SUFFOLK COUNTY LEGISLATURE

GENERAL MEETING

FOURTEENTH DAY

OCTOBER 3, 2000

Taken by: Lucia Braaten
Riverhead, New York

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

P.O. TONNA:
All Legislators, please come to the horseshoe. In 30 seconds, Henry, could you call the roll?

MR. BARTON:
Certainly.

P.O. TONNA:
Henry, I think the 30 seconds are up.

MR. BARTON:
Good morning, Mr. Chairman.

P.O. TONNA:
Good morning, Mr. Clerk.

(*Roll Called by Mr. Barton*)

MR. BARTON:
We have 14 Legislators present. (Not Present at Roll Call-Legislators Towle, Caracappa, Haley and Foley)

P.O. TONNA:
Okay, great. That's a quorum. Okay. I'd ask everyone rise for the Pledge. We're going to have that led by Legislator Fisher, Pledge of Allegiance.

(Salutation)

Okay. We are pleased today to recognize Legislator Allan Binder for the introduction of the Clergy.

LEG. BINDER:
Thank you. I have the honor and opportunity to introduce a Rabbi that I've come to know who's had a very big impact on myself and my family. And at this time of year, it's kind of important, it's an important time of year for Jews around the world. This is a time in between Rosh Hashana and Yom Kippur, and it's a time when God is judging us, what we're doing, who we are, and asks us to do what we call T'shuvah. T'shuvah is known as repentance, but it really means return, and it's to return to God. And to do that, you have to outreach, you have to look inside, but you also have to reach out, and that's something that Rabbi Vaisfiche of Chabad in Huntington, who's been in Huntington for awhile now, who has been reaching out to the community, bringing people in, helping people rediscover who are they are as Jews, helping them to find the spirituality within them, and recently has opened up a new shul not too far, in fact, from my house and it's a wonderful thing. They're really on the move doing things, positive things.
And the other thing I will say about Rabbi Vaisfiche, I've met a lot of people, priests, reverends, rabbis, and all good people, but I can tell you of this Rabbi, no matter how deep you dig, you find a very, very good and wonderful soul, very positive, very good, and not only for the community, but good for everyone he comes in contact with. So that I

am very honored to be able to introduce a mensch and a person that I respect very much, Rabbi Arsher Vaisfiche.

RABBI VAISFICHE:
Thank you. God of Heaven, Master of the world, look favorably upon the Legislature of the County of Suffolk. Bless these distinguished individuals chosen by thousands of people who have placed their faith and confidence in them to make laws and decisions for them and their families. Let us recognize that this is a God given position that is

actually the performance of one of the seven universal laws given to us by God in the Torah in order to ensure a peaceful and moral society governed by laws which are based in the recognition and the acknowledgment of you, God, as a sovereign ruler of all men and nations. Grant us, Almighty God, that those assembled here be aware of your presence, and that their laboring for the enactment of just laws, they are doing your will. Bless them with good health, wisdom, compassion, and good cheer and good fellowship, especially at this auspicious time of the Jewish New Year, and let us say Amen.
LEG. D'ANDRE:
Excellent.
P.O. TONNA:
Thank you, Rabbi. Thank you very much. Okay. I would like to now recognize -- everyone can be seated. I'd like to recognize Legislator Cameron Alden for the purposes of a proclamation. Cameron. Do you want me there with you, Cameron, or no?
LEG. ALDEN:
Yeah, come on. First I would like to thank the Suffolk County Legislature for what they did last tight. We lit up two buildings in Suffolk County. We lit up the Dennison Building and we lit up the Cohalan Court Complex with a pink glow. And to people like myself, who is a cancer survivor, breast cancer survivor, it means so much. It means that you're not alone out there, it means that there are people that care, and there are people that want to do something to reach out to you to try to make your life a little better, but not only that, just to raise the awareness, so that, possibly, in the future, we could find a little cure for this, this dreaded disease, and maybe even a cure for all cancers, which, you know, would be wonderful.
I want to really now thank the Estee Lauder Company. Just to give you a little background, they've got a project to raise awareness and they've raised over $20 million in the United States to fight the disease that would go for research. Today we have Susan Anderson with us and Joann Tucker Michaels from the Estee Lauder Company.
Last night we really made history. We joined with -- we joined hands with people, not only across this nation, but across the whole world. They all lit up buildings, they lit up significant places, they lit up historic sites with a pink glow, and I just -- I was so overwhelmed with it. And I want to thank the Legislators that came last night. But I do want to thank all of you for your support in making that happen and--

LEG. D'ANDRE:
I would name the Legislators that were there.
LEG. ALDEN:
That's right.
LEG. LEVY:
Were you there, Mike?
LEG. CRECCA:
I think Mike was there.
LEG. D'ANDRE:
This old man was there.
LEG. ALDEN:
The Presiding Officer and I have signed a proclamation that we're going

to give to the Estee Lauder Company, and it's just, you know, thanking them for basically what they've done with the search foundation, the $20 million, and for their whole project, as far as to raise awareness. Because, as we know, the awareness -- when the awareness level rises, you get an early diagnosis and you get early treatment and that really saves a lot of lives. So thank you, and we commend the Estee Lauder Company.
MS. ANDERSON:
Thank you very much.
LEG. ALDEN:
Thank you.
LEG. D'ANDRE:
Mr. Chairman.
(Applause)
The Estee Lauder people have been wonderful business people from way back when. I first ran, it was ancient history, but they were always helpful to either side. They didn't take sides in politics, but they helped anybody that asked them; correct?
MS. ANDERSON:
Correct.
MS. TUCKER-MICHAELS:
Correct.
LEG. D'ANDRE:
So we really applaud you as a business people.
MS. ANDERSON:
Thank you.
LEG. D'ANDRE:
Thank you for your help. And now you're on a good cause with the breast cancer. Very good.
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MS. ANDERSON:
Morning. I want to thank all the Legislators, especially Cameron Alden, for his support. When we approached him six months ago, he immediately took control over the request, submitted the resolution, and without his support, this could not have been made possible. So, again, we thank you and we look forward to meeting with you next year.
MS. TUCKER-MICHAELS:
On behalf of the Breast Cancer Research Foundation and Mrs. Evelyn Lauder and the Estee Lauder Companies, we thank you for bringing awareness and including global illumination last night. Thank you.
LEG. ALDEN:
And one quick -- it's not even a footnote, but Charlie Bartha, Leslie Mitchell and Craig Rhodes from our Department of Public Works really made this happen and it was spectacular. Thanks.
P.O. TONNA:
Okay. We're going to begin with the public portion of this meeting. Oliver Schepers?
MR. SCHEPERS:
Thank you. I'm here today speaking on behalf of Health Commissioner Clare Bradley speaking on two pieces of legislation that are on your calendar today. One is Introductory Resolution 1917 dealing with the creation of a Task Force to look at the question of Rhabdomyosarcoma in Suffolk County, a very rare cancer affecting children, and also another

piece of legislation, Introductory Resolution 1938, which would seek to reallocate $50,000 within the County Budget for the purposes of creating a research project dubbed the Tooth Fairy Project, also dealing with the issue of Rhabdomyosarcoma.
Commissioner just wanted me to point out to you that if it were the will of the Legislature to create the Task Force exploring the issue of Rhabdomyosarcoma, that the resolution dealing with the Tooth Fairy Project would be premature in that it would seem to be within the purview of such a Task Force to look at and consider the nature of the problem and the various factors involved and what types of studies or research would be best to pursue.
So thank you very much for giving me a chance to express that information to you for your consideration.
D.P.O. LEVY:
Thanks, Ollie. You want to hold one second?
MR. SCHEPERS:
Sure.
D.P.O. LEVY:
Legislator Guldi.
LEG. GULDI:
Yeah. I think you misapprehend the legislation regarding the $50,000 for the Tooth Fairy Project. The Tooth Fairy Project is ongoing

research for -- the teeth for sampling have been collected. A lot of money has already been allocated for the project. What has happened is the -- the available tooth -- teeth from Long Island, largely from Long Island, have been -- have exceeded the available funds for testing. And what the $50,000 would provide is adequate laboratory funding to complete the ongoing research. Now, given that, I mean, are you here to tell us that the Health Department of Suffolk County is somehow opposed to ongoing research, and that it's premature to do the research?
MR. SCHEPERS:
This -- the question -- this is not research that has been previously funded by Suffolk County, nor has it been subject to any review by the Health Department or a peer panel that would normally be done in terms -- my understanding, not been reviewed by a peer panel, as is frequently done in terms of a government sponsored research. And on that basis, saying that it really -- the funding of such initiatives should be reviewed by individuals with health and science background before allocation of County funds.
LEG. GULDI:
On that issue, though, this study, in that it essentially gathers new data and replicates the study done by the Federal Government back in the early sixties has already been subjected both that science and that peer review approach, so I don't understand the reticence of the department to support this. I'm at a loss to understand that.
MR. SCHNEPERS:
Okay. It comes from -- it's not necessarily in opposition to it. We're essentially saying it's premature. It's premature on the basis that you have a -- you have before you legislation to consider whether there should be a Suffolk County Task Force that is to study the nature of the problem and how best proceed with various research, the value of

various lines of research, the trade-offs between them, and in that regard, the Tooth Fairy Project would be premature.
LEG. CRECCA:
George.
LEG. GULDI:
Yeah. The comment that it's premature, I mean, it reminds me of a friend and supporter. He had fought in the Lincoln Brigade against the Nazis, and when he applied for the United States Army during the Second World War, he was rejected by the United States Army, not withstanding three years of field command experience against the Germans, as being a premature antifascist. And to state that the research in cancer is premature strikes me of being of the same ilk. Thank you.
D.P.O. LEVY:
Okay. Thank you. Oh, Legislator Crecca.
LEG. CRECCA:
I just -- no. I actually was -- I think that it was pretty amply stated. The Commissioner did come before the Health Committee. It was not that she was opposed to this type of research, but just felt that we should give the Task Force an opportunity to do their work and make

a recommendation as to what was best. And I think that that was the Commissioner's position, and, you know, I would say that we should respect that position. I think that no one's against this research per se, but there's some question as to whether this is the best way to proceed, and that was the Commissioner's position, so --
D.P.O. LEVY:
Okay. Thank you very much.
MR. SCHEPERS:
Thank you.
LEG. FOLEY:
Thanks, Ollie.
D.P.O. LEVY:
Next speaker is Cesar Malaga.
MS. MALAGA:
Thank you very much. My name is Cesar Malaga. I'm a resident of the Town of Babylon. I am also a --
D.P.O. LEVY:
Excuse me one second, Cesar. I just want to get some quiet for you. Proceed.
MR. MALAGA:
I also represent Suffolk County at the Long Island Commuters Council. I'm here today just to address concerning, you know, immigrants. I think the news media is -- you know, has shown what's happening here. Our nation is a nation of caring. Wherever there's tragedy, wherever there's need, we go out there. We are the first ones who go to help people with medicine, shelter, food. But what's happening here in Suffolk County with our immigrants, it's a disgrace.
Legislator Joseph Caracappa, you know, wanting to introduce the bill to sue the INS and now to revoke the license of contractors, it's not in the best interest of our County, our country. First of all, the majority of these day-laborers that come to this country are just looking for a job, because there is so many jobs here. I don't know whether you are aware or not, many contractors has gone out of the

State of New York to bring workers, that there's not enough workers. Now the industry of Long Island depend on these workers. Our farmers, nurseries and to upkeep of lawns, they need these workers. Without these workers, our farmers would go out of business, so would the nurseries. Many farmers are selling their land because they don't have enough helpers, and greedy developers are buying the land from them. Now, they are destroying the beauty of Long Island. If you travel to Southampton or East Hampton, you can see where there was farm, now there are homes that are used only during the summer. And our farmers plant in those -- in that land three times a year.

Now, these workers that come from the South, they're not taking away the work from American citizens. American citizens do not want to work for minimum wage, neither -- many of them are-- the jobs are below their dignity, and the work in the farm and the lawns, that's hard work

for many of them. These laborers are hard workers. Farms and -- these workers are farmers, landscapers, housepainters. And who benefits from most of the work are the homeowners. We benefit, because it cost us less to upkeep our lawn, paint our house and maintain our houses.

Now, the Legislator, Joseph Caracappa and supporters should be looking, you know, to -- you know to work towards one, the Medicare. Why should our, you know, senior citizens lose Medicare January 1st, 2000? Why should they lose? The rates of reimbursement should be the same as it is in Nassau and in New York City. And there are many other deals, LIPA, gas prices, all that, that should be working.

Now, this -- the other thing is that, you know, there should not be no attacks, because -- brutal attacks like happened September 17 of these two Mexican workers, neither the killing of those two Mexicans to this immigrant back in August 29. There is no need for that.

Now, there was -- you know, I referee many, many -- for many years in Sachem, for many years. I met many parents who were very well educated and they are descendents of immigrants. They're not, shall we say, discriminating against Latinos, they do not. These are wonderful people. And the fact that we have a spokesman for the Sachem Quality of Life, Mr. Wysolmerski. I mean, to bring tanks or the national guard, or put ten tanks on the street, it's uncalled for. This land of ours is land of immigrants and we should keep it the way it is. Now, we all forget --

D.P.O. LEVY:

Mr. Malaga, your time is up. Can you kindly wrap up?

LEG. GULDI:

I have a question.

MR. MALAGA:

Okay. I would like to, just as a wrap-up, you know, but many of these illegals that we call, they're descendents or they're related to our American Natives, because our American Natives traveled south and north, west and east, and they are related, because Oklahoma, Texas and California was a Mexican land, and when the white man came, they killed many of the Mexicans. Some of them, they had to go south. So when we talk about illegals, they might not be illegals. They might be Native Americans who have moved south, and we should allow them as -- as a matter of fact, you know, we always say that America is for Americans, and that's meant, you know, North, Central and South Americans, and we

should work together with our people, the people who come to, you know, help us here. We need these workers and we should keep them here thank you very much.
D.P.O. LEVY:
Thank you, sir. If you'd just hold on for a second, a couple of questions, one by Legislator Foley, followed by Legislator Guldi.
LEG. FOLEY:
Thank you, Mr. Malaga. Just to make you aware that Legislator Caracappa's resolution on the revocation of licenses by contractors, he has withdrawn that particular resolution.

MR. MALAGA:
Yes. Yes, I'm aware of this.
LEG. FOLEY:
That's been withdrawn. Secondly, there is also a new organization that's been created by Farmingville residents and residents from the immediate area called Brookhaven Residents for Peaceful Solutions. We had a press conference that was well attended the other week, and it's our hope and expectation that before the end of this particular month, there will be some recommendations that will be made as to how we can come to grips, at least on the County level and on a local level, with the issues that are confronting that particular community. And I think to a person, as far as the Legislators are concerned, whichever way they voted on Legislator Caracappa's particular resolution, everyone is very, very outraged by those terrible crimes committed against those men, and also by what I had called the inflamed rhetoric surrounding the whole issue. You rightly point out that those who spoke about the bill, using such terms as tanks, and equating the situation to the Nazi occupation of France, is wholly unwarranted and outrageous. But, at the same time, there has to be recognition that there are some legitimate concerns by people who do live in the Farmingville. And that's why some of us have some great hope that this new approach, which attempts to lower the rhetoric, have people of either common -- to try to find common ground among a variety of people, and to come up with some local solutions that can come to grips with the issue. So I just wanted to make you aware of those things.
MR. MALAGA:
Yes. I do thank you, you know, for these meetings that we're having throughout, you know, Suffolk, and, as a matter of fact, I think Wednesday, there's a meeting, a vigil up in East Hampton concerning, you know, the killing, and, you know, uniting us. All of us should be united, working together for a better future for everyone. Thank you very much.
D.P.O. LEVY:
Mr. Guldi?
LEG. GULDI:
No, thank you.
D.P.O. LEVY:
Thank you, sir. We have as number three, we'll skip over, he's not here at the moment, that's Assemblyman Felix Ortiz. When he comes, we'll get back to him. Number four is Sheldon Feinberg on Mount Sinai properties. Dr. Feinberg.
DR. FEINBERG:

Hi. I'm a retired pediatrician in Mount Sinai. I just want to say that it really is great to be American, and it's great to be a resident in this County. I think that you people are really evidence of that. I'm very impressed.
I'm here to support the Parks resolutions, especially 1853, the first one, which will give Mount Sinai, which put up a half a million dollars

of its own citizens' individual pocket money, to produce a park where senior citizens and children can all enjoy themselves together. It's a multigenerational thing where we can walk and we can jog and we can meet together. So it's our property, it's now going to belong to the whole county. And it should -- we should be representing ourselves with all of the people of the County. And I just want you to know that you can do that, especially by voting for the first piece of legislation, 1853, rather than 1896. This will give us, all of the people of our County, representation, and that's what we want.
I kind of think of it, in closing, you know, if you go through Mount Sinai, and, of course, other hamlets are involved too, you see these on just about every mailbox, some 3,000 families in Mount Sinai alone with these ribbons. We want a park and we want full representation. We also wear these. These are smaller. This represents 1853 with full representation. This represents 1896, with subject subordinated and incomplete representation. Thank you.
LEG. FOLEY:
Thank you for the visual aid.
D.P.O. LEVY:
Thank you very much, sir. Next speaker, Philip Lynn on the same subject.
MR. LYNN:
Good morning. Thank you, Doctor, for that introduction, which I think was a very eloquent statement of what I see as a critically important need to pass Resolution Number 1853. Now, I have come to Mount Sinai as a real estate developer. I am planning to develop a large life-care retirement community that will have senior citizens ranging from seventy years old on up to their nineties living less than a quarter of a mile away from the park in The Wedge. And it's my vision to create through this retirement community an opportunity for senior citizens to participate in the main flow of life of the Mount Sinai community, and to be an opportunity to bring the community together. This resolution to me is an historic opportunity to give the residents of a community who have demonstrated their ability to raise money and handle themselves responsibly and professionally, to have a say in the destiny of the future of their community. And I think we've got to remember here that we're talking about more than a piece of land, we're talking about more than a park, we're talking about the spirit of community, which is so lacking in our country today and is so -- struggling so hard to be reborn. That these people in the Mount Sinai Civic Association and the Mount Sinai Land Trust have come together and worked together over the past years to raise the money that they've raised and to organize the community clearly as a community, saying we want this park for our future, but not just the land, we want the ability to work together to create what's going to happen on that park. And so if a community center goes up on that park out of the

participation of people of the community, then it's not just a community center, it's not just a building, it is a living demonstration that Mount Sinai is a community where people work together and where people have a say in their own destiny, and I think that that's critically important.

Now, as a business professional, I have been working with the Mount Sinai Civic Association and I've been involved working on their committee that has helped form the Heritage Land Trust, and I must say that I have been extremely impressed in the level of professionalism, and the level of integrity, and the level of commitment of these people. It has made it extremely pleasurable and extremely easy to do business in this community. And I think that I -- you know, I could not pick anybody better to have stewardship over this park than the Heritage Trust in the Mount Sinai Civic Association.

And I also want to say I know that there's been some concern about fiscal responsibility in the future. Clearly, I think their ability to have thrown in a half a million dollars is a very, very strong statement. And, also, as a developer who's going to have a project there, I intend to donate money into the preservation of that Heritage Trust and I've already begun to speak to the other developers who are currently building projects in the Mount Sinai area, and I know that they share my feelings. They're interested in what's happening. We all see it as a way of increasing property values, strengthening the community and creating a lot of good for a loot of people.

D.P.O. LEVY:

Good timing, Mr. Lynn. Thank you. And we have --

LEG. CARACCIOLO:

I have a question.

D.P.O. LEVY:

We have a question first from Legislator Fisher, then Legislator Caracciolo.

MR. LYNN:

Yes.

LEG. FISHER:

Actually, Phil, you're so thorough and so articulate that you answered my -- the questions that I had, which was the fiscal area. Did you think that the Mount Sinai Civics and the Mount Sinai Heritage would be able to maintain and operate this community park once it was built?

MR. LYNN:

Absolutely. Absolutely.

LEG. FISHER:

Okay. Thank you, Phil.

MR. LYNN:

And believe me, the last thing we would want to see is a park down the street from our project -- you know, we're going to be putting somewhere in the area of 80 to 90 million dollars into a project there, and the last thing that we would want to see would be a park that was not properly maintained. The first thing that I want to see is a park that brings the community together. And I think that it would be a tragedy and a very, very, very negative message, at a time when we're saying that government is overtaxed, and that the health of the future of our country requires the active participation of an awake, involved

and engaged citizenry, then it would be a horrible message to send to the people of Mount Sinai and to the people of Suffolk County to defeat a resolution that would give these people control over their own park --
D.P.O. LEVY:
Okay. Legislator Caracciolo.
MR. LYNN:
-- after all the work that they've put in.
LEG. CARACCIOLO:
Thank you, Mr. Chairman. I, too, would like to follow up with the financial ability of the partners to maintain the property. I have separate legislation that's being introduced that's going to require, before the County embarks on this $20 million of expenditures in Greenways active parklands, that the participants in that program undergo a due diligence analysis by our own Budget Review Office. And I specifically selected Budget Review, because they have the financial expertise and wherewithal to undertake that type of analysis.
Now, with respect to your role and your corporation's contributions in the future, how is that going to be delineated? Are you drawing some legal agreement with the Trust to do that, or is this on an ad hoc basis? Because that leaves me somewhat wanting if it's on an ad hoc basis.
MR. LYNN:
It will not be on an ad hoc basis. We are going to be over the next number of months working up full budgets for our project, and we need the cooperation of the Mount Sinai Civic Association in getting the necessary approvals for our project. And so it's my full intention to come to an understanding and an agreement with them as part of the process as to what our level of participation will be and that that would be formalized.
LEG. CARACCIOLO:
Very good. And you're at liberty at this time, since you haven't really commenced those negotiations, to give us some idea of what type of financial commitment you would be willing to make?
MR. LYNN:
At this point, it would be -- you know, I'd rather not give a definite number.
LEG. CARACCIOLO:
I can understand that.
MR. LYNN:
Because, as I said, we haven't completed our budgets yet.
LEG. CARACCIOLO:
I'm trying to help them out.
MR. LYNN:
I would think it would be a significant sum of money. And I also think

that the other --
LEG. CARACCIOLO:
I like that.
MR. LYNN:
And I also think that the other developers in the area would go along with what I'm saying, you know.

LEG. CARACCIOLO:
Well, obviously, you can't speak for them, but you've spoken very well for yourself. Thank you.
MR. LYNN:
Right. Well, I can -- I can speak for my -- thank you for that. And I can speak for myself in saying, while it is true that I cannot ultimately speak for them, I think I can exert some influence, and I will do everything within my power to enroll them in the process of supporting this.
LEG. CARACCIOLO:
Very good. Thank you.
LEG. BISHOP:
Steve.
MR. LYNN:
Thank you.
LEG. BISHOP:
May I go on the list?
D.P.O. LEVY:
Legislator Bishop is next. There you go.
LEG. BISHOP:
I am, along with Legislator Caracciolo, one of the authors of the Greenway Program, and I can tell you, we never envisioned anything quite like this when we were writing this. The concept of the program is to set aside for active recreation $20 million to create new parks in Western Suffolk County, because we have a severe shortage of athletic fields for our teams to practice and play on. It also used the mechanism that was designed to create consensus before you could move forward, and we clearly -- I don't see the consensus at this point. I do see that there is a civic association in the area that seems to have great support for its proposal. Does that proposal include ample soccer fields and so forth? That's part of the proposal?
MR. LYNN:
That is part of the proposal, yeah.
LEG. BISHOP:
Does the civic -- yeah, I hear a lot about property. When there's a Greenways park, it's open to everybody in Suffolk County. We all understand that, also, it's not --

MR. LYNN:
Yeah.
LEG. BISHOP:
It's not a community --
MR. LYNN:
No. We understand. Clearly, it's understood that it's open to the whole community and it's not just a Mount Sinai project. Okay? But --
LEG. BISHOP:
Okay.
MR. LYNN:
And, clearly, the concern that you raised about the ball fields had been taken into account, and the design that has been -- that has been come up with includes ball fields.
LEG. BISHOP:

There's another wrinkle to this. Many East End Greenways proposals are simply Open Space presented as Greenways, active recreation. In other words, they want to preserve "X" amount of acreage, leave it woods, but they'll put a trail through it and say, you know, it's an active recreation hiking trail. Is that what this proposal does?
MR. LYNN:
No.
LEG. BISHOP:
Doesn't this have some element of that to --
MR. LYNN:
This proposal, I think I would prefer to have Lori Baldassare --
LEG. BISHOP:
Yeah. Well, I know Lori --
MR. LYNN:
-- when she talks, speak about it and maybe show you the design of this. But it has -- it's a very, very careful balance of different elements, and it is -- it is not a passive nature walk.
LEG. BISHOP:
Right. Okay.
MR. LYNN:
Okay? It is clearly --
LEG. BISHOP:
That's --
MR. LYNN:
-- not a passive nature walk.

LEG. BISHOP:
Okay. So if it meets the test of the Greenways Active Recreation Program, then the next issue is that I don't think anybody ever envisioned where there would be a Legislator at odds with the community, you know, that he represents, or she represents, and it doesn't -- it presents a very difficult political dilemma, and it's one that I think -- I don't know what the timetable is on this, but I'll tell you, personally, I'm very uncomfortable voting for either proposal, because the whole point of the program was to create a consensus before it came to the Legislature, and that's why it requires partnerships in advance. But we have a partnership, but the hometown Legislator is not supporting it, so I'm confused and I don't quite know how to proceed. So maybe we could sort it out during the day today. But that's where I'm coming from on this. If you have a response --
MR. LYNN:
Could I make a --
D.P.O. LEVY:
As a matter of personal privilege, I'll give the floor over the Legislator Haley.
LEG. HALEY:
Dave, I think you're about a week or two behind.
LEG. FISHER:
Yes.
LEG. HALEY:
There has been a consensus. One of the things that seems to be the concern is how we're going to establish that binding agreement. But everybody's on board with a multiuse of that --

LEG. BISHOP:
So there is one plan now?
LEG. HALEY:
There is a plan, yeah, there's a conceptual plan, that the components of the conceptual plan have relatively been accepted by everybody. At the end of the day, you know, if they shift something a little bit for logistical purposes, or, you know, when they fine tune their planning, you know, that may, in fact, happen. But everybody has a comfort level where there be some fields. They're talking about playgrounds for kids, they're talking about not just a hiking trail, as you would describe it, but a trail that could be used for running. There's an awful lot of things. And I think everybody, finally, is -- feels pretty comfortable with the number of uses that will take place on that 17 acres. I think the question was --
LEG. BISHOP:
Okay. So then there's a consensus on the plan. The question is who's going to manage it?
LEG. HALEY:
Yeah. The question it really boils down to, who's going to provide the effective oversight and management to be able to develop this. You

know, there's an awful lot of planning, engineering, and so on and so forth, and I think that that was the question at hand over the -- primarily, over the last couple of weeks. But, conceptually, we've all pretty much agreed that we want to -- when it comes to fields for kids, and I understand where you're coming from, because I could use a hundred acres in my district for fields for kids, but on that particular site I can't -- it doesn't -- I can't do 17 acres worth of fields. It's not going to work for them, it doesn't really work for me. But what we're tying to do is come to a balance where we've made all of the groups happy. It's very difficult.
One of the problems in our legislation is that it makes it very difficult to try to make everybody happy on all of the issues. But I think we've met some middle ground that they're -- I love the idea of a community house, a playground, picnicking area, perhaps, band shells, a walkway or a trail for biking or for exercising, and it includes ball fields. So it's all -- it wraps up quite a lot of needs in our particular community. Because, in the Mount Sinai area and surrounding communities, not only do we lack fields, but we lack some playgrounds for kids, we lack trails for people to go biking on. So all of the things that are in their conceptual plan are based on things that are lacking in my general area.
D.P.O. LEVY:
Okay.
LEG. BISHOP:
All right. But, so -- just to understand this. So then there are two competing resolutions still, but one plan, and the question is who's going to manage the vision, is that --
D.P.O. LEVY:
What we're going to do, we're starting to debate the bill here.
LEG. HALEY:
We'll discuss it later.
LEG. FISHER:

We'll discuss it later.
D.P.O. LEVY:
I think we should get into this a little later. Thank you, sir, for your comments. We have a number of other people who still want to speak on this particular issue, so thank you very much, Mr. Lynn. Phyllis Garbarino and John Meyer from AME here to talk on a different bill, Resolution 1932.
MS. GARBARINO:
We're here today to speak about two things, the Resolution 1932, and on the Operating Budget, we'll also speak again at the public hearing. John Meyer is the Treasurer of AME and is seriously concerned about the bill and the Operating Budget, and the intents on what it will do to devastate the General Fund with the tax -- the restricting of taxes on -- we are -- that's where our contract money comes out of, that's where our positions come out of. And by these bills, John will go into what he has seen there as to how dangerous they would be in affecting

almost 7,000 active employees.
LEG. FISHER:
Phyllis, which bill was that?
MS. GARBARINO:
1932.
LEG. CRECCA:
Thank you.
MS. GARBARINO:
Oh, I'm sorry.
LEG. CRECCA:
No, that's all right. We're all thinking the same thing.
MS. GARBARINO:
All right. On 1932. And so that's -- I'll turn this over to John now and he can go into more detail, and any questions, you know, you have there. But we do have serious concerns. We understand what you go through in putting together a budget or amending the Operating Budgets that are proposed to you, but we must keep you aware during the whole process of how serious it could impact the functioning of Suffolk County, since all of our AME members really affect every single department and every single aspect of Suffolk County, not just one thing. So John Meyer now.
MR. MEYER:
Good morning. Please bear with me, I'm --
D.P.O. LEVY:
Yeah, it's on the agenda, it's Page 8. John.
MR. MEYER:
All right. Please bear with me, I'm fighting a head cold, and, unfortunately, I think I'm losing, so --
D.P.O. LEVY:
If I might interject for a second, John.
MR. MEYER:
Yeah.
D.P.O. LEVY:
This is the bill from Legislator Haley that would seek to have all of the excess sales tax monies that accumulate during the year placed into the reserve fund.

MR. MEYER:
Yes. Actually, it's sponsored by Legislators Haley, Caracciolo, Towle, Crecca and Binder. And bind and without reading, I don't know if you have copies of the resolution in front of you, but, basically, what says in effect, that any anticipated sales tax receipts over what was budgeted for the Calendar Year 2001 would be -- that were received above that figure would be put into a special fund, and then again be

not part of the 2002 budget. All right? Now, if I understand this fund correctly, there are certain conditions where monies could be voted out of the fund of. One of them is unanticipated State and Federal law changes that would affect the budget. But the thing that was most likely the condition that would prevail is money could not be voted from this fund unless the tax increase, the property tax increase in the General Fund would exceed 2 1/2%. All right?
We have many reservations about this resolution, the first being it only affects sales tax in the General Fund, it doesn't affect sales tax that goes to any other spending, such as the Police District Fund. If this resolution was in effect today, going by figures I've heard in the Finance Committee hearings to date, the anticipated surplus in the General Fund, the $70 million surplus that's supposed to be in the General Fund, or anticipated to be in the General Fund at the end of this year, most of which, or entirely all of which is sales tax that was not budgeted for, if that resolution was in effect today, that seventy thousand -- 70 million would not be available in the budget without a special vote from you to put it into the budget. All right?
We're concerned again, naturally, about the effects of the 2002 budget. If this resolution passes, whatever excess funds in sales tax not budgeted for in 2001 which come in, if my understanding is correct, would be taken out sometime in the Spring of 2002 and put in the special fund, it would not be available for the budget, unless specifically voted out by you.
As Phyllis said, most of the members and most of the people who we bargain contracts for are paid out of the General Fund. If you go back to the last four or five years, which there have not been property tax increases in the General Fund, I don't know specifically how much, but I believe every year, there hasn't been a -- for the last five or six years, there hasn't been a year where property tax increases have exceeded 2 1/2%. If this resolution was in place all those years, that fund would have been building up, instead, unless it was -- that money was voted out of.
We feel there are a lot of problems with it. One of them is it would be a great temptation to keep property taxes, increases below 2 1/2%, so this money would build and build and be in that fund and not available for the budget. But most importantly, sales tax has always been part of the General Fund. And whether you have a surplus or not, it's always part of the next year's budget. When you vote for this resolution, if you pass it, you're saying, in effect, "We don't trust ourselves as Legislators to put in a budget without having this, and if we have extra sales tax money, we don't trust ourselves to work prudently with it without putting in this money in this fund."
Since it affects our membership, whereas it doesn't affect some of the other employees of Suffolk County, we feel that it's a dangerous

issue. You don't need it, and we feel that it leads to -- it may lead to a lot of abuses in the future. All right? So that's our position on it. And I think that it's something new. Sales tax is always, whether anticipated or not, has always been part of the carry-over to the next year's budget, and we see no reason why it shouldn't continue that way.

D.P.O. LEVY:
Thank you, John.
MR. MEYER:
All right.
D.P.O. LEVY:
Legislator Haley.
LEG. HALEY:
John, is your position totally opposed to this, or do you think that there's something that -- a modification of this that might be acceptable to --
MR. MEYER:
Well, there is -- I know you discussed it at Finance Committee altering this to make it 50% or 70%. The concept's the same. The dollar figure might change, but the concept's the same. It's money that should be in the budget, not in a separate fund. The situation would have been over the last years, where we didn't have a 2 1/2% property tax increase in the General Fund, that money would have been sitting there and building up. Why is that necessary, whereas it's been spent and spent prudently? Our union, like other unions, are in negotiations now. We would expect a two or three-year contract, certainly, and that's going to affect the Year 2002 if this money is not available. It should be in the budget, always has been in the budget.
LEG. HALEY:
Thank you, John.
D.P.O. LEVY:
John, thank you very much for your comments.
MR. MEYER:
Thank you.
D.P.O. LEVY:
Very much appreciate it. We'll go next to Steven Haizlip, a frequent guest. Welcome, Steve. And just to note, we have been joined by Assemblyman Felix Ortiz. We'll get you -- give you a chance to collect your thoughts and we'll call you next, Assemblyman, okay? Thank you. Steve.
MR. HAIZLIP:
The Presiding Officer of the Legislature, and Ladies and Gentlemen of the Legislature, my name is Steven Haizlip, I live in Calverton. Now, as we open up the session this morning, we all said the Pledge of Allegiance to the Flag, and at the end of that Pledge of Allegiance, it said "liberty and justice for all." I'm not going to be on a soap box, or I'm not going to wave the flag. I'm going to tell you what I mean about liberty and justice. Fifty-five years ago, I was on the beaches of Omaha on June the 6th, and it was a hot day, but not from the heat. Now, at Exit 71 up on the Long Island Expressway off of Edwards Avenue, there was hotdog vendor there for 15 years. He coexisted with gas station that was there and it went through two owners. Now that the

Hess Corporation has come along and renovated that station, and a naturalized Arab has went in there, now the Greek, which is a naturalized Arab of the hotdog vendor, the Arab has gotten the Hess Corporation, which is not -- as {Justice Harlan} once said, the Constitution is blind. It shouldn't discriminate against a fellow trying to make a living in his own profession that he loves, but -- and {Justice Lerned} said rights are being taken away little by little. And Ronald Reagan said that government is our worst enemy. So what is happening here, we are paying taxes to a government entity, but they are using it against us. So Mr. Grucci of Brookhaven Town had my good friend, the Greek, removed from there. So now he's out of work, and he's peddling trying to get a living, any spot that he can. And everywhere he goes, he gets chased either by the police or by some CEO in there. So the liberty and justice that we said apparently is not prevailing for the citizenry anymore, it is prevailing for the political system, and that is where our current democracy lies. Now, I know you Gentlemen, sorry, Ladies, I know you Ladies and Gentlemen can't do anything about it. I'm only expressing my feelings to the Constitution and the way it should work. The way it's working now, who has got the most money rules the roost, and in this case, it's Hess that rules the roost and knocking a guy from his plot of 15 years, so that they can be whole hog. All right. I thank you Ladies and Gentlemen.

LEG. D'ANDRE:
Mr. Chairman.

D.P.O. LEVY:
Michael.

LEG. D'ANDRE:
There is an opposite case to this in Brentwood where this man had a hotdog vending stand for many, many years and he died, and then his wife tried to open it up and they've tried to put her out. The people rallied and got the Town to agree to leave her there on his permit, but he was a World War II veteran.

MR. HAIZLIP:
Well, in this case -- in this case, Mr. John {Carakus}, the best I can pronounce the name, is an immigrant that came here, got his naturalized citizen, and so did the Arab of the station. But it seems like that saying, "There's no honor among thieves," well, even though they are both naturalized citizens, and to start with, the Arab ain't done nothing for this country. At least I did something for this country. I fought and went on the beaches and so did --

D.P.O. LEVY:
Steve, you have a --

MR. HAIZLIP:
So did you, Mr. D'Andre.

D.P.O. LEVY:
-- Constitutional right to say what you want, but --

MR. HAIZLIP:
I'm sorry, Mr. Levy.

D.P.O. LEVY:
But we would just ask that you try to keep the ethnic part of your

speech to a minimum, please, out of respect for the institution. But anything else?
MR. HAIZLIP:
I'm all through, unless someone wants to ask a question.
D.P.O. LEVY:
That's it. Thank you very much.
MR. HAIZLIP:
All right. At this point, we have -- he was number three on the list, he's just arrived, we have Assemblyman Felix Ortiz from Brooklyn, who is joining us to speak on Legislator Cooper's cell phone legislation. Welcome to the Suffolk County Legislature, Assemblyman.
ASSEMBLYMAN ORTIZ:
Thank you very much, Deputy Presiding Officer. It is my pleasure, really, to be here, especially on this important issue such as a cell phone, and I'm here to support it strongly. Our friend, Jon, who I think who has worked very, very hard to make sure this legislation come to light today. And I would like just to also point out some of the chart that I have brought with me, as I'm making my remarks here this morning. And I apologize for the delay. I was expecting to be here by 9 o'clock, not by 10:30.
D.P.O. LEVY:
Well, now you know what -- when the funds go up to Albany to expand the LIE, you'll be with us.
ASSEMBLYMAN ORTIZ:
I knew that was coming. Had on have.
LEG. HALEY:
Do away with the HOV.
D.P.O. LEVY:
Yeah, do away with that HOV lane, too.
ASSEMBLYMAN ORTIZ:
By the way, that's exactly what I took.
LEG. LEVY:
Good.
ASSEMBLYMAN ORTIZ:
It took me longer. Okay. Most of this chart can probably speak for itself. Just I'm going to try to stick with my remarks on -- and I would like to -- just to, you know, to answer any questions that you might have. I would like to -- first of all, I would like to say good morning to this body. My name is Felix Ortiz. I am the New York State

Assemblyman from the 51st Assembly District in Brooklyn. I am delighted to be with you this morning to support Jon Cooper's legislation to regulate the use of mobile telephones while operating a motor vehicle. The passage of this legislation here today is very important, not only to me, but to those who has experienced some of the difficulties with their own relative and families, because for several years, I have been advocating fog similar legislation on the State level. I first proposed this piece of legislation in 1996, and most of the pieces of legislation, we as a Legislature know that most of the time we like to put legislation, because either it happened to us or happened to one of our relative, or happened to somebody close to us. I happened to drive to a meeting on November, 1996, and I happened to have somebody in front of me going side by side in his car, and all of

a sudden, this person hit a pole. And I stopped and I asked the question, "What happened?" When I looked down, the person said to me, "You know, it was because I was talking on the cell phone." And I said to the person, "You know what, this crash could be worse if either you or myself will be speeding our vehicle and the person that was behind us will crash behind us, and we will probably not only to talk about the cell phone, but to talk about somebody who might die on that day." And the beginning of my piece of legislation was probably a joke and no support at all with people on the New York State Assembly who, when I first decided to make this move, they all were kind of joking about the piece of legislation. But I have to tell you today, my dear friends, that not only there's one piece of legislation in the New York Assembly today to ban cell phone, but probably about 20 different pieces of legislation sitting in Albany today from different members, from different members trying to bring the attention that Jon Cooper is trying to bring not only to Suffolk County, but to the people of the State of New York, and not only to the People of the State of New York, but also to the people of this nation, because it's about time that we begin to take real actions, real actions about issues that really is affecting the public and the safety of our life.

I always believe that we, as a Legislator, we have a role to play, and our play -- our role to play is not just after the fact. Most of the time we take action after the fact, rather than begin to delegate, to talk and to meet, and to begin to bring the people who are being affected, and the people who has to be blamed for it because of the actions, whether it's because of poor education, about people driving and while talking on a cell phone.

You know, I always remember, when I first decided to make the move on this piece of legislation, I had somebody from the New York State Assembly who came to me and say, "Mr. Assemblyman, you're too young. You really want a good future and you have a future ahead of you. If you want to a good future, you should not be doing this." And I was looking around and I said, "Why? You know, the question was why, because I was so ignorant. You know, to be a new kid on the block, you know, you really make a lot of mistake. And I thought I was making a big mistake. And I said, "But why?" He said, "Mr. Assemblyman, you should talk to the corporations before you talk about this bill." I say, "Should I talk to who?" "To the corporations. You know, you need to understand what corporation mean." And I said, "Well, I probably am

too lazy to understand what corporation mean, but bring those guys down." They happened to come down and they happened to talk to me about my piece of legislation. At the beginning, I was a little concerned, because they was talking about corporations such as a big -- you know, big, really a monster that was coming down. And then somebody else come to me who happened to be a senior member that said to me, "Just be careful when you talk to them." And I said, "Why?" "Just be careful. Do you have a campaign coming up?" I said, "Yes." "I said that's what I mean, just be careful." I said, "Well, let me tell you this, my dear friend." And I told this to this senior member, I say, and I looked to his eye and I said this. "I was elected by the people on the 51st Assembly District. They give me the trust and the confidence to go to Albany, to open my mouth, and to talk from my heart, and that's what

I'm doing here today." And when I met with those corporations, I exactly told them the same. When I met with the hierarchy of the New York State Assembly, I told them the same.
I think it's very important for us to understand where we came from and how we get here, and how we got here to our position. I think most of the time we forget where we came from, we always forget who put us here. And we have a job to do, my dear friends. And I hope that at the end of the day today you bring your conscience up and you remember about Ron {Silber}. You will probably remember about {Mega} Pena. You probably will remember about others who has lost their relative, and I hope that that would not happen to any single one of us who has the power in our hands to make the right decision to make today Jon Cooper legislation not only the first, but the most important thing is that this legislation will help me in the New York State Assembly to continue to work with Senator Marcellino, with the other members of the Assembly to make sure that we can pass this bill in the New York State Assembly has as an amended bill.
At the same token, I would like just to point out finally to conclude that it is imperative, my dear friends.
D.P.O. LEVY:
I know Legislator Caracciolo has a question. But did you want to make your concluding remark, Assemblyman?
ASSEMBLYMAN ORTIZ:
Let me finish this. That will be a lot of pressure from the outside, and I hope that you can again, think, truly through this, because today -- yesterday was Mr. Cooper, yesterday was Pena, tomorrow could be one of our son, or daughter, or mother, or relative, and I would hope that we take this issue very, very seriously.
Thank you for your attention, and I apologize for the delay. And I hope that at the end of the day and at the end of the tunnel, I can be ready tonight that Suffolk County became to be the first one to ban cell phone, and you can still use the hand-free. Thank you.
D.P.O. LEVY:
Good. Thank you, Assemblyman. Legislator Caracciolo.
(Applause)

LEG. CARACCIOLO:
Good morning, and thank you for joining us from the 51st Assembly District. Exactly whereabouts is that district?
ASSEMBLYMAN ORTIZ:
Pardon me, sir?
LEG. CARACCIOLO:
Whereabouts is the 51st A.D.? 50 first.
ASSEMBLYMAN ORTIZ:
The 51st Assembly District is, I always refer, between the Park Slope and the Bay Ridge area near the Verrazano Bridge.
LEG. CARACCIOLO:
Okay. That's --
ASSEMBLYMAN ORTIZ:
Close to the waterfront.
LEG. CARACCIOLO:
That's part of my roots, that part of Brooklyn. And, again, welcome. The questions I have relate to legislation to regulate the use of cell

phones in motor vehicles. It's important legislation. However, one of the issues that we are quite clear on is that we are preempted by State Law in terms of fully implementing a ban on cell phone use in Suffolk County. In other words, counties don't have the authority that -- this County Legislature doesn't have the authority that you have as a State Legislator to enact legislation that would ban the use of cell phones during operation of a motor vehicle.

I would imagine, during your preparation of legislation, and I don't have a copy of your bill, but you mentioned in passing there are 20 competing bills in the New York State Assembly alone. Does that includes Senator Marcellino's bill in the -- on the other House?

ASSEMBLYMAN ORTIZ:

That's correct. And Senator Marcellino has one leg with Assemblyman Sidikman and one leg with myself.

LEG. CARACCIOLO:

Okay.

ASSEMBLYMAN ORTIZ:

But one of the bill has to do with the hand-free.

LEG. CARACCIOLO:

Okay. Could you just summarize for us the distinctions between the competing legislative bills in Albany?

ASSEMBLYMAN ORTIZ:

Yeah, it's very simple. The competition about the different type of bill that are sitting in the New York State Assembly has to do with one, with grace period -- with a timed grace period, a 60-second period or 30-second period, and how long that the person can be seen on the cell phone by a police officer, and that that phone call was made as an

emergency. One of my bill called a complete banning of cell phone. You should know really -- you shouldn't be driving while you're -- while you're talking on cell phone, you should stop completely.

Now, the other leg that I'm talking about, which is shared with Marcellino, Senator Marcellino, has to do with the issue of hand-free. The 20 pieces of legislation different -- differs on the amount of money that we are trying to put a fine on people who get caught by talking and driving at the same time. And some of the legislation go for $50, some go to 200, some go to a $1,000, and some go to 300. So it's the amount of money. How much will be fined is still a big issue and a big discussion among ourself.

LEG. CARACCIOLO:

Do any of the bills have the support of the Speaker?

ASSEMBLYMAN ORTIZ:

Any of these bill have the support of the Speaker.

LEG. CARACCIOLO:

Who's from your borough.

ASSEMBLYMAN ORTIZ:

You may have to ask that question to the Speaker.

LEG. CARACCIOLO:

I'm glad you're not speaking for him, because he doesn't like that.

ASSEMBLYMAN ORTIZ:

I like to speak for myself.

LEG. CARACCIOLO:

But on a more serious note, in terms of the -- if you would, to

summarize your piece of legislation. Just, you know, quickly what would your bill accomplish?
ASSEMBLYMAN ORTIZ:
My bill would accomplish the usual -- the usual ban cell phone from a motor vehicle. You can use -- you can have your cell phone in the car. The car shouldn't -- the cell shouldn't be out of the car, the cell phone can be in the car, and you can use it for any emergency. You can dial 911. Any emergency that you might have, you can use the cell phone for that. Two, we're calling now, which is the -- I'm talking about the second piece of legislation. We're talking fore hand-free to be allowed to -- in the vehicle.
One of the biggest problems, and I'm still debating that particular side of my legislation, is that my problem is that I do believe that distraction is the major issue when you're dialing a cell phone and -- but I happened to visit some of the car show that took place about probably a year ago where they come in with this new fancy technology where you will -- you will record a message on the cell phone and become to be a voice activator. And you can say, "Honey, it's me," so the cell phone will go to your house. If you say "office," your cell phone will go -- the number will dial to the office. So I'm looking very, very close to that type of new technology, which I think, as we

are moving on in technology, I will probably -- will be including that to be part of my bill.
My bill also called for a 200 fine the first time. The second, I that will call you for $1,000. And then the third one, if it's any crash where the person has been killed or somebody has been injured, so then we talk about a major, major punishment.
LEG. CARACCIOLO:
Okay. I'm looking for some notes I have from some law enforcement authorities concerning possible conflicts with the Vehicle and Traffic Law and this proposed resolution. But on a State level, since State Legislature has jurisdiction over the amendment to the Vehicle and Traffic Law, are there any bills pending that would amend that section of the Vehicle and Traffic Law that require motorists to at least have one hand on the wheel at all times?
ASSEMBLYMAN ORTIZ:
Not that I know at this point.
LEG. CARACCIOLO:
Okay. So, just to recap your piece of legislation, you would put a ban -- I mean your ultimate goal would be -- your preference would be to ban the use of cellular phones completely?
ASSEMBLYMAN ORTIZ:
That's correct.
LEG. CARACCIOLO:
That, in all likelihood, is not something that is going to be favorably considered any time soon in the New York State Legislature.
ASSEMBLYMAN ORTIZ:
That is correct. That is the reason we're moving in the direction to my second piece of legislation, which his hand-free.
LEG. CARACCIOLO:
Which is hands-free, okay. Are you familiar with Legislator Cooper's resolution in the County Legislature?

ASSEMBLYMAN ORTIZ:
I happened to read his legislation on Friday.
LEG. CARACCIOLO:
Okay. And how would that differ with your proposal or State legislation that would preempt the County.
ASSEMBLYMAN ORTIZ:
I would say his piece of legislation is almost similar, except that the hand-free piece, and we spoke about the hand-free piece of the angle, which I -- my pieces of legislation, although my second one is the one who called for that, when we had spoke, I told him that I was completely against the whole -- the whole thing. I mean, you should not be driving and talking. But it's almost similar. It's not too much {differentialty}, except maybe the fines. I don't know if -- I don't recall seeing any --

LEG. COOPER:
A hundred and fifty dollars.
ASSEMBLYMAN ORTIZ:
A hundred and fifty, so my fine is 200 and 1,000, so that's the only big difference on the -- on his piece and my piece.
LEG. CARACCIOLO:
Okay. Mr. Chairman, if I could, I'd like to take this opportunity, because this is important dialogue that should be part of the record and it's a rare opportunity that we have an esteemed representative of State government in our Legislative chambers. So if Legislator Cooper could just, for purposes of discussion, bring us all up to date on the corrected copy of your bill and exactly what it does, Jonathan, from the previous version.
LEG. COOPER:
We made a number of changes, taking into account some of the concerns expressed by some of my colleagues at the last Legislative session. Number one, we eliminated the ban on dialing and answering the cell phone. It now just covers talking and listening on a cell phone. It provides an exemption for emergency calls, 911 emergency number, police, fire department, First Aid Squad and the like. And it makes some other technical changes. For example, Legislator Crecca was correct, that New York State Motor Vehicle Law, the definition of operating a motor vehicle would cover a vehicle that was pulled at the side of the road, not in motion, but with the engine running, and that was not my intent. So we have revised the bill to have it apply to operating a motor vehicle while the vehicle is in motion on a public highway. We've a hand-held device, and I believe those are the major, major changes to the bill. I believe that the major modification was permitting the use of a hand-held cell phone to make emergency calls..
LEG. CARACCIOLO:
Okay. Based on that summary, Assemblyman, which is of the State Legislative proposals would this draw most closely to?
ASSEMBLYMAN ORTIZ:
I would say it would go more close to my bill, the second piece of my bill.
LEG. CARACCIOLO:
Okay. And what type of support do you have in the State Legislature for that legislation? I mean, if you did a head count in your

conference alone, if my memory how many Democrats now in the Assembly?
ASSEMBLYMAN ORTIZ:
We have close to probably 15 members in the Assembly supporting this piece of legislation.
LEG. CARACCIOLO:
5-0?
ASSEMBLYMAN ORTIZ:
1-5.

LEG. CARACCIOLO:
Oh.
ASSEMBLYMAN ORTIZ:
1-5, 15.
LEG. CARACCIOLO:
15?
ASSEMBLYMAN ORTIZ:
Fifteen, that's correct.
LEG. CARACCIOLO:
And how many members are there in the Democratic conference in the Assembly?
ASSEMBLYMAN ORTIZ:
We have so far now, too, 98.
LEG. CARACCIOLO:
Ninety-eight.
ASSEMBLYMAN ORTIZ:
Ninety-eight, 99 members.
LEG. CARACCIOLO:
So, out of 98 members of the majority party in the New York State Assembly, only 15? Does that include --
ASSEMBLYMAN ORTIZ:
Cosponsoring the bill.
LEG. CARACCIOLO:
Cosponsoring.
ASSEMBLYMAN ORTIZ:
That's correct.
LEG. CARACCIOLO:
But you haven't gone to the stage of actually -- well, now, based on -- well, we're passed the Legislative session. Assuming, when you go back into session next year and committees close down in may, etcetera, I mean, are you at all optimistic in the near future any of these bills will see the light of day?
ASSEMBLYMAN ORTIZ:
Let me just -- let me just point out that you are absolutely correct. I am very optimistic, not only are we going to see the day of that -- the light of the day, but we will see the light into the tunnel. I think that one of the biggest concern in the debate that's going on right now internally by some of the Members of the Assembly who has have been calling me almost for the last month or so is regarding some of the argument that Jon Cooper err just mentioned about my piece of legislation, and they are strongly supporting the piece of legislation, but they would like to see some different type of narrative implemented

into the legislation, because they also use a cell phone while they're

driving, so they don't want to be victimized and they don't want to be caught and all of a sudden the media take advantage of that -- of those the members when we pass this bill.
But I have to tell you this, that I'm very optimistic and I'm very positive, and I know that everybody will come behind this bill and we will have the majority for next year to make sure that we can pass this bill, and if we don't pass this one, will be one similar to this, because there's been a lot of phone calls and a lot of people are bringing a lot, a lot of this issue more and more often, that we cannot run away of from it, we have to face this issue.
LEG. CARACCIOLO:
It terms of other hazards motorists face when they are preoccupied in their vehicles either by changing a CD or cassette, drinking coffee, eating food, is the State Legislature going to consider any bans along those lines? Because I know, as someone retired from law enforcement, I've been on accident scenes where people have been involved with reading newspapers and that resulted in accidents. So seems to me, logically, that if we're going to require motorists to be fully alert at all times with one -- or, I mean, not only one, but hopefully two hands on the wheel at all times, that the State Legislators who have the authority should consider extending protections to motorists for their own benefit to go far beyond just cell phone use.
ASSEMBLYMAN ORTIZ:
Yes, I would like to respond, and I don't mean to laugh, because I'm -- you know, it's taking -- then don't take it from the other angle. I guess I was laughing, because when you mentioned enforcement, my head went back to my brother, who happened to be an enforcement person as well. And when I first put this legislation, he said to me, "But, Felix, let me ask you a quick question. You know, what are we going to do with A, B and C and D, exactly what you asked for?" Believe it or not, when he asked me that question, I'm going to give you the answer I give you, I am not at this point concentrating on that, I'm more concentrating on cell phone, because I have seen evidence, clearly evidence of people, while they're driving and talking on cell phone, crashing and killing different people. I don't -- I haven't seen anyone, believe it or not, coming forward from some the angles that you and probably my brother came from, and this probably has been one of the reasons why I have not moving in banning the other stuff that should be banning from people while they're driving, and that both hands should be always on the steering wheel. But I would like to tell you that I am not too far away from that.
LEG. CARACCIOLO:
It's my recollection that the DMV Form 104, which is the accident -- Motor Vehicle Accident Form, it's a universal form that's used by every law enforcement in the State that goes to the scene of an automobile accidents, used by insurance companies to settle claims and try to assess culpability, it would seem to me that the Commissioner of Motor Vehicles, maybe as part of either a regulation change or legislative change, require him to add a box on the DMV Form 104 that would clearly provide everyone with the empirical evidence that, in fact, an accident was caused by the use of an operator operating a cell phone. I think

that would go a long way in making the case that, intuitively, we all

believe is a problem. But I wouldn't just stop it there with --
P.O. TONNA:
Michael.
LEG. CARACCIOLO:
-- cell phone use, I would go further and delineate on that form other reasons --
P.O. TONNA:
I have to make a motion, Michael, to extend.
LEG. CARACCIOLO:
-- other causative factors. Oh.
P.O. TONNA:
I have to make a motion to extend.
LEG. CARACCIOLO:
Okay.
LEG. ALDEN:
Second
P.O. TONNA:
I'm going to make a motion, it's seconded. All in favor? Opposed? Fine.
LEG. CARACCIOLO:
Thank you. Thank you. So I would like to see that type of change incorporated in the DMV form.
ASSEMBLYMAN ORTIZ:
One of the biggest issues that we -- that I was facing in 1996, when I was talking to some of the corporate, were -- was, "But we don't have enough evidence." So what I decided to do was do exactly what you're talking about, is to introduce a bill to amend the police report, the accident report, to amend that, and to add that particular box in -- within their report. And that legislation happened to pass in the Assembly, happened to go to the Senate, and it passed the Senate, and we're waiting for the Governor to sign it.
LEG. CARACCIOLO:
That was done this year?
ASSEMBLYMAN ORTIZ:
This year. And the legislation, if I'm not mistaken, the legislation called exactly for the Commissioner and the Motor Vehicle to modify the police report, the accident police report, to include that box there, that way that we can have the data that is needed in order for us to see whether or not this issue is doable.
LEG. CARACCIOLO:
Could you provide us with a copy of that legislation?

ASSEMBLYMAN ORTIZ:
We will -- we will fax you a copy of the bill.
LEG. CARACCIOLO:
Thank you very much.
ASSEMBLYMAN ORTIZ:
No question.
P.O. TONNA:
Thank you so much.
ASSEMBLYMAN ORTIZ:
Thank you very much.
P.O. TONNA:

I appreciate the time and energy. You came in, and it's nice to have you come out to Suffolk County. It's a long way. But, you know, next time I'm in Brooklyn, I'll look you up.
ASSEMBLYMAN ORTIZ:
It's worth it. Thank you. Thank you.
LEG. CRECCA:
Call him in the car.
P.O. TONNA:
What?
LEG. CRECCA:
Call him in the car.
P.O. TONNA:
I'll use my earpiece from the car. Okay. Ann Becker.
AUDIENCE MEMBER:
She's coming.
P.O. TONNA:
Okay.
MS. BECKER:
I'm sorry. Yeah, I would like -- I would like to speak, also, on the Wedge Property.
P.O. TONNA:
Sure.
MS. BECKER:
My name is Ann Becker. I'm an officer in the Mount Sinai Civic Association and --
P.O. TONNA:
Ann, could you just tell me your daughters name?

MS. BECKER:
Mount Sinai Heritage Trust. That's Lindsay.
P.O. TONNA:
Hi, Lindsay. Okay. Thank you. Go right ahead. Hi, Lindsay.
MS. BECKER:
Thank you. Just a very point. I would like to thank both Legislator Haley and Legislators Fisher, Fields and Foley for sponsoring the two resolutions that brought us here today, and for offering the Mount Sinai Heritage Trust the opportunity to partner with Suffolk County and the Town of Brookhaven in developing this park under the spirit of smart growth and sustainable communities. Their confidence in our ability to get the job done has helped us immeasurably in preparing the design, development -- preparing to design, develop and maintain the Wedge Property as a community park and center for all of Suffolk County.
And I just have a letter, which I have a copy of, I'll let you have, and I'd like to just read this. I wrote this to the Park Committee members last week.
The Mount Sinai Heritage Trust was established as an outgrowth of he Suffolk County's Greenways legislation and follows the parameters of the Smart Growth initiative instituted by the County. From January of 1998, when Lori Baldassare and I met with Senator Ken LaValle to discuss the possibility of preserving the Wedge Property under the Greenways legislation, it has been our intent to move the process forward and achieve our goal of developing this property as a park and

community center. After our initial meeting in 1998 and after Senator LaValle directly contacted Mr. Ed McGovern, the property owner, the Mount Sinai Civic began to make inquiries as to how this property could be preserved under the existing legislation. After numerous meetings, phone calls and attempts to clarify the procedure, it became apparent that the process established by Greenways was extremely cumbersome and problematic, at least for us. After nearly 18 months of fruitless attempts to figure out a way to purchase this parcel, and in the face of a signed contract between Mr. McGovern and Home Depot, we began at the suggestion of State, County and Town officials to explore the possibility of establishing a land trust. We were told that this might be a way to work within the Greenways legislation, and, in fact, were told that if we were successful, our plan might become the model for other communities to preserve land also.

As we moved further along in our investigation, with the help of professional consultants, we began to hope that a land trust might be the answer to the convoluted funding system established by Greenways and took steps to develop and incorporate the Mount Sinai Heritage Trust. The hope that our land trust could be the answer to working within the Greenways legislation has sustained us in the face of repeated efforts by County and Town officials, both elected and appointment, this is your job, I know, to snarl us within a bureaucratic nightmare never before experienced by a community or a civic group. The proposal that you have before has been designed to accommodate both your own Smart Growth initiative and the Greenways legislation.

If the County Legislature is serious about protecting land and inviting the community to develop, design and execute proposals, which are of vital importance on our local community, as well as to the residents of the Town of Brookhaven and the County of Suffolk, why won't you let us do what you say you want us to do. Please send a resolution to the Legislature for approval, or please approve a resolution that encompasses all the goals evident in the Smart Growth initiative, and that will serve as a model for other communities to use as they also try to work within the parameters of the greenways legislation.

And just in answer to Legislator Bishop's question about the time frame, it's extremely crucial that this pass through today, because there is a very short window. I believe there's a drop-dead date of December 1st to purchase the property, and if we don't purchase it, we just don't want to go there. So thank you very much. And I'll hand that around.

P.O. TONNA:

Okay. Thank you very much.

LEG. FISHER:

Mr. Chairman.

P.O. TONNA:

And there's a question. And, Lindsay, how are you doing? You doing good? Are you proud of your mom? When you get to vote, I want you to consider it very carefully, okay, especially in that Legislative District. Okay. Please. Ann. Ann, I think Legislator Fisher had a question.

LEG. FISHER:

Thank you, Ann. And I'm very happy that you underscored the time limitation. Do you know specifically what Mr. McGovern has stated as his time limitation? Did he indeed say December 31st?
MS. BECKER:
Yeah, Alan -- no, 1st. Alan Grecco spoke to us, actually, after the meeting last week, and he said, "You know, guys, December 1st that contract will expire." And they still have additional paperwork, surveys and things that need to be done, you know, within the next week, so we need to pass a resolution today. You know, Legislator Haley and Legislator Fisher I know are working together, and we just -- you know, we want one resolution passed that will encompass everybody's goals, and I think that's clear, that we have come to an agreement.
LEG. FISHER:
And that certainly has been the incentive here, to move forward, worked cooperatively.
MS. BECKER:
It is crucial at this point, because we can't have anymore glitches. Mr. McGovern was dragged to the table, you know, kicking and screaming, and finally accepted a negotiated price. And if something happens and this contract falls apart, you know, we'll be back to, "Well, I want I want three million and I'll sell it to Home Depot." So we're very

concerned.
LEG. FISHER:
Thank you very much, Ann.
LEG. HALEY:
Thank you, Ann.
MS. BECKER:
Thank you.
P.O. TONNA:
Okay. Thank you very much. Tricia Kaplan.
MS. KAPLAN:
Hi.
P.O. TONNA:
How are you today, Tricia, good?
MS. KAPLAN:
Great, thank you.
P.O. TONNA:
Okay.
MS. KAPLAN:
Do I have to state my name for the record?
P.O. TONNA:
No, you already --
MS. KAPLAN:
Okay.
P.O. TONNA:
We already did.
MS. KAPLAN:
We, the Mount Sinai Civic, make things happen. We've shown a long consistent history with that. As of this morning, the Town of Brookhaven had not even signed the agreement for Legislator Haley's resolution. They drag their feet on everything. For instance, we've recently completed a beautification project along Route 25A, where we

planted 360 trees in coordination with the State DOT and LIPA. We've already raised half a million dollars for this project and are fully capable of raising any additional funds that will be needed. If you want to see the Suffolk County taxpayers' money put to good use and see this project that the Mount Sinai Civic has drawn up and developed, if you want to see this go through in a timely fashion, rather than lying dormant as we wait for the town to put their stamp on everything, please allow the Mount Sinai Civic and the Mount Sinai Heritage Trust to be joint partners with Suffolk County and the Town of Brookhaven. Please pass Resolution 1853. Thank you.

P.O. TONNA:
Okay. Just hold it one second, Tricia. I had just two questions. Resolution 1853, which resolution, is that the Haley or the Fish?
MS. KAPLAN:
Fisher.
P.O. TONNA:
Okay are you aware that we can't pass any resolution unless there's a duly enacted resolution from the Town? That's part of our --
LEG. HALEY:
That's forthcoming.
MS. KAPLAN:
Yeah. I wasn't --
P.O. TONNA:
Right. But I'm just asking, are you aware of that?
LEG. FISHER:
Actually, you can pass 1853 without the resolution from the Town.
P.O. TONNA:
You can.
LEG. FISHER:
That was written into that legislation. That's why we have two resolutions. Just -- I just want to answer the question brought up by the Presiding Officer. The reason there are two resolutions is that we voted both out of the Parks Committee. In the event that Brookhaven Town did not approve their Brookhaven Resolution 91, 1853 does -- can still be passed without the Town Resolution, because it's conditional, it's not necessary.
P.O. TONNA:
Okay. I just -- that's part of our public debate. I just wanted to, you know -- do you have a question of the --
LEG. FISHER:
Yeah. I was just answering --
LEG. CARACCIOLO:
Point of order.
LEG. FISHER:
-- your question.
P.O. TONNA:
Just do we have a question of the speaker?
LEG. CARACCIOLO:
No, it's a point of order.
P.O. TONNA:
Okay. Thank you, Tricia. And I'm going to recognize Legislator

Caracciolo.
LEG. CARACCIOLO:
Thank you. The Greenways Active Recreational component requires a duly enacted Town Board resolution, unless we amend the Greenways Program. Does the resolution amend the program? I'm just -- it's a question for Counsel.
P.O. TONNA:
Legal counsel, there's a question for you.
MR. SABATINO:
It requires a commitment either from a town or a participating organization.
LEG. CARACCIOLO:
Right.
MR. SABATINO:
In this particular instance, Legislator Fisher started from the premise of dealing with two organizations. Those two organizations have provided the requisite resolutions. So, in her particular bill, the Town is kind of a tag-along, if they, you know, want to come on board. If they don't, she's got it structured that the two organizations can participate, and they meet -- they meet the standard.
LEG. CARACCIOLO:
The two organizations that participate are the Town and the Mount --
MR. SABATINO:
No. It's the Mount Sinai Civic Association and the Mount Sinai Heritage --
LEG. CARACCIOLO:
History Trust -- Heritage.
MR. SABATINO:
Historic Trust, right. No, Heritage Trust. I think it's Heritage Trust.
P.O. TONNA:
Okay.
LEG. HALEY:
Mr. Chairman.
P.O. TONNA:
Yeah.
LEG. HALEY:
Can I explain a little further? We had a binding resolution with the Town, so we met the requirements of the legislation in the program. But what we did is we went back to the Town and we wanted them -- so I modified my resolution to reflect language that includes these groups. The Town has to modify theirs, which is going -- is to happen today. So they're in a meeting as we speak. I understand that it should be a short meeting. They're at the Davis Homestead for an old time town

board meeting and that resolution should be okay.
LEG. CARACCIOLO:
Okay.
P.O. TONNA:
Okay. Thank you very much. Lori Baldassare? Did I pronounce that correctly? Baldassare? Not the {Baldassara}. I got a little carried away with myself. I'm sorry, Lori, but I'm trying.
MS. BALDASSARE:
Hi. I am before you today and I've been before the Parks Committee

several times over the summer to talk of the project on The Wedge. And, you know, we are very pleased that there are resolutions before you today. And I agree with Ann when she says that we're looking for a resolution to pass. It is probably the hardest job for Suffolk County to get a willing seller to negotiate a price, and to lose that opportunity would be silly at this point, because, conceptually, we're all on board with what we want to do on this parcel and that's to create a park.

Really, the only issue before you today is testing some of the Greenways legislation and what the intent of it was. I wish Legislator Bishop was here, and, hopefully, he's hearing me on a mike somewhere.

P.O. TONNA:

He is.

MS. BALDASSARE:

But he had -- he had said that it was never intended for quite this type of project. And what we have done as -- in our community, as we have taken the legislation as written by Suffolk County, and it's included in that little packet that I gave out earlier, and it asks several questions, and it has criteria set forth for community organizations to participate. And we have gone through that process and the answers are right there enclosed in the own criteria set out by Suffolk County to participate.

The only question that remains is that we have agreed to work with the Town of Brookhaven to help develop this parcel. We are asking that it be a three-way partnership. We have put together significant dollars. In the last four years, we've raised over $700,000 as a community organization. Some of that has already been spent on a portion of The Wedge. We own shy one acre parcel right on that site. That's what we've used some of the funds for. We have over 500,000 that's ready to be used to build a community center and help to -- and help start the development of this park. There's a time line included in there, and a lot of these things have developed by a very diligent Parks Committee that has asked us for several things to ensure that this property that's going to be bought by the County is -- doesn't lay dormant.

We are asking you to pass Resolution 1853, because what it does is it creates a partnership with Suffolk County, the Town of Brookhaven, and the community organizations, the Mount Sinai Heritage Trust and the Civic Association. We have been waiting for a Town resolution to see what the Town has in mind, as far as a partnership with us, should the

other resolution be brought forward. As of yesterday, I have not seen an agreement, nor a resolution. I understand it's coming today that's great.

LEG. HALEY:

It's done.

MS. BALDASSARE:

Good.

LEG. HALEY:

I just got a note, it's done. It's coming out. They're delivering it.

MS. BALDASSARE:

Okay, good.

LEG. CARACAPPA:

I have a question. Question, Paul, when she's done. I'm sorry.
MS. BALDASSARE:
Actually, what I -- the only other thing is I've been carrying this box around to the Parks Committee probably for the last few months, and what it is is a box of cards that we had sent to residents over the summer and it asks them if they support the efforts of the Civic and the Heritage Trust to participate in the maintenance and development of this park in Mount Sinai. We sent out 3,000 cards and in here are 700 responses. I mean, there's a very, very strong community support. You know, I can leave them here if you'd like to look at them. Not only is there little check marks that we think that the community has this willing hand --
P.O. TONNA:
Can please wrap up your comments?
MS. BALDASSARE:
Yes.
P.O. TONNA:
Thank you.
MS. BALDASSARE:
But they also support the efforts of the Heritage Trust and the Civic Association.
LEG. CARACAPPA:
Question.
P.O. TONNA:
Thank you very much. Legislator Caracappa.
LEG. CARACAPPA:
Actually, a question for the sponsors. I know I should be saving this for later, but I'd rather get it out of the way now, Mr. Chairman. Legislator Fisher's bill goes directly with the partnership, with the community organizations. And, Legislator Haley, your original bill, I

don't know if it's still this way, had a cooperation with the school district. Has that changed?
LEG. HALEY:
It never -- no, no.
LEG. FISHER:
No, the Town.
LEG. HALEY:
No, it was the Town. And what we did, the original resolution said they had -- they were to include the school district. Now the resolution, I've just been informed, my Aide is on her way out with it. The Town passed a resolution. Now it's been modified that they have to include the Mount Sinai Civic and the Mount Sinai Heritage Trust.
LEG. CARACAPPA:
So both bills basically are the same, then.
LEG. HALEY:
Yeah. At the end of the day, everybody's going to be included, yes.
LEG. CARACAPPA:
Very good. Thank you.
LEG. FISHER:
But to answer your question, the difference is that in 1853, the Mount Sinai Civics, Mount Sinai Heritage, and the Town are all partners.

That's in 1853. In 1896, is that your number? I should know this number by heart; is the Town is the partner and their resolution will include the School District, Mount Sinai Civics and Heritage, included but not exclusive to, something like that, yes?
LEG. HALEY:
Right. I mean, if there's other groups that they want to participate, they can, but we don't --
LEG. FISHER:
But that's the difference, that's what the basic difference is.
LEG. CARACAPPA:
And to the speaker, you prefer being exclusive?
MS. BALDASSARE:
No.
LEG. CARACAPPA:
Okay.
MS. BALDASSARE:
No. We're supporting 1853 because it's a three-way partnership. It includes the Town of Brookhaven, the community organizations and Suffolk County, who's going to be the land-owner. The other resolution is only a partnership with the Town of Brookhaven and Suffolk County, and that means that any relationship we have on that parcel would be

with the Town of Brookhaven exclusively, we would have no relationship with Suffolk County, the landowner. And we are putting significant dollars in and would like to have a relationship with the landowner. So the other resolution provides a three-way partnership.
LEG. CARACAPPA:
So you feel more free with Legislator Fisher's bill, so to -- to put it in basic terms, freer to do what you feel is necessary on that property and you have a -- you think you'd have a better working relationship with the County of Suffolk?
MS. BALDASSARE:
I think it would be better to work with the land-owner, especially since we're putting in significant dollars.
LEG. CARACAPPA:
Thank you.
LEG. FOLEY:
Thanks, Lori.
P.O. TONNA:
Thank you very much. Marry Bebber. Did I pronounce that right, Mary?
MS. BEBBER:
Yes, it's Mary Bebber.
MISS BEBBER:
Me?
MS. BEBBER:
Yes, you, too. This is Victoria, and I've got Robert with me, too. Good morning. I am Mary Bebber and I have been a resident of Mount Sinai for fourteen and a half years, and in that 14 years, I've had seven children.
LEG. HALEY:
God bless you.
MS. BEBBER:
So I'm very, very concerned with what's going on in Mount Sinai.

P.O. TONNA:
Mary, what's your daughter's name?
MS. BEBBER:
This is Victoria and Robert. These are --
P.O. TONNA:
Robert?
MS. BEBBER:
Robert.
P.O. TONNA:
Robert and Victoria?

MS. BEBBER:
Right.
P.O. TONNA:
Hi, guys.
MS. BEBBER:
They're the youngest two of the seven.
P.O. TONNA:
Chew a lot of gum out there, huh, Robert?
MS. BURKHARDT:
He's got a cookie.
MS. BEBBER:
No.
MISS BEBBER:
Me. Me.
MS. BEBBER:
But, anyway --
MISS BEBBER:
Me.
MS. BEBBER:
Yes, you, you're Victoria, right. So anyway, what I was saying is I have seven children, and having seven children, I know that there are different interests with each child. I have some that play sports and some who don't like sports, so I'm very concerned with what happens with The Wedge. I would like a Wedge that has -- I mean, I would like the park to have one -- not just one goal in mind, which is the parks -- the ball fields and the soccer fields, but one that has a wide range of different activities for all the different age levels of a community, and that's not just children, that's also including the senior citizens, who are very -- very present in Mount Sinai. We have a large group of senior citizens and I feel their interests should also be included in the park. I want the park to be multigenerational. And as a mother of a large family, I know firsthand, like I said, that everybody has different interest. We do not just want to play sports. And just today, when I told my daughter, who's eight, that I was coming to this meeting, she said, "Oh, good, mommy, we can have a park that's close to home that grandma can take us to." Right now, my mother takes them to Westmeadow, which is out in Setauket, which is a travel. So she was -- she's very anxious to have a park close to home. This coupled with a half a million dollars the community has gotten together I think is a reason that we should be, the residents of Mount Sinai, part of this park.
I wish to voice my support for Resolution 1853, and I stress 1853,

because that's one the community has really gotten together and stood behind. So I wish that not only to be considered, but passed. And I'm interested in the Heritage Fund being part of the package, not just an

afterthought. I really think that we've shown great enthusiasm, knowledge, forthright and strength in coming before you, showing that the community is here and wants to be recognized, and I thank you.
LEG. FOLEY:
Thank you.
LEG. CARACAPPA:
Thank you.
LEG. FISHER:
Thank you.
MISS BEBBER:
Me.
MS. BEBBER:
And you.
LEG. HALEY:
Thanks, Robert.
P.O. TONNA:
Thank you very much, ma'am. Okay. Thomas Carbone? Carbone?
MR. CARBONE:
Carbone, yes. Thank you.
P.O. TONNA:
Thank you.
MR. CARBONE:
Good morning. I'm with the Mount Sinai Heritage Trust, and I'm here, too, to recommend Resolution 1853. There are three benefits here. The first benefit is that the County gets to partner with the community, because they say they will. They say it in Smart Growth initiative, they say it in Greenways. It says to partnership with community groups and/or towns and villages to improve and maintain active parklands. That's the first point.
Number two, the reason for 1853 to be passed is that it helps take the pressure off of the Town, because the Town said that they didn't want to be responsible for everything, they wanted to build ball fields. We formed the Mount Sinai Heritage Trust, so that we can go to outside entities, such as corporations, foundations, the Federal Government and the State to get grants to bring monies into the community to take the pressure off of the Town. So our two entities partnering with Suffolk County will help the Town take the pressure -- take the pressure off the Town.
Number three, the County, in my opinion, would probably like to partner and sign the Intermunicipal Agreement with the major entities who are putting in a significant amount of development dollars. Last week, the Town said that they're willing to put in around $200,000 for ball fields. The Mount Sinai Civic and the Heritage Trust has a half a million dollars to put into the development of this property. We are a

major developer in this process and we ask to be signed on as a partner with Suffolk County. And this gives -- look, this gives the opportunity -- if anyone says, "Well gee, you know, we're partnering now with community organizations," well, we're not saying just partner

with a community organizations, what we're doing is we're saying is partner with community organizations, as you say you want to do, so step up to the plate and do that, but it's not just us, it's us in partnership with the Town. So that means that the Town and the community can work together to get this accomplished. And just think, that would put a feather in the cap -- when we succeed, that will put a feather in the cap of Suffolk County Legislators, those involved with Greenways who wrote the legislation, those involved with Smart Growth, because they want communities working with the County. So it will be a nice transition, so that down the road, Suffolk County will eventually be able to partner solely with community organizations who can come up to the plate and take responsibility for properties, so that the pressure can be alleviated from the Towns to do that. And I think that was what was behind Greenways all along when they wrote that, to have the communities be responsible.

So here we are, we're coming forward, we have a track record, we have a major development dollars and we are going to be responsible. And I would go so far, since 1853 shows that -- shows that partnership with all parties, is that I would even ask Legislator Haley to become a sponsor of 1853. In fact, with Legislator Fisher's permission, that Legislator Haley be the primary sponsor, so that we get all parties together that is bipartisan, we have our Legislator on board with us, and that the major developer is an equal partner with the Town. And if the Town -- if the Town signs off by itself and the School Board who's supposed to come in, the school district's supposed to come in and help maintain. If that falls apart, it all falls on the shoulders of the Town to maintain and further develop the property. But by us being a partner, we alleviate that pressure and then it will not be up to the Town to say, "Okay, we got to handle all this." Well, they won't have to do all that, because we'll be a partner with Suffolk County.

So I think it's time for Suffolk County to follow through with what they say with Smart Growth, what is written in Greenways legislation, and say, "Yes, we will work with the community organizations that are responsible." So, with our history and the amount of money we have, if you don't partner with us, you're never going to partner with any community organization ever. And we're saying here's the chance to make that -- make that transition, not just partner with us only, partner with us and the Town, as I said, together to lead the way and be a model for future partnership with Suffolk County and community organizations. Thank you so much.

D.P.O. LEVY:
Thank you.

(Applause)

LEG. BISHOP:
Steve.

D.P.O. LEVY:
Legislator Bishop.

LEG. BISHOP:
Now can I continue my quest to understand what the heck is going on?

D.P.O. LEVY:
Within parameters.

LEG. BISHOP:

Can you just tell me the -- are we still debating two -- discussing two resolutions? Are we still at that point?
MR. CARBONE:
Yes, sir.
LEG. BISHOP:
Because everybody's appropriated the language of compromise and --
MR. CARBONE:
Okay.
LEG. BISHOP:
-- dialogue and vision, but I've still -- since everybody says the same thing, I'm confused as to where the dispute is.
MR. CARBONE:
Okay. Resolution 1896 --
LEG. BISHOP:
Right.
MR. CARBONE:
-- is a partnership with Suffolk County and the Town of Brookhaven, only.
LEG. BISHOP:
Okay.
MR. CARBONE:
Okay?
LEG. BISHOP:
But the plan --
MR. CARBONE:
Resolution 1853 is a partnership with Suffolk County, the two community organizations, the Heritage Trust and the Civic, and Brookhaven Town.
LEG. BISHOP:
Okay.
MR. CARBONE:
So --

LEG. BISHOP:
All right. Let's --
MR. CARBONE:
And the point is, is that since we're putting in heavy development dollars, it would be to the benefit of all parties for the owner of the property to sign an agreement with the major developers.
LEG. BISHOP:
Now I guess I'm familiar with how the partnership between the Town and the County would work on that resolution.
MR. CARBONE:
Yes.
LEG. BISHOP:
The County buys the land, the Town develops the property pursuant to the plan that everybody has agreed on, and then they would be charged with maintaining the property thereafter.
MR. CARBONE:
Well, okay, but they don't want to maintain the property.
LEG. HALEY:
Some mix thereof.
LEG. FISHER:
The Town doesn't want to maintain it.

LEG. BISHOP:
So then that resolution is not exactly a partnership between the Town and the County, it's more complex than that.
LEG. FISHER:
Yes.
LEG. BISHOP:
Because it involves the School District, I take it?
LEG. FOLEY:
Yes.
LEG. HALEY:
The Trust and the Civic.
LEG. BISHOP:
And the community groups as well. And then the other --
LEG. FISHER:
If you would suffer a brief interruption.
LEG. BISHOP:
Sure, if it clarifies it, I'll --
LEG. FISHER:
The School District -- the School District, the Superintendent of

Schools appeared at the last Parks Committee meeting, and the School Superintendent represented that he was willing to partner with whoever else was going to be partnered with the County, because it's to the benefit of the School District that they themselves don't have to pay to construct ball fields, and they have the wherewithal to maintain the ball fields. Is that the -- is that stated correctly --
MR. CARBONE:
Yes, that's correct.
LEG. FISHER:
-- Mr. Carbone?
MR. CARBONE:
That's correct.
LEG. FISHER:
Okay. And there was a letter presented by the Superintendent of Schools of Mount Sinai School District indicating that he had a willingness to partner with Mount Sinai Civics, but he also said he was interested to partner with the Town.
LEG. BISHOP:
Okay. They want to be partners, too.
LEG. FISHER:
Well, but your question was about maintenance of the property. The Town of Brookhaven doesn't want to be the partner that maintains the property. The School District would be maintaining the fields. Legislator Haley just said that the Town would maintain the parking lot.
LEG. BISHOP:
Okay. And then the structures, there's a clubhouse or a community center and an ampitheater.
MR. CARBONE:
A community center. A community center, yes.
LEG. BISHOP:
And an ampitheater.
MR. CARBONE:

And we also -- we already have monies for that to develop that.
LEG. BISHOP:
But who maintains it --
MR. CARBONE:
That would be the --
LEG. BISHOP:
-- once developed?
MR. CARBONE:
That would be the Heritage Trust and the Civic Association.

LEG. BISHOP:
All right. I really -- to the two sponsors, I remain completely confused as to where the differences lie, because a lot of this seems to be semantics.
LEG. HALEY:
We'll debate it later.
MR. CARBONE:
Sir.
LEG. BISHOP:
If it's a four or five-way partnership, I don't quite understand --
LEG. ALDEN:
That should come when we debate the bill, though.
LEG. LEVY:
You see that?
LEG. BISHOP:
Well, I'm telling him now, because there's plenty of time to try to sort it out.
LEG. LEVY:
You see that, Legislator Bishop?
MR. CARBONE:
Legislator Bishop, if I may.
LEG. BISHOP:
Please.
MR. CARBONE:
The difference is is that in 1896, the Town has control over the property with Suffolk County and then can choose to work with whomever it pleases and write the rules. In 18 --
LEG. BISHOP:
Okay. So that's -- that's what --
MR. CARBONE:
In 1853, we're saying we're the community, we live there, we own a piece --
LEG. HALEY:
That's not true.
MR. CARBONE:
-- of the property already and we're putting in -- we're putting over $500,000 into this, that --
LEG. HALEY:
That's not true.

MR. CARBONE:
-- we believe we should be in partnership with Suffolk County.
LEG. BISHOP:

So that there's the crux of the issue --
LEG. HALEY:
Mr. Chairman, if we're going to debate this --
LEG. BISHOP:
-- is that you don't trust the Town in the approach that says the Town controls the property.
D.P.O. LEVY:
Wait. Wait, Marty, I'll let you speak.
MR. CARBONE:
That's correct. We've already had some restrictions --
LEG. HALEY:
Mr. Chairman.
D.P.O. LEVY:
I'll let you speak. Let him finish, then you'll go, and that will be it.
MR. CARBONE:
-- put upon us by the Town in the last couple of weeks.
LEG. BISHOP:
I understand.
D.P.O. LEVY:
All right. Legislator Bishop's had --
LEG. BISHOP:
Beginning to understand.
D.P.O. LEVY:
Legislator Haley will speak on this, and then we're going to move on.
LEG. HALEY:
All right. I have no question of the speaker. It's pretty simple. The Town cannot be arbitrary and exclude, that's why this resolution coming, they have to include the Trust, the School and the Civic. That's included. That's one of the reasons we put it in there, because, obviously, there was a problem with a level of trust, but they are included. The Town has to -- has to include them. Thank you.
D.P.O. LEVY:
Okay.
LEG. BISHOP:
I have questions, Steve, I'm sorry.

D.P.O. LEVY:
All right. If you have questions, fine.
LEG. BISHOP:
Yeah. What is it you want to manage, the entire property?
AUDIENCE MEMBER:
Yes.
MR. CARBONE:
Yes.
LEG. BISHOP:
We go with 1896, all right, which has the alleged partnership between the Town, School District, Trust and Civic, I am a soccer league, I want to play on Tuesday at three o'clock, who do I go see?
MR. CARBONE:
You come see the Mount Sinai Heritage Trust. The Town indicated they wanted hands off, they don't want to start managing all this --
LEG. HALEY:

That's not true either.
MR. CARBONE:
-- and that's why we're here. That's what they told us.
LEG. BISHOP:
There is -- there's snow in the parking lot, who plows it?
AUDIENCE MEMBER:
The Town.
MR. CARBONE:
The Town.
LEG. BISHOP:
The bathroom is--
LEG. HALEY:
Oh, now that's contrary to what he just said.
LEG. BISHOP:
The bathroom is backed up at the ampitheater --
LEG. HALEY:
He said the Town wants no part, but there's a willingness for them to participate.
LEG. BISHOP:
-- who maintains it?
D.P.O. LEVY:
Legislator Bishop has the floor. When he's done, if Legislator Haley wants the floor, he can have it.

LEG. BISHOP:
The bathroom is backed up at the ampitheater, who's responsible for that under your vision?
MR. CARBONE:
That would be the Heritage Trust.
LEG. BISHOP:
Okay. So the only thing that --
MR. CARBONE:
Our plan is to partner. To answer your question, our plan is to partner with entities who have already indicated their interest in the community.
LEG. BISHOP:
Yeah, you'd subcontract it, or something.
MR. CARBONE:
Yes, to help manage and maintain.
LEG. BISHOP:
Okay. So, essentially, under your vision, very -- the entire parcel, except for the parking lot, would be under the control of the Heritage Trust and the Civic, or is it just the Heritage Trust?
LEG. FISHER:
And the School District.
MR. CARBONE:
It would be both, but it would be in partnership with, you know, the School District, with local organizations, and businesses that have deemed --
LEG. BISHOP:
Well, it's not the School District, because if you want to play on the field, you don't go to the school district, you go --
MR. CARBONE:

No, I'm talking about maintenance.
LEG. BISHOP:
Yeah.
MR. CARBONE:
Yeah, right. Yes.
LEG. BISHOP:
Okay. I think your partner wants to --
MS. BALDASSARE:
Am I allowed to come back up?
LEG. BISHOP:
Lori.

MS. BALDASSARE:
Because Legislator Bishop --
MR. CARBONE:
For clarification.
D.P.O. LEVY:
Well, unfortunately, we have about, you know, ten other speakers on this issue, and we've been dealing with a great deal. If you want to stay around for the time we have the debate, you can try and get people at that time.
MS. BALDASSARE:
I just want to answer --
D.P.O. LEVY:
We really have to move on. Did you want to ask anything further, Mr. Haley?
MR. CARBONE:
One question, please, Mr. Chair.
MS. BALDASSARE:
Just one little statement? Because he missed part of --
D.P.O. LEVY:
Is it in response to the question?
LEG. BISHOP:
Yeah.
LEG. FISHER:
Yes.
D.P.O. LEVY:
Do you have a question?
LEG. BISHOP:
I think she wants to respond to the question.
LEG. FISHER:
It's response to a question.
D.P.O. LEVY:
Answer the question.
MS. BALDASSARE:
What you're asking is how a management agreement would work?
LEG. BISHOP:
Right.
MS. BALDASSARE:
And, basically, what would happen, and it was talked about at the Parks Committee, the partners that are partnering with Suffolk County would create a management agreement, and that would be set out in the

management agreement who would be responsible for the parking lot, who would be responsible for each little section of it. And that management agreement would be with all the partners with Suffolk County. If you decide to go with the legislation that's just with the Town of Brookhaven, that management agreement would be with the Town of Brookhaven.
LEG. BISHOP:
Right.
LEG. HALEY:
No, there would be no -- that's not true either. We don't need a management agreement with the Town of Brookhaven, all we need is a resolution, as the counsel has, in fact -- is part of the program.
What we need the Town to do is to take the responsibility to make sure that any and all agreements concerning that do, in fact, take place, and that the level of responsibility is going to be there, and they have to include those groups. That's the difficulty with -- that's the problem with the legislation that we cosponsored, in that --
LEG. BISHOP:
Where's the "have to"?
LEG. HALEY:
All they have to do is have a binding agreement in the form of a Board resolution, which they have; okay? But we need them to rise to the occasion and be responsible to make sure that all of these subsequent agreements and everything that they work, and they plan, and engineer, and everything is taken care of, so at the end of the day, we have a level of success.
D.P.O. LEVY:
These details we're going to discuss in greater depth, along with Counsel, when we get to the bill. In the meantime, we're going to move on to get to other speakers. Thank you, sir.
MR. CARBONE:
Thank you.
D.P.O. LEVY:
Our next speaker, welcome back an old colleague, William Holst, to speak on health and safety issues. Welcome, Bill.
LEG. D'ANDRE:
Mr. Chairman.
MR. HOLST:
Good morning.
LEG. D'ANDRE:
Mr. Chairman, point of order.
D.P.O. LEVY:
See, you got cut off already, Bill, before you even had a chance to speak.

LEG. D'ANDRE:
A point of order. Will you please introduce this gentleman as what he used to be to this Legislature?
D.P.O. LEVY:
Well, I think I said, "Welcome back our old colleague," but for Legislator D'Andre's sake, let's say the esteemed Legislator from Smithtown. How about that?
LEG. D'ANDRE:

The former Legislator of this august body.
D.P.O. LEVY:
Okay. There you go. All right, Bill.
LEG. HOLST:
Well, as those familiar with this august body know, this Legislative body has dealt with a number of health and safety issues over its proud history over of the last 30 years, and sometimes that has required digging for the truth on these issues, and sometimes this Legislative body has been successful, sometimes it's been thwarted. But nevertheless, this body has taken on very important health and safety issues, and that even involves when those issues involve other layers of government.
I have been contacted over the course of the last couple of weeks regarding Plum Island. There's a great deal of concern that this is an issue that because of the status of the incumbent Congressman, who may or may not be returning phone calls at this time, the Federal Government may be having a lapse in terms of the representations that have been made in terms of the type of testing that's been done on Plum Island.
Now, I understand that Legislator Caracciolo has informally met with the people from Plum Island, {Dr. Huxel} And others, but I think this is the point at which we really need to have public scrutiny of what's going on at Plum Island to establish a record. My suggestion would be to give the matter over to the Health Committee. And I've already -- I called Legislator Fields yesterday with the suggestion, and I'd certainly be willing to provide the information that I have received from people regarding the type of testing that they believe is going on at Plum Island, and that type of testing is really contrary to representations that have been made in the past by these federal officials.
The issue of Plum Island is not limited to one portion of Long Island, because to reach Plum Island, specimens are often shipped to JFK and trucked along the Long Island Expressway and through our communities. Because of the severe health risk associated with the Biosafety Level 4 testing, the residents of Long Island should know the truth regarding the type of testing being done on Plum Island. What's particularly coming to light, due to the sheep in Vermont that were suspected of having Mad Cow Disease and the use of Plum Island for some sort of experimenting with the samples or testing, there are many people who feel that the Mad Cow Disease is automatically Level 4 testing. And if it's Level 4 testing, that requires certain types of procedures in

terms of not just autoclaving things that come in contact with those pathogens, but actual destruction. And the facility was -- there was an attempt to make the facility a Level 4 facility. Representations were made by the incumbent Congressman that, you know, that would never happen while he was a member of Congress, but now the question is whether or not, in fact, Level 4 testing has occurred on the Island, and whether or not the current plan with these sheep from Vermont actually reveals the fact that Level 4 testing is being conducted by the Federal Government.
I think now is the time for the Suffolk Legislature to establish the record to give confidence to the public of Long Island that local

officials are looking at this. Certainly, you know, there's -- we can utilize our Health Department to go over there, get a full explanation in terms of the type of testing that's been done, and let our Health Department officials determine whether or not that is Level 4 type testing. I would suggest that this be done soon, because there are a number of people running for federal office, members of Congress, U.S. Senate, and I think this is the opportunity to pin people down in terms of what their positions are with respect to the use of Plum Island. As I said, it's not limited to any portion of Long Island, it affects all of Suffolk County and Long Island, and now is the time, I think, to make sure that there aren't any lapses by federal officials, and that local officials and this Legislative body, as it's done in the past, make it very clear that the Suffolk County Legislature is going to look after the health and welfare and well-being of the residents of Long Island. Thank you.
LEG. D'ANDRE:
Thanks, Bill.
D.P.O. LEVY:
Thanks, Bill.
LEG. FIELDS:
Thank you.
D.P.O. LEVY:
Much appreciated. Okay. Next speaker is Scott Cullen from the STAR Foundation. Welcome, Scott.
MR. CULLEN:
Thank you and good morning. I would just like to echo -- I didn't plan to speak on this until I just heard Mr. Holst speak. But I've actually spent sometime outside of my normal position as Counsel for the STAR Foundation looking at Plum Island for some residents who brought me some information. And I would suggest to you that the extent of the environmental impacts of this facility are not really known and that some oversight would most certainly be warranted by this body and I would urge you to do that, and possibly with citizen input by people who are already doing this. I helped draft a lot of Freedom of Information Act requests, that we've had difficulty getting the information that is indeed needed to understand this and I just think that's an important issue as it moves forward.
I came here today to talk to you about the baby tooth study that our

organization is conducting and has been found so far. I have packets of information that explain the study for all the Legislator that I brought as well and I'll circulate. But just to give you a very brief history, the study of radioactive strontium-90 in children's teeth was done during President Kennedy's administration and it was one of the factors that lead to him ultimately deciding to ban above-ground atmospheric bomb testing, because what they found was that radioactive strontium-90 was increasing greatly in children's teeth. In 1982, the Federal Government stopped conducting these tests when they found that the level of radioactive strontium-90 in babies' teeth and in bone had actually gone down to levels similar to where they were almost nonexistent before bomb testing began.
About three years ago, our organization took on again the study of radioactive Strontium in children's teeth and we started the focus of

the study here on Suffolk County. We've collected 1,400 teeth so far from Suffolk County that have mostly been tested. We've also started collecting them from all over the country. But what we've found here in Suffolk County is that the levels of this radioactive strontium-90 is back up as high or close to as high as it was during the bomb testing years. And this isn't enough information to draw solid conclusions, but what we found thusfar very much indicates cause for concern.
And I'd just like to pass on two recommendations or endorsements of this study. One is by the One In Nine Breast Cancer Action Coalition, which is a Long Island wide advocacy group, and they say that this study can be an enormous tool in helping families respond to conditions which impact their health, and the Physicians For Social Responsibility, which is a nationwide organization of doctors has actually said that our preliminary results justify intensive follow-up. And because most of the groundwork has done -- been done here already in Suffolk County, this is the ideal place to start this.
And I have these packets which explain the history of the study and what we're doing now that I'll have passed out to you. Thank you.
D.P.O. LEVY:
Thank you, Scott.
LEG. D'ANDRE:
Mr. Chairman, just one question.
D.P.O. LEVY:
Legislator D'Andre.
LEG. D'ANDRE:
Did you say that the levels in the children's teeth are back up again?
MR. CULLEN:
Yeah. What we're finding, basically, is that towards the end of the '70's into the early '80's, the levels started to go down comparable to -- if you looked at it on a graph, they essentially go up to a peak during the bomb testing years. They continued to go down until about '82. Our numbers that we're getting from some of the more recent teeth show some of the levels up as high as they were during the bomb testing years. And we're not saying we know where this is coming from, but

what we do know is that our numbers indicate a lot of concern and that this needs to be looked at further.
LEG. D'ANDRE:
Well, we know the people are testing these things in Afghanistan and other areas in that area.
MR. CULLEN:
And they're doing this in Germany as well. They did it for a long time after Chernobyl to discern the impact of the accident at Chernobyl upon the people of Germany, and they found that for a period of years, the levels were extremely high.
LEG. D'ANDRE:
That's frightening. Thank you.
D.P.O. LEVY:
Legislator Cameron Alden.
LEG. ALDEN:
Now, you're talking about a local testing of babies' teeth, right?
MR. CULLEN:

What we think needs to happen is because so much of our early work has been done in Suffolk County, we think that it needs to continue and be intensely studied here in Suffolk County, because we've already laid so much of the groundwork with this. The problem is is that we're a nonprofit environmental organization that has to work hard to raise funds and this is something that is difficult to support, because it costs about $80 per tooth to test it in this laboratory, and so it's a time intensive process and it's expensive for us to carry the complete burden.
LEG. ALDEN:
The statistics you quoted before like under the Kennedy administration, they were gathered with grants from the Federal Government.
MR. CULLEN:
They were.
LEG. ALDEN:
Okay.
MR. CULLEN:
Until 1982.
LEG. ALDEN:
Okay. Now, from '82 on, there's no federal grants to actually document any of this?
MR. CULLEN:
This work almost completely stopped altogether. They decided when the levels went down to where they were finding, they decided that they didn't need to test anymore.

LEG. ALDEN:
So the rise in rates, or rise in -- I guess it's radiation levels, is that local or is that national?
MR. CULLEN:
From what we're finding, there's elevated -- some of the teeth that we're finding have elevated rates in Suffolk County. We're finding some similar numbers in Florida and other places as well. But like I said, right now, we just haven't collected and tested enough teeth to really, you know, have enough data. That's why we need to accelerate this, because what we found, you know, justifies follow-up.
LEG. ALDEN:
Now, the handout you gave us, what premise or protocol is there for, you know -- because you're going to look at something and you're expecting something as an end result. Is it that there's still around the globe, there's global fallout from testing, or is -- or are you looking for some local source?
MR. CULLEN:
You can't really -- you can't really tell where the source comes from, but what you can do is identify if there is a problem and then figure out where it's coming from. First you have to determine if it's actually still getting into people. Our preliminary results show that it indeed is.
And just to answer some concerns that were raised before by the Health Committee, this is a peer reviewed study. We're using the exact same protocols that were used by the study that was done during the Kennedy Administration, and the paper on our preliminary findings has been published in a peer review journal.

LEG. ALDEN:
Okay. But the Kennedy administration used those protocols to really go after go after a ban on nuclear testing above ground. What we're going to do here is we're going to end up with statistics that confirm only on a local level?
MR. CULLEN:
Well, what we're doing, I mean, we're continuing to do this study around the country as well and we're working with places in Florida for additional monies to continue it. But what we want to do is continue the work that we did here locally to get to the bottom of the rates here in Suffolk County. It would just be for testing in Suffolk County, because we already got about 1,400 teeth that we're testing.
LEG. ALDEN:
Okay. But now you're an attorney, though --
MR. CULLEN:
Yes.
LEG. ALDEN:
-- not a scientist, so maybe I'm asking the wrong person the question, but -- so if you get confirmation that the rates have gone up, and not so what, but maybe that is leads to the fact that, you know, other

nations are still -- as Legislator D'Andre said, other nations are still testing above ground.
MR. CULLEN:
It could be or it could be local reactors emitting strontium-90 into the air, as they do when they --
LEG. ALDEN:
But that's not part of your study. Your study is just to confirm the --
MR. CULLEN:
Not to draw conclusions at all. I mean, the study can't draw conclusions, all it can do is present evidence that there's a problem, just like it did during the Kennedy administration. Then it's up to policy-makers to decide, you know, where this goes from there, but first you just need to document that there's a problem and that's what we're doing.
LEG. ALDEN:
But what policy-makers? You have in place to send this to the Federal Government or are you going to stay local with it?
MR. CULLEN:
Well, the New Jersey Legislature is actually going to next year be appropriate money for this study in New Jersey. We're trying to get as many levels of government as possible. And I guess like Mr. Holst said before, that oftentimes it takes the County, like it has with the Brookhaven National Lab and the testing of the Peconic River, to step up and perform an important function that other levels of government are not performing.
LEG. ALDEN:
Okay. And then I just have one more just to clarify. There's evidence right now that there's an increased level?
MR. CULLEN:
So far, from what we found in our preliminary test, yes.
LEG. ALDEN:

And what you want to do is just confirm that preliminary finding?
MR. CULLEN:
And get more teeth from Suffolk County to continue verifying these results and see if what we found is correct.
LEG. ALDEN:
All right. Thanks.
D.P.O. LEVY:
Okay. Thank you, Scott.
MR. CULLEN:
Thank you.

D.P.O. LEVY:
Vicki Gold.
MS. GOLD:
Hi. I'm here to support Resolution 1853 regarding The Wedge. I'm a relatively new resident in Mount Sinai, but from the very beginning, my husband and I became involved with this whole issue of what's going to happen to The Wedge. I'm asking you to support -- well, forgive me, I'm probably going to be in several different places at one time here. First thing I'm going to ask is that people really become aware of the role of land trusts in preserving land. One of the things we did when the issue of what's to become of The Wedge came up is we became educated, the Mount Sinai Civic became educated in the role of land trusts in developing and preserving land, which I believe is completely in line with what the Greenways legislation purports to do.
I know some questions have come up about why two resolutions about this piece of property, and this goes to the heart of our desire to have the Civic and the Mount Sinai Heritage Trust be the primary group or organization responsible for the development, management and maintenance of this property.
The other -- one of the other reasons that a second resolution had to be brought forth, unfortunately, by somebody who was not even from our own district, was because our district representative had brought forth a resolution without even speaking to the organization that represents the community, which is the Mount Sinai Civic Association. The fact that our organization was not consulted, was not included with the plan for this property almost forced us to have to look for support elsewhere, and it became necessary to have a second resolution that truly acknowledged the role of community organizations. And I feel like I'm -- I realize I'm nervous and forgive me --
D.P.O. LEVY:
Take your time.
MS. GOLD:
Thank you. And I usually -- I'm usually not having a problem speaking, but this is an extremely emotional issue for us, highly emotional. I can't stress enough the importance of the 1853 resolution over 1896. It is the only one that truly represents the will, not only of the Mount Sinai community, but truly of the whole Suffolk County community, anybody who recognizes the importance of preserving land and having it developed for -- the use by people of all generations, it's not just Mount Sinai.
The other reason I believe that 1853 is so critical to be the resolution that's passed is because it enables the Mount Sinai Heritage

trust to, as I said earlier, develop and manage and maintain this property. It has the funding, it will have the partnership with the Town, which I know has been a major consideration or concern of some of the people here, that partnership will exist. But with 1853, again, I believe the will of the community is more represented and the intention of the Greenway legislation is more adequately realized.
I think I'm going to stop now before I just go on, and if there are any

questions.
LEG. FISHER:
Mr. Chair.
D.P.O. LEVY:
Yes. Legislator Fisher has a question.
LEG. FISHER:
Hi, Vicki.
MS. GOLD:
Hi.
LEG. FISHER:
Last week we were all very, very happy, because after the CEQ meeting, when CEQ approved the plans of the Mount Sinai and -- Civics and Heritage, the Town did come to table and indicated to Mount Sinai Civics that they would be willing to work with you. We were very happy. I was happy to be able to get out of a district that wasn't mine and said I would be willing to withdraw my resolution as soon as we had an assurance that the Town would be working with Mount Sinai Civics and Heritage. However, everyone from your organization who has spoken today has indicated that you don't want 1853 withdrawn. Can you explain why?
MS. GOLD:
First of all, you just reminded me that one of the things that had come out of the meeting with the Town -- that when the Town fully looked at the Heritage Trust's plan, which included our design for the property, as well as the financial plans that had been made and the types of partnerships that Mr. Carbone had spoken of, they were -- I'm under the impression they were very impressed with what had been accomplished. As for why 1853, I believe Mr. Carbone addressed that more eloquently than I can right now, and it has to do -- I really, I can't -- he expressed it so well, I don't even want to try to say it again.
LEG. FISHER:
Well, the reason I'm asking is because it's a direct question, because Mount Sinai Civics had said that Brookhaven Town was willing to enter into an agreement with them. My representation at the Parks Committee was that if there were a resolution from the Town of Brookhaven, that 1853 would be withdrawn by me.
MS. GOLD:
Okay, yeah.
LEG. FISHER:
Okay. Now I'm at the point where the Civics is saying, "No, we don't want you to withdraw it," and I have made representation that I would withdraw it if there were an agreement. So I'm now in a curious situation where I've said that I would withdraw it, thinking that I was echoing the sentiments of Mount Sinai Civics, which have changed from then and now. What has caused that change?

MS. GOLD:
And, you know, feel free -- I believe this has been said already, but there still remains a major distinction between the two resolutions. Your resolution, Legislator Fisher, has us as equal partners with the Town and the County, which I think is appropriate. It provides the balances, you know, the balance.
LEG. FISHER:
But what made you feel the need for that equal partnership since last week, what has changed?
MS. GOLD:
I believe it's that -- I'm going to ask Deirdre to take over, because I think there's --
LEG. FISHER:
Is she the next person?
D.P.O. LEVY:
She could answer the question?
MS. GOLD:
May I ask Deirdre to take over on this part?
D.P.O. LEVY:
Go ahead.
MS. GOLD:
Because -- thank you.
MS. DUBATO:
I am the next speaker anyway, I do believe.
MS. GOLD:
So --
MS. DUBATO:
Am I next on your --
D.P.O. LEVY:
Yeah. Deirdre?
MS. DUBATO:
Deirdre Dubato, yeah.
D.P.O. LEVY:
You are, yes.
MS. GOLD:
Okay.
LEG. FISHER:
Okay.
MS. GOLD:
So I'm going to allow her to speak.

LEG. FISHER:
Thanks, Vicki.
MS. GOLD:
Thank you.
MS. DUBATO:
Since I am the next speaker, I thought I'd come and try to answer your question, which is what I was going to speak to here. And I'm glad Mr. Bishop is back, because I was going to do a little demonstration with taking money out of his pocket and praying he had a fifty on him and I'd go from there on why we want to partner the way he want we want to partner.

LEG. FISHER:
Okay. And, Deirdre, it is -- Mr. Bishop, I don't know, Dave, if you had heard my question, because it's very, very important to today's discussion.
LEG. BISHOP:
Yeah. You were going to withdraw it, but you didn't withdraw it, because they don't want you to withdraw it. I heard you.
LEG. D'ANDRE:
Very eloquent.
LEG. FISHER:
Okay. We really need to know the reasons why they don't want me to withdraw it, because --
MS. DUBATO:
All right. Let me -- then let me start with what I wanted to point out and bring out today. First off, my name is Deirdre DuBato. I'm on the Board of the Mount Sinai Civic Association and I chaired the Mount Sinai 25A beautification. I've also been a partner in working towards getting a land trust developed, the Mount Sinai Heritage Land Trust. We have looked at this from many points of view and come to the conclusion that the best way for Greenways and Smart Growth to be represented in our community, where you're going to have your first major expenditure of funds, it's almost a test case, what happens in our town is going to affect what happens in the rest of Suffolk County. It's the first major expenditure.
The two resolutions that were developed came about because, number one, a thing that came and went was what do we want on The Wedge? To answer Mr. Bishop's first question an hour or so ago, everybody is now on board with what will be developed on this park. It is going to be a park that includes enough ball fields to make most of the communities around us happy, including the organizations that are involved in youth athletics and ball fields needed. So that has come, gone and been resolved. So that was no longer the reason for the two resolutions. That was one of the original reasons.
Now we're looking at what some might call a splitting of hairs as to how the management, development is going to occur. If we take and

develop it as 1853 is set up, which is the resolution that we are hoping Ms. Fisher does not withdraw at this moment, we, as one of the community groups, the Heritage Trust, Land Trust, and the Mount Sinai Civic along with Suffolk County and the Town would partner as three equal partners. Right now, we're the partner with the most money in our hands ready to extend it and put our money where the mouth is as far as development and maintenance is concerned. 1896, as it's written, this is that splitting of hairs, says that Suffolk County and Brookhaven Town will partner to make sure that this is purchased under Greenways. Then the Town, according to the resolution they've just passed today, will establish a liaison with the community groups that have an interest in being there to discuss how they want to see the development and maintenance being taken care of. That takes the partner with the most money and puts them into third seat.
So, to go back to that money explanation, if we said, Mr. Bishop was to represent the Heritage Land Trust and he had a $50 bill in his pocket that he could put towards the development of something, whatever we

want to pretend it is, but he cannot get directly involved with the owner of the house, and let's say Mr. Sabatino is the owner of the house that the $50 is going to be applied towards, Mr. Sabatino and Mr. Caracciolo are going to discuss how the money is going to be spent and developed, and then they turn around and they slip the 50 out of his pocket and say, "Thank you." Now Mr. Bishop didn't have as much say on what exactly he wanted his $50 put towards. Should it go towards unplugging that toilet he mentioned? Should it go towards planting the trees out in the front yard? It's kind of a simplistic way of saying why do we want to split hairs on how the partnerships are set up?

We're here for the long haul. The money that we're going to bring is significant now and it's going to be significant in the years to come. With that thought in mind, it only makes good sense and good business to have the three major partners as equal partners, not taking two partners and saying the second partner here then has to turn around to the major fund holder and say, "How do you want to incorporate these funds"? Okay, yes, maybe we agree and maybe we don't. If that sounds like it won't happen, Mr. Levy, before you flip on your microphone, let me just say that in the last week, we have been informed by a representative from the Town that while our original plans and thoughts for a community center were one thing, we've already had a restriction placed on us verbally, quietly, that they will not allow more than a 2,500 building to be -- they won allow it. It's never going to pass the Town in their mind. Here we're saying we're going to put these funds towards construction of a particular building. This is just one building, one project that's going to go on on these 17-plus acres.

D.P.O. LEVY:

Deirdre, you can be continued, because Legislator Haley has a question.

LEG. HALEY:

No. Let her go.

D.P.O. LEVY:

All right. Well, the time's expired, but if you can wrap up.

MS. DUBATO:

Okay. I'll wrap up with one other-than example of us having to work in third seat. We had our attorney that represents us phone the Town asking for some information regarding the resolution that was going to occur today. We've never received a phone call. It's obvious to us that we're not going to get the attention that we need to know wisely how to spend the dollar that we want to spend. With that thought in mind, a three-way partnership was the better deal.

D.P.O. LEVY:

Thank you. Legislator Caracciolo?

LEG. CARACCIOLO:

The speaker has mentioned that they are a partner with the most money to develop and maintain the property.

MS. DUBATO:

Not the purchase. Obviously, the purchase is the most money.

LEG. CARACCIOLO:

No, I understood that. You said -- I understood what you meant you meant by develop. You mean develop the facilities?

MS. DUBATO:

Yes.
LEG. CARACCIOLO:
And maintain the facilities.
MS. DUBATO:
Yes.
LEG. CARACCIOLO:
Could you elaborate? What is the commitment that the Heritage Trust is willing to state on the record and the Mount Sinai Civic Association?
MS. DUBATO:
We've already mentioned by a number of speakers, starting hours ago with Mr. Philip Lynn, that at this moment, there's only 200,000 committed from Brookhaven Town.
LEG. CARACCIOLO:
Correct.
MS. DUBATO:
There's at this point 500,000 committed for us development-wise.
LEG. CARACCIOLO:
No. Well --
MS. DUBATO:
This is just the beginning.
LEG. CARACCIOLO:
I'm on the Parks Committee. For the benefit of Legislators who are not on that committee, explain what that $500,000 represents. Is that the

acquisition cost for the .8 acre property, or is this additional funds.
MS. DUBATO:
These are additional funds. The money that has been spent on the acquisition of the land we currently own on The Wedge, which we would then incorporate into the whole land trust, not only ours, but the 17 other acres, those funds are not included.
LEG. CARACCIOLO:
Okay.
MS. DUBATO:
The 500,000 that was presented to you when you had your financial review was part of the funds that were being donated, matching funds and so on.
LEG. CARACCIOLO:
Okay. To make it clear, there's been no financial review, it's something I would insist upon, number one. Number two, where is this $500,000 right now?
MS. DUBATO:
It is my -- it is my understanding that after the SEQRA meeting, members from one of your committees met with a member of the Heritage Trust, Mr. Carbone, and, of course, Lori Baldassare from the Civic and reviewed the finances. Am I to understand --
LEG. CARACCIOLO:
I'm not aware of such a meeting. When did that meeting take place and with whom did it take -- could you come up, please?
D.P.O. LEVY:
I've had a request by --
MS. DUBATO:
Okay. Yeah, that's in there.

D.P.O. LEVY:
-- a Legislator for other Legislators to come to the floor.
MS. DUBATO:
That data's on your handout, by the way, that they gave you.
D.P.O. LEVY:
Ma'am. Deirdre, just one second. I've had a request from other Legislators to have more Legislators at the horseshoe. All right, continue.
LEG. CARACCIOLO:
Could you just --
MS. DUBATO:
If you have that handout, what it looks like.

LEG. CARACCIOLO:
Yes.
MS. DUBATO:
The handout that first just came gives you the time line, the exact dates, and who was in that Financial Review Committee.
MS. BALDASSARE:
No, it doesn't.
MS. DUBATO:
Doesn't give it, their name, the members?
MS. BALDASSARE:
No.
LEG. CARACCIOLO:
I'm not aware. We don't have a subcommittee, we have standing committees, and I would like to know who met with whom, when, and for what purpose.
MS. BALDASSARE:
We met with Judy Gordon and --
MS. DUBATO:
I wasn't at that meeting.
LEG. BISHOP:
The Parks Trustees.
MS. BALDASSARE:
Yes, the --
MS. BALDASSARE:
Yes, the Parks -- the Parks Department Trustees.
LEG. CARACCIOLO:
You met with representatives of the Parks Department.
MS. BALDASSARE:
Right.
LEG. CARACCIOLO:
Okay.
MS. BALDASSARE:
And they went and did a financial analysis. They went through our paperwork, asked us where the money -- where the sources of the money was from, asked us for documentation to show, you know, where -- where it was coming from, and whatever. We spent about two hours after the CEQ meeting.
LEG. CARACCIOLO:
I'd like to see a copy of that handout or presentation. Is that included in what we received today?

MS. BALDASSARE:
It probably is included with -- the allocation of the money is included in what you have today. More of that was included with the packet that we gave out last Wednesday at the Parks Committee meeting.
LEG. CARACCIOLO:
Okay. I have -- I have that. But in terms of where -- is this money presently in a bank account?
MS. BALDASSARE:
No. It's grant money that's been approved. There's letters that we submitted with the packet that show that it's been approved by the State. We're waiting for the money to come forward. It has to be assigned to different, you know --
LEG. CARACCIOLO:
Entities.
MS. BALDASSARE:
Right.
LEG. CARACCIOLO:
Right.
BALDASSARE:
So --
LEG. CARACCIOLO:
Do you have a time line, and when that would be accomplished?
MS. BALDASSARE:
A hundred thousand of it is budget money for this year's budget, so that's going to be spent by May of 2001.
LEG. CARACCIOLO:
I recall something in the packet from Senator LaValle. Is that some of the money you're speaking of?
MS. BALDASSARE:
There was a grant from Assemblyman Englebright.
LEG. CARACCIOLO:
Okay.
MS. BALDASSARE:
There's actually a couple of grants. They're laid out separately. One is a budgetary item on this year's budget, another one is from --
LEG. CARACCIOLO:
Which some publications like to refer to as pork or member item, but here is a good example of member item money going for a good community use and purpose.
MS. BALDASSARE:
Right. So -- and there's different sources of money, you know, that we have laid out. And in that packet that I gave out this morning, it --

there is a question that asks the source of revenue. And I don't know what question number it is, but the answer is there and it lays out where all the money is coming from.
LEG. CARACCIOLO:
Okay. As I mentioned in Parks, and both of you were there, I have sponsored legislation that requires due diligence, financial due diligence of any entity that wants to partner with the County in inaugurating this program, and you're the first at bat. And as I've stated on the record and I'll state again, you have presented an

excellent plan, and design and plan for the use of this facility.
(Applause)
however, what we have to make sure, because we have fiduciary responsibility, is that the entities we partner with have the capability of not only launching this initiative, but actually have the ability to maintain it on a long-term basis, so that we all don't one day, two, three four years from now turnaround and go by a site that is not being properly maintained and not being used for that purposes which we intended its use. Thank you.
MS. BALDASSARE:
And let me just add to that, that the Town of Brookhaven has looked at our financial report, which has led us to the meeting where we've decided that a three-way partnership would work, and they've accepted the fact that our financial portfolio is enough to partner with the Town of Brookhaven, and I hope Suffolk County would feel the same.
LEG. CARACCIOLO:
I would hope we'd feel the same, too, but I'd like to put that decision into the hands of the individuals in our Budget Review Office that do this day in and day out and have the financial background and expertise to make those types of judgments.
MS. DUBATO:
Would that mean, then, that the review that was requested and met last week, then -- as I said, I wasn't at that meeting, but Lori was and could speak better to it as to the specifics -- is not going to be considered enough? Because one thing --
LEG. CARACCIOLO:
Not as far as I'm concerned, it's not --
MS. DUBATO:
Oh, okay. Because --
LEG. CARACCIOLO:
Because the individuals you've mentioned, they have administrative capability. I don't know about their financial management skills and expertise. That's why we have an Office of Legislative Budget Review, and that's -- those are the -- that's the entity I'd like to see undertake this review. Seven I don't think you'll have a problem, unless you think you have --

MS. DUBATO:
The only problem that I see here is the time.
LEG. CARACCIOLO:
I mean, if some of the these funds are iffy, then you're going to have a problem.
MS. DUBATO:
The only thing I see here is the time.
LEG. CARACCIOLO:
Well, we could make it conditioned --
D.P.O. LEVY:
One at a time.
LEG. CARACCIOLO:
You know, we could make it conditioned, the approval of this, conditioned upon certain subsequent requirements --
MS. DUBATO:
Okay. So you're saying --

LEG. CARACCIOLO:
-- being met. And I think that could --
MS. DUBATO:
-- a resolution can pass today --
LEG. CARACCIOLO:
I would think so, with certain conditions.
MS. DUBATO:
With the condition that there be one more financial review involved, and that if that goes all right --
LEG. CARACCIOLO:
Well, I'd like to get together with Legislative Counsel --
MS. DUBATO:
-- we can go ahead with the purchase.
LEG. CARACCIOLO:
-- to come up with the language.
D.P.O. LEVY:
Hold on, hold on. You're driving the stenographer crazy. Please, just one person talk at a time.
MS. DUBATO:
Sorry.
D.P.O. LEVY:
Thank you.

LEG. CARACCIOLO:
Ask your question.
MS. DUBATO:
All right. So I'm just saying, then, that one of the items mentioned today by Ann Becker was there's a drop-dead date as far as Mr. McGovern is concerned. He's been a super patient man as far as how long it would take to get to a financial number ease happy with and would sell his property for. He certainly has shown willingness to try and do a deal with an entity the community wasn't, and that was the Home Depot contract he went into. He's waited. He's given us an ultimatum. There's not much time with the schedule you have to vote to make this occur. If there's going to be further surveys and other paperwork required to make the deal occur on time before December -- before December 1st, then we would like to see a resolution passed today. And although we support 1853 emphatically, because it makes sense as good business sense, I think if I stood here and said we don't care where our half a million goes, it would actually prove the point that we are fiscally irresponsible. By saying we want to be one of the three people involved in signing this agreement, it proves further that we are fiscally responsible. We want to see and say what happens to the money that slips out of our pocket.
LEG. CARACCIOLO:
But not a dime slips out of your pocket until we acquire the property.
MS. DUBATO:
That's right, and there's a drop-dead date.
LEG. CARACCIOLO:
My concern and my fiduciary responsibility is to make sure not one dime of taxpayer money is spent until we have all these agreements in place. Thank you.
D.P.O. LEVY:

Okay.
MS. DUBATO:
Any other questions?
D.P.O. LEVY:
Thank you so much.
MS. DUBATO:
Thank you.
(Applause)
D.P.O. LEVY:
Patricia Kennedy.
MS. KENNEDY:
You'll have to excuse me, because I'm really nervous and I might be jumping around. I wrote down notes of what I wanted to say.
00070
My name is Patty Kennedy and this is my son Quinn, and we're from Mount Sinai. We're here to support Resolution 1853. I was --
D.P.O. LEVY:
Excuse me. Patricia, you have to speak very closely into the microphone.
MS. KENNEDY:
Right close? Okay.
D.P.O. LEVY:
Thank you very much.
P.O. TONNA:
What handsome children you guys have.
MS. KENNEDY:
I was a recent resident about five years ago to Mount Sinai.
D.P.O. LEVY:
And you know what, before you go on, I'm not going to count your time yet, let's get some Legislators in here. We don't have a quorum.
D.P.O. LEVY:
I have you standing there holding your baby, too, so I'm sorry.
MS. KENNEDY:
That's okay.
D.P.O. LEVY:
Let's start over. Why don't you go from here. Thanks.
MS. KENNEDY:
Okay. This is Quinn and Quinn would actually like to say something.
P.O. TONNA:
Hi.
D.P.O. LEVY:
Okay.
P.O. TONNA:
How are you?
MR. QUINN KENNEDY:
I want a park and I want a skating place.
(Applause)
P.O. TONNA:
Translator.
MR. QUINN KENNEDY:
I want a park.
00071
LEG. FISHER:

"I want a park."
MR. QUINN KENNEDY:
And I want a skating place there.
P.O. TONNA:
Okay.
MS. KENNEDY:
He wants the park, he wants --
D.P.O. LEVY:
All right. Done deal.
MS. KENNEDY:
He wants a park, he wants to skate, he wants to walk the trails, and he wants to have a playground, and he wants to play ball, and he wants to do all the different things with all the members of his family and community.
LEG. D'ANDRE:
And I don't think that's unreasonable.
MR. QUINN KENNEDY:
And I --
MS. KENNEDY:
Thank you.
(Applause)
MR. QUINN KENNEDY:
And I want a toy store there.
(Applause)
MS. KENNEDY:
Okay. As you could see, I did not rehears him. Okay. Quinn and I are both residents of Mount Sinai, as you can tell, and I am part of the Civic Board and the Civic membership and the Parks Committee. I joined all of these things because I felt it was a good place to have a voice for my family and myself. The Civic Board and the Parks Committee gives me a good place to make things happen, you know, for my friends and family. I feel that the Civic had to actually, you know, come up with their own proposal out of a necessity, because we were basically not being heard, and to a point, we felt we were being excluded in the whole process of the development of The Wedge, which is directly in the middle of -- it's in the middle of our town. It's, you know, the only piece left out there.
We're strictly a volunteer organization and, you know, I think we have gone beyond reasonable expectations in developing our plan. We've educated ourselves through seminars. We've spent countless hours, days and nights. Anniversaries, birthdays, every holiday we give up in order to put these papers together for everyone to see how hard we

really worked to get this. My kids constantly ask me, you know, "Mom, why are you walking out the door to go to another meeting?" Because these meetings don't run once a month or once every two weeks, we're there, you know, for months, day after day, we have these meetings two or three times a week, if that's what we need to do.
I feel that the Civic proposal is the best for our community, because it addresses every citizen's needs. We have the ball fields included, the walking trails, playground, passive enjoyment areas, a community center, which is all things that we really sorely need in our surrounding area, and I'm not speaking just for Mount Sinai residents,

I'm also speaking, you know, as a mother and as a resident.
The Civic Board and the Heritage Trust have backed up their plan with -- you know, to start with 500,000 in funding, so we can actually guide the development of our project, and that's why I think that 1853 is the better choice over 1896. It balances out, you know, the power among the parties that are most interested.
Our civic has over 500 people with the same belief as I do, you know, that if you want to make this world a better place, you have to get out there and do it. And I used to think that one person's voice couldn't be heard. Well, I met a town of other people that have the same voice that I do. I'm wearing three ribbons today to support our park for myself, my husband, and my other son, who could not be here, and we have 3,000 residents in our town who support us with these ribbons that cannot be here either.
We have a great need on Long Island for the multiuse, multigenerational parks. I come from South Jersey and you do find these places there. That's where I grew up and that's, you know, what I would like to bring here, you know, the places that grandma can take her kids or I can take my kids, or anybody can enjoy.
P.O. TONNA:
Ma'am, you're going to have to wrap up your comments.
MS. KENNEDY:
Okay. My final thing is, basically, you know, the new millennium makes people look at where we stand as the human race and what we have accomplished and what we stand for, and I really think that, you know, we should -- we should be remembered for our unity of purpose to work together for the good of the whole, and by passing 1853 over 1896 today puts that voice back into the people's hands, and we will be there to stand up for that and to back you. Thank you.
P.O. TONNA:
Thank you very much, ma'am.
(Applause)
okay. We're going to now have a lunch break, and the Budget Committee will have a short meeting, so that we can get some legislation either in or out for this afternoon's session. Adjourn to 2:30.
[THE MEETING WAS ADJOURNED AT 12:15 P.M. AND RESUMED AT 2:40 P.M.]

P.O. TONNA:
Okay. All Legislators, please come to the horseshoe. And, Henry, we'll give you a 30-second timer for roll call.
MR. BARTON:
Okay.
P.O. TONNA:
Okay. I would like -- I'd like you to roll call.
(*Roll Called by Mr. Barton*)
MR. BARTON:
Thirteen present. (Not Present at Roll Call: Legislator Guldi, Legislator Caracappa, Legislator Foley, Legislator Fields)
LEG. BISHOP:
You have me?
MR. BARTON:
Yes, I do.
LEG. CARPENTER:

Henry, I was here at 2:30.
P.O. TONNA:
Okay, public hearings. Let's start with Public Hearing regarding 2001 Operating Budget. I'll make a motion to close. Oh, no. We have some speakers. Audrey VanDeusen. Audrey, come on up. Come on down.
MS. VAN DEUSEN:
Thank you.
P.O. TONNA:
Thank you, Audrey. Sorry about that.
MS. VAN DEUSEN:
Hi. My name is Audrey VanDeusen. Okay. I'm Audrey VanDeusen. I'm currently serving as Board President for the Child Care Council of Suffolk. And I'm here today to speak for the Board, actually, and express our concern for the recommended amount in the County Executive's budget for the Child Care Council contract this year, and it is over a $27,000 decrease from what our contract was last year in the budget, and over $30,000 less than what Department of Social Services requested for what they saw as needed by us to continue to do the job that we do. This job is an outreach service to minority communities and the low income population of Suffolk as regards to child care, working with Department of Social Services and Department of Labor.
Our amount was increased last year, because we had operated for ten years without an increase in an ever expanding market that needed more services. And, finally, it was an adjusted to the $100,000 level last year, which was much closer to a realistic figure. Since then, the Child Care Council has actually expanded its services. It's now

outsourcing a staff person to Department of Labor, so that they are right on site to help with the SWEP Program, those clients who are being placed in jobs and are panicking about what they'll do with their children. The staff person is able to counsel them on what is available, what their options are, home providers, group homes, child care centers, and to educate them to be educated consumers of child care, what to look for to be sure their children will be safe, healthy, and in a quality program. So this is a most needed service, and we would hate to have to give up that service.
As a member of the Board, since the Board is responsible for the fiscal oversight of the agency, we are deeply concerned and know that in order to continue the kind of work that we're doing, we absolutely need to have those funds restored to $103,000, as requested by Department of Social Services. I appreciate your concern. We'll talk with you more in committee. And thank you for the opportunity.
P.O. TONNA:
Excuse, ma'am.
MS. VAN DEUSEN:
Yeah.
P.O. TONNA:
Just a quick question.
MS. VAN DEUSEN:
Yes.
P.O. TONNA:
You're saying that you're basically $300,000 short from last year?

MS. VAN DEUSEN:
No, 30,000.
P.O. TONNA:
Short from last year?
MS. VAN DEUSEN:
Thirty thousand, yes.
P.O. TONNA:
Okay.
MS. VAN DEUSEN:
Yes.
P.O. TONNA:
Thank you very much.
MS. VAN DEUSEN:
Thank you.
P.O. TONNA:
Okay. Linda Devin-Sheehan? Did I pronounce that correctly?

MS. DEVIN-SHEEHAN:
You did.
P.O. TONNA:
This is amazing.
MS. DEVIN-SHEEHAN:
Thank you.
P.O. TONNA:
Thank you.
MS. DEVIN-SHEEHAN:
I'm also here representing the Child Care Council of Suffolk. Suffolk County's early child care and education providers cannot attract and retain qualified staff. This turnover and the lack of qualified staff is having a terrible affect, not just on the children that are involved, but also on employers here in Suffolk County, because they are increasingly -- it's an economic development issue. They need-- they need to be able to count on their employees coming to work, and it's increase ugly difficulty for them to recruit the people, if they don't -- if the perspective employees cannot find child care, and if the perspective employees cannot have confidence where they are leasing their children.
So last year, we had -- Vivian Fisher introduced some legislation that was for an enhanced -- for a salary enhancement program that would increase the salaries of child care providers based on their credentials, which was -- which research has shown will have a significant impact in terms of both being able to attract qualified staff and being able to keep them. This is a model that is in place in other parts of the country; it has been demonstrated to be effective.
At that time, the Legislature tabled the resolution, but there were a number of you Legislators who indicated that when we came back to you and it was time for the Year 2001 budget, that you would be -- you would not only support it, that you would also sponsor it. So I'm here today to ask you please do join Legislator Vivian Fisher in sponsoring this important resolution. Thank you.
LEG. FISHER:
Thank you.
P.O. TONNA:

Any questions? No? Okay. Thank you very -- thank you very much, Linda. Phyllis Garbarino, John Meyer. And the whole AME membership? No, just the two of you, huh? Okay. By the way, how was your golf outing?
MS. GARBARINO:
Excellent.
P.O. TONNA:
It worked out well?
MS. GARBARINO:
Very, very successful. Thank you.

P.O. TONNA:
I apologize for not coming, you know.
MS. GARBARINO:
We'll get you next year. Okay?
P.O. TONNA:
Yeah.
LEG. ALDEN:
Not comments from Mike, Legislator Caracciolo?
P.O. TONNA:
Yeah. I heard that Caracciolo --
MS. GARBARINO:
He walked away with the store.
LEG. ALDEN:
Did very well.
MS. GARBARINO:
Yeah.
P.O. TONNA:
Yeah, I heard that. It's amazing.
MR. MEYER:
He's in merchandising now.
P.O. TONNA:
He did the same thing at my golf outing.
MS. GARBARINO:
John just said he's in merchandising now, so.
LEG. CRECCA:
Yeah. And I think it's fixed. It's fixed.
P.O. TONNA:
It is, I think it is. I was hoping he'd share some of the clubs with me, but, you know, I told him he should cash all of the clubs in and get lessons. But anyway --
LEG. CARACCIOLO:
Mr. Chairman, I'll share some of the cost with you.
P.O. TONNA:
Yeah. No, no, I know. Thank you, Phyllis. I apologize for digressing.
MS. GARBARINO:
That's quite all right. We're here today really about the Operating Budget to make sure that you're mindful of several things in it. We're very glad that there are so many new positions put into the budget. There's been a sore need for them. I mean, this is across the board in

all the different departments. Over the years, the amount of employees in our bargaining unit have depleted because of all of the cost

savings, shall we say, that have been tried to put in by diminishing positions, by eliminating positions, and it's really at an impossible level now. I think everybody's suffering, because you cannot possibly deliver the amount of services that this County needs --
P.O. TONNA:
Right.
MS. GARBARINO:
-- with the number of positions that we have. So we're very concerned that these positions be put into the budget along with others that will be retained.
We'll also be present at all the committee meetings, too, to discuss particulars, maybe in different departments, and things that you might need to know. John is here to just go over just superficially some of the financial ends of it, too, and we will be visible and very available to talk to you about this budget as the process goes along.
So I'll turn it over to John Meyer now.
P.O. TONNA:
Thank you. Thank you. John, you could move the mike up a little.
MR. MEYER:
Thank you. Thank you. I'm really here today to get some information, really gather information since the beginning of the process. As Phyllis says, we're very happy about the new positions in Health, and DPW, and Probation, and so on. We're very interested in seeing how the stand-alone resolution that goes with the budget, how that really plays out. We notice there's a significant increase in spending with that stand-alone resolution --
P.O. TONNA:
You mean the Police District?
MR. MEYER:
In discretionary, I believe.
P.O. TONNA:
Okay.
MR. MEYER:
All right? So we are interested in detail more than anything else today, so --
P.O. TONNA:
Right.
MR. MEYER:
-- we're sitting and listening and learning.
P.O. TONNA:
Well, this isn't Nassau County, we'll give you detail. All right. Thank you.

MR. MEYER:
Thank you again.
P.O. TONNA:
All right. You heard John wanted detail, guys, so, you know, Fred, you're going to have to have your detail mode. All right. Do you want to something, Fred?
MR. POLLERT:
No.
P.O. TONNA:
You want to address anything?

MR. POLLERT:
No.
P.O. TONNA:
Because we like to hear the Budget Guy talk. All right. Nancy Olsen-Harbich and Greg Rivera. Greg? No? Oh, there you are, Greg.
MR. RIVARA:
Gregg Rivara.
P.O. TONNA:
Rivara? Or how about Riviera? Is it spelled similar?
MR. RIVARA:
That's Buick.
P.O. TONNA:
Okay.
LEG. BISHOP:
That's a Buick.
P.O. TONNA:
There you go. I know it's a nice place, too. But anyway, not that I've ever been there. Okay. Sorry, Nancy. It's your turn.
MS. OLSEN-HARBICH:
Good afternoon. My name is Nancy Olsen-Harbich and I am representing Cornell Cooperative Extension, where I've worked as a Human Development Specialist for the past 15 years. In this role, I provide educational programs for parents and training opportunities for other professionals who work with families throughout the County, utilizing Cornell University research-based information.
Cornell Cooperative Extension's educational programs for parents help them to increase their confidence and competence in the demanding job of being good parents. Our programs are held throughout the County and --

(The Presiding Officer Banged the Gavel)

MS. OLSEN-HARBICH:
Thank you. Throughout the County in schools, public libraries, churches, and community centers, and are evaluated highly by the parents that attend them each year. We are committed to expanding the parent education and support services that are available to parents throughout the County, and we provide much training and technical assistance to the many agencies and organizations out there on best practices for reaching, educating and supporting parents.
Cornell Cooperative Extension believes that all parents need support, that the job of raising responsible, caring and well adjusted children is getting harder. As our culture changes to include more and more dual-earner families, single parent families, and socially isolated families, raising children without the helpful support and guidance of friends, family and neighbors. We believe that we need to reweave the fabric of community to support parents to do the best possible job raising their children. Because all children need and deserve skillful, loving parents, and because when parents will not or cannot meet the demands of the job, our communities pay an enormous price. Millions of dollars in County funds are spent each year in addressing the consequences of poor parenting. Foster care placements, juvenile crime, adolescent pregnancy, the list goes on and on. Children who do not get the love and consistent guidance they need at home become our

statistics before too long. Strong and skillful families, in addition to being what all children need and deserve, are also the most economical way to protect our communities.

Drug abuse, violence and other self-destructive behaviors are the actions of children who have not been raised to develop self-respect and self-discipline. These are dangerous behaviors that can leave life-long emotional scars on children that are extremely costly to remediate. Creating strong families where parents give children boundaries and loving guidance is a wise investment in the future of Suffolk County.

We are asking the Legislature to provide $125,000 in our budget to allow us to continue our parent education programs. These funds were granted to us last year through the omnibus bill, and we have used them to hire expert parent educators. Since the beginning of 2000, the parent education programs these individuals deliver have been widely promoted to schools, libraries, community groups and others. We have reached 2,615 parents and professionals. If we are to lose these funds now, we will have to dismiss these highly skilled parent educators and break our commitments to many constituents who now depend on this support. Demand for these programs has exceeded by 80% the goals we initially set. Our link with Cornell and the other land grant universities provides us with many educational programs and resources to help parents, but we desperately need high quality, high caliber staff to do this work.

Research over the past 20 years has provided us with an incredible amount of information on how to raise children well. Research indicates -- recent research indicates that brain development is essential in the role that parents have in interacting with their children to promote their development. We now know more than we have ever known about how to ensure the health and emotional well-being of

children, and we know that it starts with their parents doing a good job. The skills of parenting need to be learned. We have more proof than we will ever need that this -- that good parenting is not just instinctual. The workshops that Cornell Cooperative Extension provides teaches these essential skills and allows parents to practice them in a friendly, nonjudgemental environment, enjoying the support of other parents in the group. Schools and mental health professionals can provide some intervention for problems, but the best place to ensure the well-being of kids is at home by providing them with knowledgeable parents that meet their needs seven.

You have all received folders which contain very specific information on the programs that we have created and the staff that we have hired. Yes, those red folders. We hope that we can count on your support to fund Cornell Cooperative Extension staff to teach and support parents. The dollar spent on helping parents meet their responsibilities as parents now will in the long run mean less County funds spent to deal with the results of inadequate parenting later. All children deserve knowledgeable and skillful parents. I respectfully request that you invest a relatively small amount of money to help Cornell Cooperative Extension build stronger families to ensure better outcomes for children and for us all. Thank you.

D.P.O. LEVY:

Thank you very much. Next speaker Tom Williams.
MR. RIVARA:
Do I get a chance?
D.P.O. LEVY:
I'm sorry. Did we overlook you? Were you called?
MR. RIVARA:
Yes, along with Nancy.
D.P.O. LEVY:
Would you be Ken Wallace?
MR. RIVARA:
No, Gregg Rivara.
MR. BARTON:
He was called, Steve.
D.P.O. LEVY:
Oh, you were? Okay. Go ahead, sir.
MR. RIVARA:
Thank you. Well, my name is Gregg Rivara. I'm Site Director of the Suffolk County Marine Environmental Environmental Learning Center in Southold at Cedar Beach. I feel like I'm preaching to the choir up here. We've gotten some great support from the Legislature before, and many of you were at our Legislative tour this past summer. You arrived -- I'm sorry, yes. You arrived by boat and by car, and I think you got a lot out of your visit. Those that haven't, you're always welcome out there to see the great things we're doing.

In your packet, you'll see something that's called Suffolk County Marine Environmental Learning Center Fact Sheet. I hope you get a chance to read that.
The item I'm here to talk about is a $50,000 budget item that I believe was vetoed from the budget that allows us to do things like clean the bathrooms at the Marine Center. We get very little support from the Riverhead end, because we're so far east. In the past, I've been the one that's cleaning bathrooms cleaning, and while I don't mind that, then I'm cleaning bathrooms and tidying up the place, I can't do my regular job, which is really to create the business -- to help businesses and individuals and towns in Suffolk County. We use that money for things like boat fuel, vessel insurance. We use it for salary to jump-start new programs. As the fact sheet says, most of our employees are funded by user fees, not by the County budget. In addition, all of our fringe benefits are paid for by State and Federal funds. So when you hire someone like me, you're paying my salary, but you're not paying the 30 to 40% fringe that goes along with a regular civil service job, and I hope you all understand that. It's kind of critical that you do.
I could have had a whole line of people come in and speak, I could have brought in all kinds of newspaper articles for you to read. I think you've read them yourself, you've heard from people. I know I've worked in Legislator Levy's area with Blue Point's Company, and Legislator Guldi's and Legislator Caracciolo's district with baymen getting into oyster farming. In one case, I just found out I received $60,000 in federal funding from the USDA today, things that I wouldn't be able to do if we didn't have this little bit of help.
One last thing I'll leave you with. This Sunday, before this meeting,

I was talking to Joe Haberstroh out at our center and I was interviewed, along with some other of my colleagues at the Marine Center, so check out this Sunday's Newsday to see some of the things we were working on recently. And I hope you'll call us if you have any questions, please. Thank you for your time.
D.P.O. LEVY:
Thank you very much. Tom.
MR. WILLIAMS:
Good afternoon. Thanks. My name is Tom Williams from the Suffolk Community Council, and we represent the not-for-profit sector in the Health and Human Services delivery system throughout Suffolk County. And I'm here also with Louise Stalzer from the Peconic Community Council as well.
We're here to support the small percentage increase for contract agencies that appears to pretty much be across the board, a 2.5% increase. We would urge you to maintain that and possibly even bring it up to the level of the cost of living increase for this year, which was about 3.1%. We feel it's very critical to support our contract agencies. They represent a tremendous delivery system throughout the County for Health and Human Services to deal with affordable housing, housing problems, emergency housing, children and family issues,

prevention, the drug and alcohol agencies, provide counseling in a variety of settings. The Office of the Aging has contracts with groups like RSVP and {JASA}, and it's very important to keep those services alive and keep them up with the cost of living, which, as you know, is going up such things as gas, electricity, and what have you.
So we're very -- we urge you very much to help the contract agencies and keep them alive in this good economic time, so that when things may come to a downturn, that our agencies will be strong enough to serve the numbers of people that will be requiring their services.
We're glad to be of any help we can to the Legislature. We appreciate the service, the support that you've given us and given contract agencies over the year, and if there's anything we can do to help you look at this budget, we would be happy to do that.
D.P.O. LEVY:
Thank you, Tom.
MR. WILLIAMS:
Okay?
LEG. FOLEY:
Thanks, Tom.
D.P.O. LEVY:
Next speaker is Ken {Walls}, or Wallace. Ken? Ken Wallace?
MR. WALLACE:
That was on the Hotel Tax. I'm going to withdraw on that.
D.P.O. LEVY:
Okay. Well, we have no further speakers on this issue. So there being none, we have a motion by myself to close, second by Legislator Foley. In favor? Opposed? Motion carries.
Our next public hearing is regarding Southwest Sewer District Assessment Roll. Do we have any speakers on this? There being none, motion to close by myself, second by Legislator Cooper. Motion in favor? Opposed? Motion carries, it is closed.

Last public hearing, (Intro. No. 1957) Adopting Local Law to extend the Hotel/Motel Tax. You're going to pass? Sir, you're going to pass?
MR. WALLACE:
Yeah, I'll pass.
D.P.O. LEVY:
Any other speaker on that resolution? There being none, motion by myself to close, second by Legislator Alden. In favor? Opposed? Motion carries. That is closed as well.
Setting the date of November 21st at 2:30 p.m., William Rogers Building, Hauppauge, for the following public hearings: Public hearing 1978, 2027, 2028, 2029, 2030.

LEG. FOLEY:
Motion.
D.P.O. LEVY:
Motion by Legislator Foley.
LEG. CARPENTER:
Second.
D.P.O. LEVY:
Second by Legislator Carpenter. In favor? Opposed? Motion carries.
Let's get all Legislators to the horseshoe, please. We have a few more people from the public portion, then we'll go into the Consent Calendar.
Number 18 is Elizabeth Preston from the Suffolk Deputy Sheriffs. Good morning.
MS. PRESTON:
Good afternoon.
D.P.O. LEVY:
Good afternoon. Excuse me. Where have I been?
MS. PRESTON:
I'm Suffolk County Deputy Sheriff --
D.P.O. LEVY:
Ma'am, just hold on one second. We'll get that mike down for you. Okay.
MS. PRESTON:
I'm a Suffolk County Deputy Sheriff and I've been working without a contract for over four years. Perhaps that doesn't mean very much to many people, but I wonder if just some of the people that Deputy Sheriffs serve every day had to wait four years for help, what would happen? What would happen if a battered woman had to wait four years for an order of protection to be served? How many lumps and bruises or worse would she have to sustain? What if a landlord trying to evict a tenant had to wait four years before -- without rent, how much property damage would be done during the wait? What would happen if a drunk driver was permitted to roam the roads for four years? What if someone innocent would lose their life? I can't tell you the answers to these questions, but I can tell you what happens while I'm waiting for my contract, me and my coworkers.
During the last four years that I've been a Deputy, the quality of my life-style continues to decline. My bills get bigger and my paycheck has to stretch further. Oil bills ate away at it last winter. I began to shudder when the first cool breezes blew last week, because I know the cost of oil is even higher this year and I worry how I'll afford

it. I don't get the same miles out of a tank of gas that I used to. My mother that lives in Nassau has to drive out to see her grandson, because she knows I can't always afford the gas. He wants to speak.

Quality daycare is probably the biggest expense I have to bear right now. I'd like to have another child, but reality is beginning to set in. How can I possibly afford two? But should Deputies be denied families? Because that's what it amounts to in some cases. Many young Deputies are afraid to start families, because they're not sure if they can afford them, and for those of us who already have children looms the cost of college, and that keeps me awake at night, wondering when I can begin to save for my son, because financial experts say it's never too early to start.

I also lay awake at night worrying about my family cars. I have two. Both have over a hundred thousand miles on them. I'd like you to take a look at what I'm driving out in the parking lot. And one or both are going to go soon; could be today, it could be tomorrow.

But I guess I'm lucky, because I do own my own home. It's in a so-so neighborhood on a busy street, and the taxes are low. They used to be, anyway, they continue to go up as well. But, still, my mortgage is cheaper than some people's rent. Some Deputies can't scrape enough money together for a downpayment on a house, because the market is so strong. Basically the cost of living in Suffolk is going up and our paychecks aren't.

Why do I have to wait four years in a County that boasts such fiscal wellness, in a County that has a large surplus in its General Fund? When you consider the upcoming budgets, remember, the Deputies are still without a contract. We are professionals. We are police officers. We're trained side by side Suffolk County police officers at the -- at the academy. We're mothers, we're fears. We need a raise. Please, help the families of Deputies put an end to the waiting. Our family should be enjoying the same prosperity that others in Suffolk County are currently enjoying. Thank you.

D.P.O. LEVY:

Thank you, ma'am.

(Applause)

LEG. FOLEY:

Mr. Chairman. Miss Preston, if I may. And thank you for your comments today, and we share your frustration. Many times, when -- you know, when there are stalled negotiations through the collective bargaining arrangement, different people come to the Legislature to express their frustration, and we feel that as well, because part of our frustration is that under the County Charter, the sole and exclusive authority empowered to negotiate contracts rests solely and exclusively with the County Executive through his Labor Relations Director.

MS. PRESTON:

I understand that.

LEG. FOLEY:

And what we have tried to do in the past, as we can do without, I'll say, tampering with the process is to make the Executive Branch aware of the concerns of a variety of County workers, and in your case, a constituent of mine, that there are these, you know, extensive and

frustrating situations. I don't know whether it's unprecedented to four years without a contract, but whether it's unprecedented or not, it really is unacceptable. And you're absolutely right to be here today to take time, I know, away from your house to place on the record your concern. Because by placing your concerns on the record, we can then also present that to the County Executive and to the Labor Relations Director to try to convince them of the fact that they need to move ahead with this, because it's not just dollars and sense, as you so well put it, but it's also, no doubt, affecting the morale of those who work at a variety of County installations. And if there are other, let's say, generous packages for other public safety professionals, certainly, there shouldn't be four years wait for even a modest contract for another bargaining unit. So you're absolutely right. And I would just also state for the record that there has been distributed to all the Legislators a copy of an article in the New York Deputy. Copies were given to us by the -- by the Executive Committee of the Union.

MS. PRESTON:

I believe it's the State Deputies Association.

LEG. FOLEY:

Right. But this has been distributed by the Deputy Sheriffs Union President and the Vice President, and it really gives all of us I think real pause for concern that when you read this, entitled "An Experience With Arbitration," it gets to the point of how, so far, this class of County workers have been treated most disrespectfully by Mr. Green. And, again, I'm glad this was brought to our attention by your union leadership, because, again, this is no way to operate and no way to reach a mutual -- to reach a mutual agreement on a particular labor management contract.

MS. PRESTON:

Thank you.

LEG. FOLEY:

So I thank you for your time.

MS. PRESTON:

We just -- thank you.

(Applause)

D.P.O. LEVY:

Thank you very much. Greg Negra.

MR. NEGRA:

Good afternoon. I'll be precise, which I'm sure you'll all appreciate. Good afternoon. My name is Greg Negra. I'm a Deputy Sheriff here in Suffolk County. I'm here today, because since I was hired in 1998, I've been working without a current contract. Like Betsy just mentioned, I've trained side by side with other police officers of this County and performed many of the same duties, including making arrests, traffic enforcement, accidents, assisting disabled motorists, and various other duties in addition to

transporting dangerous felons.

I'd like to address a common misperception held by many citizens of this County. I've been told by numerous people that Deputies make plenty of money, or make $100,000 a year. My current salary is $31,000 a year. For that salary, I've been in physical confrontations, and

I've had the liability of carrying a firearm every day. I accept these responsibilities as part of my job, but feel I'm not being compensated for them. I cannot afford to get married or buy a home at my salary. Many Deputies I work with are working two jobs in order to pay their bills.
I'm not here for sympathy, I'm here because Suffolk County Deputy Sheriffs deserve a fair contract. I'm asking the members of Legislature exert some of its influence to encourage the County to negotiate in good faith. Thank you.
D.P.O. LEVY:
Thank you very much, Greg.
(Applause)
next speaker is Kathleen Dooley.
MS. DOOLEY:
I defer my minutes to Carolyn Corcoran.
D.P.O. LEVY:
Very good. Carolyn Corcoran.
MS. CORCORAN:
Good afternoon, Ladies and Gentlemen of the Legislature. A little about myself. First, my name is Carolyn Corcoran. I'm a 37-year resident of Suffolk County. At the age of 32, I decided to go to work for the Suffolk County Sheriff's Department. It wasn't an easy decision to come to. I had a lot of time, a lot of seniority, and a decent salary working for the State of New York. I thought the Sheriff's Department, though, offered the one thing that I really didn't have and that was security. I spent six months in the Suffolk County Police Academy, and I began my career in 1996 as a Deputy. In the last four years, I think I've worked harder than I've ever worked before. As of this writing, I have $4.41 in my checking, and $3 in my pocket. I'm suffering an extreme hardship. To say that I live paycheck to paycheck is an absurd understatement. I own nothing, I cannot buy a house, and the little savings I have is in deferred compensation for my future. In order for me to reap even the smallest reward for my service, I must spend the next 15 years as an employee and a resident of this County.
My reason for bringing this all to your attention is that I've been working 45 of my 49-month career without a negotiated contract. I have received no contractual raise in 49 months and I have lost benefits.
As a union member, this can all be reconciled upon the negotiation of a contract between those who represent me and those who represent the County of Suffolk.
County Executive Robert Gaffney was quoted in Suffolk Life Newspaper as

saying that binding arbitration takes the ability to negotiate a contract out of his hands. I'm here to tell you that Suffolk County Deputy Sheriffs do not have binding arbitration. We must rely on the good faith of the County Executive and those that negotiate for him to be fair. The County Executive has had 45 months to prove to the public, to the Deputy Sheriffs, and to you, the Legislature, that fair negotiating is the answer; he hasn't done that.
As a Deputy, I have been subject to the laws of this State that say I cannot strike. I cannot participate in any job action to fight for what I deserve. The reason for this is that the service that we provide to the people of the County of Suffolk is of such a nature that

it would be detrimental to those people if we did not provide that service completely and fully.
The Deputy Sheriffs of Suffolk County have kept up their end of the bargain. In return, we expect a fair salary increase for that service. I would like to buy a home, I would like to be able to pay all of my bills instead of choosing every month which ones won't get paid. I would like to have children. I have never lived above my means. I have only taken one vacation since 1995, and I'm still paying that vacation off. I have no pipe dream about becoming rich and I have absolutely no political agenda. It's just becoming extremely difficult to keep telling myself how lucky I am.
I ask the Legislature to please consider the Deputy Sheriffs of this County and let plain old ordinary fairness prevail. Thank you for your time.
(Applause)
D.P.O. LEVY:
Legislator Cooper, did you wish to be recognized?
LEG. COOPER:
I just wanted to say I think I speak on behalf of many of my colleagues in saying that I have deepest empathy for the condition that you're living under. I personally think it's outrageous that you've been operating without a contract since '97. I join Legislator Foley in expressing great concern over the comments and the conduct that were attributed to David Greene. So I wish you the best of luck in your negotiations.
MS. CORCORAN:
Thank you very much. Thanks.
LEG. BINDER:
Mr. Chairman.
D.P.O. LEVY:
Legislator Binder.
LEG. BINDER:
Just --

MS. CORCORAN:
Oh, I'm sorry.
LEG. BINDER:
That's okay.
MS. CORCORAN:
I'm sorry.
LEG. BINDER:
I've been in the Legislature for --
D.P.O. LEVY:
Too long.
LEG. BINDER:
-- almost 11 years now, and I've seen a lot of things happen that I agree with and don't agree with. But I want you to know that one of the most unconscionable things I've seen is the way the Sheriffs have been treated during these negotiations and how long it's been brought out and dragged out. The fact is this affects real people and real lives, and what's happened here is beyond unconscionable. And if there were any way, without violating PERB, that we could do something, I think a majority of this Legislature would. And I've explored ways and

so far kept running into walls with your union leadership, because I can tell you, I've had a lot of conversations with them, and just really not -- have not found a correct method for us to be able to do it and do it legally to help you or to do something on your behalf. But it is unconscionable and I have, as was said, a deepest sympathy for what you're going through. A County should not treat its employees like this. We have no right to treat our workers who serve our constituents as well as you do the way we've been treating you. And I can say I'm sorry, but I just don't have the ability to change that right now. I can tell you I hope it does change, and whatever I can do to make that happen, I would.
MS. CORCORAN:
Thank you very much. Any support that we can get would be greatly, greatly appreciated. Thank you.
D.P.O. LEVY:
Thank you.
MS. CORCORAN:
Are there any questions?
D.P.O. LEVY:
Maybe we could have Mr. Greene come to Public Safety one of these days to explain where this -- where this is at.
LEG. CRECCA:
And you know what, I'm going to just -- I don't mean to jump in, Steve, but I couldn't agree with you more. I have recently read some of the comments that were espoused by that person, and I have to say, I was completely offended by them. No County employee should be speaking like that, and certainly not in an official arbitration hearing. And I

would say that I think that I would ask David to please ask him to come before the Public Safety Committee and explain his actions.
D.P.O. LEVY:
Dave, just so you know, there's been a request --
LEG. CRECCA:
Did you hear that, David?
LEG. BISHOP:
Yeah, you want Dave Greene to come before Public Safety .
D.P.O. LEVY:
Okay, very good.
LEG. BISHOP:
Okay.
D.P.O. LEVY:
Okay.
LEG. BISHOP:
We'll invite him.
D.P.O. LEVY:
Thank you very much, Carolyn.
MS. CORCORAN:
Thank you.
D.P.O. LEVY:
Next speaker is Susan Long.
MS. LONG:
Good afternoon. My name is Susan Long and I've been a Deputy Sheriff since 1986. This is a fact of which I am extremely proud. My fellow

officers are men and women not unlike yourselves. We have families, mortgages and car payments. We have taxes to pay and children to send to college. But there is one thing we don't have and that's a contract, and we haven't had one since 1996. That's the last time we had a raise in pay.

We look around and we see prices rising. Gas, oil, housing all have increased dramatically in recent years. It seems to us everything has increased, everything, that is, but our salaries. We see others enjoying the benefits of working for a County that, thank God, doing remarkably well and we shake our heads bewildered. Yes, we agree, people who work hard and dedicate themselves for the sake of the County deserve to be rewarded. It's the fair and decent thing to do. But we wonder why the fairness and decency vanishes when it comes to negotiating our contract.

I have been a County employee for 30 years, but I had never experienced such resistance to fairness until I became a Deputy Sheriff. The last time we had a contract, we waited five years for it, and this time it's close to four years, and still, no contract, no raise. Our patience is

as depleted as our bank accounts.

Our officers are like you, mothers and fathers, but the joy of watching our children grow is tainted by the fear of not being able to afford the new clothes they'll need for school. Our hearts break each time we have to tell them, "I'm sorry, mom can't afford to give you the things your friends have," or, "Dad has to get a part-time job and he won't be able to come to your games this year." But they're children and they don't understand. Hell, I don't understand. We are police officers.

We wear the same gun and face the same dangers that all police officers face. We make arrests, and each time we do, we know there is always the chance that we will never see our families again. We serve orders of protection upon people who are prone to violence, and we arrest them when they violate those orders. We are police officers. We are the men and the women that you come to when you need help. Today we ask for yours.

The lack of professionalism exhibited at our contract negotiations is something of which the County should be ashamed. I stand before you today not as a Republican, not as a Democrat, I stand before as a Deputy Sheriff and I ask you to please see to it that we be treated fairly and decently. In the meantime, we will continue to wear our badges proudly and to serve Suffolk County to the best of our ability. We will be there when you need us. Now we need you. Thank you.

(Applause)

D.P.O. LEVY:

Thank you very much, Susan. Next speaker is Joseph Maggio.

MR. MAGGIO:

Good afternoon, distinguished Legislators. My name is Joseph Maggio and I've been a Deputy Sheriff in this County for eleven-and-a-half years. I've been assigned to our department's Domestic Violence Unit for the last several of those years. I am here today to emphatically state my concern for the fact that Deputy Sheriffs in Suffolk County have been working without a current contract since the Year 1996 and to request your help in finding a resolution to this inequity.

As you all know, the position of Deputy Sheriff in this County

encompasses responsibilities in many areas of law enforcement. I witness Suffolk Deputy Sheriffs fulfill these responsibilities with enthusiasm and dedication. Doing the job often results in physical and emotional sacrifice for the individual Deputy. As previously stated, good morale amongst the ranks of law enforcement is often difficult to maintain due to the often dangerous or negative atmosphere that comes with day-to-day responsibilities of being on the front lines of this job. The feeling among the ranks appears to be that there exists an alarming indifference among some officials in this County, both elected and otherwise, who can, but choose not to, make a difference in showing appreciation for and fairness to Deputy Sheriffs in Suffolk County by the simple, the simple means of negotiating fair and timely contracts. Deputy Sheriffs are human. We are people with families, wives, husbands and children who just want to do their jobs and be treated with the fairness and dignity we deserve. We should not be treated as

political pawns and casualties of a political war. Keeping these thoughts in mind, I implore you, as a Legislative body and representatives of the people of this County, to do what you can to bring a swift end to this terrible injustice.

And again, as touched by one of my colleagues earlier, I, too, have no political agenda. I have one agenda and my agenda is simply to do my job and take care of my family. Thank you for your time.

(Applause)

LEG. CARACAPPA:

Mr. Chairman.

D.P.O. LEVY:

Brian. Brian, we have a question from Legislator Caracappa.

LEG. CARACAPPA:

How's it going? Good to see you again. Just to add my two cents, too, we have the budget process coming up, it's happening right now, and you could be rest assured that we're going to make every effort to make sure that the contract is at least doable in the upcoming fiscal year, both yourselves and AME, and the other bargaining units that are up, but yours specifically, because of what's gone on. And it's clear to me what's happened over the last four years. It's some sort of vendetta against your unit and I think it relates right back to Mr. Greene and his actions, as it clearly stated in the article that I read earlier today. So just, again, putting my two cents in, just know that this Legislature will do everything we can to help find an end to this situation and get yourselves a new contract.

And, by the way, just so my colleagues know, I've played ice hockey with this guy and he's one hell of a hockey player.

MR. MAGGIO:

Thank you, Legislator Caracappa.

D.P.O. LEVY:

I think that was Joe Maggio, right, Joe?

MR. MAGGIO:

Yes, that's correct.

D.P.O. LEVY:

So next is Brian Auer. Okay.

MR. AUER:

Good afternoon. My name is Brian Auer, I'm from Babylon, New York, Mr.

Bishop's district. I'm a Deputy Sheriff employed by the Suffolk County Sheriff's Department. I'm here today to speak with you about the stalled contract negotiations between the Suffolk County Deputy Sheriffs Benevolent Association and the Suffolk County Department of Labor Relations.

As you know, the Deputy Sheriffs have been working without a contract for nearly four years. What you may not know or be aware of is the

personal sacrifice being endured by the Deputies and their families as a result of this impasse. And I'm sure, as of the comments you've just heard, you're fairly well aware now.

As a husband and a father of four school-aged children, I find myself in the unenviable and embarrassing position to have to come here today and beg for what's due. The time frame for settling our labor contracts has become an unbearable burden. Most Deputy families have had to curtail future plans due to the financial insecurity created by this situation. Deputies can't find any justification for the County to place a heavy financial burden on us loyal employees, especially at a time when the economy has never been stronger. It's unconscionable. I believe Mr. Binder mentioned that. That while the County coffers swell with the surplus dollars, and probably will continue to do so into the future, that Mr. Greene, under the direction of Mr. Gaffney, further delays settlement of the contract. Deputies strongly perceive Mr. Greene's ongoing delay tactics as an act of political pay-back for the DSBA a support of the Sheriff Mahoney in the last County Executive election. Mr. Gaffney, through his Director of Labor Relations, is playing politics with the lives of financial security of all Deputy Sheriffs and their families solely for the purpose of political retribution.

As recently outlined by Mr. Gaffney's proposed budget, this delay of settlement is not borne of a lack of available County resources or its future ability to pay, but is a mean-spirited political attack on Deputy Sheriffs and their families. How can the County Executive continue to claim to be pro law enforcement and at the same time discriminate against Deputy Sheriffs, who are the highest law enforcement officers in the County? How can Deputies be expected to accept a pay rate of less than half other police agencies in the same county? The true color of the County Executive's politics is showing through, and it's clearly discriminating against the black and gold of Deputy Sheriffs.

The sure truth is that since the 1970's, when Deputies became civil servants and no longer served at the whim of politicians. We've been increasingly discriminated against in terms of both salary and benefits.

You've heard the other Deputies speak today, and although words were different, we all are united in delivering to you the message of our solidarity to bring this impasse to an end by whatever means necessary. We sincerely hope that as a result of this embarrassing need for law enforcement professionals to come here and beg before the voting public that you, the elected members of this Legislature, will find the means to move Mr. Gaffney to arrive at an equitable settlement with the DSBA in a more timely manner. I'm sure that if this critically important issue of fair treatment of Deputy Sheriffs is not

addressed in the near future, you can expect us to return. Also expect that in keeping with the Department's proud tradition of dignity and restraint, if this body cannot find the means by which to move Mr. Gaffney closer to our stated goal, we'll utilize all legal means at our disposal to do so. Seeing that the current Taylor Law does not provide for the binding arbitration of Deputy Sheriffs' labor contracts, all other means will have to be explored. Let's hope it

doesn't come to that.
I hope that my plea here today has not fallen on deaf ears. All Deputies and their families are hoping that you'll conduct productive debate in the upcoming budget process and include a fair settlement for Deputy Sheriffs. I thank you for your time. Good day.
(Applause)
D.P.O. LEVY:
Thank you. I don't know if Sarah Anker is still around on the Mount Sinai property. Sarah.
MS. ANKER:
Hi.
D.P.O. LEVY:
Hi.
MS. ANKER:
I'm Sarah Anker and I'm a member of the Mount Sinai Civic Association. And I have some questions for a couple of Legislators that aren't here right now. In fact, they're in debate, I think, I hope. But I just want to speak in a very general way and, hopefully, by the time I'm done, maybe this park situation will be resolved. We'll see. But this situation -- as far as my situation is, I'm very optimistic, and I hope that, you know, anything that you have to read about the park in the resolutions, you'll really take a good look at that.
I know we're going in uncharted waters, but as far as having the community sponsor the Resolution 1853. And, again, at this point, I hope Legislator Haley will work with the Civic on that resolution. We'll see.
The Civic provides a voice for the residents. With over 500 members, it is a powerful driving force. Everyone wants this project to succeed. With $20 million having been available for two years in the Greenways Fund and with only one parcel purchased at present, it's time to move forward. And I appreciate everyone's patience on this. This has been going on for song and it's a shame it has it to come down to choosing sides, or, you know, at this point right now, and, hopefully, in the next ten or fifteen minute, it won't be that way. But, you know, I have some questions for Legislator Haley, but I'll wait on those.
Just another statement, just something to think about. The community wants to be a part of this and I think that's the main problem. You know, we just -- Legislator Haley, as far as his resolution, the Civic will be just the same as a little league, or the same as a YMCA. It's not going to be able to direct or try to create a park that will encompass what Mount Sinai residents would to see. And we all know this park isn't just for Mount Sinai residents, it's for the entire Suffolk County Legislature. And even Gaffney will be driving home to Miller Place and say, you know, "Hey, you know, I helped with that."

There's so many people that have helped with our park. I mean, I can -- Senator Ken LaValle, Englebright, Felix Grucci, Peter Scully,

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Legislator Haley, you know, Vivian Fisher, we've all contributed so much time and I'd hate to see time used in a nonproductive way. You know, again, I don't want to take too much of your time, because I'm hoping that this situation will be resolved. And it's a shame at how fate has to take a hand of things, but if each one of you can put aside political issues and personal issues and really take a look at what's being given to you. It's a lot of money that you're spending on this land, and we as residents and members of the Civic, and, again, it's as membership secretary, we have 511 members, and that's a lot of members for 3,000 households within Mount Sinai. So we're not going to go away, I'm still here. I went to lunch, I'm back again, and, you know, same as the Civic.

And, you know, again, it's a shame, because I'm the type of person that can sit back and hopefully things will happen in a very positive and productive way, but sometimes you have to step -- you know, put your foot in and say, "You know, that's not working for us, you know, let's see else we can do." And I think, again, with the situation with Legislator Haley, is there was a time where we didn't feel we were part of that process, a part of the decision-making, and it's uncomfortable, you know. And it's hard to decide, well, you know, do we proceed or do we come back? And, again, it's -- you know, again, there's a lot of issues that needs to be resolved. But the land is dear to the heart to the residents of Mount Sinai, land we would like to be part in cultivating, creating a park where all residents of Suffolk County can enjoy. And just one other --

D.P.O. LEVY:

If you could just wrap up, please. Thank you.

MS. ANKER:

Okay. One other statement. Just as County Legislators, if the New York State said to you, "We're putting the State Fair in your County," but the State could not -- but the State would not include in -- include you in the production and design, how would you feel? I know it's a strange analogy, but, you know, again, your -- this is your land, this is your territory. And, you know, in Mount Sinai, we -- the residents live there and we're all around in that area, but, you know, we would like to be more a part of that. So, in closing, thank you very much again for your patience and your time and --

D.P.O. LEVY:

Thank you for yours. You waited a long time to speak.

MS. ANKER:

Thank you. I do have a question for Legislator Haley. I don't know where he is, but --

D.P.O. LEVY:

We've asked for him to come in. I don't see him. What I would recommend is --

MS. ANKER:

I'll wait, if he wants to come.

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D.P.O. LEVY:

-- If you want to state your questions on the record, and, you know,

we could ask him to answer them a little later --
MS. ANKER:
Okay.
D.P.O. LEVY:
-- or just put them in writing and we'll have them passed around.
MS. ANKER:
I'll state them now and if --
LEG. FIELDS:
She should have the right to ask.
MS. ANKER:
Yeah, if you could pass it along.
D.P.O. LEVY:
Well, she's got the right to say what she wants, Ginny, but I can't force a Legislator to come in, if he doesn't want to come in.
MS. ANKER:
That's okay. I think it's more important if they are -- I hate to say it. If they're debating this issue right now, it's more important that they --
LEG. FOLEY:
No, they're not. It's not being debated right now.
MS. ANKER:
Or whatever.
D.P.O. LEVY:
No.
LEG. ALDEN:
Mr. Chairman.
D.P.O. LEVY:
Hold on. Hold on.
LEG. ALDEN:
Steve.
D.P.O. LEVY:
Legislator Alden.
LEG. ALDEN:
Just as a reminder -- hi, over here. Hi. Just look to your right a little bit. Hi. Just as a reminder, though, you're not going to be able to come up later on and participate in the debate, so I think --
MS. ANKER:
Can I state the question maybe and --

LEG. ALDEN:
That was just suggested that --
D.P.O. LEVY:
That's what we were saying why don't you --
LEG. ALDEN:
-- Legislator Foley made, that, you know --
MS. ANKER:
That's fine. That's fine.
D.P.O. LEVY:
State your question. But, like I said, we can't force a Legislator to sit here, so --
MS. ANKER:
No problem. Okay.
D.P.O. LEVY:

But it would be nice if he was here to listen to you, but --
MS. ANKER:
That's okay. That's -- and, again, this is kind of deja vu, but --
LEG. FOLEY:
State your question.
MS. ANKER:
Okay. This is to Legislator Haley. You have encouraged the Town of Brookhaven to sign an agreement with the Mount Sinai Heritage Trust. Why wouldn't you encourage the same partnership with the County? And then my final question is, will you sponsor Resolution 1853? Why or why not? And that's it. Okay. Thank you.
D.P.O. LEVY:
Okay.
LEG. FOLEY:
Thank you
LEG. LEVY:
Thank you very much. Okay. I believe we are completed with our cards for the public portion. Is there anyone we missed to speak on topics on the public portion? There being no one we missed, we're going to call for a ten-minute recess, and we'll come back in ten minutes to start with the Consent Calendar and the agenda.
[THE MEETING WAS RECESSED AT 3:35 P.M. AND RESUMED AT 3:50]
D.P.O. LEVY:
Call the roll please, Henry.
(*Roll Called by Mr. Barton*)

LEG. CARACCIOLO:
Here.
LEG. GULDI:
Next to him.
LEG. TOWLE:
Here.
LEG. CARACAPPA:
Here.
LEG. FISHER:
Here.
LEG. HALEY:
Here.
LEG. FIELDS:
Here.
LEG. ALDEN:
Here.
LEG. CARPENTER:
Here.
LEG. CRECCA:
Here.
LEG. D'ANDRE:
Here.
LEG. BISHOP:
(Not Present)
LEG. FOLEY:
Present.
MR. BARTON:

Yes, Mr. Foley.
LEG. POSTAL:
Here.
LEG. BINDER:
Here.
LEG. COOPER:
Here.
LEG. LEVY:
Here.
P.O. TONNA:
Yep.

MR. BARTON:
17 present.
P.O. TONNA:
Okay. Dr. --
D.P.O. LEVY:
Feinberg.
P.O. TONNA:
Feinberg?
LEG. LEVY:
He spoke already, right?
P.O. TONNA:
Are you here, Doc?
LEG. LEVY:
He spoke already.
P.O. TONNA:
All right. No. He spoke already.
LEG. FISHER:
Mr. Chairman, there was somebody who was asking a question to Legislator Haley and we were not here. I was just told that she wanted to come back and ask the question.
LEG. HALEY:
I have those questions.
LEG. FISHER:
She was speaking while you were out.
P.O. TONNA:
I'm all revved up with no place to go. I just need a second. Just a second. Okay. Let me -- let me just get the gist. We called a recess. There was somebody who needed to ask a question of a Legislature -- Legislator.
LEG. FISHER:
Before the recess, she was asking a question and we were not here.
P.O. TONNA:
Okay.
LEG. FISHER:
We were outside.
P.O. TONNA:
She was a speaker, she filled out a card, she spoke, and now is that woman here?

LEG. FISHER:
She put her questions on the record.

P.O. TONNA:
Okay. Please, come right up here, okay, for your name, rank, serial number, and then direct your question to whoever it may be.
MS. ANKER:
Hello.
P.O. TONNA:
Yeah. Hi, Sarah.
MS. ANKER:
Sarah Anker, Mount Sinai Civic Association, and I have a question for Legislator Haley.
P.O. TONNA:
Okay.
LEG. HALEY:
I'm listening.
P.O. TONNA:
Where were you on the night of the 5th, Legislator Haley.
MS. ANKER:
Okay. You have encouraged the Town of Brookhaven to sign an agreement with the Heritage Trust.
P.O. TONNA:
Legislator Bishop.
LEG. BISHOP:
We just heard from this nice young lady.
LEG. LEVY:
Pay attention, Davey, she's asking a question.
P.O. TONNA:
You know, if he doesn't listen, okay, then I want you to ask him a question. And if he doesn't answer the correct answer, then we're going to give him a demerit and throw him out. Okay, go ahead.
LEG. BISHOP:
What State did you grow up in?
MS. ANKER:
Florida.
LEG. BISHOP:
I hear the accent.
P.O. TONNA:
Sorry. Legislator Haley, are you on your best behavior? Go ahead.

MS. ANKER:
Okay. I'll start over. You have encouraged the Town of Brookhaven to sign an agreement with the Heritage Trust. Why wouldn't you encourage the same partnership with the County?
LEG. HALEY:
To sound like a lawyer, would you repeat the question?
P.O. TONNA:
You know what I would ask, maybe if you want, I mean, is this something that you would like to go to your chambers and talk about? I don't know. I mean, just --
LEG. HALEY:
No, I don't have a problem answering it. One of the things I was trying to do was, no matter what happens down the line, whether it's with the Heritage Trust or whether it's with the School District, all right -- and, by the way, the resolution says that they have to -- the

Mount Sinai Civic, the Trust, and the school have to be participants. But one of the things I wanted to do was to make sure that the Town bought into a level of responsibility for this particular parcel, no matter what happens to that. So at that if at the end of the day, something was to go awry, or something wasn't going to work, or there was a shortfall, or something like that, they have to rise to the occasion and come to the table. And I think as an entity, they, more than anyone else, probably, because we have a problem, we can't have a binding agreement with ourselves. They have the ability to come to the table and do and act responsibly and I think they've done that. And what was your second question?
MS. ANKER:
The second question in regards to your first question, how is that different, though, than the two -- for the two resolutions? I still don't -- because it's basically the same. If the Heritage Trust -- if you're accepting the Heritage Trust working with --
LEG. HALEY:
Then if it isn't any different, than what's wrong with my resolution? What was your next question?
MS. ANKER:
Okay, next question. Will you sponsor Resolution 1853?
LEG. HALEY:
No.
MS. ANKER:
Why not?
LEG. HALEY:
Because I have a resolution I think that covers all the bases, that includes not only the Town, which took awhile to bring to the table, but memorializes in writing that the Trust, the Civic, and the school have to be included. Thank you.

MS. ANKER:
Okay. Thank you.
P.O. TONNA:
Okay. Thank you very much. Now, do you have a question of the Presiding Officer? No? We're all right? Okay.
LEG. TOWLE:
We have a couple, though.
P.O. TONNA:
I'm not authorized to answer those questions. Okay. Let's get to the -- let's get to the Consent Calendar. All right.
LEG. BISHOP:
There's another speaker, Paul.
P.O. TONNA:
What? Oh, we have another speaker?
LEG. LEVY:
The gentleman spoke already, Paul.
MS. BURKHARDT:
You had his card.
P.O. TONNA:
Where?
MS. BURKHARDT:
Dr. Feinberg.

P.O. TONNA:
Dr. Feinberg, have you spoke already?
LEG. CARPENTER:
Yes.
P.O. TONNA:
Now, are you a double-dipper? I want to know. Are you trying to come up here and speak again?
DR. FEINBERG:
I'm an honest person. I'd like to -- I would beg your indulgence.
P.O. TONNA:
Okay. Since you're --
DR. FEINBERG:
I would like --
P.O. TONNA:
Wait, wait, wait. I just want you to know, you are the very first speaker ever in the ten months that I've been Presiding Officer to beg my indulgence. So with that, I'm going to offer my indulgence. You're forgiven. Go right ahead.

DR. FEINBERG:
For that, if you'd like, I can still recall my Air Force serial number. If you want it, I'll give it to you.
P.O. TONNA:
Okay. Thank you. Go ahead, Doc.
MR. FEINBERG:
Thank you. Mr. Haley, is it true that you refuse to accept the will --
P.O. TONNA:
Wait, wait, wait. Can I say something. Just now I understand.
LEG. HALEY:
Mr. Chairman, come on.
P.O. TONNA:
Can I say something? This isn't -- wait. Let me ask you. You've already spoken. If you have a public statement to make, that was fine. This is not question and answer for Mr. Haley. When a pregnant woman wants to come up and ask a question, I say to myself, "You know what, sure, let her come up and ask a question, she didn't speak before." This is not a grilling, whether it be Legislator Haley, which I would enjoy the repartee; okay? But the fact is, is that whether it be Legislator Haley, Legislator Binder, or Legislator Towle, or anybody else; okay?
LEG. TOWLE:
Why is it the three of us?
P.O. TONNA:
I will not allow --
LEG. TOWLE:
I take umbrage to that.
P.O. TONNA:
You can sit down and ask him any question that you want, you know, as a private citizen. If you had a statement to say, that's fine, you've given it already. We're not going to grill Legislator Haley.
DR. FEINBERG:
I haven't given it. I haven't given it, but I would like to.
P.O. TONNA:

Oh, you have a statement now?
DR. FEINBERG:
Yes, I would like to.
P.O. TONNA:
Okay. You got -- you have a minute-and-a-half left?
DR. FEINBERG:
Thank you. I'd just like to say that there are a great number of

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people in the Hamlet of Mount Sinai who have given their time, their efforts, their heart, their money for this project of a park. I'd also like to say that Mr. Haley, although he has been somewhat flexible, is not representing the desires of the people whom he represents, and I'd like that to go on record.
P.O. TONNA:
Well, okay.
DR. FEINBERG:
Thank you.
P.O. TONNA:
Thank you very much, Doctor. All right. We got a clap out of that, that's great. All I can -- all right. We're done now, right? Consent Calendar.
LEG. GULDI:
Motion.
P.O. TONNA:
Let's move on.
LEG. TOWLE:
Second.
LEG. CRECCA:
Motion to approve.
P.O. TONNA:
Motion to approve the Consent Calendar by Legislator who?
LEG. CRECCA:
Crecca.
P.O. TONNA:
Legislator Crecca.
LEG. CRECCA:
I've never done that before.
P.O. TONNA:
There is a profile in courage. All right. Seconded by Legislator Guldi. All in favor? Opposed? Approved. The Consent Calendar is done.
MR. BARTON:
18.
LEG. BISHOP:
Mr. Chairman.
P.O. TONNA:
Yes.

00104

LEG. BISHOP:
I need to make a motion on a measure that needs to age for one hour. It's before every Legislator. It's Resolution 1972-2000.
LEG. POSTAL:
Second.

LEG. BISHOP:
Authorizing Real Estate Division to acquire World War Veterans Building in Lindenhurst. This is included in the 2000 Operating Budget as a line item in the budget. However, Legislator Postal and myself were informed that we needed to pass specific legislation. We're doing that today.
P.O. TONNA:
Okay. Let me just ask, has this gone through the normal committee?
LEG. BISHOP:
Yes.
P.O. TONNA:
Why the rush?
LEG. BISHOP:
It was in the Veterans Committee, which surprised the sponsors greatly, because it doesn't really relate to a veterans matter, other than that it's a World War Veterans Club.
P.O. TONNA:
I'm very capricious how I sign things. Paul? No, anyway, go ahead.
LEG. CARACCIOLO:
What was that?
LEG. BISHOP:
And it was -- there was a hearing held as if it was a veterans matter, it's not. It's actually an arts funding thing.
P.O. TONNA:
Guys, can I just say --
LEG. BISHOP:
The World War Veterans Club is an historic structure in Lindenhurst that was built by returning World War I veterans.
P.O. TONNA:
Great. Why the rush?
LEG. BISHOP:
Because the year is running out.
P.O. TONNA:
We have another meeting. Let it go through the --
LEG. BISHOP:
No, no. But I got to get it --

P.O. TONNA:
Tell me, explain this.
LEG. BISHOP:
There's only six weeks after that.
LEG. LEVY:
It was in the Omnibus Bill.
LEG. BISHOP:
It's in the Omnibus, Paul.
LEG. LEVY:
Second.
LEG. GULDI:
Second the motion to discharge.
LEG. BISHOP:
I'm making a motion, there's a second. Call the question.
P.O. TONNA:
Who's the Committee Chairman?

LEG. D'ANDRE:
Mr. Chairman.
LEG. POSTAL:
A cosponsor.
P.O. TONNA:
Yes.
LEG. BISHOP:
Cosponsor of the bill.
P.O. TONNA:
All right. I will not -- well, I will ask the Committee Chairman to rule on this.
LEG. D'ANDRE:
Let me say this to you, Mr. Chairman.
P.O. TONNA:
Yes.
LEG. D'ANDRE:
Why when it comes to veterans things we have to go through every -- dot every "I" and cross every "T"?
LEG. LEVY:
Yeah.
LEG. D'ANDRE:
These are veterans we're talking about. Let's expedite this, please.

P.O. TONNA:
Okay.
LEG. D'ANDRE:
Thank you.
P.O. TONNA:
In deference to the Chairman, there's a motion, a second. All in favor? Opposed?
LEG. BISHOP:
Thank you, Mike.
P.O. TONNA:
Approved.
MR. BARTON:
17, 1 not present.
LEG. BISHOP:
That was the right answer. I forgot that answer.
P.O. TONNA:
Legislator D'Andre, just for the record, the reason why we dot every "I" and cross every "T" is because it was in your committee and I wanted to make sure you gave it the full scrutiny of the committee.
LEG. BINDER:
Mr. Chairman.
P.O. TONNA:
Thank you.
LEG. BINDER:
Mr. Chairman.
P.O. TONNA:
Okay.
LEG. BINDER:
Mr. Chairman.
P.O. TONNA:

Yes, Legislator Binder.
LEG. BINDER:
I'd like to discharge 1832-2000, authorizing the extension --
P.O. TONNA:
I don't have this in front of me.
LEG. BINDER:
It's being copied right now as we speak.

00107

P.O. TONNA:
Wait until we have a bill in front of us; okay, Allan? I'm not voting on something I don't see.
LEG. BISHOP:
Not ripe.
P.O. TONNA:
Okay. And I would just ask, all Legislators, I see this trend now, all of a sudden, we're going to start talking about discharging again. Please, exercise all discipline when possible; okay? And I don't know why this didn't get through the normal committee process. Legislator Bishop, I would ask you be a little more vigilant, bills that you have put through.
LEG. BISHOP:
I'll be as vigilant as -- no.
P.O. TONNA:
Okay. Thank you.
LEG. BISHOP:
I'll say it off the record, as you've been this meeting.

RESOLUTIONS TABLED TO OCTOBER 3, 2000

P.O. TONNA:
Okay. Here we go. Tabled resolutions. Okay. Resolution Number 1041 (Adopting Local Law No. -2000, A Charter Law to establish competitive-bidding process for selection of County Bond Counsel). Is there a motion, Legislator Binder?
LEG. BINDER:
Motion to table.
LEG. FIELDS:
1941, it says.
P.O. TONNA:
No, 1041.
LEG. LEVY:
Second.
P.O. TONNA:
Tabled resolutions. Motion to what?
LEG. BINDER:
Table.
P.O. TONNA:
Table, seconded by Legislator --
LEG. LEVY:
No, I'm not seconding that.

00108

P.O. TONNA:
I'll second it. All in favor? Opposed? Table.
MR. BARTON:
18.

P.O. TONNA:
1061 (Amending the 2000 Operating Budget transferring funds to the Office for the Aging for the Shelter Island Affairs Council).
Is there a motion, Legislator Caracciolo?
LEG. CARACCIOLO:
Table.
P.O. TONNA:
Table. Can we -- by the way, if -- okay. All right. Motion, I'll second it. All in favor? Opposed? Tabled.
MR. BARTON:
18.
P.O. TONNA:
I just want to say, this is the compulsive part of my nature to look and see that we have a number of bills here that have been here for a long time.
LEG. CARPENTER:
But they'll expire in six months.
LEG. POSTAL:
No, not when they're on --
P.O. TONNA:
Not when they're on the agenda. And I'd just ask that if you have one of these bills, all right, let's clean them up. Either push them to get approved, or, you know, give us a good reason why. But it --
LEG. CARACCIOLO:
Mr. Chairman.
P.O. TONNA:
Yeah.
LEG. CARACCIOLO:
I'd like to give you a good reason why this bill --
P.O. TONNA:
Okay. Well, I wasn't addressing your bill alone.
LEG. CARACCIOLO:
Well, no. I think it's important for the record.
P.O. TONNA:
I've got twenty of them.

LEG. CARACCIOLO:
Because this is an important initiative. However, the community enterprise that I had hoped, and they had hoped, would be established at this juncture has not happened. And since it hasn't taken place, I don't want to loose the funding, I want to give them every opportunity through the end of this calendar year. If they fail to step up to the plate, then we'll have to try to identify funding or maybe carry it over into next year's budget.
P.O. TONNA:
Okay. Great. 1084 (To implement use of natural gas as fuel for County fleet). Is there a motion?
LEG. LEVY:
Well, I was going to table, but after your speech, I make a motion to table.
P.O. TONNA:
Okay.
LEG. CRECCA:

Second.
P.O. TONNA:
All in favor? Opposed? Tabled. Maybe we can withdraw this --
MR. BARTON:
18.
P.O. TONNA:
-- anyway. 1291 (Approving cross bay ferry license for Beach Taxi, LLC). Is there a motion?
LEG. BISHOP:
From you, it's your bill.
LEG. CRECCA:
From you, it's your bill.
LEG. GULDI:
Motion to recommit.
LEG. LEVY:
Get it off the --
P.O. TONNA:
It's not from me. Anyway --
LEG. LEVY:
Motion to approve for the purpose of defeating, right?
P.O. TONNA:
All right. I'm going to table subject to call. I have to set a good example.

LEG. BISHOP:
Second.
LEG. CRECCA:
There you go.
P.O. TONNA:
Second? All in favor? Opposed? Tabled subject to call.
LEG. D'ANDRE:
Which one was that?
MR. BARTON:
18. Tabled to subject to call.
P.O. TONNA:
1291. Okay. Number 1379 (Authorizing conveyance of parcel to Town of Brookhaven for use by VIBS (Section 72-h, General Municipal Law). Is there a motion?
LEG. TOWLE:
To table.
LEG. CARACAPPA:
Second.
LEG. TOWLE:
Sorry.
P.O. TONNA:
Okay. Say it again.
LEG. TOWLE:
To table.
P.O. TONNA:
Table.
LEG. TOWLE:
I'm sorry.
P.O. TONNA:

All right. That's good.
LEG. TOWLE:
Not that it will help.
P.O. TONNA:
All right. All right.
LEG. CRECCA:
That was very sincere, though.
P.O. TONNA:
All right.

LEG. LEVY:
Just on the --
P.O. TONNA:
It's a sincere apology. I'll second that. All in favor? Opposed? Tabled.
LEG. LEVY:
On the motion on this one. I don't mind tabling it, but is there some activity going on this? Can you just express what the problem is with this particular resolution?
LEG. TOWLE:
Yeah, I'll repeat the same thing. We're just waiting to get an answer back from the State on their grant. That's the problem.
P.O. TONNA:
Okay.
MR. BARTON:
18.
P.O. TONNA:
All right. 1484 (Establishing RFP policy for entertainment use of County property). Is there a motion?
LEG. GULDI:
Table subject to call.
LEG. BISHOP:
Motion to approve.
P.O. TONNA:
Motion to approve by Legislator Bishop. There we go, we're moving something. Is there a second?
LEG. LEVY:
Motion to table.
LEG. CARACAPPA:
Second.
LEG. GULDI:
Motion to table subject to call.
P.O. TONNA:
All right.
LEG. HALEY:
Second.
LEG. CRECCA:
Table subject to call, was it?
P.O. TONNA:
Okay. Who's making a motion to table subject to call? Legislator

Guldi. Seconded by Legislator Haley.
LEG. TOWLE:

I'd like an explanation.
P.O. TONNA:
Yeah, okay. Explanation, Bishop.
LEG. LEVY:
It's the anti-Towle bill.
LEG. BISHOP:
Well, Paul, I --
P.O. TONNA:
Paul Sabatino, since you're the Legal Counsel, why don't you explain it?
LEG. BISHOP:
But I will say this -- go ahead, Paul.
P.O. TONNA:
Oh, he's "Mr. Jovial" again. He's not afraid to say anything on the record now. Go right ahead. Go ahead. Oh, how things change in a month.
LEG. BISHOP:
I'll do it, if you listen.
MR. SABATINO:
This legislation would establish a formal procedure for offering the use of County property for things like carnivals, fairs, fire work displays, other forms of entertainment by having it go to the party that would offer the County the highest amount of consideration or remuneration for the use of the property. But it would have a formal process in place for future use of County property.
P.O. TONNA:
It sounds good to me.
LEG. TOWLE:
A follow-up on that.
LEG. BISHOP:
Now, what's wrong with that?
LEG. TOWLE:
A follow-up on that.
LEG. GULDI:
You want to know what's wrong with that?
LEG. BISHOP:
Yes.

LEG. GULDI:
I'll give you a long list.
P.O. TONNA:
Okay, wait.
LEG. BISHOP:
Yes.
P.O. TONNA:
I'm going to recognize --
LEG. BISHOP:
Go ahead, start.
P.O. TONNA:
-- Legislator Guldi, because I'm waiting this erudite "What's wrong with that?"
LEG. GULDI:
Fine. What's wrong with that?

LEG. BISHOP:
And why not?
LEG. GULDI:
The Montauk County Park runs the Shakespeare Festival, which is open to the public and at no charge or admission --
LEG. BISHOP:
Right.
LEG. GULDI:
-- for two weeks in the summer. We should toss them out and give it to somebody who's a higher bidder, because they're going to give us an extra $100. Under your bill, we have to. The Kiwanis of Westhampton Beach run their annual carnival at the airport under a license agreement and have for a dozen years and will continue to. Do we toss them out and give it to RFP Leasing, or some other commercial enterprise, because they give us a higher bid? Under this bill, we have to. The County Park --
LEG. BISHOP:
So if there is an outlet --
LEG. FOLEY:
To RFP or not to RFP, that is the question.
LEG. GULDI:
The County Park --
LEG. BISHOP:
For Shakespeare.
LEG. GULDI:
-- at Shinnecock is adjacent to a very, very wealthy set of Dune Road

houses. The multimillion dollar owners don't want the campers on the beach, because it detracts from the amenities of their multimillion dollar homes. They would gladly pay to have the park closed. So, we go ahead with that? Under the RFP process we'd have to.
LEG. BISHOP:
Wait. That last one is that the park would be closed if the neighbors bid for it?
LEG. GULDI:
If they bid for an activity, absolutely, under this bill.
LEG. BISHOP:
I don't -- in the RFP process, there is an outlet, is there not, for not going with the highest bidder? Paul?
MR. SABATINO:
The only out would be if the party is not responsible, for example, they can't produce insurance or they're not responsive.
LEG. BISHOP:
That's a bid process, not an RFP process.
MR. SABATINO:
That is an RFP process we're talking about.
LEG. BISHOP:
I thought that's a bid, what you're describing.
MR. SABATINO:
No.
LEG. BISHOP:
In an RFP, if, for example, something like the arts, which is not easily reduced to a dollar amount, but there's a special skill

involved, or worthiness outside of monetary, in the RFP process in the County, generally, an exception can be made
MR. SABATINO:
You -- it could be reworded that way. This -- you know, this particular proposal was written on the basis of maximizing compensation.
LEG. BISHOP:
Well, then I may have to table it and rework it. But, first, I want to have dialogue with Legislator Guldi. If it was reworked in that manner, would you still object, or is the objection that you want to have control over picking which people get to use the property, which --
LEG. GULDI:
I think -- I think that --
LEG. BISHOP:
I think is the very reason that the bill is necessary, because we should have a more objective criteria than that.

LEG. TOWLE:
I'm with you on that.
LEG. GULDI:
The fact of the matter is that the development of that criteria would be inordinately unworkable. At present, we authorize the -- the Legislator in the district brings the -- brings the matters here, and with one exception that I can think of where I think you and I disagreed, that the process has been working.
LEG. BISHOP:
Because --
LEG. GULDI:
I mean, it ain't broke, why destroy it?
LEG. BISHOP:
Because what this is responding to, and we'll just speak, you know, out loud about it, is that when you're talking about a carnival, for example, which is a profit-making venture, normally for not-for-profits, you know, it raises money, it's a fund-raising venture for not-for-profits, there is not -- It's not like a Shakespeare festival where there's a special skill involved. Anybody can throw a carnival. And the question is which group are you going to allow to throw the carnival, and how should we chose that? And so this bill was trying to address that and say, "Hey, we should have a rational policy for that, not a friendship policy."
LEG. CRECCA:
Why don't you redraft the bill, then, so it reflects that, then.
LEG. BISHOP:
Well, that's what I'm asking the objectors, saying if we have an outlet for --
LEG. GULDI:
See, the --
LEG. BISHOP:
-- Things like the Shakespeare festival --
LEG. GULDI:
The fact is that it --
LEG. BISHOP:

A safety valve.
LEG. GULDI:
Given my district is different than many of the others, because of the number of parks and the number of events particularly in season that occur there, the fact is, at the moment, I don't have competing events for the dates and venues. And by creating a process where you announce to the world that they can displace the XYZ event by bidding a higher price for it for -- it would create some tremendous tension between user groups or potential user groups where there is none.

LEG. BISHOP:
Well, you could have that tension now. If there's competing groups, they could both go to the Legislator in the particular district.
LEG. GULDI:
We don't have the competing groups. Why do you want to create the strife? I don't see --
LEG. BISHOP:
Well, I don't know if the bill creates it. I mean, you see this creating it, I see as addressing it. And we've had the situation for the last two summers in a particular park, as you well know. However, I will table, or make a motion to table, hope somebody will second it.
LEG. CARPENTER:
Second.
LEG. D'ANDRE:
I'll second it.
LEG. BISHOP:
Beautiful.
LEG. CARPENTER:
Anything for you, Legislator Bishop.
P.O. TONNA:
Okay. Legislator Alden.
LEG. ALDEN:
George, just as a clarification, you said before the Shakespeare Festival goes into the park, and what do they pay?
LEG. GULDI:
You know, frankly, I don't remember the agreement, because the Parks Commissioner negotiated. It's been renewed for three, four year now, and it's a combination of -- they rent some cabins, but they do their Shakespeare production. There's a license fee and a user fee in bonding, and etcetera. And I'm not sure of the exact terms of it, but, frankly, I am sure that the -- you know, I -- the festival, now in its fourth year, has gone to two venues, is looking to go into a third venue to expand the number of people. There are thousands and thousands and thousands of people that are seeing this at a contribute-what-you-want-on-your-way-in basis. It's a fabulous event. We created it in the park. And, yeah, we helped get it off the ground. Even some of the -- I annually give it some of the -- some money from the Legislature, because it does provide such a great quality event.
LEG. ALDEN:
Thanks, George.
LEG. HALEY:
I withdraw my second on the table subject to call.

D.P.O. LEVY:
I had a motion to table. Do we have a second to table?
LEG. TOWLE:
I had a question.
D.P.O. LEVY:
We have Legislator Towle with a question.
LEG. TOWLE:
Just to go back to --
D.P.O. LEVY:
Legislator Towle.
LEG. TOWLE:
Counsel's explanation, because I had a question on that and, unfortunately, we jumped right into a couple of different things. One of the things that you said, it would allow us to have groups competitively, you know, try to seek usage of the property. How would the other groups know about it? Let's sake, for example, the Kiwanis that Legislator Guldi pointed out. They're interested in doing the event, they approach his office, he files a resolution, or the Airport Lease Screening Committee, you know, approves, because it's the Airport property, how are any other groups going know that that property would necessarily be available to them and they could compete against a Kiwanis? How does the bill for that, if at all -- if at all?
MR. SABATINO:
Well, it provides for an RFP process where you would, you know, circulate RFP's notifying the public at large that properties are available for proposed uses, and then the question of whether or not people would respond, or entities or organizations.
LEG. TOWLE:
Would the Community College and the Airport property be exempt?
MR. SABATINO:
The Community College is governed a provision of State Law, which says that the Board of Trustees of the College under State Law approves the use of that property. So they would be exempt in the sense that it's governed by a different entity.
The Lease Screening Committee statutorily was delegated the authority to approve the use of property at the Airport under some very detailed specified terms and conditions. So this would not apply to that particular local law, because that process is already very explicit and detailed in terms of what has to be accomplished. But everything outside of the two examples you just described, where it's County property, would be covered by this.
LEG. TOWLE:
Okay.
D.P.O. LEVY:
Any other questions? Okay. We have a motion to table subject to call,

which will take precedence. Is that still standing?
LEG. HALEY:
I withdrew my second.
D.P.O. LEVY:
All right. Do we have -- we have no second on the motion to table subject to call?
MR. BARTON:

I have no seconds on anything.
LEG. LEVY:
I have a motion to table. Is there a second?
LEG. POSTAL:
Second.
D.P.O. LEVY:
Second by Legislator Postal. That will take precedence. All in favor? Opposed?
LEG. TOWLE:
Opposed.
D.P.O. LEVY:
Opposed. Let's have a show of hands for opposed. Legislator Caracciolo, Towle, that's all. The resolution is tabled.
LEG. BINDER:
Mr. Chairman.
LEG. BINDER:
16.
D.P.O. LEVY:
Legislator Binder.
LEG. BINDER:
I'd like to make a motion to discharge 1832. It's -- everyone has it before them -- authorizing the extension of a lease of premises located 1850 New York Avenue, Huntington Station, New York, for the Third District Court.
LEG. CRECCA:
Second.
LEG. GULDI:
Hold on.
LEG. BINDER:
Thank you.
D.P.O. LEVY:
I'm handing this back to Legislator Tonna. We have a motion.

LEG. GULDI:
I still don't have a copy of this.
P.O. TONNA:
Thank you. There's a motion and a second to -- what is this a motion to do, to discharge?
LEG. BINDER:
Discharge.
D.P.O. LEVY:
Discharge 1832.
P.O. TONNA:
Okay.
LEG. GULDI:
On --
P.O. TONNA:
I just want to -- wait. My precedent has always been, and I ask the Chair, Chairman of the committee. Okay? It's been in committee. You know that I'm in favor of this bill. I want to know, you know, what's going on? You're the chairperson. I don't discharge, at least the first time out, I don't discharge without the Chairman's permissions. But I want to know what's going on and I --

LEG. LEVY:
Well, this is exactly why I don't think this is a good rule, even though, you know, you're asking me, but --
P.O. TONNA:
You're the Chairman of Ways and Means.
LEG. LEVY:
No. But I don't think a Chairman should be able to stifle a bill, I've always said that. But, nevertheless, there was -- there was --
LEG. BINDER:
So say I don't want to stifle it.
LEG. LEVY:
No. But if you're asking me what my opinion is --
P.O. TONNA:
Then vote for it. Vote for it.
D.P.O. LEVY:
-- what has happened, I will tell you what's happened. There was a meeting with the Administrative Judges and they have indicated that they believe the possible site at Cuba Hill Road has possibilities, and it's worth exploring. And for that reason, I would recommend it stays in committee until we had an --
P.O. TONNA:
Steve, can I ask --

D.P.O. LEVY:
-- Opportunity to flush it out.
P.O. TONNA:
Can I ask a question just about the --
LEG. LEVY:
We could debate it.
P.O. TONNA:
Were you at the meeting?
LEG. LEVY:
We could debate it, but you're asking me.
P.O. TONNA:
I just want to ask you. You were at that meeting with the Administrative Judges?
LEG. LEVY:
My Assistant was.
P.O. TONNA:
Okay. Are they willing to put a letter out that says that?
LEG. LEVY:
Yeah, I would imagine so.
P.O. TONNA:
No, I don't think so. And I'm going to tell you --
LEG. LEVY:
I could tell you what they said.
P.O. TONNA:
-- from what I understand, nobody on the record wants to say anything. They don't have any problem -- wait, wait, just -- George, just hear me out. You're going to get your opportunity. They have no problem coming in front of this Legislative body and talking about a lease in Riverhead; okay? You know, we need it, we need it, we need it. Fine. From what I understand, why isn't there a letter from the

Administrative Judge that says, "This is where I want it," or, "This would be more favorable than others"?
LEG. LEVY:
I could tell you.
P.O. TONNA:
But I've heard the rumors that they say that --
LEG. LEVY:
Well, I can tell you why.
P.O. TONNA:
But I haven't seen anything. It's is my district. You know, this has

passed the Space Committee last year. It's a place where we need to have, you know, this -- we need to have this court, and now there's other idea, fine. All I want to know is where's the Administrative Judge advocating for it to go somewhere else?
LEG. LEVY:
I will just say, the reason there's no letter is because none was asked, because this all materialized very late in the process. You have to understand, when Real Estate came before Ways and Means, we asked them, "Have you looked at any other sites?" They originally told us, "Yes, we have, and they're not suitable." Then we asked them, "When was the last time you looked at one of the sites?" They said, "A year ago." And we said, "Well, you know, things have changed. Go out and look again." They did, and it's only over the last couple of weeks that they looked into the concept of Farmingdale College and they looked at the concept of --
LEG. FIELDS:
Can I?
LEG. LEVY:
-- Cuba Hill Road.
P.O. TONNA:
Wait, no.
LEG. LEVY:
And it's been happening --
P.O. TONNA:
I'm still asking questions.
LEG. BINDER:
Mr. Chairman.
P.O. TONNA:
As Presiding Officer, I'm still asking questions. Just let me finish. Steve, just one, and then I'm going to recognize Legislator Binder, Legislator Fields, Legislator Guldi. We'll make a list. Legislator Levy, when we're -- when we're looking at Cuba Hill Road, I guess, after we look at Farmingdale, is there any assurances, when you thoroughly exhaust all of these places, that we can come back and then, you know, have some --
LEG. FOLEY:
Finality.
LEG. LEVY:
Finality.
P.O. TONNA:
Yes.
LEG. LEVY:

Yes. In fact, the Farmingdale option is no longer there, that's not going to happen.

P.O. TONNA:
All right.
LEG. LEVY:
So it's really down to Cuba Hill Road. If that doesn't pan out, then this is the only game in town and it's the least of all evils out there. It's not a perfect solution, but it would be the only one left.
P.O. TONNA:
All right.
LEG. LEVY:
The only viable alternative.
LEG. BINDER:
Mr. Chairman.
P.O. TONNA:
Great. Legislator Binder has the floor.
LEG. BINDER:
A number of problems with the Cuba Hill Road location, which is in my district. Number one, it's away from a central location where it is now, where it has access by everyone in the community that needs to have access to the court. But beyond -- and so it's a trafficked area in the middle of Huntington Station, it's exactly the right place to have it. But second off, right now, we're in the middle. As everyone knows, we passed a sense resolution talking about what we're going to do about Greenlawn in terms of the MTA, and building a train wash or a train maintenance station. This is all the same area. I can tell you, it will be a very long time before everything has panned out. That includes whether we're going to put a court in what is now the Hazeltine Buildings, or were the Hazeltine Buildings, and whether they'll be sold, whether we can buy them, and whether the community will accept it, whether it will be -- and whether that will ever go in there.
They couldn't tell you, I promise you, by the next meeting, or the next second meeting, the third meeting, maybe by next year, they still won't be able to tell the Ways and Means Committee whether they can go into Cuba Hill, because there won't be an answer. This is a long process. It's a beginning of a process of a sale of a commercial building in a residential area, that's why this is not going to be a very quick process, that's a promise. What they want is a very quick solution. They need this to happen quickly. They have a court that is right now untenable. They can't use it, it's too small. They have asked the current landlord to show plans. They've done the plans, expanded them. They've gotten the right price, they've gotten what they needed, they said, from the landlord. They have built it out. They've got everything they need. Now they need to put this thing into motion. They got it through the Space Committee, the Space Committee has looked at it, it's gone here. We are now -- have an opportunity on get this thing done quickly. That's what the courts really want, they want this thing to change and change quickly, they need the situation to change, and they have an opportunity to do it now. So at the price and the

location, it's right, and this Legislature should just go forward at

this point. Let's get this thing to move.
LEG. BISHOP:
This is only on the procedure, not even on the substance.
LEG. BINDER:
This is just on the discharge.
LEG. BISHOP:
So, Mr. Chairman -- are you the Chairman now?
D.P.O. LEVY:
I think I am for the moment.
LEG. BISHOP:
Okay. Can you -- can you cut this off and --
D.P.O. LEVY:
And you're chiming in, because Legislator Fields is next.
LEG. BISHOP:
Yeah. But, Mr. Chairman --
LEG. LEVY:
But you're right.
LEG. FIELDS:
Thank you.
LEG. LEVY:
-- I'll raise a point of order, then.
LEG. LEVY:
You are correct.
LEG. BISHOP:
We should not be debating the substance.
LEG. LEVY:
You're right.
LEG. BISHOP:
And, at this time, only the procedure.
LEG. LEVY:
He's right.
P.O. TONNA:
Legislator, I think --
LEG. FIELDS:
Fields.
P.O. TONNA:
Fields? Fields and Carpenter.

LEG. LEVY:
But nobody cares, Dave.
P.O. TONNA:
All right.
LEG. FIELDS:
I attended the meeting with the two judges and Fred Pollert, Jim Spero, and Paul Sabatino. And I would like to ask for Fred to give us just kind of a little analysis of what we did discuss.
But just two things on what Legislator Binder said. The two Judges that we did speak to said that is within their district to move it to Cuba Hill Road, and it would be accessible to the community. And they also suggested that they would be willing to wait, because the Cuba Hill Road they felt was --
LEG. BISHOP:
We didn't debate --

LEG. FIELDS:
A bit better. But, in any event, I would ask to defer to Fred Pollert.
LEG. BISHOP:
Legislator Fields, respectfully, I'm going to reissue my point of order. At this time, we should really just have a vote on whether to discharge it and allow it to age for an hour, and later on, we can debate the merits of it.
P.O. TONNA:
Okay. Can we -- I have the speaking order, though, and I have to respect people who want to speak.
LEG. LEVY:
No. I think he's right, though.
LEG. BISHOP:
Perhaps --
LEG. LEVY:
But unless it --
P.O. TONNA:
Paul, could you rule on this?
MR. SABATINO:
Well, you have to -- he has to make a motion to cut off debate, because you've got Legislators that want to debate the issue of discharging.
LEG. BISHOP:
I don't want to cut off debate. I mean, I don't want to make a motion to cut off debate, I would just like Legislators to behave.
LEG. LEVY:
If it's not going to be discharged, why waste your time.

P.O. TONNA:
Legislator Fields would --
MR. SABATINO:
We have a motion to discharge, which is being debated. I mean --
P.O. TONNA:
Can I say something? Legislator Fields --
LEG. BISHOP:
But they're debating the merits of the issue.
LEG. FOLEY:
They're debating the merits of the bill --
P.O. TONNA:
What are our Legal Counsel has just ruled --
LEG. FOLEY:
-- on a procedural motion.
P.O. TONNA:
-- is that you can still keep on talking, so go right ahead.
LEG. BISHOP:
Can I -- can I restate my point of order and ask for a ruling on it?
P.O. TONNA:
You've just -- you've done -- you've done this twice now. I had a ruling. The ruling is every Legislator gets to be able to speak, if they want to.
LEG. BISHOP:
Well let me ask this. On a discharge motion, can you debate the substance of the bill? Apparently, the debate can go wherever it chooses, is that what you're telling me?

MR. SABATINO:
A Legislator can debate whatever he or she feels is necessary and important for he or she to make a decision on whether to discharge. And so if getting into --
P.O. TONNA:
Yes.
MR. SABATINO:
-- more substantive aspects than other Legislators might want to get into, it would be appropriate.
LEG. FOLEY:
Mr. Chairman.
LEG. BISHOP:
Motion to cut off debate.

P.O. TONNA:
Wait.
P.O. TONNA:
Okay.
LEG. LEVY:
Let's hear from Fred to respond to the question.
P.O. TONNA:
Okay. Fred, you have -- you had a question --
LEG. FOLEY:
Procedural question, Mr. Chairman. Procedural question, Mr. Chairman.
P.O. TONNA:
Okay.
LEG. FOLEY:
Procedural question.
P.O. TONNA:
Ooh, I'm getting hit with a lot of these.
LEG. FOLEY:
Okay. Procedural question.
P.O. TONNA:
Go ahead.
LEG. FOLEY:
How could we move forward affirmatively with a vote on a procedural motion when there is no attached Exhibit A, there is no attached minutes of the May 18th, 2000 Steering Committee meeting to give us the kind of background to make a decision of whether or not we should even vote on it today.
P.O. TONNA:
Okay. That's a --
LEG. FOLEY:
There's no -- there is --
P.O. TONNA:
Wait, wait, wait, wait. That's a debate --
LEG. FOLEY:
There's none of that background.
P.O. TONNA:
Wait. Okay.
LEG. FOLEY:
So, therefore, I think the procedural motion --

P.O. TONNA:
Wait. Just state the question. Go ahead.
LEG. FOLEY:
-- is premature.
P.O. TONNA:
Paul.
LEG. FOLEY:
And incomplete.
LEG. BINDER:
Legislators could bring that information with them.
P.O. TONNA:
Paul. Paul. Paul.
LEG. BINDER:
It's in their packets.
P.O. TONNA:
All right, guys. Paul, please.
MR. SABATINO:
From a strictly legal standpoint, to consider the discharge and to wait for one hour, all you need is the resolution.
P.O. TONNA:
Thank you.
MR. SABATINO:
We have the resolution. The other documents, I do know for a fact, have been filed in a timely fashion, so they exist. That would not nullify or cut off the ability to discharge the resolution.
P.O. TONNA:
All right. Legislator Fields asked Fred a question. Fred, could you answer that question, please?
MR. POLLERT:
Yes. To summarize the meeting --
P.O. TONNA:
Yes, summary.
MR. POLLERT:
Yes. We had a meeting with the two Judges, three different locations were discussed. The first location that was discussed would be a consolidated facility, potentially at Farmingdale. The Judges acknowledged that a consolidated location would provide the most operational advantages to the court, both in terms of cost and in terms of deploying their staff. However, they indicated that --
LEG. LEVY:
Fred, would you just mention that that's consolidating the Second, then

the Third.
MR. POLLERT:
Consolidating the Second and the Third. However, they said that the courts, for the District Courts, were local courts, and that it was a decision on the part of Legislature that they did not want to interject themselves into whether or not it was so important for the Legislators to keep the courts local, that the court should remain in the Huntington area, close to where it's currently located. The other two locations, which were discussed, were the existing Third District Court in the new location at Cuba Hill Road.
P.O. TONNA:

Okay.
MR. POLLERT:
The courts were concerned about having to relocate while the renovations took place at the existing Third District Court. They indicated that there would be more space at the Cuba Hill location, parking would not be an issue. And they, again, reiterated that they did not want to interject themselves into the process. They felt that they were the tenants and that it was up to the County to provide appropriate space.
P.O. TONNA:
Right. As opposed to -- as opposed to what they did in Riverhead, when they came and said, "We really want this." But, you know, so much for consistency in the judiciary. Okay, Legislator Carpenter.
LEG. CARPENTER:
Well, I don't want to be discussing the substance. I'll wait until we've decided whether or not it's being discharged.
P.O. TONNA:
Legislator Guldi, will you bear with us and follow Legislator Carpenter's lead?
LEG. GULDI:
No.
P.O. TONNA:
No, I didn't think so. Okay.
LEG. GULDI:
The problem -- the problem that I have with a discharge is that -- you know, and that's -- I'll get to that. It really -- this lease is by no means ready for consideration before the full Legislature. The testimony in committee includes, yes, it's been a four-year process; yes, the building is grossly inadequate; yes, the location has inadequate parking; yes, it's problematic for travel. It's very inconvenient for the lawyers from Nassau County who regularly practice in this court. The request for the new building is for a 15,000 square foot structure four years ago. The lease application is for a 13,000 square foot building to be demolished and built, and notwithstanding the representations about the quick solution, there is no way that this project is going to be prosecuted anymore vigorously than the

rehabilitation of the Legislative Building in Hauppauge has been, and that we are -- that this court is a year or more from occupancy anywhere. In fact, the construction calls for them to vacate the building.
P.O. TONNA:
Okay.
LEG. GULDI:
So not only is it not a quick fix --
P.O. TONNA:
So I guess you're not for this.
LEG. GULDI:
No.
P.O. TONNA:
Okay.
LEG. GULDI:
It's ludicrous to suggest that it's a quick fix or that there's an

urgency in dealing with this, and the urgency is more politically expedient than reality-based.
P.O. TONNA:
Okay. Thank you very much, Legislator Guldi. Does anybody else like to speak on this before we consider the full weight of this discharge? Okay. Legislator Binder. Is there a second? Who seconded it?
LEG. CRECCA:
Yeah, I seconded it already.
P.O. TONNA:
Second, Legislator Crecca. All in favor? Opposed?
LEG. FIELDS:
Opposed.
P.O. TONNA:
Why don't we roll call? Go ahead.
(*Roll Called by Mr. Barton*)
LEG. BINDER:
Yes.
LEG. CRECCA:
Yes.
LEG. COOPER:
No.
LEG. POSTAL:
Yes.

LEG. BISHOP:
No.
LEG. D'ANDRE:
Yes.
LEG. CARPENTER:
Yes.
LEG. ALDEN:
Yes.
LEG. FIELDS:
No.
LEG. FOLEY:
No.
LEG. HALEY:
Yes.
LEG. FISHER:
No.
LEG. CARACAPPA:
Yes.
LEG. TOWLE:
Yes.
LEG. GULDI:
No.
LEG. CARACCIOLO:
Yes.
LEG. LEVY:
No.
P.O. TONNA:
Yep.
LEG. GULDI:

So much for the rules of the Chairman.
MR. BARTON:
Eleven.
P.O. TONNA:
No, he said he doesn't care.
LEG. GULDI:
He said no.
LEG. FISHER:
Mr. Chairman.

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P.O. TONNA:
It doesn't matter. I think that wasn't the deciding vote.
MR. BARTON:
Eleven.
P.O. TONNA:
Yeah, 11. Trust me.
LEG. FISHER:
Mr. Chairman.
P.O. TONNA:
Yes.
LEG. FISHER:
I'd like to make a motion to take 1853 out of order, since people have been here all day.
P.O. TONNA:
Oh, can we --
LEG. CRECCA:
No.
LEG. CARPENTER:
No let's do some of the agenda.
P.O. TONNA:
Okay.
LEG. CRECCA:
Let's go through the agenda.
P.O. TONNA:
Wait, wait. I have to respect -- okay. Is there a second?
LEG. GULDI:
No.
P.O. TONNA:
And then I'm going to -- no.
LEG. HALEY:
I'll second. I'll second it.
P.O. TONNA:
Okay. You're going to second it? Now there's -- there is a very nice thing, a sponsor and a second. Okay.
LEG. HALEY:
Can you ask to take them both out?
P.O. TONNA:
Now, before we go on with this, can I make an emotional appeal?

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LEG. FISHER:
Can we take them both out?
P.O. TONNA:
Emotional visceral appeal? Could we finish with the tabled resolutions?

Could we get a few things, pick up ahead of steam? Not that I have a big head of hair to pick up ahead of steam, but just get moving little?
LEG. HALEY:
Right. But when we get to -- when we get to Mr. Cooper's resolution, we could be here for quite sometime.
P.O. TONNA:
No. We'll get to your resolution before that; how is that?
LEG. HALEY:
No. If we take them both up now, I think we can --
LEG. FISHER:
If we take them both out of order, then we can --
LEG. HALEY:
Mr. Cooper is on the tabling.
LEG. BISHOP:
This will be the longest debate of the day.
LEG. HALEY:
No.
LEG. BISHOP:
Think about that. And once we get through, you know, we're going to zip, zip, zip.
LEG. CARACAPPA:
We've got to do it anyway, so we might as well send these people home to their families.
P.O. TONNA:
All right.
LEG. BISHOP:
Chop, chop, chop.
P.O. TONNA:
All right. You know what, fine.
LEG. FISHER:
Let these people go home, they've been here all day.
P.O. TONNA:
There is a motion and a second. This is 1853?
LEG. FISHER:
Yes.

LEG. HALEY:
And 1896.
LEG. FISHER:
And 1896.
P.O. TONNA:
Wait. We have to do one at a time, I'm sure. No?
MR. SABATINO:
Yeah, one at a time.
P.O. TONNA:
One at a time. Even my Legal -- that's why I don't listen to the other lawyer in the Second District. Okay. So there's a motion and a second to take out 1853 first?
LEG. HALEY:
Yes.
P.O. TONNA:
Okay. All in favor? Opposed? It's before us.
LEG. HALEY:

Mr. Chairman, I'd like to make a motion --
MR. BARTON:
18.
LEG. HALEY:
-- to table --
P.O. TONNA:
Wait. This piece of legislation is before us right now. We can't take another one out while we're in the middle of this; am I right?
LEG. HALEY:
Right.
MR. SABATINO:
No, you can.
P.O. TONNA:
You can? Fine. Let's take -- now, how did we do that? How does that order work?
LEG. BINDER:
You do it in the same order that you did the motion.
LEG. GULDI:
It's the way you do the motion.
P.O. TONNA:
All right. Go ahead, take the other one out, so that there's -- this is like mutually assured destruction. They have to have them both out

at the same time.
LEG. HALEY:
Motion to take 1896 out of order.
P.O. TONNA:
Okay. They both have their fingers on the buttons. What are they going to do? Go ahead.
LEG. FISHER:
Second.
P.O. TONNA:
Second. Ooh, this I like. All in favor? Opposed? Approved.
MR. BARTON:
18.
P.O. TONNA:
Okay. They're both in front of us. Now which one do we choose first?
LEG. GULDI:
Which one do we choose for the vote?
P.O. TONNA:
Okay.
LEG. FISHER:
1853.
P.O. TONNA:
Chip and Dale, which one?
LEG. FISHER:
Motion to approve 1853.
LEG. COOPER:
Second.
LEG. FOLEY:
Second.
LEG. HALEY:
Motion to table.

LEG. FOLEY:
Second the motion to approve.
P.O. TONNA:
Okay, wait. There's a motion to approve --
LEG. FOLEY:
Second the motion.
P.O. TONNA:
-- 1853 and a second by Legislator Foley. There's a motion to table

--
LEG. HALEY:
Motion to table.
P.O. TONNA:
-- by Legislator --
LEG. BINDER:
Second.
P.O. TONNA:
-- Haley, seconded by Legislator Binder.
LEG. HALEY:
On the motion.
P.O. TONNA:
On the motion.
LEG. FISHER:
On the motion.
LEG. HALEY:
On the motion. One of the things we were very much concerned with is making sure that the Town lives up to what they've established in their resolution that came out today. And I would say that, in looking at 1853, I think the purpose, Mr. Chairman --
P.O. TONNA:
Yes.
LEG. HALEY:
The purpose of tabling this will have the effect, okay, of putting the Town on notice that this body will be monitoring the progress of the management plan and the development of the active parkland at The Wedge, consistent with the Legislative intent that the Mount Sinai Civic and the Mount Sinai Heritage Trust are included.
P.O. TONNA:
Okay.
LEG. FISHER:
Mr. Chairman.
P.O. TONNA:
Legislator Fisher.
LEG. FISHER:
I think it's necessary to make a statement regarding this, so that there's an understanding of what has happened. There have been some comments regarding Legislators bringing in legislation from districts other than their own. And it should be very clear that for six months, for six meetings of the Parks Committee, I saw a resolution come before my committee calling for the acquisition of The Wedge. After six months, that resolution died in committee, because Brookhaven Town did

not have the requisite agreement and plan put together.

During that time, I heard about a group in Mount Sinai who had a plan that nobody would look at. They finally came to my committee and pleaded with us to give them a forum where they could present this very good plan, and we were very impressed. Some of the Legislators in our committee on both sides of the aisle praised it as a model for Community Greenways. So it became an issue where, as the Parks Chair, I didn't want to lose this very important acquisition, and it was part of the Greenways referendum, which is a county-wide initiative. So it is an initiative in which every one of us has a stake and which every one of us has to make decisions. In order to give this Mount Sinai Civics a forum through which they could present their plan, I did put together Resolution 1853 with some of the other members of the Parks Committee.

I do have to say that there was an administrative -- that there was misbehavior, I guess I'm a mother, in the part of an administration wherein there were administrators who refused to provide the Civics with the documents that they needed in order to put together their own agreement. They were denied. I had to go to a Commissioner and get the boiler plate agreement and hand-deliver it to the Civics, because they would not provide these Civics with these materials. Once the Civics put together the plan and the agreement, the Parks Commissioner did not present their agreement or their plan to CEQ. I had to again bring their plans to CEQ for CEQ approval.

So I think the behavior in the administration of Suffolk County with regards to this issue was disgraceful, and that's why I had to take the position to work with people who were outside of my district. And this is why there are so many people here who have gone through one-and-a-half years of frustration where doors were closing on them throughout Suffolk County. I don't want to ever see this happen to another Civics Association, and I want them to know that this is an open forum, this is not an eastern block country where people do not have a voice, where government can close the door on its citizens. I am very, very happy that the outcome has been that when CEQ did see the two plans, the very involved and beautifully rendered conceptual vision of the Civics and the rather rudimentary of Brookhaven Town, CEQ did approve of both plans and that brought Brookhaven Town to the table. Brookhaven Town agreed to work with the Mount Sinai Civics and the Mount Sinai Heritage Fund. Legislator Haley, at that point, also worked with the Civics to amend his resolution.

So I implore all of you to, please, keep your minds open when it comes to working with all people in Suffolk County. We are elected as Suffolk County Legislators, not Fifth District Legislators or Sixth District legislators. And when there are people who need to find a voice, that we help them find that voice and that we hear them. Thank you.

LEG. BINDER:

Mr. Chairman.

P.O. TONNA:

Wait. Just wait. There was somebody --

(Applause)

All right. Legislator Binder, then Foley.

LEG. BINDER:

I would just hope that Legislators wouldn't Legislature each other on what others might -- may or may not do and that others do it better than others. That is it is not --
LEG. FISHER:
Point of personal privilege, please.
LEG. BINDER:
It is not --
P.O. TONNA:
Okay. Can I --
LEG. BINDER:
It is -- I'm just saying a general comment. It is not productive.
LEG. FISHER:
Okay.
P.O. TONNA:
This must be in the water today. Okay.
LEG. FISHER:
Okay. Point of personal privilege.
P.O. TONNA:
Yes, personal privilege.
LEG. FISHER:
I had -- I have heard all day that people weren't sure why there were two resolutions. I have heard several times today that Legislators should keep to their own Legislative district. That was -- and I would hope, Legislator Binder, I have heard many of your lectures, that it would have been taken in the spirit in which it was said, that there was a need here, I saw that there was a need. There was a responsibility. I'm Chair of Parks and I saw a resolution die in my committee and there was very -- there was a very strong chance of seeing a Home Depot go in that piece of property, so I needed to do something. So that was by way of explanation of why there are two resolutions here. And I hope that seeing what has transpired and that two Legislators are working together, Brookhaven Town will work in good faith with the people of the Mount Sinai community, and that's what I think Legislator Haley shares with me, the hope that these entities will work in good faith together.
P.O. TONNA:
Okay. Thank you. Legislator Foley.
LEG. FOLEY:
Thank you, Mr. Chairman. Just briefly, one of the great promises of

the resolution is the fact that it's, if not the first, one of the first resolutions that would craft an agreement between the County and directly with two community organizations. And the reason why it was crafted in that fashion, quite frankly, is the mistrust that many have in dealing with the Township of Brookhaven -- of Brookhaven, and that should be stated clearly for the record. If that mistrust was not there, then there wouldn't be a need for this kind of resolution. But the reason why it was crafted was to try to have a direct linkage between the County Greenways Program and what I consider one of the most impressive organizations, two of the most impressive organizations that I've seen in a long, long time. So that was the real reason why the resolution was crafted.
But secondly, and we can't let them off the hook, the fact, the other

motivating fact is the point that for a long period of time, the Township refused to work with the Mount Sinai Civic Association and the Heritage Association, and they were left with no other alternative but to work directly with us.
So those are some comments that I wanted to place on the record and why I was happy to be a cosponsor on the bill. Thank you.
P.O. TONNA:
All right. There's a motion and a second to table 1853. All in favor? Opposed?
LEG. FOLEY:
Opposed.
LEG. BISHOP:
On the motion. On the motion. On the motion. On the motion.
P.O. TONNA:
On the motion, Dave.
LEG. BISHOP:
I just want to know where we are at in this process. Have planning steps been completed, appraisals and so forth?
LEG. HALEY:
I could answer that.
P.O. TONNA:
Okay. Legislator Haley has the floor in response.
LEG. HALEY:
We've met the appraisals and what we did is we worked with the Town to work on those appraisals, because they are a little more familiar.
We've come up with a sum of money out of the County. The Town prevailed upon Home Depot, who originally wanted to develop, to come up with the remainder of the money. So we have a purchase of 1.8 for the acquisition. The problem is, is from a planning perspective, obviously, to put everything in to memorialize every exact thing that may happen on that property would take longer than we have regarding the acquisition.

LEG. BISHOP:
I guess what I'm --
LEG. HALEY:
Does that answer your -- I don't know.
LEG. BISHOP:
Somewhat.
P.O. TONNA:
All right.
LEG. BISHOP:
I'm a little -- Home Depot is not going on this site, right?
LEG. HALEY:
Correct. But what happens is Home Depot --
P.O. TONNA:
If we take that little child, he wanted Toys R Us.
LEG. BISHOP:
Right, I know.
LEG. HALEY:
What I think, all right, and I'm not going to put words in Home Depot's mouth, but what I think Home Depot was really hoping to do in the end was to make sure that Lowes didn't get that site.

LEG. CARACAPPA:
Yep.
LEG. BISHOP:
Oh, I see. Okay.
P.O. TONNA:
Okay.
LEG. BISHOP:
In any case, that's not my question.
P.O. TONNA:
Yes.
LEG. BISHOP:
My question is, if this measure is approved, your measure, Legislator Fisher's measure, what happens next? How long until an offer is tendered?
LEG. FISHER:
Acquisition.
LEG. BISHOP:
Is there a contract tomorrow or --

LEG. HALEY:
Yes, there is a contract out already, subject to our -- subject to legislation being approved today.
LEG. FISHER:
They can move toward closing.
LEG. HALEY:
They can set the closing after today.
LEG. BISHOP:
Okay. Thank you.
P.O. TONNA:
Okay. All in favor?
LEG. FOLEY:
Opposed.
P.O. TONNA:
Tabling motion. All in favor? Opposed?
(Opposed Said in Unison By Legislators)
Opposed, Legislator Fisher, Foley, Cooper, Bishop, Fields.
LEG. FISHER:
Levy.
P.O. TONNA:
Guldi, Levy.
LEG. HALEY:
Thank you, Mr. Chairman.
MR. BARTON:
Twelve.
P.O. TONNA:
Okay.
LEG. HALEY:
A motion --
P.O. TONNA:
No.
LEG. HALEY:
-- To approve
P.O. TONNA:

Yeah, okay. Now there's a motion to approve by Legislator Haley. Is there a second?
LEG. BINDER:
Second. Second.

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P.O. TONNA:
Legislator Binder. Anybody want to speak?
LEG. HALEY:
For the record --
LEG. CARACCIOLO:
On the resolution. On the resolution.
P.O. TONNA:
On the resolution. On the motion, Legislator Caracciolo.
LEG. HALEY:
That's 1896, by the way.
LEG. CARACCIOLO:
Counsel, could you just quickly recap what this resolution authorizes?
MR. SABATINO:
1896 authorizes the acquisition of the land in question. The acreage is 17.9 acres under the active Greenways component of the County Greenways Program. And it accepts the commitment from the Town of Brookhaven, which was modified today, to provide for the infrastructure, and then enter either directly or indirectly through at least, at least the Mount Sinai School District, the Mount Sinai Civic Association, and the Mount Sinai Heritage Trust agreements to provide for the maintenance and operation of that parkland property in future years. It does not preclude bringing in other entities, but those three must be --
LEG. HALEY:
Have to be.
MR. SABATINO:
Part of the indirect application process that the Town would enter into.
P.O. TONNA:
Okay
LEG. CARACCIOLO:
So this authorizes not only planning steps, but actual acquisition, if a price is agreed upon by buyer and seller?
MR. SABATINO:
Well, the planning steps were done about -- we passed a separate stand-alone planning resolution about ten or twelve months ago. That process has been completed. My understanding is that the parties --
LEG. CARACCIOLO:
Have agreed to a contract price?
MR. SABATINO:
Have agreed at least to the framework of --

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P.O. TONNA:
In principle.
MR. SABATINO:
-- a transaction. But what you need, because there was only planning steps, was you needed -- you needed two important things, one -- well, three important things, actually. You needed authorization to acquire

the land, but you needed a commitment from either participating town or participating community organizations, or both, to provide for the infrastructure and the maintenance of those facilities.
LEG. CARACCIOLO:
Okay. Based on the approval of the Charter Referendum Law establishing Greenways, does this resolution meet all of the criteria contained in the Charter Law?
MR. SABATINO:
This resolution meets the criteria, yes.
LEG. CARACCIOLO:
Okay. That said, and as I've said to the sponsors previously and privately, I think Legislator Bishop shares my concern that we are now really initiating this program, with the exception of a half an acre, or something--
LEG. HALEY:
Quarter acre.
LEG. CARACCIOLO:
Quarter of an acre in the Town of Babylon, the Village of Amityville, I believe, or is it Lindenhurst, Dave? With that exception, this will be the first sizable acquisition under this $20 million program; correct?
MR. SABATINO:
Well --
LEG. CARACCIOLO:
Well, there are others pending. I know there --
MR. SABATINO:
No. The one we approved was -- I mean, just for the record, the one in Huntington, the Benjamin Property was approved earlier this year. It's just a little bit ahead of this one. But, I mean, this would be the third one, the second -- the second significant large one, yes, you're right about that.
LEG. CARACCIOLO:
Okay. 1950, which is on today's agenda, and I'm the sponsor of in the Town of Southold, there's another significant acquisition that has a Town Board resolution. I'll speak to it when we get to it. But my point is simply this, that we --
LEG. HALEY:
1850.

LEG. CARACCIOLO:
-- really need to amend --
LEG. FISHER:
Yes, 1850.
LEG. CARACCIOLO:
-- our Charter Law or future resolutions to reflect that the entities that partner with the County -- the County is, you know, essentially putting forward the most amount of money, and taxpayers have the right to know that the intentions, all good intentions being what they are, as made by representations before this body, doesn't account for very much if there isn't follow-up and follow-through and something legally that binds the partners to the agreement, including the Towns, Town of Southold in my case, Town of Brookhaven in yours. And I'm going to request, Counsel, that you prepare the appropriate resolution, so that all future transactions must also meet that standard, and that test of

insuring that there's a joint use agreement, so that the partners know who can use this facility, when it can be used, and not put the cart before the horse, which, you know, we may be doing right now. But that said, because of the time constraints, which I understand, I'll support the resolution. Thank you.
LEG. HALEY:
Thank you, Mr. Chairman.
P.O. TONNA:
All right. Thank you. Just Legislator Foley, then Legislator Bishop, and then, hopefully, we can vote.
LEG. FISHER:
And then me.
LEG. FOLEY:
There were twelve --
P.O. TONNA:
Oh, I'm sorry. Legislator Fisher first.
LEG. FOLEY:
Yeah, okay.
P.O. TONNA:
Then Legislator Foley, then Legislator Bishop. I apologize, Legislator Fisher.
LEG. FISHER:
It's okay. Legislator Caracciolo, you mentioned several things that are very important with regards to this piece of property and the management agreement that we're entering into. And I had quite a lengthy conversation with the Town Attorney, Annette Eaderesto, during the lunch break, and she assured me that after meeting with the Directors of the Mount Sinai Civic and Mount Sinai Heritage Group, that the Town Board was satisfied with their plan. The Town Board did ask for bonding because of long-term maintenance costs. And she said that the bonding could be covered under the liability insurance that the

Civics have, and they could put a rider in, in that bonding for that maintenance insurance. But that -- as you say, that would be something that would be good to have in a boiler plate form that we could look at.
As far as 1853, although it's been tabled, I just wanted to say that when I asked Annette Eaderesto about this, I said, "If you were both partners with us, would mean, then, that if there were liability, only half of it would be the Town?" She said, "No. If you have the two partners, they would be jointly and severally liable." So it would still fall on the Town, so we would have had that security.
She further said that with regards to management, they would have a troika. The Parks, County -- Brookhaven Parks, the School District and the Civics would all be part of a management plan. She represented this to me and I told her I would put it on the record. But she said she would like to leave the day-to-day scheduling of the fields to the School District, however. To have the Civics and the Parks in the mix. All of this I told her I would have on the record no matter which of the two resolutions passed. So I did want to put that on the record for the Town of Brookhaven.
LEG. CARACCIOLO:
Mr. Chairman, I think it's that type of contribution and dialogue and

exchange of information --
LEG. FOLEY:
I was the next
LEG. CARACCIOLO:
I'm sorry, Brian. Will you yield?
D.P.O. LEVY:
You had the floor. Why don't you continue.
LEG. CARACCIOLO:
Okay. Thank you. That's important to establish the record, because this is somewhat ground-breaking in terms of the size and scope. And I think it's clear that we make it clear to others who follow exactly what the requirements are, so the users of both the community groups as well as the public groups and individuals know exactly how this is going to operate, and no one is blindsided and comes back at a later date to this Legislative body or elsewhere and complain to those entities or us that, "Gee, we didn't know. It sounded like a good idea and we were for it, but we didn't know the details and now we've heard the details and we don't like it." So it's very important to put that all on the record.
D.P.O. LEVY:
Legislator Foley.
LEG. FOLEY:
Thank you. This is a question for Counsel. If this resolution is approved, since the last resolution was tabled with 12 votes, it appears as if this one will be approved, will the -- whatever the management agreement, whatever the final form of the management

agreement, not only management agreement, but the planning document for the site, does that have to come back to the County for review and approval before they can move forward with what will take place on that particular property, since we're the ones that are lending the money?
MR. SABATINO:
No. The purpose of the resolution is to move the process forward and the parties -- well, let me say this. I mean, it's not going to come back to the County Legislature. I mean, the parties are going to put together an agreement. The Parks Department, you know, facilitates the actual language of the agreement with the --
LEG. FOLEY:
Okay. They --
MR. SABATINO:
But it's not going to come back for another vote, if that's what the question is.
LEG. FOLEY:
Okay. But if the Parks Department is facilitating not just a management agreement, but is facilitating, let's say, the plan to use the property, do they have any kind of departmental --
MR. SABATINO:
Not the -- what I was trying to convey was the notion that the Legislature has delegated to in this case the Town and the three entities the responsibility now to do whatever this --
LEG. FOLEY:
Okay.
MR. SABATINO:

-- infrastructure and maintenance plan is going to be.
LEG. FOLEY:
Okay.
MR. SABATINO:
You know, the only role for, you know, the Parks Department is just to make sure that, you know, it technically fits --
LEG. FOLEY:
Okay.
MR. SABATINO:
-- within the 17.9 acres.
LEG. FOLEY:
If one of the -- if one of the three parties disagrees with the final plan, okay, the use plan, let's say, of the property, what would happen in that particular case? What's envisioned? I mean, what was envisioned in the Greenways if we had this kind of complicated situation where it's a tripartite involvement here and one of the three who have been named in this particular resolution disagrees with what the final use plan is for the property?

LEG. CARACCIOLO:
Then you own the land and --
LEG. FOLEY:
What happens then?
MR. SABATINO:
Well, what would happen in a situation like that is if, you know, the parties have a genuine breakdown, you know, in good faith negotiations to try to consummate the transaction, the County would have the ability to rescind a resolution and look for an alternative proposal.
LEG. FOLEY:
Okay. So let the record -- to use a phrase that Legislator Caracciolo likes to use, let the record clearly reflect. And here's the way that I'll say it, that with the likelihood of this resolution passing, that the Town continues to play games with the Mount Sinai Civic Association and the Heritage Organization, that if they are not -- if they don't treat those two community organizations on an even playing field, if you will, to use playing field as a metaphor here, an analogy, that there is the ability for this Legislature, this County at some future point, as long as it's made aware of by one of the three parties, that if the Township does not live up to its end of the bargain to work with you and to work in a fashion that has a multigenerational, multiuse, not component, but overall plan for the property, that there is the ability for us to, in essence, either force the Town, or an ability for us to review or redress the issue, and I think that's important to have that established on the record. Because that's the kind of hammer, unfortunately, that's the kind of hammer that we have to bring to the great Town government in the the Township that I live in.
LEG. CARACCIOLO:
Mr. Chairman.
D.P.O. LEVY:
Legislator Haley.
LEG. BISHOP:
Mr. Chairman, aren't I next?
LEG. CARACCIOLO:

Go ahead.
LEG. HALEY:
Yeah. One of the things --
LEG. BISHOP:
Legislator Levy, I'm next, and I'd like to claim my time.
LEG. HALEY:
Oh, I'm sorry. Go ahead.
LEG. CARACCIOLO:
Stand up, Dave.

LEG. HALEY:
Oh, no, wait a minute. He doesn't know that you're next. Let me just make one simple point.
LEG. BISHOP:
I don't know who has the list.
D.P.O. LEVY:
Hold on. Hold on. No, no, no.
LEG. BISHOP:
And I'm getting --
D.P.O. LEVY:
Let's have Legislator Foley conclude. We'll go to Legislator Bishop, and then we'll have Legislator Haley.
LEG. FOLEY:
My concluding remark is that none of this would be necessary if we had council district in the Town.
(Applause)
D.P.O. LEVY:
Legislator Bishop.
LEG. HALEY:
Low blow.
LEG. BISHOP:
I just want to -- the reason I'm anxious to continue is because I want to -- Paul Sabatino, can I have your attention, please? I want to continue on the course that Legislator Foley is taking us down, which is what -- when there is a Greenways acquisition, the County buys property. The way the referendum envisions it is there's a simultaneous turnover of that property to some other entity to develop it and care for it. Is that in the referendum so that we could not, if we choose to, say, "Look, we'll acquire the property, but we will not necessarily turn it over to the other entity until we, as a body, are satisfied that there is accord between the community, the School District and the Town?
MR. SABATINO:
Technically, what we have is the County acquires the land, there's a simultaneous commitment, binding commitment back from somebody, either the Town, or an organization, or both, to provide for the infrastructure and the maintenance. The binding commitment is back to the County.
LEG. BISHOP:
Right. It doesn't run to -- from the County to the entity, though, to the Town or to the --
MR. SABATINO:
No. But I think what I was trying to respond to was the issue of what

if -- what if one of those parties that has committed to doing the

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right thing with the property, the right thing being to provide the infrastructure, the maintenance, comply with the provisions that there be the County-wide access, etcetera, etcetera, what would happen at that point. That was the question, and the answer would be there would be a breach of their binding commitment to us, which would form the basis for the County rescinding the authorization.

LEG. BISHOP:

No. But before you get to a whole action of recision and stuff, isn't it possible that the County can acquire the program under Greenways Active Recreation and say we were going to withhold our participation in the management agreement until such time as there is an agreement that we agree to? We have a commitment from the Town, and from the Civic, and from the Heritage Trust, and from the School District that they are willing to participate, develop and maintain. We may not like that, what they have agreed to, and we want to withhold until we like what we see.

LEG. HALEY:

Would you suffer an interruption?

LEG. BISHOP:

So doesn't that meet -- no, not yet. Doesn't that meet the letter of the law of Greenways and give us the flexibility to continue to drive some sort of settlement?

LEG. HALEY:

Yes. I have a method to do that.

LEG. BISHOP:

Because the only thing that I see accord on today is that there's an agreement --

D.P.O. LEVY:

Question is to Counsel.

LEG. BISHOP:

-- that if you don't authorize the purchase immediately, the property would be lost.

D.P.O. LEVY:

Counsel?

P.O. TONNA:

Okay.

LEG. D'ANDRE:

Point of order.

LEG. BISHOP:

No. I want an answer to that.

[SUBSTITUTION OF STENOGRAPHER - ALISON MAHONEY]

MR. SABATINO:

We're in unchartered waters only in the sense that this is the first

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hybrid to come out of the box. What was contemplated by the legislation was, quite frankly, the opposite which was that there was going to be this clear, linear distinction between the County just making the fundamental investment and then the municipality and the civic organizations which at the time the bill was proposed were crying out for precisely this kind of ability and authority and latitude to make those decisions. So I would have to say that the initial thrust of the

statute is to really keep those two very linear, very separate and very distinct.
Now, because this one happens to be different in the sense that you've got four parties as opposed to the traditional two parties -- I'm sorry, you've got five parties as opposed to the traditional two parties that were contemplated, I could envision a circumstance in which the four parties that the County was counting on to make a normal two party situation work could cause or create the ability for the Legislature to go back and take a second look. But all things being equal, in a normal situation that would not be the case. In a normal bilateral situation, if the County invests the other party does the management.
LEG. BISHOP:
Counsel, I guess I have some authority to speak on this. I think that what we envisioned when we wrote the legislation is we wanted the county to acquire property, but we wanted a separate entity to develop and maintain it.
LEG. CARACCIOLO:
Correct.
LEG. BISHOP:
What I'm suggesting now is that the County and the way that we ensure that the second entity will develop and maintain it is we obtain up front a binding commitment from them.
LEG. HALEY:
Right.
LEG. BISHOP:
What I am suggesting now is it is probably, or I'm hoping that it is possible that the County can acquire and withhold turning it over to the second entity until such time as they're comfortable with it, with the plan.
LEG. CARACCIOLO:
Not under this resolution.
LEG. HALEY:
Not under the program.
LEG. BISHOP:
And I think there's consensus here that we're comfortable with the purchase but we're not comfortable yet with the plan.

MR. SABATINO:
Well, I hear what you're saying. I would have to say this then. It's a different concept, it wouldn't necessarily be prohibited but you'd have to construct a different type of a resolution. Because again, we've got a situation, multiple parties, if the sense that's coming out of this multiple party process is that we're uncertain as to the ability of those four parties to get finality in terms of how they're going to maintain and do the improvements, then you have to go back to the drawing board in terms of this resolution and say hey, we're going to put in effect a condition on our approval of the commitment they're giving back to us. It's a little bit dangerous, it's a little bit slippery, but it probably could be constructed; it's a new idea, it's not --
LEG. BISHOP:
I think that's what Legislator Caracciolo was driving out, Legislator

Foley and now myself.
LEG. HALEY:
Right.
LEG. BISHOP:
And I think what we're offering is a way to move this forward today and to provide even more time which might be necessary given the number of interest involved to work out a final plan in the community.
MR. SABATINO:
I just want to reiterate that from a conceptual standpoint I can imagine a construct in the abstract that could be put together. From a practical standpoint, the only difficulty I would see is that in effect the County begins to kind of cross over that linear line that we spoke about before because now you have to get a consensus on this side of the bilateral transaction which is that if the four parties are fighting amongst themselves, they can't reach finality or they reach a certain degree of finality that's unacceptable to the County, in effect you've got the County taking over the whole program.
LEG. BISHOP:
The reason is you have a resolution from the Town of Brookhaven which is quite nebulous. It simply says, you know, we're going to have an agreement among these groups; great. I mean, if that actually happens, we want to proceed down the path that we're going down. However, what if the Town of Brookhaven says, "Well, you know, we couldn't reach agreement with two of these groups and we're just going to do it with one of them."
LEG. HALEY:
They have to.
MR. SABATINO:
No, we changed -- that's an incisive point that was addressed early on because one of the concerns Legislator Haley had when he spoke with me was, you know, what if. And the way we addressed the what if was that they have to at least deal with the three, the three organizations cannot be excluded under this construct. However, other organizations could -- I mean, the only risk I see is that -- there's two risks. One

is that the four parties may never agree, but that's a risk you take in any kind of a situation. The second risk is that maybe a fifth or a sixth party will appear in the town so they want to deal with the fifty or the sixth party. But putting aside the fifth or the sixth party, I mean, they have to deal with at least the three that are set forth in the resolution.
LEG. BISHOP:
What's the check; if they deal with two, what's the check?
LEG. HALEY:
I got a check if you let me speak.
MR. SABATINO:
The check is that we revoke --
LEG. BISHOP:
The check is what I'm suggesting.
MR. SABATINO:
They have violated their binding commitment with the County and we revoked it.
LEG. BISHOP:

Well, you want to go back into court under that scenario and chase them down and say, "No, no, no, you didn't do what you said you were going to do." What I'm saying is let's force -- let's see the agreement in writing and then turn it over and this way we'd probably save a lot of anxiety --
LEG. HALEY:
Can I answer that?
LEG. BISHOP:
-- and distress later on.
LEG. HALEY:
Would you allow me to answer that?
D.P.O. LEVY:
When he's done.
MR. SABATINO:
I have no problem with parties putting together an agreement but, you know, the reality has been in this particular process that it's been difficult to get people to agree.
LEG. HALEY:
Okay, he's deferring. Thank you. Okay, there's two problems.
D.P.O. LEVY:
Legislator Haley.
LEG. HALEY:
Thank you. Two problems, one of them is what we realize problematically as our problem is trying to come up with the finality of what you would call a management agreement that would include these parties which

could take some time to put together. And when you look at the two time lines, there's two time lines you have to consider, one is the actual, final plan versus the acquisition time frame. And the problem we have is we have an acquisition time frame which we have a drop dead date by December 1st, the second thing is to try to memorialize in writing everything that you think ought to be. Now, that's the problem inherent in our program. So that's why we're in a position that we're in now, to box the town as much as we possibly can while still meeting the deadline for the acquisition of the parcel.
However, there is one other thing. You and I sponsored last year, as you recall, the -- I forget the name of the resolution which provides for capital monies in the form of upwards of a hundred thousand dollars not to exceed 50%; what was it?
LEG. FISHER:
I think the number was 68.
LEG. HALEY:
It might have been 1968 of last year.
D.P.O. LEVY:
The way we have kind of an ad hoc oversight of that is that when we pass the resolution for a hundred thousand dollars, we can then -- we've now acquired it, we've met the most significant portion, we've acquired it, but that hundred thousand dollars how that gets applied is still our call. So what happens is that when -- and that's where Parks gets involved. When we look at that hundred thousand dollars and they come back to us and say, "We want to do A, B and C and we want your hundred thousand dollars," we have the ability to say whether or not we're going to give them that hundred thousand dollars; money talks in

this particular instance.
There is a commitment, I've made a commitment to this group that that hundred thousand dollars, I am not going to give the town control of a hundred thousand dollars. That hundred thousand dollars is going to be in our control to make sure that they get a substantial amount of that money for the benefit of what they want to get done and that's going to help bring the town to the table, and it's also going to keep our Parks Department in the mix.
LEG. LEVY:
Okay. Next speaker, Legislator Caracciolo.
LEG. BISHOP:
Legislator Haley? Oh.
LEG. CRECCA:
Let's take a vote.
P.O. TONNA:
Okay.
LEG. CARACCIOLO:
Mr. Chairman?

P.O. TONNA:
I will let the DPO pick.
LEG. CARACCIOLO:
I think I was recognized.
D.P.O. LEVY:
You on?
P.O. TONNA:
No, I'm letting you stay in charge.
LEG. CARACCIOLO:
Oh, I'm sorry. Am I next, Steve?
D.P.O. LEVY:
Yes.
LEG. CARACCIOLO:
I think what several of us are trying to get across here is we're putting the cart before the horse. Mr. Chairman?
D.P.O. LEVY:
I think I'm Chairman at the moment.
LEG. CARACCIOLO:
Well, he's sitting in his chair so I want his attention.
P.O. TONNA:
Oh, you want -- I'm with you, all right? Give me a break, please.
LEG. CARACCIOLO:
We're talking about expectations not being met, possibly not met. And I think what we're speaking to here, Legislators Foley, Bishop and myself, is what is wrong -- I mean, logically none of us would write a blank check on condition that four different, separate and disparate entities are going to get together and agree on something when you have a history like we already have with this whole enterprise, and they're going to be able to do that in the next 60 days. So now let's play out some scenarios. Counsel, the four parties can reach agreement, Real Estate goes out, acquires the property, the County has title, the Civic, the Heritage Trust, the town, the school district can't reach agreement; who are our partners at that point?
MR. SABATINO:

At that point you'd have to make a decision, what I said before, as to whether or not you wanted to determine that they have, in fact, not complied with their commitment, rescind it and go out and make a decision as to who you want the party or parties to be.
LEG. CARACCIOLO:
But in the meantime, the County has acquired the property, spent -- I don't know how much this property cost per acre. And if we have 60 days, it would appear to me that if people with good intentions go forward with good faith, you can iron out an agreement in a matter of hours or even a couple of days if you really wanted to accomplish

something. So why are we put under the gun today to approve any resolution along these lines until that agreement is in place, why? That's something I really don't understand.
P.O. TONNA:
I thought the reason is because of developmental pressure.
LEG. CARACCIOLO:
You have until December 1st, according to the property owner, to close on the deal, that's what's been represented, correct? You have 60 days, what is the rush here? I want to be certain, as I'm sure the sponsor and Legislator Fisher, that the groups who have spent so much time and energy in putting together what I once called, and I do recall saying it, an excellent plan are, in fact, partners in this; to not do that would really be missing a great opportunity. They have put forth a lot of effort, they've gone to NYT, they've utilized the services of student architects to put together a great plan, that's step one. Step two is to see if the partners here can agree on that plan or some other, you know, variation of it and actually sign the dotted line to put up the money and a timetable to carry that out, and that's my reluctance. I don't want to just approve things so that it sounds like we did something but in reality we may not be doing anything except buy a piece of property, 18 acres, and it lays fallow for some time until new partners can meet the needs of the community.
P.O. TONNA:
Legislator Haley?
LEG. LEVY:
Fisher was next.
P.O. TONNA:
Oh, sorry.
LEG. FISHER:
Actually, if 1853 were passed we'd have two partners and it would already be spelled out.
Applause
UNKNOWN AUDIENCE MEMBER:
That's all it takes.
LEG. FISHER:
But working -- based on information that we have been given by the Department of Real Estate, they have really implored us to move forward.
LEG. CARACCIOLO:
I understand that.
LEG. FISHER:
Because it does require time for them to be able to reach an agreement

and closing. We have asked the Town of Brookhaven and the various partners to put together a management plan, we haven't given them a time line and perhaps we should, but I did want to point something

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out.
The reason I had asked to speak was not just to respond to your query but to point something out that's very, very important because part of the conversation that we've been having all day today and in the Parks Committee has been we need a municipality because that is an entity that has the economic wherewithal to maintain this kind of parkland. Well, I'm going to read something to you, and maybe to some of you this will sound familiar. And I wish Legislator Bishop is here, is he; I hope you can hear me, Dave.
LEG. CARPENTER:
He just got called out.
LEG. FISHER:
"This Legislature further finds that community parklands such as playgrounds," please note that's the first thing mentioned,"ball fields, bikeways and concert grounds contribute immeasurably to resident's quality of life and that the County will expand resident's opportunities for constructive recreation and community building when it works in partnership with community groups and/or towns and villages to improve and maintain active parklands." So in our Greenways resolution, it's clearly spelled out that we can have partnership with community groups.
LEG. CARACCIOLO:
No one disagrees with you.
LEG. FISHER:
Well, it has been disagreed on the record with several times today. What I'm proposing, okay, my -- 1853 has been tabled, but we have to see that we are looking out for the interest of the civic groups that we consider partners in this. And I think that there should be pressure put on Brookhaven Town and these civics to come up with a plan that we need to approve, and perhaps we could ask for that before the County Executive signs this into law. But I don't want to see this tabled because I want to see it out of this Legislature and I want to see the process begin. We need to purchase this.
P.O. TONNA:
Okay.
D.P.O. LEVY:
Uh --
P.O. TONNA:
Wait, wait, Legislator Haley had a question.
LEG. D'ANDRE:
Move the question, Mr. Chairman.
P.O. TONNA:
No, Legislator Haley has the floor.
LEG. D'ANDRE:
We have been at this all afternoon.

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P.O. TONNA:
Legislator D'Andre, I have to give the respect of our colleague.
LEG. HALEY:

I'm willing to work with Legislator Caracciolo to try to correct some of the problems, programmatic problems because apparently most of the sponsors understand that we've run into some problems. But unfortunately we need -- the way the time constraints are and a reasonable expectation that we can resolve this over night is one of the reasons we've pushed to this point to get this acquired, and I understand exactly what you're talking about. But I think we've managed to, for lack of a better expression, box the town into doing the right thing.
And also, I've made a commitment because originally on the hundred thousand dollars-- see, that's the little carrot that we have. The hundred thousand dollars, I was originally going to put the hundred thousand to help offset ball fields. I've changed that commitment, that that hundred thousand dollars which is tabled in Parks is going to sit there until such time as we come to some sort of conclusion, and I think that that's going to be the carrot to bring everybody to the table. And I've got to tell you something. I'd love to take all the credit for this, but I have to give an awful lot of credit to Annette Eaderesto, the Town Attorney, who's managed to bring us every step of the way and she -- every time she said she was going to set out to do something she succeeded in doing that for us. And I think we can -- I'm committed to make sure it works, everybody else is, but I think the problem is is that that time line problem, as I mentioned earlier, is an issue and we have to -- I'm willing to work with you on that.
LEG. CARACCIOLO:
Okay. Just a final point, Mr. Chairman, for Counsel? In a highly unlikely situation that the County would have purchased this land and there could not be agreement reached with any third party, be it towns, civics, community groups, anyone, the County now owns title to this 17, 18 acre piece of property, worse case scenario we could put it on the real estate market and recoup our investment, yes?
MR. SABATINO:
Well, that's one possibility. The other possibility is that you could decide, since it at least has parkland characteristics that although it wouldn't be active parkland, you might decide you wanted to use it for just normal parkland purposes or you could decide to dedicate it to The Nature Preserve. I mean, you've got an array of options, one of which is the one you've just described, but it's not just that one.
LEG. CARACCIOLO:
Well, I think we have to look at that since we have a responsibility to protect taxpayer interest.
P.O. TONNA:
All right.
LEG. FOLEY:
Mr. Chairman?

LEG. HALEY:
Move the question, please.
LEG. FOLEY:
Mr. Chairman?
P.O. TONNA:
Again?
LEG. FOLEY:

Yeah. On Counsel's remarks that the bill requires participation by all --
P.O. TONNA:
Let's get everybody in, as soon as Legislator Foley's done we're going to vote.
LEG. FOLEY:
That the bill requires participation by all parties, I think the point that some of us are trying to make is we don't only want to see participation by all parties, but we want to see an end product that is along the lines of what has been discussed in the Parks Committee and what has been discussed here at the General Meetings, that this will be a multi-generational, multi-purpose park.
LEG. HALEY:
We all agree on that.
LEG. FOLEY:
Very good.
LEG. BISHOP:
So you propose what; so what do we do?
LEG. FOLEY:
Well, the first resolution would have required that, in fact, would have made it, you know -- well, would have required that, we'll see what happens with this particular resolution; would have guaranteed it, here it's not a guarantee.
LEG. FISHER:
Very quick comment; I'm sorry, just very quick.
P.O. TONNA:
Okay, all right.
LEG. FISHER:
Okay, because there is a parcel that's at the edge of The Wedge, it's a little corner of it, point eight
P.O. TONNA:
Edge of The Wedge.
LEG. FISHER:
Point eight acres which is owned by the Mt. Sinai Heritage?

UNKNOWN AUDIENCE MEMBER:
Civic.
LEG. FISHER:
Civic, okay, they purchased that parcel. After the County acquires the rest of the parcel, we would like to see the County swap with the civics so that the civics could build their building on their own property and give them that kind of autonomy, okay. And they've represented that they would like to have that done.
LEG. HALEY:
And I agree with that. Roll call.
P.O. TONNA:
Okay, I have Legislator Haley call the roll call.
(*Roll Called by Mr. Barton*)
LEG. HALEY:
Yes.
LEG. D'ANDRE:
Mr. Chairman, get everybody in here.
P.O. TONNA:

I'd ask all Legislators, please come to the horseshoe.
(*Roll Call Continued by Mr. Barton*)
LEG. BINDER:
Yes to approve.
LEG. COOPER:
Yes.
LEG. POSTAL:
Yes.
LEG. BISHOP:
I think the civic's just been had; I'm going to vote no.
LEG. D'ANDRE:
Yes.
LEG. CRECCA:
Yes.
LEG. CARPENTER:
Yes.
LEG. ALDEN:
Yes.
LEG. FIELDS:
Yes.

LEG. FOLEY:
Conditionally yes.
P.O. TONNA:
On what? No, I'm joking; I'm joking, I'm joking, I don't want to hear.
LEG. FISHER:
Yes.
LEG. CARACAPPA:
Yes.
LEG. TOWLE:
Yes.
LEG. GULDI:
Yes.
LEG. CARACCIOLO:
Yes.
LEG. LEVY:
No.
P.O. TONNA:
Yeah.
MR. BARTON:
16-2.
LEG. HALEY:
Thank you very much, everyone.
P.O. TONNA:
Thank you so much.
LEG. HALEY:
Thank you, Legislator Fisher.
P.O. TONNA:
Okay. Now, I would like to get back to the Tabled Resolutions and I'd like to move quickly.
Resolution Number -- I think we're on 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 (Foley). Legislator Foley?
LEG. FOLEY:
Motion to table.
P.O. TONNA:
Second by myself. All in favor? Opposed? Tabled.
MR. BARTON:
18.

P.O. TONNA:
Okay. There is a --
LEG. TOWLE:
Motion to approve.
P.O. TONNA:
-- bonding resolution No. 1575 - (Appropriating funds for safety improvements on William Floyd Parkway, CR 46, from North of Sunrise Highway and LIE (CP 5021.311) (Towle).
LEG. TOWLE:
Motion to approve.
LEG. CARACCIOLO:
Second.
P.O. TONNA:
Okay, I would ask this.
LEG. FOLEY:
Second the motion.
P.O. TONNA:
Hold it a second. There is a motion and a second. I would ask that all Legislators, if you can possibly sit down, let's move through these things very quickly. All right.
MR. BARTON:
Who was the motion, Mr. Chairman?
P.O. TONNA:
Motion by Legislator Towle, seconded by Legislator Foley. Roll call.
(*Roll Called by Mr. Barton*)
LEG. TOWLE:
Yes.
P.O. TONNA:
Just Towle, go by last names, we know each other.
(*Roll Call Continued by Mr. Barton*)
LEG. FOLEY:
Yes.
LEG. COOPER:
Yes.
LEG. BINDER:
Yes.
LEG. POSTAL:
Yes.

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

LEG. CARPENTER:
Yes.
LEG. ALDEN:
Yes.
LEG. FIELDS:
Yes.
LEG. HALEY:
Yes.
LEG. FISHER:
Yes.
LEG. CARACAPPA:
Yep.
LEG. GULDI:
Yeah.
LEG. CARACCIOLO:
Yes.
LEG. FISHER:
Change my vote.
D.P.O. LEVY:
Yes.
P.O. TONNA:
Yeah..
LEG. FISHER:
No, never mind.
MR. BARTON:
18.
P.O. TONNA:
Okay, fine. Same motion, same second, same vote.
All right, 1576 - (Directing County Board of Elections to publicize ballots proposals within Suffolk County (Postal).
LEG. POSTAL:
Motion to table, Mr. Chairman, there's a final --

P.O. TONNA:
Second by myself.
LEG. POSTAL:
There is a final corrected copy, it should be ready for action next meeting..
P.O. TONNA:
Okay. Motion by Legislator Postal, second by myself. All in favor? Opposed? Tabled.
MR. BARTON:
18.
P.O. TONNA:
1589 - (Establishing Suffolk County Website Office for Public Information (Fields).
LEG. FIELDS:
Withdrawn.
P.O. TONNA:
Okay, motion to -- no motion, she's withdrawing the resolution; let the Clerk of the Legislature be duly noted. Okay, did that sound official? Fine.
1590, 1590A - (Amending the 2000 Capital Budget and Program and

appropriating funds for land acquisition bordering Lake Ronkonkoma (CP 7019.213) (Crecca). Is there a motion?
LEG. CRECCA:
Motion to approve.
LEG. GULDI:
Second.
LEG. CARACAPPA:
Second.
P.O. TONNA:
Is there a second? Legislator Caracappa.
LEG. CARPENTER:
Explanation.
LEG. CRECCA:
It was just waiting for a SEQRA, that's all, it's been approved by SEQRA.
P.O. TONNA:
Okay. Roll call.
(*Roll Called by Mr. Barton*)

LEG. CRECCA:
Yes.
LEG. GULDI:
Yes.
LEG. COOPER:
Yes.
LEG. BINDER:
Yes.
LEG. POSTAL:
Yes.
LEG. BISHOP: (Not Present)
LEG. D'ANDRE:
Yes.
LEG. CARPENTER:
Yes.
LEG. ALDEN:
Yes.
LEG. FIELDS:
Yes.
LEG. FOLEY:
Yes.
LEG. HALEY:
Yes.
LEG. FISHER:
Yes.
LEG. CARACAPPA:
Yes.
LEG. TOWLE:
Yes.
LEG. CARACCIOLO:
Yes.
LEG. LEVY:
Yes, cosponsor.
P.O. TONNA:

Yep.
MR. BARTON:
17, 1 not present (Not Present: Legislator Bishop).
00164
LEG. FOLEY:
Henry, cosponsor.
P.O. TONNA:
Same motion, same second, same vote.
1669 - (Appointing new member to the Suffolk County Off-Track Betting Corporation Board of Directors (Frederick B. Pollert) (Levy).
Legislator Foley -- I mean Levy, what are you doing?
LEG. LEVY:
Motion to approve.
P.O. TONNA:
All right. There's a motion to approve. Is there a second? Fails for lack of a second.
LEG. BINDER:
Second.
P.O. TONNA:
Second by Legislator Binder. All right, roll call.
LEG. GULDI:
On the motion.
LEG. HALEY:
On what, to approve?
P.O. TONNA:
To approve.
LEG. CRECCA:
Withdraw your motion.
P.O. TONNA:
No, he's making the motion, there's a second; you can't be the mind police.
LEG. CRECCA:
You're right.
P.O. TONNA:
He's a good individual, you know? Okay. There is a motion and a second. Okay, roll call.
(*Roll Called by Mr. Barton*)
LEG. LEVY:
Yes.
LEG. BINDER:
Yes.
00165
LEG. COOPER:
Pass.
LEG. POSTAL:
No.
LEG. BISHOP: (Not Present)
LEG. D'ANDRE:
Yes.
LEG. CRECCA:
No.
LEG. CARPENTER:
I'm going to abstain because I --

P.O. TONNA:
No, just abstain, no explanation; we know that you love, Fred.
LEG. CARPENTER:
I do.
P.O. TONNA:
I feel the warmth in the room.
LEG. ALDEN:
No.
LEG. FIELDS:
Yes.
LEG. FOLEY:
No.
LEG. HALEY:
Abstain.
LEG. FISHER:
Yes.
LEG. CARACAPPA:
Abstain.
LEG. TOWLE:
Pass.
LEG. GULDI:
No.
LEG. CARACCIOLO:
No.
P.O. TONNA:
No.

LEG. COOPER:
No.
LEG. BISHOP:
No.
P.O. TONNA:
Okay.
LEG. TOWLE:
I'll abstain.
P.O. TONNA:
Great. Where are we?
MR. BARTON:
Five.
P.O. TONNA:
Okay. Now it's off the agenda, we don't have this; Fred, sorry about that.
LEG. GULDI:
Fred, congratulations.
LEG. HALEY:
Why are you smiling?
P.O. TONNA:
Okay, Resolution 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 to approve.
LEG. CARACCIOLO:

On the motion.
LEG. FISHER:
Second.
LEG. FOLEY:
Second the motion.
P.O. TONNA:
Oh my goodness, can't we pass one? I just want to get moving.
P.O. TONNA:
Okay, a motion to --
LEG. CARACCIOLO:
On the motion.
P.O. TONNA:
Wait, wait. Okay, I will -- yes. Before I recognize Legislator

Caracciolo, I would ask, okay, I would beg and plead with all of those people who have young children to come home to, okay, I would ask that people keep their comments -- what? I have young children to go home to. Anyway, can we just get moving on this issue? Yes, Legislator Caracciolo.
MR. BARTON:
Mr. Chairman, did you recognize a second?
P.O. TONNA:
I'll make the list.
MR. BARTON:
Who was the second?
D.P.O. LEVY:
Who's the second?
MR. BARTON:
Mr. Chairman, did you recognize a second?
P.O. TONNA:
Hold it.
LEG. FISHER:
I'm the second.
P.O. TONNA:
There is a motion by Legislator Cooper.
LEG. FISHER:
Second.
P.O. TONNA:
I know that Legislator Binder wants to second it but I guess he's not going to.
LEG. BINDER:
No.
P.O. TONNA:
Second by Legislator Fisher.
LEG. BINDER:
But I'll be on the list, please, Mr. Chairman.
LEG. CARACCIOLO:
Counsel, how does this particular resolution differ from Local Laws in other jurisdictions in this country including Chicago which in the press was recently reported they were considering a cell phone ban, how does our resolution differ from those places like Brooklyn, Ohio, and elsewhere where they've considered this type of legislation?
MR. SABATINO:

The initial difference was that, as you recall in the debate three
00168
weeks ago, covered dialing as well as speaking and listening, but now that it's been changed in a corrected copy, that portion is consistent with the other three entities. So that one change no longer -- that one difference, rather, no longer exists. The other difference is that the other -- two out of the other three I believe have an exception for emergency vehicles, this version now has an affirmative defense which means that a party who makes an emergency phone call to one of the eight categories that's listed in the bill now would be able to, with documentary evidence, raise defense against it. So this is different in the sense that as opposed to having just language that says you're not covered, this says you have the ability to do an affirmative defense and it's much more specific because it's got the eight categories. And the third area would be the penalties are different.
LEG. CARACCIOLO:
So in effect, what does the bill prohibit the use of? You can hold a cell phone, you can listen to a cell phone, you can talk on a cell phone --
LEG. CARACAPPA:
You can dial.
P.O. TONNA:
But you can't eat it.
LEG. CARACCIOLO:
You can dial with a cell phone; what does the bill accomplish?
LEG. LEVY:
You've got to have a hands-free device.
LEG. BISHOP:
Hands-free device, it's not a ban.
MR. SABATINO:
Well, the bill says it's got to be a hands-free device now which means that you can't --
LEG. CARACCIOLO:
So in other -- didn't I see something in the resolution --
LEG. LEVY:
You can't hold it on your ear, Mike; you can't hold it on your ear, you have to have two hands on the wheel.
LEG. CARACCIOLO:
But isn't there an exception for dialing?
LEG. FIELDS:
No.
LEG. CARACAPPA:
Or calls coming in.
LEG. CARACCIOLO:
Now, let's look at the resolution. It says here in the Counsel back up
00169
memorandum -- was it a Rule 28, Paul?
P.O. TONNA:
Miranda?
LEG. CARACCIOLO:
No, I'm sorry, this was a memorandum that came out of the sponsor's office. It says, "As you can see, the definition of use in Section 2A has been limited to listening and talking which allows drivers to

answer or dial phone numbers from a hand-held mobile phone."
P.O. TONNA:
Fine, that's good.
LEG. CARACCIOLO:
Is that true or false? A driver can hold a phone to listen or dial out, true or false?
MR. SABATINO:
False because there's now a requirement that you have a hands-free device.
LEG. GULDI:
It doesn't say that.
LEG. CARACCIOLO:
It doesn't say that.
MR. SABATINO:
It does in Section 3.
LEG. CARACCIOLO:
Paul? I mean George.
LEG. GULDI:
It doesn't say you have to use it.
P.O. TONNA:
Is George your Counsel, by the way? I see you two working very hard together.
LEG. CARACCIOLO:
No, I think it's very clear, you know --
LEG. GULDI:
No, I'm just helping him with the reading.
P.O. TONNA:
Okay.
LEG. CARACCIOLO:
No, no, he's not. No he's not, I read the bill, I just want clarification as to what the bill does. I mean, it seems -- in Section -- Definition, Section 2A, "As used in this law, the following term shall have the meanings indicated. A, use shall mean talking or listening on a mobile telephone"; what does that mean?

MR. SABATINO:
It means that when you're speaking or listening, you have to have a hands-free device which is set forth in Section 3.
LEG. CARACCIOLO:
In Section 3 the Prohibition?
MR. SABATINO:
Yes.
LEG. GULDI:
No, Section 3 --
LEG. CARACCIOLO:
Is the prohibition clause; Section 3, George, right here.
MR. SABATINO:
When you're speaking or listening on a mobile telephone it must be with a hands-free device; hands-free device is defined in Paragraph B of Section 2.
LEG. CARACCIOLO:
It says, "Unless such mobile telephone is equipped with a hands-free device," unless; it doesn't say you have to use it, exactly.

LEG. GULDI:
Doesn't say it has to work.
LEG. CARACCIOLO:
You know, I'm just looking at the language in the resolution, I want clarification. Because Police Officers have to carry out this law and if it's not clear to lawmakers how is it going to be clear to law enforcement officers who have to carry out the law?
LEG. COOPER:
Mr. Chairman?
MR. SABATINO:
I'm not sure what the lack of clarity is.
LEG. CARACCIOLO:
Would the sponsor like to answer me; would the sponsor like to answer the question?
P.O. TONNA:
Okay, hold it.
MR. SABATINO:
I'm not sure what the lack of clarity is.
P.O. TONNA:
We're directing the question first to Legal Counsel.
LEG. CARACCIOLO:
Well, I got his answer, I would like to get the sponsor's.

P.O. TONNA:
He gave you an answer, okay, now -- the man who has the floor, the Legislator from the 1st District is asking the member from the 18th District to answer his question.
LEG. CARACCIOLO:
From one end to the other, right.
LEG. COOPER:
Legislator Caracciolo, I believe that your question is when you look at prohibition it says, "You shall not engage in the use of a mobile telephone," use is defined as talking or listening, so you should not talk or listen on a mobile telephone while operating a motor vehicle on any public street or public highway while the motor vehicle is in motion, that addressed the concern that Legislator --
P.O. TONNA:
That's the Crecca concern.
LEG. COOPER:
-- Crecca had, unless such mobile telephone is equipped with a hands-free device. I think the point that you're getting at is that there's some difference between equipped with a hands-free device and equipped and used with a hands-free device.
LEG. CARACCIOLO:
Correct.
P.O. TONNA:
Well, all I can tell you is just from my own -- because I have a hands-free device because I didn't want to keep on calling the press and saying I'm for the bill and then, you know, be inconsistent, so I actually I went out and spent the $20 to get the hands-free device. You cannot -- if the hand-free device is attached to the phone, you can't do anything but use the hand-free device which for my phone is an earpiece and a microphone; I can't grab it and talk into the phone

while I have the hands-free device in place.
[RETURN OF STENOGRAPHER-LUCIA BRAATEN]
LEG. CARACCIOLO:
Mr. Chairman, what I'm saying is that this resolution is not clear. And I think other Legislators have looked at it and come to the same conclusion, it's not clear.
LEG. COOPER:
Legislator Caracciolo, what could be more clear?
Equipped with a hands-free device is -- this phone is equipped with a hands-free device.
LEG. CARACCIOLO:
Yeah. I have a voice-activated phone, Jonathan; okay? I don't even have to pick up my phone.

LEG. COOPER:
That is a phone that's equipped with a hands-free device, according to Legislative Counsel.
LEG. LEVY:
It's a hands-free device.
LEG. CARACCIOLO:
But the resolution says "unless". Tell me what "unless" in that prohibition clause means.
LEG. COOPER:
You cannot --
LEG. LEVY:
You can't use it unless.
LEG. COOPER:
Mike, I don't understand the question.
MR. SABATINO:
A hands-free device and using your hands are mutually exclusive concepts. So if it's equipped with a hands-free device -- if it's equipped with a hands-free device, you can't manually -- you cannot manually use the phone, because it's equipped with something that by definition excludes the ability to do it without your hands. So where the contradiction comes in I'm not clear. It's --
LEG. CARACCIOLO:
All right.
LEG. BINDER:
Mike, would you yield? Mike, would --
LEG. CARACCIOLO:
Go ahead, Allan. Go ahead.
MR. SABATINO:
It's almost like a tautology, because a hands-free device is defined as something that -- unless I misunderstand the technology, a hands-free device is something that you can't do manually.
LEG. BINDER:
Mr. Chairman, I've just -- I asked for -- Mike, would you yield?
LEG. CARACCIOLO:
Yes, yes. Go ahead.
P.O. TONNA:
Okay. Hold it a second.
LEG. CARACCIOLO:
I'm going to yield to --

P.O. TONNA:
We're cross-question? Now you're going to yield to Legislator Binder.
00173
LEG. CARACCIOLO:
But I'd like the floor back. I'd like the floor back.
P.O. TONNA:
I would have to say this is turning into a real -- okay, go ahead. Legislator Binder, you want to respond to his specific question?
LEG. BINDER:
Specifically --
P.O. TONNA:
Because you're going to have a turn next. You're going to speak next.
LEG. BINDER:
I know, but I want to talk about this specific issue. So as long as we're talking about it, this is a good opportunity. And maybe Mr. Caracciolo wants to take back the floor, you know, after I'm -- after I'm speaking.
The dictionary, the American Heritage Dictionary defines "equipped" as, "To supply with necessity such as tools or provisions; to" -- "or to furnish with the qualities necessary for performance." To furnish it or to provide it doesn't mean that it's plugged in. That doesn't mean it can't be somewhere, so it's ready, equipped. Example: You've got a boat and it's equipped with navigation equipment. You don't turn it on. Your boat is still equipped with navigation equipment. That doesn't mean you're using it, that doesn't mean it has it. To answer Legislator Tonna's, his doesn't work that way, but I have a hands-free that puts with a {startack} that -- in a mount. You can take it out of the mount. It still is attached to the hands-free system and it still uses the antenna that's outside the car, but it's no longer hands-free, because I have it in my hand. So it's now equipped with a hands-free device and I have it by my ear.
So "equipped" is not -- and I think you've got -- you're right on, Legislator Caracciolo, that the word makes it very vague and there's no way to enforce or know exactly what this means. And I would suggest that if the author wants to "use" or "utilized," you can use those words. Those words exist in the English language and you can make -- we can table this. In fact, I'll make a motion to table, so that we can -- he can at least change the words to make it clear as to what we're doing.
LEG. CARACAPPA:
Second.
P.O. TONNA:
Okay. Could I --
LEG. CARACCIOLO:
I'll second the motion to table.
P.O. TONNA:
Okay. Thank you very much. All right. Now this is the -- I had good news and bad news. All right. Legislator Binder, you have the floor.
00174
LEG. CARACCIOLO:
A motion to table and a second. He just made a motion to table.
P.O. TONNA:
Yeah. So there's a motion and a second. Now we still go on with the

debate. Do you think that's it, now everyone's going to make a motion to table?
LEG. CARACCIOLO:
You're going to debate a table motion?
P.O. TONNA:
I think there's tons of people who want to debate --
LEG. CARACCIOLO:
Go ahead. Go ahead.
P.O. TONNA:
-- a table motion. Legislator Cooper, you're after Legislator Binder. Do you want to debate the table motion?
LEG. BINDER:
But no. Let me say --
LEG. COOPER:
Yes, I do.
P.O. TONNA:
Yeah. So go ahead Legislator Binder
LEG. BINDER:
The point that I want to was made, at least one of the points. So we're now at a tabling motion. If I want to get back on the list, if there's an approval question, then I can get back later. But that point I don't think we should be moving forward without language that's clear.
P.O. TONNA:
Okay. Okay. Legislator Cooper has the floor. Legislator Foley, do you want the floor? Okay. Legislator Cooper, you got the floor.
LEG. COOPER:
I wanted to say, number one, that if you asked any member of the public what the intention of this bill was, if they read the sentence and it was on the Newsday website this morning, the contents of the bill, they all understand exactly what the intention of this bill is.
LEG. CARACAPPA:
They don't have to enforce it.
LEG. COOPER:
Who in the world would attach a hands-free device to a phone, that would spend the money to buy a hands-free device, and then despite the attachment of the hands-free device of the phone still hold it in their hand?

LEG. BINDER:
Can I answer the question?
LEG. COOPER:
Sure.
LEG. BINDER:
Would you yield? Thank you. If I'm in the car with two or three other people and there's a hands-free device in the -- it's coming over the speaker phone, the {startack} that I said, I'm having a discussion and now there's a point in the discussion that I don't want to share with everyone in the car, I then take it out of the cradle and now it's a private conversation that I can have on the phone. It's no longer hands-free, but it is equipped with a hands-free device. I gave you -- and that's a specific place where your law, the law that you've written would be thwarted, and it's one of my concerns, is that there hasn't

been enough, and I don't think -- I don't know that we can put enough time and effort into crafting this appropriately.
LEG. FOLEY:
If you're concerned about others in the car not hearing the conversation, you'd have to be in a stretch limousine for your scenario to work, because you'd got to be way in the back of the car not to hear someone speak, if you have that -- if you have the phone right next --
LEG. BINDER:
I might not care about them hearing what I have to say. But if it's by my ear, most likely, they're not hearing the other side of the conversation. I might want to give the person I'm talking to the courtesy of the privacy, knowing that they're not on a speaker phone. I don't know if you've ever done that in your office, you've had someone on a speaker phone and you say, "You know what, I'm going to take you off speaker phone, because it really wouldn't be right for you to be talking with everyone in the room," and you can have that conversation. Same thing, and that is a perfect example of where there would be a problem.
D.P.O. LEVY:
Anybody else on this?
LEG. GULDI:
Yeah, I think I'm on the list.
D.P.O. LEVY:
Legislator Guldi.
LEG. GULDI:
There's a real -- I mean, the reality check problem. The language of the statute says "equipped," doesn't say "use". It's poorly crafted, but it's also -- I mean, I -- question for Counsel. It's also -- the conduct you want to regulate is reckless driving. Reckless driving has been a crime in New York State for decades. It's already against the law, it's already regulated. Anyone who's driving recklessly because of their distracted use of a cell phone is already guilty of a crime with substantial consequences. If there are already enforcement

mechanisms out there, it's already been litigated in the courts. The use of a cell phone under this statute is totally unregulated, as long as you have an equipment that is a hands-free device in the car. Under the language of the statute, you could never get a conviction of anyone who had in their possession a hands-free device, regardless of what they were doing, of this offense, not of the reckless driving offense. But then again, if they're not driving recklessly, why do we care? The answer is, you know, probably we don't care. The problem is you're trying to regulate conduct that's already proscribed with additional law that is unenforceable. You can't get a conviction on it.
There are certain -- yes, there are certain -- you know, the Village of Quogue in my district is a wonderful example. I'm sure that the police there would love to have this ordinance on the books. After all, with a population of 919 full-time police officers and only one traffic light, they would love for another opportunity to stop everybody who drives through the community, so they could look through the car and talk to them and pass the time of day with them. But you're not going to be able to get any legitimate convictions, you're not going to

legitimately further the public safety with this, you're going to impede, impair the people's freedom and rights and you're not going on get to what you want to get to.
LEG. COOPER:
Could I respond to that, please, Mr. Chairman?
D.P.O. LEVY:
Point of person privilege.
LEG. GULDI:
How personal -- what was the personal part of my remarks? I missed that.
D.P.O. LEVY:
I'll tell you, we'll go to Legislator Crecca. Would you do defer to Legislator Cooper for one second?
LEG. CRECCA:
Yeah.
D.P.O. LEVY:
Okay.
LEG. CRECCA:
I'll give him a personal privilege.
D.P.O. LEVY:
There you go. Legislator Cooper.
LEG. COOPER:
George, a couple of points. Number one, there are 12 countries overseas, soon to be thirteen with Germany, that have enacted legislation almost identical to mine that ban the use of hand-held cell phones. As you know, there's several towns in the United States,

including Brooklyn, Ohio, Brooklyn, Ohio had it on the books for about a year-and-a-half now. They've issued, I believe, 300 to 400 citations. They've collected the fines. There's been no challenge, there's been no problem with enforcement.
LEG. GULDI:
There will be.
LEG. COOPER:
I have I have a letter from the Police Chief from Brooklyn, Ohio supporting this effort and explaining how successful their local initiative is.
D.P.O. LEVY:
Okay. Legislator Crecca.
LEG. COOPER:
So it definitely is enforceable.
LEG. GULDI:
Says who?
LEG. CRECCA:
Actually, that actually just raised a question. The other countries, Jonathan, they have a ban, though, on the use?
LEG. COOPER:
They have a ban on the use of hand-held cell phones.
LEG. CRECCA:
They allow the hands-free?
LEG. COOPER:
Right. It's exactly the same as my law. There are a few countries such as Japan that ban all cell phones in vehicles. But there are a dozen,

Spain, Portugal, Israel, State of Victoria in Australia that ban hand-held cell phones and permit the use of hands-free devices.

LEG. CRECCA:

My question actually goes to Counsel, Paul. And, actually, I think George raised a very good point regarding the restrictive conduct. And I know you did raise this initially, Paul, because the original draft did ban all use, and I think that was constitutionally, that was probably a bill, even though I think that was not what everybody wanted.

I guess my question is, is George raises a good point. I'd like your comments on it in the sense that the conduct that we're banning now really is not directly related to the safety issue, as of -- which is the reckless driving issue. And do you really think that this can pass constitutional muster with -- in the watered down version? I mean, that is part of your argument, isn't it, George?

LEG. FOLEY:

George, you're being asked a question.

LEG. GULDI:

I said yes.

MR. SABATINO:

Well, that's not what I took the argument to be from Legislator Guldi. I thought his argument was a policy argument, which is that why go to another level of regulation if statutes that are already on the books at the State level are adequate. That is not a legal issue, that's a judgemental issue, it's a philosophical issue, or a policy issue.

With regard to the -- you know, with regard to the question you're asking, which is whether or not, you know, it's constitutionally supportable, you know, I believe that it is only because Article IX, Section 3 -- I'm sorry. Article IX, Section 2 of the New York State Constitution, as interpreted by at least one case where, you know, the courts ruled that it is beyond challenge that municipalities empowered by the New York State Constitution to regulate the use of its streets, unless no reasonable or rational basis for Legislative enactment can be found, this court should not interfere with a proper exercise of a municipality's police power to regulate the use of its streets. And that was in the context of whether or not there was a conflict with State law. So from a constitutional standpoint, as long as you get a comfort level with your Legislative findings and your testimony that there is some risk or threat out there to public safety, you have a basis for -- you know, for enacting it.

The issue that came up two weeks ago or three week ago was just a question as to what level of fact-finding you want to reach in terms of what the threat is. In a perfect world, I thought the original bill was a stronger bill, only because it was a perfect bill. In a perfect world, you would adopt that bill, because it would eliminate all of the risks that are associated with the use of a cell phone. In an imperfect world, you've got something called the World Hunger Doctrine, which is that if you appropriate money to try to, you know, feed the needy and there's still starving people, your statute's not going to be stricken as unconstitutional. There's no need to solve the entire array of problems when you adopt legislation. This goes a substantial way towards dealing with the issue, if you feel comfortable, that

there's a public safety risk out there.
LEG. CRECCA:
And my other question is -- and then I'll defer to my fellow Legislator from the Second District. But I would ask Miss --
D.P.O. LEVY:
But he's not recognized. Go ahead, knock yourself out.
LEG. CRECCA:
I think I can do it with my time with what I want. But my other question is, is --
D.P.O. LEVY:
No, he can't, it's got to go through the Chair. But go ahead.
LEG. CRECCA:
Is the -- now you made me forget my question, Steve, in delaying it

more. Oh, can we amend on the floor the word "equipped" if we wanted to and change that to "utilize to"; is that possible to do that?
MR. SABATINO:
The only thing I could see -- I don't see that -- I did not initially see the conflict. I still don't see the conflict or the ambiguity. But I am trying to understand the one scenario that Legislator Binder had described, which is -- I think, basically, it's the deactivation scenario. So the only suggestion I could make, maybe for clarity purposes, would be, not to delete words, but just to, after the "equipped" in the prohibition section, just to add two words, "and used," you know, basically as a technical clarification. I don't think it changes the meaning, I don't think it changes the substance of what we're doing. But that's the most that I could see us doing.
D.P.O. LEVY:
That's not substance.
LEG. GULDI:
I'd like to go back on the constitutional and --
D.P.O. LEVY:
You'd like to be recognized, I assume.
LEG. GULDI:
Well, No. But Legislator Crecca is willing to yield back to me.
D.P.O. LEVY:
Well, the only thing is we've got a lot of --
LEG. CRECCA:
I can -- can't I yield?
D.P.O. LEVY:
We've got a lot of people on the list. We've got a lot of people on the list. Let's keep it -- let's keep it as we were going.
LEG. GULDI:
There was nobody on the list.
D.P.O. LEVY:
Joey Caracappa's next.
LEG. FOLEY:
You're on the list, George.
LEG. CARACAPPA:
Just some basic questions for the sponsor as it relates to the changes you've made Jonathan. I don't have the corrected copy in front of me, unfortunately, so let me ask you. You put in -- can hold it if you're dialing. Is that during a stop while the vehicle is --

LEG. COOPER:
You can hold when you're dialing.

LEG. CARACAPPA:
While it's moving.
LEG. COOPER:
Yes.
LEG. CARACAPPA:
And, also, you put in incoming calls while you're moving as well.
LEG. COOPER:
You can answer it, correct.
LEG. CARACAPPA:
How is -- how is a police officer -- if you're driving along, let's say I'm driving, I'm talking on the phone, cop pulls me over, "Hey, the person called me." Who's that police -- what is he going to do the police officer, or she?
LEG. COOPER:
If it's held to your ear, you would not be dialing or answering, you'd be --
LEG. CARACAPPA:
No. It's also incoming calls, you said.
LEG. COOPER:
Right. If it's held to your ear, you would not be answering or dialing.
LEG. CARACAPPA:
No. That's my -- that's my question.
LEG. COOPER:
If it's held to your ear, you would be talking and listening.
LEG. CARACAPPA:
That's my question. Does the change say you can hold the phone if you have an incoming call coming in?
LEG. COOPER:
Yes.
LEG. CARACCIOLO:
No.
LEG. CRECCA:
No.
LEG. CARPENTER:
Yes?
LEG. CARACAPPA:
I hear a no here, I hear a yes here.
LEG. COOPER:
You can use --

LEG. CARACAPPA:
If someone's -- if my phone goes off and it's just laying on my side, I didn't plan on using it in the car, and all of a sudden it's going off in my jacket pocket and I take it out and I answer it, "Hello," am I allowed to do that in the provision of your bill?
LEG. COOPER:
That's not how you use a cell -- do you have a cell phone?
LEG. CARACAPPA:
Yeah. If my phone goes off, my cell phone, I just take it out and answer it.

LEG. COOPER:
Right.
LEG. CARACAPPA:
I think that's how I use a phone since I grew up.
LEG. COOPER:
That's listening.
LEG. CARACAPPA:
I say, "Hello," I answer the phone. Is that what it says in the bill?
LEG. COOPER:
Answering is different from listening and talking. Answering is pushing the button. That was the concern --
LEG. CARACAPPA:
Answering is different than talking.
LEG. COOPER:
The concern --
LEG. CARACAPPA:
Explain.
LEG. COOPER:
The concern that was raised at the last Legislative session was that it would take a second to hit the button to answer the call.
LEG. FOLEY:
Right.
LEG. COOPER:
Or it would take a second or a few seconds to dial the phone. That's what was addressed.
LEG. CARACAPPA:
And it takes a second for a cop to see someone holding a phone to their ear
LEG. COOPER:
Excuse me car arrest it takes a second for a police officer to witness someone with a phone to your ear.

LEG. COOPER:
Excuse me?
LEG. CARACAPPA:
It takes a second for a police officer to witness someone with a phone to their ear.
LEG. COOPER:
You would not be holding it to your ear if you're -- if you're answering or if you're dialing.
LEG. CARACAPPA:
If you're answering the phone --
LEG. COOPER:
Right.
LEG. CARACAPPA:
-- you're going to hold it out -- okay, I'm not holding it to my ear, I'm going to hold it here, "I can't talk, I'm in Suffolk County, good-bye," and hang up. Is that basically what's going to happen?
LEG. COOPER:
If you want to have your phone on in a car, then you spend $20 for a hands-free device. What is the problem here? I don't understand, Joe.
LEG. CARACAPPA:

No. The problem is you put it as a provision in this, says you can answer your phone without the -- without the hands-free device. How am I supposed to answer my phone and just -- what, am I just supposed to hit the button and just hang up without saying a word? You don't know?
LEG. COOPER:
Answer it and pass it to someone --
LEG. CARACAPPA:
And we should pass a bill that's not -- that's not clear like that?
LEG. COOPER:
It's very clear. What you should --
LEG. CARACAPPA:
It's not clear to me.
LEG. COOPER:
Excuse me. What you should have if you're driving in Suffolk County and you have a cell phone with you and the cell phone is on -- if the cell phone isn't on, it won't ring. So, if the cell phone is on and you're driving in Suffolk County, and you want to be able to talk on a phone, if you want to be able to use the cell phone, as anyone -- many members of the public would interpret this, then they'll understand that you need to spend 20 bucks and get either an adapter for your cigarette lighter or an earpiece. I know that you're --

LEG. CARACAPPA:
But if the phone is ringing in my coat pocket and I'm driving down the road, and within the provision of the bill, it says you can answer it, but I can't talk.
D.P.O. LEVY:
Well, you're supposed to have it hooked up.
LEG. COOPER:
I'm trying to make that very clear, you cannot talk. If you plan on talking --
LEG. CARACAPPA:
But you could answer it.
LEG. COOPER:
If you're planning on talking or listening on the cell phone, you need to use a hands-free device --
LEG. CARACAPPA:
But you can't --
LEG. COOPER:
Just as they use in the four other towns throughout the United States --
LEG. CARACAPPA:
I understand --
LEG. COOPER:
-- and in the thirteen foreign countries.
LEG. CARACAPPA:
I understand it's passed in other places, but the provision says you could answer it.
LEG. COOPER:
That was made at the request of several Legislators here.
LEG. CARACAPPA:
But you put -- it's in there. You can answer it, but you can't say a word.

LEG. COOPER:
This is correct.
LEG. CARACAPPA:
That's all I needed hear. Thank you.
D.P.O. LEVY:
Next is back to Legislator Guldi, unfortunately. He's on the list.
LEG. GULDI:
Counsel, on the --

LEG. COOPER:
You can say a word if you have a hands-free device, Joe. How much more clear does this have to be?
LEG. CARACAPPA:
But the provision is, in your bill, you just said yes, that it's an amendment you put in that without the hands-free, you can answer the phone --
LEG. COOPER:
You can --
LEG. CARACAPPA:
Yes or no?
LEG. COOPER:
Does anyone else not understand what I'm saying? You could answer the phone, or you can dial the phone, but you cannot talk or listen.
D.P.O. LEVY:
If I --
LEG. CARACAPPA:
Thank you, Jonathan.
LEG. CARACCIOLO:
I rest my case.
D.P.O. LEVY:
Legislator Guldi has the floor. Could I ask to --
LEG. CARACAPPA:
I thought I had the floor, Mr. Chairman.
LEG. GULDI:
I've been trying.
LEG. CARACCIOLO:
I thought I had the floor.
D.P.O. LEVY:
Oh, are you done? I'm sorry, I thought you were done.
LEG. CARACAPPA:
No. I'm still trying to -- I'm still just trying to get everyone on the same --
LEG. COOPER:
Joe, if you want to be able to --
D.P.O. LEVY:
Would you defer to me?
LEG. COOPER:
Excuse me.

D.P.O. LEVY:
Would you defer to me for a second?
LEG. CARACAPPA:
Just a -- I will in a second.

D.P.O. LEVY:
I want to answer your question.
LEG. CARACAPPA:
Just one more time I'm going to say this, and just -- I may be thick-headed. I know I'm a little thick-headed, but let just try this one more time. My phone goes off. Within the bill, it says you can answer your telephone.
LEG. CARACCIOLO:
What does that mean? Ask him what it means.
LEG. CARACAPPA:
And I answer the phone and I can't say a word.
LEG. GULDI:
Right, you got it.
LEG. CARACAPPA:
That's it? Is that --
LEG. CRECCA:
You can't listen.
LEG. CARACAPPA:
Do I have a right?
LEG. CRECCA:
Don't listen.
D.P.O. LEVY:
Would you defer to me?
LEG. CARACAPPA:
I'm deferring now, go ahead.
D.P.O. LEVY:
Okay. Here's what -- here's what the sponsor has in mind. When you go into your car, if you plan on speaking at any point as you're driving, as you're buckling up your seat belt, you put in -- you put -- you equip it with the -- with the answering device; okay? When someone then calls you, you are allowed under the provision of the bill to use one of your hands and press the button, and then you can have the listening device on to talk. If you don't wish to talk, then, you know, if you want to talk, you have to have the listening device on. If you don't want to talk, don't put it on, simple as that.
LEG. GULDI:
Since I was on the list, can I go next? Are you done?

D.P.O. LEVY:
You're next.
LEG. GULDI:
Because I'll leave you even more confused.
D.P.O. LEVY:
Right. Because that's not what the bill says.
LEG. CARACAPPA:
Exactly right. Thank you.
D.P.O. LEVY:
It is what it says.
LEG. GULDI:
The bill says --
LEG. CARACAPPA:
It's not.
LEG. GULDI:

It says --
LEG. CARACAPPA:
The sponsor even said it.
LEG. GULDI:
-- you can answer, but -- you can answer or dial, but you can't talk unless you're equipped with, but not -- it doesn't say using, it says equipped with a hands-free device. So what happens under Legislator Levy's carefully crafted scenario is you get in the car, you forget to plug in the device, you're driving down the road, your phone starts to ring, you reach for the --
D.P.O. LEVY:
Then it's not equipped.
LEG. GULDI:
You reach to the -- you reach to the -- it's equipped.
D.P.O. LEVY:
It's not equipped.
LEG. GULDI:
Because it's in the car.
D.P.O. LEVY:
No, no, no. You have to equip it. You have to plug it in.
LEG. GULDI:
Listen. Excuse me. I didn't yield. Let me complete my -- the phone starts to ring, you haven't plugged in the device, so now you're driving down the road, the phone's ringing, you're taking the device out, you're trying to plug it into the phone, so you can go hands-free where you're driving the car, instead of just answering the phone with

one hand and holding it against your ear.
D.P.O. LEVY:
Well, you don't use it unless you plug it in before you start up.
LEG. GULDI:
So what we've done here is substantially increased the safety of the County of Suffolk by making people fumble for this device as they're driving down the road under a statute that is beyond the wildest stretch of the imagination completely unenforceable in any legitimate court structure.
D.P.O. LEVY:
Okay.
LEG. GULDI:
But there's one more question I want to get to with Counsel, because we haven't even finished the analysis of the legal ramifications, and that is what about the Federal Communications Act of 1947, which prohibits us as a local government from regulating in any way a citizen's right to access a radio communications device?
LEG. BISHOP:
What about it?
LEG. GULDI:
What about it?
D.P.O. LEVY:
We want to know.
LEG. GULDI:
How the heck do we get around that?
MR. SABATINO:

Well, I don't think there is any prohibition in the Federal Communications Act, because the Federal Government, in a conference it had several months ago, recommend that states and municipalities enact precisely this kind of legislation.
D.P.O. LEVY:
So there.
LEG. BISHOP:
So there.
D.P.O. LEVY:
Next is --
LEG. GULDI:
And they didn't address it either.
D.P.O. LEVY:
Next is Legislator -- no. Legislator --

LEG. GULDI:
Hold on, hold on. And they didn't address the Communications Act either. So that --
MR. SABATINO:
I haven't read the 1947 Communications Act recently, but I know enough to know that I'm extremely --
D.P.O. LEVY:
Oh, a cell phone.
MR. SABATINO:
-- skeptical and doubtful that it would prohibit this kind of legislation, only because the Federal Government is requesting, and, in fact -- and, in fact, the Federal Government --
D.P.O. LEVY:
You better not listen.
MR. SABATINO:
And, in fact, the Federal Government as part of its Legislative recommendation is considering withholding aid, transportation aid in the event that there isn't compliance.
D.P.O. LEVY:
Legislator Binder, then Legislator Carpenter. He's in violation. Oh, wrecked the photo op. What are you, crazy? You had third page of Newsday there and you blew it.
LEG. BINDER:
Wait, wait, wait.
D.P.O. LEVY:
Legislator Binder's next.
LEG. CARPENTER:
Oh, no, he's not.
LEG. BINDER:
Yeah, I am, I'm actually on the list.
D.P.O. LEVY:
No, he was and he passed, but he's taking it back.
LEG. BINDER:
I mean, as long as we had a little time --
D.P.O. LEVY:
Yeah.
LEG. BINDER:
-- I thought about it. I want -- I forgot what I wanted to say, but I

remembered. Counsel had said that, now, that if it's a public safety question, that we would be within the constitutional limits. But I think that if you look at the last meeting, Counsel was very clear to say that the real problem in safety is when you're dialing. And his

own words were, if you take out the dialing, the real public safety question, and we just leave this question of having the distraction of the phone by one's ear, then you've probably taken out -- you've taken out the public safety aspect and you're probably not going to pass constitutional muster. That was Counsel's, at the last meeting, and if we have to, we can go pull Counsel's words from the last meeting, it was pretty clear. I think Counsel's changed a little bit by saying at this point that there is a public safety -- I guess you're saying that if we accept the Legislative intent and that there's a public safety question, that that would cover it, except for the fact that I think that it's pretty universally agreed it's the attention taken away from "while dialing," which is probably the biggest threat to public safety.

D.P.O. LEVY:

Okay. Did you have to answer that? Was that rhetorical?

LEG. BINDER:

No.

D.P.O. LEVY:

Legislator Carpenter.

LEG. CARPENTER:

I have some questions about how -- well, I have a lot of questions. But, first of all, how are we going to inform the public, if this is something that's only being done in Suffolk County. I know there was some discussion about publicizing the fact that we in Suffolk County are a sales-tax-free --

LEG. BISHOP:

How are we going to inform those 15 year olds about the bicycle law that you just wrote last meeting?

LEG. CARPENTER:

I don't think I deferred to you, Legislator Bishop.

LEG. BISHOP:

Sorry.

LEG. CARPENTER:

That's okay. We're concerned about advertising to the public that we in Suffolk County are tax-free on our clothing and shoe purchases under $110, so we had contemplated putting signs up as people are entering Suffolk County. Are we going to have signs up now that say that, "Drop your cell phones at the border," when you're coming into Suffolk County? Are we going to put it on the inform signs, "Buckle up your seat belt and drop your cell phones"? I want to know. I mean, I don't see any provisions in the bill for notifying the public. I don't think it's an appropriate thing to do to be passing legislation that is so specific just to this County.

We had an Assemblyman here this morning who spoke about his efforts in the State Assembly and the efforts that are being entertained by Senator Marcellino. It is most appropriate to be considering this at a State level, not in the county. I think it's more important that we do

things that are right for the public, not necessarily that we be first. In our quest to be first, I think we are short-changing the people that come to Suffolk County. I think we would be better serving the public if we went forward with the sense resolution that you have, especially since it's obvious that there is some motion in the State Assembly and in the State Senate on this issue. We should move forward with the sense resolution, because it's obvious from some correspondence we got from one of the State Senators that they really value our resolutions that are passed here at the Suffolk County Legislature, so that that would certainly be more appropriate.

The other concern I have is where you listed all of these exceptions, there are eight different -- or defenses, affirmative defenses for any individual to exempt themselves from being prosecuted for speaking on a cell phone, if they could prove one of these things. And it seems to me that it would exempt a doctor. All doctors would be able to use their cell phones, because if you're calling a medical doctor's office, which would be his or her office, they would be exempted from this bill, according to how this is written. It exempts calling a health clinic, so that anybody who works or has an appointment or anything to do with a health clinic would -- all they have to do is show that they were calling the health clinic. The same with fire departments, fire districts or fire company. Anyone who is connected with a fire department, fire district or fire company would have a built-in excuse for using their cell phone, because they're calling each of these entities. Again, with an ambulance company, with a hospital, anyone who works at the hospital, there are thousands of people employed at the hospitals in this County. All they'd have to do is say, "I'm calling Good Samaritan Hospital," "I'm calling Southside Hospital," "I'm calling Mather Hospital."

D.P.O. LEVY:

Okay. Next on line is Legislator Bishop.

LEG. BISHOP:

Pass.

D.P.O. LEVY:

Pass.

LEG. BISHOP:

I got my answer.

D.P.O. LEVY:

Legislator Cooper, to be followed by Haley. Cooper.

LEG. COOPER:

Legislator Carpenter, to address your -- Legislator Carpenter, to address your -- the latest point, Section 4(B) leads off with in the case of an emergency phone call, there are these affirmative defenses. So it's only if it's an emergency phone call. And if you're calling your doctor to let them know that you're going to be late for your appointment, that's not an emergency phone call. So that was a valid question. I appreciate your raising it, but it's invalid.

LEG. CARPENTER:

Well, that's your opinion.

LEG. COOPER:

It's in the case of an emergency phone call. If you're late for a dentist appointment, do you consider that an emergency phone call? We

have to use some common sense here.
LEG. CARPENTER:
It doesn't have dental appointments. It doesn't have dental appointments.
D.P.O. LEVY:
Go ahead.
LEG. COOPER:
It's in the case of an emergency phone call, Legislator Carpenter. Number two, how would we notify the public? Yes, we probably would put some signs up. That's how it was done in Brooklyn, Ohio, that's how it was done in the other towns in New Jersey and Pennsylvania. It may not even be necessary to put signs up. I don't think that there's anyone living in Suffolk at this point that hasn't heard about this bill and won't learn very quickly when the bill has been implemented. But I guess to play it safe, it might be a good idea for us to put a couple of signs up on the L.I.E. and the State parkways.
D.P.O. LEVY:
Legislator Haley.
LEG. HALEY:
Hi. I'm right here.
LEG. TOWLE:
Do you have any questions? Hopefully not.
LEG. HALEY:
You guys in a hurry?
LEG. CARACAPPA:
This should be good from a Libertarian.
D.P.O. LEVY:
Fascist.
LEG. HALEY:
Joey knew exactly where I was going. One of the biggest problems I have is the accountability of the individual for their actions, whether it's talking on a cell phone, eating a ham sandwich or --
LEG. BINDER:
Ham?
LEG. HALEY:
Oh, I'm sorry. A turkey sandwich.

LEG. CRECCA:
Is it kosher.
LEG. HALEY:
A turkey sandwich.
LEG. TOWLE:
Talking to people about the Wedge Property in --
LEG. HALEY:
Talking to people in the back seat about The Wedge property, yelling at your kids, or anything like that, we have to be held accountable for our actions. So my question is to what extent do we stop? How far do we go that every time we find some tragedy that happens because of some inconsideration of a driver, what are we going to do, create another law? I think we have to go back to what -- and it relates to tobacco as well, by the way. I liken it to the tobacco legislation. I think that the most appropriate thing for us to do as a government is to educate people, to educate people, enforce existing vehicle and traffic

laws. And if nothing else, at the very least, if there's anything going to happen in the State of New York, we should leave it up to the State Legislature, because they have the jurisdiction over Vehicle and Traffic Law.
I think the other problem I have with this legislation is I think in a sense there's victims. There are plenty of -- there are thousands of people, thousands of people, who act responsibly behind the wheel, whether they're drinking that cup of coffee or talking on a cell phone. There are people that pull over, there are people that take extra precautions, there are people that use headsets, or whatever, in order to drive safely.
What you're saying to those individuals who are responsible for their actions, "You know what, unfortunately, because of a select few who aren't responsible, we're, in essence, punishing you and affecting your ability to do what you think is appropriate behind the wheel of a car."
I liken this legislation -- you know, if you want to, if you want to be really far-reaching for the very few accidents that happen with people who talk on cell phones, I've -- you know, I've mentioned this as an analogy. We could resolve -- we could resolve the DWI problem tomorrow. Let's do away with cars.
LEG. CARACAPPA:
Good thought.
LEG. FISHER:
There's an idea.
LEG. HALEY:
There's an idea, you see that? Yeah, but you say that's too far-reaching, because what you're doing is you're affecting -- you're affecting innocent people in their ability to drive cars, all right, that's the problem.
LEG. BISHOP:
That's not why you don't do it.

LEG. HALEY:
If you hold individuals accountable for their -- Legislator Bike Shop, I'm not finished.
LEG. BISHOP:
It's not why you do it.
D.P.O. LEVY:
Bike helmet, that is.
LEG. HALEY:
Okay? Look, he wants to do it, he actually wants to create that legislation. That's my point. At what point do we draw the line? I don't think we need to go there. I think we need to educate people. Just like in the tobacco situation, I think we need to educate people and kids as it relates to the harmful affects. And those individuals who choose to do what they do have to be held accountable for their actions. Thank you, Mr. Chairman.
D.P.O. LEVY:
Thanks, Marty. I'm going to speak, and then we're going to go to Legislator Bishop. Look, there's three options you have here. One is leave things as they are, do nothing. The other is to have a complete ban. And the third is to have --
LEG. CARACAPPA:

Go to the Assembly.
D.P.O. LEVY:
Go to the Assembly. Is to get out of here as quick as possible. The third is to have some type of compromise, a middle ground, and I think that's what this bill is intended to be. I think that's what it is.
This is not a complete ban, but simply a requirement for use of an inexpensive hands-free device, simple as that.
Now, we saw the analogy or we heard the analogy of reckless driving and DWI. Okay? This isn't a case of people playing with their radio. Statistics don't have a correlation of people playing -- changing their radio station and crashing at an alarmingly higher rate. There are statistics that correlate the use of cell phones with accidents, almost identical to the rate related to driving under the influence. And the argument here was made about, well, you -- DWI. Well, look at DWI. You've got a law on the books that says you can't drive under the influence. This is a law that says you can't drive when you're using a cell phone unless it's equipped with a hands-free device.
Now, if you have a philosophical problem with the bill, I understand that, I respect that. But I think we're really trying to split hairs when we start dealing with the wording of "equip". I mean, to think that someone is going to plug in their phone to a hands-free device and then hold it to their ear anyway I think is, at the very least, farfetched.
To get to the point of whether you can answer it or not, I think you're on to -- you're following a logical train of thought here, Joe, but I

think it ends at a certain point. You've got to be able -- could we just have some order, please?
LEG. GULDI:
No.
D.P.O. LEVY:
There's no other way to do it. We had a bill written as of two weeks ago that said you couldn't take the hand off the wheel for any reason, even to dial your phone or to answer it. And I think the majority of us said that's going too far. Because even if you have the hands-free device in your ear, you still have to be able to dial the phone. And when someone's calling in to you, obviously, you got to take a hand off and press the button. But what Legislator Cooper is trying to get to is if you want to operate your car phone, when you get into the car, you set it up to operate that way. This way, if you do get the incoming call, it's set up. You're allowed by the provisions of the law to take your hand off the wheel for a split second to press the button to answer the phone.
LEG. CARACCIOLO:
That's not a distraction.
D.P.O. LEVY:
Well, to a slight degree, it is, but it's a matter of degree. It's a matter of degree, Mike. I mean, to some extent it's a distraction.
LEG. CARACCIOLO:
Could you cause an accident by reaching over, looking down at your cell phone to press that talk button?
D.P.O. LEVY:
Anything is possible, but we're talking about is common sense. And

which is more likely to cause the accident, is it the split second that you take your hand off to press the button, or is it to have your hand on your ear for a ten-minute conversation? I think most people will logically say it's all right for one second to take your hand off, but for the remaining ten minutes, we want your hands on the wheel.
LEG. CARACCIOLO:
What about speed-dialing?
D.P.O. LEVY:
Well, let me finish my statement and then --
LEG. CARACCIOLO:
Well, no. I mean, I think we can clear up a lot of confusion here.
D.P.O. LEVY:
Well, I just don't want to get distracted. I'll be happy to answer your questions at the end.
If there's a better way to do it, come up with it and let's discuss it. But I'm not hearing alternatives to the particular legislation. I'm just hearing it's a bad bill, or here's a reason why we shouldn't do it. Again, you can do nothing, you could have a complete ban, or

you can have something in between.
As far as people finding out about it, do we need signs, hey, just as a point to take note of, we passed the resolution to end the tax on clothing. We never did put up those signs, but you know what, people know. People know. And, eventually, people will know this, too. And, again, there's nothing -- there's no such thing as perfection. It's a halfway measure, through cost benefit analysis, is very, very inexpensive. It's a very minimal inconvenience, but it's a very positive safety result that comes about.
Next on line was -- go ahead. You wanted to interrupt me. Go ahead.
LEG. BISHOP:
Wait, wait. Come on, can get my --
LEG. CARACCIOLO:
No. I had my hand for the last 20 minutes.
D.P.O. LEVY:
And then Dave. I'll put you on line.
LEG. BISHOP:
I haven't spoken yet on this thing.
D.P.O. LEVY:
You're right. David. Come on, Mike.
LEG. BISHOP:
Thank you. Thank you, Mr. Chairman. First of all, I just want to say to my colleagues who are preparing to vote against this that it's a wonderful irony that a Legislative body that in the past few months has regulated 17 year olds on scooters and bicycles is now squeamish about requiring people to put their hands on the steering wheel of a moving vehicle. I think that's ironic. I think the parallel.
LEG. CARACCIOLO:
And that's a mischaracterization, what you just said.
LEG. BISHOP:
That is not true.
LEG. CARACCIOLO:
That's a --
LEG. BISHOP:

I yield. Tell me how it's --
LEG. CARACCIOLO:
That's a political --
D.P.O. LEVY:
Mike, respond to it later.
LEG. BISHOP:
Political.

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LEG. CARACCIOLO:
Come on, Dave.
LEG. BISHOP:
No, go ahead, I'll yield. Tell me why it's wrong.
LEG. CARACCIOLO:
Your analogy is wrong, because no one here is suggestion -- suggesting that we don't pursue this type of legislation. But let's do it in a proper venue and in a proper way.
LEG. GULDI:
Do a sense to the State.
LEG. BISHOP:
That's not what I've heard. What I've heard are reductio ad absurdum arguments where -- ridiculous arguments where you're taking --
LEG. TOWLE:
Now you wonder why you lost the primary.
LEG. BISHOP:
Yeah, George. I required George to come over. You're taking --
LEG. CARPENTER:
That was not nice.
LEG. BISHOP:
-- moments in time --
LEG. CARPENTER:
That was not nice. Say you're sorry.
LEG. BISHOP:
-- and you're not looking at the entire process --
LEG. CARACCIOLO:
George, who did you support, by the way?
LEG. BISHOP:
-- and the purpose of the legislation.
D.P.O. LEVY:
Are you done?
LEG. BISHOP:
No. I haven't even begun. Are they done? The parallel of food and makeup is wrong, because this bill simply says that there's a technology that makes this practice safer, and we should require that we use that technology. There is no technology to make eating food in a car safer, or apply makeup safer.
LEG. BINDER:
Abstinence is pretty good.

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LEG. BISHOP:
Well, abstinence, of course. Now, if you want to do -- that's typical of what Legislator Levy was talking about, where it's a matter of degree. Do we want to push our population towards driving safer, or do we want to --

LEG. BINDER:
Smaller sandwiches.
LEG. BISHOP:
Excuse me?
LEG. BINDER:
Smaller sandwiches, so it won't fall apart on you.
LEG. BISHOP:
Well, perhaps you could put that bill in.
LEG. BINDER:
There you go.
LEG. BISHOP:
You know, we're requiring 17 year olds to wear bicycle helmets, so anything is possible in this County.
LEG. BINDER:
No hoagies.
D.P.O. LEVY:
Go ahead.
LEG. BISHOP:
Ultimately, all legislation is a cost benefit analysis, as was pointed out. The cost of this is so minimal and the benefit can be so great. Instinctively, your constituents know it. Everybody that has called my office and said it's a common sense measure, I asked them if they engage in eating the car, applying makeup, or talking on the cell known and most of them do. The point is people recognize that their behavior is wrong and they support this legislation, because they think it will push them towards safer behavior. And I think that since this technology exists, we have a responsibility to move people towards using it.
D.P.O. LEVY:
Legislator Caracciolo.
LEG. CARACCIOLO:
Legislator Bishop, I would agree that if this Legislative body wanted to pass a piece of effective legislation, we should do so in this arena. That's not what this legislation does, however. You had a State Assemblyman here this morning from your political party, from your political party, who has been unsuccessful for the last three years in getting his bill probably even out of committee, if I were to look at the Legislative record. Why? Is that because State Lawmakers have a disregard for the public safety? I don't think so.

LEG. BISHOP:
Well, you know, maybe --
LEG. CARACCIOLO:
I mean, there's probably a myriad of reasons why they haven't acted on this -- on his bill or similar legislation.
LEG. BISHOP:
Maybe the --
LEG. CARACCIOLO:
Let's talk about what this bill--
LEG. BISHOP:
Maybe the telecommunications lobby is more powerful than the Huffy Bicycle lobby.
LEG. CARACCIOLO:

I believe I have the floor, David. David, I believe I have the floor. I think we have to look at what is effective legislation and what can be effectively enforced. You talk about cost benefit analysis. Law enforcement officers could go out there the day after this resolution, if it's approved and signed into law, and enforce it. Are they going to be summoned to court to go through whether or not this individual has a defense, an affirmative defense under one of the eight listed categories? Is that cost effective? Is it cost effective to have a judge throw it out and maybe someone challenge this particular resolution? Because it doesn't accomplish what we'd all like it to accomplish, and that is a total ban on the use of cell phones. If that's what this resolution did, then I think most of us would support it and it would be approved by this Legislative body --
LEG. BISHOP:
So you're saying that --
D.P.O. LEVY:
Come on, we had that last week.
LEG. CARACCIOLO:
-- but that's not what it does.
LEG. BISHOP:
Wait, wait, wait. Legislator Caracciolo, you're saying that the colleagues --
LEG. CARACCIOLO:
No, don't put words in my mouth, I have the floor.
LEG. BISHOP:
I'm asking, I'm asking. I'm not putting words --
LEG. CARACCIOLO:
I have the floor and I haven't yielded.
D.P.O. LEVY:
Let Mike finish.

LEG. CARACCIOLO:
I haven't yielded.
LEG. BISHOP:
I -- well, I yielded for questions in the middle of my --
LEG. CARACCIOLO:
What this resolution really is is window dressing disguised as an effective piece of local legislation to preclude people from using their cell phones. This is so misunderstood and typical of legislation that's well intended, but can't get us to where we want to go, because we don't have the authority to enact a total ban on the cell phone -- on cell phone use in this County. We are not the State Legislature.
LEG. CARACAPPA:
Mr. Chairman.
D.P.O. LEVY:
Yes, we do. You have more authority to do that, but -- Legislator Binder was next.
LEG. BINDER:
The question about equipped is not hair-splitting. I keep hearing hair-splitting. But the fact is we're Legislators. We're supposed to enact laws. This is not a game. There are words on a piece of paper that have legal effect that will be brought into court. That's what we're here for. You call it hair-splitting because it makes it -- it

minimizes it. Let's make it sound like it's not such a bad thing. All right, so we missed the word. We could do it anyway. Well, why is it so important we do it tonight? Well, I know. CBS is here, NBC came by, and Fox, I mean, everybody's here. So now's the time to do it, because we get a really political impact on it; right? That's why it has to be done now. That's why we don't even want to consider the fact that other words would be more effective. So that's on the first point. It's not hair-splitting, it's about real legislation, about laws that stick. That's first. Second --
LEG. FISHER:
Is that a lecture, Legislator Binder?
LEG. BINDER:
The second is -- no, it's not a lecture.
D.P.O. LEVY:
All right. All right, come on.
LEG. BINDER:
Not a lecture.
D.P.O. LEVY:
You got the floor.
LEG. BINDER:
I didn't act arrogant as another Legislator did in trying to say that I do something better than others and you should all be like me. Okay?
00200
So that's --
D.P.O. LEVY:
Come on, you got the floor. Keep going.
LEG. BINDER:
It's not a lecture at all.
LEG. FISHER:
Sounded like one to me.
LEG. BINDER:
Not at all.
D.P.O. LEVY:
Too much sugar going around here. Come on.
LEG. BINDER:
So that's the first question is on equipped. The fact is, if you're -- if you even support the legislation, then the word "equipped" is misplaced. I think even Counsel finally came to the point that there should be something in there if you want to make it effective --
D.P.O. LEVY:
He didn't say that.
LEG. BINDER:
-- because the word "use" would make it clear. The fact is "equipped" is vague. I already read -- I already read to everyone what it means. The word means, "To supply with necessity, such as tools or provisions." It's there -- or B, "To furnish with qualities necessary for performance." To furnish with. That doesn't mean to use, doesn't mean to utilize. Why wouldn't anyone who really cared about policy, not politics, but policy put the word in that would be most effective, hearing clearly that the word "equipped" is not an effective word and is probably vague?
Second, how about the question about what causes the distraction? Is the distraction because you need two hands on the wheel, or is the

distraction talking on the cell phone? If it's talking on the cell phone, if that's the specific distraction, so what about talking and all this other -- you know, all the other talking that's goes on in a car? None of that's a distraction? Oh, but that is, but we're not going to ban that. Your allowed to do that, but this particular talking -- so it must be because you have one hand off the wheel. But all the other things we do are okay, or just driving generally with one hand on the wheel, that's okay.
We picked out one thing here and we said, because it's visible to the eye, so we drive around and we see people with talk phone --
D.P.O. LEVY:
Cell phones.
LEG. BINDER:
Nine. I'm going to -- I'm going to just make a quorum call. At this

point, I'd just make a quorum call.
D.P.O. LEVY:
Could we have Legislators in the horseshoe, please?
LEG. BINDER:
Six, seven, eight, nine.
LEG. CRECCA:
We have ten.
LEG. BINDER:
Where do you count ten? I'll take a -- I'd ask for a roll, a quorum call.
LEG. CRECCA:
I counted Paul, that's why.
D.P.O. LEVY:
Well, he's a Legislator. He's the nineteenth, he counts. Linda, can you -- is somebody out there getting people. Can you please --
LEG. CARACAPPA:
We have ten.
D.P.O. LEVY:
No, we have nine. Oh, we do have ten. I'm sorry. Somebody came in. Yeah, go ahead, Allan, you got ten.
LEG. BINDER:
The --
D.P.O. LEVY:
Come on, give the speaker respect, please.
LEG. BINDER:
So the question then is why do we pick this out? Because it's visible, it's new, it's visible. If you look at the proliferation of cell phones on a graph, as it's been rising over the last few years, precipitously. Everyone knows, the penetration of cell phones has been overwhelming. Has the number of accidents -- is there a correlation between the two graphs? You'll see there absolutely is not. Okay? There is not a graph that tracks. So as the -- as cell phones are introduced and there are more cell phones in cars, that there are more accidents. It just goes up the same. It doesn't happen. So why don't Legislators, knowing full well, even before the proliferation of cell phones, knowing full well that there were accidents, deaths, people maimed, killed, whatever, from other actions like tuning the radio -- now we have nav systems, the navigation systems that are in cars that

you have to look down and it's a map, and you can look and you could see where you're going, but you have to look down and see it. Why aren't Legislator trying to get any information on that? Why isn't there a discussion about doing something? Well, because it's not politically correct. You don't want to stop people from using nav systems. That's a new wave, and that's a good thing, it has a map in your car. You don't want to -- you definitely don't want to stop

people from using a radio, though it's probably caused more accidents than anything else. Radios, the changing, and the tuning, and messing with your own radio has probably caused more accidents over the years than anything else that people can do in a car, yet no one's interested in doing this.

So now we come to the Legislature. So what have we done, this County Legislature? This is a major thing we're talking about. We're going to change the behavior -- well, quorum call again, I guess, at this point.

LEG. CRECCA:

We only have nine.

D.P.O. LEVY:

George, come on in here. Okay, go head.

LEG. GULDI:

No, I won't come in.

D.P.O. LEVY:

He won't talk unless you're here.

LEG. GULDI:

You want me -- you want to hear him talk? I'll leave.

LEG. CARACAPPA:

Come on, Allan, sum it up.

D.P.O. LEVY:

Come on, Allan, please.

LEG. BINDER:

How many --

D.P.O. LEVY:

So he did leave. All right. Good boy, Marty.

LEG. BINDER:

How many hearings have we had? How long has this been around? What experts have been here from around the country? We're talking about changing people's driving behavior. I have a wife, I have two children. I am not wanting to put them at risk. If there was something that could protect their lives, I and everyone else here would want to protect the lives of our family and the people we love. The question you have to ask is do we really know what driving behavior would change? How would you feel after you vote for this and a story comes back, someone even misunderstood the bill, even if they didn't even understand the bill, but they heard they couldn't use cell phones. So they're in the left lane of the Long Island Expressway. They're driving about 70 miles an hour, most likely, and they get a call, very important call, they've been waiting for it. Their digital has caller I.D. They look down and they want to take this call, but they think they've got to get off the road. Or they don't have -- maybe they didn't -- maybe they didn't hook up the hands-free, or maybe they -- they just haven't thought about it, they want to take this

call. So they go over two lanes. What if it's your family in the center lane or the right -- it's not funny, Legislator Cooper. There's nothing funny about it.
LEG. BISHOP:
It's absurd.
LEG. BINDER:
If it's -- if it's your family in the middle lane or the right lane when that person is trying to get over so they can get off to comply with the law, there's nothing absurd about it. We are changing driving behavior and this Legislature has had almost no one here expert enough to tell us what's going to happen when we do this. We haven't had experts, anyone. We're not at a level that -- I'm sorry. Look, the truth is we're not at a level here in Suffolk County where experts bring themselves from across the country because they have expertise in the area from National Transportation Safety Board or anywhere to come here to give us information on what is safe and unsafe driving behavior and what would our legislation do. So we're just going to pass this. We're going to change driving behavior and maybe someone, someone will have an accident or die because of our, our decision here. That's a discussion -- that is a discussion that's not going to happen here, because we didn't have the experts. We've had about six or seven people speak on the bill. And that's what -- it's another reason it should not be done at this level.
D.P.O. LEVY:
Okay. Here's what we have left. We have Legislator Crecca, Bishop, and then we're going to wrap it up with Cooper. Were you on the list?
LEG. CARACAPPA:
I was supposed to go after Legislator Caracciolo.
D.P.O. LEVY:
You're right. You're right. It was Legislator Caracappa, then followed by Crecca. Okay? Please. And let's not --
LEG. CARACAPPA:
I'll be very brief.
D.P.O. LEVY:
And let's not have people speaking three and four times.
LEG. CARACAPPA:
I'll be very brief. It's not so much a philosophical difference, it's the question, really, I think for most of us who are opposed right now, to the construction of the bill. I personally feel it's flawed. I brought one, in Jonathan's eyes, one silly little instance where, you know, I can answer the phone, because it says it in the bill I can answer the phone, and if I get pulled over, I'll just say I got an incoming phone call. Legislator Carpenter brought up some reasons. Legislator Caracciolo and Guldi brought up some reasons as it pertains to the wording in the bill. Now, I think we all basically in our hearts want to do something along these lines, because when it comes to safety, we're all a hundred percent, we all know that. But when it come to a bill that's slightly flawed that is just so far reaching in

the County of Suffolk, I think it needs to be tightened up to the extreme before we can really pass it. And that's -- that's my objection at this point. I ask the sponsor one more meeting, tighten

it up from the things you heard today, this way he can say it's airtight and that no one can say anything. And if you really want to do it, that would be the opportunity.
D.P.O. LEVY:
Next is Legislator Crecca.
LEG. CRECCA:
Yeah. I don't want to prolong debate, but I will say that I did come in here with the inclination to vote in favor of this bill. The only thing I want to say is I think Legislator Guldi, Legislator Caracappa, and even some of the other Legislators brought up some very valid points about the construction of the bill and its application in specific instances. I'd agree, too, I'd like to make the roads safer. I agree that, you know, even if we can make them partially safer, that's good. But I think there are problems with the construction of the bill. And I know you made changes to accommodate me, Jonathan, and I think of those changes, you made it a better bill, but I think it just created some new problems. I don't want to rush this, especially if we're going to be the first in New York State to do this. And I would really -- I would suggest to the sponsor that, possibly, we table this and try to work on the language a little bit more, because, apparently, there are problems with it.
D.P.O. LEVY:
Legislator Bishop's next.
P.O. TONNA:
Can I -- wait. Is there anybody else who wants to speak?
D.P.O. LEVY:
I got this. Yeah's there's three people on the list.
P.O. TONNA:
Okay.
D.P.O. LEVY:
Legislator Bishop. All right? You had your chance, you blew it. Legislator Carpenter.
LEG. CARPENTER:
I would on -- we are on the tabling motion, correct?
D.P.O. LEVY:
I believe so.
LEG. CARPENTER:
I would --
D.P.O. LEVY:
That was four hours ago, so I forgot what it is, actually.

LEG. CARPENTER:
I would be inclined to want to -- I'll just wait until I have the attention of the sponsor, only because I'm being very sincere in saying that I would like to support this. But we have raised a lot of issues today, and I know the one issue that Legislator Binder raised about the use, and not just having the hands-free device. When Counsel said that he could make those changes, and Legislator Guldi felt that they were substantive enough changes that they could not be made on floor, if we could look at making some of those kinds of changes, I would ask that you go along with the tabling motion. And absent that, I, you know, would abstain on this bill tonight, would move forward with the sense resolution, and I would suggest that we move forward with the sense

resolution, if this is tabled tonight. I would like to cosponsor that sense resolution that you have, sending it to the State where it really is better addressed, absent the tightness that this legislation is lacking.
D.P.O. LEVY:
Okay. Let's get Legislators into the horseshoe. We're going to wrap up with Legislator Cooper, since it's his legislation. Please, have all Legislators report back to the horseshoe. We'll go back to our voting. Legislator Cooper is the final speaker on this issue. All right. Anybody else need to speak before him? Legislator Alden, you haven't spoken yet. Go ahead.
LEG. ALDEN:
Actually, my questions is addressed to Legislative Counsel.
D.P.O. LEVY:
Please, quiet down.
LEG. ALDEN:
Is this going to affect anything like a driver's license or anything like that, points on the license?
LEG. GULDI:
We have no jurisdiction for that
LEG. ALDEN:
No, no. Because, actually, the question is a little further than that, because now we're making it a criminal action, right? So it's going to go to a County Court or it's going to go to a District Court where the Judge has --
MR. SABATINO:
It's not criminal, it's --
LEG. ALDEN:
The option to impose restrictions on your license.
D.P.O. LEVY:
Cameron, it's not criminal.
LEG. ALDEN:
What?

D.P.O. LEVY:
It's not criminal.
LEG. ALDEN:
This is civil?
D.P.O. LEVY:
Yeah.
LEG. ALDEN:
So who is -- who's going to adjudicate this, what judge does it go to?
D.P.O. LEVY:
Paul, can you answer the question, please.
MR. SABATINO:
It would District Court.
LEG. ALDEN:
Then, actually, you can end up with sanctions on your license. You can actually end up with your license taken away in District Court.
LEG. HALEY:
Yeah, you can do that all.
LEG. ALDEN:
Is that the intention to have those type of penalties put -- imposed?

P.O. TONNA:
Okay.
D.P.O. LEVY:
All right. Do you have a --
MR. SABATINO:
No, I'm sorry. I'm sorry. I was looking at the wrong -- this is $150 criminal fine. I apologize. It's a violation, it's not a misdemeanor. It's a criminal $150 violation. I'm sorry.
LEG. ALDEN:
But it is in District Court, then, right?
MR. SABATINO:
It's definitely District Court, yes.
LEG. GULDI:
It's not Motor Vehicle Adjudication Court.
LEG. ALDEN:
No. So it's -- now you've got a--
LEG. CARACCIOLO:
It's cost effective. It's cost effective.
LEG. ALDEN:
But you've got a District Court Judge with a lot of discretion on this,

and that, really, what's the intent on that end of it?
D.P.O. LEVY:
Anybody else?
LEG. ALDEN:
I had a question I need an answer.
D.P.O. LEVY:
Okay. Paul, do you know what the question is?
MR. SABATINO:
No. I apologize for the -- I was looking at the wrong statute. It's $150. It's a criminal penalty. It's the lowest level of offense. It's just a violation, it's not a misdemeanor.
LEG. ALDEN:
Then the second part of my question, I guess, goes to the sponsor. If that's the intent to go before a Judge that has almost total discretion on what to do with your driver's license, imposition of possible points, or revoking your license, that type of -- is that the intent of the bill?
LEG. COOPER:
My understanding is that the penalty is $150 fine per violation.
LEG. ALDEN:
But we're going before a -- you're going to go before a District Court Judge who has discretion.
LEG. COOPER:
But the bill specifies $150 fine.
P.O. TONNA:
Okay.
LEG. COOPER:
The bill specifies $150 fine per violation. It's in writing, $150 fine per violation, no more, no less.
LEG. ALDEN:
Okay. But under a criminal act and under the jurisdiction of the District Court, the Judge has discretion as far as what they can do

with your license also, because you've made it a criminal act.
D.P.O. LEVY:
Well, it's probably similar to speed, right?
LEG. ALDEN:
No. This is important, because what what's going to happen here is it's going to end up being defined by trials, basically. Because if I'm in -- if I'm put in a position where I can lose my license, I'm going to go in and I'm going to fight this tooth and nail.
LEG. LEVY:
May I ask a question? Paul? Paul, on that note, can I ask a question

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of Counsel? Paul, may I ask a question?
P.O. TONNA:
Yeah. Steve, I give you my permission to ask a question.
LEG. LEVY:
Thank you. Is that analogous, Paul, to what it would be like if you're speeding, if you're going 60, 65 miles an hour be considered the same type of a violation?
MR. SABATINO:
Right, it would be the -- a violation is the lowest level of offense.
LEG. LEVY:
Okay.
LEG. TOWLE:
Why don't we call the vote?
LEG. FISHER:
Thank you.
P.O. TONNA:
What I would like to do is take a five-minute recess.
(Negative Response from Legislators)
yes, I'm taking -- no. I'm taking a five-minute recess. Thank you.
[THE MEETING WAS RECESSED AT 6:30 P.M. AND RESUMED AT 6:55 P.M.]
P.O. TONNA:
Roll call, Henry.
(*Roll Called by Mr. Barton*)
LEG. CARACCIOLO:
Here.
LEG. GULDI:
Here.
LEG. TOWLE:
Here.
LEG. CARACAPPA:
Here.
LEG. FISHER:
Here.
LEG. HALEY:
Here.
LEG. FOLEY:
(Not Present)

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LEG. FIELDS:
Here.
LEG. ALDEN:
Here.

LEG. CARPENTER:
Here.
LEG. CRECCA:
Here.
LEG. D'ANDRE:
Here.
LEG. BISHOP:
Here.
LEG. POSTAL:
Here.
LEG. BINDER:
Here.
LEG. COOPER:
Here.
LEG. FOLEY:
Here.
LEG. LEVY:
Here.
P.O. TONNA:
Here.
MR. BARTON:
18, tabled. No, huh?
LEG. CARACAPPA:
Tabled.
(Applause)
LEG. BINDER:
That was very good.
LEG. GULDI:
Way to go, Henry.
LEG. BINDER:
What's the next agenda, Mr. Tonna?
LEG. CARACAPPA:
Roll call on the tabling motion.
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LEG. BISHOP:
Roll call on the tabling motion, Mr. Chairman.
P.O. TONNA:
Okay. Roll call on the tabling motion.
(*Roll Called by Mr. Barton*)
LEG. BINDER:
Yes.
LEG. CARACCIOLO:
I'm sorry. On the tabling?
MR. BARTON:
Tabling, yes.
LEG. CARACCIOLO:
Yes.
LEG. COOPER:
No.
LEG. POSTAL:
No.
LEG. BISHOP:
No.

LEG. D'ANDRE:
What is this on?
MR. BARTON:
To table.
LEG. D'ANDRE:
No.
LEG. CRECCA:
Pass.
LEG. CARPENTER:
Yes.
LEG. ALDEN:
Yes, to table.
LEG. FIELDS:
No.
LEG. FOLEY:
No.
LEG. HALEY:
Yes.

LEG. FISHER:
No.
LEG. CARACAPPA:
Yes.
LEG. TOWLE:
Pass.
LEG. GULDI:
Pass.
LEG. LEVY:
No, to table.
LEG. TONNA:
No.
LEG. CRECCA:
Yes.
MR. BARTON:
Legislator Caracappa.
LEG. CARACAPPA:
I said yes.
MR. BARTON:
Oh, I'm sorry. I thought you said "pass".
LEG. TOWLE:
No, to table.
LEG. GULDI:
Yes, to table.
MR. BARTON:
Eight.
P.O. TONNA:
Okay. There's a motion to approve by Legislator Cooper, seconded by who?
MR. BARTON:
Legislator Fisher
P.O. TONNA:
Bishop?
MR. BARTON:

Fisher.
P.O. TONNA:
Okay.

LEG. CARACCIOLO:
On the motion.
P.O. TONNA:
On the motion. Wait, wait. We've really -- we've exhausted a lot, right?
LEG. CARACCIOLO:
It's okay. This is an important --
LEG. GULDI:
We had a five-minute recess.
P.O. TONNA:
All right.
LEG. GULDI:
We've got to start over.
LEG. FISHER:
Why, we forgot?
LEG. CARACCIOLO:
So that this legislation, if it is approved, gets reported accurately, I'd like the sponsor to summarize what the bill does. What he thinks it does, and then I'll ask Counsel for the same explanation.
LEG. D'ANDRE:
Let's just go. We discussed this up, down and sideways.
LEG. CARACCIOLO:
No. I think he -- the sponsor should be able to tell us and the public what the bill does.
P.O. TONNA:
Legislator Caracciolo has the floor. He asked the sponsor in the -- the gentleman in the 18th District to answer a question.
LEG. COOPER:
I'm going to take the advice of one of my esteemed colleagues and defer to Counsel on this.
P.O. TONNA:
Thank you.
MR. SABATINO:
If the law is enacted, beginning January 1st, 2000, anyone within the County of Suffolk who is speaking or listening on a cell phone in a motor vehicle within the geographical boundaries of the County of Suffolk will be prohibited from using the cell phone, unless that cell phone is in compliance with the hands-free device requirement set forth in Section 2 and 3.
LEG. CARACCIOLO:
Could we -- could we get a definition of hands-free devices, so --

MR. SABATINO:
If I said 2000, it should have been 2001. I apologize on that.
LEG. CARACCIOLO:
Okay. Could we have a definition of what hands-free devices are, so the public once again knows are we talking about headsets, are we talking about earpiece devices? What exactly are we talking about?
MR. SABATINO:

"Hands-free device," I'll read that from the statute, "will include any attachment, add-on, addition to a telephone, whether or not it's permanently installed in the motor vehicle, that when used allows the operator of the motor vehicle to maintain both hands, or a prosthetic device or aid in the case of physically handicapped person, on the applicable steering device."
LEG. CARACCIOLO:
And if a person is driving their vehicle and they have an incoming call, and they answer that call, are they in violation of this resolution, if this resolution is approved?
MR. SABATINO:
Not answering the call, no.
LEG. CARACAPPA:
But talking to the person.
MR. SABATINO:
Right. What would have to happen is somebody who gets into --
LEG. CARACAPPA:
That's crazy.
MR. SABATINO:
-- a vehicle with a cell phone has to make of two choices. Either they're going to -- either they're going to comply with the statute, which is to get a hands-free device, or, if you get into the vehicle, you turn off the cell phone and don't use it for the duration of that trip while you're in motion. You have to pull over to the side of the road if you want to reengage it and use it.
LEG. CARACCIOLO:
So, if they get in their vehicle and they turn on their hands-free device and their phone rings and they take --
MR. SABATINO:
They have hands-free device, right, okay.
LEG. CARACCIOLO:
They take one hand off the steering wheel to activate that call, because that's what's required, okay, you have a telephone, and whether you have something like this that has a flip cover that automatically turns the phone on, or you have something like Legislator Guldi has where you have to depress a button to activate the call -- oh, you have the flip, I'm sorry. Other members have different models.

P.O. TONNA:
I have both, one for each ear.
LEG. CARACCIOLO:
The question I have, and, again, this is for clarification, that -- would that action of answering that call constitute a violation?
MR. SABATINO:
No, because the statute was changed from three weeks ago. Three weeks ago that would have been, in the current bill, it would not.
LEG. CARACCIOLO:
Okay. So if the individual then does -- continues to take that device, put it to their ear and say a word, they would then -- or listen, they would be in violation of this resolution. They took the device, the cell phone, and put it to their ear, they would be in violation.
MR. SABATINO:
Because it is no longer a hands-free device, right.

LEG. CARACCIOLO:
Okay.
LEG. GULDI:
Well, hold on.
LEG. CARACAPPA:
That's wrong.
LEG. GULDI:
It raises another question.
P.O. TONNA:
Go ahead.
LEG. GULDI:
If I were to operate my motor vehicle with my cell phone in this position, but didn't have a phone call on it, wasn't speaking or listening, I wouldn't be in violation of this statute, would I?
P.O. TONNA:
No. But, George, I don't think -- you know, maybe -- maybe in your world you can do that, because --
LEG. LEVY:
It's not on, but I'm just going to do this anyway.
P.O. TONNA:
I mean, you might look important.
LEG. LEVY:
I have nothing else to do.
P.O. TONNA:
But most people, I would say --

LEG. GULDI:
Points out -- hold up, points --
P.O. TONNA:
I'm taking a way outside guess here, but 99.9% of the people wouldn't be doing that.
LEG. GULDI:
Yeah. But for a criminal sanction, to reached the probable cause standards or to reach the -- the officer would not have to observe the person holding a telephone, but would actually having to observe them engaging in behavior that let him -- give him a reasonable basis for a belief that they were having a conversation.
LEG. CARACCIOLO:
Is that correct? Is that a correct characterization, Counsel, the police officer would actually have to engage the person's lips moving?
LEG. GULDI:
Read my lips.
LEG. CARACCIOLO:
I mean, we need this on the record, so when people go to court and they -- and their attorneys request the transcripts of this Legislative session and what the Legislative intent was --
P.O. TONNA:
Right, the record.
LEG. CARACCIOLO:
-- there's, as much as we can clarify the issue for them, clarification.
MR. SABATINO:
An officer would have to be in a position to document what he or she

saw in terms of the violation. That would include watching the person's use of the phone. I should also, you know, point out, I mean, a lot has been asked and a lot has been requested of me tonight with regard to the statutes, and I think maybe the impression has been left that somehow enforcing this bill is substantially different from the difficulties we've had over the last, you know, 24 years that I've been here in enforcing other statute. And I will say, just for the record, to clarify everything, that virtually every controversial piece of legislation that we've gone through in the initial stages has always had the same level of questioning with regard to can you enforce it, can you not enforce it. I could recall with the Tobacco Legislation of 1983, I went through about 102 scenarios in terms of what would be in and what would be out, because the original legislation --
LEG. BINDER:
Point of order.
MR. SABATINO:
-- covered a wide array of activity.

LEG. BINDER:
Point of order.
MR. SABATINO:
My only --
LEG. BINDER:
I have the point of order.
P.O. TONNA:
Wait, wait. Just wait a second.
LEG. BINDER:
Counsel should -- counsel should -- Counsel's for legal advice.
P.O. TONNA:
Wait, Allan. Allan, listen to me. Allan.
LEG. BINDER:
Point of order.
P.O. TONNA:
Listen to me for a second.
LEG. LEVY:
He's responding to a question.
P.O. TONNA:
Just wait. Fine.
MR. SABATINO:
Just my --
P.O. TONNA:
No. Allan has a point of order and that's fine. But, Allan, I would ask that -- I heard you the first time, I don't need you to yell. Okay? You have your point of order. I just --
LEG. BINDER:
You want me to say point of order?
P.O. TONNA:
All you have to do is say, "Point of order."
LEG. BINDER:
And then I could say what it is.
P.O. TONNA:
That would be great, but you don't have to yell into the microphone.
LEG. BINDER:

I didn't have it on.
P.O. TONNA:
Go right ahead. Go ahead.

LEG. BINDER:
Didn't have it on.
P.O. TONNA:
Well, then that's even worse.
LEG. BINDER:
Well, I guess it is.
P.O. TONNA:
Go ahead.
LEG. BINDER:
The point of order is I understand Counsel giving us legal advice, giving us the question of other legislation, and the history lesson is not exactly legal advice.
LEG. LEVY:
Counsel is answering by way of analogy. It's perfectly acceptable.
P.O. TONNA:
Okay. Could I say something? Could I ask the lawyers, please, to stop talking for at least ten minutes.
LEG. GULDI:
Then we'd get out of here.
P.O. TONNA:
All right? Let our Legal Counsel finish.
LEG. GULDI:
He's one of the lawyers.
P.O. TONNA:
And then --
LEG. BISHOP:
Does that include Haley?
P.O. TONNA:
Yes. I would ask the -- I'd ask the lawyers to stop.
LEG. GULDI:
He's one of the lawyers.
P.O. TONNA:
Legislator Caracciolo's asked a question. Paul was in the middle of explaining. Finish.
LEG. GULDI:
No. He's giving a lesson in history.
MR. SABATINO:
It was not a point of history, it was a point of enforceability. But I think -- I think the underlying question that's being thrown at me from a variety of sources is, you know, can you or can you not enforce a

particular statute? I'm just trying to convey to you that the same level of difficulty that we may be entertaining with the threshold questions on this statute are virtually identical, or at least very similar to those threshold enforcement questions that we've addressed in a variety of statutes ranging from the tobacco to as recently as a couple of years ago the seizure laws with vehicles that were being driven by people under the influence of alcohol and drugs. So the only context of the answer was to get to the issue of enforceability.

LEG. CARACCIOLO:
Okay. Question for the sponsor.
P.O. TONNA:
Okay.
LEG. CARACCIOLO:
Legislator Cooper, have you had any conversations with the Police Department, Police Commissioner, anyone in the Police Department concerning this legislation and its enforceability?
LEG. COOPER:
Yes. I was told that they would have no problem enforcing the legislation.
LEG. CARACCIOLO:
Did anyone speak to you about the postage of signs? And since the resolution doesn't address signage and the posting of same, how will such notice be given to the motoring public? Legislator Cooper, you're the sponsor.
LEG. COOPER:
I don't know what the procedure would be. I would recommend signs, but there may be other means.
LEG. CARACCIOLO:
Now the question -- question, then, to Counsel.
MR. SABATINO:
I would --
LEG. COOPER:
I don't think that has to be addressed in this legislation.
LEG. CARACCIOLO:
A person goes into court --
MR. SABATINO:
I would treat it -- well, I could answer the question. I would treat it the same way we did the 1993 statute dealing with forfeiture of vehicles in drunk driving situations. Signs weren't posted. The relevant enforcement agencies, which was Police, I believe the Sheriff, District Attorney, and County Attorney were made aware of it.
LEG. CARACCIOLO:
That's -- I'm glad you brought that up. What has been the effective success of that program?

MR. SABATINO:
There was --
LEG. CARACCIOLO:
No, no, no. See, that's the whole problem, you want to do laws that aren't effective; sound good, but they don't really work. Let's talk about the DWI forfeiture law.
P.O. TONNA:
That worked.
LEG. CARACCIOLO:
What's the experience? How many vehicles have we actually confiscated since 1993?
P.O. TONNA:
Well, I'm not exactly sure, but all I can tell you is this --
LEG. CARACCIOLO:
How many DWI offenses have there been? How many have we confiscated? Do we have those statistics? Is it an effective program?

P.O. TONNA:
Well, I know my district office keeps on getting calls, can we get this car back for this guy or that guy --
LEG. CARACCIOLO:
Do we have statistics?
P.O. TONNA:
-- and I say no.
P.O. TONNA:
Does Budget Review have any statistics? You monitor statistics.
P.O. TONNA:
Okay. Can I ask you something, Legislator Caracciolo?
LEG. CARACCIOLO:
Could I get an answer?
MR. POLLERT:
No, we don't have the statistics here with us here, but I know that we have the statistics.
P.O. TONNA:
Okay. Fred, I'm telling you right now, from now on in, I want those statistics. Okay. How's that?
LEG. CARACCIOLO:
My next question is to the Executive Branch.
P.O. TONNA:
Oh, hold it. Where is the County Attorney? No. Go ahead.

LEG. CARACCIOLO:
Is this supported -- is this supported by the Executive? You know, he's the other half of County government. Does he support this --
P.O. TONNA:
Well, I'm sure he hasn't gotten the bill yet. I'm sure he has to look it over, have hearings, and, you know, and make his decision.
LEG. CARACCIOLO:
Well, maybe he's predisposed one way or the other.
P.O. TONNA:
Okay. Okay. Short of this being a three ring circus, could you, please, get a representative from the County Executive's Office?
MS. GODSMAN:
Sure.
P.O. TONNA:
What do you want me to do?
LEG. CARACCIOLO:
You want to take recesses, you want to do what you want to do, but then you don't want to do the responsible thing. Well, I'm sorry, we're going to do the responsible thing, going put it all on the record.
MS. GODSMAN:
I just received comment from the back that the County Executive's Office right now has no comment on the legislation.
P.O. TONNA:
Okay, there you go.
LEG. CRECCA:
All right. There you go.
P.O. TONNA:
There you go, Michael.
LEG. CARACCIOLO:

That's an answer.
P.O. TONNA:
Anything else?
LEG. CARACCIOLO:
That's an answer.
P.O. TONNA:
Okay.
LEG. CARACCIOLO:
Okay.
P.O. TONNA:
Anything else?

LEG. CARACCIOLO:
Well, the County Attorney is not here and should be, Mr. Chairman.
P.O. TONNA:
Okay. Is there anybody else who would like to speak on this bill?
LEG. CARPENTER:
Yes.
P.O. TONNA:
Yes, Legislator Carpenter.
LEG. CARPENTER:
I have spoken to the sponsor and I have asked, because the question was raised earlier about the -- clarifying the language as far as equipped with a hands-free device, but adding "equipped" and "used," or "using a hands free device." And I've asked the sponsor if he would be willing to make that change. Counsel says it is a non-substantive change that can be made on the floor.
P.O. TONNA:
Okay. Is that -- wait.
LEG. COOPER:
Legislative Counsel, is that --
P.O. TONNA:
I have a point -- I have a point of order. Paul, Legislator Carpenter had just said that you can make a change in "equip" and "use," and make a correct -- what do you call it? A technical correction.
MR. SABATINO:
Right. What I had suggested earlier and during one of the questionings was --
P.O. TONNA:
I would say that before everyone comments on whether -- let's hear what our Legal Counsel has to say. And I would ask, because maybe some of you don't want to go home to your family tonight, I would like to, so, please, let's just get through this. Thank you.
LEG. BISHOP:
You care about your family and we don't?
P.O. TONNA:
No. I'm just asking.
LEG. BINDER:
There he is, the only guy.
LEG. TOWLE:
On the record --
P.O. TONNA:
No, I didn't say that. I just said let's please be disciplined. Go

ahead.
MR. SABATINO:
What I had suggested earlier when a question was raised was that if it helped in terms of clarity, after the word "equipped" in Section 3, I could see adding two words, "and use." That would not be substantive in nature, because it wouldn't be changing the focus or the direction of the legislation.
P.O. TONNA:
Okay, great.
LEG. GULDI:
Is the Chair -- is the Chair going to accept that ruling?
P.O. TONNA:
Am I prepared to accept that ruling? Absolutely.
LEG. GULDI:
I'll make a motion to overrule --
P.O. TONNA:
To override.
LEG. GULDI:
-- the Chair --
LEG. CARACAPPA:
Second.
P.O. TONNA:
This might be the first. Okay.
LEG. GULDI:
-- on the ruling that the addition --
P.O. TONNA:
I stick with my Legal Counsel.
LEG. GULDI:
-- of the -- of the words "use" as a technical and nonsubstantive change in the statute.
P.O. TONNA:
Okay. So there's a motion and a second by Legislator Caracappa.
LEG. BINDER:
On the motion. On the motion.
P.O. TONNA:
Now, on the motion to overrule, the Chair, that's what we're debating now. Okay, go right ahead.
D.P.O. LEVY:
Let's not debate it, just--

LEG. BINDER:
No. I would agree that --
P.O. TONNA:
No. Legislator -- Legislator Binder has the right to debate this. This is a debating motion, right, a debatable motion?
LEG. BINDER:
Yes, it's a debatable motion.
P.O. TONNA:
Okay, go ahead.
LEG. BINDER:
I think it's clear to everyone here. Let's think about it. "Use" and "equip". "Equip," I read you the definition. If you can't see the

difference between, "To supply with necessity such as tools or provisions," and the actual use of something, then, you know what this is all about. This is an attempt then at politics. If you just want to pass it tonight, that's what we're supposed to do here, then it's a political question, not a policy question, because we're all ready to do it here, the press is all ready and we're already, we got to supply, you know, this bill tonight, because it's political. If it's a policy question and you think that these are words that are important to this particular legislation, you know they change what the meaning is, that's why we're talking about it. You know that they're substantive and you know we should overrule the Chair. And, if you think this should be changed, it should be done at our next meeting.
P.O. TONNA:
Okay.
LEG. CARACAPPA:
Mr. Chairman.
LEG. BISHOP:
Call the question.
P.O. TONNA:
Thank you. No. There's Legislator Caracappa is -- has the floor.
LEG. CARACAPPA:
Thank you. The motion to overrule the Chair, while my second is done with, of course, respect, but it is true what Legislator Binder is saying and Legislator Guldi, this is a major change.
P.O. TONNA:
I don't take it personal..
LEG. CARACAPPA:
Well, you shouldn't, because it has to go directly to the legislation and the wording of it. I've never seen that done here when it comes to a local law, like one word that we've changed, and it may be completely benign, we have always sent it back for a change and for a corrected copy. Now I think, again, Legislator Binder's correct, when it's -- this thing's now being jammed down our throats. And you mentioned the

word "discipline," Mr. Chairman, and I think you should listen to me. You mentioned the word "discipline," let's be disciplined. When it comes to a piece of legislation as far-reaching as this, we should be very disciplined before we pass a bill. That is our job. A piece of legislation is a contract with the public and this contract is really -- it's sour at this point, because it's not perfect and it's not honest. There are some major change that need to be made. We've asked the sponsor in good faith to make those changes and he refuses, because he just wants to jam this down our throat and get done. It's not -- now it's become a matter of not public policy, but politics, and I never, ever wanted to go here, but now it's perfectly clear to me.
P.O. TONNA:
Okay.
LEG. BISHOP:
May I?
P.O. TONNA:
All right. Wait. Legislator Bishop, then Legislator Crecca.
LEG. BISHOP:
I just want to say, I think that the objection raised is a correct one,

I don't think you can just throw in "and use," because I think it does obviously and clearly change the meaning of the statute and the section, and, therefore, we should abide by our own rules. However, I don't think that you can attribute political motives to -- you know, Counsel's making a decision as he, you know, sees fit and I don't think you should question his integrity in that.
LEG. CARACAPPA:
I'm not questioning his integrity.
P.O. TONNA:
All I can say is, look, I'm not an attorney; okay? My Legal Counsel says that this is a technical correction.
LEG. CARACAPPA:
Mr. Chairman.
P.O. TONNA:
I'm sticking with that until I'm proved otherwise, and you have your right to vote. Go ahead, Legislator Crecca.
LEG. CRECCA:
I just, again, I think we're -- I think that it does, making -- we're setting a precedent to make the change without -- in this way, I think it is more than a technical change. I think that while it may make this a better bill, this is not -- we're setting a dangerous precedent down the road. We should stick by our rules. I'd rather err on the side of caution in a case like this, and that's why I would urge my fellow Legislators not to -- to override the {rulage} here.
P.O. TONNA:
Okay. Can we just vote on whether --

LEG. BINDER:
Mr. Chairman.
P.O. TONNA:
Oh, Legislator Levy. Just whether you want --
LEG. LEVY:
As far as --
P.O. TONNA:
Oh, come on.
LEG. LEVY:
As far as political motives to ram something down anyone's throat, Legislator Cooper tabled the bill last session. He asked everybody to make their suggestions, he made the changes. Moreover, I received the bill, and I'm sure everybody else did, you received a new version with a cover letter from Legislator Cooper saying, "Please read over the bill. If you have any concerns with it, let me know." Now, I'm not saying people don't have more concerns now, but don't blame him for ramming this through when he already tabled it once before and then asked everybody to read it and tell him in advance if there are any further problems.
And as to the semantics as to "equip" or "use," you have to look at it in the context. What other context is the word "equip" going to be used here except to use the phone when it's equipped. Consequently, they're synonymous terms in this context.
P.O. TONNA:
Okay.
LEG. BINDER:

Mr. Chairman, I make a parliamentary inquiry.
P.O. TONNA:
Yes. Okay.
LEG. BINDER:
So we understand --
P.O. TONNA:
We're getting a lot of different things.
LEG. BINDER:
-- a legal question.
P.O. TONNA:
I'm really enjoying this. Now we're into --
LEG. BINDER:
I have to ask a --
P.O. TONNA:
This is my first parliamentary inquiry.

LEG. BINDER:
Even though I've talked about overruling Counsel, but I'm going to have to ask --
P.O. TONNA:
Go ahead.
LEG. BINDER:
The rule, the Eight-Day --
P.O. TONNA:
My first overrule the Chair.
LEG. BINDER:
The Eight-Day Rule, my understanding is the Eight-Day Rule that imposes upon us a bill having to be in final form for eight days is a New York State provision, which also provides for, obviously, a CN in the event that a change -- a change is made; is that -- is that correct, it's a New York State, or we impose it upon ourselves in the Charter Law?
MR. SABATINO:
The Suffolk County Charter, and it's also for non-charter counties in the State statute. We're governed by the Charter, but it would also be for --
LEG. BINDER:
So it's our Charter.
MR. SABATINO:
Right.
LEG. BINDER:
So -- and can you tell me -- and our Charter allows for changes that are what? Can you give me the Charter provision that allows for what specific changes, meaning scrivener's errors, that kind of thing. Can you give me the --
MR. SABATINO:
Right. Any error that doesn't change the substance of the legislation. And somebody mentioned before that there's been no precedent for changing words on the day of a vote. Well, there's been numerous examples. The one I just pulled out of the book was the one we did in 1996, where we added the phrase, "Inclusive of beach nourishment allocation," which was one, two, three, four, five words that was added to the Quarter Percent legislation.
LEG. BINDER:

Well, was that legislation already inclusive of that?
MR. SABATINO:
No.
LEG. BINDER:
So we included something new?

MR. SABATINO:
No. Because what happened there was, just like here, that language was consistent with the allocation of the funds, but one, two -- it was five words instead of two words being added.
LEG. BINDER:
No, I understand. But that bill already was inclusive of whatever that was. I mean, in other words, not had new words, but the bill -- you were just pointing out something that the bill was already inclusive of beach allocation and whatever that was, you were just -- you were pointing it out, so you --
MR. SABATINO:
No. That was the first time that those words were appearing, but those words were consistent with what the rest of the legislation was doing.
LEG. BINDER:
Meaning --
MR. SABATINO:
That's why they were allowed to be voted on without going through eight days. My only -- my only --
LEG. BINDER:
No, no, let me finish. The meaning --
MR. SABATINO:
My only purpose in identifying --
LEG. BINDER:
Let me -- let me finish. The meaning -- the meaning --
MR. SABATINO:
-- that example is to show that we've done more than two words and we've done it with local laws --
LEG. BINDER:
It doesn't -- the number of words, I don't care about --
MR. SABATINO:
-- because it didn't make a substantive change.
LEG. BINDER:
I don't care about the number of words. It's not a question the number of words, but that bill already included that phrase, meaning that it already was inclusive of. You could read the phrase again. It was inclusive of that thing, and it was just being pointed out that it was inclusive. Here "equip" isn't inclusive of, it's not in the bill of "use". And that's -- and that's really the point here, "use" is not included in "equip". You can't by any stretch or any definition that you could find it anywhere find that -- that included in a definition of "equipped".
MR. SABATINO:
The issue is not finding the words. The words "beach nourishment" were not in the statute I referred to before. The issue was whether or not

the clarification was consistent with the underlying goal and objective of the legislation. Here there's no inconsistency, because a hand-free

device, which is defined in a section above by definition, by definition is mutually exclusive with the notion of using your hands.
LEG. BINDER:
But this --
MR. SABATINO:
That's why the only reason I suggested it as a possibility of language to be added was because I didn't personally see the conflict, but I thought that if there was an ambiguity and this language was consistent with the understanding, there wouldn't be a problem treating is as a technical correction.
LEG. BINDER:
While it might be consistent with an understanding, it is clear that it adds something new to a word. The word does not include the other, and that's the difference between the two pieces of legislation. In this case, "use" is not included in "equip" in any kind of definition.
D.P.O. LEVY:
Okay. The word is subject to interpretation. Counsel's made his interpretation. It's no now up to us to either accept it or not. We have a motion to over --
LEG. GULDI:
I'm on the list.
D.P.O. LEVY:
Do we have more on the list? Okay, Legislator Guldi.
LEG. TOWLE:
I make a motion to end debate.
LEG. GULDI:
Yeah, and that is I wanted to pursue --
D.P.O. LEVY:
After this.
LEG. GULDI:
-- the addition of the term "use," because "use" is a defined term in Section 2(A) of the statute. It shall mean talking or listening on a mobile phone. And, in fact, "use" is also used in a different context in Section 3 of the statute. The problem I have is that the additional words don't merely modify and accentuate existing terms of the language in the statute, but, in fact, contradict the language in the last clause, which requires mere equipment and not use. And equipment regulations are different than conduct regulations. You're going form a category of equipment requiring a motor vehicle to have a current inspection, requiring it to have certain equipment is a change in substance as clear as any change in substance that this Legislative body could entertain.

MR. SABATINO:
I understand what you're saying. That's why difficult Supreme Court cases are decided five-four. Are the five people who rule one way right and the four people who rule the other way wrong? Somebody has to make the decision. I've made a decision and that's my interpretation. If I was on the Supreme Court, maybe I'd be outvoted five-four, but that's the way I see the language. It's consistent -- it's consistent the way -- the way we've treated things in the past. I don't view it as being a substantive change, but, you know, we can debate this back and forth. Different lawyers, different judges see

things differently, that's why you wind up with five-four decisions.
P.O. TONNA:
Okay. This -- can I ask you something?
LEG. CARPENTER:
I'm on the list.
P.O. TONNA:
George.
LEG. GULDI:
I'm not done.
P.O. TONNA:
Oh, you're not done.
LEG. GULDI:
I'm not done.
LEG. CARPENTER:
I'm on the list.
LEG. LEVY:
Move.
LEG. GULDI:
And that is the observation that Legislator Levy made earlier, that Legislator Cooper, when he made the amendments to the bill last time, I believe what you said is he circulated a letter asking us if we had any comments, to get back to him. I have that memorandum in front of me, that's not what it says. What it says is it -- it talks about adding the definition, not coincidentally, of the term "use" in Section 2(A), which is not where we're making the change, but in a different -- but clearly a -- demonstrates that adding that term was considered a substantive change last cycle, when we added it to the bill and tabled it in order to permit adding it, but it also goes on to talk about-- after it talks about the changes, it says, "With the aforementioned, I hope I can now count on your support for the resolution," and they -- does not make a request that we get back to him if we have any suggestions for modifications or changes whatsoever.
LEG. LEVY:
Number one, it did on the fax cover sheet to my office. But more than that, I mean, it's rather implicit, don't you think?

P.O. TONNA:
Okay.
LEG. LEVY:
Let's move on.
P.O. TONNA:
Can I --
LEG. GULDI:
No.
P.O. TONNA:
Can I say something? Can I -- okay. You're done, George.
LEG. GULDI:
Yeah.
P.O. TONNA:
I've never been so in a rush to get overruled. Can we, please, just get this thing done, all right?
LEG. CARPENTER:
Can I --

P.O. TONNA:
I'm calling the vote.
LEG. CARPENTER:
May I just --
P.O. TONNA:
Yes.
LEG. LEVY:
There's a motion by Legislator Towle.
LEG. CARPENTER:
Since I made --
LEG. TOWLE:
Motion to close debate.
P.O. TONNA:
Sure.
LEG. CARPENTER:
-- the request.
LEG. BISHOP:
Second.
P.O. TONNA:
Please, only if it doesn't lead --

LEG. CARPENTER:
Okay.
P.O. TONNA:
-- to more debate.
LEG. CARPENTER:
Right. I'm not an attorney, so bear with me. But it seems to me if --, "Unless such mobile telephone is equipped and used with a hands-free device" is really just further explaining the addition of that Item A, "Use shall mean talking or listening on a mobile telephone."
And Legislator Levy spoke about the memo that came around asking for changes. Again, we have debate at the Legislature and issues and concerns come up during the course of that debate, and it was during the course of that debate tonight that this little clarification of the word "use" came up. So I don't see that it's a substantive change, if Counsel says it's not, because the paragraph "use" is already up there and it's really just clarifying it in another area.
LEG. BINDER:
Except that if "use" is already up there and then they consciously use the word "equip," they didn't use the word "use."
P.O. TONNA:
All right.
LEG. BINDER:
So then by inserting it, you're changing the meaning of the paragraph.
P.O. TONNA:
Okay.
LEG. CARACAPPA:
Call the vote.
P.O. TONNA:
Yes.
LEG. BINDER:
It's clear.

P.O. TONNA:
Okay. Please, there's a vote to overrule the Chair. I'm not taking it personal. Please, roll call on the vote. But I will remember.
(*Roll Called by Mr. Barton*)
LEG. GULDI:
Yes.
LEG. CARACAPPA:
Yes.

00232

LEG. COOPER:
No.
LEG. BINDER:
Yes.
LEG. POSTAL:
Yes.
LEG. BISHOP:
Yes.
LEG. D'ANDRE:
No.
LEG. CRECCA:
Yes.
LEG. CARPENTER:
No.
LEG. ALDEN:
Pass.
LEG. FIELDS:
Pass.
LEG. FOLEY:
No.
LEG. HALEY:
Yes.
LEG. FISHER:
No.
LEG. TOWLE:
No.
LEG. CARACCIOLO:
Yes.
P.O. TONNA:
New coalition forming.
LEG. LEVY:
No to overrule.
P.O. TONNA:
Absolutely not.
LEG. ALDEN:
Yes.
LEG. GULDI:
Is that your final answer?

00233

LEG. FIELDS:
No.
MR. BARTON:
Nine.
P.O. TONNA:

All right, great. Now we're back on track. A motion and a second to approve. Roll call.
LEG. CARACCIOLO:
On the motion.
LEG. BISHOP:
Oh, he's been heard.
LEG. CARACCIOLO:
The bill's before us.
LEG. BINDER:
He's allowed to be heard.
LEG. BISHOP:
He's filibustering.
P.O. TONNA:
Legislator Caracciolo.
LEG. TOWLE:
Motion to close debate.
LEG. BISHOP:
Second.
LEG. CARPENTER:
What about my motion to --
P.O. TONNA:
There's a motion and a second. Just listen to me. Don't jump on the microphones, everybody. Legislator Caracciolo has the floor. There has been subsequent to that, I think maybe in -- because of it, there's been a motion to close debate, seconded by Legislator Bishop.
LEG. BINDER:
Point of order, Mr. Chairman.
P.O. TONNA:
Yes. That's a nondebatable motion, Allan.
LEG. BINDER:
Point of order.
P.O. TONNA:
Okay. Go ahead.

LEG. BINDER:
Point of order is in order. The point of order is in order.
P.O. TONNA:
Right, okay.
LEG. BINDER:
And it's a privilege motion. The point of order is this, that when you pass the chair to Legislator Caracciolo, he has the chair. He does not have to relinquish the Chair for a motion. So you can't recognize another motion while a member of the Legislature has the chair.
P.O. TONNA:
All right. Are we going to vote on that, too, to overrule me on this?
LEG. BINDER:
You can ask Counsel, because I've already had this conversation with him and he agreed with me.
P.O. TONNA:
Michael. Michael, you know what, this is what I will ask. Michael, my children are begging you. Please, do you have anything of substance to say that you haven't said for about the 15 minutes that you've to say? Please, is there anything else?

LEG. CARACCIOLO:
Just a little.
P.O. TONNA:
Let's -- there's a -- I would not -- I would like, please, to call the vote.
LEG. CARACCIOLO:
Can we have -- can we have Counsel rule on the point of order raised by --
P.O. TONNA:
No, I'm not going to -- I'm not shutting you off. Go ahead.
LEG. LEVY:
Go ahead.
P.O. TONNA:
So, please, I don't want to cut off a colleague that I respect, but I'm not recognizing anybody after you finish talking, so, please.
LEG. CARACCIOLO:
Well, I don't know if you have the choice in that.
P.O. TONNA:
All right. Do you have anything to say?
LEG. CARACCIOLO:
Well, no. I'm disturbed by your last comment.

P.O. TONNA:
What?
LEG. CARACCIOLO:
That you wouldn't recognize another --
P.O. TONNA:
No, there's a motion. There's a motion.
LEG. CARACCIOLO:
Oh, I see.
P.O. TONNA:
As soon as you're done, there's a motion.
LEG. CARACCIOLO:
Oh, okay.
P.O. TONNA:
I recognize you first.
LEG. CARACCIOLO:
So we are now reaching the low point of stifling and cutting off debate.
P.O. TONNA:
No. What I said --
LEG. CARACCIOLO:
I know you're giving me the opportunity, but you won't give others?
LEG. LEVY:
Well, he's going to entertain the motion by Legislator Towle. We'll vote on it.
P.O. TONNA:
I have to entertain a motion, just like if you made a motion.
LEG. CARACCIOLO:
Okay.
P.O. TONNA:
Do you think I want to recognize Legislator Binder's motion for a point of order? Not really. But I woke up this morning and said, "I'm going

to recognize the motion." All right?
LEG. TOWLE:
He knew you were going to ask it.
LEG. BINDER:
I don't think you woke up.
LEG. CARACCIOLO:
You see --

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P.O. TONNA:
I know. I said there's going to be a least one to overturn the Chair. Please.
LEG. CARACCIOLO:
We're now in the act of acting out almost what this resolution, if it was approved, would do, and that is semantics. Sounds good, but it doesn't do the job.
P.O. TONNA:
Okay.
LEG. CARACCIOLO:
Okay? Doesn't do the job, because the resolution -- I would agree with those who would argue that this is not a technical amendment, this is a substantive amendment, and that's one of the issues that we should now debate. Is this substantive or not?
P.O. TONNA:
We already just did that.
LEG. CARACCIOLO:
No. We have one opinion. We have other people here with legal backgrounds who disagree.
P.O. TONNA:
We just voted on it.
LEG. CARACCIOLO:
You voted on what?
P.O. TONNA:
We just finished voting to overrule the Chair.
LEG. CARACCIOLO:
Overrule you based on the --
P.O. TONNA:
Yeah. So now the ruling stands.
LEG. CARACCIOLO:
I understand that. I understand that.
P.O. TONNA:
All right. I'm never looking over to recognize you again, I want you to know.
LEG. CARACCIOLO:
All right. Let's talk about the bill.
P.O. TONNA:
I know there's a thing about payback is a something.
LEG. CARACCIOLO:
Let's talk about the bill. Earlier --

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P.O. TONNA:
Why?
LEG. CARACCIOLO:
Where is it, George. Do you have a copy of that? First, I want to

speak to the representation made by Legislator Levy about the distribution of the memo by Legislator Cooper. Okay? What the memo said was that there were a number of concerns raised by Legislators at the last Legislative meeting, September 12th, and that he hoped with changes that were made that he could count on our support for this resolution.
P.O. TONNA:
Michael, do you -- I just want to -- just one last try. If you're expecting anybody to be listening to you right now, okay --
LEG. CARACCIOLO:
That's okay, I have the floor.
P.O. TONNA:
All right.
LEG. COOPER:
Mike. Mike, if I can just address that for just a second. Mike, as Legislator Levy pointed out --
P.O. TONNA:
I'm putting on the clock for ten minutes. We have a ten minute rule.
LEG. COOPER:
There was a handwritten cover fax --
P.O. TONNA:
This is a first, Michael.
LEG. HALEY:
Mr. Chairman.
LEG. COOPER:
Handwritten cover fax --
P.O. TONNA:
This is ridiculous.
LEG. COOPER:
-- that requested any comments or suggestions. So there were three pieces. There was the bill, there was the type-written letter, and then there was a handwritten cover fax that everyone received.
LEG. CARACCIOLO:
Okay. So with that said, and I appreciate that Jonathan, the fact is, as Legislator Carpenter pointed out, that during the course of discussion and debate, a number of legal issues have been raised. Okay? And I think she's been very gracious, as one Legislator who would like to see this law enacted, but enacted -- enacted in a way that has some force and effect, as opposed to a piece of legislation that does

not. Are you paying attention, Mr. Chairman?
P.O. TONNA:
No, I'm not.
LEG. CARACCIOLO:
You're not. You're not paying attention, okay.
P.O. TONNA:
I'm not paying attention. You got --
LEG. CARACCIOLO:
Okay, okay. All right. Well, that's quite all right.
P.O. TONNA:
I know -- no. You got two minutes and thirty-five seconds left.
LEG. CARACCIOLO:
No. You said ten minutes and I just counted off about a

minute-and-a-half.
P.O. TONNA:
Yeah, ten minutes. Two minutes and thirty-five seconds.
LEG. LEVY:
Come on, just go. Come on.
LEG. CARACCIOLO:
All right. We get back to this concern I have about the prohibition clause. I'd like to hear the strict -- I'd like to hear the strict interpretation of the last sentence in this Section 3 prohibition, "Unless such mobile telephone is equipped with a hands-free device."
P.O. TONNA:
Equipped and use, I think now it is.
LEG. CARACCIOLO:
Well, no. My copy says "equipped." I don't see anything in here --
P.O. TONNA:
There's a technical correction.
LEG. CARACCIOLO:
Well, let's talk about technical corrections.
P.O. TONNA:
You got a minute and thirty-eight seconds left.
LEG. CARACCIOLO:
No. Let's talk about technical corrections. What is a technical correction? Because I want the record very clear, Mr. Chairman. Paul, I'd like the record very clear, because this might -- this might make the difference between somebody taking a lawsuit against this legislation for being defective. So what -- what is the definition of a technical change, and what is the definition of a substantive change?

P.O. TONNA:
I have no idea. That's why he makes the big bucks.
MR. SABATINO:
A substantive change is a change that changes the focus or the direction of a piece of legislation.
P.O. TONNA:
Fifty-one seconds left.
LEG. CARACCIOLO:
And a technical change?
MR. SABATINO:
Does not.
LEG. CARACCIOLO:
Does not. And it's Counsel's interpretation that by inserting the word "use" does not change the direction or focus of this legislation?
MR. SABATINO:
The two words "and use" does not.
LEG. CARACCIOLO:
Does not. Okay. That's Counsel's interpretation. Thank you, Mr. Chairman
P.O. TONNA:
That's it? Okay. Roll call on the vote.
LEG. FOLEY:
No one's here. You've got to call the Legislators in the room now.
P.O. TONNA:

All Legislators, please come to the horseshoe, we're voting. And if you don't show --
LEG. CRECCA:
We never amended the bill.
P.O. TONNA:
-- believe me.
LEG. CARPENTER:
Is that in the bill?
P.O. TONNA:
Yes, there was a technical correction.
LEG. CRECCA:
Is that in there now?
LEG. HALEY:
Call the vote.

P.O. TONNA:
Wait. I'll ask the question --
LEG. CARPENTER:
Ask Counsel.
P.O. TONNA:
Just so that we're on the vote. Is that -- Henry, and maybe I should ask you. There's been a technical correction made to the bill. Is it in the bill?
MR. BARTON:
I don't have it.
MS. FARRELL:
Well, Paul would have it.
MR. SABATINO:
It's on the record. It will be -- it's on the record. It physically will be incorporated, if the bill, in fact, is adopted. If it's not --
P.O. TONNA:
Okay. So we're --
MR. SABATINO:
It becomes --
P.O. TONNA:
Fine.
MR. BARTON:
Yes, we have it.
P.O. TONNA:
Great. Okay. Roll call.
LEG. ALDEN:
What are we voting on?
P.O. TONNA:
On passage. Motion to approve.
MR. BARTON:
On the motion to approve with the technical correction.
P.O. TONNA:
Yeah.
(*Roll Called by Mr. Barton*)
LEG. COOPER:
A resounding yes.
LEG. FISHER:
Yes.

LEG. BINDER:
No.
LEG. POSTAL:
Yes.
LEG. BISHOP:
Yes.
LEG. D'ANDRE:
Pass.
LEG. CRECCA:
Pass.
LEG. CARPENTER:
Yes.
LEG. ALDEN:
Pass.
LEG. FIELDS:
Yes.
LEG. FOLEY:
Yes.
LEG. HALEY:
Guess. No.
MS. FARRELL:
What?
LEG. HALEY:
I said guess.
MS. FARRELL:
Oh, guess.
LEG. FISHER:
I thought you said yes.
MR. BARTON:
That's a new one for me. I don't have a box for that one. No.
P.O. TONNA:
A little semantic levity, I get it. Go ahead.
(*Roll Call Continued by Mr. Barton*)
LEG. CARACAPPA:
No.
LEG. TOWLE:
Yes.

LEG. GULDI:
No.
LEG. CARACCIOLO:
No.
LEG. LEVY:
Yes.
P.O. TONNA:
Yep.
LEG. D'ANDRE:
Yes.
LEG. CRECCA:
No.
LEG. ALDEN:
Yes.

MR. BARTON:
12.
P.O. TONNA:
Thank you very much.
LEG. FOLEY:
Very good, Jon.
P.O. TONNA:
Okay. Now, let's go on for the rest of the agenda, please. Where are we?
MS. BURKHARDT:
1816.
P.O. TONNA:
Okay. 1816 (Amending the 2000 Capital Budget and Program and appropriating funds in connection with the acquisition of an Integrated Human Resources/Payroll System). Roll call. Please say "Legislators" and give their last name?
LEG. FOLEY:
Motion to table
LEG. BISHOP:
Motion to table.
P.O. TONNA:
Motion to table by Legislator Foley, seconded by Legislator Bishop. All in favor? Opposed? Tabled.
LEG. HALEY:
Opposed.

P.O. TONNA:
0kay.
MR. BARTON:
17-1.
P.O. TONNA:
Thank you. 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). Is there a motion?
LEG. BISHOP:
Motion to table.
LEG. TOWLE:
Second.
P.O. TONNA:
Motion to table, seconded by -- motion by Legislator Bishop, seconded by Legislator --
LEG. TOWLE:
Towle.
P.O. TONNA:
-- Towle. All in favor? Opposed? Tabled.
LEG. HALEY:
Opposed.
MR. BARTON:
17.
P.O. TONNA:
Okay. 1914 (Amending the 2000 Capital Budget and Program and appropriating funds for bulkheading at various locations). Is there a

motion?
LEG. CRECCA:
Motion to table.
P.O. TONNA:
Motion --
LEG. CRECCA:
Motion to table.
P.O. TONNA:
-- by Legislator Crecca.
LEG. CRECCA:
Table.
P.O. TONNA:
To table?

LEG. LEVY:
Why?
MR. BARTON:
We have --
P.O. TONNA:
No.
MR. BARTON:
-- the bond now.
LEG. CRECCA:
I don't know. Go ahead.
LEG. LEVY:
No.
LEG. CRECCA:
No, you --
LEG. LEVY:
It was tabled, because we needed the SEQRA. It's complete.
P.O. TONNA:
Okay.
LEG. CRECCA:
I withdraw my motion.
LEG. LEVY:
And the bond.
MR. BARTON:
We have the bond.
P.O. TONNA:
Motion to approve by Legislator Levy, seconded by Legislator Crecca.
MR. SABATINO:
We've got the bond. We've got the bond. No, no, we got the bond.
Ledge correct roll call on the bond.
P.O. TONNA:
Roll call on the bond.
MR. BARTON:
Legislators, Levy.
P.O. TONNA:
Roll call.
(*Roll Called by Mr. Barton*)

LEG. LEVY:
Yes.

LEG. CRECCA:
Yes.
LEG. COOPER:
(Not Present)
LEG. CARACCIOLO:
Levy's in favor of bulkheading?
LEG. CARACCIOLO:
A long story.
LEG. BINDER:
Pass.
LEG. POSTAL:
Yes.
LEG. BISHOP:
Yes.
LEG. D'ANDRE:
Yes.
LEG. CARPENTER:
Yes.
LEG. ALDEN:
No.
LEG. FIELDS:
Yes.
LEG. FOLEY:
Yes.
LEG. HALEY:
Yes.
LEG. FISHER:
Yes.
LEG. CARACAPPA:
Yep.
LEG. TOWLE:
Yes.
LEG. GULDI:
Yes.
LEG. CARACCIOLO:
Sure, sure, yes.

LEG. TONNA:
Yes.
MR. BARTON:
Cooper. (Not Present)
LEG. BINDER:
Yes.
LEG. CRECCA:
Henry, change my vote to a no.
MR. BARTON:
Okay. 15-2, 1 not present, Cooper. It passes.
P.O. TONNA:
All right. Same motion, same second, same vote. All right. 1917
(Establishing Suffolk County Legislature Rhabdomyosarcoma Task Force)
LEG. CARPENTER:
Mr. Chairman.
LEG. CARACCIOLO:

Mr. Chairman, I'm going to withdraw 1917.
P.O. TONNA:
Fine, withdrawn.
LEG. CARACCIOLO:
There's a substitute resolution in the package.
LEG. CARPENTER:
Mr. Chairman.
P.O. TONNA:
Great. Yes, Legislator Carpenter.
LEG. CARPENTER:
On 1837, where we tabled it, the bond resolution, in the packet was a copy of 1837 bond resolution. So I don't know if we tabled it previously because we didn't have the bond resolution and now we do?
MR. SABATINO:
No. This is -- this is that mysterious bond from a couple of weeks ago that we finally resolved it. It turns out that we clarified the issue in the intervening period of time that -- this one has to be adopted, because it repeals the old bond resolution, so that's why it's by itself. Three weeks ago, there was a big question as to why we were dealing with it. This should be adopted. It repeals the old bond and substitutes the correct bond.
LEG. CARPENTER:
Okay. We just went by and tabled it again, so --

MR. SABATINO:
Yeah, I was distracted. I should have picked up on it.
LEG. CARPENTER:
All right. So I make a motion to reconsider 1837 and approve.
LEG. CRECCA:
Second.
P.O. TONNA:
Okay, second. All in favor? Opposed? Reconsidered. It's in front of us.
LEG. CARPENTER:
Motion to approve.
LEG. BISHOP:
Second.
P.O. TONNA:
Motion by Legislator Carpenter, second by Legislator Bishop. All in favor? Opposed? Approved, 1837. Thank you.
LEG. CARPENTER:
Legislator Carpenter gets "A" for attention?
P.O. TONNA:
Okay. Now we go 1925. It's a bond.
MR. BARTON:
17, 1 one not present. (Not Present: Leg. Cooper)
P.O. TONNA:
(1925 - Appropriating funds in connection with the purchase of two medevac helicopters). Motion by Legislator Bishop. Seconded by --
LEG. GULDI:
On the motion. On the motion. I have a question.
P.O. TONNA:
Okay. Do you want to second it first?

LEG. POSTAL:
I'll second it.
MR. BARTON:
Mr. Chairman.
P.O. TONNA:
Okay, Legislator Postal.
LEG. GULDI:
I may not want to second it, depending on the answer.
MR. BARTON:
I have to ask a question of Counsel, on 18 -- Paul. I'm sorry. On

1837, you mentioned that it a bond. Do I have to do a roll call vote on that?
MR. SABATINO:
Yes, absolutely. It's -- absolutely, absolutely.
MR. BARTON:
Okay.
LEG. GULDI:
Okay. So let's back up.
MR. BARTON:
Okay.
P.O. TONNA:
1837 isn't a bond. Oh --
MS. FARRELL:
Yes, it is.
LEG. GULDI:
Yes, it is.
P.O. TONNA:
There's no accompanying -- okay. Roll call, please.
(*Roll Called by Mr. Barton*)
MR. BARTON:
Legislator Carpenter.
LEG. HALEY:
This is on 1837?
LEG. LEVY:
No Leg's, just last names.
MS. FARRELL:
Yes.
LEG. CARPENTER:
Yes.
LEG. BISHOP:
Yes.
LEG. COOPER:
(Not Present)
LEG. BINDER:
Yes.
LEG. POSTAL:
Yes.

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

LEG. ALDEN:
Pass.
LEG. FIELDS:
Yes.
LEG. FOLEY:
Yes.
LEG. HALEY:
Yes.
LEG. FISHER:
Yes.
LEG. CARACAPPA:
Yep.
LEG. TOWLE:
Yes.
LEG. GULDI:
Yes.
LEG. CARACCIOLO:
(Not Present)
LEG. LEVY:
Yes.
P.O. TONNA:
Yep..
LEG. ALDEN:
Yes.
P.O. TONNA:
All right.
MR. BARTON:
16, 2 not present. (Not Present: Legs. Caracciolo and Cooper)
P.O. TONNA:
Great. Okay. Lets go on.
LEG. GULDI:
A question. I have a question on 1925A.
P.O. TONNA:
1925? Go ahead, George.

LEG. GULDI:
Yeah. My question is, there's a memo distributed today that indicates the winning bitter, but it also indicates the trade-in value of the two helicopters, the 1981 Bell at 200,000, and the 1986 BK at a million-two-hundred-thousand. My recollection is that we talked -- we estimated a $2 million two milled trade-in value. The 206B Bell, the last time I looked at one of those, it was 750,000 or 500,000 more than this and I want to know how these values were set for the trade-in values on these two helicopters, particularly since there's a $600,000 discrepancy from Budget. Was that taken up at Public Safety, and do we know?
LEG. BISHOP:
No.
LEG. CARACAPPA:
Actually, I asked the question
LEG. BISHOP:
Okay. Move the -- move the motion.
P.O. TONNA:

Okay. George, you're not getting an answer, obviously.
LEG. CARACAPPA:
Well, I -- Mr. Chairman, I had asked the questions in Public Safety to Jim Maggio and I believe Jimmy had answered there was -- it was almost -- it was being delayed, the purchase and the order, due to the fact that there was a discrepancy on the trade-in values, and I think MD came back and said that there was some sort of -- there was more corrosion to our vessels than they expected, and I think maybe that was one of the reasons why. If -- Jimmy, I don't know if you can correct me here. That was one of the -- one of the problems, right?
MR. SPERO:
That was one of the concerns. But the bids came back on a net basis, so MD turned out to be cheaper than the Eurocopter when than the trade-in's are -- value of the helicopters they were bidding on were considered. So we're appropriating the net amount of money to buy the two new. Helicopters.
LEG. GULDI:
All right. But the other bids also had a net value, they were considered net of the trade-in value on the helicopter.
MR. SPERO:
Yeah, on this --
LEG. GULDI:
We didn't have an independent assessment of the trade-in helicopters, as is customary in aviation sales.
MR. SPERO:
I don't think there was.

LEG. CARACAPPA:
We did with our -- with our consultant.
LEG. BISHOP:
RFP. We had consultants, we had RFP's.
LEG. CARACAPPA:
Our consultant did that.
LEG. BISHOP:
We had consultants, we had RFP's, George. I mean, this is long delayed and long overdue and --
LEG. GULDI:
Yeah, well --
LEG. CARACAPPA:
The Linton Group --
LEG. GULDI:
Yeah, all right. So we had consultant and RFP's. What's the answer?
LEG. BISHOP:
You know, you have us at a disadvantage, because you're an aviation --
LEG. GULDI:
Buff.
LEG. BISHOP:
Connoisseur.
LEG. GULDI:
It's not the only reason you're at a disadvantage, Mr. Bishop.
LEG. BISHOP:
Right.
LEG. GULDI:

But we don't need to go there.
LEG. BISHOP:
But, really, the process on this has been quite thorough, as any member of the Public Safety Committee can attest. We had numerous hearings on it. We engaged outside consultants, I think at your urging. And these bids have been negotiated, you know, the RFP's, after they were submitted to the best deal that we could get. So I think the public would be ill-served by any further delay. We'd real like to move this forward.
LEG. CARPENTER:
Here-here.
LEG. GULDI:
I understand the public being served by the delay, but I am concerned about the $600,000 discrepancy between what was estimated and what's before us. And I really wish someone could address that a little more

specifically.
LEG. BISHOP:
It's not what the market would bear, obviously. I mean, I don't think that the consultants and our Purchasing Division, you know, are foolish, incompetent. I mean, there's plenty of checks and balances in the system.
LEG. FOLEY:
Let's get this resolution off the ground; all right? Let's give it some air.
LEG. BISHOP:
That's give it a whirl.
LEG. TOWLE:
A little choppy.
LEG. BISHOP:
Are you ready? Paul, can you call this vote, please?
P.O. TONNA:
Yes. Roll call on the bond.
MS. FARRELL:
We don't have a motion.
P.O. TONNA:
Motion to what?
MR. BARTON:
To approve.
MS. FARRELL:
We don't have any.
P.O. TONNA:
Okay. There's a motion by Legislator Bishop, seconded by Legislator Foley. Roll call on the bond.
LEG. BISHOP:
And I should also mention our BRO was involved. Yes.
(*Roll Called by Mr. Barton*)
LEG. BISHOP:
Yes.
LEG. FOLEY:
Yes.
LEG. COOPER:
Yes.

LEG. BINDER:
Yes.

LEG. POSTAL:
Yes.
LEG. D'ANDRE:
Yes.
LEG. CRECCA:
Yes.
LEG. CARPENTER:
Yes.
LEG. ALDEN:
Yes.
LEG. FIELDS:
Yes.
LEG. HALEY:
Yes.
LEG. FISHER:
Yes.
LEG. CARACAPPA:
Yes.
LEG. TOWLE:
Yes. Cosponsor.
LEG. GULDI:
Yes.
LEG. CARACCIOLO:
Yes.
LEG. LEVY:
Yes.
P.O. TONNA:
Yep.
MR. BARTON:
18.
P.O. TONNA:
Okay. Thank you.
LEG. BINDER:
Mr. Chairman, I'd like to make a motion.
P.O. TONNA:
I have.

LEG. BINDER:
On 1832.
P.O. TONNA:
I have Legislator Binder. There's a motion by Legislator Binder to --
LEG. BINDER:
To approve 1832.
P.O. TONNA:
Take out of order 1832?
LEG. BISHOP:
Is this the one that was controversial --
LEG. BINDER:
And approve.
LEG. GULDI:

Yes.
LEG. BISHOP:
-- just on getting it to the hour?
LEG. GULDI:
You got it. Motion to defer to the end of the meeting.
LEG. GULDI:
Second.
LEG. FISHER:
Second.
P.O. TONNA:
Okay. Well, he made a motion and there is a second, so --
LEG. FISHER:
I'm seconding David's motion.
LEG. LEVY:
No. This -- David's would take precedence.
P.O. TONNA:
To table it? Okay.
LEG. LEVY:
David's takes precedence. I'll second that.
LEG. BINDER:
It was discharged, it's ready. And I ask that we --
P.O. TONNA:
I understand.
LEG. BINDER:
-- take it out of order and approve.

P.O. TONNA:
You made a motion. Was there a second?
LEG. HALEY:
Yeah, second.
P.O. TONNA:
Yes, there's a second.
LEG. BISHOP:
And then I made a motion, Mr. Chairman.
P.O. TONNA:
To table it.
LEG. BISHOP:
To table it until the --
P.O. TONNA:
End of the meeting?
LEG. BISHOP:
To defer action until the end of the meeting.
P.O. TONNA:
Okay.
LEG. LEVY:
Second.
LEG. GULDI:
Second to that.
P.O. TONNA:
Fine. All in favor? Opposed?
(Opposed Stated in Unison by Legislators)
LEG. HALEY:
Roll call. Roll call.

P.O. TONNA:
We're not getting out of here. Go ahead.
LEG. LEVY:
This is going to be a long debate.
P.O. TONNA:
Roll call. Henry, roll call.
MR. BARTON:
This is the one to do it now?
LEG. GULDI:
I need at least an hour on this one, guys.

00256

LEG. FOLEY:
To defer until the end of the meeting.
MR. BARTON:
To defer.
LEG. BINDER:
It's a vote to defer.
MR. BARTON:
Okay.
LEG. BISHOP:
A vote to defer.
LEG. FOLEY:
Can we defer the vote?
LEG. LEVY:
Yes. Let's do the agenda, please.
MR. BARTON:
Who was the second, Mr. Chairman? I'm sorry.
LEG. LEVY:
I seconded.
P.O. TONNA:
That's okay. I feel your pain, Henry; okay?
LEG. LEVY:
I was the second to defer.
MR. BARTON:
You were the second to defer. Thank you.
P.O. TONNA:
To the end of the meeting.
(*Roll Called by Mr. Barton*)
LEG. BISHOP:
Yes.
LEG. LEVY:
Yes.
LEG. COOPER:
Yes.
LEG. BINDER:
No.
LEG. POSTAL:
No.

00257

LEG. D'ANDRE:
Pass.
LEG. CRECCA:
No.

LEG. CARPENTER:
No.
LEG. ALDEN:
No.
LEG. FIELDS:
Yes.
LEG. FOLEY:
Yes.
LEG. HALEY:
No.
LEG. FISHER:
Yes.
LEG. CARACAPPA:
No.
LEG. TOWLE:
No.
LEG. GULDI:
Yes.
LEG. CARACCIOLO:
No.
LEG. LEVY:
Oh, let's get the agenda, guys.
P.O. TONNA:
No.
LEG. LEVY:
This is going to be long.
LEG. D'ANDRE:
No.
MR. BARTON:
Seven. Let's do it now.
P.O. TONNA:
It's Bishop time. All right. I will have -- I will have -- now it's before us. Okay. Roll call.

LEG. GULDI:
On the motion.
LEG. FOLEY:
On the motion.
LEG. GULDI:
Nice try.
P.O. TONNA:
I tried. Okay.
LEG. TOWLE:
Motion to close debate.
LEG. HALEY:
Second.
LEG. CARPENTER:
Second.
LEG. FISHER:
Second.
LEG. TOWLE:
Motion to close debate.
LEG. HALEY:

Second.
LEG. FISHER:
Second.
LEG. TOWLE:
Okay. There's a motion to close debate --
LEG. TOWLE:
Before you recognize anybody.
P.O. TONNA:
By Legislator --
LEG. TOWLE:
I'm learning.
P.O. TONNA:
By Legislator Towle.
MR. BARTON:
Mr. Chairman.
P.O. TONNA:
Seconded by Legislator Haley.
LEG. FOLEY:
On the motion.

P.O. TONNA:
Roll call.
LEG. FOLEY:
On the motion.
P.O. TONNA:
No.
LEG. GULDI:
On the motion.
P.O. TONNA:
No.
LEG. FOLEY:
On the motion.
P.O. TONNA:
This is a nondebatable motion.
LEG. BINDER:
It's a nondebatable motion.
P.O. TONNA:
All right. Roll call. Roll call.
MR. BARTON:
I'm trying to get the slip filled out. Who was the motion made by?
P.O. TONNA:
We should have debate, people.
LEG. TOWLE:
Myself.
MR. BARTON:
Thank you.
P.O. TONNA:
You can't -- you should have debate.
MR. BARTON:
All right. On the motion to close the debate.
P.O. TONNA:
You should have debate.
(*Roll Called by Mr. Barton*)

LEG. TOWLE:
To close debate, yes.
LEG. HALEY:
Yes.

00260

LEG. COOPER:
Pass.
LEG. BINDER:
Yes.
LEG. POSTAL:
Yes.
LEG. BISHOP:
No.
LEG. D'ANDRE:
Yes.
LEG. CRECCA:
Yes.
LEG. CARPENTER:
I just can't. No.
MR. BARTON:
To close debate, no.
LEG. ALDEN:
Pass.
LEG. FIELDS:
No.
LEG. FOLEY:
No.
LEG. FISHER:
Yes.
LEG. CARACAPPA:
Yes.
LEG. GULDI:
No.
LEG. CARACCIOLO:
No.
LEG. LEVY:
No.
P.O. TONNA:
No, I can't. I can't.
LEG. COOPER:
No.

00261

LEG. ALDEN:
No.
MR. BARTON:
Eight. Motion fails.
P.O. TONNA:
All right.
MR. BARTON:
Now I have a motion and a second to do it now, take it out of order.
P.O. TONNA:
Yes. No, that's already passed.
LEG. BINDER:

To take out it of order and approve.
P.O. TONNA:
Yes.
LEG. BINDER:
That was my motion. That's before us, take out of order and approve.
LEG. GULDI:
Yes, on the motion.
LEG. BINDER:
It's one motion.
LEG. GULDI:
On the motion.
MR. BARTON:
Oh, one motion? Do it now an approve it, okay. Okay.
LEG. BINDER:
Take it out of order and approve it.
LEG. GULDI:
On the motion.
MR. BARTON:
Okay. Thank you.
P.O. TONNA:
Legislator Guldi has the floor.
LEG. GULDI:
Thank you. I promise, Legislator Binder, I'll keep it as least as short and succinct as your remarks on the earlier issues we discussed this evening.
The problem with this is it's yet another dirty little deal where the County is renewing a lease at a bad location on bad terms for the wrong reasons. The Court has been mislocated in this location for 20 years.

You can't get to it, you can't park there, etcetera. The Court four years ago asked for 15,000 square feet. The landlord is going to do a deal to displace the Court while it demolishes the existing building, reconfigures the inadequate parking, and then proceeds to build a 13,000 square foot court, only 2,000 feet short of what was requested four years ago, at the same location, with the same traffic and hazards at a hugely increased cost to the taxpayers. At the same time, it's been real clear that the Court doesn't want this. They have been very careful walking on eggshells that they don't want to offend anyone in the political process. That's why you don't see them down here doing the Greek chorus, saying, "We need the courts," like they did in Riverhead. They know this is a bad location with inadequate services, that inadequately serves the needs of the constituents, that inadequately serves the attorneys, the judges and the people who have to work in this structure. We all know it.

[SUBSTITUTION OF STENOGRAPHER - ALISON MAHONEY]

In terms of the cost alternatives, I mean, the lease is totally open-ended. The lease values stated in the lease is wholly fictitious, and the reason for that is the real estate tax clause. The real estate tax clause passes through a hundred percent of the real estate taxes and escalations to the tenant, but guess what? When you demolish the building and rebuild it you get a new assessment, and that's going to go through the ceiling, so the base rent is a fiction. And what the cost is going to be, yeah, we could estimate it but it's totally a

fiction.
So you've got the wrong court on bad economics in the wrong location providing -- continuing to provide inadequate courtroom space and services. What do we have for alternatives that we're walking away from and exploring? Yes, there are people here who want to say that we have no alternatives. In fact, the Real Estate Department initially was very careful to see to it that we had no alternatives, we meticulously failed to pursue and explore alternative superior locations. We didn't do appraisals, we didn't have meetings, we didn't follow up on locations and yeah, a year and a half later they're not available anymore. What do you know, so this is our only alternative. But when we tell them to go back to the market and look at alternative spaces, yeah, there happened to be a couple superior locations with adequate space, with adequate parking, with superior access that happened to be looking for tenants if you want a short-term rent which we wouldn't have to wait for someone to demolish and build with the relocation, move out of the space and then back into the space, one move instead of two moves at an expense to the taxpayers.
Thirdly, yeah, there is the alternative of using the Court Facilities Agency, wherever Legislator Haley is, and buying and building the courthouse, renting it back and recouping the lease from the State and 20 years from now owning the building for free instead of 20 years from now having paid for a building and having someone else get the private benefit of ownership thereof. Yeah, there's a crisis here; the crisis is an economic crisis for a landlord and not one that's a crisis for the courts or for the taxpayers of Suffolk County.
This is another real bad deal. Anyone who votes -- who thinks they can

hold their nose and vote for the expedience of doing this, yeah, there will be those of us here to remind you when it isn't done on time, when we're back with catastrophic rent increases, when we're back with administrative problems, when we're back with a court that doesn't fit in a bad location to remind us all of that.
D.P.O. LEVY:
Okay, thank you.
LEG. GULDI:
Other than that, I can't think of anything wrong with this deal.
D.P.O. LEVY:
Legislator Levy, personal privilege.
LEG. FISHER:
Speak your mind, George.
LEG. HALEY:
George mentioned my name, so. I just want to mention that I think that this particular lease was appropriately negotiated, it is typical of leases that take place in a lot of arenas and I see no problem with this lease nor the support of this lease.
D.P.O. LEVY:
Okay, let's get Legislators in here and vote on this.
LEG. FIELDS:
Can I say something?
D.P.O. LEVY:
Yes, you can. Legislator Fields. Oh, I'm sorry, Legislator Postal was first; I'm sorry.

LEG. POSTAL:
No, I'm only passionate about Huntington Station. You know, what I heard was that the traffic is bad and the traffic is atrocious there, I won't disagree with you. But the alternative site that's been mentioned, Cuba Hill Road is not nearly accessible, maybe it's more accessible for attorneys but it's not nearly accessible for members of the public who may have to come to that court, particularly people from the surrounding community who in many cases don't have private transportation, who have to rely on public transportation. That location is one that's served by public buses, it's served by the Long Island Railroad. Yes, it has some problems, but I believe that the alternative just completely disregards the difficulties that would be encountered by members of the public who live in some parts of that community.
D.P.O. LEVY:
Just a question before we go to Legislator Fields. Fred, word got back to me that this is within a hundred -- I don't know if it was a hundred feet or just a couple of hundred feet from a bus stop in that vicinity; is that not correct?

MR. POLLERT:
At the meeting with the Judges it was represented that there will be a bus stop there if there's not a bus stop already, and it's approximately one to 200 feet from where the HART line goes.
D.P.O. LEVY:
Legislator Fields?
LEG. FIELDS:
When we looked at the advantages, it was mentioned that it was a good location with access to mass transportation and easy access by car with plenty of parking. I think George was discussing the fact that they wanted to expand it by a certain amount of feet there, parking was 63 spaces which they thought was inadequate, and after adding the extra space they were adding one additional parking space. And I also believe that in order for the employees to use the bathroom of the new facility they will have to take an elevator to get there, so they won't even have the availability of a bathroom on the same floor that they're working. And also, due to the availability of space, there should be no building design constraints and the courtroom design constraints of 39 feet of free span space can be accommodated in proposed building. There were many things about this Cuba Hill Road that seemed to be of great benefit and very few on the existing Third District Court that would be of benefit to anybody.
D.P.O. LEVY:
Okay, let's move on. Let's get everybody back into the horseshoe.
LEG. HALEY:
Just a quick question. Just a quick question of the sponsor.
D.P.O. LEVY:
Legislator Haley.
LEG. HALEY:
Who's district is that in?
D.P.O. LEVY:
Tonna. Cuba Hill Road is --
LEG. HALEY:

And what district is Cuba Hill Road in?
LEG. BINDER:
I'm not the sponsor. Legislator Tonna's district right now is where the Third District Court is located, Cuba Hill Road would be in my district, it's in the middle of a middle class, residential neighborhood.
LEG. HALEY:
That I know because I have traveled Cuba Hill Road a lot.
LEG. BINDER:
Right.

00265

P.O. TONNA:
Roll call.
LEG. GULDI:
On the -- one brief question. And that is I have been to this courthouse, I have tried to park there, I have tried to make a calendar call there; has anybody else ever been there?
P.O. TONNA:
I pass there every day, I get my Carvel right next door. Roll call on the vote.
LEG. LEVY:
Okay, we have a -- did we have a motion?
P.O. TONNA:
Roll call on the vote.
MR. BARTON:
Legislator Binder?
P.O. TONNA:
Can I just ask that all Legislators please come to the horseshoe?
LEG. GULDI:
Just not for nothing but --
P.O. TONNA:
There's a roll call on the vote.
LEG. GULDI:
Yeah I know, but I want to make a motion to table. It's in order.
P.O. TONNA:
Okay.
LEG. FIELDS:
I'll second the motion.
P.O. TONNA:
Okay, fine. Okay, motion to table. Roll call on the tabling. There's a motion to table.
LEG. GULDI:
Aren't we going to wait for everyone to come into the room --
P.O. TONNA:
No, no, there's a roll call on the tabling.
LEG. GULDI:
-- for the roll call on the vote? You don't want to wait till they come in the room for the roll call on the tabling?
LEG. CARPENTER:
No, table. A roll call is a roll call.

00266

P.O. TONNA:
Roll call on the tabling. Call it.

LEG. GULDI:
On the motion to table. On the motion to table.
P.O. TONNA:
No, call it.
(*Roll Called by Mr. Barton*)
LEG. GULDI:
Yes to table.
LEG. FIELDS:
Yes.
LEG. COOPER:
No.
LEG. BINDER:
No.
LEG. POSTAL:
No.
LEG. BISHOP:
Yes.
LEG. D'ANDRE:
No.
LEG. CRECCA:
No.
LEG. CARPENTER:
No.
LEG. ALDEN:
No.
LEG. FOLEY:
Yes.
LEG. HALEY:
No.
LEG. FISHER:
Pass.
LEG. CARACAPPA:
No.
LEG. TOWLE: (Not Present)

LEG. CARACCIOLO:
Yes.
LEG. LEVY:
Yes.
P.O. TONNA:
No.
LEG. FISHER:
Yes.
P.O. TONNA:
Okay.
MR. BARTON:
Seven.
P.O. TONNA:
Roll call on approval.
(*Roll Called by Mr. Barton*)
LEG. BINDER:
Yes.
LEG. HALEY:

Yes.
LEG. COOPER:
Yes.
LEG. POSTAL:
Yes.
LEG. BISHOP:
Abstain.
LEG. D'ANDRE:
Yes.
LEG. CRECCA:
Yes.
LEG. CARPENTER:
Yes.
LEG. ALDEN:
Yes.
LEG. FIELDS:
No.
LEG. FOLEY:
No.

LEG. FISHER:
No.
LEG. CARACAPPA:
Yes.
LEG TOWLE: (Not in Room)
LEG. GULDI:
No.
LEG. CARACCIOLO:
Pass.
LEG. LEVY:
No.
P.O. TONNA:
Yep.
LEG. CARACCIOLO:
Yes.
P.O. TONNA:
Okay, great. That wasn't as long as I thought or as painful.
MR. BARTON:
Eleven.
P.O. TONNA:
Let's go on to -- Ways and Means.
LEG. GULDI:
Ways and Means, we can begin agenda now.
P.O. TONNA:
Okay, Ways and Means:
1756 - (Authorizing the sale of surplus County cars to Sachem School District (Caracappa).
LEG. CARACAPPA:
Motion.
LEG. FOLEY:
Second.
P.O. TONNA:
Okay. All in favor? Opposed?

MR. BARTON:
Wait, wait.
P.O. TONNA:
Motion by Legislator Caracappa, seconded by Legislator Foley.

00269

MS. FARRELL:
Thank you.
P.O. TONNA:
All in favor? Opposed?
MR. BARTON:
17, one not present (Not Present: Legislator Towle).
P.O. TONNA:
Thank you.
1761 - (Authorizing the sale of surplus County cars to William Floyd School District (Towle).
LEG. GULDI:
Motion.
LEG. CARPENTER:
Same motion, same second; it's cars.
LEG. BINDER:
Shouldn't we table it one more time?
P.O. TONNA:
Can we do that? No, we can't do same motion, same second.
LEG. LEVY:
Motion to table. Motion to table.
LEG. BINDER:
Second, second.
LEG. LEVY:
Legislator Towle is not here.
LEG. GULDI:
Motion to approve.
P.O. TONNA:
Legislator Towle has asked me to make sure that we went ahead with this.
LEG. LEVY:
Well, I will argue on it a long time because it's only $200 for these.
LEG. GULDI:
Motion to approve.
P.O. TONNA:
Okay. There is a motion to approve by Legislator Guldi, seconded by Legislator Caracappa. All in favor?
LEG. LEVY:
Motion to table and I'd like to --

00270

P.O. TONNA:
Okay. Motion to table by Legislator Levy.
LEG. GULDI:
Is there a second?
LEG. BINDER:
I will second it.
P.O. TONNA:
This is $6,400 for three vehicles.
LEG. LEVY:

This is very bad precedent, we're talking about having $200 per vehicle and if we're going to do this then let's do it in every single district. I don't know why my school districts --
LEG. CARPENTER:
Legislator -- excuse me, Legislator Levy, 1761, the vehicles are $800, $2,000, $900 and forty-five hundred.
LEG. LEVY:
No, you have the wrong one, that was the original one, Legislator Carpenter.
LEG. BINDER:
It was corrected.
LEG. LEVY:
It was subsequently corrected to $200 a piece, that's why I have a problem. I don't have a problem with the original version. But if they're going to get them for $200 here, then every one in my school district should get $200 and every one of yours should get $200.
LEG. GULDI:
I agree.
LEG. BISHOP:
Mine never even participated. Every -- Legislators could just submit their own price?
LEG. LEVY:
Yeah.
P.O. TONNA:
Okay. There's a motion to table by Legislator Levy, seconded by Legislator --
MR. BARTON:
Binder.
LEG. GULDI:
On the motion.

LEG. LEVY:
The market value is like over a grand. To table?
P.O. TONNA:
Wait, who's the second?
MR. BARTON:
Binder.
P.O. TONNA:
Binder; to table?
LEG. GULDI:
On the motion to table. We tabled this in committee for several cycles and then discharged it without recommendation on a sufficient number of votes. Counsel advised us in committee that we did amend the Charter permitting us as Legislators the discretion to introduce surplus vehicle resolutions for as low as $200. In fact, Legislator Fields has a resolution where because of the $200 restriction, the recipient of the property is going to have to pay more than they are worth because of our Charter.
LEG. FIELDS:
Double.
LEG. GULDI:
But the Charter lets the Legislator do this, it is within the purview of the Legislature. Legislator Towle has decided to do it, I have

supported it in committee, I'm going to support it here. I urge you to vote against tabling it and approve the resolution.
P.O. TONNA:
Okay.
LEG. BINDER:
On the motion.
LEG. LEVY:
Mr. Chairman? Mr. Chairman, this is important. I asked Fred Pollert to prepare a statement for us, it's several hundred thousand dollars a year we get from these surplus vehicles; you're throwing it away. We're giving them, you know, a pretty good deal to begin with, you don't have to give it away. That's hundreds of thousands of dollars you're going to want in the budget process.
P.O. TONNA:
Okay. Legislator Caracappa.
LEG. CARACAPPA:
Well, in fact, before we did the Charter Law, I was a cosponsor with Legislator Rizzo, we were giving them away for free and that's why we put a minimum on it for $200. So there were cars being given away -- and, in fact, I was one of them -- giving cars to charitable organizations for free and there was a problem with that. So we changed the bill and everyone here I think -- I believe voted on it that was here then. So now there's a minimum price associated with it,

it's $200, it's within every Legislator's jurisdiction to put in a car for $200 at least and up according to go its value. So it's within the law.
LEG. GULDI:
Yeah. And if I may, on the motion. You know, with all due deference to the hundreds of thousands of dollars, all of these vehicles are over a hundred thousand miles, what exactly -- how much is a 1990 Dodge pick-up with 167,650 miles on it? It seems like $200 may be a little high on that one too.
P.O. TONNA:
Well, the only --
LEG. LEVY:
Mr. Chairman?
P.O. TONNA:
The only thing I would say is that they've got an extra 67,000 miles out of that car, it's 160, it's not such a bad idea, maybe we should make sure that they're over 150,000.
LEG. LEVY:
Mr. Chairman?
P.O. TONNA:
Thanks. Anyway --
LEG. POSTAL:
Mr. Chairman?
P.O. TONNA:
Legislator Levy still really has the floor and then Legislator Postal.
LEG. LEVY:
I have been here for a long time in this Legislature and we were --
LEG. BISHOP:
Time to go.

LEG. LEVY:
Time to go, right. We have gotten -- you know, the parr for the course was you paid for the market value. There were a few exceptions where they started to give them away for free and that's why we put in a resolution to have a bare minimum. But it's really wrong-headed policy to go backwards and start getting less, it's hundreds of thousands of dollars we're giving up. Why should the resolution that Legislator Crecca has, 1764, why should his people pay a thousand dollars for the vehicle where the other districts are paying 200?
P.O. TONNA:
My God, Crecca; what the hell is going on here? Eureka. Okay, Legislator Postal then Legislator Caracciolo.
LEG. HALEY:
Did you forget me?

P.O. TONNA:
I did. Legislator Postal then Haley then Caracciolo.
LEG. POSTAL:
Yeah, I would just -- I would agree with Legislator Levy that, you know, if we're going to allow cars to be transferred to school districts and other not-for-profits for $200, then let's do it universally.
LEG. GULDI:
Okay.
LEG. POSTAL:
I mean, I don't know how much these cars were sold to the Sachem School District for but, you know, if it was more than $200 then --
LEG. LEVY:
Three thousand dollars and $4,000 each.
LEG. POSTAL:
Well, that's my whole point, that maybe that resolution should be reconsidered and changed for $200 a piece and the same thing with Legislator Crecca's resolution.
LEG. BINDER:
And it's not changing the substance.
LEG. POSTAL:
I mean, it just -- you know, it makes no sense to me. Talk about -- you know, this is like animal farm, some an animals are more equal than others?
P.O. TONNA:
Right.
LEG. POSTAL:
You know, I have to tell you, I don't have any resolutions in here to transfer vehicles, but for those Legislators who are transferring vehicles at two and $3,000 a vehicle, I have to tell you, if I was in your school and I knew that other school districts got cars for $200, I would be pretty angry at you as my representative for ripping me off.
LEG. LEVY:
There you go.
LEG. POSTAL:
So I would suggest that we table this and we take a look at this whole issue and we address it in an even-handed way.
P.O. TONNA:

That's not such a bad idea.
LEG. CARACCIOLO:
Second.

LEG. HALEY:
Hold it, hold it.
P.O. TONNA:
But wait, Legislator Haley has the floor.
LEG. HALEY:
There's two problems. I always have a problem if you're going to charge a school district $200 for an item that's worth a thousand you're, in fact, gifting to another taxing entity, so I have a problem with that in and of itself. But putting that side for a moment, if Legislator Postal and Legislator Levy don't like the existing laws that we have created, then they can put in a resolution to modify that and I may support that. But in the meantime, these particular items happen to meet the criteria that this Legislature has set forth and I think -- I don't have any problems in approving it.
And just one minor side item. Last month I left just before the meeting ended and I know that I had a Sense Resolution that was tabled. I don't want to set a precedent, especially for me, that if I'm not here that automatically what you may think is in deference to me that you're going to table it so I have the opportunity at a later date to discuss it. So I don't want to -- I don't think we should get into that. I think if a Legislator is here not it shouldn't make a difference, you vote, deal with it and move it on. Thank you, Mr. Chairman.
LEG. CARACAPPA:
Let's start voting.
LEG. CARPENTER:
On this issue?
P.O. TONNA:
Wait, wait. Just Legislator Caracciolo then Fisher then Carpenter; I'm sorry.
LEG. BISHOP:
Come on, guys.
P.O. TONNA:
Michael?
LEG. CARACCIOLO:
Quickly. Fred, is there an adverse financial impact to the County by going in this direction; and if so, what amount??
MR. POLLERT:
We are recognizing the revenues that we're going to be getting. We don't know what the fair market value of the vehicles are, if they're accurately reflected in the original draft of the resolution, then we're going to be foregoing revenues which we could have received by selling it on the open market.
LEG. CARACCIOLO:
We're talking about 1988, a 12 year old Chevrolet, a four door sedan with a hundred thousand plus miles; obviously the odometer broke and

they don't know.
LEG. LEVY:
It's a cumulative effect, Mike.

LEG. CARACCIOLO:
Right, but on this resolution we're talking about cars that are 12, 10, and seven and four years old, but even the four year old vehicle has 141,000 miles on it. I mean, what kind of book value do these vehicles have and what kind of adverse impact does that have on the budget? I mean, there was a representation that it's going to amount to hundreds of thousands of dollars; is that accurate? On four vehicles, hundreds of thousands of dollars?
LEG. LEVY:
No, not this alone.
LEG. CARACCIOLO:
I don't think so.
LEG. LEVY:
Accumulatively, if we adopt this policy on all these vehicles.
LEG. CARACCIOLO:
That's why we should table the resolution and adopt a policy.
LEG. BISHOP:
Okay, call the question.
P.O. TONNA:
Okay, I'd like to call the question. I just want to know, in case you have -- if you asked this question, in 1999 there were 194 DWI seizures by the way. Just wanted you to know that.
LEG. LEVY:
Well, that's relevant.
LEG. CARACCIOLO:
What year? Ninety-nine.
P.O. TONNA:
Ninety-nine. Okay.
LEG. CARACCIOLO:
What about '94, '95 and '96?
P.O. TONNA:
Well, we just passed the law in '99.
LEG. CARACCIOLO:
Yeah.
LEG. LEVY:
Well, let's not get into that, let's stay on this issue, please.

P.O. TONNA:
Okay. Anyway, Legislator Fisher.
LEG. FISHER:
Mr. Chairman, I just had a very --
LEG. CARACCIOLO:
We amended the law in '99.
LEG. FISHER:
-- very quick point of clarification. If you listen to what Legislator Caracappa said was they set a $200 minimum, not a maximum, a minimum.
P.O. TONNA:
Right.
LEG. FISHER:
So we don't really need to change that, we just need to be more circumspect in how we award these vehicles, I agree with Legislator Haley. If there's a vehicle that's worth a thousand dollars, why would we -- I know, he's in shock.

LEG. ALDEN:
Marty just suffered a heart attack.
LEG. FISHER:
Somebody pick that man up.
LEG. HALEY:
I am standing.
LEG. FISHER:
Anyway, we shouldn't give it away for $800 less to another taxable entity. So I agree.
LEG. BINDER:
Mr. Chairman?
P.O. TONNA:
All right.
LEG. BINDER:
Mr. Chairman?
P.O. TONNA:
Are we ready yet? No? Legislator Binder.
LEG. BINDER:
I'd like to ask Counsel --
LEG. CARPENTER:
Can I just say one thing?
P.O. TONNA:
Oh no, I'm sorry, Legislator Carpenter was next.

LEG. CARPENTER:
I think one point that we have to remember is that when we're notified that there are these surplus vehicles and we in turn notify districts if they're interested in purchasing them, no one tells them they have to buy the vehicles. They go out there, they look at the vehicles, they get what the upset price has been listed for the vehicle and they decide whether or not they wish to purchase the vehicle for a thousand, two thousand, whatever that price has been set for. So I don't see why there is a need to feel that we need to be gifting these vehicles for $200, to that minimum price. We've got a process in place, no one is telling them they have to buy the vehicles.
LEG. FISHER:
Right.
P.O. TONNA:
Okay.
LEG. BINDER:
Mr. Chairman, just let me --
P.O. TONNA:
Wait, Legislator Binder.
CHAIRMAN BINDER:
I would like to ask Counsel, is there any law on gifting to -- because if it's below market rate, we're obviously giving whatever the delta is, the difference is a gift, and what is the law on giving a gift to another taxing jurisdiction?
MR. SABATINO:
The constitutional prohibition against gifts applies to private parties, so there would be no constitutional prohibition against giving the vehicles to a school district or a municipality for below market. The only standard you have is our Charter Law, a minimum of $200.

P.O. TONNA:
What? Can I ask a question; why would we ever give below market value? Who has the right to get -- we paid for -- the taxpayers of Suffolk County paid for this, why should they get below market value? It should be market value. If it's 167 mile -- you know, car, fine, you can get it for $200, but if it's a hundred thousand mile car and it's worth $4,000 on the market, that's what they should be paying. You know what I'd ask? Legal Counsel, could you draft a bill, all right, for me that says --
LEG. LEVY:
I already asked.
P.O. TONNA:
You already asked? You could cosponsor. All right, thank you.
LEG. CARPENTER:
Mr. Chairman, if I could?

LEG. BINDER:
Everyone wants to talk.
LEG. CARPENTER:
No, no, no. I just would ask Counsel to share -- we had the discussion in Ways and Means about this and I had asked Counsel, because some Legislators feel that because the school districts and the ambulance companies and some of these other not-for-profits that get these vehicles should be given some sort of consideration, that I had asked Counsel to draft a bill that states that we sell them for market value and -- well, explain it, please, Paul. It was like 25 or 20%, I forget what I had.
MR. SABATINO:
It's been a while since we did it, but I think it was 25% -- it was fair market value less 25% is my recollection of it.
LEG. CARPENTER:
To a not-for-profit. So I mean, that's --
MR. SABATINO:
If I could make a suggestion because I have gotten several requests. Maybe now that it's been disclosed, maybe if you could circulate that draft --
LEG. CARPENTER:
Okay.
MR. SABATINO:
Than people asking me to --
LEG. CARPENTER:
All right. I would ask if you would have your office do that tomorrow so that we can see what's in place --
MR. SABATINO:
Okay. I would disclose it without -- okay.
LEG. CARPENTER:
-- and we can compare that to doing it straight fair market value as the Presiding Officer is suggesting.
MR. SABATINO:
Okay.
P.O. TONNA:
Okay. All right, there is a motion to table and a second. Okay, roll call.

LEG. LEVY:
In favor? Opposed? We don't need a roll call.
(*Roll Called by Mr. Barton*)
LEG. LEVY:
Yes.
00279
LEG. BINDER:
Yes.
LEG. COOPER:
Yes.
LEG. POSTAL:
Yes.
LEG. BISHOP:
Yes.
LEG. D'ANDRE:
Yes.
LEG. CRECCA:
Yes.
LEG. CARPENTER:
Yes.
LEG. ALDEN:
Yes.
LEG. FIELDS:
Yes.
LEG. FOLEY:
No.
LEG. HALEY:
No.
LEG. FISHER:
Yes.
LEG. CARACAPPA:
No.
LEG. GULDI:
No.
LEG. CARACCIOLO:
Yes.
P.O. TONNA:
No.
LEG. FOLEY:
What?
MR. BARTON:
12.
00280
LEG. LEVY:
After all that you say no?
P.O. TONNA:
I just want to be as ridiculous as everyone else has been today.
LEG. FIELDS:
You are. Let's go. Motion to approve.
P.O. TONNA:
Motion to approve what?
LEG. CRECCA:
The next bill.

LEG. LEVY:
Same motion.
P.O. TONNA:
Okay, 1762 - (Authorizing the sale of surplus County cars to Brookhaven Ambulance Company (Towle).
LEG. BISHOP:
Same motion, same second, same vote.
MR. BARTON:
Does anybody want to change their vote? Okay, it's tabled.
1764 - (Authorizing the sale of surplus County Cars to Hauppauge School District (Crecca).
LEG. CRECCA:
Motion to approve.
LEG. LEVY:
Second.
P.O. TONNA:
Seconded by Legislator Levy. All in favor? Opposed? Approved.
MR. BARTON:
17, 1 not present (Not Present: Legislator Towle).
P.O. TONNA:
1899 - (Adopting Local Law No. 2000, a Local Law to eliminate deed-recording requirement for well-water testing prior to acquisition of residential home (Levy). Motion by Levy?
LEG. CARACAPPA:
On the motion.
P.O. TONNA:
Wait. Oh, we're going to talk about this?

LEG. LEVY:
No, I don't have to talk about it.
P.O. TONNA:
Motion. Seconded by who?
LEG. FOLEY:
Second the motion.
P.O. TONNA:
All right, Foley. On the motion, Legislator Caracappa.
LEG. CARACAPPA:
Mr. Chairman, this is more along the lines of what's been a disturbing trend lately at this Legislature where colleagues are going after other colleague's legislation after they've been passed, colleagues are going into other Legislative Districts, whether it's for a good reason or not; it's still a disturbing trend. No, it's not a laughing matter.
This was a bill that this Legislature passed unanimously, not once but actually twice because the second time there were a couple of amendments made to have the Clerk comply, have a little more time to comply.
What Legislator Levy is, you know, going ahead and doing without even consulting with me once, not a phone call, not nothing, he goes to try and change the intent of my legislation. What he's trying to change here is I wanted the deed, I wanted the well water testing to go with the deed so if you buy a house with a well, 10 years from now you can look at that test and say one -- ten years ago this well was contaminated with X, Y and Z contaminants; that's being taken away out

of my legislation that you all voted for not once but twice. And for Legislator Levy to do this without even asking me, a phone call, nothing, I think is completely wrong, number one, and just disrespectful number two. And it's unbelievable how the Land Title Association has that much pull here and that much effect on Legislator Levy for him to go and change this.
LEG. LEVY:
Mr. Chairman?
P.O. TONNA:
Let me guess, Legislator Levy?
LEG. LEVY:
Joe, you're a very nice guy but sometimes you are so sanctimonious it's really barfable. I met with you --
LEG. BISHOP:
Barfable?
P.O. TONNA:
Wait, wait. Guys, order the pizzas, this is getting interesting.
LEG. BISHOP:
Move to strike the last word.

LEG. LEVY:
You know, we sat together --
LEG. CARACCIOLO:
Get the pizza.
LEG. LEVY:
Behind over here, in the back room over here --
LEG. CARACAPPA:
Two seconds.
LEG. LEVY:
And when we met I specifically told you, "Joe, you have a good intent here but this would be a much better bill if you made the requirement at contract rather than at deed." I absolutely, 100% told you that and had you done that, you could have had it as your bill. I don't need my name on it. If you want to revise your bill with your name on it, I'll table this, be my guest. I don't care that I have my name attached to this, this isn't going to get me elected, this bill.
LEG. CARACCIOLO:
Mr. Chairman?
LEG. LEVY:
But let me just say, let me finish my point. There's a big difference between the bill Joe passed which is well intentioned but loudly criticized by the Clerk and the bill that I have, and let me explain very briefly what the two differences are. Joe's bill requires that there be something attached on the deed and done at closing; according to the Clerk, this would be an administrative nightmare and it would cause a great number of disturbances at closings where someone forgets it and the whole closing goes down the tubes and it's going to cause a number of problems. The better solution --

[RETURN OF STENOGRAPHER-LUCIA BRAATEN]

LEG. CARACAPPA:
Like cell phones in cars.
LEG. LEVY:
-- to accomplish the same goal is to make this go forth in the same

way we do it with lead paint disclosure. With the lead paint disclosure law, the State law says that at contract, not at the time of the closing, but at the contract, the two lawyers have to and the two parties to the contract have to be given notice as to whether or not there is, in fact, problems with the well water. At least this way, Joe, the buyer has notice at the point he's going into the contract, not at the point of the closing when it's -- the horse is out of the barn, as they say.
I don't care, Joe. I don't need this to be my bill. If you want to agree to make those changes, I'll table it, put your name on it. The only reason I'm putting the bill forward is because you didn't want to make the changes. And I agree with the Clerk, that it probably is going to create an administrative nightmare. That's all.

LEG. CARACAPPA:
Mr. Chairman.
P.O. TONNA:
Legislator Caracappa --
LEG. CARACAPPA:
Okay.
P.O. TONNA:
-- you have five seconds to respond.
LEG. CARACAPPA:
Legislator Levy, you're a nice guy, too, but I hope you have a little bit more bile left in your stomach and a bucket at your side, because I'm not finished.
P.O. TONNA:
All right. But, wait. Just before you're not finished, I will just suggest, everybody here, before we get into this barfarama, that --
LEG. CARACAPPA:
No. I'll be brief, Mr. Chairman.
P.O. TONNA:
All right. Go ahead.
LEG. CARACAPPA:
We discussed it back about, I guess, well before the summer break and you never, ever said you were going to do a bill, did you?
LEG. LEVY:
No, because I asked you --
LEG. CARACAPPA:
Thank you.
LEG. LEVY:
Would you change it.
LEG. CARACAPPA:
No. Could you say that again, yes or no? Did you say you were going to do a bill to change my -- to change -- after I told you --
LEG. LEVY:
No. I asked you to make the change. You don't want to --
LEG. CARACAPPA:
And what did I say?
LEG. LEVY:
You said no.
LEG. CARACAPPA:
Did you ever call me to tell me you were doing a bill to make the

change?
LEG. LEVY:
Legislator Towle did a bill.
LEG. CARACAPPA:
Did you, Legislator Levy, ever call me to tell me that you were going to make the changes that I refused to make on my own law?
LEG. LEVY:
Why should I do that when you refuse to make them yourself? It's a -- it's an obsolete point. I don't understand it.
LEG. CARACAPPA:
I'm just saying it's about --
LEG. LEVY:
No.
LEG. CARACAPPA:
-- a privilege to a fellow colleague. And if that's making you barf, then, again, go get your bucket.
LEG. LEVY:
I gave you a privilege. I asked you to make the change. You said no.
P.O. TONNA:
All right. Pass out the Ex-Lax and let's get going.
LEG. CARACAPPA:
I'd ask my colleagues to keep the legislation intact. It was a far-reaching bill, just like Legislator Cooper passed tonight, and it goes a long way protecting well water on residential homes, for not -- not only at the closing, but for years to come when other homeowners buy that house and they could see just what was going on in that tainted well in years past.
P.O. TONNA:
All right. There's a motion to --
LEG. LEVY:
Let me just ask, Mr. Chairman. I just want it clarified. No. Joe, I will table it. I'll make a motion to table, if you -- if you wish to put in a bill to change your present bill, I'll make a motion to table; is that your desire?
LEG. CARACAPPA:
No.
LEG. LEVY:
Okay. So I'm going to make a motion to approve.
P.O. TONNA:
Okay.

LEG. LEVY:
I'm the bad guy here?
P.O. TONNA:
Is there a second? Yes, Legislator Foley.
MR. BARTON:
Yes.
P.O. TONNA:
I will -- I will -- I just read the book of the rules and, you know, the prerogatives of the Chair. I will call a dinner break if --
LEG. LEVY:
No.

P.O. TONNA:
Oh, nobody wants one now. I will call a dinner break if we don't start moving through this agenda much more quickly. Okay? There we go.
LEG. BISHOP:
I like that.
P.O. TONNA:
All right.
LEG. GULDI:
I have two -- I have a --
P.O. TONNA:
We already lost Legislator Towle, but I guarantee you, there will be attrition here.
LEG. GULDI:
I have a procedural question and a substantive question, because I can never restrain myself from trying to provoke you, particularly when you're in this kind of mood.
P.O. TONNA:
Linda Bay -- Linda Burkhardt, there is no more handing out of candy at a Legislative meeting. Go ahead.
LEG. GULDI:
You know, while I'm certainly prepared to play whether my piece of legislation is better than your piece of legislation, particularly when neither one of them is ever going to have any affect one way or the other, because they both have holes in them big enough to fly a be B-52 through, but the one substantive question that I really need to resolve in order to make up my mind how to vote on this resolution is I need to know how to spell barfarama.
LEG. CARACAPPA:
Barfable.
LEG. LEVY:
It wasn't barfarama, it was barfable.

P.O. TONNA:
Okay. No, I said barfarama. All right. All in -- is this the motion to approve?
MS. BURKHARDT:
Yes.
P.O. TONNA:
All in favor? Opposed?
(Opposed Said in Unison by Legislators)
P.O. TONNA:
All right. Opposed --
LEG. CARPENTER:
Motion to table.
P.O. TONNA:
Let's -- let's do a roll call.
LEG. FOLEY:
Second the motion to table.
P.O. TONNA:
Oh, a motion to table by Legislator --
LEG. CARPENTER:
Motion to table.
P.O. TONNA:

By Legislator Carpenter, seconded by --
LEG. FOLEY:
I'll second it.
P.O. TONNA:
Seconded by Legislator Foley. All in favor? Opposed? Tabled.
LEG. CARACAPPA:
Opposed.
P.O. TONNA:
There we go.
LEG. LEVY:
Opposed.
P.O. TONNA:
All right, great.
LEG. CRECCA:
Opposed to tabling.

P.O. TONNA:
Okay, great. Two guys are opposed. Okay.
LEG. CARACAPPA:
Three.
P.O. TONNA:
Both lawyers, no wonder. 1927 (Authorizing the sale of surplus County vehicles to Kings Park School District). Is there a motion? Legislator D'Andre?
LEG. D'ANDRE:
Yes, motion.
LEG. CARACAPPA:
Second.
LEG. CARPENTER:
Second.
P.O. TONNA:
Yes. Seconded by Legislator Crecca. All in favor? Opposed? Approved. 1940 (Authorizing the sale of surplus County tractors to Town of Hempstead). Motion by Legislator Fields?
LEG. FIELDS:
Yes.
P.O. TONNA:
I guess there --
MR. BARTON:
17-1 on the last one. (Not Present: Leg Towle)
LEG. CARPENTER:
Let me --
LEG. GULDI:
This is the --
P.O. TONNA:
Wait, wait. Is there a second?
LEG. GULDI:
Second.
LEG. CARPENTER:
Second.
LEG. COOPER:
Second.
P.O. TONNA:

Second by Legislator Cooper.

LEG. HALEY:
On the motion.
LEG. FOLEY:
I thought the Hempstead Plains has all been developed and there's no need for tractors over there anymore.
LEG. LEVY:
Just move it.
LEG. FIELDS:
No. This is for two rusted tractors who -- and they are not even worth $100. They're for parts. They're for the Town of Hempstead to do wetland restoration and they asked for them.
P.O. TONNA:
And that's how --
LEG. FIELDS:
And they're paying --
P.O. TONNA:
That's how desperate the Nassau County is in.
LEG. FIELDS:
And they're paying double --
P.O. TONNA:
They need rusted parts from Suffolk County tractors.
LEG. FIELDS:
-- of what they're really worth.
P.O. TONNA:
Okay.
LEG. FOLEY:
We'll be more than willing to help any township --
P.O. TONNA:
That's right. There's the fat in Nassau County, they pay double.
LEG. FOLEY:
Mr. Presiding Office, we'll be more than happy to help any township that has adopting councilmatic districts.
P.O. TONNA:
Oh, there we go. Okay. I feel good about all this. All in favor? Opposed? Approved.
LEG. HALEY:
I feel compelled to say something. I'm opposed.
MR. BARTON:
16, 1 opposition --

LEG. HALEY:
I'm opposed to that.
MR. BARTON:
-- one not present. (Not Present: Leg. Towle)
P.O. TONNA:
All right. 1946 (Sale of County-owned Real Estate pursuant to Local Law 13-1976 (New Shiloh Baptist Church). Is there a motion?
LEG. POSTAL:
Motion to approve.
P.O. TONNA:
Motion to approve by --

LEG. GULDI:
Second.
LEG. CARPENTER:
Second.
P.O. TONNA:
-- Legislator --
LEG. POSTAL:
Postal.
P.O. TONNA:
Seconded by Legislator Bishop. All in favor? Opposed? Approved.
MR. BARTON:
17, 1 not present.
P.O. TONNA:
Okay. 1949 (Appropriating funds in connection with the acquisition of lands for the construction of intersection improvements at C.R. 100, Suffolk Avenue and Brentwood Road/Washington Avenue, Town of Islip). Roll call.
LEG. GULDI:
Hold on.
LEG. CARPENTER:
Motion.
MS. FARRELL:
Motion.
P.O. TONNA:
Motion by Legislator Carpenter, seconded by Legislator Alden. Roll call.
MR. BARTON:
Okay.

(*Roll Called by Mr. Barton*)
LEG. CARPENTER:
Yes.
LEG. ALDEN:
Yes.
LEG. COOPER:
Yes.
LEG. BINDER:
Yes.
LEG. POSTAL:
Yes.
LEG. BISHOP:
Yes.
LEG. D'ANDRE:
Yes.
LEG. CRECCA:
Yes.
LEG. FIELDS:
Yes.
LEG. FOLEY:
Yes.
LEG. HALEY:
Yes.
LEG. FISHER:

Yes.
LEG. CARACAPPA:
Yes.
LEG. TOWLE:
(Not Present)
LEG. GULDI:
Yes.
LEG. CARACCIOLO:
Yes.
LEG. LEVY:
Yes, cosponsor.
P.O. TONNA:
Yeah.

MR. BARTON:
17, 1 not present. (Not Present: Leg. Towle)
P.O. TONNA:
All right. Same motion, same second, same vote. 1966 (Authorizing waiver of interest and penalties for property tax for Cosmo and Antoinette Azzara). Motion by Legislator Binder.
LEG. COOPER:
Second.
P.O. TONNA:
Seconded by Legislator Cooper?
LEG. COOPER:
Yeah.
P.O. TONNA:
There's a coalition going. Okay. All in favor? Opposed? Approved.
MR. BARTON:
17, 1 not present. (Not Present: Leg. Towle)
P.O. TONNA:
Okay. (1967-Authorizing waver of interest and penalties for property tax for Peter and Marie Zaccardo). Motion by -- same motion, same second, same vote?
LEG. CRECCA:
Yep.
P.O. TONNA:
All right.
MR. BARTON:
17, 1 not present. (Not Present: Leg. Towle)
P.O. TONNA:
(1968-Authorizing waiver of interest and penalties for property tax for Joseph and Mary Maguire). Same motion, same second, same vote?
LEG. COOPER:
Yep.
MR. BARTON:
17, 1 not present. (Not Present: Leg. Towle)

ENERGY & ENVIRONMENT

P.O. TONNA:
Okay. Energy and Environment. 1621 (To implement RFP Committee process for analysis of Brownfield properties in Suffolk County). Motion by Legislator Bishop, seconded by myself. All in favor? Opposed? Approved.

MR. BARTON:
17, 1 not present. (Not Present: Leg. Towle)
P.O. TONNA:
All right. 1855 (Making a SEQRA determination in connection with the proposed repair to the Shinnecock Canal Bulkhead and Jetty). Motion by?
LEG. GULDI:
Motion.
LEG. FOLEY:
Second.
P.O. TONNA:
Legislator Guldi, seconded by Legislator Foley. All in favor? Opposed? Approved.
MR. BARTON:
17, 1 not present. (Not Present: Leg. Towle)
P.O. TONNA:
1856 (Making a SEQRA determination in connection with the proposed construction of a New Mechanic's Shop at the Suffolk County Farm, Yaphank, Town of Brookhaven).
LEG. LEVY:
Same motion.
P.O. TONNA:
Motion by?
LEG. FIELDS:
Same motion.
P.O. TONNA:
Oh, you can? Same motion, same second, same vote.
LEG. GULDI:
Keep going.
MR. BARTON:
17, 1 not present. (Not Present: Leg. Towle)
P.O. TONNA:
1857 (Making a SEQRA determination in connection with the proposed Conference Center and Dining Facility at Peconic Dunes County Park, Peconic). Same motion --
LEG. CARACCIOLO:
Motion.
P.O. TONNA:
--- same second, same vote.

LEG. CARACCIOLO:
Motion
LEG. LEVY:
Do you have to break up the --
LEG. GULDI:
Second.
MS. FARRELL:
1857?
P.O. TONNA:
1857, motion by Legislator Caracciolo.
LEG. GULDI:
Second.

P.O. TONNA:
Seconded by Legislator Guldi. All in favor? Opposed?
MR. BARTON:
17, 1 not present.
P.O. TONNA:
Okay. 1858 (Making a SEQRA determination in connection with the proposed drainage improvements on C.R. 76, Townline Road between Hoffman Road and Terry Road, Towns of Islip and Smithtown).
LEG. CRECCA:
Motion.
P.O. TONNA:
Motion by Legislator Crecca, seconded by Legislator D'Andre. All in favor? Opposed?
MR. BARTON:
17, 1 not present. (Not Present: Leg. Towle)
P.O. TONNA:
1859 (Making a SEQRA determination in connection with the proposed renovations/improvements to Cohalan Court Complex, Town of Islip). Motion by --
LEG. FIELDS:
Motion.
P.O. TONNA:
-- Legislator --
LEG. FIELDS:
Fields.
P.O. TONNA:
Fields. Seconded by Legislator Alden. All in favor? Opposed? Approved.

MR. BARTON:
17, 1 not present. (Not Present: Leg. Towle)
P.O. TONNA:
1860 (Making a SEQRA determination in connection with the proposed replacement of the culvert on C.R. 50, Park Avenue, in the Village of Babylon). Motion by Legislator Tonna -- oh, Bishop, seconded by Legislator Tonna. All in favor? Opposed? Approved.
MR. BARTON:
17, 1 not present. (Not Present: Leg. Towle)
P.O. TONNA:
1861 (Making a SEQRA determination in connection with the proposed installation of electric and water at existing campground at Sears Bellows County Park, Flanders, Town of Southampton).
LEG. GULDI:
Motion.
P.O. TONNA:
Motion by Legislator Guldi, seconded by Legislator Caracciolo. All in favor? Opposed? Approved.
MR. BARTON:
17, 1 not present. (Not Present: Leg. Towle)
P.O. TONNA:
1862 (Making a SEQRA determination in connection with the proposed installation of electric and water at existing campgrounds at Cathedral Pines County Park, Middle Island, Town of Brookhaven).

LEG. HALEY:
Motion.
P.O. TONNA:
Motion by Legislator --
LEG. HALEY:
Haley.
P.O. TONNA:
Haley. Seconded by Legislator Caracappa. All in favor? Opposed? Approved.
MR. BARTON:
17, 1 not present. (Not Present: Leg. Towle)
P.O. TONNA:
1863 (Making a SEQRA determination in connection with the proposed construction of campgrounds check-in building at Blydenburgh County Park, Hauppauge, Town of Smithtown). Motion by Legislator Crecca, seconded by Legislator D'Andre. All in favor? Opposed? Approved.

MR. BARTON:
17, 1 not present. (Not Present: Leg. Towle)
P.O. TONNA:
1864 (Making a SEQRA determination in connection with the proposed construction of sanitary facility at West Hills County Park, Town of Huntington). Motion by myself, seconded by Legislator Binder. All in favor? Opposed? Approved.
MR. BARTON:
17, 1 not present. (Not Present: Leg. Towle)
P.O. TONNA:
1865 (Making a SEQRA determination in connection with the proposed construction of two check-in cabins at Southaven County Park, Yaphank, Town of Brookhaven). Motion by Legislator Haley, seconded by Legislator Caracappa. All in favor? Opposed? Approved.
MR. BARTON:
17, 1 not present. (Not Present: Leg. Towle)

ECONOMIC DEVELOPMENT & EDUCATION

P.O. TONNA:
1952 (Accepting and appropriating a grant proposal to the Keyspan Foundation for a Planetarium Program entitled "Shoot for the Stars" 47% reimbursed by private funds at Suffolk County Community College).
LEG. FISHER:
Motion.
P.O. TONNA:
Motion by Legislator Fisher, seconded by --
LEG. FOLEY:
Second.
P.O. TONNA:
Legislator Foley. All in favor? Opposed? Approved.
MR. BARTON:
17, 1 not present. (Not Present: Leg. Towle)
P.O. TONNA:
1836 (Transferring funds and authorizing the County Comptroller and County Treasurer to close certain capital projects).
LEG. FOLEY:
Motion to table --

P.O. TONNA:
Motion by --
LEG. FOLEY:
Motion to table.

00296

P.O. TONNA:
Motion to table by --
LEG. FOLEY:
Foley.
LEG. CARACCIOLO:
Motion to approve.
P.O. TONNA:
Legislator --
LEG. FOLEY:
Foley.
P.O. TONNA:
Foley. Seconded by --
LEG. CARACAPPA:
We need to discuss it?
LEG. FOLEY:
We really didn't, because --
LEG. CARACCIOLO:
Why is this being tabled?
LEG. FOLEY:
I need a second.
P.O. TONNA:
Hold it. There's not a second yet.
LEG. FOLEY:
There's no second.
P.O. TONNA:
When I have a second --
LEG. BISHOP:
Second to table. Second to table.
P.O. TONNA:
Then we're fine. Second to table by Legislator Bishop.
LEG. FOLEY:
Okay.
LEG. CARACCIOLO:
On the motion.
LEG. FOLEY:
Yeah, on the motion.
LEG. GULDI:
On the motion.

00297

LEG. CARACCIOLO:
This resolution has been discussed ad nauseam at committee level, at this -- it was on the agenda last month, referred back to committee. All of the members of the committee who are in this room right now were absolutely satisfied. I'd like to know what the --
LEG. FOLEY:
Okay.
LEG. CARACCIOLO:
-- justification is for tabling.

LEG. FOLEY:
All right. If I can get an answer tonight, that would be fine, but we didn't have anyone from the Budget -- Executive's Budget Office at the Public Works Committee meeting, so --
LEG. BISHOP:
And we need that.
P.O. TONNA:
Legislator Foley.
LEG. FOLEY:
My question has to do with the dredging portion of the closed capital projects and whether or not the monies that are being -- whether or not the closed -- whether or not the monies that are being closed in that particular area is because of projects that were completed or projects that were never undertaken.
LEG. ALDEN:
On the motion.
LEG. FOLEY:
And that's where I'd like to get some information.
LEG. ALDEN:
In answer to that, at the Finance Committee, they sent a memo out to every Legislator that stated these are projects that are closed out, that -- and some of them are barred by law from even expending anymore funds in them.
LEG. FOLEY:
Some of them -- there's particularly one dredging project, which was the full -- it was the full amount of money of over two to $300,000. So the question that I had that I couldn't get answered in committee was whether or not those were monies left over from a dredging project, or whether those were simply monies that were appropriated for a particular dredging project, but that project was never undertaken. If that project was never undertaken, can we not leave it in that particular account and use it for other dredging purposes?
LEG. CARACCIOLO:
That's a fair question. Maybe Budget Review can respond to it.

MR. SPERO:
I can't respond.
LEG. FOLEY:
And the reason that I asked -- well, okay. All right. It's important, because part of the problem that we've run across in this Legislature is that at the beginning of next year, there's a small -- there's a narrow window of time to do certain dredging projects, and by the time that we get ourselves organized and together, it may well be into March before we can appropriate monies. And so what happens for that two or three month period of time, DPW can't move forward with any projects, because we haven't appropriated any monies. So the point that I would like to make is that if we have dredging monies that have already been appropriated, but not expended, whether we can keep those in the dredging accounts and roll it over into the following years, so that Public Works doesn't have to wait until two or three months into the new year to have monies to undertake the permit process to get the work done before the next boating season. That's why -- and that's the question I wanted answered in Public Works, but I didn't get a courtesy

of having anyone from the Executive's Budget Office at the meeting.
P.O. TONNA:
Okay.
LEG. CARACCIOLO:
Could I just state for the record that that specific concern was never raised to this Chair of the Finance Committee or any other member of the Committee, so --
LEG. FOLEY:
Right, yeah.
LEG. CARACCIOLO:
-- we didn't raise it as an issue.
LEG. FOLEY:
Quite frankly, it was just the last few days that --
P.O. TONNA:
Can Fred speak to this, so that we can end this?
MR. POLLERT:
Yes. I believe that most of the PPU's, which is period of probable useful life, have expired on these projects. So even if the Legislature were attempting to reappropriate the funds, they can never be -- they could never be used as an authorization to issue the new bonds.
LEG. FOLEY:
Why not?
MR. POLLERT:
Because there is a period of probable useful life. You can't -- once you first issue a bond, it starts the clock going on the period of probable useful life. So if these were projects that were done two or three years ago, you can no longer at this point reissue a bond, even

if all the funds have not been expended, nor can they be transferred from one capital project to another capital project by resolution.
LEG. FOLEY:
From one dredging project to another dredging project?
MR. POLLERT:
That's right, because the original authorization on the bond begins at the time that it was approved by the Legislature.
LEG. FOLEY:
But at the -- all right. That's also approving the bond. But if the bonds have not been issued by the Comptroller, what about in that particular instance?
MR. POLLERT:
I'm not sure whether or not there are any bonds that fall into that category.
LEG. FOLEY:
Well, are -- let me ask the question this way, then. Are any of the dredging bonds -- are any of the dredging projects where we approve the monies, if you will, but the Comptroller did not go out and issue the bonds? All right. Because before you answer it, for instance, there's an available balance of over $400,000 from one of the dredging projects. I'm sorry, you have to turn on the mike.
MR. KNAPP:
Specifically, the one question that Legislator Foley is speaking I believe is capital project in dredging with Northport Harbor and

Huntington.
LEG. FOLEY:
Right.
MR. KNAPP:
The answer that Fred Pollert gave is specifically true to that capital project. The PPU that was referred, the period of probable usefulness, has expired on that project.
LEG. FOLEY:
Right.
MR. KNAPP:
And it cannot be used in conjunction with any other dredging project.
LEG. FOLEY:
No. All right. That's true for all issued bonds. Were any of these unissued bond --
MR. KNAPP:
It is --
LEG. FOLEY:
-- bond projects?

00300

MR. KNAPP:
It is the best of my knowledge that all the dredging projects, as well as all the -- well, all the dredging ones have been endorsed by Audit and Control and the Treasurer's Office to be closed.
LEG. FOLEY:
Right.
MR. KNAPP:
And they were bonded at one point, and most of them, the PPU has expired on them.
LEG. FOLEY:
All right. So they were bonded, in other words.
MR. KNAPP:
If not, the funds have lapsed.
LEG. FOLEY:
The bonds were issued on them.
MR. KNAPP:
That's correct.
LEG. FOLEY:
All right. Then just a quick follow-up, then, to BRO. If bonds were issued, then why do we have almost half a million dollars of available balance, for instance, for the Northport Harbor? And I apologize to my colleagues for bringing up this question, but I do want to have this answered.
MR. POLLERT:
That's a very good question. Previously, the Legislature used to appropriate funds when the RFP came back and we knew what the price was going to be. The Department of Public Works changed the procedure several years ago, because they felt it slowed down the process. They had a narrow window that the bids were good for, I believe either 60 or 90 days. They changed the process, so that you now appropriate before you even know what the total cost is. So if the RFP came back lower, then you would have an available surplus.
LEG. FOLEY:
Okay. And, Mike, I'll just end with this. Mike, Legislator

Caracciolo, and I have at length discussed issues about dredging. In other words, these were surplus monies in that account.
MR. POLLERT:
That's correct.
LEG. FOLEY:
One of the things I'm going to bring up at the next Public Works Committee meeting is for the Department to immediately notify the Committee as to if they have surplus monies in different dredging accounts, so that we can then transfer those to other dredging projects, because all too often, we can't move forward with certain dredging projects, because we're told there's not enough money. But

we're never told that there may be surplus in other ones that we've already approved. So at our next committee meeting, we're going to have this as a topic of discussion to make sure that they make us immediately aware of those instances where there are surpluses, so we can make those available for other projects for other Legislators in the County.
LEG. HALEY:
Withdraw your motion?
LEG. FOLEY:
So I withdraw my motion to table.
LEG. ALDEN:
Motion to approve.
LEG. CARACCIOLO:
Thank you.
P.O. TONNA:
Okay. Motion, second. All in favor? Opposed? Approved. Okay
P.O. TONNA:
1932. Is there a motion?
LEG. HALEY:
Motion.
P.O. TONNA:
Legislator Haley.
MR. BARTON:
Mr. Chairman on 1836, we had a lot of people out of the room. I have to --
P.O. TONNA:
Okay. 1836, just count it right now.
MR. BARTON:
The motion by Legislator Caracciolo?
LEG. CARACCIOLO:
Yes.
MR. BARTON:
And seconded by Legislator Alden?
P.O. TONNA:
Yes.
MR. BARTON:
Okay. 17, 1 not present. (Not Present: Leg. Towle).
P.O. TONNA:
Great. 1932 (Establishing Suffolk County sales tax policy for implementation of stable General Fund Property Taxes). Motion by

Legislator Haley, seconded by --
LEG. CARACCIOLO:
Second.
LEG. FOLEY:
Explanation.
LEG. LEVY:
No, no, no, no.
LEG. POSTAL:
On the question.
LEG. FOLEY:
Explanation.
LEG. POSTAL:
Mr. Chairman.
LEG. LEVY:
Motion to table.
P.O. TONNA:
Wait. Can I say something? Just wait.
LEG. HALEY:
May I speak first?
P.O. TONNA:
Who was the second?
LEG. CARACCIOLO:
Me.
P.O. TONNA:
Okay.
LEG. HALEY:
May I speak first?
P.O. TONNA:
Yes, and then Legislator Postal.
LEG. HALEY:
Okay.
P.O. TONNA:
You're the sponsor.
LEG. HALEY:
All right. This is -- let me give you a quick explanation. It simply boils down to this. And then, in the interest of moving things along, I think I'm going to table this. The legislation does this simply.

LEG. CARACCIOLO:
Then table it. If you're going to table it, let's table it.
LEG. HALEY:
Wait a minute. I want to explain it to them. I want to -- otherwise, I'll debate it for the next half hour, I don't care. What my concern is, is that we budget for revenues next career in the form of sales tax. And everyone -- we may even project above -- you know, even include any major increases in sales tax, because they've been increasing at a substantial rate over the last few years. All this says that above and beyond what we've projected, all right, and approved in our budget, above and beyond that, that sales tax revenues have to be put in the Tax Stabilization Fund, and the reason for that is pretty obvious to me, is we're in the best of times. The problem we have is in the worst of times, when things slow down, we need the tax stabilization, which we probably could have used a substantial portion

for the 2001 Budget, because we're in a position we may increase -- we may increase taxes nine, eight, nine, ten, eleven percent, where we can under -- we could tap some of those monies if we -- if we were in a bind with the General Fund. But you have to understand, this is strictly General Fund. The General Fund, which is the lowest it's been in years, what is now, 50 million? Fifty million, is the target. This has nothing to do with the Police District at all, it's just the General Fund.
Now there's been questions in Finance. This came out of Finance and there seems to be some support for doing this, but there's been questions regarding whether or not we want to reduce that. Instead of being 100% of it, maybe 75% of it. I'm not inclined to do that at this particular point. But I'm willing to table it at this point for further discussion at a later date, assuming that -- before I do that, Counsel, in order for this to be approved and to be implemented, we would have to get this done before the end of the year?
MR. SABATINO:
Yes. What we've done in the past is we've made it, you know, part of like three out of the last four omnibuses, which takes you from year to year. But if you want it to be relevant, you have to do it sometime before December 31st, yes.
LEG. HALEY:
Okay. I'll make a motion to table.
LEG. CRECCA:
Second.
P.O. TONNA:
Okay. All in favor? Opposed? Is that a table?
LEG. FIELDS:
Table.
LEG. LEVY:
Table.

LEG. HALEY:
Okay?
P.O. TONNA:
Fine.
MR. BARTON:
15, 3 not present. (Not Present: Legs. Towle, Bishop and Cooper)
LEG. HALEY:
So you can get home to your kids?
P.O. TONNA:
Well, that's gone. They were in bed 35 minutes ago.
LEG. LEVY:
Motion, 1947.
P.O. TONNA:
1947 (To readjust, compromise, and grant refunds and charge backs on correction of errors/County Treasurer By: County Legislature #112). Motion, seconded by myself. All in favor? Opposed? Approved?
MR. BARTON:
Who made the motion? Mr. Chairman, who made the motion?
LEG. LEVY:
I made the motion.
P.O. TONNA:

Legislator Levy.
MR. BARTON:
Thank you. 16, 2 not present. (Not Present: Legs. Towle and Cooper)
BUDGET
P.O. TONNA:
1933 (Amending Resolution No. 79-2000 which transferred contingency funds for various contract agencies). Motion by Legislator Binder.
LEG. LEVY:
Second.
LEG. POSTAL:
Second.
P.O. TONNA:
Seconded by --
LEG. LEVY:
Second.
P.O. TONNA:
Legislator Levy. This is part of the contingency funds?
00305
LEG. FOLEY:
This is for Allan? Uh-oh.
P.O. TONNA:
This is member items?
LEG. LEVY:
Corrections.
MS. BURKHARDT:
It's correcting a name.
P.O. TONNA:
Okay. All in favor? Opposed? Approved. 1938.
MR. BARTON:
16, 2 not present. (Not Present: Leg. Towle and Cooper)
P.O. TONNA:
(1938-Amending the Adopted 2000 Operating Budget in connection with "Tooth Fairy Project" Study).
LEG. GULDI:
Motion.
P.O. TONNA:
Motion by Legislator Guldi.
LEG. FOLEY:
Second.
P.O. TONNA:
Seconded by --
LEG. FOLEY:
Second.
P.O. TONNA:
That's what we need, a Tooth Fairy.
LEG. CRECCA:
Motion to table.
P.O. TONNA:
Legislator Foley. All in favor? Opposed? Approved. 1961. Motion by --
LEG. CRECCA:
Whoa, whoa.
LEG. CRECCA:

Hold on.
LEG. LEVY:
Hold on.
00306
LEG. CRECCA:
Abstain on that, on 1938.
P.O. TONNA:
On the Tooth Fairy?
LEG. CRECCA:
Yes.
LEG. ALDEN:
There was a motion to table.
LEG. FOLEY:
Cosponsor.
LEG. CRECCA:
I made a motion to table. There was no second, though. I didn't --
LEG. GULDI:
There was no second and he called the vote.
LEG. ALDEN:
Well, there was no recognition.
LEG. GULDI:
He called the vote.
P.O. TONNA:
Well, to tell the truth, I didn't recognize it.
MR. BARTON:
I haven't even figured the vote out yet.
P.O. TONNA:
But is there -- you know what, I'll backtrack a second. I want to -- it's because I wasn't paying attention. Legislator Crecca, you wanted to table.
LEG. CRECCA:
Yeah. The reason --
P.O. TONNA:
Wait. Let's -- is there a second?
LEG. FOLEY:
The vote's been called, though. I'm --
P.O. TONNA:
Is there a second?
LEG. HALEY:
No, it wasn't.
LEG. BINDER:
Second for purposes of letting him explain.
00307
P.O. TONNA:
All right. Go ahead and explain. Just wait, Henry.
LEG. CRECCA:
Just I'm not going to rehash it, we talked about it earlier, but this was the one where the Commissioner of Health came to the Health Committee and recommended that we put this aside for now until we have recommendations from the Task Force. So I don't want to argue the merits now, I just wanted to bring it up to remind people of -- and the reason why I think this should be tabled now.
LEG. GULDI:

On the motion to table. Andrew, you were out of the room when the next speaker came. One of the criticisms was that we should -- we haven't decided what way to go, because we haven't had the Task Force yet. And the second criticism was the study isn't good science, because it isn't peer reviewed. The next speaker came up and testified on the bill that the study's in its third year. We're paying for lab work on existing samples. We're replicating a 1962 study. It's fully peer reviewed and it's scheduled to be published in a peer review journal.
There's no such thing as premature research on cancer. We're supplementing an activity that's been done largely here in Suffolk County that's going to have national and perhaps international repercussions. I urge you not to table this. We should approve it on the merits.
P.O. TONNA:
Okay. Could I just ask a question? When's the Tooth Fairy coming? All right.
LEG. LEVY:
When you grow hair.
P.O. TONNA:
All in favor? Opposed?
LEG. GULDI:
You don't need the Tooth Fairy, you need the Hair Fairy.
LEG. LEVY:
What?
P.O. TONNA:
In favor? Opposed?
LEG. LEVY:
For what?
P.O. TONNA:
No. This is to table right now.
(Opposed Said in Unison by Legislators)
LEG. GULDI:
Opposed to table. Roll call on the motion.
00308
LEG. BINDER:
I withdraw my --
P.O. TONNA:
All right. Roll call on the tabling.
LEG. BINDER:
I'm withdrawing the second.
LEG. LEVY:
He withdraws his second.
P.O. TONNA:
You're withdrawing your second, okay. Now this is a motion to approve.
MR. BARTON:
Got it.
P.O. TONNA:
Henry, don't throw that paper out. All in favor? Opposed? Approved.
LEG. CARACAPPA:
Cosponsor.
LEG. FOLEY:
Cosponsor.

P.O. TONNA:
Okay. There we go.
MR. BARTON:
16, 2 not present. (Not Present: Legs. Towle and Cooper)
LEG. FOLEY:
Cosponsor.
P.O. TONNA:
All right. 1961 (Amending the 2000 Operating Budget transferring funds to provide for prenatal care services). Motion by Legislator Levy.
LEG. FOLEY:
Second.
P.O. TONNA:
Seconded by?
LEG. FOLEY:
Second.
P.O. TONNA:
Legislator Foley. All in favor? Opposed? Approved.
MR. BARTON:
16, 2 not present. (Not Present: Legs. Towle and Cooper)

P.O. TONNA:
1969 (Transferring Contingent Funding for various contract agencies (Phase III). Motion by myself.
LEG. HALEY:
Second.
LEG. LEVY:
Second.
P.O. TONNA:
Seconded by Legislator Haley.
LEG. FOLEY:
Motion --
P.O. TONNA:
Uh-oh.
LEG. FOLEY:
Table --
P.O. TONNA:
Here we go.
LEG. FOLEY:
Table subject --
P.O. TONNA:
All in favor? Opposed? Approved.
LEG. FOLEY:
Table subject to call. No, I'm only kidding. I'm kidding.
P.O. TONNA:
Okay. Public Safety.
MR. BARTON:
16, 2 not present. (Not Present: Legs. Towle and Cooper)
P.O. TONNA:
(1715A, 1715-Amending the 2000 Capital Budget and Program and appropriating funds in connection with Special Patrol Bureau Construction - Police Department (CP 3139). Roll call. Oh, motion by myself, seconded by Legislator Bishop. Roll call.
LEG. CRECCA:

Explanation.
P.O. TONNA:
There's a Special Patrol Bureau construction project going on.
LEG. BISHOP:
Paul, you said it very well. Fred could tell us more, though, I'm sure.

00310

LEG. CRECCA:
Fred.
P.O. TONNA:
And it's for $61,120.
MR. SPERO:
This is the planning funds for the renovations to the helicopter hangar at MacArthur Airport.
LEG. BISHOP:
Oh, that's --
LEG. CRECCA:
Oh, that's for the --
LEG. BISHOP:
Every time he says that, I remember what airport.
LEG. GULDI:
How did this -- how did this get out of committee? I thought this was in another committee.
LEG. CARPENTER:
You were thinking of something else.
LEG. FOLEY:
That's because it was -- it was before the primary.
LEG. CRECCA:
Didn't we send this back to committee, or do we get it back?
P.O. TONNA:
Andrew Crecca would like it to go to the Judiciary Committee, but I wasn't so sure on this one.
LEG. CRECCA:
I don't want this one.
LEG. BISHOP:
It was here at the full Legislature, if I recall, and we didn't know what it was, and it went back to committee and we got that --
P.O. TONNA:
Straightened out?
LEG. BISHOP:
-- very pithy explanation, which satisfied the committee, and we voted it --
LEG. LEVY:
Hoodwinked you again.
LEG. BISHOP:
-- out unanimously and now it's back.

00311

P.O. TONNA:
Okay.
LEG. BISHOP:
George, if you'd like it in your committee, you can have it.
LEG. CRECCA:
Why are we --

LEG. GULDI:
Sure, send it to my committee.
LEG. BISHOP:
Okay.
LEG. POSTAL:
It will stay there forever.
P.O. TONNA:
No, I'm not sending it to your committee. I'm asking people --
LEG. CRECCA:
Why are we --
P.O. TONNA:
Roll call on the bond.
LEG. GULDI:
What are we -- what are we spending this money on?
LEG. CRECCA:
Why are we spending $61,000 to renovate some bathrooms in a hanger and a locker room.
LEG. BISHOP:
No.
LEG. GULDI:
No, hold on.
LEG. CRECCA:
To plan.
LEG. GULDI:
No. We're paying 61,000 for the design, to have a consultant design the bathrooms.
LEG. FOLEY:
Ridiculous.
LEG. BISHOP:
It's not just the bathrooms.
LEG. GULDI:
That's what we're doing.

LEG. CRECCA:
I think Legislator Towle agreed to do it --
LEG. BISHOP:
Hold on. Mr. Chairman. I don't believe it's just the bathrooms.
P.O. TONNA:
Legislator Bishop and the Chairman of --
LEG. BISHOP:
It's the entire -- the entire building needs to be renovated to accommodate --
LEG. CARPENTER:
The new helicopters.
LEG. BISHOP:
-- the new helicopters. Thank you, Legislator Carpenter, I feel like Edgar Bergen. You're doing a very good job.
LEG. LEVY:
You should feel like Charlie McCarthy, more like it.
LEG. HALEY:
You look like him, too.
LEG. FOLEY:
Make sure you're the puppeteer, though.

LEG. GULDI:
What is the total cost of the -- what's the total cost of the project? We're doing $61,000 for planning.
P.O. TONNA:
61,120.
LEG. LEVY:
Motion to table.
LEG. GULDI:
The replacement building should be less than 61,000.
LEG. BISHOP:
Listen, I will -- I will send it to another committee, which can --
LEG. CARPENTER:
No.
LEG. BISHOP:
-- thoroughly investigate it, if they choose to.
LEG. CRECCA:
At least explain it to us, David. Just explain it to us.

LEG. BISHOP:
We took Budget Review's recommendation.
P.O. TONNA:
Okay. Fred, would you like to explain this?
LEG. CARPENTER:
Fred, explain it.
LEG. POSTAL:
Fred, Explain.
P.O. TONNA:
How about Fred, let Fred explain this.
LEG. CRECCA:
Splain.
LEG. BINDER:
Go ahead.
LEG. CRECCA:
Splain.
LEG. LEVY:
Better hurry up, Fred.
P.O. TONNA:
The plane, the plane -- I mean, explain, explain.
LEG. LEVY:
Well, you're going to OTB, right?
MR. POLLERT:
This is a planning study. The committee requested us to send a letter to public works to determine why they couldn't do the study in-house, if they don't have engineering staff. We haven't yet heard back from the Department of Public Works. We sent a letter to the County Architect. The intent here is to hire a consultant to do the planning. The planning includes rather extensive renovations, including the design of a mezzanine area.
LEG. ALDEN:
We didn't hear back from Public Works?
LEG. LEVY:
Move the question.
MR. POLLERT:

Not yet.
P.O. TONNA:
Okay. All in favor?
LEG. GULDI:
On the motion.

00314

LEG. CRECCA:
Motion to table. Did we hear back from Public Works?
P.O. TONNA:
Motion to table by Legislator Crecca, seconded by --
LEG. GULDI:
I'll second the motion to table.
P.O. TONNA:
Legislator Guldi.
LEG. BISHOP:
When are the helicopters to be delivered?
P.O. TONNA:
Guys.
LEG. BISHOP:
When do we have to have this project completed by?
P.O. TONNA:
Guys, listen to me. Can we just table this?
LEG. CARPENTER:
No.
LEG. BISHOP:
Yes. Okay. That's a good enough plea. Table until the next meeting.
P.O. TONNA:
Let's do this, okay?
LEG. GULDI:
And let's --
P.O. TONNA:
Let's show Legislator Cooper how you're supposed to table something for a meeting, come on.
LEG. GULDI:
Let's request that someone from the administration come forward with a rationale and justification for the expense at putting this out.
LEG. CRECCA:
I think that's fair.
LEG. LEVY:
At committee.
P.O. TONNA:
Right.
LEG. GULDI:
At -- either at the full --

00315

LEG. CARPENTER:
No.
LEG. GULDI:
Let's do it at the full session --
LEG. CARPENTER:
It's not going to committee.
LEG. CRECCA:
Let's do it here.

LEG. GULDI:
-- but let's table it for that purpose.
P.O. TONNA:
Okay. Do you got that notes? County Executive's people, do you have those notes? You're going to have somebody come prepared? Legislator Caracciolo would like a County Attorney to have that done; okay? All right. Let's go. All right. All in favor? Opposed? Tabled. All right.
MR. BARTON:
17, 1 not present. (Not Present: Leg. Towle)
P.O. TONNA:
There we go. We didn't even have to do the roll call.
LEG. FISHER:
Motion.
P.O. TONNA:
1920 Creating Suffolk County "Pet Safe" Task Force).
LEG. FOLEY:
Explanation.
P.O. TONNA:
Motion by --
LEG. FISHER:
Legislator Cooper and I'll second it.
P.O. TONNA:
Legislator Cooper, seconded by Legislator Fisher.
LEG. CARPENTER:
Second.
LEG. ALDEN:
Explanation.
LEG. CRECCA:
Oh, somebody's got to --

LEG. CARPENTER:
This is very important. It's simple.
P.O. TONNA:
This is another Tooth Fairy bill. Go head. Legislator Cooper, tell us about this.
LEG. HALEY:
Put me on the list.
LEG. COOPER:
This provides $15,000 to pay for an RFP process to establish a pilot program for post adoption counseling services in Suffolk County.
LEG. CARPENTER:
No, no, no, no, no, no.
LEG. GULDI:
No, wrong bill.
LEG. HALEY:
On the motion.
LEG. CARPENTER:
No, no, no, no. This is the pet --
LEG. HALEY:
On the motion.
LEG. CARPENTER:
Pet --

LEG. COOPER:
What happened to 1559?
LEG. HALEY:
Mr. Chairman.
LEG. FOLEY:
1920.
LEG. HALEY:
Mr. Tonna.
P.O. TONNA:
We're not there yet.
LEG. COOPER:
Oh, okay. Pet Save.
LEG. HALEY:
Mr. Tonna.
P.O. TONNA:
Yes.

LEG. BINDER:
Post adoption pets.
P.O. TONNA:
Can I --
LEG. HALEY:
Mr. Tonna.
P.O. TONNA:
Yes.
LEG. HALEY:
On the motion.
P.O. TONNA:
Yes.
LEG. HALEY:
On the motion. A question of the sponsor.
P.O. TONNA:
Yes.
LEG. HALEY:
Does this include cooperation with the Suffolk County SPCA?
LEG. CARPENTER:
Yes.
LEG. COOPER:
Yes, it does. That's the agency that we're working closely with.
LEG. HALEY:
Cosponsor, please. Is that all right with you, sir?
LEG. COOPER:
Yes, it is.
LEG. HALEY:
Thank you.
P.O. TONNA:
All right, fine.
LEG. COOPER:
I would be honored to have you as a cosponsor.
P.O. TONNA:
All right. Now, can we get back to what this bill does?
LEG. COOPER:
Yes.

LEG. ALDEN:
Yeah, exactly. Thank you.

00318

P.O. TONNA:
Go ahead.
LEG. COOPER:
It establishes a Task Force to develop an evacuation plan and a treatment plan for pets and domesticated animals in case of an emergency, natural disasters such as flood, fire, hurricane. There's a similar program in place in Nassau County.
LEG. CARPENTER:
Mr. Chairman, if I could, may I?
P.O. TONNA:
I can't --
LEG. CARPENTER:
May I say something on this?
LEG. COOPER:
Try to remove that look from --
P.O. TONNA:
I can't believe it.
LEG. COOPER:
Paul, come back here.
LEG. BISHOP:
Legislator Cooper, is it not true that when pets die in natural disasters such as hurricanes, that the carcasses rot and create a disease threat to the general population?
LEG. CARPENTER:
Yes.
LEG. BINDER:
Yeah, in Outer Mongolia.
LEG. CARPENTER:
There's also -- may I? May I say something?
LEG. COOPER:
That's true. And also --
LEG. FISHER:
Mr. Chairman.
LEG. COOPER:
Excuse me. There are many instances -- Presiding Officer Tonna.
P.O. TONNA:
Okay. Yes, okay. I've gotten my composure back. All right? I just got Scooby-Dooby-Doo in the back he says ruff-ruff. All right. So let's continue; all right? Let's put this to a vote.

00319

LEG. COOPER:
Wait. There are many instances where an elderly resident has refused to evacuate a burning building, because the pet was still in the building, and there was no place to accommodate the pet at an emergency shelter. So this would also perhaps save lives, human lives.
P.O. TONNA:
Right. All right, sure. I'll tell you --
LEG. CARPENTER:
If I could, Mr. Chairman.
P.O. TONNA:

For the majority of one. Go ahead.
LEG. CARPENTER:
I was at a Public Safety meeting and this very issue and this piece of legislation was discussed, and the emergency managers did see that there was a lot of validity to something like this, because very often when areas have to be evacuated, people do not want to leave their pets. So they are asking to put together this Task Force to develop a protocol in perhaps having pets be admitted with the people into the shelters; that it really is a problem when you're trying to evacuate an area --
P.O. TONNA:
Can I ask you, but we're not going out in a flood area and rounding up some pets, are we?
LEG. CARPENTER:
No, but listen. In my --
LEG. GULDI:
Call the question.
LEG. CARPENTER:
In my district, we have had instances in Ocean Beach over on Fire Island when they've had to evacuate because of the threat of a hurricane, and people will not leave with their -- without their pets, so it really is a problem. So this Task Force will develop the protocol for that.
LEG. BISHOP:
Move the question.
P.O. TONNA:
All right. All in favor? Opposed? Approved. All right.
MR. BARTON:
17, 1 not present. (Not Present: Leg. Towle)
P.O. TONNA:
All right. Okay. Social -- no. There is a bill that was discharged out of the Budget Committee, Number 1569, which is a Post Adoption Services Bill. Is it in front of us?

MR. SABATINO:
Yeah.
LEG. CRECCA:
No.
LEG. POSTAL:
No.
LEG. CARPENTER:
No.
LEG. GULDI:
It hasn't been circulated.
LEG. BISHOP:
It doesn't need to be.
P.O. TONNA:
Yes, it has been circulated.
LEG. COOPER:
We're handing out the copies right now.
LEG. BISHOP:
Mr. Chairman. Mr. Chairman, it doesn't need to be circulated, because we had a committee meeting. So it's technically just been --

P.O. TONNA:
Right.
LEG. CARPENTER:
Right, it's --
LEG. BISHOP:
-- omitted from the agenda when it should have been on.
LEG. FOLEY:
What was the title? What's the title of the bill?
P.O. TONNA:
The title of the bill is? Legislator Cooper, that's your cue.
LEG. COOPER:
The title of the bill is -- Barbara, what is the exact title?
LEG. GULDI:
$15,000 --
MR. SABATINO:
I have it. It's amending the adopted budget in connection with an RFP committee process for Pilot Post Adoption Services Program.
LEG. GULDI:
Motion to approve.

LEG. BISHOP:
Second.
P.O. TONNA:
No, no. We have a motion and a second. Legislator Cooper's the motion, mine is second. All in favor? Opposed? Approved.
LEG. BISHOP:
Okay, good.
LEG. CRECCA:
Excuse me.
P.O. TONNA:
Yes.
LEG. CRECCA:
Can we just get a copy of the bill before we vote on it?
P.O. TONNA:
You have it in front of you.
LEG. BISHOP:
On Social Services, next --
LEG. CRECCA:
I don't have it. We don't have it in front of us. They're handing it out now.
LEG. BISHOP:
All right. So you can --
P.O. TONNA:
Okay. No. It was handed out. It was handed out awhile ago. It's $15,000 for a pilot program for Post Adoption Services. Okay.
LEG. COOPER:
For the RFP process.
P.O. TONNA:
Right. Okay. 1958.
MR. BARTON:
17, 1 not present. (Not Present: Leg. Towle)

SOCIAL SERVICES

P.O. TONNA:

(1958-Accepting and appropriating 100% Federal funds for the Home Energy Assistance Program in the Department of Social Services). Motion by myself, seconded by Legislator Fisher. All in favor? Opposed? Approved.
MR. BARTON:
17, 1 not present. (Not Present: Leg. Towle)

00322

P.O. TONNA:
1973 (Implementing Safe Haven for Abandoned Babies Policy for Suffolk County). Motion by Legislator D'Andre.
LEG. CRECCA:
Second.
P.O. TONNA:
Seconded by myself.
LEG. FISHER:
Cosponsor.
P.O. TONNA:
Legislator D'Andre, do you have anything to announce or anything to say?
LEG. D'ANDRE:
Well, I have some good --
P.O. TONNA:
He would like to talk. Give him the mike, please.
LEG. D'ANDRE:
I have some good news.
P.O. TONNA:
Absolutely, this is great news.
LEG. D'ANDRE:
And we have received a baby in a safe haven, I can't say where, the first one.
LEG. BISHOP:
Today?
LEG. GULDI:
Here-here.
LEG. D'ANDRE:
Yeah.
P.O. TONNA:
Yes.

(Applause)

LEG. D'ANDRE:
These are the good things that we do. We didn't know where it would take us, but one evening we passed a bill authorizing the State to -- asking the State to pass a safe haven bill and the State complied, much to our surprise, although Jimmy Catterson said he would not prosecute the mothers if they didn't harm the baby. Well, State, lo and behold, came across with a Safe Haven Bill. The only difference is the -- our bill differs from other bills in that you leave the baby to a neighbor or anyplace you think is safe and is permissible. We're creating safe

00323

havens like Huntington Hospital. We plan on having all the hospitals on -- major hospitals on Long Island as safe havens when we're through after we set up Huntington Hospital.
LEG. LEVY:

Second the motion.
P.O. TONNA:
It's already been motion and seconded.
LEG. D'ANDRE:
So, well, just --
P.O. TONNA:
Everyone is a cosponsor I think. We had 18 votes to pass the bill -- no 17.
LEG. CARACAPPA:
He's got something to say.
P.O. TONNA:
Yes.
LEG. D'ANDRE:
Before you say it, I want to thank everybody for all their support and help in this area, because it proved once again that the Legislature does have a heart. Thank you.
P.O. TONNA:
Absolutely.
LEG. CRECCA:
Thank you, Mike, for all your work.
P.O. TONNA:
Thank you, Legislator D'Andre, for your leadership.
MR. BARTON:
17-1.
P.O. TONNA:
All in favor? Opposed? Great.
MR. BARTON:
17, 1 not present. (Not Present: Leg. Towle)
P.O. TONNA:
Okay. 1974 (Authorizing the transfer of funds to Long Island Cares, Inc. To provide additional funding for the Food Commodities Program and authorizing the Commissioner of Social Services and the County Executive to amend the contract). Motion by myself, seconded by Legislator Fisher. All in favor? Opposed? Approved.
MR. BARTON:
17, 1 not present. (Not Present: Leg. Towle)

HEALTH

P.O. TONNA:
Health. 1971 (Modifying composition of County Legislature Rhabdomyosarcoma Task Force)
LEG. FIELDS:
Motion to approve.
P.O. TONNA:
Motion by Legislator Fields.
LEG. FOLEY:
Second.
P.O. TONNA:
Seconded by Legislator Foley. All in favor? Opposed? Approved. Parks.
MR. BARTON:
17, 1 not present. (Not Present: Leg. Towle)

PARKS, LAND ACQUISITION & CULTURAL AFFAIRS

P.O. TONNA:
Parks. 1655 (Authorizing planning steps for implementing Greenways Program in connection with acquisition of active parklands (Town of Huntington). Motion by Legislator Cooper.
LEG. FISHER:
Second.
P.O. TONNA:
Seconded by myself. All in favor? Opposed? Approved.
LEG. COOPER:
Excuse me. Excuse me. I actually withdraw that resolution.
P.O. TONNA:
Okay.
LEG. COOPER:
There's arsenic contamination on the site and it's not appropriate.
P.O. TONNA:
Okay. All right. Okay. 18 --
MR. BARTON:
1655 is withdrawn.
P.O. TONNA:
1831 (Extending soccer field agreement with Mastic Sports Club). I think, if I'm not mistaken, the sponsor wants it tabled.
LEG. CARACCIOLO:
Excuse me.

00325

P.O. TONNA:
I'll make a motion to table.
LEG. CARACCIOLO:
Jonathan, which property is this?
LEG. COOPER:
It was two small parcels in the vicinity of Froehlich Farm that I was considering for Active Parkland.
LEG. CARACCIOLO:
Okay, thanks.
P.O. TONNA:
1831, motion to table, seconded by Legislator Foley. All in favor? Opposed? Tabled.
MR. BARTON:
17, 1 not present. (Not Present: Leg. Towle)
P.O. TONNA:
1850 (Implementing Greenways Program in connection with acquisition of active parklands, property along north side of County Route 48 (Town of Southold). Motion by Legislator Caracciolo, seconded --
LEG. BISHOP:
Mr. Chairman.
P.O. TONNA:
-- by Legislator Fisher.
LEG. GULDI:
Cosponsor.
LEG. BISHOP:
Mr. Chairman, I wasn't in committee that day. Can I get a rough estimate of the size and cost of this parcel?
LEG. CARACCIOLO:
Well, we don't know the cost, but we do know the size, it's over a

hundred acres. It's two --
LEG. GULDI:
37.3.
LEG. BISHOP:
A hundred acres?
LEG. GULDI:
It's 37.3.
MR. SABATINO:
It's 37.3.

LEG. CARACCIOLO:
Oh, I'm sorry.
MR. SABATINO:
37.3.
LEG. CARACCIOLO:
I'm confusing this with another parcel in my district.
LEG. BISHOP:
Oh, you have another one coming at a hundred?
LEG. CARACCIOLO:
No, it's --
LEG. BISHOP:
I look forward to it.
LEG. CARACCIOLO:
It's. 37.3. And what the site would be used for, and we have a Town Board resolution for active recreational use under Greenways, as well as it will become the new site for the Mattituck Strawberry Festival.
LEG. BISHOP:
All right. Mr. Chairman.
LEG. CARACCIOLO:
And they did submit an extensive presentation. The Supervisor attended and did provide members of the committee with copies of their plan and proposal.
LEG. BISHOP:
Mr. Chairman, I don't know if the Committee Chairperson is -- Legislator Fisher?
LEG. FISHER:
Yes.
LEG. BISHOP:
Is it your recollection, and I -- that this plan submitted by the Town of Southold has active recreation in all 37 acres? I mean, I find that hard to believe that that's what the Town of Southold -- you know, when a Greenways purchase --
LEG. CARACCIOLO:
This entire site --
LEG. BISHOP:
-- comes in this large --
LEG. CARACCIOLO:
Well, that's what the program is all about.
LEG. BISHOP:
No, the -- first of all, the program was about satisfying the East End's primary need, which was farmland preservation.

LEG. CARACCIOLO:

You know, you've been saying that all day and all year, and nowhere in that resolution that the voters voted on did it say for western towns only.
LEG. BISHOP:
No, that's very true.
LEG. CARACCIOLO:
Thank you.
LEG. BISHOP:
It doesn't say for western towns only. However, since there ain't no farms on the West End and you're getting a hundred percent of the farmland money, when you start dipping into the active recreation money --
LEG. CARACCIOLO:
You ever hear of Froehlich Farm?
LEG. BISHOP:
-- in an aggressive manner, it raises --
LEG. CARACCIOLO:
Dave, did you ever here of Froehlich Farm --
LEG. CRECCA:
Whoa, whoa, whoa.
LEG. CARACCIOLO:
-- in the Town of Huntington and what we paid for that, Froehlich Farm?
LEG. BISHOP:
Froehlich Farm?
LEG. CARACCIOLO:
How much was that, Paul?
LEG. BISHOP:
I was not around for Froehlich Farm. That was -- that was a generation ago.
LEG. CARACCIOLO:
Fifteen million dollars.
P.O. TONNA:
Listen to me. We're hitting an all-time low. Legislator Bishop has the floor. Legislator Caracciolo --
LEG. BISHOP:
I realize --
P.O. TONNA:
When he's finished with the floor, you can respond.

LEG. BISHOP:
I just want to --
P.O. TONNA:
Okay?
LEG. BISHOP:
Thirty-seven acres, how many of those 37 acres are going to have ball fields on them, the purpose of the program? And you're not going to tell me that the purpose of the program wasn't primarily to create new athletic fields, are you?
LEG. CARACCIOLO:
That's exactly what I'm going to tell you.
LEG. BISHOP:
All right. Well --

LEG. CARACCIOLO:
All right. We'll read it to you. It's right here in the backup.
LEG. BISHOP:
We co-authored order a resolution -- you know what I'm going to do, is I'm going to buy land in Western Suffolk, I'm to call it farmland preservation, because I'm going to plant something. I mean, you're perverting the purpose of the program.
LEG. CARACCIOLO:
Well, let me -- let me answer your question what this sight is going to be used for; okay? The property is going to be used for, as I said earlier, the annual Mattituck Lyons Club Strawberry Festival, which attracts about 18,000 visitors, not from Southold, Dave, from places in Babylon, and Huntington, and points west. It's a three-day event, that's number one. It will be used as a fairground. It will be used for soccer and baseball fields. It will be used for antique and craft fairs. It will be used to construct three baseball fields, soccer fields. Additional soccer fields could be located on the site and used when the fairground is not in use. It will have extensive use. It will be multigenerational and it will meet all the requirements that the voters approve the Active Parklands component of Greenways for.
LEG. BISHOP:
You know, I have to admit a smidgen of ignorance. I don't know what multigenerational means in terms -- what does that mean?
LEG. GULDI:
It means more than one generation.
LEG. BISHOP:
Thank you. Brian used it before and now you're using it. I don't know what it means.
P.O. TONNA:
Well, it depends if you want to say --

LEG. GULDI:
You want me to tell you the Latin for that, too.
LEG. CARPENTER:
From babes to seniors.
LEG. BISHOP:
Oh, I see.
LEG. CARPENTER:
It isn't that serious.
LEG. BISHOP:
All right.
P.O. TONNA:
It depends if they're equipped or also in use.
LEG. BISHOP:
It sounds like a lot of this is going to be a field. Is that --
LEG. CRECCA:
A strawberry field.
LEG. BISHOP:
It's a field with strawberries growing on it and you're calling that active recreation?
LEG. CARACCIOLO:
No, no, no. I don't who's -- who made that comment? If you don't know what you're talking about, you should keep quiet.

LEG. BISHOP:
I'm trying to find out, what is it?
LEG. CARACCIOLO:
What is what?
LEG. BISHOP:
Thirty-seven acres, what --
P.O. TONNA:
What is --
LEG. BISHOP:
When you buy it and the Town develops it, what is it?
P.O. TONNA:
What is --
LEG. CARACCIOLO:
It's a big piece of land.
P.O. TONNA:
What definition of the word is. I mean, come on.

LEG. CARACCIOLO:
That's going to be used for active recreational use by a number of local and North Fork community groups, and then once a year will host a Strawberry Festival for three days, which has been in existence for many years and a portion of the site will be dedicated for parking.
P.O. TONNA:
Okay.
LEG. CARACCIOLO:
So, I mean, that's what it's used for, Dave.
LEG. HALEY:
On the motion.
P.O. TONNA:
All right. Yes.
LEG. CARACCIOLO:
You know, you're not talking about 37 acres in Babylon.
LEG. BISHOP:
Mr. Chairman, I'd like to make a motion to recommit to the Parks Committee.
LEG. CARACCIOLO:
I oppose that.
LEG. BISHOP:
I understand that Legislator Caracciolo is probably going to be upset and I could understand that.
LEG. CARACCIOLO:
You know, Dave --
P.O. TONNA:
Wait.
LEG. CARACCIOLO:
Go ahead, finish.
LEG. BISHOP:
But I have to tell you that -- listen. Mike, you have been a master at this Greenways Program. You got the Riverhead property in which you put, you know, the ampitheater and you tried to do 60 acres, I believe it was, under Active Recreation. You're going to dry up the fund before the rest of the County has a chance to benefit from it. You're like --
LEG. CARACCIOLO:

First of all, to correct the record for the record, we did not do the Riverhead deal yet; okay?
LEG. BISHOP:
But it's authorized, right?

00331

LEG. HALEY:
You changed that.
LEG. CARACCIOLO:
You know, that is not a done deal, that's still being negotiated. It may not happen, it may happen. So, I mean, again, let's make the representations clear.
LEG. BISHOP:
Thirty-seven acres in Southold is going to come in at a big ticket number, I would think, right?
LEG. CARACCIOLO:
Not in Southold. I disagree with you. No, it's not Southampton.
LEG. BISHOP:
How big? How much?
LEG. CARACCIOLO:
I don't know what --
LEG. BISHOP:
Approximately. I don't know, three million, five million?
LEG. CARACCIOLO:
You know, I don't think we should discuss that here. I mean --
LEG. BISHOP:
We do it all the time, just you have to.
P.O. TONNA:
Well, Dave, can I ask you? This was something in committee. You didn't ask -- you were not --
LEG. CARACCIOLO:
He's a member of the committee, and the Supervisor came in an made a presentation.
LEG. BISHOP:
I was preoccupied at the time.
LEG. GULDI:
He was looking for work.
P.O. TONNA:
Legislator --
LEG. CARACCIOLO:
Mr. Chairman, we have a motion and a second.
P.O. TONNA:
Yeah, but there's --
LEG. CARACCIOLO:
I'd like to move the resolution.

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P.O. TONNA:
Legislator Haley has the floor.
LEG. HALEY:
Mike, I have a question for you. Apparently --
P.O. TONNA:
You made a motion to recommit to committee?
LEG. BISHOP:
Yes.

P.O. TONNA:
Is there a second on that?
LEG. LEVY:
I'll second that.
P.O. TONNA:
Okay. Levy's seconding that.
LEG. HALEY:
On the motion.
P.O. TONNA:
Now, on this.
LEG. HALEY:
Mike, your resolution is a resolution just from the Town.
LEG. CARACCIOLO:
Correct, there's no third or other parties involved.
LEG. HALEY:
Okay. But you also made a representation that all of these other community groups are going to be participants.
LEG. CARACCIOLO:
Well, talking about athletic associations and soccer leagues and groups like that. The Town will manage this property.
LEG. HALEY:
I can't --
LEG. CARACCIOLO:
The Town will improve and manage the property.
LEG. HALEY:
Yeah. But why are we supposed to trust your Town when nobody wanted to trust my Town?
LEG. CARACCIOLO:
Marty, you don't want to go there, because I'll reconsider the resolution we already approved.

LEG. HALEY:
Oh, Mike don't be threatening.
LEG. CARACCIOLO:
No, no, no.
LEG. HALEY:
I'm making a point.
LEG. CARACCIOLO:
No.
LEG. HALEY:
No. Mike, I'm making a point.
LEG. CARACCIOLO:
I said from the very beginning --
LEG. HALEY:
It has nothing to do, and I will -- I have the floor.
LEG. CARACCIOLO:
I said to you from the very beginning --
LEG. HALEY:
I have the floor.
P.O. TONNA:
I'm calling right now --
LEG. CARACCIOLO:
-- to be consistent.

P.O. TONNA:
-- a dinner break.
LEG. POSTAL:
No.
LEG. HALEY:
I have the floor.
P.O. TONNA:
No. I'm calling a dinner break until these colleagues learn the decorum of talking nicely and softly to each other.
LEG. HALEY:
I have the floor.
P.O. TONNA:
I will not accept the screaming and yelling that is going on right now. So if --
LEG. HALEY:
I will talk quietly.

P.O. TONNA:
Legislator Haley has the floor. If, when he's done, somebody wants to be recognized, fine. If not, we are having a dinner break.
LEG. HALEY:
Mike, I have every intention of supporting your resolution..
LEG. BISHOP:
Mr. Chairman, can I go back on the list, please?
LEG. HALEY:
Excuse me. I have every intention of supporting your resolution. Please understand the point I'm trying to make.
LEG. CARACCIOLO:
You made it.
LEG. HALEY:
Thank you.
P.O. TONNA:
Legislator Bishop.
LEG. BISHOP:
Colleagues, we have a program, a $60 million program which is supposed to be --
LEG. GULDI:
Dave wants it all.
LEG. BISHOP:
Although it -- when we wrote the referendum, we didn't say that Active Recreation must only exclusively be on the West End, we didn't also say that Farmland Preservation must exclusively be on the East End. But we sold it to the voters as here's something creative which addresses the needs throughout the County. East End, you need farmland preservation, West End, you need new athletic fields. Fine. If the East End has an occasional athletic that we can purchase and help them with, we should do that, I'm not against that. But 37 acres is a very aggressive purchase which is going to use up, deplete the resources of the program greatly. And it would be foolish -- it would be foolish to go down this path.
And the second thing is that the East End, you know, and I understand the pressures they're under, keep trying to bring their open space preservations to us masqueraded as Active Recreation purchases.

Thirty-seven acres, is that going to be developed with recreational uses on it? Probably not.
LEG. CARACCIOLO:
Probably yes. And if you had a copy of the plan --
LEG. BISHOP:
All 37 acres.

00335

LEG. CARACCIOLO:
-- David, and I had mine with me, I'd be happy to share it with you.
LEG. BISHOP:
All right. I'd like to see the plan.
LEG. CARACCIOLO:
But, Mr. Chairman, the issue here is two year ago the voters approved the Greenways Program. To date, we have purchased a half an acre in David's district or in David's town; okay? Counsel is very fond of saying, and he's absolutely correct, that for years we hear the towns complaining, "Give us money, give us resources, and, you know, we'll build it, we'll do it." Well, two years later, so far, only two towns, and they're both on today's agenda, have stepped forward to participate in this program in a meaningful way.
LEG. BISHOP:
In what?
LEG. CARACCIOLO:
The Town of Brookhaven and the Town of Southold.
LEG. BISHOP:
In what, in Active Recreation?
LEG. CARACCIOLO:
Active Recreation.
LEG. BISHOP:
Town of Babylon.
LEG. CARACCIOLO:
I said in a meaningful way. Are you talking about half an acre as meaningful?
LEG. BISHOP:
No, no. There's -- we've approved hundreds of acres here. The problem on the West End fundamentally is that we can't find sellers. We keep going after parcels and we can't find sellers.
LEG. CARACCIOLO:
So should other towns be penalized because those townships can't find sellers? No.
LEG. BISHOP:
No, absolutely, you shouldn't be penalized for that. But, on the other hand, the East End shouldn't take advantage of the positive economy to say, "Aha, let's grab all the active recreation money as well" --
LEG. CARACCIOLO:
They're not, David.
LEG. BISHOP:
-- because we already got all the Farmland money --

00336

LEG. CARACCIOLO:
You have one resolution.
LEG. BISHOP:
-- and we certainly got the bulk of the Open Space money.

LEG. CARACCIOLO:
One resolution.
LEG. BISHOP:
Where were the --
LEG. LEVY:
Let's vote. Let's vote.
LEG. BISHOP:
You got the --
LEG. LEVY:
We know the arguments. Let's vote. You're right. Let's vote.
P.O. TONNA:
All right. Now there's a motion right now to recommit to committee.
Okay.
LEG. GULDI:
Roll call.
P.O. TONNA:
Roll call.
LEG. GULDI:
Motion to recommit.
P.O. TONNA:
Right. Roll call.
MR. BARTON:
All right.
(*Roll Called by Mr. Barton*)
LEG. BISHOP:
Yes.
LEG. LEVY:
Yes.
LEG. COOPER:
Yes.
LEG. BINDER:
Yes.
LEG. POSTAL:
Yes.

LEG. D'ANDRE:
Yes.
LEG. CRECCA:
Pass.
LEG. CARPENTER:
Yes.
LEG. ALDEN:
Pass.
LEG. FIELDS:
Pass.
LEG. FOLEY:
Pass.
LEG. HALEY:
Pass.
LEG. FISHER:
No.
LEG. CARACAPPA:
No.

LEG. TOWLE:
(Not Present)
LEG. GULDI:
No.
LEG. CARACCIOLO:
No.
LEG. TONNA:
Pass.
LEG. CRECCA:
No.
LEG. ALDEN:
No.
LEG. FIELDS:
Yes.
LEG. FOLEY:
No.
LEG. HALEY:
No.

LEG. CARACCIOLO:
Motion to approve.
MR. BARTON:
Legislator Tonna.
LEG. HALEY:
Second.
P.O. TONNA:
No.
LEG. BISHOP:
On the motion. Can I make a motion to table --
MR. BARTON:
Eight. (Not Present: Leg. Towle)
LEG. BISHOP:
-- until the next meeting?
LEG. CARACCIOLO:
For what purpose?
LEG. GULDI:
He can make the motion, it's in order.
LEG. CARACCIOLO:
Make the motion, go ahead.
LEG. LEVY:
Second.
P.O. TONNA:
Okay. There's a motion to table until the next meeting by Legislator Bishop. You know what, I'd like -- since I haven't served on the Greenways for quite sometime, I'd like to find out where our active parkland is.
LEG. LEVY:
All right. Let's do that later.
P.O. TONNA:
So I'll second that.
LEG. CARACCIOLO:
On the statement you just made, what do you need to know that we can't tell you?

P.O. TONNA:
I need to know -- I would like to find out where our -- where the Active Parkland purchases are going. Are there --
LEG. CARACCIOLO:
I can tell you where they're going.

00339

P.O. TONNA:
I know, you had three. But we've approved --
LEG. CARACCIOLO:
Two -- three.
LEG. BISHOP:
Where the authorizations are.
P.O. TONNA:
We must -- I know that this Legislature has approved a number of them. I just haven't been in the Parks Committee, where, you know, on the Greenways Committee, I was completely aware of what was going on.
LEG. CARACCIOLO:
There have been three approved.
P.O. TONNA:
Right.
LEG. CARACCIOLO:
One in the Town of Babylon, one in the Town of Huntington, one earlier today in the Town of Brookhaven. Those are three West End towns the last time I checked, David.
P.O. TONNA:
We've passed -- we've passed more Active Parkland resolutions.
LEG. CARACCIOLO:
Counsel?
LEG. LEVY:
I'm sure we have.
LEG. CARACCIOLO:
Let's find out from Counsel. Get a status right now.
LEG. BISHOP:
We've passed dozens.
MR. SABATINO:
The only ones I remember, I'm doing this purely from memory, is Lindenhurst, Amityville, whatever it was was the first one. That was a small one. Huntington earlier this year was the first substantial one.
LEG. BISHOP:
North Amityville, 40 acres. Not 40, 20 acres.
P.O. TONNA:
Huntington.
MR. SABATINO:
Huntington was the first substantial one in terms of acreage, then --
LEG. CARACCIOLO:
Who's district, Paul?

00340

MR. SABATINO:
That would be Legislator Cooper's. It was up in the north -- it was the Veteran's -- the Veteran's Hospital.
LEG. BINDER:
How many acres was that. How many acres was that portion?
LEG. CARACCIOLO:

How is that coming along?
MR. SABATINO:
Twenty --
LEG. BINDER:
Of that portion?
MR. SABATINO:
I think 20 acres.
LEG. CARACCIOLO:
Is there a joint use agreement in effect?
MR. SABATINO:
It was because it was a break-out. It was like a portion, so it was like 20 acres. And then The Wedge, which is like 17 acres, and then this is the next one in the cycle, so this --
LEG. BISHOP:
Counsel.
MR. SABATINO:
Three that I recall.
LEG. BISHOP:
Babylon, on their resolution, we had five different parcels that we're seeking. Then, subsequently, one that you didn't name is in Legislator Postal's district, 20 acres.
LEG. POSTAL:
Yeah.
LEG. LEVY:
All right. Vote.
LEG. BISHOP:
A new cemetery. I mean, there have been many Greenway authorizations. There certainly have been many more planning steps. As you know, we've done numerous planning steps resolutions out of there. I think that it is a reasonable request to get a handle on program and --
LEG. LEVY:
All right, vote. Vote.
LEG. BISHOP:
-- I made the motion to do that. Yeah, let's do it.

P.O. TONNA:
Okay. Let's --
LEG. LEVY:
Call the question.
P.O. TONNA:
Let's call the question.
LEG. HALEY:
On approval, I am a second on the approval.
P.O. TONNA:
Okay, yeah.
LEG. LEVY:
This is to table.
P.O. TONNA:
This is the motion to table. Go ahead, roll call.
LEG. CARACCIOLO:
I would urge my colleagues to vote against the tabling motion.
MR. BARTON:
All right.

(*Roll Called by Mr. Barton*)
LEG. BISHOP:
Yes.
P.O. TONNA:
Yes.
LEG. COOPER:
Yes.
LEG. BINDER:
Pass.
LEG. POSTAL:
Yes.
LEG. D'ANDRE:
Yes.
LEG. CRECCA:
Is this on the motion to table?
MR. BARTON:
To table.
LEG. CRECCA:
Yes.

LEG. CARPENTER:
Yes.
LEG. ALDEN:
Pass.
LEG. FIELDS:
Yes.
LEG. FOLEY:
Yes.
LEG. HALEY:
No.
LEG. CARACAPPA:
No.
LEG. GULDI:
No.
LEG. CARACCIOLO:
No.
LEG. LEVY:
Yes.
LEG. BINDER:
No.
LEG. ALDEN:
No.
MR. BARTON:
Ten. It's tabled. (Not Present: Leg. Towle)
P.O. TONNA:
I'm going to vote for this if -- once I find out all the information, so -- okay. We're going to make a motion, 1931, Legislator Caracciolo.
LEG. CARACAPPA:
No, 1853.
LEG. LEVY:
We did The Wedge ones. We did it, that's the Wedge.
LEG. CARACAPPA:
It was tabled.

P.O. TONNA:
I got -- trust me, I'm with this. 1931 (Authorizing use of George Broome Activity Building at Cathedral Pines County Park by Longwood Alliance).

00343

LEG. GULDI:
Where's 1931?
P.O. TONNA:
Legislator Caracciolo, do you want to make a motion?
LEG. CARACCIOLO:
Yes, motion to approve.
LEG. FOLEY:
Second the motion.
P.O. TONNA:
Okay. All in favor? Opposed?
LEG. BISHOP:
Where are we?
LEG. COOPER:
1931.
LEG. POSTAL:
On Page 10.
P.O. TONNA:
1931.
LEG. POSTAL:
1931.
P.O. TONNA:
Motion and approval. All in favor? Opposed? Approved.
MR. BARTON:
17, 1 not present. (Not Present: Leg. Towle)
P.O. TONNA:
1975 (Authorizing the transfer of certain properties to Suffolk County Department of Parks, Recreation and Conservation). Motion?
LEG. FOLEY:
Motion.
P.O. TONNA:
By Legislator Foley, seconded by myself. All in favor? Opposed? Approved.
MR. BARTON:
17, 1 not present. (Not Present: Leg. Towle)

PUBLIC WORKS AND TRANSPORTATION

P.O. TONNA:
Okay. Public Works. Number 1948 (Calling a Public Hearing upon a proposal to form Suffolk County Sewer District No. 24 - Yaphank in the Town of Brookhaven). Motion?

00344

LEG. FOLEY:
Table.
P.O. TONNA:
By Legislator --
LEG. LEVY:
Second.
P.O. TONNA:
Okay, Foley, table, seconded by Levy. All in favor? Opposed? Tabled.

MR. BARTON:
17, 1 not present. (Not Present: Leg. Towle)
P.O. TONNA:
1950 (Appropriating funds in connection with the reconstruction of C.R. 16, Portion Road at C.R. 93, Rosevale Avenue, Gibbs Pong Road, Phase VI (CP 5118). Roll call. I'll make a motion to approve.
LEG. FOLEY:
Motion.
P.O. TONNA:
Seconded by Legislator Foley. Okay?
MR. BARTON:
Okay.
(*Roll Called by Mr. Barton*)
P.O. TONNA:
Yeah.
LEG. FOLEY:
Yes.
LEG. COOPER:
Yes.
LEG. BINDER:
Yes.
LEG. POSTAL:
Yes.
LEG. BISHOP:
Yes.
LEG. D'ANDRE:
Yes.
LEG. CRECCA:
Yes.

LEG. CARPENTER:
Yes.
LEG. ALDEN:
Yes.
LEG. FIELDS:
Yes.
LEG. HALEY:
Yes.
LEG. FISHER:
Yes.
LEG. CARACAPPA:
Yep.
LEG. TOWLE:
(Not Present)
LEG. GULDI:
Yes.
LEG. CARACCIOLO:
Yes.
LEG. LEVY:
Yes.
MR. BARTON:
17, 1 not present. (Not Present: Leg. Towle)
P.O. TONNA:

Okay. Same motion, same second, same vote. 1951 (Authorizing the purchase of installation of Bus Shelters for a cost not to exceed $180,000 and accepting and appropriating Federal Aid (80%), State Aid (10%), and County funds (10%) (CP 5651).
LEG. FOLEY:
Motion.
P.O. TONNA:
Motion by Legislator Foley, seconded by myself. Roll call.
LEG. LEVY:
You need no roll call.
LEG. BINDER:
Wait. Mr. Chairman, on 1951.
LEG. LEVY:
Yes, we do, sorry.
P.O. TONNA:
Yeah.

LEG. BINDER:
What I wanted to know, in the backup, is there -- where the bus shelters, are there any in Huntington? Because my concern with HART, often there is not -- it's not done. And we do run Suffolk County buses up there and Suffolk -- and Huntington has taken upon itself a large expense in providing bus service and then they don't get shelters and things.
LEG. FOLEY:
Well, just to that point, I know for a fact that the Transportation Division has reached out to the HART System to try to work cooperatively in those limited areas of Huntington where there is, let's say, interaction between Suffolk County buses and the HART buses. So I know that they've tried to work out arrangements, Allan, to have these shelters placed in those areas of Huntington where they've been asked to do so. Does this particular resolution have any within Huntington? I can't answer that tonight, but I do know for a fact that a series of meetings that I've attended, I've seen, let's say, a growing cooperation between the Huntington HART folks and also the County Department.
LEG. BINDER:
I'd like to make a motion to table for now, so I can get more information and know what -- how Huntington's affected.
LEG. FOLEY:
Well, I --
LEG. LEVY:
Second.
LEG. BINDER:
And maybe at the next meeting, we could pass this.
LEG. LEVY:
Second.
LEG. FOLEY:
I'd like to move ahead with that now, because, you know, it's been in the hopper for quite sometime, and I know that the Department has tried to work with Huntington. I know --
LEG. BINDER:
And I appreciate that. But I think, by the next meeting, we can

actually have the answers that we don't have tonight, and I think Huntington deserves those answers, so --
LEG. FOLEY:
Well, they haven't brought it up at different Transportation meetings that I've attended where they've also been attendance. They haven't --
LEG. BINDER:
Yeah, but I just brought it up.

P.O. TONNA:
All right.
LEG. BINDER:
See, I represent Huntington.
LEG. FOLEY:
Yeah, but the Huntington HART people haven't --
LEG. BINDER:
But I have and I want more information before --
LEG. FOLEY:
All right. One meeting, sure.
LEG. BINDER:
Before we pass it.
P.O. TONNA:
Motion to table, seconded by Legislator Levy. All in favor? Opposed? Tabled.
MR. BARTON:
17, 1 not present.
P.O. TONNA:
1959.
LEG. FISHER:
Opposed.
LEG. FOLEY:
I'll oppose.
P.O. TONNA:
Okay. Opposed by Legislator Caracappa, Fisher and Foley. Okay.
MR. BARTON:
14-3,1 not present. (Not Present: Leg. Towle)
P.O. TONNA:
1959 (Accepting a 75% grant award from the New York State Emergency Management Office (SEMO), authorizing the County Executive to enter into grant related agreements in connection with improvements to Sewage Treatment Facilities in Suffolk County Sewer District No. 3 - Southwest (CP #8170). Motion by my myself, seconded by Legislator Foley. All in favor? Opposed? Approved.
MR. BARTON:
17, 1 not present. (Not Present: Leg. Towle)

CONSUMER PROTECTION AND GOVERNMENT OPERATIONS

P.O. TONNA:
Consumer Protection. 1522 (Adopting Local Law No. -2000, a Local Law to increase fines for violations of Suffolk County Occupational

Licensing Laws). Motion by Legislator Levy.
LEG. POSTAL:
That was withdrawn, right?
LEG. BISHOP:

Withdrawn.
LEG. POSTAL:
That was withdrawn.
P.O. TONNA:
Withdrawn.
LEG. LEVY:
No.
LEG. POSTAL:
No?
LEG. LEVY:
No, it's not.
P.O. TONNA:
1522.
LEG. POSTAL:
Oh. Oh, that's different.
P.O. TONNA:
Motion by Legislator Levy.
LEG. POSTAL:
Okay.
P.O. TONNA:
Seconded by --
LEG. CARACAPPA:
Explanation.
P.O. TONNA:
-- Legislator Alden. All in favor? Opposed?
LEG. CARPENTER:
Explanation.
LEG. LEVY:
Explanation. This increases the fines --
P.O. TONNA:
All right, explanation.
LEG. LEVY:
-- that Consumers Affairs can levy on the unscrupulous contractors from 500 to $750.

LEG. CARPENTER:
What?
LEG. LEVY:
Five hundred to $750.
LEG. FISHER:
Second.
LEG. CARACAPPA:
Mr. Chairman.
P.O. TONNA:
Yes, on the motion.
LEG. CARACAPPA:
No. Right after the vote.
P.O. TONNA:
All in favor? Opposed? Approved.
MR. BARTON:
17, 1 not present. (Not Present: Leg. Towle)
P.O. TONNA:
Okay. I have one. There's a discharge by Legislator Bishop, Postal

and D'Andre on Resolution Number 1972.
LEG. POSTAL:
No, we're not doing it.
LEG. BISHOP:
We're not doing that, Mr. Chairman.
P.O. TONNA:
Okay. So it's discharged, but it lays on the agenda, I guess, right?
LEG. POSTAL:
It's just on the agenda to table to the next -- I'll make a motion to table.
LEG. BISHOP:
Motion to table by myself, second by Legislator Postal.
LEG. POSTAL:
Right.
P.O. TONNA:
All right. All in favor? Opposed?
LEG. LEVY:
Hold on.
P.O. TONNA:
Tabled.

00350

LEG. LEVY:
Hold on. Which bill is this?
P.O. TONNA:
This is the --
MS. BURKHARDT:
This is 1972.
LEG. LEVY:
What is that?
LEG. BINDER:
It doesn't matter, it's theirs.
LEG. BISHOP:
1972.
LEG. BINDER:
It's their bill, leave it alone.
MS. BURKHARDT:
It was discharged earlier.
LEG. POSTAL:
It was -- it was a bill that appropriated money from the omnibus.
LEG. LEVY:
You want to table it? All right.
LEG. POSTAL:
And we want to table it to the next meeting.
LEG. LEVY:
Okay.
P.O. TONNA:
We have a CN, right?
MR. BARTON:
17, 1 not present. It's tabled. (Not Present: Leg. Towle)
P.O. TONNA:
Are you guys ready for that?
LEG. BISHOP:
Actually, Mr. Chairman, on that tabling motion, we'd like to table it

to the next meeting of the Legislature.
P.O. TONNA:
Great.
LEG. BISHOP:
Not the next general meeting.

00351

MR. BURKHARDT:
November 6th.
LEG. BISHOP:
November 6th, yes.
MR. BARTON:
November 6th, the budget meeting. Okay.
P.O. TONNA:
Okay, CN.
MR. BARTON:
17-1, it's tabled. (Not Present: Leg. Towle)
P.O. TONNA:
Talked to me.
LEG. CARPENTER:
What CN is this?
P.O. TONNA:
We have one CN.
LEG. ALDEN:
2038 (Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act, Evetta Thomas).
MS. ROSENBERG:
The Cameron Alden, and Cameron will explain.
LEG. GULDI:
Motion.
LEG. CARACAPPA:
Second.
MS. ROSENBERG:
Cameron, do you want to explain it?
P.O. TONNA:
Okay.
LEG. GULDI:
CN.
P.O. TONNA:
CN? There's a motion.
LEG. GULDI:
2038.
P.O. TONNA:
2038. Motion --

00352

LEG. GULDI:
Local Law 16.
LEG. ALDEN:
That's to approve, right?
P.O. TONNA:
2038, yes. Motion, seconded by --
LEG. BINDER:
Second. Second.

P.O. TONNA:
-- myself. All in favor? Opposed? Approved.
LEG. BINDER:
Good.
P.O. TONNA:
Fine, that's done.
LEG. CARACAPPA:
Mr. Chairman.
P.O. TONNA:
Okay. Late-starters, please.
MR. BARTON:
17, 1 not present. (Not Present: Leg. Towle) the CN's approved.
LEG. CARACAPPA:
Late-starters before senses.
MS. BURKHARDT:
Yeah.
P.O. TONNA:
Yeah.
MS. BURKHARDT:
Then we can do the senses.
P.O. TONNA:
And then we do the senselesses. Okay I'm going to lay on the table 2031 and assign it to Parks; 2032, assigned to Parks; 2033, assigned to Parks; 2034, assigned to Parks; 2035, assigned to Parks; 2037, assigned --
LEG. FOLEY:
2034 -- 2034 should not be assigned to Parks, because this is a roadway improvement.
MR. SABATINO:
No, it's not, it's a --

LEG. FOLEY:
It's not?
MR. SABATINO:
It's a parkland transfer.
LEG. FOLEY:
It is. Okay, I stand corrected.
P.O. TONNA:
Okay.
LEG. LEVY:
2035 is to be Ways and Means, 72-h.
MR. SABATINO:
No. That 72-h is for parkland purposes. The land is being transferred --
LEG. LEVY:
So what?
MR. SABATINO:
-- for parkland purposes.
LEG. LEVY:
So since when does that not go to Ways and Means? It goes to all --
MR. SABATINO:
This is the first 72-h we've had --
LEG. LEVY:

All right.
MR. SABATINO:
-- in several years that's gone to --
LEG. LEVY:
I don't care, whatever.
P.O. TONNA:
Okay. Now, everyone -- okay.
LEG. CARACCIOLO:
David, now your objective becomes very clear with the introduction of all these resolutions.
LEG. D'ANDRE:
Tonna.
P.O. TONNA:
What?
LEG. CARACCIOLO:
So transparent.

LEG. BISHOP:
The objective --
P.O. TONNA:
What is. Whose?
LEG. BISHOP:
The objective is to get the parks in Western Suffolk, yes.
P.O. TONNA:
What are you talking about?
LEG. LEVY:
Keep going.
LEG. CARACCIOLO:
Talking about his resolutions.
P.O. TONNA:
2036.
LEG. BISHOP:
I'll see you in Parks, Caracciolo.
P.O. TONNA:
Assigned to Parks.
P.O. TONNA:
2037, assigned to Parks; 2039, assigned to Finance. Okay. Wait a second.
MS. MARTIN:
Where is 38?
P.O. TONNA:
I don't know. Where is 38?
MS. BURKHARDT:
There was no -- that was a CN.
LEG. CARPENTER:
That was a CN.
MS. BURKHARDT:
That number was a CN.
LEG. CRECCA:
2038 was a CN.
P.O. TONNA:
2040, assigned to Finance; 2041, assigned to -- to lay on the table. Where are we assigning this?

MS. BURKHARDT:
Finance.

P.O. TONNA:
Finance. 2042, assigned to Energy and Environment.
MS. BURKHARDT:
Energy and Environment.
P.O. TONNA:
And 2043 -- I'm sorry.
MS. BURKHARDT:
Sense.
P.O. TONNA:
Sense Resolution 138, assigned to Finance.
LEG. BINDER:
Mr. Chairman, you did 2039?
MS. JULIUS:
Yes.
P.O. TONNA:
Assigned to Finance.
LEG. BINDER:
Before we take a vote on --
P.O. TONNA:
We're not voting on it, we're laying it on the table.
MS. BURKHARDT:
Motion to lay it on the table.
LEG. BINDER:
You have to vote to lay them on the table. You announced them all, but we have to vote to do that.
P.O. TONNA:
Oh, okay.
LEG. BINDER:
Before we do, I'd like an explanation of 2039 is.
LEG. LEVY:
No, no. Do it in committee.
LEG. HALEY:
To lay it on the table.
P.O. TONNA:
Well, I make a --
LEG. LEVY:
To lay it on the table.

P.O. TONNA:
I made a motion --
LEG. BINDER:
I might have a problem with laying this on the table right now. I want to know what 2039 is specifically.
P.O. TONNA:
I'm making -- guys. Just wait, everybody, please. First of all, there's a motion by myself, seconded by Legislator Fields. Now, on the motion.
LEG. BINDER:
On the motion. I would like to know what 2039 is. This looks like something we have never had since I'm here in the Legislature in 11

years, and if it -- and I could be mistaken, so maybe Counsel can explain.
MR. SABATINO:
The County Executive --
LEG. FOLEY:
Order, please, Mr. Chairman.
MR. SABATINO:
The County Executive by law is required to submit a resolution to adopt his or her budget each year. And, in fact, this resolution has been filed I think seven out of the last nine years. I know it's been filed the last --
LEG. BINDER:
Okay.
MR. SABATINO:
Several in a row, but it's generally not -- well, it's -- it has not been adopted in --
MR. BARTON:
It's never been adopted.
LEG. BINDER:
We've never even taken it up.
MR. SABATINO:
Well, it's been, you know, tabled subject to call in committee or defeated.
LEG. BINDER:
Okay.
MR. SABATINO:
But it's never been adopted.
LEG. BINDER:
Thank you. That's all I wanted.

LEG. BISHOP:
Mr. Chairman.
LEG. CRECCA:
Henry.
LEG. BISHOP:
Mr. Chairman, I'd like to make a motion to --
LEG. CRECCA:
Henry.
LEG. GULDI:
Call the vote on this.
LEG. BISHOP:
Lay on the table, waive the rules and approve.
LEG. CRECCA:
Sense 95, cosponsor.
P.O. TONNA:
All in favor?
LEG. CRECCA:
I just figured I'd get it out now.
P.O. TONNA:
Opposed? (Vote: 17, 1 not present-Leg. Towle)
LEG. LEVY:
What are you talking about?
LEG. CARPENTER:

What? What?
P.O. TONNA:
To lay it on the table.
LEG. LEVY:
What? What is this? What?
LEG. CARPENTER:
What are you laying on the table?
P.O. TONNA:
First we have to lay this stuff --
LEG. BINDER:
Let him lay it on the table.
LEG. LEVY:
What, all the bills?
P.O. TONNA:
I would ask Legislators to sit down. Okay?

LEG. LEVY:
He'll order a dinner break.
P.O. TONNA:
And just wait and let us finish this process. We still have ten minutes left. All right? Please.
LEG. BISHOP:
Then what happens?
P.O. TONNA:
Go ahead. Legislator Bishop, you have the floor.
LEG. BISHOP:
All those measures were just laid on the table, is that the vote we just took?
P.O. TONNA:
Yes, that's all that was done.
LEG. BISHOP:
Okay.
LEG. LEVY:
All right.
LEG. BISHOP:
Sense Resolution Number 135, which was distributed earlier today, I would make a motion to lay on the -- waive the rules, lay on the table and approve the Sense Resolution, Number 135.
LEG. GULDI:
What's the caption?
LEG. BISHOP:
Resolution requesting State of --
P.O. TONNA:
Memorializing resolution requesting the State of New York to sunset mandatory arbitration provision in connection with the County collective bargaining.
LEG. GULDI:
They're not in session.
LEG. LEVY:
They're coming back for us. Lack is going to do it
LEG. BISHOP:
They're come back and it was Senator --
LEG. CARPENTER:

Senator Lack.

LEG. BISHOP:
Senator Lack, apparently, has been informing his constituents and creating an expectation that the State Legislature is looking for guidance on this issue from the County.
LEG. GULDI:
Second.
LEG. CARPENTER:
Yeah, I think he's waiting for it.
P.O. TONNA:
Okay. All in favor? Opposed?
LEG. FISHER:
Opposed.
P.O. TONNA:
Approved.
LEG. GULDI:
Cosponsor.
LEG. CRECCA:
Cosponsor, Henry.
P.O. TONNA:
Wait, wait. Let's get this right. There is opposed is Legislator Fisher. Okay?
LEG. CARACAPPA:
Mr. Chairman.
P.O. TONNA:
Cosponsor?
LEG. COOPER:
Cosponsor.
P.O. TONNA:
Okay. Cosponsor, Legislator Cooper, Legislator Crecca.
LEG. LEVY:
Myself.
P.O. TONNA:
Legislator Levy. Okay.
LEG. CARACAPPA:
Mr. Chairman
MR. BARTON:
Okay. And I have Fisher as a no, Guldi as an abstention.
LEG. GULDI:
Yes.

P.O. TONNA:
All right.
MR. BARTON:
And Towle Towle's not here, so it's 15. (Not Present: Leg. Towle)
P.O. TONNA:
Okay, great. Legislator Caracappa, you have something?
LEG. CARACAPPA:
Thank you. I'd like to lay -- waive the rules, lay on the table and approve Sense Number 131, Mr. Chairman.
P.O. TONNA:
Right. I second that. That's --

LEG. CARACAPPA:
Sense of the Legislature resolution condemning anti-immigrant violence.
P.O. TONNA:
Okay.
LEG. GULDI:
Cosponsor, Henry.
P.O. TONNA:
All right. All in favor?
LEG. FISHER:
Cosponsor.
LEG. FOLEY:
Cosponsor.
P.O. TONNA:
Opposed.
LEG. COOPER:
Cosponsor.
LEG. FOLEY:
Everybody.
P.O. TONNA:
Okay. Everyone cosponsors that? Thank you.
LEG. CARPENTER:
No.
P.O. TONNA:
No? Who doesn't cosponsor that? Legislator Carpenter, you don't?
LEG. CARPENTER:
I'm approving.

P.O. TONNA:
Wait. I heard a no, but I wasn't sure who.
LEG. CRECCA:
Carpenter.
P.O. TONNA:
I can't see her. Angie, do you want to cosponsor this or no?
LEG. CARPENTER:
No.
P.O. TONNA:
Okay, no.
LEG. CARACAPPA:
Yeah, you do, Angie.
LEG. CARPENTER:
Okay, I do.
P.O. TONNA:
All right. Thank you.
MR. BARTON:
17, 1 not present. (Not Present: Leg. Towle)
P.O. TONNA:
Okay. Now the senseless resolutions. Here we go.
MR. BARTON:
Mr. Chairman, before you do that, it's been pointed out to me that two of the resolutions that you laid on the table are local laws. Can we set the public hearing for the next meeting?
P.O. TONNA:
Sure, why don't you do that, Henry.

MS. BURKHARDT:
November 21st, 2:30.
P.O. TONNA:
There we go, Henry.
MR. BARTON:
2:30, setting the public hearing. All in favor? Opposed? 17-1. (Not Present: Leg. Towle)
P.O. TONNA:
All in favor? Opposed? Great.
MR. BARTON:
Okay, public hearing is set.
P.O. TONNA:
Sense Number 86 (Sense of the Legislature resolution in connection with

"Violence Prevention Week").
LEG. HALEY:
Motion.
LEG. FOLEY:
Second.
P.O. TONNA:
Motion by Legislator Haley, seconded by Legislator Foley. All in favor? Opposed? Approved.
MR. BARTON:
17, 1 not present. (Not Present: Leg. Towle)
P.O. TONNA:
Sense 95 (Memorializing resolution requesting State of New York to restrict cell phone use in cars). Motion by Legislator Cooper.
LEG. CRECCA:
Second.
P.O. TONNA:
Seconded by Legislator --
LEG. CARPENTER:
Cosponsor.
LEG. CRECCA:
Second. I already am --
P.O. TONNA:
Crecca. All in favor? Opposed? Approved.
LEG. HALEY:
Opposed.
P.O. TONNA:
Sense 102, motion by --
LEG. BINDER:
Cosponsor 95.
MR. BARTON:
16, 1 in opposition, 1 not present. (Not Present: Leg. Towle)
LEG. BINDER:
Cosponsor, 95.
P.O. TONNA:
Sense Resolution 102 (Memorializing resolution requesting the Suffolk County Police Department to accommodate pregnant women in the department workforce). Motion by -- motion.
LEG. BISHOP:
I'll make a motion.

P.O. TONNA:
All right.
LEG. LEVY:
Motion to table. He's not here.
P.O. TONNA:
Motion to table, second by myself. All in favor? Opposed? Tabled.
Sense 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:
I'd like to withdraw.
P.O. TONNA:
Withdraw, great. 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). Motion by --
LEG. COOPER:
Withdraw.
P.O. TONNA:
Withdraw, great. 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. CRECCA:
Withdrawn.
LEG. COOPER:
Withdraw.
P.O. TONNA:
Withdraw, great. All right. I make a motion to adjourn.
LEG. BISHOP:
Second.
P.O. TONNA:
Seconded by Legislator Foley. We're out of here.

[THE MEETING WAS ADJOURNED AT 9:15 P.M.]

{} Indicates spelled phonetically.