

SUFFOLK COUNTY LEGISLATURE

GENERAL MEETING

THIRTEENTH DAY

SEPTEMBER 12, 2000

Taken by: Lucia Braaten  
Alison Mahoney

Riverhead, New York

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[THE MEETING WAS CALLED TO ORDER AT 9:35 A.M.]

P.O. TONNA:

Okay. Roll call. Where are you, Henry? Okay, Jackie. Roll call.

(\*Roll Called by Mrs. Farrell\*)

LEG. CARACCIOLO:

Here.

LEG. GULDI:

(Not present)

LEG. TOWLE:

Present.

LEG. CARACAPPA:

Here.

LEG. FISHER:

Here.

LEG. HALEY:

(Not Present)

LEG. FOLEY:

(Not Present)

LEG. FIELDS:

Here.

LEG. ALDEN:

Here.

LEG. CARPENTER:

Here.

LEG. CRECCA:

(Not Present)

LEG. D'ANDRE:

Here.

LEG. BISHOP:

Here.

LEG. POSTAL:

Here.

LEG. BINDER:

Here.

LEG. COOPER:

Here.

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LEG. LEVY:

Here.

P.O. TONNA:

Here.

MRS. FARRELL:

Fourteen present. (Not Present at Roll Call: Legs. Guldi, Haley, Foley and Crecca)

P.O. TONNA:

Okay. I would like the -- let's have the salute to the flag led by Legislator Ginny Fields.

(Salutation)

Thank you very much. And I'd like to recognize Legislator Maxine Postal to introduce our clergy of the day.

LEG. POSTAL:

Thank you. It's a great pleasure for me to introduce the Reverend

Constance Carter Davis, who is the Associate Pastor of Bethel AME Church of Copiague. Bethel AME Church of Copiague is the oldest African-American church on Long Island, and the second oldest church of any type on Long Island. It's a church that has a very rich history and a tradition of social activism. Reverend Davis, in addition, a human services professional. She is the Commissioner of Human Resources in the Town of Babylon, and she has worked for over 30 years in the field of mental health, providing services to women, children, senior citizens and families. So it is a great honor for me to present to you Reverend Constance Carter Davis.

REVEREND DAVIS:

Good morning. Let us pray. Dear God, I pray a mighty blessing over the lives of these that are gathered here this morning. Bless these that have power and authority. We are grateful for their sacrifices. Bless their families, bless their homes, bless all that concern them. For, Almighty God, you are the keeper of life, you are the light to all minds, you are the feeder of all souls. So we come to you quietly contemplating the many benefits that you have bestowed upon us. We confess that we take much for granted, as we find ourselves caught up in the frantic pursuits of our own goals. Open our eyes, which sometimes fail to see the blessings we have received, and give us new sight to see the world as you see it. Sharpen our perception, purify our hearts, clarify our direction, enlarge our boundaries, that we might be exposed, that we might be able to respond to the needs of all people. Dear God, pour into our hearts the waters of gratitude. Grant on this day that we will be even more overwhelmed by your ways, your goodness, your love, and above all, your power. Dear God, we thank you for mercy and for grace that continues to be shown, not only to us, but to all humankind, Amen.

P.O. TONNA:

Please, everyone, remain -- or I guess get up again for -- okay. I'd like to recognize Jackie.

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MS. FARRELL:

Yes. I'd like a moment of silence, please, on behalf of Evelyn Strebel. Evelyn was a friend of mine. She was a resident of Westhampton Beach. She was also the Chief Deputy Clerk of the Legislature, the Deputy Clerk of the Legislature, and the Deputy County Clerk. She was a fine lady, and she was very instrumental on the East End in getting women into politics and government. Thank you.

(Moment of Silence)

P.O. TONNA:

Thank you. Please, be seated. Okay. We're going to give away some proclamations. This is Chamber of Commerce Week, I guess, here in Suffolk County. Probably -- is it in New York State, the nation at large, the universe? Okay.

MR. SNEDEN:

New York State. The universe, we like that.

P.O. TONNA:

As usual, I'm not exactly sure what I'm doing. But September 17th to the 23rd has been named Local Chamber of Commerce Week in the State of New York. Presently, New York has 260 local chapters of Chambers of Commerce, representing more than 400,000 businesses. Our Chambers of

Commerce play a vital role in New York State and our local communities by banding together to advance the commercial, financial, industrial and civic interests of the State. As a result, the Suffolk County Legislature would like to take this opportunity to honor the Suffolk County Coalition of Chambers and its President, Dennis Sneden and thank them for helping to improve the quality of life for the residents of Suffolk County.

Dennis, come on up. And if you could stay here with me. His, I think -- what do I have here? Do I have -- this is my -- this is our personal proclamation?

MS. BURKHARDT:

All 18 signatures --

P.O. TONNA:

Okay.

MS. BURKHARDT:

-- from all the Legislators.

P.O. TONNA:

Okay. Here's -- you know, with this and a token, you get on a subway in New York City, but the --

AUDIENCE MEMBER:

Metrocard.

P.O. TONNA:

Okay. Or Metrocard now. But here's a proclamation. I think we're going to call up individually, you know, each district. I think they have something to present. Michael, am I right?

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LEG. CARACCIOLO:

Yes.

P.O. TONNA:

Okay. Everyone's laughing, because everyone knows what they're doing but me. Okay? Anyway, Legislator Caracciolo, I'd like you to call up first and talk about Chamber of Commerce.

MS. BURKHARDT:

Excuse me one second.

P.O. TONNA:

Yes.

MS. BURKHARDT:

But Dennis gets a second proclamation --

P.O. TONNA:

Oh.

MS. BURKHARDT:

-- which is right here.

P.O. TONNA:

Oh, here's another one, with a signature that doesn't even look like mine, and trust me, I didn't sign it. But anyway, there you go.

MS. MC GRATH:

We need to do a photo.

MR. SNEDEN:

Thanks, Paul.

P.O. TONNA:

All right. Hold it, let's get a photo. That I know how to do.

(Photo Was Taken)

Okay. Mike, come on up.

LEG. CARACCIOLO:

Thank you. We have quite a contingent. Good morning, everyone. I'm greeting the members of the Mattituck Chamber of Commerce. Thank you all for joining us. Members of the Legislature, Ladies and Gentlemen, each of the Ladies and Gentlemen that are in the audience today from the various Chambers of Commerce throughout Suffolk County are here, I'm sure, as recipients of a proclamation that each will -- each of us will be distributing this morning for various reasons. For those who are not familiar with the Hamlet of Mattituck, it is the very first Hamlet you come into. Actually, Laurel is, technically, in the Town of Southold. But a short distance east of Laurel, in the great Town of Southold, which is the oldest town in the State of New York, founded in 1640, the Mattituck Chamber of Commerce has been active over the years, has doubled its membership in the last several years, and that speaks to what this organization is all about. It contributes on a daily

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basis, and I mean on a daily basis, to the prosperity and progress of the great Hamlet of Mattituck in the great Town of Southold. They are not narrowly focused just on the Hamlet, they really look out across the Town and try to identify and make a difference in the quality of life for the residents of their beautiful hamlet, as well as the entire North Fork. So it is with pride and pleasure this morning that I'd like to just recite a few of their recent accomplishments.

For those of you who are familiar with Love Lane, and it's not a place where young people go to neck, those days are gone, unfortunately, Love Lane is a beautiful Main Street in the Hamlet of Mattituck. And I would encourage you, as you go out either the Main Road, which is New York State Route 25, or the North Road, which is our own County Rod 48, that you take a slight detour left or right and stop in some of the beautiful shops along Main Street. But more importantly, I think when you do that, you will see beautiful planters, you will see beautiful gaslights, you will see a revitalization of the Main Street, the very essence of what Legislator Holst several years ago initiated with the County's involvement in downtown revitalization was all about. That's just one project. They recognize that there are various age groups in the community that have different needs, and presently, they're involved with a group of organizations, including North Fork Bank, Times News newspapers, the Town of Southold, the County of Suffolk, the State, and other entities, I'm sure I'm going to leave somebody out, and I apologize if I do, in taking on a recreational project to construct six new baseball -- basketball courts. They're involved with the Mattituck Creek and Inlet in trying to help the Town identify ways to restore some of the natural beauty that's there. They've been involved for the last three years with the County and my office under our Beautification Program in working with the County Department of Public Works in seeing to it that the plantings that are made along the North Road, which is, again, County Road 48, are maintained. They actually go out and physically plant the plants and maintain them, and we all know, particularly this summer with all the wet weather, how difficult that can be.

So these are just a few of their recent accomplishments. There are many chambers in my Legislative district, but, clearly, this year, the organization that came immediately to mind when this recognition by the

State Legislature was passed was Mattituck. And I'd like to introduce a couple of their members, George Sullivan and Eric Kopp, for some kind remarks. Eric?

MR. KOPP:

Well, I guess I'd just simply like to say that from the standpoint of our organization, this has been an going effort over the last five years, and we really appreciate your recognition of what we've done. And, hopefully, we'll be back again, because we continue -- we're planning to continue in all of these efforts to improve our town from a civic standpoint, from a business standpoint. I guess you could say you haven't seen nothing yet.

P.O. TONNA:

Okay. Thank you.

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LEG. CARACCIOLO:

George, just one moment.

MR. SULLIVAN:

I'd just like to say thank you very much, Mike. We've had tremendous success with our organization over the last four years. A lot of that comes to -- from the help of the County and the local Legislators, and local politicians that have helped us to get to where we are today, and we thank you for all of your support and your effort.

LEG. CARACCIOLO:

Great. And I would just close, Mr. Chairman and Members, by telling tell that if you're looking for an organization that can identify grant money, be it Federal, State or otherwise, this is the group. They chuckle. I mean, just look. There's, what, six of them here this morning taking time out from their busy schedule as business and community leaders to take on this recognition they justly deserve. I would just point out, if you have an organization in your community that needs some direction, call on these folks, I'm sure they'd be more than willing to help them out. Thank you all very much.

P.O. TONNA:

Thank you very much, Legislator Caracciolo, and thank you.

(Applause)

Okay. Legislator Guldi.

LEG. GULDI:

I have eight proclamations to present, so I'll take eight times as long as Legislator --

P.O. TONNA:

How about -- how about take all eight at one time?

LEG. GULDI:

Eight times as long as Legislator Caracciolo will. It's going to be interesting to do this, so, I mean, what's the pleasure of the Chambers? JoAnn Doyle, are you here? JoAnn, come on up. JoAnn Doyle is the Chair of the East Quogue Chamber. And, JoAnn, I want to apologize for everything I did to you in high school. And I don't want to you tell anyone, anyone anything about that.

MS. DOYLE:

I will never tell any secrets.

LEG. GULDI:

Eastport, we have Andrea Milano. Eastport. Andrea, I want to apologize for not making you dinner last night. My closing went to

almost 7 o'clock. Bill Dalton of the Greater Westhampton Chamber of Commerce. Bill, I want to know how the construction on the outhouse is going and whether or not you're really going to name it after me. Marina, Marina Van from East Hampton Chamber?

MS. VAN:

Hi, George.

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LEG. GULDI:

Hi, Marina. How are you?

MS. VAN:

I'm fine. How are you?

LEG. GULDI:

Great. Stanley Glinka from Hampton Bays, come forward. Barbara Schmitz from Sag Harbor. Barbara, hi. Hi, Barbara. And Tim Behringer from Southampton. Tim, I want you to know that ever since I moved into your old office, it's working out really well.

MR. BEHRINGER:

Good.

LEG. GULDI:

I want to --

MS. DOYLE:

George, you have one more, Montauk.

LEG. GULDI:

Montauk. Did I skip Montauk? Marilyn Behan. Marilyn, I was only kidding.

MS. BEHAN:

You did that on purpose, George.

LEG. GULDI:

No, but if I had thought of it, I would have. Marilyn. Actually, what I was looking for is I wondered where Bridgehampton was, but I understand they didn't respond.

I want to just briefly commend the Chambers for all the great work they did -- that they do in their respective communities. We've had a wonderful season. And that being said, I want to give you each a moment at the microphone. But just, please, let's keep it a moment, so that we don't repeat Legislator Caracciolo's {lance} record on how long we can do this with. And as you speak, I'll give you each the proclamation. JoAnn, you're first.

MS. DOYLE:

Thank you.

LEG. GULDI:

Come on, you go something to say?

MS. DOYLE:

Thank you very much. I wasn't sure what was going to happen today. I was hoping we'd be getting a check, but we'll take a proclamation.

Thank you very much.

LEG. GULDI:

You take East Quogue and not Eastport.

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MS. DOYLE:

East Quogue? Okay. Thank you.

LEG. GULDI:

Thank you, JoAnn. And I'm sure I'll be hearing from you about the

check. Andrea?

MS. MILANO:

I'd just like to say that any time we need help, we call George and he's always there for us and we appreciate all his hard work.

LEG. GULDI:

Thank you. Bill?

MR. DALTON:

George, I just want to say thanks for the very generous grant that we received from the County to finally build public restrooms, and we're looking forward to learning more about grants from Mattituck.

LEG. GULDI:

Marina.

MS. VAN:

George, thanks for the recognition. We're celebrating our 40th Anniversary as a Chamber, and thank you for the grant. And I, too, will be calling Mattituck.

LEG. GULDI:

Thanks a lot, Mike. Stanley?

MR. GLINKA:

Thank you, George. It's an honor to be here today. And I just want to thank you for honoring us today and we appreciate it very much for all your support.

LEG. GULDI:

Thank you. Okay. Marilyn. This time I'll do them in order.

MS. BEHAN:

Thank you. Thank you very much for this, and I look forward to working with you. I'm just back recently at the Chamber, so I'm looking forward to maybe another grant.

LEG. GULDI:

See, you know you --

P.O. TONNA:

Is that laugh, George, like, "Yeah, right," is that a laugh like --

LEG. GULDI:

Yeah. Well, see, you know, you guys give me \$30,000 and they all want all of it twice. Sag Harbor.

MS. SCHMITZ:

Thank you, Mr. Guldi. I'm very honored to be here for Sag Harbor.

Please, come to our Harbor Fest this weekend, Mr. Guldi, love to see

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you there.

LEG. GULDI:

Thank you.

MS. SCHMITZ:

Thank you.

LEG. GULDI:

And last, but not least, Tim Behringer.

MR. BEHRINGER:

Thank you, Legislator Guldi. We appreciate all the support from the Legislature, especially from George. We are the largest Chamber on the South Fork, and we really appreciate all your help.

LEG. GULDI:

Okay. I want to thank each of you for coming here, and ask you to joint me briefly in the lobby with the photographer, so --

P.O. TONNA:

I just can't believe that there are actually eight people who would actually come up and admit that they know you, Legislator Guldi, let alone -- let alone say that they actually enjoy working with you.

LEG. GULDI:

And not one of them asked me for -- to vote for them for Presiding Officer, all they asked for was money.

P.O. TONNA:

Yeah, there you go.

LEG. CARACAPPA:

Same thing.

P.O. TONNA:

Well, they have their priorities in the right place. Okay. Legislator Towle. Going once --

MS. BURKHARDT:

No. Legislator Towle's doing a group one later on.

P.O. TONNA:

Okay. So now we're on to Legislator Caracappa.

LEG. CARACAPPA:

I would ask a few of my colleagues to join me.

P.O. TONNA:

Okay. Legislator Levy, Legislator Foley.

LEG. CARACAPPA:

Legislator Crecca's not in the house, right?

P.O. TONNA:

No, he's not in the house with the missing Huntington proclamations.

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LEG. CARACAPPA:

Thank you, Mr. Chairman. I'm pleased to have with me at the podium Legislator Foley and Legislator Levy. First, let me put on the record that the Selden Chamber of Commerce couldn't be here this morning, but I'm presenting with a proclamation in my office in the upcoming week. And the President of that organization, being Evie Zarkadas, has worked hard doing a good job and filling the role of the past President that just left, John Rose. So the Selden Chamber of Commerce sends their regrets for not being able to attend this morning, but I, again, will be presenting them with a proclamation later this week.

This proclamation is for a fantastic Chamber, I think one of the best in Suffolk County, of course. They're not only a Chamber of Commerce, they're also a civic group in my mind. They work on just about every project as it relates to the Ronkonkoma area. And, actually, let me bring up -- is Matt Miller here? Matt is not here, so we'll just talk good things on the record and we'll send him the minutes.

P.O. TONNA:

Okay.

LEG. CARACAPPA:

But --

P.O. TONNA:

Thank God for verbatim minutes.

LEG. CARACAPPA:

Yeah. But if it came to a road project or an adopt-a-park program, or the revitalization of Lake Ronkonkoma, the Chamber of Commerce is always right there in the thick of things and has always worked well

with each and every Legislator from that area, not only in the present, but in the past, and I'm sure in the future. So at that -- with that being said, I'd like to pass it over to Legislator Levy.

LEG. LEVY:

Ditto, really.

LEG. CARACAPPA:

Ditto. Okay.

LEG. FOLEY:

Very good.

LEG. CARACAPPA:

Okay. So when Matt gets here, we'll present him with this in the lobby. And congratulations to the Ronkonkoma Chamber of Commerce.

P.O. TONNA:

Thank you. Legislator Fisher.

LEG. FISHER:

Can I go --

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P.O. TONNA:

Sure, you could do whatever you'd like, Legislator Fisher, since you're here. There you go. Thank you, Legislator D'Andre.

LEG. FISHER:

Today's a day on which we're honoring people who do a great deal of good in our communities, and it takes many different people doing a variety of -- performing a variety of self-sacrifices in order to make a community vital and strong. Sometimes a community faces a difficult time and that brings people together. Well, a number of years ago, there was a little girl who was crossing Nicolls Road and she was hit by a car. This was a little girl who was involved in sports and was a wonderful student, and the community rallied around her and her family. I have been very fortunate to have known several members of this young lady's family. Her older sister, {Kistin}, was in my class, a lovely student, wonderful girl. And during the years that we saw Brooke growing up, she performed very well academically in secondary school. Teachers loved working with her, and teachers loved working with her mom, Jean. Jean made it her full-time job to be there to help her daughter through secondary school, which was a challenge to her. But I think what's most important about this story is that everyone in the Three Village community, faced with the tremendous trauma of this accident that Brooke had on Nicolls Road, had the hope that Brooke would succeed. So in Brooke lie all the hopes of a community, and she has not failed us. Brooke has gone far beyond everyone's expectations and has done remarkable things throughout her life. I would like you to meet Brooke Ellison and her mom, Jean Ellison.

(Applause)

And I always have a little bit of a hard time keeping myself from getting a little bit teary eyed, because we really were all there together, and Brooke has made us so proud, and made her family proud, and made us all know that there is hope and reason to hope when you are faced with some of life's challenges. And I'm going to pass the mike over to you, if I could pull it out of this holder.

MRS. ELLISON:

Thank you all very much for this wonderful honor. And I know Brooke would like to say a few words.

MISS ELLISON:

Just in the interest of time, I would like to thank you all for this so much. I never really -- I always realized how much -- how proud I was to be a Long Islander, but I never really realized it until I went away to college four years ago. And everyone would ask where I'm from and where I grew up, and I'd always say Long Island with extreme pride. And nobody knew very much about Long Island, but I always take such pleasure in explaining that all the beauties and things that Long Island has to offer and -- but it's really for reasons like this that I really appreciate and am proud to be a Long Islander. And I thank you all so much for this wonderful honor, I really, I really appreciate it. Thank you.

(Applause)

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(A Photograph Was Taken)

LEG. FISHER:

Well, Brooke took the message to Harvard that Long Island is a wonderful place to live and that the Three Village area is certainly a powerful community area.

And I would like to offer my congratulations to the Three Village Chamber of Commerce. I believe that Joe said that a Chamber of Commerce -- Olga, can you please come up? Olga is the new President of the Three Village Chamber of Commerce and a wonderful friend. The Three Village Chamber of Commerce does also play a role as a civic leader. They make such a difference to all of us in the Three Village area. We are -- they put together the wonderful tree lighting at Christmas time in Stony Brook, which is so important to our community in Stony Brook, the parades. They're there whenever we need the support and whenever we need to make our community more cohesive. Olga is involved in so many different aspects of our community and I think that she represents the Three Village Chamber very well. Olga, thank you for all the work you do. Thank you for being the ubiquitous Olga, you're everywhere.

MS. BELLEAU:

Thank you.

LEG. FISHER:

And for all of the work that the Chamber does. Thank you very much.

MS. BELLEAU:

Thank you for the recognition, and thank you for being there.

(Applause)

Thank you for the recognition and thank you for being there, Vivian.

(Photograph was taken)

P.O. TONNA:

Okay. Joe, we're going to -- the gentlemen, I guess, that -- whatever.

LEG. FISHER:

I have one more, also.

LEG. CARACAPPA:

Okay. Take your time.

LEG. FISHER:

I'm sorry. I won't be here forever. But when Mike Caracciolo said that his Chamber could really do seminars on grant writing, let me introduce to you Barbara Ransome from the Port Jefferson Chamber of

Commerce. How are you doing, Barbara?  
(Applause)

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The Port Jefferson Chamber of Commerce certainly can do seminars on grant writing. They are very proactive, they're very visionary. They have a true sense of making Port Jefferson the wonderful place that it is, and I'm very, very proud to present to Barbara Ransome this proclamation today honoring and thanking her and her Chamber for all the work that they do.

By the way, when I was looking at the trolley that would connect Stony Brook to Port Jefferson wasn't certain at first. They jumped on, and once they were on, they really have been such an important part of the thinking process and have been just very supportive in that endeavor. So I thank you very much, Barbara.

MS. RANSOME:

Thank you very much.

(Applause)

P.O. TONNA:

Thank you.

LEG. FISHER:

Would you like to say a word?

MS. RANSOME:

We thank you for this honor. Our Chamber is an historic chamber. We have a Maritime Festival this weekend. I hope you all will come down. So we're very pleased to receive this. Thank you.

P.O. TONNA:

Thank you.

(Photograph was taken)

Okay. Joe.

LEG. CARACAPPA:

Mr. Chairman, Thank you for your indulgence.

P.O. TONNA:

We've seen you before.

LEG. CARACAPPA:

Yes. Matt Miller has arrived.

P.O. TONNA:

To my -- my main name, Indulgence.

LEG. CARACAPPA:

Legislator Crecca, if you'd join us. Matt, you missed it. We said all the wonderful things about the Chamber and you and all the thing that you do in the community.

P.O. TONNA:

They didn't say many wonderful things about you personally, I just --

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LEG. CARACAPPA:

Sure, we did.

P.O. TONNA:

No, I'm joking, I'm teasing.

LEG. CARACAPPA:

And on behalf of Legislator Crecca, Levy, Foley and myself, we'd like to present you with this proclamation and give you the opportunity to say a few words.

MR. MILLER:

Thank you. Thanks a lot.

(Applause)

Thank you. I'm sorry I was late, but I couldn't get the taxi from the parking lot to get here any quicker. But thank you very much, Joe, and everybody for this honor. It's been terrific working with you. We look forward to working together in the future. And in honor of Chamber Week next week, we have a little event that Joe's going to come down and attend, and we invite everybody to come, and hear -- you'll be hearing about it on WBAB and WBLI, but there'll be a terrific event in Ronkonkoma. And thank you once again.

LEG. LEVY:

If I could just say --

P.O. TONNA:

Sure. I knew you were going to say something if the human being was here, I knew that.

LEG. LEVY:

Once he came by. No. But this is the kind of a Chamber that we want to hold up as a role model. The type of events that they hold date back for I'd say about ten years now, where they hold a big carnival every year. And a good part of the proceeds that are derived from this carnival go right back into refurbishing our own Raynor Beach Park, which is a County Park. So these guys are saving us money and improving the community at the same time. So, Matt, we thank you for your innovation at the Chamber.

MR. MILLER:

Thank you.

(Applause)

P.O. TONNA:

Okay. Thank you very much. Legislator Foley.

LEG. FOLEY:

Thank you. Legislator Haley should be arriving a little bit later, where the Brookhaven Legislators intend to give a proclamation to the

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P.O. TONNA:

I'd ask all Legislators -- excuse me for a second -- who are finished taking picture with their Chambers to come back in and participate with Legislators who are giving them out. Thank you.

LEG. FOLEY:

We do expect Legislator Haley to arrive soon, and we'll be giving a proclamation to the Brookhaven Chamber of Commerce. But before he arrives, there's a few other proclamations, Mr. Chairman, that some of us want to give, not only for the Chambers, but for some other organizations as well that are worthy of our praise, and one such organization is the Taproot Workshop. Is Enid here, please, Enid Graf? And Jim, James McMahon. James? Hi, Enid. How are you?

MS. GRAF:

Hello. Thank you very much.

LEG. FOLEY:

Some of you may know of Taproot. It has been part of the County's culture now for 25 years. This year is the 25th Anniversary of this wonderful organization. For a number of years, we have had journals that have been written by the Elder Writers, as they're called, of

Taproot, where it's both a Nassau and Suffolk County concern. And Taproot has been dedicated to preserving stories and life experiences that at one time were only transmitted orally from generation to generation. Taproot has been conducting writing workshops in libraries, church halls, senior and cultural centers throughout Nassau and Suffolk Counties. And twice yearly, they publish a journal of selective Elder Writers' works. And this year being the 25th Anniversary, I thought it would be highly, let's say highly right, let's say. That it would be very important, if you will, that we would honor Taproot for their many years of outstanding poetry and stories that, as we had mentioned earlier, may have only at one time been handed down orally, but now, because there are written journals, future generations can read Taproot, as well as ourselves can read the works of Taproot to understand the life experiences of so many who have come before us here in Suffolk and Nassau and in the future who will be members and community-wide workers, if you will. And Taproot allows us to tap, if you will, tap into those life experiences to live vicariously through their experiences, what they had gone through here in Suffolk.

So, Enid and James, on behalf of the Legislature, I'll just give you this proclamation on 25 years of outstanding service. And we know that the next 25 years will be even equally rewarding for the number of elder writers who are extant throughout the two Counties.

Congratulations.

P.O. TONNA:

Congratulations.

(Applause)

LEG. FOLEY:

Would you like to say a few words, James?

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P.O. TONNA:

Will all Legislators please come to the horseshoe?

MR. MC MAHON:

There isn't much I can add to what Legislator Foley has said about our organization, but I'd like you to all keep in mind that an invitation that when you become an Elder Writer, that's over 55, and I'm sure most of you have a long way to go --

LEG. D'ANDRE:

Fifty-five? You're a youngster.

MR. MC MAHON:

-- you must have a lot of interesting stories about being part of the Legislature, and we help write it down. We publish a journey to -- a journal to preserve all the interesting stories that you have. So we have an open invitation to join our organization when you reach 55. Thank you.

MS. GRAF:

It's a pleasure to be here. Having workshops for people from 55 to 112 in nursing homes, we are bound sooner or later to touch everyone's life. And no longer do you have to say, "I wish I knew how my grandmother lived in Southern Italy," because these stories are printed here. So we don't only add days to people's life, we add life to people's days. I hope to see you again in Taproot.

P.O. TONNA:

Thank you very much. Thank you.

(Applause)

(Photograph was taken)

Okay. Brian, anything else?

LEG. FOLEY:

No. With Steve Levy.

P.O. TONNA:

Okay. Steve Levy. Steve, anything?

LEG. LEVY:

Yeah. I'll hold off on Bayport-Blue Point until Brian comes back; okay, kids? He's taking some photos.

Let me start off with the Holbrook Chamber of Commerce. We have Rich and Kevin. We have Rick Ammirati, the President, and Vice President is Kevin Guilfoyle. And Holbrook, as you may know, is one of the fastest growing communities in all of Suffolk County. And, unfortunately, I think it's for the record that the downtown area had been lagging behind this growth. And there were a lot of people who were constantly complaining that we need to get it spruced up. And there was a whole lot of talk about this for a long time. But now, thanks to these two gentlemen in particular, that talk is in the past and we now have real concrete action. They've had action plans coming forth now for the

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past year, coordinated efforts with both Brookhaven and Islip Towns, as well as Suffolk County. They even brought in a professional architect. So we're looking for very good things over the next several years for the Hamlet of Holbrook, and we will have the type of downtown that will make everyone in this thriving community quite proud. And, gentlemen, I want to thank you for your tireless efforts in that regard. So, Kevin and Rich, please accept this proclamation from the entire County Legislature.

(Applause)

MR. GUILFOYLE:

What we'd like to say is congratulations to Steve for all his fine efforts as a superlative Legislator over the years. We wouldn't have been able to cut through a lot of the red tape dealing with the two Towns and the County, but Steve's efforts, champion our efforts, have been fantastic, and we'd like to thank you, Steve.

LEG. LEVY:

I wouldn't give him the proclamation unless he said that. That was part of the deal.

P.O. TONNA:

Superlative, huh? Superlative.

MR. GUILFOYLE:

Superlative.

P.O. TONNA:

There you go. That looks like a press release.

MR. AMMIRATI:

I'd like to thank -- excuse me. I'd like to thank Steve, too. He's been a super catalyst. And Steve and I are both Sons of Holbrook. We both grew up there, so we really wanted to give it something extra special. Thanks again, Steve.

LEG. LEVY:

Okay, thanks. I'll join you out there in a second, okay?

MS. MC GRATH:

Okay.

P.O. TONNA:

You got something else, Steve?

LEG. LEVY:

Yeah. I've got Rich Trpicovsky from the Sayville Chamber of Commerce. Now, Sayville is one of those model communities that can be held up to all the others throughout Suffolk County. If there's one word that epitomizes this hamlet, I'd say it's charm. If you ever drive through this downtown South Shore community, you want to stay there. You want to live there, you want to work there, you want to recreate there. And if you look at the values of properties on the South Shore, they're all going up, but Sayville is through the roof, and the primary reason, at least one of top reasons, is people fall in love with this downtown

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community. When you have an anchor like that in your community, it means so much for everyone around. Everyone wants to become part of it, and it's really not because of some kind of haphazard accident, it's because of hard work by people like Rich Trpicovsky, who was there not once, but twice as the President of this great institution. So I don't know if he's just very dedicated or crazy. It's one of the two. But, Rich, we congratulate you --

MR. TRPICOVSKY:

Thank you.

LEG. LEVY:

-- and thank you very much.

MR. TRPICOVSKY:

Thank you very much.

(Applause)

You want to say anything?

MR. TRPICOVSKY:

Yes. On behalf of the many who worked so hard to make Sayville the charming and wonderful place that we're so proud of, I'd like to thank Steve as well as everyone here for the recognition to downtowns and the importance of the roles that downtowns play in Suffolk County and your efforts to revitalize and to strengthen us. Thank you again.

LEG. LEVY:

Thanks, Rich.

P.O. TONNA:

Thank you very much. I would ask that all Legislators, please come to the horseshoe.

(Photograph was taken)

LEG. LEVY:

Brian?

P.O. TONNA:

I'm going to wait a few seconds, for I think it's only just due respect that we have Legislators come to the horseshoe.

LEG. LEVY:

As we're waiting, I'll just announce that Brian and I are joined by Gisbert Atwater from the Bayport Flower House representing the Bayport-Blue Point Chamber of Commerce.

LEG. FOLEY:

It is our distinct pleasure and honor today to honor the

Bayport-Blue Point Chamber. It's one of those unique chambers that straddles a -- two Town lines. The Bayport side is in Islip and the Blue Point side is in Brookhaven, so many times, particularly with the grants that we've been talking about, one of the challenges for this Chamber is they have to go through two town governments to get the

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grants from the County of Suffolk. And it's interesting sometimes to make -- as Steve and I do on many occasions, compare and contrast the two Town governments. And with that in mind, Gisbert, through his many abilities, has been able to, let's say, reach out to both of the Town governments as well as the County government, to utilize our funding to make improvements in the Bayport-Blue Point area. And one of Gisbert's many talents is the fact that has the Bayport Flower House. And as we've heard earlier, one of the most important aspects to revitalization is not only an economic revitalization, but is the continuing challenge to beautify, to make green our commercial byways and highways, and through this Chamber of Commerce, the Bayport-Blue Point Chamber, not only have the funds been utilized to market the various businesses in the Chamber, but, also, great strides have been made through Steve's efforts, myself and the Chamber, as exemplified by Gisbert, to beautify the downtown Bayport-Blue Point areas. So with that in mind, it's very well and noteworthy that we do have this proclamation for the Bayport-Blue Point Chamber. And, Gisbert, on behalf of the Blue Point side, the east side of the Chamber, I just want to say congratulations. And stay with it. In volunteer organizations, you know, you have the honor of volunteering, but it doesn't end there, as you know.

MR. ATWATER:

I realize that.

LEG. FOLEY:

But you give so much of your time and you give so much of your ability to it. And I just want to say thank you on behalf of the Blue Point portion of the Chamber.

MR. ATWATER:

Thank you, Brian.

LEG. LEVY:

Bayport as well.

P.O. TONNA:

Okay. Thank you.

MR. ATWATER:

Thank you very much.

P.O. TONNA:

Okay. Thank you very much.

(Applause)

MR. ATWATER:

Thank you.

P.O. TONNA:

Yes, sir, you want to say some words?

MR. ATWATER:

Just a quick word, yeah. I really have to honor both these gentlemen

00020

in their efforts in backing us up. Also, there is organizations within the town such as the Bayport-Blue Point Gardeners, Neighbors and

Gardeners, who are also active and work out very well in beautifying the town. So it all activates through the Chamber in a way. And we appreciate your help. Thank you.

LEG. LEVY:

Thanks.

(Applause)

(Photograph was taken)

P.O. TONNA:

Okay. Thank you very much. Okay. Legislator Fields.

LEG. FIELDS:

Good morning. I have three Chambers in my district, and I'd like to call them up one by one. First, I'd like to call up Steve Horner from the Central Islip Chamber.

Steve represents a community that I often call the "Renaissance Community", a community that has worked very, very hard trying to bring themselves back, and they have done an excellent job, have done a tremendous amount of work, and are still working toward becoming a perfectly modeled community.

Having worked on a chamber in my past, I know how much hard work it is, how much time you have to put in, how much volunteerism you have to do. You not only have to be concerned with business, but how to get those people to your business. And with revitalization money that we've been able to give to these chambers, they've also had that additional help. And besides that, though, these are leaders in our community. They do not only chamber work, but they do other things to bring our communities together.

So with that, I would like to congratulate Steve Horner and present this to you.

MR. HORNER:

Thank you.

(Applause)

LEG. FIELDS:

Next I would like to call up Richard Remmer, who is the owner of the Snapper Inn on the water of Oakdale. Richard is another example of someone who has -- wears many hats in our community. And if it weren't for people like Richard and our -- the other members of our Chamber, we would not be able to do the many, many things that we do as a community. And this is a small community, but has been awful lot of spirit. And I would like to congratulate Richard and present this to you.

(Applause)

00021

(Photograph was taken)

I'd like to call up Legislator Alden. Do we have someone here from the East Islip Chamber?

P.O. TONNA:

Yes.

LEG. FIELDS:

Tony. Come on up, Tony. Tony, you have a very nice downtown area that we ride right through on Main Street, very visible, very pretty. I would like to congratulate you, and then I'll send -- hand over the microphone to Cameron, for all of the work that you do do in the Chamber with the other members, and in order to revitalize and keep

that downtown spirit of East Islip. Thank you.  
(Applause)

LEG. ALDEN:

I just want to congratulate you. And East Islip is one of those towns that really never went through a downturn, they've always -- they've held their own. So congratulations.

(Photograph was taken)

P.O. TONNA:

Okay. Cameron, do you -- are you next? Yeah.

LEG. ALDEN:

I think so. I think I saw Tom. Tom Lutz is here from Islip Chamber.

P.O. TONNA:

Tom, are you going to come on up?

LEG. ALDEN:

Islip's another Town that -- and not coincidentally, I live right there in town, they never went through a downturn, they've always seemed to keep it together. They also have a great street festival, which I would recommend anybody going to, and it's right around Memorial Day Weekend, and they've done a great job. And Tom personally is involved in a lot of community activity, as well as with the Chamber of Commerce, and he does a great job. Congratulations.

MR. LUTZ:

Thank you, Cameron.

(Applause)

(Photograph was taken)

LEG. ALDEN:

Also, I'd like call up Legislator Carpenter, because she and I both represent Bay Shore and Brentwood. And I'd like to call up Bay Shore at this point.

Now, this is -- basically, this is the Chamber of Commerce and this is  
00022

a town that wrote the book on revitalization of downtown. When I had my business in Bay Shore, unfortunately, Bay Shore had gone through a very, very bad period of time. But through one and pretty much one person's leading the way, and, really, I can't give you enough credit, Donna has worked tirelessly and endlessly to bring Bay Shore back and really has done a great a job, and Bay Shore is back and continues to get better every day. Legislator Carpenter.

MS. PERICONI:

Thank you.

LEG. CARPENTER:

I'd just like to echo what Legislator Alden said. But what's interesting with Donna is that in addition to being such a strong advocate for the Hamlet of Bay Shore, she has been willing to go beyond that, to be a little bit more global, serve on the Downtown Revitalization Committee that so many people have mentioned this morning and advocate for all of our downtowns. We are so very proud of Bay Shore, especially its President, Donna Periconi.

LEG. ALDEN:

So any other towns, any other town that need a little help in the revitalization area, just see Donna.

MS. PERICONI:

Thank you. May I just say two words.

LEG. CARPENTER:

Absolutely.

MS. PERICONI:

Thank you.

(Applause)

I want to thank you very much for this wonderful honor. I'm extremely proud of our Chamber. The Bay Shore Chamber has been in existence over 50 years. I believe that we have made a difference, not only in our community, but we've made a difference in Suffolk County, on Long Island, and we have saved a part of America.

I would like to commend the Legislature for establishing the Downtown Revitalization Panel. It is one of the most effective committees I have ever served on, and you see the results, tangible results when different communities come together and talk about similar problems and similar efforts, and share resources. I believe this is one of the most important groups ever established in Suffolk County.

I would also personally like to thank you. As you recall, we lobbied very hard to get Touro College into our downtown. I would like to report to you the College is doing beautifully, and it has made an appreciable difference in the revitalization efforts in our community. So I thank you also for that. Thank you again for the honor.

P.O. TONNA:

Thank you.

00023

(Applause)

LEG. ALDEN:

Thank you. Great job.

MS. PERICONI:

Thank you.

(Photograph was taken)

LEG. ALDEN:

I'd like to call up representatives from the Brentwood Chamber, Rosaida Santos. And also, this is a name that is going to strike a little bit of history, his dad was one of the first Legislators, Mike Grant

(Applause)

They've also done a great job basically with Brentwood. And Brentwood's been a little bit of a difficult area, because there's not just one little strip for a downtown, it's kind of a little bit fragmented, and that actually requires a little bit of extra work. But Brentwood Chamber of Commerce has done a great job and I look forward to working with you. And there's a couple of projects that we have going right now that I'm looking for the successful completion of.

LEG. CARPENTER:

Again, just to echo what Legislator Alden has said, Mike Grant, Rosaida have been so active in keeping this Chamber together. As he said, it is very difficult, because it is splintered, it doesn't have an actual downtown, it's got a few little areas. So it's not been easy. And they have been plugging along, working very cooperatively with the school district and many other entities to bring about a positive economic impact for the Brentwood community.

MS. SANTOS:

My name is Rosaida Santos and I am the Treasurer of the Chamber. I keep all of the money, every month I balance the budget, and make sure

that Mike Grant doesn't spend more than we have. Thank you very much.

LEG. FIELDS:

I think you need to say something now.

MR. GRANT:

I just want to thank you for honoring us in our efforts today. I also want to thank Legislators Angie Carpenter and Cameron Alden for all their hard work and their open door. They're always available to us, and thank you.

LEG. CARPENTER:

Thank you.

LEG. ALDEN:

Thank you. Great job.

(Applause)

00024

(Photograph was taken)

LEG. CARPENTER:

And I have two more Chambers that I'd like to recognize this morning. First, the West Islip Chamber of Commerce was not able to be here. As I left to come out to Riverhead this morning, I left them still in a board meeting. So they're doing chamber business, and send their regards and gratitude for the proclamation they'll be receiving later this week.

But I am proud to bring up the President of the Ocean Beach Chamber of Commerce. And, yes, Ocean Beach does have a Chamber of Commerce. Harvey Levine, if you would come forward.

Ocean beach is probably one of most unique Chambers of Commerce and one of the most communities being situated on the barrier island, and --

P.O. TONNA:

One of the most beautiful.

LEG. CARPENTER:

And one of most beautiful. There is a downtown, there is a downtown with thriving businesses. And since Harvey has come on board as the -- as President of Chamber of Commerce, he's working to getting that message out. It has really become the land of welcome, and you see that from the minute you step off the ferry and see the signs. And the businesses in the business district, all of the restaurants and the little shops have really pulled together and the catalyst for that has been Harvey Levine. Harvey, I thank you so much and am proud to present this proclamation to you and all of the members of the Chamber. Would you like it say a few words?

LEG. LEVY:

Thank you. Thank you very much, but this isn't framed. All right.

But that's okay.

LEG. CARPENTER:

We'll work on it.

LEG. LEVY:

Thank you, thank you. Thank you, Angie. Angie is doing such a great job for us, I must have say. And Ocean Beach is a year-round community, it's not just a summer place to go. And we're just so happy that you're working with all of us in Ocean Beach. And, Angie, you're just great. Thank you.

LEG. CARPENTER:

Thank you.

MR. LEVINE:

Thank you very much.

LEG. CARPENTER:

Thank you very much.

00025

(Applause)

LEG. ALDEN:

Thank you.

P.O. TONNA:

Thank you.

LEG. CARPENTER:

And I would just like to -- if you'll indulge me a moment. Being a past president for many years of a chamber of commerce, I know what it means to the people that work in it. And I want to thank the Presiding Officer and his office for pulling this together this morning. It is so important. They really are the heart of our County. Thank you.

(Applause)

P.O. TONNA:

Thank you, Legislator Carpenter. Just remember. Well, I don't have to know what my staff is doing. Okay. Legislator Crecca.

LEG. GULDI:

That's what they say.

LEG. CRECCA:

Well, good morning, everyone. And I would join in Legislator Carpenter's last comments, that, really, downtown revitalization and economic vitalization here on Long Island would not be if it were not for our chambers of commerce. So they really are the backbone of Suffolk County's economy. So we pay tribute to all of them today. The first Chamber that I'm here to pay tribute for is one that certainly fits that definition well, and that's the Nesconset Chamber of Commerce. And I'd ask its President, Al Hornberger, to join me up here at the podium.

Truly, Al is -- exemplifies excellence when it comes to running a chamber of commerce. But I think one of the things that makes Al unique is that he is truly one of the leading business people in the whole Smithtown area. And so when he does his work as the Nesconset Chamber of Commerce President, he does a great job of pulling together, not only his own membership and other business leaders, but he works so well with the surrounding chambers of commerce, whether they're from Saint James, Kings Park, Smithtown. So Al is truly a tribute and sort of an icon within Nesconset. And, Al, it's a great pleasure to be able to give you this honor and give the Nesconset Chamber this honor today. Thank you so much for all that you do.

MR. HORNBERGER:

Thank you, Andrew.

(Applause)

I'd like to thank the Legislative body here for making available the Downtown Revitalization funds, because Nesconset is basically two-and-a-half miles of just stripe stores, and we are now able to make

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a focal point in a downtown area with the -- from the help from the Legislative body here and their grant. And thank you, also, Andrew.

LEG. D'ANDRE:

Mr. Chairman.

LEG. CRECCA:

Thanks.

LEG. D'ANDRE:

If I might. Mr. Hornberger builds that beautiful Story Book Home, a story-and-a-half colonial, absolutely gorgeous, and reasonable.

P.O. TONNA:

Nicely landscaped, Legislator D'Andre?

LEG. D'ANDRE:

Very well landscaped.

P.O. TONNA:

Okay. That's what I thought. Thank you.

LEG. CRECCA:

He got the contract.

MR. HORNBERGER:

Thanks, Mike.

LEG. CRECCA:

Let's take a quick picture.

LEG. D'ANDRE:

You're welcome, Al. He's a good businessman.

(Photograph was taken)

LEG. CRECCA:

For my next presentation, I want to invite Legislator D'Andre to come join me, please, because the next one, Mike and I actually share the jurisdictional area of this Chamber, and that is the Smithtown Chamber of Commerce. And I'd ask Judy Shivak to join me at the podium, President of the Smithtown Chamber.

MS. SHIVAK:

Not president.

LEG. CRECCA:

I'm sorry. Executive Director, I apologize. I'm going to let Mike say a few words also. But I just want to say that Judy is one of the hardest working Chamber Presidents I've ever seen -- Executive Director, sorry. I always call it a president. But she does a great job with Smithtown. Since I've been in office, which is a short time, we've seen certainly the membership grow. And the events that Judy has held have truly been a success. She, again, is the backbone of that Smithtown area, working very well with the other chambers. And, Judy, you have my heartfelt congratulations today and sincere thank for all

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that you do for Downtown Smithtown. And we're going to, you know, make things happen with the projects you get involved in and really bringing Smithtown back.

LEG. FISHER:

Legislator Crecca.

LEG. CRECCA:

Yes.

LEG. FISHER:

If I could interrupt for just a moment. Can Judy tell us how the numbers of that chamber have grown in the -- during her tenure? Because I know Judy. And can you just mention those numbers, Judy? We'll embarrass you here.

MS. SHIVAK:

Thank you. I've been with the Chamber now three-and-a-half years, and when we started, it was a 160. We're finishing our Chamber year with 295 members.

(Applause)

LEG. D'ANDRE:

Well, little wonder, she has a background in retailing, and she lures those customers in. And we're very proud to have her in our community. That's why we went all out to give her that revitalization money, and she's very appreciative that, isn't she?

MS. SHIVAK:

Oh, yes.

LEG. CRECCA:

I wanted Judy to say a few words.

MS. MC GRATH:

Please do.

MS. SHIVAK:

Okay. I wanted to say that, it's very interesting, I don't have a background in retailing or in business. My background is in health and administration. But working and not living in Smithtown, I can appreciate how hard -- I live in Brookhaven. But I'd like to say how -- I know how hard both our Legislators have worked to help the Smithtown area. I am -- we work very closely with all the fellow chambers in our area. We are a working cohesive group. I am a member of the Downtown Revitalization Committee, and I would like to thank the Legislature for all the work they have done to help us come back and prove that we are the strongest, that small business is the backbone of Long Island. Thank you.

(Applause)

(Photograph was taken)

00028

LEG. CRECCA:

We're going to turn it over to Legislator D'Andre, Mr. Presiding Officer.

P.O. TONNA:

Yes.

LEG. CRECCA:

We're going to turn it over to Legislator D'Andre.

P.O. TONNA:

And that's always good, because we'll turn it over to somebody in good hands, somebody who can take charge. Legislator D'Andre.

LEG. D'ANDRE:

Thank you, Mr. Chairman. Bill Garthe, front and center. Elaine Turley, front and center.

P.O. TONNA:

Legislator D'Andre, I want you to know you're a class act.

LEG. D'ANDRE:

Well, let me tell you, we have business people here, very well experienced. Garthe was a builder, this young lady was Miss America -- I mean, she was a very popular young lady, and she took over the Kings Park Chamber when there was nobody there to do it, and I give her a big "A" for effort for that. It's very noble of you.

MS. TURLEY:

Thank you.

LEG. D'ANDRE:

And bill was a fantastic builder, a custom builder. His reputation goes wide and far. And he's now about to antique Saint James; are you not?

MR. GARTHE:

Yes, we are.

LEG. D'ANDRE:

We're going to put up a set of lights, old fashioned lights throughout the town with our share of the money. And this young lady did a veterans thing? What did you do in Kings Park, or have you done it yet?

MS. TURLEY:

The Veterans Plaza was done before we came in, and I'll talk about what we're going to be doing with the Suffolk County Downtown --

LEG. D'ANDRE:

Okay.

MS. TURLEY:

-- Revitalization money.

00029

LEG. D'ANDRE:

So we're very fortunate in having these business oriented people. So, Mr. Chairman, we have a proclamation here for the Saint James Chamber for Garthe, telling him how wonderful he is and all the work he's done, and we have one for the lovely Miss Turley. That's for you from the Kings Park Chamber. Now, we'll let Miss Turley say a few words.

First, first, ladies first.

MS. TURLEY:

Okay.

LEG. D'ANDRE:

I'm an old fashioned.

MS. TURLEY:

Thank you very much, Legislator D'Andre.

LEG. D'ANDRE:

I'm an old fashioned man.

MS. TURLEY:

And we appreciate that. We've had a particularly good year in the Kings Park Chamber of Commerce this year. And I'd like to thank the Legislature on behalf of our business, our local business community, and our Chamber of Commerce members.

This year, we were able to obtain a grant for \$1.35 million to not only fill the large potholes and deep cracks in a parking lot in our downtown area, but to completely repave the parking lot. So that's been quite an accomplishment for us this year.

We're also pleased that we've been advocating for a long time, the Kings Park Chamber of Commerce has been advocating for a land use study to be done on the Kings Park Psychiatric Center property. This property, how it is redeveloped, will have a huge impact on our business community and our community as a whole. And we're very pleased that this year, with the help of the Chamber's advocacy efforts, Kings Park -- the Town of Smithtown has received \$125,000 grant to do a land use study on the future of the Kings Park Psychiatric Center property.

The other thing I'm very pleased to report is that we're optimistic, by

the end of this year, we will have our project, it's a community playground, in the heart of our business district that's being funded by our Suffolk County Downtown Revitalization Grant. We're very optimistic it's going to be completed at the end of this year. We appreciate the Legislature's support for that project. Please continue your support. And we appreciate your support, Legislator.

LEG. D'ANDRE:

Is that the support that Holst ushered in?

MS. TURLEY:

No, Holst was not the --

00030

LEG. D'ANDRE:

You got the money?

MS. TURLEY:

-- Legislator for this district. Oh, yes, Holst's legislation for the Downtown Revitalization Grant, that's correct.

LEG. D'ANDRE:

One of his last acts.

MS. TURLEY:

One of his last acts as a very good Legislator, and we appreciate your support.

LEG. D'ANDRE:

And we'd like to remember those who are kind to us.

MS. TURLEY:

Okay.

LEG. D'ANDRE:

Thank you.

MS. TURLEY:

Thank you.

LEG. D'ANDRE:

Bill Garthe.

(Applause)

MR. GARTHE:

I'd be remiss not to say that I'm not here excepting this for myself, but for the people that are part of our Chamber of Commerce. And I also would be remiss if I didn't mention Mr. Hogan and Mrs. McGuire in your office that help communicate and help us get the money that we needed.

LEG. D'ANDRE:

I run a tough ship.

MR. GARTHE:

And Andrew Crecca here, he hit the road running after Mr. Holst shall we say retired. But I'm real happy to receive this for the Chamber.

LEG. D'ANDRE:

Mr. Holst did do a lot of work.

MR. GARTHE:

Absolutely.

LEG. D'ANDRE:

A lot of work.

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MR. GARTHE:

He has to be recognized for that and you know that. And I don't know if it's appropriate or not, but I suggested, with a little bit of

money, if we look at the percentage of the budget of Suffolk County, it might not be a bad idea to renew this program and put the dollars back in to our downtown and continue the effort that you already have started. I'd like to thank you all for the money that we did receive. We could use another couple of million, though.

P.O. TONNA:

As soon as we finish paying for the cops, we'll find every available cent.

MR. GARTHE:

Well, with us, you don't need the cops.

LEG. D'ANDRE:

Let me say this -- stay here, Garthe. We're very fortunate in having the talents of Mr. Garthe. He's an exceptional builder, a custom builder, and it's just fortunate to have him for free in the Chamber. That's a big bargain for us. So, to that extent, when we're appropriating money, we should remember that. You don't always get a top businessman like Mr. Garthe for free to work in a community and give of his time. So we thank you for that, Mr. Garthe.

P.O. TONNA:

Thank you very much.

MR. GARTHE:

You got my vote.

P.O. TONNA:

Thank you, Legislator D'Andre. Thank you very much.

LEG. D'ANDRE:

And thank you.

P.O. TONNA:

I don't know if you have the lady's vote next to you, Mike. But anyway, okay. Did you guys take pictures already?

MS. MC GRATH:

Right here.

P.O. TONNA:

Okay. Legislator Bishop.

LEG. BISHOP:

No.

P.O. TONNA:

No? Legislator Postal. Nope. Legislator Binder.

LEG. BINDER:

And Cooper.

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P.O. TONNA:

Cooper, Tonna, Crecca and D'Andre.

LEG. FOLEY:

Sounds like a law firm.

LEG. BINDER:

Do Northport first, or how --

P.O. TONNA:

Yeah, we'll do -- oh, no. You guys do the Northport, whatever, and then we'll do Huntington together. And then I'm going to give Dennis an opportunity to speak, because I cut you off Dennis in the time of trying to, you mow, whatever. But since everybody else let their people --

LEG. CARACCILO:

Where's the AC?

P.O. TONNA:

Where's the AC? It's either the microphone or the AC and we went with the mike.

LEG. COOPER:

I'd like to invite up Legislators D'Andre and Crecca, who join me in --

P.O. TONNA:

Well, they're gone, they're missing in action. Let's just keep going.

LEG. COOPER:

Okay. I'd like to welcome Michael Karp and Stu Besen representing the the East Northport Chamber of Commerce. The East Northport Chamber is one of our newer chambers. It was founded in 1994, but they already have over 200 businesses that are members. Last weekend, the Chamber hosted the extremely successful East Northport Festival, which was attended by over 10,000 people. And they were also instrumental in the beautification of the downtown area, with flower planters and turn-of-the-century lampposts, funded in part by Downtown Revitalization grants. I'd like to thank the Chamber for their dedication; very active in the community, and they have been instrumental in improving the quality of life of East Northport.

MR. BESEN:

Thank you very much.

MR. KARP:

Thank you.

MR. BESEN:

On behalf of East Northport Chamber of Commerce, we'd like to thank everybody here, especially our Legislator, Jon Cooper and Allan Binder. And I'd also like to thank Dennis Sneden, because the Huntington Chamber is like our big brother. Thank you.

LEG. BINDER:

He's everybody's big brother.

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P.O. TONNA:

You know, Dennis, you are a big brother of a lot of people, being such a short guy. I mean, I just -- you know, I think that's pretty amazing.

MR. SNEDEN:

It's not in size, Paul, you know that.

P.O. TONNA:

That's right.

MR. SNEDEN:

It's not in size.

P.O. TONNA:

Well, Jonathan Cooper would probably agree with you. But anyway, go --

LEG. COOPER:

Wait, wait. What's this?

P.O. TONNA:

Short. I'm just saying short people are okay. Go ahead.

LEG. COOPER:

I'm five-eight.

P.O. TONNA:

That's what I'm talking about, Jonathan.

LEG. COOPER:

Next, please, to welcome Terry Lee Strassler, representing the Northport Chamber of Commerce. The Northport Chamber was founded nearly 30 years ago, they also have over 200 members, and they're an extremely active Chamber. I'll just mention a few of the areas that they're involved. Their Downtown Revitalization projects include the installation of turn-of-the-century lighting on Main Street in Northport. They organized a Halloween Safe Zone, where the merchants give out candy to kids on Main Street for safety issues, so they don't have to go door to door. They play a major role in organizing Cow Harbor Day, which is a major annual festival in Northport this coming weekend.

MS. STRASSLER:

Yeah, race, 10K race, yeah.

LEG. COOPER:

With the nationally known 10K race. And they also host the Winterfest, which is the Friday after Thanksgiving, and each merchant decorates a tree. They have late night shopping, and Santa Clause comes down Main Street. And yes, Virginia, this is the real Santa Clause that comes. So, Terry, congratulations for all the great work that you do there.

MS. STRASSLER:

Thank you.

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(Applause)

(Photograph was taken).

P.O. TONNA:

Okay. Thank you very much.

MS. STRASSLER:

Thank you, and thank you for all your help.

P.O. TONNA:

Jon, are you up next, or we have another one? No.

LEG. COOPER:

I think that's it, so then we just --

P.O. TONNA:

I think together, the Huntington.

LEG. COOPER:

Right.

P.O. TONNA:

Okay. Legislator Binder, Crecca, Cooper, Tonna, and our senior Legislator, Legislator D'Andre, would like to present this proclamation to the Town of Huntington Chamber of Commerce. And I've heard so many wonderful things about the other Chambers and I'm glad to here it, but, Dennis, you know how we feel here in Huntington. I can't believe the job that you've done, not only you single-handedly, but working with the Chamber and all of -- you have been personally responsible for the revitalization of Huntington. Your energy level, I look at it and I say, "You know what, I want to be Dennis when I grow up." Maybe with a full head of hair, I'd be very happy. But all I can say is that you've done a magnificent, marvelous job with the Chamber and with really revitalizing Huntington. So with no further ado, I'd like to give you an opportunity to speak, both as the Suffolk County Chairman of all of the Chambers of Commerce and also the Town of Huntington. Thank you.

LEG. BINDER:

One thing I have to say about the Huntington Chamber of Commerce,

besides lauding Dennis Sneden, who has obviously taken the Chamber to new heights --

P.O. TONNA:

{He does hat checks} -- oh.

MR. SNEDEN:

Yes, that is happening soon.

LEG. BINDER:

The Huntington Chamber of Commerce is a commerce -- a Chamber of Commerce with a heart. They formed a foundation years ago and they have been involved in the Huntington community to a point where I don't know that any other chamber's ever done. The fact is that there are people in Huntington now who never got services, health services, who had to go miles and miles away to get their health services, because

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Suffolk County, frankly, didn't set up a health center in Huntington in its Station area, and didn't service this community, and we couldn't afford it over the years to do something. The Huntington Chamber of Commerce, through its foundation, did and it didn't stop there, all over Huntington with work programs, youth program. I can tell you that I have yet to see any chamber that has more of a feeling, not just about the {kah-ching} of the cash register to take care of business, but more of a feeling for its own community to make sure that the health of that community, the vitality of that community goes all the way down to those who could least afford to take opportunities with these businesses and patronize even the members of the Chamber. So it is a heartfelt and really proud feeling that I have to honor the Huntington Chamber of Commerce, and particularly Dennis for where he's taken it to new heights, and very proud that I'm part of Huntington and I'm a member of this Chamber.

LEG. COOPER:

I just wanted to say briefly that I love and respect Dennis Sneden more than any other Legislator, including those from my district, so I just wanted that on the record. Thank you. And that was heartfelt.

MR. SNEDEN:

Yes, thank you.

P.O. TONNA:

Dennis, say a couple of words, please.

MR. SNEDEN:

I would like that opportunity, thank you.

P.O. TONNA:

Bring the mike down a little.

MR. SNEDEN:

First, on behalf of the Huntington Township Chamber of Commerce, it really is an honor to be here today and to accept the proclamation, and to thank all of the Legislators for all their initiatives that they've done for the business community.

In Huntington, we're celebrating our 75th year as a Chamber of Commerce, and it has been my vision in the last two-and-a-half years to make the Huntington Chamber a community resource center. I truly believe that it is the partnerships that we form with our elected officials, with our not-for-profits, with our school districts, and with our civic groups that make us a very strong and vital Chamber of Commerce. So it really is an honor as CEO of the Chamber to accept

this proclamation and be here representing the thousand businesses that we represent in the Town of Huntington.

It's also my pleasure and privilege, as the President of the Suffolk County Coalition of Chambers of Commerce, to demonstrate the strength that the Chambers of Commerce have really in the last three years tried to share with all of you as the lead business agencies for our region.

I think the Suffolk County Legislature and certainly our Governor have made initiatives that have helped us do our job in representing the

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small business community. Here in Suffolk County, our small business community represent 80% of our economy. That certainly demonstrates our strength as Chambers and the direction we need to be going forward in in the future. If we can continue on this plain and we can continue to see these initiatives, Downtown Revitalization as well as other programs move forward, we know that here in Suffolk County we will continue to represent not only the small business, but the partnerships with everyone to make Suffolk County a stronger and even more vital community.

So, on behalf of the Huntington Chamber and Suffolk County Coalition, I thank our Huntington Legislators and all of you for giving us the opportunity to be honored here today and your support in everything that we do in the future. Thank you.

P.O. TONNA:

Thank you.

(Applause)

D.P.O. LEVY:

Okay. Well, the gentlemen are talking their photos. Do we have one more?

LEG. FOLEY:

Yes.

D.P.O. LEVY:

Legislator Foley.

P.O. TONNA:

Then start with the cards, Steve.

D.P.O. LEVY:

I shall.

LEG. FOLEY:

If all the Brookhaven -- if all the County Legislators who represent Brookhaven could come to the podium. We wanted to wait as long as we could to have Legislator Haley here, but for some reason, he's not able to be here at this time. I'm certain he'll be here soon enough.

So many great things have been said already about the -- a number of Chambers of Commerce, we'll keep our remarks very brief. But there's another group that we wanted to honor here today and that is the Brookhaven Coalition of Chambers. That is an umbrella group, if you will, of the various Chambers throughout Brookhaven Town that work together, work collectively to further the common goals of all the Chambers, whether on the South Shore, the middle of the town, or the North Shore, and it's also a way that various Brookhaven citizens and activists, if you will can get together in one room under one roof to discuss issues of concern throughout Brookhaven Town, because, as we know, Brookhaven Town is one of the largest townships in the State, if not the in the country. So it's through organizations such as the

Coalition of Chambers that like-minded people throughout the Township  
can get together to discuss issues of mutual concern that affect the  
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whole length and breadth of the Town of Brookhaven. Actually, from Fire  
Island north to the North Shore. So if Barbara Ransome could please  
step forward. Barbara's had a busy day this morning already. And,  
Barbara, on behalf of all of us, we'd like to give you this  
proclamation.

MS. RANSOME:

Thank you very much.

LEG. FOLEY:

And to thank the Chamber for a job very well done. And, please,  
express our gratitude to all the coalitions.

MS. RANSOME:

Thank you.

LEG. FOLEY:

Okay?

MS. RANSOME:

Thank you.

LEG. FOLEY:

Thank you very much. If anyone else would like to --

MS. RANSOME:

Thank you.

LEG. FOLEY:

Anyone else would like to say a few words?

MS. RANSOME:

Thank you.

LEG. FISHER:

Congratulations.

MS. RANSOME:

Thank you.

LEG. GULDI:

No, you said enough.

LEG. FOLEY:

Okay, fine.

MS. RANSOME:

Brian -- Brian very well stated our function here as a coalition in  
Brookhaven. We are a Chamber made up of 15 Chambers of Commerce. We  
have been in existence for about eight years. We have been involved  
with Celebrate Main Street America. We sponsor networking events. And  
I thank all the support that this Legislative body gives us. Thank you  
very much.

(Applause)

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D.P.O. LEVY:

Motion to extend the public portion by myself.

LEG. CARACAPPA:

Second.

LEG. GULDI:

Second.

D.P.O. LEVY:

Second by Legislator Caracappa. In favor? Opposed? Approved. We  
will now move to the public portion and the signature cards. I want to

make sure we have a quorum. We could use a few more Legislators, please, once Brookhaven Town is done with their photographs over here. Just for the record, we'll have Phyllis Garbarino as the first speaker, John Foley as the second.

LEG. CARACAPPA:

Phyllis, you're up.

D.P.O. LEVY:

Phyllis, you want to speak now, or do you want to wait for a few more Legislators?

MS. GARBARINO:

I'd like to see a few more Legislators, but I don't want to wait in the truck.

LEG. GULDI:

Don't wait for what?

MS. GARBARINO:

Yeah, it's --

D.P.O. LEVY:

Hang on.

MS. GARBARINO:

But with your permission, I would speak, because unless -- is everybody going to stay out all morning?

D.P.O. LEVY:

It's totally your call, if you'd like speak now.

MS. GARBARINO:

I'll speak now.

D.P.O. LEVY:

Okay. Thank you.

MS. GARBARINO:

Because as some Legislators arrive, others might leave, so I might not be in any better position.

Good morning. As you know, I'm here representing AME, and I'm here today to speak about two resolutions, Introductory Resolution 1923 and

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1816.

First, I'd like to speak about 1923-2000, which is to authorize an alternative work schedule for the John J. Foley Skilled Nursing Facility. I've spoken before both the Finance and Health Committees regarding this, and I believe that virtually every Legislator is aware of problems that have existed out there for a number of years when it comes to work schedule and retaining and hiring people. I speak in favor of the resolution, for as you know, a totally unacceptable and unreasonable situation exists at this facility due to the escalating problems of mandation and the inability of the Health Department to higher nursing staff because of the above-stated reasons. While we realize that this agreement is not perfect and does not please a small number of senior people, they are still protected with seniority rights with this first choice of the adjusted tours. AME also negotiated a monetary differential for the nursing personnel because of the adjustment in their work and life-style that they will have to take. This program will be continuously monitored by both AME and the Health Department, and if its purpose is not achieved within a six-month time frame, at that time, AME will be able to propose their own schedule. We did an intensive, though unofficial, survey of all health care

facilities in this region, hospital, nursing home and the like, and find out that this alternative work schedule to be the norm. I'm looking for the support of this entire body in order for this to go forward. And we will -- I'm sure the committees will constantly monitor with reports to see if this is working.

The second thing I'm here to speak about, Introductory Resolution 1816, is on the proposed new payroll system. I'm reserving an opinion on this resolution, because it is unclear to the union as to the need for this resolution. I left a letter for each Legislator and will read into -- it into the record for today.

"Dear Mr. Tonna: I would like to take this opportunity to express certain concerns the Association of Municipal Employees has with respect to the above-mentioned resolution. AME has no objection to the purchase of" -- "purchasing of capital improvements such as software programs, which would improve the efficiency of the County payroll system. However if this program is actually a foreshadowing of an attempt to privatizing AME unit work, the Union will make every effort to prevent the resolution's passage."

"Further, I would like to remind you that the AME Collective Bargaining Agreement has a job protection clause, which must be adhered to in the event there is an intent to privatize exclusive unit work in question in a more cost effective manner. It would be in the County's best interest to have the project completed in-house."

"I look forward to speaking to you and the other Legislators with respect to the intent and impact of the resolution."

Since this is two subjects, can I continue briefly? I must also ask why the necessity for this new system with two questions. First, conversations with department personnel indicate that County programmers could create the software, possibly with a few more

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programmers or overtime. And secondly, if the system is needed, why did the County spend approximately \$700,000 to make the present system Y2K compliant?

Another question. Right now, we know that no employee ever misses a paycheck. I've been here 23 years and can only remember one problem about 15 years ago, which was fixed immediately. What will happen when all of the bargaining units, with different agreements, are now in one payroll system? Exempt employees would also be in this payroll system. If any of the Legislators have received any answers to these questions, I would like to share a dialogue with you. And I had -- was at the Finance Committee when it was passed, but there was nobody there to answer any questions, so I still don't have the answers, and I don't have the technical expertise to know myself if this system is truly needed. Basic statement is, if it ain't broke, don't fix it.

LEG. GULDI:

Thank you.

MS. GARBARINO:

Okay.

D.P.O. LEVY:

Okay. Legislator Crecca, for a question.

LEG. CRECCA:

I'm just going to put the request in now that we have somebody from the County Exec's Office here at some point today who can speak on this

specific topic, because -- and they can maybe let us understand why we need to fix what apparently isn't broken. So I make the request now, so that later, when we're voting on this, there's --

LEG. GULDI:

You've got to wait until 10:30 at night.

LEG. CRECCA:

Exactly. And so I don't want to wait until 10:30, that's all. Thank you

--

MS. GARBARINO:

Thank you. Thank you very much.

D.P.O. LEVY:

We do have some representatives from the County Executive's Office.

Would you kindly relay that to them?

MS. GARBARINO:

Okay.

LEG. CRECCA:

Thank you.

MS. GARBARINO:

Thank you.

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D.P.O. LEVY:

Thank you, Phyllis. Okay. Our next speaker is John Foley.

LEG. D'ANDRE:

Mr. Chairman, while John Foley comes up, or he is up --

LEG. FISHER:

He's up.

LEG. D'ANDRE:

I also saw Joe Caputo there. I think this Legislature, or, Mr. Presiding Officer, this Legislature ought to recognize prior officers and prior members of this committee, as well as prior Presiding Officers like Joe Caputo. And I think we ought to give him a standing ovation for revisiting us, because they were wonderful. John's been here since the year one.

D.P.O. LEVY:

Well --

LEG. D'ANDRE:

A top, top-notch Legislator, a top Legislator. We named the hospital -- I mean, the nursing home after him. That's what we thought of him. And Joe Caputo is here, but I don't see him now. Oh, Joe is here.

TRUSTEE FOLEY:

Joe is here.

D.P.O. LEVY:

Well, thank you, Mike.

LEG. D'ANDRE:

I would call for a round of applause for both of them and respect that we --

D.P.O. LEVY:

All right. Very good. Let's here it for our former colleagues.

(Applause)

thank you. That was all to put the pressure on you, John. Okay.

TRUSTEE FOLEY:

Okay.

D.P.O. LEVY:

Now it's your floor.

LEG. D'ANDRE:

That was with deep, deep respect.

MR. CAPUTO:

Thanks, Mike.

TRUSTEE FOLEY:

Thank you, Mike.

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D.P.O. LEVY:

You got it, Mike. Okay.

TRUSTEE FOLEY:

Thank you, Michael.

D.P.O. LEVY:

All yours, John.

TRUSTEE FOLEY:

All right. Thank you. Thank you, Steven, or Deputy Presiding Officer.

D.P.O. LEVY:

You got it right the first time.

TRUSTEE FOLEY:

My name is John Joseph Foley, I'm here as a Trustee of the Suffolk County Community College, and I speak for myself. And I'm here essentially to say thank you on many points, particularly relating to the recent passage of the County, that is the County Community College budget.

As you know, we've just finished a sequence of the process that involves the College, the Community College, the Legislature, and the County Executive's Office, and we are now in the first steps, if you will, of a new fiscal year, and starting January, a new process in the sense, budgetary process will in effect develop.

It's important for us to remind ourselves, and not you good people, but some people who may be here or may not be here, that this process is exactly that, and there is carefully delineated in law, as well as in the Plan C Agreement, the responsibilities and the opportunities of the Community College to function and particularly to relate to its sponsor, which happens to be the Suffolk County Legislature.

I'm here to thank, very definitely to thank the Budget Review Office for all of its penetrating analyses and various recommendations. I'm here to thank Legislative Counsel for his opinions and not accommodations, and which are consistent and keeping within the agreement, as well as with the law. I thank you, Presiding Officer, for your immediate response of my letter of 8th of August in which on Pages 8 and -- 7, 8 and 9 of the Budget Review analysis, they draw our attention to the questions of discrepancies, as they call it, and you have now appointed a committee which will respond to that particular problem, so that everybody can be reading from the same fiscal page in the future.

I have only one suggestion and make that with the due respect to you as a body, and particularly you, Mr. Presiding Officer, as a person. I would suggest that the final report be made in writing, because in that way, you will certainly at least inhibit the efforts of spin doctors who sometimes put their own interpretation upon final decisions.

I would like to thank you also in absentia to the County Executive for

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having come forward with a four percent budget, as well two additional resolutions, but which would have required 14 votes. And I come here today to make -- give a big thank you, a big thank you to the Suffolk County Legislature for having come up with the Number 11 of the Year 2000. And that, let us point out and not -- never forget, and it's important to keep in mind, that that particular resolution had bipartisan sponsorship, it was not a partisan effort on anyone's part or any group's part. And, obviously, in the beginning, it had ten cosponsors and the final vote, of course, was 15 to 2 to 1.

Now, it was important for that particular resolution to be developed in order to achieve two major objectives, two objectives of the Community College. And it was apparent to you people, evidently, that the 14 votes could not be realized as presented in the County Executive's budget, and I say that respectfully. It was important, therefore, to devise a method, excuse me, whereby the positions for the management of the new Western Building could become a reality and, in a sense, equally, if not more important, the important factor of developing a program that could reduce the ratio between full-time and part-time or adjunct staff at the Community College.

I would like to quickly point out that that particular question of the staffing question, staffing ratio, was the -- a matter which had been the subject of a report by the self-study group at the time, the Mid-Atlantic States Evaluation Committee, and the Mid-Atlantic Estates Evaluation itself drew the attention of everyone, including the Legislature, as well as the County Executive's Office, that there was a problem existing there and it would have a negative impact if continued upon instruction. The Faculty Association also developed a white paper on this question, which was presented to everyone, and possibly also to this particular body.

The College, the Trustees lost a golden opportunity in August of '99 when Resolution 1790 of '99 was placed before it and that particular body of Trustees rejected that particular resolution. Unfortunately, one year was lost in the effort to reduce the ration to a more manageable proportion. If it had been passed at that particular time -- if it had been passed at that particular time, it would have been folded into the budget this year and we would be into the year two, not year one of the amelioration of this question of full-time versus part-time.

D.P.O. LEVY:

John, I'm going to try and give you some leeway. We're expired with time, but if -- I know you want to go on, it's very important for us to hear it, if you can just keep that in mind.

TRUSTEE FOLEY:

May I go ahead?

D.P.O. LEVY:

Yes, please.

TRUSTEE FOLEY:

Oh, okay.

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D.P.O. LEVY:

But I'd ask to just keep in mind that we're past the time. If you can kindly --

TRUSTEE FOLEY:

Oh, yes. I --

D.P.O. LEVY:

-- try to wrap it up, that would be appreciated.

TRUSTEE FOLEY:

Yeah. I'll do it as quickly as possible.

D.P.O. LEVY:

Thank you.

TRUSTEE FOLEY:

And if you want to cut me off at any time, you certainly may, Mr. --

D.P.O. LEVY:

Thanks. If you could just and --

TRUSTEE FOLEY:

And I know you have no intention of doing that.

D.P.O. LEVY:

Right.

TRUSTEE FOLEY:

Thank you, Steve.

D.P.O. LEVY:

Throw that out, right?

TRUSTEE FOLEY:

Now, certain points did come up in the long discussion that you people had on that night and that certain points were made about the fund balance, for example, but let us get -- in the interest of brevity, Mr. Presiding Officer.

How quickly some people forget that Resolution 2250 of '98, between December 15th and December 29th of that year, at the request of this body and at the request of the Trustees of the Community College, some \$2,139,540 was transferred from the Surplus Fund and transferred into the Operating Fund, so that the Faculty Association contract cost could be met, but no one mentioned that during the debate or the discussion. And I submit respectfully and humbly that there can't be a double standard on these kinds of things, although some people would like to have it that way.

On the question of the Hay matter, that will come up again on our meeting on the 15th at 8 o'clock in the morning, no doubt, because the Hay group will appear. But I would just like to say in passing that it's important to realize that this matter has been hanging fire since December of last year, when we were asked to vote on this particular matter of the Hay Study over the phone, and some of us objected so

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strenuously that it was not done, and, as a matter of fact, the report has not been finalized at this particular time. And the Budget Review Office makes a very salient point when it indicates that it's necessary to have the criteria in place before making promotions.

Now, the question at times of micromanaging arises and that's one of the favorite code word of people who like to hide behind certain things. The former president, John Cooper, loved to do that, and, at times, we see the same thing at this moment in time. I would simply say that Mr. Caracciolo has every right to pursue the fiduciary aspects of this particular question or any question that relates to the Community College as part of his responsibility as a Legislator in this body. Mr. Cooper has a responsibility and exercises that

responsibility when he asked for a tracking on the question of advertising dollars. And I would simply say, internally, we've had certain problems on information flow to the Trustees or among the Trustees themselves. I personally have had to have two, two FOIL experiences, one defined specifically the costs of and where the monies went in relation to advertising, and, no this way reflects upon the people who are doing it, but it certainly is the right as it turned out. And I'm happy to see Mr. Caputo here, and he was one of the people who said, "As a Trustee, you're entitled to that kind of information without having to go the FOIL route." I went the FOIL route, appealed the decision and was awarded that information. And more recently, more recently I had to go the FOIL route in order to get the information to get a copy of a letter of resignation of a person who resigned on May of this year, in May of this year, and I did not receive a copy of that letter until after the last meeting of the Board of Trustees.

When people talk about micromanaging, to share information is not -- whether it's externally or internally, that is not micromanaging. And that I will leave with the Presiding Officer a copy of Derrick Robinson the County Attorney's opinion on my filed appeal in which he said this matter is disclosable, but two names should be redacted. And when you see the redactions and read the thing in its entirety, as an intelligent group of individuals, as well as a body, you'll be able to make a very accurate estimate, not a guess, as to who those two people are and who made the actual decision to require that. In the interest of time, I will not read it, but I'm asking the Presiding Officer to make copies for you.

I would here today, however, I would here today indicate that, in my opinion, the suppression of that letter and its contents was one of the most vicious, one of the most vicious and unprofessional actions that I've ever seen in all my years of public service. Now, having said that, I note that in some of the writings, that there is, in fact, distrust, some people believe there's a distrust between the Legislature and the Board of Trustees, and that's why I'm here to say thank you to you people. I realize that you are the sponsors, I realize you have responsibilities, I realize what the Plan C Agreement says. I was the Chair of the committee at that time when that particular piece of legislation was put together. And I certainly, based on my own recollection as well as that legislation, and I stand ready to be corrected, the question of salaries is not included in the powers granted to the Community College under the terms of the Plan C

00046

Agreement. It is not, even though some people incrementally, I'd like to just use that word, would like to make it their power.

Now, having said that, there are certain suggestions which I'd like to make, respectfully. The constant liaison must go on between the Board of Trustees and those people selected to do so. And, again, results should be in writing to prevent the spinning on the results. If there is a looming deficit of an unrealized surplus, according to the semantic twist that went on in relation to this thing, that particular looming deficit should be reported as rapidly as possible to this body. And it would strike me that it's certainly within your province to put forward legislation on this particular matter, or even if necessary,

whichever is the proper way to go to amend the Plan C Agreement, to compel people to appear before this body, as well as the County Executive, to report the looming deficit. Because, if I'm not mistaken, if my recollection serves me, and I stand ready to be corrected, the County Executive, under the terms of the Charter, must have come before this in terms of a deficit and to report the methods and the steps that he will take to correct that. And I can remember Mr. John Klein making that very, very same report to the Legislature, I believe at the Hauppauge office.

The Budget Review Office makes a very important contribution to a discussion on the question of out-of-county tuition, and I would draw to your attention the report by the Budget Review Office of March of 2000 on this particular question. It is again referred to in its analysis, which is before you, or was before you at the time of the budget discussion, and that is to create by State legislation, as difficult as it might be, to get legislation on the books, at least be introduced at the State level by some people who are, let's say, friends of the College, to have that kind of legislation proposed, which will help create a disincentive for the people, and not as many will go to the Nassau County or to the Nassau Community College. I have to say, in closing, but I have one more point, Steve, I have to say, even though this is a very positive, and I'm happy, moment, and I'm happy to be here to say thank you to people, but I have to come to a rather discordant note. Now, you people recall the debate that took place on the question of the various RESOLVED clauses of the legislation, Number 11 of 2000. And I am going to ask a question, through the Chair, of Mr. Sabatino on this particular matter. Mr. Sabatino -- May I, Mr. --

D.P.O. LEVY:

Sure, please.

TRUSTEE FOLEY:

Mr. Sabatino, is it your recollection that the second RESOLVED clause was amended in any way, other than the change from required to request? If you think that's a leading question --

MR. SABATINO:

That was the -- that was the paragraph that dealt with the verbatim minutes, and the change that was made that night was to convert it from making the -- making the requirement a term and condition of the budget into just precatory language, which was requesting that the College

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comply.

TRUSTEE FOLEY:

I hope I can find this as quickly as possible. Oh, here we are. Now, we are meeting at 8 o'clock on the 15th. And I want to read to you verbatim, I don't have copies, but I'll leave it here if necessary, I want to read to you from the proposed minutes of the Board of Trustees meeting of August 10th, in the light of this question and in the light of the response by Counsel, and in light of your own recollections. "A roll call vote was taken to adopt the second RESOLVED in the County resolution requesting the Board of Trustees adopt a policy of providing verbatim minutes of all board meetings. However, however" -- is Mr. Crecca here?

LEG. FOLEY:

No.

LEG. ALDEN:

It doesn't look like it.

D.P.O. LEVY:

No. Go ahead, John.

LEG. FOLEY:

Go ahead.

TRUSTEE FOLEY:

All right. "However, the wording of the second RESOLVED (that is, all regular meetings, special meetings, committee meetings, and subcommittee meetings of the Board of Trustees) was changed to "public sessions of general meetings of the Board of Trustees." It was agreed that a copy of the verbatim minutes will be sent to the County Exec, the Clerk of the Legislature. One copy will be filed," and so on. "The Trustees also agree that the President's secretary will continue to take the minutes, as in the past." The vote was unanimously -- unanimous in this question. But the real question here then is, if there -- if there will be two sets of minutes, obviously, there is one set, which is the official set of minutes, and it is the verbatim, in my opinion, and I would hope and I imagine after the action of this body, the verbatim minutes are the official minutes of the Board of Trustees of the Community College and not the potentially truncated and at times watered down minutes that we have been laboring with. So you made a great contribution to the Community College, and I thank you to move in the direction of verbatim minutes. And in keeping with the response of Counsel on this particular matter, it's clear, it's clear to me and I would hope -- I believe it would be reflected in your own minutes, that the question is all regular meetings, special meetings, committee meetings and subcommittee meetings of the Board of Trustees will be subject to verbatim minutes.

D.P.O. LEVY:

John, I'm going to open it up to questions --

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TRUSTEE FOLEY:

Yes. Thank you.

D.P.O. LEVY:

-- because I know there's a number of Legislators that would like to be.

TRUSTEE FOLEY:

Sorry, I took too long, Steve.

D.P.O. LEVY:

So let's start with Legislator Foley.

LEG. FOLEY:

Thank you. Thank you, Mr. Chairman. And it's -- just for the record, it's noteworthy to have at least one Trustee thank this Legislature for the work that we do for the Community College, because over a period of time now, the posture of most, if not -- I'll say most Trustees is one of confrontation with us. So it's not only nice, but it's also noteworthy that we have a Trustee who realizes the great work that this Legislature does as the local sponsor of the College, and it's a refreshing change to hear a Trustee speak about the need to -- not only to thank us, but to want to work cooperatively.

John, I just want to follow up on one point that you mentioned.

TRUSTEE FOLEY:

Trustee.

LEG. FOLEY:

And then this is -- and this is something that we need to flesh out a little bit more, because some of my colleagues, our colleagues may not appreciate the point well enough.

Now, it's your understanding that at the last board meeting, when they adopted, let's say, the rules of verbatim minutes, they also agreed to keep prior -- to keep minutes that reflect the prior summarized minutes? In other words, it's your recollection that the majority of the Board is going to keep two sets of minutes, and that they have not officially adopted verbatim minutes as the official minutes of the College?

TRUSTEE FOLEY:

Well, I'm going on leave this particular page to you people, for you people.

LEG. FOLEY:

Okay.

TRUSTEE FOLEY:

But that there is, I would say, that kind of murkiness on this.

LEG. FOLEY:

Right.

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TRUSTEE FOLEY:

But because one of the Trustees did indicate that it might be nice to -- it might be nice to have two sets of minutes and it's possible that we might -- we might even adopt the minutes, the nonverbatim minutes and as we've done in the past.

LEG. FOLEY:

Okay, okay.

TRUSTEE FOLEY:

You know, we might be able to do that.

LEG. FOLEY:

So there's a lack of clarity.

TRUSTEE FOLEY:

Now, that kind of comment was made and then that becomes a de facto statement as representing the policy of the entire Board.

LEG. FOLEY:

Understood.

TRUSTEE FOLEY:

So that kind of thing goes on, but it strikes me, and if necessary, I would request that this body reinforce the notion --

LEG. FOLEY:

Yeah.

TRUSTEE FOLEY:

-- that the official minutes of the Board of Trustees of the Community College will be the verbatim minutes in those particular committees, which are delineated in your second RESOLVED.

LEG. FOLEY:

Just one quick follow-up, if I may, Mr. Chair. This lack of clarity, as you mentioned, I think to the Chair of the Education Committee, Mr. Cooper, I would ask Jon Cooper, Jon, that you would -- no relation to the former President of the College, but that you would request both

members of the Executive Board of the Community College Board of Trustees, as well as the President, to attend our next committee meeting to discuss the points that have been raised here today by Trustee Foley. They are of a serious nature.

If, in fact, Mr. Chairman there are two sets of minutes now being kept, that is a breach of faith with what was discussed quite late in the night at the budget meetings for the Community College. So I would ask, Jon, that you would ask them to please attempt to follow up on that point.

And, finally, if I may say to Trustee Foley, that if you could also take back to your Trustees meeting, that as of late, there have been times when not even one high ranking member of the administration is attending our committee meetings. Now, even if there isn't any, let's say, business on the docket for the College, per se, it has always been my experience, both as a Legislator as well as an Aide in this body,

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that either the President himself, usually the President, but definitely the top staff, top administrative staff would -- in the past would attend every Legislative committee meeting dealing with the education component of our budget, whether there's a -- whether there's a resolution on the Education Committee dealing with the College or not.

And I think it's symptomatic, it's illustrative of this confrontational approach that is somewhat poisoning the relationship between this Legislature and the Trustees, not of our making, by the way, not of this body's making.

So I would also ask, Trustee Foley, that you would, as one Trustee, again, to use the word, not only request, but require, ask that the top administration be required to attend our committee meetings, so that even if there isn't a resolution on the agenda, just by being there, there may be questions that committee members will have about the College, so that the administration can be there to answer those questions.

D.P.O. LEVY:

Okay. What I --

LEG. FOLEY:

Thank you.

D.P.O. LEVY:

What I'm --

TRUSTEE FOLEY:

Thank you.

D.P.O. LEVY:

We do have a couple of other people who want to have questions. But what I want to try to stress is that this is a very important issue.

We're glad it came to the forefront, John, we appreciate it. Perhaps what we can do is bring this to committee and have a fuller hashing of this matter at committee. I don't want to cut anybody off from asking questions, but let's try to keep that in mind. Legislator Alden?

LEG. ALDEN:

And with that in mind, I have every faith and confidence in Legislator Cooper, and that's really where that belongs, that question. So I'm glad Legislator Foley actually brought that up.

D.P.O. LEVY:

Okay. Legislator Crecca, and then we'll move on.

LEG. CRECCA:

Yeah. Actually, my comment was similar to Legislator Alden's. I just wanted to add, though, that in my tenure, I've come in contact with a number of Trustees from the College, and I have to say that I've always been treated with the greatest respect from all of the Trustees I dealt with. I know there was a comment made earlier that some of the Trustees haven't respected, but I can only speak for me personally. And I've also been dealt with great professionalism. There are a

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number of issues that I've disagreed with some of the Trustees on, but they've respected my position as a Legislator and respected me. And I have to say that everyone I've dealt with from the administration and the Trustees has shown great professionalism to me. And I do want to thank you for bringing that to our attention. Certainly, I would ask Legislator Cooper to look into it, but thank you.

D.P.O. LEVY:

Okay. Let's -- do you need to say anything, Jon?

LEG. COOPER:

I just wanted to say that it clearly was the understanding that we had, that verbatim minutes would be taken and that they would be the official minutes. So I certainly will be inviting, requesting Sal LaLima to address the next committee meeting. I'll invite the other members of the Executive Board, and I hope to get this resolved.

D.P.O. LEVY:

Very good. Thanks.

TRUSTEE FOLEY:

If I can conclude --

D.P.O. LEVY:

To conclude, John?

TRUSTEE FOLEY:

-- with one point, Steven.

D.P.O. LEVY:

Yes, please.

TRUSTEE FOLEY:

Two points. Quickly, one, the role of the President of the Community College was outlined succinctly in the Educational Consultant Service Report some years ago and it indicated that the major responsibility of the President of the College was to develop a relationship with this body, as well as the County Executive as his major responsibility in the interest of harmony.

Now, also, I have for you, and I have a copy here before me, but I have copies outside and I'll bring them in and the Presiding Officer can distribute them at his discretion, namely a copy of the Ammerman Campus newspaper called the Compass. And fortunately -- fortunately, Mr. Cooper is quoted in here, and at this particular point, I'd just like to read as to something which actually helps create this, let's say, feeling of disharmony. Of course, somebody's going to say they're misquoted, so we can start there. But it says, and I say President LaLima feels the Education Committee may have a political agenda behind their decision-making. "We should be able to run an educational institution without political interference." And fortunately, Mr. Cooper responded, and responded in such a way that is clear. And Mr.

Cooper said, "Mr. Cooper does not believe that is true." He said, "I don't believe it's a fair assessment, and it's not helpful." Cooper said, "As long as I'm Chair, I'll do my best to make sure political considerations will never be driving force of decision-making in this

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committee." And in closing, I find that a very strange comment on the political role, coming from --

D.P.O. LEVY:

I guess you're referring to Mr. -- President LaLima --

TRUSTEE FOLEY:

Yes, sir.

D.P.O. LEVY:

Lalima's comments.

TRUSTEE FOLEY:

Yes, right. Not Mr. --

LEG. FOLEY:

Thanks.

D.P.O. LEVY:

Okay. Thank you very much, John.

TRUSTEE FOLEY:

Right. Thank you. I appreciate your kindness and --

D.P.O. LEVY:

All right. I'm sure this will be taken up --

TRUSTEE FOLEY:

Thank you.

D.P.O. LEVY:

-- further at committee, and we're all very interested in the topic.

TRUSTEE FOLEY:

Okay. Thank you.

D.P.O. LEVY:

Thank you, John.

TRUSTEE FOLEY:

Thank you very much. It's good to be --

D.P.O. LEVY:

Okay.

TRUSTEE FOLEY:

Good to be here.

D.P.O. LEVY:

Thank you. Good to see you again. Moving on. Next speaker, Annette Sparacio.

MS. SPARACIO:

Hi. My name is Annette Sparacio. I reside in Mastic Beach, and this is regarding the Sober House Law.

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D.P.O. LEVY:

Just speak very closely into the microphone, please, Annette. Thank you.

MS. SPARACIO:

As you know, the Citizens Action Coalition has about 500 members, and we have -- as you know, the Citizens Action Coalition has approximately 500 members, and we have -- on behalf of them, we have spent approximately 60 hours in this chamber trying to convince and explain why the Sober House Law should be passed. We have demonstrated there

is, one, no regulation on these homes; two, no accountability; and three, residents have no respect for their neighbors or the community at large.

When we first approached this body, we had -- we knew of ten homes. To date, we know of 25. And as of an hour ago, there were two more reported. And we have had to seek this information on our own. You have heard these houses are unsupervised. You have heard these houses have as many as 20 individuals in one dwelling, creating a health hazard. You have heard there is no regulation as to how many can be placed in one street. We have reported drugs, smoking of marijuana, and alcohol being used at the locations. We have eyewitnesses reporting an overdose of drugs at one location on Revilo in Shirley, where the person was taken out in a body bag, with young children seeing the entire operation. At this same location, there are some 15 to 20 men living and one individual has permission to have his young daughter visit overnight. She sleeps in his bed with -- she sleeps in the bed with her father and other strangers in the room. We have reported constant traffic to and from these houses, general peering in the windows, or just staring at people on their own decks in their own home. This is obviously -- this, obviously, is not enough for this body to do something.

What do we do to make you see this is a severe community problem; maybe a catastrophe, such as happened in Huntington, when a home with several individuals burned down and prompted the passage of the rental law in the Town of Brookhaven. Have the courage and the conviction to see this problem before it escalates even more. Pass the Legislation 1155 for the good of all persons concerned.

D.P.O. LEVY:

Perfect timing.

MS. SPARACIO:

Now, I'd like to break away for one minute.

D.P.O. LEVY:

Okay.

MS. SPARACIO:

And this is just a statement for the record. With regard to the last meeting on the INS Bill, I was appalled at the treatment we as citizens received that day. The chamber was half filled with illegals and three of us who are citizens had to stand outside. I am a dialysis patient, another woman was pregnant, and yet another woman had had an operation recently. The two of them begged for seats and got them. I stood

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outside. And when Mr. Tonna, who's not here, unfortunately, past in front of me, I asked him why the citizens were standing in the lobby and the illegals were in the chamber? His answer was, quote, "You should have gotten here earlier." I took offense to this and I would like an apology. This is a classic case of taxation without representation. My family has paid taxes in Suffolk County for 60 years, and I had to stand while the charade went on.

The people representing illegal -- the illegal aliens portrayed us as racist. This is the fashionable argument of the day. And not one of you, other than Legislator Caracappa, came to our defense. Deep in your hearts I'm sure you know we are not racists, but concerned American citizens.

D.P.O. LEVY:

Thank you, ma'am.

(Applause)

Just to defend this institution, I'll say I did support the Sober House Law and I will again in the future. But regarding who comes to sit in these seats and who does not, there was no evidence at that last meeting who was a legal citizen here and who was undocumented. Just because someone might be Spanish looking does not mean they are undocumented, ma'am. And we're not going to be in a position to start kicking people out of their seats if they came here early enough and took a seat. We're sorry that you did not get a seat. That's another issue that perhaps we can have a bigger auditorium, but it is not going to be the practice of this Legislature to evict people from their seats. That being said, Legislator Foley had a point.

LEG. FOLEY:

Thank you. I just want it clear for the record that later that night, when we actually voted on the bill, many of us who spoke at the end of the night, after hearing scores of people speak on both sides of the issue, almost all of us, however we voted, did state on the record clearly that we believe that those who were supporting the bill, some of those who sponsored the bill were not in any way, shape or form racist, that you had legitimate concerns that were echoed by a number of speakers, and that were part and parcel of why the resolution was sponsored. So I just want to allay your concerns that it wasn't just Joe, I include myself and others who voted either one way or the other way, but we did state on the record, many of us, that those who were supporting the bill, and certainly the sponsor of the bill, were not racist in any way, shape or form.

What was unfortunate was some of the -- as you know, some of the comments that were made by some in the papers equating the issue with the Nazi occupation, and that's what helped inflame the rhetoric, so to speak. But I want you to be reassured. And I, as one person who last year voted against Legislator Caracappa's bill, but this year did vote for it, I can say unequivocally for all of the colleagues here that I don't think any of us stated on the record, in fact, some of us did state on the record that those who were sponsoring the bill, many, if not all, but many of those who believed in the bill were not racist in any way, shape or form, and that what needs to happen now from this

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point forward is to try to find another avenue to try and come to grips with this ongoing issue.

So I just wanted to reassure you in this respect, it wasn't just Joe, others of us also said on the record that supporters of the bill were not racist.

MS. SPARACIO:

Well, obviously --

LEG. FOLEY:

Most weren't.

MS. SPARACIO:

Obviously, the news media didn't pick up any of your statements, because not one of you were quoted as saying anything like that.

LEG. FOLEY:

It could have been the lateness of the hour, too. It was closer to

midnight.

LEG. CARACAPPA:

Thank you.

D.P.O. LEVY:

Next speaker is Grace Ioannidis. Ioannidis.

MS. IOANNIDIS:

Good morning. My name is Grace Ioannidis. I'm the President of the Citizens Action Coalition. Perhaps Annette's speech was a little bit repetitive, but I'm going to read my statement. And I apologize for those who have heard this over and over again, but we want to demonstrate that we're not asleep, we're a community that is active. I have with me 500 petitions have been mailed. These are not petitions that have been gathered from people on the streets, these are petitions that people take the time to sign it and send it to us. We will submit it when the time is right. I believe today is not the time, but I just want to demonstrate to everybody that with me, I have 750 petitions. We have already submitted to you about five other -- 500 others. This is an issue that is County-wide, an issue that as a civic we're fighting, and an issue that someone has to pay attention to.

Again, the Citizens Action Coalition's main objective was to once again expose another issue that deals strictly with quality of life. We seek safety for our children, safety for the elderly. We seek regulatory and licensing measures to be implemented by this level of government to the Department of Health and Social Services. We have demonstrated the State has failed our residential neighborhoods in order to reduce costs, and did away with institutions.

Our County Executive, Robert Gaffney, has vetoed Sober House Law, but has publicly admitted we have a problem. By passing this issue to the State is only avoiding to deal with this issue through the Health Department, which is under your County's legislation jurisdiction.

While you take this time to decide, every day our telephone hotline, which we have installed, receives a call daily on another new sober

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house.

The safety of our children is being compromised. The safety of the men and women living at these unsafe, overcrowded conditions is compromised. Our houses are losing value. Our neighborhoods are becoming dangerous. Slum landlords lining their pockets with ten on fifteen people living in a house and obtaining between two-and-a-half thousand dollars to \$3,000 a month. We continue to deal with the transits coming into our neighborhoods for no longer than six months, and, finally, the defacing of the character of our neighborhoods.

The Town Neighborhood Preservation Act Rental Law, the Sober House Law, and the most recently proposed resolution of suing the INS for not doing its job was an attempt of legal measures and a sincere attempt by those of you that voted in favor and proposed this, which was Joe Caracappa and cosponsor, Fred Towle. I thank you. These efforts are not racist, just an effort to save our neighborhoods. And let me just step out for a minute. We, as Hispanics, have the right to fight discrimination, but it does not earn us the right to break the law.

Thank you very much.

D.P.O. LEVY:

Thank you, ma'am.

LEG. CARACAPPA:

Thank you, Grace.

LEG. FOLEY:

Thanks, Grace.

(Applause)

D.P.O. LEVY:

Sister Mary Waters. Sister Mary.

SISTER MARY WATERS:

Good morning.

D.P.O. LEVY:

Good morning.

SISTER MARY WATERS:

It's still morning? I come here again today to represent the Shelter Providers Association in reference to Resolution 1587. And despite the many efforts and considerations already given to us by Legislator Postal and the committee in revamping it, we, the Shelter Providers, still believe strongly that this resolution is redundant and unnecessary. We're particularly concerned about Section 3, B-3, which drastically limits site selection by stating that no more than four congregate emergency facilities may exist within a two square mile area. I was trying to visualize that yesterday when I was preparing my talk, and being a visual person, I pulled out a map of the Village of Patchogue, which, ironically, is 2.2 square miles, and it looked to me like a pretty big area. Patchogue has a population, and I don't mean to single Patchogue out specifically, but I'll just use that as the example, has a population of approximately 12,000. With an average

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household of four, that's about two to 3,000 homes. Four shelters in that area would account for about 48 supervised people or families, which is about .005% of the population. Well supervised, I believe they certainly could not have a negative affect on the quality of life in that area. Even if there were ten scattered throughout, it would still only be 1% of the population, hardly significant and certainly not substantially alter the nature and character of the area, which the bill suggests.

With the dramatic rise of homelessness in Suffolk County, the unavailability of affordable housing and the desperate attempts by DSS to house people at this time back into the motels again, where there is no supervision, cooking facilities, etcetera, any restriction of site selection is anathema. I believe that those of us charged with the shelter, care and advancement of Suffolk's homeless population need to do all in our power to help refocus and upgrade the quality of their lives. This issue of site proximity will further hamper our efforts to expand and properly serve the increasing number of homeless. For us, site supervision, quick accessibility by administration is essential for the responsible running and operation of the shelters. This and access to public transportation and services are reasons that we choose to situate them centrally.

I ask you today to please reconsider the viability of this bill in any way, shape or form. I believe it serves no purpose to anyone, least of all to those most in need among us. Thank you.

D.P.O. LEVY:

Thank you, Sister.

LEG. FOLEY:

Thank you.

LEG. FISHER:

Thank you.

(Applause)

D.P.O. LEVY:

Next speaker, Michael Towers.

MR. TOWERS:

Good morning. I just want to first say I appreciate, I'm sure we all appreciate the Legislators that have remained to hear the public portion. My name is Michael Towers and I am the President of the Suffolk County Electrical Contractors Association. I am here this morning to inform you that we strongly oppose Resolution 754-2000, which reads, "A local law to ban County occupational licenses for violators of employment laws." After reviewing this resolution, we have concluded that this legislation, if passed, could put business owners out of business if they violate any State, Federal employment laws, including, but not limited to, the Internal Revenue Code, the New York State Labor Law, Section 345(G) of the Suffolk County Code, and Federal Immigration and Naturalization Service Laws. Is our understanding that these laws, if violated, have specific penalties of their own with their respective agencies. It appears that along with those penalties,

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the first or any offense of these laws, whether violated intentionally or not, would constitute the removal of a license holder's occupational or a business owner's occupational license for a term of one year, then five years, then a \$5,000 fine.

Please, understand that if you remove a business owner's occupational license, he or she will not be lawfully permitted to do business in Suffolk County, and their businesses will close. The business owner and his or her employees will be out of work, and then to open their business again one year later seems very unlikely. It is our opinion that this legislation, if passed, could create great hardship to business owners, their families, their employees, and their employees' families. This could happen just because of a simple mistake. Does the violation of any of those laws individually justify putting someone out of business? This resolution could realistically affect many of the approximately 13,000 occupational license holders and their families, most of which reside in Suffolk County.

Over the past week, I've spoken to many small business owners. Many of them have owned businesses for 10, 20, some of them even 30 years. They've told me stories of how they have broken certain laws and in most cases unintentionally. They made changes, they paid fines. They learned from their mistakes and they moved on. There are many laws that are written that people or business owners, they're not even aware of, and then they find out after they've violated or broken any of -- some of those laws. They've made changes and they've moved on. I can't imagine the fact that now people would have their livelihoods taken away from them just because of a mistake.

The proposed legislation also states that each licensee shall maintain a record of names, addresses, dates of employment, compensation rendered, and social security numbers of any person who performs labor or services for the said licensee. The said record shall be available

for inspection by any person or entity designated by the director. Now we assume that that would be the Director of Licensing. The records listed above, or, actually, that I just stated, are records that employers are required to maintain already because of other laws. Why will the County have a law requiring us to maintain these records also? Why does the Director need the authority to designate a person or entity to inspect business owner's employment records. There does not seem to be any valid justification for this resolution in our County. Please consider withdrawing this resolution.

D.P.O. LEVY:

Thank you.

LEG. D'ANDRE:

Mr. Chairman.

D.P.O. LEVY:

We have Legislator Alden first, followed by Legislator Caracappa.

LEG. ALDEN:

Hi. Thanks a lot for coming before us. And just as a prelude to my questioning, I just want you to be aware of I was a small business owner for approximately twenty something years, having a number of 00059

different businesses. We employed up to a thousand school bus drivers at one time. So having said that, what are you afraid of as far as breaking a law? And what laws specifically are you afraid of that you can accidentally break?

MR. TOWERS:

Well, if you --

LEG. ALDEN:

Because you're talking about professionals, people --

MR. TOWERS:

Yes.

LEG. ALDEN:

-- that are in business. Okay.

MR. TOWERS:

Yes, we're talking about professionals. But the way this is written, now I had listed the laws, the Internal Revenue Code, the New York State Labor Law, Section 345(G) of the Suffolk County Code, which is basically the same as this law that's written here. This is actually added to that. And then the Federal Immigration and Naturalization Service Laws. Now, these particular laws that I just stated incorporate I can't even tell you how many other laws. I'm not a lawyer. But there are many laws that are incorporated into these four areas. Okay? Some of them are serious violations, and some of them are small violations. What we're saying is the letter of this law, what this law is saying is that if we make a mistake, whether large or small, according to this resolution, our licenses will be removed.

LEG. ALDEN:

Okay. And if you're here lobbying for a delineation between like a large type of violation or a small violation, I'm going to listen to you. But you know what, I have a real problem with other businesses that come in here and they operate it on a cash basis. They don't pay their taxes, yet they expect every government service to be provided to them free of charge, so -- and another statement that you made before, where you actually -- where you keep all these records, why would you

have to be afraid of a Commissioner being able to look at those records when INS can look at them, the IRS can look at them, New York State Tax, federal tax, all those -- every entity can look at those. So why would you be afraid of opening that up to us?

MR. TOWERS:

Well, basically, it's somewhat broad as well. The Director, it -- basically, there's no checks and balances. There's one man for -- and it doesn't say for what specific reasons, but the way we're reading it is that there's one person that can say, "I want to see your records." And I think that there's a process. I mean, I've, personally, never been in that type of trouble.

LEG. ALDEN:

Okay.

00060

MR. TOWERS:

But there is a process --

LEG. ALDEN:

Good. Then, actually, what I'm hearing is you're changing your argument. You're arguing for a couple of substantive changes in the regulations that would make -- maybe we should follow the same procedure that the IRS follows when -- you know, give notice to bring your books down or something like that. If I hear you correctly, then that's fine. But on the other hand, if I hear you ask for that bill to be withdrawn and for the reasons that you gave, then I have no support for you at all, because what you're trying to do there is you're trying to protect people that are operating outside the law. And I for one always operated inside the law. I paid my taxes, and I was audited and by more agencies than you can imagine. And my books were open to everybody, so I want to see that type of cooperation.

MR. TOWERS:

Well, I think that -- you know, let me give you my personal example. I endeavor always to work within the law, okay, in my personal business efforts, and I believe that I represent an association that feels the same way; okay? So I don't -- I want to make it clear that I'm not standing here representing people that want to break laws --

LEG. ALDEN:

Good. Because if you're charging cash and then you're paying cash, you're breaking the law, and that's a make major law, as far as I'm concerned.

MR. TOWERS:

Absolutely, and that's not what I'm representing here.

LEG. ALDEN:

Good.

MR. TOWERS:

Okay? What I'm representing is a concern of something that seems to be written very broadly and could affect somebody from making a mistake.

LEG. ALDEN:

Okay, good. Then I think we're on the same page, because you're asking for a couple of substantive changes. And I would ask the sponsors of this legislation to give serious look to possibly tightening it up in a few areas. But from what I sound -- what I hear now is you're not really opposed to the concept of that bill, you just -- you don't want to be penalized for a minor violation and be put out of business, and

that's legitimate.

MR. TOWERS:

Well, let me say this. I know that Thursday was the public hearing, the previous two Thursdays ago. We -- I actually received a copy of this that evening. And as a business owner and a representative of my association, I was very concerned. I thought to myself, if I, as a business owner, make a mistake, the way this is written, it seems to me that I lose my license. Now, my occupational license -- let me tell you something. When I set out to obtain my occupational license in the  
00061

electrical industry, I had to go through years of experience and then a rigorous test that the County has to obtain that license. Now --

LEG. ALDEN:

I'm right with you on that, because my license --

MR. TOWERS:

This --

D.P.O. LEVY:

All right.

MR. TOWERS:

I'm sorry.

D.P.O. LEVY:

Let --

LEG. ALDEN:

We have to -- we're moving along. But our license is the same thing.

D.P.O. LEVY:

Let's go on. We've been there. Go head.

LEG. ALDEN:

Under the appearance of impropriety, I lose my license. But if you are talking about maybe tightening up the review process and things like that, and maybe the penalty or the penalty for, you know, like minor violations and things like that, I'm right with you on that. But I will not support withdrawing a bill that is going to require people to comply with the law.

D.P.O. LEVY:

Okay. That has been noted. Let's move on. Legislator Caracappa.

LEG. CARACAPPA:

Thank you, Mr. Chairman. Mr. Towers, thanks for coming down. It was nice talking to you on the phone last week about the bill. I also got a call from NECA, the National Electrical Contractors Association, who's in favor of the bill. But where -- and I made you a promise and also them a promise that I'll bring it to the table and we'll make some changes based on what you said, what your fears are, the legitimate fears. And I'm willing as a rational person to work with you in that regard to tightening up. I am in no way, shape or form going to withdraw the bill, because it goes exactly to what Legislator Alden was saying, just basic common abiding by the law. As professional contractors such as yourself and many, many others across the County, you do abide by these laws on the federal level, the state level. You get a license from the County, and you should adhere to laws that are on the books pertaining to every level of government and the laws that are passed by bodies such as this. So I will work with you. We're going to hold the bill in committee until we make those changes where everyone can live with it, but I will be looking for a passage of it, I

will not be withdrawing it. And when the day is done, hopefully, it will be a bill that everyone can live with and be proud of.

00062

MR. TOWERS:

Okay.

D.P.O. LEVY:

Okay.

LEG. D'ANDRE:

Mr. Chairman.

D.P.O. LEVY:

Thank you all. Legislator D'Andre.

LEG. D'ANDRE:

It seems to me we had enough laws covering our people. Where we don't have laws is covering aliens, and that's the problem here.

(Applause)

now, our business people have enough rules and regulations with all that stuff that comes out of Washington to bury you. But where we need the legislation to govern the aliens, there isn't any. They tell us that there's nothing they can do. Federal Government can't get over here and stuff like that, and yet, you want to put more laws to punish our business people. I think that's totally unfair.

D.P.O. LEVY:

Okay. Since --

LEG. D'ANDRE:

They're the people who pay their bills, they're the people who obey the law, and I think it's terribly unfair. There's enough laws on the book to bury anybody.

D.P.O. LEVY:

We'll take it as a statement, Mr. D'Andre. Since there's no question, we'll move on. Thank you very much, sir.

LEG. D'ANDRE:

Well, just make sure you understand what I am saying.

D.P.O. LEVY:

We do. It's so noted for the record.

LEG. D'ANDRE:

Okay.

D.P.O. LEVY:

Thank you, Mike.

LEG. CARACAPPA:

Thank you, Mike

D.P.O. LEVY:

Okay. Next speaker is Michael Towers.

00063

MR. TOWERS:

No. That's me.

D.P.O. LEVY:

That's you? Next speaker is Russell Calemno.

MR. CALEMMO:

Thank you. And I hope it's still morning. My name is Russ Calemno and I'm a licensed master electrician for the past 35 years. I reside in the Easthampton area, Second District of our County. I sincerely sympathize with the author of Resolution 1754. It's quite visible that there are many problems with the employment and immigration laws.

Ever since our forefathers had founded this country, they've made laws to suit the needs of its people. However, for the life of me, I can't figure out why the State, Federal Government are not enforcing the laws that already exist. I have been told by the Employment Statutes Administration that laws like this have been around a long time. Is the County being repetitive here on a local level, or is it the fact that our big government is not doing a good job and our County can do better? Where does big government jaws of incumbrance stop? I find this law appalling that the professional, that among many other things, for the price to be in business must now assume the burden of watchdog for government. Whether it be fair or not, I find this bill extremely discriminatory, discrimanatory towards the professional who, in fact, abides by laws by getting a license for a trade that they're in, pays huge amounts of insurance premiums, pays taxes and follows stacks of laws to the point that our government seems to have more control of the owner's business than the owner himself, and now you are selectively isolating me from other businesses only because I have a County license.

I use the word "discriminatory" in the highest regard, only because you have separately chose about 13,000 businesses where, in fact, there are groups of businesses in our country -- County, rather, that far more exceed this number, I would cautiously say in upwards of 150 to 300,000, and why are we not including them?

Because of the area I live in, I would say that at least 45% or more of our summer population are immigrants employed one way or another, basically because the plain fact is, is no one, and I mean no one, will work the menial jobs. For instance, who do you think is in your local restaurant behind the doors preparing your food? Who do you think buses and washes the dishes when you're done? When you go to your local hotel or motel, who makes your bed and puts the paper donut on your toilet? There are several nurseries in our area with work forces in upwards of 90% of immigrants. If you make owners of these type of businesses responsible, I think you could have a very major problem here and possibly put these people out of business. You can go anywhere in a tourist town and find an immigrant within 50 feet and seeing an immigrant working, but, yet, their employer is nowhere near your 1754 bill.

I have the opportunity to work in some of the largest estates in our County, and who do you think works in these places? As a matter of

00064

fact, I had to learn a foreign language just so I was able to communicate. I see them cutting the grass, pruning the trees, cooking, cleaning, baby-sitting. And who do you think these well-to-do people that own these estates hiring for service? Well, you know, because they -- I know who they are, because they're my clients. They're doctors, they're lawyers, movie stars, financial wizards, and many other professionals just like you and me.

Yes, these immigrants are everywhere, and to be quite frank, life where I live would not be the same if it not -- not be the same if they were not there today. Immigrants -- I believe that this bill, 1754, will not change the way we live. You'll just create another avenue of the financial underground.

It appears to me that this bill does not really get to the issue of

whether people are legal or not, but whether that employer -- legal or not, or whether their employee abides by all the government laws, but where and how they reside.

D.P.O. LEVY:

Can you wrap it up, please, Russell?

MR. CALEMMO:

Okay. I know it first hand, these people are very responsible, but I believe it's the landlords and the people who are in the real estate business. These are the people who I've seen at least 16 people, immigrants living in a seven -- one bedroom house, seven cars in the property with people living in the cars, using compound buckets as toilets, a hose as their only means of water. Well, whether the landlord gets \$1,000 or \$5,000 a month, believe me, they'll find a way to get the money. And as landlords recognize this potential, it becomes more and more blatant in our area and other areas as well, because of the hounding -- the mounting demand for profit.

I'm going to continue on slowly here, but I feel that this I am being discriminated against. I think that discrimination is somewhat a very bad word, and I don't think that government uses bad words. I truly understand this problem. I sincerely congratulate the honorable Legislator for tackling a monumental problem, holding what appears to be like a candle in a hurricane. However, I myself would be more than glad to volunteer or assist anyone to resolve this matter, but there's no way that I feel that you would be additionally burdening the professional in his or her way of life in business by having this 1754 bill. I respectfully suggest that this bill be redrafted thank you very much.

D.P.O. LEVY:

Thank you. We have Legislator Guldi with a question.

LEG. GULDI:

No, that's all right. Thank you. I just wanted to make sure he had an opportunity to finish his question.

D.P.O. LEVY:

Okay.

00065

MR. CALEMMO:

Thank you.

D.P.O. LEVY:

Thank you, sir.

LEG. FISHER:

I'm sorry. Can you just -- I just didn't hear who he represented.

Sir, can you just --

MR. CALEMMO:

I represent myself.

LEG. FISHER:

Okay. Thank you, sir.

MR. CALEMMO:

Thank you.

D.P.O. LEVY:

Ben Contessa.

MR. CONTESSA:

Hi. My name is Ben Contessa. I'm here to ask the Legislature to vote for refund of my real estate tax penalty that I paid the second half of

in 1999. It was due to a family tragedy, and I asked -- and I asked my wife not to come, so that she wouldn't have to rehash the whole situation. But, basically, it boils down to the situation where we lost a baby at 22 weeks, a miscarriage due to a toxemia pregnancy. Because of this, we endured both physical, mental and financial hardships. And this situation required my wife to be hospitalized for over two weeks, from the middle of May to the end of May, causing me to overlook the tax due payment being May 31st. It wasn't a routine hospitalization at all. It entailed three states, three hospitals, and she had a 90% mortality chance, and she had several complications. Because of all of this, it basically consumed me both mentally and physically from the middle to the end of May. And I just ask that you consider the hardship that I endured in granting me a refund of that tax penalty.

D.P.O. LEVY:

Okay. Thank you very much.

LEG. BINDER:

Let me ask -- let me ask one question.

D.P.O. LEVY:

Legislator Binder.

LEG. BINDER:

This was out of state at the time when this happened.

MR. CONTESSA:

Yes. We were due to come back on the 19th of May. We were in Wyoming and she had to be airlifted from one hospital to another, and then coming back to the New York area the end -- the last, very last week in

00066

May.

LEG. BINDER:

But you ended up coming back after.

MR. CONTESSA:

Yeah. We went from Wyoming to Salt Lake City, then to New York North Shore. Discharge date was the 30th of May.

LEG. BINDER:

Okay. Thanks.

P.O. TONNA:

Thank you very much.

MR. CONTESSA:

Thank you.

P.O. TONNA:

Okay. Joe Caputo.

MR. CAPUTO:

Thank you, Mr. Presiding Officer, for the opportunity to speak to you today. I'm here because of Introductory Resolution Number 1846, which is sponsored by Legislator Towle. It's due to be considered this evening, and I understand that the County Attorney's Office has been requested to come before you again. He came before the Finance Committee, or a representative of his office did go before the Finance Committee last week. They made a misstatement. The misstatement was very important that all of you understand, is that the City of New York was given money by New York State that was not interest bearing, and did not have a -- and the City of New York during the 1975 crisis that they went through, and the {Mack} Corporation was created, did not have

to pay that back to New York State. That was a mistake on their part, which they acknowledged later on in the discussion. It was a revenue anticipation note that the City of New York floated at the time. The note was guaranteed by New York State in case the City of New York would not be able to repay it when it became due. However, the sales tax that was being collected by the time or that was due to the City of New York was put into an escrow account by the {Mack} Corporation for the purposes of guaranteeing that the revenue anticipation notes would be paid back.

So even at that time, as back as 1975, even right now, with Buffalo's special legislation where they're borrowing \$145 million dollars -- no, rather, \$45 million, that money is going to be paid back by those school districts at the time with interest. So this money that the State wants to give as a gift, as a gift to Nassau County should be prevented.

We have status as a citizen of New York State, we have status to sue New York State any time we want. And if we have a valid argument, we have the ability to make that argument. And that is -- that is all I'm asking for, for this Legislature to give the authority to say yes to the County Attorney, help the County Comptroller sue New York State, prevent the gift to Nassau County. Yes, we're sorry for the citizens

00067

of Nassau County, that they have not been -- that their government has not been handled properly, but that does not mean that the citizens of Suffolk County should bear that burden. That does not mean that our per capita aid, if you take 7 1/2% of the population of the State of New York, which is part -- which is Suffolk County, that would equal \$7 1/2 million. Our State aid should not go to Nassau County because of their poor management, our State aid should come to us. And Nassau County should pay the bill for their poor management. And those politicians who have not managed well should be turned out of office, should be rejected by their citizens, and that's the opportunity that they should be given. And whether they are Republican or Democrat is irrelevant. They have not managed properly, they should be turned out of office, and people should be put in there who are willing and able and capable of doing a right job.

We offered to help Nassau County before they went into their insurance business of the Employees Medical Health Program. We said that they were going to go bankrupt in 18 months if they were to pursue the program that they had. We overestimated, we gave them two more months than they needed. They went bankrupt in 16 months with that program. We have tried to help them, they have rejected us. I don't think we should be giving them money, and I think that we should prevail and we should help to sue them and sue New York State to prevent this money. And I plead with you, after the County Attorney may make his pitch this evening, I will be happy to come back this evening to counter anything he may have to say in order to get your support to support Resolution Number 1846. Thank you very much.

P.O. TONNA:

Thank you very much.

LEG. FOLEY:

Thank you, Joseph.

LEG. D'ANDRE:

Thank you, Joe.

LEG. FOLEY:

Thank you.

(Applause)

P.O. TONNA:

Okay. Richard Couch.

MR. COUCH:

Good afternoon. My name is Richard Couch. 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 volunteer advocates on Long Island to again speak against Resolution 1425, a local law to ban the purchase of tobacco products by minors in Suffolk County. The American Cancer Society is opposed to this and any youth possession legislation. I have testified previously and had the pleasure of speaking with many of you on this issue, so I will be brief.

The American Cancer Society, like all of you, does not want kids to  
00068

smoke. We all appear to agree on that, as we should. We advocate for proactive programs with quantifiably proven results. The Surgeon General of the United States, the Centers for Disease Control, the Campaign for Tobacco-Free Kids, and many other health advocates agree with us. Resolution 1425 is very reactive. It waits until a child has a cigarette in their possession and has presumably smoked before. Studies tell us that a person can become addicted to nicotine in less than one pack of cigarettes. So here in Suffolk County, Resolution 1425 lets kids become addicts and then offers government intervention using our police force.

Legislation such as Resolution 1425 is favored by companies like Philip Morris, R.J. Reynolds, and Brown and Williamson Tobacco Company because it helps blur the focus of burden away from themselves and onto youth. Resolution 1425 is bad public policy that attempts to undertake very valiant efforts. According to all reports, it, unfortunately, will fail. Long Island's only daily newspaper, Newsday, perhaps said it best in an editorial on August 31st. There are better ways to stop kids from smoking.

Once again, I urge this body not to take Suffolk County down the slippery slope associated with youth possession legislation. Defeat this proposed legislation and sit down with advocacy groups to craft legislation that can work. There are other viable options.

The American Cancer Society is committed to reducing tobacco consumption for all age groups, and we would gladly work with this body to craft model legislation that we can all be proud of and model legislation that will work. Thank you very much.

LEG. FOLEY:

Question

P.O. TONNA:

Thank you very much.

LEG. FOLEY:

Question. Thank you. Mr. Couch, thank you for your comments today, and welcome to your new position.

MR. COUCH:

Thank you.

LEG. FOLEY:

So you've certainly stepped into -- within the few weeks that you've been part of the American Cancer Society stepped into a big issue. You've heard us speak before. And we're supposed to ask a question, so let me just ask it this way, if I may. In the overall picture, where we all agree that there needs to be a myriad of ways that we should try and work together, as we are working together -- in fact, did you know that through the Health Committee and through the Health Department, that there are meetings going on where they are putting together some strategies to combat teenage smoking? Are you aware of that? Okay.

00069

MR. COUCH:

I was aware of that. Just for the --

LEG. FOLEY:

Okay. Because that's something that we are working on. But let me just --

MR. COUCH:

For the record, if I can interject.

LEG. FOLEY:

Sure.

MR. COUCH:

This body has -- excuse me -- a wonderful record of being proactive in public health.

LEG. FOLEY:

Right.

MR. COUCH:

This body has allocated \$6 million to a comprehensive tobacco program that I get to talk to my colleagues across the country and brag about, because you guys have done the right thing.

LEG. FOLEY:

Right.

MR. COUCH:

So, with all kudos to this body, you've got a great record. This is a bad spot on your record, though.

LEG. FOLEY:

Okay. Well, what we -- the way that we would like to approach this is that while education and other approaches are very important, and I'd like to have your reaction to this, don't you believe that there is some need for enforcement?

MR. COUCH:

There is need for enforcement I think where the laws already exist on behalf of the retailer. Let the Legislature draft a resolution that states to the tobacco companies and retailers in Suffolk County that Suffolk County has zero tolerance for selling tobacco products to a minor, absolutely zero tolerance.

LEG. FOLEY:

We have that, though.

LEG. FISHER:

We already have that.

LEG. FOLEY:

May I continue, please? Mr. Couch, that's a very good point. We already had it on the books. And let me just end with this. One of the reasons that some of us so strongly support this is that -- and we've all seen the examples where teenagers, let's say, they can't go

00070

into a 7-Eleven or another store to buy cigarettes, they'll have someone else do it. So you'd have what I would almost call the absurd situation where a teenager would wait outside of a store, an adult, so-called adult would go inside to purchase the cigarettes, they would then come out outside, give those same cigarettes to the kids, and the kids will be smoking outside of that particular store. It's that kind of situation that the sponsors of the bill are trying to come to grips with, because it's particularly in, I would say, even downtown settings, but even in other areas where that kind of situation or even other settings where that kind of situation plays itself out quite often. And what we're trying -- what we're saying, the sponsors of the bill, is while we do believe that it has to be a comprehensive approach to combatting tobacco --

P.O. TONNA:

A question.

LEG. FOLEY:

Is that enforcement -- enforcement has to have a role in it.

P.O. TONNA:

Okay. Thank you very much.

LEG. FOLEY:

Thanks.

P.O. TONNA:

Okay. Debra --

MS. PUCA:

Puca.

P.O. TONNA:

Puca.

MS. PUCA:

Puca.

P.O. TONNA:

Hi, Debra.

MS. PUCA:

Hi.

P.O. TONNA:

How are you? Come on up.

MS. PUCA:

Good. How are you? Okay I was just wondering, did -- did the guy from the Health Department say that the DARE Programs work; is that what he just said?

P.O. TONNA:

I'm not sure, but I'm sure you're going to give us an opinion otherwise. I know when we're being set up even by a young lady like yourself.

00071

LEG. CRECCA:

Bring the microphone close to your mouth, too.

MS. PUCA:

Okay.

P.O. TONNA:

Debra, if you can. There you go.

LEG. CRECCA:

Don't break it now.

MS. PUCA:

Hi. My name is Debra Puca, I will be thirteen in November, and I'm for Resolution 1425. This -- in this -- wait. In the Spring of this year, I started smoking. A lot of my friends who are of my age smoke also. They would go to a deli near my school and get adults to buy us cigarettes. School has started again, the same thing is going on. A lot of kids who smoke now want to stop, but it is so hard for them because all of their friends and everybody else around them is, so they can't. What helped me to quit was -- at age 12 was a picture of my great grandmother. I grew up with my great grandmother and my mom, who lived in our house since I was born. When I was seven, she died of lung cancer from smoking. I saw how sick she was and I used to take her cigarettes and throw them away and -- or I used to put them water and ruin them. Nothing stopped her, not even being so sick she couldn't breathe. That is why my mom and grandma were afraid that that would happen to me, if I kept on smoking, some day.

I think you should pass this law, because I think it is very important for children to get the message that smoking is really no good for you, that it will make you sick and some day may even kill you. If it is against the law, I really think it will stop some kids from smoking; that it will stop adults from giving and buying cigarettes -- buying kids cigarettes and it -- and that it will make parents think differently about their kids smoking also.

The way kids think is that if there isn't a law against it, that it really can't be bad for you, because they expect the adults to do something if it -- they expect -- wait. Because they expect the adults to do something if it is bad for you. If you make a law against it, kids will take -- will take it much more seriously, but you need to do everything you can, because right now, nothing is really working. And I just want to show you a picture of my grandmother and show you the pain and suffering she had to go through.

LEG. HALEY:

Mr. Chairman, I have a question.

P.O. TONNA:

Sure.

LEG. HALEY:

I didn't hear anything about DARE. Did you have -- do you have a  
00072

comment about the DARE Program?

MS. PUCA:

It does not work. I have -- almost all of my friends smoke and they've all -- one of my friends actually graduated, was the highest in her class, and she has been smoking for I think three years now. The programs do not work. They say it's bad for you, but still kids smoke.

LEG. HALEY:

You know, it was interesting, I was at a DARE graduation this year and the principal said to me that two of the DARE graduates couldn't be there that particular day, because the day before, they were caught with cigarettes and doing all that on the school bus.

MS. PUCA:

Uh-huh.

LEG. HALEY:

And we're always kind of -- we're always asked that question about the DARE Program, because it's been very difficult for us to measure its success. I appreciate your comments. Thank you.

LEG. BINDER:

Mr. Chairman

MS. PUCA:

Okay.

P.O. TONNA:

Yes.

LEG. BINDER:

Can I just follow-up on the DARE Program?

P.O. TONNA:

You're an expert witness, by the way, I just want you to know.

LEG. BINDER:

Well, yeah. This is the best witness we've had on DARE. When you took DARE Program, did you have it -- how many times did you have it?

MS. PUCA:

We had once a week, I think every Friday.

LEG. BINDER:

And you were in fifth grade

MS. PUCA:

No, I'm -- when I was --

LEG. BINDER:

When you had the DARE Program, was that in fifth grade?

MS. PUCA:

I was in six and seventh. We have an officer who comes to our school

00073

and explains all the DARE stuff.

LEG. BINDER:

You didn't get the DARE Program in fifth grade is what you're saying.

MS. PUCA:

Oh, I got it in fifth, but I had it in sixth and seventh also.

LEG. BINDER:

And so you had the repeat course in sixth and seventh.

MS. PUCA:

Yeah. They just top it -- they like cover --

LEG. BINDER:

Right.

MS. PUCA:

-- a lot more stuff about drugs and narcotics and stuff.

LEG. FISHER:

Paul.

LEG. BINDER:

Right. And you don't think that the message made a difference to any of the children in the class?

MS. PUCA:

Not at all, no.

LEG. BINDER:

Okay. Thanks.

MS. PUCA:

Thank you.

P.O. TONNA:

Okay we have Legislator Fisher, then Legislator Crecca. Wait, don't

go. When we find an articulate thirteen year old, we know --

LEG. FISHER:

You've got us going over here.

P.O. TONNA:

-- we've got to keep her. Go ahead.

LEG. FISHER:

Okay. I'm over here. I'm Legislator Fisher. Hi.

MS. PUCA:

Hi.

LEG. FISHER:

How are you?

00074

MS. PUCA:

Good. How are you?

LEG. FISHER:

Okay. I hear what you're saying, and I think what's very important for everyone to really here what you're saying is that you probably had the strongest educational experience that anybody can have, and that is seeing your grandmother die of cigarette-smoking-related disease, and, yet, that did -- it still did not deter you. So what I think is important for all of us to keep before us is that saying that the DARE Program does not work or that another program does not work is not the issue here. The issue is that we have to try everything, because not everything will work for everyone. I believe that the DARE Program works for some students. I believe that seeing your grandmother, or in my case seeing my sister die of lung cancer works for some people, but not everything works for everyone. And I agree with you, that if kids have been educated, have been educated in the "college of hard knocks," as you have been, seeing this happen with your grandmother, and still continue to smoke, because peer pressure is that strong and media pressure is that strong, you need to be told you cannot smoke. And we really believe that you cannot smoke, so if you have a pack of cigarettes, I will take them away from you, and that's what this law is saying.

MS. PUCA:

Uh-huh.

P.O. TONNA:

Yep. Thank you.

LEG. FISHER:

Thank you.

MS. PUCA:

Thank you.

P.O. TONNA:

Hold it, one more.

LEG. CRECCA:

Question. First question I have for you is I don't know if your age group is experimenting with alcohol yet, or whatever. I'm not asking you for your comments specifically as to you. But my question for you is, obviously, there's laws that forbid children from drinking. Do you think those laws stop kids from drinking, or -- because we know -- I mean, we all know high school kids are drinking. I'm asking, I guess, you know, the fact that it's illegal for minors to drink --

MS. PUCA:

Well, I do know people that do drink, but not a lot of people in our age group, because we really -- it's easier to get a pack of cigarettes than it is to get a can of beer, really.

LEG. CRECCA:

Do you think that it's the ease of getting the cigarettes that makes it more popular?

00075

MS. PUCA:

I think so, and I think it's more -- is it more addictive? I think it's more addictive, the nicotine.

LEG. CRECCA:

And do you think that -- and do you really think that if we tell kids that they can't possess cigarettes, you think it's really going to stop kids from smoking or --

MS. PUCA:

I'm not really sure. I think it might, because there's younger kids that are experimenting with cigarettes and they think, "Oh, my God, what if something can happen to me? What if the police catch me? What if they take me in and my mom and dad find out?" They may get scared enough and they may just say, "You know, I'm not going to try smoking, I'm not going to smoke anymore."

LEG. CRECCA:

I'm not trying to win it, I really want to get her input, because it's interesting. She brings a good perspective. Do you think that might make some kids more likely to do it because it's illegal and that it would make it more attractive to do?

MS. PUCA:

No, I really don't.

LEG. CRECCA:

And when you get your working papers, would you contact my Legislative office, because I'd love to hire you.

P.O. TONNA:

No. She's in my district. There's no way. Wait. Debra, I do have a question. I just -- you're thirteen years old?

MS. PUCA:

Yeah.

P.O. TONNA:

I just want to make a statement. Then when -- as soon as you can get your working papers, I would love to hire you. And then as soon as my term limits run out, I think we would like to run you for office.

Okay?

MS. PUCA:

Okay.

P.O. TONNA:

And I guarantee you they'll get better representation. Okay.

LEG. CRECCA:

Thanks for being here.

MS. PUCA:

Thank you.

00076

P.O. TONNA:

Thank you very much.

(Applause)

LEG. HALEY:

Mr. Chairman, obviously, that's assuming she's a Republican.

P.O. TONNA:

Either way, I'll support her.

LEG. HALEY:

Like I didn't know what that answer was going to be.

P.O. TONNA:

Okay. Michelle Cascone.

MS. CASCONE:

Grandma.

P.O. TONNA:

Okay. Grandma, you live in my district, too?

MS. CASCONE:

Yes, I do.

P.O. TONNA:

Okay.

MS. CASCONE:

And my claim to fame is I am Debra's grandma.

P.O. TONNA:

There you go.

MS. CASCONE:

The picture she showed you is actually of my mother, who is her great grandma.

Okay. The American Cancer's Society's own statistics state that there are 3,000 new cigarette smokers every day, and that most of them are children of an average age of twelve to thirteen years old. This year, in New York State alone, tobacco will kill 30,000 people and 90,000 children will start smoking, and that if that trend is not reversed, roughly 377,000 of our state's children will die prematurely from smoking-related illnesses. Are these statistics not impressive enough? If the average age of children smoking was nine and ten instead of twelve to thirteen, would that impress you more? If 110,000 children will start smoking this year alone instead of 90,000, would that impress you more? If 500,000 of our state's children will die prematurely from smoking related illnesses instead of only 377,000, would that impress you more?

Michael Eriksen, the Director of the Office on Smoking and Health at the Center for Disease Control said that if the current patterns continue, 5 million children under the age of 18 alive today in the

00077

United States will die prematurely as a result of addiction to cigarette smoking. Aren't 5 million dead children enough to impress you? And which 5 million dead children will it be? Will it be my granddaughter? Will it be your son? Will it be your nephew, your niece, your daughter-in-law, your son-in-law, your grandchildren, your next door neighbors child? Which 5 million will it be?

Cigarettes. Well, we think we know all about them, don't we? Well, I looked it up in a medical dictionary and here's what I found. "Tobacco. The dried and prepared leaves of *Nicotiana tabacum*. It contains various alkaloids, the principal one being nicotine, and unites the qualities of a sedative narcotic with those of an emetic and diuretic. It is also a heart depressant and antispasmodic." Also from Dorland's, "Nicotine. Chemical name B-pyridyl-a-N-methylpyrrolidine. A very

poisonous, colorless, soluble fluid alkaloid, chemical compound C10, H14, N2, with a pyridine-like odor and a burning taste obtained from tobacco or produced synthetically. It is used as an agricultural insecticide and in veterinary medicine to eradicate external parasites." Well, this sounds like something we want our kids sticking in their mouths, setting fire to, and then burning the smoke into their lungs. In fact, Dorland's also, the medical dictionary, states "nicotinism," which is a poisoning by nicotine characterized by stimulation and subsequent depression of the central and autonomic nervous system with death due to respiratory failure.

The addiction of nicotine through cigarettes begins almost exclusively in childhood. It's the children who get addicted and become the adults who get ill, become disabled, suffer horrible and painful deaths. For years now, we have anti-smoking programs geared at curbing childhood smoking. The American Cancer Society and the Lung Association, to name just two, have tried, but, with all due respect, they have failed when we now have epidemic proportions of children smoking. We have our children graduating from the DARE Program with a diploma in one hand and a cigarette in the other. And now we hear from these same people that there is settlement money coming from the tobacco companies, so they want you to wait so they can create new programs. Their motivations and agendas beat the hell out of me? Why are they not suggesting we do everything and anything we can, and they are practically begging you not to do everything with the idea that maybe they will come up with something better.

P.O. TONNA:

You have to wrap up your remarks.

MS. CASCONI:

I know.

P.O. TONNA:

Okay.

MS. CASCONI:

I know. Okay. The last time around, a spokesman from the Health Department said that if this would pass, it would let the cigarette companies off the hook, because if there was a law against them having cigarettes when they were kids, and 40 years down the road they got sick from it, they would have no recourse to sue the tobacco companies,

00078

because then the companies could turn around and say, "Well, there was a law against it, you should have known better." But what I'm wondering is, is if this body has all the information and statistics that it does and still chooses to do nothing, my question is what is your liability for having done nothing when you can do something?

I just would like to read this last part here. Just this last part.

One more minute, that's all that I ask.

P.O. TONNA:

Well, anybody who has a granddaughter like that, how could you not, you know, make an exception?

MS. CASCONI:

Okay. Just one more minute. I just want to say this: My mother smoked for 50 years. She began in 1944 at the age of 17, when it was considered real glamorous to smoke during World War II. General Douglas MacArthur played a part in that by making a deal with the

tobacco companies to ship hundreds of thousands of cases of cigarettes overseas to the fighting boys, because he thought it would boost morale. Well, my mother had emphysema for four years prior to being diagnosed with lung cancer the day after Mother's Day in 1994. She had to go on oxygen 24 hours a day, which was self-administered through a nasal cannula, which was at the end of a hundred feet of plastic tubing, which snaked around the house. She would take the nasal cannula out of her nose, lay it in her lap, and with the oxygen still running, light up a cigarette. We fought a lot about her blowing up the house and everyone in it, and she did this at least 20 times a day. That is addiction. The cancer spread quickly to her. She spent ten days at home. And the next eight months, and she died 11 days before Christmas.

The illness and suffering and death of loved ones forever changes the landscape of a family. This tee-shirt I'm wearing shows the five generations in my family. My mother's untimely death broke the proud and honorable place we held in our family and in our community. You can vote no and do one less thing, or you can vote yes and do one more thing. Thank you.

P.O. TONNA:

Thank you very much.

LEG. FOLEY:

Thank you.

P.O. TONNA:

Okay. I'm going to --

(Applause)

LEG. FISHER:

She should run for office.

P.O. TONNA:

Yeah, but she might actually win right away.

00079

LEG. FISHER:

That's true.

P.O. TONNA:

Anyway, thank you very much. If -- I would ask that we're going to take a lunch break now until 2:30, as is our custom. Thank you.

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

P.O. TONNA:

Roll call. Roll call.

(\*Roll Called by Mr. Barton\*)

LEG. CARACCIOLO:

Here.

P.O. TONNA:

All Legislators, please come to the horseshoe. Roll call.

LEG. GULDI:

(Not present)

LEG. TOWLE:

(Not present)

LEG. CARACAPPA:

(Not present)

LEG. FISHER:

(Not present)

LEG. HALEY:

(Not present)  
LEG. FOLEY:  
Present and accounted for.  
LEG. FIELDS:  
(Not present)  
LEG. ALDEN:  
Here.  
LEG. CARPENTER:  
Here.  
LEG. CRECCA:  
(Not present)  
LEG. D'ANDRE:  
Yo, yo.  
LEG. BISHOP:  
Here.

00080

LEG. POSTAL:  
Here.  
LEG. BINDER:  
(Not present)  
LEG. COOPER:  
Here.  
LEG. LEVY:  
Here.  
P.O. TONNA:  
Yes.  
MS. JULIUS:  
Legislator Fields is here.  
MR. BARTON:  
Ten present.  
P.O. TONNA:  
Okay, great. Okay. Marianne --  
LEG. ALDEN:  
Don't you have to do the public hearings?  
MR. BARTON:  
We're on the public hearings.  
P.O. TONNA:  
Oh, public hearings, yeah, yeah, yeah, yeah. Henry, by the way, just,  
you know, if I ever do anything like this, of course, you're going to  
set me on the straight and narrow, right?  
MR. BARTON:  
The affidavits of publication are in order.  
P.O. TONNA:  
Okay. Public Hearings. Number 1481 (Adopting Local Law No. 2000, a  
local law to permanently establish living wage policy for the County of  
Suffolk). Is there anybody who wants to speak on it? Okay.  
Legislator Bishop, is there a motion?  
LEG. CRECCA:  
Motion to close.  
P.O. TONNA:  
Second by myself. All in favor? Opposed? Closed. We have ten.  
Okay. Number 1866 (Adopting Local Law No. 2000, a local law  
establishing a commensurate worth standard for County hiring practices

for police officers). Legislator Fields, what's your -- establishing -- public hearings.

LEG. FIELDS:

Motion to close.

00081

P.O. TONNA:

Motion to close, seconded by myself. All in favor? Opposed? Closed. Public Hearing Number 1870 (Adopting Local Law No. 2000, a local law requiring college education for all County police officials).

Legislator Caracciolo, is there a motion? I'll make a motion to close, seconded by Legislator Fields. All in favor? Opposed? Closed.

Number 1899 (Adopting Local Law No. 2000, a local law to eliminate deed-recording requirement for well-water testing prior to acquisition of residential homes). Legislator Levy, is there a motion? I'll make

--

LEG. FOLEY:

Motion to close.

P.O. TONNA:

Motion to close by Legislator Foley, seconded by myself. All in favor? Opposed? Closed.

Public Hearing Number 1900 (Adopting Local Law No. 2000, a local law to modify well-water testing requirements prior to acquisition of residential home). I'll make a motion to close.

LEG. FOLEY:

Second.

P.O. TONNA:

Seconded by Legislator Foley. All in favor? Opposed? Closed. Setting the date of September 26th, 2000, at 9:30 in the Dennison Building in Hauppauge for the following:

Public hearing regarding 2001 Operating Budget. Public hearing regarding the Southwest Sewer District Assessment Roll.

LEG. FOLEY:

Motion.

P.O. TONNA:

Motion, seconded by myself. All in favor? Opposed? Approved. Number -- setting the date of October 3rd, at 2:30 in Riverhead for the following public hearings:

Public hearing regarding 2001 Operating Budget. Public hearing regarding Southwest Sewer District Assessment Roll. Public hearing regarding Introductory Resolution Number 1957. Motion by myself, seconded by Legislator Foley. All in favor? Opposed? Approved.

Okay. To the consent -- to the cards. All right. Marianne Zacharia. Marianne, did I pronounce that correctly?

MS. CARIOTO:

Yeah, but she's not here. I'm taking her place.

P.O. TONNA:

Okay. You're taking her place? Did you fill out a card?

00082

MS. CARIOTO:

I did not, no.

P.O. TONNA:

Okay. Sure, come on up. Just in case, I don't want any impeachment proceedings to start, the Presiding Officer, if I, you know, had broken

a rule. Thank you.

MS. CARIOTO:

My name is Debra Carioto and I am the Executive Director of the Lung Association.

MRS. BRAATEN:

Can you repeat your name, please.

MS. CARIOTO:

Debra Carioto. I would like to reiterate the fact that the American Lung Association of Nassau-Suffolk does not support Resolution Number 1425, Legislator Fields' legislation to confiscate cigarettes from minors. I would urge those Legislators who are considering a yes vote to ask themselves the following questions: What is the purpose of this law? Will this law keep kids from smoking? If you do believe it will, how? And where is the proof? Will this law affect future litigation against the tobacco companies? How much time, effort and money will be expended on the enforcement of this law? And can this law be enforced effectively? And we'd also ask if you would ask yourselves could this money be better spent on proven methods to prevent smoking among our youth, such as outlined by the CDC Best Practices for Comprehensive Tobacco Control. Youth possession laws are not advocated by these Best Practices. Please ask yourself these questions and vote after considering the obvious answers.

Thank you for your cooperation and your time.

LEG. CRECCA:

Thank you.

LEG. CARPENTER:

Next card.

P.O. TONNA:

Okay. Thank you very much. Okay. Cliff Johnson. Come on up, Cliff.

MR. JOHNSON:

Good afternoon.

P.O. TONNA:

Thank you.

MR. JOHNSON:

My name is Cliff Johnson; I'm an Administrative Planner in the Division of Housing and Adult Services. I'm here today on behalf of Commissioner John Wingate to make a brief statement concerning Introductory Resolution 1587, which proposes the adoption of a local law regulating emergency congregate shelters.

00083

The Department has serious concerns with Section 3 of the resolution entitled "Site Procedure." Specifically, in Subsection B, Part 3, it states that the Division shall indicate its support or lack of support in writing for the proposed congregate emergency facility based on proximity to other such facilities, so that no more than four congregate emergency facilities within two square miles, which would substantially alter the nature and the character of the area, would be permitted.

Over the past several months, the number of homeless families has grown dramatically as affordable rental units have grown ever more scarce county-wide. Currently, there are approximately 350 homeless families and emergency housing. Sixty-five of these families are being sheltered in motels.

This past Sunday's Newsday featured an article describing the plight of families in motels and the housing dilemma we are now facing. In the absence of permanent housing resources, the Department of Social Services will surely need to add more family shelters in order to reduce the use of motels. Under State guidelines, families should be sheltered as close as possible to their communities and school districts. In our experience, using several small family shelters located in or near the communities having a high incidence of homelessness, it is preferable to concentrating those families in a large family shelter, which would surely have a much greater impact on the nature and character of an area.

Limiting our ability to provide more than four shelter sites within two square miles may not seem unreasonable. However, keep in mind that it could very well prevent us from considering a good site in an entirely different community or school district just because it is within two miles of four other small shelters.

In closing, given the lack of rental housing and the demographics of Suffolk County, it is our belief that in some areas in the near future, four small shelters within two miles of each other may actually prove to be too few shelters. Please consider that now is not the time to limit the Department's ability to decide where to site small family shelters. Thank you.

LEG. POSTAL:

I have a question, Mr. Chairman.

P.O. TONNA:

Yes, Legislator Postal.

LEG. POSTAL:

Yeah. Cliff, I don't think you were at the committee meeting of the Social Services Committee before this last cycle --

MR. JOHNSON:

Right.

LEG. POSTAL:

-- when this bill was discussed. But were you aware that the  
00084

Department of Social Services indicated that if the bill were changed to remove the section that gave a municipality 40 days to object to the siting of a shelter and merely required notification of the town and the Legislator for the area that the bill would be acceptable?

MR. JOHNSON:

Well, I don't know that that was exactly what was said. I knew that there were changes in the bill and that upon review of the bill, the Department still has very grave concerns, particularly considering the number of families we had in motels. That, at this point, we feel that anything that damages our ability to site shelters will put us further into having families in motels.

LEG. POSTAL:

You said that small shelters are preferable to a large shelter.

MR. JOHNSON:

Right.

LEG. POSTAL:

What would you -- what would your definition be of a small shelter and of a large shelter?

MR. JOHNSON:

A small shelter -- you know, again, family sizes vary, so, you know, in any given shelter at a different time, you could have a different number of families. But I'd say anywhere from about three families to a maximum of nine, and that's very high. Nine would be the --

LEG. POSTAL:

Excuse me. Would that be what you would consider a small or a large?

MR. JOHNSON:

That would be small, three to nine families. Nine families is the outer limits, though. Usually, it's around four to six is the usual. A large shelter, the only really large shelter, although this is an extremely large shelter, is Help Suffolk, and that's 76 units.

LEG. POSTAL:

Why is that -- why is a small shelter preferable to a large shelter?

MR. JOHNSON:

The amount of supervision, the type of work they're able to do in a small setting with fewer families. So that a shelter provider is better having a few sites located within an area that they can manage those shelters than one large facility. The more families you have together, the greater the chance that you're going to have problems, supervision problems, problems that would impact the community.

LEG. POSTAL:

Problems that would impact the community.

MR. JOHNSON:

Uh-huh

00085

LEG. POSTAL:

Don't you feel that having more than four shelters, each of whom would -- each of which, rather, would house between three and nine families within a two-mile radius, and that exempt scattered site housing would have a dramatic impact on a community, very similar to a large shelter?

MR. JOHNSON:

No, I don't. No, I really don't.

LEG. POSTAL:

What would you consider to be a condition which would have the same negative impact on a community as one large shelter? Would you consider having more than let's say two shelters, small shelters on a street, or more than three, or more than four? Would you -- where would you draw the line in making that distinction?

MR. JOHNSON:

I would draw the line basically on how well the facility is cited, whether that particular street makes sense. Not every, you know, house, street, whatever would make sense for a shelter. We have some shelters where there's like -- I'll use Haven House as an example. It was built with the support of the Town of Huntington. It has I think about six scattered sites, and two congregate shelters within right around the corner from each other.

LEG. POSTAL:

Right.

MR. JOHNSON:

It's almost a complex.

LEG. POSTAL:

And the scattered sites would be exempted, by the way.

MR. JOHNSON:

Yes, I know, I understand. You know, I think the size of the shelters come into it. You know, does the shelter handle nine families, which, again, is really the outer limits for a small shelter, or are we talking three to six families? And how dense in area, how densely populated is the area? And what's the need of that community? It we take a community that has a lot of homeless families coming out of it and those children want to go back to their home school district, then we need shelters either in that community or very close to it. The County bears the burden of transporting those children back to their home school district. So that's an important consideration for us. And most -- at least 50% of the parents want their children to return to their school district, and they also want to relocate in or near the community that they came from.

LEG. POSTAL:

Isn't it a fact that in practice, the Department of Social Services has to place families where there's an available space in a shelter, which may not be and often is not in their community of origin?

00086

MR. JOHNSON:

Well, when we have -- and our budgets and everything are based on about 92% occupancy, when we're down to about 92% of occupancy or less, we have the ability to maneuver and move families. Even though there may not be a shelter opening on a given day for that size family close to or in their home community, usually, within a short period of time, we're able to move them back. However, when the system goes on overload the way it is right now, with 350 families and us using motels, we're just keeping our heads above water, so it's very difficult to, you know, get the openings to move the right family back.

LEG. POSTAL:

So, at this point in time, we're not always placing a family in their community of origin.

MR. JOHNSON:

Right now, we're not. What we're trying to do right now is add shelter space, so we can get out of the motels, which we're asking our current shelter providers to give us proposals to add additional shelter sites.

LEG. POSTAL:

Thank you.

LEG. CARPENTER:

Mr. Chairman.

D.P.O. LEVY:

Legislator Carpenter.

LEG. CARPENTER:

I have a question on -- when you say, "Emergency housing shelters temporary," to define what "temporary" is.

MR. JOHNSON:

Well, we use the term "emergency housing," and all emergency housing is considered to be temporary. Some of the terminology over the years has changed. Temporary housing could also be a rooming house somewhere, because somebody is only living there temporary. It's more their decision as to whether something's permanent or temporary. When we talk about emergency housing, we're talking about the type of housing that the provider, the not-for-profit provider has a contract with the

Department of Social Services, and they receive payments on a per diem basis from the Department.

LEG. CARPENTER:

And is there a limit to the length of time that someone is in emergency housing?

MR. JOHNSON:

No, there is not, as long as they are abiding by the rules, they're maintaining their public assistance eligibility, they're looking for housing, and they are living by the shelter rules. They have an independent living plan that they have to follow, and we update that independent living plan with them and with the provider on a very regular basis. So long as they're adhering to all of those things and they're unable to find permanent housing, we continue them in emergency

00087

housing.

LEG. CARPENTER:

You said that an effort is made to place families in the hamlet of origin.

MR. JOHNSON:

Yes, as close to it or in --

LEG. CARPENTER:

As close to it.

MR. JOHNSON:

Yes.

LEG. CARPENTER:

Would you consider, for example, Bay Shore being close to Bellport?

MR. JOHNSON:

No.

LEG. CARPENTER:

Okay. So if a person was placed in emergency housing in either of those hamlets, whether they came from Bellport and were placed in Bay Shore, or vice versa, it winds up being the responsibility to transport these children to school, because the parents have the option of keeping the child in the original school.

MR. JOHNSON:

Yes. Most -- about 50% of the parents choose to send their children back. If the bus ride becomes so long, then in some ways, their choice is taken away from them. You know, you don't want to put a kindergartner on a bus to go back to Bay Shore from Bellport, it would be ridiculous.

LEG. CARPENTER:

Well, unfortunately, that is happening.

MR. JOHNSON:

No. I realize, that's the problem.

LEG. CARPENTER:

All right. Children are going back and forth from Bellport to Bay Shore, and vice versa. And what I think is a little bit problematic is that this emergency temporary or emergency situation is stretching out to be six, nine months, and sometimes into a second school year. And I for the life of me don't see where it's to the benefit of the child to be traveling on a bus upwards of an hour and not having the opportunity to interact with children that they're in school with all day, because they have to get right on the bus and go back, you know, home, and the

very children that they're going to school with are not going to be their playmates. And in the meantime, the school districts are shouldering the financial burden of educating these children that really are no longer from their home district.

00088

MR. JOHNSON:

Well, under State law, they're still considered to be the responsibility of that home district, if the parent chooses. I basically agree with what you're saying. It's a very unfortunate situation that we're in right now. The reason that we're -- the primary reason we're in this situation is that, you know, given the real estate market and the current economy, a number of landlords have taken this opportunity to sell off their properties, and the amount of rental housing county-wide has dropped drastically in the last year. I mean, it's just remarkable how fast it's dropped. And so what -- the only alternative the Department of Social Services has, besides putting people in motels and putting them far away, as you say in Bellport at Help Suffolk, is to try to develop more shelters, and particularly shelters in the more populous parts of the County and the parts of the County where we have homeless families coming from.

LEG. CARPENTER:

I also think it is the responsibility of the Department to advocate for more practical rules and regulations, and I do understand that these come from the State. But I would feel better if I thought the department were being proactive in this issue, because I think we do a real disservice to the children who reside in this County to see them sitting on school buses for upwards of an hour a day and not interacting with children of their age in their neighborhoods.

MR. JOHNSON:

Well, the most that we can do at present, and this is State Education law and not Social Services law, the most that we can do is counsel the parents and make them realize what's involved in that long school bus ride. And some of them do, as a result, choose to send the child to the local school district. But, again, then they're going to a brand new school district. There's a lot of -- a lot of difficulties with that as well.

LEG. CARPENTER:

Well, there may be difficulties, but children are very adaptable, and I think that they do it just, and it really inures to their benefit to be interacting with other children in their neighborhoods, not sitting on school buses for hours a day.

MR. JOHNSON:

I would agree with you.

P.O. TONNA:

Okay. Thank you very much.

MR. JOHNSON:

Thank you.

D.P.O. LEVY:

Legislator Guldi.

P.O. TONNA:

Okay. Legislator Guldi has a question for you, sir.

00089

LEG. GULDI:

A couple of areas particularly of concern. The use in my district of the Great Eastern Motel in East Quogue is -- has been the subject of some recent correspondence between the Commissioner and myself, and also of public hearings with the Town of Southampton in which they've asserted their position that our use of that shelter is not in compliance with zoning.

There are -- I have LADS doing research, because in 1994, or thereabouts, when we gave title to the premises, it was either title or tax -- abatement of taxes and interest, I received assurances from both the owner and from the department that it would not be used for emergency shelter housing in the future.

MR. JOHNSON:

Which motel is this now?

LEG. GULDI:

Best Eastern Motel on Montauk Highway in East Quogue.

MR. JOHNSON:

You know, I'll tell you, we've never used that as an emergency shelter before.

LEG. GULDI:

You're using it now. You have --

MR. JOHNSON:

We are using it now.

LEG. GULDI:

And it was used prior to 1994. Was it --

MR. JOHNSON:

Not to my knowledge.

LEG. GULDI:

To mine, it was.

MR. JOHNSON:

Okay.

LEG. GULDI:

In the early -- in the late '80's and early '90's.

MR. JOHNSON:

It may -- you know, I was there from '87 on, and at that point, I don't ever recall that. And maybe -- maybe it's got a different name or something like that.

LEG. GULDI:

Yeah, it had a different name, but it was at the same location.

MR. JOHNSON:

Yeah.

00090

LEG. GULDI:

In any event, one of the concerns I have is, is it -- let me ask Counsel a question before I ask this next one, and that is, matters that have already come before Ways and Means and are settled are no longer subject to a privilege and can be discussed in public; is that not correct? Two, three more questions.

P.O. TONNA:

Okay.

MR. SABATINO:

Well, there --

LEG. GULDI:

The fact of the settlement and the terms of the settlement, that's all

I want to refer to.

MR. SABATINO:

Yeah. I want to be careful, because at the meeting, there were some comments that were made, which I thought, you know, were a little bit dangerous in terms of --

LEG. GULDI:

It's a closed case.

MR. SABATINO:

Well, except that those comments dealt with the issue of potential -- a collateral type of liability. So the answer is, if you're just talking about the terms, the -- the factual aspect of it, then you're okay.

LEG. GULDI:

All right. We -- at our last series of committee meetings or a month before, we settled a claim -- an old claim from about five years ago in Riverhead, where as a result of the fire, the settlement to the families of the dead infants in emergency shelter housing was a 1,900,000, of which 500,000 is being paid by the taxpayers of Suffolk County. Has Best Eastern Hotel been inspected for fire compliance by the Department for -- particularly with respect to fire emergency egress?

MR. JOHNSON:

Well, the Department does send out inspectors. The best inspector, though, would be a fire marshal. The Best Eastern and any motel is also inspected on I believe a yearly basis by the Health Department and is issued a permit.

LEG. GULDI:

So has it been inspected by your department in connection --

MR. JOHNSON:

I believe we had an inspector go out there. I believe there were some problems with smoke detectors.

LEG. GULDI:

But one of the concerns I have is, from driving by the premises, they have jalousie style windows with no exit possibilities. We've got

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rooms full of children with no -- with only the doors as a potential fire exit. The windows won't permit an exit. I want to know what the department -- you know, if the department -- that has been brought to the attention of the department, and if so, what we're doing about it.

MR. JOHNSON:

Well, this is the first time I've heard about the jalousie windows. It depends on the size of them, whether somebody can get in and out of them.

LEG. GULDI:

They're the tilt type, that there's no way you get in and out of them instead of breaking through them.

MR. JOHNSON:

Yeah. I'm not -- I'm not an expert on fire codes.

LEG. GULDI:

Yeah. But I can tell, you can't go through a closed window without being an expert on fire -- on fire codes.

MR. JOHNSON:

Yeah. But I guess what I'm saying, the Department of Social Services is not a code enforcement authority, and if you are concerned about that,

I would suggest the Fire Marshal and the Health Department take a look at it, or the Town.

LEG. GULDI:

All right. Well, why don't you forward to me any inspection results that you have for that facility, and please inquire into whether or not we've got a safe situation on our hands.

MR. JOHNSON:

Yeah. Thank you.

LEG. FOLEY:

Mr. Chairman.

P.O. TONNA:

Yes, yes.

LEG. FOLEY:

Thank you.

P.O. TONNA:

Yes.

LEG. FOLEY:

Cliff, it's good to see you here. And, certainly, the questions by Legislator Guldi are very salient, because although there may be other jurisdictions who have other responsibilities, there is a practice, and this goes back a number of years, Legislator Guldi, that this has been discussed, of what's called concurrent inspections. That, yes, maybe there are other responsibilities that the Fire Marshal has, or the Health Department, or the Building -- Building Department of a given township, but, as you know, Cliff, many times those entities cannot get

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into that particular facility in that it's only with the intervention of the Social Services Department can the other more local Fire Marshals and inspectors can get -- can only get in through a concurrent inspection, or very often that's the only way is when is a Social -- when there is a, let's say, a cooperation between the County Social Services Department and the Town and the Fire Marshal.

So while, yes, in answering Legislator Guldi's questions, you mentioned that the town can do this or a town can do that, but many times, as you well know, that along with the fact that there aren't enough inspectors within the Housing Division, and I know that you and the Division for a number of years have asked for more, and notwithstanding the fact that some Legislators here, including myself, Legislator Towle and others have attempted to put into the Operating -- proposed Operating Budgets scores of more housing inspectors, those have been placed in there.

But just to respond to your response to Legislator Guldi, I would suggest not only to contact, have your division contact the Fire Marshal and the rest, but to encourage more concurrent inspections, so that way the towns could then -- they'd have fewer excuses for saying that they can't get into a particular location.

MR. JOHNSON:

Thank you.

P.O. TONNA:

Thank you. Okay. Steve, could I have those cards? Thank you, sir. Anthony Abruscato. {Abrusco}? Abruscato. Anthony, how do you say it, man?

MR. ABRUSCATO:

Abruscato.

P.O. TONNA:

There you go. Thank you very much. And that's Junior.

MR. ABRUSCATO:

Right. After nearly 60-plus hours of coming to the County Legislature, I feel we've given enough reasons why sober houses need to be regulated. People who live on Patchogue Avenue in Mastic see people quite frequently going into the woods across from the sober house where it is littered with beer bottles and used open-ended needles. In addition to the drug addicts who loiter on Patchogue Avenue, there are numerous prostitutes who walk up and down Patchogue Avenue and take their johns into the woods and then use the money to buy drugs. This is a typical day of what happens on Patchogue Avenue, day or night, 24 hours a day, which now has two of the of 25 sober houses that have proliferated in the Mastic/Shirley area. I also want to add that there is a major -- this is a major roadway in the community where residents use this road to pick up relatives and friends from the Shirley Train Station.

The Mastic/Shirley community is a proud one who have an investment in their homes and have many concerns for their children's safety. Many people are disheartened and upset with the dumping and the unlawfulness running rampant in our area. Some people are deciding to move and some have already moved, and some have decided to stay and have written

00093

letters asking all of us -- asking all of you to pass Resolution 1155. Please have the vision, because where there is no vision, the people perish. Thank you.

LEG. FOLEY:

Thank you.

P.O. TONNA:

Thank you very much, sir.

LEG. CARACAPPA:

Thank you.

P.O. TONNA:

Next card, John --

MR. SICIGNANO:

Sicignano.

P.O. TONNA:

Sicignano. John. There you go.

MR. SICIGNANO:

How are you? My name is John Sicignano, President of the Mastic Park Civic Association. I'm also --

P.O. TONNA:

Hold on. Go ahead, John.

MR. SICIGNANO:

My name is John Sicignano, President of the Mastic Park Civic Association, and also a member of the Citizens Action Coalition. I wrote some letters about four or five months ago to each one of you County Executives -- I mean Legislators, and only three of you answered me back. I mean, Mr. Guldi answered me and he was against it, he was against the law. I'd like answers back, if you could, even if you can't find something.

LEG. GULDI:

You want another one from me?

MR. SICIGNANO:

No. Just one is enough from you. But I also -- I ended up getting -- there's a list of all the sober houses in Suffolk County, and I have three of them. Maybe we can hand them to somebody and make copies, so you can all have, because a lot of you said you couldn't get it.

D.P.O. LEVY:

You're a good man. Thank you.

MR. SICIGNANO:

And I got it. I don't know how I got it.

LEG. CARACAPPA:

We're still working on it.

00094

MR. SICIGNANO:

We're still working on it. I'm wondering if this Legislative body has given up and gave it to the State. Is that what's happening right now?

LEG. FOLEY:

There's a bill before us, so you can't say that. There's a bill before us.

MR. SICIGNANO:

Okay. But --

D.P.O. LEVY:

We didn't veto the bill.

MR. SICIGNANO:

I know you didn't, but you turned it down the last time when Gaffney vetoed it. Okay. But I know the Sister came up here talking the last time and I think that's what kind of swayed people not voting for it to override Gaffney's veto, and she was here again tonight. I don't know if she's still here. She's gone now. But she was talking about the percentages, and there's only one percent and this and that. Well, we have 27, not 25 sober houses in Mastic, Mastic Beach and Shirley, which bring us to, if you averaged it out, ten per household, is 270, but it's more than ten in many of the homes. So it's a lot more than one percent from what the Sister was saying, so I wanted to clear that one up, per square mile every -- four every two square miles.

Also, I noticed we were talking about the Sober House Law the last time and it didn't pass. I don't remember the numbers, how many people voted against it or for it, but I would imagine Mr. Robert Gaffney probably called a lot of people up and kind of did a little bit of arm-twisting and got people to change their mind. I don't know what you got for that. I hope whatever you got was worth not passing this bill, but it's not helping my community out at all. And I'd like to know when something will be done, because we had 13 when we first came here and now we have 27. And if you drag your feet anymore, we'll have 50. I'll be back here taking another day off from work two months from now and maybe we'll have 50 and you'll all sit there and say, "Well, we're waiting for the State or somebody to come down with some sort of bright idea," and the control, Catholic Charities control this entity, or that entity, or the other entity. We're just trying to have some sort of control over them, so we don't live in the quality of life we're living in now. What will -- what is happening? Is it dead? Is it sitting on somebody's desk? Has somebody got their feet kicked up on it? I mean, I'm just curious. I haven't --

LEG. CARACAPPA:  
What, the new bill?  
MR. SICIGNANO:  
It's a new bill.  
P.O. TONNA:  
Sir, you have about six seconds left.

00095

LEG. FOLEY:  
It's in committee.  
MR. SICIGNANO:  
Okay, it's in committee.  
LEG. CARACAPPA:  
He was asking a question.  
LEG. FISHER:  
He was asking questions.  
P.O. TONNA:  
I know.  
LEG. FISHER:  
He would like to know, is that in committee?  
LEG. FOLEY:  
It's in committee..  
P.O. TONNA:  
The bill is in committee. It has not been let out of the Social Services Committee.  
MR. SICIGNANO:  
Is it being met by Catholic Charities? Because I think that's the lady who was here the last time.  
P.O. TONNA:  
Is it being met?  
MR. SICIGNANO:  
Are they involved in the process in some way?  
P.O. TONNA:  
Well, I would say the public is always involved in the process, whether it be Catholic Charities or the Mastic Civil -- Civic Association.  
MR. SICIGNANO:  
Mastic Park Civic.  
P.O. TONNA:  
Mastic Park Civic --  
MR. SICIGNANO:  
Well, we were never contacted to be involved at all.  
P.O. TONNA:  
Every -- the public is always involved. They can have an opinion any way that they want. So just -- but, generally, it's held up in committee in the Social Services Committee. It's the members of that committee who have not let that out. Okay?  
MR. SICIGNANO:  
So that's where it lays.

00096

P.O. TONNA:  
That's where it lays.  
MR. SICIGNANO:  
Okay.  
LEG. LEVY:

Quick question. The increase in the numbers that you referred to, is that new sober houses that have just been created since that time, or are these sober houses that you've become aware of?

MR. SICIGNANO:

We've become aware of.

LEG. LEVY:

Become of aware of, okay.

MR. SICIGNANO:

In that list, you're only going to see six of them, but I can rattle off Lexington, I could rattle off Rutland Road, I could rattle off a whole bunch of different ones that maybe there's another nomenclature, another name. That's why maybe to have "sober house" is not the right way to word this law, it should be anything that fits underneath this nomenclature.

P.O. TONNA:

Right. John, one of the things that I'd ask, if at any time you have any questions about where a piece of legislation is, I think your local Legislator is Legislator Towle, I'm sure he would have an up-to-date list at all times of exactly where any piece of legislation that he sponsored, where it -- where it is.

MR. SICIGNANO:

How much longer will it take to come out of committee?

P.O. TONNA:

It might never come out of committee, sir. That's the Legislative process.

MR. SICIGNANO:

Oh, that's a nice answer.

P.O. TONNA:

Okay? I don't know whether it will or won't, but it might never get out of committee.

MR. SICIGNANO:

So where --

LEG. LEVY:

You're allowed to go to committee.

P.O. TONNA:

You can come to comment and speak there. I think you have, right?

00097

MR. SICIGNANO:

Where is this, in Hauppauge?

P.O. TONNA:

Yeah.

MR. SICIGNANO:

No, I haven't.

P.O. TONNA:

Okay. Well, we'd love to see you there.

LEG. FISHER:

Mr. Chairman.

P.O. TONNA:

Yes. I don't want to belabor this, but there was another proposal presented at Social Services. There was another group that had talked about ways in which we could make the Sober House Bill work better, and that's why it was delayed there. Because what we want to do is to work with the sponsor and to work with different advocacy groups, so that if

we approve of this again, it won't be thrown back at us. So we want to work on a solid bill. We haven't given up on it. We have been listening to you. Your time here before us hasn't been wasted, and we understand your concern. We've gotten used to seeing the same faces here, and we are listening. But we don't want to just stamp the same piece of legislation that's going to come back to us and say that it's vetoed. And some of the reason that were delineated in the County Executive's veto was that there were legal problems with State law, and so we want to make sure that we --

MR. SICIGNANO:

Right, I know. I understand that.

LEG. FISHER:

-- approve of a very good piece of legislation.

MR. SICIGNANO:

That makes sense.

P.O. TONNA:

Okay.

MR. SICIGNANO:

But I thought that was done when it got voted on and went to it him.

LEG. FISHER:

No.

P.O. TONNA:

Thank you very much.

LEG. FISHER:

As it stands in Social Services, we're still looking at it, it's alive, and we had a very good presentation. And maybe your Legislator could forward the minutes from last week's Social Services Committee meeting

00098

to you.

MR. SICIGNANO:

Okay.

LEG. FISHER:

You know, you could get a hold of that from the Clerk.

MR. SICIGNANO:

I appreciate that.

MR. BARTON:

Internet, available on the internet.

P.O. TONNA:

Okay. Thank you.

LEG. FISHER:

Or you could go on the internet and see it.

MR. SICIGNANO:

Okay.

LEG. FISHER:

Okay?

MR. SICIGNANO:

Internet.

P.O. TONNA:

Thank you.

LEG. FISHER:

Thank you.

MR. SICIGNANO:

Okay, thanks.

P.O. TONNA:

Janet Goltz. How do I say that, Janet?

MS. GOLTZ:

Goltz. You got it.

P.O. TONNA:

I got it? Now, whose district do you live in? No, I'm joking, it doesn't matter. Go ahead.

MS. GOLTZ:

Foley. It's the Seventh.

P.O. TONNA:

Legislator Foley?

MS. GOLTZ:

Yes, Legislator Foley.

00099

P.O. TONNA:

The esteemed Legislator Foley? Okay.

MS. GOLTZ:

Good afternoon. My name is Janet G-O-L-T-Z, and I'm going to read a statement that was -- whoops.

LEG. FOLEY:

It's not on, Janet.

MS. GOLTZ:

It's on. It's on. Before the Finance Committee, and the Land and Parks Committee. And you all received a copy of this in your boxes, but I understand that you get a lot of paper, and maybe it's -- your Aides get it, or whatever, and I want to make -- in fact, I made 24 more copies to make sure you each get one in front of you, just because I know you get a lot. So I may bring this up also before the public hearing of the Operating Budget, I saw that was on the agenda, and before the Budget Committee, since the Capital Budget affects the Operating Budget, if I have that correct. Okay. I'll read the statement and then go from there.

As a taxpayer, voter and resident of Suffolk County, I hereby petition each of you as individual Legislators and all of you collectively as a Legislative body to examine the practices and procedures of the Legislature regarding resolutions by the Legislature, which purport to amend the Capital Budget and Program, specifically those resolutions which increase the Capital Budget and Program without a corresponding offset, as required by Section C4-13 and C4-21 of the Suffolk County Charter, and which do not provide for 50% Federal or State Aid, as required by these same sections of the Charter. The resolutions to which I refer provide a local share, it's usually town, it could be village, and are authorized by the Land Preservation Partnership Program, which mandates a 50% local share. However, these resolutions do not provide a 50% Federal or State share and are not authorized by the Drinking Water Protection Program. Now, I'll make a comment about that later. Therefore, it does not appear that these resolutions are exempt from the offset provisions of Section C4-13 and C4-21 of the Charter, or from either of these sections as a whole.

I request the following: A ruling from the Budget Review Office and from Legislative Counsel regarding the two sections, C4-13, C4-21. A review of all amendments to the 1999 and 2000 Capital Budgets and Programs. Three, a procedure which will aid and as well as demonstrate

compliance with these sections of the Charter. Four, a resolution rescinding, if possible, any and all resolutions from the 1999-2000 budgets that are not in compliance with the Charter with respect to these -- these two sections. I'm summarizing.

Thank you for your attention. I had spoke to Fred Pollert about this, and Paul Sabatino I spoke to I believe last year, and I think he was busy, but we -- they are looking at it and I thank both of them for taking a look at this.

I mentioned the Drinking Water Protection Program, because there was in  
00100

the 1989 Local Law, apparently, there was an exemption made for the purchases under the Drinking Water Protection Program. But from what I can see, in 1991, there was another amendment which kind of deleted that and made the restriction applicable to everything, unless you have that 50% State or Federal aid, or unless the amendment is for a flood, fire, act of God, etcetera, if you read the Charter. So I mention that, because I saw it in the one amendment, 89, but I -- you know, correct me if I'm wrong, the Drinking Water Protection Program purchases would still need an offset, from what understand.

P.O. TONNA:

Janet, you're going to have to summarize your comments.

MS. GOLTZ:

I am.

P.O. TONNA:

Three minutes are up.

MS. GOLTZ:

I have summarized, I'm finished. And the two -- the two examples that I gave are from 1999, the Shadmoor purchase in Montauk, which my understanding is it has not gone to contract. And I know it would probably be asking a lot to rescind that, but if it's wrong and if it violates the Charter and they don't have the 50% State aid, I believe that would be the right thing to do. That was also, if you remember, a CN and I was here at the time, so there was no chance to really debate that on the merits. The second example is --

P.O. TONNA:

Janet.

MS. GOLTZ:

Okay. The Jacobs Farm resolution from the 2000 Budget. That's in committee and it was tabled. So the committees, hopefully, will be addressing this, but I wanted you to be aware of it. And if you have any questions, I'd be -- or comments, I'd be interested.

P.O. TONNA:

Thank you, Janet.

MS. GOLTZ:

Okay?

P.O. TONNA:

Thank you very much.

MS. GOLTZ:

Thank you.

P.O. TONNA:

Okay. We're going to go to the agenda. I'd ask, all Legislators, please come to the horseshoe. We're going to start with the Consent Calendar. I make a motion to approve, second by the Deputy Presiding

Officer, Legislator Levy. All in favor? Opposed?

00101

MR. BARTON:

18.

P.O. TONNA:

Thank you very much. All right. Okay. I'm going to make a motion. I'm going to make a motion to move the agenda to Page 9, so that we can finish things that we have not done in two meetings, those committees, Public -- Public Works, Sports and Recreation, and then move to the front of the agenda.

MS. FARRELL:

You've got to give us a second. Okay. I don't know if I even need to make a motion on that, do I?

MS. FARRELL:

We have to jump to the end. Just give us a second.

MR. BARTON:

We just have to find the slips.

P.O. TONNA:

Okay. We are talking about Sports and Recreation Committee.

LEG. FOLEY:

Page 9.

P.O. TONNA:

Page 9. That way, Brian, we make sure we ensure that we're getting through your stuff.

LEG. FOLEY:

Thanks.

P.O. TONNA:

Always thinking.

LEG. FOLEY:

Always thinking, that's what I like about you.

MS. MAHONEY:

You want me to get Legislators?

P.O. TONNA:

Yes, Alison, that would be great, although, you know, I'd have to probably pay you for the official whip.

LEG. FOLEY:

{Cardinal Rapzinger}.

P.O. TONNA:

As long as it's not Cardinal Richelieu. Anyway, okay.

MR. BARTON:

1840? Okay.

00102

MS. FARRELL:

1840.

P.O. TONNA:

1840 (Approving appointment to Special Score Jets Committee (Harvey Tyson). I make a motion -- oh, Legislator Caracappa, motion to approve, second by Legislator Foley. All in favor? Opposed? Approved.

Number 1841 (Approving appointment to Special Score Jets Committee (Jack Kennedy). Motion by Legislator Caracappa.

LEG. FISHER:

Second.

P.O. TONNA:

Seconded by Legislator --

MR. BARTON:

18 (1840).

P.O. TONNA:

-- Fisher. All in favor? Opposed? Approved.

Number 1842 (Approving appointment to Special Score Jets Committee (Don

Rechler). Motion by Legislator Caracappa, seconded Legislator --

MR. BARTON:

18 (1841).

P.O. TONNA:

I think it was Carpenter. All in favor? Opposed? Approved.

Okay, Public Works Number --

MR. BARTON:

18.

P.O. TONNA:

-- 1461 (Bond Resolution, a resolution authorizing the issuance of \$165,000 serial bonds of the County of Suffolk, New York, to pay part of the cost of the demolition of County-owned buildings on County-owned land (CP 1665). This is a bond. Motion by Legislator Foley, seconded by Bishop. All in favor? Opposed?

LEG. FOLEY:

Bond.

P.O. TONNA:

Oh, roll call on the bond.

(\*Roll Called by Mr. Barton\*)

LEG. FOLEY:

Yes.

00103

P.O. TONNA:

Just the last names, let's try that.

LEG. BISHOP:

Yes.

LEG. CARACCIOLO:

Yes

LEG. GULDI:

Yes.

LEG. TOWLE:

(Not Present)

LEG. CARACAPPA:

Yep.

LEG. FISHER:

Yes.

LEG. HALEY:

(Not Present)

LEG. FIELDS:

Yes.

LEG. ALDEN:

Pass.

LEG. CARPENTER:

Yes.

LEG. CRECCA:

Pass.

LEG. D'ANDRE:

Yes.  
LEG. POSTAL:  
Yes.  
LEG. BINDER:  
Yes.  
LEG. COOPER:  
Yes.  
LEG. LEVY:  
Yes.  
P.O. TONNA:  
Yep.  
LEG. ALDEN:  
No.

00104

LEG. CRECCA:  
Yes.  
P.O. TONNA:  
Okay.  
MR. BARTON:  
15-1, 2 not present. (Not Present: Legs. Towle and Haley)  
P.O. TONNA:  
Same motion, same second, same vote.  
LEG. BISHOP:  
I'm a yes.  
MS. FARRELL:  
We already did that.  
P.O. TONNA:  
Oh, we did that already?  
MR. BARTON:  
It was just a supplemental bond.  
P.O. TONNA:  
Oh, we did the first part?  
MR. BARTON:  
Yes.  
P.O. TONNA:  
We didn't do the second?  
MR. BARTON:  
We did it at --  
P.O. TONNA:  
Isn't that unbelievable? Okay. Number 1575. This is not a bond,  
right?  
MS. FARRELL:  
Yes, bond.  
P.O. TONNA:  
It is? Because I say no bond. I don't know if that's James Bond.  
MR. SABATINO:  
We haven't gotten the bond, that's why it has to be tabled.  
MR. BARTON:  
We haven't gotten it.  
P.O. TONNA:  
Okay. Make a motion to table by myself, seconded by Legislator Fisher.  
All in favor? Opposed? Tabled.

00105

MR. BARTON:

18.

P.O. TONNA:

Number 1713 (Authorizing execution of an agreement by the Administrative Head of Suffolk County Sewer District No. 10- William Floyd with the owner of Ridgehaven Estates Section 5 and Newbrook Woods). Motion by myself, seconded by Legislator Foley. All in favor? Opposed? Approved.

LEG. GULDI:

Opposed.

P.O. TONNA:

Okay. Opposed, Legislator Guldi.

LEG. FIELDS:

Opposed.

P.O. TONNA:

And Legislator --

LEG. FIELDS:

Fields.

P.O. TONNA:

Fields. Okay. (Vote: 16 yes, 2 no)

1717 (Amending the 2000 Capital Budget and Program by appropriating funds in connection with the purchase of equipment for the Highway LAN System (CP 5060). Motion by Legislator Foley, seconded by Legislator Bishop. All in favor? Opposed? Approved. (Vote: 18)

1718 (Appropriating funds in connection with the reconstruction of CR 11, Pulaski Road, from Woodbury Road to Depot Road, Town of Huntington (CP 5168). There's a bond, so I'll make a motion, seconded by Legislator --

LEG. FOLEY:

Second.

P.O. TONNA:

Foley. Roll call.

(\*Roll Called by Mr. Barton\*)

P.O. TONNA:

Yep.

LEG. FOLEY:

Yes.

LEG. CARACCIOLO:

Yes.

00106

LEG. GULDI:

Yes.

LEG. TOWLE:

(Not Present)

LEG. CARACAPPA:

Yep.

LEG. FISHER:

Yes.

LEG. HALEY:

(Not Present)

LEG. FIELDS:

Yes.

LEG. ALDEN:

Yes.  
LEG. CARPENTER:

Yes.  
LEG. CRECCA:

Yes.  
LEG. D'ANDRE:

Yes.  
LEG. BISHOP:

Yes.  
LEG. POSTAL:

Yes.  
LEG. BINDER:

Yes.  
LEG. COOPER:

Yes.  
LEG. LEVY:

Yes.  
MR. BARTON:  
16, 2 not present. (Not Present: Legs. Towle and Haley)

P.O. TONNA:  
Okay. Thank you very much. All -- same motion, same second, same vote.

All right. Number 1719 (Amending the 2000 Capital Budget and appropriating funds for Engineering costs associated with the reconstruction of CR 67, Motor Parkway Bridge at L.I.E. Exit 55 in Islip (CP 5172).

00107

LEG. GULDI:  
We just did it.

LEG. FOLEY:  
No.

P.O. TONNA:  
No.

LEG. FOLEY:  
We did 1718.

LEG. FISHER:  
This is 18.

P.O. TONNA:  
Motion by Legislator Levy, I think, seconded by Legislator Foley. Roll call.

(\*Roll Called by Mr. Barton\*)

LEG. LEVY:  
Yes.

LEG. FOLEY:  
Yes.

LEG. CARACCIOLO:  
Yes.

LEG. GULDI:  
Yes.

LEG. TOWLE:  
(Not Present)

LEG. CARACAPPA:  
Yes.

LEG. FISHER:  
Yes.  
LEG. HALEY:  
(Not Present)  
LEG. FIELDS:  
Yes.  
LEG. ALDEN:  
Pass.  
LEG. CARPENTER:  
Yes.

00108

LEG. CRECCA:  
Pass.  
LEG. D'ANDRE:  
Yes.  
LEG. BISHOP:  
Yes.  
LEG. POSTAL:  
Yes.  
LEG. BINDER:  
Yes.  
LEG. COOPER:  
Yes.  
P.O. TONNA:  
Yep.  
LEG. ALDEN:  
No.  
MR. BARTON:  
Mr. Crecca.  
P.O. TONNA:  
1719, Mr. Crecca.  
MR. BARTON:  
Legislator Crecca.  
LEG. CRECCA:  
Yes. Yes.  
P.O. TONNA:  
Okay.  
MR. BARTON:  
Thank you. Fifteen. (Not Present: Legs. Towle and Haley)  
P.O. TONNA:  
Same motion, same second, same vote. I'd ask that, Legislators, let's stay focused on this for a little while. We'll get moving this thing pretty quickly.  
1720 (Appropriating funds in connection with the installation of guide rail and safety upgrades at various locations (CP 5180). Motion by?  
LEG. GULDI:  
Motion.  
P.O. TONNA:  
Legislator Foley, seconded by Legislator Bishop. Roll call.

00109

(\*Roll Called by Mr. Barton\*)

LEG. FOLEY:  
Yes.

LEG. BISHOP:  
I seconded.  
P.O. TONNA:  
Yeah.  
LEG. BISHOP:  
Yes.  
LEG. CARACCIOLO:  
Yes.  
LEG. GULDI:  
Yes.  
LEG. TOWLE:  
(Not Present)  
LEG. CARACAPPA:  
Yep.  
LEG. FISHER:  
Yes.  
LEG. HALEY:  
(Not Present)  
LEG. FIELDS:  
Yes.  
LEG. ALDEN:  
Yes.  
LEG. CARPENTER:  
Yes.  
LEG. CRECCA:  
Yes.  
LEG. D'ANDRE:  
Yes.  
LEG. POSTAL:  
Yes.  
LEG. BINDER:  
Yes.  
LEG. COOPER:  
Yes.

00110

LEG. LEVY:  
(Not Present)  
P.O. TONNA:  
Yep.  
MR. BARTON:  
15, 3 not present. (Not Present: Legs. Towle, Haley and Levy)  
P.O. TONNA:  
Same motion, same second, same vote. 1721 (Amending the 2000 Capital Budget and Program by appropriating funds in connection with the purchase of dredge support equipment (CP 5201). Motion by Legislator Foley, seconded by Legislator Bishop. All in favor? Opposed?  
Approved.  
LEG. GULDI:  
A bond.  
MR. BARTON:  
15, 3 not present.  
P.O. TONNA:  
Oh, I don't see the bond. No.

LEG. FOLEY:

No, it's not a bond.

P.O. TONNA:

It's not a bond.

LEG. FOLEY:

Not a bond.

MR. BARTON:

Three not present. (Not Present: Legs. Towle, Haley and Levy)

P.O. TONNA:

Okay. 1722 (Appropriating funds in connection with bulkheading at various locations (CP 5375).

LEG. GULDI:

Motion.

P.O. TONNA:

Motion by --

LEG. FOLEY:

Guldi's district.

P.O. TONNA:

What?

LEG. FOLEY:

Guldi's District.

00111

LEG. GULDI:

Motion.

P.O. TONNA:

Speed it up?

MR. BARTON:

No. No.

P.O. TONNA:

Code?

LEG. GULDI:

Tonna.

LEG. FISHER:

Guldi made a motion.

P.O. TONNA:

Okay. I'd ask that, all Legislators, please, come to the horseshoe.

LEG. GULDI:

Try to stay focused, too.

LEG. FISHER:

Second.

P.O. TONNA:

It's Capital Budget. Legal Counsel, 1721?

LEG. FOLEY:

5-25-5.

MR. SABATINO:

That was 5-25-5 money we used, that's why -- that's Operating Budget.

P.O. TONNA:

Okay. 1721, I'll make a motion, seconded by Legislator Foley.

LEG. GULDI:

That was done, right?

LEG. FOLEY:

We did that already.

LEG. FISHER:

We did that.  
P.O. TONNA:  
No, 1722, I'm sorry.  
LEG. GULDI:  
Motion.  
P.O. TONNA:  
1722.

00112

LEG. FISHER:  
Guldi made a motion.  
P.O. TONNA:  
Motion by Legislator Guldi, seconded by Legislator Caracciolo. Okay.  
Roll call.

(\*Roll Called by Mr. Barton\*)

LEG. GULDI:  
Yes.  
LEG. CARACCIOLO:  
Yes.  
LEG. TOWLE:  
(Not Present)  
LEG. CARACAPPA:  
Yes.  
LEG. FISHER:  
Yes.  
LEG. HALEY:  
(Not Present)  
LEG. FOLEY:  
Yes.  
LEG. FIELDS:  
Yes.  
LEG. ALDEN:  
No.  
LEG. CARPENTER:  
Yes.  
LEG. CRECCA:  
No.  
LEG. D'ANDRE:  
Yes.  
LEG. BISHOP:  
Yes.  
LEG. POSTAL:  
Yes.  
LEG. BINDER:  
No.

00113

LEG. COOPER:  
Yes.  
LEG. LEVY:  
Pass.  
P.O. TONNA:  
Yep.  
MR. BARTON:  
Mr. Levy, on 1722.

LEG. LEVY:

Yes.

MR. BARTON:

Thank you.

P.O. TONNA:

Okay.

MR. BARTON:

13-3, and 2 not present. (Not Present: Legs. Towle and Haley)

P.O. TONNA:

Okay. Same motion, same second, same vote. Okay.

1723 (Appropriating funds in connection with the seawall replacement adjacent to CR 42, Shore Road, Town of Shelter Island (CP 5841).

LEG. CARACCIOLO:

Motion.

P.O. TONNA:

Motion by Legislator --

LEG. GULDI:

Second.

P.O. TONNA:

-- Caracciolo, seconded by Legislator Guldi. Roll call.

(\*Roll Called by Mr. Barton\*)

LEG. CARACCIOLO:

Yes.

LEG. GULDI:

Yes.

LEG. TOWLE:

(Not Present)

LEG. CARACAPPA:

Yep.

00114

LEG. FISHER:

Yes.

LEG. HALEY:

(Not Present)

LEG. FOLEY:

Yes.

LEG. FIELDS:

Yes.

LEG. ALDEN:

Yes.

LEG. CARPENTER:

Yes.

LEG. CRECCA:

Yes.

LEG. D'ANDRE:

Yes.

LEG. BISHOP:

Yes.

LEG. POSTAL:

Yes.

LEG. BINDER:

Yes.

LEG. COOPER:

Yes.

LEG. LEVY:

Yes.

P.O. TONNA:

Yep.

MR. BARTON:

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

LEG. TOWLE:

18. 18.

P.O. TONNA:

Okay. Same motion, same second, same vote. 1809 (Appropriating funds and amending the 2000 Capital Budget and Program for engineering costs associated with the replacement of the bridge carrying Mill Dam Road over Centerport Harbor, Huntington (CP 5854).

LEG. COOPER:

Motion.

00115

P.O. TONNA:

Motion by Legislator Cooper, seconded by myself. Roll call.

(\*Roll Called by Mr. Barton\*)

LEG. COOPER:

Yes.

P.O. TONNA:

Yep.

LEG. CARACCIOLO:

Yes.

LEG. GULDI:

Yes.

LEG. TOWLE:

Yes.

LEG. CARACAPPA:

Yes.

LEG. FISHER:

Yes.

LEG. HALEY:

Yes.

LEG. FOLEY:

Yes.

LEG. FIELDS:

Yes.

LEG. ALDEN:

Pass.

LEG. CARPENTER:

Yes.

LEG. CRECCA:

Pass.

LEG. D'ANDRE:

Yes.

LEG. BISHOP:

Yes.

LEG. POSTAL:

Yes.

LEG. BINDER:

Yes.

00116

LEG. ALDEN:

No.

LEG. CRECCA:

Yes.

MR. BARTON:

Oh, I'm sorry, Mr. Levy.

LEG. LEVY:

Yes.

MR. BARTON:

17-1.

P.O. TONNA:

Fine. Same motion, same second, same vote.

Number 1828 (Amending the 2000 Capital Budget and Program, accepting and appropriating federal funds and other funds and authorizing the purchase of paratransit vans from a New York State contract on behalf of seven municipalities and the Disabled American Veterans of Northport for a total cost not to exceed \$1,240,628 (CP 5658). Motion by Legislator Foley, seconded by Legislator Bishop. All in favor? Opposed? Approved. Number --

MR. BARTON:

18.

P.O. TONNA:

1903 (Authorizing an amendment to the connection agreement between the Administrative Head of Suffolk County Sewer District No. 1 - Port Jefferson with the developer Dark Hollow Road Apartments). Motion by Legislator Fisher, seconded by Legislator Haley. All in favor? Opposed?

LEG. CARACCIOLO:

Abstention.

P.O. TONNA:

Approved.

MR. BARTON:

17, 1 abstention.

LEG. CARACCIOLO:

Abstention.

LEG. GULDI:

Opposed.

(Vote: 16, 1 no, 1 abstention)

P.O. TONNA:

Number 1904 (Authorizing execution of an agreements by the

00117

Administrative Head of Suffolk County Sewer District No. 3 - Southwest with the developer of Melville Corporate Center). Motion by myself. Seconded by Legislator Foley. All in favor? Opposed?

LEG. POSTAL:

I'm opposed.

P.O. TONNA:

Opposed, Legislator --

LEG. GULDI:

I'm opposed to four.

P.O. TONNA:

Okay. Legislator --

LEG. CARACCIOLO:

Abstention.

LEG. FIELDS:

Fields.

P.O. TONNA:

Caracciolo, Guldi.

LEG. GULDI:

Opposed.

P.O. TONNA:

Okay. One abstention in Legislator Caracciolo. You got it? Okay, great.

MR. BARTON:

They're opposed as well? Okay.

P.O. TONNA:

Okay, approved. Number 1905.

MR. BARTON:

14, 3 nos, 1 abstention on 1904.

P.O. TONNA:

1905 (Authorizing execution of an agreement by the Administrative Head of Suffolk County Sewer District No. 6 - Kings Park with the developer of Nora Estates). Motion by Legislator D'Andre, seconded by Legislator Crecca.

LEG. GULDI:

Opposed.

P.O. TONNA:

All in favor? Opposed?

LEG. GULDI:

Opposed.

00118

LEG. FIELDS:

Opposed.

P.O. TONNA:

Opposed. Go ahead.

LEG. CARACCIOLO:

Abstention.

P.O. TONNA:

Who? You got it? Okay.

MS. FARRELL:

Are you a no?

P.O. TONNA:

No. I'm a yes.

MR. BARTON:

15-1, 2 abstentions.

P.O. TONNA:

Okay, great. Number 1906 (Authorizing execution of an agreement by the Administrative Head of Suffolk County Sewer District No. 6 - Kings Park with the developer of the Hills at Kings Park). Motion by Legislator D'Andre, seconded by Legislator Crecca. All in favor? Opposed?

LEG. GULDI:

Opposed.

LEG. FIELDS:

Opposed.

LEG. CARACCIOLO:

Abstention.

P.O. TONNA:

Okay. Number 1907.

MR. BARTON:

15, 2 nos, 1 abstention.

P.O. TONNA:

(1907 - Appropriating funds in connection with the reconstruction of CR 85, Montauk Highway, from CR 97, Nicolls Road to West Avenue, Town of Brookhaven (CP 5554). It's a bond.

LEG. FOLEY:

Motion.

LEG. FISHER:

Motion.

P.O. TONNA:

Motion by Legislator --

00119

LEG. FOLEY:

My district.

P.O. TONNA:

Okay, Foley.

LEG. FISHER:

Foley.

P.O. TONNA:

Seconded by --

LEG. HALEY:

Second.

LEG. FISHER:

Second.

P.O. TONNA:

-- Legislator Fisher. Okay. Roll call.

(\*Roll Called by Mr. Barton\*)

LEG. FOLEY:

Yes.,

LEG. FISHER:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. GULDI:

Yes.

LEG. TOWLE:

Yes.

LEG. CARACAPPA:

Yes.

LEG. HALEY:

Yes.

MR. BARTON:

Happy Birthday, Marty.

LEG. HALEY:

Thank you.

LEG. FIELDS:

Yes.

LEG. ALDEN:

Yes.

00120

LEG. CARPENTER:

Yes.

LEG. CRECCA:

Yes.

LEG. D'ANDRE:

Yes.

LEG. BISHOP:

Yes.

LEG. POSTAL:

Yes.

LEG. BINDER:

Yes.

LEG. COOPER:

Yep.

LEG. LEVY:

Yes.

P.O. TONNA:

Yep.

MR. BARTON:

18.

P.O. TONNA:

Okay.

LEG. FOLEY:

Thank you.

P.O. TONNA:

Same motion, same second, same vote.

1908 (Appropriating funds in connection with the repair of Shinnecock Canal Jetties, Town of Southampton (CP 5348). Motion by Legislator Guldi, seconded by Legislator Caracciolo. Roll call.

(\*Roll Called by Mr. Barton\*)

LEG. GULDI:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. TOWLE:

Yes.

LEG. CARACAPPA:

Yep.

00121

LEG. FISHER:

Yes.

LEG. HALEY:

Yes.

LEG. FOLEY:

Yes.

LEG. FIELDS:

Yes.

LEG. ALDEN:

Yes.

LEG. CARPENTER:

Yes.

LEG. CRECCA:

Yes.

LEG. D'ANDRE:

Yes.

LEG. BISHOP:

Yes.

LEG. POSTAL:

Yes.

LEG. BINDER:

Yes.

LEG. COOPER:

Yes.

LEG. LEVY:

Yes.

P.O. TONNA:

Yes.

MR. BARTON:

18.

P.O. TONNA:

Same motion, same second, same vote. 1909 (Appropriating funds in connection with the rehabilitation of CR 94A, Center Drive extension over Peconic River, Towns of Riverhead and Southampton (CP 5850).

LEG. CARACCIOLO:

Motion.

P.O. TONNA:

Motion by Legislator Caracciolo.

00122

LEG. GULDI:

Second.

P.O. TONNA:

Seconded by Legislator Guldi. Roll call.

(\*Roll Called by Mr. Barton\*)

LEG. CARACCIOLO:

Yes.

LEG. GULDI:

Yes.

LEG. TOWLE:

Yes.

LEG. CARACAPPA:

Yes.

LEG. FISHER:

Yes.

LEG. HALEY:

Yes.

LEG. FOLEY:

Yes.

LEG. FIELDS:

Yes.

LEG. ALDEN:

Yes.

LEG. CARPENTER:

Yes.

LEG. CRECCA:

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

00123

LEG. LEVY:  
Yes.  
P.O. TONNA:  
Yep.  
MR. BARTON:  
18.  
P.O. TONNA:

Okay. Same motion, same second, same vote. Resolution Number 1910 (Appropriating funds in connection with the reconstruction of Park Avenue Culvert, Town of Babylon (CP 5371), a bond. Motion by Legislator -- Park Avenue in Babylon -- Bishop, seconded by Legislator Postal. Roll call.

(\*Roll Called by Mr. Barton\*)

LEG. BISHOP:  
Yes.  
LEG. POSTAL:  
Yes.  
LEG. CARACCIOLO:  
Yes.  
LEG. GULDI:  
Yes.  
LEG. TOWLE:  
Yes.  
LEG. CARACAPPA:  
Yes.  
LEG. FISHER:  
Yes.  
LEG. HALEY:  
Yes.  
LEG. FOLEY:  
Yes.  
LEG. FIELDS:  
Yes.  
LEG. ALDEN:  
Yes.  
LEG. CARPENTER:  
Yes.

00124

LEG. CRECCA:  
Yes.  
LEG. D'ANDRE:

Yes.  
LEG. BINDER:  
Yes.  
LEG. COOPER:  
Yes.  
LEG. LEVY:  
Yes.  
P.O. TONNA:  
Yep.  
MR. BARTON:  
18.  
P.O. TONNA:  
Same motion, same second, same vote.  
LEG. CRECCA:  
Motion.  
P.O. TONNA:  
By Legislator Crecca, seconded by Legislator Carpenter. All in favor?  
Oh, no. Roll call.  
(\*Roll Called by Mr. Barton\*)  
LEG. CRECCA:  
Yes.  
LEG. CARPENTER:  
Yes.  
LEG. CARACCIOLO:  
Yes.  
LEG. GULDI:  
Yes.  
LEG. TOWLE:  
Yes.  
LEG. CARACAPPA:  
Yes.  
LEG. FISHER:  
Yes.  
LEG. HALEY:  
Yes.  
  
LEG. FOLEY:  
Yes.  
LEG. FIELDS:  
Yes.  
LEG. ALDEN:  
Yes.  
LEG. D'ANDRE:  
Yes.  
LEG. BISHOP:  
Yes.  
LEG. POSTAL:  
Yes.  
LEG. BINDER:  
Yes.  
LEG. COOPER:  
Yes.  
LEG. LEVY:

00125

Yes.

P.O. TONNA:

Yep.

MR. BARTON:

18.

P.O. TONNA:

Okay. Same motion, same second, same vote. 1913 (Approving Federal Aid for participation in engineering for the Rehabilitation of Smith's Point Bridge, Brookhaven (Capital Program Number 5838). Motion by Legislator Foley, seconded by Legislator Haley. All in favor?

Opposed? Approved.

MR. BARTON:

18.

P.O. TONNA:

Number 1914 (Amending the 2000 Capital Budget and Program and appropriating funds for bulkheading at various locations). A bond? No bond.

LEG. LEVY:

Motion to table.

MS. FARRELL:

No bond.

00126

P.O. TONNA:

Okay. Motion to table by Legislator Levy, seconded by myself. All in favor? Opposed? Tabled.

MR. BARTON:

18.

P.O. TONNA:

Number 1922.

LEG. TOWLE:

Mr. Chairman. Mr. Chairman.

P.O. TONNA:

Excuse me?

LEG. TOWLE:

What is the story on the bonds for these resolutions? Are they bringing them over? Obviously, I got a memo from the Clerk. I know one of the bills you passed earlier this morning or this afternoon was --

P.O. TONNA:

I'd ask to address Legal Counsel.

MR. SABATINO:

I sent -- I just drafted a letter today to send to bond counsel, because for some reason, bond counsel is requiring some additional language on SEQRA, which, you know, we submitted language earlier today, but I got the word back that he wasn't using that.

LEG. TOWLE:

All three of the bills?

MR. SABATINO:

So I said, "I'm sending it" -- we drafted a letter today that will go out tomorrow and we'll find out what language he wants.

LEG. TOWLE:

For all three of the bills that were on --

MR. SABATINO:

All three. Yeah, there's all three bills. I used the same language on

all three bills and he's requesting different language. I don't know what the language is, so we're sending a letter out.

LEG. TOWLE:

Okay. Thanks.

P.O. TONNA:

Okay. So motion to table.

LEG. FOLEY:

Which one?

LEG. POSTAL:

Yeah.

00127

P.O. TONNA:

Oh, we already did that, 1914.

MR. BARTON:

It's tabled.

P.O. TONNA:

Motion to table, seconded by --

MR. BARTON:

It's done.

P.O. TONNA:

Okay. 1922 (Amending the 2000 Capital Budget and Program and appropriating funds in connection with the dredging of various County waters (CP 5200).

LEG. CRECCA:

Motion to approve.

P.O. TONNA:

Roll call.

LEG. D'ANDRE:

Motion.

P.O. TONNA:

Okay. Motion by Legislator D'Andre.

LEG. CARACCIOLO:

Second.

P.O. TONNA:

Seconded by Legislator Crecca. Roll call.

LEG. CARPENTER:

On the motion.

P.O. TONNA:

On the motion.

LEG. CARPENTER:

There were a number of offsets in this project that impact my district in particular and some others, and I just want to check with the County Executive's budget person.

LEG. CRECCA:

Ken Weiss is here.

P.O. TONNA:

Ken, you're here. Usually I can see you. It's like -- you know, it's a shine thing, you know, but I didn't get to see you there.

LEG. CARPENTER:

There were three projects in particular, the Bay Shore Road, 5523.

00128

P.O. TONNA:

Hold it one second, Legislator Carpenter. A little less comment from

the peanut gallery. Thank you.

MR. WEISS:

Okay. Let me start with -- excuse me -- with Bay Shore Road. The Department had requested the \$642,000, which they have, which is sufficient --

LEG. CARPENTER:

Kenny, could you talk into the mike straight on. Can't hear you.

MR. WEISS:

The Department has said that the \$642,000 they have is sufficient. The additional money, we're only taking a hundred and -- we're only taking \$118,000 from that project. The Department said that that will not impact the project. The Capital Program, the way it exists, there's 275,000 for 2002 for land acquisition, and there's \$1,450 in subsequent years for the actual construction. This is an aided project, which means we could appropriate the money next year. But there is no way that they would need that additional money this year. So that's --

LEG. CARPENTER:

Okay.

MR. WEISS:

That offset's okay.

LEG. CARPENTER:

I just needed on the record that it does not negatively impact it, because it is a dreadful location that needs to be remedied as quickly as possible, so we can't afford any delays in that project. There have been a lot of lives lost on that Bay Shore Road.

MR. WEISS:

The Department's assured me that this won't impact the project.

LEG. CARPENTER:

Okay.

LEG. BINDER:

Mr. Chairman.

LEG. CARPENTER:

The other one was 2115, which is the Sagtikos Theater at Western Campus. I'm sure that everyone is aware of the fact that that particular building needs improvement. We've had a couple of meetings there. You see that the orchestra pit is all open. Again, an accident waiting to happen. So why are they able to take money out of that?

MR. WEISS:

All four of the College projects are projects that the Department will not be requesting money for this year. They just can't get to them this year. I checked with Public Works and my staff checked with the College, and that these monies will have to be appropriated in future

00129

years, but there's no way that that money will be appropriated this year.

LEG. CARPENTER:

What is the amount on the Sagtikos Theater project.

MR. WEISS:

400,000.

LEG. CARPENTER:

I would just ask the Chairman of the Education Committee to question the people from the College on this particular project. You know, all of us were there, we see how important it is that that get done. There

should be no reason that that's delayed. That's been in the works for an awful long time.

MR. WEISS:

I just want to point out one other thing that the -- you know, the College projects are all subject to bonding in the Governor's --

LEG. CARPENTER:

I'm aware of that.

MR. WEISS:

And they will not be bonded in this cycle. So those projects would not be eligible for aid if we did appropriate them. So we would have to appropriate them as total County money, because there are no bonds available this year. They're going to be in the next cycle.

LEG. CARPENTER:

And there's no recouping that aid if we go -- if we front the money to do it --

MR. WEISS:

We won't get it.

LEG. CARPENTER:

Okay.

MR. WEISS:

That's why we're closing out projects.

LEG. CARPENTER:

Okay.

MR. WEISS:

Millions of dollars we're losing in aid.

LEG. CARPENTER:

Thank you.

LEG. BINDER:

Mr. Chairman.

P.O. TONNA:

Yes, Legislator Binder.

00130

LEG. BINDER:

Thanks. Ken.

MR. WEISS:

Yes.

LEG. BINDER:

Can you tell tell me about --

P.O. TONNA:

Ken. Ken, the cigar thing, you know, it's got to stop while you have a cold. You know what I mean?

LEG. BINDER:

Tell me about --

P.O. TONNA:

If Clinton can stop, you can stop, you know?

LEG. BINDER:

-- District Number 5, Sewer District Number 5.

P.O. TONNA:

Sorry.

LEG. BINDER:

The money at Strathmore, District Number 5.

MR. WEISS:

Again, it's a timing project. You know, at the time we put the project

in the Capital Program, they thought they were going to get to it this year and they won't be able to get to it. Because it's an aided project, it's --

LEG. HALEY:

Speak up, Ken.

LEG. FISHER:

It's hard to hear you on this side.

LEG. CRECCA:

Turn the mike there.

LEG. FISHER:

We can't hear anything you're saying.

LEG. CARPENTER:

Straight on into the mike.

LEG. GULDI:

Come on, it's not your first time, Kenneth.

MR. WEISS:

No.

00131

LEG. GULDI:

Don't get nervous.

MR. WEISS:

The Department has said that they won't get to that project this year, so that there's no way that we could appropriate the money. All these offsets are projects that we've gone over with the Department of Public Works and the affected departments. They're all projects that they're not going to get to this year. They won't be requesting the money, so the money would just lapse at the end of the year. So, you know, it was hard finding offsets, you know, and we worked with the Budget Review Office to find them and --

LEG. BINDER:

Did they say why they're not going to be able to get to Strathmore this year?

MR. WEISS:

I could find out for you later. I don't remember the specifics on that one. I checked on the College projects and some of the other projects, but I didn't check on that specific one.

LEG. BINDER:

I'm concerned, because there are some -- there are some real problems at that sewer district.

MR. WEISS:

I think, you know, based on the status of the assessment stabilization funds for the sewer districts, I think a project of that magnitude, \$60,000, could probably be done without bonding, if it becomes necessary.

LEG. CARACCILOLO:

Mr. Chairman.

P.O. TONNA:

Yes.

LEG. CARACCILOLO:

5526 Capital Project, County Road 48, Southold?

MR. WEISS:

Again, without knowing the specifics of every single project, we did check -- I double checked just a little while ago. My staff called

Public Works and went over them. That project that they're not going to get to this year, they won't be requesting the money.

LEG. CARACCIOLO:

At the end of the year, what would happen to these funds, to the appropriations?

MR. WEISS:

Well, the appropriations -- I mean, the appropriations would just lapse. Since they weren't appropriated and there wasn't -- there weren't bonds, they would just -- the money would just, you know, disappear from the --

00132

LEG. CARACCIOLO:

So this doesn't kill a project?

MR. WEISS:

That's correct.

LEG. CARACCIOLO:

And I think that's the important thing for everyone to understand, it doesn't kill a capital project.

LEG. D'ANDRE:

Call the question.

LEG. FISHER:

Thank you, Mike.

P.O. TONNA:

Okay. Let's -- okay. Roll call on the bond.

(\*Roll Called by Mr. Barton\*)

LEG. D'ANDRE:

Yes.

LEG. CRECCA:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. GULDI:

Yes.

LEG. TOWLE:

Yes.

LEG. CARACAPPA:

Yes.

LEG. FISHER:

Yes.

LEG. HALEY:

Yes.

LEG. FOLEY:

Yes.

LEG. FIELDS:

Yes.

LEG. ALDEN:

Yes.

00133

LEG. CARPENTER:

Yes.

LEG. BISHOP:

(Not Present)

LEG. POSTAL:

Yes.

LEG. BINDER:

Yes.

LEG. COOPER:

Yes.

LEG. LEVY:

(Not Present)

P.O. TONNA:

Yep.

MR. BARTON:

16, 2 not present. (Not Present: Legs. Bishop and Levy)

P.O. TONNA:

Same motion, same second, same vote.

#### CONSUMER PROTECTION AND GOVERNMENT OPERATIONS

Okay, on -- now on to Consumer Protection and Government Operations.

1584 (Adopting Local Law No. -2000, a Local Law to establish Organically Trained Certificate Program for licensed landscapers in Suffolk County).

LEG. ALDEN:

Motion.

P.O. TONNA:

Motion by Legislator Alden?

LEG. GULDI:

Second.

LEG. HALEY:

Can we pass over it?

P.O. TONNA:

All right, we'll pass over it. He swore he wasn't going to make a phone call to find out how he was doing. Any way, Number 1694 (Adopting Local Law No. -2000, a Local Law to stop "Hijacking" of parked vehicles). Is there a motion?

LEG. CARPENTER:

Motion.

00134

P.O. TONNA:

Motion by Legislator Carpenter, seconded by myself. All in favor? Opposed? Approved. Congratulations, Legislator Carpenter.

MR. BARTON:

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

P.O. TONNA:

Okay.

LEG. CRECCA:

Cosponsor.

#### VETERANS & SENIORS

P.O. TONNA:

Veterans and Seniors. 1709 (Accepting and appropriating additional 100% reimbursable funds for the Title VII Program). Motion by Legislator D'Andre, seconded by Legislator Crecca. All in favor? Opposed? Approved.

LEG. D'ANDRE:

Add me as a cosponsor.

MR. BARTON:

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

LEG. D'ANDRE:

1694, please.

P.O. TONNA:

1694, Legislator D'Andre would like to be listed as a cosponsor.

LEG. D'ANDRE:

And as well as 1709.

P.O. TONNA:

Okay. Number 1820 (Accepting and appropriating additional 75% reimbursable funds for the expanded In-Home Services for the Elderly Program (EISEP). Motion by Legislator --

LEG. FISHER:

Second.

P.O. TONNA:

-- D'Andre, seconded by Legislator Fisher. All in favor? Opposed?

Approved. 1824.

MR. BARTON:

17-1. (Not Present: Leg. Bishop)

P.O. TONNA:

(1824 Accepting and appropriating additional 75% reimbursable funds for the Congregate Services for the Elderly Program (CSE). Motion by Legislator D'Andre, seconded by Legislator Foley. All in favor?

Opposed? Approved.

00135

MR. BARTON:

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

RESOLUTIONS TABLED TO SEPTEMBER 12, 2000

P.O. TONNA:

Now we go to the beginning of the agenda. The senseless resolutions we'll wait for. You were the only one that got that. Okay. Resolutions

tabled to September 12th. Number -- okay. We're on Page 4.

Resolution Number 1041 (Adopting Local Law No. -2000, a Charter Law to establish competitive-bidding process for selection of County Bond Counsel). Legislator Binder, what is your wish?

LEG. BINDER:

Motion to table.

P.O. TONNA:

Motion to table, seconded by myself. All in favor? Opposed? Tabled.

Okay.

MR. BARTON:

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

P.O. TONNA:

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:

Legislator --

LEG. HALEY:

Second.

P.O. TONNA:

Okay. Table by Legislator Caracciolo, seconded by Legislator Haley.

All in favor? Opposed? Tabled.

MR. BARTON:

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

P.O. TONNA:

1084 (To implement use of natural gas as fuel for County fleet).

Motion by?

LEG. LEVY:

Table.

P.O. TONNA:

Table by Legislator Levy, seconded by Legislator Foley. All in favor?

Opposed? Tabled.

00136

MR. BARTON:

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

P.O. TONNA:

Number 1291 ( Approving cross bay ferry license for Beach Taxi, LLC).

LEG. LEVY:

Table.

P.O. TONNA:

Motion by --

LEG. LEVY:

Table.

P.O. TONNA:

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

Tabled.

MR. BARTON:

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

P.O. TONNA:

Number 1379. Motion by Legislator Towle.

MR. BARTON:

It was adopted.

P.O. TONNA:

That was adopted.

LEG. LEVY:

1312 was adopted at the last meeting.

P.O. TONNA:

1312 was adopted.

LEG. TOWLE:

Motion to table.

MR. BARTON:

Yes.

P.O. TONNA:

Okay. Motion to table by Legislator Towle.

LEG. FOLEY:

Second.

P.O. TONNA:

1379 we're on. (Authorizing conveyance of parcel to Town of Brookhaven for use by VIBS (Section 72-h, General Municipal Law). Seconded by Legislator Foley. All in favor? Opposed? Tabled.

MR. BARTON:

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

00137

P.O. TONNA:

1425 (Adopting Local Law No. 2000, a local law to ban purchase of tobacco products by minors in Suffolk County). Motion by Legislator

Fields to approve, seconded by myself.

LEG. CARACAPPA:

Motion to table.

LEG. CARPENTER:

On the motion.

LEG. HALEY:

Second.

P.O. TONNA:

Okay. Hold it a second.

LEG. CARPENTER:

Oh, you have a --

P.O. TONNA:

Let's just --

LEG. CARPENTER:

I'm sorry. There's a tabling motion?

P.O. TONNA:

Let's just -- there's a motion to table by Legislator Caracappa.

Seconded by?

LEG. HALEY:

Me.

P.O. TONNA:

Legislator Haley. On the motion? Legislator Carpenter, you wanted to speak?

LEG. CARPENTER:

No. I just didn't --

P.O. TONNA:

Okay.

LEG. CARPENTER:

If they're going to table it, that's fine.

P.O. TONNA:

All right. Roll call on the tabling.

LEG. FISHER:

On the motion.

P.O. TONNA:

Oh, on the motion, Legislator Fields -- Fisher.

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LEG. FISHER:

I'm Fisher. Okay.

P.O. TONNA:

Fisher's Island.

LEG. FISHER:

On the motion. We've been discussing this for quite awhile. Legislator Fields had made -- has made a number of changes. She's tried to accommodate the various weaknesses that have been pointed out by different groups. I really believe that, at this point, we should either vote it up or down. I would strongly encourage failure of the tabling motion and I would encourage all of us to just vote on it one way or the other and to stop the dialectic that had been going on for months already. I believe it's a very good resolution, I think it's a very good initiative, but if you don't think it's good, then vote against it. But I just don't think that we should continue to table it and have it hang out there.

P.O. TONNA:

Okay. Okay. Roll call.  
(\*Roll Called by Mr. Barton\*)

LEG. CARACAPPA:

Yes.

LEG. HALEY:

Yes, to table.

LEG. CARACCIOLO:

Yes.

LEG. GULDI:

No, to table.

LEG. TOWLE:

Yes.

LEG. FISHER:

No.

LEG. FOLEY:

No.

LEG. FIELDS:

No.

LEG. ALDEN:

Yes.

LEG. CARPENTER:

Yes.

LEG. CRECCA:

Yes, to table.

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LEG. D'ANDRE:

No, to table.

LEG. BISHOP:

(Not Present)

LEG. POSTAL:

Yes.

LEG. BINDER:

Yes.

LEG. COOPER:

No, to table.

LEG. LEVY:

No, to table.

P.O. TONNA:

Nope.

MR. BARTON:

Nine. (Not Present: Leg. Bishop)

P.O. TONNA:

Okay. Motion to approve by Legislator Fields.

LEG. FISHER:

Second.

P.O. TONNA:

Seconded by myself. Okay. Roll call. On the motion?

LEG. BINDER:

I'm not going to speak long. I just -- I think it's pretty clear, the people who are most involved with this, from PTA to Lung, Heart, Cancer Societies, all of the groups that are most involved with this are saying to us that this is not a good idea. I think when everybody around you says, "You're drunk, lie down," you should probably do

that. When all the people that are involved in this say this is not a good idea, the people closest to this issue, maybe we should be listening.

P.O. TONNA:

I just -- I'd like to make a comment, specifically with regard to the idea of this being reactive. I think that's a terrible mischaracterization of this bill. The truth is, is that this does not do anything about taking resources away from the already current events -- the current efforts to -- whether it be sue tobacco companies, provide education to go ahead with prevention programs, this is just one additional item. And what I could say, different children respond differently to different things. Some might respond to a DARE Program, some might respond to, you know, a very well thought out educational program in prevention. Some will respond to the fact that it's against the law. And it's those who might respond to it being against the law

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is that who we are reaching out to.

There was something Legislator Postal last meeting spoke about the notification component and the issue of -- that if some -- there might be the possibility that some parents, if they find out about this, they might subject their children, and I don't want to mischaracterize what you said, but to some type of abuse. Although I respect Legislator Postal and her opinion, I think then we should ban report cards coming home. I know that the fact is, is that oftentimes, people under the age of 18, I think a parent has a right to find out information that affects their livelihood, and specifically with regard to the issue of smoking. I know myself that my son was able to get away with smoking for quite sometime, because he would -- I trusted him, and he said to me, "Dad, my friends smoke, but I don't smoke, I don't have anything to do with smoking. But, of course, my clothes are going to come in, you know, smelling of smoke and everything else." To tell you truthfully, maybe before he was addicted to cigarettes, we would have been able to say, "Hey, Pete, you know, I've received some notification that the police confiscated your cigarettes in a public area," or something like that. And you know what, that's important information for me to have, and I would like to deal with that directly. I don't think because bad news comes home, that that means that most or even, you know, a majority of parents, or even a significant minority of parents would take action to abuse their children. I think parents have a right. And we have to assume in general that parents are going to do the right things with their children, and if not, then they're subject to other laws. That's why we have Child Protection workers and that's why we have child abuse hotlines.

I think this is a very, very positive step in being able to say to our children on a consistent basis that smoking is wrong, and, you know what, you might not have the faculties, the decision-making capabilities right now. And so, please, I would urge my colleagues that this is a positive step. It doesn't take away from any of the proactive things that we're doing in the County. Let's vote this up.

LEG. POSTAL:

Mr. Chairman.

P.O. TONNA:

Legislator Postal.

LEG. FOLEY:

Mr. Chairman.

LEG. POSTAL:

Yeah. I think that --

LEG. FOLEY:

Paul.

LEG. POSTAL:

-- there's a dramatic difference between a report card and a report that a child is smoking. There's no question that a parent needs to know how a child is doing in school, and that communication between school and home we know leads to positive consequences. We don't know

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that this is going to lead to positive consequences. We've heard the American Cancer Society express its sincere reservations that it will lead to positive consequences. But I would also call your attention to a study, which was reported, I believe, in today's newspaper, saying that young people become addicted to tobacco within a day or two of smoking. And I think that that's certainly contrary to everything we've been led to believe and points to the need to do something more than confiscating a pack of cigarettes and notifying parents, because an addiction is an addiction, and it's not enough just to take away the substance. God knows that we know that that's true with other addictive substances.

But there's another issue here that I think is very important and that has to do with the relationship between the police and young people. Legislator Cooper made a comment at the last meeting and I think he was absolutely right. It had never occurred to me, most young people, most people, until they get a driver's license, don't carry any proof of age. I know that I certainly didn't. So when the police come up to a person smoking, and, again, Legislator Cooper was right on target, people do not always look their ages. People look younger than they are, people look older than they are. When a police officer comes up to a young person smoking and says to the young person, "How old are you," if that person says, "I'm 18," and the police officer says, "Show me proof," and that person doesn't have proof, what happens then? Also, then, if the young person obviously tends to look like he or she is 14 and the police officer says, "Well, you know, you don't look like you're 18 to me, I'm taking your cigarettes, what's your name," and the person says, "John Smith," "What's your address," "423 Adams Street," how does that police officer verify that that information is accurate? And what does that do with regard to respect for police authority? Does that mean that when the police officer walks away with a pack of cigarettes and a false name and a false address, the young person or the group of young people say, "Ha, ha, ha, we really fooled the police, boy it's easy to put one over on these guys?" What kind of message are we sending out to our young people about our police? So that I think that while the intent is laudable, I don't think there's anybody here who doesn't feel that the intent is laudable, I think that it leads to, first of all, a potential for negating what we're trying to do with our smoking cessation programs and our anti-smoking education programs, it leads to a possibility for confrontation with police officers, and it leads to a situation where a police officer is in a terrible quandary as to how he can compel a

young person to provide documentation and give honest information, and not end up being in an absolutely ludicrous and laughable position.

LEG. D'ANDRE:

Paul.

P.O. TONNA:

Legislator Alden.

LEG. ALDEN:

Actually, I have to start with the premise that, yes, anything that we can do to actually keep kids away from cigarettes and to stop them from smoking, because it is -- it's terrible. And what happens to them

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afterwards is very terrible and it reflects on all of us, and it's a drain of the national assets and everything else. Unfortunately, and I've tried to look at both sides of this issue, and I've heard some today that actually raised more questions in my mind than there are really answered. Is it really going to stop smoking, or is it going to create more of an underground society?

The use of our police force, we're -- actually, we're going to take a lot of time and police are going to be used to go out and confiscate this stuff, and there's going to be hearings on it and there's going to be all kinds of stuff. So, actually, our whole judicial system, there's a use there.

Parents. Now, I'm not a parent, so I'm trying to understand, you know, like the whole dynamics of the thing, and just as far as the parents' involvement with their children and the supervision of their children. We have -- New York State has some of the toughest possession laws, and, yet, there's a lot of evidence that that's not working either, just by putting people in jail just for possession of drugs and things like that.

And the last, but this is probably the most important thing that I really haven't heard addressed, the addiction. And it's -- it was in -- there was some reports and --

LEG. POSTAL:

Today's paper.

LEG. ALDEN:

Yeah. But there was actually some reports that came out that one or two cigarettes can lead to the addiction. We haven't even addressed that. By taking cigarettes away from people that are addicts, I'm not sure if that's going to help them or hurt them. So with all of those questions out there that haven't been answered, I really -- I can't support this.

P.O. TONNA:

Legislator Crecca.

LEG. D'ANDRE:

Mr. Chairman. Did you call on me, Mr. Chairman?

P.O. TONNA:

I have you down on the list, but Legislator Crecca was next.

LEG. D'ANDRE:

Oh, I didn't know. I'm sorry.

P.O. TONNA:

Okay. Legislator Foley, then Legislator D'Andre.

LEG. FOLEY:

Part of the criticism of the bill is people questioning the

effectiveness of this resolution and preventing teenagers from smoking or helping them to stop smoking. Well, the fact of the matter is this morning we heard from a minor, we heard from a young lady who would, if

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you will, fall under this particular bill. So right from the mouths of babes, so to speak, we heard someone who would be affected by this bill where, in her considered opinion, and she was a very well spoken young lady here this morning, very composed, very articulate, she expressed her point of view very well, and she said under -- with no equivocation that this bill would have a positive impact in helping to stop people from -- teenagers from smoking. So while we as adults are questioning whether or not this will work, one of those -- a person who would be impacted by this bill, who's part of an age group that this bill is focusing on, stated clearly for the record that this bill would help. Now, additionally, the issue of addiction and so forth, in a number of Health Committee meetings, as well as in the general meetings, whether it's I or others who have spoken, we have all acknowledged the fact that this is part and parcel of a larger effort that has to be undertaken, a larger effort that includes ways to try to fight addiction, a larger effort that's going to include partnerships between the County Health Department and the component school districts of Suffolk County. No one who sponsors this bill or who supports this bill is under the illusion that this is the majority approach, if you will. This is just part and parcel of an overall approach where we feel that enforcement has to play a role, not the majority role, but enforcement has to play a role in the overall approach of fighting big tobacco.

We now have enforcement in place against selling of cigarettes to minors. But as I said earlier, there is on different odd occasions the absurd situation where an adult will go into a store, buy the cigarettes, because a minor can't, then bring them outside and give them to a minor who's waiting outside the store. What this is trying to address is that kind of a scenario also, so that you couldn't have someone, I would say, flagrantly just flouting the spirit of the present law, where if we put in place possession laws that will prevent this from happening in front of stores, it's going to have a positive impact, as the young lady said this morning, and that's why I'm going to be -- part of the reason why I'm supporting the bill. Thank you.

P.O. TONNA:

Legislator D'Andre.

LEG. D'ANDRE:

Mr. Chairman, let it be known that I had the first smoking bill in 1984 addressing restaurants and public places. And if you think that wasn't a tough one, and we had Republicans voting against it, the Democrats had to come to my aid for me to pass it.

LEG. BISHOP:

Imagine that.

LEG. D'ANDRE:

And, yet, we passed it, because Jane Devine had brains. She knew this would work. And I say this. I don't know if this is going to work that well, but are we going to give up on these kids? We've got to try everything in our arsenal. If it gets a few kids, it's worth doing. That's the whole thing. And it's tough to -- it's tough -- it's easier

on adults than it is on children. And I say this. This is worth a try  
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and I'm going to give it a vote. If you say, "Is this the best bill to ever come before us," I don't know if it is or not. But I do know this. Everything is worth doing for our children, so I'm going to give this a shot for our kids. If it saves one, it's worth the effort.

Thank you, Mr. Chairman.

P.O. TONNA:

Thank you very much, esteemed Legislator D'Andre. Legislator Guldi.

LEG. GULDI:

Yeah. I have to agree with Legislator D'Andre. This is not -- you know, we're sitting here, I hear a lot of the argument, this is not shit. All right. It's not unanimously agreed that --

LEG. D'ANDRE:

Watch your language.

LEG. GULDI:

-- this is the best solution.

LEG. D'ANDRE:

Watch your language.

P.O. TONNA:

No. That was a slip of the tongue.

LEG. GULDI:

I'm doing English. That was him.

P.O. TONNA:

Slip of the tongue, Legislator Guldi.

LEG. GULDI:

We are --

LEG. BISHOP:

What did he say?

LEG. GULDI:

-- confronted with -- I don't know what I said. We are confronted with --

P.O. TONNA:

Well, that's the truest statement I ever heard from you, Legislator Guldi. Let that go on the internet, please. Thank you.

LEG. GULDI:

Let's take it from the top. We're talking here -- a lot of the debate seemed to be couched in terms of whether or not we're going to have the relative effectiveness of this proposal. You know, frankly, I'm a little disheartened to hear that, because so much of what we do hear is about the appearance of where we are on an issue, and not necessarily the effectiveness. The -- firstly. Secondly, I don't see this as a question of is this the most effective, best program we can devise. I see this simply as a question are you in favor or are you against? You're in favor of kids smoking, go ahead and vote against the bill.

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If you're not in favor of kids smoking, this is a simple referendum on that. And I urge you to --

LEG. BINDER:

Come on.

LEG. GULDI:

-- vote with me in support of this bill and against tobacco.

P.O. TONNA:

It sounds like -- you ever watch the House of Commons? That was just a House of Commons response. Okay? Let's get back. I like our former government much better than the English.

LEG. BINDER:

House of Commons comment?

P.O. TONNA:

All right. Anyway, Legislator Cooper and then Crecca, but we're down to the C's.

LEG. CARPENTER:

Carpenter.

P.O. TONNA:

Oh, Carpenter.

LEG. COOPER:

I just want to respond briefly to what Legislator Postal had said.

It's true, I do have some questions regarding -- the practical enforcement questions regarding this bill. And I know it's not the answer on its own to -- the problem of teenage smoking, but I now believe that it is a piece of the puzzle that may provide ultimately a solution to this problem. I'm not convinced that it's going to work, but I agree with Legislator D'Andre, that it's worth a shot. If it stops even a few kids from smoking, I think it's worth it, so I am going to support the bill. Thank you.

P.O. TONNA:

Okay. Legislator Crecca.

LEG. CRECCA:

Okay. I keep hearing the same message over and over again, I don't know if it will be effective, but if it helps one. I re-echo and remind my fellow Legislators of the words of Dr. Bradley, the American Lung Association and the American Cancer Society. They are not opposed to this bill because they don't believe it would be effective at all, they are opposed to this bill because they believe that it may actually cause an increase among young people in smoking, and that it has been, in their opinion, and most medical opinions, and everyone that I've heard, is that this is not effective in reducing young people smoking. So, George, your comments, your House of Commons comments, whatever you want to call it, the reality is, is that if it would help one or two or three or four or five kids, yeah, I would support it, too, but the reality is it may cause five, ten, twenty, five hundred kids to smoke.

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So, again, I urge you, when you vote for this, to keep in mind that our Health Commissioner is against this, most of the medical community, and all of those anti-smoking groups. That should send up a red flag to everyone.

LEG. FOLEY:

Mr. Chairman.

P.O. TONNA:

Thank you very much. Wait, there is a list.

LEG. FOLEY:

Just as a point of correction though.

P.O. TONNA:

There is a list.

LEG. FOLEY:

The Health Commissioner at the last committee meeting stated that if it

was passed, that she would enforce -- she would enforce the resolution.

LEG. D'ANDRE:

Of course, that's her job.

P.O. TONNA:

Okay. Can I just -- we have Legislator Carpenter, who's now --

LEG. FISHER:

Mr. Chairman.

P.O. TONNA:

Legislator Carpenter.

LEG. CARPENTER:

Thank you. The fact that the Health Commissioner said she would support it if it were law, she'd support it because she's bound to support the laws of this County. However, that does not mean that the Health Commissioner supports this legislation; she, in fact, does not. The experts in the department, the educators in smoking cessation, anyone who's involved in this issue, the experts, the people that do it full-time, that have all of the knowledge, are not in favor of this legislation, so that should tell us something.

To say that anyone who votes against this is in favor of kids smoking is a totally irresponsible comment to make, because I do not believe that Dr. Clare Bradley is in favor of smoking for children, I do not believe that the American Cancer Society, the American Lung Association and everyone who has gone on record in opposition is in favor of kids smoking, but just the opposite.

And some reference was made to the fact that this law exists in Florida. Well, I happen to have two nieces who live in Florida who are 18 and 19 years old, and when they came to visit last month, I was devastated to learn that they smoked. And I asked my sister about this

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legislation, and were they ever caught with cigarettes in school, and the answer was yes. Did that make them stop smoking? No. Would the threat of it keep them from smoking? No. One of them has since given up smoking, and it was a lot of education and it was a lot of conversation, but it was not the law that's on the books in Florida. And, certainly, putting this law on the books in Suffolk County is not going to help our children. Education is the answer.

P.O. TONNA:

Okay. Roll call. Oh, sorry, sorry, sorry. Legislator Fisher. And I had you down, I just have to look at the list.

LEG. TOWLE:

Again?

LEG. FISHER:

No. I spoke on a different motion. Just very briefly, yes, the American Cancer Society has said that if this were -- as I've heard it presented and as I've read the opinions of the American Cancer Society, they seem to treat this resolution as the only mean that we will be using to combat youngsters becoming addicted to cigarettes, and it certainly is not, it's just another tool that we would be using.

That's number one.

Number two, it seems to me that the greatest deterrent, although I would love it to be education, I'm an educator and I believe wholeheartedly that educating our children is the way to achieve the

consciousness that we want in their thinking, but the way in which we are going to deter smoking is really social pressure. That's been what has deterred many adults from smoking, social pressure, and that's with -- what is encouraging youngsters to smoke, social pressure. So if this tool helps some kids not to smoke, because they don't want to be caught or they can't afford to replace the package of cigarettes that's confiscated, maybe the social pressure will move in the direction of not smoking. We don't know the answers, but this particular piece of legislation, along with all of the other initiatives that we have been employing, I think is the way that we need to go, and so I urge you to support Legislator Fields' resolution.

P.O. TONNA:

Roll call.

LEG. CARACCIOLO:

Hold it, hold it.

P.O. TONNA:

Oh. You didn't ask to be recognized.

LEG. CARACCIOLO:

Okay.

P.O. TONNA:

How do I know?

LEG. GULDI:

He is now.

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LEG. CARACCIOLO:

Under Section 4-B of the resolution, it calls for due process and hearing. Could we have someone from the Department explain to us what mechanism is in place, what additional resources will be necessary to conduct these hearings, and whether or not appropriations will be in the forthcoming budget to make certain that we have what's listed already.

P.O. TONNA:

Well I don't -- is it appropriate for the Department to say it, since it's not a law yet?

LEG. CARACCIOLO:

Well, it's a prospective law.

P.O. TONNA:

Don't they have to come and give us an idea?

LEG. CARACCIOLO:

It's a prospective law. I'd like to know what kind of financial impact it's going to have on staff and resources.

P.O. TONNA:

That's fine, we'll have somebody come up. But, Michael, I just -- in an argument and just to respond to that, if the Department is against this bill, they're going to -- they're going to say anything that they want to make sure. It's just not -- it's not an unbiased group to come up and say something. And if we utilize that methodology, when we want to impose something on, let's say, or we have a policy decision to make that's not popular with the County Executive and we bring the County Executive's people to offer testimony, how much is this going to cost, or whatever else, I mean, you're not getting really an unbiased opinion with regard to, you know -- I'm just saying --

LEG. CARACCIOLO:

I understand your point.

P.O. TONNA:

Okay.

LEG. CARACCIOLO:

However --

P.O. TONNA:

Let's have the Department come up and answer the question. But I just --

LEG. CARACCIOLO:

I mean, the bill doesn't have the financial impact statement attached. All I know is that the bill started out with ten sanitarians, and then because there was oppositions on the part of some Legislators who wouldn't support hiring the real people that would enforce the law, okay, the bill was watered down to where there's only one sanitarian and every sworn police officer in Suffolk County. Sounds great. The difference between this resolution and what they did in Florida is in

00149

the State of Florida, the State of Florida made a commitment and, every local and state law enforcement officer has the power to enforce their law. That's why they're seeing results.

The difficulty I have with the resolution is that it's, A, been watered down. It's like a lot of other resolutions that come across the horseshoe here, they sound good, they're well intended. And I don't, as others have said already, question the intent of the sponsor. I know she wants to make a difference and I applaud her for that. However, the difficulty I have is that what assurance do I have that if I vote for this resolution, that there's going to be some meaningful follow-up and some type of measure and report back to this Legislative body in six months or in twelve months to tell us what kind of progress we're making?

You want to -- you want make a difference? Then have the Police Department enforce the laws that are presently on the books to go out there after the people who are selling cigarettes to underage -- you know, the teenagers, just as we should be enforcing the laws, the ABC laws against underage drinking. That's where you really make a difference. And that's the point, by the way, that the American Cancer Society underscores time and time again in their opposition to the resolution.

But going back to the bill itself and the penalties under the bill, there's going to be a requirement that after confiscation, there's a hearing. I sit on the Health Committee and I never heard anyone address this issue before. It should have been addressed in committee, it wasn't. I'd like to have it addressed now before I make up my mind.

P.O. TONNA:

Is there a spokesman from the Health Department who would want to come up and comment on it? Great. Thank you. Just your name for the record, and everything.

MS. BENINCASA:

Lori Benincasa.

P.O. TONNA:

Excuse me? It's one of those up-close and personal things. You have to really get close to it, Lori.

MS. BENINCASA:

Lori Benincasa. I'm the Director of Health Education. I don't know what the burden will be on the Health Department in regard to this. If we're confiscating tobacco products from minors and they come in to get their tobacco products back, we will not be able to hold a hearing with a minor unless they have an adult, a parent, guardian or a lawyer with them. We just can't hold a hearing with a minor and no adult present. If they do, we would have to make an appointment for them to come in and have the hearing officer present to conduct the hearing.

P.O. TONNA:

Right.

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LEG. CARACCIOLO:

Presently, what mechanism is in place in the Department to hold -- you know, how many hearing officers do you have and for what purposes?

MS. BENINCASA:

We have hearing officers. I'm not sure of the exact number, but, for instance, the hearing officers hold hearings in regard to our compliance program. There's 2,300 tobacco vendors in the County. Right now, our compliance is up to 83%

LEG. CARACCIOLO:

What does that mean, compliance, 83%?

MS. BENINCASA:

When we go in to do compliance checks in businesses that sell tobacco products, a minor goes in and tries to purchase tobacco products. Right now, they are unsuccessful in 83% of businesses, so we still have approximately 17. At times it's different. The first two weeks in August, we were up to 97% compliance, so we had very few merchants selling tobacco products to children during that time. So the tobacco -- the hearing officers hold those tobacco compliance hearings.

LEG. CARACCIOLO:

Okay. So you don't know, then, what type of impact this would have in terms of the number of personnel? When you have a hearing, do you have not only the hearing officer, do you have a stenographer? Are there other individuals involved?

MS. BENINCASA:

Stenographer. When we have the compliance hearing, the sanitarians that serve the violation to the merchants are also present.

LEG. CARACCIOLO:

So, in case of this resolution, where any law enforcement officer, sworn officer, police officer can issue, make confiscation and issue the violation, they would be called to this hearing?

MS. BENINCASA:

I don't -- I don't know the answer to that. That would have to be written.

LEG. CARACCIOLO:

Counsel, could you respond to that?

MR. SABATINO:

No. The way the -- the way the legislation was constructed is the burden would be on the individual whose tobacco product was confiscated to appear within two business days. That person would have to come in and produce evidence that he or she was, in fact, not a minor.

LEG. ALDEN:

Could I interrupt?

MR. SABATINO:

The burden would be on that person to come to the department?

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LEG. CARACCIOLO:

I understand that. But would there be a requirement to have the individual who issued the violation present at the hearing?

MR. SABATINO:

There may be some circumstance, I can't imagine what it would be. But it's really just an evidentiary issue with regard to whether or not that person whose product was confiscated can produce the document that contradicts the seizure of the product, which is very simply what's the age. I mean, there are no multiple issues here, there's one issue, was he or she below the age of 18 or above the age of 18?

P.O. TONNA:

And remember, this --

MR. SABATINO:

It's one document.

P.O. TONNA:

-- hearing is about whether they want their tobacco products back. I mean, how many people are going to travel down to the Health Department to pick up their pack of cigarettes? That's the point, you need that due process. But I would say -- I would venture a guess that if these people who are caught and their parents would say, "Oh, no, no, I want to go down and you have my children get their cigarettes back," I would say that we wouldn't budget a lot for you, you know, because I don't think you really need a lot of resources, because I don't think there's going to be a lot of parents that are going to say, "No, you know, it was wrong, let's get my children's cigarettes back." I just don't see that happening.

LEG. CARACCIOLO:

Question for the sponsor. Ginny, in Florida, do they have this hearing provision?

LEG. TOWLE:

Mr. Chairman. Mr. Chairman.

LEG. FIELDS:

I don't recall whether they have this or not.

LEG. CARACCIOLO:

Okay. Essentially, there it's State law that's statewide application.

And, essentially, how does the program work there? I mean, what are the distinctions between their program and ours?

LEG. FIELDS:

Well, they have penalties for smoking. We pulled all the penalties out of this. So they're dealing with writing a violation and creating a situation where there's a penalty for the minor. We're not doing that. So there's no -- you know, there's no penalty. This is a simple take away the cigarettes, confiscation, notifying.

LEG. CARACCIOLO:

I would urge, if this resolution is approved, to have it -- have a follow-up bill that would actually monitor the progress of this program

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in 12 months to see what kind of an effect, impact it's had.

P.O. TONNA:

Okay. I think Legislator Towle, and then we're going to roll call on

the vote.

LEG. TOWLE:

Yeah. Mr. Chairman, thank you. Lori, would you mind coming back up for a second? I wanted to follow-up on a couple of things that you said. I kind of got the impression by your statements to a couple of the questions that were asked by Legislators that you maybe feel that you do not have the resources necessary to follow through with some of the requirements of this bill. I mean, is that accurate, inaccurate?

MS. BENINCASA:

I'm really not sure what kind of resources would be needed. If someone is over 18, they may come back to get their tobacco products, but if they're under 18, they're not going to get them back. I don't -- I don't think they would come back into the Health Department. The products would have to be tagged, labeled and stored.

LEG. TOWLE:

Okay.

MS. BENINCASA:

I don't know. Depending on how it's enforced, how well it's enforced, how wide enforcement is would determine how many samples, products we get.

LEG. TOWLE:

What about fielding questions, I guess, from parents and people that may call up if this law was enacted? And, obviously, it's going to be reported by the media that such a law is in place. I would imagine that one of the first places most people would go would be your department.

MS. BENINCASA:

To ask questions?

LEG. TOWLE:

Yeah.

MS. BENINCASA:

I would imagine.

LEG. TOWLE:

Do you get those type of calls now on issues that are before the Health Department, or the things that the Legislature has passed?

MS. BENINCASA:

Yes, depending on the nature of it. We get a lot of calls from parents now that want to report, for instance, merchants that they know are selling tobacco products to minors and ask us to follow up on those.

LEG. TOWLE:

And how is your agency at this point, as far as staffing concerned? Do

00153

you have vacancies, or are you at complete capacity? Where are you at this point?

MS. BENINCASA:

Well, in my program, in the Learn To Be Tobacco Free Program, we do have some vacancies. We're working very hard to fill them right now.

LEG. TOWLE:

How long have they been vacant?

MS. BENINCASA:

Well, the program just started --

LEG. TOWLE:

Okay.

MS. BENINCASA:

This year.

LEG. TOWLE:

And what about in the unit before that, before you were -- before that program was started, the actual unit that handled these types of calls and questions?

MS. BENINCASA:

That's in our Division of Public Health. And, you know, tobacco control has always been a priority of all of the Commissioners that we've had, so those programs have been, you know, a priority, so they have been staffed.

LEG. TOWLE:

Okay. Thank you.

MS. BENINCASA:

You're welcome.

P.O. TONNA:

Okay. Legislator Alden.

LEG. ALDEN:

No. You took my name off..

P.O. TONNA:

No, no. Go ahead.

LEG. ALDEN:

No.

P.O. TONNA:

No, you got it. Come on, I'm teasing you. Go ahead, Legislator Alden.

LEG. ALDEN:

No. I just wanted to point out --

P.O. TONNA:

Wait. Legislator Alden had asked a question.

00154

LEG. ALDEN:

Well, it was two questions. Basically, when Legislator Caracciolo was making his point, you're going to have to have somebody there to identify the perpetrator, because it is a civil violation. So I just wanted to point that out.

P.O. TONNA:

Okay.

LEG. CARPENTER:

Roll call.

P.O. TONNA:

Roll call.

(\*Roll Called by Mr. Barton\*)

LEG. FIELDS:

Yes.

LEG. TONNA:

Yes.

LEG. CARACCIOLO:

Pass.

LEG. GULDI:

Yes.

LEG. TOWLE:

Abstain.

LEG. CARACAPPA:

No.  
LEG. FISHER:  
Yes.  
LEG. HALEY:  
No.  
LEG. FOLEY:  
Yes.  
LEG. ALDEN:  
No.  
LEG. CARPENTER:  
No.  
LEG. CRECCA:  
No.  
LEG. D'ANDRE:  
Yes.

00155

LEG. BISHOP:  
Yes.  
LEG. POSTAL:  
No.  
LEG. BINDER:  
No.  
LEG. COOPER:  
Yes.  
LEG. LEVY:  
Yes.  
LEG. CARACCIOLO:  
Yes.

MR. BARTON:  
Ten.

P.O. TONNA:

Thank you very much. Okay. Number 1484 (Establishing RFP Policy for entertainment use of County property). Is there a motion, Legislator Bishop?

LEG. BISHOP:  
Motion to table.

P.O. TONNA:

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

MR. BARTON:

Was that a motion to table?

P.O. TONNA:

Oh, a motion to table, who?

LEG. CRECCA:

It was a motion to table.

P.O. TONNA:

Who?

LEG. BISHOP:

Me.

LEG. CRECCA:

Bishop.

P.O. TONNA:

Legislator Bishop, seconded by myself. All in favor? Opposed?

Tabled.

00156

MR. BARTON:

18.

P.O. TONNA:

Number 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). Motion by Legislator Foley.

LEG. FOLEY:

Table.

P.O. TONNA:

Table by Legislator Foley, seconded by myself. All in favor? Opposed? Tabled.

MR. BARTON:

18.

P.O. TONNA:

Number 1576 (Directing County Board of Elections to publicize ballot proposals within Suffolk County).

LEG. POSTAL:

Motion to table.

P.O. TONNA:

Motion to table by Legislator Postal, seconded by myself. All in favor? Opposed? Tabled.

MR. BARTON:

18.

P.O. TONNA:

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). Motion by Legislator Caracciolo?

LEG. CARACCIOLO:

Yes.

LEG. GULDI:

Second.

P.O. TONNA:

Seconded by myself. All in favor?

LEG. LEVY:

Motion to table.

P.O. TONNA:

Motion to table --

LEG. CRECCA:

Motion to table.

00157

P.O. TONNA:

-- by Legislator Levy, seconded by Legislator Crecca. Okay. Roll call

-- okay.

LEG. GULDI:

Why?

P.O. TONNA:

We have a motion to table your resolution by Legislator Levy, seconded by Legislator Crecca.

LEG. LEVY:

This is the bill that --

LEG. CARACCIOLO:

We went through this before. This is a perfunctory resolution. Counsel indicated we needed, what is it, an affidavit? So --

LEG. LEVY:

No. You're thinking --

MR. SABATINO:

Yeah, we needed -- we needed -- there were notice provisions that -- for legal publications we didn't have last time, but I believe we --

LEG. CARACCIOLO:

This is a local community that wants to expand their cemetery.

LEG. LEVY:

No, no, no. You're on --

LEG. CRECCA:

Let's send this --

LEG. LEVY:

Are we on 1570 --

P.O. TONNA:

1582 we're on.

LEG. LEVY:

Hold on. Hold on.

LEG. FOLEY:

1582.

LEG. CARACCIOLO:

1582.

MR. BARTON:

1576 has been tabled.

LEG. LEVY:

Withdraw my motion.

00158

LEG. FOLEY:

1576 has been tabled.

LEG. LEVY:

Withdraw my motion.

P.O. TONNA:

Okay. Motion withdrawn. Are you still -- are you still on that expansion of the cemetery?

LEG. GULDI:

Yes.

LEG. CRECCA:

Motion to table, yeah.

P.O. TONNA:

Okay. Is there a second?

LEG. GULDI:

On the motion. Why --

P.O. TONNA:

Wait, wait. There has to be a second.

LEG. CARACCIOLO:

Well, this is backlash --

P.O. TONNA:

Wait, wait, wait. There has --

LEG. CARACCIOLO:

-- for supporting Legislator Fields' resolution. Let's call a spade a spade.

P.O. TONNA:

Wait, wait. Can I say something?

LEG. CARACCIOLO:

That's what it's all about --

P.O. TONNA:

Wait, wait.

LEG. CARACCIOLO:

-- childish behavior.

P.O. TONNA:

Okay. Could I say something?

LEG. CARACCIOLO:

Go ahead.

P.O. TONNA:

Let's just -- this motion, the motion to table fails for lack of a second. There is a motion to approve by Legislator Caracciolo, 00159

seconded by Legislator Guldi. All in favor? Opposed? Anybody opposed? Approved.

MR. BARTON:

18.

P.O. TONNA:

1589 (Establishing Suffolk County Website Office for Public Information). Is there a motion? Is there a motion, 1589? I'll make a motion to -- Ginny, is there a motion on 1589?

LEG. FIELDS:

Motion to table.

P.O. TONNA:

Motion to table, seconded by myself. All in favor? Opposed? Tabled.

MR. BARTON:

18.

P.O. TONNA:

There is no bond on 1590, so I'll make a motion --

LEG. CRECCA:

Motion to table.

P.O. TONNA:

Table by Legislator Crecca, seconded by myself. All in favor?

Opposed? Tabled.

MR. BARTON:

18.

P.O. TONNA:

Number 1669 (Appointing new member of Suffolk County Off-Track Betting Corporation Board of Directors (Frederick B. Pollert). Motion?

LEG. CARPENTER:

Motion to table.

LEG. GULDI:

Motion to table.

P.O. TONNA:

Motion to table, seconded by myself. All in favor? I make a motion to table subject to call.

LEG. GULDI:

Second.

LEG. CARPENTER:

Second.

P.O. TONNA:  
Seconded by Legislator --

00160

LEG. CARPENTER:  
Second.

P.O. TONNA:  
-- Guldi. Okay. All in favor? Opposed?

LEG. LEVY:  
Roll call.

P.O. TONNA:  
Roll call.

LEG. BISHOP:  
What number?

P.O. TONNA:  
Number 1669. Motion to table subject to call.

MR. BARTON:  
Tabled subject to call.

LEG. D'ANDRE:  
Ho, ho, ho. Why do you want to do that for?

LEG. BISHOP:  
Ho, ho, ho?

P.O. TONNA:  
The reason why I want to do that is I think I've said it on the record before, I think we have a fine Budget Review Director and I want to keep him there, and I want to wait for awhile and see. Maybe we could have Mea Knapp come and speak a little about the Board of Elections and we'll make decisions then of whether we need Directors.

LEG. D'ANDRE:  
Well, let's keep Donald --

LEG. CARACCILO:  
Not Board of Elections.

P.O. TONNA:  
What? OTB. What did I say, Board of Elections? Oh, I forgot to tell you the new promotion. No, I'm joking. Anyway, I can -- I can never keep these things down.

LEG. D'ANDRE:  
Let's keep Fred Pollert up there to keep them honest.

P.O. TONNA:  
You know what, Legislator D'Andre?

LEG. D'ANDRE:  
Yes.

P.O. TONNA:  
I'll make -- I'll withdraw my motion table subject to call and we'll

00161

make the motion to table, in deference to you for this one meeting.

LEG. D'ANDRE:  
Okay.

P.O. TONNA:  
Okay? Motion to table by Legislator D'Andre.

LEG. TOWLE:  
Roll call.

P.O. TONNA:  
Seconded by myself.

LEG. LEVY:  
Roll call.  
P.O. TONNA:  
Roll call. Fred you saved -- you have the day saved for one more meeting. But after that --  
LEG. D'ANDRE:  
No, don't say that.  
P.O. TONNA:  
Okay.  
LEG. D'ANDRE:  
As a good leader, you don't talk that way.  
P.O. TONNA:  
All right. All right.  
(\*Roll Called by Mr. Barton\*)  
MR. BARTON:  
Legislator D'Andre. Mr. D'Andre, your vote?  
LEG. D'ANDRE:  
What? Yes.  
MR. BARTON:  
Your vote.  
LEG. D'ANDRE:  
Yes.  
P.O. TONNA:  
Yes.  
LEG. LEVY:  
No, Mike.  
MR. BARTON:  
Tonna?

00162

LEG. LEVY:  
Mike, don't table it.  
MR. BARTON:  
Legislator Tonna.  
LEG. D'ANDRE:  
What?  
P.O. TONNA:  
Yes.  
LEG. ALDEN:  
You made the motion.  
MR. BARTON:  
Legislator Caracciolo.  
LEG. D'ANDRE:  
Who made the motion to table?  
LEG. ALDEN:  
You did.  
LEG. CARACCIOLO:  
Table, yes.  
LEG. D'ANDRE:  
I don't want to table it.  
LEG. LEVY:  
Good.  
P.O. TONNA:  
Okay. I'll make the motion to table.

LEG. CARPENTER:

Second.

P.O. TONNA:

Second by Legislator Carpenter. On the motion to table, roll call.

(\*Roll Called by Mr. Barton\*)

LEG. TONNA:

Yes.

LEG. CARPENTER:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. GULDI:

Yes.

00163

LEG. TOWLE:

No.

LEG. CARACAPPA:

Yes.

LEG. FISHER:

Yes.

LEG. HALEY:

No.

LEG. FOLEY:

No.

LEG. FIELDS:

No.

LEG. ALDEN:

Yes, to table.

LEG. CRECCA:

Yeah, to table.

LEG. BISHOP:

Yes.

LEG. D'ANDRE:

No, to table.

LEG. POSTAL:

Yes.

LEG. BINDER:

No.

LEG. COOPER:

Yes.

LEG. LEVY:

No.

LEG. D'ANDRE:

How many we got?

MR. BARTON:

11.

P.O. TONNA:

To table? Okay. We'll move on. Where are you, Pollert? Okay. There we go, oh, tabled.

1715 (Amending the 2000 Capital Budget and Program and appropriating funds in connection with Special Patrol Bureau Construction - Police Department (CP 3139). It's a bond. Make a motion by Legislator --

00164

LEG. TOWLE:

Motion to table.

P.O. TONNA:

Motion to table by Legislator Towle.

LEG. TOWLE:

This is showers and the lockers.

LEG. CRECCA:

Yeah, this is the one we talked about.

LEG. GULDI:

Second.

P.O. TONNA:

Okay. Seconded by Legislator Crecca.

LEG. CRECCA:

Yep.

P.O. TONNA:

All in favor? Opposed?

LEG. CARPENTER:

On the motion.

P.O. TONNA:

On the motion.

LEG. CARPENTER:

Wasn't there -- wasn't the need for this to accommodate the new helicopters?

LEG. GULDI:

If I may.

LEG. TOWLE:

Go right ahead. It's up to him, he's running the meeting, not me.

LEG. LEVY:

Showers?

LEG. GULDI:

If I may, yeah. This is \$254,000 to design showers and locker room, that's what this is for, on the second floor of an existing building, an interior design, \$254,000. And nobody has bothered to come down and explain to us exactly why we're going to an outside consultant to do that.

LEG. HALEY:

Has anybody asked?

LEG. TOWLE:

We did at the last meeting.

00165

LEG. CARPENTER:

Then, may I ask how it got out of committee? If there were these questions, it got out of committee. Were these not addressed in committee?

LEG. TOWLE:

I'll do you one better. Motion to recommit to committee.

LEG. GULDI:

Second the motion to recommit.

LEG. TOWLE:

Send it back to committee.

LEG. GULDI:

Send it back to committee, so they can raise the issues and have the Commissioner come in and explain.

LEG. HALEY:

Dave?

LEG. BISHOP:

What, what? Me?

LEG. HALEY:

Didn't you discuss it in committee?

LEG. FOLEY:

There's a motion to recommit.

P.O. TONNA:

All in favor? Opposed? Okay. Tabled.

MR. BARTON:

18. Sent to committee.

P.O. TONNA:

Great. Okay. 1747 (Allocating funds in connection with Wyandanch Coalition Beautification and Copiague Beautification projects).

Motion by Legislator Postal, seconded by Legislator --

MR. BARTON:

Mr. Chairman, it's been withdrawn. Mr. Chairman.

P.O. TONNA:

Yes.

MR. BARTON:

That was withdrawn by the sponsor. It's being --

P.O. TONNA:

1747?

LEG. POSTAL:

1747 was. I'm sorry. 17 --

00166

MR. BARTON:

It will be --

LEG. POSTAL:

I thought you said 1748.

MR. BARTON:

It will be laid on the table later.

LEG. POSTAL:

Yeah.

P.O. TONNA:

Okay. I'd ask that everyone, we're on -- we're right now on 1747, which was withdrawn by the sponsor.

LEG. POSTAL:

Right.

P.O. TONNA:

We are now moving to the last resolution on Page 4, which is 1748 (Authorizing Lighthouse Mission to use County property for food distribution to the needy).

MS. FARRELL:

Correct.

LEG. POSTAL:

Motion.

P.O. TONNA:

Motion by Legislator Postal.

LEG. FOLEY:

Second. Second the motion.

P.O. TONNA:

Seconded by Legislator Foley. All in favor? Opposed? Approved. Okay.

MR. BARTON:

18.

P.O. TONNA:

Number 1751 (Establishing Law Enforcement Policy for gun shows in Suffolk County). Motion by Legislator Bishop, seconded by Legislator Cooper. All in favor?

LEG. HALEY:

Roll call.

P.O. TONNA:

Opposed?

LEG. CRECCA:

Roll call.

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P.O. TONNA:

Roll call.

MR. BARTON:

Legislator Bishop.

LEG. LEVY:

Can we get an explanation?

LEG. BISHOP:

Yes. Oh, okay. Explanation.

LEG. GULDI:

Do you think this is going to affect the outcome of the election?

LEG. BISHOP:

Once people find out that this has been tabled, there is going to be a throng rushing to the polls. There's no motion to table, but I'm anticipating one from one of you mischievous Republicans.

LEG. BINDER:

Motion to table.

LEG. BISHOP:

There he is.

LEG. BINDER:

Motion to table

LEG. BISHOP:

This legislation --

LEG. HALEY:

Second.

LEG. BISHOP:

On the tabling. I oppose the tabling. This legislation would close a loophole which exists in federal law and in local law as well. Currently, when gun shows are held in Suffolk County on public property, there is no proactive policing by any agency, including Alcohol, Tobacco and Firearms. So I called ATF, because I had one in my district on a public park in Lindenhurst, and I said, "Look, there's going to be a gun show this weekend. Are you going to send somebody there to monitor it?" "No. We only have one agent for all of Long Island. And even if we wanted to monitor the gun show, we're prohibited by federal law, because we can only be reactive. There has to be credible evidence in our possession of violations of law. We can't monitor the gun show to ensure that it's complying." That struck me as a dangerous situation, that we have guns being sold on public property in our County without any proactive policing. Therefore, this

bill, which would direct our County Police Department to fill that gap, which ATF is lacking.

LEG. FOLEY:  
Very creative.

00168

LEG. CARACCIOLO:

Mr. Chairman.

LEG. BISHOP:

Extremely creative. Thank you, Brian.

P.O. TONNA:

Okay.

LEG. CARACCIOLO:

Mr. Chairman.

P.O. TONNA:

Yes.

LEG. CARACCIOLO:

I know Legislator Bishop did some research. How many gun shows are there in Suffolk County on an annual basis?

LEG. BISHOP:

I don't know. I believe there is one every weekend. And the Budget Review Office estimated what? You answered this question the last time.

MR. POLLERT:

Six.

LEG. BISHOP:

Six, a half a dozen a year on public property. So it's not going to be a huge allocation of our resources, the Police Department's resources. This is the kind of policing I think that our department should be engaged in.

LEG. CARACCIOLO:

Could you elaborate as to exactly the duties of the police officers assigned to monitor the shows?

LEG. BISHOP:

To go there and look and see that the laws of New York State and of the United States and of Suffolk County are being followed.

LEG. CARACAPPA:

So you want to follow federal law, is that what you just said?

LEG. BISHOP:

Yeah, I want to follow -- I want to -- I want to meet the NRA's challenge. They say there are too many laws. The laws that are already written should be enforced, and if we enforce the laws, we'd have a safer nation. Therefore --

P.O. TONNA:

So, Legislator Bishop, you're --

LEG. BISHOP:

-- we need to have enforcement.

00169

LEG. D'ANDRE:

Give me a break.

P.O. TONNA:

Are you ready to take on Charlton Heston in this issue?

LEG. D'ANDRE:

Give me a break.

P.O. TONNA:  
I've seen those bumper stickers, "My President is Charlton Heston." I love that bumper sticker.  
LEG. D'ANDRE:  
Give me a break.  
P.O. TONNA:  
Anyway, all right. Is there a second?  
LEG. BISHOP:  
I think there's a tabling, anyway.  
P.O. TONNA:  
There's a table motion by who?  
LEG. BINDER:  
No.  
LEG. BISHOP:  
No one tabling.  
P.O. TONNA:  
No.  
LEG. BISHOP:  
On the motion.  
P.O. TONNA:  
Let's -- okay.  
LEG. BISHOP:  
There's no tabling.  
P.O. TONNA:  
No table. Let's just go up and down on this one. That's -- how do we feel today?  
LEG. D'ANDRE:  
Table subject to call.  
LEG. BISHOP:  
How do we feel today?  
LEG. D'ANDRE:  
Table subject call.

00170

P.O. TONNA:  
Okay. Motion by Legislator D'Andre to table subject to call. Is there a second?  
LEG. ALDEN:  
Second.  
P.O. TONNA:  
Second.  
LEG. CRECCA:  
Third.  
LEG. D'ANDRE:  
A real American in the crowd.  
P.O. TONNA:  
Okay. All in favor? Opposed?  
LEG. BISHOP:  
Opposed.  
LEG. CARACCIOLO:  
Opposed.  
LEG. BISHOP:  
Opposed.  
P.O. TONNA:

Opposed.

LEG. BISHOP:

And can I ask the --

P.O. TONNA:

Okay. Legislator Caracciolo, Legislator Fisher, Legislator Towle, Legislator Foley.

LEG. LEVY:

For what?

P.O. TONNA:

Table subject to call.

LEG. LEVY:

Opposed.

P.O. TONNA:

Okay. Legislator Levy, Legislator Tonna, Legislator Postal. How about you, Legislator --

LEG. BISHOP:

Legislator Fields, you're not opposing table --

00171

P.O. TONNA:

No, she's not -- she wants it tabled subject to call, obviously.

LEG. FIELDS:

I'd like to vote it up or down.

P.O. TONNA:

Okay. So you're against the table subject to call?

LEG. FIELDS:

No, no, no.

P.O. TONNA:

Roll call.

LEG. BISHOP:

You were calling on people opposed.

P.O. TONNA:

People are confused at what they're voting on. Could I just ask, please, could I ask that Legislators stay focused, so we can move through this agenda? Okay.

LEG. BISHOP:

I am not moving to table it.

P.O. TONNA:

There's a motion and a second to table subject to call.

LEG. BISHOP:

Somebody else is.

P.O. TONNA:

Roll call.

(\*Roll Called by Mr. Barton\*)

LEG. D'ANDRE:

Yes, for the Second Amendment.

LEG. ALDEN:

Yes.

LEG. CARACCIOLO:

No.

LEG. GULDI:

Yes.

LEG. TOWLE:

No.

LEG. CARACAPPA:  
Pass.

00172

LEG. D'ANDRE:  
And here I thought Guldi was a Liberal.

LEG. FISHER:  
No.

LEG. HALEY:  
(Not Present)

LEG. D'ANDRE:  
He's right with it.

LEG. FOLEY:  
No, to table.

LEG. FIELDS:  
No.

LEG. CARPENTER:  
No. No -- yes.

LEG. CRECCA:  
Yes.

LEG. BISHOP:  
No.

LEG. POSTAL:  
No.

LEG. BINDER:  
No.

LEG. COOPER:  
No.

LEG. LEVY:  
No.

LEG. TONNA:  
No.

LEG. CARACAPPA:  
No.

MR. BARTON:  
Legislator Haley.

P.O. TONNA:  
Missing in action. Okay. Let's go on the next one.

MR. BARTON:  
Five. (Not Present: Leg. Haley)

P.O. TONNA:  
Okay. Here we go. Now -- and I'd ask that people, if they make

00173

motions, just try to get a sense of the Legislature if we have enough votes, even close. Now, there's a motion to approve by Legislator Bishop. Is there a second?

LEG. FISHER:  
Yes, second.

LEG. ALDEN:  
I'd like about an hour recess, so I can check with the rest of the Legislators then to get a sense for the rest of the agenda.

LEG. TOWLE:  
You're going to need more than an hour.

P.O. TONNA:

You probably are. On this issue, you probably need more. Legislator Bishop, second by Legislator Cooper. Okay. Let's do a roll call here.

(\*Roll Called by Mr. Barton\*)

LEG. BISHOP:

Yes.

LEG. COOPER:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. GULDI:

No.

LEG. TOWLE:

Pass.

LEG. CARACAPPA:

Yes.

LEG. FISHER:

Yes.

LEG. HALEY:

No.

LEG. FOLEY:

Yes.

LEG. FIELDS:

No.

LEG. ALDEN:

No.

LEG. CARPENTER:

No.

00174

LEG. CRECCA:

No.

LEG. D'ANDRE:

No.

LEG. POSTAL:

Yes.

LEG. BINDER:

Pass.

LEG. LEVY:

Yes.

P.O. TONNA:

Pass.

LEG. TOWLE:

Yes.

LEG. BINDER:

No.

P.O. TONNA:

No.

MR. BARTON:

Nine.

P.O. TONNA:

Okay.

LEG. BISHOP:

The gun lobby reigns supreme.

LEG. D'ANDRE:

There wasn't another real American in the crowd?

P.O. TONNA:

I don't believe it's a good place for a cop to be. All right. I'm just saying.

LEG. BISHOP:

That's going to be a quote.

P.O. TONNA:

That's it. I just don't want them getting hurt.

LEG. BISHOP:

They shouldn't be where guns are sold.

P.O. TONNA:

You put them over there, we're going to have them more on disability and stuff. They're going to get shot or something, forget it. All right. Let's go on.

00175

LEG. HALEY:

They don't get paid enough to go over there.

P.O. TONNA:

Oh, gosh, that's a good one, Marty.

WAYS AND MEANS

All right. Let's go to Page 6. Ways and Means. 1705 (Authorizing waiver of interest and penalties for property tax for Benjamin and Suzanne Contessa (SCTM No. 0400-209-1-59.2). Is there a motion, Legislator Binder?

LEG. BINDER:

Motion.

P.O. TONNA:

Seconded by myself. All in favor? Opposed?

LEG. LEVY:

A hold on, hold on, hold on. We're getting ahead of ourselves.

P.O. TONNA:

How are we getting ahead of ourselves? We're on Page 6.

LEG. LEVY:

I know, but we're --

LEG. CARPENTER:

It met the criteria.

LEG. LEVY:

I don't believe that --

LEG. CARPENTER:

It met the criteria --

LEG. LEVY:

I'm just asking how --

LEG. CARPENTER:

-- or it wouldn't have gotten out of committee.

P.O. TONNA:

Okay. There's a motion and a second. There is -- on the motion, Legislator Levy.

LEG. LEVY:

I just wanted to ask Counsel if this has met the criteria. I can't find my notes.

[SUBSTITUTION OF STENOGRAPHER - ALISON MAHONEY]

MR. SABATINO:

No, 1705 does not meet the statutory criteria.

00176

LEG. LEVY:

So we're, you know, once again passing resolutions without any kind of substance on it. In this particular -- like I said, I think it was the fellow who came up here earlier.

LEG. BISHOP:

Let me get this straight. You want to arrest a 17 year old --

LEG. LEVY:

This was a gentleman who had a very heart wrenching story, but there's thousands of them out there where people had some medical problems and couldn't make their taxes on time and they want a waiver. Well, that's fine but if we have do it here, let's do it for all those thousands of people as well, that's the only point. It's not like a senior citizen where we have made specific exemptions under the law, this would open it up for anyone who's got any kind of medical problem or fiscal problems, then why have interest and penalties?

LEG. HALEY:

I agree.

P.O. TONNA:

Okay.

LEG. LEVY:

Motion to table.

P.O. TONNA:

Motion to table by Legislator Levy.

LEG. HALEY:

Second.

P.O. TONNA:

Seconded by Legislator Haley. Okay.

LEG. BINDER:

Mr. Chairman?

P.O. TONNA:

Yes, Legislator Binder.

LEG. BINDER:

Thank you. I don't know if you were here, not everybody was sitting at the Legislature when Mr. Contessa came up, just so you understand what did happen with him when they were out in Wyoming. They had a 22 week child, she was -- his wife was pregnant with, had a very, very bad time, lost the child, she had a 90% mortality rate, she was in the hospital and they were basically stuck in the hospital and fighting for her life out west, she lost the life of her child. In fact, couldn't even come here today because she can't even talk about it, it's so difficult for her and couldn't even get back here to pay the taxes. The fact is that's where they were, they were out west, couldn't be here to do what they would normally do, what they planned on doing. So I would ask consideration as we have in the past.

00177

P.O. TONNA:

Right. Okay, there's a motion to approve by Legislator Binder, seconded by myself.

LEG. HALEY:

Motion to table.

P.O. TONNA:

Oh, there's a tabling motion by Legislator Levy, seconded by Legislator

Haley. All in favor? Opposed to the tabling?

LEG. CARPENTER:

Opposed.

LEG. CRECCA:

Opposed.

LEG. ALDEN:

Opposed.

LEG. CARACAPPA:

Roll call.

P.O. TONNA:

Okay, roll call.

LEG. D'ANDRE:

For tabling the roll call?

(\*Roll Called by Mr. Barton\*)

LEG. LEVY:

Yes.

LEG. HALEY:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. GULDI:

No to table.

LEG. TOWLE:

No.

LEG. CARACAPPA:

No.

LEG. FISHER:

No.

LEG. FOLEY:

No to table.

00178

LEG. FIELDS:

No.

LEG. ALDEN:

Nope.

LEG. CARPENTER:

No.

LEG. CRECCA:

No.

LEG. D'ANDRE:

No to table.

LEG. BISHOP:

No.

LEG. POSTAL:

No.

LEG. BINDER:

No.

LEG. COOPER:

No.

P.O. TONNA:

No.

MR. BARTON:

Three.

P.O. TONNA:

For Allan, no way. Okay, motion to approve by Legislator Binder, seconded by myself. All in favor? Opposed?

LEG. CARACCIOLO:

Opposed.

P.O. TONNA:

Opposed, Legislator Caracciolo.

LEG. HALEY:

Opposed.

LEG. LEVY:

What is this, on the motion?

P.O. TONNA:

Yeah, on the motion to approve.

LEG. LEVY:

I'll oppose.

00179

P.O. TONNA:

Legislator Haley, Legislator Levy.

MR. BARTON:

15-3.

P.O. TONNA:

There you go.

1789 - (Rescinding authorization to sell County-owned property pursuant to Local Law 16-1976 (Elizabeth A. DiFiore as court appointed Receiver of Delaware Avenue Concrete Corp., said Receiver being appointed in Nassau County Supreme Court, Index No. 2843-91) (0101-004.00-01.00-023.001) (County Executive). Motion by myself, seconded by Legislator Levy. All in favor? Opposed? Approved.

MR. BARTON:

18.

P.O. TONNA:

1837 - (Bond resolution, a resolution authorizing the issuance of \$75,000 serial bonds of the County of Suffolk, New York, to pay part of the cost of the purchase of an information system for Public Works (CP 5060) (County Executive). Motion by Legislator Levy. Seconded by Legislator Alden? No, I'm joking; I know it's a bonding resolution, I know how you like those.

LEG. ALDEN:

No. As a matter of fact, on the motion.

P.O. TONNA:

On the motion. I will second it. On the motion.

LEG. ALDEN:

Were we ever told what the purpose of this was for?

LEG. GULDI:

If I may, my recollection from committee is that Ways and Means, wasn't this the one where we said we previously approved the bill and we neglected to do the bond, now we have to do the bond?

MS. FARRELL:

No, it's all by itself.

P.O. TONNA:

Jackie, why don't you go on the record.

MS. FARRELL:

There is no record, it's all by itself.

LEG. ALDEN:

There's a bond -- it says Bond Resolution.

MS. FARRELL:

But it's a stand-alone, it's not like a Public Works project that has two parts.

00180

MR. SABATINO:

Yeah, it wasn't tied into -- it was not tied into another resolution, it was initiated, went through the committee process, questions were raised about what it was going to be used for and that's where we are.

P.O. TONNA:

Okay.

LEG. TOWLE:

Question on the resolution.

P.O. TONNA:

Okay, hold it one second.

LEG. ALDEN:

What is it?

P.O. TONNA:

Legislator Alden has the floor.

LEG. ALDEN:

Well, what is it going to be used for then?

LEG. TOWLE:

That's my question.

P.O. TONNA:

Legal Counsel, could you answer this, please?

MR. SABATINO:

I don't know. Those questions were asked at the committee, they were good questions, but I don't know what the answer is.

LEG. CRECCA:

Motion to table.

P.O. TONNA:

Wait.

LEG. TOWLE:

Second.

P.O. TONNA:

Can I ask, is there a representative from the County Executive's Office that would come up and answer this question?

LEG. FOLEY:

There's plenty of them out there.

LEG. HALEY:

Can we pass over it and come back to it?

LEG. CARPENTER:

Good idea, pass over it.

00181

P.O. TONNA:

Okay, we're going to pass over it.

LEG. HALEY:

Thank you.

P.O. TONNA:

1877, is there a motion? That gives the County -- let me say, in other words, da da da, da da da, go find out, da da da, da da da, okay.

Here we go. 1877 - (Authorizing the Director of the Division of Real

Estate, Department of Planning, to issue a Certificate of Abandonment of the interest of the County of Suffolk in property designated as Town of Babylon, Suffolk County Tax Map No. 0100-039.00-01.00-105.000, pursuant to Section 40-D of the Suffolk County Tax Act (County Executive). Is there a motion?

LEG. POSTAL:

Motion to approve.

P.O. TONNA:

Motion to approve by Legislator Postal, seconded by Legislator Guldi.

All in favor? Opposed? Approved.

MR. BARTON:

18.

P.O. TONNA:

1878 - (Authorizing the Director of the Division of Real Estate, Department of Planning, to issue a Certificate of Abandonment of the interest of the County of Suffolk in property designated as Town of Brookhaven, Suffolk County Tax Map No. 0200-980.40-01.00-082.000, (Item No. 38-16340) pursuant to Section 40-D of the Suffolk County Tax Act (County Executive). Same motion, same second, save vote.

MR. BARTON:

18.

P.O. TONNA:

1889 (1879 - Authorizing the Director of the Division of Real Estate, Department of Planning, to issue a Certificate of Abandonment of the interest of the County of Suffolk in property designated as Town of Brookhaven, Suffolk County Tax Map No. 0200-617.00-04.00-014.000, (Item No. 53-09770) pursuant to Section 40-D of the Suffolk County Tax Act (County Executive).

MR. BARTON:

18.

LEG. POSTAL:

1879.

P.O. TONNA:

1879, sorry; thank you, Legislator Postal.

00182

1880 - (Authorizing the Director of the Division of Real Estate, Department of Planning, to issue a Certificate of Abandonment of the interest of the County of Suffolk in property designated as Town of Brookhaven, Suffolk County Tax Map No. 0200-985.80-03.00-015.000, (Item No. 32-83370) pursuant to Section 40-D of the Suffolk County Tax Act (County Executive). Same motion, same second, same vote.

MR. BARTON:

18.

P.O. TONNA:

1881, that was a very good year, (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 to CR 39-North Road, Town of Southampton, Suffolk County, New York, CP 5537 (County Executive).

LEG. GULDI:

Motion.

P.O. TONNA:

Motion by Legislator Guldi, seconded by Legislator Caracciolo. All in favor? Opposed? Approved.

MR. BARTON:

18.

P.O. TONNA:

1882 - (Sale of County-owned Real Estate pursuant to Local Law 13-1976, Luis M. Rivera (0200-907.00-07.00-066.000). Motion by Legislator Levy, seconded by Legislator Guldi. All in favor? Opposed? Approved.

MR. BARTON:

18.

P.O. TONNA:

1898 - (Authorizing waiver of interest and penalties for property tax for Lisa Longo (SCTM No. 0200-367.00-01.00-016.000) (Caracappa). Motion by Legislator Caracappa, seconded by Legislator Guldi. All in favor? Opposed? Approved.

LEG. CARACCIOLO:

Opposed.

P.O. TONNA:

Who's opposed? Legislator Caracciolo is opposed.

LEG. CARACAPPA:

It's legit.

LEG. LEVY:

This met the criteria.

LEG. CARACCIOLO:

It's legit? Oh, okay.

00183

P.O. TONNA:

Okay, this happens to be one of those legit ones.

MR. BARTON:

18.

P.O. TONNA:

Okay, 18.

1926 - (Sale of County-owned Real Estate pursuant to Section 72-h of the General Municipal Law, Town of Riverhead (0600-105.00-02.00-077.000 & 0600-105.00-02.00-081.00) (County Executive). Motion by Legislator Levy, seconded by Legislator Guldi. All in favor? Opposed? Approved.

MR. BARTON:

18.

P.O. TONNA:

Energy & Environment:

No. 1261 - (Making a SEQRA determination in connection with the proposed Greenways Acquisition of the Creed Road, properties for active recreation, Mill Dam Park Expansion, Town of Huntington (Presiding Officer Tonna). Motion by --

LEG. COOPER:

Motion.

P.O. TONNA:

-- myself. Oh no, motion by Legislator --

LEG. COOPER:

Yo.

P.O. TONNA:

Yo, Legislator Yo; okay, that means Legislator Cooper. Seconded by Legislator Tonna. All in favor?

LEG. TOWLE:

Mr. Chairman?

P.O. TONNA:

Yes, on the record.

LEG. TOWLE:

For some recollection I remember there was supposed to be some information forthcoming from the committee meeting on this bill; I don't ever remember getting that.

LEG. CRECCA:

I'm sorry. Say that again, Legislator Towle, I didn't hear you.

LEG. TOWLE:

For some reason I recollect that at Energy & Environment this was a bill that was about to expire that Legislator Cooper moved, there was some information that we had asked as members of the committee to receive by today to vote on this bill.

00184

LEG. CARPENTER:

Yes, I think so.

LEG. TOWLE:

You're saying no, Mr. Chairman, Legislator Carpenter is agreeing with me. I distinctly remember

LEG. GULDI:

No, I'm not disagreeing anything.

LEG. TOWLE:

No, Legislator Guldi, the Chairman of the committee was disagreeing.

P.O. TONNA:

Legislator Cooper.

LEG. COOPER:

My aide told me that we have the information, unfortunately it's at our district office, I'm going to ask for it be faxed here. If you can delay consideration of this for a little while?

LEG. CRECCA:

Pass over.

LEG. HALEY:

No, let's pass it.

LEG. CRECCA:

Pass over it, come back to it.

P.O. TONNA:

No, I think -- Marty, a Legislator has asked for information, a Legislator unfortunately doesn't have the information but will have the information. Okay, I rule we pass over it, although I probably don't have the powers to rule that. Okay, let's go to the next one.

LEG. HALEY:

Yes you do, I think you do.

P.O. TONNA:

Oh, do I? Great, we're passing over it. Oh, found another thing, passing over a lot of bills here today, I tell you that.

Finance, Technology & Management Services:

Okay, 1605 - (To deny refunds and charge-backs on real property assessments and tax rolls (County Executive)).

LEG. CARACCILOLO:

Motion.

P.O. TONNA:

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

00185

MR. BARTON:

18.

P.O. TONNA:

1815 - (Apportioning mortgage tax by: County Legislature (County Executive).

LEG. CARACCIOLO:

Motion.

P.O. TONNA:

Motion by Legislator Caracciolo, second by myself. All in favor?

Opposed? Approved.

MR. BARTON:

18.

P.O. TONNA:

1816 - (Amending the 2000 Capital Budget and Program and appropriating funds in connection with the acquisition of an Integrated Human Resources/Payroll System (CP 1740) (County Executive).

LEG. CARACCIOLO:

Motion to table.

P.O. TONNA:

Table. Okay, motion by Legislator Caracciolo to table.

LEG. CRECCA:

Second.

P.O. TONNA:

Seconded by Legislator Crecca. On the motion, I just ask you why it got out of your committee, I'm just trying to figure out what happened here.

LEG. CARACCIOLO:

Well, subsequent to that there's been a request by the union representing County employees that we take another look at this and see what impact it may have on County employees.

P.O. TONNA:

Great.

LEG. ALDEN:

Motion to recommit.

LEG. CARACCIOLO:

No, no, we don't need to recommit. I think we can answer the questions satisfactory the next several weeks and I'd leave it here as a tabled resolution.

P.O. TONNA:

Okay. Do you want to still make that motion?

LEG. ALDEN:

Actually, there was a lot of information that was not forthcoming from

00186

the department that requested the monies, so --

P.O. TONNA:

The only thing I would say, Mike, as Chairman of the Finance Committee, you know, I'm going to vote the way that you want it to be voted, but --

LEG. CARACCIOLO:

Let's table it here. Paul Greenberg was prepared to come today, I told

him not to and we'll take it up in three weeks.

LEG. ALDEN:

Okay.

LEG. CRECCA:

He was here, though, earlier.

LEG. CARACCIOLO:

I know.

LEG. CRECCA:

Right, okay.

P.O. TONNA:

Okay. There's a motion to recommit --

LEG. ALDEN:

No, no.

P.O. TONNA:

No? Okay. Motion to table, seconded by myself. All in favor? Opposed?

Tabled.

MR. BARTON:

18.

P.O. TONNA:

1835 - (Reducing prior bond and note authorizing resolutions (County Executive). Motion by Legislator Caracciolo, seconded by myself. All in favor? Opposed? Approved.

MR. BARTON:

18.

P.O. TONNA:

1836 - (Transferring funds and authorizing the County Comptroller and County Treasurer to close certain capital projects (County Executive). Motion by Legislator Caracciolo, seconded by Legislator Alden. All in favor? Opposed? Approved.

LEG. FOLEY:

Explanation.

LEG. CRECCA:

Yeah, can we have an explanation on this?

00187

P.O. TONNA:

Explanation before the roll call. Explanation, 1836.

LEG. ALDEN:

Actually, if Ken is still here he can explain this. These are projects that are basically you have to close them out, so.

LEG. FOLEY:

Well, let's get an explanation.

LEG. CARACAPPA:

It's a yearly thing.

LEG. LEVY:

Just on the motion.

LEG. FOLEY:

Let's get an explanation, please.

P.O. TONNA:

Okay, hold it one second. Legislator Alden, are you done with the explanation? Yeah? Okay.

LEG. ALDEN:

I didn't make an explanation.

P.O. TONNA:

Oh, you didn't? Okay, there was a call for an explanation; Legal Counsel?

MR. SABATINO:

1836 differs from 1835. 1835 really was an outgrowth of something Legislator Alden had proposed earlier in the year, the numbers just differ in terms of the resolution. 1836 is a bill that arises out of the Rose Caracappa Law that goes back to 1989 which is that by July 31st of every year there has to be a list of submitted Capital Projects presented to the Legislature to be closed out. There is a corrected copy which changed the number, but this is implementing a decade-old policy of annually closing out Capital Projects.

LEG. FOLEY:

There is no copy, there is no addendum, I don't have a copy of the addendum.

LEG. CRECCA:

I didn't get an addendum either.

LEG. LEVY:

Okay.

LEG. FOLEY:

Motion to table for one meeting.

P.O. TONNA:

There is a motion to table by Legislator Foley.

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LEG. CARACCIOLO:

On the tabling motion.

LEG. GULDI:

There was one.

P.O. TONNA:

Wait, wait, there has to be a second. Is there a second? Okay, fails for lack of a second.

LEG. LEVY:

Second for one meeting.

P.O. TONNA:

Second by Legislator Levy.

LEG. CARACCIOLO:

On the motion to table.

P.O. TONNA:

On the motion. Legislator Caracciolo, on the motion.

LEG. CARACCIOLO:

Mr. Weiss wise is here, he may have a copy of the exhibit but if he doesn't, it's basically a technical -- not technical, but it's a reso -- you have it, George?

LEG. GULDI:

Yeah, it's right here.

LEG. CARACCIOLO:

Okay.

LEG. GULDI:

It's annexed as back up.

LEG. CARACCIOLO:

All right. I think your concern, Brian --

LEG. HALEY:

Legislator Caracciolo, we saw an addendum in Finance.

LEG. FOLEY:

I don't have an addendum.

LEG. GULDI:

It's annexed to the bill.

LEG. FOLEY:

Not with this bill it isn't.

LEG. CARACCIOLO:

Well, is your concern, Brian, that there may be a Capital Project in your district, the fact that --

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LEG. FOLEY:

Yeah, that's it.

LEG. CARACCIOLO:

Okay.

P.O. TONNA:

There is a motion to table by Legislator Foley for one meeting, seconded by Legislator Levy. All in favor? Opposed?

LEG. ALDEN:

Opposed.

LEG. CRECCA:

Opposed.

LEG. HALEY:

Roll call.

P.O. TONNA:

Okay, roll call.

LEG. LEVY:

On the motion, on the motion.

P.O. TONNA:

On the motion, Legislator Levy.

LEG. LEVY:

Cameron, this is the same bill that you had originally introduced and then it got modified?

LEG. ALDEN:

No.

LEG. CARACCIOLO:

No, no, no, no.

LEG. ALDEN:

1835 was the bill I introduced, 1836 is under the Rose Caracappa Law.

LEG. LEVY:

All right, we --

LEG. CARACAPPA:

It's annual capital close outs.

LEG. CRECCA:

We have to do it.

LEG. LEVY:

You know, I wanted to ask you -- I wanted to ask you, with 1835 we had raised a couple of back up matters that we wanted taken out and I don't know if they were.

LEG. ALDEN:

My bill is still tabled in committee. Ken Weiss is here to speak on

00190

either one of them, 1835 or 1836. And my bill, I was --

LEG. LEVY:

Your bill is still in committee?

LEG. ALDEN:

It's still in committee.

LEG. FISHER:

Excuse me, Mr. Chairman?

P.O. TONNA:

Yes, Legislator Fisher.

LEG. FISHER:

I have a copy of the bill with the addendum, so I have given it to Legislator Foley so that he can review it, that way there's no need to table it if he's satisfied.

LEG. FOLEY:

Mr. Chairman?

P.O. TONNA:

Yes.

LEG. FOLEY:

I would still like to table because when you look at the addendum it's multiple projects, it's well over -- it's hundreds of projects.

P.O. TONNA:

Voluminous.

LEG. FOLEY:

And you look at some of the projects and, you know, there's some dredging projects, there's over \$2 million for instance for the --

P.O. TONNA: .

Legislator Foley has the floor

LEG. FOLEY:

Two million dollars for acquiring premium -- if you look on the last page, page five, about a ball park where the available balance is over \$2 million. I mean, it just raises questions as to if there is an available balance left over, can these monies not be used -- and I know they can't be used for different projects, but can they not be used for projects in the same category if you will?

P.O. TONNA:

Okay.

LEG. FOLEY:

All right? And I would like to --

P.O. TONNA:

Legislator Foley?

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LEG. FOLEY:

-- for just one meeting have it tabled so we can --

P.O. TONNA:

Can I ask you, is there --

LEG. HALEY:

Can he answer that question?

LEG. FOLEY:

Sure.

P.O. TONNA:

Yeah. Ken, you want to answer those questions?

LEG. FOLEY:

The ball park for instance.

LEG. ALDEN:

And one other question. Under the Caracappa Law, can it go past that July deadline?

P.O. TONNA:

Fred has given an affirmative yes answer, non verbally; for the record, that's a yes.

MR. POLLERT:

Yes.

P.O. TONNA:

Okay. Go ahead, Ken.

MR. WEISS:

I don't have a copy of the resolution but I'll --

LEG. FOLEY:

Well, you really should, Ken, this is important.

MR. WEISS:

Well, Fred doesn't have one, I don't have one.

LEG. FOLEY:

On page five \$2 million it says, available balance, \$2 million for a minor league ball park, then there's 113,000 for the construction of a County bikeway. That being the case, someone could make the suggestion that maybe we should then extend the bikeway with the monies that are left over.

P.O. TONNA:

Can I just ask a question, Legislator Foley; was this in your committee?

LEG. FOLEY:

No, it was not; if it was I wouldn't have --

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P.O. TONNA:

It was not even secondarily assigned?

LEG. FOLEY:

Not even second.

P.O. TONNA:

Why would the resolution -- I'll ask Legal Counsel. Why would a resolution like this that deals with Capital Project funding not be secondary in Public Works?

LEG. GULDI:

Because the Presiding Officer didn't assign it there.

P.O. TONNA:

Well, I know that, but I'm a mere shell, you knew that.

LEG. HALEY:

Yeah, that's your job.

MR. SABATINO:

Because the impact of the bill is purely financial.

P.O. TONNA:

Why didn't I do that? Go ahead, Legal Counsel.

MR. SABATINO:

The impact of the bill is purely financial, it doesn't effect the status or the completion or implementation of Capital Projects. It only does one thing and one thing alone which is to effect the amount of Capital Projects and outstanding debt. So, I mean, it could have been assigned to the committee, it just didn't seem to make sense because the focus is purely a hundred percent financial.

P.O. TONNA:

Legislator Foley, did you understand that?

LEG. FOLEY:

No, I understand the reason.

P.O. TONNA:

Okay. Because I'm making a fool of myself right here, so I would just like very much to get this over with.

LEG. FOLEY:

But I would still like to get some answers to some of the questions.

MR. WEISS:

Can I respond?

P.O. TONNA:

Yes. Ken?

LEG. FOLEY:

And the example I give are bikeways. Go ahead.

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MR. WEISS:

All of these projects, every single one of them, are projects that there's not been activity in several years, they are all sitting on the books, they have cash balances, some of them have cash balances, some of them have negative cash balances. There's projects -- they're old projects. You can't spend any of the money, all the money has to go to either pay bonds or it goes into the General Fund. The budget we're coming out with in three days has a \$2 million revenue which is the net effect of closing out all these projects.

LEG. FOLEY:

Well, that's an assumption that you made without us first voting on it.

MR. WEISS:

You can take \$2 million out of the budget and raise taxes, that's your option.

LEG. FOLEY:

Well, no. Now you're putting us in the corner, Ken, now you're putting us in the corner. You're making assumptions in the proposed Operating Budget before we voted on something like this.

P.O. TONNA:

Wait, wait, wait. Can I say something?

LEG. FOLEY:

Sure.

P.O. TONNA:

It's his right to put a budget together.

LEG. FOLEY:

Of course it is.

P.O. TONNA:

It's our right to scrutinize it and see if that's a valid way to do something.

LEG. FOLEY:

Right.

P.O. TONNA:

Don't chide the Budget Director yet, he'll have his chance to be chided, trust me. Let's just wait a while, okay? But right now we're voting on a bill.

LEG. FOLEY:

On the motion.

P.O. TONNA:

There's a motion to table and a second, okay?

LEG. ALDEN:

On the bill, though, again?

00194

P.O. TONNA:

Legislator Alden, then Legislator Foley, you want to say something more?

LEG. FOLEY:

Yes, please.

LEG. ALDEN:

Ken, when you drew this up, it's a requirement under the Caracappa bill or Caracappa Law to close out? All right, but then there was something else you wanted to say, go ahead.

MR. WEISS:

I wish to see what Budget Review has to say, but I've had staff working on this since we came out with the Capital Budget and they've gone over all the projects where there hasn't been any activity. A lot of this, you know, came about -- a lot of this research came about as a suggestion from yourself that we look at some of these outstanding projects and try to eliminate some of the outstanding unauthorized -- authorized, unissued bonds. So we began a process where we looked at every single Capital Project where there hasn't been activity in recent years, we called the departments, we've checked it out, we've been working with the comptroller's Office and the Treasurer's Office, this is the list of projects that we came up with. The net effect on this particular resolution is a savings to the General Fund of \$2 million. The other resolution combined with this resolution reduces the unauthorized -- the authorized, unissued debt, over \$100 million. I mean, this is good for the County, this is going to help us with rating agencies. If you don't want to do it, I mean, if you want to start picking apart the projects, I'm willing to send my staff to sit and talk to anybody that wants to go over an individual project. But these projects, we don't have the ability to spend the money, the projects are closed.

LEG. ALDEN:

That's a key thing, the money can't be spent anyway.

MR. WEISS:

It can't be spent on other -- you can't just take money, appropriate it for one project and spend it on another one, it would be a violation of our bonding.

LEG. ALDEN:

Right. Okay, thanks.

LEG. LEVY:

I had a question, Ken. And that is I know in the back up that Legislator Alden had in one of his bills to do away with those that had like five years or more of inactivity, and I don't know if it's included in this resolution, it was something to do with Raynor Beach Park. And the reason I didn't want it in there was because we still have yet to have a completion of that project and I saw money that was being taken away from the project, and I don't know if it's in this resolution.

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MR. WEISS:

This is a much shorter list than the original bill. I mean, these projects have been researched --

D.P.O. LEVY:

You know, I just wanted to have a chance to see if it was in there, that was my one concern. Any other questions on this?

LEG. FOLEY:

Yeah.

D.P.O. LEVY:

Legislator Foley has some questions.

LEG. FOLEY:

Thanks, Mr. Chairman. Ken, if you could again, look at page five, and the largest number that stands out is \$2 million, available balance \$2 million, acquiring -- whether that means premises for minor league ball park; could you explain what that means; available balance is \$2 million, what does that mean? Cash balance is zero, but the available -- does that mean that there's \$2 million available to make other improvements to that facility, is that what that means?

MR. WEISS:

Well, there's 2,091 appropriations, but if you look at the cash next to it --

LEG. FOLEY:

No, it's two million.

MR. WEISS:

Yeah, there's 2,091,000 of appropriation, but there's no cash.

LEG. FOLEY:

Well, then explain available balance as opposed to cash balance.

MR. WEISS:

Available balance is appropriations, they're authorizations to spend, cash is whether or not the Comptroller has borrowed the funds against it. This particular project, we don't need to spend the 2,091,000, we haven't borrowed cash against it.

LEG. FOLEY:

Now, you said we don't need to spend. Did we approve an appropriating resolution that did include this \$2 million?

LEG. HALEY:

Originally, yes.

LEG. FOLEY:

Originally we must have. The answer is yes.

MR. WEISS:

Yes, yes.

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LEG. FOLEY:

So what you're telling us is that of the total amount that we had appropriated, there's \$2 million of that total amount that we didn't utilize or we didn't use?

LEG. CARACAPPA:

No, that's not true.

LEG. FOLEY:

Well, that's just what I'm trying to get at.

LEG. ALDEN:

Actually, Fred knows the answer too, it's yes.

LEG. CARACAPPA:

No, we didn't.

LEG. FOLEY:

Please, Fred.

MR. POLLERT:

Where this list would come from is from a variety of different sources. That's exactly correct, you can have projects where the funds have been appropriated by the Legislature and the funds are not required, the bond authorization would never be made. In some case the bond authorization has been made where there's cash and you're closing the cash which would be used to repay the debt service. In other cases such as projects that have languished for years, if there was some movement on a project it starts the clock on the period of probable use for life. So even if there are remaining appropriations, there's no ability of the County to continue to use that old bond authorization to, in fact, issue the bonds. So it can come from a variety of different sources.

LEG. FOLEY:

Okay. I need to continue to ask a question. Then of this ball park where there's \$2 million, where did that materialize? I mean, we appropriated I think \$19.9 million in total; are you telling us that we really only spent 17 million, 17.9 million?

MR. POLLERT:

The list was prepared by the County Executive's Office.

LEG. FOLEY:

Well, this is an important -- I mean, I believe it's important because if it's \$2 million, to my way of thinking, Ken, we can make some other substantial, physical improvements to that particular ball park. So do we have the monies or don't we have the monies?

MR. POLLERT:

According to Jim Spero, we do have the \$2 million but the \$2 million was appropriated for land acquisitions.

LEG. FOLEY:

So why would we have -- so why would there be a column of available  
00197

balance then?

MR. POLLERT:

Because the Capital Program divides up planning and design and land acquisitions and construction and they obviously compressed all those columns into just a total column.

LEG. FOLEY:

So this is a phantom figure, there really isn't \$2 million, we actually have no monies --

MR. POLLERT:

There's \$2 million if you wish to acquire more property for parking or something of that sort, or I believe, perhaps by resolution, you can move it from one area of the Capital Project to another area of the Capital Project. It would require a Legislative resolution to say we want to take the money from the land acquisition and move it down to construction.

LEG. FOLEY:

Was that part of the 19.9 or was that a separate resolution?

MR. SPERO:

I really don't know what this is for, but it seems to be for -- the State, if you recall when the \$14 million was provided.

LEG. FOLEY:

Yes, 14.4.

MR. SPERO:

The State wanted \$2 million back for the land.

LEG. FOLEY:

Right.

MR. SPERO:

So perhaps we didn't use our appropriations, maybe the State gave the County a net amount of money withholding \$2 million.

MR. WEISS:

That's what I think happened.

MR. SPERO:

That could be what's happening.

LEG. FOLEY:

So essentially it freed up --

MR. SPERO:

So the \$2 million the Legislature appropriated, you never needed to actually spend it.

LEG. FOLEY:

Well, that's amazing to know now because I know for a fact that there are some cutbacks, there were some changes made to the ball park where we went from a green roof, for instance, which would have cost a few

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more dollars to this white roof and there were other changes that were made, when we wanted to have -- while it is a top flight facility, what I'm hearing here today is that there was, in essence, another \$2 million that could have been folded back into the project; is that correct?

P.O. TONNA:

Can I ask --

LEG. FOLEY:

I want an answer to the question, please.

MR. SPERO:

You have to rescind this authorization and do a new authorization.

LEG. FOLEY:

Right.

LEG. CARACAPPA:

On top of that, I was told, we were all told right down to the wire, being involved with that project intimately, that we were down to the wire when it came to funding.

LEG. FOLEY:

That's right, Joe.

LEG. CARACAPPA:

Down to almost a penny before Opening Day.

LEG. FOLEY:

That's right, that's absolutely right.

LEG. CARACAPPA:

So for me as Chairman of Sports & Recreation to hear that there's \$2 million floating around for this project, I'm just blown away.

P.O. TONNA:

But it's not.

LEG. FOLEY:

No, but it is.

MR. WEISS:

Understand there is zero.

P.O. TONNA:

There is zero money.

LEG. FOLEY:

No, no.

P.O. TONNA:

This is not money you can spend.

MR. WEISS:

The money was never borrowed, these are appropriations that can't be  
00199

used. They were appropriations for land acquisitions.

LEG. CARACAPPA:

The fact remains we appropriated it, we appropriated that money thinking we needed every penny of it down to the wire. So to sit hear today and hearing that we never appropriated it while we were being told, we're pushing the limits.

LEG. FOLEY:

No, but you did -- no.

LEG. CARACAPPA:

We appropriated the money, we spent the money.

MR. POLLERT:

You appropriated but you didn't spend the \$2 million.

LEG. CARACAPPA:

See, that's what's blowing me away.

LEG. FOLEY:

We didn't spend it, that's right. We could have transferred it over to the building of the ball park.

LEG. ALDEN:

No, you couldn't.

LEG. FOLEY:

Yes, we could, he just said we could.

MR. WEISS:

You couldn't.

LEG. ALDEN:

It takes a resolution.

LEG. FOLEY:

By resolution, absolutely.

LEG. CARACAPPA:

But the fact remains there was \$2 million floating around there that we had available to us.

LEG. FOLEY:

To this day there's \$2 million for the ball park.

LEG. CARACAPPA:

Meanwhile we were told we were bare -- our backs were against the wall on the project.

LEG. FOLEY:

That's right, and they changed some of the physical features of that ball park because they didn't have the additional money.

P.O. TONNA:

Okay. So --

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LEG. FOLEY:

I have a motion to table on this.

LEG. CARACAPPA:

I will second the motion.

P.O. TONNA:

Okay. There is already a motion to table by Legislator Foley and a second by Legislator Levy.

LEG. FOLEY:

And Mr. Weiss --

P.O. TONNA:

Roll call.

LEG. FOLEY:

-- with all due respect, you should have been able to give us the answers to this, Ken, you should have been able to give us the answers without having to defer to the Budget Review Office.

LEG. FISHER:

On the motion. On the motion.

P.O. TONNA:

Wait, wait. Can I just say -- Ken, just hold it a second. Legislator Fisher, you have the floor. And can I ask -- okay, go ahead, Legislator Fisher.

LEG. FISHER:

I would like to ask a question. We are tabling this obviously because there are many questions, but I believe that there are questions that have to do with the Public Works Committee or Sports & Recreation. Can this be recommitted to different --

P.O. TONNA:

Yes, I think --

LEG. FISHER:

To additional committees?

P.O. TONNA:

Paul, tell me about my powers as Presiding Officer, but can I assign this also to additional secondary committees for scrutinization or whatever?

MR. SABATINO:

On the record you can do that right now.

P.O. TONNA:

Okay. Can I ask you, Budget Review, what is the fiscal impact if we wait one meeting to pass this resolution?

MR. POLLERT:

There is no fiscal impact.

00201

P.O. TONNA:

Okay. What is the impact in any way, shape or form that's non fiscal, will something happen?

MR. POLLERT:

Not to the best of my knowledge. You have until such time as you adopt the budget or you technically even have until after you adopt the budget. If the revenues were included to help repay the debt service, it should be addressed by the time that you do the budget.

P.O. TONNA:

Okay. Then I would ask my colleagues, there is a motion to table and a second. There are many --

LEG. FISHER:

I have a motion to recommit to committee.

P.O. TONNA:

Okay. Well I want to assign it to some other committees, so let's --

LEG. CARACAPPA:

Just send it to Public Works.

P.O. TONNA:

Okay, I will -- but what I would ask is that for those who were going to vote, you know, to pass this because of the urgency of the bill, let's just -- well, do whatever you want. Okay, we'll make a motion and a second. Roll call on the motion to -- I will make --

LEG. ALDEN:

On the motion.

P.O. TONNA:

No, the motion is -- I'll recommit it to another secondary, I don't need a motion for that.

LEG. FOLEY:

You don't? Okay.

LEG. ALDEN:

On the motion.

LEG. CARACAPPA:

Recommit takes precedence.

P.O. TONNA:

I don't need a motion for that.

LEG. FISHER:

If you table it, it won't go back to committee.

P.O. TONNA:

No, it goes -- okay.

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LEG. CARACAPPA:

Motion to recommit.

P.O. TONNA:

Okay, there's a motion to recommit by Legislator Fisher, seconded by Legislator Caracappa.

LEG. ALDEN:

On the motion?

P.O. TONNA:

Yes, on the motion.

LEG. ALDEN:

First off, I'm opposed to recommitting it but I will support sending it back if I have the promise that there's going to be due diligence on this.

LEG. FOLEY:

Yes, there will be due diligence.

LEG. ALDEN:

Because to just send it back --

LEG. CARACAPPA:

No, I have questions now, too.

LEG. ALDEN:

-- to huff and puff about it and everything else, that's ridiculous.

LEG. FOLEY:

No, no. Cameron --

LEG. ALDEN:

But if we're going to do some work on it, fine.

LEG. FOLEY:

Yes, absolutely. All right?

P.O. TONNA:

Okay. And then I would -- Paul, how do I make a motion, or what do I have to do to send it to Public Works as a secondary committee?

MR. SABATINO:

What I would recommend is first just verbally on the record instruct the Clerk that you're now assigning the bill in its secondary capacity to the Public Works Committee.

P.O. TONNA:

Okay. I charge you, Clerk of the Legislature, with the capacity to assign this secondarily to the Public Works & Transportation Committee for important consideration by them. Thank you, sir.

LEG. FOLEY:

But also primarily to Finance.

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P.O. TONNA:

Now what do I do?

MR. SABATINO:

Now a motion to recommit to committee will have the effect of sending it back to those two committees.

P.O. TONNA:

There is a motion and a second.

LEG. CARACCIOLO:

Point of order.

P.O. TONNA:

Legislator Caracciolo, point of order; we have one of those, it's the first time today.

LEG. CARACCIOLO:

Yes. Could Mr. Weiss come back up?

P.O. TONNA:

Mr. Weiss, come on back up. By the way, there are a couple of tryouts for The King and I, if you have a little time. Go ahead.

LEG. FOLEY:

I hear you're going for it too, Paul.

LEG. CARACCIOLO:

Ken, in light of the fact that this resolution may be recommitted to committee, I would ask request from you your opinion as to whether or not the budget presentation or the budget that will be presented in three days will include --

LEG. CARACAPPA:

The answer he gave is yes.

LEG. CARACCIOLO:

He gave the answer but that was earlier, that was before he was aware that it may be recommitted. If the Legislature takes affirmative steps now to recommit, it will not have been a fete accompli and that means you will have to present your budget without that two and a half million dollars.

MR. WEISS:

Not true.

LEG. CARACCIOLO:

Not true, okay.

MR. WEISS:

The budget's in the printer and the budget will have the \$2 million in it. If the Legislature wishes to not do this by the end of the year,

the Legislature has the option to remove this revenue and find another revenue.

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LEG. CARACCIOLO:

Okay. Fred, where does that put the Legislature in terms of finding other revenues?

MR. POLLERT:

Well, we haven't seen the budget yet, but clearly there was a lot of work done on the resolution. I am sure that Ken will be able to address the concerns in the various committees. If the resolution is not adopted for the \$2 million, there are three options, you either find, you know, other revenues that could be increased, you can decrease expenditures, or if none of those occur then there will be a \$2 million increase in the property tax warrant.

LEG. CARACCIOLO:

In the General Tax Warrant?

MR. POLLERT:

It should be in the General Fund, that's correct.

LEG. CARACCIOLO:

Okay. Thank you.

P.O. TONNA:

Okay. All in favor? Opposed?

LEG. BINDER:

To what?

LEG. CARACAPPA:

Recommit.

P.O. TONNA:

To recommit.

LEG. BINDER:

Opposed.

LEG. CRECCA:

I'll take a roll call, please.

P.O. TONNA:

Okay, roll call.

(\*Roll Called by Mr. Barton\*)

LEG. FISHER:

Yes.

LEG. CARACAPPA:

Yep.

LEG. CARACCIOLO:

Yes.

LEG. GULDI:

What's the motion? Pass. Yes to recommit.

00205

LEG. TOWLE:

Yes.

LEG. HALEY: (Not Present)

LEG. FOLEY:

Yes to recommit.

LEG. FIELDS: (Not Present)

LEG. ALDEN:

Yes to recommit.

LEG. CARPENTER:

No.

LEG. CRECCA:

No.

LEG. D'ANDRE:

Yes to recommit.

LEG. BISHOP:

Yes.

LEG. POSTAL:

Yes.

LEG. BINDER:

Yes -- no, no.

LEG. COOPER:

Yes.

LEG. LEVY:

Yes.

P.O. TONNA:

Yep.

LEG. FIELDS:

Yes.

LEG. HALEY: (Not Present)

MR. BARTON:

14.

P.O. TONNA:

Okay. I just make a broad appeal to my colleagues to be expeditious with this resolution, we'd like to be -- this is part of the budget hole and I'd like this in place before we vote on budgets. Thank you very much.

Okay, next -- where are we? Okay, that's recommit.

00206

1867 - (Authorizing the County Treasurer to borrow cash funds from other County funds for 2000 (Presiding Officer Tonna). Motion by myself, second by Legislator Caracciolo. All in favor?

LEG. CRECCA:

Explanation. I read the bill, I just --

P.O. TONNA:

Okay, explanation

MR. SABATINO:

This is an annual bill that allows the County to borrow amongst its funds to meet its cash needs through the end of the year. The money must be repaid by January 1st to whatever fund the money was borrowed from. It's cheaper than going out and borrowing in the market place.

LEG. CARPENTER:

Motion.

P.O. TONNA:

Motion -- I think we have a motion and a second. All in favor? Opposed?

Approved.

MR. BARTON:

17, one not present (Not Present: Legislator Haley).

P.O. TONNA:

1875 - (To readjust, compromise and grant refunds and charge-backs on Real Property Correction of Errors by: County Legislature Control #661-2000 (County Executive). Is there a motion?

LEG. CRECCA:

Motion.

P.O. TONNA:

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

MR. BARTON:

17, one not present (Not Present: Legislator Haley).

P.O. TONNA:

1876 - (To readjust, compromise and grant refunds and charge-backs on correction of errors by/County Treasurer by: County Legislature #111 (County Executive). Motion by Legislator Caracciolo, second by Legislator Alden. All in favor? Opposed? Approved.

MR. BARTON:

17, one not present (Not Present: Legislator Haley).

P.O. TONNA:

Budget - Discharged by Petition:

1569 - (Amending the Adopted 2000 Operating Budget in connection with RFP Committee process for Pilot Post-Adoption Services Program

00207

(Cooper).

LEG. COOPER:

Motion.

P.O. TONNA:

Motion by Legislator Cooper, seconded by myself.

LEG. GULDI:

On the motion.

P.O. TONNA:

On the motion. By the way, in my notes it says, "Don't forget, you're a cosponsor, you better vote for this." Okay, so I'm with you.

LEG. CARPENTER:

I just have a question.

P.O. TONNA:

Yes.

LEG. CARPENTER:

I thought that things from the Budget Committee could not be voted out with a discharge petition, that they had to actually be voted out of committee by the three-fourths vote or whatever it is?

P.O. TONNA:

It's a good point.

LEG. CARPENTER:

Counsel?

P.O. TONNA:

There's a point of order here.

LEG. TOWLE:

That's a point of order.

MR. SABATINO:

That rule can be waived if the Legislature -- we've done it in the past year. If there's a motion to waive that rule, it can be considered.

LEG. TOWLE:

How many votes?

P.O. TONNA:

So I would suggest that there be a motion to waive that rule.

LEG. COOPER:

I make a motion to waive that rule.

P.O. TONNA:  
Okay, thank you.  
LEG. BINDER:  
Mr. Chairman, point of order.

00208

P.O. TONNA:  
Yes, point of order, Legislator Binder.  
LEG. COOPER:  
I just want to say, the only reason that we --  
P.O. TONNA:

No, no, no, hold it a second. Legislator Binder, even though you guys are fighting over the mike, the point of order does take precedence. You could battle it out later if you'd like, but that's behind closed doors. Go ahead.

LEG. BINDER:  
Counsel, I understand at this point we're talking about waiving the rules, but how did it make an agenda? Before we've even waived any rules, this has been put on as part of an agenda in violation of the rules of the Legislature, right?

MR. SABATINO:  
Well, probably what happened was -- probably what happened was inadvertently the document was prepared and it was added to the list. I just saw this for the first time today.

MR. BARTON:  
A discharge petition was filed.

P.O. TONNA:  
Excuse me?

MR. BARTON:  
A discharge petition was filed and we put it on the agenda.

P.O. TONNA:  
A discharge petition -- by the way, Legislator Binder, he makes a very good point, we should go by our same rules. We had that the last time and as a matter of fact, I guess we can get sanctioned as a body because I remember us having a discharge petition on a thing out of -- you know, we'd all have to I guess show up for three hours worth of education on the Rules of the Legislature, I think that's the hearing that we're going to have.

LEG. BINDER:  
No, I think the point -- the point I'm making is, number one, it shouldn't have been because a discharge petition out of the Budget Committee shouldn't make this. Second is the --

P.O. TONNA:  
Is that true, Henry? I mean, don't you have to put everything that's --

MR. BARTON:  
Apparently.

LEG. BINDER:  
Not unless it meets the rules.

00209

MR. BARTON:  
Apparently I shouldn't have accepted it. It's an exception to the rule of ten.

P.O. TONNA:  
Okay, so it's your fault.

LEG. ALDEN:

Can we take half his salary as a cutback?

MR. BARTON:

It's no longer on your agenda, pretend it's not there.

P.O. TONNA:

The point is I know we're making light of it in a certain sense, but Legislator Binder is correct, we do have certain rules. I would ask -- Legislator Binder, let me ask you. How would you resolve this issue being the, you know, type of, you know, win/win situation that you would suggest?

LEG. BINDER:

Not a question of resolve. The reason I brought it up is so that in the future --

P.O. TONNA:

And I think you're right.

LEG. BINDER:

-- it's understood that nothing comes out by discharge petition, it shouldn't make the agenda. So I'm basically letting the Clerk know, so that's for the future. And the second question --

P.O. TONNA:

Okay.

LEG. BINDER:

-- I just have a parliamentary inquiry, how many votes are necessary to waive the rules in this particular case?

MR. SABATINO:

A simple majority.

LEG. POSTAL:

That's not right.

P.O. TONNA:

What a rule; there's a rule with teeth.

LEG. BINDER:

But my understanding is under the rules that you need the same amount to waive the rules as the number that would have taken to pass.

MR. SABATINO:

It only takes ten votes to pass a budget amendment, it only takes ten votes to waive the rule. We've done it --

00210

LEG. BINDER:

No, no, to discharge. No, no, no, it would take --

MR. BARTON:

And ten Legislators signed a discharge petition.

LEG. BINDER:

How many Legislators does it take to discharge from the Budget Committee?

P.O. TONNA:

The same amount that it takes to dance on the head of a pin. No, I'm sorry, go ahead.

MR. SABATINO:

In the committee it takes a three-quarters vote, but that's a committee vote. To adopt the underlying resolution requires ten votes, so to waive the rule takes ten votes.

LEG. BISHOP:

But Mr. Chairman, Legislator Binder's point --

P.O. TONNA:

Yes, it's a good point.

LEG. BISHOP:

-- is very well taken because then the committee, the committee's rule which you established --

LEG. BINDER:

Right.

LEG. BISHOP:

-- that when you have three-quarters majority would be superfluous and could always be gotten around.

MR. SABATINO:

And it's been happening for the last two years because --

LEG. BISHOP:

Well, we finally caught on, Sabatino.

MR. SABATINO:

Because there's no -- I mean, rules --

P.O. TONNA:

Are meant to be broken.

MR. SABATINO:

-- is simply a majority of the Legislature. Rules have no long-term, binding effect, they're internal.

LEG. BISHOP:

Rules have no long-term binding effect, that's our counsel.

00211

MR. SABATINO:

They don't.

P.O. TONNA:

There you go. Okay, I think Legislator Binder brings out a good point, though. And I'm sure that, Legislator binder, next year we'll make an amendment to the rules that there should be at least a super majority, whether I vote for it or not that's, you know, I have no idea. Yeah right, it depends on the vote. But what I would suggest is that now we have what they call a situation that we have to deal with. The Clerk of the Legislature has already been duly noted, the Legal Counsel is already duly noting everyone. I would say that the best way to get around this or the best way to apply the law is, Legislator Cooper, you made a motion to waive the rule.

LEG. COOPER:

Yes I did.

P.O. TONNA:

I second that. All in favor? Opposed?

LEG. BISHOP:

On the motion, on the motion.

LEG. LEVY:

Opposed.

LEG. BISHOP:

Mr. Chairman --

P.O. TONNA:

To waive the rule?

LEG. BISHOP:

Mr. Chairman?

P.O. TONNA:

All right. Yes?

LEG. BISHOP:

It would be a very poor precedent on a rule that you established -- Mr. Chairman, I'm talking to you, I'm going to wait.

P.O. TONNA:

What?

LEG. BISHOP:

I said I'm speaking to you.

P.O. TONNA:

Go ahead.

LEG. BISHOP:

It would be a very poor precedent on a rule that you established.

00212

P.O. TONNA:

Absolutely.

LEG. BISHOP:

And just because it's your bill or a bill you're sympathetic to --

P.O. TONNA:

No, I don't care.

LEG. BISHOP:

Well, if you don't care, then I suggest you do what you always do in this situation which is to ask the chair. And what the chair would tell you is --

P.O. TONNA:

Okay. Chairman, how would you like this?

LEG. BISHOP:

-- as much as I support this, send it back, we'll discharge it at the next committee meeting. Hopefully at the next committee --

P.O. TONNA:

You're removed as chair next meeting; no, I'm joking.

LEG. BISHOP:

Well, that would solve the problem also.

P.O. TONNA:

Off with his head, off with his head. Okay.

LEG. BISHOP:

Sabatino says rules have no binding, long-term effect.

LEG. BINDER:

Neither do chairmanships.

P.O. TONNA:

I would say since our next meeting is when? Since our next meeting is very soon, I would say -- please, no more sugar. Okay, I would ask that we adhere to the need or to the wishes of the Chairman, we send this back, ask the -- to committee and comply with our own rules.

LEG. BISHOP:

Excellent suggestion.

P.O. TONNA:

Okay. Now, can I ask Legal Counsel, point of order. It's already past -- we already have a discharge petition. What happens to the discharge petition?

LEG. ALDEN:

Null and void.

MR. SABATINO:

The discharge petition in this case would be of no force and effect.

00213

P.O. TONNA:

Okay.

MR. SABATINO:

In fairness to the Clerk, I mean, mistakes do happen. I mean, there was a bill, you know, listed before, it just shouldn't have been listed 1312.

LEG. BISHOP:

Mistakes happen in the Nassau County Legislature, not in the Suffolk County Legislature.

MR. BARTON:

Ten of you signed it.

P.O. TONNA:

Right. I would say this, this is what they call in government a grey area.

LEG. BISHOP:

I have an alternative suggestion.

P.O. TONNA:

No, you've already offered one.

LEG. LEVY:

Motion.

LEG. BISHOP:

No, but this is a -- the alternative suggestion would be to get a CN on it, then you wouldn't be flouting our rules and you would accomplish both.

P.O. TONNA:

And then you need 12 votes.

LEG. BISHOP:

Right.

P.O. TONNA:

Okay. Let's just keep this in committee and go from there; sorry, Jonathan.

LEG. COOPER:

I just wanted to say, I don't want this to get any uglier than it already is. The only reason that this came up is that the Budget Committee didn't meet, had the committee met --

P.O. TONNA:

Right.

LEG. COOPER:

-- it would have been approved by the committee. The only reason I was hoping to get it approved today is that I was hoping that this Post-Adoption Counseling Program could get started January 1, it will start February 1 instead.

00214

P.O. TONNA:

And that's a pilot program and we want it so we can set our budget up and that's the reason why there was this urgency. So anyway, okay --

LEG. BISHOP:

It goes to committee.

P.O. TONNA:

It goes to committee.

All right, Public Safety:

1755 - (Adopting Local Law No. 2000, a Local Law to regulate the use of mobile telephones while operating a motor vehicle (Cooper). Is there

a motion?

LEG. COOPER:

Motion.

P.O. TONNA:

By Legislator Cooper.

LEG. POSTAL:

Second.

LEG. CARACAPPA:

Motion to table.

P.O. TONNA:

Okay, seconded by Legislator Postal. All in favor?

LEG. CARACAPPA:

No, no. Motion to table.

P.O. TONNA:

Just want to know. Where?

LEG. HALEY:

Second.

P.O. TONNA:

Motion to table by Legislator Caracappa, seconded by Legislator Haley.

On the motion, does anybody want to speak? Okay, let's --

LEG. BISHOP:

Where is the cellular industry on this?

P.O. TONNA:

What cellular industry? No, I'm joking.

LEG. BISHOP:

I don't understand, this is an important bill and we don't hear from them.

00215

P.O. TONNA:

I'm going to ask for a five minute recess if we're going to keep this up.

LEG. FOLEY:

Let's go, Mr. Chairman.

P.O. TONNA:

Right now is there anybody that would like to speak on the record?

LEG. CRECCA:

On the motion to table.

P.O. TONNA:

On the motion to table. Fine, Legislator Cooper.

LEG. COOPER:

I wanted to speak out against the motion to table.

P.O. TONNA:

Great, go ahead.

LEG. COOPER:

And I'm just going to take a little bit of time, I've bit my tongue the whole day, I don't think I've spoken more than a minute.

P.O. TONNA:

You've done a very good job so far.

LEG. COOPER:

As everyone knows, this is a bill that I really care about because I'm convinced that it will reduce traffic accidents, prevent injuries and it will save lives. We had some very emotional testimony at the last session, for those that were at the horseshoe listening, from several

residents of Suffolk County who spoke out strongly in favor of the bill. I really introduced the bill in memory of Carol and Michael Hall who lived in East Northport. And as you probably know, they were killed in a horrific traffic accident that was witnessed by their two children and they were killed by a driver who was using a hand-held cell phone. We also heard at the last session testimony from Ron Silver of Bellport who is now a paraplegic as a result of an accident with a driver who was using a hand-held cell phone. Diane Dono, who came here this morning to speak and finally had to leave, told me and she was best friends of the Halls, their next door neighbors. Her last words before she left today was that, "Carol and Michael can't be here today to speak, but they're counting on us to do the right thing." I just wanted to pass down -- and Barbara, if you didn't do it --

MS. LOMORIELLO:

I did it.

LEG. COOPER:

I'm passing down a photo of a two year old girl, Morgan Lee, who is another inspiration for this bill for me. Her mother Patty Pena I've worked very closely with over the past several months and Patty is the lead nationwide in the effort to ban hand-held cell phones. And with

00216

your indulgence, I just want to read a little from a letter that Patty wrote.

[RETURN OF LUCIA BRAATEN-COURT STENOGRAPHER]

"I'm a 29 year old mother with an empty lap and a dreadfully aching heart. I have to tell you about my baby. Her name was Morgan Lee and she was two-and-a-half years old. She loved reading stories, playing in her backyard, taking walks in her wagon, and laying on the couch with her daddy. She was his pride and joy, the light of our lives. She was everything good in our lives. A man whose attention was not on the road or on the vehicle he was driving, but, instead, on the phone call he was making, ran a stop sign at 45 miles per hour, broadsided my vehicle and killed Morgan as she sat in her car seat. "Oh, my God, not my baby," I just started screaming. I spent the night at Children's Hospital. They said that Morgan had the worst head injury they had ever seen on a child her age. I watched my baby die right in front of my eyes."

I received about 150 calls from residents across Suffolk County after my bill was introduced. Everyone, save two, supported the bill. I can't count the number of heart-wrenching stories I heard from people that were involved in accidents, severely injured, or relatives of people that were killed by people using hand-held cell phones. This bill will definitely save lives. If you think about it, it will allow you -- it's not going to stop anyone from talking on a cell phone. All it will do is make sure that you have the opportunity to keep at least one hand, if not both hands, on the wheel.

Clearly, the use of a hand-held cell phone has to create a driving hazard. It blocks your vision. If you hold a cell phone in your right-hand side, it obliterates the vision almost completely in the driver's side window and creates a blind spot. If you hold it in your left hand, it obliterates the vision in the driver's side window. Similar legislation has been enacted in four towns across the country. I distributed -- among the letters of support, I distributed -- there

was one from the Police Chief in Brooklyn, Ohio saying how well the bill has worked there. They've issued about 300 summonses. He wished us the best of luck on our legislation. If it passes in Suffolk, Nassau is about to introduce similar legislation modeled on ours. I think that New York State will follow once Long Island goes this way. And then I see this bill shooting across the country and having a tremendous impact. So I beg you to vote against tabling, and I request respectfully that you vote on this bill on its merits up or down today. Thank you very much.

P.O. TONNA:

Thank you very much, Legislator Cooper. Legislator Crecca.

LEG. CRECCA:

Jonathan, Legislator Cooper, I had a question for you regarding -- it was always my understanding of the bill that if one had a hands-free device, that that would come in compliance with the law. But in just -- and I've read the bill before, but I was just re-examining it as you were speaking. I'm looking at the prohibition and it says that you

00217

can't operate a motor vehicle while engaging of the use of a mobile telephone, and it defines "use" as dialing. And most of the hand-held -- hands-free devices, you still have to dial using a hand, which would mean that even if you had a hands-free device, you'd be in violation of this law. And I apologize for bringing this up now, but I just noticed it as you were speaking and re-examining the law. So I'd ask you to and you, if I'm misinterpreting it or just, you know, if you can answer that question. Or Counsel, it doesn't --

LEG. COOPER:

Counsel, you can reply, if you'd like, but -- well, Paul, why don't you go first and then I'll follow up.

MR. SABATINO:

It includes -- it includes dialing. Your interpretation is correct, it's -- you have to have both hands to either dial, answer, talk or listen, or you have to pull over to the side of the road.

P.O. TONNA:

Wait, wait, wait. Say it again. You are not allowed to use your hands to dial a phone?

LEG. FISHER:

Right.

LEG. ALDEN:

To turn it on.

LEG. POSTAL:

Not while you're moving.

MR. SABATINO:

Not while you're -- not while you're driving. Not while you're moving.

P.O. TONNA:

Okay.

MR. SABATINO:

Not while you're moving.

P.O. TONNA:

Turn it on, I could understand, you turn it on before you start the car. But you're telling me it's illegal for me, I have an ear piece, okay, and I'm yapping away, that I cannot dial that phone with my hand?

LEG. HALEY:

Correct.

LEG. GULDI:

You can't hang up.

LEG. BINDER:

Can't hang up.

00218

LEG. COOPER:

The practical --

P.O. TONNA:

Yes, let me hear this, because I can't do it with my feet.

LEG. COOPER:

Right.

LEG. HALEY:

Or your hair.

LEG. CARACAPPA:

That's in the third RESOLVED clause.

LEG. COOPER:

The practical implications of the bill are such that, as far as enforcement is concerned, there's no way for a --

P.O. TONNA:

Don't say there's no way to -- don't go down that road. We don't want to hear that on the record. You don't want to say that. If you say it

--

LEG. HALEY:

He can speak for himself.

P.O. TONNA:

You're going to have a problem.

LEG. HALEY:

You can speak for yourself.

P.O. TONNA:

Go ahead, speak for yourself. Marty would love to hear what you have to say right now.

LEG. BINDER:

We'd all love to hear what he has to say.

LEG. ALDEN:

Yeah, come on, Jon.

LEG. CRECCA:

You want to do a five-minute recess?

LEG. CARPENTER:

No.

LEG. ALDEN:

No.

LEG. FOLEY:

Jon, get it right now.

00219

P.O. TONNA:

Yes, consult with your staff. Let me ask you then a question, Legislator Cooper. In Brooklyn, Ohio, founded in 1867, I would want to know how -- how does this group, how do they dial?

LEG. COOPER:

I'm sorry?

P.O. TONNA:

How do they dial in Brooklyn, Ohio legally?

LEG. GULDI:

They don't. They don't have cell phones there.

P.O. TONNA:

How do you dial driving out here in your phone? Legally, how do you dial?

LEG. GULDI:

Operators.

LEG. COOPER:

Legally, I guess you would have to pull to the side of the road to dial.

LEG. HALEY:

Okay.

P.O. TONNA:

Is there any technology out there --

LEG. COOPER:

Yes, there --

P.O. TONNA:

That would allow -- you know, besides something that's on Star Wars, is there anything out there?

LEG. COOPER:

Voice activated phones are available for as little as \$100.

LEG. FOLEY:

He's right.

LEG. CRECCA:

You still have to press the button.

LEG. COOPER:

Excuse me. No, not a voice-activated phone.

P.O. TONNA:

Wait. Can I ask you, Legislator Cooper, just because this is -- and I'm extremely serious about this. Right now, we're talking about -- I can understand the ear piece, or something like that, that you have to talk, whether it be a speaker or an ear piece. I bought the pieces in anticipation that this would pass. I bought the pieces for both my

00220

phones, okay, so that I would not be in violation, although, when I gave my quote to the press, I was in violation. And I think that I could safely say that, probably, I speak more on the phone traveling, and I will match my mobile phone bills on both my phones with anybody here in this Legislature.

LEG. BISHOP:

He used to have hair before mobile phones.

P.O. TONNA:

That's right. I will guarantee you that I spend more time yapping on the phone than anybody else with a mobile phone.

LEG. LEVY:

And your point is.

P.O. TONNA:

Okay. My point is this.

LEG. GULDI:

Radiation has gotten to him.

P.O. TONNA:

I don't -- I am not aware that legally I am not allowed to dial that

phone or turn it on or off.

LEG. BINDER:

Or hang up.

P.O. TONNA:

-- with my -- or hang up --

LEG. LEVY:

Well, that's usually off.

P.O. TONNA:

-- with my -- I can't use my hands to do that. I could do it with one hand, you know, but I can't. I'm not allowed to use one hand, or is it any appendage, or how does this work?

LEG. COOPER:

I know I've been warned not to answer this truthfully, but --

LEG. FOLEY:

Jon.

LEG. COOPER:

-- at my peril --

LEG. CARPENTER:

We know you're an honest Legislator.

LEG. FOLEY:

Jon, come on.

00221

LEG. CARPENTER:

Go ahead.

LEG. FOLEY:

Jon.

LEG. COOPER:

Yes, Brian.

P.O. TONNA:

Go ahead, Legislator Cooper. Paul?

MR. SABATINO:

I just wanted -- I think the tail end of my statement before maybe got cut off, which is while the vehicle is moving. Okay? The operable language is while the vehicle is moving. If you come to a full stop, if the traffic is that heavy, you can start the -- you could start -- you can dial the telephone number. But there's a legal rationale behind it, because the only authority that you've got to regulate the cell phones is the public safety argument. The public safety argument is that, you know, the cell phones cause a distraction, because you take your hands off the wheel and you're doing something else. So if you're leaning over to dial, or if you're moving someplace over to dial, that level of distraction could be the same or worse than the level of distraction --

LEG. CRECCA:

I have a question for Counsel.

MR. SABATINO:

-- in holding the telephone -- the cell phone while you're speaking.

So there's got to be a uniform applicability while the vehicle is moving in order to sustain a legal challenge. So there was a logic and a rationale behind the way the bill was drafted. I had extensive conversations with Legislator Cooper on that very point. If you take out that language, you have no bill that you can sustain against a legal challenge, because now you're saying that looking over or leaning

over to make the contact or to initiate the phone contact is not going to be a threat to public safety when, in fact, that would be more of a threat to public safety, perhaps, than talking on the phone.

LEG. CRECCA:

A question.

P.O. TONNA:

But, Paul.

LEG. CRECCA:

I have a question for Counsel.

P.O. TONNA:

Wait, wait.

LEG. COOPER:

Mr. Chairman.

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P.O. TONNA:

I still got the floor.

LEG. CRECCA:

All right.

P.O. TONNA:

Paul, I'd ask this, though. When -- I can see, I bought into the half a loaf argument, which is the whole process of cell phone -- cell phoning while driving at the speeds that people drive, is, yes, it's a distraction to dial a phone; okay? And even a speed dial feature, which I have on some of the most common numbers that I use, although that's not that bad, I still generally have to spend a nanosecond looking down and pressing a button. I -- there's a marked difference between a half a loaf of, you know, being able to speak on the phone, which I find is distracting. Holding something to my ear while driving, I always have to have it. By having the ear piece, and I've spent five or six days trying this thing out, and it works very well, I find that I'm driving safer. The problem I have is that I bought into the argument, I thought this was the bill that says, look, at least let's make it measurably safer by restricting or using, you know, something that's very inexpensive. It costs me I think \$30 for two ear pieces for two completely different phones, versus -- you know, but I thought that I could hang up the phone by pressing a button, or that I could speed dial a phone, or do anything else that I would like.

By -- all I can say is that from a traffic safety standpoint, on the merits, having people to comply with the law and having people having to pull over on highways, byways, roads, and everything else, every time that they had to get on -- when the phone rings, when this happens or that, I would say that that might present, for people who are going to follow the law, and we can't, I think, pass laws that ask people not to follow the law, to follow the law, you know, what's -- I just want to get the response, how do we do this? And can you go into the half a loaf argument and make -- maybe we can go back to committee or make a corrected copy that says, you know, while doing this activity, without addressing the issue of hanging up the phone or dialing the phone? Does it have to -- does -- you have to have the whole loaf or could you have half?

LEG. CRECCA:

Can I -- can I --

P.O. TONNA:

I want to ask legally.

MR. SABATINO:

I mean, I think it's important, because Legislator Cooper and I had this discussion in debate, you know, literally for five or six weeks as the resolution was evolving in various forms. I can only talk from a legal standpoint. If you want to have a bill -- I mean, this is a tough area to get into, so if you want to have a bill, if you want the bill to withstand a challenge, it's a tough -- it's a tough area from the standpoint of you're trying to regulate an activity that under the New York State Constitution, I believe you can regulate on the public safety argument, but it's only the public safety argument. And in

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order to -- either you have a bill that's going to restrict the activity and be sustainable against the challenge, or you're going to have no bill. And the only way you can have the bill is you've got to deal with the issue of the distraction, which is a threat to public safety. You know, if the collateral impact of that is that it reduces the use of cell phones, that's what the goal and the purpose of the bill is. The goal and the purpose of the bill is not to make a statement that using a cell phone, you know, is a dangerous thing, but you can do it anyway. It's either --

P.O. TONNA:

No.

MR. SABATINO:

It's going to restrict the use or it's not going to restrict the use.

P.O. TONNA:

Paul.

MR. SABATINO:

But you can't -- you can't go -- it will be an irrational distinction to say that somebody leaning over in a car dialing the phone, with his eyes clearly, or her eyes clearly away from the windshield is less of a threat than the person speaking on the phone and being distracted.

P.O. TONNA:

No.

MR. SABATINO:

You can't make that rationale distinction.

P.O. TONNA:

Paul. Paul, can I ask you, just not to debate you, but, again, if you use the full-- the whole and the half loaf, what I'm saying is when you -- do you use a cell phone? No. You drive safely. But when I use a cell phone, okay, and let's say I'm going to have a 20-minute conversation, which happens every once in awhile; okay? Legislator Caracciolo calls me up, we have a 20-minute conversation. Legislator Binder and I call up, it's hanging up, hanging up very quickly. Okay. But --

LEG. BINDER:

Wait. Who calls who?

P.O. TONNA:

Yeah, right. I would make sure he calls me, because I don't want to be charged with that bill. But anyway, what I -- what I say is we're doing something to pass a law that's making it safer with the use of this technology; all right? That's why I buy into the idea of a half a loaf. Maybe I spend a nanosecond pressing speed dial, and I assure

you, I took Legislator Binder's name off my speed dial, you know, a couple of months ago, but what --

LEG. BINDER:

More than a couple. About --

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P.O. TONNA:

Yeah, six, seven months ago. But what I'm looking to do is now I have the ear piece and I'm driving along, and I'm much safer in the use of that cell phone. So it is a public safety enhancement by utilizing the cell phone from that point. Why can't you have a bill that helps to make it safer, but it's half the loaf?

MR. SABATINO:

In order to do half a loaf, you've got to be the New York State Legislature. In order to do it at the County level, you have to do it the right way. I mean --

P.O. TONNA:

The right way.

MR. SABATINO:

New York State has the authority to do things half baked or half measures, or, you know, less than adequately. We don't in the County. The authority that you've got, to the extent you want to address this issue, is limited to the public safety provisions of the New York State Constitution. Once you get to that provision of the State Constitution, you have to act rationally and consistently. The State has got the authority to act inconsistently, we don't.

P.O. TONNA:

Okay.

LEG. CRECCA:

Paul, I was in the --

P.O. TONNA:

Then I would ask Legislator Cooper, last thing, and then I'll recognize -- I just want to finish.

LEG. CRECCA:

I'm in the middle of the --

P.O. TONNA:

The last piece is, Legislator Cooper, I'm asking you, with all sincerity, do you have voice activated phone in your car?

LEG. COOPER:

No, I do not.

P.O. TONNA:

Okay. Once this bill passes and let's say it's signed, okay, it is a violation of the law to dial this phone, right, and still be driving or having this car move?

LEG. COOPER:

Correct.

P.O. TONNA:

So the net impact would be for the residents of Suffolk County or anybody else who's driving into Suffolk and out of Suffolk, that there be a massive change in the technology that they're using, because they

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would all have to have voice activated phones if they wished to talk, dial, and whatever else in Suffolk County; am I correct?

LEG. COOPER:

Let me address that. Number one --

P.O. TONNA:

Yes, I'd like to hear it, because I want to find a way out of this, but

--

LEG. COOPER:

If we wait for New York State to take action, then maybe some day our grandchildren will see a law like this enacted. Suffolk County has the opportunity now to be at the forefront on this issue, pass a law that may save a life, tomorrow or next week, may prevent a serious injury. The practical enforcement aspects of this bill are similar to the practical enforcement aspects of Ginny's bill. It will be difficult in many cases for police officers to properly enforce the anti-smoking bill, we acknowledged that. It will be problematic, but we passed it anyway. In this case, practically, it's not possible for a police officer to tell whether you're taking your hand off the wheel for a second to hit the speed dial, or taking your hand off the wheel for a second to answer the phone. He will be able to tell, and this is when you will get pulled over, and this is what they've done in the four towns that have enacted this legislation and the five foreign countries that have enacted this legislation, all of which were modeled with the exact same wording, the police officer can pull you over if he sees you violating the law. How can he see you violating the law? Not by moving your hand from the steering wheel for a second to push a button, but if you're holding a cell phone next to your ear holding a conversation and a cop drives by, he'll be able to see that.

P.O. TONNA:

That's not true, because all you have to do is see the technology that the person has. The cop stops the car, okay, and says, "Where's your voice activated? "Because I see the ear piece and I saw you talking to yourself," okay, "in the car."

LEG. COOPER:

Which is illegal.

P.O. TONNA:

And now I'm asking -- no. The ear piece.

LEG. BISHOP:

Why would he call him over?

P.O. TONNA:

He's not touching anything.

LEG. BISHOP:

Why would he pull him over?

P.O. TONNA:

He pulled him over for --

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LEG. ALDEN:

The earpiece is illegal.

P.O. TONNA:

He pulled him over, like a lot of times with safety belt things, they pull them over and they find out that here is the guy, he was driving and they ask, "Okay, where's your voice activated dialer?" And then a good citizen says, "Well, I don't have one." "Were you talking on the phone?" "Yes." "Did you this" -- I mean, I know it sounds funny, but the idea of creating a law is that we should pass laws that are actually going to be, ideally, in the ideal situation, are going to be

followed. And so whether it be the safety belt law -- I got pulled over in New Jersey a couple of weeks ago. The police officer stopped me and said you're going a certain amount of miles per hour, and I said, "I'm sorry." She said -- she asked me, "Were you driving with your safety belt on?" And I said, "No." She gave -- I mean, I was stupid enough to tell the truth; right? She gave me a ticket for driving without a safety belt on. Now, she stopped me for some other reason. She asked me a legitimate question. I didn't think it was valid to lie to her, because, obviously, my safety belt wasn't on. What am I going to say, "Yes, and I slipped it off without you looking at it"? I mean, the concern that I have is that we know that people -- do we want to create a law that we know that people are going to openly violate, because -- or do we want to create a law that's -- you know, that's why I like the half a loaf argument. If it was about speaking, that's fine to me, if you're telling me we can't pass that.

LEG. COOPER:

According to Legislative Counsel, we can't --

P.O. TONNA:

Okay.

LEG. CRECCA:

Mr. Chairman, can I finish my question?

LEG. BINDER:

Mr. Chairman, could you --

P.O. TONNA:

I've had enough. Other people want to speak on this issue.

LEG. BINDER:

Could yield to one --

LEG. CRECCA:

With all due respect, I'm in the middle of questioning Counsel.

P.O. TONNA:

I know.

LEG. BINDER:

Wait.

P.O. TONNA:

Legislator Crecca and then --

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LEG. BINDER:

Could I just --

LEG. LEVY:

I want to speak.

P.O. TONNA:

Legislator -- okay.

LEG. BINDER:

Let me just comment on something with Legislator Tonna.

LEG. LEVY:

Paul.

P.O. TONNA:

This is what I'd ask.

LEG. BINDER:

Would you yield for a moment?

P.O. TONNA:

Wherever this gavel is.

LEG. CRECCA:

No.

P.O. TONNA:

Where is that gavel?

LEG. CRECCA:

I'll defer to you in a minute. Just let me finish my question.

P.O. TONNA:

Who grabbed this thing?

LEG. BINDER:

I just want to go on a point --

P.O. TONNA:

Okay.

LEG. BINDER:

That Legislator Tonna made. I just -- can I just follow up with a point?

P.O. TONNA:

Legislator Binder I'll recognize, and then Legislator Crecca.

LEG. BINDER:

Understand that voice --

P.O. TONNA:

And then who wants to speak on this?

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LEG. ALDEN:

Paul, I do.

LEG. POSTAL:

I do.

P.O. TONNA:

Okay. Legislator Alden.

LEG. POSTAL:

Paul, what happened to me?

P.O. TONNA:

Okay. Legislator -- I've had everyone and I didn't put the --

LEG. BINDER:

And then put me on the list somewhere at the wherever.

P.O. TONNA:

Postal, Levy. Who else?

LEG. BINDER:

Binder. Binder somewhere.

P.O. TONNA:

Okay. Binder, Caracciolo. Who else? Okay. Thank you.

LEG. BINDER:

Just on -- just on the point, Legislator Tonna was talking about voice activated. I don't know if anyone has Verizon. I know I have the Verizon Talk-Dial. Talk-Dial, you still have to hit star-send, and then the voice comes on, you can do voice activated, and it's only limited to those you've input. So if you have to make a call to something outside of that input, you still have to dial. And even if it's one you've input, you have to hit star-send, so you have to dial.

LEG. CRECCA:

The question I had, Paul, Counsel --

P.O. TONNA:

Yes.

LEG. CRECCA:

Counsel, I'm sorry. Earlier, one of the things you stated is that

somebody could pull over on the side of the road and dial. But my question for you is the bill doesn't define operating a motor vehicle. Vehicle and Traffic Law, New York State Law does define operating a motor vehicle. It defines it as sitting behind the wheel, whether the car is running or not running, whether the car is in park or moving. So I just want to clarify that in the sense that if someone pulled over, they would still be in violation of the law, because they'd still be operating a motor vehicle. That would be my first question.

MR. SABATINO:

No. If you pulled over to the side of the road, you would no longer be operating a vehicle on a public street or a public highway, you'd be

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off the side of the road.

LEG. CRECCA:

Well, I don't know. What I'm asking you is that if the -- under -- this I'm sure of, Paul, because of my specific legal training as a D.A. And all. If a car is pulled over on the shoulder, or on the side of the road, or in a parking space, it's still operation of a motor vehicle. Even if it's in a private parking lot, it's still under the law, under the Vehicle and Traffic Law of New York State, it's still operation of a motor vehicle. So we still come back to the same problem. I'm not faulting you, Paul, I'm just saying that --

MR. SABATINO:

You know, that's not my recollection of the way that language is worded. But, again, this is not -- you know, this is not tied into the Vehicle and Traffic Law, so you may be right. I don't think you are, but if you are, it still wouldn't be the relevant standard, because we're not amending the Vehicle and Traffic Law.

LEG. CRECCA:

Okay. And the other question I had for you is, and this is because I really don't understand it, I think you certainly have much more legal background in this area than I do, and that is, you're saying that it wouldn't meet constitutional challenges, or it might not meet constitutional challenges if we said that you have to use a hands-free device. Like if you, just for example, removed the word -- if we remove "dialing, answering," and left "talking or listening," would that --

MR. SABATINO:

The problem I had with that, because Legislator Cooper had initially, at one stage along the process, made that specific request to me to delete those two provisions prior to the final version being filed. I told Legislator Cooper, and I want to be fair to Legislator Cooper, because it was really a legal determination that was made, I told him that my belief was that there would be no rational basis. And the rational basis is really extremely important, because we're trying to regulate on the basis of the public safety issue, and you have to be able to convince a court, if, in fact, the bill is challenged, that this is the public safety that's being protected. And, quite frankly, I told him I'd have a really difficult time making the intellectual argument for that distinction, because I think it's -- I think it really cuts the other way. I think the higher risk is when you're bending over --

LEG. CRECCA:

Yeah, I just -- that's what I thought you were saying. I just wanted to make it clear --

MR. SABATINO:

Absolutely.

LEG. CRECCA:

-- because I wasn't really sure about what you meant about the constitutional interpretation.

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MR. SABATINO:

But I want to be clear that, I mean, the reason that those words are -- you know, remained in the bill is really my legal advice to Legislator Cooper.

LEG. CRECCA:

Okay. Thank you. I've finished my questions for now.

D.P.O. LEVY:

Legislator Tonna is not here. I think Legislator Postal was next --

LEG. CRECCA:

Postal.

LEG. LEVY:

And then I'm next.

LEG. ALDEN:

No. I think I was before all of you.

LEG. CRECCA:

It was actually Postal, Alden.

LEG. BINDER:

Alden first.

LEG. LEVY:

Never mind. Legislator Alden.

P.O. TONNA:

I have the list right there.

LEG. CRECCA:

It's Alden next and then Postal.

D.P.O. LEVY:

Legislator Alden's on the list next.

LEG. ALDEN:

My comments are to Legislator Cooper and to Legislator -- well, Presiding Officer Tonna. Then preside. Under the V & T Law, New York State V & T Law, if you put any like head phones or even a -- any other type of listening device in your ear, you're in violation of the law, and unless it's a --

LEG. COOPER:

No. I believe that's if you've covering both ears. I don't think --

LEG. ALDEN:

No. One ear I believe qualifies for it. But --

LEG. COOPER:

I don't believe so. I don't believe so.

LEG. ALDEN:

Well, I can cite, but just something to consider.

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D.P.O. LEVY:

Legislator Postal.

LEG. POSTAL:

Yeah. You know, I think that -- I would suggest that there are a great

many questions. I think I agree with our Counsel, I think the greatest danger comes when people take their eyes off the road, not necessarily when they're holding the phone, but when they're dialing, and I have great concerns about, for example, somebody whose phone starts to ring driving along in the left lane of the Long Island Expressway and has to now see to press something in order to respond to that phone call. So, I mean, conceivably, something that's meant to be law generating safety could become something that motivates people to at very worst cut across three lanes to pull off the road, or at very least, get distracted, because the phone is ringing and they're thinking about how they're going to go about responding to the call. I really think that after listening to some of the issues that Legislator Alden, Legislator Crecca brought up with regard to Vehicle and Traffic Law, maybe we need to stop and take a look at all of the implications before we go ahead with this.

P.O. TONNA:

Yes.

D.P.O. LEVY:

Go ahead, Jon.

P.O. TONNA:

No, no, no.

LEG. LEVY:

No?

P.O. TONNA:

He's not up.

LEG. LEVY:

All right. I'll go then.

P.O. TONNA:

Legislator --

LEG. LEVY:

I'm next.

P.O. TONNA:

Legislator Levy.

LEG. LEVY:

Well, I had first asked for a bill such as this to be prepared about a year ago, and I had gotten the impression that it required State legislation. And I know Legislator Fields had inquired about it as well. It's here now, somehow it's on the floor, and that's fine, and I was inclined to support it. But, Jon, I want to speak directly to you on this, because I would recommend we table this for one more cycle,

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because the version that I was looking to implement did not have that provision with the dialing, or the hanging up, or the picking up; okay? And the reason is as follows: I think there's been a sales pitch to the public that the inconvenience was going to be rather minor, but the safety precautions rather -- rather large. And I don't think the public has the impression that they will not be able to pick up -- to answer the phone or to hang up the phone, I don't think they have that impression. And I think it would just be cleaner if we just make the exception and bring it back here in two weeks and get it passed.

I totally respect Counsel's argument, I don't necessarily agree with it, though, that you have to include that provision to make it stand --

withstand a legal challenge. It may pass or it may fail a legal challenge, but I don't think that particular element is going to be the deciding factor on this, okay, I really don't. I think we have enough -- enough information -- enough of a safety improvement that's made in a bill that says you can't hold a phone on the -- on your -- the side of your head while you're driving. I would hope that that's enough to show that there is a health impact which would allow the County to act in this manner. I don't think it matters that we also have to say you have to pull over to the side of the road to hang up the phone. But it is something that is a good point. I think we should just table it. Let's change it, let's get that off the table, and then we could pass a clean bill without the controversy, and I think not only will it pass the Legislature, but I think it will also pass public opinion. Because I think if we pass the version that exists now, there's a lot of people out there that are going to wake up and say, "Wait, I didn't know it said that." So let's just get it done in a way that I think the public will accept as well and a version that makes that exception I believe will be accepted by the public.

P.O. TONNA:

Okay. Legislator Binder.

LEG. BINDER:

Thanks. The fact is that this legislation is pretty flawed, and making the changes are not going to save it I think Counsel is pretty right on. If we in this Legislature want to legislate public safety, and that's where we have to, the only way you can do -- get around VTL, the Vehicle and Traffic Law of New York State, to get out of the preemption problem, the only way to do that is to say that we are doing something for public safety. You can't then pick and choose what is public safety and what's not in using a cell phone.

We all know intuitively, everyone sitting here, the number one problem in using a cell phone is line of sight. It's the attention that your eyes give to the unit, the hand-held, or whatever, wherever it is, that's where the problem is, it's clear. What happens when you see -- when you see someone swerve in the street, why -- what is the highest percentage chance of that reason swerving in their car? Not because they're talking on the phone, not because they're arguing with their spouse, or even yelling at the kids fighting in the back seat, the reason they've swerved is because they've reached down for their nav system, the new stuff in the car, they've reached down to change the radio. Happens all the time. You know, we hear these tragic stories

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and they are tragic. We're hearing tragic stories, but where are all the tragic stories of people who have died, who are paraplegics, the children who have died because people were changing the radio station, who are -- or people were reaching down and changing the air conditioning because it was getting a little too cold, so they were turning the dial? They were looking down to grab the dial, they swerved and they hit someone. That's -- the problem is your eyes. Now we're proposing we take the number one public safety question of this one particular thing -- and, by the way, we're not even talking about saying that it's illegal to change your radio. No -- oh, no one here would do that, because you know what would happen if you did that, you're not going to get public support. That's probably the largest

single reason people have accidents is their radio. We're not going to do that. We're not going to do it for air conditioning. We're not going to outlaw the sandwich in the hand. Now, if it's just a question of having something in your hand, because that's what it's down to now, having something in your hand, because it's not your attention. I don't know. No. I'd like to keep going, but I'd like, you know.

LEG. BISHOP:

You'd like the audience you deserve.

LEG. BINDER:

Well, I --

P.O. TONNA:

We're working on the sponsor, Allan. Go ahead.

LEG. BINDER:

So now, if it's something in your hand that's the problem, are we outlawing sandwiches, sodas, cones, lipstick? What are we outlawing? No, just the cell phones, the one thing. Are we outlawing anything that draws your attention away? No, we're not outlawing fighting with your spouse, we're not outlawing the kids fighting in the back seat, we're not outlawing listening to radio, talk radio and getting really involved in the discussion. We're not -- we're only outlawing one thing. And we're not outlawing the dialing. In fact, if you use a hands-free, if you use a hands-free, one of the devices that's being suggested by the sponsor is a hands-free device that you plug into the plug into your cigarette lighter. Where is that most likely? Most likely, somewhere about your knee. If the -- and if the hand-held -- the phone unit is in that device, you're no longer looking up at the road possibly and dialing while you're looking up, so your eyes barely have to move, you're now looking down at your knee and dialing, to now you've your eyes further away from the road and now it's become more dangerous.

I would submit that this legislation actually puts people at risk.

Here are a couple of more risks. The Halls, who were my constituents, tragic accident in Maryland. Where were they when they died? They were on the side of the road. Probably the worst place you can be on a highway is the side of the road. You don't want to have the flat tire sitting on the side of the road, you don't want to have something go if you have to, it's an emergency, you'll go there. You don't want to be there, because more people die there when you leave the car, do something, but you're on the side of the road and something happens,

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it's often going to happen when you're stationary, sitting. Now we're asking for more people to pull off to the side of the road.

How about 911 calls, if you're not able to dial, or you're not able to do this? 911 calls mostly come in on the highways from people who were driving, see something, and people are saved through 911 calls. They're not going to happen now. And when people have to get to the side of the road -- by the way, what are they going to do? According -- and one of the reasons that the Chief of the New York State Police is not happy about this kind of legislation is because the minute you need to use that phone, and maybe it's an emergency, you start getting over to the side of the road, you're in the left lane of three lanes, you could be moving very quickly, trying to get over, and you could cause an accident. So now we might be increasing risk of accident in Suffolk

County with this legislation.

I understand the author feels that maybe -- that this is going to lower the chances of having death, accidents, collisions. It actually might have the opposite effect. It's not good legislation, it's not something we should be doing. I know it's feel-good legislation. I know you're thinking, gee, out there we have a lot of constituents who are saying ban the cell phones, because people see them and, you know, we got to do something. And so it's easy, because you figure this is a lay-up. Well, when someone dies because they're on the side of the road when they're making a call, or they try to get over and they shouldn't be trying to get over, because they were running to get over, then we're going to have to think about it again. Or maybe they used -- they dialed down by their knee when they could have kept their line of sight on the road. That's a problem. I don't think there's a way to fix this bill, including allowing people to dial the phone, because then you've taken all -- the most important part of the public safety aspect. We are open to legal decision. It's not going to work, and so I would hope we just can the whole idea.

P.O. TONNA:

Wait, wait. You're not next. Sorry, Jonathan. Legislator Caracciolo. We're in the C's, but, you know, it's C-A, then C-O. Go ahead.

LEG. CARACCIOLO:

I think the real question comes down to, like so many issues before us, does this bill meet legal muster? Counsel has said time and time again that if you amend this resolution and you make any exception, then you lose the basis for which you're passing the law in the first place. Now, others may disagree with that. But I would point out, in the other states, Ohio, and the five foreign countries, they are not municipalities, they are not municipalities --

P.O. TONNA:

State of Ohio.

LEG. CARACCIOLO:

-- Within in the State of New York.

P.O. TONNA:

It's Brooklyn, Ohio. It's the City of Brooklyn, Ohio.

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LEG. CARACCIOLO:

Fine. It's not part of the State of New York. In the State of New York, you have a Vehicle and Traffic Law, which only the State Legislature can amend. This is properly a bill for consideration of the State Legislature. I notice on the sense resolutions, you have a sense resolution to the State asking them to enact this very law. That's the jurisdiction that has the authority and the legal authority to take this issue up, not the Suffolk County Legislature.

P.O. TONNA:

Thank you. Okay. Legislator Cooper, you're up. Okay.

LEG. COOPER:

Four local ordinances that passed across the country did have this exact wording. Be it Brooklyn, Ohio, or New Jersey, or Pennsylvania, they all had this wording. There are laws in effect in five overseas countries that have this wording. My main concern is that a bill be enacted that is practical and will stand up in court.

I understand the arguments that are being raised, and I sincerely appreciate the comments of the Legislators who spoke out against the bill, at least most of the comments. To blame Carol and Michael Hall, in effect, for this accident because they pulled to the side of the road so that their ten year old could relieve themselves, I think went a little bit too far.

LEG. BINDER:

I'm going to ask for a moment of personal privilege, because that's unfortunate.

P.O. TONNA:

Let him finish and then you could --

LEG. BINDER:

No. That is really unfortunate for him to do that.

P.O. TONNA:

Wait, wait. Could I say something?

LEG. COOPER:

Excuse me.

P.O. TONNA:

Let Legislator Cooper finish.

LEG. BINDER:

That's a tragedy, and to use that to misrepresent what I said --

P.O. TONNA:

Wait.

LEG. COOPER:

Allan.

00236

LEG. BINDER:

That's an outrage.

LEG. COOPER:

Allan, excuse me.

LEG. BINDER:

That's an outrage.

LEG. COOPER:

Please.

LEG. BINDER:

That's an outrage.

P.O. TONNA:

Legislator Cooper, has the floor. Legislator Binder, right after that, you'll get your chance to respond. Thank you. Go ahead, Legislator Cooper.

LEG. COOPER:

If the driver of the vehicle was not talking on a hand-held cell phone, he would have not have plowed into their car and killed the couple. It's not worth going back and forth trying to attribute who had the more blame there. I pull to the side of the road occasionally. I challenge any Legislator here to tell me that they've never pulled to the side of the road while driving. So, please, let's move beyond that.

I thought that practically, and, again, I'm speaking openly and honestly here, it would be very difficult, if not impossible, for the police to enforce the two -- I see the body language. I'm going to say this anyway. Yes, legally, you should pull to the side of the road, I understand that. I may well pull to the side of the road, but no

police officer would ever pull someone aside for hitting a button on a cell phone to either make a call or to receive a call, because he can't see it being done. Is there anyone here who has never run a red light, any Legislator here who has never run a red light? Does that mean that they should not have past a law initially saying that you should not run a red light? I think it's similar to that.

P.O. TONNA:

But police can see that -- Jonathan, in all due respect, police see it, you get a ticket, you run a red light.

LEG. COOPER:

But even more of an argument -- I'm just outlining my thinking on this. I had some questions about this as well. I had some fairly heated discussions with the Counsel to the Legislature about this over a period of several weeks. I thought that it was moot, because, practically, I did not see how the police would be able to enforce -- enforce the questionable aspects of the legislation. If there was a consensus that the legislation could be modified to refer to only talking on a phone or listening on a phone, then I would be willing to consider doing that. But I'd like to get input from Legislative Counsel one more time, please.

00237

LEG. CARACAPPA:

Mr. Chairman, I withdraw my motion to table.

LEG. COOPER:

Is there any way of drafting this bill, do you believe, and still have it enforceable for hold up in court?

MR. SABATINO:

To be safest and most secure, I believe that the form it's currently in is the best, you know, most legally defensible form, and the language with regard to dialing and answering is not inconsistent with -- that portion is not inconsistent with other ordinances. So, you know, I gave it my best effort, and as I advised you, I thought this was the way to go. Even though I know you had policy, you know, issues, but I felt that it was most important to give you the most legally defensible bill and this is the version that I believe accomplishes that.

D.P.O. LEVY:

If I can chime in.

LEG. COOPER:

Please.

D.P.O. LEVY:

I don't think it's the only way for you to go. Jon, it's not the only way for you to go. I personally don't believe, for what it's worth, that it's going to make that much of a difference that you make a distinction that you have to pull over -- that you don't have to pull over for the road to press the button. Because if health and safety is the only concern, then as was said earlier, should we also have to incorporate into the bill no dialing the radio, or no, you know, eating an ice cream cone? If you have to keep it consistent, then anything health related would have to be included in that.

LEG. COOPER:

I believe that the main hazard of cell phone use while driving is not dialing and not answering, I believe that the major hazard is the process of holding the phone in your hand, having a lengthy

conversation, only having one hand on the wheel, or if you're taking notes, having no hands on the wheel and driving with your knee, and I know a number of Legislators who drive that way. So I would be comfortable with modifying the bill to refer to just talking and listening. I believe that that's the major safety impact in any case. So I make a motion to table this bill, so it could be modified.

P.O. TONNA:

Okay. I second that motion.

LEG. LEVY:

Wisely done.

LEG. BINDER:

I just --

00238

P.O. TONNA:

Great. On the motion to table, Legislator Binder.

LEG. BINDER:

Well, I think that's what we're debating anyway, the motion to table.

But I just want to make it clear, I think it's --

P.O. TONNA:

There is a motion and a second to table.

LEG. BINDER:

That's what we're debating.

P.O. TONNA:

But Legislator Caracappa withdrew his motion.

LEG. BINDER:

Oh, okay. Did he?

P.O. TONNA:

I don't know if you heard that.

LEG. HALEY:

A motion to table.

P.O. TONNA:

No, no. There was already somebody who made a motion to table and that's Legislator Cooper, and seconded by Legislator Tonna.

LEG. BINDER:

I think it's unfortunate that Legislator Cooper took my words as being -- putting blame on the Halls. No one feels worse about what happened to my constituents. They did what they needed to do. I can understand this as a father. I have a four year old and a two year old, and I probably, in the same situation, would have done the same thing and pulled over and been there. So I do not blame the Halls in any way. But my concern with the bill is that we will be putting people in that position. Rather than them making a choice because the child has to go to the bathroom, so you pull over to the side of the road, we would be making the choice for them, because we're telling them the law is pull over, and now we're, everyone around here when you vote for this, you're putting them on the side of the road, and that's my point. But I did not lay the blame on the Halls.

LEG. LEVY:

Okay. Motion and second. Vote.

P.O. TONNA:

Okay. Motion to table, second. All in favor? Opposed?

(Opposed said in Unison by Legislators)

P.O. TONNA:

Okay.

00239

LEG. HALEY:

Roll call.

P.O. TONNA:

Roll call.

(\*Roll Called by Mr. Barton\*)

LEG. COOPER:

Yes.

P.O. TONNA:

Yes, to table.

LEG. COOPER:

Yes to table.

P.O. TONNA:

Yes, to table.

LEG. CARACCIOLO:

No.

LEG. GULDI:

(Not Present)

LEG. TOWLE:

No.

LEG. FISHER:

Yes.

MR. BARTON:

Mr. Caracappa?

LEG. CARACAPPA:

No.

MR. BARTON:

No.

LEG. FISHER:

Yes.

LEG. HALEY:

No.

LEG. FOLEY:

Yes.

LEG. FIELDS:

Yes.

LEG. ALDEN:

Yes, to table.

00240

LEG. CARPENTER:

Pass.

LEG. CRECCA:

Pass.

LEG. D'ANDRE:

Yes, to table.

LEG. BISHOP:

Yes.

LEG. POSTAL:

Yes.

LEG. BINDER:

No.

LEG. LEVY:

Yes.

LEG. GULDI:

Yes.

LEG. CRECCA:

Yes, to table.

LEG. CARPENTER:

Yes.

P.O. TONNA:

Thank you very much.

MR. BARTON:

Thirteen.

P.O. TONNA:

Okay. Let's move on. 1847 (Adopting Local Law No. Year 2000, a local law to require use of helmet by minors bicycling or in-line skating). Motion by Legislator Carpenter, seconded by myself. All in favor? Opposed? Wait.

LEG. LEVY:

What's the age?

P.O. TONNA:

I'll give everyone a second. On the motion?

LEG. LEVY:

Just what is the age of the children?

P.O. TONNA:

Okay. What are the age of the children, Legislator Carpenter?

MR. SABATINO:

Fourteen to 17.

00241

LEG. CARPENTER:

Yeah. Right now it's 13, this brings it up to 17.

LEG. LEVY:

You know --

LEG. BISHOP:

Seventeen?

LEG. LEVY:

-- I think that's a little extreme to tell a 17 year old that, when they're on a bike, that they have to have a helmet. I'd make a motion to table.

LEG. BISHOP:

Second.

LEG. GULDI:

Opposed.

LEG. D'ANDRE:

No way.

P.O. TONNA:

Okay.

LEG. BINDER:

Mr. Chairman.

LEG. CARPENTER:

On the motion.

P.O. TONNA:

All in --

LEG. BINDER:

Mr. Chairman, on the motion.

P.O. TONNA:

Wait. On -- wait.

LEG. BISHOP:

A seventeen year old has to wear a bicycle helmet?

LEG. POSTAL:

Yes.

P.O. TONNA:

Okay. Legislator Carpenter has the floor. There's a motion and a second to table. Legislator Carpenter.

LEG. CARPENTER:

I would just ask that we pass this. It's interesting that those bicyclists who are really serious about biking --

00242

P.O. TONNA:

All wear helmets.

LEG. CARPENTER:

-- you will see them all wear helmets. So what we're doing is just trying to make things a little safer for people who ride bikes.

P.O. TONNA:

Absolutely.

LEG. BINDER:

Mr. Chairman.

P.O. TONNA:

Yeah. Wait, wait. Is -- okay. Yes, Legislator Binder.

LEG. BINDER:

So Legislators --

P.O. TONNA:

Don't pull the bike over.

LEG. LEVY:

You could smoke on your bike, but you better have a helmet.

LEG. BINDER:

Actually, my point, Legislator Levy. I'm kind of interested that Legislators think that we should take cigarettes from 17 year olds, but, you know, helmets, you know, they -- that's beyond what we should do to a 17 year old. Come on.

LEG. HALEY:

Can 17 year olds serve in the service?

LEG. GULDI:

Yes, with parental consent.

P.O. TONNA:

And if the military gives them a bicycle, they're going to be wearing one of those army helmets. We're safe there.

LEG. LEVY:

Can they use a cell phone --

P.O. TONNA:

Okay?

LEG. POSTAL:

Mr. Chairman.

LEG. LEVY:

-- while they're on the bike?

LEG. BINDER:

Can they use a cell phone.

00243

P.O. TONNA:

Legislator Postal, then Legislator Fields.

LEG. POSTAL:

Yeah. I think that one of the --

P.O. TONNA:

Legislator Postal has the floor.

LEG. POSTAL:

One of the things we heard about a few years ago, when we allocated some money to provide for a head injury unit out at I believe it was at the Skilled Nursing Facility was the large number of serious and continuing, permanent head injuries sustained by people who do not wear helmets when they're riding bicycles. The number of those injuries is frightening. And I think that particularly, although we'd like to think that a 17 year old is old enough and responsible enough to make that kind of decision, I think the fact is that maybe 15, 16 and 17 year olds might be those people who are least likely to wear helmets, because they don't think that they're cool. So I think that this is important, I think it's a matter of protecting kids. And I think that if the government is overbearing in proceeding with this, then, certainly, the government is overbearing in confiscating cigarettes, because I think they're at least as dangerous. One obviously has the immediate risk of fatality, the other one has a long-range risk of fatality. So if we're going to protect children in spite of themselves in one situation, let's protect them in spite of themselves in both.

P.O. TONNA:

Okay. So if you want to change your vote on the cigarette thing, that's fine, Maxine. But, anyway, Legislator Levy, Legislator Fields, then Legislator Guldi. Okay.

LEG. LEVY:

Well, I don't think the point --

P.O. TONNA:

No. Legislator Levy is next.

LEG. LEVY:

I don't think the point of requiring a five, six, seven year old to have a helmet was only because of their lack of capacity to make an intelligent decision as to whether it's needed, it was also because of their motor skills. You're still growing, you're going to be a little more reckless, you're not going to have the same coordination. But I dare say, you know, a 16 year old kid, 15, 16, 17 year old, they're probably more coordinated than what you were when you're 60 years old.

P.O. TONNA:

Not 42.

LEG. LEVY:

So if the point is to just have safety, then why not require senior citizens on a bike to have helmets, because their motor skills are not going to be as sharp --

00244

LEG. BISHOP:

I agree.

LEG. LEVY:

-- as a kid who's 16 year old -- 16 years old, or ten years old for that matter? You know, the idea of the helmet, you can get away with it when a kid is seven or eight, but when a kid is 16 and 17 year old

-- 17 years old, to go, you know, down the block to visit their friend is really overreaching, and it's going to leave a real bad opinion about this Legislature from the average teenager that we don't know what else to do with our time.

LEG. HALEY:

They already have a bad opinion.

P.O. TONNA:

Okay. Can I ask, just before our next speaker --

LEG. CARACCIOLO:

You're losing control.

P.O. TONNA:

I know, I've lost control. Okay. After my third candy bar, I lost control. I would ask that we have a little more decorum here. Thank you. Legislator Fields.

LEG. FIELDS:

Can I ask the sponsor what the penalty is if a minor is caught without wearing a helmet?

P.O. TONNA:

I'd refer that to Legal Counsel.

LEG. CARACAPPA:

They'll take their cigarettes.

P.O. TONNA:

If a minor -- if somebody in this law is caught without a helmet, what is the penalty?

LEG. FOLEY:

How do you know they're underage?

MR. SABATINO:

I just have to pull it out. Hold on.

LEG. GULDI:

Section 4-A, it says a \$50 civil penalty.

LEG. FIELDS:

What is it?

LEG. GULDI:

Fifty dollar civil penalty.

00245

P.O. TONNA:

Okay. And there's notification with that?

MR. SABATINO:

Well, the fifty -- no. The \$50 penalty is waived for the first offense, as long as the person goes out and --

P.O. TONNA:

Buys a helmet.

MR. SABATINO:

Buys a helmet.

LEG. FIELDS:

And how do you prove --

MR. SABATINO:

Then after that, it goes to 50.

LEG. FIELDS:

-- that they're a minor while they're riding a bike without a helmet?

LEG. FOLEY:

Touche, touche.

LEG. CARACAPPA:

Because they're smoking.

P.O. TONNA:

Okay. I would ask -- I would ask that we try as best we can, Legislator -- everyone. Go ahead.

LEG. CRECCA:

Can they use their cell phone while on the bike?

LEG. LEVY:

Asked and answered.

P.O. TONNA:

Wait. Legislator Guldi.

LEG. GULDI:

I believe I'm next.

LEG. CRECCA:

Oh, was it?

LEG. GULDI:

If I may have --

P.O. TONNA:

Legislator Guldi has the floor.

LEG. GULDI:

You know, having from time to time, though you may not believe it from looking at me, been a serious bicycle rider, roller blader and skier --

00246

LEG. LEVY:

Many a flat tire.

LEG. GULDI:

-- I personally will not -- because I've looked at the statistics, I will not engage in those sport activities in the company of any individual who is not wearing a helmet, regardless of age. The reason for that is quite simple, that 98% of your annual fatalities and serious injuries in in-line skating, bicycle riding, and skiing, and you could ask the Kennedys and Sonny Bono about the skiing --

LEG. HALEY:

You can't ask them, they're dead.

LEG. GULDI:

Yes, you can. They'll be glad to get in touch with you, Marty.

P.O. TONNA:

Those who speak through a medium can.

LEG. GULDI:

They -- 98% of serious head injuries and fatalities are preventable by the use of a helmet. I not only would promote this law for 17 year olds, I'd support it for all occupants, all participants in these sporting activities, and I urge my colleagues to do the same.

P.O. TONNA:

Okay. I just -- I think I'm next on the list. Just two things. First of all, I want to commend Legislator Carpenter. I think this is a good bill. I for many years ran large bike trips for teenagers up to Connecticut and back. We used to take the ferry over and ride all through Connecticut. I can say, in taking anywhere between 50 and 70 teenagers on a 200-mile bike trip over six to seven days, I can tell you this. There were a number of times when there was a serious fall, and if they were not required -- you know, we required as part of the program that they had to wear bike helmets. If they did not have bike helmets, I can tell you quite honestly that we would have had some

serious injuries. I think it's almost intuitive to know that, you know, helmets are going to help to save lives. And if we're moving in the area and discussing issues of cell phones, if we're discussing the issues of smoking, and it seems to be the prevailing theme, which is health and safety, then I would say that Legislator Carpenter's bill is moving in the right direction. I agree with Legislator Guldi, and anybody else who is a cyclist would know, although you're right, the obvious empirical data on you being a cyclist is slim to none.

LEG. GULDI:

It's slim, but I'm not.

P.O. TONNA:

But the truth is is that any serious cyclist would be wearing a helmet.

So I would say this is a good bill and I support it. Roll call.

LEG. BISHOP:

Wait. We're on the --

00247

P.O. TONNA:

Oh, you want to -- you want to say something?

LEG. BISHOP:

I want to say something, but --

P.O. TONNA:

But you're not so sure, because it might go on the record and you might

-- it might be transmitted, because the audio tape is out there and --

LEG. BISHOP:

But you know what, my intellectual curiosity is to the reasoning process. I don't understand certain things. Where is our Libertarian Legislator, Martin Haley, with a speech right now about -- where are you, Marty? This is your issue.

LEG. HALEY:

Opposed.

LEG. BISHOP:

But --

P.O. TONNA:

Okay, there you go.

LEG. BISHOP:

It just seems to me that always defrayment in terms of, you know, if we adopt this measure, more -- it will be safer. Well, of course. I mean, if we require people to wear body armor, they would be safer, but we draw lines in certain points. Legislator Levy is correct, I don't -- there was a logic to young children. I don't see the logic to teenagers that doesn't extend to adults. So if we're going to do this, if we're going to require helmets, we should require it across the board for everybody in the population. There's no reasonable distinction to be drawn here between a 17 year old and a 18 year old.

P.O. TONNA:

The only --

LEG. CARPENTER:

I'll consider that amendment in the future, but let's pass this today.

P.O. TONNA:

Yeah, I would say it's incremental. Let's start here and let's move on. I think that would be a good enough --

LEG. BISHOP:

All right. So what's next, 17 to 21?

LEG. FISHER:  
No, everyone.  
P.O. TONNA:  
Okay. All right. Roll call.

00248

LEG. LEVY:  
Motion to table.  
P.O. TONNA:  
Okay. There's a motion to table by Legislator Levy.  
MR. BARTON:  
I have it.  
P.O. TONNA:  
Is there a second? Legislator Haley seems to be a -- are you making a motion to -- second to table?  
LEG. HALEY:  
Yes.  
P.O. TONNA:  
There seems to be a -- there's a motion to table already, and a second? By who?  
MR. BARTON:  
Legislator Levy and Legislator Bishop.  
P.O. TONNA:  
Oh, Okay. All right. Sorry about that, Legislator Haley. You'll just have to vote with them. Okay. Roll call on the tabling motion.  
(\*Roll Called by Mr. Barton\*)

LEG. LEVY:  
Yes, to table.  
LEG. BISHOP:  
Yes.  
LEG. CARACCIOLO:  
No.  
LEG. GULDI:  
No.  
LEG. TOWLE:  
No.  
LEG. CARACAPPA:  
No.  
LEG. FISHER:  
No.  
LEG. HALEY:  
Yes.  
LEG. FOLEY:  
No.

00249

LEG. FIELDS:  
Yes.  
LEG. ALDEN:  
No.  
LEG. CARPENTER:  
No.  
LEG. CRECCA:  
No, to table.  
LEG. D'ANDRE:

No, to table.

LEG. POSTAL:

No.

LEG. BINDER:

No.

LEG. COOPER:

No.

P.O. TONNA:

No.

LEG. FOLEY:

Make sure you carry your I.D. with you.

MR. BARTON:

Four.

P.O. TONNA:

Okay. So now there's a motion to approve by Legislator Carpenter, seconded by myself. All in favor? You want a roll call? Let's roll call it. Okay. No roll call? All in favor? Opposed?

LEG. LEVY:

Opposed.

P.O. TONNA:

Opposed, Legislator Levy, Legislator Haley. Let me think. Oh, Legislator Alden, and -- okay. That's it.

LEG. FISHER:

Cosponsor.

LEG. TOWLE:

Henry. Cosponsor.

P.O. TONNA:

Okay, so there we go.

MR. BARTON:

15-3.

00250

P.O. TONNA:

Legislator Crecca, do you want a defibrillator on every bike, too? No, I'm joking.

LEG. CRECCA:

A defibrillator on every bike.

P.O. TONNA:

Okay, next page. 1872 (Reappointing Martin Albert, Sr., as a member of the Suffolk County Vocational, Education and Extension Board). Motion by Legislator Bishop.

LEG. FOLEY:

Second.

P.O. TONNA:

Seconded by Legislator Foley. All in favor? Opposed? Approved.

MR. BARTON:

18.

P.O. TONNA:

1902 (Accepting and appropriating 77% Federal Pass-Thru Grant Funds from the NYS Division of probation and correctional alternatives for the temporary assistance for needy families (TANF) Projects for Community Corrections Programs and creating positions within the Department of Probation). Motion by?

LEG. CARACCILO:

Me.

P.O. TONNA:

Motion by Legislator --

LEG. FISHER:

Second.

P.O. TONNA:

-- Caracciolo, seconded by Legislator Fisher. All in favor? Opposed?

Approved.

MR. BARTON:

18.

P.O. TONNA:

1921 (Accepting and appropriating a grant in the amount of \$639,918 made available by the New York Division of Criminal Justice Services, to continue the aid to Law Enforcement Program with the State Government supporting 44% of program expenditures). Motion by --

LEG. LEVY:

Same motion, same second, same vote.

P.O. TONNA:

Same -- okay. Let's do same motion, same second, same vote.

00251

MR. BARTON:

Just give me a chance to write it.

P.O. TONNA:

Okay.

MR. BARTON:

18.

P.O. TONNA:

Okay. 1925 (Appropriating funds in connection with the purchase of two medevac equipped helicopters (C.P. 3117.512).

LEG. CARACCIOLO:

Motion.

LEG. FISHER:

Second.

P.O. TONNA:

Motion by Legislator Guldi, seconded by Legislator Fisher. Roll call

--

LEG. TOWLE:

On the motion.

P.O. TONNA:

-- on the bond.

LEG. TOWLE:

On the motion.

P.O. TONNA:

On the motion, Legislator Towle.

LEG. TOWLE:

Thank you. Just from Budget Review, what was the conclusion of the bidding process? Obviously, all the bids have come in on the helicopters and that's why they're appropriating the funds?

MR. SPERO:

I spoke to Purchasing yesterday. They haven't concluded or made a final determination, but I can say that according to Steve Arata, that MD is the probable low bidder.

LEG. TOWLE:

So, in essence, if we --

MR. SPERO:

Or likely low bidder.

LEG. TOWLE:

So, in essence, Jim, if we approve the funding tonight, we really don't know what we're purchasing at this point.

00252

MR. SPERO:

Not for absolute certain..

LEG. TOWLE:

Okay. I'm going to make a motion to table this.

LEG. BINDER:

I'll second.

LEG. CARACAPPA:

On the motion.

LEG. GULDI:

Second.

P.O. TONNA:

Okay. There's motion to table by --

LEG. CARACAPPA:

On the motion.

P.O. TONNA:

-- Legislator Towle, second by Legislator Binder.

LEG. CARACAPPA:

On the motion.

P.O. TONNA:

On the motion, Legislator Caracappa.

LEG. CARACAPPA:

Well, I asked some questions in committee about the purchase and the appropriation of the money for the helicopters, and when asking the Police Department about the package that we got, they made it clear that it was with MD as it related to training for our pilots with their -- with their company as it relates to the new aircraft. So, obviously, to me, from the police testimony in Public Safety -- well, not that that did me any good previously, but they made it clear -- they made it clear that MD was the low bidder.

P.O. TONNA:

Okay. There's a motion and a second to table. Roll call.

(\*Roll Called by Mr. Barton\*)

LEG. TOWLE:

Yes.

P.O. TONNA:

All right. Let's just go to the names, last names.

LEG. BINDER:

Yes.

LEG. CARACCIOLO:

Yes.

00253

LEG. GULDI:

Yes.

LEG. CARACAPPA:

No.

LEG. FISHER:

No.  
LEG. HALEY:  
Yes.  
LEG. FOLEY:  
Yes.  
LEG. FIELDS:  
Yes.  
LEG. ALDEN:  
Yes.  
LEG. CARPENTER:  
No.  
LEG. CRECCA:  
Yes.  
LEG. D'ANDRE:  
Yes.  
LEG. BISHOP:  
No.  
LEG. POSTAL:  
No.  
LEG. COOPER:  
Yes.  
LEG. LEVY:  
Yes.  
P.O. TONNA:  
No.  
MR. BARTON:  
12.  
P.O. TONNA:  
Okay. Twelve to table?  
MR. BARTON:  
Twelve to table.

#### SOCIAL SERVICES

00254

P.O. TONNA:  
All right. We're going to Social Services. Number 1587 (Adopting Local Law No. 2000, a local law regulating congregate emergency shelters).  
LEG. POSTAL:  
Motion to approve.  
P.O. TONNA:  
Motion to approve.  
LEG. TOWLE:  
Second.  
LEG. BINDER:  
Second.  
P.O. TONNA:  
Second by Legislator Binder.  
LEG. HALEY:  
On the motion.  
P.O. TONNA:  
On the motion, Legislator Haley.  
LEG. HALEY:  
Legislator Postal, could you give me an explanation, please?

LEG. POSTAL:

Yes.

LEG. HALEY:

No, it won't be that long. I didn't ask Legislator Binder, I asked Legislator Postal.

LEG. POSTAL:

Yes. This bill would formalize the requirements that currently are in the contract when the Department of Social Services contracts with a congregate emergency shelter. For example, currently the contract calls for the shelter to be in compliance with local zoning codes. It called for 24-hour supervision of residents. It calls for a social worker to be on duty during work hours, business hours. However, what happens in practice is that the Department of Social Services, when the shelter is not in compliance with the contract, doesn't do really anything. This would require them to abide by the terms of the contract, and if the shelter violated the terms of the contract, to withhold money until it complied with the terms of the contract.

In addition, it would also require the Department of Social Services to provide each Legislator and the pertinent town with a list of the locations of the existing congregate emergency shelters in either the Legislative district or the appropriate town.

And, furthermore, it limits the number of congregate emergency shelters  
00255

to no more than four within a two-mile radius, excepting scattered site locations, and it is prospective. It says that this would affect any future establishments of sites.

It also establishes a procedure of certification of these shelters, which is exactly the same as the requirements in the contract as it exists now, but it states that if a shelter seeks to open a new site, if it seeks to modify or expand its current site, it would have to go back to the Department of Social Services to modify the certification. So that's, in essence, what this bill says.

LEG. CARACAPPA:

On the motion, Mr. Chairman. Question.

LEG. HALEY:

Thank you.

P.O. TONNA:

Okay. Motion on the --

LEG. CARACAPPA:

Question.

LEG. LEVY:

I was next.

P.O. TONNA:

Okay. I'm sorry, Legislator Levy was next.

LEG. LEVY:

Was -- Bob, were you here on this resolution? Was there anybody left? I know Cliff Johnson was here. I can't see behind that podium if anyone else is here regarding the -- because I guess the question I had was, if we had -- you know, there was a big article last week with the need to place people, and now we may be going back to the use of motels in certain situations, and I wanted to have an idea of how this might impact such a situation where you have no other place to put people and you need to place them somewhere. For instance, the supervision, I

like that idea. This question, you know, the social worker aspect, does that have an impact that makes it prohibitive to allow it? I understand a lot of these provisions are similar to what the Sober House Bill was, but I think there is a distinction in the population, that's number one, where one is requiring a service and one is not. We also have a clause here which deals with criminal screening, and, you know, you're dealing with the homeless population as opposed to, you know, a halfway house.

You know, so those are the kind of questions that I have. And I don't know if this is going to put us behind the eight ball, that we're in really desperate shape in a very tight housing market for emergency shelters, and now people are going to go out in the street. And I do say that as someone who's been a big supporter of the sober houses, which I believe need to be regulated, because they're supposedly providing a service. This is a different type of a situation in my mind.

00256

LEG. CRECCA:

Steve, if I can -- if you'd defer to me for a second.

LEG. LEVY:

Yeah. Yeah, sure.

LEG. CRECCA:

I think I may be able to answer at least part of your questions, because they're very good questions, I think. But this did get debated over a course of several meetings in Social Services. It did pass out of the committee. And I will say that at the last committee meeting where it passed out, Department of Social Services, who originally were critics of the bill, actually endorsed this version of the bill at the committee meeting.

LEG. LEVY:

But it didn't sound like --

LEG. CRECCA:

So a lot of those questions --

LEG. LEVY:

It didn't sound like that was the case today.

LEG. CRECCA:

Well, if that is the case today, I can tell you that I heard today that they had now changed their mind on bill. But I can tell you --

LEG. LEVY:

Oh, I see.

LEG. CRECCA:

-- the day we were in committee --

LEG. LEVY:

So in committee they were for it, and now they're against it again.

LEG. CRECCA:

Absolutely.

LEG. LEVY:

Okay.

LEG. CRECCA:

And they met with Legislator Postal. There was accommodations made on the bill.

P.O. TONNA:

I didn't --

LEG. CRECCA:

At committee meeting, you were there.

P.O. TONNA:

No, no.

00257

LEG. CRECCA:

At the committee meeting, they were on board with it.

P.O. TONNA:

I didn't hear your statement, so I don't know what to react to. What was it?

LEG. CRECCA:

Correct me if I'm wrong, because if I'm wrong, I'd rather be clarified now. At the committee meeting itself, I thought the Department of Social Services was on board with this bill, with the revisions that were made by Legislator Postal.

P.O. TONNA:

No. Only one that they were against, and they testified against the one -- the one clause which said that -- the saturation.

LEG. POSTAL:

Could I -- excuse me. If I could clarify it.

LEG. CRECCA:

I'm sorry.

LEG. POSTAL:

I think --

LEG. CRECCA:

Yes, you're right.

LEG. POSTAL:

Mr. Sabatino is shaking his head yes, because he --

P.O. TONNA:

He wasn't there.

LEG. POSTAL:

He has a good recollection of it. At the Social Service Committee meeting, before last week's, at the previous one, they had some problems with the bill. They were especially concerned about a provision which gave the Legislator in the Town kind of Padavan Law type say over siting of these things. They said that, because I had asked them, if I change that to merely require them to notify the Legislator and the Town by a list of the locations of the shelters, and if I would also just require that they -- a provider seek additional certification for an additional site or expansion of a site, would that make the bill acceptable? They said yes. Then, after I made those changes, Mr. Sabatino was at the meeting, I had spoken with Presiding Officer Tonna about it, I made those changes, then after that, the Department of Social Services now came back and said, "Well, you know, you made those changes, but we really still have a problem with limiting it to no more than four sites within a two-mile radius." And don't forget, I'm exempting scattered site locations. And I think that, first of all, that's a little duplicitas.

I would suggest to Legislator Levy, you've had this situation many times over the years where you meet with a department, you think that

00258

you've addressed all the concerns, they lead you to believe that you've addressed all the concerns, and then the bill comes up for a vote, all

of a sudden at the eleventh hour, they have another objection, and that will go on ad infinitum.

So I would suggest two things, that at that meeting, I made all of the changes that we agreed to that would make the bill workable and acceptable. I also suggest that today, Cliff Johnson, when he was here, said that there are some problems with large shelters, such as in Bellport, because they're destructive to a community. Now, I suggest that having more than four congregate emergency shelters within a two-mile radius, not even counting scattered sites, is destructive to a community. If I had said no more than two, I think that would be unreasonable. But no more than four at which you can house nine families at each site is certainly destructive to a community, and I think the Department of Social Services has been a little disingenuous.

LEG. HALEY:

Could I just ask a quick question?

LEG. CRECCA:

I just want to correct something I said earlier.

LEG. HALEY:

Would you describe scattered sites?

LEG. CRECCA:

Just take one second, Marty.

LEG. HALEY:

Describe --

P.O. TONNA:

Okay.

LEG. CRECCA:

I did say earlier that they had --

P.O. TONNA:

Legislator Crecca has the floor.

LEG. CRECCA:

I apologize. I just want to correct something. I did say earlier that they had no problems with the bill when I left. I think I have to clarify that statement. Paul reminded me of -- the Presiding Officer reminded me of something and it is true. They said they had no problems with the bill. They did have concerns about the saturation clause. They did leave saying that they had concerns about that, so --

P.O. TONNA:

Maxine, in all fairness, my recollection was that that was from the very beginning that they had -- they have identified that.

LEG. CRECCA:

Right. And I --

00259

LEG. POSTAL:

And they did. If I could just respond. You know, I've spoken with them. I spoke with Dennis Novack prior to the last meeting, and I said to him, "How would you feel if there were five congregate emergency shelters within a two-mile radius around your home?" And he said, "I wouldn't want that." Now, I'm suggesting that what we're doing is we're causing the deterioration of certain communities, only certain communities, and we're also creating a welfare ghetto in which children grow up surrounded only by other homeless people, and that's a very negative message that we're sending. So I think that the issue of

having people housed in a motel, nobody wants to house people in motels, but I will tell you that doing what they're doing creates a Bellport, which Cliff Johnson said is destructive. But instead of putting it all in one -- at one address, we're doing it at five, and six, and seven addresses within a two-mile radius.

P.O. TONNA:

The only thing I wanted to ask, and then Legislator Haley has the floor. Maxine, if I understand correctly, there's a grandfather clause. Basically, all of those who right now might have a density, you know, a certain density are not affected by this bill, right?

LEG. POSTAL:

That's right.

P.O. TONNA:

And there is no renewal or anything and all -- in other words, as long as they maintain whatever is done --

LEG. POSTAL:

There is a -- there's a three-year renewal of a certification.

However, the limitation of no more than four within a two-mile radius, and I keep saying at exempt scattered sites, because that's important, only applies to new applications for new sites.

P.O. TONNA:

Okay, great. Thank you. Legislator Haley had the floor.

LEG. CARACAPPA:

I had a question. I think I was on the list.

LEG. FISHER:

Can I ask his question for him?

P.O. TONNA:

Okay. Legislator Haley is gone. Legislator Caracappa, then Fisher, and then let's vote on this.

LEG. FISHER:

Joe, can I ask his question?

LEG. CARACAPPA:

That's the question I'm asking.

00260

LEG. FISHER:

Okay.

LEG. CARACAPPA:

Could you just describe exempt scattered sites, please?

LEG. POSTAL:

Yes. Scattered -- there are -- well, let me put it like this. There are providers who instead of having one address where they house three families or four families who are homeless, have individual houses. They own or rent a house, and they place Family A at this house and Family B at that house, and Family 3 at a third, and they provide services to all of the different families, so that, for example, a social worker will be visiting those families. Obviously, they don't have 24-hour supervision at those houses, but there are agencies that do that and, in fact, it happens to work better. You could imagine, you know, nicer for a family to be living in a house all by itself.

LEG. CARACAPPA:

So it's a single family in a single-family home.

LEG. POSTAL:

Exactly.

P.O. TONNA:  
Right.  
LEG. CARACAPPA:  
Okay.  
P.O. TONNA:  
Okay.  
LEG. POSTAL:  
And those are exempt from this.  
P.O. TONNA:  
Legislator -- that answered your question?  
LEG. HALEY:  
That answered my question.  
LEG. FISHER:  
No. Actually --  
P.O. TONNA:  
Okay.  
LEG. FISHER:  
-- I was going on ask Marty's question.  
P.O. TONNA:  
All right. Let's vote. Roll call.  
LEG. LEVY:  
My -- hold on.

00261

P.O. TONNA:  
All Legislators, please come to the horseshoe.  
LEG. LEVY:  
Paul.  
P.O. TONNA:  
Oh, you want --  
LEG. LEVY:  
Yeah.  
P.O. TONNA:  
Legislator Levy has the floor.  
LEG. LEVY:  
See, my concern was not with the saturation clause, it was more with the other clauses that had to do with the need for an eight-hour social worker.  
LEG. POSTAL:  
Could I just address that, Mr. Chairman?  
LEG. LEVY:  
And the screening.  
P.O. TONNA:  
Yeah, of course. I'll always give --  
LEG. POSTAL:  
Yeah.  
P.O. TONNA:  
Wait, wait. Let him finish the question. Go ahead.  
LEG. LEVY:  
That was it.  
P.O. TONNA:  
That was it? Legislator Postal.  
LEG. POSTAL:  
Okay. Legislator Levy, those are valid concerns. Right now, the

Department of Social Services, in its contract with Congregate Emergency Shelters, requires all of those things. They require 24-hour supervision, eight-hour a day social work.

P.O. TONNA:

And the Department had no problem with that?

LEG. POSTAL:

No. They already do all of those things in their contracts.

P.O. TONNA:

Right. Okay. Roll call.

00262

(\*Roll Called by Mr. Barton\*)

LEG. POSTAL:

Yes.

LEG. BINDER:

Yes.

LEG. FISHER:

Is this on tabling?

P.O. TONNA:

No. There's no tabling motion. This is a motion to approve.

LEG. BINDER:

I said yes.

LEG. CARACCIOLO:

(Not Present)

LEG. GULDI:

(Not Present)

LEG. TOWLE:

Yes.

P.O. TONNA:

Legislators, please come. We're voting.

LEG. CARACAPPA:

Yes.

LEG. FISHER:

Yes.

LEG. D'ANDRE:

What's the number?

LEG. HALEY:

Abstain.

P.O. TONNA:

It's number 1587, Legislator D'Andre.

LEG. FOLEY:

Yes.

LEG. FIELDS:

Yes.

LEG. ALDEN:

Yes.

LEG. CARPENTER:

Yes.

00263

LEG. CRECCA:

Yes.

LEG. D'ANDRE:

Pass.

LEG. BISHOP:

Yeah.

LEG. COOPER:

Yes.

LEG. LEVY:

Yes.

P.O. TONNA:

Yep.

MR. BARTON:

Legislator Caracciolo?

LEG. GULDI:

Yes.

LEG. D'ANDRE:

Yes.

P.O. TONNA:

Yes.

MR. BARTON:

16. (Not Present: Leg. Caracciolo)

P.O. TONNA:

Okay. Thank you very much. All right.

LEG. FOLEY:

1830.

P.O. TONNA:

1830 (Adopting Local Law No. Year 2000, a local law to amend Chapter 256 of the Suffolk County Code). Is there a motion? I'll make a motion. Seconded by?

LEG. FIELDS:

Motion to table. Motion to table.

LEG. CARPENTER:

Explanation.

P.O. TONNA:

Okay. There's a motion to table by Legislator --

LEG. CRECCA:

Explanation from Counsel.

00264

P.O. TONNA:

-- Fields. Second by who? Is there a -- is there a second on the tabling motion? Okay. Is there a seconding to the tabling motion?

LEG. LEVY:

I might. Could we have an explanation?

LEG. FIELDS:

Yeah.

P.O. TONNA:

Okay. Explanation on the bill. Well, we don't have a -- we have a motion to approve and a -- I'll make a motion to approve. Is there a second? Second, Legislator Haley.

LEG. LEVY:

Explanation.

P.O. TONNA:

On the motion, explanation of the bill.

MR. SABATINO:

This bill would form a six-member committee to try to deal with the issue of implementing the criminal screening of day-care services personnel, because the State Division of Criminal Justice Services has

raised some problems with the current law that's on the book and they haven't been resolved, so the County Executive is proposing a six-member committee to deal with that issue.

LEG. CARPENTER:

Motion to approve.

LEG. HALEY:

It's already there.

LEG. FISHER:

There's already a motion to approve and a second.

LEG. GULDI:

Call the question.

LEG. FOLEY:

Is there another -- is there another competing resolution, to the Chair?

LEG. FIELDS:

Yes. Yes.

LEG. FOLEY:

If we could have -- there's discussion around the horseshoe that there's another competing resolution. Could we have some explanation on that? Is there? I don't know.

MR. SABATINO:

No, I think there's confusion.

00265

LEG. FOLEY:

I mean, I'm hearing that. Is there or is there not?

LEG. CRECCA:

I don't believe there is.

MR. SABATINO:

This is 1830, right?

LEG. FOLEY:

Yes.

MR. SABATINO:

18 --

LEG. CRECCA:

Yeah.

LEG. FIELDS:

Can I say something?

MR. SABATINO:

Okay. The Rhabdomyosarcoma bill that was --

LEG. FOLEY:

This is different.

LEG. CRECCA:

This is not that bill, Miss Fields.

LEG. FOLEY:

No, we're not on that.

MR. SABATINO:

No, this -- this is not. This is 1830. This is 1830.

LEG. FOLEY:

1830.

LEG. LEVY:

Never mind.

P.O. TONNA:

Okay. We're not into Health yet.

LEG. HALEY:

Vote.

LEG. FIELDS:

Oh, all right.

P.O. TONNA:

Okay? 1830, there's a motion and a second to approve. All in favor?

Opposed? Approved. Thank you.

00266

MR. BARTON:

16.

P.O. TONNA:

1901.

MR. BARTON:

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

P.O. TONNA:

(1901 - Accepting and appropriating additional 100% Federal Grant Funds from the New York State Department of Health to the Department of Health Services, for the Tuberculosis Elimination Program).

LEG. FOLEY:

Motion.

P.O. TONNA:

Motion by Legislator Fields, seconded by Legislator Foley. All in favor? Opposed? Approved.

P.O. TONNA:

1917 (Establishing Suffolk County Legislature Rhabdomyosarcoma Task Force).

MR. BARTON:

16, 2 not present. (Not Present: Legs. Caracciolo and Towle) (Vote amended to 17 yes, 1 not present: Caracciolo-Yes)

LEG. FIELDS:

That's the one.

P.O. TONNA:

Now, there we go.

MR. SABATINO:

That has to be tabled. There's a late-starter that will address the issue in its right form.

P.O. TONNA:

Okay. Motion to table, seconded by Legislator Fields. All in favor? Opposed? Tabled?

LEG. CRECCA:

On the --

LEG. FOLEY:

It has to be tabled.

P.O. TONNA:

It's tabled. It's got to be tabled.

LEG. FOLEY:

It's go to be, Andrew.

00267

LEG. CRECCA:

On what, 1917?

P.O. TONNA:

Yes.

LEG. FOLEY:

Yes.

LEG. CRECCA:

Why?

LEG. CARACAPPA:

There's another bill to rectify.

MR. SABATINO:

It's not in the correct form to amend the previous resolution. It would create an alternative Task Force. There's already a Task Force that was adopted.

P.O. TONNA:

We're going to lay it on the table tonight.

MR. SABATINO:

The late-starter will now make the changes --

LEG. CRECCA:

Okay. All right. I understand. I apologize. I didn't catch that.

P.O. TONNA:

Okay, great.

MR. BARTON:

The vote is 16, 2 not present. (Not Present: Legs. Caracciolo and Towle) (Vote amended to 17 yes: Caracciolo-Yes)

P.O. TONNA:

Okay. 1923 (Authorizing an alternative work schedule at the John J. Foley Skilled Nursing Facility).

LEG. FIELDS:

Motion to approve.

LEG. HALEY:

Second.

P.O. TONNA:

Seconded by Legislator Haley. All in favor? Opposed? Approved. Parks and Recreation.

MR. BARTON:

16, 2 not present. (Not Present: Legs. Caracciolo and Towle) (Vote amended to 17 yes: Caracciolo-Yes)

PARKS, LAND ACQUISITION & CULTURAL AFFAIRS

00268

P.O. TONNA:

Or Parks and Land Acquisition and Cultural Affairs.

LEG. POSTAL:

Wait, wait, Bob.

P.O. TONNA:

Bob, don't go anywhere yet.

LEG. POSTAL:

I'm sorry. We went so fast. We approved 1923, which had to do with the work schedule at the John Foley Skilled Nursing Facility and I know that there were some questions that came up after this was discharged from committee. I just wanted to ask the Health Department a question, because --

P.O. TONNA:

Get up here Maimoni.

MS. ROSENBERG:

He thought he was going home.

LEG. POSTAL:

No, no. When I saw this resolution--

P.O. TONNA:

Front and center.

LEG. POSTAL:

When I saw this resolution, I was very pleased with it, because I think that the Skilled Nursing Facility has certain staff needs that may be different from normal staff hours for the rest of the work force. So I was very happy that the Health Department and AME negotiated something that was more workable and better both for patients and staff. My question at the committee, when it came up, was -- it came up at Finance, was that the health centers and other job titles in the Health Department have similar needs. They have peculiar work schedules. For example, our health centers are now open evenings, they're open weekends. Neighborhood Aides find it productive to be out in the community working evenings and weekends. And I'm wondering whether the Health Department is pursuing negotiating an amendment to I guess the contract with regard to work schedules for other Health Department positions. That's my question.

MR. MAIMONI:

Yes.

LEG. POSTAL:

Good.

LEG. CRECCA:

Yeah, that was easy.

MR. MAIMONI:

We believe that the most profound problem we had existed in the nursing home. This agreement that we've reached is a tentative agreement.

00269

It's to try it for six months, because we believe it's going to improve the situation, but we're not 100% sure. It's a very thorny, multi-faceted problem. We thought about trying to address other difficulties in our department at the same time, but it became unmanageable. We will be coming back to try to address, for instance, the jail medical assistants, the people that work in the jail, which is another seven by 24 operation. And as most of you are aware, the primary tenants of the AME contract were for, you know, five day a week, nine-to-five type of operation, so it doesn't fairly address some of the issues that we have. But we took the tack of kind of divide and conquer as opposed to try and do a holistic approach and try to solve them all at one time. So that's where we're at.

P.O. TONNA:

All of these win-win terms.

LEG. POSTAL:

So we are going to address the other.

MR. MAIMONI:

Yes.

LEG. POSTAL:

Thank you.

P.O. TONNA:

Okay.

LEG. LEVY:

Mr. Chairman.

P.O. TONNA:

Thank you very much.

LEG. LEVY:

Mr. Chairman. Now, at this point, I just want -- Bob, I don't know if it's for you, but more for the County Executive's people. Just a reminder that in the Operating Budget this year, there was money placed in the budget for implementation of flexible work hours, not just in this department, but the entire County. And I'm just concerned that it took this long to allow this to happen. We should be allowing this to move forward in all of our departments where it can be implemented. It's good for the employee, it's good for us as a County, and it's good for the consumers who want to use our services.

MR. MAIMONI:

Legislator Levy, I'd like to, just, you know, so that you're aware, and I can't speak for other departments, but in the Health Department, we have many flexible work schedules that have been agreed to by the union and by Labor Relations, and we've tried to address that. But all of those -- all of those alternative work schedules still have a basic five-and-two requirement, five days on, two days off. That created a problem for us in the nursing home, because seniority overrules everything, and because of that --

00270

LEG. LEVY:

Well, my only point is I don't know why that has to be. There's no reason why you can't have, you know, four days, a condensed schedule, some three. I mean, firemen in New York City, they could work three, you know, long days and, you know, you could do that here, too. --

MR. MAIMONI:

But they're collective bargaining issues which have to be negotiated between us and the union.

LEG. LEVY:

Right.

MR. MAIMONI:

And that's what we've done in this instance.

LEG. LEVY:

Good.

MR. MAIMONI:

And we've tried to address it where they were easier.

LEG. LEVY:

I just would encourage you to do more of it. But, good, thanks.

LEG. FOLEY:

All right.

LEG. LEVY:

Very good.

LEG. GULDI:

Motion to approve 1567.

P.O. TONNA:

Okay. There's a motion.

LEG. FISHER:

Second.

P.O. TONNA:

There's a motion and a second. All in -- no, that was already done, the Skilled Nursing Home.

LEG. POSTAL:

We did.

LEG. GULDI:  
No. 1567 is in Parks.  
P.O. TONNA:  
Okay.  
LEG. GULDI:  
Okay?

00271

P.O. TONNA:  
1567 (Approving acquisition under Suffolk County Land Preservation Partnership Program (East Moriches Farm Property) Town of Brookhaven S.C.T.M. #0200-833-002.-007.1). Motion by Legislator Guldi.

LEG. FISHER:  
Second.

P.O. TONNA:  
Seconded by Legislator Fisher. All in favor? Opposed? Approved.

MR. BARTON:  
15, 3 out. (Not Present: Legs. Caracciolo, Towle and Haley)

P.O. TONNA:  
1667 (Approving acquisition under Suffolk County Land Preservation Partnership Program (Canaan Lake Shores, Patchogue), Town of Brookhaven).

LEG. FOLEY:  
Motion.

P.O. TONNA:  
Motion by Legislator Foley, second by Legislator Fisher. All in favor? Opposed? Approved.

MR. BARTON:  
15, 3 not present. (Not Present: Legs. Caracciolo, Towle and Haley)  
(Vote Amended to 16 yes: Caracciolo-Yes)

P.O. TONNA:  
1796 (Amending the 2000 Capital Budget and Program appropriating funds for the purchase of parks maintenance equipment (CP 7011.517). That was a very good year, 1796. Motion by Legislator Tonna.

LEG. FISHER:  
Second.

P.O. TONNA:  
Seconded by Legislator Fisher. All in favor? Opposed? Approved.

MR. BARTON:  
15, 3 not present. (Not Present: Legs. Caracciolo, Towle and Haley)  
(Vote Amended to 16 yes: Caracciolo-Yes)

P.O. TONNA:  
Number 1912 (Accepting a gift and authorizing a license agreement with the Long Island Live Steamers, Inc. At Southaven County Park, Yaphank, New York).

LEG. FIELDS:  
Motion.

P.O. TONNA:  
Motion to approve by Legislator Fields.

00272

LEG. FISHER:  
Second.

P.O. TONNA:  
Second by Legislator Fisher. All in favor? Opposed? Approved.

MR. BARTON:

15, 3 not present. (Not Present: Legs. Caracciolo, Towle and Haley)  
(Vote Amended to 16 yes: Caracciolo-Yes)

P.O. TONNA:

Number 1918 (Amending Resolution No. 334-2000, approving acquisition under Suffolk County Land Preservation Partnership Program (property known as Corey Pond) Town of Brookhaven). Motion by Legislator Haley.  
No, he's not here?

MR. BARTON:

Not present.

P.O. TONNA:

Okay. Legislator Caracappa, seconded by Legislator Fisher. All in favor? Opposed? Approved. Okay. Now we move --

MR. BARTON:

15, 3 not present. (Not Present: Legs. Caracciolo, Towle and Haley)  
(Vote Amended to 16 yes: Caracciolo-Yes)

LEG. BISHOP:

Mr. Chairman.

LEG. CARACAPPA:

We skipped over David's bill.

P.O. TONNA:

No. I have -- I have three resolutions that we skipped over. I would like to draw your attention to Page 7, Resolution Number 1261. Page 7, Resolution 1261 (Making a SEQRA Determination in connection with the proposed Greenways acquisition of the Creek Road properties for active recreation, Mill Dam Park Expansion, Town of Huntington), which is in Energy and Environment. I make a motion to approve, seconded by, I think seconded -- oh, motion to approve by Legislator Cooper.

LEG. COOPER:

Second.

P.O. TONNA:

Seconded by myself. All in favor? Opposed? Approved.

MR. BARTON:

15, 3 not present. (Not Present: Legs. Caracciolo, Towle and Haley)  
(Vote Amended to 16 yes: Caracciolo-Yes)

P.O. TONNA:

Okay. Motion, Page 6, 1837 (Bond Resolution, a resolution authorizing the issuance of \$75,000 serial bonds of the County of Suffolk, New York, to pay part of the cost of the purchase of an information system

00273

for Public Works (CP 5060). Aren't you guys impressed that I'm so organized? Yeah, right. Okay.

LEG. GULDI:

We know better.

LEG. LEVY:

Thank you Linda.

P.O. TONNA:

Resolution 1837. There's a motion by myself, seconded by Legislator Foley?

LEG. FOLEY:

Sure.

LEG. GULDI:

Yep.

MS. BURKHARDT:  
Roll call on the bond.  
P.O. TONNA:  
Roll call on the -- no, there's no bond. Oh, there is a bond?  
MR. SABATINO:  
One-shot bond.  
LEG. ALDEN:  
On the motion.  
P.O. TONNA:  
One-shot bond.  
LEG. ALDEN:  
On the motion.  
P.O. TONNA:  
Yes.  
LEG. ALDEN:  
Did we have an explanation of what they're doing here?  
P.O. TONNA:  
Any explanation of what you're doing? Brenda?  
MS. ROSENBERG:  
Yeah. Ken --  
P.O. TONNA:  
Great.  
MS. ROSENBERG:  
Ken Weiss took my notes. Is this on?

00274

P.O. TONNA:  
But I know you memorize them.  
MS. ROSENBERG:  
But I memorized it.  
P.O. TONNA:  
You commit it to memory.  
MS. ROSENBERG:  
Many of the computers in the Public Works Department are outdated and they're very slow, and they're not keeping up with the new technology, so this is to replace their systems. As they get older, they have tried to replace the guts and it's not working. So this is to replace their computer system.  
LEG. ALDEN:  
Wasn't there another resolution that almost county-wide to replace the computer system not that long ago?  
MS. ROSENBERG:  
This is for Public Works, directly in the Public Works Department. There are 50 new people using the LAN System and they have to increase the computers that they have. It's not up to capacity right now.  
LEG. CRECCA:  
My question is, is we're bonding, we're bonding the 75,000, though?  
MS. ROSENBERG:  
Here is Ken with my notes. We're bonding the 75,000, that's the question. Yes.  
LEG. ALDEN:  
And it said part of the cost.  
LEG. CRECCA:  
Ken, we're looking at 18 -- all right. Sorry.

P.O. TONNA:

Okay. 1837, Brenda? Kenny, you got a -- her notes back?

MS. ROSENBERG:

I'm just telling you what we're doing with the money. We're upgrading the processors.

LEG. ALDEN:

But it also says part of the --

MS. ROSENBERG:

Excuse me?

LEG. ALDEN:

To pay part of the cost. What was the total cost?

MS. ROSENBERG:

The total cost was 125,000.

00275

LEG. LEVY:

Some of it was already expended, I believe.

MS. ROSENBERG:

And some of it was already approved.

LEG. ALDEN:

And that was bonded?

MR. WEISS:

Yes.

MS. ROSENBERG:

Yes, it was.

P.O. TONNA:

Can I -- okay. Are these PC's, are any of these PC's?

MS. ROSENBERG:

Yes, some are PC's.

P.O. TONNA:

Could I ask you, doesn't that fall under the 5-25-5, or something?

No?

MS. ROSENBERG:

Say it again.

P.O. TONNA:

5-25-5 law.

LEG. LEVY:

Not 25.

P.O. TONNA:

It's okay?

MS. ROSENBERG:

It's upgrading processors, printers and servers.

P.O. TONNA:

Do we usually bond? I'll ask Legal -- Fred or Jim. Jim, do we usually bond PC's?

MR. SPERO:

No, we don't.

P.O. TONNA:

Okay. Does the County Executive usually bond PC's?

LEG. BINDER:

They're obsolete in two years.

P.O. TONNA:

What?

00276

LEG. BINDER:

They're obsolete within a couple of years. How do you bond?

MR. SPERO:

If it's just the purchase of replacement PC's, it wouldn't be 5-25 qualified.

LEG. FOLEY:

I withdraw my second to the motion.

P.O. TONNA:

Okay.

LEG. BINDER:

There's got to be a way --

P.O. TONNA:

Wait. Can I ask you -- okay. So I would ask -- I would ask the County Executive's representative, Brenda Rosenberg --

MS. ROSENBERG:

Yes, sir.

P.O. TONNA:

-- what is the precedent upon which you are requesting the bonding of these items?

MS. ROSENBERG:

He has my budget.

P.O. TONNA:

Okay. Kenny, come on, is this a weasel deal or what? No, you know.

MR. WEISS:

It's a system and it was in the Capital Budget, that's why it's being done with a bond.

P.O. TONNA:

Okay.

MR. WEISS:

I mean, there's not enough money left in 5-25-5 this year.

P.O. TONNA:

Okay. This came out of Ways and Means. Chairman Levy, as Chairman of Ways and Means, can you shed any light, since this passed committee?

Can we--

LEG. LEVY:

We understood it, and, unfortunately, I don't have my notes on this, which I usually do, but what I recall is we had asked that this went through Information and Processing Committee and we understood that it did. And that's important, because it has its own independent review in that case. Secondly, this was part and parcel of a larger series of projects for the same equipment and this is another phase in that

00277

equipment, so we weren't reinventing the wheel, this was just another part of something that we had already purchased.

P.O. TONNA:

Okay. Just, Ellen, you sit on that committee, right, Information Processing? You do?

MS. MARTIN:

Yes.

P.O. TONNA:

All right. Jim, are you on that committee, or is Fred?

MR. SPERO:

Fred is on the committee.

P.O. TONNA:

Okay. When -- the last time that you telepathically communicated with Fred, could you tell me, what was the reason why it got out of that committee?

MR. SPERO:

Okay. I think -- hold on. I think this -- I'm just checking my Capital Fund file here.

P.O. TONNA:

Is Fred around?

MR. SPERO:

Yeah. I think what happened here was that we made the appropriation earlier, but the bond resolution wasn't approved.

MS. ROSENBERG:

Some of it -- it was a bond resolution in 1999 for \$50,000, which began the project, and this is for the additional 75,000.

LEG. LEVY:

Here's Fred.

MR. SPERO:

Oh, okay. This is new money, then.

MS. ROSENBERG:

This is new money.

P.O. TONNA:

Okay. Fred, I -- Fred, I would just ask you, we're talking about Resolution Number 1837, and some of the Legislature has concerns with regard to the bonding of these items and would like to have some light shed on it, considering that this got out of the Information and --

MS. BURKHARDT:

Processing.

P.O. TONNA:

-- Processing Committee and made a recommendation for approval to the  
00278

Ways and Means Committee. Why?

MR. POLLERT:

The Department of Public Works has a significant investment in their information system. The County spent million dollars of dollars on their information system. The \$75,000 would go towards -- would go towards enhancements of their information system. Specifically, it's my recollection that it deals with file servers in the Department of Public Works. They wanted new file servers, because the amount of data that can be captured and retained by the old file servers is inadequate.

P.O. TONNA:

Now, Kenny has explained to me that this was in the Capital Program, obviously. Is this -- is this something that we normally capitalize?

MR. POLLERT:

We do capitalize expenses greater than \$25,000. So if it's just a plain computer, we don't purchase it. If it is something like a mapping station or something like a file server, it's eligible, if the department has no money in their Operating Budget to capitalize it and, in fact, we do. We do that for both County funds as well as in the Police Department. When they want to purchase some equipment, we will go out to capitalize expensive equipment.

P.O. TONNA:

Okay. So, basically, you would say that given the precedent that we have established in years past, that this would be totally in order?

LEG. GULDI:

Hold on.

MR. POLLERT:

Yes.

P.O. TONNA:

Okay.

MR. POLLERT:

It's consistent with what we have done in the past.

P.O. TONNA:

Okay. Legislator Guldi.

LEG. ALDEN:

I'm on the list.

P.O. TONNA:

Oh, I didn't know you wanted to say something.

LEG. LEVY:

You know, why don't we table this, if people want it?

LEG. GULDI:

If I may. You know, Fred, isn't it true, though, that the way technology and computers work, even with file servers and the like,

00279

that the equipment's obsolete in six months to a year in terms of the changing technology?

MR. POLLERT:

That is true with respect to smaller computers. The County is, however, running larger file servers and, generally, what we do is we expense them out over the life of their operating system --

LEG. GULDI:

Which is about?

MR. POLLERT:

-- which generally has a five-year license with them. So, if we buy a large file server, it generally has a five-year license that goes with it. That's certainly the case with all the UNISYS equipment that we have, so --

LEG. GULDI:

So this is -- is this UNISYS scale equipment that's in this bill?

MR. POLLERT:

It's in -- well, it may or may not be UNISYS, but it is large scale type of equipment. You know, it's large file servers that cost --

LEG. GULDI:

Can somebody give me an equipment list on this? I'd like to see --

P.O. TONNA:

Can I ask --

LEG. GULDI:

Do we have that?

P.O. TONNA:

Can I ask, just for my sense? This is something that dealt -- should have been dealt with in Ways and Means.

LEG. CRECCA:

Motion to refer it back to committee.

P.O. TONNA:

Yeah.

LEG. GULDI:  
Second.  
LEG. FIELDS:  
Second.  
LEG. LEVY:  
You know --  
P.O. TONNA:  
Wait, wait, wait, wait.

00280

LEG. LEVY:  
-- I'll let it go to committee. But I just want to stress --  
P.O. TONNA:  
Okay.  
LEG. LEVY:  
-- in committee, you know, we were told that this was a continuing project, it was rightly capitalized, as it had been in the past, there was nothing unusual about it, and, you know, there were no red flags here. And unless somebody has a reason to want to table it, you know, fine, let's either vote it up or down or table it. But it was addressed in committee and there was nothing that was some kind of red flag that popped up.  
LEG. CARACAPPA:  
Just table it.  
P.O. TONNA:  
Okay. Hold it one second. Just wait one second, please, everyone.  
LEG. FOLEY:  
Table it.  
P.O. TONNA:  
Okay. Before I get to Brenda, Fred, it's very rare that you raise your hand and look to be recognized.  
MR. POLLERT:  
We believe that you have already appropriated the money. This is a bond resolution. You appropriated the money, but the bond resolution was not approved. So this is now -- the funds have been -- you know, this is --  
LEG. CARPENTER:  
Kind of like a ministerial act.  
P.O. TONNA:  
Right. This is a ministerial act?  
MR. POLLERT:  
This is the bond authorization.  
LEG. CARACCIOLO:  
Point of order.  
MR. POLLERT:  
No, not necessarily. If you don't do it --  
LEG. CARACCIOLO:  
Point of order.  
MR. POLLERT:  
-- then you're not going to move ahead.

00281

LEG. CRECCA:  
No, we don't want to bond it.  
P.O. TONNA:

Okay. Point of order.

LEG. CARACCIOLO:

Counsel, I see you shaking your head negatively. You disagree with Fred?

LEG. LEVY:

Ooh, this would be --

MR. SABATINO:

No. I was shaking my head, because the bill shouldn't have been filed, and if that was the case and gone to committee, because what happens -- that happens maybe once or twice a year. What happens is if something is missed at the next meeting, there's a bond resolution on the agenda. But the fact that it went to committee seemed to indicate to all of us, including the Clerk's Office, because it was filed as a stand-alone bill, that it was a stand-alone bill. I'm not contradicting Fred, but I really think we should check the records before we make that determination, because I don't recall the 125,000.

LEG. CARACCIOLO:

Motion to table.

LEG. CARPENTER:

Second.

P.O. TONNA:

Just wait. There's -- wait. Could I say something? There's already a motion to table and a second.

LEG. LEVY:

Then vote on it.

P.O. TONNA:

No.

LEG. GULDI:

I'll withdraw the second.

P.O. TONNA:

No. I will call a recess if we keep this up.

LEG. GULDI:

I'll withdraw the second on the motion to recommit.

P.O. TONNA:

I know nobody wants one, including myself. I would ask, Legislator Alden has the floor. Thank you.

LEG. ALDEN:

Fred, how much would it increase the purchase price, if we go to bond on this, percentage or dollar amount?

00282

MR. POLLERT:

Roughly 30%, I believe, because it's a five-year bond.

LEG. ALDEN:

Thanks.

P.O. TONNA:

Okay.

LEG. CRECCA:

Let's just kill it now or recommit it back to committee.

P.O. TONNA:

There's a motion to table by? No?

MS. ROSENBERG:

Paul. Paul.

P.O. TONNA:

There's a motion to table by Legislator Caracciolo.

MS. ROSENBERG:

Paul.

P.O. TONNA:

Okay. And seconded --

LEG. GULDI:

I withdraw the second on the recommit motion. I think we should table it and keep it here.

P.O. TONNA:

Okay.

LEG. BINDER:

I'll second the recommit.

P.O. TONNA:

Motion to -- okay. There is a motion to table. Let's get all the motions in order. There's a motion to table by Legislator Caracciolo, seconded by?

LEG. GULDI:

I'll second it.

P.O. TONNA:

Legislator Guldi. There's a motion to recommit by Legislator Crecca, seconded by Legislator Binder. Which one has priority?

MR. SABATINO:

Table.

P.O. TONNA:

Table, that's what I thought.

00283

MS. ROSENBERG:

Can I just say something?

P.O. TONNA:

On the motion. I will ask the question. Brenda, do you have something to ask?

MS. ROSENBERG:

Right.

P.O. TONNA:

Or add.

MS. ROSENBERG:

I would prefer if this is tabled. Commissioner Bartha did come before the committee and did speak about this bill extensively. We will get the answers for you for the next meeting and --

LEG. CRECCA:

I will withdraw my motion to recommit.

MS. ROSENBERG:

Thank you.

P.O. TONNA:

Great. Roll call on the tabling.

LEG. GULDI:

We don't need the roll call.

P.O. TONNA:

Roll call on the tabling. Okay. All in favor?

LEG. FOLEY:

Aye.

P.O. TONNA:

Opposed? Okay, tabled. Great. 1584, which is Page 11.

MR. BARTON:

16, 2 not present.

MS. FARRELL:

He's a no. I mean, Alden's a no.

P.O. TONNA:

1584, which is Page 11.

MR. BARTON:

All right. The vote on that was 15-1-2. I'm sorry, we had a no. (Not Present: Legs. Towle and Haley)

P.O. TONNA:

1584 (Adopting Local Law No. 2000, a local law to establish Organically Trained Certificate Program for licensed landscapers in Suffolk County).

00284

LEG. BISHOP:

Motion to approve.

P.O. TONNA:

Legislator Bishop?

LEG. FOLEY:

Second the motion.

P.O. TONNA:

Motion to approve by Legislator Bishop, seconded by Legislator Fields. All in favor? Opposed? Approved. Okay. Now --

MR. BARTON:

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

LEG. GULDI:

Mr. Tonna.

P.O. TONNA:

Legislator Guldi.

LEG. GULDI:

I want to make a motion to include Legislator Caracciolo on the eight resolutions --

P.O. TONNA:

Yeah.

LEG. GULDI:

-- that were missed while he was out of the room.

P.O. TONNA:

I think the motion is -- make a motion. Our Legal Counsel said that there can be a motion to --

LEG. GULDI:

To reconsider and add him to the majority.

P.O. TONNA:

A motion for Henry to cast Legislator Caracciolo's vote with the majority in the votes he missed.

LEG. GULDI:

So moved. I have a list.

P.O. TONNA:

Okay.

LEG. LEVY:

In all due respect, it's like --

P.O. TONNA:

Can I say something, guys? I just checked with Legal Counsel. It's a valid motion. All right? Seconded. All in favor? Opposed? Approved.

LEG. LEVY:

I'm going to oppose.

P.O. TONNA:

I would ask that Legislators in general, though, I would just say that, you know -- okay, whatever.

LEG. FOLEY:

There are CN's and late-starters, Mr. Chairman.

P.O. TONNA:

CN's, let's move to CN's. Okay. Certificate of {Necessesity}, na, na, na, na. Certificate of Necessity Number 1930, amending the temporary classification and salary plan to increase the hourly rate of Temporary Fuel Assistant Worker I, Temporary Fuel Assistant Worker II, and Temporary Community Service Worker.

LEG. GULDI:

Motion to --

P.O. TONNA:

That's why I don't read these things.

LEG. GULDI:

Motion to approve. They came before us in committee and briefed us on this.

P.O. TONNA:

Great. Seconded by myself. All in favor? Opposed? Approved.

P.O. TONNA:

Certificate of Necessity Number 1970, amending the 2000 Operating Budget and transferring funds in connection with the Wyandanch Coalition Beautification and Copiague Beautification Projects.

LEG. POSTAL:

Motion to approve.

P.O. TONNA:

Motion to approve, seconded by Legislator Carpenter. On the motion, Legislator Levy.

LEG. POSTAL:

On the motion. Oh, okay.

P.O. TONNA:

Oh, no. Legislator Levy.

LEG. POSTAL:

I can explain.

LEG. LEVY:

Why are we amending the budget through a CN?

LEG. POSTAL:

This is not an amendment. What this is is releasing monies that were in the Omnibus Budget. I was told I had to do a resolution. That resolution was laid on the table, discharged from committee and was on the agenda, but the County Executive's Office asked me to withdraw it, because the County Attorney's Office felt it was a budget amendment and had to come in at the window of opportunity, that's why they're giving me a CN.

P.O. TONNA:

Okay. All in favor? Opposed? Approved. We're done with the CN's.

LEG. GULDI:

Late-starters.

P.O. TONNA:

Wait, just wait.

MR. BARTON:

Mr. Chairman, the vote on both the CN's is 16, 2 not present. (Not Present: Legs. Towle and Haley).

P.O. TONNA:

Thank you.

LEG. FOLEY:

Late-starters.

MR. BARTON:

One was sent to committee, the second one was approved.

LEG. GULDI:

Motion to lay 1971 through 77 on the table.

LEG. CARPENTER:

Second.

P.O. TONNA:

Okay. I'm -- what?

LEG. GULDI:

Motion to lay the late-starters on the table.

P.O. TONNA:

Yes. I have to read them off.

LEG. GULDI:

I just did.

P.O. TONNA:

Okay. There is a motion to lay on the table Resolution 1971. Could I just read them off and --

LEG. CARPENTER:

Yes.

00287

LEG. CRECCA:

Yes.

P.O. TONNA:

Right in a row? 1971, the assignment will be to Health?

LEG. FOLEY:

Yes.

P.O. TONNA:

1972, the assignment will be to --

MS. BURKHARDT:

Vets and Seniors.

P.O. TONNA:

Veterans and Seniors. Keep it up, Linda. 1973, Social Services.

MS. BURKHARDT:

Very good.

P.O. TONNA:

1974, Social Services. 1975, Parks. 1976 --

MS. BURKHARDT:

Budget.

P.O. TONNA:

Budget. Budget and Veterans and Seniors. 1977, Public Works and Finance. All in favor? Oh, I'll make a motion, seconded by Legislator Guldi. All this favor? Opposed? Approved. Our late-starters are done.

MR. BARTON:

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

P.O. TONNA:

Now, before -- now we're going to go to the Sense Resolutions.

LEG. CARACAPPA:

Let's roll.

P.O. TONNA:

Before we move to these Sense Resolutions, I would ask two things, one, that all Legislators stay focused. We're going to try to move these things along quickly. And, secondly, just an observation. I'm taking personal privilege here. A number of the things that we're dialoguing about as a Legislature on a whole I think should have been things that have been -- would have been dealt in committee. I would ask the Committee Chairmen and members of different committees, all right, scrutinize everything that they can in the committee process, so that we don't have to ask, as generally, it's inefficient for the Legislature as a whole to ask certain questions that should have been dealt in the committees. And I would just ask in general that we look at that.

00288

LEG. BISHOP:

Legislator Postal's bill, which came out of your committee?

P.O. TONNA:

No. That -- we were very clear on what happened there. But I do have one in Public Safety that I -- if you want to mention, I'd be glad to do that.

LEG. BISHOP:

Go ahead.

P.O. TONNA:

Okay.

LEG. BISHOP:

Thank you.

P.O. TONNA:

Sense -- take a hit, take a hit. I'll take it. All right. Sense Resolution Number 82 (Memorializing resolution requesting State of New York to authorize Suffolk County tobacco tax to fund enhanced child care).

LEG. COOPER:

Motion.

P.O. TONNA:

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

Opposed? Approved.

MR. BARTON:

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

P.O. TONNA:

Sense 86 (Sense of the Legislature resolution in connection with "Violence Prevention Week"). Motion by Legislator Haley.

LEG. CARACAPPA:

Second.

LEG. FOLEY:

He's not here.

LEG. CRECCA:

Motion by Crecca.

P.O. TONNA:

Okay. We're going to make a motion?

LEG. CRECCA:

Motion to approve.

LEG. GULDI:

Point of --

00289

P.O. TONNA:

I'm going to make a motion to table. The Legislator should be here to vote on their own resolution.

LEG. CARPENTER:

Good thinking.

LEG. GULDI:

The resolution asks to create a week, May 1st through May 7th.

LEG. CARPENTER:

He wants it for next year.

LEG. GULDI:

I want to point out for the record, it's September.

LEG. CARPENTER:

He's doing it for next year.

P.O. TONNA:

Right.

LEG. GULDI:

Oh.

P.O. TONNA:

I would make a motion to table.

LEG. FIELDS:

Second.

LEG. CRECCA:

Second.

P.O. TONNA:

Seconded by Legislator Fields. I think, in general, I would rather have the Legislator here to approve their own legislation. Okay. All in favor? Opposed? Tabled.

LEG. GULDI:

Opposed.

MR. BARTON:

16, 2 not -- 15. (Not Present: Legs. Towle and Haley)

LEG. CARACAPPA:

Opposed.

P.O. TONNA:

Sense 87 (Memorializing resolution requesting State of New York to require canoeists to wear life jackets).

MR. BARTON:

14.

00290

LEG. CARPENTER:

Withdrawn. Go, next.

P.O. TONNA:

Withdrawn. Okay. Sense 88 (Memorializing resolution requesting State of New York to require booster seats for children from 4 to 8 years of age).

LEG. CRECCA:

Motion to approve.

P.O. TONNA:

Motion to approve by Legislator Crecca, seconded by myself. And I want you to know, this is going to be a very costly bill for me, who has five children under the age of four --

LEG. CARACAPPA:

Stay focused.

P.O. TONNA:

-- Moving through, so -- all in favor? Opposed?

LEG. CRECCA:

Stay focused.

P.O. TONNA:

Approved.

MR. BARTON:

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

P.O. TONNA:

Number 89, Sense 89 (Memorializing resolution requesting that the Towns and Villages of Suffolk County enforce existing legislation to ensure compliance with the American Indian Religious Freedom Act of 1978 (42 USC, P.L. 95-341). Motion by Legislator Guldi.

LEG. FIELDS:

Second.

P.O. TONNA:

Seconded by Legislator Fields. All in favor? Opposed? Approved.

LEG. LEVY:

Just on the --

LEG. ALDEN:

Abstain.

LEG. LEVY:

Just explain this, please.

P.O. TONNA:

Okay. Legislator Guldi.

00291

LEG. GULDI:

There's a federal law; this asks the town government to comply with it.

LEG. LEVY:

All right. Now, let me ask the real explanation. Paul?

P.O. TONNA:

This is a federal law. We're asking town government --

LEG. LEVY:

I want to see how much more money we're giving away to the reservation.

MR. SABATINO:

It deals with native religious sites, which are burial sites and ceremonial sites, and it basically asks the ten towns to make sure that they would comply with that legislation, which basically means that when there are projects and artifacts are uncovered, there's supposed to be protected, preserved and examined before the project goes any further. I think out east, there's been a couple of instances recently in which some ancient burial grounds have been discovered, and remnants and stuff like that.

LEG. LEVY:

Okay.

P.O. TONNA:

Okay. All in favor? Opposed? Approved. Number 92.

MR. BARTON:

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

P.O. TONNA:

(Sense 92-Memorializing resolution requesting State of New York to abolish death tax). Motion by Legislator Binder, seconded by?

LEG. CRECCA:

Crecca.

P.O. TONNA:

Legislator Crecca on the death tax. All in favor? Opposed?

LEG. FOLEY:

On the motion. On the motion.

P.O. TONNA:

On the motion.

LEG. FOLEY:

The New York State Legislature is out of session. The federal government in '93 has already, I believe, voted on this issue early in the summer.

LEG. BINDER:

If you don't want to abolish it, okay.

00292

LEG. FOLEY:

No. Hold on a second. That being the case, and plus, since we have nothing to do with this particular tax, why is -- why is it even germane to this body?

P.O. TONNA:

Well, I don't know, but since we did have a sense resolution in '94 about the war in Bosnia, I guess anything is germane to this body.

LEG. BINDER:

Mr. Chairman.

LEG. FOLEY:

Well, if we could have an answer to those two questions, please.

P.O. TONNA:

Yes.

LEG. BINDER:

Okay. Well, let's start with the last one first.

LEG. FOLEY:

Right.

P.O. TONNA:

Wait, wait, wait.

LEG. BINDER:

I don't know, what do we have to do with requiring canoeists to wear life jackets?

P.O. TONNA:

No, no, no. Wait, wait.

LEG. BINDER:

What do we -- I mean --

LEG. COOPER:

That was withdrawn.

LEG. POSTAL:

It was withdrawn.

LEG. BINDER:

Legislator Binder, could I say, don't --

LEG. BINDER:

Whatever.

P.O. TONNA:

Don't take this bait.

LEG. BINDER:

You know, I can --

00293

P.O. TONNA:

I would say one thing just on --

LEG. FOLEY:

It's not bait, I'm asking, you know.

P.O. TONNA:

Okay. I would say one thing, just as a point of information. I know that there were a number of our forefathers who actually advocated for a death tax, and Theodore Roosevelt was one of the people involved very much in approving a death tax, because they felt that they did not want to have an aristocracy take place and that everyone would earn their own money to a certain extent. Clearly, the death tax only affects, federally only -- if this -- only affects 1.1%, or something like that, of population, because there are already federal exemptions. With that said --

LEG. BINDER:

Right. Well --

LEG. FOLEY:

Then why are we even voting on something that we have absolutely --

P.O. TONNA:

Hey, we're allowed to say anything we want. There's a motion to approve?

LEG. BINDER:

Because our constituents have a lot to do, and farms have a lot to do with it --

P.O. TONNA:

Can I say something?

LEG. BINDER:

-- and people are trying to pass it on to the families.

P.O. TONNA:

Okay.

LEG. BINDER:

And the bottom line is that people have estates that have been taxed their whole life, that they pay taxes their whole life on, that we have enjoyed the benefit of, the Federal Government has, the State Government has.

LEG. FOLEY:

Motion to table.

LEG. BINDER:

That's been --

LEG. FOLEY:

Motion to table.

00294

LEG. BINDER:

That's been taxed the whole time. And the bottom line is it's --

LEG. FOLEY:

Motion to table.

LEG. FISHER:

Second.

LEG. BINDER:

I'm allowed to speak. So the bottom line is there are people in this country and there are people in this County --

LEG. FOLEY:

Write a letter.

LEG. BINDER:

-- who are being double, triple --

LEG. FOLEY:

Write a letter to your --

LEG. BINDER:

-- and quadruple taxed.

LEG. FOLEY:

Write a letter to your Congressman.

LEG. BINDER:

And so, we are asking, as we have asked so many times, as I am sure if I went through your sense legislation, Mr. Foley, and checked to see if you've asked to do -- the State to do anything that's not within our jurisdiction --

LEG. FOLEY:

Allan.

LEG. BINDER:

-- or the Federal Government to do anything within our jurisdiction.

LEG. FOLEY:

Allan. Calm down, Allan. Come on. I'm just making a point, Allan.

LEG. BINDER:

No.

LEG. FOLEY:

Come on, I'm not attack --

LEG. BINDER:

But you're making a stupid point.

LEG. FOLEY:

Oh, ooh.

00295

LEG. BINDER:

That's the bottom line, is that point is --

LEG. GULDI:

Oh, point of personal insult.

LEG. BINDER:

The point --

P.O. TONNA:

Point of personal insult.

LEG. BINDER:

The point is --

LEG. FOLEY:

It's not even midnight.

LEG. BINDER:

No, it's just the point.

LEG. FOLEY:

I would expect that remark at midnight, not at 7 o'clock. It's still early in the day.

LEG. BINDER:

I didn't say Mr. Foley was stupid --

P.O. TONNA:

Okay.

LEG. BINDER:

-- I said the point was stupid.

P.O. TONNA:

All right. Hold it. We're turning into a Parliament. Please.

LEG. BINDER:

The Legislature has a right to ask the State and Federal Government --

P.O. TONNA:

The right speaker.

LEG. BINDER:

-- to do something on legislation that directly affects our constituents.

LEG. CARACCIOLO:

David is saying, "When will this end?"

LEG. BINDER:

We do it constantly.

P.O. TONNA:

Death to taxes.

00296

LEG. BINDER:

It's ridiculous.

P.O. TONNA:

Okay. Anyway --

LEG. BINDER:

If you don't like the death tax --

LEG. GULDI:

Mr. Chairman.

LEG. FOLEY:

Motion to table, Mr. Chairman.

LEG. GULDI:

Mr. Chairman.

P.O. TONNA:

Okay.

LEG. GULDI:

Mr. Chairman.

P.O. TONNA:

Just wait.

LEG. GULDI:

Who's running for Congress here?

P.O. TONNA:

There's a motion to table by Legislator Foley, seconded by Legislator Fields. All in favor? Opposed? I'm opposed. I think everyone should have an opportunity to -- let's roll call on this.

LEG. BINDER:

I'm opposed.

P.O. TONNA:

No. Just let it go up or down. I don't want sense resolutions on our agenda forever. Either you like it or you don't. Let's just -- we don't go to tabling things. There's nothing that we're going to gain from tabling this resolution. Okay. Roll call on the tabling motion.

(\*Roll Called by Mr. Barton\*)

LEG. FOLEY:  
Yes.  
LEG. FISHER:  
Yes.  
LEG. CARACCIOLO:  
No.

00297

LEG. GULDI:  
No.  
LEG. TOWLE:  
(Not Present)  
LEG. CARACAPPA:  
No.  
LEG. HALEY:  
(Not Present)  
LEG. FIELDS:  
Yes.  
LEG. ALDEN:  
No.  
LEG. CARPENTER:  
No.  
LEG. CRECCA:  
No.  
LEG. D'ANDRE:  
No. And we should adjourn if this attitude keeps up.  
LEG. BISHOP:  
Yes.  
LEG. POSTAL:  
(Not Present)  
LEG. BINDER:  
No, to table.  
LEG. COOPER:  
Yes, to table.  
LEG. LEVY:  
Yes.  
P.O. TONNA:  
No, even though I'd like to be for it. No, I'm joking.  
MR. BARTON:  
Six. It fails. (Not Present: Legs. Towle, Haley and Postal)  
P.O. TONNA:  
All right. Let's go now, a motion to approve, there was a second. All  
in favor? Opposed?  
LEG. BISHOP:  
Opposed.

00298

LEG. GULDI:  
Opposed.  
P.O. TONNA:  
Okay.  
LEG. GULDI:  
Roll call.  
P.O. TONNA:  
Roll call.

(\*Roll Called by Mr. Barton\*)

LEG. BINDER:

Yes.

LEG. CRECCA:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. GULDI:

No.

LEG. TOWLE:

(Not Present)

LEG. CARACAPPA:

Yes.

LEG. FISHER:

No.

LEG. HALEY:

(Not Present)

LEG. FOLEY:

No.

LEG. FIELDS:

No.

LEG. ALDEN:

Yes.

LEG. CARPENTER:

Yes.

LEG. D'ANDRE:

Yes.

LEG. BISHOP:

No.

00299

LEG. POSTAL:

(Not Present)

LEG. COOPER:

Nope.

LEG. LEVY:

Yes.

P.O. TONNA:

No. I believe in a death tax.

MR. BARTON:

Eight. (Not Present: Legs. Towle, Haley and Postal)

P.O. TONNA:

When I'm dead, I could care less what happens to the money. Okay.

Next, 19 -- I'm sorry. 93 (Memorializing resolution requesting Federal

Government to abolish death tax). Motion to approve by Legislator

Binder. Seconded by?

LEG. CRECCA:

Crecca.

P.O. TONNA:

Legislator Crecca. By the way, what was that vote, the other one?

MR. BARTON:

Eight.

P.O. TONNA:

Okay. All in favor? Opposed?

LEG. GULDI:

Roll call.

MR. BARTON:

Is anybody changing their vote?

P.O. TONNA:

Is anybody changing their vote?

LEG. FOLEY:

Same motion, same second, same vote.

P.O. TONNA:

Same motion, same second, same vote. Okay.

MR. BARTON:

Eight. It fails. (Not Present: Legs. Towle, Haley and Postal)

P.O. TONNA:

All right. Resolution Sense 94 (Sense of the Legislature resolution imploring the New York State Legislature to adopt legislation reimbursing firefighters for emergency medical technician training).

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

00300

Approved.

MR. BARTON:

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

P.O. TONNA:

95 (Memorializing resolution requesting State of New York to restrict cell phone use in cars).

LEG. COOPER:

Motion.

P.O. TONNA:

Motion by Legislator Cooper. I'll second by my -- but does that include dialing?

LEG. CARACAPPA:

Motion to table.

LEG. COOPER:

Motion to table.

P.O. TONNA:

Okay. Motion to table by Legislator Cooper, seconded by myself. All in favor? Opposed? Tabled. Okay.

MR. BARTON:

16, 2 not present. It's tabled. (Not Present: Legs. Towle and Haley)

P.O. TONNA:

97 (Memorializing resolution requesting State of New York to amend STAR Program to mitigate adverse fiscal impact on Suffolk County). Motion by Legislator Caracciolo, seconded by myself. All in favor?

LEG. CRECCA:

I would ask for a brief explanation. I looked at the bill.

LEG. CARACCIOLO:

Paul.

P.O. TONNA:

Okay. Legislator -- I mean, legal Counsel.

MR. SABATINO:

The star Program consists of State money. When mistakes are made in terms of granting people eligibility or funding, they're being treated as erroneous assessments, which has the effect of imposing that charge back against the County, when, in fact, the money should come from the

State. This asks that be corrected, so that we're not out of pocket the money and it comes from the State instead.

P.O. TONNA:

Okay.

LEG. FISHER:

Cosponsor.

00301

P.O. TONNA:

All in favor? Opposed? Approved.

MR. BARTON:

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

P.O. TONNA:

Cosponsor, Legislator Fisher.

LEG. FIELDS:

Cosponsor.

LEG. ALDEN:

Cosponsor.

P.O. TONNA:

Fields.

LEG. CRECCA:

Cosponsor.

P.O. TONNA:

The world. Okay. 98, Sense Resolution (Memorializing resolution requesting State of New York to adopt two-plus-two tax-billing system, for collection of school taxes). Legislator Caracciolo.

LEG. CARACCIOLO:

Motion to approve.

P.O. TONNA:

Okay. Seconded by Legislator Carpenter. All in favor? Opposed? Approved.

MR. BARTON:

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

P.O. TONNA:

99 (Memorializing resolution requesting State of New York to increase State's share of school financing). Legislator Caracciolo.

LEG. CARACCIOLO:

Motion to approve.

LEG. COOPER:

Second.

P.O. TONNA:

Second by Legislator Cooper.

LEG. FISHER:

Henry, cosponsor.

P.O. TONNA:

All in favor? Opposed? Approved.

00302

LEG. GULDI:

Co on that, too.

P.O. TONNA:

Sense 100 (Memorializing resolution requesting State of New York to provide regional cost-of-living increases for aid to school districts).

Legislator by --

MR. BARTON:

16, 2 not present on 99. (Not Present: Legs. Towle and Haley)

P.O. TONNA:

Motion by Legislator Caracciolo. Seconded by?

LEG. FOLEY:

Second.

P.O. TONNA:

By Legislator Foley. All in favor?

LEG. FISHER:

Cosponsor, Henry.

P.O. TONNA:

Opposed.

LEG. GULDI:

Co.

P.O. TONNA:

Approved.

MR. BARTON:

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

P.O. TONNA:

Sense 102 (Memorializing resolution requesting the Suffolk County Police Department to accommodate pregnant women in the department workforce). I'll make a motion to table at the request of Legislator Towle, because he's not here, second by Legislator Caracappa -- I mean Crecca. All in favor? Opposed? Tabled.

Number 103 (Sense of the Legislature imploring the United States Congress to adjust the formula for calculating reimbursement of Medicare Health Maintenance Organization (HMO) funding for Suffolk County). Motion by --

MR. BARTON:

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

P.O. TONNA:

-- the D.P.O. Levy. Okay, seconded by myself.

LEG. FIELDS:

Wait a minute. Which one are you doing?

00303

P.O. TONNA:

103. Is there a conflict for me, Paul?

MR. SABATINO:

No. This is HMO funding --

P.O. TONNA:

Okay.

MR. SABATINO:

-- for Medicare purposes.

P.O. TONNA:

Okay. Seconded by myself. All in favor? Opposed? Approved.

MR. BARTON:

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

P.O. TONNA:

104 (Sense of the Legislature imploring Health Maintenance Organization (HMOs) to refrain from canceling Suffolk County senior citizens from their plans until Congress reforms legislation equalizing payments to Nassau, Queens and Suffolk Counties). Motion by D.P.O. Levy, seconded by myself. All in favor? Opposed? Approved.

LEG. CRECCA:

Cosponsor, Henry.

P.O. TONNA:

Okay.

LEG. FOLEY:

Cosponsor.

P.O. TONNA:

Okay. 105 (Memorializing resolution requesting State of New York to grant Suffolk County authority to impose local tobacco taxes to fund open space land preservation). Motion by Legislator Cooper.

MR. BARTON:

16, 2 not present on 104. (Not Present: Legs. Towle and Haley)

P.O. TONNA:

Seconded by myself. All in favor? Opposed? Approved.

MR. BARTON:

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

P.O. TONNA:

Okay. Now we're into the Coopers. Here we go. 106 (Memorializing resolution requesting State of New York to strengthen disclosure provisions of Megan's Law). Motion by Legislator Cooper.

LEG. COOPER:

Motion.

00304

P.O. TONNA:

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

LEG. CARACAPPA:

On the motion.

LEG. GULDI:

Abstain.

P.O. TONNA:

107. Abstain?

LEG. CARACAPPA:

Well, I was on the motion and you didn't hear me. I had a question.

P.O. TONNA:

Oh, sorry. On the motion.

LEG. BINDER:

On which?

LEG. CRECCA:

On which one?

P.O. TONNA:

106.

LEG. CARACAPPA:

Legislator Cooper, did you make the changes -- did you speak with parents from Megan's Law?

LEG. COOPER:

Yes, I did, and I implemented their changes.

LEG. CARACAPPA:

Thank you.

P.O. TONNA:

Okay. All in favor? Opposed? Approved.

LEG. CARACAPPA:

I'm in favor now.

P.O. TONNA:

That's 17, 16, or whatever we got. What do we have, 16?

MR. BARTON:  
15, 1 abstention, 2 not present.  
MS. FARRELL:  
Who was the abstention?  
MR. BARTON:  
Mr. Guldi.

00305

P.O. TONNA:  
Who else is missing? Oh, okay one -- who's abstained? No one. Oh, Legislator Guldi has. Okay 108. Legislator Cooper made a motion, second by Legislator --  
LEG. GULDI:  
107.  
P.O. TONNA:  
107, sorry. (Memorializing resolution requesting Federal Government to assure HMO services for senior citizens).  
LEG. CARACAPPA:  
Cosponsor 107.  
P.O. TONNA:  
Okay. Motion by Legislator Levy, seconded by myself. All in favor? Opposed? Approved.  
LEG. FOLEY:  
Cosponsor.  
LEG. CARPENTER:  
Cosponsor 107, Henry.  
P.O. TONNA:  
Okay. Cosponsor.  
LEG. ALDEN:  
Cosponsor.  
LEG. CARPENTER:  
Henry.  
LEG. FIELDS:  
Cosponsor. Put everybody on.  
P.O. TONNA:  
Through them on, Henry, lop them on. Okay.  
MR. BARTON:  
16, 2 not present. (Not Present: Legs. Towle and Haley)  
P.O. TONNA:  
Jackie, are you having a good time with this?  
MS. FARRELL:  
This is great.  
P.O. TONNA:  
All right. 108 (Memorializing resolution requesting LIPA to publicly disclose all secret LIPA agreements relating to Nassau County bail-out). Motion by Legislator Cooper.  
LEG. COOPER:  
Motion.

00306

P.O. TONNA:  
Seconded my by myself. All in favor? Opposed? Approved.  
MR. BARTON:  
16, 2 not present. (Not Present: Legs. Towle and Haley)  
P.O. TONNA:

109 (Memorializing resolution requesting the Attorney General to investigate the 25 million dollar diversion of LIPA ratepayer moneys to Nassau County). Motion by Legislator Cooper.

LEG. COOPER:

Motion to table.

P.O. TONNA:

Motion to table, seconded by myself. All in favor?

LEG. BINDER:

Mr. Chairman.

P.O. TONNA:

Opposed?

LEG. BINDER:

Mr. Chairman, on the motion.

P.O. TONNA:

On the motion.

LEG. BINDER:

There was a discussion about tabling this in committee by the sponsor, and the sponsor said that he is in private, super-secret or double-secret negotiations, or whatever it was --

P.O. TONNA:

The {cone} of silence.

LEG. BINDER:

The {cone} of silence was down, yes, if you're a Get Smart fan, around this, and my concern is that there are negotiations going on with LIPA that would affect our constituents and we don't know about it. And here we are holding off on doing a resolution, because the sponsor says he's got some kind of deal going. I would really like to know what the details are of what's going on.

LEG. CRECCA:

Or have the -- the sponsor could withdraw it also.

LEG. BISHOP:

Is it true that the sponsor is in secret negotiations?

LEG. BINDER:

I don't know. That's what he said.

00307

P.O. TONNA:

What I would suggest, just in general, this is a sense resolution, and the sponsor of the bill, the Dr. Frankenstein of this bill, the creator of this bill has asked to table the bill, right? Table or withdraw?

LEG. COOPER:

Table.

P.O. TONNA:

Table the bill. I would ask that, you know, I mean --

LEG. COOPER:

I promise the next session. It's just that it's not only LIPA that I've been dealing with, but also the Nassau County Legislature. They've been involved in, as you may have read, some budget negotiations of their own the past couple of weeks.

LEG. LEVY:

Personal privilege for the sponsor.

P.O. TONNA:

Yes.

LEG. GULDI:

On the motion. On the motion.

P.O. TONNA:

On the motion.

LEG. CRECCA:

Henry.

P.O. TONNA:

Yes.

LEG. GULDI:

I'd like to address the tabling request --

LEG. CRECCA:

Change my vote on 108.

LEG. GULDI:

-- because the problem with tabling these is the nature of the resolutions themselves.

LEG. CRECCA:

Abstain.

LEG. GULDI:

They ask the Attorney General, the Department of Justice, and other investigatory agencies, including the State Comptroller, to address information which has been on the front page of Newsday. Frankly, if I were LIPA, I'd want the investigations to go forward, if I had nothing to hide. And I can't see tabling these to negotiate on that, because those investigatory agencies ought to investigate anyway. So it seems a nonsequitur to say table these, because we want to discuss it.

00308

LEG. LEVY:

It's just a personal privilege to the sponsor. Let's just table it. If you want to put in your own bill, let's put in our own bill.

LEG. COOPER:

Thank you, Steve.

LEG. LEVY:

But motion to table.

P.O. TONNA:

Yeah. Okay. All in favor? Opposed?

LEG. GULDI:

Opposed.

LEG. BINDER:

Opposed.

P.O. TONNA:

Opposed, Legislator Binder and Legislator Guldi. An interesting coalition. Okay.

LEG. BINDER:

It's the start of something.

P.O. TONNA:

It's tabled. There you go. I'm not worried. Okay.

MR. BARTON:

Mr. Chairman.

P.O. TONNA:

Number --

MR. BARTON:

On 108, the vote is 15-1 and two not present. There was an abstention I missed. And on 109, the vote is 13 to table, two no's and three not present.

P.O. TONNA:

I'll tell you, Henry, this is why you make the big bucks. Okay.

MR. BARTON:

We'll talk later.

P.O. TONNA:

Yeah. Guess what, Henry, way later. No, I'm joking. Anyway, okay.

Sense 110 (Memorializing resolution requesting the New York State Comptroller to investigate the 25 million dollar diversion of LIPA ratepayer moneys to Nassau County). I'm teasing you. It will be later, though. Okay. If -- motion. Do you have a --

LEG. COOPER:

Motion to table.

00309

P.O. TONNA:

Motion to table by Legislator Cooper, seconded by myself. All in favor? Opposed?

LEG. GULDI:

Same vote.

LEG. BINDER:

Opposed.

P.O. TONNA:

Same -- you know what, same second, same vote, same everything else.

MR. BARTON:

13-2, 3 not present. (Not Present: Legs. Towle, Caracappa and Haley)

P.O. TONNA:

Sense 111 (Memorializing resolution requesting the US Attorney of the Eastern District for New York to investigate the 25 million dollar diversion of LIPA ratepayer moneys to Nassau County).

LEG. COOPER:

Motion to table.

P.O. TONNA:

Same motion, same second, same vote. Okay. Motion, 112 (Memorializing resolution requesting Richard Kessel to resign from the Nassau Interim Finance Authority (NIFA). Didn't he already resign from the Interim Finance Authority?

LEG. COOPER:

No, I think from the Board of Nassau Community College.

MR. SABATINO:

He resigned from the Board of Trustees at the Community College.

P.O. TONNA:

Okay. Do you -- are you intending to go through with this one?

LEG. COOPER:

Actually, I think I'd like to withdraw this, because I have a written pledge from Richard Kessel that he would recuse himself from any matters that come up before --

LEG. POSTAL:

And we know how good his word is.

LEG. COOPER:

Before NIFA --

P.O. TONNA:

Okay.

LEG. COOPER:

That involves LIPA.

00310

P.O. TONNA:

Okay. So withdraw the legislation. Clerk of the Legislature, be so warned. Okay.

LEG. FIELDS:

Next.

P.O. TONNA:

Thirteen -- I mean 1113 -- no, 113 (Memorializing resolution requesting Federal Government to expand eligibility for retirement accounts). What the heck do I mean? Okay. Motion by Legislator Binder.

LEG. BINDER:

Motion.

P.O. TONNA:

Motion.

LEG. BINDER:

Yes.

P.O. TONNA:

Okay. Seconded by?

LEG. POSTAL:

Second.

P.O. TONNA:

All right. I'll second it, Allan, because I think this is a significant piece of legislation. Okay.

LEG. BINDER:

Do you know what it is?

P.O. TONNA:

I'm voting for it.

LEG. BINDER:

There you go.

P.O. TONNA:

Expand the retirement accounts. I need a retirement account. All in favor? Opposed? Approved.

MR. BARTON:

15, 3 not present. (Not Present: Legs. Towle, Caracappa and Haley)

P.O. TONNA:

114, Sense Resolution 114 (Memorializing resolution requesting Metropolitan Transportation Authority (MTA) to reject Greenlawn rail yard location).

LEG. LEVY:

Didn't we do this already?

00311

P.O. TONNA:

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

LEG. LEVY:

I thought we did this.

P.O. TONNA:

No.

LEG. LEVY:

We'll do it again.

P.O. TONNA:

Approved. Let's do it again, just in case they didn't get that letter.

LEG. LEVY:

All right.

P.O. TONNA:

Okay. 115 (Memorializing resolution requesting State of New York to guarantee rights of blind people in public areas). Motion by Legislator Bishop, seconded by --

MR. BARTON:

14, 4 not present. (Not Present: Legs. Towle, Caracappa, Haley and Carpenter)

P.O. TONNA:

-- myself. All in favor? Opposed? Approved.

LEG. LEVY:

Now, isn't this the one with the guy --

LEG. FOLEY:

No.

P.O. TONNA:

Doesn't matter.

LEG. LEVY:

-- with cigarettes?

P.O. TONNA:

We already voted on this. 116 (Memorializing resolution requesting the United States Department of Health and Human Services increase Medicare payments to Health Maintenance Organizations to prevent the exit of these carriers from Suffolk County).

LEG. ALDEN:

Cosponsor.

P.O. TONNA:

Motion by Legislator Guldi.

00312

LEG. FOLEY:

Second.

P.O. TONNA:

116, motion by Legislator Guldi, second by Legislator Foley. Okay. Paul, do I have any conflicts on this one? No, right?

MR. SABATINO:

No. These are the HMO's again.

P.O. TONNA:

Okay. All in favor? Opposed? Approved.

LEG. CRECCA:

Cosponsor.

P.O. TONNA:

Cosponsor by Legislator Crecca. 119 (Memorializing resolution requesting the United States Congress to override the Clinton/Gore administration's veto to repeal the marriage penalty income tax).

MR. BARTON:

14, 4 not present. (Not Present: Legs. Towle, Caracappa, Haley and Carpenter)

P.O. TONNA:

Motion by Legislator Binder. Is there a second?

LEG. CARACCIOLO:

Second.

LEG. BISHOP:

George wants to keep the HMO's. He likes them.

P.O. TONNA:

Second by Legislator Caracciolo. Okay. Let's roll call this one, so there can be a down the line vote. All right. Go ahead, Henry.

(\*Roll Called by Mr. Barton\*)

LEG. BINDER:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. GULDI:

Yes. No.

MR. BARTON:

You're not present.

P.O. TONNA:

He doesn't care, he's not married anymore.

00313

LEG. FISHER:

No.

LEG. HALEY:

(Not Present)

LEG. FOLEY:

How does Lazio feel about this? No. Yes.

LEG. FIELDS:

No.

LEG. ALDEN:

Yes.

LEG. CARPENTER:

(Not Present)

LEG. CRECCA:

This refers to President Clinton, right, not Mrs. Clinton? Yes.

LEG. BINDER:

I don't think she could veto anything yet.

LEG. D'ANDRE:

Yes.

LEG. CRECCA:

I don't think she ever will be able to.

LEG. BISHOP:

I don't have to run for Congress, I'm already here. No. I voted my Congressional --

LEG. POSTAL:

No.

LEG. COOPER:

No.

LEG. LEVY:

Absolutely.

P.O. TONNA:

Who, me?

MR. BARTON:

Yes.

P.O. TONNA:

I abstain. I abstain, because, you know, the nature of -- I would like to keep --

LEG. CARACCIOLO:

Is there trouble in Bedrock?

00314

P.O. TONNA:

No. Yeah, right. Yeah, I have a conflict of interest. No, I'm joking. I'm married, I have a conflict of interest.

LEG. CRECCA:

That was good, though.

P.O. TONNA:

Okay.

MR. BARTON:

Seven in favor, six opposed, one abstention, four not present. (Not Present: Legs. Towle, Caracappa, Haley and Carpenter)

P.O. TONNA:

Yeah. Can people who are married actually vote on this?

LEG. FISHER:

No. It failed.

P.O. TONNA:

All right.

MR. BARTON:

It fails.

P.O. TONNA:

Anyway --

MR. BARTON:

Seven.

LEG. GULDI:

Seven.

P.O. TONNA:

There's no -- there might be trouble in Bedrock if I don't get home tonight. Okay. Number -- Sense Number 120 (Memorializing resolution requesting Federal Government to repeal social security tax on senior citizens). Is there a motion? Legislator Binder, you made a motion?

LEG. ALDEN:

Second.

LEG. BINDER:

Yes, motion.

P.O. TONNA:

I mean, to repeal Social Security Tax on senior citizens.

LEG. BINDER:

That was from -- Yes.

P.O. TONNA:

Seconded by --

00315

LEG. GULDI:

On the motion.

P.O. TONNA:

-- Legislator D'Andre. You want to do that with senior citizens?

LEG. GULDI:

On the motion.

P.O. TONNA:

On the motion.

LEG. GULDI:

On the motion. You know, thank God that you didn't -- that the party wouldn't give you the nomination to run for higher office, it would be a lot worse than this.

P.O. TONNA:  
Okay. All in favor? Opposed?  
LEG. BISHOP:  
Opposed.  
P.O. TONNA:  
Opposed, Legislator Bishop, Legislator Postal, Legislator Fisher.  
LEG. FOLEY:  
Abstain.  
P.O. TONNA:  
Abstain, Legislator Foley. Okay.  
LEG. COOPER:  
Abstain.  
P.O. TONNA:  
Abstain, Legislator Cooper.  
MR. BARTON:  
Legislator Fisher, what was your vote?  
LEG. FISHER:  
No.  
P.O. TONNA:  
No. Okay.  
LEG. GULDI:  
Give me an abstention, Henry.  
P.O. TONNA:  
Let's see if you can get this one.  
MR. BARTON:  
It's eight.

00316

P.O. TONNA:  
Okay. That fails. Sense 122 (Memorializing resolution requesting State of New York to penalize intentional facilitation of computer virus). Legislator Fields, a motion?  
LEG. FIELDS:  
Motion.  
P.O. TONNA:  
Second by?  
LEG. GULDI:  
Myself.  
P.O. TONNA:  
By Legislator Guldi. All in favor? Opposed? Approved. Sense 123.  
LEG. CRECCA:  
Can I -- I'm sorry, I hate to do this. Can I have a one-sentence explanation on what this is?  
P.O. TONNA:  
Which one, 123?  
LEG. CRECCA:  
122.  
LEG. GULDI:  
It asks us to amend the Penal Law for intentionally spreading a computer virus.  
LEG. CRECCA:  
Thank you.  
P.O. TONNA:  
Okay. That's -- it starts with pistol-whipping and moves down the line

from there. Okay.

MR. BARTON:

14, 4 not present. (Not Present: Legs. Towle, Caracappa, Haley and Carpenter)

P.O. TONNA:

Sense 123 (Memorializing resolution requesting State of New York to remit cellular telephone surcharge to counties providing emergency 911 phone services). Is there a motion? Levy, is there a motion on your significant

LEG. LEVY:

Yeah, motion.

P.O. TONNA:

-- bill about telephone surcharges?

LEG. LEVY:

Yeah, motion.

00317

P.O. TONNA:

Motion.

LEG. GULDI:

Second.

LEG. POSTAL:

Second.

P.O. TONNA:

Seconded by --

LEG. POSTAL:

Second.

P.O. TONNA:

-- Legislator Postal. All in favor? Opposed? Approved. I want to thank this great august body --

MR. BARTON:

14, 4 not present. (Not Present: Legs. Towle, Caracappa, Haley and Carpenter)

P.O. TONNA:

-- for the incredible discipline that they showed today. Meeting adjourned.

[THE MEETING WAS ADJOURNED AT 7:05 P.M.]

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