- there were statements made at the Public Safety meeting that people were concerned about their quality of life, that they were concerned about the value of their homes. The first question that was asked of me by many of the women with whom I spoke last week and earlier this week was, "Is there a crime spree going on in Farmingville?" If you want to hurt the value of your property, the best way to do it is to spread the word that you live in a -- where there is a crime spree going on. This is what was frightening the women I spoke to. They were afraid of the crime. And I said to them no, "No. I've just met with the Commissioner," when I spoke with them later in the week. I said, "There is no crime spree going on here in Farmingville."
So, as I've expressed to Joe I know how hard he's been working on this and I know that his heart's in the right place, but I don't ever want to send the message that this Legislature treats problems with such a broad stroke that we brush away the rights of individual people, no matter where they're from or what kind of papers they hold. So I ask

everyone to please look very carefully at the merits of this resolution. Ethically, we can't support it. We've been -- we've heard testimony that legally we can't support it, that we would risk spending a lot of taxpayer money and risk sanctioning. Today was not the first time I've heard this. I've spoken with people in Michael Forbes' Office, Senator Schumer's Office, Elliot Spitzer's Office. I've really worked very hard on this for the past week and spoken to many people and there has not been one person who has said that this case has merit. Looking at the statistics that we have, we don't have a spate of crimes, we don't have a high level of crimes that are being committed here.

So that being said, I hope that you will all see this and reject this resolution. Thank you.

P.O. TONNA:

Thank you very much. Legislator Postal.

LEG. POSTAL:

Thank you. Obviously, I think everyone's in agreement, that there is a problem, that Legislator Caracappa has attempted to resolve the problem. There's a great deal of frustration, it's a difficult problem, it's not an easy problem to solve. But I think we've also heard that the solution, we've heard from a couple of lawyers, is legally flawed, that the likelihood that we could succeed is virtually nil. But, certainly, I've heard arguments that because it costs us money in enforcement, we could seek reimbursement. We tried that. We tried that with getting reimbursement from the State for patrolling the L.I.E. and Sunrise Highway, we weren't successful in doing that. We heard that the Precinct has reinstituted saturation patrols, that that was a successful endeavor in the past, and recently, they've reinstituted those saturation patrols. I think we need to give that sometime to work. Probably the best suggestion I heard was made by Patricia Gyscek, I don't know if I pronounced that right, because she makes it clear that there's a comprehensive problem that not only involves law enforcement, but also involves health issue, labor issues, sanitation, traffic issues. And I think this is a very complex problem and probably is going to take a lot of effort on the part of a lot of different agencies and will take sometime.

I might almost be able to accept the concept that we should take action to get the INS to do something if there was no downside to it, but I truly think there is a downside, and I think that the downside is that we send a very negative message to the immigrants who are working here, who are living in Farmingville, who are law abiding people, who are working very hard, who get up every day at the crack of dawn and work very, very hard to support themselves and their families.

I think that many of the immigrants come from countries where traditionally there is suspicion with regard to the police and authority figures, and it's been -- there's been a long effort on the part of the Police Department and this County to overcome that suspicion and that reluctance to work cooperatively with the police to report when immigrants are victims of crime, to go to the police when immigrants witness crime. I'm afraid that if we go ahead with approving this resolution, we're going to reinforce the fear of immigrants about working with the police and working with government

agencies, and that will hurt all of us, and, as a matter of fact, it can increase crime, because if people are victimized and they're not willing to come forward and they're not willing to report it, or if they are witnesses and they're afraid to contact the police and come forward and give information, then the perpetrators of those crimes continue to perpetrate crime. So if only for that reason, if only that we can be having a chilling affect on the willingness of immigrants to cooperate with the Police Department to fight crime, I would urge us to vote against the resolution and give those saturation patrols an opportunity to have some time to have an effect.
P.O. TONNA:
Legislator Foley.
LEG. FOLEY:
Thanks, Mr. Chairman. So many have spoken from their heart and from their minds today that it's getting to the point that there is some

degree little to add. However, there are some remarks that I need to make.
Having known people in Farmingville for my whole life and having a family that has worked with people in Farmingville for over 50 years, this is something that hits home to me both personally as well as professionally, and what we've seen here today has been an example, a demonstration of what's happened in the community. We're trying to approach this in a good faith effort. The problem is that when we have opposing points of view, there are those within the community that question our motives, question our intent in trying to find a solution. And what's happened in Farmingville is, is that, and as Legislator Tonna so eloquently put it earlier, is that the framework for trying to come to grips with the issue has become so polarizing that to try to have a respectful, rational discussion of different points of view has become almost impossible, almost impossible.
Last year, when we had voted on Joe's original bill, and, as a matter of fact, the record will reflect that the original Legislators who spoke about the need to do saturation as opposed to legislation was this Legislator, and when I made those points last year, there were a number of leaders within the -- within the Sachem Quality of Life Movement who aren't here right now, but they kept shaking their head no. But then what did we here earlier this morning? We heard from both the Commissioner and from the Chief of Police that back in '97, when there was that low, low numbers statistically, that there was a saturation of patrols at that time. And for reasons never given to me, and I'm sure never given to Joe over the last few years, the police started to unsaturate that area and go elsewhere. So the point is well taken, that we need to try to have an administrative approach to have an increase in saturation to see whether that's going to work.
But I have to hearken to some other points, too. You know, Joe, unfortunately, has been -- his house has been vandalized, victimized. We heard earlier from the Presiding Officer that some ugly, disgusting things were -- references that were made as to his approach in this issue, and the same thing happened with me last year. Same thing happened with me last year where, after having family who work in this area for 50 years, to have my motives questioned, to not only question, but to essentially vandalize my character in that community was

abhorrent to me, and that for strictly ugly partisan reasons, there were people out there that were sending out literature, saying that this Legislator, and not just me, but those who didn't support Joe's bill, and I know Joe had nothing to do with this, were helping to create the problem in Farmingville. It was that kind of ugliness that's been developing there. So, when the County Executive put together his task force -- and I would, by the way, tangentially would like to hear from the County Executive's Office as to where he stands on this, when we haven't heard that all day --

P.O. TONNA:

I can tell you.

LEG. FOLEY:

All right. After I finish, please. But, you know, different efforts have been made over time to try to come to grips, but what's happening

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it's become more and more polarized. We heard from Ed Hernandez, who's a great fellow, and who has given us information that the value of homes has not decreased, the homes are still at a fairly high price, as far as what they're trying to sell them for, but then we hear from other people who say the opposite. So us, as decision-makers and policy-makers, we're hearing conflicting information. And what makes it even more difficult for me is, not so much from the leaders of this movement who have vilified me in the past, they want to continue to do that, that's up to them and they have a right to do it, but of late, I've been hearing from people who aren't part of this effort, who aren't making associations with Nazis, or who are talking about tanks coming into Farmingville, I'm talking about rational, sincere people who have recently been calling me to say, "Brian, yes, there is a problem." They don't want to see a mass deportation. But when good-hearted people tell me that there is unbecoming conduct that's happening in some situations, that that has to be addressed, well, then there is a problem, and there's a problem that does need to be addressed, and the question is does this resolution address those problems?

And I would submit to you that, coming in here today, similar to what Legislator Fields mentioned, I was inclined to support a portion of the bill. And the portion of the bill that I still have sympathy for is the area where, if criminal activity is occurring, well, it has occurred in some limited fashion, that there needs to be set up a better protocol between the Department of -- between the Police Department and INS. I think that I think many of us can agree on. And one of the important points that was made only public today, and it was through questioning of a number of Legislators, including myself, is that there is, in fact, a directive that established this protocol back in '92 mentioned by the Commissioner, and that protocol was that if, in fact, someone was arrested for criminal reasons and it was shown that it's an undocumented person, that the directive from '92 forward was that the Chief of Detectives was supposed to relay this information, report this information to the federal officials. Well, the problem, Mr. Chairman, is that that directive, that protocol has not been followed, and that can be corrected not with the law, but that can be corrected with having the right management in place to oversee that that directive would be reinstituted.

Now, with all this said, where I find myself in something of a quandary is because after asking questions of a number of people who spoke before us and the Attorney for Constitutional Rights, when they mentioned that there is next to no chance of this passing judicial muster, I also have to say to myself, but, at the same time, I have good-heart constituents, people who aren't part of any kind of movement to vilify these immigrants, that they are saying we have to do something here. So I'm trying to come to grips with that issue as we speak.

But I want to say a couple of other things, too, if I may, Mr. Chairman, and that is to the point of why many of us, and I know some of the leadership in this -- within the community who want to bring tanks into the community won't want to appreciate the point of view, but why some of us have a difficulty making a -- coming to a final decision on this is the fact that many of us have -- well, we all came

from immigrant backgrounds, and, yes, some say, well -- but all our families weren't illegal immigrants.

Well, I hearken back to one of my favorite stories that my dad told me, and also which, if you read history, you'll appreciate, and those of us of particularly Irish background or Italian background can readily identify with it, and that was back in the early '30's, mid '30's then President Roosevelt went before the Daughters of the American Revolution. The DAR, which now is a fine organization, but the history of that organization at one time was anti-Catholic, anti-Irish, anti-immigrant, part and parcel of the {Know-Nothing} Movement back in the 1800's. And when President Roosevelt spoke before this group, the way that he opened up his speech was, "My fellow immigrants." Now, this was speaking -- he was speaking before a family -- some families whose lineage went back to the Mayflower. What was his point? His point was, whether they came over here legally or illegally, the fact of the matter is the country was built by immigrants. And we all have stories where we have family members who were discriminated against.

So when you have that kind of background, you bring that -- it's not vague, if you bring that history to a decision like this. And it's not as simple as some within the Sachem Quality of Life would like to make this, which is a black or white issue, it is not. And I don't mean that in a racial sense, I mean that in the sense that there are no shades of gray here, which there are. And the part that's somewhat hurtful, Mr. Chairman, is that so many of those who were here to work are such good, good people. They are good people, and we don't hear that enough from people who have a difference of opinion.

You know, where my office is in Patchogue, we have a local church Saint Frances DeSales, they have a church, they have a mass in Spanish at noontime, and the families that are there, the loving families, people are working hard, they're here because there's an economic situation that has attracted them to this particular area. And part of the conflict that we have as public officials is, on the one hand, there are laws in place that make it difficult for Immigration, or there are calls for public safety, but, yet, on the other hand, we have an economic system where there's a need for these workers. And I'll say here and now that there are some agitators, and I've heard this from Catholic Charities and others from the community, who are trying to

give this impression that the day-workers are taking work away from citizens, that they're taking work away from people, when the fact of the matter is, as many of us know, that the work is there because others aren't taking that work.
But, again, what I find hurtful is that we should try to come to some -- we should come to grips with the issue, try to resolve some things here, but it's very, very difficult when a line has been drawn in the sand by some where they don't want to at all have any dialogue, they don't want to have any compromise on this, they want to just keep -- and this isn't Joseph, but those who want to keep stirring the pot, so that they can continue to criticize those of us who have voted in the past against certain resolutions and who right now, as in my case, on the one hand, there's little chance that this resolution will pass, but at the same time, I do have constituents, good ones good-hearted people, who say something has to be done. Is this the answer? I don't

know, but at the same time, I just wanted to put those thoughts on the record, Mr. Chairman.
P.O. TONNA:
Thank you very much, Legislator Foley. Legislator Binder.
LEG. BISHOP:
Can we impose a --
LEG. LEVY:
Wake up.
LEG. BISHOP:
-- two-minute rule, or three-minute rule ourselves?
P.O. TONNA:
No. Legislator Bishop, this is democracy at work. Legislator Binder.
LEG. TOWLE:
I don't know if it's working, but it's definitely democracy.
P.O. TONNA:
It's working.
LEG. BINDER:
It's a lot of talking, Mr. Chairman. The difference between national policy and local policy is becoming starkly evident here. I've had discussions mainly this afternoon with Legislator Postal as we sit here and we talk about national immigration policy, how it is, whether it's fair, just, unjust. But what it comes down to, national immigration policy is severely affecting what we do here in our local communities, and we find that often that this level of government, town levels of government, those levels of government are severely impacted by what happens on a national level on a regular basis. And so while people go to Washington and they debate the big issues of the day and they talk in grandiose terms and they say what we have to do in general, and then they enforce or don't enforce something and they do this on a general basis for the country, what it comes down to is what we do here, what happens here at the street level, what happens in our communities and our homes.
And so a national policy has impacted one of -- really more than one, but particularly one community in Suffolk County and its local Legislator is trying very hard to deal with that problem in a way that he thinks is reasonable, in a way that he thinks is an appropriate reaction to see if something can get done. Unfortunately, as was said

so by many here is that we see the news services, the supposed unbiased, down-the-road -- down-the-middle news services, they talk about this in a very, very biased manner. They put their personal spin on it, they use words that are buzz words and words that raise concerns and passions in people, and then we sit here and say, "Well, we don't understand how this has all gotten so fired up," because when we look at the legislation, the truth is that the legislation itself is really not something that stirs all the fires, it really doesn't. The legislation itself says that there is a national policy that has impacted us in a local community and we want the national policy in

some way to change, and if it won't change across the country, certainly, we want it to change right here, because it's not effective, it's not doing the job, and it's impacting negatively our community. That's what it's about. It's not more or less than that, it's very -- this is a very simple resolution. But, instead, what happens is everybody comes out and says, "Well, no, it's more than that," it says this, and it says that, and it -- you know, it's more, it points fingers, it says that your not good and I'm not good or they're not good. Well, we can -- it's easy to do.

On almost any legislation, we can spin it, but when we particularly talk about some hot button issues like immigration, it becomes very easy. And so those with agendas get the opportunity to do that. Unfortunately, Legislators who are dealing with this end up in the firing line of it, unfortunately so that you have a Legislator who because of an issue has a rock thrown at his window, is vandalized in his house, death threats. We've had death threats here. Actually, I think the only other death threat we've had is, just for a general reason, maybe, the other Legislator has had death threats. I don't know if there was any specific legislation that brought that about. But what's really scary in this particular case is that one piece of legislation, one piece of legislation that asks the federal government to give us reparations for our costs for this problem that they've created, and it becomes what? It becomes all other things. And that's a scary thing, because it's brought to the boiling point where a particular Legislator who dares to suggest that he needs to do something about this problem in his community, his life is threatened. That's a pretty serious and scary thing. That his house is vandalized, that's a scary thing, and all of us should take pause and understand the severity of that. That's not something brought on, I don't think, by Legislator Caracappa, I think that's brought on by those around who would like to create an issue that isn't there, and it's for their own designs, because they want this thing to pass or don't want this thing to pass, they've got agendas.

Now, I understand, when I look at the legislation, we're talking about crime and maybe the increase, possible increase, but there's a fact. The fact is that illegal aliens commit crimes. There's another fact. So does everybody else, or not everybody else, but people who are not illegal commit crime. We have taken on ourselves the responsibility of society to police ourselves, to put together a Police Department, to tax people, to make sure that we police ourselves. But the federal government takes upon itself under the Constitution of the United States that responsibility which is to take care of immigration

in this country. If they don't want that, if that's too much responsibility for them, then they should let local authorities take that responsibility on. But if they're going to keep that, responsibility is theirs. And if they're not going to do their job, as I asked Commissioner Gallagher, "What's happening? What are we doing? What is INS doing here?" His word, it was one word, nothing. So if they're not going to do their job here, then maybe we are due reparations for that, and I think that's what Joe Caracappa's trying to say. Maybe we're due the price of whatever that cost is to our taxpayers to take care of crime. If it's increasing, so then we get more money. If it's decreasing, we'll get less money. But what's the cost to Suffolk County when we go out and take care of the Federal

Government's problems because they're not doing their job, what's our cost? And maybe we should quantify that. And maybe we should say to the INS, to the United States government, "You owe us money, because you're not doing your job." That's what this is all about. I don't think it's anymore than that.

Legislator Postal talked about the fact that we in the past tried to get money for patrolling Sunrise Highway, Long Island Expressway. We were not successful. The fact that we weren't successful doesn't mean that we weren't entitled to the money for patrolling Sunrise Highway and Long Island Expressway. The fact that we couldn't get that money doesn't minimize the State's liability to us for us doing a job that they're supposed to do, and it keeps falling to us in local government to do the job that's supposed to be done at other levels of government and it's unfair, it's wrong, and we've spoken about it in unfunded mandates and all other -- all these other issues, that's what we talk about. But here we say it's okay, we'll do it, we'll take the cost? Is that what we're going to say this time?

I think we can throw aside -- and I really have to tell you, I came in today not sure exactly where I wanted to be, and I listened and tried to make what I think is a reasonable judgement. I opposed the last legislation last year from Legislator Caracappa, but in this case, we're talking about in a sense an unfunded mandate. We're talking about the Federal Government not doing its job and we're paying the price here in a lot of ways. So because of that, and because I think that's the intention of the legislation, not racism, not particularly anti-immigration, it's about -- it's about what we're due in Suffolk County. And if they start thinking about what we're due here, and if the INS thinks about what their due in Nassau County, and what they're due in Florida, and what they're due in small hamlets and towns in Texas, and what they're due in California, and maybe if all of a sudden the Federal Government was liable for the cost of local government and the burden imposed on them by not doing their job, then maybe we'd change policy. Now maybe we won't be -- we will not be successful. Again, as Legislator Postal, we weren't with the State, maybe we won't be. But I can tell you, in the past, this Legislature has always tried to be the first to try to make something happen and we have often been unsuccessful. But we've passed things and sometimes it catches on, catches on around the state, then it catches on around the country. So maybe we're the first to say to the INS, "Wake up. There's a liability here. You owe us for the cost imposed in Suffolk County for what we're

having to clean up for your mess." For that reason, for that reason I'm going to support Joe's bill today. I think we should tell the Federal Government, "Pay up or do your job." And so, Joe, I commend you for putting it in.
P.O. TONNA:
Great.
LEG. CARACAPPA:
Mr. Chairman, just if I could.
P.O. TONNA:
Legislator Guldi. No. Legislator Guldi.

LEG. CARACAPPA:
No. I just want to say, Allan, you hit 100% on the head, and I appreciate it.
P.O. TONNA:
Legislator Guldi.
LEG. GULDI:
How -- now where do I start? You know, I was talking to one of my colleagues earlier today at lunch about Joe Caracappa and I said to them, "You know, don't worry about Joe, Joe has the ability to be very compassionate, which makes" -- "which distinguishes him above many, many members of this body." And I love you dearly, Joe, but --
LEG. LEVY:
He can't help sinking somebody this guy, even when he's giving a compliment.
P.O. TONNA:
Just can you give the list of who he's more compassionate to?
LEG. CARACAPPA:
There's a big but here, though.
LEG. GULDI:
But --
LEG. CARACAPPA:
But.
LEG. GULDI:
-- I can't be supporting this piece of legislation. The problems I have with this legislation are that it has backfired on you. Your intended result is to try to heal a serious problem in your community and this isn't going to do it, and the reasons for that are multiple. First of all, the chances of prevailing on this litigation are -- they're under minuscule. I mean, to find a legitimate lawyer who would sign the pleadings and risk the sanctions of court under the existing decisions that have been handed out today is going to be problematic. And even if you do, the case is going to be in court for a day. At the end of the day, it's going to be dismissed for failure to bring -- for failure to state a cause of action upon which relief can be granted. The crime wave that's the predicated for it isn't there. You got -- the number on the stuff you handed out, yes, you have some heinous crimes, you ever a rape and a stabbing. You have seven sexual abuse charges, some of which are of various seriousness, and one of which I notice the complainant is -- while the names are redacted, the complainants first name is still there he was Javier, so I don't know why it's being counted here. There are two case of exposure, you got one blocked car, one mooning, you've got one throw coffee, you got five

shopliftings that don't add to $300, and you got fifteen vehicle violations seven of which are DWI's, one of which was a fatality and is very serious, five unlicensed operations, two switched plates, and one violation of 130.55, and I don't remember what that section was. In addition, you have 53 unsubstantiated claims and arrests. You got 34

to 53, or about one to two. That's why I say you're going to be in court for a day. You don't have the massive failure of the Federal Government to discharge its policy that would be a predicate for a mandamus action. You're going to have a failure to state a claim. What's the result of that going to be? The result of that is going to be that you're going to send a huge message to the Immigration and Naturalization Service that the courts have decided that what they're doing in your community is exactly what they should be doing, and they're going to be justified and vindicated for continuing to doing, as the Commissioner characterized it, absolutely nothing.

We have three tiers of problems here. Yes, we have a national problem in terms of our immigration policy and practices. We have a worldwide economic problem that causes people to be outflying to the United States, because of the vast inequities in the ability to make a living in areas of the world. We're not going to solve those problems today here on the ground on Main Street. We're a local government. We can only really do our job. Our job happens to include the policing of criminal activity, ranging from quality of life violations to serious crime, and it is our job to send our police back on the streets and tell them to keep going back until they get that job done. That's one of the things we can do in the community.

The other thing that we have to acknowledge, however, is that we got one community, and everybody who's here, wherever they're from and whenever they got here, is part of that community. And the only thing that we've done by having this debate today, whether you get the votes for it and we go to court and lose and tell the -- and convince the INS that they're doing everything proper or not, is you got one side of the room that's scared to death, and the other side of room that's angry, and they're on opposite sides of the room. What we really need to do is figure out ways to come together, acknowledge that we're one community to work together to solve our quality of life problems and to continue to function as one community. And, yes, we all are invested in doing what we got to do, which is the police function, which is our obligation, which is where we as a Legislature ought to be having daily, weekly, monthly, or whatever it takes, reports from our Commissioners as to what they're doing to solve those problems that are our job.

But can't -- like I said, I can't support this legislation. I don't think it does it. I don't think we're even close, but I do think we have to fit -- acknowledge the problem in Farmingville, the problems of the divisiveness in our community, and we have to work together, all of us, as part of this County to solve that.

P.O. TONNA:

Thank you.

LEG. GULDI:

Thank you.

P.O. TONNA:

Legislator D'Andre. I put you on the list.

LEG. D'ANDRE:
You make a lot of sense, Guldi. But there's one thing I have to remind this Legislature. Joe Caracappa is a member of this body, we're not doing enough to help him. The very least we could have done is to have gotten police protection for those women and men in that neighborhood. They're not up here just to have fun for a night out, they're here because they're scared stiff and they're worried like hell, and they're American citizens and they're tax-paying citizens. They're paying our salary, and here we sit with every excuse known to man in why we can't help them and it's nonsense.
I say this to you, to each and every one of you. The least we can do here, we may not be able to tackle the Federal Government, we pass this bill to throw it in their face, and then we come back and we get police to go to -- what's your neighborhood's name?
LEG. LEVY:
Farmingville.
LEG. FISHER:
Farmingville.
LEG. D'ANDRE:
Farmingville. And we get them in there to patrol that and patrol cars, maybe two patrol cars with two policeman in each car, to give them a sense of safety when their children go to town or they go to town. Now, these people that were here today, these Mexican and South American people, they're hard working, they're not -- they're the problem because our system isn't right, it's not because they individually are a problem. So these people want to make a day's pay and send it to their family and obey all the laws, and most -- a lot of times they get cheated out of it on top of that, some of our unscrupulous citizens. So we have a situation where we have workers in trouble, we have a situation where we have citizens in trouble. And my way of help goes first to my citizens of this country and a lot of them that fought for this country, there's where my help goes first. If there's anything left over, I'll help the aliens, but I'll be damned if I'm going to help the aliens over helping American citizens who are being displaced in their own home, haven't been helped in their own home. And I think we have it within our power, Mr. Chairman, to provide them police protection at whatever it costs, and that's the very least we should leave this room tonight doing. And I leave it up to your responsibility to see to it that those people have police protection. And then pass this law, send it to Washington, let them figure out where we didn't do right or wrong, or what have you. At least give the people some hope. You're not giving these people any hope. And the poor Mexican people think we don't like them. We don't dislike them. They're people, they have family people. They have to feed their families, and if we can give them some work here and we need the help, fine, but it doesn't mean we have to have no law and order. We must have law and order.
P.O. TONNA:
Absolutely.

LEG. D'ANDRE:

So solve this problem right now, get the police assigned there. Pass this bill, send it to Washington. Let them fight it out with the rights or wrongs of it. We may not cure the problem, but we'll make people happier with the problem, Mr. Chairman. We'll make our people happier and they may feel safer. And we show the Mexican people, we don't dislike them, they're people, they're workers.
P.O. TONNA:
Thank you. I mean, we love them.
P.O. TONNA:
Thank you, Legislator D'Andre. Legislator Carpenter.
LEG. D'ANDRE:
My family came here and worked --
P.O. TONNA:
Wait, wait, wait.
LEG. D'ANDRE:
-- The way you worked, and the Irishmen came in and they worked in those tunnels and on the railroads for very little money. A lot of times --
P.O. TONNA:
And the Chinamen.
LEG. D'ANDRE:
-- they got cheated out of it, just like you people. So the problem is not fighting you people, the problem is working together, but the Federal Government is naughty. They're not passing the right laws.
P.O. TONNA:
Don't forget -- don't forget the Chinese, they built the railroad. Okay.
LEG. D'ANDRE:
Right now, I'm with Mexicans --
P.O. TONNA:
Thank you.
LEG. D'ANDRE:
-- and I'm with Americans, and I'm with the people in -- and what's the name of that town?
LEG. BISHOP:
Farmingville.
LEG. CARACAPPA:
Farmingville.
LEG. D'ANDRE:
Farmingville. Thank you, Mr. Chairman.

P.O. TONNA:
Legislator D'Andre, you are an Ambassador of Good Will.
LEG. D'ANDRE:
We love people. We love people.
P.O. TONNA:
Legislator Carpenter.
LEG. CRECCA:
How do you follow that?
LEG. LEVY:
I want that transcript.
LEG. CARPENTER:
He's very difficult to follow.

LEG. CARACAPPA:
Hey, Mike, thank you for your support.
LEG. BISHOP:
Congratulations, you get to follow that up.
P.O. TONNA:
I would suggest, Joe -- anyway, all right. No more -- Legislator Carpenter has the floor. I love the Italians. Okay. Go ahead, Legislator --
LEG. CARPENTER:
Being one, I'm glad to hear that.
P.O. TONNA:
Thank you.
LEG. CARPENTER:
A second generation one at that. We certainly have heard a lot tonight, and I think the overwhelming consensus is that Legislator Caracappa was motivated out of a genuine desire to help the people that he's been sworn to represent. And I don't think that there is another Legislator who does his or her job with more heart and with more passion than Legislator Caracappa has shown as particularly on this issue, and I mean that very sincerely. And I'm sorry there's going to have to be a "but" on this, Joe.
LEG. CARACAPPA:
I'm used to it.
LEG. CARPENTER:
Legislator D'Andre, you said something about working together, but passing this resolution would not give people -- there were words thrown out like hope, and we need to heal. Passing this resolution isn't going to do that.
LEG. D'ANDRE:
Okay.

LEG. CARPENTER:
The letter and the comments made by Patricia Gyscek, I know Legislator Postal referred to them, and it was very interesting, and I'm glad she left copies of what she said; that she was speaking about the atmosphere in the community that she lives in. And in speaking with people on a firsthand basis, the kinds of things that were reported in the newspaper were not what she was experiencing, and certainly not the kinds of activities that she was hearing from anyone that she spoke with firsthand. But she did issue a challenge, I think, that County officials should boldly address some of the concerns promptly, that we take firm action and seek just solutions, just, just solutions.
We have the tools, we have our police department, and we're so -- all so proud of COPE, Community Oriented Police Enforcement. And if there is a community in this County of ours that needs COPE, it, obviously, is Farmingville. And I think this is a challenge to our Police Department. And I think, as the Presiding Officer said in his eloquent remarks earlier, he has faith and confidence in our Police Department and I know they can do the job.
These community needs to be pulled together. And there was some reference made to a meeting, that it seemed like the partners that need to be there were there. Legislator Caracappa certainly has the leadership skills to help pull this together, and the Police

Department, and the County Executive's people, and I think there probably needs to be representatives from the Workplace Project and perhaps the churches. But I think the solution lies not in a resolution passed at this Legislature that's going to sue another branch of government, the resolution to this problem lies, or the solution to this problem lies right here, and working together is really the answer. And I know that Legislator Caracappa is up to the task, and the communities that he represents have every right to be proud of him.
LEG. CARACAPPA:
Thank you, Legislator Carpenter.
P.O. TONNA:
Thank you very much, Legislator Carpenter. Legislator Bishop?
LEG. BISHOP:
Am I -- am I the last?
P.O. TONNA:
You're the penultimate.
LEG. BISHOP:
I'm the, okay, second next to last.
P.O. TONNA:
No.
LEG. FISHER:
Penultimate.

LEG. BISHOP:
Penultimate, the second to last.
P.O. TONNA:
The next to the last.
LEG. BISHOP:
Right, I knew that.
P.O. TONNA:
The last is Legislator Caracciolo.
LEG. BISHOP:
I just want to briefly put my reasoning on this measure on the record. First, I want to say of Legislator Caracappa that he actually changed the tone of the debate with his statement earlier, because I think a lot of people were going to seek refuge in the old argument that, you know, we don't have a legal chance. And I think that when our Counsel comes up with an opinion and an advocate has a different opinion, even if I personally agree with advocate, I choose to stick with my own Counsel, because I think the institution needs to do that as --
LEG. D'ANDRE:
Good boy, Bishop.
LEG. BISHOP:
But that's --
LEG. D'ANDRE:
Good boy, Bishop.
LEG. BISHOP:
That's not -- so that --
P.O. TONNA:
So he swears to it.
LEG. BISHOP:
Yeah, he says that, we swear to it.

P.O. TONNA:
He swears to it and you're going to go along with it. Okay, I just want to know.
LEG. BISHOP:
Well, at least we get an opinion. If the advocate convinces us otherwise, we should get an opinion from the County Attorney. But we -- you know, we shouldn't go with -- I don't believe that we should rely on outside opinions to counter our own Counsel.
However, with that argument gone, you have to rely on facts. And the problem here is that Legislator Caracappa sought to do the right thing. The community is, obviously, articulating to him what they want, and he -- and what they fear, and he tried to respond, and then he went to the Police Department. And our Police Department, which I see is no longer here, I think behaved reprehensibly in this situation,

because they came to the Public Safety Committee and they -- I say testified. They didn't swear in, but they made statements that I read earlier on the record that led the entire committee to vote in a certain way. And at the time, in the Public Safety Committee, I said, "Well, you better bring statistics proving that to the full general meeting. So here we are at the full general meeting and there were no statistics proving what they said, which puts Legislator Caracappa in a terrible position. The community is already in a terrible position, because their initial fears were supported by the Police Department's statements, but they can't back it up.
Now, there is definitely a downside to adopting a measure like this, because it certainly sends a signal. It sends a clear message --
LEG. D'ANDRE:
You're damn right.
LEG. BISHOP:
And a message that we don't want to send in -- you know, at any point, particularly at a point where it's not merited by the facts. So given that the Police Department can't support with actual statistics what they said they could at the Public Safety Committee, I have no choice but to vote against this, and that's a shame. I think that this was a real diversion into a lot of conflict that we didn't need to take, and in this case, I think that the Police Department owes the Legislature an apology for what occurred.
P.O. TONNA:
Thank you very much. Legislator Caracciolo. I think your last, but not least.
LEG. CARACCIOLO:
As the Bible says, "The first shall be last."
P.O. TONNA:
There you go.
LEG. FOLEY:
And the last shall be first.
LEG. CARACCIOLO:
Thank you, Brian.
P.O. TONNA:
Semper fi.
LEG. CARACCIOLO:
What I quite don't understand is why, as everyone has mentioned, or a

number of Legislators have mentioned, we pursue administrative remedies and, at the same time, not withhold legal options. And that's what this resolution really speaks to, the legal option. What is the fear, what is the fear around this horseshoe of being the one municipality in this country over -- out of 3,000 counties nationwide to stand up to the Federal Government and say, "We have a problem that you are culpable for, we need your assistance, step in and assist"? Why can't -- why is this -- why cannot this be mutually exclusive? Well, why

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should it be mutually exclusive? That's what I don't understand, why one approach and not a multi-prong approach?
We had not heard from the County Attorney. I'd like to hear from the County Attorney. And I don't want to hear at this late hour, after this important issue has been before us all day, that a County Attorney is not available, because that would be a total and complete disservice, and cop-out.
P.O. TONNA:
Okay. So what would you like me to do, Legislator Caracciolo?
LEG. CARACCIOLO:
I'd like to request a County Attorney.
LEG. BISHOP:
No, no.
LEG. FOLEY:
Yes, Mike has a right to.
P.O. TONNA:
Okay. Is there a County Attorney in the house?
LEG. FOLEY:
There should be.
LEG. BISHOP:
No. Okay.
LEG. FOLEY:
Mr. Chairman, let the record reflect that in prior years, in prior administrations, going back to when the Legislature was created, at every general meeting, there was always one of the top County Attorneys that would be present, as well some of the top administration officials as well.
P.O. TONNA:
Okay. I would say, just in -- I'm not going to be anybody's apologist. Brenda, where are you? Brenda Rosenberg, Brenda Rosenberg. I think there is a transition going on in the County Attorney's Office with the loss of Deputy County Attorney Mea Knapp, who is now the President of OTB.
LEG. CARACCIOLO:
Well, Mr. Chairman, let me interject, because --
LEG. FOLEY:
There are hundreds of attorneys.
P.O. TONNA:
Okay.
LEG. CARACCIOLO:
-- there are a number of other resolutions on this agenda --

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P.O. TONNA:
Okay.

LEG. CARACCIOLO:
-- that I am going to request the County Attorney's opinion.
P.O. TONNA:
Okay, okay.
LEG. CARACCIOLO:
Because they're ground-breaking, and I want to know where we as a County stand on ground-breaking issues.
P.O. TONNA:
Okay. Just --
LEG. CARACCIOLO:
So let's get a County Attorney out. If we can recall other administrative officials, there's no reason why -- how many County attorneys are there in the County Attorney's Office?
LEG. FOLEY:
Hundreds, hundreds, Michael.
LEG. CARACCIOLO:
Counsel?
P.O. TONNA:
Wait.
LEG. CARACCIOLO:
Could Counsel tell me, or Budget Review, how many County Attorneys do we have on staff?
MR. SABATINO:
I would probably say 80.
P.O. TONNA:
Mike. Mike.
MR. SABATINO:
Sixty to eighty, I would think.
P.O. TONNA:
Michael.
LEG. CARACCIOLO:
Sixty to eighty.
P.O. TONNA:
Okay. Michael, could I ask -- point well taken. Could I ask you, okay, now that we know there's not a County Attorney, the eighty that are home sleeping and well rested with their families, or wherever they are --

LEG. CARACCIOLO:
No. I'm requesting that one of them be recalled and be here, just as we are here, just as the public has been here for the last 12 hours listening to this debate --
LEG. FOLEY:
You're right, Mike.
LEG. CARACCIOLO:
-- and participating in this discussion.
P.O. TONNA:
Can I ask you what the County Attorney is going to -- what light is the County Attorney going to shed when we have our own Legal Counsel, who has offered a legal opinion, who I would say I have a lot more confidence in than the County Attorney's Office? I would ask that what additional information will the County Attorney's Office provide for you with -- as it relates to this specific bill?

LEG. CARACCIOLO:
Well, I could cite chapter and verse where there has been a difference of opinion between Counsel and County Attorney, and sometimes -- sometimes the County Attorney has been proven correct and sometimes Legislative Counsel has been proven correct.
P.O. TONNA:
Okay. Since this is not --
LEG. CARACCIOLO:
Case in point, that it was mentioned earlier, the LIPA lawsuit. The hypocrisy around this horseshoe is --
P.O. TONNA:
In what area?
LEG. CARACCIOLO:
Well, let's talk about the LIPA lawsuit.
P.O. TONNA:
No. Let's talk about the bill that's in front of us.
LEG. CARACCIOLO:
No, no, no.
LEG. BISHOP:
No, let's not talk about the LIPA lawsuit.
LEG. CARACCIOLO:
Because there's a parallel here.
P.O. TONNA:
Okay.
LEG. CARACCIOLO:
There is a parallel.

P.O. TONNA:
Okay, hold it. Legislator -- Legislator Caracciolo has -- right.
LEG. CARACCIOLO:
I listened all day, and I'm the last speaker, so I'd like to be heard.
P.O. TONNA:
Yeah, so make your statement.
LEG. CARACCIOLO:
The statement is follows: There is a hypocrisy here, because after this County, including this Legislator, in November of 1998 voted to put a referendum on the ballot, or October of '98, and the courts ruled against the County, we appealed it, we took it to the Court of Appeals and the Court of Appeals said, "No, no, no, no, you can't do that, you don't have that power." What happened next? We had a slight modification in the language of the referendum, it resurfaced in January of that year, strictly as a political ploy by the minority party of this Legislature to try to dupe the public into thinking their county government was selling them out on a LIPA deal, which had nothing to do with it, because the referendum question would have read, "Shall Suffolk County pursue all legal and administrative proceedings against the LILCO/LIPA Deal?" That was the referendum. That said --
P.O. TONNA:
Okay.
LEG. CARACCIOLO:
My colleague to the left can shout and raise his voice, so can I. That said, I'd like to hear -- and at that time, the second time around, we had a divergence of opinion between Counsel and the County Attorney.

And the County Attorney changed my mind by pointing out that if we were to pursue that avenue once again, even though we made some technical language changes in the actual referendum question, we would find -- we would find ourselves basically with the same fate and that being the State Courts telling us, "You can't do that." Legislator D'Andre and I stood up, changed our votes, and did that, and as a result, it was based, my opinion -- my change was based on the prevailing position of the County Attorney. That's why I want a County Attorney hear.
P.O. TONNA:
Okay. Are you done?
LEG. CARACCIOLO:
No.
P.O. TONNA:
Okay. So what else do you want to say?
LEG. CARACCIOLO:
Well, first, are you going to request a County Attorney?
P.O. TONNA:
I've -- I think we've asked Brenda. Brenda, is there a County Attorney here?

LEG. CARACCIOLO:
We know there's not one here. I said I'd like to have one recalled.
P.O. TONNA:
Well, I'm not -- I'll tell you this, Michael, with all due respect to you. We've debated this all day. This is the first I'm hearing that you were going to insist on a County Attorney on this issue.
LEG. CARACCIOLO:
Well, then I'm going to request an adjournment, because there are other resolutions.
P.O. TONNA:
I'll entertain your request for an adjournment. You're making a motion to adjourn?
LEG. CARACCIOLO:
I make -- I make a motion?
P.O. TONNA:
Is there a second?
LEG. BISHOP:
No. Mr. Chairman.
P.O. TONNA:
Wait, just wait.
LEG. BINDER:
Understand the motion.
P.O. TONNA:
Okay. I'd like to understand the motion.
LEG. BINDER:
Point -- parliamentary inquiry.
LEG. BISHOP:
Adjournment is we end the meeting.
LEG. BINDER:
Right. Right. Wouldn't adjournment --
LEG. BISHOP:
He means recess.
P.O. TONNA:

Right, I understand that. That's why --
LEG. BINDER:
He would like to postpone --
P.O. TONNA:
Right. That's why I would ask. So this is a vote. So there's a motion. Is there a second?

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LEG. CRECCA:
What is the motion for?
P.O. TONNA:
Is there a motion?
LEG. BISHOP:
It fails. It fails for lack of a second.
LEG. BINDER:
What's the motion?
P.O. TONNA:
There's a motion for an adjournment.
LEG. CRECCA:
A recess.
LEG. HALEY:
Second.
P.O. TONNA:
No. There was a motion for an adjournment.
LEG. HALEY:
Second.
P.O. TONNA:
Don't put words in my mouth.
LEG. HALEY:
Second.
P.O. TONNA:
Is there a second?
LEG. HALEY:
Second.
P.O. TONNA:
By Legislator Haley.
LEG. CARACCIOLO:
Roll call.
P.O. TONNA:
Roll call. No, no.
MR. BARTON:
Legislator Caracciolo.
P.O. TONNA:
This is a non-debatable motion. Let's go.
(*Roll Called by Mr. Barton*)

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LEG. CARACCIOLO:
Yes.
LEG. HALEY:
Yes.
LEG. COOPER:
No.
LEG. BINDER:
No.

LEG. POSTAL:
No.
LEG. BISHOP:
No.
LEG. D'ANDRE:
No.
LEG. CRECCA:
No.
LEG. CARPENTER:
No.
LEG. ALDEN:
Nope.
LEG. FIELDS:
No.
LEG. FOLEY:
No.
LEG. FISHER:
No.
LEG. CARACAPPA:
No.
LEG. TOWLE:
Yes.
LEG. GULDI:
No.
LEG. LEVY:
No.
P.O. TONNA:
Nope.
MR. BARTON:
Three.

P.O. TONNA:
Okay. Now --
LEG. CARACCIOLO:
Mr. Chairman, I'm not done.
P.O. TONNA:
No.
LEG. CARACCIOLO:
I'd like to request that a County Attorney be recalled --
LEG. BISHOP:
Mr. Chairman.
LEG. CARACCIOLO:
-- for other business, including this, which I am now going to make a motion to table this resolution.
P.O. TONNA:
Okay. So now we have a motion to table. Is there a second?
LEG. BISHOP:
Mr. Chairman, I --
P.O. TONNA:
Wait.
LEG. BISHOP:
I would ask if --
P.O. TONNA:

Is -- there's a motion to second. Is there a motion?
LEG. BISHOP:
-- Legislator Caracciolo would yield for a question?
P.O. TONNA:
Fails.
LEG. CARACCIOLO:
Yes.
P.O. TONNA:
It fails.
LEG. CARACCIOLO:
I'll yield, Dave.
P.O. TONNA:
No.
LEG. BISHOP:
What is --

P.O. TONNA:
There's a motion --
LEG. BISHOP:
I just want to know why --
P.O. TONNA:
I have the floor. There's been a motion to table, there is no second. It fails for a lack of a second.
LEG. CARACCIOLO:
Okay.
P.O. TONNA:
Legislator Bishop.
LEG. BISHOP:
You'll yield for a question? What is it that you want to ask the County Attorney? Why do we need a County Attorney present for this?
LEG. CARACCIOLO:
Would just like to know their opinion as to the legal issues surrounding the resolution, and whether or not they feel this lawsuit would have merit.
LEG. HALEY:
They represent us.
LEG. BISHOP:
If they answered yes, you would vote for it, and if they answer no, you're vote against it, is that --
LEG. CARACCIOLO:
Well, it would carry a lot of weight in my decision-making, yes.
LEG. FOLEY:
And under the County Charter --
LEG. FISHER:
Mr. Chairman, I had asked to speak.
LEG. FOLEY:
-- the County Attorney is our --
P.O. TONNA:
Wait, wait, wait, wait, wait.
LEG. FOLEY:
Is our legal counsel.
P.O. TONNA:
Legislator Bishop right now has the floor. Are you done, Legislator

Bishop?

LEG. BISHOP:
No, I just -- I just wanted to understand the reasoning.
P.O. TONNA:
Fine.
LEG. BISHOP:
Because it just doesn't --
LEG. FISHER:
Okay.
P.O. TONNA:
Everyone has now spoken on the subject.
LEG. FISHER:
Mr. Chairman, I had asked --
LEG. HALEY:
Not me, I haven't.
LEG. BISHOP:
So you're going to rely on lawyers, rather than the substance of the --
LEG. FOLEY:
Mr. Chairman.
P.O. TONNA:
Okay. Do you want to speak on the subject, Legislator Haley? No. So, fine.
LEG. FISHER:
I just wanted to say something very quickly regarding the two points of view between the attorney who's -- the advocate attorney, Barbara Olshansky, and our own Counsel, who -- what Legislator Bishop had said regarding the information that we had received at our Public Safety Committee was very relevant with regards to the merits of this case, the standard. Now, I don't know how to say this in legalese, Paul, so I'll do my best. You had said that with the Heckler Precedent, was it -- that we needed a certain standard of necessity, okay, and with the spate of crimes, the level of crimes that had been represented at Public Safety and that had been represented to you, your belief was that we achieve that standard.
P.O. TONNA:
No.
LEG. FISHER:
But what the --
P.O. TONNA:
He didn't say that.
LEG. FISHER:
Wait a minute, let me finish. But with the representation and the statistics that we subsequently saw provided by the Police Department,

you didn't think that -- you no longer believe that we achieved that standard, and so the merit of the case has been diminished.
MR. SABATINO:
Let me restate it, because maybe I wasn't --
LEG. FISHER:
Okay.
MR. SABATINO:
Maybe I wasn't as clear as I should have been. What I said previously,

as well as today, was that the legal theory that would be the predicate for what Legislator Caracappa wanted to accomplish was something that's incorporated in what you correctly describe as the Heckler Standard, which is that you'd have to show a systemic failure on the part of INS to enforce the immigration laws in the community. That systemic failure would require a showing that they had acted in such a manner as to have totally abdicated their responsibility for enforcing the statute. Legislator Caracappa, I said, made a good first step towards securing that information. And, certainly, the information that was brought to the Public Safety Committee was a positive first development. There was supposed to be an evolution of additional information and statistics and it was always contemplated that it would take more than the information that was preliminarily brought. I felt that today's presentation did not enhance the previous presentation, and that without that statistical predicate, even though you got the legal framework and the legal theory to bring the action, that these are not the facts at this particular stage of development that would successfully support that. So it wasn't as though I switched positions, it was -- it was --
LEG. FISHER:
No. I wasn't --
MR. SABATINO:
It was the same legal theory from day one. Okay. All right.
LEG. FISHER:
I was not at all implying that you switched position, but that we had further evidence that really didn't substantiate that level of --
MR. SABATINO:
That's part is correct, that's correct.
LEG. FISHER:
Okay? And so the reason I'm pointing this out, Mr. Chairman, is because now we have our own Counsel --
LEG. BISHOP:
Right.
LEG. FISHER:
-- agreeing with what the -- well, not completely agreeing --
MR. SABATINO:
No. The --

LEG. FISHER:
-- but the merits of the case have been diminished from what they were when we were at the Public Safety meeting.
MR. SABATINO:
No. I just --
P.O. TONNA:
Can I --
MR. SABATINO:
I want to be fair to everybody. What the people on the other side are saying is that under no circumstances anyplace, anywhere, any time can a lawsuit be brought. That is -- well, in my judgment, that's not true. And I cited all the cases, you don't want to go through it again, with regard to what was done --
P.O. TONNA:
We don't.

MR. SABATINO:
-- in 1995. I indicated the courts did not laugh, did not throw our County Executive, the Nassau County Executive, the State of Florida, the State of California, the State of Texas, none of those people were thrown out of court with sanctions, with penalties imposed, or, as somebody said, laughed out of court on the first day. None of those things happened. The difference between my position and the position that was articulated is that I believe there's a legal framework and a theory if you can get the requisite factual statistical basis for doing it. That's a far cry from people who are saying there's no circumstance under which you can bring a lawsuit.
LEG. FISHER:
Okay.
LEG. CRECCA:
Can we bring a roll call?
P.O. TONNA:
No. We're going to close debate right now. No.
LEG. BISHOP:
Yeah, motion.
LEG. CARACCIOLO:
No. Mr. Chairman, it's very important, the last point or comment made by Counsel and that is --
P.O. TONNA:
We've heard that. We've heard it three times today.
LEG. CARACCIOLO:
He prepared this resolution. When he prepared this resolution with regard to the first WHEREAS clause, Paul, were you of the knowledge that the extent, the quantity and extent of the offenses were not --

well, would they meet a standard that you would feel comfortable going into a court of law and seeking relief?
MR. SABATINO:
They were the first step. They were to form the basis for getting additional information.
LEG. CARACCIOLO:
Now you're in the door, now you're before the Justice. Do you feel that this would rise to the level that we would have a successful action? It's very important in terms of how I'm going to vote.
MR. SABATINO:
Right. That information by itself, that information by itself, without the contradictory information that came out with -- you know, in terms of today's testimony.
LEG. CARACCIOLO:
You've answered my question. Thank you.
P.O. TONNA:
Okay.
LEG. CRECCA:
Call roll call.
P.O. TONNA:
Roll call.
LEG. CRECCA:
Thank you.
(*Roll Called by Mr. Barton*)

LEG. CARACAPPA:
Yes.
LEG. CRECCA:
Yes. I didn't second it, though, but yes.
P.O. TONNA:
Yes, you did.
LEG. CRECCA:
Did I?
MS. FARRELL:
Yes, you did.
LEG. D'ANDRE:
What are we voting on?
LEG. CRECCA:
I forgot.

LEG. COOPER:
What are we voting on here?
MR. BARTON:
The motion is to approve.
LEG. FISHER:
The resolution.
LEG. COOPER:
No.
P.O. TONNA:
Thank you.
LEG. BINDER:
Yes.
LEG. POSTAL:
No.
LEG. BISHOP:
No.
LEG. D'ANDRE:
Pass.
LEG. CARPENTER:
No.
LEG. ALDEN:
Abstain.
LEG. FIELDS:
No.
LEG. FOLEY:
Pass.
LEG. HALEY:
Yes.
LEG. FISHER:
No.
LEG. TOWLE:
Yes.
LEG. GULDI:
No.
LEG. CARACCIOLO:
Pass.
LEG. LEVY:
No.

P.O. TONNA:
No.
LEG. D'ANDRE:
Yes.
LEG. FOLEY:
Yes.
P.O. TONNA:
Yes.
MR. BARTON:
Eight.
P.O. TONNA:
Thank you very much. We're going to go back to the agenda, and I would ask Legislators --
LEG. HALEY:
Let him call the vote.
MR. BARTON:
Eight.
LEG. CRECCA:
Motion.
MR. BARTON:
8-9, and one abstention.
P.O. TONNA:
Okay. I would ask --
LEG. CRECCA:
Mr. Chairman.
P.O. TONNA:
I'm not going to -- I would ask that we do not take things out of order. Let's get this thing moving; okay?
LEG. CRECCA:
Mr. Chairman.
LEG. GULDI:
Mr. Presiding Officer, I got people in -- two issues have been here all day --
P.O. TONNA:
No, no.
LEG. CRECCA:
Excuse me.

P.O. TONNA:
Listen to what --
LEG. GULDI:
-- just like the other issues.
P.O. TONNA:
Listen to what we have going on; okay? We are now subject every single meeting to the group of people who stay. No, it's not the right precedent to set; okay? It's not the right precedent to set. We have two months of agenda items here. Let's get through them.
LEG. LEVY:
Okay. Let's go. Let's go.
LEG. GULDI:
With all due respect, Mr. Officer, we've --
P.O. TONNA:

With an hour-and-a-half left, let's get through them.
LEG. GULDI:
I'm making --
P.O. TONNA:
Fine.
LEG. GULDI:
I've got people sitting here who have been here for all day.
P.O. TONNA:
Go ahead, make a motion.
LEG. GULDI:
I'd like to make a motion to take 1768 out of order.
P.O. TONNA:
Is there a second?
P.O. TONNA:
It's in Public Works. There are people who have been all day.
P.O. TONNA:
Is there a second?
LEG. BISHOP:
Second.
P.O. TONNA:
Who seconded it?
LEG. BISHOP:
Bishop.
P.O. TONNA:
Fine. Roll call, to take it out of order.

00289

(*Roll Called by Mr. Barton*)
LEG. GULDI:
Yes.
LEG. BISHOP:
Just take it out of order, let's go.
P.O. TONNA:
No, I'm not taking it out. I'm voting against taking it out of order.
LEG. BISHOP:
Yes.
LEG. COOPER:
Pass.
LEG. BINDER:
I support Paul, no.
LEG. POSTAL:
Yes.
LEG. D'ANDRE:
No.
LEG. CRECCA:
Pass.
LEG. CARPENTER:
No.
LEG. ALDEN:
No, to take it out of order.
LEG. FIELDS:
No.
LEG. FOLEY:
Out of order? Yes.

LEG. HALEY:
Yes.
LEG. FISHER:
No.
LEG. CARACAPPA:
Pass.
LEG. TOWLE:
Yes.
MR. BARTON:
Mr. Towle? Legislator Towle?

00290

LEG. TOWLE:
Yes.
MR. BARTON:
Yes.
LEG. TOWLE:
Yes, yes, yes, yes. Yes twice.
LEG. CARACCIOLO:
Yes.
LEG. LEVY:
No.
LEG. TONNA:
No.
LEG. COOPER:
No.
LEG. CRECCA:
How many you got? No.
LEG. CARACAPPA:
Caracappa yes.
MR. BARTON:
Eight.
P.O. TONNA:
Okay, fine.
MR. BARTON:
It fails.
P.O. TONNA:
Let's go to the agenda now.
LEG. HALEY:
Don't forget 1379.

INTRODUCTORY RESOLUTIONS

P.O. TONNA:
Introductory Resolutions. Number 1484.
LEG. HALEY:
Did you want to -- you did not want to be reminded on 1379 on Page 7?
P.O. TONNA:
Oh, yes. Legislator Towle, what is your pleasure on --
LEG. TOWLE:
Motion to table again, Mr. Chairman.

00291

P.O. TONNA:
Okay. Motion to table 1440 -- what?
MR. BARTON:
1379.

P.O. TONNA:
1379, seconded by myself. All in favor? Opposed? Tabled.
MR. BARTON:
18.
[SUBSTITUTION OF STENOGRAPHER - ALISON MAHONEY]
P.O. TONNA:
Ways & Means:
1484-00 - Establishing RFP Policy for entertainment use of County property (Bishop). Motion, Legislator Bishop?
LEG. BISHOP:
Motion to table.
LEG. GULDI:
Second.
LEG. CARPENTER:
Second.
P.O. TONNA:
Motion to table, seconded by myself. All in favor? Opposed? Tabled.
MR. BARTON:
18.
P.O. TONNA:
1570-00 - To implement RFP Committee process for audit of County telephone service provider charges (Postal). Is there a motion?
LEG. POSTAL:
Motion to approve.
P.O. TONNA:
Motion to approve by Legislator Postal. Is there a second?
LEG. TOWLE:
Explanation.
LEG. BINDER:
I will second it.
LEG. TOWLE:
Explanation.
LEG. POSTAL:
Mr. Chairman?

P.O. TONNA:
Yes?
LEG. POSTAL:
This would just authorize preparation of an RFP for an audit firm to audit our telephone service, and the firm would be paid only a percentage of any savings that they generate.
LEG. TOWLE:
So moved.
P.O. TONNA:
There's a motion and a second. All in favor? Opposed?
LEG. TOWLE:
Cosponsor on that.
P.O. TONNA:
Okay, approved.
MR. BARTON:
18.
P.O. TONNA:
No. 1588-00 - Adopting Local Law No. 2000, a Local Law to require

truth-in-selling statement for ATV's (Fields). Is there a motion?
LEG. FIELDS:
Motion to approve.
LEG. FISHER:
Second.
LEG. HALEY:
Explanation.
P.O. TONNA:
Second by Legislator Fisher. On the motion, what does it do? Legislator Fields, what does it do?
LEG. LEVY:
Just when you're selling the vehicle it has to be a notice that you can't drive it on parkland.
P.O. TONNA:
This is your bill, what does it do?
LEG. LEVY:
ATV, it's already County law.
LEG. FIELDS:
This makes the vendor have a notice that it is illegal to drive an ATV in a public place and on private property, they have to have written permission from the property owner and it's an all-terrain vehicle.

P.O. TONNA:
Okay, great.
LEG. HALEY:
Question.
LEG. FIELDS:
And it also makes the vendor give it to the purchaser in writing.
P.O. TONNA:
Okay.
LEG. HALEY:
Question.
P.O. TONNA:
Yes, Legislator Haley.
LEG. HALEY:
Define public place; what do they mean by public? I mean, it might be a town, for instance, that has public property that they may authorize.
LEG. FIELDS:
Any public place, parks.
LEG. LEVY:
Could I just interject, would you suffer an interruption?
LEG. HALEY:
Sure.
LEG. LEVY:
It's not changing the law, there's already a law that states where you can and cannot drive the ATV. All this bill says is that when you buy it you have to be provided with that law, that's all it says, so you have notice.
LEG. HALEY:
Thank you.
LEG. CARPENTER:
On the motion, please?
P.O. TONNA:

Yes.
LEG. CARPENTER:
I just would like to ask the sponsor, I raises this in committee, I felt that the notification should be posted in the place of business if you are going to do that and that it be made available to the person before they purchase the vehicle, not given to them after with the bill.
LEG. FIELDS:
The sign does do that.
LEG. CARPENTER:

00294

So you're saying that you've changed it and there's going to be a sign posted in the establishment and that they're going to get the information before they've signed the contract or paid for the bill, the sale has been transacted.
LEG. FIELDS:
The sign is posted prior to the purchase and then when they purchase it they would have it in writing.
LEG. CARPENTER:
So they don't get it in writing before they've made the commitment to purchase. They've charged it and then they get this little slip of paper after they've bought it saying that they can't use it legally in the County.
LEG. FIELDS:
They can read it.
LEG. CARPENTER:
They can read it after they've purchased it, so then they --
LEG. FIELDS:
No, they can read it prior to the purchase, the sign has to be posted..
P.O. TONNA:
Okay. All in favor? Opposed?
LEG. CARPENTER:
Opposed.
P.O. TONNA:
Opposed, Legislator Carpenter. Okay.
MR. BARTON:
17-1.
P.O. TONNA:
Okay, No. 1615-00 - Adopting Local Law No. 2000, a Local Law to implement well-water testing requirements for acquisition of residential homes (Caracappa). Is there a motion?
LEG. LEVY:
Joe.
P.O. TONNA:
Joe?
LEG. TOWLE:
Skip over it, he just stepped out.
LEG. LEVY:
Skip over it.
P.O. TONNA:

00295

Okay. Number -- we'll skip over that. 1645-00 - Amending the 2000

Capital Budget and Program by appropriating funds in connection with litigation, judgement & claims related to the Forensic Science Building (CP 1109) (County Executive). Is there a motion? I'll make a motion, seconded by Legislator Levy. All in favor? Opposed? Approved.
MR. BARTON:
17, 1 not present (Not Present: Legislator Caracappa).
P.O. TONNA:
No. 1669-00 - Appointing new member to the Suffolk County Off-Track Betting Corporation Board of Directors (Frederick B. Pollert) (Levy).
Is there a motion?
LEG. LEVY:
I will make a motion to approve.
LEG. CARACCIOLO:
Second.
LEG. GULDI:
What is this?
P.O. TONNA:
Fred Pollert?
LEG. GULDI:
On the motion.
LEG. CARPENTER:
Motion to table.
LEG. CRECCA:
Second on the motion to table.
P.O. TONNA:
Okay. There's a motion to table by Legislator Carpenter, seconded by Legislator Crecca.
LEG. HALEY:
Roll call.
LEG. D'ANDRE:
No, no, no, no, we don't want to table this.
P.O. TONNA:
Okay, so then vote against that, Michael.
LEG. POSTAL:
Mr. Chairman?
P.O. TONNA:
There is a motion and a second. Yes, Legislator Postal.
LEG. POSTAL:

Yeah, my concern with --
LEG. D'ANDRE:
You talk about you want honesty, we have honesty here in Pollert.
LEG. POSTAL:
My concern with this is that we put Mr. Pollert or any subsequent Director of the Budget Review Office, if that would be the intent of the Legislature, in a potentially disastrous and awkward position.
I think that the Presiding Officer, having a staff person attend the OTB Board Meetings is a very positive step. But frankly, the Director of the Budget Review Office has always been an apolitical person. I could envision a scenario in which as a member of the OTB Board, Mr. Pollert might run afoul of the political leaders in this County which would then impact on his ability to be reappointed at an Organizational Meeting, and I would hate to have that happen, I would hate to have

that influence coloring the decision on who heads the Budget Review Office. For that reason, I will vote to table it or I will vote against the resolution.
LEG. BISHOP:
We must save Fred from himself.
LEG. POSTAL:
I think we need to same him for us.
LEG. CARACAPPA:
Second that motion.
P.O. TONNA:
Okay.
LEG. LEVY:
Since Paul is not here, I'll just --
P.O. TONNA:
Just --
LEG. LEVY:
Let me respond.
P.O. TONNA:
Yes, go right ahead, respond.
LEG. LEVY:
I just want to put for the record that Fred Pollert has always been hated by the leaders on all sides, and for one very good reason, because he says it the way it is and he doesn't sugar coat it and he doesn't tell them what they want to hear, and that's exactly why we want him on this board.
P.O. TONNA:
Okay. Legislator Haley, I knew the defender.
LEG. HALEY:
For the record, I just want to Fred to know that the Republican side

never hated you, Fred.
MR. POLLERT:
Thank you.
LEG. LEVY:
Except on Organizational Day when they don't want you reappointed, but other than that.
P.O. TONNA:
And we have never seen that, I've never seen that dynamic. Okay, there's a motion and a second to table. All in favor?
LEG. HALEY:
Roll call.
P.O. TONNA:
Roll call.
(*Roll Called by Mr. Barton*)
LEG. CARPENTER:
Yes to table.
LEG. CRECCA:
Yes to table.
LEG. COOPER:
Yes to table.
LEG. BINDER:
No.
LEG. POSTAL:

Yes.
LEG. BISHOP:
Yes.
LEG. D'ANDRE:
Pass. Oh, that's Pollert? Yes for Pollert.
LEG. BISHOP:
No, you want no to table.
LEG. LEVY:
No, that's a tabling, Mike.
P.O. TONNA:
No, it's to table, Mike. Mike, you don't want to table this, you want to give your Storming of the Bastille speech after. You don't want to do that.
LEG. D'ANDRE:
I pass.

P.O. TONNA:
Okay.
(*Roll Call Continued by Mr. Barton*)
LEG. ALDEN:
No to table.
LEG. FIELDS:
No.
LEG. FOLEY:
Pass.
LEG. HALEY:
Pass.
LEG. FISHER:
No.
LEG. CARACAPPA:
Yes.
LEG. TOWLE:
Pass.
LEG. GULDI:
Pass.
LEG. CARACCIOLO:
Legislator D'Andre, did you say yes to table?
LEG. D'ANDRE:
No to table.
LEG. CARACCIOLO:
Oh, no to table.
LEG. POSTAL:
You passed.
LEG. CRECCA:
He passed.
LEG. CARACCIOLO:
He passed, okay. Yes to table.
LEG. D'ANDRE:
No, no, I'm not voting until I'm called upon.
(*Roll Call Continued by Mr. Barton*)
LEG. LEVY:
No to table.

P.O. TONNA:
Yes.
MR. BARTON:
Mr. D'Andre, one last time?
LEG. D'ANDRE:
No.
MR. BARTON:
Thank you.
P.O. TONNA:
Okay. Do you have Foley down?
LEG. FOLEY:
Yes to table.
LEG. HALEY:
No.
LEG. TOWLE:
No to table.
LEG. GULDI:
Yes to table.
MR. BARTON:
10.
P.O. TONNA:
Great. Okay, thank you.
LEG. CARACAPPA:
Mr. Chairman, 1615 was skipped over.
P.O. TONNA:
All right, I'm going to make --
LEG. CARACAPPA:
Mr. Chairman, 1615 was skipped over, I was out of the room.
P.O. TONNA:
Yeah, 1615.
LEG. CARACAPPA:
Motion.
P.O. TONNA:
Motion to approve, seconded by myself. All in favor? Opposed? Approved.
MS. FARRELL:
Wait.
P.O. TONNA:

That's 1615
LEG. LEVY:
Slow down, Mr. Chairman.
P.O. TONNA:
That was a good year.
LEG. LEVY:
Slow down for the Clerk.
P.O. TONNA:
That's the year beheading was back in vogue.
MR. BARTON:
18.
P.O. TONNA:
All right. Now we're at 1681-00 - Sale of County-owned real estate pursuant to Local Law 13-1976 (Matthew Amoscato and Lisa Amoscato)(0200-078.00-01.00-055.000) (County Executive). Motion by

Legislator Levy, seconded by Legislator Guldi. All in favor? Opposed? Approved.
MR. BARTON:
18.
LEG. CRECCA:
Same motion.
LEG. GULDI:
Same motion, same second; come on, let's roll.
P.O. TONNA:
Okay, 1682, 83, 84, I guess I can make same motion. 1682-00 - Sale of County-owned real estate pursuant to Local Law 13-1976 (Amelia Jane Agresta) (0200-690.00-04.00-047.000) (County Executive). Motion to approve, seconded by Legislator Levy. All in favor? Opposed? Approved.
1683-00 - Sale of County-owned real estate pursuant to Local Law 13-1976 (Carl R. Celeste) (0500-032.00-05.00-018.000) (County Executive). Same motion, same second, same vote.
1684-00 - Sale of County-owned real estate pursuant to Local Law 13-1976 (Carl R. Celeste) (0500-032.00-05.00-015.000) (County Executive). Same motion, same second, same vote.
MR. BARTON:
18, 18, 18.
P.O. TONNA:
Fine. 1704-00 - Establishing County Legislature Audio on Web (Binder).
LEG. BINDER:
Motion.

P.O. TONNA:
Motion by Legislator Binder.
LEG. GULDI:
Second.
P.O. TONNA:
Seconded by Legislator Guldi. All in favor? Opposed?
MR. BARTON:
18.
LEG. LEVY:
Cosponsor.
LEG. TOWLE:
Yeah, cosponsor.
P.O. TONNA:
No. 1733 -- can I ask you, does anybody really want to listen to us?
LEG. GULDI:
I don't.
LEG. LEVY:
Insomniacs.
P.O. TONNA:
1733-00 - Authorizing conveyance of parcel to Town of Babylon (Section 72-h, General Municipal Law). Motion by Legislator Postal, seconded by myself. All in favor? Opposed? Approved.
MR. BARTON:
18.
P.O. TONNA:
Okay. 1680-00 - Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law (Incorporated Village of Islandia)

(0504-012.00-02.00-006.000) (County Executive). Is there a motion? Who lives in the Village of Islandia?
LEG. BISHOP:
Levy.
LEG. LEVY:
Close enough.
P.O. TONNA:
Motion by Legislator Levy, seconded by Legislator Fields. All in favor? Opposed? Approved.
MR. BARTON:
18.
P.O. TONNA:

1746-00 - Approving payment to General Code Publishers for Administrative Code pages (Presiding Officer Tonna). Motion by --
LEG. FIELDS:
You.
P.O. TONNA:
Me? Seconded by Legislator Levy. All in favor? Opposed? Approved.
MR. BARTON:
18.
P.O. TONNA:
1757-00 - Authorizing the sale of surplus County cars to Brentwood School District (Carpenter). Motion by Legislator Carpenter, seconded by Legislator Alden. All in favor? Opposed? Approved.
MR. BARTON:
18.
P.O. TONNA:
No. 1758-00 - Authorizing the sale of surplus County cars to the Village of Patchogue (Foley). Motion by Legislator Foley.
LEG. LEVY:
Same motion.
LEG. HALEY:
Second.
P.O. TONNA:
Seconded by Legislator Haley. All in favor? Opposed? Approved.
MR. BARTON:
18.
P.O. TONNA:
1756-00 - Authorizing the sale of surplus County cars to Kings Park School District (D'Andre). Motion by Legislator D'Andre --
LEG. GULDI:
59.
P.O. TONNA:
59, I apologize. Seconded by Legislator Crecca. All in favor? Opposed? Approved.
MR. BARTON:
18.
P.O. TONNA:
No. 1760-00 - Authorizing the sale of surplus County cars to Concern for Independent Living (Foley). Motion by Legislator Foley, seconded by Legislator Fisher. All in favor? Opposed? Approved.

MR. BARTON:
18.
P.O. TONNA:
No. 1763-00 - Authorizing the sale of surplus County cars to Miller Place School District (Haley). Motion by Legislator Haley, seconded by Legislator Fisher. All in favor? Opposed? Approved.
MR. BARTON:
18.
P.O. TONNA:
No. 1776-00 - 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 Islip, Suffolk County Tax Map No. 0500-496.00-03.00-042.000 pursuant to Section 40-D of the Suffolk County Tax Act (County Executive).
LEG. LEVY:
Same motion, same second.
P.O. TONNA:
Motion by Legislator --
LEG. CARACCIOLO:
On the motion?
P.O. TONNA:
Wait, let's get a motion and a second. 1776, motion by Legislator Levy, seconded by Legislator Guldi. Okay, on the motion.
LEG. CARACCIOLO:
Explanation.
LEG. LEVY:
There was lack of notice in this particular resolution. The County employee conceded that there was a mistake in this particular situation.
LEG. CARACCIOLO:
So there was an admission on a governmental employee.
LEG. LEVY:
Yes.
LEG. CARACCIOLO:
Okay.
P.O. TONNA:
Okay. Motion and a second. All in favor? Opposed? Approved.
MR. BARTON:
18.
P.O. TONNA:
No. 1783-00 - 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 Islip, Suffolk County Tax Map No. 0500-496.00-03.00-042.000 pursuant to Section 40-D of the Suffolk County Tax Act (County Executive). Motion by Legislator Levy, seconded by Legislator Guldi. All in favor? Opposed? Approved.
LEG. CARACCIOLO:
Whoa, whoa, whoa. Explanation.
LEG. LEVY:
Sent to the wrong address.
MR. BARTON:

18.
P.O. TONNA:
Okay. 1784-00 - 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 Southampton, Suffolk County Tax Map No. 0900-167.00-02.00-031.000 (Item No. 844513.00) pursuant to Section 40-D of the Suffolk County Tax Act (County Executive). On 1784, I would like to do same motion, same second and same explanation.
LEG. LEVY:
Lack of notice.
P.O. TONNA:
All in favor? Opposed? Approved.
MR. BARTON:
18.
P.O. TONNA:
No. 1785-00 - 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 Islip, Suffolk County Tax Map No. 0500-105.00-02.00-130.000 pursuant to Section 40-D of the Suffolk County Tax Act (County Executive). Same motion, same second.
LEG. LEVY:
Same reason.
P.O. TONNA:
All in favor? Opposed? Approved.
MR. BARTON:
18.
P.O. TONNA:
No. 1786-00 - 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 Islip, Suffolk County Tax Map No. 0500-497.00-05.00-067.000 pursuant to Section 40-D of the Suffolk County Tax Act (County Executive). Same

motion, same second.
LEG. FIELDS:
Same reason.
LEG. LEVY:
Not the owner's name when the notice went out.
P.O. TONNA:
All in favor? Opposed? Approved.
MR. BARTON:
18.
P.O. TONNA:
I love a Chairman who does his homework.
No. 1788-00 - 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. 0103-025.00-02.00-124.000 pursuant to Section 40-D of the Suffolk County Tax Act (County Executive). Same motion, same second.
LEG. LEVY:

Lack of notice.
P.O. TONNA:
All in favor? Opposed? Approved.
MR. BARTON:
18.
P.O. TONNA:
1794-00 - Approving maps and authorizing the acquisition of lands together with findings and determinations pursuant to Section 204 of the Eminent Domain Procedure Law in connection with the acquisition of the properties for drainage improvements on CR 98, Frowein Road at Terrel River, Town of Brookhaven, Suffolk County, New York, CP 5545 (County Executive).
LEG. TOWLE:
Motion.
P.O. TONNA:
Motion by Legislator Towle, seconded by myself. All in favor? Opposed? Approved.
MR. BARTON:
18.
LEG. TOWLE:
Cosponsor.
P.O. TONNA:

1802-00 - Approving the appointment of John J. Hough to Deputy Chief in the Suffolk County Police Department (County Executive).
LEG. CARACCIOLO:
Motion.
LEG. CARPENTER:
Motion.
P.O. TONNA:
Motion by Legislator, I think Caracciolo, seconded by Legislator Carpenter. All in favor? Opposed? Approved.
MR. BARTON:
18.
P.O. TONNA:
1803-00 - Approving the appointment of Gerard F. Ward to Detective Sergeant in the Suffolk County Police Department (County Executive). Motion by Legislator Carpenter, seconded by Legislator Caracciolo. All in favor? Opposed? Approved.
MR. BARTON:
18.
P.O. TONNA:
1804-00- Approving the appointment of Dennis Meehan to Deputy Inspector in the Suffolk County Police Department (County Executive).
Motion by Legislator Caracappa, seconded by Legislator Postal. All in favor? Opposed? Approved.
MR. BARTON:
18.
P.O. TONNA:
1838-00 - Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law (Incorporated Village of Westhampton Beach) (0900-003.00-01.00-053.000). Motion by Legislator Guldi, seconded by Legislator Caracciolo. All in favor? Opposed? Approved.

MR. BARTON:
18.
P.O. TONNA:
Energy & Environment:
1620-00 - Reappointing member to the Council on Environmental Quality (Barbara VanLiew) (D'Andre). Motion by Legislator D'Andre, seconded by Legislator Crecca. All in favor? Opposed? Approved.
MR. BARTON:
18.
P.O. TONNA:
1693-00 - Adopting Local Law No. 2000, a Local Law to adopt County-wide pesticide notice provisions (Carpenter). Motion by

Legislator Carpenter.
LEG. ALDEN:
On the motion.
P.O. TONNA:
Let me just get a second.
LEG. GULDI:
Second.
P.O. TONNA:
Second by Legislator Guldi. On the motion, Legislator Alden.
LEG. ALDEN:
I believe that this is the one that Fred Eisenbud talked to us about earlier today?
LEG. BISHOP:
Yes.
LEG. ALDEN:
And I have to agree with his legal analysis of it. So I would really -- I would think that we should table it and have the findings.
LEG. FOLEY:
On that point, if maybe we can hear from Counsel. Paul, you heard Mr. Eisenbud this morning mention the fact that because of the Type II Classification under this resolution, that it's problematic; what's your view of his interpretation? And since the effective date of the State Law is not until next March anyhow, is there reason to agree with what he has stated and what would we need to do to, let's say, correct whatever problems may be in the bill as he described them?
MR. SABATINO:
What he said this morning was that he thought there should be a full-fledged Environmental Impact Statement adopted before the Local Law is adopted; I don't agree, this is the enactment of a Local Law which we do all the time, it's basically establishing a rule, a policy or a procedure. The bill itself is not doing the spraying, the bill itself is not, you know, engaging in the activities that he believes trigger the Environmental Impact Statement.
Also, he cited a Nassau County case, but the problem with his analysis is that the Nassau County legislation failed because there was no enabling State legislation. I mean, since 1982 it's been known because of a Huntington court decision that there was no authority to adopt these regulations on private property until you got enabling State legislation; now that we have enabling State legislation, we have the authority to do it. So I don't see merit in his argument.

P.O. TONNA:
Okay. All in favor? Opposed? Approved.
MR. BARTON:

18.
LEG. TOWLE:
Cosponsor.
P.O. TONNA:
Okay. 1800 --
LEG. BISHOP:
Cosponsor, please, on that last one.
LEG. FOLEY:
Cosponsor.
P.O. TONNA:
On that one, on the County pesticide bill?
LEG. BISHOP:
Yeah, I think I already am.
P.O. TONNA:
Okay, fine.
LEG. CARACAPPA:
Cosponsor that, too.
LEG. FISHER:
Cosponsor.
LEG. COOPER:
Cosponsor as well.
P.O. TONNA:
Yeah, great; okay, everybody.
No. 1800-00 - Accepting and appropriating 50% State grant funds to the Department of Health Services from New York State Department of Environmental Conservation for a Long Island Sound Study (County Executive).
LEG. FIELDS:
Motion to approve.
P.O. TONNA:
Motion to approve by Legislator Fields, second by Legislator Foley. All in favor? Opposed? Approved.
MR. BARTON:
18.
LEG. TOWLE:
Cosponsor.
LEG. FISHER:
Cosponsor.

P.O. TONNA:
Economic Development & Education:
1712-00 - Accepting and appropriating an allocation from the New York Works Block Grant for a Bridge College to Work III Program 74% reimbursed by State funds at Suffolk County Community College (County Executive). Motion by Legislator Cooper, second by Legislator Carpenter. All in favor? Opposed? Approved.
MR. BARTON:
18.
P.O. TONNA:

Budget:
No. 1480-00 - Amending the 2000 Operating Budget and transferring funds to Cornell Cooperative Extension to establish a Marine Research Program for Suffolk County (Cooper). Motion by Legislator Bishop, seconded by --
LEG. COOPER:
No, motion by me, please.
P.O. TONNA:
I'm sorry, Cooper. Seconded by Legislator Bishop. All in favor? Opposed? Approved.
MR. BARTON:
18.
LEG. CRECCA:
Henry, cosponsor on 1480.
LEG. BINDER:
Cosponsor.
LEG. BISHOP:
Cosponsor.
LEG. CARPENTER:
Cosponsor.
LEG. GULDI:
Cosponsor.
LEG. FOLEY:
Cosponsor.
LEG. TOWLE:
Cosponsor.
MS. FARRELL:
Anybody who doesn't want to be?
P.O. TONNA:
How did that get out of committee? No, I'm joking.

Okay, 1483-00 - Amending the 2000 Adopted Operating Budget to provide funds for South Fork Health Initiative (Guldi). Motion by Legislator Guldi.
LEG. CARPENTER:
Second.
P.O. TONNA:
Seconded by Legislator Carpenter. All in favor? Opposed? Approved.
LEG. FOLEY:
Cosponsor.
LEG. ALDEN:
On the motion.
LEG. BISHOP:
We cannot let this go by without admonishing Legislator Guldi.
P.O. TONNA:
Can I -- in the interest of getting through the agenda, just cut the admonishment short.
LEG. FOLEY:
Admonish the admonishment.
LEG. GULDI:
He does everything short.
LEG. BISHOP:
I usually am brief, in addition to being short in height.

LEG. ALDEN:
Paul, put me on the list, I have a couple of questions on this one.
LEG. GULDI:
Duly admonished. What did I do wrong?
LEG. BISHOP:
What you did wrong is you unleashed a group in your --
LEG. GULDI:
They're here.
LEG. BISHOP:
They're here.
LEG. GULDI:
They're here waiting.
LEG. FOLEY:
Pandora's box.
LEG. BISHOP:
Yes, who was put between a rock and a hard place because the Operating
00311
Budget didn't increase them and they came back -- they got a grant for a half of year and they wanted us to fund the other half of year, correct?
LEG. GULDI:
Right, that's correct.
LEG. BISHOP:
All right.
LEG. GULDI:
They got half a year and they need to exist all year.
LEG. BISHOP:
Right. And the purpose of the Budget Committee is to deal with crisis and emergencies that were unforeseen when we created the Operating Budget, like the previous resolution which was a lobster kill that we didn't consider when we were doing the Operating Budget in the Autumn of last year. What happened here -- I'm asking, what happened here?
LEG. GULDI:
I didn't get notice that the budget request that had been filed through the regular budget process was only for half a year until after the budget was adopted, and then filed this and it took a very long time to bring it through the committee.
LEG. BISHOP:
So the admonishment is why didn't you come to the Budget Committee or send a letter to that effect rather than have us deal with it for three meetings with this issue? Thank you.
LEG. HALEY:
Stand up, Dave.
P.O. TONNA:
Okay. Now, let me just admonish now the Chairman of this committee. How does this get out of committee; if you wanted to admonish the sponsor of this bill, how does that get out of a committee?
LEG. BISHOP:
Marge did a very good job.
P.O. TONNA:
Legislator Guldi.
LEG. GULDI:
Marge is bigger than he is.

LEG. HALEY:
You mean taller.
LEG. TOWLE:
Powerful, you mean powerful.
P.O. TONNA:

00312

All right.
LEG. ALDEN:
On the motion.
P.O. TONNA:
Motion and a second.
LEG. ALDEN:
No, on the motion.
P.O. TONNA:
Legislator Alden, I'm sorry.
LEG. ALDEN:
I am not sure if everybody has all the backup on this, but the backup states incorrectly what really went on here. If you look at their preliminary budget, it really should have been an update to that preliminary budget to reflect the fact that two or three of their funding sources that they included in there did not come through with the money. And it was not Suffolk County that did not come through with the money for these people, it was other community agencies, other towns, what have you, but those are the people that did not come through with the money.
Also, on your proposed budget it should have been corrected to state the salary for the -- and I guess it's a Neighborhood -- what would you call that person, an outreach?
MS. MAHONEY:
State your name.
MS. MERCIECA:
My name is Diane Mercieca, I'm --
LEG. ALDEN:
You have to use the microphone.
LEG. BISHOP:
No.
P.O. TONNA:
Wait, wait, wait. Can I say something? We're in the middle of debating a bill.
LEG. ALDEN:
No, I need the name -- I'm asking a question, I need the name of the adjustment that should have been made on this.
MS. MERCIECA:
I'm Diane Mercieca, I'm the Executive Director for South Fork Community Health.
LEG. GULDI:
Turn on the mike.

00313

LEG. ALDEN:
What was the name of the position that you had in the budget?
MS. MERCIECA:
It was an Outreach Worker, full-time Outreach Worker.
LEG. ALDEN:

Okay. So for the backup that we have, the Outreach Worker's salary should have been increased to reflect the fact that they hired a full-time person for a whole year. The backup that we have only reflects a part-time position. So with those amendments made to the record, I can support this bill.
P.O. TONNA:
Okay.
LEG. BISHOP:
Okay.
P.O. TONNA:
Thank you, Legislator Alden. Okay, a motion and a second. All in favor? Opposed? Approved.
MR. BARTON:
18.
P.O. TONNA:
1839-00 - Amending Resolution No. 496-2000 which transferred contingency funds for various contract agencies (Fields). Is there a motion?
LEG. FIELDS:
Motion.
P.O. TONNA:
Motion by Legislator Fields, second by Legislator Levy. All in favor? Opposed? Approved.
MR. BARTON:
18.
P.O. TONNA:
Public Safety:
1715, 1715A - Amending the 2000 Capital Budget and Program and appropriating funds in connection with Special Patrol Bureau Construction - Police Department (CP 3139) (County Executive).
I'll make a motion, second by Legislator Bishop. Roll call on the bond.
LEG. CRECCA:
Explanation on that, please.
P.O. TONNA:
Explanation.
LEG. CRECCA:

1715, I looked at the bill, I just need an explanation.
P.O. TONNA:
Fred, what construction is this?
MR. SABATINO:
1715 is $61,120 of serial bonds is being appropriated to plan for the Special Patrol Bureau Hangar in Yaphank.
LEG. BISHOP:
The hangar, it's part of the --
LEG. CRECCA:
Yeah, if I could ask the Chairman, because I really --
LEG. BISHOP:
-- helicopter stuff that we did.
LEG. ALDEN:
On the motion?
LEG. CRECCA:
Why is -- no, it's okay. I just want to know, I wasn't at the committee

meeting, I just would like to know why we need to spend $61,000 to fix the hangar, that's all.
P.O. TONNA:
This is part of the helicopter deal, right?
LEG. TOWLE:
We don't hang our helicopters in Yaphank; since when?
P.O. TONNA:
Okay, could I -- maybe the Chairman of this committee could --
LEG. BISHOP:
Frankly, I don't recall. But Counsel, is this the McArthur Airport Hangar?
LEG. GULDI:
No.
MR. SABATINO:
No, this is --
LEG. GULDI:
1715?
P.O. TONNA:
This is something at Gabreski.
MR. SABATINO:
No, this is the Special Patrol Bureau Hangar in Yaphank.
LEG. BISHOP:
What is that, what is Special Patrol?

LEG. CARPENTER:
Aviation, Public Safety Chairman.
LEG. BISHOP:
All right. Motion to table, we'll take it up at the next public safety committee.
MR. SABATINO:
It's not the helicopter, if that's what you're asking.
LEG. BISHOP:
Oh, okay.
P.O. TONNA:
Okay, motion to table.
LEG. BISHOP:
Wait, no, Jim Spero has information.
LEG. TOWLE:
Jim has the answer.
P.O. TONNA:
Go ahead, Jim.
MR. SPERO:
This will allow -- this advances funding this year so the planning process can begin to modify the existing hangar. It's to create, to finish off the second floor area so the trailers can be removed from the main hangar area so we can house the helicopters we're going to be buying.
LEG. BISHOP:
I knew it had to do with the helicopter.
P.O. TONNA:
Great, okay.
LEG. TOWLE:
Question.

P.O. TONNA:
Do you have enough info now?
LEG. TOWLE:
Question.
LEG. ALDEN:
On the motion.
LEG. TOWLE:
Question, over here.
P.O. TONNA:

00316

Question, Legislator Towle.
LEG. TOWLE:
So I just want to clarify two things; A, it's not Yaphank Airport, it's Islip Airport.
MR. SPERO:
Islip, correct.
LEG. POSTAL:
No, it's Gabreski.
LEG. TOWLE:
No, it's Islip Airport, he just said.
LEG. BISHOP:
It's Islip, it's Islip. It's what we discussed in Public Safety.
LEG. TOWLE:
Second question; who are we paying $61,000 to plan to extend the second floor and why do we have to pay somebody when we know we have to do that; what planning?
MR. SPERO:
The plan to refinish the second floor area, creating locker space, women's locker space and things like that.
P.O. TONNA:
So they're going to plan this for 61,000 bucks?
LEG. TOWLE:
Yeah. Can I keep going on that premise for a second? Thanks. Who are they paying?
MR. SPERO:
Who the consultant will be will be chosen by Public Works to do the actual planning of the designs.
LEG. TOWLE:
And they can't do this in-house, to plan for lockers and bathrooms? We've got to pay a consultant $61,000 to lay out bathrooms and lockers.
MR. SPERO:
That's right.
LEG. CRECCA:
Motion to table.
LEG. ALDEN:
On the motion.
LEG. TOWLE:
You ain't kidding, a second on that.
LEG. ALDEN:
On the motion.

00317

P.O. TONNA:
Yes.

LEG. ALDEN:
Fred, on this particular resolution, if it had passed, where does the debt service come out of; does it come out of general or does this come out of the Police District?
MR. POLLERT:
The debt service will come out of the General Fund, it's a General Fund command, the Aviation Unit is paid by all County taxpayers.
P.O. TONNA:
Okay. So there's a motion and a second --
LEG. TOWLE:
To table.
P.O. TONNA:
-- to table this. All in favor? Opposed?
LEG. GULDI:
To tabling?
LEG. CARACAPPA:
I'll oppose.
P.O. TONNA:
Okay. Who's opposed?
LEG. CARACAPPA:
You know what? Table it. Never mind, table.
P.O. TONNA:
Who's opposed? Nobody's opposed, okay.
MR. BARTON:
18, tabled.
P.O. TONNA:
I want a piece of that, I'll give up this job and get a piece of that planning. I can plan locker rooms, I'll give it to you for 30,000.
LEG. TOWLE:
You do the bathrooms, I'll do the lockers.
P.O. TONNA:
There you go. Okay.
LEG. BISHOP:
Gun show, 1751.
P.O. TONNA:
Okay, where are we? The gun show bill, okay. 1751-00 - Establishing Law Enforcement Policy for Gun Shows in Suffolk County (Bishop).

LEG. BISHOP:
Motion.
LEG. COOPER:
Second.
P.O. TONNA:
Seconded by Legislator Cooper.
LEG. CARACCIOLO:
On the motion.
P.O. TONNA:
On the motion.
LEG. BISHOP:
Go get him.
LEG. CARACCIOLO:
How many gun shows annually do we have in Suffolk County?
LEG. BISHOP:

Probably very few, but enough that we had one --
LEG. CARACCIOLO:
No, do we have any statistics?
P.O. TONNA:
Wait. Can we get the County Attorney on this one? We want to find out.
LEG. CARACCIOLO:
Did the sponsor do some research and ascertain --
LEG. BISHOP:
No. I'll tell you what --
P.O. TONNA:
Fred? Fred has. Budget Review has done research, I've asked for an extensive research program and it's under the $61,000 that we're planning for -- Fred, how many have we had?
MR. POLLERT:
According to the Police Department, there were between two to four per year and they were planning on taking an individual from the COPE Unit to do this.
P.O. TONNA:
Okay, great.
LEG. POSTAL:
I have a question about that.
P.O. TONNA:
Yes, Legislator Postal.

LEG. POSTAL:
I was not at last week's Public Safety Committee meeting.
LEG. BISHOP:
Tell us where you were.
LEG. POSTAL:
In Amityville at the American Legion Hall there is a gun show at least every other week.
LEG. ALDEN:
On the motion.
P.O. TONNA:
A gun show.
LEG. POSTAL:
Yes.
P.O. TONNA:
In Amityville.
LEG. POSTAL:
In Amityville. And I'm wondering whether the -- now, that's in the Amityville Village which is under the jurisdiction of the Amityville Village Police Department, and I'm wondering whether it would be a responsibility of the Suffolk County Police Department.
P.O. TONNA:
Counsel? Legal Counsel, there is a legal question. Is a gun show under the aegis --
MR. SABATINO:
I heard the question, I was trying to respond to somebody else on a different question. You stated that there's a regular meet -- gun show in Amityville?
LEG. POSTAL:
Regular, yes. The Amityville Village Police Department has a village

police force and at the American Legion Hall in the village there is a gun show I would say at least every other week.
P.O. TONNA:
Now, those are the same people that came to speak on Legislator Cooper's bill?
LEG. POSTAL:
Some of them. I was just wondering whether that would be the responsibility under this statute of the Suffolk County Police Department, or whether it would, I guess -- the Amityville Village Police Department would have to police that show.
LEG. D'ANDRE:
Of course they would.
MR. SABATINO:

Well, the way this is structured, this would not preclude the Village from exercising concurrent jurisdiction.
LEG. POSTAL:
No, but would it -- what I want to know is whether the village would be required to use its police to cover that.
MR. SABATINO:
Not under this bill, no.
LEG. POSTAL:
And would the Suffolk County Police Department be required to be at those gun shows in the Village of Amityville?
MR. SABATINO:
Yes, under this bill, Suffolk county would be obligated. This bill would not obligate the village, however.
P.O. TONNA:
Okay.
LEG. GULDI:
Counsel?
LEG. POSTAL:
Do we have cost on -- you know, because if we're talking about two or three a year as opposed to say 20 a year in Amityville alone --
P.O. TONNA:
Okay, let's go one at a time.
LEG. BISHOP:
How do you prove there's 20 every year?
P.O. TONNA:
Okay. Legislator Alden, then Legislator Guldi.
LEG. POSTAL:
Do I have an answer?
LEG. BISHOP:
Nobody believes there's 20 gun shows a year.
P.O. TONNA:
The answer is -- Maxine, you got your answer I think, right? You got your answer, right?
LEG. POSTAL:
No, I didn't get an answer.
P.O. TONNA:
Yeah, the answer is 20 something shows and --
LEG. POSTAL:
No, no, I said 20 something.

LEG. BISHOP:
Two to four.
LEG. POSTAL:
I want to know the cost of it.
P.O. TONNA:
Let them crunch the numbers while we hear some more mindless debate.
LEG. BISHOP:
Legislator Postal, first of all, it wouldn't apply because that's private property, this is on public property.
LEG. CARACCIOLO:
Whoa, where does it say that?
P.O. TONNA:
Wait, can I just say one thing?
LEG. BISHOP:
It has to be.
P.O. TONNA:
Dave, Dave, don't offer a legal opinion, you're way out of your league here. No, go ahead. Legislator Alden has the floor.
LEG. CARACCIOLO:
That's a good point in the campaign.
LEG. ALDEN:
My question is for another -- I'm going to need another analysis as does Legislator Postal. Most of these gun shows are on Sundays; does COPE operate on Sundays?
LEG. BISHOP:
No.
LEG. ALDEN:
No, so that's overtime, so we're definitely going to have to look at the cost on this. Thank you.
LEG. BISHOP:
Oh, yeah. Okay, you can look at cost all you want. That's the most ridiculous argument I've ever heard. Here's the situation. There are gun shows held in this County, most of them are on private property, there are some that are on public property. There was one in my district that was in a public park on a Sunday where children play. I was concerned so I called up the precinct and I said, "Do you monitor these," they say, "No, it's the responsibility of ATF." I called up ATF, Alcohol, Tobacco and Firearms, I said, "Do you monitor these," they said, "Well, first of all, we have one agent for all of Long Island who doesn't work on the weekends. And second of all, even if we want to monitor them, we can't because the Congress passed a statute"; in recent years, I might add. The statute says that ATF cannot monitor a gun show unless there is, in their possession, credible evidence of illegal activity occurring; in other words, they can't be proactive in

monitoring, they have to be reactive. That struck me as a rather ludicrous law and a huge loophole which I don't think the citizens of Suffolk County would appreciate. And since we have a Police Department that we pay an awful lot of money for, it didn't seem too much to ask that they hop down to the gun show on public property in the park to see whether the gun sales are legal or not.
LEG. ALDEN:

Point of personal privilege. If there's anything that's ridiculous here, it might be the concept that there's maybe 30 or 40 gun shows and you're talking about two. So that might be the ridiculous point. If we're trying to send --
LEG. BISHOP:
It's frustrating.
LEG. ALDEN:
So, you know --
LEG. BISHOP:
It's frustrating because I wish that we could go on to the gun shows on private property but we don't have that authority, but on public property we would have that.
P.O. TONNA:
Can we table this?
LEG. BISHOP:
No, we cannot table it. You can table it if you have the votes, but I would argue against it.
P.O. TONNA:
Okay. Legislator Guldi, gun slinger.
LEG. GULDI:
Inquiry to Counsel. What about the gun shows on Eastern Long Island outside the police district, how do we send police to those events?
P.O. TONNA:
My sense, from the friends that I saw you testifying today, there must be a lot of those kind of gun shows; hey, I'll show you mine. No, go ahead.
LEG. TOWLE:
Wait to the audio comes out.
LEG. LEVY:
Well, it's going to be on the web now.
MR. SABATINO:
It's got to be on public property, Legislator Bishop was correct in his comment. Those are the last two words in the clause for public property.
LEG. BISHOP:
So I guess I was in my league that time, Tonna, huh?

MR. SABATINO:
So if the Amityville situation was private property it wouldn't apply. I'm not sure where she said the --
P.O. TONNA:
How about out east?
LEG. FISHER:
What about the east end?
MR. SABATINO:
If it's on the east end? If it's public property, this resolution is calling for county wide.
LEG. GULDI:
How can the county get -- if it's outside the police district we have no jurisdiction. We're going to send an officer with no jurisdiction to a gun show?
MR. SABATINO:
It's just like services that are provided under the General Fund

portion, it will be charged back to the General Fund.
LEG. BISHOP:
The police don't have -- George is saying they have no jurisdiction; do they have legal jurisdiction in such a circumstance if we pass the law?
MR. SABATINO:
If you pass this resolution, they'll have jurisdiction to monitor a show on public property.
LEG. CARACCIOLO:
Mr. Chairman?
LEG. BISHOP:
Well, if you don't want the shows monitored, you know, then you're not even agreeing with your own NRA which says that gun laws have to be enforced and that's the big problem.
P.O. TONNA:
Eagle legal, legal eagle, {bak, bak}. All right, it's getting that crazy time for me, please, let's stop.
LEG. ALDEN:
Motion to table.
LEG. CARACCIOLO:
Second.
P.O. TONNA:
Motion to table, there's a second. All in favor? Opposed to tabling?
LEG. BISHOP:
Opposed to tabling.

P.O. TONNA:
I'll oppose to tabling.
LEG. BISHOP:
Where are my fellow -- Foley.
P.O. TONNA:
Okay, tabled. Let's go on. We need a little work on this legislation. Okay, Social Services:
1703-00 - Establishing a County --
LEG. HALEY:
Let him call the vote.
LEG. BISHOP:
Can I have a roll call on the tabling?
MR. BARTON:
14 (Opposed: Legislators Bishop, Tonna & Coooper - Not Present: Legislator Caracappa).
P.O. TONNA:
Fourteen, thank you. Social Services, 17 --
LEG. BISHOP:
Mr. Chairman, I requested a roll call on the motion to table the bill that would monitor gun shows.
P.O. TONNA:
No, we've already done this. We've already done this, we've already had the vote called. Sorry, Legislator Bishop.
1703-00 - Establishing a County site selection committee for construction of Suffolk County Children's Shelter (Caracciolo).
LEG. CARACCIOLO:
Motion to approve.
LEG. CRECCA:

Second.
P.O. TONNA:
Motion by Legislator Caracciolo, seconded by Legislator Crecca.
LEG. TOWLE:
Roll call.
LEG. FIELDS:
Opposed.
P.O. TONNA:
Okay, wait, wait. Roll call. Thank God we're not going to discuss it.
Okay, roll call, 1703, motion to approve.

00325

(*Roll Called by Mr. Barton*)

LEG. CARACCIOLO:
Yes.
LEG. CRECCA:
Yes.
LEG. COOPER:
Yes.
LEG. BINDER:
Yes.
LEG. POSTAL:
Yes.
LEG. BISHOP:
Pass.
LEG. D'ANDRE:
Yes.
LEG. CARPENTER: (Not Present)
LEG. ALDEN:
Nope.
LEG. FIELDS:
No.
LEG. FOLEY:
No.
LEG. HALEY:
Yes.
LEG. FISHER:
Yes.
LEG. CARACAPPA:
Yes.
LEG. TOWLE:
No.
LEG. GULDI:
Yes.
LEG. LEVY:
No.
P.O. TONNA:
Yep.

00326

LEG. BISHOP:
Yes.
MR. BARTON:
12.
P.O. TONNA:

Okay. 1726 --
LEG. CARACCIOLO:
Congratulations, Vinny.
LEG. CRECCA:
Thank you for being -- I just want to thank the Director of Probation who's been here now for three meetings in a row, the last time he stayed till 2:30.
P.O. TONNA:
He gets paid the big bucks for this, give me a break.
LEG. CRECCA:
Yeah, but 2:30 is pretty good.
P.O. TONNA:
Vinny, you get no sympathy from me.
All right, 1726-00 - Accepting and appropriating 100% Federal funding for the implementation of a case management project for long-term temporary assistance for needy families (TANF) recipients and creating twenty-three positions in the Department of Social Services (County Executive). Is there a motion? Motion by myself, seconded by Legislator Guldi. Take the money. All in favor? Opposed? Approved.
MR. BARTON:
17, 1 not present (Not Present: Legislator Carpenter).
P.O. TONNA:
1748-00 - Authorizing Lighthouse Mission to use County property for food distribution to the needy (Postal).
LEG. POSTAL:
Motion to table.
LEG. HALEY:
Second.
P.O. TONNA:
Motion to table by Legislator Postal, seconded by Legislator Haley. All in favor? Opposed? Tabled.
MR. BARTON:
17, 1 not present (Not Present: Legislator Carpenter).
P.O. TONNA:
Health:

1451-00 - Directing the County Department of Public Works to test non-chemical alternatives to pesticides to control mosquito population (Cooper).
LEG. COOPER:
Motion.
LEG. FISHER:
Second.
P.O. TONNA:
Motion by Legislator Cooper, seconded by Legislator Fields -- Fisher.
LEG. TOWLE:
Explanation
P.O. TONNA:
All in favor?
LEG. TOWLE:
Explanation.
P.O. TONNA:
Explanation.

LEG. CARACAPPA:
Didn't we pass this last meeting?
P.O. TONNA:
Can we get the Legal Counsel to make an explanation? I think it will be shorter. Go ahead, Legal Counsel.
MR. SABATINO:
Hang on, just let me catch up.
P.O. TONNA:
This is directing the County Department of Public Works to test non-chemical alternatives to pesticides --
LEG. CARACAPPA:
Didn't we pass this the last meeting
MR. SABATINO:
Yeah, there's a corrected copy, I want to just turn to the corrected copy.
P.O. TONNA:
Just in case you didn't think I could read the resolution.
LEG. CRECCA:
It just came out of committee, it came out of committee this cycle.
MR. SABATINO:
Okay. Under the corrected copy, this would require the Vector Control Division in Public Works to institute a program that would on a pilot

basis test the effectiveness of the non-chemical alternatives to pesticides and it would utilize an intern to conduct the research and help the development of the program by working with the Citizens Advisory Committee and then provide recommendations at the conclusion of the pilot program which would be October 1st of 2001 to make a determination as to whether or not the pilot program should go forward.
LEG. TOWLE:
Mr. Chairman?
P.O. TONNA:
Yes.
LEG. TOWLE:
Did the Director of Vector Control comment in the committee on this bill?
LEG. CRECCA:
If I may respond to that since I serve on the Health Committee. We heard from the Commissioner of Health, Dominick could not be there that day because obviously they're doing a lot of work right now. But our understanding is Vector Control is on board with this. In addition, the Commissioner of Health has been on top of this whole also said that she approves of this bill, and that's one of the reasons it got out of the committee because they're supportive of it.
LEG. TOWLE:
I'm going to make a motion to table because I would like to hear Dominick's comments. Dominick testified before a committee the last time when we passed Legislator Binder's bill and told us that he was going to have no problems with enforcing that, and he is singing a different tune today. Because I've been getting a lot of calls to my offers that have had a lot of mosquito problems in my district, that because of passing that bill that slowed them down in the response of

their work. And I would like to hear him on the record before we vote on this bill, and since the committee didn't here him I would urge you to at least hold this one meeting.
LEG. HALEY:
Second. Question. I second the motion to table.
P.O. TONNA:
Fine.
LEG. HALEY:
I'm just curious where you might decide to do that pilot program, you know? Do it in North Huntington.
LEG. BINDER:
NIMBY.
LEG. HALEY:
No, you don't have mosquitoes in North Huntington, do you?
LEG. BINDER:

I'm not in North Huntington.
LEG. LEVY:
Do it in Greenlawn.
LEG. D'ANDRE:
These have to be approved by the State anyway. The County can't approve any new pesticides.
P.O. TONNA:
Listen to me. Right now, Legislator Haley, you had the floor, are you done? Fine. Roll call on the vote.
LEG. HALEY:
To table.
P.O. TONNA:
To table, right.
(*Roll Called by Mr. Barton*)
MR. BARTON:
Legislator Guldi?
LEG. TOWLE:
I made the motion to table.
MR. BARTON:
Oh, I'm sorry. Legislator Towle?
LEG. TOWLE:
Yes.
LEG. HALEY:
Yes.
LEG. COOPER:
No.
LEG. BINDER:
Yes.
LEG. POSTAL:
No.
LEG. BISHOP:
No.
LEG. D'ANDRE:
No.
LEG. CRECCA:
No to table.
LEG. CARPENTER:

No.

LEG. ALDEN:
Yes to table.
LEG. FIELDS:
No.
LEG. FOLEY:
No to table.
LEG. FISHER:
No.
LEG. CARACAPPA:
Sorry, no.
LEG. GULDI:
No.
LEG. CARACCIOLO:
No.
LEG. LEVY:
No.
P.O. TONNA:
No. Okay.
MR. BARTON:
Four.
P.O. TONNA:
Motion and a second to approve. All in favor? Opposed?
LEG. BINDER:
Opposed.
P.O. TONNA:
Opposed, Legislator Binder.
LEG. D'ANDRE:
Opposed.
LEG. TOWLE:
Opposed.
LEG. BINDER:
Do a roll call.
P.O. TONNA:
Well, Legislator Binder, Legislator D'Andre and Legislator Towle. Is there anybody else? No, okay.
MR. BARTON:
15.

LEG. ALDEN:
Mr. Chairman?
P.O. TONNA:
Yes.
LEG. ALDEN:
I just would like to submit a letter that was left here by Central Islip Civic Council on 1703 just for the record.
P.O. TONNA:
Thank you.
LEG. ALDEN:
Thanks.
P.O. TONNA:
The last is that -- in moving through the cards, I made a statement

that I would not vote on any bill that people wanted to speak out on, we do have some cards still. People have been here since nine o'clock this morning on the next bill which is 1425 with regard to the Local Law to ban purchase of tobacco products for minors in Suffolk County. Pat Bishop-Kelly, you're still here, Pat?
MS. BISHOP-KELLY:
Yes.
P.O. TONNA:
Is Richard {Croche} Here? Nancy Hemendinger?
MS. BISHOP-KELLY:
I am speaking for Nancy.
P.O. TONNA:
Okay. Don't worry about that, she's not here.
LEG. HALEY:
Mr. Chairman, doesn't it require a procedural motion or something to go back into that session or something?
P.O. TONNA:
No. All I would ask --
LEG. HALEY:
I just want to be -- I'm sorry, I hate to be technical because --
LEG. FOLEY:
You should, you really should.
LEG. BISHOP:
Mr. Chairman, why do we --
MR. SABATINO:
No because under Rule 28 which is what allowed us to move to the agenda ahead of the speakers, that rule says you can't vote on a bill that

there are still speakers left for.
LEG. GULDI:
No. Point of order. We made a motion to extend the public portion to 7:30 P.M., that motion -- that expired, public portion is closed.
LEG. BISHOP:
Right.
LEG. GULDI:
Not conditionally but completely.
LEG. LEVY:
Public portion is not closed.
P.O. TONNA:
No, that's not true.
MR. SABATINO:
Maybe something happened when I was out of the room, but my last recall was --
P.O. TONNA:
Listen, can I say something? Pat, I would ask that you keep your comments as germane and to the point, and we have one other speaker I think here on this issue. Thank you, Pat.
MS. BISHOP-KELLY:
Okay. Well, I am representing the Commissioner --
LEG. BISHOP:
Oh, come on, this is going to be a whole show.
MS. BISHOP-KELLY:
-- and I have materials that represents the work that was done by the

Tobacco Control Unit. The Commissioner --
LEG. LEVY:
Start over and use the mike.
LEG. HALEY:
Put the mike on.
MS. BISHOP-KELLY:
I am here representing Commissioner Bradley. I am Pat Bishop-Kelly, I'm Director of Public Information for the Tobacco Control Program for the Suffolk County Department of Health. I'm also here on behalf of Nancy Hemendinger who is the Director of School Health Education for the Tobacco Control Program. We have had some materials that I've passed out on behalf of the Commissioner that gives you an indication of where we stand and what we have been doing with the Tobacco Control Program. I also just wanted to reference some materials that I will be referencing in my comments and they are -- I am not going to stand here and read them, but they are the Comprehensive Tobacco Control program for New York State, the Best Practices for Comprehensive Tobacco Control Programs issued by the Centers for Disease Control, Youth

Access to Tobacco issued by the National Cancer Institute and the National Institute of Health and U.S. Department of Health and Human Services, and also the most recently published U.S. Surgeon General's Report on Reducing Tobacco Use.
On behalf of Nancy Hemendinger, these are her comments. For the first time in history, those of us in the field have had the necessary resources to effectively make a difference in preventing the onset of tobacco use and helping those who are already addicted. When you, this Legislature, dedicated 20% to tobacco control efforts, you followed the suggested guidelines from the CDC Best Practices. The Office of Health Education's Learn to be Tobacco-Free Program is following your lead and is strategically planning implementing and setting up evaluation methods that follow those same best practices that you used to decide to dedicate 20% funding level. We're here today to share with you what we've accomplished in the past six months and where we plan to be in the future with the Learn to be Tobacco-Free Program.
The Learn to be Tobacco-Free Program has four components. Education and prevention that includes youth empowerment, smoking cessation, public education and information and enforcement.
LEG. BISHOP:
Pat, Pat, we are going to expire at midnight. Why should we not pass this bill?
MS. BISHOP-KELLY:
All right.
LEG. HALEY:
Excuse me, she's got 10 minutes, I believe, doesn't she?
LEG. LEVY:
No, no, she's go three minutes.
LEG. GULDI:
And they're over.
LEG. HALEY:
Three minutes, oh, okay. So let her speak her three minutes.
LEG. BISHOP:
She's also a very kind person and a very intelligent person and she's

going to get us right to the issue.
MS. BISHOP-KELLY:
To cut to the chase, there are no proven studies that this kind of legislation works. It also will probably -- and Legislator Postal made a very important point before, and that is if we establish laws without trying to embrace people and bring them into our center of understanding, we're going to continue to push them away and that's the concern that we have. By criminalizing or penalizing youth for possession of -- penalizing youth for possession of tobacco products, we will make it more enticing for them, it will become forbidden fruit. These have been borne out in studies by social scientists, we're very concerned. We also have a smoking cessation program that we want to

have kids want to be part of. If they are afraid to come forward after being targeted for having the possession of cigarettes, they may not want to stop smoking and we are very concerned about that.
Simply put, studies -- there are no credible studies that have been done that represent anything that would amount to legitimate reasons why this particular law should be in place. We also are very concerned because the Tobacco Products Liability Project which is this country's foremost research for tobacco litigation and legislation has given us a legal opinion on this particular piece of legislation and I would like to read this because this is very important.
LEG. FOLEY:
When did you get it, just today?
MS. BISHOP-KELLY:
Yesterday.
LEG. FOLEY:
Mr. Chairman, with all due respect to the speaker, this has been in committee for weeks if not months, there have been people have been talking about it.
P.O. TONNA:
Right.
LEG. FOLEY:
Now that there's an opinion the day before --
P.O. TONNA:
Wait. Just --
LEG. FOLEY:
It's no reflection on the speaker.
P.O. TONNA:
The only concern I have is this. Really the three minutes are there, the questions were asked; did you ask your questions?
LEG. HALEY:
I have a question.
P.O. TONNA:
Go ahead.
LEG. HALEY:
Do you have a recent opinion you'd like to share with us?
MS. BISHOP-KELLY:
Yes, I do.
LEG. HALEY:
Thank you.
LEG. FOLEY:

Are there copies for us?

MS. BISHOP-KELLY:
Absolutely.
LEG. FOLEY:
All right, let's see them.
P.O. TONNA:
Just give them to the Clerk, let them distribute them.
LEG. FOLEY:
They should have been available at the Health Committee meeting.
P.O. TONNA:
Go ahead, Pat.
MS. BISHOP-KELLY:
The signatory is Mark Gottleib, a Staff Attorney with the Tobacco Control Resource Center. "My organization has analyzed tobacco legislation for many years through contacts with the Massachusetts Tobacco Control Program and the National Cancer Institute. In addition, we work closely with plaintiffs' attorneys involved in legal action against tobacco companies on behalf of individual smokers. We support such litigation as a public health and cancer control strategy. The 2000 report of the Surgeon General released earlier this month discusses the importance of tobacco litigation as a public health strategy and in a section I authored for the U.S. Centers for Disease Control in prevention. I believe that the proposed legislation in Suffolk County could make it more difficult for future tobacco victims to seek redress in the courts."

[RETURN OF COURT STENOGRAPHER, LUCIA BRAATEN]

If possession of tobacco by a minor is an offense, then any future tobacco victim who became addicted to the nicotine and tobacco products as a minor, as is almost invariably the case, It might be argued, was in violation of the law and should not be entitled to recovery, regardless of any negligence on or fraudulent conduct perpetrated by the tobacco companies. The doctrine of equal fault, or in pari delicto, could be use to preclude the plaintiff's recovery. While treatment of this legal doctrine varies from state to state, it could certainly make it more difficult to hold tobacco companies liable, even in the context of class action litigation.
P.O. TONNA:
Thank you. That was the question, right?
LEG. LEVY:
All right. Let's go.
P.O. TONNA:
Okay. Hold it.
LEG. HALEY:
Thank you.

P.O. TONNA:
Richard, Richard {Croshe} -- Couch. I got Richard. Okay. Thank you.
LEG. FOLEY:
This is such a setup job.
P.O. TONNA:
No, no. Just --
LEG. FOLEY:

Yes, it is.
P.O. TONNA:
Just one thing at a --
LEG. FOLEY:
It's 11:30 night --
P.O. TONNA:
Every single person has a right to speak.
LEG. FOLEY:
Yeah.
P.O. TONNA:
Okay?
LEG. FOLEY:
But speak during the day, though, Paul. At 11 --
P.O. TONNA:
Well, I'm the one -- I'm the one --
LEG. FOLEY:
At 11:30 at night is wrong, especially when we had --
P.O. TONNA:
We should have had --
LEG. FOLEY:
-- This in the Health Committee for months.
LEG. FOLEY:
For months.
P.O. TONNA:
No.
LEG. FOLEY:
For months.
P.O. TONNA:
It's not his fault. He's come here to speak. Richard, please. And, Brian, everyone has a right to speak. They filled out a card, they have a right to speak on the issue.

LEG. CARACAPPA:
Go ahead, Rich.
MR. COUCH:
Distinguished Members of the --
P.O. TONNA:
Go ahead, Richard.
MR. COUCH:
Distinguished Members of the Legislature, good evening. My name is Richard Couch and I'm the Director of Advocacy for the Long Island Region of the American Cancer Society. I'm here today on behalf of nearly 200 volunteers on Long Island to speak against Resolution 1425, a local law to ban the purchase of tobacco products in Suffolk County. As the nation's largest voluntary health organization, we applaud Legislator Fields' desire to prevent youth from smoking. However, we oppose this resolution, because to date, there are no credible scientific studies that indicate that punitive actions targeting children are effective. The American Cancer Society supports public tobacco control initiatives that are rich in education, smoking cessation, counter-marketing campaigns, and that include evaluation plans. Resolution 1425 fails to offer any education, smoking cessation or evaluation elements. Parental notification, as required by

Resolution 1425, simply isn't strong enough.
Resolution 1425 attempts to place the burden of tobacco use on the consumer, and more specifically in Suffolk County youth. The burden of tobacco use must focus on the true enemy in the war against cancer, the tobacco industry. We cannot and will not support any legislation that attempts to blur the focus of blame away from the tobacco industry and retailers who sell tobacco products.
New York State recently strengthened the penalties for retailers who sell to minors. With efforts to strengthen the penalties and close loopholes created by internet sales and bootleg to be operations, we can reduce tobacco use. There are already laws on the books that can reduce youth access to tobacco products. This Legislative body has exhibited the insight to devote $6 million of the tobacco settlement funds to a comprehensive tobacco control program that will serve Suffolk County well. The proposed comprehensive tobacco control program appropriately uses the tobacco industry's guilt money for a well thought out program that includes community and school-based education, smoking cessation, counter-marketing strategies, complete with evaluation methods. According to standards prescribed by the Centers for Disease Control and the Surgeon General of the United States, Suffolk County's proposed program has all of the elements of a model tobacco program. The focus of burden is appropriately placed on the tobacco industry, not Suffolk County youth.
LEG. CARACAPPA:
Thank you.
MR. COUCH:
I've shared a copy of the American Cancer Society's position statement

on youth possession legislation with each of you earlier this week, and it's also in the folders that were just handed to you. In honor of time, especially at this hour, I won't reiterate it verbally.
In conclusion, while the American Cancer Society applauds Legislator Fields for her desire to curb smoking, we request that the Legislature defeat this misdirected effort. This body has already taken the high road, reducing the use of tobacco products by funding a scientifically proven comprehensive program. I encourage you not to take the low road of youth possession legislation and the slippery slope that comes with it. Future success will be dependent upon continued support of comprehensive tobacco control programs and stringent enforcement of existing laws that penalize retailers rather than criminalizing youths in Suffolk County.
The last thing that I want to share with you, and perhaps Newsday said it best this morning in their editorial, there are better ways to stop youth smoking, and that's what I'll leave you with. Thank you.
LEG. FOLEY:
Thank you.
LEG. LEVY:
Thank you.
P.O. TONNA:
Okay. Thank you very, much sir. Okay.
LEG. LEVY:
Question.
P.O. TONNA:

Is -- wait. Just is -- Michaele?
MS. CASCONE:
Michaele.
P.O. TONNA:
Michaele. Thank you.
MS. CASCONE:
I feel like I crossed the International Dateline. By the American Cancer Society's own statistics, there are 3,000 new cigarette smokers each day, that most of them are children of an average age of 12 to 13 years old; that in New York State alone, tobacco will kill 30,000 people, and 90,000 children will start smoking in this one year. And that if this trend is not reversed, roughly 377,000 of our state's children will die prematurely from smoking-related illnesses. Michael Ericson, the Director of the Office on Smoking and Health at the Center for Disease Control recently said that if the current pattern continues, 5 million children under the age of 18 alive today in the United States will die prematurely as a result of cigarette smoking. So what I want to know is why are -- why don't we just do everything we can? Why are we picking and mincing words and saying, "We'll do a little bit of this, a little bit of that. Oh, let's do that, let's see." You know, it didn't work in Texas last week, well, how do we

know it won't work in Huntington next week?
And I'd like to tell you something about -- my granddaughter was here earlier, the 13 year old, but she had to leave. They went to a club last week that opened its doors to a teenage nightclub on Wednesday nights. So I called the club to find out about it and one of the things I asked is what their smoking policy was. And I was really shocked to find out they had no smoking policy, that these kids that are allowed from 13 to 17 are allowed to smoke. So I said, well, how could that be? There must be something wrong. It's a health hazard, fire hazard. It must be something. I called the Police Department. The Police Department said, "Nothing we could do, it's legal for kids to smoke." Okay. So he says, "But I'm going to let you talk to a detective in the Special Investigations Unit who does investigations into children buying cigarettes. So I spoke to him and he said it's morally unethical, it's reprehensible, there's no law to protect them. I said, "Okay." So the next day, I called the general manager, and I said, "I really want to understand why you're doing this." And he says, "I am on the Board of Education in the Lindenhurst School District. I own Long Island Catering." He said, "Let me tell you what happened to me. I fought the owners, because I wanted to have a no-smoking policy in this club. And they said, "No. Everybody else lets the kids smoke, they're not going to come here." He said, "All right. We're going to try it, we're going to do it." You know what happened to him? You won't believe this, but a 17 year old boy's father called him and said he was an attorney and he was going to sue them for age discrimination, because children should be allowed to smoke.
So my feeling is, is that if I told you doing the bunny hop would make kids stop smoking, wouldn't you be a little small-minded and mean-spirited not to do the bunny hop? I mean, they would just sit around talking about Texas and Iowa and everything else, and how everything is working, but it's really not, because there are more

smokers now than ever before, and I would say let's form a conga line from Montauk to Manhattan.
P.O. TONNA:
Thank you very much.
MS. CASCONE:
And I have one last thing that I wanted to share with you. And I debated about this, but I think it's really important enough. I wanted to show you a picture of my parents. This is my mother and father taken in 1973 at the stroke of midnight New Year's Eve.
LEG. D'ANDRE:
1973?
MS. CASCONE:
1973.
LEG. D'ANDRE:
Wow.
MS. CASCONE:
I was born then. And notice my mom's got her cigarette right there.

Two hours before my mother passed away from lung cancer after smoking for 50 years, she had asked me to take a picture of her, because she wanted people to see what happens when you smoke. She started at 17. There was no Ginny Fields, there was nobody to tell her that she shouldn't smoke. She did it behind her parents' backs, like most kids do. And this is what happened. My mother was somebody's child. My grandmother outlived her and lived to be 93. It doesn't have to be. We should do something, do everything we can.
P.O. TONNA:
Thank you very much.
MS. CASCONE:
Thank you.
LEG. LEVY:
Thank you.
P.O. TONNA:
Okay.
LEG. LEVY:
Question.
P.O. TONNA:
There's a -- well, let's do a motion. Now the bill's in front of us, 1425.
LEG. FIELDS:
Can I --
P.O. TONNA:
Yes.
LEG. FIELDS:
-- just say one thing.
P.O. TONNA:
No. Well, first let's get a motion and a second, Ginny. There's a motion by --
LEG. FIELDS:
Make a motion to approve.
LEG. FOLEY:
Second.
P.O. TONNA:

-- Legislator Fields, seconded by myself.
LEG. ALDEN:
On the motion.
P.O. TONNA:
Okay. First of all, Legislator Fields, then Legislator Alden.

LEG. LEVY:
Wait a minute. I just asked you -- I just asked to --
P.O. TONNA:
I usually give --
LEG. LEVY:
I'll defer to Legislator Fields, but then I'd like to be --
P.O. TONNA:
Okay, fine. Fine.
LEG. LEVY:
Thank you.
P.O. TONNA:
Okay. That's the order that was there.
LEG. FIELDS:
I would like to ask Counsel to refresh anyone's mind about a gentleman by the name of Mike Moore, and then I'd like to read a letter.
MR. SABATINO:
Mike Moore is the Attorney General of the State of Mississippi, who was the preeminent architect of the national tobacco litigation that ultimately resulted in the 46 state settlement. And he also was an individual who we contacted in 1996 when we were contemplating our litigation on that tobacco lawsuit, and he put us in touch with Richard Scruggs, whose law firm became the prominent national law firm that prevailed in that litigation.
LEG. FIELDS:
This is a letter that we passed around to you now as I read it. It's dated August 28th.
"Dear Legislator Fields, I write to commend you on your efforts to protect Suffolk County's children. Suffolk County was one of the early supporters of my efforts against the tobacco industry. I applaud your leadership now and the support I received from your legal department years ago."
"I have read your bill and support it. I have gone through the same issues here in Mississippi and heard the same arguments over and over. We also had no use and possession law or penalties. Over a hundred counties and municipalities passed use and possession ordinances, which are now being enforced. Your efforts will help even if you wish they included more provisions. It's a good start."
"If you can get your law enforcement to couple this law with effective underage sale enforcement and retailers' education, you will be successful in reducing underage use. Please call on me if I can help further. Sincerely, Mike Moore, Attorney General, Mississippi."
Just one little additional statement, and that is that I started this with penalties. There was -- there were three components to it, one

was a fine, one was community service in a hospice where people could witness someone who was dying, and the other one was a smoking cessation program.

I have worked on this for many months, and I now have come out with a bill that I think satisfies almost everyone, and that is just that, if there's a law that you can't sell it to -- cigarettes to kids, then there should be a law that says they can't smoke, just as there's a law that you can't sell liquor to kids and kids cannot drink. This law -- bill simply says, if a child has cigarettes, they can be confiscated. Bottom line, I want to stop the addiction before it begins.
P.O. TONNA:
Thank you. Legislator Levy.
LEG. LEVY:
I just want to hear from Counsel regarding the penalty aspect of the bill. I was informed earlier, and again, it's been reiterated by Legislator Fields, that there no longer is any penalty that will be waged against the minor; is that correct?
MR. SABATINO:
Well, the penalty has been converted into a confiscation of the tobacco products. So instead of a fine, there would be a confiscation of the product in question.
LEG. LEVY:
Okay. I just wanted to state that when the bill first came out, I had reservations and was somewhat undecided, because while I applaud the effort to try to get cigarettes out of the hands of minors, my bigger concern might have been sending a message to kids that we don't enforce laws that we put on the books, and I thought it would be rather difficult to carry out through the judicial process. But I think that concern that I had has been cured by the more recent modifications to the bill, which simply now permit a police officer or someone in authority to just confiscate this product that we are telling kids is wrong for them and bad for them from a health perspective. And, as the analogy has been stated, if you can take beer away from a kid, why can't you take a pack of cigarettes away from a kid? Now, I don't think we should be fining the kids, I don't think we should be putting them through the judicial process, which is going to be unrealistic and cost a lot of money, but so long as that element is out of the bill, I don't think there's anything wrong with giving our authority figures the opportunity and the right to take that harmful product away from a 12 year old.
LEG. FISHER:
Mr. Chairman, if I may.
P.O. TONNA:
Yes -- no. The next on the list was Legislator Alden.
LEG. LEVY:
Cameron.
LEG. ALDEN:

In the committee, and I'm not a member of that committee, but I'm not apologizing for not being a member of that committee. I think I'm on eight or nine committees, so to not be on that one, you know, I'm not apologizing. Was there been debate on this?
LEG. CRECCA:
Oh, yeah.
LEG. ALDEN:
Okay. Then I'm going to make this statement. I'm not prepared today to

vote one way or the other on this, and if I'm pushed to it, I'm going to have to vote no. But here's what I'd like to say. I put in a resolution earlier in the year to change the scheduling, so that we could all have the minutes from those meeting, the committee meetings, before we vote on important things like this, and I'm just going to restate that. I think it's too important to vote on this right now until we get the minutes from that meeting and be able to digest that, because I'm just making the assumption, you know, because I've see other committees operate, that both sides were presented and were given a fair and equitable amount of time to present their sides. So that being said, I'm not prepared to vote yes on this, but, if pushed, I will -- I'll vote no. But I'd rather see it tabled until we can get those committee -- the minutes from the meetings out. And, Henry, how long would that take? Approximately, you know, just a rough idea.
MR. BARTON:
When -- which meeting were you talking about? I'm sorry, I wasn't there.
LEG. ALDEN:
I guess it was the Health.
LEG. CRECCA:
The last Health Committee.
LEG. ALDEN:
Last Health Committee.
MS. FARRELL:
It was the last meeting.
MR. ALDEN:
Yeah.
LEG. BISHOP:
Two weeks.
LEG. FOLEY:
I don't know.
MR. BARTON:
Within two weeks.
LEG. FOLEY:
Yeah, but that's after the next meeting.

LEG. ALDEN:
And I'm going to ask you, too, for --
MR. BARTON:
I can expedite it, if you request it.
LEG. ALDEN:
No, no, no. What I'm going to -- because it's more systemic than that. I'm going to ask you just for some of your comments, and if you could put them to me, like prepare a memorandum for me, or something like that, how we can make a schedule, some kind of schedule where we can have committee meetings, we can get the -- we can get the minutes, and then we can -- we can have a general session.
MR. BARTON:
Well, we have -- we have more committees now.
LEG. ALDEN:
No. But if you include that, too, Henry, that's fine.
LEG. CRECCA:
I think -- I think I was next, Mr. Chairman.

P.O. TONNA:
Okay. Legislator Crecca, Postal, and then Foley.
LEG. BISHOP:
All want to speak?
P.O. TONNA:
Cooper. Yes.
LEG. CRECCA:
On the bill, first of all, I am on the Health Committee. I want to first of all say that I think Legislator Fields' intentions are in the right place. I know she's done a lot of work on this and truly believes that this will curb smoking among youths. I just would like the Legislators to know that in the Health Committee, I don't believe that there was ever any study or actual proof that anti-possession laws curb smoking among youths. The medical personnel that we did hear from, including Dr. Clare Bradley, believe that it is not an effective means of curbing cigarette use by minors.
In addition, there is some belief, and, again, there's no -- I don't think there's any facts about -- that directly support this, but there's some belief that when you make it illegal to possess or use cigarettes, that it makes it more attractive to minors and makes them more prone to smoke cigarettes.
So, for those reasons, I don't feel that it's timely to vote for this bill today. There is -- Robert Woods Johnson is currently in the midst of doing a study directly on point here as to whether possession laws actually have an effect to curb smoking among youth. I would urge us to wait for the results of that study, and I can only hope that that study proves me wrong in my belief that the American Cancer Society and

American Lung Association is right and that these laws don't curb cigarette use.
What I will do is rather -- I'd rather not vote against this today, as Cameron Alden has stated, but what I would ask, I'm going to make a motion to table, and if there's a second, I would think that would be more appropriate and maybe wait for the results of the Robert Woods Johnson study. So I'm making a motion to table, Mr. Chairman.
LEG. POSTAL:
I'll second that.
LEG. CARACAPPA:
There's a motion to table.
LEG. CRECCA:
There's a motion to table, Mr. Chairman, and second from Legislator Postal.
P.O. TONNA:
Okay.
LEG. POSTAL:
I think I'm --
P.O. TONNA:
We still have speakers.
LEG. POSTAL:
I think I'm next.
LEG. FOLEY:
On the motion.
P.O. TONNA:

On the motion, Legislator Postal.
LEG. POSTAL:
Yeah. I think that even though the intent is a very positive intent, I believe that there are a whole raft of dangers involved in approving this bill as it is.
First of all, I think it condemns the victim. And I think that the big tobacco companies have tried to do that over and over again. In the suits that have been brought, the tobacco companies have said the plaintiffs knew that it was dangerous and it's their fault that they've been dying of lung cancer. I think that we're doing the same thing with regard to young people if we pass this bill. But I think that also part, of the bill requires that when the cigarettes are confiscated, the parents of the young people are also notified, and I believe that there's a potential danger in that. We know that there are a lot of parents who react abusively to all kinds of behaviors, and I think we're opening the door to giving parents a reason that they may abuse their kids.
Furthermore, I think as long as we're -- as long as we're initiating a

program of smoking cessation by, number one, having law enforcement people confiscate the cigarettes, we're sending a message out that there's something criminal by kids smoking. And, also, by notifying their parents, we're putting kids in a position where they may be less willing to participate in smoking cessation classes. For example, if parents are notified that their kids have cigarettes and parents react very angrily --
P.O. TONNA:
Legislator Postal, just for one second. Could I ask Legislators, please, just Legislator Postal's talking. We're not even close to leaving yet. Thank you very much.
LEG. POSTAL:
I was saying that if parents are notified that their kids are smoking and they react very angrily, a young person who continues to smoke, but is afraid that he or she will incur a parent's continued wrath may be really reluctant to then volunteer for a smoking cessation program in school, because then the parent knows that the child is still smoking.
I also have concerns about creating a potentially confrontational situation between law enforcement people and young people, where there may be situations in which a Police Officer or a Deputy Sheriff may attempt to confiscate cigarettes from a young person who then is involved in a kind of a macho situation, and you could end up with something that becomes a disaster out of something that had a positive intention and seemed to be harmless. On I think that we're creating a situation that's going to run contrary to what we're attempting to do.
Also, somebody just pointed out, I think it was Legislator Crecca, that Dr. Bradley thinks that this is not a positive course of action in stopping young people from smoking. I can't think of too many people who have been consistently and firmly opposed to smoking and who have supported initiatives to stop young people from smoking. I would suggest that if Dr. Bradley thinks that this is not a productive way to stop young people from smoking. And if, in fact, it could have a negative impact on the success of smoking cessation programs for young people, that we shouldn't rush to approve this.

LEG. GULDI:
Point of order. Are we debating the bill or the motion to table?
LEG. POSTAL:
The whole thing.
LEG. ALDEN:
Motion to table.
LEG. CARACAPPA:
Roll call.
P.O. TONNA:
There's a motion to table and a second.
LEG. GULDI:
Yeah. As a point of order, we should be debating the tabling and not

the merits of the bill.
P.O. TONNA:
Well, I think every Legislator is -- has a right to say anything they want with their time. So Legislator Cooper -- oh, Foley, you're next.
LEG. FOLEY:
I hope we defeat the motion to table and instead approve the resolution tonight. We had all kinds of discussion throughout the summer on this issue, and what we have said time and again, those of us who are cosponsors of the bill or who advocate for the bill, we all acknowledge that this is not the whole approach to this situation, to this challenge of trying to have -- to combat tobacco smoking. What we have said time and time again is that the overall approach, the majority approach, if you will, will be education, will be advertising, will be all the other things that were mentioned earlier by some of the advocates who are trying to stop smoking. However, we also feel that part and parcel of that overall approach, that there is in some, albeit limited way, but there still is a portion of that overall approach where not only education should be involved, but also enforcement. So the reason that we support this bill, why this bill is being put forward is not under the misimpression that this is going to solve the problem, but, instead, be part and parcel of an overall approach that includes enforcement, as well as all the other items that was discussed earlier, as a holistic way of trying to come terms with this issue.
Just -- just saying -- and it's very misleading for people to say that this by itself won't solve the issue. The sponsors of the bill, we readily agree with that. But what we do say, that it is part and parcel of the overall effective approach where enforcement should be in lock step with education and some of the other things that were mentioned earlier today, as was mentioned also about drinking. You know, we have laws on the books where underage folks, they can't drink, nor should they possess it. This is the same approach.
Finally, some are opposed to this because of some Roberts Wood Johnson Study. It's flawed to use that study to oppose this bill. That study is looking only at municipalities that are exclusively using enforcement as a tactic to combat tobacco control, or to have tobacco control. That study is not -- is not studying what we're doing here, which is to have both enforcement and education. So to use the Robert Wood Johnson study as a reason to delay this bill is a faulty approach, because that study is not -- is only looking at enforcement in an of itself, not as part and parcel of an overall approach, which is what

we're doing here in Suffolk County.
P.O. TONNA:
Legislator Cooper.
LEG. CRECCA:
Mr. Chairman, I just want to withdraw my motion to table.
P.O. TONNA:
Okay. Legislator Cooper.
LEG. COOPER:

I wanted to applaud Legislator Fields' efforts on this whole issue. I have five kids and my oldest son is 15, and if he were smoking, I would certainly want to know about it, and if there was any chance that passing this law would increase the likelihood that I would find out, I'd support it. And I came here today leaning towards voting for the bill, but now I'm going to -- I guess maybe there's not a tabling motion -- a motion table on the -- motion to table on the table anymore. But I had some practical concerns that were raised. Right now, it's one thing to require I.D. to prove that you're 18 when you're purchasing a pack of cigarettes, but I can't tell the difference between a kid who's 17, a kid who's 18, a kid who's 19. Some of my son's friends who are 15 look like they're 19, and I know other kids that are 21 that look like they're 16. And I'm just wondering the practical affect of this. Are we going to have cops going up to kids on the street corner, the beach, at schools that they think may be under 18? Lots of kids don't carry I.D. with them. And they're going to start hassling kids that are really 19, 20, asking for proof? They don't have proof on them, they confiscate their cigarettes? What are the practical implications of that?
P.O. TONNA:
Well, what do they do with people who are drinking? I mean, I don't understand that?
LEG. COOPER:
That's my other question. A statement was made that it's illegal for minors to drink. What are the laws regarding drinking?
LEG. CRECCA:
It's not the case.
LEG. CARPENTER:
That's not the case.
LEG. POSTAL:
They have to be 21.
LEG. CRECCA:
Not the case.
LEG. BINDER:
Twenty-one.
LEG. CRECCA:
It's illegal.
MR. SABATINO:
Possession is also under State law, not County law.
LEG. COOPER:
And that's 21.
MR. SABATINO:
Well, it's -- yeah, it's a different age, right.
LEG. COOPER:

Right. Maybe I'd feel more comfortable about it if I saw the minutes of the Health Committee meeting. I mean, I haven't heard the arguments. I'm concerned when I hear the American Cancer Society's claim that the tobacco industry supports passage of anti-possession laws. I mean, that really makes me nervous.
P.O. TONNA:
I think that's a -- oh, I'm sorry. Go ahead.
LEG. BISHOP:
Let's go, come on.
LEG. COOPER:
So, again, I would support a tabling motion, so we could debate this a little bit --
LEG. BISHOP:
But there is no tabling motion.
LEG. BINDER:
There is none.
P.O. TONNA:
There is no tabling motion.
LEG. CRECCA:
I withdrew it.
LEG. FOLEY:
There's no tabling motion.
LEG. COOPER:
I would have supported a tabling motion, if there was one before us.
LEG. FOLEY:
Mr. Chairman. Through the Chair.
P.O. TONNA:
I have -- I have -- I have my turn to talk and then --
LEG. FOLEY:
Yeah. All I would ask you is don't you think that when you have the Attorney General of Mississippi, who is one of the acknowledged leaders in this area, to answer the concerns that Legislator Cooper has, that he has concerns about the effectiveness of the legislation, that when you have one of the State's Attorney General's strong support for this particular -- that should hold some weight.
P.O. TONNA:
Yeah. And I just want to refresh the memory of Legislator Cooper and maybe some others. I remember that {Dr. Packard} was here speaking on the bill awhile back. He was talking on a number of things, and he deals specifically with educational programs with regard to smoking sensation programs -- cessation programs. Not sensation, cessation programs. And he said, when asked he question, "What would you do with this bill," and was the bill before it had been changed with regard to

moving from the penalties of just confiscation, he said, "And I would do anything that I can and everything that I can and I support the bill, because anything at all that is going to possibly help take cigarettes out of the hands of minors is a good thing."
LEG. HALEY:
On the motion.
P.O. TONNA:
I'm not finished. I've listen to the arguments of the American Cancer

Society, became very familiar with a number of the advocates during the previous smoking bill, and I am still convinced that this is a step in the right direction. And the reason I say that is because if I -- my son is 19 years old. I think he started smoking the day that I put this anti-smoking bill in restaurants. I wasn't aware completely of, you know, him starting to smoke. Like so many teenagers, I guess, or so many parents, you don't want to believe certain things. They tell you their friends smoke, so it's on their clothes, or whatever else. The concern that I have is that I think -- you know, I can't speculate about my son, but I think that there are some teenagers who might say, "Hey, if this is illegal, and, you know, it's not sanctioned and it can be confiscated, maybe this is something I shouldn't get started in." And I think it sends a right message. And, clearly, young people get addicted so quickly on to this. Now he's 19 and he swears to me, "Please, help me. Get me into a program, so I don't have to smoke as much." Okay? So that's -- it's only taken him four or five years to get to that point to say, you know, he wants to reduce to the point where he doesn't want to smoke anymore. It's not popular anymore. All that I can say is that I think a law like this is a step in the right direction. I don't buy the arguments of the American Cancer Society. I don't buy the arguments of a number of very prominent health advocates. I think that they have their head on national issues and are not in the day-to-day issues of just trying to get your teenagers to stop smoking. Okay.
LEG. COOPER:
You know what, I think I'm going to change my mind.
LEG. HALEY:
Wait a minute. Let me speak first.
P.O. TONNA:
Well, you get a chance to vote, Legislator Cooper. Just wait. Who was next?
LEG. COOPER:
No. I just want to say it because --
LEG. HALEY:
Wait, wait.
LEG. COOPER:
We can always pass this law, I guess, and we'll find out fairly soon whether it works or not.

P.O. TONNA:
Right.
LEG. COOPER:
And if it doesn't work, we can rescind it.
LEG. HALEY:
Well, that's pretty sad, actually. Do I have the floor?
P.O. TONNA:
Okay. You get your chance.
LEG. HALEY:
That's pretty sad. You know --
LEG. LEVY:
He's open-minded.
LEG. HALEY:
I understand your concerns, as I am very much concerned. But the

problem I have is when we should try anything we possibly can do to stop children from smoking when we have an awful lot of authority telling us that this particular legislation would work contrary to some of the other programs that they put in place. Then I have significant difficulty. I have difficulty with this legislation for even more reasons. I have difficulties because, from a family approach, I know I have a 20 year old, I can't get the kid to stop drinking. All right? He doesn't smoke, thank God, because I think I've educated him, and I think it's a problem. A lot of our children, including yours, Paul, understand that it's not appropriate to drink or smoke. They understand that already, but that has not worked, it hasn't worked for them at all. What we've been able to measure is that the programs that we've done from an educational perspective works. And you know what really bothers me, and as much as my son bust my chops and I have difficulty trying to educate him, all right, I can't imagine, and the guilt that I have as a parent, that my responsibility is to indicate my child or children and make sure that they do the right thing. And I don't need my 13 year old or my 20 year old, all right, with a record or a problem, because I, as a parent, apparently, I would admit some guilt or culpability, has failed as a parent.

I think it's very important for each and every one of us to create a climate within which parenting, the parenting that we do can be successful. It doesn't work when we create legislation that says, "You know what, we don't need you to act as a parent one way or another, because it's illegal, that's the way it's gong to be, done and over." And I don't think it's appropriate.

The last thing I wanted, and I mentioned -- Legislator Levy mentioned we should give authority figures the right to be able to deal with this.

P.O. TONNA:

That's right.

LEG. HALEY:

Well, the authority figures should be the parents --

P.O. TONNA:

That's right.

LEG. HALEY:

-- not the cops, and that's what concerns me more than anything else. And what's most significant to me, all right, on top of all of that is the most recent letter that was presented by Ms. Bishop-Kelly today and was where it was argued that where the gentleman, Mark Gottlieb, Staff Attorney said it might be argued that it was in violation of the law and should not be entitled to recovery, regardless of negligence or fraudulent conduct perpetrated by the tobacco companies. Listen, we have all been on the same side with the American Cancer Society, our own programs, and everything to do whatever we can to fight tobacco companies and they've all told us we're playing right into their hands, okay, and I don't think it's appropriate. I'm asking you to consider it very seriously, not only -- not only as a Legislator, but as a parent, that this type -- this type of legislation just goes a little too far.

P.O. TONNA:

Okay.

LEG. GULDI:
Mr. Presiding Officer.
P.O. TONNA:
Legislator Carpenter. Legislator Carpenter, then Legislator Guldi. And then I just want to remind people, we have ten minutes. We have CN's to do that are absolutely critical.
LEG. LEVY:
I want to make a -- can I make a motion?
LEG. GULDI:
I still have people who have been waiting since --
P.O. TONNA:
Yes.
LEG. GULDI:
-- eight o'clock this morning.
P.O. TONNA:
And so --
LEG. CARPENTER:
Have we made a motion to extend the meeting?
LEG. LEVY:
Until one o'clock --
P.O. TONNA:

Yeah, I --
LEG. LEVY:
I'll second that.
P.O. TONNA:
I'll make a motion to extend the meeting until one o'clock.
LEG. GULDI:
Second.
LEG. CARACCIOLO:
Roll call.
P.O. TONNA:
Seconded by Legislator --
LEG. GULDI:
Second.
LEG. CARACCIOLO:
Roll call.
P.O. TONNA:
Okay. Roll call to extend the meeting to one o'clock. Roll call, Henry.
LEG. CARPENTER:
Yes.
MR. BARTON:
What was the motion?
P.O. TONNA:
Motion by myself, seconded by Legislator Guldi, I think.
MR. BARTON:
Okay.
(*Roll Called by Mr. Barton*)
LEG. TONNA:
Yes.
LEG. GULDI:
Yes.
LEG. COOPER:

Yes.
LEG. BINDER:
Pass.
LEG. POSTAL:
No.
LEG. BISHOP:

No.
LEG. D'ANDRE:
Yes.
LEG. CRECCA:
Yes.
LEG. CARPENTER:
Yes.
LEG. ALDEN:
Pass.
LEG. FIELDS:
Yes.
LEG. FOLEY:
No.
LEG. HALEY:
No.
LEG. FISHER:
Yes.
LEG. CARACAPPA:
No.
LEG. TOWLE:
No.
LEG. CARACCIOLO:
No.
LEG. LEVY:
We've got important business here for the last two weeks. Yes. We've got to get it done.
LEG. BINDER:
No.
LEG. ALDEN:
What was his vote? No? Yes.
LEG. GULDI:
Thank you.
MR. BARTON:
Ten.
LEG. CARPENTER:
I make a motion to -- oh, there is. We need 12.
P.O. TONNA:
It's not enough. You need 12.

LEG. CARPENTER:
Can we at least go until 12:30?
LEG. BISHOP:
Okay. Motion.
LEG. CARPENTER:
We've got such a backlog.
LEG. BISHOP:

Let's see what we get done in ten minutes now.
LEG. FOLEY:
We've got ten minutes. Let's go.
LEG. LEVY:
No, no, no. Make the motion.
LEG. CARPENTER:
A motion to 12:30.
LEG. LEVY:
I second that. I second that. We're going to lose the opportunity.
LEG. CARPENTER:
I think we can get a lot done in 40 minutes.
(*Roll Called by Mr. Barton*)
LEG. CARPENTER:
Yes.
LEG. LEVY:
Yes.
LEG. COOPER:
Yes.
LEG. BINDER:
Yes.
LEG. POSTAL:
No.
LEG. BISHOP:
No.
LEG. D'ANDRE:
Yes.
LEG. CRECCA:
Yes.
LEG. ALDEN:
Pass.

LEG. FIELDS:
Yes.
LEG. FOLEY:
No.
LEG. HALEY:
No.
LEG. FISHER:
Yes.
LEG. CARACAPPA:
No.
LEG. TOWLE:
No.
LEG. GULDI:
Yes.
LEG. CARACCIOLO:
No.
LEG. TONNA:
Yes.
LEG. ALDEN:
Yes.
LEG. CARACAPPA:
Change my vote to a yes.

LEG. CARPENTER:
Thank you, Joe.
LEG. CRECCA:
Caracappa changed it to a yes.
LEG. LEVY:
Call the question.
MR. BARTON:
12-6.
P.O. TONNA:
Thank you.
LEG. LEVY:
Call the question --
P.O. TONNA:
Okay.
LEG. LEVY:

-- on the resolution before us.
LEG. BISHOP:
Yeah, call the question. Let's get moving, that's the point.
LEG. LEVY:
Call the question, let's go.
LEG. FOLEY:
Call the question.
P.O. TONNA:
Okay. There's a motion and a second for approval. Roll call.
(*Roll Called by Mr. Barton*)
LEG. FIELDS:
Yes.
LEG. TONNA:
Yes.
LEG. COOPER:
Yes.
LEG. BINDER:
No.
LEG. POSTAL:
No.
LEG. BISHOP:
Yes.
LEG. D'ANDRE:
Yes.
LEG. CRECCA:
No.
LEG. CARPENTER:
No.
LEG. ALDEN:
Nope.
LEG. FOLEY:
Yes.
LEG. HALEY:
No.
LEG. FISHER:
Yes.
LEG. CARACAPPA:

No.
LEG. TOWLE:
Pass.
LEG. GULDI:
Yes.
LEG. CARACCIOLO:
No.
LEG. LEVY:
Yes.
LEG. TOWLE:
Yes.
LEG. HALEY:
Motion to table.
MR. BARTON:
10-8.
P.O. TONNA:
No. It's --
MR. BARTON:
10-8.
LEG. CARACAPPA:
No. He got it in.
LEG. HALEY:
Motion to table.
LEG. CARPENTER:
Second. Second.
LEG. CARACAPPA:
Second.
LEG. GULDI:
He didn't get a second.
LEG. FOLEY:
Oh, come on.
LEG. CARPENTER:
Second.
LEG. HALEY:
Motion to table.
P.O. TONNA:
I'm going to make a ruling that it was not in on time. I'm sorry.

LEG. HALEY:
What do you mean not in time?
P.O. TONNA:
I --
LEG. BINDER:
Motion to overrule the Chair.
P.O. TONNA:
I heard it.
LEG. BINDER:
Motion to overrule the Chair.
P.O. TONNA:
Go ahead, make a motion to overrule the Chair.
LEG. BINDER:
Motion to overrule the Chair.

LEG. HALEY:
Motion to overrule the Chair.
LEG. BINDER:
He never called it and that's clear.
LEG. LEVY:
I think he did.
LEG. CARACAPPA:
Check the minutes.
LEG. BISHOP:
Do the tabling.
LEG. GULDI:
There's no second.
LEG. BISHOP:
Do the table. Let's see what happens. I don't think anybody's going to switch.
LEG. LEVY:
I think he said it.
P.O. TONNA:
I thought he called it.
LEG. LEVY:
I heard him say 10.
LEG. BINDER:
I had a motion to overrule the Chair.

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P.O. TONNA:
Okay. There's a motion to overrule the Chair and a second. Please.
LEG. CARACCIOLO:
Check the stenographer.
P.O. TONNA:
He's saying, in other words, that he didn't call the roll call yet, that he made a motion to table before that was done.
MR. BARTON:
I've checked with the stenographer. She tells me Mr. Haley said "tabled" before I called the vote.
P.O. TONNA:
He did? Okay. That's fine then. Thank you. There's a motion and a second to table.
LEG. LEVY:
Let it go. Go ahead.
LEG. BISHOP:
All in favor? Opposed? Let's go.
P.O. TONNA:
Okay. Roll call.
MR. BARTON:
I have Mr. Haley as the motion. Who was the second?
LEG. GULDI:
There was no second on it.
LEG. CARACAPPA:
Right here.
LEG. CARPENTER:
I second it.
P.O. TONNA:
Yes, there was a second.

LEG. BINDER:
Second.
LEG. CRECCA:
There was a second by Carpenter.
LEG. BISHOP:
Binder. Binder seconded it.
P.O. TONNA:
Binder seconded it.
LEG. BINDER:

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I seconded it.
MR. BARTON:
Okay. Motion to table.
(*Roll Called by Mr. Barton*)
LEG. HALEY:
Yes.
LEG. BINDER:
Yes.
LEG. COOPER:
Yes, to table.
LEG. POSTAL:
Yes.
LEG. BISHOP:
No, to table.
LEG. D'ANDRE:
Pass.
LEG. CRECCA:
Yes, to table.
LEG. CARPENTER:
Yes.
LEG. ALDEN:
Pass. Pass.
LEG. FIELDS:
No.
LEG. FOLEY:
No.
LEG. FISHER:
No.
LEG. CARACAPPA:
Yep.
LEG. TOWLE:
Yes.
LEG. GULDI:
No.
LEG. CARACCIOLO:
Pass.
LEG. LEVY:

00362

No.
LEG. TONNA:
No, to table. No, to table
LEG. D'ANDRE:
No, to table.

LEG. ALDEN:
Yes, to table.
LEG. CARACCIOLO:
Yes.
MR. BARTON:
10-8.
P.O. TONNA:
We've had better moments. Okay. Let's move on with the agenda. Number 1767 (Creating Suffolk County Legislature Rhabdomyosarcoma Task Force). Is there a motion?
LEG. FIELDS:
Motion.
LEG. BISHOP:
Mr. Chairman.
P.O. TONNA:
Motion to approve.
LEG. HALEY:
Second.
P.O. TONNA:
Seconded by Legislator Haley.
LEG. CRECCA:
Cosponsor.
P.O. TONNA:
All in favor? Opposed? Approved.
LEG. BISHOP:
George, why don't you get your people in here?
MR. BARTON:
18.
P.O. TONNA:
Number 1801.
LEG. CARPENTER:
Cosponsor.
LEG. GULDI:

I already tried the motion.
P.O. TONNA:
No. We're going to --
LEG. GULDI:
Somebody else has to make it. I tried -- I made it before.
P.O. TONNA:
Well, we're going to get there, George. If not, I'll vote to take it out of order.
LEG. GULDI:
It's on Page 13 at the bottom.
P.O. TONNA:
1801 (Amending the Department of Health Services 2000 Adopted Budget to reallocate 2000 budgeted funds for contracted agencies in the Division of Community Mental Hygiene Services). Motion by myself, seconded by Legislator Foley. All in favor? Opposed? Approved.
MR. BARTON:
18.
P.O. TONNA:
1806 (Amending the Department of Health Services 2000 Adopted Budget to

provide continued outpatient alcohol treatment services to the residents of Suffolk County). Motion by myself, second by Legislator Fields. All in favor? Opposed? Approved. Number 1807.
MR. BARTON:
18.
P.O. TONNA:
(1807 - Appropriating funds in connection with the purchase and installation of equipment for EMS/ALS training). A bond. I'll make a motion to approve. Roll call. Seconded by Legislator Fisher. Roll call on the bond.
(*Roll Called by Mr. Barton*)
LEG. TONNA:
Yes.
LEG. FISHER:
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:
Yes.
LEG. CARACAPPA:
Yep.
LEG. TOWLE:
(Not Present-See below).
LEG. GULDI:
Yes.
LEG. CARACCIOLO:
Yes.
LEG. LEVY:
Yes.
LEG. TOWLE:
Yes.
MR. BARTON:
18.
LEG. LEVY:

You could just use my last name, Henry, if you want.
LEG. CARPENTER:
Mine, too.
P.O. TONNA:
Okay. Let's go same motion, same second, same vote.
1808 (Appropriating funds in connection with improvements to new

skilled nursing facility.) Motion by myself, second by Legislator Fields.
LEG. GULDI:
Roll call on the bond.
P.O. TONNA:
Roll call on the bond.
(*Roll Called by Mr. Barton*)
P.O. TONNA:
Yes.
LEG. FIELDS:
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. 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:

LEG. FOLEY:
Mr. Chairman.
P.O. TONNA:
Okay, yes.
LEG. FOLEY:
Mr. Chairman, I make a motion to take out of order 17 --
LEG. CARPENTER:
No --
LEG. BISHOP:
No.
P.O. TONNA:
No. Just wait.
LEG. CARPENTER:
-- taking out of orders.
P.O. TONNA:
I have CN's that I'd like to get done. They're quick.
LEG. BINDER:
You got 35 minutes.
P.O. TONNA:
They're to the point. Make a motion to approve Certificate of Necessity Number 1922 (Amending the 2000 Capital Budget and Program and appropriating funds in connection with the dredging of various County waters). I'll make a motion, seconded by Legislator --
LEG. HALEY:
Can I do the second?
P.O. TONNA:
Probably D'Andre.
LEG. FOLEY:
Explanation.
LEG. CARACCIOLO:

On the motion.
P.O. TONNA:
This is dredging projects that need --
LEG. CARACCIOLO:
On the motion.
P.O. TONNA:
-- to be done immediately.
LEG. HALEY:
There's a bond resolution.
P.O. TONNA:
Yes, it's a bond resolution, it needs 12 votes.
LEG. CARACCIOLO:
On the motion.
P.O. TONNA:
Yes.
LEG. CARACCIOLO:
Every year, when this body adopts the Capital Budget, there's a few of us who voice concern over putting sufficient funds, Legislator Foley and I are two of those voices, in the Capital Program and Budget, Legislator Carpenter, and there are others, but, usually, we fall short of a majority of putting sufficient funding in the Capital Program and Budget. So what we have before us instead is a resolution that,

essentially, after the budget is adopted, amends the budget and puts it in there. I would -- I only point this out, so that when we do the budget next June, that everyone recall that we properly fund this program. It's not a fund that particularly benefits my district, because County dredges -- dredge most of the waterways on the North Fork. It does benefits districts on the South Shore, on the East End, on the South Fork, and in areas like this in Stony Brook and Smithtown areas. But, yet, it's the same Legislators from those areas that usually don't support this. So I will support this resolution, because dredging in Smithtown is just as important as it is on the North Fork. Thank you.
P.O. TONNA:
Thank you.
LEG. CARPENTER:
On the motion
P.O. TONNA:
Okay. All in -- oh, yes, Legislator Carpenter.
LEG. CARPENTER:
I just would like to ask about the offsets on this resolution, because I'm concerned about a number of them.
MS. ROSENBERG:

Are you asking us?
LEG. CARPENTER:
Yeah, I'm asking. I have questions about the offsets, the renovations to the Sagtikos Theater, energy conservation college-wide, asbestos removal, site improvements to the community college.
MR. WEISS:
They're all projects that aren't going to be completed this year, so they're going to expire at the end of the year anyway.
LEG. CARPENTER:
The County share for the reconstruction of Bay Shore Road, County Road 57.
MR. WEISS:
We checked with Public Works, we --
LEG. CARPENTER:
That is a planning study?
MR. WEISS:
We checked with Public Works, we checked with their schedule. They're not going to get to these projects this year, so they're available as an offset.
LEG. CARPENTER:
On the Bay Shore Road project, I find that hard to believe, because that project is in the planning stages. I can't see where that money can be taken away at this point. Budget Review, do you want to answer that? Thank you.
MR. SPERO:
They're taking 118,000 out of 760,000, so there's still 642,000 in planning funds that Public Works could use this year, or get appropriated this year.
LEG. CARPENTER:
And then when the time comes and this project comes up short, there'll be all kinds of explanations as to why it's short and why the money

isn't there for it? The same with any of these other projects.
LEG. FOLEY:
You know, Mr. Chairman -- oh, I'm sorry.
P.O. TONNA:
Yes.
LEG. CRECCA:
Put me on the list, Paul.
P.O. TONNA:
Yes.
LEG. GULDI:
Put me on the list, Paul.

LEG. FOLEY:
Mr. Chairman.
P.O. TONNA:
Okay. Yes.
LEG. FOLEY:
Mr. Chairman, if I may.
P.O. TONNA:
Legislator Foley.
LEG. FOLEY:
Thank you. Looking at the memoranda, and, quite frankly, I've never seen such an expedited bidding process and expedited permit process, it states that the Department, in order to meet the needs, the Department needs to have to receive bids by September 15, which means they would be sending out bids the day or two after we approve it tonight. Being the fact, or the fact of the matter that next week is committee week, next week is committee week, it's not three weeks away, if this go through committee next week, then we have a meeting on September 12 for the general meeting, you know, it may only change by a few days to no more than a week, the timetable that the Department has put together here for the project. But given the magnitude of the project, I mean, this is a huge project by dredging standards, I don't want to say no this evening to the project itself, but given the magnitude of the project and given the fact that we're meeting next week in committee, with all due respect to the Legislators involved, I would like to have this through committee next week, so we can start, you know, going in depth and get answers to some of the questions that are being raised, whether --
P.O. TONNA:
The only concern --
LEG. FOLEY:
-- by Legislator Carpenter or others.
P.O. TONNA:
The concern is, is that, and you know, the reason --
LEG. FOLEY:
I see what -- I see what the concerns are, but I'm telling you, all the years I've been -- I have never seen this kind of accelerated permit process or --
LEG. FISHER:
Well, because it was delayed so much.
LEG. CRECCA:
I'm on the --

LEG. FOLEY:
No. No, I understand that. But all I'm saying is, if we simply wait another week, that is not going to close -- I mean, in my estimation.

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By waiting another week, which is what we're talking about, it's not going --
LEG. FISHER:
But another week does make a difference.
LEG. CRECCA:
It does. If I --
LEG. FISHER:
It really does make a difference.
LEG. FOLEY:
Well, I --
LEG. CRECCA:
I think I was next on the list. Let me just address it.
LEG. FISHER:
I'm sorry.
P.O. TONNA:
Can I just ask --
LEG. CRECCA:
No, that's okay. No, no, no. I'm sorry.
LEG. FISHER:
I yield to --
P.O. TONNA:
We have CN's. We have a lot of stuff.
LEG. CRECCA:
I agree. I'll be quick.
P.O. TONNA:
Do we have enough votes for this? Let's just get this thing done. Okay?
LEG. CRECCA:
Let me just say very briefly, and is --
LEG. GULDI:
On the motion.
LEG. CRECCA:
Is that --
P.O. TONNA:
Wait. Legislator Crecca, then Legislator Guldi.
LEG. CRECCA:
Is that the project is very important to not just Legislator Fisher and myself and Legislator D'Andre, but it is important to all boaters on Long Island.

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P.O. TONNA:
Great.
LEG. CRECCA:
There is a safety issue. If this does not get done expeditiously, we're going to have a problem in the springtime getting boaters through there, and we're talking about literally people's safety.
LEG. FISHER:
And it's a small window of opportunity in the fall to do this.
LEG. GULDI:

Time out. Reality check. It's reality check time, people. Both qualified dredgers with equipment to do this dredge have their equipment located several hundred miles from here.
LEG. FISHER:
I called Mr. Bartha about that today, because -- I'm sorry, go ahead.
MS. ROSENBERG:
No, that's all right. You want to, you could --
LEG. FISHER:
You can answer it.
MS. ROSENBERG:
No, you talk.
LEG. GULDI:
And why is --
MS. ROSENBERG:
It's your call.
LEG. FISHER:
I called Charlie.
LEG. GULDI:
Why is this project now an emergency when both qualified --
MS. ROSENBERG:
Commissioner --
LEG. GULDI:
-- dredgers from the region are --
LEG. CRECCA:
Well, if I was allowed to finish my statement, George --
LEG. GULDI:
-- not here.
LEG. CRECCA:
-- I would have been happy to explain that.

P.O. TONNA:
Okay. Can I say something right now? It's late. Just --
LEG. FISHER:
But these are legitimate questions and I think we should have an opportunity --
P.O. TONNA:
Fine.
LEG. FISHER:
-- to respond to these questions.
P.O. TONNA:
Let's -- so then --
LEG. FISHER:
Briefly, we'll --
P.O. TONNA:
You want it deferred to committee?
LEG. FISHER:
No.
LEG. FOLEY:
It's next week. It's next week.
LEG. FISHER:
No. We're just saying that this afternoon, someone represented that his company was in Maine, and so there were no qualified dredgers on Long Island. The only reason he said that was because this meant that

he wasn't going to be getting the project, because he was committed to working in Maine.
MS. ROSENBERG:
Right.
LEG. FISHER:
I have spoken to Charlie Bartha. And would --
MS. ROSENBERG:
Yes.
LEG. FISHER:
Would you like to talk it from here?
MS. ROSENBERG:
Commissioner Bartha --
P.O. TONNA:
Okay. Can I just -- just one thing that was pointed out. The permitting process, okay, on the memoranda is for September 15th to November 30th. So if we vote on it today or we vote on it next -- in two weeks, it's still --

LEG. FISHER:
He's already started, though.
LEG. CRECCA:
It's got to go out for bid, Paul, that's why.
LEG. FISHER:
It has to go out for bid.
MS. ROSENBERG:
They would like it to go out to bid sooner, Paul.
LEG. CRECCA:
Again --
MS. ROSENBERG:
There's a very small window of opportunity.
LEG. BISHOP:
And Commissioner Bartha assured me that there are other dredgers out there that he wants to contact.
LEG. CRECCA:
Listen, folks, please.
LEG. FISHER:
We can't hear you. Can you -- they can't hear you.
MS. ROSENBERG:
I can't hear me.
LEG. FISHER:
Can you listen?
P.O. TONNA:
All right. Legislator Guldi.
LEG. FISHER:
Brenda's trying to say something.
MS. ROSENBERG:
It is on.
P.O. TONNA:
Okay. Brenda, go ahead. Speak right into the microphone. Nobody can hear you.
MS. ROSENBERG:
Okay. Well, that's good.
P.O. TONNA:

Okay.
MS. ROSENBERG:
Commission Bartha assured me --

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P.O. TONNA:
I can't hear you.
MS. ROSENBERG:
You still can't?
P.O. TONNA:
No. Speak into the microphone.
MS. ROSENBERG:
Commissioner Bartha assured me that there are other dredging companies available and he will be putting out the bid to companies throughout the area, not only around here, but all over. And that particular man who was here earlier is upset, because his dredging equipment cannot be brought down from Maine in time for this project.
P.O. TONNA:
Okay.
MS. ROSENBERG:
So he's a little bit annoyed. There is a small window of opportunity. They would really like to get the bids out.
P.O. TONNA:
Okay. All right. Roll call on the vote.
(*Roll Called by Mr. Barton*)
LEG. TONNA:
Yes.
LEG. D'ANDRE:
Yes.
LEG. COOPER:
Yes.
LEG. BINDER:
(Not Present)
LEG. BISHOP:
On approval or --
P.O. TONNA:
This is to approve.
LEG. POSTAL:
Yes.
LEG. BISHOP:
No.
LEG. CRECCA:
Yes.

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LEG. CARPENTER:
No.
LEG. ALDEN:
Pass.
LEG. FIELDS:
No.
LEG. FOLEY:
Put it in committee. No.
P.O. TONNA:
We need ten to put it in committee.

LEG. HALEY:
(Not Present)
LEG. FISHER:
Yes.
LEG. CARACAPPA:
Yes.
LEG. TOWLE:
No.
LEG. GULDI:
No.
LEG. CARACCIOLO:
Yes.
MR. BARTON:
Legislator Levy.
P.O. TONNA:
I'm going to make a motion to defer to committee.
LEG. CARPENTER:
Second.
LEG. FOLEY:
Second the motion.
LEG. GULDI:
Second.
LEG. FOLEY:
Second the motion.
P.O. TONNA:
Okay. Roll call -- All in favor? Opposed? Approved.
MR. BARTON:

It's in committee.
P.O. TONNA:
Deferred to committee. Okay. Next CN, Number 1924.
LEG. CRECCA:
You know, we -- we would have had --
P.O. TONNA:
Okay, amending the Operating -- no, we wouldn't have.
LEG. CRECCA:
Haley and Binder just walked.
P.O. TONNA:
Yeah, right, they just walked in, right. Appropriating funds --
LEG. CRECCA:
Sorry.
P.O. TONNA:
-- in connection with bonding settlements for liability cases.
LEG. CARPENTER:
Motion.
LEG. TOWLE:
Explanation.
P.O. TONNA:
Okay. Motion by Legislator Carpenter, seconded by myself. Explanation, please.
MS. ROSENBERG:
I'm going to defer to the two Budget Directors.
LEG. BISHOP:

Fred says it's okay. Let's go.
MR. WEISS:
It's three large suits that have been passed by the Ways and Means Committee. We've been directed to pay these monies. There are insufficient monies in the budget. The only option we have is to bond them out. The bond sale is going out very shortly, that's why we need the CN. We need it passed now, so we can include it in the bond sale for September.
LEG. TOWLE:
What are the three settlements?
MR. WEISS:
Bill Burke could explain the settlements.
MR. BURKE:
As Ken indicated, the three settlements have all been approved by Ways and Means Committee. Beyond that point, they've all -- they've all

been judicially approved. Consequently, they are now judgments against the County and, of course, payment is required within 90 days, or interest continues to accrue. But the three settlements were, one was a medical malpractice case dealing with a very badly compromised infant. That was 2.25 million. The second case had to do with a domestic violence situation resulting in a death. That was 1.7. The third was an automobile accident case involving a bus. The County's self-insured retention is $1 million, which Ways and Means authorized us to put up. The case ultimately settled in excess of that with the excess carrier contributing the difference. At this point, the excess carrier is looking for our million dollars.
P.O. TONNA:
Okay, thank you.
LEG. TOWLE:
Question.
P.O. TONNA:
Motion.
LEG. TOWLE:
I'm questioning still.
P.O. TONNA:
Go ahead.
LEG. TOWLE:
Fred Pollert or Jim.
MR. POLLERT:
Yes.
LEG. TOWLE:
Okay. What is it going to cost us to put this out to bond when it's all said and done? I mean, I can't believe in our budget we can't find $5 million. We are going to bond -- we're going to bond paying a lawsuit. What is it going to cost us?
MR. POLLERT:
Well, it's a five-year bond. It's roughly $5.9 million dollars. You're going to be incurring $900,000 worth of interest over five years. A portion of that will be charged back to the Police District. And the reason that we don't have appropriations at this point in time, the settlements were entered into without regard to how much money was included in the budget for these settlements. So the settlements

exceeded the amount of money that was included in the budget. In total, there's another $2 million worth of settlements, which we don't have to come up with until next year, that will be included in next year's operating budget. So, in total, approximately $7 million worth of settlements were made for which we don't have necessary appropriations.
LEG. ALDEN:
On the deep.

00378

LEG. LEVY:
You got to pay it.
P.O. TONNA:
Okay. Let's call the vote.
LEG. LEVY:
Legislator Alden. Legislator Alden.
P.O. TONNA:
Roll call.
LEG. ALDEN:
How long were these -- maybe Fred would know, but -- or somebody from the County. How long were these lawsuits sitting out there?
LEG. LEVY:
Use the mike, please.
MR. BURKE:
I would be guesstimating without the files specifically in front of me, Legislator Alden. The {Medmal} Case I'm somewhat familiar with. That's been out there probably a good six years at this point. Quite frankly, as we discussed in Ways and Means Committee, that case, verdict value, probably about $10 million.
LEG. ALDEN:
When we go and settle these, is Ways and Means brought up to speed as far as how much has been put a side to actually pay these judgments?
LEG. LEVY:
I will answer that. We were informed that we were quickly depleting the amount of money that was budgeted and it puts us in a predicament. But the bottom line is we're going to pay these one way or the other and you're either going to pay on a settlement figure, or you're going to pay if it goes to verdict and pay a heck of a lot more, so it's like cutting your losses. The only question is do we bond it or do we try to find the money within the budget. That's the policy decision that you're going to make here.
LEG. ALDEN:
You might take this as second guessing, but, you know, like was it imminent, was the trial imminent, or was -- you know, was it something that we could have scheduled out a little better and put it in the budget. Because --
LEG. TOWLE:
Legislator Alden, would you suffer an interruption?
LEG. ALDEN:
Absolutely.
LEG. LEVY:
Let me just answer that question.

00379

LEG. TOWLE:

It was obvious that we were going to bond it, because when they settled it, they knew they didn't have $5 million in the budget and they knew they'd bring a bonding resolution over here and make us spend an extra million dollars to bond three things that they agreed to settle to. So the answer to your question was they were planning on bonding from the very beginning.
D.P.O. LEVY:
Well, I don't know if the administration was or was not, but all I can tell you is that from the Committee's point of view, we're left with a Hobson's choice where it's like we either settle it for less, or you pay when it goes to verdict for a heck of a lot more, and then from there, you know, we'll have to make the decision what we're going do. I'll recognize Legislator Guldi.
MR. BURKE:
Legislator Alden.
LEG. GULDI:
If I may, as a --
LEG. ALDEN:
I'll suffer another interruption, if you want, Mr. Guldi.
LEG. GULDI:
Yeah, if I may, just a brief interruption. I'm a member of this committee. Bill Burke and Steve Levy, between the two of them, you squeeze a dime until it screams. As an attorney, sitting on these, yes, they're all imminent, they're on the eve of trial, and I can tell you that there's not a single one of them that I, as plaintiff's attorney, would not be demanding more than twice the amount that Bill Burke is recommending to us on these settlements. We are getting out at between ten -- well, in some of these cases, three cents on the dollar. I've never seen them come in with anything that was close to 25 cents on the dollar. And it's a question, you want to settle or do you want to take it in the neck in cases where we've already had 100% liability determination and we're looking at damages that go on forever.
LEG. ALDEN:
My point is, if we're going to act like an insurance company, let's not act like a stupid insurance company that's going out of business in five minutes, let's act like an insurance company that wants to stay in business and do right by, not its stockholders, but its taxpayers. And maybe the reserves should have been a little bit different, or, you know, something should have been done here in a smart way, rather than a stupid way.
MR. SABATINO:
Can I just ask everybody to be a little bit careful about the comments on settling and how we're settling matters? I mean, we're in open session.
LEG. CARACCIOLO:
Well, the attorneys are talking, so it's --

LEG. ALDEN:
Okay, and point well taken. But I think that -- I think that the --
D.P.O. LEVY:
Let's -- can we move on?
LEG. ALDEN:
Right. I think that --

D.P.O. LEVY:
Let's try to --
LEG. ALDEN:
I think that the point that, you know, we are operating as an insurance company --
MR. SABATINO:
No, it wasn't directed to you, Legislator Alden, but I just think that some of the dialogue is a little bit -- a little bit dangerous.
LEG. ALDEN:
No. But it's well -- it's well taken.
D.P.O. LEVY:
Could we get to the question, because it's getting late --
LEG. CARACCIOLO:
Yes. Steve.
D.P.O. LEVY:
-- and we have a few more things to go through?
LEG. CARACCIOLO:
Steve, Steve, Steve.
D.P.O. LEVY:
Okay, let's vote.
LEG. CARACCIOLO:
Steve.
D.P.O. LEVY:
Mike.
LEG. CARPENTER:
We have 17 minutes.
LEG. CARACCIOLO:
There's a simple question before us.
D.P.O. LEVY:
All right. Mike, go ahead.
LEG. CARACCIOLO:
Fred Pollert.

MR. POLLERT:
Yes.
LEG. CARACCIOLO:
Is there anywhere in the budget that you could reallocate $5 million instead of bonding this settle -- these settlement costs on this resolution?
MR. POLLERT:
Ken Weiss would be better to address that, because he is putting together the 2001 Operating Budget. Our preliminary estimates, we felt that there were sufficient funds in the payroll accounts. Ken, when I met with him, felt that there were insufficient appropriations. We feel that we're going to have substantial surpluses in the payroll accounts and that we should be able to accommodate the $5 million. Ken is apparently planning on using that to cover the Medicaid cost overruns.
LEG. CARACCIOLO:
Ken, could you explain why you would prefer bonding this as opposed to using the payroll accounts?
MR. WEISS:
I don't prefer bonding it, but my estimate, with two weeks away from

sending the budget over to the Legislature, when you get the budget, you'll see we anticipate being overdrawn by approximately $20 million. There's not sufficient appropriations to pay all the bills that we have for this year. So, I mean, if somebody else can find the money, you know --

LEG. CARACCIOLO:

So you're basically saying that there really is no other alternative except to bond the settlement cost.

MR. WEISS:

I think we -- you know, we only bond as a last alternative.

LEG. CARACCIOLO:

And you had indicated that this is a last alternative?

MR. WEISS:

Yes.

LEG. CARACCIOLO:

Okay.

P.O. TONNA:

Roll call on the vote.

(*Roll Called by Mr. Barton*)

LEG. CARPENTER:

Yes.

P.O. TONNA:

Yep.

LEG. COOPER:

Yep.

LEG. BINDER:

Yes.

LEG. POSTAL:

Yes.

LEG. BISHOP:

Pass.

LEG. D'ANDRE:

(Not Present).

LEG. CRECCA:

Yes.

LEG. ALDEN:

Nope.

LEG. FIELDS:

Pass.

LEG. FOLEY:

Pass.

LEG. HALEY:

Yes.

LEG. FISHER:

Yes.

LEG. CARACAPPA:

Yep.

LEG. TOWLE:

No.

LEG. GULDI:

Yes.

LEG. CARACCIOLO:

Pass.
LEG. LEVY:
Yes.
LEG. BISHOP:
Two good arguments.
P.O. TONNA:
Dave, make a decision.

LEG. CARPENTER:
Don't be a -- come on.
LEG. LEVY:
There's not money there.
LEG. BINDER:
It's getting late.
LEG. BISHOP:
Jon, what did you do?
P.O. TONNA:
Dave.
LEG. LEVY:
Watch, he's going to pass.
P.O. TONNA:
Yeah, I know, I know. I know, no kidding.
LEG. BISHOP:
I'll vote yes.
LEG. CARPENTER:
Good boy.
LEG. D'ANDRE:
(Not present).
LEG. FIELDS:
No.
LEG. FOLEY:
Yes.
LEG. CARACCIOLO:
Yes.
MR. BARTON:
14-3, one not present. (Not Present: Leg. D'Andre)
P.O. TONNA:
Okay. Same motion, same second, same vote.
Okay. Number 1928 (Authorizing the sale, pursuant to Local law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act, Marvin J. Davidson). I make a motion, seconded by Legislator Levy. Just all in favor? Opposed?
LEG. BISHOP:
What are we on?
P.O. TONNA:
We're on 28.

LEG. CARPENTER:
We're getting money.
LEG. LEVY:
It's a Local Law 16.
LEG. CARPENTER:
We're getting money, $39,000.

P.O. TONNA:
Approved. Okay.
MR. BARTON:
17, one not present. (Not Present: Leg. D'Andre)
P.O. TONNA:
Thank you. Number 1929 (Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law, Village of Nissequogue). I'll make a motion.
LEG. LEVY:
Why is this a CN?
P.O. TONNA:
Okay.
MS. ROSENBERG:
For 1929? The Village of Nissequogue is paving the roads --
LEG. FOLEY:
Emergency, Nissequogue.
P.O. TONNA:
Shh.
MS. ROSENBERG:
The Village of Nissequogue is paving their roads as we speak, and if this isn't pass tonight, they will take away the paving equipment and it will cost --
LEG. BISHOP:
Motion.
P.O. TONNA:
Seconded --
MS. ROSENBERG:
-- a lot of money to bring it back.
P.O. TONNA:
Seconded by Legislator Bishop. All in favor? Opposed? Approved. Okay.
MR. BARTON:
17, one not present

P.O. TONNA:
Okay. We're going to go -- Legislator Guldi.
LEG. GULDI:
1768?
P.O. TONNA:
Yes. We're going to take it out of order. There are -- there are --
LEG. BISHOP:
Second.
P.O. TONNA:
-- one or two people who want to speak on this thing.
LEG. BISHOP:
No, no, no speakers.
P.O. TONNA:
Just wait. They've been here all day.
LEG. BISHOP:
They want the outcome, they don't want to speak.
LEG. FOLEY:
They want the outcome.
LEG. BISHOP:

They want the outcome.
P.O. TONNA:
What would you rather do, George?
LEG. FOLEY:
They want the outcome.
LEG. GULDI:
Actually, they're here, they're here to support it. It's $50,000 for a sound barrier on a bridge, because of construction changes.
P.O. TONNA:
Let's first make the motion and a second to get it in front of us. Make a motion.
LEG. GULDI:
I can't, you have to. Somebody has to make the motion.
P.O. TONNA:
All right. I'll make a motion.
LEG. BISHOP:
I'll make a motion.
P.O. TONNA:
To bring what resolution?

LEG. GULDI:
1768. I'll second.
P.O. TONNA:
Okay. Second --
LEG. BISHOP:
Okay. On the motion.
LEG. GULDI:
Page 13, Public Works, bottom of the page.
P.O. TONNA:
It's in -- all in favor? Opposed? It's in front of us now. Make a motion to approve, Legislator Guldi, seconded by Legislator Bishop.
LEG. LEVY:
I've got to ask a question.
P.O. TONNA:
Ask a question.
LEG. BISHOP:
On the motion.
P.O. TONNA:
On the motion.
LEG. BISHOP:
Can I --
P.O. TONNA:
Yes, on the motion.
LEG. BISHOP:
-- be recognized before you -- I think that any no vote could be wiped away if we just change the wording, which would not be a substantive change. What's going to -- what's going to make it controversial is "sound barrier," because people, Legislators, residents have a preconceived notion of what a sound barrier is. This is not what these residents want. They have a bridge in their neighborhood. We changed, the County changed the type of paving on it. While we were doing the construction, they had a -- I think it was three foot high plywood, four foot high plywood, and they had no problem with noise when the

four foot high plywood was up. Then the project was deemed completed and they removed the plywood, and now they can't -- their quality of life is destroyed. So all they want is the plywood back.
P.O. TONNA:
Fine.
LEG. BISHOP:
So we're not talking about an eight foot high --
LEG. CARACAPPA:
00387
Is that it?
LEG. BISHOP:
-- cement --
LEG. FISHER:
Mr. Chairman.
LEG. CARPENTER:
So it's remove the word "sound" --
LEG. GULDI:
DPW doesn't want to do plywood, they're talking about a plastic barrier with a longer life span.
P.O. TONNA:
Right. Okay, fine.
LEG. GULDI:
It's a $50,000 project.
P.O. TONNA:
Fine.
LEG. FISHER:
Mr. Chairman, if I may.
LEG. LEVY:
Let me ask --
LEG. BISHOP:
So get rid of -- get rid of the word "sound barrier," so we don't create a precedent and come up with some thing.
LEG. FISHER:
Okay. One of the people who's been here all day --
P.O. TONNA:
Legislator Bishop, are you done?
LEG. BISHOP:
Yeah.
P.O. TONNA:
Okay.
LEG. FISHER:
Mr. Chairman.
P.O. TONNA:
Legislator Fisher.
LEG. FISHER:
One of the people who has been here all day does have a handout that he prepared. Can we just give him an opportunity to give it to us?
00388
LEG. CRECCA:
We're going to approve it.
P.O. TONNA:
Give us the handout.
LEG. CARPENTER:

We're going to approve it. Just give us the handout.
LEG. CARPENTER:
Good. That's it. Thank you.
LEG. LEVY:
Question. Question, very quickly.
LEG. CARPENTER:
Call the vote.
P.O. TONNA:
Yes, Legislator Levy.
LEG. LEVY:
Was this so-called plywood there before the County began the project, or did the County put this plywood there?
P.O. TONNA:
Legislator Guldi.
LEG. GULDI:
The County did under a State project during the construction. But the reason for the substantive change is they changed the surface of the bridge from a smooth surface to a grooved surface, so the noise characteristic of the traffic changed, so -- and during the construction, there was -- the neighborhood didn't have a problem with it. So, merely, what they want is to put it back to that condition.
LEG. LEVY:
But that plywood was not there before this started, the plywood was there by the -- put in by the government during the construction.
LEG. GULDI:
During the construction, that's correct. The road was smooth before the construction, the road is rough now.
LEG. LEVY:
In my -- in the areas where I have gotten complaints, there was no -- nothing there beforehand, and they want something now. And I've been telling them no, because we don't have the funding to do it.
LEG. CARPENTER:
Well, you won't be here, so you won't have to worry about it.
LEG. CARACAPPA:
I'm in the same boat, Legislator Levy. Legislator Levy, this is -- I'm in the same boat. I made this -- made this argument in committee, but

this is slightly different. Prior to construction, the bridge bed, it was flat, it was asphalt where it was silent. The new bed, the new deck on the bridge is a raised concrete, ribbed. And you've seen it. And when you go over it, it's a distinct --
LEG. LEVY:
I've got them in my area, too.
LEG. CARACAPPA:
Okay.
LEG. LEVY:
I know. I know what you're saying.
LEG. CARACAPPA:
Okay. So you know what I'm talking about. They're looking just for a railing high sound abatement structure put in place that's going to consist of a piece of -- it's actually like a plastic covered plywood about hip high to go along the railing of the bridge, which will be structurally --

LEG. CARPENTER:
It's actually a safety railing.
LEG. CARACAPPA:
Which will be structurally sound --
LEG. CARPENTER:
It's a safety railing.
LEG. CARACAPPA:
-- in accordance to the bridge. That's --
LEG. CARPENTER:
It's a safety railing, actually.
LEG. CARACAPPA:
A safety railing.
LEG. CARPENTER:
Hip high safety railing, yes.
LEG. CARACAPPA:
Very good.
LEG. BISHOP:
Excellent.
P.O. TONNA:
Fine.
LEG. CARACAPPA:
That's pretty much all they're looking for.
P.O. TONNA:
Okay.

LEG. CARPENTER:
Yes.
LEG. CRECCA:
Can we just vote on this?
LEG. BISHOP:
Excellent job, Legislator Carpenter.
P.O. TONNA:
All in favor? Opposed?
LEG. CARPENTER:
Approved.
P.O. TONNA:
Approved.
LEG. CARPENTER:
Yes.
LEG. BISHOP:
Thank you.
MR. BARTON:
17, one not present. (Not Present: Leg. D'Andre)
P.O. TONNA:
Okay. There you go.
LEG. CARPENTER:
Ciao.
P.O. TONNA:
Legislator Guldi can't choke me now to death. Okay. Back to Page 11.
LEG. CARPENTER:
1527.
P.O. TONNA:
1527 (Amending Open Space Program in connection with acquisition of

Gittleman Property, Town of Huntington).
LEG. CARPENTER:
Motion.
P.O. TONNA:
I'll make a motion, seconded by Legislator Carpenter. All in favor? Opposed? Approved.
MR. BARTON:
17, one not present. (Not Present: Leg. D'Andre) (See amended resolution below)
P.O. TONNA:

Number 1642 (Appropriating funds in connection with the restoration of Coindre Hall Main Building, Boat House and Dock, and the stabilization of pump house buildings), a bond motion. Make a motion by myself, seconded by Legislator Carpenter. Roll call on the bond.
(*Roll Called by Mr. Barton*)
P.O. TONNA:
Yes.
LEG. CARPENTER:
Yes.
LEG. COOPER:
Yes.
LEG. BINDER:
Yes.
LEG. POSTAL:
Yes.
LEG. BISHOP:
Yes.
LEG. D'ANDRE:
(Not present).
LEG. CRECCA:
Pass.
LEG. ALDEN:
No.
LEG. FIELDS:
Pass.
LEG. FOLEY:
Yes.
LEG. HALEY:
Yes.
LEG. FISHER:
Can you tell me what -- which resolution we're on?
P.O. TONNA:
1642.
MR. BARTON:
1642, under Parks.
LEG. FISHER:
Oh, Coindre Hall. Yes.
LEG. CARACAPPA:

Yes.
LEG. TOWLE:
Yes.

LEG. GULDI:
Yes.
LEG. CARACCIOLO:
Yes.
LEG. LEVY:
No.
LEG. CRECCA:
No.
LEG. FIELDS:
No.
MR. BARTON:
Thirteen. (Not Present: Leg. D'Andre)
P.O. TONNA:
Okay, great.
LEG. LEVY:
Mr. Chairman, did we do 1527?
P.O. TONNA:
Same motion, same second, same vote. Yes.
LEG. LEVY:
I would just like to be marked as a negative on 1527, please.
P.O. TONNA:
Great. Okay.
MR. BARTON:
The vote on 1527 is now 16-1, and one not present. (Not Present: Leg. D'Andre)
P.O. TONNA:
Fine. 1727 (Accepting and appropriating funds made available by the State of New York, Governor's Traffic Safety Committee for a Suffolk County Park Police "Buckle up New York!" Grant and authorizing the County Executive to execute the grant agreement). I'll make a motion, seconded by Legislator Fisher. All in favor? Opposed? Approved. (Vote: 17, one not present-Leg. D'Andre)
1668 (Adopting Local Law No. -2000, a Charter law to promote Smart Growth by revising composition of County Planning Commission). Motion by Legislator Fisher -- Fields, second by Legislator Fisher.
LEG. CRECCA:
Roll call.

LEG. CARPENTER:
On the motion.
P.O. TONNA:
Okay. On the motion. First of all, who's -- motion by Legislator Fields, seconded by?
LEG. LEVY:
Myself.
LEG. FISHER:
I'll second it.
P.O. TONNA:
Legislator Fisher. Go ahead. On motion, Legislator --
LEG. CARPENTER:
Well, on the motion, I would really like to have an explanation on this. And it will probably engender some discussion, so I don't know if there are other resolutions you need to get to.

P.O. TONNA:
I think we'll stand on this for now.
LEG. CARPENTER:
We've got nine minutes. But --
P.O. TONNA:
Go ahead, Legislator Carpenter.
LEG. CARPENTER:
You want to go with this? All right. I would just ask for an explanation, because I've gotten some correspondence on this resolution and there seems to be quite a bit of objection on the format, or changing the format of the Planning Commission.
LEG. LEVY:
Paul.
LEG. CARPENTER:
1668, Page 11.
MR. SABATINO:
Yeah. This bill would change the current composition from 15, which consists of one member selected geographically from each town, two at-large -- three at-large members, and two members representing the village, to a new membership of 11, which have background criteria requirements for appointment. It would also require at least 75% attendance in order to be reappointed. It would also disqualify as eligible individuals who work for another level of government, who hold that position by something other than having taken a competitive civil service examination, and also would preclude from eligibility any political party officers, which would include committee people.
LEG. BINDER:

Roll call.
LEG. CARACCIOLO:
Roll call.
LEG. HALEY:
On the motion.
LEG. CRECCA:
On the motion.
P.O. TONNA:
On the motion, Legislator Haley, then Crecca.
LEG. HALEY:
You know, one of the things that I find very important is the representation that is on Suffolk County Planning Commission from the towns. One of the things that we've been very sensitive about over the years is the purview -- is the purview of the towns. As you all know, the towns have zoning capabilities. And it was years ago when I guess the Suffolk -- when the County of Suffolk decided that they were going to step on the towns and create a Suffolk County Planning Commission. But I think when they did the give and take and they did some communications with those towns, they came over with a method by which those towns would provide some representation.
Now, if you have any idea what it's like to deal with Commissioners from each town, as I was a Commissioner at large myself, I found it very interesting that in spite of the makeup of the Commission, which sometimes you would imagine that Republican towns would send a Republican representative, and Democratic controlled towns would send

-- you have control, as one town, right? Would send -- would send Democratic representatives, but I found that to be the contrary. What I found is that the representatives from each and every town came from a myriad of careers. They all -- a lot of them came from -- I think Smithtown, I think you have somebody from the Planning Board or the Zoning Board. There's quite a bit of credentials that are on that Suffolk County Planning Commission. I, as a member at large, happen to be a person who is from the real estate industry, as an example, and I remember many times that we sat down and we discussed the ramifications of various things that came before us.
I found that really interesting to find, for instance, there was always substantial arguments, if you will, or debate over what to do when we did, I will call it cluster zoning, cluster zoning in that they would set aside some space. And the argument would be, do we -- do we set aside the 15 acres and do we make it -- I remember the one fellow from -- the one fellow from I think it was East Hampton, who I think has since passed away, used to want everything to remain forever natural, forever wild. And while you know, other Suffolk County Planning Commission members would say, "No, let's leave it up to the towns to make up their minds." And sometime what those -- sometimes those issues were voted for and sometimes they were voted against. And when they were voted against, the town still had the --
LEG. CRECCA:

Would you --
LEG. HALEY:
I understand. I just want to finish my thought.
LEG. CRECCA:
Would you suffer an interruption, Mr. Haley?
LEG. FOLEY:
Binder does a better job of filibustering, I can tell you that.
LEG. HALEY:
I do a better job of filibustering?
LEG. FOLEY:
No, Binder does.
LEG. HALEY:
No, Binder does? Okay.
P.O. TONNA:
There are other bills --
LEG. CARPENTER:
Call the vote.
P.O. TONNA:
-- that people have to get to, Marty, please.
LEG. CARPENTER:
Really. Please, Marty.
LEG. CRECCA:
I'm going to -- I am the next person to speak.
LEG. CARPENTER:
I'll defer.
P.O. TONNA:
Why filibuster?
LEG. HALEY:
I defer to --

P.O. TONNA:
If you want to kill it, kill it, if you want to keep it, keep it.
LEG. HALEY:
I defer to Legislator Crecca.
P.O. TONNA:
No, there's no -- no.
LEG. CRECCA:
And I say -- I say roll call.

00396

P.O. TONNA:
Are you done?
LEG. CARPENTER:
Roll call.
LEG. HALEY:
I'm done.
P.O. TONNA:
Fine.
LEG. CRECCA:
He's done. I'm roll calling.
P.O. TONNA:
Roll call on -- please, let's cast a vote. Roll call.
(*Roll Called by Mr. Barton*)
LEG. FIELDS:
Yes.
LEG. FISHER:
Yes.
LEG. COOPER:
Yes.
LEG. BINDER:
No.
LEG. POSTAL:
Yes.
LEG. BISHOP:
Pass. I'm laughing at Marty's --
LEG. D'ANDRE:
(Not present).
LEG. CRECCA:
No.
LEG. CARPENTER:
No.
LEG. ALDEN:
Pass.
LEG. FOLEY:
Yes.
LEG. HALEY:
No.

00397

LEG. CARACAPPA:
No.
LEG. TOWLE:
(Not present).
LEG. GULDI:
Yes.

LEG. CARACCIOLO:
Pass.
LEG. LEVY:
Yes.
P.O. TONNA:
Yep.
LEG. BISHOP:
Yes.
LEG. D'ANDRE:
(Not present).
LEG. ALDEN:
No.
LEG. CARACCIOLO:
Abstain.
MR. BARTON:
Nine. (Not Present: Legs. D'Andre and Towle)
P.O. TONNA:
Okay. Okay.
LEG. HALEY:
I think I could have made it.
P.O. TONNA:
We move to Resolution Number --
LEG. FISHER:
1743.
LEG. GULDI:
1743.
P.O. TONNA:
17 --
LEG. CARPENTER:
43.
P.O. TONNA:

43. (1743 - Authorizing the acquisition under Water Quality Protection component of the 1/4% Drinking Water Protection Program (Champlin Creek Corrider, Town of Islip, Suffolk County Tax Map No. 0500-273.00-01.00-029.004).
LEG. GULDI:
Motion to approved.
LEG. CARPENTER:
Second.
P.O. TONNA:
Seconded by myself. All in favor? Opposed? Approved.
LEG. ALDEN:
Cosponsor.
P.O. TONNA:
Number 1747.
MR. BARTON:
17, one not present. (Not Present: Leg. D'Andre)
P.O. TONNA:
(1747 - Allocating funds in connection with Wyandanch Coalition Beautification and Copiague Beautification projects). Motion by Legislator --
LEG. CRECCA:

Motion to table.
P.O. TONNA:
Motion to table, seconded by myself. All in favor? Opposed? Tabled. Number 1810.
MR. BARTON:
17, one not present. (Not Present: Leg. D'Andre)
P.O. TONNA:
(1810- Amending the 2000 Capital Budget and Program and appropriating funds in connection with the continuation of the Suffolk County Community Greenways Fund - Open Space Preservation (CP 7147). Motion by myself, seconded by --
LEG. FISHER:
Second.
P.O. TONNA:
-- Legislator Fisher. All in favor? Opposed? Approved. Number 1811.
MR. BARTON:
17, one not present. (Not Present: Leg. D'Andre).
P.O. TONNA:
(1811 - Amending the 2000 Capital Budget and Program and appropriating funds in connection with improvements to historic sites and building at

the Third House, Montauk). Roll call. Legislator Fisher, seconded by Legislator Fields. Just the last names, Henry.
MR. BARTON:
Yes, sir
P.O. TONNA:
Fields.
(*Roll Called by Mr. Barton*)
LEG. FISHER:
Yes.
LEG. FIELDS:
Yes.
LEG. COOPER:
Yes.
LEG. BINDER:
Yes.
LEG. POSTAL:
Yes.
LEG. BISHOP:
Yes.
LEG. D'ANDRE:
(Not present).
LEG. CRECCA:
Yes.
LEG. CARPENTER:
Yes.
LEG. ALDEN:
Yes.
LEG. FOLEY:
Yes.
LEG. HALEY:
Yes.
LEG. CARACAPPA:

Yes.
LEG. TOWLE:
(Not present).
LEG. GULDI:
Yes.

00400

LEG. CARACCIOLO:
Yes.
LEG. LEVY:
Yes.
P.O. TONNA:
Yep.
MR. BARTON:
16, 2 not present. (Not Present: Legs. D'Andre and Towle)
P.O. TONNA:
Same motion, same second, same vote.
LEG. CRECCA:
Motion to extend the meeting for 15 minutes --
LEG. GULDI:
Second.
LEG. CRECCA:
-- to 12:45 P.M.
LEG. GULDI:
Second.
LEG. CARACAPPA:
Roll call.
P.O. TONNA:
Second. Okay, roll call.
(*Roll Called by Mr. Barton*)
LEG. CRECCA:
Yes.
LEG. GULDI:
Yes.
LEG. COOPER:
Yes.
LEG. BINDER:
Yes.
LEG. POSTAL:
I'm sorry.
MR. BARTON:
To extend the meeting 15 minutes.
LEG. CARPENTER:
Fifteen minutes.

00401

LEG. CRECCA:
Fifteen minutes, Maxine, please.
LEG. POSTAL:
No, no.
LEG. BISHOP:
No.
LEG. D'ANDRE:
(Not present).
LEG. BINDER:

I'll change my vote to a no.
MR. BARTON:
Yes, sir.
LEG. CARPENTER:
Yes.
LEG. ALDEN:
Pass.
LEG. FIELDS:
Pass.
LEG. FOLEY:
No.
LEG. HALEY:
No.
LEG. FISHER:
Yes.
LEG. CARACAPPA:
No.
LEG. TOWLE:
(Not present)
LEG. CARACCIOLO:
Pass.
LEG. LEVY:
Yes.
P.O. TONNA:
Yep.
LEG. ALDEN:
Yes.
LEG. FIELDS:

Yes.
LEG. CARACCIOLO:
No.
P.O. TONNA:
What are we up to?
MR. BARTON:
Nine.
P.O. TONNA:
Okay.
LEG. FOLEY:
All right.
P.O. TONNA:
Number 1812 (Authorizing the acquisition of land in the Suffolk County Land Preservation Partnership Program (Town of East Hampton, Leonard Property), (Airport Preserve). Is there a motion?
LEG. GULDI:
Motion. Motion.
LEG. CARPENTER:
Second.
LEG. FISHER:
Second.
P.O. TONNA:
Okay. All in favor? Opposed? Approved, 1812.
LEG. GULDI:

Same motion.
MR. BARTON:
16, two not present. (Not Present: Legs. D'Andre and Towle)
P.O. TONNA:
1813 (Authorizing acquisition of environmentally sensitive lands to be acquired pursuant to Article XII of the Suffolk County Charter and Resolution No. 717-1990 (Lands Adjacent to Northwest Harbor County Park and East Hampton Airport Groundwater Preserve, Town of East Hampton - County Acquisitions). Make a motion. Shut that thing off.
LEG. FISHER:
Second.
P.O. TONNA:
Second by Legislator Fisher. All in favor? Opposed? Approved.
MR. BARTON:
16, two not present. (Not Present: Legs. D'Andre and Towle)

P.O. TONNA:
1817 (Accepting and appropriating 100% New York State grant for TWA Flight 800 Memorial at Smith Point County Park).
LEG. CARPENTER:
Motion.
LEG. GULDI:
Motion.
P.O. TONNA:
Motion by Legislator Carpenter, seconded by Legislator Guldi. All in favor? Opposed? Approved.
MR. BARTON:
16, two not present. (Not Present: Legs. D'Andre and Towle)
P.O. TONNA:
1818 (Authorizing the acquisition of land in the Suffolk County Land Preservation Partnership Program (Town of East Hampton, Weitzman Property, The Springs).
LEG. GULDI:
Motion.
P.O. TONNA:
Motion by Legislator Guldi, seconded by Legislator Fisher. All in favor? Opposed? Approved.
1834 (Authorizing an application to acquire certain real property owned by the United States General Services Administration located in the Town of Brookhaven).
LEG. GULDI:
Motion.
LEG. FISHER:
Second.
P.O. TONNA:
Motion by Legislator Guldi, seconded by Legislator Fisher.
MR. BARTON:
(1818) 16, two not present. (Not Present: Legs. D'Andre and Towle)
P.O. TONNA:
All in favor? Opposed? Approved.
LEG. FISHER:
Motion.
MR. BARTON:

16, two not present. (Not Present: Legs. D'Andre and Towle)
LEG. GULDI:

Motion.
P.O. TONNA:
1843.
LEG. GULDI:
Motion.
P.O. TONNA:
Motion by Legislator Guldi, seconded by Legislator --
LEG. FISHER:
Fisher.
P.O. TONNA:
What? It's not -- it's over?
LEG. GULDI:
Fisher.
LEG. CARPENTER:
This was the Town of East Hampton.
LEG. GULDI:
Come on, one more minute.
P.O. TONNA:
Okay. We'll finish this one. Motion by Legislator Guldi, seconded by Legislator --
LEG. FIELDS:
Fields.
P.O. TONNA:
Fields. All in favor? Opposed?
LEG. CARPENTER:
Opposed.
LEG. ALDEN:
Opposed.
LEG. CRECCA:
Opposed.
LEG. CARPENTER:
This was the Town of East Hampton.
P.O. TONNA:
Okay.
LEG. CARPENTER:
Supervisor --
P.O. TONNA:
Opposed by Legislator Crecca, Carpenter and Alden. Okay.

LEG. BINDER:
And I'm opposed.
P.O. TONNA:
And Legislator Binder. Let's call the vote.
LEG. CRECCA:
1843, that is.
MR. BARTON:
12.
P.O. TONNA:
Okay. That's it.
LEG. CARPENTER:

Motion to approve 1840, 41, 42.
P.O. TONNA:
No, that's it.
LEG. CARPENTER:
No?
P.O. TONNA:
We're done.
LEG. FOLEY:
Okay.
P.O. TONNA:
Thank you.

[THE MEETING WAS ADJOURNED AT 12:30 A.M.]

{ } - Indicates Spelled Phonetically.