

SUFFOLK COUNTY LEGISLATURE

GENERAL MEETING

SIXTEENTH DAY

NOVEMBER 21, 2000

Taken by: Lucia Braaten  
Riverhead, New York

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

P.O. TONNA:

Okay. Henry, roll call. I'd just ask, all Legislators, please come to the horseshoe for a roll call. Okay, Henry.

MR. BARTON:

Good morning, Mr. Chairman.

P.O. TONNA:

Good morning, Mr. Clerk of the -- Clerk of the Legislature.

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

MR. BARTON:

Ten present in the room. (Not Present: Legislator Towle, Legislator Fisher, Legislator Haley, Legislator Foley, Legislator Fields, Legislator Bishop, Legislator Binder, Leg. Cooper)

P.O. TONNA:

Okay. I would ask that -- the salute to the flag led by Legislator Carpenter.

(Salutation)

Thank you very much. I now would like to recognize Legislator Joe Caracappa for the introduction of the Clergy.

LEG. CARACAPPA:

Thank you, Mr. Chairman. It's good to be home.

P.O. TONNA:

Yes.

LEG. CARACAPPA:

And before I introduce today's Clergy, I'm sure I speak for all of us when I say thank you to all those who participated in the rebuilding of this fine institution, and those Legislators who participated in that, especially Legislator Foley, Chairman of Public Works Committee. I know you played an integral part of every detail coming back into this building and we all appreciate it.

It's with pride and pleasure that I introduce Reverend Bill Causey, William Causey from the Grace Presbyterian Church in Selden this morning to give the first official invocation as we enter back into this wonderful building. Grace Presbyterian Church has been in existence for 34 years now. It was originally formed from two smaller congregations in the Selden community and the Centereach community and those were the community churches. Reverend William Causey has been the pastor for the last 20 years. Grace Presbyterian, they offer a whole host of services besides religious services; child care services for the entire community, adult day-care services for the entire community, and eventually will be working with Community Health Services in conjunction with Stony Brook University Hospital.

In the past, Reverend Causey, too, and I have to tell this story,

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because I heard it, they also ventured into a youth program many years ago. And there's a story where he sent two young youth counselors out to round up some kids to participate in this youth program, and two young youth counselors went out by the name of Aaron and {Jonell} If I remember them.

REVEREND CAUSEY:

Yes.

LEG. CARACAPPA:

Yeah. And there's some ball fields associated with the Church in

Selden, and there were some ragtag kids playing ball on those fields when they shouldn't have been, because they needed permission, and they were there quite often. And these two youth counselors went up to those kids in a fashion that was -- they were a little scared, because here are these kids, a little dirty, a little ragtag, with baseball bats in their hands, and they were approached by these two counselors and they were asked to participate in that youth program, and those kids did participate in that youth program at the church. And the things that were taught at that youth program are with those kids, and I know firsthand, because I was one of those kids that were approached on the ball field. And it's a nice feeling to today to work with Reverend Causey in the many capacities that he helps the community. So without any further ado, I present Reverend William Causey.

REVEREND CAUSEY:

Thank you very much, Legislator Caracappa. I want to thank you for the privilege of being here at all, let alone being the first one to lead in prayer in your new facilities. I share in your joy with those.

I have some points of identification with you. I, too, am elected by a constituency, vastly smaller, and can be unelected by them, and am called to lead them in affirming values that they already hold, but also to lead them beyond those values, where, on the one hand, to take care of our own, but we're also called to reach out to those of God's children beyond just our own number. And I'm called to lead the congregation beyond the inevitable fear and suspicion and even hatreds that the human race is subject to, to discover the strength that comes from relating to all human beings with love and care and respect. And that I understand is your job. And I find that every morning, I need to open myself to God's leading in order to be strengthened in that difficult task. I hope the prayer I have to offer will help you in yours today. Let us pray.

God of Abraham and Isaac, of Elijah and Jesus Christ, we thank you for this new day in a beautiful new setting. Today we want to be useful and to make this County, our home, an even better place. By your spirit, working in and among us, keep us open. Keep us caring. Deliver us from staying on the surface, help us remember what we are here for. In this moment of openness to you, we rededicate ourselves to service above self, to treasuring this beautiful Island you have given us, and to preparing the way, so our children may have a better, cleaner, more fulfilling life than we have. Loving God, you are light and life, spirit and truth. We trust you and we offer our service to you. Give us power to do your will today, we pray. Amen.

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LEG. CARACAPPA:

Thank you, Mr. Chairman.

P.O. TONNA:

Thank you very much, Legislator Caracappa, and Reverend Causey. Okay. At this moment, I would, first of all, just like to make a special recognition. We have with us the Presiding Officer of the Legislature, who actually began this renovation project over two years ago, Legislator Joe Rizzo.

(Applause)

Joe, do you want to say a few words? By the way, it's nice to see the thin version of Joe Rizzo.

LEG. RIZZO:

Very few. Everyone asks me do I miss this. I don't miss it a bit. There's only one thing I do miss, though. When I leave here, I have to go and gas up, but now I have to pay. Thanks very much. The place is beautiful.

P.O. TONNA:

Thank you, Joe. And I hope we see you at the rededication on the 5th.

LEG. RIZZO:

I'll be here.

P.O. TONNA:

Thank you.

(Applause)

We have a number of proclamations, and I think I'll begin. I'd like to call up Barbara Keller, Matt Cassidy, Karen Kirschbaum, and Dr. William Caracci.

The Suffolk County Coalition to Prevent Alcohol and Drug Dependencies has a unique program called Compass. The program brings together kids, their schools, community leaders, local businesses, and their parents to strengthen and reduce substance abuse among children and young adults. The Compass Program has recently just received \$100,000 FY2000 Drug Free Communities Support Grant I think from the federal government; am I correct?

MS. KELLER:

Yes.

P.O. TONNA:

The Compass Program has been in effect in Bay Shore for the past five years successfully, and now with this money, the Suffolk Coalition of PADD will be able to branch out into more communities with Compass. I just wanted to congratulate your organization and all the work and the hard work that you do, and here's a proclamation. And if you want to say some words, please. Okay?

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(Applause)

MS. KELLER:

I'm Barbara Keller, the Executive Director of the Suffolk Coalition, and I want to thank Presiding Officer Tonna and all the Legislators for recognizing our county-wide prevention initiative, and pledge to you that we will continue to serve the County, ensuring that alcohol and substance abuse is really a thing of the past in the next millennium, as we move into the next millennium. Thank you very much.

P.O. TONNA:

Thank you. Anybody else?

MS. KELLER:

I also want to recognize Maryann Pfeifer.

P.O. TONNA:

Hi, Maryann.

MS. KELLER:

Who is also a partner in this. The important part of this project is that it is a partnership between all these leading agencies on Suffolk County to come together to prevent alcohol and substance abuse. And with the research that we're finding out, we know we're headed in the right direction. Anyone else?

P.O. TONNA:

Anybody else want to say anything? Sure.

DR. CARACCI:

I'm Dr. Caracci. I'm the former Chief of Cardiology at Good Samaritan Hospital, and I'm the Chairman of the Bay Shore Wellness Alliance, and now a neophyte member of the Suffolk Coalition, which, of course, as you see, is the prevention of alcohol and drug dependency, a primary prevention program, which I believe is a great asset to this community, and should always be considered very strongly when you're, in fact, talking about legislation in the areas of prevention. I personally feel that this is the forefront for health care in this country, not doing things after the fact, but beginning to initiate the types of preventative programs which will, in fact, afford us safety from the diseases that sort of afflict us now. Thank you.

P.O. TONNA:

Thank you very much. Steve, could you -- can you start with the cards?

MS. BURKHARDT:

No. Paul, excuse me. There's another proclamation.

P.O. TONNA:

Okay.

MS. BURKHARDT:

Legislator Carpenter.

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P.O. TONNA:

Okay. Legislator Carpenter, sorry.

D.P.O. LEVY:

Go ahead, Paul, do what you got to do.

LEG. CARPENTER:

Thank you. I'm very pleased to be able to present this proclamation today. Actually, I'll be honest, it's already been presented, it was presented in October. But I'm presenting it again today for a very special reason, and that is the young lady who is being recognized. Her name is Nicole Deitch and she is really one of the leaders of tomorrow in the truest sense of the word. She has been involved in many endeavors. She's in the Girl Scouts, FHA, Keep Islip Clean, she's a soccer player, she's a musician. She's many things. She's received academic awards. But she had a dream to see a run started, and it's the SAVE Run. And SAVE is Students Against a Violent Existence. And, Nicole, why don't you come forward? Nicole, her dream now is to see this run replicated all over Suffolk County in other school districts. Nicole is part of the Brentwood School District. She started this run. And you know what's so remarkable is that we, as adults, very often will say, "Gee, it would be nice if with we could do this, that, or the other thing," and very often, all of those good intentions are not followed through with. This young lady had an idea, she took it to the end. She had a goal, she achieved that goal. She brought together over 200 runners. Many members of the community, from the PTA, staff of the school, Girl Scouts, FHA club members all came together for this run. She secured donations. There were awards, there were refreshments. Anything that you would expect to happen in a run happened here at this run, and it's going to grow.

Nicole, you really are to be commended. I know that some day, if you choose to sit in one of these seats, you will be there. I want to

present this proclamation to you again, and, hopefully, encourage other Legislators to see this kind of thing happen in their district. And I know that Nicole would be happy to share her thoughts on how to do it. And, Nicole, would you like to share a few words this morning?

MS. DEITCH:

Thank you. I'm here today because I had an idea. That idea was the SAVE Run, Students Against a Violent Existence. The SAVE run was organized to bring attention to the students in our schools today who are a positive and successful force. We have an amazing staff and administration at West Middle School, and with their direction, the majority of students choose to solve their problems by communicating with one another, and I am proud to belong this school.

This run was successful because of the help and positive attitudes from so many people, especially all of our sponsors who supported this important cause, Ms. Maryann Pfeifer, the Director of Youth Enrichment Services, Ms. Rochelle Zider, my Girl Scout Troop Advisor, and Mr. Kevin McNicholas, the Principal of my school, who they weren't able to make it. Because without the help and guidance I received, this run would not have been possible.

Lastly, I would like to thank Ms. Angie Carpenter for all of her

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wonderful support, and I hope to work with her again in expanding this activity.

(Applause)

LEG. CARPENTER:

I hope so, too. I would like to also commend, as anything else, when someone gets involved in something, usually the family gets involved, too, and Nicole's parents were very much involved. Her mom is here this morning, and her younger brother won one of the categories of the run. So it was a family event, it was a community event, and we are all very, very proud of you. Thank you so much.

MS. DEITCH:

Thank you.

(Applause)

P.O. TONNA:

Thank you very much, Legislator Carpenter. Legislator Crecca?

LEG. CRECCA:

Good morning. It's a pleasure and an honor this morning to have the opportunity to honor the Broxmeyer Family for its many philanthropic endeavors, which have benefitted many in our County. We are aware, all of us here are really aware of the contributions that the Broxmeyer Family has made to the growth and success of the building industry here in Suffolk County and here across Long Island. However, few of us are aware of the family's contributions of the well-being of our many fellow citizens. While the family supports many causes, most noteworthy is the Neal Broxmeyer Foundation, named for Neal Broxmeyer. He is the son of Muriel and the brother of Mark and Gary. Neal, who passed away, they set up a scholarship fund, and it is a lasting testament to Neal's work and his life.

The Neal Broxmeyer Foundation was designed to provide financial assistance to students in need of tuition to attend the Abraham Lincoln School. Neal Broxmeyer was one of the founding fathers of the Abraham Lincoln School, an institution that's dedicated to the nourishment of a

child's mind and spirit by nurturing the child's special talents through individualized attention and high academic standards, and providing a unique education founded on principles of unity, honesty and steadfastness. The Neal Broxmeyer Fund allows students who don't have the economic means to attend that school to do so.

I'm proud to be here today to honor the Broxmeyer Family for its many philanthropic efforts, and to present this proclamation for the family's commitment and service to our community. And this proclamation will be presented to them in a private ceremony. They really did not want the fanfare, but I thought it was important to recognize their efforts. Thank you.

P.O. TONNA:

Thank you. Do we have any -- Andrew, did we have anybody there? No?

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LEG. CRECCA:

No.

P.O. TONNA:

No, okay. Okay. Just I wanted to make an announcement, because of a busy, busy day today, and I guess the consideration of a vote later on this afternoon on the levy. We're going to suspend the public portion at 10:30 to consider the veto overrides. Okay? But let's start with our first speaker, Timothy Caufield.

MR. CAUFIELD:

Good morning.

P.O. TONNA:

Good morning.

MR. CAUFIELD:

My name is Timothy Caufield. I'm the Vice President of the Peconic Land Trust, which is a private not-for-profit conservation organization dedicated to the preservation of open space and farmland.

LEG. BISHOP:

You've got to --

MR. CAUFIELD:

Oh, I'm sorry.

P.O. TONNA:

Yeah. Just you've got to push it I think closer to you and get in.

MR. CAUFIELD:

Sorry.

P.O. TONNA:

There you go.

MR. CAUFIELD:

I'm sorry.

LEG. BISHOP:

Start over.

MR. CAUFIELD:

Thank you. Timothy Caufield, Vice President of the Peconic Land Trust, which is a private not-for-profit conservation organization dedicated to the preservation of open space and farmland throughout Suffolk County. Our organization has been -- was incorporated in 1983. Since that time, we have protected approximately 4,000 acres of land with -- at no cost to the public. We are now more recently working closely with Suffolk County on the County's behalf and all the local towns to implement open space capital acquisition programs.

This afternoon there'll be a public hearing on a resolution introduced by the County Executive, Robert Gaffney, which would create a Charter Law authorizing local municipalities funding of Suffolk County capital projects. The Peconic Land Trust strongly supports I.R. 2041, because  
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it will have both short-term and long-term benefits to Suffolk County and the Capital Acquisition Programs. The short-term benefit is that it would enable Suffolk County to appropriate funds and authorize the acquisition of Jacobs Farm, working with the Town of East Hampton through the the Suffolk County Land Preservation Partnership Program. Peconic Land Trust has worked on behalf of the Town of East Hampton for over a year to negotiate the protection of this important property through a joint acquisition by the Town and the County. The importance of moving forward on this acquisition includes the following:

The property consists of 165 acres. It is critical from a watershed protection standpoint. It is located in the Town's water recharge overlay district and the County's South Fork special groundwater protection area. It includes some of the deepest portions of the aquifer in East Hampton Town. The property also provides significant public recreation benefits, given the existence of trails on the site. Two, this property is a critical piece of a larger assemblage of over 500 acres of land already protected by the Peconic Land Trust at no cost to the public, Suffolk County and the Town of East Hampton. And three, the property does have final conditional approval of 45 home sites. We're very concerned that we will lose the opportunity to protect this property if we are not able to act quickly.

The long-term benefits are that this would allow matches from towns on a regular basis without a capital budget offset, and provide a more equitable sharing of costs for acquisitions in the future. As you know, the Town does have CPF funds and they are now able to contribute, so that this local law would allow, again, a more equitable cost-sharing and a -- basically, a way for the County to acquire more property at less cost to the County funds.

So we urge that this resolution be approved by the County Legislature at the public hearing this afternoon.

LEG. CARACCIOLO:

Mr. Chairman.

MR. CAUFIELD:

Thank you very much.

D.P.O. LEVY:

Hold on, Mr. Caufield. Legislator Caracciolo, for a question.

LEG. CARACCIOLO:

Thank you. How are you doing, Tim?

MR. CAUFIELD:

Very good, thank you.

LEG. CARACCIOLO:

Did you get a copy of my letter dated November 15th?

MR. CAUFIELD:

I don't have a copy of it. I'm sure that the office, John Halsey,  
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does.

LEG. CARACCIOLO:

Okay. That letter was addressed to your organization, as well as

several other environmental organizations concerning the Quarter Percent Drinking Water Protection Program. Actually, it's not the Drinking Water Protection Program alone any longer. That's the Tax Stabilization Program, as well as Sewer Stabilization Program. But in that letter, which was in reply to a letter that I received from your organization, as well as Nature Conservancy and others of November 6th, it goes into detail as to the County's commitment to the environment, how much we have expended. And, in fact, when one looks back over the last two decades, no other governmental entity, federal, state, local combined, comes close to what the County has committed and what voters have approved to preserve the environment. So as you have already noted, the County has a long tradition of doing so.

However, going forward, I believe environmental groups essentially did themselves a disservice by confusing the public and requesting that the public vote against depends Proposition 2, because when the Pay As You Go Program or the extension of the former Water Protection Quarter Percent Program of 1988 expires this December, a couple of days, in fact, we have no bonding or financing authority at all. And what Proposition 2 clearly was intent on doing was to allow up to 25% on an annual basis to be utilized for that purpose.

So I just want to take this opportunity to advise you, because when I met with Stuart Lowrie yesterday, I asked him if he felt there was statutory authority in the referendum that the voters approved in 1999 that I'm not aware of, or Legislative Counsel or the County Attorney is not aware of, we would certainly like to know, and he indicated, no, there is none.

I don't understand why environmental groups took that position. I think it's going to hurt some of your efforts going forward, not so much the Land Trust, because, as I'm well aware of in my district, you've been primarily involved in farmland acquisition, whereas they're primarily involved with open space. So I think they did themselves more of a disservice than the land trust. And I point that out and I wanted to take this opportunity to make you and others aware of the fact that in the future, when a resolution comes forward and it involves any type of environmental protection, such as the ones that you spoke to this morning, that you avail yourselves of the opportunity to come in and speak to the Legislature and the sponsors of those resolutions, so you know exactly what they do and not -- so we don't have a repeat, if you will, of confusing the public and hurting your own efforts. Thank you very much.

MR. CAUFIELD:

All right. Well, thank you.

D.P.O. LEVY:

Thank you.

MR. CAUFIELD:

I appreciate your perspective, and we need better communication I think

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in the future. The organizations were just concerned about making sure that we would believe to acquire as much as we could in the short window of opportunity that we believe we have. Thank you very much.

D.P.O. LEVY:

Thank you, Mr. Caufield. Our next speaker is Police Commissioner Gallagher. Welcome, Commissioner.

COMM. GALLAGHER:

Good morning.

D.P.O. LEVY:

The floor is yours.

COMM. GALLAGHER:

You're all here?

D.P.O. LEVY:

Yes.

COMM. GALLAGHER:

I think you know the purpose of my appearance here this morning to address this Legislature about the 19 -- the budget for 2001 and the vetoes that the County Executive has issued. And I just want to concentrate on some items that I think it's very important for you to consider before you take your vote. One of the items is in the Section D18, which the County Executive has issued a veto message because of reduction of State Retirement Fund by \$1.8 million in the budget that's before you. I support his veto on the simple common sense resolution of the fact that this is a realistic assessment of what the retirement costs are going to be for this County in the coming year, and I think that the County Executive is correct in asking you to restore those funds.

The areas I want to concentrate mostly on are areas that I think affect the Department's operation in 2001, but even more importantly, even more importantly 2001.

D22 addresses the issue of cars. It reduces the funding for marked cars even further than the reductions that we agreed to in some conference negotiations we had with the Legislature's Budget Review Office. The whole issue of cars is something that I think we all are weary of hearing in this Legislature and in this County. And the thing that I think is so important about it, I thought we had started down a path of a common sense approach to the issue of cars, and that is a rotation for the replacement of automobiles in the police fleet every year. We can tell you with boring regularity how much it's going to cost for us to replace our cars year to year, how many cars we're going to lose, because a sector car is on the road 24 hours a day, seven days a week, depending on the sector. We can, as I say, with almost a boring regularity tell you how many miles that car will put on it -- will be put on that car, I should say, in the course of the year. So it's not like we're guessing at what we have to replace, we know what we have to replace. And by further reduction in cars, I think we're moving away from the common sense rational approach that we were headed down towards, which was roughly a one-third rotation of the fleet every

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year. And we're back to the days when I think in the Legislature Budget Review's own office assessment in the -- you're own Legislative Review Office assessment, that we're back to the days of, you know, overkilling one year and then having to scramble to make up the next year. So I would urge you to accept the Executive's veto of that reduction in the fleet.

D23 reduces overtime by \$3 million. I'm going to incur overtime no matter what happens here this morning. I will incur overtime for the entire Year 2001. There are two things that this Department must maintain, it must maintain sector cars and it must maintain

investigations of crime. If you look at it as a triage situation, how much overtime you cut will not change that mission of the Department. If you continue to cut the overtime, I cannot in any way reduce the sector car coverage and criminal investigations. So I will continue to incur the overtime that I know I'm going to incur in 2001. Overtime estimates that I originally made had to be revised upward in an August revision that we do every year. The County Executive's Budget Office and the Legislative Budget Review Office are well aware of that. We had to revise them upward, because at the time we submitted the budget, there was no settlement on the arbitration award. Once we got that, we knew how much more we were going to have to pay. We had to revise them upward because of the pushing back of the classes.

For every month that I don't put new officers on the street, I continue to incur a certain overtime expense to keep those posts covered that have to be covered. And overtime projection went upward because of the State Retirement Bill signed by the Governor that included a veterans buy-back. We now anticipate we're going to be dealing with several more retirements than we originally anticipated with people buying back their veterans credits.

I can take the overtime money from some other account, as I think is being suggested here, along with I think -- I keep hearing the suggestion that we bring pain to the Department. Ladies and Gentlemen, the department does not -- is not pained by what this reduction does, the public is going to be the ones who will suffer the pain. The taxpayers will have suffered the pain in the Year 2002, when we have to come back with a deficit budget because of the reduction of even a deficit budget that skyrockets because of the reduction in overtime. I have to maintain those police services that are essential. In the interest of doing so, everything else becomes secondary. So that's one way I'll deal with a reduced overtime budget. Cars will be maintained on the streets, sectors will be re-evaluated as to which -- what the sector is defined as, at certain times of the day certain days of the week, and criminal investigations will go on. So one way to maintain this entire budget for the overtime is to, you know, sustain the County Executive's veto, which I think was a reasonable amount of overtime that we agreed on at the time it was submitted.

Finally, D24, in anticipation of 3.375 or 3 3/4 increase in salaries for those parts of the department, those units in the department, the Superior Officers and Detectives that have not yet settled their contracts. I just don't know where you come up with 3.75%. I think the anticipation is that at 4.6% that was awarded to the PBA, the awards, if they are arbitrated, will probably go to the same for the

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Superior Officers and the Detectives. Now, again, you can say, "Well, take it out of our budget, if it's more than what we are giving you." I will take it out of my budget, but something will give. For every action, there's an equal and opposite reaction. I have to take something out of somewhere else, if I have to take it out of the budget that I have, to maintain a salary increase that's arbitrated and becomes a matter of law.

In summary, I just say that -- I'd ask you, urge you to sustain the vetoes that have been submitted to you in these items, D18, D22, D23, D24, and urge you to remind yourselves that the -- again, back to the

theme of this department feeling pain. The pain will come down on the taxpayers, not -- the Department will survive, but the taxpayers will feel the pain.

LEG. CARACCIOLO:

Mr. Chairman.

COMM. GALLAGHER:

Thank you.

D.P.O. LEVY:

Thank you, Commissioner.

LEG. CARACCIOLO:

Mr. Chairman.

D.P.O. LEVY:

Legislator Caracciolo --

LEG. CARACCIOLO:

Thank you.

D.P.O. LEVY:

-- had a question.

LEG. CARACCIOLO:

Commissioner Gallagher, could you just provide us with an idea of maybe historically what overtime expenditures in the Department have been in the last two or three years?

COMM. GALLAGHER:

I don't have the numbers in front of me, but they've run, you know, anywhere from 9 to \$11 million.

LEG. CARACCIOLO:

And this year's budget, what's the recommended amount? Budget Review, could you --

COMM. GALLAGHER:

I'd have to defer to Budget Review for the record.

MR. POLLERT:

\$20 million.

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LEG. CARACCIOLO:

The requested budget amount was \$20 million and the --

MR. POLLERT:

No. What was requested was 16.

LEG. CARACCIOLO:

I apologize. Sixteen?

MR. POLLERT:

Yes.

LEG. CARACCIOLO:

What was requested, Fred?

MR. POLLERT:

The Department had requested \$16 million, and what was provided in the County Executive's recommended budget was approximately \$20 million.

LEG. CARACCIOLO:

Okay. Commissioner --

MR. POLLERT:

Just to fund --

LEG. CARACCIOLO:

The Commissioner requested 16 million. The County Executive felt there was a need in addition to that of \$4 million. And what is contained in the budget that was adopted by the Legislature?

MR. POLLERT:

\$17 million.

LEG. CARACCIOLO:

17 million, or \$1 million more than was requested by the Commissioner.

COMM. GALLAGHER:

Well, actually, I think it would be one million more than the County Executive submitted. One million more, rather, than the 16 million that was recommended, but with the caveat that the decision on how much overtime I would need had to be readjusted back in --

LEG. CARACCIOLO:

Because of the salary increases and other factors.

COMM. GALLAGHER:

Because of the changes in August, yes.

LEG. CARACCIOLO:

I understand that. I heard that in your presentation. In terms of providing services, because that's certainly important to every resident and to every elected official that sits here, what do you foresee would be the impact if this reduction were approved? Could you give us some sense of when there might be periods where you would not be able to fill sector cars, or carry out other important services like DARE Program? Not DARE as much as let's say COPE patrols? It seems to

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me, as I reflect back a few years ago, when there was a reduction in overtime expenditures and the Department had to react to those cuts, one of the first areas that were impacted were neighborhood COPE patrols. Do you foresee the same thing happening if you do? Given a budget of 17 versus \$20 million, when would you anticipate those cutbacks to occur?

COMM. GALLAGHER:

Well, what I would -- what I would rather do, Legislator Caracciolo, is to take the entire budget year then and start, you know, programming the year at the reduced level of overtime available to me, rather than wait for the overtime to, quote, run out at some point and then scramble to -- so what -- in order to live within the overtime limits that would be placed on me by this budget, I would have to go from A to Z. I think every program in the Department would have to be subject to a review as to whether or not that program can continue in its present format, given the amount of overtime that's available to me in the reduced budget. So every program would start to feel a reduction based on the need to make sure that those essential services, sector patrol and criminal investigation, go on. As you, you know -- as I'm sure you know, that sector patrol is a function of -- the intensity of sector patrol and the amount of overtime that's incurred is a function of the calendar year, too, because in the summer, we run up much higher overtime costs due to the increased activity that goes on, the increased number of officers that are needed for summer, you know, certain types of recreational activities, plus the increase in, I guess commensurate increase in court appearances by officers that's required due to arrest.

So I would start right from the beginning of year and look at every aspect of the Department's operations. And, again, back to my analogy to triage, you start with sector patrol. That has to be maintained no matter what. And so to cut back overtime costs elsewhere, I would

start reducing overtime costs in every other aspect of the Department's operations where its feasible in order to make sure that I have enough money in the bank, if you will, in the overtime account, to carry me as far as I can through the year.

LEG. CARACCIOLO:

When one looks at the overtime budget for this year, 2000, since it's now an experience almost with one month remaining, where predominantly are the overtime expenditures, in what areas?

COMM. GALLAGHER:

Predominantly, they would be in -- the two areas I think would be court appearances and sector car coverage, where -- you know, in order to fill in for sector cars where there's unavailable --

LEG. CARACCIOLO:

Okay. For the benefit of maybe some Legislators, particularly the freshman Legislators, could you just explain the court appearance aspect of how overtime is mandated?

COMM. GALLAGHER:

Sure. If an officer makes an arrest and let's say he works the night tour, steady nights, when the time comes for that arrested individual

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to appear in court, the officer is summoned to court and has to appear in court during hours that he is not, or she is not normally working.

So they have to -- they have to be called in on an overtime basis in order to put them -- you know, be able to appear in court.

LEG. CARACCIOLO:

On a year-to-date basis, where are overtime expenditures right now for 2000?

COMM. GALLAGHER:

I'd defer to the Budget Office.

LEG. CARACCIOLO:

Ken Weiss here?

COMM. GALLAGHER:

I don't want to give numbers out that I -- you know, that I'm not -- might prove to be --

LEG. CARACCIOLO:

Okay. Ken's coming up.

MR. WEISS:

The problem, we're looking at a -- at a year-to-date is the Police get two large checks. They accumulate compensatory time and then they get a large check in June and a large check in December, and that check in December is really the bulk of the paid out overtime. So we really have no method of actually calculating the amount of overtime that we're going to pay out in December, but we had large pay-outs in June, and then there was a retroactive payment, because the PBA arbitration was retroactive back to January 1st.

LEG. CARACCIOLO:

So when you say retroactive, you're talking about just on the overtime portion of retroactivity, there was an adjustment that had to be made.

MR. WEISS:

Well, actually, there was an adjustment to both permanent salaries --

LEG. CARACCIOLO:

Right.

MR. WEISS:

-- you know, holiday pay, everything.

LEG. CARACCIOLO:

But also on overtime, which is a separate line.

MR. WEISS:

Yes.

LEG. CARACCIOLO:

Okay. Does the Budget Review Office know what's anticipated this year in the Police Department overtime expenditures?

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COMM. GALLAGHER:

While you're waiting for that answer --

MR. POLLERT:

Currently, the estimated budget shows \$19 million in the Police District, but that was the best guesstimate that both the Budget Office and the Budget Review Office could make, because, as Ken had indicated, the final check has not been cut on the overtime.

LEG. CARACCIOLO:

Okay. That said, if in the Year 2000 we have an experience, a demonstrated experience of over \$19 million being necessary for overtime expenditures, what, going forward, given the adjustment of two new hiring police classes, and probably, as I anticipate, additional retirements, because, as I've stated in committee and elsewhere, the Police Department is beginning to age, many officers that are reaching a point where they are almost -- there is no -- there is a mandatory age, but most of them are not driven to retirement by mandatory age as much as they are by other factors, primarily a personal decision, but many of them are on the force 30 years or more. Commissioner, do you have any statistic as -- statistics as to how many members right now are eligible to retire?

COMM. GALLAGHER:

It's in the 200-plus category for this year, I believe. Going into 2001, it was over 200 officers that would --

LEG. CARACCIOLO:

But have you looked at the whole department? Current strength levels are at about what, 2,450?

COMM. GALLAGHER:

Approximately, yes?

LEG. CARACCIOLO:

Out of 2,450 personnel, sworn personnel, how many members today have 20 years or more service? Budget Review have an idea? Fred, do you know how many Police personnel have 20 years or more service?

COMM. GALLAGHER:

I don't know the number myself.

LEG. CARACCIOLO:

I believe it's rather significant. John?

COMM. GALLAGHER:

But the number I gave you at --

LEG. CARACCIOLO:

We're going to get an answer here, Commissioner.

COMM. GALLAGHER:

Oh, okay.

MR. ORTIZ:

The last time I checked, it was -- over 10% of the force was eligible.

LEG. CARACCIOLO:

Over 10%?

MR. ORTIZ:

Yes.

LEG. CARACCIOLO:

I'm surprised it's not higher. I think it's higher than that. But, yeah, I see people in the audience raising their hands. It's much higher.

COMM. GALLAGHER:

The 200 number that I gave you were those who we deemed to be like not just -- it's not eligible to be, but those are the ones who are most likely.

LEG. CARACCIOLO:

I understand.

COMM. GALLAGHER:

You know, they have more than 25 years, more than the age --

LEG. CARACCIOLO:

Right.

COMM. GALLAGHER:

The age that --

LEG. CARACCIOLO:

I think, typically, Commissioner, we budget in terms of other salary adjustments and benefits for retirees, somewhere in the area of about 75 to 100 officers a year; is that right, Fred?

COMM. GALLAGHER:

Yes.

MR. ORTIZ:

We estimated approximately 80 last year and this year.

LEG. CARACCIOLO:

Okay. Do we know in this year, commissioner, how many retirements --

COMM. GALLAGHER:

We've had -- we've had 92 retirements since January 1st of this year.

LEG. CARACCIOLO:

Okay. And you had said a moment ago that you believe next year will be close to maybe 200?

COMM. GALLAGHER:

Well, no. We anticipate that at least that number, well, that number plus about 20 to 25. But the "X" factor here that's thrown us into some confusion, in terms of making an actual prediction, is the Veterans Buy-Back Bill that was passed, plus the growing, as you pointed out, with the aging out of the department, the growing number

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of officers that are not just eligible, but eminently eligible for retirement.

LEG. CARACCIOLO:

Right.

COMM. GALLAGHER:

You know, most likely will --

LEG. CARACCIOLO:

Okay.

COMM. GALLAGHER:

The most-likely category.

LEG. CARACCIOLO:

So let's consider the scenario that, in fact, the projections you've mentioned are between 110, 125 officers retire next year.

COMM. GALLAGHER:

Yes.

LEG. CARACCIOLO:

That is going to put additional stress on your manpower requirements, which, in effect, in order to meet those requirements, will require additional overtime.

COMM. GALLAGHER:

That's correct.

LEG. CARACCIOLO:

So, on that basis, you feel that this figure should be adjusted.

COMM. GALLAGHER:

That's correct.

LEG. CARACCIOLO:

Thank you.

COMM. GALLAGHER:

Absolutely.

D.P.O. LEVY:

Let's move on at this point. We have five more minutes before we break for our votes. Thank you, Commissioner.

COMM. GALLAGHER:

Thank you, Mr. Chairman.

D.P.O. LEVY:

Thanks. Next speaker is Frank Corwin.

MR. GOLDSTEIN:

Mr. Chairman.

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D.P.O. LEVY:

You're on here, Phil.

MR. GOLDSTEIN:

Yeah, I know, but I wanted to make a suggestion, if I may.

P.O. TONNA:

No.

D.P.O. LEVY:

What?

P.O. TONNA:

Wait, wait, wait. Could I say something?

D.P.O. LEVY:

Why don't you do it through the Clerk.

P.O. TONNA:

No, no. Can I say something? There is no -- we have a thing --

D.P.O. LEVY:

I understand that.

P.O. TONNA:

No, no.

D.P.O. LEVY:

I'm going to make him write down his suggestion.

P.O. TONNA:

Just read the next card. Just read the next card.

D.P.O. LEVY:

Write down your suggestion and give it to the Clerk, Phil.

MR. GOLDSTEIN:

You're going to vote and you're not affording the public an opportunity to speak.

LEG. BISHOP:

We can extend the public portion.

P.O. TONNA:

We're going to extend the public portion. You're going to get tons of time to speak. But we have some other things pressing.

MR. GOLDSTEIN:

That would be after the fact.

P.O. TONNA:

Can you do me a favor? Just get me the cards.

LEG. BISHOP:

Before the fact.

00020

P.O. TONNA:

Next, Frank Corwin.

MR. CORWIN:

I would like to yield to Muriel Reeve, if I can.

P.O. TONNA:

Okay.

MS. REEVE:

Good morning. My name is Muriel Reeve. And as you are all aware, there has been a proposal made to erect a noise abatement wall on the Suffolk County Route 105 Bridge, which links the North and South Forks.

LEG. CARACCIOLO:

Excuse me ma'am.

MS. REEVE:

Thank you.

LEG. CARACCIOLO:

I was just going to say, I'm having difficulty hearing the speaker.

MS. REEVE:

You hear now?

LEG. CARACCIOLO:

Could we turn the volume up on the mikes?

MS. REEVE:

Okay.

LEG. CARACCIOLO:

Clerk's Office, could you adjust volume? Is that possible, Henry?

D.P.O. LEVY:

Just speak very closely into the microphone, ma'am, the best you can.

MS. REEVE:

Okay. Okay.

D.P.O. LEVY:

Thank you.

MS. REEVE:

I'll put my paper over here. This bridge, which links the North and South Forks by crossing over the incredibly scenic Peconic River system in the Flanders/Riverhead area. My son, Lindsay P. Reeve, started and has since led the opposition campaign aimed against that proposal. Lindsay deeply regrets that he cannot be here to personally make this presentation. However, work restraints had made that impossible. In

his stead, I'll read some of his pleas and comments.  
He says, quote, "First off, I want the Legislature and all their  
constituents to know and understand that none of this has been intended

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to be any sort of war on George Guldi. I believe that in the very  
beginning, Mr. Guldi sincerely thought that he was doing the right  
thing by the residents of the immediately affected area in Flanders.  
Excuse me, an area which has historically been too often forgotten or  
overlooked. For that, George Guldi should be commended. However, in  
fact, Mr. Guldi was misled through a series of misrepresentations by  
the originator of the noise complaint, this person being one of my  
neighbors, whose name need not be mentioned here today, for to do so  
would serve no purpose."

"George Guldi and I had spoken at length recently regarding these  
misrepresentations. I came away from that conversation with a certain  
impression that had he been aware of all the facts from the onset of  
the original noise complaint by my neighbor, he would have been" -- "he  
would have handled the situation differently than he ultimately did."

"Members of the Legislature, rather than harp on any misgivings that  
may exist due to the way in which this whole proposal was brought  
about, I really think that we should focus on the overall issue, that  
being that we must not take away one of the most absolute gems of the  
entire East End, that being the pristine natural beauty to be viewed  
from the Route 105 Bridge from the many drivers and their passengers  
who travel that bridge, all for the questionable benefit of a very  
limited few who are actually bothered by the road noise. If there are  
a dozen people on our street that are in favor of a wall on the bridge,  
then there are a dozen and a half that are opposed. Add them to the  
over 2,200 petitioners from the western most reaches of Suffolk to the  
eastern most tips of both forks, all of whom are strongly opposed to a  
wall or a barrier of any kind at any height, and I feel that the issue  
becomes very, very clear."

D.P.O. LEVY:

Ma'am, could you, please --

MS. REEVE:

"The people of the Flanders and Riverhead" --

D.P.O. LEVY:

Ma'am, if you could just, please, sum up, your three minutes is up.

MS. REEVE:

Yes, I'm summing up.

D.P.O. LEVY:

Thank you very much.

MS. REEVE:

I have one more paragraph. The people of the Flanders and Riverhead  
communities, as well the people in all the neighboring communities  
mentioned herein, simply do not want any barrier of any kind that might  
take away even a speck of the God-given beauty to be seen from this  
Bridge, not now, not ever, just don't do it. Thank you for your time  
and your careful consideration in this most important matter.  
Sincerely, Lindsay P. Reeve."

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D.P.O. LEVY:

Thank you, ma'am.

LEG. BISHOP:

Ma'am, I have a question.

D.P.O. LEVY:

If you want to hold on one second, Legislator Bishop has a question for you, right over here.

LEG. BISHOP:

Hello. I serve on the Public Works Committee, so those neighbors of yours who came in and said that their quality of life has been destroyed by the County's actions in repaving the bridge --

MS. REEVE:

Yes.

LEG. BISHOP:

-- came to my committee, and I found it very compelling. What do you propose we do for them? Would you just have them suffer?

MS. REEVE:

I think Mr. Corwin can answer that.

LEG. BISHOP:

Good. I hope so.

MS. REEVE:

And I don't think they're suffering.

LEG. BISHOP:

Because I feel bad for them.

D.P.O. LEVY:

Mr. Presiding Officer, I believe it's your hope to call a recess?

P.O. TONNA:

Yes. I'm going to call a ten-minute recess. And be back here in -- 10:40.

[THE MEETING WAS RECESSED AT 10:30 A.M. AND RESUMED AT 11:20 A.M.]

P.O. TONNA:

Okay. This is the longest ten minutes I've ever had in my life. I'd ask that we do a roll call. And, all Legislators, please come to the horseshoe.

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

LEG. CARACCIOLO:

Here.

LEG. GULDI:

(Not Present).

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LEG. TOWLE:

Here.

LEG. CARACAPPA:

Here.

LEG. FISHER:

Here.

LEG. HALEY:

Here.

LEG. FOLEY:

Present.

LEG. FIELDS:

Yes, here.

LEG. ALDEN:

Here.

LEG. CARPENTER:

Here.

LEG. CRECCA:

Here.

LEG. D'ANDRE:

(Not Present)

LEG. BISHOP:

Here.

MR. BARTON:

Legislator Guldi's present.

LEG. POSTAL:

Here.

LEG. BINDER:

Here.

LEG. COOPER:

Here.

LEG. LEVY:

Here.

P.O. TONNA:

Yeah.

MR. BARTON:

17 present. (Not Present: Leg. D'Andre)

P.O. TONNA:

Okay. Henry, I'd like to start with the vetoes under consideration

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with a motion to override.

LEG. FOLEY:

Mr. Chairman.

P.O. TONNA:

Yes.

LEG. FOLEY:

Are there some people who still want to speak on the budget? Should we still let them speak before --

LEG. LEVY:

Yes.

P.O. TONNA:

No. This is my concern.

LEG. FOLEY:

We've always allowed, and I don't mean to say this in an argumentative way, we've always allowed people to speak, particularly on a subject matter before we make a final vote. And I understand there's only several people who do want to speak, it's not as if there's a hundred people, so there's several who do want to speak, Mr. Chairman. I respectfully request that we allow them to say their piece.

P.O. TONNA:

Just on the budget alone? There's only two.

LEG. LEVY:

There was two representatives from AME who especially wanted to speak.

P.O. TONNA:

Well, I have two people who want to speak on the vetoes, that's it.

LEG. LEVY:

I think it's Phyllis Garbarino and John Meyer.

P.O. TONNA:

Yeah. Okay. You want to --

LEG. FOLEY:

I'll make a motion.

P.O. TONNA:

Paul. Wait, wait.

LEG. FOLEY:

Do we have to make a motion on that?

P.O. TONNA:

Let me just see. Paul, do I just take them out of order, or what do I do?

LEG. FOLEY:

Yeah, we got to make a motion.

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P.O. TONNA:

Right, that's what I'm wondering. I just -- this is the first time --

MR. SABATINO:

You can make that decision to take them out of order, and as long as it's not challenged, they can speak.

P.O. TONNA:

Okay. Does anybody want to challenge this? Legislator Binder, are you going to challenge this, to take two speakers out of order, so that they could speak on the vetoes before we go to everything else?

LEG. BINDER:

Any particular reason you're asking me, Mr. Presiding Officer?

P.O. TONNA:

No. But I figured, if there was going to be a challenge, it probably would come from you. All right.

LEG. HALEY:

A motion to extend the public portion a half hour.

P.O. TONNA:

No.

LEG. BISHOP:

Second. By the way, Mr. Presiding Officer, we had, not people from the government, but citizens of the County who were here to speak on a local issue and they had one presentation, I think they had one or two more, when we went into recess.

P.O. TONNA:

Right.

LEG. BISHOP:

And I think, you know, at the very least, we should hear from them.

P.O. TONNA:

Okay. Fred, is this going to -- is this going to hurt us at all, the timeliness with regard to the levy? Because I'm prepared to keep us here --

LEG. BISHOP:

Oh, okay.

P.O. TONNA:

-- for as long as we have --

LEG. BISHOP:

I didn't know we had a levy issue.

P.O. TONNA:

Yeah. That's the whole reason why we're pushing this.

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LEG. BISHOP:

How many hours do we need between the votes?

MR. POLLERT:

The Clerk of the Legislature is responsible on the Levy. We'll be --

P.O. TONNA:

Henry.

MR. BARTON:

It's going to be a late night.

P.O. TONNA:

Okay. I would ask that we -- I would ask that we have these two speakers to be on the vetoes, then afterwards, we'll do the vetoes, and then we'll get right back to listening to the general public on other issues.

LEG. LEVY:

You'll be heard Phil, relax.

P.O. TONNA:

Okay. John Meyer. Phil. Phil, sit down. John Meyer. Phil, by the way, you're -- I think your topic, although it's interesting that your handwriting is the same as Jimmy --

LEG. LEVY:

Jimminy Cricket.

P.O. TONNA:

Jimminy Cricket's. That's very, very interesting. Anyway, it had nothing to do with the vetoes, so -- okay, John.

MR. MEYER:

All right. Good morning. My name is John Meyer. I'm Treasurer of the Suffolk County Association of Municipal Employees. I'm here with my President, Phyllis Garbarino, this morning. And, if you don't mind, in the interest of time, if we speak together.

P.O. TONNA:

That would be wonderful.

MR. MEYER:

Because we're going to be speaking about the same issues. The --

P.O. TONNA:

Kind of like a Sonny and Cher thing. That would be fine. You want to go right up there? Go right ahead.

MR. MEYER:

I don't know if we could do quite that, but we'll do -- we'll try. I just want to take a few minutes to say, first of all, we're very happy that the zero property tax increase resolution did not get serious consideration by this body, because we know that that would further damage the fiscal situation. We feel very strongly about some of the budget vetoes by the County Executive.

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And I just wanted to take a minute and talk about three particular resolutions. One is the Omni 24 resolution, which talks about an unrealistic settlement for the Superior Officers and the Detectives. It should be obviously -- obvious that they're not going to settle for much less than what the PBA has acquired in their contract. The next one that concerns us is the Omnicode 38, which talks about \$4.3 million that the County Executive's Budget people say is already in the budget in a different form, and this resolution doesn't really add the \$4.3 million that it is intended to. And the third item, the Budget Amendment Number 65 is of particular

concern, because the dollar figures involved for the appropriation of the patient care funds, if it jeopardizes State aid, is a large material impact on the budget and our members in general. There are many other parts of the Omni resolutions that we are concerned about. Obviously, if you impact the Police Department in a very material way, so that there's a shortfall in their funding this year, that's going to come back into the General Fund with the 2002 budget. If you look at the property tax increase that was proposed, and I'm using Mr. Pollert's figure, and I think I'm accurate when I say we're talking approximately 1% of the average homeowner's tax bill was the original County Executive's proposal that you brought down to a figure more like 30 to \$40, which is still a very small portion of the total tax bill that your constituents, our members included, have to pay. If you don't deal with this problem by funding it properly this year, you're only going to create a larger problem next year. The figures are not going to go away. The COLA increases are going to be there, compounded in the 2001 budget. You were prudent by lowering taxes, but now you have to really deal with the situation. All right? So I'll turn my time over to President Garbarino.

P.O. TONNA:

Well, you have no more time, but Phyllis has time.

MR. MEYER:

Well, my time is up.

P.O. TONNA:

Okay. But, Phyllis, you have time.

MR. MEYER:

All right.

MS. GARBARINO:

John Meyer has addressed some of the technical things. I'm -- maybe we want to put a practical spin on this, although -- and I understand the situation you're in. Overriding the vetoes would put AME in a very bad position. You know that most of us -- that our contract ends December 31st, 2000. Over the years that we -- our contracts have not really been what the members deserve, because of funding concerns and things that happened. And three-and-a-half years ago, I presented to this Legislature that in the five years previous to that, because of the tax cuts that the Legislature put through, I personally saved \$11 over five

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years, which would not decrease or increase the quality of life for one resident of Suffolk County, no matter how low your income would be. So we have to put things on a practical level, also, and see the impact. I realize that you as Legislators are concerned about the impact that the tax increase would have on your constituents, but let me give you the practical application. Although the County budget is divided into the General Fund and Police Fund, the taxpayer only sees the bottom line total. Many of you will remember about the three-and-a-half years ago when I just said about the \$11. The current calculations now show that my taxes increased by \$45 from '94 to '98. That's a four-year period. But from '98 to 2000, they went down \$270. Still puts me \$225 ahead of the game. Even with a 9% increase on the current level, I'm still \$37 in the black, as opposed to six years ago. So that means every taxpayer almost across the board is going to be in a similar situation. Their dollar figure might be different, but they're still

going to be ahead of where they were six years ago.  
I realize that you know how seriously underpaid most of our AME members are. I've heard from many of your offices appealing for your underpaid staff, that if they don't receive and increase -- I've heard that if they don't receive an increase, they're going to leave. Okay? The loss of experienced and dedicated staff is detrimental to all County government. A year ago, you recognized the inadequacy of your own salaries. Without adequate funding, all of our constituents will realize a loss of services as dedicated County employees. Both long and short-term will leave service, rendering departments unable to function. I implore that all of you look at the long-term issue and realize that the current tax proposal is not only reasonable, given the history that you've just heard, but necessary to continue government operations that your constituents need and expect.

I have another issue I want to speak on, but if you want me to wait for later on, it's on one of the resolutions, or if you want me to address it now, it's up to you, another issue, non-budget issue.

P.O. TONNA:

I would ask that you speak later.

MS. GARBARINO:

Okay. Then I'll address it later.

P.O. TONNA:

I'll put your card back into the order --

MS. GARBARINO:

Surely.

P.O. TONNA:

-- on the other issue.

MS. GARBARINO:

Fine. Thank you.

P.O. TONNA:

Thank you.

00029

LEG. HALEY:

Mr. Chairman.

P.O. TONNA:

Yes, Mr. Haley.

LEG. HALEY:

I'll withdraw my motion to extend the public portion if we could just check and see if there's anyone else that wants to speak on the budget in particular.

P.O. TONNA:

Well, if they haven't filled out a card, you know, there's cards in front. I just -- the cards have identified everyone who wanted to speak on the budget so --

LEG. HALEY:

Okay.

P.O. TONNA:

Okay. Okay. I'm going to make a motion right now to -- okay. I have to read this? Procedural motion that the Legislature hereby determines that it shall vote to override the following portions of the veto of Resolution 1920-2000 -- 920-2000 on a single, consolidated comprehensive, one-vote basis, as one vote to override in place, and instead of voting to override line by line. And I'll read, these, the

Omnibuses. D17, D22, D30, D23, D24, and D38. I made a motion.

LEG. POSTAL:

Second.

P.O. TONNA:

Seconded by Legislator Postal.

LEG. TOWLE:

On the motion.

P.O. TONNA:

All in favor?

LEG. BINDER:

On the motion.

LEG. ALDEN:

On the motion.

P.O. TONNA:

On the motion, Legislator Towle, and then Legislator Binder.

LEG. TOWLE:

You're just proposing to override all of these in one block?

P.O. TONNA:

I'm making a -- yes.

00030

LEG. TOWLE:

Is that correct? Okay.

P.O. TONNA:

Okay. Legislator Binder.

LEG. BINDER:

Mr. Chairman, in the past, what we've usually done is --

P.O. TONNA:

It's not all of them, by the way.

LEG. BINDER:

When there's an omnibus, usually, the question has been are we going to override the whole omnibus as a block or not, rather than picking out individual pieces of an omnibus, so we can separate them that way. It would seem to me that we should continue on the same path that we had done in the past, make a decision on whether we want to deal with the whole omnibus as a whole, or vote on each individual, instead of having a caucus in the back for an hour, deciding how we're going to strategize to get a piece of it the way we want it to look, and so this should have the outcome we'd like to and put your votes together in the back. I think our work should be done out in public. We should either say today, as we've done in the past, we're going to -- we're going to vote on the whole omnibus, all the vetoes at once, because that's what we've done, or we say no to that and we're going to take each individual part of the omnibus and we break it down there. So I'm going to be voting no. And I would think it would be a very unfortunate precedent for this Legislature to start this kind of action, taking the pieces that we like or pieces that we don't like as a group in the back with the door closed and the smoke going. Thank you.

P.O. TONNA:

I think there are smoke detectors, so there was definitely no smoke going.

LEG. BINDER:

Thank you for your joke, appreciate it.

P.O. TONNA:

But the -- Legal Counsel, is this what Legislator Binder says, an incredible precedent that is being set today? You know, I think you have a better sense of Legislative history.

MR. SABATINO:

The Legislature has done it in more than one way. Some years, an omnibus motion to deal with everything is adopted on a procedural basis, other years it's not. We've done it line by line, we've done blocks, we've done it all -- it's really just a threshold determination for Legislators to make.

LEG. BINDER:

Could I have -- could I ask Counsel, if he has -- we have an idea of what year we did the omnibus in certain pieces where we did, let's say, three pieces of the omnibus as a block and not the others when we

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didn't just say we're going to either do all of it as a block, or we're going to take each individual one separately? Because in eleven years

--

LEG. BISHOP:

I think last year would be an example.

LEG. BINDER:

No, I don't think last year we did that.

LEG. BISHOP:

Well, yeah, because we had a separate vote on the village --

LEG. CARPENTER:

Right.

MR. SABATINO:

Yeah, last year was an excellent example, because there was a motion to take everything in one consolidated basis, and that broke down. I believe we wound up with one consolidated vote on the omnibus, and I think two portions were broken out, if I remember correctly. One was the revenue sharing. I don't remember the other one. I think that in 1993 and I think in 1991, there were also break-outs. But it's varied from year to year. I mean, the one thing I can say with absolute certitude is that we haven't done it identically the same way each and every year.

P.O. TONNA:

Okay. Thank you. So there's a motion and a second. This is the procedural motion. It only takes ten votes. All in favor? Opposed?

LEG. TOWLE:

Roll call.

LEG. BINDER:

Roll call.

P.O. TONNA:

Roll call.

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

LEG. TONNA:

Yes.

LEG. POSTAL:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. GULDI:

Yes.  
LEG. TOWLE:  
Pass.

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LEG. CARACAPPA:  
Yes.  
LEG. FISHER:  
Yes.  
LEG. HALEY:  
No.  
LEG. FOLEY:  
Yes.  
LEG. FIELDS:  
No.  
LEG. ALDEN:  
Yes.  
LEG. CARPENTER:  
Yes.  
LEG. CRECCA:  
Pass.  
LEG. D'ANDRE:  
Yes, to override.  
P.O. TONNA:  
No. Yes to -- procedural motion.  
LEG. D'ANDRE:  
Procedural motion.  
LEG. BISHOP:  
Yes.  
LEG. BINDER:  
No.  
LEG. COOPER:  
Yes.  
LEG. LEVY:  
Yes.  
LEG. TOWLE:  
Yes.  
LEG. CRECCA:  
Yes.  
MR. BARTON:  
15-3.

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P.O. TONNA:  
Great. Okay. I'll make a motion to override, seconded by Legislator  
Postal.  
LEG. POSTAL:  
Second.  
P.O. TONNA:  
Roll call.  
LEG. LEVY:  
Mr. Chairman.  
LEG. ALDEN:  
On the motion.  
P.O. TONNA:

Okay. On the motion, Legislator -- wait. Motion to override. I'll just -- I have to list them again. D17, D22, D30, D23, D24 and D38. Legislator Alden, and then Legislator Guldi.

LEG. ALDEN:

This question is for Budget Review. Fred, what's the net effect on this? In other words, does it raise taxes, does it raise spending?

MR. POLLERT:

What the net effect of grouping this group together would be to lower taxes from the amount which is being proposed through the veto. So the vetoes of these amounts would, if sustained, would result in a property tax increase. By overriding them, you would be maintaining taxes at approximately the level that was approved by the Legislator.

LEG. ALDEN:

Thanks, Fred.

LEG. CARACCIOLO:

On the motion.

LEG. HALEY:

What is that amount?

P.O. TONNA:

Okay, wait. There's a list. Legislator Guldi is next. Do you want --

LEG. GULDI:

No. Your motion listing them clarified my question. Thank you.

P.O. TONNA:

Okay.

LEG. CARACCIOLO:

Mr. Chairman, I think --

P.O. TONNA:

No. Legislator Levy is next, then Legislator Caracciolo.

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LEG. LEVY:

I think it's essential to listen to what Fred just said, and why it is so important to pass this -- to override these vetoes in an omnibus fashion here. The failure to override is tantamount to enacting a tax increase on top of a tax increase. Now, the Executive says that we should not do this, we should not override his vetoes and allow for an 11% increase this year. He says we should do so to prevent a big tax increase next year. Well, what in the world does he call 11%? We have -- we have this year inflation running between 2 and 3%. You cannot justify an 11% tax increase. For goodness sakes, Nassau County, which has a \$200 million deficit, would have less of a tax increase than Suffolk would if these vetoes are sustained. We must override these vetoes to at least reduce the County Executive's 11% increase to something more acceptable to the public.

P.O. TONNA:

Okay. Legislator Caracciolo.

LEG. CARACCIOLO:

Thank you, Mr. Chairman. I agree with Legislator Levy. And I would point out that as we sit here this morning, today's paper reports that in Suffolk County, of ten towns, five of them, that just happens to be, I guess, coincidental, the five East End Towns have all adopted their budgets. And let me just point out what's going on in town governments in Suffolk County. In East Hampton, the average town tax increase will be \$36. That's six more -- \$6 more than the first County property tax

increase in seven years. In Riverhead Town, the paper reports it as a percentage, so I will as well, 5.2%. Shelter Island, a \$138 average property tax increase due to town taxes. Southampton, they don't provide a figure. They say it will fluctuate depending on where you live. In Southold, it's a 7. --

P.O. TONNA:

They're very sneaky in Southampton.

LEG. CARACCIOLO:

In Southold, the average property tax increase is \$80. I would just like the Director of Budget Review Office to put in perspective, when was the last time County property taxes were increased, and what was the CPI during that intervening period?

MR. POLLERT:

County property taxes for the General Fund have decreased consistently for at least the last approximately eight years. That's just in terms of absolute dollars. When it is deflated by the CPI, there was a dramatic decrease in the amount of property taxes within the General Fund.

LEG. CARACCIOLO:

So Mr. Chairman, I would just point out to those who would like to get a quote in the newspaper and put a spin on this, as if we were doing something evil, that, in fact, when the voters and taxpayers look at this Legislative body's record over that period of time, there should be nothing but accolades for a County government that's been responsive, responsible, and has kept taxes low. Thank you.

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P.O. TONNA:

Thank you, Legislator Caracciolo.

LEG. BINDER:

Mr. Chairman.

P.O. TONNA:

Legislator Haley, and then --

LEG. BINDER:

Mr. Chairman.

P.O. TONNA:

-- Legislator Binder.

LEG. HALEY:

Before we do this, could we suffer and have -- suffer, I'm sorry. Suffer the interruption and ask the Budget Director to come up? I want to ask him a few questions. Ken, could you come on up? I don't think anybody in this room will deny the fact that you're going to not only have to raise taxes this year, but you're going to have to do it next year. Does anybody disagree with that? No, because we --

LEG. BISHOP:

I disagree. I'm not willing to say that.

LEG. HALEY:

Okay.

P.O. TONNA:

Can I say something? This isn't the Oprah Show. Just make your statement --

LEG. HALEY:

It's a rhetorical --

P.O. TONNA:

-- and ask your questions, but --

LEG. HALEY:

Excuse me. I have the floor, Mr. Chairman --

P.O. TONNA:

Okay. All right.

LEG. HALEY:

-- and it's a rhetorical question. I'm not -- I'm not asking every single Legislator to respond.

LEG. BISHOP:

Well, you looked up and you were looking at all of us.

LEG. HALEY:

Well, I looked at you. I thought you were standing. We've gone through an awful lot of testimony concerning this year's budget and next year's budget. We have legislation in place that requires that

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the Budget Review Office and the Budget Office look eight quarters ahead at all times. They have to update that every quarter, eight quarters ahead. Based on cost to continue considerations, I'm going to ask this question of Mr. Weiss and then Mr. Pollert. If this particular procedural motion, which includes those aforementioned items, were, in fact, overridden, what do you see as a cost to continue property tax increase percentage-wise for 2002?

MR. WEISS:

For the Police District, I've calculated it based on none of the vetoes being sustained, so I'd have to adjust it for the \$1.8 million restored for retirement. But looking at it without the \$1.8 million, I was projecting a minimum \$30 million 10% increase in the Police District. Merely reducing expenses just to achieve some kind of tax rate does not save money. Many of these expenses that are being arbitrarily reduced will end up costing twice as much in the Year 2002. When I say minimum \$30 million tax increase, I'm talking about if everything goes well in the General Fund, which means that we have to achieve another \$77 million surplus in 2001, and we're already starting the budget with a \$4.3 million hole, based on the fact that there's a revenue that we vetoed because it was duplicative, and this Legislature appears not to want to override -- I mean, not to sustain that veto. So we're starting the General Fund with a \$4.3 million hole. We're looking at the Police District with a \$30 million tax increase, if we can still allow a quarter cent to go into the Police District. If the General Fund has a hole caused by either this \$4.3 million or a softening of the economy, and that sales tax has to go back to the General Fund, then you could be looking at, instead of a \$30 million tax increase, you could be looking at some much larger number.

It's too early to predict the tax impact in the General Fund. Fred and I both have to look at the General Fund as if there's no surplus in 2001. We know that's artificial. But if we did that, you'd be looking at a property tax increase on a percentage basis, which is really not the way to look at it, but it would be over 200%, because the General Fund tax levy, which was \$160 million eight or nine years ago, is now \$48.9 million. That's a \$1.4 billion General Fund supported by a \$48.9 million tax levy. You do the numbers and you figure out what it's going to be.

LEG. HALEY:

Fred, we're looking at 2002, considering everything on a cost to continue basis.

MR. POLLERT:

Looking at 2002, we had forecast approximately a \$30 million increase in the Police Department expenditures for 2002. That was included even in the introduction of our report. It's primarily driven by the arbitration award and by the anticipated hirings in 2001. So we know that the Police Department is going up by approximately \$30 million. We also know that we're currently distributing a full quarter cent of the sales tax, the full amount allowable by law, to the Police. So if that portion of the sales tax were to increase by 5%, that would only give you about \$2 1/2 million worth of additional revenues. So, quick and dirty, it would appear that for 2002, you are looking at a tax increase in the neighborhood of approximately 25 to \$28 million in the

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Police District.

LEG. HALEY:

And what does that relate to percentage-wise?

MR. POLLERT:

Percentage-wise, it would translate to approximately 8% tax increase.

LEG. HALEY:

Thank you, Mr. Chairman. Just my final statement is simply that you've heard from our experts on both sides of the branches of government, and one says 8% and one says approximately 10%, and that's under the present condition. I think we're seriously failing our constituency by inordinately reducing monies that are definitely required in the Police District. I think that Legislator Caracciolo started earlier today, I think we're going to have a substantial problem in overtime.

I think before 2001 is over, they will be back and this Legislature is going to have to find a way to come up with the monies to fund the continuance of the Police District. I know it sounds wonderful to win this battle today, but this battle is not something that's going to be won, is going to be fought again for the 2002 budget, this is a battle that you're going to have to come and realize and deal with I think before the summer is out of 2001. Thank you.

P.O. TONNA:

Marty, just a quick question. What metamorphosis has taken place in the last month with regard from your position from the zero percent tax increase that you signed on as an omnibus sponsor, with zero in the Police District zero -- and then today?

LEG. HALEY:

I got to tell you something.

P.O. TONNA:

I just want to know.

LEG. HALEY:

Oh, I'll be more than happy to answer that.

P.O. TONNA:

Okay, thank you.

LEG. HALEY:

Because, you know, I try to get along with -- I try to get along with my fellow Legislators, and I had a Legislator that asked me to participate in order to send a message. And, correct me if I'm wrong, I think the omnibus group was ready to present a 7 to 8% tax increase

and wound up, in fact, reducing that. That was one of the start positions. But what we wanted do is we wanted to make sure that every --

P.O. TONNA:

But you're advocating for it today.

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LEG. HALEY:

I'm answering you. What I'm advocating for is acting responsibly, that's what I'm advocating for, and I'm talking about looking down the road at year two. The purpose of putting forth an omnibus resolution that called for a zero percent tax increase was to paint the picture; was to look at both ends of the spectrum, so that we all realize what we're dealing with here. And I believe it was -- it had some modicum of success, even though I voted for that omnibus resolution that this Legislature approved at the last meeting. However, I think it's responsible and consistent with what Mr. Binder has said, I think it's responsible for us to look at each and every one of those line item vetoes, because I believe that that's how the County Executive looked at them with specific reasons for each, and I think it's appropriate that we looked at all of those. But that's not longer a -- that's a moot point simply because your procedural motion passed.

P.O. TONNA:

Thank you. Legislator Binder, and then Legislator Foley.

LEG. BISHOP:

May I go on the list, please?

P.O. TONNA:

Yes.

LEG. BINDER:

I have to say that I find it somewhat amusing to watch the omnibus tax-raising coalition skewed on their own -- or hoist on their own petard as they talked about the zero increase alternative that was presented by Legislator Levy and myself. We heard all the chicken little discussion about how the sky was going to fall. We're going to raise taxes next year. If we do this, it's going to be terrible. And you heard that. That's how they argued against -- because they knew. They understood the budget numbers. This group understood that if you pass the other amendment, all these terrible things would happen and great increases would be necessitated next year. Now the budget people are saying, if you do what they want to do, then you're going to have the sky falling, the big increases next year, all the problems, but now, now it's not real, now that isn't the real argument. See, their argument was real when it came to the zero percent, but the argument now is phony, it's false. Where did this come from? This is wrong with. Can go forward. I guess you can pick and choose your arguments. My concern about not being able to pick and choose, as I said I had a problem with not being able to vote on individual, is that at least in one case, I have a real concern, and the concern is with marked vehicles for the Police Department. I know if they don't have the money, they're not going to spend it. If they don't spend it, they're not going to have the vehicles. If they don't have the vehicles, I think we can -- we would have real problems. And I would have liked to have voted on that separately, but I can't have that one issue dictate specifically how I'm going to vote, because they put it all together,

unfortunately. So I think this coalition has decided that they're going to override and they're going to -- they're going to override this group, and they have the votes and they're going to do that, and so we can't pull any important pieces out to see if we can look at it

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and say, "You know, marked cars, maybe we've got to be careful here." Or some might be concerned about overtime, or some might be concerned about other pieces. They're not going to be able to look at that, they're not going to give that due consideration. It's either you're for whole or the other.

And I can say that I'm probably going to vote to override. I wish I would have had the opportunity on D22, on the marked vehicles, to sustain. I think with what has been put into the budget on an individual Legislator basis, and if you add that up, it is very far short of the \$1.5 million that the Police Department needs for their marked vehicles. And I would have rather have seen something less per Legislator and seen us be able to provide the marked vehicles that are necessary for the Police Department. Unfortunately, I'm not going to have that choice today, and so I've got to make a decision on the whole as a package. I haven't made that decision particularly yet. I'm going to listen to debate and think about it, but I think that really is unfortunate.

P.O. TONNA:

Mr. Binder, just wanted ask you --

LEG. BINDER:

Is this like a debate with the Presiding Officer, everybody that speaks, we're going to have a back and forth?

P.O. TONNA:

No.

LEG. BINDER:

Well, I'm not going to --

P.O. TONNA:

I just have a question. I'm on the next --

LEG. BINDER:

I have nothing to answer with the Presiding Officer.

P.O. TONNA:

Okay. Well, I would just make for the record, then, since it's my turn to speak, would be that Legislator Binder had a very interesting thing, that with the marked vehicles that he makes such a big deal over, as a matter of fact, that was Xed out. That was something that was in his zero percent omnibus. So, again, you know, I can understand people change their mind.

LEG. BINDER:

And I've looked at it in a new light, that's right.

P.O. TONNA:

There you go.

LEG. BINDER:

There you go.

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P.O. TONNA:

I'm glad to hear --

LEG. BINDER:

Not problem there.

P.O. TONNA:

-- you're looking at things in a new light, Legislator Binder.

LEG. BINDER:

Absolutely.

P.O. TONNA:

Okay. Let's go on to Legislator Foley.

LEG. FOLEY:

Thank you, Mr. Chairman. Fred, let's just go back for a few moments. And we heard from the Executive's Budget Director about this 4 1/2 of a hole that will be created. Could you outline for us exactly how many other budgetary holes were in the proposed budget and what we did as a Legislature to plug those in order to present a more legitimate budget for next year?

MR. POLLERT:

Part of the omnibus bill decreases sales tax estimate by \$11.5 million. Appropriations were increased for the mandated side of the budget on the debt service by more than \$900,000. The contribution to the MTA was also increased. There was a fuel adjustment in the Department of Public Works where \$450,000 was added. \$450,000 was also added for the juvenile detention costs, and revenues for refunds for prior years expenses were reduced by \$1 million. In total, approximately \$15 million worth of adjustments were made to the budget, which resulted in either decreasing estimated revenue estimates, or increasing appropriations, so that the County could continue to function during 2002 without having any cost overruns.

LEG. FOLEY:

So in that particular area, through the Chair, that \$15 million, there was a very real possibility that if we didn't make those adjustments, that those, in the colloquial terms, could have presented a \$15 million budget hole for next year; correct?

MR. POLLERT:

That's correct.

LEG. FOLEY:

Okay. If we can go on to another point, Mr. Chairman, if I may. On Page 1 of the Budget Review Office's analysis and recommendations, if you look at the last paragraph and the last sentence, and I just want -- I'll read it in the record, then I'll have Budget Review expand on it, "The 2002 increases in the police salary costs required by the arbitration settlement and an increased police hiring in 2000/2001 (\$30 million cost increase) would require another substantial increase in the Police District tax warrant for 2002." What we heard again from the Executive's Budget Director was discussion of a \$30 million tax increase next year. Your presentation is -- discusses a -- points it

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out to a \$30 million cost increase. And that cost increase is independent from the budget that we've put together this year; correct?

MR. POLLERT:

Yes. The \$30 million is a function of the Police arbitration award.

LEG. FOLEY:

Okay. If you could just stop there for a moment and for my colleagues. We only had to read this past week in a major daily paper where it said, according to the Executive's Budget Office, that there would be a

\$30 million deficit in the Police District because of the work that we -- because of the proposed amendments that we had passed. Now, we just heard from the Budget Review Office stating unequivocally that that's incorrect, that that \$30 million increase in the Police District is independent of what we're doing here today, but is, in fact, a by-product of an arbitration award. I think that's very important for us to understand and to repeat on the record, because out in the length and breadth of this land are those who are trying to -- and I don't want to use the word spin, but to manipulate the budgetary facts in such a fashion as to try to intimidate us into not overriding certain vetoes. Now, we can have an honest difference of opinion about the budget and that's the way things should work, but, at the same time, no one should be on the illusion that any substantial increase in next year's Police District budget has to do with what we're proposal today. The preponderance of the increase in next year's Police District budget was beyond ourselves and had to do with an issue called State arbitration. And I just wanted that stated clearly for the record. So those who are trying to say that this budget is going to cause a \$30 million increase next year, they are flatly wrong. Thank you.

P.O. TONNA:

Okay. Thank you very much, Legislator Foley. Legislator Bishop.

LEG. BISHOP:

Mr. Chairman, because of the importance of the mission and respect for the danger of their job, we have too often neglected to ask our Police Department to live within constraints that they may not have themselves placed on themselves. The entire 2001 tax increase, every penny of it, is due to a binding arbitration award outside the control of County government. What we do have control over, we are asking that the Police Department, on the fringes, make cuts, managed with discipline and control. We have as a Legislature been supportive of this Commissioner in his efforts to restructure the management of his department. Now we're asking for those management changes to pay a dividend and to help our taxpayers get through this difficult period, where we have had this arbitration award imposed upon us. To not ask the Police Department to do more with less would be neglecting to ask them to play by the same rules that we've asked other departments to do over the years. We've asked all of County government to meet that challenge, now it's the Police Department's turn. I believe that the cuts that we have asked for in this omnibus are generally fair -- are fair. Let's remove the word "generally." Are fair, they're tough, and they're a challenge to the department, and one that I know the

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Department can meet.

P.O. TONNA:

Legislator Levy, Postal, then Caracciolo.

LEG. LEVY:

Just a quick retort where, you know, some have mentioned as -- that the sky is going to fall down. You know, back in 19 -- the 1993 budget process, which many here were present at and many were not, there was a 20% increase recommended from the Executive. This Legislature knocked it down first to zero and then to five, and we were told that both instances that the sky was going to fall, police officers would be laid

off, the next year would be utter chaos. Well, we survived it just fine and we had a freeze the next year, and actually reductions thereafter. A few years later in 1995, this Legislature cut an additional \$5 million, and, again, we were told that police officers were going to be laid off and the following year was going to be -- we were going to be seeing a major tax increase. Neither happened. A few years later, we recommended that we reduce our sales tax by another quarter cent, and we were told it, if you do that, the sky is going to fall down, we're going to run tremendous deficits, and we'll be raising taxes tremendously the next year and laying off police officers. None of that happened. And last year, we put forth a proposal to remove the sales tax for clothing and shoe purchases in Suffolk County. Again, we were told you couldn't do it without the sky falling down and police officers being laid off and having a tremendous deficit the next year. It's deja vu all over again. Let's stick to our guns, let's reduce this budget, and do what the taxpayers need.

P.O. TONNA:

Okay. Legislator Postal.

LEG. POSTAL:

Yeah. At the risk of sounding like I've been here a million years, having been here for all these years, it seems to me that this process works because it's a process of consensus and compromise, and between two extremes, we get to some point in the middle that's probably the right place to be governmentally. And I think that that's where we are right now, looking at, finding that right place to be governmentally. Former Presiding Officer Joe Rizzo was here when I first came here. I remember very clearly the difference in philosophical position between former Presiding Officer Rizzo and former Legislator John Foley. I think they were poles apart. I must say that, most of the time, I was philosophically more aligned with Legislator Foley. But what I came to realize was that because the two of them were in this Legislature, when it came to making decisions, we generally met someplace in the middle, which I really feel nine out of ten times was the right place to be. This year we were presented with a proposed budget which looked at a tax increase that we felt was a large tax increase for the public to bear. We felt that it was really too large a tax increase for the public to bear. We looked at what the alternatives were. We made some cuts that we felt were reasonable cuts. We didn't feel that they were so harsh that they would actually shut down the operation of County government, but they -- we felt that they were necessary in terms of

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moderating that property tax increase, so that the property taxpayer could afford to continue to stay in Suffolk County, and also continue to maintain a certain level of services. On the other hand, there was another alternative which presented sort of the other extreme, having absolutely no tax increase, and we felt that that was not reasonable either, that we were, in essence, jeopardizing the property taxpayer with what would happen later. We ended up someplace in the middle, which, as I said, I think is the right place to be. I think it's fair to the property taxpayer, I think it provides stability.

And somebody asked, I think it was Legislator Haley, whether any of us were sure that we wouldn't have a tax increase next year. I don't think any of us could make that prediction. If any of us could predict

what's going to happen next year, we'd probably all be making a fortune on Wall Street one way or the other. So, obviously, we can't make that prediction.

But what we did try to do in adopting the omnibus budget was to try to take our best guess, a conservative guess, tried to protect the taxpayers of this County. When we looked at the proposed budget, when we looked at sales tax revenue, we tried to give ourself kind of a conservative safety zone, so that no matter what happens within the economy. If the economy gets even stronger, returns to where it had been, say, a year ago, wonderful, we'll be delighted. We certainly will be happy at the end of next year when we're voting on the budget for 2002 to reduce County taxes. On the other hand, if the economy doesn't improve, and, as a matter of fact, becomes a little weaker, then we may be looking at a tax increase. But by taking the action that we've taken this year, that I hope we will continue with and be consistent with, we won't be throwing taxpayers into tax shock, as we would have next year if we had not provided a budget that gave us some cushion for the future, even though it provided a tax increase, and, on the other hand, we reduced the proposed tax increase 50%.

So, again, I think we're in the right place, I think we're where we need to be, and I'm hoping that we're going to be consistent in our actions in voting yes on this motion to override.

P.O. TONNA:

Okay. Thank you. Legislator Levy.

D.P.O. LEVY:

Next on the list is --

P.O. TONNA:

Legislator Caracciolo.

LEG. CARACCIOLO:

Mr. Chairman, I think the last several speakers have stated the case very well. But I would also point out that when Phyllis Garbarino spoke, she pointed out and put this whole issue in its proper context, that when one looks back at the last decade in Suffolk County, net, net, net, County taxes have declined. I ask those who think we should have a zero property tax increase, and I don't even like to use percentages, because they -- that in and of itself is misleading the public, those who believe we can have a zero dollar increase instead of

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a \$30 increase, tell me how. Tell me how. I mean, that's an open question to anybody around the horseshoe who wants to pontificate, pander and posture, but can't put their money where their mouth is when that question is asked. So let's vote on the overrides, Mr. Chairman.

I see there are no responses.

P.O. TONNA:

Okay. There's a motion and a second. Roll call.

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

LEG. TONNA:

Yes.

LEG. POSTAL:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. GULDI:

Yes.

LEG. TOWLE:

(Not Present)

LEG. CARACAPPA:

Yes.

P.O. TONNA:

Will somebody try to find Legislator Towle.

LEG. ALDEN:

I think he's on his way.

LEG. FISHER:

Yes.

LEG. HALEY:

(Not Present)

LEG. FOLEY:

Yes.

LEG. FIELDS:

Yes.

P.O. TONNA:

Try to get a hold of Haley, too. I don't want him to miss the vote, even if he -- Haley.

LEG. ALDEN:

Yes, to override.

LEG. CARPENTER:

Yes.

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LEG. CRECCA:

Yes.

LEG. D'ANDRE:

Yes, to override.

LEG. BISHOP:

Yes, to override.

LEG. BINDER:

Yes.

LEG. COOPER:

Yes, to override.

LEG. LEVY:

Yes, to override.

LEG. TOWLE:

Yes, to override.

LEG. HALEY:

Abstain.

MR. BARTON:

17, with 1 abstention.

P.O. TONNA:

Okay. Thank you very much. Okay. I'm going to go now to the separate resolutions.

LEG. LEVY:

Well, the other D's, Mr. Chairman, in the omnibus.

P.O. TONNA:

Yeah, separate, separate in the omnibus. Okay. We're going to go to motion to override Omnicode Number 18, D18, in Resolution Number 920-2000. Okay. I'll make a -- well, somebody want to make a motion to override?

LEG. LEVY:  
Motion.  
P.O. TONNA:  
Motion by Legislator Levy. Is there a second?  
LEG. COOPER:  
Second.  
P.O. TONNA:  
Okay. Second by Legislator Cooper.  
LEG. ALDEN:  
On the motion.

00046

P.O. TONNA:  
D18. On the motion, Legislator Alden.  
LEG. ALDEN:  
Fred Pollert, this is a question towards you. What's the net effect of  
18 on taxes and spending?  
MR. POLLERT:  
In the Police District, it would have a net impact of increasing taxes  
\$1.8 million.  
LEG. ALDEN:  
If we sustain it.  
MR. POLLERT:  
That's correct.  
LEG. ALDEN:  
Okay.  
P.O. TONNA:  
Okay. Roll call.  
(\*Roll Called by Mr. Barton\*)

LEG. LEVY:  
Yes, to override.  
LEG. COOPER:  
Yes, to override.  
LEG. CARACCIOLO:  
No.  
LEG. GULDI:  
No.  
LEG. TOWLE:  
Yes, to override.  
LEG. CARACAPPA:  
Yes.  
LEG. FISHER:  
No.  
LEG. HALEY:  
No.  
LEG. FOLEY:  
Yes.  
LEG. FIELDS:  
Yes.

00047

LEG. ALDEN:  
Yes, to override.  
LEG. CARPENTER:  
No.

LEG. CRECCA:

Pass.

LEG. D'ANDRE:

No, to override.

LEG. BISHOP:

No.

LEG. POSTAL:

No.

LEG. BINDER:

Yes.

LEG. TONNA:

No.

LEG. CRECCA:

No.

LEG. CARACAPPA:

Mr. Clerk, I meant to vote no.

MR. BARTON:

Seven.

P.O. TONNA:

Okay.

MR. BARTON:

It fails.

P.O. TONNA:

Great. Now, Resolution Number D19 in -- Omnicode D19 in Resolution Number 920-2000. Is there a motion to override and a second?

Legislator Guldi, I think you probably want to make a motion to override this.

LEG. GULDI:

No. I want to sustain this veto.

LEG. BINDER:

Motion.

P.O. TONNA:

Okay.

LEG. HALEY:

Second.

00048

P.O. TONNA:

Motion by Legislator Binder, seconded by myself.

LEG. FOLEY:

On the motion.

LEG. CARACCIOLO:

On the motion.

LEG. FOLEY:

On the motion.

LEG. CARACCIOLO:

Mr. Chairman, this County, beginning in 1993, has made a commitment to towns and village -- towns and villages and the police departments within those jurisdictions of providing revenue sharing funds, and that's what this line item veto strikes. The County Executive has taken note that towns and villages have increased costs, just as County government does, when it comes to public safety purposes, and, therefore, he has, in my view, correctly justified this increasing expenditure. The net effect of overriding this veto is it will cause

more expense to those jurisdictions and the residents of villages and towns that have their own police departments. That was never the intent of the Legislature, and I would encourage my colleagues to sustain the veto -- to override the veto -- sustain the veto. Gees, go myself confused.

P.O. TONNA:

Okay. Legislator Foley and then Guldi.

LEG. FOLEY:

Okay. Thank you, Mr. Chairman. A question for Counsel. Counsel can you tell us, the law that was passed to make these monies available for revenue sharing, how does the proposal that we had put together for the budget mirror the legal language? Do we give, in fact, more money than we're legally required under the omnibus bill that we had originally passed?

MR. SABATINO:

The omnibus gives the towns and villages in the aggregate 5% more than the minimum amount required under the 1997 Charter Law that was adopted.

LEG. FOLEY:

So the Charter Law that was adopted, the omnibus resolution that was approved does not strictly stay by that arithmetic, so to speak, but is, in fact, 5% higher than what we're legally, let's say, required to give.

MR. SABATINO:

It's higher than the amount that we're required --

LEG. FOLEY:

Very good.

00049

MR. SABATINO:

-- under the Charter Law.

LEG. FOLEY:

Thank you. For the Budget Review Office, could you tell us, Fred, whether specifically, or at least in a ball park figure, how much money this Legislature has given to the villages and town police departments since 1997?

MR. POLLERT:

In 1997, \$1.9 million was distributed. In 1998, \$1.8 million was distributed. In '99, \$2.1 million was distributed. In 2000, 3.7 million. And this would increase the amount from 2000.

LEG. FOLEY:

All right. So the aggregate is how much, Fred? We're looking at how much money?

MR. POLLERT:

Roughly, \$14 million

LEG. FOLEY:

\$14 million. And, essentially, this is discretionary money. This is a, let's say, a budgetary line that we had decided as a Legislature in '97 to give these monies to the East End -- to the towns and villages. Absent that law, Fred, we're not required to give these monies, it's only because we had agreed back in '97 to do this; is that not correct?

MR. POLLERT:

There is a local law which requires a distribution of approximately

\$2.6 million.

LEG. FOLEY:

Okay, a local law. It's a local law that we had approved, obviously.

MR. POLLERT:

It's either a resolution or a local law.

LEG. FOLEY:

That's fine.

MR. POLLERT:

Yes.

LEG. FOLEY:

The point that I'm making is that we didn't have to pass, obviously, that kind of local law, we could have --

MR. POLLERT:

That's correct.

LEG. FOLEY:

-- kept the money for the County purposes, but we had decided -- through the Chair, we had decided to give these monies as, in essence, as we would say in the Preservation Program, but as a partnership in 00050

policing. So I would hope that we could override the veto. Number one, we could give a substantial amount of money to the towns and the villages. And, in fact, the omnibus resolution gives more than what we're statutorily required to give to the towns and to the villages. We've gone beyond what the legal amount is to give additional monies. For those reasons, I hope that we can --

LEG. CARPENTER:

Paul.

LEG. FOLEY:

-- override this veto.

LEG. CARPENTER:

Paul.

LEG. GULDI:

Mr. Presiding Officer.

P.O. TONNA:

Legislator Guldi.

LEG. GULDI:

Yeah.

P.O. TONNA:

Then Legislator Carpenter

LEG. BINDER:

Mr. Chairman.

LEG. GULDI:

Let me clarify a few things, the history on this. First of all, we're not giving the towns anything. We're giving back money we're taking away. Precisely what happened when we initiated this program is we shifted sales tax from the General Fund, a general revenue, to the Police District. When we did that, we entered first what was under my predecessor a gentlemen's agreement to give back to the Non-Police District municipalities an amount approximating half of what we were taking away from them from sales tax revenue generated by them. In 1997, I sponsored a measure to institutionalize that gentlemen's agreement on the 1997 revenues. In 1998, we doubled the amount we take.

So what we're doing disingenuously by talking about giving them money, what we're, in fact, doing is instead of giving you back half of the revenue of their share of sales tax revenue that we take away from them and dump into Police District coffers, we're giving back a quarter, because we're only required to, because we haven't amended our local law when we doubled the take. So in fairness, what we're talking about is not -- you know, yes, we could talk about our statutory obligation, but our statutory obligation was based on taking a quarter penny instead of -- or an eighth instead of a quarter. We doubled the take, we didn't amend our law, and we ought to, because we did have an agreement to give back to those municipalities half of what we take away from them when we shifted the revenue to police districting. The

00051

net benefit to the Police District is still huge, because the Police District gets effectively a subsidy, a direct subsidy from the Non-Police District municipalities to the extent that the sales tax revenue generated in those communities, half of it's going into the Police District for police purposes.

I submit that we should sustain this veto and honor the spirit of that agreement, notwithstanding the fact that our legislation hasn't kept up with the curve.

P.O. TONNA:

Okay. Legislator Carpenter, and then Binder.

LEG. CARPENTER:

I just have a question for Budget Review. If this veto is overridden or -- yeah, if it's overridden, will the towns and villages, with the omnibus resolution that's in place, be getting more money next year than they got this year?

MR. POLLERT:

Yes, they will.

LEG. CARPENTER:

Okay. Thank you.

P.O. TONNA:

Legislator Binder.

LEG. BINDER:

I find it interesting, my East End colleagues who call for an increase in taxes when taxes on the operating side don't increase in their areas, because it's going to increase in the Western End by a substantial amount like \$90 or more in Huntington, because we're in the Police District, at the same time, say, "Please, make sure we have enough money on the East End for our" -- "of our revenue" -- "our revenue sharing, so we could keep the spending down." So I would say our East End residents would like to have both sides of that cake until they can eat the whole thing. I will -- I will vote to override.

Thank you.

LEG. CARPENTER:

Call the vote.

P.O. TONNA:

Okay. Thank you.

LEG. FOLEY:

One quick -- just a quick question.

LEG. GULDI:

We'll take the cake, you can have the sewer district.

LEG. FOLEY:

A quick question for Budget Review Office. While, as Legislator Carpenter has asked the question, there is still a net increase for the towns and the villages, with regards to the East End General Fund, is  
00052

there not, due to the omnibus, a substantial cut in the property taxes General Fund for the East End Towns?

MR. POLLERT:

There is a property tax reduction in the General Fund again this year for the County portion of the property taxes.

LEG. FOLEY:

For the East End Towns.

MR. POLLERT:

That's correct.

LEG. FOLEY:

Okay. Thank you.

P.O. TONNA:

Okay. Roll call.

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

LEG. BINDER:

Yes, to override.

P.O. TONNA:

Yes, to override.

LEG. CARACCIOLO:

No.

LEG. GULDI:

No.

LEG. TOWLE:

(Not Present).

LEG. CARACAPPA:

Yes.

LEG. FISHER:

Yes.

LEG. HALEY:

Yes.

LEG. FOLEY:

Yes.

LEG. FIELDS:

Yes.

LEG. ALDEN:

Yes.

LEG. CARPENTER:

Yes.

00053

LEG. CRECCA:

Yes.

LEG. D'ANDRE:

Yes.

LEG. BISHOP:

No.

LEG. POSTAL:

No.

LEG. COOPER:

Yes, to override.

LEG. LEVY:

Yes.

MR. BARTON:

Legislator Towle?

MR. BARTON:

13-4, 1 not present. (Not Present: Leg. Towle).

P.O. TONNA:

Okay.

MR. BARTON:

It's overridden, 13.

P.O. TONNA:

It's overridden. Okay. Motion to override Omnicode D-45 in Resolution Number 920-2000. I'll make a motion, second by Legislator Carpenter.

LEG. CARPENTER:

Second.

LEG. HALEY:

On the motion.

P.O. TONNA:

Roll call.

LEG. ALDEN:

On the motion.

LEG. HALEY:

On the motion real quick. I would ask that we sustain this, because I don't think it would be fair to do that to the Human Resources function by sending them Dave Greene.

LEG. ALDEN:

On the motion.

00054

P.O. TONNA:

Okay.

LEG. ALDEN:

Paul.

P.O. TONNA:

Yes.

LEG. ALDEN:

On the motion.

P.O. TONNA:

On the motion.

LEG. ALDEN:

Fred Pollert.

MR. POLLERT:

Yes.

LEG. ALDEN:

On this, Number D45, is there a net effect?

MR. POLLERT:

There's no net property tax impact

LEG. ALDEN:

Thanks.

P.O. TONNA:

There's no fiscal impact. There is a net personality, personal human relation impact. Okay. Anyway, roll call.

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

LEG. TONNA:  
No.  
LEG. CARPENTER:  
No.  
LEG. CARACCIOLO:  
Pass.  
LEG. GULDI:  
No.  
LEG. TOWLE:  
Pass.  
LEG. CARACAPPA:  
Pass.  
LEG. FISHER:  
No.

00055

LEG. HALEY:  
No.  
LEG. FOLEY:  
No.  
LEG. FIELDS:  
No.  
LEG. ALDEN:  
No.  
LEG. CRECCA:  
No.  
LEG. D'ANDRE:  
No.  
LEG. BISHOP:  
No.  
LEG. POSTAL:  
No.  
LEG. BINDER:  
Pass.  
LEG. COOPER:  
No.  
LEG. LEVY:  
No.  
LEG. CARACCIOLO:  
No.  
LEG. TOWLE:  
Yes.  
LEG. CARACAPPA:  
No.  
LEG. BINDER:  
No.  
MR. BARTON:  
One.  
P.O. TONNA:

Great. Okay, there we go. Let's go on to now Resolution Number 934 for -- consider for override, stand-alones, BA22. BA22. Okay. If there's no motion and second, it just dies, right?

LEG. CARPENTER:  
Yeah, but you don't need to address it.

00056

LEG. GULDI:

That would be the way it works here.

P.O. TONNA:

Okay. Does anybody want to address this resolution? No.

MR. SABATINO:

Technically, it's really out of order at this point, because it's duplicative of what's in the omnibus, so I would just --

P.O. TONNA:

Great. Throw it out.

MR. SABATINO:

I would just mark it out of order.

P.O. TONNA:

Okay, it's out of order. Now we're at Budget Amendment Number 62. Legislator Foley, you want to make a motion?

LEG. FOLEY:

Motion to override.

P.O. TONNA:

Okay. Seconded by Legislator Haley. Okay. Roll call.

LEG. ALDEN:

On the motion.

P.O. TONNA:

On the motion, Legislator --

LEG. ALDEN:

Fred Pollert, Budget Amendment Number 62, what's the net effect?

MR. POLLERT:

There's no net property tax impact. The impact is using an offset from cars.

LEG. ALDEN:

Thanks.

P.O. TONNA:

This is Resolution 950-2000, Budget Amendment Number 62. Okay. Roll call.

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

LEG. FOLEY:

Yes, to override.

LEG. HALEY:

Yes.

00057

LEG. CARACCIOLO:

Yes.

LEG. GULDI:

Yes.

LEG. TOWLE:

Yes.

LEG. CARACAPPA:

Yes.

LEG. FISHER:

Yes.

LEG. FIELDS:

Yes.

LEG. ALDEN:

Yes.

LEG. CARPENTER:

Yes.

LEG. CRECCA:

Yes.

LEG. D'ANDRE:

Yes.

LEG. BISHOP:

Yes.

LEG. POSTAL:

Yes.

LEG. BINDER:

Abstain.

LEG. COOPER:

Yes.

LEG. LEVY:

Yes.

P.O. TONNA:

Yes.

MR. BARTON:

17-1 abstention.

P.O. TONNA:

Great.

LEG. FOLEY:

Thank you.

00058

P.O. TONNA:

Okay. Now we're into Resolution Number 952-2000, Budget Amendment Number 65.

LEG. FOLEY:

Motion to override.

P.O. TONNA:

Motion to override by Legislator Foley. Is there a second?

LEG. TOWLE:

Second.

P.O. TONNA:

Seconded by who? Legislator Towle. Roll call.

LEG. ALDEN:

On the motion.

P.O. TONNA:

On motion.

LEG. ALDEN:

Fred Pollert, Resolution Number 952, Amendment Number -- Amendment Number 65, what's the net effect?

MR. POLLERT:

There is no net effect.

LEG. LEVY:

Question.

P.O. TONNA:

Yes, question, Legislator Levy.

LEG. LEVY:

Fred, there's good and bad to this resolution. Either way -- either way we go here, there's a problem. If we don't override, the monies related to the tobacco settlement, as I understand it, would be

sprinkled around the General Fund and possibly be rather fungible that they could be transferred for other items. On the other hand, if we override, you have some concerns about what type of impact that might have down the road, or at least the -- the override itself states concerns about sales tax monies coming in. First of all, if you can address where the money is presently situated in the budget and how fungible it is.

MR. POLLERT:

Currently, the funds are included as a General Fund revenue, like sales tax and numerous other revenues within the budget. Those revenues are available to fund all County operations. So the inclusion of the revenues within the General Fund don't make them any more or less fungible than sales tax or any other revenue. They are there to fund the specific group of expenditures, which has been authorized by the Legislature through the Operating Budget. It is a General Fund

00059

revenue.

LEG. LEVY:

Okay. Of the amount, though, how much of this is specified through line item fashion for health related purposes?

MR. POLLERT:

Roughly 20% was the goal. Because there was an inability on the part of the County to expend all the funds for Fiscal Year 2000, a portion of those funds specifically related to tobacco cessation programs are rolled into 2001.

LEG. LEVY:

And we can trace that 20% of this money is, in fact, on line items that relate to health related matter?

MR. POLLERT:

Not specifically this revenue, but if you aggregate all of the tobacco education programs and health related programs, they total to approximately 20% of revenue source, that's correct.

LEG. LEVY:

If the resolution were to be overridden, the veto were to be overridden and the money were transferred from the General Fund into this segregated area, how much of that money would be segregated?

MR. POLLERT:

It would be segregating the tobacco revenues. In total, you would be moving the tobacco revenues and offsetting those tobacco revenues with expenses for the Health Department clinics and programs, so that you would have a clear identification that tobacco funds were being used to fund both programs.

LEG. LEVY:

So it shouldn't be a tax impact, it's a transfer on paper from being in the General Fund and fungible to a more direct and locked-in zone as to where these monies are going; is that correct?

MR. POLLERT:

Yes. When the resolution was being voted on, one of the comments that I made is that a positive aspect of the resolution would be that you would have accountability. You would set up an audit trail for where the funds would be used.

LEG. LEVY:

And what is your concern, if any, regarding potential loss in sales

tax, and reimbursement?

MR. POLLERT:

The concern does not relate to the sales tax, the concern relates to State Aid for the Health Department. New York State Law is rather ambiguous, but it would seem to indicate that there could be a significant loss of revenues if the State of New York considered that the County was using tobacco money to supplement health programs. They feel that because they reimburse health programs, if the County were to use tobacco money, it would, in fact, be double funding programs. So

00060

when we contacted the State of New York, the technocrats we spoke with did not want to give a detailed interpretation of Legislative intent, but it was their belief that if they considered it to be a supplement to normal County appropriations, there would be a possibility that aid would be lost. It ultimately comes down to how the financial statements are certified to the State of New York by the County's Chief Financial Officer, which is the County Comptroller, not the County Executive.

LEG. LEVY:

Final question. How much money is related for -- how much money from the tobacco settlement is earmarked as it presently stands in the budget for health related purposes, and how much would be earmarked for health related purposes were this veto to be overridden?

MR. POLLERT:

Specifically, for the health programs, I believe, approximately \$6 million is being currently earmarked. However, it's difficult to say, because, as you had said, it's a fungible revenue source when it comes into the General Fund. You could argue that the entire amount or none of the amount is specifically being dedicated to the Police Department. It is part of a pool of revenues --

LEG. LEVY:

Health Department, you mean?

MR. POLLERT:

-- which is being supported.

LEG. LEVY:

You said Police Department. You mean Health Department.

MR. POLLERT:

I'm sorry, the Health Department. Because it is part of a pool of revenues flowing into the General Fund, it is impossible to identify a particular portion which is being used for the Health Department.

LEG. LEVY:

If it's overridden.

MR. POLLERT:

This resolution would not increase expenses or available funding for the Health Department, it would merely segregate the source of revenues to the programs for the health clinics.

LEG. LEVY:

Thank you.

LEG. FIELDS:

Paul.

P.O. TONNA:

All right. We're all done?

LEG. D'ANDRE:

Move the question.

00061

P.O. TONNA:

Okay. There's a motion to override by Legislator Foley, seconded by Legislator Levy, I think, right?

MR. BARTON:

Towle.

LEG. FIELDS:

Towle.

LEG. LEVY:

I didn't, no.

P.O. TONNA:

Okay, sorry. Okay. Roll call on the vote, please.

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

LEG. FOLEY:

Yes, to override.

LEG. TOWLE:

Yes.

LEG. CARACCIOLO:

No.

LEG. GULDI:

Pass.

LEG. CARACAPPA:

No.

LEG. FISHER:

No.

LEG. HALEY:

No.

LEG. FIELDS:

No.

LEG. ALDEN:

Nope.

LEG. CARPENTER:

No.

LEG. CRECCA:

No, to override.

LEG. D'ANDRE:

No, to override.

00062

LEG. BISHOP:

No.

LEG. POSTAL:

No.

LEG. BINDER:

No.

LEG. COOPER:

No.

LEG. LEVY:

Yes.

LEG. TONNA:

No.

LEG. GULDI:

Yes.

MR. BARTON:

Four.

LEG. FOLEY:

So considerate, George.

P.O. TONNA:

Okay. Now we're looking at Resolution Number 957-2000, Budget Amendment Number 71. Is there a motion pole

LEG. FOLEY:

Motion to override.

P.O. TONNA:

Is there a second?

LEG. FISHER:

Second.

LEG. LEVY:

Second.

LEG. ALDEN:

On the motion.

P.O. TONNA:

Okay. Second by Legislator Fisher?

LEG. FOLEY:

Yes.

P.O. TONNA:

No, Legislator Levy. Thank you, Legislator Fisher. I was like -- okay.

Go ahead, Legislator --

00063

LEG. ALDEN:

Fred Pollert, on Resolution Number 957, Budget Amendment 71, what's the net effect on that?

MR. POLLERT:

There is no net property tax impact.

LEG. ALDEN:

Thank you.

LEG. FOLEY:

Mr. Chairman, if I may, please.

P.O. TONNA:

Yes. Yes, Legislator Foley, you have the floor.

LEG. FOLEY:

Thank you very much. When you look at the -- Page 3 of the County Executive's veto message, actually, the end of Page 2, it says, Stand-alone Budgets Number 62 and 71-2000 likewise reduce funding for vehicles by \$216,000 and \$4 million respectively. That's incorrect, Ladies and Gentlemen. This does not reduce the amount by \$4 million, what it does, it transfers the amount to the pay-as-you-go account, thereby creating better accountability of those funds. It still enables the management of County government, the Executive Branch, to request these monies for the same purpose of purchasing automobiles." What it does, though, is it creates better accountability and it's a transfer of monies. It is not a reduction in monies for the purchase of vehicles.

LEG. LEVY:

If there's no one else, I'll recognize myself.

P.O. TONNA:

Okay. I recognize that you recognized yourself.

LEG. LEVY:

Okay, very good. This bill is taking \$4 million for the purchase of cars and switching it over to the Pay As You Go Fund. And it has to be underscored that the budget called for \$8 million in new vehicle purchases over the course of the year. That's still an awful lot of money in our budget, and that is despite the fact, if you folks will recall, that a couple of years ago, this Legislature put in place a new law and was signed by the County Executive which called for a revamping of our fleet, a change in the way these vehicles were going to be doled out to employees. We were no longer going to be giving vehicles to employees for the mere purposes of commuting back and forth to work. We told the public that we revolutionized the system. We told the public that for now on, cars would only be available for doing business for County business, and that's not what has happened. We passed this bill, it's been ignored, it's collecting dust on a shelf. This bill is an opportunity to send the message that we're in favor of enforcing our own legislation. If we cut the money for the purchases of these vehicles, they won't be able to buy all these new vehicles and dole them out as perks. And I'm not talking about to the department heads, I'm not talking about to the Health Sanitarians, or the Probation

00064

people who really need these vehicles on a daily basis, we're talking about the perks for someone who merely goes back and forth to work with these particular cars, and nothing but nothing has been done to address this issue. This bill does it. I would have preferred to see this \$4 million go towards tax relief. That bill failed. But at least if it goes toward the Pay As You Go process, we'll be saving taxpayer dollars down the line, because we won't have to bond for that money. Override.

P.O. TONNA:

Okay. Now let's go to the vote. Thank you. Roll call.

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

LEG. FOLEY:

Yes, to override.

LEG. LEVY:

Yes.

LEG. CARACCIOLO:

No.

LEG. GULDI:

Pass.

LEG. TOWLE:

Yes.

LEG. CARACAPPA:

No.

LEG. FISHER:

Pass.

LEG. HALEY:

No.

LEG. FIELDS:

Pass.

LEG. ALDEN:

No, to override.

LEG. CARPENTER:

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

00065

LEG. POSTAL:  
No.  
LEG. BINDER:  
No.  
LEG. COOPER:  
No.  
LEG. TONNA:  
No.  
LEG. GULDI:  
Yes.  
LEG. FISHER:  
Yes.  
LEG. FIELDS:  
Yes.

MR. BARTON:  
Six.

P.O. TONNA:  
Okay. It's now 12:35, and we'll adjourn until 2:30.

LEG. GULDI:  
Mr. Presiding Officer.

P.O. TONNA:  
Yes.

LEG. GULDI:  
There are some people here who have signed cards --

LEG. BISHOP:  
Yeah. Why don't we let them --

LEG. GULDI:  
-- for the public portion. They've traveled from --

P.O. TONNA:  
Okay.

LEG. GULDI:  
-- one end of the County, and when we come back at 2:30, it's public hearings. I'd like to hear them before we adjourn.

P.O. TONNA:  
Okay. I have -- how many cards do you want to go through. I have right now two right here, Frank Corwin. Frank? Okay. And then also Muriel Reeves. Is that --

MS. REEVE:  
I spoke.

00066

P.O. TONNA:  
You spoke, okay. All right. Frank Corwin. And then after that, we're going to adjourn until 2:30.

LEG. CRECCA:  
I just -- Mr. Presiding Officer.

P.O. TONNA:

Yeah.

LEG. CRECCA:

I just want to apologize, because I do have to leave. I have a speaking engagement --

P.O. TONNA:

That's okay.

LEG. CRECCA:

At the Smithtown Senior Center --

P.O. TONNA:

No problem.

LEG. CRECCA:

-- Regarding the HMO's. So apologize to those members --

P.O. TONNA:

Okay.

LEG. CRECCA:

-- of the public who are speaking now.

P.O. TONNA:

Okay. Go ahead.

MR. CORWIN:

Okay.

P.O. TONNA:

Frank.

MR. CORWIN:

I live right near the 105 Bridge. As a matter of fact, part of my property, or my father's property, was taken for the Bridge. And Legislator Bishop asked me what I should do about the people that have requested noise abatement. I think that if you live near a railroad track, you get used to the railroad. If you live near a bridge, you get used to the bridge. I was born, brought up on a duck farm and it took me 30 years before I spelled "ducks". But those things, you appreciate the property that you've got, you're on the water. This gentleman wants to sell his, but he's asking a fantastic price, and I guess he thinks the noise is going to bother him. But I also think when you come to snowstorms and winter winds, and so on and so forth, if you have that barrier up there, you're going to have snow piling up and dropping the same as it does over a snow fence. Where are they

00067

going to put the snow that winds up on the bridge? And in a year's time, if we have any kind of a winter, they sand the road. I think the grit and so on will take a lot of that noise off the road and I don't -- there's -- as I understand it, it isn't even above the noise barrier amount. So I, along with Mrs. Reeve and Lindsay, feel it should be discontinued.

P.O. TONNA:

Thank you very much, sir.

LEG. BISHOP:

May I --

MR. CORWIN:

One other thing.

P.O. TONNA:

You want to ask a question, Legislator Bishop?

LEG. BISHOP:

Yeah. I just want to explain what my concern is, and I think I'm in the minority, but --

P.O. TONNA:

Okay.

LEG. BISHOP:

We created the problem. It's not like the -- the bridge did preexist.

LEG. FOLEY:

The State created the problem.

LEG. BISHOP:

The State. Somebody created the problem after the fact. Well, how did the State create it?

LEG. GULDI:

State supervised reconstruction project.

LEG. BISHOP:

Of our bridge.

LEG. GULDI:

Of our bridge, right.

LEG. BISHOP:

So our -- I'm sure we were -- our Department of Public Works --

P.O. TONNA:

Right.

LEG. BISHOP:

-- was aware what was going on.

P.O. TONNA:

So what's the question?

00068

LEG. BISHOP:

No. It's just a statement. Perhaps --

P.O. TONNA:

But this is a time for the public portion to hear.

LEG. BISHOP:

Well, it's a statement which invites a response, which is --

P.O. TONNA:

Okay.

LEG. BISHOP:

Which is if government is responsible for creating the nuisance, then shouldn't government have the obligation to mitigate it? Shouldn't we do something to lessen the burden of those folks there? Your attitude is, well, you know, you live near a bridge, you got to, you know, deal with it.

MR. CORWIN:

I don't think there's that much of a burden to the --

LEG. BISHOP:

Okay.

MR. CORWIN:

To the people. That's my opinion.

LEG. BISHOP:

That's -- all right. That's another opinion. There's no problem there.

LEG. CARACCIOLO:

Mr. Chairman.

LEG. FOLEY:

Legislator Bishop.

LEG. CARACCIOLO:

I had a question for the last speaker.

LEG. FOLEY:

If it's not a burden, what it is --

LEG. CARACCIOLO:

Mr. Corwin.

LEG. FOLEY:

-- they've we've made it rough in order to have better traction in inclement weather.

LEG. CARACCIOLO:

Could I --

00069

P.O. TONNA:

Can I say something?

LEG. BISHOP:

Well, no.

LEG. CARACCIOLO:

One question.

P.O. TONNA:

We're right now asking the public.

LEG. BISHOP:

I can recall --

P.O. TONNA:

Go ahead.

LEG. BISHOP:

-- a Legislator who fought vociferously against the State agency, which enacted a safety measure, which greatly impacted the quality life of residence --

P.O. TONNA:

Is this a question to the speaker?

LEG. BISHOP:

-- along the railroad.

P.O. TONNA:

Is this a question to the speaker?

LEG. BISHOP:

No. It's a -- I was just --

P.O. TONNA:

Okay. Legislator Caracciolo has the floor for a question of the speaker. All right.

LEG. CARACCIOLO:

Mr. Corwin, how many people live within a thousand feet of this bridge, where maybe this higher decibel level may be heard? And let's note for the record that the decibel level is well under the State standard. Go ahead.

MR. CORWIN:

I believe there's about ten houses that could be within a thousand feet. Two of them are on the water, or three. One isn't used. But there's possibly less than ten houses.

LEG. CARACCIOLO:

And how many -- how many residents are year-round residents there?

MR. CORWIN:

Probably nine of them.

00070

LEG. CARACCIOLO:

Okay. And how long have they lived there?

LEG. BISHOP:

From before the problem.

MR. CORWIN:

Most of them, for, oh, four or five years.

LEG. CARACCIOLO:

So this is a fairly recent development, or development of this?

MR. CORWIN:

Well, the people that are living there --

LEG. CARACCIOLO:

Okay. There's been --

MR. CORWIN:

-- the houses have been there longer, but the people that are living close by.

LEG. CARACCIOLO:

Okay. Can you hear any noticeable difference?

MR. CORWIN:

Not where I live, no.

LEG. CARACCIOLO:

Okay.

MR. CORWIN:

And I'm about 2,000 feet away.

LEG. CARACCIOLO:

Okay. Thank you.

P.O. TONNA:

Okay. Recess until 2:30. Thank you very much.

[THE MEETING WAS RECESSED AT 12:35 P.M. AND RESUMED AT 2:40 P.M.]

D.P.O. LEVY:

Okay. Henry, would you do the roll, please.

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

MR. BARTON:

A quorum is present for public hearings, Mr. Chairman.

D.P.O. LEVY:

Henry, have the affidavits of publication been duly filed?

MR. BARTON:

Yes, Mr. Chairman, I have the affidavits.

00071

D.P.O. LEVY:

Okay. Let's go to the first public hearing. First public hearing is Introductory Resolution 1978, adopting a local law to extend required use of helmets by minors, I guess that should be "for scooters." It says "to scooters." We have one speaker on this particular item and we're tracking that person down at the moment. Lori Baldassare. You'll have ten minutes. I know you want to speak on another bill, too, so why don't you take your time to speak on both of them.

MS. BALDASSARE:

Okay.

D.P.O. LEVY:

Okay?

MS. BALDASSARE:

Actually, for the resolution on the scooters, I am just a messenger. I have 12 to 15 letters here from a Girl Scout Troop of 11 year olds who

are supporting the use of helmets, and they give their reason in written letters here that I'll just submit to you, okay, on that resolution.

D.P.O. LEVY:

You can just give it to the Clerk. Alison, if you could take that, please. Thank you.

MS. MAHONEY:

You want them handed out?

MS. BALDASSARE:

No. It's just for the record. You can just --

D.P.O. LEVY:

Continue.

MS. BALDASSARE:

The resolution I was here to speak on was the Greenways resolution, which is 2029, I believe, to amend the requirements under --

D.P.O. LEVY:

You'll have three minutes for that; okay?

MS. BALDASSARE:

Okay. The requirements for community organizations to participate under Greenways. And my comments on that hearing, as somebody who has had a group, the Mount Sinai Civic and the Mount Sinai Heritage Trust, who has worked through the Greenways Program to become a partner under this bond act, I think the resolution, the way it's written, would actually limit our ability to participate even more. And I know that's probably not the intention of the legislation, rather to just clarify some of the items. But from our perspective, what we would like to see and we think would be more effective is to require a business plan, so that a community group can provide the reasons why they think they can participate under this plan. In our case, we desperately tried to establish funds for the -- I'm just getting a little distracted. I'm sorry.

00072

D.P.O. LEVY:

Yeah. Could you guys keep it down there, please, for the speaker please. Go ahead.

MS. BALDASSARE:

We tried to put together a lot of funding for this project that we were undertaking for The Wedge, and what happened in reality is some of the funding that we did put together has a very short life on it now.

We're reaching a point where we may not be able -- be able to use the funds, so it might not have been the best route to go on a project where we actually weren't given a commitment to go forward. A business plan would -- would put into words the plan of action, the record of the organization, the length of time it's been around, the financial records, without putting the burden of accumulating money for funds for a project that hasn't been approved yet.

I've also asked if we could, after this hearing, submit some comments for the record, because there are several people that had planned on coming today that couldn't be here that had comments that I wasn't able to get their documentation for prior to the hearing.

D.P.O. LEVY:

Okay. If you want to give -- Legislator Haley states, if you give your comments to him, he'll make sure they're distributed, okay, as with the

clerk.

MS. BALDASSARE:

Okay.

D.P.O. LEVY:

Anything further on that?

LEG. BISHOP:

I have a question.

D.P.O. LEVY:

We have a question from Legislator Bishop.

LEG. BISHOP:

I just want to know where -- I thought we solved The Wedge at the last meeting. We didn't solve The Wedge? Where are we at?

LEG. HALEY:

Capital monies.

MS. BALDASSARE:

Okay. The Wedge itself, the project itself?

LEG. BISHOP:

Yeah.

MS. BALDASSARE:

Yeah, we did -- we did pass a resolution. At this point in time, we're waiting for agreements with the Town. That hasn't happened yet. Or the County. The property hasn't been closed on yet either.

00073

LEG. BISHOP:

Well, I mean, we just --

MS. BALDASSARE:

Yeah. The reason I came to this public hearing, though, is they want to amend the way that community groups can participate under Greenways for the future.

LEG. HALEY:

Prospectively, yeah.

LEG. BISHOP:

Right. You -- right.

MS. BALDASSARE:

Right.

LEG. BISHOP:

You want an effective criteria by which you can judge whether a community group is capable of being a partner, as opposed to -- okay.

MS. BALDASSARE:

Right. Just somebody who has lived through that process, we wanted to add our comments.

LEG. BISHOP:

But where is The Wedge at? Just because we're all -- we've heard a lot about The Wedge, so we'd like to follow up on that.

MS. BALDASSARE:

Currently, we're in the middle of working out an agreement with the Town of Brookhaven, who will be the steward for the property in total with the County.

LEG. BISHOP:

And where is that at?

MS. BALDASSARE:

We have no agreements at this time.

LEG. BISHOP:

Do you have meetings?

LEG. HALEY:

Mr. Bishop.

LEG. BISHOP:

Are you hopeful that will occur, or are we going to be back here --

MS. BALDASSARE:

I would have been hopeful that it would have occurred before now, but it hasn't yet.

LEG. HALEY:

Go ahead. I'll let you finish.

00074

LEG. BISHOP:

No, I got the answer.

LEG. HALEY:

Okay.

D.P.O. LEVY:

Legislator Haley.

LEG. HALEY:

I'm very curious. I want to make sure that we understand it. The Town, the Town has been cooperating, right?

MS. BALDASSARE:

We've been talking with the Town, yes.

LEG. HALEY:

So they've been cooperating. And we still have yet to close the property, which I suspect will be right after Thanksgiving, certainly before the end of the year. But the Town, from what I understand, is that --

LEG. BISHOP:

Are we in contract on the property?

LEG. HALEY:

Yes.

LEG. BISHOP:

Okay.

LEG. HALEY:

Yeah, we're close to that. And it's very important. And I've been told by the Town Attorney's Office, because the Town Attorney has been talking with Lori and her group ever since we passed a resolution. And we have a couple of resolutions tonight to add capital monies for projects on that site. So I'm sure that they're not far -- that far off, because I understood it was a cooperative -- the meetings were very cooperative. And we hope that -- you know, my intention is to make sure it stays that way.

D.P.O. LEVY:

Legislator Caracciolo.

LEG. CARACCILOLO:

Just a follow-up question on that point. It's my recollection that when we considered the resolution for consideration and adoption, that there was a deadline. I thought it was early December. Will that deadline be made -- met to acquire the property?

LEG. HALEY:

I understand, from the last time I talked to Mr. Grecco, that it's not a problem.

00075

LEG. CARACCIOLO:

Okay.

LEG. HALEY:

He says right after Thanksgiving, so I'm believing next week. I mean, if you want, I could try to track him down and find out.

LEG. CARACCIOLO:

Well, I just want to make sure, as I'm sure all of us do --

LEG. HALEY:

Yeah, it's consistent with that, yeah.

LEG. CARACCIOLO:

That this doesn't fall through the crack for some, you know, lapse -- lack of somebody being conscientious to make sure that we acquire this property.

LEG. HALEY:

No. I've been pushing Mr. Grecco to that end.

D.P.O. LEVY:

All right. Let's move on. Thank you very much, ma'am.

MS. BALDASSARE:

Okay.

D.P.O. LEVY:

We have a motion by Legislator Foley to close Public Hearing 1978, second by myself. In favor? Opposed? Motion carries.

We move on to Public Hearing 2027, a local law authorizing living quarters for real property tax exemption. We have no cards. Motion to close by Legislator Foley, second by myself. In favor? Opposed? Motion carries.

Next Public Hearing, 2028, a local law defining income for disabled persons. No cards. Same motion to close, same second, same vote.

We just had a person speak on 2029. Are there any other people wishing to speak on 2029? That is a local law to -- a Charter Law to impose additional requirements on the Greenways Fund. No further cards. Legislator Caracciolo?

LEG. CARACCIOLO:

I make a motion to close.

D.P.O. LEVY:

Motion to close, second by Legislator Towle. In favor? Opposed? Motion carries.

Public hearing 2030, a local law defining income for senior citizens real property tax exemptions. We have no cards. Motion to close by Legislator Caracciolo, second by Legislator Fisher. In favor? Opposed? Motion carries.

00076

Next hearing is 2041, is a Charter Law authorizing local municipal funding of Suffolk County capital projects. We do have a speaker, Alpa Pandya from the Nature Conservancy.

MS. PANDYA:

Good morning.

D.P.O. LEVY:

Welcome.

MS. PANDYA:

Good afternoon, I should say. Good afternoon. I'm with the Nature Conservancy. My name is Alpa Pandya. I'm here to speak in support of Intro. Resolution Number 2041, a Charter Law amendment to allow

municipal funding of County capital projects.

As you all know, open space in Suffolk County is being rapidly developed. Sprawling malls, acres of parking lots and miles of roads are replacing our open space and farmland, and eroding our quality of life. The only way to meet these intense development pressures is effective intergovernmental partnerships, where we pool money to buy open space that any one government would have difficulty buying.

Intro. Resolution Number 2041 would amend Suffolk County's Charter to authorize municipal funding of County capital projects. The intent is to allow towns to share the cost of land preservation efforts.

Suffolk County's Charter already acknowledges the wisdom of partnering with State and Federal governments. This is the time to broaden that scope to allow the County to financially partner with the towns in which they work, so that the towns share the cost of buying land. This solution would stretch County dollars, as well as town dollars.

In recent years, seven of ten towns in Suffolk County have passed dedicated bonds or taxes to fund open space acquisitions. It only makes fiscal sense that Suffolk County should be partnering with towns to buy land in these towns. Intro. Res. Number 2041 will further the County's open space preservation goals, while allowing sensible cost sharing with towns. We hope you will pass this Charter Law amendment. Thank you.

D.P.O. LEVY:

Thank you very much.

LEG. CARACCIOLO:

I have a question. Question. Question.

D.P.O. LEVY:

Legislator Caracciolo, question to the speaker.

LEG. CARACCIOLO:

Hi, Alpa.

MS. PANDYA:

Hi there.

00077

LEG. CARACCIOLO:

How would you suggest that the County encourage towns to participate in the farmland component of Greenways, which is a 70/30 cooperative, where the County puts up 70% of the money and 30% has to come forward from the town? So far, no takers. What makes me -- what should make me think, rather, that this approach will be anymore successful than that?

MS. PANDYA:

This is open space funding.

LEG. CARACCIOLO:

I understand the difference.

MS. PANDYA:

Open space is tapped out. Farmland is the project which is having a little trouble, for some reason, finding takers. As you know, the Nature Conservancy doesn't really deal with farmland, we do mostly open space. You should probably be speaking with the Peconic Land Trust, why they haven't been able to close deals more rapidly.

LEG. CARACCIOLO:

Okay. And could you explain to the Legislature why your organization opposed Proposition 2?

MS. PANDYA:

Yes. Proposition 2 will severely limit the County's ability to borrow against future revenues of the quarter percent sales tax. Our reading and every reading that we've had of the existing law is that we can-- the County can currently borrow against 100%. I mean, no one's suggesting 100%, but can borrow as much as they want to against the quarter percent sales tax. Nobody has shown us any laws which say otherwise.

LEG. CARACCIOLO:

Well, we had meeting yesterday in my office with representatives of your organization.

MS. PANDYA:

Yes.

LEG. CARACCIOLO:

And when I posed the same question to them, by what authority we would have a means to do so, they acknowledged there was none.

MS. PANDYA:

To borrow?

LEG. CARACCIOLO:

To borrow under the Pay As You Go Program that was approved by the voters last year.

D.P.O. LEVY:

I'm going to chime in here for a second.

00078

MS. PANDYA:

Please do.

D.P.O. LEVY:

We'll go a little banter on this, but it's getting far afield from the actual --

LEG. CARACCIOLO:

Well, it's in the context of the issue of preservation and educating --

D.P.O. LEVY:

Go ahead, but --

LEG. CARACCIOLO:

-- other Legislators, so they're not hoodwinked --

D.P.O. LEVY:

I know. We just have --

LEG. CARACCIOLO:

By some who would have us feel guilty that we're not preserving property.

D.P.O. LEVY:

I understand your point, Mike. You brought it up early this morning.

LEG. CARACCIOLO:

Suffolk County has spent \$420 million, including financing costs, to preserve property, well over 25,000 acres. We have 58 to \$70 million available today to purchase. There's no need to go out and borrow more money. Unless somebody can show me a demonstrated need otherwise, Steve, I'm not buying it.

D.P.O. LEVY:

No, I'm not going to argue.

LEG. CARACCIOLO:

And I'm making my colleagues not to buy it.

D.P.O. LEVY:

I'm just saying we're --

LEG. BISHOP:

Steve.

D.P.O. LEVY:

-- going a little afar from the topic.

LEG. BISHOP:

I want to go back to the topic, because I --

D.P.O. LEVY:

Are done, Mike? Are you done?

LEG. CARACCIOLO:

Yes.

00079

LEG. BISHOP:

I just did a quick survey of my fellow Legislators and we don't know what this bill does. What does the bill do?

MS. PANDYA:

This part?

LEG. BISHOP:

Yes.

MS. PANDYA:

This one will allow -- currently, in your Charter, the Suffolk County Charter allows partnering to buy open space, as well as other things, I guess, with federal and state governments. It does not allow partnering with municipal governments, town or village governments, for some reason. And this law would be --

LEG. BISHOP:

Oh, but we do the Land Partnership Preservation.

MR. SABATINO:

No, no, no.

LEG. BISHOP:

Can I ask Counsel to clarify?

MS. PANDYA:

For capital -- sorry. For capital projects, yeah.

LEG. BISHOP:

So this would allow us to use the Capital Budget to do partnerships.

D.P.O. LEVY:

No. It's the 50%. You don't have to --

MR. SABATINO:

Let me just --

D.P.O. LEVY:

-- pierce the cap.

LEG. BISHOP:

Paul will give it a shot.

MR. SABATINO:

The current law on offsets, okay, put land preservation on the side, nothing to do with that, okay, just the current law on offsets is that you can't amend the Capital Budget to increase it unless you have an offset of an equivalent amount, or unless you can show more than 50% Federal or State Aid. That's for all capital projects across the board. This particular individual is concerned about the ability to increase the Capital Budget for land acquisition programs. Again, the general rule would be you couldn't do an increase unless you had an offset of an equivalent amount, or Federal or State Aid. This

amendment would now say that if you had at least 50% of local, be it  
00080

town or village aid, you could avoid the necessity to have an offset.

LEG. BISHOP:

Property in East Hampton Town that we did last year?

MR. SABATINO:

Shadmoor.

LEG. BISHOP:

Shadmoor. Wasn't that a direct add to the Capital Budget?

LEG. CARACCIOLO:

That was bonded.

MR. SABATINO:

But there was a -- well, what -- but it was presented as being State Aid that put you over the top. There was --

LEG. BISHOP:

That was 50% aid.

MR. SABATINO:

That was the different. But there's a current -- for example, there's something tabled in committee right now which is to add \$5 million to the Land Preservation Partnership Capital Budget and Program. You could increase the \$5 million, you can get an offset someplace else. In the absence of getting an offset, this is the kind of an amendment to the Charter which would allow you to avoid having to get an offset to increase the Land Preservation Partnership Program by 7 million. So the real impact --

LEG. BISHOP:

I understand.

MR. SABATINO:

Might be there. Okay.

LEG. BISHOP:

I understand. Okay. Thank you.

D.P.O. LEVY:

Thank you very much.

MS. PANDYA:

Thank you.

D.P.O. LEVY:

No more speakers. We have a motion to close by Legislator Guldi, second by Legislator D'Andre. In favor? Opposed? Motion carries. 2042, we have three speaker, it's a local local law to ban the use of plastic loops in food and drink packaging within Suffolk County. And our first speaker is Matt Hayden.

LEG. ALDEN:

Legislator Levy.

00081

D.P.O. LEVY:

Yeah, Legislator Alden.

LEG. ALDEN:

While the speaker is coming up, I just have a quick question of Counsel. Does New York State Conservation Law supersede us on this authority? And I don't need an answer today on it, but if you could get an answer for me on that.

MR. SABATINO:

I'm not sure, but I'll be happy to get back to you.

LEG. ALDEN:

Thank you very much.

D.P.O. LEVY:

Okay. Mr. Hayden, the floor is yours.

MR. HAYDEN:

Good afternoon. Happy Thanksgiving. What a great -- talk about a hard-working Legislature. This is amazing. Tuesday afternoon before Thanksgiving, we're all here doing business.

My name is Matt Hayden. I'm Manager of Environmental Affairs and New Business Development for ITW Hi-Cone. I'm based in Chicago and our company makes all the six-pack rings that you find in the United States and, in fact, around the world, which is why I'm here.

D.P.O. LEVY:

All of them?

MR. HAYDEN:

This is all we make.

D.P.O. LEVY:

That's a good business.

MR. HAYDEN:

So when you introduced a piece of legislation to ban the only thing that we make, it captured my attention.

I appreciate your indulgence this afternoon. I've had a chance over the last couple of weeks to meet with some of you, the members of the Energy and Environment Committee. I'm sorry I haven't gotten a chance to meet each of you, but look forward to doing that over the next couple of weeks, if we can.

Before we get started, let me just deal with something first. This is a six pack ring. Most all of you have seen this.

D.P.O. LEVY:

If I could ask you, if you could hand that to us, but when you speak, sir, if you could make sure you speak into the mike for the purposes of our stenographer.

00082

MR. HAYDEN:

These will be -- I actually have a briefing book for each of you that I will give you later, and it contains in here a six-pack ring. It's just like every one that you see, except it's degradable. This is the same ring that's been manufactured. Every single ring manufactured in the United States since 1988 has been photodegradable. We can get kids to learn that, but we can't get adults to learn it. So that's one of the misperceptions that we wrestle with, and that's one of the reasons I'm here.

The spirit underlying the introduction of the piece of legislation that brought me here today I can fully appreciate. We're all concerned about the environment, we're all concerned about recycling, we're all concerned about wildlife. We're stuck in one of those situations where our current understanding or our perception is at variance from the facts.

I remember being at a seminar many years ago in Boston and the facilitator at one -- at one point turned his attention to the subject of perception, and he said something that stuck with me for many years. He said, "You know, the absolutely fascinating thing about perception is that it's always 100% certain. It may or may not be

correct, but it's always 100% certain." And that happens to me with the rings a lot. We can be certain and incorrect statement.

The information that's included in the Resolution 2042, which we obviously oppose and that was reported in Suffolk Life, really consists of four or five claims about the rings. The first is that they're not degradable. And in point of fact, as you'll see, each one made in the United States since 1988 has been photodegradable. What that means is that if some careless citizen leaves it next to a park bench, they take it out fishing, and they throw it out of the fishing boat, first of all, if they throw it out of the fishing boat, it floats, it doesn't sink.

D.P.O. LEVY:

Matt, I have to interrupt. Was this a set up for this to fall apart by the time it got around here?

LEG. ALDEN:

Steve, I apologize. My fingers got caught in it.

MR. HAYDEN:

That's a very good question. It was -- it was exposed to ultraviolet light with the sunlight to enhance this. I mean, we put this in every school kit.

We do run an interesting trade-off. The rings need to be strong enough when you take it home, so that you don't have cans and bottles falling out on kids' toes. The issue is what happens if they're improperly disposed of, and that's why we make them photodegradable. Now that's done in conjunction and in conformance with federal law, state, State of New York law, and an EPA rule. And the State law goes back to 1983. I'm sorry. Mr. Foley?

00083

LEG. FOLEY:

Yeah. These -- just a light moment, since this is a holiday week. I wonder whether or not the chads in Florida are also photodegradable, as these are. I'm sorry.

MR. HAYDEN:

You know, that's a hell of an interesting question that I'm not prepared to address today.

LEG. ALDEN:

I think we should keep asking that question until we get the proper answer.

LEG. FOLEY:

Especially in the -- especially in the Sunshine State.

MR. HAYDEN:

Could we have a recount, please? There are a couple of claims that need to be addressed, one is degradability, and I think I've adequately addressed that, at least as to degradability. There was a concern that they were clogging landfills. I don't know enough about Suffolk County landfills to know whether these rings are a problem in terms of clogging landfills. I do know that these rings of ours represent the least amount of packaging that you can use to achieve a specific objective. Any other form of packaging, if it's not recycled and goes to a landfill, would be more.

There was a concern about toxicity, and I can appreciate all questions and concerns about toxicity. These rings are made of Number 4 low density polyethylene. They have never contained any polystyrene, they

have never contained any polyvinyl, they've never been anything other than low density polyethylene. Now, it's not my understanding that either polystyrene or polyvinyl are nontoxic, but I can absolutely guarantee that these rings are nontoxic. They have never been toxic. They have always been made of low density polyethylene, which is nontoxic.

Frankly, the principal concern -- when I -- when I fly into Laganardia and pick up a rental car to drive out to Suffolk County, and if the person behind the counter looks at my business card and says "Gees, Matt, what do you" -- "What does Hi-Cone do," I will respond that we make the recyclable six-pack rings for the softdrink and consumer products industry. And I always get a little smile. And I ask, "What's the first thing that comes to your mind when you think about six-pack rings, if you ever do?" And they always say, "Dead ducks." That's a concern. It concerns my kids. It's been a concern of our company since we started in 1962. And the answer to that, that's one reason that these rings are all degradable, they're all photodegradable. That's one of the real concerns.

The whole issue of animal entanglement is really pretty interesting. There is one empirical data base anywhere in the world that details rings that are misplaced in the environment and might lead to entanglement issues, and that's compiled by the Center for Marine Conservation in Washington. They do it in conjunction with their international coastal cleanup on the third Saturday of September. I

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know it's an event that's heavily, heavily participated in here in New York State, and they have -- when a million people go to the beach on that Saturday in 70 countries and all of them here in New York, not only does everyone clean up what they find on the beach, but they meticulously record it. So every time they find a six-pack ring, they make a tick mark. Every time they find a cigarette butt or a piece of paper, or a piece of glass, it's recorded, and especially every single entanglement they find. Every animal is noted, so we know whether it's a pigeon, or it's a duck, or it's a whatever, and the material that's responsible. And the data show that over the course of 12 years, since they've been doing this since in 1988, that six-pack rings represent half of 1% of the amount of debris found on the beach, and they represent 6% of the entanglements. In New York State, the data will reflect that of 133 entangled animals found in New York State going back to 1988, eight have been in rings. So it's -- again, it's a situation where the perception and the reality are different.

What we'd like to propose is this. We have a very active school recycling program. It's been in place since 1991. It's been adopted by over 9,000 schools. It's completely free to the schools. We provide a tree. And, Steve, let me just -- I've got a prop I'll show you. This is called the Ring Leader Tree. Our recycling program is called Ring Leader. Six-pack Rings and Ring Leader. The trunk is made out of recycled plastic lumber. And I didn't put it all the way together. It's sort of -- the tree is in the stand, but the lights aren't on it yet. This we send to every school that wants it. And the children bring the rings in from home and they hang it on the dowels. When the tree is filled, they take the rings off and they grab a box out of the school's wastestream and they put the rings in the box and

they repeat that process until the box is filled. And at the end of it, when the box is filled up, we give them a merchandise return label, it's postage paid. They slapped it on the outside of the box, they send it back to us and we recycle it. Now, this has been adopted by over 9,000 schools around the United States. I think there are six or eight in Suffolk County that do it currently.

And I guess what I'd like to propose is that we address the issue of environmental education, of public awareness and recycling. And perhaps there's some way that we can collaborate with the Suffolk County Legislature and let you encourage, sponsor, or whatever, a program where this free recycling program is done in every single school in Suffolk County. We'll bear the cost, and we'll also put together a small environmental education contest. We have one scheduled for next year for the entire country. Let's create a separate subset of that for Suffolk County for all the participating schools here and let's encourage the recycling, as opposed to a ban.

D.P.O. LEVY:

Well, thank you, Mr. Hayden. We appreciate you coming from, I believe it's Illinois.

MR. HAYDEN:

That's right.

D.P.O. LEVY:

On this issue that impacts you. And we do have a couple of Legislators

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who would like to ask you some questions, starting with Legislator Bishop.

LEG. BISHOP:

Hi. Good afternoon.

MR. HAYDEN:

Good afternoon.

LEG. BISHOP:

You flew in from Illinois?

MR. HAYDEN:

Yes, sir.

LEG. BISHOP:

And you're flying back. Which airport?

MR. HAYDEN:

LaGuardia.

LEG. BISHOP:

Good luck.

LEG. POSTAL:

You better leave tonight.

LEG. BISHOP:

I had to wait seven hours for a plane the other day at LaGuardia.

MR. HAYDEN:

I've been doing it for the last three weeks, Legislator Bishop, and I agree with you. It's --

LEG. ALDEN:

Where were you, Dave?

MR. HAYDEN:

-- 6 a.m. tomorrow morning. But I tell you, I'll be willing to call you when I get up at 4:30 to let you know that I'm up and awake and I'm going to make my flight.

LEG. BISHOP:

Now, I don't see Legislator Towle in the auditorium, so I'm going to ask Counsel, Counsel, Paul, I would direct this to Legislator Towle. Is there -- while we have these folks here, is there backup material that suggests that there's a problem? They're essentially saying there's no longer a problem, there hasn't been for a decade. So what is this based on?

MR. SABATINO:

It's -- I mean, it's based on, you know, a sponsor responding --

LEG. BISHOP:

All right. You don't have any --

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MR. SABATINO:

To people in the community.

LEG. BISHOP:

He didn't provide you with any studies?

MR. SABATINO:

I wasn't, unfortunately, the recipient of it. I know over the last decades, it's been proposed by other Legislators in different forms, in different contexts. There's always been a -- you know, there's been a perception out there about the esthetics of it, and there's been a concern about it's gets caught up with the -- you know, with the fish and wildlife.

LEG. BISHOP:

And you're saying it doesn't, because it's all degradable material and it's --

MR. HAYDEN:

Every ring made in the United States since 1988 has been photodegradable, just like the one that broke in your hand.

LEG. BISHOP:

Is there a lot of rings in the supermarkets that are not made in the United States?

MR. HAYDEN:

No, no. This is it. I make --

LEG. BISHOP:

You make the rings.

MR. HAYDEN:

All the rings made in the world are made by ITW Hi-Cone.

LEG. BISHOP:

And they all degrade.

MR. HAYDEN:

Right.

LEG. CARPENTER:

You've captured the market.

MR. HAYDEN:

Right.

LEG. BISHOP:

You captured the market. All right. Well, we have an anti-trust problem. No.

MR. HAYDEN:

It's a good thing that the market is not just Suffolk County.

LEG. BISHOP:

Very good.

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MR. HAYDEN:

But, yeah, yeah.

LEG. BISHOP:

Okay.

MR. HAYDEN:

Essentially. Now there is --

LEG. BISHOP:

I wish the sponsor was here, because while you're -- you came all the way here, I'd like to hear what the tension is --

MR. HAYDEN:

Well --

LEG. BISHOP:

-- and get to the point.

MR. HAYDEN:

Yeah. I asked -- I asked Legislator Towle, when we met with him a week-and-a-half ago, what prompted the legislation, and as best I recall, he said that it emanated from a civics project, that one of his -- one of the classes in school -- in his district had submitted a series of letters recommending a variety of proposed legislation, and one of the fourth graders had picked up this idea and that was the genesis for it.

LEG. ALDEN:

Steve Levy did that, too.

LEG. BISHOP:

There Ought To Be A Law?

LEG. LEVY:

But I didn't put in stupid bills as a result. No, I'm joking. I'm joking.

MR. HAYDEN:

So, to the best of my knowledge, that was the genesis of all of this.

LEG. BISHOP:

Okay. I mean, I haven't received any complaints. And my sense is what you said, that this was -- 20 years ago, that I heard about this, not recently.

D.P.O. LEVY:

All right. Now, next on the list is Legislators Crecca and D'Andre. I know Legislator Fields had asked to give a quick question, but if the other two would yield for her one question on this same topic.

LEG. D'ANDRE:

How can we refuse her?

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D.P.O. LEVY:

Would you yield?

LEG. CRECCA:

I could, but I won't after that comment.

D.P.O. LEVY:

Legislator Fields.

LEG. FIELDS:

I don't know if you shared with the Legislators how long it takes for it to actually get to the point of where we passed it around and it breaks apart.

MR. HAYDEN:

Good question. Thank you, Legislator Fields. It depends on the intensity of the ultraviolet light. The rule of thumb that I use that our scientists tell me is, and I'm safe with, is three to four weeks in the summer, three to four months in the winter. Now, I'm not talking about a frivolous kind of casual New York winter, I'm talking about Chicago. But in Miami, for example, or in Dade County, or in Broward County, or wherever they're counting ballots now, you'd be looking at less than three or four weeks for it to become this brittle.

LEG. LEVY:

Okay. Let's go back to Legislator Crecca.

MR. HAYDEN:

And all of that was specified in the Federal Law and the EPA Rule.

D.P.O. LEVY:

Legislator Crecca.

LEG. CRECCA:

Let Legislator D'Andre go first, and I'll go after him.

D.P.O. LEVY:

Legislator D'Andre, so be it.

LEG. D'ANDRE:

Mr. Crecca, thank you. Steve, I have to admire this businessman, since I was a businessman most of my life, for you to take the initiative and start a recycling program. I think it's a lot of merit on your part and a lot of your care for the environment. And you're bringing it to the children, as I see, in the schools as a Christmas -- as a tree to gather all of these doohickeys.

MR. HAYDEN:

Yes.

LEG. D'ANDRE:

Or whatever you call them.

MR. HAYDEN:

Six-pack rings, yes, sir.

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LEG. D'ANDRE:

I think you're to be commended as a businessman. I wouldn't vote against this, because if you take that time to clean up whatever mess you're contributing to, that's to be commended.

MR. HAYDEN:

Thank you very much, sir.

LEG. D'ANDRE:

So I wish you a lot of luck in your endeavor.

MR. HAYDEN:

Thank you.

LEG. D'ANDRE:

If you can expand it, I'd like you to expand it.

MR. HAYDEN:

We'd love to expand it. We've recycled 20 million -- 200 million rings since 1991. It's something I'm very proud of, but we would like very much to expand.

LEG. D'ANDRE:

Well, you have my support. Thank you.

MR. HAYDEN:

Thank you.

LEG. D'ANDRE:

Crecca.

D.P.O. LEVY:

Legislator Crecca, do you still yield?

LEG. CRECCA:

Yeah.

D.P.O. LEVY:

The floor is yours, if you want.

LEG. CRECCA:

Thank you. I just wanted to -- in researching this, it was apparent to me that New York State law has -- we have a law on the books. I think Legislator Alden eluded to it earlier, that there is a preemption problem, or maybe a preemption problem here. Just for my fellow Legislators, there's a law on the books that already states that they have to be -- the holding devices have to be photodegradable or biodegradable already. And that there's also 27-1017 of the Local Beverage Container Laws in New York State I believe preempts this Legislature from even acting on this. What happens is, is that the Legislature previously, before this law was enacted, had a law, I believe, in effect, the Suffolk County Legislature, one of the first in the State. But then once -- that's right, the bottle law. But then once that bottle law was passed by New York State and this preemption clause was put in, I think we are legally precluded. And I know that -- Legislator Towle, I believe it's your intention to leave the

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hearing open today and not close it; is that correct?

LEG. TOWLE:

Correct, Legislator Crecca.

LEG. CRECCA:

So with that in mind, you know, I'll save that for the time that we come up to a vote, but, again, I think that this Legislature is precluded from even acting on this legislation.

MR. HAYDEN:

As part of the briefing materials that you'll get from the Clerk, the boxes are right behind the -- I didn't want to burden you now, but I included a copy of the Federal Law and the New York State Law.

LEG. CRECCA:

Thank you.

MR. HAYDEN:

You're welcome.

D.P.O. LEVY:

As I'm about to recognize Legislator Foley, I will note that this is another example of the Suffolk County Legislature being in the pioneer mode. It was back in the mid '80's that then Legislator Gregory Blass, and Counsel can elaborate at some point down the road, had put in a very similar resolution, which did not take effect, but did, I believe, lead to some of the private sector enacting this type of -- or developing this type of a product, when you say since 1988, this has been taking effect. And it was actually a little before that that Legislator Blass had that resolution before this very Legislature, so.

MR. HAYDEN:

Legislator Levy, that may very well be correct. I know that we've been working on the photodegradability of the rings for many years before the Federal Law was passed. There are 27 states that have laws, just

like New York State, governing the degradability of the six-pack ring carrier. There has -- there is no place in the world that the rings are banned. There's not a state, there's not a county, there's not a city, there's nowhere. I would not like Suffolk County to be first in that, I assure you.

D.P.O. LEVY:

Well, I would just like to ask you, when everyone else is done, what the impact would be as far as, you know, interstate commerce and things of that sort. Legislator Foley.

LEG. FOLEY:

Thank you, Mr. Chairman. If we can get back for a moment on the issue of entanglement.

MR. HAYDEN:

Yes, sir.

LEG. FOLEY:

You mentioned some statistics. What was the group that -- if you could  
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just expand that. What was the group's name and how did they go about putting together that kind of information?

MR. HAYDEN:

Surely. The Center for Marine Conservation in Washington is probably the preeminent NGO in the field of preservation of marine biosphere, and we've worked very closely with them for many years. They sponsor the International Coastal Cleanup on the third Saturday of September. Last year, on September 16th or 19th, I can't remember, Legislator Fields, do you remember which day that was.

LEG. FIELDS:

(Shook head no).

MR. HAYDEN:

16th or 19th, about a million people in 70 countries went to their reservoir, their lake, the shore, the river, and they cleaned up what they found. And they carry a data card with them that has 81 items on it. Six-pack rings are one of those items. So every time they find a cigarette butt or a cigarette -- or a six-pack ring, or a beverage container, or a piece of plastic paper, or a newspaper, it goes down on the data card and they're all processed at their office in Virginia Beach, Virginia, and that's where the data comes from. I have copies of their results in the briefing materials, and you can get it on their website.

LEG. FOLEY:

And what was the percentage of entanglements due to rings again?

MR. HAYDEN:

Six-pack rings represent half of 1% of the debris found, and 6% of the entanglements. Eighty-nine out of -- just a second.

LEG. FOLEY:

Okay. Of those entanglements, what animals are we talking about, mainly ducks, or was it other --

MR. HAYDEN:

Ducks and birds.

LEG. FOLEY:

-- kinds of wildlife?

MR. HAYDEN:

Ducks and birds, some fish.

LEG. FOLEY:

Okay.

MR. HAYDEN:

From 1988 through 1989, for which the last they've compiled the data, there have been 1,442 entanglements; 89 of those have been in rings.

LEG. FOLEY:

Okay.

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MR. HAYDEN:

In New York State, the numbers -- the New York State subset of the overall data are 133 entanglements over that 12-year period and eight have been in rings. The last entanglement in a ring in New York State was 1997.

LEG. FOLEY:

Okay. Now, when the rings are -- you mentioned before that they're floatable, that they're in water.

MR. HAYDEN:

Yeah, that's right.

LEG. FOLEY:

Does that reduce the photodegradability of the ring if it's in -- if it's on the surface of the water?

MR. HAYDEN:

Yes, sir, it does. And nobody can tell me precisely by how much, but when it floats on the water, there is a slight film that reflects -- refracts some of the light --

LEG. FOLEY:

Yeah.

MR. HAYDEN:

-- so it takes a couple of days longer than it would if it were on land.

LEG. FOLEY:

All right. So you're not talking about a measurement of additional months.

MR. HAYDEN:

No, no, no, absolutely not. A couple of days.

LEG. FOLEY:

Okay. Thank you very much.

LEG. CARPENTER:

Steve.

D.P.O. LEVY:

Next is Legislator Cooper, Binder and then Carpenter.

LEG. COOPER:

Hi, Matt. I participated in the September 16th beach cleanup.

MR. HAYDEN:

Good for you.

LEG. COOPER:

Which was a massive effort in my part of Huntington. And I worked for a few hours and I collected probably a large garbage bag full of debris. And I just want to mention that I did not -- I don't recall picking up one plastic loop among all the debris that I collected in

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that period. Do you have any idea as to what the increased cost could be, I mean, if this law was to go into effect at the local level here,

what the increased cost could be on a six-pack, if they had to come up with some alternate --

MR. HAYDEN:

I honestly don't know, but one of our -- the next speaker behind me, if they go in order, is from Pepsi, and perhaps they can address that more readily than I can. But it would be more, that much I know, because it wouldn't be available in the plastic, it would be some other way of doing it.

LEG. COOPER:

And would there be any impact on jobs in Suffolk?

MR. HAYDEN:

Yes, there would. And the gentleman from Pepsi can tell you what that would be. We don't have a -- we don't have a facility here in New York State but, they do and they can tell you exactly what that would mean.

LEG. COOPER:

Okay, thank you.

MR. HAYDEN:

Thank you.

D.P.O. LEVY:

Next up is Legislator Binder.

LEG. BINDER:

Thank you. Just a question. Do you know where the school districts are you're doing the recycling program in?

MR. HAYDEN:

The Northport School District, Northport something, and excuse me, I'm sorry about that.

LEG. BINDER:

Northport is fine.

MR. HAYDEN:

And then I can't remember the name of the other school district, but we've worked with someone here and it's in -- I want to say six elementary schools and two middle schools in Suffolk County, and we'd like on it to be a whole lot more.

LEG. BINDER:

If you could, I would appreciate it if you could get in touch with my office. I would like to --

MR. HAYDEN:

Be glad to.

LEG. BINDER:

-- put the program together and send it out to all the schools in my district.

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MR. HAYDEN:

That would be terrific.

LEG. BINDER:

And I think that's -- that would be good for the people in my district and that would be enough for me. Thanks.

MR. HAYDEN:

That would be terrific. We'll be glad to do that. I'll be on your -- we'll give it to you Monday morning.

LEG. BINDER:

Great. Thank you.

MR. HAYDEN:

Thank you.

D.P.O. LEVY:

Are you done, Legislator Binder?

LEG. BINDER:

Yes.

D.P.O. LEVY:

Legislator Carpenter is next, to be followed by Legislator Towle.

LEG. CARPENTER:

I'll take that information also. But I have a question for you. When you speak of the entanglements and you said that there hasn't been an entanglement since '97 --

MR. HAYDEN:

Yes, ma'am.

LEG. CARPENTER:

-- with the rings, and in the last 12 years, 133.

MR. HAYDEN:

Yes, ma'am.

LEG. CARPENTER:

Can you tell me what the main culprit or reason for the entanglements, or cause of the entanglements is?

MR. HAYDEN:

For the rings?

LEG. CARPENTER:

No, no, no.

MR. HAYDEN:

You know, overall?

LEG. CARPENTER:

For the entanglements.

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MR. HAYDEN:

The principal -- if you look at the debris forms that present a risk to animals, 35 to 40% is fishing line.

LEG. CARPENTER:

Okay. Thank you.

MR. HAYDEN:

Now, that's counterintuitive to most citizens, but that's what it is.

LEG. CARPENTER:

Okay.

MR. HAYDEN:

And the rings represent one of several in the 6% range.

LEG. CARPENTER:

Okay. Thank you.

MR. HAYDEN:

Yes, ma'am. Thank you.

D.P.O. LEVY:

Legislator Towle.

LEG. TOWLE:

Thank you, Mr. Chairman. Appreciate you coming down today. Obviously, I think the dialogue is a very healthy process. A couple of things I want to recap, though, that I think are important. And, you know, Legislator Fields and I were just talking and we brought up an issue that I think is significant. You presented to us the statistics of the Cleanup Day, and how many rings were found and other products were

found that day. And I think, clearly, the emphasis here is that day. You know, it is a one shot, one time, you know, once a year event. And whether or not that accurately depicts whatever products are picked up all year long from our beaches or waterways, I really can't say. So I think, quite honestly, although those statistics are pretty significant, it's great that people like Legislator Cooper and other citizens take part in that activity, I think to suggest that there is no rings, or a very minimal amount of rings in the waste stream, or at these facilities just really isn't, you know, completely accurate. The second thing I want to get a little bit into, because it's something that you have touted on more than one occasion, is the photobiodegradable rings. What happens if the rings are placed into our waste stream and buried in our landfills? What is the situation then, as opposed to the ring, you know, sitting out exposed to the sun, or exposed to the elements and biodegrading in that sense? Why don't you get a little bit into that issue.

MR. HAYDEN:

Sure. The -- if a ring goes to a landfill, the same things happens to the ring in that landfill that happens to anything else in the landfill and that is there's a little bit of degradation that occurs, and then it's essentially entombed, because all modern landfills are built with

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a cap every day to make sure that it extract the oxygen and the air, and so forth, and that material is essentially entombed. So you're dealing with an inert substance here that just stays there, the same way everything else does in a landfill. Professor {Rathgy} is probably the best source, if you're interested, in what happens to landfills. He's an archeologist at the University of Arizona, and has excavated landfills, and what he finds is really fascinating. He'll -- he can show you his slides that date back -- he's done some and, when you bore down through a landfill, you inevitably pull out newspaper, and that's able to date the layer of the landfill, and he's got perfectly legible newspapers from the Stevenson/Eisenhower race in 1952, and lettuce that's identifiable as lettuce from '52. So not much degradation occurs in a landfill after it gets there, and the rings would be the same as everything else at that point.

LEG. TOWLE:

Okay. Second issue, you said something about the rings float and their not -- their not sinking.

MR. HAYDEN:

They're lighter than water.

LEG. TOWLE:

Okay. What about the rings -- what is the time frame, as far as you're concerned, for the photodegradable rings to degrade?

MR. HAYDEN:

Three or four weeks in the summer, three to four months in the winter.

LEG. TOWLE:

Okay.

MR. HAYDEN:

It's all specified by the Federal Law.

LEG. TOWLE:

Right. Talk a little bit for a second, if you would, about the school recycling program, because I think that's a very good program. Very

disappointing results so far in Suffolk as far as participation level. And, clearly, you know, your offer to increase that level of participation is greatly appreciated, but it's a shame it had to come based on the fact that, you know, we're discussing this pending legislation. Why don't you get a little bit into that program again, a little more specifically as to what the program entails and what it does, so in case the Legislators don't get a chance to complete the lengthy packet that you have for each of us.

MR. HAYDEN:

Yeah. I can't imagine anything that would keep anyone awake longer than this.

LEG. TOWLE:

Probably these 4,000 pages of resolutions we have.

MR. HAYDEN:

I don't know what -- I don't know what the annual stipend is for a  
00097

Suffolk County Legislator, but it probably needs to be twice what it is.

D.P.O. LEVY:

You should have been here --

LEG. TOWLE:

This morning.

D.P.O. LEVY:

-- about six months ago.

MR. HAYDEN:

You've been there, done that, have the scars, right? We started a recycle -- an active recycling program in '91. The schools -- the school program we call Ring Leader. It's typically been spread word of mouth. It's been adopted by 9,000 schools around the country. As I said, we send them a kit. There's usually one kit per school and we ask that the schools be engaged in it for a couple of years at a time. It's completely free to the schools, we bear all the cost. And the children bring the rings in from home and hang it on this tree, and then send it back to us at our expense with a merchandise return label, so it doesn't rely on the school negotiating an additional contract with someone to remove it, or asks someone to take it away, and we recycle the rings. We'll either recycle them back into additional new rings, or if we have the opportunity, we'll have it recycled into plastic lumber. It depends on what the recycler is using for it. The teachers -- the schools tell us that they love it because it's free. The teachers tell us they love it because it integrates with their Language Arts, the math, the science, and the rest of the programs that they have. And the environmental education program that I'm -- the contest I'm talking about is done about every two or three years to refresh the program and keep it interesting to the schools. This is really designed to enhance the education and the environmental awareness and the recycling program, as opposed to just an attempt to get a gargantuan number of rings back. So what we'd have the little kids doing is developing crossword puzzles, developing posters that we might be able to use and spread across the country, those kinds of things. For the older kids, fourth through eighth grade, I'd like them to demonstrate how they've taken the Ring Leader Program and recycling in general and connected it to the Audubon Society, or Keep Islip

Beautiful, the KB affiliate in Suffolk County. Or what have they done to take this and connect it to their church youth group? Or how they take it and integrate it in what's going on in the community. Demonstrate that they're taking this information and integrating it into their lives, because that's where the awareness comes and that's where the awareness and the education comes. That precedes the behavioral change, and it's the behavioral change that we're all going after. So that's -- that's what we'd like to do. The whole essence of it would be that the -- we have teachers in Suffolk County evaluate and grade and measure the submissions from the Suffolk County schools and they would make the decisions about who gets the award. We haven't worked out whether the award is going to be monetary, or sometimes they'd rather have five or \$600 for an award, sometimes they'd like to have a park bench. There was a school district in Illinois that was

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competing for a park bench made of recycled plastic lumber. And the schools at that point were contracting -- it got very competitive, and that one was all designed about how many rings do we get back, which is what we don't really want to do, because those -- the parents in that school, the PTA were cutting deals with the soft drink route drivers to, at the end of their route, drop the rings off at the school, so the school could submit the rings and win the park bench. It got absolutely crazy. So we'd rather focus on the environmental education.

LEG. TOWLE:

One of the things that I'd be curious on is the success of that program here on Long Island with the six buildings that you're in. I would imagine there must be some statistical data of when they started --

MR. HAYDEN:

Yes.

LEG. TOWLE:

-- to take part in the program --

MR. HAYDEN:

Sure.

LEG. TOWLE:

-- and what they've returned to you --

MR. HAYDEN:

Yes.

LEG. TOWLE:

-- and how many people have participated in that. You know, education is clearly I think a key in this problem. You know, you talked about newspaper, newspapers being found in the landfill from, you know, the '50's. And, obviously, I think there is a major concerted effort to encourage people to recycle paper products and to recycle plastic products, but, unfortunately, for some reason, people just disregard these rings and don't recycle them. And I think, you know, any efforts in that regard, you know, helps to alleviate the need for this type of legislation. I think it helps alleviate, you know, that item as being a problem, not only with the wildlife in our environment, but the environment itself overall.

MR. HAYDEN:

I would agree. Thank you.

D.P.O. LEVY:

Okay. Thank you very much, Legislator Towle. Thank you, sir, for

taking the time to come down. I know it's an important issue for you.

MR. HAYDEN:

It is.

D.P.O. LEVY:

And feel free to provide us with any written documentation you so desire to our Clerk.

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MR. HAYDEN:

Mr. Barton?

D.P.O. LEVY:

That's Henry Barton.

MR. HAYDEN:

Henry, the books are right here.

D.P.O. LEVY:

Okay.

MR. HAYDEN:

Thank you very much.

D.P.O. LEVY:

Thank you very much, sir.

MR. HAYDEN:

You have a happy and healthy Thanksgiving holiday.

D.P.O. LEVY:

Thank you very much.

LEG. CRECCA:

Safe trip back.

D.P.O. LEVY:

Two more speakers on this issue. One, next being Thomas Fay, constituent from Sayville, from Pepsi-Cola. I just sent somebody out for that, too.

LEG. CRECCA:

Is that cold?

MR. FAY:

No, it's not. Hi. Good afternoon, everybody.

MR. LIPP:

There are 18 and only 12 of those.

LEG. CRECCA:

Twelve. Just for the Republicans, that's all.

MR. FAY:

My name is Tom Fay. I'm the representative from the local Pepsi-Cola Bottler. My problem here with Matt, being he's the only guy who makes Hi-Cones, I got to pay a fortune for them.

LEG. TOWLE:

So, in other words, if we ban them, you wouldn't have to buy them.

MR. FAY:

The alternative is worse. I'll get into that. Really, I'm here for two reasons; one, is I am -- I'm a lifelong Long Island resident, about thirteen years out here in Suffolk, ten in West Islip, three in

00100

Sayville. I work out here, and I work for a company, Long Island Pepsi. And, hopefully, if I'm doing my job right, you've seen our tag line, "Made on Long Island by Long Islanders," and we're proud of that.

When I first saw this bill, you know, I kind of jumped back a little

bit, and then I did a little bit of homework on it and looked at what some of the resolutions might be. Now, we have a plant in Patchogue right there on Sunrise Highway, we make all our carbonated cans, we have a plant in Garden City, we make all our two liter, and we have a large corporate headquarters over in Amityville. So we employ about 300 people, another 55 to 60 independent distributors. So, you know, we have a lot of people that have a lot at stake here. And then, you know, as a citizen of Suffolk County, anything like this is important to me. So when I looked at this, I kind of did a little homework to find out what some of the alternatives would be.

Now, if anyone has ever driven by that plant on Sunrise Highway, it's not real big, very limited capacity. Like I said, it's the only place left on Long Island that makes carbonated soft drink cans. So one of the alternatives is to use a plastic packaging film that's actually made of the same substance in the Hi-Cone, however, at a much larger expense to us. When I did the homework, we would need about another 120 feet of space in our warehouse in order to have this line go down. Not going to happen. There is not 120 feet of space to be had in our production facility. So it's kind of like, even if we wanted to do it, we couldn't do it.

The other alternative is some kind of cardboard wrap. Again, we don't have the ability to do that. It would cost us, I'm being real conservative here, but in excess of a million dollars to get the production capabilities to make those kind of things, either the cardboard wrap or the plastic wrap. And, again, for what we sell here on Long Island, that would be a cost we would not -- we would not incur.

So what's the -- what's the alternative? Now, at that point in time, we've got to go buy it somewhere else. You know, we can buy these things from {Ayers}, Mass., we can buy it from Albany, we can buy it from {Pensauken}. If we had to, we can even buy some things from Long Island City, probably could get it cheaper than I'm making it now.

We'd rather not do that. We'd like to have it here. I like to tell people we make a product here on Long Island. But a million dollars, guys, it's not something we're going to do, and, at that point in time, you're talking about jobs. Like I say, we employ 300 people. Yeah, most of them would still be here, but probably 20 to 25 people would be out of work at that point in time. I'm being conservative. Most of them are Suffolk County residents, because the line is in Patchogue. Most of the people who that work there are Suffolk County residents. So when I looked at this, bad for business, bad for me as a citizen, certainly bad for people who are employed by Pepsi on Long Island. And I'd have to go around to about, I don't know, 500 vending machines and take that sign off that says "Made on Long Island by Long Islanders" and I'd really hate to do that. I definitely am a proponent of Matt's of increasing the education. I think it would be a real great thing to

00101

see that in schools.

So, basically, I'm going to close real quick. I just challenge everybody to get to get -- to look at this from a different perspective, to look at it from education. And, please, keep in mind what it would do to the people who make Pepsi here on Long Island. Thanks very much.

LEG. CRECCA:

If I --

D.P.O. LEVY:

Thank you.

LEG. CRECCA:

If I --

LEG. TOWLE:

Oh, yeah.

D.P.O. LEVY:

Legislator Crecca.

LEG. CRECCA:

Yeah. I just want to --

LEG. TOWLE:

On the list.

LEG. CRECCA:

On a different note, I just want to commend -- we've gone to Pepsi a couple of times with different events in my district, and they have come through with soft drinks or water contributing -- no, I'm talking about these are not-for-profit events. I just wanted to commend you.

You did --

MR. FAY:

What district?

LEG. CRECCA:

The Twelfth District. We've done a couple of different events, and we have done some park stewardship programs. Pepsi showed up with all the soft drinks for it, and a couple of charity events we worked with on Long Island here. I just want to say you've been a good corporate neighbor and a good corporate citizen here in Suffolk County. Thanks.

MR. FAY:

Thanks.

D.P.O. LEVY:

Legislator Towle.

LEG. TOWLE:

Thank you, Mr. Chairman.

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MR. FAY:

Sure.

LEG. TOWLE:

Just a couple of questions --

MR. FAY:

Sure.

LEG. TOWLE:

-- to go over for some clarity. You're packaging your product in the rings, but you're not producing the rings, you're buying them --

MR. FAY:

That's correct.

LEG. TOWLE:

-- from somewhere else.

MR. FAY:

That's correct.

LEG. TOWLE:

Okay. So, really, the issue is nobody in your company is going to be put out of business as far as producing rings are concerned.

MR. FAY:

That's correct.

LEG. TOWLE:

Okay. The question is how you package your product.

MR. FAY:

Right.

LEG. TOWLE:

So one would have to come to the conclusion on -- based on what you said, that because you no longer could use the rings, therefore, you would be selling less of your product here on Long Island.

MR. FAY:

No.

LEG. TOWLE:

Okay. Then that's very good. Because I don't see how, then, it would transcend into losing jobs in your facility.

MR. FAY:

Okay.

LEG. TOWLE:

Which, by the way, I have no problem having this debate on an even and fair and level playing field. But when you come up here today and you start spewing numbers of a million dollars and you have nothing to back it up, you know, that, you know, no research, no paperwork that you're presenting to us, the fact that 20 or 30 jobs are lost. You not only

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do a disservice to your company, which is a very good company, by the way, and does a lot of good community charity work, but you know what you do, you really take a person who's trying to be open-minded about this like myself and really turn me off real quickly.

D.P.O. LEVY:

You want to respond to that?

MR. FAY:

Yeah, I would.

D.P.O. LEVY:

Fine.

MR. FAY:

I did get this on very short notice and I tried to be very conservative. And what I did do, I'm the Vice President of Sales and Marketing, so I did go to the people who are in the know, which would be the people in production and planning to get that information from them. So I apologize if I don't have something to get to you, but I'd be happy to do that. When I talked about lost jobs, we have a can line that runs in Patchogue that is set up for Hi-Cone. To set it up with another type connector, being either plastic wrap or a cardboard, if you can even do that, I think beer companies do it, no soda companies do, would require us to make a very, very substantial, I won't use the number again, investment in equipment that we would not be prepared to make. The other part of it was that in order to do the plastic, you need to run a line of approximately 120 feet longer than we currently have in order for it to actually shrink around the package. And I'm saying that we do not physically have the ability to do that. The plant is just not big enough for that.

LEG. TOWLE:

The two samples you brought up here today, the six-pack for the cans,

and I guess the six-pack for the plastic bottles --

MR. FAY:

Right.

LEG. TOWLE:

-- is that the only way you sell Pepsi products?

MR. FAY:

No.

LEG. TOWLE:

So how many other sample packages would we have up here if we were being fair and presenting every option that you sell your product in?

MR. FAY:

You would have 20 ounce plastic, you would have two liter plastic, and you would have one liter plastic.

LEG. TOWLE:

Okay. And what about cardboard boxes, do you sell any type of carry cases?

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MR. FAY:

Oh, and 12-pack cans.

LEG. TOWLE:

12-pack cans in a cardboard box.

MR. FAY:

Yeah.

LEG. TOWLE:

Where do you package those boxes?

MR. FAY:

We package those in Patchogue.

LEG. TOWLE:

Patchogue as well.

MR. FAY:

Yep.

LEG. TOWLE:

Okay.

D.P.O. LEVY:

Any other questions to the speaker? Well, thank you very much for taking the time to see us.

MR. FAY:

Thank you very much.

D.P.O. LEVY:

Thank you. Last speaker on this issue is Nora Detweiler, who is a person seen quite a bit around Islip Town, cleaning up all of our littered sidewalks. Nora's the head of Keep Islip Clean. And welcome, Nora.

MS. DETWEILER:

Thank you, Steve. Good afternoon, everyone. As a nonprofit organization and certified affiliate of Keep America Beautiful, located in the Town of Islip, thank you, Steve, keep Islip Clean is committed to enhancing and preserving the environment. We applaud the efforts here raised to raise awareness, provide educational opportunities, and we support partnerships to further these goals.

One of the most important jobs that we do is educate the children in the school districts with the program we created with the Carlton Group, with a grant actually from the Suffolk County Legislators, from

Cameron Alden, called The Great Race to Clean Up This Place. It's been very positive for us. The teachers are very receptive to it and the students are learning to have pride in their community.

As we said, I believe that the partnership perhaps that could be formed to bring about further education regarding the rings would just be a wonderful thing, and we would celebrate any opportunity we have to

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further the environmental education to the people of Suffolk County.

Thank you.

D.P.O. LEVY:

Thank you, Nora, appreciate it.

LEG. TOWLE:

Just a quick --

D.P.O. LEVY:

Nora, did you want to take a question, please?

LEG. TOWLE:

Yeah.

MS. DETWEILER:

Sure.

LEG. TOWLE:

Obviously, I'm very familiar with what your group has done. So I'm just curious, are you guys for the bill, against the bill? Where do you guys stand? Have no opinion?

MS. DETWEILER:

We actually have a meeting tonight. And I will speak for myself, if that's possible --

LEG. TOWLE:

Yeah.

MS. DETWEILER:

-- instead of speaking on behalf of my organization.

LEG. TOWLE:

That would be great.

MS. DETWEILER:

My concern with the bill, when I read the article in Suffolk Life, was that changing the type of packaging from the six-pack ring over to the cardboard or to the plastic coating would actually create more waste in the landfills, that the plastic ring takes up so much less space, if it ultimately ends up there. And what we are concerned -- I am very concerned about here on Long Island is the size of our current -- you know, the current state of our landfills, and I feel that the cardboard and the plastic would just add to that debris.

LEG. TOWLE:

Okay.

MS. DETWEILER:

That's my personal view.

LEG. TOWLE:

Just as someone who's, obviously, been involved with in lot of cleanup efforts --

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MS. DETWEILER:

Absolutely.

LEG. TOWLE:

-- and, obviously, this is no scientific study, but --

MS. DETWEILER:

Sure.

LEG. TOWLE:

I mean, clearly, if one was to walk the beaches and look for the cardboard box that the 12 cans of Pepsi came in -- you know, came in, or the rings, you know, are you finding many 12 card -- 12-can cardboard boxes laying on the beach as opposed to rings? I mean, you guys are involved in cleanup.

MS. DETWEILER:

Actually, to be honest with you, we're finding neither. And I also actively participate in cleanups on virtually, you know, a weekly basis and I haven't found a lot. And, as I said, my main concern is the landfill and what's going to happen to Suffolk County when we run out of space.

LEG. TOWLE:

All right. Okay. Thank you.

LEG. COOPER:

Mr. Chairman.

D.P.O. LEVY:

Okay. Is there someone else?

LEG. TOWLE:

Legislator Cooper, I think, had a --

D.P.O. LEVY:

Oh, Jon.

LEG. COOPER:

I actually had a question, perhaps, for the representative from the plastic industry, if you could just come up for a second. Matt, I was just wondering, if the plastic loops are not recycled and -- or they do not end up in a landfill, but if they end up in an incinerator then and burned --

MR. HAYDEN:

Right, yes.

LEG. COOPER:

-- do they produce any noxious gases?

MR. HAYDEN:

No, no. They're nontoxic. It doesn't make any difference whether I eat it, whether it goes to a landfill, or whether it's incinerated. It's nontoxic.

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LEG. COOPER:

Okay. Thank you.

LEG. CRECCA:

Did you say we could eat it?

LEG. BISHOP:

Is it edible?

LEG. CARPENTER:

Only if you're hungry.

MR. HAYDEN:

I actually brought some resin, and to demonstrate it's nontoxicity, I will -- that's a little sharp. But if you want me two, I'll pop three or four --

LEG. COOPER:

We want you to.

MR. HAYDEN:  
-- kernels of the resin. You want me to.  
LEG. COOPER:  
Yes.  
LEG. BISHOP:  
No.  
LEG. CRECCA:  
No.  
LEG. COOPER:  
Is there a consensus on this?  
LEG. FOLEY:  
It's too close to Thanksgiving. You don't need to do that.  
LEG. COOPER:  
Never mind.  
D.P.O. LEVY:  
Thank you. Anyway --  
MR. HAYDEN:  
Any other questions? You guys are a piece of work.  
LEG. LEVY:  
We have --  
LEG. FOLEY:  
You're not from Cooke County in Illinois, now, are you?  
D.P.O. LEVY:  
We have a motion from --

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MR. HAYDEN:  
Do we vote early and vote often? No.  
D.P.O. LEVY:  
Are we done? Okay? Motion by Legislator Towle to recess.  
LEG. TOWLE:  
Recess, right.  
D.P.O. LEVY:  
Second by Legislator Caracappa. In favor? Opposed? Motion carried?  
LEG. TOWLE:  
Mr. Chairman.  
D.P.O. LEVY:  
Yeah.  
LEG. TOWLE:  
One other -- one other issue, too. I'd just like Counsel to address his thoughts on Legislator Crecca's concerns regarding the impact of Federal and/or State legislation.  
MR. SABATINO:  
Well, I just saw the material for the first time about a half an hour ago. I'm going to do some more research, obviously, because I don't want to give a definitive answer. But my initial reaction was twofold. One is that the provisions talking about biodegradability were limited to beverage containers. Your legislation goes beyond beverage containers, it talks about food, food products and other packaging. So that portion clearly wouldn't be addressed by the document that was given to me.  
The second issue was with regard to the preemption on the beverage container legislation, I think, but I want to further research that. I believe that provision dealt with the deposit portion of the

legislation, because we had originally adopted in Suffolk County in 1981 the first deposit bill for beverage containers, you know, in the country, and I think that the language in the State bill dealt with that, not with the packaging. But that I want to take a look at, because it was a legitimate issue that was raised. But, you know, clearly, it doesn't go beyond the issue of containers and your law would still have relevance for the items that you have contained in your legislation that go beyond beverage containers.

D.P.O. LEVY:

Okay. On to the next public hearing. You thought that was fun, wait until you see this one. This is -- our first speaker is Joe Poerio. This is for Introductory Resolution 2074, transferring the Purchasing Division to the County Department of Public Works.

MR. POERIO:

Good afternoon, everyone. If you vote positive on these two situations that are coming up, I'll be glad to eat some of that resin that -- I'm going to use this prop, also, I think. I'm glad he left it for me.

Let's pretend this is the Department of Audit and Control. See, it

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works differently.

LEG. TOWLE:

Wait a minute. The department's that big?

MR. POERIO:

Yeah. You don't hang stuff on this thing, what you do is you take these dowels and you twist them off and you remove them. You see, that's the way it works and then --

MR. HAYDEN:

Can I get that out of your way? Can I offer you a little hors d'oeuvre?

MR. POERIO:

No, thanks.

LEG. TOWLE:

Is there salt on that plastic?

MR. POERIO:

So just pretend that we've -- we're that tree and we're missing some of those limbs. I'd like to address first on the transfer of the Purchasing Division. The duties and functions were transferred to this department in 1995 as a result of the breakup of the Department of General Services. The purchasing responsibilities went to the Department of Audit and Control, and since its transfer in January of 1995, the Purchasing Division has succeeded in producing an exorbitant amount of work from a considerably small staff. However, in addition to the increase of normal purchasing requests, there has been, through Legislative action, the onset of numerous RFP's and RFQ's, which are the direct result of Local Law Number 14-1995. These new procedures require a different type of purchasing process that is very demanding of the Purchasing staff's time and effort. However, the Division has done an excellent job in carrying out these new responsibilities. One criticism that I believe that the Presiding Officer had was a cutoff of October 2nd for purchasing requests, and this was directed recently at the Purchasing Division regarding that year-end cutoff date. The reason that we established that cutoff date was an attempt to comply with the County Executive's Budget Office ruling to not carry

encumbrances over into the next fiscal year. For the past three years, the early deadline was meant to give the Purchasing Division a reasonable amount of time in which to attempt to process all requests by the December 31st year end. Allowing departments to enter requisitions through December would only provide those services to be delivered into the new fiscal year without encumbrances being available to pay them. So, therefore, you know, as we know, people sort of defer what they're doing. If we allow departments to go to the end of the year, you'd have all kinds of requests coming through for payment in March and February and April, and there would be no encumbrances in the new fiscal year to pay them.

Under the County Comptroller's Office, the Purchasing was allowed to function in an apolitical environment and maintain its credibility as a professional entity. Every contractor knows that awards made through

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the Purchasing Division of the Comptroller's Office are made without bias, without favoritism, and without regard to political affiliations. Under the Comptroller's Office, the Purchasing Division has operated in compliance with all State and local laws without exception. Every County department knows that items purchased through this department are awarded to the lowest possible bidder, always with a thorough trackable justification. The Comptroller's Office has fostered ethical formats followed by the Purchasing Division in the past and should be allowed to continue to do so going forward.

In 1995, under Local Law Number 14-1995, the Suffolk County Charter was amended under Section C52, Subsection L, directing the purchasing of, leasing of, and contracting for all supplies, materials, vehicles and equipment of every kind and nature for all County departments, institutions, offices, and agencies for which the County may be liable in accordance with the provisions of the New York State General Municipal Law and the New York County Law regarding to purchasing. That was their intent. There was a note of Legislative intent as well in the County Charter today. That note said the Legislative intent regarding this subsection reads that this Legislature hereby finds and determines that the size and scope of County government has grown too large and costly as a result of the proliferation of departments and agencies whose functions, duties and responsibilities could be more economically and efficiently carried out under a streamlined and consolidated reorganization of County government. The Legislature further finds that the abolition of the County Department of General Services, coupled with the corresponding transfer of its functions, duties, and responsibilities to appropriate County departments and agencies through a consolidation of functions would reduce the cost of County government.

In its infinite wisdom, in 1995, and some of you Legislators were present at that time, the Legislature decided that there would be a cost benefit to reorganizing County government. Over the last five years, we have provided to the Legislature, County government and to the people of Suffolk County a vibrant and cost effective purchasing process. Absent any reports, statistics, or complaints from the public or vendors, we see no reason to change the successful operation of County government.

We ask that you take this information into consideration and hope that

you will keep the Division of Purchasing within the boundaries of the Department of Audit and Control. Five years ago, you were wise to select the Comptroller's Office to run the Division of Purchasing and we see no reason at this point for you to change that. We thank you.

LEG. D'ANDRE:

Levy.

D.P.O. LEVY:

Thank you, Joe.

LEG. D'ANDRE:

Levy.

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D.P.O. LEVY:

Legislator D'Andre.

LEG. D'ANDRE:

Tell me, Joe, this -- if this is transferred to Public Works, the difference between your Audit and Control and Public Works --

D.P.O. LEVY:

Mike, you've got to speak into your microphone, please.

LEG. D'ANDRE:

The difference between your office and Audit and Control -- I mean --

MR. POERIO:

Department of Public Works.

LEG. D'ANDRE:

Department of Public Works is immense, is it not?

MR. POERIO:

Well, we look at it and the major thing would be the independence of the Purchasing Division. Of course, the same people and functions would go with it. But, overall, it would be the independence of the division, meaning that it doesn't come under the County Executive's jurisdiction. And, therefore, if there's any kind of friction, and I'll make the same point with regard to Insurance and Risk Department, there's any kind of friction between the legislature and the Executive Branch of government where things could be meandered around somewhat, and decisions could be made to slow down a process or to not give information, or those kinds of things, I'm not saying that that will happen, but there is the possibility that it will happen. And you've proven over these last five years that -- it's been proven that the County Comptroller's Office has always been independent and works for all of the people in Suffolk County, including the Legislature.

LEG. D'ANDRE:

All right. Now, if it were to stay with you, you could -- I assume that with a smaller operation that you have, that you could be more in touch with us rather than going to Public Works, which is huge, immense, by the standards comparing the two of you.

MR. POERIO:

All I can say, Mike, is I don't know what would happen if it would go to DPW. I'm not clairvoyant in that area. But I can tell you this. I think that anyone that's sitting at this dais, if they've ever had any problems, can pick up the phone, they can reach us, and I think we've been in a position to try to help them through the Purchasing process.

LEG. D'ANDRE:

Well, I kind of favor a smaller company for the fact you pick up the phone and you get right there, not that DPW would not answer to you.

MR. POERIO:  
Right.

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LEG. D'ANDRE:

But a smaller company can be more consolidated, act faster, act quicker, and I believe that advantage is hard to trade off, to go to a bigger company like DPW, which is immense. They've got a lot of responsibilities. Would they have time? Could they allow for taking on this department, too? I don't know.

MR. POERIO:

I don't know.

LEG. D'ANDRE:

I have reservations about that. I'm betting on the fact that you and Joe Caputo can do a better job with this.

MR. POERIO:

Thank you, Michael.

LEG. D'ANDRE:

And so far, you have not disappointed us, except for a little petty crap.

MR. POERIO:

Right.

LEG. D'ANDRE:

But barring that, you people are very, very organized and you work very well, so my vote is with you people.

MR. POERIO:

Thank you very much, Michael.

P.O. TONNA:

Thank you. Okay. Anybody else? Okay. Oh, Allan.

LEG. BINDER:

Joe.

MR. POERIO:

Yes, sir.

LEG. BINDER:

Has anyone come to the Department and gathered information from you, statistics, gotten any background, so we'd understand that maybe the genesis of this is because of Purchasing not keeping up with the flow, the demand? Have you been approached, as the Department been approached?

MR. POERIO:

No, I have not, and neither has the Department, that I am aware of. And I'll just ask my Purchasing Director.

MS. DINUNZIO:

No.

MR. POERIO:

No. She's saying no.

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LEG. BINDER:

No. So was there any discussion?

MR. POERIO:

No.

LEG. BINDER:

How did you find out about this?

MR. POERIO:

We found out about this in the Budget Review report. That's when we first found out about it.

LEG. BINDER:

Well, was it actually -- was it in the report on the budget, or this was basically when -- I mean, did you find out about it when -- I guess, when the amendment was written, you heard about it.

MR. POERIO:

Well, there were some suggestions in the Budget Review report, and, actually, the omnibus was the actual first time that we saw that there was going to be a fiscal transfer.

LEG. BINDER:

Right. So there's no -- there was no -- now, could you discern a financial reason or a process reason where you can see where the process may need to be done somewhere else for some reason? Is there --

MR. POERIO:

Not -- no, I do not. That is -- that's ludicrous, really.

LEG. BINDER:

Let me --

MR. POERIO:

And I'm glad you asked that question, because there's been -- as I stated in my statement, there is no -- there's been no statistics, no reports, no white papers, no complaints of any kind from vendors, or citizens, or County employees, or departments that the job has not been done, nothing whatsoever, not one issue that I'm aware of, other than, as Legislator D'Andre said, you know, one or two, every -- you know, if somebody's waiting a little too long, or there's a problem, or some technical thing. You know, that happens from time to time, as would be under normal circumstances..

LEG. BINDER:

You're a bureaucracy, so, you know --

MR. POERIO:

Yes.

LEG. BINDER:

-- it's somewhat expected. If I could ask just, Budget Review, do you have statistics? Have you gathered -- I'm talking just hard numbers --

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that there's a problem at Purchasing that we've slowed down, it's cost us money, the process is not working over there? Have you gathered statistics that would support on a numbers or monetary basis this particular question?

MR. POLLERT:

As Mr. Poerio had indicated, we had first started to address this in our operating budget review. It was a Legislative initiative, with both the Division of Human Resources as well as the transfer of the Purchasing group. We did a memo, which was addressed to members of the Omnibus Study Group, that was done by two members of my staff, looking at the workload and looking at the staffing levels. One of the complaints I know that was to be addressed was the problem that the Purchasing Department stopped processing purchase reqs around October. And Mr. Poerio is correct, we did identify within the memoranda that that is not a function of the Purchasing Department, but the rules and regulations that had been promulgated by the County Executive's Budget

Director.

LEG. BINDER:

So you -- so the information that you have in the Budget Review report you were asked to produce? In other words, you didn't independently say "We have a problem here, let me" -- "let me bring this out in the Budget Review report and talk about it, because I think we want to identify a problem with Purchasing"?

MR. POLLERT:

No, it was a Legislative initiative.

LEG. BINDER:

A Legislative request, okay.

LEG. D'ANDRE:

Very good, Binder.

LEG. BINDER:

So we have no information in terms of problems, we have no numbers and a problem, and we're talking about moving this to a department that is specifically geared towards a particular function within government. Let me ask you, have you ever, and it's going to be a difficult question, but have you ever had occasion to have -- find that there's ever been a problem, let's say, between you and like another government official or Legislators, or somebody, wherein you felt like, "Well, if we hold up this purchasing, you know, we can" -- "we can leverage or do something for" -- I mean, has that ever happened? Because I know you've had requests and your department's had requests for your overall department. Have you ever been that kind of situation?

MR. POERIO:

No.

LEG. BINDER:

You haven't. Because one of my concerns might be that we have a department with specific wants, needs and desires, and the specific focus and attention just on Public Works. They're going to be

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purchasing for things way outside of that. Do you see that as a problem? Even if they've got your people, even if we move these people over, they're within a department that's very focused on a particular function.

MR. POERIO:

I would see you, and I -- and to be honest with you, I heard a similar situation from some of the people from the Police Department today, and they were talking about, you know, that the automobiles are under the jurisdiction of DPW, and they don't get the service that they used to get when they did it themselves and operated themselves. So there's always that situation where -- and I'm not saying that this is going to happen, but it does leave it -- it does leave room for this to happen, that perhaps that Department of Public Works would more concerned about satisfying their needs first than the needs of the County as a whole. And that would be a normal, logical thing if a department was running a particular function.

LEG. BINDER:

Well, they're focused on their function.

MR. POERIO:

Right, on their function.

LEG. BINDER:

Your focus is generally financial and it's across the board.

MR. POERIO:

That is correct.

LEG. BINDER:

So you look at all departments --

MR. POERIO:

Absolutely.

LEG. BINDER:

-- to begin you, so your jurisdiction --

MR. POERIO:

Is the whole County.

LEG. BINDER:

Is the whole County, so --

MR. POERIO:

That is correct.

LEG. BINDER:

And the purchasing, of course, takes place across the whole County.

MR. POERIO:

Exactly. There would be no situation where we would be, you know, looking to have preference over a particular department in purchasing.

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LEG. BINDER:

I'll be listening, I guess, during the debate and discussion in committee, and whatever, to see if this initiative came from -- I mean, I'm listening for it, that a concern, a problem a specific, focused on problem that had to be addressed, and so far it sounds like it's not. So I think we should -- we should look closely at that. And I think, from everything I know, you guys have been doing a great job of purchasing.

MR. POERIO:

Thank you very much, Mr. Binder.

P.O. TONNA:

Anybody else? No? Okay. Thank you.

MR. POERIO:

Thank you.

P.O. TONNA:

Alan Schneider.

LEG. CARPENTER:

Is he on Purchasing.

P.O. TONNA:

What?

LEG. CARPENTER:

Which hearing is he?

LEG. CRECCA:

Is he the next hearing?

P.O. TONNA:

Oh, okay. I'm sorry. This is -- it's not about this one, right?

Let's just make a -- I'll make a motion to close the public hearing.

LEG. CRECCA:

Second.

P.O. TONNA:

Seconded. All in favor? Opposed? Closed.

Okay. Introductory Resolution Number 2075 (A Charter Law to

consolidate and streamline County personnel functions for more cost-effective employee friendly services). All right. Alan, you're up on this one?

LEG. BINDER:

No.

P.O. TONNA:

Alan Schneider is.

LEG. BINDER:

Alan Schneider?

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P.O. TONNA:

Yeah. Okay, go ahead.

MR. SCHNEIDER:

Thank you very much. Good afternoon. Alan Schneider, Suffolk County Director of Personnel. And I want to speak briefly on the resolution that is before us today.

I want to start out by saying that in 1995, with the breakup of the Department of General Services, the Legislature decided to take the Divisions of Telecommunications, Data Processing, Management Information and put them into the Department of Civil Service and Human Resources. At that time, I came before this Legislature and stated that my knowledge of data processing and telecommunications you could fit on the head of a pin. "Don't transfer it to me." The vote was 18-0. It was transferred to us. And what we did was inherit an operation that was really stuck in the 1980's technology-wise. Today, five years later, we have taken that department and brought it up, not only into the '90's, but into the Year 2000, and we've done it with less people than there were in the division in 1995. We were able to do this as a result of hiring a couple of people at the top to fill some vacancies, and came in with some very solid technical experience and knowledge. But even more important, hiring some key people at the bottom who came out of college with technology and knowledge of the Year 2000 and above. In addition, we provided technology training for the people that remained in that department, something they had never had or were given prior to that date. So that today, everyone in that department is up to date in an area where technology is training -- is changing not only every month, but sometimes from day to day. Now, in the Year 2000, the Legislature is giving my Department additional responsibility as well. As most of you are well aware, my job in the County is a difficult one, a full-time one. Not only am I responsible for all personnel matters in Suffolk County government, but also for all personnel matters, hiring in all the towns, school districts, villages, libraries, fire and special districts in Suffolk County. I also deal not only with the unions that represent County employees, but with the 27 or 28 additional unions that represent the 43,000 employees that work in all the outside jurisdictions in Suffolk County.

With that said, whatever the Legislature chooses to do in the actions that they take, I will, of course, support and do everything that I can to make this work. But this time, I will need support, I will need some additional positions. In 1995, I inherited those two operations without any additional help at that time. I do not know at this point what I will need. If the transfer of this operation is made, I will

know fairly soon what I will need to make it work. And what I am just doing today is letting the Legislators know that I would appreciate when I do come back here and say these are the positions, these are the jobs that I need, that I will have the support here to get the resources that I need to make this work.

There are a couple of aspects in this transfer of function that I do want to speak out specifically about. I understand this morning the  
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County Executive's veto of the Division of Labor Relations took place and that function will stay in the County Executive Office. I was prepared to speak about the inappropriateness of transferring that function to myself because of the inherent conflict that we have between Labor Law, Taylor Law, and Civil Service Law. The public relations, public information aspects of this resolution, the positions, there are five positions that are being transferred from five different departments, which would move five people who currently do public information work in those five departments.

I have recently spoken with Legislator Carpenter and a couple of other people about the intent of what this resolution hopes to accomplish in regard to public information, and that is to formulate a central public information operation within County government. I don't think the way to do it is to take five positions out of five different departments and move those five positions to my operation, because there are at least 12 to 13 people in the County in various other titles who are doing public information work in some of the other County departments. I can make this work, and the way I would propose doing that is by taking one position, not five, but one position and turn that into a Director county-wide of Public Information with a clerical person, and bring into that job someone, I don't know who, but someone who has media contacts, who has experience in this area, who could then work with the various people in the individual agencies to centralize this function. But by transferring the five people, the five positions to me on January 1st is going to give me five people that, on January 2nd, I'm really not going to know what to do with. So I am going to ask the Legislature, if this function of Public Information does come to the Personnel, Civil Service, Human Resources Operation, that a hold be put on transferring these positions on January 2nd, until we can work out the details as to how we can accomplish what you want to do.

The other area that I do want to speak on is one position that I was given in the budget. A new position was created entitled Director of Human Resources to oversee what would be a new Division of Human Resources in this department. That position was created at Grade 35. Now, I've got a lot of different titles in this County. I'm known as the County Personnel Director. I'm also known as the County Personnel Officer, which is the legal language in Civil Service Law. I'm known as the Director of Human Resources, and I'm known as the Director of Civil Service. It doesn't matter what I'm known as, it's the responsibility and the function that I have that is what is important. But I cannot use a new title of Director of Human Resources when I'm already the Director of Human Resources, and whereas I may very well wind up here, depending on Legislative action, with a new Division of Human Resources. I can't have the title of Director of Human Resources when I'm also known by that title.

With those points, in conclusion, I was told back in 1995, when I was given the additional divisions and responsibilities, which at the time I didn't think that really should come to me, I was told by members of this Legislature, "Alan, take this as a compliment." So this time around, I am going to take this action that you are proposing as a compliment. And I just want to assure you that however it works out, whatever you wind up doing, that you have my assurance that I will do everything in my power to carry out the wishes of the Legislature.

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Thank you.

LEG. CARPENTER:

Thank you, Alan.

LEG. CRECCA:

Thank you.

P.O. TONNA:

Thank you very much.

LEG. HALEY:

Question.

MR. SCHNEIDER:

Yeah.

LEG. HALEY:

Do you mean you wouldn't like to have Dave Greene come over and work with you? You don't have to answer that.

MR. SCHNEIDER:

Okay.

P.O. TONNA:

Okay. I'll make a motion to close, seconded by Legislator Carpenter.

All in favor? Opposed? Closed. Okay. Public Hearing Number 2077 (A Charter Law to transfer management of the Francis S. Gabreski Airport to County Department of Economic Development).

MR. SCHNEIDER:

Thank you.

MR. POERIO:

Excuse me.

P.O. TONNA:

Yes.

MR. POERIO:

I had a car in to speak on that, obviously.

P.O. TONNA:

Let me -- Just wait one second. If you had a card on it, I'll make sure that you speak.

LEG. GULDI:

On 2077?

P.O. TONNA:

No, 2075.

MR. POERIO:

Joe, you have 2074. Okay, 2075.

00120

LEG. CRECCA:

Motion to reopen the hearing.

P.O. TONNA:

Yeah.

LEG. ALDEN:

Second.

P.O. TONNA:

Okay. All in favor? Opposed? Just whatever. Go ahead, Joe.

MR. POERIO:

No. It's important that I speak, obviously.

P.O. TONNA:

Yeah, absolutely.

MR. POERIO:

It's because we're losing a huge division here in the Department of Audit and Control. And, again, the tree is gone, so I can't use that as a prop any longer. But, obviously, this is the same exact situation as I discussed before with Purchasing. There's a move on to take the Division of Insurance and Risk Management away from the Department of Audit and Control and include that, as Alan was speaking, in the Department of Civil Service. We believe that this transfer is inappropriate for many, many reasons.

Now, understand, we've had this division for ten years, not five years, but ten years. The transfer took place in 1990. The Division has been with us ten years. During that period of time, the initiation of various programs includes a number of things, most importantly the self-funding of the Suffolk County Health Plan. In addition to that, there's some other things that Phil Bauccio has provided to me, the off-the-job disability income, implementation of a Pre-Tax Flexible Benefit Program, the initial implementation of an AME Life Insurance Program, and many, many other things.

In January 1991, when the Legislature and the Comptroller's Office pushed to initiate a self-funded Employee Medical Health Program, the Employee Benefits Unit was merged with Risk Management to form the Risk Management and Benefits Division, and subsequently organized under the Department of Audit and Control. This reorganization was extremely successful in that it enabled self-funded health insurance to become a reality, resulting in millions of dollars in savings when compared to premiums, which would have been paid to the New York State Empire Plan. In addition, the structure was designed to prevent the types of problems which occurred in Nassau County. As a result, the program generated tremendous cash flows, approximately \$34 million over the ten years, which was invested and has generated in excess of \$6 million in interest earnings alone, which have been allocated to reduce the actual cost of benefits.

While the 2001 budget this year has increased significantly, it should be remembered that over the last four years, while national trends in inflation in health insurance increased from 6 -- from 7 to 9%, the

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County has been able to maintain its cost benefit increase to 4%. In addition, since joining with Risk Management, Employee Benefits has initiated numerous cost-cutting procedures, which are directly related to the fact that they are under the control of the Department of Audit and Control. Such initiatives include the elimination of signed vouchers for Medicare recipients, automatically entitled to reimbursement for their Medicare insurance, and the computerization of all health benefit records.

In addition, Audit and Control has coordinated the investment of the Employee Medical Health Plan cash flow with the Treasurer's Office to

ensure that the highest possible rates apply to the cash flow, and that's because of our relationship with the Treasurer's Office, and the Comptroller's Office would be able to generate those high interest rates.

I'm just going to skip some of those other things. The streamlined approach with which the Division operates is better suited under the control of the Department of Audit and Control. It should be noted that in the past, organizational structures, most of the information in these areas were screened from Legislative review. Under the Department of Audit and Control, all information in Risk Management and Benefits, Workers Compensation has always been open to review and discussion with the Office of Legislative Budget Review, and the Legislatures -- Legislators with a need to inquire. The unit has been an offset to the total control tactics utilized by some individuals operating out of the County Executive's Office.

It is, therefore, the belief of both the Comptroller and all staff involved that the operation of the Risk Management and Benefits should remain intact under the control of the Comptroller to ensure a continuous open flow of communication. The proposed movement of this division to the Human Resources Division will bottleneck decisions and information provided and will be more costly to the County.

Therefore, it is recommended that the Legislature keep this decision intact under the control of the Comptroller and the Department of Audit and Control. And when I say more costly to the County, I know someone's going to ask me that question, so I'll answer it right now. Alan Schneider stood before you and said that he needed positions. We need no positions. We've operated this program and operated it well for ten years and done fabulous things for the County in this program, which can be measured by true financial results \$34 million in savings over ten years in the Health Benefits Program. That's what we've done. We don't need any new Directors of Human Resources or any other employees to run this program. We can continue to run this program with the employees that we have, and we'll do the same good job that we've done in the past.

In 1990, the Suffolk County Charter was changed, and under the same Subsection C5-2, we have the control of the enrollment of County employees and retirement health plans, insurance plans, and other such employee benefit programs as may be approved by the action of the County Legislature, and that was enacted in 1990. The Legislative intent, again, under that section is that, "This Legislature hereby finds and determines that the size and scope of County government has

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grown too large and costly as a result of the proliferation of departments and agencies whose functions, duties, and responsibilities could be more economically and efficiently carried out under a streamlined and consolidated reorganization of County government." That's what you proposed in 1990, that's what we've done for you. And we ask that you were wise back in 1990 to make those decisions to give it to the Department of Audit Control, that control of the Insurance and Risk Benefits. And we see nothing, again, and Legislator Binder left the room, I guess, but, again, there are no reports, no statistics. I wish someone would ask that question of Budget Review as to what the problems have been with Insurance and Risk in order to

determine that they should be moved to a new venue. And I ask you for your indulgence, and I thank you very much.

LEG. D'ANDRE:

I'll ask that question, Mr. Chairman. I'll ask that question.

P.O. TONNA:

Yes, Legislator D'Andre.

LEG. D'ANDRE:

Budget and Control. Budget and Control.

MR. POLLERT:

Budget Review.

LEG. D'ANDRE:

Budget Review, there was a question launched your way. There was question launched your way by Caputo's man, Poerio.

MR. POLLERT:

Yes. The Budget Review Office didn't identify anything within our report with respect to problems with the Insurance and Risk Management function. It, again, was a Legislative initiative. Part of the Legislative initiative was a belief that the Department of Audit and Control should not be in both a bill-paying and a bill-reviewing function.

LEG. D'ANDRE:

Okay. Now you're telling me you don't need anything extra to run your department.

MR. POLLERT:

That is correct, sir.

LEG. D'ANDRE:

We don't know what we're going to find where they want to move these people to.

MR. POERIO:

That is correct, sir.

LEG. D'ANDRE:

And what they're going to be asking us for. I'm happy with the way it is, I'm happy with your functioning. Just better your P.R. with us a little more.

00123

MR. POERIO:

Yes, I understand that.

LEG. D'ANDRE:

Get it on a nice talkable level and not quick answers, and so on and so forth. This is not an individual operation, this is a family operation. So, Mr. Chairman, I submit to you that leave this where it is, leave it alone, let it continue functioning until we get a complaint from Budget Review or someone else. Keep personalities out of it, and we'll do right by this County. Thank you.

P.O. TONNA:

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

LEG. CARPENTER:

Thank you. Joe.

MR. POLLERT:

Yes, Angie.

LEG. CARPENTER:

I know you've said a lot, and I know that you feel passionate about this, because this is something that you've been working on for a long

time, but I just would like to make sure that there is no misunderstanding, because I received a call at my office yesterday from an employee. And is the information being given that this change is a result of some political wishes?

MR. POLLERT:

Absolutely not. None of this has been discussed with anyone in our department. If you're talking about employees that made -- an employee made a complaint to you, did you say?

LEG. CARPENTER:

An inquiry.

MR. POLLERT:

An inquiry.

LEG. CARPENTER:

The information that was --

MR. POERIO:

No information has been disseminated to employees as to whether or not -- what the past history has been or what the future is going to hold. We have heard some -- some employees have inquired. They're worried about their jobs, they're worried about their own personal situation, they're worried about moving.

LEG. CARPENTER:

And that's -- that's very --

MR. POERIO:

And it's logical, yeah.

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LEG. CARPENTER:

It's logical and it is totally understandable.

MR. POLLERT:

But we have not gone around with a case of painting political dispersions that --

LEG. CARPENTER:

That's very good to hear.

MR. POLLERT:

We have not done that.

LEG. CARPENTER:

That really is, because, as Legislator D'Andre said, we are a family here in this County.

MR. POLLERT:

Yes, we are.

LEG. CARPENTER:

And I would like to think that in this idea of it being a family, that we do everything we can for the members of that family. And months and months and months ago, I had asked the Budget Review Office to do some research, because I discovered that counties less than the size of ours had departments or divisions of human resources where we actually did not have that function concentrated in one location, that some departments had it and some did not. That even in the departments that may have had a personnel director or a human resources person, that the kinds of instances where a person might want to find out what benefits are available to them, if they were having problems and wanted to avail themselves of an EAP program, for instance, they might have to go to someone that they're working alongside of. That they didn't have the benefit of having that cloak of anonymity that is there when you go

into that personnel or human resources director or division. And that really was what started this whole thing.

MR. POLLERT:

I understand.

LEG. CARPENTER:

That counties like Monroe County, Albany County, Allegheny County, Onandaga County, Chautauqua County, all through the state have these divisions or departments of human resources. And we are not concerned -- I know that Budget Review has done a lot of work on this. We have the positions there. People are doing this. Many, many people are doing this kind of function, but, really, they're not brought together.

There are many times when we lose employees, because they don't know about the benefits and opportunities that might be available to them in other departments or divisions of this County when we have invested time and energies in training people that we would like to keep within County employment. And if there was this central kind of Division of Human Resources, they could get that information.

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So this, apart from anything anybody might be conjecturing is not motivated out of any political grandstanding, or any political motives, or any motives that are not pure. This is totally motivated, and anyone I've spoken to and any Legislators that are supportive of it, are supportive of it precisely for the reason of doing the best that we can do for our employees.

MR. POLLERT:

And I can appreciate that. And I think if you'll notice that in -- I haven't mentioned one name or I'm not casting any aspersions against anyone or anything, all I'm saying to you is that, and as I explained to Legislator D'Andre, is that this division has worked with us and I'm very, very proud of the work that they've done, Phil Bauccio and his whole team. They've done a tremendous job. And I'll just give you -- I'll leave you with one example. When compared to our neighbors next -- to the west, and I know that's not a great comparison, but you saw all the difficulties they had with formulating their own self-insured health benefits program. It's a complete boondoggle compared to ours, who've earned tremendous -- millions and millions of dollars for the County and its residents.

Secondly Workers Compensation, Workmans Compensation, for example. Last year, in Suffolk County, we had -- there are penalties for late payments of Workers Compensation and the State penalizes you for that. In Nassau County, fines amounted to approximately \$1.7 million last year in Nassau County. In Suffolk County, fines were \$1,700.

LEG. CARPENTER:

That is incredible and we have done --

MR. POLLERT:

So isn't that -- I mean, that's a fine accomplishment.

LEG. CARPENTER:

We've done a wonderful job, and you really have set a very good foundation. And I think that when we bring it all together under the umbrella of a Human Resources Division, that it will be even better based on the good work that you've done to start it.

LEG. D'ANDRE:

Mr. Chairman, may I --

D.P.O. LEVY:

Yeah.

LEG. D'ANDRE:

May I say a couple of things? I say this to my fellow Legislators. If it ain't broke, don't fix it. Leave it as it is where we're saving money. And, boy, I wouldn't want to look to the west. I want to look to our Purchasing Department and to our Budget Review.

P.O. TONNA:

Question, mike.

LEG. D'ANDRE:

The question is leave it alone.

00126

D.P.O. LEVY:

Good question. All right. Thank you very much, Joe.

P.O. TONNA:

Thank you very much. Okay. Anybody else? Motion to close, seconded by Legislator Carpenter. All in favor? Opposed? Closed.

Okay. Public Hearing Number 2077 (A Charter Law to transfer management of the Francis S. Gabreski Airport to County Department of Economic Development). Are there any cards? No? I'll make a motion. Legislator Guldi, what do you want to do?

LEG. GULDI:

Motion to close.

P.O. TONNA:

Motion to close, seconded by myself. All in favor? Opposed? Closed. I want to set the public hearings for December 5th at 2:30. And do I have to read them all?

MS. BURKHARDT:

Numbers.

P.O. TONNA:

Numbers 2054, 2066 and 2069. Okay. I'd ask, all Legislators, please come to the horseshoe. I think we're ready to start voting. Oh, public portion. I'm sorry. We didn't do that yet?

MS. BURKHARDT:

No.

P.O. TONNA:

Okay. Phyllis Garbarino. Sorry. Legislators can go back -- no, I'm joking. There we go. Phyllis?

LEG. D'ANDRE:

Feeling your Cheerios today, Mr. P.O.

MS. GARBARINO:

That comment was not unexpected.

P.O. TONNA:

No, no. Phyllis, I --

LEG. CARPENTER:

Touche.

P.O. TONNA:

It had nothing to do with you, Phyllis.

LEG. TOWLE:

That's not what you told me before.

LEG. LEVY:

But he is leaving anyway.

00127

MS. GARBARINO:

You've been trying to kill this public portion all day, so I --

LEG. LEVY:

He just wanted to keep you around all day to see your face.

MS. GARBARINO:

I received a letter a few -- I'm Phyllis Garbarino, President of AME, for the record. I'm speaking about Resolution Number 1816, which is related to the acquisition of a new payroll system for the County. I've had mixed feelings on this, because I've received information both ways that we need it and we don't need. And not being a technical person, but knowing that our payroll system currently works, puts me more on the fact, we'll go back to, if it ain't broke, don't fix it. But a letter I received a week or so ago I think had to read into it, and I think all of you have to hear this before you make a decision on it.

LEG. FOLEY:

Are there copies, Phyllis, do you have copies of the letter?

MS. GARBARINO:

No. You might have copies. The Presiding Officer did receive a copy of this, but I would certainly share that you can -- I'll leave with you. There's really two issues to be addressed in this letter, the proposed need for the new payroll system, and again, the need to keep talented, skilled personnel. I refer to this letter written by the PBA President, Mr. Jeff Frayler to County Executive Gaffney, and copy to the Presiding Officer and other County officials. In it, Mr. Frayler states, "Dear Mr. Gaffney, I am writing this letter to express my sincere gratitude for the exemplary job done by the employees in the Management Information System Unit in implemented the payroll related provisions of the new PBA contract. Specifically, Joe {Panzarino} and Mike Schreiber working under the supervision of Bill Cunningham, paid my members flawlessly and in record time. It is a pleasure to see Suffolk County employees who take pride in their work and execute it to perfection. On behalf of my membership, I wish to thank these professionals for a job well done."

This letter proves to me, and I hope to you, that the AME members are employees who are highly skilled and dedicated to their profession and are running a system that works. If another bargaining unit president recognizes our members' talents, you can do no less and must allow for the ability to pay them adequately and fairly in order to continue the services that we all enjoy.

I thank you for listening, and I will leave this to be copied for the record. Thank you.

D.P.O. LEVY:

Thank you.

LEG. FOLEY:

Question.

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D.P.O. LEVY:

Question from Legislator Foley.

LEG. FOLEY:

Thank you. Thank you, Phyllis, and a copy of the letter would be -- would be helpful. In your, let's say, investigation into the

resolution, and under the -- let's say with the understanding of, if it's not broken, why fix it, what have you gleaned, what have you found out as to why there's this move to go ahead with this multi-million dollar appropriation when, as you say, the current system does work? I mean, what have you heard, what have you been told that you could share with us as to why that you would want to move forward with something like this when the present system works?

MS. GARBARINO:

I've been told that a new system would be more efficient particularly in time-wise.

LEG. FOLEY:

More what now?

MS. GARBARINO:

More efficient, particularly in time. Now, historically, the example I was given, which would relate directly to my position, is that when a contract is implemented, such as of our size, it takes months to program, it takes months to put this in place, and that's why the implementation of the contract, along with any retroactivity that's involved, takes so long, that a new system is quicker, as many things are today. And that is certainly a position that could be believable, because of the fact that we know that computers today are quicker, faster, everything, every day. So that makes sense in that respect. But the people that work there say that they, they themselves are capable of handling any improvements that would -- could be done to the current system to make it quicker and more professional and more efficient.

Now, the PBA Bargaining Unit is not as large as ours, but certainly of significant size, 2,000 people, approximately, thereabouts. If a bargaining unit of 2,000 was apparently handled in a very quick, proficient manner, then any other projects of similar or -- sizes, or close to it, certainly shouldn't be a problem. Obviously, something for 7,000 is going to take longer than 2,000, but it doesn't sound like a problem.

LEG. FOLEY:

Now, do they --

MS. GARBARINO:

And that's where I'm at right now.

LEG. FOLEY:

Do they intend to, if this was to be approved, do they intend to contract out these services, or what is your understanding of that?

MS. GARBARINO:

It appears that it would be, as some of the past provisions would be,

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where temporary people do come in from the companies. How long they're there, I don't know. It's not a -- I don't know the term to be used, in the contract as such that it would be permanently contracted out.

LEG. FOLEY:

Yeah.

MS. GARBARINO:

Whether or not we'd need more people to keep the system going, I don't know. But, as I said, with the input that I've had from the people who work there now claim that they are capable of doing this.

LEG. FOLEY:

They're capable of doing this, and they're capable of, as you say, of what they're currently doing, as making the payroll on time. Where did the motivation come to develop this proposal? I mean, it wasn't from your membership saying that there's a problem.

MS. GARBARINO:

No, no. It was --

LEG. FOLEY:

So have you been able to find out as to --

MS. GARBARINO:

Most likely, I would say from the management within the department, that's where I would say, the management of the department who maybe feels that there is a better way to do things. That's where my beliefs are, that that's where it's coming from.

LEG. FOLEY:

Now, Management didn't go to Labor to say, "Listen, we have an efficiency problem gash"?

MS. GARBARINO:

No.

LEG. FOLEY:

"Let's see if we can find another way of being more efficient"?

MS. GARBARINO:

No.

LEG. FOLEY:

That approach was not taken.

MS. GARBARINO:

No.

LEG. FOLEY:

The approach that was taken was to go out, find a vendor or find some other system and essentially foist it onto the County and say we're going to go with this system, even though the current system, as you say, does work.

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MS. GARBARINO:

Right, that is my understanding.

LEG. FOLEY:

Okay. Thank you.

D.P.O. LEVY:

Thank you, Phyllis.

MS. GARBARINO:

Thank you.

D.P.O. LEVY:

Our next speaker is Ruth Cusack. Thank you for waiting so long, Ruth.

MS. CUSACK:

It's my pleasure. Good afternoon. Ruth Cusack for the League of Women Voters of Suffolk County. I want to speak this afternoon to Introductory Resolution 1576, the corrected copy on the tabled agenda. This resolution authorizes the Board of Elections to mail to households of registered voters, seven days before Election Day, a copy of ballot proposals with an explanation and abstract, as well as a list of candidates for office. The same information would go on the County website, and the same information, propositions and candidates, would go on audio tape to Suffolk County libraries. We support this measure in principle and ask you to approve it.

We agree with the sponsor, that providing additional information to voters regarding ballot proposals could increase voter turnout and enable voters to make more informed decisions. We realize there is a cost, and you have already made budget decisions for this year. Therefore, if you cannot do it in 2000, please bring it up again. We might ask the sponsor, Ms. Postal to refile it and pass it in 2001. Also, we request that in the future, when you improve a measure that will appear on the ballot, and the County Executive signs it, you earmark it on your website in some way as a ballot issue. In that way, groups and individuals would then have ample time to gather information and prepare educational campaigns. We do like the fact that you have the information you are putting now on the website and looking forward to following that through in the future.

The League of Women voters believes that democratic government depends upon the informed and active participation of its citizens and we support measures to encourage use of the franchise. So thank you.

D.P.O. LEVY:

Thank you very much, Ruth.

LEG. BISHOP:

I have a question.

D.P.O. LEVY:

Legislator Bishop.

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LEG. BISHOP:

Ruth, do you have available, or can you obtain a survey of other jurisdictions where, prior to Election Day, voters are provided pamphlets which state not only about the ballot propositions, but about the candidates, what their views are? I know in New York City, for example, if you were running for City Council, you're asked to submit -- it might be to the Citizens Union, or one of those good government organizations, sort of a biography of what your positions are, and then that's sent out, I assume, by the Board of Elections to all the voters.

MS. CUSACK:

I don't -- we don't have it now. We can see if we can do that. We are very much interested at national, state and local level at what goes on in elections, and as we are all concerned right now, we're -- one happy thing about the present situation out there is that we are all becoming better informed.

LEG. BISHOP:

Right.

MS. CUSACK:

And we hope that the outcome will be a workable system. We are -- at the State level, the League is looking into other ways of balloting than the one we have now, which those machines, that some of us are very fond of, but eventually, New York will need to get something else. So this could be part of what they're looking into, because it's the whole balloting process, and along with the mechanics of what kind of a ballot you use and how it's counted and how the poll workers are trained, to see that the voters know what they're doing. There is also the issue of education, which, of course, this bill addresses. I think we could try to get that info.

LEG. BISHOP:

But are you familiar with what I'm referring to? I think in most --

MS. CUSACK:

Yes.

LEG. BISHOP:

My belief is that in most other jurisdictions, that voters receive some information compiled by a neutral organization, like the League of Women Voters, or Citizens Union, but I believe sent out at government expense, which details the positions of the candidates and the -- describes the ballot propositions.

MS. CUSACK:

Well, the one thing that had been considered here, and we had some discussions with Ms. Postal about it, was that we didn't think in Suffolk County that it was appropriate for the League to write the information that went out on the proposals, the for and against. We will continue to do that, as we have been doing it, and print it and make that available to people. But when you get it done under the government imprint, you run into some other issues, which might be a little bit confusing. That doesn't say that the -- what this addresses is for the Board of Elections to put out the propositions and

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information about it, not -- an explanation and an abstract, not the pros and cons, the for and against. But I do hear what you're saying, and also about candidates.

I will say that we have a voter service person in Suffolk County who would be here today and who might know more about it than I do, except that she is out of town today.

LEG. BISHOP:

Well, maybe in this modern era, you can do it on a League of Women Voters website for Suffolk County.

MS. CUSACK:

Oh, yes, yes.

LEG. BISHOP:

Something --

MS. CUSACK:

Yes. And we are developing a County website, and so that can be on our website, yes.

LEG. BISHOP:

All right. And while I'm giving out gratuitous suggestions, I would suggest that the distinguished Deputy Presiding Officer, who is chairman Of Ways and Means, he might want to have a hearing with the Board of Elections about the election machine technology. I bet you there would be great interest.

LEG. CARPENTER:

In January.

LEG. ALDEN:

Before or after January?

LEG. CARPENTER:

January. Do it in January.

LEG. BISHOP:

I'm sure that you'd have to overcome your shyness for television cameras for that hearing, but --

D.P.O. LEVY:

Good question. I'll do what I can, Legislator Bishop. Thank you.

LEG. BISHOP:

But I think the public would find it very informative.

MS. CUSACK:

Thank you. And I will say that the Board of Elections has over the years worked -- the League of Women Voters has worked with the Board of Elections in Suffolk County very cooperatively, and, usually, they meet in January. We hear from them what they have in mind and what their hopes are, and they hear from us if we have any comments from the voters. For example, our county phone this Election Day and the few days prior to it handled well over 300 calls, and many of the

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complaints were that people couldn't get through to the Board of Elections. So that's something we can take to them and they might -- it might be beneficial if they can find some way to manage to have more phone lines available, just as an example. Thank you.

D.P.O. LEVY:

Thank you, Ruth. I could just assure you, Legislator Bishop, if we give an offer to our friends at the Board of Elections to have another million dollars spent for more machines, they'll jump at the opportunity. Not that I've heard that we have a problem in Suffolk County as they do in some other areas, but we'll look into it.

Now I have to assume that Mr. Jiminy Cricket, who is our next speaker, comes from the same residence as Mr. Philip Goldstein? Am I correct on that?

MR. GOLDSTEIN:

Yes, sir.

D.P.O. LEVY:

All right. You want to come forward, Mr. Cricket, and give us your thoughts. But you can only have three minutes, Phil, you can't get six out of this.

MR. GOLDSTEIN:

The problem is I have two issues of concern that I -- I have two issues of concern that I would like to raise. And I use the Jiminy Cricket appellation in deference to the Presiding Officer, who gave me that. He referred to me as the conscience of the Legislature. All right. Let me focus on the one that I've been working on the longest and greatest concern.

There is a ticking time bomb, or better yet, you might call it a mine field that potentially exists, the extent of which we don't really know, and what it involves are sleeping judgements, and these sleeping judgements are a product of sewer service and/or of forged affidavits of service. Some amongst you are lawyers and know clearly what I'm talking about. Others, what I am referring to may be a mystery to you. Very simply, somebody may sue you, and in the process of suing you, the courts require that you receive an -- that you receive a subpoena telling you to appear, placing you under the jurisdiction of the Court to answer this suit that is being brought against you, so that you can defend yourself against it. The subpoena that you are given may never reach you. It may never reach you, and this is where the term "sewer service" comes in. It means very simply that the person responsible for serving the subpoena to you instead fails to fulfill his obligation. Now, under the court system, that person is obligated to file an affidavit of service. They must swear that they

have served you properly in accordance with the law, and that is -- must be signed before a notary.

I have been approached by people who have claimed that they have been subjected to this sewer service, and even worse, that affidavits of service have been forged by a person who, or persons who are not truly notaries, and that as a result of this, judgments have been rendered by the courts, because the person not having received the subpoena does

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not appear to defend themselves against the suit that is being brought. And what happens is the Judge then issues a default judgment, which means that the Court has found that you have lost, that you had failed to defend yourself against the suit that is being brought, and it is found in favor of the person who is suing you. That person can then take that judgment and submit that judgment to the County Clerk, and that judgment can then become a lien against your property, and that's where the land mine comes in.

D.P.O. LEVY:

Since --

MR. GOLDSTEIN:

It is buried there within the files of the County Clerk's Office.

D.P.O. LEVY:

Phil, since we're running out of time, why don't you get -- we understand the background on this. Why don't you zero in on the point and what you'd like the Legislature to do, and then we'll open up the questions to extend you a little bit.

MR. GOLDSTEIN:

Okay. Now, what has happened is people have come forward who have claimed they have been victimized by this. That let's say somebody dies and when their will is being probated by the Surrogates Court, suddenly it jumps this judgment, which, by the way, draws 12% interest, allegedly, and it's this ticking bomb, or some unsuspecting person steps on the land mine. How do you defend yourself then against it? You don't. The end result is you're forced to pay it. The point very simply is there are victims out there and there are these sleeping liens that are buried within the files of the County Clerk's Office, and from time to time, they pop up, plus the fact that the Sheriff's Office is sometimes called upon to execute a judgment and to take property and sell off that property in payment of the lien.

D.P.O. LEVY:

Phil, were you here to like underscore the problem, and just edify it, so that --

MR. GOLDSTEIN:

Well, the point very simply is that these people have -- had come to me because of my T.V. program and knowing the role that I sometimes play as gadfly, and they asked me to help them as victims. And the reason why they asked me to help them as victims is because, as individuals, when they seek justice, they find that they are being ignored, and their plight is trivialized, and they cannot get a response. The District Attorney's Office here in Suffolk County is responsible. There is something called a traverse hearing, where you can go and try to get undone this improper filing of this lien against yourself, if, in fact, proper service was not conducted. And people are complaining that they have been unable to get justice in these cases. And so we've

attempted to go, at the recommendation -- we were before the Public Safety Committee. We went to the -- that is, when I say "we", I didn't personally go, but some of the victims have gone to the District Attorney's Office and have not gotten a suitable response.

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D.P.O. LEVY:

Okay. Phil, let me make a --

MR. GOLDSTEIN:

Going back to the forged --

D.P.O. LEVY:

Let me make a recommendation, Phil.

MR. GOLDSTEIN:

Going back to the forged affidavits of service, if I may, Mr. Levy --

D.P.O. LEVY:

I'm going to let you conclude, but let me just make a recommendation.

You could wrap it up. What I'm going to suggest is you're bringing up a very interesting point and I don't want to blow it off. What I think we should do is bring this before the new Judiciary Committee; okay?

MR. GOLDSTEIN:

We've appeared there.

LEG. HALEY:

Thanks a lot.

MR. GOLDSTEIN:

See, let me expand, please, a little bit more. Give me a little indulgence, if you will. The point is we've appeared before the Public Safety Committee, we've appeared Mr. Crecca and the Judiciary Committee, and so on, and there has been acknowledgment. For example, the County Clerk appeared on my program, the Sheriff appeared on my program, and both acknowledged that these are problems. But the problem is that the -- for example, the Clerk and the Sheriff both wrote letters asking for an investigation by various agencies, but there's no follow-up. It's like the old joke, you're seated in a restaurant, the waiter walks by, you say, "Pardon me, Waiter, what time is it?" And the waiter says, "Sorry, it's not my table." There's like a jurisdiction question here. Nobody wants to pick up the ball --

D.P.O. LEVY:

Well, Legislator Guldi's chomping at the bit to give you some advice.

MR. GOLDSTEIN:

-- and run with it.

D.P.O. LEVY:

All right. Legislator Guldi.

LEG. GULDI:

Here you go, Phil.

MR. GOLDSTEIN:

Yes.

LEG. GULDI:

Let's take it from the top. It's a summons, not a subpoena.

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MR. GOLDSTEIN:

Pardon me.

LEG. GULDI:

It's Supreme Court, not District Court. The traverse isn't done by the DA, it's done by the victim when they go to court. The problem has

existed from the beginning of time. The DA can't fix this, because when you sin alone, there are no witnesses. And the forgery is done by whom? If you don't have the forger saying, "That's my signature," you got no prosecutable case. Well, back up to -- back up just a minute. The problem was aggravated by the Legislature with jurisdiction over civil practice, the State Legislature. The 1997 amendments and the 1999 amendments to that act have created an incentive. Instead of taking -- there used to be sanctions, and that is, if you had sewer service and someone preserved it in an answer, the statute of limitation would expire and you wouldn't be able to recommence your action. The Legislature in the State, in its infinite wisdom, changed the rules. Now if you use sewer service and someone picks it up and wins a traverse hearing, and then -- and gets the case dismissed, you give them an extra 60 days on the statute of limitations. So if you got a bad case, you use sewer service instead of honest service, because when you lose the traverse hearing, you get the extra 60 days. The State Legislature has been mucking in the procedural rules of service in New York for the last decade. They have made it easier and created an incentive for plaintiffs, particularly in low volume -- low dollar, high volume cases to use junk service. That's where you got to go to fix it. And it's going to continue until the law changes, so there's a sanction --

MR. GOLDSTEIN:

But what about the victims? What about those people who have sleeping judgments lying there dormant, waiting to explode upon the occasion when you sell --

LEG. GULDI:

The thing that --

MR. GOLDSTEIN:

-- your house, or when you die and your heirs --

LEG. GULDI:

The thing that they have to --

MR. GOLDSTEIN:

-- come to probate your will?

LEG. GULDI:

The thing that they have to do, like any victim in those situations, is when you find out that someone has a judgment, you make an application for a traverse hearing on the ground that you never got service, and that you have a defense and you open it up, and that's when and how you do it.

D.P.O. LEVY:

Vacate the judgment.

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MR. GOLDSTEIN:

Well, unfortunately, it's gone beyond that in certain cases, because, apparently, this person who is forging the affidavits of service, this alleged notary who is -- whose number is not a valid number, all right, he has been prosecuted in Suffolk County -- pardon me, in Nassau County and given a slap across the wrist. But when forged affidavits of service have been presented to the District Attorney here, no prosecution has been pursued and no remedy is being offered to the victims of the past, but also in order to protect the victims of the future, there needs to be something to be done. And this whole thing

needs an in-depth investigation.

I'm not a lawyer. I don't know the accuracy of all of the details and all of the matters that you just explained in pursuing it, but it just seems to me that from what I have learned by these people approaching me because of their frustration in trying to get some responsible government official to pick up on this and to pursue the matter, the District Attorney in this County will not do so.

D.P.O. LEVY:

Okay, Phil.

MR. GOLDSTEIN:

And it seems unimaginable that if that person --

D.P.O. LEVY:

Phil.

MR. GOLDSTEIN:

-- was prosecuted, even at a misdemeanor --

D.P.O. LEVY:

Phil.

MR. GOLDSTEIN:

-- level in Nassau County, why have there been no prosecutions in Suffolk.

D.P.O. LEVY:

Okay. This is what I'm going to do. I'm going to put it -- I'm going to take it upon myself to meet with you now that I'll be going on a State level, where Legislator Guldi says this emanates. We'll talk. I know you've discussed it in committee with the Judiciary. There's the prerogative of that committee to continue it. I think you're bringing up a very important point and you're educating a lot of people on it. That's great. We'll continue to talk about it on a one-on-one basis, because we really have to get moving today, because we still have this levy to be done.

MR. GOLDSTEIN:

Okay. One last thing, if I may, and this is a serious --

D.P.O. LEVY:

Phil, you got to wrap it up in 30 --

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MR. GOLDSTEIN:

A serious point.

D.P.O. LEVY:

Phil.

MR. GOLDSTEIN:

Okay. One last -- no. It's just --

D.P.O. LEVY:

Phil, I gave you --

MR. GOLDSTEIN:

-- a simple thing.

D.P.O. LEVY:

You had three minutes, I gave you 20.

MR. GOLDSTEIN:

Okay.

D.P.O. LEVY:

Wrap it up in 30 seconds; okay?

MR. GOLDSTEIN:

All right. The District Attorney has been requested to appear before

the Public Safety Committee, and, yet, on repeated occasions no representative from the District Attorney has responded to the request of the Public Safety Committee to address this issue. This is unbelievable. Where is the accountability with regard to this matter, which can have serious consequences to so many citizens in Suffolk County?

D.P.O. LEVY:

Thank you, Phil. You did it in 30 seconds. God bless you. Okay. All right. Next speaker is Lori Galgano.

MS. GALGANO:

Good afternoon. My name is Lori Galgano. I'm the producer and the host of the Hidden Truth T.V. Program. You've been seeing me film the Legislative meeting today. I'm just going to take off on what Phil Goldstein started saying.

The District Attorney was promised to be called. We do want to have him at one of the meetings, and we do want the opportunity to be able to question him. I myself have a couple of cases in my file. Again, because of the program, people do call me, but, personally, I also know a few cases, one in particular where an elderly man is incarcerated wrongfully for the past nine years. The District Attorney knows it. Motions have been put into the court. A diary was asked to be seen that was used during trial, and the ADA agreed in a court session to give the diary over to have a forensic come down to have the diary tested. This is after the man was convicted. The Judge okayed the diary being tested. When the forensic was coming down, Mr. Catterson got wind of it. He went before the Judge and the Judge reversed himself. So somebody once told me, it's not what's in the diary, it's

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what's not in the diary that they don't want them to see. And we also have proof that there are -- there were two bank robbers that were let out of prison to incarcerate this one gentleman. The list goes on and on.

I've been before the Suffolk County Legislators a few times. I've been before the Judicial Committee, the new committee that was formed with Mr. Crecca, and Mr. Cooper was also there. And they reassured me that they are not a watchdog for the District Attorney's Office. Now, again, we don't know where to go. We keep being told, "It's not our jurisdiction." Somebody has to take accountability. There are innocent men in jail and the officials know it, and they're doing everything -- we have the case of three gentlemen that are incarcerated. Their DNA prove that they are not the ones that committed the rape, and today in Federal Court, the attorneys are fighting the District Attorney, to -- the District Attorney is fighting them to keep them imprisoned. So somebody has to be accountable. And we do want to face the District Attorney, if not Catterson himself, someone from his office that will be able to speak for the District Attorney's Office, because we want answers.

There are people's lives involved. When one person is incarcerated, the whole family is incarcerated. The children are involved, the parents, the brothers, the sisters, and it's horrendous. It's bad enough to have to be incarcerated for something that you've done, but when you're innocent of a crime and there's documented proof. In the same case, a girl got up. This man was incarcerated openly. The media

was involved heavily for two weeks. It was all over the air. It was a very high profile case, and that was in 1991. He was convicted on not -- no evidence, just hearsay. And in 1996, a woman got up in an unrelated murder trial, she was a prosecutorial witness for the murder -- for the District Attorney, and she admitted that her and the others framed this gentleman that was incarcerated in 1991, that her and the others framed him for personal gain. When this gentleman that was incarcerated put in a 440-10 motion, the District Attorney put in their motion against, of course, and it was ruled the conviction was affirmed. And the District Attorney's answer was the woman was not a credible witness, yet the District Attorney used this woman to put the gentleman away for murder. Something must be done. It's getting crucial.

Because of our program, more and more cases come to me. We -- I get flooded with letters from inmates. A lot of them are guilty, a lot of them belong there. I'm not saying abolish the prisons. But the innocent must be let out, especially when there's documented proof. We have to gain the attention of somebody that will hold them -- hold the District Attorney and the Judges accountable for their actions. One more thing that I'd like to wrap up with is that I feel, and many others feel, that immunity should be lifted from the District Attorney and from Judges. They should be able to hold themselves accountable. We should be able to question them when wrong has been done, especially when it's been documented. They should not be protected from the law. They are not above the law when wrong is done.

[SUBSTITUTION OF STENOGRAPHER - ALISON MAHONEY]  
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D.P.O. LEVY:

Thank you very much, Lori. I appreciate it. Next speaker is Henry Huszar.

MR. HUSZAR:

Good afternoon. My name is Henry Huszar, I'm a resident of Suffolk County, I live in Farmingville. I've been a resident of Suffolk County since 1985.

I'm very puzzled when I have to hear one of the Legislators say, "Oh, you have a problem with sewer service or you're trying to get a Travis Hearing," that you should go before a court and ask for a Travis Hearing, which I have done in the past after I discovered that there seems to be a group of different rings out here where they randomly all over the place for a continuant long time and set a pattern of crime, setting up citizens of Suffolk County, including senior citizens, people in Family Court, Supreme Court, Federal Court, corporations that have large monies to the tune of millions of dollars, and commit crimes against anybody because all of a sudden now you have an index number placed into your name and you're dragged into litigation. After I found out process servers were setting me up in my divorce action, I asked for this so-called Travis Hearing which is your due process right as a litigant. I was handed a \$5,000 fine for my trouble, denied a Travis Hearing which I should have had and I would have been able to have been able to prosecute and lock up the phony process servers and the attorneys involved in these cases.

I have submitted maybe a hundred false affidavits to the Legislators, both in the Judiciary and the Public Safety Committee. People, this is

a crime ring out here. It's not only in this County, it's in Nassau County, it's going on all over the place. Judges are fixing the outcome of these cases when litigants go before Judges and say, "Hey, there's something wrong in this litigation here, I want to do something about this." You get your tail handed to you illegally because they have complete immunity.

I've had my divorce action back in 97-98 referred to the Suffolk County District Attorney's Office through an Order to Show Cause, that I had to do after my retainer agreement was ripped off by two law firms. I've been victimized since 1992. I'm on the cross bleeding, I can't stop the crime. A woman a couple of weeks ago, her mother was on one of these affidavits, sewer served, she was 80 something years old at the time saying that they served her in the middle of the night which never happened, okay. This is equal to stealing pocketbooks from old ladies, this is disgusting.

The Judiciary knows about this, they are doing nothing to protect their racket, it's involving ex-DA's, okay. You go to the police, they refuse to take police reports from you. I'm an ex-cop, 21 years in New York City and I'm appalled at the conduct of the Suffolk County Police Department here on Long Island. I can't get rid of 60 to \$70,000 in legal judgments on my back. The woman, 94 years old, Florence {Dehan}, to the tune of \$40,000, senior citizens in this County. We're coming forward asking for help, the jig is up, people know what the heck

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happened here. This evidence has been produced to this committee, I gave it to Gaffney. Ed Romaine, the Suffolk County Clerk, knows there were forgeries in his file, he bypassed the DA and went to the Feds, they're doing nothing also. How do we stop this crime?

D.P.O. LEVY:

Henry, could I ask you a question?

MR. HUSZAR:

Yes.

D.P.O. LEVY:

What incentive is there for a ring to --

MR. HUSZAR:

Property and money.

D.P.O. LEVY:

Well, let me just finish my thought. You get a judgment, a judgment is not liquid that you have right now.

MR. HUSZAR:

Oh, yes it is. Anybody can close on a judgement any time, can give it to the Sheriff by --

D.P.O. LEVY:

But you haven't --

MR. HUSZAR:

Let me explain how this works.

D.P.O. LEVY:

Can I finish my question?

MR. HUSZAR:

Go ahead.

D.P.O. LEVY:

Okay. You've got a judgment that's on someone's house. The Sheriff doesn't come in and force you to sell your house.

MR. HUSZAR:

Oh, yes he does.

D.P.O. LEVY:

No, it doesn't happen like that.

MR. HUSZAR:

No, I disagree, I disagree. It's happening, it's happening.

D.P.O. LEVY:

When you sell your house there will be this judgment. Wouldn't there -- and I'm just playing devil's advocate here because I'd like to hear your response, I'm intrigued with what you're saying. Doesn't at that point when you're selling your house and the title company does the search and they find out there's that judgement there and you find out

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for the first time that there's a judgment, I mean, obviously you're not going to pay it, you're going to examine it and you're going to say, "Hey, somebody put a false judgment."

MR. HUSZAR:

Something's wrong here, right.

D.P.O. LEVY:

So then --

MR. HUSZAR:

Are you willing to spend like \$27,000 to go hire a lawyer to fight this?

D.P.O. LEVY:

But if there --

MR. HUSZAR:

Most people take the option and just bow out.

D.P.O. LEVY:

Is there really an incentive -- my point is is there really an incentive for a crime ring to try to get a judgment on you that could sit there on a piece of real estate for 10 years, 20 years?

MR. HUSZAR:

And collect interest, 10% renewable every 10 years.

D.P.O. LEVY:

Well, that's only upon the sale where it hasn't been challenged. But I would think in 99% of the time it's going to be challenged because the homeowner knows that that wasn't a valid judgment; you know what I'm saying?

MR. HUSZAR:

Well, the only thing I could suggest, that these hundred or so affidavits, this is only a tip of the iceberg, this is just Suffolk County alone. There's Nassau County, there's corporations, this is unbelievable. You have to look at the litigants and ask them that question, some of them don't even know it. They haven't got the money to overturn this. You go to a judge looking for simple justice -- Ed Romaine said himself, "Why should you have to spend tens of thousands of dollars to overturn a crime committed against you", when a judge with the stroke of a pen can void it, null and void. These are Civil Rights crimes on a Federal level, State level and County level. I went to -- I've got police reports, they recognize the crime.

D.P.O. LEVY:

Have you found names repeated --

MR. HUSZAR:

There's all names all over these things.

D.P.O. LEVY:

Have you found the alleged forgerers repeating themselves over and over?

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MR. HUSZAR:

Listen, when I used to lock up people with stolen credit cards, preponderance of evidence, three credit cards or more it's a felony, you know what you're doing.

D.P.O. LEVY:

That's not my question.

MR. HUSZAR:

These are tens of thousands of affidavits, litigants all over the place, every court.

D.P.O. LEVY:

No, my question --

MR. HUSZAR:

Pick a court, any court you want to name.

D.P.O. LEVY:

My question was --

MR. HUSZAR:

Go ahead.

D.P.O. LEVY:

There's allegations that --

MR. HUSZAR:

This is not allegations, these are public record.

D.P.O. LEVY:

Can I finish?

MR. HUSZAR:

These are documents from a public record.

D.P.O. LEVY:

Could I finish? Never mind. Anything else? No. Okay, thank you, sir.

MR. HUSZAR:

One more thing, two seconds. Back in '89, the Public Safety Committee asked the State Department, New York State Department of Investigation to come in here regarding certain activities and allegations regarding the Suffolk County Police and the District Attorney's Office. I would like to see the same thing happen again, okay, because there's no way -- nobody's stopping this. The citizens of Suffolk County have a tremendous problem here to become a potential crime victim and future crime victims, and the people that are crime victims already can't stop this. You need to get public hearings on this and let the victims come forward and straighten this mess out.

D.P.O. LEVY:

Thank you, Mr. Huszar. Next speaker is Charles Clampet.

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MR. CLAMPET:

Good afternoon. My name is Charles Clampet, I have a Family Court matter before Judge Romundi out in Suffolk County, Riverhead.

What happened was that I had a finding of facts sent to me and they were sent to my street address, I do not have a physical address at my

-- mailbox at my address, it was sent to my street address, sent back to the court. Then as it was sent back to the court, you see the hole

on the top of the envelope here, it was put into their file, it was left there. So my process of my 30 day thing for the objection was up when I picked it up; it was sent out March 3rd, I picked it up April 4th. So my time was out for the objections, so when I went to file the objections they turned it down. There's a clerical error here, they sent it to my street address, not to my post office box. My post office box has been my post office box for over 15 years. I think it's unfair and I think that I should have somebody here, any Legislator that wants to talk to Romundi or talk to Gregory Blass and say this guy needs to put his objections in. That's all I'm asking for.

LEG. COOPER:

Who's your Legislator?

MR. CLAMPET:

That would be Mr. Foley.

LEG. FOLEY:

Mr. Clampet and I have met on several occasions about the matter and we are following through on it. He wished still to come down today, which he has every right to do, to apprise the rest of us of this particular problem. Hopefully it's not extant throughout the system, but at the same time, Mr. Clampet understands that both my office and he has also contacted Legislator Levy's Office to look into this matter and that's being undertaken.

MR. CLAMPET:

One other question; not a question, but a statement. When they mail out finding of facts, it's normally a 33 cent charge, on this envelope it says 77 cents. Had my attorney been properly served, he would have told me, "Charles, your finding of facts were in", when in fact his finding of facts, his papers were stuck inside this envelope and that's why -- I'll show you this envelope, it says 77 cents. And I have the rate from the Postal Service, it says the United States Postal Service rate fold that will show that my finding of facts was enclosed, the envelope would only be 33 cents. Due to clerical error, both my attorney and I did not receive the finding of facts in time for an objection. And if anybody needs a copy, I can leave it or you can talk to Mr. Foley or Mr. Levy.

D.P.O. LEVY:

Thank you, Charlie.

MR. CLAMPET:

Thank you.

LEG. FOLEY:

Thank you.

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D.P.O. LEVY:

We'll be in touch.

MR. CLAMPET:

Thank you. Thank you, gentlemen.

D.P.O. LEVY:

Our last card is from the County Clerk's Office, Laura Caypinar. Is Laura still here? Laura is not.

LEG. FOLEY:

Let's go.

D.P.O. LEVY:

Any other individuals wishing to speak that did not sign a card? There

being none, the public hearing is concluded. I'll call a five minute recess and we'll come back --

LEG. GULDI:

No, no, just call them to the horseshoe, let's do the agenda.

D.P.O. LEVY:

I was asked by the Presiding Officer for a five minute recess, so-called. We'll be back in five minutes.

[Brief Recess Taken: 5:13 P.M. - 5:20 P.M.]

P.O. TONNA:

Roll call.

(\*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)

LEG. FIELDS: (Not Present)

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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. LEVY: (Not Present)

P.O. TONNA:

Here.

LEG. FIELDS:

Legislator Fields.

MR. BARTON:

Legislator Fields is here. I've got 16 present at this moment.

P.O. TONNA:

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

LEG. GULDI:

Motion to approve the consent calendar.

LEG. TOWLE:

Second.

P.O. TONNA:

Seconded by Legislator Towle. All in favor? Opposed? We have Legislator Alden here now.

LEG. ALDEN:

I said present.

P.O. TONNA:

Oh, okay. So he is here, I'm sorry. Okay, Henry.

MR. BARTON:

18.

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P.O. TONNA:

18? Okay, great.

RESOLUTIONS TABLED TO NOVEMBER 21, 2000

Okay, let's go to Resolution No. 1041 - (Adopting Local Law No. 2000, a Charter Law to establish competitive bidding process for selection of County Bond Counsel (Binder). Legislator Binder, what's your pleasure?

LEG. BINDER:

Motion to table.

P.O. TONNA:

Table? Second. All in favor? Opposed? Tabled.

1061 - (Amending the 2000 Operating Budget transferring funds to the Office for the Aging for the Shelter Island Affairs Council (Caracciolo). Motion somebody.

LEG. CARACCIOLO:

To table.

LEG. GULDI:

Second.

P.O. TONNA:

Wait. You're going to call 1041, is that what you're doing?

MR. BARTON:

No, I'm just trying to write everything.

P.O. TONNA:

I thought with the new building and, you know, the new digs and stuff --

MR. BARTON:

18. Go ahead, I'm sorry.

P.O. TONNA:

Okay, 1061.

LEG. CARACCIOLO:

Motion to table.

LEG. GULDI:

Second.

P.O. TONNA:

Motion to table by Legislator Caracciolo, second by Guldi. All in favor? Opposed?

MR. BARTON:

18.

P.O. TONNA:

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

(Levy). I'll make a motion to table, seconded by Legislator Crecca. All in favor? Opposed? Tabled.

MR. BARTON:

18.

P.O. TONNA:

Steve, if you want to call that back --

D.P.O. LEVY:

Just for the consent calendar, please.

MR. BARTON:

Mr. Levy, you were in the room at the time.

P.O. TONNA:

Yeah.

D.P.O. LEVY:

I was. Very good.

P.O. TONNA:

Okay. 1379 - (Authorizing conveyance of parcel to Town of Brookhaven for use by VIBS (Section 72-h, General Municipal Law (Towle)).

LEG. TOWLE:

I'm going to withdraw it.

P.O. TONNA:

Okay, 1379 is withdrawn.

1484 - (Establishing RFP Policy for entertainment use of County property (Bishop). Is there a motion?

LEG. BISHOP:

Motion to table subject to call.

LEG. GULDI:

Second.

P.O. TONNA:

All in favor? Opposed? Tabled subject to call.

MR. BARTON:

18.

P.O. TONNA:

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). Is there a motion?

LEG. FOLEY:

Motion to table.

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LEG. HALEY:

Second.

P.O. TONNA:

By Legislator Foley, seconded by Legislator Haley. All in favor? Opposed? Tabled.

MR. BARTON:

18.

P.O. TONNA:

1576 - (Directing the County Board of Elections to publicize ballot proposals within Suffolk County (Postal).

LEG. POSTAL:

Motion to approve.

LEG. CRECCA:

Second.

P.O. TONNA:  
Motion to approve by Legislator Postal, seconded by Legislator Crecca.  
All in --  
D.P.O. LEVY:  
I'm sorry. What's the motion?  
P.O. TONNA:  
Motion is to approve, seconded by Legislator Crecca.  
D.P.O. LEVY:  
Wait, wait, wait, which one, 1576?  
P.O. TONNA:  
1576.  
D.P.O. LEVY:  
On the motion.  
P.O. TONNA:  
On the motion, Legislator Levy. Do you want to speak, Legislator Crecca?  
LEG. CRECCA:  
Yes.  
P.O. TONNA:  
Okay, go ahead.  
D.P.O. LEVY:  
I usually agree with just about everything that is proposed by the --  
P.O. TONNA:  
Legislator Postal?

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D.P.O. LEVY:  
League of women voters, let's put it that way; although I do agree with a lot of Legislator Postal's stuff, too.  
LEG. CRECCA:  
What about me, I'm cosponsor?  
D.P.O. LEVY:  
Well, that's a scary thought. The concern I have on this particular resolution is two-fold. One is the idea that we're now going to be having candidates creating their own biography.  
LEG. POSTAL:  
That's been changed.  
LEG. CRECCA:  
We're not.  
D.P.O. LEVY:  
Was is it?  
LEG. POSTAL:  
Mr. Chairman, if I could just clarify that?  
P.O. TONNA:  
Yes. I would ask -- if you don't mind begging the indulgence of Legislator Levy to have Legislator Postal enlighten us --  
D.P.O. LEVY:  
All right.  
P.O. TONNA:  
-- to the particulars of this current legislation.  
LEG. POSTAL:  
That was changed in a corrected copy because that concern was addressed by Legislator Crecca. And in the corrected copy the information that will be disseminated with regard to candidates are the candidate's

name, party affiliation and the office for which the candidate is running.

D.P.O. LEVY:

Okay.

LEG. POSTAL:

It would be limited to that information.

D.P.O. LEVY:

All right, I appreciate that. But I said my concern was two-fold, and the second one -- that was the first, the second was the cost involved. And I just don't believe that in a cost benefit analysis that it's really worth the money on the mailing side when really all you have to do is put it on a website and if somebody wants to hook into the website, find out all the information you want. If you want to go look in your newspaper, find out all the information you want. I mean, it's especially concerning to me because I was fighting tooth and  
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nail for the public financing concept, and I respect those who disagree with the concept, don't get me wrong, but that was something where I saw money going into the process -- could we have some order please, Mr. Chairman? In my opinion, that was money well invested that I think we get back in the long run, and I respect those who disagree with that. And Legislator Postal was one who also supported that concept and I'm appreciative of that. But here, you know, you're spending -- it's a lot of money to go out to each voter in Suffolk County simply to tell them, "Hey, on your ballot you're going to have, you know, this person as the Republican and that person as the Democrat"; you already know that and if you don't know that, I really wonder if you should be voting, it's really kind of scary.

LEG. CRECCA:

Steve, would you suffer an interruption on that question?

D.P.O. LEVY:

No, no, let me finish my line of thought. I mean, seriously, you have a responsibility as a voter to become informed. And it's not as though that information is not out there for you, you read the newspaper. And one step better than that, if it's put on the web it really doesn't need -- there is no need for us to be spending all this money to be duplicative in that sense. I mean, it's a lot of money, there's over 400,000 taxing parcels in Suffolk County. I don't know what the fiscal impact is of this resolution. You know, \$509,000, I mean you take that \$509,000, that funds your Public Financing Program. And again, I understand there are people who are opposed to that, but at least there I could see the concrete results. I don't see it with this resolution when you can do the same thing by reading a newspaper or the same thing by looking it up on the web. So I really make a recommendation -- I'll go beyond that, I'll make a motion to table this.

LEG. HALEY:

Second.

D.P.O. LEVY:

And maybe there's a way that we can accomplish the same goal for \$450,000 less expensively.

P.O. TONNA:

Okay. Just one thing that I'm learning about the acoustics of this room, it is very loud when there's little chatter, worse than I think

anywhere else. So I would just ask that people please keep things down to a whisper. Right now it's Legislator Crecca who has the floor. If anybody else would like to speak, put your name on the list. Legislator Haley.

LEG. POSTAL:

Paul, you can put me down on the list.

P.O. TONNA:

Okay, Postal, Binder, Alden?

LEG. ALDEN:

Not yet.

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P.O. TONNA:

Okay. Tax impact? No. Go ahead.

LEG. CRECCA:

Thank you. I think we all agree that we want to do things to increase voter participation, to increase voter turnout. First of all, Steve, I agree with you that it would be rather burdensome if we had to do a complete separate mailing as a result of the Statute. I was one of the opponents of the original bill because I think it had a lot of flaws and it would have cost a lot of money. I worked at length with Barbara Barci, one of the Elections Commissioners, out at our Board of Elections as well as with the sponsor to reformulate the bill so that it could accomplish some of its goals but do it at really relatively no cost.

First of all, I don't know if you are aware, but every single registered voter receives -- if you're a registered party member you receive one before the Primary and certainly before the General Election you receive a ticket, a card.

D.P.O. LEVY:

Postcard.

LEG. CRECCA:

A postcard with the polling place on it. There was talk with Barbara Barci that the way this could be done -- first of all, it's all done by -- it's computer generated just like your card is in the sense that the programs know who gets what exact polling place and all that. Well, the programs also know who's going to be on the ballot at that particular polling place, that ED. And so from a point of view from Board of Elections, it's a programming matter to spit out this information.

Second of all, to mail the small card as opposed to mailing, for example -- not that there's been any decision on what size card will be mailed -- an eight and a half by eleven card, the cost --

LEG. CARPENTER:

You wouldn't need it that big.

LEG. CRECCA:

We wouldn't even need it that big, I agree. But I'm saying, but even that, the cost difference is extremely nominal if at all. So from the cost point of view, this doesn't have a lot of cost, this is much easier to do. And again, some of original concerns were candidates were writing their own profiles or another third party was writing a profile, that's all been eliminated by this bill. I do believe that it will increase voter turnout, that people won't just get a card that this is where they're supposed to vote so we don't have like 24% voter

turnout as we had in many ED's or less in off-year elections. They'll see that, "Hey, this guy's running, that guy's running," or certain officers are running. It's just a matter of giving people more information at little or no cost to taxpayers. So I would urge you to support the bill. The commissioners I believe out at the Board of Elections have seen this, they said this is definitely workable, that

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they would be able to do this. So with that said, I would urge support. I think this is something that, again, increases voter information and will help increase voter turnout here in Suffolk County.

D.P.O. LEVY:

Could I just ask what, is gained by putting out --

LEG. CRECCA:

I will suffer the interruption even though you wouldn't, so go ahead.

D.P.O. LEVY:

I thought you were done, I'm sorry. What is gained by giving a letter to a potential voter? In this race there is Joe Blow running against, you know, Sally Jane; I mean, what is that do to get people off their duffs and go down to a polling place if they don't want to already?

LEG. CARPENTER:

I didn't know Sally Jane was running.

LEG. CRECCA:

Well, you know what, and Legislator Carpenter just said it, I didn't know Sally Jane was running or, better yet, a lot of times people don't even know that when they go down they're going to be voting a Town Council member or whether it's a County Legislator or some other local office and all that, it does generate some interest, you know.

D.P.O. LEVY:

I respectfully disagree, but.

LEG. CRECCA:

Well --

P.O. TONNA:

As long as it's respectful then it's okay. Okay, wait, Legislator Haley has the floor. If Legislator Bishop, you want to say something, you're -- okay, Legislator Haley.

LEG. HALEY:

Could you give me a cost; 500 is it, is that the cost?

LEG. CRECCA:

I don't know where that number came from.

LEG. FISHER:

I have 509,000 in the back up.

LEG. POSTAL:

Yeah. It might be -- the backup might be from an earlier version.

LEG. CRECCA:

It could be from the previous version because the previous version, first of all, had a much lengthier process involved, it also involved video tapes I believe for the blind.

LEG. HALEY:

Well, that's why I'd like to stand by my second to table until we get

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that -- that's a -- half a million is a lot of money. If it's a whole lot less than what you think, perhaps I might consider changing my position.

LEG. CRECCA:

Legislator Haley, I think Legislator Postal can respond to that question if you would defer to her.

LEG. HALEY:

Yes.

LEG. POSTAL:

Yeah. The cost is really minimal. I think that the fiscal impact statement that you have was based on an earlier version, as Legislator Crecca pointed out. Right now all this would involve is -- putting this on the website obviously has no cost. Doing the mailing has little if any cost whatsoever, as Legislator Crecca pointed out, because there's already a Board of Elections mailing that notifies every registered voter of where their polling place is and what district they live in and this would require very little in addition to that.

The third component has to do with audio tapes, not video tapes, on the propositions which could be presented and available at the public libraries. The cost of an audio tape, as we all know, is really minimal and the cost to reproduce audio tapes is also minimal. The Suffolk Cooperative Library System, if provided with a tape, would duplicate the tapes and make them available to the various member libraries. So that the cost is -- ranges anywhere from the minimal amount of providing an audio tape for the Suffolk Cooperative Library System to that cost plus any additional costs that would be generated by a larger card stock, that might be it.

LEG. HALEY:

Well --

LEG. POSTAL:

And by the way, both Commissioners of the Board of Elections, I think Legislator Crecca --

LEG. CRECCA:

I spoke with Barci.

LEG. POSTAL:

-- spoke with Commissioner Barci, I spoke with Commissioner Tiger, they feel that they would have no problem sustaining the cost, that there would be little if any additional cost to their budgets.

LEG. HALEY:

I still would like to know what that cost is. And secondly, if you've looked at ballots lately and you see how much information that you'd have to send out to a particular voter on who's on the ballot, that's a pretty substantial piece of paper, and I'm not sure somebody sat down and actually thought it out. Because all you need to do is send them a picture of the ballot and if you send them the picture of the ballot and you attempt to put that on an eight and a half by eleven, you're going to have every senior citizen down there or anybody else who has a

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problem reading, you know, size five or six font, I mean, that's a pretty difficult task.

LEG. POSTAL:

Well, I'm --

LEG. HALEY:

All I'm asking to do is to table it until, number one, we find out a little bit more specifics on the cost. And I think when you try to implement this and you actually put that in some sort of card stock and

see how difficult it is, you may find yourself changing your mind because I think it's going to have to be more than one card sent to every voter.

LEG. POSTAL:

Well, frankly -- Mr. Chairman?

D.P.O. LEVY:

That's me.

LEG. POSTAL:

Oh, okay.

LEG. BISHOP:

You have the list?

D.P.O. LEVY:

Yeah, she's next.

LEG. POSTAL:

I'll go at the end of the list with regard to that suggestion.

D.P.O. LEVY:

Legislator Binder is next.

LEG. BINDER:

No, you go.

LEG. POSTAL:

No, no, go ahead.

LEG. BISHOP:

She wants to wrap it up.

LEG. BINDER:

Okay. I think the questions raised are important. If we're sitting here today not knowing how much something costs, it is a little foolish to go forward. It's very early, the election just happened, we're not having another one for basically near a year, to move forward today when there are questions on the floor is unnecessary. There are questions as to how would it look, would we be able to put enough names in there, because there could be a lot of names on the ballot, a lot of positions, a lot of parties. You know, some people run even only on the minor party lines. So you have a lot of names, you can have a lot of bulk to send, and then there's an abstract. I mean, I'd like to have an

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understanding of how that would help a voter. I know they walk into the booth now and we play with the words of what the referendum is before them and they read that and they don't understand that so they vote yes or no, maybe, they don't know what to do, and I don't know that they're going to get anything much clearer on an abstract, depending on what's written. So I'd like to see a sample of what we're talking about.

So I'm not ruling out going forward with this, but I think there are questions that are out there including, you know, can it be done, how it will be done, what exactly it will look like, how much it will cost. And if we can get those answers, I think we can do this at another meeting, have a full discussion and I think minds could be made up based on full information.

D.P.O. LEVY:

Legislator Fisher is next followed by Legislator Bishop.

LEG. FISHER:

I was prepared to vote for this resolution until Legislator Levy pointed out the cost and then I looked carefully at the financial

impact statement. And perhaps it is not the correct statement considering the corrected copy because this statement refers to printing and folding three pages, a three page mailing, and the cost of that is \$240,000. It also refers to the postage cost and the labor cost with temporary workers. So I would agree with the motion to table because I feel that we don't know what the impact is. And I believe that we are generally in agreement that this is a very good idea and I have agreed with it from the beginning, but I do want to know how much it's going to cost us. Because this is projecting a cost of \$2,547,000 over five years; I'm reading from the financial impact statement. So we need a revision, an explanation, clarification of what the financial impact is before we can move forward with this, I believe.

D.P.O. LEVY:

Legislator Bishop.

LEG. BISHOP:

One of the reasons that we have invested money in this facility is that we want to make our Legislature more inviting and more user friendly to the public at large. But when you look at the ballot proposition system that we currently have, it maximizes confusion and minimizes participation. The numbers of people that sign in for -- to vote in a particular election are often twice as many than actually vote on the ballot propositions. And I believe the reason for that is not because half the people do not care but because many of those who do not vote do not know about the propositions and a significant amount do not feel that they can grasp the concepts in the proposition by simply reading it in the voting booth under, you know, dim light with a line in back of them and pressure building. So I think that in terms of ballot propositions, this is something that's long overdue, we really need to get the information out to the voter so that our voters in Suffolk County can make an informed decision about the direction of government. Now, you take as an example this past year Legislature put up a ballot proposition on the environment and there was great confusion as to what

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the proposition stood for and whether you were for it or against it. And one thing that was undeniable is that it was unclear what the purpose of the proposition was to the majority of voters, and I think that that's unfortunate, and that's the kind of issue that can be addressed best by maximizing our communication with the voting public. So I think that the concept is an excellent one and it's long overdue, and if we can work out the particular number of what it costs, it's ultimately, no matter what that number is, going to be well worth it to publicize our ballot propositions.

D.P.O. LEVY:

Legislator Cooper.

LEG. BISHOP:

Paul Sabatino agrees; thank you for the head nod.

LEG. COOPER:

I wanted to reiterate some of the concerns about the cost. I know from my own experience at my company that there definitely are increased costs if you're mailing a larger postcard, whether it's five by seven or eight ten; I think it's seven or eight cents per postcard more. I'm not sure how many households there are in Suffolk County, but there have to be a few hundred thousand; how many?

MR. SABATINO:

Eight hundred thousand.

LEG. COOPER:

Eight hundred thousand times eight cents, I mean, that's about \$65,000 right there. Also, Legislator Postal, is the primary purpose of this to educate voters on the issue or is the primary purpose to increase turnout, or is --

LEG. POSTAL:

Both.

LEG. BISHOP:

They're not mutually exclusive.

LEG. POSTAL:

And I think one feeds the other.

LEG. COOPER:

My concern actually -- first of all, I fear that for the most part these postcards when they arrive will just end up in the circular file and no one will read them. And I think that those that are motivated enough to want to educate themselves about the issues would log on to a County website. So I support the concept but I think that that may be --

LEG. BISHOP:

That's a huge --

LEG. POSTAL:

Jonathan.

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LEG. COOPER:

I think that the vast majority of people -- I think the vast majority of people that get a postcard in the mail with a lot of detailed information on it, if anything, it's going to scare them away from voting. When they see four or five or six ballot referendums outlined there and all the information about the candidates, I honestly feel if anything that might depress turnout. But those relatively small numbers of people that are motivated enough to want to know about the details about the ballot referendums in advance of entering the voting booth, I think that they would be motivated to log on to a website. But my primary concern is the cost, so I would certainly support a tabling motion.

D.P.O. LEVY:

Legislator Crecca.

LEG. CRECCA:

Is it back up to me already? I was just going to add that, you know, Allan said that we don't have the election until next November, but we do have specials that will probably be coming up. I know Legislator Levy's seat will be a special I'm sure so, we shouldn't wait that long on it. I certainly am willing, given the concerns of the Legislators, to table it at this time, though.

LEG. CARACAPPA:

Well, Mr. Chairman, if I could just expand on that.

LEG. D'ANDRE:

I'd like to say, is there any way we can keep Levy here?

LEG. CARACAPPA:

No.

D.P.O. LEVY:

I don't think you want to go there, Mike.  
LEG. CRECCA:  
Yeah, I was going to say.  
D.P.O. LEVY:  
That's a softball for too many --  
LEG. CARACAPPA:  
Roll call.  
LEG. POSTAL:  
Excuse me, I think I'm on the list someplace.  
LEG. CARACAPPA:  
Mr. Chairman?  
D.P.O. LEVY:  
Legislator Caracappa.  
LEG. CARACAPPA:  
To the sponsors --

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LEG. CARPENTER:  
They're recounting.  
LEG. POSTAL:  
Yeah, I'm someplace on the list.  
D.P.O. LEVY:  
Let Joe and then Legislator Postal.  
LEG. POSTAL:  
That's all right.  
LEG. CARACAPPA:  
If I could, on the subject of special elections, would a card go out during a special election even for the smallest of races?  
LEG. POSTAL:  
Yeah, it does.  
LEG. CARACAPPA:  
Not that any race is small, but jurisdictionally speaking.  
LEG. BISHOP:  
It does already?  
LEG. POSTAL:  
Yeah, it does.  
LEG. CRECCA:  
It does already, Joe.  
LEG. CARACAPPA:  
No, I mean with the candidate's name, all the information that we're speaking about.  
D.P.O. LEVY:  
Go ahead, Legislator Postal, it's your time now.  
LEG. POSTAL:  
Well, first of all, a card goes out for any election notifying voters of the date of the election, their polling place and what district they live in. So it would -- again, using the same premise that the mailing that goes out could just contain the additional information, it could contain that additional information with no additional cost or great difficulty. Just to show, you just a listing of the positions that are going to be on the ballot next November in a legible form takes up this amount of space. But I think that there are a number of points that need to be addressed here.  
First, the question of what the point is. The point is that we know

that there's less voter participation than we'd like to have, providing more information can help. I agree with the League of Women Voters completely, that it's not something that hurts, it's like chicken soup. Maybe for whatever reason somebody gets a mailing and whether they know a candidate, whether a proposition peaks their interest, if

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there's any possibility that they might vote, that could be just the motivation that they need.

[RETURN OF STENOGRAPHER-LUCIA BRAATEN]

LEG. POSTAL:

So, in terms of the purpose, I think that it can increase voter participation. In terms of the propositions, Legislator Bishop is 100% right. I can't tell you -- I'm sure that each of you have the same experience. How many people call my office each year prior to election day, generally when the absentee ballots go out, and they read the propositions and they want to know what they're about and what they mean. Because the wording of propositions, and we've had this question before us and before the court specifically, but the wording of propositions is not completely informational. We had two referenda on the Quarter Cent Sales Tax Program in 1987 and 1988, and while I support the position and while I was happy with the result, the fact that it was worded that this quarter cent would be used to preserve clean drinking water, that was why that proposition passed with like 85 to 90% of the vote. People didn't know the specifics, they didn't know about up-front bonding, they didn't know any of the particulars, not everybody, but a great many people who voted on it. This year we saw propositions which I suggest people didn't fully understand when they went to the polls to make a decision about. So just having that abstract will help people to have some more information.

But I have to say one other thing, which was my motivation, and I brought this up before in sponsoring this in the first place, and that had to do with vision impaired voters who go to the polls and we expect them to vote on propositions. And that's really difficult for them and places an enormous unfair burden on the election inspectors who are supposed to assist them. And if those vision impaired voters could go to a public library where they could listen to an audio tape that would tell them what the propositions are and give them the abstract for the propositions, they would believe to vote on an intelligent basis. So just for that reason alone, I think the video tape is -- the audio tape is important.

The internet, yeah, it's great to put stuff on the website, and I think there are a lot of people who regularly are on the web, but I can tell you that there are a lot more people, many of whom are probably disaffected voters who either don't have internet access or don't access that website. So that I don't think that the fact that this information is on the internet should be the complete solution to our problems.

In terms of the printing, maybe we wouldn't be printing a card to let people know their polling places and their election district, and so on and so forth, maybe we would be mailing a paper that's a trifold, and maybe the cost would be exactly the same, because you'd be using a less expensive stock to mail that.

In terms of the actual cost, while we're talking about tabling this,

this resolution has been around, I mean, I could ask Paul Sabatino, I have the feeling that this was filed probably last winter or early spring, and there have been any number of meetings between -- with,

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among myself and the two Commissioners, Legislator Crecca and Commissioner Barci, myself and Legislator Tiger. We discussed the cost over and over.

I would be willing to table this for one meeting, but I would ask two things, and I don't see the Budget Review Office here right now, but I would ask the Budget Review Office to, please, prepare an updated fiscal impact statement based on the current corrected copy in consultation with the Commissioners of the Board of Elections. Because as I say, that there have been major changes requiring an audio tape rather than videotapes, requiring a great deal less information. Don't forget that three page mailing that we were talking about was at a time when the information that was included on each candidate including -- included biographical information, which is no longer going to be included, which included, I guess, an argument in favor of each proposition and an argument against each proposition, so that the amount of text has been dramatically reduced. And I would ask that Budget Review have an accurate up-to-date fiscal impact statement for the December 5th meeting, and I would ask that everyone review that statement. If you have any questions, I suggest you call the Commissioners of the Board of Elections. And if we truly believe that public information is the key to knowledge, then I think we need to move on this at that December 5th meeting.

D.P.O. LEVY:

Thank you.

LEG. POSTAL:

So I would support tabling it for one meeting.

D.P.O. LEVY:

Okay.

LEG. CARACCIOLO:

Mr. Chairman.

D.P.O. LEVY:

Mr. Caracciolo.

LEG. CARACCIOLO:

I would just like to pick up on the last comment by Legislator Postal. If you believe public information or public knowledge increases voter turnout, I would request that you look at Legislative district races, particularly in Legislative Districts 1 and 2 where there is overwhelmingly, compared to the other 16 districts, voter turnout, and it has nothing to do with the voters getting anymore information than they do in the other 16 district. You get the same information. You get the Newsday supplement on Sunday before Election Day.

D.P.O. LEVY:

I was just going to mention that, Legislator Caracciolo.

LEG. CARACCIOLO:

Okay. You get -- you get information in the other weekly newspaper, Suffolk Life. You have websites, as Legislator Levy pointed out. What empirical data do the sponsor -- sponsor have? Maxine, what empirical

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data do you have elsewhere where they're utilizing a system like this?

Are there other locations where they're utilizing this system?

LEG. POSTAL:

Well, certainly -- let me say two things. First of all, Mr. Chairman if I could respond.

D.P.O. LEVY:

Yeah, go ahead.

LEG. POSTAL:

First of all, I think that the League of Women Voters position is based on, if not empirical data, certainly an intuitive response to what they see happening. But I would -- I would just suggest that every one of us sends out campaign mailings, and we do that with the premise that providing the voter with information is going to have a positive impact on the number of voters who go to the polls, and in our cases vote for us. So, you know, if we don't accept that providing additional information and reminders --

LEG. CARACCIOLO:

I'm not commenting on the merits of the bill.

LEG. POSTAL:

Right.

LEG. CARACCIOLO:

I had a question.

LEG. POSTAL:

But you asked me about --

LEG. CARACCIOLO:

You answered the question, there is no empirical data. There is an intuitive belief that if you provide the voters with more information, there'll be a higher voter turnout. If there's an experience somewhere else that demonstrates that, I'd be very interested in that. I think that might even become compelling. But, at the present time, I'm not aware of any other jurisdiction that does it that way. I do know on the East End, there are five towns, population a little over 100,000, in Legislator Guldi's district as well as mine, voter turnout regularly, Presidential year, off year, doesn't matter, averages about 70% compared to some of the ED's in the western part of this County that have a paltry turnout rate of 20%.

LEG. BISHOP:

And that's because your residents are less informed?

LEG. CARACCIOLO:

No.

LEG. BISHOP:

So then what's the point?

LEG. GULDI:

It's because we have better candidates.

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LEG. CARACCIOLO:

The point is you don't need anything like this.

LEG. BISHOP:

Well, how could the fact that you have a high voter turnout on the East End suggest that possession of knowledge is irrelevant? I think that's

--

LEG. CARACCIOLO:

That's not the issue, Dave.

LEG. LEVY:

I think I said that.

LEG. CARACCIOLO:

Dave, that's not what I'm saying. It's based on public interest and who represents them, that's what it comes down to. I mean, look at this Presidential election. Everybody's touting that for the first time, well, actually, the second time, nationally we had 100 million Americans vote for President. That was terrible, terrible. Who didn't know about a Presidential election? You just came back from Florida --

P.O. TONNA:

All you needed was a 105 and we'd have no problem here.

LEG. CARACCIOLO:

He just came back from a state where they had ten candidates running for President. What I see with this particular proposal is that you're not going to have one page, you're going to have several pages, depending on how many State, County and local referendum. And then if you get into giving a pro and a con statement, you're going to wind up with a small pamphlet. And then with when you get to that, I want to know what the mailing costs are.

LEG. BISHOP:

Well, okay. You've got --

LEG. CARACCIOLO:

Because I think these costs are grossly underestimated.

D.P.O. LEVY:

Okay. Let's recognize Legislator Bishop, because it's a dialogue, and then we're going to cut it for that and we're doing others.

LEG. BISHOP:

Well, I don't know. I mean --

LEG. CARACCIOLO:

Mr. Chairman.

LEG. BISHOP:

-- we've wandered onto a rare interesting debate, so maybe --

D.P.O. LEVY:

Well, you do have the floor.

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LEG. BISHOP:

-- we should just have it. You say that you're not commenting on the merits.

LEG. CARACCIOLO:

No.

LEG. BISHOP:

But you really are, and you're suggesting that --

LEG. CARACCIOLO:

No. I had a lot of questions that no one has an answer for me and --

LEG. BISHOP:

Well, I'd like to offer some answers.

LEG. CARACCIOLO:

I think -- I think what each Legislator should do, and I think your offer is very generous, Legislator Postal, to table it for one cycle, because it's incumbent upon those of us who have these types of questions to write to the Board of Elections, to write to the State Board, to write to other jurisdictions and find out if there is the evidence that would demonstrate that this is a cost effective measure.

LEG. BISHOP:

Let me -- let me --

D.P.O. LEVY:

Go ahead.

LEG. CARACCIOLO:

Every addition of Newsday before the election has an abstract of propositions.

D.P.O. LEVY:

You're right. I had things I wanted to say, I know you guys did, too. But you know what, everybody agrees it's going to be tabled. Let's table it and we'll move -- save it for the next meeting; okay? Motion by Legislator Caracciolo to table, second by Legislator Haley.

MR. BARTON:

We got it. We have it. We have it.

D.P.O. LEVY:

In favor? Opposed? Motion carries.

MR. BARTON:

18. It's tabled.

P.O. TONNA:

Okay, great. All right. As Shakespeare said, "Much ado about nothing." Here we go. All right. We're back to now Resolution Number 1715 (Amending the 2000 Capital Budget and Program and appropriating funds in connection with Special Patrol Bureau Construction - Police Department). It's a bond, so I'll make --

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LEG. GULDI:

It's the \$55,000 locker room. I'm still waiting for someone to come address us about it.

P.O. TONNA:

Okay.

LEG. CRECCA:

Motion to table.

P.O. TONNA:

Tabled by Legislator Guldi.

LEG. CARPENTER:

Wait a minute.

LEG. TOWLE:

Motion to defer to committee.

LEG. CARPENTER:

Mr. Chairman.

LEG. CRECCA:

Yes.

LEG. CARPENTER:

Mr. Chairman.

P.O. TONNA:

Okay. Hold it.

LEG. CARPENTER:

Mr. Chairman.

LEG. GULDI:

Motion to recommit.

P.O. TONNA:

We have -- I'll just go through the motions first.

MS. ROSENBERG:

We have someone here.

P.O. TONNA:

You have somebody who wants to speak about it?

MS. ROSENBERG:

Yes.

LEG. GULDI:

Somebody here to talk about the \$55,000 locker room?

MS. ROSENBERG:

We have somebody here. Tedd Godek is here to explain it.

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P.O. TONNA:

Okay, great.

LEG. CRECCA:

I thought it was 65.

P.O. TONNA:

All right. Just all I would like, though, is just -- there is a motion right now. What is the motion?

LEG. TOWLE:

I have my motion.

P.O. TONNA:

Well, we have to have a motion. What's the motion?

LEG. CARPENTER:

Motion to listen.

LEG. GULDI:

Motion to defer to committee.

P.O. TONNA:

Motion to defer to committee by Legislator Guldi, and second by Legislator Towle. Okay, thank you. Sir?

MR. GODEK:

Okay. For the record, Tedd Godek from Department of Public Works. The project scope, as I understand it, on this project is more than just showers and toilets, but we're doing locker rooms, we're doing a meeting room, we're doing office renovation, we're providing record storage space.

LEG. BINDER:

In the locker room?

MR. GODEK:

We got the locker room. We're reallocating office space from existing trailers that presently sit on the floor of the hanger. It's a much larger project than I think has been portrayed in the past.

LEG. GULDI:

How many square feet, Tedd?

MR. GODEK:

We're probably taking somewhere in the vicinity of 3,500 to 4,000 square feet.

LEG. GULDI:

And we're talking 55,000 design dollars?

MR. GODEK:

Actually, 61,000.

LEG. GULDI:

Design dollars for 3,000 feet?

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MR. GODEK:

Correct.

LEG. TOWLE:

In-house or out-of-house work?

LEG. GULDI:

Out-of-house.

MR. GODEK:

Out-of-house.

LEG. TOWLE:

Not even a chance.

LEG. ALDEN:

Outhouse?

P.O. TONNA:

Wait. Can I just --

LEG. TOWLE:

Motion to defer to committee.

LEG. GULDI:

No. Let me withdraw the motion to defer to committee and make a motion to table subject to call.

P.O. TONNA:

Okay.

LEG. TOWLE:

Second.

P.O. TONNA:

All right. Just on the motion to table subject to call.

LEG. TOWLE:

Outrageous.

P.O. TONNA:

Sir, could you, please, explain why they would need \$61,000 worth of planning money for a 3,000, 4,000 square foot plan? I mean, let's give you a chance here.

MR. GODEK:

The budget on the project -- we're talking about a 3,000 to 4,000 square foot plan. All right? We're renovating the structure, HVAC-wise, electric-wise, plumbing-wise also. The budget on the project is \$612,000. This is -- 10% of the \$612,000 is pretty much standard planning.

P.O. TONNA:

Okay. Just to get an idea of the --

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LEG. GULDI:

\$300 a foot.

P.O. TONNA:

I just would like the -- wait. Legislator Guldi, you'll have a chance. I just -- can you --

LEG. TOWLE:

You can't even ask the question straight. We're paying \$700,000 for bathrooms. What are we talking about?

P.O. TONNA:

I just want to know, I am renovating now in New York City at 40 something dollars a square foot. I am renovating almost 5,000 square feet. It's a -- we're building it from scratch. Including planning money and everything else, we're paying probably, with the build-out, everything, about \$60 a square foot. And, again, it's medical space, so there's got to be a sink in every room, there's got to be all of

these other things that go in it. How -- why in a County building is it going to be 600,000.

MR. GODEK:

Is it WICs Law, number one, and is it prevailing wage, number two?

P.O. TONNA:

Well, it's in the Carpenter's building in New York City, so it's all prevailing wage, trust me on that, and it's everything with the -- I mean, we have union labor coming out the wazoo. So, yeah, we're -- we're paying the same, and probably actually a little more, because the New York City carpenters have a better deal than the suburban carpenters. But just generally speaking, yeah. So I'm just trying to get an idea.

LEG. GULDI:

You got an extra zero kicking around here, that's the problem.

P.O. TONNA:

How -- what is it that costs so much in the planning? Do they -- how many hours do they spend in planning for three -- you know. And why couldn't we do this in-house.

MR. GODEK:

Well, the fact is we could do it in-house, but there comes into play a time factor. As it stands right now, before I can accomplish structural design on this project, it will be July of 2001. If I let this to an independent or to an outside contractor, I could be out to bid by July of 2001.

P.O. TONNA:

Why is that, because there's a shortage of engineers?

MR. GODEK:

Staffing, the way -- staffing, the way it is presently in the department, the workload, the way it is presently in the department.

00169

LEG. TOWLE:

Okay.

LEG. GULDI:

How many personnel could we hire --

P.O. TONNA:

Wait.

LEG. GULDI:

-- for \$600,000?

LEG. TOWLE:

Yeah. Let's see, ten?

P.O. TONNA:

Tedd, I just --

MR. GODEK:

The planning keeps bouncing from 600,000 to 60,000 and back -- it's 60,000.

P.O. TONNA:

61,000.

MR. GODEK:

61,000 that we're talking about for planning.

P.O. TONNA:

Okay. And just how much money do we spend on outside engineering firms or architectural firms, or whatever else, to basically -- you know, how much do we spend a year, guesstimate, in planning outside stuff?

MR. GODEK:

That's a real guesstimate.

P.O. TONNA:

Okay. Fred, do you have a guesstimate?

MR. POLLERT:

No. But, basically, we do it on all the capital projects, so it's a significant amount of money. It could total into a -- you know, it could conceivably be more than a million dollars on an annual basis.

P.O. TONNA:

Okay. I'm going to defer to -- not defer or refer, I'm going to recognize Legislator Towle and then Guldi.

LEG. TOWLE:

Okay. Two things. One is I am going to ask Budget Review to put together a list of what we're spending on outside contracting, because I think this particular case -- with no offense to you, Tedd. You've obviously got limited resources, you can only do so much with so many people. But the fact of the matter is to come here tonight and ask us for \$700,000 for bathrooms when we don't have cars for Public Health Sanitarians, and when we don't have other vehicles and supplies and

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materials -- no. But when you include the construction, with the construction, it comes to \$700,000 for a bathroom and a conference room, and for the few other little items that Tedd talked about. It is absolutely outrageous to spend this kind of money on that type of facility. And as I walk this building tonight and walked into the bathrooms that we have to see the old heating units still along the walls and the old tiles on the floor --

P.O. TONNA:

The old shower.

LEG. TOWLE:

Yeah, the old shower.

P.O. TONNA:

We still have the old shower and sink.

LEG. TOWLE:

Just reeks of absolutely poor handling in the way we're doing things.

So, obviously, we're going to have to take some time out of our schedules to look at why we're using outside contractors to do this kind of ridiculous and baloney work. Absolutely baloney.

And, in fact, one other thing, Tedd, while I'm thinking about this now, you know, if you've got prices for bids for the actual construction work and prices for the actual planning, who were the individuals we were going to hire for 60 something thousand dollars?

MR. GODEK:

You know, at this stage of the game, we have not gotten actual bids.

These are -- these are projected costs.

LEG. TOWLE:

So it could be more or less?

MR. GODEK:

Hopefully, less.

LEG. TOWLE:

Yeah, hopefully less. Okay.

P.O. TONNA:

Fred. Fred, do you want to -- do you want to give us a word of wisdom?

MR. POLLERT:

I had just wanted to qualify my statement. I was only talking about the architectural thing. However, Jim reminds me, between the courts and the Riverhead County Center and the old infirmary, we're probably in the neighborhood of in excess of \$10 million just on planning funds.

P.O. TONNA:

Right. By the way, I just want you to know, at \$60 a square foot, all right, which I thought was expensive, for the same amount of space, we're at 240,000. So we're talking about almost a third. Right. I just wanted to know why. That's the private sector. Okay. Anybody

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else?

LEG. FISHER:

Yes, Mr. Chairman.

P.O. TONNA:

Yes, Legislator Fisher.

LEG. FISHER:

I completely agree with what Legislator Towle has just said. Since I've been in the Public Works Committee, I've been amazed at the amount of money that goes out to design engineers consultants. It's a tremendous amount of money, and we would be remiss if he we did not take a very, very close look at this.

LEG. CARACAPPA:

There's a motion.

P.O. TONNA:

Right now, there's a motion to?

LEG. GULDI:

Table subject to call.

P.O. TONNA:

Okay. I'm going to make a motion to refer to committee. And I'll look -- I'll look for a second on the referral to committee.

LEG. CARPENTER:

Second.

P.O. TONNA:

Second by Legislator --

LEG. BISHOP:

Mr. Chairman, as --

P.O. TONNA:

-- Carpenter.

LEG. GULDI:

Point of order.

LEG. BISHOP:

-- the Chairman of the Committee, I don't see what would be gained by referring it to committee, unless you want to send it to Public Works, perhaps --

P.O. TONNA:

You know what --

LEG. GULDI:

Motion to -- a point of order. Motion to table subject to call takes priority.

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P.O. TONNA:

Does it?

LEG. BISHOP:

That's right. It does.

P.O. TONNA:

All right. It does indeed.

P.O. TONNA:

Go ahead. Go ahead. There's a motion and a second to table subject to call. Roll call.

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

LEG. GULDI:

Yes.

LEG. TOWLE:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. CARACAPPA:

No, to table.

LEG. FISHER:

Yes.

LEG. HALEY:

No.

LEG. FOLEY:

Yes.

LEG. FIELDS:

Yes.

LEG. ALDEN:

Yes.

LEG. CARPENTER:

No.

LEG. CRECCA:

Pass.

LEG. D'ANDRE:

Yes.

LEG. BISHOP:

No.

LEG. POSTAL:

No.

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LEG. BINDER:

Yes.

LEG. COOPER:

Yes.

LEG. LEVY:

Yes.

LEG. TONNA:

No.

LEG. CRECCA:

No.

LEG. BISHOP:

That's one of those bizarre Legislator votes.

MR. BARTON:

11.

P.O. TONNA:

Okay. All right.

LEG. BISHOP:

That's all.

P.O. TONNA:

Let's go on. 1761 (Authorizing the sale of surplus County cars to William Floyd School District). Is there a motion?

LEG. LEVY:

Motion to table.

LEG. TOWLE:

Motion to approve.

LEG. FOLEY:

Second the motion.

P.O. TONNA:

Okay, wait. There's a motion to approve by Legislator Towle and Foley?

LEG. FOLEY:

Yeah.

LEG. BISHOP:

Is this the one where we're getting --

P.O. TONNA:

And a motion to table by Legislator Levy.

LEG. LEVY:

Yeah. Just on the motion.

00174

P.O. TONNA:

Is there a second for the tabling motion?

LEG. BISHOP:

Yeah, second. Was this --

P.O. TONNA:

Second by Legislator --

LEG. BISHOP:

Bishop. Bishop.

P.O. TONNA:

Bishop.

LEG. LEVY:

These are two hundred dollar cars.

LEG. BISHOP:

Right. And everybody else is being charged?

LEG. LEVY:

Fair market value. In all due respect to --

LEG. BISHOP:

Right.

LEG. LEVY:

-- Legislator Towle, I know, you know, he's doing it for the benefit of his constituents. We have a couple of bills coming in as a response to these type of resolutions to make sure that they're either at fair market value, or Legislator Carpenter has a different bill that's a certain percentage of fair market value.

LEG. BISHOP:

Right.

P.O. TONNA:

Okay.

LEG. BISHOP:

Towle wants to say something.

P.O. TONNA:

Yes, Legislator Towle.

LEG. TOWLE:

Thank you. A couple of things. First of all, I read Legislator Levy's bill in the packet this evening, and, basically, what that bill would do is rescind what we had all agreed to before, and what we had agreed to before, I believe when Legislator Rizzo was the Presiding Officer, was that we would make available to school districts, ambulance companies, fire departments, those type of municipalities that obviously use these types of vehicles for the purpose of community service or enhancing some of those facilities where there was a school district, for example, for security purposes, or what have you. I took

00175

a quick look since we did that to see if we've approved other vehicles, and, in fact, not only have we approved other vehicles for \$200, in one instance, we had approved a vehicle for a dollar.

You know, quite honestly, I took a look at the vehicles at the auction lot this past week that are out there now. I also took a look at these vehicles. And in many instances, there is no way that these vehicles are worth what allegedly Purchasing is attempting to get for them, or what Purchasing is saying they're worth, and we, therefore, have assigned that as a number in our resolutions. In fact, I had a conversation with Fred Pollert on how -- you know, on what type of a methodology we could use to determine the value of some of these pieces of equipment. There's also another resolution in here to transfer surplus computer equipment that was in the packet tonight to agencies that obviously need it, and this is equipment that, you know, the County could have very well auctioned, but probably not gotten any real significant amount of money for, and probably spent a lot of money auctioning it off. Quite honestly, these are products, you know, in many instances in the cars that have over 100, 120,000 miles. We're not talking about vehicles that are brand new and in great shape that we're giving away to anybody.

So I believe that if we are going to have a policy to work with our volunteer agencies, who spend an enormous amount of money trying to recruit volunteerism here in Suffolk County, whether at fire department or ambulance companies, and I think the ability to provide them these surplus vehicles just goes a long way in trying to help facilitate the job that they do.

LEG. LEVY:

Mr. Chairman, I'm going to -- okay.

P.O. TONNA:

No. Legislator Haley has the floor, then you, Legislator Levy.

LEG. LEVY:

Oh, okay.

LEG. HALEY:

Fred, I have to agree with you. I know that we don't always agree. First of all, it's consistent with the existing policy, so I don't think it's appropriate to put -- put it off because you're hoping to change policy at a later date. Not only that, I've had conversations about vehicles, and most -- and I've had someone in that -- who handles that area tell me that most times you wouldn't want to give anybody you like one of those vehicles. They're in terrible shape. We have to --

we have to get rid of them, and I think it's appropriate, consistent with policy to support Legislator Towle's resolution.

LEG. LEVY:

Mr. Chairman, I think I was next, and then Legislator Crecca. Just understand what you're doing here. This is not just one resolution for \$200. You're basically saying that you're passing a resolution that's going to have a fiscal impact well over \$50,000. And I think, Fred, you had prepared a fiscal impact for me awhile ago. I didn't bring it with me today. Yes, cumulatively --

00176

LEG. TOWLE:

These cars aren't even worth \$50,000.

LEG. LEVY:

Cumulatively, we get from these auctions for these cars a lot of money. And if you're preparing -- if you're prepared to give them all away at \$200, you better rewrite your budget that you just passed, because there's going to be a line item there that's not going to be supported by the money, and you're going to have to make that up in other areas in the budget. We derive a large sum of money from these auctions. And the point is you can't be picking and choosing and saying, "Well, in had this Legislator's district, we're going to give them all away for \$200, but in someone else's district, they're going to have to pay \$1,000 or \$2,000." And Legislator Towle is absolutely right, these are older vehicles, but they're all older vehicles. They were all, you know, four, five, six years old. They all have 80, 90, 110,000 miles. That's why they're being sold for \$1,000 rather than \$6,000, but they're not being sold for \$200.

The existing policy that we have is a bad policy and that's why I voted against it. For years we had always gone with fair market value and then someone some number of years ago said, "Let's allow it for \$200." Thankfully, no one was carrying that out and trying to enforce it. But if you're going to enforce it in one district, you have to enforce it in 18 districts. And then you're rewriting the whole game and you're going to lose a great deal of revenue from the budget that we presently get, so keep that in mind. Fred, do you have anything handy?

MR. POLLERT:

No, I don't.

LEG. LEVY:

Okay. But I know I --

MR. POLLERT:

It's all packed up in the caucus room.

LEG. LEVY:

I recall it was well over \$50,000. I think it was closer to \$150,000 for the cumulative effect of all of these cars that we are auctioning off.

LEG. TOWLE:

Mr. Chairman.

P.O. TONNA:

Legislator Crecca and then Towle.

LEG. CRECCA:

First of all, Legislator Towle had -- we haven't done any rule change yet.

LEG. TOWLE:

Right.

00177

LEG. CRECCA:

Okay, first of all. Second of all, these bills were introduced awhile ago. They are within our own rules. I think they are proper. I think we should move forward on these. If you want to redress and change the rules, let's go ahead and make the argument to do that, but let's not penalize Legislator Towle for that, and let's move these ones forward, or these people who are supposed to get these cars. And the fact of the matter is, is let's vote on this already and move forward.

LEG. LEVY:

What I want is consistency. And if we're going to do it and adopt it here, fine, but then let's just make the rule that everyone of us, when we have one of these cars that's going to be given away, let's stop taking \$2,000 for them and take 200, because I'm not certainly going to tell the -- I'm certainly not going to tell Sayville School District that they have to pay two grand for a car when I'm giving it a way to William Floyd for two hundred bucks.

LEG. TOWLE:

We were hoping, Legislator Levy, now that you're a member of the Majority in the Assembly, that you'd make up that extra \$50,000. All 17 of us had spoke about that.

LEG. HALEY:

Call the question.

P.O. TONNA:

Okay. No. Legislator Towle.

LEG. TOWLE:

That was it.

P.O. TONNA:

Okay. That was just that -- okay. Let's call the vote.

LEG. LEVY:

Well, to table takes precedence.

P.O. TONNA:

There was a motion to table and a second by Legislator --

MR. BARTON:

Bishop.

P.O. TONNA:

Crecca.

LEG. LEVY:

I don't think --

P.O. TONNA:

Oh, Bishop. I'm sorry.

LEG. LEVY:

I don't think --

00178

P.O. TONNA:

Okay. On the motion to table, all in favor? Opposed?

(Opposed said in Unison by Legislators)

Okay, roll call. Roll call on the tabling.

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

LEG. LEVY:

Yes, to table.

LEG. BISHOP:

Yes.  
LEG. CARACCIOLO:  
Pass.  
LEG. GULDI:  
No.  
LEG. TOWLE:  
No.  
LEG. CARACAPPA:  
No.  
LEG. FISHER:  
No.  
LEG. HALEY:  
(Not Present)  
LEG. FOLEY:  
No. No, to table.  
LEG. FIELDS:  
No.  
LEG. ALDEN:  
I have a stomach ache. No.  
LEG. CARPENTER:  
No.  
LEG. CRECCA:  
No.  
LEG. D'ANDRE:  
No.  
LEG. POSTAL:  
Yes.  
LEG. BINDER:  
No.

00179

LEG. COOPER:  
No.  
P.O. TONNA:  
No.  
LEG. CARACCIOLO:  
No.  
MR. BARTON:  
Mr. Haley, not present.  
P.O. TONNA:  
Let's go.  
MR. BARTON:  
Three.  
P.O. TONNA:  
All right. Motion to approve now. All in favor? Opposed?  
LEG. BISHOP:  
I would make a motion to table -- to refer to committee for a long,  
long discussion about what is equitable in car --  
LEG. GULDI:  
We had that.  
LEG. BISHOP:  
-- sale prices.  
P.O. TONNA:  
Okay.

LEG. BISHOP:

Because, I mean, this is -- this is--

P.O. TONNA:

Can I ask, Legislator Bishop, for somebody who has spent the last couple of minutes, hours saying, "Aren't we going to get moving with this meeting?" --

LEG. BISHOP:

I know.

P.O. TONNA:

I just wondered --

LEG. BISHOP:

Do you know what --

P.O. TONNA:

-- do you think that there's going to be any difference from the vote from tabling to the vote --

00180

LEG. LEVY:

He's got a point there.

LEG. BISHOP:

I'll tell you --

P.O. TONNA:

-- for referring to committee?

LEG. BISHOP:

Mr. Presiding Officer, I'll tell you why.

P.O. TONNA:

Yes, Mr. Bishop.

LEG. BISHOP:

Because Steve Levy's "Pandora's box" has just leaped into all of our laps. If we allow this resolution to go forward, then we have a Pandora's box where all the car resolutions are now going to be rewritten --

LEG. TOWLE:

Similar --

LEG. BISHOP:

And we're not going to get fair value --

LEG. TOWLE:

Similar to giving boats to fire departments, would you say?

LEG. CARPENTER:

May I?

LEG. BISHOP:

Yeah, like that.

P.O. TONNA:

Okay. Wait, wait, wait, wait.

LEG. TOWLE:

Okay.

LEG. BISHOP:

That wasn't Pandora's box, because it was far too complicated. You guys couldn't accomplish it.

P.O. TONNA:

Okay.

LEG. TOWLE:

Similar to trying to take these out of parks.

LEG. CARPENTER:

If I could, Mr. Chairman.

00181

P.O. TONNA:

Okay. Legislator Bishop are you done?

LEG. BISHOP:

I'm done.

P.O. TONNA:

Okay. And the wink, put the wink on the record. Okay. Now, Legislator Carpenter.

LEG. CARPENTER:

Thank you, on the motion. I --

LEG. GULDI:

What motion?

LEG. CARPENTER:

I was under -- well, there's a motion.

LEG. GULDI:

There's no second.

LEG. CRECCA:

No second. There's no second. There's no second.

MR. BARTON:

There is a motion and second to approve.

LEG. LEVY:

I second.

LEG. CRECCA:

Oh, there's a second?

LEG. LEVY:

But no roll call.

P.O. TONNA:

Legislator Carpenter has the floor.

LEG. CARPENTER:

Having listened to this discussion in Ways and Means, I did put in a resolution to try to set the groundwork, some ground rules for this. There has been -- there have been times when vehicles have gone for the \$200, for the \$100. It was my understanding, when Legislator Rizzo put the resolution in, it was because some vehicles were going for a dollar, and it was supposed to be fair market value and a minimum of \$200, meaning that if it was less than, you know, a normal value, that it had to be at least 200.

LEG. LEVY:

At least \$200, right.

LEG. CARPENTER:

So if Legislator Towle has put these resolutions in now, as Legislator Crecca said, I think, at this point, the rules need to be tightened or

00182

established a little bit better. I think the one thing we have to keep in mind is that no one is forcing anyone to buy these vehicles. When we get the list of the vehicles that have been decommissioned, we turn around and offer the opportunity for anyone who's interested, they go down and look at the vehicle. They know full well what the minimum price is or the fair market value is and they choose to purchase the vehicles. They don't have to do that.

So I think whether we pass Legislator Levy's resolution, which I haven't looked at yet, or mine, which says fair market value, less 25%

for a not-for-profit or a school district, then we're tightening up the rules. But right now, I think we've got two resolutions before us, they've been here for along time. We should move forward with them one way or another.

P.O. TONNA:

Okay. All right. We have now a motion to refer to committee and a second. All in favor? Opposed?

(Opposed said in Unison by Legislators)

Okay.

LEG. GULDI:

Who's in favor?

LEG. LEVY:

I'm in favor.

P.O. TONNA:

Who's in favor? Who's in favor?

LEG. LEVY:

I'm in favor.

P.O. TONNA:

Legislator Postal, Bishop and Levy.

LEG. LEVY:

A new coalition.

MR. BARTON:

Three.

P.O. TONNA:

All right. So you got that, Henry?

MR. BARTON:

Yes.

P.O. TONNA:

Okay. Now there is a motion to approve and a second.

LEG. FOLEY:

Second.

00183

LEG. GULDI:

All those in favor?

P.O. TONNA:

All in favor? Opposed?

LEG. LEVY:

I'll abstain.

P.O. TONNA:

Abstain, Legislator Levy.

LEG. BISHOP:

Abstain.

P.O. TONNA:

Abstain.

LEG. CARPENTER:

I'll abstain.

P.O. TONNA:

And abstain. And Legislator Carpenter abstains. Four abstentions.

MR. BARTON:

14, 4 abstentions.

P.O. TONNA:

There you go. Okay. Let's move on, please.

LEG. LEVY:

That will get you elected Supervisor.

LEG. TOWLE:

Motion to approve.

LEG. CARACAPPA:

Same motion, same second, same vote.

P.O. TONNA:

Can we do that?

LEG. CARPENTER:

Same motion, same second.

MR. BARTON:

If you want to.

P.O. TONNA:

Same motion, same second, same vote on 1762 (Authorizing the sale of surplus County cars to Brookhaven Ambulance Company). Great. Okay.

MR. BARTON:

14, 4 abstentions.

00184

P.O. TONNA:

1816 (Amending the 2000 Capital Budget and Program and appropriating funds in connection with the acquisition of an Integrated Human Resources/Payroll System) is a bonding resolution. Do we have anybody here who wants to vote for this?

LEG. FOLEY:

Motion to table.

LEG. CARACAPPA:

Second.

LEG. FISHER:

Second.

P.O. TONNA:

Okay. Motion to table by Legislator Foley, seconded by Legislator Caracappa. All in favor? Opposed? Tabled. Brenda, do you have something --

MR. BARTON:

18.

P.O. TONNA:

-- To come up just on this? Do you want to say something? Okay. Sorry Brenda. Missing in action. Okay. Let's go on to the next one. 1831 (Extending soccer field agreement with Mastic Sports Club).

Is there a motion?

LEG. TOWLE:

Motion to approve.

LEG. FOLEY:

Second the motion.

P.O. TONNA:

Okay. A motion to approve by Legislator Towle, seconded by Legislator Foley.

LEG. CARACCIOLO:

On the motion.

P.O. TONNA:

Yes.

LEG. CARACCIOLO:

What are the terms and conditions to this agreement?

P.O. TONNA:

Yes.

LEG. TOWLE:

It's just a --

LEG. CARACCIOLO:

It's not in the reso. It indicates in the resolution that the  
00185

Department of Parks would negotiate or they're directed to enter into an agreement for an additional 10 years or 20 years.

LEG. TOWLE:

While Counsel's looking it up, Legislator Caracciolo, if you'd suffer an interruption --

LEG. CARACCIOLO:

Sure.

LEG. TOWLE:

-- I'll give you a quick synopsis. This, if you may remember, the Robinson Duck Farm, we attempted to approve it for soccer fields for the purpose of the Mastic Sports Club. That was approved, vetoed -- it wasn't vetoed by the County Executive, it was signed by the County Executive. And shortly after that was done, we sat down to negotiate with the environmental groups that had some concerns. We opted on the fields behind Police Headquarters. We entered into an agreement with the Mastic Sports Club and the Parks Department. That agreement has now expired. The purpose of renegotiations, as Legislator Foley had a group that is mainly in his district, but also shares my district, that also wants to use the field, and that's why the purpose of negotiations, as mentioned, into the resolution now, so that they can work out times for the uses of the field. As far as the resolution itself, it's just continuing what already exists that this Legislature supported in the last three or four years.

LEG. CARACCIOLO:

Is there -- does the County receive any remuneration for the use of these fields, and are they provided with liability indemnified?

LEG. TOWLE:

They're provided with liability insurance from the group, and the group has also spent and maintains all the fields. They provide all the resources. All we're doing, then, is giving them the space. That's it.

LEG. CARACCIOLO:

Okay. Is there a plan and design for the use of these fields.

LEG. TOWLE:

Yes. It's been submitted.

LEG. CARACCIOLO:

Are they just soccer fields?

LEG. TOWLE:

Just soccer fields. I think ten all together.

LEG. CARACCIOLO:

Ten all together. Okay.

LEG. ALDEN:

On the motion.

P.O. TONNA:

Yes, Legislator Alden.

00186

LEG. ALDEN:

Freddy, I'll address this to you.

LEG. TOWLE:

No tax impact.

LEG. ALDEN:

No, no, no. I was kind of hoping that that was the answer. But, Freddy, are these fields in any way connected with the property that we're looking at to possibly build golf courses on?

LEG. TOWLE:

No. We also included ten acres worth of soccer fields.

LEG. ALDEN:

That's separate property.

LEG. TOWLE:

Separate.

LEG. FOLEY:

Yes.

LEG. ALDEN:

Good.

LEG. TOWLE:

Actually, 20 acres, I think. Yeah, 20 acres.

LEG. CARACAPPA:

Call the vote, Mr. Chairman.

LEG. BISHOP:

Go.

LEG. CRECCA:

Call the question.

P.O. TONNA:

All in favor? Opposed? Okay.

MR. BARTON:

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

P.O. TONNA:

Great.

LEG. FOLEY:

Thank you.

P.O. TONNA:

All right. 1850 (Implementing Greenways Program in connection with acquisition of active parklands, property along north side of County Route 48 (Town of Southold). Is there a motion, Legislator Caracciolo?

00187

LEG. CARACCIOLO:

Motion to approve.

P.O. TONNA:

Seconded by? Legislator Guldi?

LEG. FISHER:

I'll second it.

LEG. BISHOP:

On the motion. I think this was tabled last time. Concerns from the western Suffolk portion of this body about --

LEG. CARACCIOLO:

Legislator Bishop, the western portion? Boy, you're getting big in your old age.

LEG. BISHOP:

Well, no. I mean, it took a majority to table it. Obviously, you know

--

P.O. TONNA:

Well, listen, this is my point.

LEG. BISHOP:

As big as I think I am, I don't have the ability to table it by myself.

P.O. TONNA:

We had a debate the last time, everyone of us, remember the whole thing, Greenways, parks, you know, fun, family, everything else, we remember all this. Fields, fun and whatever. Has the two -- has the sponsor of the bill, have you guys talked about this at all?

LEG. BISHOP:

No.

LEG. CARACCIOLO:

No.

P.O. TONNA:

Okay, great. All right. So let's do it now, I guess.

LEG. BISHOP:

I think the sponsor of the bill's attitude was, well, next time they'll --

LEG. CARACCIOLO:

No. I think it should be part of the public record that at no time, when the three prime sponsors, Legislator Bishop, myself, and Nora Bredes, formulated this legislation was there an agreement that we would divvy up the County into a geopolitical area and designate certain uses for certain acquisitions. Never was done. It wasn't in the referendum that the voters approved. The voters said go forth and spend \$62,000 for farms, fields and funds. This is the portion of the program for fund. It's in the town of Southold. They came before the Parks Committee and they made a very substantial presentation,

00188

including a plan and use design, that is at least comparable to those that we witnessed from the organizations involved with The Wedge. It was unanimously approved by the Parks Committee. To have any one individual stop this because of his philosophical bent that \$20 million is only for the five West End towns is totally inappropriate, and the residents of the East End will not stand for it, nor do I believe the residents of the other towns in Suffolk will stand for it.

LEG. HALEY:

You mean Peconic County.

LEG. CARACCIOLO:

That is not what the intent behind the referendum was.

P.O. TONNA:

Legislator Caracciolo, could I just ask you a question? If I find some farmland in the western towns, are you going to vote for that?

LEG. CARACCIOLO:

You have it. We paid an outrageous sum of money for the Froehlich Farm. You know what we paid an acre there, Paul?

P.O. TONNA:

That wasn't under the Greenways.

LEG. CARACCIOLO:

No. It was under open space.

LEG. BISHOP:

It wasn't even in the last decade, it was two decades ago.

LEG. BINDER:

I voted against it from Huntington. I voted against it.

P.O. TONNA:

I know. All right. Okay.

LEG. CARACCIOLO:

So let's move the resolution.

LEG. BISHOP:

May I --

P.O. TONNA:

Is there --

LEG. GULDI:

You voted against it, because --

P.O. TONNA:

Legislator Bishop has the floor.

LEG. GULDI:

-- you wanted affordable housing instead?

00189

LEG. BISHOP:

No. I would --

P.O. TONNA:

Go ahead, Legislator Bishop.

LEG. BISHOP:

A number of points. First is I would welcome a tabling for one more meeting, because I'd like to do a thorough search of the record. And I'm sure I could find Legislator Caracciolo discussing the Greenways Bill as a measure which sought to meet three very distinct needs of one county, and the needs are reflected in our geographical differences. There is a need in Western Suffolk County for more parkland for active recreational purposes. That's a distinct need. There was a need in Central Suffolk County to preserve open space, and there is need in your end of the County to preserve farmland. I am not adverse to occasionally allowing Greenways to be used against those purposes, in other words, allowing active recreational money to flow to the East End. That's fine. But this is, as I recall, a very extensive purchase, is it not? How many acres is this?

LEG. CARACCIOLO:

Thirty-seven acres.

LEG. BISHOP:

Thirty-seven acres. Thirty-seven acres is more than is in the entire Town of Babylon that's authorized at this time to be purchased under Greenways. That's a huge purchase.

LEG. CARACCIOLO:

Well, we'll --

LEG. BISHOP:

And I want to point out that my taxpayers are being taxed under Greenways, Steve Levy's taxpayers are being taxed, all Western Suffolk are being taxed and you're asking for 100% of the farmland, a majority of the open space, and now you want the lion's share of the active recreational as well. And I say bully for you, that's a tremendous job as a Legislator. Shame on us if we allow it to happen. I think that there should be some equity in the Greenways Program. It was designed to meet the three distinct needs of the County. And it's not because I, you know, am adverse to seeing Southold get a fair share, it's just I don't want to see the East End eat up every aspect of the, which is what would occur. You've already -- did you not already approve a

Greenways active recreational with my support for the Town of Riverhead.

LEG. CARACCIOLO:

It's pending. It may not be consummated.

LEG. BISHOP:

Right, but it passed. This is -- this one is huge, it's gigantic.

LEG. CARACCIOLO:

Oh, wait a minute.

00190

LEG. BISHOP:

Thirty-seven acres.

LEG. CARACCIOLO:

Time out. No, that's incorrect, Dave. We're talking about Broad Cove and Broad Cove initially came before us as an active recreation component. We then changed it at your request to open space and town revenue sharing.

LEG. BISHOP:

And part -- right.

LEG. CARACCIOLO:

Okay?

LEG. BISHOP:

And because I was trying to --

LEG. CARACCIOLO:

And I was very cooperative in that --

LEG. BISHOP:

-- protect the integrity of this program.

LEG. CARACCIOLO:

I was very cooperative and sensitive to your needs. Is it coincidental, my friend from Babylon --

LEG. BISHOP:

Perhaps.

LEG. CARACCIOLO:

Is it coincidental that last meeting, laid on the table, almost coinciding with the time that you requested this resolution to be tabled at that time, there were not one, not two, but three resolutions filed by Legislator Bishop for active parkland acquisitions in the Town of Babylon? I think not.

P.O. TONNA:

Mr. Green, with the led pipe --

LEG. CARACCIOLO:

I think not.

LEG. BISHOP:

Is it coincidental?

P.O. TONNA:

-- in the ballroom.

LEG. BISHOP:

One, yes, it's coincidental. Two, is it relevant? No, it's not relevant. The point is that in Western Suffolk County, we have -- we are desperately trying to acquire active recreational space.

00191

LEG. CARACCIOLO:

And I'd be happy to work with you, as I have in the past, Dave.

LEG. BISHOP:

And we're having a terrible time due to the positive economy, and we've gone over that ground many times.

LEG. CARACCIOLO:

I'd be happy to work with you, in the past, as we always have.

LEG. BISHOP:

I'd be happy to work with you, but one of the ways we work with you is

--

P.O. TONNA:

Guys.

LEG. BISHOP:

We give you 100% of the farmland.

P.O. TONNA:

Do you realize this sounds --

LEG. BISHOP:

And we give you a majority of the open space.

P.O. TONNA:

-- like a counseling session? You're talking about his sensitive needs, you both are talking about wanting to work with each other. Let's table this thing and have you guys work this thing out, so that we can agree on something.

LEG. CARACCIOLO:

Well, what is there to work out? The people I represent want to -- would like to know what is there to work out?

LEG. BISHOP:

I want to know how many people you represent that you need 37 acres.

LEG. CARACCIOLO:

Well, look at the --

LEG. BISHOP:

That's a lot of acreage.

LEG. CARACCIOLO:

Wait a minute. Let's look at -- wait a minute. First of all --

P.O. TONNA:

If we're going to have a little levity and humor in this conversation, okay, let's just do it one at a time. Okay.

LEG. BISHOP:

This must be the 70% voter turnout.

00192

P.O. TONNA:

Okay. Legislator Caracciolo, you have the floor. You can ask, and then you have the --

LEG. CARACCIOLO:

Well, I'd like to make a statement.

P.O. TONNA:

Say it. Please, make that statement.

LEG. CARACCIOLO:

The property, one of the uses for this property would be for the annual Mattituck Strawberry Festival. Now, I think it's fair to say that people from all over the County, as well as outside the County, attend this event. It's a very large event that attracts over 18,000 visitors. It's a three-day festival. It's a good economic development initiative. Then beyond that, the property will be used year-round as a fairground, with soccer and baseball fields. And much like The Wedge, will be multigenerational, so that not just the young, but

others will have an opportunity to use this facility. And because it is a County purchase, it will be not limited to use to local residents, it will be -- it could be used by other organizations.

LEG. HALEY:

There's no height requirement to get on that property.

LEG. BISHOP:

Mike. Mike. Legislator Caracciolo, and I put this to all the Legislators, if you think that purpose of the Greenways Program was to provide -- Paul, can I get a gavel. Can I get some --

LEG. LEVY:

Hit him with a gavel.

LEG. BISHOP:

I don't think that the purpose of the -- the purpose of the Greenways Program is to provide the East End with fairgrounds. The active recreational aspect of that program was designed to provide recreational spaces for western Suffolk County, which has a severe shortage.

LEG. LEVY:

We heard this. Let's vote.

LEG. CARPENTER:

It's true.

LEG. BISHOP:

But it's true and it's important that it be understood.

LEG. LEVY:

I agree with you, but let's vote.

P.O. TONNA:

Legislator Levy. Legislator Levy, wait. Can I just -- can I say something? Legislator Levy.

00193

LEG. BISHOP:

I'm waiting for him to just say, "Yes, yes, it's true."

P.O. TONNA:

All I want to say is you never have the right to say let's get out and vote. We just went through a budget process with 65,000 Levy resolutions to hold up everything else. Let the games continue.

LEG. LEVY:

Oh. Oh, so there. Okay.

LEG. CARACCIOLO:

Question.

LEG. LEVY:

You showed me.

LEG. CARACCIOLO:

Question for Counsel. Mr. Sabatino, in the referendum that the voters approved, Charter Law in Article 12A to the Suffolk County Charter, the voters approved that two years ago, three years ago now, 1998, was there any provision in that resolution that limited the active component of Greenways to any particular geographical area of the County?

MR. SABATINO:

No, the plan was not based on geography, it was based on category, the three that were described before as --

LEG. BISHOP:

Is fairgrounds a category? Is strawberry festivals, are they a

category?

LEG. CARACCIOLO:

Legislator Bishop.

MR. SABATINO:

The categories were --

LEG. BISHOP:

Are they an articulated category?

LEG. CARACCIOLO:

Legislator Bishop, I pointed out --

P.O. TONNA:

I'm losing my gavel here. It's going all over the place. Could we just please.

LEG. CARACCIOLO:

The Town of Southold, much like the Town of Brookhaven, is committed, and we have a Town Board resolution in the backup, to construct and maintain three baseball fields, soccer fields, and additional soccer fields as needed. So this is an active recreational use. Mr. Chairman, call the question.

00194

LEG. BISHOP:

Yeah, call the question.

LEG. CARPENTER:

Mr. Chairman, call the question.

LEG. CARACCIOLO:

Mr. Chairman, call the question.

LEG. BISHOP:

I have a motion to table.

P.O. TONNA:

Okay. There's a motion to table and a second. Legislator Haley has the floor, and then we're going to call the vote. Legislator Haley.

LEG. HALEY:

Dave, it's the same old thing, the same with the cars. We established a policy. You didn't establish a policy where there's an East End, West End. You know, I'm not crazy about the idea -- wait. No, no, no, no, no. I'm not crazy about the idea that we spend a gazillion dollars in Peconic County. We do.

P.O. TONNA:

Peconic County?

LEG. HALEY:

They get all the farmland preservation, they get open space coming like crazy. Now they're getting active parklands. But you know what, we made the decision to do that from a policy perspective, and because he's managed to put something together, which happens to be probably a model for what we should be doing under active parklands, we shouldn't deny him that, especially hoping that perhaps maybe one of your resolutions may or may not rise and meet the level necessary for approval. We treat active parklands, probably we should treat it the same way we treat open space. While we have the opportunity to avail ourselves, we should take it, take advantage of it, and to do it as quickly as possible, because it might disappear tomorrow, whether it's active parklands, open space, or farmland preservation.

And, you know, so I became a cosponsor of that original resolution and I was never given any indication, all right, that I was restricted in

any way to any type of resolution. I might add that I'm proud to say that I will have managed to take advantage of all three components of that, because I do have farmland in my district, I do have open space requirements, and I do have active recreation requirements, as does Southold.

LEG. BISHOP:

This is -- this is now, you know, becoming almost --

P.O. TONNA:

Okay. By the way --

00195

LEG. BISHOP:

-- Stalinistic rewriting of history. Not only was -- were there meetings where we discussed the brilliance of meeting the three distinct needs of Suffolk County, but we had a press conference where we all paraded up and talked about how, "My end of the County is going to have farmland," "My end of the County is going to have open space," and then my end of the County was just right, it was going to have active recreation uses, which we desperately need. Now everybody wants to talk, you know, legalistically what was there. What was there are the three components. It is understood that farms are on the East End, the desperate need for recreational space is on the West End. If you have a small purchase for active recreation, which would not take the lion's share or a significant share of the active recreational funds, so that we on the Western End could meet our needs on the one aspect of the program that we have left for us, then we would support it. This, however, is a huge purchase, 37 acres. It's not even really for what the program is intended for. You talk about six fields, which you could probably put on five acres, but you want 37 acres. And what's the real agenda is to fund a strawberry festival. I mean, more power to you if you get this thing through. But if my western colleagues support it, then they're fools.

LEG. CARACCIOLO:

Mr. Chairman.

P.O. TONNA:

Okay. Wait. Are we going to go back and forth?

LEG. CARACCIOLO:

Well, I think it's important to make the record --

P.O. TONNA:

Okay.

LEG. CARACCIOLO:

Absolutely true.

P.O. TONNA:

I just want everyone to know, if we do not get past this resolution and our tabled resolutions within 15 minutes, I'm calling a two-hour dinner break.

LEG. CARACCIOLO:

All right. Mr. Chairman, in the interest of brevity and moving the question --

P.O. TONNA:

Yeah, that would be the interesting I have.

LEG. CARACCIOLO:

You can move the question on the tabling. I would urge my colleagues to not support that and approve the following motion to approve. Thank

you.  
LEG. BINDER:  
Mr. Chairman.

00196

P.O. TONNA:  
Okay.

LEG. BINDER:  
Sorry. Mr. Chairman.

P.O. TONNA:  
Yes. All right.

LEG. BINDER:  
I'd like to know how much, there's an estimate, general estimate on how much the 37 acres are going to cost, and how much is in the fund, so I can have an idea of what we're talking about in numbers.

LEG. CARACCIOLO:  
In the -- as far as I know, and this was as of two weeks ago --

P.O. TONNA:  
Let's ask Budget Review, maybe.

LEG. CARACCIOLO:  
I don't -- I'm not sure.

LEG. BINDER:  
Right. He might not -- he might know -- Legislator Caracciolo probably knows the cost for the land. The amount in the program I could ask Budget Review.

LEG. CARACCIOLO:  
I can tell you this, that as a general rule, it's probably one-third the going cost for an acre in the Town of Babylon.

LEG. BISHOP:  
Sure.

LEG. BINDER:  
What is that? How much --

LEG. CARACCIOLO:  
No. And I think that's important, because if Legislator Bishop comes forward with a resolution that only requires --

LEG. BINDER:  
That's not what I asked. Mr. Chairman, let me take --

LEG. CARACCIOLO:  
Excuse me.

LEG. BINDER:  
No. Let me take my time back, because it's my time. That's not the question I asked, and I didn't want to get in --

LEG. CARACCIOLO:  
Well, let me answer part two of your question. How much money is left?

00197

LEG. BINDER:  
What I --

LEG. CARACCIOLO:  
Almost \$20 million, because the only thing we've purchased so far is one-third of an acre in the Town of Babylon.

LEG. BINDER:  
Okay. So --

LEG. CARACCIOLO:  
Under this component.

LEG. BINDER:

Does anybody have an idea of how much 37 acres would cost -- is going to cost. Is there an idea?

LEG. GULDI:

Hypothetical, if it's 15,000 an acre, which isn't uncommon for some of the areas of the North Fork, it would be \$525,000, hypothetically. But if it was 30 an acre, it would be twice that. Thirty an acre would be -- would strike me as being high for that region, but I don't know the specific land. And so I can't talk out of school.

LEG. BINDER:

Well, the range -- so the range is probably anywhere from somewhere over a half a million to --

LEG. CARACCIOLO:

Say a million-five, Allan, to be on the high side.

LEG. BINDER:

Right, to a million-five.

LEG. FISHER:

So about 17 million left, or something?

LEG. CARACCIOLO:

I mean, we're not talking --

LEG. BINDER:

That's what I want to know.

LEG. CARACCIOLO:

We're not talking about an acquisition that's going to eat into 25% of the program. No, it's not going to do that.

LEG. FISHER:

Budget Review, is there about 17 left in the -- about 17 in active, in active parkland?

LEG. CARACCIOLO:

Well, you're right. Legislator -- you're right. In terms of The Wedge acquisition --

00198

LEG. FISHER:

Right.

LEG. CARACCIOLO:

-- which was about 2 1/2 million.

LEG. FISHER:

Yeah. I believe it's about 17 million left in the program, but I'm not certain. I don't have those numbers.

LEG. CARACCIOLO:

That sounds about right.

P.O. TONNA:

You're saying that 37 acres is going for about a million-and-a-half dollars?

LEG. GULDI:

No.

LEG. FISHER:

No, he said half a million.

LEG. CARACCIOLO:

Paul, this has to be negotiated. I don't think we should be on the record talking --

P.O. TONNA:

No. Just get a scope, the idea.

LEG. CARACCIOLO:

We said probably between a half a million and maybe a million-and-a-half.

P.O. TONNA:

For the 37 acres.

LEG. CARACCIOLO:

37 1/2 acres.

P.O. TONNA:

Okay.

LEG. CARACCIOLO:

It's not going to break the bank, and I can appreciate the concern about that.

LEG. CARACAPPA:

Let's roll. Come on, call the question.

LEG. FISHER:

There's a tabling motion.

P.O. TONNA:

Okay. There's a motion to table and a second. Roll call.

00199

MR. BARTON:

Legislator Bishop.

LEG. LEVY:

To approve or table?

P.O. TONNA:

Table.

LEG. FISHER:

Table.

LEG. BISHOP:

To table, yes.

LEG. LEVY:

Yes, to table.

LEG. CARACCIOLO:

To table, no.

LEG. GULDI:

No.

LEG. TOWLE:

No.

LEG. CARACAPPA:

No.

LEG. FISHER:

No.

LEG. HALEY:

No.

LEG. FOLEY:

Yes.

LEG. FIELDS:

Pass.

LEG. ALDEN:

No, to table.

LEG. CARPENTER:

Yes.

LEG. CRECCA:

Yes.

LEG. D'ANDRE:

No.

LEG. POSTAL:

Yes.

00200

LEG. BINDER:

Pass.

LEG. COOPER:

Yes.

LEG. TONNA:

Pass.

LEG. FIELDS:

No.

LEG. BINDER:

No.

P.O. TONNA:

No.

LEG. CARACCIOLO:

Thank you, Mr. Chairman. I make a motion to approve.

MR. BARTON:

Seven.

LEG. GULDI:

Second.

LEG. HALEY:

Second.

LEG. LEVY:

You guys aren't going to have money --

P.O. TONNA:

Okay.

MR. BARTON:

I have a motion an a second.

LEG. LEVY:

-- for your own projects.

P.O. TONNA:

No kidding. Okay. Make a motion to approve.

LEG. CARACCIOLO:

I did.

MR. BARTON:

I have it.

P.O. TONNA:

Okay. And a second.

00201

MR. BARTON:

Have it.

LEG. GULDI:

Roll call.

P.O. TONNA:

Roll call.

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

LEG. CARACCIOLO:

Yes.

LEG. GULDI:

Yes.

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

00202

LEG. COOPER:  
Pass.  
LEG. LEVY:  
No.  
LEG. TONNA:  
Pass.  
LEG. ALDEN:  
No.  
LEG. CARPENTER:  
Yes.  
LEG. CRECCA:  
No.  
LEG. BINDER:  
No.  
LEG. COOPER:  
Yes.  
P.O. TONNA:  
No.  
MR. BARTON:  
11.  
LEG. CARACCIOLO:  
Thank you.  
LEG. HALEY:  
Congratulations, Mike.  
LEG. CARACCIOLO:  
Thank you.

MR. BARTON:

Seven.

LEG. CARACCIOLO:

And the Clerk note Legislator Guldi's a cosponsor.

P.O. TONNA:

Okay. Let's move on. (1853-Implementing Greenways Program in connection with acquisition of active parklands known as "The Wedge" at Mount Sinai (Town of Brookhaven) (Acquisition Steps).

LEG. FISHER:

Mr. Chairman. Mr. Chairman, motion to table.

P.O. TONNA:

Okay motion to table by Legislator Fisher, seconded by? Legislator Haley. All in favor? Opposed? Tabled.

00203

MR. BARTON:

18.

P.O. TONNA:

Okay. Where are we?

LEG. FOLEY:

1899.

LEG. FISHER:

1899.

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). Motion, Legislator Levy?

LEG. LEVY:

Yes.

P.O. TONNA:

Yes? Motion to what, approve?

LEG. LEVY:

Motion to approve.

P.O. TONNA:

Is there a second?

LEG. LEVY:

There's the resolution that -- there's a--

P.O. TONNA:

Is there a second?

LEG. HALEY:

Second.

LEG. LEVY:

There is a --

P.O. TONNA:

All right. Okay. Legislator Haley.

LEG. LEVY:

-- note from the Clerk that was --

LEG. CRECCA:

On the motion.

LEG. LEVY:

-- presented to everyone, so -- in front of everyone's chair regarding the Clerk's support for the resolution.

00204

LEG. FISHER:

On the motion.

P.O. TONNA:

Yes.

LEG. FISHER:

There are two resolutions --

P.O. TONNA:

Legislator Fisher, and then Crecca.

LEG. FISHER:

There are two resolutions here that seem very similar to me with two different sponsors, and there has been a previous resolution that has been approved by the Legislature that was sponsored by Legislator Caracappa. I know what the difference is between Legislator Caracappa's and yours, but -- and Legislator Towle's, but I'm not certain what the difference is between Legislator Levy's and Legislator Towle's.

MR. SABATINO:

Legislator Levy and Towle's bill both wind up in the same place, they just get there by different routes. Legislator Levy's bill would repeal the Caracappa well water testing bill and then reenact new provisions which would not include -- including the test result as part of the document to be recorded. Legislator Towle's bill would simply amend the Caracappa provisions and eliminate the requirement that the well water testing document be made part of the recording document.

LEG. CARACAPPA:

On the motion.

MR. SABATINO:

They both wind up in the same place at the end.

LEG. CARACAPPA:

On the motion, Mr. Chair.

LEG. FISHER:

Can I just reclaim my time for a second?

P.O. TONNA:

Okay. Go ahead, Legislator Fisher.

LEG. FISHER:

I just wanted to ask the attorneys here, because we have a number of attorneys who do closings, and would -- if someone is closing on a house, is it helpful to have this information on the deed itself, or would it be more helpful to the buyer to have this disclosed during the contract negotiations? George, I heard you murmuring over there.

Maybe --

LEG. GULDI:

In my experience, water tests change. And, frankly, if I had a water test that was more than 90 days old and I was concerned about the

00205

water, I wouldn't rely on it. So given the typical transaction and turnover on real estate is every five years, water test results that are five years old would be totally useless and, in my opinion, malpractice to rely on, regardless of how they came to your attention.

LEG. FISHER:

Thank you, George.

LEG. LEVY:

I don't know if that answered your question.

LEG. FISHER:

Yes, that answered my question.

LEG. CARACAPPA:

Mr. Chairman.

LEG. FISHER:

Because I wanted to know, basically --

LEG. CARACAPPA:

Paul.

LEG. FISHER:

-- if we're protecting the interest of the home buyer. And Legislator Caracappa's resolution called for the well testing results to be part of the deed that's recorded. Now, if what Legislator Guldi is saying is correct, the recording of this information with the deed wouldn't really be that helpful to the home buyer and it wouldn't protect the health and safety of the home buyer if it's very dated material. Is that basically what you're saying?

LEG. GULDI:

That's what I'm saying.

LEG. FISHER:

So I think that's an important point to understand when you're making a decision regarding these resolutions.

LEG. CARACAPPA:

Mr. Chairman.

P.O. TONNA:

Okay. Legislator Caracappa and then Alden.

LEG. CARACAPPA:

Thank you. I'll keep this brief, because we've been debating this now for sometime. Everyone knows my position on the bill. I believe that it should stay with the deed, so those people who purchase a home later on down the road can look back and see, even though Legislator Guldi feels that it's a -- it doesn't really matter or it's an invalid reading of the water, that people know at one time their wells were tainted in some way, shape, or form, and I feel that's very important and was the main part of what I wanted to accomplish within the bill. Secondly, seeing that there's competing resolutions now before us

00206

today, and this is very important, I think my colleagues should hear this, if you were to -- I will actually relent a bit, and if you're going to go and take out the recording process and take it away from the deed in the Clerk's Office and you were to vote on one or the other bills to do that, I would suggest that you disapprove of Legislator Levy's bill, because it actually withdraws everything that I tried to do within the original bill and doesn't -- it just kills it and remodifies it under his own statute --

LEG. LEVY:

I don't have a problem with that.

LEG. CARACAPPA:

-- or his own language and go with Legislator Towle's, which is later on the agenda, which doesn't -- it doesn't repeal my bill, just amends it. And if that makes you feel more comfortable. If you're going to -- if you're going to vote that way and you want to do it, I'd appreciate it if you did it through the Towle bill.

LEG. LEVY:

But, if I can Mr. Chairman, I don't have a problem with it.

LEG. CRECCA:

There's a list. Everybody's going on the list.

LEG. LEVY:

I was just trying to save time in saying let's skip over this.

LEG. GULDI:

Motion to take 1900 out of order and approve.

LEG. TOWLE:

Second.

LEG. CARACAPPA:

Can I finish, Mr. Chairman? Can I finish?

P.O. TONNA:

Legislator Caracappa has the floor, then Legislator Alden. Okay?

LEG. CARACAPPA:

I do strongly urge, though, that, you know, you keep the bill intact for the reasons that I've stated. I think it's important for those people in the future who have well water can look 10 years, 20 years back and know that their wells were tainted in some fashion.

P.O. TONNA:

Okay. Legislator Alden, you have the floor.

LEG. ALDEN:

Actually, I have a question of Legislator Caracappa. Joe, I was under the impression that yours was a current bill --

LEG. CARACAPPA:

Yes.

00207

LEG. ALDEN:

-- to make sure that everyone, before they purchased a house, would have to realize whether the water was good or water was bad. Now, if the primary reason was to preserve for the future --

LEG. CARACAPPA:

One of the primary reasons. I thought it was a very important part of the bill that the document stays with the deed, that you can look -- it's like a very important two-part bill, where, number one, the well is being tested, and number two, that information stays with the house, as opposed to being lost with the contracts forever.

LEG. ALDEN:

Okay. Legislator Guldi, wouldn't that make it more like an easement or, you know, like an encumbrance of the property when they're treated like that?

LEG. GULDI:

I don't think so.

LEG. ALDEN:

Because you make a condition of the water -- well, we've made the condition of the water pertinent to, you know, future purchases of the property.

LEG. TOWLE:

Mr. Chairman.

LEG. LEVY:

Paul, you've got people on the list.

P.O. TONNA:

Yes. Who's next?

LEG. CARACAPPA:

Yeah. Well, if you have a -- if you buy a house with a tainted well,

it should affect the value or --

P.O. TONNA:

Okay. Can I say something?

LEG. CARACAPPA:

-- The process of the buying of the home, if that's what you're asking.

LEG. ALDEN:

No, that's not.

LEG. CARACAPPA:

Okay.

P.O. TONNA:

Legislator Crecca, then Legislator Towle.

LEG. LEVY:

And myself.

00208

P.O. TONNA:

And then Legislator Levy. Okay? Legislator Crecca, you have the floor.

LEG. CRECCA:

Yeah. Legislator Levy, I heard you say you don't have a problem with Fred's bill being approved?

LEG. LEVY:

Right.

LEG. CRECCA:

All right. There's a motion by Legislator Guldi to approve 1900. To take it out of order, I should say. I'll second that motion. And the motion is to consider 1900 before considering this bill. Can we take a vote on that, Mr. Chairman?

P.O. TONNA:

We can take a vote on it, but right now, we have Legislator Towle.

LEG. TOWLE:

Yeah. I'll defer, because what I was going to suggest is that -- you know, I agree with Legislator Caracappa's concept, you know, but I think it did prevent and put some burdens on the Clerk's Office, as the Clerk has stated in the past, and I wanted to try to keep it intact as much as possible his intentions, and that's why the bill was where it is, so.

LEG. HALEY:

Vote.

P.O. TONNA:

Okay.

LEG. LEVY:

I just want to --

P.O. TONNA:

Great. Legislator Levy.

LEG. LEVY:

I just want to state for the record, it's fine with me to move on Legislator Towle's bill. As I had stated at the last meeting, I don't really care whether my name is on it. The only reason why I introduced the bill, because Legislator Towle originally had a bill and then it was withdrawn. And I wanted to have an option out there, so I put the bill in. Since then, he reintroduced his bill. I have no problem with that. I'll withdraw my motion and we'll vote on his bill.

LEG. GULDI:

Great. Motion to take 1900 out of order and approve, unless Legislator Towle want to make it. Motion to take 1900 out of order and approve.

LEG. FISHER:

Second.

00209

LEG. TOWLE:

Second it.

P.O. TONNA:

To take 1900 out of order and approve in one motion.

LEG. FOLEY:

No.

P.O. TONNA:

Can we do that, Legal Counsel?

MR. SABATINO:

First take it out of order. If it's successful to take it out of order, then you deal with it.

LEG. GULDI:

Why?

P.O. TONNA:

Let's take 1900 out of order. Legislator Guldi. Legislator Guldi, will you please do me a favor, can you -- you want to take -- motion to take it out of order by Legislator --

LEG. FISHER:

Second.

P.O. TONNA:

-- Guldi, seconded by Legislator Fisher. All in favor? Opposed?

LEG. BINDER:

Wait, wait. What is it? Oh, the well.

P.O. TONNA:

We're just --

LEG. CARPENTER:

Taking it out of order.

LEG. GULDI:

1900, Page 10.

P.O. TONNA:

Out of order.

LEG. FISHER:

Taking 1900 out of order.

MS. BURKHARDT:

It's on Page 10.

P.O. TONNA:

Fine. It's now in front of us. Is there a motion to approve by Legislator Guldi?

00210

LEG. TOWLE:

Motion to approve.

P.O. TONNA:

Motion to approve by Legislator Towle, second by Legislator Guldi. All in favor? Opposed?

LEG. CARACAPPA:

Opposed.

P.O. TONNA:

Opposed, Legislator Caracappa.

LEG. LEVY:

Henry, would you please withdraw 1899.

MR. BARTON:

Okay. The vote on 1900 is 17.

P.O. TONNA:

Okay. 1932 (Establishing Suffolk County sales tax policy for implementation of stable General Fund Property Taxes). It was a very good year.

LEG. LEVY:

And put me on as a cosponsor to 1900, please.

P.O. TONNA:

Okay. Legislator Haley, what do you want to do with this?

LEG. HALEY:

Table that one more time.

P.O. TONNA:

Tabled by Legislator Haley.

LEG. FISHER:

Second.

P.O. TONNA:

Seconded by myself. All in favor? Opposed? Tabled.

MR. BARTON:

18.

P.O. TONNA:

Okay, great. 1948 (Calling a Public Hearing upon a proposal to form Suffolk County Sewer District No. 24 - Yaphank in the Town of Brookhaven). Is there a motion?

LEG. LEVY:

Motion to approve.

P.O. TONNA:

Okay. Motion to approve by Legislator Levy, seconded by myself.

00211

LEG. TOWLE:

I want to make a motion to table 1948, actually.

LEG. LEVY:

Can I just ask, this is just a public hearing now.

LEG. TOWLE:

I know.

LEG. LEVY:

We're tabling --

LEG. TOWLE:

We're about to -- this is for the purpose of a public hearing to put in a south -- or a sewer district in the Yaphank community that I know nothing about, nor have I received any information, as the County Legislator who represents --

P.O. TONNA:

Well, that's why there's a public hearing.

LEG. TOWLE:

No. Big difference between educating the public and contacting a Legislator in a district where you're about to put a sewer treatment plant. All right?

LEG. FOLEY:

I'll second that motion. I'll second the motion to table. And on the

motion.

P.O. TONNA:

On the motion.

LEG. FOLEY:

On the motion.

P.O. TONNA:

On the motion. I just want to go first.

LEG. FOLEY:

Okay.

P.O. TONNA:

On the motion. I just -- a public hearing. Why shouldn't we have the public give input and listen to what's going on? To tell you quite honestly, I think --

LEG. TOWLE:

They should --

P.O. TONNA:

I think you should be able to have information. And I'm sure that if you're -- you know, if you request the information, they should cooperate with you and give you all the information that you need, as a Legislator and both a Legislator in that district, to vote on that issue. If you have any problem with that, I'd be glad to help you out,

00212

Legislator Towle. But I don't think it's such a good precedent -- a precedent for us to be able to table public hearings. I just -- I don't see that as a good precedent.

LEG. FOLEY:

If I may.

P.O. TONNA:

Okay. Legislator Foley, Guldi.

LEG. FOLEY:

Yeah.

LEG. TOWLE:

Add me to the list, too, I guess, since I'm the one that wants to table it.

LEG. FOLEY:

I had tabled it at the last meeting. And just to give a little history to this, this resolution came out of the Sewer Agency, of which I'm a member, along with Legislator Bishop, and, at that time, I had said to the Chair of the Committee, Commissioner Bartha, to make sure that he reaches out to Legislators in the impacted area, and also to reach out to the civic associations in the given area, as well, before a public hearing is held.

This kind of public hearing, Mr. Chairman, is different than our public hearings. Once we approve this and then a public hearing is held by the department, it doesn't come back to us. Once the public hearing is held, they can then move forward and create the district. So this is a different kind of public hearing than what we're used to doing within our Legislative body. There's no -- in essence, there's no other Legislative follow-up. Once we approve the public hearing, the agency will hold the public hearing, supposed to notify the Legislators in question, and then once the public hearing process is satisfied, the district is then created. So all the more reason why -- all the more reason why the Legislator --

LEG. TOWLE:

Towle.

LEG. FOLEY:

Towle's tabling resolution is in order, so that he can reach out to the Public Works Department to get chapter and verse on this before we vote on this at the December 5th meeting.

LEG. LEVY:

Point of inquiry, please, if we could ask Counsel to comment on that. I always thought it would come back to the Legislature.

MR. SABATINO:

Just to explain a little bit further on this process, setting the public hearing will be a hearing to be held by the County Legislature. Then there are subsequent actions that have to be taken by the Legislature to form the sewer district. However, there is precedent for Legislators not to set the public hearing at the initial request.

00213

It's happened at least in two occasions that I can recall. One was when former Presiding Officer Blydenburgh had a problem with the formation of a district here in Smithtown, and former Legislator Holst had a problem with the one that was going to be created at the Wind Watch. Because part of what Legislator Foley says is true, is that once you get the process in motion, it tends to take on a certain degree of momentum, and it can move the project a little bit faster than perhaps a Legislator wants in his or her district. But the hearing is actually held by the Legislature and there are some subsequent --

LEG. FOLEY:

I stand corrected.

LEG. TOWLE:

Mr. Chairman.

LEG. FOLEY:

I stand corrected.

LEG. TOWLE:

Mr. Chairman.

LEG. GULDI:

Mr. Chairman.

P.O. TONNA:

Okay. Legislator Guldi.

LEG. GULDI:

Yeah. I wanted to respond to your comments, Mr. Chairman, particularly with it's just a hearing, but, you know, why don't we go forward with it. And my concern is that before the Executive or any department head takes any initiative of any major scope in any of our districts, I think it's incumbent upon them to come to the Legislator in question and advise them of what they're doing, even if they're going to have vehement disagreement. But, certainly, as a matter of course, to not have the Legislator in the district be apprised of the project and its scope and the reasons for it before the legislation is filed in this body, much less before it comes to committee, before it comes up for a vote -- this has been here twice. If the Legislator in question hasn't been briefed by the department on it, I, for one, take umbrage at it and suggest that the department strongly bring the Legislator from the district on board and up to speed before they move this kind of thing forward.

MS. BURKHARDT:

Paul, Legislator Towle.

P.O. TONNA:

Okay, Legislator Towle.

LEG. GULDI:

Linda, why don't you just take over.

LEG. TOWLE:

Yeah. I just, as I said, I sat two weeks ago with the Commissioner of  
00214

Public Works and at no point did he mention to me about this proposed sewer district, and we went over about eight or nine other subjects in my Legislative district. In fact, the meeting was at my request to do that very thing. You know, I may not be opposed to this, but quite honestly, it's difficult to say that you support or oppose something when they have not even had the courtesy to run it by you. And I would ask --

LEG. LEVY:

Do you need more than two weeks?

LEG. TOWLE:

And I would ask --

LEG. LEVY:

Do you need more than two weeks? Will you need more than two weeks?

LEG. TOWLE:

No. I'll reach out to them tomorrow --

LEG. LEVY:

All right.

LEG. TOWLE:

-- to set up an appointment to go over it.

LEG. LEVY:

Fine.

LEG. TOWLE:

And, at that --

LEG. LEVY:

Fine.

LEG. TOWLE:

And, at that point, when we come back, I'll inform you as to what the outcome of that was.

LEG. LEVY:

I'll support you for two weeks.

LEG. TOWLE:

That was big of you. Thanks. When are you leaving? I'll table it to then.

LEG. LEVY:

I'll support you for -- I'll support you for two months.

LEG. FISHER:

Second on the tabling.

P.O. TONNA:

Okay. Motion to table.

00215

MS. FARRELL:

Got it.

MR. BARTON:

Got it.

LEG. FISHER:

Second.

P.O. TONNA:

There's a motion to table and a second.

MR. BARTON:

And a second.

P.O. TONNA:

All in favor? Opposed? Tabled.

MR. BARTON:

18.

LEG. CRECCA:

Opposed.

MR. BARTON:

17.

LEG. CRECCA:

Opposed.

P.O. TONNA:

Okay, opposed. Okay. We're on Number 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%) (CP5651).

LEG. FOLEY:

Motion.

P.O. TONNA:

Motion to approve --

LEG. CARACAPPA:

Second.

P.O. TONNA:

-- by Legislator Foley, seconded by Legislator -- Legislator Caracappa. All in -- oh roll call on the bond.

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

LEG. FOLEY:

Yes.

LEG. CARACAPPA:

Yes.

00216

LEG. CARACCIOLO:

I'm sorry.

LEG. CARACAPPA:

Bus shelters.

LEG. BISHOP:

A bond, yes.

LEG. CARACCIOLO:

Bus shelters, yes.

LEG. GULDI:

Yes.

LEG. TOWLE:

Yes.

LEG. FISHER:

Yes.

LEG. HALEY:

Yes.

LEG. FIELDS:

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

00217

P.O. TONNA:  
Yes.

MR. BARTON:  
18 on the bond.

P.O. TONNA:  
Great. Same motion, same second, same vote for --  
MR. BARTON:  
The companion resolution.

#### WAYS & MEANS

P.O. TONNA:  
19 -- right. Okay. We're at 1540. Let's try to -- this is how it works; okay? We are going to call a dinner break if, and only if, we really get bogged down. There are a number of people who would like to eat and take a break. I would like to try as best we can to move through this agenda. If we find ourselves bogged down, we're going to call a dinner break. Okay. You want to do the tax levy right now? Let's do the -- no?

MR. BARTON:  
It's entirely up to you, Mr. Chairman.

P.O. TONNA:  
Okay. Let's do the tax levies.

MR. BARTON:  
But we have to do it tonight.

P.O. TONNA:  
What?

MR. BARTON:  
We have to do it tonight.

P.O. TONNA:  
Let's do it now, then.

LEG. LEVY:  
Hold on.

P.O. TONNA:  
Okay?

LEG. LEVY:

Hold on.

P.O. TONNA:

What's the motion I make?

LEG. CRECCA:

Can we do a couple -- a couple of bills while we're waiting?

00218

MR. BARTON:

Give us one minute to pass them out.

P.O. TONNA:

Guys the rest of the stuff can fall apart, but we've got to get this done.

MR. BARTON:

Okay. Mr. Chairman, the first resolution --

P.O. TONNA:

Okay. Thank you.

MR. BARTON:

-- Introductory Resolution 2202, is to extend the time -- is to extend the time for the annexation of the warrant of the rolls. We're going to -- we're asking for December 15th. We do this every year.

P.O. TONNA:

Great. I'll make a motion, seconded by the Deputy Presiding Officer Levy. All in favor? Opposed? Approved.

MR. BARTON:

18.

P.O. TONNA:

Thank you. Next.

MR. BARTON:

Okay. The second one, Mr. Chairman, is (2203) to relevy the unpaid taxes --

P.O. TONNA:

I make a motion.

MR. BARTON:

-- that are not included in the tax lien.

P.O. TONNA:

Motion by myself, seconded by the Deputy Presiding Officer. All in favor? Opposed?

LEG. FISHER:

Excuse me, Henry.

MR. BARTON:

Yes.

LEG. FISHER:

Can you speak more loudly?

P.O. TONNA:

2203.

LEG. FISHER:

I can't hear you very well.

00219

MR. BARTON:

Okay.

P.O. TONNA:

Should I just make the other motions?

MR. BARTON:

On these, there were -- there are taxes that were not included in the tax lien, we have to carry them over. It certified to by the County Treasurer.

P.O. TONNA:

Great. Thank you. Okay. I.R. 2204. I'll --

MR. BARTON:

Mr. Chairman.

P.O. TONNA:

Yes.

MR. BARTON:

2203.

P.O. TONNA:

Oh, you have to call them out?

MR. BARTON:

You haven't called them.

P.O. TONNA:

Oh, 2203?

MR. BARTON:

I have a motion and a second.

P.O. TONNA:

Okay. All in favor? Opposed?

MR. BARTON:

18.

P.O. TONNA:

Fine. I.R. 2204 (Levying unpaid County Sewer Rents and Charges in Suffolk County Sewer District No. 3 - Southwest in the Towns of Babylon, Huntington and Islip). Motion by myself, seconded by Legislator Levy. All in favor? Opposed? Approved.

MR. BARTON:

18.

P.O. TONNA:

2205 (Levying unpaid County Sewer Rents and Charges Suffolk County Sewer District No. 13 (Wind Watch), Suffolk County Sewer District No. 14 (Parkland), Suffolk County Sewer District No. 15 (Nob Hill), Suffolk County Sewer District No. 18 (Hauppauge Industrial) and Suffolk County  
00220

Sewer District No. 22 (Hauppauge Municipal) in the Town of Islip).

Motion by I guess myself, seconded by Legislator Levy. All in favor?

Opposed?

MR. BARTON:

18.

P.O. TONNA:

How about same motion, same second, same vote?

LEG. CARPENTER:

That's a good idea.

P.O. TONNA:

No?

MR. BARTON:

18.

P.O. TONNA:

Do it? No? Okay.

LEG. FISHER:

I'll second it.

P.O. TONNA:

That's dangerous? Okay. We'll make a motion, 2206 (Levying unpaid County Sewer Rents and Charges in Suffolk County Sewer District No. 1 (Port Jefferson), Suffolk County Sewer District No. 7 (Medford), Suffolk County Sewer District No. 10 (Stony Brook), Suffolk County Sewer District No. 11 (Selden), Suffolk County Sewer District No. 14 (Parkland), Suffolk County Sewer District No. 19 (Haven Hills), Suffolk County Sewer District No. 20 (William Floyd) and Suffolk County Sewer District No. 23 (Coventry Manor) in the Town of Brookhaven), by myself, seconded by --

LEG. FISHER:

I'll second it.

P.O. TONNA:

-- Legislator Levy. All in favor? Opposed? Approved.

MR. BARTON:

18.

P.O. TONNA:

Okay. Number 2207 (Levying unpaid County Sewer Rents and Charges in Suffolk County Sewer District no. 6 (Kings Park), Suffolk County Sewer District No. 13 (Wind Watch), Suffolk County Sewer District no. 15 (Nob Hill), Suffolk County Sewer District No. 18 (Hauppauge Industrial), Suffolk County Sewer District No. 22 (Hauppauge Municipal), and Suffolk County Sewer District No. 28 (Fairfield @ St. James) in the Town of Smithtown), motion by myself, seconded by Legislator Levy. All in favor? Opposed?

00221

MR. BARTON:

18.

P.O. TONNA:

Number 2208 (Approving the return of the mandated fund balance of the General Fund and Police District Fund to the taxpayers of the towns of Suffolk County).

LEG. FOLEY:

Motion.

P.O. TONNA:

Motion by, okay, Legislator Foley, seconded by Legislator Levy. All in favor? Opposed?

MR. BARTON:

18.

P.O. TONNA:

Motion, 2209 (Approving the return of the discretionary fund balance of the General Fund and Police District Fund, and District Court District Fund to the taxpayers of the towns of Suffolk County).

LEG. CARPENTER:

Motion.

P.O. TONNA:

Motion by Legislator Carpenter, seconded by Legislator Levy. All in favor? Opposed?

MR. BARTON:

18.

P.O. TONNA:

Motion, 2210 (Determining equalized real property valuations for the assessment rolls of the several towns). Motion by Legislator

Caracciolo, seconded by myself.

LEG. BINDER:

Mr. Chairman.

P.O. TONNA:

All in favor? Opposed?

LEG. BINDER:

On 2210, what exactly is it? So what do you mean "determining"?

P.O. TONNA:

I'll leave that to our Clerk.

LEG. BINDER:

If you could just explain that.

P.O. TONNA:

Henry, this is why you make the big bucks.

00222

LEG. LEVY:

I thought it was determined by the State.

MR. BARTON:

Okay. This is -- we receive information each year from the State Office of Real Property Tax Service, and they establish for us the equalization rate for those districts that overlap between towns, and also the apportionment for the County-wide General Fund equalization rate based on valuation. --

LEG. BINDER:

So this just -- this just establishes that rate.

MR. BARTON:

It establishes that rate. This year we're going with the 1999 final rate.

LEG. BINDER:

Okay.

MR. BARTON:

And that's been concurred, ORPTS, BRO, myself and Legislative Counsel.

P.O. TONNA:

Okay. Motion to approve by I think it was Legislator Caracciolo, seconded by myself. All in favor? Opposed?

MR. BARTON:

18.

P.O. TONNA:

Okay. Number 2211 (Approving the tabulations of Town Charges and fixing the mandated tax levies and charges to the towns under the County Budget for fiscal year 2001). Motion by Legislator Guldi, seconded by Legislator Haley. All in favor?

LEG. BINDER:

Could I have an explanation?

P.O. TONNA:

Explanation.

MR. BARTON:

Okay. This is the County -- the County budget for the coming fiscal year. We separated it into discretionary and mandated tax levies, and this one I believe is the General Fund. Fred?

MR. POLLERT:

It's all three funds.

MR. BARTON:

It's all three funds, that's right.

MR. POLLERT:

It's the General Fund, the Community College Fund, and the Police District, just the mandated side of the budget.

00223

LEG. LEVY:

Mandated side.

MR. BARTON:

Just the mandated side, B, C and D.

P.O. TONNA:

Okay. All in favor? Opposed?

LEG. BINDER:

Opposed.

LEG. ALDEN:

Opposed.

LEG. LEVY:

Opposed.

P.O. TONNA:

Okay. Opposed, Legislator Binder and Legislator Alden.

LEG. LEVY:

And myself.

P.O. TONNA:

And Legislator Levy.

MR. BARTON:

15-3.

P.O. TONNA:

Okay, great. Where are we?

MR. BARTON:

Discretionary.

P.O. TONNA:

2212 (Fixing the discretionary tax levies and charges to the towns under the County Budget for Fiscal Year 2001)? Motion by myself, seconded by Legislator Fisher. All in favor? Opposed?

LEG. BINDER:

Opposed.

LEG. ALDEN:

Opposed.

LEG. LEVY:

Opposed.

P.O. TONNA:

Legislator Binder, Alden, Levy.

MR. BARTON:

15-3.

00224

P.O. TONNA:

Great. Number 2213 (approving and directing the levy of taxes and assessments for Sewer Districts of Suffolk County under the Discretionary Portion County Budget for Fiscal Year 2001. Towns of Brookhaven, Huntington, Smithtown).

LEG. HALEY:

Motion.

P.O. TONNA:

Motion by Legislator Haley, seconded by myself. All in favor?

Opposed?

MR. BARTON:

18.

P.O. TONNA:

Number 2214 (Affirming, confirming and adopting the assessment roll for S.C.S.D. No. 3 - Southwest and directing the discretionary levy of assessment and charges within the Towns of Babylon, Huntington, and Islip for the Southwest Sewer District in the County of Suffolk for Fiscal Year 2001). Motion by Legislator Bishop, seconded by Legislator Postal.

LEG. POSTAL:

On the question.

P.O. TONNA:

On the question.

LEG. POSTAL:

Could I just have an explanation of this? This is Southwest Sewer District No. 3?

MR. BARTON:

Yeah. Each year we held the public hearings to set the roll, and then it has to be approved by the County Legislature. We held those public hearings. The figures were reported to us by the Department of Public Works. There's no change in any rates that I'm aware of.

LEG. POSTAL:

Okay. So that this just has to do with the valuation of property in each of the various towns within the Southwest Sewer District.

MR. BARTON:

Yes, that's correct.

LEG. POSTAL:

Thank you.

P.O. TONNA:

Okay. All in favor? Opposed?

MR. BARTON:

18.

00225

P.O. TONNA:

Approved. Okay. Just I think we're all done with this.

LEG. BISHOP:

Mr. Chairman.

P.O. TONNA:

And I just wanted to say -- yeah.

LEG. BISHOP:

Just before we conclude, can I ask Budget Review Office, maybe Mr. Lipp? Mr. Lipp, could we get a concise, clear explanation as to why the tax increase or tax decrease is different from town to town? The question that every constituent will eventually ask us.

LEG. CARACCILO:

Equalization rates.

MR. POLLERT:

The reason that it's different from town to town is that each of the ten towns uses a different assessment rate. There have been changes in the equalization rates and also differences in growth in assessed valuation. So the relative wealth of each of the towns in comparison to last year has changed. Some of them have a larger portion of the tax pie, because they look relatively more wealthy. Some of them have

a smaller portion, because they have not had a large growth in assessed valuation or a large decrease in full equalized rates.

LEG. BISHOP:

So if you are -- if you are living in a town that has relatively smaller portion of the overall assessment by pie, then you benefit; is that correct?

MR. POLLERT:

That is correct.

LEG. BISHOP:

Okay. I think I understand. Thank you.

MS. BURKHARDT:

Okay. Back to the agenda.

LEG. FOLEY:

One other question. One other question.

LEG. FISHER:

Good, Linda.

LEG. CARACAPPA:

Motion.

LEG. FOLEY:

Just one other question. Fred. Fred. Through the Chair, over here.

00226

LEG. TOWLE:

Linda didn't recognize you.

LEG. FOLEY:

In the comparison of the 2000/2001, you had the combined fund breakdown for each town. However, what's not appended here, and if you could do it, is give us the breakdown on paper. Give us the breakdown by General Fund and by Police District. That would be helpful for each town

MR. POLLERT:

Yes, we can do that.

LEG. FOLEY:

Could you do that, please, before the -- would it be easy to do before the end of the evening? Is it possible, Robert?

MR. LIPP:

I'll have it back in ten minutes.

LEG. FOLEY:

Okay. Thank you. Thank you.

LEG. CARACAPPA:

Motion on 1540, Mr. Chairman.

LEG. FOLEY:

Thanks, Bob.

LEG. CARACAPPA:

Motion.

MS. BURKHARDT:

Mr. Chairman.

LEG. LEVY:

Resolution 1540, let's go.

MS. BURKHARDT:

Resolution 1540A.

LEG. FISHER:

Mr. Chairman.

P.O. TONNA:

Hold it a second. Where am I?

MS. BURKHARDT:

Legislator Fisher.

P.O. TONNA:

Yes, Legislator Fisher. I'm sorry.

LEG. FISHER:

1540, let's go.

00227

P.O. TONNA:

Oh, okay.

MS. FARRELL:

Roll call.

P.O. TONNA:

I'm sorry. 1540 (Amending the 2000 Capital Budget and Program by appropriating funds in connection with the Tax History component of the consolidated land records management system). Roll call.

MR. BARTON:

Motion.

MS. BURKHARDT:

Motion.

P.O. TONNA:

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

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

LEG. FISHER:

Yes.

LEG. TONNA:

Yes.

MR. BARTON:

Legislator Caracciolo.

LEG. CRECCA:

On the motion.

LEG. LEVY:

We're in the middle of a roll call.

LEG. CARACCIOLO:

I'm sorry. Yes.

LEG. GULDI:

Yes.

LEG. TOWLE:

Yes.

LEG. CARACAPPA:

Yes.

LEG. HALEY:

Yes.

LEG. FOLEY:

No.

00228

LEG. FIELDS:

Yes.

LEG. ALDEN:

No.

LEG. CARPENTER:

Yes.

LEG. CRECCA:

Pass.

LEG. D'ANDRE:

Yes.

LEG. BISHOP:

Yes.

LEG. POSTAL:

Yes.

LEG. BINDER:

No.

LEG. COOPER:

Yep.

LEG. LEVY:

Yes.

LEG. CRECCA:

One moment, please. Yes.

MR. BARTON:

15-3.

P.O. TONNA:

Fine. Okay. Same motion, same second, same vote. 19 (1900) we already approved.

LEG. LEVY:

1980.

P.O. TONNA:

Yes. 1980 (Authorizing waiver of interest and penalties for property tax for Orlandina Moleiro). Motion by myself, seconded by Legislator Caracappa. Or Legislator Caracappa, seconded by myself. All in favor? Opposed? Approved.

MR. BARTON:

18.

P.O. TONNA:

1981 (Authorizing waiver of interest and penalties for property tax for the estate of Tahir Deniz). Motion by Legislator Towle, seconded by Legislator Guldi. All in favor? Opposed?

00229

MR. BARTON:

18.

P.O. TONNA:

Okay. 20 -- 2004 (Authorizing waiver of interest and penalties for property tax for Harold and Doris Schnepf). Motion by Legislator Levy, seconded by myself.

LEG. BINDER:

Mr. Chairman, could I just ask if this meets -- I'm kidding. I'm kidding.

LEG. LEVY:

All three comply.

LEG. ALDEN:

Does it meet it, Steve?

P.O. TONNA:

What's the tax impact?

LEG. LEVY:

The last three.

P.O. TONNA:

Okay.

LEG. LEVY:  
All of them did, which is unique. All three of them complied.

P.O. TONNA:  
All in favor? Opposed?

LEG. BISHOP:  
Excellent. It keeps us moving.

MR. BARTON:  
18.

P.O. TONNA:  
2009 (Approving the reappointment of Rachel Davis as a member of the  
Suffolk County Human Rights Commissioner).

LEG. CARPENTER:  
Motion.

P.O. TONNA:  
Motion by myself, seconded by?

LEG. CARPENTER:  
Second.

P.O. TONNA:  
Legislator Postal?

00230

LEG. POSTAL:  
Yeah.

P.O. TONNA:  
Okay. All in favor? Opposed?

MR. BARTON:  
18.

LEG. BISHOP:  
Same motion, same second, same vote.

P.O. TONNA:  
Okay. Same motion -- can we do that on these?

LEG. LEVY:  
Yes.

LEG. CARPENTER:  
Yes.

LEG. GULDI:  
Yeah, come on.

LEG. LEVY:  
Yes.

P.O. TONNA:  
Okay. There's other people who want to --

LEG. BISHOP:  
Oh, come on.

P.O. TONNA:  
Okay.

LEG. POSTAL:  
Okay.

P.O. TONNA:  
Same motion --

LEG. LEVY:  
Who cares.

P.O. TONNA:  
-- same second, same vote on 2010 (Approving the reappointment of Alice  
T. Cone as a member of the Suffolk County Human Rights Commission).

MR. BARTON:

18.

P.O. TONNA:

Okay. 2011 (Approving the reappointment of Patricia Hill Williams as a member of the Suffolk County Human Rights Commission).

00231

LEG. CARPENTER:

Motion.

P.O. TONNA:

Same motion, same second, same vote.

MR. BARTON:

18.

P.O. TONNA:

2012 (Approving the reappointment of Rajeshwar Prasad as a member of the Suffolk Human Rights Commissioner) is withdrawn.

LEG. GULDI:

Why?

LEG. CARPENTER:

Why?

MS. ROSENBERG:

It will be withdrawn.

MS. BURKHARDT:

The County Executive's Office made technical error.

P.O. TONNA:

There's a technical error.

LEG. BISHOP:

Motion to table.

LEG. CARPENTER:

The guy came and spoke.

P.O. TONNA:

No. It's withdrawn.

LEG. LEVY:

Withdrawn.

LEG. CARPENTER:

He came and spoke at the committee. What was the --

P.O. TONNA:

Wait. Are you withdrawing the resolution or not?

LEG. CARPENTER:

Why?

MS. ROSENBERG:

We found out he's appointed through 2001, so his term is still intact.

LEG. LEVY:

It's irrelevant. Thank you.

00232

P.O. TONNA:

Okay. 2013 (Approving the reappointment of Jayson Choi as a member of the Suffolk County Human Rights Commission). Motion by -- who wants to do this one?

LEG. LEVY:

Same motion, same second.

P.O. TONNA:

All right. No, there -- no, you can't.

LEG. LEVY:

Motion by myself.

LEG. FOLEY:

Second the motion.

P.O. TONNA:

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

Approved.

MR. BARTON:

18.

P.O. TONNA:

2078 (Authorizing the New York State Commissioner for the Blind and Visually Handicapped to operate a vending facility at the H. Lee Dennison Building). Motion by Legislator Postal.

LEG. BISHOP:

Second.

P.O. TONNA:

Seconded by Legislator Bishop.

LEG. TOWLE:

Explanation.

P.O. TONNA:

All in favor? Opposed? Approved.

LEG. BISHOP:

Come on.

P.O. TONNA:

2079.

MR. BARTON:

18.

P.O. TONNA:

(2079-Appropriating funds for the construction of a document Library in the County Clerk's Office). Roll call. Oh, motion by myself.

LEG. FISHER:

Oh, wait. Somebody asked to be --

00233

LEG. BISHOP:

Second by Levy.

LEG. TOWLE:

Explanation.

LEG. BISHOP:

Keep it moving.

P.O. TONNA:

Explanation on what, Fred?

LEG. LEVY:

2078.

P.O. TONNA:

I can't hear you back there.

LEG. LEVY:

He did say it.

LEG. TOWLE:

2078.

P.O. TONNA:

Okay, Fred. Fred, I would ask that if you're going -- if you're going to ask to ask for an explanation, can you just sit up here, so that I can see you and so that you can speak into the microphone?

LEG. TOWLE:

Glad you missed me. 2078, I just wanted an explanation.

P.O. TONNA:

All right. Mr. Sabatino, can you explain this?

MR. SABATINO:

Yeah. It would authorize a ten-year license agreement to basically sell food in the Dennison Building where we just left. The list of foods are all attached as backup.

LEG. GULDI:

Are you getting beer?

MR. SABATINO:

No alcoholic beverages or tobacco products can be sold.

LEG. BINDER:

Oh, they're not selling cigarettes. Good.

LEG. FOLEY:

They operate -- they operate the State Office Building cafeteria; is that not correct?

MR. SABATINO:

It's the same organization.

00234

LEG. FOLEY:

Yeah.

MR. SABATINO:

But now they'll be doing it in the Dennison Building.

LEG. FOLEY:

In both, yeah.

MR. SABATINO:

It already is approved.

LEG. FOLEY:

Right. They already have experience, Mr. Chairman, of doing this work in the State Office Building and now --

LEG. GULDI:

It's already approved.

P.O. TONNA:

All right, fine. A motion and a second. Roll call.

MR. BARTON:

No second.

P.O. TONNA:

Second by Legislator Fields. Roll call.

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

LEG. TONNA:

Yes.

LEG. FIELDS:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. GULDI:

Yes.

LEG. TOWLE:

Yes. Cosponsor.

LEG. CARACAPPA:

Yep.

LEG. FISHER:

Yes.

LEG. HALEY:  
Yes.

00235

LEG. FOLEY:  
Yes.

LEG. ALDEN:  
Pass.

LEG. CARPENTER:  
Yes.

LEG. CRECCA:  
Yes.

LEG. D'ANDRE:  
Yes.

LEG. BISHOP:  
Yes.

LEG. POSTAL:  
Yes.

LEG. BINDER:  
Yes.

LEG. COOPER:  
Yes.

LEG. LEVY:  
Yes.

LEG. ALDEN:  
No.

MR. BARTON:  
17-1 on the bond.

#### ENERGY & ENVIRONMENT

P.O. TONNA:

Okay. Energy and Environment, 19 -- oh, same motion, same second, same vote. 1984 (To establish pilot "Green Parks" Fuel Conservation Program at County Department of Parks, Recreation and Conservation for Blydenburgh County Park).

LEG. CRECCA:

Motion to approve.

P.O. TONNA:

Motion to approve by Legislator Crecca.

LEG. FISHER:

Second.

LEG. CARPENTER:

Second.

00236

P.O. TONNA:

Second by Legislator Fisher. All in favor? Opposed? Approved.

MR. BARTON:

18.

P.O. TONNA:

Okay. 2015.

LEG. LEVY:

Same motion, same second. Same motion.

P.O. TONNA:

2015 (Making a SEQRA Determination in connection with the proposed transfer of 1.7 acres of real property owned by the United States to

Suffolk County Department of Parks at Southaven County Park, Town of Brookhaven).

LEG. GULDI:

Motion.

P.O. TONNA:

Is there a motion? Let's get one and then we'll go down.

LEG. GULDI:

Motion.

P.O. TONNA:

By Legislator Guldi, seconded by Legislator Caracappa. All in favor?

Opposed? Approved. 2016.

MR. BARTON:

18.

P.O. TONNA:

(2016-Making a SEQRA Determination in connection with the proposed mobile data network use of radio towers, Towns of Southampton, Southold and East Hampton). Same motion, same second, same vote.

MR. BARTON:

18.

P.O. TONNA:

2017 (Making a SEQRA Determination in connection with the proposed improvements to exterior lighting at various County facilities). Same motion, same second, same vote.

MR. BARTON:

18.

P.O. TONNA:

2018 (Making a SEQRA Determination in connection with the proposed construction of a sanitary facility at Cathedral Pines County Park, Middle Island, Town of Brookhaven). Same motion, same second, same vote.

00237

MR. BARTON:

18.

P.O. TONNA:

2019 (Making a SEQRA Determination in connection with the proposed reconstruction of CR 2, Straight Path, from the vicinity of Grand Boulevard to Old County Road, Phase II, revised, Wyandanch, Town of Babylon). Same motion, same second, same vote.

MR. BARTON:

18.

P.O. TONNA:

2020 (Making a SEQRA Determination in connection with the proposed greenhouse finfish hatchery, Town of Southold). Same motion, same second, same vote.

MR. BARTON:

18.

P.O. TONNA:

2021 (Making a SEQRA Determination in connection with the proposed construction of a utility building at Shinnecock Marina, Hampton Bays, Town of Southampton). Same motion, same second, same vote.

MR. BARTON:

18.

P.O. TONNA:

2022 (Making a SEQRA Determination in connection with the proposed replacement of approximately 850 feet of bulkhead at Timber Point County Park, Great River, Town of Islip). Same motion, same second, same vote.

MR. BARTON:

18.

P.O. TONNA:

Yes?

MR. BARTON:

Yes, 18.

P.O. TONNA:

2023 (Appointing Ginny A. Fields as a member of the Suffolk County Soil and Water Conservation District). I'll make -- Legislator Foley will make a motion, I'll second it.

LEG. ALDEN:

On the motion.

P.O. TONNA:

On the motion.

LEG. ALDEN:

Where's the --

00238

LEG. FOLEY:

Which resolution?

LEG. LEVY:

Fiscal impact.

LEG. GULDI:

Fiscal impact, fiscal impact. Where's the fiscal impact?

LEG. ALDEN:

Where's the availability of appointments to be made to these things and

--

P.O. TONNA:

Legislator -- Legislator Alden has the floor.

LEG. FOLEY:

Yeah. On the --

P.O. TONNA:

And Legislator Fields --

LEG. FOLEY:

What's the question?

P.O. TONNA:

-- I think you probably want to look at this.

LEG. ALDEN:

I'd like to find out -- actually, I'd like a list of all the available appointments that could be made to this board and any other board before I vote on this.

LEG. FOLEY:

Okay.

LEG. ALDEN:

I'd like to see this tabled.

LEG. FOLEY:

Well --

P.O. TONNA:

Can I say one thing, just before --

LEG. FOLEY:

Go ahead.

P.O. TONNA:

-- you go on to the boards. One of the things that I've undertaken -- is Ellen Martin here, Boards and Commissions? Okay. We've been trying to get a hold of this for now how many months, on every single available board, vacancies, and everything else. So I want you to know, we're putting a system together. That you want this, I want it, too. It's already been about 11 months worth of trying to get every

00239

single position, every single availability. Half these board and commissions aren't even viable anymore, as far as, you know, providing any governmental need. That's a very, very tall order, Legislator Alden, with regard to all boards and commissions. On this one, I think we can help you.

LEG. ALDEN:

We have to make appointments. And the second thing, and I'm going to renew this, this not a new request on my part, I really take great exception to the fact that, you know, like I'm asked to vote on stuff that came out of committee and I have not seen the committee reports. So the scheduling has to be -- I believe has to be changed.

LEG. FOLEY:

Mr. Chairman, if I may.

P.O. TONNA:

Okay.

LEG. FOLEY:

This is a -- one of the boards that actually does -- does do some very important work, particularly for the agricultural community on the Twin Forks. For a very long time, Mr. Chairman -- Mr. Chairman.

P.O. TONNA:

Yeah.

LEG. FOLEY:

Could I have the attention of my colleagues here? For too long a period of time, we have had no, for lack of a better description, female representation on this particular advisory board. And there is

--

LEG. HALEY:

For lack of a better description?

LEG. FOLEY:

Let me just finish. There's a need -- it's in the rules that there needs to be both -- well, from what I understand, from what the board has told me, they need to have both men as well as women represented on this particular board, and we've endeavored for a long period of time to have a woman, a member of this board and to no success until now. To the credit of Legislator Fields, who has a -- the background that would dovetail nicely with this particular board, she has volunteered her name to be a member of this particular committee.

LEG. ALDEN:

I have a question on that statement. Is that part of the official criteria, that somebody has to be a female --

LEG. FOLEY:

No.

LEG. ALDEN:

-- to be on there?

00240

LEG. FOLEY:

Well, no. My understanding is there needs to be a mix, and that's what I was told by the other members of the District Board.

LEG. LEVY:

Mr. Chairman, I think Legislator Caracciolo was once a member of this board.

LEG. CARACAPPA:

Legislator D'Andre as well.

LEG. GULDI:

Legislator Blass in the past was a member of this board.

P.O. TONNA:

Okay. Can I --

LEG. LEVY:

And Legislator Foley.

P.O. TONNA:

Can I just mention one thing? Can we just go -- Legislator Alden asked questions. We have now Legislator Foley. Does anybody else want to say anything?

LEG. CRECCA:

I do.

P.O. TONNA:

Legislator Crecca.

LEG. CRECCA:

I just have a question, and it's not directed at Legislator Fields, but, I don't know, it seems a little odd to put a Legislator on this type of commission normally. Actually --

P.O. TONNA:

The statute calls for two Legislators.

LEG. CRECCA:

Oh, it does.

LEG. FOLEY:

Yeah.

LEG. CRECCA:

Okay. That's why I was asking. So I wasn't --

LEG. ALDEN:

That's why you need the list.

LEG. CRECCA:

Yeah. I just was -- that's why I was asking. We don't normally appoint Legislators.

00241

P.O. TONNA:

Okay. All in favor? Opposed?

LEG. ALDEN:

Abstain.

LEG. HALEY:

Abstain.

LEG. FIELDS:

Abstain.

LEG. BINDER:

Abstain.

P.O. TONNA:

Okay. We've got Legislator Binder, Legislator Alden, and Legislator

Fields abstaining.  
MS. FARRELL:  
And Legislator Haley.  
P.O. TONNA:  
And Legislator Haley.  
MR. BARTON:  
14-4 abstentions.  
LEG. CRECCA:  
Abstain.  
P.O. TONNA:  
There we go. Okay.  
MR. BARTON:  
13, 5 abstentions.

PUBLIC SAFETY

P.O. TONNA:  
We're into Public Safety. 1979. Phones, I would ask all Legislators  
to shut those phones off.  
LEG. GULDI:  
No.  
P.O. TONNA:  
I'm going to censor somebody, or censure, censure. 1979 (Increasing  
amount of Deputy Sheriff Advance Fund). Is there a motion?  
LEG. POSTAL:  
Motion.  
P.O. TONNA:  
By Legislator --

00242

LEG. POSTAL:  
Caracciolo.  
P.O. TONNA:  
Caracciolo?  
LEG. CARACCIOLO:  
Yes.  
P.O. TONNA:  
Is there a motion --  
LEG. CARACCIOLO:  
Yes.  
P.O. TONNA:  
-- with your bill? Fine. Is there a second?  
LEG. POSTAL:  
Second.  
LEG. HALEY:  
Second.  
LEG. TOWLE:  
Explanation.  
P.O. TONNA:  
Second by Legislator Postal.  
LEG. TOWLE:  
Explanation.  
P.O. TONNA:  
Explanation.  
LEG. POSTAL:  
Mr. Chairman, if you want.

P.O. TONNA:

Yes, please give the explanation, Legislator Postal.

LEG. POSTAL:

Mr. Sabatino.

P.O. TONNA:

Go ahead.

MR. SABATINO:

The travel account would be increased from 10,000 to 15,000. The last time it was changed was 1991. This is when they have to transport prisoners across County lines.

LEG. FISHER:

Second the motion.

00243

P.O. TONNA:

Okay. All in favor? Opposed? Approved. Okay.

MR. BARTON:

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

P.O. TONNA:

All right. 1990 (Appropriating funds in connection with the purchase of emergency backup generator for Special Patrol Bureau-Suffolk County Police Department). Motion by myself, seconded by --

LEG. CARPENTER:

Second. Second.

P.O. TONNA:

Legislator Carpenter. Could we roll call?

LEG. TOWLE:

Mr. Chairman.

P.O. TONNA:

Yes. Who's "Mr. Chairman"?

LEG. TOWLE:

That's me.

P.O. TONNA:

Yes.

LEG. TOWLE:

Sorry about that. Jim, could I trouble you for a second on this one?

Jim? Jim?

LEG. FISHER:

Hello.

LEG. TOWLE:

The cost of the generator --

LEG. GULDI:

1990?

LEG. TOWLE:

Yeah, 1990. I'm sorry. It's an emergency generator, a backup generator for the Special Patrol Bureau. What's the cost of the generator, and what is it going to cost us, since we're bonding it?

MR. SPERO:

It's \$110,000 if it was bonded for a period of ten years. You could add about 50% to the cost, so it would be about 175,000.

LEG. TOWLE:

For a backup generator.

MR. SPERO:

In total, correct.

00244

LEG. ALDEN:

On the motion.

LEG. CRECCA:

A question on the motion.

P.O. TONNA:

Yes. On the motion, Legislator Crecca.

LEG. CRECCA:

Yeah.

LEG. TOWLE:

I want to make a motion to table.

LEG. CRECCA:

Jim. Jim, I'm looking at the back -- I'm over here, Jim, 12. On the backup to the -- on the backup to the motion, in my packet it shows it's only being bonded over five years; is that correct or --

MR. SPERO:

If it was bonded for a five-year period, the debt service would be about 25% above the -- above the cost..

LEG. CRECCA:

Yeah, because it shows at 129,000 and change. So is it possible this is only being bonded five years?

LEG. FOLEY:

Yes.

MR. SPERO:

Yeah, it's possible. I'm not sure. I'd have to check the Local Finance Law the check the useful life.

LEG. FOLEY:

It's in the backup, a five-year bond.

LEG. GULDI:

On the motion. Could somebody tell me what we're providing backup power for? What devices, buildings, and what we need them for? Can somebody tell me what the subject matter of the resolution is? I'm just looking -- does anybody have the information?

MR. SPERO:

This is for the two buildings over at MacArthur Airport at the hangar and the Special Patrol Building.

LEG. CARACAPPA:

Oh, that's all you have to say.

LEG. GULDI:

So this -- hold on.

00245

LEG. TOWLE:

Hey, hold on.

LEG. GULDI:

In addition to the \$600,000 renovation project, we're going to drop another buck and a quarter roughly on a backup generator to keep the lights on.

MR. SPERO:

That's right. The current emergency generator is not powerful enough to power both buildings in a power -- in an outage.

LEG. GULDI:

Well, if the lighting goes off at the facility, don't the runway lights and the control tower go off anyway? Do those have backup power?

MR. SPERO:

This is not to run those.

LEG. GULDI:

Yeah. What good is it to have your lights on if those are off?

LEG. TOWLE:

It's to run the lights in the bathroom.

P.O. TONNA:

Legislator Guldi, if anybody knows about airport operations, it's probably you. So I don't know if Jim in Budget Review went through airport operations school, but a backup generator is a lot different than I think dealing with the functionality of the department, rather than the bathrooms and the planning money. I think there is a substantive difference.

LEG. TOWLE:

Mr. Chairman.

P.O. TONNA:

Yes, Legislator Towle.

LEG. TOWLE:

There's a pretty big substantive difference, actually. Jim, what is the status of the building we're in, since we don't own the building? You know, we're leasing the building from the Town of Islip, if I'm not mistaken.

MR. SPERO:

Well, we built the building on land owned by the Town of Islip, and at the end of the -- we have a land lease with the Town of Islip for a de minimus, like a dollar a year, or something like that. At the end of 25 years, that lease will expire, and the building, technically, will be turned over to the Town of Islip, unless it's presumed that at that point in time the lease would be renewed and the County could consider using the facility.

LEG. TOWLE:

What is that year that the building --

00246

MR. SPERO:

I think we have like five or six more years to go on the lease.

LEG. TOWLE:

Okay. So we're contemplating, or we contemplated earlier spending almost \$700,000 on bathrooms for a building that we may not be in in five years, and now we're going to spend 130 or 140,000 on a generator tonight. Okay.

P.O. TONNA:

All right. There's a motion and a second to approve, am I correct?

LEG. TOWLE:

I also made a motion to table. I don't want to approve this.

P.O. TONNA:

Okay. Is there a second? Who's the second?

LEG. GULDI:

Second.

P.O. TONNA:

Okay. All right. There's a motion and a second to table. Roll call on the -- you know, all in favor -- well, let's roll call. Go ahead.

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

LEG. TOWLE:

Yes.  
LEG. GULDI:  
Yes.  
LEG. CARACCIOLO:  
Yes.  
LEG. CARACAPPA:  
Yep.  
LEG. FISHER:  
Pass.  
LEG. HALEY:  
No.  
LEG. FOLEY:  
Pass.  
LEG. FIELDS:  
Pass.  
LEG. ALDEN:  
Yes to table.

00247

LEG. CARPENTER:  
No.  
LEG. CRECCA:  
Pass.  
LEG. D'ANDRE:  
No to table.  
LEG. BISHOP:  
No to table.  
LEG. POSTAL:  
No.  
LEG. BINDER:  
Yes.  
LEG. COOPER:  
No.  
LEG. LEVY:  
Yes.  
LEG. TONNA:  
No.  
LEG. FISHER:  
No.  
LEG. FOLEY:  
Yes to table.  
LEG. FIELDS:  
Yes.  
LEG. CRECCA:  
Yeah.  
MR. BARTON:  
Ten.  
P.O. TONNA:  
Ten to table. Okay. Number 2071 (Amending the 2000 Capital Budget and Program by appropriating funds in connection with the purchase of a refrigeration truck for the Suffolk County Sheriff's Office). Is there a motion?  
LEG. CARACAPPA:  
Motion. .

LEG. TOWLE:

Second.

P.O. TONNA:

Motion by? Okay. Motion by Legislator Caracappa, second by Legislator  
00248

Towle. All in favor? Opposed? Approved. (Vote: 18)

JUDICIARY

Okay. Judiciary Committee. 2081 (Confirming the appointment of William J. Burke, III District Court Judge for and of the Sixth District Court to fill a term ending December 31, 2001). I'll make a motion.

LEG. TOWLE:

Mr. Chairman. Mr. Chairman.

LEG. CARACAPPA:

Was there a bonding resolution?

LEG. TOWLE:

Should it -- yeah, on 2071, was there a bonding resolution for that?

P.O. TONNA:

Not that I have.

MR. SABATINO:

No. That was Pay As You Go Money.

LEG. TOWLE:

Great.

MR. SABATINO:

Pay As You Go Money.

LEG. TOWLE:

Great.

MR. SABATINO:

Don't need to bond that.

LEG. TOWLE:

That's great. The way you should do it.

P.O. TONNA:

2081, I'll make a motion to approve, seconded by Legislator Crecca.

MR. BARTON:

2071 was 18.

P.O. TONNA:

On the motion, I just want to say, Bill, you had the right haircut, I just want you to know; okay?

LEG. CRECCA:

And Bill has been here since about I think 9:30 this morning waiting patiently.

P.O. TONNA:

All right. Great.

00249

LEG. CRECCA:

So thank you, Bill.

LEG. GULDI:

Yeah, but it's the last time he'll have been here since 9:30 morning.

P.O. TONNA:

Okay, great.

LEG. BINDER:

This went through committee, right?

P.O. TONNA:

Now, I just want to ask you, Bill, do you have any daughters that are

lawyers, or sons, or anything like that? Because I'm sure we'll see them through the District Attorney's Office coming through, you know, in a couple of years. Anyway, okay. All in favor? Opposed? Approved.

MR. BARTON:

18.

LEG. FOLEY:

Mr. Chairman.

LEG. BISHOP:

On the motion.

LEG. FOLEY:

Mr. Chairman.

LEG. BISHOP:

On the motion, Mr. Chairman.

LEG. FOLEY:

Mr. Chairman.

P.O. TONNA:

Yes.

LEG. BISHOP:

Mr. Chairman, on the motion.

LEG. FOLEY:

Before we -- before we move --

LEG. BISHOP:

Before you call the question.

LEG. FOLEY:

Before we move ahead.

P.O. TONNA:

On the Bill Burke?

LEG. FOLEY:

Mr. Chairman.

00250

P.O. TONNA:

Okay. Hold it a second. I spoke out too quickly. Don't call out a vote.

LEG. FOLEY:

Mr. Chairman.

P.O. TONNA:

I spoke out too quickly. It's -- made a motion by myself, seconded by Legislator Crecca. On the motion?

LEG. BISHOP:

On the motion.

P.O. TONNA:

Guys, tell me when not -- tell me when you need to speak.

LEG. BISHOP:

I think that if you review the record over the years that the -- that I've been here, that the Minority Party traditionally abstains on these, because we're not part of the selection process.

LEG. LEVY:

That's not true, you abstained.

LEG. BISHOP:

However, given that most of us here have worked with Mr. Burke for, how many years, many years, depending on how many years we've served, in my case, seven years, I would urge my colleagues not to abstain.

LEG. LEVY:

Okay.

P.O. TONNA:

All right. There we go.

LEG. BISHOP:

Well, no. And I'll tell you why it's an issue.

LEG. LEVY:

All right.

LEG. BISHOP:

Steve, I'll tell you why it's an issue. Because when they come up for re-election, then they say, well, they were supported bipartisanly.

And, maybe, perhaps you don't want to be in that position.

LEG. HALEY:

Oh, God forbid.

P.O. TONNA:

Legislator Haley, are you -- are you now a believer in bipartisan -- you know, I just wanted to know. Because if you're changing --

00251

LEG. HALEY:

Absolutely not.

P.O. TONNA:

-- your colors, I would love to see it.

LEG. GULDI:

On the motion. I have another reason that should not abstain, Legislator Bishop.

P.O. TONNA:

Okay, go ahead.

LEG. GULDI:

And that is that it will bother him if we vote for him.

P.O. TONNA:

Yeah, right.

LEG. CARPENTER:

Roll call.

P.O. TONNA:

Okay. All in favor? Opposed?

LEG. CARPENTER:

Roll call.

P.O. TONNA:

You want the roll call?

LEG. CARPENTER:

Yes.

P.O. TONNA:

Roll call. Roll call.

LEG. LEVY:

You don't need a roll call.

P.O. TONNA:

Hey, Legislator Carpenter asked for the roll call, she gets.

LEG. CARPENTER:

I think he deserves it.

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

P.O. TONNA:

Yes.

LEG. CARPENTER:

He deserves it.

LEG. CRECCA:  
Yes.

00252

LEG. CARACCIOLO:  
Yes.

LEG. GULDI:  
The motion -- this is the motion to approve?

LEG. CARPENTER:  
Yes.

LEG. GULDI:  
Yes, to approve.

LEG. TOWLE:  
Yes.

LEG. CARACAPPA:  
Yes.

LEG. FISHER:  
Yes.

LEG. HALEY:  
Yes.

LEG. FOLEY:  
Yes.

LEG. FIELDS:  
Yes.

LEG. ALDEN:  
Yes.

LEG. CARPENTER:  
Yes.

LEG. D'ANDRE:  
Yes. I'm going to miss him.

LEG. BISHOP:  
Yes.

LEG. POSTAL:  
Yes.

LEG. BINDER:  
Yes.

LEG. COOPER:  
Yes.

LEG. LEVY:  
Pass. No, yes. I'm only kidding.

00253

MR. BARTON:  
He's still 18.

P.O. TONNA:  
Okay. Congratulations. You can put now on your literature --

LEG. CARPENTER:  
Roll call vote.

P.O. TONNA:  
-- when you do run, that you have been -- you have been -- you had met  
the --

LEG. CARPENTER:  
Confirmed unanimously roll call.

P.O. TONNA:  
-- Good Housekeeping seal from a bipartisan group.

LEG. LEVY:

And endorsed by Legislator Bishop.  
(Applause)

P.O. TONNA:

We'll tell you where we're going out to drink afterwards. We know they're on you.

LEG. CARPENTER:

Yes.

P.O. TONNA:

Okay.

LEG. CARPENTER:

And it better not be Pepsi.

LEG. BISHOP:

You'll fair better than Gary Brunjes --

LEG. GULDI:

Bill, I just want you to know that this reflects the extent of which we will go to get rid of you.

P.O. TONNA:

Okay.

LEG. LEVY:

You're going to get vetoed, I hate to tell you.

P.O. TONNA:

All right. Yeah, that would be something.

#### HEALTH

Okay. Health. 1989 (Accepting and appropriating 94.0% Federal grant  
00254

funds from the New York State Department of Health to the Department of Health Services for the Childhood Lead Poisoning Program). Is there a motion?

LEG. FIELDS:

Motion to approve.

P.O. TONNA:

Motion by Legislator --

LEG. FIELDS:

Fields.

P.O. TONNA:

Fields, seconded by Legislator Fisher. All in favor? Opposed?

Approved.

MR. BARTON:

18.

#### PARKS, LAND ACQUISITION & CULTURAL AFFAIRS

P.O. TONNA:

Parks. 1982 (Authorizing the acquisition of development rights to Farmlands by the County of Suffolk, of Delalio property, Town of Brookhaven (S.C.T.M. 0200-593.00-1.00-009.000). Motion by Legislator Caracciolo, seconded by Legislator Fisher. All in favor? Opposed? Approved.

MR. BARTON:

18.

P.O. TONNA:

1983 (Authorizing the acquisition of development rights to Farmlands by the County of Suffolk, of Delalio property, Town of Brookhaven (S.C.T.M. 0200-593.00-1.00-010.000). Motion by Legislator Caracciolo,

seconded by Legislator Fisher. All in favor? Opposed? Approved.

MR. BARTON:

18.

P.O. TONNA:

Okay. 1992 (Appropriating funds in connection with improvements and lighting at County Parks). Roll call on the bond.

MS. BURKHARDT:

Motion to approve.

P.O. TONNA:

Motion to approve, seconded by Legislator Fisher. Roll call.

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

LEG. TONNA:

Yes.

00255

LEG. FISHER:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. GULDI:

Yes.

LEG. TOWLE:

Yes.

LEG. CARACAPPA:

Yep.

LEG. HALEY:

Yes.

LEG. FOLEY:

Yes.

LEG. FIELDS:

Yes.

LEG. ALDEN:

Yes.

LEG. CARPENTER:

Yes.

LEG. CRECCA:

Yes.

LEG. D'ANDRE:

Yes.

LEG. BISHOP:

Yes.

LEG. POSTAL:

Yes.

LEG. BINDER:

Yes.

LEG. COOPER:

Yes.

LEG. LEVY:

Yes.

MR. BARTON:

18 on the bond.

P.O. TONNA:

Okay. Same motion, same second, same vote.

00256

LEG. LEVY:  
Tell him not to say Legislator.  
P.O. TONNA:  
1993 (Appropriating funds for the acquisition of certain environmentally sensitive parcels of land under the Suffolk County Open Space Preservation Program). Yeah, just the last names.  
MR. BARTON:  
Okay.  
P.O. TONNA:  
1993, motion by myself.  
LEG. COOPER:  
Second.  
P.O. TONNA:  
Second by Legislator Fisher.  
LEG. FISHER:  
Sorry. I wasn't paying attention.  
P.O. TONNA:  
Roll call.  
(\*Roll Called by Mr. Barton\*)  
P.O. TONNA:  
Yes.  
LEG. FISHER:  
Yes.  
LEG. CARACCIOLO:  
Yes.  
LEG. GULDI:  
Yes.  
LEG. TOWLE:  
Yes.  
LEG. CARACAPPA:  
Yes.  
LEG. HALEY:  
Yes.  
LEG. FOLEY:  
Yes.  
LEG. FIELDS:  
Yes.  
  
LEG. ALDEN:  
Yes.  
LEG. CARPENTER:  
Yes.  
LEG. CRECCA:  
Yes.  
LEG. D'ANDRE:  
Yes.  
LEG. BISHOP:  
Yes.  
LEG. POSTAL:  
Yes.  
LEG. BINDER:  
Yes.  
LEG. COOPER:

00257

Yes.

LEG. LEVY:

Yes.

MR. BARTON:

18 on the bond.

P.O. TONNA:

Same motion, same second, same vote. 1994 (Appropriating funds in connection with the Land Preservation Partnership with the Suffolk County Towns). Motion by Legislator Fisher, seconded by myself.

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

LEG. FISHER:

Yes.

P.O. TONNA:

Yep.

LEG. CARACCIOLO:

Yes.

LEG. GULDI:

Yes.

LEG. TOWLE:

Yes.

LEG. CARACAPPA:

Yep.

00258

LEG. HALEY:

Yes.

LEG. FOLEY:

Yes.

LEG. FIELDS:

Yes.

LEG. ALDEN:

Yes.

LEG. CARPENTER:

Yes.

LEG. CRECCA:

Yes.

LEG. D'ANDRE:

Yes.

LEG. BISHOP:

Yes.

LEG. POSTAL:

Yes.

LEG. BINDER:

Yes.

LEG. COOPER:

Yes.

LEG. LEVY:

Yes.

MR. BARTON:

18 on the bond.

P.O. TONNA:

Same motion, same second, same vote. 1995 (Appropriating funds in connection with the acquisition of Farmland Development Rights by Suffolk County Phase V). Motion by Legislator Fisher, seconded by

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

LEG. FISHER:

Yes.

LEG. CARACAPPA:

Yes.

LEG. CARACCIOLO:

Yes.

00259

LEG. GULDI:

Yes.

LEG. TOWLE:

Yes.

LEG. HALEY:

Yes.

LEG. FOLEY:

Yes.

LEG. FIELDS:

Yes.

LEG. ALDEN:

Yes.

LEG. CARPENTER:

Yes.

LEG. CRECCA:

Yes.

LEG. D'ANDRE:

Yes.

LEG. BISHOP:

Yes.

LEG. POSTAL:

Yes.

LEG. BINDER:

Yes.

LEG. COOPER:

Yes.

LEG. LEVY:

Yes.

P.O. TONNA:

Yes.

MR. BARTON:

18 on the bond.

P.O. TONNA:

Okay.

LEG. CARACCIOLO:

Motion.

P.O. TONNA:

Same motion --

00260

LEG. FISHER:

Second.

P.O. TONNA:

-- same second, same vote. Number 2006 (Dedication of certain lands now owned by Estate of Dorothy Marchese to the County Nature Preserve

pursuant to Article I of the Suffolk County Charter and Section 406 of the New York Real Property Tax Law). Motion by Legislator Towle.

LEG. FISHER:

Second.

P.O. TONNA:

Second by Legislator Fisher. All in favor? Opposed? Approved.

MR. BARTON:

18.

P.O. TONNA:

Number 2014 (Authorizing the acquisition of land in the Suffolk County Land Preservation Partnership Program (Town of Southampton, Steinberg Property). Motion by Legislator Guldi, seconded by Legislator Caracciolo. All in favor? Opposed?

MR. BARTON:

18.

P.O. TONNA:

2032 (To Re-establish Lake Ronkonkoma Advisory Board). Motion by Legislator Crecca, seconded by Legislator Carpenter. All in favor? Opposed?

MR. BARTON:

18.

P.O. TONNA:

Motion -- I mean 2033 (Authorizing planning steps for the acquisition of Kycia property in Town of Smithtown). Motion by Legislator D'Andre, seconded by Legislator Crecca. All in favor? Opposed?

MR. BARTON:

18.

LEG. D'ANDRE:

Will you make that second by Fisher, please?

P.O. TONNA:

Fisher?

LEG. D'ANDRE:

Yes.

P.O. TONNA:

Okay. Sorry. Legislator Fisher second that. Okay.  
00261

MR. BARTON:

18.

P.O. TONNA:

A motion, 2034 (Implementing improvements to Little East Neck Road and Van Bourgondien Park (Town of Babylon).

LEG. BISHOP:

On the motion.

P.O. TONNA:

Motion by Legislator Bishop.

LEG. BISHOP:

On the motion.

P.O. TONNA:

Let's just get a second.

LEG. BISHOP:

I would like to make a motion to table this to -- what's the second --

LEG. HALEY:

Second.

LEG. BISHOP:

-- December meeting?

P.O. TONNA:

I'll second it.

MR. BARTON:

19th.

LEG. BISHOP:

December 19th. I would also ask that the Clerk -- Henry.

MR. BARTON:

Yes, sir.

LEG. BISHOP:

Would ask that the Clerk refile this bill with a new number at the beginning of December, which is the window for budget amendments.

LEG. CARPENTER:

Second.

LEG. BISHOP:

So this one will be tabled to that date to be kept alive and another one will be filed on the --

P.O. TONNA:

Great. Okay. All in favor? Opposed? Approved.

MR. BARTON:

18.

00262

P.O. TONNA:

2035 (Authorizing conveyance of parcel to Village of Lindenhurst (Section 72-h, General Municipal Law). Motion by Legislator Bishop, seconded by Legislator Postal. All in favor? Opposed?

MR. BARTON:

18.

P.O. TONNA:

Approved.

#### DISCHARGED BY PETITION

Discharged by petition. Number 1964 (authorizing Greenways infrastructure improvements fund grant for "The Wedge" property in the Town of Brookhaven). Motion by Legislator Haley, seconded by --

LEG. HALEY:

I'm sorry. I have to table that.

P.O. TONNA:

Tabling.

LEG. FISHER:

Second.

LEG. HALEY:

Table, yeah.

P.O. TONNA:

Second by Legislator Fisher.

LEG. HALEY:

It should close by then.

P.O. TONNA:

All right. All in favor? Opposed? Approved.

MR. BARTON:

18. I mean tabled, tabled.

LEG. CARPENTER:

Mr. Chairman.

P.O. TONNA:

Okay. Public Works. Yes.

LEG. CARPENTER:

Before we leave Parks and Land Acquisition, I would like to make a motion, I was on the prevailing side, to reconsider Resolution 1850 for the purposes of tabling, pending the appraisal.

LEG. GULDI:

Which one is this?

00263

LEG. CARACCIOLO:

My resolution.

LEG. CARPENTER:

The Southold parcel. I spoke with the sponsor. He agrees that as long as we do this with all the acquisitions as a matter of procedure, that we'd be evenhanded with it. He would prefer that we wait until after this resolution, but I think for my peace of mind, I felt that we did not really have a good indicator on what we were talking about, as far as the amount that this purchase would represent.

LEG. BISHOP:

Wait a second.

LEG. CARACCIOLO:

Mr. Chairman, on the motion.

LEG. BISHOP:

We're going to table the whole --

P.O. TONNA:

Okay. Hold it one second. I just want to get the motion down. We're having a motion to reconsider right now.

LEG. CARPENTER:

Reconsider.

P.O. TONNA:

Okay.

LEG. CARPENTER:

For the purposes of tabling.

P.O. TONNA:

For the purposes of tabling, by Legislator Carpenter. Okay. And is there a second?

LEG. LEVY:

Second.

P.O. TONNA:

Second, Legislator Levy. Okay. Now, on the motion, Legislator Caracciolo first.

LEG. CARACCIOLO:

Okay. Mr. Chairman, I think it's quite evident that when one side around the horseshoe doesn't win, they look for another way to win, and I understand that. However, there has to be a standard and that standard has to be consistent. We have to date, I want to make sure the record reflects accuracy, all types of misrepresentations. I'll wait for the Chair.

P.O. TONNA:

I'm listening. I'm just trying to --

00264

LEG. CARACCIOLO:

All types of misrepresentations are going around the horseshoe about,

well, if we approve this, there won't be enough funds in your district when you have a resolution, basically a scare tactic. Sounds very familiar to what's going on in Florida. And that's sad, because I like to deal with the facts. So let's talk about the facts. Based on information that I have, and I think which has been acknowledged. And now that Budget Review is here, they could certainly add or correct the record. There have been two acquisitions authorized for approval in this Legislative body. One is in the Village of Amityville that's -- the owner is Russell J. A-R-C-E-N. It's .012 acres, and the purchase price is \$185,000. The other is The Wedge. Marty, correct me, was that 18 acres?

LEG. HALEY:

17.

LEG. CARACCIOLO:

17 acres. And the purchase price is estimated to be how much?

LEG. HALEY:

1.8, 1.5 to us.

LEG. CARACCIOLO:

So if we add up those two figures, out of a \$20 million component, the only thing the Legislature has authorized for approval, one of which has been consummated and the other of which is pending, is somewhere in the area of almost \$2 million or 10%.

LEG. BISHOP:

Mr. Chairman.

LEG. CARACCIOLO:

I have the floor.

LEG. BISHOP:

But you're stating something as fact which is clearly wrong. You're in error.

LEG. LEVY:

All right. You'll have your chance.

LEG. CARACCIOLO:

Well, when you have an opportunity to correct any statement I make as being in error, you'll be free to do so.

LEG. BISHOP:

Okay.

LEG. CARACCIOLO:

Now, I said, if Budget Review, or Legislative Counsel, because he has a tremendous institutional memory, feels that anything I've said so far is in error, to please state so and correct the record. Paul.

MR. SABATINO:

Well, just -- I'm listening to the conversation. I think Huntington --

00265

I think the Huntington property for the Veterans -- next to the Veterans property was partially --

LEG. CARACCIOLO:

Where is that property located, what legislative District?

MR. SABATINO:

That's Huntington, on the North Shore.

LEG. COOPER:

District 18.

LEG. CARACCIOLO:

Okay.

MR. SABATINO:

That's the other one that I -- that's the one that I remember. And I think there was one in Lindenhurst --

LEG. BISHOP:

Mr. Chairman, if I may.

MR. SABATINO:

-- which makes -- I think there's five all together. I'm not contradicting what you said, but I think that maybe there's five totally. I think there's about \$15 million left in the program, but I'm not -- you know --

LEG. CARACCIOLO:

All right.

MR. SABATINO:

-- that's my recollection of things.

LEG. CARACCIOLO:

If that is so -- and I'll wait for everybody's attention, because this is an important -- these are important points to consider. If Counsel is correct, and there are about -- there's approximately a \$15 million fund balance in the parklands component, let's look at how those funds have been appropriated so far. Town of Babylon, Town of Huntington, Town of Brookhaven. And which one did I leave out, Paul?

MR. SABATINO:

I thought there was one in Lindenhurst in addition to the one in Amityville.

LEG. CARACCIOLO:

So two in Babylon, one in Huntington, and one in Brookhaven. Approximately \$5 million or 25% of the program's allocated funding. This resolution has been in the Legislature for months. There wasn't one member of the Parks Committee that wasn't impressed. And as the Chair and I have had some side-bar conversation earlier, she commented that the Town of Southold always comes prepared, has always been a willing partner with the County, put forth an excellent plan, and I would ask my colleagues to take that into consideration.

00266

But let me go further. Counsel, under the original Drinking Water Protection Program, there was funds allocated in 12-5D for Pine Barrens towns under Water Quality Protection. In 1997 or 8, I sponsored a resolution in consideration of concerns that Legislator Bishop has, and other Legislators from the Towns of Huntington, Smithtown and Islip, that said, you know what, rather than have that funding source solely for water quality protection in Pine Barrens towns, which is Brookhaven, Southampton, Riverhead and Southold, let's give a piece of the pie to the other towns. And I hold in my hand a copy of Suffolk County Division of Real Estate Environmental Acquisition Program's Drinking Water Protection Program Section 12-5A, residuary non-Pine Barrens towns.

Before I get to the figures that I'm going to read to maybe put at ease some Legislators from these nine non-Pine Barrens towns about how much money is available for you for environmental protection, which you're not even aware of, obviously, I sponsored it and I sponsored it in a fashion that would open the door to provide additional funding for your needs.

Babylon, right now a fund balance Dave. You need money? You got

3 million -- \$3,033,711. And this is as of 10/11/2000, so this is current. Huntington, sorry, Paul, you got 55,000. Islip, \$3,396,139. Shelter Island, 40,000. Smithtown, 1.862889. A total in this program, which didn't exist until I sponsored that resolution to open the door for additional acquisitions in those towns, \$8,388,000. I ask each of you for the same consideration. I sponsored this legislation to give you an opportunity to deliver to your constituents. Thank you.

LEG. BISHOP:

Mr. Chairman, may I?

D.P.O. LEVY:

Legislator Bishop.

LEG. BISHOP:

Okay. Well, let us deal with facts, since Legislator Caracciolo wants to deal with facts. Legislator Caracciolo, you raise the issue of authorizations. This Legislature by my count has authorized more than ten Greenways active recreation purchases.

LEG. CARACCIOLO:

Could you enumerate those, Dave?

LEG. BISHOP:

Sure. Deer Park, {Eaton AIL} property. I think it's about six acres. West Babylon, Catholic Cemeteries. West Babylon, Our Lady of Grace Parish. North Amityville, which is also Catholic Cemeteries. Lindenhurst. The property in John Cooper's district. The Amityville Village Property was one of a series, the one that you said was the only one authorized, was one of four. Silberstein's Farms. Indeed, we have authorized in Western Suffolk County probably \$15 million worth of property to be purchased.

00267

LEG. CARACCIOLO:

Where, Dave?

LEG. BISHOP:

Now, of that -- of that authorization --

LEG. CARACCIOLO:

Where in Suffolk County?

LEG. BISHOP:

Western Suffolk County, mostly in the Town of Babylon and Huntington. Of that 15 million that's been authorized, less than one mill has been closed on. And so the point is that if you come in on the East End, and I know East Hampton had something recently, and now you have something in Southold, and you had something in Riverhead, and you start to authorize and close, then these Western End purchases will get squeezed out, not to mention the West End purchases that have not yet been -- that are in the pipeline, but not yet approved by the Legislature, which are in the Town of Islip, Town of Smithtown, and even the Town of Brookhaven.

So the point there is that the West End wants to acquire land, it wants to use the program, but it is being delayed due to the economy. And we're -- and so we don't want to see -- we don't want to see our program diminished and vanished because of East End authorizations and purchases.

D.P.O. LEVY:

Okay. If I could just interrupt. We've been down this road. It's important to Legislator Caracciolo. I don't want to cut anybody off,

but if we can just be cognizant --

LEG. BISHOP:

Well, I want to get to another point.

D.P.O. LEVY:

-- of the fact that we went through this already.

LEG. BISHOP:

12-5E --

D.P.O. LEVY:

And then we'll get back to you, Mike.

LEG. BISHOP:

-- you say if I want \$3.3 million for Babylon, I can have it. Right, I can have it for open space. I cannot have it for active recreation. The point of this fund is to have money to acquire property to have active recreational parks upon them. What has happened is that in the Riverhead purchase that you tried to do, that you tried to couch an Open Space Program purchase as an active recreational purchase, and we had to accommodate you there. I would be willing to work with you on finding a funding source for this 37 acres, because if you want 37 acres, only five or six acres of which are going to be developed for ball fields, and the rest are just going to be set aside for a four-day strawberry festival, maybe the majority of that land should be

00268

purchased out of some sort of Open Space fund, not out of the Active Recreational Fund that the West End needs to meet its critical need.

D.P.O. LEVY:

Thank you, Legislator Bishop. We've got Legislator Fisher, Legislator Cooper, and then we'll have cleanup from Legislator Caracciolo, and then let's vote.

P.O. TONNA:

I can't believe, this is a procedural motion.

D.P.O. LEVY:

Yeah, we did this already.

P.O. TONNA:

We're debating a procedural motion.

LEG. CARPENTER:

Right. Do the vote.

D.P.O. LEVY:

I agree with you 100%. Legislator Fisher.

LEG. FISHER:

Very briefly. Because I've only been in the Legislature for two years, I wasn't here when the Greenways Referendum was crafted. However, I have seen in the two years that I have served as the Chair of Parks, and I have been Chair of Greenways when I first came aboard, that it is in our interest to oversubscribe, so that we can have ongoing negotiations, so we don't miss out on very important opportunities to preserve land. And as far as I'm concerned, this is a county-wide initiative, because whether we preserve land on the East End of the County or the West End of the County, it benefits all of us to preserve land. And I don't want to see us miss -- if I could just have a little bit of attention, I haven't spoken on this. I'm Chair of the Parks Committee and I would appreciate your attention.

LEG. BISHOP:

Well, as the Chair of the Parks Committee you should have some command

of what this is about.

LEG. FISHER:

David, did you have a question for me?

LEG. BISHOP:

Yeah. I don't -- do you not understand that this -- I mean, I'm not sure you understand.

LEG. FISHER:

David, because I don't agree with you doesn't mean that I don't understand it.

D.P.O. LEVY:

Legislator Fisher's got the floor, just --

00269

LEG. FISHER:

Let me just explain to you --

D.P.O. LEVY:

-- continue.

LEG. BISHOP:

No. And what I was --

LEG. FISHER:

-- that we haven't spent the money, because there is negotiations.

There are negotiations there have been ongoing. That should not preclude us from seeking other areas where we can use active parkland.

And Legislator Caracciolo quoted me correctly. I have seen the Town of Southold come before the Parks Committee in a very cooperative manner.

We had tried to work with Huntington when Legislator Cooper had an active parkland resolution. It was like pulling teeth to get

Huntington to come forward with what they needed to come forward. The

same thing happened with Brookhaven Town. I don't want to miss an opportunity when we have a very responsive and very cooperative town.

And the lion's share of the active parkland is going to resolutions that have been introduced by the western towns. And I understand what

you're saying, but I don't believe that we should omit the eastern towns out of hand.

D.P.O. LEVY:

Legislator Cooper, remember this is a procedural motion. Let's wrap this up, please. Legislator Cooper.

LEG. COOPER:

I just wanted a clarification from Counsel. I've received varying definitions of what constitutes active parkland, depending on whether I speak with Real Estate Department or some of my colleagues in the Legislature. Paul, could you clarify for me exactly what would denote active parkland? For example, could a playground be considered active parkland? Could a hiking trail be considered active parkland? How about a picnic area?

MR. SABATINO:

I'd have to pull the statute out and read you the exact language, but the precise language was baseball fields, soccer fields, football fields, recreational facilities, equine endeavors or activities. I believe that hiking trails was part of that. A picnic -- a picnic area by itself, I don't believe --

LEG. COOPER:

But how about an active playground, let's say.

MR. SABATINO:

An active playground -- a playground with recreational facilities on it would certainly be included. And there was one last catchall, which I could pull the statute, if you want me to read it on the record. But everything else I told you was word for word.

LEG. COOPER:

All right. Because that's different from information that I was told

00270

earlier in the year. Actually, when we acquired the -- got approval for acquisition of The Mills of Northport, had I had that definition, I probably would have acquired a bit more for active parkland and used less of our open space monies. But there's certainly parcels in Huntington that I can think of that could be a acquired under that definition. So if that is a good definition, it's good news for me and I --

MR. SABATINO:

It's a valid definition, but, I mean, it would have -- in the Huntington situation, when the Town came in and made their presentation, they scaled it back, because they said they could only accommodate whatever it was, 20 or 21 acres, of actually providing the facility. So it wasn't through any fault of yours that the acquisition wasn't greater under that program.

LEG. COOPER:

Well, that's not exactly right, because if the concern was over having additional acreage allocated for soccer fields and baseball fields, if it could have been a playground or a hiking trail, then we probably would have laid it out differently. But it doesn't matter, it's water under the bridge. But if that is a good definition, I'd like to be able to use that as a foundation for attempting to acquire additional active parkland in my district.

D.P.O. LEVY:

Okay. Is that a question?

LEG. COOPER:

Yes, so --

D.P.O. LEVY:

Okay.

MR. SABATINO:

Let me pull the statute and I'll read it on the record.

LEG. COOPER:

Yes, please.

MR. SABATINO:

I mean, I'm doing this from memory. I know I'm right, but I'll pull the statute.

LEG. LEVY:

All right. Legislator Caracciolo, the last word.

LEG. CARACCIOLO:

Would like to vote, Joe? So would I. Okay. Legislator Bishop pointed out that there are a number of acquisitions, and he went through a list accurately with the one exception, one item was deleted. But it's important to note that when these resolutions were approved, they were all approved in 1999. Here it is, the end of 2000, and I would dare say that if real estate hasn't closed on these possible acquisitions, that there are problems with negotiations. Does that mean everyone else in this chamber that has a resolution for

00271

consideration should be held hostage until this list is exhausted? Negotiations take two or three years, as sometimes they do, does that mean no one else can put forth a resolution that's ready, able, and has a willing partner? You know, when the Wedge came along, it was the first time, because the only other parcel that was acquired, well, actually, the two, the one in Huntington in Jonathan's district, the Legislature wasn't yet thinking along the lines of what should we require in a management agreement. But now we have a model, The Wedge, a very good model. The Town of Southold, as I said before, came in with a very comprehensive detailed presentation with maps, showing how the property was going to be used all year long. That said, why should they, or anyone other -- other Legislator that may have in committee right now a resolution that may be eligible for consideration in two weeks be held hostage while this 1999 list that Legislator Bishop read off is consummated? They may never be consummated. Thank you.  
D.P.O. LEVY:

Thank you, Mike. Legislator-- Counsel's going to answer Legislator Cooper's question, then we're going to the vote. All Legislators, please report to the horseshoe.

[SUBSTITUTION OF STENOGRAPHER - ALISON MAHONEY]

Thank you, Mike. Legislator -- Counsel is going to answer Legislator Cooper's question and then we're going to the vote. All Legislators please report to the horseshoe.

MR. SABATINO:

Okay, I'm back with the Statute. As I said, these are the exact words; "Playgrounds, soccer field, football field, baseball field, outdoor concerts," which I had omitted, "horseback riding, equine endeavors and/or use for any other community recreational need." So everything I stated to you is correct except I left out outdoor concerts.

LEG. COOPER:

Thank you very much.

LEG. BISHOP:

Mr. Chairman, can I --

LEG. LEVY:

Move the question.

LEG. BISHOP:

Mr. Chairman, may I ask a question of Legislator Caracciolo?

P.O. TONNA:

Yes.

LEG. BISHOP:

Legislator Caracciolo.

LEG. CARACCIOLO:

Yes, David.

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LEG. BISHOP:

Of the 37 acres, how many acres will have ball fields upon them, soccer fields?

LEG. CARACCIOLO:

I don't have specifics, I don't want to guesstimate.

LEG. BISHOP:

The remaining acres, those acres will lie fallow until the Strawberry

Festival essentially?

LEG. CARACCIOLO:

Again, my recollection based -- well, first of all, for the Strawberry Festival, since they generate 18,000 visitors a day, you need a substance amount of property for parking.

LEG. BISHOP:

Fine.

LEG. CARACCIOLO:

But I understand that, I understand where you're coming from. It indicates in the resolution by the Town of Southold that the property they will construct baseball fields, soccer fields and additional soccer fields can be located on the site when it is not being used for the Strawberry Festival. Now, you have to remember, the Town of Southold is a town that probably in length is 20 miles. There aren't that many recreational opportunities within the town save one town park and one village park in Greenport, so this will really become like a regional recreational facility. And it's very close proximity to the eastern portion of the Town of Brookhaven. So you will probably have community soccer leagues --

LEG. BISHOP:

Do you have -- if that were true, my opposition would diminish. Do you have something from the Long Island Junior Soccer League saying that it's going to be a regional facility?

LEG. CARACCIOLO:

I didn't mention Long Island Junior Soccer League.

LEG. BISHOP:

All right. Because obviously if 37 acres are going to be used as fields and going to have, you know, children from throughout the County playing upon them --

LEG. CARACCIOLO:

Dave, I hear what you're saying and, you know --

LEG. BISHOP:

That's an appropriate Greenways purchase.

LEG. CARACCIOLO:

As you said before, we have worked over the years very cooperatively on these matters and I would ask for your support again. Because when you look at the fund balance in Open Space which is another program,

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there's \$202,000 in that program. So that's why -- and when you look at open space under Greenways, Dave, it's over subscribed. You've been at the Parks Committee meeting when Allen Grecco has come in, and at the request of the committee we had asked him initially. And, you know, I didn't go through that list, but if you'd like I will. And you know? These properties, not one of them is located in my district; I'm not complaining that I'm not getting any -- one cent out of 20 million. All I'm saying is let's be fair and equitable across the board.

LEG. LEVY:

Move the question, please. Move the question.

LEG. CARPENTER:

Move the question.

P.O. TONNA:

Can I make a suggestion?

LEG. LEVY:

Yeah, move the question.

P.O. TONNA:

This has taken up almost an hour and a half --

D.P.O. LEVY:

Two hours on this issue.

P.O. TONNA:

-- of our time. And you know something? People have put at odds, I know that there's a motion to reconsider, all right? Can we -- we have the next meeting to reconsider if you want to. May I make just a possibility that Legislator Bishop and Legislator Caracciolo meet in the intervening time, talk about whatever you want to do, all right? Hammer out something where you think that we can live with everything so that maybe we have some more of a commitment to western town land, maybe we can look at the 37 acres, if it's 37 or 30 or whatever else. Work this out so that -- if you don't work it out then you have an opportunity, if you don't want to that's fine.

LEG. LEVY:

The resolution wasn't tabled, it was approved, Mr. Chairman.

P.O. TONNA:

I know. Don't they have to -- oh.

LEG. CARPENTER:

So we made the motion to reconsider, that's the whole point.

P.O. TONNA:

Okay. All right, fine.

LEG. CARACCIOLO:

And once again, I would ask my colleagues to oppose this resolution.

P.O. TONNA:

All right. Roll call.

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LEG. LEVY:

Bring in the Legislators, please.

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

LEG. CARPENTER:

Yes.

LEG. LEVY:

Yes.

LEG. CARACCIOLO:

No.

LEG. GULDI:

No to reconsider.

LEG. TOWLE:

No.

LEG. CARACAPPA:

No.

LEG. FISHER:

No.

LEG. HALEY:

No.

LEG. FOLEY:

Pass.

LEG. FIELDS:

Pass.

LEG. ALDEN:

Pass.

LEG. CRECCA:

Pass.

LEG. D'ANDRE:

No to reconsider.

LEG. BISHOP:

Yes.

LEG. POSTAL:

Yes.

LEG. BINDER:

Yes.

LEG. COOPER:

Based on the assumption that --

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P.O. TONNA:

No, no.

LEG. CARPENTER:

Just yes or no.

D.P.O. LEVY:

Let him explain.

P.O. TONNA:

You could have talked before, vote; there's no talking in voting.

LEG. COOPER:

No.

P.O. TONNA:

No.

LEG. FOLEY:

Yes to reconsider.

LEG. FIELDS:

No.

LEG. ALDEN:

Yes to reconsider.

LEG. CRECCA:

Yeah.

MR. BARTON:

Eight.

LEG. CARACCIOLO:

For the second time, I thank all my colleagues.

P.O. TONNA:

Okay, let's go on.

Public Works & Transportation:

1380 - (Amending the 2000 Capital Budget and Program and appropriating funds for intersection improvements CR 80, Montauk Highway at CR 36 South County Road, Brookhaven (CP 5157.310) (Towle). Motion by Legislator Towle, seconded by Legislator Caracappa. Roll call

LEG. FOLEY:

I would like to second the motion on that.

P.O. TONNA:

Sorry, Legislator Foley, I apologize.

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

LEG. TOWLE:

Yes.

00276

LEG. FOLEY:  
Yes.  
LEG. CARACCIOLO:  
Yes.  
LEG. GULDI:  
Yes.  
LEG. CARACAPPA:  
Yep.  
LEG. FISHER:  
Yes.  
LEG. HALEY:  
Yes.  
LEG. FIELDS:  
Yes.  
LEG. ALDEN:  
Yes.  
LEG. CARPENTER:  
Yes.  
LEG. CRECCA:  
Yes.  
LEG. D'ANDRE:  
Yes.  
LEG. BISHOP:  
Yes.  
LEG. POSTAL:  
Yes.  
LEG. BINDER:  
Yes.  
LEG. COOPER:  
Yes.  
LEG. LEVY:  
Yes.  
P.O. TONNA:  
Yes.  
MR. BARTON:  
18 on the bond.  
P.O. TONNA:  
Same motion, same second, same vote.

00277

1991 - (Appropriating funds in connection with information systems and equipment for Public Works Support Services (CP 5060) (County Executive). Roll call. Motion by Legislator --

LEG. BINDER:

Mr. Chairman, I want to ask --

P.O. TONNA:

Okay, hold it. Let me just make a motion and I'll second it by Legislator Binder. On the motion.

LEG. BINDER:

Just tell me how much the appropriation is, Budget Review? Because I don't have it.

MR. SABATINO:

A hundred and sixty thousand.

LEG. CRECCA:

How much?

LEG. FISHER:

One sixty.

LEG. BINDER:

Okay.

MS. SIRACUSA:

A hundred sixty thousand bonded over five years, so it's 187,744.

LEG. BINDER:

So we don't have anybody doing engineering but we need information systems there to tie them all together.

LEG. TOWLE:

Motion to table.

LEG. BINDER:

Second.

LEG. ALDEN:

Second.

P.O. TONNA:

Okay. There's a motion to table by Legislator Towle, seconded by Legislator Alden. On the motion. Why are you tabling this?

LEG. TOWLE:

I think Legislator Binder brings up a good concern.

P.O. TONNA:

Which was?

LEG. TOWLE:

Which was if we don't have people to do inside --

00278

MS. MAHONEY:

Use the microphone, please.

LEG. BINDER:

In other words, we have --

LEG. TOWLE:

If we don't have people to do inside engineering work, why are we applying information and then support services equipment without having the appropriate staff to do that type of work and we're sending this out to outside consultants for 25%.

LEG. BINDER:

Yeah, how much is the consultant fee on this particular project?

P.O. TONNA:

Can I -- okay.

LEG. BINDER:

Is there a consultant fee on this project?

P.O. TONNA:

Legislator Binder, just wait one second. Legislator Towle, are you done with the floor?

LEG. TOWLE:

Yeah.

P.O. TONNA:

Okay, Legislator Binder.

LEG. BINDER:

Is there a consultant fee on this particular project?

LEG. FISHER:

No.

MR. SPERO:

The funding is all for equipment.

LEG. FISHER:

It's all for equipment, isn't it?

P.O. TONNA:

I would urge my colleagues to vote in favor of this and to down the tabling motion. Anyway, let's roll call on the tabling motion.

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

LEG. TOWLE:

Yes.

LEG. ALDEN:

Yes.

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LEG. CARACCIOLO:

To table? No.

LEG. GULDI:

Pass.

LEG. CARACAPPA:

No.

LEG. FISHER:

Absolutely not.

LEG. HALEY:

No.

LEG. FOLEY:

No to table.

LEG. FIELDS:

No.

LEG. CARPENTER:

No.

LEG. CRECCA:

No.

LEG. D'ANDRE:

No.

LEG. BISHOP:

Pass.

LEG. POSTAL:

No.

LEG. BINDER:

Yes.

LEG. COOPER:

Pass.

LEG. LEVY:

No.

P.O. TONNA:

No to table.

LEG. GULDI:

No.

LEG. BISHOP:

No.

00280

LEG. COOPER:

No, of course not.

MR. BARTON:

Three.

P.O. TONNA:  
Okay. Motion to approve.

LEG. CARPENTER:  
Second.

P.O. TONNA:  
Seconded by Legislator --

LEG. FISHER:  
Second.

P.O. TONNA:  
I think there's a motion and a second already, right? Motion by myself,  
seconded by Legislator Carpenter. Roll call.  
(\*Roll Called by Mr. Barton\*)

P.O. TONNA:  
Yes.

LEG. CARPENTER:  
Yes.

LEG. CARACCIOLO:  
Yes.

LEG. GULDI:  
Yes.

LEG. TOWLE:  
No.

LEG. CARACAPPA:  
Yes.

LEG. FISHER:  
Yes.

LEG. HALEY:  
Yes.

LEG. FOLEY:  
Yes.

LEG. FIELDS:  
Yes.

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LEG. ALDEN:  
No.

LEG. CRECCA:  
Yeah.

LEG. D'ANDRE:  
Yes.

LEG. BISHOP:  
Pass.

LEG. POSTAL:  
Yes.

LEG. BINDER:  
No.

LEG. COOPER:  
Yes.

LEG. LEVY:  
Yes.

LEG. BISHOP:  
Yes.

MR. BARTON:  
15-3

P.O. TONNA:

Okay. 1996, I'll make a motion, seconded by -- oh, same motion, same second, same vote on 1991.

1996 - (A resolution calling for a public hearing for the purpose of considering a proposed improvement of facilities for Sewer District No. 15 - Nob Hill (County Executive). I'll make a -- Legislator Foley will make a motion, I'll second it. All in favor? Opposed?

MR. SABATINO:

That date is going to be December 19th, just for the record.

P.O. TONNA:

December 19th.

MR. BARTON:

18.

P.O. TONNA:

1997 - (Authorizing the filing of an application with the Federal Transit Administration an operating administration of the United States Department of Transportation for federal transportation assistance authorized by 49 U.S.C. Chapter 53 Title 23 United States Code and other Federal statutes administered by the Federal Transit Administration (County Executive).

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LEG. FOLEY:

Motion.

P.O. TONNA:

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

Approved.

MR. BARTON:

18.

P.O. TONNA:

Finance, Technology & Management Services:

1957 - (Adopting Local Law No. 2000, a Local Law to extend Hotel/Motel tax for Suffolk County (County Executive).

LEG. HALEY:

Motion.

LEG. CARPENTER:

Second.

P.O. TONNA:

Motion by Legislator Haley, seconded by Legislator Carpenter. On the motion?

LEG. HALEY:

On the motion.

P.O. TONNA:

All in favor? Opposed?

LEG. BINDER:

Roll call.

LEG. GULDI:

On the motion, on the motion.

LEG. CARACCIOLO:

Opposed.

LEG. HALEY:

Let me go first then.

P.O. TONNA:

Legislator Haley then Legislator Guldi.

LEG. HALEY:

This is typical. This type of resolution has to be done every year, this is the money for cultural arts monies and for tourism. Cultural arts, historic preservation -- right, Ang -- and historic preservation. One of the things that I asked a few months back but Budget Review got wrapped up in budget, we asked for them to give us a review of the Long Island Tourism and Convention Bureau, because we spend an awful lot of money in that particular arena. One of the things we thought about in Finance was tabling that until we had that information. However,

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correct me if I'm wrong, Counsel or Budget Review, is that if we were to approve this today, that doesn't mean that next month or the month after or in January or next year, it doesn't mean we can't come back and modify that or make a change; is that correct?

MR. SABATINO:

You can come back and modify the portion that currently deals with 33.33% of the funding that goes to Cultural Affairs and Historic Structure because under State Law you can allocate that any way you want, this particular law is dividing that share equally between those two components. The 66 and two-thirds percent will go to the tourism portion. So the part that you can revisit is the 33 -- you know, the one-third share.

LEG. TOWLE:

Motion to table, like I said.

LEG. HALEY:

I was wrong, motion to table.

LEG. TOWLE:

Second.

LEG. GULDI:

Yeah, I'll second the motion to table. One of the reasons -- if I may, if Legislator Haley is done.

P.O. TONNA:

Okay, there is a motion to table.

MR. SABATINO:

Let me make sure I understood the question. You want the ability to take a second look at how you're going to allocate --

LEG. GULDI:

The funding, that's precisely it.

LEG. HALEY:

Yeah, I want to take a look at -- we may want to take a look at the 66 and two-thirds later on.

MR. SABATINO:

What I meant was you can't change -- if you pass this, you can't -- you can't anyway change the 66%, but if you want to change who you're going to give the 66% to --

LEG. CARACCIOLO:

You can.

MR. SABATINO:

That you can revisit in the future. I'm not -- I'm not sure --

LEG. HALEY:

Okay, all right, all right, I understand.

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MR. SABATINO:

There's two separate issues. You can revisit the 33% allocation between Historic and Cultural and change the allocation in terms of percentages.

LEG. HALEY:

Okay, I understand. All right, I'll withdraw my tabling motion.

LEG. TOWLE:

Mr. Chairman?

LEG. HALEY:

And leave my motion to approve.

LEG. TOWLE:

If I could ask Counsel a question, just to follow up on that.

LEG. GULDI:

I think I'm next.

LEG. TOWLE:

Oh, go ahead.

LEG. GULDI:

It's really much better when you run the meeting, Linda, it's much more coherent.

P.O. TONNA:

Okay.

LEG. GULDI:

The concern I have is, as you know, I voted against the Motel/Hotel Tax every time it's been before this body since I've been a member. The one concern that I do have is I have been approached by an east end organization which is a convention and tourism bureau which is raising money and spending about \$170,000 a year to promote tourism on the east end because the Long Island Convention and Tourism Bureau has failed and refused to participate and support their programs. In fact, less than \$8,000 a year is being spent, in their opinion, responsibly to promote tourism in the five east end towns of Suffolk County, one of the best tourism areas in the world. Where the rest of our money is going is something that I'm very concerned about and that I urge us to look seriously and closely at. Particularly when I've got an organization of Chambers of Commerce and businessmen who are raising their own money and spending it because the money we're taxing them for, because we are raising the tax money disproportionately from those hotels on the east end which is supporting their own organization to promote tourism because they're not getting back value from our supported Convention and Tourism Bureau.

LEG. CARPENTER:

Okay.

P.O. TONNA:

Legislator Towle.

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LEG. TOWLE:

I --

LEG. CARACCILOLO:

I think George is very excited about that. On the motion.

LEG. LEVY:

Just tell him to speak, will you?

LEG. TOWLE:

I just had a question to follow up with Counsel on what Legislator Haley was asking. Paul, if the money is approved and, you know, we're

in February and March and we decide that we want to reappropriate some of the funds, by the time we approve a resolution, get it through committee, get it to the Legislature and hopefully get enough votes to approve it, what would prevent the group from having expended a good portion of those funds?

LEG. GULDI:

Nothing.

MR. SABATINO:

Well, that would be a secondary concern. I think the bigger concern would be that if the County contracts with an organization, they better be sure to put a non appropriation clause in so that we're not locked in to that particular group for the entire year. So conceptually, we still have the ability as long as the contract is done correctly. As long as the contract is done with a non appropriation clause which says that when you want to terminate the contract you terminate the contract and you only pay for what's been done up to that point. Could they spend the entire allocation, you know, in one year? You know, theoretically it's possible, but hopefully the contract would have the kind of provisions in it that would prevent that from happening.

LEG. TOWLE:

Mr. Chairman? Paul, do we get to see the contract? Who's preparing the contract between them and the County of Suffolk?

MR. SABATINO:

Well, that would not be us, that would be coming out of Economic Development.

LEG. TOWLE:

And, of course, the contract is not attached to this resolution, right?

MR. SABATINO:

That's correct.

LEG. TOWLE:

And it's very possible that if they were to commit, let's say -- you know, for a hypothetical argument, let's say there was \$250,000, let's say they were going to take that \$250,000 and allocate it for a TV buy

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for the year, it's very possible that they could use all of that money in January and February to commit to contract to purchase \$250,000 in televisions and we would never be able to revisit that issue at that point.

LEG. CARACCIOLO:

Mr. Chairman?

MR. SABATINO:

Well, with regard to that one allocation, yes.

LEG. TOWLE:

Well, that's 60% of the money. So from my perspective, this definitely needs to be tabled until the contract is attached and a specific plan on how the money is going to be approved. It's almost \$2 million, if I'm not mistaken, if we total all these things together.

LEG. FOLEY:

Accountability, right?

LEG. BINDER:

Is there a motion and a second on it?

LEG. FOLEY:

Accountability, oversight.

LEG. HALEY:

Mr. Chairman, could we ask BRO when that report would be ready?

P.O. TONNA:

Sure. Just right now, Legislator Caracciolo has the floor. Legislator Caracciolo and then, Legislator Haley, you can have the floor and ask anything you want.

LEG. HALEY:

It's just a question.

P.O. TONNA:

All right, a question is being asked, go ahead.

LEG. CARACCIOLO:

You want me to speak?

P.O. TONNA:

No, Legislator Haley has a question, then you're next.

LEG. HALEY:

The report we asked of Budget Review Office, I was just curious when that might be available.

LEG. CARACCIOLO:

Jim?

MR. SPERO:

We haven't actually gone, physically gone in there. We have a work plan  
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sculpted out as to what we'd like to -- things we'd like to see when we meet with the Convention and Visitors Bureau, and I would think it would take at least a month or two to try to put something reasonable together.

LEG. HALEY:

Thank you.

LEG. CARACCIOLO:

Counsel, if I understood your comments earlier correct, if the resolution is approved, everyone needs to understand that if it's not approved -- well, let me just, before I ask the question. If we do not approve this resolution, which I personally will not support so I want to be upfront and candid, I have never support the Hotel/Motel Tax from it's inception in 1993. With that said -- excuse me? That said, I think there are a number of us who would like to go back and revisit, number one, the formula, and number two, to see how this money is being utilized by the Long Island Business and Convention Bureau, and I would have no objection to doing that. But this is part of County's revenue stream and if, in effect, if we don't adopt the resolution before year end, there would be no authority to continue to collect it beyond January 1st. So I just point that out.

LEG. TOWLE:

Legislator Caracciolo, would you suffer an interruption?

LEG. CARACCIOLO:

I'm done.

LEG. TOWLE:

Mr. Chairman, could I -- I guess so, he's looking the other way. You know, Mike, the reality is that, you know, if they want this resolution approved then they've got, you know, two more weeks to put together the contract and they've got two more weeks to put together what is the plan that they're going to spend this large sum of money on. I mean,

it's the reality, I mean, the document is incomplete. How can we approve something tonight blindly, not knowing how the money is going to be spent, where it's going to be spent and there's no accountability? And if we go back to check it or change it, it may be too late.

LEG. FOLEY:

Let's move.

[RETURN OF STENOGRAPHER-LUCIA BRAATEN]

P.O. TONNA:

All right. Motion to table by Legislator Caracappa, seconded -- oh, Legislator Haley has --

LEG. HALEY:

On the motion.

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P.O. TONNA:

No, no, wait. I'm sorry.

LEG. HALEY:

On the motion to table.

P.O. TONNA:

Legislator Postal, has the floor, then Binder, then Haley, if you want to speak again.

LEG. POSTAL:

Thank you. When we discussed this resolution in committee, the same reservations were expressed about the use of the tourism money, tourism promotion. And the point was made that if we vote to extend the hotel and motel room tax, we can at some point afterwards change the agency that's going to be spending the money. And that's the important thing, because unless we act on this quickly, we can lose a considerable amount of revenue, if this is not extend.

LEG. ALDEN:

Legislator Postal, would you suffer a quick interruption

LEG. POSTAL:

Sure.

LEG. ALDEN:

I think the point that was made is that if we approve this extension and tomorrow they go and sign a contract, that's it, we don't have anymore ability to go in there and alter it at all.

LEG. POSTAL:

Wouldn't this -- if this is -- well, can I ask our Counsel, if we approve this resolution, this -- this is pending -- does there have to be action by the State Legislator?

MR. SABATINO:

No. This --

LEG. POSTAL:

Or does it automatically get extended after the end of this year?

MR. SABATINO:

No. The State Legislature has taken action per your request earlier this year to give you the authority. The issue before you right now and the reason that there's a time element involved is that the old motel/hotel tax is going to expire midnight December 31st. If you wish to continue collecting it starting it on January 1st, before the end of this year, this local law will have to be adopted.

LEG. POSTAL:

We have to do it now, right.

MR. SABATINO:

So there would be no subsequent State act between now and the end of the year if you --

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LEG. POSTAL:

Right. But if we were to approve it, that's -- I'm sorry. I had forgotten the discussion that took place in committee. If we wait until December, it was my understanding from the discussion in committee that then there would be a delay with regard to when we could start collecting the tax again.

MR. SABATINO:

Well, what I said was that if you let it go-- if you let it go to the second meeting in December, because now you're bumping up against the holidays, it might not get filed in a timely fashion. But I did -- I mean, you could go to December 5th, if you wished, and not bump up against a deadline. If you go to the 19th, the concern I would have is that because the County Executive has to hold a public hearing and filings, it probably wouldn't happen in a timely fashion. But you could probably -- you could probably table it one more time and still be safe. I think the consensus at the committee was that you weren't going to get all the answers that you were looking for, you know, between now and December 5th. That's the reason I think it was moved.

LEG. POSTAL:

I think the question then is when you say "probably," do we run a risk if we table it to the December 5th meeting, do we run any risk? And if so, you know, what -- how much of a risk do we run of losing revenue?

MR. SABATINO:

I mean, you know, unless the County Executive's Office shuts down, you know, on November 27th or 28th, they'll be able to schedule their public hearing, as long as the County Executive doesn't wait the full 30 days that he's got. I mean, yeah, it could fall apart if the County Executive decides not to do the things that have to be done and decides to wait the full 30 days. If he waits 30 days, there's no way you could make it. I'm assuming, since the County Executive sponsored the bill, that he would schedule the public hearing and act, you know, in a timely fashion as opposed to waiting. But, you know, can I guarantee that? No.

LEG. TOWLE:

Legislator Postal, would you suffer an interruption?

LEG. POSTAL:

Sure.

LEG. TOWLE:

The bottom line is they have two weeks. They have two weeks to present us with a contract of how the money is going to be spent. The fact of the matter is if we approve this, as I said, whatever the dollar amount is, make up an amount, \$250,000, if it's Long Island Tourism or it's the group that Legislator Guldi, you know, sponsored, I'm not so concerned about who it is, I just want to know what they're planning on doing with the money, so there's some accountability. And we don't have that now. We're approving this blindly on a good faith effort that the contract will be approved in January, and at that point, that money will be spent.

And it's a little bit of a different answer than Legislator Haley got,  
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you know, at the committee meeting, and I've asked Budget Review independently, I'm not on that committee, I had asked them to put together some numbers, you know, over the last four or five years of what we're taking in on the hotel/motel tax and how it's being broken down and spent, because, you know, there are other groups out there that may be eligible or viable for funding, and I think to just, you know, arbitrarily and blanketly approve this tonight, when we've given them, you know, fair notice and fair warning, get something together for us in two weeks. If we're sitting here on December 5th and, you know, at that point, for some unknown reason, you know, over the next two weeks they're not able to put anything together, then that's something to think at that point.

LEG. POSTAL:

Can I --

MR. SABATINO:

Well, I could throw out a suggestion, if maybe --

LEG. POSTAL:

Yeah, if --

MR. SABATINO:

The only suggestion I could make is maybe it would accommodate everybody's concerns, because I'm getting, you know, a slightly different understanding of what the concern is, that if the County Executive was willing to make a modification to the bill, you could throw an additional clause in to the effect that no contract for the Year 2001 for the tourism component would be awarded, signed, executed, whatever without, you know, Legislative approval.

LEG. POSTAL:

Without Legislative approval. And --

MR. SABATINO:

This way you would be able to get the tax in place, but hold back the issue of the contract.

LEG. POSTAL:

Right. And if we could ask the County Executive's representative or the Department of Law whether that would be a possibility.

MR. GRIER:

I'm David Grier, County Attorney --

LEG. ALDEN:

You have to turn it on.

MR. GRIER:

David Grier, County Attorney's Office. As far as this bill's concerned, this merely extends the time period within which we can impose and collect the tax. It has nothing to do with the contract that would be entered in with the organization who actually conducts the tourism work for us. We currently have a contract with the LICVB. I don't -- as we sit here now, I don't know when that contract expires, but this resolution does not require us to enter into a subsequent

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contract as a condition of approving it, it's merely to extend our imposition of the tax and collect it.

LEG. TOWLE:

Mr. Chairman.

LEG. POSTAL:

Mr. Chairman, if I could just ask a question.

P.O. TONNA:

Yes, Legislator Postal.

LEG. POSTAL:

I understand that the resolution doesn't have anything that relates to entering into a contract, specific contract. But, on the other hand, normally, the County could enter into a contract without Legislative approval. And I think that's a concern that people have here, that that contract could be entered into without our awareness of it, and before we feel comfortable with the person, the agency we're contracting with. So what I'm asking is whether there would be a willingness, in the interest of approving the resolution tonight, to add a clause stating that a contract with the agency to provide the promotion for tourism for Suffolk County could be approved by the -- would be approved by the Legislature. Would there be a willingness to do that in the interest of approving the resolution tonight?

MR. GRIER:

I wouldn't be able to answer that particular question.

LEG. POSTAL:

Well, could the County Executive's Office respond to that?

P.O. TONNA:

Okay.

MR. GRIER:

As far as our contract is concerned, let me just throw out a hypothetical, since I don't know what the expiration date of our contract with the LICVB is. If, in my hypothetical, the contract with the LICVB expires 2005, then the imposition of this just provides the funding for the balance of the contract period that would be outstanding, and there would be no new contracts entered into. If, however, our contract expires December 31st, then we would have to enter into a subsequent contract.

LEG. POSTAL:

Could I ask --

MR. SABATINO:

Just as a practical matter, I mean, I haven't seen the document, but as a practical matter the contract has --

LEG. POSTAL:

Has to be on file with the Clerk.

00292

MR. SABATINO:

The contract can't go beyond the revenue source. If the revenue source is expiring December 31st, so --

LEG. TOWLE:

That's exactly what I was going to say. Thank you.

MR. SABATINO:

Just as a practical matter, without looking at the contract, that would be my initial reaction.

LEG. POSTAL:

Could I -- Mr. Chairman, could I just ask, does the Clerk of the Legislature have a copy of the contract? Do we get copies of contracts like that?

MR. BARTON:

We get copies of thousands of contracts. That specific one, I could find out tomorrow.

P.O. TONNA:

You know, Henry.

MR. SABATINO:

Let me -- let me expand on my --

P.O. TONNA:

You're in these -- you're in these new buildings and stuff, you know, Henry, hey.

LEG. POSTAL:

Things aren't hooked up, I guess.

MS. FARRELL:

It's in a box.

LEG. POSTAL:

Well, can we here from the County Executive's Office about conceivably, I guess, a phrase would have to state that if there was no contract in place that went beyond the current period, that --

MS. ROSENBERG:

I don't have the authority to say that, Maxine.

LEG. POSTAL:

Okay.

MR. SABATINO:

Let me just expand. I didn't mean to imply that that would only be for tonight, because that would take a CN. My point was that if gave you a comfort level, perhaps you could do that during the committee process for the next cycle. Give the County Executive's Office a chance to look into it. If something could get worked out between now and then, that might be the solution, which would be to add that paragraph, then everybody could walk away happy, at least until January.

00293

MS. ROSENBERG:

I don't have a problem.

P.O. TONNA:

Legislator --

LEG. POSTAL:

One last -- one last question?

P.O. TONNA:

Sure.

LEG. POSTAL:

Could the County Executive's Office make a commitment to us that if we were to table this resolution to December 5th and act on the resolution at that time, that the County Executive's Office would then follow up expeditiously, so that we wouldn't have a potential for loss of revenue?

MS. ROSENBERG:

Absolutely. That's not a problem.

LEG. GULDI:

Call the question.

MR. BARTON:

What they would have to agree to, Legislator Postal, is to advertise the public hearing prior to it being approved. That's what they would need to do.

MS. ROSENBERG:

Wait, wait. We have to --

P.O. TONNA:

Okay. Listen to me.

MR. BARTON:

Advertise the public hearing prior to approval.

P.O. TONNA:

Legislator Binder, do you have anything to say to add to this?

LEG. BINDER:

Uh-uh.

P.O. TONNA:

Great. All right. Legislator Haley, do you have something to add to this?

LEG. HALEY:

No.

P.O. TONNA:

Legislator Fisher, do you have something to add to this?

00294

LEG. CARPENTER:

No.

LEG. FISHER:

Just very, very quick.

P.O. TONNA:

Okay.

LEG. FISHER:

Because I will certainly support a motion to table, but we cannot go beyond December 5th, because we can't risk losing the revenues for our historic buildings --

P.O. TONNA:

Right.

LEG. FISHER:

-- and our cultural arts.

P.O. TONNA:

So why table it, then?

LEG. FISHER:

Okay. Those are very -- table it until December 5th, because we have an assurance --

P.O. TONNA:

Okay.

LEG. FISHER:

-- that County Executive will, you know, provide us with what we request.

P.O. TONNA:

We have that assurance? Yeah? Wait. I just want to see.

LEG. FISHER:

Do we have that assurance?

P.O. TONNA:

Do we have that assurance?

MS. ROSENBERG:

To do the public hearing?

P.O. TONNA:

Yeah. Could I hear it on the microphone?

LEG. FOLEY:

She did.

LEG. FISHER:  
They did.

00295

P.O. TONNA:  
All right, fine.

LEG. FISHER:  
They did give us their assurance.

P.O. TONNA:  
I trust you. Okay, great.

LEG. TOWLE:  
Motion to table.

P.O. TONNA:  
All right. Motion to table by Legislator Towle, seconded by ledge who?

LEG. GULDI:  
Me.

LEG. FISHER:  
I'll second it.

P.O. TONNA:  
All in favor? Opposed?

LEG. CARPENTER:  
Opposed.

LEG. HALEY:  
Opposed.

LEG. CRECCA:  
Opposed.

P.O. TONNA:  
Opposed to tabling, Legislator Crecca, Carpenter and Haley. Okay.

LEG. FISHER:  
Opposed.

MR. BARTON:  
15-3. (Vote Amended to 14-4)

P.O. TONNA:  
All right. 1998 (To readjust, compromise, and grant refunds and chargebacks on correction of errors/County Treasurer By: County Legislature #113). And don't leave. We still have a few things here. 1998, motion by myself, seconded by -- well it's the 13th Legislative -- oh, no. County Legislature. What? Okay. Motion by myself, seconded by Legislator Levy. All in favor? Opposed? Approved. (Vote: 18).

#### SENSE RESOLUTIONS

Okay. Sense resolutions.

00296

MR. BARTON:  
18.

P.O. TONNA:  
Sense Resolution Number 102 (Memorializing resolution requesting the Suffolk County Police Department to accommodate pregnant women in the department workforce). Motion by Legislator Towle, seconded by myself. All in favor? Opposed? Approved.

MR. BARTON:  
18.

P.O. TONNA:  
Sense 129 (Memorializing resolution requesting State of New York to

extend Emergency Medical Technician training).

LEG. FISHER:

Cosponsor.

P.O. TONNA:

Motion by Legislator Postal, seconded by myself. All in favor?

Opposed? Approved.

MR. BARTON:

18.

LEG. CARPENTER:

Cosponsor.

P.O. TONNA:

Cosponsors, you see them all? Great. Sense 130 (Memorializing resolution requesting State of New York to allow disabled workers to buy into the Medicaid Program). Motion by Legislator Fields.

LEG. FOLEY:

Second.

P.O. TONNA:

Seconded by Legislator Foley. All in favor? Opposed? Approved.

MR. BARTON:

18.

LEG. FOLEY:

Cosponsor.

P.O. TONNA:

Cosponsor, somebody.

LEG. COOPER:

Cosponsor.

P.O. TONNA:

Okay. Sense 132 (Memorializing resolution requesting Metropolitan Transportation Authority (MTA) to reject West Islip/Babylon railyard location). Motion by Legislator Carpenter, seconded by Legislator

00297

Bishop. All in favor? Opposed? Approved.

MR. BARTON:

18.

LEG. BISHOP:

Cosponsor, please.

P.O. TONNA:

Okay.

LEG. LEVY:

Cosponsor for me, too. Cosponsor for me, too.

P.O. TONNA:

Can I ask anybody, I just want to ask one thing, has anybody ever in any political, actually even look at these things?

LEG. BISHOP:

Yes.

LEG. CARPENTER:

Yes.

P.O. TONNA:

All right. And they said cosponsored? All right. 134 (Memorializing resolution requesting Metropolitan Transportation Authority (MTA) to reject undeveloped parcel at Riverhead location).

LEG. CARACCILO:

Paul.

P.O. TONNA:

There's motion by Legislator Caracciolo.

LEG. CARACCIOLO:

Yes, but when they --

P.O. TONNA:

Caracciolo.

LEG. CARACCIOLO:

When they do, they put them in the undecided pile.

P.O. TONNA:

Yeah, right, I know.

LEG. GULDI:

Henry, cosponsor.

P.O. TONNA:

Okay. Seconded by -- no. Seconded by myself. All in favor? Opposed?

Approved.

LEG. POSTAL:

Mr. Chairman.

00298

P.O. TONNA:

We have now --

LEG. POSTAL:

Mr. Chairman.

P.O. TONNA:

Don't go anywhere yet.

LEG. POSTAL:

Mr. Chairman.

P.O. TONNA:

Legislator Postal has a motion.

LEG. POSTAL:

Yes. I would like to make a motion to waive --

P.O. TONNA:

To discharge and approve.

LEG. POSTAL:

Waive, the rules, to discharge Sense 84 and approve. Sense 84 has been distributed.

P.O. TONNA:

Right. It's in your -- it's in your --

LEG. CARACCIOLO:

On the motion.

P.O. TONNA:

Okay. It's been distributed, it's in front of you. Legislator Caracciolo.

LEG. CARACCIOLO:

County Executive, Brenda or Dave. Dave, question on Sense 84. Have you seen the resolution?

MR. GRIER:

No, I have not.

LEG. CARACCIOLO:

It's a Sense of the Legislature resolution in connection with health and fringe benefits for domestic partners of County employees through the collective bargaining process. Like you, we have just received it, and I'd like to know if the County Executive's Office has a position?

MS. ROSENBERG:

We don't have it.

P.O. TONNA:

Well, just on -- while he's looking and reading the bill, Michael.

00299

LEG. CARACCIOLO:

Yes, sir.

P.O. TONNA:

The whole point is, I think of this resolution, is not to find out what the County Executive's position, it's more to say, "This is our position and we want you to take that under consideration."

LEG. CARACCIOLO:

Thank you.

P.O. TONNA:

Okay.

LEG. CARACCIOLO:

Dave?

LEG. POSTAL:

If you don't -- Mr. Chairman. Mr. Chairman.

P.O. TONNA:

Yes.

LEG. POSTAL:

While Dave is looking at this, if I could just interrupt for a moment just to point out that we received a letter from Ellen Schuler-Mauk several months ago representing all of the County bargaining units, expressing support for this Sense Resolution, and that was distributed to all the members of the Legislature.

LEG. BINDER:

Mr. Chairman, could I ask, while he's looking, could I ask --

P.O. TONNA:

Just wait one second. Just let's try to answer this question, then, Legislator Binder, you could be recognized. David? Okay. Go ahead, David, answer -- answer Legislator Caracciolo's question.

MR. GRIER:

Could you repeat your question for me?

LEG. CARACCIOLO:

Essentially, is this something that the County Executive would be inclined to support?

LEG. CARPENTER:

What kind of question is that?

LEG. CARACCIOLO:

In other words, historically, there's a separation of powers, if you will, between the Executive and Legislative Branch. We don't have a right to impose collective bargaining agreements upon the County, that's the purview of the County Executive, and would you feel that this is an infringement in that area by making this request?

00300

LEG. BISHOP:

Why are you doing this to him? Poor guy.

MR. GRIER:

If you're asking for a legal opinion, that's different than what the County Executive's position on that concept is. As far as the County Executive's position on whether he would support this, outside of any legal implications that it may have, that I would not be able to answer

for you, as I'm here representing the County Attorney's Office.

LEG. CARACCIOLO:

Okay.

P.O. TONNA:

Okay. Mike.

MR. GRIER:

And I wouldn't even, without having it researched, that I wouldn't want to give any legal opinions on the effect of this, the legal implications of this bill. But, again, this -- a sense resolution is this body's feeling on a particular subject, which you're relaying to the State or Federal Government, in this case, the State Government.

LEG. CARACCIOLO:

No, no, to the County Executive.

MR. GRIER:

Oh, I'm sorry.

LEG. FOLEY:

Just tell him, it just affirms good faith negotiations, doesn't even give a position.

LEG. POSTAL:

All it -- Mr. Chairman, all it does is it affirms the County Executive's right to negotiate contracts with the unions, and we affirm that those negotiations could consider all of these benefits, that's all we're saying.

P.O. TONNA:

Right. And it also does something else. There was -- there was action by this Legislature with bills to be able to say that we've basically set that policy, and I think this is a good step in the right direction, which says, "Hey, instead of setting the policy, all we're asking, we're asking the County Executive to take this under consideration."

LEG. FOLEY:

To undertake a -- undertake --

P.O. TONNA:

That's a big difference between that and getting involved in the collective bargaining process by mandating --

LEG. FOLEY:

Correct, correct.

00301

P.O. TONNA:

-- a benefit, which I think -- I think, if you want to ask about the legality of that, I think there might be some problem with it.

LEG. FOLEY:

It's really to undertake good faith negotiations, that's all.

P.O. TONNA:

Okay. I'd ask to --

LEG. BINDER:

I actually have --

P.O. TONNA:

Oh, Legislator Binder. I'm sorry.

LEG. BINDER:

Yeah. The first WHEREAS says people who live together often have personal relationships. Are we saying they often do? I mean, they don't always, so we're putting in this resolution that we recognize

that not everybody who lives together has personal relationships, so we're authorizing them to negotiate even on behalf of, in the WHEREAS clause, people who don't have personal relationships that live together, because we're saying they often do, not always do. In the -- if you look at the three "whereases" together, I think what you should understand is we're going a little step beyond. We're saying that this should be addressed. In other words, this is -- this is not something where we're saying just, you know, if you want to, Mr. County Executive, you negotiate this and you discuss it over there. This resolution says it should be addressed through the collective bargaining process. Should be, whereas it should be, we're saying it should, then I would think that it's pretty clear that we're giving direction to the County Executive that he should, he should, because that's who we're addressing this to, because we're sending this over to him.

LEG. FOLEY:

It's the RESOLVED clause. As a good attorney, you know --

LEG. BINDER:

I don't think I yield the floor.

P.O. TONNA:

Let Legislator Binder finish.

LEG. BINDER:

What we're doing is -- what we're doing is we're sending it to the County Executive and David Greene and the organizations, and we're saying this should be addressed. So I would think that members of the Legislature are taking a position, they should know it when they vote on this.

LEG. POSTAL:

Roll call.

00302

LEG. FOLEY:

Thank, Allan.

P.O. TONNA:

All right. Roll call, please.

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

LEG. POSTAL:

Yes.

MR. BARTON:

Legislator Guldi. Legislator Guldi.

P.O. TONNA:

Guldi, you're supposed to say yes.

LEG. GULDI:

Yes. Yes to approve.

LEG. CARACCIOLO:

No.

LEG. TOWLE:

Yes.

LEG. CARACAPPA:

(Not Present).

LEG. FISHER:

Yes.

LEG. HALEY:

(Not Present).

LEG. FOLEY:

Yes.

LEG. FIELDS:

Yes.

LEG. ALDEN:

No.

LEG. CARPENTER:

No.

LEG. CRECCA:

No.

LEG. D'ANDRE:

(Not Present).

LEG. BISHOP:

Yes.

00303

LEG. BINDER:

No.

LEG. COOPER:

Yes.

LEG. LEVY:

Yes.

P.O. TONNA:

Yep.

MR. BARTON:

Ten. (Not Present: Legs. Caracappa, Haley and D'Andre).

P.O. TONNA:

Okay. We have a motion to lay on the table Resolution Number 2215 and assign it to Ways and Means. Motion by myself, second by Legislator Crecca. All in favor? Opposed? Approved.

A motion to lay on the table 2216 and assign it to Public Safety.

Motion by myself, seconded by Legislator Cooper. All in favor?

Opposed? Approved.

Motion to lay on the table Resolution 2217 to the Judiciary, and secondary, Consumer Protection. Motion by myself, seconded by Legislator Postal.

MR. BARTON:

And set the public hearing for 12/5.

P.O. TONNA:

All in favor? Opposed? What? And you just set the public hearing?

MR. BARTON:

The public for 12/5.

P.O. TONNA:

And then motion to lay on the table 2218.

LEG. BINDER:

Motion.

P.O. TONNA:

And assign it to Ways and Means. Motion by Legislator Binder.

LEG. ALDEN:

On the motion.

P.O. TONNA:

Seconded by -- on the motion to lay on the table?

LEG. ALDEN:

Is there a need for this?

00304

P.O. TONNA:

To tell you quite honestly --

LEG. LEVY:

Lay it on the table.

P.O. TONNA:

Laying on the table, I'll say, I don't think there's a need for it, but, you know, they have a right, I guess, to lay it on the table. Probably something will be done prior to this even getting voted on. So, all in favor? Opposed? Approved. Okay.

MR. BARTON:

And sense 149.

P.O. TONNA:

Assigned to Ways and Means.

MR. BARTON:

Sense 149, Mr. Chairman.

LEG. FOLEY:

Sense 149.

LEG. BINDER:

Mr. Chairman, is it -- shouldn't it be in L & P rather than Ways and Means? Mr. Chairman.

LEG. FOLEY:

It depends on who's the --

P.O. TONNA:

There is no L & P. I don't know the last time, but that was about a couple of years ago. Okay. Motion to lay on the table 149 and assign it to Parks. It's a sense resolution. Motion by Legislator -- are you around, Towle? Fields, seconded by --

LEG. FOLEY:

Second.

P.O. TONNA:

Legislator Foley. All in favor? Opposed? Approved.

Okay. Just two more things just quickly. One is I want to thank both the Office of the Clerk, the Legislature. You guys did a great job in getting all this stuff done today. Thank you very much.

(Applause)

I want to thank Budget Review for the fine job that they did crunching the numbers without giving us percentages. Thank you very much. And I would like to wish everyone and your families a happy Thanksgiving, and have a really nice holiday. Thank you very much.

00305

MR. BARTON:

Mr. Chairman.

LEG. LEVY:

We've got some plastic rings, if anybody's really hungry.

P.O. TONNA:

Motion to adjourn by Legislator Fisher, seconded by myself. All in favor? Opposed? Approved.

MR. BARTON:

Mr. Chairman, with the cooperation of the towns, we'll be able to do the tax warrants on December 5th.

P.O. TONNA:

Another no special meeting. Thank you. We already missed two special

meetings because of it. Thank you.

[THE MEETING WAS ADJOURNED AT 8:30 P.M.]

{ } Indicates Spelled Phonetically.

00306