

SUFFOLK COUNTY LEGISLATURE

GENERAL MEETING

SECOND DAY

JANUARY 30, 2001

MEETING HELD AT THE WILLIAM H. ROGERS LEGISLATIVE BUILDING
IN THE ROSE Y. CARACAPPA AUDITORIUM
VETERANS MEMORIAL HIGHWAY, SMITHTOWN, NEW YORK

MINUTES TAKEN BY LUCIA BRAATEN AND ALISON MAHONEY, COURT REPORTERS
MINUTES TRANSCRIBED BY LUCIA BRAATEN AND PATRICIA PATRISS,
COURT REPORTERS

[THE FOLLOWING WAS TRANSCRIBED BY PATRICIA PATRISS]

(THE MEETING WAS CALLED TO ORDER AT 9:44 A.M.)

P.O. TONNA:

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

Okay, Henry. Let's do a roll call. I'd ask all Legislators, please come to the horseshoe. Roll call, Henry.

MR. BARTON:

Good morning, Mr. Chairman.

P.O. TONNA:

Good morning.

MR. BARTON:

Legislator Caracciolo.

LEG. CARACCIOLO:

Here.

MR. BARTON:

Legislator Guldi, Legislator Towle, Legislator Caracappa, Legislator Fisher.

LEG. FISHER:

Here.

MR. BARTON:

Legislator Haley. Good morning, Mr. Guldi. Legislator Haley, Legislator Foley.

LEG. FOLEY:

Present.

MR. BARTON:

Legislator Fields.

LEG. FIELDS:

Here.

MR. BARTON:

Legislator Alden,

LEG. ALDEN:

Here.

MR. BARTON:
Legislator Carpenter.

LEG. CARPENTER:
Here.

MR. BARTON:
Legislator Crecca.

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LEG. CRECCA:
Yes, here.

MR. BARTON:
Good morning, Mr. Crecca. Legislator D'Andre.

LEG. D'ANDRE:
Here.

MR. BARTON:
Legislator Bishop, Legislator Binder --

LEG. CARACAPPA:
Mr. Clerk.

MR. BARTON:
Good morning, Mr. Caracappa. Legislator Cooper.

LEG. COOPER:
Here.

MR. BARTON:
Deputy Presiding Officer Postal, Presiding Officer Tonna.

P.O. TONNA:
I'm here.

MR. BARTON:
12 recorded, Mr. Chairman.

P.O. TONNA:
Okay, great. Before we begin, just a note. Dave Bishop is home with a pretty serious fever, and he asked to be excused this morning, so I give him an excused absence and he'll be here in the afternoon if we have to vote, which I'm sure we will. Okay, let's begin with a salute

to the flag led by Legislator Binder.

Salutation

LEG. ALDEN:

A moment of silence for the Giants.

P.O. TONNA:

I think we've had that moment of silence already. Anyway, I would now like to recognize Legislator Brian Foley for the purpose of introducing our clergy.

LEG. FOLEY:

Thank you, Mr. Presiding Officer. It is my distinct pleasure and honor today to have as our clergy, the Reverend Dr. Diane Prosser of the Congregational Church of Patchogue. For the past two years Dr. Prosser has been the minister of that particular church, which has for over 200 years served the spiritual needs of the greater Patchogue community. So, Dr. Prosser, thank you.

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REV. DR. PROSSER:

Thank you, Mr. Foley, and good morning. It's a pleasure to be here with you today. I myself am relatively new to Long Island coming from Colorado just two years ago, and so this is my first chance to be in this setting and I appreciate the invitation.

Just a few comments before we have the prayer. This past Sunday in our morning worship at the Congregational Church of Patchogue I shared with my Congregation excerpts from the inaugural addresses of four great Presidents in our Nation's history. Now I'm not going to give you those excerpts today I know you'll be a little relieved about that, but I did want to share with you one vision that I, as a Christian Pastor and many other Pastors would share with me, and that's something that was given to us in the scriptures and the gospel of Luke from Jesus of Nazareth when he said, "The spirit of the Lord is upon me, because he has anointed me to bring good news to the poor. He has sent me to proclaim release to the captives and recovery of sight to the blind. To let the oppressed go free to proclaim the year of the Lord's favor."

So there is a kind of inaugural address. The vision and the mandate given by Jesus to those who would follow him. Now, I confess that many of us in the Christian Church don't fully understand those words and don't always know how to translate them, but there they are. Good news to the poor, release to captives, recovery of sight to the blind,

letting the oppressed go free. They almost have a kind of political ring to them. I would maintain that even though I know we come from many different traditions, many different communities and have many different backgrounds that this kind of vision might be the kind of vision that would bring us together in a common purpose. And so I would ask that you at this time bow your heads and your hearts in prayer.

Holy God, creator of all people and guiding spirit of this Nation throughout our years, we thank you for this great Country and for every person in it. We thank you for the privilege of leadership. It is an awesome responsibility, one that requires great wisdom, patience, empathy, demands of us all that we are, and through your good grace are able to become. We pray that you would help us to embrace the kind of vision that Jesus set before his followers, a vision that's open inclusive, a vision that understands the special kinds of hardships that people face, and to the best of our ability helps us use the resources that we have at our disposal, material resources, spiritual resources, to use them all. To bring hope and comfort and freedom to those who are in need. Be with the men and women of this Legislative body we pray. There's is a high calling, a difficult one, and as skilled and talented as they are they need your guiding presence to do this job the way that you would have them do it.

Be with the other leaders of this land we pray, leaders in education, in medical fields, in industry and correction facilities and government. May we take the many blessings that you have bestowed upon us and instead of clenching them in our fists or grasping for more, open our hearts and our hands so that these blessings may be

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extended to others and therefore multiplied as they are shared.

Be with those we pray oh God who are suffering this day. Our thoughts are especially with those who have sustained such profound losses and wounds in the earthquakes in India and in El Salvador. We're grateful for all those organizations and people who are responding to these tragedies, giving compassionately of their time and money to offer assistance, and oh God we pray for your blessing and for your strength to be upon them. Thank you for this day, may we use it well, may we use it to your glory and for the uplifting of all your people in this Country and far beyond. Amen.

P.O. TONNA:

Thank you, Pastor. Okay. Just a moment of silence for Kermit Graff, the Director of Cornell -- Kermit Graff, the Director of Cornell Cooperative Extension.

(MOMENT OF SILENCE)

Thank you. Okay. You may be seated. Okay. Do we have any proclamations today?

LEG. ALDEN:
No, Levy's not here anymore.

P.O. TONNA:
No, all right. I know I can anticipate that our meetings with go a little quicker since Legislator Levy, or Assemblyman Levy is not here any longer. Okay. Okay. Jay Schneiderman, Supervisor of East Hampton. Hey, Jay, how are you?

SUPERVISOR SCHNEIDERMAN:
Hey.

P.O. TONNA:
Everything's good.

SUPERVISOR SCHNEIDERMAN:
Everything is good.

P.O. TONNA:
Great.

SUPERVISOR SCHNEIDERMAN:
Good to see you all. Good morning, everybody.

P.O. TONNA:
Jay, I just wanted to ask you, do you have any contacts to some of those golf courses out there, Maidstone, you know?

SUPERVISOR SCHNEIDERMAN:
Everybody want to go golfing?

P.O. TONNA:
Yeah, we'll talk about that later. Okay.

SUPERVISOR SCHNEIDERMAN:
Good morning, Legislators.

P.O. TONNA:
Good morning.

SUPERVISOR SCHNEIDERMAN:

As the Pastor just spoke eloquently from Luke and talked about bringing good news to the people I'm hoping that today I can bring good news to the people of East Hampton. You have before you a resolution, Resolution 2319 concerning the preservation of a 165 acre parcel in East Hampton. It's the largest unprotected piece in East Hampton. We call it Jacob's Farm, though it's -- maybe historically there was some farming on it, it's predominantly a woodland forest parcel with significant habitat value, and particularly significant groundwater value.

This is a parcel that's in a deep water recharge area that is really the future of springs, the most densely populated area of East Hampton in terms of supplying public water to that area and it also -- eventually the waters that percolate through the soils at Jacob's Farm end up in Accabonac Harbor, which is a very productive marine environment. So I implore you to help us with this purchase. The Town of East Hampton cannot do this alone. It's a nine million dollar -- a nine million dollar parcel. We had negotiated -- the Town Board negotiated this about a year ago. There is now an appraisal of 12.3 million dollars on this parcel. The property owner has said that the time basically will expire at the end of this month, unless we have a commitment to purchase this, for that nine million dollar price no longer will be available at that price. We need your help. I started in Montauk at around five thirty this morning and I wanted to make sure I got here first to sign up because I know it's that important to the people of East Hampton. And I didn't come alone. There's a contingent of us here, ten or more people, and you'll be hearing from them as well.

So I'll end my comments at that. I have a copy of the appraisal at 12.3 million if anybody needs it. Please help us with this very important acquisition. Thank you.

D.P.O. POSTAL:
Thank you.

SUPERVISOR SCHNEIDERMAN:
Any questions?

D.P.O. POSTAL:
Is this working? Thank you.

SUPERVISOR SCHNEIDERMAN:
Thank you.

D.P.O. POSTAL:
Next speaker, Mike Bottini, from the group for the South Fork.

MR. BOTTINI:

Good morning. I'm an environmental planner with the Group for the South Fork and I'm here on behalf of our 3,000 family members to urge you to work with the Town of East Hampton to acquire the Jacob's Farm parcel. In addition to the points that Supervisor Schneiderman made, I'd like to add that this is -- this piece of property has many trails on it that link into other green belts that are existing in the area, so it will provide a nice passive recreational opportunity for residents of the area, and also residents of the County who come out and visit our area and like to go hiking. And it also protects investments that the County's already made in this area. There's a County park with trails on it directly across the street from this property to the south, and to the north the County has acquired wetlands in the Accabonac Harbor area. So this would help link in with some of those areas and protect the groundwater flowing into the harbor. Thank you.

D.P.O. POSTAL:

Thank you. Next speaker, Sue Avedon who's from the South Fork Groundwater Task Force.

MS. AVEDON:

Good morning. My name is Sue Avedon. I'm a resident of East Hampton and also an officer of the South Fork Groundwater Task Force. Our organization has over 900 members whom I'm representing today. I speak to you not only as an environmental advocate, but also as a breast cancer survivor, and a citizen who has great concerns about the health and future of our community.

The parcel of 165 acres of woodlands is located within the towns water recharge overlay district, and the New York State special groundwater protection area. The preservation of this parcel will protect the groundwater below from contamination, which would be likely to occur should this land be developed. The possibility for such development is quite real, since the owner indicates that a number of offers have already been made. Further, the Suffolk County Water Authority plans to install wells for the Springs, Amagansett area on not nearby County property, which will provide public water to local residents. Thus, ensuring the quality of the water which underlies Jacob's Farm becomes even more vital. The extensive development which has occurred in our community over the past two decades has contributed to an ever increasing number of contamination of water supplies. The answer thusfar has been public water, but if we don't protect the source of both public and private wells, what will be the fate of our children and our grandchildren. The fact is, we're facing a crisis in regard to one of the most basic needs that we have, and that is our drinking water. I ask and I implore that the County partner with the Town of East Hampton in the purchase of Jacob's Farm in the ongoing effort to stem the tide of contamination of our most precious natural resource. Thank you.

D.P.O. POSTAL:

Thank you. Richard Lupoletti from the East Hampton Trails Preservation Society.

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MR. LUPOLETTI:

Mike has mentioned some of the things about hiking already and the value of the property for recreational use, so I'd like to just spring from that and tell you a little bit about the organization I'm here to represent, the East Hampton Trails Preservation Society. There's 650 member families. These are only dues paying people, not people who come on our hikes, and they are very strong in their urging of your support for the purchase of this property also. There's a possibility for a very nice, very valuable trail system right within the Jacob's Farm and possibilities for great linkages in the area that could take us almost completely across the springs peninsula.

Last year the Trails Preservation Society, which is charged with the obligation of cutting trails, maintaining trails, and helping people enjoy the trails of East Hampton, led 150 free hikes through the area for residents and visitors. Nearly 4,000 people joined us on those hikes. There are many thousands of others going with other organizations and going on their own. Individual hikers, bikers and horseback riders who would make use of this property for passive recreation purposes.

I've come here on behalf of the membership of our organization, and of the 4,000 people who hiked with us last year to ask you to use your wisdom, patience, and empathy that the good Pastor suggested, in considering partnering with us and joining us in the purchase of this property. Thank you very much.

D.P.O. POSTAL:

Thank you. John Halsey, Peconic Land Trust.

MR. HALSEY:

Good morning. I'm John Halsey, President of the Peconic Land Trust. I'm here as well to speak on behalf of the acquisition of the Jacob's Farm parcel. And I'll try to point out a few things that maybe some others have not. Obviously this is a very, very key piece. We've already heard for watershed protection and so forth. But I think it's important to recognize that it has a final -- basically a final conditional approval for forty-five house sites, so that if this acquisition does not go forward it's very possible that we'll see forty-five houses on this property.

Over the years, the Peconic Land Trust has protected 450 acres

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adjacent to this property at no public cost. So in a sense, we've delivered to the people of Suffolk County 450 acres and now we're asking you to help the Town make this very important acquisition.

Another point to consider here is the fact that actually there is another partner in this transaction, and that is the Federal Government in the sense that Mr. Savin, the owner of this property will be selling at nine million dollars a property that is worth 12.3 million dollars, and there's a charitable gift that he will benefit from, and the fact that the Federal Government provides a gift for sale at less than market value is a very good thing, and just further leverages the finite monies that the County and the towns have.

So again, I encourage you to make this acquisition happen, and thank

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you very much in advance.

D.P.O. POSTAL:

Thank you. Before the next speaker, I'd just like to remind everyone that if you have a cellular phone, please turn it off, and if you have a beeper please put it on silent alert.

Diana Weir, East Hampton. Hello, Diana.

MS. WEIR:

Hi, how are you. Good morning, Legislators. Nice to be before you. I'm coming, a Councilwoman from East Hampton, speaking on behalf of the Springs Community. I'm liaison to that community where Jacob's Farm is located. And first of all, I want to thank the Legislature deeply for being partners with us in so much land preservation on the east end. The Suffolk County has been our best partner in land preservation, and I want to thank you for that for the past and for the future, and remind you that keeping East Hampton beautiful, which is the jewel in Suffolk County, is beneficial to all of the County, because the tourism dollars that flow from the people that come to visit our beautiful community help everyone in this County. So I ask you please to consider it with your due consideration and approve the passage of the bill. Thank you.

D.P.O. POSTAL:

Thank you. John M. Carley.

MR. CARLEY:

Good morning. I'm John Carley from Springs. I'm a resident up in Springs. As the Supervisor said, we're the most densely populated area of East Hampton. The area I live in has approximately 900 half acre lots and they're -- right now they are about seven hundred

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houses. We all have shallow wells. Every hundred feet, there's a well. Every hundred feet, there's a cesspool. So groundwater protection to the people of Springs, the working community of Springs, is very important, and that's one of the main reasons that I feel and the people of Springs feel that this land needs to be protected, because at some time, according to Dr. Koppelman and Mr. {Legrange}, our wells will probably not be usable due to the amount of people, and there's going to be a great need for water, and Suffolk County wells in this area will be able to provide the water for the residents of Springs. Thank you and I appreciate --

D.P.O. POSTAL:

Thank you.

MR. CARLEY:

-- coming to speak. Thank you.

D.P.O. POSTAL:

William Lundin, East Hampton Nature Preserve.

MR. LUNDIN:

Good morning, Legislators. Jacob's Farm is the single largest piece of property left in East Hampton Town at 165 acres. It sits on a major water recharge area and butts up against a future site of

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Suffolk County water well field. It also offers a beautiful wildlife habitat with great hiking trails. It will offer many generations to come a great place for nature studies. It is also an ideal place for hunting.

My wife and I and several people from the community ran a petition drive in which we collected fifteen hundred signatures and presented them to the East Hampton Town Board. I ask you today to help us preserve this piece of property so everyone in Suffolk County can benefit. Thank you.

D.P.O. POSTAL:

Thank you.

MR. LUNDIN:

I have the petitions.

D.P.O. POSTAL:

You can just give them to the Clerk, thank you. Rich Cornelia from the East Hampton Town Recreation Committee.

MR. CORNELIA:

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Yes. Hi, I'm Rich Cornelia. I also have served -- I serve on the Springs Advisory Committee and I'm a past President of the Springs School Board. I just want to reiterate what everyone has said as well as Diana's thanks to you for the cooperation you've given us in the past. Springs not only has the highest density in East Hampton, but up to this point it's had the lowest amount of open space, and we are not at a crucial stage in development. In our town we are on the verge, in Springs at least, becoming a suburb rather than a rural area. We -- our hinter land is the Atlantic Ocean. We have no more open space. If we don't get the open space and recreational areas now, we never will. So I would hope -- I would strongly urge the Legislature to go along with this purchase. Thank you.

D.P.O. POSTAL:

Thank you. Catherine A. Jansen, Heckscher Museum of Art.

MS. JANSEN:

Good morning.

D.P.O. POSTAL:

Good morning.

MS. JANSEN:

I'm Catherine Jansen. I'm Chairman of the Board of the Heckscher Museum of Art, and I thank you for letting me speak. I'm asking for your support for the override of Resolution Number 1284-2000 for the Dove/Torr Cottage. The property has been placed on the New York State Registry of historic places and was recently named to save America's treasures, a joint program of the White House and the national trust. Because it is an important cultural site whose very existence is threatened, the Dove/Torr Cottage has also been recognized as one of the 20 most significant artist homes and studios in the Country by the National Trust for Historic Preservation.

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Upon its renovation the Dove/Torr Cottage is planned as an important archival and study facility which will be devoted to documenting the lives of two of Long Island's most important artists, Arthur Dove and Helen Torr. The Cottage is in serious jeopardy as it is deteriorating rapidly. It is urgent that we stabilize and restore this treasure before it is lost forever. We are grateful to Legislator Jon Cooper, who has been working diligently on our behalf to recover twenty-eight thousand of a thirty-five thousand line item expense in support of the historic repairs of the Dove/Torr Cottage.

Legislator Hackeling originally helped us to secure these funds in FY 2000. Soon after they were appropriated these funds were lost within

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the Suffolk County budget. Legislator Cooper recovered this funding appropriation and requested a resolution to extend the grant period into 2001 budget. We received 20% of the total grant in late October 2000. As a line item expense in the County budget, these funds were to have been expended before the end of February 2001. Since these funds were only recently located, we have not been able to spend them in an efficient manner to bid out and complete the project.

We received a signed contract from the Suffolk County Department of Parks and Recreation nine months late, in September 2000, for a grant which was to commence January 2000.

County Executive, Robert Gaffney vetoed this resolution. Had the funds been available to us when they were appropriated, we would have been able to bid out the project, hire our architectural {conservice} -- consultant, excuse me, and construction crew and move quickly to begin the restoration work within the required period.

I am asking for your support of this override. Thank you for your consideration.

D.P.O. POSTAL:

Thank you. Beth Levinthal from the Heckscher Museum of Art.

MS. LEVINTHAL:

Good morning, and thank you.

D.P.O. POSTAL:

Good morning.

MS. LEVINTHAL:

I am Beth Levinthal, Director of the Heckscher Museum of Art, and I echo the sentiments of Catherine Jansen, our Chairman of the Board of Trustees. The funding that was given to us was misplaced for quite sometime. We just received the funding in late September, early October, and began the process of hiring an historic architect to work with us to begin the bidding process when we were informed that the funds in fact would be lost to us, and we really implore you to override the veto, that it will allow us to provide the very important stabilization work for this historic structure that has been noted, is one of the 20 most important artists homes in America.

It provides us with an opportunity for the future if we can stabilize the structure and to restore the structure to provide educational

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opportunity, which is extremely rare, to explore what an artist, who was considered the father of American extraction painting, to see what he saw, where he created the most major body of his work.

So we would ask you to please override the veto to permit us to have the funds to begin the very vital work of restoration and stabilization of this historic structure. Thank you.

D.P.O. POSTAL:

Thank you. Randi Dresner, Heckscher Museum of Art.

MS. DRESNER:

Thank you for this opportunity to speak. I am Randi Dresner. I am the Director of Development at the museum. I just wanted to talk to you about Arthur Dove. Arthur Dove is considered by many art historians to be the father of American abstraction. His residence in Huntington and Centerport during the 1920's to 1946, which is the time of his death, is of major importance to the Long Island community.

Most of his work that has brought him his acclaim has created during those years that he resided in the Dove/Torr Cottage. The funding to stabilize and restore this historic site is urgently needed. There are only a handful of sites in America that provide such a strong link between an artists body of work and the source of their inspiration. The restoration of funding for the Dove/Torr Cottage Project is quite important as a delay in the ability to restore the Cottage may lead to its demise. So we appreciate your consideration. Thank you.

D.P.O. POSTAL:

Thank you. John Backer.

MR. BACKER:

Good morning. I come to you this morning in regard to the Children's Secure Detention Facility in Yaphank. After reading the committee report for juvenile detention center, I would like to state on record that the residents of Yaphank along with the Yaphank taxpayers and civic association are in opposition of this facility. We find this report to be misleading, unfair, and untrue. Page 11 of the report state's that Yaphank is accessible by public transportation, has existing infrastructure, and no community issues that might cause some community consignations.

There isn't or has never been any public transportation other than the Long Island Railroad. As far as community issues, this report was handed in to the County Executive and Legislators before the community was aware that this facility was being slated for Yaphank. The report states that the location was south of the probation building and not near any homes at all.

In a Newsday article dated November 30th 2000, Vincent Iaria was quoted stating that the nearest homes are about 800 to 1000 feet away. It is visible by the area map titled Children's Secured Detention Facility that the location is bordered next to a parcel of property where I live. My house may be 800 feet away, but my property is my

home. I have a family. One day I would like to build a house for my daughter, but with a detention center bordering it, well that would be like a father's dream melting in the snow. The areal does not show each parcel of land along the Yaphank Avenue where there are thirty-three homes with families and children. Not to say the recently built homes along Sterling Path, South View Court, where houses would be 1000 feet away from the facility, Gerard Road, in which seventy-six new homes were just built, or the homes along Horseblock Road where a new condominium complex is being built. Page 14, Paragraph 2 of this report states this also.

Paragraph 3 states that area is in proximity of two hospitals. We know of one. The County operated nursing care facility with 24 hour medical support staff is there for the care of the patients of this facility. I'm sure the families of patients and the facility don't know that juvenile offenders will possibly be treated there or would we say that it would be safe for them?

The same paragraph states that the selected property is down the street from Suffolk County Police headquarters. Suffolk Police Headquarters house detectives and all bureaus of the Department. If there was a problem and the police needed to be contacted the patrol would come from the 5th Precinct in Patchogue.

Page 14, Paragraph 2, line nine states "and is adjacent to a County complex patrolled by the Sheriff's Department. The County complex patrolled by the Sheriff's Department consists of around the outside perimeter of the jail, which is not near the center. This report leads us to believe that the Sheriff's Department will have a permanent 24 hour patrol around the outside of the facility which houses robbers, rapists and murderers. Is this a quality of life issue? Would you feel safe and comfortable with a detention center bordered in your backyard?

Since the committee felt that Yaphank was the place, what were the other places that could have been bought or rented for considered?

D.P.O. POSTAL:

Excuse me Mr. Backer, can you sum up, please?

MR. BACKER:

Okay. Nowhere else than Pilgrim State was considered as a site. No one in Suffolk County has 12 acres for sale where there are no homes. We ask that before our property and homes are worth nothing that the Legislators and County Executive do a real site plan search where homes and families are not affected.

D.P.O. POSTAL:

Thank you very much.

MR. BACKER:

Thank you. I have a petition.

D.P.O. POSTAL:

If you would give that to the clerk. Thank you.

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MR. BACKER:

Thank you.

D.P.O. POSTAL:

Sylvia Diaz. Good morning.

MS. DIAZ:

Good morning Legislators. I'm here to just speak briefly and provide you with an update on the -- on IR 2051 implementing daycare program for County employees sponsored by Fred Towle.

I met with the committee several weeks back and provided the committee with an update on some of the incidences that had occurred over the period of time in which we had the resolution back in the spring and then subsequently submitted a -- the results of a -- well, completed an assessment of the needs of County employees for daycare facilities, and we have moved along to the point now where we in fact have a request for proposal that is scheduled to be issued. We have -- the ad has been placed in two local newspapers. The RFP has been prepared, and is consistent with the prior RFP issued several years ago, which in fact there wasn't any funding in place to actually complete the project, but this time we do have the funding.

Questions are due back on February 22nd 2001, a proposers conference will be held on Thursday, March 8th 2001 at the Purchasing Division, and no proposal will be excepted after 11 a.m. on Thursday, March 22nd 2001. So I did want to provide you with an update that we are moving forward on this. Along with this we have completed over the last several weeks a number of inspections. We submitted a preliminary application to the State Office of Children of Family Services and that preliminary application has been reviewed, and it appears that the State would find the site suitable and feasible for daycare facilities in the County. This is the site at the Dennison Building. And so we're prepared for move forward with this and I did want to provide you with that update because I know its going to be up for discussion today.

D.P.O. POSTAL:

Thank you.

MS. DIAZ:
Sure.

D.P.O. POSTAL:
Susan Barbosh, Summit Council of Bay Shore Brightwaters.

MS. BARBOSH:
Good morning. I have some handouts.

D.P.O. POSTAL:
You can give them to the Clerk, thank you.

MS. BARBOSH:
Good morning and thank you. I'm here representing the Summit Council of Bay Shore and Brightwaters as well as the Community of Bay Shore of which I'm a lifelong member. As many of you know, the Summit Council

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was formed seven years ago to bring together all of the community residents and groups to work for better quality of life in the community of Bay Shore, which had in recent decades seen a significant decline in property values and vacancy rates on Main Street.

We are very appreciative of the role the County has played in these years in the revitalization of Bay Shore. Some of you were here when we convinced you to turn over the County mini center to Touro College and we are now the proud home of the College of Health Sciences that Touro runs in downtown Bay Shore. We are also appreciative of the downtown development fund that you have established, and Bay Shore has been a beneficiary of that fund. With every opportunity you have given us, we have worked very, very hard to pull us up by our own boot straps and it's a work in progress. We're not there yet and I'm here because we need your help once again.

Last August, the County issued a request for proposals for a non secured detention facility that would house juvenile delinquents and persons in need of supervision otherwise known as PINS, twelve of them in one facility. There was no intent to site it in any one place. But the application that was accepted, or is in contract tentatively, is for a proposal by an organization known as Hope for Youth. This facility has an intake hours of 24 hours a day. The children that are housed in this facility are only allowed to be there between two and six weeks. It really functions as a clearing house, a step in the process of getting these kids into appropriate facilities, be they group homes or permanent detention facilities, secured detention facilities.

There is a proviso in the language of the RFP that the facility conformed to local zoning codes, and I'm here to alert you to the fact that Hope for Youth has already purchased a building in a purely residential neighborhood that is zoned -- the property is zoned for single family residential use only. It came to our attention that something afoot when a wooden fire escape started appearing on the side of this building.

Now fire escapes whether they're permitted or not are not supposed to be made out of wood. They're supposed to be made out of something that will not burn. Community --

D.P.O. POSTAL:

Susan will you sum -- I'm sorry, but will you sum up, please?

MS. BARBOSH:

Yes. Yes, I will. I just wanted to bring it to the County's attention that this facility does not conform to local zoning codes. It is in an inappropriate neighborhood for a facility of this kind, and you will be hearing from many of the residents who have -- who share concerns about the process that was followed. Thank you.

LEG. ALDEN:

I have a question.

D.P.O. POSTAL:

Legislator Alden, before you do, just a brief announcement. There are

two vehicles blocking other vehicles in the parking lot on the side. One is a red Volvo, license plate number T -- is that T1654Y, and the other one is a Chrysler convertible that says AV8RESQ. Chrysler Convertible. Okay is that -- thank you. Legislator Alden.

LEG. ALDEN:

Hi. Were there any other factors that you wanted us to consider?

MS. BARBOSH:

Were there any other factors? Primarily, the RFP was issued by the Department of Probation. The facility is funded by the State Department of Children and Families and the County. But the intent in the County is that this be a facility that has appropriate zoning, and it is our belief that if you look closely at the RFP and what -- the parcel that Hope for Youth is hoping to hoping the intent of the County is not being recognized, and so we ask that you look very carefully at this contract before it is executed to ensure that your own intent is recognized.

LEG. ALDEN:

Thanks a lot for coming down.

D.P.O. POSTAL:

Legislator Fields. Susan --

LEG. FIELDS:

Susan.

D.P.O. POSTAL:

Another question.

MS. BARBOSH:

I'm sorry.

LEG. FIELDS:

Have you attempted to contact the Town of Islip to find out about zoning?

MS. BARBOSH:

Absolutely. We're working very closely with the Town Planning Department. We were not given the benefit of any advance notice of this facility, and it was only because residents noticed activity in this house that we were aware that something was going on.

As opposed to a group home, which when applied for has to follow the Padavan Law with prior notification to both municipality and community members, we in Bay Shore who are very, very well organized and have a very good network for communication -- we were blindsided for this, and we believe the County was blindsided as well.

LEG. FIELDS:

I grew up in Bay Shore. I'm very familiar -- can you tell me the street that this facility --

MS. BARBOSH:

Yes. This is on Shore Lane. It is a street that runs south of

Montauk Highway towards the bay. It is one of the older streets in Bayshore. In the past ten years it has really undergone a remarkable transformation from really being a very deteriorated street, and people are putting there hearts and souls and life savings in their buildings, and they need that protected. I am -- we are very sympathetic to the needs of this particular population, but we feel that the intent was that it not be placed -- what is in essence a commercial operation, that it not be placed in a residential

neighborhood.

LEG. FIELDS:

Has the town said that they will allow that kind of zoning?

MS. BARBOSH:

It has not.

LEG. FIELDS:

Have they said they will not allow that --

MS. BARBOSH:

They have said that they will not. They have indicated to the community members that they will not support a rezoning of this property, and that they believe that this is in violation -- this use is in violation of present zoning, which is strictly single family.

LEG. FIELDS:

Okay, thanks for bringing it to our attention.

MS. BARBOSH:

Thank you very much.

D.P.O. POSTAL:

Any other questions?

LEG. FOLEY:

Yes.

D.P.O. POSTAL:

Legislator Foley.

LEG. FOLEY:

Thank you. Have you attempted to speak for the Probation Department and what response did you receive from them?

MS. BARBOSH:

Well, we understand that Cameron Alden has had conversations with the Probation Department. We have not had actual communication except that I'm sure he'll be receiving a lot of letters in the next couple of days. We've also spoken to the County Executive. We have very good communication with the County. We have a Superintendent of Schools who probably has been before this horseshoe more times than most Superintendents of Schools. So we have a good relationship and we're trying to communicate.

LEG. FOLEY:

And you do a fine job with that. I'm just curious as to what the

response not may be, what the response is from the Probation Department.

LEG. ALDEN:
Legislator Foley, would you suffer an interruption for one second?

LEG. FOLEY:
Yes.

LEG. ALDEN:
I invited the Director of Probation, Vincent Iaria to be here today and he is in the audience. So we could ask him questions directly.

LEG. FOLEY:
Okay.

MS. BARBOSH:
I'm sure the community members would be interested in hearing his side of the story as well.

LEG. FOLEY:
When would that be the right time Madam Chair to ask the Director of Probation?

D.P.O. POSTAL:
Well, I think that why don't we just ask him to come up right now if that would be agreeable?

MS. BARBOSH:
Thank you very much.

D.P.O. POSTAL:
Thank you, Susan. Vinny -- oh, okay. Vinny Iaria, he'll be in in just one minute. I know he's right outside the auditorium.

LEG. FOLEY:
Is someone --

D.P.O. POSTAL:
Yeah, someone's gone to get him, and I just ask everyone to just be patient for a moment.

LEG. FOLEY:
Okay.

D.P.O. POSTAL:
Here he is.

LEG. FOLEY:
Okay.

D.P.O. POSTAL:
Vincent Iaria. The Director of the Suffolk County Probation Department. There have been some questions. We're discussing the

proposal for a detention center for youth in Bay Shore.

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MR. IARIA:
Right.

D.P.O. POSTAL:
And I know you had signed a card.

MR. IARIA:
Yeah. I signed a card because there's -- Legislator Alden asked me to attend the meeting and explain the process that came to --

D.P.O. POSTAL:
Please.

MR. IARIA:
-- give hope for youth the RFP award. And I'm also here -- I have the unenviable task of not secured detention as well as non secured detention and we're asking, you know, urging you to move forward on the Capital Program for the secured detention facility site in Yaphank. I understand that the neighbors aren't happy, and I frankly don't blame them, but I think it's a good site, and as far as transportation, there is a proposed bus route there. As far as the sheriff is concerned, if this body asked the sheriff to patrol the perimeter of that complex, I'm sure that the Sheriff's Office would comply.

As far as treatment nearby in the infirmary, that would be only used in an emergency. And there is a hospital fairly close, as well. So there are many factors that led to that site selection. It was a committee comprised -- made up of people chosen by the Legislature. But now, we also have the task of talking about non secured detention. Non secured detention is another State mandate. Each county must provide adequate non secured detention space, and they created this program based on the fact that you could not hold, on Federal Court ruling, that you could not hold children who were convicted of status offenses such as truancy and runaway behavior and put them in a secured facility because they did not commit a crime.

So in effect we have a group home set up. The Probation Department, to put this in perspective, the Probation Department has -- is responsible for only two group homes in the County. One was in our RFP process, one was chosen for Port Jefferson. It has been our existing facility for about a decade I think, and the other -- the other site was not chosen by the County, but it was left up to kind of the market forces. In other words, we did not do a site specific

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program. We picked the best contractor based on their track record of 30 years experience, and a solid RFP proposal, and left it up to the contractor to pick a suitable site that would have to meet local approval, local zoning approval, and would have to meet State regulations.

Now as far as I know, and unless I hear to the contrary, I understand that a Letter of Intent was given to the Islip Town Planning Board on January 2nd, and it wasn't until we got some preliminary note from the State that this was a viable site that we would move forward. Now I understand that he has -- that the contractor has a CO and that the contractor is about to get State certification for that --

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D.P.O. POSTAL:

Vinny, if I could interrupt you, because --

MR. IARIA:

Sure.

D.P.O. POSTAL:

-- the time has run out, but I know that Legislator Alden has some questions, and maybe they may be relevant to exactly what you're saying. Legislator Alden.

LEG. ALDEN:

In comment to the fact that they have a CO. They have a CO for a single family dwelling not for, you know, like that's what that area is. So it's residential. And the --

MR. IARIA:

Not to argue with you, but the group home situation, they -- they're supposed to be in residential communities --

LEG. ALDEN:

But I'm just going to quote a couple of things.

MR. IARIA:

-- based on the regulations

D.P.O. POSTAL:

Cameron.

LEG. ALDEN:

I'm just going to read a couple of things quickly from the RFP and then -- this is what really --

MR. IARIA:
Okay.

LEG. ALDEN:

-- develops, you know, like where I think some attention should be paid. Requests for proposal and that's for services, management and operation of a non secure coed detention facility for the Suffolk County Department of Probation. In that RFP it also states as far as juvenile detention, they should be detained if there's a substantial probability that the youth will not appear or be produced before the Family Court at a specified time or place. There is a serious risk that a youth may, before the return date, commit an act, which if committed by an adult would constitute a crime. These are the people that are going in here.

The other thing is, background information, non secured detention services are provided to allegedly juvenile delinquents and persons in need of supervision, PINS, detained pursuant to articles -- okay, we'll go through that.

In the case of JD's the population to be served consists of males and females that are at least seven years of age and less than 16 years of

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age at the time they are alleged to have committed the acts which occasion their detention. In the case of -- okay, so basically this raises some problems. We're running a detention center here that sounds a little bit like a jail. So it does raise some problems and some concerns. Oh, and then as opposed to community housing where residents reside in a stable permanent environment, occupants of this detention center would be transients who are defined as follows: A pins youth and etcetera. So those are some of the basic concerns. I'm going to offer the RFP into the record so that -- I think that every Legislator really should review this. Thank you.

D.P.O. POSTAL:
Would you like to --

MR. IARIA:
I just to --

D.P.O. POSTAL:
-- respond?

MR. IARIA:
-- add one thing. These are children that come from our communities. We're, at right now, shipping them out of our communities and other communities are not happy that Suffolk is not stepping up and taking

care of their responsibility, and the State is in the process of passing stricter legislation to punish Counties fiscally that don't live up to their mandate in this area, both secure and non secure.

D.P.O. POSTAL:
Legislator Alden.

LEG. ALDEN:
Just one other thing. This is a new program also. I just want to point out that it's a new program so we're doing differently, and now we're going to do something in a different manner. But let me just put this on the record too. PINS is a youth less than 18 years of age who does not attend school who are incorrigible, ungovernable, or habitually disobedient and beyond the lawful control or parental or other lawful authority. Typical behaviors include running away, keeping late hours, stealing from home and promiscuous behavior. So possibly the relevancy of putting this in a residential area is at play right now. And it's very --

MR. IARIA:
Oh, I would agree, but I would say you need to take a -- change State regulation and State law on this. But that's -- the purpose of it is to have -- try to have the home as normal as possible with --

LEG. ALDEN:
But by definition --

MR. IARIA:
-- schooling, schooling --

LEG. ALDEN:
I heard what you said, but by definition in your RFP process it's not

a normal home. They're required to have a business office. They're required to do intake 24 hours a day. Does that mean that the police come in with the sirens, you know, blaring or anything like that. So its ability to affect the residential community seems to be, you know there, and it seems to be very, very apparent.

MR. IARIA:
While it is possible to come in any time at night, I doubt if they'll come in with sirens blaring, and the second thing is most of the time it's not done at night, it's -- the arrests are --

LEG. ALDEN:
But also by definition --

MR. IARIA:
-- during the day.

LEG. ALDEN:
-- the stay is also very, very short by definition.

MR. IARIA:
It is. It is.

LEG. ALDEN:
So it's custodial.

MR. IARIA:
I know. Yeah.

LEG. ALDEN:
So --

MR. IARIA:
Again --

LEG. ALDEN:
They're not operating as a home, these people are being detained because they couldn't operate in a home somewhere. So it raises a lot of concerns, and it's up to us though --

MR. IARIA:
There are legitimate concerns, and you know, we wrote this RFP with the Purchasing Department and with the, you know, the budget people. We --

LEG. ALDEN:
And what I'm saying is --

MR. IARIA:
-- followed the process.

LEG. ALDEN:
And what I'm saying is as we develop, this is a new program, so as we develop this program we should actually be more aware and maybe even look into where it should go. Because I did talk to Planning, both in Suffolk County and in the Town of Islip as well as a couple other town

planners, and they feel that maybe in a transitional area some place that's more appropriate for this type of a -- and it's a business operation. And a detention -- thanks.

D.P.O. POSTAL:

Legislator Foley, and then Legislator Carpenter.

LEG. FOLEY:

Just on that very point that Legislator Alden raised, which is in a transitional setting, I'm sure as you know Vincent, a number of community organizations when they do establish these community houses, the latest trend is not to place them in the heart of an exclusively residential neighborhood, but we've seen in a whole host of Social Services whether it's for mental health, substance abuse, alcohol abuse services, a whole host of areas where yes, there is a great need whether for adults or children, but where the trend is to place these particular well needed services isn't as Legislator Alden mentioned, in a transitional area, where as we all know throughout the County now just in the usual communities that these things seem to be placed, but there are, whether on Montauk Highway, whether on Sunrise Highway, whether on major roadways on the north or the middle of the County, where there are homes in those transitional areas. Transitional meaning from business entering into a residential area. Not an exclusively well established residential area.

Now I don't know, I haven't seen the RFP's I don't know whether or not that is one of the criteria that you use, but I would, just hearing from what was said today, you take a close look at this, and yes you could still serve those who need to be served, but put them in an area that would meet the needs and concerns of the community as well as the needs and concerns of the children and other similar kind of organizations are doing just that. They're not -- so I would ask you to take a look at that. That was number one.

Number 2, just to switch gears, in Yaphank for a moment, you mentioned about a proposed bus route. It's not a proposed bus route. A year and a half ago, through my efforts and those in the Legislature, we had allocated monies for a new bus route from south eastern Brookhaven Town to north western Brookhaven Town and that bus route predates the movement by the Probation Department to find a new detention facility. That was supposed to be in place by last summer meaning the new bus route. It is imminent, but I want the people here to understand that the creation of that bus route, which has been need for quite sometime, planners at the County level have seen the need of it, but it's something that long predates this issue.

MR. IARIA:

Yeah, I know. I didn't try to --

LEG. FOLEY:

Well, you said it's --

MR. IARIA:

Being that it was -- you know, because we're building a detention center, the transportation was going to be there.

LEG. FOLEY:

But it's not a proposed bus route. It is a bus route --

MR. IARIA:

Right.

LEG. FOLEY:

Right. That will, in the near future start -- it will start running in that particular area.

MR. IARIA:

If I could just say to your first concern, we have here the contractor for this program who has 30 years experience of doing this stuff, so he would be most appropriate person to answer that question, and I know he has a card in. So if he's going to speak later, I'm sure he'll address that.

LEG. FOLEY:

I'm sure he'll be welcoming for us to ask the question through the Chair, but these are questions that should be asked by the department before it gets to the Legislature. That's the point that some of us are making, Vincent.

D.P.O. POSTAL:

Thank you, Legislator Foley.

(Applause)

D.P.O. POSTAL:

Legislator Carpenter.

LEG. CARPENTER:

Thank you. I think that what we've heard so far, and what Legislators Foley and Alden both articulated is that this is not the right place. I don't think anyone is arguing the needs for this kind of facility. What I would ask -- I heard Legislator Alden say 16 years of age, but when you and I spoke on the phone you indicated to me that the -- that they would be up to 18 years of age.

MR. IARIA:

Well, the State just raised the PINS age to 18. So that's for run away and status offender, but juvenile delinquents --

LEG. CARPENTER:

Right.

MR. IARIA:

-- would still be 16, under 16 really.

LEG. CARPENTER:

So in an unsecured facility we're talking about really adults when you're talking about someone who is 17 years of age, almost 18. And again, this is not the appropriate setting for this kind of operation. And it is a business endeavor. It is a detention facility, and it is smack in the middle of a residential area.

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When you had -- when you and I spoke on the phone, you had said and you reiterated it today that this is really something that needs to be changed at the State, and for the record, I'd like it placed on the record what I said to you, and I asked you, has this ever been part of our State Legislative agenda? And to the best of your knowledge, you said, "No." And I really feel that this is something that we should include in our Legislative agenda. If we feel so strongly that these changes need to be made at the State level, then we should be making moves in that direction.

D.P.O. POSTAL:

Thank you. Legislator Towle.

LEG. TOWLE:

Thank you, Legislator Postal. Vinny, I couldn't help but hear you point out in a couple of instances during your original presentation this morning about the Yaphank facility, and I'm glad you brought that up, and as I noticed the agenda today the County Executive has filed a resolution regarding planning I guess, and design for the facility in Yaphank.

Let's talk about that for a second because I think it has some relevance on this morning's conversation particularly to the Islip Legislators. What do you feel as the Director of Probation was your direction by the County Legislature in locating a site for a children's shelter? What did you feel the direction was that you were supposed to take?

MR. IARIA:

To chair a committee. To come up with the best site.

LEG. TOWLE:

And you didn't feel that there was any direction as far as a site or a location or whether you had to use County property or State property or Town property or purchase a piece of property or use an existing building or anything like that? You went into the process with no predrawn conclusions based on any direction from us as the County Legislature?

MR. IARIA:

That's right, but I'll tell you this, early on, when we realized the time frame that we had in the site selection, the site selection really only gave us about a month of operation to pick a site, and we felt the best way to do that would be to look at the county inventory of land.

LEG. TOWLE:

Okay.

MR. IARIA:

And use that as a basis for the best possible site.

LEG. TOWLE:

So in essence you felt as the Chairman that you really did not have enough time to do a thorough search of all the options that may be

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available to the County?

MR. IARIA:

Well, I wouldn't say that because we had been looking for sites for the past five years. So we had some background on what sites were available. But you know, we did feel that the County sites offered the best possibilities.

LEG. TOWLE:

And at any point did you alert the Legislature that you felt there was some time constraints on the committee?

MR. IARIA:

No, because we were also feeling -- as a department, I was feeling the time constraints from the State to quickly move on this, and that's why I urge you to move forward.

LEG. TOWLE:

Okay. When the committee met, and I've read through your minutes and all the information that you've sent me, I must say that, you know, the thing that stood out in my mind is that there were absolutely no other sites mentioned in any of those minutes, specific sites. We looked at blah, blah, blah, property in Huntington, or we looked at the X, Y and Z property in Islip or Babylon, or Smithtown or Southold or Riverhead or any other place. In fact, every one of the minutes the conversation focused around the property in Yaphank. Almost as if the committee had a predawn conclusion from its first meeting forward.

MR. IARIA:

No. Well, the first committee meeting was to figure out that we

should take -- get an inventory of what County sites were available.
Steve Jones, the, I guess --

LEG. TOWLE:
Planning Commissioner at the time.

MR. IARIA:
Yeah, Planning Commissioner. I guess that was his correct title at the time, came in with a map of all of the sites that the County owned, and this offered the best site were a 10 to 11 -- 10 to 12 acre parcel.

LEG. TOWLE:
When you say all the sites that the County owned, you mean all the sites that the County had free and clear title to and could actually build on tomorrow if we had the appropriate funds.

MR. IARIA:
Right.

MR. TOWLE:
Okay. What sites did the committee look at? Did the committee specifically go out and look at, you know, 37 locations in Suffolk County that possibly could have been a good choice for this facility and decided based on their review of the 37 sites they looked at that Yaphank was the best site?

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MR. IARIA:
No. Most of the people knew the sites that the Planning Commissioner was talking about, you know --

LEG. TOWLE:
Knew from personal experiences or knew because the committee went out and looked at them --

MR. IARIA:
No --

LEG. TOWLE:
-- which was the committees obligation and direction by this Legislature.

MR. IARIA:
Knew from personal experience.

LEG. TOWLE:

Okay. So how many sites did the committee actually go look at personally, in their capacity as members of the committee?

MR. IARIA:

Well, we didn't go to -- we only went to the sites -- we -- that the committee thought were viable, and there were three sites in Yaphank.

LEG. TOWLE:

So the committee did not go to any other sites anywhere else in Suffolk County, but based on their conversation in a meeting they had determined, not even looking at the sites, that the other sites were inappropriate?

MR. IARIA:

Well, you had people with a lot of experience in land development. You had Lee Koppleman --

LEG. TOWLE:

Well, its interesting because as I read the minutes, Vinny, it clearly didn't demonstrate that anybody had any experience on any property. The only two people that spoke about property from any of those minutes, and I'd be happy to ask the Clerk's office to get them, we'll sit there and go over them in public, the only two people that talked about property were you and Steve Jones. And when Steve Jones talked about property --

MR. IARIA:

And also -- well, I think you're mistaken.

LEG. TOWLE:

When Steve Jones talked about property --

MR. IARIA:

Lee Koppleman --

LEG. TOWLE:

Oh, I'm not mistaken. I read those minutes very carefully.

MR. IARIA:

You're mistaken. Lee Koppleman spoke.

LEG. TOWLE:

Lee Koppleman agreed with --

D.P.O. POSTAL:

Excuse me.

LEG. TOWLE:

-- everything that Steve Jones said. He did not specifically designate any sites or talk about any sites, and when you talked about properties in the minutes, when you talked about properties in the minutes, you talked about properties in Babylon. You talked about properties in Islip and properties in Huntington, but they were fictitious properties because we never specifically said 234 East Main Street in Babylon or any other location in any of those minutes.

D.P.O. POSTAL:

Legislator Towle, can I ask you to give --

LEG. TOWLE:

Go right ahead.

D.P.O. POSTAL:

Mr. Iaria a chance to respond to you, if you would care to?

MR. IARIA:

We had several members that knew about the property in Suffolk County. I had the former -- the Bicounty Planning Commissioner and we had the Suffolk County Planning Commissioner, who had great expertise on what property the County owned and what property would be viable for such you know, an endeavor, and --

LEG. TOWLE:

But you looked at no property.

MR. IARIA:

Well, I --

LEG. TOWLE:

That's the bottom line. I mean, either you went and looked at property --

MR. IARIA:

The committee --

D.P.O. POSTAL:

If I could --

MR. IARIA:

I told you, the committee didn't go as a whole --

D.P.O. POSTAL:
Gentleman --

MR. IARIA:
But they heard the testimony of two experts.

D.P.O. POSTAL:
Mr. Iaria, Legislator Towle, if we could avoid a debate or an argument, I certainly -- this is an opportunity for the public to speak. If you have questions, valid questions, let's have them. If not it might be better to have another time when a meeting could be set up to discuss this issue. So I would suggest that if there are questions, let's have them asked and answered. If not, let's move on, please.

LEG. TOWLE:
Legislator Postal, I could not concur with you more. Obviously the issue is on the table today as we're discussing this issue in regards to Islip. And I think clearly, when I look at the packet and I see the bill filed already for the Yaphank site, I think, you know, both processes have been done the same, and we're about it to engage in another process, you know, in regards to dealing with our children. I don't think anybody here is opposed to supporting facilities for our children in the --

D.P.O. POSTAL:
Well, let me say that if I would ask Mr. Iaria if he could stay until that item comes up on the agenda, and I would ask the Presiding Officer that when there's a discussion of that issue, he be permitted to come back to the podium and there'll be an opportunity to ask him any questions that you'd like.

LEG. TOWLE:
Yeah. I don't disagree with your process at all. My concern is that we are moving forward with this, and as I said I don't think anybody opposes the need for facilities for our children. The fact of the matter though is we all went into this with open eyes. I didn't support the RFP process for the children's shelter because of the very fear that's happened here as far as I'm concerned in regards to my District. If Yaphank was selected because it was the best site, then so be it, and nobody has a problem with that. But clearly, as we've heard here this morning we looked at nothing. We don't have a list of properties --

D.P.O. POSTAL:
And Legislator Towle, I don't mean to interrupt you again, but I just don't think that this is the appropriate time. The public is here to speak and I'd like to move along. There are still Legislators who have questions. Legislator Crecca.

LEG. CRECCA:
Yeah, I'm going to hold my questions until later because they have to do with both these matters, but I think that they can hold until further debate when we get to the bill. So I'm going to withdraw my request to speak. Legislator Fields.

LEG. FIELDS:

Do you want to speak?

D.P.O. POSTAL:

Legislator Fields, will you yield to Legislator Alden?

LEG. FIELDS:

Right.

LEG. ALDEN:

Mr. Iaria, just one thing that I wanted to point out actually and to possibly make a record of is you mentioned before that the CO that they have is for a residential use, and that as a group home they wouldn't need anything else on that. But under the laws that govern the group homes they would have to notify the neighbors, they would actually have to hold hearings and there would be an opportunity for those neighbors to voice any concerns and things of that nature. So under a group home and under the laws that govern that, there would be a different way of proceeding with this. Yet it's very clear under the RFP it calls for a juvenile detention facility. So I just want to, you know, correct the record on that thank you.

D.P.O. POSTAL:

Legislator Fields.

LEG. FIELDS:

As I said earlier I grew up in Bay Shore. I'm very, very familiar with Shore Lane. My best friends have lived on that street and I just recently drove down there and it is a residential community. And it would seem that from what I've heard this morning, this has to meet local zoning approval or has to have local zoning approval and by allowing this to move forward, we're setting a precedent. We're saying we're not going to follow the rules, we're not going to follow the regulations, and we're just going to put it wherever because we got a good RFP or that contractor has a good reputation. I don't think that has anything to do with it. I think we really have to be looking at these and he evaluating them to put them in the proper place. And I really feel very strongly that this is not the proper place for it and it could be --

(Applause)

MR. IARIA:

Do you know the building is bordered buy a public parking lot?

LEG. FIELDS:

Perhaps there is a public parking lot, but if you take your car and you drive down Shore Lane and you look those are residential houses. On the opposite side of the street, on the eastern side of the street it's backed by a canal where people put their boats in. It just is totally -- it seems totally inappropriate to put it in that -- on that street.

LEG. ALDEN:

Bordered by a parking lot --

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D.P.O. POSTAL:

Legislator Alden --

LEG. ALDEN:

Sorry.

LEG. ALDEN:

I think that we're really engaging in a discussion rather than questions in a public portion, and we do have a great many cards. So I would -- I would beg your indulgence, and allow us to move on.

LEG. CARACCIOLO:

Madam Chair.

LEG. FOLEY:

Madam, just one final --

D.P.O. POSTAL:

Can I -- I would like to have a motion --

LEG. CARACCIOLO:

Extend --

D.P.O. POSTAL:

-- from Legislator Foley --

LEG. FOLEY:

Motion.

D.P.O. POSTAL:

-- to extend the public portion

LEG. CARACCIOLO:

Second.

D.P.O. POSTAL:
Seconded by Legislator Caracciolo.

LEG. FOLEY:
On that point Madam Chair if I --

D.P.O. POSTAL:
Legislator Caracciolo, can you -- go ahead.

LEG. CARACCIOLO:
Thank you. I think the thrust of what you're hearing this morning, Vinny, has to deal with this specific location. Now, I'm not familiar with it, I take at face value the representations that I'm hearing and that begs the question as to whether or not -- not whether or not, but how in fact this particular site in a residential community was selected? So can you just take us through that process?

MR. IARIA:
Yes. We had an RFP, I think one of the earlier speakers --

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LEG. CARACCIOLO:
I heard --

D.P.O. POSTAL:
Very briefly, Mike.

LEG. CARACCIOLO:
I heard about the RFP.

MR. IARIA:
The RFP, but --

LEG. CARACCIOLO:
But who --

MR. IARIA:
In the RFP --

LEG. CARACCIOLO:
No the question I asked is --

MR. IARIA:
Sure.

LEG. CARACCIOLO:
-- who prepared the RFP?

MR. IARIA:
The RFP was prepared by my staff and in consultation with the purchasing department.

LEG. CARACCIOLO:
All right would you be kind enough --

MR. IARIA:
And that's the standard way to do it.

LEG. CARACCIOLO:
Would you be kind enough to provide members of the Legislature with --

MR. IARIA:
Absolutely.

LEG. CARACCIOLO:
-- a copy?

MR. IARIA:
Sure.

LEG. CARACCIOLO:
All right. Now let's talk about the criteria --

D.P.O. POSTAL:
Okay, Mike can I just -- I'm sorry, but you know, I've asked that we end this particular portion and move on, because we have a great many people here. You know, I would suggest -- I had suggested to

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Legislator Towle on the other matter, the security --

LEG. CARACCIOLO:
Well, as long as Mr. Iaria will be here rather --

D.P.O. POSTAL:
He will stay. He will stay.

LEG. CARACCIOLO:
When we get to the issue later on --

D.P.O. POSTAL:
So that what we can do in the afternoon when we resume the public portion is we can go back to this discussion if Legislators would like to.

MR. IARIA:

What -- exactly what time do you want me back?

D.P.O. POSTAL:

Well, I would suggest two-thirty, because unless --

LEG. ALDEN:

There's other people that --

D.P.O. POSTAL:

Well, there are other people who may be speaking on this matter, so you might want to stay, but --

MR. IARIA:

Okay .

D.P.O. POSTAL:

-- I would suggest that you could be prepared to respond to questions or engage in discussion after two-thirty, but right now I know that there are other speakers on this issue.

MR. IARIA:

Okay. Thank you.

LEG. CARACCIOLO:

Okay, Madam Chair, before he leaves just so that I can prepare myself for some more questions, I'd like to see a copy of the RFP. I'd like to know what the process entailed. How this particular site was selected. What other sites were considered, and that type of line of questioning, so that we can get to some finality on the issue today instead of having this drag on and on and on.

D.P.O. POSTAL:

Vinny, can we get a copy of the RFP and any other documentation that would give us information on this? Well, if we could get it from you it would really be more helpful. So at some point if you could contact your office --

MR. IARIA:

Okay.

D.P.O. POSTAL:

-- and get that information to each of us .

MR. IARIA:

It's huge. You understand these are RFP's are -- to get it faxed here

--

D.P.O. POSTAL:

Yeah, and we do understand that, but it is an important issue and --

MR. IARIA:

All right.

D.P.O. POSTAL:

And we would like to see it, and there are Legislators who would like to see it.

LEG. ALDEN:

In answer to Legislator Caracciolo, I have a copy, it's a little out of order, but I can supply that to you, and just in answer to the one other thing you said, unless the director is prepared today to say that it's not going to go there, this issue is not going to die today.

LEG. FOLEY:

Right.

LEG. CARACCIOLO:

Well, I realize that.

LEG. ALDEN:

Until it's not going there.

LEG. CARACCIOLO:

I realize that, and I would imagine --

D.P.O. POSTAL:

Before we --

LEG. CARACCIOLO:

Ms. -- Madam Chair, final question, are there some time constraints that you are under with respect to the State of New York?

MR. IARIA:

Yes, right now we're using facilities, we have thirteen children that we don't have a group home for, and so we have to use group homes around the State.

LEG. CARACCIOLO:

So there's additional expense associated with that, plus there is a problem with finding space in other locals; is that right?

MR. IARIA:

Well, we'd have to go right -- you know, we'd have to go back through the RFP process, the collection process.

LEG. CARACCIOLO:
Is the State threatening any type of sanction.

D.P.O. POSTAL:
Michael, Michael.

LEG. CARACCIOLO:
Well, I think --

D.P.O. POSTAL:
I know, but --

LEG. CARACCIOLO:
-- this is relevant.

D.P.O. POSTAL:
-- I really think that we should continue this discussion this afternoon because there are many people who have been here since nine-thirty and before.

LEG. CARACCIOLO:
All right. Then --

D.P.O. POSTAL:
I would like to just -- thank you, Vinny.

MR. IARIA:
Okay. Thank you.

D.P.O. POSTAL:
There's a gentlemen at the back. You keep raising your hand. You have to fill out a yellow card and submit it and you'll be called in the order in which your card is received.

LEG. CARACCIOLO:
Madam Chair.

D.P.O. POSTAL:
The next -- yes.

LEG. CARACCIOLO:
You had requested he come back at two-thirty.

D.P.O. POSTAL:
Well, I requested that -- I suggested that he stay, but that he be prepared to continue to respond to questions in discussion.

LEG. CARACCIOLO:
All right, but at two-thirty as you know, we have public hearings.

D.P.O. POSTAL:
Public portion.

LEG. CARACCIOLO:
Public hearings.

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D.P.O. POSTAL:
Public hearings, but I don't know how long those are going to go, and immediately after that --

LEG. CARACCIOLO:
Well, just so he can manage his time, could we give him a time certain to be back here?

D.P.O. POSTAL:
Well, I haven't looked at the subjects of the public hearings. I don't know who's likely to appear. If nobody appears, then we'll be moving along very quickly and we'll go back into the public portion that's why I said two-thirty.

LEG. CARACCIOLO:
All right. Fine.

D.P.O. POSTAL:
I'd like to continue with the public portion. The next card was filled out by Jill Mack.

MS. JILL MACK:
Hello. I live at 27 Shore Lane directly across the street and I noticed the --

D.P.O. POSTAL:
Can I just ask you to speak into the microphone.

MS. JILL MACK:
Sorry.

D.P.O. POSTAL:
And members of the Legislature, can we have some quiet?

MS. JILL MACK:
I live directly across the street. I noticed the fire escape being built and I called Winkler Real Estate and that's when they told me, Hope for Youth had purchased it. It's a 24 hour non secured detention facility. The RFP came back for it. That doesn't belong in a residential neighborhood. I have two small children. It's 24 hours. So they're going to be bringing -- they can pick up a child at three o'clock in the morning and then drop it off right at this house that's

directly across the street. It just doesn't seem right. It seems that you need more of an institutional -- I don't know, but not in the middle of a residential neighborhood that we are trying so desperately to work on.

And, you know, Mr. Hegarty I think is going to say that it's a group home, and he's going to say that you know, that this is where it needs to be in a residential neighborhood, but this is not a group home. This is a detention facility. We need to get that straight. That's the most important thing right now. And it's transient in nature. They're only going to be staying for two weeks to ten days. So their not going to establish any type of residency. And those are -- those are really the issues.

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And I also believe that it's beyond truancy. These children are there because they committed a crime that if you or I have committed we would have been in jail. And as a mother, as a taxpayer, I honestly believe this was not a very good choice in the middle of this residential neighborhood.

D.P.O. POSTAL:
Thank you.

(Applause)

D.P.O. POSTAL:
Thank you. The next speak is Betty Mack.

MS. BETTY MACK:
Hello. I live at 25 Shore Lane, Bay Shore directly across from this facility. I've lived in this residence for 50 years. I have always felt safe, and I don't know why we were not -- also why we were not informed of what was going on by intentions of this Hope for Youth. It was still, as I say, sneaked. We tried inquiring, where we were not given any direct answers. I finally got a hold of Mr. Hegarty. I spoke with him and I was informed that it was for the children detention center for children, and I said Well, could you promise me that these children would not break out? Which could happen. And he said, "No, I cannot make that promise to you."

I said, "I live directly across the street. I live in fear when these children are coming over on the property going down to the water. And the harm of these children that come to them." He could not promise that. I told him that I live in fear for myself and for the children that live on Shore Lane.

D.P.O. POSTAL:
Thank you.

(Applause)

D.P.O. POSTAL:
Nancy DiMonte on the DARE Program.

MS. DI MONTE:

Thank you and good morning, and Legislator Binder, I really admire your attire this morning. I come to you as a parent and regarding the Task Force that we are supposedly looking at today to try and work something else out in lieu of the DARE Program. I am opposed to any Task Force regarding this issue, and do believe that there is no replacement for the DARE Program. I've been an educator, specifically drug educator, for 22 years with a background in psychology and sociology and fully understand the dynamics around drug use, and what happens all the way around. And I highly doubt from people I've been e-mailing and speaking to that they have the expertise that I do.

I counsel college freshmen basically on drug problems everyday. And fully believe that early intervention, assertive intervention, as is the DARE Program, consistency is the best course of prevention. You cannot measure a program by statistics not in this case. There is no

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guarantee with anything in life. So you can't say that it's not going to work in 20 years. We are fully aware as parents that officers make between 15 and \$20,000 less to participate in the DARE Program. We're not stupid. I totally feel underestimated that they could look at me and say that this is a money issue. And I would like to see people on a professional level who can tell me otherwise. And as a parent, I have a daughter who graduated from the James H. Boyd DARE Program Friday morning. Two hundred and thirty-seven, I think some odd graduates of that program. The room was packed, and the students were extremely enthusiastic. I left the room after my speech to take a drink at the water fountain and heard a little girl holding her little violin who said, "I can't believe what they're going to do. They're going to kill this, and they're going to kill our officers." And they love the interaction with the police force.

I also believe, this is coming from a psychological background, that there is no replacement for bringing together the community and law enforcement officials. Those blue uniforms, everything about them, the handcuffs and particularly their experience every single day in the drug community, I can't even provide that. And they can, and these kids feel a little bit of fright at some of the stories, but also respect the willingness to want to help the community because the

officers are their with them.

So I urge you, please, there is no replacement, just keep it as it is.
Thank you.

(Applause)

D.P.O. POSTAL:
Thank you.

LEG. CARPENTER:
Legislator Postal.

D.P.O. POSTAL:
Yes, Legislator Carpenter.

LEG. CARPENTER:
If I could --

D.P.O. POSTAL:
Ms. DiMonte --

LEG. CARPENTER:
Yeah. I just wanted to correct something. I thought I heard you say that the Task Force bill that is being considered was to replace the DARE Program, and that is not the intent of my Legislation, but rather to evaluate the effectiveness of the DARE program.

MS. DI MONTE:
I stand corrected on that. It has been noted in the many people I've spoken to this week on this issue that -- I guess you could call it a stay of execution and that it's an expense that -- to many of us believe it's just to pacify us, shut us up and say that you know we're going to work something out. You can't, there is no alternative. And

I speak from a professional standpoint, also of course as a parent, passionately this comes from my heart with a daughter who knows what I do for a living.

Two years ago I wrote a textbook geared for college freshmen and did not except any royalties whatsoever because all I wanted was to address the drug issue. These kids come in as freshmen, they're not only inundated with the dormitory life they have no clue as to what's been out there and so many of them who I see on a daily basis tell me, Well, I had no idea. Well, you know why, because you weren't educated, and the bottom line is there is no replacement for the consistency that DARE and the officers have shown. And talk to a

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professional. I mean I am a professional. I could never give these kids what these officers do. And I know more about drugs than probably most of you in this room, and you know, most of the people who are making these decisions. They're penny wise, they're pound foolish, and certainly I cannot believe for one minute that money is an issue. It shouldn't be. And I would love to have three minutes with Mr. Gaffney, because this could cost him his election. This is a very foolish choice and as a parent I speak extremely passionately.

I took the semester off too, this semester and I'm glad I did because I've devoted the last three weeks into this and this is -- I see it firsthand and I also grew up in the city. I just learned last week that a high school buddy of mine died from a drug overdose. Why? Because we didn't have a program like this. We had standardized test scores. Who's going do better in the art show? Who's going to play more of the musical instruments, but this is where it's at. This is our future. If we don't stop it now, it's going to overtake -- all of us will be out of work. All of us will be out of everything. The environment's going to go. It's like a domino effect, and DARE is an effective method in pulling the community together and there is no other way. The Task Force team is a moot cause.

(Applause)

D.P.O. POSTAL:

Thank you. Nancy Schwartz.

MS. SCHWARTZ:

I also have something to hand out. Thank you. Good morning members of the Legislature and Ladies and Gentlemen of the audience. My name is Nancy Schwartz. I'm President of DREAM, which is an acronym for Drug Resistance Education Awareness Moms, and a Parent, along with my husband Donald who is here with me today of both Zachary, a high school freshman, and Erica, an elementary school fourth grader from Half Hollow Hills.

We have parents here today with us from many different school districts who are here to show their support for the continuation of DARE. For those of you who are not members of the Public Safety Committee I have put together the research material that I read at last week's meeting. In the interest of time that is what you are receiving at this time. It refute to the three year old information our Police Commissioner shared with the Public Safety Committee which only relates to students who have had the core curriculum of DARE in

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elementary school. No child can have a lasting memory of a topic whether it be math, science or drug prevention. Talk to them in

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seventeen weeks when asked about it three years later. To a child three years is a lifetime. Reinforcement and booster DARE courses are the key. That is why I fought for one and a half years to get the middle school DARE Program for Suffolk County and I won. That bill was cosponsored by the Public Safety Committee. You're co-Legislators here.

It has been in place for two years now, but I was told back then that it couldn't be done due to lack of money and not enough officers. Doesn't that sound familiar? Mr. Gallagher came unprepared last week with information that is outdated, but looks to prove his case. Mr. Gallagher and Mr. Gaffney have no facts that show that it is not working this Suffolk County. Mr. Gaffney stated to the media two years ago on January 20th 1999 that, and I quote, "It goes without saying that the DARE Program is already highly successful," and yet last week on Channel 7 News, without any studies done on our students to defend his position he stated that it is quote, "proving to be of no value or little value," end quote.

The hypocrisy of his position is unacceptable and his constituents should be appalled. Our children come first not his politics. That brings me to today's agenda. Resolution 1065 being laid on the table by Legislator Carpenter. I'm asking each and every Legislator to vote no on this resolution to establish a Task Force to evaluate the DARE Program in Suffolk. If you read each line carefully, it is a death sentence for the DARE Program. She has tainted the objectivity of this resolution from the start. The members of the Task Force are being chosen by our Presiding Officer Mr. Tonna, one of my Legislators, who would like DARE out. Our Chairperson for the Public Safety Committee who wrote this piece of Legislation, Mrs. Carpenter, who also wants DARE out, and our trusted Police Commissioner or his designated puppet who also does not want to keep DARE in our schools. You tell me how objective and professional this Task Force will be.

Please think very carefully before voting on this piece of Legislation. You were each elected by your districts to represent the communities best interests. Kill DARE and you're giving your re-election the death sentence too.

D.P.O. POSTAL:

Ms. Schwartz, I have to ask you to sum up.

MS. SCHWARTZ:

Okay. I would be accepting of hiring an outside objective research firm that has no interest whatsoever in Suffolk County or whether the DARE Program remains in our schools. Any other forms of research will be unacceptable and full of flaws. Vote no on resolution 1065.

One final request is also to vote no on resolution 1070 and 1071 being laid on the table by Legislator Cooper. No other programs have the proven results, standardized curriculum and the police continuity in the classroom and relationships formed with our children by a uniformed officer.

D.P.O. POSTAL:

Thank you, Ms. Schwartz. I know -- Legislator Carpenter.

LEG. CARPENTER:

Yes, thank you. Ms. Schwartz, I was interrupted when you were speaking, but I do think I heard you say that and maybe you were referring to someone else, but that I was proposing to kill the DARE program and that I was a puppet of someone?

MS. SCHWARTZ:

No. No, that's not it.

LEG. CARPENTER:

Okay, good because trust me, and do trust me, that I have no other interest than what is best for our children. I was the one person who helped spearhead a drug abuse awareness Task Force in West Islip over seven years ago, which has been replicated in other districts bringing people together to study just this issue and to try to make a change on this terrible dilemma that our children are facing. And all too often districts are putting their heads in the sand and they're not excepting the fact that they have problems with drugs in their districts. And I applaud any district that is forward thinking and will look at the problem realistically. And it is time for us to make sure that we have the very best curriculum in place. And I'm not making that determination.

I am looking for put some experts together who can look at what we're doing and come up with some recommendations. I don't think anyone at this point is looking to kill the DARE Program. Even the Police Commissioner at the Public Safety Committee, I think the very best he would say was that perhaps it was time to restructure. That's quite different from kill.

MS. SCHWARTZ:

Okay, but the Legislation as it is written, every whereas shows the negative as exactly as Mr. Gallagher put it, as opposed to an objective wording of the Legislation.

LEG. CARPENTER:

Well, perhaps you haven't seen the final corrected copy because there were -- I objected to some of the phrases that almost sounded like there was a pre determination to say that we don't want the DARE Program and that is not the case. That I am just asking for us to look at it objectively and comprehensively and making sure. You know, there have been so many changes. The DARE curriculum is 20 years old.

MS. SCHWARTZ:

Yeah, but it's constantly revised.

LEG. CARPENTER:

And there have been things that have come up that I think perhaps should be included when that officer is in the classroom. Things Internet safety that haven't really been codified, the kinds of curriculum that really the kids need to have now because that too, is as much of a danger that drugs presents to our youth.

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D.P.O. POSTAL:
Legislator Cooper.

LEG. COOPER:

I also wanted to respond briefly concerning the resolutions that I introduced. I have five kids in the school system. My oldest son who's almost 16 went through the DARE program a few years ago. My daughter who's 11 is starting the DARE Program today, I believe, and I do believe that kids do get good things out of DARE, but I'm not convinced that there may not be other cost effective alternatives out there such as the compass program, which you may be familiar with.

There are other programs that are currently being taught to kids in schools in Suffolk County that I understand may be as effective if not more effective, and as comprehensive, if not more comprehensive, than DARE is, and I just wanted to make sure that we consider these other alternatives. It may well be that if a program that's run by a contract agency at half the cost of DARE, we could either use that as a means to reduce costs by 50%, or alternatively we could use it as a means to increase the number of grades that could participate in the program. But if the program is not effective, if it does not teach our kids drug abuse and alcohol abuse prevention programs that are effective, then I certainly wouldn't support it.

I'm actually planning on tabling my bill now that the Task Force is being considered because I think that is the best way to address this. I do agree that the Task Force needs to be objective. I believe that the membership of the Task Force as currently envisioned will be objective. But I certainly would not support any finding that I did not believe represented the interests of not just the taxpayers of Suffolk County, but the kids. That's the overriding concern, and as I said --

D.P.O. POSTAL:
If the Legislature --

LEG. COOPER:

-- I have three more kids that are going through the program and I

want to make sure that it's effective. So thank you.

MS. SCHWARTZ:

I would love to get a copy of the new resolution to look over. And also just as you'll hear and have heard the continuity of having the police officers in the classroom, a civilian or a teacher does not demand the same respect and does not demand the attention that these officers get. So I would, you know, again if there is an objective, possibly outside research company that is hired that has no interest whatsoever in Suffolk County or the DARE Program, whether we have it or not, I would -- if it showed that it wasn't being affected, I would be more than happy. And I think you mentioned that there would be a public hearing on the different classes that are being represented to possibly replace DARE, if it is found ineffective, which I do not think it is.

D.P.O. POSTAL:

Thank you, Ms. Schwarz. We will get a copy -- a corrected copy of the

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bill. We will get a corrected copy of the bill to you very shortly. I would just -- there are a number of -- if you just stay here because there are a number of Legislators who have questions. I would just ask everyone to please confine your questions to questions, because it is getting late. Again, there are people who have been here all morning. Legislator Binder.

LEG. BINDER:

Thank you. Your concern about the makeup of the Task Force. Is that, I guess, directed at the fact that Commissioner has already said he wants to revamp -- well, some people are calling it revamp, but it's obviously -- that kills the program. Either you have it or you don't have it. So he wants to get rid of the program and then we're putting him on and maybe someone from the health department all under the same kind of umbrella, and maybe we've stacked it. Is that kind of your concern that it's kind of stacked already?

MS. SCHWARTZ:

Yes, absolutely.

LEG. BINDER:

Okay, your -- now what you're calling for is the possibility of an independent study.

MS. SCHWARTZ:

Yes.

LEG. BINDER:

My legislation doesn't have that in, but I would think that that would be a possibility in amending my legislation. Your thought would be I guess along the lines of doing requests for proposal, kind of get bids in and see who is a reputable outside source to do some kind of study that we could pay for professionally rather than people that might have an interest is that your --

MS. SCHWARTZ:
Absolutely. Absolutely.

LEG. BINDER:
Okay.

MS. SCHWARTZ:
I just think that there is too much of a vested interest. Anybody who is part of the political process here on Long Island to put them in as decision makers as to who will be a member of that Task Force.

LEG. BINDER:
Right, so even the people who appoint people you might think they might be shopping for people that have a particular view on it coming in, as we know people already seem to have particular views coming in. What I'm going to do is I'll ask counsel, I'm going to update my Legislation to see if we can find some money to go out and higher -- because I think it's a good idea to hire an independent research firm and we can do an absolutely independent study. And we have to talk about, I think what we're trying to get out of it and discussion I want to follow up with you on because that should be in the

Legislation. What do we want, a survey, we want outcomes. I mean, what are we looking for? So that I have to follow up on. Thank you.

D.P.O. POSTAL:
Thank you. Legislator Crecca.

LEG. CRECCA:
Yes, I just wanted to ask are you aware also that it doesn't just call for the Police Commissioner, it's also calling for a Health Commissioner who has been at the forefront really. It was reported in Newsday of both anti tobacco and anti drug and alcohol use by minors. It also calls for a member of the PTA and a representative from the Superintendents. So --

MS. SCHWARTZ:
But if you keep reading it also states who's choosing those people. That's my concern.

LEG. CRECCA:

You know, I understand your concern, but I just would very briefly comment that -- I mean, I have some faith in our Presiding Officer, in Legislator Carpenter who really was one of the people who spearheaded the DARE Program in Suffolk County that they're going to choose people that will do a good job. I think that -- oh, I think that one of the things you know -- I don't think there's a Legislator sitting at this horseshoe, my niece and nephew just went through it, my children are going to go through the DARE Program or some other program that's looking to kill the DARE program, but rather see if there is a more effective tool out there than the DARE Program. If there's not, I don't think you're going to see government officials support eliminating the DARE Program --

MS. SCHWARTZ:

I surely I hope not.

LEG. CRECCA:

-- if there's not a better program that we can put in effect, but we do owe an obligation to our children to examine the DARE Program.

MS. SCHWARTZ:

Absolutely.

LEG. CRECCA:

And that's all, I think, as a co-sponsor, I signed up this morning as a co-sponsor on that bill, that's my intention, and you know, I will be looking at it to make sure that that body does look at it comprehensively, and certainly there'll be public minutes of those meetings. So we will have a public record of what went on at those meetings and to see if it really was an impartial objective board, which I think and I hope it will be.

D.P.O. POSTAL:

Okay. Thank you. Again, I'm going to ask everybody to please confine yourselves to questions. Legislator D'Andre.

LEG. D'ANDRE:

Thank you. What was your name?

MS. SCHWARTZ:

Nancy Schwartz.

LEG. D'ANDRE:

This thing is so big --

LEG. CRECCA:
Your mikes not on.

LEG. FIELDS:
Turn your mike on.

LEG. D'ANDRE:
This thing is so big it involves our children, and there's only one way that they react with the police department, and that's positive. However, since you pay all the bills, you pay all the taxes, you should have what you want.

Now, I have a simple solution. It doesn't take all these studies. I know how it works. I've been to many DARE programs. These kids are beautiful. You have to make sure that all the taxpayers pay for it. And you're willing to tax yourself for it, no one should be able to deny you. That's what we're here for, to carry out your wishes. So instead of going through a lot of games, I say we put it on the referendum, let the people decide whether they want it or not. We certainly have -- when I go to these parades I see so many kids on each side of the road there's many parents out here. They should get what they want. So before we go into many, many facets and areas of this, I know it works, I -- the bonding they do with the police officers is beautiful.

D.P.O. POSTAL:
Michael, could you ask a question, please?

LEG. D'ANDRE:
I've got to say this because this is big. There's a mother out here who --

D.P.O. POSTAL:
There's are a lot of people who want to speak about this.

LEG. D'ANDRE:
Let me get -- I'm an old timer here. Let me get this. I've been here a long time. Let me tell you something I believe in the law and the law says you pay the taxes, you demand this, you should have a crack at getting it. Not that we've got to hand you something if we like it or not. It's bigger than that. You mothers are out here for a reason. You like what your kids learn. You like how they act in school. You like those essays, they play the little skits and plays that they do. And I say this to you, are you willing to get your group to go and put this thing on a referendum.

MS. SCHWARTZ:

We pay our taxes right now, and we pay very high taxes and this is included in the education of our children and that's what we're here to say. We want this to stay.

LEG. D'ANDRE:

But you --

MS. SCHWARTZ:

We're already paying for this program.

(Applause)

LEG. D'ANDRE:

-- everyone to participate, do you not?

D.P.O. POSTAL:

Michael. Michael.

LEG. D'ANDRE:

You want everybody to participate?

D.P.O. POSTAL:

Michael. Michael, we have another speaker on this issue.

LEG. D'ANDRE:

Yeah, everybody is speaking.

D.P.O. POSTAL:

So why don't we move along. Yeah, on this specifically.

LEG. D'ANDRE:

Thank you.

D.P.O. POSTAL:

Jenny Shore.

(Applause)

MS. SHORE:

Thank you. Thank you for giving me the opportunity to voice my opinion. My name is Jenny Shore. I'm the President of the Old Field's Middle School PTA, which is the Harborfields School District. Our school encompasses 5th through 8th grade. Arguably there have been studies that state that the DARE Program has a low effectiveness rating, but as was pointed out last week I was also here for Commissioner Gallagher, as was pointed out at his presentation these studies were done in places that demographically have no relationship, per se, to us, and more importantly what was the criteria they were using? Exactly what was being measured?

DARE is simply not about trying to educate children to stay off drugs, its far more reaching than that. DARE is an attempt to introduce children at a very impressionable age to police officers, to authority

figures, many whom fear or perhaps feel apprehensive about. This interaction between the police officers and the children cannot be

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stimulated by a trade lecturer or even a representative of the Police Department. It is the uniformed, and I might add, armed police officer who makes the impression on these children.

Now through this program, we have found that a rapport is established, trust is established. And this is a foundation for mutual understanding, and therefore respect is built, and that is crucial. Now my appeal may be coming from a slightly different perspective after listening to all this, and I will say as a person I am open-minded. If the Task Force can find a way to curtail some of the expenses that DARE incurs, possibly shorten the duration of the program by a couple of weeks, or even edit some of the information that the curriculum experts who I understand will be included in this Task Force may find perhaps repetitive, then fine. But whatever they come up with, a police presence on a regular repeated basis is imperative. A police officer must be teaching this course. This, I feel, is the most crucial component in the whole equation, and to take that interaction away from our children is a crime. Thank you.

(Applause)

D.P.O. POSTAL:

The next speaker is Adrienne Esposito from the Citizens Campaign for the Environment.

MS. ESPOSITO:

Good morning, Legislators. We're going to switch gears a little bit here. My name is Adrienne Esposito. I'm with Citizens Campaign for the Environment and we're going -- I'd like to testify today concerning the Suffolk County *Vector Control Plan, and Citizens Campaign for the Environment has been saying this for one year and we're going to say it again today, since you will be voting on the Suffolk County Vector Control Plan today, and that is that the Suffolk County Vector Control Plan lacks two critical important ingredients. Okay. One is environmental monitoring and two is educating the public on the health effects of pesticides.

We would ask this Legislature that if you're going to pass a plan that allows for adulticides or pesticides to be sprayed to the public, that the public is also then educated as to the potential health effects associated with those pesticides.

The second is environmental monitoring. If a plan is to be passed that allows for larviciding and adulticiding of pesticides, we need to

know what kind of effects this is having on our marine habitat. Many of you received the DEC Department of Environmental Conservation Comments on the Vector Control Plan. So it's not just environmental groups saying this any longer it is the State Agency DEC saying, and I would like to quote from the letter that the larvicide of alticid may be having negative impacts on marine life forms. It says, quote, "this work plan reports that the County's extensive use of alticid to control salt marsh mosquitoes needs to be evaluated." The impacts of this chemical {methorphan} in marine and estuarine environments has the potential to adversely impact resident invertebrate populations.

Invertebrate organisms comprise an important trophic level within the

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tidal system and are at the highest risk of toxicity from {methoprane} use. Also this letter indicates that Anvil when it's sprayed, currently we're using a three hundred foot buffer around wetlands and waterways. This letter indicates, actually, it clearly states that a three hundred foot buffer area was probably not adequate to prevent drip from entering the water bodies at levels that may be toxic to salt water crustaceans.

So in light of all these facts we are asking you that -- we think this is common sense frankly, we need a plan that has a component that he evaluates what the plan is doing to our marine environment. If you were asked by a member of your community or your constituents what effect are the {methaprene}, is the {methaprene} having on marine life, you would say I don't know.

If someone said to you what effect is alticid having on crabs, you'd have to say I don't know. What effect is it having on hard shell clams and lobsters? I don't know. And when I submit to you that those are not really the answers that you want to have nor the answers that constituents want to hear. So if we're going to have a vector control plan as we have had every year, we sorely need a component that gets us the information we need to protect our marine and our bays and our estuary environments. We think it's a no-brainer. We ask you to please include this as a common sense component to this plan. It is absolutely critical that we start doing this this year.

D.P.O. POSTAL:

Adrienne, would you sum up please?

MS. ESPOSITO:

I was done.

D.P.O. POSTAL:

Great, thank you. Thank you very much.

MS. ESPOSITO:
Thank you very much.

D.P.O. POSTAL:
Howard Carpluk.

MR. CARPLUK:
I have a few handouts.

D.P.O. POSTAL:
You can give them to the Clerk. Right there. Okay.

MR. CARPLUK:
And Mr. Ross Catalano had to leave for work. He has given his time to me.

First, before I had a question on the detention center going up in Yaphank -- my name is Howard Carpluk by the way. I'm a resident of Yaphank. It seems to be a very misleading situation because the areal map that their using to judge where a good site is for this place does not show any homes with the exception of a few, around the facility,

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where within the next -- I believe the map was made in '92. Its now 2001 and there are over 100 homes within the immediate vicinity of that facility. They're also putting up -- it's supposed to be a secured facility which means wire mesh fence, razor wire going up along one of the individual, one of my neighbors backyards. His backyard will have this fence which the razor wire, which is what they need by State code on this property. So does this seem like a right facility for you -- right place for the facility for you.

The second reason why I'm here today is because of the Suffolk County Trap and Skeet, which I was cut short of at the Parks Committee Meeting last December with the three minute time interval I had, I couldn't get a lot of facts out, which I have for you, which I think is very important.

I passed out a page on the lease agreement between the Suffolk County Trap and Skeet owner Rick Marino -- I'm sorry Charles Marino, and the Suffolk County Department of Parks. If you look at that paper, it says he must follow all Local, State, Federal regulations, laws, codes, ordinances now and in the future in effect. Okay. Suffolk County, you yourselves have voted in a law back in December pertaining to a 65 decibel level reading in residential neighborhoods. Okay. The local law for a town is fifty-five in a residential neighborhood during the day. Part of this gentleman's lease agreement was to get a

sound study to have this lease agreement approved. He did. He did so by a professional in his name, and he states that the decimal levels on the average are sitting in between 70 and 90 decibels every day the place is open. They're open on weekends. They're open weekdays. They're open on holidays.

I'd like to know why they're operating above the law. Please, you made the law, you stated in the law how it's ill effects on the health of people, noise levels above certain ranges -- it's a detriment to our health. Why are we subject to live here and put up with this? In his lease agreement he also said he had to do a sound mitigation plan. Sound mitigation plan had to entail putting up berms, vegetation and such, which he has done none of. He has put up a test site, which was supposed to have been done in the first year up to '97. He put up one test site for one station out of all the shooting stations, which there are over 28 stations to shoot, okay.

We are having a hard time sleeping during the day. I work a rotating schedule. I sleep during the day, and at ten o'clock in the morning when they start shooting the first shot I am awake, and I called my Legislator Towle and tried to get something done. I called up Commissioner Skully, I tried to get something done. Nothing is happening with these gentleman's lease that he signed, that he says -- the mitigation plans that he has that was imposed by the County these things were supposed to have been done within a five year term from '96.

There was a step by step increments in the way these -- the plan was supposed to go forth. It hasn't step forward past the first week of his lease agreement. I'm looking to get something done. You have to tell me why they're operating above the law. He has no right to push his pollution beyond his boundaries of the County parkland.

I'd like to talk a little bit about the lead. I was speaking with a Mr. Bob Seyfarth from the Department of Health about the lead. The lead was distributed throughout the park to help traction on dirt roads unbeknownst to the person that was doing it. He took the clay pigeons which are carcinogenic to clean up the trap and skeet, and they said it's a great opportunity to put it on the traction around the dirt roads in the along the picnic grounds and in that clay and in that dirt is lead shot, witnessed by myself with just a couple of coffee cans of scoops, which I've filtered out the lead pellets.

Bob Seyfarth did a study, a lead test on it. The results are pending for the past two months because they went to the Department of Parks and when he saw the results, Commissioner Skully asked that they go

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back and do more of a study on this lead, which is up against the picnic tables where the kids have been playing and been exposed to for years. Trust me, the results would not be handed back to me. They were supposed -- they said when they did the test, we'll get you the results as soon as we can. Results came out, went to the Commissioner of Health, went to the Commissioner of Parks, back to the Commissioner of Health. I still don't get the results. According to the Bob Seyfarth from the Health Department, he's giving me certain areas that were tested negative of lead. I said what about the other areas? He would not give me an answer.

The vegetation growing in the park in the skeet range itself, the deer are feeding on it, rabbits are feeding on it. I would like to know if the County -- the County Parks Commission has put up any signs as to the local hunters in the area who hunt for deer where the deer feed in that area, step out into public lands, they get hunted, and they get eaten. According to Bob Seyfarth who had a discussion with a pathologist from the DEC he mentioned that the deer are grazing in the field, which I see every morning and the pathologist said I highly recommend that the people do not eat the fatty meat from the venison.

I see a large liability here where you're not speaking to anybody about this. The lead that the people have been exposed to at the picnic grounds no one knows about this but me and I'm trying to push it out to you people so that you'll be aware of what's going on here. It's being pushed under the table and hidden. Someone is liable for this. I live at my house. I have the right to be there. That was a residential property, and the person has the property rights to put up a home there. He's put the home up. Why should he be obligated to sit there and listen to this notice above and beyond the law that is --

D.P.O. POSTAL:
Mr. Carpluk.

MR. CARPLUK:
-- out forward from the Town Local Governments and the State?

D.P.O. POSTAL:
I must ask you to sum up, if you --

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MR. CARPLUK:
Is my six minutes up?

D.P.O. POSTAL:

Yes.

LEG. TOWLE:
Legislator Postal.

D.P.O. POSTAL:
Yes, and I wanted to ask you did you say that is was Mr. Carbone who had left and yielded -- what was the name of the other --

MR. CARPLUK:
Catalano, Ross Catalano.

D.P.O. POSTAL:
Your six minutes are up.

LEG. TOWLE:
Legislator Postal.

D.P.O. POSTAL:
Legislator Binder.

LEG. TOWLE:
Thank you. Just a couple of quick updates on some of the things that Howard mentioned this morning. There's a meeting set up next week between Commission Amrhein Commissioner Skully and some other members of the County Executive's Staff in reference to looking at some of our other properties that may be available for additional or possible moves of the trap and skeet range. The Health Department data supposedly is in and is going to be presented to me at that meeting. So at that point I will get that information regarding the review of lead, ground, air and water sampling that was done apparently at the parks. Although I have not seen that data, apparently it will be at the meeting next week.

The other issue is unfortunately, to even Commissioner Skully's surprise, one of the clear messages that the Legislature sent at their committee meeting was not to extend his contract at this point pending a review of whether or not he had completed the requirements of the contract. Following that review it was clearly indicated by the Parks Department that he had not complied with the contract, so I was told by the Parks Commissioner, but unfortunately, a member of his staff did sign the year extension for this gentlemen to be at this facility even though there are numerous items that have not been complied with within five years.

Commissioner Skully told me he was contemplating rescinding that extension, and he was also meeting with Mr. Marino to schedule a work schedule over the next 60 to 90 days to comply with each of the requirements of the contract or he was going to contemplate you know, further action against Mr. Marino. So apparently, they are moving forward with the requirements of the original contract. It's inexcusable that the County has allowed that to go on. I can't

explain it nor can I say it's right. It's just simply wrong. You know, but that's the latest update at least for the Legislature and the residents.

D.P.O. POSTAL:
Okay. Thank you.

MR. CARPLUK:
What about the law?

LEG. TOWLE:
In regards to the sound?

MR. CARPLUK:
The County law?

LEG. TOWLE:
In regards to the sound?

MR. CARPLUK:
Correct.

LEG. TOWLE:
Well, obviously there is -- clearly from my recollection at the Committee meeting there clearly is a difference between the Parks Commissioner and our Legislative Counsel and I guess the Parks Commissioner was basing his positioning on the County Attorney ruling that this facility would not fall under that particular law.

MR. CARPLUK:
I don't think it can because in the lease agreement it is stated that he must follow all. So it supersedes the overall general Suffolk County law.

LEG. TOWLE:
Yeah, I don't disagree with your argument. Obviously the Parks Commissioner is the person that's disagreeing with us at this point.

MR. CARPLUK:
Thank you very much.

D.P.O. POSTAL:
Can I -- thank you.

MR. CARPLUK:
You haven't heard the last of me.

D.P.O. POSTAL:
Let's move on. Richard Amper, Long Island Pine Barrens Society.

MR. AMPER:

Madam Chairwoman, members of the Suffolk County Legislature, I visited with the Parks Committee last week. I wanted to talk to the other members of the Legislature. As you know this society has written you in connection in the extension of the quarter penny sales tax and in

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the capacity of the county to borrow against the anticipated revenue stream. We have a disagreement with Legislative Counsel and with Counsel to the County. You have been supplied with some information that contradicts that interpretation. At no time I know that Legislator Carpenter, I know that Legislator Foley, I know that Legislator Guldi were all active in working with the environmental community to extend the quarter penny sales tax program and to include an environmental component, at no time did anybody make any reference to putting it on a pay as you go basis at that time. That occurred only in the year 2000. The public repudiated the need to put it on the pay as you go basis and what I want to really convey to you today is not any hindsight or second guessing here. You will hear in the weeks ahead from other authorities that the County does indeed have the capacity to borrow against the revenue stream in all cases unless it is prohibited by an action that you take.

More importantly what I want to convey to you is two things, one the fact that the particular state of the economy and the remaining land available to be purchased will mean that we will lose parcels starting in the year 2002 unless you have the authority, not the requirement, but just the capacity where it makes sense economically to borrow. This Legislature should have the authority to do it. Don't have to do it if it doesn't make sense, but you ought to have the authority to do that. We think you do.

In addition, we're very concerned that properties because of the rate of development will be lost and for the first time in the 14 year history of this Legislature's buying up property you will wind up losing parcels to development that the public has supported the purchase of simply because you've tied your hands or bootstrap yourselves. You don't want to do that. You didn't do that by the public having defeated the resolution in 2000, don't think you should interpret it this way and then my final suggestion and recommendation is please work with the environmental community this time before approving, which I'd just like every member of the Legislature to refuse to vote for a resolution and go back to the public. If it goes on the ballot again in November it will be the seventh time in 14 years that this Legislature has gone to the public and then we read in Nestia or we hear from angry constituents that they somehow or other misunderstood.

The Legislature has to at some point to be embarrassed that time after time they go to the public and then they come back later and say well, that's not exactly what that meant. That's not exactly what you voted for. I don't think the people of Suffolk County are dumb. I think that they have not been leveled with by folks who have put this language out in front. So I'd ask you to work with the environmental community as we did when we extended the quarter penny program in 1999.

We were clear that it was not a pay as you go program. It didn't appear anywhere else -- let me just sum up for you and thank you Madam Chairman.

We would just say we think that you will see adequate evidence over the course of the next few weeks that allow you to say we can do this

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if it makes sense and we want to. The price of that land is going up. The quantity is going down. You've always supported open space preservation and moreover we'd ask you please don't approve a resolution putting something on the ballot a seventh time in 14 years until we've all agreed what we're doing and what we're not. Thanks very much. I appreciate it.

D.P.O. POSTAL:

Thank you. Amie Hamlin. Amie, you filled out cards for two different issues, but you can only have three minutes. So you can discuss any or both of the issues.

MS. HAMLIN:

Okay. Well, first then I'll just say that the New York League of Conservation Voters agrees with what Dick Amper just said fully. And I'm here today to speak about the Vector Control Plan. I've reviewed the advised plan which was just submitted to the Clerk's Office late Friday afternoon. The revised plan states that environmental monitoring would be a conflict of interest for the department. We tend to agree with that. However, we still need to find a way to have environmental monitoring in place. Certain larvicides and pesticides, including {methoprene} and Anvil used frequently by the department have the potential to damage marine life. We've got to do that environmental monitoring.

The plan still fails to provide public education about the potential dangers of pesticides and public education about how to protect ones self from pesticides when they are sprayed. Though the memo accompanying the revised plan claims to address this issue in fact it does not address it at all. We are concerned that the plan does not

address many of the points made in the four page letter from the DEC. We are however pleased to learn that the DEC will be working very closely with Mr. Ninivaggi this year.

Finally, we're concerned that the Legislature has had only one business day to review the revised plan and we request that the plan be sent back to committee or at least tabled until a way is found to incorporate the public education issues I brought up as well as the environmental monitoring into the plan. I say all this in light of the fact that a recent study shows that Parkinson's Disease can be caused by pesticides and in this study it was the synergistic effect of two pesticides. And so we don't know what all of these different things together can cause. Each of those pesticides alone did not cause Parkinson's Disease. And also the fact of the recent NYPIRG and environmental advocates report, which didn't even include vector control pesticides which says that Long Island is using 20% of the pesticides used in New York State. And it's only two point six percent of the geographic area of the state. So we have a huge disproportionate amount of pesticide use on this island, which doesn't even include these pesticides used for vector control.

So we have to be careful. We have to let the public know what the potential dangers are. How they can protect themselves and we have to be watching the environment.

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Do I have any time left at all now?

D.P.O. POSTAL:
37 seconds.

MS. HAMLIN:
Never in the 14 year history of the quarter percent sales tax has it made more sense to buy now and pay later due to the value of property and the availability of low interest loans. The Leagues understanding of the laws is that there is nothing that prohibits borrowing. So before new legislation is approved or a new referendum is put on the ballot, let's look at the legal economic and environmental arguments for permitting the Legislature to borrow under the 1999 extension, if and when it makes sense.

If the county doesn't borrow money to enable purchases by the end of this year and in the next very few years, we will lose parcels to development and once they are gone --

LEG. GULDI:

Madam Chair.

MS. HAMLIN:

-- they are gone forever.

LEG. GULDI:

Madam Chair.

MS. HAMLIN:

Can I just say one more sentence?

LEG. GULDI:

I was going to ask you to give us the rest of your remarks. That's my question.

MS. HAMLIN:

The final point I would like to make is that the law of supply and demand dictates that any land we buy under a pay as you go approach will be purchased at a price that is higher than what we would pay today. That is, if it's even available then. Thank you.

D.P.O. POSTAL:

Thank you. Kevin McAllister. Peconic Bay Keepers.

MR. MC ALLISTER:

Good morning.

D.P.O. POSTAL:

Good morning.

MR. MC ALLISTER:

Thank you for the opportunity to address a very important issue, the Vector Control Plan. I'm Kevin McAllister, the Peconic Bay Keeper. I'm one of 58 keepers working throughout the United States to protect rivers and estuaries. Let me briefly provide you with my credentials.

I have a bachelor's of science in marine biology, a masters degree in coastal zone management and approximately 15 years professional experience as a trained biologist.

Too often the community uses the term loosely environmentalist. I'm based on good science. That is fundamental to my comments today. Twofold speaking, I'm on the Vector Control Plan. The alterations to habitat as well as chemical applications. Tidal marshes are critical for supporting the productivity in our bays, period. What we're doing here, what we've been engaging on is a aggressive assault to carve

open these tidal marshes under the guise of mosquito ditching. And I want to point out to you they are conveying pollutants. If you look at coliform bacteria as a sentinel, clearly, and this is well documented, the levels of coliform or {waterward} of ditched marshes are increased. That means also there are other pollutants being conveyed. That is the basis of productivity in the estuary, again.

I want to point out to you I know you have to take into consideration credibility of the representation of this plan by Mr. Ninivaggi. Back in 1989, was employed with the DEC. He wrote an article for the conservationists, "Managing New York's Mosquito Coasts." In that element, he goes on, there's a subheading. "How to Kill a Salt Water Marsh." And it goes on to describe the disruptive nature of the mosquito ditching and then what should be progressive implementation of our management practices with what they call OWMM, Open Water Marsh Management, plugging these.

Okay, last March I was before this board -- Legislature to ask please, this should go hand in glove with this plan. If we're going to again, aggressively open up these tidal marshes, we need to be plugging them. I know there's a Long Island initiative which is a partnership, but the lion's share should not fall on Ducks Unlimited to get this done. The Vector Control, this division should be doing it.

Second item on chemical applications. Again, the sweep of applications, from Malathion, Anvil, Scourge, alticid, all the trade names, well documented again, they are either lethal or sublethal to fish and invertebrates. In other words, toxic or very toxic. They kill these organisms. It was pointed out by Ms. Esposito about the comments from the DEC recommendations on the review of this plan. Okay, that is a fundamental part of the food chain and we cannot remove that.

Let me just close briefly. Thank you. Okay. Some real shortfalling in this plan. Failure to implement a comprehensive biological monitoring plan. Again, I know last summer it was blowing up with lobster die-off, blue crabs, a lot of that speculation. Let's find out the real answers to some of these questions and not again, aggressively pursue this without knowing the facts.

And again, I'll reiterate this last point. We need to implement the plugging of these tidal marsh ditches. This has to go beyond lip service. It's being represented, but it's not being done. And I asked Mr. Ninivaggi, if he was here today, to demonstrate that there were more than one or two projects over the course of the past year that we actually implemented OWMM. I know certainly the William Floyd

Estate and I know of another one, Cow Neck out in Southampton.

D.P.O. POSTAL:
Mr. McAllister, please --

MR. MC ALLISTER:
Thank you for your time --

D.P.O. POSTAL:
Thank you.

MR. MC ALLISTER:
-- and indulgence. I appreciate it.

LEG. HALEY:
I have a question.

D.P.O. POSTAL:
Yes, Legislator Haley.

LEG. HALEY:
Hi. You mentioned the Sound and the lobster die-off.

MR. MC ALLISTER:
I threw that out as speculation.

LEG. HALEY:
Do you happen to have some knowledge as to what the status is of that, that research? Because I haven't heard anything to date that they found anything specific.

MR. MC ALLISTER:
Nor have I. Again, if you -- I premise my comments based on good science. At this stage I cannot say with certainty, nor can a scientist, that that is a direct link, but certainly it has been speculated.

LEG. HALEY:
Thank you.

D.P.O. POSTAL:
Thank you. Next speaker, Judy White, Harborfields PTA.

LEG. CARACCILO:
Judy, how are you?

MS. WHITE:
I'm fine, Michael. Good morning, good afternoon, almost afternoon. I just wanted to -- as a member of the PTA, I'm certainly not speaking for the PTA, I have two children, one who has been through the DARE Program, and another one who just graduated this past Friday, and I'm certainly not an expert in drug abuse prevention programs. I would just like to say to the Legislature that basically my heart goes out to you, this is an extremely difficult issue. I do not believe that Legislator Carpenter put the resolution in to kill the DARE Program and I trust that all of you will consider very strongly, and with a

great deal of patience and forethought about the program that we bring on the children in Suffolk County. I asked my now seventh grader if he felt the DARE Program was worthwhile, and he said, "Mom, we got the DARE Program in 5th grade, we got life skills in 6th grade, and we're getting it again in 7th grade." And what that said to me is that the system is working because there is some reinforcement there and we all know that if you give children something in 5th grade by the time they're in 9th grade they've totally forgotten what it is that you gave them in 5th grade.

You don't have an easy task before you, but I would say this, having been in some of the DARE classes, it is extremely important that our children see a uniformed police officer in the school. Our children read the newspaper. What has been in about police officers recently has not been particularly pretty for the Police Department. These kids need to know that there are police officers in their community who care about them, who believe in them, and who are trying to present to them what is right and what is wrong. Jenny talked about the fact that, yes, even armed police officers in the school are a good thing. Having a police presence in the school, and I'm not going to stand here and tell you that I'm an expert and I can say to you it should be 17 weeks, it should be seven 7 or it should be five weeks, I don't have that expertise.

I just know that having been to those programs it makes a difference to those kids to know that there's a police officer who represents law and order who means something to them. And that's basically my message to you, is that when the Task Force has given its report, when all the information is before you, I understand the cost implications of the program. I remember some of those reports and how difficult these decisions can be, but it is very important to our children that they continue to have some kind of a presence in their classrooms so that they get to see a really positive side of what being a police officer can be. Thank you .

D.P.O. POSTAL:

Thank you, Judy.

(Applause)

D.P.O. POSTAL:

Job Potter.

LEG. GULDI:

Job is gone.

D.P.O. POSTAL:

Job left. Thomas Carbone.

MR. CARBONE:

My name is Tom Carbone. I'm with the Mount Sinai Heritage Trust. I'm here to speak to you about two resolutions today that you're voting on, 1964 and 2024. They are to appropriate matching funding for the property known as the "Wedge". Of course, as you know the "Wedge" has gotten a lot of press in the last year, and I would like to thank the Legislators for voting to have the "Wedge" purchased under Greenways, so that it will become a park. That was on October 3rd.

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There are two resolutions I think I should make it clear. After that October 3rd meeting we did write to Legislator Haley asking him to progress with the hundred thousand dollar matching grant for the Heritage Trust for our contribution as it is detailed in the Greenways Legislation to assist in the prompt development of the parcel. We did not get a response to that, and Vivian Fisher then put in the resolution which is 2024 which is before you today to assist us in getting the hundred thousand dollar matching grants since we will be improving the property along with Brookhaven Town.

Another letter to Mr. Haley did state that we had a conversation with Vivian Fisher and that we agreed that Mr. Haley -- we suggested that Mr. Haley combine the two resolutions so that he, being our representative, sponsor us as well as the Town of Brookhaven for \$100,000 each, and so -- and so that's where we are with two resolutions.

What I ask you today is that not unlike on October 3rd when the two resolutions coming before you were to have the Town of Brookhaven partner with you and to have the heritage trust and the Town of Brookhaven partner with you and you immediately tabled that resolution and then had a conversation about the other resolution. I would like to avoid that today. I ask you to vote for both resolutions, even though at this time as it was recommended by people here in this room that the town have an agreement with us within 30 days and that they treat us fairly and move forward with us in a positive fashion, it is -- and they recommended that within 30 days that we do have an agreement with them. It is now well over 100 days and we do not have an agreement with the town yet, although we are moving forward with them.

In spite of that, we do urge that both resolutions, not any of them tabled, that both resolutions be voted upon so that both partners can get the hundred thousand dollars, since we are both putting in our own funding to develop the property. And that 200,000 --

D.P.O. POSTAL:

Would you sum up, please?

MR. CARBONE:

I'll wrap up yes, Madam Chair. This property is purchased for 1.5 million. \$200,000 would be a very good shot in the arm to help develop this property for the surrounding communities and for all of Suffolk County to have a full fledged park.

D.P.O. POSTAL:

Thank you.

MR. CARBONE:

Thank you.

D.P.O. POSTAL:

Lori Baldassare.

MS. BALDASSARE:

Hi. My name is Lori Baldassare. I'm here from the Mount Sinai Heritage Trust also to talk about the "Wedge" property, and as Tom had stated, I am thrilled to be able to come back, and as you know the "Wedge" has been purchased. So we've really made some great progress.

I too, would like to ask that both resolutions be passed today 1964 and 2024. These two resolutions, I believe, were put on the table way back when before the initial resolution to buy the property was addressed. They were tabled waiting for the purchase, and that has now happened so that's why they're before you today. Both the Town of Brookhaven and our group has made a commitment to do development of this parcel. The town is going to do amenities such as the parking, ball fields and you know, many other things. Our group has made a commitment to do jogging trails, playgrounds, a bandstand and some of the other amenities that the town and the Heritage Trust went into partnership for. So the money will be spent in different ways, and we did -- we did check with -- several times to see if there was any exclusions in the legislation as it was written that would limit the funding to 100,000 per parcel and did not find that to be the case, so that we hope that because you have this unique situation where you have two groups coming to put in a significant amount of money to develop what might have been much less having the two groups come forward that you will look at this as an unique situation.

We also did work very hard to provide that watching hundred thousand

that's needed for that grant. So we hope that you will pass both resolutions today.

LEG. CARACAPPA:
Question.

D.P.O. POSTAL:
Legislator Caracappa.

LEG. CARACAPPA:
Thank you, Lori. Just a couple of quick questions on the funding. The State money you received, how much was that?

MS. BALDASSARE:
It's from different pots, so to speak, but in total --

LEG. CARACAPPA:
Total.

MS. BALDASSARE:
It's about 200,000.

LEG. CARACAPPA:
And that State grant money is part of your matching funds, you're using it as your matching funds?

MS. BALDASSARE:
Yes.

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LEG. CARACAPPA:
With the County.

MS. BALDASSARE:
Yes.

LEG. CARACAPPA:
Do you have a total on the amount of your infrastructural improvements for the "Wedge" in its entirety or an estimate that -- what it's going to cost your organization for your improvements?

MS. BALDASSARE:
We haven't -- actually, we're working with the Town right now on a design plan.

LEG. CARACAPPA:

Okay.

MS. BALDASSARE:

We have a meeting later this afternoon to see where we are with that. But there are different amenities. They're going to be done in stages. So as far as a -- when the final plan will be developed by the town, then we'll be able to put numbers to the amenities because at this point we're not sure exactly what's going to be in the park.

LEG. CARACAPPA:

Okay. And so one of the sponsors I'm sure, of the bill, Legislator Haley, this is capital dollars that we're talking about?

LEG. HALEY:

(Nodded head yes)

LEG. CARACAPPA:

Capital, okay. Thank you, Lori.

MS. BALDASSARE:

Okay.

D.P.O. POSTAL:

Thank you. Fred Drewes, Mount Sinai Heritage Trust.

MR. DREWES:

Good morning. Good afternoon. My name is Fred Drewes. I live in Mount Sinai. October 4th I was going to go out onto the barrier reach -- beach and get off my bike that I've been biking for fifteen thousand-five hundred miles this past year, and it was a ride for a park, and I had just gotten an e-mail from Lori stating that Suffolk County was going to be buying the "Wedge" and I'm back now to the reality of life as opposed to the this past year, and I thank you for the purchase of this park, which will improve the area around which I live, Miller Place, Rocky Point and so on. So I thank you very much for your purchase of this land.

President Bush said civility is not a tactic or a sentiment, it is the determined choice of trust over cynicism of community over chaos, and it is this commitment, if we keep it, is a way to share an

accomplishment. I view this park in the future as a shared accomplishment. And by the granting and passing of these two resolutions today, 1964 and 2024, you will indicate your continued support and cooperation with us as a community to go forward and produce a park that 24 thousand plus people ride by that area each day, and I don't know how many people will go to it in the future, but

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I will wager you that it will be like I was with my children, "Let's go to Rocket Ship Park, Pop." I look forward to some day my grandchildren saying, "Grandpa, let's go to The Wedge."

D.P.O. POSTAL:

Thank you. Legislator Haley had a question. Could you just --

LEG. HALEY:

Yes, Fred.

MR. DREWES:

Thank you, Martin.

LEG. HALEY:

If you don't mind me taking a privilege. I know it should be in the form of a question, but I'll start it with a question, are you not mentioned in today's Part II, around the world in three hundred and sixty-four days?

MR. DREWES:

I don't know anything about it. Am I?

LEG. HALEY:

Yes, you are. I want to congratulate Fred because he's mentioned with a group of people that went around the world on their bike and as a matter of fact it says here the cyclists ranged in age from 19 to 80. Came from 32 States and 7 Countries, and among them were three other local riders, Fred Drews of Mount Sinai. How many miles did you do here Fred?

MR. DREWES:

About 15,624.3 -- no, I have no idea.

LEG. HALEY:

On a bicycle I might add, that started out in California and ended in California, totally around the World, and I just want to recognize him for that, because he's not only mentioned today, but I know he's done it for the benefit of this park, and that's quite a long ride for the benefit of his community, and I'd like to congratulate him.

(Applause)

MR. DREWES:

Thank you, Martin.

LEG. FOLEY:

Any good short cuts around the world?

MR. DREWES:

No, no, no.

D.P.O. POSTAL:

Phyllis Garbarino from AME.

MS. GARBARINO:

Good afternoon. I'm here today to urge the passage of Resolution 2187, the Vector Control Plan from the Department of Public Works putting another look on it than what you've heard before. My members there in Vector Control have advised me that because the plan hasn't been passed they are not able to do their winter work as it's called, which is all the preparation and the prevention that is done at this time of the year to lead into the season. And the fear is that we will -- could have an emergency situation or a crisis situation when the season does come on, because certain things have to be done at certain times of the year if you don't, if their plan is not approved, a plan, that would be up to you, what plan, that they will not be able to do it and they will not be able to successfully go through the year, and I don't know if all of you are aware of that. But I needed to bring that to your attention that it is really of utmost urgency to approve a plan at this time of the year so that they can go on with their work. They're already behind.

D.P.O. POSTAL:

Thank you. Legislator Foley.

LEG. FOLEY:

Thank you, Phyllis for coming down. I don't know whether you're aware of it. Part of what the County Executive will be submitting today is and EAF Environmental Assessment Form in order to comply with the SEQRA process. So even if we wanted to have approved it earlier than today the fact of the matter is we couldn't have because SEQRA was not being complied with. And it's only because of work that's been done last few days if not the last day and a half that finally we will be receiving a SEQRA document. Now that's going to itself engender some discussion, engender some questions that are going to be raised as to why when the original document was submitted to us in early December or late November, why not at that time was there an equivalent or an additional resolution for SEQRA review. There wasn't any.

So what I'm saying to you is that even if we wanted to approve it back in December, we couldn't, because --

MS. GARBARINO:

No. I do want --

LEG. FOLEY:

Because there wasn't any SEQRA available at that time. And also there were a number of very legitimate environmental questions that were raised in the Health Committee about this very program, in that before responsible Legislators approved this plan, we needed to have a number of questions that were raised by the State DEC and by others, had to be answered before we would approve the resolution.

The reason I'm saying this through the Chair, I know we're supposed to ask questions, but I -- you know, I can just anticipate if over the summertime there are some problematic, as there are every year,

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problematic mosquito infestations. But I don't want people to come back to this institution in the middle, not you, but I mean others, in the middle of the summertime essentially blaming the Legislature for a delay in approving the plan and that in turn cause some infestation over the summertime.

That sequence, number one, is not correct but it would be misleading because we're the ones that asked some very important questions that answers were not forthcoming in December. It's really been only since -- questions raised by Chair Fields and those on the Committee that we finally received some answers from Ninivaggi and also some answers from -- answers to questions raised by the State DEC. So while the process has taken a little bit longer than we all wanted the fact of the matter is it was important to go through this process, and again, it was only within the last few days that we've -- well, we haven't even received it yet. We're going to receive it today, the SEQRA document relating to this particular work plan.

MS. GARBARINO:

No. I do understand, Legislator Foley. This has not been a frivolous delay. I understand that.

LEG. FOLEY:

Right.

MS. GARBARINO:

What I wanted to make sure that you all realized that the longer the delay, if necessary, the more critical the situation could become.

LEG. FOLEY:

Right.

MS. GARBARINO

And so therefore the timing, if you have all the information that is necessary for this that I urge that you deal with it right away so that the department can get on with the work that is needed to be done at this time of the year.

LEG. FOLEY:

Point well taken in representing a south shore area that has quite a few mosquitos in different areas. I can -- I want to approve a plan as soon as we can in compliance with the laws of the County.

MS. GARBARINO

Because as we're all aware that the problems seem to escalate every year. So they're growing too fast,

D.P.O. POSTAL:

Thank you.

LEG. FOLEY:

Thank you.

D.P.O. POSTAL:

Next speaker, Donna Schreiber.

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MS. SCHREIBER:

Good afternoon.

D.P.O. POSTAL:

Good afternoon.

MS. SCHREIBER:

My name is Donna Schreiber and I'm a resident of Saint James and a mother of four. I'm in charge of the health and safety in our Saint James PTA. I am here on behalf of Saint James Elementary, which currently encompasses eight hundred and thirty-six school children. It is our desire to implore you to enhance DARE and not diminish the DARE Program as it is such an important and viable program to every parent and child in our community. This program has been a huge success in our community bringing parents and students together working towards a goal we believe and our -- is our future, our love and our dream. We ask that you please reconsider the DARE Program and recognize it as it is really a program that teaches our children, our future, that we as parents care and support them by giving everyone awareness, support and acceptance. Today where in many homes both parents work, there is limited supervision and parental guidance. Dare Provides an opportunity to give our children the self-esteem and strength in numbers, knowing they are not alone that their peers are also experiencing DARE and their peers stand beside them in their conviction against drugs. The children who have DARE in their background can move into middle school with a strong backbone in which to face difficult choices.

In closing, I speak for all at Saint James Elementary to enhance DARE and please not diminish it.

D.P.O. POSTAL:

Thank you. Legislator Binder.

LEG. BINDER:

Yes.

D.P.O. POSTAL:

Did you have a question?

LEG. BINDER:

Yeah. Did you know that -- I don't know if you've heard, it probably wasn't announced, but understanding is they're going to do a Certificate of Necessity on the Task Force bill today. So they're going to try to pass this thing without you having an opportunity, notice or being able to go to committee and discuss it. How would you feel if this was passed -- they tried to pass the Task Force today, which in my opinion would basically provide the information needed to kill the program?

MS. SCHREIBER:

Well, obviously I would be really upset if this went down without notice.

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LEG. BINDER:

Or without having a committee meeting?

MS. SCHREIBER:

Absolutely.

LEG. BINDER:

I hope everybody else would think the same. Thank you.

D.P.O. POSTAL:

Thank you.

AUDIENCE MEMBER:

I'm sure they do.

(Applause)

MS. SCHREIBER:

Thank you.

LEG. CARPENTER:

Madam Chair.

D.P.O. POSTAL:

Amy Bianco. Oh, I'm sorry. Legislator Carpenter. Ma'am, there's another question. Ms. Schreiber.

MS. SCHREIBER:

Yes.

LEG. CARPENTER:

Hi. I'm the sponsor of the resolution of the Task Force and I am looking to have a CN today because I feel it's important to have as much time as possible to go forward with this study. But I would like to ask you if the Task Force bill does pass today and we do form the Task Force, part of the component of it is to ask them to convene public hearings. And I would just like to ask you and all of the others who are here today would you be willing to come to these public hearings and share your information?

MS. SCHREIBER:

Absolutely.

LEG. CARPENTER:

Great.

MS. SCHREIBER:

There is such a strong support especially, I know at Saint James Elementary people are so involved and really concerned. I mean, I could have brought up a slew of people here today, but I just felt I'm here to make my stand, you know --

LEG. CARPENTER:

Well, and that's what the Task Force is all about, hearing from the public.

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MS. SCHREIBER:

Thank you.

LEG. CARPENTER:

Thank you.

D.P.O. POSTAL:

Next speaker, Amy Bianco from the Yaphank Civic Association.

MS. BIANCO:

My name is Amy Bianco and I live with my husband and five year old daughter at 6 Kara Court. Kara Court is a part of a brand new

development known as Pinewood Manner. The development consists of seventy-eight newly built homes in the town of Yaphank. It is well within walking distance of the proposed site for the juvenile detention center. In fact, you can see our neighbors home from the proposed site. Many of these houses were sold to families like mine, young couples, with young children. On our block alone which consists of six homes, there are ten children between the ages of 4 and 16 who live there. When you count the other seventy-two homes that are already are in the process of being built it is not unreasonable to assume that a large population of young children will be living in this development. Both me and my husband agree that there is a need for adequate juvenile facilities. We also feel that it is not wise to put such a facility in the middle of a residential neighborhood. We feel a mistake has been made.

The map that was used to determine a location for the proposed facility was too old and did not contain our neighborhood. No one realized that so many families and children would be living there. While I can't speak for all my neighbors. I can say personally that me and my husband worked many years to save our money and sunk our life savings into this home. We bought these houses because like most parents we wanted our daughter to live and grow up in a safe quiet environment where she could play in her backyard with other neighborhood children and we wouldn't have to worry about her safety. And while I don't doubt that the security of the facility will be first rate, I do have concerns about the effect that the facility will have on the neighborhood. Everything from visitors to the facility to people selling their homes and moving away. This facility runs the risk of turning a promising community into a ghost town or much worse. All I ask is that the site is reviewed once more. This time with a more current map, and I believe that everyone would agree that this is not the most ideal location for the facility. Thank you for your time.

D.P.O. POSTAL:

Thank you. Chris O'Connor, Long Island Neighborhood Network.

MR. O'CONNOR:

I have some handouts. Is there a quorum present?

D.P.O. POSTAL:

Excuse me, could you, please, use the microphone?

MR. O'CONNOR:

Is there a quorum present?

D.P.O. POSTAL:

I will call all Legislators to the auditorium for a quorum call. All Legislators, please report to the auditorium. Okay will the Clerk please call the role? Well, Jackie can do it, right? Oh, here comes the Clerk. Here comes the Clerk.

MR. BARTON:

Legislator Caracciolo, Legislator Guldi, Legislator Towle.

LEG. TOWLE:

Here.

MR. BARTON:

Legislator Caracappa, Legislator Fisher, Legislator Haley.

LEG. HALEY:

Here.

MR. BARTON:

Legislator Foley, Legislator Fields.

LEG. FIELDS:

Here.

MR. BARTON:

Legislator Alden.

LEG. ALDEN:

Here.

MR. BARTON:

Legislator Carpenter.

LEG. CARPENTER:

Here.

MR. BARTON:

Legislator Crecca.

LEG. CRECCA:

Here.

MR. BARTON:

Legislator D'Andre.

LEG. D'ANDRE:

Here.

MR. BARTON:

Legislator Bishop, Legislator Binder.

LEG. BINDER:

Here.

MR. BARTON:
Legislator Cooper.

LEG. COOPER:
Here.

MR. BARTON:
Legislator Postal.

D.P.O. POSTAL:
Here. Legislator Tonna.

P.O. TONNA:
Here.

LEG. CARACAPPA:
(Walked in)

MR. BARTON:
11 present.

MR. O'CONNOR:
Thank you. I didn't mean to pull you away, but I just wanted to get as many of you here. My name is Chris O'Connor. I'm the Program Director for the Long Island Neighborhood Network, and I'm here to comment on the Suffolk County Vector Control annual plan of work. The Neighborhood Networks first concern is that Suffolk County's Vector Control proposed work plan for this year relies too heavily upon spraying and fails to give adequate consideration of non chemical alternatives of controlling mosquito populations. The Neighborhood Network calls upon the Suffolk County Legislature to hold hearings with all different agencies and conservation groups involved in efforts to manage Suffolk's Salt Marshes. The purpose of these hearings would be to identify and design one unified strategy to achieve control over mosquito breeding to habitat reduction while also satisfying the highest environmental stewardship for the maintenance of salt marshes and the estuaries.

In accordance with the Neighborhood Network's philosophy of not merely criticizing but offering concrete alternatives we'd like to provide some suggestions based upon the proposed work plan.

Nassau County for example has seen success in reducing mosquito populations through habitat reduction efforts along its south shore. This effort has been focused mainly upon ditch maintenance and for the four years of this program annual complaints of bicoastal residence have been reduced from almost 1,000 to less than 100. While it is

true that Suffolk County Vector Control does address habitat reduction it does however -- it is however the neighborhood's understanding that this program is not being carried out in a comprehensive manner. Suffolk's coastal areas along the south shore and along the two forks of the east end of the island have long been major breeding grounds for mosquito. It's appropriate for this Legislature to take the leadership in asking whether the best environmental science and the latest thinking is brought to bear on management of salt marshes.

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When was the last time a thorough multi-agency, intergovernment analysis was engaged the question of whether more aggressive nonchemical methods of mosquito habitat reduction could be accomplished along our coast line?

Before approving the workplan before you today we ask this Legislature to evaluate the alternatives in this plan and would accomplish the goal of mosquito control. Now, for purpose of time I'm just going to briefly go through some of those alternatives and not read from my entire remarks. But aside from the habitat reduction, there are also nontoxic alternatives and products that can be used by the County to control mosquitos and provide effective relief for homeowners who complain about mosquito nuisances. One of these organic alternatives is garlic oil, which is sold in various forms from three different brands including garlic barrier, mosquito barrier. These barriers are on a list of food grade active ingredients the EPA regards as exempt and are sometimes called a 25 B list, which I've also included.

D.P.O. POSTAL:
Chris, please sum up.

LEG. HALEY:
I have a question, Madam.

D.P.O. POSTAL:
Yes, Legislator Haley.

LEG. HALEY:
Chris, do you have more to add?

MR. O'CONNOR:
Uh --

LEG. HALEY:
Thank you.

MR. O'CONNOR:
Yes. Thank you. It has also been shown very effective at repelling

mosquitos from several areas -- for several weeks after the scent is no longer noticeable by humans. Mosquitos have a strong olfactory capability that picks up the scent weeks after an application on the shrubbery and trees.

Now I'll refer you to read the rest of my comments in the course of your time. But the one thing I do want to comment on is the process in which this work plan has been put together and dealing with the SEQRA issue. Since the proposed work plan may potentially have an adverse impact on the environment the plan is subject to the SEQRA process. This point is not in dispute. Utilizing an environmental impact statement to investigate, compare, the cost effectiveness and environmental benefits of alternatives to the reliance on chemical pesticides could result in a significantly improved Vector Control plan for Suffolk County. For this reason, the neighborhood network opposes the approval of a negative declaration today. And as you're well aware, the neighborhood network recently did win a lawsuit in this County for the not looking at the -- giving a hard look to

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alternatives dealing with Suffolk County's golf courses.

D.P.O. POSTAL:
Legislator Fields.

LEG. FIELDS:
Do you want an answer to your question about when was the last time a truly thorough multi-agency intergovernmental analysis was engaged?

MR. O'CONNOR:
Yes.

LEG. FIELDS:
Friday, January 26th, this pass Friday I held a meeting with New York State DEC, New York State Department of State from Albany, the USGS, the you U.S. Fish and Wildlife Service, Fire Island National Seashore, Ducks Unlimited, Suffolk County Parks, the Suffolk County Planning, Suffolk County Vector Control, Nassau County Vector Control, Town of Oyster Bay and Town of Babylon. And I will tell you that from the very beginning when I first found out about the Vector Control plan, one of the things that I did want to look at was alternatives, and one of the alternatives is -- can we please close that door? One of the things that I was very interested in was the OMWM, which is Open Marsh Water Management, and the fact that we don't do enough of it here on the coast.

What I found out through my work in wetlands and conservation over the last two years was that we were not getting permits from the State.

So that was my reason for convening this meeting on Friday. What I found out was we don't have a good relationship between all of the agencies, all of the departments. We did have a very productive, very constructive meeting on Friday. There will be another meeting on this coming Thursday in the offices of the DEC, and we are moving forward to do more of that alternative management of mosquitos.

MR. O'CONNOR:

That's good to here because in looking at the DEC documents in the past there has been a communication problem

LEG. FIELDS:

Yes.

MR. O'CONNOR:

And the communication problem is resulting in an EIF being presented before you today with giving little time to respond to that.

D.P.O. POSTAL:

Thank you. Next speaker, David Hegarty, Hope For Youth. Is David here?

MR. HEGARTY:

My apologies. Good afternoon. My name is David Hegarty. I'm the Executive Director for Hope for Youth, a not-for-profit corporation licensed by the New York State office of Children and Family Services, which was recently selected by a panel of County officials to operate a 12 bed coed nonsecured detention group home for Suffolk County

children and youth involved with the Family Court.

I'm here today to present information regarding the need for this program and to discuss concerns raised relative to our selection of a home in Bay Shore for this group home. I believe there can be little question as to the need for this facility. The numbers of youth involved with the Family Court continue to grow dramatically. Consider the following: Between 1998 and 1999, PINS investigations increased by 29.4%. Between '98 and '99 total juvenile case disposition increased from 863 to 1,199. Between '98 and '99 PINS cases in Brookhaven, Islip and Babylon increased by 37%, 18% and 40% respectively.

Finally, County statistics show a rapid and significant increase in PINS cases diverted from court to clinical services with Babylon increasing over 700%, Brookhaven increasing by 300% and Islip increasing by 160% between 1999 and October of 2000. It's not even a full year set of statistics. Readers of Newsday are only too familiar

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with the impact of the increasing numbers of children and youth appearing before the Family Court and in need of emergency placement. Sadly Suffolk's lack of resources for these children has resulted in expensive and less than adequate housing alternatives. As Suffolk County struggles to meet the needs of these troubled children and their families, Hope For Youth has responded to the challenge by diversifying and expanding our services. We have a hard earned reputation for achieving meaningful results with difficult children and families. Today we operate four long-term therapeutic group homes, one emergency and diagnostic group home, therapeutic foster homes, emergency foster homes, and an outpatient substance abuse clinic program.

For over 30 years we have operated community based group homes serving troubled youth. We have managed to do so in a manner that which has allowed us to blend into the communities where we are currently located. I would invite the members of the Legislature to consult with their colleagues, Legislators Postal and Bishop who currently have hope for youth group homes located within there districts to determine if they are familiar with any complaints regarding our operations.

Our interest here is in meeting our contractual obligations to the County and continue to meet our mission of assisting Long Island's troubled youth and families.

We sincerely believe that the home we purchased in Bay Shore is the ideal size and configuration to meet the needs of this population. I understand and respect the concerns raised by the neighbors of our group home, and I can commit to you that we will work diligently to address problems that arise. I thank you for your time and attention, and if there are questions, I'd be happy to answer them.

D.P.O. POSTAL:

I know we have some questions. Legislator Alden.

MR. HEGARTY:

Somehow I'm not surprised.

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LEG. ALDEN:

Hi. You just mentioned something I find very interesting. Are you putting a group home here or is this a children's detention center?

MR. HEGARTY:

This is a --

LEG. ALDEN:

Because the RFP was for a children's detention center.

MR. HEGARTY:

A nonsecured detention center is considered to be a group home by the regulations.

LEG. ALDEN:

Okay. So then the reference to group homes are fairly inadequate, really, to describe what you're putting here. I don't want to compare apples to oranges. I want to compare apples to apples. So when you reference, you know, other group homes you operate, this is not a group home. The RFP specifically states, a Children's Detention Center.

MR. HEGARTY:

Nonsecured Detention Center.

LEG. ALDEN:

Nonsecured, okay. So --

MR. HEGARTY:

Which I think I will be the first to admit is an oxymoron, which makes no sense. How is something both detention and nonsecure, but I don't write the rules, Albany does.

LEG. ALDEN:

We're not going to care it then to group homes. So, now let's go on.

MR. HEGARTY:

I would respectfully disagree.

LEG. ALDEN:

Well, then I respect your disagreeing.

MR. HEGARTY:

I think we need to talk --

P.O. TONNA:

All right. Gentlemen. Gentlemen, can one of you have the floor at a time? If there's a question Legislator Alden will ask his questions. David, you can then respond to his question.

MR. HEGARTY:

Okay.

LEG. ALDEN:

Now before we had testimony that one of the residents of that area had

a conversation with you and asked if you can guarantee that some of the people that are going to be detained here would not get into the community and cause some kind of havoc and things like that, and your response was no you couldn't guarantee the safety of the people in the community; is that correct?

[THE FOLLOWING WAS TRANSCRIBED BY LUCIA BRAATEN]

MR. HEGARTY:

I said that I couldn't guarantee that youngsters would not go AWOL, that is correct. I think we need to remember that when youngsters come to nonsecured, the vast majority of those youngsters are sent by a Family Court Judge, which means that a child has appeared in court, a Judge has made a disposition and a determination that, for various reasons, it's not safe to send that child home, and that the child is in need of an alternative living situation on a temporary basis. So a Judge has made the decision that this is a child who can safely be placed into a community-based setting.

LEG. ALDEN:

Now, that brings up a very interesting comment, because a long time ago I used to practice in -- I practice family law, which I don't do that anymore. But is it your belief that because Suffolk County lacks a secure detention center, some of the Judges are sending kids that are inappropriate for nonsecure into nonsecure situations, or a borderline kid will be -- the choice will be made and send a kid that's not really -- you know, he really doesn't belong in a nonsecure facility, he belongs in a secure facility, but because we don't have one, he's going to stick him in a residential area.

MR. HEGARTY:

No, sir. It's my belief that we are seeing an increasing wave of youngsters designated as PINS, and I think that to -- we should have at some point a serious conversation about why that is happening, not just here, but elsewhere in the country

LEG. ALDEN:

What is --

MR. HEGARTY:

Can I finish, Mr. Alden? The Surgeon General of the United States released a report two weeks ago that talked about the huge numbers of children entering the juvenile justice system because of mental health of problems.

LEG. ALDEN:

Actually, kind of -- mine was a yes --

MR. HEGARTY:

I want to tell you --

LEG. ALDEN:

Mine was a yes or no kind of question, so --

D.P.O. POSTAL:
Cameron, can you just --

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LEG. ALDEN:
No, I really didn't need that much.

D.P.O. POSTAL:
I know, but I just that we need to at least --

MR. HEGARTY:
May I?

D.P.O. POSTAL:
-- be civil, not interrupting.

MR. HEGARTY:
Okay.

LEG. ALDEN:
I'm trying.

MR. HEGARTY:
May I finish?

D.P.O. POSTAL:
Okay.

MR. HEGARTY:
There are significant numbers of youngsters who are now coming out of psychiatric hospitals whose time in those hospitals has been capped out by managed care companies. Parents have nowhere to turn. Parents are frustrated. They don't have the resources financially to pay for services. They don't know where else to turn and they go to the Family Court. And I would respectfully suggest to you that the youngsters we designate as PINS are youngsters who have significant mental health issues that are not being addressed elsewhere. I have literally seen youngsters referred to our diagnostic program coming straight from a psychiatric hospital to Family Court, and the discharge plan from the hospital to the parents is, "Go to court and get a PINS petition for your child, because we can't help you anymore because your insurance company has cut you off." These are the children of the people who live in our communities. These people are frustrated, they're angry and they're scared about the future of their children. They go to the Court for help, they come to government for help, and this is one of the primary resources that the Family Court has at its disposition.

I would note for you that we also operate a diagnostic and emergency program, and I think we need to understand how kids flow in the system. The first step is a nonsecure home. If those youngsters need additional clinical services, the Judge or the Department has the latitude to refer them to our diagnostic facility, where we've seen many kids go to next because they need a more thorough clinical evaluation.

[SUBSTITUTION OF STENOGRAPHER - ALISON MAHONEY]

The final stopping point for many kids is one of our long-term group

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homes. The kids who are in our long-term groups homes, for example, one of which is in Legislator Bishop's district and another in Legislator Postal's district, are in fact the most difficult kids. Many of the kids in non-secured go back home again, the more difficult kids proceed through the system. So these homes are already located in our communities and I think -- I would respectfully suggest that you look to the track record of Father Frank's operation in Port Jeff, Montfort House, which has run a program similar for the County for close to ten years and has a great track record and a great reputation with the same kinds of kids. We're talking about kids who are appropriate generally to the community.

LEG. ALDEN:
This next question is a yes or no question.

MR. HEGARTY:
I'm not good at yes or no questions.

LEG. ALDEN:
Well, we're going to cut you off if not, so try to limit yourself, but yes or no. Would it surprise you to learn that many lawyers that practice in the Family Courts, and even some Judges that I spoke to, said that children are being sent to these unsecured facilities inappropriately; would that surprise you, yes or no?

MR. HEGARTY:
Not necessarily.

LEG. ALDEN:
No, I thought not. Okay, I'm done.

D.P.O. POSTAL:
Okay. Are there other questions for Mr. Hegarty? Legislator Carpenter.

LEG. CARPENTER:

Thank you.

D.P.O. POSTAL:

I'm sorry, Legislator Foley had asked previously, I didn't look at my list. Sorry.

LEG. FOLEY:

Thank you. Thank you, Madam Chair. Even though I don't represent this particular area, I can understand the sensitivities of all concerned. There's no doubt that there's a need for these children to have services. But coming from another south shore community, particularly the Patchogue community where Patchogue, Bay Shore and other areas have over the years been more than giving in receiving -- been more giving and receiving different kinds of people who do need a variety of help, and those two communities have done more than their fair share over a period of time.

Applause

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So when the Bay Shore -- and I don't mean that for -- you know, it's almost as if there's the usual suspects of communities for these places. So my question to you is how did you decide on this particular hamlet, number one, and how did you decide on this particular house?

MR. HEGARTY:

My criteria in selecting this facility were based primarily on geographics. We needed to be reasonably close to the Family Court operation in Central Islip and we needed to be reasonably close to our main operation, our main office which is in Amityville where our clinical staff are based, I need to be able to easily get youngsters in to see our psychiatrist, our nurse practitioner, our psychologist. So geography was an issue, price was an issue and size was an issue.

I would respectfully suggest that it might be worth while looking at the history of this home. This home has not always been a traditional single-family home, this home was, in fact, used as a nursing home prior to the last owner. So we're talking about a house that has had alternative uses, it was -- this house has ten bedrooms, a wing was constructed off the back of the house to make it into an adult facility or an adult care home, a nursing home, whatever language you want to use. It has a history of alternative use, it was very large.

If I am going to be responsible for the care of 12 boys and girls

mixed together, I need a facility large enough to be able to control movement of those youngsters easily. I do not, obviously cannot, put boys and girls into bedrooms together. I need enough space, I need a house big enough to run a fairly large program for 12 kids, I needed room for a school. We looked at another home in North Babylon but rejected that based on timeliness. I think it's worth talking about the time frame. And if I may, I'd just like to illustrate for you how difficult it was to accomplish what we did.

LEG. FOLEY:
Well, the time frame --

MR. HEGARTY:
The County --

LEG. FOLEY:
What was the time frame given to you as one of the respondents?

MR. HEGARTY:
The RFP was issued on August 10th, our proposal was due on October 13th.

LEG. FOLEY:
And the proposal had to include a specific site?

MR. HEGARTY:
The proposal did not have to include a specific site, if an agency had a specific site it could propose one.

LEG. FOLEY:
Right.

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MR. HEGARTY:
At the point that we submitted the proposal on October 13th we were, in fact, looking more seriously at a site in North Babylon. We wound up not being able to continue to use that site because the owner would not make it available in the time frame we had available. Contractually, the RFP called for the agency to begin operations by January 1st.

LEG. FOLEY:
Okay, if you could you just hold there for a moment.

MR. HEGARTY:
Yes.

LEG. FOLEY:

Our operations are to begin by January 1st?

MR. HEGARTY:

Right.

LEG. FOLEY:

So just by the time constraints of the RFP, that also constrained, I would say, the geographic areas that you could look at because you needed to have something in place by early January; is that not correct?

MR. HEGARTY:

It constrained the pool of available housing down to a certain number of houses that would be sufficiently large not to require significant renovation.

LEG. FOLEY:

Okay. Just on that point, Madam Chair, it gets back to what some of us have been saying earlier. I understand that you wanted some close proximity to some of your other services, but also I question an RFP that has a very limited time frame and that limited time frame also limited the geographic areas that they could look at for the housing. So again, it gets back to the point as the usual suspect of communities that have been receiving homes of a variety of kinds, variety of services over a period of decades, and that's why I have a concern with this particular RFP. But go ahead, sir.

D.P.O. POSTAL:

Legislator Foley, could I suggest that that's one of the reasons why I think we're going to want to speak with Mr. Iaria later this afternoon. So I'd like to just -- if you could very quickly respond to Legislator Foley's question.

MR. HEGARTY:

Sure. The proposal was submitted October 13th. The award was issued, meaning that the review panel made their final decision and we received a letter on November 6th that we were being awarded the contract, we then moved ahead rapidly. I was not obviously going to commit agency funds to purchase a house if we weren't going to have a

contract. We moved ahead and we identified the house in Bay Shore as being available, most easily configured and most appropriate to the needs of the population. We signed a contract of sale with the owner on December 8th, 2000, we closed on the property on December 23rd,

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2000. On December 26th, 2000, we notified the Town of Islip and requested a building permit for a fire escape. The Town of Islip asked for a letter of intent regarding the use of the property which we submitted to them on January 2nd through the Building Department and that was the last we heard from the Town of Islip until we heard from the Planning Department which had no idea that the building department even knew that we had contacted them.

D.P.O. POSTAL:

Can we -- Legislator Carpenter?

LEG. CARPENTER:

Did I hear you say that you are prepared to address problems that arise?

MR. HEGARTY:

Yes, ma'am.

LEG. CARPENTER:

See, that's a problem.

MR. HEGARTY:

Uh-huh.

LEG. CARPENTER:

Because something like this, a detention center that's going to be cited in a residential facility, if you're going into this knowing that there are going to be problems, how can we expect the community to embrace what you're trying to bring there?

MR. HEGARTY:

I think we have problems, you know, like anybody else has problems. My biggest problem at my Seaford Group Home is the fact that my staff don't bring in the garbage cans, and the neighbors call me frequently about it. I have given the neighbors near all of our facilities contact numbers where they can reach me and other members of our administrative staff on nights and weekends, so if there is a problem related to anything we will respond to it. We are do not close, we are open seven days a week, 365 days a year. I've had problems with one of our group homes --

LEG. CARPENTER:

Excuse me.

MR. HEGARTY:

-- that abuts a florist and the florist felt that our kids were making too much noise and we're disturbing his customers and we've dealt with that. You know, we deal with problems as they come up. I'm not going to tell you that we can operate and things don't happen; things do happen, things happen between any neighbors anywhere.

LEG. CARPENTER:

Uh-huh. Okay.

MR. HEGARTY:

We've had disputes about fences.

LEG. CARPENTER:

I would suggest that for this kind of a business, for this kind of an operation, that you really would be better suited going into -- not into a residential area, and perhaps the kinds of problems that you're confronted with you won't have quite so many of. But this is clearly, clearly most inappropriate.

MR. HEGARTY:

I think there is a catch-22 there because the State of New York Office of Children & Family Services will not give us an operating certificate for this type of a facility unless it's in a residential area. So in order to get an operating license from the State, we have to be in an appropriate area and that's deemed by OCFS as residential, close to recreational facilities in the community, etcetera, etcetera, etcetera.

LEG. CARPENTER:

Excuse me. You're saying that you are being required to site it in a residential area close to recreational facilities? Are these juvenile delinquents, by your own admission, going to be going to recreational activities in the community?

MR. HEGARTY:

No.

LEG. CARPENTER:

Then why is that a necessity?

MR. HEGARTY:

It's in the regulations, I can't speak to what's in there.

LEG. CARPENTER:

That makes no sense. Again, this is not an appropriate area.

D.P.O. POSTAL:

Legislator Fields?

LEG. FIELDS:

When you said that the State requires that it be in a residential area, is that actually the terminology or is it that they require that it be in a home type community based -- does it actually state --

MR. HEGARTY:

The regulations used vague language to talk about an appropriately -- I don't remember the exact regs so I don't want to misquote them. Our discussion with the Counsel's office in Albany was clear that the requirement is for residential zoning. And when we submit our package for certification we need to submit a Certificate of Occupancy which indicates that the property is zoned residential in order to be

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licensed.

D.P.O. POSTAL:

We're supposed to be getting --

LEG. FIELDS:

Are we going to get a copy of that today, what the requirements are about residential --

MR. HEGARTY:

I believe that attached to the RFP is a copy of the OCFS regulations.

LEG. FIELDS:

I'd be very interested in seeing that. Thank you.

D.P.O. POSTAL:

I know Mr. Iaria hears this. Legislator Alden.

LEG. ALDEN:

I just have one other question. According to the RFP it says that juvenile delinquents and PINS, could you just give me a definition of who's going to be in this residence?

MR. HEGARTY:

These facilities --

LEG. ALDEN:

You know, like the State, the official definition of these kids?

MR. HEGARTY:

The primary population served by this type of facility is the PINS population, Persons In Need of Supervision.

LEG. ALDEN:

Okay. And what is that?

MR. HEGARTY:

It runs the gamut. It's youngsters who are ungovernable at home, who are chronically truant. These are parents that have come to the Family

Court saying, "I need your help." These are school districts that have gone to the Family Court and said, "We can't get this youngster to come to school and the parents are not responsive."

I have sat in this room when this body held Legislative hearings and heard from numerous parents who came to you and talked about their frustration, their anger, their fear for their children's future because of the lack of responsiveness when PINS petitions were brought against kids, and there was certainly a perception on the part of many parents that their kids needed help and they weren't getting it. So, you know, we've geared up a system now to respond and one of side effects of that is that the Court needs resources.

LEG. ALDEN:

Are these kids that have committed acts that if they were adults would be deemed misdemeanors and felonies but because they're juveniles

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they're not?

MR. HEGARTY:

The PINS designation is primarily a status offender. They're youngsters who have engaged in behaviors which if engaged in by an adult would not constitute a crime but if they are engaged in by a juvenile do. I, for example, have the latitude to decide I'm never going to go back to work again, my wife has the latitude to file divorce papers and throw me out of the house; there will be no criminal sanctions, though, against me. A child does not have the latitude to decide they will not go to school because the response to that is that they become an adjudicated person in need of supervision. Basically, parents or the school system have gone in and said, "We need help." And yes, there are cases where judges to plea things down and make youngsters a PINS petition.

LEG. ALDEN:

So you're saying that no criminals will be in here.

MR. HEGARTY:

Criminal is a broad term and I don't think I want to get into a debate about who is or who is not a criminal. I think that we have to rely on the judges to use these facilities wisely and to make decisions about youngsters going into them based on their assessment of community risk, which we do with judges every day. Every time a judge decides to refer a child to one of our long-term group homes or to our program which is a diagnostic or to one of our therapeutic foster care programs, they do so with the recognition that these are problem kids who present problems for the parents that they live with and potentially for the community and the schools.

LEG. ALDEN:

And you're gathering twelve problem kids and concentrating them in a residential area, which you don't see a problem with that.

MR. HEGARTY:

I see that those youngsters need resources.

LEG. ALDEN:

Is there one next to your house, by the way?

MR. HEGARTY:

Actually, there is a sober home around the block which I am deeply concerned about --

LEG. ALDEN:

Did you know that between sober homes --

MR. HEGARTY:

Can I finish?

LEG. ALDEN:

-- and all those things, there's about 20 in Bay Shore within a quarter of a mile of this --

MR. HEGARTY:

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You asked about my neighborhood and I'm telling you that there is a sober home around the block and there's an OMRDD group home three doors down. So yes, I do have group homes in my neighborhood. I love the OMRDD group home, because if there is a problem in that house I know who to call. I don't like the sober home because it's not licensed, it's not regulated and it's not monitored; our facilities are licensed, regulated and monitored. I have State officials, County officials, local officials in and out of our facilities all the time. If we have a problem people are going to say, "What are you doing about X, Y and Z?" Sober homes, I don't know who goes there. I don't know who licenses, monitors or regulates those facilities. I am deeply concerned about that in my neighborhood, I am not at all concerned about the OMRDD group home.

D.P.O. POSTAL:

Last question, Legislator Crecca.

LEG. CRECCA:

No.

D.P.O. POSTAL:

No more question? This meeting is recessed until 2:30 for the public hearings.

[THE MEETING WAS RECESSED AT 12:49 P.M. AND RESUMED AT 2:35 P.M.]

P.O. TONNA:

Henry, let's try to get a roll call. I'd ask all -- Ann Marie, could you just get all Legislators to the horseshoe, please. I'm still looking for Legislators. Okay. Henry, where are we here? We got one --

MR. BARTON:

Mr. Chairman.

P.O. TONNA:

Yeah.

MR. BARTON:

I have the affidavits of publication. You can start the public hearings when you're ready.

P.O. TONNA:

Do we want to do -- do you want to do a roll call? We don't need to? Okay, great.

All right. Public Hearing Number 2286, a local law to require power plant emission evaluations. Is there anybody who wants to speak on this? Great. The first card is an Amie -- Amie Hamlin, who has a statement. So, you know, she's not here, she couldn't make it. Okay. (Statement on file in the Office of the Clerk of the Legislature)

Next will be Mark Serotoff. Mark, did I -- how do you say?

MR. SEROTTOFF:

Serotoff.

P.O. TONNA:

Serotoff.

MR. SEROTTOFF:

Don't worry, I heard worse.

P.O. TONNA:

Hey, Mark, can I ask you? It sounds very -- you know, my kids right now are going through this whole dinosaur thing and they're -- you

know, I could tell them I met a Serotoff. It sounds like a -- you know, a type of dinosaur, no?

MR. SEROTTOFF:
Yeah.

P.O. TONNA:
Yeah, seratopis, or something like that, yeah.

MR. SEROTTOFF:
You're going to have to speak to my wife about that .

P.O. TONNA:
Okay. Please, come on right up over here and -- to the podium and, please, make your statement. Thank you.

MR. QUINN:
Excuse me, Mr. Presiding Officer. I didn't fill out a card since I wasn't at the morning session. Where are the cards for this --

P.O. TONNA:
You know, hold it a second, let me think. Reception area.

MS. BURKHARDT:
Denise.

P.O. TONNA:
See Denise at the reception desk. Thank you. It's the telepathic part. You know, just after lunch, it takes me a little while to get going. All right. Okay. Mark, thank you.

MR. SEROTTOFF:
These -- hello. These are comments I have on the proposed power plant emission law.

The increasing demand for energy has resulted in proliferation of proposals for building new fossil fuel power plants. All proposals in Suffolk County are for new sites, and the concern arises that with current and future development, these sites will cause the degradation in the health of surrounding communities. In numerous cases, sites are near homes, schools, hospitals, senior residents, and athletic fields. Existing Keyspan plants were built decades ago, when development near the plants wasn't an issue.

The Suffolk County Legislature deserves high marks for doing its job, looking after the welfare of the people. The California experiment in

deregulation is a colossal failure and we're learn from it.

The Emission Evaluation Law is an example of some -- of some regulation that is needed in this vital area. The proposed law is clear in its intent and innovative in its execution. However, several concerns arise, namely other pollutants that are of great concern and cause immediate danger, which are not considered. Some of these are nitrogen, sulphur oxides and ozone that result in heart and lung damage, and particulate matter, soot and volatile organic compounds that cause cancer. Concern over carbon dioxide emissions is genuine. Ocean levels are rising and there will be problems in a hundred years, but these other emissions will cause disease and death in a span of weeks or several years.

The Long Island region has been designated a nonattainment area for ozone by the DEC for the last eight years. Cancer rates are astronomical. We all know somebody affected by it. Can we afford to bypass these other causes. There is added immediacy to these concerns because of the segments of the population most affected, which will be the young and the elderly. By not addressing these other toxins, lost work time due to illness and health care costs will increase. Quality of life, one of the reasons people want to live here, will erode.

Another concern in the proposed law is the establishment of an energy credit trading system. In the federal system, credits may be obtained from facilities or individual sources in other regions that have ceased operations or installed control equipment, which reduces emissions below those needed to comply with regulatory requirements, and these are considered surplus emissions. Simply, a power producer can purchase surplus pollution from one region and disperse it in another region. Care must be exercised that if a similar scenario occurs in Suffolk, the area sited for new emissions isn't already burdened with existing sources of pollution from an incinerator or other industry.

Considering the aforementioned, several suggestions arise. The first, and there are only four, a sliding scale of standards should be applied. Less stringent rules should be in place for a site more isolated from homes and schools compared to a site closer to them. Also, if there is existing pollution in the area, stricter standards should apply.

Number two, a County Energy Board should be established to devise a regional plan. Having new power plants spring up like dandelions is unacceptable. These plants will have adverse affects for decades. Exceptional circumstances existing on Long Island, such as out of compliance air, high cancer rates and fragile water supply legitimize such a board. This energy board will determine what new generation is really needed, review proposals, and make approvals, probably subject to the PSC.

Number three, the County Energy Board should encourage by all means possible the repowering of existing Keyspan plants with new technology. Significantly more electricity with less pollution and decreased need for new power plants would result.

Finally, number four, electricity is crucial for our existence, but producing it can harm or end it. A maximum effort must be made for generation that doesn't cause health or environmental degradation. Wind, solar, cogeneration, geothermal and cutting demand are existing and proven technologies. We're surrounded by water and the moving tides have been used for generations also. Some of these technologies are costly and take time to establish. A County Energy Board via a referendum could raise seed money for these initiatives. The public is aware and concerned. The time is now. Thank you.

D.P.O. POSTAL:

Thank you. Next speaker, Peter Quinn.

MR. QUINN:

Thank you, members of the Legislature. My name is Peter Quinn. I'm a member of the Long Island Coalition for Democracy, and long involved in energy and environmental matters.

I wanted to read into the record a letter from Environmental Advocates, a statewide environmental group, from Kyle {Rabin}, who says, "I am an associate" -- "I am a Program Associate with the Albany based Environmental Advocates. My area of focus is air quality and energy policy. Thank you for the -- is that on? Thank you for the opportunity to comment on legislation introduced by Legislator Vivian Fisher. My enthusiastic support -- we enthusiastically support this legislation and urge its passage."

"Restructuring of the electricity industry has created a heightened awareness of the nexus between energy policy and environmental issues. The conversions of these developments is forcing federal, state and local policy-makers, as well as the electric power industry to examine the benefits of all sorts of electricity more comprehensively and objectively than ever before. Energy deregulation provides an opportunity to address one of the most detrimental environmental impacts facing our planet today, global warming and climate change. We will need to confront this dilemma at every level, from local to state to international. With climate change negotiations faltering in the international arena, and the lack of carbon dioxide regulations at the State level, it is even more important for this issue to be dealt with at the grass roots level. Legislator Fisher is doing just that."

"According to the U.S. EPA, carbon dioxide emissions from Long Island power plants have increased 55% since 1995. The bill introduced by Legislator Fisher would reverse this dangerous trend by limiting the amount of carbon dioxide emissions from electric generating plants. This legislation is needed to ensure that as new power plants are

constructed in Suffolk County, public health is protected from the harmful pollutants that are emitted by all power plants that burn fossil fuels. This legislation will limit and then reduce the amount of carbon dioxide that can be emitted from fossil fuel power plants located in Suffolk County. Since the emission of carbon dioxide is a byproduct of burning fossil fuels, this legislation will, in effect, reduce the amount of fossil fuels that are used for the production of electricity. It will do so by stimulating the development and use of more efficient power plants, using natural gas and the more rapid introduction of renewable energy technologies."

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"The deployment of more efficient and cleaner energy producing technologies will result in the reduction of not only carbon dioxide, but also of other pollutants that cause respiratory diseases and other harmful impacts by -- to public health and air and water quality. Deploying more efficient and cleaner power producing technologies will help to stave off the severe impacts of global warming predicted for the coastal areas such as Long Island. Such impacts include a significant rise in sea level, accelerating beach erosion, loss of public and private land along the coastline, increasing severity and frequency of storms and flooding, saltwater infiltration of groundwater and wetlands, and the spreading of tropical diseases previously not occurring in temperate climate zones."

"Once again, I repeat, I," meaning Kyle {Rabin}, "appreciate the opportunity to comment on the issues that you are addressing through this legislation. The legislation before you today is far-reaching and vitally important for current and future generations of Long Islanders. I applaud this initiative and encourage you to immediately pass this landmark legislation."

You should know -- and that's the end of the letter I read into the record. You should know the extent to which utilities and Governor Pataki's siting board and NYPA, along with Wall Street and entrepreneurs seeking to make a profit from expanded energy plants, that if we were to adopt all of the 20 generating plants that the siting board has proposed for Long Island, we'd add 4,800 additional megawatts. And keep in mind that since the prevailing winds go from west to east, if we included the Con Ed service territory of 12 additional plants and 5,591 additional megawatts of generating capacity, along with two under the Sound cables for 660 megawatts, and included the 11 that NYPA, plants, the turbine plants from GE, we would have a total of over 11,000 additional megawatts that would be polluting our environment, not only CO₂, but CO and NO_x gases. And that, of course, would have a detrimental effect on children that play outdoors, those who are asthmatics, others with respiratory problems,

and senior citizens like myself just getting over a cold. And so I think that this legislation is extremely timely.

If one considers that LIPA is spending 927 million dollars on fossil fuel and purchased power this year alone, contrast that with the 32 million they claim they're spending on energy efficiency, and you realize the extraordinary imbalance here. The quest is to build more plants, because it's very profitable for the entrepreneurs and the utilities to make a good killing from rates where everything is eventually put into the rate-making scheme, even though several of these plants are called merchant plans where the claim is they're not going to make any money, they're doing it out of the goodness of their hearts.

And so we have to be concerned about the direction, not only this Island, but the State is moving in developing more of these plants. LILCO -- pardon me, LIPA -- I often get the two confused, because I can't think that LIPA is much different than LILCO. The fact of the matter is LIPA, over the last -- LIPA and LILCO over the past 15 years have used over 4,000 megawatts of power, about ten

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times. Now consider that. What we're being asked to do is to consider more plants, so that we can prevent a California-like scenario. Well, LIPA already has 5,309 megawatts of generating capacity, and the only time they go over 4,000 is during peak load of one summer day for roughly two hours, when it's extremely hot and humid. We are being asked to buy into an agenda that will siphon billions of dollars off Long Island in order to accept an electric industry that wants to profit at our expense, not only profit from our pocketbooks, but profit from our health as well. And I -- that's why I think this particular legislation is so meaningful.

And, by the way, Keyspan, involved with pushing natural gas, and natural gas is nothing more than methane gas, is providing customers with an opportunity to switch. The only problem in switching to natural gas is that the devices that they're offering, the boilers that they're offering are only about 80 to 83% efficient. There are on the market gas powered boilers for residential consumers that are over 90% efficient. Now, why would an industry promote selling a less efficient piece of equipment to get people to convert? Well, we've seen Keyspan's profits nearly double in the past year. That ought to be some evidence. But if you sell a less efficient piece of equipment, you'll get more money coming out of the ratepayers' pockets, plus you pollute more. And they're not even considering the environment of Long Island when they think that way and it's time we stop them. Thank you.

LEG. FISHER:

Thank you very much for your comments. Mr. Quinn.

MR. QUINN:

Yes.

LEG. FISHER:

Thank you very much for your comments, and thank you for reading Mr. {Rabin's} letter into the record. That certainly brought out a variety of very salient points with regards to this legislation.

You're apparently very familiar with my resolution. And may I draw your attention to one of the elements, which is the credits, okay, the credit trading mechanism that I have for carbon dioxide trading, which would help to stimulate research and development of alternative energy sources, because we do have to continue to have our energy providers look for other sources of energy that won't have the detrimental effect that the traditional plants, fossil fuel burning plants have on our environment.

And you very correctly said the CO2 problem, although it's a global problem, has a particular effect on Long Island because of our geographic position here. So I thank you for your comments.

And I would also like to ask you a question. I'm looking at my notes on things that you've mentioned. The -- many of the plants that are being placed throughout New York State are single cycle plants, and that's one of the problems that we have, that they're not efficient, that they're easy and quick to put up. Can you comment on the single cycle plants?

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MR. QUINN:

Well, only in that they use a single fuel. Natural gas is the -- the industry used the term natural gas, the bridging gas to the future. And it's interesting that Green Peace about ten years ago put out a booklet dealing with natural gas. It's a byproduct of exploring for oil, so you get both of them from the same --

LEG. FISHER:

But natural gas burning is cleaner than the oil burning.

MR. QUINN:

Well, if you like NOx gases rather than CO2 or CO gases, then it's cleaner. But NOx gases, when they're exposed to sunlight, produce low level ozone, which is, as I pointed out before, is a contaminant, a pollutant that adversely affects particularly young children. So how

many kids can you have playing outdoors during recess at school over a period of years before there is that subtle impact on their longevity?

LEG. FISHER:

Thank you very much for your comments, sir.

MR. QUINN:

Thank you.

D.P.O. POSTAL:

Thank you. James Pim, Suffolk County Department of Health Services.

MR. PIM:

Good afternoon. I'm James Pim, Chief Engineer for the Suffolk County Department of Health Services Division of Environmental Quality. Just a brief statement on this.

Our first concern with the proposed legislation is whether or not the County has the authority to regulate air emissions from power plants. New York State Conservation Law empowers the Department of Environmental Conservation to do this, and the County may be prevented from entering into this area of law. The Commissioner of Health has written to the DEC Regional Director seeking guidance in this area.

We're also confused about the intent of the proposed legislation. As it is written, it seems to be designed to encourage the creation of more efficient power plants in Suffolk County, meaning those that produce the most electricity for the lowest consumption of fuel. It proposes to accomplish this by regulation and fines. It is hard to understand why such an added layer of government intervention is necessary, since deregulation has opened up the field to competition, and the primary effort of all of the competing parties will naturally be to try and produce the most power with the least amount of fuel, since the cost of fuel is certainly the greatest expense in power production. Anyone who cannot do this will inevitably be forced out of business in due time. If the local government were to insert a regulatory control system into the equation at this point, it would surely be blamed in the end for driving producers out of business when it was actually normal competition that did it.

It is not clear why the County should care how efficiently fuel is converted into power. We certainly care how much power costs, whether or not there's enough of it and how cleanly it is produced, but this proposal does not directly address any of these things, it only addresses the rate of CO2 production, which is important, but only from a global warming standpoint. It otherwise has no public health

significance. The amount of CO₂ produced is directly related to the amount of fuel that is burned and the completeness of combustion, but is not directly related in any way to the other emissions, which are primarily health concern. It seems reasonable that if we are to try to pass local law, it should be related to health concerns, not fuel efficiency.

The proposed legislation burdens the Department of Health Services with substantial additional responsibilities. The Department is required to determine the maximum allowable emission rate for CO₂ to set up and manage an emissions credit bank system to monitor the emissions from the plants to determine violations when they occur, to conduct legal proceeding to punish violators, to collect quarterly reports from the plant operators, and to provide financial reports to the Legislature. The Department is not equipped or staffed to handle these responsibilities. We don't even have an air pollution function at the present time.

It is difficult to imagine how such a law could be enforced. If a plant could not meet the efficiency requirements and refuse to pay, the ultimate enforcement threat should be to shut the plant down. This would be virtually impossible for a utility. When faced with a need for power, no court would order a plant closed for failure to meet an unusual local law requiring an unattainable efficiency rate. Any law that is unenforceable should not be past in the first place.

The definitions in the draft do not make sense. Definition A for an electric generating unit includes any unit that produces steam for sale, whether or not it also produces electricity. It is not logical to call a facility an electric generating unit if it does not produce electricity. Likewise, Definition B for a steam generating unit is written -- as written covers all fossil fuel fired combustion units, whether or not they use or generate steam. It is not logical to call a facility a steam generating unit if it has nothing to do with steam. That's all I have.

LEG. FISHER:
Okay.

D.P.O. POSTAL:
Legislator Fisher.

LEG. FISHER:
Rather than ask you questions, I'll respond to your comments. Your first issue of preemption, there is no regulation of CO₂ either on the State or Federal level, so the the issue of preemption here is moot, because it isn't addressed anywhere else. And based on that particular comment, later in your presentation, you said other emissions are already regulated. That's precisely why we are only

looking to regulate CO2, because it is not regulated, whereas NOx and SOx, as you know, are already regulated on the national and State levels. So we are targeting this, which as, by the way, you mention is only global warming. Well, I don't think globe warming should be labeled under only global warming to minimize the importance of it. Global warming is extraordinarily important.

The third point that you make is market forces. Market forces to which you refer, we've seen in California the effect that it's had there. The incentives are economic incentives. Our incentive in this particular legislation is environmental. We are interested in the emissions. It is up to the power generating entities to look for the most economic way to produce energy. I believe then that we can work hand in hand. We're interested in the CO2 emission, they're interested in saving money. This will be a further incentive for them to burn clean fuel and to be as efficient as possible.

As far as a burden on the Health Department, as you know, the EPA already requires self monitoring of energy plants. All plants must report CO2 levels. Although they're not regulated on the national or state level, they are required to report on what the CO2 levels are, just as they are with nitrous and sulphur emissions. So the self-monitoring is there. The numbers would be available to the Health Department.

When you said that it does not make sense to penalize plants and that they should be shut down, you and I both know that's really a ludicrous suggestion. What we're looking at is not to be punitive, but to look for ways to -- and clean up our environment. The credits that can be exchanged here can include the research and development of alternative fuels. Again, that goes hand in hand with the market -- with the incentive to provide energy for people of Long Island in a less expensive manner and in a less polluting manner. So what we want to do is work with -- I've been working with Keyspan for a number of weeks to see how they could work within these regulations, and I will be making some changes in this, but not -- I won't be changing the basic intent of this resolution, which is to try to protect the globe from CO2, from global warming. Although it is a global issue, it must be done locally, because, as of this point, it isn't regulated either on the national or State level, so the preemption argument certainly doesn't hold here.

D.P.O. POSTAL:
Thank you.

MR. PIM:
When I used the word "only" it didn't mean to minimize the importance of global warming, only to indicate that that was the area that CO2 addressed, not other areas.

LEG. FISHER:
Okay. But I've made it clear that that is why we're addressing only

CO2, because the other emissions are already regulated and then -- and we would, indeed, be preempted if we did tried to regulate those emissions that are already regulated by the EPA.

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MR. PIM:

Okay.

D.P.O. POSTAL:

Any other questions? Thank you. I have no other cards for 2286. Is there anyone else that would like to address the Legislature? When you come up, please give your name, and if you're affiliated or representing an organization, please give that information.

MS. FORD:

Okay. I'm Elsa Ford and I'm representing the Brentwood/BayShore Breast Cancer Coalition and I'm speaking in support of Resolution 2286, to require power plant gas emission evaluations.

In the past, Suffolk County has taken many initiatives of which others at many levels of government have followed. As a part of an Island, we can't afford to wait on act on our behalf. As Gordian Raacke points out, and Pete also mentioned, global warming subjects us to rise it in sea levels, increased beach erosion, loss of public and private land, increased severity of storms and flooding, salt water intrusion of groundwater and wetlands, and spread of tropical diseases. At sixty-eight years old, I can recall when snow was measured in feet, not inches, and snow forts were on the front lawns in my neighborhood, and now my grass remains green through the winter.

Doing the right thing has far-reaching effects. An article in today's Newsday's Health and Science section notes that global warming is related to ozone layer depletion. It estimates that global warming could slow healing of the ozone blanket by one or two decades. This comes at a time when acceptance of the connection of industrial chlorine and bromide to ozone depletion and their reductions from worldwide cooperation are showing progress. We know that extra ultraviolet light reaching the Earth's surface cause sunburn, genetic mutations, and is an important cause of skin cancer, a type that has a high mortality rate. This resolution helps us an others by setting the pace.

And I'd like to speak to Jim Pim's comments, too. And I think that the DOH should be equipped and staffed for monitoring air contamination, and this would be a beginning. Since air monitoring for contamination is not adequate, nor are the standards extensive or stringent enough, I think that all the efforts that we can make to

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improve the quality of the air, it would be important to do so. And that -- and build from that. And I understand that there's a similar resolution in the City that is strongly endorsed by environmentalists, but this -- if this one is enacted, it would be the first one. And so, again, it would be an important resolution.

And I also, if I might, would like to make comment on another resolution. Is that all right if I do that?

D.P.O. POSTAL:

If -- is it on the agenda for a public hearing, Elsa?

MS. FORD:

It's on an amendment that Jim -- that Dave Bishop has proposed for the

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pesticide sunset law .

D.P.O. POSTAL:

Okay. That is -- let's see. That's not on for a public hearing. Why don't you fill out a card for the public portion.

MS. FORD:

Okay.

D.P.O. POSTAL:

That's a yellow card that the receptionist has out in the lobby.

MS. FORD:

Okay.

D.P.O. POSTAL:

Because there are other people to speak on this issue at this public hearing.

MS. FORD:

Okay

D.P.O. POSTAL:

Thank you.

MS. FORD:

You're welcome.

D.P.O. POSTAL:

Tina Guglielmo. She is speaking on 2286.

MS. GUGLIELMO:

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Hi. I'm here representing the Star Foundation. We're a grassroots organization that focuses on the impacts of power plants on the communities that they are located in. We'd like to commend Legislator Fisher on introducing this legislation. The Star Foundation Board and its 2,000-plus members that are living on Long Island supports and endorses the passage of this resolution.

You have an opportunity to do something very significant by passing this legislation. Global warming is a very real phenomenon that is occurring today. The EPA has some conservative statistics on global warming that are truly terrifying. The effects of global warming are on a catastrophic scale. CO2 emissions have skyrocketed in our lifetime. This resolution points out the need for an overall energy plan for Long Island and I hope it's the first step in creating that.

The citizens of Long Island are depending on you to pass this resolution. Please don't let this opportunity go by. Thank you.

D.P.O. POSTAL:
Thank you.

LEG. FISHER:
Thank you .

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D.P.O. POSTAL:
Legislator Fisher, do you have a question?

LEG. FISHER:
No .

D.P.O. POSTAL:
Okay. Thank you. Michael Guglielmo.

MR. GUGLIELMO:
Hi. How are you doing -- I'm here to read a letter from the American Lung Association and to put this into record and to make a brief statement. It goes like this.

"The American Lung Association of Nassau and Suffolk supports Introductory Resolution Number 2286, which you have recently introduced to adopt a local law to require power plant emission evaluations."

"There are currently no federal or state guidelines for CO2 emissions. Enacting local legislation would close a gap that exists in the Clean Air Act. It is our belief that the key to ensuring that our power

needs are met in the future is the modernization of existing power plants utilizing technology, which results in greater efficiency and reduced emissions. This in conjunction with energy conservation efforts and electricity generated by nonpolluting renewable sources of energy will serve us well in the future. This legislation would ensure that steps toward this end are under -- are taken."

"Thank you for your efforts in drafting this important piece of legislation. We will urge you fellow Legislators to support you in passing it. Sincerely, Maryann Zacharia, Director of Education and Advocacy."

I just want to make a brief statement. I live in East Hampton. I'm a father of four children, and I'm also a music teacher there, teaching kindergarten and first grade, and second to fourth grade, and I'm also -- I'm also teaching religious education. I met with the Chief of the Montauk Nation, his name is Chief Robert Straight Arrow Cooper, and he told me a little story and it was about this rock in Montauk. He says they call it Council Rock. And it was an incredible story. I'm just going to take one moment of your time to tell you it.

Out in Montauk, up on a cliff at Montauk Manor is this big, huge rock. And he says a long time ago, before even Sag Harbor was like a whaling port, the Indians used to row out in the morning and as far as the eye could see. They would like disappear in the ocean and come back at night. And they said how would the Indians get back, like there was no lighthouse even there then. Well, they lit a campfire in front of the rock and that shined on the rock. It's a big, huge quartz rock, 15,000 years ago, the glacier brought it down, and it would shine a beacon of orange light out into the ocean, which guided the natives back. And I went out to visit this rock, and he told me to put my hand on the rock and feel the power of this rock, and I felt the power of this rock and I felt -- I felt the history of Long Island. And when I come to a meeting like this for a resolution like this, I say

to myself, "What good is the history, preserving our history, if we can't even preserve our environment?" And being a teacher of children, it's like there's so many children that can't even speak about this issue. So I'm here to talk for them, saying that this legislation is so important. When you hear about kids running around in the clean air, they need -- they need that type of a resolution. So thank you very much.

LEG. FISHER:

Thank you. You can certainly see you're an artist by the way you couch your comments. And thank you for bringing the letter from the American Lung Association as well, because it certainly captured the

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essence of the intent of this legislation, which is to bridge the gap that's left in the regulations that we have now. We don't have any CO2 regulations, and it is CO2 that's the cause of the global warming, so we do have to regulate that. Thank you very much.

MR. GUGLIELMO:

Yeah. Thank you for introducing it .

D.P.O. POSTAL:

Thank you. Next speaker is Gordian Raacke.

MR. RAACKE:

Good afternoon. My name is Gordian Raacke, Citizens Advisory Panel. First of all, I'd like to -- I wanted to speak on 2286, but I'd like to tell you how impressed I am with this new building, and I'm especially impressed since I heard that all of this lighting and the energy appliances in this building are top-notch energy efficiency. So that's what I like to see. I want to commend you on that.

LEG. FISHER:

Gordian, can you just excuse me for one moment? Madam Chair, could we ask that more Legislators return? I don't believe we have a quorum.

D.P.O. POSTAL:

We don't have to, BUT I will ask that Legislators return to the auditorium. Would all Legislators please report to the auditorium.

MR. RAACKE:

I have a -- I have a memo here that I'd like to distribute to Legislators. Can I -- should I do that now?

D.P.O. POSTAL:

That's fine. Okay. Gordian, why don't you begin. Yeah, we -- Gordian, why don't you begin.

MR. RAACKE:

Okay. I'm speaking on Resolution 2286, introduced by Legislator Fisher.

As you all know, of course, we have seen an increase in electric demand, electric consumption on Long Island recently. We've also seen, you've already heard this earlier here, we've seen a dramatic increase in emissions from power plants, by the way, not only in carbon dioxide and CO2 emissions, but also in other harmful air

bases. We've seen a 32% increase in sulphur dioxide emissions, and we've seen an unbelievable 55% increase in carbon dioxide emissions. Now, I want to make one thing clear. Carbon dioxide is not a toxin, carbon dioxide is a greenhouse gas, the chief greenhouse gas, in fact, the one gas that is emitted from power plant production -- power production and other sources that is chiefly responsible for global warming and climate change. Of course, by limiting, and regulating, and, hopefully, reducing the amounts of CO2 emissions from power plants, we also at the same time reduce the emissions of the other pollutants. That's something I think that's very important. In fact, somebody else at a different hearing I was at on a similar -- on similar legislation said that they're trying to reduce overall emissions of power plant pollutants, and that this is one way that a local or a county municipality can do that. This is not regulated by the EPA at the federal level, it is not regulated by the DEC at the State level. The County, from all opinions, legal opinions that I've seen and heard, can, in fact, regulate CO2 emissions.

In the memo that I've handed out, if you turn to the attached -- attachments, not part of the memo, but I put together some facts and figures on climate change and global warming. And, frankly, I was shocked when I looked at some of the information. If you turn in that attachment on -- to page one, you'll see what we've done in the last thousand years. You've seen how we've increased manmade carbon dioxide emissions. Just in the last hundred years or so, it's been going up tremendously, and we're not done yet. When you turn over to the next page, you see what that does to the global temperature. We've, of course, seen a drastic increase in average global temperatures.

And when I first heard about this issue many years ago, frankly, I thought, you know, so what's a couple of degrees? So it's going to be two degrees warmer or three degrees warmer, so, you know, that will be nice, you know, we can spend more time at the beach. Well, that's not the case here. What we're dealing with here is not only an increase in temperature, a pretty marked increase in temperature, originally, just up until now, it was estimated to be somewhere between two and six degrees Fahrenheit. A new report has come out that tells us that it's actually going to go up to almost 11 degrees. That report is now being released in full. That's the latest findings of hundreds of scientists from all over the world, from the international panel of climate change. That temperature increase itself has drastic impacts, of course, on our environment. But in a coastal community like Long Island, we have to look not only at temperature increases, we have to look at sea level rises.

Now you'll see in here on Page 3 of the attachment that the projected sea level rise by 2050 is one foot. This could occur actually as soon as 2025, and, you know, 20, 25 years from now, 24 years from now, I guess. They say that a two foot rise -- this is East Coast, this is Atlantic Coast. This means Long Island, not somewhere off in Bangladesh, this is here. A two foot rise is likely this century, and a four foot rise is possible, a four foot sea level rise. And this is not coming from some kind of fringe environmental group, this is

coming from the USEPA that is predicting this.

We have a lot to lose on Long Island. Long Island depends on its beaches and coastal areas, depends on tourism and a lot of other things here. I think if anybody, Long Island and Suffolk County has to address this problem.

So, with that being said, I think this legislation is definitely a step in the right direction to curb CO2 emissions. It's not the only step, not the only thing we need to do. I think things like retrofitting buildings with more efficient lighting is one of the many steps that we need to take to address this problem. But we need to address this problem, we need to address it today, and this legislation makes the first step.

The legislation is also highly flexible in that it allows the generators, the power generators many different ways to comply with a mandate that they would be operating under. They can increase the efficiency of their equipment, burn less fuel at the same output of energy. They can purchase credits. They can invest in energy efficiency, conservation programs. They can put in place renewable energy and a whole host of other things.

The one argument, of course, that I would expect from the utility companies is that this is going to cost money. Just like putting seatbelts in cars, it's going to cost money. And the one thing I would say to that is that, of course, protecting public health and safety costs money. Not protecting public health and safety costs a whole lot more, costs a whole lot more lives, health, people's health, and costs a whole lot more money, because if you want to deal with a problem that has been caused by global warming and climate change, that's irreversible. That's going to be much more costly than anything we can do now to prevent a problem at the source.

This bill, as I mentioned already, is similar to other legislation, by the way, sponsored in New York City by the City Council. An EPA spokesperson said that the EPA sees no preemption issue here, that towns and cities and counties are free to regulate carbon dioxide emissions. And, frankly, I think this is the way to go. Think globally and act locally. I don't think we can wait. I don't think we have time to wait for the Kyoto Treaty to be signed, and I don't think we have time to wait for everybody else around this planet to come to on board and take steps to mitigate climate change. I think we have to start at home and this is the place to -- this is the place to do it.

I think this bill deserves support, since it addresses a vitally important aspect of meeting electric power needs on Long Island in a

way that minimizes dangers to public health and safety. Thank you.
Madam Chairlady.

D.P.O. POSTAL:

I know. Just, are you finished, Gordian? I'm sorry.

MR. RAACKE:

Sure.

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D.P.O. POSTAL:

I was distracted by the cell phone. Legislator Fisher and then
Legislator D'Andre.

LEG. FISHER:

Thank you for being here, Gordian, and thank you for your very clear
presentation. Mr. Pim's referred to our definitions as not being
correct, although I met with Keyspan and they didn't seem to have a
problem with our definitions, the definition of a steam generating
unit and an electrical generating rating unit. Would you comment on
the Health Department evaluation of our definitions?

MR. RAACKE:

Well, the definition, I think the way I understand it, is meant -- and
it may need a little clarification in language, but, generally, I can
say that the bill is I believe mostly focused on electric power
plants, but, also, it tries to capture the few steam generating
plants, not electric, but steam generating plants that we have on Long
Island, and I think that's the right thing to do. If the language is
not quite clear, I think that can be straightened -- that can be
straightened out easily.

LEG. FISHER:

Okay. Again, thank you. That was all .

D.P.O. POSTAL:

Legislator D'Andre.

LEG. D'ANDRE:

In the late '30's, the government had a program called the CCC Camps.
They had young fellows going out and reforesting our lands. And, as
you know, trees take in carbon dioxide, CO₂, and gives off oxygen. A
young boy told us one night when he was looking to promote a bill.
But my point is that we're wasting -- not wasting, but we're cutting
so much timber that we should be reforesting now. And evaporation is
-- whoops. It's on. I'm not speaking into it. Evaporation is a
cooling process. But I think if we reforest America, we'll protect

this planet. To see it go into pasture and fields is not right. We've had these immense forests out west and we're decimating them much faster than we're replenishing them. So you Uncle Sam should get these CCC Camps going again with our young people instead of going all over the the world with these -- what do you call those fellows that go out? Kennedy started it.

LEG. COOPER:
Peace Corps.

LEG. D'ANDRE:
Peace Corps. Instead of going all over the world, we should take care of our country and our planet, because if you're going to save this planet, it's got to start with saving the trees. And no matter how scientific or what you get, you got to go back and become primitive. You save our forests, you'll save our planet. Thank you.

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D.P.O. POSTAL:
Thank you.

MR. RAACKE:
I couldn't agree more, Legislator. And, in fact, under this proposal, the way I understand it, the power generators could purchase credits that could be going towards planting trees.

LEG. FISHER:
Thank you, Gordian. That's exactly the intent of some of those credits, Mike, is that the credits can be purchased when there are initiatives such as saving trees. And, furthermore, with the efficient use of energy, we won't be destroying vast pieces of wilderness in the search for more fossil fuel.

LEG. D'ANDRE:
Well, I'll go a step further. Instead of locking all these kids up for dope use, they should put them out planting trees. And we don't have to feed them out there. At least they're producing work.

D.P.O. POSTAL:
Mike, that's an issue we're going to get to later this afternoon, I think. Thank you, Gordian. Our next speaker on this public hearing is Todd Stebbins of NYPIRG.

MR. STEBBINS:
Good afternoon. My name is Todd Stebbins. I'm the Long Island Regional Coordinator for the New York Public Interest Research Group.

We are here in favor of Resolution 2286, which is, you know, something that's been a long time coming to address a problem that has not been addressed for a long time.

Power plants are the largest single source of pollution that causes ozone smog, acid rain, mercury poisoning, and global warming. Long Island is in a severe nonattainment area of the United States Environmental Protection Agency's health-based air quality standards. NYPIRG released a study called "Out of Breath" in the fall of 1999 that found ozone smog could be attributed to over half a million asthma attacks and over 12,000 emergency room visits in New York during one summer. This past fall, NYPIRG released another report, "Death, Disease and Dirty Power," which found that over 270 Long Island residents lives are cut short every year due to power plant particulate matter pollution.

The Intergovernmental Panel on climate change, which includes over 2,500 scientists from over a hundred nations predicts a three foot sea level rise in the next hundred years for the Atlantic Coast of New York or of the United States. A rising sea level will exacerbate shore erosion, and flood homes and business along the coast. Adding more power plants or the infrastructure that provides an incentive for more power plants would only exacerbate these problems. NYPIRG is here in full support of Legislator Fisher's resolution, and we -- that is introduced today and find it worth supporting. We do believe, however, that it can be improved in some matters. We do believe that there should be a total cap either at 1990 levels, or at current day levels; they are virtually the same. I think we should push for the

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1990 levels, because that is our push on federal and state fronts right now. Right now, it stands at a cap per megawatt hour, which is output based, which would allow for more emissions.

The 1990 cap is something President O'Bush agreed to in a nonbinding international global warming negotiations. New York carbon dioxide emissions are just below 1990 levels, so this would be ensuring clean future generation and more efficiency.

When we address carbon dioxide, we also address local air quality issues, such as ozone something. Not only that, but this also forces the issue that the gentleman from the Department of Health just put before us, is that there is always no air quality person or air quality guy, how he put it, and this definitely forces the issue for us to take a look that, you know, we are in a severe nonattainment area. We should be addressing these concerns with our local government and pushing for cleaner air in the Suffolk County region. Thank you.

D.P.O. POSTAL:

Thank you. I have no other cards for this public hearing. Is there anyone else who would like to speak on 2286? Please come up, give your name.

MR. RESTMEYER:

Good afternoon. My name is Steve Restmeyer. I'm the President of the Long Island Organic Horticulture Association. And I would just like to make a quick comment about CO2 in relation to organic farms.

It has been shown that organic farmland actually pulls CO2 out of the air, acting as a CO2 sink. And with that -- with that data in hand, perhaps the legislature can draft some laws that will give incentive to farmers here on Long Island to reduce pesticides and to implement a training program through NOFA, the Northeast Organic Farmers Association here on Long Island, to help the farmers make that transition. And you'll be doing more than eliminating the CO2, you'll -- we'll be eliminating the continual use of pesticides on those farmlands. Thank you.

D.P.O. POSTAL:

Thank you. Are there any other speakers -- is there anyone else who would like to address the Legislature on 2286? Okay. Is Legislator Fisher --

LEG. FISHER:

Here I am .

D.P.O. POSTAL:

Legislator Fisher, motion to close?

LEG. FISHER:

No. I would like to have -- no. Because I'm making some changes, I would like -- I am not ready to close the public hearing yet. I'd like to make a motion to recess.

D.P.O. POSTAL:

Okay. Motion to recess, seconded by Legislator Foley. 2286 is recessed.

I have no cards on Public Hearing Number 2315, which is adopting a local law, local law to require sewage outflow meters for commercial/industrial user charges. Is there anyone who would like to address the Legislature on this public hearing?

LEG. CRECCA:
Motion to close

D.P.O. POSTAL:
Well, Legislator Fisher would like to --

LEG. FIELDS:
Fields.

D.P.O. POSTAL:
Fields, excuse me, speak on this hearing.

LEG. FIELDS:
Do we have a copy of those laws, those rules in our packet?

D.P.O. POSTAL:
The local law?

LEG. FIELDS:
Right

D.P.O. POSTAL:
We should have had it in the last -- in the packet that was laid on the table. No? At the Organization Meeting? Or given to us afterwards.

LEG. BINDER:
It was it was the last packet.

LEG. FIELDS:
Can I ask Counsel if he has it available?

MR. SABATINO:
Sure, we can -- I have it in my book. We can print it out, if you want a copy.

LEG. FIELDS:
I would make a motion to recess that also. I've heard some discussion from some facilities that are not --

LEG. BINDER:
I make a motion to close.

D.P.O. POSTAL:
Okay. There's a motion to recess, seconded by -- I'll second it.

LEG. BINDER:
Which takes precedence?

D.P.O. POSTAL:
But -- and I'd like to ask our Counsel, which takes precedence, a motion to recess?

MR. SABATINO:
A recess takes precedence.

D.P.O. POSTAL:
Okay. We're going to need all Legislators to please report to the horseshoe. Will all Legislators please report to the horseshoe. Okay. We're going to go to a vote on -- there's a motion and a second to recess Public Hearing 2315. I guess we'll do a roll call. This is on a motion to recess.

(Roll Called by Mr. Barton)

LEG. CARACCIOLO:
(Not Present)

LEG. GULDI:
(Not Present)

LEG. TOWLE:
Pass.

LEG. CARACAPPA:
(Not Present)

LEG. FISHER:
Yes.

LEG. HALEY:
Here.

LEG. FOLEY:
(Not Present)

D.P.O. POSTAL:
No.

LEG. CRECCA:
He said here.

D.P.O. POSTAL:
No, this is on a motion to recess. This is on a --

LEG. ALDEN:
No. You've got to vote one way or the other.

D.P.O. POSTAL:
This is on a motion to recess a public hearing.

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LEG. BINDER:
On my bill.

LEG. HALEY:
No.

LEG. FIELDS:
Yes.

LEG. ALDEN:
No.

LEG. CARPENTER:
No.

LEG. CRECCA:
No.

LEG. D'ANDRE:
Yes.

LEG. BISHOP:
No.

LEG. BINDER:
No.

LEG. COOPER:
Yes.

LEG. POSTAL:
Yes.

P.O. TONNA:
(Not Present)

LEG. TOWLE:
No.

LEG. FOLEY:
Yes to recess.

LEG. BISHOP:
Change my vote to a yes, please.

MR. BARTON:

7-6.(Not Present: Legs. Caracciolo, Guldi, Caracappa and P.O. Tonna)

D.P.O. POSTAL:

The hearing is recessed. Public Hearing on Introductory Resolution 1006, adopting a you local law, a charter law to authorize \$59 million State borrowing for the 1/4 Percent Open Space Environmental Protection Program. Ladies and Gentlemen, I have no cards on this public hearing. Is there anyone who would like to address the Legislature? Hearing no one, Legislator Caracciolo, what is your pleasure?

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LEG. CARACCIOLO:

Motion to close .

D.P.O. POSTAL:

Motion to close by Legislator Caracciolo, seconded by Legislator Towle. 1006 is closed.

Public Hearing on Introductory Resolution 1021, which is a charter law to authorize low interest borrowing for land and water protection under the 1/4 Percent Environmental Protection Program. I have no cards on this public hearing. Is there anyone who would like to address the Legislature? Hearing no one, Legislator Binder, what is your pleasure on 1021?

LEG. BINDER:

Motion to table.

D.P.O. POSTAL:

Bishop, excuse me. Sorry.

LEG. D'ANDRE:

1041, 1041.

D.P.O. POSTAL:

1021.

LEG. BISHOP:

Close.

LEG. D'ANDRE:

Oh.

LEG. BISHOP:

Motion to close.

D.P.O. POSTAL:

Motion to close by Legislator Bishop, seconded by Legislator Binder.
1021 is closed.

I'd like to set the date of public hearings on Introductory Resolution
1024, 1042, and 1061, all of 2001, for February 27th, 2001, at 2:30
P.M. in the William Rogers Legislative Building.

LEG. FOLEY:

Motion .

D.P.O. POSTAL:

Motion by Legislator Foley, seconded by Legislator Crecca. The public
hearings are set.

Will all Legislators please return to the horseshoe. I'd like to go
back to the public portion. Lynn Bohlen. Is Lynn Bohlen here?

DR. FUSCO:

She had to leave.

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D.P.O. POSTAL:

Dr. Esther Fusco.

LEG. BISHOP:

Fusco.

D.P.O. POSTAL:

Fusco. Excuse me.

DR. FUSCO:

I'd like to thank you for finally --

D.P.O. POSTAL:

Can you please -- I don't know if your microphone is on or if you're
not speaking into it.

DR. FUSCO:

Am I on?

D.P.O. POSTAL:

Yes.

DR. FUSCO:

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I'd like to thank you for the opportunity of finally being able to speak to you, since I've been here since 9 o'clock. And, once again, I've come from Port Jefferson from our school district to speak with you as an advocate, not only for the children of Port Jefferson, but as an advocate for all children in Suffolk County.

Again, I'm coming to express my concern about the elimination of the DARE Program. As you know, DARE is a drug and alcohol awareness program. And when I was here last week, I was very concerned because you had some confusion about DARE versus SAVE, and I brought for you a copy of the SAVE mandate, which is nonfunded, and talks to such issues as child abuse, dress conduct, code of conduct, evacuation, child abuse, all of those kinds of things. These topics are somewhat tangentially related to perhaps drug awareness and may enhance our program. But, once again, the SAVE legislation is not a drug and alcohol awareness program. These topics need to be placed before our children in a systematic way and DARE, what DARE does for us is it gives us 16 weeks to work with our students.

When I was here last week, I was very impressed by the other school districts that spoke, and I was impressed this morning by the school districts that spoke, because what I hear is that somehow Suffolk County has managed to amass a wonderful group of people who are delivering this DARE Program. Everybody speaks about their DARE officer as though he's the most wonderful person or she's the most wonderful person that comes into the school. And so there's some ingredient that's special about these people who come in and deliver in a very professional way the information about drug and alcohol awareness.

Please remember, as you talk about the elimination of this program, that you are taking away from our children a systematic drug and

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alcohol awareness program delivered by trained professionals who continually impact the lives of our children. You talk about air pollution, you talk about control of the environment in terms of the water, but this is a direct impact on our kids. This is directly in our classrooms and help save lives. Lynn Bohlen, who would have spoke last week was going to talk more about the impact of this program and how it helps save lives.

By removing DARE from our schools, you're removing from our schools a uniform officer who serves as a resource to our children. Our kids tell those police officers all kinds of amazing things. You remove from our schools a resource for the teachers and administrators like me, because our police officers come to us with all kinds of information about topics related to DARE and things that we can use in

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our schools. When you take away the DARE Program, you take away the influence of a uniformed officer in our buildings. It's not one experience for 16 weeks. Every time that police officer walks in the building, he reminds all of our students, "Say no to drugs, say no to drugs, say no to drugs." He is a continual reminder for our kids.

D.P.O. POSTAL:

Dr. Fusco, can I ask you to sum up, please?

DR. FUSCO:

Yes. Once again, I request that you continue to fund DARE. I also would like to encourage you, we would like to host in Port Jefferson a program to have all of the Legislators come to and have children, since that seems to be the missing ingredient here, and have children address you about the positiveness of DARE. We need to have you involved with the kids, because somehow they're being left out of this ingredient.

D.P.O. POSTAL:

Thank you. Did you -- Dr. Fusco, there are some questions. Did you say you have an outline, a curriculum outline for SAVE that you would provide us with?

DR. FUSCO:

I brought you a copy of the SAVE legislation.

D.P.O. POSTAL:

Okay. Are those copies for each of us, or -- I assume.

DR. FUSCO:

Yes.

D.P.O. POSTAL:

If we could have those distributed. I thought that was one curriculum manual.

DR. FUSCO:

No.

D.P.O. POSTAL:

Legislator Foley has a question.

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DR. FUSCO:

It's SAVE, so that you can see what it is --

D.P.O. POSTAL:

Great.

DR. FUSCO:

Since there seems to be some confusion.

D.P.O. POSTAL:

Thank you. Legislator Foley.

LEG. FOLEY:

Yeah, thank you. Thank you, Dr. Fusco. Just another point of clarification on something that may be confusing to some in the public. You mentioned that we are considering ending DARE. I just want to allay your fears that this Legislature is not considering the elimination of DARE. The Commissioner of Police is considering the redeployment of officers who staff the DARE Program. It's a fine but important distinction. This Legislature is not in any way, shape or form saying, "Let's eliminate DARE," we're saying in response to what the Commissioner is thinking of doing, we have several resolutions to address what he is considering doing with a number of his staff, the redeployment of some of his staff. Those two resolutions, one by Legislator Carpenter, looks -- asks for a study to be undertaken. Legislator Binder has -- is about to amend his resolution to have a more comprehensive study to be undertaken about the effectiveness of DARE.

But I do want to communicate to you, as I have to some school officials in my Legislative district, this Legislature is not considering the elimination of DARE. What we are doing is responding to a consideration by the Police Commissioner to redeploy officers who are currently in the DARE Program. So it's not a question of us defunding DARE, or us changing the deployment of officers, that is something that an Executive decision is being made, and we in the Legislative Branch through our policy-making responsibilities is asking the Department to hold off on that at this moment. Let's catch our breath on it, let's look at this a little bit further before an Executive decision is made to redeploy these officers, and that's the role that we're playing. So, please, just a point of clarification, in order to clear up any confusion, this Legislature is not considering the elimination of DARE.

DR. FUSCO:

I think that what would be helpful to the community at large, including people like me, is that there needs to be much more information clearly sent out about those kinds of things, because we are hearing that this body already has a preconceived notion about what's going to happen. We are being told that we're being set up. We're being told that the committee, and I spoke with --

LEG. D'ANDRE:

Who's telling you these things?

D.P.O. POSTAL:
Mike, Mike.

LEG. FOLEY:
Mike, that's why -- Mike, that's why I said what I said, is that part of --

DR. FUSCO:
Honestly, I'm just saying that there's -- we're being told that there -- and I spoke to Miss Carpenter during lunch today and expressed my concerns, because we are being told that. So one of the things that we feel we have to do is we feel we have to mobilize, we feel we have to have all of you receive not a couple of hundred letters, but thousands of letters now. And I can assure you that we're going to begin to really actively pull this together, so that we're sure that this is not just going to be -- because we're not educated in relationship to how things are run --

LEG. FOLEY:
Dr. Fusco.

DR. FUSCO:
-- we want to make sure we do it right.

LEG. FOLEY:
Again, all the more --

D.P.O. POSTAL:
Brian.

LEG. FOLEY:
Thank you. All the more important why I mentioned what I did. If you're going to mobilize thousands of people to write to this Legislature, which is fine, you have every right to do so --

D.P.O. POSTAL:
Can I --

LEG. FOLEY:
But point of clarification.

D.P.O. POSTAL:
Excuse me.

LEG. FOLEY:
You need to write, also, to the County Executive and to the Police Commissioner directly.

DR. FUSCO:
We understand that now.

D.P.O. POSTAL:
Legislator Foley.

DR. FUSCO:
We've learned that.

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D.P.O. POSTAL:
Dr. Fusco, I would just again caution Legislators, this public hearing has gone -- the public portion has gone on since this morning. There are people who are unable to stay. I would again ask Legislators to confine themselves to question when --

LEG. FOLEY:
Well, it's important --

D.P.O. POSTAL:
I understand it's important and we all agree.

LEG. FOLEY:
It's important to clarify also.

D.P.O. POSTAL:
It's just that the objective is for the public to speak, and if we engage in a dialogue, we have members of the public who can't stay. I think they have first right to speak during the public portion.

LEG. FOLEY:
Madam Chair, you're absolutely right, but when there's a very important misunderstanding that needs to be clarified, that can only be done not sometimes, not through a question --

D.P.O. POSTAL:
Well, I would --

LEG. FOLEY:
-- but through a statement.

D.P.O. POSTAL:
And, you know, I would suggest that there are ways in which to address misunderstandings or clarify things without depriving the public of their right to speak. So I really am asking that everyone please be disciplined in confining yourselves to questions.

LEG. BINDER:
Could I ask a question?

D.P.O. POSTAL:
The next speaker --

LEG. BINDER:
Can I ask a question, Legislator Postal?

D.P.O. POSTAL:
And I would --

LEG. TOWLE:
I have a question.

D.P.O. POSTAL:
I would hope --

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LEG. BINDER:
Could I ask a question, Legislator Postal?

D.P.O. POSTAL:
Yes, in just a minute. And I would hope -- I will just add one addendum -- that Legislators do not exercise their ingenuity and wittiness in making a statement or entering into a dialogue and then ending up with a question to just enable themselves to do exactly that. Legislator Binder.

LEG. COOPER:
He withdraws the question.

LEG. TOWLE:
Could you add me to that list?

LEG. BINDER:
I haven't decided if that was -- Doctor, can I ask you a real question?

DR. FUSCO:
Yes.

D.P.O. POSTAL:
That would be refreshing.

LEG. BINDER:
Real question. Your --

DR. FUSCO:

And I don't mind taking questions, since I took a day from my office, from my 560 kids to be with you. So I kind of feel a little resentful about your comment.

LEG. BINDER:

Can you give me an understanding of how you know about SAVE?

DR. FUSCO:

I know about SAVE, because all of us as school administrators are now required to put into place the SAVE legislation. We are required to put in place evacuation plans, which we've done, for example, in Port Jefferson. We're advised to put together codes of conduct. We're advised to educate our teachers on what they can do for a child that is violent in our classrooms. This must be in place by July 1. We have to fingerprint new people who are coming into our buildings, all of these --

LEG. BINDER:

This is all part of SAVE.

DR. FUSCO:

All part of Save.

LEG. BINDER:

So you were -- you were briefed on it or something from New York State --

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DR. FUSCO:

Yes.

LEG. BINDER:

-- or through the school. I'm not sure. How did -- how do you --

DR. FUSCO:

We are briefed by our Superintendents, we're briefed by giving -- getting information that we've had to read. We've had to create our own plans. We've had to go through the legislation step by step and put these things into place.

LEG. BINDER:

Are drugs anything a part of this, since you're -- do they -- are you supposed to under this --

DR. FUSCO:

I guess under the section about character, there is a small section. You might be able to include --

LEG. BINDER:

No, no, no.

DR. FUSCO:

-- something.

LEG. BINDER:

Are you supposed to, not might be --

DR. FUSCO:

No.

LEG. BINDER:

-- able to include. Is there something in SAVE that says --

DR. FUSCO:

There is no --

LEG. BINDER:

-- that you should be talking about, or you -- I mean, kind of a part of the mandate of program. I'm just starting to look at the summary. Is there anything in here that says, "Here's a section on drugs, alcohol," or other things that you shouldn't -- you know, that kids should not expose themselves to?

DR. FUSCO:

No.

LEG. BINDER:

There's nothing. So the common -- the commonality between the two, some I think who don't want to see DARE call it redundancies, do you see redundancies?

DR. FUSCO:

I can see where you could say that, but I do not see a connection.

Having worked with this legislation for more than six months, I don't see any redundancies. And, in fact, let me just say to you --

LEG. BINDER:

Well, let me say, and you're very familiar with the DARE Program, you've seen it or --

DR. FUSCO:

I've seen DARE in action for as long as it's been here in Suffolk County.

LEG. BINDER:
Okay. It's a decade.

DR. FUSCO:
So I think I'm pretty familiar with it. But let me just also say I'm also familiar with learning, and what we know about learning is it takes children between five and 5,000 experiences to learn something. So when you talk about being worried about redundancies, let's remember that if they don't have many redundancies, they're not going to learn it. And we're talking about drugs and alcohol. We want them to learn to say no to drugs, so they need the redundancies, they can't get enough of it.

LEG. BINDER:
Now this -- so, when you saw this SAVE program, let me -- you know, when you were first exposed to this, were you told that the principal reason that they passed SAVE in the New York State Legislature was for building character or --

DR. FUSCO:
No.

LEG. BINDER:
Or helping kids be better kids or --

DR. FUSCO:
No.

LEG. BINDER:
I mean what was -- what was the idea?

DR. FUSCO:
The purpose of --

LEG. BINDER:
What was it, if there was a central premise?

DR. FUSCO:
The purpose of the SAVE legislation is for safe evacuations of schools when there's an emergency, as in Columbine. The purpose of SAVE is to remove from the classroom those children who pose a danger to other children.

LEG. BINDER:
So this program is a reaction to Columbine.

DR. FUSCO:

Exactly.

LEG. BINDER:

And for that, we're -- okay. That's an interesting combination.

Now --

DR. FUSCO:

As you leaf through it, you can see what I'm saying.

LEG. BINDER:

Yeah, I'm -- I just got it. I'm trying to see the different things.

All right. So from your professional opinion, having seen both, you don't see the real overlap that this can in any way replace even minimal parts of -- all right. So we don't need a 98 task force.

DR. FUSCO:

Absolutely not.

LEG. BINDER:

We already have a professional that's told us that there's no redundancy there. That's one part of the study that's already done. Thank you.

D.P.O. POSTAL:

Legislator Towle.

LEG. TOWLE:

Thank you. Dr. Fusco, come back up, because I have a couple of questions. How are you today?

DR. FUSCO:

Fine. Thank you very much.

LEG. TOWLE:

Good to see you. One of the things, you know, Legislator Foley spoke for a second earlier about the fact that, you know, we're not moving forward with this, it was a proposal by the Police Commissioner, and he's accurate in that regard. However, you know, quite honestly, he could have did that without us. And there are three proposals that are before the Legislature now that we're going to be forced to make a decision on, which will determine eventually, and I guess in conclusion, the fate of DARE. One of the proposals is to replace the police officers with -- potentially, with educators or health care professionals. I'd be curious on your thought in that regard.

DR. FUSCO:

You know, I train teachers. Besides being a principal, I work at Hofstra University and I train teachers, and I wish I could say to you that I believe that we could train our counselors or people to come in to do that. I've come to the conclusion, after 16 years of being a principal and watching what happens in school, for some reason, that uniform policeman who comes into our building is a different kind of a human being who says a different message to our children. I don't believe it's implicit, I believe that somehow he says this is serious

stuff, this is serious stuff. And I don't think that kids create the kind of bond or see the importance of it from a civilian. And I don't know why that's so, I just see it on a daily basis.

Let me just give you an example of that. Last -- two weeks ago, when we had our DARE assembly, the seniors from our class delivered a proclamation to our DARE officer thanking him for being there for them. They remembered. They came to our DARE graduation to deliver that. Every senior in our class signed that proclamation. That was very nice. But what was impressive was in back of the room stood six gorillas, six seniors, these big hulks of guys who were like this when they left my buildings. What I know is two of those boys had drug problems. They didn't get -- end up in a serious state because they were able to go to their DARE officer and say, "I'm having some problems." This influence is there. "What do I do?" "How can you help me?" His presence helped them to go to different sources, unbeknownst to us as professionals. He was their savior. And that's two lives, and I can tell you about many others. So I don't know what he does as he does with all the other schools, but those police officers in our buildings are a constant reminder to our kids that there's help for them even if they're in trouble.

LEG. TOWLE:

So, clearly, one of the things you would see as an administrator beyond the actual curriculum of the DARE Program, which, as many people have said, is a formulated curriculum, it can't be changed, it may be outdated, maybe it needs to be revised, maybe it needs to be looked at, and I don't personally -- I have come to a conclusion, by the way. I don't agree with that, because I've had an opportunity to work with a couple of DARE officers, including the one in your building, and I've noticed the relationship that those officers build. And, clearly, that's the thing that you talked about, and I think that is something that we clearly can't even pay for or calculate in any possible study. And I'd be curious, you know -- do you believe that, you know, studies or possible other avenues of this program would be as successful as having the police officer in your building doing that problem, you know, on a day-to-day basis during the school year?

DR. FUSCO:

I do not believe that. And let me just say in relationship, the curriculum that you speak about, I do not believe often in systematic curriculum that's prescribed, because I think it can be very detrimental. In this case, because of the nature, and I've read the curriculum and the way it's put together, I think it's very safe for people of all different diversity, of all different backgrounds. It doesn't offend anybody, therefore, it can be used in schools in a very

safe way, and that's why I think it's very important that it is prescribed.

LEG. TOWLE:

I appreciate your letters and appreciate you coming down.

DR. FUSCO:

Thank you.

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D.P.O. POSTAL:

Legislator Fisher.

LEG. FISHER:

Hi, Dr. Fusco.

DR. FUSCO:

Hi.

LEG. FISHER:

I was at that DARE graduation at Dr. Fusco's school and it was certainly my distinct pleasure to be there. My question to you is this. There has been -- just a few days ago, there was an op-ed piece regarding the role of parents, and you and I have spoken about this. And I'd like you to tell us what kind of role do parents play in the DARE Program in your building?

DR. FUSCO:

Not only do they participate in terms of the graduation and knowing the information that's being taught in the classrooms during the 16-week time that the DARE officers in our 5th grade and our 7th grade classroom, but our DARE officer comes in at night and runs programs for our parents during the evening, so that the parents are also a very important part of this. He works with the PTA to support all kinds of different events in terms of getting information to parents. He also works with parents who are in need. So serves as a resource on many levels to our parents, not only the 5th and 7th grade program, but systematically throughout the district offering educational programs.

LEG. FISHER:

I have another question, Madam Chair.

D.P.O. POSTAL:

Go ahead.

LEG. FISHER:

You know that I am also an educator, so I know a little something about this. And in the CPEPS paradigm that was presented by Commissioner Gallagher last week, he spoke about a partnership between the schools and the Police Department, and that there would be incidental visits by the police officer. How do you compare the impact of a police officer making haphazard or periodic visits as opposed to a police officer being in a classroom for 16 consecutive weeks?

DR. FUSCO:

Okay, let me give you another example. I have a 5th grader, his name is R. He went to Officer Pat in my building and said, "This person downtown is giving drugs to kids." Officer Pat came to me, spoke to me. I called the mayor of my town and said, "I'm getting this information from a child indirectly through the police officer." She said, "Go back and check with the child." Now I have a great relationship with this kid. He would not give me the information. He said he never said it. He gave me all kinds of stories. He was frightened to say anything to me. Officer Pat came back into the

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building the next week and the following week. The following week, he gave him all the information, and he came to me and spoke to me and said, "I'm afraid because they might find out downtown, but if I know Officer Pat is behind me, I can tell what's going on." How do you measure that? How do you measure that?

LEG. FISHER:

And that's the relationship that's fostered --

DR. FUSCO:

Between the --

LEG. FISHER:

-- when you have someone who is in the classroom on a regular basis for a number of weeks .

DR. FUSCO:

Who kids believe that they can trust. And what I have learned by coming here and listening to what people are saying is that the relationships that has been established with Officer Pat is the same as with Officer Tom and with all the other officers that are DARE, and you can't measure. And I believe in studies, I've done research. I know what I'm talking about in research. I mean, I've done my research. You can make things look any way you want and you can measure anything you want, but can't measure these things. How do you

know that? I don't know. And that's why I'm suggesting that maybe the children have to speak to you, maybe the teenagers and the other kids have to come and address this body of Legislators. It's a powerful relationship that you're missing.

D.P.O. POSTAL:

Legislator Fisher, are you finished?

LEG. FISHER:

Thank you .

D.P.O. POSTAL:

I have just one question, Dr. Fusco. With regard to the outline of the SAVE Program, the SAVE law, with the page that deals with Bill Section Number 11, refers to developing a health curricula -- curriculum that -- "To ensure students have sufficient time and instruction to develop no later than middle school the skills necessary to address and understand issues of violence, prevention, and mental health," and it says health education is defined very broadly in the law with the only topic specifically stated being the use of alcohol, tobacco and other drugs. Would that not require some coverage of abuse of those substances? I mean, it would be up to -- I don't know whether a specific curriculum will be developed by the State Education Department, but if not, would not each district be required to develop curriculum which would include addressing the use of alcohol, tobacco and other drugs under Section 11?

DR. FUSCO:

The emphasis on that part of the legislation is in relationship to smoking. We've been working very hard on putting together some things

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and that's what we're looking at, smoking, there. I don't see that as being anywhere near what we're talking about here in terms of --

D.P.O. POSTAL:

Right. But it does say here that --

DR. FUSCO:

It says drugs, alcohol and --

D.P.O. POSTAL:

Right. So --

DR. FUSCO:

And I said that in some places, there's some touching of it, but that is not a systematic program that in any way relates to what's covered in DARE, not the length, not the quality, not the amount of

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information to students. Remember, our Health Awareness Program has to talk about sex, it has to talk about bodily functions, it has to talk about mental health, it has to talk about self-esteem, it has to talk about all aspects of your health. Remember, Port Jefferson is one of the few communities where we have health teachers in our elementary schools. Most districts don't have it, so that means that they have to teach that as part of the reading and writing and arithmetic in 2nd grade or 4th grade. So there's no time for the kind of thing that we're talking about here. It just isn't going to happen, not with the kinds of standards that we have today with ELA and the math assessment. It's not going to happen.

LEG. POSTAL:

Right.

DR. FUSCO:

There's no possibility.

D.P.O. POSTAL:

I'm just wondering, and, again, the DARE Program was programmed in the -- piloted in the Amityville School District, and I want you to know that it was a struggle. I was a board member at the time. It was a struggle to get the Teachers Association, the administrators and the board to permit police officers in the classroom teaching children. So that was not --

DR. FUSCO:

I remember that.

D.P.O. POSTAL:

-- something that happened easily. But I'm looking at this and I'm thinking that if DARE takes out a 40-minute block of instruction --

DR. FUSCO:

For 16 weeks, once a week.

D.P.O. POSTAL:

For 16 weeks.

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DR. FUSCO:

Once a week .

D.P.O. POSTAL:

Why would it be, you know, a tremendous obstacle for a classroom teacher to take 40 minutes in 16 weeks to cover these health and

safety issues? And it has nothing to do with DARE. I'm asking about the whole SAVE Program. Why would that be a tremendous obstacle, especially in view of the fact that this is a K to 12 program rather than a program that which is only provided in the last elementary grade before middle school, and in some districts in 8th grade? Why would it be problematic?

DR. FUSCO:

Because teachers are not going to take out of the their regular classrooms 40 minutes once every 16 weeks to put together this kind of a program, it's not going to happen. They'll put a lesson here, a lesson there. But with all the demands that are placed upon them with the curriculum right now, with the pressure that we're feeling with all the mandates that we have, especially in the primary -- 4, 5 grades, rather, and 7th and 8th grade. It's never going to happen.

D.P.O. POSTAL:

So you're saying even though this is a mandated program --

DR. FUSCO:

I'm saying that what will happen is that you'll have a couple of lessons. You'll have a couple of lessons. But would you want to trust to your children or your grandchildren a couple of lessons, or would you want to trust to your children 16 consecutive weeks of hard true awareness about drugs and alcohol?

D.P.O. POSTAL:

I was an educator, too, and I was an administrator.

DR. FUSCO:

So understand.

D.P.O. POSTAL:

And I'm just -- I'm a little disturbed to hear you suggest that educators would do a minimal amount in required -- in response to a new curriculum mandate. I know it's difficult, and I know, you know, that they're all -- there are a great many of these mandates, but I hope I'm not understanding that you are saying that supervisors and teachers would do a minimal amount, if maybe a couple of 40-minute programs.

DR. FUSCO:

I'm saying the teachers do the very best they can. I'm saying administrators do the very best they can and that we're under enormous time constraints in our school, more now than ever, more now than ever. And if you want this to remain a priority, which I think it is for most people, for most parents this is a priority, then give it the kind of coverage that it needs by the kinds of people who are trained to do it.

D.P.O. POSTAL:

Thank you. The next speaker is Steven Flotteron, who is from the Bay Shore Summit Council. Excuse me. I'm mispronouncing his name. David Groeneveld.

MR. GRONEVELD:

Thank you. Well, we'll start off with DARE. I have five kids who are all gone, graduated, everything, but my youngest came home one day and say, "How could anybody be so stupid to take drugs?" And he was in a DARE Program or show, or whatever it was. So, so much for that. But I get the impression that you people are acting like schools now, and whereas you're sending these messages out, like when teachers want a raise and things like that, they say, "Oh, you're not going to have anymore sports, no more music." I mean, I had five kids, I heard it for twenty some-odd years going on, you know, and all my kids played sports, they never missed any of them.

But I still think I have a way to rectify it. Each one of you get \$400,000 each to buy votes. To me, this is beyond comprehension. I mean, you get money to give away to buy votes. It's unbelievable. You could just give this up and the whole damn thing would be paid for without anything, without any problem. Then we go to patronage jobs. It's beyond comprehension how many patronage jobs we have. Look at Mr. Powell, the leader of the Republican Party. My God, 12 relatives working. Can you do anything about this?

In the Readers Digest, it said that it figure at least one-third of the jobs in government are patronage jobs. Can you do anything about this? Let's talk about this for awhile.

D.P.O. POSTAL:

Mr. Groeneveld, it's your three minutes, a minute and a half of which are left. You know, I don't know if any of us have questions to ask you, but this is not the forum --

MR. GROENEVELD:

I doubt it.

D.P.O. POSTAL:

This is not a forum for a discussion, that's what I was saying before. There are people who would like to address the Legislature. This is an opportunity for Legislators to ask those people questions, not to engage in a discussion. The committee process is a process in which that is, in essence, a study group. If you'd like to come to the appropriate committee to discuss positions in County government, or the DARE Program, or any other --

MR. GROENEVELD:

Well, I mean, my goodness, I mean, you just spent probably 15,20 minutes with the Doctor, and which I don't blame you, I think it's very educated. But, I mean, this you could pay the whole thing off without any problem, if you get rid of the patronage jobs. You each

got \$400,000 each to buy votes.

D.P.O. POSTAL:
Well, first of all --

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MR. GROENEVELD:
That's beyond comprehension.

D.P.O. POSTAL:
I must tell you, and, again, you know, without -- not asking you a question, I don't know where your \$400,000 figure comes from, because that's just not accurate.

MR. GROENEVELD:
Suffolk Life.

D.P.O. POSTAL:
Well, it's not accurate.

LEG. CARACAPPA:
Don't believe everything you read.

D.P.O. POSTAL:
So thank you.

MR. GROENEVELD:
Well, then somebody should write back to Suffolk Life. I mean, you must read it.

D.P.O. POSTAL:
Thank you.

MR. GROENEVELD:
And Mr. Gaffney said the same thing on Ed Lowe's show.

D.P.O. POSTAL:
Well, I think that just because it's said doesn't mean it's accurate.

MR. GROENEVELD:
Well, what do you get?

D.P.O. POSTAL:
Excuse me?

MR. GROENEVELD:
What -- how much money do you get?

D.P.O. POSTAL:

Our salary --

MR. GROENEVELD:

No, not your salaries, not your salaries.

D.P.O. POSTAL:

Well, it --

MR. GROENEVELD:

Money to buy votes, where you go out and give the community in your -- if you like this person doing this, you know --

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D.P.O. POSTAL:

Oh, I don't think anyone does that, I honestly don't.

MR. GROENEVELD:

Well, I've seen Mr. Towle, one of them giving \$20,000 to a Little League.

D.P.O. POSTAL:

Yeah. Again, if you would like to discuss this --

MR. GROENEVELD:

I am sure you just don't want to discuss it.

D.P.O. POSTAL:

Well, I certainly don't want to do it during the public portion, when the public would like to have an opportunity to speak. Next speaker is Peter Stocks. Is Peter Stocks still here?

MR. STOCKS:

I'm here to speak about 22 Shore Lane in Bay Shore. I've been a resident on Shore Lane for 55 years, which is my life. I've seen Shore Lane at a peak, I saw it go down and coming back up. I feel that this detention center is another deterrent to the area. There are three other homes in Bay Shore which are for juvenile use. Is there any other section of the County that has that many in one locale. There are 14 total homes for Social Services and out-patients in Bay Shore in reference to the home. There is also a battered women's home right near the area of where this home is going, the compound to it. Parking lot that was in reference before next door is not next door, it is in the rear, which is an extension about two to three hundred yards from Shore Lane itself.

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It's just if they're going to turn around and start allowing these houses to go this way, where people selling the bigger homes and everything else like that, you're going to have the same thing in Bay Shore again that happened in the late fifties and early sixties. It was a crime area because of the big old homes with the room for the County and the Social Services to put the patients in that were coming out of the hospitals. It was timing, and that's what brought Bay Shore down. We're fighting to come back up. And there's reference to a detention center. It doesn't belong in any residential neighborhood one iota.

These kids, some are -- need some help, can be helped easily, others are dangerous. PINS petition means a Person In Need Of Supervision. A parent can do a PINS petition. I know one particular case, the PINS petition was by the parents, because the kids tried to stab and kill the parents. That's a PINS petition that could be housed in this house amongst two other very nice homes. I'm further down the block. Indirectly, it wouldn't maybe in that sense phase me, except for the community coming back up.

In the last I'd say five years, local people that have bought homes on Shore Lane have put over a million dollars into their homes to develop a community back from homes that are run down, and there's just no reason to allow this scenario to happen again. Thank you .

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D.P.O. POSTAL:

Thank you, Mr. Stocks. The next speaker, Steven Restmeyer.

MR. RESTMEYER:

Good afternoon. Thank you for this opportunity to address the Legislature. I just want to ask, is there a quorum present?

LEG. FOLEY:

Yes.

MR. RESTMEYER:

Okay. I want to speak about the -- just briefly about the Vector Control Plan, and I do not support it as it is written now. However, I don't want to repeat what was already said, and I want to -- I would like to agree with what has been said by Adrienne Esposito, Kevin McAllister, and Chris O'Connor, and also add that I do feel that there is a need for monitoring, biological monitoring for the adverse effects that these pesticides are being used, especially Altacid, which is a hormone disrupting agent, what these -- what affect they have on nontarget organisms, especially other aquatic life, in light of the crab and crab kills lobster kills, and the fish

die-offs that have occurred since Altacid has been used in areas adjacent to aquatic life or wetland areas.

I would also like to make a statement regarding an amendment to Local Law Number 34-1999 and that is in regard to the Citizens Advisory Committee that was established to oversee the use of pesticides or the phase-out of pesticides on Suffolk County properties. The Chair of that committee is -- has connections, financial connections to the petrochemical industry through the Cornell Cooperative Extension. Cornell Cooperative Extension receives over \$2 million a year from the petrochemical industry and to put it in their hands is not a wise idea. I would recommend putting a person in the chair as a chairman of that committee, selecting a person from the environmental committee -- community rather, sorry, and someone who does not have connections to the petrochemical industry.

I would also like to recommend or suggest to the Suffolk County Vector Control an approach to the mosquito problem using botanical repellents, area repellents where residential areas meet wetland areas. And these types of products are safe, products that are effective and safe. Garlic juice is one that has been proven to be safe. There's an area repellent that is made from citronella, and that again is very effective and safe. Mint oils, also. It's not necessary to kill the mosquitoes, it's necessary to eliminate them from areas where humans are. So I think our focus on killing them is doing a lot more damage, and we can -- we can basically get to where we need to be or achieve our objective by using some of these area repellents. Also --

D.P.O. POSTAL:
Sum up, please.

MR. RESTMEYER:
I'd like to just sum up, if I may .

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D.P.O. POSTAL:
Yes, please.

MR. RESTMEYER:
Okay, thank you. An educational program that will include an aspect that will show homeowners how to monitor their own properties for breeding areas will eliminate a great deal of breeding areas in residential areas. The IPM Committee that was formed in April of '98, and I was fortunate enough to be included on that committee, this -- I received the meeting minutes and looked through them. The meeting minutes did not say anything about looking into alternatives to

pesticides until October 3rd of 2000.

D.P.O. POSTAL:

Mr. Restmeyer, please conclude.

MR. RESTMEYER:

That's about all I had on say. I just wanted to emphasize the need for an environmental chair, or someone from the environmental community chairing that committee.

D.P.O. POSTAL:

Thank you.

MR. RESTMEYER:

That's I think very important.

D.P.O. POSTAL:

Thank you.

MR. RESTMEYER:

Roger Healy. Is Roger Healy still here?

MR. HEALY:

Yes. Good afternoon, Ladies and Gentlemen. My name is Roger Healy. I live in Bay Shore. I've lived there 40 years, specifically on Shore Lane, where this nonsecure detention facility is proposed to be sited.

I don't know how we get to these kinds of positions. I think the Probation Department is trying to do the right thing. I assume Suffolk County is trying to do the right thing, I think residents are trying to do the right thing. But it seems an RFP was put out without providing specific locations or guidelines as to where this was to be located. It was put out with limited time to allow the bidders to find places or a place to site this. The Probation Department did not mandate that the bidder -- the bidders submit proposed locations with their proposal. Prior to the award of bid, the Probation Department evidently did not investigate the proposed location.

I mean, Mr. Iaria said this morning for five years they were reviewing possible locations to site these facilities, and they were looking at properties owned by Suffolk County, and I don't know where that ever went to. He said people were looking, but they never came up with anything.

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heard him mention anything about any exposure or experience with these nonsecure detention securities. But in looking at the dates of how this was put together, it was advertised on August 10th, 2000. There was a conference meeting on September 13th, 2000. The proposal was submitted on October 13th. The award was November 6th, I think, and a contract with Hope for Youth was given to them on December 8th. They closed on the property, or they contracted with the owner of the property on December 8th. The award was on November 6th, I think.

D.P.O. POSTAL:

Mr. Healy, would you, please --

MR. HEALY:

They didn't close on the property until --

D.P.O. POSTAL:

Mr. Healy, please sum up.

MR. HEALY:

I beg your pardon?

D.P.O. POSTAL:

I'm sorry, but would you please sum up? Your time is up, so just if you could summarize and finish up.

MR. HEALY:

Summarize, okay. They didn't have an option on property that they put a proposal in on. They had to hurry up and find a place. I mean, the inmates that they're putting in are not children that are doing poorly in school, having trouble with spelling and arithmetic, these are problem children that are going to be put in the neighborhood. And in just in today's Daily News, there's an article on a 15 year old child from some kind of a group home that was just arrested for rape and robbery, just this week. I mean, there are already too many instances of juvenile violence without putting them together in a home and putting them in the middle of a residential community.

D.P.O. POSTAL:

Thank you.

MR. HEALY:

Thank you.

D.P.O. POSTAL:

Wayne Faltin. Wayne Faltin, F-A-L-T-I-N. Barbara Archer. Barbara Archer? J. Lance Mallamo, Director of Suffolk County Vanderbilt Museum.

MR. MALLAMO:

Good afternoon, Ladies and Gentlemen. Maxine, I'm here to speak about a resolution, not a public hearing.

D.P.O. POSTAL:

No. This is the public portion, so you can speak on any issue.

MR. MALLAMO:

Oh, okay, fine.

D.P.O. POSTAL:

But only for three minutes.

MR. MALLAMO:

Well, I'm here -- okay. I'm here to speak on Resolution No. 2282, amending the 2001 Capital Program and Budget and appropriating funds for restoration and stabilization of the seaplane hanger. This matter was taken up in committee last week and came onto the Legislature without a recommendation, pending a letter from the a donor that we have for this project, Mr. William B. Rogers. And we do have such a letter today, if I can hand that out. Give one for the -- I believe that there should be enough there, yes. And I believe that this should address the concerns that came up in committee last week regarding the intent of the donor for the project, and the schedule for the million dollar payment. This payment is to be made for the installation of an exhibit in the seaplane hangar building. This is a building that is on the grounds of the museum. We hope to use it as a changing and temporary exhibition center where we can bring large scale and changing exhibits to the Vanderbilt Museum that will rotate over different periods of time. This initial exhibit would be installed here for a period of five years.

This funding has been planned for for a number of years. I've spoken to most Legislators about it and made a presentation. It's important to the museum. The building is a national historic site, it's on the national register of historic places. It's in deteriorated condition, but structurally sound, and will provide a facility where we can have large scale public visitation to the museum. It's the only space where, other than the Planetarium Theater, where we're able to get more than 50 people at one time at the entire museum.

It also will enable us to enlarge our educational programs, which are now at full capacity. We have no open space for other school groups to come to the museum because of our space limitations. And it will also open up new interpretive opportunities on the waterfront area. So that should sum up what I have to say. Board President Steve Gittelman is here as well, if you have any questions for us.

D.P.O. POSTAL:

Any questions? Thank you.

DR. GITTELMAN:

Legislator Postal, I didn't feel out a card, but I would like --

D.P.O. POSTAL:

Well, why don't you wait until at the end of the public portion, I'll ask if there's anyone else who wants to address the Legislature, because there are people who have filled out cards.

MR. MALLAMO:

Thank you.

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D.P.O. POSTAL:

Next speaker is Elsa Ford.

MS. FORD:

I'm speaking to Local Law 34-1999, which phases out the use of pesticides on Suffolk County properties. This law includes a Community Advisory Committee, the chair of which is selected by Cornell Cooperative Extension. Legislator Dave Bishop has prepared an amendment to this Local Law for a change, so that the chair is selected by the Chair of the Energy, Environment, and Transportation Committee of the Suffolk County Legislature, or a successor from a recognized and acknowledged environmental representative within the County of Suffolk.

I support this amendment, because I believe the intent of this local law is best served if the chair is one who has unencumbered commitment and passion for pesticide phase-out.

And I'd also like to speak to the Suffolk County Vector Control annual plan of work for the year 2001. It's important that there should be a SEQRA review, consideration of alternatives and demonstration programs, and I think monitoring for pesticide bioaccumulations is also very important.

D.P.O. POSTAL:

Thank you, Elsa.

MS. FORD:

You're welcome.

LEG. BISHOP:

Madam Chair.

D.P.O. POSTAL:

Yes. Elsa.

LEG. BISHOP:

Question.

D.P.O. POSTAL:
One minute. Legislator Bishop.

LEG. BISHOP:
Actually, it's a question for Counsel on --

D.P.O. POSTAL:
Oh, okay. Legislator Bishop.

LEG. BISHOP:
Did you draft an amendment that would change the chair of the Citizens
Panel on Pesticides?

MR. SABATINO:
I think we did it twice, because I think --

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LEG. BISHOP:
Right.

MR. SABATINO:
-- the first version you had some additional input from somebody else
that wanted to change another --

LEG. BISHOP:
But it was not filed, right?

MR. SABATINO:
I didn't file it.

LEG. BISHOP:
Right, and I didn't file. So I'm asking at this time if your
office would --

MR. SABATINO:
You want us to get it for you?

LEG. BISHOP:
-- have it filed.

MR. SABATINO:
Sure.

LEG. BISHOP:
Thank you.

MR. SABATINO:

You want to have it filed, or so you want to make it part of laying it on the table?

LEG. BISHOP:

Yeah, I'd like to lay it on the table, right, right.

MR. SABATINO:

You want to make a motion like tonight? Okay, let me go look.

LEG. BISHOP:

Thank you.

D.P.O. POSTAL:

Okay. The last card I have is one filled out by Ross Catalano, but I don't know if Mr. Catalano is here. No, okay. Is there anyone else who would like to address the Legislature? Dr. Gittelman?

DR. GITTELMAN:

I guess it's simply this. Thank you for -- thank you for giving me the honor of serving on the Board of Trustees of the Vanderbilt Museum for these past ten years. I know that my reappointment is coming up, and it's been a tremendous privilege. I've gained tremendously from it. I have enjoyed it. I feel a tremendous feeling of self-satisfaction, and I really owe most of that to you folks, because I've had tremendous backing from this Legislature. And I just needed an opportunity to say that to you.

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D.P.O. POSTAL:

Thank you. We've --

DR. GITTELMAN:

If any of you have any questions of me about the Museum, I'm here.

LEG. D'ANDRE:

Madam Chairlady, I'd like --

D.P.O. POSTAL:

Legislator D'Andre.

LEG. D'ANDRE:

I'd like to say this.

D.P.O. POSTAL:

Use your mike, please.

LEG. D'ANDRE:

This man has been a wonderful administrator at that museum, and he made everything go, and then he got the help of Lance Mallamo. So he's entitled to be renominated or reelected, or whatever the proper phrase for that is. He's wonderful. Thank you for being there and serving us .

D.P.O. POSTAL:

Thank you.

DR. GITTELMAN:

Thank you.

D.P.O. POSTAL:

Thank you. We do have -- thank you very much. We do have additional cards. Nanette Essel from the Yaphank Taxpayers and Civic Association.

MS. ESSEL:

Yes. Nanette Essel, Co-President of the Yaphank Taxpayer and Civic Association.

Regarding the report that was done recently on the site selection for the juvenile detention facility, the Civic Association would like you to know that we feel that there is an unfairness to that report, and that some things should be brought to the attention of the Legislature.

Number one, the civic and the community is in no way in favor of this, as it states in the report. In addition, we were never -- we were never consulted about the facility at all, so I don't know how the community would be in favor of it, as the report states.

Second, the Suffolk County Legislator asked them to do site selection. But as I sat back there reading the minutes, I was appalled. There was no site selection. A decision was made because a State officer for the Office of Children and Family Services was coming, an

architect, down, so they sat there at the second meeting and said "Well, let's just pick Yaphank, because I think we should have a site, so that when that person comes down, for his convenience, we should have a site."

They said they didn't want to lease property, because they didn't want to put it back in the hands of the Legislature. They didn't want to purchase property, because they didn't want to put it back in the

hands of the Legislature. So they said they would look at County-owned parcels. This is their looking at looking at County-owned parcels. Mr. Jones said there are parcels of County-owned land in Kings Park, Smithtown, and Central Islip, but advised that in all of these areas there would be significant obstacles, and he advised in his estimation pursuing this would be fruitless and time consuming. That is the site selection.

If, indeed, this is what the Suffolk County Legislature had in mind by making their decision binding, I think they really took it at face value. If that's what you had fore site selection, that's it. Mr. Koppelman then made a motion to consider Yaphank as a potential site. The motion was seconded and was unanimously approved. There's a little problem, it never went through SEQRA. You're going to be asked and laid on the table is there money for you to vote on to start the planning process. It was laid on the table today and it may go through with a C of N. It never went through SEQRA.

Talking to people from CEQ, there is a problem with firematics. Our office already received a letter from the Babylon Fire Department, said that they are in no way -- they are against this site.

So all I'm asking for you to do is, please, not appropriate the funding, because it is specifically for the Yaphank site. Thank you.

D.P.O. POSTAL:
Thank you, Nanette.

LEG. BISHOP:
With Babylon?

D.P.O. POSTAL:
Legislator Bishop, you have a question?

MS. ESSEL:
Yes.

D.P.O. POSTAL:
Did you have a question?

LEG. BISHOP:
Yes. Could you just explain to me the --

LEG. FISHER:
They train out there, David.

LEG. BISHOP:
Oh, I see.

MS. ESSEL:
Oh, it's --

LEG. BISHOP:
I got it.

LEG. FISHER:
They train.

MS. ESSEL:
It's the training, yeah. They're concerned because they just -- they feel that they're always last to be thought of, and that they feel training of firemen is important, and they don't want to have anything interfering it.

A second problem with the site that I forgot to bring up was that the DPW said there was a big problem with siting the building, the new infirmary. The water table is extremely high there. And he said, if you expect it to get through a geological, you're going to have to build a building without a basement.

So it seems to me that before money is given for a specific site, that it should go through SEQRA. It is a law. Thank you.

D.P.O. POSTAL:
Thank you, Nanette.

LEG. FISHER:
Thank you.

D.P.O. POSTAL:
Next card is Robert Matherson.

MR. MATHERSON:
I'm speaking about the Shore Lane project in Bay Shore. For years, for at least 20 years, Bay Shore, downtown Bay Shore was a dumping ground for all the state hospitals catering to people that had mental disabilities. They were dumped in Bay Shore and Long Beach. Along with that, the County placed a methadone clinic in downtown Bay Shore and the welfare center. So for the last 30 years, it's been a downward trend for the residents of Bay Shore.

Shore Lane is a road that is between the downtown area of Bay Shore and the Great South Bay, which would contribute to what -- a situation that the residents of the area of Bay Shore really want to do away with. They're trying to revitalize the area. They're building an aquarium there. They're trying to upgrade everything. They have knocked down all the -- all the drug housing on the north side of Montauk Highway behind the Bay Shore shopping area in there.

I think it would be a great disservice to Bay Shore residents who are trying on revitalize their area to rebuild it. There's even a lot of talk about incorporating the village, because they're not getting the

cooperation they need from the Town of Islip. And I'm sure that if the Legislature would -- were really pursuing, look to the future for

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the residents of that area, if they would act in a positive manner, that project, which would downgrade that area, could go someplace else. I ou might suggest an area, Oak Beach.

D.P.O. POSTAL:

Thank you. Is there anyone else who would like to address the Legislature?

LEG. CARPENTER:

If I could for the record.

D.P.O. POSTAL:

Legislator Carpenter.

LEG. CARPENTER:

I would just like to for the record let Mr. Matherson know that the County has been making some strides to make amends for some of the things that were done in Bay Shore. And the methadone clinic is no longer there, Social Services is no longer there, it's sited in a more appropriate spot in an industrial area, and there have been a lot of improvements that have happened in the downtown area and beyond, and a lot of it contributed to by the Legislature and the County.

D.P.O. POSTAL:

Thank you. Earlier today there was a discussion, there were actually a couple of discussions with the Director of Probation with regard to the nonsecured detention facility proposed for Bay Shore, and with regard to the County detention facility, secured detention facility. And, at that time, I asked Mr. Iaria to be here this afternoon, it's considerably after 2:30, but to be here this afternoon, so that we could have an ongoing dialogue. He provided us, each of us has received a copy of the RFP, the RFP that was prepared on the nonsecured detention facility, the contract, and State statutes that govern such facilities. So I know that we haven't had a great deal of time to review those materials, but I would like to ask Mr. Iaria if he would come up again.

LEG. BISHOP:

Are we having a vote on this?

D.P.O. POSTAL:

No, no, but it was -- there were -- no, that wasn't directed to you. The no was not directed to you, Mr. Iaria, it was in response to a question of Legislator Bishop's. If you would come up. Well,

clearly -- but this morning there was -- there was some real concern and a need to discuss some of the issues very quickly. So, Mr. Iaria, we received the RFP.

MR. IARIA:
Right.

D.P.O. POSTAL:
We received the contract, we received the State regulations. I'm sure that Legislators have questions for you. I was just looking, I'll just start, because I was looking through the regulations and I didn't see anything that specifically stated that a nonsecured detention

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facility had to be in a residentially zoned area. I didn't notice that anywhere. Mr. Hegarty had referred to such a requirement and --

MR. IARIA:
Yeah. There's the regulations and there's rulings by the State Counsel Office, but, basically, what they're talking about is a group home, and their idea of a group home, it should be near recreational facilities, it should be community-based, it should be in a community. Now, putting it in a factory setting, while -- you know, we'd even be criticized on that. I mean, I have a building in the Hauppauge Industrial Complex and they want us out, because we have probationers there. So I don't -- you know, we're going to get complaints wherever -- wherever we put this. So that's been the -- you know, the rulings by Counsel's office and OCFS. Now, if -- you know, if it's the feeling of this body that it has to be -- it can't be in any residential setting, then we're going to have to go back to the State and have some communication with them and discuss this with them. And my suggestion would be to, you know, if you don't want to hear it directly from us, we'll see if we can bring them down to a committee meeting of Public Safety to discuss this. I don't know if this is the proper forum to, you know, do committee work. Usually you guys don't want me doing that.

D.P.O. POSTAL:
Yeah. And I do agree that this really needs to be discussed more fully in a committee, but there is some immediacy about this. So I would turn the meeting over to Legislator Fields and ask her to act as Chair briefly.

LEG. FIELDS:
Very briefly. I just have a couple of questions. I did go through the document that we received this afternoon, and I'm not sure what Attachment 1 is, Chapter E, Youth, Part 180, Juvenile Detention Facilities Regulations. Where did that come from?

MR. IARIA:
These are State --

LEG. FIELDS:
State, okay.

MR. IARIA:
These are the State regulations on --

LEG. FIELDS:
Good. Then I would bring your attention to Page 2 of 44, and it's D,
"Nonsecured detention facilities shall mean a juvenile detention
facility characterized by the absence of physically restricting
construction, hardware and procedures. Nonsecure detention facilities
may be family boarding homes, agency operated boarding homes, group
care or institutional facilities, and nonresidential programs and
services, as defined herein."

MR. IARIA:
Uh-huh.

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LEG. FIELDS:
On Page 28 of 44, Roman numeral four, "The home must be in an
appropriate neighborhood, as determined by the Division."

MR. IARIA:
Right.

LEG. FIELDS:
I would think that that's interpretation

MR. IARIA:
The Division is not us.

LEG. FIELDS:
Right.

MR. IARIA:
The Division is the State.

LEG. FIELDS:
Is the State. I read that.

MR. IARIA:
And the State has looked at this preliminarily and has said that this
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is a good facility, and has taken a second look, and we expect them to certify it.

LEG. FIELDS:

And Page 29 of 44, 3, at the bottom of the page, Physical Facility Location, "The nonsecure group care facility shall be in an appropriate neighborhood, and so located that it is accessible to religious, school, and recreational facilities and other community resources."

MR. IARIA:
Right.

LEG. FIELDS:

"Suitable outdoor play areas should be readily available to children." But then I think there's, and I'm not finding it, another page that says, "Secure and nonsecure institutional facilities, new construction and alteration." It's on Page 36 of 44, 180.15. "Plans for construction of secured detention facilities," and then it says, "New construction and alteration, secure and nonsecure. No building to be used as a detention facility for children shall be constructed or remodeled in whole or in part, except on plans and designs approved in writing by the Division." It's, "No child shall be detained in any new or remodeled building where with plans or designs haven't been approved."

But, in any event, I did have my Aide call the Town Planning Department, and according to them, this doesn't fit into or conform to the present zoning in that -- in that neighborhood.

And then the only other question that I have is --

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MR. IARIA:

Yeah, that's a Town decision, and that's a -- you know, that has to be worked out between the contractor and the Town.

LEG. FIELDS:

Did the State actually come down physically --

MR. IARIA:
Yes, they --

LEG. FIELDS:

-- and look at this?

MR. IARIA:

They looked at it twice.

LEG. FIELDS:
Okay. Thank you.

LEG. CRECCA:
Mr. --

P.O. TONNA:
Yes, Legislator Crecca.

LEG. CRECCA:
Yeah. I just want, for those Legislators that are here, too, there -- we're talking about -- when we're talking about secured detention, like the facility that's been proposed for Yaphank --

MR. IARIA:
Right.

LEG. CRECCA:
-- and we talk about nonsecured, we're talking about apples and oranges; correct?

MR. IARIA:
Right.

LEG. CRECCA:
Okay. We have a -- as a county, we're mandated to provide both of those and they're both different things; correct?

MR. IARIA:
Right. Under Section 218 of the New York State County Law.

LEG. CRECCA:
Okay. So when we talk about the issues regarding -- I know Legislator Towle brought up some concerns about Yaphank and all that, those are different -- that's one issue, as opposed to the other issues which is when we talk about the Bay Shore location.

MR. IARIA:
Yes. He's talking about a committee report.

LEG. CRECCA:
Okay. I just want to really -- I just really wanted to make that

clear, and that we are required to provide nonsecure detention, whether it's at Bay Shore or some other location, or whatever, but we do have to house these nonsecured juveniles --

MR. IARIA:
Right.

LEG. CRECCA:
These juveniles who have been ordered to nonsecure detention.

MR. IARIA:
Right.

LEG. CRECCA:
Okay. Now, when you go to a contract agency, can you give them some parameters on where they can go or what -- what the type of location? Because I guess the concern here is, is that there's a lot of people voicing a concern about whether this is an appropriate location or not. And it doesn't sound like Suffolk County had any choosing in the location, that it came after the granting of the RFP, or am I wrong?

MR. IARIA:
No, you're right. What we did was we didn't spell out that the agency had to have a site that was part of -- you know, we looked at the qualifications of the agency and the experience in developing group homes, and based on that, we awarded the RFP. Then it's -- then they had a specific number of days to come up with a physical site that would pass local planning and state regulations.

LEG. CRECCA:
Does it require that it pass the approval of the County government? For example, I'm talking about Probation, or whatever.

MR. IARIA:
Well, the County Executive has to sign the contract and, you know, so -- and so do I. From a departmental perspective, I thought the house itself was very good for the kids. And I understand, I'm very sensitive to the community concerns about having this type of facility next to them.

LEG. CRECCA:
Okay. That answers my questions.

LEG. CARACCIOLO:
I have a question.

P.O. TONNA:
Yes, Legislator Caracciolo.

LEG. CARACCIOLO:
Vinny, this morning I attempted to get into the process that was utilized that resulted in this site being selected.

MR. IARIA:
Which site are we talking about, the --

LEG. CARACCIOLO:
The Bay Shore site.

MR. IARIA:
Okay, the Bay Shore site?

LEG. CARACCIOLO:
Okay? So, from the beginning, could you just take us step by step as to the process that's involved. We understand this is a State mandated program or requirement; is that not correct?

MR. IARIA:
Right.

LEG. CARACCIOLO:
Okay. So when did this process start? Where presently do we house in nonsecured detention facilities persons in need of supervision?

MR. IARIA:
Okay. We've used -- we used an RFP, an existing RFP, and modified it. The need for additional beds has been evident for the past couple of years. We have a twelve-bed group home in Port Jeff. We've been sending out probably at least ten or eleven children outside of that group home probably each day, because we haven't had enough space. So what we've done is in our budget, we proposed an additional group home. Our budget started this year, and prior to that, we had such a need that we felt that a start-up contract was needed, an RFP was needed, not only for this place, but for the Bay Shore place. But we needed, since it had been several years since the RFP had been let for the Port Jeff facility, we needed to put up another RFP there.

LEG. CARACCIOLO:
What in your estimation are short-term and long-term projections of nonsecured detention facility need?

MR. IARIA:
Well, I see, the very least, the need for the twenty-four beds in lieu of the State upping the age of the PINS age to 18. We don't exactly know how that's going to play out, because that's new for us. But since we're already ten or eleven kids over our current bed standard without the law going into effect, it will go into effect in November, you know, we -- we know it's -- at minimum, we're going to need twenty-four beds.

LEG. CARACCIOLO:
All right. So twelve of those individuals will be located or housed in Port Jefferson.

MR. IARIA:
And right now, twelve are housed in some facilities around the County

and outside the County.

LEG. CARACCIOLO:

The individuals that are in Port Jefferson, what type of facility is that, is that a private home or a residential?

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MR. IARIA:

It's the exact same situation, it's a group home.

LEG. CARACCIOLO:

Is it in a residential community?

MR. IARIA:

It's in a residential community.

LEG. CARACCIOLO:

Okay. In terms of the vernacular group home, it has a lot of connotation. In this instance, what do you mean by a group home?

MR. IARIA:

What the definition is that -- you know, that there's group care. There's, you know -- there's specific size bedrooms spelled out in the regulations, there's a staff in each of the facilities, and there's the ability for special screening and special medical attention and transportation back and forth between the facility and court, and the facility and recreation, that there's room for an on-site classroom, so we don't impact the school district of Bay Shore or any other community. So the education is done on site with educators and trained child care staff.

LEG. CARACCIOLO:

In terms of the Bay Shore location, how many beds and how many individuals would be located there?

P.O. TONNA:

Can I just say one thing? Just in the -- there's really no place for this type of -- this is either to be discussed in committee or to have a bill in front of us or --

LEG. CARACCIOLO:

Well, Mr. Chairman, this morning we sat here and we attempted to raise these issues, and we were told to be patient, that this afternoon --

P.O. TONNA:

Right.

LEG. CARACCIOLO:

-- we would get to these issues.

P.O. TONNA:

But we have to have some forum for it. To tell you quite honestly, there is no forum for it. There's not a bill in front of us right now. There is -- in the morning, you can't raise these issues, it's the time for the public to speak.

LEG. CARACCIOLO:

But then, again, there are those of us who are not on that committee and we -- and this is our opportunity to get the information.

P.O. TONNA:

Yeah. I would ask, Mike, get some information, and then when there is something in front of us --

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LEG. CARACCIOLO:

Well, that's what I'm trying to do.

P.O. TONNA:

No. I'm just trying to move this along.

LEG. CARACCIOLO:

I know you're trying to move it along.

LEG. CARACCIOLO:

We're losing people. This is not --

LEG. CARACCIOLO:

But the fact of the matter is, when you have forty-two people that have a right to speak and they have just conclude, now it's our turn to get answers --

P.O. TONNA:

No.

LEG. CARACCIOLO:

-- to this questions --

P.O. TONNA:

No.

LEG. CARACCIOLO:

-- that these people have approached us for answers. Some of them are still here --

P.O. TONNA:
Michael.

LEG. CARACCIOLO:
-- and they're listening to this dialogue.

P.O. TONNA:
I understand that. Either we need a bill in front of us --

LEG. CARACCIOLO:
We have a bill.

P.O. TONNA:
We need something. No, there's no bill in front of us. There is no bill in front of us.

LEG. CARACCIOLO:
There's a bill by Legislator Alden.

P.O. TONNA:
There is no bill in front of us. When the bill is in front of us --

LEG. CARACCIOLO:
It's not on today's agenda, but there are a lot of bills that are not on the agenda that were discussed today.0

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P.O. TONNA:
Michael, you know exactly what I'm talking about. There's a --

LEG. CARACCIOLO:
I know what you're talking about, but --

P.O. TONNA:
All right. Let's just --

LEG. CARACCIOLO:
But, at this point, I'm going to tell you that I have a right --

P.O. TONNA:
Let's move it through.

LEG. CARACCIOLO:
-- to ask questions about this proposal, because this is probably the only opportunity I will have, as someone who doesn't sit on that committee, to get answers to questions that have been raised today by

the public and the people of this community.

P.O. TONNA:
I'll let you, just if you can, just --

LEG. CARACCIOLO:
I'll try to be brief.

P.O. TONNA:
Thank you.

LEG. CARACCIOLO:
So, in terms of the Bay Shore facility, how many children would be located there, and how many bed facility would this be .

MR. IARIA:
A twelve bed.

LEG. CARACCIOLO:
Twelve. The current home, is there a residential home there now? Is that what you're purchasing?

MR. IARIA:
It's a residential home. I don't know this for a fact, but I've been told that it was a prior adult home, a nursing home, and, you know, maybe that's the real estate talking, but that's what I understand it was at one point.

LEG. CARACCIOLO:
Is there a need for parking at this facility?

MR. IARIA:
No. The kids aren't going to have cars, so, you know, the staff -- there'll be a few staff cars there. So, yeah, you know, in terms of that --

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LEG. ALDEN:
Would you suffer one interruption, though? On that point, I think one application before the Islip Planning Department is to include a parking lot for eight or twelve cars.

MR. IARIA:
Okay.

LEG. CARACCIOLO:
Okay.

MR. IARIA:

Is that how many? Okay.

LEG. CARACCIOLO:

Does the Legislator know what the prior use of this building was?

LEG. ALDEN:

The last three owners were -- this was residential, and probably ten, twenty years ago, it was a nursing home.

LEG. CARACCIOLO:

Okay. Vinny, who in your department would have taken a look at this property?

MR. IARIA:

My Deputy Director. She led the RFP team. The -- our Residential Care Coordinator who was here. Both of them were here earlier. And --

LEG. CARACCIOLO:

Okay. But you yourself are not familiar, so I won't press that point.

MR. IARIA:

Yeah. Well, I'm familiar with the area.

LEG. CARACCIOLO:

Right.

MR. IARIA:

You know, I know Shore Lane.

LEG. CARACCIOLO:

Are these properties that are dedicated for these purposes subject to local law and zoning?

MR. IARIA:

Yes, absolutely.

LEG. CARACCIOLO:

Okay. So there's a possibility that this property may be, for whatever reason, determined by the Town of Islip not to be suitable for this purpose and the application denied.

MR. IARIA:

That's a real possibility, but my understanding is that it's already been approved, because information was sent up to the State Division

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-- well, Office of Children and Family Services indicating that there's a CO, an active CO and fire inspection, and there was a site visit. So they have all of -- you know, the State has all the information at this point.

LEG. CARACCIOLO:

Okay. I'm going to conclude and suggest that Legislators who represent this community look into that with the Town and residents likewise to see if approval has been granted. And maybe the easiest way to deal with the issue in terms of opposition is to make certain that the Town doesn't grant approval. Thank you

P.O. TONNA:

Okay. Thank you very much. I'm going to give a ten-minute recess for everyone just to do whatever, and then we're going to go right through the CN's, then the agenda, and hopefully we'll be done within an hour. Thank you.

[THE MEETING WAS RECESSED AT 4:55 P.M. AND RECONVENED AT 5:11P.M.]

P.O. TONNA:

Roll call, Henry.

(*Roll Called by Mr. Barton*)

LEG. CARACCIOLO:

Here

LEG. GULDI:

Behind you.

LEG. TOWLE:

Here.

LEG. CARACAPPA:

Here.

LEG. FISHER:

Here.

LEG. HALEY:

Here.

LEG. FOLEY:

Present.

LEG. FIELDS:

Here.

LEG. ALDEN:

Here.

LEG. CARPENTER:

Here.

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LEG. CRECCA: (Not Present)

LEG. D'ANDRE:
Here.

LEG. BISHOP:
Here.

LEG. BINDER:
Here.

LEG. COOPER:
Here.

LEG. POSTAL:
Here.

P.O. TONNA:
Yes, I'm here.

MR. BARTON:
16 present, one not present and one vacancy (Not Present: Leg.
Crecca).

P.O. TONNA:
O,kay before we do some CN's, I'm just going to do quickly some stuff.
The consent calendar, I make a motion to approve.

LEG. HALEY:
Second.

P.O. TONNA:
Second by Legislator Haley. All in favor? Opposed? Approved. Okay,
I'd ask all committee Chairpersons --

MR. BARTON:
17.

P.O. TONNA:
-- to make sure that when they're running their committee, we
mentioned it last year, I'll mention it again, if you can put anything
on the consent calendar please do it, all right, so that we can have a
much larger group of non controversial bills that had a unanimous
whatever. Thank you.

LEG. CRECCA:
Actually, we should put the controversial ones on there.

LEG. BISHOP:
Mr. Chairman?

P.O. TONNA:
Yes. Because you're not feeling well, do you want to move one or two bills? I know we have to do CN's right away

LEG. BISHOP:
No, I'm here for the duration.

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P.O. TONNA:
Okay.

LEG. BISHOP:
Linda Burkhardt is bringing me tea, I'm right in here.

P.O. TONNA:
Okay.

LEG. BISHOP:
But between the last meeting --

LEG. CARPENTER:
Aw.

LEG. BISHOP:
Between the last meeting and today's meeting and this Legislature had a significant victory in Court --

P.O. TONNA:
State-ready?

LEG. BISHOP:
-- in that we settled with New York State on a lawsuit that this Legislature initiated which will bring back to the County \$17.2 million in reimbursement for the costs that we incurred for taking care of State-ready prisoners that the State was obligated to take and did not take. That's a great benefit for taxpayers and it's a tribute to this Legislature because -- and Sheriff Mahoney, because we brought this lawsuit. In fact, at the time that we brought it there were some in this government who argued against it, we insisted upon it and in the end we did a good service for the residents of Suffolk County.

P.O. TONNA:
I can tell you, Dave, it will be the subject of I guess an Executive Session for the details for individual Legislators at another time. We

filed the bill, unfortunately the Attorney General has not given us the accompanying documentation, the ruling, I guess, or whatever it was.

MR. SABATINO:

The bill is in the packet, it will be in committee next two weeks from now and at the meeting of the 27th.

LEG. ALDEN:

But I can put my big spending bills in now, right?

LEG. BISHOP:

No.

P.O. TONNA:

Yeah, Cameron. The --

LEG. BISHOP:

We counted our chickens before they were hatched.

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P.O. TONNA:

You know, besides the leadership in this Legislature, you know, I want to take also the time to thank the Budget Review Office who's done a phenomenal job.

LEG. BISHOP:

That's where I was going.

P.O. TONNA:

There was a staff person or two that was from the Sheriff's Office who did a phenomenal job. Our Legal Counsel who did a great job in getting our counsel, outside counsel to actually show up and do their job.

LEG. BISHOP:

They did a good job as well. That's --

P.O. TONNA:

No, that is exactly what -- but anyway..

LEG. D'ANDRE:

Does Newsday know this?

P.O. TONNA:

No, not about that part. But anyway, and finally, just to thank Legislator Bishop, Legislator Postal and myself who I think at one point or another who were actually in courtrooms waiting behind the

scenes, talking with judges and negotiating with the State actually.

LEG. HALEY:
Behind the scenes, judges?

P.O. TONNA:
Yeah. Behind the -- what do you call, in their chambers, chambers.

MR. SABATINO:
Closed chambers.

P.O. TONNA:
In closed chambers, you know. Not in smoke-filled rooms, you know, having a beer, I'm talking about in chambers. And just to Legislator Postal and Legislator Bishop, you guys did a fantastic job. Okay, thank you. Thank you very much.

LEG. BISHOP:
Thank you.

P.O. TONNA:
All right. Okay, let's go quickly to the tabled -- you know what? Let's do the CN's because I know that some of them are near and dear to people's hearts. County Executive's representatives, do you want to come up?

All right, let's look at -- first of all, this is resolution No. 2187. I'll make a motion to approve, seconded by Legislator Fields. This is the Vector Control Plan. Ginny, do you have any questions?

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LEG. FOLEY:
On the motion.

P.O. TONNA:
All right, let me just start writing these down. Go ahead, Ginny.

LEG. FIELDS:
I'll let Brian speak.

P.O. TONNA:
All right. Legislator -- well, Legislator Caracappa was before Legislator Foley. Legislator Caracappa.

LEG. CARACAPPA:
Thank you, Mr. Chairman. I'm both happy and actually a little disturbed at least the way that the plan has come over this year,

early, that's why I'm pleased. And we're not really going through the rigmarole that we did last year and we actually had Vector Control and the Department of Public Works complying with the law that's on the books. But I am upset to almost have this jammed down our throats last time before we even knew the SEQRA was all taken care of. And to have that representation that it was air-tight, a good bill, which I thought it was, without having all the SEQRA in place I'm quite upset about and I just wanted to put that on the record. And Brenda, if you want to mention anything about that, I think it needs some explanation on your part. To have come last time and said it was good and now to find out that it actually wasn't, not only does it make the County Executive's Office look bad, your Commissioner look not so good -- and he's a good Commissioner -- but it also made all of us who were supporting it absolutely horrible.

MS. ROSENBERG:

The County Attorney's feeling is still the same as it was, that the SEQRA is still not necessary. But we have been asked to do it and we've complied. Department of Public Works has done an EAF on it and I think we have gone not overboard but we certainly complied with everything that the Legislators were asking for? Did you want to respond to that?

Commissioner BARTHA:

The only thing I would add to that is DEC also does not believe that SEQRA is necessary for this because of the opinion that it's basically an administrative action. And all the work, any pesticide application, wetlands work all requires permits which is a separate process that DEC goes through.

LEG. D'ANDRE:

What did he say?

LEG. FOLEY:

Mr. Chairman?

P.O. TONNA:

Yes, Legislator -- anything else, Legislator Caracappa?

LEG. CARACAPPA:

No, I just wanted to get that on the record.

P.O. TONNA:

Okay. Legislator Foley and then Legislator Fields.

LEG. FOLEY:

Thank you. Brenda, is there a written opinion by the County Attorney's Office that SEQRA is not required for this?

MS. ROSENBERG:

We put a SEQRA in the bill now.

LEG. FOLEY:

No, I understand that. But you just mentioned that it's the County Attorney's opinion that --

MS. ROSENBERG:

It's their opinion that this is a plan and not --

LEG. FOLEY:

I understand that.

MS. ROSENBERG:

Right.

LEG. FOLEY:

Have they put anything in writing to that effect, that SEQRA is not required?

MS. ROSENBERG:

No, I don't have that in writing.

LEG. FOLEY:

Okay. If you go -- if you bear with me, Mr. Chairman. If you go to the first page of 2187, the last WHEREAS clause and the first RESOLVED clause, it says, "WHEREAS, this Legislature, being the SEQRA lead agency, has independently considered the EAF and any relevant testimony concerning same." I as one Legislator have not seen the environmental assessment form as of yet, and I don't know when we had agreed as a body to be the lead agency.

MS. ROSENBERG:

Brian?

LEG. FOLEY:

Yes.

MS. ROSENBERG:

We have it if you'd like to take a look at it.

LEG. FOLEY:

Well, we need to take a look at it if one of the WHEREAS clauses says that we've -- and this is the past tense -- have independently considered the EAF and we haven't even looked at the EAF yet. So again, I'm not trying to split hairs, but it's -- and it's a WHEREAS

clause but it's an important one because, you know -- if I may ask the Counsel; Counsel, who normally is the lead agency for SEQRA? This is not a Legislative resolution, it's a departmental resolution, Executive resolution. How does one define who shall be the lead agency? How can we be the lead agency when we haven't even reviewed the EAF yet?

MR. SABATINO:

Well, the lead agency is normally the entity that is developing whatever the initiative happens to be. In all honesty, the reference to lead agency in a resolution is not necessary; in fact, we don't make it part of the SEQRA resolutions. My suggestion would be just to delete that particular portion of the last WHEREAS clause and the first RESOLVED clause which says, "Being the SEQRA lead agency," because it's unnecessary language and it's not in all the other SEQRA resolutions that we do and it will avoid the issue with regard to, you know, who initiated the particular process, the particular plan I should say.

LEG. FOLEY:

Brenda, was there a request by a Legislator or by the Presiding Officer's Office that the Legislature be the SEQRA lead agent on this?

MS. ROSENBERG:

No.

LEG. FOLEY:

There wasn't. Was it the DEC or was it any other agency or organization that stated that the Legislature is the one that needs to be the SEQRA lead agent on this?

MS. ROSENBERG:

No.

LEG. FOLEY:

How did you -- again, it's from the Commissioner's Office and I mean these -- I ask these questions respectfully, not to be argumentative. But how was the sponsor of the bill, how did you determine that it was the Legislature that would be the lead agency on this?

P.O. TONNA:

It's the County.

LEG. FOLEY:

No, it says the Legislature, it doesn't even say the County. And again, I'm not trying to put you in a difficult position but it's important, at least for one Legislator, for me to have an answer to this.

LEG. BISHOP:

The draftsman of the bill did it.

MS. ROSENBERG:

Yeah, the County Attorney drafted it and I think that was just a typical SEQRA clause where they put that in.

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LEG. FOLEY:

Well, I don't think it's typical to be honest with you.

MS. ROSENBERG:

Okay.

LEG. FOLEY:

I know, but it says it right here, the Legislature. Would you -- would the sponsor of the bill take up our Counsel's suggestion to strike out the words, "Being the lead SEQRA" -- "Being the SEQRA lead agency" in both the WHEREAS and the RESOLVED clause?

MS. ROSENBERG:

Do we need a lead agency in there, Paul? I have to ask the County Attorney.

MR. SABATINO:

No, you don't. I mean, I checked our records, all of the resolutions

we do for SEQRA just says hereby determines. The operative legal language is, "Hereby determines" whatever the SEQRA determination is.

MS. ROSENBERG:

Then Legislator Foley, that would be fine.

LEG. FOLEY:

All right. Now again, and this gets more to the process but it's an important one and it's to amplify on Legislator Caracappa's point. We can't approve something when we have not as of yet independently considered the EAF; it would be untruthful for us to approve a reso when it has that language and we haven't even seen a copy of the EAF. And again, I'm not trying to be so difficult with the sponsors of the resolution but, I mean, it's something that we have seen in the recent past, when we've considered things without enough review they come back to haunt us as well as others.

So, Mr. Chairman, to the Presiding Officer, I would like to refrain from voting on this.

P.O. TONNA:

Why?

LEG. FOLEY:

For the immediate moment because the fourth WHEREAS clause mentions that this Legislature has independently reviewed the EAF when, in fact, the EAF has not even been distributed to any Legislator. So it's --

P.O. TONNA:

Is that true?

LEG. FOLEY:

Yes; I wouldn't say it if it wasn't true, Mr. Chairman.

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P.O. TONNA:

No, no, no, I'm asking our Legal Counsel from the standpoint has anybody been distributed. And it's a CN, we could change this and still --

MR. SABATINO:

My recommendation -- the key to this bill is that it incorporates a whole series of changes that were made in the Vector Control Plan on Friday, January 26th. That's the heart of the bill, that's the real reason you've got a Certificate of Necessity --

LEG. FOLEY:

That's correct, and that's to the credit of the department.

MR. SABATINO:

-- because there's 15 or 16 changes that were made.

LEG. FOLEY:

That's right, right.

MR. SABATINO:

The SEQRA determination, I think what the Law Department may have meant was that it's an administrative type of an action. Still requires some kind of determination, you can call it a Type II or you can call it a Type I, but it just requires to be a formal determination. I would just strike that WHEREAS clause because it doesn't do anything, you know, for the substance of bill, it doesn't change anything, it doesn't add anything. The heart of the bill is that it's incorporating the changes that were made on Friday. And my suggestion would be to strike the entire WHEREAS clause and deal with the substance of the bill.

LEG. FOLEY:

Thank you. Before I finish, Mr. Chairman, I do want to thank the Public Works Department for making the revisions that were required as produced in the Health Committee by the Chair of the committee --

P.O. TONNA:

Do you care about striking the clause?

LEG. FOLEY:

-- Ginny Fields. Yes, I do.

P.O. TONNA:

No, no, no, I'm not asking you.

LEG. FOLEY:

Okay.

P.O. TONNA:

Do you guys care about striking the clause?

LEG. FOLEY:

It's a WHEREAS clause.

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MS. ROSENBERG:

I have my attorney here, but I think it's fine.

P.O. TONNA:

Okay. All right, that's all I want to do is talk to another attorney.

LEG. FOLEY:

So I do want to thank the department for the revisions.

MS. ROSENBERG:

I'll talk to my attorney, hold on one second.

P.O. TONNA:

Yeah, hold a second. Do we have -- you have your attorney right there? Do you care if we strike the fourth WHEREAS clause? While you're doing that, Ginny, you want to make some comments? Please, go right ahead, ask some questions. Charlie's there, Brenda's -- why don't you ask Charlie.

LEG. FIELDS:

Hi, Charlie.

Commissioner BARTHA:

Hello.

LEG. FIELDS:

For those who were not here this morning, we have gone through this Vector Control Plan, for those who were on the committee, ad nauseam. And we had some very valid concerns, a number of people had some very valid concerns and when all was said and done, we were correct in having those concerns.

We worked very hard, I worked very hard to try to get a revision on this plan and personally convened a meeting this past Friday and I'll repeat the people who came so that if you are going to vote on this bill you might feel a little bit better. We had the New York State DEC, the New York State Department of State, several people from Albany, the USGS, the US Fish and Wildlife Service, Fire Island National Seashore, Ducks Unlimited, Suffolk County Parks, Suffolk County Planning, Suffolk County Vector Control, Nassau County Vector Control, town of Oyster Bay, Town of Babylon; all of the major players were there. And we had a very constructive, very -- I was there, I facilitated the meeting and it was constructive, cooperative, positive and, in fact, it has led to another meeting hosted by the Department of Environmental Conservation.

I think at this point we were concerned that a lot of the regulatory agencies and interagencies were not communicating and there were some conflicts and there were some problems. I think at this particular point, after reviewing the revision, I am satisfied that we are -- we have gone -- we have flown into another error here where people are talking and cooperating and I look forward to the meeting on Thursday to see that any questions that DEC had are responded to by our department. Dominick Ninivaggi was at that meeting and I think he feels the same way and I would make a motion -- second the motion to approve this plan as revised.

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P.O. TONNA:

There's a motion to approve as amended with the struck out fourth RESOLVED clause.

LEG. GULDI:

Second.

P.O. TONNA:

Seconded by -- wait.

LEG. FOLEY:

It has to be agreed to by the sponsor of the bill, Mr. Chairman.

LEG. FISHER:
On the motion?

P.O. TONNA:
Just wait one second, I think the attorney is now reading it in triplicate.

LEG. FISHER:
Mr. Chairman, on the motion?

P.O. TONNA:
Yes, Legislator Fisher, I'm sorry; go ahead, you have the floor.

LEG. FISHER:
There was testimony this morning that environmental groups have concerns with the monitoring of the pesticides and their impact on the plant and animal life and human beings; Legislator Fields, has that been addressed? I'm assuming that was addressed in your committee.

LEG. FIELDS:
It was also addressed by Commissioner Bartha. One of the concerns I think that we had -- and again, I'm looking forward to ongoing meetings and the ability to talk and maybe alter some things in the future -- was that it would be monitored by our own and that's a conflict. And so I would propose in the future that there may be some means that it can be monitored but not by our own, it might be at DEC, I'm throwing this in the air but I don't know who would do it.

Commissioner BARTHA:
That's -- we would support something like that. DEC has done some monitoring in the past and, you know, they've been satisfied with it, but if there's an interest to increase it, we have no objection to that at all.

LEG. FISHER:
So you have been satisfied as Chair of that committee that there is monitoring and that it will be ongoing and then we will -- the monitoring will be done by a different entity so that it's not monitoring your own?

LEG. FIELDS:
One of the major discussions this past Friday with all of the agencies

failure and that they will be addressing this and trying very hard to do the monitoring.

LEG. FISHER:

I'd like to say that I've looked at this more carefully than I have, but there hasn't been enough time to look at it as carefully as one would want. That's not in the plan as we see it, is it?

LEG. FIELDS:

Was there a section I think that we had --

Commissioner BARTHA:

There is information about public education, but the monitoring is not part of this plan because this plan is basically what Vector Control will do and not what the State DEC or State Health Department will do.

LEG. FISHER:

But we will be getting something subsequent to this saying how monitoring will be done? Because I believe Adrienne Esposito, in her statement earlier, that was the -- a very salient point that was raised and a very important issue.

Commissioner BARTHA:

Well, it's not something that --

LEG. FISHER:

What kind of effect are these chemicals?

Commissioner BARTHA:

-- we're going to be able to address as a Public Works Department, and I know that there are -- there's staffing issues with respect to the Health Department doing it.

LEG. FIELDS:

Well, I think it's more another agency should be monitoring, not us, and that's where the conflict it.

LEG. FISHER:

Not anyone in the County, okay.

LEG. FIELDS:

It should be DEC or -- and that's something I think that I would welcome in the committee discussing with Adrienne, if they have some suggestions or, you know, to move that further.

LEG. FISHER:

Okay, thank you.

MS. ROSENBERG:

Legislator Tonna, we will take out the fourth --

P.O. TONNA:

Yeah, you're going to take out the fourth RESOLVED clause?

MS. ROSENBERG:
The WHEREAS clause.

P.O. TONNA:
WHEREAS.

MS. ROSENBERG:
Yes.

P.O. TONNA:
Okay.

LEG. FOLEY:
And also --

MR. SABATINO:
And also lead agency in the first RESOLVED.

P.O. TONNA:
Lead agency in the first RESOLVED?

MS. ROSENBERG:
We have a little bit of a problem with the lead agency.

LEG. FOLEY:
Being the lead agency under SEQRA. Okay, well, if we could have --

MS. ROSENBERG:
Dave Grier would like to explain.

LEG. FOLEY:
Yes, please.

MR. GRIER:
In this instance, since we've had a coordinated review of the proposal with DEC, DEC has indicated that they would like the County to do the review. And that they have concurred with our determination with regard to the SEQRA review and, therefore, we are the lead agency in this instance, the Legislature as a body. And as general proposition, the Legislature, under all SEQRA review, is the lead agency when we do our own reviews on all of our projects. So that's why it should continue to say being lead agency.

And as a general matter, resolutions that our office prepares in the SEQRA, we specifically state this Legislature being lead agency under SEQRA hereby determines, and go into the specific details of what that determination is.

LEG. FOLEY:

Through the Chair, aren't the determinations made by the Legislature pursuant to recommendations that are given to us by CEQ?

MR. GRIER:

CEQ is an advisory body.

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LEG. FOLEY:

Correct. And they have not advised us on this particular resolution; is that not correct?

MR. GRIER:

They have worked with DPW in putting this together.

LEG. FOLEY:

I understand that, but they have not officially recommended to this Legislature whether this is a Type I or Type II Action. So how can we make a determination if we have not received the recommendation from another portion of County government that is supposed to make recommendations to us before we make a determination?

MR. GRIER:

It was my understanding that CEQ, when they looked at the resolution, had during the committee indicated that their belief was that it was a Type I and that an EAF would need to be prepared, which is what we have done; in the resolution it indicates that we're constituting it a Type I Action and have prepared the EAF.

LEG. FOLEY:

All right. Again, not to be difficult, but it's important that we go through this because, once again, Mr. Chairman, if it's the Legislature that's being focused upon, we need to make sure that every I is dotted and every T is crossed. Have you received any documentation from the CEQ stating just that fact, that they're making a recommendation that this is a Type I Action?

MR. GRIER:

All we have -- Mr. Johnson can specifically indicate because he was at the CEQ meeting.

LEG. FOLEY:

All right. But again, we don't -- is that part -- is that -- being a good attorney that you are, David, is that documentation part of any of the paperwork that you gave us today?

MR. GRIER:

Not that I'm aware of. I don't recall that a specific portion of any of the minutes were made a part of the package.

LEG. FOLEY:

All right. But I can say -- and we're not splitting hairs, Mr. Chairman. Before we make -- and again, I don't even know whether this is law, but I'm just saying by practice, by tradition, before we make a determination in these matters, we first receive some official documentation from CEQ recommending that we take a certain action, and I don't have a copy of that here.

MS. ROSENBERG:

Legislator Foley, Legislator Fisher was part of that CEQ meeting as well.

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LEG. FOLEY:

Right. She may have been but again, we need to have a copy of the documentation.

MS. ROSENBERG:

This is not precedent, we have voted on CEQ matters without them going back to CEQ; after they've made their recommendation and we've complied, the Legislature has voted on them.

LEG. FOLEY:

We have made recommendations without --

MS. ROSENBERG:

Yes.

LEG. FOLEY:

We have made determinations without recommendations?

MS. ROSENBERG:

Without going back, yes.

P.O. TONNA:

Brian, could I just interrupt one second? You just gave us the EAF, right?

MS. ROSENBERG:

Yes.

P.O. TONNA:

Look at the signatures on the EAF, do you look at that?

MS. ROSENBERG:

I don't have it on me.

P.O. TONNA:

Just look on page 17. We're talking about, you know -- it says, "Signature of responsible officer in lead agency," and it says Dominick Ninivaggi, "Print or type name of responsible officer in lead agency." Unless Dominick has been transferred over to the Legislature, I would say that there seems to be -- and Dominick, I wouldn't wish that upon anybody. All I can say is that on one hand you have in the RESOLVED clause, you know, we want the Legislature to be the lead agency and then you have your document signed.

What I would suggest is this. I would say on the fourth RESOLVED clause where it says that, "This Legislature being the lead agency under SEQRA" --

LEG. FOLEY:

It's the first RESOLVED clause.

P.O. TONNA:

Okay, first RESOLVED clause, I apologize.

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LEG. FOLEY:

So we're striking out the fourth WHEREAS.

P.O. TONNA:

Strike out "being the lead agency under SEQRA."

LEG. BISHOP:

This is absolutely --

P.O. TONNA:

Well, I didn't start this.

LEG. D'ANDRE:

Let's move on.

LEG. FOLEY:

No. Mr. Chairman, this is important, this is important. Because I can tell you three or four months from now someone coming back to us and

saying --

P.O. TONNA:

Dave, I didn't call you at three o'clock and say come. I told you I

would call you when we started voting, okay. This is your own punishment. All right, anyway, you see what I'm talking about?

MR. GRIER:

Yeah.

P.O. TONNA:

Right. Okay, that's why I know lawyers read these things three times over.

MR. GRIER:

I see what you're talking about. Really, that's more intended for the specific department who creates the document which then goes through the process, ultimately this body --

P.O. TONNA:

Right.

MR. GRIER:

-- makes the ultimate determination.

P.O. TONNA:

We just don't need -- I don't think we need that just three words, being the lead agency under SEQRA.

LEG. FOLEY:

Well, change it to Suffolk County, change it to what you have here which is Suffolk County. You say name of lead agency --

P.O. TONNA:

This is much to do about nothing.

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LEG. FOLEY:

No, it's not. This is an important --

P.O. TONNA:

No, no, not with you, Brian.

LEG. FOLEY:

This is an important point.

P.O. TONNA:

I'm saying give it up; hey, give it up.

LEG. FOLEY:

Page 17 you say Suffolk County is the lead agency.

MS. ROSENBERG:

Okay; splitting hairs, okay.

P.O. TONNA:

All right, you happy with that, we're all set? Can we vote on this now?

LEG. FOLEY:

Well, no, they need to repeat to us if they understand what we've been asking.

MS. ROSENBERG:

Brian, we understand what you're saying.

P.O. TONNA:

Brian, you want a teaching career after this, Brian? Come on.

LEG. FOLEY:

After what we've gone through with the Coram Health lease, I'm not going to go through that again. So I want this to be chapter and verse as to what changes are going to be made here.

MS. ROSENBERG:

We're going to take out the fourth --

LEG. FOLEY:

I'm sorry, Brenda.

P.O. TONNA:

The first RESOLVED clause.

LEG. FOLEY:

Brenda, if you could speak closely into the mike, I can't hear you.

MS. ROSENBERG:

We will take out the fourth WHEREAS clause and we will change the RESOLVED that the Legislature is the lead agency.

LEG. FOLEY:
And how are you going to change it?

MS. ROSENBERG:
I'm going to say that Legislator Foley is the lead agency; no, I'm joking.

LEG. FOLEY:
You really don't want that, you really don't want that

LEG. HALEY:
So moved.

LEG. CRECCA:
Second.

MS. ROSENBERG:
Do I get to vote?

LEG. FOLEY:
That will be truly be pandora's box opening so you really don't want to do that. Albany; well, he left a little bit right here, too.

MS. ROSENBERG:
Suffolk County is the lead agency.

LEG. FOLEY:
Thank you.

P.O. TONNA:
There we go, all right.

LEG. FOLEY:
Thank you.

LEG. HALEY:
Motion.

P.O. TONNA:
Okay, there is already a motion and a second; am I correct, Henry?

MR. BARTON:
Yes, sir

P.O. TONNA:
There is a motion and a second. All in favor? Opposed? Approved.
So done.

LEG. BISHOP:
On the bill?

P.O. TONNA:
On the bill, yeah.

LEG. BISHOP:

I'm opposed.

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P.O. TONNA:
Okay, Dave's opposed.

LEG. BINDER:
Somebody had to be.

P.O. TONNA:
Thanks, Dave.

LEG. FOLEY:
Thank you, Mr. Chairman.

P.O. TONNA:
All right. Next CN, 2319 -- so much for an hour worth of voting.

MR. BARTON:
15, one in opposition, one not present, one vacancy (Not Present:
Legislator Towle).

P.O. TONNA:
2319. Is there a motion?

LEG. CARPENTER:
No.

LEG. GULDI:
What is it?

P.O. TONNA:
Jacob's Farm, Guldi.

LEG. CARACCILO:
Motion by Legislator Guldi, second by myself.

P.O. TONNA:
Okay. All in favor? Opposed?

LEG. GULDI:
We have to do a roll call on the bond.

P.O. TONNA:
Okay, roll call on the bond.

LEG. ALDEN:

Hold it just one second. On the motion?

LEG. GULDI:
Yeah?

LEG. ALDEN:
The bond was already appropriated.

LEG. GULDI:
Do we have a separate bond on this, Brenda?

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MS. ROSENBERG:
We had a separate bond because the bond --

LEG. GULDI:
Yeah, there's a separate bond vote on this.

MS. ROSENBERG:
The bond was amended to 4.5 million.

LEG. GULDI:
Right, but we have to do a separate vote on the bond, yes?

MS. ROSENBERG:
Yes, you do.

LEG. ALDEN:
No. Counsel, why do we have to do that? Because this is part of the Capital Program. This is not an add, right, or is this an add?

MR. SABATINO:
No, this was done with an offset, okay. So the offset -- we're in compliance with the Cap Law from 1989, but now you need to appropriate the proceeds of the Capital Budget and Program which totals \$4.5 million.

LEG. GULDI:
And to do that we need a bond and a roll call vote, correct?

MR. SABATINO:
Absolutely, you need a bond, roll call vote. But we're not breaking the cap, we did the offset. This resolution is compliance with the law but we need to appropriate the bond proceeds.

LEG. GULDI:

Yeah. And the reason it's by CN instead of the version that came out of committee is we made some minor revisions to avoid technical corrections, those were to bring the amount down from five to \$4.5 million. We have done one correction but we missed it in another clause in the bill and we picked both of those up. And Brenda, refresh my memory as to what the second change was?

MS. ROSENBERG:

The second change was just language in the first RESOLVED clause in the fourth sentence. It just --

MR. SABATINO:

It was a citation, a citation on the Land Preservation Partnership Program.

LEG. GULDI:

Right.

LEG. CARACAPPA:

Mr. Chairman? Madam Chair?

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P.O. TONNA:

Okay. Yes, Legislator Caracappa.

LEG. CARACAPPA:

Just to triple check with the sponsor, the original bill had changing Charter Law.

LEG. GULDI:

Right.

LEG. CARACAPPA:

Just for the record, could you just state so I know once more and the record knows that the bill as it stands now does not have that component where we're not changing any Charter Law that has to do with Capital funding.

LEG. GULDI:

All right, let me sum up briefly. This bill -- instead of the prior versions, this still buys 180 acres of land, we are putting up about 30% of the total purchase price in a 50/50 partnership with East Hampton where the owner is donating as a gift 3.2 or \$3.3 million of the value for the tax benefits. Instead of an add to the budget or a Charter Law amendment as was proposed in September and October of last year, there -- this is from the Capital Budget with our allocated

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budget with some offsets of projects from Legislator Fisher's district for work that is not going to occur in this year anyway but is going to be deferred to future years leaving the necessary planning money there for completing planning purposes this year. We will have to address those in future years as we'll have to address future Capital Budget needs everywhere.

LEG. FISHER:

But with a certainty that those projects will be able to go on next year because there is a great deal of State grant money available.

LEG. GULDI:

Correct. Yeah, those are largely aided projects so they will be easy to fund.

LEG. CARACAPPA:

Thank you.

LEG. GULDI:

Any other questions?

P.O. TONNA:

Well, how much is East Hampton kicking in for this?

LEG. GULDI:

Actually 4.5 -- if I may. East Hampton is contributing \$4.5 million. But in addition to that, the supervisor, and one of the reasons for the change, agreed that East Hampton will pick up the soft costs including title insurance, appraisal fees, survey fees, environmental assessment fees and the like. So East Hampton is over the 50% and the owner is putting up 3.2, we're getting -- essentially we're buying land for 30 cents on the dollar, not something we get to do very

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often.

P.O. TONNA:

Okay. Always sounds good when you say it, George, but I always --

LEG. GULDI:

And it always makes you suspicious.

P.O. TONNA:

Yes.

LEG. GULDI:

This one, though, you can check with the County Executive.

P.O. TONNA:
It's not Shagmore?

LEG. HALEY:
No, you're ahead.

P.O. TONNA:
Okay.

LEG. GULDI:
Don't trust me, trust them.

P.O. TONNA:
All right. Dave, do you have anything to add about this, east versus west, the whole thing?

LEG. CARACCIOLO:
He's got a resolution coming up next.

LEG. BISHOP:
It was approved by the committee from hell.

LEG. GULDI:
His is right behind this.

P.O. TONNA:
Okay. All in favor? Oh, no, roll call on the bond.

(*Roll Called by Mr. Barton*)

LEG. CARACCIOLO:
Yes

LEG. GULDI:
Yes.

LEG. TOWLE: (Not Present)

LEG. CARACAPPA:
Yes.

LEG. FISHER:
Yes.

LEG. HALEY:

Yes.

LEG. FOLEY:

Yes.

LEG. FIELDS:

Yes.

LEG. ALDEN:

Yes.

LEG. CARPENTER:

Yes.

LEG. CRECCA:

Yes.

LEG. D'ANDRE:

Yes.

LEG. BISHOP:

Yes.

LEG. BINDER:

Yes.

LEG. COOPER:

Yes.

LEG. POSTAL:

Yes.

P.O. TONNA:

Yeah.

MR. BARTON:

16, one not present (Not Present: Legislator Towle).

P.O. TONNA:

Okay, and that was done without Dick Amper. All right, great.

[RETURN OF LUCIA BRAATEN-COURT STENOGRAPHER]

Resolution CN Number 1030, authorizing land acquisition under the water quality protection component of the Quarter Percent Drinking Protection Program of Oak Beach Inn property in the Town of Babylon. Now, I just read that one for you to understand why I don't read these things; okay? It moves a lot quicker. Okay. Motion by Legislator --

LEG. CARACCIOLO:

On the motion.

LEG. HALEY:
On the motion.

P.O. TONNA:
Wait, wait, wait, wait. There's a motion by Legislator Bishop,
seconded by Legislator Postal. On the motion.

LEG. HALEY:
On the motion.

P.O. TONNA:
Legislator --

LEG. CARACCIOLO:
How many acres, and what's the --

P.O. TONNA:
Wait, wait, wait, wait. Legislator Caracciolo.

LEG. CARACCIOLO:
How many acres involved, and what is the estimated cost?

P.O. TONNA:
You guys.

LEG. BISHOP:
Mike.

P.O. TONNA:
I'm telling you right now.

LEG. CARACCIOLO:
No, no. We --

P.O. TONNA:
You scrutinize the West End purchases.

LEG. CARACCIOLO:
We have to be consistent around the horseshoe.

P.O. TONNA:
You guys have no right to talk.

LEG. BISHOP:
Absolutely. First off, this is the quarter cent money, which is a
dedicated fund. It's the residuary fund. It's Babylon exclusive
money in there. So the fact that all Legislators who represent
portions of the Town of Babylon have signed onto this bill should be
instructive.

As for the particular purchase, it's approximately eight acres. The cost is undetermined at this time, and we wouldn't want to engage in a public negotiation, as you've pointed out in many different times in this Legislature. But you should know that there is a proposal for high-rise condominiums on this site, which would be the first time in Suffolk County that we --

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LEG. CARACCIOLO:

Dave, I support the resolution, I just wanted some essential information.

LEG. BISHOP:

Thank you.

P.O. TONNA:

Okay. Legislator Caracappa.

LEG. HALEY:

Thanks.

P.O. TONNA:

And then Haley.

LEG. CARACAPPA:

Now, the sponsor or to Counsel, this is a straight out acquisition? We're foregoing the planning steps?

LEG. BISHOP:

No. This is dedicating the quarter cent fund that's for Babylon to this purchase.

LEG. CARACAPPA:

Okay, I got that. And this is that -- this is the --

LEG. BISHOP:

12B5. It's a 12 --

LEG. CARACAPPA:

The OBI/Cassada --

LEG. BISHOP:

Cassada.

LEG. CARACAPPA:

Okay. Thank you.

P.O. TONNA:

Can I ask you, that I -- that I actually frequent that, you know, after lifeguard hours, does that create a conflict of interest? No, I'm joking. All right. Legislator Haley.

LEG. HALEY:

Two questions. Dave, we already have the cash available for that then in that residuary?

LEG. BISHOP:

We have approximately \$3 million in that residuary.

LEG. HALEY:

Uh-oh. Okay. And, secondly, could we have the closing party there?

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P.O. TONNA:

Yeah, right, that would be good.

LEG. BISHOP:

I don't know if it's --

LEG. HALEY:

I didn't hear a response. Yeah, I just got a yes. Okay.

LEG. FOLEY:

Mr. Chairman. Mr. Chairman.

P.O. TONNA:

Yes.

LEG. FOLEY:

Along the same vein --

LEG. BISHOP:

Now Brian was never there.

LEG. FOLEY:

Maybe -- never. Maybe what we can do, also, is have a new bumper strip made up, "Save the OBI Land." Okay? So that could be the new bumper strip to take the place of the old "Save the OBI." So we want to save the OBI land, so there you go.

P.O. TONNA:

Well, all I can say is, as a Jones Beach lifeguard working out at Robert Moses for over 24 years, the owner of the OBI was the best

friend to Jones Beach lifeguards. And if you're around, or wherever you are, I mean, you've been great. Thank you very much.

LEG. FIELDS:
Right there.

P.O. TONNA:
You were great in the strikes that we had and everything. You were the guy who showed us the most care and concern. So best of luck wherever you go, and I know you're going to go off of New York, but -- Key West, that's as far away as New York you can get. Okay, thank you.

LEG. D'ANDRE:
Move the question.

P.O. TONNA:
All right. All in favor? Opposed? All right, done.

LEG. GULDI:
Mr. Presiding Officer.

P.O. TONNA:
Yes.

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LEG. GULDI:
With respect to the 2319 --

MR. BARTON:
16.

LEG. GULDI:
-- the Vector Control bill, the Clerk's informed me that he counted me as a yes vote, I wanted to be recorded as a no vote on that approval. It doesn't change the result. So I'd make a motion to reconsider, so my vote could be cast as a no.

LEG. HALEY:
Second.

P.O. TONNA:
Fine. All in -- okay. All in favor? Opposed? That's fine. Now we have it in front of us again; am I right?

MR. BARTON:

Yes.

P.O. TONNA:

Okay. You know, whatever we had minus -- same motion, same second, same vote, except for Guldi, right?

LEG. GULDI:

Right.

MR. BARTON:

And Legislator Towle is back in the room.

P.O. TONNA:

Okay.

MR. BARTON:

So it's still 15.

P.O. TONNA:

Great. Thank you.

LEG. FISHER:

Count me, I'm a no on that, too.

P.O. TONNA:

Okay. Number 1033, classification --

LEG. HALEY:

Motion.

P.O. TONNA:

-- for salary plan for the County Clerk's Office.

LEG. HALEY:

Motion.

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P.O. TONNA:

Motion by Legislator Haley.

LEG. TOWLE:

Second.

P.O. TONNA:

Oh, wait. There's a second by Legislator Towle. On the motion, Legislator Postal.

D.P.O. POSTAL:

Yeah. I just had a question as to why this is a Certificate of Necessity.

LEG. HALEY:

I can help answer that. You want to --

D.P.O. POSTAL:

Go ahead.

MR. SABATINO:

The people who are off the payroll, this will allow them to be hired.

LEG. HALEY:

What happens is that all their part-timers that they've been using for years work 35 hours a week for 19 weeks, and then they get laid off for two. This is to keep them up to date with all of the transactions they have to do based on State requirements, so on and so forth. Civil Service has determined that they can't work 35 hours anymore, the maximum they could work is 17 1/2. So what's happened is all the 35 hour people have effectively left the job and now they're way behind, they need to hire 17 1/2 hour people, which they don't really have enough, to get going with their normal business. This doesn't involve -- this is purely payroll. There's no health benefits, there's no accruals or anything like this. This is really to get them back up to speed, because they lost that status, and they're really behind.

P.O. TONNA:

Okay. Thank you.

LEG. FOLEY:

Mr. Chairman.

P.O. TONNA:

Yes.

LEG. FOLEY:

Is there a reason that they use a temp force as opposed to hiring more full-time unionized labor? Why is there a need for temp in the Clerk's Office?

LEG. HALEY:

It says it in -- may I answer that?

P.O. TONNA:
Yes.

LEG. HALEY:
It talks about the "whereas" clause, where they need it during -- to supplement during peak seasons.

LEG. FOLEY:
Okay.

LEG. HALEY:
It's the primary purpose. Otherwise, if they hired full-timers, then, you know, in the off-season, they'd have people that really don't have any work to do. This has been a long consistent policy. It's unfortunate that Civil Service has decided they could only work 17 1/2 hours now. So, at 17 1/2 hours, they have to get caught back up, they're way behind.

P.O. TONNA:
Okay. Are we ready to vote? All in favor? Opposed? Done.

MR. BARTON:
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P.O. TONNA:
All right. Let's go to CN Number --

LEG. FISHER:
1065.

P.O. TONNA:
Okay. CN Number 1065. Motion by Legislator Carpenter, seconded by myself.

LEG. FISHER:
On the motion.

P.O. TONNA:
On the motion, Legislator Fisher.

LEG. FISHER:
Mr. Chairman, I've asked both you and the prime --

LEG. FOLEY:
Can't hear you. Vivian, can't hear you.

LEG. FISHER:
I've asked both you and Legislator Carpenter to amend in the second "resolved" the fourth bullet. Rather than a school superintendent, I've asked that you make that category a school administrator. My reason for that is that I believe that the person represented on this Task Force should be someone who has hands-on experience with the program, who is in a building where the program has been offered. So I hope that you could make that change.

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P.O. TONNA:

Well, what I'd like to do is, if you don't mind, how about a superintendent/administrator and that we can -- it opens us up to whoever.

LEG. HALEY:

Well, a superintendent is really considered --

LEG. CARPENTER:

A superintendent -- right. If I could.

LEG. FISHER:

An administrator includes a superintendent.

P.O. TONNA:

Okay. So an administrator is a --

LEG. HALEY:

Nonunion person.

P.O. TONNA:

No, no. A superintendent is a subset of an administrator?

LEG. FISHER:

Yes, yes.

P.O. TONNA:

Yeah.

LEG. FISHER:

A superintendent is a subset of an administrator.

P.O. TONNA:

Fine. If that's okay. And I remember my fourth grade education with sets and subsets. So let's amend that; okay? Is that okay? No, I have not helped my kids with homework, but they're preschool. My kid in college, you know, he already knows everything, he's a sophomore in college, of course. Okay. So let's -- do I need anybody from the County Executive's Office to throw -- you know, to do that? No? We can do that on our own?

MS. ROSENBERG:

Yes.

LEG. CARPENTER:

Yes, just as we --

P.O. TONNA:
Okay.

LEG. CARPENTER:
Right. Just as we --

P.O. TONNA:
Do we have anything else that we want to amend?

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MS. ROSENBERG:
This is your resolution.

LEG. BISHOP:
Yes, I'd like to --

P.O. TONNA:
You would like the floor.

LEG. BISHOP:
Yeah, if I may.

P.O. TONNA:
Legislator Bishop, go right ahead.

LEG. BISHOP:
This is the Carpenter bill?

P.O. TONNA:
Yes.

LEG. BISHOP:
1065, which I'm a cosponsor? Obviously, for many of us, the critical issue in the DARE situation is whether the program works or not and this bill seeks to address that. But I was wondering if a majority of my colleagues agree that perhaps we should make a larger commitment to this -- to this evaluation process than a mere \$2,000. This is a -- obviously, a critical question, one that, you know, we could use our 360 Account -- that's right, 360?

MR. POLLERT:
456.

LEG. BISHOP:
456. I don't know where I got 360 from. I'm ill. The 456 account and do -- provide this committee with the support that they need in order

to do a first rate evaluation, one that the rest of the country would look to, not just us locally. Does anybody agree with that?

LEG. FOLEY:

I think you're going to hear from Legislator Binder about it.

LEG. BISHOP:

He's not on the bill. Legislator Carpenter, Legislator Crecca, somebody.

P.O. TONNA:

Legislator Carpenter, do you want to address the --

LEG. TOWLE:

Mr. Chairman.

LEG. CARPENTER:

Well, I -- in the time frame that we've laid out here, I would think that the Task Force, as comprised, could meet, and if they feel that they're not able to gather enough information and, in fact, this is

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something that we need to do, we certainly could go down that route.

LEG. BISHOP:

Yeah. I'm more interested in the accuracy and thoroughness of the evaluation than I am in the speed, obviously, and especially since I think part of this resolution has a moratorium on terminating the program.

P.O. TONNA:

Sixty days.

LEG. CARPENTER:

No. Ninety days to come back with a report, but the Task Force, as it's comprised, would cease to exist at the end of the year.

LEG. BISHOP:

Right. But could the program be terminated until the Task Force reports?

LEG. CARPENTER:

No. There's a "whereas" clause that has stated that the Commissioner has publicly committed that there will be no changes to the existing DARE Program through July 1st of 2001.

LEG. BISHOP:

Right.

LEG. CARPENTER:
And the time frame --

LEG. BISHOP:
And since your 90 days --

LEG. CARPENTER:
-- of the Task Force is before -- you know, before that date, the 90 days.

LEG. BISHOP:
I think it's a good resolution, but I would ask for two changes, and, hopefully, a majority of my colleagues agree. One would be that written into the resolution is a resolved clause, which says that until the final report is written on whether the program works or does not work, that the Commissioner cannot abolish the program. That would in essence freeze things in their current situation. I think that's fair, considering that the Commissioner has stated that he doesn't believe it works, and we're saying, "Well, let's take a look at it and see if that's true or not."

The second thing is what I said earlier, I think that we should provide this Task Force with the resources to hire professionals to engage students who have been through the program to find out whether the program makes a meaningful difference in their attitudes towards drugs and towards the police.

P.O. TONNA:
I have not much -- I don't have a problem with the second thing,

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because we're asking for more scientific analysis, and that's no problem. My problem, though, with your first request, which is to tell the Commissioner that he can't do something when the Commissioner has already said he's not going to do, and it would be kind of silly and I think open up -- you know, I don't see the Commissioner being on a Task Force and terminating the program while he's on a Task Force studying DARE. The problem I have is dictating to the Commissioner policy that is generally under the purview of the Commissioner. And so I can see, and one of my big arguments with why legislation would be in to force the Commissioner to act in a certain way, you know, we can say here today it's the DARE Program, tomorrow it could be sector cars.

LEG. CARPENTER:
If I could.

P.O. TONNA:

Or, you know, something like that. And that's my concern, that when all of a sudden Legislators start to run the Police Department, especially, you know, when the general theme was to cut money out of the police budget, and, at the same time, to say, one, we're going to cut police funding to make them live within a budget, and then, two, at the same time, we're going to tell them how they can spend it or how they can't. What's the difference between suspending the DARE Program, forcing the Commissioner to suspend the DARE Program and forcing the Commissioner to put on or take off sector cars? And then I can just envision that, you know, the more powerful Legislators, or those who can get -- you know, all of a sudden, there'll be more sector cars in one person's district as opposed to another person's district. And the argument can ad infinitum. That's why we -- that's why the Legislature has not -- has not basically set that precedent to go in.

LEG. BISHOP:

Well, let me ask --

P.O. TONNA:

We do it through the budget process.

LEG. BISHOP:

Is it legal? You're raising an argument. Is it legal?

P.O. TONNA:

I don't know if it's legal or not, you know.

LEG. BISHOP:

Well, can we get an opinion from Counsel.

P.O. TONNA:

You know, is it legal to dictate to the Commissioner of Police exactly what they should be doing?

MR. SABATINO:

It would be legal. We've done it in the past. It's a question of judgment.

LEG. BISHOP:

When have we done it in the past?

P.O. TONNA:

Yeah, what have we done in the past?

MR. SABATINO:
The STARE Program is a good example. The STARE Program.

LEG. BISHOP:
D'Andre did it.

MR. SABATINO:
We did it --

LEG. BINDER:
Middle school DARE.

MR. SABATINO:
We did it back in '96 with regard to the Highway Patrol, then, you know, you rescinded that, but you initially put it in for the Highway Patrol. You did it a couple of years ago for the satellite -- the satellite police stations or police officer in a couple of communities. I mean, it's been done, but it's a question -- it's not a legal issue, it's a -- it's an issue of judgment.

LEG. CARPENTER:
Mr. Chairman.

P.O. TONNA:
Yes.

LEG. CARPENTER:
If I could on the issue of --

P.O. TONNA:
Well, just I have an order. Fred, Allan Binder, and then, I'm sorry, Legislator Carpenter. Legislator Towle.

LEG. TOWLE:
Mr. Chairman, just a couple of things. I would -- with all due respect to you, I would beg to differ. I think the Commissioner's responsibility is to implement the policies that we set. And, clearly, whether or not we have a DARE Program or not is a policy issue, as he's even admitted as well by the fact that he's willing not to abolish DARE without the Legislature giving him some direction. Sector cars are obviously his responsibility. You know, we could talk about the DWI Program or about a lot of the other initiatives that this Legislature has directed the Police Department and other departments to sign on to, obviously with the support of the County Executive.

The thing that bothers me, as I had mentioned to Legislator Carpenter this morning, first of all, I have a problem with the Police Commissioner being on the Task Force. He should serve as an advisor and an information resource. He's already stated an opinion that he

doesn't support the program and he wants to take the program out of the Police Department. To put that person in charge of the committee, with all due respect to Police Commissioner Gallagher, I just think sends the wrong message. He continues to send the wrong message about this program. Instead of doing a study first, to come to us and say, "You know, I've studied DARE and it's not working, and, therefore, I'd like to make an administrative decision to take the thirty-three or thirty-eight DARE officers and assign them to other responsibilities," instead of doing that, somehow it leaked out that we were going to abolish DARE. We all got flooded with letters and E-mails and phone calls, so did the County Executive, and now, all of a sudden, the Police Commissioner was saying, "Well, let's take a look at it. I don't have to do it without the Legislature." So that, you know, we come out looking like the bad guys. You know, clearly, I don't think that person should be chairing the committee. The other -- or be a member of the actual voting committee itself. I think that person should be an advisor and a person providing information.

The other two people that are on the committee, a representative from the Suffolk County District PTA, I think that's great. But with all due respect to you, I think that person should be picked by the Suffolk County PTA, not by you, Mr. Presiding Officer. The other person is a superintendent of schools that also would be picked by you, which I think that person should be picked maybe by the Suffolk County Superintendent's Association. So that whoever's being picked for this committee is not any of our personal picks, and they'll look at this in a nonbiased way and give us an honest result and an honest, you know, taking of what they believe this program is, good or bad.

The other thing that I think is lacking is, clearly, this program without question is involved with students and parents. We have nobody from a parent/teacher organization and we have -- yeah, well --

P.O. TONNA:
PTA.

LEG. TOWLE:
Well, I mean, that could not necessarily be. It could be an officer of the PTA, it may not be an actual parent that's involved.

P.O. TONNA:
They can represent a parent/teacher organization. That the --

LEG. TOWLE:
The other thing, as I said, there's no students on there and -- you know, and that I think, since this program affects students, I think it's important to have their perspective as well, because those are the people that are being affected more so than anybody else by this program.

P.O. TONNA:
Okay. Thank you, Fred. Legislator Binder.

LEG. BINDER:

Yeah. First question is why is this a Certificate of Necessity? Why would you give a Certificate of Necessity? How does the County

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Executive see that we need to do this tonight?

MS. ROSENBERG:

The sponsor could --

P.O. TONNA:

Well, I'll take -- you know, this --

MS. ROSENBERG:

-- speak to the urgency.

P.O. TONNA:

I'll speak to it. I'll speak to it.

LEG. BINDER:

I just want to know. We asked for it --

P.O. TONNA:

The sponsor of the resolution has asked me, and, you know -- and I said that because it's a timely issue and because there's so many things, if we're going to get -- if we're going to get moving with this with regard to having a situation where we come to some resolve, instead of just saying the program has to exist in its current form and we want to have a positive augmentation of the program, let's move ahead. The Chairman of the Public Safety Committee, who is the sponsor, who I would always go to the chairperson of that committee to make sure that, you know, a CN is -- I shouldn't say always, but generally speaking, I would go to the chairperson of that committee to ask -- to ask them, and she was the sponsor of the committee, so that's why I felt that this was a good enough idea, and I was the one who petitioned the County Executive.

LEG. BINDER:

Okay. So --

LEG. CARPENTER:

If I could also respond --

LEG. BINDER:

Sure.

LEG. CARPENTER:

-- as the sponsor. There's been a lot of misinformation out there that
--

P.O. TONNA:
Tons.

LEG. CARPENTER:
Tons. That there's been a predetermined outcome, the committee is stacked. First of all, the appointment -- and when I asked Counsel to draft the resolution as the Chairman of the Public Safety, I felt it was important to have someone on the Task Force who was expert in curriculum. I don't know who that person is going to be. So these accusations of predetermination and an outcome, that's so bogus. The same with the appointments that the Presiding Officer has. I just

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felt that it was such an important issue with the Commissioner making a commitment at the committee that there would be no changes in the DARE Program, at least through this school year, that we give ourselves as much time as possible, so that we can research and make sure we put the best people possible on the Task Force, and that it is not a predetermined conclusion, that we really have an objective assessment of the program that is out there, the needs for the kids across this County, and move forward in a judicious manner to come up with the right thing.

To Legislator Bishop's suggestion of putting some real money in there, the Presiding Officer has indicated that he would be supportive of that. So if on the record we can change this right now to add --

P.O. TONNA:
Is Dave -- does that satisfy your -- we'll have to fund it, we'll have to fund it out of the 456 account, which is not my favorite account to fund things out of, as a number of Legislators have found when they've spoken to me privately. But I would have no problem doing --

LEG. CARPENTER:
Because this is children.

P.O. TONNA:
I would have no problem doing that.

LEG. BISHOP:
This is why we have the 456 account.

P.O. TONNA:
Well, this -- right. Not for a Task Force, but for actual studies assigned to be done --

LEG. BISHOP:
And that's what I was going to say.

LEG. CARPENTER:
Right, exactly.

P.O. TONNA:
That is county-wide, absolutely.

LEG. BISHOP:
Mr. Chairman, we had the DARE --

LEG. CARPENTER:
So I would like to amend it, then, to include \$25,000 to do this.

LEG. BISHOP:
Yeah. And I --

LEG. HALEY:
Whoa, whoa, whoa.

LEG. BISHOP:
I don't know what kind of scientific study you're going to get for

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25,000 --

LEG. BINDER:
Mr. Chairman, can I --

LEG. BISHOP:
Mr. Chairman, may I finish my thought?

LEG. BINDER:
Can I just --

P.O. TONNA:
Just wait. Just wait one second.

LEG. BINDER:
Maybe I can take back my time and we can get to the \$25,000 question later. But let me take back my time for a question.

LEG. BISHOP:
Is it your time?

LEG. BINDER:

Yeah.

P.O. TONNA:

Yeah, actually, Legislator Binder has the floor.

LEG. BINDER:

I've actually --

P.O. TONNA:

Legislator Carpenter answered a question.

LEG. BINDER:

I've actually allowed answers to questions that went way beyond. My question was only why a CN.

P.O. TONNA:

All right.

LEG. BINDER:

Another question to Counsel, Counsel in the second to last "resolved", it says that the report has to be no later than 90 days subsequent to the effective date of the resolution, the effective date being what date?

MR. SABATINO:

Well, the resolution now would be the day the County Executive signs the bill, or if he doesn't sign it, the day the veto's overridden.

LEG. BINDER:

Okay.

MR. SABATINO:

Or, if he doesn't do either, the 15th day after its adoption.

LEG. BINDER:

Okay. All right. So now we've been told that we should get moving with this very quickly, that's why we should do it tonight. Now, I don't know what the difference is, because no matter what, we've got to have a Task Force report 90 days from the effective date, meaning from the date that it's signed, let's say, and will be signed by the County Executive, 90 days from that date. In any event, we have 90 days. So if we do it in two weeks, it's 90 days from two weeks, or 90 days from three weeks. It was said that we want as much time to look for good people. You don't have much time to look for good people, because if it takes three weeks to find these good people and get them to meet, you've now taken three weeks out of the 90 days, and then

what's left is maybe -- what are we talking? Ninety days is 12 weeks, so 12. We're talking nine weeks now to do what the front says by the where -- the new "whereas", a full -- fully evaluate, because now we're going -- because it has not been fully evaluated. I assume that the idea of this is to fully evaluate. So now in nine weeks, we're going to fully evaluate this program that we've had for over a decade.

I don't know why we have to do it tonight. I still haven't heard a good reason why this is a necessity, why we would, as some Legislators have used the word, thwart the committee process, not put this into committee and have a discussion at committee, have an opportunity for people, parents, teachers, students, others to comment on this bill. I understand it will be said that in this bill, it provides for an opportunity to have public hearings, so people can speak. Well, you can go to the MTA board and ask them not to raise the rates. You know the effect of going to the MTA Board, they listen, they smile, they nod, and that's done. But the fact is that I'm not even talking about people coming to talk about the general DARE Program, how about the public being able to comment on this legislation? No one knew this was coming tonight, no one knew this would be before us. Now, as we're sitting here, there's a \$25,000 question. Legislator Bishop, we should change other pieces of the bill, and we can go around. Everyone's looking. We're becoming a committee of the whole and we're acting in committee without discussion from people in the public coming before us. We're discussing how we're going to change this bill on the floor tonight and we're going to play with -- this is what committee's for. This is where you're supposed to do that kind of work, and then report back to the committee of the whole, the Legislature, to work on it. Instead, I think it's pretty apparent why we're doing this as a CN, because we don't want people to come to a committee meeting, we don't want discussion on this legislation, we just want to push this through quickly and get this done, because when you want cover, you want to get it on quick. So that's what we're going to do.

All right. Let's go through. So the first "whereas", in three different submitted versions consistently said, until tonight's version, because this is new, we want to make sure it doesn't sound offensive, it had said that the DARE Program, and it explains how many officers and people, has not proven effective. Sounds like a conclusion to me. But tonight we say has not been fully evaluated. So we change it for tonight, so people can stomach the language a little bit more. But consistently, in a number of submitted

versions -- why do I say that? Because the number of people that have -- has changed, so I've seen a couple of times that it's been

submitted to the Clerk, so we've had different filings. It's always said that it has not proven effective. Okay. I think the original intent was, has not proven effective, but for passage, we need to soften the language.

We go through the other language and we changed another -- another part here. In the one, two, three, fourth "whereas" clause, it says that the DARE Program, thereby causing redundancies between the SAVE legislation. Well, we have to lighten that load, too. That's a little heavy to say that it caused redundancies, because it's conclusory again. We don't want to conclude something that we're supposed to be studying, so we back off a little and say that it may be duplicative. Okay? But we know what we wanted to say, because that was in the earlier versions. That's why it was written that way.

Then you go down to the first resolved clause, and the first resolved clause has redundancies three times, the word "redundancies". By the way, that wasn't changed. The word "redundancies" is a -- kind of a code word or buzz word first used by the Commissioner, who, by the way, of course supports doing this, and he's already come out and said that he wants to what he calls change the DARE Program, but he wants to rid us of the DARE Program and change it and do it his way, he used the word first, "redundancies". That's the code word, because if you use the code word, you say it's a redundant program. It was in the original version I read and the subsequent version I'm reading, it was here six times. Now it's here five. A little easier.

We go through the resolved, and what is the committee or Task Force supposed to do in, well, it was 90 days, now it's three weeks less. So instead of 12 weeks, now in nine, weeks what they're supposed to do is a list of things that is pretty staggering that they're going to do in nine weeks. And, by the way, it might be eight or seven weeks, depending how long it takes really for them to get organized.

They're going to study Salt Lake City, Utah, I think pretty much a Mormon state, who dropped this program. So we're going to a -- we're going to have an equivalency between -- we're going to have an equivalency between Salt Lake City and Suffolk County, and we should make sure we look at someone who dropped the program. I don't see anybody in here that continues to have the program, strongly supports the program, and we should study and look at why they continue to have that program, just one that dropped it.

You look through, basically, the whole resolved clause and I think it becomes very apparent to people. You may not want to say it and you use the word "absurd", that it's absurd that that was predetermined. I don't think it's absurd at all. I think -- I very clearly think this was written in mind to have a predetermined conclusion to allow for us to have a way to say we need to redo the DARE Program. Why would the Commissioner, who's already come out, as Legislator Towle has said, why would the Commissioner be designated the Chairman when he's all in -- I'm looking at today's version, corrected copy, sitting here today, it says, "Suffolk County Commissioner of Police or his designee, who shall serve as Chairman of the Task Force." So we've

now put a person who's already come out against DARE, who wants to eliminate or change it -- I know, we keep calling it "change it" to throw mud in the water, so you can't really see what's going on. We call him the Chairman, so he's going to lead the charge on this thing.

And I have other questions, as Legislator Towle has. It's not that I want them changed, I just don't think this is an effective committee that will give us the result that I keep hearing from Legislators privately they really want. They want an objective look.

I can go through the rest of it, but I think it's pretty clear why this is written. And I'll say today on the record, should this pass, and I think it will, because I think that's already been taken care of, and when it passes, maybe that's the best way to put it, after you figure out how we're going to change it, put 25,000 in, change maybe the chairman, maybe -- because we're going to fix the bill tonight before anybody has input from our constituencies. When this happens, I think you're going to find a report that I guess if you want covered, that's what he'll give you. It's going to tell you that there are major problems, major things we can do, major things we should do, get the police out of there, and we're going to end the DARE Program. This is going to be the tool, this report. So, if you vote for this, you're voting to create a tool to -- let's say an ax to chop the wood, and that's what's going to happen. The tool's going to be there in the lands and it's going to be used to get rid of the DARE Program. You're not going to be able to say, as has happened here with other legislation, "I didn't know," "I didn't hear it," "I didn't see it." "No one told me." "I didn't realize it." That's what's going to happen, that's where we're going to be. When that happens, just remember that you voted for this and that you decided that you wanted to create the tool to end the DARE Program.

Now, I'm going -- I'm offering an alternative. The alternative is that we don't touch the DARE Program until the end of December. That's what my legislation currently says. I talked to Counsel tonight, because the suggestion from someone who wants to save the DARE Program, but who's willing to take an objective look, who's from my -- the school district -- my school district that I grew up in, the school district I represent, Half Hollow Hills. I asked Counsel and I'm going to work with him on putting together what would be a totally independent study, an RFP. Instead of 25,000, I don't know what he'll take. I'll find out how much companies would take to come in. They have no political ax to grind, they haven't come out for it or against it. They will decide on the merits, and we will help draw that up, so that they can look at all of the factors that are necessary to look. And, by the way, let them take until the end of the year, or close to it. So we would have the DARE Program through June. It will start up again in September. Let it go through the end of the year. So this

year we'll have DARE and next year we'll decide.

My legislation does not say, "Forever we will have DARE, you'll never touch it," because I don't think we should bind the next Legislature, and I think we should maybe revisit. Let's have an independent study. Let's take a look at it with someone who is totally independent, and at the end of the year, if they come back and they say, independent, we've interviewed kids who have gone through this, older kids, we've

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looked at this, we've looked at that, whatever we wanted to look at to make sure it's very fair and evaluative and very independent, and in the end they say, "This is not working for Suffolk County," then I will vote with you at the end of this year for next year to revamp or change, because that would be reasonable. This is not a reasonable way to go. And I think the fact that this is a CN shows that everybody kind of know it. All right? I think everybody kind of knows we shouldn't be doing this particular bill, because if we really thought we should be doing this, I think we could wait another couple weeks. We'd still have the 90 days. The 90-day window would not close before the end of June, promised by the Commissioner, so we'd still have the report by -- before the new DARE Program starts in September. Plenty of time, guys, we're not running, and that's what I would hope we would do.

So I would hope, my colleagues, you'd defeat this. That's how I feel about it. Obviously, it's from the heart. I'd really like to see this.

P.O. TONNA:
Just hold it. I have a whole list.

LEG. BINDER:
-- this saved, but I'd like to see an independent look at this. Thank you.

P.O. TONNA:
Is there anybody here who advocated for the DARE Program who's been here today? Nobody in the audience? Any of the public that has been here? No? Okay. All right. Legislator Carpenter, you had the floor.

LEG. CARPENTER:
Well, one thing I just would like to correct. To think that no one knew about the Task Force is really stretching it, because at the Public Safety Committee, and the Police Commissioner, because of the scope of the presentation being made, invited all the Legislators to be there, and Legislator Binder was there, and a number of other

Legislators who took the time to be there heard not only the presentation on DARE, but what has been done at the department.

LEG. BINDER:
Would you yield for a moment?

LEG. CARPENTER:
It was discussed a number of times that the Task Force was something that we wanted to entertain. And I circulated the original version of the bill, because Legislators were there, and I thought it would be, you know, an opportunity for them to see where I was going with it.

LEG. BINDER:
Would you yield for a moment?

LEG. CARPENTER:
As far as --

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LEG. BINDER:
Could I just -- could I just ask --

LEG. CARPENTER:
As far as the --

P.O. TONNA:
Obviously, she's not.

LEG. BINDER:
Legislator, I yielded to you.

LEG. CARPENTER:
As far as the --

LEG. BINDER:
I yielded to you.

P.O. TONNA:
Wait. Can I say something?

LEG. BINDER:
Thank you.

P.O. TONNA:
What she does?

LEG. BINDER:

Thank you for your courtesy, Legislator.

P.O. TONNA:

She's finishing her comments.

LEG. BINDER:

I just wanted to thank her for her courtesy.

LEG. CARPENTER:

You're very welcome, Legislator Binder. Go right ahead.

LEG. BINDER:

Thank you. I didn't want it to be left with as an impression that I said that people didn't know about the Task Force. They didn't know we'd be voting on it tonight, and they haven't really had a time at a committee meeting to discuss this Task Force in this bill. That was all I wanted to make a point of. Thank you. I appreciate your --

LEG. CARPENTER:

Well, maybe not all the people, but anyone that I spoke with, and there were a number of people here today, I said that I wanted to get a CN for this bill, because I felt it was important. I spoke to a number of Legislators, including yourself, this morning, and you certainly had many, many conversations with the people that were here today from the PTA's who were discussing the DARE Program, so I know for a fact that you did tell them that we were getting a CN. In fact, you said it on the record earlier today that you heard it rumored that a CN was going to be requested.

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P.O. TONNA:

Okay, Legislator Carpenter. Legislator Crecca. Okay, he's not here. Legislator Postal.

D.P.O. POSTAL:

Yeah. First, there have been so many statements made, I'd like to comment on some of them.

First of all, with regard to the issue of a time line and a Certificate of Necessity, the discussion about the future of the DARE Program has been going on for at least several months. I started receiving communications from constituents when we were in the budget process. So this -- this is not a new discussion. People have not only sent letters, they've called, they've come to the Public Safety Committee, they came to the Legislature. I don't think that this is something that people are not aware of. And I think that they have been aware of the resolution creating a Task Force, because it has

been discussed, it's been reported in the paper, and people -- as a matter of fact, I have a letter with me from the school board of Saint Martin of Tours School from the President of the School Board asking specifically about the Task Force and the SAVE Program, so that people are aware of what's happening, and it's not as if people are have not had an opportunity to be aware of the options here.

I also think that it's important for us to move ahead, because our next meeting, if I'm correct, is not in a couple of weeks, it's February 27th, so we're talking about a month in the future. And if the County Executive has 15 days after that time, then we're talking about mid March. By the time you look at mid March, you're talking about going to the middle of June as 90 days from that date. And we all know that June is a very busy time for parents, for school administrators, for teachers, for everybody who might play a -- for students, anybody who might play a part in this. So I think that we do have to move ahead on this.

I also think that, specifically, because of the built in public hearings that are in the resolution, we have to start moving now, so that we could plan to schedule those public hearings at the most opportune time to get the greatest amount of public participation. Obviously, we don't want to schedule them during a school vacation period, people are not around, we don't want to schedule them in June when there are awards ceremonies and graduations, people are not available, so I think that it's important that we move ahead.

With regard to the Police Commissioner being a member of this Task Force, yes, the Police Commissioner has expressed his opinion, but so has the Suffolk PTA Council. So that it's not as if nobody who's going to be a participant has expressed a point of view. We, as a matter of fact, have two completely opposing points of view, which is probably the best way to get to the fairest determination when you have people --

(Microphone Malfunctioned)

LEG. TOWLE:

We didn't like what you had to say.

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D.P.O. POSTAL:
Sorry.

LEG. CRECCA:
Binder, what did you do?

LEG. TOWLE:

Your time's up.

LEG. BINDER:

There's only an allotted time, Maxine.

LEG. TOWLE:

Your time's up.

D.P.O. POSTAL:

Yeah. Well, you used all of it. But when you have people on both sides of an issue, I don't think that's a bad thing.

With regard to the change in the language, I think that the language is better. I think that the original language did receive some criticism. I think Legislator Carpenter recognized that perhaps that language sent a message that was not as objective as her intention. So I think that the change in the language is not a nefarious plot, I think it's an attempt to be really even-handed and really objective.

I believe that we've got to resolve or start down the road to resolving this issue. This is a really volatile issue. People want to know what's going to happen with this program. I think the sooner we begin taking steps to evaluate the program and be able to determine whether it's a program that we feel we would like to continue, or we feel we would not like to continue, we've got to do that as soon as possible. And I think that allocating a larger amount of money so that we can use the services of a professional consultant is another step in the right direction. I'm completely in support of this. I think it's the right thing to do, I think it's the responsible thing to do, and I don't think that it's in any way secretive or rushed to act on this today. Motion to approve.

LEG. CRECCA:

No.

D.P.O. POSTAL:

I think we --

LEG. CRECCA:

Who's next on the list?

D.P.O. POSTAL:

Well, that's a good question. I don't know.

LEG. TOWLE:

The person with the list left.

D.P.O. POSTAL:

Oh, we have a new list. Okay, Legislator Crecca, you were out of the room.

LEG. CRECCA:

Yeah, I had a call from my wife regarding my son.

D.P.O. POSTAL:

So would you like --

LEG. CRECCA:

So, if I would ask the Chair if I could --

D.P.O. POSTAL:

Yes, please.

LEG. CRECCA:

-- address now. I just want to -- I don't want to repeat what's already been said, but I was actually disturbed by many of my fellow Legislator, Legislator Binder's comments, and I think he was making mean accusations about the motivations behind this legislation and those who sponsor it. As a cosponsor, I would state to Legislator Binder, I have publicly stated previous to even sponsoring this that I support the DARE Program as it stands right now, and unless and until someone shows me that there's a better alternative out there to help our kids deal with drugs and alcohol, I'll continue to support it. But I am a cosponsor on this bill. I think it is important.

LEG. BINDER:

Legislator Crecca, can I answer that?

LEG. CRECCA:

No, not yet. I would like to finish. The fact of the matter is I have nothing but good intentions in cosponsoring this legislation. I believe that we do need to take a look at this. I am responding to my constituents. I have literally received probably close to a hundred calls on this issue and letters already, and every time I go to a DARE graduation, I'm approached by parents and administrators regarding it. I think we do need to study it. I think that -- I commend Legislator Carpenter for putting the bill in. I commend her for responding to some of the requests to changes. And I support Legislator Bishop's floor amendments to fund this, so that we can have a professional study done. I think that's to be commended. And I don't think that this report is going to be dispositive of what necessarily happens to the DARE Program. What's going to be dispositive of what happens to the DARE Program is going to be our County Executive, our Police Commissioner, and, yes, this Legislature. So DARE is alive. This is not -- at least from my point of view, this is not to kill it, and I'm going to continue to support this bill. I'd ask my fellow Legislators to support it, too. It may give us the tool we need to continue the DARE Program.

LEG. BINDER:

Would you yield in a moment -- for a moment?

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LEG. CRECCA:

Yes.

LEG. BINDER:

I just want to say, with regard to the question of accusations, I was repeating things that were in earlier versions, pretty clear and {conclusory}, that were in the legislation. I read them. Those are the words. I have them here. I can show you the prior versions. So I base any concern on intent based on actual words on paper that were there.

LEG. CRECCA:

With all due respect, Legislator Binder, the fact of the matter is is that you did read some of those prior versions, but you also stated that anyone that voted for this was looking to cover themselves and that was our only intention in doing this, and I really do have a problem with that. I think you've thrown out allegations out on the table, which I think are just baseless. And I think that, you know, if you find that you have a better piece of legislation, and obviously you do, you think you do, then you should support that and state what the criticisms are, but it's the personal attacks that I don't think are appropriate around the horseshoe.

D.P.O. POSTAL:

Can we avoid a debate? I would like to move along. Legislator Cooper has the floor.

LEG. COOPER:

Can I -- Legislator Fisher --

D.P.O. POSTAL:

You'd defer to Legislator Fisher.

LEG. FISHER:

Thank you. I, too, would like to respond to some of the comments made by Legislator Binder. I did want to let you know, Legislator Binder, that there was a dialogue that was ongoing between Legislator Carpenter and myself, because, I'll admit, I was ready to come on board, because I felt due to some of the testimony in last week's Public Safety Committee, that we should look at our own County and our own results regarding the DARE Program before we make any decisions. So when -- when I saw that Legislator Carpenter was proposing a Task Force that would evaluate it, I signed on, but I didn't look at it carefully enough when I signed on at that Public Safety meeting. And

so I had subsequent dialogues with Legislator Carpenter through my office and she was very receptive.

And I believe that the original language, which you know sometimes happens when you draft a resolution, I don't think it really reflected her intent, which was not to have an a priori judgment on DARE before you begin the study. And she agreed that, because she didn't want to have an a priori judgment made on it, that she would change the language of the first whereas. And I took that at face value and I took her at her word, and so continued to be a sponsor and continued to support it.

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As far as your resolution, I was trying to find your resolution to save the DARE Program. I didn't remember a Task Force being part of your resolution.

LEG. BINDER:
It wasn't.

LEG. FISHER:
It wasn't, okay. So then your resolution and Legislator Carpenter's are not mutually exclusive.

LEG. BINDER:
Can I respond? Would you yield?

LEG. FISHER:
Yeah.

LEG. BINDER:
I'll respond.

LEG. FISHER:
Absolutely, yes, I'd like a response.

LEG. BINDER:
They may be in the sense that if you put \$25,000 in today, I don't know if you'll put in whatever it takes to actually get a very independent, not a Task Force, but an independent RFP --

LEG. FISHER:
But you just said that's not part of your resolution

LEG. BINDER:
No, no, No, but I have asked Counsel to amend -- to add -- because I don't think this is independent, I would get by RFP an independent

group out there who has no political ax to grind.

LEG. FISHER:

Okay. But your legislation as it stands, which is simply to continue the DARE Program until December, that resolution, as it stands, without the amendment of the RFP, is not -- and this resolution for a Task Force are not mutually exclusive.

LEG. BINDER:

Maybe in a small way, in a way that if we're running to do a 90 day and less, because of how long it's going to take to get this up and running, Task Force study, if you vote for mine and you're willing to make sure we have it until the end of the year, I don't know that we need to run to do 90 days. We now have more time since we know nothing will happen to the program until the end of the year. So, if you were to vote for that, why vote for constriction of -- a very severe construction of 90 days?

LEG. FISHER:

So your problem with this program, then, wasn't the language, but the time constraint, because you said a lot of other things.

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D.P.O. POSTAL:

Excuse me.

LEG. BINDER:

Two things, the time constraint and --

D.P.O. POSTAL:

Legislator -- Legislator Binder, Legislator Fisher.

LEG. FISHER:

I'm sorry.

LEG. BINDER:

Legislator Fisher asked me a question.

LEG. FISHER:

Okay, I'm sorry. We won't continue the dialogue. I'll just finish making my comments in the interest of time.

I still don't believe that they're mutually exclusive, because we can have the termination of a Task Force study and then ponder based on the information that comes to us from that Task Force.

I did agree with you. I had stated this on the record at the Public

Safety Committee, that as an educator, the word "redundancy" is not a word that suggests necessarily that a program is not good, because you need repetition. It's called reinforcement in teaching, and so redundancy is not necessarily a bad thing. In fact, it's an important part of education.

Your RFP with an independent group, I have to tell you that I'm completely opposed to that, because I don't want an independent group. I want the stakeholders to be part of the task group. I want it to be made up of the Police Commissioner at one end of the spectrum and a parent such as myself at the other end of the spectrum, not that I'm suggesting that I be on the Task Force, but a parent, PTA member, an administrator, an educator. These are all stakeholders and I believe that the Task group should be made up of stakeholders.

So I continue to support Legislator Carpenter's resolution. She was willing to make the changes that I had asked her to make, so I believe that her intent was that we not begin with an a priori statement. So I urge everyone to support this resolution.

P.O. TONNA:

Okay. Legislator Cooper, you have the floor.

LEG. COOPER:

I just wanted to comment on how disappointed I am that this issue, which is really such an important issue, has become so politicized so quickly. And I think I speak on behalf of almost every -- virtually all of my colleagues in the Legislature, that our only concern in setting up this Task Force is what's good for our kids. Unfortunately, I don't think that's the case with all of my colleagues.

Legislator Binder, I really think that you should be ashamed of yourself for some of the actions that you've taken. You may or may not be aware, for example, of just how politicized this has been. Everyone knows this is an election year and everyone has to be concerned about the ramifications this may have on all of us in our election efforts in November.

I went -- I went to a number of DARE graduations over the past couple of weeks. One of them I attended with your Legislative Aide Andy Raia. Are you aware that after the DARE graduation, he went up to the PTA Chair for Harborfields and told her, "Are you aware that Legislator Cooper is trying to kill DARE?" Now, that is not my position, it's never been my position. I have five kids, as I said, one who went through DARE, one who's starting DARE this week. I have

three other kids. Name one other Legislator who's in this position, except for maybe Paul.

I want to make sure that there's a program in place in Suffolk County that's the most effective program that we can have. If it's the most cost effective, then great, but I want it to be a program that's effective, that actually works, and teaches our kids to stay away from drugs, stay away from alcohol, not to smoke, because it can hurt them, it could kill them. If DARE works, great. If DARE doesn't work, then get rid of DARE and replace it with something that works. I don't know whether Compass, I don't know whether it's some other program. But for you to question my motivation and to question the motivation of other colleagues here who are just concerned as I am about the kids, I mean, who do you think you are? It's outrageous. And for your Legislative Aide, who's not here now --

MR. RAIA:
No, I'm here Paul.

LEG. BINDER:
He's here. He's here.

LEG. COOPER:
Okay. For your Legislative Aide, who rumors are may be running against me come November, well, be that as it may, certainly rumors I've heard, Andy, come on, there's some things that are fair and some things that are not fair. This should not be an issue that's been politicized like this, and I think it's outrageous.

And I've spoken to a couple of the people that testified today out in the lobby at the Legislature and they told me that someone's calling them, someone's fermenting this and telling them that this whole thing is fixed, that the Task Force is a setup that the die has been cast, and this whole thing is a front and it's -- we're being manipulated by whether it's Paul Tonna, or the County Exec, or Angie Carpenter, and we're all in cahoots on this, and someone on the inside who knows the real story is feeding this to them. They wouldn't tell me who this person is, but they both said that someone is telling them this. I don't know who it is either, but it's not right. I've spoken to Angie, I've spoken to Paul. I know to their motivations on this.

I think that we need to have an independent Task Force that will look

at this issue to try to depoliticize it, because everyone's getting the same E-mails and phone calls and faxes that I am. We're under tremendous pressure. But I want to do the right thing, and if by doing the right thing that means I vote ultimately to kill DARE, well,

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then I vote to kill DARE. And if some of my constituents don't like it, well, then they don't vote for me. And, you know, worse case, I don't get reelected in November, I go back to my business and my kids and I'll be fine. But I'm going to do the right thing for the kids of Suffolk County and if it's maintaining DARE, it's maintaining DARE. If it's finding something that's better and more effective and more comprehensive, then great. But I wish people would stop questioning my motivation and the motivation of Ginny and Vivian, and everyone else here who's trying to do the right thing. It's tough enough. We should just take this off the table, set up an independent Task Force, let the experts, independent observers do their work, whether it's 90 days, or whether it's four months, or whatever it is, let's move on from this and try to do what's right for our kids. Thank you.

LEG. BINDER:

I'd like the moment for a personal privilege. I'd like to respond.

LEG. HALEY:

Yeah, he deserves it.

P.O. TONNA:

I'll give you a moment, a moment. Go ahead.

LEG. BINDER:

First off --

P.O. TONNA:

Not a 20-minute moment, a moment.

LEG. BINDER:

First off, my Aide, as far as I know, and I've had conversations with him, didn't say what you said he said, so you can announce whatever you'd like to announce.

Second off, I think, personally, by putting in legislation that replaces the program, you don't want to call it killing it, but I just generally think you're trying to kill, but that's fine, that's my opinion. That's what I --

P.O. TONNA:

Where's the personal privilege?

LEG. BINDER:

-- I think. I think that's what you're doing. I don't have a problem. And casting -- I'm not casting aspersions on intentions here other than I read the bill and I tell you what's in the bill. The bill, at least up until this point, had very specific language that said, and I can show you two different versions, so it came with different members on it, so it was put in more than once, and in all those cases, it says it has not proven effective. So now, if you over and over say it's not effective and then to get it passed at the last --

LEG. BISHOP:
Mr. Presiding Officer.

LEG. BINDER:
If you take that out, so I'm not doing -- I'm not giving -- I'm not
telling anyone about --

LEG. BISHOP:
Mr. Chairman.

LEG. BINDER:
-- their intention here, what I'm doing, what I'm talking --

LEG. BISHOP:
Madam Chair.

LEG. BINDER:
What I'm talking about is what's in the legislation and how it was put
together. And I believe, and I'm allowed to believe this, that this
will be used to produce a report to kill DARE when I believe it's a
great program.

P.O. TONNA:
Fine. Thank you very much. I just -- I want to -- I want just get --
it's my turn to speak. I'm on the list and here I am. And I just
want to ask Legislator Binder, it will be a little rhetorical, but I
have your newsletter in front of me, the one that went to my district
for the first time ever, said, "Legislator Allan Binder votes to
override the County Executive vetoes, which would have increased the
Presiding Officer's 7% tax increase to an 11% tax increase." We
looked at the numbers. Allan, I just want to ask you the question.
When you were cutting the police budget, okay, when you were cutting
it by an additional \$4 million than was passed by this Legislature,
who those people who did a responsible vote and said, "Listen, we need
to cut it here, but we can't cut it any longer," what did you
anticipate -- how would you make those cuts? I think that you're
setting us up. What I see is a Legislator who goes out on one hand
and says, "I am personally cutting taxes, I have a zero percent tax
increase, I would not allow the police to do this, this, and that" --

LEG. BINDER:
Is this about DARE, or this just --

P.O. TONNA:
No, I want to say --

LEG. BINDER:
-- a personal attack time?

P.O. TONNA:

No, no. This is --

LEG. BINDER:
Is that what that is, one on one?

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P.O. TONNA:
No.

LEG. BINDER:
You want to do that? Let's go. You want to?

P.O. TONNA:
No. Allan, I want you -- I want, just as I respect and listen to you --

LEG. CARACAPPA:
Mr. Chairman.

P.O. TONNA:
-- I want you to listen to me.

LEG. BINDER:
No, no, I didn't --

P.O. TONNA:
I want to know --

LEG. BINDER:
I don't go after you. I don't sit here and say, "Let me hold up what you've done." I will come back with your words for every year that you're here. I'll talk about -- you want me to have your words?

P.O. TONNA:
Yeah.

LEG. BINDER:
I will come back with your words. You will not enjoy hearing your words.

P.O. TONNA:
Fine.

LEG. CARACAPPA:
Mr. Chairman, this is very unprofessional.

LEG. BINDER:
They won't taste good.

P.O. TONNA:
What I'm saying.

LEG. BINDER:
This is unprofessional.

P.O. TONNA:
Well, I'll tell you what's unprofessional.

LEG. BINDER:
This is unprofessional.

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P.O. TONNA:
What's unprofessional is to sit down and to tell people on one hand
you're cutting taxes --

LEG. BINDER:
This is --

P.O. TONNA:
-- and then on the other hand --

LEG. BINDER:
This is unfortunate.

P.O. TONNA:
-- to micromanage the Police Department --

LEG. BINDER:
Unfortunate. This is very unfortunate.

P.O. TONNA:
-- by telling them that they have to spend money for DARE.

LEG. BINDER:
I tried to stay to the issue.

P.O. TONNA:
That's unprofessional.

LEG. BINDER:
I looked at -- I look at the legislation, I talk about it, and the

Presiding Officer's embarrassed by his actions here on the budget and other things.

P.O. TONNA:
I'm not embarrassed by my actions.

LEG. HALEY:
Five-minute recess.

LEG. BINDER:
That is a very unfortunate thing, Mr. Presiding Officer.

P.O. TONNA:
I'm embarrassed by your actions.

LEG. HALEY:
Five-minute recess.

LEG. BINDER:
Unfortunate, Mr. Presiding Officer.

LEG. FIELDS:
Can we ask for a recess?

P.O. TONNA:
No, no recess.

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LEG. BINDER:
I would hope the Presiding Officer would hold --

P.O. TONNA:
Okay.

LEG. CARACAPPA:
Roll call, Mr. Chairman.

LEG. BINDER:
-- much more decorum than this.

LEG. CARACAPPA:
Roll call.

LEG. BINDER:
Unfortunate.

P.O. TONNA:

No. Legislator Cooper, you want a point of personal privilege? And then we'll let it go.

LEG. COOPER:
I'd just like to make one brief point. Allan, Legislator Binder, you're being a little disingenuous.

P.O. TONNA:
You can't have it both ways.

LEG. BISHOP:
That's going to help.

P.O. TONNA:
Can't have it both ways.

LEG. COOPER:
No. When you make a point that -- when you look at -- when you look at the earlier draft of the resolution --

LEG. FOLEY:
Two drafts.

LEG. COOPER:
Or three drafts, or seven drafts, it doesn't matter, you see, you know, that's where you can see Legislator Carpenter's true intent. Her true intent was in the first draft. And that was only after it was refined and massaged that it turned into this. You know.

LEG. BINDER:
And it still has problems.

LEG. COOPER:
Excuse me.

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LEG. BINDER:
It still has a chairman --

LEG. COOPER:
That's not the point.

LEG. BINDER:
-- being the Police Commissioner.

LEG. COOPER:

Excuse me. I think I have the floor, if that's the terminology. You know as well as -- you know better than I do that we normally don't write the bills.

LEG. BINDER:
Oh, we don't even look at them.

LEG. COOPER:
What does the cut thing mean?

P.O. TONNA:
Go ahead, Jon, say what you have to say.

LEG. BINDER:
We don't look at them either, do we? Is that -- well, I look at mine. I look at it.

LEG. COOPER:
Excuse me.

LEG. BINDER:
When I get it from Counsel, I look at it first thing --

LEG. COOPER:
Right.

LEG. BINDER:
-- before I file it.

LEG. COOPER:
Excuse me. We don't write the bills, it's written by the staff of the Legislative Counsel. And sometimes in the first draft or even the second draft, there's something that's in there that didn't represent our intent. It --

LEG. BINDER:
Did you read it and file it without things that represent you intent?

LEG. COOPER:
Occasionally, things can slip by.

LEG. BINDER:
Like the whole --

LEG. COOPER:
It can happen.

LEG. BINDER:
The whole legislation.

P.O. TONNA:
Jon. Jon, you have a point of personal privilege. Get to your point.

LEG. COOPER:
I just made a point.

P.O. TONNA:
No interruptions. Are you done?

LEG. COOPER:
Yes.

P.O. TONNA:
Fine. Let's vote.

LEG. CRECCA:
Mr. Chairman.

P.O. TONNA:
Roll call. Is there another speaker?

LEG. CRECCA:
Mr. Chairman.

P.O. TONNA:
Legislator Crecca, you want to say something?

LEG. CRECCA:
I'll be very brief, I promise.

P.O. TONNA:
Okay, that's it.

LEG. CRECCA:
Just that there was an amendment proposed by Legislator Bishop to include the 456 funds, up to \$25,000, I believe. I believe we need to --

LEG. HALEY:
I'm not supporting it.

LEG. CRECCA:
Okay.

LEG. FISHER:
I'm not supporting that either, it's too much.

LEG. CRECCA:
In addition, I would make a motion to amend the bill now on the floor, so that the chairman is not the Police Commissioner per se, but that the chairman would be elected by the members of the committee.

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LEG. BINDER:
It's not a motion, it's up to the sponsor.

LEG. TOWLE:
Second.

P.O. TONNA:
There's not a motion.

MS. ROSENBERG:
Legislator Tonna.

LEG. CARPENTER:
As -- if I could, Mr. Chairman. As the sponsor of the resolution, I'd been happy to have the input of the cosponsors, and I would be happy to make that change, that the chairman be elected by the members of the Task Force and --

MS. ROSENBERG:
Legislator Tonna.

LEG. CARPENTER:
-- not the Police Commissioner.

P.O. TONNA:
Fine.

MS. ROSENBERG:
We're not going to agree to any changes, and I'll put pull the CN, if that's the case.

P.O. TONNA:
Okay.

LEG. FOLEY:
Oh, come on.

LEG. POSTAL:
Any changes, Brenda?

LEG. HALEY:
No changes?

LEG. FOLEY:
Oh, come on.

P.O. TONNA:
You mean not that change.

MS. ROSENBERG:
Not that change, and --

P.O. TONNA:
The superintendent administrator you didn't have a problem with.

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MS. ROSENBERG:
No, that was fine.

P.O. TONNA:
Okay. So what other -- and --

MS. ROSENBERG:
And not to change the date either.

LEG. FOLEY:
And the date?

MS. ROSENBERG:
And the funding.

LEG. CARACAPPA:
Didn't change the date.

MS. ROSENBERG:
It changes the intent of the --

LEG. CARPENTER:
There's no change on the date.

MS. ROSENBERG:
It changes --

LEG. FOLEY:
Another 30 days?

MS. ROSENBERG:
I know. I said that I don't want that changed.

LEG. CARPENTER:
There was not change on the date.

LEG. FOLEY:
No changed date?

MS. ROSENBERG:
No, no, no. When the -- the one that Legislator Bishop had proposed.

LEG. CARPENTER:
No, I didn't --

MS. ROSENBERG:
Okay, that's fine.

LEG. CARPENTER:
-- make that change.

MS. ROSENBERG:
Fine.

LEG. TOWLE:
Mr. Chairman.

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LEG. CARPENTER:
But I don't feel it's problematic if the Police Commissioner is --

P.O. TONNA:
Well, they do.

LEG. CARPENTER:
-- not designated as the chairman --

LEG. TOWLE:
Mr. Chairman.

LEG. CARPENTER:
-- of the Commission.

P.O. TONNA:
Can I something? Angie. Angie.

MS. ROSENBERG:
We feel it is problematic.

P.O. TONNA:
Angie, they do, so, I mean, that's their right.

MS. ROSENBERG:

It changes the intent of the resolution.

LEG. TOWLE:
Mr. Chairman.

P.O. TONNA:
Yes.

LEG. FOLEY:
Let's discuss this.

P.O. TONNA:
Yes.

LEG. TOWLE:
Are you recognizing me? I don't want to speak --

P.O. TONNA:
Yeah. No, I recognize you.

LEG. TOWLE:
Brenda, would you mind coming back up for a second?

MS. ROSENBERG:
Yes.

LEG. TOWLE:
I'm sorry. Obviously, I was the person that brought up that concern earlier, I guess, this evening. It sounded like about 5 o'clock and I think we're approaching on 7. But what is -- I mean, not to get into

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a lengthy debate about it, but what is your concern? You know, I didn't recommend the committee pick a Chairperson, but that would be fine with me. What's your concern, you know, with him not being picked as the chairperson right up front?

MS. ROSENBERG:
When we reviewed the legislation, that was one of the stipulations that we agreed to.

LEG. TOWLE:
You say that was a requirement from the County Executive's perspective.

MS. ROSENBERG:
That was in the legislation and we agreed to that.

LEG. TOWLE:

Okay, thanks. That's all I wanted to know.

P.O. TONNA:

Okay. Let's --

LEG. BISHOP:

Mr. Chairman.

P.O. TONNA:

Okay. Yes, who's next? Yes, Legislator Bishop.

LEG. BISHOP:

I just want to make a plea to the body.

P.O. TONNA:

Right.

LEG. BISHOP:

That Legislator Binder says we can't legislate as I committee on the whole. I think that if we -- if we made an earnest attempt at it, we probably could construct a bill that would have 16 to 18 members -- 16 to 17 members, we don't have 18, that would support, that would establish an independent study, would fund it, and would expedite it, which I think is everybody's rhetoric includes those goals.

P.O. TONNA:

Yeah, but we can't get that done today, because, already, the County Executive's --

LEG. BISHOP:

All right. So then why --

P.O. TONNA:

-- people said no.

LEG. BISHOP:

So then my question to the body is, then why approve something that does not meet the goals that we've articulated? Why not then just, instead of compromising against ourselves and passing something that

we don't truly believe in on a critical issue, why don't we go back --

P.O. TONNA:

Lay it on the table?

LEG. BISHOP:

Lay it on the table.

P.O. TONNA:
Do you want to do that?

LEG. BISHOP:
Fine tune it.

LEG. ALDEN:
Modify it later.

LEG. HALEY:
On that thought. Mr. Chairman, on that thought. Mr. Chairman.

P.O. TONNA:
Okay. You know what.

LEG. HALEY:
Mr. Chairman, may?

P.O. TONNA:
This is what I'm going to do. I'm going to take --

LEG. HALEY:
I haven't had an opportunity.

P.O. TONNA:
-- a five-minute recess. All right. Wait. Are you going to -- are you going to kick in just before we end this?

LEG. HALEY:
Yeah, let me just kick in. I think the whole reason we're here is because we believe time is of the essence, simply because this Legislature failed to fund the Police Department adequately. And if we have failed to fund the --

LEG. BISHOP:
So you believe that DARE is being cut because of a --

LEG. HALEY:
No, I --

LEG. BISHOP:
-- funding issue?

LEG. HALEY:
You know what, I think that is an issue that was within the Police Department. That's obvious why they're starting to use DARE officers to work in some of their other arenas.

LEG. BISHOP:
But, Legislator Haley, we asked the --

LEG. HALEY:
I have the floor, let me finish. I have the floor. I think that
before they make any changes to the DARE Program --

LEG. BISHOP:
Paul. Paul.

P.O. TONNA:
Yes. Go ahead.

LEG. HALEY:
Before they make any changes, I think time, the way they operate the
Police Department, the management decisions they need to make need to
be made in a timely manner. I think the reason we have the CN is
because we want it as quickly as possible, provide the information
necessary to come to a reasonable conclusion, not only on DARE, but
any other programs that we may think are appropriate to replace DARE.
And I think that's very important. For us to start adding monies, and
start adding people, and start adding more time to it is going to
weigh down the whole process. I don't think it's unreasonable for us
to expect within 90 days that we're going to get a viable response out
of this team put together to find out what's going on. I think we
need to do that. I think we need to allow, because of the funding
issue with the -- not only just as it relates to DARE, but the entire
Police Department, we need to give the Police Department the
opportunity to effect the changes as quickly as possible, so they're
not back to us in July or August looking for monies they don't have.

LEG. BISHOP:
Okay. Paul.

P.O. TONNA:
Just two things.

LEG. BISHOP:
May I? Paul, am I on the list?

P.O. TONNA:
Yes. You're just -- Michael, you were in front of -- I think the
County Executive's people were in front of Finance and said that they
could live within the budget. I just want a yes or no. Right? Am I
right with that?

LEG. CARACCIOLO:
When you say "they said," are you talking about when we were adopting
the budget?

LEG. BISHOP:
No.

P.O. TONNA:
No.

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LEG. BISHOP:
At the last hearing.

P.O. TONNA:
The last Finance meeting. Didn't Robilotto say that he could live within --

LEG. CARACCIOLO:
Oh, you're talking about the Police --

P.O. TONNA:
Yeah.

LEG. CARACCIOLO:
The Police Department.

P.O. TONNA:
Yeah.

LEG. CARACCIOLO:
You said the County Exec.

LEG. HALEY:
Within the overtime budget.

LEG. CARACCIOLO:
Yeah, within the overtime budget.

P.O. TONNA:
Great. Thank you. I think it was the entire budget, but anyway --

LEG. HALEY:
No, overtime budget.

LEG. CARACCIOLO:
No, overtime budget.

P.O. TONNA:
Okay. Legislator Bishop.

LEG. BISHOP:
More importantly, that the Commissioner, Commissioner Gallagher

testified to us that the reason that the DARE Program is being cut is not because of a financial concern, primarily, but because he is of the belief that it is duplicative and it may not work.

LEG. HALEY:

Plus he has to implement other programs in a timely fashion, SAVE.

LEG. BISHOP:

Right, but he didn't --

LEG. POSTAL:

That's not his program.

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LEG. BINDER:

That's not his program.

LEG. BISHOP:

SAVE is not his program. He was saying it's duplicative and, "Why should I do something if it's duplicative?"

The other point I want to make, and the more important point, is what is a five-member Task Force going to accomplish without staff and without resources? I mean, I'm -- what I'm searching for, and I hear it in most of my colleague's articulations, is we want an independent study that's thorough and speedy. This does not provide it any longer. Legislator Binder's doesn't provide it either. We should create something and pass it expeditiously that achieves the goals that we're stating.

P.O. TONNA:

Right, okay.

LEG. BISHOP:

And we're not doing that at this point.

P.O. TONNA:

Okay. Legislator --

LEG. FISHER:

Fisher.

P.O. TONNA:

Fisher, and then Legislator Postal.

LEG. POSTAL:

No, that's all right. Take me off.

P.O. TONNA:
I'll take you off.

LEG. FISHER:
Mr. Chairman, based on what Brenda has indicated this evening with regards to our request for a change of the chairman of the committee, I would -- would have to vote no on this resolution this evening, on this have CN, because I don't believe that this Legislative body should act by the County Executive's fiat. I believe, then, we should lay this on the table, take it to committee and have a Legislative resolution.

P.O. TONNA:
Okay.

LEG. TOWLE:
Roll call.

LEG. CARACAPPA:
Roll call.

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LEG. CRECCA:
Motion for a recess.

P.O. TONNA:
Yes. No. We're going to have a five-minute recess.

LEG. CARACAPPA:
Why?

LEG. BISHOP:
Why?

P.O. TONNA:
Why? What, Joe?

LEG. BISHOP:
Mr. Chairman, there's no way we could compromise without the County Executive. There's not going to be a CN forthcoming, so the recess isn't going to accomplish anything.

P.O. TONNA:
Well, I -- I -- I'm -- I'm -- I'm repeating myself. I'm giving the

sponsor of the bill the five-minute recess that she requested.

LEG. BISHOP:
Okay.

P.O. TONNA:
Thank you.

[THE MEETING WAS RECESSED AT 6:50 P.M. AND RESUMED AT 6:58 P.M.]

P.O. TONNA:
Okay. Let's do a roll call.

LEG. BISHOP:
Mr. Chairman. Mr. Chairman.

P.O. TONNA:
Yeah.

LEG. BISHOP:
Paul.

P.O. TONNA:
Yes.

LEG. BISHOP:
Can I make a suggestion that we move past this issue for now?

LEG. CRECCA:
Yeah, that's a good idea.

P.O. TONNA:
You know what, this is what we're going to do. We're going to move past this issue. Roll call.

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(Roll Called by Mr. Barton)

LEG. CARACCILO:
I'm here, Henry.

MR. BARTON:
Thank you.

LEG. GULDI:
Here.

LEG. TOWLE:
Here.

LEG. CARACAPPA:
Here.

LEG. FISHER:
Here.

LEG. HALEY:
Here.

LEG. FOLEY:
Present.

LEG. FIELDS:
Here.

LEG. ALDEN:
Here.

LEG. CARACAPPA:
(Not Present)

LEG. CRECCA:
Here.

LEG. D'ANDRE:
Here.

LEG. BISHOP:
Here.

LEG. BINDER:
Here.

LEG. COOPER:
Here.

LEG. POSTAL:
Here.

P.O. TONNA:
Yep.

Sixteen present.

P.O. TONNA:
Okay, great. Let's --

LEG. BISHOP:
Consent Calendar.

P.O. TONNA:
Let's -- because we -- you know, this is a CN, I could just push this
aside, right? Let's go to the next CN. 1092. Mike, you're going to
want to -- Michael. Michael Caracciolo, you're going to want --

LEG. CARACCILO:
Motion to approve.

P.O. TONNA:
Seconded by myself.

LEG. FISHER:
Michael, what is it?

P.O. TONNA:
This is a CN to utilize the Quarter Percent Drinking Water. It's a
technical amendment.

LEG. FISHER:
Oh, okay.

P.O. TONNA:
Okay? All in favor? Opposed? Approved.

LEG. BISHOP:
Are there any CN's left?

P.O. TONNA:
Yes.

MR. BARTON:
Fifteen. (Not Present: Legs. Carpenter and Postal)

P.O. TONNA:
Yes. There is -- oh, she put the double ones on me. Okay, no. All
right. Let's go to the tabled resolutions.

LEG. BISHOP:
Consent Calendar.

P.O. TONNA:
We did it already.

LEG. BISHOP:
Oh.

P.O. TONNA:

We did that so that we could, you know --

LEG. BISHOP:

You did that this morning?

P.O. TONNA:

No. We did that with you, Dave. You were here. You were counted as a yea, as a positive, as an affirmative. Okay.

LEG. BISHOP:

I don't want to miss any of those critical votes.

RESOLUTIONS TABLED TO JANUARY 30, 2001

P.O. TONNA:

Let's go on. 1084 (To implement use of natural gas as fuel for County fleet).

LEG. CRECCA:

Motion to table subject to call.

MR. BARTON:

It doesn't have a sponsor.

P.O. TONNA:

It doesn't have a sponsor.

LEG. CRECCA:

Oh.

P.O. TONNA:

So what is that? It's withdrawn. Wait. Can I ask you something? Technically, he's still a member of the Legislature; am I correct?

MR. BARTON:

I have his resignation.

LEG. BISHOP:

Doesn't matter. Let's go. Come on.

P.O. TONNA:

Okay. Just wanted to know. Just wanted to find out what was going on with this Levy deal. Okay. He's not coming back, that's what we got, basically? All right.

LEG. BISHOP:

Not immediately.

LEG. CARACCIOLO:
Mr. Chairman.

P.O. TONNA:
Yes.

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LEG. CARACCIOLO:
Just for point of information.

P.O. TONNA:
Sure.

LEG. CARACCIOLO:
Counsel, how does one serve in two elected --

LEG. BISHOP:
Oh, come on, not at this time.

LEG. CARACCIOLO:
-- capacities. No, I'm just curious. I mean --

LEG. BISHOP:
I'm begging you.

LEG. CARACCIOLO:
What's the answer?

MR. SABATINO:
The answer is that the only --

LEG. BISHOP:
We've got about twenty minutes before --

MR. SABATINO:
The only statute that bars the two seats are the County Charter, but it bars you from being a Town Councilman, a Town Supervisor, a Village Supervisor, or a Village Board Member and County Legislator.

P.O. TONNA:
So what we can do next year --

MR. SABATINO:
So he was in the State Assembly from --

P.O. TONNA:

-- for anybody who is coming up with term limit problems, I think -- wait, let me see. Allan.

LEG. CARACCIOLO:

So, Brian, you see that.

P.O. TONNA:

Dave.

LEG. CARACCIOLO:

You could have been Legislator and an Assemblyman.

P.O. TONNA:

Okay. Hold it a second. Mike D'Andre. Mike, do you realize you could have Jim Lack's position and your position? By the way, if I was in a voting area, you got my vote. Anyway, okay, let's go on.

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LEG. HALEY:

I'll tell Jim Lack that.

P.O. TONNA:

Yeah, I'm sure you would.

LEG. CRECCA:

I was just going to say, you want me to tell Jim that?

P.O. TONNA:

No. Just I have such respect for a real American like Mike D'Andre. Okay. Let's go on to 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).

LEG. FOLEY:

Motion to table.

P.O. TONNA:

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

MR. BARTON:

16.(Not Present: Leg. Carpenter)

P.O. TONNA:

Number 1576 (Directing County Board of Elections to publicize ballot proposals within Suffolk County).

LEG. POSTAL:
Motion to approve.

P.O. TONNA:
Motion to approve --

LEG. CRECCA:
Second.

P.O. TONNA:
-- by Legislator Postal.

LEG. CRECCA:
Second.

P.O. TONNA:
Seconded by --

LEG. CRECCA:
Crecca.

P.O. TONNA:
-- Legislator Crecca. All in favor? Opposed?

LEG. HALEY:
On the motion.

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P.O. TONNA:
Tabled.

LEG. HALEY:
Oh, tabled, okay.

P.O. TONNA:
It's tabled.

LEG. POSTAL:
No, it's to approve.

P.O. TONNA:
No. Approved? Okay.

LEG. BINDER:
Good try.

P.O. TONNA:

All right. On the motion, Legislator Haley.

LEG. HALEY:

On the motion. Was there any changes to the original? Could you tell me about the changes, please?

LEG. POSTAL:

Yes. There was a corrected copy which pilots the program in the 15th Legislative District, which is the district I represent, because the Board of Elections --

LEG. HALEY:

It's just a pilot.

LEG. POSTAL:

Just a pilot.

LEG. HALEY:

Thank you.

LEG. POSTAL:

And that will give us a handle on the cost.

LEG. BISHOP:

What?

P.O. TONNA:

Okay.

LEG. BISHOP:

Wait a second. You mean -- you mean voters in the 15th Legislative District have the potential to be more informed than they are in the 14th Legislative District.

LEG. CRECCA:

Yes.

LEG. BISHOP:

Well, that's crazy.

LEG. POSTAL:

No --

LEG. HALEY:

Well, that's normal.

LEG. POSTAL:
They're informed.

LEG. BISHOP:
Well, that's true. But I -- Mr. Chairman, I thought it was an excellent proposal before it got --

P.O. TONNA:
Well, how informed could they be in the 14th Legislative District when -- you know, when we're talking about how they pick the Legislative officials.

LEG. BISHOP:
Well, I just --

LEG. POSTAL:
I could respond.

P.O. TONNA:
Anyway, go ahead.

LEG. POSTAL:
I just need your mike.

LEG. BISHOP:
What is the -- what does the proposal do? Let's just go over it.

LEG. POSTAL:
Okay. The proposal still is unchanged with regard to providing audio tapes on the ballot propositions.

LEG. BISHOP:
At the libraries.

LEG. POSTAL:
At the libraries.

LEG. BISHOP:
And over the internet, I assume.

LEG. POSTAL:
Yes.

LEG. BISHOP:
Okay.

LEG. POSTAL:

The proposal is unchanged. We're providing information on the internet for every proposition and every office that's up for election in the County, so that --

LEG. BISHOP:

So what do you get in the 15th?

LEG. POSTAL:

The only change has to do with information that is mailed by the Board of Elections to voters. And the reason that I changed it to be a pilot program was that the Board of Elections could not make an estimate on what the cost would be to do that county-wide, and whether they could afford to do it county-wide. So, in an attempt to get a handle on how much it would cost, I decided to change it to do a pilot program of the mailing only with regard to one Legislative District. And, very honestly, I chose to do it in my Legislative District, so that it wouldn't impact anybody else, because if there's a disadvantage at all in providing information on candidates, it's disadvantage to incumbents.

LEG. BISHOP:

Yeah. No, I --

LEG. POSTAL:

So I decided to --

LEG. BISHOP:

I respect the answer, but I think that you'll find that that is patently unconstitutional. You can't have a voting -- a vote where the voters in one area receive more government information than the voters in another.

LEG. POSTAL:

Well, I would ask our Counsel if that's unconstitutional.

LEG. BISHOP:

I don't know if I'm phrasing it right, but it just strikes me as --

LEG. D'ANDRE:

UnAmerican.

LEG. HALEY:

UnAmerican.

LEG. FOLEY:

UnAmerican.

LEG. BISHOP:

How can the board -- think about it.

MR. SABATINO:

The truth of the matter is under the United States Supreme Court ruling in the Florida case, nobody has any clue as to what the

standards --

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LEG. BISHOP:
Right.

MR. SABATINO:
-- are in any county anyplace in America. But --

LEG. BISHOP:
If the decision stands for anything --

MR. SABATINO:
I would have to believe that that was --

LEG. GULDI:
And you don't even have to win.

MR. SABATINO:
-- an unusual decision --

LEG. BISHOP:
Sure it is.

MR. SABATINO:
-- an unusual circumstances and you're not -- you're not -- you're not tangibly effecting the way in which a person votes. So, if you were giving this person, for example, a different kind of a ballot that was being mailed or --

LEG. FOLEY:
A butterfly ballot.

MR. SABATINO:
You know, given -- if you were actually giving, you know, ballot to them --

LEG. BISHOP:
Counsel.

MR. SABATINO:
-- that would be changing their voting power.

LEG. BISHOP:
I'm giving one set of voters information --

MR. SABATINO:

But just providing information.

LEG. BISHOP:

-- on the ballot propositions, the candidates, and I'm giving the other set of voters -- I'm not providing that. Which set of voters is more likely to vote in that scenario? It's --

MR. SABATINO:

It's purely -- it's purely --

LEG. BISHOP:

The intent of the legislation is excellent, which is to keep voters

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better informed, and to hopefully inspire turnout, so that all voters participate.

MR. SABATINO:

But there's not constitutional right to be informed, so I don't see --

LEG. BISHOP:

To do it selectively I think is -- on its face, it's --

LEG. POSTAL:

Well, let me say that --

P.O. TONNA:

Can we just make a decision here?

LEG. POSTAL:

First of all, we don't know that there's going to be an impact. This is, in essence, an experiment, and it will show us whether there is an impact, whether there's greater voter participation, and, also, what the cost would be, so that we as a Legislature in next year's budget process can make a decision.

LEG. BINDER:

Would you yield, Legislator Bishop? Can I --

P.O. TONNA:

All right. Can we vote? Please, let's vote on it.

P.O. TONNA:

Can we vote on this issue, please?

LEG. BINDER:

Just let me just make a comment on that.

P.O. TONNA:

All right, yes. You want to make a comment on our ability to vote?

LEG. BINDER:

No, just on the constitutionality. It would seem that there's at least a question of an equal protection clause, because we are spending money in terms of giving out information. And if we're doing that, we're spending it in certain areas and not in others, and I don't know if it could rise to that level, so it's a question.

P.O. TONNA:

You know, I would say this must be a good way to spend public funds. Let's just take it to the Supreme Court and decide. All right. Let's vote on this.

LEG. CRECCA:

Roll call.

P.O. TONNA:

All in favor? Do we have to have a roll call?

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LEG. FOLEY:

No, we don't have to have a roll call.

P.O. TONNA:

Nobody's called for a roll call. Nobody's called for a roll call.

LEG. HALEY:

Roll call.

P.O. TONNA:

Okay. Roll call.

(Roll Called by Mr. Barton)

LEG. POSTAL:

Yes.

LEG. CRECCA:

Yes.

LEG. CARACCILO:

Yes.

LEG. GULDI:

Yes for the 15th.

LEG. TOWLE:
Yes.

LEG. CARACAPPA:
Pass.

LEG. FISHER:
Yes.

LEG. HALEY:
No.

LEG. FOLEY:
Dave? Yes.

LEG. BISHOP:
Vote yes. That's all right.

P.O. TONNA:
He's not a lawyer. We can get away with that.

LEG. FIELDS:
Yes.

LEG. ALDEN:
Yes.

LEG. CARPENTER:
(Not Present)

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LEG. D'ANDRE:
Yes.

LEG. BISHOP:
I'll abstain.

LEG. BINDER:
I abstain.

LEG. COOPER:
Yes.

P.O. TONNA:
Yes.

LEG. CARACAPPA:
Abstain.

P.O. TONNA:
All right.

LEG. CARACCIOLO:
Cosponsor.

P.O. TONNA:
Great.

MR. BARTON:
Twelve. (Not Present: Legislator Carpenter)

P.O. TONNA:
Okay, here we go. You ready? Let's go on to the next one. Number 1742 (Authorizing County Department of Public Works to implement Truth and Honesty Reporting Policy for use of county vehicles). Legislator Towle, was is your --

LEG. TOWLE:
Motion to approve.

P.O. TONNA:
Motion to approve. Okay, motion to approve. Is there a second?

LEG. CRECCA:
I'm sorry, where are you?

P.O. TONNA:
1742. Is there a second on Legislator Towle's motion to approve? Going once, going twice. Fails for lack of a motion.

Okay. 1853 (Implementing Greenways Program in connection with acquisition of active parklands known as "The Wedge" at Mount Sinai (Town of Brookhaven) (Acquisition Steps). Oh, no, another controversy.

LEG. FISHER:
Withdraw.

P.O. TONNA:
You're kidding me. Okay, withdraw.

LEG. FISHER:

No, that's a different one, Paul.

P.O. TONNA:
Oh, that is?

LEG. HALEY:
It's a different on.

P.O. TONNA:
All right. There's no movement on that issue. 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?

LEG. TOWLE:
Motion to table.

P.O. TONNA:
Motion to table.

LEG. FOLEY:
Second.

P.O. TONNA:
Okay, seconded by Legislator Foley. All in favor? Opposed? Tabled. 1964 (Authorizing Greenways infrastructure improvements fund grant for "The Wedge" property in the Town of Brookhaven). That was a good year.

MR. BARTON:
16 (1948). (Not Present: Leg. Carpenter)

LEG. HALEY:
Motion.

P.O. TONNA:
Motion by --

LEG. CARACCIOLO:
Second.

P.O. TONNA:
Now, this is the -- this is "The Wedge" Wedge. This is your Wedge.

LEG. BISHOP:
Mr. Chairman.

LEG. HALEY:
My Wedge.

P.O. TONNA:
This is the wedgy Wedge. Okay.

LEG. BISHOP:
Mr. Chairman, I make a motion to --

P.O. TONNA:
Wait.

LEG. BISHOP:
-- refer to committee.

P.O. TONNA:
There was a motion to approve by Legislator Haley.

LEG. CARACCIOLO:
Second.

P.O. TONNA:
And second by Legislator Caracciolo. Okay.

LEG. BISHOP:
Mr. Chairman, I make a motion to refer to committee. Question.

P.O. TONNA:
Make a motion to refer to committee. Is there a second?

LEG. FISHER:
Second.

LEG. HALEY:
On the motion.

P.O. TONNA:
Wait, wait.

LEG. FISHER:
Second.

P.O. TONNA:
There's got to be a second. Seconded by Legislator Fisher.

LEG. BISHOP:
Mr. Chairman, on the motion. May I --

P.O. TONNA:
Okay. You have precedent.

LEG. BISHOP:
In the Environment Committee, we discussed how we would handle these measures, and we agreed, as a committee, I thought, that we were going to send them back to committee.

LEG. HALEY:

That was the -- that was this year. This is from last year. This was held over from last year.

P.O. TONNA:

Okay. Can I -- could I say something?

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LEG. BISHOP:

What do you mean this is held up? No. There are two -- as I understand it --

LEG. CARACCIOLO:

Dave, you're absolutely right.

LEG. BISHOP:

-- there are two competing --

LEG. CARACCIOLO:

Dave, you're absolutely right.

LEG. BISHOP:

Right.

P.O. TONNA:

Do, now, what are you doing, are you changing your -- are you changing your motion?

LEG. BISHOP:

No.

LEG. CARACCIOLO:

He's right. He's right on what he's saying, okay, because --

P.O. TONNA:

And you were a member of that committee.

LEG. CARACCIOLO:

Yes.

P.O. TONNA:

And you seconded Legislator Haley's resolution.

LEG. CARACCIOLO:

That's right, because I only support giving one organization \$100,000 instead of one organization \$200,000.

LEG. HALEY:
Two organizations.

LEG. BISHOP:
Well, let me --

LEG. CARACCIOLO:
No, no, no, no, it's the same organization. No, I'm sorry. No, it's not.

LEG. FISHER:
No, it's not.

LEG. CARACCIOLO:
It's two different.

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LEG. FISHER:
It's the same property.

LEG. CARACCIOLO:
It's the same project, 200,000.

LEG. BISHOP:
Mr. Chairman, if I can just reclaim my time.

P.O. TONNA:
Yes.

LEG. CARACCIOLO:
That's what was the confusion.

LEG. BISHOP:
Real quick, I just -- to run through this quickly. There is a program in the Capital Budget which allows money to be given to a Greenways site, to take it from Open Space to Park. The way that resolution was written, I thought as the author of it, that it was \$100,000 per parcel. Counsel has advised us that it's \$100,000 per entity. So, for example, if you have a Greenways parcel in your district, you could have fifteen community groups come forward and each ask for \$100,000 to do work on that site.

LEG. FISHER:
But each of them would have to be willing to put up \$100,000.

LEG. BISHOP:
Correct. So, at committee, in discussing this, we said, well, that

may be the legal -- what's legally allowed, but what we intend and what the policy should be is no more than \$100,000 per site. This way twelve different sites in the County --

LEG. FISHER:
Mr. Chairman.

LEG. BISHOP:
-- can access the money. We have two bills before us, each of which gives \$100,000, one to Brookhaven Town, the other to the community group for "The Wedge" site. So the question is how do we handle that? What I say is send it back to the environment and land preservation committee and we will hash it out. Hopefully, the two sponsors can work it out, so that each group could get \$50,000, or they could agree that one group will get 100,000. But I don't think it's a wise policy to put \$200,000 to one site, because then any time you had a site in your district, there would be no money left.

LEG. CARACCIOLO:
Legislator Bishop, would you suffer an interruption?

LEG. FISHER:
Well, I just wanted to answer part of that.

LEG. CARACCIOLO:
Sure.

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LEG. FISHER:
I'm sorry.

LEG. CARACCIOLO:
That's okay.

LEG. FISHER:
Which is the "we". I did not agree with that, so I'm a member of that committee and I was not a part of that "we". That the interpretation was that it could only be one grant given per parcel. I was made to understand by Counsel, when I submitted my resolution, that there could be more than one grant in a parcel, if there was more than one entity who was putting up money. So this is why I had submitted this resolution initially. That was my understanding. And if there is an ability for us to approve both 1964 and 2024, I would support that, and it would put to rest a great deal of friction that exists between --

LEG. HALEY:

I would support that as well.

LEG. FISHER:

Between these -- this community group and the Town of Brookhaven.

LEG. FOLEY:

Mr. Chairman, if I may.

P.O. TONNA:

Yes.

LEG. POSTAL:

Legislator Caracciolo's first.

P.O. TONNA:

Legislator Caracciolo.

LEG. CARACCIOLO:

Let me bring this question out loud, then. First of all, Legislator Bishop, I believe, correct me if I'm mistaken, that you were the author of the Capital Program and Budget allocation. Is it 1.2 or 1.5, Dave?

LEG. BISHOP:

I thought it was 1.5, but Counsel keeps saying it's 1.2, so I assume it's 1.2, because he's usually right.

LEG. CARACCIOLO:

Right, because I've heard both figures.

MR. SABATINO:

It's 1.5.

LEG. BISHOP:

It is 1.5.

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LEG. CARACCIOLO:

Okay.

LEG. BISHOP:

Good, I was right.

LEG. CARACCIOLO:

So, then, Counsel, the question that arises is how does one access this program or this account? Is it only through Greenways, or is it for any partnership with community organization for any project?

(Flag Fell Down)

LEG. TOWLE:
Safe.

LEG. CARACCIOLO:
Almost speared over there.

LEG. POSTAL:
The building's falling down.

LEG. HALEY:
I saw Legislator Carpenter throw that at Legislator Tonna.

P.O. TONNA:
She's going to go the Human Resources Committee and say Workers
Comp --

LEG. CARACCIOLO:
Where was Binder? Oh, he's over there. Okay.

P.O. TONNA:
Believe me, if it was going to happen, it would have been the pointed
end.

LEG. BINDER:
You're going to blame that on me, too, Mike? Come on.

LEG. CARACCIOLO:
So, Paul, could you just clarify what the original program was, the
amount, and what the intent and how does one avail themself, or how
does a Legislator avail themselves to this program?

MR. SABATINO:
It was \$1.5 million in the original legislation. It was limited
purely to the Active Parkland component of Greenways. No other
program in the County was contemplated for a partnership in that. And
what it requires is you've got to have either a community organization
or a town that's committed to that particular active parkland
implementation of an infrastructure improvement, and they have to be
able to put up a matching share. So you can't just access the money
and get an appropriation unless there's a matching share committed by
whoever the entity is.

LEG. CARACCIOLO:

Based on that description, could you further define what an infrastructure improvement -- what would qualify as an infrastructure improvement? You couldn't purchase land with that money, not that anyone is.

LEG. FISHER:

No.

MR. SABATINO:

No. This was all of those items that are set forth in the Charter, which are, you know horseback trails, soccer fields, baseball fields, football fields.

LEG. CARACCIOLO:

Playground equipment.

MR. SABATINO:

Playgrounds. I mean the whole litany of items that makes it an active parkland.

LEG. CARACCIOLO:

Okay. A building would not qualify, like a restroom, would it?

MR. SABATINO:

If it's part of a recreational facility, sure.

LEG. CARACCIOLO:

Okay. I'm just trying to get some other --

MR. SABATINO:

Yes, a recreational facility.

LEG. HALEY:

In this particular -- just to answer you, in this particular instance, it probably won't be used towards a building, it will be used towards the items he just outlined.

LEG. FOLEY:

Mr. Chairman. Mr. Chairman, I would hope that we would approve both resolutions and not report it to committee, or defer it to committee. This is in many ways a special circumstance. We heard all the let's say difficult discussions that took place last year. Finally, after much work, hard work and persistence, there seems to be at least some kind of resolution. And I would hope that we wouldn't delay this any further.

LEG. GULDI:

Mr. Chairman. Mr. Chairman.

P.O. TONNA:

Yes.

LEG. GULDI:

Or, actually, it's an inquiry for Counsel. Counsel, would it be proper to take the other bill out of order and consider and vote on

both of these together? Could we consider them that way to see if there's ten votes for that proposition, rather than vote them -- vote them one at a time? Is that a promotion to consider and vote on the two resolutions together?

MR. SABATINO:

You have to vote -- I mean, you can take the other bill out of order and move it up, you know, to be side by side, but you can't -- you can't -- you can't do both bills.

LEG. GULDI:

Why not?

LEG. BINDER:

You can't consolidate.

LEG. GULDI:

No, I didn't. And it's not a motion to consolidate, it's a motion to consider and vote on both resolutions at once. We'll vote yes or no to approve both projects. I can't -- why can't we do that? I don't see anything in the rules that prohibits that.

LEG. CRECCA:

Simultaneous vote.

LEG. FISHER:

Simultaneous vote. We've done that.

LEG. BISHOP:

Take the whole agenda.

LEG. GULDI:

Yeah. Well, that's what we do with the consent calendar.

LEG. FISHER:

We do it with the consent calendar.

MR. SABATINO:

Well, the problem -- that problem you have is that they both have bonding resolutions that requires a roll call vote, you know, for the appropriations, so --

LEG. FISHER:

Well, a simultaneous vote.

MR. SABATINO:

I think, based on the bonding motion alone, you can't do it.

LEG. ALDEN:
Mr. Chairman.

P.O. TONNA:
Have we -- wait, wait.

MR. SABATINO:
What you're proposing --

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P.O. TONNA:
Legislator Guldi.

MR. SABATINO:
What you're proposing --

P.O. TONNA:
My point, have we gone -- have we -- have we gone so afar that we have
to time these things --

LEG. GULDI:
The word would be "far" in English.

LEG. CRECCA:
Call the question.

P.O. TONNA:
What?

LEG. ALDEN:
Mr. Chairman.

LEG. GULDI:
Not afar, far.

LEG. CRECCA:
Let's call the question.

P.O. TONNA:
Have we -- have we have such lack of trust for our colleagues that we
have to put them together?

LEG. FISHER:
Yes.

LEG. CRECCA:
Do you really want us to answer that?

P.O. TONNA:
I want to quote Jonathan Cooper.

LEG. GULDI:
You want me to answer that?

P.O. TONNA:
Shame on you, Legislator Guldi.

LEG. ALDEN:
Mr. Chairman, I had one question.

P.O. TONNA:
Legislator Alden, I'm sure there'll be something bright and erudite,
and we're looking forward to something.

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LEG. ALDEN:
Thanks. Paul, I just have a question as far as you mentioned before
matching funds. What would qualify as matching funds, other grants
and -- or do they have to raise -- the entity has to raise capital on
their own?

MR. SABATINO:
It just has to be a commitment of an equivalent dollar amount of
proceeds they have. Whatever the sources is is not determinative.

LEG. ALDEN:
Would other County grants qualify for that, then? Could you use a
County grant to qualify for this County grant?

MR. SABATINO:
Well, in theory, yes. I can't imagine how in practice it could
happen, because any grant that you would make to an entity would be a
conditional grant. But in theory, the answer is yes.

LEG. ALDEN:
All right. Thanks.

MR. SABATINO:
In practice, I would think no.

LEG. CARACCILOLO:

Question.

P.O. TONNA:
Okay, question.

LEG. CARACCIOLO:
Counsel, in executing the -- well, first of all, is there an execution of an agreement with the other entity before this money is actually appropriated? Is there -- is there a written binding agreement between the parties?

MR. SABATINO:
At the end -- at the end of the day, there has to be a written agreement with everyone. We had that whole discussion at the end of last year and when the representatives from the Town and I think the Parks Department was for it, so --

LEG. CARACCIOLO:
Well, in essence, the County doesn't write a check for \$100,000, or something less than that --

MR. SABATINO:
There has to be a written agreement, then, to --

LEG. CARACCIOLO:
-- with a third party until there's an actual legal agreement to do so, and the other party at the same time as the County has to put their money up?

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MR. SABATINO:
Well, they -- both parties. I mean, the Town, the Town has passed a resolution and this organization has passed a resolution --

LEG. CARACCIOLO:
Right.

MR. SABATINO:
-- committing to the actual funds. The agreement will happen, you know, someplace down the road, or if it hasn't already happened.

LEG. CARACCIOLO:
All right. Let's just -- you know, this is a brand new program, so let's just take it another step. They go out, then, the entities involved in this case, there are a total of four parties, county, town, school district, and Mount Sinai Civic, and, at this point, we

have one, possibly two resolutions that would commit an additional \$200,000 in County funding. The agreements are executed. What's next in the process of actually securing or purchasing whatever improvements or equipment is involved before checks are written? In other words, do the parties then get together and say, "Okay, we're going to purchase a swing," and whatever, okay, for the playground, and --

MR. SABATINO:

Well, the agreement will lay out the details --

LEG. CARACCIOLO:

Will specify that.

MR. SABATINO:

-- of what is being done. So, for example, if it's a soccer field, the agreement will say it's going to be a soccer field of "X" dimension.

LEG. CARACCIOLO:

All right. Now they contract with a contractor to construct a soccer field --

MR. SABATINO:

Right.

LEG. CARACCIOLO:

-- and it comes time for payment.

MR. SABATINO:

Then the money has --

LEG. CARACCIOLO:

And one of the parties that the County partnered with, whether it's the Town, the Civic, or the School District, says, "You know what, we fell on hard types and we can't follow through," does the County have a liability at that point?

MR. SABATINO:

No. What the County has is the County has a piece of property that

won't get the infrastructure improvement that was contemplated.

LEG. CARACCIOLO:

Okay. Should some language be built into the agreements to ensure that there is some redress to recoup, so that the project can be completed and provide the services that were promised to the community residents

to -- you know, I mean, perhaps I'm a stickler about this, but I can see, and it's not to disparage the Mount Sinai Civic, who based -- and the Heritage Trust that's -- as I've said many times I think is a very reputable and bonafide organization, and I don't believe they have any intent to do that. But we are setting a precedent and we may be dealing with other partners, again, well-intended, but for whatever reason, can't follow through. I just want to know to what extent there's a County liability and then what happens if the other party can't complete their portion of the agreement.

MR. SABATINO:

Well, to answer the first question, I mean, to some extent, you're going to have to feel your way through the process. But, I mean, if I were doing the agreement, I would probably ask the Town, as well as other organization, to put the money in escrow, so this way you'd know that the Town monies were there and that the Organization's monies were there, because what can happen to the Organization can also happen to a Town. I mean, the Town --

LEG. CARACCIOLO:

Well there be any reason why that should not be in the Legislative resolution?

MR. SABATINO:

Well, we don't -- you know, we don't write the agreements. I mean, the idea is that, you know, you appropriate the funds, you set the general policy. You know, I would defer to the Town Parks Department, you know, the people who are going to sit down and work out the actual --

LEG. CARACCIOLO:

But if they don't do that, I mean, it's this entity that --

MR. SABATINO:

That's true of all the resolutions that we do.

LEG. CARACCIOLO:

-- that sets in motion this program, and I want to make sure that the program is actually implemented as it was designed to be implemented and we don't wind up on the short end of the stick.

LEG. BISHOP:

Mr. Chairman.

LEG. CARACCIOLO:

Who?

LEG. BISHOP:

Paul.

P.O. TONNA:

Yes.

MR. SABATINO:

I hear what you're saying --

LEG. BISHOP:

Am I on the list?

MR. SABATINO:

-- but it's virtually every resolution that we --

P.O. TONNA:

Yes.

MR. SABATINO:

-- you know, we appropriate funds on has the same --

P.O. TONNA:

Your name is prominently, prominently displayed.

MR. SABATINO:

-- has the same problem associated with it.

LEG. BISHOP:

Okay.

MR. SABATINO:

It requires hard work on the implementing end.

LEG. FISHER:

Can you call the vote, Mr. Chairman?

P.O. TONNA:

No. Legislator Bishop wants to have his say. Legislator Bishop, it's your turn.

LEG. BISHOP:

Mr. Chairman, this program was created, and let us use the analogy of the bird and the bird bath --

P.O. TONNA:

Let's use that analogy.

LEG. BISHOP:

-- and this program was a bird bath, and we said to the little birdies, "Come to the program, come to the bird bath and wet your beak. Have one drink at the bird bath." Now we have a little birdie called "The Wedge", where the left wing doesn't like the right wing and it flutters about, and our solution is to the birdie, "Have two, two dips into the bird bath." That is not fair to the program, because that leaves less in the bird bath for everybody else. You

follow now?

LEG. FOLEY:

The object is get a larger bird bath.

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LEG. BISHOP:

No. Brian, of course, raise taxes.

P.O. TONNA:

That would be -- that would be somebody who has no problem spending money.

LEG. BISHOP:

Right.

P.O. TONNA:

But, you know, as general.

LEG. BISHOP:

The object should be for the little birdie to work out --

LEG. TOWLE:

Mr. Chairman, can we investigate what medication he's on?

P.O. TONNA:

Yes.

LEG. GULDI:

Somebody check his temperature.

LEG. BISHOP:

So that they don't have two dips into the bird bath.

LEG. TOWLE:

Can we investigate what medication he is on?

LEG. BISHOP:

That's what I'm saying. By approving both resolutions, this little birdie's getting more than your little birdie and anybody else's little birdie in the future.

LEG. TOWLE:

Bird baths. You lost it.

P.O. TONNA:

Yes, I agree, Legislator Bishop, but I'm not voting that way. Anyway,

oh, God.

LEG. TOWLE:
Which part do you agree with the beak or the bigger bird bath?

P.O. TONNA:
All right. Can I just -- we have -- let's do a roll call on -- to --

LEG. HALEY:
1964.

P.O. TONNA:
Yes, 1964 --

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LEG. GULDI:
Well, hold on.

P.O. TONNA:
-- to refer to committee.

LEG. GULDI:
I think we have -- yeah, right.

LEG. FISHER:
I withdraw my second on the motion to refer.

P.O. TONNA:
Okay. So you withdraw your second to refer.

LEG. BISHOP:
And I withdraw the motion. Let's go.

P.O. TONNA:
And you -- okay. So let's -- we're on the motion and it's a roll call vote.

LEG. GULDI:
Motion to approve.

P.O. TONNA:
Roll call on the bond.

(Roll Called by Mr. Barton)

LEG. HALEY:
Yes.

LEG. CARACCIOLO:
Yes.

LEG. GULDI:
Yes for the right wing.

LEG. TOWLE:
Yes.

LEG. CARACAPPA:
Yes for the left wing.

LEG. FISHER:
Yes.

LEG. FOLEY:
Yes for both wings.

LEG. FIELDS:
Yes.

LEG. ALDEN:
Yes.

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LEG. CARPENTER:
Yes.

LEG. CRECCA:
Yes.

LEG. D'ANDRE:
Yes.

LEG. BISHOP:
No.

LEG. BINDER:
Pass.

LEG. COOPER:
(Not Present)

LEG. POSTAL:
Yes.

P.O. TONNA:
Yes.

LEG. BINDER:
Yes.

MR. BURKHARDT:
He's in the men's room.

P.O. TONNA:
I don't think that's a valid vote. Okay.

MR. BARTON:
Legislator Cooper.

P.O. TONNA:
It's all right.

LEG. FISHER:
Mr. Chairman.

P.O. TONNA:
He'll just have to wet his beak at another time. Go ahead. Let's go on.

LEG. GULDI:
There he is.

P.O. TONNA:
Legislator Cooper.

LEG. COOPER:
Did I miss anything?

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LEG. CRECCA:
No, it wasn't called yet. You can vote.

P.O. TONNA:
Go ahead, Legislator Cooper, say yes.

MR. BARTON:
Legislator Cooper.

P.O. TONNA:
Trust me, say yes.

LEG. COOPER:
Yes.

P.O. TONNA:
Okay.

LEG. COOPER:
Definitely, yes.

P.O. TONNA:
There you go.

LEG. COOPER:
Absolutely, yes.

P.O. TONNA:
17.

MR. BARTON:
16-1.

P.O. TONNA:
Oh.

MR. BARTON:
One vacancy.

P.O. TONNA:
Okay, there we go.

LEG. FISHER:
Mr. Chairman. Motion to take 2024 (Appropriating Greenways
Infrastructure Improvements Fund Grant for "The Wedge" property in the
Town of Brookhaven) out of order.

P.O. TONNA:
Sure. Motion to --

LEG. GULDI:
Second.

P.O. TONNA:
I'll second that, because I'm -- why not? All in favor? Opposed?
It's in front of us now. Is there a motion, Legislator Fisher?

Motion to approve.

LEG. HALEY:
Second.

P.O. TONNA:
And seconded by Legislator Haley in such bipartisan cooperation.

LEG. CARACCIOLO:
Roll call.

P.O. TONNA:
There we go. Roll call on the bond. I want you to know that both of you are not getting anymore pecks at this beak, or whatever. That's it for you guys.

LEG. FISHER:
Oh, it's not -- not me, it's not my district.

P.O. TONNA:
Oh, it doesn't matter. It's your money and that's it.

(Roll Called by Mr. Barton)

LEG. FISHER:
Yes.

P.O. TONNA:
Roll call on the bond.

LEG. HALEY:
Yes.

LEG. CARACCIOLO:
No.

LEG. GULDI:
Yes for the left wing.

LEG. TOWLE:
Yes to the vulture.

LEG. CARACAPPA:
Yes for the right wing.

LEG. FOLEY:
Yes.

LEG. FIELDS:
Yes.

LEG. ALDEN:
This is a bird bath or a trough? Yes.

LEG. CARPENTER:
Yes.

LEG. CRECCA:
Yes.

LEG. D'ANDRE:
Yes.

LEG. BISHOP:
Yes.

LEG. BINDER:
No.

LEG. COOPER:
Yes.

LEG. POSTAL:
Yes.

P.O. TONNA:
Yes.

MR. BARTON:
15.

LEG. HALEY:
Done.

P.O. TONNA:
All right. You guys can leave now, all right?

(Applause).

Okay, next. Let's go on. Thank you. That was so wonderful. I got warm --

LEG. BISHOP:
A great way to solve the problem.

P.O. TONNA:
I have such warm feelings.

LEG. BISHOP:
Both, we'll give them both money.

P.O. TONNA:

Okay. 2054 (Adopting Local Law No. 2000, a Charter Law to require fair market value for disposition of surplus County vehicles). Is there a motion? Fails because the guy's not around anymore. Okay.

LEG. GULDI:
Thank God.

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P.O. TONNA:
That's withdrawn, right? Okay.

MR. BARTON:
Yes, no sponsor.

P.O. TONNA:
2057 (Authorizing conveyance of parcel to Town of Babylon (Economic Opportunity Council of Suffolk, Inc.) Section 72-h, General Municipal Law). You notice the --

LEG. POSTAL:
Motion to table.

P.O. TONNA:
Motion to table, seconded by myself. All in favor? Opposed? Tabled.

MR. BARTON:
17.

P.O. TONNA:
21 --

MS. BURKHARDT:
We did that.

P.O. TONNA:
Yes. Okay, great.

WAYS AND MEANS

Ways and Means, 2068.

LEG. BISHOP:
Mr. Chairman.

P.O. TONNA:
Yes.

LEG. BISHOP:

I'm fading fast. Can we do the veto overrides at this time?

P.O. TONNA:

No. We're going to get this stuff done, and then we're going to move to the CN's --

LEG. BISHOP:

Okay.

P.O. TONNA:

-- and then the veto overrides.

LEG. BISHOP:

All right.

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P.O. TONNA:

2068 (Authorizing the sale of County-owned real estate pursuant to Section 215, New York State County law to Stephen P. Phillips.)

LEG. GULDI:

Motion.

P.O. TONNA:

Is there a motion?

LEG. FOLEY:

Second. Not the first one. Motion.

P.O. TONNA:

2068.

LEG. FOLEY:

Motion.

P.O. TONNA:

Motion.

LEG. FOLEY:

Motion, Mr. Chairman.

P.O. TONNA:

Okay. Seconded by Legislator Postal. All in favor? Opposed? Approved. Stick with us, everybody, please. Jonathan, are you

around? Get -- sit down. Stick with us, be focused. Everybody, let's move through these.

MR. BARTON:
17.

P.O. TONNA:
2288 (Authorizing the sale of surplus property sold at the November 14, 2000 auction pursuant to Local Law 13-1976 as per Exhibit "A"). Is there a motion?

LEG. POSTAL:
Motion.

P.O. TONNA:
A motion, seconded by myself. All in favor? Opposed? Approved.

MR. BARTON:
Who was the motion, Mr. Chairman?

LEG. POSTAL:
Me.

MR. BARTON:
Thank you. 17.

P.O. TONNA:
2289 (Authorizing the sale of surplus property sold at the November

239

15, 2000 Auction pursuant to Local Law 13-1976 as per Exhibit "A").

LEG. FOLEY:
Motion to table.

LEG. BISHOP:
Second.

P.O. TONNA:
Okay. A motion and second to table. Why?

LEG. FOLEY:
If you look at the backup, a -- I'm not on Ways and Means. I would have gone to the meeting. But if you look at the backup, a number of parcels were sold for under \$20,000. The County Law is that those parcels whose value is under \$20,000 are supposed to be first offered directly to adjacent property owners, or have a mini -- what would you call it?

LEG. HALEY:
Auction?

LEG. FOLEY:
Auction or bidding process among the surrounding homeowners or adjacent property owners.

P.O. TONNA:
And that wasn't done?

LEG. FOLEY:
That wasn't done in many of these cases, plus you'll see names of people -- well, let me put it -- put it that way. That was not done in this case. And there was -- particularly in the Town of Brookhaven, there are multiple, multiple parcels where that happened.

P.O. TONNA:
Okay.

LEG. FOLEY:
And I'd like to speak with Real Estate about it a little further.

P.O. TONNA:
Okay, great.

LEG. GULDI:
On the motion. I'd like to support the motion, provided Legislator Foley will contact Real Estate --

LEG. FOLEY:
Yes, sir.

LEG. GULDI:
-- and get it dealt with this month?

LEG. FOLEY:
Yes.

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P.O. TONNA:
Great. All in favor? Opposed? Tabled.

MR. BARTON:
17.

LEG. FOLEY:

Thank you.

P.O. TONNA:
All right.

LEG. FOLEY:
Thank you. Thank you.

ENVIRONMENT, LAND ACQUISITION, AND PLANNING

P.O. TONNA:
Energy -- I mean Environment, Land Acquisition and Planning. 2302
(Approving voluntary land exchange between Andrea Podolsky and the
County of Suffolk). Is there a motion? Legislator Bishop, is there a
motion?

LEG. BISHOP:
Motion.

P.O. TONNA:
Motion, seconded by myself. All in favor? Opposed? Approved.

2311 (Making a SEQRA determination in connection with the proposed
improvements to police radio coverage in Huntington Village, Town of
Huntington).

MR. BARTON:
17. (2302)

LEG. BISHOP:
Motion.

P.O. TONNA:
Motion by, Huntington, Legislator Cooper, seconded by myself. All in
favor? Opposed? Approved.

MR. BARTON:
17.

P.O. TONNA:
2319.

LEG. BISHOP:
Done already.

P.O. TONNA:
Roll call on the bond.

LEG. BISHOP:
We did it already.

LEG. BINDER:
Did it .

P.O. TONNA:
Okay, great. 2322 (Approving acquisition under Suffolk County Land Preservation Partnership Program (Property of Peconic Land Trust) Town of Shelter Island). Is there a motion?

LEG. BISHOP:
Motion.

P.O. TONNA:
Motion by --

LEG. CARACCIOLO:
Yes, yes, yes.

P.O. TONNA:
Who, Legislator --

LEG. BISHOP:
Caracciolo.

P.O. TONNA:
Caracciolo, seconded by Legislator Bishop. All in favor? Opposed?
Approved.

MR. BARTON:
17.

YEAR 2001

P.O. TONNA:
Okay. Motion, 1000 (Amending the 2001 Operating Budget and accepting and appropriating an approximate 40% grant from the New York State Research and Development Authority regarding nutrient removal at Sewer District No. 1-Port Jefferson and authorizing execution of agreements for the improvements to Sewer District No. 1-Port Jefferson), by Legislator Fisher, seconded by Legislator Foley. All in favor? Opposed? Approved.

MR. BARTON:
17.

HUMAN RESOURCES

P.O. TONNA:
Okay. Human Resources. 2051 (Implementing Day Care Program for County Employees).

LEG. TOWLE:
Going to make a motion to table for one month.

P.O. TONNA:

Okay.

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LEG. TOWLE:
Please.

P.O. TONNA:
Seconded by myself. All in favor? Opposed? Tabled.

MR. BARTON:
Tabled, 17.

P.O. TONNA:
2305 (Approving the appointment of Karen Lessler as a member of the Suffolk County Youth Board Coordinating Council representing Legislative District #4). Is there a motion?

LEG. CRECCA:
Motion to approve.

P.O. TONNA:
Legislator -- okay, motion to approve --

LEG. FISHER:
Second.

P.O. TONNA:
-- by Legislator Crecca, seconded by Legislator Fisher. All in favor? Opposed? Approved. Legislator Fisher.

MR. BARTON:
17.

LEG. FISHER:
Motion on 2306.

P.O. TONNA:
2306 (Approving the appointment of Cristina C. Bonuso as a member of the Suffolk County Youth Board Coordinating Council Representing Legislative District #5). Motion, seconded by myself. All in favor? Opposed? Approved.

2307 (Approving the appointment of Donald Hicks as a member of the Suffolk County Youth Board Coordinating Council Representing Legislative District #6.)

MR. BARTON:

17. (2306)

LEG. FISHER:
Motion.

P.O. TONNA:
Motion by Legislator Fisher, seconded by Legislator Cooper. All in favor? Opposed? Approved.

MR. BARTON:
17.

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P.O. TONNA:
2308 (Approving the appointment of Troy Livingstone as a member of the Suffolk County Youth Board Coordinating Council Representing Legislative District #9). Motion by Legislator Fields, seconded by Legislator Fisher. All in favor? Opposed? Approved.

MR. BARTON:
17.

P.O. TONNA:
2309 (Approving the appointment of Theresa Parrish as a member of the Suffolk County Youth Board Coordinating council Representing Legislative District #11). Motion by Legislator Carpenter, seconded by Legislator Fisher. All in favor? Opposed? Approved.

MR. BARTON:
17.

FINANCE AND FINANCIAL SERVICES

P.O. TONNA:
Okay. Finance and Financial Services. (2300-To readjust, compromise, and grand refunds and chargebacks on correction of errors/County Treasurer by: County Legislature #115).

LEG. CARACCIOLO:
Motion.

LEG. HALEY:
Second.

P.O. TONNA:
Motion by Legislator Caracciolo.

LEG. FOLEY:
Second.

P.O. TONNA:
Seconded by Legislator Haley. All in favor? Opposed? Approved.

MR. BARTON:
17.

P.O. TONNA:
2301 (To Readjust, compromise and grant refunds and chargebacks on real property correction of errors by: County Legislature Control #663-2000).

LEG. FOLEY:
Motion.

P.O. TONNA:
Motion by Legislator Caracciolo, seconded by Legislator Foley. All in favor? Opposed? Approved.

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MR. BARTON:
17.

YEAR 2001

P.O. TONNA:
1001 (Delegating authority to refund certain erroneous tax payments to the Suffolk County Treasurer). Motion by Legislator Caracciolo, seconded by Legislator Foley.

LEG. FOLEY:
Explanation.

P.O. TONNA:
All in favor? Opposed?

LEG. FOLEY:
Explanation.

P.O. TONNA:
Okay, explanation.

LEG. FOLEY:
Doesn't he have the authority now, or where is it being transferred

from?

MR. SABATINO:

No. It's an annual resolution that authorizes the Treasurer to unilaterally deal with tax adjustments that are \$500 or less. It's just --

LEG. GULDI:

2,500.

MR. SABATINO:

I'm sorry, the law just changed. It used to be \$5,000. It was just -- \$500. It was changed to -- it was changed --

MR. SABATINO:

No, it was -- wait a minute. It was changed to --

LEG. GULDI:

2,500.

LEG. FOLEY:

The other counsel says 2,500.

MR. SABATINO:

Yeah, it was --

LEG. GULDI:

2,500 is what's in the resolution.

MR. SABATINO:

Yeah, it was changed to 2,500. It used to --

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P.O. TONNA:

Okay, great.

MR. SABATINO:

I'm sorry. It used to be \$500. It was changed to \$2,500 or less. But it's an annual authorization that expires every December 31st.

P.O. TONNA:

Okay. All in favor? Opposed?

LEG. FOLEY:

Pro bono counsel.

P.O. TONNA:

Approved.

MR. BARTON:
17.

P.O. TONNA:
Okay. 1003 (Establishing Suffolk County Sales Tax Policy for implementation of stable General Fund property taxes). Motion by Legislator Haley. Legislator Haley. I'll seconded it. Legislator Haley, what does this do?

LEG. HALEY:
This is a corrected copy of what I had last year that said that 100% of those sales tax revenues, excess sales tax revenues, would go to the tax stabilization. That's only those monies that are in excess of what was budgeted. I reduced that to 50, 50%, and, of course, that would be in perpetuity.

P.O. TONNA:
Right. In perpetuity, meaning that always, when we have a surplus.

LEG. HALEY:
It survives beyond 2001, right. The surplus of what we budgeted in sales tax revenues, 50% of that goes to tax stabilization.

P.O. TONNA:
Where does the other 50% go?

LEG. GULDI:
Stays in the General Fund.

P.O. TONNA:
Stays in the General Fund as a --

LEG. HALEY:
Stays. Stays, right.

LEG. GULDI:
Stays in the General Fund as a surplus.

LEG. HALEY:
As a surplus, right.

P.O. TONNA:
Let me just -- Fred, just to ask you, we have a shortfall let's say hypothetically of \$20 million in the General Fund. Okay? This law

doesn't --

MR. SABATINO:
Hypothetically.

P.O. TONNA:
This law doesn't address that whatsoever, then. But if we had --
right, am I correct?

MR. POLLERT:
Yes, that's correct.

P.O. TONNA:
Okay. Fifty percent of the going into -- 50% going into the Tax
Stabilization Fund, that leaves another 50% to carry over for the fund
balance, right, is that --

MR. POLLERT:
That's correct. Or to cover shortfalls elsewhere within the budget.

LEG. GULDI:
Add me as a sponsor.

P.O. TONNA:
Okay. What happens --

LEG. CRECCA:
Henry, cosponsor, too.

P.O. TONNA:
What happens now if there are the shortfalls the budget? I thought
we're dealing with already a budget surplus.

MR. POLLERT:
We are dealing with a budget surplus. What this says is if you have a
surplus in sales tax, one half of it goes to Tax Stabilization Reserve
Account. If, for instance, another revenue source dries up, you can't
balance the two out. It looks at sales tax in isolation and says, if
sales tax comes in --

P.O. TONNA:
Higher.

MR. POLLERT:
-- higher than what was adopted, then one half of it goes. So last
year, even though we had a shortfall in the estimated amount, what was
adopted for sales tax was significantly lower than what came in. We
got \$35 million more than what was adopted.

P.O. TONNA:
Fred, do you -- do you endorse this plan?

MR. POLLERT:

We had discussed it with the Legislator. It is -- it does reduce the degrees of freedom for the County Executive's Office. Ken Weiss, however, I understand is supporting the bill.

P.O. TONNA:

Well, we know they're supporting the bill. They have cigars together, you know, the whole thing. But just do you -- I'm asking you.

MR. POLLERT:

It does reduce the degrees of freedom of both the Legislature and the County Executive.

P.O. TONNA:

You didn't answer my question. Do you endorse the plan? You're going to repeat this again, I know you.

LEG. FOLEY:

How does it reduce -- ask him how it reduces our flexibility and then we go from there.

P.O. TONNA:

Does it -- let me ask you --

MR. POLLERT:

What happens is last year we used all the -- we used all the sales tax revenues to cover the cost overrun in Medicaid.

P.O. TONNA:

Right.

MR. POLLERT:

If you didn't have that flexibility, you would not have had such a large fund balance. You would have been raising taxes even though you were shifting money to the Tax Stabilization Reserve Account. Now, in theory, Ken can say, "Listen, I transferred \$20 million to the Tax Stabilization Reserve Account. I'm going to pull it out to hold the line on taxes."

P.O. TONNA:

You can't, because you need over 4%, right? In other words, the formula has to --

MR. POLLERT:

Well, actually, they have now lifted that requirement. I think it's now down to 2 1/2%.

[SUBSTITUTION OF STENOGRAPHER - ALISON MAHONEY]

LEG. HALEY:

Wait a minute, that's important; repeat that.

P.O. TONNA:
I want to hear that.

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MR. POLLERT:
They have now lifted that requirement, I believe it's now down to two and a half percent.

LEG. FOLEY:
For what?

MR. POLLERT:
You can now pull money out of Tax Stabilization Reserve Account, if taxes are going up by more than two and a half percent. But tax stabilization reserve account was always anticipated as a safety value for the mandated side of the budget which went up by \$25 million last year. So it doesn't -- it does reduce degrees of freedom but it's not catastrophic. And during good times it's a good bill.

P.O. TONNA:
Right, but we're approaching some sometimes that I'm not so sure, you know.

LEG. FOLEY:
Mr. Chairman?

P.O. TONNA:
And it goes into perpetuity, right?

MR. POLLERT:
That's correct, it's not just a one year.

LEG. HALEY:
Mr. Chairman?

LEG. FOLEY:
Mr. Chairman, if you could --

P.O. TONNA:
Wait. Everybody, there is a list. Legislator Postal has the floor, after that Legislator Haley, then Legislator Foley.

LEG. FOLEY:
Have him complete the thought about maybe in good times it's good, but

I want to know what happens in the not so good times.

LEG. POSTAL:

Mr. Chairman, if I could ask the Budget Review Office. When you said that it would -- if you could have the flexibility to use an additional amount of sales tax revenue to cover a shortfall and you wipe that out, you would have to increase taxes. You might have to increase the tax levy but the tax warrant, wouldn't that -- I mean, it would be the same.

MR. POLLERT:

That would, in fact, remain the same because you would be pulling --

LEG. POSTAL:

It would be the same.

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MR. POLLERT:

Right. You would then be pulling money out of the Tax Stabilization Reserve Account. The Legislature did this in the past. For about five or six years hand running there was a clause in the Omnibus bill adopted by the Legislature which said to the extent sales tax comes in greater than adopted, the Treasurer is to post it to a Tax Stabilization Reserve Account. What this does is it says instead of doing a hundred percent of it, you're going to do 50% of it.

LEG. POSTAL:

So that, in essence, it's kind of a wash. Because if you didn't have this 50% surplus that you put into a tax stabilization fund that you now couldn't use to cover shortfalls, your tax levy would go up but your tax warrant would be reduced by the amount of money you had put into that stabilization fund.

MR. POLLERT:

That's correct.

LEG. POSTAL:

So what it does is it, in my opinion, kind of ensures you that you're going to have an amount for tax stabilization in good times. So that if there are good times you're not spending the money, you're putting it aside, and in bad times you probably will not get a surplus of sales tax revenue. Is that --

MR. POLLERT:

That is correct. But the only problem, again, are the County cap laws which are difficult. Because even though the warrant is going to remain the same, if the levy bounces up we're in the identical

situation we were this year, the tax levy went up significantly even though the General Fund tax warrant didn't change at all. So again, you have some unintended consequences of the cap laws, but speaking with Ken, he feels that he can support the bill because it can pull the money out of the Tax Stabilization Reserve Account.

LEG. POSTAL:

In a way, you could say that this is insurance, I mean, without discipline on the part on the spending side. If you have a surplus and you're not disciplined with regard to spending, you could conceivably utilize this money.

MR. POLLERT:

You're exactly correct and that was the sponsor's intent when sales tax comes in, is to reserve a portion of it to Tax Stabilization Reserve Account and to ensure that it is not expended.

LEG. POSTAL:

Thank you.

P.O. TONNA:

Okay, Legislator Haley.

LEG. HALEY:

Fred, obviously it works better in good times than bad times. But the whole idea is if you could wave a magic wand you'd hope to have five

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to ten years of this happening in good times so that if we run into a real problem at least we have -- we have put some monies aside in tax stabilization.

MR. POLLERT:

Yes.

LEG. HALEY:

Although we don't --

MR. POLLERT:

We agree with you that this is a bill --

LEG. HALEY:

You don't see this being enacted for 2001, though, do you? You don't see that happening in 2001.

MR. POLLERT:

No, I would be very happy if we reached our sales tax estimates. I don't project a surplus.

LEG. HALEY:

Yeah. So I don't see that happening. If things improve then you'll see some monies put into tax stabilization. Thank you, Mr. Chairman.

LEG. FOLEY:

Mr. Chairman, if I may.

P.O. TONNA:

Yes, Legislator Foley.

LEG. FOLEY:

Fred, what reservations do you have about the proposal?

MR. POLLERT:

The reservations mostly deal with the fact that if you had a major unintended problem because some other revenue source dried up, you would not be able to cover it with sales tax overages. So, for instance, two years ago or three years ago when the County got the tobacco money, the State of New York reduced our revenues by \$17 million. It's not unusual to have major hits in State aid, they pass it directly through so they have a balanced operating budget. So if there was a major shortfall in State or Federal aid and at the same time you had \$17 million over in sales tax, you wouldn't have to start to do a layoff or anything of that sort because you would have the sales tax to balance a revenue shortfall.

LEG. FOLEY:

Under this -- through the Chair, under this proposal, if it's approved and signed into law, Fred, given that scenario of the past, if that happened again in the future where there was a cut in State aid and the like, how would that be handled?

MR. POLLERT:

How it would be handled underneath this bill --

LEG. FOLEY:

Underneath this bill.

MR. POLLERT:

Okay. If you could not deal with it through expenditure reductions, you would run a shortfall and pull money out of Tax Stabilization Reserve Account to hold the line on the warrant the following year. So as opposed to it self-correcting during the year, you might actually run a deficit but be able to stabilize the warrant from the money that you had moved into the Tax Stabilization Account. It's more

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of a concern, in my estimation, for the County Executive who has to prepare budgets that deal with the various caps including the tax levy cap. It's blind to the fact that you have a lot of money in the Tax Stabilization Reserve Account, it's saying you can't have a levy increase of more than 4.% Ken doesn't see it as being a major impediment the last time I spoke with him.

P.O. TONNA:

How about with regard to rating agencies, would will they perceive this; is this a positive thing?

LEG. CARACCIOLO:

It's a positive.

P.O. TONNA:

I would think so but, you know.

MR. POLLERT:

Right now we're putting 25% of our discretionary fund balance into the Tax Stabilization Reserve Account. So they're clearly pleased with more money going into a Tax Stabilization Reserve Account.

P.O. TONNA:

Okay.

LEG. CARACCIOLO:

Mr. Chairman, to put this in even a better perspective. Fred, if you go back over the last three years where the County did, in fact, have surpluses in sales tax receipts, what kind of additional funds would today be available to offset the shortfall that was last reported?

MR. POLLERT:

We would probably -- just the last few years, like even last year we would have had another \$17 million in Tax Stabilization Reserve Account. You would probably be approaching at this point the statutory limit of the Tax Stabilization Reserve Account. There's a limit to how much you can put into it, you'll probably be close to the limit. We have been running about \$20 million above what was adopted by the Legislature. Twenty to \$30 million --

LEG. CARACCIOLO:

So you're saying we'd roughly have about almost double that amount today which would --

MR. POLLERT:

Easily.

LEG. CARACCIOLO:

-- easily put --

P.O. TONNA:

We have about \$34 million, right?

MR. POLLERT:

Yeah.

LEG. CARACCIOLO:

Right. But Mr. Chairman, my point was we would be in a very good position today to fend off the shortfall that we recently experienced. And I think this is clearly going forward, something that should be approved because it puts us in a better position when the economy is in decline.

P.O. TONNA:

All right, thank you very much. Legislator Alden.

LEG. ALDEN:

Fred, just one follow up to that. We would have had to cut spending, though, right?

MR. POLLERT:

You would have had --

LEG. ALDEN:

-- to accomplish that

MR. POLLERT:

Yes, because you had used the fund balance to stabilize property taxes.

LEG. ALDEN:

Thanks.

LEG. HALEY:

Okay, move it.

P.O. TONNA:

Great. All in favor? Opposed? Who's opposed? Legislator Bishop, are you opposed?

LEG. BISHOP:

Yes, I'm opposed.

P.O. TONNA:

Legislator Bishop's opposed. Okay, great.

LEG. CARPENTER:

Opposed.

P.O. TONNA:

Opposed, Legislator Carpenter. Two opposed.

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MR. BARTON:
15-2 (Opposed: Legislators Bishop & Carpenter).

P.O. TONNA:
Okay, great.

LEG. HALEY:
Thank you.

LEG. CARPENTER:
Abstention.

MR. BARTON:
15-1-1 (Opposed: Legis. Bishop - Abstention: Legis. Carpenter).

P.O. TONNA:
No. 1023-01 - Amending the 2001 Operating Budget and amending the Suffolk County Classification and Salary Plan to accommodate the transfer of Divisions and their responsibilities which were adopted during the budget process for budget process for Budget Fiscal Year 2001 (County Executive). Is there a motion?

LEG. TOWLE:
Explanation.

LEG. CARPENTER:
Yes, motion.

P.O. TONNA:
Motion. Okay, seconded by Legislator Alden.

LEG. GULDI:
On the motion.

LEG. TOWLE:
Explanation.

P.O. TONNA:
Explanation. Legislative Counsel, why don't we start with you.

MR. SABATINO:
This is legislation to send back that portion of the Omnibus bill that consolidated and transferred the public information component into the new County Department of Human Resources, Personnel and Civil Service. This would send those individuals that were brought from the outlying

departments back into that consolidated department in a separate Office of Public Information and send them back to the departments from which they originated.

The second thing it would do is it would trade in the new administrative position that the Legislature had created to run that division which was a title of Director of Human Resources, and instead of that position an existing position would be reclassified, you know, to a different grade than that position was.

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And then third thing it would do is it would transfer three positions that were sent as part of that reorganization back to the County Department of Public Works. So those three positions are Courier, Material Control Clerk IV and Mail Room Supervisor. So those are the three primary elements of the legislation.

LEG. GULDI:

Question. Why do we have public relations positions in the Probation Department, Labor Department, Parks Department and Health Department?

MR. SABATINO:

That was the point --

LEG. GULDI:

Particularly the Probation Department; exactly who are we doing public relations with?

LEG. TOWLE:

The juvenile detention facility.

MR. SABATINO:

Well, that was the point of the Omnibus. The Omnibus brought them all back into one place and put -- the Omnibus resolution which was part of the that Local Law that was going to create an Office of Public Information put all of those positions in one place in the County Department of Human Resources.

LEG. GULDI:

So we are moving these positions from those departments into Public Works under this division.

MR. SABATINO:

No, that's what the Omnibus did.

LEG. GULDI:

Now we're taking them out and putting them back?

MR. SABATINO:

Now you're reversing that; what's being proposed is to reverse them.

P.O. TONNA:

Okay.

LEG. CARACCIOLO:

Mr. Chairman, I would just point out for the record, there was a representation -- or I should say a presentation made at the Finance Committee by the Deputy Comptroller, Joe Poerio, that based on an analysis that was done by the Comptroller, this resolution would cost some \$200,000. At my request, since Ken Weiss was on vacation, I had the Budget Review work up an FIS which was distributed earlier this morning and they point out that the first year cost is \$3,700 and the five year cumulative cost is 25,000 -- 24,967. So I think it's important for the record -- it's important for the record that the record accurately reflect the cost associated with the resolution. It is nowhere near --

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P.O. TONNA:

Right.

LEG. CARACCIOLO:

-- the first year cost as represented by the Comptroller.

P.O. TONNA:

Well, don't you find that to basically be the Comptroller's, you know, who handles the numbers and stuff, isn't that usually what we find about their numbers?

LEG. CARACCIOLO:

I'll defer to Budget Review.

P.O. TONNA:

Okay. So we're talking about their proposed \$200,000 over the next, what, how many years?

LEG. CARPENTER:

Two hundred and fifty.

P.O. TONNA:

Two hundred and fifty thousand. And you worked it out, Fred, how much does Budget Review say?

LEG. CARACCIOLO:

Thirty-seven hundred the first year, 24,967 over five years.

P.O. TONNA:

Okay, great. So there is a little disparity there. All right, thank you very much. And thank you Chairman of the Finance Committee to check that out. Okay, all in favor? Opposed?

LEG. GULDI:

Opposed.

LEG. BINDER:

Opposed.

LEG. FOLEY:

Opposed.

P.O. TONNA:

Okay, opposed.

LEG. TOWLE:

Roll call.

P.O. TONNA:

Roll call, Henry.

(*Roll Called by Mr. Barton*)

LEG. CARACCILO:

Yes.

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LEG. ALDEN:

Yes.

LEG. GULDI:

No.

LEG. TOWLE:

No.

LEG. CARACAPPA:

Yeah.

LEG. FISHER:

Pass.

LEG. HALEY:

Yes.

LEG. FOLEY:
No.

LEG. FIELDS:
Pass.

LEG. CARPENTER:
Yes.

LEG. CRECCA:
Pass.

LEG. D'ANDRE:
Yes.

LEG. BISHOP:
Yes.

LEG. BINDER:
No.

LEG. COOPER:
Pass.

LEG. POSTAL:
Yes.

P.O. TONNA:
Yes.

LEG. FISHER:
Yes.

LEG. FIELDS:
Yes.

LEG. CRECCA:
Yes.

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LEG. COOPER:
Yes.

P.O. TONNA:
Okay, thank you.

MR. BARTON:
13.

P.O. TONNA:
All right. Now, you know, we need a resolution that cares about pets.
Oh, 1005, here we go.

PUBLIC SAFETY & PUBLIC INFORMATION:
Okay, is there a motion on 1005-01 - (Changing designation of "Pet Safe" Program to provide temporary shelter for pets of domestic violence victims in Suffolk County to PAWS (Cooper).

LEG. COOPER:
Motion to table.

P.O. TONNA:
Motion to table, okay.

LEG. GULDI:
Second.

LEG. COOPER:
I want to keep everyone in suspense.

P.O. TONNA:
Could you tell me what PAWS stands for?

LEG. CARPENTER:
No.

LEG. CRECCA:
No, no. Move on with the agenda, Mr. Chairman.

P.O. TONNA:
Pets what? Pets with emotional --

LEG. COOPER:
Pets are warm and safe -- no. Pets And Women's Safety.

P.O. TONNA:
Okay, thank you. Okay, here we go. All right, let's move on.

LEG. COOPER:
But the acronym has been used by another organization so it's back to the drawing board.

P.O. TONNA:
Okay. We're into Parks now.

MR. BARTON:
Mr. Chairman --

P.O. TONNA:
No, we tabled it. All in favor? Opposed? There's a motion and a second. I second the pets bill.

MR. BARTON:
Thank you.

P.O. TONNA:
All in favor? Opposed? Tabled.

MR. BARTON:
17.

P.O. TONNA:
Okay. PARKS, SPORTS & CULTURAL AFFAIRS:

2282A, 2282-00 - (Amending the 2001 Capital Program and Budget and appropriating funds for the restoration and stabilization of seaplane hangar at Vanderbilt museum (CP 7428.311) (Fisher).

LEG. FISHER:
Motion to approve.

LEG. TOWLE:
Second.

P.O. TONNA:
Motion to approve by Legislator Fisher, seconded by Legislator Towle.
Okay, roll call on the bond.

(*Roll Called by Mr. Barton*)

LEG. FISHER:
Yes.

LEG. TOWLE:
Yes, cosponsor.

LEG. CARACCIOLO:
Yes.

LEG. GULDI:
Yes.

LEG. CARACAPPA:
Yes.

LEG. HALEY:

Yes.

LEG. FOLEY:

Yes.

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LEG. FIELDS:

Yes.

LEG. ALDEN:

Yes.

LEG. CARPENTER:

Yes, cosponsor

LEG. CRECCA:

Yes for the dinosaurs. Cosponsor.

LEG. D'ANDRE:

Yes, cosponsor.

LEG. BISHOP:

Yes.

LEG. BINDER:

Yes, cosponsor.

LEG. COOPER:

Yes, cosponsor.

LEG. POSTAL:

Yes.

P.O. TONNA:

Yep.

MR. BARTON:

17.

P.O. TONNA:

All right, finally the seaplane hangar. All right. Okay, and the gift which should be commendable. Okay -- or commended or whatever the word is.

2285-00 (Reappointing Steven H. Gittelman, PhD., as a member of the Suffolk County Vanderbilt Museum Commission (Trustee No. 11) (Cooper).

Is there a motion, Legislator Cooper?

LEG. COOPER:
Motion.

LEG. BINDER:
Second.

P.O. TONNA:
Okay, seconded by Legislator Binder. Okay, all in favor? Opposed?

LEG. GULDI:
Yes, he should be punished.

260

P.O. TONNA:
All right, approved. Okay, great.

MR. BARTON:
16.

P.O. TONNA:
I think from the majority of Legislators here can't speak about their hidden agendas, but generally, Steve, you've done a great job at the Vanderbilt.

MR. GITTELMAN:
Thank you.

P.O. TONNA:
And we're glad to move it in the right direction.

Applause

MR. BARTON:
Oh, you clapped. 17.

P.O. TONNA:
And we're not going to give you an opportunity to speak.

MR. BARTON:
17.

MR. GITTELMAN:
Thank you so much.

P.O. TONNA:

Yes, you're welcome.

2287-00 - (Reappointing Susan LeBow as a member of the Suffolk County Vanderbilt Museum Commission (Trustee No. 13). Is there a motion?

LEG. POSTAL:
Motion.

LEG. CARPENTER:
Second.

P.O. TONNA:
To approve by Legislator Postal, seconded by Legislator Carpenter. All in favor? Opposed? Approved.

MR. BARTON:
17.

P.O. TONNA:
Okay, LEGISLATIVE & PERSONNEL:

2283-00 - (Authorizing certain technical correction to Adopted Resolution Nos. 1204-1998 and 832-2000 (County Executive).

261

LEG. FOLEY:
Motion.

LEG. HALEY:
Second.

P.O. TONNA:
Motion by Legislator Foley, seconded by Haley. All in favor? Opposed? Approved.

MR. BARTON:
17.

P.O. TONNA:
2290-00 - (Authorizing certain technical correction to Adopted Resolution No. 575-2000 (County Executive).

LEG. FOLEY:
Motion.

LEG. HALEY:

Second.

P.O. TONNA:

Motion by Legislator -- Foley and Haley. All in favor? Opposed?
Approved.

MR. BARTON:

17.

P.O. TONNA:

2316-00 - (Authorizing certain technical corrections to Adopted
Resolution No. 916-2000 (County Executive). Motion by Legislator
Foley/Haley. All in favor? Opposed? Approved.

MR. BARTON:

17.

LEG. BISHOP:

Mr. Chairman?

P.O. TONNA:

Okay, hold it, hold it. We're going to the senseless resolutions.

LEG. BISHOP:

Mr. Chairman, I have a veto overrides also.

P.O. TONNA:

Okay, I know we have some overrides.

SENSE RESOLUTIONS:

Okay, Sense 148-2000 - Memorializing Sense Resolution requesting the
State of New York to uniformly make the torture of animals a felony
(Cooper). Okay, Legislator -- that's snakes. How about bugs.

262

LEG. BISHOP:

Come on, come on, come on.

P.O. TONNA:

Okay. Legislator Cooper, there's a motion by yourself.

LEG. COOPER:

Motion to approve.

P.O. TONNA:

Seconded by Legislator Postal. All in favor? Opposed? Approved.

LEG. CARACAPPA:
I'll cosponsor that.

P.O. TONNA:
Okay. Does that include invertebrates, though? I just want to know.

LEG. COOPER:
By the way, this is -- I know I promised no more animal bills, but this was kicking around for a while.

P.O. TONNA:
Kicking around, I get it, double entendre, okay.

MR. BARTON:
17.

P.O. TONNA:
Anyway, Sense 150-2000 - Memorializing Sense Resolution requesting the State of New York to rename Clearview Expressway to the 77th Infantry Division Expressway (Haley). Is there a motion?

LEG. HALEY:
Motion.

P.O. TONNA:
Motion by Legislator Haley, seconded by Legislator D'Andre. All in favor? Opposed? Approved.

LEG. CRECCA:
Cosponsor, Henry.

MR. BARTON:
17.

P.O. TONNA:
Okay. Legislator Bishop, go ahead so you don't shake the microphone at me in a threatening way. No, let's let Legislator Bishop have his day.

LEG. BISHOP:
Motion to override the veto of Resolution No, 1269 - Implementing improvements to Little East Neck Road and VanBorgendien Park.

P.O. TONNA:
Do we have them in front of us?

LEG. GULDI:
Yeah, they're in the packet, they're in the folder. Second.

LEG. BISHOP:
Mr. Chairman, what this is --

P.O. TONNA:
Where's Linda Burkhardt when I need her?

LEG. BISHOP:
Mr. Chairman, this is money that was put into the 2000 Operating Budget which was approved by this Legislature. Because the Executive Branch did not expend the money in December, the resolution that you have before you moved the money to the Capital Budget so that the will of the Legislature would be preserved.

LEG. FOLEY:
Aah, very wise.

LEG. BISHOP:
It's 2269 -- 1269. So it simply preserves what we already budgeted for.

P.O. TONNA:
All right. Okay, let's just override these things, okay? All right, motion by Legislator Bishop.

LEG. BISHOP:
They're all the same, actually.

P.O. TONNA:
Yeah, let's just do --

LEG. FISHER:
Second.

P.O. TONNA:
Motion by Legislator Bishop, seconded by Legislator Crecca. All in favor? Opposed? Okay.

MR. BARTON:
17.

LEG. HALEY:
Opposed.

P.O. TONNA:
Legislator Haley is opposed, okay.

LEG. CARACAPPA:
I'm here.

MR. BARTON:
Haley opposed, Caracappa is opposed.

LEG. CARACAPPA:
No, no.

LEG. BISHOP:
Caracappa is not opposed.

LEG. CARACAPPA:
I was just saying I'm here.

MR. BARTON:
Okay, 16.

P.O. TONNA:
1270, motion by Legislator -- come on, who's is this?

LEG. GULDI:
Bishop.

P.O. TONNA:
Legislator Bishop, seconded by Legislator Postal. All in favor?
Opposed? Approved.

MR. BARTON:
17.

P.O. TONNA:
Market study in the hotels, who wants that one?

LEG. POSTAL:
That's Angie.

P.O. TONNA:
Angie, Legislator Angie Carpenter makes a motion on 1271, seconded by
Legislator Crecca. All in favor? Opposed? Approved.

MR. BARTON:
17.

P.O. TONNA:
Okay, 1272. Motion -- shop and save. Legislator Alden, is this yours?

LEG. ALDEN:
Motion.

LEG. TOWLE:
Second.

P.O. TONNA:
Motion by Legislator Alden, seconded by shop and save man Mr. Towle.
All in favor? Opposed? Okay, approved.

265

LEG. FISHER:
No, I have one more thing.

MR. BARTON:
17.

P.O. TONNA:
There you go. Okay, No. 1284. Motion by --

LEG. COOPER:
Motion

P.O. TONNA:
-- Legislator Cooper, seconded by myself. All in favor? Opposed?
Approved.

MR. BARTON:
17.

P.O. TONNA:
Okay, there we go.

LEG. FOLEY:
Late starters, Mr. Chairman.

LEG. FISHER:
Mr. Chairman, can I recommit something to committee?

P.O. TONNA:
Wait, wait. Dave, are you going to stay for the task force vote now?
That important --

LEG. CRECCA:
Let's do it right now.

LEG. FISHER:
Mr. Chairman, I'd like to recommit a resolution to committee.

LEG. GULDI:
Second.

LEG. FISHER:
Introductory Resolution --

P.O. TONNA:
Wait, wait, wait. Vivian, just hold it a second.

LEG. FISHER:
Okay.

P.O. TONNA:
I would ask -- this is what I do not want to do; I do not want to take a break. I want everyone to stay focused for a few more moments, we're almost done and then we can let the sparks fly again on the task force resolution, okay? So please, everyone relax, sit down.

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LEG. FISHER:
I would like to make a motion to recommit to committee 2230 which is the waiver of interest and penalties for Craig Brandwein. I'd like to recommit that to Ways and Means.

LEG. GULDI:
Second.

P.O. TONNA:
Where is that?

LEG. FISHER:
You don't have it, I'm just giving you the name of it.

P.O. TONNA:
But where is it?

LEG. FISHER:
It was stuck --

LEG. GULDI:
Did we approve it?

LEG. FISHER:
What happened to that in committee?

P.O. TONNA:
Well, if it's --

LEG. FISHER:

It was tabled subject to call in Ways and Means.

P.O. TONNA:

So it stays there.

MR. SABATINO:

If it's --

LEG. FISHER:

It just stays there? Oh, I was told that it had to be recommitted.

MR. SABATINO:

As long as six months don't run out.

LEG. FISHER:

Okay.

P.O. TONNA:

It's not on the floor, so we don't have to do -- you can't recommit.

LEG. FISHER:

Okay.

LEG. GULDI:

Late starters.

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P.O. TONNA:

Okay, motion to lay on the table No. 3, Procedural Motion No. 3.

LEG. GULDI:

Motion.

P.O. TONNA:

Assigned to Energy. Motion to lay on the table 1107, assigned to Public Safety. Motion to lay on the table 1108 --

MS. BURKHARDT:

Plus set the public hearing.

P.O. TONNA:

Plus set the public hearing, and that's going to be sent to Consumer Protection. Okay, No. 1109, set a public hearing, lay it on the table, and that's going to go to Environment, Land Acquisition and Planning.

LEG. FOLEY:
Second.

P.O. TONNA:
Okay, all in favor? Opposed?

MR. BARTON:
17.

P.O. TONNA:
All right, we have one resolution left.

LEG. CARPENTER:
Two.

P.O. TONNA:
Oh, two? Okay. Yes, we did all the CN'S except for that. Okay, we're discussing Resolution Number --

LEG. CARPENTER:
1065.

P.O. TONNA:
1065, back to the debate. Does anybody want to talk anymore about this?

LEG. CARPENTER:
No.

LEG. BINDER:
What's changed?

P.O. TONNA:
Okay. Oh, do we have some changes? We're making some changes, right/ Legislator Carpenter was a very, very busy Legislator.

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LEG. CARPENTER:
And I thank the County Executive's representative. We did speak with the Police Commissioner, he has no problem with having us remove him as predetermined that he be the Chairman of the task force. The other change was that --

P.O. TONNA:
That will be voted on by the committee, right?

LEG. CARPENTER:
Right, to be voted on by the committee.

MS. ROSENBERG:
Yes.

P.O. TONNA:
Right. Okay.

LEG. CARPENTER:
And that, Mr. Chairman, if you would like to share the information about the money?

P.O. TONNA:
I would have -- although this is not -- yes, the money. Okay, let's talk about the money, bringing on the money.

LEG. CARPENTER:
Having checked with Budget Review --

P.O. TONNA:
Okay, here's the money. Are we saying 50?

LEG. CARPENTER:
Up to 50.

P.O. TONNA:
Okay. We are going to --

LEG. CARPENTER:
Wait, wait. We checked with Budget Review --

P.O. TONNA:
Yes.

LEG. CARPENTER:
And there's a comfort level with designing or specifying that the money for the study be up to 50,000.

LEG. BINDER:
Oh, 50.

LEG. CARPENTER:
Up to.

P.O. TONNA:

Up to 50,000. Can I quit government and become a bidder on that, because I think that would be great. Okay, anyway, the --

LEG. BISHOP:

Four hundred sixth graders.

P.O. TONNA:

Legislator Bishop, does that comply with your wish now to have a professional study?

LEG. BISHOP:

I hope so. I think --

LEG. FOLEY:

Well, I think an extra month, 120 days is better than 90, but if that --

LEG. CARPENTER:

No.

P.O. TONNA:

Let's leave it this.

LEG. CARPENTER:

Thank you.

P.O. TONNA:

All right, all --

LEG. CARPENTER:

All those in favor?

P.O. TONNA:

Is the County Executive willing to make those changes to the CN?

MS. ROSENBERG:

Can you give me the language on the last RESOLVED?

P.O. TONNA:

Yes. Paul, can you give the --

MS. ROSENBERG:

With the amount?

P.O. TONNA:

Can everyone -- do you realize what your non verbals are saying here?

LEG. CARACAPPA:

Absolutely.

LEG. HALEY:

You want us to say it verbally?

270

LEG. FOLEY:

Loud and clear, Mr. Chairman.

P.O. TONNA:

Go ahead.

MR. SABATINO:

Well, let's just put all the changes on the record so I'm clear what they are. The first one is going to be in the second RESOLVED clause, the fourth item, we're going to change Superintendent to the word Administrator. The second change is in the fourth RESOLVED clause, after the word task force we're going to insert, "Shall select a Chairman of the task force," a comma, and then the rest of the sentence flows. And then the third change is going to be in the seventh RESOLVED clause, after the word exceed we're going to insert, "\$50,000 from the Legislature's" --

LEG. CARPENTER:

Up to.

MR. SABATINO:

It says, "Not to exceed."

LEG. CARPENTER:

Oh, okay.

MR. SABATINO:

The language before it is not to exceed.

LEG. CARPENTER:

Okay.

MR. SABATINO:

So it will read, "Not to exceed \$50,000 from the Legislature's 4560

Fees-for-Services Account," a semicolon, and the rest of that sentence will be deleted, and it pick up again with, "And be it further".

LEG. BINDER:

Mr, Chairman just --

P.O. TONNA:

Okay.

LEG. BINDER:

Mr. Chairman?

P.O. TONNA:
Yes, Legislator Binder.

LEG. BINDER:
So it's pretty clear that in what will amount to a nine week study, we can spend up to \$50,000 in --

LEG. CARPENTER:
It's 90 days, three months.

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LEG. BINDER:
-- for who knows, because it will take at least a few weeks just to get the stuff together, people together. Obviously this is not going to work and, as I said, I think --

P.O. TONNA:
I think I will have my people pick.

LEG. BINDER:
I think the outcome is going to be -- well, we all know what it's going to be, so.

MR. SABATINO:
One last thing.

P.O. TONNA:
Wait, wait, wait; you know who it's going to be? You know who I'm going to pick?

LEG. BINDER:
No, I have no idea. No, just the report.

P.O. TONNA:
Because I don't know who I'm going to pick

LEG. BINDER:
Not who you're going to pick, what the outcome of the committee report is going to be.

LEG. HALEY:
I would pick Allen.

LEG. CARPENTER:

Counsel?

MR. SABATINO:

Just the other technical point is that Item No. 2 in the second RESOLVED clause where it makes reference to who shall serve as Chairman of the task force, that has to be deleted to conform to the other change.

LEG. CARPENTER:

Right, exactly. Thank you very much.

P.O. TONNA:

Okay. Let's now -- all in favor? Opposed?

(*Opposed said in unison by Legislators*)

LEG. CARPENTER:

Roll call.

P.O. TONNA:

Okay. Let's go, roll call. Roll call.

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MR. BARTON:

Thank you.

(*Roll Called by Mr. Barton*)

LEG. CARPENTER:

Yes.

P.O. TONNA:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. GULDI:

Pass.

LEG. TOWLE:

No.

LEG. CARACAPPA:

No.

LEG. FISHER:

Yes.

LEG. HALEY:
Yes.

LEG. FOLEY:
Yes.

LEG. FIELDS:
Yes.

LEG. ALDEN:
Yes.

LEG. CRECCA:
Yes.

LEG. D'ANDRE:
Yes.

LEG. BISHOP:
Yes.

LEG. BINDER:
Absolutely not, no.

LEG. COOPER:
Absolutely yes.

LEG. POSTAL:
Yes.

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LEG. GULDI:
Abstain.

MR. BARTON:
13.

P.O. TONNA:
All right, thank you very much. Henry, did you read that one out, what was that?

MR. BARTON:
Thirteen, yes.

P.O. TONNA:

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Great. All in favor? Opposed? We're adjourning. Thank you.

[THE MEETING WAS ADJOURNED AT 8:03 P.M.]