

SUFFOLK COUNTY LEGISLATURE

GENERAL MEETING

SEVENTEENTH DAY

DECEMBER 19, 2000

Taken by: Lucia Braaten  
Alison Mahoney

Riverhead, New York

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

P.O. TONNA:

Okay. All rise for the Pledge led by Legislator Haley.

[SALUTATION]

Thank you very much. I'd ask everyone to stay standing for one second. We'd just like to have a moment of silence for Legislator Maxine Postal's mother, Pauline Levy, who died on Saturday.

[MOMENT OF SILENCE]

Okay. Thank you. Also, for the record, I would like to just state that Legislator Postal has an excused absence today from the meeting. And okay. Legislator Fisher, I would like to recognize you for the purposes of an introduction of Clergy.

LEG. FISHER:

Good morning and happy holidays to everyone. It is my pleasure to introduce the Reverend Kate Lehman. She is my minister and my very dear friend, and a wonderful model in our community of everything that is good and everything that leads to public service and commitment to the public need. Kate has been a full-time Minister at the Unitarian Universalist Fellowship in Stony Brook for thirteen years. And until her husband's illness, recent illness, she was a member of the Anti-Bias Task Force and the Human Rights Commission. She was instrumental in the growth of the Interfaith Center at SUNY Stony Brook. She is a convener of the Interfaith Clergy in the Three Village area, and she is the UU representative to Planned Parenthood of America. Kate?

REVEREND LEHMAN:

Let us turn our hearts and minds to a spirit of reflectiveness and meditation.

Spirit of Creation, made known to us through the gifts of life, we ask you to be with us on this day, in this season, and all the days of our lives. In this season and all the days of our lives, may we be aware of the many blessings which are ours. May we remember to share those blessings with those who are less richly given what we have. In this season and all the days of our lives, help us to remember what is most important, to give time to that which is most important, devote our efforts to bringing about the greater good for all. We pray that there will be greater unity in our communities, in our county, in our nation. We pray for guidance and wisdom for our leaders, and we pray that all people will devote themselves to the greater good, so that the dream of this great nation may be made ever more real. For these and for all the blessings of life, we pray and give thanks. Amen.

D.P.O. LEVY:

Please, be seated.

P.O. TONNA:

Also, Legislator Fisher, who was kind enough to be with us this morning, has an excused absence for the rest of the day.

2

LEG. FISHER:

Thank you.

P.O. TONNA:

Okay? Good luck, Vivian. All right.

LEG. FISHER:

Thanks.

P.O. TONNA:

Okay. Legislator Haley. Recognize Legislator Haley for the purposes of a proclamation.

LEG. HALEY:

Thank you, Mr. Chairman. Jackie, where are you? Bring your coach up, too.

MS. NUNEZ:

Okay.

LEG. HALEY:

He can come on up.

LEG. HALEY:

Mr. Chairman, if you had the opportunity in recent past, you saw an article about a young lady at Suffolk County Community College who had left school to become a single parent, has a two year old, Valentina?

MS. NUNEZ:

Yes.

LEG. HALEY:

Is her name. Okay. Came back to -- if I understand the article correctly, she wasn't really practicing a whole lot or running a whole lot, she just decided to come back to school; is that correct? All right. And decided to go out for Cross Country. Ladies and Gentlemen, I present to you Jackie Nunez, the Division III National Junior College Athletic Association Cross Country Champion.

MR. MOTT:  
National Champion.

LEG. HALEY:  
National Cross Country Champion.

(Applause)

I think it's significant to note that that opportunity comes in many ways and Jackie chose to not only take that opportunity, but she's represented Suffolk County Community College very well, represented the people of Suffolk County very well. And I want to congratulate her today and her coach. It's Bob?

MR. MOTT:  
Mott.

3

LEG. HALEY:  
Bob Mott, her coach, in a job well done. Thank you very much.

(Applause)

LEG. HALEY:  
Congratulations.

MS. NUNEZ:  
Thank you.

LEG. HALEY:  
Thanks for coming, Jackie.

P.O. TONNA:  
Thank you very much. Legislator Carpenter, for the purposes of a proclamation. And, Legislator Carpenter, if it's okay, I would love to join you.

LEG. CARPENTER:  
I would love to have you.

P.O. TONNA:  
Thank you. Anything that has to do with Saint Anthony's. Thanks.

LEG. CARPENTER:

Thank you. I am very pleased this morning to be able to recognize a young student from Saint Anthony's High School in Huntington. But, of course, everyone knows that many, many residents of this County avail themselves of the wonderful education and opportunities that Saint Anthony's offers. But this morning, we're recognizing one student who had a vision about wanting to do something about the residents who are sometimes a little lonely at a nursing home, and the nursing home I talk about is Our Lady of Consolation Geriatric and Rehabilitative Care Center in West Islip, 450 beds, a very caring place. And it was very appropriate that Katie, whose grandparents were at Our Lady of Consolation, was inspired to come up with this program to bring over 50 student volunteers who have made a long-term commitment to visit Our Lady of Consolation.

And as nothing is done alone, I would like to have Katie come forward, but I would ask that her parents, Don and Barbara Brown, please join us, and also Brother Donan from Saint Anthony's. If you would, please come up.

As I said, you know, you don't do things alone, and, certainly, as parents, we try to encourage our children, and I think the best encouragement we can do is to set a good example for them, and, certainly, Don and Barbara have, because for the last five years, they have been very active in the Family Council of Our Lady of Consolation. In fact, they are the co-presidents of Our Lady of Consolation's Family Council. So I guess it was just natural that she would see this service firsthand and emulate it in such a wonderful way.

4

So, without further ado, I would like to make this presentation to Katie Brown in recognition of all of her achievements and accomplishments, and real from-the-heart dedication to some very special people at Our Lady of Consolation. Congratulations, Katie.

MS. BROWN:  
Thank you.

(Applause)

P.O. TONNA:  
Congratulations. Do you want to say something?

MS. BROWN:

Sure.

P.O. TONNA:  
Please.

MS. BROWN:  
Thank you very much. And I just want to say that even though I have all the wonderful memories of all the friendships I've made and the smiles I've gotten at the nursing home these past years, it's nice to look at this and know that all my hard work is recognized. And I just wanted to thank my parents and Brother Donan for coming, and Diane Cameron, who is such a great role model and friend to me when I was working there, and she's great. And my dear friend Andrew {Anasser}, who came, too. And everyone, they've just been a very good support. And thank you very much.

(Applause)

D.P.O. LEVY:  
While the Legislators will take photos outside, we'll ask if there's any further presentations or proclamations by County Legislators. There being none, we will go into the public portion. Each speaker will be allotted three minutes. Our first speaker is Gary Rogers.

MR. ROGERS:  
Good morning.

D.P.O. LEVY:  
Welcome, Gary.

MR. ROGERS:  
I'm here today in support of Resolution 2239, which is the -- I guess the bill for the pets and -- excuse me, pets and domestic violence. It's just very important that we get a program like this in place in the entire County. There are one or two programs that I've heard of after -- and I've been in this animal field for 14 years. After Legislator Cooper came up with this idea, we found that they were doing it in Huntington. And I also heard a rumor that they're doing it in the East End, but there's no true guidelines for the entire County.

When you have a person who has domestic violence, you look at why are

you interested in a pet? Well, this body just passed a resolution

regarding disaster planning. People don't leave their homes because of a pet. A victim of domestic violence can go to a shelter with her children, she can't go to a shelter with her pets. So what we're looking to do is to make sure that when this person leaves their home, that they can bring their pet with them to the shelter. The shelter will contact us, we will take this pet and place it in a foster home or a boarding kennel at no cost to the County. The Suffolk County SPCA will absorb the entire cost of this.

You ask why this happens? I know personal instances of people -- of a person using a pet to intimidate the family. In fact, one instance, the person held a dog up and gutted it in front of his children and told them if they didn't behave, they were next. The instance of Suffolk County where a person beat a dog in front of his wife and told her she was next, and, actually, she ended up taking a beating because she tried to stop him from beating up the dog. So this does happen. It's very important. And, again, I ask this body to pass this resolution.

LEG. HALEY:  
Question.

D.P.O. LEVY:  
Thank you, Gary.

MR. ROGERS:  
Thank you.

D.P.O. LEVY:  
Legislator Haley has a question for you, please.

MR. ROGERS:  
Good morning.

LEG. HALEY:  
Good morning, Gary. I wholeheartedly support, you know, your exact approach, because I know. I think what's happened, my mother's 70 and I think she thinks more kindly towards her dogs and cats than she does towards her children now. I know how important it is.

MR. ROGERS:  
No, it's true.

LEG. HALEY:  
But it's a very serious situation. But the question I have for you is you could -- could you just tell me briefly, give us a couple of other major issues that the Suffolk County Society for Prevention of Cruelty to Animals is approaching or attempting to mitigate in the County of Suffolk?

MR. ROGERS:  
Well, the other thing that we're doing is we're receiving a spay/neuter van that the -- from the County. Starting January --

well, it's on its way. We hope to have it operational sometime in February or March. We're going to be going out and doing free

6

spay/neuters across the County. We're not going to be charging for that. That van will also be available to pick and utilize for the domestic violence. Again, we're looking -- you know, we're working on getting funding for that at this point in time.

The other issue that we're doing is we're trying to work out with Legislator Levy's Office with the Dangerous Dog Bill. We're trying to get that up and running. And, you know, we continually go out and do free rabies shots in the County. Last year, we gave over 4,000 shots. We do a feral cat program in where we spay and neuter feral cats every week. Again, and then we investigate --

LEG. HALEY:

Isn't that a major problem, the population of feral cats in Suffolk County?

MR. ROGERS:

Yes, there is.

LEG. HALEY:

I mean, substantial. I know this is something that, you know, we've known for a couple years that we haven't really done I think sufficient --

MR. ROGERS:

Feral cats are -- we have -- Nassau and Suffolk, not by my count, but by other people that are considered more experts than I am, say that there -- Nassau-Suffolk has the largest population of feral cats in the country. Suffolk actually has more than Nassau. It's a real issue and people haven't looked at it. It's actually a health issue. We do not have -- are lucky enough not to have rabies in Suffolk County yet. One day somebody's going to bring their pet or a raccoon is going to come down on a load of Christmas trees, we're going to have rabies in the County. Wherever you look where there's been children or the -- somebody has gotten rabies, the vector has been feral cats. What happens is these little cats come along, they get -- they pick up rabies and then somebody goes up and takes them and tries to adopt them, or tries to pick them up on the street, and they end up being exposed to rabies. So, in the end, if the County doesn't do something along the feral cat line, it's going to cost them a lot of money in the health issue.

LEG. HALEY:

Basically, feral cats being wild cats.

MR. ROGERS:

Feral cats are cats that are not domesticated, right. They are -- what happens is --

LEG. HALEY:

Not really wild, but --

MR. ROGERS:

Not domesticated. What happens is somebody doesn't have -- doesn't spay or neuter their own cat, lets it out at night and it's not responsible pet ownership, the cat goes and meets another cat, they

7

have an evening out, and a couple of weeks down the road, you have all these unwanted kittens, and then instead of taking the cats and trying to adopt them, people put food out in their backyard or put food out by dumpsters and they feed them and you end up having colonies of up to a hundred cats.

LEG. HALEY:

Okay. Thank you very much, Mr. Chairman.

MR. ROGERS:

Thank you.

D.P.O. LEVY:

Thank you, Gary. Before we go to our next speaker, could we, please, have Legislators come to the horseshoe. We need a quorum of ten. Again, we need Legislators in the horseshoe.

Our next speaker will be Ruth Reynolds. You're free to come up now, or if you wish to just hang on for a second until we get more Legislators. Can we please bring some Legislators in? Thank you, Tim. We'll get the Sheriffs if we need be. Just give us one more second. We'll -- we won't --

MS. REYNOLDS:

Sure.

D.P.O. LEVY:

-- start the time yet. One more time, we need Legislators behind the

horseshoe or I will call a recess. Amy, would you tell Legislator Binder to please come in?

MS. DILEO:  
Yes.

D.P.O. LEVY:  
We'll have a recess for ten minutes.

[THE MEETING WAS RECESSED AT 10:05 A.M. AND RESUMED AT 10:40 A.M.]

D.P.O. LEVY:  
Henry, call the roll, please.

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

MR. BARTON:  
Mr. Chairman, there are 11 Legislators present. (Not Present at Roll Call: Legislators Towle, Caracappa, Haley, Foley and P.O. Tonna. Excused Absences: Legislators Fisher and Postal)

D.P.O. LEVY:  
Thank you very much. We'll go back to the public portion. Ruth Reynolds. Thank you for your patience. Thank you, Ruth. The floor is yours.

MS. REYNOLDS:  
Yes. Good morning. Thank you. I'm Ruth Reynolds, and I'm with the

Victims Information Bureau of Suffolk, also known as VIBS. We service victims of domestic violence and sexual assault. And I'm here this morning to speak in favor of the resolution, I don't know the number, but it's regarding the pet bill. We have had many -- we believe that this bill would be very helpful, not only for victims of domestic violence, but also for the pets themselves. We've had many instances over the years where our clients have been reluctant to leave their homes because they've had their beloved pets in their homes and they feel they haven't had a safe place to bring their pets or to put their pets. Pets are frequently used by batterers as a way of controlling the victim in the home. The batterer will threaten to injure the pets, or will actually injure the pets or kill them in front of the victim and the children. I recall one circumstance several years ago where a man picked up a small -- their small dog in front of his wife and two very young children and threw the dog against the wall. It

did result in the death of the dog. And he used this as a threat to the children and the wife, that this would happen to them if they didn't do what he told them to do.

I also recall another instance where one of our clients, this particular couple had no children. They did have three large dogs, and she was -- she refused to leave her home, because there was no place she had. She didn't have enough friends and family members to take -- to safely board all three of the dogs, so she could find a safe place to stay, until she was able to get out of that relationship.

So we do think that this would be very, very helpful in the area of domestic violence, to provide a safe haven for the pets, so that the victims and their children could get resituated to another location, safely, and then retrieve the pets back in their home again. Thank you very much.

D.P.O. LEVY:

Thank you very much. Our next speaker is Glenn Svoboda.

MR. SVOBODA:

Thank you, Steve.

D.P.O. LEVY:

Thank you, Glenn.

MR. SVOBODA:

I'd like to have your attention, if we can, Steve. This is very important.

D.P.O. LEVY:

Fair enough. Please give the speaker the courtesy of our attention.

MR. SVOBODA:

My name is Glenn Svoboda. We do a T.V. show, it's on 6 o'clock Monday night, it's called Let's Get it Straight. We're here to talk about the true and accurate facts. And I have nothing against domestic violence, but we have a large problem with the facts. I believe the best parent is both parents. That's also agreed by 43 other states in the United States.

I'd like to show this. I know Mr. Caracappa's not here. I'm sure he hasn't located anybody in the Legislature on this. This is a gentleman that was in jail for child support that was hit with a lead pipe from a court officer. Barry {Scheck} is dealing with him, and they're suing for \$30 million. This goes on all of the time. This -- by the way, this father, in his first divorce, his wife left him, he raised his children, but in the second divorce, he got punished.

Fathers are called designated losers in this County. And since the system is doing so well, right now, men are committing suicide four to one, but we're going to keep throwing him in jail. Children are committing suicide, one every 48 minutes.

I support Senator Owen Johnson for the Shared Parenting Bill. This is the resolution. You've all seen this. Who says shared parenting is best for the children? Suffolk County Legislature, signed unanimously April 14, 1994. Let's stop separating fathers. A murderer is allowed to see his children.

Now I'm going to read you some facts. Fifty percent of mothers readily admit they see no value in father's continued contact with children. Survey in Breakup, Joan Kelly, Judith Wallstein. Forty percent of mothers reported they have willfully interfered with a noncustodial father's visitation. American Journal of Osteopsychology. Seventy-one percent of all high school student dropouts come from fatherless homes. You paying attention? You paying attention, people? Fathers are killing themselves four to one. You've all been notified of this.

Current domestic relations laws promote domestic violence. Sixty-six percent of domestic violence abuse reports are unfounded. I know VIBS does not help fathers at all. I have proof of that. We've tried several times. We've got the Child Support Number, 853-2000, somewhat under control. There's a lot of problems in this County. It's a quota system. We want to see it stopped. Sixty-six percent of the cases. Let's make sure that they're founded, people, not unfounded, not ex parte. Plus, by the way, Mr. Sabatino, we're locking up fathers and mixing them with civil contempt. It's not supposed to be mixed with civil contempt. Criminal contempt and civil contempt, two separate situations. We will sue Suffolk County if we continue to get fathers involved in this any longer by mixing students.

Fact: 85% of all children that exhibit behavioral disorders come from single parent homes. U.S. Center for Disease Control.

D.P.O. LEVY:

Glenn, you want to, please, wrap up?

MR. SVOBODA:

Okay. Best parent is both parents. I've been to the Judicial Committee meeting. Got a lot of problems with attorneys, people. We're starting a civilian review panel for Judges and attorneys, soon to be politicians, for corruption in this County.

I clearly object to November 15th, where a Legislator spoke anonymously of being forced his votes. Let's not forget, this is one of the most corrupted counties in the United States. I'm also a member with Americans for Legal Reform. I didn't write the ads, people.

D.P.O. LEVY:  
Okay.

MR. SVOBODA:  
Let's take a bite out of crime.

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

MR. SVOBODA:  
Demand shared parenting. Thank you, sir.

D.P.O. LEVY:  
Our next speaker is Patricia Carson.

MS. CARSON:  
Good morning. Thank you very much. My name is Patricia Carson. I am Director of Education and Youth Services with the Suffolk County Coalition Against Domestic Violence. I'm here today to speak to the Legislators regarding the pending resolutions to implement a Pet Safe Program. Such a program would provide shelter for the pets of victims of domestic violence who wish to enter a domestic violence shelter in Suffolk County. The importance of this type of program hinges on the absolute fact that victims of domestic violence who own pets are further burdened in their efforts to leave an abusive relationship because of threats and/or acts of abuse made against their pets and used as a means to control the victim's behavior.

Survey research indicates that between 20 and 40% of residents in domestic violence shelters would have left their abusive relationships earlier if they had known of a place to shelter their pets. There is a national grass roots effort movement going on right now, occurring between domestic violence service providers and their local animal shelters. Data on this phenomena has been collected by Frank {Ascione} Phd, Utah State University, suggesting the collaberations between these agencies will do much to interfere with the cycle of

violence, perhaps contributing to an overall reduction in the rates of both animal abuse and domestic violence.

Domestic violence shelters are prohibited by law to accept victim's pets upon intake, and only recently have efforts been made toward developing collaborations between animal shelters and shelters for victims of domestic violence. The Suffolk County Coalition Against Domestic Violence, which opened the first safe house on Long Island for victims of domestic violence in 1983, has since May 2000 collaborated with the Town of Huntington Department of Public Safety to provide shelter for the pets of women entering our residence. Since this collaboration began, we have placed three animal companions for two clients. And while this number may seem insignificant, in fact, the availability of the program has not yet been widely

11

advertised due in part to initial concerns about shelter space, that is, animal shelter space. The Town of Huntington Animal Shelter is the only town-funded program offering space to us at this time.

Our hotline counselors regularly receive phone calls from people in violent and abusive relationships, many of whom report stories of threats or acts of abuse taken against household pets. Our primary concern is for the safety of people struggling with abuse in relationships. And if the County can offer assistance with regards to providing yet another resource for victims of domestic violence, we then can provide this valuable service to our clients, the many victims of domestic violence who call us for services every day.

I have entered into evidence my written testimony, and also a fact sheet from our agency, along with a copy from a very recent article in Animal Watch, published by the American Society for the Prevention of Cruelty to animals on this very topic, the Winter 2000 edition.

I just want to also say that I was --

D.P.O. LEVY:

Patricia, if you could just conclude. Your time is up. Thank you.

MS. CARSON:

I was instrumental in working with the Town of Huntington to develop this program, and I urge you to consider its importance. Thank you.

D.P.O. LEVY:

Thank you very much. We have a few people here who are speaking on --

from Great River on a particular -- potential CN coming over. How many in the audience on this particular issue? Okay. I was going to have you all come up and give like -- maybe if we can condense it. For those who did sign, if you could try to cooperate with us, so we don't hear the same thing over and over again, what we can do is go straight to those cards and deal with it all in one shot. If you can just try to help us out and just keep it to a minimum, maybe a minute each, so we're not just being repetitive. Okay? So the first person, Robert Seekamp, to be followed by Walter Jabs, if you want to get on deck, Walter.

MR. SEEKAMP:

My name is Robert Seekamp, I live in Great River. I'm not a member of the Civic Association, although I support it greatly. I've been there 27 years.

One of the things is in regards to this thing -- and I'd like to just bring up a few points, so I'll try to make it fast. Right now, Great River is a very small, little type of hamlet. We have four parks. We already have four parks. All four parks are on Great River Road. We have marinas, we have golf courses, we have boat ramps, and we have a small park. The park gates are never locked. I shouldn't say that. They are locked many times, but many times, they're not and they're continually destroyed. The place where you're talking about for putting the rowing club, you will not be able to lock early, you will have to open it up early and close it late, because it's a dedicated easement to the State of New York for hunting.

12

My biggest problem with this is not the fact of having a rowing club there, the problem there is the river. I'm very concerned about the river. We have practice now by Dowling College. They come up the river at six. I'm up early, six in the morning, and, frankly, I love it, because there's only a couple of the sculls coming up. But when you hear these people yelling, "Stroke, stroke, stroke, put your backs into it, let's go," it gets a little noisy after awhile, and that's only two boats.

The other thing, which I'll finish up with, basically, is there is definitely going to be some type of events held on that river, regardless of what you see. You are not going to have more than 100, possibly more than double that amount of boats in a shell -- shells kept there and expect the river not to be used for events. What are you going to do with the people that do use that river? There's no

dedicated channels, there's no way to close it off. If you close it off, you're going to take the Cruising Club of America and many other boaters, you're going to push them to the side. It's the last good place on the South Shore in this area where people can come in with their kids and stuff. I live on the river. Trust me, you can walk across the boats in the summer, but they're very quiet and we really enjoy them.

I really would like you to think about this very carefully what you're doing to our community, because, as I said, we got four more -- we got four parks. How many do we have to have? Please, think about it. Thank you very much.

D.P.O. LEVY:

Thank you very much, Walter. I'm sorry.

MR. SEEKAMP:

Bob.

D.P.O. LEVY:

Bob. Bob Seekamp. And next is Walter Jabs.

MR. JABS:

Now Walter Jabs. Good morning, everybody. Thank you for listening to my statement here this morning. I'm here to talk about an opposition to this boathouse that we're looking to build here on County land. Number one, I'm a resident for 44 years of the East Islip/Great River community. I'm a homeowner in that area for -- of close to 20 years right now, so I've seen a lot of change in the area over time. Some of the points already that I was going to make are already made. There are considerable issues. We've worked with Legislator Ginny Fields here in regards to talking about maybe calming down some of the traffic and putting something along this -- along this lines in this area is only going to add to the problem that already exists today. You know, we've got some great challenges. It's a residential area. It's always been a residential area, it's not a new development. Most of the houses in there in excess of 20 to 30 years. If you look to build this boathouse and you put in this country club area, again, a well established country club that's been there for many moons, at one time, one of the best golf courses in America at one time, and, again,

this facility isn't even going to fit into that area. The last thing we need is additional pieces being put in there.

I also object to the fact that there was really no notice going on about this. We felt -- a lot of us feel that this was kind of being slipped in on us, and we need to understand what's going on out there.

Another point I'd like to make is that, you know, again, handling the waterways, you know, right now, you look at the amount of people that use that waterway, are they really, truly going to be able to use this?

And the last point I'd like to make is, you know, again, what precedent is this setting going out there, using public property, you know, public lands for basically a private facility? It sets a dangerous precedent. And our concern here is that this is going to have a snowball effect, and there's going to be other things added on, and added on that -- on top of this. And, again, that's basically all I have to say. Thank you.

D.P.O. LEVY:

Thank you very much. We have -- I'm going to break into this for a second. We have some school -- some students from I think it's William Floyd, is it, Legislator Towle?

LEG. TOWLE:

Correct, Mr. Chairman.

D.P.O. LEVY:

I know they have to catch their bus back to school. And they're here to speak to be part of the democratic process on a particular piece of legislation, so there's a handful of these students who wanted to come forward. And I'll give you the floor, Legislator Towle, and perhaps we can have them all come up at the same time and say a quick word. Okay?

LEG. TOWLE:

That would be great, Mr. Chairman, I appreciate it. They're all here to speak today on Resolution 2042. Unfortunately, the children needed to come this morning, as opposed to during our public hearing process, because of, obviously, the school hours. So I appreciate your indulgence in allowing them to speak this morning. I believe they've designated five or six of the students as representatives in both of the classes from the William Floyd School District to speak with us this morning. Good morning.

MR. CURRAN:

Good morning. Hello.

D.P.O. LEVY:

You could take that off, if you'd like. And if each of you boys and girls can state your name when you come up to the podium, okay?

MR. CURRAN:

Hello. My name is Colin Curran and I attend Tangiers Smith Elementary School. I am a fourth grader. Today we are gathered here to speak to

our Legislators about plastic hoops and how they are very dangerous to our wildlife and to our environment. Plastic hoops are very dangerous to our wildlife because when our wildlife roams the fields and tangles their feet in these plastic hoops, they trip and fall down, they get very hurt and die. When they eat grass, they sometimes eat pieces of these plastic hoops, get very sick and sometimes die. The most important issue is when baby animals are born, they play in the fields and get these plastic hoops around their necks. When they grow, the plastic hoops don't. The hoops strangle the animals to death. This is very mean to do to a living, breathing animal. If someone did these things to a person, they would not be forgiven. We should make a law to tell people what they are doing to our animals and make them understand how wrong this is.

Thank you for taking out your time for my class and myself.

D.P.O. LEVY:

Thank you very much.

(Applause)

MISS BUTLER:

Hello. My name is Alice Butler. I'm a fourth grade student in Tangiers Smith Elementary School, Mastic Beach. My family and I grew up on the South Shore. We spend a lot of times at Long Island's parks, beaches and ball fields. One thing that concern me and my family is the problem of the plastic hoops. I have seen a swan at the park with a hoop around its beak, making him unable to eat.

As my family walked along the beach, we have seen lots of hoops littering our beaches. Since these plastic hoops are not biodegradable, they will be littering our parks, beaches and ball fields forever. Most people do not recycle their plastic hoops and they end up being tossed aside, which makes for an environmental hazard.

I am requesting for you, our County Legislators, to do your best to get this law passed. Thank you for all your support and time.

(Applause)

D.P.O. LEVY:

Thank you.

MISS KRUSINSKI:

Hello. My name is Johanna Krusinski and I am in the fourth grade at Tangiers Smith Elementary School in Mastic Beach. I am here to make you aware of the dangers of plastic hoops and how they affect our wildlife.

Plastic hoops are found on bottles and cans beverages. When disposed of, these bands can end up in the habitats of many animals. If the hoops are not cut, the animals may be choked or drowned. To end this ongoing problem, you can cut the plastic bands into small pieces and recycle them in your recyclable bin, and not in your regular garbage can. Many people do not do this and that is why the hoops must be

15

banned.

In conclusion, I ask you to take a second and protect the animals. Thank you for all your time.

D.P.O. LEVY:  
Thank you.

(Applause)

I just want to say you boys and girls are doing a great job, and all you folks from Great River, take note how they're doing this.

MISS CABIBI:

My name is Jennette -- my name is Jennette Cabibi and I am from Tangiers Smith Elementary School in Mastic Beach. I am in fourth grade. I wholeheartedly agree that the six-pack holders are a nuisance. They hurt the environment. Our class found out that the six-pack holders are not biodegradable. That means that they will never go away. I might only be ten, but I am not stupid. If the six-pack holders are burned, a fume is made. That can make the hole in the ozone layer two times as large. Besides, it can hurt the animals, too.

It is magnificent that all of you have the courage to take a stand in what you believe. I truly admire such actions. I am here to back you up. As my mom always says, "Don't lose faith in what you believe in." I trust that all of you can make a difference. This will help us substantially. Six-pack holders are going down. Thank you for your

time.

(Applause)

MISS KILMER:

My name is Karissa Kilmer and I'm a fourth grade student at Tangiers Smith Elementary School. I think getting rid of these plastic rings is a good idea, because they are hurting our environment. Animals such as ducks, geese and birds are dying or getting hurt badly. We should ban all rings. They are not biodegradable, so they take up room in our dumps. These rings are more than trouble, they're terrible. I agree, ban those rings, ban those rings. Can't you hear them shouting, "Ban those rings?" People who -- people burn them and toxins get in the air. We all agree we should ban the rings.

We were reading a story called "To the Rescue" in class. It's about a kid who sees a duck. There's a plastic ring on its neck and wing. When the duck was freed, the kid felt like he saved the world. That is why I'm here to back you up.

I have a little story to tell you. One day a bird was -- had a six-pack holder on his neck and it died.

Thank you for trying to ban all plastic rings. I think it's a good idea. You are brave to do this. You should stand up and say, "I have proof. Ban all rings." We're right here cheering you on.

16

Thank you for allowing me to speak today.

(Applause)

MR. CONLEY:

My name is Alex Conley from Tangiers Smith Elementary School. I fully agree with all of you with the banning of the plastic hoop rings. I have several ideas instead of them to carry liquid. An example would be to invent the biodegradable carrying case for liquids. The plastic hoop rings are killing many birds or injuring them. The idea of burning the hoops is a bad idea. When they burn them, it brings black toxic smoke in the environment, which also may hurt birds or other animals in the environment. I am definitely one of your supporters. It takes great courage to take a stand. I admire things like that from people. By what you are doing, I can see that you care about the environment. You are good people. Thank you for your time today.

(Applause)

MR. BENITEZ:

My name is Max Benitez. I am in fourth grade in Tangiers Smith. I think you are all doing a great job. Plastic hoop rings are not biodegradable, and that means they will not go away. Just imagine what would have happened if your mother put a six-pack holder around your neck when you were born. Animals are dying -- are dying. If you burn these plastic hoops, they will make fumes and make the ozone layer get two times as big -- bigger. We all think that this is bad. They kill animals if they get caught in them. We wish you good luck banning the six-pack holders. Thank you for your time.

(Applause)

D.P.O. LEVY:

Thank you very much, boys and girls, for taking the time to come down to your Suffolk County government and expressing your views.

LEG. TOWLE:

Mr. Chairman.

D.P.O. LEVY:

Thanks, Legislator Towle. And that that will be dealt with at another session.

LEG. TOWLE:

Mr. Chairman.

D.P.O. LEVY:

Yeah, Fred.

LEG. TOWLE:

I just want to thank the students as well, particularly for the posters. I know they spent a lot of time and a lot of effort in putting their presentations together this morning, and I think they've done an outstanding job. And I think another big round of applause to

17

them. They did a great job. Tangiers Smith.

(Applause)

Mr. Chairman, the public hearing on that is later this afternoon. It would be my intention to close that today.

D.P.O. LEVY:  
Okay.

LEG. TOWLE:  
Thank you. I appreciate you coming down this morning.

D.P.O. LEVY:  
Thank you. Going back to the public portion, we have two speakers, and then a number from Great River again. Number five on our list is Peter Quinn.

LEG. BISHOP:  
The return of Peter Quinn. Welcome back.

MR. QUINN:  
Yes, thank you. Good morning, Steve, Members of the Legislature. My name is Peter Quinn. I'm a member of the Long Island Coalition for Democracy, an ad hoc group dealing with a number of issues, and I'm also a member of the Suffolk County Electrical Agency, having been appointed by this august body.

I'm here today to applaud the efforts of Vincent Messina, who is the Islip Town Attorney who, with four towns, brought a lawsuit to overturn the Suffolk County LIPA decision, settlement last January, which provided an arrangement to charge ratepayers in ten towns for the overassessment charges in Brookhaven Town. I must tell you that back at that time, I was encouraged to get a lawsuit started myself. I went to several attorneys and each of them said to me, "Deep pockets. Unless you can find somebody with deep pockets, it's not going to happen," because they, of course, wanted to be paid. And so I turned my attention to several Town Supervisors, and, fortunately, Vincent Cannuscio of Southampton, Peter McGowan of Islip Town, Richard Schaffer of Babylon Town, and Patrick Vecchio of Smithtown all agreed to join in the lawsuit, which they recently won a couple of weeks ago, and it enables nine Towns not to have to participate in the same way that Brookhaven, after all, that Brookhaven will have to be charged. The reason is obvious. We nine Towns did not incur the -- were not involved in the overassessment of LILCO, they were not involved in -- they shouldn't be involved in having to pay the cost. If I have an accident with my car, I can't turn to somebody in Brookhaven and say, "Pay my bill for the repairs," but this is precisely what's happened in this settlement arrangement.

Now, I can understand County Executive Gaffney wanting to go for an appeal, because he comes from Brookhaven, and Brookhaven will suffer some kind of increased payment of taxes, and he's a Republican and he wants to protect his Governor, who made these arrangements early on. But it seems to me that there has to be some kind of relief for ratepayer, taxpayer -- slash taxpayers in the other nine Towns.

I remember when this County Legislature created committees. Mandate relief, education mandate relief, economic development mandate relief, and that was under the years when Cuomo was in office. And so I appreciate the political need to call something mandate relief. But now we need mandate relief from what Pataki has given us and what County Executive Gaffney seeks to do.

You folks are going to meet in executive session this afternoon to discuss this new arrangement, now that Judge Gowan has made his decision, and I'm hopeful that thirteen of you -- well, I guess there are two of you who are absent, but 11 of you who live outside of Brookhaven Town will make the argument that there is no reason for an appeal, that the other nine towns, ratepayers, taxpayers can certainly get along well without having this appeal made. So I beseech you to do that during your executive session. Thank you very much.

D.P.O. LEVY:

Thank you, Pete. Next speaker is Phyllis Garbarino from AME. You want to hold on one second?

MS. GARBARINO:

Yeah. I was just going to say you lost your quorum.

D.P.O. LEVY:

Please have Legislators come back behind the horseshoe or we will have a roll call.

MS. GARBARINO:

Legislator Levy, I'd just like to ask you, the card you have in front of you is on the non-Great River issue, right?

D.P.O. LEVY:

It just says 2276, yeah.

MS. GARBARINO:

That's it. That's it. Fine, thank you. I just wanted to make sure what I'm speaking about.

D.P.O. LEVY:

To all Legislators, we have Phyllis Garbarino from the Association of Municipal Employees speaking. Please show her courtesy and return to the horseshoe.

MS. GARBARINO:

Remind them that we have 7,000 members and we can all bring our kids out, too.

D.P.O. LEVY:

That's right.

MS. GARBARINO:

So if they think they had a crowd before.

D.P.O. LEVY:

Could we have a roll call, please, Henry?

19

LEG. D'ANDRE:

There's nobody here, how can you have a roll call?

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

LEG. CARACCIOLO:

Here.

LEG. GULDI:

(Not Present).

LEG. TOWLE:

(Not Present).

LEG. CARACAPPA:

(Not Present).

LEG. FISHER:

(Not Present).

LEG. HALEY:

Here.

LEG. FOLEY:

Present.

LEG. FIELDS:

Here.

LEG. ALDEN:

Here.

LEG. CARPENTER:  
Here.

LEG. CRECCA:  
(Not Present).

LEG. D'ANDRE:  
Yo.

LEG. BISHOP:  
Here.

LEG. TOWLE:  
Here, Henry.

LEG. POSTAL:  
(Not Present).

LEG. BINDER:  
Here.

LEG. COOPER:  
Here.

20

LEG. LEVY:  
Here.

P.O. TONNA:  
(Not Present).

MR. BARTON:  
Legislator Towle?

LEG. TOWLE:  
I'm here right in the back.

MR. BARTON:  
Thank you.

D.P.O. LEVY:  
Legislator Towle is here.

MR. BARTON:  
Twelve Legislators present.

LEG. GULDI:  
Make that thirteen.

D.P.O. LEVY:  
Thank you.

MS. GARBARINO:  
Okay. We now have thirteen.

MR. BARTON:  
Yes, Mr. Guldi makes 13.

MS. GARBARINO:  
Although we have a quorum, I wish that there were more people listening to this.

The first issue I'm here to speak about today, Resolution 2276. It's really not on the issue, but in support of and also a reminder. 2276 is the agreement, the collective bargaining agreement with the Deputy Sheriffs.

First of all, I want to let -- say to everybody, I applaud the Deputy Sheriffs for finally coming to an agreement with the County. I'm in support of the agreement. I am in support of the agreements that the other bargaining units in this County, the PBA, all have enjoyed. What I need to tell you here today is that there was \$18 million put into the budget to take care of all collective bargaining agreements that would not be in place in the Year 2001. Right now, you have one that is anywhere's between 4 and 7 million, depending on which side of the fence you listen to, that dips into that. You have several other bargaining units out there who are going to be enjoying the kind of numbers that you've seen before you with the previous agreements. Whether it's two years or four years, you're going to be faced with that. What I want to know is what's going to be left for AME?

And I want to tell everybody down here, and those that are even not at the horseshoe will remind you, we are going to be back. We are going to expect the same treatment from this body and from the County that everybody else enjoys. I can tell you right now, we have received not

only an unconscionably low, but an insulting offer, which we rejected. And I am going to pursue every avenue to come to some kind of an agreement, and that when I do get that agreement, and I will get it, I'm going to be before this body, and you must know that you have to fund the same kind of agreement that you're going to afford the rest of the County, whether you're a bargaining unit of 200 or a bargaining unit of 7,000 people. We're all residents here in Suffolk County, and that's another issue that I'll bring up. That's a reminder that we have the same problems that you are faced with here today from all of the communities.

So this is just kind of telling everybody, I'm going to be here, I'm going to be here all the time, I'm going to be in everybody's face, and both sides of the fence. But this is a very, very important issue. It's very important to settle the collective bargaining agreements, because it's the employees of this County that afford all of the services that we're talking about here. And as I've said to you for six years already, without the AME employees, none of these services -- these park services we're talking about, these are all my members.

So I want to put that on record. It's a very important time to do it, because you're going to be seeing this issue come up month after month after month. And I hope to be back to you in a very short period of time with an agreement that I think is acceptable and that -- for our members.

Now, you want me to wait on the Great River issue, or --

LEG. FOLEY:  
Mr. Chairman.

MS. GARBARINO:  
-- to speak about that, not to --

LEG. FOLEY:  
Mr. Chairman.

MS. GARBARINO:  
When everybody else comes up or --

D.P.O. LEVY:  
Are you speaking --

LEG. FOLEY:  
Mr. Chairman.

D.P.O. LEVY:  
-- on that particular issue as well?

MS. GARBARINO:  
Yeah.

LEG. FOLEY:  
Mr. Chairman, Mr. Before she does, I just --

D.P.O. LEVY:  
Before we -- I'll have you speak on that while you're here, but --

MS. GARBARINO:  
Okay.

LEG. FOLEY:  
Just for the record, and we have to pose this as a question, and for the rest of the audience, who may not be well versed in the inner workings of government, of County government, number one, Phyllis, we appreciate your remarks, but the general public should also understand that under the County Charter, we, as a Legislature, cannot in any shape, form or manner get involved in actual negotiations for contracts.

MS. GARBARINO:  
Absolutely, I understand that.

LEG. FOLEY:  
And that it's the Executive Branch, through the Labor Relations Director --

MS. GARBARINO:  
Right.

LEG. FOLEY:  
-- who takes direction from the County Executive, makes the decisions as to what offers will be made to the various bargaining units. And that the only time this body gets involved is once there is an agreement, and this is for the record, once there's an agreement between Labor and Management does this Legislature then get to vote on that particular proposed contract, and we can't even amend it.

MS. GARBARINO:  
Absolutely.

LEG. FOLEY:  
So, certainly, your thoughts are well received from this body, which has always been, I think of any entity within County government, the

most sympathetic towards the needs of labor, and we stand ready to work with labor to have a salary structure that will enable your members to live decently in this County. But at the very -- at the same time, however, we just need to ensure, as we can without violating the County Charter, that the Executive Branch bargains in good faith.

MS. GARBARINO:

Absolutely, and I appreciate your remarks on that. But what I was trying to bring out is that the numbers that you're seeing before you in the last few months on collective bargaining agreements should be

23

numbers that are offered to everybody, and that's what I want you to keep in mind when you're considering any budget amendments or anything else that has to happen in order to ensure a proper collective bargaining agreement.

LEG. FOLEY:

Are you -- through the Chair, are you at liberty -- you mentioned that it was an insulting first --

MS. GARBARINO:

No, that would be an improper practice, this --

LEG. FOLEY:

Okay.

MS. GARBARINO:

But I'm not at liberty to share the numbers.

LEG. FOLEY:

Only in general terms you can say that.

MS. GARBARINO:

Yes.

LEG. FOLEY:

Okay.

MS. GARBARINO:

Absolutely.

LEG. FOLEY:

Thank you.

D.P.O. LEVY:

Okay. Why don't you continue on the Great River.

MS. GARBARINO:

Okay. On the Great River issue, I think I can serve two purposes here. First of all, you now can put a face on a taxpayer, also, that's a union employee. I've lived in Great River for 42 years, certainly long enough to see the changes that have gone on. And as the first gentleman spoke, I think what you needed to see -- this was on the Resolution 2259, which could possibly be put before you with a CN, not to put it through with a CN. You need to hear more information. This community, the impact we've had, it's approximately a 600 home community. When I moved down there, it was less than 100. But this is not a NIMBYism thing, because, if that was the case, I might have cried when they built every house in Great River, but I certainly knew that this is what the rights people have. We have a community that is attractive to certain issues. Now, the water issue we have, but we are overwhelmed. We are absolutely overwhelmed in a community that doesn't have much access.

I remember just a short time ago, somebody was looking to get to Oakdale from River Road. I said, "You'll have to go back to Montauk Highway, go over the bridge." There's just no way out. So the work

24

that you bring down there, the people that you would bring down there, the impact on the community, not just the traffic, would be devastating. And the other people here from the community I'm sure will add to that. There are so many issues here, but this is something you just can't ram down the throats of a community, no matter where it is, but one that is so enclosed that there's just no way out. You know, you can jam up in one place. The ecology issue on there, the water, definitely. We have here people talking about the plastic issue. All of this is going to impact on the river there that we have with people coming in there. So this is something you have to consider.

If this resolution is to go its proper route and to go through a committee process, that would be the way to go. Please, do not authorize a Certificate of Necessity today without having all of the information that you need.

D.P.O. LEVY:

Legislator Fields.

LEG. FIELDS:

Phyllis, just so that you know, and any of the other residents who are here, when this was proposed to me, I had two concerns that just jumped right out at me, and I did convey those concerns to George Gatta and to the Crew Club. And then the issue died, and when it came back, it appeared in our packet without much notice, without any notice to me that it was in my district. And I did reach out to the Suffolk County Parks Commissioner and tell him that I would ask that it be tabled in the committee, so that we could address the concerns of the community and have the community come and participate in that. I have again reached out to the County Executive's Office to ask that a CN not be put in, and it is my hope that they will not do that and let it go through the whole committee process the way it should.

MS. GARBARINO:

I appreciate your efforts on that, because that's exactly what has to happen. I mean, it is taking -- I'm sensitive to the needs of all of the people on Long Island, but it is also taking people from an area, who really don't know the limitations that we have on the South Shore in that particular area, that would -- could open up to even more. Dowling already has, as the one gentleman said, has a crew team out there, but they live on that river. Dowling College is on the river, so that's their home, and I think that's an appropriate thing, but --

LEG. FIELDS:

Well, hopefully, we'll be able to address all of those concerns through the proper

MS. GARBARINO:

Right.

LEG. FIELDS:

-- Committee process.

MS. GARBARINO:

Through the committee process, that's it.

LEG. FIELDS:

Thank you.

MS. GARBARINO:

Thank you very much.

D.P.O. LEVY:  
Phyllis.

(Applause)

I had the impression, in private conversations with colleagues, that I don't believe there would be 12 votes available today to pass a CN. That's my own belief. I would ask the County Executive, through his representatives here, if they can tell us as soon as possible if there is, in fact, the intent to bring a CN over today, only so that if there's not, we can have a lot of people go home early and really free up the agenda.

LEG. BISHOP:  
Maybe we can knock out this debate today.

MS. GARBARINO:  
But I don't think --

LEG. BISHOP:  
Rather than send them home and then they're going to come back next time.

D.P.O. LEVY:  
I think they're going to come back anyway.

LEG. BISHOP:  
Not necessarily.

LEG. FIELDS:  
I would just appeal --

MS. GARBARINO:  
A very dedicated group of people.

LEG. FIELDS:  
I would just appeal to the residents, that if your concern has already been addressed, that you just not repeat it, because we are -- we have verbatim minutes that are absolutely terrific from our -- from our Clerk's Office, and we're all paying attention to what your concerns are. So if you would just not address -- readdress those concerns, so that in the interest of time, we'll have all of the, you know, concerns.

LEG. BINDER:  
Mr. Chairman.

MS. GARBARINO:  
Thank you.

LEG. BINDER:  
Can I just ask a question?

D.P.O. LEVY:  
Legislator Binder.

LEG. BINDER:  
Do we know who's the sponsor, because I don't know. I mean, I'm hearing about this --

D.P.O. LEVY:  
It's the County Executive. There is no Legislative sponsor, it's the County Executive.

LEG. BINDER:  
There's no Legislative sponsor.

MS. GARBARINO:  
All right. Thank you.

D.P.O. LEVY:  
Okay. This starts the series of numerous folks from Great River who want to speak on this issue. Everyone will be allotted their time, if they so desire. We ask your cooperation. The first two folks, I cannot read the last name. It's Joe and Lisa. You know who you are. Same last name. It looks like P-W -- it's C-O-W-P. It is really tough to read. I do know Paul Lobell, so you're next on line. Paul Lobell? Can you read that? Can you make heads or tails out of that? Okay. Paul Lobell's not here. Ellen Gibbons? Ellen Gibbons, not here. Ron Gibbons? Ron Gibbons, to be followed by Ryan Closson.

MR. GIBBONS:  
Good morning.

D.P.O. LEVY:  
Welcome. Good morning.

MR. GIBBONS:  
A little bit of construction work to interfere. Legislators, I am Ron Gibbons, the President of the Great River Community Association.

D.P.O. LEVY:  
Excuse me. Excuse me, Ron. Could we please have staff ask these workers to cease working --

MR. GIBBONS:  
Thank you.

D.P.O. LEVY:  
-- while we're having the public discussion, please.

MR. GIBBONS:  
Thank you, Mr. Levy.

27

D.P.O. LEVY:  
Hold on again, Ron. I'm going to reset your clock and ask that we get a quorum here. Let's have ten Legislators in the horseshoe, or we will again call a recess.

D.P.O. LEVY:  
Henry, call the roll, please.

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

LEG. CARACCIOLO:  
Here.

LEG. GULDI:  
Here.

LEG. TOWLE:  
(Not Present).

LEG. CARACAPPA:  
(Not Present).

LEG. GULDI:  
Towle's here. He's in the back.

D.P.O. LEVY:  
Fred, could you come in, please?

LEG. FISHER:  
(Not Present)

LEG. HALEY:  
Here.

LEG. FOLEY:  
Present.

LEG. FIELDS:  
Here.

LEG. ALDEN:  
(Not Present).

LEG. CARPENTER:  
Still here.

LEG. CRECCA:  
(Not Present).

LEG. D'ANDRE:  
Here.

LEG. BISHOP:  
Here.

28

LEG. POSTAL:  
(Not Present).

LEG. BINDER:  
(Not Present).

LEG. COOPER:  
Here.

D.P.O. LEVY:  
Here.

P.O. TONNA:  
(Not Present).

MR. BARTON:  
Mr. Alden, yes. Mr. Binder makes thirteen.

D.P.O. LEVY:  
You know, we don't have thirteen, because people are saying that

they're here and then they're leaving again. I'm going to ask one more time for Legislators to get back in the horseshoe, or we're calling a recess. Mr. Binder, Mr. Haley, please, can you get back into the auditorium? Okay. We have the Presiding Officer. Thank you, Paul. Go ahead, Ron.

MR. GIBBONS:

Again, my name is Ron Gibbons. I'm from -- I'm from the Great River Community Association. I represent 550 homes in the Village of Great River. I have over 400 names on a petition against this resolution that I will supply.

On December 13th, our group was informed of a current legislation, Resolution 2259 by Ginny Fields. We're opposed to this resolution. This resolution was brought to legislation on November 15th, where here it is December 19th and we're acting at an alarming fast rate. I have never seen legislation work so fast. Why?

Please realize that the Great River residents are not opposed to children's activities such as rowing, soccer, swimming, baseball, football. We are opposed of how this -- we had no input on this resolution. We need a citizens advisory board. This park is for our whole community. Why the lead agents did not come to our community and ask for details is beyond me. We have problems with the environment, traffic and funding. Again, all parties concerned want to win. We're willing to sit with all parties, so that we can come out with a solution that everybody wins.

On two occasions, our association asked legislation -- Legislators for a study on our historic house. On three occasions we were never answered. In October, Peter Scully came to our Community Association meeting, asked by Ginny Fields for our traffic studies. At this October meeting, why did Peter Scully not bring up this park being taken over by a private organization? I think it's underhanded.

29

LEG. ALDEN:  
Excuse me.

D.P.O. LEVY:  
Let him finish, okay?

LEG. ALDEN:

I just want to suffer one interruption on that -- on that point.

D.P.O. LEVY:

Well, it's his time, though. You're going to take away from his time.

LEG. GULDI:

It's his time.

LEG. ALDEN:

Go ahead. Go ahead.

D.P.O. LEVY:

We'll have to reset the clock otherwise. Go ahead, sir.

MR. GIBBONS:

In conclusion, I would -- I ask the Legislature to vote nay on this resolution and let it go back to committee.

That was speaking as a civic leader. Now I'd like to speak as a citizen. I fought for this country for us to have the ability to say what we want in our community, and nobody can come to our community and say, "This is what you're having" without the community having any say. Thank you.

D.P.O. LEVY:

Thank you.

LEG. D'ANDRE:

That's a real American talk.

(Applause)

D.P.O. LEVY:

Legislator Alden.

LEG. D'ANDRE:

Mr. Chairman.

D.P.O. LEVY:

Well, no, no, no. No, Mike. Mike, it's Cameron Alden's turn.

LEG. ALDEN:

Just on one point. You raised a question about the Commissioner. And I think that he was at your civic association meeting dealing with the traffic, you know, study or traffic problem and this wasn't really alive yet, he had no knowledge of it. I spoke to him very recently on this very issue and asked why, if he had the opportunity to bring it up at your meeting, and he said it was not in resolution form. He didn't even know about the resolution. So, you know, just to clear

that one point up.

MR. GIBBONS:

Okay, Mr. Alden. Thank you for that. So that's even more alarming to me that you folks knew about this in November, and from October to November, this came in fruition. I think you guys worked a little too fast.

LEG. D'ANDRE:

But don't forget one thing, you always have the right to come here and we're not going to ram anything through.

MR. GIBBONS:

Thank you, Mike, thank you for that.

LEG. D'ANDRE:

You're real Americans.

LEG. ALDEN:

It might not be alive today.

MR. GIBBONS:

Thank you for that.

LEG. D'ANDRE:

You're real Americans here.

P.O. TONNA:

Okay. Anybody else? Thank you, sir. Ryan Closson.

MR. CLOSSON:

Good morning. I'd like to ask if I could withhold my statement until after certain members of my group have spoken.

P.O. TONNA:

Okay. Mary, do you want to withhold your statement also, Mary Closson, yes, no?

MS. CLOSSON:

Yes, please.

P.O. TONNA:

Okay. Just, in general, it doesn't work this way. You come up, you speak. You know, to tell you quite honestly, I can't -- no. Come on up and speak. I can't have a whole bunch of people withholding their statement, it just doesn't work that way. Number 12 is Ryan. Come on up. Number 13 is Mary. You're going to come up after that. And Number

14 is Daniel James. Okay? We just have too many people waiting to speak and, you know, generally speaking, there's an orderly progression. So, Ryan, please.

MR. CLOSSON:

My name is Ryan Closson. I rode at Saint Anthony's for four years, I was on a team. Now I am attending Cornell University. I would just like to tell you what rowing has meant to me. I've -- it basically built who I am. Everything that I am is basically -- well, for my

31

parents, and also crew has also played a large part in that. I would like to tell you that everyone on the team has a certain sense of like team and it builds who they are. Let me try to say this. At Cornell, I'm studying child development, and there's a certain factor that environment plays in who you are, it's not all like genetics. I'm trying to say that this is a big -- helps kids a lot. And that's about all I have to say.

LEG. CARPENTER:

Mr. Chairman, can I just--

(Applause)

P.O. TONNA:

Thank you, Ryan. Hold it a second. Legislator Carpenter would like to ask you a question.

LEG. CARPENTER:

I don't have a question, but I -- and I know we're supposed to ask questions, but I really just want to -- it just touches me to think that someone would come behind this --

P.O. TONNA:

Try it in the form of a question, just in the form of a question.

LEG. CARPENTER:

What possessed you on your holiday break from college to come down here? I think it's really remarkable to share feelings.

MR. CLOSSON:

Well, because the team really made me who I am and I'm very grateful for that, and it got me where I am. I never would have gotten into an Ivy League school without them.

LEG. CARPENTER:  
Thanks for coming down.

MR. CLOSSON:  
No problem. Thank you.

(Applause)

P.O. TONNA:  
You have another question, young man. Whenever there are young men and women who come here, Legislators like to ask questions. Feel it's -- you know, brings them back to those glory days.

LEG. CARPENTER:  
Just a few years.

P.O. TONNA:  
Legislator -- just Legislator Caracciolo.

LEG. CARACCIOLO:  
Okay. Where did you row when you were in high school?

32

MR. CLOSSON:  
Saint Anthony's, Huntington Harbor. Saint Anthony's, Huntington Harbor.

LEG. CARACCIOLO:  
Where did the team actually practice and --

P.O. TONNA:  
Huntington Harbor.

LEG. CARACCIOLO:  
-- compete.

MR. CLOSSON:  
At Coindre Hall in Huntington Harbor.

LEG. CARACCIOLO:  
Coindre Hall.

MR. CLOSSON:  
Yes, in Huntington Harbor.

LEG. CARACCIOLO:

Okay. Could you explain why that facility will no longer be available to the students in your community?

MR. CLOSSON:

Well, I believe that will be addressed in the rest of the statements. I'm not really apprised of all that information. I think they'll say it better than I can.

LEG. CARACCIOLO:

Okay. We'll wait for some other speakers then.

P.O. TONNA:

Plausible deniability. Learned another lesson. Very good. Okay. Mary?

MS. CLOSSON:

Hi. My name is Mary Closson. I'm a school counselor at Saint John the Baptist High School. This is my son. I've been involved with crew with this son and another son for five years at Saint Anthony's and I've seen what good it could do, and so much so that the principal at our school, I'm at Saint John the Baptist, as I said, in West Islip, would like me to start a crew team there. I would be the moderator. I've seen what good it could do, and we would very much like to be a part of the Timber Point setup over there.

P.O. TONNA:

Thank you very much, Mary.

MS. CLOSSON:

You're welcome.

LEG. CARACCIOLO:

Question, question.

P.O. TONNA:

Oh, question. Legislator Caracciolo.

LEG. CARACCIOLO:

Mrs. Closson, could you tell us if this project has some time urgency to it?

MS. CLOSSON:  
Could I tell you that?

LEG. CARACCIOLO:  
Yes.

MS. CLOSSON:  
No, I cannot.

LEG. CARACCIOLO:  
Okay. Thank you.

P.O. TONNA:  
Okay. Thank you very much. You must be very proud of your son, by the way.

MS. CLOSSON:  
I am, thank you.

P.O. TONNA:  
Danielle James.

MS. JAMES:  
Good morning. My name is Danielle James. I'm also a graduate of Saint Anthony's and I rowed for four years. I currently attend the United States Naval Academy.

I basically have the same point to make as Ryan. Crew changed me completely, basically changed my whole life and how I am now. I'll tell you one thing, I would have not have gotten into the Naval Academy without crew. There's no way. I'm also looking to eventually row after college, hopefully, on the national team. And as Long Island stands right now, the waters in Huntington Harbor are pretty much horrible. There's boats all over the place, and, you know, it's really not conducive to any sort of rowing.

What's going to happen now is that I'm not going to be able to, let's say, come home and train here on the Island. You know, I'd love to come home and live here, because I love it here, but, as it stands right now, that's not going to happen. My little sister has just started rowing, and in a way I think she started rowing because of me, but she also loves it, and I want to see her get the same opportunities that I had.

And, in closing, just that rowing is just not for -- you know, just for Saint Anthony's High School, it's something that everyone can do. My father personally has MS and he's been rowing, so it helps out with everyone. Like my mom's gotten into crew now and, you know, I just

see what it's done for pretty much my whole family. And I'd really appreciate if you allowed them to build the boathouse there. Thank you.

P.O. TONNA:  
Thank you.

(Applause)

Do you have a question, Legislator Foley?

LEG. FOLEY:  
No.

P.O. TONNA:  
No? Okay. Thank you. What year are you in at the Naval Academy?

MS. JAMES:  
I'm a plebe, sir.

P.O. TONNA:  
You're a plebe?

MS. JAMES:  
Yes.

LEG. CARPENTER:  
Sir. Sir.

P.O. TONNA:  
Nobody ever says "sir" to me, trust me. Okay. You should see what they say about me behind my back. Okay. Robert Lapping.

MR. LAPPING:  
Good morning. I'm Bob Lapping, I'm from Hauppauge. I'm father of a Saint Anthony's rower, and I'm on the Board of Directors of the organization. I have to move quickly, because I have a lot of ground to cover.

Scholastic rowing is what they call the high school sport of crew. It is a very much growing sport in the United States, and especially on the East Coast. There's an inverse pyramid to colleges. There are more college crew programs than there are high school programs feeding them. As such, it has wonderful scholarship potential, especially for the girls, but we now even have some scholarship offers to some of our boys.

Crew is wonderful exercise, it's wonderful conditioning, it teaches

teamwork like nothing else in the world, and it's great for discipline. And you're seeing two examples of it here. New York State, there are 72 high schools that participated in the State Championships last year. That's what high school crew is about and why we're involved.

Saint Anthony's High School, run by the Franciscan Brothers, is open to students of all faiths, and they come from all over Suffolk County

35

and a few from Nassau County as well. Saint Anthony's crew, however, is a parent supported club organization. We do not represent, nor are we funded by the administration of Saint Anthony's High School, we have to do this ourselves as the parent. All of the rowers in our organization are Saint Anthony's students and there are currently 90 of them, and the school awards a letter to the varsity rowers, but that's about the extent.

Last year, Saint Anthony's crews, including the people that you see here, were both men's and women's New York State and New Jersey Champions, and two boats were national silver medal winners, so we're pretty proud of our program. Saint Anthony's crew now rows and stores its boats at Coindre Hall in Huntington; that's a County facility. There is some arrangement by which the Sagamore Rowing Association operates that facility. We're not particularly familiar with it. But the room to store boats in that boathouse is limited by its size. It's been chock-full for years. There are three programs currently at Coindre Hall, there used to be a fourth. Saint Anthony's is there, Huntington High School is there, Half Hollow is there just starting a program. Cold Spring Harbor used to be there, but they moved out a year ago, because the space was too confining for them and they couldn't expand their program. That's our problem now. All space in the boathouse is filled. Huntington Hospital -- Huntington Hospital. Huntington High School is expanding its program, just bought three new boats, and it's going to require us to remove two or three boats from service. Each time we remove a boat from service, because we can't keep it in the boathouse close to the water, that's nine kids who don't get on the water that day to train, and it forces us to condense our program and to contract our program rather than letting it grow. That's why we're here.

Despite the fact that Long Island is surrounded by water, there is little rowable water, and the reasons for that are immensely practical. These shells, which run 63 feet long, only have six or eight inches of free board, the room above the water line, and if you

row in one foot swells, you ship water. You have to have relatively calm water and there isn't a great deal of that on Long Island. In addition to that, you need some distance. You like to have at least 1,500 meters straight run, 2,000 is preferable. That is not available in many places. Probably the calmest water on Long Island is Lake Ronkonkoma, but there's only 1,100 meters in Lake Ronkonkoma, making it unsuitable.

Our former coach was the first one to point out to us the possibility that the Connetquot River, currently being utilized by Dowling, might be appropriate water, and from there we looked into the possibilities where we might find a place to start thinking about putting a boathouse. You're going to hear from two other people, I don't know in what order, but Mrs. --

P.O. TONNA:  
Gentlemen, your time is up.

MR. LAPPING:  
Okay.

36

P.O. TONNA:  
I'm sorry.

LEG. CARACCIOLO:  
Question.

MR. LAPPING:  
I know -- then you'll hear from them. Thank you very much.

P.O. TONNA:  
Okay.

LEG. CARACCIOLO:  
Question.

P.O. TONNA:  
Hold it. Hold it. There's a question.

LEG. CARACCIOLO:  
Could you tell us how many schools have a crew program in Suffolk County?

MR. LAPPING:

Only by ticking them off mentally. Cold Spring Harbor, Huntington, Half Hollow, Bay Shore, and Saint Anthony's. I think --

AUDIENCE MEMBER:

Friends and Chaminade.

MR. LAPPING:

Friends is Nassau, Chaminade's Nassau.

LEG. CARACCIOLO:

So five schools?

MR. LAPPING:

Five.

LEG. CARACCIOLO:

Five schools.

MR. LAPPING:

Five. However, several, in the course of us investigating this, have expressed interest in starting Saint John's, East Islip, I believe, and there are one or two others. Mrs. Reilly will address that, because she was the one who spoke to them.

LEG. CARACCIOLO:

And what other bodies of water in the County have been identified as suitable areas for this type of activity?

MR. LAPPING:

Very few. Huntington Harbor is becoming far too contracted with the moorings in the channel. Lloyd Harbor might be suitable, if one could gain access to the water there, which is exceptionally difficult. Centerport Harbor is too shallow, Northport Harbor is too rough. And

we looked at Nissequogue and, frankly, there isn't enough rowable length there, because it's essentially a mud flat at low tide.

LEG. CARACCIOLO:

Do any of the colleges or university in either County involved with this program, with crew programs?

MR. LAPPING:

Dowling rows and they row -- they store their boats in the open on

their campus right next to the Connetquot River. Hofstra has a crew program that has rowed at Dowling and is now, I think, at a Sagamore Facility at Oyster Bay.

LEG. CARACCIOLO:  
Merchant Marine Academy?

MR. LAPPING:  
If the Merchant Marine -- maybe Midshipman James would know more about that than I, since she's now rowing at the Naval Academy, but I don't know if they do or they don't.

LEG. CARACCIOLO:  
Thank you.

MR. LAPPING:  
And there may be others that I don't know about, but I think I've got most of them.

LEG. CARACCIOLO:  
Let me just raise some other questions around these lines. In terms of the individuals who have participated in these programs, what's typically involved on a daily, weekly -- what type of a time commitment? Where does travel come into this in terms of if they have to be out on the water at certain times of the day, before school, after school? There are only so many hours, daylight hours, in the day. Just give us an overview of how the program works.

MR. LAPPING:  
Okay. High school doesn't work like college. There are three distinct training seasons, fall, winter and spring. The true competitive season, that's for the record, is the spring. The crews train starting in late August or early September through the end of October. At that point, it becomes too cold and too dark to row. High school crews train in the afternoon, not in the morning, so after they get out of school at 2:30, they get transported to the rowing site, now it's Coindre Hall, we hope some day it will be Timber Point, and commence their rowing, and they usually get to work out between an hour-and-a-half and two hours before they have to close it up and bring it home. We train four or five days a week during the weekdays in the months September-October and April-May. Otherwise, all of our training is land and gym training that is done on special machines called ergometers and other kinds of aerobic workouts and plenty of running.

The time commitment on the part of the students is staggering. I don't know if any of us parents would have let our kids get involved

in it if we knew how much commitment it takes, but our kids get home six, seven o'clock at night five days a week. And then we go on the road in racing season, because there aren't any races here on Long Island, there's no facility for it, so we're racing from Boston to Washington D.C. and suburban Virginia, frequently in Philadelphia, frequently in New Jersey, and Saratoga is the New York State home for racing.

LEG. CARACCIOLO:

On a calendar year basis, how many days out of a year would the students from these five school districts be involved in this program or practice?

LEG. FOLEY:

On the river?

LEG. CARACCIOLO:

Well, presently at Coindre Hall.

MR. LAPPING:

Oh. Or some other facility

MR. LAPPING:

The people at our school are on the water practicing five days a week, eight weeks, Fall and Spring. So 16 times five is 80 days.

LEG. CARACCIOLO:

That's what it is.

LEG. CARACCIOLO:

Okay. And what is the time duration for the practice, three hours, two hours?

MR. LAPPING:

No more than two hours.

LEG. CARACCIOLO:

And how many students collectively in these programs would be involved in this endeavor?

MR. LAPPING:

I'm not sure if --

LEG. CARACCIOLO:

Are we talking hundreds, less than that?

MR. LAPPING:

We have 90, and we certainly don't get 90 on the water at any given moment, we usually get about 50 or 60 on the water at any given

moment. The rest are doing land training. How many we would have in Timber Point? Well, certainly, our program and any other programs that came in, the resolution that's before you, as I understand it, says that it has to be open to other programs and the public on a space-available basis. And we've planned the facility to be able to house more programs than ours.

39

LEG. CARACCIOLO:

How many programs could you house in this new boathouse.

MR. LAPPING:

I'm not so sure that I'm the best one to answer that, Mrs. Reilly might be. I'm guessing two or three our size, or others of different sizes. For instance, Bay Shore is one boat. We're nine boats right now. How big the program is depends on how many boats you can cram into the physical. These things are sixty-three feet long, then you got to stack them up along the walls on racks, and they can only go up as far up as the rowers can reach to put them in the racks and take them out. So there's a mathematical space limitation. I think it's six or seven boats to a stack.

LEG. CARACCIOLO:

But I'm really --

MR. LAPPING:

Mrs. Reilly can speak to that better.

LEG. CARACCIOLO:

Okay. What I'm really trying to get at here is what is going to be the impact on the community. I mean, that's a central issue here and it's a fair issue.

MR. LAPPING:

If the boathouse is completely full, I would think that you would see four or five school buses bringing student rowers to the boathouse each afternoon and then taking them out, and have 10 or 15 boats on the water at any given time in the afternoon, if the boathouse is completely full.

LEG. CARACCIOLO:

Thank you.

MR. LAPPING:  
That's an estimate, but that's my best guess.

LEG. CARACCIOLO:  
Thank you.

P.O. TONNA:  
All right. Thank you very much.

MR. LAPPING:  
Thank you, sir.

P.O. TONNA:  
I would say that we have a number of speakers.

LEG. COOPER:  
Paul.

P.O. TONNA:  
Oh, Jonathan. Legislator Cooper has a question. We have a number of

40

speakers, all, I'm sure, expert in the rowing area.

LEG. COOPER:  
I just had a couple of questions. What is the projected cost to build the boathouse that you envision?

MR. LAPPING:  
Again, Mrs. Reilly will speak to this better than I. Between 150 and \$300,000, depending on structure and accommodations.

LEG. COOPER:  
And the cost will be borne entirely by the members of the association?

MR. LAPPING:  
Yes. We're not asking the County for a dime in funds. We understand that if we're going to build this, we're going to have to build it ourselves. It's quite an undertaking, but that's what we have to do.

LEG. COOPER:  
And last question. You're -- I understand you're part of the Sagamore Rowing Association.

MR. LAPPING:

Our student rowers are, we are not. The Sagamore Rowing Association is a group of master rowers, adult master rowers who've gone on after college who are -- who exist, who have their own rowing facilities, so they can continue to row, but also try to promote scholastic rowing, which is high school, and collegiate rowing on Long Island, and they do that in two facilities, one's at Coindre Hall, the other one's in Oyster Bay, which is out of your jurisdiction.

LEG. COOPER:

And, also, are you aware that we're they're going to be building another boathouse at the Vanderbilt Museum? And I was wondering whether you've approached them and explored the possibility of perhaps using part of that facility.

MR. LAPPING:

We were not aware that anyone was going to build a boathouse at Vanderbilt. We ourselves looked at the water at Vanderbilt and think it unsuitable for high school rowing. Like Huntington Bay, as opposed to Huntington Harbor, Northport Harbor, where Vanderbilt is, is very wind-driven. The prevailing winds are north and west and they both hit that water square on, and it makes it very rough. And you would have a very difficult time effectively training rowers in Northport Harbor there by Vanderbilt, because you'd spend too many days dry-docked because of the wind driving the waves. That's our problem right now in Huntington Harbor. Huntington Harbor is awfully contracted. We'd love to be able to get out and row out into Huntington Bay, to row out in Huntington Bay, but, very frankly, if there's one day in ten during the Spring and Fall rowing seasons where it's calm enough for us to get out there and row, that's a lot. It's a flat water sport.

LEG. COOPER:

Thank you.

D.P.O. LEVY:

Thank you very much. Our next speaker is Lorraine Bouklas.

MS. BOUKLAS:

Thank you. I'm Lorraine Bouklas. I'm the girls Athletic Director at Saint John the Baptist High School, and our school and community are in support of this proposal. We are looking to start a crew team ourselves this spring after many students have come to us and asked for our support in starting a new program for them at our school.

Some of the league members in our association are looking to start teams as well, and from those schools that already have crew, they speak about nothing except its success, and what a wonderful sport it is and what it does for their kids.

I'm also a college coach at Dowling, which happens to have a phenomenal crew program, and I can tell you about the many opportunities available to young people in terms of financial assistance, particularly the women. Saint Anthony's has been kind enough to support us in initiating our crew endeavor, and we stand in support of their endeavor in this proposal. Thank you.

D.P.O. LEVY:

Thank you very much. Danielle James.

AUDIENCE MEMBER:

She spoke already.

D.P.O. LEVY:

She spoke. Ryan Closson, I think.

LEG. FIELDS:

He spoke.

D.P.O. LEVY:

Heard that. Bob Lapping?

AUDIENCE MEMBER:

You're going the wrong way.

D.P.O. LEVY:

No, no. This is -- these are repetitive ones. They must have been done twice. I'll go through them. Francis Dupointe.

MR. DUPOINTE:

I'm not speaking on this.

D.P.O. LEVY:

Oh, a different issue. How about that?

MR. DUPOINTE:

A different issue.

D.P.O. LEVY:

Come on up.

MR. DUPOINTE:  
I hate to break the momentum.

LEG. FOLEY:  
We cover a lot of ground here.

LEG. BISHOP:  
You're rowing against the tide. Thank you.

LEG. FOLEY:  
Turbulent waters.

MR. DUPOINTE:  
Good morning.

D.P.O. LEVY:  
Good morning.

MR. DUPOINTE:  
My name is Frank Dupointe and I'm speaking on behalf of Resolution 2064. I've been involved with the Clean Cities Coalition here on Long Island since its formation, and am asking that the Legislator group act in favor of this resolution. It's very important that Suffolk County lead the way in its ability to access alternate fuel vehicles on Long Island, particularly in the view of the Downstate Law, where we're looking at pollutants of diesel vehicles, and that there is mandates set forth by the federal government, EPA, and the DOE in the Clean Air Act of 1990 to facilitate private sector to be converting their vehicles to alternate fuels. If the County does not set the example, how can they in turn be the regulatory group that is fining the public sector? And I think logistically there's some problems with that.

To date, the County has moved forward with their alternate fuel vehicle program, and I believe there's another resolution on the floor to use natural gas for the fleets, but most of the work that's being done currently is in passenger vehicle and light truck. New vehicles, as we all know, are very clean burning and do not pollute the environment in the manner that large diesel trucks do. And I think with this resolution, if the County were to take a look at the larger pollutants of the County, will find that that will be the diesel operated vehicles. There is technology available that will set the example for the private sector to be able on convert their vehicles in a fashion that is fiscally responsible and environmentally concerning.

Again, I thank you for your time, and I ask that the Legislature vote in favor of this Resolution, 2064. Thank you.

D.P.O. LEVY:  
Thanks so much.

LEG. FOLEY:  
Thank you.

D.P.O. LEVY:  
Appreciate it.

43

(Applause)

Again, we do not have a quorum again. Can we please get a few more Legislators? We have two in the back, very good. I don't know if you've spoken already, Patricia Reilly. Patricia Reilly, no? To be followed by -- I think Neal O'Doherty did speak, right? Yes. Adrienne Esposito is after Ms. Reilly.

MS. RIELLY:  
Good morning.

LEG. FOLEY:  
Neal wants to speak.

D.P.O. LEVY:  
Oh. Oh, you want to speak? I apologize.

LEG. FOLEY:  
He hasn't spoken.

D.P.O. LEVY:  
Go ahead.

MS. REILLY:  
My name is Patricia Reilly and I am a board member of the Saint Anthony's Crew Organization. Being we're on limited time here, I'm going to get to the nutshell first, and then we'll work around it.

Our proposed boathouse will have an approximate footprint of 50 by 150 by 18 feet high. There will be an inside partition to separate the building in half. One of our equipment on one side would be our equipment, on the other side would be room for the other schools, which would participate in the program. There will be a men's and ladies room on each side of the boathouse, on each of the two partitions. There will be racks for vertical storage of our shells and holders for the oars, perhaps a locker area for the rowers'

personal items. There is plenty of room for parking, and we intend to use a permeable surface, such as recycled concrete aggregate for the roadway and parking area. Our rowers will carry the boats to the river's edge and wade them in. Future plans may include the installation of a floating dock or stationary one, if approved by DEC and other agencies that would be interested in that.

We have contacted several reputable builders and have received preliminary budget prices and drawings have been provided. An architect has worked with us to design the inside setup of the buildings to accommodate our nine boats, varying in length from 45 feet each to 63 foot. Several of these boats are upwards of \$18,000 apiece.

We began this project in about August of last year. We started to discuss areas that we can investigate to find a place to row. The Connetquot River is the only one that meets our criteria for our team in the South Shore. We were having problems, as Bob spoke about, on the North Shore. Timber Point was considered to be a good spot

44

because of the accessibility to calm waters, which makes it the safest place for our rowers to train. When it was brought up as a possible site, we discussed our ideas at a meeting, which included among others Legislator Fields and Commissioner Scully on September 11th. Although everyone agreed that it was a good idea, Legislator Fields suggested that the project should include other schools, not only Saint Anthony's, and indicated that there may be concerns by the area residents regarding the traffic issues. We inquired what else needed to be done and were given a very long list of things to do. The process would be involved and lengthy, but possible. We hit the ground running.

Because of the situation at Coindre Hall and the fact that our program must necessarily shrink there this spring, we perhaps optimistically hoped that we could be given Timber Point as location, if approved by the spring season. We obtained maps from the County Planning Department, Department of Public Works. We were making sure that we had the proper elevations to install foundations and sanitary systems in that area. We checked with DEC to make sure that we had the right setbacks of 300 hundred feet regulations for the boathouse to be built.

After collecting a substantial amount of information and condensing it, we made a presentation to the Board of Trustees of the Parks

Department in Montauk on October 25th. They expressed concerns for various things, and after having addressed them and answering their questions, they voted to approve the process and for it to continue.

D.P.O. LEVY:

Patricia, if you could just wrap up, please.

MS. REILLY:

Okay. October 27th I met with Nick Gibbons of CEO and Rick Martin of the Historical Trust. We contacted area schools, Dowling, Bay Shore, Saint John the Baptist, Connetquot, Sayville, East Islip. Some of them -- all of them expressed interest in varying degrees. And Dowling has a program at their school. They have no boathouse. They have more equipment than we do, but they have fewer rowers. Bay Shore has one boat and a handful of rowers. We are requesting from Suffolk County permission to build a boathouse at this location under an Adopt a Park agreement.

In closing we begin -- we began this project with the intention of finding a new home for our crew club. After we became involved, it began to emerge as something bigger than ourselves, and the importance of our children and the surrounding area's children became part of the big picture. But then --

D.P.O. LEVY:

Again, Patricia, if you can kindly wrap up. We have a whole --

MS. REILLY:

Okay. This is it, I promise. Benefits of what the sport has done for my own children as well has made it all worthwhile. We have done everything that we've been asked to so far, and we request approval for the continuation of this process. Thank you.

D.P.O. LEVY:

Thank you.

LEG. CARACCIOLO:

Question.

D.P.O. LEVY:

Question by Legislator Caracciolo.

LEG. CARACCIOLO:

Mrs. Reilly, how would the boathouse be funded in terms of the construction costs and the other improvements to the parking area? And what type of long-term financial commitment could the County be assured of that this organization, as well-intended as it is today, will be around three, five, ten years from now to maintain this facility?

MS. REILLY:

The team began ten years ago with a handful of kids. We have, you know, anywhere, 80 to 100 kids, depending on the seasons in the year. We are funded ourselves. The intentions of our board is to fund-raise, primarily. We are planning on doing some bonding. We're looking for donations. We have various contractors who, you know, have expressed interest in donating some of the things that we would need. 300,000, 150,000 to 300,000 is inclusive of everything, from the building itself to the sanitary systems, excavation, you know, inside of the building, concrete, you know, electric, the bathrooms. We have a lot of resources that we tend to pull on when push comes to shove and that's how we intend to raise the money for the building.

In regard to how we intend to maintain the building, we collect dues from each student rower each year. We have a budget. We have a treasurer who does the budget. We have in -- probably in excess of, I'd say, about \$12,000 that we collect in dues each year, and from the -- assuming the variables on the cost of what it would cost to maintain the building, which, if it's a steel structure, there is really not much physical maintenance. Electric, insurance, that kind of thing, we've kind of taken a guesstimate and we come up with that we would have enough to cover that.

LEG. CARACCIOLO:

What assurances is the organization willing to provide the County that it will meet all of its obligations over a long-term. Typically the County with vendors has multi-year agreements, and it would be equally important, if we were to participate in this venture, that there be assurance that County taxpayers are not going to wind up picking up the tab, if for whatever reason --

MS. REILLY:

Certainly.

LEG. CARACCIOLO:

-- this organization can't make it on its own.

MS. REILLY:

Rowing is not going away in this County. I think it's begun to blossom in the last few years. That building and our program, as I said, has grown only, so, you know, I think that --

LEG. CARACCIOLO:

But you really can't back any representations that --

MS. REILLY:

Well, I'm sure that once -- you know, if the resolution is passed, and we get -- we will sit down with the County Attorney and make stipulations for that, there's -- you know, I'm sure that we're not going to be handed a piece of property and said, "Okay, you know, go for it and see how long it lasts." I don't really think that's realistic. I would think that we would have to sit down with our attorneys and theirs.

LEG. CARACCIOLO:

Have you approached Dowling or any other institution --

MS. REILLY:

Yes.

LEG. CARACCIOLO:

-- to try to partner with them?

MS. REILLY:

Dowling, when I called Dowling about this project, they were I would probably say the most excited about the program. Of course, they promote rowing pretty heavily. But they wanted to come to the boathouse, because, according to Bob {Dranoff}, their Athletic Director, Frank {Pizzardi}, their crew coach, there is no protection for their equipment at the boathouse. Dowling is not willing -- they don't have a boathouse. Dowling is not willing to give them a boathouse and they are -- when we asked them if they would like to come in on our building, they said that the administration was not willing to discuss it, because they felt that there was no need for them to; that Dowling should stay right where they are and use their boats that they have there and stay on the water instead of, you know, coming with us in the building.

LEG. CARACCIOLO:

It seems rather odd that they would not be willing, if they have a program. I don't know how competitive their program is.

MS. REILLY:

It's competitive --

LEG. CARACCIOLO:

That it would be a natural fit for the local high school students to go on to their program.

MS. REILLY:

Yeah. Well, and that was the -- that was the position of the coach and of the athletic director. Unfortunately, the administration I think may have a financial situation where they're not really able to

47

do that.

LEG. CARACCIOLO:

But you're building the facility. It's your money.

MS. REILLY:

Right.

LEG. CARACCIOLO:

So where is the concern on their part?

MS. REILLY:

You would have to ask them.

LEG. CARACCIOLO:

Well, I think that's something that should be explored.

(Applause)

D.P.O. LEVY:

Neal O'Doherty. There was another card signed earlier, Neal. You haven't spoken yet; correct?

MR. O'DOHERTY:

No, I have not. Ladies and Gentlemen of the Suffolk County Legislature, good morning. My name is Neal O'Doherty; I'm a parent of a sophomore rower for Saint Anthony's Crew Club, a member of the Board of Directors for the Club, a resident of Great River, and a member of the Great River Community Association. My reason for speaking for you -- before you this morning is to support passage of Suffolk County Resolution 2259, and to address the concerns of the Great River Community Association regarding the application to build a boathouse on the Suffolk County parkland covered by that resolution.

As a member of the Crew Club Board and a resident of the community, I assume the task of informing the Great River Community Association of the application and to seek their counsel on how to work with our potential neighbors in harmony.

In early October of this year, I approached Mr. Paul Lobell, a member of the Great River Community Association Board and a friend. I briefly informed him of the concept and asked him if he would arrange for me to speak to the Community Association. Paul said he would arrange for a meeting. On two more occasions prior to December 11th, I requested the opportunity to meet with the association, or at least the Board. Again, I was promised the opportunity and I prepared a presentation, similar to the one given to the Suffolk County Parks Committee in October. The meeting never occurred. Last Tuesday, after the resolution was tabled, I again contacted Mr. Lobell when I was informed that Mr. Gibbons, the Great River Community Association President, informed the Legislature that they had never been contacted by anyone from Saint Anthony's. Mr. Lobell made a fourth promise to arrange a meeting. He contacted me this past Friday to inform me that they had all the information they needed and would not speak to me. At my further urging and obvious displeasure, the Board agreed to meet me this past Friday evening. During this time, I answered many

48

questions posed by eight different Board members. I explained that the building was being funded by club members and outside donations, there would be no regattas that would cause tremendous traffic jams; that we were asked by Suffolk County and agreed to build a boathouse large enough to accommodate other scholastic programs in order that their students may benefit from the crew program, as we have; that Legislator Fields had modified the original resolution to minimize traffic problems by using school buses; that the size of the proposed building was 50 by 150 and 18 foot high; that the club was comprised of students that lived all over Suffolk County, including East Islip and Great River. And I also informed them at that time that we practiced two months in the fall and two months in the spring that we're on the water.

The Board provided me with a letter that would be distributed to the residents of Great River the next day. I have a copy of it to be entered. I explained that this letter was filled with untruths and misleading statements. Suffolk County has not allocated \$300,000 for this project. The building is 18 foot high, not 25. Though it is -- though it is a metal building, it is in accordance with the aesthetic requirements of the Suffolk County Parks Department. There are no spectators arriving and major traffic jams created. And at present, the facility will handle up to three teams our size, not the question as posed as do we know how many teams there are in Nassau and Suffolk that would be using this facility.

I felt the meeting went well, and at my request, the Board agreed to print an addendum letter informing the community of the information I provided them. Ladies and Gentlemen, despite our agreement, no addendum was ever printed. The Great River Community Association knowingly distributed false information to the residents of our community in order to defeat this resolution.

D.P.O. LEVY:  
Is that it, Neal?

MR. O'DOHERTY:  
One more. Just a couple of more sentences.

D.P.O. LEVY:  
Very quickly, please, if you could sum up.

MR. O'DOHERTY:  
Yeah. The Great River Community Association has accused the County of ramming this resolution down their throat. I would suggest to you that it is the Association that has not acted in good faith, and when given the opportunity to have input, they chose not to in order to foster the NIMBYism that this is -- that is going on here.

It has been, is now, and always will be the duty of Saint Anthony's Crew Club to be good neighbors. That is a reputation that we are very proud of and very protective of. Should you support this resolution now, and I urge you to, the Great River community and my neighbors will always have consideration in the operation of this facility. Thank you.

49

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

LEG. CARACCIOLO:  
Steve, I have a question.

MR. O'DOHERTY:  
Sorry.

D.P.O. LEVY:  
Legislator Caracciolo.

LEG. CARACCIOLO:

Earlier, I raised the issue of urgency. You just made an appeal in your closing remarks to act now. Is there any reason why we can't take this up in another month?

MR. O'DOHERTY:

We are being pressed by the Sagamore Rowing Club. They've increased our dues, they've increased a new kind of dues based upon the number of boats that you operate. So we've been hit with about a 4,000 or a \$5,000 increase to our budget that we're --

LEG. CARACCIOLO:

How much was that?

MR. O'DOHERTY:

About a \$5,000 increase to our budget to remain as a member of Sagamore and to remain as a member of Coindre Hall. The other -- and if I could address a question you asked earlier. We spend right now about \$12,000 a year with the Sagamore Rowing Club. By us moving to the Timber Point facility, that \$12,000 will be available to us to use for maintenance and to keep the facility clean and pleasant to the community.

LEG. CARACCIOLO:

Okay. The issue of Sagamore Rowing Club came up earlier, and the previous speakers were not familiar with the arrangement they have with the County, because they're using County-owned space; are they not?

MR. O'DOHERTY:

Yes, they are.

LEG. CARACCIOLO:

Okay. Who are -- who are these individuals? What is the relationship? Is there an agreement in place between them and the County?

MR. O'DOHERTY:

I am not familiar with their arrangement with the County.

LEG. CARACCIOLO:

Is there anyone here from the Sagamore Rowing Club? I don't understand how they can impose upon you fees or fee increases. This is a County-owned facility. You should be dealing with the County and not

with a third party. And I would suggest your organization look into that.

MR. O'DOHERTY:

Well, our understanding is that they have the -- and, again, this is purely my understanding as a Board member, and it's my first year as part of the program. Our understanding is that they have a lease with the County on the property, and that they're responsible for who uses the -- who uses Coindre Hall, as well as the property in Oyster Bay that they also maintain.

LEG. CARACCIOLO:

Do you have any idea how long they've had this agreement?

MR. O'DOHERTY:

No, I don't, I do not.

LEG. CARACCIOLO:

All right. Perhaps when this issue is taken up, and I don't know that it will be taken up today or another occasion, that as a Board member of your organization, you look into those issues and be prepared to discuss them with us. And also extend to them, and I would request that the Legislator, Legislator Fields, make a request to have representatives of Sagamore Rowing Club come down before the Legislature to answer some of these same issues.

D.P.O. LEVY:

Okay. Thank you.

MR. O'DOHERTY:

Thank you very much.

D.P.O. LEVY:

Adrienne Esposito, to be followed by Steve Burgardt.

LEG. BISHOP:

Steve.

D.P.O. LEVY:

Yeah.

LEG. BISHOP:

If I may. Are there anymore speakers on the rowing?

D.P.O. LEVY:

Yes, there are.

LEG. BISHOP:

Okay. And some of them are from this association?

D.P.O. LEVY:

There's quite a few.

LEG. BISHOP:  
Yes? Do we know? Okay.

51

D.P.O. LEVY:  
Adrienne?

MS. ESPOSITO:  
Good morning, Legislators. Happy holidays. I'd like to thank the Legislators that are actually here listening to the public comment. I'm going to be talking today -- unfortunately, I'm not a rower, but I'd like to talk once again about that pesky issue, the Suffolk County Vector Control Plan, which you will be asked to vote on today.

Citizens Campaign for the Environment would like to ask the Legislators to table the plan, and please include two additional items in the plan. We asked for this last year. Last year there was a very short time line, which you were able to -- which you felt you had to accept this plan, and it won by a very narrow margin. The plan has come back to us again this year and it's, frankly, no better than last year's plan. So we'd like to ask the Legislators to start a process to improve, and even if its in small increments, the Suffolk County Vector Control Plan.

We're asking for two things. We hope you find both these things very reasonable, and also very easy to implement. The first thing is a public education component in the plan about how the public can minimize pesticide exposure, and, also, what symptoms they should look for pesticide illnesses. You might say, "Well, why do we need this?" And I'd like for you to know that according to the New York State Health Department, this year, in the Year 2000, we had 14 people in New York State with West Nile Virus. We had 14 confirmed cases of individuals with pesticide illnesses. By "confirmed," we mean have been documented by a medical doctor. In addition to that, we have 206 cases in New York State of additional individuals who may have been contaminated by pesticides and had illnesses as a result of those. Those cases are pending.

So all we're asking for is an educational component in this plan that would allow for the public to better understand what are the symptoms they need to look for for pesticide exposure illnesses, and also how to mitigate any kind of exposure. We're asking you not to approve a plan for pesticide spraying without at least educating the public

about how best to protect themselves and their family against that exposure.

The second thing that we're asking for is for an environmental monitoring program. We're asking that if you are allowing a plan to occur to allow pesticides to be applied, please let us be more educated as a county as to what are the overall environmental ramifications of that application. This is very easily done. We do not have that kind of long-term monitoring program in our county, but, yet, we've increased the use of larvicides, for example.

Dominick Ninivaggi testified at the Health Committee hearing last week that methoprene, which -- excuse me. Altacid, which includes methoprene, which is a known chemical that inhibits the growth in formation of amphibians and reptiles, for example we've increased the use of that chemical by 30% from the year 1999 to the Year 2000. If we're increasing this use, we're going to ask you to please let us

52

know what are the environmental ramifications of the pesticide use.

Let me just say in conclusion that we'd like to say that we're going to ask you to not approve a plan without those two components. Please, table the plan. That I'm going to use the words of a fourth grader, who was earlier, that fourth grader said, "You would be very brave to do this and I'm right here to cheer you on." Education is a proven public health protection policy, ignorance is not. Thank you.

D.P.O. LEVY:  
Thanks, Adirenne.

(Applause)

LEG. CARACCIOLO:  
Steve, I have a question. Adrienne.

D.P.O. LEVY:  
Mike Caracciolo.

LEG. CARACCIOLO:  
On the statistics you cited, the 14 cases --

MS. ESPOSITO:  
Yes.

LEG. CARACCIOLO:  
And was it 280?

MS. ESPOSITO:  
206 additional.

LEG. CARACCIOLO:  
206, okay. Where were those cases? Were any of them in Suffolk County?

MS. ESPOSITO:  
Actually, they did not give a breakdown of where the cases were. The breakdowns that were given to us is that two-thirds of those individuals were contaminated at home when the trucks went down the streets in residences. One-third in commercial areas. All of the 14 confirmed -- excuse me. All of the, yes, 14 confirmed cases were related to Anvil exposure. And what else can I tell you? Oh, five were New York City that -- or the majority were New York City out of the 14. That's what was stated.

LEG. CARACCIOLO:  
Okay. This information was disseminated at a conference, I believe you said, at the Health Committee you attended in Albany.

MS. ESPOSITO:  
It was a meeting with the New York State Health Department and other county health agencies throughout the State.

LEG. CARACCIOLO:  
Okay. Could you try to ascertain from the State where these cases were

53

reported?

MS. ESPOSITO:  
Sure.

LEG. CARACCIOLO:  
And how many were in Suffolk County?

MS. ESPOSITO:  
Sure. But I'd also like to say, to me, me personally, it doesn't matter if they were in Suffolk County or not, because what it means is that the potential is there, and what we want to do is prevent injury before it occurs, as I'm sure you would agree.

LEG. CARACCIOLO:  
Thank you.

MS. ESPOSITO:  
Thank you.

D.P.O. LEVY:  
Our next speaker is Steve Burgardt. Good morning, Steve.

MR. BURGARDT:  
Good morning. I hope this microphone reaches. Hello. My name is Steve Burgardt. I would like to thank you, Legislature, for allowing me to speak regarding Procedural Number 6. This would be for appropriations of funds for a noise study to be performed at Islip MacArthur's Airport. I'm currently a resident of Sayville in the Town of Islip, have been an Islip Town resident for over 33 years. Prior to moving to Sayville, I lived in Oakdale for 32 years. In the past, Islip's residents have been subject to increased air traffic and the noise produced by these aircraft. Over the past 30 years, these increases, however gradual, this gradual increase may have been considered only an Islip Town problem. This is no longer the case. It has come to the attention of CEMAC that residents in the neighboring Township of Brookhaven also have been negatively affected by the same increase in air traffic. As residents of the Township other than Islip, these fellow Suffolk County residents do not have the ability to appeal to their Town Board for help. This leaves few options for them to find relief.

Currently, the airport is operating with a 12 year old noise study. This noise study does not take into account increased air traffic. The study also does not take into account the removal in recent years of acres of woodland that at one time was a natural sound barrier for neighboring residents. As to my knowledge, the Town of Islip has never decreased noise from the airport of its own accord. Subsequently, initiatives that had been undertaken by the Town to reduce noise have almost always been the result of repeated complaints by Islip residents and the neighboring communities. Now these communities stretch outside the confines of Islip Town.

What has been done by Islip Town to take into account the noise impact and quality of life issues that have been raised by concerned citizens and organizations like CEMAC? The answer to this question can be seen

by the recent approval by Islip Town Board to approve a plan that would increase the number of gates at the Southwest Airlines terminal by four, and increase the number of flights by approximately 43. This would further render the 12 year old sound study ineffective due to increased noise produced by more flights. The difference in flight patterns and noise contours have changed for the worse. This is proven by the complaints now being heard from residents of Brookhaven Town. Pressures to increase air traffic at Islip MacArthur's Airport like the possibility of relieving congestion at LaGuardia Airport or local businesses, or just simply consumers wanting more flights. Whatever the reasons, residents of Islip, as well as Brookhaven Town, and possibly others, should all be concerned.

If the noise from the aircrafts are just now reaching Brookhaven Town, how long will it be before more complaints are heard from other Suffolk County residents? This is why we need up-to-date information about the noise impact to residents of Suffolk County.

I hope that I was able to shed some light on the way many Suffolk County residents feel with regards to the noise produced by Islip's MacArthur Airport. For these reasons and others, I feel very strongly that there is a pressing need for these noise studies to be performed.

Thank you very much for your time and attention given to this matter.

D.P.O. LEVY:

Thank you, Steve. We have a question from Legislator Alden.

LEG. ALDEN:

Hi. Thanks for coming down. Two things that you said, one was a noise barrier has been removed, in that trees and things like that? Who brought those down? Who took the trees out in --

MR. BURGARDT:

You are correct in probably assuming that Islip Town okayed building for all of these buildings that have taken it down. There have also been removal of acreage of sound barriers within Islip Airport themselves. And, again, Islip Town is the one who has done that.

LEG. ALDEN:

Okay. But to -- that was on petitions by builders to build houses, so where there was noise barriers, now there's houses; is that what happened?

MR. BURGARDT:

I was personally referring to a lot of construction for industrial purposes.

LEG. ALDEN:

Okay.

MR. BURGARDT:

Not residential houses that have been there for over 30 years, way

before a jetport was there.

55

LEG. ALDEN:

Okay. Then the second thing that you said that I just want to go into just a little bit, and I hope you're not asking us to do that, but it almost sounds like you're asking us to sit in judgment of another governmental body. You're not doing that, right?

MR. BURGARDT:

No, no, no.

LEG. ALDEN:

Good. Thanks.

MR. BURGARDT:

Not at all.

LEG. ALDEN:

Because --

MR. BURGARDT:

Not at all.

LEG. ALDEN:

Good. Thank you.

D.P.O. LEVY:

Legislator Guldi.

LEG. GULDI:

Yeah, three questions, three lines of questions, if you will. The first is the -- your contention, as I understand it, is the number of takeoffs and landings that there have been-- have been -- there has been an ever-increasing level of activity at Islip MacArthur Airport, is that -- is that your contention?

MR. BURGARDT:

That is my contention.

LEG. GULDI:

Does the tower operations data corroborate that, or isn't it a fact that the aviation industry at Islip MacArthur Airport in particular

has seen a declining number of operations, takeoff and landing over the last ten years?

MR. BURGARDT:

I do not have that information, but I do know that on contacting the FAA, the does not set, nor do they know the --

LEG. GULDI:

No, the FAA doesn't set at the tower, it records the data. The data's available from the tower. I've checked the data and I want you to know that Islip MacArthur Airport has had a declining number of operations over the last ten years, declining from year to year in virtually each of the last ten.

MR. BURGARDT:

If your data states that they have had declining operations that may

56

contributed --

LEG. GULDI:

It's not --

MR. BURGARDT:

Okay.

LEG. GULDI:

It's not my data.

MR. BURGARDT:

Okay.

D.P.O. LEVY:

Let him answer the question.

MR. BURGARDT:

It is -- I'm not here to --

LEG. GULDI:

Right.

MR. BURGARDT:

-- rustle feathers, I'm here as a citizen, just trying to get my point --

LEG. GULDI:

I understand that, but the -- he anecdote -- I can assure you, you ask anybody who lives near the airport, they'll tell you that there's been an increase in operations. I can also tell you that if you look at the data, that's not correct.

MR. BURGARDT:

That may be the case as you are stating.

LEG. GULDI:

The next question I have for you --

D.P.O. LEVY:

Could you let him -- there's a question or --

MR. BURGARDT:

I would like to continue on that.

D.P.O. LEVY:

Do you want to answer the question?

MR. BURGARDT:

Yes, I would.

D.P.O. LEVY:

Okay. Let him answer the question.

MR. BURGARDT:

If I would --

57

LEG. GULDI:

He did.

D.P.O. LEVY:

No, he didn't.

LEG. FOLEY:

Let him speak.

MR. BURGARDT:

If the data suggests that, I believe it from what you are saying. I don't know if there is a breakdown of the type of aircraft flying. There' s--

LEG. GULDI:

That was my next line of questions.

MR. BURGARDT:

There is an issue of whether or not they're 727's or if they're little Pipe Cubs or Beach Craft little aircraft.

LEG. GULDI:

Well, you know, is a 727 noisier than a little Piper Cub or Beach Craft?

MR. BURGARDT:

Certainly, yes, especially at takeoff. Especially at takeoff.

LEG. GULDI:

If you set up a decibometer next the aircraft, the older rotary engine, aviation internal combustion engines are much louder than your 727's, and the signature lasts for a much longer period of time.

MR. BURGARDT:

Can I respond? We all know, we all live in Suffolk County, that we all drive down the streets and hear some of these cars that have radios blaring. Some of them the windows are shut, you can't hear them, but because of the frequency, not the decibel, but the frequency levels that come out of that car, they travel for blocks, miles in case of some people that I've heard. Now we're talking about jets here.

LEG. GULDI:

Right.

MR. BURGARDT:

A propeller-driven aircraft -- and I don't have the data, because I'm not a sound engineer, that's why this sound study -- that's why we're asking for it.

LEG. GULDI:

Okay. Let's go the sound study.

MR. BURGARDT:

We need information.

LEG. GULDI:

Let's go to the sound study. The request -- the legislation before us asks the County to fund the sound study at a cost estimate that, frankly, is about a third of what they cost to do. The \$50,000 allocated is about \$100,000 short to do one right. Why should Suffolk County spend \$50,000 of taxpayer money instead of availing itself of the federal money available to higher the same engineers and consultants to do a Section 150 noise study at Islip MacArthur Airport?

MR. BURGARDT:

At this time, I would like to defer that question to someone who may have more information. She is the organizer of CEMAC. I'm a member now, just recently within the last I'll say six to nine months have gotten involved. I am learning this process. I'm only speaking, again, as a resident. I would like to defer that question to her. She may have some more information on that than I do.

LEG. GULDI:

Fine.

MR. BURGARDT:

Okay.

D.P.O. LEVY:

Well, I know Deborah Slinkosky has signed up and she'll be coming up shortly to speak. But I've got questions for as well, Steve, and one just to answer Legislator Guldi, why would we spend that kind of money. Why do we spend money to -- for Plum Island, which has nothing to do with Suffolk County? It's a federal matter, but we do it because our constituents demand it of us, because we want to get answers, that's why. There's an--

LEG. GULDI:

Point of personal privilege.

D.P.O. LEVY:

Go ahead.

LEG. GULDI:

There is no Federal FAA fuel reserve fund available for Plum Island disease research study to deal with the trucks that are driving the length of Suffolk County to bring bacteria there for study.

D.P.O. LEVY:

Obviously, it's in his district, Plum Island.

LEG. GULDI:

But there is funding available for the FAA.

D.P.O. LEVY:

Well, however, if you were one of the Legislators who over the years have been trying to get the federal government to come forward with a

new study and they told you to drop dead, maybe you'd have a different perspective. But it's pretty obvious to see that Legislator Guldi has

59

Plum Island in his district and this is in a different district, but that's only fair.

LEG. GULDI:

Plum Island's in Legislator Caracciolo's district.

D.P.O. LEVY:

Well, out east. They're all the same. There's an old -- there's an old saying, Steve, that -- there's an old, you know, anecdote where the wife walks into the husband having an affair and he says, "Who are you going to believe, me or your lying eyes," you know. And the point here is that people in the area are told over and over again that there's no more traffic than there used to be, yet the complaints are there. I mean, what do your ears tell you, what do your eyes tell you from the perspective of a neighbor? Is it better now than it was before, or is it worse now than it was before? Don't give me data, just tell me what your senses tell you and what your quality of life is telling you. Attorney

MR. BURGARDT:

Okay. I would have explained that, but I wanted to be brief. As I said, I've been an Islip Town resident for 33 years, and I'm going to speak about my time living in Oakdale, because I've lived in Sayville for a short amount of time. I've lived in Oakdale for approximately 31 years previous to getting married. As a child, there was never the aircraft coming over the backyard the way it is now, never the sight of landing gear on aircraft approaching over what some people would say, "Oh, they approach over Connetquot River State Park. They don't. They do not. They approach over people's houses, plain and simple. They depart over people's houses. They do not fly out over Heckscher State Park and Connetquot River State Park, go out over the water, climb to a comfortable altitude and cruise back to their destination.

D.P.O. LEVY:

Okay. So that's something completely separate and apart than the number of flights, it's where they're being routed.

MR. BURGARDT:

Yep.

D.P.O. LEVY:

And the thing is --

MR. BURGARDT:

Traffic contours, if you want to label it as something, maybe.

D.P.O. LEVY:

And your contention is they used to go over the park, which is open space, and now they're going over residences.

MR. BURGARDT:

They are certainly going over residents' houses today and in the last few years differently than they did, let's say, perhaps six years ago, seven years ago.

60

D.P.O. LEVY:

And you're hoping to have this study for the purposes of quantifying that?

MR. BURGARDT:

Correct. There's no way for a citizen to say, "Hey, there's more flights over my house." It's impossible for us to say that. I've tried getting data from the coordinator's office at the Islip MacArthur's Airport on, well, when they route plans, where do they route them? Well, to tell you the truth, a lot of the decision-making process is between the pilot and the tower, we have no control over it. The only thing we can do is try and set some sort of a standard that they have to adhere to. Now, I'm doing my part by actively participating in government at this point. I just ask that this be something that's taken on a higher level, because in Islip Town, Islip Town residents do not have the ear of the government, that is for sure.

D.P.O. LEVY:

Okay. Anything else?

MR. BURGARDT:

On that note.

D.P.O. LEVY:

Mike? Did I get you going on Plum Island?

LEG. CARACCIOLO:

No, no, no, no.

LEG. GULDI:

At least he knows where it is.

LEG. CARACCIOLO:

The speaker mentions one of the reasons why he's here is to bring the matter to a higher level. I would suggest that in another month, when Legislator Levy is Assemblyman Levy, you'd bring it to him and our brethren up in the State, who also have a responsibility, along with federal officials. Steve, in terms of the noise problem, what efforts have you made to get the data from the FAA, from the Town of Islip? Have there been any independent --

D.P.O. LEVY:

My letters to the Town of Islip are not answered, my phone calls are not responded to.

LEG. CARACCIOLO:

What about the FAA, what about the funds that Legislator Guldi--

D.P.O. LEVY:

We have tried to get the FAA to do updated studies for years, and Deborah Slinkosky, who is the President of the CEMAC organization has done the same. They're a huge bureaucracy who considers us spit in the ocean, basically, and they do not -- they do not respond to these requests. And that's the beauty of Suffolk County Legislature, where members of the public have gone to other levels of government, have

been shut out, they come here and try to get some kind of redress.

LEG. CARACCIOLO:

Question for Counsel. Within the Health Department, do we have individuals that are trained in the use of equipment to take readings such as those that are proposed in this study? And if we do, what jurisdiction do they have, not on the grounds, but in close proximity to the runways?

D.P.O. LEVY:

Just before you answer that, the purpose is to get an outside consultant. So if it's not expertise --

LEG. CARACCIOLO:

Well, why do we need outside consultants if we have in-house

capability?

D.P.O. LEVY:

If you have expertise, fine, but if you don't, you get an outside consultant.

MR. SABATINO:

To the best of my recollection, I do not believe that the Health Department has --

LEG. CARACCIOLO:

How about DPW when --

MR. SABATINO:

-- people with that expertise.

LEG. CARACCIOLO:

When my good friend here to my left and I went round and round over the Peconic River Bridge, we learned that Legislator Guldi requested and DPW went out and took readings. We found out those readings didn't break any standards so, we reversed the resolution that was passed. But the fact of the matter is we do have capability within County government to go out and take some readings. And let's see if there is a cause and effect relationship here, and if there is, then I think we have some evidence, not anecdotal, but real evidence to bring to another level of government to say, "You have to do something about this."

D.P.O. LEVY:

Well, we can debate that --

LEG. CARACCIOLO:

Why do we have to go out and hire consultants?

D.P.O. LEVY:

We can debate that in the bill. You know --

LEG. CARACCIOLO:

No. It was a question. We have the capability.

D.P.O. LEVY:

If you want to debate it now, we'll debate it now --

LEG. CARACCIOLO:  
Let's use our capability.

D.P.O. LEVY:  
-- but we have a lot of other speakers. But, come on, Mike, we go through --

LEG. CARACCIOLO:  
Let's use our -- Steve, how many years have you been representing this community?

D.P.O. LEVY:  
Mike, how many -- how many consulting contracts have you approved?

LEG. CARACCIOLO:  
You're leaving in a month and now this issue comes up? I mean, it is so damn transparent, it's ridiculous.

D.P.O. LEVY:  
Oh, Mike, come on.

LEG. FOLEY:  
Come on. Come on, Mike, come on.

D.P.O. LEVY:  
You have passed through about 20 different --

LEG. FOLEY:  
Okay, Steve.

D.P.O. LEVY:  
-- consulting contracts over the last two years. When they're in your district, you love it, but when some other people outside of the East End are getting impacted with their quality of life, you just don't care, and that's unfortunate.

LEG. CARACCIOLO:  
Name the 20 contracts. Name the 20 contracts.

D.P.O. LEVY:  
Legislator Foley.

LEG. FOLEY:  
Mr. Chairman, just to answer Legislator --

LEG. CARACCIOLO:  
Are we talking about Brookhaven National Lab, where there has been a known superfund site? You're darn tootin'.

D.P.O. LEVY:  
Yeah, where we spent County money on a federal issue --

LEG. CARACCIOLO:  
Darn tootin'.

LEG. FOLEY:  
Legislator Caracciolo.

D.P.O. LEVY:  
-- and we're doing it again instead.

LEG. CARACCIOLO:  
Darn tootin'.

D.P.O. LEVY:  
And when it affects your people, you care about it --

LEG. CARACCIOLO:  
Superfund sites.

LEG. FOLEY:  
Legislator Caracciolo.

D.P.O. LEVY:  
-- but when it's anybody else, you don't give a damn.

LEG. CARACCIOLO:  
Big difference.

LEG. FOLEY:  
Mr. Chairman, if I may.

LEG. CARACCIOLO:  
Big difference.

D.P.O. LEVY:  
You're very inconsistent.

LEG. FOLEY:  
If I may.

LEG. CARACCIOLO:  
Big difference.

LEG. FOLEY:

I had the floor, Mr. Chairman. There's a question by Legislator Caracciolo about Department of Public Works, and as Chair of the Public Works Committee, I can tell you that that department does not have the level of expertise that's required to do a comprehensive noise study at this particular airport, Legislator Caracciolo, so that's why this cannot be done in-house.

Now, there is a question that was raised by Legislator Guldi, and it's a good one, that we'll need to take up, of whether or not this amount of money is enough to do a comprehensive study. But to answer the question that you had raised earlier, the reason that this cannot be done in-house, particularly in the Public Works Department, is, yes, they have the kind of equipment to do a noise, not study, but to take

64

the noise levels, if you will, or registered noise levels at a bridge, but they cannot undertake the kind of comprehensive study that's required to do justice to communities surrounding an airport.

And if I may through the Chair, the reason why this rises to a County level is that it is an intertown problem now, Mr. Chairman. This is not just something insulated to Islip Town, but there are many, many communities striding the Brookhaven/Islip border that are impacted by this airport, and because it's now an intertown problem, that rises now I think to the level of a County issue and why we need to have some County resources to be brought to bear to the question.

LEG. CARACCIOLO:

Well, I would only -- I would only add that before we add any County resources, we go to the FAA, who, as Legislator Guldi pointed out, has a fund for this very purpose, and let's use federal tax dollars first.

D.P.O. LEVY:

Mike, did you hear me, though, when I told you we've tried that and we've been unsuccessful?

LEG. FOLEY:

The young lady is going to answer, Mike, okay?

D.P.O. LEVY:

Okay? We'll say it again, though. Thanks.

LEG. FOLEY:

Thanks, Steve.

MR. BURGARDT:  
Thank you very much.

D.P.O. LEVY:  
I think Lorraine Bouklas has spoken already. And David O'Connor, has he spoken already as well? No? Back to Great River to lighten things up.

MR. O'CONNOR:  
Hello. My name is --

D.P.O. LEVY:  
Hold on one second, Dave. Let's get you some Legislators in here. Please, have Legislators back in in the horseshoe, please. You missed a great show, so come on back here. Legislator Caracciolo is just getting riled up here. We have 15 minutes to go before the break. Please, have Legislators report to the horseshoe.

LEG. BISHOP:  
Then we break from their break --

D.P.O. LEVY:  
That's right.

LEG. BISHOP:  
-- because they're all out there.

65

LEG. CARACCIOLO:  
Call the roll.

D.P.O. LEVY:  
All right, we have ten. Go ahead, sir.

MR. O'CONNOR:  
Hello. My name is David O'Connor. I'm here for the Great River issue. It's a little bit disheartening to know that we did have a community association meeting in early September about specifically traffic in the area, and that this club from Saint Anthony's didn't approach us with this. They knew about this, they knew they were putting this plan through. Nobody at that meeting even said anything about that.

Great River is a small community. We're one of the last communities in Suffolk County that actually has P.O. boxes. We go to our post office to get our mail. Anybody that wants to let anybody know what's going on in Great River, all you have to do is put a notice up in the post office. People get their cars broken into, they put a notice up in the post office, so people watch and be aware of what's going on. If this Saint Anthony's Club was so interested in us, all they had to do was have somebody stand outside the post office on a Saturday morning and say, "Hey, this is what we're about, this is what we want to do, you know, come and hear us, listen."

You know, I can understand that maybe they went through the Great River Association, but the Great River Association isn't all of Great River. It's very easy to contact the people in Great River. I'm also a member of the volunteer fire department. I heard nothing about this. There was no word about this, there was no talking about this. Every year the fire department does a Santa run, we do a Christmas tree lighting. Any of this could have been brought up at any of these meetings. These people did try to push this through, I believe, and underhandedly. There was no talk of this.

I don't understand. They're talking about a couple of thousand dollars with this Sagamore Club. They don't want to spend a couple of thousand dollars to pay the Sagamore Club, yet they're willing to spend hundreds of thousands of dollars to build this shed? There's something behind this. You know, either they're now going to hold the lease on this and they're going to charge other people to come in where they're going to make a profit on it. I just believe that the avenues, other avenues have to be looked at. Dowling College seems to be the most reasonable. Why Dowling College doesn't want them to build this shed on their property, that's what really has to be looked at. For them to start rowing at the mouth of the Connetquot River upstream to quieter waters, where they could launch at Dowling where it's quiet waters to begin with, there's something that has to be looked into here.

And the concern really is nobody's talked about, obviously, they're going to be there to practice, but what happens with the meets? Do they need pickup trucks to pull these 63 foot long boats out of there

on trailers? How many trailers, how many pickup trucks? Where do they go for meets? Nobody said anything about in and -- going in and out about this. Thank you.

D.P.O. LEVY:

Thank you very much.

(Applause)

Amie Hamlin, please, followed by Peter Popovich.

MS. HAMLIN:

Amie Hamlin, New York League of Conservation voters, Long Island Chapter. Thank you for this opportunity to speak. I'm here to speak about the vector control plan for the Year 2001. We applaud the amount of preventive work, the addition of an intern to investigate nonchemical and nontoxic alternatives to adulticide pesticides, and any efforts that are made to reduce spraying. However, there is a number of concerns that we believe should be addressed before the vector control plan is approved.

First, what are we doing to protect the most vulnerable populations against pesticides, pregnant women, people with cancer or other immune compromised conditions, families with infants and young children, and those that are chemically sensitive? Long Island already suffers from such a burden of breast and other cancers and asthma. How many of you know someone who was ill from West Nile Virus, or how many of you knows someone who knows someone who was ill with West Nile Virus? Now how many of you know someone who has had breast cancer? It is really -- is it really worth it to do this cosmetic spraying given the unknown consequences? This is why we need a public education component on the effects of pesticides.

Secondly, though Mr. Ninivaggi has told me it's all the same, the vast majority of spraying that occurred in Suffolk County this year was for nuisance reasons. With all the unknowns about the short and long-term effects of the pesticides, we need to question why all this spraying is done for is nuisance mosquitoes when Nassau County didn't do any this year.

I'd like to make some additional points. We have zero human cases of West Nile Virus us in Suffolk County, and zero deaths from West Nile Virus in New York State this year. We have the New York State Department of Health saying that young children are not at risk for West Nile Virus. This is what they're saying in their most recent meeting. We have, as Adrienne mentioned, 14 cases confirmed of West Nile Virus in New York State in the Year 2000, just as importantly, 14 confirmed cases certified by doctors to have pesticide-induced illness as a result of the spraying in New York State with 206 other reports of pesticide-induced illness not yet certified. I think this demonstrates that we can't try to address one public health problem by creating another. Again, the 14 cases of confirmed pesticide illness were confirmed by the New York State Department of Health.

We have the New York State Department of Health saying that none of the surveillance systems, birds, mosquitoes, or mammals, yet appear to

accurately predict the risk of serious illness among humans. We have no evidence and no research showing that pesticides are effective in reducing the threat of West Nile Virus. In fact, Cornell University's David Pimental's research shows that pesticides are not effective in preventing the transmission of West Nile Virus.

We have an unknown length of time for pesticide breakdown, yet people are being told they can safely go out after an hour or so. What this refers to is that they can breathe the air, the droplets won't be in the air any longer. But I think people aren't just concerned about whether or not they can breathe the air. Can their children play in the yard, on the their swing sets, with their toys? Can they touch the car?

It has been shown the half life of Sumithrin, which has the brand name of Anvil, in soil has been calculated to be as long as 16 weeks, though it can be less than that. We have no reporting system for human health or environmental problems related to pesticide exposure. We have no environmental impact statement that I know of. Isn't this required by the DEC? Shouldn't we know the answer to this before we approve a vector control plan?

Given all of the above, I would urge you to table the vector control plan for now and get satisfactory answers to the following before approving any plan: Is the spraying adulticides effective against the transmission of West Nile Virus? Does the DEC require an environmental Impact Statement? How can we justify spraying toxins that we don't know the long-term effects of without having a reporting system for pesticide-induced illness and environmental problems?

D.P.O. LEVY:

If you could wrap up, please.

MS. HAMLIN:

Yes, I'm just about done. How can we implement public education on potential health effects of pesticides and how to avoid pesticide exposure? How can we justify spraying when there has been no illness? And how can we justify the majority of spraying when it is for nuisance reasons? How can we deny citizens the right to be on the "No Spray" by requiring a doctor's note. Shouldn't people be able to protect themselves in a preventive manner, whether they currently have a medical condition or not? If you have any doubt about these issues, I urge you to table the plan until we can get some answers. Thank

you.

D.P.O. LEVY:

Thank you very much.

LEG. FOLEY:

Ma'am could you, please -- could you, please, leave a copy of your statement for the record?

MS. HAMLIN:

Yes.

68

LEG. FOLEY:

And that way we can make copies, particularly to the whole Health Committee.

MS. HAMLIN:

Thank you.

LEG. FOLEY:

That would be helpful thank you.

D.P.O. LEVY:

Peter Popovich, followed by Claire Curran.

MR. POPOVICH:

Good afternoon. My name is Peter Popovich. I am a resident of Great River, and I am here to speak on the issue that we've heard many people come up here and talk about. First off, I have no opposition to sports. I'm a former high school and collegiate athlete. Although I didn't carry it on, I have played a little sports. As very eloquently stated by our younger people, sports has a very, very important thing in their development. As you can see, a member, a Midshipman in the Naval Academy, a very impressive resume with that. However, I'm not opposed to using the land for a better use. My children play down there on numerous occasions. That is where I spend a lot of my time.

My biggest concern immediately is that there just seems to be too many unanswered questions. Whether there is a hidden agenda in the Saint Anthony's use of the land, which I don't think so, whether the environmental impact will be severe, whether the traffic will be

severe, we don't know what these questions are. Our goal is to not only provide a safe environment for the County, but also for the community. It's my children that have to cross that street. I have two young children. I don't think that I want to see those five buses come up and down the street on a given day. Another concern that been brought out today, that five buses over an eight-week period of time. What happens if this is a growing -- this is a growing sport, like was stated by the other members? What happens if those five buses become a much greater amount of buses? What happens if the regattas do start? The idea, I believe, is to step back, don't let this go through without at least getting all of your questions answered, and you are not going to be able to get that means unless the Legislature today sits and puts a stop to this until both sides of the equation are weighted out. And if we can get this common ground, that they can have their regatta and we can have our land, I have no problem with that. However, I think in the best community of the -- best interest of the community, we need to take a step back and answer all our questions before we vote yes.

LEG. BISHOP:  
Steve.

POPOVICH:  
Okay?

69

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

LEG. BISHOP:  
Steve, I have a question.

D.P.O. LEVY:  
Dave, Legislator Bishop.

MR. POPOVICH:  
Yes.

LEG. BISHOP:  
Are you a member of the association?

MR. POPOVICH:  
Yes, I am. My check just cleared for the dues.

LEG. BISHOP:

Congratulations. It seems, listening to the speakers and discussions with the Legislators, everybody agrees that crew is fantastic, the people that conduct crew are wonderful, and it provides enormous opportunities for them for growth, and in certain cases college scholarships, yet, the tone of this resolution suggests that as far as the community is concerned, that there's no room for compromise, that the position is very firm, that we do not want this activity in the park. In fact, if I read it, it says, "Our Association's position is that this is not a proper use for this valuable parkland." Now, we all understand that this is a public park, not a private park. There's no key just for the residents of Great River, it's a park for the entire community of Suffolk County. Given that, do you see room for compromise? And if so, what would that compromise entail?

MR. POPOVICH:

Okay, that's a great question, Legislator. I cannot answer what that compromise is, nor could I even start to see what that compromise is. However, I did say Ron is better to answer that.

LEG. BISHOP:

Maybe we can isolate what the primary problems are.

MR. POPOVICH:

The primary problems --

LEG. BISHOP:

And it doesn't have to be you, it could be -- I don't want to --

MR. POPOVICH:

As I see the primary problem is that it seems to be rushed through.

LEG. BISHOP:

Okay.

MR. POPOVICH:

It seems that there --

LEG. BISHOP:

I think we could solve that problem.

MR. POPOVICH:

Exactly.

LEG. BISHOP:

But after we solve that problem, where are we going?

MR. POPOVICH:

Then there could be time for compromise. Then we can sit down and see what we need to do to get this resolved. The park right now is I would say in a state of minor disarray. I'd like to see it improved. However, I don't know if putting up this building and inviting down crew teams and getting the buses and the traffic, and is that the answer? It may not be the answer. I mean, have they looked at all the other places they can crew? I don't know. Nobody's really answered that question. What I'm saying is that the best thing to do is just to step back. I don't have an answer today and I'm not -- I'm not speaking on behalf --

LEG. BISHOP:

And now I'm going to speak only for myself and where my vote will go. I would -- I'm sympathetic to, all right, you have concerns, you want to raise it with the authorities, and you want an opportunity to have a full dialogue on what the implications are. Fine. If there are concerns that are addressable, like, for example, the building is ugly, we want a building that's more aesthetically pleasing and in line with what's currently on the river bank, okay, that's something perhaps we could work with, or can we set it back further. But to say, "The park brings traffic, we don't want traffic," that's, in my opinion, a fruitless argument. It seems to me that that park is there for the residents of Suffolk County, that this is -- since everybody seems to agree that this is a wonderful activity and we should promote it, the traffic argument isn't going to sway me. But if there are manageable concerns that we can compromise and work together on, then you'll have my full support on those issues.

MR. POPOVICH:

I appreciate, Legislator. I'm not in a position to speak, you know, for it on behalf --

LEG. BISHOP:

No, I know. That was --

MR. POPOVICH:

However --

LEG. BISHOP:

-- a rhetorical flurry there.

MR. POPOVICH:

I understand. However, you know, I walk my dog down Great River Road.

LEG. BISHOP:

Right.

MR. POPOVICH:

And, you know, I can't do it with my ten year old. People getting into their tee times at Timber Point Country Club does -- that's exactly where that entrance would be. And I'm not saying -- it's not a knock against in there, I'm just saying you're telling me traffic is not a problem.

LEG. BISHOP:

No, it's not a problem, that the solution --

MR. POPOVICH:

I don't know when's the last you were on that corner.

LEG. BISHOP:

The solution can't be we have to cut off access to the park --

MR. POPOVICH:

I'm not saying cut off access to the park.

LEG. BISHOP:

-- or activities at the park.

MR. POPOVICH:

I'm saying that. What I'm is that you look at the immediate impact today.

LEG. BISHOP:

Or we can't use the park to its full potential, because there's a traffic problem. That's doesn't seem to be a logical solution.

MR. POPOVICH:

Why? Why?

LEG. BISHOP:

Because it's -- the park is --

MR. POPOVICH:

Why?

LEG. BISHOP:

The park -- first of all, correct me if I'm wrong, but the park preceded the neighborhood, did it not?

MR. POPOVICH:  
No.

(No Said in Unison by Audience Members)

LEG. BISHOP:  
Wasn't it a private country club? Right.

MR. POPOVICH:  
When was the last time you were in that park, Legislator?

72

LEG. BISHOP:  
Wasn't that a private country club purchased by the State under Robert Moses?

AUDIENCE MEMBER:  
This is a separate parcel.

MR. POPOVICH:  
It's a separate parcel. It's a separate parcel.

D.P.O. LEVY:  
Okay.

LEG. BISHOP:  
It's next to Timber Point.

D.P.O. LEVY:  
Okay. We can deal with this in committee. That's why it should go to committee?

MR. POPOVICH:  
I'm sorry. I'm sorry to take up your time. He asked the questions.

LEG. BISHOP:  
No, I want to get the answer. Let them set me straight, so let's --

MR. POPOVICH:  
It's adjacent to the Timber Point Country Club. However, the two roads that lead into are identical. There's only one way in and one way out of the Great River. I don't know the last time you were there. There's one main road east -- north-south, there's one main

road east-west. They both converge at that exact location right there. Where the entrance to Timber Point is would be the entrance to where this park is or where this crew wants to put their team. It's -- you can't --

LEG. BISHOP:

Right.

MR. POPOVICH:

It's the same intersection.

D.P.O. LEVY:

Okay. Why don't we --

LEG. BISHOP:

But the -- okay.

D.P.O. LEVY:

That's why we have to go to committee on this. Legislator Crecca.

LEG. CRECCA:

Yeah, I was just going to say. I don't think, and you correct me if I'm wrong, but the civic -- the Community Association's position is not that this absolutely shouldn't happen, but that it shouldn't be happening by CN, that what should happen is we should --

73

LEG. BISHOP:

Yeah, I know, we agree on that.

LEG. CRECCA:

Okay.

D.P.O. LEVY:

Legislator Fields.

LEG. FIELDS:

No.

LEG. BISHOP:

Getting to the substance.

D.P.O. LEVY:

No? Okay.

AUDIENCE MEMBER:

Mr. Levy, excuse me. I think you're directing the questions to the wrong person. This just happens to be a citizen. I think --

D.P.O. LEVY:

Fine. We can't have -- the reason why we can't have conversation from the audience is it can't be picked up by the stenographer or the microphone.

AUDIENCE MEMBER:

You're asking the wrong person.

D.P.O. LEVY:

I'm sorry. All right. Well, we'll have plenty of time for this in committee. I appreciate it. I don't mean to be rude to anybody in the audience, but if there's not a discussion through the microphones, it can't be picked up on our verbatim minutes.

AUDIENCE MEMBER:

Please, your questions for this --

D.P.O. LEVY:

Okay. I have to call you out of order. I'm sorry. Next speaker -- thank you very much, sir.

MR. POPOVICH:

Thank you.

D.P.O. LEVY:

Our next speaker, for the last speaker, I announced her, Claire Curran.

LEG. CARACCIOLO:

Mr. Chairman, point of order. For the purposes of the people who are still here to speak on this issue, would you make an announcement as to what our calendar is? This is the last speaker on this issue?

D.P.O. LEVY:

This is the last speaker. No, not --

MS. CURRAN:

No, I'm not on that issue.

LEG. CARACCIOLO:  
No.

D.P.O. LEVY:  
Hold on, hold on, hold on. Let me rephrase this. This is the last speaker before we have our lunch break --

LEG. CARACCIOLO:  
Right.

D.P.O. LEVY:  
-- which is traditionally at 12:30. You're all welcome to come back thereafter and speak for allotted time.

LEG. CARACCIOLO:  
Well, wait on that -- on that important announcement, mention at 2:30, by law, we have to go to public hearing.

D.P.O. LEVY:  
I will get to that.

LEG. CARACCIOLO:  
And at 4 o'clock we have another --

D.P.O. LEVY:  
Yes.

LEG. CARACCIOLO:  
-- calendar item.

D.P.O. LEVY:  
We have not concluded our morning session and we'll get to that.

LEG. CARACCIOLO:  
So some of these folks may have to be here until 7, 8 o'clock to make --

D.P.O. LEVY:  
That is correct.

LEG. CARACCIOLO:  
-- a presentation.

LEG. BISHOP:  
Why don't --

LEG. CARACCIOLO:  
Just so they know, so they can plan their day accordingly.

D.P.O. LEVY:  
Right, okay. Thank you, Legislator Caracciolo.

LEG. BISHOP:  
Why don't we just extend this for 15 minutes to accommodate the two speakers or three speakers on this issue?

D.P.O. LEVY:  
I will be happy to. But just to let you know, we still have, okay --

LEG. BISHOP:  
Oh, how many on this --

D.P.O. LEVY:  
We still have about 20 to 30 cards.

LEG. BISHOP:  
On this issue.

D.P.O. LEVY:  
We've got a -- on a variety of issues. Okay? A lot of people are in the audience to speak on a variety of different issues, so let's go to these folks who are next on the list, and it's Claire Curran.

MS. CURRAN:  
Right. Legislator Levy, may I just ask if I'm going to be the last speaker before you break?

D.P.O. LEVY:  
Yes, you are.

MS. CURRAN:  
Well, then I'd like to rescind my time to the president of --

D.P.O. LEVY:  
Well, we'll give you three minutes, if you want to take it yourself combined or cede it all to her, whatever you want to do for three minutes.

MS. CURRAN:  
My remarks won't take three minutes, I can tell you that right now.

D.P.O. LEVY:  
Okay. Well, you have three minutes. You can share it, if you want.

MS. CURRAN:

Before I begin, I just want to say I have no statistics, I don't know decibels. I'm here as a resident who lives a mile-and-a-half from the airport and I'm here to ask you to fund that noise study.

My name is Claire Curran and I've been a resident of the Hamlet of Bohemia for almost 23 years, and in those years, as we all know, the airport has grown, even though 23 years ago, when we, who bought our homes at that time, were told it will never get bigger. Over the years, as the airport grew, the noise level increased tremendously. Since the last noise impact study was 12 years ago, we, the residents,

76

feel it is time for a new study, because the noise level has increased in great proportions over these past years.

Some of you may say that it's the Town's responsibility for funding. Unfortunately, the Town doesn't think there is a problem. They do not live on my block, they don't barbecue in my backyard, and they don't sleep in my bed.

The airport talks of being a good neighbor. Would a good neighbor rev his unmuffled car in your driveway? That's the -- that's equivalent of the noise we have. That's why we ask you to, please, fund this study, so we can have some relief. Thank you for your time.

D.P.O. LEVY:

There's a minute-forty-six left.

MS. SLINKOSKY:

Steve, I'm never going to get it done.

D.P.O. LEVY:

Okay. It's your call. You got a minute-forty-six left.

LEG. FOLEY:

Let her answer Legislator Guldi's question about the FAA noise study.

MS. SLINKOSKY:

I'm sorry. It was Mr. Guldi?

LEG. FOLEY:

Yes.

MS. SLINKOSKY:

Yes. We've been in touch with the Federal Aviation Commission and they did advise us that, yes, H.R. 1000 has allocated money, big money, to local airports across the country. Unfortunately, these funds are disbursed to the owners of these airports.

LEG. GULDI:

Sponsors.

MS. SLINKOSKY:

For the sponsors of the airports, whatever. Unfortunately, Pete McGowan will not allocate money for a noise study. So there goes the FAA, there goes Islip Town.

LEG. GULDI:

Well, if you don't have the cooperation of the airport sponsor --

MS. SLINKOSKY:

Yes, sir.

LEG. GULDI:

-- what good is the noise study anyway, since anything you develop from the noise study can't be implemented without the cooperation of the airport sponsor?

77

MS. SLINKOSKY:

Well, hopefully, this will convince the Islip Town Board that there is a problem. Right now they're turning a deaf ear to the residents. We're trying to convince Pete McGowan, and, hopefully, today we'll have an opportunity to further that agenda. We're telling him that there is a problem, that they have to start working with the community at large. May I --

D.P.O. LEVY:

Well, it's just about perfect timing with 15 seconds to go to wrap up.

MS. SLINKOSKY:

Well, I didn't have a chance to say what I -- well.

D.P.O. LEVY:

Okay.

MS. SLINKOSKY:

Hopefully, this will just give you an indication that there is a

serious problem at MacArthur Airport, and we're looking to reasonable people, to help reasonable people get a good nights rest, have our children's education pursued in a quiet manner,, and hopefully, that you understand that the expansion of the airport has extended itself so far that it's reached the outskirts of Oakdale, and Brentwood, and Bellport, and Farmingville, and Selden, and it's growing by the day. This may not affect your community right now, but I can guarantee you this, within two short years, it has grown to six other hamlets. It first only affected Ronkonkoma, Bohemia, and Holbrook, it has now extened to eight more hamlets. It will affect you, it will affect your constituents, and we might as well get it all out on the table now. Let's get the noise study done, let's prove that there is a problem, and let the communities work together to make MacArthur Airport a good neighbor. Thank you.

LEG. GULDI:

Mr. Chairman, point of order. We're way past time. This speaker is further in the agenda. There are speakers from my district who have been here all morning and come from East Hampton who are now going to be asked to wait until after 5:00 to speak. If we're going to go beyond time, I suggest we take -- we take additional speakers and I'll move to extend the public portion for 15 minutes before the recess to that end.

D.P.O. LEVY:

What I'm going to do -- the problem with that is if we had two more speakers left on this list, I would say no problem. If we were wrapping up with Great River and we had two more speakers --

LEG. GULDI:

Then -- well, the speakers --

D.P.O. LEVY:

Let me finish. I have the floor, please. Let me just finish. If we had just two more speakers on Great Liver, I would say fine. We have about 20 more speakers to go, we have ten of which are on Great River. I don't want to start going into other areas, because there's a lot of

other people who are not on those particular issues who want to speak, and we're going to get into a lot of inequities here.

LEG. GULDI:

Mr. Chairman, if I may respond. We are into a tremendous inequity. We've spent the whole morning on the Great River issue.

D.P.O. LEVY:  
That's the way it goes.

LEG. GULDI:  
We haven't done other issues.

D.P.O. LEVY:  
That's the way it goes.

LEG. GULDI:  
There are four speakers here on the East Hampton issue. They will speak together, if allotted the time. They are next. They had a right to speak before the last speaker that you allowed to go beyond time.

D.P.O. LEVY:  
Actually, they're not next. The next person is, again, someone on Great River.

LEG. GULDI:  
Which is an unnumbered card that got slid in out of order.

D.P.O. LEVY:  
But what I'm going to do --

LEG. GULDI:  
I to be the process.

D.P.O. LEVY:  
I appreciate that. What I'm going to do, as Chair, no matter what you do in a situation like this, you're going to get some people mad at you. But if I start taking people out of order at this point, it's going to tick some other people --

LEG. GULDI:  
You just did.

D.P.O. LEVY:  
No, I did not take anyone out of order.

LEG. GULDI:  
You just did take people out of order and let them go over time.

D.P.O. LEVY:  
I think we are wasting time at this point. For those -- we're going to call a lunch recess at this point. We'll be coming back at 2:30. As Legislator Caracciolo was noting, at 2:30, we start our public portion. Those are on the local laws, public hearing. They will speak for ten minutes each. Then we come back to the yellow cards,

the public portion. That may be as late as 4 o'clock, so we just let you know. We apologize for that, but that's what happens in a democratic system where we let everybody speak. Okay. We're adjourned until 2:30.

[THE MEETING WAS RECESSED AT 12:40 P.M. AND RESUMED AT 3:00 P.M.]

P.O. TONNA:

Okay. What do I do, Henry?

MR. BARTON:

The affidavits of publication are in order and have -- and are filed.

P.O. TONNA:

Okay. Let's call our first speaker. Oh, first we have to bring up the -- where are we?

MR. BARTON:

First public hearing.

P.O. TONNA:

Public hearing, Introductory Resolution Number 1996 (The purpose of considering a proposed improvement of facilities for Sewer District No. 15 - Nob Hill). Okay. We have no speakers. I'll make a motion to close, seconded by --

LEG. ALDEN:

Second.

P.O. TONNA:

-- Legislator Alden. All in favor? Opposed? Closed.

Public Hearing Number 2042 (Adopting Local Law No. 2000, a local law to ban the use of plastic loops in food and drink packaging within the County of Suffolk). There is a motion to close by myself, seconded by?

LEG. ALDEN:

Legislator Alden.

P.O. TONNA:

Legislator Alden. All in favor? Opposed? Closed.

Number 2125 (Adopting Local Law No. 2000, a local law mandating reciprocal licensing program for plumbers). Motion by --

LEG. CARPENTER:  
Motion.

LEG. BISHOP:  
Can we close without a quorum?

P.O. TONNA:  
Yeah, yeah.

80

MR. BARTON:  
Yes.

P.O. TONNA:  
You think I asked the Clerk on that? Ask Roberts Rules. Okay. Motion  
by myself, seconded by Legislator Bishop. All in favor? Opposed?  
Closed.

LEG. BINDER:  
You can't close.

P.O. TONNA:  
Sure, you can close.

LEG. BINDER:  
We could just be in session, we can't take --

LEG. BISHOP:  
You can't take votes without --

P.O. TONNA:  
Henry, can we take --

LEG. CARPENTER:  
You don't need a quorum to close the hearing.

P.O. TONNA:  
Fine.

MR. BARTON:  
Close the public hearing is fine.

P.O. TONNA:

You don't need a quorum to close a hearing.

MR. BARTON:

Mr. Chairman, I think you had some green cards. I don't know --

P.O. TONNA:

I know, but I have them -- I know which ones they're for.

MR. BARTON:

Okay. Public Hearing Number 2217. This is the local law to license process servers in Suffolk County. And Vincent Gillis? Vinny, have you spoken last time on this?

MR. GILLIS:

Yes.

P.O. TONNA:

Okay, great. Let's hear you again, Vinny, just in case.

MR. GILLIS:

I'm going to be -- again, I'm going to be very brief.

81

P.O. TONNA:

Take your time, really.

MR. GILLIS:

Again, I'm going to be very brief. I understand that the author of the bill, Legislator Postal, is not here, and I -- she has scheduled meetings with our organization where we are going to discuss things, certain changes that we'd like to see in this bill, if it is to -- if it is to pass at all. So I'm going to give up my ten minutes today to the next speaker, whoever wants to speak.

P.O. TONNA:

So you don't want to say anything?

MR. GILLIS:

Not today.

P.O. TONNA:

Really? Okay.

MR. GILLIS:  
There's nobody here.

P.O. TONNA:  
No. You'd be surprised, they're all around.

LEG. CARPENTER:  
Also, too, whatever you say is being recorded by the stenographer --

P.O. TONNA:  
And people --

LEG. CARPENTER:  
-- and will be reviewed by the Legislators who are not here. Yeah.  
Just so that you know, I mean, we did come from an office or  
Legislative Christmas party. They're here, trust me.

MR. GILLIS:  
I hope they enjoyed the party.

P.O. TONNA:  
At least in spirit.

LEG. BISHOP:  
Although not in mind.

MR. GILLIS:  
Not in mind. Okay. I'll say briefly about our organization, the New  
York State Professional Process Servers Association. We were formed  
in 1997. In the State, process serving companies and process servers  
have been trying to form together and have been unsuccessful for  
years, whereas in other states, they had quite a bit of success. And  
one of the biggest things that's always brought us together was  
possible legislation for licensing or registering or certifying  
process servers. In that endeavor, when we would get together and we  
would put everybody's ideas of what should be included in such a

legislation, we wouldn't have any process servers, because we'd wipe  
ourselves out of a job one way or another of putting all things that  
we thought should be put in any type of bill.

One thing was common, though, to everybody that when this would come  
up time and time again and that was for education. We found every  
time we did a survey, probably that fewer than 10% of the process

servers, that when they started serving process, had very little knowledge of the law of the services that they were doing. And it seemed to have been an attempt of the New York -- of the New York State Legislature that when they made the present laws, the only law that governs process servers per se is that you have to be a person, a natural person over 18 years of age, and that's the only requirement to serve process. Their attempt seemed to be that they would be controlled by the attorneys that hire them, that they would be their primary -- that that would be the people that would be hiring process servers, would be attorneys who are bringing suits who needed subpoenas served, who needed orders served, but that wasn't the case at all. We do a lot of work with -- pro se work, we do a lot of work for attorneys, and, quite often, not to -- not to say anything against attorneys, but they ask us for information on how a service has to be done and what's required in the affidavit of service. And so our main concern primarily is in education.

We tried successfully through the New York State Secretary of Education to get something done in the State before and there was no demanding need for any such legislation at the time, or there didn't seem to have been. So now that there is and Suffolk County is looking into that, we'd like to have some input into that legislation.

We feel that what we've seen basically was a clone of New York City Consumer Affairs Law, and we feel this does both an injustice to the -- to process servers and to the people at large. Really, it never really addresses what -- you know, you're saying you want to, quote, license a process server and you're sending this man, that's he's licensed, that knows -- or woman, that they're licensed and they know what they're doing and they're going to a house or a place of business and they're serving these papers and they -- there's no requirements to say that they would know what they're doing at all. And I don't think you would do the same thing if you were going to license for a licensed electrician or a licensed plumber, or anything else like that. They'd have some stringent requirements in what level they would have to have to be able to serve these papers. I mean, that's our view and that's where we're coming from from the State.

Last meeting you heard from the National Association. I believe they're going to be back here again when this bill comes up again, when the hearing comes up again. And if you want to find anything about -- more about our organization, we have a website. It's [www.NYSPPSA.org](http://www.NYSPPSA.org). All right? And any questions?

P.O. TONNA:  
Thank you very much, sir.

MR. GILLIS:  
Thanks.

P.O. TONNA:  
Okay. Donald Voege.

MR. VOEGE:  
Good afternoon.

P.O. TONNA:  
Good afternoon.

MR. VOEGE:  
I spoke here the last time this bill was under consideration, and, apparently, I was laboring under a bit of a misapprehension. I was not familiar with the law regarding default judgments. I was familiar with the controversy surrounding that law when it was initially passed in 1977. What I recalled was the requirement that before the default judgment be issued, two notices should be sent to the defaulting party, who's not attending the proceedings to which he was summoned. Apparently, that is not what the Legislature passed. What was passed is a requirement of service of notice of summons and complaint and separate mailing of a notice about default judgment, specifically that a default judgment would be issued if you didn't attend the proceedings to which you were being summoned. The law, then, C.P.L.R. 3212, I believe it is, then goes and allows both the summons and complaint and the notice about default judgments to be made in the same mailing, if the service is by mail. I recall, and I'm not certain of all my facts, we're talking 1977 --

P.O. TONNA:  
Sorry.

MR. VOEGE:  
-- this was the proposed legislation that everybody objected to, and the counterproposed legislation was the one that I recited where two notices would be made to the defaulting party before the default judgment was issued. Apparently, that is not what was passed. Now, how that substitution came about, I don't know. What's happening here is you're getting sewer service of not only the notice of complaint and the summons, you're also getting sewer service of the notice regarding the fact that there will be a default judgment issued. You're also getting sewer service in the process of the motion for a default judgment, which is after the initial default. So it's -- the fact that all of these judgments were issued against the various parties could only come after a sewer service of notice of complaint and a summons and sewer service of a notice of motion for a default judgment. So there's not just one problem, it's a whole series of problems, and a whole series of different people involved, and not all

of these people are process servers. The court could conceivably have remedied this problem by notifying the defendant, and I think that's what really needs to be addressed, before you address the issue of the process service itself.

Simply licensing the process servers is not going to solve the problem of people not being notified to appear in court. If the process server were to do a valid process service, yes, that would --

84

P.O. TONNA:

Sir, you're going to have to wrap up your comments, your time --

MR. VOEGE:

Well --

P.O. TONNA:

Okay. Just wrap up your comments.

MR. VOEGE:

Okay. Well, I had a whole bunch of documents that are in connection with the other issue I addressed, is how I wound up being instructed to serve my own process. I was instructed first to act pro se when 31 attorneys refused to represent me. And then subsequently, because I was trying to subpoena Frank Provenzano and nobody wanted to serve him, I was instructed separately to serve subpoenas. So I'd like these to be put in the record.

P.O. TONNA:

Sure. Could you -- Ilona, could you take those and make them part of the official record?

MS. JULIUS:

Of course.

P.O. TONNA:

Thank you, sir.

MR. VOEGE:

Do I have anymore time?

P.O. TONNA:

You know what, it's Christmas time, right, holiday time? You got --

MR. VOEGE:  
Okay.

P.O. TONNA:  
You got 30 seconds.

MR. VOEGE:  
Okay. This litigation is in connection with suspension orders against my driving record. I can't explain them, so I'm not going to put them -- when those suspension orders get subpoenaed by the District Court, the Department of Motor Vehicles produces a certificate of no record found.

P.O. TONNA:  
Okay.

MR. VOEGE:  
And, yet, somehow, despite the law to the contrary, Section 201 of the Vehicle and Traffic Law, these suspension orders cannot be taken off my record. I took an Article 78 proceeding about this and it was granted on an order to show cause with the defects that it had no subpoenas in connection with C.P.L.R. 3102. This is done because the

85

original Article 78 proceeding against the suspension orders cannot be enforced, because the Department of Motor Vehicles threw all the records in connection with that case in the garbage. And Mr. Romaine has complained to Mr. Catterson about this already, that the Judges of the TVB, Traffic Violations Bureau, have stolen and disposed of his documents, and Mr. Catterson refuses to do anything about that.

P.O. TONNA:  
Well, can I -- can I ask you two things? You seem very articulate on this and you're not an attorney, right?

MR. VOEGE:  
I learned my law in the "School of Hard Knocks" over this nonsense.

P.O. TONNA:  
Right. I would say, because I know I'm not an attorney either, and I know a lot of attorneys here and I -- none of them are as half as articulate as you are. So I want you to know I met with Dean Glickstein today. I would -- I would think I'd help support you to go to law school to get this whole thing straightened out, because some of these guys, I'm telling you. I could imagine how frustrating it is.

What town do you live in, or where do you live, just the town?

MR. VOEGE:

Right now, I live in Bay Shore. The County paid for this --

P.O. TONNA:

Who is --

MR. VOEGE:

-- and nobody pays attention to it.

MR. VOEGE:

Right. Who is your Legislator, do you know?

MR. VOEGE:

I've already spoken to Owen Johnson about this.

P.O. TONNA:

Okay that's your State --

MR. VOEGE:

That's my State Senator.

P.O. TONNA:

Right.

MR. VOEGE:

He tells me to go down and pay the fines.

P.O. TONNA:

Okay.

MR. VOEGE:

It's not a question of paying the fines, they still issue more suspension orders.

P.O. TONNA:

Well, you know what, sir, I would say, with all the documentation and everything that you have, do you want to give that to the Clerk or no? You're going to keep that stuff?

MR. VOEGE:

I can't explain all the details.

P.O. TONNA:  
Okay.

MR. VOEGE:  
You're not going to understand it, so I'm going to hold it. But, apparently, this law is going to be recessed?

LEG. BISHOP:  
Yes.

P.O. TONNA:  
Is it going to be recessed? Is it, Dave?

LEG. BISHOP:  
Well, the hearing. Well, actually, I guess we'll close the hearing, but --

P.O. TONNA:  
We're going to close the hearing and then it will go through the committee process. Okay?

MR. VOEGE:  
I see.

P.O. TONNA:  
All right.

LEG. ALDEN:  
Just tell him sometime in January is the next --

P.O. TONNA:  
Yeah, sometime in January. Is this -- by the way, does this sunset?  
No.

MS. BURKHARDT:  
No.

P.O. TONNA:  
Okay. So sometime in January this will be before us. But in the meantime, I would say get in touch with your local County Legislator. You know, I'm sure he or she would be glad to make office hours, sit down with you, go over this. If it's Legislator Alden, he's an attorney, you guys can talk, you know, shop. If it's Legislator Carpenter, you know, she's one of you, she's not an attorney, you know, means that she's already brighter than most attorneys, and then you can go from there.

MR. VOEGE:

You're --

P.O. TONNA:

And me?

MR. VOEGE:

No. Legislator Alden, I believe you're from Bay Shore?

LEG. ALDEN:

I represent part of Bay Shore, and Legislator Carpenter represents the other part. You could see Warren Greene, the guy with the white shirt in the back.

P.O. TONNA:

Right.

LEG. ALDEN:

Just tell him your address and he'll tell you whose Legislative district you're in.

MR. VOEGE:

Okay.

P.O. TONNA:

Just don't say anything about his hair, though, he's very sensitive. Okay. Thank you very much.

MR. VOEGE:

I won't say anything about his, if he don't talk about mine.

P.O. TONNA:

Okay. Thank you, sir. All right. We have -- anybody else who wants to speak on the record on this? No? Yes? Did you fill out a card?

MR. MAHN:

Yes, I did.

P.O. TONNA:

You did. I'm looking for the cards. Is it a green card that you filled out?

MR. MAHN:

Yes, it was.

P.O. TONNA:

Okay. Come on up. State your name. Bring your daughter up there. I just -- does your daughter -- she goes to -- it looks like she goes to

parochial school.

MR. MAHN:  
Saint Mary's.

P.O. TONNA:  
Saint Mary's in?

88

MR. MAHN:  
East Islip.

P.O. TONNA:  
East Islip? And who is she carrying, Teddy?

MR. MAHN:  
It's a -- who is that, Katherine?

P.O. TONNA:  
Wow, that's beautiful. Okay, thank you. Please, you have a few minutes.

MR. MAHN:  
Okay. My friend and advisor, Don Voege, who's not a lawyer -- my name is Brian Mahn.

P.O. TONNA:  
Are you a lawyer?

MR. MAHN:  
No, I'm not.

P.O. TONNA:  
Okay. So I'll listen. Go ahead.

MR. MAHN:  
Okay. This is a -- more of the issue of licensing process servers. Legislator Ginny Fields knows a little bit about this case. And what I want to bring out is that I'm being harassed. Pete McGowan and Timmy Shea down at the Islip Town Attorney's Office has somewhat of a vendetta against me. They want me to sell a house that I own. And through by manipulating the process service, I just recently found out that they put a \$5,000 default judgment on my property. My name appears nowhere on the complaint, the summonses. And they knew who I

was, and they knew what the house was about, but somehow they were able to get their -- the building inspectors in there again. They went down, they got a judgment they issued against somebody who doesn't live there. They say they served it to someone that was a tenant there that I was evicting. And I'm trying to sell the house now and I just found out I got another \$5,000 judgment I knew nothing about. And Timmy Shea has lied repeatedly about settlements on the house. We went into court and they're playing a game down there. And the abuse of that office, you know, for you Legislators to stand by and let the Islip Town Attorneys run roughshod, similar to the article in Newsday about, you know, the practices down there, it's just outrageous. And now I've got another \$5,000 judgment, didn't get my day in court, wasn't notified. These complaints were never given to me, I got them after the tenant that I evicted left.

And, basically, that's all I have to say about it. I just hope the process service issue is tightened up, and the various government officials are made to stop running around sneaking these default judgments in.

89

P.O. TONNA:

So just to get the sense, are you in favor of this bill or against it?

MR. MAHN:

I'm for the bill.

P.O. TONNA:

Okay.

MR. MAHN:

License -- you know, because it just reinforces -- I mean, look at what this has done. I mean, I have the house in contract, and now I just found out through title search I've got another \$5,000 judgment. And what am I supposed to do, just pay the town the 5,000, or I take time to go back into court on an issue that I knew nothing about? You know, and Timmy Shea and Laura Parker, and the people down there that have threatened me, I have tapes. Ginny Field, I told -- you want to hear the tapes? They told me they were going to get me, they told me they were going to ramrod this whole thing through. Anybody want to listen to them? Be happy to -- audio tapes. Timmy {Shay}, when I told him I taped it, just told me I was immature. Immature. That's all I have to say.

P.O. TONNA:

Okay. I would suggest, sir, just I guess your Legislator is Ginny Fields.

MR. MAHN:

Yes, it is.

P.O. TONNA:

My suggestion would be, I know she has active office hours, not like myself, but she has active office hours, and you, know -- no, they're not active, they're unactive.

LEG. CRECCA:

Inactive.

P.O. TONNA:

You know, inactive office. But she would be glad to meet -- she would be glad to meet with you and, you know, a separate time.

MR. MAHN:

Thank you.

P.O. TONNA:

Thank you. Is somebody from her staff around that would make time to --

LEG. FIELDS:

No. I'll have it done.

P.O. TONNA:

Okay, thank you. Thank you, sir.

MR. MAHN:

Thank you.

P.O. TONNA:

Okay. Who else? Is that Brian? No. That was Brian? Okay. You filled out a card?

MR. HUSZAR:

I filled out one, but it was yellow, not green.

P.O. TONNA:

It was yellow? All right. Come on up here. Like I said, you know, it's holiday time, I'll make an exception.

MR. HUSZAR:

It's Christmas. Good afternoon to the Legislature and --

P.O. TONNA:

If you could just state your name.

MR. HUSZAR:

Okay. My name is Henry Huszar, resident of Suffolk County, I live in Farmingville. As I advised this general Legislative meeting, along with the Judiciary Committee and Public Safety, I had a letter mailed to me by the State Department of Investigation regarding the false affidavits of service and court actions where people were either hit with default judgments, or asking for traverse hearings by a crime ring operating in the court systems. They demanded that an investigation be conducted by Catterson himself and also the Attorney General.

A lot of people have been coming forward, make criminal referrals to both these agencies, you don't get a return phone call. As a crime victim and also a retired police officer with 21 years of service, as I've advised everybody on the Legislature, I find this appalling. Is it that we have to get rid of the D.A., Catterson himself, and then maybe we, you know, form ourselves as citizens arrests and go out and start locking these people up ourselves? I don't understand this in a million years. And every other month you're hearing more and more horror stories. This has to stop.

I'm going to submit these referrals from the State Department of Investigation, as I advised. On October the 20th, I produced the same evidence that I gave all you guys, over a hundred false affidavits of service in all types of court actions.

P.O. TONNA:

Do we have that on the record?

MR. HUSZAR:

It's on the record, over a hundred. There's even more. This is just Suffolk County alone, this is not even touching Nassau County, the adjoining county. This criminality is like unbelievable in this day and age. '97 Catterson did a cover-up of four dozen affidavits from Judge Jacqueline Silverman from Manhattan. They disappeared. If they did their job in '97, I wouldn't be a crime victim today, or neither

would all these other people. This has been going on a heck of a long time, 15 years that I investigated. This has to stop. I'll submit these papers for the record. Thank you.

P.O. TONNA:  
Thank you, sir.

LEG. HALEY:  
Thank you.

P.O. TONNA:  
Okay. Anybody else want to speak on this subject? All right. I'll make a motion to close the hearing, seconded by Dave Bishop. All in favor? Opposed? Closed.

Okay. I just want -- on 2042, on the issue of a local law to ban the use of plastic loops in food and drink packaging within the County of Suffolk. There is-- Matt, you want to speak?

MR. HAYDEN:  
Sure.

P.O. TONNA:  
Come on up, Matt. Matt, it's very timely, the red. You know, it's very holidayish. What color socks are you wearing, Matt? Black? All right. Just, you know, you could have gone the full --

MR. HAYDEN:  
At least I had them on today.

P.O. TONNA:  
There you go.

LEG. BISHOP:  
This is the third time he's flown from Chicago.

P.O. TONNA:  
I know. Listen, a guy from Chicago, I mean, it is a lot warmer here, isn't it?

MR. LAPPING:  
It's -- I can't tell you how much warmer it is.

P.O. TONNA:  
Did you bring your golf clubs?

MR. HAYDEN:  
I've played golf on much worse days than this.

P.O. TONNA:  
All right. There you go.

MR. HAYDEN:  
This is perfect, right. Thanks very much for doing this on the Tuesday before Christmas.

92

P.O. TONNA:  
No problem.

MR. HAYDEN:  
I just wanted to bring you quickly up to date. We had a meeting yesterday with Legislator Towle. First of all, you guys are to be complemented on the terrific job you did inviting all those children in this morning. They really did a great job.

LEG. BISHOP:  
That must have been your worst nightmare.

LEG. TOWLE:  
My timing is impeccable.

MR. HAYDEN:  
Absolutely, impeccable, absolutely. I thought they were terrific. They were engaged, they were focused. They were misinformed and that's unfortunate, but, you know, most people are on this issue. But the fact that they were here and participating I thought was terrific. As I said --

P.O. TONNA:  
Can you work out a deal with Michael Jordan getting here? Do you have any contacts in Chicago with that?

LEG. TOWLE:  
He's in Washington.

P.O. TONNA:  
All right.

MR. HAYDEN:  
He's in Washington now anyhow, Paul. Sorry.

P.O. TONNA:

All right.

MR. HAYDEN:  
Right?

P.O. TONNA:  
Okay.

MR. HAYDEN:  
They would love him back in Chicago, I promise you.

LEG. HALEY:  
Yeah, look at their record.

MR. HAYDEN:  
I think Chicago, the Bulls are about 0 and 27 at this point. At any rate, we had a meeting yesterday with Fred. We ran through a number of -- he brought us up to date. I understand, Legislator Fields, that you signed on as cosponsor. I don't know, has anyone else signed on as a cosponsor of this bill?

93

P.O. TONNA:  
Not yet.

MR. HAYDEN:  
When I checked the record, I didn't see any.

LEG. TOWLE:  
I couldn't answer that.

MR. HAYDEN:  
We focused a lot of our dialogue yesterday on where the bill was from your side of the issue, and then we focused a lot on the whole notion of environmental education contest recycling program, and we hammered out some broad-stroke parameters for that, which I thought were really constructive. The net of all of that is that we will have a contest, I think that begins in January, concludes in June. Part of it for the older grades will be around recycling, bringing the rings back. The younger kids, kindergarten through second or third grade, will be doing a poster contest of some sort. And a packet will be prepared and distributed to all of you in the Legislature by Friday, the 12th of January, that you might use to encourage the superintendents of the school districts in your Legislative district to participate; give

them something in their hands that they can look at and decide whether they want to join or not join. And we also talked yesterday about a very important public awareness campaign. We're having meetings on that in early January, get that going.

The last thing I want to do, that -- to bring you up to date on is that I -- after our meeting yesterday with Legislator Towle, I was able to meet with a firm in Farmingdale, American Ecoboard. They manufacturer -- they will accept all the rings collected in Suffolk County, they'll take those rings and use them in -- with the high density and low density polyethylene they have from other sources to make recycled plastic lumber, and they'll be making whatever we decide is the appropriate award for the schools, whether it's playground equipment, or benches, or whatever it is. So all of that is going to be done in-house in Suffolk County and we're really excited about that. That's where we stand.

P.O. TONNA:

Now, did you get some type of agreement with the sponsor of the bill to --

MR. HAYDEN:

Yeah. We're in process on that, yeah.

P.O. TONNA:

So you want to -- you want to -- do you want Fred to close this public hearing?

LEG. TOWLE:

Yeah. My intention --

P.O. TONNA:

I've closed it already, so --

LEG. TOWLE:

Yeah, my intention was to close the public hearing today.

P.O. TONNA:

Okay. I like the short haircut, Fred, it looks good.

LEG. TOWLE:

Thank you. I like yours as well, Mr. Presiding Officer.

P.O. TONNA:  
It's coming towards mine, I want you to know.

LEG. TOWLE:  
I'm working on it very quickly there.

P.O. TONNA:  
I see that that's the Hair Club for Men, you know.

LEG. TOWLE:  
I think nature is --

P.O. TONNA:  
You might get a Christmas present.

LEG. TOWLE:  
Nature is taking it's course as well.

P.O. TONNA:  
There you go.

LEG. TOWLE:  
Talking about nature, though --

P.O. TONNA:  
But you're making it up for it on the chin, you know.

LEG. TOWLE:  
Appreciate the complement.

P.O. TONNA:  
It's the Rasputin look. Okay.

LEG. TOWLE:  
I guess you really -- you've got all your shopping done and have no place to go tonight.

P.O. TONNA:  
Yeah, right.

LEG. TOWLE:  
That's okay.

P.O. TONNA:  
All right.

LEG. TOWLE:

I figured that out real quick. I hope you got my gift.

P.O. TONNA:

My wife has already done the shopping for herself.

LEG. TOWLE:

Okay.

P.O. TONNA:

Okay. Thank you very much.

LEG. TOWLE:

On a serious note, we did sit down yesterday with some representatives from Coca Cola as well.

MR. HAYDEN:

Right.

LEG. TOWLE:

And we've also spoken to the folks at Pepsi and Clare Rose, and Pepsi has some concerns and problems in regard to their facilities that we started talking about yesterday, which was a new dialogue, an aside issue on this bill. I've put forth some challenges to them as far as this recycling program, because, quite honestly, as I had mentioned to them yesterday, we started this dialogue back in October, November, and, you know, with the exception of getting a parcel post package of the tree ring in my office, which I had already seen, we really haven't engaged any of the school districts. And one of their problems was how to go about doing that, and that was one of the things that we ironed out yesterday, and, you know, I think that challenge they're stepping up to the plate to meet, and I think that's going to be important. That will also give us some gauge of what we can recycle.

We debated the point of the one environmental day, the cleanup, and how many rings are found. I don't know if that's really a snapshot of what's actually out there, but in fairness to them, you know, that's the only snapshot that they have, because there is no other statistical data on cleanup.

I did also talk about the public service campaign, because people don't necessarily correlate, you know, recycling the rings as they would recycling a plastic soda bottle in the Curbee Can in the Town of Brookhaven, or in any other of the towns. So we've talked about that. And should they step up to the plate to meet those things, I think I'm prepared to give them some time to show what we can do in trying to move this process forward, as opposed to necessarily passing the bill immediately and mandating them doing something. And, you know, I think that's the dialogue where we're at at this point. But I did

tell them today I was going to close the hearing. We won't be meeting for at least another month, so that will give them an opportunity to get their packages together.

I was very pleased that they were able to find a company here based on Long Island that would take the plastic products that we were capable

96

of recycling and producing those into products as well.

So they've got a few challenges ahead of them, and we're about to take our winter recess, if you will, so that will give them an opportunity to, hopefully, get these things together. And if they do, I'd be willing --

LEG. HALEY:  
Second to close.

LEG. TOWLE:  
Yes.

P.O. TONNA:  
It's already closed. All right. Thank you very much, Legislator Towle. Thank you. Welcome to Long Island.

MR. HAYDEN:  
Happy holidays.

P.O. TONNA:  
Are you going to come back?

MR. HAYDEN:  
Sure.

P.O. TONNA:  
Okay.

MR. HAYDEN:  
I'll be back to meet with Fred's Aide and the Superintendent, Fred Hawkins?

LEG. TOWLE:  
Rich Hawkins.

MR. HAYDEN:

Rich Hawkins.

P.O. TONNA:  
Okay.

MR. HAYDEN:  
First week in January.

P.O. TONNA:  
Great.

MR. HAYDEN:  
Thanks very much. Have a good holiday.

P.O. TONNA:  
Bring your golf clubs. It will be a lot warmer than Chicago.

MR. HAYDEN:  
It's all warmer than Chicago here.

97

P.O. TONNA:  
Okay.

LEG. TOWLE:  
Anyplace is warmer than Chicago.

P.O. TONNA:  
All right. All right. Anybody else for public hearings? I have to close one more, I think, 2238 (Adopting Local Law No. 2000, a local law to regulate repeat violators of ban on sale of tobacco products to minors in Suffolk County). I'll make a motion to close.

MR. BARTON:  
Mr. Chairman.

P.O. TONNA:  
Yes.

MR. BARTON:  
That resolution was withdrawn.

P.O. TONNA:  
It was withdrawn.

MR. BARTON:  
Yes.

P.O. TONNA:  
Okay. So now we're setting the date of the first general meeting of the year, at 2:30 P.M., at the William Rogers Legislature Building in Hauppauge for the following public hearing: Public Hearing, Introductory Resolution Number 2286 and 22 -- 2351.

MS. BURKHARDT:  
15.

P.O. TONNA:  
2315. Okay. We're going to be doing this --

MS. BURKHARDT:  
The first general meeting.

P.O. TONNA:  
The first general meeting.

LEG. FISHER:  
What's the date?

MS. BURKHARDT:  
We don't have it.

P.O. TONNA:  
You don't have it on the 2nd?

98

MS. BURKHARDT:  
No, we adopt it on the 2nd.

MR. BARTON:  
You haven't adopted your calendar yet.

P.O. TONNA:  
We haven't adopted the calendar.

LEG. ALDEN:  
Exactly right. Okay.

P.O. TONNA:

Okay. Thank you. All in favor? Opposed? Approved. That's myself, seconded by Legislator Alden. Okay. I'd ask, all Legislators, please to join the horseshoe. We need a -- you know, we would like some people on the public portion. Okay. Julio Ortiz. Going once, going twice. Out of there. Card Ortiz. Going once, going twice. Okay. Councilman Job Potter.

LEG. HALEY:

Job.

MS. BURKHARDT:

Job.

P.O. TONNA:

Job.

MS. BURKHARDT:

Potter.

P.O. TONNA:

Is Job Potter here? Going once, going twice. Is that, I guess, in East Hampton, huh? Great. Okay. Michael --

LEG. HALEY:

It doesn't have a vowel at the end of it, it can't be Brookhaven.

P.O. TONNA:

Michael Bottini? No? Bottini? Going once, going twice, sold. Susan Avedon? All right. Once, twice, sold. William Swezey. William, are you here?

MR. SWEZEY:

Yes, I am.

P.O. TONNA:

There you go. Hey, William, how are you today?

MR. SWEZEY:

How are you?

P.O. TONNA:

Very well, thank you.

MR. SWEZEY:

I see you have a career coming up in T.V. after this.

P.O. TONNA:

Yes, yes, yes.

MR. SWEZEY:

Comedy.

P.O. TONNA:

Bill Clinton and I, here we go.

MR. SWEZEY:

All right.

P.O. TONNA:

Okay.

MR. SWEZEY:

I'm a resident of Great River, New York. I'm not a member of this civic association, and I oppose Resolution 2259. The reason I oppose this resolution, and, Ms. Carpenter, I think you'll be interested in this also, you just don't have the information to pass this resolution. I've learned a lot in this meeting today. Okay? Saint Anthony's, which is a very fine school, I'm pro student-athlete by the way, but the fact is that many facts have come out that many of you are not aware of, and I wasn't aware of, and many people in my civic -- from my community are not aware of. And if anybody has any questions about some of those facts, you know, feel free, you know, to ask me. But the fact is right now we have some support to stop this resolution from going through, but I've identified a couple of people that really are, you know, looking to go ahead and push this thing on without knowing the facts. It came up that one of the Legislators was not even familiar with the specific parcel that we're talking about, and you know that's a little bit disturbing to me, and, you know, frankly, I think that's reason that we should take a step back, listen to the whole -- what everybody's got to say, let Saint Anthony's present their case to the residents of Great River, and just really let us know what's going on. Get a dialogue going and then we can talk about compromise. And that's my position. It's not to, hey, nix this thing right now, but the fact is we do need to take a look at this more in depth.

And from I understand, that there's a possibility of that certificate of necessity coming through today, and maybe a few Legislators jumping on board and putting this thing through via that method of legislation, and that's not right, that's absolutely not right. And, you know, I'm looking at you eye to eye right now, and the people that were thinking about going ahead with this and pushing this through, it's not right. You know, you got to take a step back and listen to the people, and we're happy to listen to these people. We're happy to

hear the whole -- the whole forum and everything that it's all about, but give us that opportunity.

You can see that four or five hundred people came together in a matter of three and four days. That shows you it's a strong lobby that we

100

have. And this is not NIMBYism, this is -- this is absolutely not NIMBYism. What this is is just not knowing what's happening and we want to know.

P.O. TONNA:

The -- just so that you know, and I don't know how to do this in the form of a question, but I've already indicated we have a -- basically a modus operandi between the County Executive's Office and the Legislature that there will be no CN submitted without the Presiding Officer's tacit approval. And I've indicated because this is already in committee and has been tabled in committee, and the Chairperson of that committee, which is Vivian Fisher, has indicated that at least for this one meeting she wants it to stay in committee to go through the process, that my sense is that this will not come over as a CN right now, okay, that we will allow the process to work, and that, generally speaking, although I am in favor of this resolution, I'm not going to make any bones about it, I'm in favor of this resolution, I think, right now, it will be going through the committee process.

MR. SWEZEY:

Mr. Tonna, do you feel that you have the information necessary to push this through?

P.O. TONNA:

I feel I have the information necessary to vote on this resolution, but I also feel like we have certain rules and regulations in the Legislative process, and the argument for the urgency of this has not been made for me, although I will tell you that by January, this will be an urgent issue, so that -- so that, you know, I will be working very hard in January to make sure that this gets through the committee process and to the floor of the Legislature, but I don't think it warrants a CN right now.

MR. SWEZEY:

Mr. Tonna, the only sense of urgency that I've heard today, or the only argument for urgency today had to do with a raise in their current rates, okay, and the fact that they wanted to get a crew team on the water this spring.

P.O. TONNA:  
Right.

MR. SWEZEY:

I don't think that sense of urgency is going to be enough to override several hundred people in the community. And I'm also going to ask you some other information. Where's the financials on this organization? Okay? They're talking \$300,000 facility. What are they worth? I mean, counties, we're looking at bonding when you put roads in, when you do jobs like that. Where's the bonding? Where's the backup? The fact is you're talking 30, 40 foot boats. I'm not real familiar with crew. I think it's a great sport, but the fact is they've got to launch these boats. I launch my kayak down that river. You've got a beach of about 30 feet. Okay? These people are going to wade into the water?

Ms. Riley got up from Saint Anthony's and talked a little bit about

101

possibility of a dock down the line. Okay. Let's hear everything at once, let's not get everything in medicine and build as we go. Bottom line is I recommend that each of you take a drive down to this beach, okay, this property down there. It's nine acres of land. Three of the acres are a maintenance facility, which is fenced off, so you're looking at six acres of land. They're looking to build this facility -- and, again, I haven't made a decision on this, yet, for myself, but the fact is they're looking to build this facility in the middle of on six acres of land. You've really got to do your homework. And for you to say right now that you're looking to push this through --

P.O. TONNA:  
No, I didn't say that.

MR. SWEZEY:  
-- in January, or, you know, you're for it --

P.O. TONNA:  
I'm ready to go through the committee process and let it go through. Things --

MR. SWEZEY:  
I'm baffled by that position.

P.O. TONNA:

Well, unlike Washington, or unlike New York State, where it takes en months to get something through and people work at a snail's pace, the Legislature has a very, very expedited system. Basically, somebody submits a bill, they lay it on the table, it goes through the committee process, and then after the committee process, it gets brought to the floor of the Legislature. That could be expedited in a very short period of time. And in that time, Legislators, who are known for their diligence here, will do their research, will listen to the public, like we're listening to you, and we'll have the opportunity to listen to the pros and cons, both in the committee. And I would suggest that if you have some insight, also, to make sure that you avail yourself of the times for committees, and then at the floor of the Legislature. That in itself should be enough to make decisions. We don't sit on our thumbs or sit on the seat of our pants and wait, you know, six months to a year to make a decision governmentally. But all in all, we might disagree on the outcome, but the fact is, is that both of us agree that we should go through the due process, which it will.

MR. SWEZEY:

I agree. And we appreciate your consideration, everybody, and, you know, that's all that we can ask at this point. But we do want to be informed as to what's happening along the way, and along the lines, we're going to relay important questions to you that we feel are important in your making this decision.

I'd like to submit this. This is a map of what is contained in your resolution packet, and it more clearly outlines, you know, what the -- what the properties, what you're looking at, and it's really not clear in the packet. I won't take anymore of your time. Appreciate your consideration.

102

P.O. TONNA:

Thank you very much, sir. Deborah Slinkosky. Oh, come on, help me with this.

LEG. LEVY:

She's gone.

P.O. TONNA:

How do you say that?

LEG. FIELDS:

Slinkosky.

LEG. LEVY:  
Slinkosky.

LEG. FIELDS:  
She spoke.

P.O. TONNA:  
Okay. All right. Judy Damore. Judy? Okay. Richard Lupoletti?  
Richard? Is there a Richard here? All right. E. Parker Yutzler.  
No? Skip. Skip, are you here? Skip? Hop? Okay. Evonne Converso?  
No? All right. The boathouse. Nancy Stein. Nancy? I know there's a  
Nancy here, but is there a Nancy Stein here? No? Kathleen Desiderio.  
Kathleen? Okay. Wesley Martin. Wesley? This is wonderful, not that  
-- I mean, you know, that just -- okay. How about-- how about Miss or  
Mrs. Jabs? Miss or Mrs. Jabs? No? Jeanne? Jeanne? Robert Purdy.

LEG. FIELDS:  
Purdy.

P.O. TONNA:  
Purdy. I'm terrible. By the way, I'm dyslexic. I have terrible,  
terrible time with sounding words out. It's Purdy?

MR. PURDY:  
Purdy, P-U-R-D-Y, correct. I, too, am here to speak against Resolution  
2259. I just received the backup material that you have all been  
given, and as I was reading through it, I did have questions, and I  
think they're questions that you should address as you go through  
that, through that packet. Some of them may have been addressed this  
morning already, I'm not sure, but I would like to go through the  
things that came out to me.

On the corrected copy, dated 12/12/2000, there is a statement that  
says that, "The rowing club shall undertake all maintenance, repair of  
the boathouse and surrounding areas." The surrounding area is never  
specifically defined in the resolution, other than later on in  
documentation, it says that the site is 9.7 acres. It's not clear as  
to whether this means that the rowing club is responsible for the  
maintenance and repair of the entire 9.7 acres or some piece of it.

Farther on in the same document, it says that, "Space will be  
available" -- let me see. "Storage of the rowing equipment in the

boathouse by the public and other rowing clubs will be on a space-available basis." It does not indicate who would receive that space, what the priority would be, residents of Great River or some other method, and it does not indicate how space availability would be determined.

Later on in this same document, it says that the EAF was prepared and sent to all concerned parties. As a concerned party, member of Great River, I certainly did not receive a copy of that, and it is not clear as to who the concerned parties are as defined in here.

Again in the same document there is a question which says that the boathouse shall at all times be open to the public. It is not clear as to whether this means seven days a week, 365 1/4 days a year, 24 hours a day, sunrise to sunset. The bathrooms in the boathouse are not accessible from outside. It does not indicate whether the bathrooms will be accessible. It would seem from this to indicate that, in fact, this would be an open facility with no locks on it. I doubt if that's accurate, and I think there needs to be some clarification on that.

Moving on to further documentation, in a memorandum to County Executive Gaffney from Theresa Elkowitz, Chairperson of the Council on Environmental Quality, it indicates that if the Legislature has further environmental concerns regarding the project and needs additional information, the Presiding Officer should submit a resolution drafting -- excuse me -- requiring a draft environmental impact statement, positive declaration, and authorize the initiating unit to prepare such a document. Based on some concerns that I'm going to bring up now, I would suggest that an environmental impact, in fact, be done. Some of my concerns are, if you have seen a map of the site, you know that it is fairly low sloping. According to the documentation that you have received, the water table is zero to three feet below the surface. This plan incorporates a cesspool system, which is going to be located right next to a main waterway. There will be approximately 200 gallons per day of effluent, which will be seeping out, and probably some of that will be going into the Connetquot River. It certainly seems that at a time in which everybody is trying to reduce the nitrite and nitrate influx into the waters, that that would be something that would have to be looked at.

Also indicates in the documentation that one acre of this property is wetlands. Later on in your documentation, it indicates that all necessary DEC permits would be gotten. Another part of the documentations indicates that no DEC permits are required. It is not clear on that issue.

If you visit the site, and I wish you would, when you drive into the site, it is a fairly rutted dirt road. We're putting a building there, 7,500 square feet, which, according to your documentation, will be accessible on a daily rate of approximately 120 vehicle trips. It

says max ten per hour. If it's open an average of 12 hours per day, 120 trips, a dirt road certainly is not going to suffice, especially the ratty one that is there, which would indicate that some kind of pavement would have to be laid down. There's no indication in the

104

documentation that this is going to be done.

It indicates that there's going to be 25 parking spaces. It does not indicate in the documentation where or how these parking spaces are, in fact, going to be constructed. It indicates that there is going to be a -- this boathouse, again, which will have a crew, I assume that this crew will, in fact, have to access the water. And as the previous speaker pointed out, right now there is a small beach there, which on high tide from a -- with a wind coming out of the southeast is regularly flooded. There is some wetland right next to this beach, which has been eroding at a very rapid rate. I've been a resident of nine years. I've seen the beach recede approximately six feet in those nine years. There is no addressing of this particular concern or issue in the documentation.

So we have the influx of nitrites, nitrates into the river, we have the erosion of the beach access to the river that the club would have to use, we have a road, which would probably have to be built out of pavement, along with the parking spots. Those things I think are just cause for you to get an environmental impact statement done.

D.P.O. LEVY:

Sir, I know we're back to three minutes on these, and I don't think Legislator Tonna set the timer, but I think beyond that.

MR. PURDY:

Okay.

D.P.O. LEVY:

If you can wrap up.

MR. PURDY:

I'm sorry if I was running over. I just have one more point here, and this may have been addressed as, again, someone point -- brought out. When you're dealing with the skulls, the shells that they use, which, according to the documentation here, is approximately 50 feet, you cannot launch them from a sand beach, you must have docks. You're either going to need floating docks to get around the DEC regulations, or you're going to need permanent docks. You're going to need

bulkheading, you're going to need some kind of ramp. None of these issues are addressed, and, as I said, they are certainly enough reason why you would need an environmental impact statement. I thank you for your time and your consideration in this matter.

D.P.O. LEVY:

Thank you. That was Mr. Purdy?

MR. PURDY:

Yes. Elayne DeSilva. Elaine? Helen Scoca? Helen Scoca?

MS. SCOCA:

I'll let another one to speak for me. Thank you.

D.P.O. LEVY:

Is someone -- are you Helen Scoca?

105

MS. SCOCA:

Yes.

D.P.O. LEVY:

And you're giving your card to someone else to speak?

MS. SCOCA:

To Ron Givens. Is he here?

D.P.O. LEVY:

Now, you had spoken already, sir, correct?

MR. GIVENS:

Yes, Mr. Levy. We'll just wait until the end.

D.P.O. LEVY:

Okay. John Lund.

MS. SCOCA:

I would like to say one thing.

D.P.O. LEVY:

Well, ma'am, if you're going to speak, then that will be it, okay? You will not be able to pass your card along to someone else.

MS. SCOCA:

Okay.

D.P.O. LEVY:  
Okay?

MS. SCOCA:

I just want to point out something that I don't see has been brought up at all and that's the traffic that this will involve. There's no sense in saying that a bus will come from the North Shore and bring these people to crew, and they won't have an audience that come by car? And it can be very, very busy. We already have too much traffic. I've lived in Great River 45 years and I can't believe the amount of traffic we have now from the clubs, from, of course, more building, but I think it's going to ruin Great River, really. Thank you.

D.P.O. LEVY:  
Thank you, Helen. John Lund.

MR. LUND:  
I'm not speaking on this issue, it's a different issue.

D.P.O. LEVY:  
Well, it's all right, you're up.

MR. LUND:  
Okay. Good afternoon, and thank you for your time. I'm speaking on issue 2187, vector control. I represent Fire Island community.

Fire Island is a busy flyway with millions of birds moving up and down

the Island twice a year, spring and fall. Fire Island is not being monitored as well as other areas of Long Island for possible infectious diseases that are being transmitted by birds to humans. The heavy underbrush, mainly the poison ivy and brambles on Fire Island prevents the location or detection of the numerous crows and other birds that were found on Long Island throughout New York State and the northeast in the past -- in the past two years. No one seems to be willing to wade through two feet of poison ivy, brambles, or whatever, and be infected with the numerous ticks that are on Fire Island to discover these birds.

We have found birds and have gotten them off to be tested, the results of which I'm not clearly -- I'm not clear on as to what happened to

those particular birds, or what they were carrying. My main concern is that Fire Island be monitored in 2001 as the rest of Suffolk County and/or the rest of New York, the adjoining counties. We definitely have a problem. It is being transmitted by birds. We want to know that it -- when and if it arrives there. We had a situation at the western end of Fire Island last year in the very late fall. We want to be prepared this year. We don't want to see small children or grandparents or great grandparents, the two most likely categories for this infection.

The community of Davis Park, through our property owners association, would aid and assist the County in both monetary and volunteerism in any effort we can come up with to monitor the situation on Fire Island. Thank you for your time.

P.O. TONNA:

Thank you, sir. Okay. Robert Burke. Has anybody else filled out a card, by the way, to speak? No? Okay. Thanks. Robert.

MR. BURKE:

Yes. My name is Robert Burke. I hope you'll forgive me, I have a cancer operation. I live in Great River just north of this site and I've lived there for 30 years. I am here to speak in opposition to the program with the usage of the property, and I have several questions.

I agree with all of -- in the interest of time, I just state that I agree with a lot of the rationale that was stated before my opportunity to speak. And the question I have is I wondered if the usage of the property being specific to a particular cause or a club is consistent with the nature in which the property was purchased under the barns that were put in place, recreational purposes to have that property exist? And would that -- the noise and the activity coincidental with the boating activity down there, they use sound amplifying devices, the crew and the committee boats, and the referees and so forth, and when they do that in the morning, on weekends, and so forth early, because they take advantage of the whether early in the day, the noise levels and so forth from the sound enhancing equipment will be significant, and the boat traffic on the river is already is substantial.

And for all the other reason that were stated prior to my being able to address the group, I restate my opposition to the thing until it is

properly publicly -- the hearings and so forth, whatever is necessary to let the rest of the community know. I only found out about it yesterday, so I'm sure there are many others in the community that still don't know about it.

And with that, I thank you gentlemen and Ladies and Gentlemen for the opportunity to having that time to input my suggestions. Thank you.

P.O. TONNA:

Okay. Thank you very much, sir. Is there anybody else who would like to speak? Okay, great. I'm going to call a five-minute recess, so we can get all Legislators here, so that we can start voting on the agenda. We have -- I think I'm going to make a motion to vote for a Judge out of order, and then after that, we're going to go to executive session and -- okay, and deal with that. Thank you very much.

[THE MEETING WAS RECESSED AT 4:00 P.M. AND RESUMED AT 4:20 P.M.]

P.O. TONNA:

Okay: I want to take Resolution Number -- I'd ask, all Legislators, please come to the horseshoe, we're going to start voting. Resolution -- okay. I'd like to take out of order Resolution 2258.

LEG. CRECCA:

I'll second the motion.

LEG. CARPENTER:

Second.

P.O. TONNA:

Okay. I would ask, all Legislators, please come to the horseshoe.

LEG. BINDER:

Which is what?

P.O. TONNA:

It's the appointment, 22 --

LEG. CRECCA:

2258, Mr. Presiding Officer.

P.O. TONNA:

2258 is confirming the appointment of Gae Lozito, right, as the District Court Judge for the Second District Court to be filled -- to fill a term ending December 31st.

LEG. BINDER:

Mr. Chairman.

P.O. TONNA:

Okay, yes.

LEG. BINDER:

I'm wondering if, also, after that, if we're taking things out of order, maybe we do the contracts. We might be able to --

108

P.O. TONNA:

After this we're going to go to executive session, to tell you quite honestly, and then move on to the --

LEG. FOLEY:

On the motion.

P.O. TONNA:

Wait, just wait. There's a motion by myself, seconded by Legislator Crecca.

LEG. FOLEY:

On the motion.

P.O. TONNA:

On the motion.

LEG. FOLEY:

On the motion. Mr. Chairman, I would hope that we could leave this as part of the regular agenda, only because we have as part of that agenda another appointment to the Community College, which was tabled at the last meeting. And if we take the agenda as it was presented to us this morning, we would take that appointment before this particular appointment, which is part of the agenda later on in the meeting, so to speak. So I would hope that we could keep the agenda as it was presented to us this morning. Let's go to the executive session. Then when we come back, we can take by agenda order the Trustee's position in the College before we entertain any other appointments to any other County institution.

P.O. TONNA:

Okay.

LEG. FOLEY:

So I'm going to oppose the motion to take out of order.

P.O. TONNA:

Okay. Roll call.

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

LEG. TONNA:  
Yes.

LEG. CRECCA:  
Yes.

LEG. COOPER:  
No.

LEG. BINDER:  
Yes.

LEG. BISHOP:  
No.

109

LEG. D'ANDRE:  
Pass.

LEG. CARPENTER:  
Yes.

LEG. ALDEN:  
Yes.

LEG. FIELDS:  
Pass.

LEG. HALEY:  
Yes.

LEG. FOLEY:  
No.

LEG. CARACAPPA:  
Yes.

LEG. TOWLE:  
Yes.

LEG. GULDI:  
Is this to take out of order? No.

LEG. CARACCIOLO:  
Yes.

LEG. LEVY:  
No.

LEG. D'ANDRE:  
Yes.

LEG. FIELDS:  
No.

P.O. TONNA:  
Okay.

MR. BARTON:  
Ten. (Absent: Legs. Postal and Fisher)

P.O. TONNA:  
Thank you. Okay. I make a motion to approve, seconded by Legislator Crecca. All -- let's roll call.

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

LEG. TONNA:  
Yes.

110

LEG. CRECCA:  
Yes.

LEG. COOPER:  
Abstain.

LEG. BINDER:  
Yes.

LEG. POSTAL:  
(Absent)

LEG. BISHOP:  
Abstain.

LEG. D'ANDRE:  
Yes.

LEG. CARPENTER:  
Yes.

LEG. ALDEN:  
Yes.

LEG. FIELDS:  
Abstain.

LEG. FOLEY:  
Abstain.

LEG. HALEY:  
Yes.

LEG. FISHER:  
(Absent)

LEG. CARACAPPA:  
Yes.

LEG. TOWLE:  
Yes.

LEG. GULDI:  
Pass.

LEG. CARACCIOLO:  
Yes.

LEG. LEVY:  
Yes.

LEG. GULDI:  
Yes.

P.O. TONNA:  
Okay.

LEG. HALEY:  
Congratulations.

P.O. TONNA:  
Thank you very much. Congratulations. Do you have to race up to Judge School or something?

MS. LOZITO:  
I went to Judge School. I'm going back to my office.

P.O. TONNA:  
Do you want to say -- would you like to say something on the record, Judge?

MR. BARTON:  
The vote is 12. (Absent: Legs. Postal and Fisher)

LEG. BISHOP:  
Your Honor.

MS. LOZITO:  
I just want to thank you all, Ladies and Gentlemen, for giving me the opportunity to serve the people of Suffolk County, and, also, for your courtesy in allowing me to get back to my office now.

P.O. TONNA:  
Thank you very much.

MS. LOZITO:  
Thank you.

P.O. TONNA:  
Thank you, Your Honor. Okay. We're going to go now into executive session. I guess I have to take a vote. And a motion by myself, seconded by Legislator Haley for the purposes of -- I'll ask Legal Counsel.

MR. SABATINO:  
For the purposes of discussing the Gowan decision in the LIPA matter entitled --

LEG. HALEY:  
Town of the Islip.

MR. SABATINO:  
Town of Islip, et. al. versus LIPA, et. al., and approving the presence of representatives from the County Department of Law, County Executive's Office, Legislative Budget Review, and myself.

P.O. TONNA:  
Do you want to approve -- okay. Is that -- that's all that's in?

MR. SABATINO:

That's the motion.

112

P.O. TONNA:

Okay. Motion by myself, second by Legislator Haley. All in favor?  
Opposed? Approved.

LEG. GULDI:

Opposed.

P.O. TONNA:

Okay. Opposed, Legislator Guldi, and Legislator Towle, and Legislator Caracappa. Just --

LEG. BINDER:

Is there something going on over there?

P.O. TONNA:

No. What do you got?

MR. BARTON:

Thirteen. (Absent: Legs. Postal and Fisher)

P.O. TONNA:

Okay. And, Paul, can you just -- can you just, please, give the  
criteria to remind people why do we go to executive session.

MR. SABATINO:

Because this is discussing the legal strategy of a litigation matter  
that the courts recently ruled on.

P.O. TONNA:

Okay. I would ask that the auditorium be cleared. We're going to be  
in executive session. Thank you.

LEG. BISHOP:

Is there a limit on how long we would stay?

P.O. TONNA:

I don't think -- I don't think this is one of those things like the  
LIPA issue, so I would assume that, you know, it's not going to be  
long.

LEG. BISHOP:

Probably 5 o'clock.

[THE MEETING WAS RECESSED AT 4:25 P.M. AND RESUMED AT 6:05 P.M.]

P.O. TONNA:

Okay, we're back in. What I would like to do is, because there's very little controversy today, except for the contracts, I would -- no, I'm joking. I would like to get -- you know, pick up a little rhythm here. Let's go with the flow and then momentum. I meant rhythm.

LEG. HALEY:

I have a motion. If it gets bogged down with BS, then can we reconsider taking them out of order?

113

LEG. CRECCA:

Yeah.

P.O. TONNA:

Let's start -- just wait.

LEG. CRECCA:

Mr. Chairman.

P.O. TONNA:

Yes. Hold it one second, Legislator Crecca. Can I ask everyone, although, you know, I don't want to ask for your undivided attention, that's an impossibility, I would just say, generally speaking, thank you. Now I feel much better. Let's do the Consent Calendar, then I'll recognize Legislator Crecca. I'm going to make a motion to approve the Consent Calendar, seconded by Legislator Haley. Legislator Haley, this might be the start of a beautiful thing, you know what I mean?

LEG. HALEY:

Yeah, right.

P.O. TONNA:

On anything that's not controversial. All in favor? Opposed?  
Approved.

MR. BARTON:

16, 2 not present. (Absent: Legs. Postal and Fisher)

P.O. TONNA:

I would ask, for any of those -- well, I'll make the -- whoever the Presiding Officer next year is, I would ask that they talk to the committee chairs, so that we can -- there's a very interesting thing. We could really move the meetings much better if the committee chairs and members of the committees are cognizant about putting noncontroversial bills into the Consent Calendar.

LEG. FOLEY:

Yes.

P.O. TONNA:

So that that way, you know --

LEG. BINDER:

That was the idea.

P.O. TONNA:

-- we're -- be voting on it.

LEG. BINDER:

That was the idea of the Consent Calendar.

P.O. TONNA:

No kidding.

114

LEG. CARPENTER:

We do, but sometimes things can't be included because of legal --

P.O. TONNA:

Right. All I would ask is that we be more cognizant of that in the future. Okay. As much as I hate to admit it, Legislator Crecca, I might as well recognize you.

LEG. CRECCA:

Thank you. Motion to waive the rules and to amend I.R., Introductory Resolution 2279 of this year, amending it to add on to move 22,000 from the Parks budget to --

P.O. TONNA:

Pork or Parks?

LEG. CRECCA:  
Parks.

LEG. TOWLE:  
I thought you said pork.

LEG. CRECCA:  
To transfer to Capital Fund. Do I have to read the actual account numbers out or no?

P.O. TONNA:  
Henry, does he have to read the -- the vote is depending on this Henry.

LEG. BINDER:  
Mr. Chairman.

LEG. CRECCA:  
I'll explain it to you right now. What happened is --

P.O. TONNA:  
All right. Look at the -- wait. Andrew, do you have a resolution in front of you?

LEG. FOLEY:  
Where's the reso?

P.O. TONNA:  
What is the resolution number?

LEG. FOLEY:  
Where is it?

LEG. CRECCA:  
It's not a filed resolution, that's why it's being done as a motion to amend. What I have to do --

P.O. TONNA:  
All right. Hold it a second.

LEG. FOLEY:  
Hold on. Hold up. But even with an amendment, we can't vote on it

today. We can't vote on it today. You need Seven-Day Rule.

LEG. CRECCA:

If we approve -- if we waive the rules.

LEG. FOLEY:

No, no.

P.O. TONNA:

Wait. Hold it a second. Just wait one second. I'll ask -- I'll ask our Legal Counsel. Guys, it's really --

MR. SABATINO:

2279 -- 2279 is a real bill, it came out of the Budget Committee.

LEG. FOLEY:

Yes. I'm not trying to give you a hard time, Andrew, but, you know --

P.O. TONNA:

This is contingency money that has to go somewhere else.

MR. SABATINO:

This is money to be transferred before -- well, 2279, yeah, has \$50,000. It got out of committee, but if you want to change the bill --

LEG. BINDER:

We can't do it. You need a CN.

LEG. BINDER:

-- we got a Seven-Day Rule problem.

LEG. BINDER:

We need a CN if you wanted to do that.

LEG. FOLEY:

Correct. That's correct.

LEG. CRECCA:

We can't -- and you're saying we can't waive the rule on this?

LEG. FOLEY:

No, no.

MR. SABATINO:

No, because it's called a rule, but it's really the County Charter. The Eight-Day Rule is in the County Charter, you know, you can't. Now that's why you need CN's to be -- or you have to file --

LEG. CRECCA:

I did.

LEG. HALEY:

Can he explain what he's trying to do?

116

MR. SABATINO:

I understand what he's trying to do. I think there's a project that he's concerned about that the funding will expire on December 31st, and he's trying to -- he's trying to latch it onto another bill, that's trying to save money to carry it over to the following year, but -- a lot of Legislators have made these requests in the last few days, but like I've told everybody, you would need a CN, because it's too late.

LEG. FOLEY:

That's right.

P.O. TONNA:

Okay. All right.

LEG. CRECCA:

Well, just formally then, I know it's going to be rejected based on my prior conversations, but I asked the Presiding Officer, in talking to the County Executive this evening, to issue a CN for this \$22,000. It's an important constituency group. And this project was just finished a few days ago and this was the left-over money, which is supposed to be for further improvements there. So it's not like we had prior notice of it until about a week ago.

P.O. TONNA:

Okay. All right. Let's go to resolutions. You see the second, those are tabled subject to called, so we won't even address them. Let's move to Page 6 of tabled resolutions. Legislator Binder.

LEG. BINDER:

Motion to table.

P.O. TONNA:

Motion to approve?

LEG. BINDER:

Table.

P.O. TONNA:

Okay. Does this, by the way, expire?

LEG. BINDER:  
I thought it did already.

P.O. TONNA:  
Where are we with this bill? I think I voted on this tabling it 30,000 times. Do you want to table it subject to call?

LEG. BINDER:  
You could do that.

P.O. TONNA:  
All right. Legislator Binder made a motion to table subject to call, I seconded it. All in favor? Opposed? Tabled subject to call.

117

MR. BARTON:  
16, 2 not present. (Absent: Legs. Postal and Fisher)

P.O. TONNA:  
1061 (Amending the 2000 Operating Budget transferring funds to the Office for the Aging for the Shelter Island Affairs Council).

LEG. CARACCIOLO:  
Okay. Fred, this money now has been rolled over into next year's budget? Is the Shelter Island money -- Jim. Jim Spero, we did it through the omnibus resolution, I believe.

MR. POLLERT:  
1061 would do that.

LEG. CARACCIOLO:  
Yes.

MR. POLLERT:  
Yes.

P.O. TONNA:  
No. That would do it.

LEG. CARACCIOLO:  
No, no, no, no. Paul.

P.O. TONNA:  
Okay.

LEG. CARACCIOLO:  
Paul Sabatino.

P.O. TONNA:  
Can you give us a ruling here?

MR. SABATINO:  
1061 was a \$50,000 --

MR. POLLERT:  
This is transfer money --

MR. SABATINO:  
Was a \$50,000 technical adjustment to show that the money would be in the Office of the Aging Island-- Shelter Island Affairs Council, but it wasn't -- it wasn't the omnibus, no.

LEG. CARACCIOLO:  
No, no. Legislator Bishop and I and several other Legislators had funding in this year's Operating Budget, which we knew we would not be able to access for a variety of reasons, and when we adopted omnibus, we made requests that that funding be carried over in next year's budget. Jim Spero assured me three times in telephone conversations that we took care of this. I just want to make certain, so we can pass on the resolution now and put it to rest.

118

LEG. HALEY:  
Can we skip over it until he finds out?

MR. POLLERT:  
If you give us a few minutes, we can double check it, but we --

LEG. CARACCIOLO:  
It's a D number.

P.O. TONNA:  
But, Fred, no percentages.

LEG. CARACCIOLO:  
D-150. I don't remember the exact number, but it's a D.

P.O. TONNA:

All right. We're going to hold off on this one, okay? 1080 -- while they go back and check things out.

LEG. CARACCIOLO:  
Very good.

P.O. TONNA:  
1084 (To implement use of natural gas as fuel for County fleet).  
Is there a motion?

LEG. LEVY:  
Mr. Chairman.

P.O. TONNA:  
Yes.

LEG. LEVY:  
I waited for a study to come forward from Public Works. It hasn't been prepared. I hope it will be shortly in the new year. And I'd ask that Legislators look into this concept, if you want to renew it in January.

P.O. TONNA:  
Okay. Thank you very much. So what is that -- what --

LEG. LEVY:  
Motion to table.

P.O. TONNA:  
Motion to table, seconded by myself. All in favor? Opposed? Tabled.

MR. BARTON:  
16, 2 not present. (Absent: Legs. Postal and Fisher)

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). Is there a motion?

LEG. FOLEY:  
Motion to table.

LEG. HALEY:  
Second.

P.O. TONNA:  
Okay.

LEG. FOLEY:  
Just on the motion. I expect early next year to amend the bill in order to have the kind of time line charts that would be helpful to all the Legislators.

P.O. TONNA:  
Great. Motion to table by Legislator Foley, seconded by myself. All in favor? Opposed? Tabled. Okay.

MR. BARTON:  
16, 2 not present. (Absent: Legs. Postal and Fisher)

P.O. TONNA:  
1576 (Directing the County Board of Elections to publicize ballot proposals within Suffolk County). Is there a motion bind?

LEG. BINDER:  
Motion to table while she's not here.

P.O. TONNA:  
Okay, seconded by myself. All in favor? Opposed? Tabled.

MR. BARTON:  
16, 2 not present. (Absent: Legs. Postal and Fisher)

P.O. TONNA:  
Number 1816 (Amending Amending the 2000 Capital Budget and Program and appropriating funds in connection with the acquisition of an Integrated Human Resources/Payroll System). And there's a roll call on this. First of all, is there a motion to approve?

LEG. CRECCA:  
Motion to table.

LEG. FOLEY:  
Motion to table subject --

LEG. CARPENTER:  
Motion to table subject to call.

LEG. FOLEY:  
Second the motion subject to call.

P.O. TONNA:  
This is a very, very feisty group tonight. Okay. Motion to table subject to call by Legislator --

LEG. CARPENTER:  
Carpenter.

P.O. TONNA:  
Carpenter. Seconded by?

LEG. FOLEY:  
Second.

P.O. TONNA:  
By Legislator Foley.

LEG. CARACCIOLO:  
On the motion.

P.O. TONNA:  
A coalition is developing.

LEG. CARACCIOLO:  
On the motion.

P.O. TONNA:  
All in favor?

LEG. CRECCA:  
Third.

LEG. CARACCIOLO:  
Whoa, whoa, whoa, whoa. I said, "On the motion."

P.O. TONNA:  
On the motion, okay. How about on the motion?

LEG. CARACCIOLO:  
On the motion.

P.O. TONNA:  
There you go.

LEG. CARACCIOLO:  
Okay.

P.O. TONNA:

Legislator Caracciolo.

LEG. CARACCIOLO:

The -- what's the rationale for tabling this and not acting on it?

LEG. FOLEY:

Well --

P.O. TONNA:

Legislator Foley.

LEG. FOLEY:

Sure. There was a presentation made by the --

121

LEG. CARPENTER:

AME.

LEG. FOLEY:

Made by the President of AME, and also by others, in conversations I've had, that the present system is working. And that if, if we approve this particular resolution, this is only the opening of the door or the tent under the nose for this budget item. In other words, this is the first half million dollars. If we approve this and went forward, we're looking at an additional three to \$4 million follow-up to this resolution in order to fully implement this particular payroll system, and that was never -- that part of the budget presentation was never given to this Legislature when it was initially presented, when the resolution was initially presented to us. They never spoke about how this was just the beginning of what they call a longer tail, where there would be sizable amount of -- millions of dollars that would have to be additionally appropriated in order to follow through.

LEG. CARACCIOLO:

Fred Pollert, what's the justification for this resolution?

MR. POLLERT:

The County currently has an antiquated payroll personnel system. It was made the Year 2000 compliant, but there's no integration between the payroll personnel system and the Integrated Financial Management System. It was hoped by putting in a new payroll personnel system, that there would be integration between that and with the Integrated Financial Management System. The current system is operating. The total costs are, as Legislator Foley has represented, in the

neighborhood of three to \$4 million and it is a multi-year project.

LEG. CARACCIOLO:

In your review of Capital Project 1740, what was your office's position on this particular capital project?

MR. POLLERT:

We had supported the purchase of a new integrated payroll personnel system.

LEG. CARACCIOLO:

So you support this resolution?

MR. POLLERT:

Yes, and that support was based upon the representation of Data Processing, that they did not have in-house capability of designing their own.

LEG. CARACCIOLO:

Did Ken Weiss leave? Is he still in the building? It's okay, I mean, if Budget Review supports this. I don't understand the rationale for not supporting a capital improvement that's going to make a substantial difference in efficiency in County personnel and reporting systems. So you have a motion. I request a roll call.

122

P.O. TONNA:

Okay. There's a motion and a second to table subject to call. Roll call.

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

LEG. CARPENTER:

Yes.

LEG. FOLEY:

Yes.

LEG. COOPER:

Yes.

LEG. BINDER:

Yes.

LEG. POSTAL:  
(Absent)

LEG. BISHOP:  
Yes.

LEG. D'ANDRE:  
Yes.

LEG. CRECCA:  
Yes.

LEG. ALDEN:  
Yes.

LEG. FIELDS:  
Yes.

LEG. HALEY:  
No.

LEG. FISHER:  
(Absent)

LEG. CARACAPPA:  
Yes.

LEG. TOWLE:  
No.

LEG. GULDI:  
Yes.

LEG. CARACCIOLO:  
No.

LEG. LEVY:  
No.

P.O. TONNA:  
No.

MR. BARTON:

11. (Absent: Legs. Postal and Fisher)

P.O. TONNA:

Okay. So that's tabled subject to call, right?

LEG. FOLEY:

Right.

P.O. TONNA:

Right. Okay. And then we don't have to -- 18 --

LEG. CRECCA:

Motion to table.

P.O. TONNA:

Okay. 1853 (Implementing Greenways Program in connection with the acquisition of active parklands known as "The Wedge" at Mount Sinai (Town of Brookhaven) (Acquisition Steps). Motion to table by Legislator Crecca.

LEG. FIELDS:

Second.

P.O. TONNA:

Seconded by Legislator Fields. All in favor? Opposed? Tabled.

MR. BARTON:

16, 2 not present. (Absent: Legs. Postal and Fisher)

P.O. TONNA:

1932 (Establishing Suffolk County sales tax policy for implementing of stable General Fund property taxes). Is there a motion? Legislator Haley?

LEG. HALEY:

Motion to approve.

P.O. TONNA:

Motion to approve by Legislator Haley. Is there a second?

LEG. TOWLE:

Second.

P.O. TONNA:

Seconded by Legislator Towle.

LEG. FOLEY:

Explanation.

LEG. CARACCIOLO:

On the motion.

LEG. FOLEY:  
Explanation.

LEG. LEVY:  
On the motion.

LEG. HALEY:  
Okay, pretty simple. It's pretty simple. You take all the sales tax that you budgeted for -- all the sales tax revenue that budget for next year, if there's an overage of what you budgeted, 100% of it goes into sales tax -- I mean, goes into takes rate -- tax stabilization fund.

LEG. FOLEY:  
As opposed to what? As opposed to what?

P.O. TONNA:  
Fred.

LEG. LEVY:  
On the motion.

LEG. HALEY:  
As opposed to sits in -- yeah, in the General Fund.

P.O. TONNA:  
Just hold it one second. Just, yeah, on the motion. I just have one or two questions. I like the idea of moving stuff into the Tax Stabilization Fund, because I think that, in general, it helps our bond rating, you know, and considering that most economists right now are using the word "recession" or using the word --

LEG. CARACCIOLO:  
Slow-down.

P.O. TONNA:  
You know the possibility of slowing of the economy.

LEG. CARACCIOLO:  
Slow-down. Slow-down.

P.O. TONNA:  
I heard one guy say "recession" today. But, anyway, the concern that I

have is that if -- I don't think there'll be an overage in our sales tax projections, but if there is, generally, right now, this would float to our fund balance?

MR. POLLERT:

Currently, if there is going to be a surplus, would flow to fund balance, or it would be used to cover other shortfalls in other revenues, which may occur during the year.

P.O. TONNA:

Right. And those other shortfalls in revenue would be projections with State funding, federal funding, yadda, yadda, yadda?

125

MR. POLLERT:

Yes.

P.O. TONNA:

Okay. Because the property tax is set, right? I mean--

MR. POLLERT:

That is correct.

P.O. TONNA:

Okay. The last thing, does this affect the Police District at all?

MR. POLLERT:

No, it -- well, technically it could, because they receive sales tax and they no longer receive a sum certain, they now receive a percentage of the sales tax, but it will primarily impact the General Fund.

P.O. TONNA:

Okay. Is there somebody -- I know there's got to be -- I saw the Budget Director from -- County Executive's Budget Director, and I know, because he's follicley challenged like myself. If he's around, I would love to hear what, you know, the administration says. Do you have any idea?

LEG. HALEY:

Let's pass over this.

P.O. TONNA:

Okay.

LEG. HALEY:  
You want to pass over it and come back?

P.O. TONNA:  
I just want to hear, because if he says fine, I'm with it.

LEG. HALEY:  
Is he here?

MR. KNAPP:  
He wasn't back there when I went back.

P.O. TONNA:  
No? Well, do you have any idea what the County Executive's position is on this?

LEG. FOLEY:  
Go find Ken.

MR. KNAPP:  
I wouldn't be able to comment.

P.O. TONNA:  
You wouldn't? Okay. All right. Wait, wait, wait. How many County

126

Executive people are here? We got one, two, three. Would any of you guys be willing to -- oh, four. Sorry. Any of you guys be willing to comment? No? No.

LEG. HALEY:  
Mr. Chairman I have a question.

LEG. CRECCA:  
Here he comes.

P.O. TONNA:  
Oh, here we go. Kenny.

LEG. HALEY:  
Oh, there he is.

LEG. BISHOP:  
You know who used to do that to them? Don Blydenburgh used to do

that.

P.O. TONNA:

Okay. I just want to know.

LEG. BISHOP:

He used to say, "How many are here?"

P.O. TONNA:

Okay. There you go. Kenny, is this a good thing or a bad thing?

MR. WEISS:

I agree with Fred, that the likelihood of having a sales tax surplus is not this year.

P.O. TONNA:

No, that was me. That was me.

MR. WEISS:

Oh.

P.O. TONNA:

But, anyway, go ahead.

MR. WEISS:

It's hard to tell back there. But I think anything to bolster the Tax Stabilization Fund is a good idea at this point.

P.O. TONNA:

So you don't think this would -- in other words, this would not tie your hands. If, let's say, we had a little more money in the sales tax, okay, and I would probably, if I was a betting man, all of us would say that probably not, but if there is a little more money, you don't feel that this would tie your hands in the budget to make up deficits in other areas, it would be better to have it flow to the Tax Stabilization Fund?

MR. WEISS:

Well, first of all, it would only flow to the Tax Stabilization Fund at the end of the fiscal year. And if there were shortfalls in other revenues, therefore, causing a property tax increase the following year, then you'd be putting it in and taking it out. So it would be a

--

P.O. TONNA:  
Okay, great.

MR. WEISS:  
-- you know, a redundant act.

P.O. TONNA:  
That's all I needed to hear. All right. Thank you very much. I commend you, Legislator Haley, you have my support. Roll call. Oh, sorry.

LEG. CRECCA:  
Cosponsor, Henry.

LEG. FOLEY:  
Mr. Presiding Officer, I think we should hear from Mr. Pollert. I saw him shaking his head in the negative with some of the comments from the Budget Director. Could we, please?

P.O. TONNA:  
Okay, great. Can we hear from Mr. Pollert, please?

MR. POLLERT:  
It really doesn't work that way, because we have the bifurcated budget with the mandated and the discretionary budget, so it's not -- it's not as easy that it flows into Tax Stabilization Reserve Fund and then flows out the following year. There are terms and conditions on how the Tax Stabilization Reserve Fund can flow out. You need a minimum threshold of a 2 1/2% increase in property taxes. And it's also just for the discretionary side of the budget, since we only put in 25% of the discretionary fund balance. We could use it on the mandated side, but it's not quite as simple as Ken would represent.

P.O. TONNA:  
Marty, you would know this. Marty, is this just for next year, or is this for a county-wide policy forever?

LEG. HALEY:  
This is a policy.

LEG. CARPENTER:  
Ever, forever.

LEG. LEVY:  
Can I be recognized, please?

P.O. TONNA:  
Yes, Legislator Levy.

LEG. LEVY:  
I'm, obviously, not going to have to deal with --

LEG. CARPENTER:  
Obviously.

LEG. LEVY:  
-- the offshoot of this bill, but what I've recommended regarding this concept is to try to get a hybrid, whereby -- and I thought we were heading in that direction, where we would say that as a certain percent of the overage, as per the estimated value, would go into the reserve fund. If you put all of it, if you designate that 100% of the overage has to go into a reserve fund, you could be putting yourself in a very tough predicament. We just had a very tough budget process. You wanted every dime you can get available for various purposes, not just for spending --

LEG. HALEY:  
Give me a figure.

LEG. LEVY:  
-- but also for offset.

LEG. HALEY:  
Fifty percent?

LEG. LEVY:  
I think 50% is a much wiser policy than saying all of it has to go into the reserve fund --

LEG. HALEY:  
If I could get a cosponsor --

LEG. LEVY:  
-- and you lose control.

LEG. HALEY:  
If I could get a cosponsor to make sure that this carries forward to next year, I'll be more than happy to put in a corrected copy to change it to 50%, if I can get a consensus out of some Legislators right at the moment.

LEG. BISHOP:  
You have to get four councilpeople.

P.O. TONNA:  
Okay. Just -- are we waiting for a question? No? Because --

LEG. HALEY:  
No. We're negotiating to reduce that from 100% to 50%.

P.O. TONNA:  
Okay. Just one other thing.

LEG. BISHOP:  
Who are you negotiating with?

129

LEG. CARPENTER:  
He's not going to be here.

P.O. TONNA:  
Okay. Hold it.

LEG. FOLEY:  
Motion to table.

LEG. CRECCA:  
He's not going to be here.

P.O. TONNA:  
Just the last thing, just to say that --

LEG. HALEY:  
Well, it helps with the rating agencies as well, I imagine.

P.O. TONNA:  
The one thing that I would say, in reading the bill, Legal Counsel advises me that this is only good for one year.

LEG. HALEY:  
Is that right?

P.O. TONNA:  
This is not forever. Yes.

LEG. HALEY:  
Is that right?

P.O. TONNA:  
Yeah, it says 2001.

MR. SABATINO:  
Yeah, that's right.

LEG. HALEY:  
All right. Motion to table.

P.O. TONNA:  
Okay. Seconded by myself. All in favor? Opposed? Tabled

LEG. CARPENTER:  
Tabled. (Vote: 16, 2 absent-Legs. Postal and Fisher)

LEG. CARACCIOLO:  
Mr. Chairman, can we go back to 1061?

P.O. TONNA:  
Yes, 1061. Legislator Caracciolo.

LEG. CARACCIOLO:  
Fred. Fred Pollert.

130

MR. POLLERT:  
Yes.

LEG. CARACCIOLO:  
On 1061, would you just state for the record that the funds have been carried over in the omnibus resolution that adopted next year's budget, and we now have 50,000 in that budget for Shelter Island Affairs Council?

MR. POLLERT:  
That is correct, we have carried over the funds in the omnibus resolution.

LEG. CARACCIOLO:  
Okay. So I'm going to make a motion to withdraw the resolution --

P.O. TONNA:  
Seconded by myself.

LEG. CARACCIOLO:  
-- since it's already in next year's budget.

P.O. TONNA:  
Second by myself. All in favor? Opposed? Withdrawn.

LEG. HALEY:  
What are you withdrawing?

P.O. TONNA:  
No, I don't even vote on that. Okay. 1948.

LEG. HALEY:  
Mr. Chairman, real quick.

P.O. TONNA:  
Yes. No, no.

LEG. HALEY:  
On 19 --

P.O. TONNA:  
We voted on 1061. That's withdrawn. There's not vote.

LEG. HALEY:  
Mr. Chairman.

P.O. TONNA:  
Yes.

LEG. HALEY:  
I'd like to withdraw 1932.

P.O. TONNA:  
Okay. 1932, withdrawn. That was a good year. Anyway --

LEG. CARPENTER:  
Is that when you were born?

P.O. TONNA:  
No, no.

LEG. FIELDS:  
1948.

P.O. TONNA:  
1948's a good year, Ginny? What are you telling us about? Anyway, okay. 1948 (Calling a Public Hearing upon a proposal to form Suffolk County Sewer district No. 24 - Yaphank in the Town of Brookhaven). Is there a motion? Motion? Anybody, motion?

LEG. FOLEY:  
That was a good year, too, Dewey defeats Truman.

LEG. TOWLE:  
Motion to table.

P.O. TONNA:  
Motion to table by Legislator Towle.

LEG. FOLEY:  
Second.

P.O. TONNA:  
Seconded by Legislator Foley. All in favor? Opposed? Tabled.

MR. BARTON:  
16, 2 not present. (Absent: Legs. Postal and Fisher)

P.O. TONNA:  
1964 (Authorizing Greenways infrastructure improvements fund grant for "The Wedge" property in the Town of Brookhaven).

LEG. HALEY:  
Table.

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

LEG. HALEY:  
We have to close. We're going to close probably the first, second week in January.

P.O. TONNA:  
Okay.

LEG. FOLEY:  
Second the motion.

P.O. TONNA:  
Seconded by Legislator Foley. That was the year the Beatles came to America. You know, "Help, I Need Somebody." Okay. Anyway, all in

favor? Opposed? Tabled.

MR. BARTON:

16, 2 not present. (Absent: Legs. Postal and Fisher)

P.O. TONNA:

2034 (Implementing improvements to Little East Neck Road and Van Bourgondien Park (Town of Babylon). 2034, anybody?

LEG. BINDER:

Bishop.

LEG. CRECCA:

Bishop.

P.O. TONNA:

Bishop.

LEG. CARPENTER:

Bishop.

P.O. TONNA:

Little Neck. Little Neck, Bishop.

LEG. BISHOP:

Motion to table subject to call, because --

P.O. TONNA:

Second by myself. All in favor? Opposed? Tabled subject to call. 2057.

MR. BARTON:

16, 2 not present. (Absent: Legs. Postal and Fisher)

P.O. TONNA:

(2057-Authorizing conveyance of parcel to Town of Babylon (Economic Opportunity Council of Suffolk, Inc.) Section 72-h, General Municipal Law). Is there a motion?

LEG. CRECCA:

Motion to table.

P.O. TONNA:

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

MR. BARTON:

16, 2 not present. (Absent: Legs. Postal and Fisher)

P.O. TONNA:

2084 (Appointing Raymond A. DeFeo to the Suffolk County Community College Board of Trustees). Motion?

LEG. FOLEY:

Motion to approve.

133

P.O. TONNA:

Motion to approve by Legislator Foley, seconded by --

LEG. CARACCIOLO:

Roll call.

P.O. TONNA:

-- Legislator Levy. Roll call.

LEG. FOLEY:

On the motion.

LEG. CARPENTER:

On the motion.

LEG. FOLEY:

Prior to the vote, we do have Mr. DeFeo here. If I could ask Mr. DeFeo to come up to the podium. What has been the tradition of the Legislature is that we've asked potential appointees of substantial boards to appear before us. So if there are other members of the Legislature who weren't members of the Education Committee, you can feel free to ask some questions. But through the Chair and through the sufferance of the Chair, I would just like to ask Mr. DeFeo if he could run through for us some of his other background that includes in addition to some of the other impressive experience that he has listed in his resume.

LEG. TOWLE:

Mr. Chairman.

LEG. FOLEY:

So if we could hear -- Presiding Officer, if we could hear from Mr. DeFeo, if he --

LEG. TOWLE:  
Mr. Chairman.

P.O. TONNA:  
Yes. Hold it one second. One second. Okay. Legislator Foley, you have a question to ask of the gentleman, right?

LEG. FOLEY:  
The question is --

P.O. TONNA:  
We don't usually bring --

LEG. FOLEY:  
Fine.

P.O. TONNA:  
-- people up when we're voting for --

LEG. FOLEY:  
Well, yes, we do. Yes, we have. We've done that with the Planning Board, and we've done that with other Judges. We've done this in the

134

past.

P.O. TONNA:  
If there is a question.

LEG. TOWLE:  
Mr. Chairman.

P.O. TONNA:  
I don't see anybody having a question, but ask your question.

LEG. FOLEY:  
Then the question is this. Then the question is --

P.O. TONNA:  
Yes, ask your question.

LEG. FOLEY:  
In addition to what's listed on your resume, are there not other areas of expertise, of experience that you would like to make us aware of

before we vote on your resolution?

P.O. TONNA:

I want you know I go for your haircut. I like the haircut.

LEG. FOLEY:

Is that on?

P.O. TONNA:

Outside of that, you know.

LEG. LEVY:

He's not going to vote for you, but --

LEG. FOLEY:

Is that on, Ray? No, Ray, you got -- use the microphone.

P.O. TONNA:

Mr. DeFeo, you're going to have to use the microphone. There you go.

LEG. LEVY:

It's a test.

LEG. TOWLE:

Mr. Chairman, as he's figuring out the microphone, I just had a procedural question.

LEG. FOLEY:

Sure.

P.O. TONNA:

Sure.

LEG. TOWLE:

Who is he replacing?

LEG. FOLEY:

He's replacing Charles {Low}, who has submitted his resignation. So as we stand out, it's a vacant position.

LEG. TOWLE:

How long has it been vacant?

LEG. FOLEY:

It's been vacant several weeks. Charlie is -- Mr. {Low's} position had expired on June 30th, but he was a hold-over, if you will, until a replacement was named.

LEG. TOWLE:

And he was from where?

LEG. FOLEY:

He was from the North Fork, I believe.

LEG. CARACCIOLO:

That is correct.

LEG. TOWLE:

And if I'm not mistaken, you have a resolution in now appointing this gentleman.

LEG. FOLEY:

Correct.

LEG. TOWLE:

And if I'm not mistaken, Legislator Caracciolo's got a resolution I saw in the packet this morning --

LEG. FOLEY:

Correct.

LEG. TOWLE:

-- with another person from the East End; is that right?

P.O. TONNA:

Okay. This is what I'd say --

LEG. FOLEY:

Correct.

LEG. TOWLE:

I just want to make sure --

P.O. TONNA:

Yeah. No.

LEG. TOWLE:

-- I'm understanding the dynamics here.

P.O. TONNA:

Just, Legislator Foley --

LEG. FOLEY:

Yes.

P.O. TONNA:

Legislator Foley asked this gentleman a question.

LEG. FOLEY:

Yes.

P.O. TONNA:

He's now going to respond to the question that Legislator Foley asked. And then anybody else who would like to be recognized, all they have to do is ask the Chair.

LEG. FOLEY:

Mr. DeFeo.

MR. DE FEO:

Thank you. I've served on several boards over the years, including the Suffolk County Opportunity for Public Education. As a matter of fact, when I retired as District Superintendent, I was Vice President of that board. I don't think that's in my resume. I served on the {Educor} board. That's a voluntary organization serving school districts in New York State, and right now I'm Executive Director of that group. And I don't think I put on the resume that I served on that board. Prior to becoming Executive Director, I served on the Long Island Economic Development Board, also, and on a private school board in New York City several years ago. So I've had extensive experience on boards. I've also counseled boards. That was part of my role as a District Superintendent. I've also run training programs for boards. And, of course, I've served as a -- as an Executive Director, and also as an Executive Officer of a board.

I've worked closely with the school districts, especially on the East End, but because of my work on the Suffolk County Opportunity for Public Education, I've been involved with all of the schools in Suffolk County.

Let's see. I've worked closely with officials on the Eastern Campus of the Suffolk County Community College in order to effect a smooth transition from high school to college with those people. We've also compared programs in an effort to avoid overlapping of programs.

Let's see. I have quite a bit of experience, of course, with the State Education Department, and as Executive Officer of {Educor}, I work pretty closely right now with Assistant Commissioner, Dr. James Butterworth. As a matter of fact, he will be a speaker at our board

meeting in Albany in January. That's additional information.

LEG. FOLEY:

Just through the Chair, if I may. You were the -- for a number of years, the Superintendent of Eastern Suffolk BOCES; correct?

MR. DE FEO:

Yes, the Superintendent of Schools.

137

LEG. FOLEY:

District Superintendent. And for how many years was that?

MR. DE FEO:

That was 14 years.

LEG. FOLEY:

And during that period of time, what were the size of the -- both the operating budgets, as well as the capital budgets that you had to oversee as the District Superintendent?

MR. DE FEO:

The budgets went -- ranged between about 15 million to almost 30 million at the time I retired. As far as capital budgets were concerned, when I arrived there in 1979, the BOCES was renting most of the buildings.

LEG. FOLEY:

Okay.

MR. DE FEO:

I encouraged the board to consider taking it to the people, the purchase of those buildings, and we could show that we could save approximately \$20 million over a 15-year period. And we took two votes to the people and it worked very well. First one went through with a 93% yes vote, and the second one was a -- about a 67% yes vote.

LEG. FOLEY:

So over that period of time, you were able to save taxpayers, as you say, over -- close to \$20 million?

MR. DE FEO:

Correct.

LEG. FOLEY:  
On the capital programs?

MR. DE FEO:  
Yes.

LEG. FOLEY:  
Because you moved away from rental to ownership, if you will?

MR. DE FEO:  
Right.

LEG. FOLEY:  
And construction.

MR. DE FEO:  
Yes. We negotiated with the owners and they were willing to sell. We took it to the people and the people voted for it.

LEG. FOLEY:  
Okay. Thank you, Mr. Chairman. Thank you, Mr. Chairman.

138

P.O. TONNA:  
Thank you very much. Roll call.

LEG. FOLEY:  
No. Mr. Chairman, if I may.

P.O. TONNA:  
Yes.

LEG. FOLEY:  
Thank you. Mr. DeFeo can sit down now?

P.O. TONNA:  
Yeah. Thank you very much.

MR. DE FEO:  
Thank you.

P.O. TONNA:  
Thank you, sir, for coming here.

MR. DE FEO:  
Thank you.

LEG. FOLEY:  
Mr. Chairman, if I may.

P.O. TONNA:  
Yes. Legislator Foley, you still have the floor.

LEG. FOLEY:  
Thank you. This is one of the most important appointments that the Legislature can make. One of the most important institutions that we have in County government is our Community College. We have over a series of years striven to improve that particular facility. We have over a series of years enlarged the Capital Budget, and as well as the Operating Budget, and we need to put in place men and women who have as their first order of business to improve the quality of the instruction, quality of the curriculum, and the quality of the buildings and grounds. And when you look at the -- it was the proper tense, too, Mr. Chairman, it was the proper tense. So when you put all that together, and the fact of the matter is there is extant a \$40 million Capital Program and it's now underway. You want to have on the board people who have experience in that particular area.

As we just heard, we have an exceptional professional who has over a series of years thoroughly involved, immersed himself in the issue of educational operating budgets, as well as educational capital budgets. And when you look at the makeup of the Community College Board, this is one position, I think of any, this is one position with Charlie leaving that we should have an educational -- at least one educational professional on that board. We have others who are attorneys, others who are in the business world, we have other small business, large business folks. This individual is the only one that brings to this board a -- the ability, the experience to handle not just a few million dollars worth of capital projects, but literally tens of

millions of dollars of capital programs and operating budgets that he is very familiar with. We need that kind of expertise on the board.

And I would also say that when you look at his sterling credentials, not just having an undergraduate degree, but a masters, and also a doctorate. Now, we in the last few years, casting no aspersions on those that we've approved in the past, we've approved some board members who I think don't even have an Associates Degree. So when you

look at this particular background, I would challenge anyone to -- when you read his resume, when you read his background, I don't think that there is an equal, that there is an equal on the board as it now stands.

And so I would very much hope that we take this vote today, that we would approve this today, because this is going to be so crucial to the future of this Community College, especially when they are poised to move forward with the Cap Program.

So I would urge my colleagues in a bipartisan fashion to approve this resolution. And we only need to look to this week, when there are other problems that have just arisen at the College, not only the issue of sexual harassment, which has reared its ugly head a second time on the campus, but another thing which has been brought -- which has not been brought to the committee, and which something that Mr. DeFeo will look into, I know for sure, and that is the College Administration has not brought to our attention, either to the committee or to this general Legislature, that the College, as it now stands, will have the -- not just the potential, but as of last month, the President of the College told only some people that there is the likelihood of a one to two million dollar operating deficit at the College, and this is only within the first quarter of the operating year.

So it's with those kinds of problems that -- and issues of leadership at the College that we need to have someone --

LEG. BISHOP:  
Mr. Chairman.

LEG. FOLEY:  
-- of Mr. DeFeo's sterling reputation.

LEG. BISHOP:  
Mr. Chairman.

P.O. TONNA:  
Just all I can say is --

LEG. FOLEY:  
I urge you to support.

P.O. TONNA:  
-- if there is a \$2 million operating deficit --

LEG. FOLEY:  
That's right.

P.O. TONNA:

-- it better not be in the advertising budget.

LEG. FOLEY:

I agree.

P.O. TONNA:

Thank you.

LEG. FOLEY:

But that's part of the problem.

P.O. TONNA:

All right.

LEG. FOLEY:

That's part of the problem, that we're not being apprised.

P.O. TONNA:

Legislator Bishop.

LEG. BISHOP:

Mr. Chairman, is there --

LEG. FOLEY:

And I know Mr. DeFeo would do that.

P.O. TONNA:

Okay.

LEG. BISHOP:

Question of Counsel. Is there any resolution or Charter Law that requires that seats go to -- on the Community College Board go to particular geographic areas?

MR. SABATINO:

No, there's not.

LEG. BISHOP:

Do we have boards where we do assign specific geographic locations to membership?

MR. SABATINO:

Yes, there's a whole series of boards that are governed by -- generally, it's local legislation that defines -- if there's going to be that kind of a requirement, it's defined in the legislation

LEG. BISHOP:  
Okay. Point --

LEG. CARACCIOLO:  
Mr. Chairman.

LEG. BISHOP:  
I'll yield.

141

LEG. CARACCIOLO:  
I'm sorry.

P.O. TONNA:  
Legislator Bishop.

LEG. BISHOP:  
No, I'll yield. Obviously, it's such a compelling point, you have to jump in, so go ahead.

LEG. CARACCIOLO:  
No, no, no, no. I just wanted to follow up on the issue of a potential deficit that was eluded to by Legislator Foley.

P.O. TONNA:  
Okay. I would like -- well, let's -- wait, wait, wait.

LEG. CARACCIOLO:  
I would ask, Mr. Chairman, that --

P.O. TONNA:  
Wait, wait, wait. Hold it a second. Legislator Bishop, finish.

LEG. BISHOP:  
You know, they're in the --

P.O. TONNA:  
And then Legislator Caracciolo.

LEG. BISHOP:  
In national political dialogue, there used to be a rule that politics ended at the water's edge. In other words, when there were certain issues where partisanship and factionalism and regionalism ended and those were national security-type issues. At the local level, we used

to have a feeling around here that partisanship and regionalism ended at the College doors, but, apparently, that's no longer the case. Now we say this seat belongs to this area, and we don't look to the qualifications first of the people that are presented to us. But the rush to have a roll call on this, you know, people are chatting nobody's really, you know, giving this excellent nominee the kind of attention and scrutiny that he deserves is sad. And this is somebody who is willing to give of their time at a time that we need this kind of professionalism and talent on this board. Make no mistake about it, the Community College is facing a crisis and it's a crisis of leadership, and we should have talented people who are experienced and dedicated on this board. This nominee fits that criteria, and to summarily dismiss him because he doesn't happen to live in a certain geographic location is a disservice to the College.

LEG. CARACAPPA:  
All right.

D.P.O. LEVY:  
Are there any other questions on that?

142

LEG. CARACCIOLO:  
Did Paul leave?

LEG. FOLEY:  
He has to come back.

D.P.O. LEVY:  
He's not here at the moment.

LEG. FOLEY:  
He's got to come back.

LEG. CARACCIOLO:  
I would just hope, on the issue of the deficit in the budget, that the Chair of the Health Committee -- of the Health Committee -- of the Education Committee look into this matter immediately, not wait until next year, because we're six weeks away or more from the next regular session of the Education --

D.P.O. LEVY:  
Your request is so noted.

LEG. FOLEY:

Michael, that's an excellent point. But, Mike, we need to have on the board people that are willing to ask these questions. And the problem is that, with the exception of maybe -- of definitely one, maybe two board members, the rest don't ask those questions. When you have someone of Mr. DeFeo's background, who deals with tens of millions of dollars worth of operating budgets, he can't be snowed. He'll know what to ask and where to look, and that's why I believe it's an exceptional nominee.

D.P.O. LEVY:

Okay. We have motion.

LEG. TOWLE:

Mr. Chairman.

D.P.O. LEVY:

We have a second.

LEG. TOWLE:

Question.

D.P.O. LEVY:

We have a question.

LEG. FOLEY:

And, plus, he is from the East End, by the way. He's the last District Superintendent of Eastern Suffolk BOCES. So if anyone is using at a Litmus Test some geographic considerations, even though the College is County-wide, the fact that he does definitely meet and exceed that Litmus Test of an East End orientation.

D.P.O. LEVY:

Legislator Towle.

LEG. TOWLE:

Thank you, Mr. Chairman. Do we have any other hold-overs at this point, Counsel, on the Community College Board, or vacancies?

MR. SABATINO:

No, the way -- the way the Community College Board works is there's one a year. There's five Legislative appointments and four gubernatorial. They alternate. This year happened to be a

Legislative, next year will be a gubernatorial, the year after will be a Legislative again.

LEG. TOWLE:

Who is the next appointment that's up, do you know?

MR. SABATINO:

The next one is a gubernatorial appointment, which I think from memory is John Foley.

D.P.O. LEVY:

No other questions? Do you want a roll call or not?

LEG. FOLEY:

Roll call.

D.P.O. LEVY:

Roll call.

P.O. TONNA:

Okay. Roll call.

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

LEG. FOLEY:

Yes.

LEG. LEVY:

Yes.

LEG. COOPER:

Yes.

LEG. BINDER:

Abstain.

LEG. BISHOP:

Yes.

LEG. D'ANDRE:

Abstain.

LEG. CRECCA:

Abstain.

LEG. CARPENTER:

Abstain.

LEG. ALDEN:  
Abstain.

LEG. FIELDS:  
Yes.

LEG. HALEY:  
Abstain.

LEG. CARACAPPA:  
Abstain.

LEG. TOWLE:  
Abstain.

LEG. GULDI:  
Yes.

LEG. CARACCIOLO:  
Abstain.

LEG. FOLEY:  
Motion to table.

LEG. GULDI:  
Second.

LEG. FIELDS:  
Second.

LEG. CARACAPPA:  
Roll call.

LEG. CARACCIOLO:  
Roll call.

LEG. LEVY:  
Do we need a roll call on that?

LEG. HALEY:  
Roll call.

LEG. CARACCIOLO:  
Roll call on the motion to table.

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

LEG. FOLEY:

Yes to table.

LEG. FIELDS:  
Yes.

LEG. COOPER:  
Yes.

145

LEG. BINDER:  
Pass.

LEG. POSTAL:  
(Absent)

LEG. BISHOP:  
Yes.

LEG. D'ANDRE:  
No.

LEG. CRECCA:  
No.

LEG. CARPENTER:  
No.

LEG. ALDEN:  
Nope.

LEG. HALEY:  
No.

LEG. CARACAPPA:  
No.

LEG. TOWLE:  
Pass.

LEG. GULDI:  
Yes.

LEG. CARACCIOLO:  
No.

LEG. LEVY:  
Yes.

LEG. TONNA:  
No.

LEG. BINDER:  
No.

LEG. TOWLE:  
No.

MR. BARTON:  
Six. (Absent: Legs. Postal and Fisher)

LEG. FOLEY:  
For those who didn't want to approve, I can understand, but not to --

146

LEG. CARACAPPA:  
Change my vote to a yes.

LEG. FOLEY:  
Not to go to a tabling motion smacks of nothing lower than partisanship. And I can't tell you how upset I am at this moment that people would practice partisanship when it comes to the Community College. That place is crying out for help. It needs leadership. I can understand if you wanted to table this until next year, so that there's a good battle between this nominee and Mr. Caracciolo's, but not to go forward with a tabling motion, to let this just die at the end of the year smacks of the worst kind of partisanship, and it sends a terrible message to the College that exceptional nominees are not only going to be -- not only will it be not tabled, they're going to be defeated on the floor. I think that it is -- I shouldn't use the word "disgusting," but to my way of thinking, this year, this is one of the worst examples of partisanship that I have seen. And, in fact, if you read back and look at the political orientation of each of those who have said abstain or no, most of them came from one party and I think that's wrong.

MR. BARTON:  
Legislator Tonna.

LEG. FOLEY:  
That is wrong.

MR. BARTON:  
On the motion to approve, I haven't finished that.

LEG. HALEY:  
We're in the middle of a vote.

P.O. TONNA:  
The motion to approve? No.

MR. BARTON:  
No.

P.O. TONNA:  
But --

LEG. FOLEY:  
No. Let the record reflect that there have been plenty of occasions when I have been asked and other Legislators from the Democratic side have been asked to support Republican nominees and we have done it. And if we have disagreed --

P.O. TONNA:  
Brian.

LEG. FOLEY:  
-- with it, it's on a question of policy.

P.O. TONNA:  
Brian. Brian, I think it's more kind and charitable --

LEG. FOLEY:  
Those -- you know --

P.O. TONNA:  
Brian.

LEG. FOLEY:  
Those folks who have disagreed with this, you look at Caracciolo's resolution, there's not even a resume attached.

P.O. TONNA:  
Brian.

LEG. FOLEY:  
It's a one-pager. There's not even a resume attached.

P.O. TONNA:  
Brian. Brian.

LEG. FOLEY:  
It's ridiculous.

P.O. TONNA:  
Brian, I could understand that you're upset. I think it is more charitable --

LEG. FOLEY:  
Not only am I-- not only am I upset because it's my resolution, but the way the vote went down --

P.O. TONNA:  
Brian.

LEG. FOLEY:  
-- that's what I'm most upset about.

P.O. TONNA:  
Brian, the way the vote went down is exactly how you predicted. You knew this before you had this.

LEG. FOLEY:  
No, that's is not true. That is not true.

LEG. LEVY:  
Call the question.

LEG. FOLEY:  
That is not true.

LEG. HALEY:  
Mr. Chairman, we're in the middle of vote.

LEG. CRECCA:  
We're in the middle of a vote. Could we at least finish the vote?

P.O. TONNA:  
All right. I said no.

MR. BARTON:  
On the motion to approve --

P.O. TONNA:  
Oh, I mean I said no on approval.

P.O. TONNA:  
On the motion to approve, it was 6-1, 9 abstentions and 2 not present.  
(Absent: Legs. Postal and Fisher)

P.O. TONNA:  
Okay, thank you. Brian, okay. Let's -- next bill, where are we?

LEG. FOLEY:  
If this is what the new year's going to bring, folks, as was said in  
one movie --

LEG. BISHOP:  
Mr. Chairman, can I ask for a motion to recess for five minutes?

LEG. FOLEY:  
-- put the seat belt on, because it's going to be a long, bumpy ride,  
let me tell you.

LEG. BISHOP:  
Let's take a five-minute recess.

LEG. HALEY:  
Relax.

LEG. FOLEY:  
No, I'm not going to relax.

LEG. LEVY:  
Let him calm down.

LEG. BISHOP:  
Let him calm down.

LEG. FOLEY:  
There's things that we don't play politics with and that's the  
College.

LEG. HALEY:  
And that's because you don't want us to --

LEG. BISHOP:

We have four hours for the North Ferry.

LEG. LEVY:  
Five minutes.

149

P.O. TONNA:  
Do you know what -- do you know what --

LEG. FOLEY:  
That's not it all.

P.O. TONNA:  
You know what, in fair -- in deference --

LEG. FOLEY:  
Absolutely not. Absolutely not.

P.O. TONNA:  
I would like to move with the agenda. Brian.

LEG. LEVY:  
Five minutes. Give it five minutes.

LEG. FOLEY:  
There are things that we shouldn't play politics with --

LEG. LEVY:  
A request was made by the Minority Leader.

LEG. FOLEY:  
-- and that's one of them.

LEG. BISHOP:  
Five-minute recess.

P.O. TONNA:  
A five-minute recess.

LEG. BISHOP:  
Thank you.

[THE MEETING WAS RECESSED AT 6:40 P.M. AND RESUMED AT 6:55 P.M.]

P.O. TONNA:  
Okay I would ask all Legislators, please come back to the horseshoe.  
Okay, everybody. 2161.

LEG. D'ANDRE:  
Mr. Chairman.

P.O. TONNA:  
Yes.

LEG. D'ANDRE:  
I'd like to make a motion to reconsider the tabling of that motion  
that just passed.

LEG. CARACCIOLO:  
Roll call.

150

P.O. TONNA:  
Okay. Hold it a second, everybody. Okay, Legislator D'Andre.

LEG. D'ANDRE:  
2084.

P.O. TONNA:  
2084?

LEG. D'ANDRE:  
I'd like to reconsider the tabling.

P.O. TONNA:  
You would like to reconsider and you're on the prevailing side.

LEG. FOLEY:  
Second the reconsideration.

P.O. TONNA:  
Okay. Let's do a roll call.

MR. BARTON:  
On the motion to reconsider.

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

LEG. D'ANDRE:  
Yes.

LEG. FOLEY:  
Yes.

LEG. COOPER:  
Yes.

LEG. BINDER:  
No.

LEG. POSTAL:  
(Not Present)

LEG. BISHOP:  
Yes.

LEG. CRECCA:  
No.

LEG. CARPENTER:  
No.

LEG. ALDEN:  
No.

LEG. FIELDS:  
Yes.

151

LEG. HALEY:  
No.

LEG. CARACAPPA:  
(Not Present)

LEG. TOWLE:  
Abstain.

LEG. GULDI:  
Yes.

LEG. CARACCIOLO:  
No.

LEG. LEVY:  
Yes.

P.O. TONNA:  
No.

MR. BARTON:  
Seven. (Absent: Legs. Postal and Fisher-Not Present: Leg. Caracappa)

P.O. TONNA:  
Fine.

LEG. FOLEY:  
Thanks, Mike.

P.O. TONNA:  
Okay.

LEG. FOLEY:  
Mike, thanks.

MS. BURKHARDT:  
2161.

P.O. TONNA:  
2161 (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). On the -- 2161, is there a motion?

LEG. HALEY:  
Does somebody want to speak to that?

P.O. TONNA:  
2161, is there a motion?

LEG. FOLEY:  
Motion to approve.

LEG. CRECCA:  
Motion to approve.

P.O. TONNA:  
Okay.

LEG. HALEY:  
Second.

P.O. TONNA:  
Motion to approve, second. All in favor? Opposed? Approved.

MR. BARTON:  
Mr. Chairman, who made the motion and the second?

P.O. TONNA:  
Motion made by Legislator Foley, seconded by Legislator Haley. Number 21 --

MR. BARTON:  
16, 2 not present. (Absent: Legs. Postal and Fisher)

P.O. TONNA:  
Great. Number 2163 (Amending the 2000 Capital Budget and Program and appropriating funds in connection with the construction of park maintenance and operations facilities). Is there a motion?

LEG. CARPENTER:  
Motion.

LEG. HALEY:  
Second.

P.O. TONNA:  
Motion by Legislator Carpenter, seconded by Legislator Haley. Roll call.

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

LEG. CARPENTER:  
Yes.

LEG. HALEY:  
Yes.

LEG. COOPER:  
Pass.

LEG. BINDER:  
Yes.

LEG. POSTAL:  
(Absent)

LEG. BISHOP:  
Pass, please.

153

LEG. D'ANDRE:  
Yes.

LEG. CRECCA:  
Yes.

LEG. ALDEN:  
Pass.

LEG. FIELDS:  
Yes.

LEG. FOLEY:  
Yes.

LEG. FISHER:  
(Absent)

LEG. CARACAPPA:  
Yes.

LEG. TOWLE:  
Yes.

LEG. GULDI:  
Yes.

LEG. CARACCIOLO:  
Yes.

LEG. LEVY:  
Yes.

LEG. TONNA:  
Yes.

LEG. COOPER:  
Yes.

LEG. BISHOP:  
Yes.

LEG. ALDEN:  
Yes.

MR. BARTON:  
16, 2 not present on the bond. (Absent: Legs. Postal and Fisher)

P.O. TONNA:  
Same motion, same second, same vote on 2163. Okay. 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). Is there a motion?

LEG. CARPENTER:  
Motion.

154

P.O. TONNA:  
Motion by Legislator Carpenter.

LEG. CRECCA:  
Second.

P.O. TONNA:  
Seconded by Legislator Crecca. All in favor? Opposed? Approved.

LEG. GULDI:  
Opposed.

P.O. TONNA:  
Opposed, Legislator Guldi.

LEG. GULDI:  
Oh, no, not that one.

P.O. TONNA:  
Okay.

MR. BARTON:  
16, 2 not present. (Absent: Legs. Postal and Fisher)

P.O. TONNA:  
2174 (Appropriating funds in connection with the acquisition of land under the Clean Water Bond Act). Is there a motion? I'll make a motion to approve.

LEG. CARACCIOLO:  
Second.

P.O. TONNA:  
Is there a second? Second by Legislator Caracciolo.

LEG. BISHOP:  
Explanation.

LEG. CRECCA:  
Explanation.

LEG. LEVY:  
Why was this tabled?

P.O. TONNA:  
I got it right now.

LEG. LEVY:  
Counsel.

LEG. CARACCIOLO:  
Caracciolo.

P.O. TONNA:  
Caracciolo.

155

LEG. CRECCA:  
Caracciolo.

P.O. TONNA:  
I'm getting there.

LEG. LEVY:  
Question to Counsel as to why this was tabled.

MR. SABATINO:  
Because the question that came up last time was that the roads for

which the drainage improvements are going to be done were not identified, and there was a desire to know where the work was going to be done.

P.O. TONNA:

And now they are, right? They've been identified now?

LEG. LEVY:

Has it been presented to anyone?

MR. SABATINO:

I'll defer to Legislators, I mean, if --

P.O. TONNA:

Well, I know -- Commissioner Bartha, you're here. Do you want to identify those roads?

COMM. BARTHA:

The question has not been relayed back to me. All I can tell you right now is 26 separate locations.

LEG. LEVY:

Motion to table.

LEG. BISHOP:

Motion to table.

LEG. CRECCA:

Is this -- we're on 2174, right?

LEG. LEVY:

Yeah.

P.O. TONNA:

Yeah. What is the impact on the roads? Why would we -- why would it be so critical that we would need to know the roads?

COMM. BARTHA:

Well, what the project is --

LEG. FOLEY:

The mike's not on, Charlie. Charlie, the mike's not on.

COMM. BARTHA:  
Thank you.

LEG. FOLEY:  
\$200,000 is not that much.

COMM. BARTHA:  
The project is to eliminate runoff from roads into creeks and ponds and the bay --

P.O. TONNA:  
Why would we stop this?

COMM. BARTHA:  
-- which prevent pollution, so I'm not sure why it's an issue. The more of this we do, the better it's --

P.O. TONNA:  
Well, I would say any --

LEG. CRECCA:  
But it's work --

P.O. TONNA:  
-- road that stops pollution I'm for, you know what I mean?

LEG. CRECCA:  
Me, too. It makes sense.

P.O. TONNA:  
For \$200,000?

COMM. BARTHA:  
This is -- the State approved our bond request.

LEG. LEVY:  
People wanted the information, it didn't come. I'm just --

LEG. CRECCA:  
Is there a motion to approve?

MR. SABATINO:  
What happened was at the -- just so you know, at the last meeting, on 2163, there was a similar question. That's why that was tabled on 67. On 63 was the same question. There was a generic statement made, but no description as to what buildings were being worked on.

P.O. TONNA:  
Okay. I would just ask, whether it be from my office, and I have enough office staff here, or from the County Executive's Office, if there's a question raised from the Legislature, instead of just continuing mixing this pot, you know, if it's just a simple question

about roads, either you guys or we have to make sure that Legislative requests for information, you know, are granted, whether it be a memo to the Legislators that had asked a question, or somebody ready to speak, you know.

157

LEG. FOLEY:  
Motion to approve.

LEG. CARPENTER:  
Second.

P.O. TONNA:  
Okay. Motion by Legislator --

LEG. CRECCA:  
Second.

P.O. TONNA:  
We had a motion and a second to approve already, right?

LEG. CRECCA:  
Yeah, we did.

P.O. TONNA:  
Yes.

LEG. CRECCA:  
Actually, we did.

LEG. CARPENTER:  
To tabling.

P.O. TONNA:  
Oh, we had a tabling motion?

LEG. FOLEY:  
I'm making a motion to approve.

LEG. CRECCA:  
Second.

LEG. CARPENTER:  
I'll second.

P.O. TONNA:

Okay. Legislator Foley will make a motion to approve, seconded by Legislator Carpenter.

LEG. FOLEY:

Just on the motion. If you could, Commissioner, forthwith send a copy of the roads to all the Legislators? Thank you.

COMM. BARTHA:

Yes. Within a week, I'll have it to each Legislator.

P.O. TONNA:

Right.

LEG. CARPENTER:

Thank you.

158

P.O. TONNA:

Thank you very much, Commissioner. Okay. Roll call on the bond.

LEG. CARACAPPA:

Motion to table?

P.O. TONNA:

No, approve. Oh, there is a motion? Does anybody want to withdraw their motion to table?

LEG. CARACAPPA:

It was Legislator Levy --

LEG. LEVY:

I'll keep it there.

LEG. CARACAPPA:

-- and Bishop.

P.O. TONNA:

It was Levy and Bishop? Okay, fine. Let's -- all in favor of -- let's roll call on the tabling motion.

MR. BARTON:

Legislator Levy.

LEG. CARPENTER:  
Why? You don't need a roll call.

LEG. FOLEY:  
No, no, no.

P.O. TONNA:  
He won't withdraw it.

LEG. LEVY:  
Well, if there's no second. You withdrew your second?

P.O. TONNA:  
Okay. All in favor of tabling? Opposed?

(Opposed Said in Unison by Legislators)

P.O. TONNA:  
Okay. Legislator Bishop and Levy are in favor of it.

MR. BARTON:  
Two. (Absent: Legs. Postal and Fisher)

P.O. TONNA:  
Everyone else is opposed.

P.O. TONNA:  
Okay.

159

LEG. BISHOP:  
Much quicker.

LEG. FOLEY:  
Roll call.

LEG. CARPENTER:  
Roll call on the bond.

P.O. TONNA:  
Roll call.

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

LEG. FOLEY:  
Yes.

LEG. CARPENTER:  
Yes.

LEG. COOPER:  
Yes.

LEG. BINDER:  
Yes.

LEG. BISHOP:  
Yes.

LEG. D'ANDRE:  
Yes.

LEG. CRECCA:  
Yes.

LEG. ALDEN:  
Yes.

LEG. FIELDS:  
Yes.

LEG. HALEY:  
Yes.

LEG. CARACAPPA:  
Yep.

LEG. TOWLE:  
Yes.

LEG. GULDI:  
Yes.

LEG. CARACCIOLO:  
Yes.

LEG. LEVY:  
Yes.

P.O. TONNA:  
Yes.

MR. BARTON:  
16, 2 not present on the bond. (Absent: Legs. Postal and Fisher)

P.O. TONNA:  
Okay. Same motion, same second, same vote. Legislator Caracappa?

LEG. CARACAPPA:  
Thank you, Mr. Chairman. Seeing that we're done with tabled resolutions, I'd like to make motion to take out of order --

LEG. CARPENTER:  
Second.

LEG. CARACAPPA:  
-- 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).

LEG. CARPENTER:  
Second.

LEG. CARACAPPA:  
Yeah, let's get the contracts over with, Mr. Chairman, in the holiday spirit. We had the bargaining units here in the audience. Let's wrap this up, especially Deputy Sheriffs, they've waited five years. And I know every last second at this point, I think it's killing Vinny DeMarco right now, so let's just do it.

LEG. BINDER:  
As much they love being here.

P.O. TONNA:  
I just thought you guys enjoyed being here so much, you know.

LEG. CARACAPPA:  
Motion to take it out of order.

LEG. FOLEY:  
Second the motion.

LEG. CARPENTER:  
I'll second that.

P.O. TONNA:  
There's a motion by Legislator Caracappa, seconded by Legislator

Binder. All in favor? Opposed? Fine. It's taken out of order.  
Number --

161

LEG. CARACAPPA:  
2276.

LEG. CARPENTER:  
2276.

P.O. TONNA:  
2276. Motion by Legislator --

LEG. CARACAPPA:  
Motion.

P.O. TONNA:  
Who?

LEG. HALEY:  
Haley.

P.O. TONNA:  
Legislator Caracappa, seconded by Legislator Caracciolo. All right.  
On the motion. Fred, can you just give us a report? What are we  
going to do? Do they have money in the budget? All of the basic  
questions.

MR. POLLERT:  
The Budget Review Office prepared a report, which we distributed to  
all the Legislators. We did a fiscal impact statement on the all the  
items that had a material budgetary impact. We have found that the  
approximate cost of the contract over the term of the contract is  
approximately \$7.5 million. That's appreciably more than forecast by  
the County Executive's Budget Office. In any event, the funds to pay  
for the contract are included in a contingency account, because a  
contingency account includes funding for a variety of unions, the  
Deputy Sheriffs being the first of which would settle. There are  
sufficient appropriations in the 2001 budget to pay for them, even  
though it's more money than was originally anticipated during the  
budget process.

P.O. TONNA:  
Is it more money for them because they're the first ones to draw from

this money, or is there more money for this, and it was anticipated that this is -- I mean, my sense is when you -- when you take the Deputy Sheriffs and then you have AME, right?

LEG. FOLEY:  
Correct.

P.O. TONNA:  
And you have Corrections, and everyone else, obviously, you know, the Deputy Sheriffs are the smallest group of them all. I mean, now we get to, let's say, Corrections next, I mean, are we -- are we cutting into the forecast of the budgets, or what are we doing here?

MR. POLLERT:  
Yes, we are doing that. When the budget was proposed with \$18 million in a contingency account for salary adjustments, we received a

162

confidential spread sheet from the County --

P.O. TONNA:  
So much for confidence.

MR. POLLERT:  
-- executive's Budget Office --

P.O. TONNA:  
No, I'm joking. No.

MR. POLLERT:  
-- which included how those funds were anticipated to be distributed in salary adjustments. The amount which we have forecast will be required to fund the Deputy Sheriffs' contract is significantly larger than the amounts originally anticipated for that union. The reason that the amounts are larger is not that they received a large increase, it is that when the County Executive's Office did their price-out on their fiscal impact statement, they did not have the same wage base which we used. They did not include either the holiday or the overtime pay.

P.O. TONNA:  
Okay. Is the Budget Director here, the County Budget Director?

LEG. CARACCILO:  
No. Labor --

P.O. TONNA:  
I would like to see Kenny.

LEG. CARACCIOLO:  
The Labor Relations Director is here.

P.O. TONNA:  
Well, that's all right. I want --

LEG. CRECCA:  
Just through the --

P.O. TONNA:  
I'd like Mr. Greene to come up.

P.O. TONNA:  
Well, since I have the floor, I want -- right now, I would like the  
Budget Director to come out. I have a fiscal question.

LEG. FOLEY:  
Mr. Chairman, if you could ask what the difference is between what the  
County Executive's Office had estimated and what Budget Review now  
estimates.

P.O. TONNA:  
While we're --

163

LEG. FOLEY:  
What was the difference?

P.O. TONNA:  
While we're waiting for Kenny?

LEG. FOLEY:  
Yeah. What was the difference, Fred?

P.O. TONNA:  
Kenny, if you can hear me, please come on up.

LEG. FOLEY:  
Fred, what was the difference?

MR. POLLERT:

They had estimated that the cost was approximately \$3.5 million.  
We're saying that the cost is approximately \$7.5 million.

LEG. FOLEY:

So it's more than double.

P.O. TONNA:

Okay. Kenny?

LEG. HALEY:

Put me on the list, Mr. Chairman.

P.O. TONNA:

Yeah.

LEG. CRECCA:

Mr. Chairman.

P.O. TONNA:

You know what, I'll start preparing a list here. I have Legislator --

LEG. CRECCA:

Crecca.

P.O. TONNA:

No.

LEG. CARACCIOLO:

Caracciolo.

P.O. TONNA:

Caracciolo first, then Legislator Crecca. C, C.

LEG. CARACCIOLO:

We'll get you a new mouth piece.

P.O. TONNA:

Foley, Haley. Okay. Now, Kenny, how are you.

MR. WEISS:

Good.

P.O. TONNA:

Obviously, this is -- this is -- the County Executive has brought this to us for approval. I have to ask the question in anticipation, from a fiscal standpoint, in anticipation of -- you know, first of all, do you agree with Budget Review's estimation that it's 7.5 million versus 3. whatever?

MR. WEISS:

Not exactly.

P.O. TONNA:

Okay. Not exactly. That was a rent-a-car commercial. Can you tell me what you mean by not exactly?

MR. WEISS:

Well, I don't think -- and then I was a little disappointed when earlier the Legislature turned down the payroll personnel system. Because of the payroll personnel system we have, I don't think anybody can accurately calculate what these retroactive costs are. When we pay -- when the Payroll Clerk actually calculates on a manual basis every single person that is affected by this contract, we'll know exactly what the retro amounts are. So there's an amount, it's probably between what I had calculated and what Budget Review Office had calculated, that's going to be the cost of this contract. But putting that aside, there's sufficient money in the -- between the contingency fund and the Sheriff's budget to provide for this contract.

P.O. TONNA:

Is there -- we understand that, because it's the smallest contract out of all of the contracts that have to be settled.

MR. WEISS:

It's not the smallest contract.

P.O. TONNA:

No?

MR. WEISS:

No, it's not the smallest contract, because this is a contract --

P.O. TONNA:

Aggregate dollars-wise, you mean?

MR. WEISS:

-- that's retroactive back to January 1st, 1997, so we had to calculate '97, '98, '99, 2000, 2001. It's a five-year contract.

P.O. TONNA:

Okay.

MR. WEISS:

That's going to all be taken out of the Year 2000 budget.

165

P.O. TONNA:

Okay.

MR. WEISS:

2001 budget, I'm sorry. A lot of the other contracts, even though they may be larger in number of --

P.O. TONNA:

Members.

MR. WEISS:

-- covered members, it will be a one-year or two-year contract.

P.O. TONNA:

Okay. The -- from your -- from your sense, from a budgetary sense, you -- no lights are going off, no warning signs, or anything else like that? As you proceed, the County Executive's Office proceeds to negotiate both with the Correction Officers and with AME, do you feel that what you budgeted will be more than adequate or -- you know, to cover all of these costs?

MR. WEISS:

Well, I think what we budgeted in the contingency fund alone would probably not be sufficient. One of the things we didn't contemplate when we put the budget together was that there was going to be a change in the work schedule, which resulted in a larger payment for 2001, but there will be productivity savings, which will be reflected in a reduction in overtime, and also a reflection in the 110 Account, that -- the permanent salary account.

P.O. TONNA:

Right. So you think that, generally speaking in this area, in dealing with these negotiations and everything, that you take the General Fund, I guess, on the overall, you feel pretty confident that, you know, this is not setting off any warning signs?

MR. WEISS:

Yes. And I think that we would only send over contracts that we believe that we could fund.

P.O. TONNA:

Okay. That's great to hear. Thank you. Okay. Make a copy of that record for me, please.

LEG. CARACCIOLO:

Ken. Ken, don't go away.

P.O. TONNA:

Thank you. I have Legislator Caracciolo.

LEG. CARACCIOLO:

Thank you, Mr. Chairman. I think your question started out with a concern, or at least that's the way I understood it, that there is a contingency fund balance in next year's budget, and that are we in a position where we are beginning to see an acceleration for one

166

bargaining unit that may blow through that amount in a premature manner and not have sufficient funding in place for the other bargaining units. Am I correct in my interpretation of where I think your question was -- started out, anyhow, Mr. Tonna?

P.O. TONNA:

Yeah. I think I just wanted to make sure that they feel pretty comfortable that as the negotiations are going, that, you know, they're going to be able to fund all of this.

LEG. CARACCIOLO:

Okay. I would just point out from an historic perspective, I can recall in years past where the County has negotiated labor agreements and not have any money in any contingency accounts for labor agreements; is that not correct, Mr. Pollert?

MR. POLLERT:

The funding was not included in a contingency account. It's unusual to do it with a contingency account. But in previous years, funding was included in the budget, either as a transfer to capital fund, or in some other area of the budget, which we were aware of. The County has, to the best of my knowledge, not negotiated contracts that did not have a source of funding to pay for them.

LEG. CARACCIOLO:

Okay. But I guess the real question here is perhaps not just a source of funding, but a sufficient source of funding. And I know in years past, particularly in the early '90's, there were significant

differences in what was budgeted in different accounts, so the labor unions and their negotiators could readily identify them and what they actually were successful in negotiating. I think the point I want to make, and I'd like to hear both of you answer, are we in a better position in this budget for next year by virtue of the fact that not only have we put the money in a contingency account, but the money is readily identifiable as to a certain dollar amount that's in that account?

MR. POLLERT:

For fiscal Year 2001, we have made a large provision for salary adjustments, which are clearly identified in the contingency account. If the other unions settle out, as originally anticipated, that account will be overexpended and will require transfers from elsewhere.

LEG. CARACCIOLO:

But that's not atypical, I mean, that's happened almost always in the past.

MR. POLLERT:

Yes, it has happened in the past.

LEG. CARACCIOLO:

Right. Because there's no way for us today to sit here and project what the other seven remaining bargaining units are going to be successful. You need to have an arbitrator that will negotiate it in terms of settlements. So, Mr. Chairman, I think that's an important

-- an important fact to note.

Let me continue. In terms of the -- this agreement, which is a five-year agreement, and what's of interest to note is that this agreement commences in, I believe it's four out of the five years with March the salary increase kicks in, so there's a three-month lag, if you will, in terms of --

MR. WEISS:

Three out of five.

LEG. CARACCIOLO:

Three out of five. There's a cost savings there to the County, and that's unlike anything we've seen in the past in terms of negotiated settlements. So this kind of breaks new ground in that respect.

Also, as I recall, I believe the five-year cumulative compounded cost was 19 --

LEG. HALEY:  
.3.

LEG. CARACCIOLO:  
-- .3%. How does that percentage for five years compare with the other uniform forces in Suffolk County going back to 1997, Mr. Pollert?

MR. POLLERT:  
Clearly, it's less than what the PBA and the SOA have received.

LEG. CARACCIOLO:  
Do you recall what the differential would be?

MR. POLLERT:  
No. I would have to go back to the PBA arbitration award. I don't know.

LEG. CARACCIOLO:  
Ken, do you recall or --

MR. WEISS:  
First of all, this is five years and we've always done four, so --

LEG. CARACCIOLO:  
No, I understand. But if you went back --

MR. WEISS:  
Yeah, yeah.

LEG. CARACCIOLO:  
-- back to 1997

MR. WEISS:  
I'm sorry, I can't.

LEG. CARACCIOLO:  
Okay. I believe -- Dave?

MR. GREENE:

It was four, four, four, four, seven, five, four, six.

LEG. CARACCIOLO:

So on a compounded basis, you're talking about probably 23, 24%, because all of those increases are effective in January of each calendar year.

MR. GREENE:

Yeah. '97, '98, '99, the PBA was awarded four, four and four. The last arbitration gave them four, seven, five for '00, four, six for '01. But --

LEG. CARACCIOLO:

Again, we're in the mid twenties.

MR. GREENE:

Yeah. But in all candor, the Deputy Sheriffs have never tracked the PBA.

LEG. CARACCIOLO:

No, no, no, I understand that.

MR. GREENE:

So I don't want to confuse people.

LEG. CARACCIOLO:

I wasn't trying to make that parallel, I was just trying to make the distinctions, you're talking about one bargaining unit that has a five-year agreement, granted it's retroactive from a much longer term than anyone else in recent memory, but it's a 19.3% versus something substantially higher for the other uniform forces in Suffolk County, and I think that's an important distinction.

Rather than me go through the report, why don't you just summarize for us the other significant portions of this labor agreement from your perspective and on behalf of County taxpayers.

MR. GREENE:

Well, I think the most important piece of this whole agreement, the cornerstone, besides in year one, which is 1997, they get the 4%, which is offset to March 1st. In 1998, it's 3% offset to March 1st. 1999, 3% offset to March 1st. So the County saves about 17% in the retroactivity. And we want to establish the fact that when a contract is delayed for an extended period of time, there will not be full retroactivity and we accomplished that goal. In Year 2000, it's 3% effective January. But the big one is in 2001, where there's a 5% increase, but that's offset by a variety of savings. First of all, we added an additional step. Second of all, we're moving from --

LEG. CARACCIOLO:

Before you go on, starting step is Step 1, then you've added a Step

1A.

169

MR. GREENE:  
Right.

LEG. CARACCIOLO:  
And it's a difference of some 4% versus 8%.

MR. GREENE:  
Right.

LEG. CARACCIOLO:  
Correct?

MR. GREENE:  
But it takes an extra year to get to the stop step and that carries --

LEG. CARACCIOLO:  
And it takes you through the year.

LEG. GULDI:  
-- through your entire career in terms of cash earned -- you know, cash paid. On the change in the work rules is where we accomplished all our savings. We went from a seven-and-a-half hour workday to an eight-hour workday. More or less six-and-two-thirds increase in work. So we've gone from a 75-hour biweekly to an 80-hour biweekly. By going from the one hour unpaid lunch to a half hour unpaid lunch, given the number of Deputy Sheriffs who get paid time-and-a-half for missed meals, we should save approximately \$600,000.

LEG. CARACCIOLO:  
Per year.

MR. GREENE:  
Per year. When we went from a 75-hour divisor, which, as we well know, your hourly rate is determined by your biweekly divided by number of hours you work. By going from 75 to 80 hours as a biweekly, in the last year of the contract, their hourly wages drop a percent-and-a-half compared to the previous year, so we save an additional percent-and-a-half. That saves us approximately 200,000, maybe a little bit more. In addition, you're getting the half hour per employee per day, which comes to approximately 17 extra man days of work per employee.

Now, Under-Sheriff Kearon, when he was in front of your committee, said it doesn't really save any money. I don't understand how when you have 17 more man days per employee you can't save money, but that's something your committee will have to take up with the Under-Sheriff at some point.

So what we've done, quite frankly, is we've turned around history. At this point in time, I know of no union, particularly uniform forces, where you have an increase in your work week, a decrease in your meal allowances all in one time.

LEG. CARACCIOLO:  
And the deferral in your salary increase.

170

MR. GREENE:  
Deferral in the salary, plus an additional step, which really is where we're going to get all our savings.

LEG. CARACCIOLO:  
One of the issues again, going back to the first question raised by the Presiding Officer about why there is a difference of opinion as to what this contract will actually cost, since it is a retroactive agreement, it takes into account the current work schedule where Deputy Sheriffs did, in fact, have that one-hour meal period, which now, when you go back and you adjust for retroactivity, kicks in in a significant way the retroactive cost.

MR. GREENE:  
It won't affect the retroactivity.

LEG. CARACCIOLO:  
Well, to some degree it will.

MR. GREENE:  
It only kicks in January 1st. The new work rules go effect -- come into effect this coming January 1st. Assuming this is ratified today, January 1st, everyone who was working seven-and-a-half day with an hour unpaid lunch will now work eight-hour day with a half hour unpaid lunch.

LEG. CARACCIOLO:  
No, I'm talking about retroactivity.

MR. GREENE:  
It won't touch the retroactivity.

LEG. CARACCIOLO:  
Okay.

MR. GREENE:  
It's only prospectively.

LEG. CARACCIOLO:  
Then, Fred, how did -- how did you calculated almost \$3 million more than the projected forecast for this agreement?

MR. POLLERT:  
What we did is we went to the W-2 forms to do the retroactivity of all the Deputy Sheriffs and we calculated out what the cost would be for the salary increases as it impacted both overtime as well as the holiday pay. The County Executive's Office just looked at the base salary without the holiday pay and the overtime, which are two very significant factors with respect to the Deputy Sheriffs. So, again, using the W-2 forms, that was the most accurate data base that we could come up with. You know, irrespective of whether or not we have a new payroll system or not, we should be able to fairly precisely target what the retroactivity will be.

171

LEG. CARACCIOLO:  
All right. In this case, you're dealing with 223, 230 employees. In terms of that automated payroll system, where you're dealing with maybe an organization like AME and you have six, seven thousand County employees, that's another reason why perhaps, before this meeting is out, we should go back and reconsider that resolution; would you not agree, Mr. Pollert?

MR. POLLERT:  
That's clearly up to the Legislature. But as I had said, the Budget Review Office did support purchasing a new payroll personnel system.

LEG. CARACCIOLO:  
Okay.

MR. POLLERT:

If the funds are not appropriated this year, there are funds included in the 2001 Operating Budget which can be appropriated for the purchase of the system.

LEG. CARACCIOLO:

Ken, did you want to just respond to that same issue of the difference between your calculation of 4 1/2 million versus Budget Review's?

MR. WEISS:

Well, first of all, the Budget Review Office is portraying my estimate totally wrong. The amount of money coming out of the contingency fund is \$3 1/2 million. We also had money in the contingency fund for holiday and vacation pay, which was separate. We also had -- we projected savings from the 110 and the 112. Again, when we prepared the budget, we weren't anticipating -- first of all, we weren't anticipating it 2001, we were anticipating a four-year contract, running from 1997 to the end of 2000 so 2001 was something we had to deal with.

LEG. CARACCIOLO:

Okay. So, then, let me cut to the chase. In the aggregate, what is the difference between your total calculation for the cost of this agreement and Budget Review's?

MR. WEISS:

They're probably closer to \$2 million, from what I'm -- from what I gather from reading the BRO report.

LEG. CARACCIOLO:

And that would be as a result of Budget Review actually going the extra step and looking at W-2's to make a calculation, as opposed to the means that you had at your disposal.

MR. WEISS:

Well, that's true, but I don't think looking at the W-2's is going to get them an accurate calculation. The calculation of overtime is a little bit different than I think just taking the W-2's and multiplying it by a percentage.

LEG. CARACCIOLO:

So do you think it will be less than the \$7 1/2 million?

MR. WEISS:

I said it's going to be somewhere between -- somewhere in the middle between what they think and what I think, but you're not going to know until it's done, so --

LEG. CARACCIOLO:

Thank you

LEG. CARACAPPA:

Paul, you're up.

LEG. CRECCA:

I think I was up next.

P.O. TONNA:

Okay. Legislator Crecca, Foley and Haley.

LEG. CRECCA:

I just wanted to -- a lot of what I was going to say was already said, so I'll be -- try to be brief. But just reminding my fellow Legislators that this is a five-year contract, obviously, and that the reason that there's such heavy costs is because we're paying back to 1997. Overall, I think that it's a good contract, I think it's -- certainly, it's fair, and I think that the County's getting a lot back in exchange for the salary increases. And I'd just urge my fellow Legislators to approve this tonight. They've waited long enough.

P.O. TONNA:

Legislator Crecca, you still have the floor?

LEG. CRECCA:

Oh, no, I'm done.

P.O. TONNA:

You're done. Legislator Foley. Legislator Haley, why don't you go, and, Legislator Foley, you have the floor after Legislator Haley.

LEG. HALEY:

I just have a comment.

LEG. CARPENTER:

Put me on the list, please.

LEG. HALEY:

You know, I have every intention of supporting this particular contract, but, Dave, I know you appreciate the fact that you've managed to bring percentages in less than what you normally do to other uniforms, but I would hope some day, and even though it's a percentage of a lesser amount, do you think that somewhere down the line we could perhaps give them the percentages that they so richly deserve? And that's something at least equitable with the other uniform --

MR. GREENE:

Well, let me be real blunt. First of all, the County has never been able to conclude negotiations with PBA, these were arbitrated awards. And second of all, so we're all clear on this point, the bargaining history is not between the Deputy Sheriffs and the PBA, it's between the Deputy Sheriffs and the Correction Officers. There's a long inextricably intertwined history where the salary increases have been, for the most part, virtually identical. So if the County now to say that the Deputy Sheriffs should be considered as or on par with the PBA, I think you better go back and look in your budget for another 10 or 15 million in a hurry.

LEG. HALEY:

Dave, I said that that was my opinion.

MR. GREENE:

Well, I'm giving you my opinion.

LEG. HALEY:

It was only a statement.

MR. GREENE:

Because what it does --

LEG. HALEY:

Keep it up, Dave, we'll give them 15-year retirement.

MR. GREENE:

Marty, in all due respect, we do not want to wind up, again, in some arbitration where they take out transcripts and they say the County has taken the position that the Deputy Sheriffs are inextricably linked with the PBA. Then we spend half the arbitration debunking that theory. You have to look at the overall --

LEG. HALEY:

If you'd stay away from the arbitration, Dave, we wouldn't have that problem.

MR. GREENE:

We did, and look at the contract you just got.

LEG. CARACAPPA:

Legislator Foley, you're up.

LEG. HALEY:  
Next.

LEG. FOLEY:  
I'll pass.

LEG. CARPENTER:  
He passed.

LEG. HALEY:  
Let's vote.

174

P.O. TONNA:  
Okay. No. Legislator Carpenter.

LEG. CARPENTER:  
I basically think, I don't know if it's already been said, but that the Deputy Sheriffs need to be commended for their patience through this whole process, because it was an inordinately long, protracted amount of time, and throughout the whole process, the Deputy Sheriffs and those representing them, their leadership, have been very professional and very patient.

LEG. CARACAPPA:  
Roll call.

P.O. TONNA:  
Yeah. Is there anybody else who would like to speak on this issue? Okay. I would ask, all Legislators, please come to the horseshoe. I see two sitting in the crowd, but I think we're still missing a few, right?

LEG. CARACAPPA:  
That's it.

P.O. TONNA:  
That's it? Legislator Levy, Legislator Alden. George, you want to sit there and just relax? Okay.

LEG. GULDI:  
I'll try.

P.O. TONNA:  
All right. I'm going to wait two more seconds. Legislator Alden is here. Let's just wait for Legislator Levy.

MR. BARTON:  
Do you want me to start?

LEG. HALEY:  
Levy is out of the room.

LEG. CARACCIOLO:  
He's going to Albany, Paul.

P.O. TONNA:  
Okay. Roll call.

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

LEG. CARACAPPA:  
Yes.

LEG. CARACCIOLO:  
Yes.

P.O. TONNA:  
Where is Legislator Levy?

175

LEG. COOPER:  
Yes.

LEG. BINDER:  
Yes.

LEG. BISHOP:  
Yes.

LEG. D'ANDRE:  
Yes.

LEG. CRECCA:  
Yes.

LEG. CARPENTER:

Yes.

LEG. ALDEN:  
Yes.

LEG. FIELDS:  
Yes.

LEG. FOLEY:  
Yes.

LEG. HALEY:  
Yes.

LEG. TOWLE:  
Yes.

LEG. GULDI:  
Yes.

LEG. LEVY:  
Yes.

LEG. TONNA:  
Yes.

MR. BARTON:  
16, 2 not present. (Absent: Legs. Postal and Fisher)

P.O. TONNA:  
Okay.

LEG. HALEY:  
That a boy.

LEG. CARACAPPA:  
Mr. Chairman.

P.O. TONNA:  
There we go. Let me guess, you want to take out of order --

LEG. CARACAPPA:

Yes, sir.

P.O. TONNA:

-- Number 2249 (Authorizing the County Executive to execute an agreement with the Guild of Administrative Officer's, Suffolk County Community College, covering the terms and conditions of employment for employees covered under Bargaining Unit No. 4 for the period September 1, 2001 through August 31, 2002). I'll second that. All in favor? Opposed? It's in front of us. Motion to approve by Legislator Haley, seconded by Legislator Towle. Okay. Do we have any questions? All right. Fred, can you just give us a summary what's going on here?

MR. POLLERT:

The Budget Review Office did not do a report on this contract.

P.O. TONNA:

Okay. Do you know the aggregate amount, what we're talking about, percentages, anything?

LEG. HALEY:

Two percent each year over three years?

MR. BREEDEN:

One year.

LEG. HALEY:

One year at 2% increase.

LEG. BINDER:

It's a continuation of the current contract.

LEG. CARACCIOLO:

Yeah.

P.O. TONNA:

All right. Continuation of the current contract?

LEG. HALEY:

Two percent.

P.O. TONNA:

All right.

LEG. CARACCIOLO:

Mr. Weiss, could you tell us what the financial impact of this agreement is?

MR. WEISS:

We believe it's about \$40,000.

LEG. CARACCIOLO:

\$40,000, okay?

P.O. TONNA:

Okay, great. Motion to approve, seconded. All in favor? Opposed?  
Approved.

MR. BARTON:

16, 2 not present. (Absent: Legs. Postal and Fisher)

P.O. TONNA:

All right.

LEG. CARPENTER:

Merry Christmas.

LEG. FOLEY:

Ways and Means.

P.O. TONNA:

Legislator Levy, I'd ask that you take over -- you know, start with  
Page 8.

D.P.O. LEVY:

I will. And I would just let anyone in the audience know that if  
you're hungry, there is a new vending machine outside. If you go out  
to the left, it's right in there. Thank you, Leslie, and Charlie  
Bartha, wherever you would be. And I hope somewhere down the line it  
can be the Steve Levy Memorial.

LEG. FOLEY:

We're going to put a plaque in that room.

LEG. TOWLE:

Procedural motion to name those machines after Legislator Levy.

LEG. CRECCA:

Second.

LEG. FOLEY:

The room is going to be -- the room will be the Steve Levy concession  
room.

LEG. LEVY:

There we go.

LEG. CARACCIOLO:

Steve. Steve, do you want the proceeds to go to Albany?

LEG. LEVY:

The Tahiti Fund would be much better, thank you. Okay. Give me the gavel.

LEG. BINDER:

Campaign reform.

P.O. TONNA:

Legislator Levy, we're in Ways and Means, and I would ask that --

178

LEG. LEVY:

I need the gavel.

P.O. TONNA:

-- you'd do some of this for me.

LEG. LEVY:

Okay, I'll do some of this.

[SUBSTITUTION OF STENOGRAPHER - ALISON MAHONEY]

D.P.O. LEVY:

WAYS & MEANS:

1742-00 - (Authorizing the County Department of Public Works to implement Truth and Honesty Reporting Policy for use of County vehicles (Towle).

LEG. TOWLE:

Motion.

LEG. CARACCIOLO:

Explanation.

D.P.O. LEVY:

We have a motion by Legislator Towle. Do we have a second?

LEG. CARACCIOLO:

Commissioner Bartha, could you come up please?

D.P.O. LEVY:  
We have a second by who? Legislator Tonna.

LEG. BISHOP:  
No, no, no. Why do we have to have --

LEG. CARACCIOLO:  
Cause we're not on the committee and we don't have the information that possibly you have.

D.P.O. LEVY:  
This is 17 vehicles that are being asked to be removed --

LEG. BISHOP:  
Legislator Caracciolo --

D.P.O. LEVY:  
Wait, hold on.

LEG. BISHOP:  
Can't we just get an explanation from Counsel before you delve into the, you know --

LEG. CARACCIOLO:  
Well, the commissioner was rising to speak so I thought I --

179

D.P.O. LEVY:  
All right. There's been a request, we'll always entertain the request for counsel to explain the bill then we'll go to Mr. Bartha.

LEG. BISHOP:  
Do we have to go to Mr. Bartha?

D.P.O. LEVY:  
If it's a request from a Legislator.

LEG. CARACCIOLO:  
Counsel, just a brief explanation.

D.P.O. LEVY:  
Paul withdrew the second. Do we have a second? Okay, what I will do is make a motion to table.

LEG. HALEY:

Second.

D.P.O. LEVY:

Second the motion to table. Just for the record, this is a resolution from Legislator Towle to remove seventeen vehicles that did not conform to the 1998 law which required that vehicles be removed from those County employees who have more commuting mileage than business related mileage. Since then, Mr. Bartha provided some documentation --

LEG. GULDI:

I thought we were going to hear from Counsel.

LEG. BISHOP:

Yeah.

D.P.O. LEVY:

Well, there's a motion to table now, so that's why I'm seconding the motion to table. So there's a seconding on the tabling. Do you want to explain, Paul, anything further?

LEG. CARPENTER:

No.

MR. SABATINO:

It would terminate 17 and also prohibit the assignment of 46 vehicles to those individuals who fail to file any paperwork with regard to mileage.

D.P.O. LEVY:

It was Legislator Towle with the motion to table.

MR. BARTON:

Thank you.

D.P.O. LEVY:

I seconded it.

LEG. HALEY:

I seconded it.

LEG. GULDI:

The sponsor made a motion to table?

LEG. TOWLE:

We're not going to debate it now, we spent two hours debating --

LEG. CARACCIOLO:

No, I mean, I just wanted to know what it did, that's all.

LEG. HALEY:

Second.

LEG. FOLEY:

There's a tabling motion, Mike.

D.P.O. LEVY:

Okay. In favor? Opposed? It's tabled.

MR. BARTON:

16, two not present (Not Present: Legislators Postal & Fisher).

D.P.O. LEVY:

I would just make a note for the record that there's a resolution in the packet which I introduced, I obviously won't be here, if somebody wants to carry it. It would call for County employees to pay back the County for mileage. Okay? There we go.

LEG. HALEY:

Is that your parting gift?

D.P.O. LEVY:

My parting gift. Okay,

LEG. BISHOP:

Was that vote on tabling? I am opposed to tabling.

D.P.O. LEVY:

Okay. Resolution 1825-00 - Amending the Suffolk County Classification and Salary Plan and the 2000 Operating Budget in connection with a new position in the Department of Public Works (Chief Engineer/Facilities) (County Executive). This increases a grade from 34 to 36.

LEG. CARACAPPA:

Motion.

LEG. HALEY:

Second.

D.P.O. LEVY:

We have a motion by Legislator Caracappa, second by Legislator Haley. Any discussion? There being none, in favor? Opposed? Motion carries.

MR. BARTON:  
16, two not present (Not Present: Legislators Postal & Fisher).

D.P.O. LEVY:  
1054, a Charter Law to --

LEG. CARPENTER:  
2054.

D.P.O. LEVY:  
2054-00 - (Adopting Local Law No. 2000, a Charter Law to require fair market value for disposition of surplus County vehicles (Levy).  
Motion by myself.

LEG. TOWLE:  
Explanation.

D.P.O. LEVY:  
Second by Legislator Foley.

LEG. FOLEY:  
No, I'm not going to.

LEG. HALEY:  
Me for the purpose of defeat.

D.P.O. LEVY:  
What?

LEG. HALEY:  
Can I second it for the purpose of defeat?

D.P.O. LEVY:  
Sure, Legislator Haley seconds. By way of explanation, this is the bill to counter us putting forth resolutions giving away the vehicles for \$200 and the idea would retreat all the vehicles the same throughout each district, that is you'd go by the fair market value.

LEG. TOWLE:  
Who determines the fair market value?

D.P.O. LEVY:  
The same people who determine it now, the people who are doing the appraisers and the auctions.

LEG. TOWLE:

You answered my question. Thank you. Roll call.

LEG. CARACAPPA:

Motion to table.

LEG. FOLEY:

Second.

182

D.P.O. LEVY:

Motion to table by Legislator Caracappa --

LEG. CRECCA:

I'll second it.

D.P.O. LEVY:

-- second by Legislator Foley. On the motion, I'd like to ask Paul --  
Fred. Fred, do you -- I believe you prepared a memo a while ago  
regarding the amount of revenue that we derive from --

LEG. BISHOP:

Motion to table.

LEG. CRECCA:

There is, there's already a motion to table, I seconded it.

D.P.O. LEVY:

-- from these auctions.

MR. POLLERT:

Yes, we did prepare a memoranda but I don't recall exactly how much  
money we get from the auctions offhand.

D.P.O. LEVY:

Would you please have the memo distributed to all the Legislators for  
the next meeting? We have a motion to table --

LEG. CRECCA:

I seconded it.

D.P.O. LEVY:

We have a second. Roll call.

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

LEG. CARACAPPA:  
Yes.

LEG. FOLEY:  
Yes.

LEG. COOPER:  
Yes.

LEG. BINDER:  
Yes.

LEG. BISHOP:  
No.

LEG. D'ANDRE:  
Yes.

LEG. CRECCA:  
Yeah.

183

LEG. CARPENTER:  
Yes.

LEG. ALDEN:  
Yes.

LEG. FIELDS:  
Pass.

LEG. HALEY:  
Yes.

LEG. TOWLE:  
Yes to table.

LEG. GULDI:  
Yes.

LEG. CARACCIOLO:  
Yes.

D.P.O. LEVY:  
No.

P.O. TONNA:  
Pass.

D.P.O. LEVY:  
It doesn't matter, it's a motion to table.

LEG. FIELDS:  
No.

LEG. GULDI:  
Motion to table with 13 votes.

P.O. TONNA:  
Yes to table.

MR. BARTON:  
Okay. 13; good counting, George.

D.P.O. LEVY:  
2056-00 - Authorizing the sale of County-owned Real Estate pursuant to  
Section 215, New York State County Law to Henry M. Letcher (Guldi).  
Motion by --

LEG. FOLEY:  
George, it's yours.

LEG. GULDI:  
Motion to approve.

D.P.O. LEVY:  
-- Legislator Guldi, seconded by Legislator Carpenter. Counsel, did  
this meet the criteria?

LEG. CARPENTER:  
It's a sale.

D.P.O. LEVY:  
It's a 215.

LEG. CARPENTER:  
Well, it got out of committee, didn't it?

D.P.O. LEVY:  
2050 -- I'm sorry, somebody was asking me a question.

D.P.O. LEVY:  
It doesn't mean it fit the criteria though.

MR. SABATINO:  
2056 was -- yes, this person took some time to get the documentation but finally submitted it, yes.

D.P.O. LEVY:  
We have a motion, we have a second. In favor? Opposed? Motion carries.

MR. BARTON:  
16, two not present (Not Present: Legislators Postal & Fisher).

D.P.O. LEVY:  
2197-00 - Rescinding Adopted Resolution No. 1292-1999, 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. 0900-306.00-03.00-010.000 (Item No. 804721.00) pursuant to Section 40-D of the Suffolk County Tax Act (County Executive).

LEG. BINDER:  
Motion.

D.P.O. LEVY:  
This is an erroneous -- a Certificate of Abandonment that was erroneously authorized. We have a motion.

LEG. CARPENTER:  
Second.

LEG. GULDI:  
Hold on, hold on.

LEG. CARACAPPA:  
Southampton.

D.P.O. LEVY:  
Southampton.

LEG. GULDI:

What was the vote -- this is the one I voted against in committee, is it not, it's in my district, this is a piece of parkland?

D.P.O. LEVY:

Explanation by Counsel.

MR. SABATINO:

No, this was one where a previous resolution erroneously granted a Certificate of Abandonment. What was explained at the committee was that because of that error we needed to reverse that. I don't recall --

LEG. GULDI:

So we're unabandoning a parcel.

MR. SABATINO:

Yes, because -- the explanation that was made at the committee was that the original Certificate of Abandonment should not have been granted.

LEG. GULDI:

Oh yeah, but the original Certificate of Abandonment has not been filed or recorded or delivered so we can still do this. Yeah, motion to approve.

D.P.O. LEVY:

Motion to approve by Legislator Guldi, second by Legislator Carpenter. In favor? Opposed? Motion carries.

LEG. BINDER:

There you go.

MR. BARTON:

16, two not present (Not Present: Legislators Postal & Fisher).

D.P.O. LEVY:

2223-00 - Authorizing waiver of interest and penalties for property tax for Antoinette Becht (SCTM No. 0200-403.00-08.00-021.000) (Towle). Counsel, did it meet --

LEG. TOWLE:

Motion.

LEG. CARACAPPA:

Second.

MR. SABATINO:  
Yes, this person submitted documentation.

D.P.O. LEVY:  
Motion by Legislator Towle, second by Legislator Caracappa. In Favor?  
Opposed? Motion carries.

MR. BARTON:  
16, two not present (Not Present: Legislators Postal & Fisher).

186

D.P.O. LEVY:  
2228-00 - Authorizing certain technical corrections to adopted  
resolution No. 900-2000 (Alden).

LEG. BISHOP:  
Motion.

D.P.O. LEVY:  
We have same motion, same second, same vote.

MR. BARTON:  
16, two not present (Not Present: Legislators Postal & Fisher).

D.P.O. LEVY:  
2272-00 - Authorizing waiver of interest and penalties for property  
tax for John and Margaret Pitta (SCTM No. 0400-090.00-03.00-044.000)  
(Cooper). Same motion, same second. Paul, did it fit the criteria?

LEG. CARACCIOLO:  
Yes.

MR. SABATINO:  
Yes, this one got an actual document from the town admitting the  
error.

LEG. CARPENTER:  
Frame it.

D.P.O. LEVY:  
In favor? Opposed? Motion carries.

MR. BARTON:  
16, two not present (Not Present: Legislators Postal & Fisher).

D.P.O. LEVY:  
Energy & Environment:  
2064-00 - Directing County Department of Public Works to undertake  
study of emission standards for County vehicles (Towle).

LEG. TOWLE:  
Motion.

LEG. GULDI:  
Second.

LEG. CARACCIOLO:  
On the motion.

D.P.O. LEVY:  
Motion by Legislator Towle, second by Legislator Guldi.

LEG. CARACCIOLO:  
Commissioner Bartha?

LEG. TOWLE:  
Oh, Mike --

187

LEG. CARACCIOLO:  
I just want to know if the Commissioner supports this resolution.

LEG. TOWLE:  
Of course he does.

COMMISSIONER BARTHA:  
We have a study that's been funded and is under way that we can  
extract parts of that study which will satisfy this resolution.

LEG. CARACCIOLO:  
So do you feel this is duplicative?

COMMISSIONER BARTHA:  
Not significantly, we can do this without a big deal. We are --

LEG. CARACCIOLO:  
Thank you.

D.P.O. LEVY:  
Wait, wait. Charlie, were you saying that you want the money or you

don't need the money?

COMMISSIONER BARTHA:

No, there's no money provided in this resolution.

D.P.O. LEVY:

Okay. All right, so you're going to be able to conduct it with the money that you have.

COMMISSIONER BARTHA:

That's it.

D.P.O. LEVY:

Okay. We have a motion, we have a second. In favor? Opposed? Motion carries.

MR. BARTON:

16, two not present (Not Present: Legislators Postal & Fisher).

D.P.O. LEVY:

Economic development & Education:

2240-00 - Accepting and appropriating an amendment to the College Budget for a grant award from the State University of New York for a SUNY Child Care Program 100% reimbursed by State funds at Suffolk County Community College (County Executive).

LEG. FOLEY:

Motion.

D.P.O. LEVY:

Motion by Legislator Foley, second by Legislator Haley. In favor? Opposed? Motion carries.

MR. BARTON:

16, two not present (Not Present: Legislators Postal & Fisher).

D.P.O. LEVY:

2241-00 - Accepting and appropriating an amendment to the College Budget for a grant award from the New York State Education Department for a Liberty Partnerships Program 100% reimbursed by State funds at Suffolk County Community College (County Executive). Same motion, same second, same vote.

MR. BARTON:

16, two not present (Not Present: Legislators Postal & Fisher).

D.P.O. LEVY:

2242-00 - Accepting and appropriating an amendment to the College Budget for a grant award from the Hudson Valley Community College for a Verizon/Next Step Program 100% reimbursed by State funds at Suffolk County Community College (County Executive). Same motion, same second, same vote for 2242.

MR. BARTON:

16, two not present (Not Present: Legislators Postal & Fisher).

D.P.O. LEVY:

We go to 2237 in Budget:

2237-00 - Implementing improvements to Little East Neck Road and Van Bourgondien Park (Town of Babylon) (Bishop).

LEG. BISHOP:

Motion.

LEG. FIELDS:

Second.

LEG. CARPENTER:

Second.

D.P.O. LEVY:

Motion by Legislator Bishop, second by Legislator Carpenter. Any discussion? In favor? Opposed? Carried.

MR. BARTON:

16, two not present (Not Present: Legislators Postal & Fisher).

LEG. BISHOP:

Mr. Clerk, please withdraw 2034 which was earlier tabled subject to call.

MR. BARTON:

Okay.

D.P.O. LEVY:

2269-00 - Amending the 2000 Operating Budget and transferring funds for two Capital Projects (CP 7510.327) (Bishop).

LEG. BISHOP:  
Motion.

P.O. TONNA:  
Second.

LEG. CARPENTER:  
Second.

D.P.O. LEVY:  
We have a motion, we have a second.

LEG. CRECCA:  
Explanation.

D.P.O. LEVY:  
Explanation requested by Legislator Crecca; Counsel or sponsor.

LEG. BISHOP:  
I think I can do it. These are two land purchases that were included in the Omnibus. They were not completed by this date which means they probably will not be done by the end of the year, therefore I'm preserving the projects by moving the money into the Capital Budget.

D.P.O. LEVY:  
In favor? Opposed? Motion carries.

MR. BARTON:  
16, two not present (Not Present: Legislators Postal & Fisher).

D.P.O. LEVY:  
2273-00 - Amending the 2000 Operating Budget and transferring funds for Market Study of Hotel Rooms in Suffolk County (CP 6504.110) (Carpenter).

LEG. BISHOP:  
Motion.

LEG. CARPENTER:  
Second.

D.P.O. LEVY:  
We have a motion by Legislator Carpenter, second by Legislator Bishop. Just a question, is there a price tag associated?

LEG. BISHOP:

Same thing.

LEG. CARPENTER:  
Same explanation.

MR. SABATINO:  
Twenty-five thousand but the same idea, to save the money.

190

D.P.O. LEVY:  
You don't have a problem with that, Legislator Caracciolo, do you, spending money on that study? Okay. In favor? Opposed?

MR. BARTON:  
16, two not present (Not Present: Legislators Postal & Fisher).

D.P.O. LEVY:  
Motion carries. 2277.

LEG. BISHOP:  
Motion; 79, rather.

D.P.O. LEVY:  
2279-00 - Amending the 2000 Operating Budget and transferring funds for a "Shop in Suffolk and Save" Advertising Program, construction of docks at Southaven Park, purchase of communications equipment for American Red Cross (CP's 6505.110, 7108.310, 3226.510) (Alden). We have a motion by Legislator Bishop. Second by?

LEG. TOWLE:  
Second.

LEG. GULDI:  
On the motion, what are these?

D.P.O. LEVY:  
Legislator Towle.

LEG. GULDI:  
On the motion. Where's my mike? Can I have one of these? Thank you. Why is the -- why are we consolidating three disparate programs in one piece of legislation?

LEG. BISHOP:  
Because they're probably --

LEG. GULDI:  
We've got 50,000 --

LEG. BISHOP:  
They're all Legislator Alden's Operating Budget initiatives that were not completed by the end of the year and he's preserving the programs by moving them to the Capital Budget.

LEG. TOWLE:  
Two are mine.

LEG. GULDI:  
I see. Two are Legislator Towle's and one is Legislator Alden's.

LEG. BISHOP:  
All right. Well --

191

LEG. GULDI:  
And we're putting them in one bill --

LEG. BISHOP:  
Probably because the filing deadline passed.

LEG. GULDI:  
Because the bill was in.

LEG. BISHOP:  
Right.

LEG. GULDI:  
I got it, okay.

LEG. ALDEN:  
It's to conserve, conserve time and energy.

D.P.O. LEVY:  
Just to explain my vote on the record, I was opposed to the Suffolk Shop and Save resolution which I thought was and an unnecessary

expenditure of money. So I'll just oppose it for that reason but not for the other projects. In favor? Opposed? Mark me in opposition.

MR. BARTON:

15-1, two not present (Not Present: Legislators Postal & Fisher).

LEG. BISHOP:

Ah, here's the big vote of the day, 2239.

D.P.O. LEVY:

Public Safety:

2239-00 - Establishing Pet Safe Program to provide temporary shelters for pets of domestic violence victims in Suffolk County (Cooper).

LEG. COOPER:

Motion.

D.P.O. LEVY:

Motion by Legislator Cooper.

LEG. GULDI:

Can we filibuster on this?

D.P.O. LEVY:

Is there a second on this?

LEG. BISHOP:

Maybe the sponsor can tell us how many incidents --

D.P.O. LEVY:

Is there a second?

LEG. HALEY:

Second.

D.P.O. LEVY:

Second by Legislator Haley. On the motion, we have Legislator Fields.

LEG. FIELDS:

When the public was here before they asked a question about when there is a domestic violence situation and there is -- there are two people involved, how do you determine who owns -- who's dog it is, the

husband's or the wife's or the partner or the partner?

LEG. BISHOP:

The presumption is the natural mother.

D.P.O. LEVY:

Was that a question to the sponsor or to Counsel? Jon, did you hear the question? Do you want to answer that, please?

LEG. FIELDS:

It was directed at the sponsor.

LEG. COOPER:

The decision would be made either by the police officer called to the scene or by the domestic violence service provider.

LEG. BINDER:

Is that in the bill?

D.P.O. LEVY:

That's tough. It's a good question.

LEG. BISHOP:

Long overdue.

LEG. D'ANDRE:

Move the bill, Mr. Chairman. Move the bill.

LEG. CRECCA:

Yeah, move the bill.

D.P.O. LEVY:

All right. In favor? Opposed? Motion carries.

MR. BARTON:

16, two not present (Not Present: Legislators Postal & Fisher).

D.P.O. LEVY:

2245 --

LEG. D'ANDRE:

Cosponsor.

LEG. CRECCA:

I think I'm already down, Henry. If not, put me down.

LEG. CARACCIOLO:

Keep moving, keep moving, come on.

D.P.O. LEVY:

-- accepting and appropriating \$190,000 made available by the New York State Division of Criminal Justice Services for the Suffolk County Police Department Wyandanch Targeted Enforcement II Program with 75% support (County Executive).

LEG. BISHOP:

Motion.

D.P.O. LEVY:

Motion by Legislator Tonna, second by -- no, let's make that Legislator Binder, second by Bishop. In favor? Opposed? Motion carries.

MR. BARTON:

16, two not present (Not Present: Legislators Postal & Fisher).

D.P.O. LEVY:

Social Services:

2257-00 - Approving the appointment of Danny J. Hickey as Commissioner of the Suffolk County Department of Social Services (County Executive).

LEG. BINDER:

Motion.

D.P.O. LEVY:

Same motion, same second.

LEG. D'ANDRE:

I'll make that motion.

LEG. CRECCA:

And I'll second it.

D.P.O. LEVY:

We have same motion, same second, same vote.

MR. BARTON:

16, two not present (Not Present: Legislators Postal & Fisher).

LEG. CRECCA:

Congratulations, Commissioner.

LEG. HALEY:

You waited here for nothing.

LEG. D'ANDRE:  
Mr. Chairman? Where's Mr. Chairman?

D.P.O. LEVY:  
I think we have a speech coming on by Legislator D'Andre.

194

LEG. D'ANDRE:  
Wait a minute, Danny. Mr. Chairman?

P.O. TONNA:  
Legislator D'Andre.

LEG. D'ANDRE:  
This has been a long road. This Commissionship finally came back to  
Smithtown where it has been for many, many years.

LEG. CARPENTER:  
Aaaw.

LEG. BINDER:  
Motion to reconsider.

D.P.O. LEVY:  
All right. Thank you, all.

LEG. BISHOP:  
That's how we make social policy.

LEG. D'ANDRE:  
And we're very happy that we got this Commissionship back. Danny, I  
wish you a lot of luck. Be good to those people, take care of my safe  
haven bill and all the rest that goes with it.

LEG. CRECCA:  
Congratulations, Dan.

LEG. D'ANDRE:  
Thank you and congratulations, Danny.

CHIEF DEPUTY COMMISSIONER HICKEY:  
I just want to thank Bob Gaffney and Paul Tonna and everybody, I look

forward to working with you. Thank you very much.

LEG. BISHOP:  
There you go.

D.P.O. LEVY:  
Health:

2187 in health, approving the Vector Control Plan of the Department of Public Works Division of Vector Control pursuant to Section C8-4(B)B2 of the Suffolk County Charter (County Executive). Do we have a motion?

LEG. FIELDS:  
Motion to table.

LEG. CRECCA:  
Motion to approve.

LEG. FOLEY:  
Second the tabling motion.

195

LEG. FIELDS:  
Motion to table.

D.P.O. LEVY:  
We have a motion to table by Legislator Fields which takes precedence, second by Legislator Foley.

LEG. D'ANDRE:  
Why do you want to table it?

D.P.O. LEVY:  
On this motion, any discussion? Legislator Fields.

LEG. TOWLE:  
Mr. Chairman?

LEG. FIELDS:  
Yes. I have placed in front of all the Legislators a document provided by the New York State Department of Environmental Conservation which goes into four pages of comments that they provided after having two meetings with the Health Committee. And I would bring your attention to number one and about six sentences from the

bottom, that "Suffolk County Vector Control currently has four outstanding notices of violation of Article 25. These instances" -- and it goes on, "These instances were most likely due to lack of appropriate training for field staff. Improved training could significantly reduce the potential for similar violations in the future." Then you go down to number two, the last sentence, "This work plan lacks a detailed presentation of the strategy."

There are several items that go throughout this four page document and I would think that the experts are saying that they're not completely happy with the plan and I would ask that this get tabled one more time so that Dominick Ninivaggi has an opportunity to address these and change it --

LEG. GULDI:

Shouldn't this be done in committee, shouldn't this be recommitted?

LEG. CRECCA:

I'll --

LEG. CARACAPPA:

Please, don't do that to me.

LEG. CRECCA:

We had five hours at least of -- about five hours of testimony in committee on this already.

D.P.O. LEVY:

Well, we've got a motion to table. Is there a request for --

LEG. CRECCA:

I asked to speak on the motion.

D.P.O. LEVY:

Yeah. No, I'm not cutting you off.

LEG. CRECCA:

Oh, okay.

D.P.O. LEVY:

I'm just asking, Legislator Fields, were you asking for statements or just -- are you done with your -- were you asking for someone to make

statements at the podium?

LEG. FOLEY:

No.

LEG. FIELDS:

No, I was pointing out a document received from New York State Department of Environmental Conservation.

LEG. FOLEY:

Mr. Chairman, if I may.

D.P.O. LEVY:

Legislator Towle.

LEG. FIELDS:

And it tells us more or less not to approve the plan.

D.P.O. LEVY:

Okay, Legislator Towle is next.

LEG. TOWLE:

Mr. Chairman, I was going to suggest that since we're probably going to have some debate on this, why don't we pass this one over and try to finish the agenda?

D.P.O. LEVY:

The only problem with that, Fred, it's a good though, but we inevitably come up to something else that's going to lead to debate, too. And then, you know, it's an important issue we're going to have to deal with anyway, we might as well get it over with. Legislator Crecca?

LEG. CRECCA:

Yeah. I would just point out, too, we all received a letter from the Department of Health, the New York State Department of Health saying that they've reviewed the plan and they look forward to working with Suffolk County and that they approve of the plan also. I would just also, for my fellow Legislators who were not in the Health Committee, we had approximately five hours of question and answers, I think it was actually more, posed before the Commissioner, Dominick and other experts from Vector Control, as well as Public Works, there was extensive testimony. I think that the plan really has the support of the experts. I disagree, respectfully, with the Chairwoman of the Health Committee and I would urge everyone to approve this tonight.

LEG. BISHOP:

Mr. Chairman, was --

D.P.O. LEVY:

We have Legislator Foley next.

LEG. FOLEY:

Thank you.

D.P.O. LEVY:

Followed by Legislators Fields and then Legislator Bishop.

LEG. FOLEY:

You know, I would urge our colleagues to follow through on the Chair's request. We're talking about tabling for one round until probably the end of January, and between now and then of January there will be plenty of time for Mr. Ninivaggi to incorporate the suggestions of the Department of Environmental Conservation. And it's really not an issue of agreeing or respectfully disagreeing, the fact of the matter is not withstanding the fact that the state DOH may be in favor of this, there's another arm of State Government -- in this case, the State Department of Environmental Conservation -- that has listed a number of concerns about this particular plan. Couple that with the fact that there are, as the Chair had mentioned, \$20,000 worth of violations that have been issued against the Vector Control by the State DEC, I think that cries out for some kind of corrective action to be taken by the division so that those kinds of violations won't happen again in the future. And as the plan presented to us today, it does not include the corrective actions that need to be undertaken so that this division does not receive violations in the future.

So we're not talking about tabling this during the busy of Vector Control, we're not asking to table this in the Spring or the Summer, we're asking that this be tabled for five weeks which is essentially a dormant period of time anyway for Vector Control. There couldn't be a better time than now to ensure that the plan meets not only the specs of the State Department of Health which it currently does, but it would also meet the specs from the State Department of Environmental Conservation which at this point has raised some constructive, critical remarks about this particular plan. So all we're asking is for another five weeks, by the end of January it should be in apple pie order and then we can move forward with the plan.

LEG. D'ANDRE:

Mr. Chairman?

D.P.O. LEVY:

Legislator Bishop.

LEG. BISHOP:

Is anybody here from Vector Control?

LEG. CRECCA:

The Director of -- the Commissioner of Public Works is here.

LEG. BISHOP:

Okay. The Health Committee minutes I assume are not available; I certainly didn't read them, so maybe this is redundant to what was

198

discussed in committee. Were the violations that the DEC cited against the County discussed in committee, Legislator Crecca?

LEG. CRECCA:

The first Health Committee meeting we had, the DEC was actually there questioning the commission the whole time. I didn't hear anything about -- brought up by the DEC.

LEG. BISHOP:

So it's new information.

LEG. CRECCA:

Well, when you say it's new information, I don't know whether or not -- DEC was asked to submit a list of questions I think at that meeting to any unanswered questions after three hours I think of testimony.

LEG. BISHOP:

They've responded with a letter saying that they're concerned about the training of the personnel. So I want to know is this new information to you, Commissioner, and if so --

COMMISSIONER BARTHA:

This letter from DEC is absolutely new.

LEG. BISHOP:

Okay.

COMMISSIONER BARTHA:

This person who wrote the letter is not speaking for DEC, is not an expert in pesticides, she doesn't even work in the pesticides area.

LEG. BISHOP:

She just has incredible access to their letterhead.

COMMISSIONER BARTHA:

She's Marine Habitat Protection is what she's involved in.

LEG. BISHOP:

Right. Well, that doesn't relate to vector?

COMMISSIONER BARTHA:

It relates to it but that does not make her the expert in vector. Dominick would have been here today, his father-in-law passed away yesterday and was not able to make it. These violations that -- yes, these are violations that occurred. In one instance we were doing wetlands work, the person who was operating the vehicle went beyond the limits that he was supposed to go. You're talking about someone in the middle of a swamp. We have remedied that -- besides the training --

LEG. BISHOP:

Giving him a map.

COMMISSIONER BARTHA:

We bought -- we have GPS equipment which will be able to locate the

199

limits and will be able to flag it out to avoid those problems in the future. The other violations were also relatively minor in nature. As a matter of fact, that first one has revegetated itself already virtually, so it's not really a problem. Similarly, other areas --

LEG. BISHOP:

Well, I mean, you're -- so you're familiar with the particulars although the letter itself is new; I don't under --

COMMISSIONER BARTHA:

The letter we received yesterday afternoon.

LEG. BISHOP:

Okay, and you've looked into it.

COMMISSIONER BARTHA:

Yeah. The letter is -- it's calling it a report, it's a plan of work.

LEG. BISHOP:

Who's calling it a report?

COMMISSIONER BARTHA:

Excuse me?

LEG. BISHOP:

Who called it a report? I'm sorry.

COMMISSIONER BARTHA:

The person who wrote this letter was referring to our plan of work as a report. She viewed it like she was reading a term paper and is critiquing it in that fashion. What's going to happen -- you know, we had experts from U.S. Fish and Wildlife spoke in support of our plan, the State Department of Health understands the work plan and supports it, Ducks Unlimited supported our plan and spoke in favor of it. What will happen -- this is the busy season for Vector Control. It's not the busy season for applying pesticides and chemicals, but the bulk of our program is to avoid applying pesticides and chemicals. And in fact, we have upwards of 35, 40 people working in the marsh areas for this open marsh water management which will reduce breeding during the mosquito season; we can't work in the marshes during the mosquito season so the winter is the time to do that. If this plan is not approved, come January 2nd I will no have no choice but to pull these people off of the work they're doing and have them picking up litter on County roads in order keep them busy and what will happen is we will be applying more pesticides come the season.

LEG. BISHOP:

Commissioner, on what date was the plan approved in 1998?

COMMISSIONER BARTHA:

Sometime in April.

LEG. FIELDS:

Nope.

LEG. BISHOP:

On what date was the plan approved in 1997?

200

COMMISSIONER BARTHA:

It wasn't approved.

LEG. BISHOP:

On what date was the plan approved in 1996, '95, etcetera?

COMMISSIONER BARTHA:

It wasn't approved.

LEG. BISHOP:  
Okay. So why do you have to, once again --

LEG. CARACAPPA:  
Because this Legislature beat him up for not doing it last year.

COMMISSIONER BARTHA:  
Because you changed the Charter last year.

LEG. BISHOP:  
We didn't change the Charter.

COMMISSIONER BARTHA:  
Yes, you did.

LEG. BISHOP:  
We're following the Charter. You failed to follow the Charter in the past.

COMMISSIONER BARTHA:  
No, you changed the Charter last year.

LEG. FIELDS:  
No, we didn't.

LEG. BISHOP:  
Counsel?

P.O. TONNA:  
Let's try to be as respectful as possible with each other. We have a Counsel who is our institutional memory.

LEG. LEVY:  
I don't think Legislator Bishop was --

P.O. TONNA:  
Oh, no, no.

MR. SABATINO:  
It was changed in 1992. It was changed in 1992 as part of a budgetary reorganization plan, there was a Charter Law that was adopted after the budget plan moved the Vector Control people from the old Health Department to Public Works. The theory at that time the County Executive had proposed it was because there were staff shortages and the idea was that, you know, with these people having some down time

during the course of the year, that they'd be able to work with Public Works on other projects during their down time. And then what happened was unfortunately for a period of I think 1993 until last year there was no plan adopted on an annual basis, so for six years we didn't. And then last year the plan was adopted in March for 19 -- well, for the year 1999.

COMMISSIONER BARTHA:

I apologize, Legislator Bishop. I thought that language was strengthened last year, earlier this year.

LEG. BISHOP:

My point is that I, as a Legislator, always find it troubling when administration officials say to us, "Adopt this today, you know, abdicate your oversight, otherwise I'll be forced to not carry out my responsibility." And I don't think that that's -- I think that's a false choice, so I'm troubled by that. I'm also troubled when a State agency says that our actions are leading to the application of pesticides that are unnecessary and potentially dangerous which I think is the essence of the letter in certain circumstances. I would like to see more discussion about the plan to make sure that this person who I know you're diminishing her expertise in the area, but I'm sure she's an expert in protecting marine habitats, and that's somebody I care to listen to as well and have a part of the dialogue. And I'd like to hear Dominick and her, you know, reconcile their differences so we have a plan that we're confident addresses the vector mission and doesn't destroy habitat.

LEG. D'ANDRE:

Mr. Chairman?

LEG. BISHOP:

So I think a tabling is in order.

LEG. BINDER:

Mr. Chairman?

P.O. TONNA:

Who are we recognizing? Legislator Fields.

LEG. LEVY:

No, I had skipped over Legislator Fields. Legislator Fields, then Legislator Binder.

LEG. FIELDS:

Commissioner Bartha, I respectfully disagree with you about the agencies who agree with your plan. They were here, I was here during the Health Committee meeting. Ducks unlimited, U.S. Fish and Wildlife and DEC did not agree with the plan, they like OMWM but they did not agree with the Vector Control Plan, and that was stated on the record.

This also is costing -- it's not one occasion where Dominick has gone in and done something that they didn't agree with. They've cited him four times and I believe it's upwards of \$20,000 now, so it's now going to cost the County money because we're not accountable to what we should be accountable to.

202

So I'm asking simply, which I've been asking for throughout the Health Committee meetings, just to have this tabled so that Dominick can and you can sit down with DEC and just say, "Okay, we are addressing what your questions and your comments, we'd like to be compliant," because they're saying that we're not compliant. And I think that as a County we have to be accountable to our residents and to the other agencies.

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

LEG. BINDER:  
Thanks. Commissioner, you said you've identified the particular problem areas that you saw in that letter. Do you have any disagreement with that letter? In other words, are there things in it that you say, "I'm not going to change"? In talking to Dominick, has he said, "I disagree, I'm not going to change these things, we're not interested, we're not" -- because you had said that there were a number of places where we're fine, that you know them, you know the problem and then you've remedied or moved to remedy the problems already. So we've already moved -- it seems moved down the road anyway.

COMMISSIONER BARTHA:  
I don't believe that there's anything of consequence in this letter from DEC. That the items -- we have to do all of our work consistent with permits that are issued by DEC, so DEC is not -- doesn't actually have to approve the work plan because they approve all the permits that we do all of our work under, both the marsh management work as well as the pesticide applications.

LEG. BINDER:  
Isn't it true that even if Dominick sits down with DEC and they all nod their heads to each other and have a little love fest here, one of our guys can go out and make a mistake and get fined because he goes beyond the boarder or does something that he shouldn't have done, even with all the training that they have, mistakes -- I mean these people are human, is that possible?

COMMISSIONER BARTHA:

That's correct, unfortunately mistakes do happen. We've implemented policies and practices to try to avoid that in the future, but I'm not going to guarantee that that wouldn't happen.

LEG. BINDER:

So Mr. Chairman, what we have here --

LEG. FOLEY:

What do we have?

LEG. BINDER:

We have a --

LEG. FOLEY:

What do we have?

203

LEG. BINDER:

What we have here, Mr. Chairman, is a plan of action that has been questioned and they have also been fines identified. The Commissioner has agreed with the questions on the fines, has moved to remedy them in the places where we -- where there have been fines so he's moved to fix those problems, in the places where they have questions he's basically in agreement and they're moving with DEC.

The fact is that we have a department that has people in the field doing what we need them to do right now in wetlands management so we don't have to spray later, that's what we're all trying to avoid. The more time we give them and the more time we leave our workers in the field to do the job that they need to do, the better chance we have of avoiding all the things that we'd like to avoid in terms of chemical spraying. So why not let him do his job, keep some oversight, that's why we have committees, we can bring them in to ask, after we have the plan going, keep the people in the field so they're not pulled out of the field. Why not just make sure that our committees ask the Commissioner to come in and call the DEC and make sure that they're making progress on those questions, by why pull our people out of the field? If we as a Legislature on a policy level want to make sure that we're not spraying dangerous pesticides, why take out the people out of the field who are doing the very work that will keep us from doing that? They're doing non pesticide management that will help us in the

future. So I do not support a tabling motion and I hope we can vote for this tonight and get this passed.

LEG. D'ANDRE:  
Mr. Chairman?

D.P.O. LEVY:  
Mike D'Andre.

LEG. D'ANDRE:  
The problem here is there's too many people telling people that know what to do how to do it, and that's wrong. I don't know who has entomology training here, but everybody's a boss and everybody's telling everybody, this woman wrote an article, this woman wrote a letter. We have Ninivaggi -- how do you pronounce that name?

COMMISSIONER BARTHA:  
Ninivaggi.

LEG. D'ANDRE:  
Ninivaggi, he's an entomologist.

LEG. BISHOP:  
I don't think he is.

COMMISSIONER BARTHA:  
He's a biologist actually.

LEG. D'ANDRE:  
Well, biologist, he's had all of the sciences.

LEG. BISHOP:  
He's got them all.

LEG. D'ANDRE:  
Okay. And the State sets the regulations for spraying. Now, Bishop, you had that so-called lawyer coming in here about no chemical use and none of this and none of that, I don't know what his degree is, it should be in law; he's talking about spraying entomology that I don't know if he knows anything about it. Let the professionals that Charlie has working for him do the job. What we do now -- Binder, I never heard him so eloquent -- what we do now we won't have to spray later,

and now is the time to take care of the problem with the least amount of toxicity and danger to the public. So Charlie, don't let anybody BS you, stand your ground. You keep your men out there and you set it up for preemergence spraying. And I'll tell my colleagues here, listen to the professionals.

D.P.O. LEVY:

Okay.

LEG. D'ANDRE:

Mike Caracciolo, you know what I've told you over the years about chemicals and the rest of this.

D.P.O. LEVY:

Thank you, Mike.

LEG. D'ANDRE:

So, Steve, I'm telling you, too, you're going to Albany, you're going to be directing us on this.

D.P.O. LEVY:

Not soon enough.

LEG. D'ANDRE:

Okay. So I urge my colleagues to let Charlie do the work. Thank you.

D.P.O. LEVY:

Legislator Fields.

LEG. FIELDS:

Legislator D'Andre, I'm going to do exactly what you just said, I'm going to listen to the experts. And the experts on page three of four say, "The work plan's expressed desire to increase the use of methyprene and salt marsh habitat remains an issue of concern for the department given the potential for adverse impacts to these organisms." And then it tells you that, "Suffolk County Vector Control has not conducted the ditching activities in recent years under the general permit or has done so in non compliance with State regulations."

So I am going to again state that I have spoken to not just Karen Graulich who wrote the letter, but Chuck hamilton who is the expert of the department, to Ray Cowin who is the Director of New York State DEC, and to many other people, and we feel as part of the Health Committee when we listen to what the fact were, that this really should be redirected back to Dominick and the department to respond to

the questions that DEC has. And I will say it again, I have said it a dozen times before, I think that we should not be in the position of rubber stamping things but seeing that when there are problems we have an obligation and a responsibility to take care of it.

LEG. BISHOP:  
Here, here.

D.P.O. LEVY:  
We have a motion to table .

LEG. FIELDS:  
I would ask that we table.

D.P.O. LEVY:  
We have a second; correct, Henry?

LEG. CARPENTER:  
On the motion to table.

D.P.O. LEVY:  
I'm sorry, did you have a statement?

LEG. CARPENTER:  
Yeah.

D.P.O. LEVY:  
Statement, Legislator Carpenter.

LEG. CARPENTER:  
I'm not on the Health Committee but I have been asking Legislator Crecca and I understand that this has been tabled in committee for a number of times. And we do have this correspondence from the New York State DEC, but we also have the letter from the Commissioner of the State Department of Health, and her remarks talked to our report as being comprehensive and responsive to the potential recirculation of mosquito-borne viruses, our educational efforts and our mosquito habitat management and plans for larval mosquito control are consistent with the intent of New York State Department of Health's Response Plan. And that our actions in 2001 -- and I think all of this text and everything that we have before us this evening, I think the words that sum it up best are these, "To protect the citizens of Suffolk County." And I think hearing what the Commissioner had to say tonight, that has to be our prime concern here, is protecting the citizens of our County. And I think the committee will do its due diligence in keeping tabs on what's happening as far as notification I and every other thing that's going on with this concern, but we need to move forward with it.

D.P.O. LEVY:  
Okay. On the tabling motion, in favor? Opposed? Roll call.

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

LEG. FIELDS:  
Motion to table, yes.

206

LEG. FOLEY:  
Yes to table.

LEG. COOPER:  
Yes.

LEG. BINDER:  
No.

LEG. BISHOP:  
Yes.

LEG. D'ANDRE:  
No.

LEG. CRECCA:  
No.

LEG. CARPENTER:  
No.

LEG. ALDEN:  
No.

LEG. HALEY:  
No.

LEG. CARACAPPA:  
No.

LEG. TOWLE:  
Pass.

LEG. GULDI:  
Yes to table.

LEG. CARACCIOLO:

Pass.

D.P.O. LEVY:  
Yes.

P.O. TONNA:  
Yep.

LEG. TOWLE:  
Yes.

LEG. CARACCIOLO:  
Yes.

MR. BARTON:  
Nine.

207

LEG. CRECCA:  
Motion to approve.

LEG. BINDER:  
Second.

LEG. GULDI:  
Roll call.

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

LEG. CRECCA:  
Yes.

LEG. BINDER:  
Yes.

LEG. COOPER:  
Pass.

LEG. BISHOP:  
No.

LEG. D'ANDRE:  
Yes.

LEG. CARPENTER:  
Yes.

LEG. ALDEN:  
Yep.

LEG. FIELDS:  
No.

LEG. FOLEY:  
No.

LEG. HALEY:  
Yes.

LEG. CARACAPPA:  
Yep.

LEG. TOWLE:  
Pass.

LEG. GULDI:  
No.

LEG. CARACCIOLO:  
Pass.

D.P.O. LEVY:  
Abstain.

P.O. TONNA:  
Abstain.

LEG. COOPER:  
No.

LEG. TOWLE:  
No.

LEG. CARACCIOLO:  
No.

MR. BARTON:  
Seven.

LEG. CARACAPPA:  
There's responsibility for you.

MR. BARTON:  
7-7-2-2 (Not Present: Legislators Postal & Fisher).

[RETURN OF STENOGRAPHER-LUCIA BRAATEN]

P.O. TONNA:  
2232 (Extend deadline for Defibrillator Placement Task Force).  
Legislator Crecca.

LEG. CRECCA:  
I'm sorry. Motion to approve. This is just the Task Force, the  
Defibrillator Task Force, that we're no able to complete their work.

P.O. TONNA:  
Second by Legislator Guldi. All in favor? Opposed? Approved.

MR. BARTON:  
16, 2 not present. (Absent: Legs. Postal and Fisher)

P.O. TONNA:  
2248 (Amending the Department of Health Services 2000 Adopted Budget  
to reallocate 2000 Budgeted Funds for contracted agencies in the  
Division of Patient Care Services). Is there a motion?

LEG. BINDER:  
Motion.

P.O. TONNA:  
Motion by Legislator Binder.

LEG. FOLEY:  
Second.

P.O. TONNA:  
Seconded by Legislator Foley.

LEG. FOLEY:  
Second.

P.O. TONNA:  
All in favor? Opposed? Approved. 2280.

MR. BARTON:  
16, 2 not present. (Absent: Legs. Postal and Fisher)

P.O. TONNA:  
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).

LEG. FIELDS:  
Motion.

P.O. TONNA:  
Motion by --

LEG. CARACCIOLO:  
George. Second.

P.O. TONNA:  
-- Legislator Guldi, seconded by Legislator Fields. All in favor?  
Opposed? Approved.

MR. BARTON:  
16, 2 not present. (Absent: Legs. Postal and Fisher)

#### PARKS, LAND ACQUISITION & CULTURAL AFFAIRS

P.O. TONNA:  
2152A (Appropriating funds in connection with the replacement of the Goto Projector at the Vanderbilt Museum). Motion by myself, seconded by --

LEG. CRECCA:  
I'll second it. Second.

P.O. TONNA:  
Legislator Cooper.

LEG. LEVY:  
On the question. Is this in the Planetarium.

LEG. CRECCA:  
Yes.

LEG. GULDI:  
On the motion.

LEG. LEVY:

I have a question I just wanted answered. Fred, is this in the Planetarium?

210

MR. POLLERT:  
It is.

LEG. CRECCA:  
It is.

LEG. LEVY:  
Okay. Thank you.

LEG. GULDI:  
On the motion.

P.O. TONNA:  
Yes, Legislator Guldi.

LEG. GULDI:  
Lance Malamo assures me that if we approve this, there will not be another dinner next year, so I'll support it.

P.O. TONNA:  
Okay.

MR. MALAMO:  
Serve it a little later and call it breakfast.

P.O. TONNA:  
Okay. Roll call.

MR. BARTON:  
All right.

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

LEG. TONNA:  
Yep.

LEG. COOPER:  
Yes.

LEG. BINDER:  
Yes.

LEG. POSTAL:  
(Absent)

LEG. BISHOP:  
Yes.

LEG. D'ANDRE:  
Yes.

LEG. CRECCA:  
Yes.

LEG. CARPENTER:  
Yes.

211

LEG. ALDEN:  
Yes.

LEG. FIELDS:  
Yes.

LEG. FOLEY:  
Yes.

LEG. HALEY:  
Yes.

LEG. CARACAPPA:  
Pass.

LEG. TOWLE:  
Yes.

LEG. GULDI:  
Yes.

LEG. CARACCIOLO:  
Yes.

LEG. LEVY:

Yes.

LEG. CARACAPPA:

Yes.

MR. BARTON:

Thank you. 16, 2 not present on the bond. (Absent: Legs. Postal and Fisher)

P.O. TONNA:

Okay. Same motion, same second, same vote. Legislator Carpenter?

LEG. CARPENTER:

Yeah. Mr. Chairman, I would ask to reconsider, for the purposes of tabling, 2187. I was on the prevailing side, the Vector Control Plan. I think to let it die now and have to start from square one --

P.O. TONNA:

Okay.

LEG. CARPENTER:

-- is not the way to go.

P.O. TONNA:

I second that.

LEG. FOLEY:

On the motion.

212

LEG. GULDI:

Point of order. Point of order. I'd like to check the vote slip. I don't think you were on the prevailing side.

P.O. TONNA:

I thought she asked me --

LEG. CRECCA:

On the tabling motion.

P.O. TONNA:

It's on the table?

LEG. CRECCA:  
But it's already failed.

LEG. GULDI:  
On the tabling motion?

P.O. TONNA:  
Yeah, she wants to table.

LEG. GULDI:  
Reconsider the table.

LEG. FOLEY:  
You get to reconsider, right?

LEG. CRECCA:  
Can we do that? It's not to be a motion to reconsider, because it failed.

P.O. TONNA:  
No. It's a reconsider -- it's motion to reconsider --

LEG. CARPENTER:  
To reconsider.

P.O. TONNA:  
-- the tabling.

LEG. CARACAPPA:  
But, Mr. Chairman, we can't reconsider tabling. It's already been -- the tabling motion has already been defeated. I don't think we can vote to table again, according to our rules.

LEG. GULDI:  
It would have to be a tabling motion to a new day.

LEG. CRECCA:  
Yeah.

LEG. GULDI:  
You can't table a --

MR. SABATINO:

The status of the -- the status of the bill is that it's defeated, so the motion to reconsider has to come from someone --

LEG. FOLEY:

Has to be on the prevailing side.

MR. SABATINO:

-- who voted against the bill or who was absent.

LEG. BISHOP:

Mr. Chairman, I voted against the bill and I would make a tabling motion to the 1st.

LEG. FOLEY:

No, no, no. First, it has to be a motion to reconsider.

MR. SABATINO:

A motion to reconsider.

LEG. BISHOP:

Motion to reconsider. But coming out of that --

LEG. CARPENTER:

To our first full meeting.

LEG. BISHOP:

-- I want to make a tabling motion to the first --

P.O. TONNA:

Yes, yeah.

LEG. BISHOP:

-- full meeting.

LEG. CARPENTER:

Full meeting, rather than the organizational meeting.

P.O. TONNA:

Okay.

LEG. CARPENTER:

So that would be different.

P.O. TONNA:

So there's a motion and I'll second it. All in favor? Opposed?

LEG. FOLEY:

No, hold on.

P.O. TONNA:

It's in front of us.

LEG. FOLEY:

All right. This is motion to reconsider right now, right?

214

LEG. CARPENTER:

Right.

LEG. FOLEY:

But now --

P.O. TONNA:

This is a motion to reconsider --

LEG. FOLEY:

That's all.

P.O. TONNA:

-- for the purposes of --

LEG. FOLEY:

No. All we can do is reconsider, then we make the next motion.

LEG. CARPENTER:

To table.

LEG. LEVY:

Yes, right.

P.O. TONNA:

This is to reconsider.

LEG. FOLEY:

All right. So --

P.O. TONNA:

All in favor? Opposed?

(Opposed Said in Unison by Legislators)

P.O. TONNA:

Okay. We have Legislator Towle, Guldi, and Caracappa opposed.

LEG. CRECCA:

And Crecca.

P.O. TONNA:  
And Crecca. Okay.

LEG. FOLEY:  
I make a motion to recommit to committee.

P.O. TONNA:  
Wait. Just wait. Just wait, wait, wait. Let's get the vote.

MR. BARTON:  
12. (Absent: Legs. Postal and Fisher)

P.O. TONNA:  
Fine.

215

LEG. FOLEY:  
Motion to recommit.

P.O. TONNA:  
Okay. There's a motion to recommit or --

LEG. BISHOP:  
That's the same thing, effectively.

LEG. HALEY:  
No, no, no.

LEG. BISHOP:  
That's fine.

LEG. CRECCA:  
It's not.

P.O. TONNA:  
That's a motion.

LEG. CRECCA:  
It's not a motion.

P.O. TONNA:  
Wait, wait, wait.

LEG. CRECCA:  
It's not. I was in Health.

LEG. BISHOP:  
Mr. Chairman, let me --

P.O. TONNA:  
Can I say something?

LEG. CARPENTER:  
Tabling takes precedence.

P.O. TONNA:  
We pay a Legal Counsel. We pay him actually, you know, depending on what you think, a pretty good fair amount of money. Let you make the call here.

LEG. FOLEY:  
Motion to recommit to the Health Committee.

P.O. TONNA:  
Right. Is that -- is that an appropriate motion, Legislator Foley's, Legal Counsel?

MR. SABATINO:  
On the motion to recommit --

P.O. TONNA:  
Recommit to committee.

216

MR. SABATINO:  
-- is an appropriate motion.

P.O. TONNA:  
Yes.

LEG. BISHOP:  
Mr. Chairman, on the motion.

LEG. CARPENTER:  
He has the tabling. Does that take precedence?

P.O. TONNA:

There's got to be first a motion --

LEG. BISHOP:  
There is a motion and a second.

P.O. TONNA:  
A motion by Legislator Foley, seconded by myself.

LEG. BISHOP:  
On the motion

P.O. TONNA:  
On the motion.

LEG. BISHOP:  
Mr. Chairman, this is the only motion that I will support, and because I think it's the only appropriate course of action. I believe that the majority of the Legislature voted against the plan, because they were disturbed by the revelations in the letter. They want to protect marine habitat and they want to have a dialogue --

LEG. D'ANDRE:  
Come on, Bishop, get off of it.

LEG. BISHOP:  
They want to have a dialogue between -- I'm trying to do you a favor.

P.O. TONNA:  
Right, absolutely.

LEG. BISHOP:  
Between DEC and our Vector.

P.O. TONNA:  
Right.

LEG. BISHOP:  
The appropriate place for that would be committee, not the full Legislature.

P.O. TONNA:  
Right. That's exactly --

LEG. BISHOP:

You know, and I -- my apologies to members of the committee, because I understand it's probably lengthy, sticky issue, but it's really the appropriate forum to hash it out.

LEG. CRECCA:

If -- I think I'm next.

P.O. TONNA:

Okay. Legislator Crecca.

LEG. CRECCA:

I just -- but we-- then we should have never passed it out of committee, then.

LEG. GULDI:

You're probably right.

LEG. CRECCA:

But we did.

P.O. TONNA:

Right.

LEG. FOLEY:

It wasn't passed out, it was discharged.

P.O. TONNA:

It was discharge without recommendation, just so that you understand. So now with new revelations, certain Legislators want it to go back to committee. I think that's the most logical thing without scrapping the whole Vector Plan.

LEG. CARPENTER:

Call the vote.

P.O. TONNA:

Okay. There's a motion and a second.

LEG. FOLEY:

Recommit.

P.O. TONNA:

To recommit. Let's go.

LEG. HALEY:

Roll call.

P.O. TONNA:

Roll call, Henry.

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

LEG. FOLEY:  
Excuse me. Yes to recommit.

218

LEG. TONNA:  
Yes.

LEG. COOPER:  
Yes.

LEG. BINDER:  
Pass.

LEG. BISHOP:  
Yes.

LEG. D'ANDRE:  
Yes.

LEG. CRECCA:  
Pass.

LEG. CARPENTER:  
Yes.

LEG. ALDEN:  
Pass.

LEG. FIELDS:  
Yes.

LEG. HALEY:  
No.

LEG. CARACAPPA:  
No.

LEG. TOWLE:  
No.

LEG. GULDI:  
Yes.

LEG. CARACCIOLO:

Nope.

LEG. LEVY:  
To recommit, yes.

LEG. BINDER:  
No.

LEG. CRECCA:  
No.

LEG. ALDEN:  
No.

219

MR. BARTON:  
Nine. (Absent: Legs. Postal and Fisher)

LEG. FOLEY:  
Nine.

LEG. HALEY:  
Motion to table to the next full meeting after the organizational meeting.

LEG. CARPENTER:  
Second.

P.O. TONNA:  
Okay. Let's try this again. We're going to find another way to do this. There's a motion by Legislator Haley, and a second by Legislator Carpenter.

LEG. FOLEY:  
On the motion.

P.O. TONNA:  
On the motion.

LEG. FOLEY:  
The illogic of now supporting a motion to go to the next full meeting, that next full meeting will take place after the next cycle of committee meetings. So it would have made sense if you're going --

LEG. CARPENTER:  
Right, yeah.

LEG. FOLEY:  
If you're going -- if you're going to vote in support now of going to the full general meeting, it would have made more sense to have it go to committee the prior week, so all the things could be hashed out, as is normally the case with committee work, and then it could then move forward to the full Legislature at the next general Legislative meeting. So that's why we wanted to have it go to committee to work out the differences, and then it would go to the general meeting at the end of January.

P.O. TONNA:  
In -- could I just -- in bipartisan spirit, Legislator Foley, anyway, to tell you quite honestly, I feel the same way. To have no plan whatsoever -- the Legislative branch is supposed to scrutinize things. The Chairman of the Health Committee, a number of the Legislators have said, "You know what, we need greater scrutiny." There are questions here that have to be answered and the appropriate place, if they don't want to answer them now, the appropriate place is back in the committee. To have this now completely dead and start all over again with a new Vector --

LEG. CARPENTER:  
My point, that was my point.

220

P.O. TONNA:  
-- Control Plan, and everything else, is just going to suspend it longer. You can't have Legislators, you can't -- you can't be critical of Legislators who are trying to exercise their oversight responsibilities. That's what checks and balances are about. That's why it has to come to us for approval. Things don't come to us for approval just to be able to say, you know, because of a time limit or something else, it's got to be done. This was -- this was deferred out of committee without recommendation, with the committee making no value judgment whatsoever about the merits.

LEG. CARACCIOLO:  
Wait a minute.

LEG. CRECCA:

Wait. That's not really true, Paul, though.

LEG. CARACCIOLO:  
Wait a minute.

P.O. TONNA:  
The motion has been it was deferred out of committee --

LEG. CARACCIOLO:  
Wait a minute.

P.O. TONNA:  
-- without recommendation. I'll finish, and then, Legislator Caracciolo, I will allow you to speak next.

LEG. CARACCIOLO:  
Caracciolo.

P.O. TONNA:  
But in the meantime --

P.O. TONNA:  
Caracciolo.

P.O. TONNA:  
I would say -- Caracciolo. I'll get that right over the holiday. All I could finish by saying is instead of getting -- instead of people saying let's now burn this thing to the ground, let's give the committees the right to scrutinize and to look at this and let's move it forward. Legislator Caracciolo.

LEG. CARACCIOLO:  
Okay. Thank you. First of all, the Chairperson of that Committee, of the Health Committee, did an excellent job in bringing to the floor all of the issues that have been discussed tonight, the last meeting, and at two committee meetings. We had excellent panels, excellent presentations. That's not the issue. What the issue is, Mr. Chairman, is that you have 18 people around this horseshoe that want to micromanage Vector Control. Therefore, you can do all the scrutiny you want at the committee level. When it gets here, the same issues, the same questions arise, because people who are not on the committee

haven't had the benefit of the work that is done in committee. So I don't think anything is lost at this late date by having this issue

come up again at the next general meeting, and any individual Legislator who wants to take a more proactive role can attend the Health Committee meeting, and the experts could come back and we could address these issues.

Question. The letter that Commissioner Bartha made reference to from the DEC, what's the date on that letter?

LEG. CRECCA:  
December 13th.

LEG. CARACCIOLO:  
Thank you. When was the committee meeting?

LEG. CRECCA:  
Before that.

LEG. CARACCIOLO:  
We did not have in committee the benefit of a piece of correspondence that was just issued. I think it makes the point I just made about get it to the full Legislature. This is an important enough issue concerning public health and safety that we should all have our eyes and ears open at one time and make a sound judgment.

P.O. TONNA:  
The only thing, Michael --

LEG. CRECCA:  
Paul.

P.O. TONNA:  
-- right now, the motion would keep it in the full Legislature, this doesn't move it back to the committee.

LEG. FOLEY:  
The full Legislature.

LEG. CARACCIOLO:  
No. But I thought I heard people advocate it should go back --

P.O. TONNA:  
Well, we did. That went down. Now we're on the next. Legislator Crecca.

LEG. CRECCA:  
Yeah. Just real brief, too, because people are saying that, well, it was voted out of committee without recommendation. The fact of the matter --

LEG. CARPENTER:  
The Chairman.

LEG. CRECCA:

Well, yeah. But the fact of the matter was, was that Legislator

222

Caracappa, after several hours, had to go because he had a governmental meeting. And from my conversations with both him and Legislator Caracciolo, we would have approved with recommendation out of committee that day, but we didn't have the votes to do that, so that's one of the reasons why. So I think, in sum and substance, it does have this -- this plan had the approval of a majority of the committee. At least that was my understanding from my discussions with my two fellow Legislators that day.

P.O. TONNA:  
Okay.

LEG. CARACCIOLO:  
Let me just speak for myself.

P.O. TONNA:  
Wait.

LEG. CARACCIOLO:  
No, because it's important.

P.O. TONNA:  
Okay.

LEG. CARACCIOLO:  
Earlier today --

P.O. TONNA:  
Legislator Caracciolo.

LEG. CARACCIOLO:  
We had --

P.O. TONNA:  
You have the floor.

LEG. CARACCIOLO:  
We had two individuals address the committee, Citizens Campaign for the Environment and the League of Conservation Voters. Adrienne Esposito made an appeal or a request that the plan be amended to include a public education component and an environmental monitoring program, two suggestions that I agree with. I think if those two

elements are included in the plan in some manner, shape or form, then I could support the plan. So my reasons for not supporting it today are essentially because of the new information about the DEC letter, as well as the two suggestions made by environmental advocates earlier today.

P.O. TONNA:

Okay. All right. I would ask, do we have everyone here?

LEG. FOLEY:

No. We lost -- a few people are out of the --

P.O. TONNA:

I would ask, all Legislators, please come to the horseshoe. We're

223

going to vote.

LEG. GULDI:

Call the question.

P.O. TONNA:

Okay. The question is called. The question is --

LEG. GULDI:

Motion to table.

LEG. CARPENTER:

Motion to table.

P.O. TONNA:

There's a motion to table to a date certain of the --

LEG. CARACCIOLO:

No. It's the first meeting in January after the Organizational Meeting.

LEG. CARPENTER:

Right.

P.O. TONNA:

Right. That's date certain as much as we can have for this calendar. Okay. No, that's not?

MR. BARTON:

No, I mean --

P.O. TONNA:

A little leeway. You need those votes, Henry, you know what I mean?

A little leeway. Okay.

MR. BARTON:

The rule of ten.

P.O. TONNA:

Okay. Who's got the motion and who's seconding?

MR. BARTON:

Haley/Carpenter.

LEG. CARPENTER:

Haley, second.

P.O. TONNA:

Haley/Carpenter. Okay.

LEG. BINDER:

For what?

P.O. TONNA:

To --

224

LEG. CARPENTER:

Table.

P.O. TONNA:

-- table to the next meeting outside of the organizational meeting.

After the organizational meeting. Okay. Roll call.

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

LEG. HALEY:

Yes.

LEG. CARPENTER:

Yes.

LEG. COOPER:

Yes.

LEG. BINDER:  
No.

LEG. BISHOP:  
Yes.

LEG. D'ANDRE:  
Pass.

LEG. CRECCA:  
Pass.

LEG. ALDEN:  
Pass.

LEG. FIELDS:  
Yes.

LEG. FOLEY:  
Yes.

LEG. CARACAPPA:  
No.

LEG. TOWLE:  
Yes.

LEG. GULDI:  
No.

LEG. CARACCIOLO:  
Yes.

LEG. LEVY:  
Yes.

P.O. TONNA:  
To table, yes.

MR. BARTON:  
Legislator D'Andre. Mr. D'Andre.

LEG. ALDEN:  
You want to table it, Mike?

LEG. D'ANDRE:  
No.

LEG. FOLEY:  
Keep it alive, Mike. You got to table it.

LEG. CRECCA:  
Table, yes.

LEG. ALDEN:  
Yes.

MR. BARTON:  
Thirteen.

P.O. TONNA:  
Okay. All right.

LEG. BINDER:  
What was the vote?

P.O. TONNA:  
We have that tabled.

MR. BARTON:  
Thirteen. (Absent: Legs. Postal and Fisher)

P.O. TONNA:  
Fine, thank you.

LEG. FOLEY:  
Tabled?

P.O. TONNA:  
Yes.

LEG. FOLEY:  
All right.

P.O. TONNA:  
All right. In the meantime, I would ask that Legislators figure out exactly what they want to do, what the end game is with regard to this. In other words, what are the requests that they want to make. Figure out who was saying what, evaluate the program, whatever.

LEG. ALDEN:  
Mr. Presiding Officer.

P.O. TONNA:  
Thank you. Yes.

LEG. ALDEN:  
I think this drives home the point, though, that our meetings should be scheduled, so that all of us have the minutes from these very important committee meetings.

P.O. TONNA:  
Thank you. Okay, Legislator Crecca. Thank you very much. All right. I'm on the next page.

LEG. LEVY:  
2164.

MS. BURKHARDT:  
2164.

P.O. TONNA:  
2164 (Amending the 2000 Capital Budget and Program and appropriating funds in connection with the construction of improvements to County golf courses).

LEG. CARACCIOLO:  
Motion.

P.O. TONNA:  
Motion by --

LEG. GULDI:  
Second.

LEG. LEVY:  
Second. Roll call.

LEG. CARACCIOLO:  
To approve

P.O. TONNA:  
Motion by?

LEG. CARPENTER:  
Motion.

P.O. TONNA:  
Motion by?

LEG. CARPENTER:  
Motion.

P.O. TONNA:  
Legislator Caracciolo.

LEG. ALDEN:  
Second.

227

P.O. TONNA:  
Seconded by Legislator Alden. Roll call.

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

LEG. CARACCIOLO:  
Yes.

LEG. ALDEN:  
Yes.

LEG. COOPER:  
Yes.

LEG. BINDER:  
Yes.

LEG. BISHOP:  
Yes.

LEG. D'ANDRE:  
Pass.

LEG. CRECCA:  
Yes.

LEG. CARPENTER:  
Yes.

LEG. FIELDS:

Yes.

LEG. FOLEY:

Yes.

LEG. HALEY:

Yes.

LEG. CARACAPPA:

Yes.

LEG. TOWLE:

Yes.

LEG. GULDI:

Yes.

LEG. LEVY:

Yes.

LEG. TONNA:

Yes.

LEG. D'ANDRE:

Yes.

228

MR. BARTON:

Thank you. 16, 2 not present on the bond. (Absent: Legs. Postal and Fisher)

P.O. TONNA:

Okay. 2225 (Authorizing conveyance of parcel to Incorporated Village of Northport, Town of Huntington (Section 72h, General Municipal Law). Is there a motion, Legislator Cooper?

LEG. COOPER:

Motion.

P.O. TONNA:

Okay. Seconded by myself. All in favor? Opposed? Approved.

MR. BARTON:

16, 2 not present. (Absent: Legs. Postal and Fisher)

P.O. TONNA:  
2231 (Amending the 2000 Operating Budget and transferring funds for repairs to the Dove-Torr Cottage operated by the Hecksher Museum, Town of Huntington (CP 7510.327). Is there a motion, Legislator Cooper?

LEG. COOPER:  
Motion.

P.O. TONNA:  
Seconded by myself. All in favor? Opposed? Approved.

MR. BARTON:  
16, 2 not present. (Absent: Legs. Postal and Fisher)

P.O. TONNA:  
Number 2268 (Amending the 2000 Capital Program and Budget and appropriating funds for the reconstruction of the Bald Hill School House and grounds, Town of Brookhaven (CP 7510.328).

LEG. FOLEY:  
Motion.

P.O. TONNA:  
Motion by Legislator Foley.

LEG. CARPENTER:  
Second.

P.O. TONNA:  
Seconded by Legislator Carpenter. Roll call.

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

LEG. FOLEY:  
Yes.

LEG. CARPENTER:  
Yes.

LEG. COOPER:  
Yes.

LEG. BINDER:  
Yes.

LEG. BISHOP:  
Yes.

LEG. D'ANDRE:  
Yes.

LEG. CRECCA:  
Yeah.

LEG. ALDEN:  
Yes.

LEG. FIELDS:  
Yes.

LEG. HALEY:  
Yes.

LEG. CARACAPPA:  
Yes.

LEG. TOWLE:  
Yes. Cosponsor.

LEG. GULDI:  
Yes.

LEG. CARACCIOLO:  
Abstain.

LEG. LEVY:  
Yes.

P.O. TONNA:  
Yeah. Same motion. Oh, go ahead.

MR. BARTON:  
15, 1 abstention, 2 not present. (Absent: Legs. Postal and Fisher)

P.O. TONNA:  
Great. Same motion, same second, same vote.

LEG. FOLEY:  
Thank you.

P.O. TONNA:  
Okay. We're on -- we're passed Bald Hill and we're going on to 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). Legislator Bishop, do you want to make a motion?

LEG. BISHOP:  
Motion.

P.O. TONNA:  
This is the -- okay. Seconded by?

LEG. CARPENTER:  
Second.

P.O. TONNA:  
Legislator Carpenter. All in favor?

LEG. CARACCIOLO:  
Dave, is this a politically correct statute?

LEG. FOLEY:  
On the motion. On the motion.

P.O. TONNA:  
On the motion.

LEG. FOLEY:  
Notwithstanding the fact that Robert Moses wanted to have a highway going through Sunken Forest and was stopped by some stalwart Fire Islanders, that being a minor blemish on an otherwise great career as a master builder in the metro area, I'll be supporting the resolution.

P.O. TONNA:  
Wasn't he also the master builder who made the parkway bridges very small, so the buses couldn't get out from the city to come and visit the State parks?

LEG. FOLEY:  
Not --

P.O. TONNA:  
All right.

LEG. FOLEY:  
No, no, no.

P.O. TONNA:  
Anyway --

LEG. CRECCA:  
How much is this?

P.O. TONNA:  
But being a Jones -- being a Robert Moses lifeguard for years, I'm with you.

LEG. CRECCA:  
What's the cost on this, Dave, do you know?

231

LEG. BISHOP:  
I don't know. It's moving money. Again, it's moving money from the Operating to the Capital to preserve it and authorizing the expenditure. It's --

P.O. TONNA:  
Great.

LEG. BISHOP:  
Seven it was done in the budget process.

LEG. CRECCA:  
That's fine.

P.O. TONNA:  
All in favor? Opposed? Approved.

MR. BARTON:  
16, 2 not present. (Absent: Legs. Postal and Fisher)

#### PUBLIC WORKS & TRANSPORTATION

P.O. TONNA:  
Okay. Public Works. 2026 (Amending the Adopted 2000 Capital Budget and Program and appropriating funds in connection with traffic signal installation at intersection of Montauk Highway and Ocean Avenue in Center Moriches (CP 5054.564). Legislator Towle.

LEG. CARACCILOLO:  
Second.

LEG. TOWLE:  
Motion to approve.

P.O. TONNA:  
Second by Legislator Caracciolo. Okay. I cannot get this ever --

LEG. FOLEY:  
On the motion.

LEG. CARACCIOLO:  
You're doing fine.

P.O. TONNA:  
All right.

LEG. FOLEY:  
On the motion.

P.O. TONNA:  
On the motion.

LEG. FOLEY:  
Yeah. We have representatives from Public Works. We had discharged this from committee. Legislator Towle had asked it to be discharged,

and as a favor to -- since this was the last meeting of the year, we had to discharge it from committee. But there were points that the traffic safety engineers from the department, in good faith, they wanted to bring to the attention of all 18 members about this particular resolution and some concerns that they had. So if we could hear from the department on this particular resolution.

MR. SHANNON:  
Good evening, Ladies and Gentlemen. Bill Shannon from Suffolk County Department of Public Works. Just a few points about this resolution. Okay. Thank you. Just a few points on this resolution. This -- the location of this signal would be the seventh signal in one mile stretch on that stretch of Montauk Highway in Center Moriches. We presently have six, this will be seven, and that doesn't include two flashing signals at the firehouse. We examined the location, the traffic -- we did it twice, once before the church was constructed, and after, and found that in both cases, the traffic volumes did not warrant a signal. We looked at the accident data and found that in a

five-year period, there were 20 accidents, of which only eight would be correctable by a traffic signal. So based on that, plus given the fact that there's a signal available for the church traffic at Montauk Highway and {Beech Fern}, which is approximately a half a mile detour to get to and about a minute and fifteen second ride to get to, we thought that those folks who had difficulty accessing Montauk Highway could readily route through the side streets and access that location. So based on that recommendation, we wanted to talk to you a little bit tonight, give you our side of the story.

P.O. TONNA:  
Okay.

LEG. FOLEY:  
Thank you.

P.O. TONNA:  
Thank you. Do we have a vote?

LEG. TOWLE:  
Motion to approve.

P.O. TONNA:  
Motion to approve by Legislator Towle. Is there a second? Yes?  
Seconded by --

LEG. CARACCIOLO:  
Me

P.O. TONNA:  
-- Legislator Caracciolo. No? All right. All in -- oh, no, roll call, right?

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

LEG. TOWLE:  
Yes.

233

LEG. CARACCIOLO:  
Yes.

LEG. COOPER:  
Yes.

LEG. BINDER:  
Yes.

LEG. BISHOP:  
Yes.

LEG. D'ANDRE:  
(Not Present)

LEG. CRECCA:  
Pass.

LEG. CARPENTER:  
Yes.

LEG. ALDEN:  
Yes.

LEG. FIELDS:  
Yes.

LEG. FOLEY:  
Abstain.

LEG. HALEY:  
Yes.

LEG. FISHER:  
(Absent)

LEG. CARACAPPA:  
Yeah.

LEG. GULDI:  
Yes.

LEG. LEVY:  
Yes.

P.O. TONNA:  
Yep.

MR. BARTON:  
Legislator D'Andre. (Not Present)

LEG. CRECCA:  
Yes.

P.O. TONNA:  
Okay.

MR. BARTON:

14. (Absent: Legs. Postal and Fisher-Not Present: Leg. D'Andre)

P.O. TONNA:

Same motion, same second, same vote.

LEG. TOWLE:

Thank you.

P.O. TONNA:

Okay.

LEG. CARACCIOLO:

Motion.

P.O. TONNA:

2053 (Repealing sound barrier requirement for Peconic River Bridge).  
Motion by Legislator --

LEG. CARACCIOLO:

Caracciolo.

P.O. TONNA:

Caracciolo.

LEG. TOWLE:

Second.

LEG. FOLEY:

Caracciolo.

P.O. TONNA:

Okay. Caracciolo. Okay. Seconded by -- seconded by Legislator  
Caracappa. All in favor? Opposed?

LEG. GULDI:

Opposed.

P.O. TONNA:

All right. Okay.

MR. BARTON:

15-1, 2 not present. (Absent: Legs. Postal and Fisher)

P.O. TONNA:  
2127 (Authorizing execution of agreement by the Administrative Head of Suffolk County Sewer District No. 3 - Southwest with the Developer of the Cove at Melville).

LEG. BINDER:  
Motion.

P.O. TONNA:  
Motion by myself.

235

LEG. BINDER:  
Second.

P.O. TONNA:  
Seconded by Legislator Binder. All in favor? Opposed? Approved.

MR. BARTON:  
16, 2 not present. (Absent: Legs. Postal and Fisher)

P.O. TONNA:  
2155 (Amending the 2000 Capital Budget and Program and appropriating funds in connection with the tower renovations/replacement at Francis S. Gabreski Airport (Capital Program Number 5709). Roll call.

MS. BURKHARDT:  
No.

P.O. TONNA:  
Motion by Legislator Guldi. And that's Gabreski, not {Gravetsky}.  
Anyway, seconded by Legislator Caracciolo.

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

LEG. GULDI:  
Yes.

LEG. CARACCIOLO:  
Yes.

LEG. COOPER:  
Yes.

LEG. BINDER:  
Yes.

LEG. BISHOP:  
Yes.

LEG. D'ANDRE:  
(Not Present)

LEG. CRECCA:  
Yes.

LEG. CARPENTER:  
Yes.

LEG. ALDEN:  
Yes.

LEG. FIELDS:  
Yes.

LEG. FOLEY:  
Yes.

236

LEG. HALEY:  
Yes.

LEG. CARACAPPA:  
Yes.

LEG. TOWLE:  
Yes.

LEG. LEVY:  
Yes.

P.O. TONNA:  
Yep.

MR. BARTON:  
15, 3 not present on the bond. (Absent: Legs. Postal and Fisher-Not  
Present: Leg. D'Andre)

P.O. TONNA:

Okay. Same motion, same second, same vote. 2234 (Amending the 2000 Capital Program and Budget and appropriating funds for planning for the reconstruction of Wicks Road Corridor, Town of Islip (CP 5539.112). Motion by Legislator Carpenter, seconded by myself. Well, Legislator Alden. Legislator Alden, are you here?

LEG. LEVY:

Roll call.

P.O. TONNA:

Okay.

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

LEG. CARPENTER:

Yes.

LEG. ALDEN:

Yes.

LEG. COOPER:

Yes.

LEG. BINDER:

Yes.

LEG. BISHOP:

Yes.

LEG. D'ANDRE:

(Not Present)

LEG. CRECCA:

Yes.

237

LEG. FIELDS:

Yes.

LEG. FOLEY:

Yes.

LEG. HALEY:  
Yes.

LEG. CARACAPPA:  
Yes.

LEG. TOWLE:  
Yes.

LEG. GULDI:  
Yes.

LEG. CARACCIOLO:  
Yes.

LEG. LEVY:  
Yes. Cosponsor.

P.O. TONNA:  
Yeah.

LEG. D'ANDRE:  
Yes.

MR. BARTON:  
16, 2 not present. (Absent: Legs. Postal and Fisher)

P.O. TONNA:  
Okay. Same motion --

MR. BARTON:  
On the bond.

P.O. TONNA:  
-- same second, same vote. 2250 (Amending Resolution Nos. 1034-1996 and 633-1998 for participation in engineering for the reconstruction of CR 80, Montauk Highway from CR 46 William Floyd Parkway to Mastic Road (CP 5516). Motion by --

LEG. TOWLE:  
Mr. Chairman. Mr. Chairman.

P.O. TONNA:  
Legislator Towle.

LEG. TOWLE:  
Yeah.

P.O. TONNA:  
Seconded by Legislator Caracappa. All in favor?

LEG. TOWLE:  
On the motion.

P.O. TONNA:  
Opposed?

LEG. TOWLE:  
Whoa, whoa, whoa, whoa. On the motion.

LEG. FOLEY:  
I'll second the motion.

P.O. TONNA:  
On the motion.

LEG. TOWLE:  
On the motion.

LEG. FOLEY:  
Second the motion.

LEG. TOWLE:  
Since the Commissioner is still with us, if he could join us one second, I just want to get some clarification. I think there's a typo on this. It's 2250, Charlie. Can you just explain what that resolution's doing? Because it says actual reconstruction, and I thought it was planning and engineering.

LEG. FOLEY:  
It is engineering, engineering for the reconstruction.

LEG. TOWLE:  
I just want to make sure we're clear on this.

COMM. BARTHA:  
That's correct, it's for the engineering portion of the project. And what this resolution does is bring additional State aid to the project, reduces the County share.

LEG. CARACCIOLO:  
Charlie, where on William Floyd are we talking about?

COMM. BARTHA:  
Montauk Highway, from William Floyd Parkway to Mastic Road.

LEG. CARACCIOLO:  
Thank you.

P.O. TONNA:  
Okay. All in favor? Opposed? Approved. 2251.

MR. BARTON:  
16, 2 not present. (Absent: Legs. Postal and Fisher)

239

P.O. TONNA:  
(2251-Amending Resolution No. 714-1999 for participation in engineering for the construction of right turn lanes on CR 3, Wellwood Road (CP 5521). Motion by Legislator -- where is Wellwood?

LEG. BINDER:  
Bishop.

LEG. CRECCA:  
Bishop.

P.O. TONNA:  
Bishop, seconded by --

LEG. BINDER:  
Second.

P.O. TONNA:  
Legislator Tonna. Binder.

LEG. BINDER:  
Doesn't matter.

P.O. TONNA:  
We'll give it to Binder. All in favor? Opposed? Approved.

MR. BARTON:  
16, 2 not present. (Absent: Legs. Postal and Fisher)

P.O. TONNA:  
2252 (Amending Resolution No. 496-1999 for participation in the TEA-21 (Transportation Equity Act for the 21st Century) high priority projects as specified by Congress (CP 5552). Motion by --

LEG. FOLEY:  
Motion.

P.O. TONNA:  
What the heck?

LEG. CARACAPPA:  
Second.

P.O. TONNA:  
Okay. Motion by Legislator Foley, seconded by Legislator Caracappa.  
All in favor? Opposed? Approved

LEG. CRECCA:  
Can I ask for an explanation on this?

LEG. BINDER:  
Oh, man.

LEG. CRECCA:  
All right.

240

P.O. TONNA:  
No.

LEG. CRECCA:  
I'll withdraw it.

P.O. TONNA:  
No.

MR. BARTON:  
16, 2 not present. (Absent: Legs. Postal and Fisher)

P.O. TONNA:  
Number 2253 (Amending Resolution No. 492-1999 for participating in engineering for the reconstruction/widening of CR 83, North Ocean Avenue, over the Long Island Expressway, Exit 63 (CP 5849). Motion by Legislator Levy, seconded by --

LEG. FOLEY:  
I'll make the motion.

P.O. TONNA:

Oh, you made the motion? Seconded by Legislator Levy. All in favor?  
Opposed? Approved.

MR. BARTON:

16, 2 not present. (Absent: Legs. Postal and Fisher)

P.O. TONNA:

2254 (Amending the 2000 Capital Budget and Program and appropriating funds in connection with Safety Improvements at various intersections on Oak Street-Hoffman Avenue, Town of Babylon (CP 3301). Motion by Legislator Bishop, seconded by myself. Roll call.

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

LEG. BISHOP:

Yes.

P.O. TONNA:

Yep.

LEG. COOPER:

Yes.

LEG. BINDER:

Yes.

LEG. D'ANDRE:

Yes.

LEG. CRECCA:

Yes.

LEG. CARPENTER:

(Not Present)

LEG. ALDEN:

Yes.

LEG. FIELDS:

Yes.

LEG. FOLEY:  
Yes.

LEG. HALEY:  
Yes.

LEG. CARACAPPA:  
Yep.

LEG. TOWLE:  
Yes.

LEG. GULDI:  
Yes.

LEG. CARACCIOLO:  
Yes.

LEG. LEVY:  
Yes.

MR. BARTON:  
Legislator Carpenter (Not Present). 15, 3 not present. (Absent:  
Legs. Postal and Fisher-Not Present: Leg. Carpenter)

P.O. TONNA:  
Okay. Same motion, same second, same vote. Number 2255 (A Resolution  
making certain findings and determinations upon a proposal to form  
Suffolk county Sewer District No. 134 - Windwatch in the Towns of  
Islip and Smithtown). Motion by Legislator --

LEG. CRECCA:  
Crecca.

P.O. TONNA:  
-- Crecca, seconded by Legislator D'Andre. All in favor? Opposed?  
Approved.

MR. BARTON:  
15, 3 not present. (Absent: Legs. Postal and Fisher-Not Present: Leg.  
Carpenter)

P.O. TONNA:  
2256 (Authorizing the acceptance and appropriation of Sewage Treatment  
Plant Auxiliary Equipment on behalf of the Suffolk county Department  
of Public Works). Motion by?

LEG. FOLEY:  
Motion.

P.O. TONNA:

By Legislator Foley, seconded by myself. All in favor? Opposed?  
Approved.

MR. BARTON:

15, 3 not present. (Absent: Legs. Postal and Fisher-Not Present: Leg.  
Carpenter)

P.O. TONNA:

Motion by Legislator Foley, 2275 (Amending the 2000 Capital Program  
and Budget and appropriating funds for reconstruction of Montauk  
Highway CR 85, Town of Brookhaven (CP 5554.310).

LEG. FOLEY:

Motion.

P.O. TONNA:

Motion by Legislator Foley, seconded by Legislator Levy. Roll call.

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

LEG. FOLEY:

Yes.

LEG. LEVY:

Yes.

LEG. BINDER:

Yes.

LEG. COOPER:

Yes.

LEG. POSTAL:

(Absent)

LEG. BISHOP:

Yes.

LEG. D'ANDRE:

Yes.

LEG. CRECCA:

Yes.

LEG. CARPENTER:

(Not Present)

LEG. ALDEN:  
Yes.

LEG. FIELDS:  
Yes.

243

LEG. HALEY:  
Yes.

LEG. CARACAPPA:  
Yep.

LEG. TOWLE:  
Yes.

LEG. GULDI:  
Yes.

LEG. CARACCIOLO:  
Yes.

P.O. TONNA:  
Yes.

MR. BARTON:  
15, 3 not present --

P.O. TONNA:  
Thank you very much.

MR. BARTON:  
-- on the bond. (Absent: Legs. Postal and Fisher- Not Present: Leg.  
Carpenter)

P.O. TONNA:  
Okay. Same motion, same second, same vote.

LEG. FOLEY:  
Thank you.

PROCEDURAL MOTIONS

P.O. TONNA:

Okay. We're at Procedural Motions. Number 6-2000 (Authorizing funding for a noise study at Long Island MacArthur Airport).

LEG. CARACAPPA:

Second.

LEG. LEVY:

Motion by myself.

P.O. TONNA:

Motion by Legislator Levy, seconded by Legislator Caracappa.

LEG. FOLEY:

I third that.

LEG. LEVY:

On the motion.

244

P.O. TONNA:

On -- can we just vote on it?

LEG. LEVY:

No, because to everyone's --

P.O. TONNA:

Okay. Legislator Levy, you got it, baby.

LEG. LEVY:

To everyone's dismay --

P.O. TONNA:

Go ahead.

LEG. LEVY:

-- Mr. Chairman, this might be the last speech I give as a Suffolk County Legislator.

(Applause)

LEG. LEVY:  
I know.

LEG. BISHOP:  
Pandora's box must be --

LEG. LEVY:  
I knew --

LEG. TOWLE:  
Steve.

LEG. FOLEY:  
Where's Pandora's box?

LEG. LEVY:  
I knew I'd get you.

LEG. TOWLE:  
Steve, if you talk on this resolution, we're going to vote it down.

LEG. GULDI:  
We're going to vote it down anyway.

LEG. LEVY:  
Well, it's going down anyway, so I might as well go out with a bang. Just a couple of quick points. It is a point. This is -- I know there have been -- there's been some pressure from some to try to defeat the resolution. I just want to point out this is not a resolution to embarrass any other elected official, it's not a resolution to close down the airport. This is not a question of are you for or against MacArthur Airport. I am for it in that I use it and I'm proud to say so and I love its convenience. That's not what this is about. This is simply to allow for the collection of data for very, very basic things. For instance, if I could just get your

attention, please, we've had many, many citizens complain that they never heard any aircraft over their houses before, but there's been some re-routing of planes of late. It used to go over Connetquot State Park. That's not happening anymore, it's going over their homes. This is a study to try to verify that. We've gotten complaints from many people that planes are coming in as late as one o'clock in the morning, or as early as five o'clock in the morning. It's not an attempt to stop MacArthur Airport, it's simply an attempt

to get data available to bolster these people's claims, so that others don't think they're crazy, because they're hearing this, they're pleading for our help. And I looked through the list of the different studies that we have implemented before. I'm not going to go through them all. They're voluminous. You know that they are. What the heck is that? In any event --

LEG. GULDI:  
These sinuses.

LEG. CARPENTER:  
They're diverting planes.

LEG. LEVY:  
Again, I hope that you can consider this for the people who have come down here today. Boy, you won't even -- you won't even give me some decency for --

LEG. GULDI:  
More than you deserve.

LEG. LEVY:  
For ten seconds more that I'm here. I'm telling you, Mr. Chairman.

LEG. GULDI:  
On the motion.

LEG. LEVY:  
Let me finish, please.

LEG. GULDI:  
I wish you would.

LEG. LEVY:  
I know. I know you -- you wanted me to finish ten years ago. But I would appreciate you keeping an open mind. This will not be used, again, against any official, it's simply used -- what? It's used to bolster the people who came down here, so that they can show, "Hey, we're not crazy, this is really happening. Please help us out. We go to other levels of government, we're not getting the response we need, that's why we come to this marvelous institution." Hope you can help them.

P.O. TONNA:  
Okay.

LEG. GULDI:  
On the motion.

P.O. TONNA:  
Roll call.

LEG. GULDI:  
On the motion.

P.O. TONNA:  
Oh, on the motion.

LEG. GULDI:  
I just want to speak briefly in opposition to this. Noise abatement studies are not a bad thing; been trying to pursue and pursuing the funding for one for Gabreski. They cost about \$150,000, they take about three years. In order to be implemented, they have to be, have to be coordinated with the airport sponsor. For an outsider to provide a third of the necessary funding, instead of to availing themselves of the almost \$7 billion in available federal funding for this kind of work, to do a third of a study and not be able to implement any of it is the wrong way to proceed. If you want to get the airport sponsor to do this kind of a study, the right way to do it is to make a compelling argument to them, not take \$50,000 of taxpayer money and waste it by doing a third of an inappropriate study that will be incomplete and will not be able to be implemented.

LEG. LEVY:  
I wasn't going to say anything, but I have to respond for my last word. Legislator Guldi is just incorrect. To say that it's more money, that's if you're conducting a full-blown Part 150 study. That's not what this is.

LEG. CARPENTER:  
This was done. This was done.

LEG. LEVY:  
That's right.

LEG. CARPENTER:  
It was done.

LEG. LEVY:  
The Part 150 was already done.

LEG. CARPENTER:  
Believe me, I served on the committee.

LEG. LEVY:  
That is not what this is. Secondly, you don't have to get the

sponsoring agency being the Town, because you're not going through the federal government for the Part 150 study.

LEG. CARPENTER:  
And we should. We should --

LEG. LEVY:  
And, finally, should these people go through the Town? They've tried

247

it, that's the problem. They ran into a deadened, that's why they're coming here and we ask for your help.

LEG. BINDER:  
Okay.

P.O. TONNA:  
Okay. Roll call.

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

LEG. LEVY:  
Yes.

LEG. CARACAPPA:  
Yes.

LEG. COOPER:  
Yes.

LEG. BINDER:  
No.

LEG. BISHOP:  
Yes.

LEG. D'ANDRE:  
No.

LEG. CRECCA:  
No.

LEG. CARPENTER:  
No.

LEG. ALDEN:  
Nope.

LEG. FIELDS:  
Yes.

LEG. FOLEY:  
Yes.

LEG. HALEY:  
Yes.

LEG. TOWLE:  
Yes.

LEG. GULDI:  
No.

LEG. CARACCIOLO:  
(Not Present)

248

P.O. TONNA:  
No.

MR. BARTON:  
Eight. Eight.

LEG. BISHOP:  
Motion to table.

P.O. TONNA:  
Anyway --

LEG. BISHOP:  
Was the vote called?

P.O. TONNA:  
Yes, it was called.

LEG. CARPENTER:  
Tabled, dead.

P.O. TONNA:

Okay. Can we --

LEG. CARPENTER:  
Dead.

P.O. TONNA:  
Okay. 2069 (Adopting Local Law No. Year 2000, a Charter Law to rotate Chairmanship of Suffolk County Joint Audit Committee. I'll make a motion.

LEG. CRECCA:  
Second.

P.O. TONNA:  
Seconded by Legislator Crecca. All in favor? Opposed?

LEG. BINDER:  
Opposed.

LEG. TOWLE:  
Opposed.

P.O. TONNA:  
Opposed, Legislator Binder, Legislator Towle and Caracappa.

LEG. FOLEY:  
Opposed.

LEG. CARACCIOLO:  
Yes, Henry.

LEG. BINDER:  
Roll call real fast. I'm sorry. Roll call. He's all over the place.

249

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

LEG. TONNA:  
Yes.

LEG. CRECCA:  
Yes.

P.O. TONNA:

Legislator Caracciolo, you're going to vote?

LEG. CARACCIOLO:  
Yes.

LEG. COOPER:  
Yep.

LEG. BINDER:  
No.

LEG. BISHOP:  
No.

LEG. D'ANDRE:  
Yes.

LEG. CARPENTER:  
Yes.

LEG. ALDEN:  
Yep.

LEG. FIELDS:  
Yes.

LEG. HALEY:  
Pass.

LEG. CARACAPPA:  
No.

LEG. TOWLE:  
No.

LEG. GULDI:  
Yes.

LEG. FOLEY:  
You missed me, Henry.

LEG. CARACCIOLO:  
Yes.

LEG. LEVY:  
Pass.

LEG. HALEY:  
No.

LEG. LEVY:  
No.

LEG. CARPENTER:  
Oh, payback.

LEG. GULDI:  
Change my vote to a no.

P.O. TONNA:  
Guys, this was Budget Review, this wasn't me.

MR. BARTON:  
Legislator Foley, I have as a no, yes.

P.O. TONNA:  
And you were on -- and you were on the meeting that said let's go ahead and put this bill in. You me and Caracciolo sat in the thing. I don't care.

MR. BARTON:  
Nine.

P.O. TONNA:  
I don't care. I mean you guys think you're hurting me, you're not. Fine. Thank you. There goes your boat, Steve.

MR. BARTON:  
9-7, 2 not present. (Absent: Legs. Postal and Fisher)

LEG. BINDER:  
All right. CN's.

LEG. CRECCA:  
We've got a Sense Resolution, Paul.

P.O. TONNA:  
Okay.

LEG. CRECCA:  
Paul.

P.O. TONNA:  
Yes. No. Yeah, Sense Resolutions, senseless resolution.

LEG. BINDER:

There's only one.

LEG. CRECCA:  
Just one.

#### SENSE RESOLUTIONS

251

P.O. TONNA:  
Okay. Sense 146 (Memorializing resolution requesting State of New York to enhance Family Court Law guardian representation for children). Motion by Legislator Crecca, seconded by Legislator Binder. All in favor? Opposed? Approved. There you go.

Okay. Now let's go to the --

MR. BARTON:  
16, 2 not present. (Absent: Legs. Postal and Fisher)

P.O. TONNA:  
-- late-starters. Where are they?

MS. BURKHARDT:  
Late-starters are right here.

LEG. CARACAPPA:  
CN's.

P.O. TONNA:  
All right, CN's. CN's. I just want to make sure the boat thing isn't  
--

MS. BURKHARDT:  
No, it's not.

P.O. TONNA:  
2323 (Accepting and appropriating \$71,140 made available by the New York State Division of Criminal Justice Services for the William Floyd Union Free School District Anti-Violence Program with 75% support & authorizing the County Executive to Execute grant related agreements). Motion by Legislator Towle, seconded by Legislator Caracappa. All in favor? Opposed? Approved.

LEG. TOWLE:

Cosponsor.

P.O. TONNA:  
23 --

MR. BARTON:  
15, 3 not present. (Absent: Legs. Postal and Fisher-Not Present:  
Guldi)

P.O. TONNA:  
2324 (Supplementing authorizing resolution under Suffolk County Land  
Preservation Partnership Program (Property adjacent to Veterans  
Administration), Town of Huntington). Motion by myself.

LEG. BINDER:  
Can't we use affordable housing --

P.O. TONNA:  
Seconded by Legislator Binder. I don't even --

252

LEG. BINDER:  
No, no, no.

LEG. CARPENTER:  
Yes.

P.O. TONNA:  
Cooper?

LEG. COOPER:  
Motion.

P.O. TONNA:  
Motion by Legislator Cooper, seconded by myself. All in favor?  
Opposed?

LEG. BINDER:  
Can't we use the affordable housing? No, forget it.

P.O. TONNA:  
I have no idea. All in favor? Opposed? Approved. Eighteen months,  
Allan.

MR. BARTON:

15, 3 not present. (Absent: Legs. Postal and Fisher-Not Present: Leg. Guldi)

P.O. TONNA:

Okay. Let me see. Motion, 2326 (Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Augert Pines Corp.)

LEG. LEVY:

Mr. Chairman, 2322, was that to lay on the table?

LEG. CARPENTER:

No, it's a CN.

P.O. TONNA:

No. This is a CN, 2324.

LEG. LEVY:

23-- all right.

LEG. FOLEY:

2322 was not a CN.

LEG. LEVY:

We didn't get to 2322, it's not a CN.

LEG. CARPENTER:

No.

LEG. LEVY:

Okay, sorry.

253

LEG. CARPENTER:

No, we're doing CN's.

LEG. LEVY:

I thought it was a CN.

P.O. TONNA:

2326. Motion by --

LEG. BINDER:

Motion.

P.O. TONNA:  
Legislator Binder, seconded by --

LEG. CARPENTER:  
Second.

P.O. TONNA:  
Legislator Carpenter. All in favor? Opposed? Approved.

MR. BARTON:  
15, 3 not present. (Absent: Legs. Postal and Fisher-Not Present: Leg. Guldi)

P.O. TONNA:  
Great. Late-starters, here we go. I want to lay on the table 2322 and assign that to Parks. Lay on the table 2325 and assign it to Ways and Means. Okay. All in favor? Opposed? Approved.

MR. BARTON:  
15, 3 not present. (Absent: Legs. Postal and Fisher-Not Present: Leg. Guldi)

P.O. TONNA:  
Okay.

LEG. CARPENTER:  
Did we do Sense 153?

P.O. TONNA:  
And the last one, Legislator Levy?

LEG. LEVY:  
Yeah, motion to lay on the table --

P.O. TONNA:  
Motion to lay on the table.

LEG. LEVY:  
-- and waive the rules and approve --

P.O. TONNA:  
Okay. Motion to lay on the table --

LEG. LEVY:  
-- Resolution 153.

P.O. TONNA:  
-- Memorializing Resolution.

LEG. CARPENTER:  
On the motion.

LEG. FOLEY:  
Second the motion.

P.O. TONNA:  
Resolution requesting Suffolk County Water Authority to extend iron removal water treatment to all Suffolk County.

LEG. FOLEY:  
Second the motion.

LEG. CARPENTER:  
On the motion.

P.O. TONNA:  
Yes.

LEG. CARPENTER:  
I know it's sense resolutions --

P.O. TONNA:  
Wait. Is there a motion and a second?

LEG. FOLEY:  
I made the second.

P.O. TONNA:  
Okay.

LEG. CARPENTER:  
Sense resolutions can be amended on the floor and -- before approval?

LEG. LEVY:  
Yes.

LEG. CARPENTER:  
I would just ask that you to change it, because the iron treatment facility went into West Islip because it was a high concentration of iron and needed there. I would just amend --

LEG. LEVY:  
Iron in what? I'm sorry, Ang. Iron in what?

LEG. CARPENTER:

There was a high iron content in the water and it was needed there.

LEG. LEVY:

Right.

255

LEG. CARPENTER:

I would just amend the title "wherever" to say "where needed".

LEG. LEVY:

Yeah, I agree.

LEG. CARPENTER:

Not all of Suffolk County

LEG. LEVY:

Can we do that, Paul. That makes sense. Thank you.

MR. SABATINO:

At the end of the first "resolved" clause, just have the Clerk's Office add, after the -- before the semicolon, comma, "where needed."

LEG. CARPENTER:

And then just take the "all" out in the title.

LEG. LEVY:

Fine.

LEG. CARPENTER:

Or in Suffolk County.

LEG. LEVY:

Fine.

P.O. TONNA:

Okay.

LEG. LEVY:

In Suffolk County.

P.O. TONNA:

All in favor? Opposed? Approved.

MR. BARTON:

14, 4 not present. (Absent: Legs. Postal and Fisher-Not. Present: Legs. Guldi and D'Andre)

P.O. TONNA:

Meeting adjourned.

LEG. FOLEY:

No, no, no. Go back. No, don't adjourn the meeting.

P.O. TONNA:

Why?

LEG. FOLEY:

Just on the record, we should have the record reflect the fact that all of us want to bid and wish Legislator Levy --

256

P.O. TONNA:

Oh, right, right, right, absolutely.

LEG. FOLEY:

-- the best of luck in the State Legislature.

(Applause)

LEG. HALEY:

Yes. And don't let the door hit you in your rear.

LEG. FOLEY:

And the fact that --

P.O. TONNA:

We'll see you back in two years.

LEG. LEVY:

They're taking my card back.

LEG. FOLEY:

In fact, that we're expecting all of this --

LEG. HALEY:

Merry Christmas, everyone.

LEG. FOLEY:

Steve, we're expecting all of this unfunded State mandates to be relieved.

LEG. LEVY:

I hope you all saw my present to myself, which was that garbage can for all of your sense resolutions. I hope you saw that. Thank you.

[THE MEETING WAS ADJOURNED AT 8:45 P.M.].