

SUFFOLK COUNTY LEGISLATURE

GENERAL MEETING

SIXTEENTH DAY

DECEMBER 5, 2000

Taken by: Lucia Braaten
Alison Mahoney

Smithtown, New York

[THE MEETING WAS CALLED TO ORDER AT 9:50 A.M.]

P.O. TONNA:

Will all Legislators, please come to the horseshoe. Okay. We'll -- roll call, Henry.

MR. BARTON:

Good morning, Mr. Chairman.

P.O. TONNA:

Good morning.

(*Roll Called by Mr. Barton*)

MR. BARTON:

14 present. (Not Present at Roll Call: Legs. Towle, Fisher, Haley and D'Andre)

P.O. TONNA:

Thank you very much. Okay. Now that our roll call is done, we're going to have a salute to the flag led by Deputy Presiding Officer Steve Levy.

(Salutation)

Thank you very much. Okay. I want to recognize Legislator Carpenter.

LEG. CARPENTER:

Thank you, Presiding Officer Tonna. It is really an honor for me this morning to introduce our clergy to you. And, often, when Legislators are introducing their clergy, they speak about how they're so involved in the community, and, certainly, that goes without saying for most members of the clergy. But for the gentleman I'm going to introduce this morning, Reverend Vaughan from Saint John the Baptist High School, besides being part of Our Lady of Lourdes Parish, at Saint John's, he's got close to 1,200 students that he is in a wonderful position to impact their lives and their futures. And just recently, when we had the Day of Unity that the Presiding Officer put together at the Dennison Building, Father Jim brought many of the students from Saint John's there, and has many programs to put them in touch with what it's really all about. So it is, as I said, an honor for me to present this morning Reverend Jim Vaughan.

REVEREND VAUGHAN:

And just before the prayer, I would also like to commend the entire Legislature for that day, that rally at the Dennison Building, which really did inspire so many. It actually inspired a day of prayer and reflection at our own school that Legislator Carpenter was able to attend and help out with. That, again, continues to get that message out that that is doing God's work, and that's really what we're all about is getting these people, you know, a decent living, getting these people a place where there is no hatred, a place where they feel safe. And what a wonderful job that everyone has done here, and in

particular Paul Tonna, too. I commend you for all of the great work that you've done. Do let's ask the Lord to bless this meeting, to bless all of us.

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God of love, we ask you to draw near to us today and help us to experience your peace and your presence in our lives. Bless this meeting of the Legislature. Help us to continue to do your work by serving the needs of those we have been called to serve. Bless our families this holiday season. Help them to celebrate the presence of God in their lives with us. Keep us close to you, and bless all of the people of Suffolk County that we have been called to serve. We ask this in the name of our God, Amen.

P.O. TONNA:

Could we just -- just for one second, just stand for one more second. I just -- Legislator Carpenter is here. Her husband had open heart surgery yesterday, triple bypass surgery, and I just thought maybe a moment just to -- just to say thank you, because he seems to be in very, very good health, you know, as good as you can be with a triple bypass surgery the day before, and just a moment to say thank you for so many other things.

(MOMENT OF SILENCE)

Thank you. Okay. Legislator Caracappa, a proclamation. I don't know what it is. I haven't had any coffee yet. Cara -- Caracappa. Boy, I'd have a real tough time with Caracciolo.

LEG. CARACAPPA:

It's Caracciolo.

P.O. TONNA:

Caracciolo.

LEG. CARACAPPA:

Legislator Cooper, would you care to join me? Thank you, Presiding Officer Tonna. I've been called worse, and especially by you. I'm joined at the podium this morning by the Chairman of our Economic...

LEG. BINDER:

Whatever.

LEG. CARACAPPA:

Whatever, and Education Committee, Legislator Jon Cooper from the 18th District. And we're here to honor a certain special individual, and I'd ask him to come forward. Coach Brown, come up with your lovely wife. We're here this morning, as we so often do, to recognize another great person and activity and program that goes on at our Suffolk County Community College and a person that runs that program.

Today's

no exception when we talk about so many great things at the College. Coach Brown has been named the NCAA Division III Coach of the Year by the Men's Baseball Coaches Association, and -- for the Men's Baseball by American Baseball Coaches Association. He's a Suffolk County College alumnus. He's currently the Coordinator of the Central Receiving Department at the Ammerman Campus, so he's an employee there as well. He's been the head coach for this wonderful baseball team for the last 15 years. He has a career record of 241 wins and 169 losses. And those of you who know how to tabulate, it's a 588 winning

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percentage, which is -- which is pretty good. He has coached four nationally ranked teams in the last four years. And under his leadership, the team had 32 wins this year, and that's a school record. The old record was 30 wins, and it's no surprise that was his record as well.

Coach Brown is also, aside from being coach for the Community College Baseball Team, he's the coach for the PAL Seminole's team. And there's the Seminoles and the Blue Devils, and let me tell you a little bit about that. It's an elite travel team that Coach Brown coaches where they take the best of the best from Suffolk County and wherever to play on this elite travel team with one -- with one stipulation. You have to continue to attend school, and if you don't attend school and stay in college, you don't play. And let me tell you, these kids, they want to play and they stay in school. And the PAL organization, through the Blue Devils and the Seminoles, they give these kids what they need in regards to resources and backing up to keep them in school, and it's a wonderful program. I've had the opportunity to work alongside of them in some fund-raising efforts, and it's just absolutely incredible.

And Coach Brown, on behalf of the entire Legislature, it's nothing short of an honor and a privilege for us today to present you with a proclamation recognizing your incredible efforts on behalf of not only the school, but more importantly, the kids that play baseball for Suffolk County Community College. Congratulations.

(Applause)

LEG. COOPER:

I just wanted to second my congratulations. And I know, Coach, that you could not have done this without the support of your lovely wife. So a round of applause for Mrs. Brown as well, please.

(Applause)

MR. BROWN:

On behalf of my wife, Clara, my family, and the Suffolk County Baseball Team, I'd like to thank you for this proclamation. Thank you.

P.O. TONNA:

Thank you.

(Applause)

(Photograph Was Taken)

P.O. TONNA:

I'd just like to make just two quick announcements. First of all, today, at 12:30, we're going to have the rededication of the William Rogers Legislative Building. The ceremony will be held here in the auditorium.

And then, secondly, at 10:30 today, we're going to do the warrant.

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And so, you know, we just want to make sure -- and then the other reminder, that there will be an executive session on the North Ferry at the conclusion of the public hearings this afternoon. Thank you.

All right. Our first speaker, John Gallagher. Where are you, John? Is this a budgetary matter? Oh, no, that was the last meeting.

COMM. GALLAGHER:

No. I -- as I recall, Mr. Chairman, I met my Waterloo last session of this Legislature on the budgetary matter.

I thank you, Mr. Chairman, for the complement of not being able to see me, which is rare for someone my size. But I'm here to address two areas, two resolutions, really, both of them capital projects, and I

will be asking members of DPW, Commissioner Bartha, and Tedd Godek from their staff to -- from that department to assist me. And, also, I have the County Office of Special Patrol and the Executive Office of Special Patrol Bureau.

The two resolutions that I'm asking you to consider that you have tabled both relate to the Special Patrol Bureau's hangar facility for the aviation section for the helicopters that we are going to be purchasing and acquiring to put into that hangar, and to rearrange some of the badly needed space that is in that building. First of all, subsequent to your tabling these motions, these resolutions, I, you know, was informed that there was some question about ownership of the building. And I think, also, the Legislative Budget Office can verify these facts with you, too.

First of all, we do own the building. The building is a County building. It is on leased property, the lease being filed by the Town of Islip. And we have the land leased on that building to the Year 2008. We have a renewal on that lease, an automatic renewal, for 15 years. So I think there's no question that we will be in the building and on the land for sometime to come.

There's another factor involved, which I think some of you are aware of, I know from Public Safety Committee, some of you are aware of, that under FAA regulations, the Town of Islip is required to have a police agency, not a security, but a police agency, you know, those certified police officers, to be available to it in time of -- in the event of an emergency within "X" number of minutes of response time. I'm not sure what -- I forget what the "X" number of minutes are that the FAA requires, but it is FAA or CAA, I'm not sure which requires that, but we certainly fulfill that function by being there, and it's a requirement that the Town, you know, would have to answer up to if we were not there. So there's no question in my mind that we have a permanent residency in that building. We will always be there.

In order to meet the need for the space, for the helicopter space, that we have put on order, we are going to have to vacate two trailers that are presently in the hangar. It's simply -- it's sheer math, you know, we don't have the square footage in the building, in the hangar now for those helicopters. When we get to the point of having three helicopters, we're going to have to move those hangars -- the trailers in the hangar out of there. Now, those trailers represent living

quarters for our Aviation Section, helicopter pilots, and other

personnel. There's always been, well, for sometime now, there's been a problem with those, because OSHA regulations and an actual OSHA inspection, I believe, told us we were in violation of safety and health regulations by having people in those trailers. So we were going to need the space somewhere to relocate aviation and some other functions that go on inside the hangar, such as the Crime Scene Unit, which stores and works out of the hangar, literally out of tables set up in the hangar, to store some of its material, and other specialized units, all of whom, you know, require space. And the space, it would seem to me, the most logical space that we should apply to that would be the space on the second floor of the building to put the pilots within contact of the helicopters.

So we're taking the upper floor of the building, renovating it for maintenance and storage space, storage of parts for the helicopters, office space, living quarters, literally, for the EMS personnel and the pilots that remain on call at any given time, you know, when required to take the helicopter out on emergency mission.

The second resolution deals with a generator. This, again, this, too, to me is, it's really -- it's the most simple of needs. In a time of power failure, the doors of the hangar will not be able to be opened unless we have a -- we have the generator that we're seeking to purchase in order to be able to have portable generator electrical capacity to open those doors. And it would seem just common sense that at the very time when you're probably going to need the helicopters out in some form of an emergency is the time you won't be able to get them out, unless you have this portable -- this, you know backup, generator, electrical capacity, to open the doors. So that resolution, that's Number 1990, Capital Project 31-82, is simply, you know, to put into place the mechanism for the helicopters to be available when we need them.

As far as the cost of the renovation, I know some of you questioned that, and I really am not the person. That's why I asked Commissioner Bartha and his staff to join us, because I'm going to need them to tell you how they arrived at the figures they arrived at for the cost of renovation, or the budgeted cost, anyway, rather -- I don't know what the actual costs will be. But I'm urging you to remove these things, please, and get them back on the table, so that we can get ahead with this project, because these helicopters are -- you know, the time is ticking away when these helicopters will arrive. I need lead time to get that space prepared for them. I have to get that generator in place. Thank you.

P.O. TONNA:

John. Anybody, questions? George, I'm sure you would have some.

LEG. GULDI:

Yeah. Actually, one question that occurred is the size of -- is a really technical question about the backup generator, when you went to that issue, the backup generator sizing. The backup generator purpose is to open the door. What's the --

COMM. GALLAGHER:

Well, that's its primary purpose. I believe there might be some secondary purposes for it, too.

LEG. GULDI:

Yeah, because the backup generator that was spec'd was huge, and that it just raised a red flag. It's that the generator that we're talking about is way out of proportion to open the door to the hangar and -- firstly. And secondly, why don't we consider designing the hangar door with an alternate opening mechanism, since that can be done?

COMM. GALLAGHER:

Well, I'm going to defer to DPW and to Inspector Arciero, who's in charge of the Special Patrol Bureau. Commissioner?

INSPECTOR ARCIERO:

All right. Mr. Guldi, the generator was sized by DPW, so I think Mr. Bartha can probably answer on that.

LEG. GULDI:

Yes, that's what I presumed.

INSPECTOR ARCIERO:

The question of a manually operated door was looked into, but that's quite an expensive renovation in and of itself, which would probably equal the cost of doing a generator. The generator is intended to power the whole building in a time of a major outage.

LEG. GULDI:

Yeah, I understand that the generator clearly is designed to power the whole building, at least the whole building.

INSPECTOR ARCIERO:

Right.

LEG. GULDI:

The question is, what -- do you -- you're familiar with Islip MacArthur. To what extent do they have generator power for the instrument landing system, the tower operation, the landing lights?

INSPECTOR ARCIERO:

They have backup available to them.

LEG. GULDI:
For all of those systems?

INSPECTOR ARCIERO:
To them. As far as I'm aware, yes.

LEG. GULDI:
Okay. Commissioner Bartha, how was the generator sized? What's the capacity? What's the demand to operate the door and what's the size of the generator?

COMM. BARTHA:
I don't have those details with me, but, clearly, as you picked up on,

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if the door was the only purpose for the generator, there are other ways of dealing with it. But, as the police have indicated, since the officers actually reside in here and there's other activities that have to continue as part of police operations, that the generator was sized for the entire facility.

P.O. TONNA:
Is this the showers? Is this the one with the showers?

LEG. GULDI:
Yeah, this is the --

P.O. TONNA:
So, are you asking about the showers?

LEG. GULDI:
No, I haven't. I'm just talking about the generator, because it's -- it relates to the same project. I don't have any further questions at this time. I'm not getting answers anyway.

COMM. GALLAGHER:
I'm not. Mr. Chairman.

P.O. TONNA:
Wait, George. George. Okay. Hold it a second. I know Legislator Towle isn't here, who had a number of questions, too, but I think the whole process was come down and answer questions. We have people here to answer questions. You feel you're not getting them?

LEG. GULDI:

What I said -- the answer I just got is, "I don't have those details."

P.O. TONNA:

All right.

COMM. GALLAGHER:

But I think, also -- well, Legislator Guldi, you know, in fairness to the answer you got, too, was that the generator's primary purpose is to open the doors. Its secondary -- I shouldn't even say secondary purpose, a co-purpose is to keep the building running in time of a power failure. So you have several different dozens of people that, you know, use that building. At the time of a power failure, it would all be necessary. I heard showers and you mentioned in the backup.

P.O. TONNA:

Yeah.

COMM. GALLAGHER:

But you got to remember, the Aviation Section people literally live in this building during their -- during their tour. They're there for, you know, in addition to -- I don't know what kind of response -- results happen when you respond to a medical emergency, but I can foresee and envision the time when somebody coming back off of a type of certain kinds of emergency would want -- need to take a shower. I don't want to go into gory details, but --

LEG. CARACCIOLO:

Commissioner. Good morning, John.

COMM. GALLAGHER:

Good morning.

LEG. CARACCIOLO:

For the benefit of you and Commissioner Bartha and the Inspector, since you're here and others may arrive after you leave, why don't you just give us a complete review, overview of this project, and the details of it, so that if anyone who is present has any questions that have been unanswered, this is an opportunity to get the answers --

COMM. GALLAGHER:

Okay.

LEG. CARACCIOLO:

-- so we can move on these resolutions.

COMM. BARTHA:

One of the resolutions is to provide the planning money, the planning and design for this facility. What we are -- we are anticipating, based on our conversations with the Police Department, are 3,000 square feet of renovations, and 4,000 square feet of new construction. The 4,000 square feet will be constructed above and over the existing 3,000 square feet, which makes it a very unique form of construction inside an existing building. The foundations have to be examined to -- new supports have to go up. And, at this point, the larger budget, which we're not asking you to appropriate at this point, because I emphasize it's a budget and not an estimate, includes funds for an elevator, since we have to provide an elevator to comply with ADA requirements.

When we come to you next year for the construction funds, at that point, we will have an estimate based on the design, and we can provide full details at that time for the -- how we arrived at the cost. For budgetary purposes, we figured \$75 a square foot for the 3,000 square feet of renovations, and \$4,000 a -- and a \$100 a square foot for the 4,000 square feet of new construction.

LEG. CARACCIOLO:

Okay. Commissioner, I think on the last two points you made is where eyebrows were raised with respect to the cost per square foot. Anyone around the horseshoe that may have experience otherwise, now's your opportunity to question the Commissioner as to why the costs appear to be excessive, if, in your opinion, they are excessive.

LEG. FIELDS:

Can I ask? Why do we send so much outside to have consultants do the planning? Why do we not do it in-house?

COMM. BARTHA:

We do a considerable amount --

LEG. FIELDS:

And wouldn't it be less expensive to do this kind of thing in-house?

COMM. BARTHA:

Our experience is it is not less expensive to do it in-house when you consider the County's overhead. However, we do have capability to do work in-house. We do a considerable amount of work in-house. We just bid the -- an \$11 million project for a medical -- an administrative addition onto the jail in Yaphank, and that work -- those bids came within budget and it was designed by our own staff with the help of consultants for the mechanical-electrical. The architectural we did in-house. This work we're looking to accelerate in order to accommodate the new helicopters that will be coming in, and given our present workload, which is based on the present Capital Program, we can't get it accomplished in the same time frame that a consultant could.

LEG. FIELDS:

And the second question that I have is at \$100 a square foot, is that the going rate that you find in any other commercial undertaking?

COMM. BARTHA:

This is very unique, because, as I said, it's construction of new space within an existing building and above existing space. For example -- but, for comparison purposes, and there are major differences in this, this particular building, which included an addition and renovations of existing space, was \$126 a square foot. The Cooperative Extension building in Riverhead, which is a three-story new construction, which we recently took bids on, brought it in within budget. It was \$151 a square foot. And some older projects, like Dennison Building, was \$86 a square foot to renovate. As you've probably seen in the newspapers, the construction costs are accelerating for building construction projects, particularly with -- because of the school work that's going on, all kinds of school bonds and --

LEG. CARACCIOLO:

Commissioner, if you would suffer an interruption, since I didn't really yield my time. We also had a similar experience with the ballpark.

COMM. BARTHA:

The ballpark I would say was unique in the whole process that we ran through here, because, initially, we had a grant rather than a budget, even. And then as soon as we started the design, we developed some options, and I came back to this body to present those options, and I believe, you know, the majority chose what I believe was the best option to build a better facility, and that facility -- you see newspaper articles with the prices of ball parks that are contemplated, they're almost twice what ours is -- was for the same size ballpark, and I believe every Legislator has been there and has seen what a quality facility that is, and so I'm very proud of it.

LEG. CARACCIOLO:

I think the threshold questions really relate to are these figures of 75 and \$100 within the norm in today's marketplace?

COMM. BARTHA:

My answer is yes, they're -- that's actually lower than the figures for this building or the Cooperative Extension Building.

LEG. CARACCIOLO:

Okay. Then I would say to my colleagues, some who raised objections to these costs in particular, if you have information to the contrary please share that with the Legislature before we move on these resolutions.

Commission Gallagher, just to switch gears and to get an update and take this opportunity to do so, where are we in terms of next year being able to meet compliance with the resolution approved to establish an East End police helicopter presents at Gabreski or someplace else?

COMM. GALLAGHER:

Well, partially, we're at -- you know, I think one thing we're doing is taking a look at that in terms of the budgetary costs, you know, for the beginning, I guess -- I assume we're going to start that in the summer. And if we do, then we have to take a look at what the cost of that, with the overtime budgetary costs. But I'm budget -- what I'm trying to do is plan for a budget that will allow us to have the overtime money available in the summer to -- you know, to be able to staff that facility. Inspector Arciero said he has some --

LEG. CARACCIOLO:

At this juncture, though, I mean, plans are moving forward to actually begin operations.

COMM. GALLAGHER:

Yes, yes.

INSPECTOR ARCIERO:

Yes.

LEG. CARACCIOLO:

And I believe the resolution called for it, was it Memorial Day or around May of next year?

INSPECTOR ARCIERO:

The resolution calls from the month of May to the month of September.

It doesn't specify a particular date within those months. The problem we're seeing right now is delivery date on the new helicopters, because the program doesn't go up until the new helicopters are in place. And we're looking at a very short window, as far as the delivery date, as to whether we meet the requirements of the legislation, or do we go past the beginning, past May, if you will, on the delivery date of the brand new helicopters. The way the bid was let, the contractor is allowed until August 1st to deliver the helicopters.

LEG. CARACCIOLO:

And what's the latest estimate of delivery?

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INSPECTOR ARCIERO:

The latest estimate is somewhere in the May, June window. It's a two-stage process. The manufacturer has to build the aircraft and then it has to go to a completion center for the interior, for the medical interior, if you will, for the medical end of the thing. So there's two steps involved in it, so it -- you can't get a firm delivery date at this point in time.

LEG. CARACCIOLO:

In terms of --

INSPECTOR ARCIERO:

We're too far out.

LEG. CARACCIOLO:

In terms of having the facility prepared for the delivery of the helicopter, is that going to take place concurrently, in advance, or do we have to wait -- I don't understand why we have to wait for a helicopter to be delivered before we make preparations at the site which is there.

INSPECTOR ARCIERO:

No. Well, we've already identified a hangar that is a possibility to house the operation for the summer months out at Westhampton. I think we're pretty much in place as far as what we can do if we have the helicopters available for us.

COMM. GALLAGHER:

Yeah. I think, you know, to further that statement, what we're doing

is doing all the planning on the assumption the helicopter will be there. We will have sufficient helicopters to place the one on the East End that we've committed to do, and so we're working towards that end building both the physical -- you know, having physical facility available, having resources available, so that -- and money to pay for them.

LEG. CARACCIOLO:

Will you provide the Legislature with a monthly report between now and August?

COMM. GALLAGHER:

Sure. I can do that through the Public Safety Committee.

LEG. CARACCIOLO:

Fine. And I would ask that the Chair of that committee provide courtesy copies to Legislators not on the committee. Thank you.

INSPECTOR ARCIERO:

There's a possibility that the manufacturer may deliver a split delivery, rather than two at one time. They may deliver one earlier, in which case we would only trade in one of the existing helicopters, and we should then be able to start up in May, you know, if we get one earlier.

LEG. CARACCIOLO:

Okay. So the operations on the East End are not contingent upon

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delivery and operational capability of both --

INSPECTOR ARCIERO:

Not two, just one.

LEG. CARACCIOLO:

Just the one. Very good.

LEG. BINDER:

Mr. Chairman.

P.O. TONNA:

Legislator Binder.

LEG. BINDER:

Could I just ask Charlie to come back up again? I'll pursue a little

bit on a line of questioning that was -- the question about outside contracting, you said that it costs us less because of the overhead, the County overhead. Do we have a report that shows that? Do we have a --

COMM. BARTHA:
Yes.

LEG. BINDER:
Could you furnish us with a report. It's obviously becoming a question and an issue, starting -- you know, with a particular program, or this project. So, you know, if we can have that in front of us when you talk about it, because the number seems to be quite large, and it kind of seems that if there's not a lot of work and people are sitting around, then our overhead costs us, because if they're not doing work on a regular basis, then it's a high -- it's a high cost to us. But when people work for us, and as long as there's enough work to keep them going, it's kind of surprising that it would cost us more overhead than it would cost an outside company who pays benefits, pays the people who do it, and they make a profit on it on top of it. So adding that together, it kind of -- it doesn't seem to make sense that as long as we have enough people, and I understand, if we overstaff, that could be a problem, because if people are sitting around without jobs, we basically have inefficiencies built in. We pay overhead anyway, benefit salaries when people are not working. But it's surprising to me the amount that we have that goes out under that amount, that we would not be able to hire people at a cheaper rate, just as long as we're careful about not hiring too many.

COMM. BARTHA:
My philosophy has always been that we need a strong baseline staff to handle the baseline workload, which I think is what you are saying. And we've actually been expanding that base. We hired an architect last year, we hired another new architect this year. In our engineering areas, we've been hiring junior civil engineers. Our overhead includes not only the items you identified, but they include the building cost, the debt service, the maintenance cost. We've taken into account all of those items, including the finance area, the personnel areas, and we've distributed that over all the projects and developed what our overhead multiplier would be.

LEG. BINDER:
Okay. That would be helpful, if we -- how recent is the report?

COMM. BARTHA:

We develop it annually for the Sanitation Division for our chargebacks. For the other divisions, it may not be as current, it may be two or three years old.

LEG. BINDER:

Okay. Well, that would be reasonable, because the assumptions that would be made would still hold true today, you know, in kind of a hiring question as to cost, you know, just how we're using our human resources.

Just to switch, as long as I've got you up here, on another question. The Department of Public Works, would you say that your department has expertise in other areas, or a good view of, let's say, the Health Department, Social Services Department, their needs in what they do? Do you have a good handle on other parts of the government?

COMM. BARTHA:

That's a tough question. I'm not -- we certainly have knowledge of their operations in certain areas as it relates to the building needs, and their needs, really --

LEG. BINDER:

As it relates to Public Works, but that's pretty much the end of your expertise. And just my concern is that we're talking about moving Purchasing from a place where it is, where they have kind of an overview of all of the government, into Public Works, into a particular department that has, as you just said, a very focused attention on public works, building needs. And even in the other departments, you have a focused attention on that. So I'm curious as to how you would see your ability to have a more global view of the needs in Purchasing that have nothing to do with Public Works.

COMM. BARTHA:

Okay. The Department of Public Works has purchasing authority for very specific areas under Highway Law, so we already have a Purchasing Division. And our department generates a fair percentage of the purchasing requirements for the County, for all of the work we do for all of the -- all the County departments, Health, Social Services. So, frankly, in my view, it would streamline the operation of purchasing if our department was given both the -- we already have the responsibility to get the projects done. I would like to have the resources to -- that are needed for that to avoid finger-pointing as to, you know, what is holding -- what's holding projects up, whether it's the acquisition of materials, whether it's, you know, certain bids.

LEG. BINDER:

Well, you're still talking about Public Works. When you're discussing that, you know certain bids -- I mean, your expertise and your understanding is particularly in Public Works. How are you going to streamline the process in purchasing of let's say M.E. equipment, you

know, in our -- or a medical -- you know, a Medical Examiners office, or in underwater -- underground protection in the Health Department? How does it all of a sudden streamline and how do you have the expertise and the understanding of the needs of the departments, which you just said that you didn't have?

COMM. BARTHA:

That's easy. The expertise in the purchasing for those areas would be transferred to Public Works under the budget resolution that the Legislature adopted. We are an operating department. We have an appreciation for deadlines, getting projects done. There would be a streamlining effect simply in that there's a -- the person under our Finance Division who handles the purchasing area right now will be retiring next year. That's a Grade 28 position that we would not have to replace, given this consolidation.

LEG. BINDER:

Can you explain how it's not streamlined now? Because I haven't heard it --

COMM. BARTHA:

It's not --

LEG. BINDER:

-- and I didn't hear any -- I haven't heard problems in streamlining. All of a sudden, we're going to get something streamlined that I had not heard to this moment that hadn't been streamlined. I've been in this government in 11 years as a Legislator and I hadn't heard complaints that the process isn't streamlined, that purchasing wasn't working, that it wasn't happening, things -- I mean, I know even when I was concerned about certain things in departments that might have been held up. There was always a reason. The process was understandable. I was able to call the Comptroller's Office. It was very clear as to what was going on. And I've never heard a problem that the process outside of Public Works purchasing wasn't streamlined. And how would you know about concerns outside of Public Works? Since you have your own purchasing and it's a separate event, how would you know about the problems in streamlining and other purchasing questions that are under Comptroller? And I'm just curious, because I -- it's the first time I've heard it.

COMM. BARTHA:

Well, we deal with purchasing every day. Most of the commodities that

we purchase have to go through Central Purchasing. So we have intimate knowledge of working with them and of the process. The streamlining I was referring to, we would be able to eliminate the redundancies in the Public Works aspect of the purchasing, which is a good portion of the purchasing that goes on in the County. And it would be nothing lost in the purchasing for the other departments, and possibly something gained in the fact that we, as I said, are an operating department and can appreciate deadlines.

The other streamlining aspect I brought up, which was the first time that this has been raised, is that expect that a Grade 28 position, a person holding a Grade 28 position, will be retiring next year, and that's a position we would not have to replace, given this scenario.

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LEG. BINDER:

Well, I'm not all that concerned about one particular in the whole government, one particular person, but I do know in talking to commissioners over the years, and I haven't heard of all of this problem, and this is the first time I'm hearing that you've had a redundancy problem. I'm here 11 years. You or previous Commissioners of Public Works I haven't heard talk about the fact that you've had a problem in purchasing, that there's been a redundancy. Can you explain the redundancy and what it's cost you, so I can understand, since this is now coming to the floor, that you have this redundancy problem, or you've had it, obviously, since you need it streamline. I'd like to know about it.

COMM. BARTHA:

First off, this is not my initiative.

LEG. BINDER:

Oh, it's not. It sounded like it was. I wasn't sure.

COMM. BARTHA:

No, it's a Legislative initiative.

LEG. BINDER:

Oh, it sounded like --

COMM. BARTHA:

When you adopted the budget.

LEG. BINDER:

-- maybe you came to the Legislature, because you had these problems with streamlining, and you were concerned, and so maybe you went to a Legislator and said, "I really should have this whole department, so we can streamline this. I have all these problems. I'm in Public Works and I have all these redundancies that are costing "X" number of dollars, and so we could streamline it."

COMM. BARTHA:

What gave you that impression? You're the one asking me the questions.

LEG. BINDER:

By your answers, that gave me that impression.

COMM. BARTHA:

That I came -- that I came here to talk about that?

LEG. BINDER:

Because that's the first time I've heard about these streamlining problems. Excuse me?

COMM. BARTHA:

That I -- that you think that's why I came here to talk, I was talking about --

LEG. BINDER:

No, no. I was asking you in these questions. It's just a new line of

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questions, since we're going to be dealing with this today, so I wanted to understand these redundancies you're bringing up. And if it's costing you, have you quantified the cost?

COMM. BARTHA:

No, I have not quantified it.

LEG. BINDER:

You haven't?

LEG. CARPENTER:

Mr. Chairman.

LEG. BINDER:

Okay.

D.P.O. LEVY:

When he's done.

LEG. BINDER:

So you're not sure about what redundancies are out there, you're not sure if you can save any money.

COMM. BARTHA:

No. I absolutely am sure about the redundancies.

LEG. BINDER:

Can you tell me about them?

COMM. BARTHA:

Yes.

LEG. BINDER:

Sure.

COMM. BARTHA:

Right now, when we -- we have to go through the whole purchasing process within our department and then send it to Purchasing to go through the process again in order to -- in order to deal with the commodities that fall under their jurisdiction.

LEG. BINDER:

They do exactly the same thing.

COMM. BARTHA:

We are the ones with the expertise in purchasing the items for Public Works. This causes a great deal of time to be spent both in our office and in their office. So we will be able to -- for whatever percentage of purchasing that Central Purchasing does that's for Public Works, that redundancy will be eliminated.

LEG. BINDER:

Now, do they do exactly -- I'm just -- I'm trying to understand exactly how this works now, because this is kind of new to me. There -- so there's redundancy. Do they do exactly the same work? In other words, the work that you do, then you send it over there and they do

the exact same work. Is that what -- so I understand what they do and what you do. It's the exact same work done again.

D.P.O. LEVY:

Okay. If you'd suffer an interruption, I'm going to have you answer that, Charlie; okay? And then what I'd like to do, we'll give back the floor in a little bit, if you don't mind, Legislator Binder, but at 10:30, we are going to vote on the warrants. It looks like this is going to be a good deal of discussion here.

LEG. BINDER:
Okay.

D.P.O. LEVY:
Let's have this question answered and then we'll go to the warrants, then we'll get back to you.

LEG. BINDER:
Appreciate it.

D.P.O. LEVY:
And then what I'd like to do, if you don't mind, with the consent of the Presiding Officer, it looks like this is going to be a debate for quite sometime. I know we have the Comptroller who wants to talk on it as well. We also have a great number of people who want to speak on other things.

LEG. BINDER:
I just -- yeah. I just figured that since Charlie is here now, if he, as a Commissioner, if he wanted to leave, and since this is an important resolution --

D.P.O. LEVY:
I understand. But what I think is --

LEG. BINDER:
I wanted to get him while he was here.

D.P.O. LEVY:
-- this can go on probably for an hour with this discussion.

LEG. BINDER:
Hopefully not.

D.P.O. LEVY:
Normally we have the Commissioners come up, if it's a ten-minute deal, we let them come in and leave. In this particular case, it might be worthy for us to go through the people out there in the audience and then come back to this, which may take an hour, later on.

LEG. BINDER:
That would be fine.

D.P.O. LEVY:
Okay?

LEG. BINDER:

Let me just finish the last --

D.P.O. LEVY:

Finish. If you could answer that question, Charlie, then we'll go to the warrants. And if all Legislators can please come to the horseshoe.

COMM. BARTHA:

The redundancies are, as I explained, that we prepare some of the same paperwork, not all of the exact same paperwork, but some of the same paperwork, and then it gets sent -- so it gets sent over to Central Purchasing, we would be able to eliminate that step if it was put under Public Works.

LEG. BINDER:

I think another way is to just mandate that you eliminate the redundancy, but that -- we can talk about that. Thanks.

D.P.O. LEVY:

Thank you.

COMM. GALLAGHER:

Just in parting, Mr. Chairman, just remind everybody that I came up here to talk about those two resolutions regarding the Police Department Special Patrol Bureau, and I'd like you to please, you know, dredge that up from your memory of when we started this conversation.

LEG. BINDER:

I apologize, Mr. Commission.

COMM. GALLAGHER:

Thank you.

D.P.O. LEVY:

Good. Thank you. If we could have the Presiding Officer join us and all Legislators, so that we can deal with the warrants. The bills are in a separate folder that are before each Legislator's desk. For those who were distracted, we're going to be voting on the warrants that there -- Resolutions 2219 through 2222. They're in a separate packet in a manila envelope. I will again request that all Legislators come to the horseshoe, so that we can vote on the warrants.

P.O. TONNA:
Okay. Henry, could we just do a roll call?

(*Roll Called by Mr. Barton*)

MR. BARTON:
17. (Not Present: Leg. Towle)

P.O. TONNA:
Okay, great. Legislator Haley's? Okay. Just where is this thing?
Where's the warrant? Okay. I'm going to make a motion to Approve
2219 (Levying unpaid water rents).

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LEG. CARACAPPA:
Second.

P.O. TONNA:
Seconded by Legislator Caracappa.

LEG. CARACCIOLO:
On the motion.

P.O. TONNA:
On the motion.

LEG. CARACCIOLO:
Brief explanation.

P.O. TONNA:
Fred, or Paul, do you want to give a brief explanation. Henry. Henry.

MR. SABATINO:
These are just --

P.O. TONNA:
Okay. Let Henry.

MR. SABATINO:
These are just -- okay.

P.O. TONNA:
Go ahead, Clerk.

MR. BARTON:

Okay. These are the unpaid water rents that are reported to us by each of the towns. They have to be attached to the tax bills.

LEG. CARACCIOLO:

And the water rents are a result of what?

MR. BARTON:

There are various water districts throughout the County of Suffolk and these reflect the figures for the amounts that need to be collected. It's in the Town Law of the State of New York.

LEG. CARACCIOLO:

So the County collects them and --

MR. BARTON:

The towns collect them. They're preserved from year to year by this action, and the towns collect them.

LEG. CARACCIOLO:

So, for example, Southampton and Riverhead, these are the water districts within those Towns?

MR. BARTON:

Yes.

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LEG. CARACCIOLO:

Okay. Thank you.

P.O. TONNA:

Okay. All in favor? Opposed?

MR. BARTON:

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

P.O. TONNA:

Great. Number 2220 (Implementing Budget, Staff, and Taxes for the Fiscal Year 2001 (Mandated)).

LEG. CRECCA:

Motion to approve.

P.O. TONNA:

Motion to approve by Legislator Crecca, seconded by Legislator Fisher,
implementing the budget staff and taxes for the fiscal Year 2001.

LEG. BINDER:
Roll call.

P.O. TONNA:
Roll call.

(*Roll Called by Mr. Barton*)

LEG. CRECCA:
Yes.

LEG. FISHER:
Yes.

LEG. COOPER:
Yes.

LEG. BINDER:
No.

LEG. POSTAL:
Yes.

LEG. BISHOP:
Yes.

LEG. D'ANDRE:
Yes.

LEG. CARPENTER:
Yes.

LEG. ALDEN:
No.

LEG. FIELDS:
Yes.

LEG. FOLEY:
Yes.

LEG. HALEY:
Yes.

LEG. CARACAPPA:
Yes.

LEG. TOWLE:
(Absent)

LEG. GULDI:
Yes.

LEG. CARACCIOLO:
Abstain.

LEG. LEVY:
No.

P.O. TONNA:
Yes.

LEG. CARACCIOLO:
Henry, change my vote to a no.

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

P.O. TONNA:
2221 (Implementing Budget, Staff, and Taxes for the Fiscal Year 2001
(Discretionary). Is there a motion? I'll make a motion, seconded by
Legislator --

LEG. COOPER:
Second.

P.O. TONNA:
-- cooper. All in favor?

LEG. BINDER:
Roll call, please.

P.O. TONNA:
Roll call.

(*Roll Called by Mr. Barton*)

LEG. TONNA:
Yes.

LEG. COOPER:
Yes.

LEG. BINDER:
No.

LEG. POSTAL:
Yes.

LEG. BISHOP:
Yes.

LEG. D'ANDRE:
Yes.

LEG. CRECCA:
Yes.

LEG. CARPENTER:
Yes.

LEG. ALDEN:
No.

LEG. FIELDS:
Yes.

LEG. FOLEY:
Yes.

LEG. HALEY:
Yes.,

LEG. FISHER:
Yes.

LEG. CARACAPPA:
Yes.

LEG. TOWLE:
(Not Present)

LEG. GULDI:
Yes.

LEG. CARACCIOLO:
No.

LEG. LEVY:
No.

MR. BARTON:
13-4, 1 not present.

P.O. TONNA:
Just before we go to the next one, could I just ask why people would

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vote against having a printed budget and a staff? I'm just trying to get an understanding?

LEG. FISHER:
Me, too.

LEG. CARACCIOLO:
Well, if someone would have made an explanation before. These resolutions are how many pages?

LEG. GULDI:
Two.

LEG. CARACCIOLO:
No, no, no, no. 2020 is not two pages, George.

LEG. GULDI:
2020 is two pages with 11 pages of backup.

LEG. CARACCIOLO:
Yeah, backup that contains all type of --

LEG. GULDI:
It's two pages.

LEG. CARACCIOLO:
The resolution is two pages and the backup is about 20.

MR. BARTON:
The backup is provided to us by the towns. It represents the actions that they took on their budgets, and the school districts, and the fire districts, and the library districts within each town.

LEG. CARACCIOLO:

All right. So just summarize, in effect, approval of these resolutions has the net effect of doing what?

MR. BARTON:

He County of Suffolk gives the authority to the various Receivers of Taxes in the ten towns to go out and send out the tax bills and collect the money needed to run government for the next year.

LEG. CARACCIOLO:

This is essentially, then, a ministerial act on our part.

MR. BARTON:

Yeah.

P.O. TONNA:

Yes.

LEG. CARACCIOLO:

Correct, Counsel?

MR. SABATINO:

Absolutely.

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P.O. TONNA:

I'd just --

LEG. CARACCIOLO:

Then I would ask that my votes on 2020 and 21 be changed to affirmative.

LEG. BINDER:

You have to make a motion to reconsider.

LEG. GULDI:

Second his motion to reconsider for that purpose.

P.O. TONNA:

Okay. I'll -- he seconded it. George seconds it. All in favor? Opposed? Now it's in front of us again.

LEG. FOLEY:

Just on the motion.

P.O. TONNA:
Yes.

LEG. FOLEY:
Which reso, 2220?

LEG. BINDER:
Which one?

P.O. TONNA:
2220 and --

LEG. CARPENTER:
20 and 21.

LEG. FOLEY:
Henry.

MR. BARTON:
Yes.

LEG. FOLEY:
If you could -- on 2220, if you would go to the Town of Brookhaven
portion, if you will.

MR. BARTON:
Yes, sir.

LEG. FOLEY:
Okay. You look at the Town of Brookhaven, we see the Real Property
Tax Law, Article VII.

MR. BARTON:
Yes.

LEG. FOLEY:
For the record, that is the property -- that is the property tax line
for Phase I for the erroneous assessments that the Town had levied
against the Shoreham Nuclear Power Plant; correct? As a tax
certiorari suit that the -- that LILCO that time --

MR. BARTON:
Are you on Page 5?

LEG. FOLEY:
On Page 5, correct, Real Property Tax Law Article VII.

MR. BARTON:
That's the total --

LEG. FOLEY:
That's for Phase --

MR. BARTON:
-- erroneous assessments.

LEG. FOLEY:
No, no, no. Real Property Tax Law Article VII.

MR. BARTON:
Yes, that's Shoreham. Yes, that's correct.

LEG. FOLEY:
That's the Phase I tax certiorari.

MR. BARTON:
Yes.

LEG. FOLEY:
That LILCO had successfully brought against the Town of Brookhaven.

MR. BARTON:
Yes.

LEG. FOLEY:
Correct?

MR. BARTON:
Yes.

LEG. FOLEY:
Okay. Now, let's turn to Page 5 for a moment. As you know, the Legislature had approved -- County Executive signed into law a resolution that would segregate erroneous assessments throughout all the townships, so that there was a separate line on the property tax bill, so that it would more accurately reflect actions taken by the townships on the issue of assessments and erroneous assessments. Could you tell us where on Page 6 would the separate property tax line be on the Town of Brookhaven property tax bill for erroneous assessments? And how much of -- how much would that be?

MR. BARTON:

The third figure from the bottom, which is the \$8,375,000 --

LEG. FOLEY:

On Page 6 now?

MR. BARTON:

On Page 6, yes.

LEG. FOLEY:

Okay.

MR. BARTON:

The sum total.

LEG. FOLEY:

Okay. Sum total of adjustments mandated by law.

MR. BARTON:

Yes.

LEG. FOLEY:

Now just -- I mean, the language here is interesting. It says, "Adjustments mandated by law." But is that, in other words, the erroneous assessments --

MR. BARTON:

Yes.

LEG. FOLEY:

-- that the Township had levied against certain property -- certain properties within the township?

MR. BARTON:

Yes, it is.

LEG. FOLEY:

Okay.

MR. BARTON:

It's -- the majority of it, obviously, is the school districts, which is the 7,106,000.

LEG. FOLEY:

I understand that, but that's due to erroneous assessments.

MR. BARTON:
That's correct. And court ordered --

LEG. FOLEY:
And that will be a separate -- that will be a separate --

MR. BARTON:
That's a separate line on the tax bill, yes, it is.

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LEG. FOLEY:
Very good.

LEG. CARACCIOLO:
Okay.

LEG. CARACCIOLO:
Mr. Chairman.

LEG. FOLEY:
Thank you. Thank you, Henry.

LEG. CARACCIOLO:
Mr. Chairman.

P.O. TONNA:
Yes. We have to on it now, Michael.

LEG. CARACCIOLO:
Well, before we do, I have some more questions. Henry, I know in the past, this year, earlier this year, there were some issues dealing with STAR exemptions in some of the towns. Could you just reiterate what those issues were and how they have been resolved?

MR. BARTON:
Well, they -- excuse me. They haven't been entirely resolved. We identified, working with the Treasurer's Office, the Office of Real Property Tax Service, and the Office of Real Property Tax Service in Albany, a number of instances where adjustments were made because of errors in implementing the STAR Program, which totaled approximately \$2 million across the County. The County of Suffolk is governed by the Suffolk County Tax Act, which, when coupled with the STAR Program, we have difficulty in making recovery. At this point, there's --

there hasn't been a total resolution of the issue, but I'm hopeful that it will be resolved within the next six months. I'm afraid that it's almost certainly going to require action by the State Legislature to allow Suffolk to recover.

LEG. CARACCIOLO:

So, at this point, the County is minus \$2 million.

MR. BARTON:

Well, actually, the taxpayers of the various towns over the last two years have made up the differences, which is the problem. That's -- we have a slightly different way of collecting taxes than the other counties in the State. We don't have a two-plus-two, as you know, we don't have -- and we don't charge back to the individual school districts. We make collections for the erroneous assessments at the town level, and the State Education Department doesn't make the State Aid payments to towns, but, rather, the school districts.

LEG. CARACCIOLO:

So, when one looks at these documents and in some towns it says, "School district STAR exemptions," and there's a figure, and in some towns that figure is absent, what does one conclude from that?

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MR. BARTON:

It's not required to be reported. Some of the towns, particularly the smaller towns, are concerned, or perhaps they don't have as much faith and confidence in the State of New York as they do the County of Suffolk, so they report that information. It's not necessary. That represents State Aid.

LEG. CARACCIOLO:

And in terms of net impact on County revenues or expenses, is there any?

MR. BARTON:

No, there is not.

LEG. CARACCIOLO:

Okay. Thank you.

P.O. TONNA:

Okay. We're voting to reconsider right now Resolution Number --

LEG. CARACCIOLO:
2020 and 20 -- 22 --

P.O. TONNA:
2220. We have to do each separately.

LEG. BINDER:
Are they before us, or is the vote to reconsider?

P.O. TONNA:
The one is before us. The one --

LEG. BINDER:
So it's on approval.

P.O. TONNA:
It's --

LEG. BINDER:
The vote's on approval now?

P.O. TONNA:
Yeah, the vote's on approval right now. Okay.

LEG. BINDER:
Roll call.

P.O. TONNA:
There's a motion and a second by myself, and I think -- who second the last one? Legislator Fisher. Okay. All in favor?

LEG. BINDER:
Roll call, please.

P.O. TONNA:
Roll call.

(*Roll Called by Mr. Barton*)

LEG. TONNA:
Yes.

LEG. FISHER:

Yes.

LEG. COOPER:
Yes.

LEG. BINDER:
No.

LEG. POSTAL:
Yes.

LEG. BISHOP:
Yes.

LEG. D'ANDRE:
Yes.

LEG. CRECCA:
Yes.

LEG. CARPENTER:
Yes.

LEG. ALDEN:
No.

LEG. FIELDS:
Yes.

LEG. FOLEY:
Yes.

LEG. HALEY:
Yes.

LEG. CARACAPPA:
Yes.

LEG. TOWLE:
(Not Present).

LEG. GULDI:
(Not Present).

P.O. TONNA:
Legislator Guldi?

LEG. CARACCIOLO:
Yes.

P.O. TONNA:
Can you just get him there?

LEG. LEVY:
No.

P.O. TONNA:
Just say yes. Say yes.

MR. BARTON:
Legislator Guldi.

P.O. TONNA:
Yes.

LEG. GULDI:
Yes to approve.

MR. BARTON:
14-3, 1 not present. (Not Present: Leg. Towle).

P.O. TONNA:
Great. Thank you. Okay. Legislator Caracciolo, do you want to make a motion to reconsider 2221?

LEG. BINDER:
He can't, he wasn't on the prevailing side, Mr. Chairman. You're going to have to make it, or someone on the prevailing side.

P.O. TONNA:
Oh, I'm on the prevailing side? I make -- no. I think it's on the other side, right? No, it is on the prevailing, okay. I'll make a motion to reconsider, seconded by Legislator Carpenter. All in favor? Opposed? It's in front of us. Okay. I make a motion to approve, second by Legislator Caracappa.

LEG. CARACCIOLO:
On the motion.

P.O. TONNA:
On the motion.

LEG. CARACCIOLO:
Since there are a number of our colleagues who are opposed to this ministerial act, I'd be interested to hear what their opposition to these resolutions, you know, pertain to.

LEG. ALDEN:

And then, just in fairness, I'd like to hear everybody's reasons to be in favor of it. So let's take the rest of the day.

LEG. BINDER:

We'll do it one by one, please. We'll go one by one.

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P.O. TONNA:

Okay. Guys, all right, just is -- I mean, Legislator --

LEG. CARACCIOLO:

I mean, this is ministerial. The County has approved its budget, the towns have approved their budgets, school districts have budgets in place, and all of the other tenant districts that these figures are contained herein. What is the concern or objection to those who are opposed to approving resolutions that are just carrying out those budgetary -- approved budgets by those entities? I mean, if you are opposed, I assume, to the County budget, Cameron Alden, then you are opposed to these resolutions, because your concern is that if you approve a ministerial act --

LEG. ALDEN:

Don't raise taxes.

LEG. CARACCIOLO:

Don't raise taxes. Well, then --

P.O. TONNA:

Don't collect them.

LEG. CARACCIOLO:

We don't want to go there again, but you know what --

LEG. ALDEN:

Let's go there. Let's spend the rest of the day.

P.O. TONNA:

Okay. Can I make a -- I'm going to make --

LEG. CARACCIOLO:

Tell me in the last seven years, Legislator Alden, how much County

taxes have increased, what the CPI has been, and what the increases in town governments and school districts have been. Tell me that information. Let's put all of this in perspective. We're talking about a \$30 County tax increase, the first County tax increase in seven years. Budget Review, how much is the Consumer Price Index since 1993 increased?

LEG. BINDER:

Are we going to have a discussion on a ministerial act?

LEG. CARACCIOLO:

And how much have town taxes increased in this County? And how much have wages increased since 1993?

LEG. ALDEN:

To be fair, you have to -- you really have to tell -- also, Fred, just include the amount of money that we've been spending on an increasing basis as far as the increase in sales tax revenue that comes into the County. Last year, the budget went up how much on the spending side?

LEG. CARACCIOLO:

Mr. Chairman, I believe I have I have the floor.

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LEG. ALDEN:

Oh, you asked me a question, though, Mike.

P.O. TONNA:

I would ask --

LEG. CARACCIOLO:

The question was to Budget Review.

P.O. TONNA:

I'm going to -- I'm going to take a personal privilege to myself here. There's one Legislator that has to get to the hospital pretty soon. I would ask that Legislators, please, keep the debate as focused as possible, so that we can move through this, through this ministerial process as quickly as possible. Thank you.

LEG. CARACCIOLO:

Okay. Budget Review, I'll just --

MR. POLLERT:

Yes, the Consumer Price Index has been averaging between 2 to 3% over the last seven years, so --

LEG. CARACCIOLO:
Cumulative effect since 1993.

MR. POLLERT:
Roughly 20%.

LEG. CARACCIOLO:
How much of real wage earnings increased for the average Suffolk County or New York State resident in the last seven years?

MR. POLLERT:
That has gone up -- the growth in the Suffolk County wage base has --

LEG. CARACCIOLO:
Mr. Chairman, could we have some quiet on the horseshoe, so people who have concerns about these issues can hear the answers that they, obviously, don't want to acknowledge.

MR. POLLERT:
The growth in Suffolk County has been approximately the same as the Consumer Price Index. On a blended basis, General Fund and the Police District, there has not been a tax increase on a blended basis for the General Fund and Police District over that period of time, with the exception of Fiscal Year 2001 --

LEG. CARACCIOLO:
So on the --

MR. POLLERT:
Which was solely on the Police District side, caused by the arbitration settlement.

LEG. CARACCIOLO:
And that average increase, the first in seven years, amounts to what dollar amount?

MR. POLLERT:
On a blended basis, roughly 6%.

LEG. CARACCIOLO:

Dollar amount?

MR. POLLERT:

Roughly \$30 on the average homeowner tax bill.

LEG. CARACCIOLO:

Thirty dollars. So residents of Suffolk County, for the first time in seven years, are going to be asked to pay an additional \$30 while the Consumer Price Index has averaged between 2 1/2 and 3% over that period of time. If you adjusted for inflation, Fred, what is that -- is that an increase or is that still a decrease?

MR. POLLERT:

No, that would be a significant decrease.

LEG. CARACCIOLO:

Decrease.

MR. POLLERT:

Yes.

LEG. CARACCIOLO:

Well, Mr. Alden obviously finds it convenient to walk out when it's time to get facts.

P.O. TONNA:

Mr. Alden is not walking out. Okay. Do you have anything else? Because I think --

LEG. CARACCIOLO:

Well, again, I would just ask the question why those who are opposed to this resolution are opposed to it, because, as we just heard from Budget Review, there has been a net decrease in County cost of government to the average homeowner in Suffolk County since 1993, not a net increase, even with the \$30 adjustment in the Year 2001.

That said, Mr. Pollert, what has been the average increase in the average school district in Suffolk County year in and year out over this same time period?

MR. POLLERT:

That has been a substantial increase. The average tax warrant has been increasing approximately \$100 million a year when you look at all the different taxing jurisdictions. So while Suffolk County has been flat, there has been substantial increases in the tax warrants of the towns, villages, fire districts, and all the different taxing jurisdictions.

LEG. CARACCIOLO:

Mr. Chairman, let me just point out that the reason why I would support these resolutions is, number one, because it's the responsible thing to do. But, more importantly, based on an analysis that was just prepared for me by Budget Review last week in the district -- the towns that I represent constituents, there has been no increase in the Town of Brookhaven in seven years in County taxes. It currently is about 14% of an average property owner's tax bill. In the Town of Riverhead, it has declined to 1.8% of an average homeowner's tax bill. In the Town of Shelter Island, it's about a 75% reduction from seven years ago, and the Town of Southold, it's about 70% reduction in County taxes from seven years ago. So, for those reasons, I will support these resolutions.

P.O. TONNA:

Thank you very much.

LEG. CRECCA:

Call the question.

P.O. TONNA:

Okay. Wait. Legislator Alden?

LEG. ALDEN:

Out of respect for Legislator Carpenter, I'm going to hold my comments to a later date that's more appropriate for this.

P.O. TONNA:

Thank you.

LEG. CRECCA:

Thank you.

P.O. TONNA:

Okay. I guess we're going to say all in favor? Opposed?

LEG. BINDER:

Roll call, please.

P.O. TONNA:

Roll call.

(*Roll Called by Mr. Barton*)

LEG. TONNA:

Yes.

LEG. CARACAPPA:

Yes.

LEG. COOPER:
Yes.

LEG. BINDER:
No.

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LEG. POSTAL:
Yes.

LEG. BISHOP:
Yes.

LEG. D'ANDRE:
Yes.

LEG. CRECCA:
Yes.

LEG. CARPENTER:
Yes.

LEG. ALDEN:
No.

LEG. FIELDS:
Yes.

LEG. FOLEY:
Yes.

LEG. HALEY:
Yes.

LEG. FISHER:
(Not Present).

LEG. TOWLE:
(Not Present).

LEG. GULDI:
Yes.

LEG. CARACCIOLO:
Yes.

LEG. LEVY:
No.

MR. BARTON:
Legislator Fisher.

P.O. TONNA:
All right. Just call the vote.

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

P.O. TONNA:
Thank you. Okay. 2222 (Authorizing that the Tax Warrants be signed by the Presiding Officer and Clerk of the county Legislature and that they be annexed to the tax rolls for the collection of taxes). I make a motion.

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LEG. CARPENTER:
Second.

P.O. TONNA:
Seconded by Legislator Carpenter.

LEG. BINDER:
Roll call.

P.O. TONNA:
Roll call.

LEG. POSTAL:
I'm sorry. Is this on -- Mr. Chairman.

P.O. TONNA:
This is authorizing the tax warrants to be signed by the --

LEG. POSTAL:
Can I just ask a real brief question?

P.O. TONNA:
-- Presiding Officer and the Clerk of the Legislature.

LEG. POSTAL:
Very brief.

P.O. TONNA:
This is a thing that gives me about a half an hour's worth of signatures.

LEG. POSTAL:
Right. Just a brief question.

P.O. TONNA:
Sure.

LEG. POSTAL:
If I could ask the Budget Review Office whether these figures on the tax for the average house in each of the towns will be approximately what the information that you had given us previously?

MR. POLLERT:
Yes, they will be. We are going to fine tune, because there's some data that was not reported the last time we had done it. We will have an update to you by the end of the day.

LEG. POSTAL:
But it's approximately --

MR. POLLERT:
Yes.

LEG. POSTAL:
-- what you had anticipated.

MR. POLLERT:
Probably within one or two pennies.

LEG. POSTAL:
Okay. Thank you.

LEG. BINDER:
Very good.

LEG. CRECCA:
Roll call.

P.O. TONNA:
Okay. Roll call, Henry.

(*Roll Called by Mr. Barton*)

LEG. TONNA:
Yes.

LEG. CARPENTER:
Yes.

LEG. COOPER:
Yes.

LEG. BINDER:
No.

LEG. POSTAL:
Yes.

LEG. BISHOP:
Yes.

LEG. D'ANDRE:
Yes.

LEG. CRECCA:
Yes.

LEG. ALDEN:
No.

LEG. FIELDS:
Yes.

LEG. FOLEY:
Yes.

LEG. HALEY:
Yes.

LEG. FISHER:
Yes.

LEG. CARACAPPA:

Yes.

LEG. TOWLE:

(Not Present).

LEG. GULDI:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. LEVY:

No.

MR. BARTON:

14-3, 1 not present. (Not Present: Leg. Towle)

P.O. TONNA:

Great. Okay. Just wait one second.

LEG. FISHER:

Mr. Chairman.

P.O. TONNA:

Okay. Wait. I know about the -- yes, hold it one second.

LEG. CRECCA:

Motion to take out of order, from Page 11 on the agenda, 2146 (Confirming the appointment of Edward J. Sperzel District Court Judge for and of the Fourth District Court to fill a term ending December 31, 2001).

P.O. TONNA:

Okay. While we're paging to that --

LEG. HALEY:

Second.

P.O. TONNA:

-- Legislator Crecca, can you tell us why?

LEG. CRECCA:

Yes. This is -- this piece of legislation is to appoint Edward J. Sperzel District Court Judge. Mr. Sperzel is currently scheduled to be in Judge's School should this be approved today. So we want to take it out of order, so that he can go back up to Judge's School and attend there. He did go through committee, through the Judiciary

Committee. There was a hearing there and it was approved.

LEG. LEVY:
Mr. Chairman, there --

LEG. HALEY:
Second.

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P.O. TONNA:
Okay. Wait. There's a motion and a second. I recognize you now.

LEG. LEVY:
I don't think there's a need to take the resolution out of order.
It's not as though the candidate is here to speak before the entire
Legislature, as was the case in committee. It's just a matter of
getting to it on our agenda, it's not necessary to take it out of
order.

LEG. BISHOP:
When does Judge School start?

P.O. TONNA:
It's now. He's --

LEG. BISHOP:
Today?

P.O. TONNA:
Yeah. Yeah, it started. That's why he --

LEG. BISHOP:
He's locked out of Judge School?

LEG. LEVY:
It's not --

P.O. TONNA:
No.

LEG. LEVY:
It's not as though we need the nominee to be in front of us to vote on
this.

P.O. TONNA:

The only point -- I just make this point, whether you're voting this individual or not. He came to committee. People have asked that, you know, when you're making votes like this, somebody might require, "Hey, I'd like to see the person in front of us." He's given us the respect of being here. Obviously, he's hoping that he can go back to Judge School, or whatever else. I don't see the problem in a couple of hours. It's one quick vote. People know how they're voting already. It's not like, all of a sudden, there's a stall tactic, or something like that. You know, he went through committee. This is not done by stealth. I would say, out of respect to the individual, we should -- we should grant the request to Legislator Crecca on this.

LEG. LEVY:

Mr. Chairman, I understand the appropriateness of asking Legislators if they have questions for the nominee at this particular time and allow that to be taken out of order, so then he can leave. And I think that is different than actually calling the vote.

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P.O. TONNA:

All right. Well, we have a -- we have a motion and a second. Okay. Does anybody want to say anything? Then we'll call the vote.

LEG. BINDER:

The motion's on what?

P.O. TONNA:

The motion's alive.

LEG. CARPENTER:

To take it out of order and approve.

P.O. TONNA:

To take it out of order.

LEG. BINDER:

Okay.

P.O. TONNA:

Okay? All in favor?

LEG. LEVY:

Roll call.

P.O. TONNA:
Opposed?

LEG. LEVY:
Opposed.

P.O. TONNA:
Okay, roll call.

LEG. BISHOP:
To take it out of order?

LEG. LEVY:
Taking it out of order.

P.O. TONNA:
Yeah, to take it out of order.

MR. BARTON:
Legislator Crecca.

LEG. BISHOP:
What are we doing?

LEG. CRECCA:
What, are we doing a roll call?

P.O. TONNA:
Voting to take it out of order. There's a roll call.

LEG. CRECCA:
We're doing a roll call?

P.O. TONNA:
Yes.

LEG. BISHOP:
Roll call on taking it out of order?

P.O. TONNA:

Yeah.

LEG. HALEY:
Who asked for a roll call?

(*Roll Called by Mr. Barton*)

LEG. CRECCA:
Yes. Yes, to take it out of order.

P.O. TONNA:
Legislator Levy.

LEG. CRECCA:
I apologize.

LEG. HALEY:
Yes.

P.O. TONNA:
Don't get impatient.

LEG. COOPER:
Yes.

LEG. BINDER:
Yes.

LEG. POSTAL:
Yes.

LEG. BISHOP:
Yes.

LEG. D'ANDRE:
Yes.

LEG. CARPENTER:
Yes.

LEG. ALDEN:
Yes.

LEG. FIELDS:
Yes.

LEG. FOLEY:
Yes.

LEG. FISHER:
Yes.

LEG. CARACAPPA:
Yes.

LEG. TOWLE:
(Not Present).

LEG. GULDI:
Yes.

P.O. TONNA:
George. All right.

LEG. CARACCIOLO:
Echo, yes.

LEG. LEVY:
No, to it take out of order.

P.O. TONNA:
Yeah.

LEG. CRECCA:
Motion to approve.

MR. BARTON:
15. (Not Present: Leg. Towle).

P.O. TONNA:
Okay.

LEG. HALEY:
Second.

P.O. TONNA:
Motion to approve by Legislator Crecca, seconded by Legislator Haley.
Roll call.

LEG. LEVY:
Well, just, Mr. Chairman, before that, I just want to state my request before had nothing to do with the individual himself. I will support the nominee. I just thought it was inappropriate to bring it up at this time.

P.O. TONNA:

Okay. Roll call.

(*Roll Called by Mr. Barton*)

LEG. CRECCA:
Yes.

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LEG. HALEY:
Yes.

LEG. COOPER:
Yes.

LEG. BINDER:
Yes.

LEG. POSTAL:
Abstain.

LEG. BISHOP:
Abstain.

LEG. D'ANDRE:
Yes.

LEG. CARPENTER:
Yes.

LEG. ALDEN:
Yes.

LEG. FIELDS:
Yes.

LEG. FOLEY:
Yes.

LEG. FISHER:
Abstain.

LEG. CARACAPPA:
Yes.

LEG. TOWLE:
(Not Present).

LEG. GULDI:
Yes.

LEG. CARACCIOLO:
Yes.

LEG. LEVY:
Yes.

P.O. TONNA:
Yes.

MR. BARTON:
14. (Not Present: Leg. Towle)

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LEG. HALEY:
Congratulations.

P.O. TONNA:
Thank you very much.

LEG. CRECCA:
Congratulations, Mr. Sperzel.

P.O. TONNA:
Okay. Now we go back to -- I think to Legislator Fisher. You had something?

LEG. FISHER:
Yes.

P.O. TONNA:
Oh, sir.

LEG. FISHER:
Mr. Chairman.

P.O. TONNA:
Yes.

MR. SPERZEL:
May I just thank the Legislature for taking it out of order and approving me today? Thank you very much.

P.O. TONNA:
Okay.

MR. SPERZEL:
Ladies and Gentlemen, thank you.

LEG. FISHER:
Congratulations.

P.O. TONNA:
All right. Drive safely, okay?

MR. SPERZEL:
Thank you.

LEG. CARPENTER:
Mr. Chairman.

LEG. FISHER:
Mr. Chairman.

P.O. TONNA:
Yes.

LEG. FISHER:
I was out of the room, and I would ask you if we could reconsider 2221?

P.O. TONNA:
Yes.

LEG. BINDER:
We can't, we already did.

P.O. TONNA:
There's somebody --

LEG. CARPENTER:

Only if there's no discussion.

P.O. TONNA:

Oh, we already did it twice. No, we didn't do -- 2222 is the motion, anyway.

LEG. CARACCIOLO:

No, no, no.

LEG. CARACAPPA:

Motion to reconsider.

LEG. CARACCIOLO:

2220 and 22 --

LEG. BINDER:

No. Ask Counsel. I think we've -- I think since we've reconsidered it once already, I don't know if it's a problem, so --

P.O. TONNA:

All right.

MR. SABATINO:

On the second motion to reconsider, the motion to reconsider takes 12 votes, but the approval would still be ten. That's the only difference.

LEG. CARACAPPA:

Motion to reconsider.

P.O. TONNA:

Okay.

LEG. HALEY:

Second.

P.O. TONNA:

Motion to reconsider. All in favor? Opposed? Motion, second by myself. All in favor? Opposed? Now it's in front of us. The motion

--

LEG. FISHER:

Motion to approve.

P.O. TONNA:
Approve.

LEG. CARACAPPA:
Second.

P.O. TONNA:
220 --

LEG. FISHER:
2221.

P.O. TONNA:
2221, seconded myself. All in favor?

LEG. BINDER:
Opposed.

P.O. TONNA:
Opposed? And opposed Legislator Levy, Alden and Binder. Okay. Now,
Legislator Fisher.

LEG. FISHER:
Thank you.

P.O. TONNA:
Do you have something that you want to --

LEG. CARPENTER:
No, it was me.

P.O. TONNA:
No? Okay.

LEG. FISHER:
No.

MR. BARTON:
14-3, 1 not present. (Not Present: Leg. Towle)

LEG. CARPENTER:
Legislator Tonna, if I could.

P.O. TONNA:
Yes.

LEG. CARPENTER:
I just would ask to be excused for about an hour-and-a-half or so.

P.O. TONNA:
Yes.

LEG. CARPENTER:

I need to go to Roslyn. But there are some members of the Bay Shore community in particular who are coming up to speak on the charter school issue. So I would ask to be excused. But I've been briefed on

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it, and I would just ask Legislators, if they could, give them their attention. It is an important issue, not only to our community of Bay Shore, but Central Islip, also, and many other communities across Long Island.

And, also, I just would like you to know that I'm -- Counsel is drafting a sense resolution on this issue that we hope to have by the end of the day.

P.O. TONNA:

Okay.

LEG. CARPENTER:

And I will share with the rest of the Legislature.

P.O. TONNA:

Okay.

LEG. CARPENTER:

Thank you.

P.O. TONNA:

Please, wish your husband well from all of us.

LEG. CARPENTER:

Thank you.

P.O. TONNA:

Okay? Thank you. Okay. Legislator Fisher. I recognize Legislator Fisher for the purposes of?

LEG. FISHER:

Of a proclamation.

P.O. TONNA:

Proclamation.

LEG. FISHER:

Would you like to join me, Mr. Presiding Officer? Paul, would you want to join me?

P.O. TONNA:
Yes.

LEG. FISHER:

One of the first resolutions that I introduced after taking office was a resolution which established a Park Steward Program, and I did so with Ward Melville High School. As a result of the partnership with the high school students, we held an assembly at the high school to explain the Land Acquisition Program in the County, to explain some of what our parks were like and our planning in the County. And I invited the County Executive to attend that assembly. With him came a team of people who had such an engaging and professional presentation that it certainly did the County proud, and the person most responsible for that presentation was Steve Jones. And it was the beginning of a relationship in which I saw that I was dealing with

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someone who worked on a very high level of professionalism, who, indeed, had a very well suited background to the job that he was performing for the County.

Mr. Jones will be leaving his job as Director of Planning. Do I have the right title? And we would like at this time to just let him know some of what -- of the ways that we feel about him. Steve, can you, please, come forward?

The Presiding Officer and I will read some of the proclamation. And I do want to say, again, on a personal level that Steve really was very patient and knowledgeable in explaining to me the ins and outs, the ramifications and the nuances of planning and land acquisition, the different programs that we have throughout the County. And I appreciate your help, Steve, especially at the beginning of my tenure. And you do a wonderful job, and you -- I also was fortunate enough to see you at one of the presentations of the smart growth initiative when you were at the Emma Clark Library, and you answered the questions professionally. You were very patient with all of the questions from the public, and you certainly represented the County very well there. So I will read some of the proclamation and embarrass you here.

"The beauty, diversity and preservation of our landscape has been enhanced for the past seven years under the superior guidance of

Suffolk County Planning Director Stephen M. Jones. And, whereas; as Planning Director, Stephen Jones was directly responsible for all County Land Acquisition Programs, as well as County real estate, including leases and property auctions. As Director, he also provided the benefit of his professional advice to the County Executive and Legislature. He chairs the County Farmland Committee and provides staff support for Suffolk County's Council on Environmental Quality. And I'll let you go."

P.O. TONNA:

"And a substantial background serving as the Commissioner of Planning and Development of the Town of Islip during the '70's prepared him for this remarkable undertaking. He subsequently served on the Suffolk County Planning Commission from 1998 to 1993, most recently as Chairman. Stephen is also a member of the American Institute of Certified Planners."

"And, now, therefore, be it resolved that Suffolk County Legislature do hereby applaud and commend the goals and accomplishment of Stephen M. Jones, and extend best wish as he accepts the position of Commissioner of Suffolk County Water Authority, where he will replace current Board of Directors Member Mike LoGrande." Congratulations.

LEG. FISHER:

Congratulations, Steve.

(Applause)

D.P.O. LEVY:

First a speech, and then Legislator Fields. Did you want to say anything, Steve?

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MR. JONES:

Oh, I just want to say that I'm happy to give you my Smart Growth Plan. I hope you'll give it, the 43 recommendations in there, your every consideration next year. And it's been a real pleasure working with all of you, and I look forward to working with all of you again in the future in my new capacity over at the Suffolk County Water Authority. Thank you.

(Applause)

D.P.O. LEVY:

While they're taking this photo, Legislator Fields can lob her accolades.

LEG. FIELDS:

Steve, I just want to commend you for all that you've done, and, hopefully, all that you will continue to do in order to help us to implement the Smart Growth Plan. Thank you.

D.P.O. LEVY:

We'll go back -- we'll go back --

LEG. CARACCIOLO:

Mr. Chairman, before you do, let me just echo the congratulations of the Legislature to Mr. Jones, and just say, from my perspective, and I'm sure shared by everyone in the administration and around this horseshoe, and, hopefully, the recognition due you will be broadcast today to the residents of Suffolk County, because, in my view, you are a real professional's professional, and above all, you are the most professional of Planners that I've had the privilege of working with. And best of luck to you, Steve.

LEG. D'ANDRE:

Mike, try a real American.

LEG. LEVY:

All right.

LEG. CARACCIOLO:

Real American.

D.P.O. LEVY:

We need one more Legislator to make a quorum. Oh Legislator Guldi is here. We go back to the speakers. First speaker -- oh, I think we have to extend it.

LEG. CARACAPPA:

Second.

D.P.O. LEVY:

Motion to extend the public hearing by myself, second by Legislator Fields -- public portion. In favor? Opposed? Motion carries.

Since Legislator Binder is not here, we will go back to the public portion. David Wise. Welcome.

MR. WISE:

Thank you. I have a handout for you.

MR. WISE:

Thank you, Legislator Levy, and the rest of the Legislators for the opportunity to speak here. My name is David Wise. I'm an attorney who specializes in utility and telecommunications issues as they affect municipalities, and I'm here to speak today about what I think Suffolk County and other similarly affected governmental bodies should be doing about getting the cable television industry to pick up its fair share of the property tax. In particular, we're talking about a tax known as a Special Franchise Tax, which is a tax administered by the Office of Real Property Services out of Albany, and the tax is supposed to tax the value both of the physical plant of utilities that use the public right-of-way, as well as the monopoly franchise right. And it's a tax that because -- it's in lieu -- for municipalities, it's in lieu of the fee that the cable television companies pay based on their overall revenues, but it's not in lieu for counties and school districts, so counties and school districts have an interest in this tax, where municipalities really do not.

The tax has been around for 100 years, and its intent -- it's intent was to level the playing field between monopoly businesses, which are lucky enough to be able to locate their physical plant in the public streets and other businesses, which have to put their public plant -- their physical plant on private land. And it's supposed to, as I said, reach both the value of the physical plant and the monopoly franchises.

Now ORPS has been valuing cable T.V., as well as electrical companies and gas companies, for special franchises for a long time, and, unfortunately, though, their values for cable television systems just reach a minute fraction of the true value. Cable television systems have been changing hands regularly over the last few years for about \$5,000 per subscriber. By contrast, ORPS has been valuing these systems statewide at about \$200 a subscriber. In Suffolk County, Suffolk County is lucky, it's about \$340 a subscriber.

Why is ORPS -- why are ORPS's value so low? Well, they use an antiquated approach to cable television systems, which is based on the depreciated reproduction cost.

LEG. BISHOP:

What is ORPS?

MR. WISE:

ORPS is the Office of Real Property Services out of Albany.

LEG. BISHOP:

Oh, okay.

MR. WISE:

Okay. They use what is known as a reproduction cost, depreciated reproduction cost methodology, which just takes the physical wires of the cable television companies, writes them down over 15, 20 years,

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and then tax on 5% to capture the value -- the value of the monopoly franchise. And the net result is that these franchises are being taxed at just a small fraction of their value.

Now, I'm often asked by governmental officials, "Well, if we do get ORPS to assess these franchises at their true value won't these taxes just be passed on to consumers in their bills?" And my response to that is, certainly, now that cable television rates are unregulated, the cable T.V. people will try to pass on as many costs as they can. But the fact of the matter is, as indicated by the recent announcement by Cablevision to increase its rates by over 12%, they're charging whatever they think the market can bear, particularly for the enhanced services. And Federal Law only permits the cable television companies to actually put the actual cable franchise fee paid to the municipalities on the bills.

What does this all mean? First of all, it means that lost, as a result of the present methodology within Suffolk County, conservatively, between 4 to \$8 million a year of tax revenues are being lost by school districts in the County, and between 250 and \$500,000 a year by the County.

I represent a number of municipalities on these sorts of issues, and the problem with getting any kind of action in ORPS is that no single municipality really has enough at stake to bring this issue to the floor administratively and possibly through litigation. But if a municipality, such as Suffolk County, such as school districts are willing to form a consortium and address this issue in a common way, because it's a common issue of universal application, I believe that there could -- there would be a likely remedy that ORPS would revisit the way it's approaching these issues. And I --

D.P.O. LEVY:

Mr. Wise, in committee, we had more latitude to go on.

MR. WISE:

Right.

D.P.O. LEVY:

Unfortunately, we have to limit to three minutes. If you can just wrap up, please.

MR. WISE:

And that's basically it. I'm essentially going around to counties and school districts and trying to publicize this issue, and hoping -- and there's been a favorable response, and I'm hoping to get commitments -- statements of interest to form a consortium that would present this issue to ORPS and advocate changing the methodology. That's it.

D.P.O. LEVY:

Legislator Bishop. And before you go on, Dave, could we please have Legislators back into the horseshoe? We are far below a quorum. David.

LEG. BISHOP:

Is this issue unique to New York State. Do other --

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MR. WISE:

It's --

LEG. BISHOP:

-- states provide this --

MR. WISE:

It's also --

LEG. BISHOP:

It's kind of an ancient tax, isn't it? It's not --

MR. WISE:

It's an issue of property taxation, so it's a state tax. California has had the same issue dealing with valuation of the rights for the public -- valuation of cable television systems, the public right-of-way, the right to the public right-of-way, and it's been a big issue there. It's been litigated there a lot.

LEG. BISHOP:

The 5% tax that currently exists, that revenue goes to the State of New York?

MR. WISE:

The 5% goes to the municipalities that actually grant the franchises,

so --

LEG. BISHOP:

To that goes to the towns in this case.

MR. WISE:

The town or villages or -- yeah.

LEG. BISHOP:

And -- but that's not by authority of the statute that you're citing?

MR. WISE:

Federal law permits --

LEG. BISHOP:

That's by federal law.

MR. WISE:

-- franchising municipalities --

LEG. BISHOP:

So you're taking --

MR. WISE:

-- to charge a fee up to 5% of local -- of the revenues generated by the cable T.V. systems.

LEG. BISHOP:

Does the County get any revenue from any revenue -- from any source under this statute?

MR. WISE:

Under the special franchise law, they're getting revenues based on these -- based on the Cablevision systems being worth \$340 per subscriber.

LEG. BISHOP:

The County is currently.

MR. WISE:

I think they should be three or four times that. So, at present, they're getting -- they're getting --

LEG. BISHOP:
Who they? Who's they?

MR. WISE:
These taxes should be three or four times what they are.

LEG. BISHOP:
Does this County, Suffolk County, receive revenue currently under the statute that you want to go after Cablevision on?

MR. WISE:
Yes, it does.

LEG. BISHOP:
From Cablevision.

MR. WISE:
It receives -- through the property tax. Yeah, Cablevision gets tax bills like any other taxpayer based on the special franchises.

LEG. BISHOP:
But just through the -- through the property tax.

MR. WISE:
Through the property tax, yes.

LEG. BISHOP:
For the land that they own or for the use of the public right of ways.

MR. WISE:
The special franchise tax is supposed to tax the value of the use of the public right-of-way. So it's supposed to capture that value.

LEG. BISHOP:
And you're just saying it's woefully underassessed.

MR. WISE:
Exactly.

LEG. BISHOP:
And we can petition administratively to redress that --

MR. WISE:

There are two way to do that in --

LEG. BISHOP:

-- or we have to bring a law --

MR. WISE:

Yes. Yes, there two ways to do it administratively. The assessments can be challenged individually, or the overall methodology can be challenged.

LEG. BISHOP:

All right. Thank you.

D.P.O. LEVY:

Thank you, Mr. Wise.

MR. WISE:

Thank you.

D.P.O. LEVY:

We need Legislators at the horseshoe or I will call a recess. We have six Legislators. We need Legislators at the horseshoe.

LEG. BISHOP:

You want to recess until 11:25?

D.P.O. LEVY:

Recess for five minutes.

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

P.O. TONNA:

I'd ask, all Legislators, please come to the horseshoe. I'd ask, all Legislators, please come to the horseshoe. Okay. Could I ask, all Legislators, one more time, please come to the horseshoe. George, could you just get in here?

LEG. GULDI:

I am in here.

P.O. TONNA:

Okay. All right. Henry, roll call.

(*Roll Called by Mr. Barton*)

P.O. TONNA:

Mr. Lynch.

MR. BARTON:

16. (Not Present: Legs. Towle and Carpenter)

P.O. TONNA:

Thank you. Mr. Lynch, please, come up.

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MR. LYNCH:

Good morning, Presiding Officer Tonna, and distinguished Members of the Suffolk County Legislature. My name is Donald Lynch. My father is Robert F. Lynch. I appreciate this opportunity to appear before you to request your support of Legislator Crecca's resolution to save my father's home.

Making this public appearance about personal family matters is difficult for me. It pales, however, in comparison to the difficulties my father has endured over the past decade and continues to face every day. My father, Robert, is a 67 year old disabled senior, veteran, widower, and as of September 27th, 2000, the recipient of a kidney transplant. In addition, just nine days ago, he suffered a heart attack, which his doctors have attributed to ongoing stress.

For the past decade, my father has endured an abundance of hardships in all aspects of his life, which include the loss of his vision to diabetes, dialysis three times a week for four years, full amputation of his left toes, and half of his left foot, partial amputation of toes on his right foot, the untimely death of my mother in 1995, his wife of 35 years, and numerous hospitalizations for a variety of conditions resulting from his ill health. In 1998, my father was also administered last rights.

I assisted my father regularly with his problems. Regrettably, however, he did not disclose the gravity of his financial difficulties, which resulted from his health problems. Whether due to his pride, ill health or fear, my father was reluctant, embarrassed, and too sick and afraid to disclose his present state of affairs, even to me, his son.

On September 20th, 2000, a message was left on my father's answering machine from the Suffolk County Division of Real Estate stating the County would be showing his home to prospective bidders on Wednesday, November 8th, with a public auction set for November 15th. Seven days after receiving this message, he was flown to Boston, where he received his new kidney. I immediately enlisted the help of {Theresa B. Beltrani}, Counsel to Assemblyman Thomas F. Barraga. It has been my good fortune and what I've come to believe is definitive proof of fate to have met {Ms. Beltrani} through the Hauppauge Fire Department,

where her husband was the Chief when I was accepted as a member. In turn, {Ms. Beltrani} enlisted the help of Legislator Crecca and has worked diligently and tirelessly with Legislator Crecca's Aide, Frank Tassone and the Suffolk County Division of Real Estate under the direction of Alan Grecco to arrive at this point today.

With all this in mind, I respectfully request that you -- your support of Legislator Crecca's resolution, which would allow me to finalize a plan already set in motion, which allows me to pay my father's property tax arrears. As previously stated, on September 27th of this year, a person that he never knew and will never know gave my father the gift of a second chance. Most of you do not know my father either. To quote the plaque dedicating this room to Legislator Rose Caracappa, "There are faces and human beings behind the numbers." I ask you, please, give him a chance to live out his remaining time in what has been his home for over 35 years. Thank you.

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LEG. CRECCA:
Thank you.

P.O. TONNA:
Thank you very much.

LEG. CRECCA:
And thank you for coming down.

P.O. TONNA:
John Digilio.

LEG. FIELDS:
Digilio.

P.O. TONNA:
Digilio. John, I was not very good at phonics.

LEG. GULDI:
You didn't get that far.

MR. DIGILIO:
Good morning, Mr. Presiding Officer, Legislators. My name is John Digilio. I happen to be a retired Brigadier General in the United States Army, having served in Vietnam. With me today are three other veterans from World War II and the Korean War. Ed Kelly, who is a

past Vice Commander in the State of New York in the American Legion, and also has held state offices in the 40 and 8. {Ray Jankowski} has held state and local offices in both the American Legion and the 40 and 8, and {Tom Torme}, who has held state and local offices in the American Legion and the 40 and 8.

We're here today to ask for your support for programs of the 40 and 8. The 40 and 8, and I'll be very quick about this because of time constraints, was born out of the American Legion in 1920, and has become an organization of veterans that are asked to join a group who have dedicated themselves to assist those veterans who are less fortunate than some of us who have had the opportunities that we have fought to maintain and preserve in the United States. The 40 and 8 provides programs for veterans, children of veterans, programs to assist children and grandchildren of POW/MIA's, and individuals who have been killed in the war preserving our freedoms. We request that the County Legislature accept and provide those resources that we would need to maintain our programs.

This year, due to a lot of extenuating circumstances, we provided a lot of funds to individuals that we do not usually do, and we've been unable to recoup or to replenish our assets. This has created a significant constraint in our ability to provide other programs for veterans to facilitate veterans in seeking services, and to assist families of veterans. So we ask for your support. Thank you.

LEG. D'ANDRE:
Mr. Chairman.

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P.O. TONNA:
Yes. Yes, Legislator D'Andre.

LEG. D'ANDRE:
The fact that we have --

LEG. BINDER:
Use your microphone.

LEG. FOLEY:
Use your mike, Mike.

LEG. D'ANDRE:
The fact that we have these veterans with us, went out of their way to

be here, can we take this resolution out of order and vote on it now?

LEG. FOLEY:
Second the motion.

LEG. BINDER:
A lot of members aren't sitting around. I don't know if you want to do that.

LEG. FOLEY:
I don't know if we have ten, though.

LEG. D'ANDRE:
Do we have ten here.

P.O. TONNA:
Yeah, we have ten.

LEG. D'ANDRE:
Make a call for all Legislators to come to the horseshoe. And Alden.

P.O. TONNA:
I'd ask, all Legislators, please come to the horseshoe, we're voting.

LEG. D'ANDRE:
These are real Americans, Mr. Chairman.

P.O. TONNA:
Okay.

LEG. D'ANDRE:
They did wonders for our country and we've got to respect them.

P.O. TONNA:
Okay. Michael, do you want to call it out of order?

LEG. D'ANDRE:
No, Alden's.

P.O. TONNA:
Oh.

LEG. D'ANDRE:

Alden's bill. I'd like to --

P.O. TONNA:

Legislator Alden, would you like to call this out of order?

LEG. ALDEN:

I'd like to call it out of order.

P.O. TONNA:

Okay. So call the bill out of order and Legislator D'Andre will second it.

LEG. D'ANDRE:

Yeah.

LEG. FISHER:

Page 11, 1939.

P.O. TONNA:

Okay.

LEG. FISHER:

It's Page 11, 1949.

P.O. TONNA:

There's a motion by Legislator D'Andre to take out of order, motion 13 -- 1939.

LEG. FISHER:

1939.

P.O. TONNA:

Alden, and seconded by Legislator D'Andre. Okay. All in favor? Opposed? It's in front of us. Okay. Let me just make sure one more time, all Legislators, please come to the horseshoe. Okay. Do you want to make a motion to approve, Legislator Alden?

LEG. D'ANDRE:

Yeah, I'll second it.

P.O. TONNA:

Okay.

LEG. BINDER:

I'd like to cosponsor.

P.O. TONNA:

There's a motion to approve by Legislator Alden, seconded by Legislator D'Andre.

LEG. BINDER:

Mr. Chairman, I'd just like to be listed as a cosponsor.

P.O. TONNA:
Okay.

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LEG. COOPER:
Also, another cosponsor.

LEG. D'ANDRE:
I would like to list everybody as a cosponsor.

P.O. TONNA:
Fine.

LEG. CRECCA:
Henry.

LEG. D'ANDRE:
This is a real American thing here.

LEG. CRECCA:
Henry, cosponsor.

P.O. TONNA:
Fine. List us all as --

MR. BARTON:
All present.

P.O. TONNA:
For those of us who are here, list us as cosponsors. All in favor?
Opposed? Approved. Thank you.

MR. DIGILIO:
Thank you very much.

P.O. TONNA:
Thank you, sir. Okay.

MR. BARTON:
16, 2 not present. (Not Present: Leg. Towle and Carpenter)

P.O. TONNA:
Great. Okay. County Comptroller, Joseph Caputo.

MR. CAPUTO:

I want to thank you, Mr. Presiding Officer, and Members of the Legislature, for giving me this opportunity again to come before you on the same resolutions, 2074 and 2075, one of them dealing with the Purchasing Division, and the second one dealing with the Insurance Risk Management Operation.

The long and the short of it is that I would ask that you do not allow people outside this room to influence your vote. That you recognize the fact that all of us are working for good government, and recognize the fact that if this -- these two resolutions do not get approved, which I'm hoping happens today, that there will not be chaos as far as the budget is concerned, there will not be chaos as far as paying each individual 57 prequel their paycheck every two weeks. That we will make the bookkeeping adjustments, we will be able to charge the line

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items that are there, and compensate those people until March of next year, when you will have an opportunity to correct the budget process, as you do every three months.

So, with that said, I would just like to emphasize the fact that there are certain things that are talked about and some of it is a person's will. And I would just like to call your attention to a letter I gave you, some of you -- all of you today from Commissioner Gallagher of the Police Department, and the work that was done by our Purchasing Division in order acquire and proceed with the process of getting the helicopters that were necessary and required, and approved by this Legislature through a bond issue in order to be purchased this year, a question that was being discussed about before in a different light about the garaging of those helicopters.

The Commissioner, you can see, was forthright in complementing the Purchasing Division on the work that they did. One thing that would happen that you would not know is at least one woman who works in the Purchasing Division would probably be out of work if you transfer them to Yaphank. The reason is that her daughter-in-law provides transportation now to her to get to the Dennison Building. Her daughter-in-law would not be able to do that if she got transferred to Yaphank. And if we were unable to accommodate her in a transfer within our own department or some other department in the Hauppauge area, she would possibly be out of work.

Having said that, all I ask you to understand is that it's been working. We took the Purchasing Division when it was in bad disgrace

five years ago, when people were suggested to be fired because of the fact that they did not oversee the lease that was let at the time for the car leasing program. My Chief Deputy took over the oversight of that division and went there every morning, because we were in a different building in the Hauppauge area, but still a different building, and saw fit to making the important decisions until we were able to hire a Purchasing Director later on in the tenure of the five years we've had it.

You all know that the Employees Medical Health Program has saved over \$35 million in our oversight of that operation and functioning, with cohesiveness, with the ability that if anyone has a problem, that they're not satisfied with an answer that may have been given regarding a health problem that they have, there is a process in place for appealing. This goes before the committee and is ultimately resolved. Sometimes, of course, not in their favor, but nonetheless, there is a process in place to resolve any questions that come up.

So I ask you to stick with me. That if anyone has a political problem with me, primary time is the time to deal with me, and that's the Year 2002. Before that time, don't let the good people who have trusted me and worked with me be put in this chaotic position of uncertainty in not knowing what's going to happen to them after today. If you vote no, they will feel better. Thank you very much.

LEG. D'ANDRE:
Mr. Chairman.

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LEG. BINDER:
Mr. Chairman.

LEG. D'ANDRE:
Mr. Chairman.

P.O. TONNA:
Yes. Legislator D'Andre, then Legislator Binder.

LEG. D'ANDRE:
I'd like to -- first of all, I think --

LEG. FIELDS:
Your mike's not on.

LEG. FOLEY:
It's on.

LEG. D'ANDRE:
First of all, I think it's in order to introduce Joe as to who he was and what he is now. Joe used to be the Presiding Officer of this august body, and that kind of respect I don't see coming out here. And that's a shame, because he's got a very good reputation of all the things he's done by being the Presiding Officer many years ago, and now at the head of his department.

I would say this, Mr. Chairman. I think we're going to be making a big mistake if we transfer this to DPW. They've got enough work to do. Joe has -- when we were looking for a home for Purchasing, we were happy that Joe was there to accept this large responsibility, and since then, he's turned it into a good running organization. Yes, there are personal problems with Joe once in awhile, but that's the short of it. The long of it is he's got one hell of a reputation to come to the aid of anybody in need, and he comes full force with his whole crew. Anything you've asked of Joe he's always tried his best to accommodate.

P.O. TONNA:
Mike, I hate to cut you off, because it's a good speech, but you have to ask him a question. This is the public's time to speak. You could talk later when we're voting on it.

LEG. D'ANDRE:
Mr. Chairman, I took this liberty, because Joe was a Presiding Officer of this august body. And with that, he deserves respect. He wasn't introduced here, as he should have been, and when he comes in here, as others who come in here.

P.O. TONNA:
Okay, thank you. Legislator Binder.

LEG. BINDER:
Thank you. Joe, have there been a number of questions that you've needed to answer about how Purchasing works, meaning in the -- since you've taken it, a number of questions in terms of the process as too slow, doesn't work, and that you haven't been able to answer or

haven't been able to address or -- and if there have, can you tell us where the questions come from, concerns that may have -- that you may

have had over the time that you've had the department?

MR. CAPUTO:

The only delays we've experienced with was with the MIS System coming into place in educating people with the new equipment that they were going to be working with, letting people know that there would be a purchasing order within the system that they could tune into and utilize as a basis for ordering material that they needed, because there's a contract in place. They had to be acclimated and made familiar with the automation processes. We've done that. Any other problems that we've had have been minuscule. We have not had too many complaints. On a couple of occasions, there have been people who have been late in making application to bid. You can't allow someone to come in after the clock has passed, and you can't allow them a second chance or second bite at the apple, because they missed something. There's a certain criteria that has to be followed, there are State laws which require that, and those State laws would require that even if it goes over to DPW. There is a purchasing process which has to be followed, that is a purchasing requisition first, which happens now with every department, and then the Purchasing Department addresses that. "Do we have a contract?" "Yes, here's one they can utilize." "No, we don't have a contract." "Okay, let's get up to speed, let's get a contract in place in order to accommodate these people, in order to allow them to purchase what they need," and that happens. But that will continue. There's no redundancy.

LEG. BINDER:

Let me ask you about the process you talked about. You said that the purchasing order comes in now, and you used the word "now." Can you talk about what the process was before you had Purchasing and then since you've had? What have you done to the system and the process?

MR. CAPUTO:

Well, before I had Purchasing, they didn't have a person to make a decision. There were two people there who were equal status.

LEG. BINDER:

Where were they?

MR. CAPUTO:

In the Purchasing Department. But they were purchasing agents who were equal in classification. Therefore, neither one of them could make a decision, or they would not make a decision, fearful of doing the wrong thing. My Deputy, my Chief Deputy was assigned to be in their office every morning in order to make sure that decisions would be made that they would bring to him that had to be done, and that happened and that continued to happen until we were able to hire a new Purchasing Director from the Town of Smithtown. We pirated her away, if you will, and brought her into work into the County. And she's been doing a wonderful job ever since then, and we don't have that problem.

LEG. BINDER:

So what you're saying is the difference, and let me just make sure I'm

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understanding, the difference in the process now is that instead of by a committee of two, where neither one had the authority to make decisions on purchasing, you changed the process to basically make it more hierarchal, so you have a person who makes the decision and people under who basically effectuate the process, bring the process to a head and bring that to the decision-maker, who is the person who you hired at Purchasing, as you say you spirited away.

MR. CAPUTO:
That's correct.

LEG. BINDER:
Okay. So --

MR. CAPUTO:
In fact, that person is mentioned in the memo that we gave you, handed out this morning from Commissioner Gallagher. Miss DeNunzio, with the help of Steve Arata, who is the third subordinate below the other two people, worked with the Commissioner and with her to get that work done regarding the Medevac helicopters.

LEG. BINDER:
Now --

MR. CAPUTO:
There's another thing, that some people have said there's no fiscal impact in transferring these people. That's not true. Mr. Bartha said, in all due respect, that he's going to eliminate one position. They're going to create two more positions and that's in General Services that are in the line item that were approved in the budget process. If the Purchasing Division goes over to DPW, there'll be two more positions created.

LEG. BINDER:
So it's a net gain of one, and I don't if the grades --

MR. CAPUTO:
A net increase in cost to the County.

LEG. BINDER:
Can you talk a little bit about the redundancy question? It's the first time I've heard it, as I was asking Commissioner Bartha. He

talked about a concern about redundancy and he could streamline, as he says, under DPW, he could streamline the process. Can you talk about, you know, your review on the need for streamlining and the redundancy he might be talking in purchasing for Public Works?

MR. CAPUTO:

Okay. Back about 15 years ago, the now Supreme Court Justice Peter Cohalan was the County Executive of Suffolk County. He promulgated an understanding between DPW, the Board of Elections and the then Purchasing Operations under General Services. And the understanding was that DPW would do all of the purchasing relevant to their operation, not so much commodities, with the heavy equipment that they needed, with the asphalt and materials that they would need in order to do their job on a day-to-day basis, in managing the grass-cutting,

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the leaf-picking, the asphalt repaving, the new roads, whatever construction work was necessary, they were able to process their own purchase orders and their own contracts in order to effect that. The Board of Elections would also do all of their specialized work and they continue to do that, all of their specialized work that they were most familiar with in purchasing what they need for their day-to-day operations throughout the year. And the other administrative needs of the County would be done by a purchasing department, and that's the way it was.

Unfortunately, the lease arrangement five years ago threw that into the air. The County Executive disagreed with the County Legislature. The County Executive tried to lease programs, lease automobiles, vehicles. The Legislature disagreed. There was a full scale investigation. The special prosecutor recommend that one Deputy County Executive be fired, notwithstanding whoever he is, you all know who he is. It doesn't matter. I'm not saying that the Special District Attorney was right. I don't believe he was right. And, fortunately, the County Executive agreed with that and the person was not fired. Nonetheless, the redundancy is not there.

The purchasing procedures have to follow State law, and that State law is there on the books. 104, 105 are the numbers I know about. And those generate and require any Purchasing Department to follow those laws. Because of those laws, we are sometimes able to hook into a State contract and purchase things without going through an RFP process or any other bidding arrangement, because the State already has let the contract. If we're satisfied with that, we can buy cars, and we did do that. To pull out of the lease problem at that time,

that year, we did purchase some cars from a New Jersey Chevrolet dealer, who had complied with the State requirements and had met the State rules, and we were able to competitively purchase cars from them in order to provide the cars that we needed here for our Police Department.

So these things are things that only a Purchasing Division can do and they do it independently of the Comptroller, the DPW Commissioner. They do it because they know their job, and they do it because they process the paperwork from every department that may come in.

LEG. BINDER:

So if Public Works gets this, it -- would that eliminate some kind of redundancy? Would, all of a sudden, Public Works not have to produce paperwork that they now produce that -- I don't understand the redundancy question.

MR. CAPUTO:

I believe that the -- that for the safety of DPW, they would still have to put through a purchase requisition from their people that they have on staff, and that purchase requisition would have to go to their division of the Purchasing Department.

LEG. BINDER:

As it would have gone to you.

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MR. CAPUTO:

As it would do now.

LEG. BINDER:

So no different.

MR. CAPUTO:

The same work would take place.

LEG. BINDER:

Just they're in a different place.

MR. CAPUTO:

There's no saving.

LEG. BINDER:

So they're just in a different place.

MR. CAPUTO:
Just doing it in a different place.

LEG. BINDER:
So whatever paperwork was still would be, you just --

MR. CAPUTO:
Right.

LEG. BINDER:
Okay.

MR. CAPUTO:
Instead of carrying the paperwork from Yaphank by courier to Hauppauge or Dennison Building, they would do it all in Yaphank.

D.P.O. LEVY:
Any other questions?

LEG. BINDER:
Okay, thanks.

MR. CAPUTO:
They may save a courier.

LEG. BINDER:
Thanks.

D.P.O. LEVY:
Any other questions? Thank you very much, Joe.

MR. CAPUTO:
Okay. I thank you for your attention.

D.P.O. LEVY:
Next speaker is Vincent Gillis, New York State Professional Process Servers Association. Mr. Gillis, I believe there is also -- there's a public hearing this afternoon where you'll get ten minutes. Would you

prefer to speak at the public hearing with ten minutes?

MR. GILLIS:

Yes, I would.

D.P.O. LEVY:
Would you defer until that time --

MR. GILLIS:
Yes. I'd also --

D.P.O. LEVY:
-- at 2:30?

MR. GILLIS:
Also for Bob Guilliano. He's also from New York State.

D.P.O. LEVY:
Great. This way, instead of three minutes, you'll get ten minutes to speak, if you can come back at -- stay around until 2:30, you'll have that time, okay?

MR. GILLIS:
Thank you.

LEG. LEVY:
Thank you very much.

LEG. CARACAPPA:
Just one further note. When you come back, there'll be a green card -- I'm over here. There'll be a green card to fill out in the lobby for the public hearing portion, where you'll get those ten minutes, so make sure you fill those out and get it to the Clerk. Not the yellow card, the green card.

D.P.O. LEVY:
Would you be Mr. Guilliano?

MR. GUILLIANO:
Yes.

D.P.O. LEVY:
Will you be able to come back at 2:30?

MR. GUILLIANO:
Yes.

D.P.O. LEVY:
Okay. Thank you very much. If there -- sir, gentlemen, there's a -- is there a green card around that you can give to these gentlemen to sign now?

MR. BARTON:
They're available at the front desk, the reception area.

D.P.O. LEVY:

Green cards, I know, I don't want to go there. Next speaker, Murray Barbash. Welcome, Murray. Welcome back, I should say.

MR. BARBASH:

Thank you Steve. Mr. Chairman, Members of the Legislature, I want to make -- say a few words about charter schools and the way the present law in New York State, the implementation of that law threatens all the schools in suburbia, in particular in Suffolk County. I know education is not within your purview, but as Angie Carpenter said, there was a sense being prepared today, which we wish you would send.

The Charter School Legislation of 1998, if you look at it, is one of the most effective pieces of legislation I've ever seen. It was evidently passed in great haste with very little thought among the Legislators. It was tacked on to a bill, which raised the Legislators' salary, so it was very, very popular to get passed in a big hurry.

Charter schools are supposed to offer parents in failing school districts the opportunity of giving their kids -- getting their kids into a better school. Our experience in the Bay Shore School District is that's not what really happens. What happens is it offers a number of private entrepreneurs an ability to lock onto public funds, which are normally provided to education, for a for-profit motive.

We in Bay Shore were notified, the Superintendent was notified on October 15th or 16th that the Long Island Charter School of Technology was going to move into Bay Shore. We had no previous notice. Nobody ever came around. Nobody said, "Do you want it?" There were no, absolutely not one parent sponsoring this legislation. That came like a bolt out of the blue from some outfit in Massachusetts. And then, when we got a look at the application, it was virtually a total fraud. There were people listed there as being either in favor or having been notified of this application who were never notified. And when we called them, they said, "I write letters to us and to everybody else in the business saying, "Hey, you know, this is a lie, get our names off this list." So, immediately, it became very, very suspect. And I think what's happening now is that rather than charter schools being applied for by parents, they're being applied for out here in our County by for-profit institutions, most of them out of state, who seek to make money on this whole proposition.

We think that the legislation is drastically deficient. We have not had the opportunity yet to compare it with legislation in other states where it may or may not be working. And I think the -- nobody knows whether charter schools are really working or not at the moment. There's a need to reform the way these things are financed. They're financed out of the pocketbooks of the schools from which the students come. And I guess some other speaker will tell you the ramifications of that, but we in Bay Shore could have stood to lose a heck of a lot of money. And, anyway, what happened with us is when we called the State University of New York and spoke to Professor {Tom Leow}, who was on that Long Island Charter School Board and told him who he was in bed with and sent him the proof that this was a fraudulent application, he promptly resigned and promptly pulled the approval of

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Stony Brook from that application. But we were lucky. But other schools around suburbia are not going to be so lucky, perhaps, and I think they really need your protection. They need you to go up there to send a message to Albany to reform this law and make it a lot more responsible, much more in the interest of educating kids than profiting for-profit applicants.

And I would yield the rest of my time, if any, to the next speaker. Thank you very much.

D.P.O. LEVY:
Murray, I just have --

MR. BARBASH:
Steve.

D.P.O. LEVY:
-- a couple of quick questions, and then I know Legislator Cooper had one. This isn't an issue that is something germane to the County, but it is an issue that is starting to pop up in different areas throughout Suffolk, and Nassau as well, and at some time or another Legislators are going to get better acquainted with the issue. And I know over the last several months, being that, you know, I was looking at more State-related matters and looking into this, and correct me if I'm wrong, but while the public school system has an elected -- an elected Board of Education and a sense of accountability, is there any equivalent of that with a charter school?

MR. BARBASH:
My understanding is none whatsoever. Sure, we can -- if we don't like

what's happening in our school district, we can elect a new board member, and the new board can fire the superintendent and hire another one. You can't do that with a charter school. There is no responsibility to the public whatsoever, and, yet, they're getting the public's money, because for every student that one school district sends to them, they get the average cost of educating that student, which on Long Island is probably 9 to \$10,000, plus they get other ancillary services, transportation, library, etcetera, and a school district could really be in the soup, because you can't down-scale proportionately when you lose students like that. Where is this money going to come from? It's going to come from the taxpayers of Suffolk County.

D.P.O. LEVY:

Well, the other question I had was I've heard that there are a great number of rules and regulations that are burdened upon the school, the public school system, but I understand a lot of these charter schools don't have to play by those same rules and abide by the same type of rules that pertain to the public schools.

MR. BARBASH:

They don't play by the same rules at all. In the application that was filed for Bay Shore, they had one superintendent, one secretary, no security for hundreds of student. How can you have that on Long Island. They don't play by the same rules at all. It's a free pass to profit is what this is under its current interpretation of this

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law. And I am not speaking against charter schools. In certain areas, parents should have, I think, the opportunity of improving the education of their kids. But you take an outfit, a school district like Bay Shore, where the SAT's have increased 200% in the past five years, and where we are currently well above the national and state average, and no parent has applied to a charter school. Why are we under attack? Why is our budget under attack? I say it's simply for the profit motive. There are other charter schools in the nation which are not-for-profit. That may be a better approach.

D.P.O. LEVY:

It's interesting.

MR. BARBASH:

But I think we're going to study the legislation and reform it.

D.P.O. LEVY:

Legislator Cooper.

LEG. COOPER:

I had a few questions. Legislator Levy asked my first one. And I think I'll hold a couple of them until the other speakers have a chance to address us. But one question. I understand that, unlike public schools, charter schools can reject at-risk students. And what impact does this have on students that remain in the public schools.

MR. BARBASH:

I'm not quite certain as to the answer to that question. Perhaps Dr. Holman, our Superintendent of Schools, can tell you that with more authority.

LEG. COOPER:

Thank you.

MS. HOLMAN:

I'm your next speaker, so I won't take up too much. No, they are, as part of their application, they are to address at-risk student. Unfortunately, these applications do not seem to be {vetted} very well. So even the legislation that is put down as inadequate, as I think that is, is not being adhered to by these various groups who are coming in.

The application for Bay Shore, if it had been a high school student submitting it as a term paper, that high school student would have failed and probably been suspended for unethical activity. So to put children, students in the hands of a group that is concerned basically for profit, Murray mentioned that a superintendent and a secretary, actually there would have been 500 high school age student in downtown Bay Shore with one principal, no secretary, no assistant principal, and no security guard. However, that principal would have been getting 20,000 more dollars than any principal with the same qualifications would be getting in Bay Shore. What is the motive there, safety of students or profit and salary for the person running this organization?

I'm also very much concerned. You know that the Bay Shore application

has been withdrawn, so we are here basically to talk about the concerns we have about the legislation. I think Cameron and Angie have been in on various meetings where we have talked about, you know, the Lyons against this, the Rotaries against this, the chambers

against it, the Board of Education. Everyone in Bay Shore has been very concerned about it. But let me just point out we have some other guests in the audience. We have George Duffy, who is the Superintendent in Riverhead. The same organization, Beacon, is also sponsoring a school in Riverhead, and what's so interesting to me is this is supposed to be an individual program. This is just a cut and paste, where if you compare for the high school program that they were trying to start, which was to be a Long Island School of Technology, which didn't have any technology in the application. Any mediocre school or average school in all of Long Island would have had more technology than was in this application. But to parents, they would think that they were getting something more. So you have George here, you have Tony Feliciano from 30 years as a Board of Education President in Brentwood, you have Lorraine {Deller} from the Nassau-Suffolk Superintendents Group or School Board Groups, you have the Suffolk County Superintendents against this.

Very often, we, as Superintendents or educators, people think, well, all right, you're bringing up these issues because you are defending the status quo in education. We are not. We are certainly willing to work for reform in public education. But I would ask you as businessmen, if someone was going to open an office down the street from you, but he did not have -- or she did not have to do the same paperwork that you were burdened with, abide by the same rules, or the same economic ground rules, and then you would call that accountability and say that this is just competition, I don't think you would think so.

But I have to compliment the people who obviously have done their homework and read the packets, and listened to some of the things that we have talked about before, because I think this is going to become in the next two years a hot political issue. When the taxpayers understand that there is no ethical accountability, there's no fiscal accountability for the charter schools, I think that you're going to have some outraged citizens, just as they're outraged in Bay Shore.

D.P.O. LEVY:

Dr. Holman, thank you for your comments. You were next on the list anyway, so that's great.

MS. HOLMAN:

That's it.

D.P.O. LEVY:

I know Legislator Fisher had a question, though, for anyone --

LEG. FISHER:

Yes. Please, stay there, because you might be helpful with regards to my question. You've touched on some of the very --

MS. HOLMAN:

Let me just mention, we also have the President of the Islip NAACP

with us, who has worked closely with the {Niamya} school in that charter application in C.I.. And Jerry Jackson, who is the Superintendent there, had to leave and go back to work, or he would be here supporting our efforts as well. Sorry.

LEG. FISHER:

Okay. I have a variety of questions regarding the impact of the charter schools on the school districts. In Bay Shore, had this charter application been approved, what would the fiscal impact have been on the school district?

MS. HOLMAN:

I think, basically, that they would have gotten very few kids from Bay Shore, because our technology program, because we have had very supportive budgets, our bond issues have passed, we spent \$18 million renovating computer labs, I'm not sure that the fiscal impact on Bay Shore -- it could have been from anywhere from, when you have to send them \$10,000 per child, even if had only been kids, you can do the math.

LEG. FISHER:

Well, that's a serious --

MS. HOLMAN:

Twenty kids, you can do the math.

LEG. FISHER:

-- fiscal impact then.

MS. HOLMAN:

Absolutely. But what I would worry about more is what I think Yvonne's going to talk to you about, what happened at Roosevelt. Roosevelt owes -- headlines in the paper, they have to send a million dollars. Roosevelt Public Schools probably lost between 6 and 12 kids, but they have to spend and send a million dollars, because people came out of private schools and parochial schools and went to this charter school. That is the kind of thing that you can't predict.

LEG. FISHER:

And it drains the budget of the school district.

MS. HOLMAN:

Absolutely. But --

LEG. FISHER:

And that's the issue. And very often, there's school districts that are struggling --

MS. HOLMAN:

Absolutely.

LEG. FISHER:

-- fiscally to begin with, and if you're going to have that kind of draw, what you're doing is those -- even if it's a good charter school, the majority of the students who are left in the public school are impacted.

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MS. HOLMAN:

Certainly. And it doesn't reduce the cost. People would think, well, if you lose 20 kids, that mean you're reducing class sizes.

LEG. FISHER:

No, because you still have the programs that you must maintain.

MS. HOLMAN:

Absolutely. Absolutely.

LEG. FISHER:

As far as the -- you mentioned the professional accountability. Certification standards for teachers in charter schools are not adhered to as they are in the public school system.

MS. HOLMAN:

Well, why most charter --

LEG. FISHER:

You could have people who are not certified teaching students.

MS. HOLMAN:

A certain percentage of them can be uncertified. What the people do who apply for charter schools, if you keep it under 250 students the first year, then you don't have to meet the same certification requirements with every one of your --

LEG. FISHER:

Absolutely.

MS. HOLMAN:
-- teachers being certified.

LEG. FISHER:
So that certainly speaks to the comment that you made regarding the fiscal accountability, number one, number two, professional accountability.

MS. HOLMAN:
Absolutely.

LEG. FISHER:
You don't need to have certified teachers. And in a system that --

MS. HOLMAN:
I would expand that professional accountability, because you don't have to have certified administrators. And to have a person who does not have an educational background administering a school with no help seems to me to be fraught with --

LEG. FISHER:
Absolutely.

MS. HOLMAN:
-- with many, many pitfalls.

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LEG. FISHER:
And the third point that you made was ethical accountability.

MS. HOLMAN:
Absolutely.

LEG. FISHER:
That it seems to be a profit motive rather than --

MS. HOLMAN:
It doesn't seem to be, it's clearly a profit motive with Beacon.

LEG. FISHER:
Well, in the case -- I didn't want to paint all charter schools with the same brush.

MS. HOLMAN:

Absolutely, absolutely.

LEG. FISHER:

But the profit motive is one that really has to be seen clearly.

MS. HOLMAN:

And other states don't have that. I mean, we all are tired of listening about what's going on in Florida, but Florida, Washington D.C., Pennsylvania, about two-thirds, without doing an accurate count, probably more than that, allow charter schools, but they're not for-profit. And do we really want to put children and taxpayers' dollars in the hands of those people who are just interested in profit and the bottom line? I think we would not be doing our job. And even though perhaps Bay Shore now is out of jeopardy, I think it would be remiss on my part if I didn't come here and say I believe in the next few years, as taxpayers understand this, they will be outraged.

LEG. FISHER:

Thank you.

D.P.O. LEVY:

Legislator Postal, then we'll go to the next speaker.

LEG. POSTAL:

Okay. Thank you very much. First of all, I thought that that was a very interesting article that was distributed to us that appeared in Newsday with regard to the fiscal impact of the charter school on the Roosevelt School District. I know that there have been at least three applications for charter schools last year, which were unsuccessful, within the 15th Legislative District, primarily, Amityville and Wyandanch communities. In the Amityville School District alone, if 100 children attended a charter school, the impact would have been in the neighborhood of a million dollars taken from the Amityville School District, which the Amityville School District could ill afford to lose. As a matter of fact, probably couldn't continue to function. There was an interesting article -- by the way, let me just say that I've read applications, and all the applications, every

MS. HOLMAN:

So you know.

LEG. POSTAL:

Yes. Every application I've read --

MS. HOLMAN:
You would they could spell correctly.

LEG. POSTAL:
Well, they're -- first of all, it's fascinating, and it's not just a coincidence, that they all propose to begin with 249 students, and that's exactly because they can subvert the requirement for certification and for --

MS. HOLMAN:
And the union.

LEG. POSTAL:
-- its organization, right.

MS. HOLMAN:
They bypass the union.

LEG. POSTAL:
Yes. And I think it's really worth noting that when the State is talking about all kinds of upgrading of standards for teacher certification and preparation, at the same time, we're eliminating any of those standards for charter schools with regard to a large portion of the faculty.

MS. HOLMAN:
That's a very good point. It would be nice to have a level playing field where that compares.

LEG. POSTAL:
It's just -- you know, it's terribly inconsistent. I've read -- I've read the applications. I've read the complete applications. I know, as a professional educator, there are things that are proposed in some of these applications that are not only ludicrous, but educationally unreasonable. And, apparently, there's nobody who checks this over. The voluntarily registered schools have to meet certain standards with regard to curriculum, with regard to in-service training.

MS. HOLMAN:
But nobody checks.

LEG. POSTAL:
But for the voluntarily registered schools, they do. For the charter schools --

MS. HOLMAN:
They don't.

LEG. POSTAL:
-- nobody does.

MS. HOLMAN:
That's correct.

LEG. POSTAL:
But I thought there was interesting -- I read an article just within the past six months about for-profit agencies across the country, which have actually not gone out of business, but closed the charter schools, so that they're not making -- in those cases where they're not making the profit that they would like to make, they close the school, which means that you're --

MS. HOLMAN:
They come back to the public school.

LEG. POSTAL:
That's right, those children come back to the public schools, but there's already been a drain of financial resources away from the public school district, and the state's not making those drains up.

MS. HOLMAN:
Well, not even that drain, what about the drain on the students who have not been educated, because people were more concerned about the profit?

LEG. POSTAL:
Yeah.

MS. HOLMAN:
And those children come back into our schools in Bay Shore, and then we are responsible for getting them up to the State standards.

I would like to reinforce your point. This application for Bay Shore said it met the State regents requirements. It did not. It said that it had people supporting it that had -- were -- let me go back. Because we called the charter school, and they said, "Well, yes, the top does say community support, but, actually, it just means that they were informed." Well, the people knew nothing about it. They weren't informed. So it was really an unethical, it was an unedited, it was a misrepresentation. It did not meet the regents requirements. I knew that. An educator reading it would know that, but a parent wouldn't know that. And the people -- obviously, the trustees of the charter school didn't do this and didn't do their homework in reading it.

It's appalling to me that this application got to the second stage.

How did that happen? In Bay Shore, we have the means to look at this and spend the time, although I would have liked to have spent my last month on something other than charter schools, but it is such an -- I think an insidious form of pulling support from public schools that all of us should be concerned whether or not we have one pending in our community or not.

LEG. POSTAL:

And that leads me to the question, which everybody's been waiting for. I know that --

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MS. HOLMAN:

How would you change the legislation?

LEG. POSTAL:

Aside from the -- putting aside the issue of whether a charter school, the concept of permitting charter schools is a good idea or a bad idea, because I have very strong opinions about that, but if we put that aside --

MS. HOLMAN:

So do I, but we'll put that aside.

LEG. POSTAL:

Has there been a concerted effort or an organized effort to attempt to get support for an amendment to whatever State statute established the charter schools, so that, for example, they would -- because I know the State doesn't want to provide the extra money. It created the structure, but said, "You pay for it." So that, for example, money that is provided to a charter school would not be money that comes from a school district's state aid package, and to require that teachers meet the same standards and administrators meet the same standards that they would be required to meet in the public schools? You know, I know that are all kinds of --

MS. HOLMAN:

I think you're going to see a plethora of bills. Just go on the internet, they're already on there with all types of recommendations. I think the back of the packet that we sent to you, probably you got today, has Owen Johnson, Senator Johnson, and Phil Boyle both saying that they were appalled at this application as well. So as more people, who have thought that this might be a good idea, start looking at the details and the fine print, I think you're going to see many,

many amendments being proposed. Now, I'm always nervous about that. It's like every time they reform the tax code and you look at it, it seems to me to be H & R Block and the tax lawyers relief act to do that. So we get very nervous when they start talking about, "Well, we'll amend it and we'll tinker with this." But I think as awareness, a sense resolution, the more people who are educated, and certainly the fact that it's for profit, ought to make us all sit up and take notice.

D.P.O. LEVY:

Okay. We have --

MR. BARBASH:

I have seen amendments proposed already and they don't address the basic issue. They give you, instead of paying 100% the first year, maybe you pay 25%. But, basically, you -- the schools wind of paying for it. The amendments that are on the table now as being proposed are not worth a damn, if you pardon my language. We have to start from ground zero and rewrite that whole act.

D.P.O. LEVY:

Thanks. Our last speaker on this issue is Yvonne Patterson Cook. Great to see you, Yvonne.

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MS. COOK:

Thank you. Good afternoon, and thank you for your time and attention. And I'm here also to talk about charter schools and their impact, not just in the Town of Islip, but across Long Island.

First of all, let's look at the issue of where charter schools are targeting themselves. Each one of the communities that a charter school is targeting happens to be a majority minority community. The reason for that, we're going back to the for profit-status, they cannot make money in any other type of school district. We all know that State funding is greater in majority minority school districts, therefore, the charter schools have targeted those school districts to open their schools, because that is where they will make the most money.

You had asked the question about certification of teachers? The teachers in the charter schools, I've been told by the {Niamya} charter School application, do have to be certified. However, when you go back to that certification, you find that those teachers do not

have to be certified in the areas that they're teaching. So you can send your child to a charter school to a math class, which will be taught by a Phys. Ed. Teacher, or an English teacher. You can send them to a science class that's being taught by the janitor. Okay? So the teachers do not have to be certified in the area that they're teaching.

Also, most charter schools keep their enrollment to below 250 students. Why? Because then they do not have to have a teachers union. Again, there, would be no oversight.

If you look at the Charter School Institute and the makeup of the Charter School Institute, the people, most of those people have backgrounds in public relations, not public education. They do not really know what's best for our children. Looking at the charter school application for the Long Island Charter School for Technology, they're claiming community support. When you call the State to find out what does that mean, that means that the person only needs to know that there is a charter school. They don't have to know anything about the charter school, and then they are considered a support from the community. This is one reason why the NAACP has repeatedly refused to meet with the {Niameya} charter School applicants, because we do not want our name showing up as community support.

P.O. TONNA:

Ma'am, you're going to have to wrap up your comments.

MS. COOK:

Okay.

LEG. FISHER:

I'm going to ask her a question, if that's okay.

P.O. TONNA:

Let her finish.

MS. COOK:

I just have one more thing to say. In the Roosevelt School District, the charter school was opened in order to help the Roosevelt School District children. Less than a dozen of those charter school children come out of the Roosevelt School District. Who's helping the rest of those children? Question?

LEG. FISHER:

Thank you, Yvonne. Mr. Chairman, if I could --

P.O. TONNA:

Yes, you want to ask her --

LEG. FISHER:

Yvonne, did you have another point to make about this? I was just curious.

MS. COOK:

Another point to make?

LEG. FISHER:

Yeah. I didn't know if you were finished.

MS. COOK:

No, I'm done.

LEG. FISHER:

Okay. So part of your point, though, and the position of the NAACP is that this seems to be another way of exploiting --

MS. COOK:

Most definitely.

LEG. FISHER:

-- minority populations.

MS. COOK:

Most definitely.

LEG. FISHER:

Because that's where the charter schools, the for-profit charter schools are targeting their efforts.

MS. COOK:

Right. And I would like to say that we are not opposed to choice. Everyone is entitled to choice. However, charter schools strip away much needed money from the public schools. Let's work on making improvements in the public schools instead of taking money away for them to be able to educate our children.

LEG. FISHER:

Thank you, Yvonne.

P.O. TONNA:

Thank you very much.

MS. COOK:
You're welcome.

P.O. TONNA:
Okay. I'm told that I have a unique -- I think this will be the first time we invoke Number 6 on the agenda, statements and presentations by County Legislators. Legislator Levy.

LEG. LEVY:
I appreciate to be recognized on this, because I want to make a resolution --

MR. MEYER:
Excuse me, Mr. Deputy Presiding Officer. I had filled out a card to speak. I don't know if it was lost in the shuffle --

P.O. TONNA:
Yes, I understand that, and that's why -- I haven't called your name yet, though, right?

MR. MEYER:
Oh, I'm sorry. I thought you had closed the public portion.

P.O. TONNA:
No.

MR. MEYER:
All right. Thank you.

P.O. TONNA:
The public portion is still open.

MR. MEYER:
Thank you.

P.O. TONNA:
Okay? John, you'll get a -- John, you're not going anywhere, right?

MR. MEYER:
I don't know.

P.O. TONNA:
All right. Guess what, John, you're not going anywhere.

[SUBSTITUTION OF STENOGRAPHER - ALISON MAHONEY]

LEG. LEVY:

I know John has important things to say, too, he always does. I wanted to speak on this, Mr. Chairman, because I not only want to make the motion to discharge this resolution, but really speak to the urgency of it. I'd make a motion to discharge Resolution 1919 which is establishing a Suffolk County Office of HMO Services. And if we can kindly have the doors closed back there, please. Lucy? Lucy, Can you close the door?

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P.O. TONNA:

We need the doors closed, the auditorium doors closed.

LEG. LEVY:

Thanks. I'm taking -- I'm invoking number six on the agenda because I think it is very, very important that we act on this resolution.

The clock is ticking on 35,000 senior citizens in Suffolk County who are going to lose their prescription drug coverage come December 31st, that's 26 days away. And you know, there was a candidate for President a couple of years ago who made the statement where's the outrage regarding certain items; well, I'm asking where's the sense of urgency? There doesn't seem to be a sense of urgency amongst a number of elected bodies out there that there are thousands and thousands of senior citizens who are literally scared to death that they are going to lose their prescription drug care.

Now, there's no question that this matter is primarily within the Federal realm. And if this was a perfect world, the Federal Government tomorrow would pass a resolution that would increase the reimbursement rate for health care recipients here in Suffolk County to match that which is received from residents in Nassau County and New York City, but that's not happening. It's not happening tomorrow, we don't know if it's going to happen next month, we don't know if it's going to happen next year. And if we don't do something within the next few weeks, there's a lot of people who are going to be hurt very dearly.

Now, there's three basic options that senior citizens have come January 1st. The first one is to participate in the Epic Program which is a great program. But people don't realize, what Epic did was increase eligibility so that more people can be eligible for Epic but it doesn't necessarily increase how much money is available to

subsidize what people are going to pay for their prescription drugs. So they get can get some help from Epic but it's not everything.

The second thing they can do is go to a concept called Medigap. Medigap is private insurance, but the senior citizen still has to pay a very hefty premium to get this insurance. And there's only three of the ten programs that cover prescription drugs, and obviously the ones that do cover prescription drugs are the most costly premiums involved. So that's not the total answer.

And then there's a third option. The third option for these senior citizens who are going to be dropped is to go to Bluecross/Blueshield which, up until a couple of days ago, was the only health care provider that would remain in Suffolk County that would cover them. But there was a big catch, they were going to have to pay \$75 surcharge. At first I thought it was per year, they can deal with that; I found out it's per month, that is not easy for a senior citizen to deal with.

Now, we've all heard over the weekend that there was an announcement that HIP will remain in Suffolk County, and that's a wonderful thing. And I think Senator Schumer is to be commended as being one of the few Legislators out there who's taking this very seriously. But that was

not cost free, that's at least \$70 per month as well, in addition to what seniors will have to pay. So there's no easy answer out there.

What we've tried to do here through this resolution is to ask our Office for the Aging to consider a certain number of items, and they're very simple and they're doable. I'm not saying it's a panacea, I'm not saying it's going to happen, but at least let's try to make it happen. What we can do, in my conversations with Counsel and the Budget Review office, we do have the legal ability to have these thousands of senior citizens who are losing their prescription drugs to be pooled together. And as we all know, when you buy in volume you get discounts. We can use our offices to pool these senior citizens and, number one, we can try to get them lower premiums and, number two, we can even try to see if it's feasible that they can piggyback our County drug prescription costs to get discounts on their prescription drug costs.

It's not a panacea, it's not going to save the world for these senior citizens. The real answer is on the Federal government, there's no doubt about it. The real answer is for the Federal Government to

increase the are reimbursement that comes back to Suffolk County residents when they get their health care, but it might not happen. And we have an obligation to step in and try to do something and that's all this bill is doing. And on that, I'd like to make the motion to approve.

P.O. TONNA:

There's a motion by Legislator Levy to --

LEG. FIELDS:

I will second the motion.

P.O. TONNA:

-- basically motion to discharge from committee, seconded by the Chairman of Health which this committee, I think this is where it was put, so seconded by Legislator Fields. All in favor? Opposed? Okay, it's discharged from committee and it has to wait its normal hour or whatever else and we could vote on it later.

LEG. LEVY:

Thank you, Mr. Chairman.

P.O. TONNA:

Thank you very much, Mr. Levy. Okay, at this time -- it's 12:30, at this time I would call our lunch break.

LEG. FOLEY:

John was waiting to speak.

P.O. TONNA:

John, you're going to hang around anyway, so. Okay? You know, you get paid the big bucks to do that, John. Anyway, we're going to have our rededication ceremony in I think -- what time are we --

LEG. ALDEN:

12:30.

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P.O. TONNA:

12:30, so in ten minutes. Five minutes, five minutes. All right, now.

(*RECESS TAKEN: 12:32 P.M. - 12:45 P.M.*)

P.O. TONNA:

Okay, I think we're going to begin our dedication process. Welcome to our new building here at the Legislature. And before I start, I just want to mention that I understand that the Rogers Family is here, so that's wonderful. Thank you so much for coming here.

APPLAUSE

And I think before I begin my planned comments, I just wanted to -- I'm doing a short little view of the room and I noticed that there are a number of past Presiding Officers. County Comptroller Joe Caputo is here who was the Presiding Officer in 1978.

APPLAUSE

John Wehrenberg, Presiding Officer in 1982.

APPLAUSE

Lou Howard from 1983 to 1985.

APPLAUSE

Greg Blass from '86 to '87 and then in '89.

APPLAUSE

Sandra Bachety who was Presiding Officer in 1988.

APPLAUSE

And sitting near the County Executive at that time, Pat Halpin; I'm glad to see you guys are talking.

APPLAUSE

Legislator and Presiding Officer Joe Rizzo here in 1997; Joe, wherever you are.

APPLAUSE

Presiding Officer Steve Hackeling who was the Presiding Officer in '98 and 99; Steve, wherever you are.

APPLAUSE

If I have missed anybody, I apologize and I'll make it up to you later, I'm sure.

Thank you for coming. I wish to thank each former Presiding Officer

and County Legislator for appearing today to rededicate the William Rogers Legislature Building. I would name each one of you but, from what I'm told, it would sound like a Bill Rogers roll call. I didn't know him, but I'm told by others that he loved the Legislature institution and helped to foster a sense of collegiality through his sense of humor. I want to thank former Presiding Officer Don Blydenberg, now a Supreme Court Judge, for his vision and determination in leading the charge to renovating this building. And former Presiding Officers Joe Rizzo and Steve Hackeling for their actions in getting this approved by the Legislature.

Throughout the project, although it was delayed several times, we still came under budget. The new auditorium and horseshoe are ADA compliant, we have more seating and a climate that is much more accommodating for the public and for our employees. Many thanks to the hard working Public Works officials, our chairman of Public Works, Brian Foley, who made this possible.

Today we are rededicating the William Rogers Legislative Building as the house in which the people's business gets done in Suffolk County. All of our Legislators that have come before me as well as my colleagues on the current County Legislature have helped to build a tradition and reputation of this Legislature Building as a place which we do the right thing. Over the first 30 years of our County Legislature there's been much history made here, as individual Legislators have fought titanic battles over issues that have changed the landscape, not only of Suffolk County but of the nation as a whole. We have battled over budgets and we have fought to cut taxes. We have led the way in bringing about meaningful welfare reform. We are fighting for affordable housing for our seniors and young people, and now we have a plan to fight poverty amidst a sea of prosperity. We have fought for victims rights and against domestic violence and deadbeat parents. We have battled over the Shoreham Nuclear Power Plant and higher utility rates. We have fought against State mandates and we have fought for greater local control of our fiscal destiny. We have helped share the cutting edge of health care issues by banning smoking, reducing infant mortality rates, building a new infirmity -- infirmity.

LEG. GULDI:
Speak much?

P.O. TONNA:
And providing -- not much, George, not often. And providing the best health care delivery system in the State of New York. And now, thanks to Mike D'Andre -- and Michael, I want to thank you personally for providing the first Safe Haven for abandoned babies here in Suffolk

County and all of New York state. Thank you, Michael.

APPLAUSE

LEG. D'ANDRE:
Thank you.

P.O. TONNA:
We have helped change the national thinking regarding the ways we use

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and reuse plastics. We have implemented an innovative drinking water protection program. We have preserved thousands of acres of open space for future generations. We have adopted a first of its kind Greenways Program to preserve active as well as passive parklands. We have struggled and battled over the global issues of taxes, health care, welfare reform and environmental protection, while at the same time fighting for individual constituents seeking relief from the burdens of government. The eyes of the nation are once upon us -- again here upon us as we implement John Cooper's cell phone bill to protect everyone, including me who has two phones and on the road all the time. In short, the Suffolk County Legislature has been a vibrant, independent body, honestly representing the needs and interests of the voters and taxpayers of Suffolk County. We have been the heartbeat of democracy and a beacon of hope for those in need of a champion and a protector.

This County Legislature has produced a roster of individuals who have gone to higher office and served the people well. We have sent Congressmen to Washington from Tom Downey to Rick Lazio. We have sent members to the State Assembly, even Steve Levy can get elected and now on his way to Albany.

APPLAUSE

We have sent Town Supervisors to Babylon, East Hampton, Huntington, Brookhaven and Southampton. We have sent Dennis Hurley to the Federal District Court and Greg Blass and Donald Blydenburgh to the State Courts. These personal accomplishments alone speak very well of this institution and those who have served it. But more importantly, the Legislature has been a forceful voice watching out for the essential needs of the people of Suffolk County.

As part of this rededication, we will once again be naming the auditorium in this building as the Rose Caracappa Legislative

Auditorium. As Paul Sabatino often reminds me, and I'm sure he talks to a lot of people, Rose Caracappa was tough and combative on the outside but had a heart of gold on the inside. She gave conservatism here in Suffolk a soft edge because she always reminded us that there are faces and human beings behind the numbers and line items in a budget resolution. Her son Joe, who has followed in her footsteps is a hard working, thoughtful Legislator, will be here to make some additional comments later.

I am humbled and it is an honor and a privilege to serve as a member of the County Legislature. I commend those Legislators for the independent, productive and open Legislature. We measure our accomplishments against these standards every day and strive to surpass them. Thank you.

APPLAUSE

Before I ask our Minority Leader, Dave Bishop, to come up to the Legislature to make a few remarks, I want to also thank our County Legislator Bob Gaffney who is here, thank you. County Executive. What did I say?

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LEG. LEVY:
Legislator.

P.O. TONNA:
Bob, it's nothing that I know about a demotion, don't worry. I would think it's a promotion and I think there's 18 people here who would probably feel the same. But our County Executive Bob Gaffney. Thank you so very much Bob for all that you do.

APPLAUSE

Thank goodness that you do not have to be a good public speaker to be Presiding Officer. Anyway, Legislator Dave Bishop.

APPLAUSE

LEG. BISHOP:
Thank you, Paul. Good afternoon, colleagues, alumni, distinguished guests. Usually when there's this many people in the auditorium we've done something really wrong.

The first time I encountered the Rogers' Building I learned what it was truly about. At that time I was a functionary of executive power, I worked for Pat Halpin. And Larry Schwartz and Steve Israel, who were my bosses, stationed me at the front doors of the Legislature for an evening meeting of this body, it was at the height of the fiscal crisis, and my job was to write down the name and address of every resident who came through the doors. Now, needless to say, hundreds of people came and after five minutes that task was abandoned and I realized that the people truly run this Legislature. And so that lesson was learned well at that time. Now all Legislatures in the United States and the world claim to be the people's body, but few have done the deeds and the practices that we have that truly reflect that we are a people's Legislature. After all, this is an institution that you can come to, a building that you can come to as a resident without appointment, speak before, insult us or praise us to our face, have it dutifully recorded by a stenographer, demand that rules be waived to have your bill expedited and often see it granted, witness the Executive and the Legislature negotiate bills on the record see a debate and a conclusion vote, and if you lose you can come back in two weeks and have it done all over again for you.

Now, our quarters have always reflected our ideals, they're humble and accessible. But age transformed our humility into a bit of disrespect for both ourselves and the public, and the ideal of accessibility had been compromised by our inability to communicate in a 21st Century efficiency and speed. The changes that we have made will restore the marriage of our ideals to the bricks and mortar in Suffolk County. Therefore, it is a proud day for all of us, particularly for our distinguished alumni who are the human foundation upon which the current Legislature is built. So I thank the past for supporting us currently as we dedicate this building to commit to our future. Congratulations to all of us, but particularly to the people of Suffolk County for they have their home back.

APPLAUSE

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P.O. TONNA:

Thank you. Legislator Joe Caracappa.

LEG. CARACAPPA:

Good afternoon. Thank you, Presiding Officer Tonna. When speaking about Rose Caracappa it's tough to be brief, but I'll do my best. And to look out in this audience and see so many historic faces, many of them I met for the first time as a young man, a boy, alongside of my

mother; if I didn't meet you personally I heard about you at the dinner table and you can imagine the stories that I heard about each and every one of you; and that is the God's honest truth.

Seriously, it's almost -- it was 1995 almost to the day that we originally dedicated this auditorium in the name of my mother Rose Caracappa and in her name and memory. It was done in an effort to remember her public service in the way in which she served the people of the 4th Legislative District as well as Suffolk County as a whole. When the original dedication took place, no words can truly express the way that myself and my family felt, and it's hard to describe it to each and everyone of you. That same feeling is felt today and it's difficult for me also to tell you as I walk through the doors of this building on a daily basis as a member of this Suffolk County Legislature, to see her plaque and her picture, the correct words will never be found and if I did find them I couldn't say them enough, and that is true for my entire family.

The auditorium just absolutely came out beautiful. And there are few words, aesthetically speaking about it, that would be perfect to combine with both this room and Rose Caracappa as a Legislator; those words are bold as well as soothing, not to mention refreshing. Those who served with Rose Caracappa knew of her and worked with any kind of thing with her would agree that she was bold, she said bold things, she did bold things and they were refreshing, and I say that because they were refreshing to hear that in the world of politics and public service and we don't hear it enough, but if you spend a few hours here I'm sure you'll catch a sound bite or two in today's Legislature. I mentioned the word soothing as well, because if you were a constituent of Rose Caracappa or anyone seeking her help such as the employees of Suffolk County or any public servant within this great county of ours, it was soothing knowing that she was working on your behalf and that your needs would be met.

In closing, I would like to say that it's my hope that in the future and for years to come and for members of this body as it currently exists, that they come out to the auditorium and to the lobby, read the words inscribed on that plaque and look in the eyes of Rose Caracappa and, in some small way, incorporate those words into their public service because as we all know, it worked and it worked very well.

I would like to finally just thank everyone that was involved in transforming this building and this auditorium, the William Rogers Building into what it is today, it holds both of their memories in a high place and it serves them well. Thank you very much.

APPLAUSE

P.O. TONNA:

Well, I have never done this before so I'm looking forward to this. I guess this is the time that we unveil the plaque.

LEG. FOLEY:

Paul why don't you ask the Rogers Family to step forward.

P.O. TONNA:

Oh, yeah. You know what? Come on. Thank you, Brian. Would the Rogers Family like to come up and step forward? And I'd ask all Legislators if they would like to -- just around the plaque. It's a photo op for you, Dave, and finally people see that you're standing. By the way, I thought it was very interesting that Steve Israel was your boss, but anyway.

LEG. BISHOP:

The primary is over, I revealed that.

P.O. TONNA:

All right. People, why don't you do this. All right, there you go.

APPLAUSE

There's food in the BRO conference area. And I want you to know, this is the very first time that actually government paid for this, you know, we've never paid for food before. And I realize Cameron Alden who is a very fiscal conservative will not partake in any of the food because he's trying to save some money. But outside of that, we have the opportunity for some food in the conference area. If anybody would like to take some individual pictures, please go right ahead. I'd ask that all of the past Presiding Officers come up for a photo and any previous Legislators and County Executives; we have two of them here, right? Okay.

(*THE REDEDICATION WAS ADJOURNED AT 1:02 P.M.*)

[THE MEETING WAS RECONVENED AT 2:40 P.M.]

[RETURN OF STENOGRAPHER-LUCIA BRAATEN]

D.P.O. LEVY:

All Legislators, please, report to the horseshoe for the public hearings. Roll call.

(*Roll Called by Mr. Barton*)

MR. BARTON:

Thirteen present. (Not Present at Roll Call: Legislator Guldi, Legislator Towle, Legislator Fisher, Legislator Crecca, Legislator Binder)

D.P.O. LEVY:

Okay. Our first Public Hearing, Resolution 2042, a local law to ban the use of plastic loops in food and drink packaging in the County of Suffolk. Our first speaker is Mr. Matt Hayden. Back from the

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Heartland.

MR. HAYDEN:

From the Heartland. Did anyone see the front page of yesterday's Wall Street Journal? They had -- all down the left-hand side, they had a massive article about LaGuardia, and they overstated how easy it was. My cycle time now from my home here is 7 1/2 to 10 hours, depending. So I appreciate the opportunity to be back with you. I'll be very brief.

My intent today is just to give you a little brief update on what's transpired since we were last together. I understand that Legislator Towle is ill today and won't be with us. But I want to cover a couple of things. First of all, though, congratulations on the installation day. It's a magnificent facility, and the pictures are up on the wall now. Very impressive.

D.P.O. LEVY:

It's the big time.

LEG. HALEY:

Except Freddy's.

D.P.O. LEVY:

We're glad you approve.

LEG. FOLEY:

There's no plastic, though, in the frames, it's all water glass.

MR. HAYDEN:

All water glass? Well, it won't last quite so long, but you're much more gentle with your furniture here than they are at home.

Each of you may have noticed that a box arrived from UPS in the last day or so that came from our office. After my appearance two weeks

ago, I had a couple of you come up to me and say, "Could I have one of those recycling trees for my office?" And rather than just send out a couple, I sent one to each of you. So if you've not seen it arrive in your office, it will be there directly.

I'd like to address some of the questions that have come up in the dialogues we've had with several of you in the last few of days. There was a question that came up from Legislator Postal about the rate at which the rings degrade, and I told her I would bring some information, and I'll leave it with the Clerk. This is merely a chart -- I'm sorry, I didn't mean to interrupt.

LEG. POSTAL:
That's okay.

MR. HAYDEN:
This is merely a chart that says how quickly the rings degrade. When you asked me before how quickly they fall apart and crumble, I told you the conventional wisdom is two to three weeks in the summer, and two to three months in the winter. And when we met with Legislator Postal, she said, "Well does it go" -- "Is it consistently strong for

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three weeks and then it falls apart, or is it gradual over time?" And the answer is most of the degradation occurs in the first couple of days. And you get a big hit over the first two days, and then it's very slow after that, until you get out 21, 28 days and it's crumbling in your hand. So I'll leave that with you.

Legislator Towle asked us what schools we were engaged with, and I've got some additional information there. Right now, our Ring Leader Program is installed in six middle -- in six elementary schools, two middle schools, and a high school in the Northport and East Northport School District, and I think that's all the schools in that school district, but I'm not sure, and one in Commack. So we have a total of ten. He also asked if it's actually true that we're the only commercial manufacturer of rings, and the answer to that is yes, we are the only commercial manufacturer of six-pack rings.

Most of what I've done over the last two weeks has been to meet locally with the people in Suffolk County to help shape this environmental education contest we spoke about. We've had some meetings with Nora Detweiler from Keep Islip Clean, and I think that organization will take essential role in helping to roll this out. We met yesterday with Maureen Wilmont from the {Seatuck} Environmental

Association. And my hope in having these meetings was to get a feel for which environmental educators in Suffolk County have the reputation and the experience to help us shape the environmental education contest we intend to run here in Suffolk County, if you approve it. So the question has been who are these people that we can talk to and help us, and Maureen and Nora have been very helpful.

I've also reached out to {Bora Simmons}, the former President of the North American Association for Environmental Education, and she's given me a couple of names to follow-up with, as well as Kevin Coyle, the President of the National Environmental Education and Training Foundation, who has a couple of names. So, within the next four or five days, we'll have some people that can lead the dialogue here, and we're talking about a meeting or two, to help us make sure that the way we intend to conduct the environmental education contest built on the Ring Leader platform in Suffolk County is, in fact, responsive and sensitive to the needs of the school districts in Suffolk County. So we're making some real progress there and hope to have something further to report in a couple of weeks.

The other issue has been how are we going to roll this thing out, and there we would really appreciate some insight and counsel from the Legislature. What we're hearing is that probably one of most effective ways we could roll this out is to work with our customers, who in this case are Coke and Pepsi, because they have the vending machines in all the schools. That would be a good way to do it. The other way that has been suggested to us a couple of times, three times, as a matter of fact, is that we work closely with the Parent Student -- PTA, Parent Teacher Student Association, PTSA's, because this seems to be the kind of a project that they would embrace and put to work in their schools, and that's a fairly short decision tree, as opposed to taking it directly into the administration of 72 school districts in Suffolk County. So we're certainly open on that, but that's what -- that's what we're hearing as a close recommendation.

The last open question we really have is whether or not we actually do this next January and February and March in 72 school districts in Suffolk County, or, as has been recommended to us, that we think and we take a step and say, "Well, let's run a pilot program in two or three or four school districts and see if there's a kink," and if there is, work it out before we roll it out to 72 districts in the Fall of next year. So we're certainly open on that. Actually, I'm more inclined to do the 72. The people are saying "Well, you need

our help and you need our direction and we're telling you that, you know, to start with 72 may be a little ambitious." So we'll work that one through.

They're also helping us decide what might be the most appropriate award. If we've got schools competing in an environmental education contest, there's going to be some prize. The question is what's the prize? On a national level, what we've looked at is some modest monetary award to the schools. What we're hearing from the folks we've spoken to in Suffolk County, particularly in this case Maureen Wilmont and Nora Detweiler, is that if we could do something that provided a bench or playground equipment for the schools made of recycled plastic lumber, that might do a couple of things. First of all, I understand there are a couple of manufacturers in Suffolk County that make those benches or playground equipment. We'll be collecting rings that may well -- we may well be able to include in the mix of the material that the benches or the playground equipment are made from, and it sort of keeps it all in the family. So we're working now to identify who those -- who those potential partners would be, or suppliers of the contest material.

So long story short, we've made what I think is a fair amount of progress over the last two weeks. We will -- we intend to make more, so that when we come back here in a couple of weeks, we can say, "All right, we've gotten all the input, we've figured it out, and this is what we'd recommend."

Since Legislator Towle is not here, we will certainly try to make an appointment with him and follow up with him, and share an update prior to the time we reconvene in two weeks.

D.P.O. LEVY:

Very good. We have a question by Legislator Haley.

MR. HAYDEN:

You bet.

LEG. HALEY:

Someone might say it would be easier just to support Legislator Towle's legislation, and then we don't need to go through this educational process. I would imagine there's a distinct difference, or in your opinion anyway, between your programs that you've presented to us versus his thoughts of just outlawing these items. Could you explain what the difference is, why do you feel that your program would be a whole lot better? And include, you know, what the downside would be of outlawing these rings.

MR. HAYDEN:

Certainly, Legislator Haley. Thank you. Obviously, if someone comes to you and says, "We want to ban the only product you make," it captures a person's attention. The real issue here is that that piece of legislation, as it was originally drafted, missed some pretty important pieces. It missed the fact that the rings are, in fact, degradable, and they have been since 1983 in New York State. It missed the fact that there is a New York State law governing degradability. It missed the fact that there was a federal law governing degradability. It missed the EPA rule of governing degradability. It missed the fact that we have an active recycling program and that the rings are -- and tons of rings are recycled every year.

So from my standpoint, and you can understand that I have a biased perspective, we're looking at something that has a number of flaws or disconnects between reality and the perception of the ten year old or the fourth grader whose idea originally was a genesis of the project, of the legislation. So I'd rather not go there. What I'd rather do is focus on the behavioral change necessary to eliminate the rings from the waste stream, and we get at that with the Ring Leader Environmental Education Program and the recycling program. I'd like to make some headway there, help the folks in Suffolk County who are concerned about that do it. And then my customers have some really pragmatic concerns as to how this would impact their businesses. Tom Fay from Pepsi spoke last week about that. And I understand from his colleague {George Sudduth}, that an E-mail has gone to each of you yesterday that follows up on his remarks and says, "You know, here is the background." He was not just pulling numbers out of the air, there was a substantive reason for what he had to say and that was communicated in that E-mail correspondence to each of you yesterday, and I have a copy of that, if you're interested. There is a consequential impact, potentially, on employment at the -- at his manufacturing -- Pepsi plant here in Suffolk County, and the E-mail, again, referenced somewhere in the 20 to 25 job range category.

The other reality, from a soft drink standpoint, I'm well aware that not every purchase occasion for soft drink is fully met by either a 12-pack, a two liter or a 24-pack case. Not everyone wants that much of any individual particular flavor or brand of soft drink, not everyone can afford to buy units in that size. There are many different purchase occasions and six-packs fill that need. If you exclude the rings and you eliminate six-packs in Suffolk County, there is no adequate suitable replacement. So both six-packs of cans, 12 ounce cans, and probably six-packs of -- some six-packs of multi-pack PET bottles, the 20 ounce, the 16 ounce, 24 ounce bottles, whatever they might be here by the various providers of soft drink, many of those will not be available in the market here in Suffolk County, and that's certainly not going to work to the advantage of any of your

consumers. So there are a number of commercial reasons as well that give me rise, give me concern.

LEG. HALEY:

Thank you. Thank you very much.

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D.P.O. LEVY:

Okay.

MR. HAYDEN:

Long answer to a short question. I apologize. My kids are on my case for that.

D.P.O. LEVY:

Thank you again for taking the time to come all the way here to Suffolk to express your concerns.

LEG. HALEY:

Oh, the other part of the question.

MR. HAYDEN:

Yes.

LEG. HALEY:

Could you explain the Ring Leader Program real quick?

MR. HAYDEN:

Sure. That's the kit that would have appeared in your office. It's been spread by word of mouth to 9,000 schools around the country. That's how many have adopted it over the last several years. And that tree that I held here last time made of recycled plastic lumber with wooden dowels for arms, that would sit in a public area of the school, it might be in the cafeteria or in a common hallway, and the children bring rings in from home and hang it on the tree. When this tree is filled and bulging with rings, they'll grab a box out of the school's waste stream, maybe a Xerox paper box, like the top I see sitting under the table here, and they take the rings off, put it into that, fill the tree up again, fill the box up, and when the box is stuffed with rings, there is a merchandise return label inside this prepaid, postage paid, they take that, slap it on the outside of the box, seal it up and send it back to us, and we make either new rings or recycled plastic lumber out of that. So it's a system that's worked very well,

as I said it's been. Unfortunately, only ten schools so far have adopted it in Suffolk County, but, again, that's all word of mouth. And when the Legislature decides they want to get behind something and encourage the school districts in Suffolk County to take a look at it, I suspect we could have a much different sort of scenario here in three months than we have today.

LEG. HALEY:
Thanks.

D.P.O. LEVY:
Thank you again.

MR. HAYDEN:
Thank you.

D.P.O. LEVY:
Appreciate it.

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MR. HAYDEN:
Appreciate your patience.

D.P.O. LEVY:
Any other speakers on this hearing? Being none, motion to recess by Legislator Caracciolo, second by Legislator Haley. In favor? Opposed? Motion carries.

Next hearing, Public Hearing regarding Resolution 2054, adopting a local law to require fair market value for the disposition of surplus County vehicles. There being no speakers, I will make a motion to close.

LEG. CARACCIOLO:
Second.

D.P.O. LEVY:
Second by Legislator Caracciolo. In favor? Opposed? Motion carries.

Public Hearing 2066, charter law to reform process for disposition of surplus County vehicles, by Legislator Carpenter. There being no speakers on this particular hearing, motion by Legislator Carpenter?

LEG. CARPENTER:
Close.

D.P.O. LEVY:
To close. Second by myself. In favor? Opposed? Motion carries.

2069, a local law -- a charter law to rotate chairmanship of the Suffolk County Joint Audit Committee. We have a speaker, Joe Poerio. The floor is yours, Joe.

MR. POERIO:
Thank you very much, Legislator Levy. The last couple of weeks, we've been going on situations in our department, and we were assured by this and, I'll use Legislator Mike D'Andre's terminology, this august body that none of this was political and none of this was personnel.

D.P.O. LEVY:
Joe, hold on one second. If we could just have Legislators come to the horseshoe, please. Mr. Poerio is speaking. Go ahead, Joe.

MR. POERIO:
Thank you very much, Legislator Levy. So we were assured that none of it was political, none of it was personal, it was all for good government. And that may be true, but when I look at this resolution that I happenstanced against last week, somebody in my office brought it to my attention, and I questioned a couple of Legislators today and they had no knowledge of this, so it was done very, very quietly and without any fanfare.

This resolution, when you look at it, seems innocuous to rote the chairmanship of the Suffolk County -- rotate the chairmanship of the Suffolk County Joint Audit Committee. Seems like it's a sensible type of thing to do. But when you look at the thing, you start scratching

your head and wonder why are they doing this? Why is the Legislature bothering themselves with a resolution that merely addresses who's going to run the meeting of the Audit Committee? I mean, is this something that you want to micromanage? Is this something that you really want to get into on who's going to run the meeting? Because that's the only authority and power that the chairman has. Each member of the Audit Committee has 25% of the vote. Four members equal 100%. They all have an equal amount of vote on who the internal -- who the external auditor is going to be for the County, and it's done in such a fashion -- and I don't see the Budget Review Director here,

but, in fact, I don't see any of his people here. But we met last week and we're going out to bid an RFP for a new County auditor for three years, and each of the members of that committee received packets in order to rate and score the submissions that we got from the RFP. Each one of those members, County Executive, the P.O.'s representative, the Treasurer and the Comptroller, each one of those members will vote for a new County auditor. Each one of them has one vote in four. No one is anymore powerful than anyone else.

So then, again, I ask you, why would this resolution come forward, and why would we waste your time as to who's going to be in charge of the meeting? And the answer is very, very simple. They want to take another chunk out of the County Comptroller's hide. It's as simple as that. And why do I say that? If you look to the resolution, I've got a couple of things that I want to discuss with you, for those of you that aren't aware of it. One of the statements in here relates -- the purpose of the law is -- and I want to know who the author is. I want the author of this resolution to identify themselves.

LEG. CRECCA:
What bill number is it?

LEG. BINDER:
What does it say at the top?

MR. POERIO:
2069-2000.

LEG. BINDER:
Who does it say sponsors it?

MR. POERIO:
Well, it was sponsored by -- it was introduced by Legislator Tonna.

LEG. BINDER:
That's it.

MR. POERIO:
And I discussed it with -- Legislator Levy's name is on here and he wasn't really aware of it, and I discussed it earlier with Legislator Caracciolo, whose name was also on it and he wasn't totally aware of it as well.

LEG. BINDER:
It's usually the first name.

MR. POERIO:

It's Legislator Tonna. But I'm sure Legislator Tonna didn't sit and write this resolution, I'm sure that somebody did it for him. And I would like to get the answer to that, because we aim to take it a little further when you hear what I have to say on this.

On the top of Page 2, they talk about -- and why I say it's a personal affront to the County Comptroller, they say the purpose of this law is to mitigate the inherent conflicts of interest that exist in a contractual arrangement between an auditor, the public accounting firm, and the auditee, the County of Suffolk. I mean, that is some statement. They are charging the County Comptroller with a conflict of interest with the auditor. Absent any information or anything of that nature, they are making that accusation, when I've just explained to you that the Comptroller does not make the decision independently of who the County auditor's going to be. It's a joint decision made in a very, very rigid and determined way. And that's by RFP and that's by a group meeting, and that's by each one of having a vote. Okay? So that's one statement that I react to in a negative way.

And if you turn to the bottom of Page 1, and it says, "The Legislature further determines that a Suffolk County Supreme Court Special Grand Jury, empaneled on April 14th, 1994, to conduct an investigation into the Suffolk County Medical" -- "Employee Medical Health Plan recommended that the Chairman of the Joint Audit Committee be rotated between the members at specified intervals." Ladies and Gentlemen, I'm the Chief Deputy Comptroller of Audit and Control, I have been there for 15 years. I was summoned before that Grand Jury. A Grand Jury report that came out, I did not see it. I don't know that the Grand Jury report said this. You know why? It was a sealed report. Sealed. So I'd like to know from the author of this resolution where he got that, or she got that information from? And if I can't get that answer, I'm going to ask the State Attorney General to look into this and find out how a sealed Grand Jury information ended up on a County resolution. And that's all I have to say. And if anybody would like to question me, I'd like to hear it.

LEG. HALEY:

I have a question.

D.P.O. LEVY:

Legislator Haley.

P.O. TONNA:

Where is Budget Review. Hold it.

LEG. HALEY:

I have a question.

P.O. TONNA:

Yeah.

LEG. HALEY:

Joe, one of the things I've learned, and I think it's been -- it's significant to know, over the last few years, is how well the two branches of government have gotten along as it relates to finances,

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budgeting, as well as, you know, the Department Division, or the Comptroller's Office. Who are the members, the four members of that Audit Committee?

MR. POERIO:

They are the County Executive's representative, Ken Weiss, from the Budget Office, the Presiding Officer's representative from the Legislature Budget Review Office, is Fred Pollert, the County Comptroller, Joe Caputo, and the County Treasurer, John Cochrane. Those are the four members of the Audit Committee.

LEG. HALEY:

Well, in my view, over the years, I think every one of those individuals have acted admirably for the benefit of this County. And we have proven over the years that they've been able to work together, as can be seen by, you know, how we've managed the budget. We have two-year modeling. They stay on top of things. We've -- I know that if we were to look at the -- historically, your boss' credentials regarding appropriate behavior, audit and control of this County, I think we've done an admirable job. So in absence of anything to the contrary, I'm not sure I see any reason to change chairmanships. I think the only purpose of a chairmanship in this particular instance is simply someone has got the responsibility of calling together a meeting to deal with the issues at hand, because everybody -- I've never heard one complaint coming out of the Audit Committee. I know it's very tightly controlled, nobody has any influences, and I think it's very well done.

MR. POERIO:

Thank you, sir. I just -- I just, again, would like to ask one or any of the authors, where's the conflict of interest? Somebody wrote this resolution, and why won't they come forward and identify to us where's the conflict of interest, one, and who -- where do they get the information concerning a sealed Grand Jury report?

LEG. BINDER:

Mr. Chairman, could I --

D.P.O. LEVY:
Yeah, Legislator Binder.

LEG. BINDER:
Yeah. Could you tell me how -- I, obviously, don't know anything about this. It's, you know, our first hearing on this. How do you know that his was sealed? Do we know this for a certain fact? I mean --

MR. POERIO:
Absolutely, the County Comptroller is sitting here today and he may -- he spent \$20,000 in legal fees.

MR. CAPUTO:
Twenty-nine.

MR. POERIO:
Twenty-nine thousand dollars in legal fees for that to be a sealed

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report.

LEG. BINDER:
Okay. Let me ask, if I can ask Counsel, is there backup? Because I don't remember seeing backup on this. Since there's a WHEREAS and it points to a particular Grand Jury report, does Counsel know if there's backup on this bill that would include that Grand Jury report, so that I could verify that the Grand Jury report, in fact, says what that part, or that WHEREAS section says; do we know that?

MR. SABATINO:
I don't have backup attached to the bill. I know that the -- I know that when I saw the statement in the draft that was proposed, it didn't seem inconsistent with my recollection of what was publicly stated. What may have had happened is that there may have been a press conference that was held, because I do recall there being some public statements with regard to a whole series of recommendations. I don't recall all of the recommendations, but I personally don't have that document.

LEG. BINDER:
From your recollection, if there was a press conference, who would have held that press conference and made a public statement as to what recommendations the Grand Jury was making? Would that be the District

Attorney or someone else?

MR. SABATINO:

It would have to have been the District Attorney's Office, if my recollection is correct about there being, you know, a public event. I will, you know, have my staff look for a file, not on this, but on that other issue, and see if there's something in there. The point is that the paragraph didn't strike me at the time as being something out of the ordinary, because I do remember there being a big public discussion and blowup. I may be wrong about the nature of it being a press conference, but just from memory, I kind of seem to recall like 32 or 33, or some-odd recommendations being discussed in a public arena. What I'll do is I'm going to have my staff look, not for this, but for that other file.

LEG. BINDER:

Would you remember if this was a sealed document, if this is a sealed report? I don't know I you -- if you don't have recollection, that's fine, too.

MR. SABATINO:

I honestly don't, because my -- if you asked me cold what took place, my recollection is that this made it into the public arena, because I remember there being -- I remember there being a public discussion about -- you know, I may be wrong about the --

LEG. BINDER:

Okay.

MR. SABATINO:

-- number 32, but of there being a lot of recommendations. But I'm going to pull my file on the other topic, and this goes back to '94,

and I'll see if my memory is correct or not.

LEG. BINDER:

Okay. Let me -- let me ask if -- all right. So, hopefully, we'll get a little research on this. In fact, probably -- I mean, we could probably get archived issues of Newsday now, it's on internet, and we can -- Paul will probably try to take a look and see if we can see anything that might have been in the public arena.

So on another question, the chairmanship, often, there are other powers of chairmanships, and I don't know the power of this chairman.

They all each have the same vote? Do they --

MR. POERIO:
That's correct.

LEG. BINDER:
Does one call the meeting? Is that --

MR. POERIO:
Yeah. Generally the -- generally, the -- since most of the -- let's remember, the County Comptroller is the auditing authority of the County. He's the auditor, he's the County auditor. He calls the meetings when there is something significant for the Audit Committee to get together on, and, generally, that's the right person to do that. The Budget Officer wouldn't know where and when to call a meeting for some specific purpose, or the same thing with Fred Pollert or anyone else, so all these years, it's been the County Comptroller who's called the meetings, because it had to do with auditing functions.

LEG. BINDER:
So if he --

MR. POERIO:
And he -- and he actually enacted this Auditing Committee and decided that it would be better -- it would be better for the County as a whole to have a committee working on these auditing issues, rather than he himself, as had been in the past.

LEG. BINDER:
Give me an idea. I didn't know the history. So the history is that --

MR. POERIO:
History is that the County Comptroller is the auditing authority of the County. He independently can select the auditor and do any other functions that an auditor would do within the County. But the County Comptroller decided eight years ago, ten years ago, somewhere in that period of time, that it would be better constituted with a committee made up of those kinds of individuals, so that the -- there would be no question as to --

LEG. BINDER:
Well, so there's not -- there can't even be the appearance of an impropriety --

MR. POERIO:
That's correct.

LEG. BINDER:
-- by putting it in a -- okay. So now, I assume that any of the members can just request a meeting at any time. It would --

MR. POERIO:
Oh, absolutely.

LEG. BINDER:
Has the Chair ever denied a request?

MR. POERIO:
Never. And it has been done in the past.

LEG. BINDER:
Has the Chair called a meeting and insisted they have the meeting, though one of the members couldn't make it, say that -- and exclude them from the vote?

MR. POERIO:
No. There's always been -- there's always been conflicts and --

LEG. BINDER:
Oh, there would be normally.

MR. POERIO:
-- you know, times, and many times, representatives have been sent, other than the representative themselves, so --

LEG. BINDER:
But the vote is -- the vote is cast and there's not a -- usually, is there --

MR. POERIO:
There's never been a problem to my mind, and you can ask that question of the Budget Review Director, who's here today.

LEG. BINDER:
Well, actually you've preceded me, I'm going to ask the question. But let me ask if any of the other members have recommended, or if you've heard them recommend a rotation, that they wanted an opportunity to be Chair?

MR. POERIO:
Not to my knowledge. Have you ever heard that, Joe?

MR. CAPUTO:
No.

MR. POERIO:
Not to my knowledge.

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LEG. BINDER:
So the members themselves, you don't -- okay.

MR. POERIO:
I've never heard that in the past, no, sir.

LEG. BINDER:
Let me ask, if I can, Fred, is there -- have you ever requested an opportunity to chair the meeting, or be Chairman of the Audit Committee? Has that been a concern of yours?

MR. POLLERT:
No, I have not requested to be the Chair of the Audit Committee. That is, with respect to the calling of the meetings, the Comptroller's Office does do the calling of the meetings. We have never requested a meeting to be called that was denied. I believe that the County Executive's Office may have requested a meeting which was not called. The committee acts fairly informally with respect to issues. The Chairman of the committee continues to sit as the Chairman. We don't have a formal vote at the beginning of the year to, in fact, renominate him as the Chairman. It's kind of like the information processing committee. It's a small group of four individuals and it tends to be more informal than formal.

LEG. BINDER:
Have you found that you've had any problem with the current makeup and the current constitution of the committee and having the Comptroller as the Chair of the committee? And my second question is do you find that the Comptroller at being Chair can exert undue influence or extra influence, or it changes the mix or -- so those are the two questions.

MR. POLLERT:
We had made a recommendation several years ago, there was a local law which changed the composition of the Audit Committee. The committee was originally encompassed with three members. We had made a recommendation that the County Treasurer should also be included. So it was our recommendation at that point in time to expand the membership to the four people that really deal with financial -- the

finances of the County. The Chairman of the committee can exert a pressure. The Chairman of the committee could clearly set an agenda, just as any chairman of any committee could do, just like in the Legislature, you can have a committee chair which can drive the process, can set the agenda, can deal with the tone of the meetings. We haven't had problems with the way the Comptroller's Office has dealt with the issues when he has been the Chair. We have had a free exchange of ideas. We don't necessarily agree with all the things, nor does all of the members of the committee. We were, obviously, approaching County finances from different points of view, so there's a normal type of give and take. Most recently, we are involved in selecting a new independent auditor for the County. It was at the advice of Budget Review Office that we go out to bid for that. That was really not a disagreement, it was an observation on our part. We sent a letter and we decided to go out to bid again, because of the Charter. So we have not had major disagreements where the County financial people have been unable to come to an agreement and to continue to work.

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LEG. BINDER:

All right. Are you concerned about conflicts of interest with the -- with the Comptroller being the Chair? Is that -- is that a -- do you see that there's a conflict of interest?

MR. POLLERT:

There is, I guess, a potential conflict of interest, because the County Comptroller is the County's Chief Financial Officer. He is being audited and the County is being audited by an -- by the County's independent financial auditors.

LEG. BINDER:

As is the Legislature --

MR. POLLERT:

Yes.

LEG. BINDER:

-- and the Treasurer's Office.

MR. POLLERT:

Right.

LEG. BINDER:

Right.

MR. POLLERT:

But it is the Comptroller's Office that most closely works with the Comptroller's Office. But you need the Comptroller's Office on an Audit Committee. So there is always going to be an inherent conflict of interest. Our recommendation in the Budget Review Office report this year was to take the funding for the independent auditor and to move it out of the Comptroller's Office, move it to the Budget Review Office, which we felt would really provide that level of independence, where the Comptroller is not paying the independent auditor, who is, in turn, reviewing his books. It just makes things more of an arms length. But there will always be an inherent conflict of interest, because you're having an independent officer reviewing the books of someone that clearly he's going to have to deal with.

LEG. BINDER:

All four. In other words, everyone sitting at that table is going to be reviewed and audited in some way, shape or form. And, in fact, if you're the Treasurer, there could be very big questions, as there have been, about the transfer of money, how money's kept, and how the books are kept. I mean, it's -- so there are huge questions for everyone sitting there. I assume that the fact that you have these four, and that's why you recommended even the fourth, and you added someone who is highly scrutinized by the independent auditor, the reason you have four is that you're watching each other, as well as watching -- because you're all at that possibility of conflict, so you're in a sense balancing each other out, because you're all sitting there watching.

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MR. POLLERT:

It was our recommendation that it was acted on in the omnibus resolution this year. We feel that that reduced significantly any conflict of interest or potential conflict of interest in that the Comptroller is not approving the bills of the independent auditor, who is in turn reviewing his operations and the operations of the County. So that would go for peace towards removing any conflict of interest.

LEG. BINDER:

That's a huge -- I didn't realize, but that is a huge question. As long as it's not one person paying the bills, I assume that the independent auditor is apprized of that, that there's going to be

review and there's going to be multiple review, so that there isn't going to be that kind of relationship just with the one entity.

I appreciate your answers. And I guess I'm after -- I think we have to drill down. We have to find out about that sealed report, where the information came from, why it would be specifically mentioned, and so I'm concerned about that. And, generally, I'm concerned about the whole -- the whole legislation and in terms of the fact that it's here with the other legislation on taking basically the authority, the different jurisdictions away from your office. You know, I don't believe in coincidences, so thanks.

MR. POERIO:

I thank you very much. I was going to make that point, but I'm glad you did. I thank you very much.

D.P.O. LEVY:

Joe.

MR. POERIO:

Anybody else?

D.P.O. LEVY:

Before you leave, just as a matter --

MR. POERIO:

Yes.

D.P.O. LEVY:

-- of personal privilege, I just wanted to clarify something. You had asked me a little earlier --

MR. POERIO:

Yes, Legislator Levy.

D.P.O. LEVY:

-- if I was asked to be on this bill.

MR. POERIO:

Right.

D.P.O. LEVY:

And I mistakenly said no. Actually, I wasn't asked by Legislator Tonna, and I thought that's the way the question was worded, and then

I recalled it was actually in the Budget Review Steering Committee that this emanated, and I'm a member of that committee, and I remember now having that discussion with Budget Review. And from there, the Committee, said "Okay, we'll put in the bill." So I apologize to you

--

MR. POERIO:

That's okay.

D.P.O. LEVY:

-- if I gave you the wrong impression that I had no knowledge of this bill. I thought you had asked me if Legislator Tonna --

MR. POERIO:

Right.

D.P.O. LEVY:

-- had asked me to go on it and that is not the case. It did come from the committee, though, just so you know.

MR. POERIO:

Okay. I just hope that you, again, you know listen to what was said today, and, hopefully, that you'll review this, all of you, and see that this is not a well intentioned resolution. This is something that's once again I think just a personal affront to the County Comptroller, because I don't see any other reason or explanation today that satisfies me that shows that this was well intentioned.

D.P.O. LEVY:

Well, as Chair, I'll recognize the Presiding Officer --

P.O. TONNA:

Thanks. Fred.

D.P.O. LEVY:

-- for personal privilege.

P.O. TONNA:

Fred, Mr. Poerio talks about the intentions of the resolution. It was you who brought this up in a Budget Steering -- Budget Review Steering Committee. It was you who said we need to look at this, and I think it was the unanimous opinion of the three Legislators on that committee. Can you tell us why and what motivated you to say that we need to move in this direction?

MR. POLLERT:

When we were preparing the County's Operating Budget Report, one of our recommendations was the transfer of funding from the Department of Audit and Control to the Budget Review Office for the independent auditor's fees. Prior to making that recommendation, I had a meeting with the Budget Review Office Steering Committee. The reason for the meeting was to determine, because it would be an addition to our

workload, whether or not it was supported by the members of the Budget Review Office Steering Committee to make the recommendation to increase our workload by transferring over the independent auditor fees. As part of the discussion that transpired at that point in

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time, there was a free-ranging discussion with respect to how the Audit Committee worked, the chairmanship of the Audit Committee, the rotation of the Audit Committee, if there were verbatim minutes, how the committee operated, and there was a discussion that came out of the Budget Review Office Steering Committee meeting with the three Legislators, yourself, Legislator Caracciolo, and Legislator Steve Levy. That was the genesis of this resolution.

P.O. TONNA:
Thank you very much.

MR. POERIO:
Thank you.

D.P.O. LEVY:
No other persons willing to speak on this -- wishing to speak on this particular bill, I will have a motion --

P.O. TONNA:
Make a motion to close.

D.P.O. LEVY:
-- by myself to close, second by Legislator Tonna. In favor?
Opposed? Motion carries. It is closed. You have ten?

MR. BARTON:
Sure.

D.P.O. LEVY:
We're going back to -- there was a gentleman who wished to speak on the plastic rings. Are you here, sir? I just got notice that you were -- asked to speak. Are you here? I will pass over that.

MR. BARTON:
Mr. Chairman, we were just advised that a gentleman drove down for Albany to speak on that hearing.

D.P.O. LEVY:
I am recognizing him, but he must be out in the lobby. We'll get back

to him when he comes back. I was not given his name. Did you have his name?

MR. BARTON:

No. We just went out to tell him.

D.P.O. LEVY:

We'll announce that again. Next hearing is 2125, a local law mandating reciprocal licensing program for plumbers. I do not have a speaker listed here. Is there anyone wishing to speak on this particular resolution? There being none, motion by Legislator Bishop to close?

LEG. BISHOP:

No, leave it open.

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D.P.O. LEVY:

To recess, second by Legislator D'Andre. In favor? Opposed? Motion carries.

Next resolution, there are several cards, Local Law 2217, a local law to license process servers in Suffolk County. And the first speaker is Vincent Gillis. Thank you, Vin, for working with us at the earlier session, and now you have ten minutes instead of three.

MR. GILLIS:

Thank you, Legislator Levy. My name is Vincent Gillis and I'm a resident of Suffolk County, and my business, process serving, is here in Suffolk County. I am here today representing the New York State Professional Process Servers Association. My capacity with them, my hat for this meeting is I am the Chairperson in charge of certification, registration and licensing of process servers. And, also, that was supposed to speak to you here today is the President of our organization, Bob Guilliano. He had to step out and was unable to be here this afternoon. So I'm going to say a couple of things about the organization, which he was going to address.

First of all, our organization is a nonprofit organization, and it was formed to promote the professionalism in the industry. We try to -- we have been attempting to do this through educational seminars. We speak at the Bar Association meetings, and we have seminars for our members. We invite the public sometimes to attend these seminars.

Our meeting in January, we invite the public. And, also, it is our intention to assist in any laws regarding process servers. And our purpose here today was to assist in this -- in this bill that's before the Legislature. I understand it's still in committee. And we spoke to Legislator Postal earlier, and she said she's willing to talk with us and we can consult with her on it. I just wanted to introduce myself to the Legislature, because you'll probably be seeing me back here again. And thank you.

LEG. POSTAL:
Mr. Chairman.

D.P.O. LEVY:
Thank you very much. Legislator Postal.

LEG. POSTAL:
Yeah. Just it's my intention, and it was my intention, somebody else had suggested this, to meet with the Professional Process Servers Association. I understand that there may be a representative to the Bar Association here today who also would like to discuss this resolution. So I plan to schedule some opportunities for us to meet and talk and recess this hearing to the December 19th meeting.

D.P.O. LEVY:
Okay, thanks. Thank you. Next speaker, Larry Yellon. Mr. Yellon? Mr. Yellon's not here. We'll go to Eugene O'Brien. Welcome, Mr. O'Brien.

MR. O'BRIEN:
Good afternoon, Legislators. My name is Eugene J. O'Brien. I am the

President of the Suffolk County Bar Association, consisting of 3,500 members. And we met yesterday in executive session, our executive committee, to discuss this proposed legislation about licensing process servers here in Suffolk County. I note from your Legislative intent that, quote, problems exist in the County as far as process servers. I can tell you that I am a partner in a litigation firm. I have been such a partner for 40 years. I personally have not seen a traverse hearing in thirteen years, was the last one I was involved in. And I might add that the Civil Practice Law and Rules, most of you I'm sure who are attorneys are aware of this, places a burden on a party who asserts sewer service, improper service, lack of jurisdiction; that they must act within 60 days in order to perfect their defense, which namely would take place in the form of a motion

to dismiss the complaint for lack of jurisdiction.

Now, if I may, I'd like to refer to legislation that I see like this as the rule of unintended consequences. It seems to us, and we met yesterday, as I said, and our Bar Association that consists of 3,500 members, and yesterday we unanimously concluded that we had problems with this proposed legislation and we are opposed to it. And I might say that the unintended consequences that we see would be that the expenses that you have attached in order to perfect this legislation, the \$400 biennial registration fee, the huge amount of record keeping that this bill would entail, the background checks, all of these costs, in our opinion, would ultimately be passed on to the consumers. The litigants here in Suffolk County would be forced to bear these costs, and that would be absolutely unfair.

I equate this proposed legislation to asking myself, when we license automobile operators, does that end road rage? Well, of course, we know it does not, anymore than licensing process servers would end any type of improper service on their part. I suggest to you that market forces will kick in, as far as correcting any problems that there are out there with process.

No attorney wants to be involved in a traverse hearing. It is absolutely unproductive. It costs time, it costs money, and it's not something that we want. And if I found a process server who was deliberately or repeatedly causing people to raise defenses that the service was not properly served, I would certainly hire somebody else to do it.

I don't believe that government intrusion into this area of life is appropriate. And if you feel that it's necessary to look into this question, perhaps the better thing to do would be to refer it to the State Legislators and let them look at it, so that it's not just the people of Suffolk County who will have to bear these expenses.

Now, with me is the second ranking officer of the Suffolk County Bar Association, our president-elect, Mr. George Roach, and we represent the top two positions of the bar. And I would ask with your permission, perhaps George can come up and say a few words, unless you had -- anyone has any --

LEG. BISHOP:

I have questions. Man

MR. O'BRIEN:
Anyone have any questions?

LEG. BISHOP:
Yeah, I have questions.

D.P.O. LEVY:
Why don't we do this? There's still half of your time remaining. Why don't we have Mr. Roach come up and speak, and then we'll ask the questions all at one time.

MR. O'BRIEN:
Absolutely.

D.P.O. LEVY:
Okay?

MR. O'BRIEN:
Thank you very much.

D.P.O. LEVY:
George, you've got five more minutes.

MR. ROACH:
Thank you very much. Good afternoon, Ladies and Gentlemen. As the president-elect of the Bar Association, we took a look at this particular bill, and even when it was in committee, the attorneys on the Judiciary Committee took a look at it and some of the items that came up, if licensing is the way to go, as Gene said, should you consider maybe a statewide form for the licensing, much the same as a notary. What I'd like to see in this, if it is, in fact, aimed at bad service, sewer service, abusive process, some kind of educational requirements be put into the bill. In the bill, there's a provision, I believe, that the record keeping, process servers will be required to keep their records for at least two years. As Legislator Guldi aptly pointed out at the committee hearing, when you do litigation, the defendant will raise the affirmative defense of lack of jurisdiction early on, but it's not until three, four, five years down the road does it actually come up in the form of a motion to dismiss, and by then, the records are gone and now the statute has run, and the party with the burden proof, as Gene said, would be hard put to prove their case. So only keeping record for two years, kind of a short limit to keep those records.

One of the other points, again, it brings up the point that people who cause process to be delivered to others, well, that's what lawyers do. We don't serve the process ourselves, we simply call the process server, like we hire a title company and a lot of other service businesses attached to the legal profession, we send the process to them, because they're reliable. Hopefully, we don't want a problem, the person will be served. And if we cause process to be served by virtue of the that definition, then what you're doing is you're saying

to the attorneys, "Well, hey, another \$400."

In discussing this with other lawyers and other process servers, what

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about the law firms who hire private investigators who are licensed by the State? As their private investigator, they cause process to be served. They've already paid a private investigator fee, and a background check, and fingerprinting, and everything else to the State of New York, now they're subject to another fee. What about process caused to be served by governmental entities, the District Attorney's Office, the Legal Aid Society? I believe this Legislature has subpoena power. That's process. If you guys cause subpoenas to be served on a particular investigation more than five times a year, then pursuant to this law, you're subject to a \$400 fee.

So I think, as Legislator Postal, as the proposal -- as the proponent of the legislation, I think a serious meeting is in order to flush out these issues and really give it some thought. Okay?

D.P.O. LEVY:
After Vivian.

LEG. BISHOP:
No. You see, that's why I wanted to go first.

D.P.O. LEVY:
No. Excuse me.

LEG. FISHER:
I was already there.

D.P.O. LEVY:
Legislator Vivian Fisher has the floor when Mr. Roach is done,
Mr. Bishop; okay?

MR. ROACH:
I'm finished at this point. That's all I have to say on the record.

LEG. GULDI:
Steve, put me on the list.

LEG. FISHER:
Actually, Mr. Roach, I'm the only person who's not an attorney who's
on line to ask a question, so --

LEG. POSTAL:

No, I am. Put me on the end.

LEG. FISHER:

Oh, okay. Legislator Postal is also not. And my question is to the first speaker.

MR. O'BRIEN:

Yes.

LEG. FISHER:

Regarding one of the statements which you made, which was a complainant having 60 days --

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MR. O'BRIEN:

That's correct.

LEG. FISHER:

-- to appeal.

MR. O'BRIEN:

No, it's not to appeal. It's to perfect the affirmative defense of lack of personal jurisdiction.

LEG. FISHER:

Okay. Now --

MR. O'BRIEN:

It just doesn't hang there, you have to move on it.

LEG. FISHER:

My question is this.

MR. O'BRIEN:

Okay.

LEG. FISHER:

When we heard testimony in the Public Safety Committee, one of the problems that seemed to be the pervasive problem here was that there were process servers who were not serving the -- it was sewer service, and people did not know that they had been served, and they discovered

accidentally much -- at some much later date that there was a judgment against them. Now, how can that person make an appeal or perfect a case in a timely manner if the person doesn't even know that they were to have been served?

MR. O'BRIEN:

Well, that process server must submit what's called an affidavit of service; okay? That person can be prosecuted for perjury. If I had more than one complaint of the same nature, I would fire him and get another process server.

LEG. FISHER:

But our reason for licensing is to try to make the server accountable. We're looking for accountability here.

MR. O'BRIEN:

Well, I recognize that. Again, if somebody could establish to my satisfaction that there's a relationship between a license and doing the job properly, I would perhaps take a different view. I don't think there is such a relationship. There are bad process servers, that's why there's a lot of them, and those are the bad we don't hire. I don't need the traverse hearing aggravation. I don't need that, nor do I want it.

LEG. FISHER:

Wouldn't the licensing, however, protect you as well, because if there's someone who is licensed, he has to protect his license, he is accountable, you would also be protected as an attorney, because you know that the person whom you are hiring has gone through a licensing

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process, that there is a record-keeping process that's ongoing?

MR. O'BRIEN:

On the way over here today, a vehicle cut me off. He was doing 75 miles an hour.

LEG. FISHER:

Yes, I know, you're bringing up the metaphor of the bad driver.

MR. O'BRIEN:

Well, lets -- lets --

LEG. FISHER:

Yes, but we still have to license drivers.

MR. O'BRIEN:

I know we do, but the question is, does licensing a driver eliminate road rage? Does eliminate reckless driving?

LEG. FISHER:

No, but I think that's a very bad argument, because licensing a driver --

MR. O'BRIEN:

I've made other bad arguments, believe me.

LEG. FISHER:

Okay. On your license you also have a record of convictions. Okay? So there is accountability and there is a record of your behavior, and what kind of driver you are. So, no, it doesn't eliminate road rage, and certification doesn't eliminate bad teachers, but those are specious arguments and you know that.

MR. O'BRIEN:

No I don't know that, but --

LEG. FISHER:

Having a license will give us some kind of control.

MR. O'BRIEN:

Well, I still feel market forces will kick in. We don't need the government telling us how to run our practices. And, again, I can only say it repeatedly, that if I was --

LEG. FISHER:

But there are rules on how people have to run practices anyway, right?

MR. O'BRIEN:

I understand that. And if I was confronted with repeated complaints that this is sewer service, I would not hire that process server.

LEG. FISHER:

The problem here is that we have heard so many people speak before our committee who feel that the judicial system traps the common person. The person on the street has no way out and no recourse, and they're trapped in a system where the attorneys really don't help them, the

kind of testimony we've heard.

MR. O'BRIEN:
I'm sure you've heard it.

LEG. FISHER:
And that they're not really trying to protect them. So we're looking for a way to protect the person who's caught in the trap of sewer service. And I think that something needs to be done about this. There has to be some recourse.

MR. O'BRIEN:
Well, again, the unintended result is simply going to be this, that the citizens of Suffolk County who resort to the courts, as they have every right to do, are going to wind up absorbing all these costs, and they will be huge, if you look at the record-keeping requirements alone. These costs -- these costs are going to be extensive and the people in Suffolk are going to pay more than anywhere else in the State of New York.

D.P.O. LEVY:
Okay. Next, Legislator Bishop, followed by --

LEG. BISHOP:
Thank you, Legislator Levy.

D.P.O. LEVY:
-- Legislator Crecca.

LEG. BISHOP:
Mr. O'Brien?

MR. O'BRIEN:
Yes.

LEG. BISHOP:
You're a litigator.

MR. O'BRIEN:
Yes, I am.

LEG. BISHOP:
Not a lobbyist.

MR. O'BRIEN:
That's correct.

LEG. BISHOP:
Because if you're a lobbyist, you'd know you'd get more Legislators with sugar than you would with vinegar. And I want to point out that this Legislature a few years back, Legislator D'Andre, myself, licensed tax grievance consultants, and we worked very closely with the Bar Association, who initially opposed us and then came to support

our legislation very strongly. And I would suggest that you can do the same with Legislator Postal and make this legislation work for all

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involved, including practitioners.

As for the exorbitant fee, last night I dispatched myself over to your building with a \$75 check for my CLE credit class, which was canceled, so I don't know that --

MR. O'BRIEN:
I heard about that today.

LEG. BISHOP:
-- the \$400 is going to be a particularly onerous burden. So what I -- my real point is to work with Legislator Postal. I think you'll find that this Legislature has a history of resolving disputes and reconciling various interests to make it work for everyone.

MR. O'BRIEN:
Well, there's no question that it's well intended legislation. Would it not be better, though, to do it on a state-wide basis?

LEG. BISHOP:
Well, New York City has it and --

MR. O'BRIEN:
New York City has it.

LEG. BISHOP:
And we very often push for regional solutions where there is -- where one can be found. This is the type of business that probably exists on a regional basis and not a statewide basis. You probably don't have a lot of process servers serving Plattsburgh as well as Peconic. I was looking for the alliteration. So we feel that given that New York City has it, we've heard hours upon hours of testimony in the Suffolk Legislature's Public Safety Committee, it might be time for us to explore it as well. And we want to make it work for your organization as well.

MR. O'BRIEN:
We'll certainly be glad to meet with Legislator Postal.

LEG. BISHOP:
Thanks.

MR. O'BRIEN:
Any other questions?

D.P.O. LEVY:
Legislator Crecca.

LEG. CRECCA:
Actually, Legislator Bishop really stated a lot of the remarks I was going to. I did indicate to Legislator Postal earlier today that there were -- the Judiciary Committee notably saw some problems with the legislation the way it is currently drafted, and she said to me that she would be more than willing to sit down with Members of the Bar Association to reexamine the issue and see where the problems were with the bill. I'm not going to -- I mean, I have comments on some

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problems with the bill, but that -- this is really not the appropriate forum at this point, at public hearing, to do that. So I was just going to echo the same remarks as Legislator Bishop. Let's try to work together to see if we -- A, if we need it, and if we don't need it, then we can address that problem, but if there is a way to do that will work to solve the problem without being a burden.

MR. O'BRIEN:
Okay. Thank you.

LEG. CRECCA:
I'll yield to Legislator Guldi, who I think was next.

D.P.O. LEVY:
No. Actually, next is Legislator Postal.

LEG. CRECCA:
Oh, I'm sorry.

LEG. POSTAL:
First of all, I assume -- is it Mr. Roach I should set up a meeting with or both of you gentlemen?

MR. ROACH:
Both of us by calling the Bar Association, sure.

LEG. POSTAL:
Okay. I will set up a meeting sometime in mid to late December. I'm

going to recess the bill today, as I said before.

As to the question of the necessity, there's not a doubt in my mind that there is a necessity to somehow regulate process serving. I would hope that it's only a very small number, and I would hope that reputable law firms are very concerned about proper service. But I do know, and I can tell you personally -- and it's funny, because until the issue came before the Public Safety Committee, I had no idea that this was more widespread than an experience I had where I discovered that there was a judgment against me when I went to use my ATM card and my bank account was frozen. And I discovered that I had a judgment and I had never been served. And, as a matter of fact, I guess -- I'm not an attorney either. I guess what I went to, I retained my attorney, the attorney I usually use, had a traverse hearing. The judgment was vacated, the -- by the way, the server died the day before the traverse hearing, that's what we were told by the attorney --

MR. O'BRIEN:
There is a God.

LEG. POSTAL:
-- for the plaintiff. Yes. So I'm just telling you that --

D.P.O. LEVY:
It was road rage.

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MR. O'BRIEN:
Remember, you can get more with sugar --

LEG. POSTAL:
I know.

MR. O'BRIEN:
-- than you can with vinegar.

LEG. POSTAL:
And the fact is that I used neither sugar, nor vinegar, because I was completely helpless and naive in this situation. But I will tell you that I incurred large legal fees for my attorney to represent me in this matter. Not only did that I do, but the court, after the judgment was vacated, never I guess notified whatever agent the

attorney -- the plaintiff's attorney never notified I guess the County Clerk, or whoever, so I had to get my attorney to do that. And I want to tell you that for -- and I had no idea about any of this. I thought this was all taken care of. And probably about two years after the judgment was vacated, I discovered that my credit rating was still impacted, and I personally had to go to the court and get the documentation that the judgment was vacated, and get it to the County Clerk's Office, and get it to the credit rating agencies.

So what I'm saying to you is I know personally that there's a need for some regulation. Because of the sewer service, I had no idea that there was litigation that was totally flawed. And I suspect that there are a lot of other people out there. I would hope that it's a very small minority of process servers who are engaging in sewer service, but I think that there's clearly a necessity for it. If we can develop a statute which is practical and reasonable and efficient, and, yet, protects the public against disreputable servers, then I'd like to accomplish that goal and I will call and set up an appointment for a meeting.

MR. O'BRIEN:

We'll be very happy to meet with you.

D.P.O. LEVY:

Okay. Legislator Guldi.

LEG. GULDI:

Yeah. Thank you for coming down. As you know, I expressed during the committee process some concerns a number of concerns and reservations about the substance and the detail of the bills because of improvements that I believe it needs. But I do want to respond to your remarks here, because I am strongly concerned about the area. Firstly, that it is my belief, by anecdotal evidence and by my own experience in the courts, that Suffolk County has massive quantities of sewer service going on and on a regular basis. And not only that, it is my belief that particularly because of the wisdom of our State Legislators and its changes in the statute of limitations extensions under 306B, and its changes in shifting the burden of making a motion to call for a traverse hearing within 60 days to the defendant, who has been the victim of this conduct, has caused an increase in the use of sewer service.

work, I would concur with your position. But, unfortunately, it's my experience that the -- you know, the market forces work to promote this, because it's cheaper to file a fraudulent affidavit of service when you know you're not going to get prosecuted for it, because you know in Suffolk County you can't be or won't be, than it is to actually go out and perfect the service, because that takes time and money and competent personnel that you got to pay money to. So attorneys are paying 20 and 30 and \$40 for service and they know what they're getting, and they're bringing actions in District Court against ordinary members of the public who can't afford a sophisticated legal representation.

I think we have a real and substantial problem. I think we need a lesser tier of sanctions that we can enforce in order to address that problem, because it's not being addressed under the current environment, and licensure may be a way to achieve that. Now, for example, the -- and some of the -- some of the overlap, the private investigator example was one I brought up in committee, because I know the -- I don't pay \$30 or \$50 for a process server, I pay 100 and \$200 per service, because I hire a five foot tall retired SWAT cop who has a licensed private detective who takes a certain amount of perhaps not mentally well pride in the fact that he always gets them personally and always gets them right away. It costs more money, but it's the right way to do it, and we know that it's not being done.

So the market forces analysis I don't buy. And the State legislation, and lets let some other government -- level of government do it, now that's not the responsibility and oath that I took when I got sworn into office here.

I do commend the education requirements. I think that we can, working together, create a better effective way to deal with this without relying -- I mean, felony prosecution for perjury is an extraordinarily difficult standard to meet, it's an extraordinarily difficult case to prove, and it has ludicrously like rate schedules for sentencing to begin with. What we really need to do is put them out of business by making it too expensive. And if you make them keep the records and track the traverses and can -- so that they, to get their licenses renewed, will have an obligation to do it, perhaps we can get a handle on this.

So I urge you to take Legislator Postal's, and I'll work with her and you to try to develop a scheme to address this real and substantive problem. And I urge you to consider it as such and help us find a solution for it.

MR. ROACH:
Thank you.

LEG. LEVY:
Mr. Chairman, I've got a question.

MR. O'BRIEN:

I just have one comment, if I may. I don't want to--

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LEG. GULDI:

Yeah. What do you think of my remarks? I'm supposed to be asking questions here.

MR. O'BRIEN:

Well, Legislator Bishop has tipped me off on that one. May I say this?

LEG. GULDI:

I'm a litigator. I'm a litigator, too. To me you don't have to be nice.

MR. O'BRIEN:

Good. May I say this? You mentioned about shifting a burden onto the defendant about the 60-day time gap. That is actually for the plaintiff's protection, and you can understand why.

LEG. GULDI:

I understand it. Well, it's to the plaintiff's protection only to the extent that the plaintiff isn't assuring himself that he's using competent and legitimate process. That together with the 60-day statute extension, I vehemently disagree with the State Legislature. I think they've created a further incentive for sewer service. And I think the Trial Lawyers Association, to the extent that it lobbied for those changes, has done itself a disservice.

MR. O'BRIEN:

Is that sugar or vinegar?

LEG. GULDI:

That would be vinegar.

LEG. BISHOP:

That would be Guldi.

D.P.O. LEVY:

That's Guldi. That's a whole different -- question for you. Legislator Guldi brought up the problem related to -- well, he didn't say the problem related to cost, but I'll call it the problem related to cost, and that one of my big concerns about entering into this area is how it might have an impact on a pro se litigant. I know there's a

lot of folks out there who can't get access to the courts, because they can't afford it to bring a suit. You know, not everything is a -- taken on contingency, and they have to lay it out of their own pocket. Many of them can't go to a lawyer and they try to do things pro se, whether it's in Small Claims or District Court. And I just want to get an idea from you gentlemen. I mean, from my understanding, it can run into a lot of money when you're talking about service of process. It's not always necessarily one defendant. I mean, there are some cases you have ten different defendants.

MR. O'BRIEN:
Absolutely.

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D.P.O. LEVY:
And I'd like you to let my colleagues know, I mean, what kind of money -- is it -- is it possible that we could be talking about \$750 --

MR. O'BRIEN:
Easy.

D.P.O. LEVY:
-- just for the service of process --

MR. O'BRIEN:
Absolutely.

D.P.O. LEVY:
-- for --

MR. O'BRIEN:
Then the index number is 175 more. I mean, the expenses are huge, there's no question.

D.P.O. LEVY:
I mean, you haven't even said, you haven't paid your court fees, you haven't, you know, gotten your index --

MR. O'BRIEN:
Right.

D.P.O. LEVY:
-- or anything like that, you're just talking about initiating your

litigation with the service of process, and in some cases, it can be six, seven hundred dollars, possibly \$1,000. Is this type of a bill going to add to those costs, reduce those costs, or have no impact at all?

MR. O'BRIEN:

Well, it was our belief yesterday, when we met in executive session, that it will certainly add to those costs. These costs of licensing, these costs of record keeping, these costs of background checks are all clearly going to be passed on to the consumers, to the Suffolk County citizens, there's no question about it. So I don't think that anyone's going to argue that point, it will be more expensive. Whether it gives more protection, that's another story.

LEG. GULDI:

Yeah, but --

MR. O'BRIEN:

But it is more expensive.

D.P.O. LEVY:

But is it possible, too -- before I yield, is it possible, too, that the cost of service could dramatically increase if now your pool of potential servers have been dwindled significantly?

MR. O'BRIEN:

That I don't know. I don't care to comment on that, because I don't

have any opinion about that. We didn't discuss that. We did discuss clearly that these costs will trickle down to the consumer.

LEG. GULDI:

If I may, can I get back in? The problem is that in the current system, we have a random cost assessment to the consumer to those individuals who are the victims of sewer service who are having to hire attorneys and schedule traverse hearings and make a demonstration of -- on the merits of probability and success in countless numbers of cases in order to clear their credit. But, frankly, frequently, those actions are actions involving such small amounts of money where the games not worth the candle. And the collecting attorney, who's using the sewer service in the first place, knows that and is using it as a long-term annuity fund, and it's not a legitimate use of our courts, it doesn't do anything to inure to the benefit of our profession, and it's something we as public, elected public officials have an

obligation to protect our public from. And, yeah, that cost is one that's being randomly assessed now, and it should perhaps offset the costs of actually doing it legitimately, and completely, and thoroughly.

D.P.O. LEVY:

Anybody else on this with these gentlemen? No. Okay. Thank you gentlemen.

MR. O'BRIEN:

Thank you very much, Steve.

D.P.O. LEVY:

Appreciate it. Paul, would you take over?

P.O. TONNA:

Yes.

D.P.O. LEVY:

The next speaker.

P.O. TONNA:

Okay, I got it.

LEG. BISHOP:

Motion to recess.

LEG. CRECCA:

Second. Motion to recess.

D.P.O. LEVY:

There are still more -- there's more speakers.

LEG. CRECCA:

Oh, there's more speakers? I'm sorry. I apologize.

P.O. TONNA:

Eugene O'Brien?

MR. O'BRIEN:

Yes.

LEG. BISHOP:
He went.

LEG. POSTAL:
He just spoke.

P.O. TONNA:
Okay. Donald Voege.

MR. VOEGE:
Voege.

P.O. TONNA:
Yep. Is this on the same issue?

MR. VOEGE:
This is on the same issue, yes, it is.

P.O. TONNA:
Yes, Donald.

MR. VOEGE:
Good afternoon.

P.O. TONNA:
Good afternoon, sir.

MR. VOEGE:
I was informed about this legislation by Hank, Henry. I guess he's one of the speakers here. It affects me personally. I approve of the legislation in principle. There are a few details that need to be straightened out. I think the 300 or \$400 fee, which is both in this copy --

LEG. POSTAL:
I know, that has to be corrected.

MR. VOEGE:
I trust that will be resolved. I have been acting pro se for going on 30 years out of necessity. I've been instructed by the courts to act pro se. They've also instructed me to serve my own legal process. There should be something in this bill, which I tend to support in general, okay, something in this bill to prevent it from applying to those who are acting pro se, particularly to those who are acting pro se out of either necessity or instructions of the court.

It seems to me that the argument that the market pressure will rectify this situation, I doubt it, I seriously doubt it. This is a problem that's escalating every day. I see it and I'm not a litigator, other than when I have to. Okay? What I see here is a bigger problem. This is necessary now because of a larger problem. The real problem here is back in the '70's, in the wake of the then new war on drugs, the courts were clogged with litigation. As a result of that, there

was a backlog on the court calendar and default judgments became a reality sometime in the '70's amidst a whole bunch of Legislative controversy that wound up on the front page of Newsday, and on Channel 2 and Channel 4 news over and over again. Nobody wanted the default judgments, but everybody needed to have the backlog in the courts resolved. And as a result of all of that, default judgments became a reality in law in this country for the first time. They are improper and they are actually contributing to this problem of sewer service.

The sewer service is because when a litigant doesn't show up because he hasn't been served, there is a default judgment, there is no controversy. What really needs to be addressed here, in my opinion, is how and why the default judgments were issued at all when there was no proper service. The courts are supposed to ascertain during the course of the proceedings that there was proper service. And if there isn't, there shouldn't be a judgment. If there is no service on a party and he is not showing up, he's supposed to be notified. There are supposed to be several adjournments for him to be notified, so that the court can satisfy himself that he was on notice that the proceedings are undergoing and continuing. The court should not issue any judgment where there is sewer service, if it can be found beforehand. It seems to me that the default judgments are really part and parcel of the problem more than anything else. That needs to be addressed in a way you people can't address it. That's a State problem. Okay?

I don't think that this legislation is going to solve this problem all by itself. You're going to have to do more than this. I don't think that this legislation is ill-conceived, it's going in the right direction. It shouldn't be necessary. If the lawyers were honest, it wouldn't be necessary. But I've tried to find an honest lawyer and 31 of them turned out not to be, and that's in the court record already. That's why I'm acting pro se.

LEG. POSTAL:
Mr. Chairman. Mr. Chairman.

P.O. TONNA:
Yes, sorry.

LEG. POSTAL:
Just a question. When you say that you've been served -- you've been serving pro se?

MR. VOEGE:
Yes.

LEG. POSTAL:
Is that on a single matter or numerous matters?

MR. VOEGE:
Started out on a single matter. I had to file numerous matters as a result and by way of counterclaim.

LEG. POSTAL:
All right. Because Legislator Bishop had pointed out there's a need

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for a correction in the bill that would identify business, a process serving business as service on at least five matters in the course of a calendar year, which I think might address that issue that you were talking about.

MR. VOEGE:
In one calendar year --

LEG. POSTAL:
As opposed to five services in one calendar year.

MR. VOEGE:
In one calendar year, I had to serve an Article 78 proceeding on seven separate defendants that I was suing under Article 78?

LEG. POSTAL:
Right, and that's exactly --

MR. VOEGE:
Then I had to also serve seven subpoenas to go with them.

LEG. POSTAL:
Right. But that's exactly what Legislator Bishop had suggested, that the bill be changed to specify five different matters. Because when it's changed to be worded that way, it would not consider your pro se service to be a business, because it was all on the same matter. The seven services and the seven subpoenas were all on the same matter. So I think he makes, you know, a good point and I'm going to ask for that change.

MR. VOEGE:

You've got a good point as far as you went. You're misunderstanding my statement. I had to file an Article 78 against seven separate defendants. I also had to serve other subpoenas within the original charges that resulted in the need for the Article 78. Okay? It's not just -- it's when you have one piece of bad litigation going on, it results in the need to initiate numerous counterclaims, not just one.

LEG. POSTAL:

Right. But it's on a particular matter. Just let me say that I think that when the bill was filed, both myself and the cosponsors recognized that it wasn't going to resolve all of the issues, it wasn't going to address all of the concerns, but it was, first of all, within our jurisdiction and it was a step.

MR. VOEGE:

As I said, it's well-meaning, it's in the right direction, okay, but I don't think it's adequate in both senses. I think it needs to be limited in the context of who it applies to. I also think it needs to go a lot farther in the context that the market pressure, as this gentleman mentioned, is to the contrary of what he claims it's going to do. He claims that the market pressure is going to prevent the sewer service. The sewer service is something that corrupt attorneys seek out, because it eliminates their need to go into the advocate proceedings. The adversary proceedings, I'm sorry. Now they no longer have an opponent in court, they get a default judgment. They

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look for the sewer service. They want the sewer service, because now they have a very simple case to argue. It's no longer a triable issue case. They want the sewer service, because it makes their job easy and it generates work for them. Now, whoever got the sewer service has to go and vacate afterwards. He's got to go through all the legal steps of getting this judgment off his record and then he gets to assert whatever defense he may have had to whatever the action was to begin with.

LEG. POSTAL:

Thank you.

MR. VOEGE:

Any other questions?

P.O. TONNA:

Thank you very much, sir. David --

MR. SCHERZER:
Scherzer.

P.O. TONNA:
Yes, sir.

MR. SCHERZER:
Close enough. A lot of people have a hard time with that.

P.O. TONNA:
It seems lately I have a hard time with everyone's name.

MR. SCHERZER:
You ought to be in our job when we have to read the summonses you people produce.

Ladies and Gentlemen of the Suffolk County Legislature, my name is David Scherzer. I'm a past president, founding member of the National Association of Professional Process Servers based in Portland Oregon. I've been asked to address you today by the State Association, which Mr. Gillis is on the board, reference to your pending legislation. I spoke to Ms. Postal and I volunteered my services for her smaller committee, if you would, but I have some remarks that I would like to address, and maybe clear up a few discrepancies.

The National Association was founded 20 some-odd years ago for the protection of the industry and the betterment of the industry, and fighting adverse rule -- adverse laws affecting Rule 4 of the government's statutes. For the non-attorneys on the Legislature, basically it's legal process.

I had a prepared statement, but I'd like to address one or two things which I heard here today, first of all, licensing. The National Association is totally for licensing, but not on a local level. It should be a state function. We have under our banner various state associations, and we continue to help form various state associations throughout the country. We are active in the European theater as well and in the Hague Convention. We have a voice in the Hague, as well as

in the United Nations, various treaties, the Hague Treaty, the Treaty of South America. We deal in it, we recommend it. I have personally have talked before the U.S. Supreme Court Judiciary Committee to advise the learned justices of basically what goes on in the street,

so they have knowledge.

I'm going to bring up Florida. It's been in the news for awhile, but not for the Presidential election. Like the Presidential election, it is a hornets nest for process serving. It is made up of multiple, multiple counties. I can't give you the exact amount, but --

LEG. BISHOP:
Sixty-seven.

MR. SCHERZER:
Thank you. But each county has its own particular brand of licensing. Many of them, strictly the Sheriff. Another one may be the judiciary saying, "Okay, let's have two process servers allowed to serve in this county alone." There is one county, I believe it's Polk County, and, please, if I'm wrong -- is it Polk County, Vinny? Where you have to serve -- pay the sheriff \$5 for each service you do for the privilege of serving in his county.

I see that Suffolk has cloned New York City's law with a few minor changes. It doesn't work in New York City. We have been battling it, but New York City needed the money. They changed their licensing fee from \$17 to \$175 a few years back, and they give you nothing for it. They don't even renew their licenses on time. But they do collect their money, and that's what they're there for.

If you're going to license, and I assume down the line it's a monetary benefit for the County, I would like to see education. Let the process server know what's expected of them. Let them understand what the C.P.L.R. is regarding service, 308, 308-1, 2, 3, 311, all these different sections. Let them know about the R.P.A.L., serving landlord and tenants. Let them know about a Family Court Act, so they serve it properly. This should be prior to licensing. Hold your educational period. Give a test. If a person passes the test and he's licensed, then you have some basis. You're going to have, for a better word, bad services. I hate the word sewer services, but let's say bad services. Sewer service is a New York City term. That seems to be getting out into the suburbs.

The cost will definitely filter down. At the present time, a basic summons that doesn't require personal delivery in hand to the individual runs between 25 and \$50 in your county by a private agency, depending on who you use. If you require different service in hand only, as Councilman Guldi says, it's \$150, Councilman -- Legislator?

LEG. GULDI:
One to two.

MR. SCHERZER:
It depends what you want is what you're going to pay for. Many attorneys add onto our fees, and when we supply a military affidavit, which is required by the C.P.L.R., that's another fee. Basically,

what I'm saying is it's going to -- as Mr. O'Brien said, it's going to get down to where the consumer pays for it and they're going to pay for multiples. And it was pointed out, and I don't recall by who, that there are multiple defendants.

The agency I work with in Nassau County, where I'm a consultant to, we do foreclosure work. The average bill for a case runs eight to \$1,500, and, obviously, that's paid for by institutions. But if it's an individual who has to foreclose, he's going to have to foot that beginning of the bill. I apologize. Let me turn this off.

I take umbrage with the gentleman who said that he is serving his own process. I've been in the industry for 28, 30 years now. When you sign an affidavit, it starts, "I am not a party to the action." You cannot serve your own process. You're biased, you're part of the action, you're part of the case. If you're instructed by the court, it must be a first in my knowledge of it, and I've dealt throughout the country and the world with process serving. But he did have a legitimate thing when he said some attorneys never notify this defendant about the litigation. After the process service is done, even the bad process service, before a judgment can be issued, the plaintiff's attorney must notify in writing, certified mail preferable, I'm not sure the exact wording, but they're supposed to notify the prospective defendant of the action pending before judgment is instituted. Ms. Postal, I am sure you never got it.

LEG. POSTAL:
Never got it.

LEG. DAVIS:
At that point, the defendant could challenge it. That's their protection. Ms. Towle, you said --

LEG. POSTAL:
No, that's Ms. Fisher.

MR. SCHERZER:
Oh, I'm sorry. I don't have my classes. I'm sorry.

LEG. GULDI:
We don't sit behind our own signs.

MR. SCHERZER:
Ms. Fisher, hi. You were worried about different remedies. Under the

law of the State of New York, there are remedies already. Sanctions were talked about where a judge can hold a process server in contempt. He can be cited as a felony for signing a false affidavit. I'm not saying this is done. I've only known it to be done two or three times in my --

P.O. TONNA:
Sir.

MR. SCHERZER:
Yes.

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P.O. TONNA:
Your ten minutes are up by ten minutes.

MR. SCHERZER:
I do apologize. I will work with the County Legislature in any way possible to make my time available.

LEG. GULDI:
Legislator Tonna.

P.O. TONNA:
Yes. Legislator Guldi has a question.

LEG. GULDI:
I have two questions. You have stated that you are opposed to county licensure, but you're in favor of state licensing.

MR. SCHERZER:
Yes.

LEG. GULDI:
What efforts, steps -- has you or your organization taken to let the State of New York know that you're in favor of state licensing of your industry?

MR. SCHERZER:
For the last 20 years, where I've been effective in the State, we have petitioned the County through the various organizations that have attempted to form in the State of New York. The successful organization now as the New York State Process Servers Association is the first to gain grounds and have enough members where we can

approach a state legislature and look for a champion to go that way. I personally have went through the Judiciary Committee, I have went through various other committees and have been told that it must go through the Education Committee, as far as --

LEG. GULDI:
Under the State Education Law.

MR. SCHERZER:
Yes. As far as licensing. But --

LEG. GULDI:
But is there a statutory scheme, or design, or plan, or model from some other state which you -- which you or your organization advocate, endorse or support?

MR. SCHERZER:
The best one in the nation now is Arizona.

LEG. GULDI:
Can you get me a copy of it?

MR. SCHERZER:
Absolutely, I will do that, sir.

LEG. GULDI:
Okay. On the issue of education, you've stated how you feel. How do you feel about testing as a requisite to licensing?

LEG. DAVIS:
Absolutely. Absolutely. Let a person have a pamphlet, let him study it, hold a class, test it. You don't pass the test, you don't get your license.

LEG. GULDI:
Thank you. I don't have any further questions.

LEG. FISHER:
I don't see the Chair, but I have a brief question.

P.O. TONNA:
I'm here.

LEG. FISHER:
Oh, there you are.

MR. SCHERZER:
Oh, Ms. Fisher.

LEG. FISHER:
Just very briefly.

MR. SCHERZER:
Yes.

LEG. FISHER:
Because you did say -- you addressed me in saying we don't need licensing, we have sanctions in place, we have remedies, and yet, you do endorse licensing.

MR. SCHERZER:
I certainly do.

LEG. FISHER:
And you endorse education. And I think for the same reason that I endorse licensing and I endorse education, and I think education is part of a licensing process, that there is a body of knowledge that one should be able to demonstrate before he's licensed.

MR. SCHERZER:
I fully realize had the Suffolk Legislature is going to pass this resolution in some form or another down the line. It's monetarily acceptable. The process serving in the nation right now is over \$2 billion industry. People don't know that. Within the State of New York, there are countless and countless of untold process servers. Why? Because they work out of the trunk of their cars, they don't have any offices. If a state licensing was put in place, A, we'd know how much -- we'd know how much -- many process servers there are, we'd have a tax revenue. There'd be many things to clean up the industry. We're not the dirty old man of the closet like the process server used to be back when we were driving around in Chevys. Now we drive around

in Mercedes Benz, and I'm looking forward to stepping up to my Rolls if the licensing goes up.

But I do thank you for letting me address you, and I volunteered my services to Miss Postal and the Legislature. At any time, anyplace, I

will make myself available and be happy to do so. Thank you.

P.O. TONNA:

Thank you very much. Bob Guilliano?

AUDIENCE MEMBER:

He's not here.

P.O. TONNA:

He's not here? Okay. Henry Huszar. Henry, I didn't do that right, did I?

MR. HUSZAR:

Huszar. Good afternoon to the committee and everybody in the audience. It's good to see the Suffolk County Bar Association here, Mr. O'Brien and Mr. Roach here. And they say, "Gee, we don't know how we can solve this problem." Well, I do. I'm an ex New York City cop 21 years. I would like these "yes" gentlemen to explain to me who was, or anybody has been processed or arrested and charged with perjury in this county? It just does not happen. I've heard that part of the solution is sanction the process servers or anybody in illegal conduct regarding a court litigation. That has not happened. Myself, as a victim of litigation here in Suffolk County, I've been sanctioned, the victim, by a sitting Supreme Court Judge who happens to be ex-D.A.'s. We're finding out their ex-D.A.'s, becoming Judges, and they seem to be protecting some kind of criminal enterprise going on around here for quite a long time, 15, 20 years. So I'm a little puzzled how the Suffolk County Bar tells me they -- I don't know how they could explain about a hundred index numbers with a false notary number, people been served and they're finding out they've been sewer served with forgeries, stuff, court papers thrown in the garbage, and these people are trapped as a crime victim. Like Legislator Postal states, it costs you a lot of money to get out of this. The simple answer to this, why isn't the prosecutor and the Judges doing something about this? They don't want to. This is disgusting. This town is infested with a D.A. that is not going to do anything about this.

I have a 94 year old woman sewer served back in '94 by the same gang to the tune of \$40,000. I'm a victim of 60 to \$70,000. You ask for a traverse hearing, you never get it. And if you get one, you're going to be up against what you're not going to believe, and there's going to be perjury throughout your case, and then you'll find out after the fact and you still can't reverse it. We have this evidence. I've dug into transcripts. This is a widespread crime ring, not only in this county, in the adjoining county also. This has been going a hell of a long time and it's being protected.

I'm going to submit evidence where Ed Romaine had asked the State Department of Investigation, July 13th, 2000, to look into this matter. October the 20th, I went with these same false affidavits, a hundred-plus, plus litigant index numbers to be looked into. To this

day, nobody's been responded back. It's a serious problem here.

P.O. TONNA:

Sir, you're going to have to wrap up your comments. Just to --

MR. HUSZAR:

Okay. It's been brought to my attention this Legislators have the power to subpoena, or maybe even convene a Grand Jury. I'm demanding public hearings regarding this matter, just as in back in 1987, '89 regarding the Police Department and the Suffolk D.A. this matter needs to be looked into and protect the citizens of this county of this widespread crime ring. And I'll leave copies of the Legislators making referrals to, you know, everybody and nobody's coming back here to help us victims out. So -- and if -- another thing. If there's meetings with the Suffolk Bar regarding this criminal enterprise, as far as litigants go, I would like to sit in on these meetings also, notify some of the other victims on this mess, too. Thank you.

P.O. TONNA:

Thank you very much, sir. Anthony Baffa?

MR. HUSZAR:

I'll leave this information for the record. Thank you.

MR. BAFFA:

Good afternoon. My name is Anthony Baffa. I'm a process server and I own two process service agencies in Suffolk County. I agree with my colleagues, Mr. Gillis, Mr. Scherzer, Mr. O'Brien and Mr. Roach, that something should be done to watch process servers. Licensing may be the answer, but I think it should be done on a statewide basis. More time would be spent, the way this bill is proposed, in record keeping than in actually serving the paper, which is just going to result in increased costs to the litigants, to the attorney, and then back to the litigants. Everything else that I made notes of would be repetitive, so that's it. Thank you.

LEG. FOLEY:

Thank you.

P.O. TONNA:

Thank you very much. Okay. I'll make a motion to close, seconded by Legislator Foley. All in favor? Opposed? Closed. That's 2217.

LEG. CRECCA:

No, recess.

P.O. TONNA:
Oh, to recess? We want to recess it?

LEG. FISHER:
I don't know if she wanted to close it.

MR. SABATINO:
It's got to be recessed.

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P.O. TONNA:
Oh, Legislator Postal wanted to recess? Okay. I'll make a motion to recess.

LEG. CARACAPPA:
Second.

P.O. TONNA:
Second by Legislator Caracappa. All in favor? Opposed? Recessed.
Okay. I'd ask -- let me see. Setting the date of December 19th, 2000,
at 2:30, the William Rogers Building for the following public
hearings: Public Hearing Number 1996 and Public Hearing Number 2238.
Motion, seconded by Legislator Caracappa. All in favor? Opposed?
Approved.

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

LEG. ALDEN:
We've got public portion.

P.O. TONNA:
Oh, public portion. Okay. Sorry about that. Mike Hollander.

LEG. LEVY:
He's here. I'll get him.

LEG. FOLEY:
John is here, too.

P.O. TONNA:
Yeah.

LEG. GULDI:

Are we back to public portion?

P.O. TONNA:

Yeah. I have four speakers here. Three, actually. Okay. John Meyer, you want to come up? Okay, John.

MR. MEYER:

Good afternoon, Presiding Officer Tonna, and other Members of the Legislature.

P.O. TONNA:

Good afternoon to you, John.

MR. MEYER:

I'm here representing the Suffolk County Association of Municipal Employees. And I'd like to speak against two tabled, previously tabled resolutions. They're on Page 6 of the agenda, Number 1816, which is an amendment to the Capital Budget for the acquisition of an Integrated Human Resources Payroll System.

My President, Phyllis Garbarinio, in past meetings and in committee meetings, has spoken against this particular resolution. We feel very strongly that our people in MIS can provide this function, and have

shown in the past that when an outside contractor comes in to provide something that they have better knowledge of themselves, that the system usually results in their having to redo part of what the contractor did.

The second tabled resolution is a resolution that's sponsored by Legislator Haley. I don't know that he feels as strongly now as maybe he did before the budget process began, but that's Number 1932, and that, in effect, takes -- if I remember the way it was worded, it takes any anticipated sales tax revenue -- unanticipated sales tax revenues in the 2001 budget and it takes them out of the 2002 budget and puts them into a tax stabilization fund. I don't know if that goes into the existing tax stabilization fund or another tax stabilization fund, but we believe that it's overkill, because, basically, you have a local law wherein 25% of the surplus in the General Fund from the previous year automatically goes into a tax stabilization fund. So this is repetitious, and it also takes additional monies out of the -- possibly takes additional monies out of the 2002 budget, which you may need to offset a property tax

increase.

The other two resolutions are Introductory Resolutions today that are on Page 7 of the agenda, 2000 -- Resolution Number 2074 and 2075, which were discussed earlier today, which affect the Comptroller's Office, transferring employees in the Comptroller's Office, some cases, the Purchasing Division to the Department of Public Works, and the Personnel Risk Management function, I believe, to the Civil Service Department.

Both of these resolutions are couched in such a way that the overriding reason seems to be cost savings. But in earlier discussions by the Commissioner of the Public Works Department and from the Comptroller himself, there wasn't a lot of cost-saving indicated. There are also questions about where physically these people would be. If it's the intent to move the Purchasing function to the Department of Public Works Building in Yaphank, do they have the present space to receive these people? Does Civil Service or some other agency in Hauppauge have the space to receive these people?

So a lot of things perhaps that might influence your decision whether or not these resolutions would pass don't seem to have been discussed or not discussed in any length, certainly not the cost-cutting aspects that seem to be attached to the original resolutions.

We don't usually get involved in telling the County how to position their people, or what to do with their administrative aspects of how they assign people, but if you're going to dislocate 57 people, I believe the figure was, and a lot of those were people that represent some exempt people also, you should have an overriding compelling reason to do that, and we don't seem to think, or at least it's not been discussed as yet, that overriding reason doesn't seem to exist in these cases. All right.

D.P.O. LEVY:
Thank you, John.

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MR. MEYER:
All right.

LEG. CARPENTER:
Mr. Chairman, may I comment, please?

D.P.O. LEVY:
Legislator Carpenter.

LEG. CARPENTER:
John, you've probably been very wise not to get involved in these kinds of issues in the past. And I would just like to say that, quite frankly, the genesis, particularly for the resolution for the Division of Human Resources, was really an outgrowth of some investigation that was done to try and see how the employees, our employees, could be better served. And, quite frankly, that was the driving factor behind the whole initiative. And as we got -- as we got involved in it and did some research and Budget Review, the Budget Review Office had been working on it for a number of months in assisting in the research, we found that many counties across the state, many far smaller than ours, have those kinds of services available for their employees in one central location, so -- and then, again, cost savings did come up. You know, any time you can gather everything in one spot, it is going to be more cost effective, more cost efficient. But I just want you to come away from this understanding that, really, the motivation was by and far to do something that would better serve our employees. And as we get into the meeting and we're discussing and debating it, you'll hear more about that.

MR. MEYER:
All right.

LEG. D'ANDRE:
Mr. Chairman.

D.P.O. LEVY:
Legislator D'Andre.

LEG. D'ANDRE:
I've been a businessman just about all my life, and these theories are all good, except when you put them into practice. It could be good or bad, it depends how management runs their establishment and their business.

Now, Joe Caputo is a capable leader and a good manager, and he'll get more mileage out of this department than any other place you could put it. And that's an observation made by a businessman like myself. And this thing about benefitting employees and all this garbage is all gobbledygook. You're going to know whether it's good or bad in the short order. And I didn't hear any of these complaints coming out of Joe's department. If there were complaints, they were kept awfully quiet.

D.P.O. LEVY:
Thank you, Mike.

LEG. D'ANDRE:

So to come up and manufacturer these things now I think does a disservice to a good organization, a good department in our County. And you, as a labor leader, or whatever your title is, you want to protect your workers. Go by past performance, don't go by nuances and all this new stuff and these theories.

D.P.O. LEVY:

Thank you, Mike. Thank you.

LEG. FOLEY:

John, if I may, through the Chair. Getting back to the issue of 1816, I think, John, you may also have some other information, as some of us do, that this is really just the beginning of -- if this was approved, I for one am also opposed to it, but if it was approved, what other Legislators need to know, that this is just the beginning of an overall budget appropriation, where next year, it's my understanding that if this was approved and we went forward with this program, you're talking about an additional -- at least another \$3 million that would have to be appropriated in future years in order to fully integrate this particular system into the payroll system. Is that your understanding?

MR. MEYER:

Well, our particular concern, we really don't have dollar figures attached to that.

LEG. FOLEY:

No. I know the concern that you have, John, because of the personnel, and that's a good one. My point is, and it has not been presented so far, is that a case has been made that it's not broken and that the current payroll system and employees are doing an excellent job. My point is, is that this is just the beginning of a much larger budgetary, let's say, expense that we would incur if we went forward with the system. It's not just a half a million dollars that this resolution appropriates, but it's, in fact, at least another \$3 million to fully integrate this system, which is what my colleagues should be aware of and why I caution anyone to support this.

MR. MEYER:

Well, if I just -- if I may add to that, I'm not a systems person, that's not my background, but my understanding is that when we've done this in the past, we've contracted out work from MIS. It hasn't been -- the history hasn't been all that successful, because you're taking it away from the people who work with this day to day and who would, you would seem -- would have a better knowledge of whatever system is

needed in the first place. So that when you put it in an outside contractor's hands, you're kind of putting yourself at a disadvantage, even monies aside, whether it's more expensive or not. It certainly, practically speaking, often doesn't work.

D.P.O. LEVY:

Thank you very much, John.

MR. MEYER:

Thank you again.

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D.P.O. LEVY:

Thank you. Our next speaker is Michael Hollander. If we could have Legislators come to the horseshoe, please.

MR. HOLLANDER:

Good afternoon. I'm here to talk to you today about the three-quarter percent room tax, which is up for renewal. And, as you know, it expires this December, so there's really not a lot of time to act on this to keep the continuity that we have going. I guess one of the questions might be is why is the continuity important? Well, the Convention and Visitors Bureau has been around now for about 20 years. About 24 years ago, both Nassau and Suffolk got into the deal of really wanting to deal with tourism, and they had two separate commissions, one in Nassau and one in Suffolk. And about 20 years ago, both Counties saw the wisdom in needing to deal with tourism on a regional basis, and I think that came up from the things that I've read, or from what I've seen, or what I've learned, is that people don't visit Clark County, even though it's Las Vegas, they don't really visit Essex County because it's Lake Placid, they need to find a nomenclature that fits in with the region that makes it sellable, and Long Island is the sellable entity.

If you've ever been to Europe and you're watching CNN, they tend to talk about Long Island and the weather that's happening in our area of the country, as they talk about California. You don't see a lot of comments about the various counties.

Each of the counties have different makeups, and we try to address the different pieces that belong to that. And since I know there are various questions that you have out there, I'm going to try as I talk to deal in what I think it is you're looking to hear from me to help answer those questions.

This year, Suffolk County gave us about a million dollars in room tax. We got from Nassau County approximately \$600,000. What we do is we match their 600,000 with 600,000 of your million dollars, and that's a pool of a million-two that we use to specifically go after certain target markets that are appropriate for both counties. One of those markets is meetings and conventions. And since the majority of the meetings and convention market is in Western Suffolk and Nassau, and then Gurney's Inn, Southampton Inn, and the Montauk Yacht Club, we focus in that money going after that market. This market is very viable to Long Island. We do a lot of it. It's in -- in hotel revenue, it's in probably excess of 100 -- \$100 million in revenue that comes from that.

Another market that we deal with is the sports market, and if you remember, we talked about that when we talked about the Sports Commission. With the advent of the opening of the College, we have already booked significant business into the new Multipurpose Building at the College. We booked a lot of indoor track events, we booked a couple of outdoor track events for several years from now. And, in fact, in 2001, we've been able to book a show called Travel Expo, and Travel Expo is the major motor coach exposition that happens on the East Coast in the Mid-Atlantic region, and that will be coming to the

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College in 2001.

So there's a lot of things that the Bureau is doing. But if you look at the business that we get from meetings and conventions and sports, I can start to give you an importance of what it plays, because, in 1998, we were able to document about, oh, \$5 million in economic activity through the Bureau, in '99, 13 million, and in the Year 2000, 23 million. And this comes from an increase in demand for people wanting to come to Long Island, and we saw that significantly this summer.

Most people I spoke to this summer thought there would be a big decrease in occupancies in Long Island, given the fact that we had 46 days of rain. In fact, most people thought that tourism was really heading down. In actuality, occupancies in the hotels dropped one-half of 1%, so if they were running 85.47, they're only about 85. Now, when you consider that last year was the best year of tourism we ever had in the history of Long Island, including occupancy, to come off a summer with 46 days of rain and only lose one-half of 1% occupancy, that says something about the market. But market forces

change. In Suffolk County, I anticipate in the next three years, we're going to see an additional 3,000 hotel rooms come on the market. This is similar to what happened in 1985, in the 110 Corridor and in Exit 57 and 58, where the occupancy slipped because of new hotel rooms coming in. And I know in Babylon, on the 110 Corridor, in that area, they've now passed local laws to put hotels in those areas. Well, all of these hotels are going to have to find new business in order to sustain themselves in the future, and that's one of the reasons that the Convention and Bureau exists, because we are booking business now as far out as 2007, and we are getting the calls for people who want to put business in these hotels in 2000, 2001, 2002, and so on. And we take these leads and send them out to the hotels and give them the ability to book it, and if they can't do it, we still keep track of it. So as we find the new hotels that are coming on line, we can regenerate the leads to them and help them maintain occupancy.

One of the things that concerns me with the tax coming up so late in what it does is the fact that the Bureau, for the past 20 years, has been a growing entity. It's not something that stops functioning, per se, it continues to function. We are booking business for 2004, 2005, 2006. We make promises to clients that we're going to do certain things as part of them coming here. It could be that we're going to run their registration desk, it could be is that we're going to help them with housing. When you deal with events, for example, Shinnecock or Bethpage, you need to know that we're the basic source of housing for those events. And I share this with you, because, you know, unless you ask me or unless I tell you, you're not going to know some of the things that I share with you. But we put together all of the hotel rooms that are needed for the U.S. open, be it Bethpage or Shinnecock. We go out and speak with the hotels and contract for the rooms. And then, as we get closer to the event, what happens is they begin to call us for hotel rooms and then we direct them to where there are hotels available.

There are other things that we get involved with, events that could be like the U.S. open and Shinnecock and Bethpage, and that is running a

Visitor Information Center, a place at the event where we can give out information and tell people what's going on. There are a lot of things that the Bureau is doing now that keeps tourism on Long Island going in this the future. We deal in tour and travel. The tour and travel market is mostly a Suffolk County market, but it also happens in Nassau County. But we do a tremendous amount of motor coach business that comes to Long Island and goes to the, now, North Shore

and the South Shore. We have our general marketing campaign, which involves dealing with the tourism promotion agencies across the state. We get to them and we co-op advertising, so together with them, we're in Ladies Home Journal, Readers Digest, and that we make these decisions not by ourselves, but through our ad agency. And we RFP for our agencies, we go out and interview them. There's a committee of the board that goes out and talks to them and we pick one. Presently, it's KZS, and they put together for us an advertising schedule based on the marketing information that we provide them. For example, that we want to use limited advertising going after meetings and conventions. In that area, we go after people.

You should know that we have 12 full-time people that work at the Bureau. We have people that are answering the phones every day, providing people with information on how to get here. When we're in the season, we could be getting in excess of 250 calls a day. Off-season, it can be a hundred a day, plus E-mails. We have a website that serves Long Island. It lists all the golf courses on Long Island, it lists where to go, it lists antiques shops, it lists golfing places, where to go for fishing. We do, about seven months of the year, in excess of 500,000 hits a month. Off-season, right now, in excess of 175,000 hits a month. And a great percentage of this involves us then mailing them a travel guide, which talks about what we do and what happens. This would be an example of what the travel guide looks like. And, again, most of these items that I would show you I send to you.

We also send out a quarterly newsletter, which I sent to all of you, which tends to be able to tell you a lot of what we're doing. We created a map on antiquing. We created a map on boating. We created a map on golf. We created a map on wineries and farmstands. We created a map on attractions that we give to the hotels, so that when the hotels are booking business and they need to put something in the envelopes, so that the people who are coming here will, hopefully, do something else beside stay in the hotel, they can look and see things that are happening.

For whatever reason, over the last couple of years, we've sort of got lost in the New York State products. We've made a point of pushing New York State to make sure we're included. And in this winter's guide, we actually had things that were happening on Long Island, talking about winter activity. It used to be that this was a ski guide. We pushed for the fact, along with New York City, that you can't just talk about ski places, you have to talk about other winter events, whether it's snowmobile, tobogganing, winter -- Christmas shops that exist.

LEG. FIELDS:

Excuse me. Can I ask -- I've never seen those brochures. Can you

pass them? Thank you.

LEG. BISHOP:
What do we have in the winter?

LEG. GULDI:
Yeah, where do they permit snowmobiling?

MR. HOLLANDER:
On some of the golf courses.

LEG. GULDI:
Which ones?

MR. HOLLANDER:
Look in the book.

LEG. BISHOP:
Tidal waves.

MR. HOLLANDER:
Tidal wave, tsunamis. What's interesting, I'm glad you said that, because we had interesting debates about the picture on that, because it's the same picture we put on this large diorama that when we go to trade shows and conventions. And what's interesting about the waves is the purpose of the wave was to attract attention, and it does attract attention, they stop to look at the wave. And when they stop to look at the wave, it allows us to get into the conversation about where are you having your next meeting? How about considering Long Island as a destination and a stop?

There's a lot of things that the Bureau does that perpetuates it, if you want. We're working with the Suffolk and Nassau County Departments of Disabilities. We're looking to enhance our travel guide to be more friendly to the handicapped visitor, and they're helping us to learn what do we need to put in our information, so that on our website, for example, we could have information of those facilities that are handicapped accessible.

We have an area of our website that lists the golf courses, and this spring is going to allow you to make golf tee times. So you can go on to the site, say you want to come to Long Island, say you want to play golf at a certain time, and it's going to pop up, those golf courses that would like to -- that have times available, and that's going to help push us to the golf destination. And before last year, we weren't really out there in the golf market trying to attract people to make reservations and come here and play golf.

D.P.O. LEVY:

Could you sum up, please, Mike?

MR. HOLLANDER:

Sure. I think the best way to sum up is that you've invested a lot of time and money into the Convention and Visitors Bureau. Most destinations have a Convention and Visitors Bureau. We are out there booking business for Long Island, we are out there booking significant

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business for Suffolk County, and we're doing a very good job.

New York Times this past Sunday, because we had two international groups out here, basically said, or quote, "I hate Manhattan," she said. "Pleased with an evening on Fire Island, a stroll down Jobs Lane in Southampton. Ride past homes of the rich and famous in East Hampton. Tours of Sag Harbor and Shelter Island, and lunch at Claudio's in Greenport. I prefer Long Island. I prefer the nature, it's more quiet." That sort of sums it up for me, because it's our job to convince the international traveler to come to Long Island. And the biggest market that we have to attract to is New York, because people who go to New York go to secondary cities. And if we can attract those people to come here, including the meeting market, then we can be very -- we can get a lot of valuable business, and, obviously, that creates economic dollars, and the more economic dollars we create, because it's a \$4.8 billion business means it's less taxes people have to pay.

D.P.O. LEVY:

Okay. Legislator Cooper?

LEG. COOPER:

Mike, I was wondering whether you had any procedure in place to track both the quantity and the quality of the leads that are generated from your ads to determine the effectiveness of each individual ad in the various publications or media?

MR. HOLLANDER:

Yeah. About three years ago, I believe it was, we did a conversion study, and the conversion study on the travel guide showed us a 76% conversion rate, which is very, very high. But they said it might not be unusual, because the first thing that's happening, we're asking them to call an 800 number, if they're interested in Long Island. So the people that are calling have an interest, so the conversion rate

on that was pretty good. We also track all the leads from the trade show in a computer program called CVB Breeze, which is used by most of the Convention and Visitors Bureaus in the State. So that's how I know that, for example, our leads are up 26% over last year, and that's how I can give you a \$23 million number on the amount of conventions and meeting business and sporting business that we're producing.

LEG. COOPER:

And has your return on investment over the years been increasing or stable?

MR. HOLLANDER:

It's been increasing, and I say that, because in 1998, we were only at 5 million, and in '99, 13 million, and now 23. We don't really make any money, so all we can measure is, is what business can we really produce to give to the customer. Also the -- {Pearl Kemer} did an economic study, and as of the end of October '89, the industry was up to \$4.8 billion from \$3.9 billion, and the spread was across the board, but significantly in hotels and ancillary businesses.

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LEG. COOPER:

Thank you.

D.P.O. LEVY:

Legislator Guldi was next.

LEG. GULDI:

Over here.

MR. HOLLANDER:

Hi, George.

LEG. GULDI:

How many dollars does LICVB get from nontaxpayer sources, but from member business support and other contributions?

MR. HOLLANDER:

Between -- membership, between 100 and 125,000. In matching funds from the State, \$274,000. And it would good to be to point out to you that part of the money that we get from the State matching funds is based on content of the program. And last year we were judged, in

fact, we won an award for the content of our program, and this year it was bumped from 238,000 to 274,000 based on content.

LEG. GULDI:

All right. But the nongovernmental revenue section of it is --

MR. HOLLANDER:

A hundred --

LEG. GULDI:

-- your membership dues, 100 to 125,000.

MR. HOLLANDER:

Right. And then we get some revenue we get from the signage program that we administrate, but it's not a lot.

LEG. GULDI:

Approximately?

MR. HOLLANDER:

\$10,000.

LEG. GULDI:

Okay. The -- what percentage of the LICVB budget goes to staff salaries total?

MR. HOLLANDER:

Including --

LEG. GULDI:

Well, what's the salary?

MR. HOLLANDER:

Including benefits?

LEG. GULDI:

Yes.

MR. HOLLANDER:

I believe it's 40%.

LEG. GULDI:

Forty percent of --

MR. HOLLANDER:
The total --

LEG. GULDI:
-- the overall budget?

MR. HOLLANDER:
Yes, sir. And just so you know, the average for IACVB's is 41%.

LEG. GULDI:
What's the -- the balance of your expenditures is primarily -- well, you have GNA, and then advertising; is that the bulk --

MR. HOLLANDER:
Yeah.

LEG. GULDI:
-- of your budget?

MR. HOLLANDER:
Yeah.

LEG. GULDI:
What's GNA?

MR. HOLLANDER:
I'll tell you one second. Less than 10%.

LEG. GULDI:
Nine? Is that what you mean by less than ten, or do you mean one?

MR. HOLLANDER:
Yeah, somewhere between nine and ten.

LEG. GULDI:
Okay.

MR. HOLLANDER:
No, I mean between nine and ten.

LEG. GULDI:
All right. So roughly half of the dollars, overall dollars then go into advertising and promotional dollars. That's what's left.

MR. HOLLANDER:
Fifty-one percent goes into direct promotions, yes.

LEG. GULDI:

One thing I'd like you to correct is you mentioned in your remarks that Nassau County is -- budgets about 600,000. I had heard they were down to 500,000. Which is correct?

MR. HOLLANDER:

I think it's somewhere between 550,000 and 615. I don't know which exactly it is.

LEG. GULDI:

Vicki Siracusa, do you have that number handy? You get -- I think I got it from you before. And this is Nassau County's contribution, budget for 2001.

MR. HOLLANDER:

No.

MS. SIRACUSA:

The last audited year was completed in 1999, and the Nassau contribution, according to the auditors, was 541,729, so --

LEG. GULDI:

541 in '99. What do they have budgeted for 2001?

MS. SIRACUSA:

We don't budget. I don't know what --

LEG. GULDI:

You don't know what --

MS. SIRACUSA:

I don't have the 2001 budget.

MR. HOLLANDER:

The budget for 2000 was 615,000, and they're a little bit under it, but not a lot. So I think if you say it's between 540 and 600, you'll be pretty okay.

LEG. GULDI:

I've heard they had some budget problems in Nassau. I just wondered, in their effort to cut \$200 million, whether or not they cut a penny from LICVB.

MR. HOLLANDER:

No. They passed the -- they passed three-quarters of 1%. We get the total amount of the funds. It didn't change.

LEG. GULDI:

They have a room tax and you get 100% of it?

MR. HOLLANDER:

We get the same percent that happens over here. The bills that basically --

LEG. GULDI:

But it's about half the revenue. It's about half the gross dollars as

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Suffolk generates.

MR. HOLLANDER:

It's 662/3% of the money they collect, just like it is here.

LEG. GULDI:

Yeah, but the gross dollars generated from Nassau is about half of the gross dollars generated from Suffolk in room tax.

MR. HOLLANDER:

Approximately.

LEG. GULDI:

And the budget, the overall budget's about two-thirds Suffolk, one-third Nassau, with a State match thrown in and a de minimus amount from other contributions.

MR. HOLLANDER:

You're about a million, they're about 600,000, 274,000 from the State, and about a hundred and some-odd thousand from membership.

LEG. GULDI:

Okay. You said we created these maps and brochures that haven't gotten this far yet. Apparently, there's some slow reading going on. The question I -- I have a couple of questions with respect to who's "we"? Were these done in-house, or were these done outside by a consultant or a design or --

MR. HOLLANDER:

Okay.

LEG. GULDI:

-- creative -- who is we?

MR. HOLLANDER:

Okay. Well, "we," "we" is everybody, because what happens is we internalize the marketing idea of creating the map, and then we create the idea of the map, and then we go to the marketing committee and we talk about the map. We talk about how many maps we should have, how do we do it. We talk about paying for the maps. We look at paying for the maps and find that it's very, very expensive. And then what we do is we reach out to people, as we did in this case, and find somebody who's willing to partner with us to do the maps. And in exchange for them going out and getting advertising to help pay for it, we agree to distribute it, which is what we're really looking to do in the first place.

LEG. GULDI:

Is there any fee paid for graphic design layout, or etcetera? Is somebody -- are we hiring graphics people --

MR. HOLLANDER:

No.

LEG. GULDI:

-- to create these documents?

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MR. HOLLANDER:

No.

LEG. GULDI:

Or are they being done by staff?

MR. HOLLANDER:

They're not being -- the content is done by the staff and given to the map company, who does the map. We pay no fees for the map.

LEG. GULDI:

But the map company sells the advertising space to third parties for printing and productions costs.

MR. HOLLANDER:

That's correct.

LEG. GULDI:

Okay. Who's the map company?

MR. HOLLANDER:

Target Marketing.

LEG. GULDI:
How much money are they making?

MR. HOLLANDER:
Don't have a clue.

LEG. CARPENTER:
Mr. Chairman.

LEG. GULDI:
I think I have the floor.

D.P.O. LEVY:
Go ahead.

LEG. GULDI:
Okay.

LEG. GULDI:
You said you -- that you book business for conventions. You held out the U.S. open as an example of booking services where you actually book business. What's the dollar volume of the bureau's business booked on an annual basis? How much are you booking?

MR. HOLLANDER:
Okay. If you look at meetings and conventions and sports, and don't include events like the golf, then you're talking this year \$23 million.

LEG. GULDI:
That's you directly booked on calls through your --

MR. HOLLANDER:
That's --

LEG. GULDI:
To your 800 number or website.

MR. HOLLANDER:
Right. No, not even the website -- yes, website people who answered an RFP to a thing. But that represents business that came to us that we

solicited, that we worked on, that said they wanted to have a meeting on Long Island, that we then gave to the hotels or other places for them to book. Then on top of that, you'd have to add some larger events, we call the special events, because we don't want to mess up the numbers, and that in any given year can be about \$50 million.

LEG. GULDI:

The -- why is -- see, this is my fundamental question. Why is LICVB in a superior position to do this than leaving the money with the private entrepreneurs and letting them in a free enterprise model buy their own advertising, promote their own businesses? Why are you doing it better at an approximate cost of 50% for salaries and general administrative?

MR. HOLLANDER:

Okay. Well --

LEG. GULDI:

Wouldn't they be able to be -- buy twice as much, if they used their existing personnels, and in turn get more bang for the buck?

MR. HOLLANDER:

No. And the reason for that is, and it's been proved almost in every county and state that I know of, and it would be the same reason the State does advertising for the State, if an individual entity wanted to go visit all the shows that we go to, they would have to spend a significant amount of money to go to each show. What happens is we go to the show and we represent Long Island, so they don't have to make those expenditures. And then while we're there, we're selling Long Island and we take along the travel guide and the various information. Once we know what the client or the customer is looking for in terms of number of rooms, attractions, facilities, spousal activities, we come back and give that information to those facilities that have the ability to book it. Then we work with them and the client to finalize the sale. It would cost them a lot more money to be able to do that.

The second thing is, is at the United States level, the Department of Commerce's job is to do a lot of work on making the United States the number one destination. Right now, it's fifth. And there's been a lot of conversations on how to get more share internationally from other countries coming here. At the next level, the states all have tourism promotion going on. For example, you know, I'm always getting hit at home, as like you are, with ads for Colonial Williamsburg, or "Come to Cape Cod," or how about "Let's Go to Bermuda."

LEG. GULDI:

I think they've given up on me.

MR. HOLLANDER:

And so all of these places are bombarded --

LEG. CRECCA:

Maybe they just don't want you there.

LEG. GULDI:

Can't blame them for that.

[SUBSTITUTION OF STENOGRAPHER - ALISON MAHONEY]

MR. HOLLANDER:

All of these different places bombard us with information taking our customer out to them. So we as the destination being Long Island need to be in those same places where our main customers are to let them know that Long Island is a choice that they should consider when they're going to make that travel decision. Come to Long Island, go to the Aquarium, go shop in Tanger, go visit Northport, go take a walk in Sayville or Bay Shore visit our things. And it's better than going to Hershey, Pennsylvania or Colonial Williamsburg because you can also go to Bethpage Village Restoration Park.

LEG. GULDI:

Okay. How many events a year is it that you do attend?

MR. HOLLANDER:

What do you mean events, trade shows?

LEG. GULDI:

Yeah, how many a year does LICVB attend?

MR. HOLLANDER:

Okay. The Meetings and Convention Department, the person --

LEG. GULDI:

How many, what's the number?

MR. HOLLANDER:

Well, I don't know the total but I can get it to you. Meetings and Convention, and it's in the book -- by the way, just so you know, the information you're asking me for Fred had asked me for and I supplied with him, so he has it. But Meetings and Convention go to about ten trade shows a year, the sports people go to about four trade shows a year, touring travel go to about eight trade shows a year, and there are probably four meetings for the State TPA Matching Fund Program and two meetings of the CVB Association.

LEG. GULDI:

So by my count that's 28. For 28 meetings a year we've got a million dollars in general administrative expense. Thank you, no further questions.

MR. HOLLANDER:

Well, that's not exactly accurate. This administrative expense that you're talking about, if you look at any book or go to any school on

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advertising or business, there are different ways to be able to promote a destination by market segment. So in each market segment you have to decide how to do it. So if you're looking at Meetings and Convention, it doesn't pay to run ads in magazines, it just doesn't work. Meetings and Conventions is not something that you use public relations for. Meetings and Conventions has to be direct sales and that's people; those people need to be at the trade shows to get the leads. Meeting and convention corporates, associations are not going to book through ads, they have to have those people.

Don't forget when you're looking at all the -- as you try to figure out the administration part, that as revenue increases our expenses will not anywhere near increase at that speed. We are taking care of the train and all the people that answer the questions and information there for people on the road. We're are opening a new center at McArthur Airport this January and new visitor's center and we'll be staffing that. We handle getting the brochures out to Tanger, we sent most of all the brochures that go to the chambers. So there's a lot of things that go on that are direct sales functions that are important in order to get the business that we get.

D.P.O. LEVY:

Okay, Legislator Crecca.

LEG. CRECCA:

My first question is to Legislator Guldi. Before were you suggesting that places like Gurneys and the private businesses could somehow use the dollars better by not charging the room tax? I just --

LEG. GULDI:

That's what they think.

LEG. CRECCA:

But that is what you were suggesting, though.

LEG. GULDI:

You got it.

LEG. CRECCA:
Okay.

MR. HOLLANDER:

Let me just say to that. And I understand where those thoughts come from because I'm out there talking to them, but I think those are more the lesser thoughts than the majority of the thought. Because certainly in Gurney's place, they understand that we're bringing more business to their door than they can possibly get there. Where I typically see the problem is sometimes in the chambers where they're sometimes looking for me to be able to do more than I can sometimes, although I do meet with most of all the chambers that are interested in dealing with us. If we don't bring the business to Long Island, these entities don't get a chance to get to the goods.

LEG. CRECCA:

Mike, can you tell us how Suffolk works, because our share is a little bit -- is more than Nassau's and so I would like to know what happens

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to the extra 400,000 or so.

MR. HOLLANDER:

The extra 400,000 approximately is spent specifically in the Suffolk area. One of the things that it does is we spend \$100,000 of that money on a TV commercial. Now, the TV commercial is approved by the Marketing Committee, the representative from Suffolk is there when we're doing it, they participate in what we're going, but also, hotels and attractions that are in Suffolk County are also there when we're doing it. The commercial features, mostly beaches and attractions out east, we spend about \$60,000 in the Spring and about 40,000 in the Fall. When we run the commercials our phone calls almost triple, so we use more labor also to answer those phone calls during that time. We also have specific advertising we do in magazines. Our advertising schedule is put together by KZS, an advertising agency, based on us telling them what our market segments are. It goes to a marketing committee and they go through it and we agree or not agree based on what it is. But after a while, if you're dealing in the same segment, we can measure the success of the magazines by the phone calls and reader respond cards that we get back on all the advertising.

D.P.O. LEVY:

Okay. Are you done?

LEG. CRECCA:
No.

D.P.O. LEVY:
Okay.

LEG. CRECCA:
Now I just lost my train of thought, so I apologize.

D.P.O. LEVY:
Want me to come back to you?

LEG. CRECCA:
Yeah, do that.

D.P.O. LEVY:
Legislator Fields is not here at the moment. Legislator Carpenter is not here and Legislator --

LEG. CRECCA:
Oh. You know what? I know my question, though. Is there anybody else doing this on Long Island right now or in Suffolk County?

MR. HOLLANDER:
No. The Convention and Visitors Bureau is a unique animal. We're not the same as a chamber, we're not interested in only producing business in one town. Our business is bringing business to Long Island, and in your case specifically to Suffolk County. And I think as I work with the Budget Review Office and Victoria and Fred and Jim, they'll start to see as we go through it that that's what's happening. Now, it can be a subjective decision to you as to whether an ad has enough beach in it or enough something, but the fact will be that the commercials

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that we're running are working. And when we see them tired or not working, we bring it out and rework it and rethink should it be -- we're not committed to anything if we're not seeing a success rate on the other side.

D.P.O. LEVY:
Just a quick question and then --

LEG. CRECCA:
No, go ahead, that's fine. Actually, I'm going to defer my time to

Legislator Carpenter, she had asked me to do that before and she's back.

D.P.O. LEVY:
She's on the list anyway. Go ahead.

LEG. CARPENTER:
On the -- I don't know where the questioning went and I'm sorry I had to step out, but the brochure -- and I saw one for the antiques. Now, I understand that the marketing company goes out and solicits the advertising. The antique shops that are listed in the overall general listing of antique shops, do they have to pay to advertise to be listed?

MR. HOLLANDER:
No.

LEG. CARPENTER:
Okay. Then I would suggest that you have a chat with the marketing company because it seems that they've missed some shops that I know of, especially in Bay Shore.

MR. HOLLANDER:
Yeah.

LEG. CARPENTER:
And the other thing I would be most adamant about is that you tell anybody who does any marketing for any of the hamlets in our good County of Suffolk that they make sure that they spell the names of the towns properly.

MR. HOLLANDER:
Okay.

LEG. CARPENTER:
Bay Shore is, always has been and always will be two words, not one.

MR. HOLLANDER:
Okay. And so you know, sometimes finding all the entities is very hard, but we're certainly interested in getting -- we want our website, for example, to be totally inclusive. We're always sending stuff out to chambers asking them -- in fact, we do it almost four times a year -- before we're going to do anything, "We're doing a map, send us information, we're doing this, send us information." It's a very, very hard thing to do, but year after year it's getting --

LEG. CARPENTER:
Oh, I understand that.

MR. HOLLANDER:
Year after year it's getting better. So I want you to know that one of the benefits of having us continue to do it is the fact that it gets better and better and better and pretty soon it's --

LEG. CARPENTER:
No, the pieces are pretty nice looking, they really are. And I know -- I'm not sure who asked the question, but as far as having someone else go and solicit the ads, from a business owner's point of view, they're not going to be as likely to want to participate in something like that unless they know about the distribution. And for the marketing company to be able to say that the piece is going to be distributed through the LICVB certainly gives credence to the initiative, will get a lot more people participating and have it be a more meaningful publication. Because a lot of times the advertisers will put coupons in there or mention, you know, that you saw it in the map and we'll give you a discount, or whatever it is.

MR. HOLLANDER:
Right.

LEG. CARPENTER:
And people use it, they use it then.

MR. HOLLANDER:
The brochure I sent around, one of them was that wine and farm stand one, to give you an idea, that cost about \$12,000 to produce 50,000 of them, those maps cost us nothing. So to me, doing seven maps, we save times about -- that's almost \$84,000, we got maps and that means we have that money to use for other things. So I think it's smart on our part to be able to get things for free or partner with other people, and that means our dollars are going even further.

D.P.O. LEVY:
Question for you, Mike. The brochure here, for instance, with boating, I know it's been asked but I just want to clarify it for myself, there are numerous, private ads in here. The financing for the brochure comes from where?

MR. HOLLANDER:
It comes from that -- the Target Marketing Services who do the map, going out and selling ads.

D.P.O. LEVY:
Okay.

MR. HOLLANDER:
We don't get any income from it whatsoever.

D.P.O. LEVY:
And there's no money that is expended from the fund, from the County

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fund or from the sales tax fund.

MR. HOLLANDER:
That's correct. No money, we don't spend any money on it. The benefit that we get is that we get 40,000 maps a year at no cost and, therefore, we don't have to go make -- you know the other map?

D.P.O. LEVY:
Uh-huh.

MR. HOLLANDER:
It has no advertising in it.

D.P.O. LEVY:
Right.

MR. HOLLANDER:
But then that's going to cost us \$12,000 to do. And that's only one year, by the way, so we'd have to reprint it when we need it.

D.P.O. LEVY:
You answered the question.

MR. HOLLANDER:
Thanks.

LEG. LEVY:
Okay. No further questions on this? One more, Legislator Cooper.

LEG. COOPER:
In answer to an earlier question, you had said that you had no idea about the advertising revenue that was generated by the marketing company; is that correct?

MR. HOLLANDER:
Wait, say that again. Yeah, I don't know how much -- right, I don't know the money that they get for their ads. I can probably find out

what they're selling an ad for.

LEG. COOPER:

I'm just curious because apparently this is something that's always been farmed out. But if they're doing very well and if they're generating much more in advertising revenue than what it cost to produce the materials, I am not saying that we would want to start printing this ourselves but maybe we could ask for a cut of the action so to speak.

MR. HOLLANDER:

And we agree with you. This is the first year that this has happened. We did that with the travel guide. We farmed it out, it started working really well, we went back to the table and started saying, "Okay, how about a commission," and we have worked the commission up to about 15,000. In this case, they did all the work on putting together the map, putting all the detail into it, so it didn't seem at that point that it was fair to ask for more then. But as they get into partnership with us, then I think we're in a position to say why don't

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we get some income for what we're doing. Good idea.

LEG. COOPER:

Okay, thanks.

D.P.O. LEVY:

Okay, thank you very much, Michael.

MR. HOLLANDER:

Thank you.

LEG. LEVY:

I think we're at the end, I think we have two more speakers. Henry Huszar I think already spoke.

LEG. FISHER:

He spoke.

D.P.O. LEVY:

And Janet Goltz.

MS. GOLTZ:

Good evening. First I want to ask, how much time do I have?

D.P.O. LEVY:

Three minutes, Janet.

MS. GOLTZ:
Oh, okay. And that applies to all speakers?

D.P.O. LEVY:
I'm sorry?

MS. GOLTZ:
Does that apply to all speakers?

D.P.O. LEVY:
No, ten minutes if you are in a public hearing, but we're not longer in a public hearing.

MS. GOLTZ:
Okay. And the previous speakers were given --

D.P.O. LEVY:
Well, they're given three minutes but sometimes there's questions and it's extended, as was the case with Mr. Hollander.

MS. GOLTZ:
Okay.

D.P.O. LEVY:
Now you have two minutes and -- no, I'm kidding.

MS. GOLTZ:
Well, I just wanted to -- well, I noticed at least ten minutes before any questions were asked; I just want to make a note of it for the record.

My name is Janet Goltz and I live in Suffolk and I'm a Suffolk County property taxpayer. So I'm speaking to you as a property taxpayer on something that may or may not happen but it's more of a general issue anyway that I'd like to bring up. And it has to do with a resolution that's been in committee to buy property in the east end, I believe it's IR 1833 for Jacobs Farm, it's in the Town of East Hampton and it's been tabled in committee. I would oppose any motion to purchase this through a CN, through a motion to discharge or any other way that circumvents the normal process. And I feel it's not an issue of preservation but it's really an issue of equity and the process

itself. I will just go through some of the concerns I have and hopefully I'll get it done within the allotted time.

Okay. This is not an issue of whether we should buy open space but rather who should pay for it and how these purchases should be evaluated. This is a plea for equity and this is a Legislative role, okay. My concerns are as follows: Are we using County funds to fulfill town purposes? For example, to create local parks for local users and even local purposes as far as keeping down school taxes in east end school districts. Now I'll just read you two things, a few of them are from the east end papers, the East Hampton Star, and one was from - - okay, the first one was from 1997, that was when the Land Preservation Partnership was formed. There was \$5 million put into the fund and I question why we have to add any more to the fund if there's money in there. And if there is going to be money added, I would ask that it be put into the fund and then be allocated based on some kind of a process to evaluate properties.

Okay, in the January '97 East Hampton Star, it said that Robert Gaffney's Capital Budget included \$5 matching funds for East Hampton; was that just for East Hampton or was it for all of Suffolk County? And it said resentment among Legislators from the west over the east end's threat to succeed, etcetera, could make it hard to actually pry the money loose. And they said, quote -- I guess it was the supervisor at the time, "We'll just have to convince them that purchasing land on the east end will be a good deal for them regardless of what happens with Peconic County. That the people of Suffolk County would continue to come out here for the east end's open spaces." Yet in I guess it was last week's, the November 9th Star, there's an argument over whether county money should be used to purchase property in Montauk at Navy Road and the supervisor now, Mr. Schneiderman, said that he didn't think County residents would drive all the way to Montauk to use a park, and he asked members of the audience how often they drive to Hauppauge to use the County park there, "I don't think it would be used as much as you're imagining."

It was noted also that Theodore Roosevelt County Park at {Third House} is rarely used except for its kitchen facilities which leased to Rusty and Diane {Liever} for the Deep Hollow Ranch barbecues held in the summer and for special events.

Okay, the third thing I want to read is from the -- I will give you a copy of this article from July of '99 where they urge preservation of Jacob's farm saying their tax base depends on it. And what it says is 45 houses would be built under the approved plan out of 165 acres, 83

acres would be preserved in its natural state. They cite that the cost of educating additional students who may move into the new Springs District homes easily outstrips residential tax revenues. So therefore, they're looking to have County money used to keep their school taxes low. And our school taxes are at least triple to maybe ten times as much as theirs, so I don't think -- there's an equity issue there.

Okay, that would be my concerns about using County funds to fulfill a town purpose or a school district purpose.

D.P.O. LEVY:

Janet, you're into five minutes but I'll just ask you to wrap up.

MS. GOLTZ:

Okay, thank you. Are we circumventing a process that has been established for evaluating and funding these purchases on a County wide basis? That's two. Three, is the County purpose of preserving open space already being substantially accomplished through local zoning as in this case, where anywhere from 50 to 88% of the property would be preserved without spending a dime. Four, is there equity between east end and west end property taxpayers regarding the funding of these projects? For example, east end towns have an ever growing preservation funds through the 2% transfer tax that doesn't come out of the local property tax where the west end towns have already approved bond issues, some of them, but that's a local property tax and we're being -- we're asking them to pay again for County property tax. Okay, 75%% of the property taxes I understand come from the west end towns meaning the five west end towns. It sounds like a very good deal for the east end to me and not a very good deal for the west end.

Okay, I'll go through this very quickly. Shadmore came in on a CN, there was no room for debate, that's not the way we should be doing these purchases. And the people who knew about it spoke in favor of it. There was little discussion. There was a lot I could say about that, but basically if you aren't aware, I wonder how many of you know how many offers there were on Shadmore from private purchasers; the answer to that is zero. There was never one private offer for Shadmore because I checked with Sotherby's and the local real estate agents.

D.P.O. LEVY:

Can you wrap it up, please, Janet?

MS. GOLTZ:

Okay. There are \$5 million being added to open space preservation for each of these if Jacob's Farm is allotted and where the west end towns will have no opportunity to apply for these funds. Why not add it to the fund and then allocate it as I said? And there are properties on the western end such as Silverstein Farm and the AIL property that should be given an equal opportunity. The offset requirements are not being met in the Charter, the resolution is in committee and has been

tabled for that and other reasons. The project is attempting to circumvent the process for consideration, therefore, it is not being weighed against other open space purchases, it's not being weighed against other partnership purchases and it's not being weighed against other capital projects and we're amending the Capital Budget. So these

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things are part of the horse training of the Legislature and that budget was assembled and debated last May so I don't think we should be adding it now. This is an issue of process and equity. The process used to evaluate these projects provides equity for all Suffolk County taxpayers. Thank you.

D.P.O. LEVY:

Thank you, Janet, very much. I appreciate your comments and thoughts, very well researched. Let's have all Legislators report to the horseshoe. There are no further speakers who have signed a card. All Legislators report to the horseshoe, we're about to go into the voting part of the session.

Let's have all Legislators, we will start voting in 30 seconds. Here we go.

LEG. CARACAPPA:

Motion to approve the Consent Calendar.

P.O. TONNA:

Okay, all Legislators come to the horseshoe. I would just ask all Legislators please come to the horseshoe. Double E, I see you smiling there, I just want to make sure you're okay. All right, ready to write.

LEG. FISHER:

Oh, Emi Endo, double E.

P.O. TONNA:

Double O seven and double E. Okay, before -- Legal Counsel has requested to put something on the record. Mr. Legal Counsel.

MR. SABATINO:

An inquiry was made earlier this afternoon and I accurately stated for the record what had taken place. In fact --

P.O. TONNA:

Wait, tell them the context.

MR. SABATINO:

In fact, the issue arose over IR 2069 and a reference in that piece of legislation to a Grand Jury Report. There was a press conference held by the District Attorney, it was reported in Newsday on February 15th of 1996 indicating that the District Attorney had, in fact, released the Grand Jury Report which was 70 pages long, there's acknowledgments in that article by both the County Comptroller as well as the District Attorney. And in fact, the judge who had empaneled the Grand Jury ordered the release of that particular Grand Jury Report and the reason is because it was what they recall a Plan C Report which is one where they make a whole series of recommendations. It's not criminal in nature per se because it makes suggestions and recommendations and, in fact, there was a fairly lengthy list of recommendations, I think I had said 32 and I think the actual number turned about to be maybe about 22. But, in fact, it was in the public arena by virtue of a press conference and an order from the actual court.

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LEG. BINDER:

Mr, Chairman can I just ask Counsel a question on that?

P.O. TONNA:

Yeah, sure.

LEG. BINDER:

Counsel, would it be possible to have a copy then attached since it's a released public report so we can have that as backup to the legislation?

MR. SABATINO:

I didn't personally get the report but I know the report exists and it can be distributed. Also, I'll have a copy of the article distributed.

LEG. BINDER:

Thank you.

P.O. TONNA:

Okay, thank you very much.

LEG. LEVY:

Mr. Chairman?

P.O. TONNA:

Okay, let's go to the Consent Calendar. Yes?

LEG. LEVY:
All right, after the Consent Calendar.

LEG. FISHER:
Second.

P.O. TONNA:
Okay, there is a motion by Legislator Fisher, seconded by myself on the Consent Calendar. All in favor? Opposed?

MR. BARTON:
17, one not present (Not Present: Leg. Towle).

P.O. TONNA:
Thank you very much.

LEG. LEVY:
Mr. Chairman, I'd like to move Resolution 1919 that was discharged from committee.

LEG. FOLEY:
Second the motion.

P.O. TONNA:
Okay. I would ask -- there's a motion and a second I guess to approve Resolution 1919.

LEG. CRECCA:
What's the title of that, please?

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LEG. LEVY:
That's the HMO bill.

P.O. TONNA:
Okay. Does everyone have a copy of it in front of you?

LEG. FOLEY:
Yes, we do, I have a copy.

P.O. TONNA:
This is the thing that we let age for at least an hour.

LEG. FISHER:
Health, we introduced it earlier.

LEG. CRECCA:
I had it.

P.O. TONNA:
Okay, here it is, this is establishing a Suffolk County Office of HMO Services (Levy). Okay, there's a motion by Legislator Levy, seconded by Legislator Foley. All in favor? Opposed? I have to --

LEG. FISHER:
Cosponsor, Henry.

P.O. TONNA:
Okay, I have to, I think -- Legal Counsel, I'd just ask, I have to abstain on this vote? Okay, abstain.

MR. BARTON:
16, one abstention, one not present (Not Present: Leg. Towle).

P.O. TONNA:
Thank you very much.

LEG. CARACAPPA:
State for business purposes, not because you're against it.

P.O. TONNA:
No, I have to abstain because of --

LEG. FISHER:
Conflict?

P.O. TONNA:
Yes, possible conflict.

LEG. BINDER:
Mr. Chairman, just --

LEG. FISHER:
I'd like to ask if I could waive the rules and make a motion to lay on the table and approve a corrected copy of Sense No. 139 that was distributed earlier.

LEG. CARPENTER:
Second.

P.O. TONNA:
Okay. Say it again?

LEG. FISHER:
I would like to waive and the rules, lay on the table and approve
Sense No. 139, it was distributed earlier.

LEG. CARPENTER:
Second.

P.O. TONNA:
And this is a resolution requesting the State of New York to implement
Federal Enactment of tougher blood alcohol content requirements.

LEG. FISHER:
Yes.

P.O. TONNA:
Motion by Legislator Fisher, seconded by Legislator --

LEG. FISHER:
Carpenter.

P.O. TONNA:
-- Carpenter, thank you. All in favor? Opposed? Approved. I would
just --

LEG. FISHER:
Thank you, Mr. Chairman.

P.O. TONNA:
Thank you very much.

MR. BARTON:
17, one not present (Not Present: Leg. Towle).

LEG. CRECCA:
Henry, cosponsor.

P.O. TONNA:
I would ask that we just move with the agenda.

RESOLUTIONS TABLED TO DECEMBER 5, 2000

here we go, 1041 - (Adopting Local Law No. 2000, a Charter Law to
establish competitive-bidding process for selection of County Bond
Counsel (Binder). Legislator Binder, is there a motion?

LEG. FISHER:

Oh, I'm sorry, before we move off that one. Some people had said they wanted to be cosponsors on that.

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P.O. TONNA:
Okay.

LEG. FISHER:
And I just wanted them to let the Clerk know.

P.O. TONNA:
Does anybody have a problem with cosponsoring this? So all 17.

LEG. LEVY:
No, I don't want to be.

P.O. TONNA:
Okay, Legislator Levy or Legislator -- who?

MR. BARTON:
All right, just the ones I have then. Thank you.

P.O. TONNA:
Okay, thank you.

LEG. ALDEN:
Cosponsor 1041.

P.O. TONNA:
Resolution No. 1041; what is your pleasure, Legislator Binder?

LEG. BINDER:
Motion to table.

P.O. TONNA:
Motion to table, seconded by myself. All in favor? Opposed? Tabled.

MR. BARTON:
17, one not Present (Not Present: Leg. Towle0.

1061 - (Amending the 2000 Operating Budget transferring funds to the Office for the Aging for the Shelter Island Affairs Council (Caracciolo). Legislator Caracciolo?

LEG. CARACCIOLO:
Motion to table.

P.O. TONNA:
Seconded by myself. All in favor? Opposed? Tabled.

MR. BARTON:
17, one not present (Not Present: Leg. Towle).

No. 1084 - (To implement use of natural gas as fuel for County Fleet (Levy)).

LEG. LEVY:
Motion to table.

P.O. TONNA:
Seconded by myself. All in favor? Opposed? Tabled.

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MR. BARTON:
17, one not present (Not Present: Leg. Towle).

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)).

LEG. FOLEY:
Motion to table.

P.O. TONNA:
Second by myself. All in favor? Opposed? Tabled.

MR. BARTON:
17, one not Present (Not Present: Leg. Towle).

P.O. TONNA:
1576 - (Directing County Board of Elections to publicize ballot proposals within Suffolk County (Postal)).

LEG. POSTAL:
Motion to table.

P.O. TONNA:
Motion to table, seconded by myself. All in favor? Opposed?

Approved -- I mean tabled, tabled. Just keeping you all awake.

MR. BARTON:

17, one not present (Not Present: Leg. Towle).

P.O. TONNA:

1816A, 1816 - (Amending the 2000 Capital Budget and Program and appropriating funds in connection with the acquisition of an Integrated Human Resources/Payroll System (CP 1740) (County Executive)).

LEG. FOLEY:

Motion to table subject to call.

P.O. TONNA:

Motion to table subject to call --

LEG. CARPENTER:

Second.

P.O. TONNA:

Seconded by Legislator Carpenter. All in favor?

LEG. BINDER:

No, no, Mr. Chairman.

P.O. TONNA:

Okay. On the motion?.

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LEG. BINDER:

Can I hear an explanation of why?

LEG. FOLEY:

Actually I won't make it subject to call. Motion to table. There's only a week -- one more meeting left before the end of the Capital Budget.

P.O. TONNA:

Fine.

LEG. FOLEY:

Motion to table.

P.O. TONNA:

Motion to table by Legislator Foley, seconded by Legislator Carpenter.
All in favor? Opposed? Approved -- tabled.

MR. BARTON:

17, one not present (Not Present: Leg. Towle).

1853 - (Implementing Greenways Program in connection with acquisition of active parklands known as "The Wedge" at Mount Sinai (Town of Brookhaven)(Acquisition Steps). Is there a motion?

LEG. FISHER:

Motion to table.

P.O. TONNA:

Table, Legislator Fisher.

LEG. HALEY:

Second.

P.O. TONNA:

Seconded by Legislator Haley. All in favor? Opposed? Tabled.

MR. BARTON:

17, one not present (Not Present: Leg. Towle).

P.O. TONNA:

1932 - (Establishing Suffolk County sales tax policy for implementation of stable General Fund Property Taxes (Haley).

LEG. HALEY:

Table.

P.O. TONNA:

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

LEG. HALEY:

Mr. Chairman, I just want you to know I'm tabling it with the intention of probably withdrawing it.

P.O. TONNA:
Okay, thank you.

1948 - (Calling a Public Hearing upon a proposal to form Suffolk County Sewer District No. 24 - Yaphank in the Town of Brookhaven (County Executive). Is there a motion?

LEG. FOLEY:
I'll make a motion to table only out of deference to the --

MR. BARTON:
Mr. Chairman, we haven't taken the vote on 1932 yet.

P.O. TONNA:
Okay. All in favor? Opposed? Tabled.

MR. BARTON:
Okay, 17, one not present (Not Present: Leg. Towle).

P.O. TONNA:
1948, is there a motion?

LEG. FOLEY:
I'll make a motion to table.

LEG. FISHER:
Second.

P.O. TONNA:
Seconded by Legislator Fisher.

LEG. FOLEY:
Out of deference to the Legislator who is absent today who represents that portion of the County.

P.O. TONNA:
Great.

LEG. FOLEY:
He's not here, he tabled it at the last meeting so I don't know what his druthers are.

P.O. TONNA:
All in favor? Opposed? Tabled.

MR. BARTON:
17, one not present (Not Present: Leg. Towle).

P.O. TONNA:
1957 - (Adopting Local Law No. 2000, A Local Law to extend Hotel/Motel Tax for Suffolk County (County Executive). I'll make a motion to approve.

LEG. HALEY:
Second.

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P.O. TONNA:
Second by Legislator Haley. All in favor?

LEG. BISHOP:
Wait, wait.

LEG. POSTAL:
Mr. Chairman?

P.O. TONNA:
This is the Hotel/Motel Tax.

LEG. BINDER:
On the motion.

LEG. POSTAL:
Mr. Chairman?

P.O. TONNA:
Okay, on the motion.

LEG. LEVY:
What is the motion?

P.O. TONNA:
There is a motion to approve, seconded by Legislator Haley.

LEG. GULDI:
On the motion.

P.O. TONNA:
Okay, Legislator Postal

LEG. POSTAL:
Yeah.

P.O. TONNA:
Legislator Guldi, then Legislator Bishop.

LEG. POSTAL:

At the last meeting --

P.O. TONNA:

Anybody else wants to be recognized, tell me.

LEG. POSTAL:

At the last meeting, I was very concerned that we not lose revenue and that we move ahead. There was a great deal of concern about the portion of the sales tax that was utilized for tourism promotion.

There was discussion with the County Executive's representatives concerning at that meeting getting a Certificate of Necessity which was not agreeable, or having a corrected copy for this meeting which would give the Legislature the ability to approve a contract for the appropriation of the tourism funding, and now here we are today without a corrected copy or anything that addresses that concern.

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I could only speak for myself, but while I would hate to see us lose any revenue, I am -- I find it impossible to vote on the resolution as it is and in its present form I would feel compelled to abstain.

P.O. TONNA:

Okay, thank you. Legislator Guldi, you're up.

LEG. GULDI:

Yeah, the -- we requested an amendment to this from the County Executive's Office, I'd like someone from the County Exec's Office why we can't have that, why I didn't hear.

MS. GODSMAN:

They're on their way in.

LEG. GULDI:

Okay, we can sit here and twiddle our thumbs and wait. How long will they be? The conference room is about twelve feet away.

LEG. CRECCA:

You could be nice about it, George.

P.O. TONNA:

George.

LEG. GULDI:

This is me being nice.

LEG. CRECCA:

You know, there's no reason to treat people with disrespect like that.

LEG. GULDI:

It wasn't disrespect, it was a question; how long will it be?

P.O. TONNA:

Wait, wait. Andrew, he took a shower today, you can't ask for everything.

LEG. BISHOP:

Whoa.

P.O. TONNA:

Come on, he and I joke about that, like you being short, all the time, give me a break.

LEG. GULDI:

Yeah, it's Tonna's humor.

P.O. TONNA:

This is me, this is me. You know, I'm sorry, this is me. Okay.

LEG. CRECCA:

I mean no disrespect to you, George.

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P.O. TONNA:

Okay. Who are we waiting for, Georgie?

LEG. GULDI:

Somebody from the County Executive's Office.

P.O. TONNA:

All right, here's Brenda.

LEG. GULDI:

Hi, Brenda.

P.O. TONNA:

She was here, she didn't even have to walk from the other room. All

right, Brenda --

LEG. GULDI:
Where's the changes?

P.O. TONNA:
-- Legislator Guldi.

LEG. GULDI:
Would you please make the changes so that everybody doesn't have to vote against this and defeat it?

MS. ROSENBERG:
When you were asking for changes, we never agreed to changes, we agreed to Maxine's request to place a public hearing notice in the papers earlier and that's what we agreed to last meeting. We never agreed to any changes.

LEG. GULDI:
The change was to bring the renewal contract to the Legislature for approval, that's the change we requested.

MS. ROSENBERG:
And we never -- correct.

LEG. GULDI:
Are you saying you won't put that in the resolution, that you refuse to amend the resolution to permit the Legislature to approve the renewal extension of LICVB's contract?

[RETURN OF STENOGRAPHER-LUCIA BRAATEN]

MS. ROSENBERG:
George, what you just asked me before was whether or not we agreed to that last time, and what I am --

LEG. GULDI:
No. I'm asking you right now whether you'll --

MS. ROSENBERG:
Right now?

LEG. GULDI:

Whether you'll do it right now.

MS. ROSENBERG:
The legislation that's on the table today --

LEG. GULDI:
Right.

MS. ROSENBERG:
Is to extend the tax, it is not to choose an agency, and that's where we going with that.

LEG. GULDI:
Fine, except that the way I read the legislation today, that if we approve it, you can go ahead and extend the agency without further Legislative approval. So I want you -- to see you change it to say that you won't do that without further Legislative approval.

MS. ROSENBERG:
I don't have the authority to do that and we won't do that. And if -- at this point, if it is not approved, that means the tax does not go into effect starting January 1st.

LEG. GULDI:
So you want to play brinkmanship with it instead, because you think we'll blink and you'll get what you want, and be able to sign the contract without coming back to us, right?

LEG. CRECCA:
I bet that was your rhetorical question.

MS. ROSENBERG:
I'm looking at who's going to blink first.

LEG. GULDI:
I don't have any further questions.

P.O. TONNA:
All right. Very good, George. Dave.

LEG. BISHOP:
Brenda, I just want to ask that question in a --

LEG. GULDI:
More civil.

LEG. BISHOP:
That's the --

LEG. LEVY:
With more sugar than vinegar.

LEG. FISHER:

With more sugar than vinegar. Do you have me on the list?

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LEG. BISHOP:
Brenda.

P.O. TONNA:
No. Do you want to be on the list? Vivian, do you want to be on the list?

LEG. FISHER:
Yes.

MS. ROSENBERG:
I'm sorry.

LEG. CRECCA:
Honey is going to speak now, instead of Mr. Vinegar.

LEG. BISHOP:
I don't know how you could possibly answer that question in any other way than you did. Is the issue that you don't want the Legislature to have review of the selection of the vendor?

MS. ROSENBERG:
No, that's not the issue. Currently, the local law gives the power to the County Executive. So if you want to change that, you would have to amend that local law. It's not this -- it's not this resolution we're speaking about.

LEG. BISHOP:
Because I think --

LEG. LEVY:
Could I ask Counsel if that's accurate?

MR. SABATINO:
It's true that the authority was given to the County Executive in the existing local law. That's absolutely a correct statement. The local law that you're voting on today, however, is an amendment to that local law, so this would be the appropriate vehicle, if there was a desire to change that provision of the existing law, because we're in the exact same chapter of the legislation.

LEG. GULDI:

So, if I may, can I have the floor? This is where it belongs, then, is that right, Counsel?

MR. SABATINO:

Yes, if there's a desire to make the change. This is a local law extending and modifying the preexisting local law. But I want to make it clear that the existing local law does give the authority to the County Executive, that's the way the law was structured.

LEG. LEVY:

You're amending it with this local law.

LEG. FOLEY:

Right.

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P.O. TONNA:

Okay. Legislator Bishop, would you continue?

LEG. BISHOP:

All right. So under the current law, you have the authority to extend the contract of LI --

LEG. GULDI:

CVB.

LEG. BISHOP:

CVB.

MS. ROSENBERG:

We have the authority to go to a tourist --

LEG. BISHOP:

LIVVCB.

MS. ROSENBERG:

A tourist agency and appoint a tourist agency, that's correct.

LEG. BISHOP:

Right. And it's your intention, if we pass the law today, to extend -- I mean, a contract has already been drawn up, isn't that true?

MS. ROSENBERG:

No.

LEG. BISHOP:
It's not true.

MS. ROSENBERG:
No.

LEG. BISHOP:
So then if we pass this today --

MS. ROSENBERG:
Right.

LEG. BISHOP:
-- would we have your assurance that --

MS. ROSENBERG:
You're trying to squeeze me.

LEG. BISHOP:
-- no extension would be granted, for at least two months, is that fair?

LEG. HALEY:
Provided you don't have for a recount.

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LEG. BISHOP:
This way we don't have to change anything, we could just, in the interim pass--

MS. ROSENBERG:
Well, Dave, can you tell me what your concerns are that we could possibly address?

LEG. BISHOP:
Yeah. I think there is a concern --

P.O. TONNA:
That's a good question.

LEG. CRECCA:

It is a good question.

LEG. BISHOP:

All right. Well, we'd like to see what the salary structure of the agency is. We'd like to know how much the agency spends on advertising outside of Long Island, what the result of that is, if it's quantifiable. We'd like to see how much promotion is for Suffolk as opposed to Nassau. We'd like to know how well the agency works with other similar agencies in Suffolk County, for example, chambers of commerces for our tourist destinations. Those are just a few off the top of my head. I'm sure there are many more that other Legislators have, which is the reason that Legislature, as a general proposition, chooses to exercise its oversight, authority, and does so, I think, in a very reasonable manner. So that if those questions can be answered, and I'm sure they can be, because I'm sure you're going to tell me that they do a wonderful job now, then there wouldn't be a problem.

MS. ROSENBERG:

Okay. I can assure you that Fred Pollert is gathering the information as we speak. Michael Hollander has been cooperative, is giving him everything that you are asking for, and he is willing to come before you before the end of the year with a report.

LEG. BISHOP:

Right. So, I mean, I think --

MS. ROSENBERG:

And that would probably be helpful, so I think, at that point --

LEG. BISHOP:

First of all, I don't know, has there ever been an audit done?

MS. ROSENBERG:

They've had audits done and they're willing --

LEG. BISHOP:

In the last year?

MS. ROSENBERG:

I don't think in the last year.

LEG. BISHOP:

Not in the last year.

MS. ROSENBERG:

But we have not problem with the audits. If you want to have it, that's not a problem.

LEG. BISHOP:

I don't know if there is a problem or not, I just don't like to see, what I would assume, is our authority. Usually -- usually, we are the -- as the Legislative body, we ratify the contracts. You negotiate them as the Executive --

MS. ROSENBERG:

Right.

LEG. BISHOP:

We ratify them. In this circumstance, we wouldn't have the ratification authority. I'm uneasy with that. I would like that in order to renew a tax.

MS. ROSENBERG:

I can assure you, if there's any problem that you find with audits, or any problem with LICVB, the County Executive -- is that correct?

LEG. BISHOP:

No. I think it's --

MS. ROSENBERG:

You're counting?

LEG. BISHOP:

It's VCB.

MS. ROSENBERG:

The County Executive will certainly take that into consideration.

LEG. BISHOP:

Well, you know, I appreciate his consideration, because he's a considerate man.

MS. ROSENBERG:

Right.

LEG. BISHOP:

But this -- I think this --

MS. ROSENBERG:

But I think you're going to get all the answers that you need. Michael Hollander is willing to sit with Fred Pollert, and he has given him all the information, and he's willing to sit and go over everything with him. And if any of the -- your questions are not answered, I think we can address them.

LEG. BISHOP:

Is there a policy reason that you would not want the Legislature to have the ratification authority that we enjoy with almost every other contract in Suffolk County?

MS. ROSENBERG:

Just that you're taking power away from the Executive, that's the only reason.

LEG. BISHOP:

That's never stopped us.

LEG. GULDI:

Where did the Executive get that power?

MS. ROSENBERG:

I guess you give it to him, George.

LEG. GULDI:

Not on me, but us. So I guess we could take it back, couldn't we?

MS. ROSENBERG:

I guess so.

LEG. FISHER:

Dave, were you finished?

LEG. GULDI:

I take it back.

LEG. BISHOP:

Those five questions are going to be answered posthaste and forthwith?

MS. ROSENBERG:

Dave, if you give a list of them, we'll get all your answers for you, besides those. And Fred Pollert --

P.O. TONNA:

Okay. Are we making a list? Because Dave has asked a number of questions. All right? And I need you to check it twice.

MS. ROSENBERG:

Yes, we will do that.

P.O. TONNA:

Okay. All right? Okay. Anymore questions, Legislator Bishop?

LEG. BISHOP:

Waiting for answers now.

P.O. TONNA:

Oh, you are. So we're --

LEG. CRECCA:

No, we're waiting for answers that they're going to give you.

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P.O. TONNA:

Okay.

LEG. FISHER:

Well, Brenda, my question was --

P.O. TONNA:

Wait, wait. I have Legislator Crecca, then you, Legislator Fisher.

LEG. FISHER:

Oh, I thought I was after Bishop.

P.O. TONNA:

No.

LEG. FISHER:

Okay.

P.O. TONNA:

Crecca and then yourself.

LEG. FISHER:

Sorry.

LEG. CRECCA:

My question is -- really is to Budget Review. My understanding, in speaking to some of the parties involved today, is that a lot of this information was already passed on to Budget Review months ago, is that true?

MR. POLLERT:

That it was provided to the Budget Review Office awhile ago in the middle of the budget process.

LEG. CRECCA:

Yeah. I'm not -- I wasn't saying it as a criticism, what I --

MR. POLLERT:

No. It was done probably two or three months ago.

LEG. CRECCA:

Okay. So a lot of that information is there, it's just a matter of sitting down and compiling it in a digestible format?

MR. POLLERT:

That is correct. In addition to that, I believe both yesterday as well as today, Mr. Hollander stopped by and has begun to address questions from Budget Review Office staff.

LEG. CRECCA:

Okay. And he's been more than -- has he been cooperative with you?

MR. POLLERT:

Yes, he has been extremely cooperative.

LEG. CRECCA:

Okay. I have no further questions.

P.O. TONNA:

Thank you. Legislator Fisher.

LEG. FISHER:

Brenda, as a follow-up to David's questions, to Legislator Bishop's questions, I suppose I'm perplexed by your refusal to see the power of ratification on the part of the Legislature as part of this amended resolution. I really want this to pass, I want this resolution to pass. I'm Chair of Parks and Cultural Affairs. There's the Parks Historic Restoration, and certainly the Cultural Arts depend, not completely, but to a great degree, on this tax. But I'm -- I agree that there should be some oversight on the part of the Legislature, and I think that it should be codified in this resolution, in an

amendment to the resolution, that there is an ability for the Legislature to formally have some sort of oversight. And that's not said in any way as a criticism of the work that's done by the Long Island Visitors Bureau. It seems to me that they do a good job, but I don't know that. I don't have the oversight. I don't have it in front of me. And I believe that with this kind of money, with a tax that affects everyone in Suffolk County, we should have, as policy, we should have the ability to have some oversight and some say before the contract is expedited.

MS. ROSENBERG:

This resolution, as I said before, does not give them the contract, all it does is extend the tax.

LEG. FISHER:

No, but it does give the County Executive the ability to execute a contract with a vendor. And what we're saying is that, I know it doesn't -- I've read the resolution a few times and I know that it doesn't name the vendor. What I'm asking is that we act -- that we add to the resolution a clause saying that you would work on a contract and that it would be ratified by the Legislature, so that it gives us an opportunity to have oversight. I know that Mr. Hollander is willing to open his books and answer questions, but it would be I think perfunctory if we have no say in whether or not the contract is signed. So that's why I'm saying I'm perplexed as to why -- well, you said because you don't want -- the County Exec doesn't want to concede any part of the power. However, there is a -- I learned in civics some kind of balance in government, and we're looking to have oversight on this.

P.O. TONNA:

Okay. Legislator Haley.

LEG. HALEY:

I guess I'm part of the reason why we're in this mixup right now. I requested quite a number of months ago from Budget Review Office to take a look at this whole operation, simply because I thought it was an awful lot of money and we should just have an idea of where it's going, and that was developed into all of a sudden we have an expectation that we now should have the approval process. We've

allowed Budget Review Office to delay it, because they were working on the budget. Now we're at the eleventh hour fifty-ninth minute and we don't want to approve something we've approved year and in and year

out, the hotel/motel tax.

If someone has a problem with the policy, put in legislation that changes it and puts another burden on this Legislature to micromanage the contractual obligations set forth in the existing laws. But I don't think this is the time to all of a sudden add a codicil to this, because we have failed to provide the oversight, just looking at the general program that's been in existence for a long time. Now, we've tried to do it. It got delayed by the budget. BRO, it's a substantial report, has yet to be able to provide us with that, yet we're trying to add this little codicil in, because all of a sudden I guess people are supposing that this contract has not been appropriated, or perhaps we need a different contractor or vendor. I don't think that's the case. Let us do the oversight, let us continue the program as we see it, and once we see the oversight, we can certainly modify the policy regarding the oversight. I am sure that once the report is out and once everybody's had a look at it, I can't imagine that the County Executive is going to extend a contract if there's a problem. And we've known historically that that has not been the case in our relationship with the County Executive. So let's just act responsibly and move along.

LEG. GULDI:
On the motion.

P.O. TONNA:
Wait, wait. Legislator Foley has the floor, Legislator Guldi, and then yourself.

LEG. FOLEY:
This is to the Budget Review Office. If this was tabled today, Fred, to see if -- to try to create the opportunity for changes to be made to the resolution, if we tabled this today and came back on the 19th, theoretically speaking, if it was approved on the 19th, is there enough time to ensure that there would be a seamless transition from 2000 and 2001 with no loss of sales tax revenues?

MR. POLLERT:
The County Executive would have to schedule a public hearing. I know with normal sales tax, there is a notification if there is a change, but I think to continue the sales tax, there is no notification. I would defer to Legislative Counsel. It will be close, but I believe it could be done.

LEG. FOLEY:
Okay. Through Counsel, my question, Mr. Sabatino, is that if this was tabled today in an effort to find some common ground between the County Executive and some Legislators who want some changes made to the resolution, and then let's say, theoretically speaking, if we came back in two weeks time and passed some version of the tax on the 19th, is there enough time between the 19th and the beginning of the new year where there would be a seamless transition in sales tax revenues from 2000, 2001? I know it would be close, but still it would be

accomplished is my question.

MR. SABATINO:

Only if the -- the County Executive would have to cooperate in several respects. One, agree to schedule the public hearing for the second day after Christmas, I guess, I think it's a Wednesday, by putting the legal notices out in advance, and then agreeing to sign the bill immediately, not waiting the full 30 days.

LEG. FOLEY:

Correct, right. Right.

MR. SABATINO:

And then getting it filed with the Secretary of the State on an expedited basis.

LEG. FOLEY:

While, certainly, it is a confined period of time, it's not out of the realm of possibility; is that correct?

MR. SABATINO:

That's correct.

LEG. FOLEY:

Okay. Thank you.

P.O. TONNA:

Okay. Legislator Guldi, then Alden.

LEG. GULDI:

Yeah. I just -- you know, back to Legislator Haley's comments. Legislator Haley, you were out of the room for most of the testimony, but we had testimony that the LICVB pays approximately \$760,000 to 12 individuals without any Civil Service oversight.

LEG. HALEY:

I asked that question six months ago.

LEG. GULDI:

And proceeds to expend more than a million dollars a year by purchasing advertising, which is, as you know, essentially the business of handing out money. I think that we, as a policy-making body, have an obligation, before we facilitate the extension of that

agreement, to know what the terms of and details of that are. And the County Executive's refusal, which is what we're dealing with here, to agree to not extend the contract until that review is completed in connection with the extension of this litigation I think is reckless brinkmanship and I object to it. I suggest that it's an attempt to strip Legislative -- the Legislature of performing its proper function, which is oversight, review and policy. And I urge you all with me to not support this resolution until such time as we get the opportunity to review and ratify a renewal or extension of this agreement.

LEG. FOLEY:

Legislator Guldi, would you make the tabling motion?

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LEG. GULDI:

Yeah, I'll table it one more cycle if -- but I think that -- I'll table it to permit the change, but frankly, if they're not going to make the -- no, I won't, I will not table it. Let's vote it up or down now, because if we -- if they're playing brinkmanship, if we don't approve it tonight, they can bring it back with the change in it, they can bring it back with a CN with a change in it tonight, and they can bring it back with a change in it with a CN next meeting and still get the tax extended, so we won't be responsible for any fiscal irresponsibility because of their refusal to let the Legislature exercise its appropriate oversight and policy functions.

LEG. CARPENTER:

Mr. Chairman.

P.O. TONNA:

Okay. Legislator Alden is next.

LEG. ALDEN:

Paul, I think this question is to you. Is there a restriction on who we can actually go into contract with?

MR. SABATINO:

Under the current law, you mean?

LEG. ALDEN:

Under New York State Law.

MR. SABATINO:

No. The New York State legislation simply provides enabling authority to a county if it wishes to opt into extending or imposing a motel/hotel tax. All the State statute says is that --

LEG. ALDEN:

No. I meant as far as now we're going into contract with the Long Island Convention and Visitors Bureau. Is that a specific type of organization that we have to contract with, or can we do it ourselves? Can we do it in-house or hire an advertising agency?

MR. SABATINO:

All that the statute says is that you have to allocate two-thirds for tourism promotion. There's another section of State law, which is the Economic Development Act, which has some section in it which talks about entities that want to apply for matching State grants or State aid. In there, there's a definition of a tourism agency, but that's defined fairly generically, and it's not binding on this particular statute. So the answer is that, you know, as long as the agency would be performing the services contemplated by the local law, you could contract with them.

LEG. ALDEN:

Thank you.

LEG. D'ANDRE:

Mr. Chairman.

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LEG. CARPENTER:

Mr. Chairman.

P.O. TONNA:

Okay.

LEG. D'ANDRE:

Mr. Chairman.

P.O. TONNA:

Okay.

LEG. D'ANDRE:

Mr. Chairman.

P.O. TONNA:

Wait, wait. Let me just -- I heard a female "Mr. Chairman" and I think --

LEG. D'ANDRE:
Carpenter.

P.O. TONNA:
Okay. Legislator Carpenter, and then Legislator D'Andre.

LEG. CARPENTER:
Thank you. I heard something that was a little bit disturbing to me and I guess it was a statement you made, George. Everybody knows that advertising is a business of handing out money.

LEG. GULDI:
Basically.

LEG. CARPENTER:
It's not. Advertising is an investment that you make in your product, your service, your county. Why do you think that we have seen such a marked increase in sales tax revenues? A lot of it has to do, and I'm not -- that was a rhetorical question. I don't need an answer from you, so you could sit down.

LEG. CRECCA:
Go, Angie.

LEG. CARPENTER:
But without that kind of investment in our county, we have never seen these kinds of brochures and marketing collateral material for tourism on Long Island, and particularly in Suffolk County, in years, certainly not before the hotel/motel tax. And that investment in our County, in our wine region, in our farmstands, in our beaches, in our golf courses, we've got to let people know about it, and this is what advertising is. It's not, as I heard tonight, just handing out money, it's an investment. You've got to spend money to make money. And for us to be successful as a county, for us to continue to see increases in sales tax revenues, we've got to market ourselves as a region, as a destination, and we are doing that through the Long Island Visitors

and Convention Bureau.

And I think we ought to remember, too, that we participate in that process. We participate because the Commissioner of Economic

Development, Alice Amrhein, serves on that board, George Gatta, Deputy County Executive, serves on that board. There are many representatives of Suffolk County who protect our interests, and I think that we are really just micromanaging here. We're confusing the issue. We're supposed to be approving the extending of the tax and I think that's what we should just do tonight.

LEG. D'ANDRE:
Mr. Chairman.

P.O. TONNA:
Legislator D'Andre.

LEG. D'ANDRE:
I'm very disturbed about the fact we're playing one-upmanship with the County Executive as if he were an ogre and we were going to lose all our power. We're here to run a County and run it together, and this is an important thing on these taxes. We have -- lucky to have a man like Hollander who's got a lot of talent running this, and we're looking to get this income, we're looking to get this show on the road. It's not who's going to outdo the County Executive or vice versa. I say you are the Presiding Officer, get this committee together, and let's get this thing passed.

P.O. TONNA:
Should I put my fist down on this one?

LEG. D'ANDRE:
Yes, you should.

P.O. TONNA:
Okay.

LEG. BINDER:
Mr. Chairman.

LEG. BINDER:
Legislator Binder, do you want to say something?

LEG. BINDER:
Yeah.

P.O. TONNA:
Okay.

LEG. BINDER:
I just want to echo the comments of Legislator Carpenter. I think --

P.O. TONNA:
Oh, not D'Andre?

LEG. BINDER:

Obviously, we took a little time last time to ask some questions, but I think -- I think we're really down to the last moments. And these are funds that make a really big difference to Suffolk County and to Long Island. And we're going to make a very important decision, and if we want to put this off -- if we put this off, then we're looking at lost revenue. And while I think it's admirable that maybe for the first time in a long time the Democratic Caucus is back together with caucused positions, it's a wonderful thing, maybe it's a good thing to see for some, but I think it's much more important that we get moving today, get this thing done. Let's get this going and let's make sure we do the oversight. As Legislator Guldi said, it's an important function. Let's do the oversight. Let's make sure we bring them down to committee. Let's make sure we doggedly ask the questions we need answered. Let's make sure it happens. Let's make sure we do our oversight, but not at the expense of the money.

LEG. CRECCA:

Call the question, Mr. Chairman.

P.O. TONNA:

Okay. I think I'm going to do that.

LEG. GULDI:

Roll call.

LEG. D'ANDRE:

Call the question.

P.O. TONNA:

Wait.

LEG. CRECCA:

Call the question.

P.O. TONNA:

Yes. The question is --

LEG. CRECCA:

Motion to -- I think we have a motion.

P.O. TONNA:

Motion to approve and a second.

MR. BARTON:
Yes.

P.O. TONNA:
All right. Let me guess. Somebody going to yell roll call?

LEG. GULDI:
Roll call.

LEG. BISHOP:
Roll call.

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LEG. CRECCA:
Roll call.

P.O. TONNA:
Roll call.

(*Roll Called by Mr. Barton*)

P.O. TONNA:
Yes.

LEG. HALEY:
Yes.

LEG. COOPER:
Abstain.

LEG. BINDER:
Yes.

LEG. POSTAL:
Abstain.

LEG. BISHOP:
Abstain.

LEG. D'ANDRE:
Yes.

LEG. CRECCA:
Pass.

LEG. CARPENTER:
Yes.

LEG. ALDEN:
Yes.

LEG. FIELDS:
Abstain.

LEG. FOLEY:
No.

LEG. FISHER:
Abstain.

LEG. CARACAPPA:
Yes.

LEG. TOWLE:
(Not Present)

LEG. GULDI:
No.

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LEG. CARACCIOLO:
No.

LEG. LEVY:
Abstain.

LEG. CRECCA:
Motion to table.

P.O. TONNA:
I'll second that.

LEG. ALDEN:
Let it fail.

LEG. BISHOP:
Motion to table to when?

LEG. CARPENTER:
Next meeting.

LEG. ALDEN:
Let it go. Let the money go. Let it go. Get rid of the tax.

P.O. TONNA:
Okay.

MR. BARTON:
Mr. Chairman are you recognizing --

P.O. TONNA:
There's a motion. There's a motion to table and a second by myself.
All in favor? Opposed?

LEG. GULDI:
Roll call on the motion to table.

LEG. BINDER:
Opposed.

P.O. TONNA:
Okay. Opposed, Legislator Binder.

LEG. GULDI:
Roll call.

P.O. TONNA:
Okay. Roll call.

(*Roll Called by Mr. Barton*)

LEG. CRECCA:
Yes to table.

P.O. TONNA:
Yep.

LEG. COOPER:
No.

LEG. BINDER:

No.

LEG. POSTAL:
No.

LEG. BISHOP:
Pass.

LEG. D'ANDRE:
Yes to table.

LEG. CARPENTER:
Yes.

LEG. ALDEN:
Pass.

LEG. FIELDS:
No.

LEG. FOLEY:
Yes to table.

LEG. HALEY:
Yes.

LEG. FISHER:
No.

LEG. CARACAPPA:
Yes.

LEG. TOWLE:
(Absent)

LEG. GULDI:
No.

LEG. CARACCIOLO:
Yes.

LEG. LEVY:
Yes.

LEG. BISHOP:
This is to table to when?

P.O. TONNA:
To the next meeting, Dave, like when we normally say table. When do you want it to?

LEG. BISHOP:
I want to table.

LEG. LEVY:
To January 4th.

P.O. TONNA:
Is there something with your mind?

LEG. LEVY:
That's the problem, there's nothing with his mind.

P.O. TONNA:
Whoa.

LEG. CRECCA:
Did he say no? Withdraw -- I'm withdrawing my motion to table.

LEG. HALEY:
Wait a minute. Wait a minute. She changed the vote.

P.O. TONNA:
No, no. Can I say something.

LEG. GULDI:
Motion to table is withdrawn.

P.O. TONNA:
Just don't be impatient. Hang in there.

LEG. BINDER:
We're waiting for Bishop to vote.

P.O. TONNA:
What did you say, no? Hang in there.

LEG. BISHOP:
Yes, I said no.

MR. BARTON:
Legislator Alden.

P.O. TONNA:
This is a crisis. Don't look at anybody, Cameron, you've got to do this one on your own. No time out.

LEG. CARACAPPA:
He needs a yellow flag.

LEG. ALDEN:
Yes to table. That's to table.

P.O. TONNA:
All right, table. No, that's a time-out sign.

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LEG. FISHER:
Yes.

LEG. ALDEN:
I'll be back in a minute.

MR. BARTON:
You said yes?

LEG. FISHER:
Yes.

MR. BARTON:
Thank you.

LEG. BINDER:
Change my vote to a yes, Henry.

MR. BARTON:
12. (Absent: Leg. Towle)

P.O. TONNA:
There you go.

LEG. ALDEN:
Down with the tax.

P.O. TONNA:
Okay. Let's move on with the agenda. We've dealt with the hidden agenda, now let's go on. Okay. There is a -- that's tabled.

LEG. CARACAPPA:

Motion to approve 1990.

P.O. TONNA:

It's funny, I wrote that down already. 1964 (Authorizing Greenways infrastructure improvements fund grant for "The Wedge" property in the Town of Brookhaven). Is there a motion?

LEG. HALEY:

Mr. Chairman, to table. That's not -- we haven't purchased that property yet.

LEG. GULDI:

Mr. Chairman, before --

P.O. TONNA:

Okay. So you make a motion to table?

LEG. CRECCA:

I'll second it.

LEG. HALEY:

Yes.

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P.O. TONNA:

All right. Seconded by myself. All in favor? Opposed? Tabled.
Legislator Guldi.

MR. BARTON:

17. Present: (Absent: Leg. Towle)

LEG. GULDI:

Yeah. I wanted to discharge the two bills that have been circulated, 1833 --

P.O. TONNA:

Okay. Can we --

LEG. GULDI:

-- and 2041, so that they can age --

P.O. TONNA:

One more. One more, George.

LEG. GULDI:

-- the hour before you take a break. Do the one more.

P.O. TONNA:

Yeah, we'll do it before we take a break.

LEG. LEVY:

We're taking a break?

P.O. TONNA:

Okay. Yeah, we're going to take a dinner break.

LEG. LEVY:

Why.

P.O. TONNA:

I'll tell you in a second.

LEG. HALEY:

Go ahead.

LEG. GULDI:

People are hungry.

P.O. TONNA:

1990A (Appropriating funds in connection with the purchase of emergency backup generator for Special Patrol Bureau-Suffolk County Police Department). Is there a motion? I'll make a motion.

LEG. CARPENTER:

Second.

P.O. TONNA:

Is there a second?

LEG. CARACAPPA:

Second.

P.O. TONNA:

Okay. Second by Legislator Carpenter.

LEG. GULDI:
On the motion.

P.O. TONNA:
On the motion.

LEG. CARACAPPA:
Here we go.

LEG. GULDI:
The problem I have with this resolution is a priorities problem and a discussion. I mean, we heard the Commissioner testify that the generator, \$100,000 worth, is to open the door on a hangar? You know how we operate our bridges with a backup system in this county?

LEG. ALDEN:
Crank.

LEG. GULDI:
Hand cranks and Mikita drills. You know how we operate our airport, the one we own, in this County in the event of a power failure?

LEG. ALDEN:
When you're flying, hand cranks.

LEG. GULDI:
We don't. We have no backup generation for the instrument landing system, the landing lights, the runway lights, the taxi lights, etcetera. So --

LEG. BISHOP:
We've unleashed a monster tonight.

LEG. GULDI:
Not anymore.

LEG. CRECCA:
Whose district is that in?

LEG. GULDI:
There is no generation system to operate our own airport, yet we ought to have a generation system to operate the coffee pot? I think it's a question of priorities. I think that until -- unless and until we at least keep our County airport operational in the event of an emergency or a power outage, that we -- that the living quarters at the Emergency Services Aviation Division for the Police Department to get by with an alternate backup system for opening the hangar door at Islip MacArthur Airport.

P.O. TONNA:

Okay. Thank you, Legislator Guldi, for those kind words. Let's move on now. Do we have a vote here?

LEG. CRECCA:

Call the question.

LEG. CARPENTER:

We have a motion and a second.

P.O. TONNA:

We have a motion and a second?

LEG. CARACCIOLO:

On the motion. Could the Chair of Public Works comment on this --

LEG. FOLEY:

Public Safety.

LEG. CARACCIOLO:

Oh, I'm sorry, Public Safety, Chair of Public Safety.

P.O. TONNA:

Oh, that will even be better.

LEG. CARACCIOLO:

Dave, was the characterization --

LEG. BISHOP:

I will comment -- I will comment on it to the extent that, please, do not send this back to Public Safety, where it's been sent four times.

P.O. TONNA:

Okay.

LEG. BISHOP:

Where we've gone over it ad infinitum.

LEG. CARACCIOLO:

My question was --

LEG. BISHOP:

The problem seems to be one of a Public Works Committee problem, that Legislators blanch at the thought of spending 20% on --

LEG. CARPENTER:

Ten percent.

LEG. BISHOP:
Ten percent on --

LEG. GULDI:
That's another bill, that's not this bill.

LEG. CARACCIOLO:
That's a different bill.

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P.O. TONNA:
That's okay, Dave. Never mind.

LEG. BISHOP:
Isn't this the one that keeps getting --

LEG. CRECCA:
No, that's the bathroom one.

P.O. TONNA:
Dave, do you want to use one of our lifelines?

LEG. BISHOP:
Yes, I am. Legislator Postal is calling on --

LEG. POSTAL:
Yes.

P.O. TONNA:
Okay.

LEG. POSTAL:
Yeah. Could I --

P.O. TONNA:
Go ahead, Legislator Postal.

LEG. POSTAL:
Yeah. There are really two issues here. The first issue is that I think that the title of this resolution is really --

LEG. CARACCIOLO:

Maxine, excuse me. I think I had the floor and I had a question to the Chairs.

LEG. POSTAL:

Yeah, I was answering your question. He deferred to me.

LEG. CARACCIOLO:

Well, my question specifically was the characterization by Legislator Guldi, was it accurate? Was it a fair and accurate --

LEG. POSTAL:

No.

LEG. CARACCIOLO:

-- portrayal --

LEG. POSTAL:

No.

LEG. CARACCIOLO:

Of what this capital project does?

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LEG. POSTAL:

No.

LEG. CARACCIOLO:

Could you please elaborate?

LEG. POSTAL:

Yes.

P.O. TONNA:

Yes. That's the lifeline.

LEG. POSTAL:

It's a lot more. It's actually to reconfigure the entire aviation facility at the airport.

LEG. GULDI:

No, that's a different bill.

LEG. POSTAL:

It's a different one?

LEG. GULDI:
Yeah.

LEG. POSTAL:
Sorry, sorry.

LEG. GULDI:
This one is only about the generator.

LEG. POSTAL:
David, you're on your own.

LEG. CARPENTER:
It's the generator.

P.O. TONNA:
That's two. That's two.

P.O. TONNA:
Okay.

LEG. CARACAPPA:
Poll the audience.

P.O. TONNA:
Yeah, right, I know.

LEG. ALDEN:
Mikes still asking the question.

P.O. TONNA:
Okay.

LEG. CARACCIOLO:
Well, now we have to go to the real authorities.

P.O. TONNA:
Right. What is your final answer?

LEG. CARACCIOLO:

Legislative Counsel and Budget Review.

LEG. FOLEY:

Let's go to the videotape.

LEG. CARACCIOLO:

Fred, could you give us a description of this capital project?

MR. POLLERT:

Legislator Guldi is essentially correct, it's an emergency generator to power the building. Currently, when the power is out, they have to manually open and close the doors, and they feel that there is a potential Workmans Compensation risk, as well as a potential hazard to the employees.

LEG. CARACCIOLO:

Okay. Who's our Workers Comp expert?

MR. POLLERT:

That would be Phil Bauccio.

LEG. CARACCIOLO:

I see Phil in the audience.

LEG. HALEY:

Hey.

LEG. BINDER:

Just happens to be here.

LEG. FOLEY:

Phil, this could be --

LEG. CARACCIOLO:

I knew that.

LEG. FOLEY:

Phil, this could be the deciding factor here on what we do on some other resolutions.

LEG. CARACCIOLO:

So, Mr. Bauccio could you please tell us where, from your experience and possible evaluation of the conditions at the facility, as to whether or not this is a warranted capital project, and is this expenditure of \$100,000 appropriate?

MR. BAUCCIO:

I'm not familiar with that facility and whether or not --

P.O. TONNA:

Either are a few Legislators, by the way.

MR. BAUCCIO:

I am not aware of any workers comp --

LEG. CARACCIOLO:

Wait a minute. Wait a minute, Phil.

MR. BAUCCIO:

I'm not aware of any Workers Compensation issues that have come from that facility or from that situation. I could check into it and see if there's anything that, you know, that has happened in the recent months, but I'm not aware of any situation of any seriousness that has come out of that facility.

LEG. CARACCIOLO:

The generator -- this is not for you. Thank you, Phil.

MR. BAUCCIO:

Okay.

LEG. CARACCIOLO:

Fred or Paul, or anyone on the committee that heard statements or a presentation made on its behalf, the generator is solely for that purpose? Does it provide emergency generation for the facility in total?

MR. POLLERT:

Yes, it does.

LEG. CARACCIOLO:

And how large is the facility, what is contained within the facility, and what would be the purpose of the emergency generation?

MR. POLLERT:

It's actually two facilities. One is the hangar, one is the emergency services group. It would also provide emergency generating for their computers, the lights. The generator would be sufficiently sized to operate the two. Right now, there is an emergency generator, but it is inadequately sized. We had thought originally that because the Police Department had requested a number of generators, it might have been possibly to transfer the generator from Timber Point to take care of the hangar. They didn't feel that was an adequate type of solution. Public Works felt it would be a better solution to have a single large generator.

LEG. CARACCIOLO:

So Public Works then has indicated that this particular capacity generator is necessary.

MR. POLLERT:

That was as part of the Capital Program review. We also had concerns about the cost of the generator. This project had been requested for a number of years. We actually contacted one or two generator firms. The problem was that when Public Works originally came up with the

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specifications, they had given us the wrong specifications. We thought it could be done cheaper, then they revised the specifications. And it's a relatively expensive generator hookup in part, because they want to have so many days worth of stand-by power in case power is knocked out.

LEG. CARACCIOLO:

And the primary purpose, Legislator Guldi, is to allow the officers at this facility to be able to open the hangar doors to allow egress and --

LEG. GULDI:

The Commissioner of --

LEG. CARACCIOLO:

Well, right, emergency helicopters.

LEG. GULDI:

Well, this Commissioner testified this morning that that was the primary purpose. Then the Commissioner of Public Works clarified that it would also power the entire building and all of its operations, etcetera. Frankly, it's -- I'm not objecting to the use of the proposal, I'm saying it's a question of priorities. There are certainly short-term -- shorter solutions that could be made in the event of an emergency for that facility, yet at the facility that we are the sponsor of and owner of, we have no provision for any backup generation for any of the navigation, operation, or communication or lighting systems, all of which would be necessary in a similar emergency.

LEG. CARACCIOLO:

It seems to me, then, that as the individual who represents the Gabreski Airport facility, that you may want to consider sponsoring legislation to do that.

LEG. GULDI:

I did, it's in the budget.

P.O. HALEY:

All right. And we'll probably support it.

LEG. GULDI:

And I think my colleagues moved it to future years in the Capital Program.

P.O. TONNA:

Okay, great.

LEG. HALEY:

All right.

P.O. TONNA:

Now, where are we? Where --

LEG. CARACCIOLO:

There's a motion before you.

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P.O. TONNA:

There's a motion and a second?

LEG. CRECCA:

Motion.

P.O. TONNA:

Second.

LEG. CRECCA:

Call the question.

LEG. CARACAPPA:

On --

P.O. TONNA:

Okay. It's a roll call vote. Oh, Legislator Carpenter. Let's just vote.

LEG. CARPENTER:

I just -- all right.

LEG. CRECCA:
Let's just call the question. Go ahead.

LEG. HALEY:
Take my name off the list.

P.O. TONNA:
Thank you. Oh, do you want your name on it? No.

LEG. HALEY:
No, that's all right.

P.O. TONNA:
Roll call, please.

MR. BARTON:
Legislator Tonna.

LEG. BISHOP:
Wait. I have a question.

P.O. TONNA:
Oh, you do. Okay. Wasn't this the piece that in the committee time and time and time again?

LEG. BISHOP:
Well, that's what I -- that's what -- Legislator Postal and I, who both rendered the wrong opinion, because we have the wrong legislation, are confused. There is no doubt --

LEG. HALEY:
Do you live in Florida?

LEG. BISHOP:
-- that the legislation -- there was a piece of legislation that the Public Safety Committee has gone over a number of times --

P.O. TONNA:
Right.

LEG. BISHOP:

-- that's bounced back and forth.

P.O. TONNA:

Right. That was tabled subject to call last meeting.

LEG. BISHOP:

Right. Okay. Is that where it is? We're wondering where it is.

P.O. TONNA:

It's tabled subject to call. Last meeting there was a motion, tabled subject to call.

LEG. BISHOP:

That's the Special Patrol Bureau?

P.O. TONNA:

That's the one that -- yes. No that was the one with regard to the planning money for the showers.

LEG. BISHOP:

Right.

P.O. TONNA:

Okay.

LEG. BISHOP:

You call it the planning money for the showers, they call it the necessary addition second story.

P.O. TONNA:

Right, which the Commissioner spoke about today.

LEG. BISHOP:

Right.

P.O. TONNA:

Okay. This is the --

LEG. BISHOP:

Okay. We did discuss that at Public Safety again --

P.O. TONNA:

Okay, good.

LEG. BISHOP:

-- at the last meeting. And we are prepared as a Committee to endorse that project. And I was going to -- and I was saying --

P.O. TONNA:
Right, but that's not this resolution.

LEG. BISHOP:
Right.

P.O. TONNA:
Okay. Everyone's clear now?

LEG. CRECCA:
Call the roll.

P.O. TONNA:
Roll call, please.

LEG. CARPENTER:
Can we just clarify that this is the resolution for the emergency generator for the Special Patrol Bureau, which is the emergency airport, where when there's an emergency and a helicopter has to be sent on a life-saving mission, they should have the backup.

LEG. HALEY:
He's got to respond to it. Then why bother --

LEG. CRECCA:
No. That was a rhetorical question.

LEG. CARPENTER:
Right.

LEG. CRECCA:
Please call the roll.

P.O. TONNA:
All right. Henry.

(*Roll Called by Mr. Barton*)

P.O. TONNA:
Yes.

LEG. CARPENTER:
Yes.

LEG. COOPER:
Yes.

LEG. BINDER:

Yes.

LEG. POSTAL:
Yes.

LEG. BISHOP:
Yes.

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LEG. D'ANDRE:
Yes.

LEG. CRECCA:
Yes.

LEG. ALDEN:
No.

LEG. FIELDS:
Yes.

LEG. FOLEY:
Yes.

LEG. HALEY:
Yes.

LEG. FISHER:
Yes.

LEG. CARACAPPA:
Yes.

LEG. GULDI:
No.

LEG. CARACCIOLO:
Yes.

LEG. LEVY:
Yes.

MR. BARTON:
15. (Absent: Leg. Towle)

P.O. TONNA:
Okay.

LEG. POSTAL:
Mr. Chairman.

P.O. TONNA:
Just wait. No. I'm recognizing Legislator Haley first.

LEG. POSTAL:
No problem.

P.O. TONNA:
Then Legislator Postal, then Legislator Guldi, if he can get his act together here.

LEG. GULDI:
Yeah.

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P.O. TONNA:
Legislator Haley, you're first.

LEG. HALEY:
Motion to --

P.O. TONNA:
And then we're going to dinner.

LEG. HALEY:
Motion to lay on the table --

LEG. CRECCA:
We're going to vote on the bond.

P.O. TONNA:
Go ahead.

LEG. HALEY:
Motion to lay on the table and to cook for an hour 1916.

LEG. GULDI:

Read the title.

LEG. HALEY:
Legislator -- it's a resolution implementing purchase of mobile
veterinary clinic.

LEG. GULDI:
Oh, okay.

LEG. HALEY:
And what we're doing is we're giving this to the SPCA. The backup is
in there.

P.O. TONNA:
I second.

LEG. HALEY:
And, please, for the record, Legislator Bishop is a cosponsor.

LEG. LEVY:
I am, too.

LEG. HALEY:
And Legislator Levy is a cosponsor.

P.O. TONNA:
Okay. There's a motion and a second. I seconded it.

LEG. POSTAL:
What's the motion? I'm sorry.

P.O. TONNA:
All in favor? Opposed?

LEG. POSTAL:
To discharge?

P.O. TONNA:
Just to discharge it.

LEG. GULDI:
Discharge and age.

P.O. TONNA:
And age for an hour.

LEG. POSTAL:
Okay.

P.O. TONNA:
All in favor? Opposed?

MR. BARTON:
1915?

LEG. GULDI:
1916.

LEG. HALEY:
1916.

MR. BARTON:
16. Thank you.

P.O. TONNA:
It was a good year.

P.O. TONNA:
Show the cosponsors, Levy and Bishop, as well, please.

P.O. TONNA:
Okay. We're done with that. Legislator Postal.

LEG. POSTAL:
Yes. I would like to make a motion to call up a resolution that was
tabled subject to call, I.R. 1715-2000.

P.O. TONNA:
Is this is the police one?

LEG. POSTAL:
Which is the Special Patrol Bureau construction.

P.O. TONNA:
Right. There's a motion --

LEG. CARPENTER:
Second.

LEG. BISHOP:
Second.

P.O. TONNA:
-- by Legislator Postal, seconded by Legislator Bishop. All in favor?

LEG. FISHER:
Is there a copy of that?

P.O. TONNA:
Opposed? Okay, it's coming. All in favor? Opposed? This is the one we've went on -- this is just to -- just to --

LEG. POSTAL:
This is the one where we were going to explain --

P.O. TONNA:
Just to discharge it back, right?

LEG. POSTAL:
Right.

LEG. CRECCA:
Yes.

P.O. TONNA:
Okay.

LEG. POSTAL:
To put it back.

P.O. TONNA:
Fine. All in favor? Opposed? What do you got, Henry?

MR. BARTON:
17. (Absent: Leg. Towle)

P.O. TONNA:
17 and 1. Okay, there you go.

MR. BARTON:
One not present.

P.O. TONNA:
All right, great. Legislator Guldi.

LEG. GULDI:
1833, resolution amending the Capital Budget appropriation of funds in

connection with the acquisition of farmlands in East Hampton known as Jacobs Farm.

LEG. CARACCIOLO:
Question.

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LEG. GULDI:
1833. Yes.

LEG. CARACCIOLO:
How much would this acquisition cost?

LEG. GULDI:
\$4.5 million. And when we get to discuss the merits, I'll discuss it at length. This is a motion to discharge and age for an hour. It's coming out of Parks.

P.O. TONNA:
Okay. I just have to ask the Chairman of Parks

LEG. HALEY:
Is there a second?

LEG. CRECCA:
Why would it go through Parks?

P.O. TONNA:
Legislator Fisher?

LEG. GULDI:
Legislator Fisher.

LEG. FISHER:
Oh, I'm sorry.

P.O. TONNA:
Are you going to second it?

LEG. GULDI:
On Jacobs Farm.

P.O. TONNA:

This is a discharge out of Parks.

LEG. GULDI:
Out of your Parks Committee.

LEG. FISHER:
Yes.

P.O. TONNA:
Okay. Second by Legislator Fisher.

LEG. CARACCIOLO:
On the motion.

P.O. TONNA:
This is just to discharge.

LEG. CARACCIOLO:
I understand. I am requesting that we have representatives from the Division of Real Estate to provide the Legislature with an update of

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expenditures.

LEG. BISHOP:
Oh, my God.

LEG. CARACCIOLO:
What do you mean, "Oh, my God?" I mean --

P.O. TONNA:
All right. Hold it, hold it.

LEG. CARACCIOLO:
We're talking about millions of dollar here.

P.O. TONNA:
Okay.

LEG. CARACCIOLO:
\$16 million have already been spent on the South Fork of this County this year. There's another \$41/2 million. You know, nobody's keeping track.

P.O. TONNA:

Okay. Could I just -- just one thing at a time, please. Can we vote on a discharge, just to discharge it?

LEG. HALEY:
Roll call.

P.O. TONNA:
No. Just all in favor? Opposed?

MR. SABATINO:
Before you vote, though.

LEG. HALEY:
Opposed.

LEG. BINDER:
Opposed.

MR. SABATINO:
Before you vote --

MR. BARTON:
There is no second.

P.O. TONNA:
Go ahead.

LEG. GULDI:
I'll second.

MR. SABATINO:
Before you note -- before you vote --

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LEG. GULDI:
Put me as a second.

P.O. TONNA:
Okay.

MR. SABATINO:
The reason it's been tabled in committee is because it needs a corrected copy. It's lacking the requisite Capital Budget offset. It's got the increase, but not the offset. That's the only reason

it's been tabled in committee, so --

LEG. BINDER:

All right. Forget it. Never mind.

P.O. TONNA:

Okay. Georgie. Georgie.

LEG. GULDI:

I'll defer it for an hour. We'll deal with it over the dinner break.

P.O. TONNA:

So you want to -- you want to discharge it anyway, even though this is

--

LEG. GULDI:

And I would like to discharge it anyway, but if there's a --

LEG. LEVY:

He didn't say that, he said he'd defer.

LEG. GULDI:

If Counsel's right and there's a necessary amendment --

P.O. TONNA:

Okay.

LEG. GULDI:

-- the County Executive's --

P.O. TONNA:

Okay. Call the vote. All in favor?

LEG. LEVY:

No, no.

P.O. TONNA:

Opposed?

LEG. LEVY:

No, no, no. He said he's not going to push it now, he's going to do it over the dinner break.

LEG. GULDI:

No. Let's -- no. He's right, let's discharged it. That's not what I said. Let's discharge it.

LEG. LEVY:
No.

P.O. TONNA:
The Presiding Officer --

LEG. GULDI:
Who's my second.

LEG. LEVY:
That's not what you said.

P.O. TONNA:
The Presiding --

LEG. LEVY:
Didn't he say he was going to defer?

LEG. GULDI:
I said both, Levy.

P.O. TONNA:
Listen to me.

LEG. GULDI:
You've got to listen to each word. It's tricky like that.

P.O. TONNA:
There's a vote by Legislator Guldi and a second by Legislator Fisher.

LEG. FISHER:
No, I'm withdrawing my second if it's not complete.

P.O. TONNA:
Okay.

LEG. LEVY:
There you go.

P.O. TONNA:
Georgie.

LEG. LEVY:
Now defer.

P.O. TONNA:
You know what, George, here, here you go. Listen to me. All right?
I'll second it, just -- but you realize --

LEG. GULDI:
Obviously --

P.O. TONNA:
-- if it's defective, I'm not voting for it.

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LEG. GULDI:
Obviously, we're going to have to -- we're going to have to support it on the merits, if they have the votes. I just want to discharge it, so it ages the hour, so we can deal with it later.

P.O. TONNA:
Okay, fine. All in favor? Opposed?

(Opposed Said in Unison by Legislators)

P.O. TONNA:
Okay.

LEG. CRECCA:
Roll call.

P.O. TONNA:
Binder. Okay.

LEG. GULDI:
Withdrawn.

LEG. CRECCA:
Roll call.

P.O. TONNA:
Withdrawn.

LEG. GULDI:
Let's do it later.

LEG. FISHER:
Yes.

P.O. TONNA:
There you go. Good. Okay. All -- anybody else? All right. I'm calling a recess until 8:30. Okay?

[THE MEETING WAS RECESSED AT 6:00 P.M. AND RESUMED AT 8:55 P.M.]

P.O. TONNA:
Roll call, Henry.

(*Roll Called by Mr. Barton*)

LEG. CARACCIOLO:
Here.

LEG. GULDI:
Here.

LEG. TOWLE:
(Absent)

LEG. CARACAPPA:
Here.

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LEG. FISHER:
Here.

LEG. HALEY:
Here.

LEG. FOLEY:
Present.

LEG. FIELDS:
Here.

LEG. ALDEN:
Here.

LEG. CARPENTER:
Here.

LEG. CRECCA:
Here.

LEG. D'ANDRE:
Here.

MR. BARTON:
Legislator Bishop.

P.O. TONNA:
Legislator Bishop's here, he's right behind you.

LEG. POSTAL:
Here.

LEG. BINDER:
Here.

LEG. COOPER:
Here.

LEG. LEVY:
Here.

P.O. TONNA:
Here.

MR. BARTON:
17 present, Mr. Chairman. (Absent: Leg. Towle)

P.O. TONNA:
Okay. Let's get moving, so we can roll through this, okay?

WAYS AND MEANS

All right. Ways and Means. I make a --

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MS. BURKHARDT:
Page 7.

P.O. TONNA:
Page 7, everybody. Okay. Vivian. Okay. I make a motion to approve
2005 (Approving the appointment of John Armentano as a member of the
Suffolk County Ethics Commission).

LEG. BINDER:
Second.

P.O. TONNA:
Seconded by?

LEG. BINDER:
Second.

P.O. TONNA:
Who? Seconded by Legislator Binder.

LEG. BINDER:
And I'd like to cosponsor, Mr. Chairman.

P.O. TONNA:
Okay, good. Okay. All in favor? Opposed?

MR. BARTON:
17, 1 not present. (Absent: Leg. Towle)

P.O. TONNA:
Great.

LEG. CARACAPPA:
Motion.

P.O. TONNA:
Motion by --

LEG. GULDI:
2050, motion.

P.O. TONNA:
Resolution, Introductory Resolution 2050 (Approving payment of General code Publishers for Administrative Code). Motion by Legislator Guldi, seconded by Legislator Caracappa. All in favor? Opposed?

MR. BARTON:
17, 1 not present. (Absent: Leg. Towle)

P.O. TONNA:
Okay. 2057 (Authorizing conveyance of parcel to Town of Babylon (Economic Opportunity Council of Suffolk, Inc.) Section 72-h, General Municipal Law).

LEG. CRECCA:
Maxine.

P.O. TONNA:

Okay.

LEG. POSTAL:

I'm sorry, motion to approve.

P.O. TONNA:

Seconded by --

LEG. POSTAL:

Excuse me. Motion to table.

P.O. TONNA:

Motion to table.

LEG. POSTAL:

Motion.

P.O. TONNA:

Seconded by?

LEG. POSTAL:

Yeah, because --

LEG. CRECCA:

I'll second it.

LEG. POSTAL:

-- I'm waiting for the resolution from the Town of Babylon.

MS. BURKHARDT:

Second. Paul, we need a second.

LEG. CRECCA:

I seconded it.

LEG. GULDI:

Second.

LEG. CARACAPPA:

All in favor? Opposed?

P.O. TONNA:

Okay. I'll make a -- let's get back to this. 2057, there's a motion to table?

LEG. POSTAL:

Table.

LEG. CRECCA:

Second.

P.O. TONNA:
Second by Legislator?

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LEG. POSTAL:
Guldi.

P.O. TONNA:
Guldi. All in favor? Opposed? Tabled.

MR. BARTON:
17, 1 not present. (Absent: Leg. Towle)

P.O. TONNA:
2058 (Authorizing the waiver of interest and penalties for property tax for Blue Point Fire District).

LEG. FOLEY:
Motion to approve.

P.O. TONNA:
Motion to approve by Legislator Foley, seconded by Legislator Levy?

LEG. CRECCA:
Explanation.

LEG. LEVY:
Yeah, this was --

LEG. GULDI:
Second.

LEG. LEVY:
-- government error.

P.O. TONNA:
All in favor? Opposed?

LEG. BINDER:
Explanation, so I understand the government error.

LEG. LEVY:

The Town conceded that there was an error by the Assessor for the Blue Point Fire Department.

P.O. TONNA:
Okay.

LEG. BINDER:
Good.

P.O. TONNA:
All in favor? Opposed? Approved. 2067.

MR. BARTON:
17, 1 not present. (Absent: Leg. Towle).

P.O. TONNA:
(2067-Authorizing conveyance of parcel to Central Islip School District, Town of Islip (Section 72-h, General Municipal Law).

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LEG. FIELDS:
Motion to approve.

P.O. TONNA:
Motion by Legislator Fields. Seconded by?

LEG. CARPENTER:
Second.

P.O. TONNA:
Seconded by Legislator Carpenter. Can I just ask on this one, it's conveyance of a parcel to Central Islip. Why are we giving another municipality land? I know we've done it before. I've always been opposed to it.

LEG. FIELDS:
It's an abandoned former crack house that the community has tried to repair and keep in orderly condition, and the school can use it for administration purposes.

P.O. TONNA:
What's the assessed value?

LEG. FIELDS:

I don't know if we --

P.O. TONNA:
Fred, or if Jim --

LEG. LEVY:
If I could interject while he's looking for that. I would just note that we had representatives from the school administration come down and the civic association.

P.O. TONNA:
Yeah, who are going to say they're for it.

LEG. LEVY:
Well, but beyond that, we in the County have had this and we only have to pay money into it, which we're not doing, so it's becoming more dilapidated, and they're actually going to take it off the County's hands, so the County doesn't have to maintain it. They've already put money into it, so --

P.O. TONNA:
The only thing I'm concerned about is how much is the -- how much is it worth, and is that what we're charging? Do we have that?

LEG. LEVY:
No, not --

P.O. TONNA:
Do we have that idea?

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LEG. LEVY:
Not when you're transferring it to the other municipality. It's not like it's going to private --

P.O. TONNA:
Well, we could put this on auction, right? I mean, it has value, doesn't it? Listen, we had the same thing with Joe Rizzo and a resolution, what, last -- a couple of years ago, yeah, and we went through the same dynamic that time, which was --

LEG. LEVY:
Well, there must be a difference here.

P.O. TONNA:

-- how do we transfer --

LEG. FOLEY:

Can we hear from Counsel?

P.O. TONNA:

-- land to a municipality, and if we do --

LEG. FOLEY:

This, maybe it's a good point. If we could hear from Counsel as to how this is different than what happened in East Islip.

P.O. TONNA:

I want to hear about the values first. You know, we went over about a car worth \$200 when we said that cars are worth more. I want to know about the land.

MR. SABATINO:

Okay. Well, just two points. One is, to answer the second question first, it's identical to what was done in East Islip, except that, you know, this is \$9 more than what was the transfer in the Rizzo bill. But it's nominal consideration, because under Section 72-h of the New York General Municipal Law, the Legislature sets the terms and conditions. So regardless of what the value is, the authority is granted by the State Legislature to the County.

P.O. TONNA:

Well, I'm not saying that we're doing something that's unlawful. I don't think it would be on the agenda.

MR. SABATINO:

No, no. The statement was made that it was different from what was done with Legislator Rizzo's. Just the opposite, it's exactly --

LEG. FOLEY:

It's the same, okay.

MR. SABATINO:

-- the same. The only difference --

P.O. TONNA:

No, I didn't say it was different, I said it was the exact same thing.

MR. SABATINO:

No, somebody said it was -- somebody said it was different.

LEG. CARPENTER:

On the motion.

LEG. FOLEY:

On the motion.

P.O. TONNA:

Yes. Hold it.

LEG. FOLEY:

After Angie.

P.O. TONNA:

Legislator Foley.

LEG. FOLEY:

No, Angie was --

P.O. TONNA:

Oh, Legislator Carpenter, go ahead.

LEG. CARPENTER:

I had stepped out of the room, so I don't know if I'm repeating something that may have been said, but when the Superintendent came down and the head of the Civic Council, Nancy Manfredonia, they have said that this particular parcel over the years has been -- has been very problematic. In fact -- in fact, the school district has maintained it, and the Civic Council has maintained it. So they have spent, you know, sums of money over the years trying to remove this blight and eyesore from the community. It's right on Wheeler Road, it's right on Carlton Avenue, Wheeler Road there, right on the main drag, and in an area where we've spent so many resources with -- you know, on Carlton Avenue, the Ball Park, everything that's happening along there, for the school to finally take this over and use it -- it is, it's a good use.

P.O. TONNA:

The only concern that I have, and I'll vote for the resolution --

LEG. CARPENTER:

Well, you know what, can I just say one thing? And I remarked on this in committee. I really applauded them, because, you know, we've talked about smart growth, and, of course, Legislator Fields has been out in the forefront on it, but here is an instance where they're going to, instead of going forward, having their voters pass a bond referendum, as many of our school districts are doing, they looked for a more innovative way. They're reusing what was an eyesore and they're moving their administrative offices into there and freeing up space.

So it really is a --

LEG. CRECCA:
May I?

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P.O. TONNA:

Just wait. Let me finish, and then Legislator Crecca. My only concern is this. I'm sure that it's a good project and I will vote for this. The only concern I have is that when we -- when we give one thing to another taxing authority, I -- you know how I've stood on this from the day that I've been in the Legislature. I just -- I just want to make sure that we're not turning things over to other taxing authorities when we have our own thing. If this is something that's good for the community, fine, but just in general, I just don't want to start snowballing --

LEG. CARPENTER:
No.

P.O. TONNA:
-- where now we start, you know --

LEG. CARPENTER:
And I think we've been judicious.

P.O. TONNA:
-- back-dooring other municipalities and giving them things like that.

LEG. CARPENTER:
No. We've been judicious in our application of this kind of use. You know, it is unique, and each one is unique, but, again, this is a reuse of a building that was a community eyesore, and it's all part of economic development. And, actually, the Division of Real Estate, if you remember correctly, you know, Legislator Levy can attest to this, they were happy to get rid of it.

LEG. LEVY:
Right.

LEG. CARPENTER:
Because it has been a problematic parcel --

LEG. LEVY:

That's the difference.

LEG. CARPENTER:

-- for us over the years. They have to go in, they have to board it up, the boards are ripped off, they have to go in and do a cleanup again, so it's cost us money over the years.

P.O. TONNA:

Okay.

LEG. LEVY:

And nobody wants it.

P.O. TONNA:

Legislator Crecca.

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LEG. CRECCA:

Yeah. My concern here, too, is, and I'm going to ask Legislative Counsel, under 72-h, my understanding was that it had to be for a public purpose. Well, it is, but again -- and I only ask this because, again, I think there's good reasoning that maybe there should be an exception here for this one, but if it's for a public purpose, I mean, giving it to a school district, well, that's public. Again, they are a taxing authority. That's my concern. It's different than when it goes to become a park or a civic association running it, or something like that, isn't it?

MR. SABATINO:

No. 72-h of the New York General Municipal Law is a State statute which says you can only give property under those circumstances to state government, federal government, school district, a village, a town, a municipality. You can't give it to a private party. All of those entities by definition can only use property for public purposes, they can't use property for private purposes. So by definition, what the State Legislature has said is that this is the one case in which you can directly, on whatever terms and conditions you want without going to public auction, give property directly to one of those jurisdictions.

LEG. CRECCA:

All right. So then that sort of answers one of my concerns.

LEG. POSTAL:
Mr. Chairman.

LEG. FOLEY:
Mr. Chairman. Paul. Paul. Paul, if I may. Yeah.

P.O. TONNA:
Yes. Legislator Foley, then --

LEG. FOLEY:
Thank you.

P.O. TONNA:
-- Legislator Postal.

LEG. FOLEY:
Just very quickly, this is an opportunity for one municipality to help, in essence, another municipality or a political subdivision. We've done this in the past. It is for another public use. You could argue it's even for a higher public use, since the current state of the building is in great disrepair. Another public entity is going to take this building and its property and improve it, thereby improving it for other public use. So I really think we should move forward with this to help that given area --

P.O. TONNA:
Okay.

LEG. FOLEY:
-- with this building.

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P.O. TONNA:
All right. There's a --

LEG. POSTAL:
No.

P.O. TONNA:
Oh, Legislator Postal, sorry.

LEG. POSTAL:
Yeah. I was just going to say that we've done this before over the years, not only for affordable housing, but we've done it -- I believe

that for former Legislator Herb Davis transferred property to a fire district. I'm not sure that Legislator Towle may have done something similar.

P.O. TONNA:

I'm sure Legislator Towle --

LEG. POSTAL:

Probably.

P.O. TONNA:

-- has tried to do a million of these things.

LEG. POSTAL:

And I know, because I have many of these properties in my district. They're in such bad condition --

P.O. TONNA:

Okay.

LEG. POSTAL:

-- that it would be so costly that you'd practically have to demolish the building in order to build a brand new structure.

P.O. TONNA:

Okay. All right. All in favor? Opposed? All right.

MR. BARTON:

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P.O. TONNA:

Great. Okay.

LEG. BISHOP:

Thank you for that little trip.

P.O. TONNA:

No, I just -- I always -- that's something that I've always asked about. It's never -- it doesn't matter who or where. 2074 (Adopting Local Law No. -2000, A Charter Law to transfer Purchasing Division to County Department of Public Works). I make a motion to approve, seconded by --

LEG. D'ANDRE:
Motion.

LEG. CARPENTER:
Second.

LEG. D'ANDRE:
Motion.

P.O. TONNA:
Seconded by Legislator Carpenter.

LEG. D'ANDRE:
Who made the motion?

P.O. TONNA:
I did.

LEG. D'ANDRE:
I'll second it.

P.O. TONNA:
No, you don't want to second this one, Michael.

LEG. D'ANDRE:
Why?

P.O. TONNA:
This is the one you're opposed to.

LEG. D'ANDRE:
No, I'm not.

P.O. TONNA:
Oh, you're not? Okay, great.

LEG. BINDER:
This is moving Purchasing from Caputo's Office.

P.O. TONNA:
Okay, thank you.

LEG. D'ANDRE:
I'm not going to vote for it.

P.O. TONNA:
Okay, thank you. I'm just trying to be -- okay. All in favor?
Opposed?

LEG. BINDER:
Mr. Chairman, on the motion.

LEG. GULDI:

Roll call.

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P.O. TONNA:

Okay. Roll call. Wait. First is Legislator Binder.

LEG. BINDER:

On the motion. Thank you.

P.O. TONNA:

Yes.

LEG. BINDER:

We've had a number of people up to talk about this. At the hearings we had, public hearings, we were supposed to gather information, find out why we're doing what we're doing. We had Joe Poerio come up and I asked him who complained? What questions were there? What problems we've had with Purchasing. He's had none, knows of none. So I asked Budget Review, "When you put it in your report, what kind of complaints?" "Well, we didn't have any, it was a Legislative initiative." "Any concerns?" "Not really." Okay. So there are no concerns of Budget Review, no concerns told to Joe Caputo's Office, no question of how well they're doing the job. So, this afternoon we had the place where it's supposedly going, Public Works, we had the Commissioner up. First thing he says, "I don't know much other than the Public Works side of different departments in County government. I don't know much about them." "Oh, you don't know much about them. So if you don't know much about them, now you're going to do the purchasing." "Oh, we're bringing people over that" -- no. "Oh, so the same people that are doing it somewhere else are going to do it better in yours, in your shop, where you don't know much about all these other government entities." Obviously, the Comptroller's Office does, because the Comptroller's Office has to deal with each of these departments in Suffolk County government. So he has an understanding of their purchasing habits, and he can relate and they can relate in kind of an umbrella sense, an overall look at how County government works, how purchasing interacts, how purchasing in one department might affect another department. So he has this ability to take a look at how purchasing would integrate within County government.

So the proposal here is that we should move it to Public Works, this bastion of looking at everything, right? Of course not. They look at one thing, capital projects that are Public Works. So I ask the

commissioner of Public Works why? "Should this be in your department?" And he says, "Yes, because I can streamline it, I can streamline things." Okay. "So what exactly do we need streamlined, Mr. Bartha?"

LEG. D'ANDRE:
That's a joke.

LEG. BINDER:
"Well, I don't really have anything I need streamlined," is what really comes down to, because he can't explain. He said there redundancies. Okay. "What redundancies, Mr. Bartha?" "Well, I can't really explain, I don't know." So he doesn't know what's redundant. The Commissioner of Public Works I don't think understands why it would be a good thing to have this in his own department. And what we're doing here is talking about moving it for what reason? There has not been -- I mean, we were ready to vote two seconds ago. The

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sponsor was just calling the vote, he's ready to call the vote. There's not been a discussion, not been a debate, and still no reason to do it, put onto the floor here. But Legislators have all decided, huh? We've all had this discussion, there's no reason to listen. We could talk among ourselves, we've all decided, because of some other reasons that have nothing on do with good government.

I love how that rolls off the lips. Good government, that's why we're here. That's why we do it the way we do it over here in Suffolk County in this Legislature, good government. Good government? How about a reason, what's good government about this? What's streamlining? Why is Public Works so eminently qualified to be doing this? No reasons. What savings? Well, Charlie Bartha's going to have a Grade 28 he's going to get rid of, doesn't need this Grade 28, except that you hear from Mr. Caputo that he's getting rid of one and he's picking up two other people. So he's hiring two, getting rid of one. He didn't tell you that. There's a net increase of one. So why are we doing this?

I would love to hear the positive reasons, the reasons why this is good government, other than to go after Joe Caputo and the department, the Comptroller's department. I don't think it's coincidental that we're seeing this resolution along with a rotation on the Audit Committee, and the other one, the next one we're going to talk about in Personnel functions. I don't think it's a coincidence. I think it's really unfortunate. And I think it's important that the other side come out, and I think it's important that it be -- and that it's

talked about. And I think it's really unfortunate what's happening here. And I would hope, and maybe we can have a discussion, because for the first time, maybe I'll hear some really good reasons and quantify it. Our Budget Review Office couldn't quantify it, Commissioner Bartha couldn't quantify it, and certainly Joe Caputo can't quantify it, because he doesn't think it's the right thing.

I would hope that my colleagues are going to vote no on this, if they haven't already decided as they've walked in here because of some allegiances or some commitments.

LEG. D'ANDRE:

Legislator D'Andre, and then Legislator Haley.

LEG. D'ANDRE:

One thing about this Legislature, it doesn't have to answer to anybody or give anybody any reasons for what they do, including the Presiding Officer, if that's the way he feels, including you, Binder, including any member can do and vote as they please. And I'm saying here that for everyone to think about what we're doing here. We're not going to fight our own people and push them around and put them somewhere else.

I'm asking Tonna to rise above the fray and save this department and leave it where it is, and let Bartha do all his other work that he's got enough soldiers there to do. But Joe Caputo's got an office with some very good fellows in it. Yes, you might have had some disagreements, but, hell, that's no reason to go to war. War is hell. Ask the guys that's been there. So, Tonna, please reconsider. I'm not begging you, I'm asking you like man to man, preserve this --

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we've done so many good things here. To jeopardize it because of personalities --

P.O. TONNA:

I don't think that's the right characterization.

LEG. D'ANDRE:

Maybe I'm not giving you the right reasons, but I say this, preserve this Legislative body. Bring peace here. It's Christmas coming up and, you know --

LEG. GULDI:

He's got you now.

P.O. TONNA:
Okay.

LEG. D'ANDRE:
We -- some of these Italian tempers, you know, they get rough once in awhile.

P.O. TONNA:
I'm Maltese. I want you to know, I'm Maltese. Anyway --

LEG. LEVY:
Only Mike can get away with that.

LEG. D'ANDRE:
No.

P.O. TONNA:
Yes, that's right. Okay.

LEG. D'ANDRE:
Let me say this. Look, there's nothing worth anything more than the price of peace. I mean, let's save this body. We've got beautiful new building, beautiful landscaping, beautiful landscaping in the window, we've got beautiful help. Let's not go to war with ourselves. Tonna, rise above the fray, be a man.

P.O. TONNA:
Thank you, Legislator D'Andre.

LEG. D'ANDRE:
And preserve this body. Bury everything.

P.O. TONNA:
Thank you.

LEG. D'ANDRE:
Okay? Thank you, Tonna.

P.O. TONNA:
Legislator Haley.

LEG. HALEY:

Legislator Binder, now, your words were eloquent, but are you really trying to say two things, if it ain't broke, don't fix it, and it's obviously a political thing?

LEG. D'ANDRE:

I've said that last week.

LEG. BINDER:

I didn't want to be that specific.

LEG. HALEY:

But isn't that -- is that what you were saying in a nutshell?

LEG. BINDER:

Yes.

LEG. HALEY:

Yeah, I tend to agree. Thank you.

P.O. TONNA:

Great. Well, I would like to say something, since I'm the sponsor of this bill.

LEG. D'ANDRE:

I wish you would, Tonna.

P.O. TONNA:

The very first thing is this has to do with the very situation about separation of powers. From my standpoint, you can't have the fox watching the hen house. And the audit position, the Comptroller is the Chief not only Fiscal Officer, he's the Chief Auditor, and when you have Purchasing in the same department, you have an inherent conflict. From my standpoint, we're not hurting anybody in Purchasing, they'll all stay intact, they move to another area. And I would -- I would bet you that Joe Caputo would make sure that whether Purchasing was in Public Works or somewhere else, that he would make absolutely sure now that he was going to watch that very carefully from the standpoint of being the Chief Auditor. That's my concern with this bill and the next bill, that we have separation of powers. And separation of powers means, like the Legislative Branch watches the Executive Branch and they go back and forth, so, too, the Chief Auditor should not have employee benefits and purchasing functions under his own domain, he should -- they should be somewhere else. That's why, for example, in other places where there are other Comptrollers, they don't have the purchasing function, they don't have the employee benefits function. What they do is they audit them and they make sure that they watch over as a separation of powers. And that is a very, very important governmental function.

And all that I'm saying is I made the argument. I wasn't the only one. We had a number of Legislators came together. We talked about -- each year, we look at different departments. We look at how do we -- how do we reorganize, shake things up a little, how do we move

things around to create, you know, different types of dynamics that will enable us to think anew of how to run government. And I think

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that the next two resolutions, the one that is before us right now and the one that was really the brainchild of Legislator Carpenter, with consolidating everything under a Human Resources Department, is doing that. And then we'll let the Comptroller do what he's supposed to do, which is to audit and control. Okay. Roll call.

LEG. BINDER:
Mr. Chair.

LEG. CARACCIOLO:
Hold it. Hold it. I have a question.

P.O. TONNA:
Yes.

LEG. CARACCIOLO:
Budget Review, in terms of other large counties and the separation issue that the Presiding Officer eluded to, do you have any knowledge on what the experience is in other counties that have that format? First of all, are you aware that there are other large counties like neighboring counties, Westchester, Nassau?

MR. SPERO:
Most large counties, the purchasing is not part of the audit function.

LEG. CARACCIOLO:
You know, my recollection in Nassau County, they have a General Services Department or Division. I guess it was a department. I don't know if it still exists, but ten years ago, it existed, and Purchasing was part of that.

LEG. D'ANDRE:
Mike, you can't compare us with Nassau County.

LEG. LEVY:
He's got the floor.

LEG. D'ANDRE:
We're so far above it.

LEG. CARACCIOLO:

Wait a minute. We're talking about large counties.

LEG. D'ANDRE:
We're so far above it.

LEG. CARACCIOLO:
One of the concerns I had, as you know, Mr. Tonna, is that October of every year, oftentimes department heads complain --

LEG. LEVY:
Paul.

P.O. TONNA:
Sorry.

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LEG. CARACCIOLO:
October 1st of each year, oftentimes department heads complain that purchase orders are not accepted until the next calendar year.

MR. CAPUTO:
I must object.

P.O. TONNA:
Wait.

LEG. CARACCIOLO:
Well --

MR. CAPUTO:
That's not true.

P.O. TONNA:
Legislator --

MR. CAPUTO:
That's not true. Damn it, that's not true.

LEG. CARACCIOLO:
One minute. One minute.

P.O. TONNA:
Joe. Joe, sit down, please. You had your time to talk. Legislator Caracciolo has the floor.

LEG. CARACCIOLO:

Now, I did discuss this with Budget Review. And, Fred, why don't you just indicate what you were able to learn about that procedure or process.

MR. CAPUTO:

Be honest, Fred. Be honest with the 168 purchase requisitions that went through after October 1st of this year. No bullshit. Let's tell the truth God damn it.

MR. POLLERT:

We done a memo --

P.O. TONNA:

Joe. Joe. Joe. Joe, there's no need for profanity, okay, none.

MR. CAPUTO:

That's not profanity. You want to hear profanity, I'll bring you outside and you'll hear profanity.

LEG. LEVY:

It's out of order.

P.O. TONNA:

Joe. Joe, calm down, okay?

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MR. CAPUTO:

I don't know how to calm down, I'm Italian, I'm not Maltese.

P.O. TONNA:

Okay, Joe.

LEG. LEVY:

Call a recess.

LEG. CARACCIOLO:

Fred.

P.O. TONNA:

You know, I'd just ask -- I'd just ask, Joe, don't hit the lowest common denominator, okay, try to control yourself. Legislator

Caracciolo, who happens to be Italian, okay, please.

MR. POLLERT:

Yes, we had done a memoranda to the Legislators, and the last few paragraphs of that memoranda indicated that the cutoff point was primarily a function of the County Executive's Office not allowing roll over of encumbrances.

LEG. CARACCIOLO:

Well, what exactly, you know, precipitates that procedure and what -- you know, what necessitates it and --

MR. POLLERT:

Okay.

LEG. CARACCIOLO:

-- why is it important to be in place?

MR. POLLERT:

Years ago, the County Executive used to allow encumbrances. That would mean that the County Comptroller and departments could continue to purchase. As long as there were funds which could be encumbered, they could pay for the equipment, supplies, materials, even if they were delivered after December 31st of the year. The County Executive's, Ken Weiss, when he came the Budget Director, changed that, in part because of the local budget caps. The local budget caps said that the fund balance has to be returned to the taxpayers the following year. And while the independent auditors would have recognized a difference between a reserve fund balance and an unreserve fund balance, the local law that said that the fund balance has to be returned didn't make that differentiation. So if there were \$5 million worth of purchases which were to be made for which funds were encumbered, even though there was an obligation against those funds, it was returned to the taxpayers as a credit the following year. So we always had a problem.

As long as we always had \$5 million worth of encumbrances, there was no major budget issue. The problem is that encumbrances started to track up. More and more departments kept encumbrances open for an extended periods of time. A classic case was Telecommunications would take whatever funds they had at the end of the year and encumber them

in case there was a rate increase from the Telephone Company. So it started to get out of hand. So the new Budget Director established a

policy, no encumbrances. As a consequence, you have to shut off Purchasing with an adequate lead time to be able to place an order for let's say a chair and have the chair actually delivered before the end of the year, so that you could use this year's funds. If you continue keep the purchasing function open to November or December, you can order the chair, but if it isn't delivered by the end of the year, you have to use next year's funds. So as a practical matter, the encumbrance process drives the cutoff date for the Purchasing Department. And what I had said previously is no matter where you move the Purchasing Department, they're going to have similar constraints, because you have to consummate the deal before the end of the year. You have to have the goods and services provided.

Now, I spoke with Ken Knapp. He said that the Comptroller has some discretion. But we continue to believe, as we said in the memoranda, that the major reason for the cutoff is that encumbrance policy from the County Executive's Office.

LEG. CARACCIOLO:

Besides DPW, are there any other departments that have their own purchasing capabilities?

MR. POLLERT:

Yes, the Board of Election also has their own purchasing capabilities. They have the ability to purchase whatever is required to carry out an election. They have actually taken it further and do the normal purchasing of goods and supplies.

LEG. CARACCIOLO:

In your opinion, should this function be decentralized?

MR. POLLERT:

If this was a --

LEG. CARACCIOLO:

In other words, large departments that have day to day needs, it seems to me that they may be encumbered by the bureaucracy of having it in one other large department, because, let's face it, by putting it in Audit and Control or DPW, there's going to be a tendency to take care of that department's purchasing requests first, perhaps, perhaps, at the expense of another department who may, by its sheer size, wind up at the bottom of the list and not be deemed as much of a priority, when, in fact, it may be a higher priority.

MR. POLLERT:

That is really not too much of a concern. We have already decentralized the purchasing function. So if you wish to purchase a chair as a Legislator, the request is actually put together by the Clerk of the Legislature, who then forwards it on to the Purchasing Department to finalize it into a purchase. The primary benefits of the centralization is in areas like the RFP's, where Purchasing represents a centralized resource that has expertise in dealing with RFP's. So the Legislature requested us to do a RFP study. We could

prepare the boiler plate, but we had to have a meeting with the

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Purchasing people, which had the day to day responsibility to doing those types of RFP's and that type of expertise to actually move it forward.

LEG. CARACCIOLO:

In your opinion, is this resolution something that you would find -- you would be supportive of and that you feel is appropriate?

MR. POLLERT:

This resolution is a Legislative initiative. If we were going to make a recommendation, really, the ideal recommendation is when the Department of General Services was broken apart, we continued to believe that it's -- there is really an appropriate function for a General Services Department, which would include a lot of support services, including the Purchasing Department, so --

LEG. CARACCIOLO:

To go from where we are, taking it out of Audit and Control, or consolidating it into one department, what, in addition to the existing personnel, would be required to do that?

MR. POLLERT:

To consolidate it, you would have to transfer the existing personnel, and I would imagine that the Department of Public Works would want to centralize them in a centralized location, so that they can have a core of staffing individuals. There should be some economies of scale, but that's an area that we never really looked at.

LEG. CARACCIOLO:

But that is a direction that you would be in favor of pursuing?

MR. POLLERT:

This reorganization shouldn't be carried out with the expectation there is going to be significant savings. Perhaps it could be a more efficient program with economies of scale, but it's not going to result in being able to attrit down two or three individuals. We believe, and we wrote up in our report, that we felt that the purchasing function was already short-staffed. So perhaps you would be able to pick up some economies of scale with a consolidation with Public Works, that's what the Commissioner said, but it shouldn't be done with the expectation that, in fact, you're going to be saving hundreds of thousands of dollars in personnel costs, it's just not

going to happen.

LEG. CARACCIOLO:

So, in effect, right now, the purchasing function is understaffed?

MR. POLLERT:

That was our belief, yes.

LEG. CARACCIOLO:

Okay. In this resolution, is that understaffing addressed?

MR. POLLERT:

No, it was just a transfer -- what the budget did is it transferred the purchasing function to the Department of Public Works, which

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already has a purchasing function.

LEG. CARACCIOLO:

And to what extent do you feel it's understaffed?

MR. POLLERT:

That would -- I would really have to defer to the Commissioner of Public Works to see how the consolidated department works out, whether or not he does have economies of scale. He had said this morning that he feels that there would be economies of scale. If, in fact, he could achieve that, then he should be able to get by with the staff that he has.

LEG. CARACCIOLO:

And if that were -- if that was achieved, then this would be a net plus.

MR. POLLERT:

That's correct. But that's something that you're not going to know until the consolidation actually takes place.

LEG. BISHOP:

Thank you.

LEG. CARACCIOLO:

Okay. Thank you.

LEG. BINDER:

Mr. Chairman. Mr. Chairman.

P.O. TONNA:
Okay.

LEG. BINDER:
Mr. Chairman.

P.O. TONNA:
Yes, Legislator Binder.

LEG. BINDER:
Fred. Fred Pollert, this way, all the way over here.

MR. POLLERT:
Oh, hi.

LEG. BINDER:
There you go. Thanks, Fred. Nassau County has a General Services Department, I assume.

MR. POLLERT:
Yes, they do.

LEG. BINDER:
Oh, okay, so that's why. And we made a decision, obviously, as a policy decision that we weren't going to have one here. Have you -- do you have a -- have you seen problems? Have we identified problems,

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or have you identified problems with Purchasing being in -- being at the Comptroller's Office?

MR. POLLERT:
No, nor have we done any reports along those lines.

LEG. BINDER:
Okay. So we have this possible, you know, in someone's mind that maybe there's a conflict of interest, possibly, could be, but we made the decision, basically, to get rid of General Services. Our answer is to put it into a department that doesn't have an overall view of the County and the County departments. And I think it's pretty clear that the sponsor of the resolution has had a problem with this particular department head over the years. You put that all together and it's pretty clear why this is being done. No one can really answer a question, other than a perceived possible problem. We have our own

Budget Review Office telling us that they know of no problems, they know of no concerns, yet we're making this move, because we kind of think.

And, by the way, we were told that one of the people, their only transportation ability is to get here, here to Hauppauge. If it moves to Yaphank, this person, unless we find another place for them, is out of a job, and probably we lose expertise, because this person now can't get out to Yaphank. So understand, when you're doing this, you're affecting someone's job. You may or may not care about that. So for no perceived benefit, no one can answer, none of the Commissioners can answer. We have a perceived possible problem, and someone now -- and we could be losing expertise, and this person may be losing a job, because they can't get out to Yaphank. Think about it before you vote. This is not just a quick and easy, "I don't care, because I pledged to someone" vote.

P.O. TONNA:
Okay.

LEG. BISHOP:
Okay?

P.O. TONNA:
Everyone done? Roll call.

(*Roll Called by Mr. Barton*)

LEG. TONNA:
Yes.

LEG. CARPENTER:
Yes.

LEG. COOPER:
Yes.

LEG. BINDER:
No.

LEG. POSTAL:
Yes.

LEG. BISHOP:
Pass.

LEG. D'ANDRE:
No. If it's not broken, don't fix it.

LEG. CRECCA:
Pass.

LEG. ALDEN:
Yes.

LEG. FIELDS:
Yes.

LEG. FOLEY:
Yes.

LEG. HALEY:
No.

LEG. FISHER:
No.

LEG. CARACAPPA:
Yes.

LEG. GULDI:
No.

LEG. CARACCIOLO:
Pass.

LEG. LEVY:
Yes.

LEG. BISHOP:
No.

LEG. CRECCA:
Yes.

LEG. CARACCIOLO:
Yes.

MR. BARTON:
11. (Absent: Leg. Towle)

P.O. TONNA:
Okay. Let's go to the next resolution.

MR. BARTON:
11-6, 1 not present.

P.O. TONNA:

2075 (Adopting Local Law No. -2000, a Charter Law to consolidate and streamline County Personnel Functions for more cost-effective employee friendly services). Legislator Carpenter, do you want to make a motion?

LEG. CARPENTER:

Motion to approve.

P.O. TONNA:

Seconded by myself. On the motion?

LEG. GULDI:

Hold on.

P.O. TONNA:

On the motion. Just, I know Legislator Carpenter would probably want to say a few words. But, again, I would say it's the same situation.

LEG. CARPENTER:

I've been giving the signal. It's not really necessary.

P.O. TONNA:

Okay, not necessary. Let's call the vote.

LEG. CARPENTER:

We had the hearing and we discussed it at the last meeting and in committee. I mean, if anyone wants --

LEG. BINDER:

And I would just make the same arguments, I'm not going to --

P.O. TONNA:

Okay, great. Roll call.

LEG. FISHER:

Wait a minute. May I just --

LEG. CARPENTER:

Let me just say something, because -- and I -- and maybe it does bear repeating. There was some concern that -- and I know Legislator D'Andre eluded to it in his very eloquent compassionate remarks, that

we shouldn't be doing this, you know, vendetta or political, or, you know, lashing out at someone, or war, or whatever, but that's not what this is all about. This started many, many months ago when I asked Budget Review Office if they could help me in doing some research on counties, you know, and we are one of the largest counties in the State, but counties much smaller than ours have Divisions of Human Resources, or Departments of Human Resources, or Personnel Departments, and we don't have that in this County. With the number of employees that we have, we are really shortchanging our employees and we're shortchanging our residents, because it isn't the best, most streamlined way to be running a business, and this is a big business with a lot of employees. And to centralize the functions of Human Resources in one area really serves our employees better.

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And, you know, I mean, I don't want to go on and on. I know Legislator Fisher had some concerns and I hope that addresses it. But for things like --

LEG. FISHER:

But when we spoke earlier, it was clarified for me the genesis of this particular resolution. When we spoke and you explained that the concept of having a Human Resources Department, where employees can go to solve a number of problems or concerns, a central place for all employees of the County, it just made sense.

LEG. CARPENTER:

And, also, too, you know, to help keep our employees here, so that when they're, you know, looking at their employment with the County and their careers with the County, that there are other opportunities, and sometimes you don't know about it in your own department and there isn't that centralized place to go. And having it with Civil Service, where a lot of the personnel-type functions already exist really makes a lot of sense, and I think in the long run, this will be something that we'll all be very pleased with, as far as, you know, a policy decision on the part of this body.

LEG. D'ANDRE:

Mr. Chairman.

P.O. TONNA:

Yes, Legislator D'Andre.

LEG. D'ANDRE:

You saw the beautiful day we had today with all the dignitaries and former Legislators and leaders that came here today and they saw a good a response team. You put on a very good show. We run rings around Nassau County, who's a disgrace to this New York State. And we've done so many good things and we're continuing to do good things, and that's because, yes, we do have disagreements at times. But gee whiz, look on the bright side, look at all of the accomplishments we had. Even Halpin was here, who had the first can bill or bottle bill, and that's the talent that came out of here, and it came out of here with a different method than we're seeing now. It came out of here with -- well, don't kill a guy when he's down, or be buddies with everybody, or something like that, and we've got to get back to that. We don't want to lose that touch. And, look, we're working with the Democrats, we got a nice thing going, and who else is doing what we're doing with the Dems? Look at Bishop here, he's a king and he's a Democrat. So let's --

P.O. TONNA:
He's a real American.

LEG. D'ANDRE:
He's, absolutely, a real American. And let's get back to the -- let's not lose that. It's time enough to go downhill when we lose it. We haven't lost it yet. Let's keep it together, Mr. Presiding Officer.

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LEG. LEVY: .
That's a good idea, let's keep it together.

LEG. D'ANDRE:
Okay?

P.O. TONNA:
All right. Roll call.

(*Roll Called by Mr. Barton*)

LEG. CARPENTER:
Yes.

P.O. TONNA:
Yes.

LEG. COOPER:
No.

LEG. BINDER:
No.

LEG. POSTAL:
Yes.

LEG. BISHOP:
Yes.

LEG. D'ANDRE:
No.

LEG. CRECCA:
Pass.

LEG. ALDEN:
Yes.

LEG. FIELDS:
No.

LEG. FOLEY:
No.

LEG. HALEY:
No.

LEG. FISHER:
Yes.

LEG. CARACAPPA:
Pass.

LEG. TOWLE:
(Absent)

LEG. GULDI:
No.

LEG. CARACCIOLO:

Pass.

LEG. LEVY:
Pass.

LEG. CRECCA:
Yes.

LEG. CARACAPPA:
Yes.

LEG. CARACCIOLO:
Yes.

LEG. LEVY:
Yes.

MR. BARTON:
Ten --

P.O. TONNA:
Thank you very much.

MR. BARTON:
-- seven, one not present. (Absent: Leg. Towle)

P.O. TONNA:
Okay.

LEG. D'ANDRE:
Did we make it? Okay. Let's keep it this way. Congratulate everybody. It went down?

P.O. TONNA:
No. All right.

LEG. D'ANDRE:
It was approved, but it lost.

P.O. TONNA:
2094 (Authorizing the sale of surplus County cars to South Huntington School District). Is there a motion? I'll make a motion, seconded by Legislator Cooper. All in favor? Opposed?

MR. BARTON:
17, 1 not present. (Absent: Leg. Towle)

P.O. TONNA:
2095 (Authorizing the sale of surplus county cars to Commack School District). Motion by Legislator D'Andre, seconded by Legislator Crecca. All in favor? Opposed?

MR. BARTON:
17, 1 not present. (Absent: Leg. Towle)

P.O. TONNA:
2096 (Authorizing the sale of surplus County cars to East Islip School District). Motion by Legislator Fields, seconded by Legislator Alden. All in favor? Opposed?

MR. BARTON:
17, 1 not present. (Absent: Leg. Towle)

P.O. TONNA:
2097 (Authorizing the sale of surplus County cars to Brentwood School District). Motion by Legislator Carpenter, seconded by Legislator Alden. All in favor?

LEG. ALDEN:
Cosponsor.

P.O. TONNA:
Opposed?

MR. BARTON:
17, 1 not present. (Absent: Leg. Towle)

P.O. TONNA:
2098 (Authorizing the sale of surplus County cars to Wyandanch School District). Motion by Legislator Postal, seconded by Legislator Bishop. All in favor? Opposed?

MR. BARTON:
17, 1 not present. (Absent: Leg. Towle)

P.O. TONNA:
2099 (Authorizing the sale of surplus County cars to South Country School District). Motion by Legislator Haley, seconded by Legislator Caracappa. All in favor? Opposed?

MR. BARTON:
17, 1 not present. (Absent: Leg. Towle)

P.O. TONNA:
2100 (Authorizing the sale of surplus County cars to West Babylon School District). Motion by Legislator Bishop, seconded by Legislator

Postal. All in favor? Opposed?

MR. BARTON:

17, 1 not present. (Absent: Leg. Towle)

P.O. TONNA:

2104 (Authorizing the sale of County-owned real estate pursuant to Section 215, New York State County Law to Denise Kahoud and Michael Kahoud, as Co-Executors of the Estate of Hanna Kahoud).

Motion by Legislator Guldi, second by myself. All in favor? Opposed?

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MR. BARTON:

17, 1 not present. (Absent: Leg. Towle)

P.O. TONNA:

2105 (Authorizing the sale of County-owned real estate pursuant to Section 215, New York State County Law to Denise Kahoud and Michael Kahoud, as Co-Executors of the Estate of Hanna Kahoud). Motion by

Legislator Guldi, seconded by myself. All in favor? Opposed?

MR. BARTON:

17, 1 not present. (Absent: Leg. Towle)

P.O. TONNA:

2107 (Authorizing the Director of the Division of Real Estate, Department of Planning to issue a certificate of abandonment of the interest of the County of Suffolk in property designated as Town of Brookhaven Suffolk County Tax Map No. (0200-981.80-05.00-060.013) (Item No. 41-21217) pursuant to Section 40-D of the Suffolk County Tax Act).

Motion by Legislator who?

MS. BURKHARDT:

You.

P.O. TONNA:

Me, seconded by Legislator Fields. All in favor? Opposed?

MR. BARTON:

17, 1 not present. (Absent: Leg. Towle).

P.O. TONNA:

2108 (Authorizing the Director of the Division of Real Estate, Department of Planning to issue a certificate of abandonment of the interest of the County of Suffolk in property designated as Town of Brookhaven Suffolk County Tax Map No. (0200-985.80-03.00-044.000) (Item No. 32.83530) pursuant to Section 40-D of the Suffolk County Tax Act). Motion by Legislator --

LEG. FISHER:
Motion.

P.O. TONNA:
Fields -- Fisher, seconded by Legislator Fields. All in favor?
Opposed?

MR. BARTON:
17, 1 not present. (Absent: Leg. Towle)

P.O. TONNA:
2109 (Authorizing the Director of the Division of Real Estate, Department of Planning to issue a certificate of abandonment of the interest of the County of Suffolk in property designated as Town of Southampton Suffolk County Tax Map No. (0900-045.00-01.00-009.003) (Item No. 239713.03) pursuant to Section 40-D of the Suffolk County Tax Act). Motion by Legislator Guldi, seconded by Legislator Caracciolo. All in favor? Opposed?

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MR. BARTON:
17, 1 not present. (Absent: Leg. Towle)

P.O. TONNA:
2122 (Authorizing the sale of County-owned Real Estate pursuant to Section 215, New York State County Law to Margaret Vaughan). Motion by Legislator Fisher, seconded by Legislator Caracappa. All in favor?
Opposed?

MR. BARTON:
17, 1 not present. (Absent: Leg. Towle)

P.O. TONNA:
2158 (Amending the 2000 Capital Budget and Program by appropriating funds in connection with the purchase of equipment for the Real Property Integrated Land Information System). Motion by myself, seconded by Legislator Binder. All in favor? Opposed?

MR. BARTON:
17, 1 not present. (Absent: Leg. Towle)

P.O. TONNA:
2159A (Appropriating funds in connection with the acquisition of land for the improvements at C.R. 80, Montauk Highway between NYS Route 112 and CR 101, Sills Road, Town of Brookhaven). Motion?

LEG. GULDI:
Motion.

P.O. TONNA:
Roll call by -- motion by Legislator Guldi, seconded by Legislator Haley. Roll call.

(*Roll Called by Mr. Barton*)

LEG. GULDI:
Yes.

LEG. HALEY:
Yes.

LEG. COOPER:
Yes.

LEG. BINDER:
Yes.

LEG. POSTAL:
Yes.

LEG. BISHOP:
Yes.

LEG. D'ANDRE:
Yes.

LEG. CRECCA:
Yes.

LEG. CARPENTER:

Yes.

LEG. ALDEN:

Yes.

LEG. FIELDS:

Yes.

LEG. FOLEY:

Yes.

LEG. FISHER:

Yes.

LEG. CARACAPPA:

Yes.

LEG. TOWLE:

(Absent)

LEG. CARACCIOLO:

Yes.

LEG. LEVY:

Yes.

P.O. TONNA:

Yep.

MR. BARTON:

17, 1 not present on the bond. (Absent: Leg. Towle)

P.O. TONNA:

Okay. Same motion, same second, same vote.

2165 (Amending the 2000 Operating Budget and the Suffolk County Salary and Classification Plan for the title of Forensic Graphics Technician). Motion by myself, seconded by Legislator Guldi. All in favor? Opposed?

MR. BARTON:

17, 1 not present. (Absent: Leg. Towle)

P.O. TONNA:

2170 (Amending the Suffolk County Classification and Salary Plan and the 2000 Operating Budget in connection with a New Position Title in the Department of Public Works (Director of DPW Administration Services). Motion by Legislator Foley, seconded --

LEG. HALEY:

Haley.

P.O. TONNA:

Haley? Seconded by Legislator Foley. All in favor? Opposed?

MR. BARTON:

17, 1 not present. (Absent: Leg. Towle)

P.O. TONNA:

2190 (Authorizing transfer of surplus County computers to various organizations). Motion by Legislator Carpenter, seconded by Legislator Crecca. All in favor? Opposed?

MR. BARTON:

17, 1 not present. (Absent: Leg. Towle)

P.O. TONNA:

2191 (Apportioning mortgage tax by: County Treasurer). Motion by Legislator Caracciolo, seconded by Legislator Postal. All in favor? Opposed?

MR. BARTON:

17, 1 not present. (Absent: Leg. Towle)

P.O. TONNA:

2193 (Approving maps and authorizing the acquisition of lands together with findings and determinations pursuant to Section 204 of the Eminent Domain Procedure Law, in connection with the acquisition of properties for intersection improvements on C.R. 51, Riverhead-Moriches Road at C.R. 63, Old East Moriches-Riverhead Road, (Lake Avenue) Town of Southampton Suffolk County, New York, C.P. 3301). Motion by Legislator Caracciolo, seconded by Legislator Guldi. All in favor? Opposed?

MR. BARTON:

17, 1 not present. (Absent: Leg. Towle)

P.O. TONNA:

2196 (Amending the 2000 Capital Budget and Program transferring funds for Land acquisition on Wicks Road Corridor, Town of Islip). Motion by Legislator Carpenter, seconded by Legislator Alden. All in favor? Opposed?

MR. BARTON:

17, 1 not present. (Absent: Leg. Towle)

P.O. TONNA:

2201 Waiving fee for use of Dennison Building parking lot by Long Island Voices Foundation, Inc., for Charity Carnival). Motion by Legislator Alden, seconded by Legislator Fields. All in favor? Opposed?

MR. BARTON:

17, 1 not present. (Absent: Leg. Towle)

LEG. LEVY:

Cosponsor, Henry.

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P.O. TONNA:

2215 (Authorizing the sale of County-Owned real estate pursuant to Section 215, New York State County law to Robert Lynch). Motion by Legislator Crecca, second by Legislator D'Andre. All in favor? Opposed?

MR. BARTON:

17, 1 not present. (Absent: Leg. Towle)

ENERGY & ENVIRONMENT

P.O. TONNA:

2085 (Making a SEQRA determination in connection with the proposed wetland restoration pilot project at Shinnecock West County Park, Town of Southampton). Motion by my -- by Legislator Guldi, seconded by Legislator Fields. All in favor? Opposed?

MR. BARTON:

17, 1 not present.

P.O. TONNA:

Okay. 2086 (Making a SEQRA determination in connection with the proposed construction of additional parking facilities adjacent to the LIRR Station at Deer Park, Towns of Babylon and Islip). Same motion, same second -- oh, motion by Legislator -- Babylon. By Legislator --

LEG. BISHOP:

Doesn't matter.

LEG. POSTAL:

Do same motion.

P.O. TONNA:
Same motion, same second, same vote. 2087.

MR. BARTON:
17, 1 not present. (Absent: Leg. Towle)

P.O. TONNA:
(2087- (Making a SEQRA determination in connection with the proposed repairs and restoration of the existing exterior plaza at the Dennison Building, Hauppauge, Town of Islip). Same motion, same second, same vote.

MR. BARTON:
17, 1 not present. (Absent: Leg. Towle)

P.O. TONNA:
2088 (Making a SEQRA determination in connection with the proposed replacement of County DWI Alternative Facility, (Planning Stage) Yaphank, Town of Brookhaven). Same motion, same second, same vote.

MR. BARTON:
17, 1 not present. (Absent: Leg. Towle)

P.O. TONNA:
2089 (Making a SEQRA determination in connection with the proposed Tower renovations at Frances S. Gabreski Airport (Planning Stage), Westhampton, Town of Southampton). Same motion, same second, same vote.

MR. BARTON:
17, 1 not present. (Absent: Leg. Towle)

P.O. TONNA:
2090 (Making a SEQRA determination in connection with the proposed drainage improvements on CR 80, Montauk Highway at Auburn Avenue, Hamlet of Shirley, Town of Brookhaven). Same motion, same second, same vote.

MR. BARTON:
17, 1 not present. (Absent: Leg. Towle)

P.O. TONNA:

2091 (Making a SEQRA determination in connection with the proposed wetland restoration project at Suffolk County Parklands in Flanders, Town of Southhampton). Same motion, same second, same vote.

MR. BARTON:

17, 1 not present. (Absent: Leg. Towle)

P.O. TONNA:

2092 (Making a SEQRA determination in connection with the proposed construction of an enclosure to the existing loading docks at John J. Foley Skilled Nursing Facility in Yaphank, Town of Brookhaven). Same motion, same second, same vote.

MR. BARTON:

17, 1 not present. (Absent: Leg. Towle)

P.O. TONNA:

2093 (Making a SEQRA determination in connection with the proposed improvements to HYO Field Sports Complex, Hauppauge, Town of Islip). Same motion, same second, same vote.

MR. BARTON:

17, 1 not present. (Absent: Leg. Towle)

P.O. TONNA:

2123 (To initiate RFP Committee process for Plum Island Health and Environmental Risk Assessment).

LEG. CARACCIOLO:

Motion.

LEG. GULDI:

Second.

P.O. TONNA:

Motion by Legislator Caracciolo, seconded by --

LEG. ALDEN:

Second.

P.O. TONNA:

-- Legislator Alden, is that?

LEG. ALDEN:
Yes.

P.O. TONNA:
All in favor? Opposed?

LEG. COOPER:
Cosponsor.

LEG. BINDER:
Mr. Chairman.

P.O. TONNA:
Yes.

LEG. BINDER:
On 2123.

P.O. TONNA:
Okay. Don't call the vote yet. We're still --

LEG. ALDEN:
Cosponsor.

P.O. TONNA:
On the motion, Legislator Binder.

MR. BARTON:
I'm still writing it, so that's okay.

LEG. BINDER:
Yeah, I just -- I didn't bring the letter. Was there -- there was a cosponsored letter, wasn't there, and I meant to bring it, because I was concerned about it, by Assemblywoman Acampora and the Supervisor of --

LEG. GULDI:
Southold.

LEG. BINDER:
Southold.

LEG. CARPENTER:
Jean Cochran.

LEG. BINDER:
Jean Cochran, that was it. And I meant to bring it with me. And so I -- and I had voted for this in committee. I'm interested in seeing this, but I was very concerned about their letter, and I'm sure you're familiar with it. If you can discuss it with us a little bit, because

I think we shouldn't run by that letter here in voting for this.

LEG. CARACCIOLO:

Well, the letter was published in the local newspaper, so I have no problem discussing the contents of the letter at all.

LEG. BINDER:

No, no, no, I know.

LEG. CARACCIOLO:

Oh, okay. And it was distributed to members of the Legislature.

LEG. BINDER:

Right, we all got a copy. It that's I was concerned about it and I got it after the committee.

LEG. CARACCIOLO:

But the letter raised a couple of -- the letter, first of all, said they did not support this resolution, so I want to clearly put that on the record. These two public officials do not support the resolution. They don't support it ostensibly, because it did not contain a representative from the Town of Southold, which upon learning that, I called the Supervisor of Southold Jean Cochran, told her the problem would be rectified immediately, and within a short time thereafter, spoke with Paul Sabatino to amend the resolution, and so notified the Supervisor. I have not received any correspondence from her with supporting this now that that's been done.

That said, the other objection, substantive objection that was raised in the correspondence dealt with the timetable that this study would be undertaken and completed. As a result of that concern, and even prior to the receipt of that letter, I noted to the supervisor and others that I spoke to in the media that there was a typographical error, and that the study, the timetable for study completion was actually a year in advance of the time noted in the initial resolution. There is a corrected copy. The timetable for completion of the study is December 31 a year from now, instead of December 31 two years from now.

LEG. BINDER:

I appreciate your explanation. If I could be listed as a cosponsor. Thanks.

LEG. COOPER:

Henry, you have me?

MR. BARTON:
Yes.

P.O. TONNA:
Yes, Legislator -- no?

LEG. FISHER:
No.

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P.O. TONNA:
Okay.

LEG. FISHER:
Ready to vote.

P.O. TONNA:
Marty, did you want to say anything?

LEG. HALEY:
No. Call the vote.

P.O. TONNA:
Okay, yeah. All right. There's a motion and a second?

MR. BARTON:
Yes.

P.O. TONNA:
All in favor? Opposed?

LEG. HALEY:
Opposed.

P.O. TONNA:
Okay.

MR. BARTON:
15, 1 opposed, 2 not present. (Absent: Leg. Towle-Not Present:

P.O. TONNA:
2129 (Accepting and appropriating 100% Federal Grant Funds from the US
Environmental Protection Agency to the Department of Health Services

for the Peconic Estuary Program). Motion by Legislator Fields, seconded by Legislator Guldi. All in favor? Opposed?

LEG. FOLEY:
Henry, did you have me?

MR. BARTON:
Yes.

P.O. TONNA:
Okay. Same motion, same second, same vote on --

MR. BARTON:
Hold on.

P.O. TONNA:
-- 2136.

MR. BARTON:
I'm just trying to figure out who's in the room.

P.O. TONNA:
Okay. Dave, are you in the room or you're not?

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MS. BURKHARDT:
Dave's in the room.

MR. BARTON:
17, 1 not present, 2129. (Absent: Leg. Towle)

P.O. TONNA:
2136 (Accepting and appropriating 75% Federal Grant Funds from the US Environmental Protection Agency to the Department of Health Services for the National Estuary Program). Same motion, same second, same vote.

MR. BARTON:
17, 1 not present. (Absent: Leg. Towle)

ECONOMIC DEVELOPMENT AND EDUCATION

P.O. TONNA:
Okay. In Economic Development. 1915 (Appointing Helen R. Maloney to

the Suffolk County Community College Board of Trustees). Motion by Legislator Fields, seconded by -- oh, seconded by who?

LEG. LEVY:
I'll second it.

P.O. TONNA:
Second by Legislator Levy. Roll call.

LEG. CARACCIOLO:
On the motion.

LEG. CARPENTER:
On the motion.

P.O. TONNA:
Okay.

LEG. CARACCIOLO:
On 1915, the individual named therein seeks to replace the only East End representative on the College Board of Trustees. I had conveyed to my colleagues a strong feeling and a strong desire on the part of Legislator Guldi and myself that there at least be one of the College Trustees -- we'll get to that -- that would represent the East End. Furthermore, since the individual being replaced is from my district, I had also indicated that I'd appreciate if they gave me some time to find a replacement. We have found one, and a resolution will be laid on the table later. I thought it was laid on the table today. Yeah. So that said, I'm going to make a motion to table this resolution.

LEG. FOLEY:
Second.

LEG. HALEY:
Second.

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P.O. TONNA:
Okay. Motion and a second to table? I'd say let it go down. Let it go down. We'll table it if we have a problem. There's a motion to approve and a second, okay? Let's roll call. Just count.

(*Roll Called by Mr. Barton*)

LEG. FIELDS:
Yes.

LEG. LEVY:
Yes.

LEG. COOPER:
Abstain.

LEG. BINDER:
Pass.

LEG. POSTAL:
No.

LEG. BISHOP:
I'll pass, please.

LEG. D'ANDRE:
(Not Present)

LEG. CRECCA:
Abstain.

LEG. CARPENTER:
Abstain.

LEG. ALDEN:
Abstain.

LEG. FOLEY:
Yes.

LEG. HALEY:
No.

LEG. FISHER:
No.

LEG. CARACAPPA:
No.

LEG. TOWLE:
(Absent)

LEG. GULDI:
Abstain.

LEG. CARACCIOLO:
No.

LEG. TONNA:
No.

LEG. BINDER:
No.

LEG. BISHOP:
Yes.

MR. BARTON:
And you make four. (Absent: Leg. Towle-Not Present: Leg. D'Andre)

P.O. TONNA:
Okay. All right. 2048 (Authorizing a license agreement with the Chamber of Commerce of Greater Bay Shore for beautification purposes. Motion by Legislator Alden.

LEG. ALDEN:
Carpenter.

P.O. TONNA:
Legislator Carpenter.

LEG. ALDEN:
Second by Alden.

P.O. TONNA:
Second by Alden. All in favor? Opposed? Approved.

MR. BARTON:
17, 1 not present. (Absent: Leg. Towle)

LEG. CARPENTER:
Cosponsor, Henry.

P.O. TONNA:
Okay. 2077 (Adopting Local Law No. -2000, A Charter Law to transfer management of the Francis S. Gabreski Airport to County Department of Economic Development). Motion by Legislator Guldi, seconded by?

LEG. CARACCIOLO:
Oh, wait a minute.

LEG. BINDER:

Second. Second.

P.O. TONNA:

Okay. Second by Legislator Binder. No. I just wanted to make sure, this is a --

LEG. CARACCIOLO:

Transfer in management. This sounds heavy duty there, George.

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P.O. TONNA:

I think this was another -- by the way, this was another of the budgetary --

LEG. GULDI:

This was in the budget.

P.O. TONNA:

Omnibus movements --

LEG. GULDI:

We move the positions.

P.O. TONNA:

-- that we felt that --

LEG. CARACCIOLO:

So be it.

P.O. TONNA:

-- this was a better idea to move --

LEG. CARACCIOLO:

So be it, George.

P.O. TONNA:

-- it to Economic Development, because the --

LEG. CARACCIOLO:

So be it, George.

P.O. TONNA:

All right. All in favor? Opposed? All in favor? Opposed?

MR. BARTON:
16, 2 not present. (Absent: Leg. Towle-Not Present: Leg. D'Andre)

P.O. TONNA:
This is Kovesdy Airport. This we -- yeah, to approve.

LEG. CARPENTER:
Kovesdy?

LEG. CRECCA:
Gabreski.

LEG. D'ANDRE:
Gabreski.

P.O. TONNA:
What the heck?

LEG. CARPENTER:
Allen Kovesdy. He doesn't have an airport.

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P.O. TONNA:
I am the worst at this. I am so embarrassed. Okay. 2084.

MS. BURKHARDT:
Wait. Henry needs to call the vote.

MR. BARTON:
No, no. It was 16, 2 not present. (Absent: Leg. Towle-Not Present:
Leg. D'Andre)

P.O. TONNA:
Thank you so much, Henry. 2084 Appointing Raymond A. DeFeo to the
Suffolk County Community College Board of Trustees).

LEG. FOLEY:
Motion to table.

LEG. BINDER:
Let's just kill it outright.

LEG. COOPER:

Second.

P.O. TONNA:
Can't we just vote on it?

LEG. FOLEY:
No. You want to vote on it?

P.O. TONNA:
Yeah.

LEG. CRECCA:
Yeah, let's vote on it.

P.O. TONNA:
Let's just vote on it.

LEG. FOLEY:
Well, I have a motion to table.

LEG. COOPER:
Second.

LEG. FOLEY:
Seconding the motion.

P.O. TONNA:
Who's seconding it?

LEG. COOPER:
Me.

LEG. FOLEY:
On the --

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LEG. HALEY:
On the motion.

LEG. FOLEY:
On the motion. It's my motion. On the motion to table. I had spoken with Legislator Caracciolo the other day and he had mentioned that he was putting in a name to -- for this same position, and had mentioned to Mike that I would make a motion to table today. The person that I

had placed into the record, so to speak, for the position of Trustee at the College, if you look at his background, he has an exceptional educational background, and he does have an Eastern Suffolk orientation to his professional credentials. But I've asked my colleagues that we would table it today, so that when Legislator Caracciolo has his name in, so to speak, we can then have both folks here at the general -- at the next general meeting, where we can ask them questions about higher education.

P.O. TONNA:
By the way, you mean --

LEG. HALEY:
On the motion.

P.O. TONNA:
-- the airport wasn't named after Allen Kovesdy?

LEG. HALEY:
On the motion.

P.O. TONNA:
All right. Legislator Haley.

LEG. HALEY:
I'm opposed to -- I'm opposed to the tabling motion. And should the tabling motion fail, I'd like to make a motion to approve --

P.O. TONNA:
For the purposes of defeating?

LEG. HALEY:
-- for the purpose of defeating.

P.O. TONNA:
Okay. Is there a second there?

LEG. CRECCA:
I'll second that.

P.O. TONNA:
Okay, great.

LEG. FOLEY:
Just if I may.

P.O. TONNA:
Legislator Crecca.

LEG. FOLEY:

If I just may further, Mr. Chairman, on the tabling. Martin, I don't know why you'd want to make a motion to defeat when you haven't had a chance to --

LEG. HALEY:

I know DeFeo.

LEG. FOLEY:

-- well, speak with the person on the record here at one of the committee meetings. Anyway, that's your choice.

LEG. GULDI:

On the motion. I'd like an opportunity -- Mr. DeFeo had left committee by the time I came back into the room and I didn't have an opportunity to meet him and interview him. I'd like the opportunity to meet him and interview him before we vote this resolution, and ask those who are sponsoring for the purposes of defeating to withdraw the motion to provide me that opportunity.

P.O. TONNA:

Okay. On the motion. There's a motion and a second to table. All in favor? Opposed?

LEG. BINDER:

Opposed.

LEG. HALEY:

Opposed.

LEG. CRECCA:

Roll call.

LEG. HALEY:

Roll call.

P.O. TONNA:

Roll call on the tabling.

[Roll Called By Mr. Barton]

LEG. FOLEY:

Yes to table.

MR. BARTON:

Legislator Haley.

LEG. FOLEY:
No, no, no. Levy was the seconding on the tabling.

MR. BARTON:
Close. Legislator Levy.

LEG. LEVY:
Yes.

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LEG. COOPER:
Yes.

LEG. BINDER:
No.

LEG. POSTAL:
Yes.

LEG. BISHOP:
Yes.

LEG. FOLEY:
To table, David, come on.

LEG. BISHOP:
Yes. I said yes.

MR. BARTON:
I didn't hear him.

LEG. CRECCA:
No to table.

LEG. CARPENTER:
Yes.

LEG. ALDEN:
Pass.

LEG. FIELDS:
Yes.

LEG. HALEY:

No.

LEG. FISHER:
Yes.

LEG. CARACAPPA:
Yes.

LEG. GULDI:
Yes.

LEG. CARACCIOLO:
Sure, why not.

P.O. TONNA:
To table, yes.

LEG. ALDEN:
Yes.

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MR. BARTON:
14. (Absent: Leg. Towle-Not Present: Leg. D'Andre)

P.O. TONNA:
All right. Let's go on. 2140 (Appropriating funds in connection with the Building for Aquaculture Development Project). I'll make a motion, seconded by?

LEG. BINDER:
Second.

LEG. GULDI:
Second.

P.O. TONNA:
Fisher. Roll call.

(*Roll Called by Mr. Barton*)

P.O. TONNA:
Yep.

LEG. FISHER:
Yes.

LEG. COOPER:
Yes.

LEG. BINDER:
Yes.

LEG. POSTAL:
Yes.

LEG. BISHOP:
Yes.

LEG. D'ANDRE:
(Not Present)

LEG. CRECCA:
Yes.

LEG. CARPENTER:
Yes.

LEG. ALDEN:
No.

LEG. FIELDS:
Yes.

LEG. FOLEY:
Yes.

LEG. HALEY:
Yes.

LEG. CARACAPPA:
Yes.

LEG. TOWLE:
(Absent)

LEG. GULDI:
Yes.

LEG. CARACCIOLO:
Yes.

LEG. LEVY:
Yes.

MR. BARTON:
15 on the bond. (Absent: Leg. Towle-Not Present: Leg. D'Andre)

MS. BURKHARDT:
2147.

MR. BARTON:
15 on the bond.

P.O. TONNA:
Same motion, same second, same vote. Okay. 2160.

LEG. BINDER:
47.

LEG. FOLEY:
47.

P.O. TONNA:
Sorry. 2147 (Appropriating funds in connection with the upgrade of Water Pollution Control Plants - College Wide). Motion by myself, seconded by Legislator Carpenter.

LEG. BISHOP:
Why don't you let Legislator Levy run the meeting?

(*Roll Called by Mr. Barton*)

LEG. TONNA:
Yes.

LEG. CARPENTER:
Yes.

LEG. COOPER:
Yes.

LEG. BINDER:
Yes.

LEG. POSTAL:
Yes.

LEG. BISHOP:
Yes.

LEG. D'ANDRE:
(Not Present)

LEG. CRECCA:
Yes.

LEG. ALDEN:
Yes.

LEG. FIELDS:
Yes.

LEG. FOLEY:
Yes.

LEG. HALEY:
Yes.

LEG. FISHER:
Yes.

LEG. CARACAPPA:
Yes.

LEG. TOWLE:
(Absent)

LEG. GULDI:
Yes.

LEG. CARACCIOLO:
Yes.

LEG. LEVY:
Yes.

MR. BARTON:
16, 2 not present. (Absent: Leg. Towle-Not Present: Leg. D'Andre)

P.O. TONNA:

Okay. I've asked the Deputy Presiding Officer --

MR. BARTON:
On the bond.

P.O. TONNA:
-- to call the roll.

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D.P.O. LEVY:
2160 (Amending the 2000 Capital Budget and Program and appropriating funds in connection with improvements to the Electrical Distribution Systems - College Wide).

LEG. FOLEY:
Motion.

D.P.O. LEVY:
Roll call.

LEG. FOLEY:
Motion.

MS. BURKHARDT:
No. Motion and second.

D.P.O. LEVY:
Motion by Legislator Foley, second by Legislator Caracappa. Roll call on the bond.

MR. BARTON:
Okay.

(*Roll Called by Mr. Barton*)

LEG. FOLEY:
Yes.

LEG. CARACAPPA:
Yes.

LEG. COOPER:
Yes.

LEG. BINDER:
Yes.

LEG. POSTAL:
Yes.

LEG. BISHOP:
Yes.

LEG. D'ANDRE:
(Not Present),

LEG. CRECCA:
Yes.

LEG. CARPENTER:
Yes.

LEG. ALDEN:
No.

LEG. FIELDS:
Yes.

LEG. HALEY:
Yes.

LEG. FISHER:
Yes.

LEG. GULDI:
Yes.

LEG. CARACCIOLO:
Yes.

LEG. LEVY:
Yes.

LEG. TONNA:
Yes.

MR. BARTON:

15-1, 2 not present on the bond. (Absent: Leg. Towle-Not Present: Leg. D'Andre)

D.P.O. LEVY:

Same motion, same second, same vote. 2173 (Approving the Form and Substance of a proposed agreement (The "Agreement") among Suffolk County (The "Local Sponsor"), the Dormitory Authority of the State of New York (The "Authority") and Suffolk County Community College (The "Community College") pertaining, among other matters, to the financing of the State of New York's (The "State") one-half of the capital costs of certain facilities previously constructed for the Community College, and/or to finance the State of New York's share for new construction at the Community College, said construction previously authorized by the Local Sponsor delegating to the appropriate officials of the Local Sponsor Authority, on behalf of the Local Sponsor, to execute and deliver to the authority said agreement and all necessary or desirous additional documents, certificates or agreements, granting approval to the Board of Trustees of the Community College to similarly execute and deliver such agreement on behalf of the Community College, and delegating to the appropriate officials of the Community College the authority to execute and deliver an related documents). No roll call required.

LEG. FOLEY:

Motion.

D.P.O. LEVY:

Approving the form and substance of the proposed agreement.

LEG. CARACCIOLO:

Second.

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D.P.O. LEVY:

Motion by Legislator Foley, second by Legislator Caracciolo. Any questions? In favor? Opposed? Motion carries.

MR. BARTON:

16, 2 not present. (Absent: Leg. Towle-Not Present: Leg. D'Andre)

P.O. TONNA:

2194, requiring verbatim minutes of County Community College. Same motion, same second.

LEG. BINDER:
Roll call.

D.P.O. LEVY:
Roll call requested by Legislator Binder. Call the roll.

(*Roll Called by Mr. Barton*)

LEG. FOLEY:
Yes.

LEG. CARACCIOLO:
Yes.

LEG. COOPER:
Pass.

LEG. BINDER:
No.

LEG. POSTAL:
Yes.

LEG. BISHOP:
Yes.

LEG. D'ANDRE:
(Not Present)

LEG. CRECCA:
No.

LEG. CARPENTER:
No.

LEG. ALDEN:
Yes.

LEG. FIELDS:
Yes.

LEG. HALEY:
No.

LEG. FISHER:
Yes.

LEG. CARACAPPA:
No.

LEG. GULDI:
Yes on 94.

LEG. LEVY:
Yes.

P.O. TONNA:
Yep.

LEG. COOPER:
Motion to table.

LEG. FOLEY:
Second the motion to table.

D.P.O. LEVY:
Motion to table by Legislator Cooper, second by Legislator Foley. In favor? Opposed?

LEG. BINDER:
Opposed.

D.P.O. LEVY:
Opposed, Legislator Binder.

P.O. TONNA:
Opposed to tabling?

D.P.O. LEVY:
Opposed to table is Legislator Tonna and Binder.

P.O. TONNA:
Roll call.

LEG. BINDER:
Roll call.

D.P.O. LEVY:
Roll call requested on tabling. Henry.

MR. BARTON:
Yep.

(*Roll Called by Mr. Barton*)

LEG. COOPER:
Yes to table.

LEG. FOLEY:
One meeting, yes.

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LEG. BINDER:
No.

LEG. POSTAL:
Yes.

LEG. BISHOP:
No.

LEG. D'ANDRE:
(Not Present)

LEG. CRECCA:
Pass.

LEG. CARPENTER:
Pass.

LEG. ALDEN:
I'll pass.

LEG. FIELDS:
Pass.

LEG. HALEY:
Pass.

LEG. FISHER:
Yes.

LEG. CARACAPPA:
Yes.

LEG. TOWLE:
(Absent)

LEG. GULDI:
Pass.

LEG. CARACCIOLO:
Ditto, pass.

LEG. LEVY:
Yes to table.

LEG. TONNA:
No to table.

MR. BARTON:
Passes have it.

LEG. CRECCA:
Yes to table.

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LEG. CARPENTER:
No.

LEG. ALDEN:
No.

LEG. FIELDS:
No.

LEG. HALEY:
No.

LEG. GULDI:
Yes.

LEG. CARACCIOLO:
To table, yes.

MR. BARTON:
Nine.

D.P.O. LEVY:
Call the vote.

LEG. BISHOP:
No. Legislator Cooper hasn't cast a vote yet.

MR. BARTON:
Legislator Cooper.

LEG. COOPER:
Yes to table.

MR. BARTON:
Tabling failed.

LEG. GULDI:
On the resolution.

D.P.O. LEVY:
We're back on the regular resolution. Yours is the last vote.

LEG. CARACCIOLO:
Show time.

D.P.O. LEVY:
You tried.

LEG. COOPER:
No.

(Yea said in unison by Legislators)

MR. BARTON:
Ten. It passes. (Absent: Leg. Towle-Not Present: Leg. D'Andre)

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D.P.O. LEVY:
After all that, it passed anyway.

JUDICIARY

To the Judiciary Committee. 2139. We have a pending bond resolution for the -- appropriating funds in connection with planning, construction and alterations of courtrooms in the Criminal Courts. We have a motion by Legislator Foley, second by Legislator Guldi. Roll call.

MR. BARTON:
On the bond.

(*Roll Called by Mr. Barton*)

LEG. FOLEY:
Yes.

LEG. GULDI:
Yes.

LEG. COOPER:
Yes.

LEG. BINDER:
Yes.

LEG. POSTAL:
Yes.

LEG. BISHOP:
Yes.

LEG. CRECCA:
Yes.

LEG. CARPENTER:
Pass.

LEG. ALDEN:
Pass.

LEG. FIELDS:
Yes.

LEG. HALEY:
Yes.

LEG. FISHER:
Yes.

LEG. CARACAPPA:
Yes.

LEG. CARACCIOLO:
Yes.

LEG. LEVY:
Yes.

P.O. TONNA:
Yes.

LEG. CARPENTER:
Abstain.

LEG. ALDEN:
She abstained.

MR. BARTON:
Oh, thank you.

LEG. ALDEN:
No.

MR. BARTON:
Legislator Fields, you were a yes?

LEG. FIELDS:
Yes.

MR. BARTON:
14-1, 1 abstention, 2 not present on the bond. (Absent: Leg.
Towle-Not Present: Leg. D'Andre)

D.P.O. LEVY:
On 2139, same motion, same second, same vote. 2141A (Appropriating
funds in connection with the renovations/improvements to Cohalan Court
Complex).

LEG. CRECCA:
Motion to approve.

D.P.O. LEVY:
Bond resolution.

LEG. CRECCA:
Motion to approve.

D.P.O. LEVY:
We have a motion to approve by Legislator Crecca, second by Legislator
Haley.

LEG. ALDEN:
On the motion.

D.P.O. LEVY:
On the motion, Legislator Alden.

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LEG. ALDEN:
I'd like to just, you know, stop for a second here and get a sense from Budget Review where we are. How much in the dollar amount have we just approved tonight, and where do we stand as far as for the year dollar amount of bonded resolutions?

MR. SPERO:
Excluding funding for the Greenways Program, the County Legislature has authorized \$68.1 million in serial bond debt so far this year. That doesn't count what we're doing tonight.

LEG. ALDEN:
That doesn't count what we did tonight. Any idea where this brings us to?

MR. SPERO:
No. I haven't been keeping a tally of tonight's votes as far as additional debt. If everything on the table were voted up --

LEG. ALDEN:
I think everything was.

LEG. CRECCA:
So far.

MR. SPERO:
Well, not everything is -- that's on the table is on this agenda. 29, over \$29 million more in serial bonds would be authorized.

LEG. ALDEN:
Tonight.

LEG. GULDI:
Including stuff in committee.

LEG. CRECCA:
No.

MR. SPERO:
That's everything that's on the table.

LEG. GULDI:
That's all the stuff in committee.

D.P.O. LEVY:
We had the motion --

MR. BARTON:
I have a motion and a second.

D.P.O. LEVY:
-- and we had a second. Okay.

MR. BARTON:
To approve, yes.

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LEG. CARACCIOLO:
One minute, Steve.

D.P.O. LEVY:
Legislator Caracciolo.

LEG. CARACCIOLO:
Yeah. Jim, in terms of the County's debt service experience from 1993 to today, could you just tell us what that's been? Has it been increasing or decreasing?

MR. SPERO:
In actual dollars, it's been increasing every year.

LEG. CARACCIOLO:
Percentage of budget, because the budget goes up every year.

MR. SPERO:
It's been going down --

LEG. CARACCIOLO:
Thank you.

MR. SPERO:
-- I think just slightly as a percent.

D.P.O. LEVY:
Okay. Henry.

LEG. ALDEN:
I have a question.

D.P.O. LEVY:
Legislator Alden.

LEG. ALDEN:
Jim, I just want to pursue that a little bit further. Now, if we approve -- well, all the things that we've approved tonight added with all the things we approved during the year, where are we going to stand as far as debt service?

MR. SPERO:
We'll be up over in the \$98 million range.

LEG. ALDEN:
In debt service.

MR. SPERO:
Yeah.

LEG. ALDEN:
Is that an increase or a decrease from last year?

MR. SPERO:
That's an increase.

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LEG. ALDEN:
Thank you.

D.P.O. LEVY:
Roll call. Roll call. Mike, do you really want it? Do you really need it? You really need it?

LEG. CARACCIOLO:
Well, because I think, you know, records can be taken out of context, and if somebody wants to make a record, they have to make the record complete.

D.P.O. LEVY:

But we've done it many times, but go ahead.

LEG. CARACCIOLO:

That's all. As a percentage of tax dollars collected, what is the County's debt service ratio, Jim? And how does that compare with neighboring counties and other large municipalities?

MR. SPERO:

The County -- the County, as far as debt's concerned, is -- we have a reasonable amount of debt outstanding for a County our size.

LEG. CARACCIOLO:

What did the bond rating agencies say about our debt service ratio?

MR. SPERO:

They didn't ask that -- I don't recall that question --

LEG. CARACCIOLO:

It's right in their report.

MR. SPERO:

-- specifically.

LEG. CARACCIOLO:

Maybe before we leave tonight you can pull out a copy of Finch's report.

MR. SPERO:

I can pull out the report, but they had no problem with the amount of outstanding debt that we're carrying at this point in time.

LEG. CARACCIOLO:

Thank you, okay. Thank you.

D.P.O. LEVY:

Legislator Alden.

LEG. ALDEN:

I just want to pursue something with you a little bit further. When we increase our debt service, how many years out does that -- does that actually go?

MR. SPERO:
Depends on the project, but --

LEG. ALDEN:
Approximation.

MR. SPERO:
Ten to 20 years, typically.

LEG. ALDEN:
Okay. So what we're doing is we're increasing our debt service for the next 10 to 20 years. Now, does that include bad times or good times, or do we exclude bad times from that; is that just good times?

MR. SPERO:
Once the debt is incurred, you're obligated to pay it.

LEG. ALDEN:
So every year from now for the next 20 years, when we incur this debt, we're obligated to pay that. Could that possibly lead to tax increases in the future?

MR. SPERO:
Well, any time you increase spending, you increase your the need for tax money to cover your spending.

LEG. ALDEN:
And what happens if next year, the year after, or the year after that we see a decrease in our sales tax revenues?

MR. SPERO:
Well, if the economy takes a slip, there's two factors that will impact property taxes very negatively, and that is a slip in the sales tax revenues or --

LEG. ALDEN:
Almost a dollar-for-dollar impact, then.

MR. SPERO:
That's right. And the fact that we need to produce large fund balances to hold the tax warrants lower.

LEG. ALDEN:
Okay. Thank you.

LEG. CARACCIOLO:
Steve.

D.P.O. LEVY:
Let's call the roll.

LEG. CARACCIOLO:

No, no, no, no, no.

D.P.O. LEVY:

All right. Look, one more round and let's cut it off.

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LEG. CARACCIOLO:

Well, that's fair.

D.P.O. LEVY:

Please, guys, let's try to --

LEG. CARACCIOLO:

He started, I should finish.

D.P.O. LEVY:

Let's try to get going, it's 10 o'clock. Go ahead.

LEG. CARACCIOLO:

Okay.

LEG. ALDEN:

He has to have the last word.

LEG. CARACCIOLO:

To my good friend over there in the 10th District, and I mean that, you are a good friend, Cameron, I just hope that as part of your experience here, you'll come to understand that government has a responsibility when it has to build court facilities and other -- and make other infrastructure improvements at an airport that it owns, a building such as this, and many other responsibility it has for running the services and operations it does from mosquito control to a Police Department, and everything else that's part of a large municipal government like Suffolk County that services 1.4 million people, you have an obligation to make sure that you have equipment and infrastructure that's in good working order, because then there's a liability factor. You see, if you don't have it in good working order, and you know this as an attorney, then you subject yourself to people becoming injured, Workers Compensation cases, and then taxpayer winds up paying on the other end. So I think it's prudent and wise to have a policy in place that, in a systematic fashion, doesn't ratchet up the spending, but keeps it level.

And part two of the question asked, which was a good question, was

while right now it may appear that there's an increase in Capital Program and project expending -- expenses, and that's true, we are retiring debt at the same time. And, hopefully, we'll come into an economic cycle not too far down the road where the Federal Reserve, and Mr. Greenspan hinted today that he may start easing, at the end of January, interest rates, and if that happens, then it would be to our good fortune to run into the markets and refinance some of this long-term, high cost outstanding debt, which would result in taxpayer savings. Thank you.

D.P.O. LEVY:

Okay. I know you want the last word.

LEG. CARACCIOLO:

No, he started.

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LEG. ALDEN:

It would take two seconds.

D.P.O. LEVY:

It's seven pages more on the agenda. Please, make it 30 seconds or less, Cameron, and then let's go on.

LEG. ALDEN:

Two seconds or less. I think I made my point, and I will let my good friend, Legislator Caracciolo, from Legislative District Number 1, stand as the last word.

D.P.O. LEVY:

All right. Very magnanimous. Call the roll. We're back on 2139, I believe is, that where are?

MR. BARTON:

41.

D.P.O. LEVY:

41A, okay.

MR. BARTON:

2141 on the bond.

D.P.O. LEVY:

On the bond.

MR. BARTON:
Okay.

(*Roll Called by Mr. Barton*)

LEG. CRECCA:
Yes.

LEG. HALEY:
(Not Present)

LEG. COOPER:
Yes.

LEG. BINDER:
Yes.

LEG. POSTAL:
Yes.

LEG. BISHOP:
(Not Present)

MR. BARTON:
D'Andre. Mr. D'Andre, your vote.

LEG. BISHOP:
Yes.

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MR. BARTON:
That's close.

D.P.O. LEVY:
Mike, you want to vote, 2141? Why don't you pass.

LEG. HALEY:
Yes, Henry.

MR. BARTON:
Okay.

D.P.O. LEVY:
2141, on the courts, yes or no?

LEG. D'ANDRE:
Yes.

MR. BARTON:
Thank you, sir

LEG. BISHOP:
Yes.

LEG. CARPENTER:
Yes.

LEG. ALDEN:
No.

LEG. FIELDS:
Yes.

LEG. FOLEY:
Yes.

LEG. HALEY:
Yes.

LEG. FISHER:
Yes.

LEG. CARACAPPA:
Yes.

LEG. GULDI:
Yes.

LEG. CARACCIOLO:
No.

LEG. LEVY:
Yes. After all that, he votes no. Unbelievable.

LEG. ALDEN:
Mike, because it was in Islip?

D.P.O. LEVY:
Yeah, because it was the Cohalan Court Complex.

P.O. TONNA:
Yes.

MR. BARTON:
15-2, 1 not present. (Absent: Leg. Towle)

D.P.O. LEVY:
2146 we did.

MR. BARTON:
On the bond.

D.P.O. LEVY:
On the bond, same motion, same second, same vote. 2146 was done earlier, right?

BUDGET

Budget. (1939) Amending the adopted 2000 Operating Budget.

LEG. FISHER:
That was done earlier.

D.P.O. LEVY:
Also done earlier. 2063 (Amending Resolution No. 493-2000 which transferred funds to various contract agencies in the Youth Bureau/Office for Children).

LEG. HALEY:
Motion.

D.P.O. LEVY:
Motion by Legislator Haley, second by Legislator Fisher. In favor?
Opposed? Motion carries.

MR. BARTON:
17, 1 not present. (Absent: Leg. Towle).

PUBLIC SAFETY

D.P.O. LEVY:
Moving on to Public Safety. 1978, a local law to extend required use of helmets by minors to scooters. It looks like a typo.

LEG. FISHER:
I'll second.

D.P.O. LEVY:
Legislator Carpenter.

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LEG. CARPENTER:
There's going to be a CN on there. There was a change in one of the definitions, so it will be a CN.

D.P.O. LEVY:
Let's pass over that, then?

LEG. CARPENTER:
Yeah, please.

D.P.O. LEVY:
Okay.

LEG. CARPENTER:
Thank you.

D.P.O. LEVY:
2046, extending Safe School Zones Program. Legislator Carpenter -- Legislator Caracappa makes the motion.

LEG. FISHER:
Second.

D.P.O. LEVY:
Second by Legislator Fisher. In favor? Opposed?

LEG. LEVY:
Motion--

LEG. CARACCIOLO:
Cosponsor.

LEG. CARPENTER:
Cosponsor.

LEG. LEVY:
Motion carries.

LEG. COOPER:
Cosponsor, please.

D.P.O. LEVY:
Mark everyone as cosponsor, please.

MR. BARTON:
17, 1 not present. (Absent: Leg. Towle). All present, co.

D.P.O. LEVY:
2071, amending the 2000 Capital Budget and Program by appropriating funds in connection with the purchase of refrigeration truck (for the Suffolk County Sheriff's Office). Motion by Legislator Bishop, second by Legislator Foley. In favor? Opposed?

LEG. CARACCIOLO:
Opposed.

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D.P.O. LEVY:
Opposed, Legislator Caracciolo, and I'll oppose as well. In favor? Opposed? Motion carries.

MR. BARTON:
15-2, 1 not present. (Absent: Leg. Towle)

D.P.O. LEVY:
2130 (Accepting and appropriating 100% Federal Pass-Thru Grant Funds from the NYS Division of Criminal Justice Services for a Mentoring Program and Administered by the Department of Probation and authorizing the County Executive to execute grant related agreements).

LEG. FISHER:
Motion.

D.P.O. LEVY:
Accepting and appropriating 100% funds.

LEG. FOLEY:
Second the motion.

D.P.O. LEVY:
Motion by Legislator Fisher, second by Legislator Foley. In favor? Opposed? Motion carries.

MR. BARTON:

17, 1 not present. (Absent: Leg. Towle)

D.P.O. LEVY:

2137 (Accepting and appropriating \$65,400 made available by the State of New York Governor's Traffic Safety Committee, to enforce Motor Vehicle Passenger restrain regulations with 92.3% support). Same motion, same second, same vote.

MR. BARTON:

17, 1 not present. (Absent: Leg. Towle)

D.P.O. LEVY:

2138 (Accepting and appropriating \$75,000 made available by the U.S. Department of Justice, Office of Justice Programs, for the Huntington Weed and Seed Program with 83% support).

LEG. COOPER:

Motion.

D.P.O. LEVY:

You right with us, Henry?

MR. BARTON:

17, 1 not present. (Absent: Leg. Towle)

D.P.O. LEVY:

2138. Same motion, same second, same vote.

MR. BARTON:

17, 1 not present. (Absent: Leg. Towle)

D.P.O. LEVY:

2216 (To amend Suffolk County "Disaster Plan" Task Force).

LEG. CARACCIOLO:

On the motion. What's the change?

D.P.O. LEVY:

Let's get a motion by Legislator Cooper, second by Legislator Postal.

LEG. ALDEN:

Quick explanation.

D.P.O. LEVY:
Explanation to the sponsor or to Counsel?

LEG. COOPER:
Just some minor technical changes. We changed the title. We included domesticated animals in addition to pets.

LEG. CRECCA:
The Disaster Plan Task Force?

LEG. COOPER:
Right.

D.P.O. LEVY:
Explanation from Counsel.

MR. SABATINO:
This takes the legislation that you adopted on October 3rd and just makes the following changes: It becomes the Animal Rescue Disaster Plan, instead of just the Rescue Disaster Plan. It adds the phrase "other domesticated animals" to "household pets". It refers to the Suffolk County Police Department rather than the Police Department. It refers to the American Red Cross Chapter as opposed to just the American Red Cross, and it refers to the County Department of Fire Rescue and Emergency Services instead of just the acronym.

LEG. FOLEY:
All right. Let's move.

D.P.O. LEVY:
We have a motion, we have a second. In favor? Opposed?

MR. BARTON:
17, 1 not present. (Absent: Leg. Towle)

D.P.O. LEVY:
Motion carries. Please keep the conversations to a minimum.

HEALTH

2028, local law defining income for disabled persons.

LEG. D'ANDRE:
Motion.

D.P.O. LEVY:
Motion by Legislator D'Andre, second by Legislator Foley. In favor?
Opposed?

MR. BARTON:
17, 1 not present. (Absent: Leg. Towle)

D.P.O. LEVY:
Motion carries. 2135. Same motion, same second, same vote.

MR. BARTON:
17, 1 not present. (Absent: Leg. Towle)

D.P.O. LEVY:
2157. We have a bond. It's on the Forensic Science Medical
Investigation Laboratory.

LEG. CRECCA:
Motion.

D.P.O. LEVY:
We have same motion, same second. Can we have the roll call, please?

MR. BARTON:
Okay.

(*Roll Called by Mr. Barton*)

LEG. D'ANDRE:
Yes.

LEG. FOLEY:
Yes.

LEG. COOPER:
Yes.

LEG. BINDER:
Yes.

LEG. POSTAL:
Yes.

LEG. BISHOP:
Yes.

LEG. CRECCA:
Yes.

LEG. CARPENTER:

Yes.

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LEG. ALDEN:
No.

LEG. FIELDS:
Yes.

LEG. HALEY:
Yes.

LEG. FISHER:
Yes.

LEG. CARACAPPA:
Yes.

LEG. GULDI:
Yes.

LEG. CARACCIOLO:
Yes.

LEG. LEVY:
No.

P.O. TONNA:
Yes.

MR. BARTON:
15-2, 1 not present on the bond. (Absent: Leg. Towle)

D.P.O. LEVY:
2157. Same motion, same second, same vote.

2166, amending the Department of Health Services to reallocate Budgeted funds for contract agencies. We have a motion by Legislator Caracappa, second by Legislator Haley. In favor? Opposed?

MR. BARTON:
17, 1 not present. (Absent: Leg. Towle)

D.P.O. LEVY:

Motion carries.

LEG. HALEY:
Mr. Chairman.

LEG. POSTAL:
Mr. Chairman.

D.P.O. LEVY:
Legislator --

LEG. HALEY:
I was first.

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D.P.O. LEVY:
Legislator Postal, then Legislator Haley.

LEG. POSTAL:
Yeah. I just realized that we had made a motion earlier to call off the table I.R. 1715 in Public Safety, which was the Special Patrol Bureau --

D.P.O. LEVY:
Oh, right.

LEG. POSTAL:
-- resolution.

LEG. FISHER:
Yes.

LEG. POSTAL:
And I would like to -- no, we just called it off the table. I wanted to make a motion approve it.

LEG. CRECCA:
I'll second that.

LEG. FISHER:
Second.

LEG. CRECCA:

I'm sorry.

LEG. HALEY:
Which one is that again?

D.P.O. LEVY:
All right. Just repeat the number of the resolution and the title,
please.

LEG. POSTAL:
It's 1750 -- 15, rather, and it's the resolution with regard to a
Special Patrol Bureau construction. It's amending the 2000 Capital
Budget and Program and appropriating funds in connection with Special
Patrol Bureau Construction, Police Department.

LEG. CARPENTER:
Second.

LEG. POSTAL:
It's Capital Project 3139.

D.P.O. LEVY:
We have a motion by Legislator Postal, second by Legislator Carpenter.

MR. SABATINO:
There's a bond resolution, so you'll need two votes, okay?

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D.P.O. LEVY:
Roll call on the first?

MR. SABATINO:
Roll call on the bond first.

D.P.O. LEVY:
When you're ready, Henry.

MR. BARTON:
Thank you.

(*Roll Called by Mr. Barton*)

LEG. POSTAL:

Yes.

LEG. CARPENTER:
Yes.

LEG. COOPER:
Yes.

LEG. BINDER:
Yes.

LEG. BISHOP:
Yes.

LEG. D'ANDRE:
Yes.

LEG. CRECCA:
Yes.

LEG. ALDEN:
No.

LEG. FIELDS:
Yes.

LEG. FOLEY:
Yes.

LEG. HALEY:
Pass.

LEG. FISHER:
Yes.

LEG. CARACAPPA:
Yes.

LEG. TOWLE:
(Absent)

LEG. GULDI:
Yes.

LEG. CARACCIOLO:
Yes.

D.P.O. LEVY:
Yes.

P.O. TONNA:
Yes.

LEG. HALEY:
Yes.

MR. BARTON:
16-1, 1 not present. (Absent: Leg. Towle)

D.P.O. LEVY:
Is there a companion resolution there?

MR. BARTON:
Yeah, that's on the bond.

D.P.O. LEVY:
Same motion, same second, same vote.

LEG. HALEY:
Mr. Chairman.

MR. BARTON:
Thank you.

D.P.O. LEVY:
Legislator Haley.

LEG. HALEY:
While we're on the Health agenda.

D.P.O. LEVY:
Right.

LEG. HALEY:
Introductory Resolution 1916. I'd like to make a motion to approve that. That's implementing purchase of Mobile Veterinary Clinic. And what it really is doing is giving the SPCA the Mobile Clinic for a dollar, and the back -- financial backup shows the in-kind and services that they're going to be providing to Suffolk County residents to make up for the cost of the same over a three-year period.

D.P.O. LEVY:
We'll have a second by Legislator Bishop. A question for the sponsor. I'm a cosponsor, and that, along with Legislator Bishop, we put in the funding originally to get this van. My only question, Marty, is in

the backup, I notice there's a couple of things that are noted as to

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what they will be doing. Specifically, what I was looking for with this van, first and foremost, was to have the van spay and neuter so many of the stray cats that exist throughout Suffolk County, and I don't see anything in the details in the back -- in the backup that pertains to the spaying and neutering.

LEG. HALEY:

Well, I think that's -- they didn't spell it out, but that's the annual in-kind services for the spay/neuter.

MR. SABATINO:

If I could help --

LEG. HALEY:

Yeah, please.

MR. SABATINO:

-- Mr. Chair. It's actually in the "resolved" clause. I incorporated everything. We have the spaying of the cats, the testing for the West Nile Virus, and the low cost anti-rabies vaccination. So we incorporated everything in the "resolved" clause, and then Legislator Haley provided the financial backup. They should have the numbers worked up.

D.P.O. LEVY:

In the backup, could you explain, Paul, how much of that amount will go for spaying and neutering, if it's detailed?

MR. SABATINO:

No. The point of the backup was to demonstrate what the impact would be of doing the additional two items, which was the vaccinations for anti-rabies and for the West Nile Virus. The reason that was important was to show that we were going to get back equivalent value for the cost of the van.

D.P.O. LEVY:

Okay. I just want to make sure that we're not putting all the money toward West Nile where we've already done that in other resolutions, and thereby take it away from the spay/neuter.

LEG. HALEY:

No. The West Nile is only 29,000 and change out of the -- where

67,250 is in-kind services, which would be, you know, consistent with what you're looking for. The anti-rabies vaccinations would be 37. So it's the smallest component. And the total dollars over a three-year period exceeds the value of the van, which, obviously, is going to have a much longer useful life and we'll get, certainly, more services, then.

D.P.O. LEVY:

We have a motion by Legislator Haley, we have a second by Legislator Bishop.

LEG. ALDEN:

On the motion. I'm not sure what happened. This went to committee or it didn't go to committee?

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LEG. HALEY:

It was in committee. It's been sitting in committee for awhile, because we needed -- we can't just give them a mobile veterinary van, we have to establish that they've, in fact, in return are going to provide sufficient services to Suffolk County taxpayers, and we exceeded the value of the van by about 25, \$26,000. That will be amortized, although they'll be doing services continually beyond that.

LEG. ALDEN:

So, again, it couldn't get passed by committee next week?

LEG. HALEY:

No, it wasn't -- it wasn't -- it didn't get out of committee, because it just -- it was a technical thing. I had to come up with the financial information. I don't know if the Health Committee has a problem with it, it was just we had to come up with the backup.

D.P.O. LEVY:

Any further questions? We have a motion, we have a second.

LEG. ALDEN:

Why do we have to do it on emergency?

D.P.O. LEVY:

Could we have an explanation from Counsel, please, to answer that question?

MR. SABATINO:

It stayed in committee because the Health Department Commissioner, at the time that she was testifying, didn't have the document that was prepared by her office to verify what Legislator Haley just explained. Once that documentation came, it verified what was in the "resolved" clause, which was that the value of the vehicle, which was \$175,000 would, in fact, be exceeded by value of the services to be provided.

LEG. HALEY:

I believe the vehicle is in now, right?

MR. SABATINO:

Yes, the vehicle is --

LEG. HALEY:

I believe the vehicle has been received, so we want to just resolve the -- I believe they have the vehicle, the SPCA has the vehicle in hand, and we just want to get moving along to continue the process that we were working on for awhile.

LEG. FIELDS:

Is there a rush on this?

LEG. HALEY:

Is there a rush on it? Yeah. They've asked, because they've been trying to resolve this question for about six months. It's been delayed substantially, because we've been trying to get this worked out.

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LEG. FIELDS:

Would it have been a problem to stay one more time to get it through the committee?

LEG. HALEY:

Would it be a problem to do this today?

LEG. FIELDS:

Would it be a problem for it to go back to committee?

LEG. HALEY:

Yes, I have a problem with committee, because I've been trying to move this for six months.

LEG. FIELDS:

I'd rather see it go into committee.

LEG. HALEY:

My motion to approve still stands, Mr. Chairman.

D.P.O. LEVY:

We have a motion, we have a second to --

LEG. FIELDS:

Motion to table.

D.P.O. LEVY:

Motion to table, Legislator Fields. Is there a second?

LEG. FOLEY:

Second.

D.P.O. LEVY:

Second by Legislator Foley. That will take precedence. On the tabling motion, in favor? Opposed?

LEG. GULDI:

On the motion.

LEG. HALEY:

Roll call.

D.P.O. LEVY:

On the motion, Legislator Guldi.

LEG. BISHOP:

Come on. Why are we tabling the spay/neuter van?

D.P.O. LEVY:

Do you know what you're speaking on?

LEG. GULDI:

Yeah.

D.P.O. LEVY:

You want to pass --

LEG. GULDI:

On the motion. Why are we tabling? I was -- I was momentarily distracted.

D.P.O. LEVY:

Request from Legislator Fields to table.

LEG. FIELDS:

I would request that it go back to committee and this come out of committee. I don't see the rush to have it approved tonight.

LEG. FOLEY:

It's a discharge motion, right?

LEG. GULDI:

It's already discharged.

LEG. HALEY:

It's already discharged.

LEG. GULDI:

So is it a motion to recommit, or is it a motion to table?

LEG. CRECCA:

No, it was a motion to table she made.

D.P.O. LEVY:

It was a motion to table that was made.

LEG. FOLEY:

You want it to go -- tabling motion would keep it here, as opposed to going back to committee.

LEG. FIELDS:

Recommit.

D.P.O. LEVY:

Legislator Fields withdraws her motion to table and makes a motion to recommit, second by Legislator Foley.

LEG. HALEY:

On the motion.

D.P.O. LEVY:

On the motion, Legislator Haley.

LEG. HALEY:

I find no reason to send it back to committee, it's been very obvious. It's been sitting in committee for quite sometime simply waiting for technical backup. In deference to this Legislator, I don't ask for too much. I think we can approve it today. You approved it to be discharged. I don't see any major issues here.

D.P.O. LEVY:
Legislator Bishop.

LEG. BISHOP:
I just want to remind Legislators that this is an initiative that began more than two years ago by Legislator Haley, Levy and myself for this very purpose. This is the final Legislative act we need to take. It's not anything that's unexpected. It's merely a technical resolution to complete a process that was begun more than two years ago.

D.P.O. LEVY:
Legislator Alden, followed by Legislator Fields.

LEG. BISHOP:
We've taken many votes to appropriate the money and everything, we just now --

LEG. ALDEN:
Just a question.

LEG. BISHOP:
-- need this resolution to put the program in place.

LEG. ALDEN:
Just a question of Legislator Bishop. Then you would be a proponent of bypassing the committee process.

LEG. BISHOP:
I'm a big proponent of bypassing the committee process, of complete anarchy. Of course not.

LEG. ALDEN:
What? Because I was just going to remind you of your votes in the past and your position of the past.

LEG. BISHOP:
If there was -- if there was a substantive question that needed for this to go back to committee, I would defer, but I don't think there is one. I think that you're -- perhaps people who want to send it back to committee are suspecting something that's not there. This is merely the last step in a process that began more than two years ago, and this is the least policy-driven step in the process.

LEG. ALDEN:
Well, my problem is --

LEG. BISHOP:
This is the last thing. I mean, we've made numerous decisions in favor of this program.

LEG. ALDEN:
But my problem is I don't sit on that committee, and to spend \$175,000 without, you know --

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LEG. BISHOP:
We spent it already, that's --

D.P.O. LEVY:
Just vote no.

LEG. BISHOP:
That's what I'm trying to say. I'm not articulating well, and I'm sorry, maybe it's the late hour. We, two years ago, said we were going to buy this van. You know, six months after that, we appropriated money to buy it. We now have it.

LEG. ALDEN:
This is a cash program or did we bond this?

LEG. BISHOP:
I think we bonded it, if I'm not mistaken.

D.P.O. LEVY:
I believe --

P.O. TONNA:
Oh, bond, oh.

LEG. HALEY:
Oh.

D.P.O. LEVY:
A bond. You're buying -- you're buying bus.

LEG. BISHOP:

We'll be paying for this 29 years from now, though. There'll be a very old cat with kittens.

D.P.O. LEVY:

Anything else on the tabling motion?

LEG. FOLEY:

Call the question. Call the question.

D.P.O. LEVY:

Anybody else? Call the question on --

LEG. HALEY:

Roll call.

D.P.O. LEVY:

Roll call requested on the tabling motion.

LEG. CRECCA:

It's not a tabling motion, it's a motion to defer.

D.P.O. LEVY:

Oh, to defer. I'm sorry, to defer. Refer back to committee.

(*Roll Called by Mr. Barton*)

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LEG. FIELDS:

Yes.

LEG. FOLEY:

Yes.

LEG. COOPER:

No.

LEG. BINDER:

No.

LEG. POSTAL:

No.

LEG. BISHOP:

No.

LEG. D'ANDRE:
Pass.

LEG. CRECCA:
No.

LEG. CARPENTER:
No.

LEG. ALDEN:
I abstain.

LEG. HALEY:
No.

LEG. FISHER:
No.

LEG. CARACAPPA:
No.

LEG. GULDI:
I don't think this is going well. Yes.

LEG. CARACCIOLO:
No.

LEG. LEVY:
No.

P.O. TONNA:
Yes.

LEG. D'ANDRE:
No.

MR. BARTON:
Four. Four. (Absent: Leg. Towle)

D.P.O. LEVY:

Four. Motion fails. We have a motion to approve by Legislator Haley, second by Legislator Bishop. In favor? Opposed? Motion carries.

LEG. ALDEN:
Abstain.

D.P.O. LEVY:
Abstain by Legislator Alden. Thank you.

MR. BARTON:
16, 1 abstention, 1 not present. (Absent: Leg. Towle)

D.P.O. LEVY:
Again, Legislators Bishop and myself were cosponsors, Henry.

PARKS, LAND ACQUISITION & CULTURAL AFFAIRS

Okay. We are in Parks, Land Acquisition and Cultural Affairs. We're going on start to go through the agenda rather quickly, so let's pay attention and get everybody together. 2047.

LEG. CARACCIOLO:
Motion to approve.

LEG. LEVY:
Amending Resolution 454, approving acquisition under the Suffolk County Land Preservation Partnership Property known as the Levin Parcel, Town of Southold.

LEG. CARACCIOLO:
We approved this. This is a technical amendment.

D.P.O. LEVY:
Motion by Legislator Caracciolo, second by Legislator Caracappa. Paul, can you comment as to whether this is a technical or substantive resolution?

MR. SABATINO:
It's technical. When the County Executive's initial resolution was adopted, it authorized the acquisition under Land Preservation. It neglected to make reference to the Municipal Cooperation Agreement to treat the property as open space. This is necessary to tie that -- two pieces together.

D.P.O. LEVY:
Let's quiet down. We have a motion, we have a second. In favor? Opposed? Motion carries.

MR. BARTON:
17, 1 not present. (Absent: Leg. Towle)

D.P.O. LEVY:
2062, authorizing planning steps for the authorization of land near
Given County Park, town Of Smithtown.

LEG. D'ANDRE:
Motion.

D.P.O. LEVY:
Legislator D'Andre makes the motion.

LEG. CARACCIOLO:
Second.

LEG. CRECCA:
Second.

D.P.O. LEVY:
Second by Legislator Crecca. Any questions? In favor? Opposed?

MR. BARTON:
17, 1 not present. (Absent: Leg. Towle)

D.P.O. LEVY:
Motion carries. 2101, authorizing planning steps, acquisition of land
at West Main Street, Riverhead.

LEG. CARACCIOLO:
Motion.

LEG. CRECCA:
Second.

D.P.O. LEVY:
We have a motion by Legislator Caracciolo, we have a second by
Legislator Crecca. In favor? Opposed?

MR. BARTON:
17.

D.P.O. LEVY:
Motion carries.

MR. BARTON:
17, 1 not present. (Absent: Leg. Towle)

D.P.O. LEVY:
2142 (Appropriating funds in connection with the restoration of driveways, gutters and catch basins at the Vanderbilt Museum).

LEG. FISHER:
Motion.

D.P.O. LEVY:
This is a bond. We need a roll call. We have a motion by Legislator Fisher, we have a second by Legislator Caracappa. No? Okay. Then we have a second --

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LEG. CARACCIOLO:
Second. Second.

D.P.O. LEVY:
-- by Legislator Caracciolo. On the roll call.

(*Roll Called by Mr. Barton*)

LEG. FISHER:
Yes.

LEG. CARACCIOLO:
Yes.

LEG. COOPER:
Pass.

LEG. BINDER:
Yes.

LEG. POSTAL:
Yes.

LEG. BISHOP:
Yes.

LEG. D'ANDRE:
Yes.

LEG. CRECCA:

Yes.

LEG. CARPENTER:

Yes.

LEG. ALDEN:

Pass.

LEG. FIELDS:

Yes.

LEG. FOLEY:

Yes.

LEG. HALEY:

Yes.

LEG. CARACAPPA:

Yes.

LEG. GULDI:

Yes.

D.P.O. LEVY:

He was a yes.

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LEG. LEVY:

No.

P.O. TONNA:

Yes.

LEG. COOPER:

Yes.

LEG. ALDEN:

No.

MR. BARTON:

14-3, 1 not present on the bond. (Absent: Leg. Towle)

D.P.O. LEVY:

On the companion resolution, same motion, same second, same vote.

2143 (Appropriating funds in connection with the installation of an Environmental Control System at the Vanderbilt Museum).

LEG. FISHER:
Motion.

D.P.O. LEVY:
Roll call on the bond. We have a motion by Legislator Fisher, second by Legislator Fields, Vanderbilt Museum.

(*Roll Called by Mr. Barton*)

LEG. FISHER:
Yes.

LEG. FIELDS:
Yes.

LEG. COOPER:
Yes.

LEG. BINDER:
Yes.

LEG. POSTAL:
Yes.

LEG. BISHOP:
Yes.

LEG. D'ANDRE:
Yes.

LEG. CRECCA:
Yes.

LEG. CARPENTER:
Yes.

LEG. ALDEN:
Pass.

LEG. FOLEY:

Yes.

LEG. HALEY:

Yes.

LEG. CARACAPPA:

No.

LEG. GULDI:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. LEVY:

No.

P.O. TONNA:

Yes.

LEG. ALDEN:

No.

MR. BARTON:

14-3, 1 not present on the bond. (Absent: Leg. Towle)

D.P.O. LEVY:

On the companion resolution, same motion, same second, same vote.

LEG. CARACCIOLO:

On the next resolution, just a quick question for Lance Malamo.

D.P.O. LEVY:

Well, let's get a motion and a second.

LEG. CARACCIOLO:

I'll make the motion.

D.P.O. LEVY:

2144A (Appropriating funds in connection with the rewiring of historic structures at the Vanderbilt Museum). Motion by Legislator Caracciolo, second by Legislator Fisher. We have a question for Lance Malamo, who is approaching the podium.

LEG. CARACCIOLO:

Lance can you -- maybe you have an estimate or maybe you can quantify what the value of the collection at the Vanderbilt, as well as the property and -- what do you -- what would you say the assets of the facility are worth?

MR. MALAMO:

I would say, if I -- 60 to 70 million dollars.

LEG. CARACCIOLO:

Thank you.

D.P.O. LEVY:

We have a motion, we have a second. Roll call.

MR. BARTON:

All right.

(*Roll Called by Mr. Barton*)

LEG. CARACCIOLO:

Yes.

LEG. FISHER:

Yes.

LEG. COOPER:

Yes.

LEG. BINDER:

Yes.

LEG. POSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. D'ANDRE:

Yes.

LEG. CRECCA:

Yes.

LEG. CARPENTER:

Yes.

LEG. ALDEN:

Pass.

LEG. FIELDS:

Yes.

LEG. FOLEY:

Yes.

LEG. HALEY:

Yes.

LEG. CARACAPPA:

No.

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LEG. TOWLE:

(Absent)

LEG. GULDI:

Yes.

LEG. LEVY:

Yes.

P.O. TONNA:

Yes.

LEG. ALDEN:

No.

MR. BARTON:

15-2, 1 not present on the bond. (Absent: Leg. Towle)

D.P.O. LEVY:

On the companion resolution, same motion, same second, same vote.
2150A (Appropriating funds in connection with the restoration and
stabilization of Seaplane Hangar at the Vanderbilt Museum).

LEG. FISHER:

Motion.

LEG. CARPENTER:

Second.

D.P.O. LEVY:

The bond resolution. Motion by Legislator Fisher, second by
Legislator Carpenter. Roll call.

(*Roll Called by Mr. Barton*)

LEG. FISHER:
Yes.

LEG. CARPENTER:
Yes.

LEG. COOPER:
Yes.

LEG. BINDER:
Yes.

LEG. POSTAL:
Yes.

LEG. BISHOP:
Yes.

LEG. D'ANDRE:
Yes.

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LEG. CRECCA:
Yeah.

LEG. ALDEN:
Yes

LEG. FIELDS:
Yes.

LEG. FOLEY:
Yes.

LEG. HALEY:
Yes.

LEG. CARACAPPA:
No.

LEG. GULDI:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. LEVY:

No.

P.O. TONNA:

Yes.

MR. BARTON:

15-2, 1 not present. (Absent: Leg. Towle)

D.P.O. LEVY:

Companion resolution, same motion, same second, same vote. 2151A (Appropriating funds in connection with the restoration of facades at the Vanderbilt Museum), the bond resolution.

LEG. FISHER:

Motion.

D.P.O. LEVY:

We have a motion by Legislator Fisher, second by Legislator Carpenter. This is appropriating funds in connection with the restoration of facades at the Vanderbilt Museum. On the bond, roll call.

(*Roll Called by Mr. Barton*)

LEG. FISHER:

Yes.

LEG. CARPENTER:

Yes.

LEG. COOPER:

Yes.

LEG. BINDER:

Yes.

LEG. POSTAL:

Yes.

LEG. BISHOP:
Yes.

LEG. D'ANDRE:
Yes.

LEG. CRECCA:
Yes.

LEG. ALDEN:
Yes.

LEG. FIELDS:
Yes.

LEG. FOLEY:
Yes.

LEG. HALEY:
Yes.

LEG. CARACAPPA:
No.

LEG. GULDI:
Yes.

LEG. CARACCIOLO:
Yes.

LEG. LEVY:
No.

P.O. TONNA:
Yes.

MR. BARTON:
15-2, 1 not present on the bond. (Absent: Leg. Towle)

D.P.O. LEVY:
Companion resolution, same motion, same second, same vote. 2153A,
pending bond resolution for construction of improvements of
campgrounds. Motion by Legislator Fisher, second by Legislator
Carpenter. On the bond. We have a roll call.

(*Roll Called by Mr. Barton*)

LEG. FISHER:
Yes.

LEG. CARPENTER:
Yes.

LEG. COOPER:
Yes.

LEG. BINDER:
Yes.

LEG. POSTAL:
Yes.

LEG. BISHOP:
Yes.

LEG. D'ANDRE:
Yes.

LEG. CRECCA:
Yes.

LEG. ALDEN:
Yes.

LEG. FIELDS:
Yes.

LEG. FOLEY:
Yes.

LEG. HALEY:
Yes.

LEG. CARACAPPA:
Yes..

LEG. GULDI:
Yes.

LEG. CARACCIOLO:
Yes, and I'm glad that you have ten representative voted for it.

LEG. LEVY:
Yes.

P.O. TONNA:
Yes.

MR. BARTON:
17, 1 not present. (Absent: Leg. Towle)

D.P.O. LEVY:
Companion resolution, same motion, same second, same vote. 2162.

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LEG. CARPENTER:
Motion.

LEG. FISHER:
Second.

D.P.O. LEVY:
Pending bond resolution, 2162A. This is for construction of improvements to the County marinas. We have same motion, same second. Let's vote with a roll call.

MR. BARTON:
Okay.

(*Roll Called by Mr. Barton*)

LEG. CARPENTER:
Yes.

LEG. FISHER:
Yes.

LEG. COOPER:
Yes.

LEG. BINDER:
Yes.

LEG. POSTAL:
Yes.

LEG. BISHOP:
Yes.

LEG. D'ANDRE:
Yes.

LEG. CRECCA:
Yes, even though I'm landlocked.

LEG. ALDEN:
Yes.

LEG. FIELDS:
Yes.

LEG. FOLEY:
Yes.

LEG. HALEY:
Yes.

LEG. CARACAPPA:
Yes.

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LEG. GULDI:
Yes.

LEG. CARACCIOLO:
Yes.

LEG. LEVY:
Yes.

P.O. TONNA:
Yes.

MR. BARTON:
17, 1 not present on the bond. (Absent: Leg. Towle)

D.P.O. LEVY:
Companion resolution, same motion, same second, same vote. 2163A.
This is pending bond resolution.

LEG. FISHER:

Motion.

D.P.O. LEVY:

It is for construction of park maintenance and operations facilities.
Motion by Legislator Fisher, second by Legislator Carpenter.

LEG. CARACCIOLO:

On the resolution.

D.P.O. LEVY:

Legislator Caracciolo.

LEG. CARACCIOLO:

Explanation. Which facilities?

D.P.O. LEVY:

It should be listed in the backup. I think it's various.

MR. SABATINO:

It's just a generic description. The actual --

LEG. CARACCIOLO:

And the amount, Paul?

MR. SABATINO:

Well, the amount was 100,000 for planning, 100,000 for construction in terms of the addition, and the total amount of appropriations will be 100,000 for planning and 450,000 for the actual work.

LEG. CARACCIOLO:

Can we have a breakdown of where this work is going to take place?

MR. SABATINO:

No, it wasn't attached on this.

LEG. CARACCIOLO:

No. I'm saying --

MR. SABATINO:

It should be, though, it should be. But to comply with the charter, it really should be.

LEG. CARACCIOLO:
I make a motion to table.

D.P.O. LEVY:
Motion to table, Legislator Caracciolo, second by myself. In favor?
Opposed? Motion -- the resolution is tabled.

MR. BARTON:
17, 1 not present. (Absent: Leg. Towle)

LEG. FISHER:
I was opposed.

D.P.O. LEVY:
2168.

LEG. FOLEY:
Motion to approve.

D.P.O. LEVY:
2168, amending the 2000 Capital Budget and Program, and appropriating
funds in connection with the implementation of Suffolk County
Community Greenways Funds-Farmland.

LEG. CARACCIOLO:
Motion.

D.P.O. LEVY:
Motion by Legislator Caracciolo, second by Legislator Foley. Paul,
where is this property?

LEG. GULDI:
Mike, made the motion.

LEG. CARACCIOLO:
It's all over, the North Fork, the South Fork.

MR. SABATINO:
No. This is the \$20 million. This is the actual \$20 million for the
Greenways Farmland component.

D.P.O. LEVY:
Now, are specific --

MR. SABATINO:
But there should be a bond resolution. We don't have it? There
should be a bond resolution to pick up the planning money and the --
let me just check my records. I mean, there should be one. If there's
not, then we should just table it.

D.P.O. LEVY:

Why don't we -- why don't we pass over this.

MR. SABATINO:

Hold it, hold it. I'm looking real quick. Hang on a minute, I got the list here.

MR. SPERO:

The bond was adopted two years ago, Paul.

MR. SABATINO:

We got the bond? Okay. Then we're okay.

D.P.O. LEVY:

Well, let me -- while we're back on the question here, Paul, I just want to know, is this -- is there a requirement here that the specific parcels be delineated?

MR. SABATINO:

No. What happens is you've got -- this is going to pick up the first -- this is going to make available the first \$10 million worth of appropriations, so that we can then go out and get to vote on the parcels down the road. The individual parcels will be voted --

D.P.O. LEVY:

The individual parcels will have to be voted on one by one. Okay. Did we have a motion and second, Henry?

LEG. FISHER:

Yes.

MR. BARTON:

Yes, sir.

D.P.O. LEVY:

In favor? Opposed? Motion carried.

MR. BARTON:

17, 1 not present. (Absent: Leg. Towle)

D.P.O. LEVY:

2174A, the bond resolution for funds in connection with the acquisition of lands under the Clean Water Bond Act. We have a motion by Legislator Foley.

LEG. FISHER:

Second.

D.P.O. LEVY:

Second by Legislator Fisher. Same question, Paul.

LEG. FOLEY:

200,000 bucks.

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D.P.O. LEVY:

If you can just give an explanation.

MR. SABATINO:

Okay. This one is \$200,000 to be appropriated in order to pick up the 50% State share. The lands that are going to be acquired. They're going to be done for drainage improvements to County roads, but they're not identified and they really should be under the County Charter. There's a section in the County Charter, 4-26, which says you have to be specific.

D.P.O. LEVY:

Motion to table by myself until we get that information, second by Legislator Caracciolo. All in favor? Opposed? Motion carried.

MR. BARTON:

17-1. The resolution is tabled. (Absent: Leg. Towle)

D.P.O. LEVY:

2175.

LEG. POSTAL:

Motion.

D.P.O. LEVY:

Allocating revenue sharing for the Town of Babylon. Motion by Legislator Postal, seconded by Legislator Tonna. In favor? Opposed? Motion carries.

MR. BARTON:

17, 1 not present. (Absent: Leg. Towle)

D.P.O. LEVY:

2176 is --

LEG. FISHER:
Motion.

D.P.O. LEVY:
-- revenue sharing for Brookhaven. Motion by Legislator Fisher,
second by Legislator Caracappa. In favor? Opposed? Motion carries.

MR. BARTON:
17, 1 not present. (Absent: Leg. Towle)

D.P.O. LEVY:
2177, revenue sharing for the town of East Hampton. Motion by
Legislator Guldi.

LEG. FISHER:
Second.

D.P.O. LEVY:
Second by Legislator Fisher. In favor? Opposed? Motion carries.

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MR. BARTON:
17, 1 not present. (Absent: Leg. Towle)

D.P.O. LEVY:
2178.

LEG. FIELDS:
Motion.

D.P.O. LEVY:
Revenue sharing for Town of Islip. Motion by Legislator Fields,
second by Legislator Carpenter

LEG. ALDEN:
Cosponsor.

D.P.O. LEVY:
In favor? Opposed? Motion carries.

MR. BARTON:
17, 1 not present. (Absent: Leg. Towle)

D.P.O. LEVY:
2179, revenue sharing funds, Town of Riverhead. Motion by Caracciolo,
second by Legislator Guldi. In favor? Opposed? Motion carries.

MR. BARTON:
17, 1 not present. (Absent: Leg. Towle)

D.P.O. LEVY:
2180, revenue sharing funds, Town of Shelter Island. Motion by
Legislator Guldi, second by Legislator Caracciolo. In favor? All
right. Caracciolo, you could have it, it's your district. In favor?
Opposed? Motion carries. As Rizzo would say, that will get you
elected.

LEG. GULDI:
He's already been here 20 years and he still doesn't get it.

MR. BARTON:
17, 1 not present. (Absent: Leg. Towle)

D.P.O. LEVY:
2181, allocating revenue sharing funds for the Town of Smithtown.
Motion by Legislator D'Andre.

LEG. FISHER:
Second.

D.P.O. LEVY:
Second by Legislator --

LEG. CRECCA:
Crecca.

D.P.O. LEVY:
Crecca.

LEG. FISHER:
Oh, there he is. I didn't see you.

D.P.O. LEVY:
In favor? Opposed? Motion carries.

MR. BARTON:
17, 1 not present. (Absent: Leg. Towle)

D.P.O. LEVY:
2182.

LEG. GULDI:
Motion.

D.P.O. LEVY:
Revenue funds for the Town of Southampton.

LEG. FOLEY:
Motion.

D.P.O. LEVY:
Motion by Legislator Guldi, second by Legislator Caracciolo. In favor? Opposed? Motion carries.

MR. BARTON:
17, 1 not present. (Absent: Leg. Towle)

D.P.O. LEVY:
2183.

LEG. CARACCIOLO:
Motion.

D.P.O. LEVY:
2183 (Allocating revenue sharing funds to the Town of Southold for 2000 in accordance with the Suffolk County Drinking Water Protection Program). Same motion, same second, same vote

MR. BARTON:
17, 1 not present. (Absent: Leg. Towle)

D.P.O. LEVY:
2192, authorizing the acquisition development rights to farmlands by the County of Suffolk, Phase 5. We have a motion by Legislator Caracciolo, second by Legislator Guldi.

LEG. CARACCIOLO:
There should be a list attached to this resolution.

D.P.O. LEVY:
Paul, what's the amount on this resolution, 2192, the Farmland Preservation package, Phase 5?

MR. SABATINO:

Well, it's not the appropriation, it's the authorization of the properties. It's 792 acres with 12 parcels. The money's already been appropriated. This just this phase of the process where you authorize the actual acquisitions.

LEG. CARACCIOLO:

Jacobs Farm is it? It's farmland, right?

MR. SABATINO:

This is farmland development rights.

D.P.O. LEVY:

So just so I understand this, though, there's a pot of money available, and we are authorizing now the-- given authority for the planners to meet and negotiate a price. Does it come back to us at all, or we're given the authorization?

MR. SABATINO:

No. What happens is, if you've done the Capital Budget, you appropriated the monies, and the Farmland Development -- Farmland Development Rights Committee makes recommendations. These are the recommended acquisitions.

D.P.O. LEVY:

They can't --

MR. SABATINO:

These people have agreed. These people have agreed that they'll sell their development rights. If you believe that they should go through with it, you vote for this. This is the last step in the process.

D.P.O. LEVY:

They can't exceed the amount --

MR. SABATINO:

From the Legislative --

D.P.O. LEVY:

They can't exceed the amount in the budget.

MR. SABATINO:

They can't exceed the appraised value of the development rights, and that, in turn, can't exceed the amount that we've appropriated.

D.P.O. LEVY:

Right. We have a motion, we have a second. In favor? Opposed?

MR. BARTON:
17, 1 not present. (Absent: Leg. Towle)

D.P.O. LEVY:
Motion carries.

PUBLIC WORKS & TRANSPORTATION

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Public Works and Transportation. 2126, authorizing execution of agreement by the Administrative Head, Sewer District Number 3. We have a motion by Legislator Foley, as Chairman, second by Legislator Binder. In favor? Opposed?

LEG. POSTAL:
Opposed.

LEG. GULDI:
Opposed.

LEG. ALDEN:
Opposed. Opposed.

D.P.O. LEVY:
Opposition, Legislators Postal, Alden and Guldi.

LEG. CARACCIOLO:
Opposed.

D.P.O. LEVY:
And Caracciolo.

MR. BARTON:
Thirteen.

LEG. BISHOP:
Opposed.

D.P.O. LEVY:
And Bishop.

MR. BARTON:
12-5, 1 not -- no. Yeah, 12-5, 1 not present. (Absent: Leg. Towle)

D.P.O. LEVY:
2128, authorizing agreement between the Sewer District 11 and Developer, Setauket Park. We have a motion by Legislator Caracappa, second by Legislator Foley. In favor? Opposed? Approved.

MR. BARTON:
17, 1 not present. (Absent: Leg. Towle).

D.P.O. LEVY:
2134 (Accepting and appropriating 100% State and Federal Transportation Funds for Suffolk County Transit Operations), accepting 100% grant. Same motion, same second, same vote.

D.P.O. LEVY:
2145A.

MR. BARTON:
17, 1 not present. (Absent: Leg. Towle)

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D.P.O. LEVY:
A bond resolution for the rehabilitation of parking lots, drives and curbs.

LEG. FOLEY:
Motion.

D.P.O. LEVY:
Motion Legislator Foley, second by Legislator Caracappa. On the bond, roll call.

MR. BARTON:
On the bond.

(*Roll Called by Mr. Barton*)

LEG. FOLEY:
Yes.

LEG. CARACAPPA:
Yes.

LEG. COOPER:
Yes.

LEG. BINDER:
Yes.

LEG. POSTAL:
Yes.

LEG. BISHOP:
Yes.

LEG. D'ANDRE:
Yes.

LEG. CRECCA:
Yes.

LEG. CARPENTER:
Yes.

LEG. ALDEN:
No.

LEG. FIELDS:
Yes.

LEG. HALEY:
Yes.

LEG. FISHER:
Yes.

LEG. TOWLE:
(Absent)

LEG. GULDI:
Yes.

LEG. CARACCIOLO:
Yes.

LEG. LEVY:
Yes.

P.O. TONNA:
Yes.

MR. BARTON:
16-1, 1 not present on the bond. (Absent: Leg. Towle)

D.P.O. LEVY:
On the appropriating -- on the companion resolution, same motion, same second, same vote.

2148A is funds in connection with the reconstruction of County Road 2, Straight Path.

LEG. POSTAL:
Motion.

D.P.O. LEVY:
Motion by Legislator Postal, second by Legislator Bishop. On the bond, roll call.

(*Roll Called by Mr. Barton*)

LEG. POSTAL:
Yes.

LEG. BISHOP:
Yes.

LEG. COOPER:
Yes.

LEG. BINDER:
Yes.

LEG. D'ANDRE:
Yeah. Yes. I'm sorry.

LEG. CRECCA:
Yeah.

LEG. CARPENTER:
Yes.

LEG. ALDEN:

Yes.

LEG. FIELDS:

Yes.

LEG. FOLEY:

Yes.

LEG. HALEY:

Yes.

LEG. FISHER:

Yes.

LEG. CARACAPPA:

Yes.

LEG. GULDI:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. LEVY:

Yes.

P.O. TONNA:

Yes.

MR. BARTON:

17, 1 not present. (Absent: Leg. Towle)

D.P.O. LEVY:

On the companion resolution, same motion, same second, same vote.

2154A is the bond resolution for the purchase of Public Work Fleet Maintenance equipment replacement. We have a motion by Legislator Foley.

LEG. BISHOP:

Skipped 2149.

LEG. CARACAPPA:

2149.

D.P.O. LEVY:

I'm sorry about that. 2149 is amending the 2000 Capital Budget in

drainage improvements on Montauk Highway, Town of Brookhaven. Motion by Legislator Foley, second by Legislator Fisher. On the bond, roll call.

(*Roll Called by Mr. Barton*)

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LEG. FOLEY:
Yes.

LEG. FISHER:
Yes.

LEG. COOPER:
Yes.

LEG. BINDER:
Yes.

LEG. POSTAL:
Yes.

LEG. BISHOP:
Yes.

LEG. D'ANDRE:
Yes.

LEG. CRECCA:
Yes.

LEG. CARPENTER:
Yes.

LEG. ALDEN:
Yes.

LEG. FIELDS:
Yes.

LEG. HALEY:
Yes.

LEG. CARACAPPA:
Yep.

LEG. GULDI:
Yes.

LEG. CARACCIOLO:
Good enough for ten, good enough for me. Yes.

LEG. LEVY:
Yes.

P.O. TONNA:
Yes.

MR. BARTON:
17, 1 not present on the bond. (Absent: Leg. Towle)

D.P.O. LEVY:
On the companion resolution, same motion, same second, same vote.

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2154A is the maintenance equipment replacement. We have same motion same second on the bond. Are you with me? 2154, right?

MR. BARTON:
Yes.

D.P.O. LEVY:
On the bond?

MR. BARTON:
On the bond.

D.P.O. LEVY:
Same motion, same second. Roll call.

(*Roll Called by Mr. Barton*)

LEG. FOLEY:
Yes.

LEG. FISHER:
Yes.

LEG. COOPER:
Yes.

LEG. BINDER:
No.

LEG. POSTAL:
Yes.

LEG. BISHOP:
Yes.

LEG. D'ANDRE:
Yes.

LEG. CRECCA:
Yes.

LEG. CARPENTER:
Yes.

LEG. ALDEN:
No.

LEG. FIELDS:
Yes.

LEG. HALEY:
Yes.

LEG. CARACAPPA:
Yes.

LEG. GULDI:
Yes.

LEG. CARACCIOLO:
Yes.

LEG. LEVY:
No.

P.O. TONNA:
Yes.

MR. BARTON:
14-3, 1 not present on the bond. (Absent: Leg. Towle)

D.P.O. LEVY:
Companion resolution, same motion, same second, same vote. Flip the page, Page 15.

2156A, bond resolution for improvements to the H. Lee Dennison Building. Motion by Legislator Foley, second by Legislator Caracappa.

LEG. CARACCIOLO:
On the motion.

D.P.O. LEVY:
On the motion Legislator, Legislator Caracciolo.

LEG. CARACCIOLO:
Did we not just spent, Jim, \$18 million renovating this building?

D.P.O. LEVY:
Over 20.

LEG. CARACCIOLO:
Over 20 million. And that was before interest costs. What was -- what wasn't done that --

D.P.O. LEVY:
They didn't put heat in the building. I froze my tail off --

LEG. CARACCIOLO:
Well, what are these improvements for?

LEG. CARACCIOLO:
I can't hear. Jim, could you --

MR. SPERO:
Okay. The memo attached to the resolution, this is for lightening protection, emergency power of the building's automatic systems. Recircuiting of feeders to the main switchboard. And I believe --

LEG. GULDI:
And to do the wiring.

MR. SPERO:

I believe it may also include some exterior improvements that --

[SUBSTITUTION OF STENOGRAPHER - ALISON MAHONEY]

LEG. CARACCIOLO:

And this resolution is for planning, planning and design, or this is not construction, right?

MR. SPERO:

This is \$100,000 for construction.

LEG. CARACCIOLO:

For construction. Okay.

D.P.O. LEVY:

Okay. We have a -- did we have a motion, Henry?

MR. BARTON:

Yes, we do.

D.P.O. LEVY:

And we have a second?

MR. BARTON:

Yes, we do.

D.P.O. LEVY:

We need a roll call, please.

(*Roll Called by Mr. Barton*)

LEG. FOLEY:

Yes.

LEG. CARACAPPA:

Yep.

LEG. COOPER:

Yes.

LEG. BINDER:

No.

LEG. POSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. D'ANDRE:
Yes.

LEG. CRECCA:
Yes.

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LEG. CARPENTER:
Yes.

LEG. ALDEN:
No.

LEG. FIELDS:
Yes.

LEG. HALEY:
Yes.

LEG. FISHER:
Yes.

LEG. GULDI:
Pass.

LEG. CARACCIOLO:
Pass.

D.P.O. LEVY:
No.

P.O. TONNA:
Yes.

LEG. GULDI:
Yes, I said. You have to go back to Carpenter.

D.P.O. LEVY:
No, she said yes.

LEG. CARPENTER:
I said yes.

LEG. CARACCIOLO:

Yes.

MR. BARTON:
14-3, one not present (Not Present: Leg. Towle).

D.P.O. LEVY:
Companion resolution, same motion, same second, same vote.

LEG. FISHER:
Motion.

D.P.O. LEVY:
A request was made by the Executive to table 2161 for a corrected copy to come next session, (2161, 2161A - Amending the 2000 Capital Budget and Program, accepting and appropriating State and Federal funds and authorizing the purchase of a Fare Collection System Upgrade for Suffolk County Transit (CP 5648) (County Executive).

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LEG. HALEY:
Second.

D.P.O. LEVY:
Motion by myself, second by Legislator Haley. In favor? Opposed?
Motion carries to table.

MR. BARTON:
17, one not present (Not Present: Leg. Towle).

D.P.O. LEVY:
2167 - Amending the 2000 Operating Budget by transferring additional funds into Southwest Sewer District No. 3 for emergency work as a result of storm/fire damage (County Executive).

LEG. CARPENTER:
Motion.

D.P.O. LEVY:
Motion by Legislator Carpenter, second by Legislator Foley.
Explanation requested, Counsel.

LEG. CARACCIOLO:

How much damage?

LEG. FISHER:

This amount of money's worth.

MR. SABATINO:

This is \$850,000 would be transferred from the Assessment Stabilization Reserve Fund based on a fire that occurred on May 10th and which damaged the Waste Water Treatment Plant. This is going to cover the County's deductible which is a half of million dollars and the balance of the work that has to be done which is identified in the resolution.

LEG. CARACCIOLO:

So we did have some liability insurance here, some fire protection insurance?

MR. SABATINO:

Yeah, I think it was anything over -- I think the deductible was a half of million dollars, if I understood it correct. The restoration project is going to cost \$3 million in total, we're laying out our share which is 830 -- \$50,000, \$850,000.

LEG. CARACCIOLO:

And how did this fire occur, has there been an investigation and report?

LEG. FOLEY:

If I may answer that, Legislator Caracciolo.

D.P.O. LEVY:

Yeah.

LEG. FOLEY:

When this resolution was before the committee, I had asked the Commissioner whether or not this particular resolution would, in essence, prevent the same fire from happening in the future, and his answer to me was that the repairs that they're making, the improvements that they're making to this facility under this resolution will prevent a similar kind of fire from happening again. How exactly they intend to prevent it, you know, I don't know, but they kid say that the way that they're undertaking the improvements, what happened the last time won't happen again. That was their answer.

LEG. CARACCIOLO:

Was there any negligence on anyone's part or was this an act of nature?

LEG. FOLEY:

There was a disruption -- from what I understand, there was a disruption in the energy into the building in electricity and it forced certain things, sewage to back up into an area where they have some furnaces and that helped to create a situation that started a small fire and then it expanded. The changes that are going to be made here will prevent that kind of situation from occurring again.

LEG. CARACCIOLO:

Do you know if this was investigated by the Fire Marshal?

LEG. FOLEY:

It's a good question, wasn't asked.

LEG. CARACCIOLO:

Okay. I make a motion to table this upon --

LEG. FOLEY:

Yeah, I'll second the motion.

LEG. CARACCIOLO:

-- further investigation and review.

LEG. FOLEY:

Sure, okay. Second the motion to table.

D.P.O. LEVY:

Motion to table by Legislator Caracciolo, second by Legislator --

LEG. GULDI:

The County Exec people are here to answer that question.

D.P.O. LEVY:

You want to speak on that?

MR. KNAPPE:

Ken Knappe from the Budget Office. This is an additional resolution. An original resolution was passed a couple of months ago, I believe towards the latter part of the summer for \$2 million for the renovations due to the same accident, fire storm damage. This

resolution is an additional amount of money to be transferred from the Stabilization Fund to Southwest to handle the sludge to be transported out. If we do not have this picked up, we will not be reimbursed due to the insurance recoveries. The Fire Marshal I believe, from conversations with DPW and Phil Bauccio from Insurance and Risk Management, was called into the site after the accident.

LEG. CARACCIOLO:

Do you know if there's been an investigation and report?

MR. KNAPPE:

That I am not sure, but I do believe that the Fire Marshal was called in.

LEG. CARACCIOLO:

Okay.

LEG. FOLEY:

Just table the motion and at next week's Public Works meeting I will make that request to the Commissioner to ask for a copy of the report.

LEG. CARACCIOLO:

Was there any environmental damage as a result of this mishap?

MR. KNAPPE:

That I would have to defer to the Commissioner of Public Works.

LEG. CARACCIOLO:

Does anyone on the committee know, was that question raised? Were there any discharges or --

LEG. FOLEY:

Yeah, we were told that there weren't any discharges outside of the building, that it was contained on site. There was a disruption of power which is what caused the problem.

LEG. CARACCIOLO:

Were any employees or anyone else --

LEG. FOLEY:

There were some employees -- there were some minor injuries from what we understand, yes.

D.P.O. LEVY:

Okay.

LEG. CARACCIOLO:

If you would get back to us, Brian, I'd appreciate it.

LEG. FOLEY:

Yes, sir.

D.P.O. LEVY:
We have a tabling motion.

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MR. BARTON:
Who was the second?

D.P.O. LEVY:
I believe it was seconded by Legislator Foley.
MR. BARTON:
Thank you.

D.P.O. LEVY:
In favor? Opposed? Motion carries.

MR. BARTON:
17, one not present (Not Present: Leg. Towle).

D.P.O. LEVY:
I believe we're on 2169A - (2169 - Amending the 2000 Capital Budget and Program, accepting and appropriating Federal Aid (80%), State Aid (10%) and County funds (10%) for the purchase and installation of bus stop location signs (CP 5651) (County Executive).

LEG. FOLEY:
Motion to approve.

LEG. CARACAPPA:
Second.

D.P.O. LEVY:
Motion to approve by Legislator Foley, second by Legislator Caracappa.
On the roll call.

(*Roll Called by Mr. Barton*)

LEG. FOLEY:
Yes.

LEG. CARACAPPA:
Yep.

LEG. COOPER:
Yes.

LEG. BINDER:
Pass.

LEG. POSTAL:
Yes.

LEG. BISHOP:
Yes.

LEG. D'ANDRE:
Yes

LEG. CRECCA:
Yes

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LEG. CARPENTER:
Yes

LEG. ALDEN:
Yes.

LEG. FIELDS:
Yes.

LEG. HALEY:
Yes.

LEG. FISHER:
Yes.

LEG. GULDI:
Yes.

LEG. CARACCIOLO:
Yes.

LEG. LEVY:
Yes.

P.O. TONNA:
Yes.

MR. BARTON:
17, one not present (Not Present: Leg.Towle).

D.P.O. LEVY:
Companion resolution, same motion, same second, same vote.

LEG. CARACCIOLO:
Mr. Chairman, point of personal privilege.

D.P.O. LEVY:
Yeah, Legislator Caracciolo.

LEG. CARACCIOLO:
Legislator Cooper?

D.P.O. LEVY:
Jon?

LEG. CARACCIOLO:
Jonathan?

D.P.O. LEVY:
You're being paged by Legislator Caracciolo.

LEG. COOPER:
Yes?

LEG. CARACCIOLO:
Have you sponsored any legislation to provide for signage regarding the cell phone bill? I know you wrote a letter to DOT and I don't

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know if it was --

D.P.O. LEVY:
Could I just ask, could this be done privately, is there a reason --

LEG. CARACCIOLO:
Well, I said point of personal privilege, I think we all should know. A month from now a law is going to effect that most of you voted for, is the public going to be forewarned and forearmed?

LEG. COOPER:
We're working through the State and we do more or less have a

commitment from them that something will be in place on the LIE and the State Parkways. The electronic signs are going to be reprogrammed.

LEG. CARACCIOLO:
How about County Roads?

LEG. COOPER:
We're working with the County as well.

LEG. CARACCIOLO:
And what's happening, I mean, what's the timetable for signage?

LEG. COOPER:
We're working as quickly as possible, I don't have any commitments yet.

LEG. CARACCIOLO:
Is there a resolution to do that, to provide money for signage?

LEG. COOPER:
No, there is not.

LEG. CARACCIOLO:
Okay.

D.P.O. LEVY:
Okay. 2172, 2172A --

LEG. CARPENTER:
Motion.

D.P.O. LEVY:
-- Amending Resolution No. 704-1999 and amending the 2000 Capital Budget and Program and appropriating funds for the engineering and construction of additional parking facilities adjacent to the Long Island Railroad at Deer Park (CP 5642) (County Executive). Motion by Legislator Postal, second by Legislator Bishop. On the roll call.

LEG. CARPENTER:
I made the motion, Legislator Levy, it's in my district.

LEG. GULDI:
On the motion.

D.P.O. LEVY:

Oh, I'm sorry, Legislator Carpenter makes the motion, second by Postal.

LEG. GULDI:

On the motion. Do we own this parking field and why are we doing design and construction of parking for the MTA?

D.P.O. LEVY:

We always do it. We always maintain --

LEG. FOLEY:

We've always done that.

D.P.O. LEVY:

We always maintain the parking fields.

LEG. GULDI:

I've got parking facilities at railroad stations all over my district that aren't maintained by the County.

LEG. FOLEY:

Well, they may not be owned by the County. You see, in this case this is County-owned property, that's why we're undertaking the improvements.

LEG. HALEY:

What do you want everything, George?

D.P.O. LEVY:

It depends on the line. We have a motion, we have a second. Roll call.

(*Roll Called by Mr. Barton*)

LEG. CARPENTER:

Yes.

LEG. POSTAL:

Yes.

LEG. COOPER:

Yes.

LEG. BINDER:

Yes.

LEG. BISHOP:

Yes.

LEG. D'ANDRE:

Yes.

LEG. CRECCA:
Yeah.

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LEG. ALDEN:
Yes.

LEG. FIELDS:
Yes.

LEG. FOLEY:
Yes.

LEG. HALEY:
Yes.

LEG. FISHER:
Yes.

LEG. CARACAPPA:
Yes.

LEG. GULDI:
Yes.

LEG. CARACCIOLO:
Yes.

LEG. LEVY:
Yes.

P.O. TONNA:
Yes.

MR. BARTON:
17, one not present (Not Present: Leg.Towle).

LEG. CARPENTER:
Henry cosponsor

LEG. LEVY:

Companion resolution, same motion, same second, same vote.

2184 - Amending the Operating Budget for the airport --

LEG. GULDI:
2185.

D.P.O. LEVY:
2185, I'm sorry, (Amending the 2000 Operating Budget for Francis S. Gabreski Airport sewerage facilities, appropriating funds for operation and maintenance and approving the user charges (County Executive)).

LEG. GULDI:
This Kovesdy Airport?

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LEG. FISHER:
Yeah, Allen Kovesdy.

D.P.O. LEVY:
For the Gabreski Airport Sewage Facilities.

LEG. HALEY:
I don't have an airport in my district.

D.P.O. LEVY:
We have a motion by Legislator Guldi, seconded by Legislator Caracciolo.

LEG. GULDI:
You've got big flies.

LEG. HALEY:
Motion to table.

LEG. CARACCIOLO:
Oh, no, no, wait a minute, wait a minute. We're dealing with sewers here.

D.P.O. LEVY:
All right, second by Legislator Foley, he likes sewers. Explanation from Counsel.

LEG. GULDI:

Counsel, I'm familiar, if you want.

D.P.O. LEVY:

Or Legislator Guldi.

LEG. GULDI:

Yeah, we built the waste water treatment plant with military construction budget money, not with County money, and the facility is now up and operational and people want to use it, we need to establish rate charges so we can accept flow.

D.P.O. LEVY:

We have a motion, we have a second. In favor? Opposed?

MR. BARTON:

17, one not present (Not Present: Leg.Towle).

D.P.O. LEVY:

That's a way with words, good way to put it.

2186A, 2186 - (Appropriating funds in connection with traffic signal system improvements at various LIRR crossings (CP 3310) (County Executive)).

LEG. CARPENTER:

Motion.

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D.P.O. LEVY:

Motion by Legislator Fisher, second by Legislator Foley. On the bond, roll call.

(*Roll Called by Mr. Barton*)

LEG. FISHER:

Yes.

LEG. FOLEY:

Yes.

LEG. COOPER:
Yep.

LEG. BINDER:
Yes.

LEG. POSTAL:
Yes.

LEG. BISHOP:
Yes.

LEG. D'ANDRE:
Yes.

LEG. CRECCA:
Yes.

LEG. CARPENTER:
Yes.

LEG. ALDEN:
Yes.

LEG. FIELDS:
Yes.

LEG. HALEY:
Yes.

LEG. CARACAPPA:
Yes.

LEG. GULDI:
Yes.

LEG. CARACCIOLO:
Yes.

LEG. LEVY:
Yes.

P.O. TONNA:
Yes.

MR. BARTON:
17, one not present on the bond (Not Present: Leg. Towle).

D.P.O. LEVY:
Companion resolution, same motion, same second, same vote.
2195A, 2195 - (Amending the 2000 Capital Program and Budget and
appropriating funds for reconstruction of Middle Road, CR 65, Town of
Brookhaven (CP 5544.311) (Foley).

LEG. FOLEY:
Motion.

LEG. BISHOP:
Last one, Middle Road.

D.P.O. LEVY:
On the resolution for Middle Road reconstruction, Brookhaven. Motion
by Legislator Foley, second by Legislator Fisher. On the bond, roll
call.

MR. BARTON:
On the last bond.

(*Roll Called by Mr. Barton*)

LEG. FOLEY:
Yes.

LEG. FISHER:
Yes.

LEG. COOPER:
Yes.

LEG. BINDER:
Yes.

LEG. POSTAL:
Yes.

LEG. BISHOP:
Yes.

LEG. D'ANDRE:
Yes.

LEG. CRECCA:
Yeah.

LEG. CARPENTER:

Yes.

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LEG. ALDEN:

Yes.

LEG. FIELDS:

Yes.

LEG. HALEY:

Yes.

LEG. CARACAPPA:

Yes.

LEG. GULDI:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. LEVY:

Yes.

P.O. TONNA:

Yes.

MR. BARTON:

17, one not present (Not Present: Leg. Towle).

LEG. FOLEY:

Thank you.

D.P.O. LEVY:

On the companion resolution, same motion, same second, same vote.

FINANCE, TECHNOLOGY & MANAGEMENT SERVICES

2106 - (To readjust, compromise and grant refunds and chargebacks on real property, Correction of Errors by: County Legislature. Control No. 662-2000 (County Executive).

LEG. CARACCIOLO:

Motion.

D.P.O. LEVY:

Motion, Legislator Caracciolo, second, Legislator Foley. In favor?
Opposed? Motion carries.

MR. BARTON:

17, one not present (Not Present: Leg. Towle).

D.P.O. LEVY:

2120 - (To readjust, compromise and grant refunds and chargebacks on
Correction of Errors/County Treasurer by: County Legislature #114
(County Executive). Same motion, same second, same vote.

MR. BARTON:

17, one not present (Not Present: Leg. Towle).

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D.P.O. LEVY:

2171 - Transferring funds and authorizing the County Comptroller and
County Treasurer to close certain Capital Projects (County Executive).

LEG. CARACAPPA:

Motion.

D.P.O. LEVY:

Motion by Legislator Caracappa, second by Legislator Foley. In favor?
Opposed? Motion carries.

MR. BARTON:

17, one not present (Not Present: Leg. Towle).

D.P.O. LEVY:

2198 - Authorizing the County Comptroller and the County Treasurer to
transfer funds to cover unanticipated expenses in the 2000 Adopted
Budget (County Executive).

LEG. POSTAL:

Motion.

D.P.O. LEVY:

Motion by Legislator, Postal second by Legislator D'Andre.

LEG. FOLEY:
On the motion.

LEG. LEVY:
On the motion, okay, Legislator --

LEG. FOLEY:
And that's through the Chair. Mike, were there any -- 2198, were there any unusual unanticipated expenses?

LEG. CARACCIOLO:
There were actually --

MS. MAHONEY:
I can't hear you.

D.P.O. LEVY:
Use your microphone, Mr. Caracciolo.

LEG. FOLEY:
The question is were there any unusual -- in years past we've had some rather staggering transference of monies from one account to another account. How about this year?

MR. SPERO:
This just conforms things to the estimated budget that we had recently adopted.

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LEG. FOLEY:
There's no glaring transference?

MR. SPERO:
No.

LEG. FOLEY:
Okay.

D.P.O. LEVY:
What was the amount transferred?

LEG. CARACCIOLO:

Sixteen million I think.

MR. SPERO:

I have to check.

MR. SABATINO:

It was 4.3 million in the General Fund, there's two million from miscellaneous and 2.3 million from Health.

LEG. CARACCIOLO:

So a total of about eight million.

D.P.O. LEVY:

No.

MR. SABATINO:

No, four million I said, it was four million.

LEG. CARACCIOLO:

Oh, four.

MR. SABATINO:

At the committee I had said it was lower than historical -- the worst year was '96 when it was 34 million.

LEG. FOLEY:

Yeah, yeah. Okay.

LEG. BINDER:

Wait a minute. We're actually authorizing the County Comptroller to do something. We trust him to do this? Is there someone who could do this for him?

LEG. LEVY:

I don't think they're there anymore.

LEG. CARACCIOLO:

And the Treasurer.

LEG. BINDER:

Well, no, the Treasurer we know, but the Comptroller --

D.P.O. LEVY:

All right.

LEG. FOLEY:

Allan, you can do stand up, Allan. I'm telling you.

D.P.O. LEVY:

Do we have a motion, Henry, and a second?

MR. BARTON:

Yes, you do.

D.P.O. LEVY:

In favor? Opposed? Motion carries.

MR. BARTON:

17, one not present (Not Present: Leg. Towle).

VETERANS & SENIORS

I think we did 2008, I believe; did we not, Paul?

LEG. FISHER:

No.

D.P.O. LEVY:

No. 2008 - Approving the appointment of Edward Siegmann as a member of the Suffolk County Senior Citizens Advisory Board (County Executive).

LEG. CARACCIOLO:

Motion.

LEG. FOLEY:

A real American.

D.P.O. LEVY:

Motion by Legislator Caracciolo, second by Legislator D'Andre. In favor? Opposed?

LEG. FISHER:

Abstain.

D.P.O. LEVY:

Motion carries with an abstention by Legislator Fisher.

MR. BARTON:

16, one abstention, one not present (Not Present: Leg. Towle). It passes.

D.P.O. LEVY:

2027 - Adopting Local Law No. 2000, a Local Law authorizing living quarters real property tax exemption (County Executive).

LEG. CARPENTER:
Explanation.

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LEG. D'ANDRE:
Motion, Mr. Chairman.

D.P.O. LEVY:
Let's get a motion and a second then we'll get an explanation. Motion by Legislator D'Andre, second by Legislator Crecca. Explanation, please.

MR. SABATINO:
There was recently adopted State legislation which for the first time authorizes municipalities top opt into this if you wish. The deal is that if you do residential construction to add a room living quarters for either a parent or a grandparent over the age of 62, then that portion of the assessed evaluation attributable to that add-on will be tax exempt by that particular jurisdiction that opts in. So in this case, the County portion of that value of the additional residential living quarters would be exempted.

LEG. BISHOP:
Thank you.

LEG. CRECCA:
Everybody want to cosponsor that one?

LEG. D'ANDRE:
Mr. Chairman?

D.P.O. LEVY:
In favor? Opposed? Carries. Cosponsor. We're all cosponsors.

MR. BARTON:
17, one not present (Not Present: Leg. Towle). All present cosponsors.

LEG. LEVY:
2030 - Adopting Local Law No. 2000, a Local Law defining income for senior citizens real property tax exemption. We have a motion by Legislator Postal, second by myself.

LEG. CARPENTER:

Explanation.

D.P.O. LEVY:

Explanation from Counsel.

MR. SABATINO:

Okay. This law is already on the County books but every year or every other year the State Legislature authorizes you to increase the income threshold level for eligibility. This would increase it from \$28,900 to -- I'm sorry, from \$27,900 to \$28,900.

LEG. BINDER:

Cosponsor.

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LEG. CARPENTER:

Thank you.

LEG. CRECCA:

Cosponsor, Henry.

D.P.O. LEVY:

In favor? Opposed? Motion carries, all cosponsor.

MR. BARTON:

17, one not present (Not Present: Leg.Towle).

D.P.O. LEVY:

Paul, do you want to take it from the Senses?

LEG. BINDER:

Before we -- on this one -- yeah, on this one we might actually have a warm feeling here tonight. Before we do the Sense Resolutions, in talking to the Clerk, I have concerns about the timing, and I think everyone should understand the timing, on the Hotel/Motel Tax. And I thought maybe we could get an explanation of the process, what will happen, what the timing factor is, what the chances are at the next meeting of doing this from your perspective because you go through the process and because we might be interested in reconsidering. Could you --

MR. BARTON:

Well, at the last meeting I expressed concern about tabling that particular resolution to this meeting. I take very seriously filing

documents with the Secretary of State. After -- if this resolution were to be approved tonight, the County Executive has already the hearing, his public hearing in the weekly newspapers, as we had requested that he do, and it's set for December 11th. Following his public hearing, he signs it, it gets sent to the County Attorney for his review and he signs it and sends it back to me and I get it to the Secretary of State. And then the Secretary of State's Office, their attorneys review it and return a receipt to me with the Local Law number.

The typical, no problems process, six to eight weeks. At the last meeting I described that we could condense that with the cooperation of the County Executive to approximately three weeks. If we go to the 19th we might make it, we might not. We're depending upon the County Executive to, once again, cooperate, the County Attorney to cooperate, the Secretary of State to be responsive, and a little luck; it's very tight.

LEG. BINDER:
Can I ask you --

LEG. CARPENTER:
And it's also holiday time.

LEG. BINDER:
If I could also ask the Clerk --

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LEG. CRECCA:
It's also the holiday week.

LEG. BINDER:
Right. What happens -- if we don't make it, can you talk about the mechanism of discussing with those who are imposing the tax, what happens? Do we -- do they know not to?

MR. BARTON:
Well, you're imposing the tax, it's an extension. This one is a little bit different than the other ones that I've dealt with. I would have to consult with Counsel, if you do table the resolution today, and with the County Attorney. And if that, in fact, is your decision, I would contact the State and I would let them know that there is a chance that we might not extend. In thinking about it this

evening, I don't know, chances are they would have to contact those --
LEG. BINDER:
But I guess my question is --

MR. BARTON:
-- those businesses and advise them.

LEG. BINDER:
Right. On January 1st we are in real danger of those who need to -- if we don't have this imposed, then there might be a number of hotels out there, maybe the preponderance of them, that will be out there imposing the tax illegally because they don't know, and then some who may not and not know when to start it. So there is -- we don't have a mechanism as in sale tax through the State, I don't think there's a very good mechanism in letting all the hotels impose it now.

MR. BARTON:
I would imagine that the State has identified those corporations and individuals and partnerships who are subject to this taxation, I don't know how many individuals or enterprises they are. But at some point I think, as a public official, I have to notify them or the State has to notify them. We're getting dangerously close, that's my concern. I'm not looking to extend the meeting, nor am I looking to extend the debate, but you need to understand that these things don't simply just happen, timing consideration has to be taken into account.

LEG. BINDER:
My point is if members want to take a look at this again tonight, we could reconsider. It's not worth reconsidering of the tabling vote if there's not enough votes to get it passed because it will go down and then you're not going to be able to reconsider again without twelve votes. So I think it would behoove us to see if we could put together the votes necessary to make this happen.

LEG. HALEY:
Would you suffer an interruption?

LEG. BINDER:
Sure.

LEG. HALEY:
I want to ask Henry that question again. Henry, on a scale of one to

ten, what do you think the possibility of success is on getting this through if you get it on the 19th? Now, you've been doing this for a number of years now and --

P.O. TONNA:

And realize that your votes for Clerk depend on this vote.

MR. BARTON:

I understand the rule of ten as well as anybody.

LEG. HALEY:

Henry, we're putting you in a bind. And you know what?

MR. BARTON:

Well, you are and you aren't.

LEG. HALEY:

We're very much interested in your opinion because we're concerned about your ability to do it.

MR. BARTON:

With the cooperation --

LEG. HALEY:

So you tell us like it is.

MR. BARTON:

With the cooperation of the County Executive who would, once again, have to do a public notice prior to the meeting -- so I'm sure that at that point they would want some belief that it was going to pass -- and with the cooperation of the County Attorney, there is a chance that we still might not make the deadline, even with their cooperation. There is a chance, I can't quantify it because I haven't contacted the Secretary of State to find out when -- you know, when his office is going to be closed for Christmas and whether or not anybody is going to even be there to sign for it. We got lucky last year, you guys adopted a Local Law somewhere around the 12th I think it was and I got it through; you're now asking for the 19th, it's seven days later. You're making it more difficult. Can I do it?

LEG. D'ANDRE:

Mr. Chairman, why should we gamble? Why don't we do this the business way?

P.O. TONNA:

Well, Michael --

LEG. D'ANDRE:

Let's get it done.

P.O. TONNA:

-- this is my problem. You ready? You agree, Legislator Binder

agrees, Legislator Haley agrees, there are a few people who agree but

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there's not a majority who agrees, that's the problem.

LEG. D'ANDRE:

But we're a Legislative body, Mr. Chairman, we've got to approve these things.

P.O. TONNA:

Michael --

LEG. ALDEN:

You want to just recount this until we get the right --

P.O. TONNA:

Michael, I'm with you on this one, okay? But to tell you quite honestly --

LEG. LEVY:

We counted them once the first go around.

[RETURN OF STENOGRAPHER-LUCIA BRAATEN]

LEG. D'ANDRE:

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LEG. ALDEN:

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P.O. TONNA:

Michael, I'm with you on this one, okay, but to tell up quite honestly

--

LEG. LEVY:

We counted them once the first go-around.

P.O. TONNA:

There is -- there seems to be, for those -- for those -- the majority of people who have voted to table this, there doesn't seem to be

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anybody coming to me, at least, and saying --

LEG. D'ANDRE:

We certainly don't want to be like Nassau County. We're proving it wrong now. We're getting like Nassau County. We don't know what the heck we're doing. Let's do the County's business.

LEG. LEVY:

Speak for yourself.

LEG. D'ANDRE:

The Clerk's got a job to do.

P.O. TONNA:

Okay. This --

LEG. D'ANDRE:

We're stopping him from doing his job. That's not right.

D.P.O. LEVY:

Could I ask a question, Mr. Chairman?

P.O. TONNA:

Okay. Could I just -- all right. There has not been anybody on the prevailing side who is -- or no, on the side who wants to pass this thing.

D.P.O. LEVY:

Well, that will depend. Can I ask a question?

P.O. TONNA:

Oh, okay. There's some movement. Go ahead.

D.P.O. LEVY:

Can I ask the County Executive's Office if there's been a CN that was prepared?

P.O. TONNA:

We find out there wasn't. Okay. All right. There's -- the County Executive's very clear, there's not going to be a CN. The resolution is going to be as it stands. This is going to be as --

LEG. GULDI:

The resolution as it stands failed.

P.O. TONNA:

Right. And what did you call it, George, this was the -- you used a metaphor.

LEG. GULDI:

Playing chicken when nobody blinked.

P.O. TONNA:

Okay. Nobody blinked at the chicken.

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LEG. CRECCA:

Mr. Chairman.

P.O. TONNA:

That's a great one. Okay.

LEG. CRECCA:

Mr. Chairman.

P.O. TONNA:

Anyway, okay.

LEG. CRECCA:

Mr. Chairman.

P.O. TONNA:

That's something I would have come up with. Anyway, okay.

LEG. CRECCA:
Mr. Chairman.

P.O. TONNA:
Yes. Yes, Mr. Crecca.

LEG. CRECCA:
Now we'll also lose with this tax, just so I'm clear, the Cultural Affairs monies, too?

LEG. CARPENTER:
Yes.

LEG. CRECCA:
If this tax isn't -- because I'm new at this.

LEG. CARPENTER:
And Historic Preservation. That's all part of this.

P.O. TONNA:
And I would say that although I'm not the Amazing Kreskin, I think that there are -- the people who are on the prevailing side are not passing this thing know all of that. Right? Okay. So the Amazing Kreskin says --

LEG. CRECCA:
What?

P.O. TONNA:
-- guess what, a there has been no movement. Let's move on. All right. CN's.

LEG. ALDEN:
Aren't you going to do senses first or CN's?

P.O. TONNA:
No. I'd like to do the senseless resolutions later, please. Okay. Here we go. CN Number 1833. Is there a motion, Legislator Guldi?

LEG. LEVY:
We can't.

LEG. GULDI:

Oh, I'd like somebody -- who's going to speak on these from the County Exec's? And what order do you want to do them? Somebody, go to mike, please, so we can --

LEG. D'ANDRE:

This is 1800? This is --

P.O. TONNA:

1833. That was a good year.

LEG. D'ANDRE:

Is this Guldi's?

LEG. GULDI:

I think 2041 has to be done first. Is that what you're saying?

MS. ROSENBERG:

Yes, 2041.

P.O. TONNA:

I think Taylor was President at the time.

LEG. GULDI:

And we need Dave Grier on that to discuss the issue related to the Rule 28.

LEG. HALEY:

1833?

LEG. GULDI:

No. 1833 comes --

MS. ROSENBERG:

No, 2041.

LEG. GULDI:

2041, which was --

P.O. TONNA:

All right.

LEG. GULDI:

We're doing 21 -- 2041 first.

P.O. TONNA:

Okay. Motion, 2041 (Adopting Local Law No. , Year 2000, a Charter Law authorizing Local Municipal Funding of Suffolk County Capital Projects), by Legislator Guldi.

LEG. GULDI:

Motion to approve.

P.O. TONNA:
Seconded by Legislator Fisher.

LEG. GULDI:
And on motion.

P.O. TONNA:
Why do we need on the motion?

LEG. CARACCIOLO:
Because there is --

LEG. GULDI:
Because there's stuff that we've got to discuss here.

P.O. TONNA:
Okay. That's why we usually have it on the motion. Okay. Legislator Guldi.

LEG. GULDI:
Mr. Grier, there's a Rule 28 annexed to 2041 that caused it to be tabled in committee, because it adds the word "Town or Village" to "State or Federal" for revenue sharing to the Local Law. The Rule 28 opines that the -- that to make this change a public referendum is mandatory. The County Executive and its Law Department are of the opinion that that's not the case. Tell us why.

MR. GRIER:
We believe it's not the case, because unless the Constitution or some statute authorizes there to be a referendum, whether it be mandatory or permissive, none is authorized. The Court of Appeals and the Attorney General have both opined as well that a local law or charter law that is passed by referendum does not have to be amended or repealed by a referendum unless it falls within one of the enumerated subject matters to which a referendum is authorized. They've also opined that a municipality may not impose a mandatory referendum upon an enactment of -- a future enactment of its charter or local law. So unless there's some statutory basis, state or constitution, there's no authority for a municipality to impose a referendum, be it permissive or mandatory.

Counsel, in his Rule 28, cites Section 34-4 of the Municipal Home Rule

Law as the basis for imposing the mandatory referendum. However, Section 34-4 converts certain aspects of the structure of County government from a mandatory referendum under Section 23 of the Municipal Home Rule Law into permissive referendum, and it specifically talks about Section 101 of the County Law, which deals with the Legislature's ability to take an item which is subject to a permissive referendum and put it before the electorate, should it vote to do so. However, IR 2041 is not -- the amendment does not fall within a subject area which would be authorized to have a referendum.

LEG. GULDI:

A mandatory referendum.

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MR. GRIER:

Or permissive, either one. There's no authority either way. And just as a matter of historical perspective, Local Law 23-89 amended Section 413 of the Charter, and it was subject to a permissive referendum. Then Local Law 35 -- 37-89 amended Section 413 of the Charter, as IR 2041 does, and that's the sex which imposed the mandatory referendum, which Counsel refers to in his Rule 28. Then in 1991, pursuant to Local Law 35, Section 413 was amended again. However, in that particular instance, it was merely -- the resolution said it was subject to a permissive referendum. So there hasn't been a consistency in the history of this bill. But putting that aside, it's our opinion, and it's consistently been our opinion over the past several years, that unless there's some constitutional or statutory authority for a referendum, one may not be imposed or authorized.

LEG. GULDI:

Okay. I don't have any other questions. On the motion, I want to share the observation that all the bill does is expand our current partnership resolutions, so that we can do partnerships not just with the Federal Government, but add State, Town or Village to the language of our statute. The reason this was never an issue prior to I think it was '91, is that right, Jim, that we didn't have the budgetary constraints, and we could merely do straight adds to the Capital Budget, because we had no Capital Budget caps or forecasts, we could merely blow through them. So this really hadn't come up prior to '91. Now it's at issue. I'd urge the passage of the bill. And I don't have further questions.

LEG. CARACCILO:

Legislative Counsel.

MR. SABATINO:

All you need to read is one sentence from Section 8 of Local Law 37-1989. That sentence says -- and Local Law 37 is the one that imposed the capital offset requirements. Section 40-13 of the County Charter dealt with a whole variety of issues, but the law that's in question is Local Law 37-1989. That was the bill that initially imposed these capital offset requirements. And the one sentence, is the only one you need to read, states, "After approval by the electorate, this law," meaning Local Law 37-1989, may only be amended, modified, repealed or altered by enactment of an appropriate charter subject to mandatory referendum in accordance with prevailing law."

The reason that that language was inserted at that time was because the then County Attorney had a disagreement with the Legislature, in particular with myself, with regard to what the Doctrine of Equivalency meant, because the Doctrine of Equivalency, which has been articulated by the courts, is that it takes an equivalent act to affect a previous act. What we did was to resolve that dispute and to put it to the side, so we would never, ever again run into that problem, we've incorporated this sentence, and it's been in every 34-4 conversion referendum bill since 1989, all but two of which were signed by the County Executive during that period of time, and we've had 21 referenda during that period of time, two of which were not 34-4 conversions. So I would say that 17 out of the 19 have this provision. But the provision was put in precisely because of the

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debate that you're hearing right now. It was to take that debate and put it on the side. And, in fact, a whole series of amendments that we've done in subsequent years, to the Quarter Percent Program in particular, were all predicated on the same theory. So this is not a new or a novel notion that's being presented tonight.

LEG. CARACCIOLO:

So, in your opinion, Counsel, it is a requirement of a passage of this resolution that it must go to the voters of Suffolk County for a mandatory voter referendum.

MR. SABATINO:

Absolutely. And just by way of example, Proposition 2, which generated all of the debate just recently, was exactly what we did here, we were amending a previous referendum. The bill was properly filed, it was adopted, the County Executive signed it, and it made reference to the same section. Again, because of that dispute back in

1989, this language was put in all subsequent referenda to avoid that dispute.

LEG. GULDI:

Counsel, either of you, or actually, I'd like both of you to address how this resolution modifies 34-4. In what way does it amend 34-4, requiring the mandatory language -- mandatory referendum language that you recited to be a vote?

MR. SABATINO:

It doesn't modify 34-4, it modifies Local Law 37-1989, which was the Local Law that imposed the capital offset requirements. The way it modifies that law is by expanding the exemption for getting a Capital Budget offset from just State and Federal Government to include Town and Villages.

LEG. GULDI:

Mr. Grier, you've heard Counsel's remarks. Do you want to respond?

MR. GRIER:

Well, as far as the issues of Legislative Equivalency is concerned, it's our opinion that Legislative Equivalency merely states that an enactment must be amended, modified or repealed by a Legislative enactment which is its equivalent, which means that a resolution could not amend, repeal or modify a local law or a charter law. You'd need a local law to amend, repeal or modify a local law. However, what it -- the Doctrine of Legislative Equivalency does not say is that the "how" a bill is passed has to be followed, it's merely the "what" that has to be passed be the same.

LEG. GULDI:

What about Counsel's argument that the past referendum requiring future amendments to be approved by -- which included a provision requiring future amendments to be approved by referendum is binding, what about that argument?

MR. GRIER:

The courts have been clear on that that's not the case. Unless they -- just merely because a Legislative enactment has gone to referendum,

any subsequent enactments only go to -- are only subject to permissive or mandatory referendum where there are some statutory or constitutional authority for it, and they have said that a municipality may not impose a mandatory referendum on subsequent

amendments or modifications to one of its enactments. And the Court of Appeals has stated that, and the Attorney General has recently stated that same proposition.

LEG. GULDI:

Counsel, I'm sorry. Legislator Carpenter, I'm trying to him in this dialogue at the moment.

LEG. CARPENTER:

Oh, I'm so sorry.

LEG. GULDI:

I'm going to ask you to respond to what Mr. Grier just said. Has the Court of -- the decision he's citing about the Court of Appeals, stating that the municipality can't do that, that you don't need a referendum, mandatory or permissive unless it's in the State statute, do you agree with it, that case, A, exists, and B, says that?

MR. SABATINO:

I see no such case. If there is a case, it cannot possibly be dealing with a charter law, because the whole point of a charter law is to bind future Legislative bodies. I have seen the court decisions which have talked about the inability to bind future Legislative bodies, but those are limited to resolutions, and in some narrow circumstances, local laws.

LEG. GULDI:

Dave, do you -- I mean, have you provided him with this decision. Do you have them with you?

MR. GRIER:

I have, and I can give him a cite right now, if you'd like.

LEG. GULDI:

What's the cite? Do you know the case, perhaps?

MR. GRIER:

Sure. It's Elkind versus the City of New Rochelle, and it is -- the citation is 5 New York 2d 836, 181 New York Supp. 2d 509. And, specifically, the court held that no charter law or local law may impose a mandatory referendum on the adopting of subsequent amendments thereto unless there is some statutory authority.

LEG. CARACCIOLO:

Dave, when was that case?

MR. GRIER:

It was a case where the City of New Rochelle, in dealing with its charter, wanted to impose a mandatory referendum on subsequent enactments of a particular provision that they were looking to impose, and the Court said, no, you can't impose it unless there's some authority to impose it on that specific -- particular instance. So

unless that amendment was something that was enumerated in the statute to go to referenda --

LEG. BISHOP:
Send it to committee.

MR. GRIER:
-- it could not.

LEG. CARACCIOLO:
And what was the date of that decision?

MR. GRIER:
That was --

LEG. BISHOP:
Motion to defer to committee.

MR. GRIER:
That was a 1958 decision. There hasn't been much on that topic from the court. However the -- as I had said, as early as 1998, the Attorney General has stated this proposition.

LEG. BISHOP:
Mr. Chairman. Who's running the -- Paul Tonna?

P.O. TONNA:
Yes. What?

LEG. BISHOP:
Motion. Motion to defer to committee.

P.O. TONNA:
What?

LEG. FISHER:
Second.

P.O. TONNA:
To defer what?

LEG. BISHOP:
2141.

P.O. TONNA:
Okay. This is the budget blaster?

LEG. CARACCIOLO:
2041.

P.O. TONNA:
This is the budget blaster capital program.

LEG. CARACCIOLO:
2041.

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P.O. TONNA:
Okay. All right. Second by who?

LEG. CARACCIOLO:
I'll second it.

P.O. TONNA:
Okay.

LEG. BISHOP:
By Joe Caracappa.

P.O. TONNA:
All in favor? Opposed?

LEG. GULDI:
Opposed.

LEG. HALEY:
Opposed.

P.O. TONNA:
Okay. You got Haley and Guldi opposed.

LEG. GULDI:
All right. Well --

P.O. TONNA:
No, no, no. George --

LEG. BISHOP:

That's it.

P.O. TONNA:

-- there's no comment on it, it's --

LEG. BISHOP:

It's sent to committee.

LEG. GULDI:

It's sent to committee.

P.O. TONNA:

Sent to committee.

LEG. GULDI:

Now that you've done that, 1833 (Amending the 2000 Capital Program and Budget, Appropriating funds and authorizing the acquisition of land in the Suffolk County Land Preservation Partnership Program), the other CN, 1833 has to go, too.

LEG. BISHOP:

Motion to defer to committee.

P.O. TONNA:

Okay.

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LEG. BISHOP:

Or refer to committee.

P.O. TONNA:

You guys are catching -- hey, don't defer. You know it's got to be refer.

MR. BARTON:

Mr. Chairman.

LEG. BISHOP:

We're referring.

P.O. TONNA:

Okay.

MR. BARTON:

Mr. Chairman.

P.O. TONNA:
Anyway, who's the second?

MR. BARTON:
Mr. Chairman.

LEG. FISHER:
I'll second.

P.O. TONNA:
Okay. Sorry. Legislator Caracappa. All in favor? Opposed? 1833 is referred to committee.

LEG. CARACCIOLO:
Mr. Chairman.

P.O. TONNA:
Yes.

LEG. CARACCIOLO:
If Legislative Counsel, in the interim and prior to committee, can research the legal cases, and, in particular, the 58 case that was cited, and apprise the committee.

P.O. TONNA:
Okay.

MR. SABATINO:
Absolutely.

LEG. CARACCIOLO:
It sounds like Florida.

LEG. BISHOP:
We've got to -- we've got to get to this scooter bill.

MR. SABATINO:
Florida's a good example. Two statutes, 2,000 attorneys, and 2,642 interpretations.

LEG. BISHOP:

And no justice, yet.

P.O. TONNA:

Okay. This is the -- this is -- now we have CN 1978 (Adopting Local Law No. -2000, a Local Law to extend required use of helmet by minors to scooters). This is the local helmet for minors to scooters law.

Okay. Anyway, there's a motion by Legislator Carpenter.

LEG. FISHER:

Second.

P.O. TONNA:

Seconded by Legislator Fisher. All in favor? Opposed?

LEG. LEVY:

Just on the record. I just wanted to --

P.O. TONNA:

Sure, go ahead.

LEG. LEVY:

I know the intentions are good. Just philosophically, I just can't ask a 17 year old to wear a helmet riding a bike or on a skateboard, and that's what this goes, from 14 to 17 years old. It's one thing up to 12.

P.O. TONNA:

And how about all of the adults who are like cyclists and stuff. What, when you -- I mean, I wore a helmet, look what happened to me.

LEG. CRECCA:

Henry.

P.O. TONNA:

All right. Anyway --

LEG. CRECCA:

I put myself down as a cosponsor on this a million times with your office.

P.O. TONNA:

Great.

LEG. CRECCA:

It's never appeared.

P.O. TONNA:

Andrew, you put yourself down? Don't put yourself down, really. Okay.

LEG. CRECCA:

Thanks.

P.O. TONNA:

All right. We have a motion and a second, and except for Legislator Levy's "Profile in Courage" against this one, okay, we have --

MR. BARTON:

Mr. Chairman.

P.O. TONNA:

Yes.

MR. BARTON:

How courageous was he, is it a no or an abstention?

P.O. TONNA:

It -- yes.

LEG. HALEY:

All right, Henry.

LEG. CRECCA:

I'm voting for Henry.

LEG. LEVY:

How many votes does he need and can I be here?

LEG. BINDER:

Got my vote.

P.O. TONNA:

Now you got Levy showing up to Organizational Day now.

LEG. LEVY:

I'm coming on the 3rd, I'll tell you.

P.O. TONNA:

All right. Here we go.

LEG. LEVY:

It's a no.

P.O. TONNA:

Okay, there we go. All right.

LEG. HALEY:

It's a no for me, too, Henry.

P.O. TONNA:

All right. Guys, don't leave yet, we still have other things.

LEG. CARACAPPA:

Sense resolutions.

P.O. TONNA:

No. We have -- we have late-starters.

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MR. BARTON:

15-2, 1 not present. (Absent: Leg. Towle)

P.O. TONNA:

No, I'm not having you guys leave, no way. Caracappa, I know you have -- all right. Let's go. I'm getting silly. All right. Motion to lay on the table 2271 (Amending the 2000 Operating Budget and Transferring funds for Sunrise Psychiatric Clinic). That's going to go to Budget and Health. Second by Legislator Fields. All in favor? Opposed? Fine.

MR. BARTON:

17-1. (Absent: Leg. Towle)

P.O. TONNA:

Motion to lay on the table 2272 (Authorizing waiver of interest and penalties for property tax for John and Margaret Pitta). That's going to go to Ways and Means. Seconded by Legislator Fields. All in favor? Opposed?

MR. BARTON:

17, 1 not present. (Absent: Leg. Towle)

P.O. TONNA:

There you go. Motion to lay on the table 2273 (Amending the 2000 Operating Budget and transferring funds for market study of hotel rooms in Suffolk County). Going to budget and Economic Development.

LEG. GULDI:

Why don't we make one motion to do them all?

P.O. TONNA:

I don't know if I can do that.

LEG. CARPENTER:
He has to announce the committees.

P.O. TONNA:
Okay. Motion --

LEG. GULDI:
You can assign to committees later?

P.O. TONNA:
All in favor? Opposed? I can do that? I could read them all at one
--

LEG. GULDI:
You got it.

P.O. TONNA:
Okay. Motion to lay on the table 2274 (Authorizing the sale of
County-owned real estate pursuant to Section 215, New York State
County Law to Grace and Michael Tollin), to Ways and Means.

2275 (Amending the 2000 Capital Program and Budget and appropriating

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funds for reconstruction of Montauk Highway CR 85, Town of Brookhaven)
to Public Works and Finance.

2276 (Authorizing the County Executive to execute an agreement with
the Suffolk County Deputy Sheriff's Benevolent Association, Inc.
Covering the terms and conditions of employment of employees in
Bargaining Unit No. 11 for the period January 1, 1997 through December
31, 2001) to Finance and Public Safety.

2277 (Amending the 2000 Operating Budget and transferring funds for
the Purchase of Equipment for the removal of iron from drinking water)
to Budget and Health.

2278 (Amending the 2000 Operating Budget and transferring funds for
the purchase of rescue boats) to Budget and Public Safety.

2279 (Amending the 2000 Operating Budget and transferring funds for a
"Shop in Suffolk and Save" Advertising Program) to Budget.

2280 (Authorizing the Department of Health Services to submit an application pursuant to Article 28 of the Public Health Law requesting relocation of the Amagansett Satellite Clinic to expanded space in East Hampton) to Health.

2281 (Authorizing the County to enter into an agreement with the Babylon Beautification Society for the erection of a Robert Moses Statue in the Village of Babylon) to Parks.

Motion by myself, seconded by Legislator Fields. All in favor?
Opposed? I would just --

MR. BARTON:
17, 1 not present. (Absent: Leg. Towle)

LEG. BISHOP:
Before --

LEG. CARPENTER:
Wait a minute. Wait a minute. Wait a minute.

P.O. TONNA:
Just wait, wait.

LEG. CARPENTER:
Lay on the table and approve.

P.O. TONNA:
Okay. One more motion to lay on the table --

LEG. CARPENTER:
And approve.

P.O. TONNA:
-- and approve. All right. Before we get to this --

LEG. CARPENTER:
Because it's a sense.

P.O. TONNA:
-- I would ask all Legislators, just the late-starters, can we try not to have late-starters, all right?

LEG. GULDI:
We do try.

LEG. CARACAPPA:
You set the rule.

P.O. TONNA:
I let it go, I know. I'm trying to be a little more -- you know, it's coming, I need votes again. You know, it's -- whatever. Just can we try not to do this? I'm like Henry. All right. I'm in the same dilemma Henry's in. All right. There's a motion to lay on table and approve Sense Resolution 151, a memorializing resolution requesting the State of New York to provide greater financial security.

LEG. FIELDS:
Scrutiny.

P.O. TONNA:
Scrutiny.

LEG. CRECCA:
Security, too, though.

P.O. TONNA:
Scrutiny of the -- that's a -- that spelled charter?

MS. BURKHARDT:
It's spelled incorrectly.

P.O. TONNA:
Yeah. This is {charier} schools. Okay, charter schools. All right. All in favor? Opposed?

LEG. HALEY:
Opposed.

P.O. TONNA:
You're opposed?

MR. BARTON:
The second was, Mr. Chairman? Mr. Chairman, the second?

P.O. TONNA:
All right.

LEG. BISHOP:
Cosponsor.

MR. BARTON:
Second.

P.O. TONNA:
Oh, second by Legislator Bishop.

MR. BARTON:
Okay.

P.O. TONNA:
Mr. Charter School.

LEG. BISHOP:
Cosponsor on that.

P.O. TONNA:
Okay.

LEG. BISHOP:
On the scrutiny.

P.O. TONNA:
All right. Now let's go --

MR. BARTON:
17, 1 not present. (Absent: Leg. Towle)

P.O. TONNA:
Okay. Sense Resolution Number 140, a memorializing resolution requesting the State of New York to grant real property tax exemptions to fire and rescue volunteers. Legislator Postal, motion?

LEG. POSTAL:
Motion.

P.O. TONNA:
Seconded by Legislator Caracappa.

LEG. GULDI:
Co.

P.O. TONNA:
All in favor? Opposed? Approved.

MR. BARTON:
17, 1 not present. (Absent: Leg. Towle)

LEG. GULDI:
Cosponsor.

P.O. TONNA:
I'm not going to read them all. Just have them in front of you.

LEG. HALEY:
Same, Henry.

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LEG. BINDER:
Cosponsor.

P.O. TONNA:
Okay, great.

LEG. FOLEY:
Cosponsor.

P.O. TONNA:
Sense 141.

LEG. COOPER:
Cosponsor.

P.O. TONNA:
(Sense 141 Memorializing resolution requesting US Congress to offer medical nutrition therapy to all Americans eligible for Medicare benefits).

LEG. POSTAL:
Motion.

P.O. TONNA:
Motion by Legislator Postal, seconded by Legislator Tonna. All in favor? Opposed? Approved.

MR. BARTON:
17, 1 not present. (Absent: Leg. Towle)

P.O. TONNA:
Sense 142 (Memorializing resolution requesting State of New York to raise Medicaid reimbursement rate for registered nurses and licensed

practical nurses).

LEG. FIELDS:
Motion.

P.O. TONNA:
Motion by Legislator Fields, second by Legislator Tonna. I'm feeling good about that. All right. All in favor? Opposed?

LEG. GULDI:
Cosponsor.

P.O. TONNA:
Approved.

MR. BARTON:
17, 1 not present. (Absent: Leg. Towle)

P.O. TONNA:
Number 143 (Memorializing resolution requesting State of New York to acknowledge and recognize sound Suffolk County budgetary practices).

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LEG. CARACAPPA:
Motion.

P.O. TONNA:
Motion by Legislator Caracappa, seconded by myself. All in favor? See how supportive I am of you? All in favor? Opposed? Approved.

MR. BARTON:
17, 1 --

LEG. HALEY:
Abstain.

P.O. TONNA:
All right.

MR. BARTON:
16, 1 abstention, 1 not present. (Absent: Leg. Towle)

P.O. TONNA:

144 (Memorializing resolution requesting United States Congress to prohibit burning of the American Flag). Motion by Legislator Alden, seconded by myself. All in favor? Opposed? Approved. That was a big, I know, Cameron.

MR. BARTON:

17, 1 not present. (Absent: Leg. Towle)

P.O. TONNA:

147 (Memorializing resolution requesting Federal government to use portion of Lobstermen Federal Disaster Aid for research to determine whether chemical pesticide used for mosquito control contributed to lobster die-off). Motion by Legislator Cooper. I can't be for this. All right. Okay, you talked me into it. That and the Conservatives. Is this going to, you know, piss off the Conservatives?

LEG. COOPER:

Not at all.

P.O. TONNA:

Because I have to do them both at the same time. All right. All in favor? Opposed? Approved.

MR. BARTON:

Mr. Chairman.

P.O. TONNA:

And 149 (Memorializing resolution requesting the US Fish and Wildlife Service to acquire parcel for Wertheim National Wildlife Refuge Visitor/Education Center in Shirley, Long Island, New York). Motion by Legislator Cooper, seconded by myself.

MR. BARTON:

Thank you. 17-1 (Vote on 147) (Absent: Leg. Towle).

P.O. TONNA:

No, on 149. Motion by Legislator Fields, seconded by myself. I've done two favors for you today.

LEG. FOLEY:

Cosponsor.

P.O. TONNA:
Yes. All in favor? Opposed? Approved.

MR. BARTON:
17-1. (Absent: Leg. Towle)

P.O. TONNA:
I know it's going --

LEG. CRECCA:
Paul.

P.O. TONNA:
-- 18 and 0.

LEG. CRECCA:
Paul.

P.O. TONNA:
Yes. Why? You didn't have a sense resolution. I can't support you.

LEG. CRECCA:
No, just --

P.O. TONNA:
Oh, Fred. Wherever Fred is. Fred. They're all gone. Listen to me.
We're going to do -- we were supposed to have an executive session
today. If you want, we can go.

LEG. FOLEY:
No, Paul.

P.O. TONNA:
All right. We'll do it next meeting, but we have to have it next
meeting on the North Ferry.

LEG. POSTAL:
Mr. Chairman.

P.O. TONNA:
Okay do we have anything else?

LEG. POSTAL:
Yes, I think so.

LEG. LEVY:
Motion to adjourn.

P.O. TONNA:

Okay. Wait. I have two other things to say. I forgot about this. First of all, I want to thank Legislator Binder, because, you know -- thank you very much for the food today, Legislator Binder. I'm surprised. No, I'm not surprised that there was food.

LEG. BINDER:

Did you eat the special plate? No, you didn't.

P.O. TONNA:

No, that's why I didn't. But my parrot that fed on it is dead right now, so okay.

And, secondly -- just wait. Secondly, I want to thank my staff, who did a wonderful job today. All right?

(Applause)

And I'm sorry. Amy, it was a great speech, Paul Sabatino's great speech. I just had to read it at least twice before I deliver it.

LEG. GULDI:

We need a better reader.

P.O. TONNA:

Next time -- I know. I know, we really do need one.

LEG. CARPENTER:

May I just --

P.O. TONNA:

All right. And Warren, Warren, I heard you worked on it. Thanks. That was the part that -- I had to cross that out, the part that was -- no, I'm joking.

LEG. CARPENTER:

I just want to -- I just want to thank everyone for their indulgence today. I really appreciate, it meant a lot. Thank you.

LEG. LEVY:

Good luck.

P.O. TONNA:

No problem.

LEG. POSTAL:

Mr. Chairman.

P.O. TONNA:
Okay. Wait. Yes, Legislator Postal.

LEG. POSTAL:
I'd like to make a motion to reconsider on -- it's in Finance.

P.O. TONNA:
Oh, guys, come on.

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LEG. POSTAL:
No, no.

LEG. BINDER:
Come on.

LEG. POSTAL:
It's the hotel and motel room tax resolution.

LEG. CARPENTER:
Oh, you're so good, Maxine.

LEG. HALEY:
Second.

LEG. FISHER:
Second.

LEG. CARPENTER:
She's so good.

LEG. BINDER:
Third.

LEG. LEVY:
You guys are kidding me.

LEG. CARPENTER:
A very responsible Legislator.

LEG. POSTAL:
No, I'm not kidding you.

LEG. ALDEN:
Let the tax die.

P.O. TONNA:
All right. Motion by Legislator Postal.

P.O. TONNA:
Seconded by Legislator Fisher?

LEG. FISHER:
Fisher.

P.O. TONNA:
Okay. All in favor? Opposed?

LEG. GULDI:
Roll call.

P.O. TONNA:
No, no. This is just -- this is -- wait.

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LEG. GULDI:
On the motion.

LEG. CARPENTER:
Just to reconsider.

P.O. TONNA:
On the motion to reconsider.

LEG. CRECCA:
Just to reconsider.

LEG. GULDI:
On the motion to reconsider.

LEG. CARPENTER:
Oh, George, sit down.

LEG. GULDI:
On the motion to reconsider.

P.O. TONNA:
Hold it. Hold it. Just wait.

LEG. GULDI:
On the motion to reconsider.

P.O. TONNA:
Just wait. I am not recognizing anybody until I get my wits about me.
Okay. Hold it a second. Om. Om. Okay, I got it. Now let's go.

LEG. GULDI:
On the motion to reconsider.

P.O. TONNA:
My two whits are with me now. Go ahead.

LEG. GULDI:
Before we reconsider this, I'd like to read to all of you a full
rendition of Hamlet by William Shakespeare.

P.O. TONNA:
Well, now, listen, I might have my wits, but let's not do something
nitwitty. All right. Go ahead.

LEG. GULDI:
That would be called a filibuster. I think this is irresponsible.

LEG. BINDER:
Motion to close debate.

LEG. GULDI:
The point I'm making --

LEG. ALDEN:
Hey, Legislators, move around a little bit, the lights are going out.

LEG. GULDI:
The point I'm making is quite clearly that we could Cinderella the
meeting in a half hour by doing this. I think it's unfortunate the
County Executive has taken the position that they refuse to grant the
Legislature the opportunity to review and consider approval of a
contract extension in connection with the sales tax. But I think it
is also foolish for us to let them disregard the Legislature in such a

gross manner that they refused to submit their -- a million dollar contract, a million dollar annual contract, to Legislative scrutiny and review, let members of this body who support this resolution and have been asking for this information for six months.

LEG. CARACAPPA:
Paul.

P.O. TONNA:
Okay, wait.

LEG. GULDI:
So now that point is made that, clearly, I could do an Allan Binder and filibuster this for a half hour, 45 minutes --

P.O. TONNA:
You cannot do it like Allan Binder does it, trust me.

LEG. BINDER:
You made a motion to close debate the last time I tried that.

LEG. GULDI:
No, I didn't.

P.O. TONNA:
All right. Guys, listen to me.

LEG. GULDI:
And I have that right and prerogative.

P.O. TONNA:
Allan, does he have that right and prerogative?

LEG. GULDI:
Absolutely. And Allan knows that I've been recognized by the Chair and I don't yield. I can go on forever.

LEG. CRECCA:
No. You can cut off debate.

P.O. TONNA:
Okay.

LEG. BINDER:
Actually, the rules, I can actually --

LEG. GULDI:
But I'm not gonna.

LEG. BINDER:
Parliamentary inquiry.

LEG. GULDI:
I'm not gonna. I've made my point.

LEG. CARPENTER:
Gonna?

LEG. GULDI:
I want you to hear what I'm saying.

P.O. TONNA:
What are you saying?

LEG. CARPENTER:
Don't go and ask him.

LEG. LEVY:
It's done, done.

LEG. BINDER:
He said it.

LEG. LEVY:
Leave him alone.

P.O. TONNA:
All right. He's done? He made his point?

LEG. GULDI:
Yeah, and you didn't listen.

P.O. TONNA:
No, I listened, I listened. Okay. So there is a motion by Legislator Postal.

LEG. HALEY:
Second.

P.O. TONNA:
And there is a second by Legislator -- no. There was second by --

LEG. CARPENTER:
Fisher.

P.O. TONNA:

-- Legislator Fisher. Okay. All in favor?

LEG. FOLEY:
On the motion.

P.O. TONNA:
Opposed?

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LEG. FOLEY:
On the motion.

P.O. TONNA:
No. It's just to bring it in front of us.

LEG. GULDI:
Opposed.

P.O. TONNA:
Can we just, please, first get it in front of us. Yes, to reconsider.
All in favor? Opposed?

LEG. FOLEY:
Opposed. Opposed.

LEG. GULDI:
Opposed.

P.O. TONNA:
Okay.

LEG. FOLEY:
Opposed.

P.O. TONNA:
Opposed.

LEG. LEVY:
Opposed.

LEG. POSTAL:
Motion to approve.

LEG. FOLEY:

Opposed.

P.O. TONNA:
Okay, opposed.

LEG. CARPENTER:
Second.

P.O. TONNA:
Call -- wait, wait. We have to have the vote.

MR. BARTON:
On the reconsideration, I have two in opposition, one not --

P.O. TONNA:
Okay.

LEG. LEVY:
Make it three.

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MR. BARTON:
Three?

P.O. TONNA:
All right.

MR. BARTON:
Thank you.

MR. BARTON:
Three. So it's 14-3, 1 not present. (Absent: Leg. Towle)

LEG. FOLEY:
On the motion. On the motion.

P.O. TONNA:
George. George.

LEG. GULDI:
Good-bye.

P.O. TONNA:

Do not leave, yet.

LEG. GULDI:
Yeah, what?

LEG. FOLEY:
On the motion. On the motion.

P.O. TONNA:
Okay. Yes. Wait. Is there a motion to approve?

LEG. POSTAL:
I made a motion to approve.

P.O. TONNA:
And who seconded it?

LEG. CARPENTER:
I did.

P.O. TONNA:
Okay. On the motion.

LEG. FOLEY:
On the motion.

P.O. TONNA:
Legislator Foley. Who was after that? Legislator Postal.

LEG. CARPENTER:
Nobody.

P.O. TONNA:
Foley. Don't say that about Postal. She's a very big partner here.

LEG. FOLEY:
Okay. I would hope that we could defeat the approval motion and table. We heard from the Clerk that he's a little concerned about if we table until the 19th. The fact of the matter is we've also heard, whether from Counsel or from the Budget Review Office, that, yes, it's a very limited time period between the 19th and the end of the year, but it can be met.

The concern that I have, and it's one that we have as an institution, we have asked for authority to review and approve a whole host of contracts. One of the most important contracts that we should be reviewing and also should have the power to either approve or disapprove is the one relating to this tax. Here we are getting ourselves ready, some of us ready, to approve a tax and, yet, we're going to not have any approval or disapproval authority over how those tax monies are going to be utilized by certain agencies. It's as if we're allowing the revenues to be collected, but we're not going to have the power to review and approve how those monies -- after they're collected, who they're going to go to. And I think it's just a fundamental fairness to ourselves, that if we are going to levy this tax, we should at the very same time have the ability to review and approve or disapprove who's going to receive those monies. It's as simple as that. And I think --

LEG. D'ANDRE:

Well, we should have done it a month ago.

LEG. FOLEY:

And I think that we can table this. We have another meeting. And there's enough time, if the County Executive wants to move on it quickly after the 19th, to get everything in apple pie order, so there's a seamless transition from the 2000 revenues to the 2001 revenues. I think it's a big mistake, a big mistake if we approve this tonight, also because of the fact that if it's approved, I believe it will be a four or five-year contract that will be let on to the Visitors -- Long Island Visitors Center.

I know there's concerns about the cultural arts, there's concerns about historic preservation. There are ways, particularly with historic preservations, we can put a bill on the table that can take surplus monies from this year's Capital Program that's still left over to more than match the monies that will be coming into historic preservation through this quarter cent -- through this hotel/motel tax. So that portion could be taken care of.

As far as the cultural arts, if there was some disruption of revenues, early next year, we could have some bridge monies to take care of that, so that by the first quarter in March, if we had to make some adjustments, we could. So those who are concerned about cultural arts, those who are concerned about historic preservation, those things can be adjusted, if, in fact, we don't make the deadline by the end of the year.

But, again, we have given the authority to raise and levy taxes, we should also keep the authority where we would review and approve or

disprove those who would be utilizing the monies.

LEG. POSTAL:
Mr. Chairman.

D.P.O. LEVY:
Legislator Postal.

LEG. POSTAL:
Yeah. I had great reservations at the last meeting about tabling this resolution to this meeting, because I was concerned about the timeliness of approving it to continue the hotel and motel room tax. There was some comfort level in tabling to this meeting. With regard to the following meeting, I'm truly not willing to jeopardize any revenue. I know that some people feel that there may not be any jeopardy, but on the other hand, there may be. So, you know, I'm not willing to gamble on it.

The other issue has to do with the contract agency that does get the appropriation of the monies for tourism, and I really suggest -- and I think that there are a lot of valid questions and there are questions that need to be answered, and I would suggest that as things stand, the way to deal with that is for at the next meeting of the Economic Development and Education Committee, to ask the LICVB to make a presentation and address those questions. And if there --

LEG. BISHOP:
LIVCB.

LEG. POSTAL:
No, I was told it's the other way. And if the questions are not answered to the satisfaction of the members of the committee, then I think that there certainly needs to be a public outcry that will have an impact on who the next contract is signed with, but I don't think that we should jeopardize the revenue by waiting another meeting, so --

LEG. FISHER:
Furthermore, we shouldn't be second guessing the Clerk, who's telling us that we really run a risk of not getting this in in a timely manner. And I think it's a real risk, if that's what's Henry -- if that is what Henry is stating tonight. I don't want to take that risk either.

LEG. CARACAPPA:
Roll call.

D.P.O. LEVY:
All right.

LEG. CARPENTER:
Call the vote.

D.P.O. LEVY:
Roll call.

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LEG. CARPENTER:
Call the vote.

D.P.O. LEVY:
Roll call. Do we have a motion and second?

MR. BARTON:
Yes.

(*Roll Called by Mr. Barton*)

D.P.O. LEVY:
This is to approve now.

LEG. POSTAL:
Yes.

MR. BARTON:
It's to approve.

LEG. CARPENTER:
Yes.

LEG. COOPER:
Pass.

LEG. BINDER:
Yes.

LEG. FOLEY:
Motion to table.

LEG. BISHOP:
Second.

D.P.O. LEVY:

Motion to table takes precedence, by Legislator Foley, second by Legislator Bishop.

P.O. TONNA:
Okay.

D.P.O. LEVY:
Roll call.

(*Roll Called by Mr. Barton*)

LEG. FOLEY:
Yes to table.

LEG. BISHOP:
Yes.

LEG. COOPER:
Yes to table.

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LEG. BINDER:
No.

LEG. POSTAL:
No.

LEG. D'ANDRE:
No.

LEG. CRECCA:
No.

LEG. CARPENTER:
No.

LEG. ALDEN:
Pass.

LEG. FIELDS:
Yes.

LEG. HALEY:
No.

LEG. FISHER:
No.

LEG. CARACAPPA:
No.

LEG. GULDI:
(Not Present)

LEG. CARACCIOLO:
Yes.

LEG. LEVY:
Yes.

LEG. TONNA:
No.

LEG. ALDEN:
No.

MR. BARTON:
Six. (Absent: Leg. Towle-Not Present: Leg. Guldi)

D.P.O. LEVY:
Okay. Henry, before you resume, I believe we have three votes in favor, we have one individual who passed; correct?

MR. BARTON:
That's true.

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D.P.O. LEVY:
And who was next?

MR. BARTON:
Legislator Bishop.

LEG. CARACAPPA:
You could be the next Clerk, Steve?

LEG. CARPENTER:

That's what he's going to be doing in Albany.

(*Roll Call Continued by Mr. Barton*)

LEG. BISHOP:
For approval, abstain.

LEG. D'ANDRE:
Yes.

LEG. CRECCA:
Yes.

LEG. ALDEN:
Pass.

LEG. FIELDS:
No.

LEG. FOLEY:
No.

LEG. HALEY:
Yes.

LEG. FISHER:
Yes.

LEG. CARACAPPA:
Yes.

LEG. GULDI:
(Not Present)

LEG. CARACCIOLO:
No.

LEG. LEVY:
Pass.

P.O. TONNA:
Oh yes.

LEG. COOPER:
No.

LEG. ALDEN:
Yes.

LEG. LEVY:
Yes.

MR. BARTON:
11. (Absent: Leg. Towle-Not Present: Leg. Guldi)

P.O. TONNA:
Okay, that's it.

LEG. CRECCA:
Motion to adjourn.

LEG. ALDEN:
No, no, no.

P.O. TONNA:
Wait, wait.

LEG. ALDEN:
I'd like to just take this moment and thank Legislator Caracciolo for all the support and love that he's shown to me tonight.

P.O. TONNA:
But we have Alden to vote for tax. All right. Anyway, all in favor? Done. We're in good shape. See on the 19th. By the way, everyone should know, if you have not received the invitation yet, on the 19th, we have for all Legislators and I think their staff, and for all previous Legislators, a luncheon at Mario's, 12:30. Okay? It's for \$35. And if you can't afford it, that's okay. That's what Legislator Binder has a campaign committee for.

LEG. BINDER:
And I thought you were going to say you were taking them out.

P.O. TONNA:
Yeah, right. Dream on, Legislator Binder. Okay let's call it a day.

[THE MEETING WAS ADJOURNED AT 11:40 P.M.]

{ } Indicates Spelled Phonetically.