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SUFFOLK COUNTY LEGISLATURE

GENERAL MEETING

THIRD DAY

FEBRUARY 27, 2001

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

MINUTES TAKEN BY LUCIA BRAATEN AND ALISON MAHONEY, COURT REPORTERS

[THE MEETING WAS CALLED TO ORDER AT 9:45 P.M.]

P.O. TONNA:

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

MR. BARTON:

Good morning, Mr. Chairman.

(Roll Called by Mr. Barton)

LEG. CARACCIOLO:

Here.

LEG. GULDI:

(Not Present)

LEG. TOWLE:

Present.

LEG. CARACAPPA:

Here.

LEG. FISHER:

(Not Present)

LEG. HALEY:

(Not Present)

LEG. FOLEY:

(Not Present)

LEG. FIELDS:

(Not Present)

LEG. ALDEN:

Here.

LEG. CARPENTER:

Here.

LEG. CRECCA:

Here.

LEG. D'ANDRE:
(Not Present)

(Sound System Malfunctioned)

MR. BARTON:
The don't hear me in the back.

LEG. BISHOP:
(Not Present)

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LEG. BINDER:
(Not Present)

LEG. COOPER:
Here.

LEG. POSTAL:
Here.

P.O. TONNA:
Yes, present.

LEG. GULDI:
Here.

MR. BARTON:
Nine. That's not working either. This whole zone is dead. They
couldn't hear. Okay. I'm talking and I don't hear anything. Number
one.

(Roll Call Continued by Mr. Barton)

LEG. GULDI:
(Not Present)

P.O. TONNA:
All right. Let's try this again.

LEG. FISHER:
Here.

LEG. HALEY:

(Not Present)

LEG. FOLEY:
Here.

LEG. FIELDS:
Here.

LEG. D'ANDRE:
(Not Present)

LEG. BISHOP:
(Not Present)

LEG. D'ANDRE:
Here

P.O. TONNA:
Bishop's here somewhere.

LEG. D'ANDRE:
Yo-ho.

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P.O. TONNA:
He's right there, standing.

LEG. BINDER:
Here.

MR. BARTON:
Seventeen present, Mr. -- 16 present, Mr. Chairman.

P.O. TONNA:
Sixteen present? That's great. It's better than nine that we just had. Okay. First of all, I think we'll start with a Pledge led by Legislator Alden.

(SALUTATION)

I'd like to recognize Legislator Fisher for the purpose of introducing our Clergy today.

LEG. FISHER:
Thank you, Mr. Chairman. I'm very happy to introduce the Reverend Gregory Leonard, who is the Pastor of the Bethel AME Church in

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Setauket. The Bethel AME Church is the sister congregation of my own fellowship in Setauket, and we share many moments together and many activities together. Reverend Leonard has been the Pastor since 1994, and although he's only been there for six, almost seven years, the AME Church has been in a part of Setauket for a couple of hundred years, and is a wonderful historic and cultural essential part of the Setauket community. Reverend Leonard is very active in many activities in Setauket. He's the Chaplain of the Setauket Fire Department. He's also the Chaplain of the Three Village Historical Society. He's on the Community Board for the University -- the Underserved at Stony Brook University. He's also in the organization the Order of Saint Luke Theopolis Healing Mission, and he serves as Chaplain also with the health center community and the Bethel Laurel Hill Community Preservation.

This past Sunday, the last Sunday of Black History Month, our congregation invited his to join us at a breakfast, and we certainly made a wonderful noise unto the Lord, I think. It was a wonderful celebration, a wonderful end to Black History Month. And I would like you to welcome the Reverend Leonard.

(APPLAUSE)

REVEREND LEONARD:

Good morning. Let us pray. Almighty and everlasting Father, as we gather here to, Lord, we thank you for the blessings that you have poured upon us. Lord, we thank you for the strength that you give us from day to day, the courage that you give us, Lord God, to press forward in life. Almighty and everlasting God, we ask a special blessing upon those who sit in these seats this morning, Heavenly Father, Lord, that you would give them courage, that you would give them discernment, Lord, Heavenly Father, that you would give them the wisdom that they need, Lord God, to be those who care for the communities. Almighty and everlasting God, we know that we are here

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for but a season. But, Lord, in this season, Lord, let the light shine, let progress move forward, and let love abound as we bring our peoples and communities together to make a greater county. Lord, we give you all the honor, the glory, and the praise this day, in your name we pray, Amen. Thank you.

P.O. TONNA:

Okay. You can be seated. Thank you. We have a few proclamations. And I want to recognize Legislator Carpenter, Chairwoman of the Public Safety, and Legislator Ginny Fields to present a proclamation for the police officers and firemen who rescued a 17 year old boy from a fire two weeks ago.

LEG. FIELDS:
Girl.

P.O. TONNA:
Girl? Seventeen year old girl, sorry. Seventeen year old.

LEG. CARPENTER:
Thank you.

P.O. TONNA:
It's not working.

LEG. CARPENTER:
They're working on it and this is not working either. Bear with us.
All right. I think we'll be all right. It really gives me pleasure
to recognize people that are out there every day of the year.

P.O. TONNA:
Does the mike work?

LEG. CARPENTER:
It this it? I think it's working. Yes, no?

P.O. TONNA:
Yes.

LEG. CARPENTER:
As I started to say, it really gives -- it's really an honor to be
able to publicly recognize actually six gentlemen who are one of --
six of thousands who are out there each and every day of the year,
representing us, fighting for us, protecting us. The men and women of
the fire service and the Police Department -- and I would ask the six
gentlemen that are going to be recognized today, if you would please
come forward. Fire Fighters Brown and Miller, Police Officer Cullen,
Police Sergeant Ensalata, Police Officer O'Sullivan, and Police
Officer Scrima. These gentlemen risked life and limb in a fire that
took place in Central Islip last month. There were six people, two
women, six children, who were able to get out of the house, but there
was one 17 year old who was trapped in the house. The officers
valiantly tried to rescue her, could not, and the fire fighters came
upon the scene and were able to rescue the young lady. And this is
the kind of service, this is the kind of action that is performed each
and every day of the year. This is what our fire service is, this is

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I would ask Deputy Commissioner Abbott and the gentlemen from the Precinct if they would come forward also as we make this presentation. Legislator Fields.

LEG. FIELDS:

I will just add my congratulations to these fine men who sacrificed. They actually sacrificed their personal time to be ready to be firemen on the Fire Department, and as police officers, they are Suffolk's finest. And we are very, very proud of all of these gentlemen. And we appreciate everything that you have done, and, certainly, the young lady in that home engulfed in flames appreciates what you did. And I understand that the men did not even have time to use equipment that would protect them, they ran into that building and grabbed the young lady and crawled down the stairs or out of the building with this young woman, saving her life. So for that wonderful deed, we commend you and we call you heroes, and you are our heroes. And we thank you for making this community safer and for saving a life of a young lady. Thank you very much.

(APPLAUSE)

LEG. CARPENTER:

I would like to ask the chief of the Central Islip Fire Department if he would also come forward. And in the meantime, Deputy Commissioner Abbott, would you like to say a few words?

DEPUTY COMMISSIONER ABBOTT:

Good morning. On behalf of Commissioner Gallagher, I'd like to thank the entire Legislature, Legislator Fisher, Legislator Carpenter --

LEG. FIELDS:

No, Fields.

DEPUTY COMMISSIONER ABBOTT:

I'm sorry, excuse me, Fields, and Legislator Carpenter for having the ceremony.

The day that this occurrence took place, I was sitting in the office with Chief Robilotto and I heard it coming over the radio, and you could hear the panic on the part of a lady on the phone, and the tension would build and the smoke was building up. The officers arrived, the firemen arrived, and they couldn't get in, the door was locked. They broke in through the door, they pulled this young lady out, and they did a great job. Congratulations. It typifies the character, honor integrity and loyalty of the County employees to the people of Suffolk. And I'd just like to add my congratulations to everybody. Thank you.

(APPLAUSE)

LEG. CARPENTER:

Chief, would you like to say a few words on behalf of the Fire Department?

CHIEF ROBILOTTO:
No.

LEG. CARPENTER:
Okay. Well, one thing I would like to say, we -- next month is Volunteer Recognition Month and we will be honoring volunteers from across the County, and we have two of the finest here today. So thank you. Thank you very much.

(APPLAUSE)

P.O. TONNA:
Andrew, you have -- I'm going to recognize Andrew Crecca for the purpose of a proclamation. Do you?

LEG. CRECCA:
No, I don't have a proclamation.

LEG. CRECCA:
This is Angie. This is Angie.

P.O. TONNA:
Okay. Anyway, all right. I guess it's my turn to give a proclamation. Amy DeLeo, are you around? I just would like to recognize Amy DeLeo, who has done a great job for a year working in the Legislature. We have a number of accomplishments because of your hard work and diligence. The books that you young people are holding right there are due mainly to the efforts that Amy has put together, being able to create a lot of good publicity for our institution, and the warmest of I guess going-offs or sending-offs to the American Cancer Society, that you start your job, what, next week?

MS. DELEO:
Thursday.

P.O. TONNA:
Thursday. So congratulations, and we had a great, great year with you here. Thank you, Amy.

(APPLAUSE)

You want to say something?

MS. DELEO:
I don't know what to say. I would just like -- is this working?

P.O. TONNA:
Yeah, it's working. You just have to speak loud.

MS. DELEO:

Okay. I'd just like to thank Paul and the rest of the Legislators for the opportunity to work for you this past year. I've learned a great deal. It's not working? I've learned a great deal. I've met some very interesting people, and I hope that we can continue our friendships and our working relationships. You're a great group of people. I really appreciate the opportunity. Thank you.

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(APPLAUSE)

LEG. FISHER:

We're going to miss you, Amy.

MS. DELEO:

Thank you. I'm going to miss you, too.

P.O. TONNA:

Okay.

LEG. CARACAPPA:

Are we going to public portion now?

P.O. TONNA:

Excuse me?

LEG. CARACAPPA:

Are we going to public portion now?

P.O. TONNA:

We have another proclamation by Legislator Carpenter, but since she's not able to do that, maybe we will go to the public portion. But I want to make a -- you know, just to make a quick announcement. Legislator Caracappa's grandmother has passed away. He will -- he has an excused absence today for his family in mourning, although I guess we're going to try to push a piece of legislation through as quickly as possible this morning that Joe has basically, you know, furthered. So we'll start with you, Joe.

LEG. CARACAPPA:

Thank you, Mr. Chairman. I do appreciate you recognizing that I do have to leave due to my grandmother's passing, and her service is being held in Brooklyn this morning. I'd like to just move the first agenda item on -- it would be on Page 9. It's a benign, a fairly benign resolution and that's 1041.

P.O. TONNA:

I'll second that.

LEG. CARACAPPA:

It's -- for those who didn't hear me, it's Resolution 1041 and it's in Vets and Seniors. It's exempting disabled veterans from paying Green Key Card park fees. I believe it passed out of Vets and Seniors and Parks as a secondary committee unanimously in both. I'd make that motion, Mr. Chairman.

P.O. TONNA:

Okay. I second the motion. Okay. Just -- it's before us now.

LEG. CARACAPPA:

I make a motion to approve.

P.O. TONNA:

Okay. Motion to approve, second by myself. All in favor? Opposed? Okay.

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LEG. FOLEY:

Cosponsor, please.

LEG. BINDER:

Cosponsor.

LEG. COOPER:

Cosponsor.

P.O. TONNA:

All right.

LEG. CARACAPPA:

Thank you very much.

P.O. TONNA:

Great. What do you got, Henry, as far as the vote?

MR. BARTON:

16.(Not Present: Leg. Haley)

P.O. TONNA:

Okay, great. Thank you very much. Joe, I'd say that, you know, best today to you and your family. All right?

Legislator Carpenter, I recognize you for the purposes of a proclamation.

LEG. CARPENTER:

I would just ask the -- I would just ask the Presiding Officer if he would join me. We are going to be recognizing this morning the West -- the Saint John the Baptist Diocesan High School from West Islip, the Varsity Swim Team who -- I should yell? This is the first time that the Saint John's Swim Team was organized as a team, and in doing so, their very first year, they won a County championship, the Catholic School -- the Catholic High School Athletic Association B Swim Championships held at Fordham University. They came out on top, they were the winners. And we are really very, very proud of them, especially because it is the first year that the team was organized. Their coaches are here today. We have the head coach, Maryann Freeman, Assistant Coaches Marino Stamatelatos, sorry about that, and Peter Ferrara. If you would come forward with the gentlemen of the team. And I know the Presiding Officer wants to say a few words.

P.O. TONNA:

Swimming at Fordham University, I remember swimming at Fordham University myself when swimming in college, and it's pretty amazing that a first year team could do what they've done, so congratulations.

(APPLAUSE)

LEG. CARPENTER:

Just to memorialize this, I would like to read the names of the team in the record. We have Steven Bitz, Michael Parrot, Gavin Buddle, Nick Sileos, Wendel Corwin, Tyler Ford, Sammy Hito, Alex Kissel, Paul

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Robinson. Congratulations, gentlemen. We really have much to be proud of and you set the mark, you set that benchmark really high, you champions. We're looking forward to many more accomplishments for all of you at Saint John's.

P.O. TONNA:

Maxine, maybe we'll start with the cards. And Legislator Crecca has a comment on the first two people that are speaking on the cards.

D.P.O. POSTAL:

Okay. Legislator Crecca.

LEG. CRECCA:

Yes.

D.P.O. POSTAL:

Did you want to introduce the first two people?

LEG. CRECCA:
I did, actually.

LEG. ALDEN:
Legislator Alden, thank you.

LEG. CRECCA:
Yes, thank you. I just want to introduce our first two speakers. And I thank the Presiding Officer and Deputy Presiding Officer for deferring to me. The first two speakers we have today for the public portion are from Great Hollow Middle School. They are from Miss Labusky's, who's in the audience, sixth grade class, English, Language and Arts, class, and they've come today, they've --

LEG. ALDEN:
You'll learn a lot in here.

LEG. CRECCA:
What's that?

LEG. ALDEN:
You'll learn a lot in here.

LEG. CRECCA:
Yeah. They'll -- they're here today because they spearheaded a piece of legislation which is on for public hearing today, which is the raising of fines for people who park illegally in handicapped spaces. I know we have about eight cosponsors on it, so I know it's going to pass either this meeting or next meeting with flying colors. But they're here today and the idea came from them. They read "The Miracle Worker" in their class, and as part of a study, went around to local businesses to see if they were ADA compliant. And as part of that, they noticed a lot of cars parked illegally in handicapped spaces, and they wrote to my office asking that we raise the fines. We responded with legislation, and the great part is that these students have gotten to see legislation from its inception and hopefully right through to its passage. So, without further ado, let me introduce our first speaker who is Cassidy Toben.

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(APPLAUSE)

MS. TOBEN:
When someone is selfish and parks in a handicapped spot, even for just a minute, not only are they taking -- okay. It's not on. When someone is selfish and parks in a handicapped spot, even for just a minute, not only are they taking away the rights of the handicapped, they are

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putting the handicapped in danger. A handicapped person is not able to get out of the way of a moving car quickly. If a car is backing out of the spot, the driver cannot see a person in a wheelchair. So by taking away their spot, you are also taking away their safety and their rights. Please help us save handicapped rights.

An advantage to voting in favor of today's proposal is that with the extra money collected from the fines, the money should be put back into finding a better system for controlling and monitoring handicapped placards. Once again. This sign is one step closer to ensuring the rights of the handicapped. These are just some of the reasons we urge you to vote in favor of this important piece of legislation.

(APPLAUSE)

LEG. CRECCA:

Thank you, Cassidy. Our next speaker from the same class is Tim Borbet.

MR. BORBET:

Thank you to all the Legislators here today for listening to us and considering this important issue. Raising the fine would be a big accomplishment and a step in the right direction. By increasing the fine, people would hesitate to park in a handicapped spot. By increasing the fine, we will be sending the message that it is important not to park in a spot reserved for a handicapped person. There are over 200,000 people who are handicapped in Suffolk County alone. We are a democracy and everything should be equal among us. So to improve the equality for all people, we hope that you will vote in favor of this issue to raise the fine and help us make a difference. If a sixth grader can make an impact, then so can you.

(APPLAUSE)

LEG. CRECCA:

Great speech, Tim. Thank you very much. And if I could just ask everybody to give a round of applause to Miss Labusky, the work that she's done, and these sixth grade students for their civic-minded duties. Thank you.

(APPLAUSE)

D.P.O. POSTAL:

Is that working, Henry.

MR. BARTON:

Yes.

D.P.O. POSTAL:

Okay. Before we continue, I just want to remind everybody who's here today to please turn off cellular phones and put your pagers on silent alert, as required by our rules. The next speaker is Ben Wright.

MR. WRIGHT:

Good morning. My name is Ben Wright. I'm Chief Engineer of Sanitation for the Department of Public Works, and I wanted to make a brief statement regarding Introductory Resolution 1948 that has to do with the proposed formation of Sewer District 24, which is in Yaphank. The existing sewage treatment plant has a service area of just the County facilities that are along Yaphank Avenue, and the formation of the district would allow non-County-owned parcels to also connect to that facility or to be considered for that. This would be in accordance with both the Health Department and Public Works policies where the number of sewage treatment plants would try to be minimized, and also the type of treatment would be maximized, where some of the on-site systems don't provide the type of quality and the effluent that regular sewage treatment plants do. It would also be a revenue producing issue.

The facility in Yaphank was designed for 250,000 gallons per day and it produces at its peak flows 160,000 gallons per day, which leaves 90,000 gallons of excess available capacity. The facility operates within the limits and reduces nitrogen to groundwater standards. There's no cost for the formation of this district. And the procedure that's followed when connections are applied, first it goes to the Sewer Agency, and if adopted, then the contract's developed, which goes to the full Legislature for ratification, which is the last step before the technical aspects of the connection can be made.

So Public Works just strongly supports moving this resolution that has been tabled for a number of months, and I'll be glad to try and clarify any questions that anyone would have.

LEG. TOWLE:

Legislator Postal.

D.P.O. POSTAL:

Yes. Was that Legislator Towle?

LEG. TOWLE:

Yes, it was. Ben, the reason the resolution has been tabled is because I've requested it to be done so, because this is a project in my district and the Department of Public Works has not met with me to discuss this expansion. I've got numerous questions and I'm going to ask for it to be tabled again. And, repeatedly, at every one of the meetings, we have indicated that we wanted someone from Public Works to speak to me. In fact, I know Legislator Foley had mentioned that on numerous occasions as the Chairman of the Public Works Committee and no one has. And until somebody does, I'm not going to move to approve this resolution today, because, obviously, one of the things that approving this resolution will do is allow additional development to

take place in Yaphank and some of the civic associations and chamber of commerces are concerned about what that development's going to be,

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and, obviously, this could be pivotal in that development happening or not. So, you know, quite honestly, I'd appreciate your giving my office a call and let's sit down and go over some of these issues that have been presented to me from the community organizations.

MR. WRIGHT:
Okay. But it is clear that the last step in the whole process is Legislative approval of contracts.

D.P.O. POSTAL:
Thank you.

MR. WRIGHT:
Okay.

D.P.O. POSTAL:
Next speaker is John Backer.

MR. BACKER:
Good morning.

D.P.O. POSTAL:
Good morning.

MR. BACKER:
I'd like to know if I could have Ross Catalano's time, if need be?

D.P.O. POSTAL:
Mr. Catalano, has he left or is he still --

MR. BACKER:
He's still here.

D.P.O. POSTAL:
Oh, okay. But he's yielding his time to you?

MR. BACKER:
Yes, if it's --

D.P.O. POSTAL:
Okay, no problem.

MR. BACKER:
I, along with the taxpayers of Yaphank, along with several civic

associations are in opposition of Resolution 1026, appropriation of planning funds for the construction of a secure juvenile detention center in Yaphank. Criteria listed in Section 180, Requirements of Juvenile Detention Placement, states that it shall be placed where the community is in support. This community is not in support. The Juvenile Detention Center Site Committee Report dated December 8th, 2000 is inaccurate. The report states the facility is near no homes at all. The use of this property is next to my home. It is unsuitable to have a facility like this next to my home. Would any of you like a nine foot chain -- a nine foot high chain link fence with razor wire on top in your backyard? How would you explain to your family and friends that on the other side of the fence in your backyard,

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according to Part 180.16C1, are juveniles who commit murder, kidnapping, arson, assault, manslaughter, rape, sodomy, aggravated sexual abuse, burglary and robbery. Please explain that to me.

At a November 22nd, 2000 site report, Mr. Godek of the Department of Public Works was asked if there was a problem with the land from a geographical standpoint. There were problems with the groundwater at the John Foley Skilled Nursing Facility. It states that if there was a facility built in Yaphank, there would be no basement. And in November 29th, 2000 minutes, Commissioner Fisher said that the site committee had to be aware that the facility would be next to a fire training center. The fire training center operates Monday through Friday, all day Sunday, and periodically on Saturdays. It was mentioned that smoke may be blowing towards the facility. The Babylon Fire Department has written a letter of opposition to this facility because they're the nearest to the training center.

The highest number of juvenile arrests are in the western part of the Town of Islip, the top three being Bay Shore, Brentwood and Central Islip. To be convenient to parental visitation, the facility should be located in one of these communities. Public transportation is accessible.

In 1998, the County's Department of Probation and Public Works submitted a site report for a children's center. The report examined ten possible locations. Of these ten sites, only three were considered suitable and viable, two in Hauppauge and one in Central Islip. Both reports recommended Central Islip due to its close proximity to the Cohalan Court Complex, easy access to the site, and transportation to assist visitors to the center. Central Islip meets the needs of the County's Probation Department, Department of Public Works and New York State. In 2000, the site committee recommended one site, Yaphank, and in no way meets the criteria to house a juvenile detention center. New York State Office of Children and Family

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Services must approve the location. Would it be premature to appropriate monies for a juvenile detention center where the committee only selected the community, but don't know where they are putting it? How can you vote for funding when two sites are picked as possibilities. Also, how can you do an environmental review?

In closing, I'd like to point out again that the report is misleading, untrue and unfair. I implore you to consider what living next to a facility like this would be like to myself, my family and my neighbors.

I'd just like to ask Legislator Fisher, did the County -- did you make legislation for Suffolk County to have a Good Neighbor Policy?

LEG. FISHER:

Yes, and actually part -- that resolution called for the County informing anyone within 200 feet of a site where there was going to be construction or improvement to be -- have signs posted and be informed, just as any other building entity would do. The Good Neighbor Policy should have been executed here with this particular project.

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MR. BACKER:

I had no notice, no notice at all except for what I've read in the papers. Thank you.

D.P.O. POSTAL:

Thank you.

P.O. TONNA:

Gordian Raacke.

MR. RAACKE:

For the record, my name is Gordian Raacke. I'm Executive Director of the Citizens Advisory Panel. I'm here this morning to speak on --

P.O. TONNA:

Either two things, either you are an android and actually, one of those half robots and stuff, and we hear that's what's needed over at watching LIPA, or that the microphone is malfunctioning. I prefer the first, because it's a little more dramatic and a little more -- but, you know --

UNKNOWN SPEAKER:

Richard Kessel.

P.O. TONNA:

Yeah, right. Well, that might be true. Since it doesn't work, that might be very true. Why don't you sit down, take a seat, and if we have to call the Terminator in, you know, to handle here, we'll just have to do that.

MR. RAACKE:

Thank you.

P.O. TONNA:

Okay. I'm asking -- now the speakers are all gone. Just watch out just in case. I would say keep it off. Is Ritchie Kessel -- can I ask from the transcription standpoint none of these microphones seem to be working right now can you advise us, Henry, what do we do in times like this?

MR. BARTON:

Speak slowly.

P.O. TONNA:

Speak slowly, Gordian. Speak slowly.

MR. RAACKE:

I'll speak very slowly.

P.O. TONNA:

Make it quick. No, I'm joking. All right, go ahead

MR. RAACKE:

Okay. Again, I'm here this morning to speak on a procedural motion before you, a procedural motion to extend the retention of the Citizens Advisory Panel for LIPA oversight. I have come before the

Economic Development and Energy Committee to speak on this topic before and I handed out at that meeting an application that is being handed out to all of you right now, in case you have not seen that yet. I will -- I will skip over most of that application in itself, but I wanted to just briefly mention that under the previous contract that we've had with the County Legislature, we have assisted the County in providing LIPA oversight and we have continued on protect the interests of Suffolk ratepayers before LIPA and in LIPA related matters. We've been available to assist you on a variety of energy issues and we've also continued to respond to a number of consumer inquiries and complaints from Suffolk residents. We obviously would like to continue that role. We're asking for a continuation of the contract. We have also asked for an increase in our budget last year. The County Legislature appropriated \$150,000 starting in mid May of

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2000 that came to a monthly average of \$20,000. I understand that the resolution before you specifies \$200,000 for the whole year, which, in fact, would be cutting back on our budget.

We respectfully ask you to appropriate \$300,000 to us, which would enable us to continue our work and also enable us to have appropriate staffing. We're severely understaffed, overworked. While that is not an unusual situation with not-for-profit organizations, I understand it is dangerous, because a lot of things are falling between the cracks. A lot of things that LIPA is engaged in need oversight and need watching, and, basically, I'm concerned looking at what is happening right now, that we will be hard-pressed to fulfill our role of aiding the County in the -- in LIPA oversight, the time for some very crucial energy decisions that's coming up right now. Obviously, you've heard the rate increases, you've heard about proposals to buy, to take over an additional part of the LILCO system, the Keyspan power plants. Some of these pending decisions could cost Suffolk County ratepayers billions of dollars and affect us for decades to come. This will result in an increase in our workload.

And once again, first of all, I'd like to thank you for your support and I would like to ask you to allow us to continue our work in 2002. Thank you.

D.P.O. POSTAL:

Thank you, Gordian. Next speaker, Phil Goldstein. Phil here? I don't see him, but I do have a card. Henry -- is Phil Goldstein here? Henry Huszar. Mr. Huszar, come on up. While Mr. Huszar is preparing to speak, could I just ask that Legislators keep their microphones turned off except for the person who has the floor? That may help us to correct the problem we're having. Mr. Huszar.

MR. HUSZAR:

Yes, Legislator Postal. I filled out three cards regarding three separate issues that I'd like to address -- wow -- before the committee this morning. I don't know which one you're looking at first.

D.P.O. POSTAL:

I'm looking at one --

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MR. HUSZAR:

The topic --

D.P.O. POSTAL:

-- concerning the Suffolk District Attorney's Office.

MR. HUSZAR:

Okay. The Suffolk County District Attorney's Office. I had presented a letter from the State Department of Investigation, two separate letters, demanding that the Suffolk County District Attorney look into the false affidavits that are sitting in Romaine's office. These letters, nobody has answered, contacted me, contacted any of the victims, set up appointments to look at what the heck we're talking about this thing. I also --

D.P.O. POSTAL:

Mr. Huszar, can I just interrupt you for one minute, because I see you have filled out three cards for the public portion. You can only speak for three minutes during the public portion, no matter how many cards you filled out. So we'll start you over from three minutes, but if you could address whichever the three, or all three within three minutes, I would have to ask you to do that.

MR. HUSZAR:

Okay. Hello. Something wrong with the microphone.

D.P.O. POSTAL:

I know. There's something wrong with all of them.

MR. HUSZAR:

I'm holding up the two criminal referral letters from the State Department of Investigation after the hundred plus false affidavits I've submitted to them, where you people had this evidence, Gaffney's Office documented this evidence, two separate appointments with me, and where has this evidence gone? I mean, there's a criminal referral here and under the Suffolk County Charter, they're supposed to be a crime coordinating council I would like to speak in front of who appears to meet several times a year. For eight, nine months, I've been trying to get before this council to represent the crime victims on Long Island to stop this hideous crime that's going on for 15 to 20 years. I'm begging you get me before this crime council.

Catterson is involved in an illegal conduct to protect a racket that's been going on here in the courts for 15 to 20 years. Under the Suffolk County Charter, this council's supposed to meet several times a year. I can't get before this council. The victims on Long Island are to the tunes of tens of thousands. It's a multi-million dollar racket. I don't know what to do. I went before Robert Gaffney, an ex F.B.I. agent. I had 16 police officers on June the 8th harassing me, a retired police officer, and then take away my guns under a false complaint and then tamper with my firearms in that I got them back on July 23rd. There's some serious misconduct here. This is involving the Suffolk County Police, the Internal Affairs Division of the Suffolk County Police Department, I've been before Chief Robilotto, I've approached Gallagher with this, I've approached Chief of Detectives, Internal Affairs. They all promise me they're going to

get involved and help the crime victims out with this and I'm investigated. What's wrong with this picture? If this is not corruption and I'm a retired police officer telling you this, there's something big time wrong here. We can't stop this crime ring.

How do I get before Gaffney? Gaffney has this evidence. Why isn't he responding or doing something about this? I've been before you people for nine months. I've been a crime victim for two years, I found out through a newspaper article. They did nothing to protect the citizens of Long Island. They've been covering this up. Catterson in '97 took four dozen false affidavits and made them disappear with Mary Margaret Werner, a criminal referral from the Court Administration, Gallagher and Judge Silverman, Jacqueline Silverman from Manhattan. What the hell is going on out here, folks?

LEG. D'ANDRE:
Madam Chairlady.

D.P.O. POSTAL:
Mr. D'Andre.

LEG. D'ANDRE:
We've heard this gentleman making these accusations and I don't know if they're right or wrong.

LEG. HALEY:
Turn your mike on, Mike.

MR. HUSZAR:
Legislator D'Andre.

D.P.O. POSTAL:
No problem. Yeah, you can.

MR. HUSZAR:
You saw these records, I hope. These are facts.

LEG. D'ANDRE:
You had your --

MR. HUSZAR:
There's no allegations here.

LEG. D'ANDRE:
You had your say, let me have mine.

D.P.O. POSTAL:
You know, gentlemen, can --

P.O. TONNA:

No, wait.

D.P.O. POSTAL:
Mr. Huszar.

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P.O. TONNA:
Questions have to be asked.

D.P.O. POSTAL:
Legislator D'Andre has the floor. He has a question --

P.O. TONNA:
Question.

D.P.O. POSTAL:
-- for Mr. Huszar.

P.O. TONNA:
It has to be a question.

D.P.O. POSTAL:
Please, ask the question. If not, we're going to have to move on.

LEG. D'ANDRE:
You've brought these accusations before us many times before. You
accuse the District Attorney, you accuse our County Executive.

MR. HUSZAR:
I am.

LEG. D'ANDRE:
Who -- in other words, in your mind, we have a corrupt County and I
don't see it that way.

MR. HUSZAR:
Excuse me. We have no prosecution of a crime ring on Long Island,
that's what I'm telling you.

LEG. D'ANDRE:
Well, whatever you're telling me, we do have law --

MR. HUSZAR:
It's involving the public record where Romaine --

LEG. D'ANDRE:

We do have law and order on Long Island.

D.P.O. POSTAL:

If I could just interrupt so -- this has been a discussion that's been going on for many months at the Public Safety Commission.

LEG. D'ANDRE:

Right.

D.P.O. POSTAL:

I'd like us to move along and continue with the public portion. I will just say to Mr. Huszar, because we have discussed this many, many times, that -- and I know you're frustrated over your inability to get something done, but with regard to what you feel is I guess a lack of responsible behavior on the part of the District Attorney with regard to prosecution, the Governor is the only person who has jurisdiction

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over the -- excuse me, Mr. Huszar.

MR. HUSZAR:

Go ahead.

D.P.O. POSTAL:

Over the District Attorney. With regard to the Criminal Justice Coordinating Council, it meets three or four times a year.

MR. HUSZAR:

When? I'd like to go.

D.P.O. POSTAL:

I honestly don't know. I would suggest that if you contacted the County Executive, you haven't gotten a response --

MR. HUSZAR:

I gave the --

D.P.O. POSTAL:

Mr. Huszar, if I could just --

MR. HUSZAR:

Legislator Postal, with all due respect --

D.P.O. POSTAL:

I'm sorry. No, it's --

MR. HUSZAR:

-- these are facts.

LEG. D'ANDRE:
Let her finish. Let her finish.

D.P.O. POSTAL:
Mr. Huszar, please.

LEG. D'ANDRE:
She has the floor.

D.P.O. POSTAL:
I would suggest that at the end of the public portion, there is a representative of the County Executive here, I will ascertain from that person when that Criminal Justice Coordinating Council meets. I will make sure that you're informed of when the meeting is, but that's as much as we can do. We do not have jurisdiction over the District Attorney.

MR. HUSZAR:
I beg your pardon.

D.P.O. POSTAL:
And I'm sorry.

MR. HUSZAR:
I've heard you have subpoena power. You have the power to conduct --

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you have the evidence.

D.P.O. POSTAL:
Mr. Huszar.

MR. HUSZAR:
You know there's something wrong, you make criminal referral.

D.P.O. POSTAL:
We --

MR. HUSZAR:
Why is it that --

D.P.O. POSTAL:
Excuse me. I'm going to have to ask --

MR. HUSZAR:
Okay.

D.P.O. POSTAL:

-- you to please take your seat. I will contact the County Executive's representative at the end of the public portion. But your three minutes are up and we have to move along, so please --

MR. HUSZAR:

Thank you.

D.P.O. POSTAL:

-- take your seat. Our next speaker is Darlene Verito.

MR. VERITO:

Good morning. My name is Darlene Verito and I'm a resident of Yaphank. I live on Quaker Path, and I'm here to just give my opinion and what I feel as far as Resolution 1026. I just moved into this neighborhood eight months ago. I am very upset about what is going on. I do not read Newsday and I was not notified, no one told me. And I understand, you know, with the Good Neighbor Law it has to be within 200 feet, but I just -- I don't understand how as a community no one is told about this. Our whole community did not know about this. Nobody around us knows about this. This has an impact on our community, whether with it's the secured detention center or the unsecured detention center, that it was -- that's supposed to go up, too. This is something that affects our neighborhood, our community, our children, and I'm very concerned.

I just moved out of Brentwood because of all the crime and everything that was there and I thinking I'm doing better with my children, four children, and I come here and now this is going on. And I feel that we should have been notified. I feel that, you know, Mr. Backer pretty much summed it up for everybody. I mean, it's not right. There has been -- I don't understand how you can just pick one and not look at other sites.

So I am asking you and begging you to, please, before you decide on funding, whether there is funding or not, if you can please look at

other sites and see if there is a better place for this, because it does nothing for our community. There's no courts near us. There's -- all this is based on Central Islip and Brentwood and Bay Shore where most of the crime is. And I am asking you to, please, I mean, our community is very upset.

I have a petition here that I've been going around with. I mean, there's only 64 signatures, but there's a lot of people coming this afternoon at 2:30 with a lot more signatures. And I'm just asking you to please look at other sites before you decide on this one.

D.P.O. POSTAL:

Thank you. Ms. Verito, you can give those petitions to the Clerk. Ilona, will you just take those petitions? Thank you very much.

MS. VERITO:

Thank you.

(APPLAUSE)

D.P.O. POSTAL:

I have no other cards. Is there anyone else who would like to address the Legislature? I'd like to ask all Legislators to please report to the horseshoe. We can begin the agenda. I would like a motion to -- well, I need a motion to go to the agenda at this time. Motion by Legislator Caracappa, seconded by Legislator Fisher. If all Legislators will please report to the horseshoe, we will go to the Consent Calendar.

Okay. I have a motion to approve the Consent -- it's not on. It sounds like it's on. It goes on and off. I think this one's on, right? Okay. I have a motion to approve the Consent Calendar by Legislator Guldi, seconded by Legislator Crecca. All in favor? Any opposed? The Consent Calendar is approved.

LEG. GULDI:

Madam Chair.

D.P.O. POSTAL:

Yes, Legislator Guldi.

LEG. GULDI:

I just want to point out that if you look at the Consent Calendar for Ways and Means, there are 25 resolutions there, including 72-h's and the like. If we approved it unanimously, we put it on the Consent Calendar. On the general calendar, there are only eight resolutions out of the Ways and Means. We are, pursuant to the Presiding Officer's request, in Ways and Means, we are aggressively putting things on the Consent Calendar. I just want to alert my colleagues to the change, so that you look at the Consent Calendar in the event that you want to vote separately on the issue.

P.O. TONNA:

Okay. Where are we?

MR. BARTON:

The vote on the Consent Calendar is 17, 1 vacancy.

P.O. TONNA:

You have me there, Henry?

MS. FARRELL:

Yes.

MR. BARTON:

Seventeen.

P.O. TONNA:

Yes. Okay, great. Does this microphone work for you guys?

LEG. CRECCA:

Not well.

P.O. TONNA:

Is it going to -- is it going to the tape?

MR. BARTON:

Yeah.

LEG. BISHOP:

Speak slower.

MR. BARTON:

But quicker.

RESOLUTIONS TABLED TO FEBRUARY 27, 2001

P.O. TONNA:

Okay. Page 8, resolutions tabled to February 27th. All right. 1525 (Requiring the Department of Public Works to prepare and disseminate program evaluation and review techniques (PERT) time line charts for all capital construction projects). Is there a motion? Legislator Foley, is there a motion?

LEG. FOLEY:

What page?

P.O. TONNA:

Eight.

LEG. FOLEY:

Yeah, motion to table.

P.O. TONNA:

Second by myself. All in favor? Opposed? Tabled. 1948.

MR. BARTON:

Seventeen.

P.O. TONNA:

(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. Excuse me?

LEG. TOWLE:
Motion to table. Motion to table.

LEG. GULDI:
Second.

P.O. TONNA:
Second by myself.

P.O. TONNA:
This is the sewer district in Yaphank?

LEG. TOWLE:
Yes.

LEG. FOLEY:
Page 8, 1948.

P.O. TONNA:
Okay. Is there -- there's a second? Okay, second. Just on the motion. Why?

LEG. BISHOP:
We had this discussion.

LEG. TOWLE:
Mr. Chairman, you were -- Mr. Chairman, you were not here before when Mr. Wright appeared before from the Department of Public Works. I've asked him repeatedly -- well, I didn't asked him repeatedly, I asked the Department of Public Works repeatedly to contact me about this. They had not, he said he would, so I am going to ask for it to be tabled one more time.

P.O. TONNA:
Okay, great. Good enough for me, Freddy. All in favor? Opposed? Tabled.

MR. BARTON:
Seventeen.

P.O. TONNA:
Okay. 2051 (Implementing Day Care Program for County Employees). Motion.

LEG. TOWLE:

Motion to table one more meeting.

P.O. TONNA:

Motion to table one more meeting, second by myself. All in favor? Opposed? Tabled. 2057 (Authorizing conveyance of parcel to Town of Babylon (Economic Opportunity Council of Suffolk, Inc.) Section 72-h General Municipal Law). Motion.

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MR. BARTON:

Seventeen.

LEG. POSTAL:

Mr. Chairman, I'd like to make a motion to approve. I'd like to make a motion to approve. I believe that we've received the resolution from the Town of Babylon at this time.

P.O. TONNA:

Okay.

LEG. BINDER:

Second.

LEG. CRECCA:

Is that the reason why it was tabled, Legislator Postal?

D.P.O. POSTAL:

Yes.

P.O. TONNA:

Okay. So there's a motion now and a second by Legislator Binder. All in favor? Opposed?

MR. BARTON:

Seventeen.

P.O. TONNA:

Approved, great. I'm speaking a little slower, because the mike -- whatever. 2289 (Authorizing the sale of surplus property sold at the November 15, 2000 Auction pursuant to Local Law 13-1976 as per Exhibit "A" (Omnibus Resolution). Is there a motion?

LEG. FOLEY:

Mr. Chairman, I'll make a motion to table.

P.O. TONNA:

A motion to table, seconded by myself. All in favor? Opposed?
Tabled.

MR. BARTON:

Seventeen.

P.O. TONNA:

Okay. 1005 (Changing designation of "Pet Safe" Program to provide temporary shelter for pets of domestic violence victims in Suffolk County to PAWS.) Is there a motion?

LEG. COOPER:

Motion to table, please.

P.O. TONNA:

Motion to table. Another "Pet Safe" Program. Seconded by --

LEG. BISHOP:

You can't have an agenda without the pets on it.

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P.O. TONNA:

By the way, did you watch 102 Dalmations? Is this like your inspiration?

LEG. COOPER:

This coming weekend.

P.O. TONNA:

Okay. All in favor? Opposed? Tabled. Now we're moving, Legislator Foley, to Page 9.

LEG. FOLEY:

Thank you, Mr. Chairman.

MR. BARTON:

Seventeen. It's tabled.

P.O. TONNA:

Oh, your mike works. Okay. Vets and Seniors, 1041, has already been passed. Okay can we add her to the vote somehow?

MR. BARTON:

She was present.

P.O. TONNA:

She was present. Yeah, we had you present.

LEG. HALEY:
Me, too, Henry.

LEG. FOLEY:
You were present, Ginny.

LEG. CRECCA:
You were here. I saw you, Legislator Fields.

MR. BARTON:
All were present.

P.O. TONNA:
Ginny, the problem, there was a microphone problem and you got a little confused.

WAYS AND MEANS

Okay. Ways and Means. 1687 (Authorizing the Director of the Division of Real Estate, Department of Planning to issue a certificate of abandonment of the interest of the County of Suffolk in property designated as Town of Southold Suffolk County Tax Map No. 1000-117.00-04.00-035.000 pursuant to Section 40-D of the Suffolk County Tax Act). That was a very good year.

LEG. CARACCILO:
Motion to approve.

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P.O. TONNA:
Motion to approve --

LEG. GULDI:
Second.

P.O. TONNA:
-- by Legislator Caracciolo, seconded by Legislator Guldi. Is that too slow?

MS. BRAATEN:
Yes.

P.O. TONNA:
Yeah? Good. We can move it a little quicker? All in favor? Opposed?
Approved.

MR. BARTON:
Seventeen.

P.O. TONNA:
Okay. 2274 (Authorizing the sale of county-owed real estate pursuant to Section 215, New York State County Law to Grace and Michael Tollin). Is there a motion?

LEG. ALDEN:
Motion.

P.O. TONNA:
By Legislator Alden.

LEG. CRECCA:
Second.

P.O. TONNA:
Seconded by Legislator -- oh, who?

LEG. ALDEN:
Crecca.

P.O. TONNA:
Crecca. All in favor? Opposed? Approved.

LEG. BISHOP:
How can we have a new building and no microphone.

MR. BARTON:
Seventeen.

LEG. BISHOP:
Foley.

P.O. TONNA:
Foley, okay.

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LEG. CRECCA:
Yeah, Brian.

P.O. TONNA:
We'll have to go into an executive session about that one.

LEG. FISHER:
Foley has the working mike, though.

LEG. FOLEY:
Mine works just fine, fellas.

LEG. BISHOP:
This is his dream, he could finally lecture us.

LEG. CRECCA:
I was going to say, yeah.

LEG. FOLEY:
There's a button right here that I can use at my discretion here.

P.O. TONNA:
Hello. Hello. Hello. Anyway, think about that Howard Stern thing,
Satin.

LEG. HALEY:
Is it the mike itself?

P.O. TONNA:
Anyway, okay. 1007 (Sale of county-owned real estate pursuant to Local
Law 13-1976 (DGM Partners, Rye). Is there a motion? I'll make a
motion, seconded by Legislator Postal. All in favor? Opposed?
Approved.

MR. BARTON:
Seventeen.

P.O. TONNA:
1062 (Authorizing the sale of County-owned Real Estate pursuant to
Section 215, New York State County Law to the estate of Michael C.
Smith).

LEG. CARPENTER:
Motion.

P.O. TONNA:
Motion by Legislator Carpenter.

LEG. ALDEN:
Second.

P.O. TONNA:
Second by Legislator Alden. All in favor? Opposed? Approved.

MR. BARTON:
Seventeen.

P.O. TONNA:

1063 (Authorizing the sale of County owned Real Estate pursuant to Section 215, New York State County Law to the estate of Michael C. Smith). Motion by Legislator Carpenter, seconded by Legislator Alden. All in favor? Opposed? Approved.

MR. BARTON:

Seventeen.

P.O. TONNA:

1085 (Appropriating funds in connection with the planning, construction and alterations of courtrooms for Criminal Courts, Riverhead County Center Complex). It's a bond, so we have to have a roll call. I'll make a motion, seconded by Legislator Caracciolo. Roll call, Henry.

MR. BARTON:

On the bond.

LEG. BISHOP:

Explanation.

LEG. BINDER:

What's the alteration?

LEG. BISHOP:

What's the alteration at the Criminal Court, which is a new facility?

LEG. CRECCA:

It's actually they're replacing -- if I can, only because I remember it from committee. They're replacing some carpeted areas that are heavy traffic, that with -- with tile. With tile, because there's a problem, the carpeting just isn't holding up there, so.

LEG. BISHOP:

They're replacing carpeting with tile.

LEG. CRECCA:

They're putting -- they're replacing carpeting with tile floors.

LEG. FIELDS:

Redoing windows.

LEG. FISHER:

Too bad they hadn't thought of that in the design, right?

LEG. CRECCA:

And they're redoing some windows.

LEG. FISHER:

How much did we pay for planning and design.

LEG. CRECCA:

Some nice draperies, things like that. No, I'm kidding about that.

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LEG. BISHOP:

Budget Review, this is something -- this ranked high?

P.O. TONNA:

Yes, Fred.

MR. POLLERT:

The construction funds to include the covered patio area and expansion of the parking for the jurors as well.

LEG. FOLEY:

Part of the program, right, part of the Capital Program?

MR. POLLERT:

So it's a combination, capital project, which is supposed to include the covering the patio area as well as additional parking for the jurors.

LEG. BISHOP:

What's the patio area?

MR. POLLERT:

Right as you walk into the Criminal Courts Building, it's kind of a wind tunnel.

LEG. BISHOP:

Yeah.

LEG. GULDI:

Wind.

MR. POLLERT:

Yeah. That's the scope of the project that was included in the Capital Program.

LEG. BISHOP:

And this ranked -- that got a ranking of --

MR. POLLERT:

Yes. The project is ready to move ahead, so, yes, it got adequate ranking.

LEG. BISHOP:
Highly unnecessary.

P.O. TONNA:
Dave. Dave, what would you like to do?

LEG. BISHOP:
No, go ahead.

P.O. TONNA:
Okay.

LEG. BISHOP:
I'm voting no.

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P.O. TONNA:
Roll call on the bond.

(*Roll Called by Mr. Barton*)

P.O. TONNA:
Yes.

LEG. CARACCIOLO:
Yes.

LEG. GULDI:
Yes.

LEG. TOWLE:
Yes.

LEG. CARACAPPA:
Yes.

LEG. FISHER:
Yes.

LEG. HALEY:
Yes.

LEG. FOLEY:
Yes.

LEG. FIELDS:
Yes.

LEG. ALDEN:
Yes.

LEG. CARPENTER:
Yes.

LEG. CRECCA:
Yes.

LEG. D'ANDRE:
Yes.

LEG. BISHOP:
No.

LEG. BINDER:
No.

LEG. COOPER:
Yes.

LEG. POSTAL:
Yes.

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MR. BARTON:
15-2, 1 vacancy.

P.O. TONNA:
Okay. All -- okay. Same motion, same second, same vote.

1086 (Appropriating funds in connection with the renovations/improvements to Cohalan Court Complex). Roll call. This is -- I'll make a motion, seconded by Legislator Crecca. Okay. Roll call. Roll call.

MR. BARTON:
Yes, sir.

(*Roll Called by Mr. Barton*)

P.O. TONNA:
Yes.

LEG. CRECCA:
Yes.

LEG. COOPER:
Yes.

LEG. BINDER:
No.

LEG. BISHOP:
Pass, please.

LEG. D'ANDRE:
Yes.

LEG. CARPENTER:
Yes.

LEG. ALDEN:
No.

LEG. FIELDS:
Yes.

LEG. FOLEY:
Yes.

LEG. HALEY:
Yes.

LEG. FISHER:
Yes.

LEG. CARACAPPA:
Yes.

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LEG. TOWLE:
Yes.

LEG. GULDI:
Yes.

LEG. CARACCIOLO:
Yes.

LEG. POSTAL:
Yes.

LEG. BISHOP:
No.

P.O. TONNA:
Okay.

MR. BARTON:
14-3.

P.O. TONNA:
Great. Same second, same vote, whatever. Same motion, same second, same vote, right?

MR. BARTON:
Yes.

P.O. TONNA:
Okay. 1096 (Authorizing the extension of a lease of premises located at 877 East Main Street, Riverhead, NY for the Department of Social Services). That was 30 years after the Battle of Normandy. Anyway, okay. No, William the Conqueror? Remember 1066? Okay. How are we doing?

MS. FARRELL:
We're doing.

P.O. TONNA:
Motion by?

LEG. FOLEY:
Motion.

P.O. TONNA:
By Legislator Foley, seconded by Legislator Caracciolo?

LEG. CARACCIOLO:
Sure.

P.O. TONNA:
All in favor? Opposed? Approved.

MR. BARTON:
Seventeen.

YEAR 2001

P.O. TONNA:

Okay. 1056 (Reappointing member of the Suffolk County Water Authority (Eric Russo). That was four years before that. Okay. Motion by Legislator Haley, seconded by myself. All in favor? Opposed?

LEG. FIELDS:

Abstain.

LEG. FISHER:

Abstain.

P.O. TONNA:

Abstain? Okay. Just let's get the abstainings. Okay. We have -- those who abstain are Fields, Postal, Bishop, Guldi, Fisher. Jonathan, you want to make a statement?

LEG. COOPER:

No.

P.O. TONNA:

No? Okay. All right. Okay.

MR. BARTON:

Twelve.

P.O. TONNA:

There we go. Great.

MR. BARTON:

Five abstentions.

P.O. TONNA:

I'm like a microphone cyclops here, one. Okay.

1095 (Amending Resolution No. 792-1998, to add the Village of Dering Harbor, Inc. As a participant with Suffolk County and Shelter Island in Land Preservation Partnership acquisition Third Creek Woods (Tax Map No. 0701-01-03-019). Is their a motion?

LEG. GULDI:

Motion.

P.O. TONNA:

Motion by Legislator Guldi.

LEG. FOLEY:

Second.

P.O. TONNA:

Seconded by Legislator Foley. All in favor? Opposed? Approved.

MR. BARTON:
Seventeen.

P.O. TONNA:
1101. Motion by I guess myself, seconded by Legislator Carpenter.
All in favor?

LEG. FOLEY:
Mr. Chairman.

P.O. TONNA:
Yes.

LEG. FOLEY:
Considering the importance of the position, I think you'd want to
state the title of the bill for the record.

P.O. TONNA:
Okay. The title of the bill is, under the Committee of Environment,
Land Acquisition and Planning, this is the third bill that we're
considering here, and this is approving the appointment of Thomas A.
--

LEG. FOLEY:
Isles.

P.O. TONNA:
Isles as Director of Suffolk County Department of Planning. Okay.
Now, there's a motion and a second. All in favor?

LEG. FISHER:
On the motion.

P.O. TONNA:
On the motion.

LEG. FISHER:
Legislator Bishop, were there any arrangements made for those
interviews?

LEG. BISHOP:
12:30.

LEG. FISHER:
Pardon me?

LEG. BISHOP:
12:30 today is a conference call.

LEG. FISHER:

So I'd like to make a motion to -- can we hold this up until after we've had a chance to meet with the candidate?

LEG. BISHOP:

I think we'll be done by the agenda and everybody will have left by 12:30.

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LEG. BINDER:

No, we're going to-- we have to come back to the public portion at 2:30.

LEG. FISHER:

We have public hearings at 2:30.

LEG. BISHOP:

Oh, I see.

LEG. BINDER:

We've got to come back here anyway.

LEG. BISHOP:

Okay. Motion to postpone until 2:30.

LEG. GULDI:

Just pass over it.

LEG. BISHOP:

Until after 2:30.

P.O. TONNA:

All right. You know what, why don't we just pass over it?

LEG. FISHER:

Right.

P.O. TONNA:

All right? There we go. Okay, fine. Is there any -- I'm just asking, is there any -- this is only so that you can meet the candidate and say hello and stuff? Is this --

LEG. BISHOP:

I think that some Legislators have substantive questions.

P.O. TONNA:

Oh, okay.

LEG. BISHOP:
Perhaps you can say hello.

P.O. TONNA:
Well, my substantive question now is do you have a question? I wasn't
in --

LEG. BISHOP:
I have substantive questions.

P.O. TONNA:
Okay, fine. Why don't we ask this guy to get here?

LEG. BISHOP:
We were going to go down to the Cayman Islands, but --

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LEG. FISHER:
Yes, we were going to take our --

LEG. TOWLE:
Mr. Chairman.

LEG. FISHER:
-- committee there.

LEG. TOWLE:
Mr. Chairman.

P.O. TONNA:
Okay.

LEG. TOWLE:
Mr. Chairman.

P.O. TONNA:
Hold it one second. Let me just get this right.

LEG. BISHOP:
He couldn't get a flight.

LEG. BISHOP:
He's in the Cayman Islands right now?

LEG. BISHOP:

Yes. He's the Planning Director for --

LEG. BINDER:
He works there.

LEG. BISHOP:
-- the Grand Cayman Islands.

P.O. TONNA:
And he's going to -- he's flying in today?

LEG. CARPENTER:
In a conference call.

LEG. TOWLE:
Mr. Chairman.

LEG. BISHOP:
He's taking the job I guess --

LEG. TOWLE:
Mr. Chairman.

LEG. BISHOP:
I don't know what the start date is. What's the start date?

P.O. TONNA:
He's taking a phone interview?

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LEG. TOWLE:
Yeah.

P.O. TONNA:
Okay.

LEG. TOWLE:
I'm just --

P.O. TONNA:
Yes.

LEG. TOWLE:
Thank you.

P.O. TONNA:
Could you explain this to me?

LEG. TOWLE:
I could, but I want to ask a question. Did he appear before the committee?

LEG. FISHER:
No.

LEG. TOWLE:
Okay. So he wants this position, he hasn't appeared before the committee, and he hasn't shown the Legislature the respect to be here today, instead, he's doing --

LEG. BISHOP:
That's not true.

LEG. BINDER:
No, no, no.

LEG. TOWLE:
-- a 12:30 conference call?

LEG. BISHOP:
That would be mis -- he made an effort to arrange with the committee a time that we could all get together, but it never worked out.

LEG. BINDER:
He was going to come up.

LEG. BISHOP:
He was going to come up. The committee couldn't meet the day he could come up.

LEG. FISHER:
That was one day. That's not much of an effort.

LEG. FOLEY:
He should come the day of the --

LEG. TOWLE:
The day of the committee, or the day of today.

LEG. BINDER:
No, no, no, it was a special day.

P.O. TONNA:

Is he going to have a nice tan? No, I'm joking.

LEG. BISHOP:

He is familiar to many of the Legislators, because he has a long history of service on Long Island in the Town of Islip. He's also available 12:30 on a conference call. Essentially, if he was here or on a call, it's one opportunity to ask questions and get answers, which is what we do with any other nominee. So I think that we should just postpone this until after the call. If you have questions, you can pose them at that time.

P.O. TONNA:

Great. All right. I think it's legal. We'll have to talk to --

LEG. BINDER:

I think we should have all gone down to the Caymans.

P.O. TONNA:

We'll have to talk to President Bush about that, but I think it's legal.

LEG. FOLEY:

The appointed President?

P.O. TONNA:

Yeah. Okay. Anyway --

LEG. BISHOP:

By the way, I want to -- the reason -- the reason -- the reason that it wasn't --

P.O. TONNA:

I make a motion to defer to 2:30.

LEG. FISHER:

Touche, Brian.

LEG. BISHOP:

I just want to add something. Paul, can I add something? Fred, the reason that this became complicated is because the Environment Committee is scheduled on Monday.

LEG. FOLEY:

Use the mike.

LEG. BISHOP:

I can't, there is no mike.

LEG. TOWLE:

Legislator Bishop, I'll make it uncomplicated. If I wanted the job, I'd be here today, that's the bottom line.

LEG. BISHOP:

It was scheduled on a Monday, and because of the holiday, it got moved around and we were bumped from one time to another time and it became very complicated. Thank you.

P.O. TONNA:

Okay. So thank you very much. I make a motion to postpone this to --

LEG. CRECCA:

Second.

P.O. TONNA:

-- 2:30, second by Legislator Crecca. All in favor? Opposed?
Postponed to 2:30.

Okay. 1103 (Authorizing land acquisition under water quality protection component of the 1/4% Drinking Water Protection Program (Property West of Dennison Building in Hauppauge) Town of Islip, (Suffolk County Tax Map Nos. 0500-001.00-01.00-001.000)).

LEG. CRECCA:

Motion to approve.

P.O. TONNA:

Motion to approve by Legislator Crecca, seconded by myself. All in favor? Opposed? Approved.

MR. BARTON:

Seventeen.

EDUCATION AND YOUTH

2000

P.O. TONNA:

Education and Youth. Okay 2284 (Appointing William D. Moore to the Suffolk County Community College Board of Trustees). Motion by Legislator Caracciolo.

LEG. BISHOP:

Is he here?

LEG. HALEY:

Second.

LEG. CARPENTER:

Second.

P.O. TONNA:

Second by Legislator --

LEG. FISHER:
He appeared before the committee.

P.O. TONNA:
Okay. Seconded by Legislator Haley. All in favor? Opposed?

LEG. FOLEY:
On the motion. On the motion.

LEG. GULDI:
On the motion.

LEG. FOLEY:
On the motion.

P.O. TONNA:
On the motion.

LEG. FOLEY:
Mr. Chairman, who?

P.O. TONNA:
Yeah, Legislator Foley.

LEG. FOLEY:
Okay.

P.O. TONNA:
Then Legislator Guldi.

LEG. FOLEY:
Thank you, Mr. Chairman.

P.O. TONNA:
If it pleases you, Legislator Guldi.

LEG. FOLEY:
Mr. Moore had appeared before the Education Committee and his answers were very forthright, and he did demonstrate not only a keen interest, but a sincere interest in following through on the responsibilities if and when he's appointed. I just wanted to state on the record that while I still believe, not just because I was a sponsor of the bill, while I still believe that another candidate who was available to the Legislature, who had stellar credentials and a background that was

unparalleled, I believe, for any potential appointee to the Community College Board of Trustees, and while I still believe that he is still the preeminent candidate for this particular position, I'm not going to stand in the way of this particular appointment. I was impressed with his answers. The fact of the matter is while I still believe that the other candidate had the experience relevant for this position, and while at the same time I was very, very upset about the fact that his resolution was not even tabled, but was defeated along partisan lines, and if there's any area of County governing where there should not even be the tinge of partisanship, it's at the Community College, while saying all these things, I'm -- I will not engage in the kind of what I believe what took place in the past,

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which was some partisan misbehavior regarding a potential appointment to the Board of Trustees. So, Mr. Chairman, I will stand ready to support this today, but, at the same time, Mr. Moore is going to have to demonstrate to me as well as to others that he would be equally up to the task, as would have been Dr. DeFeo.

P.O. TONNA:

Okay, great. Okay. There's a motion and a -- oh, Legislator Guldi?

LEG. GULDI:

No.

P.O. TONNA:

Motion and a second. All in favor? Opposed?

LEG. GULDI:

Abstain.

LEG. HALEY:

I'm here, Henry.

P.O. TONNA:

Abstain, Legislator Guldi. Approved. Are you ready, Henry?

MR. BARTON:

Sixteen.

P.O. TONNA:

Okay. 2304 (Approving the reappointment of Terry J. Scammell, D.D.S. as a member of the Suffolk County Youth Board Coordinating Council representing Legislative District #2). Motion by?

LEG. FISHER:

Motion.

P.O. TONNA:
By Legislator Fisher, seconded by?

LEG. CRECCA:
Second.

LEG. FISHER:
George, you want to second it?

P.O. TONNA:
Legislator Crecca.

LEG. GULDI:
I second that.

LEG. FISHER:
Guldi.

P.O. TONNA:
Second by Legislator Guldi? Okay. All in favor? Opposed? Approved.

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MR. BARTON:
Seventeen.

P.O. TONNA:
Okay.

2001

1082 (Accepting and appropriating an amendment of the College Budget for a grant award from the New York State Urban Development Corporation D/B/A the Empire State Development Corporation for an Entrepreneurial Assistance Program 50% reimbursed by State Funds at Suffolk County Community College). Motion by --

LEG. FISHER:
Motion.

P.O. TONNA:
Legislator Fisher.

LEG. FOLEY:
Second.

P.O. TONNA:

Seconded by Legislator Foley. All in favor? Opposed? Approved.

MR. BARTON:
Seventeen.

P.O. TONNA:
1083 (Accepting and appropriating an amendment to the College Budget for a grant award from the State University of New York for a Minority Honors Scholarship Program 50% reimbursed by State Funds at Suffolk County Community College). Motion by Legislator Fisher.

LEG. FISHER:
Motion to table.

LEG. FOLEY:
Second.

P.O. TONNA:
Motion to table?

LEG. FOLEY:
Second the motion.

P.O. TONNA:
Seconded by Legislator Foley.

LEG. CRECCA:
What's this? I'm sorry, 1083.

LEG. FISHER:
Yes.

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LEG. CRECCA:
Why?

LEG. FISHER:
Legislator Crecca, you had a question as to why I'm tabling?

LEG. CRECCA:
What was your intention of tabling this?

LEG. FISHER:
Legislative Counsel has pointed out to me that there may be a legal issue with this based on the fact that the minorities that would be able to receive this scholarship are enumerated here, and there's an exclusion of other minority groups, and there has been -- there have

been Supreme Court decisions that would render this illegal. Am I stating that correct, Counsel?

MR. SABATINO:

That's correct. I had sent a letter to all Legislators on February 20th. There's a little bit of concern, because the backup -- the backup from the College indicated that it's limited to only three groups and that's not the standard anymore. You have to use economics.

LEG. FOLEY:

Second.

P.O. TONNA:

All right. All in favor? Opposed? Tabled.

MR. BARTON:

Seventeen.

P.O. TONNA:

Okay. Legislator Fisher, you're going to work on that to find appropriate language, so that we can --

LEG. FISHER:

Yes.

P.O. TONNA:

Great. If you need help with my office with entre, with the County Executive's, or whatever you need, we'll help facilitate that.

LEG. FISHER:

Thank you. Thank you.

PUBLIC SAFETY AND PUBLIC INFORMATION

2001

P.O. TONNA:

1025 (Establishing Suffolk County reward policy for anti-bias crimes). Is there a motion, Legislator D'Andre?

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LEG. D'ANDRE:

There is a motion, Mr. Chairman.

P.O. TONNA:

Okay. Seconded by Legislator Crecca?

LEG. CRECCA:
Yes.

P.O. TONNA:
All in favor? Opposed?

MR. BARTON:
Seventeen.

P.O. TONNA:
Okay. 1026 (Amending the 2001 Capital Program and Budget and appropriating planning funds for the construction of a children's shelter). This is a roll call.

LEG. TOWLE:
I'm going to make a motion to table this, Mr. Chairman.

LEG. CRECCA:
Cosponsor, Henry, on the last on.

P.O. TONNA:
A motion to table it. Legislator Caracciolo, are you seconding the tabling motion?

LEG. CARACCIOLO:
Second.

P.O. TONNA:
Seconded. All in favor? Opposed? Tabled. It's a Caracciolo bill.

LEG. ALDEN:
Opposed.

P.O. TONNA:
Okay. Opposed, Legislator Alden.

LEG. BISHOP:
What is--

LEG. CRECCA:
Whoa, whoa, whoa.

P.O. TONNA:
Who else?

LEG. BISHOP:
What's going on? First of all, it's hard to hear.

P.O. TONNA:
Well, I know. It's really tough to hear when you're talking at the

same time, too. No. I'm just saying, when people are talking at the same time, even I can't do both. So what I would say, because I try to multitask, I don't know what's going on. This is a Caracciolo bill. There was I motion to table by Legislator Towle and a second by Legislator Caracciolo himself.

LEG. CARACCIOLO:

On the -- on the motion. I withdraw that second.

P.O. TONNA:

Now you're withdrawing your second.

LEG. CARACCIOLO:

Yes, yeah. No. I have to apologize, Mr. Chairman. I was in conversation with my colleague to my left and was unaware that The resolution that was in motion to table was this particular resolution.

P.O. TONNA:

Okay. So let's start all over again. We have now a motion on 1026 to table and there is -- there is no second as of now. Is their a second?

LEG. CRECCA:

Is there a motion to approve?

P.O. TONNA:

Not yet.

LEG. CRECCA:

I'll make the --

LEG. CARACCIOLO:

Motion to approve.

LEG. CRECCA:

I'll second that motion.

P.O. TONNA:

Motion to approve, second by Legislator Crecca.

LEG TOWLE:

Mr. Chairman.

P.O. TONNA:

So wait. Is their a motion to table? No. There's not a second.

LEG. TOWLE:

Well, I made a motion. I don't think there's a second.

P.O. TONNA:

No second on the motion. Legislator Towle.

LEG. TOWLE:

Thank you Mr. Chairman. Couple of things. First and foremost, I understand from Legislator this morning that the SEQRA for this resolution was tabled and not approved out of committee. So my first

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question would be whether or not we could actually approve this resolution today without the SEQRA.

P.O. TONNA:

Okay. Legal Counsel, can you render an opinion on that?

MR. SABATINO:

I believe that the SEQRA --

LEG. GULDI:

It's in the third "resolved" of the corrected copy, Counsel.

MR. SABATINO:

Yeah. I was just double checking. We -- the SEQRA clause is contained in the-- the SEQRA clause is contained in the resolution, so it's appropriate to vote on it.

LEG. TOWLE:

Mr. Chairman.

P.O. TONNA:

Okay. So we have that answer to you, Legislator Towle?

LEG. FISHER:

Well, no.

LEG. TOWLE:

I have a couple of other points.

LEG. FISHER:

I have the floor. Can I just ask a question about this?

P.O. TONNA:

Okay. No. Legislator Towle has the floor.

LEG. TOWLE:

Yeah. I'd defer to Legislator Fisher on the SEQRA question.

P.O. TONNA:

Okay, Legislator Fisher.

LEG. FISHER:

Okay. Counsel, I just -- at the Environmental Committee meeting, there was an issue with the CEQ resolution having had no site mentioned. There was no reference to the site, that it was a generic resolution. Wasn't that an issue and wasn't that a problem in the Environmental Committee? Maybe I'm confused about that.

MR. SABATINO:

The whole discussion that took place that day was about -- it was a planning resolution. We talked about being site specific in terms of the way the CEQ should make the -- you know, the preparation of the document. But that doesn't preclude the Legislature from making the independent final SEQRA determination, because anything CEQ does is just advisory in nature. They just have to go through the first step of making a recommendation and it's up to the Legislature to make the

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final determination. So, you're correct, it was an issue, but the issue could be resolved by the Legislature either asking the committee for --

LEG. FISHER:

But then there has been no CEQ review, or there has been no CEQ approval, and so I wouldn't -- my level of comfort in voting for something that hasn't had -- I'm going to second the tabling motion.

P.O. TONNA:

Okay. So now we have a motion to approve and second, and a tabling motion and second. Okay.

LEG. TOWLE:

Mr. Chairman.

P.O. TONNA:

Anybody else?

LEG. TOWLE:

I just want to finish what -- yeah.

P.O. TONNA:

You want to finish your -- then Legislator Crecca.

LEG. TOWLE:

You know, at the last meeting of the Legislature, the Director of Probation appeared before us to discuss the issues in the Town of Islip.

P.O. TONNA:

One second, Legislator Towle. Because we're having technical difficulties, I would ask that you keep your side-bar conversations down to really a whisper. Thank you. Legislator Towle.

LEG. TOWLE:

Thank you, Mr. Chairman. At the last meeting of the Legislature, the Director of Probation was here to discuss the issues in the Town of Islip. At that point, I took the liberty of asking him some questions about Yaphank, because I had saw this resolution in the package that was filed at our last meeting. Legislator Postal interrupted me throughout my dissertation of asking Mr. Iaria numerous questions. I not see him here this morning and I have some questions. And since we have the full Legislature here this morning, unlike the last meeting of the Legislature, because it was during the public portion and some of us were in and out of the room, I think some of the answers to some of my questions were very important, and I think his direction on this particular site is extremely misleading to the members of the Legislature. We did not direct them to specifically pick any one community, we directed them to come up with a list of locations that were viable and to pick the best location possible. And I think if you listen to his own words, they didn't have a list of locations, it was very generic. There were no sites that they went out and looked at. This was the only site they picked.

And, you know, fortunately or unfortunately, this site happens to be

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in my district. It's not an issue of I don't want it in my district. If this is the only viable spot, and we looked at numerous spots throughout the County of Suffolk, and based on a criteria, which they also could not present to us, that they selected this site, then so be it. But, clearly, that was not the case. And if you read the minutes or the packets that the Director of Probation sent out to each of us, you will see, as I did, throughout the meetings that the focus of a site was Yaphank from the beginning of the process to the end of the process. And --

D.P.O. POSTAL:

Legislator -- oh, I'm sorry, I thought you were finished.

LEG. TOWLE:

And, as I said, without him being here this morning to answer some of these questions, I am going to ask to table this.

D.P.O. POSTAL:

Legislator Crecca.

LEG. CRECCA:

I'm sorry.

D.P.O. POSTAL:

Did you ask to speak on this?

LEG. CRECCA:

I did. I'm sorry. I'm sorry, Legislator Towle. I was listening and I just got pulled away at the last minute, But I -- you know, at committee, I heard some of the arguments that you've made already. What I wanted to --

D.P.O. POSTAL:

You know what, again --

LEG. CRECCA:

I'm not going to use it. Again -- I'll just speak up.

D.P.O. POSTAL:

Could I just ask all of the members of the Legislature to please, because of the problem we're having, please hold off having any other conversations. Andrew, go ahead.

LEG. CRECCA:

I just want to make a note to my fellow Legislators of why it's important that we move forward with this. Under -- and, actually, there was an article, I believe, in Newsday today I didn't get to read the whole thing, but we are not in compliance with State Law right now regarding the juvenile detention center and children's shelter. This I have -- Mike Caracciolo and I have met with Public Works and other people involved with this project and one of the things we are trying to do is expedite the process, so that we can break ground sooner. Part of breaking ground sooner, that's what this legislation is about, so that if this is approved today, I'm fairly confident, from our conversations with Public Works, that we could do -- start site work,

that is clearing -- doing clearing, laying utilities lines as late as September. The goal would be to break ground in the -- very early in 2002 and have the facility built by the end of that year. The truth of the matter is the Office of Children's and Family Services has been cooperating with Suffolk County in holding off any -- violating us or imposing any sanctions on Suffolk County because of what we have done so far in the last year to move forward on the juvenile detention center.

Be aware that if we don't move on this, I'm not saying as an idle

threat, but there is a serious question as to whether the Office of Children and Family Services at the State level will -- will not come down harder on Suffolk County for the facilities that we do have now, forcing us to probably spend millions of dollars to do band aid renovations to some of our facilities, as well as the added expense of continuing to ship our children as far north as Syracuse, Buffalo, the most northern parts of New York State. What this does -- what this bill does, it just authorizes appropriations that are in the Capital Budget to move forward. Basically, it's the planning monies. It allows us to go forward so we can start the architectural renderings. It also allows us to complete site work later in the year, start site work.

LEG. TOWLE:
Legislator Crecca, would you suffer a question?

LEG. CRECCA:
Absolutely.

LEG. TOWLE:
You were one of the sponsors of the original bill that formed the committee. What was your -- what was your intention as a Legislator in forming that committee, what was your goal to accomplish?

LEG. CRECCA:
The goal was that we pick a group of experts who are laid out in that original legislation drafted by Legislator Caracciolo to -- and Mike and I worked very hard on picking those people, trying to pick people who would look at Suffolk County from Melville to Montauk and make a decision as to where the most appropriate place would be for the children's shelter. I know that -- again, I don't know all the reasons why this site was picked, but, certainly, it is a logical site in some respect, Legislator Towle, I believe, but, first of all, it's right behind the Probation Department. It is anticipated I think without question that Probation will be staffing that facility. So it makes sense for it to be there. It's also centrally located between our Central Islip facility and Riverhead facility. Both of those facilities house -- I'm sorry, service the population that would be in this facility. It's also -- I know there are some residences close by, but there are not -- it's in a densely populated area within there, and it's also I think a consistent use with the other uses we have out there on County land.

The other thing, too, one of the things the committee considered was-- very strongly was trying to use County-owned land. The reason for that is it expedites the process tremendously in getting this facility

built

LEG. TOWLE:
So, Legislator Crecca.

LEG. CRECCA:
I know it's one of the things the committee considered. It certainly would bring it up higher on the list.

LEG. TOWLE:
I'd argue many of your merits, but I'm not going to do that, because that's really an irrelevant point. What County properties did the committee look at, Legislator Crecca, do you know?

LEG. CRECCA:
I don't know.

LEG. TOWLE:
Did you attend any of the meetings?

LEG. CRECCA:
I can't say. For all I know, in talking to one of the members, Central Islip was considered because of the proximity of the courthouse there where they looked.

LEG. TOWLE:
Property we own in Central Islip?

LEG. CRECCA:
I don't know. I just know that was discussed as a possible alternative. I know that Hauppauge was discussed as a possible location, the industrial park area, but I don't know if they actually looked at actual sites. I did not sit in on the meetings.

LEG. TOWLE:
And you have not seen a list at County properties that we've looked at or that committee looked at as one of the original sponsors.

LEG. CRECCA:
I have not, Legislator Towle. In the same respect, too, I trust the work that the committee did and I think -- I think that that was the whole purpose of having the committee, so that they could make that decision without inference from Legislators or the fear of NIMBYism, or things like that.

LEG. TOWLE:
I don't disagree with that, as long as the committee did its job. And it's clear to me, having read the minutes, every one of the pages of the minutes and the backup paperwork that the Probation Director sent us that there is no list. Having asked for it at the last meeting, a month later I still haven't gotten the list, nor will I ever, because there is no list of properties, County-owned properties particularly, that that committee looked at. It's a farce. It's an absolute farce that they looked at other properties.

LEG. CRECCA:

I just wanted to add one thing.

LEG. TOWLE:

And to sit here and say anything else is just inaccurate.

LEG. CRECCA:

The only thing I can tell you, Legislator Towle, one of the people that served on the committee was an attorney I've known for many, many years, the highest caliber, who I happen to know through the court, through the Family Court. I know for a fact that everyone went in there with no agenda, no preplanned, and I questioned him individually after the decision was published as to whether or not there was some sort of fix in for Yaphank, or something like that. He absolutely assured me that it wasn't and that it was debated. I can only speak to that one member, because that's someone I know personally and trust. I think they would be very blatant and honest with me. I think that's the case. I certainly would not back this if I thought for a minute that the committee -- there was a fix in for one specific location.

P.O. TONNA:

All right. Anybody else?

LEG. CARACCIOLO:

Yes.

P.O. TONNA:

Legislator Caracciolo.

LEG. CARACCIOLO:

Mr. Chairman, yesterday I had a conversation with Ellen Martin of your staff regarding the Director of Probation being present today to address this resolution. I'd like to know if that request was forwarded, and whether or not he will --

P.O. TONNA:

Is he here?

LEG. CARACCIOLO:

Ellen is right here.

P.O. TONNA:

No, no, I know Ellen is here. Is the Director of Probation here?

LEG. CARACCIOLO:

I don't see him. I'd like to know if that request was forwarded and if we received a reply.

MS. MARTIN:

Yes. The County Exec's Office had spoken to him. He was not able to be here, but his representative, I believe, they were sending Anne Martin --

P.O. TONNA:

Okay.

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MS. MARTIN:

-- to discuss the issues.

LEG. CARACCIOLO:

I would --

MS. MARTIN:

I'll find out.

LEG. CARACCIOLO:

Mr. Chairman, at this time, I would move, since we have to come back for public hearings, this afternoon, if not this morning, later this morning, Anne Martin or a representative be here to answer these issues and then let's move on the resolution.

LEG. FISHER:

Another passover.

P.O. TONNA:

Excuse me?

LEG. TOWLE:

You have a motion to table.

P.O. TONNA:

We have a motion to table, okay.

LEG. CARACCIOLO:

If you want to move the motion to table, that's fine. If it's defeated, then I'll make the motion to approve.

LEG. TOWLE:

Go ahead. You want to approve a resolution without having a -- we're not sure --

P.O. TONNA:

Let's -- all right. Can I ask -- Fred, all you have to do is be recognized. Okay.

LEG. CRECCA:

Can we get Legislators to the horseshoe?

P.O. TONNA:

There's a motion to table and a second by Legislator Fisher, right?

LEG. FISHER:

Yes.

MR. BARTON:

Yes.

P.O. TONNA:

On the motion to table, can we -- do you want to have a roll call?
Let's have a roll call.

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LEG. CRECCA:

Get Binder.

P.O. TONNA:

He's here.

(*Roll Called by Mr. Barton*)

LEG. TOWLE:

Yes.

LEG. FISHER:

Yes.

LEG. COOPER:

Yes.

LEG. BINDER:

No.

LEG. BISHOP:

Yes.

LEG. D'ANDRE:

No.

LEG. CRECCA:
No to table.

LEG. BISHOP:
Oh, to table.

LEG. CARPENTER:
No.

LEG. ALDEN:
No.

LEG. FIELDS:
No.

LEG. FOLEY:
Yes.

LEG. HALEY:
Yes.

LEG. CARACAPPA:
Yes.

LEG. GULDI:
Yes.

LEG. CARACCIOLO:
Yes.

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LEG. POSTAL:
No.

LEG. CRECCA:
Mike, this is to table.

LEG. CARACCIOLO:
To table, I think it's fair.

P.O. TONNA:
No.

LEG. BISHOP:
You're the sponsor. You think it's fair?

LEG. CARACCIOLO:

To have some questions answered, yeah.

LEG. ALDEN:
Let's table it to 2:30.

LEG. CARACCIOLO:
I said that.

LEG. ALDEN:
This is a plain table.

P.O. TONNA:
So is there another motion? What has priority?

LEG. ALDEN:
Motion to table until 2:30.

P.O. TONNA:
I'll second that. Is there -- which has priority?

LEG. GULDI:
Which has priority?

LEG. CARACCIOLO:
Well, the public hearings have priority.

MR. SABATINO:
First in time has precedence. Motion got cutoff in the middle? Well, that -- first in time is first in right, so the first motion, unless somebody's willing to, you know, withdraw.

LEG. GULDI:
Not being withdrawn.

LEG. FOLEY:
Call the vote.

MR. BARTON:
Nine.

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LEG. CARACCIOLO:
On the -- on the motion.

P.O. TONNA:
No, it's not done.

LEG. CARACCIOLO:

Hold it, hold it, hold it. Henry.

P.O. TONNA:

I haven't voted yet.

LEG. BISHOP:

Who was the second on that.

LEG. CARACAPPA:

There was a motion to table until after public hearings.

LEG. CARACCIOLO:

Henry. Henry. Mr. Chairman. I'm going to change my vote to a no.

P.O. TONNA:

Okay.

MR. BARTON:

Eight.

P.O. TONNA:

Okay, fine. The motion to table fails.

LEG. ALDEN:

I'll make a motion to table to -- after the --

P.O. TONNA:

Until 2:30? There's a --

LEG. ALDEN:

Until after the public hearings.

P.O. TONNA:

Wait, wait. There's a motion to table until after the public hearing.
You want to revise your motion?

LEG. ALDEN:

Yes.

P.O. TONNA:

I'll second it. All in favor? Opposed?

LEG. TOWLE:

Opposed.

P.O. TONNA:

Okay. Opposed, Legislator Towle. Okay, that's fine. All right.
So --

MR. BARTON:
Sixteen.

P.O. TONNA:
It's tabled to after the public hearings. Okay. Let's go to the next. On bonding Resolution 1037 (Appropriating funds for renovations to the existing Sixth Precinct, Coram, Town of Brookhaven). Is there a motion? Joe.

LEG. CARPENTER:
Motion.

P.O. TONNA:
Marty?

LEG. HALEY:
Motion.

LEG. CARACAPPA:
Second.

P.O. TONNA:
Second by Joe. All in -- roll call.

(*Roll Called by Mr. Barton*)

LEG. HALEY:
Yes.

LEG. CARACAPPA:
Yes

LEG. COOPER:
Yes

LEG. BINDER:
Yes.

LEG. BISHOP:
Pass.

LEG. D'ANDRE:
Yes.

LEG. CRECCA:
Yes.

LEG. CARPENTER:
Yes.

LEG. ALDEN:
Yes.

LEG. FIELDS:
Yes.

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LEG. FOLEY:
Yes.

LEG. FISHER:
Yes. Cosponsor.

LEG. TOWLE:
Yes.

LEG. GULDI:
Yes.

LEG. CARACCIOLO:
Yes.

LEG. POSTAL:
Yes.

P.O. TONNA:
Yeah.

LEG. BISHOP:
Yes.

MR. BARTON:
Seventeen on the bond.

P.O. TONNA:
Okay. All in favor -- that's great. Same motion, same second, same vote. Okay. 1043 (Authorizing settlement of Suffolk County Jail overcrowding litigation).

LEG. BISHOP:
Motion. Oh, cosponsor, please.

P.O. TONNA:
Okay. Do we have -- do we have to go into executive session on this?

MR. SABATINO:
Well, I had scheduled it for 12 o'clock in the event that there were people who wanted to have a discussion, so --

P.O. TONNA:

I'd like to have a discussion about this.

LEG. GULDI:

I'd like to have a discussion about it. I'd also like a copy of the text to the actual settlement, which I have not seen.

MR. SABATINO:

That's going to be brought -- that's going to be brought at 12 o'clock by our outside counsel.

P.O. TONNA:

And so we'll hold it at twelve.

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MR. SABATINO:

The Attorney General's Office didn't conclude it until last night.

P.O. TONNA:

Okay. So we'll hold until 12 on it and we'll pass over it, okay?

LEG. FOLEY:

Three.

P.O. TONNA:

Yeah, three.

PUBLIC WORKS AND TRANSPORTATION

2001

Okay. 1074 (Amending the 2001 Capital Budget and Program and appropriating funds for the County share of construction of parking facilities at the Ronkonkoma Railroad Station). Motion by Legislator Foley, seconded by Legislator Alden. Roll call.

(*Roll Called by Mr. Barton*)

LEG. FOLEY:

Yes.

LEG. ALDEN:

Yes.

LEG. COOPER:

Yes.

LEG. BINDER:
Yes.

LEG. BISHOP:
Yes.

LEG. D'ANDRE:
Yes. It's about time.

LEG. CRECCA:
Absolutely.

LEG. CARPENTER:
Yes.

LEG. FIELDS:
Yes.

LEG. HALEY:
Yes.

LEG. FISHER:
Yes.

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LEG. CARACAPPA:
Yes.

LEG. TOWLE:
Yes.

LEG. GULDI:
Yes.

LEG. CARACCIOLO:
Yes.

LEG. POSTAL:
Yes.

P.O. TONNA:
Yes.

MR. BARTON:
Seventeen on the bond.

P.O. TONNA:

Okay. Same motion, same second, same vote. Okay. 1075
(Appropriating funds in connection with the improvement to County
Center, C001, Riverhead). Motion by Legislator Foley. Oh, no,
Legislator Caracciolo, seconded by Legislator Foley. Roll call.

(*Roll Called by Mr. Barton*)

LEG. CARACCIOLO:

Yes.

LEG. FOLEY:

Yes.

LEG. COOPER:

Yes.

LEG. BINDER:

Yes.

LEG. BISHOP:

Yes.

LEG. D'ANDRE:

Yes.

LEG. CRECCA:

Yeah.

LEG. CARPENTER:

Yes.

LEG. ALDEN:

Pass.

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LEG. FIELDS:

Yes.

LEG. HALEY:

Yes.

LEG. FISHER:

Yes.

LEG. CARACAPPA:

Yes.

LEG. TOWLE:
Yes.

LEG. GULDI:
Yes. It's about time.

LEG. POSTAL:
Yes.

P.O. TONNA:
Yep.

LEG. ALDEN:
Yes.

MR. BARTON:
Seventeen.

P.O. TONNA:
Okay.

MR. BARTON:
On the bond.

P.O. TONNA:
Same motion, same second, same vote. 1076 (Appropriating funds in connection with the improvements to water supply systems, various County Buildings). Motion by Legislator --

LEG. CARPENTER:
Motion.

P.O. TONNA:
-- Foley, seconded by Legislator Caracappa. Roll call.

LEG. FOLEY:
Yes.

LEG. CARACAPPA:
Yes.

LEG. COOPER:
Yes.

Yes.

LEG. BISHOP:
Yes.

LEG. D'ANDRE:
Yes.

LEG. CRECCA:
Yes.

LEG. CARPENTER:
Yes.

LEG. ALDEN:
Yes.

LEG. FIELDS:
Yes.

LEG. HALEY:
Yes.

LEG. FISHER:
Yes.

LEG. TOWLE:
Yes.

LEG. GULDI:
Yes.

LEG. CARACCIOLO:
Yes.

LEG. POSTAL:
Yes.

P.O. TONNA:
Yep.

MR. BARTON:
Seventeen on the bond.

P.O. TONNA:
Same motion, same second, same vote. If we could stay focused. Joe's got to leave any second. If we stay focused, we could get more votes in. 1077 (Appropriating funds in connection with replacement of cleanup to Fossil, Fuel, Toxic and Hazardous Material Storage Tanks). Motion by Legislator Fisher, seconded by Legislator Foley. Roll call.

(*Roll Called by Mr. Barton*)

LEG. FISHER:
Yes.

LEG. FOLEY:
Yes.

LEG. COOPER:
Yes.

LEG. BINDER:
Yes.

LEG. BISHOP:
Yes.

LEG. D'ANDRE:
Yes.

LEG. CRECCA:
Yes.

LEG. CARPENTER:
Yes.

LEG. ALDEN:
Yes.

LEG. FIELDS:
Yes.

LEG. HALEY:
Yes.

LEG. CARACAPPA:
Yes.

LEG. TOWLE:
Yes.

LEG. GULDI:
Yes.

LEG. CARACCIOLO:
Yes.

LEG. POSTAL:
Yes.

P.O. TONNA:
Yes.

MR. BARTON:
Seventeen on the bond.

P.O. TONNA:
Same motion, same second, same vote. 1078 (Appropriating funds in

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connection with the removal of Toxic and Hazardous Building Materials
and Components at various County facilities). Motion by --

LEG. FOLEY:
Motion.

P.O. TONNA:
Legislator Foley, seconded by Legislator Carpenter.

MR. BARTON:
Okay.

(*Roll Called by Mr. Barton*)

LEG. FOLEY:
Yes.

LEG. CARPENTER:
Yes.

LEG. COOPER:
Yes.

LEG. BINDER:
Yes.

LEG. BISHOP:
Yes.

LEG. D'ANDRE:
Yes.

LEG. CRECCA:
Yes.

LEG. ALDEN:
Yes.

LEG. FIELDS:
Yes.

LEG. HALEY:
Yes.

LEG. FISHER:
Yes.

LEG. CARACAPPA:
Yes.

LEG. TOWLE:
Yes.

LEG. GULDI:
Yes.

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LEG. CARACCIOLO:
Yes.

LEG. POSTAL:
Yes.

P.O. TONNA:
Yes.

MR. BARTON:
Seventeen on the bond.

P.O. TONNA:
Same motion, same second, same vote.

PARKS, SPORTS AND CULTURAL AFFAIRS

2000

Parks, Sports and Cultural Affairs. 2124 (Creating Chandler Estate Advisory Committee for property in Mt. Sinai).

LEG. CARACCIOLO:
Motion.

P.O. TONNA:
Motion by Legislator Haley, seconded by Legislator Caracciolo.

LEG. POSTAL:
I have a question.

P.O. TONNA:
Go ahead, question.

LEG. POSTAL:
First of all, can someone explain this to me why we're doing this, and what would the Chandler Estate Advisory Committee do, and would we have responsibility to them?

LEG. HALEY:
Can you hear me on this?

LEG. POSTAL:
I can hear you.

LEG. HALEY:
There's a lot of significant things on the Chandler Estate. One in particular is an archeological considerations. There's historic -- other historical considerations. There's environmental considerations. There are buildings on there. So with all those things, we want to make sure that we set up a plan to approach that. We may or may not want to take buildings down. It's really -- maybe we want to put in education facilities. So all I wanted to do was to make sure that we had representation across the board and that -- if you'll note in the resolution, I have someone in from the Historical

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Society, someone from the Archeological Society, and there really -- at the end, it has an expiration, it's only until the end of the year, and it's -- submit a written management plan together with the recommendations no later than October 1st of this year. So it's just making sure that we don't have the Parks Department, not that they would, would go in and just let's take buildings down, let's take -- we have a lot of people that have an interest in taking a close look and making sure we have a plan that's consistent with our Open Space Programs, but understanding we have some buildings there, and we want to--

LEG. POSTAL:
One last question, Mr. Chairman. Are their associated costs, additional costs?

LEG. HALEY:
I think there's a maximum of a thousand dollars. Yeah, maximum. There's not that much involved.

P.O. TONNA:
All in favor? Opposed? Approved?

LEG. HALEY:
Thank you.

MR. BARTON:
Seventeen.

2001

P.O. TONNA:
1028 (Appointing William Macchione as a member of the Suffolk County Vanderbilt Museum Commission (Trustee No. 5). Motion by myself, seconded by Legislator Fisher.

LEG. CARPENTER:
Second.

P.O. TONNA:
Carpenter. All in favor? Opposed? Approved.

MR. BARTON:
Seventeen.

P.O. TONNA:
1032 (Appropriating planning funds for historic structure report of the Horan House, Timber Point County Park, Town of Islip). Roll call. Motion by Fields.

LEG. FOLEY:
Second.

P.O. TONNA:
Seconded by Foley.

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LEG. CARACCILOLO:
On the motion.

P.O. TONNA:
On the motion.

LEG. CARACCILOLO:
With the possible exception of the Islip Legislators, any other

members of the Legislature familiar with this structure?

LEG. BISHOP:
Coindre Hall.

P.O. TONNA:
No.

LEG. FIELDS:
Horan.

P.O. TONNA:
Horan House?

LEG. FIELDS:
Horan.

LEG. CARACCIOLO:
I think I know where it is. Is this the old house that's next to the gas pump facility?

LEG. FIELDS:
Yes.

LEG. CARACCIOLO:
It looks like a haunted house?

LEG. FIELDS:
Yep.

LEG. CARACCIOLO:
It is in total and complete disrepair.

LEG. FIELDS:
Right.

LEG. CARACCIOLO:
What would this study attempt to do?

LEG. FIELDS:
This is an historic structure, so you can't just level it. So this is an engineering report to say whether it can possibly be rebuilt or saved, or given the recommendations that it can't.

LEG. CARACCIOLO:
It's historic because of when it was built, the materials it was built with, what?

LEG. FIELDS:
It's on the Historic Register.

LEG. CARACCIOLO:
Of the Town, or the State, or the Federal?

LEG. FIELDS:
I believe it's the State.

LEG. FOLEY:
I believe it's the State.

LEG. FIELDS:
I believe it's the State.

LEG. CARACCIOLO:
I mean, are we certain about that?

LEG. FIELDS:
It is on --

LEG. CARACCIOLO:
Because I have pictures of this, which we took when we were down --

LEG. FIELDS:
So do I.

LEG. CARACCIOLO:
-- at the golf course and it is --

LEG. FIELDS:
Where is Fred? Fred.

MR. SABATINO:
The County made the designation. It was by County resolution that it was --

LEG. FIELDS:
Right.

P.O. TONNA:
Okay.

LEG. FOLEY:
It's a County designation.

LEG. CARACCIOLO:
This is probably when my good friend Steve Englebright was here, which I have to thank Steve. He was very generous with some remarks thanking this Legislature, and me in particular, for the preservation of Spring Meadow. So I can't say too many harsh things about Steve, he's a good friend. But I'm just curious, I was just curious about the nature of this historic building.

P.O. TONNA:
Okay. All in favor? Opposed?

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MR. BARTON:
Bond.

LEG. FOLEY:
We have the bond.

P.O. TONNA:
Oh, bond. Roll call.

(*Roll Called by Mr. Barton*)

LEG. FIELDS:
Yes.

LEG. FOLEY:
Yes.

LEG. COOPER:
Yes.

LEG. BINDER:
Yes.

LEG. BISHOP:
(Not Present)

LEG. D'ANDRE:
Yes.

LEG. CRECCA:
Yes.

LEG. CARPENTER:
Yes.

LEG. ALDEN:
Yes.

LEG. HALEY:
Yes.

LEG. FISHER:
Yes.

LEG. CARACAPPA:
(Not Present)

LEG. TOWLE:
Yes.

LEG. GULDI:
Yes.

LEG. CARACCIOLO:
Yes.

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LEG. POSTAL:
Yes.

P.O. TONNA:
Yes.

MR. BARTON:
Fifteen. (Not Present-Legs. Caracappa and Bishop)

P.O. TONNA:
Okay. Same motion --

LEG. CARPENTER:
Cosponsor.

P.O. TONNA:
-- same second, same vote. 1087 (Amending the 2001 Capital Budget and Program and appropriating funds in connection with the restoration of Coindre Hall Main Building, boat house and dock and the stabilization of pump house buildings). Motion by Legislator Cooper. Where are you?

LEG. COOPER:
Motion.

P.O. TONNA:
Legislator Cooper, seconded by myself. Roll call.

(*Roll Called by Mr. Barton*)

LEG. COOPER:
Yes.

P.O. TONNA:
Yes.

LEG. BINDER:
Yes.

LEG. BISHOP:
Yes.

MR. BARTON:
Thank you.

LEG. D'ANDRE:
Yes.

LEG. CRECCA:
Yes.

LEG. CARPENTER:
Yes.

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LEG. ALDEN:
Yes.

LEG. FIELDS:
Yes.

LEG. FOLEY:
Yes.

LEG. HALEY:
Yes.

LEG. FISHER:
Yes.

LEG. CARACAPPA:
(Not Present)

LEG. FISHER:
He left.

LEG. TOWLE:
Yes.

LEG. GULDI:
Yes.

LEG. CARACCIOLO:
Yes.

LEG. POSTAL:
Yes.

MR. BARTON:
Sixteen.

P.O. TONNA:
Great. Same motion, same second, same vote. 1088 (Amending the 2001 Capital Budget and Program and appropriating funds in connection with the construction of improvements to County Marinas). Motion by Legislator --

LEG. FISHER:
Motion.

P.O. TONNA:
By Legislator Fields -- Fisher, seconded by Legislator Foley.

LEG. CARACCIOLO:
On the motion.

P.O. TONNA:
On the motion.

LEG. CARACCIOLO:
Locations?

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LEG. FISHER:
Oh, it's in the backup.

LEG. FOLEY:
It's in the backup.

MR. SABATINO:
Shinnecock and Timber Point.

LEG. CARACCIOLO:
I'm sorry, Paul?

MR. SABATINO:

Shinnecock and Timber Point.

LEG. CARACCIOLO:
County marinas at Shinnecock and Timber Point?

MR. SABATINO:
Yeah.

LEG. CARACCIOLO:
And are these dock head improvements? What type of improvements?

MR. SABATINO:
It's going to be for -- it's going to be improvements to the actual marinas, including the bulkheads and the docks, and extending electrical service.

LEG. CARACCIOLO:
It's not increasing the size or --

LEG. FISHER:
No.

LEG. CARACCIOLO:
-- reducing the size?

MR. SABATINO:
No.

P.O. TONNA:
Okay. Roll call.

(*Roll Called by Mr. Barton*)

LEG. FISHER:
Yes.

LEG. FOLEY:
Yes.

LEG. COOPER:
Yes.

LEG. BINDER:

Yes.

LEG. BISHOP:
Yes.

LEG. D'ANDRE:
Yes.

LEG. CRECCA:
Yes.

LEG. CARPENTER:
Yes.

LEG. ALDEN:
Yes.

LEG. FIELDS:
Yes.

LEG. HALEY:
Yes.

LEG. TOWLE:
Yes.

LEG. GULDI:
Yes.

LEG. CARACCIOLO:
Yes.

LEG. POSTAL:
Yes.

P.O. TONNA:
Yep.

MR. BARTON:
Sixteen on the bond. (Not Present-Leg. Caracappa)

P.O. TONNA:
All in favor -- okay. Same motion, same second, same vote.

1089 (Amending the 2001 Capital Budget and Program and appropriating funds in connection with the restoration of Smith Point County Park).
Motion by Legislator --

LEG. FOLEY:
Motion to approve.

P.O. TONNA:
Legislator Foley.

LEG. TOWLE:
Second.

LEG. FISHER:
Second.

P.O. TONNA:
Second by Legislator Towle. Okay. Roll call.

(Roll Called by Mr. Barton)

LEG. FOLEY:
Yes

LEG. TOWLE:
Yes. Cosponsor.

LEG. COOPER:
Yes.

LEG. BINDER:
Yeah.

LEG. BISHOP:
Yes.

LEG. D'ANDRE:
Yes.

LEG. CRECCA:
Yes.

LEG. CARPENTER:
Yes.

LEG. ALDEN:
Yes.

LEG. FIELDS:
Yes.

LEG. HALEY:
Yes.

LEG. FISHER:
Yes.

LEG. GULDI:
Yes.

LEG. CARACCIOLO:
Yes.

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D.P.O. POSTAL:
Yes.

P.O. TONNA:
Yep.

MR. BARTON:
Sixteen on the bond.

P.O. TONNA:
Okay. Same motion.

LEG. FOLEY:
Henry, cosponsor.

P.O. TONNA:
Same vote. 1090 (Appropriating funds in connection with the implementation of improvements to County Golf Courses - West Sayville and Indian Island). Motion by Legislator Carpenter, second by Legislator Alden. Okay. Forget Alden. Second, Legislator Fields. There you go.

LEG. ALDEN:
No.

P.O. TONNA:
Don't worry.

LEG. FOLEY:
Let's go. Let's move.

P.O. TONNA:
Don't worry, it's Carpenter/Fields.

MR. BARTON:
Okay.

P.O. TONNA:
It's my prerogative as Presiding Officer.

(Roll Called by Mr. Barton)

LEG. CARPENTER:
Yes.

LEG. FIELDS:
Yes.

LEG. COOPER:
Yes.

LEG. BINDER:
Yes.

LEG. BISHOP:
Yes.

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LEG. D'ANDRE:
Yes.

LEG. CRECCA:
Yes for golf.

LEG. ALDEN:
No. Change my vote to a yes.

MR. BARTON:
Okay.

LEG. FOLEY:
Yes.

LEG. HALEY:
Yes.

LEG. FISHER:
Yes.

LEG. GULDI:
On the motion.

P.O. TONNA:
We're voting.

LEG. TOWLE:
Yes.

LEG. GULDI:
I'll abstain.

LEG. CARACCIOLO:
Yes.

LEG. POSTAL:
Yes.

P.O. TONNA:
Yes.

MR. BARTON:
Fifteen on the bond. (Not Present: Legislator Caracappa)

P.O. TONNA:
George, what did you want to ask?

LEG. GULDI:
I wanted to ask if anyone analyzed this particular legislation for compliance with 5-25-5, since it seemed like typical maintenance on a golf course, not capital improvement.

P.O. TONNA:
Okay. That's a good question. Paul, does this comply with 5-25-5?

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Dave, have you checked this Capital Project, whether it says in the --

MR. SABATINO:
This is which one?

LEG. FOLEY:
The backup memoranda says that the 2001 adopted Capital Budget includes funding for these kinds of improvements.

LEG. GULDI:
Yeah, I know, but they haven't --

P.O. TONNA:
Budget Review, does this comply with 5-25-5?

LEG. GULDI:
They look like typical golf course maintenance items. You need to maintain golfers fee boxes and cart paths on every golf course every year. What are we doing a Capital Budget project on this for?

LEG. ALDEN:
Good question.

LEG. CARPENTER:
We already have votes, so --

MR. SABATINO:
The problem is you can't tell, because the backup doesn't break down the individual items. So I can't give an answer unless we have a list of the actual items to see if they fall within the 25,000 or \$5,000 calculations.

LEG. BINDER:
Motion to reconsider so we can table it.

LEG. GULDI:
Second.

LEG. HALEY:
Second.

P.O. TONNA:
Guys, okay. Just, Budget Review, do you have anything to say?

MS. VIZZINI:
Just if you have a project, in the aggregate, the cost is similar to the cost of this. I think it can comply with capital funding.

P.O. TONNA:
Okay. There's a motion to reconsider by Legislator Binder. Who's the second?

LEG. GULDI:
Me.

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P.O. TONNA:
Guldi. Okay. Motion to reconsider. All in favor? Opposed?

(Opposed said in Unison by Legislators)

okay, great. Okay. So you have Binder for reconsidering motion and Guldi. Anybody else?

LEG. HALEY:
Yeah, me.

P.O. TONNA:
Okay, and Haley. There you go.

MR. BARTON:
Three.

P.O. TONNA:
Okay. Motion fails. Call the -- did we call the vote?

MR. BARTON:
Fifteen, one abstention, two not present. (Not Present: Leg. Caracappa)

P.O. TONNA:
Same motion, same second, same vote.

MR. BARTON:
Not not present, one vacancy.

P.O. TONNA:
1091 (Appropriating funds in connection with the implementation of improvements to County Golf Courses - Timber Point).

LEG. FIELDS:
Motion.

P.O. TONNA:
Motion by Legislator Fields.

LEG. GULDI:
On the motion.

P.O. TONNA:
Second by Legislator Carpenter.

LEG. GULDI:
On the motion.

P.O. TONNA:
On the motion.

LEG. GULDI:
Here we have -- the only backup says necessary -- repairs including, but not necessarily limited to, bunkers, greens, fairways, tees, hardpan areas, trees, cart paths and erosion control.

LEG. HALEY:
He obviously doesn't listen.

LEG. CARPENTER:
Obviously.

LEG. GULDI:
What's the capital project?

LEG. CARPENTER:
He's too busy talking on the phone.

LEG. GULDI:
Sounds like maintenance to me. Can someone answer that question?

LEG. CARPENTER:
On this, I could answer it.
This is part -- yes. This is part of a --

P.O. TONNA:
There would be a lot more maintenance. This is 1091.

P.O. TONNA:
Legislator Carpenter has the floor to answer your question.

LEG. CARPENTER:
This is part of a major renovation that's been ongoing at Timber Point Country Club that we initiated a couple of years ago. This Legislature appropriated \$2 1/2 million to prevent privatization of this court and invest the necessary monies into it to have it be -- to have it be the public course it should be and maximize its economic potential.

LEG. GULDI:
Yeah. But what's the Capital Project? What are we doing?

LEG. ALDEN:
They're all capital.

LEG. CARPENTER:
That's what we're doing, it's all part of it.

LEG. GULDI:
This is a course renovation, not just repairs and maintenance --

LEG. CARPENTER:
Exactly.

LEG. GULDI:
Is that what you're telling me?

LEG. CARPENTER:
They're renovating the whole course.

LEG. GULDI:
For half a million dollars?

LEG. CARPENTER:
They close the courses down. The nine holes are down for the last two years.

LEG. BINDER:
Didn't we spend the money already on this? Didn't we appropriate the money for the renovations?

LEG. FOLEY:
Mr. Chairman.

P.O. TONNA:
It was either -- it was either this or -- go ahead.

LEG. FOLEY:
Mr. Chairman, the point's well taken that the backup may be a bit too vague. I'm going to still support the bill, but in the future, the Parks Department should be somewhat more specific in how they intend to utilize the dollars.

LEG. CARACCIOLO:
Mr. Chairman.

P.O. TONNA:
Yes.

LEG. CARACCIOLO:
Page 442 of the Capital Program and Budget for 2001-2003 clearly delineates what this funding is for. It's to install drainage, anti-erosion and flood controls. For those members of the Legislature that haven't had the opportunity to go to Timber Point and take a tour and inspection, one of the very first things you will note, whether it's a dry day or a wet day, is that it has very poor drainage, and most of the times golfers do not have a good experience because of that. These are much needed and long overdue repairs, really, and I believe they fall within the category of capital improvements.

LEG. FISHER:
I agree, Mr. Chairman.

P.O. TONNA:
Yes, Legislator Fisher.

LEG. FISHER:

The repair of gabions and they actually lose a couple of holes because of flooding in some parts. So it certainly is capital improvements of the golf course.

LEG. GULDI:

Okay.

P.O. TONNA:

Unless we want to build a golf course in Shadmoor.

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LEG. HALEY:

He said okay.

P.O. TONNA:

Where are we? Roll call, Henry.

MR. BARTON:

On the bond.

P.O. TONNA:

On the bond.

(Roll Called by Mr. Barton)

LEG. FIELDS:

Yes.

LEG. CARPENTER:

Yes.

LEG. COOPER:

Yes.

LEG. BINDER:

No.

LEG. BISHOP:

Yes.

LEG. D'ANDRE:

Yes.

LEG. CRECCA:

Yes.

LEG. ALDEN:
Last lesson I ever give you. Yes.

LEG. FOLEY:
Yes.

LEG. HALEY:
Yes.

LEG. FISHER:
Yes.

LEG. CARACAPPA:
(Not Present)

LEG. TOWLE:
Yes.

LEG. GULDI:
Yes.

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LEG. CARACCIOLO:
Yes.

LEG. POSTAL:
Yes.

P.O. TONNA:
Yep.

MR. BARTON:
Mr. Binder.

LEG. BINDER:
I said no.

MR. BARTON:
Okay.

P.O. TONNA:
Okay.

MR. BARTON:
Fifteen. (Not Present: Leg. Caracappa)

P.O. TONNA:

All right. Same motion, same second, same vote. 1099 (Authorizing the Department of Parks, Recreation and Conservation to pay Rosenwach Tank Co. Inc. For work completed at Deepwells and Meadow Croft Estates). Motion by --

LEG. FISHER:
Motion.

P.O. TONNA:
Who?

LEG. FISHER:
Me.

P.O. TONNA:
Legislator Fisher.

LEG. FOLEY:
Second.

P.O. TONNA:
Second by Legislator Foley. All in favor? Opposed? Approved.

MR. BARTON:
Sixteen.

LEG. CARACCIOLO:
On the -- oh, whoa. I had a question, quick question. Just, Fred, what is this authorizing, this company that did --

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LEG. FISHER:
Well, they had done the work -- could I answer, begin to answer the question?

P.O. TONNA:
Yes.

LEG. FISHER:
There was an issue with this, Legislator Caracciolo, where Rosenwach Tank Company had done work, okay, but there was an error and there was a contract given to another entity to also perform the work. But this company actually did the work and they've been waiting for their payment for a couple of years. So this authorizes us to -- well, I'll let Budget Review, then, but this was just the beginning why he was looking it up.

MR. POLLERT:

The vendor had installed tanks. The problem was that the vendor --

LEG. CARACCIOLO:

These are fuel tanks.

MR. POLLERT:

Yes. The problem was the vendor was not the one that was actually awarded the bid. So what this would do is it would be to authorize payment to the vendor who's not the low bidder.

LEG. CARACCIOLO:

What's the amount?

LEG. POSTAL:

\$19,800.

LEG. GULDI:

Are we paying -- we're paying the full amount on the invoice, though, not the low bidder amount?

LEG. ALDEN:

Paul, I have a question, too.

P.O. TONNA:

Yeah.

P.O. TONNA:

Fred, do you know if the lawsuit was settled?

MR. POLLERT:

No, I don't.

LEG. ALDEN:

So there's still a lawsuit possibly pending.

LEG. CARACCIOLO:

Why don't you ask Counsel.

LEG. ALDEN:

Paul, do you know?

MR. SABATINO:

I'm sorry, go ahead.

LEG. ALDEN:

Do you know if the lawsuit was settled on this? I know that when it first came up there was a lawsuit.

MR. SABATINO:

What's happening is this is the party that actually did the work, not the party that was the low bidder. The first time around, when it came before the Legislature, it was rejected, because there was a concern about what happens with the other party that's just floating around out there, which is the party that actually won the low bid. All this resolution does is concludes the litigation with the people that did the actual work, so the \$19,000 will include litigation with regard to that party. If the other party, which was the low bidder, wants to come forward, they still have the right to come forward, but they're going to be in a relatively weak position, because they can't demonstrate that they did any real work at the job site, this work was done by these people.

LEG. ALDEN:

So we're actually signing a stipulation of settlement along with this?

MR. SABATINO:

Only with regard to the people that actually did the work. With regard to the other entity, that's going to be if they still pursue a claim.

LEG. ALDEN:

And I apologize, but I couldn't hear what Freddy. Now this is for the -- this is not for the low bid amount, this is for the high bid, the next highest?

MR. POLLERT:

This is actually what the invoice is for, the \$19,800. To tell you the truth, I don't know what the low bid amount was, but it was awarded to the low bid vendor, but the work was done by a second party that deals with the fabrication of water tanks.

LEG. GULDI:

Yeah. On the motion. The backup, there's a memo in the backup that indicates that there was some apparent confusion by the vendor in that they received oral authorization to go head and do the work from someone. So we may have a detrimental reliance on that authorization and an unjust enrichment problem if we fail to pay for the work actually done, notwithstanding the failure to comply with the low bid amounts.

LEG. ALDEN:

With all due respect, though, that was the question that wasn't answered when we originally tabled this and when this problem came up originally, whether they did have authorization or not.

LEG. GULDI:

Yeah. Well, annexed to this backup, there's a memo to Mike Frank and Barbara Russo dated April 15th, 1999 that discusses that at some length in two pages. And while it may not resolve it, it certainly raises the question as to whether or not there was an authorization. Actually, it said Richard Martin indicated to me that he authorized Rosenwach to do the work, whoever Richard Martin was, and whether or not he's had the apparent authority to do that. Okay?

LEG. ALDEN:

I'm no longer on Parks. Are you?

LEG. GULDI:

No.

LEG. ALDEN:

Legislator Guldi?

LEG. GULDI:

I didn't see this committee.

LEG. ALDEN:

And Joey's the Chairman, right? He had to leave? Marty?

LEG. FISHER:

But I'm the Vice Chair, I'm here.

MR. SABATINO:

We had extensive discussion in executive session with regard to all the issues. I think there was a greater comfort level this time around than there was the first time around, because the Law Department and the Parks Department had --

LEG. HALEY:

I'm not on Parks.

LEG. FISHER:

Well, I am.

MR. SABATINO:

-- followed with that low bidder.

LEG. FISHER:

Well, I'm in concurrence with what he's saying, and there was a representation -- I don't know if I can say this when we're not in executive session, but there is an issue where they have been waiting, this company has been waiting for payment for two years and now we're at the point which is different than the point when we had previously dealt with this issue, which is because they have not been paid over the years, now we're at a point where Rosenwach} is threatening to sue for their payment. So we would have two parties that would be at a

point of suing the County.

LEG. ALDEN:

But there's still -- there was a problem two years ago when I was on

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the Parks where these people, they didn't clearly establish that they had authorization to start the job.

LEG. FISHER:

But the backup establishes it. Richard Martin has maintained that he did authorize them to do it. They did indeed do the work. The other party, the low bidder, has not been able to demonstrate that they did any work with regard to this project. So the Law Department has advised us to approve of this resolution and to pay Rosenwach}, because they did indeed do the work as authorized by Richard Martin of the Parks Department, and the other entity has not demonstrated that they had done any work.

LEG. D'ANDRE:

Mr. Chairman, Mike Frank authorized this work, and the tank is up.

LEG. FISHER:

Right.

LEG. D'ANDRE:

And they did a beautiful job and they should be paid.

LEG. FISHER:

They should be paid, they did the work.

LEG. CRECCA:

I agree.

MR. SABATINO:

I just want to say, just to reassure you, we made it clear in the committee that we expected the Law Department and Parks Department to fight against the low bidder to any claims that he or she might make with regard to work allegedly done. We had a comfort level that they're going to fight the battle in the right place.

LEG. FISHER:

Well, we do have a comfort that they are fighting it, yes, because they have said that the other entity has not demonstrated that they had done any preparatory work towards this project. They had represented 15 months ago that they had done some preparatory work toward this project, but they have never shown any evidence of that work.

LEG. D'ANDRE:

Let's approve this, Mr. Chairman and let these people be paid there for a couple of years. They did a beautiful job.

MR. BARTON:

The vote is 16.

P.O. TONNA:

What?

MR. BARTON:

The vote is 16. (Not Present: Leg. Caracappa)

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P.O. TONNA:

Okay.

LEG. CARACCILO:

1036.

P.O. TONNA:

1036 (To amend RFP Committee Process for Plum Island Health and Environmental Risk Assessment).

LEG. CARACCILO:

Motion to approve.

LEG. GULDI:

Second.

P.O. TONNA:

Motion to approve by Legislator Caracciolo, second by --

LEG. CARPENTER:

Second.

P.O. TONNA:

Guldi. All in favor? Opposed? Approved.

MR. BARTON:

Sixteen. (Not Present: Leg. Caracappa)

P.O. TONNA:

Okay. 1073 (Appropriating funds in connection with the purchase and installation of equipment for EMS/ALS). Motion by myself.

LEG. CRECCA:
Second.

P.O. TONNA:
Seconded by Legislator Crecca. Let's roll call, please.

(Roll Called by Mr. Barton)

P.O. TONNA:
Yep.

LEG. CRECCA:
Yeah.

LEG. COOPER:
Yes.

LEG. BINDER:
Yeah.

LEG. FISHER:
Yes.

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LEG. D'ANDRE:
Yes.

LEG. CARPENTER:
Yes.

LEG. ALDEN:
Yes.

LEG. FIELDS:
Yes.

LEG. FOLEY:
Yes.

LEG. HALEY:
Yes.

LEG. FISHER:
Yes.

LEG. TOWLE:

Yes.

LEG. GULDI:
Yes.

LEG. CARACCIOLO:
Yes.

LEG. POSTAL:
Yes.

MR. BARTON:
Sixteen on the bond. (Not Present: Leg. Caracappa)

LEGISLATIVE AND PERSONNEL

2000

P.O. TONNA:
Okay. 2218 (Establish media room in William H. Rogers Legislative Building). Is there a motion?

LEG. CRECCA:
Don't we already have a media room?

LEG. BINDER:
Motion.

P.O. TONNA:
Motion by Legislator Binder. Is there a second?

LEG. HALEY:
Second.

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P.O. TONNA:
Second by Legislator Haley. On the motion.

LEG. FOLEY:
Explanation, please.

P.O. TONNA:
Yeah, really. What do we need to do by resolution that we don't already have?

LEG. BINDER:
The explanation is that my understanding is that the Presiding Officer
Page 104

is working on trying to put together a meeting room or a media room at this point. This is basically putting the Legislature on the record. It doesn't change your powers. This is not to say that you're not doing it, the Presiding Officer's already doing it. This is just to put us on the record that we'd like see it happen. If, by the way, it's only if the Presiding Officer can make it happen under rules that are favorable to the Legislature, it doesn't force his hand or force him to do something he wouldn't normally do, but it just puts us on the record that we'd like the public through the media to have access to the Legislature, that's all it does.

P.O. TONNA:

I understand the intent. I just think -- I don't think we need to have a resolution to be able to do something I think -- I'll ask my staff.

LEG. CARPENTER:

Are we doing it? Are we in the process of doing it?

P.O. TONNA:

Yeah. Just -- where is -- who's assigned to helping --

LEG. BINDER:

The bottom line is it doesn't -- it doesn't hurt the process at this point, and it doesn't say -- and I want to make it clear, it's not saying that the Presiding Officer is not at this point putting that process together.

LEG. HALEY:

It just simply memorializes their efforts and make sure everyone is aware you're making a concerted effort to do that.

LEG. BINDER:

Right.

P.O. TONNA:

Whatever you want to do.

LEG. CARPENTER:

If this is something we're working on, then why don't we check the status of it? In the meantime, why don't we table this, because I had questions. I didn't know we were going to be at this part of the agenda.

P.O. TONNA:

Okay.

LEG. CARPENTER:

I make a motion to table.

P.O. TONNA:

I'd say -- I'd say let's vote on it either up or down, up or down. Personally, we're already doing it. I don't see why we need to have a resolution to say this. I don't particularly care as much about this resolution, but, personally, as the Presiding Officer, you know, how about a resolution about the microphone system? How about a resolution about --

LEG. GULDI:

Okay, that's a good idea, I'm for that.

LEG. CRECCA:

Second. I'll second that one.

P.O. TONNA:

I don't want to get inundated with resolutions setting a precedent for having a resolution on every single item that we're doing. I'm sure that the media knows that -- you know, that Legislators want them to have a media room. Is it only one media outlet, is it only Newsday or others?

LEG. BINDER:

No. It says -- no. A media room for any media that wants to take advantage of the opportunity, but it's something that -- it just says that we -- we as a Legislature want to see a media room happen if it is within your ability to negotiate that in favorable terms to the Legislature.

MR. BARTON:

Mr. Chairman. Mr. Chairman, I make space available to the press both here and in Riverhead and telephone lines so that they can file their stories. We estimated a cost of slightly over \$8,000 to make changes to our security system, if they were going to have a more permanent presence in this building. The County does give Newsday an office in the Dennison Building, which is not available for their use in the evening when our meetings run late, so I make space available in my office, so that they can file their stories.

P.O. TONNA:

Don't we have problems with the security system?

MR. BARTON:

The security system -- we need another --

P.O. TONNA:

Now they have access and we have a whole security system?

MR. BARTON:

Yes. Once the security system is installed, as it was designed, it will cost \$8,000 to amend it, to change it.

LEG. CRECCA:
Let's just table this now and let you do your work as Presiding Officer.

LEG. BINDER:
I think \$8,000 is not a lot of money to --

MR. BARTON:
We've asked Newsday to pay for that.

LEG. CARPENTER:
I already made a motion to table.

LEG. CRECCA:
I'll second the motion to table.

P.O. TONNA:
Motion to table, seconded by Legislator --

LEG. CRECCA:
Crecca.

P.O. TONNA:
Crecca. On the motion to table? Do you want a roll call? All in favor? Opposed?

LEG. BINDER:
Opposed.

P.O. TONNA:
Opposed, Legislator Binder, Legislator Bishop. Okay. Notice, Newsday, Legislator Bishop is with you on this. He's a real big media advocate.

LEG. CARACAPPA:
No. He wanted it to go so it would fail.

LEG. BISHOP:
I think they should have a wing.

MR. BARTON:
Fourteen. It's tabled.

P.O. TONNA:
I don't know where --

MR. BARTON:

Fourteen.

P.O. TONNA:
Fine, okay. Thank you.

MR. BARTON:
Get them a winning.

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P.O. TONNA:
Okay, great. The West Wing. All right.

2001

1084 (Amending the Suffolk County Classification and Salary Plan and the 2001 Operating Budget in connection with a new position title in the County Executive's Office, Division of Consumer Affairs (Assistant Director of Consumer Affairs). Is there a motion?

LEG. BISHOP:
Enough editorial.

LEG. CRECCA:
Motion to approve.

P.O. TONNA:
Motion to approve by Legislator Crecca.

LEG. ALDEN:
Second.

P.O. TONNA:
Seconded by myself.

LEG. POSTAL:
I have a question.

P.O. TONNA:
Yes.

LEG. POSTAL:
Can someone tell me if in the committee there was an explanation of what this person would do and why this is necessary?

LEG. CRECCA:
Yeah, there was.

LEG. POSTAL:
And can you review that for me?

LEG. BISHOP:
That's a hard one.

LEG. CRECCA:
That's a harder question, Legislator Postal.

LEG. FISHER:
How cushy is this job?

LEG. CRECCA:
I don't want to speak, because --

LEG. BISHOP:
Why don't you wait until after 2:30?

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LEG. POSTAL:
Yeah. I just have some -- I have some concerns about this in view of the fact that we are really kind of wondering where we're headed financially, and to create another administrative position --

LEG. CRECCA:
I think we have to --

LEG. POSTAL:
-- without knowing --

LEG. CRECCA:
I think we have to create it, because I think what's happening now is -- again, I'm not -- I don't remember the -- exactly the reason, but the position needs to be filled right now. Commissioner Gardner is filling I think the role under the Charter of this position and another position. But, again, I can't really explain to you in detail and I apologize, Legislator Postal.

D.P.O. POSTAL:
Well, I just would really -- I'd like to make a motion to table it.

LEG. FOLEY:
Second.

LEG. FISHER:
I second that.

LEG. POSTAL:

I'd like an explanation of why we're going to do this.

LEG. CRECCA:

If I could just ask you to amend your motion to table it maybe until 2:30.

LEG. POSTAL:

Sure.

LEG. CRECCA:

And we'll just have Charlie Gardner stop over.

LEG. POSTAL:

I'd be happy to do that.

P.O. TONNA:

Motion to table until 2:30, second by myself.

LEG. CARPENTER:

After the public hearing? After the public hearing.

LEG. CRECCA:

Right.

P.O. TONNA:

After the public hearing, how's that?

LEG. POSTAL:

Good.

P.O. TONNA:

After the public hearing. 1094 (Amending the Suffolk County Classification and Salary Plan and the 2001 Operating Budget in connection with a new position title in the Department of Public Works (Associate Electrical Engineer). Does this fall under the same thing, motion until after the public hearing?

LEG. POSTAL:

No. We can -- this is a position that I sort of understand the --

P.O. TONNA:

Okay. Motion by Legislator Postal.

LEG. CARACAPPA:

Second.

LEG. CRECCA:
Second.

P.O. TONNA:
Second by Legislator Carpenter. All in favor? Opposed? Approved.

MR. BARTON:
Sixteen.

P.O. TONNA:
There we go. Okay. 1069 (Imposing reverter clause on non-Brookhaven
Town PILOT payments pending appeal of Gowan decision).

LEG. CRECCA:
I think we should -- I think we should table this until 2:30. Motion
to defer until after public hearing. It needs an explanation.

P.O. TONNA:
Seconded by myself. All in favor? Opposed? Fine.

LEG. HALEY:
On the motion. I need an explanation now.

LEG. CARPENTER:
It's already tabled. It's already tabled.

LEG. CRECCA:
We're going to do it after the public hearing, Legislator Haley.

LEG. HALEY:
Thank you, Mr. Presiding Officer.

LEG. CRECCA:
Not yet. And not any time soon for that matter.

P.O. TONNA:
Well, that's good, because you'll be able to eat today. No, I'm

joking.

LEG. HALEY:
Mr. Chairman, not a table now, just going to hold that until later?

LEG. CARPENTER:
Yes.

P.O. TONNA:

Okay. Procedural motion 3, extending retention of Citizens Advisory Panel for LIPA oversight.

LEG. FISHER:

Motion.

LEG. GULDI:

Second.

P.O. TONNA:

Second by myself. All in favor? Opposed? Approved.

LEG. CARPENTER:

No, no, no, no. I want to have a discussion on this. I would ask that we --

P.O. TONNA:

Wait until after.

LEG. CARPENTER:

Wait until after.

P.O. TONNA:

Wait, wait, wait. Then make a motion.

LEG. CARPENTER:

Make a motion --

P.O. TONNA:

Make a motion.

LEG. CARPENTER:

-- to postpone until after the public hearing.

P.O. TONNA:

Guys, you know at 12 o'clock we have an executive session.

LEG. CARPENTER:

Right.

LEG. BISHOP:

1069?

LEG. CARPENTER:

Yes. That was Procedural Motion 3.

LEG. BISHOP:
Oh, the Procedural Motion for CAP.

P.O. TONNA:
Just wait, everybody.

LEG. FISHER:
Mr. Presiding Officer.

P.O. TONNA:
I hear you and I'm trying to gain a little --

LEG. FISHER:
Okay. All right.

P.O. TONNA:
Everyone -- Legislator Haley, I would ask that you just for a second,
because we don't have a microphone --

LEG. HALEY:
Go ahead.

P.O. TONNA:
I would just ask everyone to just keep to their seats for a second .
We have a motion right now to put this to after --

LEG. BISHOP:
Second.

P.O. TONNA:
-- the public hearing.

LEG. FISHER:
Okay. And I'm asking why we can't have --

P.O. TONNA:
Legislator Fisher wants know why we can't have the discussion now.

LEG. FISHER:
We just had a vote to approve it. I believe that --

LEG. CARPENTER:
No, we didn't.

LEG. FISHER:
Yeah, there was a motion and a second and I thought it was called.

P.O. TONNA:
There was a motion and second. They had not called it yet.

LEG. FISHER:
Okay.

P.O. TONNA:

Motion and a second to defer until after public hearings.

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LEG. FISHER:

All right. Then my --

P.O. TONNA:

On the motion, Legislator Fisher.

LEG. FISHER:

On the motion to approve, I had -- well, on whatever motion, my question is why are we waiting until 2:30 to discuss this? Are we -- do we need somebody to come and speak to us about it? Why don't we just discuss it now and vote on it? Why are we putting everything off until after 2:30?

LEG. CARPENTER:

Because I think this discussion may go longer than 15 minutes and we have an executive session scheduled for 12 o'clock.

LEG. FISHER:

Well, can we see how far we get in 15 minutes?

P.O. TONNA:

This is how it works.

LEG. FISHER:

No, about the Procedural motion.

P.O. TONNA:

Legislator Fisher, we're right now in the midst

LEG. CARPENTER:

Debating.

P.O. TONNA:

-- of that discussion.

LEG. CARPENTER:

Right. So let's --

P.O. TONNA:

So you want to discuss, go right ahead. We have 15 minutes to debate this issue.

LEG. CARPENTER:

Well, I called motion.

P.O. TONNA:
Yeah, but this is on the motion.

LEG. FISHER:
On the motion.

P.O. TONNA:
She's on the motion. She could discuss whatever she'd like.

LEG. FISHER:
Okay. I'm opposed to passing this over until 2:30, because there is --

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as far as I'm concerned, there's not a great debate that has to ensue as to the work that's being done by CAP. I find it an invaluable service to the Legislature and to the people of Suffolk County.

LEG. BISHOP:
Are we going to be the sole --

LEG. CARPENTER:
Yes, we are the sole source of support.

LEG. BISHOP:
We're going to be the sole funder.

LEG. CARPENTER:
We're going to be the sole source and they're asking for a 100% increase.

EG. COOPER:
Actually, a decrease.

LEG. ALDEN:
This is an essential --

LEG. FISHER:
It's a decrease.

P.O. TONNA:
Legislator Postal.

LEG. POSTAL:
Can I just ask that --

LEG. COOPER:
Last year, they go \$150,000 for seven months.

LEG. BISHOP:
We don't have microphones.

D.P.O. POSTAL:
I know we don't have microphones, that's why it's really --

LEG. TOWLE:
Legislator Postal.

LEG. COOPER:
This is less --

D.P.O. POSTAL:
-- really confusing if everybody just starts the discussion.

LEG. TOWLE:
Legislator Postal.

LEG. BISHOP:
Well, I would go first.

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D.P.O. POSTAL:
So if we could just --

LEG. FISHER:
Well, actually, I had the floor and I will --

D.P.O. POSTAL:
-- continue with the list.

LEG. FISHER:
I had the floor.

D.P.O. POSTAL:
And Legislator Fisher has the floor, followed by Legislator --

LEG. FISHER:
Well, Legislator Cooper --

D.P.O. POSTAL:
-- Bishop.

LEG. ALDEN:
Tonna put me down. Tonna put me down first.

D.P.O. POSTAL:

Oh, okay. Could we not argue.

LEG. FISHER:

Okay. I'd like to yield to Legislator Cooper.

D.P.O. POSTAL:

-- and we'll have Alden --

LEG. CARPENTER:

And maybe the microphones will be working later.

D.P.O. POSTAL:

-- Haley and Cooper, in that order. Legislator Fisher.

LEG. FISHER:

Okay. But Legislator Cooper had an answer to a question that was asked as an interruption.

D.P.O. POSTAL:

So are you yielding?

LEG. FISHER:

I'm yielding to Legislator Cooper.

LEG. COOPER:

To answer the question raised by Legislator Carpenter, this is actually a decrease in funding compared to last year. Last year, Suffolk County provided \$150,000 for a seven-month period. They actually requested \$300,000 this year. The resolution, though, calls for only \$200,000, which is less per month than what we provided last year.

D.P.O. POSTAL:

Legislator Fisher, would you like to reclaim your time?

LEG. FISHER:

No. I have made my statement.

D.P.O. POSTAL:

Legislator Bishop.

LEG. BISHOP:

First off, this is absurd to talk into a microphone that's clearly not amplifying.

D.P.O. POSTAL:
I know.

LEG. BISHOP:
I feel like I'm in Junior Congress or something. All right. The --
are we now the sole source of income, a revenue, rather, for CAP? Are
we the sole funders?

D.P.O. POSTAL:
Do you want to ask our Counsel?

LEG. BISHOP:
I'm asking anybody who knows the answer.

MR. SABATINO:
At this particular moment, yes. Whether it changes in the future --

LEG. CARPENTER:
And at all moments.

LEG. BISHOP:
And if we are --

LEG. CARPENTER:
And at all moments.

LEG. BISHOP:
-- that is --

LEG. CARPENTER:
It's ridiculous.

LEG. BISHOP:
Well, the second part is, if we are the sole funder of CAP, then
shouldn't we have more control over their mission?

LEG. CARPENTER:
Yes.

LEG. BISHOP:
They should -- and they should be the Suffolk County Legislature, they
should be our consultants. Why are we going on with a -- you know,

the current arrangement when they present their findings that we're
funding it comes from CAP and not from us. That's unusual. So I
think that since we're the ones who are footing the bill, that it
should be -- they should report to us and it should be -- all their

findings should be in consultation with this Legislature, and particularly it's Energy Committee.

The second point is are we paying this out of which account?

MR. SABATINO:

We paid it out of our 456 account, which we have projected a certain amount of funding for the Year 2001.

LEG. BISHOP:

For CAP.

MR. SABATINO:

No. We made it part of --

LEG. BISHOP:

What is our number?

MR. SABATINO:

We had budgeted \$250,000.

LEG. BISHOP:

For the entire 456?

MR. SABATINO:

Entire -- no, no, no. We budgeted \$800,000 total in that account. But when you sit down to build up to that \$800,000, we projected \$250,000, not for CAP, but for --

LEG. BISHOP:

Energy.

MR. SABATINO:

The -- no. The implementation of the local law. The reason we have an obligation, the public referendum was adopted --

LEG. BISHOP:

Right.

MR. SABATINO:

-- which said the County obligated itself to undertake --

LEG. BISHOP:

Right. So why don't -- why don't we then restructure our arrangement with CAP to make that clearer to the public, that they are performing their function that was mandated by the referendum?

MR. SABATINO:

Well --

LEG. BISHOP:

Sponsored by Legislator Bishop.

MR. SABATINO:

I've clearly articulated that to everybody who asked it be written into the contract.

LEG. FISHER:

I thought that was very, very clear, that they --

LEG. BISHOP:

I don't think it's clear to anybody who has ever heard a CAP presentation that they're -- that they're working for the Suffolk County Legislature. And if you had any other consultant that did that, you would be irate. So, I'm not -- I don't object to the product that's produced, I'm raising questions about the format, you know, the presentation, not the substance. And I think that, also, with regard to the substance, since we are footing the bill, we should be doing more of the directing of what we want CAP to look at in pursuing their oversight obligation established by the referendum.

LEG. FISHER:

Madam Chair, may I just respond to that?

D.P.O. POSTAL:

Yes, go right ahead then.

LEG. FISHER:

Okay. My response to this is that I have availed myself of the information provided by CAP, and they have been very helpful in any energy questions, in explanations of issues regarding LIPA. I believe that they are performing that function. And I believe, if we take the responsibility of seeking the information, that they're very readily available. And when I look at many of the advisory groups and task groups that have been formed by this Legislature, I see less communication from many of those groups than I do from CAP. I think that CAP performs an invaluable service and certainly gives us a great deal of information.

D.P.O. POSTAL:

You were on the list. I know I would like to respond to you. I'm on the list. So maybe if you just wait until everyone on the list has had an opportunity, you'll see your questions answered. Legislator Alden.

LEG. ALDEN:

Is he all done?

D.P.O. POSTAL:

I assume so.

LEG. ALDEN:

I think that Legislator Bishop raises a number of points that really have to be answered. You have -- Gordian Raacke was here earlier, but there's a perception here that Nassau County is now getting something for free that Suffolk County is paying for. So I for one would like to hear a few answers from Mr. Raacke in regard to that line of questioning. So I would be -- I would be in favor of tabling this to

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some point maybe after the public hearings again, so that we can get Gordian back here and answer some of those questions.

D.P.O. POSTAL:

Well, Legislator Cooper has the -- I believe you're the sponsor of the procedural motion. Can we arrange to have Mr. Raacke come back to consider this after the public hearing?

LEG. COOPER:

I'll try to reach him during lunch.

D.P.O. POSTAL:

And that might address our concerns. I know Legislator Haley wanted -- he's not here right now. I think what we -- what we should do is just postpone action on this until after the public hearings as well.

LEG. COOPER:

Right.

D.P.O. POSTAL:

And then, at the risk of taking up time to repeat everything, I think we can address some of Legislator Bishop and Legislator Alden's concerns.

P.O. TONNA:

Yeah. Let's take a ten-minute --

LEG. TOWLE:

Legislator Postal. Legislator Postal, before you do the break.

D.P.O. POSTAL:

Okay.

P.O. TONNA:

Let's do -- Legislator Tonna. Legislator Tonna, before you do the break.

P.O. TONNA:

Yeah.

LEG. TOWLE:

Resolution 1097 was distributed. It's reappointing Alan Schneider as the Personnel Officer for the County of Suffolk. Unfortunately, we did not have a quorum at the Human Services Committee, so I'd like to make a motion to waive the rules and discharge --

LEG. GULDI:

Second.

LEG. TOWLE:

-- resolution 1097.

P.O. TONNA:

Do I have it in front of me?

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LEG. TOWLE:

Yeah. Anything on the discharge? If not, I'd make a motion, then, to approve.

P.O. TONNA:

No, no, no, no. This is just to -- has this gone through the committee?

LEG. TOWLE:

Yeah, it was in the committee. He was at the committee hearing, but, unfortunately, we didn't have a quorum in order to approve the resolution.

P.O. TONNA:

Fine, I understand. Is the Committee Chairman Marty Haley?

LEG. TOWLE:

No, it's me.

P.O. TONNA:

Oh, it's you?

LEG. TOWLE:

It's me.

P.O. TONNA:

Great. All in favor? Opposed?

MR. BARTON:

Sixteen.

P.O. TONNA:
Great.

LEG. BISHOP:
Well, what was that, on the final approval?

MR. BARTON:
Just discharge, age an hour.

LEG. FISHER:
To discharge out of committee.

P.O. TONNA:
That's to discharge and age.

LEG. ALDEN:
Discharge it, right?

LEG. POSTAL:
Yes.

P.O. TONNA:
Okay. There's a ten-minute recess until 12 o'clock, then we'll go into executive session.

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[THE MEETING WAS RECESS AT 11:50 A.M. AND RESUMED AT 12:15 P.M.]

Okay. Hello. Okay. I'd ask -- I'm going to make a motion to go into executive session, seconded by Legislator Bishop, for the purposes of discussing the jail overcrowding legislation -- litigation. And I approve the presence of Legislative Counsel, Budget Review, Special Counsel, Perry Rich and Steve Shapiro, County Attorney's Office representatives, and a representative from the County Executive. And that's it. Everybody else, I'd ask -- all in favor? Opposed?
Approved.

MR. BARTON:
Sixteen.

P.O. TONNA:
Great. I would ask all people who I have not mentioned, please leave the auditorium.

[EXECUTIVE SESSION WAS HELD FROM 12:15 P.M. TO 12:35 P.M.]

P.O. TONNA:
Okay. A motion to approve Number 1043.

LEG. ALDEN:
Motion to come out of executive session.

P.O. TONNA:
Oh, motion to come out of executive session, second by Legislator Postal. All in favor? Opposed? Approved.

Okay. Now I'll make a motion for 1043, a motion to approve by myself, second by Legislator Bishop. Where are you, Bishop?

LEG. POSTAL:
He's out of the room.

LEG. FISHER:
I'll second it.

P.O. TONNA:
Dave, you want to vote for your thing?

LEG. BISHOP:
Yes.

P.O. TONNA:
Second by Legislator Dave Bishop. All in favor? Opposed? Approved.

MR. BARTON:
Sixteen.

P.O. TONNA:
Thank you very much. Recess until 2:30.

[THE MEETING WAS RECESS AT 12:36 P.M. AND RESUMED AT 2:35 P.M.]

D.P.O. POSTAL:
Okay. I'd like to call the meeting to order. Would all Legislators return to the horseshoe?

MR. BARTON:
Legislator Postal, the affidavits of publication are in order. The hearings were advertised for today at 2:30.

LEG. CARACCILO:
Here, Henry.

MR. BARTON:
The first public hearing --

D.P.O. POSTAL:
Henry, will you -- well, would you call the roll?

MR. BARTON:
Sure.

(Roll Called by Mr. Barton)

LEG. CARACCIOLO:
Here.

LEG. GULDI:
Here.

LEG. TOWLE:
Here.

LEG. FISHER:
(Not Present)

LEG. HALEY:
(Not Present)

LEG. FOLEY:
Here.

LEG. FIELDS:
Here.

LEG. ALDEN:
Here.

LEG. CARPENTER:
Here.

LEG. CRECCA:
(Not Present)

LEG. D'ANDRE:
Here.

LEG. BISHOP:

Here.

LEG. BINDER:
(Not Present)

LEG. COOPER:
(Not Present)

D.P.O. POSTAL:
Here.

P.O. TONNA:
(Not Present)

MR. BARTON:
Eleven. A quorum is present for the public hearings. (Not Present at Roll Call: P.O. Tonna, Legs. Fisher, Haley, Crecca, Binder, Cooper)

D.P.O. POSTAL:
Thank you. The first public hearing is Public Hearing on Introductory Resolution 2286, which is adopting a local law to require power plant emission evaluations. I have no cards on this public hearing. Is there anyone who would like to address the Legislature?

LEG. TOWLE:
Motion to close.

LEG. FISHER:
You don't have any cards for it?

D.P.O. POSTAL:
I have no cards.

LEG. FISHER:
I'd like to recess it again.

D.P.O. POSTAL:
Okay. Motion to recess, Legislator Fisher.

LEG. TOWLE:
Second.

D.P.O. POSTAL:
Seconded by Legislator Towle. 2286 is recessed. Public Hearing regarding Introductory Resolution 2315, a local law to require sewage outflow meters for commercial/industrial user charges. I have no cards for this public hearing. Is there anyone who would like to address the Legislature on 2315?

LEG. TOWLE:
Motion to close.

D.P.O. POSTAL:
Motion to close, Legislator Towle, seconded by Legislator Bishop. 2315 is closed.

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Public Hearing on Introductory Resolution 1024, a charter law to authorize payments in lieu of taxes for Suffolk County Community Greenways Fund. I have no cards for 1024. Is there anyone who would like to address the Legislature?

LEG. BISHOP:
I'd like to ask Counsel --

D.P.O. POSTAL:
Mr. Bishop.

LEG. BISHOP:
-- for an explanation.

LEG. GULDI:
The sponsor is not here.

D.P.O. POSTAL:
Paul. The sponsor was here just a moment ago. Can we have an explanation from our Counsel?

MR. SABATINO:
Yes. This legislation would require the County to -- if it approved that public referendum, require the County to make PILOT payments from the Operating Budget, not from the Greenways Fund, but from the Operating Budget for those parcels that would be acquired under the Greenways Program.

D.P.O. POSTAL:
Does that answer your question, Legislator Bishop?

LEG. BISHOP:
I suppose it does.

D.P.O. POSTAL:
Okay. Is there a motion? Legislator Fisher, would you make a motion to close 1024?

LEG. FISHER:
I'm not the sponsor, Madam Chair.

D.P.O. POSTAL:
I know. He's not here.

LEG. FISHER:
Oh, somebody else can close?

D.P.O. POSTAL:

Well, I guess we'll close it, and then if he has an objection, he can make a motion to --

LEG. FISHER:

I'll make a motion to close.

LEG. FIELDS:

He's coming.

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D.P.O. POSTAL:

Okay. He is coming? Legislator Caracciolo?

LEG. CARACCIOLO:

Motion to close.

D.P.O. POSTAL:

Motion to close, seconded by Legislator Fisher. 1024 is closed. Public Hearing on Introductory Resolution 1042, which is a charter law to rotate chairmanship of the Suffolk County Joint Audit Committee. I have no cards on this public hearing. Is there anyone who would like to address the Legislature?

LEG. GULDI:

Motion to close.

D.P.O. POSTAL:

Motion to close, Legislator Guldi, seconded by --

LEG. FISHER:

Second.

D.P.O. POSTAL:

Legislator Fisher. 1042 is closed. Public Hearing regarding Introductory Resolution 1061, which is a local law to increase County fines for illegal parking in handicapped parking spaces. Our first speaker is John Cortez, Jr. And you have -- each speaker in a public hearing has ten minutes.

MR. BARTON:

Chairman Postal, during the break, we redistributed the microphones that are working as evenly as we could around the horseshoe. The only ones that should be wired in front of you are operational, so the volume isn't so heavily weighted to the East End.

D.P.O. POSTAL:

So that those microphones where the --

LEG. FISHER:

Why not?

D.P.O. POSTAL:

-- microphones are turned down or turned up are not operational and we'll have to share. I know that's difficult.

LEG. GULDI:

I think what he ment is on the East End we don't need microphones.

D.P.O. POSTAL:

Well, we know that you don't. Mr. Cortez, you have ten minutes.

MR. CORTEZ:

Ten minutes? Thanks.

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D.P.O. POSTAL:

You're welcome.

MR. CORTEZ:

You usually don't let me talk that long. I did speak with Legislator Crecca about this and we are going to meet sometime in the very near future. There is problems with handicapped parking throughout the County, the State, and all over. I have four suggestions on how we can rectify this, along with the bill he has on the table. See, increasing the fine to \$200 is a great thing, but if you don't have somebody to catch you, what's the point? See, if a tree falls in the forest and nobody sees it fall, did it make a sound? We don't know. But if you raise the fine and nobody's there -- so how about if we put some more enforcement agents out there, both volunteer and paid personnel? And back in 1997 -- one second -- Legislator Caracappa had a bill, 2148-97, that would have paid volunteers to go out and do the job. And there are violators all over, and I'll give you an example. This building that you're in right now is in violation. You've got like four spots out there and there's a ton of parking places. Okay?

Also, you need to scrutinize a little bit more on the parking permits that are being dispersed. Those parking permits that hang from the rearview mirror, they're being handed out like candy at doctor's offices. You need to crack down on that a little. And when I spoke to Legislator Crecca, we're going to work on that, because everybody seems to be using them.

You need more education with regard to handicapped parking, and the way to do that is get through the civics and the chambers. Let them know what the law is. I mean, you have a law that says, according to the booklet here, for every 25 spots, one has to be handicapped. One? So when me and my pal go out, we have to go in in shifts? You could put more spots in. But how many are really abiding by the law? And I'll give you an example. We called the Town of Islip yesterday to find out about snow removal, and there's a law on the books that says that you have to shovel in front of your store, you have to shovel the ramp, and you can't put the snow in a handicapped spot, but nobody's enforcing it. So what we need is more education, more spots, and better scrutinizing on the handicapped permits.

D.P.O. POSTAL:

Thank you.

LEG. FISHER:

Thank you, John.

D.P.O. POSTAL:

Are there any questions for Mr. Cortez?

LEG. D'ANDRE:

Yes.

D.P.O. POSTAL:

Legislator D'Andre.

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LEG. D'ANDRE:

It seems you made the right statement, not necessarily the amount of money.

D.P.O. POSTAL:

Could you use the microphone, Mike?

MR. CORTEZ:

Okay. On the West End they need them.

LEG. D'ANDRE:

But more surveillance is in order.

MR. CORTEZ:

Yes.

LEG. D'ANDRE:

If you put the hawks out there to check this out, you're going to get respect. Just upping the ante, or what have you, is not going to do it. And there should be a better proportion of handicapped parking to regular parking.

MR. CORTEZ:

There is. But let me --

LEG. D'ANDRE:

These are all weaknesses in the present law, I imagine. So I would say put a ghost patrol, put somebody out there to check on these and write the summonses.

MR. CORTEZ:

Exactly.

LEG. D'ANDRE:

And if you got -- come in with enforcement, the amount of the fine may or may not matter, but I think the enforcement really matters, and then, of course, hold the Towns responsible for removing snow from those spots.

MR. CORTEZ:

Okay.

D.P.O. POSTAL:

Thank you, Legislator D'Andre. Can I ask the Clerk? Mr. Cortez' statement indicated that we're not in compliance with regard to this building.

MR. CORTEZ:

No.

D.P.O. POSTAL:

And I know that I would like to see you look at that issue, and if we're not in compliance, let us know what we should be doing to be in compliance.

MR. BARTON:

Mr. Cortez is absolutely correct. The deficiency was brought to my attention by the Handicapped Advisory Board and we are scheduled to have the parking lot on the east side of the building restriped and four additional spaces will be added, and the curb will be -- there'll be a break in the curb as soon as the weather allows. So he's

absolutely correct.

D.P.O. POSTAL:

Thank you. Are there any other questions for Mr. Cortez?

MR. CORTEZ:

May I?

D.P.O. POSTAL:

Yes.

MR. CORTEZ:

Just to take it one more step further, who exactly is the violator, is it the disabled person who may be parking on the zebra stripes, parking on an angle and taking two spots, a nondisabled disable person who had the permit because it belongs to a family member or the owner of the vehicle who just ran in the store for a minute?

D.P.O. POSTAL:

Excuse me. Can we have some attention?

MR. CORTEZ:

Thank you.

D.P.O. POSTAL:

Go ahead.

MR. CORTEZ:

Or is it the landlord of the parking lot that just does not have enough parking spaces in it? See, we have the laws in place, but we just don't have the enforcement to go out and get the job done, and that's what we need. And, you know, I've never come before this group and said, "Listen, here's the problem, solve it, and call me when you're done?" We always offer to help. I'd love to go out there and volunteer. I know my pal Rick would love to go out, too, as are many members of On the Move and the disabled community, because they want something done. So we do want to work with you.

D.P.O. POSTAL:

Thank you.

LEG. D'ANDRE:

Madam Chairlady.

D.P.O. POSTAL:

Legislator --

LEG. D'ANDRE:

Our attorney, asking our attorney a question --

D.P.O. POSTAL:

You have a question based on what Mr. Cortez is saying?

LEG. D'ANDRE:

Yeah, it relates to that.

D.P.O. POSTAL:

Okay. You know what, use the microphone, please. Legislator Carpenter, would you pass it over?

LEG. D'ANDRE:

Paul, what must we do legally to enforce these violations and get somebody who's going to be held responsible? In other words, not necessarily the size of the fine, but who's going to maintain the cleanliness of that parking spot, who's going to give out the fines? We need a special patrol? Can we get a County law beefing that up?

MR. SABATINO:

Well, we did something which was thought at the time to be very creative and innovative a few years ago when we established that volunteer program to authorize through the County Office of Handicapped Services the use of volunteers who go out and do the photographs and then forward all the information to -- I believe it was the Office of Handicapped Services and then back to the Police Department. The idea there was to get more people that were not necessarily law enforcement people out into the community to identify those people who were violators. I know Legislator Caracappa had proposed legislation a couple of years ago just on paying those people, but the theory on that was that, you know, it was to try to encourage volunteerism to accomplish that. So that was a County law that we did. That's really about as far as we can go.

LEG. D'ANDRE:

But a weakness that this gentleman just enumerated was some of the establishments don't have enough parking. The owner of the premises is in violation of not having enough handicapped. So, no matter what the enforcement is, if there isn't enough handicapped parking, you have a problem. So there must be a ratio between the size of the parking --

MR. SABATINO:

That's set in State law. I mean, you'd have to -- I mean, the towns are the first line of enforcement on those. If it's true that people are not complying with the actual set-asides, there's -- that's a major violation.

LEG. D'ANDRE:

Can we do anything County-wise legally to enforce this or --

MR. SABATINO:

All you could do is you could take the same volunteer program of where people can go out and continue to identify with photographs, then

relay the information, or you could administratively assign more, you know, police officers to the --

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

LEG. D'ANDRE:
I believe --

MR. SABATINO:
That's administrative.

LEG. D'ANDRE:
I have one more comment to make and then I'm going to get off. I believe that doesn't cut it. I believe a summons issuer should be out there summoning -- putting a summons on that car. That's the only thing they're going to respect. Warnings, all that other garbage is not going to mean a thing. You summon that car and you'll get respect. Thank you

D.P.O. POSTAL:
Well, Legislator D'Andre, I know that Bruce Blower is here. I don't know -- I didn't look ahead to see if he filled out a card to speak, but he has. I don't know if he he's going to address that issue, but he will be speaking. And if he's not addressing that, it might be advisable to ask him to appear before one of the committees of the Legislature to address the issues that you've raised. Thank you, Mr. Cortez.

MR. CORTEZ:
Thank you very much.

D.P.O. POSTAL:
Our next speaker on this public hearing is Charles Chang.

LEG. CRECCA:
Guys, I'm sorry, too. I was out when we first started. I was listening to you in there. I was on the phone on this bill talking to somebody about it, too.

MR. CHANG:
Hi.

D.P.O. POSTAL:
Mr. Chang?

MR. CHANG:
Yes. I've never --

D.P.O. POSTAL:
Hello. You have ten minutes.

MR. CHANG:
I've never been to one of this, so I apologize about not being so formal.

D.P.O. POSTAL:
You're fine.

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MR. CHANG:
I'm on disability and I'm attending Suffolk Community College in order to get off of disability and go for my degree. It would probably take me until 2010 to actually get the degree I want. I have for the last three years been trying with Suffolk Community College to get them to place more parking, handicapped parking things in the Suffolk Community College. I found out today that they're in violation for the last five years. And five years of being in violation, when are they going to come in compliance. You're talking about giving somebody a ticket. Well, what about the State and County organizations that don't come into compliance and then they give you tickets, which you can't afford, because you have to park somewhere that's illegal, because you can't get enough spaces to park? Well, at the end of the day you can't walk because of walking too long of a distance. And I got laughed at. I was told by the president that he doesn't want to hear no more about this. And if I don't pay the fine, I don't go to school next term. So what am I supposed to do? Answer me that.

LEG. FISHER:
I have a question.

D.P.O. POSTAL:
Mr. Chang, Legislator Fisher has a question.

LEG. FISHER:
Which campus are you talking about?

MR. CHANG:
This is the Selden Ammerman Campus. This is one of the worst. I also go to Riverhead that has problems there, but Ammerman Campus, they say -- they keep saying they're going to do something about it. Well,

I found out today they're five years in violation. How long does it take to do something about it?

LEG. FISHER:

Is this all the lots, or which are you talking about?

MR. CHANG:

The handicapped parking. They don't have enough by the building so you can get proper access to it. And when you do -- one time they allowed you to park off the side of the road and they would not hassle you, now they're ticketing you, and it's constant, it's a constant problem. They turned around and gave the teaches extra parking spaces, but not the handicapped. So they'll turn around and give the teachers more, but the people that need it, it ain't equal to that. So what is the situation and why can't it be corrected?

LEG. FISHER:

Where is that handicapped parking?

MR. CHANG:

And I've spoken to the president of the -- of both campuses. I've spoken to even the elected president of the school and I got nowhere, and this is almost three years of dealing with this.

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LEG. FISHER:

Now there aren't enough parking spots in the lots?

MR. CHANG:

Near the buildings, not the lots. If you do the lots, forget about it, you get up the hills and walk up, there's no way you're going to get to them.

LEG. FISHER:

I see.

MR. CHANG:

I'm talking about by the buildings that you have to get access to, there's not enough spots. They are trying to do something, but it's not enough and it's nowhere, and they're taking priority with the teachers over people that really need it. And they say, "Well, it's only an hour or two." I've got to go an hour early into class just to try to get a spot. I don't think that's right or fair.

LEG. FISHER:

Okay, thank you.

MR. CHANG:
Thank you very much.

D.P.O. POSTAL:
Thank you.

MR. CHANG:
I wish something could get done.

D.P.O. POSTAL:
Legislator Fisher is Chair of the Education and Youth Committee, and I saw her making notes as soon as you began speaking, so I'm sure that she'll be looking at this. Thank you.

MR. CHANG:
Thank you very much. Have a nice day, people.

D.P.O. POSTAL:
Next speaker on this hearing is Bruce Blower, who's the Director of Suffolk County Office of Handicapped Services.

MR. CHANG:
Have a nice day, people.

LEG. CRECCA:
Thank you.

D.P.O. POSTAL:
Thank you.

LEG. CRECCA:
Legislator Fisher, too, I would be happy to assist you with looking into that, in that issue, if you'd like me to.

MR. BLOWER:
Good afternoon, Ladies and Gentlemen of the Legislature and members of the public. I came to speak in favor of I.R. 1061, to raise the handicapped parking fines on the Suffolk County portion of the fine.

In sitting and listening to Mr. Cortez' comments and others, we do have the handicapped parking enforcement agents operating out of our office under that local law. Right now, we have 20 individuals that do handicapped parking enforcement. Last year they issued over 1,100 tickets for handicapped parking. The Police Department in their six precincts issued about 500 tickets fore handicapped parking, which is in addition to those 1,100. Definitely, I would agree with Mr. Cortez,

it's not enough. People park in these spaces and abuse them.

Tomorrow morning, on Channel 7 News on television, between six and seven a.m., they actually went around with one of our volunteer handicapped parking enforcement agents earlier, or actually I guess it was last week.

LEG. CRECCA:
Last week.

MR. BLOWER:
Last week. That was arranged through Legislator Crecca's Office because of him putting forth this bill. And I think you'll see some of the problems that these enforcement agents, who are volunteers, run into and some of the abuse they take from members of the public that park illegally in handicapped spots.

I think to answer Legislator D'Andre's question, I think the increase in the fines is going to help a lot, because when you get a fine that goes to over \$200, you're going to think again about parking in a space where you don't belong.

Right now, our County is below some of the other communities. If you park in handicapped illegally in the Town of East Hampton, right here in Suffolk County, the initial fine is \$250. The State of New Jersey has a \$250 dollar fine coupled with up to 90 days of community service, and you can also have your car towed and have to pay the storage and the towing fee. Some communities in the State of California are now charging \$500 for parking in handicapped as a first offense. So what we would like to see is the passage of I.R. 1061 to bring our fines more in line, where it sends a clear message that if people park in handicapped illegally in this county, it's going to cost them. Unfortunately, some people do not learn unless they get a steep fine.

The main purpose of our programs is to keep the spaces clear, so that those who legally have permits can park in them.

D.P.O. POSTAL:
Bruce, I have to ask you to sum up, please.

MR. BLOWER:
Sure. Some of the other things that Mr. Cortez mentioned are being worked on in State legislation, that's tightening up on the issuance

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function of limitation for issuance rather than a particular disease.
Some people are more disabled than others.

So some of the things are being worked on. Community College is a particular problem. The parking fields are okay, but as Mr. Chang said, the problem is it's a very hilly campus. The parking fields are long distances from the buildings, so we really need parking at the Community College up near the buildings close in for people with disabilities. Thank you. I'll be glad to answer any questions.

D.P.O. POSTAL:
I have a question.

MR. BLOWER:
Sure.

D.P.O. POSTAL:
Is it the Department of Public Works which surveys County buildings for compliance with the Americans With Disabilities Act?

MR. BLOWER:
Yeah.

D.P.O. POSTAL:
I know that Roy Dragotta, who negotiated leases, was the person who I guess surveyed our offices, or reported back to us on compliance and accessibility.

MR. BLOWER:
Right. It is the Department of Public Works. If we get a complaint be a building, we'll have one of our staff look at it and then it's assigned to DPW. They send an architect over to really check it out.

D.P.O. POSTAL:
But that would only be in response to a complaint?

MR. BLOWER:
Generally, in response to a complaint, or on any new construction or building modifications.

D.P.O. POSTAL:
So that it would not routinely be done now for DPW to go out to every County building, whether it's County-owned or rented, to survey for compliance.

MR. BLOWER:
Right. They would not routinely do that, to my knowledge.

D.P.O. POSTAL:
Okay, thank you. Legislator Fields.

LEG. FIELDS:
Hi, Bruce.

MR. BLOWER:

They were -- if I may, Henry reminded me. About two or three years ago, all of the buildings were done. DPW actually had outside contractors that did all the buildings on handicapped access and did make reports on it. There was money appropriated by the Legislature to make the changes. Now, I don't know what the progress is on that.

LEG. FIELDS:

How does a volunteer get involved in looking at violations?

MR. BLOWER:

What happens is they submit an application to us. We have an application form. They're brought in for like a job interview. Then, if they're qualified by the background, what happens is there's a training course that they take that is done. It's a three-hour course done by the County Police Department and my staff to train them, what to look for, how to avoid confrontations with the public, how to take the photographs, so the evidence holds up in court, those type of things.

LEG. FIELDS:

What happens -- how many volunteers do you have in the program?

MR. BLOWER:

We have twenty right now.

LEG. FIELDS:

And let's say I'm a volunteer and I go and I take the photograph and it's appropriate. What do I do with it at that point, what's the process?

MR. BLOWER:

The volunteer periodically takes the photo and they fill out paperwork when they take the photo on site, which parallels a uniform parking ticket. Periodically, they take that to the local police precinct and the Police Department runs the license plate through the computer, and then via certified mail issues the ticket.

LEG. FIELDS:

How many tickets do you think we give out annually in that way?

MR. BLOWER:

Last year, my volunteers gave out 1,122 tickets.

LEG. FIELDS:

And the year before that?

MR. BLOWER:

The year before that, I think it was about 600, so it's increasing.

LEG. FIELDS:

You have the same amount of volunteers this year as you did last year?

MR. BLOWER:

Yeah. What happened two years ago, there were a lot of volunteers that left the program, so we retrained them and we were up to twenty

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again.

LEG. FIELDS:

How do they get the cameras?

MR. BLOWER:

The cameras and the film are supplied by my office. We also supply a photo I.D. card. They get a badge. They also have a bright orange jacket, which says "Parking Enforcement" on the back, and has a copy of the badge on the front, and they get a baseball style orange hat with the insignia on it also.

LEG. FIELDS:

Okay, thank you.

D.P.O. POSTAL:

Legislator Crecca.

LEG. CRECCA:

Bruce, one of the things Legislator D'Andre brought up is how can we get more enforcement to make sure that the spaces are in compliance, as John said, as far as size-wise and the number of spaces, and that's done at the town level. Do you think it would be beneficial to possibly put a Task Force together county-wide, so that maybe the ten towns in our County could reexamine this issue and maybe try to beef up some enforcement, or do you think that's -- am I -- are we spinning our wheels for nothing if we do that?

MR. BLOWER:

No. I think it would be a positive movement. What happens is the spaces, the number of spaces are all designated by the New York State, not by the County. The New York State Vehicle and Traffic Law covers handicapped parking and it cites the New York State Fire Prevention and Building Code as to the requirements of the spaces, and so it's a State province. They do have a chart saying how many spaces you need per the number of spaces existing in the parking lot and that's what the towns go by. The towns enforce the Building Code, the police enforce the Vehicle and Traffic Code. There is a \$250 fine to the

owner of a premises that does not have the right number of parking spaces in. When our volunteers patrol, they also note any deficiencies. Last year we had 99 parking lot inspections that came into our office with deficiencies and we notified the town building departments about that. That's how we work it now.

LEG. CRECCA:

I'd like to work with you on putting something together with the Task Force, maybe involving the ten towns, some representatives from the handicapped community and your office, so --

MR. BLOWER:

Sure.

LEG. CRECCA:

-- we'll do that.

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MR. BLOWER:

Be happy do it.

D.P.O. POSTAL:

Thank you. Any other questions? Thank you, Mr. Blower.

MR. BLOWER:

Thank you.

D.P.O. POSTAL:

Next speaker on this public hearing is Wendy Wagner.

MS. WAGNER:

I'd like to read a statement.

D.P.O. POSTAL:

Yeah. If you would identify yourself and speak as close to the microphone as you can. You have ten minutes.

MS. WAGNER:

Okay. I have been an advocate -- can you hear me?

D.P.O. POSTAL:

Yes.

MS. WAGNER:

I have been an advocate for disable individuals for 23 years. I designed a comprehensive access program for the Village of Southampton

that we have been implementing over the past five years. As part of this program, I installed functional handicapped parking spaces, road parking laws, aggressively pursued a program of enforcement and awareness training for law enforcement personnel. The resolution that is proposed here today is not a law that will function. The core of the resolution is not clear. The law is not enforceable and it does not protect people in wheelchairs. There are clear problems with handicapped parking. Vehicles recklessly block the accessible route with no regard for the safety of disabled people. People in wheelchairs cannot pass, are forced into the street and traffic, and cannot get up onto the sidewalk. People with handicapped parking permits knowingly use the access aisle for the handicapped parking space as a parking space, because they cannot or choose not to find another parking space, or with careless disregard for the legal purpose and function of the access aisle. They park crooked or partially inside the demarcated lines and refuse to remove their vehicle at your pleadings. Police hesitate to ticket this incident because the person has a parking permit. This vehicle is violating the coded space.

Some people do not realize that blocking, violating the access aisle is most serious. Because the person cannot exit his vehicle, or if he is already out of his vehicle, when he returns, he cannot get into his vehicle, subjecting him to safety hazard, inclement weather and helplessness. Prohibitive fines are not the answer. Lack of enforcement, refusal to enforce, and police attitude is the main problem. Many police officers do not ticket handicapped parking spaces, even if you request it.

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A program of enforcement and access awareness training for law enforcement personnel is the answer. Article II, Section 372-20 of the amendment is not specific. This law should specify the perimeters of the areas to be enforced and should define a violation. All coded elements of the handicapped parking space should be cited in the law in order to make the law enforceable. A violation occurs when, number one, a vehicle is parked or standing in the eight-foot parking stall without a handicapped parking permit. Number two, a vehicle is parked or standing in the eight-foot access aisle with or without a handicapped parking permit. Three, a vehicle is blocking access or egress to the handicapped parking stall or access aisle. Four, a vehicle is blocking a curb cut incline. If you approve this law, ensure that it represents the real needs and enforceable rights of the people you profess to protect.

I just have one more -- one more thing about the noncompliance issue that was discussed. I can't believe that you are as naive as it

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sounded here, that you truly believe that everybody is putting in the parking spaces, because the problem in the County is not just the number of spaces. Most businesses and even shopping centers, State buildings are not putting in handicapped parking spaces. If they do put them in, they're not putting signs up. If they put signs up, the size of the space, they're putting like four foot access aisles. A person like myself cannot get out of their car unless there's an eight-foot access aisle. And the State law says the stall is eight foot and the access aisle is eight foot on every space and stall today. So those are big problems in the County and they're not being confronted.

D.P.O. POSTAL:

Questions? Thank you, Miss Wagner.

MS. WAGNER:

All right. I have two copies. Does anybody want it?

D.P.O. POSTAL:

Give that to the --

MS. WAGNER:

Thank you.

D.P.O. POSTAL:

Is there --

LEG. CRECCA:

Thank you.

D.P.O. POSTAL:

Is there anyone else who would like to speak on Public Hearing for Introductory Resolution 1061?

LEG. CRECCA:

I make a motion to close the hearing.

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LEG. GULDI:

Second.

D.P.O. POSTAL:

Motion to close, Legislator Crecca, seconded by Legislator Guldi.
Public hearing on 1061 is closed.

Public hearing on Introductory 1108, a local law to modify composition

of the Electrical Licensing Board. I have no cards on this. Is there anyone who would like to address the Legislature?

LEG. GULDI:

Explanation by Counsel, please.

D.P.O. POSTAL:

Mr. Sabatino.

MR. SABATINO:

This deals with that Advisory Committee that was created at the time that we adopted the first pesticide law in Suffolk County, and there was a nine-member committee, the chairman of which was going to be the individual from the Cornell Cooperative Extension.

LEG. GULDI:

1108.

MR. SABATINO:

Oh, I'm sorry. I thought it was 1109. I was distracted. I'm sorry. 1108. 1108 will increase the membership of the Electrical Licensing Board from seven to -- seven to eight members. It will still be Executive appointment subject to Legislative approval. It's just going to go from seven to eight.

LEG. GULDI:

Motion to close.

LEG. FISHER:

Second.

D.P.O. POSTAL:

Motion to close, Legislator Guldi, seconded by Legislator Fisher. 1108 is closed. Public Hearing on Introductory Resolution 1109, a local law to change the chairmanship of the Community Advisory Committee for use of pesticides on Suffolk County properties. I believe that this is the resolution that our Counsel was explaining previously. I have no cards on this public hearing. Is there anyone who would like to address the Legislature? Legislator Bishop?

LEG. BISHOP:

Motion to close.

D.P.O. POSTAL:

Motion to close, Legislator Bishop.

LEG. CRECCA:

Second.

D.P.O. POSTAL:

Seconded by Legislator Crecca. 1109 is closed. I have a motion to set the date of public hearings on 1113, 1127, 1134, 1138, 1197 for --

LEG. BISHOP:

Madam Chair.

D.P.O. POSTAL:

Yes.

LEG. BISHOP:

Is it an option to take a resolution and set a public hearing date for later in the calendar than is presented?

D.P.O. POSTAL:

I believe that we can do that, as long as we post notice; am I right?

MR. BARTON:

That's correct.

LEG. BISHOP:

So, for 1113, I'd like to move it out one more meeting past the 13th of March, which would be what date, quickly?

MR. BARTON:

It's the next meeting.

LEG. BISHOP:

Which is what, April, do you know?

D.P.O. POSTAL:

It would probably be March 27th or something, wouldn't it?

No?

MR. SABATINO:

March 13th is followed by the first meeting in April, which is April 1st?

LEG. BISHOP:

That's fine

MR. SABATINO:

Second.

LEG. BISHOP:

That's good. That's what I want. An April meeting is really what I'm looking for, so that's --

LEG. FISHER:

April 3rd.

D.P.O. POSTAL:

To the first meeting in April, then.

LEG. BISHOP:
That's what I'd like to do with that one, if that's all right, 1113.

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LEG. FISHER:
April 3rd.

D.P.O. POSTAL:
April 3rd?

MR. BARTON:
And it's a night meeting.

LEG. FISHER:
It's a night meeting.

LEG. BISHOP:
Perfect.

D.P.O. POSTAL:
That's -- okay. So --

MR. BARTON:
And would you add 1207, please, Legislator Postal?

D.P.O. POSTAL:
1207.

MR. BARTON:
1207.

D.P.O. POSTAL:
To --

MR. BARTON:
The public hearing, March 13th.

D.P.O. POSTAL:
The public hearing for March 13th.

MR. BARTON:
Yes.

D.P.O. POSTAL:
Okay. Let me look for a motion that would --

LEG. GULDI:

So moved.

D.P.O. POSTAL:

That would set the date of the public hearing for 1127, 1134, 1138, 1197 and 1207 to March 13th at 2:30 in the afternoon. Motion by Legislator Guldi, seconded by Legislator Bishop. And a motion by Legislator Bishop to set the date of the public hearing on Introductory Resolution 1113 for April 3rd. That's a night meeting. Would that be 5 p.m. or 7:30.

MR. BARTON:

Seven o'clock public hearing.

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D.P.O. POSTAL:

Seven o'clock, 7 p.m.

MR. BARTON:

Five o'clock, hearings at seven.

D.P.O. POSTAL:

Okay, 7 p.m. and that's in Riverhead or Hauppauge?

MS. FARRELL:

Here.

D.P.O. POSTAL:

Hauppauge, okay. A motion by Legislator Bishop, seconded by Legislator Cooper. The public hearings are set.

I have cards. I'm going to return to the public portion. I have our first speaker. Please remember that you have three minutes. And our first speaker is Joe Dixon. Is Joe Dixon here? Joe Dixon? Going once. Okay. Second speaker -- actually, I believe this gentleman spoke this morning on this issue. Jon Backer?

MR. BACKER:

Yes.

D.P.O. POSTAL:

I think -- Mr. Backer, did you speak at the public portion in the morning? I believe you did.

MR. BACKER:

Yes, I did.

D.P.O. POSTAL:

You can only speak once during the public portion.

LEG. FOLEY:

Is there -- if there's anything to add.

D.P.O. POSTAL:

Well, he used his time this morning. As a matter of fact, he had another gentleman yield his time to him, so he had six minutes this morning. Next speaker, Charles Clampet.

MR. CLAMPET:

I was here -- my name is Charles Clampet. I was here I think two months ago? Two months ago, and I asked for help. I just want to reflect -- let the record reflect that Brian Foley definitely is helping me with my situation with my Family Court matter. And I know you guys always get complaints, so I'm just coming in here to say that he's doing a good job for me.

LEG. FOLEY:

Thank you.

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D.P.O. POSTAL:

Thank you.

MR. CLAMPET:

You're welcome.

D.P.O. POSTAL:

Thank you so much. Darlene Verito. I believe Miss Verito spoke this morning as well during the public portion. I'm sorry.

MS. VERITO:

I was hoping, though, I could address some things that Legislator Crecca and Legislator Towle had said during the meeting. I hope --

D.P.O. POSTAL:

Yeah. I'm sorry, but you can only speak once during the public portion of a meeting. I'm sorry, but those are our rules. Our next speaker is Cindi Posch.

MS. POSCH:

Yes.

D.P.O. POSTAL:

Cindi here?

MS. POSCH:

Yes, I am. Good afternoon. I'm here just to talk a little bit about how -- oh, I'm sorry. This is my first time doing this. I personally feel opposed to the fact that everybody wants to sort of put these things in our community, the detention centers and these homes, and all these proposals seem to be coming right in by us. And this morning it was stated that we are not putting these things into a residential community. And, in fact, if you, or if there was research properly done, you would see that directly across from where they're putting this, there are almost 400 to 500 homes. So that information is not correct. And I'm speaking for myself and also for our civic association just to say that we're totally opposed to this. We're afraid that our children are going to have a lot of problems in school because of this, and just to voice that opinion. That's really all I have to say.

D.P.O. POSTAL:

Thank you.

MS. POSCH:

I just wanted you to know that.

D.P.O. POSTAL:

Thank you, Miss Posch. Next speaker, Christopher Chenery.

MR. CHENERY:

Yes. I'm the vice president of the Strawberry Fields Civic Association, and I'm here for both myself and also the Association just to let you know that we're very opposed to the detention center that's been proposed for the area.

First of all, I'd like to say that the community was never really notified properly that this was coming into the area. We found out both from newspaper articles along with the gentleman that this facility is going to be built next to his home.

In 1998, the Department of Probation submitted reports to look at different sites in Suffolk County. There were considered two in Hauppauge and one in Central Islip. Yaphank was never on the list to be considered. We'd like to know how the site was selected, as, again, it wasn't on the list.

I read a copy of the Site Selection Committee report and it states that public transportation is available in the area and, in fact, it's not. It states that there are no residential homes in the area, and,

again, Mr. Backer's home is going to abut right to the back of this facility.

It's very scary when you think that this facility is still in the proposal stage and our Legislators are already trying to expand it. From what I understand, they want to have not only the secure facility, but also a nonsecure facility in the same building. I understand as of last week that was tabled, but it is still under study.

We basically want to know what's involved with the study, who's going to do the study, and when we're going to find out more about it. Again, with the first facility, and again, even the unsecured facility, the public was not notified about this. Again, we found out through the newspapers.

We've got a lot of negative things in the area. As an example, we have the compost facility, which is right on Horseblock Road. This facility was relocated from Center Moriches. All the residents in the area of Center Moriches opposed it. They were complaining of health problems. And what do they do? They move it to Yaphank. And when they did move it to Yaphank, again, we were not notified what this was supposed to be, we were told that it was supposed to be a garden center of some kind. After the facility is 90% completed, it turns out that it's Long Island Compost. So, again, we've got a lot of negative things in the area that we're really concerned about.

So, again, you know, I just want everyone to know that the Strawberry Fields Civic Association is definitely opposed to this. And we also have a map of the area where this detention is -- where the detention facility is proposed. And, again, one of the criteria in the Site Selection Committee was that it was not supposed to be near any residential homes. Yet, again, if you look at the map, which I'll submit to somebody if they want to take a look at it, there is a farm right behind the facility, and again, it is a residence. There's probably about 350 homes that are in this area within probably a mile from where this facility wants to be.

D.P.O. POSTAL:

Mr. Chenery, can you sum up, please?

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MR. CHENERY:

Well, basically, again, I want to submit this thing and take a look at the map. And again, I thank you for your time.

D.P.O. POSTAL:

Thank you. If you give that to the Clerk, we'll have copies made of that.

MR. BARTON:

Thank you.

D.P.O. POSTAL:

And our next speaker is Tina Chenery.

MS. CHENERY:

Good afternoon. I'm a resident of the Brookhaven/Yaphank community, and I also want to express my concern with this facility that's being proposed for our area. I myself, my neighbors, our civic association, we are concerned that this -- this facility is going to negatively impact the safety of our community and the safety of our children and the school system, since it's been proposed that these kids will be going to our high school and our grade school.

LEG. CRECCA:

No.

MS. CHENERY:

No?

LEG. CRECCA:

They will not be, absolutely not.

MS. CHENERY:

And who is this coming from?

D.P.O. POSTAL:

Legislator Crecca.

LEG. CRECCA:

If I can.

D.P.O. POSTAL:

Yes.

LEG. CRECCA:

And just because -- I mean, I just -- you know, children who are housed in detention, secured detention, have to attend school within that detention facility, they cannot attend -- it has to be within the walls of that detention facility. So they cannot attend the school district that -- your school district that they're in, they must attend school on site.

MS. CHENERY:

Okay. That --

LEG. CRECCA:
That's State --

MS. CHENERY:
That we were not aware of.

LEG. CRECCA:
That's State law.

MS. CHENERY:
If that is to come to pass, that would be fine on that issue. So we would be a little bit eased by that. But we would also be concerned that this is an unsecured facility that these children are allowed to come and go from, and that they would be in our community interacting with our children, and we are concerned about the safety of our children and our homes with this type of facility in the area.

D.P.O. POSTAL:
Legislator Crecca would you like to --

LEG. CRECCA:
Yeah, I'll just --

D.P.O. POSTAL:
Clarify the --

LEG. CRECCA:
Sure.

D.P.O. POSTAL:
-- secured detention facility?

LEG. CRECCA:
First of all, I know there was talk before and I know last week there was some talk about combining with a nonsecured detention facility. As of yet, that's not the case. It is only slated and only approved to be a secured detention facility. And the bottom line is so that it would not be mixed with nonsecured, which means that no one would be leaving the site other than to be transported to court, and that would be obviously in a secured fashion, just like, you know, that Corrections does it with prisoners.

MS. CHENERY:
As I understand it --

LEG. CRECCA:
Although this is not a jail, though. I don't want to draw that analogy, it's different.

MS. CHENERY:

As I understand it, along with this secured facility, an unsecured facility is being proposed in the same area.

LEG. CRECCA:

Some people have suggested that? This Legislature has not approved any legislation --

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MS. CHENERY:

Is that under consideration?

LEG. CRECCA:

No. The resolution was tabled in committee. It never even got to the full Legislature. The only project that has been approved by this Legislature in our Capital Budget Program is to build a 32-bed secured detention facility, and that's the only thing. That was a proposal that someone made, it hasn't gone anywhere. Now, I don't -- I don't -- I haven't heard anything that it is going anywhere either.

MS. CHENERY:

Okay. Just to reiterate my position on the secured facility, there is no public transportation in this area. As it is, there is a prison in this area and the inmates are released during the day and they walk from the building up and down the road. There is no public transportation to pick these people up and take them wherever they're going. So to put this facility in this area and then intend to implement a public transportation system to support this, it seems to me to be spending a lot of money to put this into a community that it's not -- there's no accommodations for this kind of facility.

LEG. CRECCA:

I don't know. The only reason I can think of that they cited the availability of public transportation was for parents of these children to be able to visit with them. As far as the children being released, since the children being -- anybody being released from this facility would be a minor. They would not be released in the sense of like out to curbside with a bus token. It's not permitted. There would have to be appropriate arrangements made every time a minor is released, and most of the time, just because I've worked in this area, those children who are released from secured detention, sometimes they're released directly from a courthouse, which would be in Central Islip or in Riverhead, and if they were released at the facility, again, there would have to be an appropriated adult or -- to pick them up, or guardian.

MS. CHENERY:

Okay. I just want to draw your attention to the fact that there is no

transportation to provide parents visitation to the children now existing.

LEG. CRECCA:

Yeah. I don't know about that and I --

LEG. FOLEY:

Madam Chair.

LEG. CRECCA:

-- appreciate you bringing that to our attention.

D.P.O. POSTAL:

Ms. Chenery, first, your time is up to speak, but Legislator Foley would like to respond to you.

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LEG. FOLEY:

Yeah, hi.

MS. CHENERY:

Hi.

LEG. FOLEY:

Thank you for coming down here today. Just by way of background, I'm Chair of the Public Works and Transportation Committee, and what I had mentioned at the last meeting is that ongoing now for well over a year, well before this issue had arisen on a secured detention facility, this Legislature had approved an appropriation of monies to create a new bus route from southeastern Brookhaven Town to northwestern Brookhaven Town, and it's supposed to go through Yaphank Avenue. It was supposed to, in fact, start last summer, but there were problems, according to the Public Works Department Transportation Division, that it's taking a little bit longer than they otherwise had expected to create this new bus route. But I want to assure you that while we did approve the creation of a bus route, it long predates even -- even the let's say --

LEG. FISHER:

Concept.

LEG. FOLEY:

-- the concept of placing a -- thank you -- the concept of placing a detention facility in Yaphank. So there will be a bus route within a matter of months, if not by the middle of summertime, traversing in a diagonal fashion from Stony Brook down to the Moriches area, and part of the route will be through Yaphank. And the reason for that was to

particularly help those who use the nursing facility, as well as some of the other facilities in the area. But I want you just to know that if and when that route does come on line, so to speak, it's not because of the detention center, it's, in fact -- it long predates the concept of putting a detention center at that -- the proposal to put the detention center at that location.

MS. CHENERY:

Was that supposed to be to accommodate the prison there?

LEG. FOLEY:

No, no. As I say, it long predates that. I'm going back to a year-and-a-half ago when we originally approved the legislation -- the budget resolution to create a new bus route, because, according to the Transportation Division of Public Works Department, as well as my own review of the situation as Chair of the Committee, because of the growth within Brookhaven Town, particularly in the eastern portions of Brookhaven Town, and also because there wasn't adequate transportation from eastern Brookhaven to our colleges and universities, our Community College and the University of Stony Brook, I and others saw the need to have better access through mass transportation to the colleges and the universities, and we thought that at the same time we should have better access to other public institutions as well.

So, to give a long answer to your question, the creation of the bus route goes back a year and a half ago, and Legislator Towle will also

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verify that it long predates, goes well before any discussion about this particular center.

D.P.O. POSTAL:

Thank you --

LEG. FOLEY:

All right?

D.P.O. POSTAL:

-- Legislator Foley. Next speaker is Jennifer Petronzio.

MS. PETRONZIO:

Good afternoon. My name is Jennifer Petronzio. I'm Treasurer of the Strawberry Fields Civic Association. I'm just here to support our neighbor John Backer, who, as you know, since you've been here this morning and this afternoon, his property does back up to where this proposed facility would be, but he -- like we are saying, he is not the only one. There are -- we live in a development of approximately 70 homes. There's a new development behind us that are approximately

76 homes. We're concerned because, like we said, there was no notification. You do say it's a secure facility, but, as you know, the adult minimum 400 person secure facility has had break-outs. We've experienced them looking for them in our backyards. So I'm just curious, can anyone answer how secure this facility will be? How can you guarantee the secureness of it?

LEG. CRECCA:
Yeah. I mean --

D.P.O. POSTAL:
Legislator Crecca.

LEG. CRECCA:
-- it hasn't even been drafted architecturally yet. The only thing I can tell you is the history of juvenile detention centers down-state here. We had one prior to 1973, and my understanding is there were no break-outs involved there, although I don't want to say that unequivocally. But it was right here in Hauppauge in this district, just right here in this complex, with residences all to the north of it and just a half a mile to the south of it. And most residents, having been a member of this community, most residents didn't even know it was there both then and even now as a smaller facility. So it's not -- please don't think of it as a jail. These facilities are not jails they don't look like jails. And then, you know, for the --

MS. PETRONZIO:
No, I understand that. I'm just curious how secure it is, what the supervision is.

LEG. CRECCA:
I don't know the ratios and all that, but I can tell you that they're secured facilities and they are -- you know, there is no releasing off the grounds and stuff like that.

MS. PETRONZIO:
Because, as we all know in this room, I'm sure, reading Newsday and other publications Yaphank, has sort of become a dumping ground for everything. And we do live there and we are concerned and we're here to oppose this. And, also, even though the unsecure facility was tabled at this time and there's further study going on, are we going to be notified if and when that goes ahead?

D.P.O. POSTAL:
Miss Petronzio.

MS. PETRONZIO:

Yes.

D.P.O. POSTAL:

I think that at the end of this public portion there are a few people who have -- we reopened the public portion because I know that some of the residents were told to come at 2:30 to speak specifically --

MS. PETRONZIO:

Right, they are here.

D.P.O. POSTAL:

-- on this topic. Normally, the public portion was held in the morning and would have been closed. We do have somebody from Probation, and at the end of the time when people who filled out cards to speak during this public portion occurs, I think I'll ask that person from Probation if they could address some of the issues that have been raised about how secure this facility is and about transportation of juveniles from the facility when they're discharged, and about school education, and I guess the contact between the community and the juvenile residents. I think that's the concern here. So at the end of the time when people have spoken, had the opportunity to speak who filled out cards, I'll ask Probation if there can be just a brief statement addressing some of these concerns.

MS. PETRONZIO:

Okay. I just have one other question. I wasn't here this morning, but, Mr. Crecca, I heard that you stated you would come up with proof that other sites were looked at other than Yaphnak, and Mr. Towle, I don't see him here right now, but he said that you would look into that.

LEG. CRECCA:

Yeah. I know that there'll be a representative from Probation to talk about the work that the Site Selection Committee did. I did not sit in on any of the Site Selection Committee meetings, but I know that they'll be addressing what sites were looked at and why this site was selected. So I would invite all of you to stick around. I think it's good that you're here, I think it's good that you get informed on the issues and understand what it is that's being proposed.

MS. PETRONZI:

Okay.

LEG. CRECCA:
So thank you.

D.P.O. POSTAL:
Thank you.

MS. PETRONZIO:
Thank you.

D.P.O. POSTAL:
Next speaker is Carlos Balcarcel. I don't know if I pronounced that correctly.

MR. BALCARCEL:
Yes, you did.

D.P.O. POSTAL:
Thank you.

MR. BALCARCEL:
Good afternoon.

D.P.O. POSTAL:
Good afternoon.

MR. BALCARCEL:
I'm new to this -- to Suffolk County, actually. I just moved in in December from Nassau County and previously from Queens County where I was very involved in the community. I was actually very -- I saw the advertisement in the paper of the -- about this detention center. I was disheartened to hear about it, actually. I thought I made a good selection of moving into Brookhaven. I'm very happy there, my children are very happy there.

I am very much opposed to Resolutions 1026 and 1107. I am happy to hear that right now the unsecured one is being tabled. The -- even though it will be secured, it does not make me feel any better. It isn't in my backyard. Yaphank is right there down the road. What about my property values, how is that going to affect it? Has anybody basically looked into that? I would like to say, basically, would you like to live next to a detention center? I don't know where each of you individually live, but would you like to be there? Would you like your children, you know, when they get a little older and they're walking around for that site to be there? You know, it's not something nice to think about.

I am going to stick around to see what the Probation person is going to say. Whether I'm correct or not, I think that Bay Shore was one of the sites that was looked at, they fought it or something like that. Correct me if I'm wrong.

LEG. ALDEN:
Wrong.

MR. BALCARCEL:
Okay. Well, I -- but why Yaphank? Why in the back of my neighborhood?

LEG. CARPENTER:

They were talking about an unsecured facility in the Bay Shore community and it literally was that, right smack in a neighborhood, you know, 20 feet from the neighboring house, so --

MR. BALCARCEL:

Okay.

LEG. CARPENTER:

And it was not the secured detention facility, it was the unsecured.

MR. BALCARCEL:

As other people mentioned --

D.P.O. POSTAL:

Did you want to respond, Legislator Crecca. Oh, Legislator Alden.

LEG. ALDEN:

No. I just told him he was wrong.

D.P.O. POSTAL:

Oh, okay.

LEG. CRECCA:

I was just going to say briefly there's --

D.P.O. POSTAL:

Legislator Crecca.

LEG. CRECCA:

And there's a huge difference between nonsecured and secured. Nonsecured is one of the issues that one of the people brought up about there is more freedom to walk off premise and things like that. And, certainly, in the Bay Shore situation, it did have a direct impact on the neighborhood in that regard, so it's a totally different situation. And this is only a secured facility that we're talking about, which means it's got closed gates. And, again, Probation will address that.

MR. BALCARCEL:

And I thank you, Mr. Alden, right? Thank you for correcting me. And the reason I'm not too familiar with all this information is because it really was not given out to the public. We don't really have much to go on, so you have to understand our ignorance to the fact, because of the fact that all this information, we got it from the newspaper.

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That's why we thought the kids were going to our school. So I thank you all, you know, basically telling us when we're right, when we're not. But, again, I am very much opposed to it. I do not want that site in our backyard. In the last two days, we've gotten a hundred signatures petition-wise. You know, it's basically -- we should basically all watch out for each other, and at this point, the community is going to stand up and is going to fight this, and hopefully it doesn't go any further.

But I thank you very much for your time, and, at this point, I will

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stick around and listen to anything further.

D.P.O. POSTAL:

Thank you. Our last speaker is Christine Meyer.

MS. MEYER:

Hello, everyone. My name is Christine Meyer. I live in Brookhaven on Forest Avenue. And I am up here to say that I oppose Resolution 1026.

You were stating this morning, Legislator Crecca, that it was not in a very populated area. Well, we have a lot of homes there. We have more homes going up. There is a supposed opposed senior citizen housing complex. I don't know how many people are going to be moved in there. But you're going to put a detention center and you're going to have all these senior citizens there in close proximity of all these juvenile detention children. And there's also homes going -- the homes on Sterling Place are right there. There's more homes going up on -- right off of Christine Lane. And as you keep on going, there's more homes going up.

Now, another thing is there's a lot of children in the area, and I am afraid for my two kids' safety. I know you can't guarantee that, you know, nobody is going to break out, but I'm still worried about their safety, I'm worried about every other children's safety, too. I'm sure you wouldn't want this next to your house, and I'm sure you wouldn't want to put our children in the same situation that you're asking us to put our children in. And it really angers me that you don't care about how we feel about things sometimes it seems. And another thing is I don't care that it's convenient for the lawyers. It doesn't matter who it's convenient for. I don't care if it's convenient for President Bush at this point. The bottom line is I don't want this in my neighborhood and that's it. That's all I got to say.

D.P.O. POSTAL:

Legislator Carpenter.

LEG. CARPENTER:

I would just like to address your comment about not caring, because I think it's important for you to understand that we have rules that the Legislature is governed by, and we have the public portion, and when the public portion is completed, it is closed and it cannot be reopened. The Acting Chair, Legislator Postal, was gracious enough to reopen the public portion, because you were all given information that the hearing was going to be held at 2:30 230. So as an accommodation to the community and wanting to hear what you have to say, because we really do care, that is why you're sitting here and able to tell us how you feel and we are listening.

MS. MEYER:

All right. Well, I thank you for this opportunity.

D.P.O. POSTAL:

Legislator Crecca.

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LEG. CRECCA:

Oh, I just --

D.P.O. POSTAL:

Miss Meyer.

LEG. CRECCA:

No. I just had -- I just wanted to also let you know, too, is that, you know, right now, while it's a much smaller facility, it is in my backyard. It's -- we're less than -- we're probably about a quarter mile from my home, and that's where it is now, that's where it has been historically for years here in the North Complex. Unfortunately, that site was looked at well before the Site Selection Committee and is unable to accommodate the State requirements for a facility. So it is in my backyard, and it's been in this community's backyard for a long time. And I just wanted to say to you that, you know, I've worked with these children. They're not, you know, horrible people, and they're not criminals in any sense. These are kids who have problems in their homes, for the most part, or have some other sort of problem. There may be some juvenile delinquents involved and we have a responsibility as a county to house them.

I understand your issue, and I don't -- and I think that you have every right to come here and speak and I don't even oppose that. I think that there should be a public information meeting for your community. It's apparent that some -- that you, unfortunately, did

not have all the information, and I think that's something that we should, with your local representative, should try to set up, just so that you can ask the questions and find out the answers. And, actually, maybe we can even get you -- to show you pictures of what a site like this looks like. I think you'd be surprised that it doesn't -- it's not jail and it's not an evil thing.

MS. MEYER:

Well, I heard -- I've heard to the contrary that these children are not really bad children. I heard that they're capable of doing many very bad things. And I don't know what you consider bad and what I consider bad, it might be two very different things, but I think there's a lot of towns that don't have any jails in them. We have a jail already, so I think that this should be put maybe somewhere else in another town that doesn't have any negative things attached with them. All right?

LEG. CRECCA:

Thank you.

D.P.O. POSTAL:

Thank you. I would like to -- I believe there's somebody here from the Probation Department. If you would just come up and just very quickly, questions have come up which I think you may be able to address with regard to what the State regulations are for a secured juvenile detention facility is, what the security requirements and conditions are, level of supervision, who's supervising, how children are provided with an education, whether they will interact and impact on the surrounding community, what the issue is with regard to transportation. Will juveniles, when juveniles leave the facility,

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how will they leave the facility in terms of transportation? And if you can give us just again quickly an idea what the history has been with such facilities. The question of break-outs was raised. And I think that if you could just give us an overview, it might be helpful to the members of the Yaphank community.

MS. MARTIN:

Thank you and good afternoon. And I want to say that I'm really delighted to have this opportunity to be here.

D.P.O. POSTAL:

Could you just identify yourself?

MS. MARTIN:

Oh, I'm sorry. I'm Anne Martin and I'm the Deputy Director of the Suffolk County Department of Probation. And I come in the place of

Mr. Iaria, who was out of town, unfortunately, and I know has appeared before this group, and as well as the Yaphank Community Association and groups on many occasions. And I'm really, as I said, delighted to be able to answer any questions that you might have.

I guess I would like to begin with one brief comment, just to put a little context to the situation that we're talking about. As of this morning, there were 23 Suffolk County youth in secure detention status. That means kids who by virtue of their behavior came before the Family Court and were remanded into non -- into secure detention. We're talking about secure. Of those 23 youth, only two are in Suffolk County. Every other child is outside of Suffolk County in Rochester, Syracuse, Dutchess County, Nassau County, Westchester, and so forth. So, again, I think it's important to remember that these are kids, these are Suffolk County residents who had to go to places outside of this county, because we don't have a facility.

If you were to read the regulations as they relate to secure detention, it says that it is characterized by physically restraining hardware and procedures. And by that we mean that a secure detention facility is locked. The kids are able to be locked in their -- in their bedrooms every night. There is a -- it is a locked facility. The kids who are there are not allowed to go out on the property, the surrounding property. If they are recreating outside, it's under strict supervision and in an enclosed area. They are not allowed to roam freely on whatever property surrounds the facility, so they are totally secure.

As Legislator Crecca said, a lot of these children are coming from situations of unfortunate poverty, unfortunate family backgrounds and so forth, and they come into our system because they've done something that is against the law. There may be kids who have committed burglaries, assaults, car thefts, things of that nature. I'm certainly not minimizing any of these offenses. They are kids who have done things of that nature. They can also be kids who have been placed on probation and been in the community and violated that probation, because they did not go to school or did not go to counseling as they were supposed to have done, and they're returning to court based on a violation of probation.

The reason the design of the facility that we envision will be on a piece of property about 10 to 15 acres in size. That would certainly permit a substantial buffer zone, as we would call it, where there would be, out of respect for the community, as well as the privacy of the youth and the families of the youth in the facility, that one would not be able to see this facility. I work in the Yaphank

Complex. My building, my office cannot be seen from the road, from Yaphank Avenue. The facility that we envision will be on property that's deeper into the County-owned property. So it is further removed from Yaphank Avenue and the community than my offices, and my building and office cannot be seen from road.

Every service that a youth might require in secure detention must be provided within the facility. They go to school, they recreate, they get counseling, they get substance abuse treatment, whatever their needs are, they are met within the facility. They eat there, their laundry will be done there and so forth. The one exception to that might be an emergency medical crisis of some sort, which would require the youth to be taken to an emergency room in a hospital. Again, that would be under the utmost security in a secure vehicle transported by at least two people. We do operate a secure holdover in Riverhead and a secure holdover, as Legislator Crecca said, in Hauppauge, so we've had some experience transporting kids and operating secure facilities. So they are not allowed off the -- outside of the facility.

I was glad to hear the clarification that there is no intention to locate a nonsecure facility, and that if you read the regulations as defined as a building that does not have physically restricting hardware. Kids are free. They're in a different category. We have no intentions of collocating both facilities on the Yaphank property. We began the process of looking for a site before the issue and the need for nonsecure came to the attention that it did a few weeks ago, so we have no desire to do that, no intention to do that at this point. And even if that were to happen, the youth would not attend the school.

D.P.O. POSTAL:
May I interrupt you?

MS. MARTIN:
Sure.

D.P.O. POSTAL:
Because Legislator Crecca has a question about that statement you made. Alden.

LEG. ALDEN:
Just to set the record straight, that's the Department of Probations's position, that you would not locate or collocate those.

MS. MARTIN:
Right.

LEG. ALDEN:
And just, also, to set the record straight, that I have a bill that's

tabled at this point that would do just that, it would colocate the nonsecure and a secure facility in the same -- on the same piece of property.

MS. MARTIN:
Right.

LEG. ALDEN:
So it just -- we are talking about two different things, then.

MS. MARTIN:
Right, right.

D.P.O. POSTAL:
Thank you.

MS. MARTIN:
I also would like to make this comment, that not too long ago, I spoke with the Director of the secure detention facility in Nassau County, which has for probably 30 years peacefully coexisted with the communities of East Meadow and Westbury and the surrounding community, and certainly is homes in greater proximity to that facility than we would ever have in Yaphank. And I inquired about the issue of youth escaping, because I know that's a concern on the part of a lot of people, and the Director told me that in his knowledge and in the many years that he had worked in that facility, there had never been an incident of a youth escaping from this -- from the Nassau County facility. So I wanted to share that.

Now, I would certainly be eager to respond to any questions, if that's more appropriate than my continuing to talk about detention.

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

LEG. TOWLE:
I appreciate that. Thank you, Legislator Postal. Before I go over some questions or concerns that I have, Legislator Fisher mentioned something this morning that's been sticking in my mind that I wanted to ask Counsel first on that. In reference to the law that we passed requiring us to, you know, quote, unquote, be good neighbors and advise any of the residents of our intention to do anything that would potentially have an impact on them, how would this, you know, qualify or fall under that law?

MR. SABATINO:
If I remember correctly, I think that the notification kicks in when the money is put into the budget, and I think that may have -- what had happened is the money may have initially been put into the Capital Budget before that notification law kicked in, which might explain why the notification didn't go out. I'd have to -- it's a factual question, it's a question of going back and looking at the relative

dates of the two events. But I -- my instincts tell me that the resolution putting the money in the Capital Budget initially, because today only appropriates -- actually appropriates the money. The original plan to put it in the Capital Budget, I think that occurred

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before Legislator Fisher's bill kicked in. If it didn't, then it should have been complied with.

LEG. TOWLE:

Okay. And what would be the normal compliance? What would be our requirement, if, in fact, that's accurate?

MR. SABATINO:

Under that law, the notification has to be in writing to people within 200 feet of the proposed project.

LEG. TOWLE:

Just to get into a couple of questions, did you sit in each of the meetings that were held?

MS. MARTIN:

Yes, I did.

LEG. TOWLE:

You did, okay. One of the bones of contention that I've had, and I think some of the residents have, is their concern that we did not look at other sites. What sites did the members of the committee go and tour? Do you have a list of the locations that the committee looked at?

MS. MARTIN:

The site that we toured was the property in Yaphank. We discussed a number of different possibilities and --

LEG. TOWLE:

Such as?

MS. MARTIN:

Such as State-owned property in -- on the grounds of Pilgrim State, other County-owned properties that were of a smaller acreage in size.

LEG. TOWLE:

Such as?

MS. MARTIN:

I don't know the exact detail of where they were, but the two members of the seven-member panel were the former Chief --

LEG. TOWLE:
Planning Commissioner.

MS. MARTIN:
-- Planner and the then current Planner, Dr. Koppelman and Steve Jones, who certainly were on the committee by virtue of their expertise, and shared with us many facts about the issue of County-owned property, and that over time, because the economy was such in Suffolk County that, in fact, there were not a lot of County-owned parcels that had been taken by virtue of tax default, and that the size of property that we were talking about limited the field of availability of space. We did in 1998, in response to a previous legislative resolution, submit a report and look at ten different

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sites, and I do have that list with me, and they range from places in Dix Hills to Medford and Yaphank as well. So we did have a lot of very recent experience looking at properties throughout the County. Things changed in the time period since we looked at -- two years ago. We were originally looking at a 24-bed facility, which would have been a smaller building and a smaller piece of property. Things have changed. We now have two Family Court judges on the east end in Riverhead. The volume of cases on the East End is greater than it had been. We know that we need at least 32 beds. We're talking about in our report 32 up to 40, given the utilization that we've experienced in the last year or two. So we feel that we need to build for that kind of capacity and we need at least 10 to 15 acres of land.

And that was essentially the process that we went through having, again, experts on the panel and a fair amount of experience in considering these things. I personally looked at the other sites that we enumerated among those ten two years ago. We looked at --

LEG. TOWLE:
On that point, if I could interrupt you for a second, you're telling me that back two years ago, when you were requested by the County Legislature to come up with locations, you personally, as a member of that committee, went and toured each of those sites; is that accurate or inaccurate?

MS. MARTIN:
It's accurate.

LEG. TOWLE:
Okay. Why would this process be any different this year? Why would no members of the committee tour a listing of sites similar to what you did two years ago?

MS. MARTIN:

The process was entirely different two years ago. That resolution directed the Probation Department and the Department of Public Works to look at sites. And based on the language of the resolution, the resolution did not establish a Site Selection Committee to submit a binding determination. The language was very different. It said that we were to come up with three recommended sites, and we looked at those sites. This time, we began by virtue of the way the resolution was written, convening a Site Selection Committee made up of -- the composition was completely different.

LEG. TOWLE:

Which is no problem. I'm not concerned about the composition of the committee as much as I'm concerned about the process. I don't -- and I'm not aware of, having looked at both resolutions, how the process is any different. What would make the committee think that their responsibility was any different now, two years later, to not go out and look at other sites? And the fact of the matter is person after person who has appeared before this Legislature cannot provide this Legislature with a list of properties that they've looked at, because the reality is, if you were a member of the County Legislature and take time to read the minutes, as I have, you will see that the committee did not look at specific sites. It talked about specific

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towns. There is no problem in the Town of Smithtown, there is not property in the Town of Babylon, there is not property in the Town of Huntington. "Okay, that sounds good." "The site that we really ought out to be looking at is Yaphank." "Okay, that sounds good." And that's how the minutes of those committees went. There is no listing. Your department, the department that's going to oversee this facility is incapable of presenting an itemized list of the following properties that was looked at and what the criteria was and how we came to this site.

And, quite honestly, whether it's in my district or not is not the issue. The issue is how we got from Point A to Point B; all right? And I don't care if the County's going to be fined, because you want to know something, this issue has been on the table for a long period of time, and we ought to do this right and we ought to do it once --

D.P.O. POSTAL:
Legislator Towle.

LEG. TOWLE:
-- not twice.

D.P.O. POSTAL:
Legislator Towle, can I just --

LEG. TOWLE:
Yes.

D.P.O. POSTAL:
We understand how strongly you feel about this, but I would ask that you use this time to ask any questions that you might have regarding the resolution, the process, the report, so that we can move ahead.

LEG. TOWLE:
Thank you, Legislator Postal. On the ten sites that you had from the report two years ago, how many of those were County sites?

MS. MARTIN:
One was the Yaphank Infirmary, another was actually space within a State facility, and other sites were privately owned properties that were on the market at that time that the County Attorney -- County Attorney had -- Real Estate Division had looked through their inventory and looked at what was available, and that contributed to how we looked at the sites.

LEG. TOWLE:
Okay. You had mentioned earlier that you had also considered the State property and had ruled that out. Why? For example, at the Court Complex, let's say, in Islip.

MS. MARTIN:
There is not enough acreage in that -- on that complex. And Mr. Jones indicated that there were not parcels of State-owned property that were available on the market.

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LEG. TOWLE:
Okay. So, in other words, the Committee check with someone within the State?

MS. MARTIN:
We relied on the experts, Mr. Jones and Dr. Koppelman.

LEG. TOWLE:
Okay. So the fact is that you don't really know if they did or did not.

MS. MARTIN:

I can't -- I entrusted their integrity, frankly.

LEG. TOWLE:

Was it -- I'm not questioning their integrity, I'm just questioning whether or not they actually contacted somebody officially in the State and asked them whether or not the State had property within the County of Suffolk that they would be prepared to give us for the use of a purpose of a juvenile detention facility.

D.P.O. POSTAL:

Legislator Towle, I think that, you know, we've heard that as far as Probation's understanding was, that there was inquiry made by Mr. Jones and Mr. Koppelman. I don't think that Probation can tell you for sure that -- you know, take an oath and say, "Yes, I know that that was checked." I think we'd have to ask either Mr. Jones or Mr. Koppelman.

LEG. TOWLE:

Well, unfortunately, as you know, Legislator Postal, I guess can't ask Mr. Jones now that he's Director of the Water Authority. And since we're voting on this resolution today and since we have refused to table this resolution, I have not choice but to ask someone who was a member of the committee what was --

D.P.O. POSTAL:

Well, I think you're badgering somebody who can't give you --

LEG. TOWLE:

Yeah. Well --

D.P.O. POSTAL:

-- a better answer than the one that she's given you.

LEG. TOWLE:

I'm not badgering somebody, I'm asking somebody who sat in the committee process and who sat through each of the meetings what transpired, because the minutes, unlike the Legislature, are not verbatim, they're transcribed, and I don't know what conversations took place in those meetings, so --

D.P.O. POSTAL:

Well, I would just ask, if there's any additional information you can provide us in response to that question, then do so. If not, let's move on.

If I could just indicate, that we did have a criteria that we followed, that it was guided not only by what the State regulations say, but other members of the panel, including Fred Pollert from this office, who -- from the Legislative Budget Review who was part of it. He contributed to the criteria that we used, including things like a central location, proximity to transportation, ease of availability to parents, and certainly not the lawyers, but the parents, the family members that need to come, and so forth, and also security and privacy, and so forth, and all the features that we enumerated in the minutes and that are in the regulations.

LEG. TOWLE:

Based on your records, where is the bulk of the population right now, as far as the people that will be in the juvenile detention facility? What are your statistics showing now?

MS. MARTIN:

The western part of Brookhaven and Islip Town. I mean, the concentration is moving east slightly, if you will. Islip Town and Western Brookhaven.

LEG. TOWLE:

Okay. If you were to give some percentages, what would you say at this point, you know, based on your expertise of dealing with the clientele through your department?

MS. MARTIN:

I would say that there's a growth going on in the eastern part of Suffolk County in Riverhead Town, that the -- it certainly is not to the extent -- the population is not the same as it is on the western part, but if you look, we submitted a map with the density of juvenile crime, that was part of the report, and the site that we looked at is really located right in between two high impact areas in the Town of Brookhaven. Certainly, there are in other parts of the County, but there is a fair amount of juvenile crime in the Town of Brookhaven.

LEG. TOWLE:

Okay.

D.P.O. POSTAL:

Anything else?

LEG. TOWLE:

Nope.

D.P.O. POSTAL:

Thank you very much.

MS. MARTIN:

Thank you.

D.P.O. POSTAL:

Legislator Crecca, I'm sorry.

LEG. CRECCA:

Now they're really working good. I have one question for Ms. Martin, and that is the -- if you could just give us very briefly what the time line is. I know that -- what the situation is, in other words, with the State and Suffolk County, and why you believe it's important that we pass this today, or is it okay to put it off a little bit, you know, as far as that's concerned?

MS. MARTIN:

Well, I might -- I might end the way I began by saying that, you know, we have a detention crisis in this County. We have an acute absence of adequate secure detention beds. There was an article in the newspaper this morning about the financial sanctions that the State may impose on counties that do not have adequate secure detention. Both Suffolk and Nassau were mentioned as being problematic in that area. So the cost to the County in terms of the sanctions exists. There is pending legislation.

Our goal is to begin the site development, a planning and design phase as soon as possible, and perhaps begin the site preparation phase in the fall. You know, the State is very eager to help us to move this forward. I don't have to tell anyone in this group that we had a very bad situation last June. It was a very unpleasant series of articles that outlined very adequate what the reality was in Suffolk County. And so, again, we -- we have a need. We have today 23 kids. We might by the end of the day have five more. And we are literally at the mercy of every other County asking them to take our youth, doing all the things that go along with that, and, at the same time, removing them from their home community and any chance that they might be able to be reunited with their family.

D.P.O. POSTAL:

Thank you very much.

MS. MARTIN:

Thank you.

D.P.O. POSTAL:

Okay. I'd like to ask all Legislators to please return to the horseshoe, so that we can go back to the agenda.

MR. GOLDSTEIN:

Excuse me.

D.P.O. POSTAL:

I'm sorry, we closed the public portion this morning. There were a number of people who came here at 2:30 in the afternoon because they wanted to speak on the juvenile detention facility and they were given

incorrect information. That's why, as a courtesy, I allowed them to speak. But the public portion was closed this morning.

P.O. TONNA:
You want to say something?

MR. GOLDSTEIN:
Yes, I was invited back.

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P.O. TONNA:
Okay. Do you have a card to fill out, Phil?

MR. GOLDSTEIN:
Yes.

P.O. TONNA:
Oh, you called -- they called you three times this morning? All right. Phil, you know what, I'm going to make an exception for you, all right, and here's the exception; that as long as you keep yourself calm without any foul language, I will not have the sheriffs come up and pistol whip you, so you've got three minutes.

LEG. GULDI:
You want to use a mike? There's a mike down there.

P.O. TONNA:
Phil, generally speaking, if we call you three times, usually on the third time, you've got to say, "Okay," and come up; okay?

MR. GOLDSTEIN:
Thank you. There are copies of the -- Phil Goldstein with regard to a matter of criminal justice and public safety. There are copies of the Administrative Code being circulated for members of the Legislature, Ladies and Gentlemen.

I have been persistent in my request to have this problem with regard to fraudulent affidavits of service, sewer service, and sleeping judgements dealt with.

At the Public Safety Committee, I just received the November 28th minutes, and I am, to put it politely, dismayed at what occurred at that meeting. Unfortunately, neither I, nor some of the victims were present, because we had been misinformed by the Public Safety Committee that members of the District Attorney's Office would not be present until the December -- the first meeting in December. And so we failed to appear, and thus the D.A.'s representatives were able to

make statements, which, to put politely, were misinformed as to the nature of this problem and the reason why -- gentlemen, please.

P.O. TONNA:

Phil, it's your time. If you want to be silent, that's fine.

MR. GOLDSTEIN:

But I find it offensive --

P.O. TONNA:

Phil, it's your time.

MR. GOLDSTEIN:

-- that I don't have your attention.

P.O. TONNA:

You want to be silent, it's fine. You got three minutes whether you sit there in silence or you speak. Go ahead.

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MR. GOLDSTEIN:

All right. The point very simply is that the primary function of government is to protect the people, and here is a situation where large numbers of residents of Suffolk County are at risk and nobody is doing anything about it. And the system of checks and balances in government, whereby agencies of government can be held accountable, has failed, and it is incomprehensible this failure. Now, we attempted to bring it to the attention of the Public Safety Committee and it was unsatisfactory. As I just explained what happened, the District Attorney's Office misinformed the Public Safety Committee. And I am dismayed also by virtue of the fact that despite the submission of evidence to the Public Safety Committee that was entered into the record of the Public Safety Committee, the Public Safety Committee was willing to accept the statements of the District Attorney's Office that these issues were no longer valid because the statute of limitations had run out.

I have in my hand here a packet of these forged affidavits of service with an affidavit from one of the process servers to the effect that his signatures were forged. And some of these are as current as 1997. They are not beyond the statute of limitations, plus the fact that this affidavit from the process server is dated in '98 and the crimes that have occurred have been recent. And this is akin to a mine field. The Suffolk County Clerk's Office has implanted in its records these sleeping judgments that can explode and damage the lives of residents of Suffolk County and it is going on unbeknownst to them, and the District Attorney's Office says that they have the discretion

as to whether or not they will prosecute in these cases, and they choose not to. And they allege that no current information has been given to them. I'm not talking about allegations, I am talking about facts that have been submitted, forged affidavits of service bearing the name of Norman Yellon, and there are letters from the Secretary of State stating that Mr. Yellon is not a notary, and the affidavit from this process server saying, "I never signed these affidavits of service informing these people that they been called under the jurisdictions of the courts." And the courts then subsequently render these default judgments and the default judgments are placed in the files of the Suffolk County Clerk, and then years later, when the people, unbeknownst to them, suddenly discover that a judgment has been lodged against them or their parent who has died, and they're probating a will, or they're going to sell their home, or whatever the situation might be, suddenly these things might pop up and there's no longer the capability to defend themselves. Plus they find themselves as innocent victims who are alone facing the majesty of the court, and so on, whereas, if this were dealt with on the scale that it should be dealt with, where this is the kind of thing that should be prosecuted in terms of a mass prosecution, there is within the law the capability of bringing victims together and having them in a class action seek redress of their grievances. This is not being dealt with. And I've asked you, and please look at this document I handed you right now.

P.O. TONNA:

Phil, just hold it one second. Your two minutes are over. Just finish it up, okay?

MR. GOLDSTEIN:

Okay. The document I have given you is the Criminal Justice Coordinating Council. Now, if this Legislature feels that it's not your table and you don't want to address it, despite the fact that, Maxine, you have proposed a licensing law which originally I urged you to do, but now I rescind that, because I feel that it's cosmetic, it's putting a Band Aid on a serious wound; all right? What needs to be done is this has to be aired and it has to be aired in a public hearing because of the fact that it involves the police who have not arrested the criminals, it involves the District Attorney who has not prosecuted the criminals, it involves the court who has rendered these default judgments, it involves the County Clerk's Office who holds this mine field of judgments that could pop up, it involves the Sheriff's Office who is also called upon to act on these default judgments and seize people's bank accounts, or cars, or homes in payments, stocks, bonds and so on. I mean, there is large scale criminality involved here and it needs to be exposed. And if you read the documents I just handed you, let me give you specific reference.

P.O. TONNA:

No. Phil, what I said is wrap up. You are now way over.

MR. GOLDSTEIN:

Well --

P.O. TONNA:

Well, Phil --

MR. GOLDSTEIN:

All I'm asking you to do is to look at the at the Administrative Code, which defines the Criminal Justice Coordinating Council, and it says, "All activities pertaining to crime prevention or enforcement and administration of the criminal law, including but not limited to activities involving police" --

P.O. TONNA:

Okay.

MR. GOLDSTEIN:

-- "prosecution, or defense of criminal cases, courts," etcetera. All right. And it goes on on the second page, which I gave you, which is the authorization. All right. It says that you, the Legislature, can authorize them to look into this matter, plus the fact it also says that in C, C-3 -- pardon me.

P.O. TONNA:

Phil. Phil. Phil.

MR. GOLDSTEIN:

All right.

P.O. TONNA:

Wait, wait, wait. I know.

MR. GOLDSTEIN:

It stays that they can hold public hearings, and that's what I'm

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asking for. And, by the way, just one final word.

P.O. TONNA:

Okay, one final word.

MR. GOLDSTEIN:

This morning I didn't appear here, because I went to the Criminal Justice Coordinating Council, and Joe Michaels said to me that if I

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got in touch them, he would put me on the agenda. Now there's a gentleman who is willing to act, all right, despite the fact that we reached out to the County Executive's Office, we put all of this on file before the Public Safety Committee.

P.O. TONNA:

I thought that was one thing.

MR. GOLDSTEIN:

We went to the Judiciary Committee. I mean, we've gone to pillar to post. We've gone -- we've gone to the Attorney General and was told by the Attorney General that until some agency contacts him and says to him that he should look into the matter. He does not have the jurisdiction to supercede --

P.O. TONNA:

All right.

MR. GOLDSTEIN:

-- the District Attorney's Office.

P.O. TONNA:

Phil.

MR. GOLDSTEIN:

Somebody must look at the District Attorney's Office and hold that office accountable for its refusal to act in these criminal matters.

P.O. TONNA:

All right. Phil, thank you very much. And you're welcome for the extra time.

(Applause)

MR. GOLDSTEIN:

By the way --

P.O. TONNA:

No, no, no. By the way, we'll talk later, by the way.

MR. GOLDSTEIN:

I wanted to give you an award.

P.O. TONNA:

All right. No. You can give it to me later on our own time.

MR. GOLDSTEIN:

Okay.

P.O. TONNA:

But if he had hair, I'd wear it just like you, I want you to know.
Okay. Let's go back to the agenda now. I think what we're going to start with are some CN's. Are we prepared? Is the County Executive prepared to make their case for CN's?

MS. ROSENBERG:

Yes, we are.

P.O. TONNA:

No, they have -- do we have any CN's in front of us?

MS. ROSENBERG:

Yes, you do.

P.O. TONNA:

Yes. Okay. They're handing them out right now. This is -- notice this, this is the PO's seat, POCN. POCN's. Okay.

LEG. FOLEY:

Keep it.

P.O. TONNA:

Anyway, all right, they're coming. Brenda, do you want to come up and -- oh, this is from Phil. Thanks, Phil. Thank you.

MR. GOLDSTEIN:

From Jiminy Cricket.

P.O. TONNA:

His nose is small, so I haven't started lying yet? That's before I stop telling lies? Okay.

LEG. GULDI:

He doesn't need Pinnochio, he needs the Cricket.

MR. GOLDSTEIN:

He's striving to be a mensch and that's what Pinocchio wants to achieve.

P.O. TONNA:

Okay. Does everyone have the CN's in front of us?

MS. PASTORE:

Yes.

P.O. TONNA:

Ann Marie, come on. Really, this is your turn, you know, this is your time right now. Don't drop the ball here. Okay. Are we all set? Brenda, let's go to the video tape. Go right ahead. We have CN Number 1110 in front of us.

MS. ROSENBERG:

Yes.

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P.O. TONNA:

This is a resolution to extend the deadline for implementing the RFP Committee process for analysis of the Brownfield Properties in Suffolk County. Legislator Bishop.

LEG. BISHOP:

Motion to approve.

P.O. TONNA:

Motion to approve, seconded by myself. All in favor? Opposed?

LEG. BISHOP:

Please, add Legislator Binder as a cosponsor.

P.O. TONNA:

Okay.

LEG. BISHOP:

He was involved in creation of the program, and Legislator Fields

P.O. TONNA:

Okay, great.

LEG. CARPENTER:

And Legislator Carpenter.

P.O. TONNA:

Great. Crecca, Alden, Carpenter, Fields, Binder, Fisher and --

LEG. CRECCA:

Brown.

P.O. TONNA:

Brown. No, there's no Brown. And Bishop and Towle. Okay.

LEG. COOPER:

And Cooper.

MR. BARTON:

Sixteen. (Not Present: Legislator Caracappa)

P.O. TONNA:

There we go. 1199, authorizing the use of Gardiner Park Property by Suffolk County Coalition Against Domestic Violence for annual dog walk

fund-raiser. Wait. Legislator -- Legislator Cooper, would you like to -- oh, Carpenter?

LEG. CRECCA:
Carpenter.

P.O. TONNA:
Carpenter? Okay.

LEG. COOPER:
Cosponsor.

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P.O. TONNA:
I just said -- I figured pets, it had to go to Cooper. Anyway, okay. So, Legislator Carpenter, seconded by Legislator Postal. All in favor? Opposed? Approved. By the way --

MR. BARTON:
Sixteen.(Not Present: Leg. Caracappa)

P.O. TONNA:
-- each of these resolutions there's a time factor, right?

LEG. CARPENTER:
Yes.

MS. ROSENBERG:
Yes.

P.O. TONNA:
Yeah, okay.

MS. ROSENBERG:
Yes, that's the problem.

P.O. TONNA:
All right. Number 1203.

LEG. FOLEY:
We got to vote on it.

P.O. TONNA:
No, we just approved it. We did. Ruff, ruff. Okay. Now, authorizing the sale pursuant to Local Law 16-1976 of real property acquired -- property acquired under Section 46 of the Suffolk County Tax Act, Eloise Covell. All right.

LEG. BISHOP:
This is --

P.O. TONNA:
Is this you?

LEG. BISHOP:
Yeah. It's in order to meet deadlines for a reverse mortgage. The most important thing that Legislators need to know is that --

P.O. TONNA:
Meets all the criteria?

LEG. BISHOP:
Legislator Carpenter's Legislative Aide lives on this block and he strongly recommends that --

LEG. CARPENTER:
So does that mean I have to recuse myself from this?

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P.O. TONNA:
Yeah, right. But your Aide does. Motion to approve by Legislator Bishop, seconded by Legislator Carpenter. Does this meet all the criteria and everything that it was supposed to have?

MS. ROSENBERG:
Yes, it does.

P.O. TONNA:
Yeah? Okay, great. All in favor? Opposed? Approved.

MR. BARTON:
Sixteen. (Not Present: Leg. Caracappa)

P.O. TONNA:
Okay. 1204. I'll make a motion.

LEG. FIELDS:
Second.

P.O. TONNA:
This is a resolution to set -- filling a vacancy at the Eighth Legislative District. Seconded by Legislator Fields.

LEG. ALDEN:
This fills the vacancy?

P.O. TONNA:
Well, this -- this is filling -- this is the resolution to set the special election, that's right. This is the "Rock 'em-Sock 'em Robot" of 2001. We'll see how that goes. Okay. All --

MR. BARTON:
I've got a motion.

P.O. TONNA:
Yeah, you've got a motion, second. All in favor? Opposed? Approved. Is that it?

MR. BARTON:
Sixteen. (Not Present: Leg. Caracappa)

MS. ROSENBERG:
Great job.

LEG. TOWLE:
Mr. Chairman.

P.O. TONNA:
That's it. Thank you very much, Brenda. You carried the day.

LEG. TOWLE:
Mr. Chairman.

P.O. TONNA:
Yes, Legislator Towle.

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LEG. TOWLE:
Thank you. Earlier we had discharged 1097, appointing or reappointing Alan Schneider as Personnel Officer for the County of Suffolk.

P.O. TONNA:
Okay.

LEG. TOWLE:
I want to make a motion to approve 1097, if we could.

P.O. TONNA:
Okay, seconded by myself. All in favor? Opposed? Approved. All right, Alan --

LEG. TOWLE:
Congratulations.

P.O. TONNA:
-- you can get back to work. You still got -- you still got forty-five minutes, wherever you are. I know, more than that. Thank you. And thank you for the very good job that you're doing. And I know, with a whole bunch of new employees that are under your, you know, department, and everything else, I hear that you're doing a bang-up job, so keep up the good work. All right? Thank you.

LEG. POSTAL:
Mr. Chairman.

P.O. TONNA:
Yes, Legislator Postal -- Deputy Presiding Officer Postal.

LEG. POSTAL:
Can I ask, earlier today, when addressing Introductory Resolution 1084, on Page 12 of our agenda, I had asked some questions, and I know that the Commissioner of Consumer Affairs, Charlie Gardner is here, and I would ask if we could go back to that resolution, so that he doesn't have to spend a great deal of additional time waiting to answer questions.

[SUBSTITUTION OF STENOGRAPHER - ALISON MAHONEY]

P.O. TONNA:
So we make a motion to take out of order 1084, seconded by Legislator Alden. All in favor? Opposed? Fine, it's in front of us now. Okay, there's a motion to approve by Legislator Postal, seconded by Legislator Alden. On the motion, Legislator Postal.

LEG. POSTAL:
My question, Charlie, and I thought I had heard that you came before one of the committees.

MR. GARDNER:
Two.

LEG. POSTAL:
Two of the committees in order to explain what this person would do and why it was necessary to create and fill this position and I was not on either of those committees, so if you could tell me what the

reasons are.

MR. GARDNER:

The resolution is a result of a desk audit which was performed by Civil Service and it recommends that a -- Bruce {Dragonette}, by the way, who has worked for Consumer Affairs for approximately 14 years -- that a new position be created within the department as an Assistant Director. Now, I need to stress that the new position does not mean that there will be an addition to the staff because the position that Bruce is leaving is being abolished -- if, I should say, this were to be passed, that position would be abolished, so there would be no addition to the staff. And in effect, when the Legislature redesigned, so to speak, the office of at that time Citizen Affairs, now Consumer Affairs, they created -- there are four bureaus within the department created by the Charter; the Bureau of Administration, Weights and Measures, Complaints and Licensing. The person who was head of licensing prior to Bruce was, in effect, also the head of Bureau of Administration, we did not have four people; she, in effect, wore two hats. When she left, Bruce was promoted by me to the Grade 27 position heading the Bureau of Administration. And to make a long story short, in effect, he is the --

LEG. POSTAL:

He's doing the work.

MR. GARDNER:

Acting as the Deputy Director, which the person prior to him also was. He requested the desk audit, Civil Service agreed, they recommended that a new position be created which would be the Assistant Director of Consumer Affairs. He would, in effect, also be -- he would still be the head of the Bureau of Administration, understand, we're not going to add anybody else to this. So one job is being abolished, one position is being abolished, one position is being added, net effect on the staff is zero. And on an annual basis, the salary difference, because of who would be ultimately replaced down at the bottom, is \$30,000 less in salary.

P.O. TONNA:

You're all right with that?

LEG. POSTAL:

Yes.

P.O. TONNA:

All right. There's a motion to approve by Legislator Postal, seconded by Legislator Alden. All in favor? Opposed? Approved.

MR. BARTON:

15, two not present (Not Present: Legislators Foley & Caracappa).

P.O. TONNA:

All right, we're going to move to -- and I'd ask somebody, maybe

somebody on my staff can direct me as to the other vacant -- or the things we didn't vote on, but I think 1069, am I right?

1069 - (Imposing reverter clause on non-Brookhaven Town PILOT payments pending appeal of Gowan decision (Haley). Legislator Haley, do you have a motion at this time? This is page 13.

LEG. HALEY:

Last page. I make a motion to approve.

P.O. TONNA:

Okay, I'll second it for the purposes of discussion first.

LEG. HALEY:

It's pretty simple. One of the things that we did with the LIPA settlement is that the Town of Brookhaven agreed to forego their PILOT payments and those payments which amount to nearly \$9 million go to the other nine towns. To date, as you know, some -- there's some legislation to start spending those monies for the benefits of affordable housing, so on and so forth. The one thing that's missing in the original LIPA agreement which should have been placed -- should have been actually placed in there by the Town of Brookhaven was a reverter clause, that is if the entire LIPA settlement goes by the wayside, then we don't forego our \$8 million in PILOT payments, we want that back. All this does is add that reverter clause, so at the end of the -- it doesn't effect the ongoing expenditures of money for affordable housing, it just says that later on should the Gowan decision prevail then we as a County need to give Brookhaven back those monies that were expended.

P.O. TONNA:

I think that's a -- being from Huntington, I think that's a reasonable expectation. And as long as it doesn't hurt the efforts with regard --

LEG. HALEY:

It doesn't.

P.O. TONNA:

-- to our affordable housing program.

LEG. HALEY:

It only regards to get Gowan prevailing in the end and then it just reverts back to --

P.O. TONNA:

Budget Review, does the money -- have we received any money from Brookhaven yet with regard to the PILOT payments, do we have all that money already?

LEG. HALEY:
We're spending it, right?

P.O. TONNA:
Well, I hope -- I just want to make sure we're receiving it; you never know with Brookhaven, you have to watch that. Are we -- do we have the

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money?

MS. VIZZINI:
It's my understanding yes.

P.O. TONNA:
So there's a percentage of the money that went to the Tax Stabilization Fund, the other money went to --

LEG. BISHOP:
Who are you speaking to?

P.O. TONNA:
Budget Review. They're looking at each other and they're saying, "Who's going to answer this one?" We know we got you. All right.

MR. DUFFY:
The money had been received and part of it went to tax stabilization.

P.O. TONNA:
Right, just as the resolution --

LEG. BISHOP:
Mr. Chairman?

P.O. TONNA:
Okay. Yes?

LEG. BISHOP:
Legislator Haley's resolution is infinitely reasonable, but the analysis that we're putting on it is absurd.

P.O. TONNA:
Right.

LEG. BISHOP:
Because if you pay back Brookhaven \$8 million it of course affects the affordable housing initiative unless you're willing to say that last year's vote in the affordable housing initiative was to use the PILOT money, or if that doesn't come through to borrow \$8 million or raise

taxes \$8 million worth which would be a very significant undertaking.

LEG. HALEY:

It doesn't relate to how you've spent those PILOT monies, it simply says that those monies have to be paid back to Brookhaven.

P.O. TONNA:

I mean, in fairness, they should.

LEG. BISHOP:

Yeah, no, I agree.

P.O. TONNA:

Right.

LEG. BISHOP:

But the point is you can't say it's not going to effect affordable

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housing because we didn't --

LEG. HALEY:

No, what I am saying is it's not affecting --

P.O. TONNA:

It's not hurting us right now because it's basically a reverts clause.

LEG. HALEY:

Right, that's all it is.

LEG. BINDER:

Mr. Chairman?

P.O. TONNA:

Yes.

LEG. BISHOP:

I don't know what that means. It's got to come from somewhere.

LEG. BINDER:

Here's the point that Legislator Bishop was I think making, and not that I want to jump in and help Legislator Bishop particularly. The point is that last year's program becomes a County funded program in the event this reversion happens. And when the program was voted on it was voted on as, quote, extra money that came from somewhere else. It didn't come from County tax, it didn't come from County bonding, it didn't come from County Operating Budget to pay for this particular program. So when we all voted on it, we voted on it with the expectation that it was money from a specific place, PILOT money,

didn't come from the County. If in the event we have to pay this back, we end up having to pay it back -- if we spent the eight million in affordable housing then we're paying back the eight million, after having spent it it becomes County funds, it becomes in a sense a new program. And that's what I think Legislator Bishop is saying, it becomes -- we've changed the character of the program in the event the reverts happens. My understanding was originally this bill was to put the money in escrow or something until we knew what happened.

LEG. HALEY:

Yeah, but I didn't want to hold up any programs.

LEG. BINDER:

Well, but here's the problem with that. And I guess I didn't understand, when we had discussed the bill I thought it was still something that goes into escrow. When it's in escrow, until we know the outcome, that's understandable because then the money is in reserve, we hold it, and in the event that the Gowan decision goes against us then the money goes back to you and then we can decide whether to make affordable housing a County funded program.

We already have a \$20 million program from the County Executive on affordable housing. Now we made a decision, that was a policy statement and we went forward with that, fine. When we made the second decision, which I wasn't a part of because of certain reasons, but still this Legislature made a decision to go forward with an \$8 million additional program for affordable housing, it was based on

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that program not being operated from the County, it was based on that program being funds from PILOT program, from Brookhaven, it wasn't our money in that sense. Now, in the event -- now the risk becomes, you have to understand what you're then voting for, the risk becomes if the reversion has to happen, this affordable housing program is no longer under the same characteristics as we voted last year, then your vote from last year changes because it becomes a County funded either operated or borrowed or tax generated. So you have to understand what's happening here when you vote for the -- I thought it was still escrow and that was the big difference.

P.O. TONNA:

Okay.

LEG. HALEY:

No. You know, obviously that's the fairest way to do it --

LEG. BINDER:

Right.

LEG. HALEY:

-- from a policy perspective, but then that's going to effect existing programs. Down the line, whether it's five, ten years from now, if the whole thing falls through, the County is going to have to come up with the revenues to pay those monies back.

LEG. BINDER:

Right.

LEG. HALEY:

However they do it is another question.

LEG. BINDER:

But if you'll yield, it's not just a question of fairness. It's a question of changing the character of the program that was voted on. You have to understand, when this Legislature voted on it --

LEG. HALEY:

I understand.

LEG. BINDER:

-- the characteristic was one way, by doing this -- no, no, I just want to make clear what the policy change is. If you vote for this, in essence, you could be voting for a change that changes it from a PILOT funded program to a County either tax, borrowed or some kind of County operating budget --

LEG. HALEY:

Correct. What could happen down here is taken --

LEG. BINDER:

-- generated program.

LEG. HALEY:

You're taking what was one-shot revenues and later on maybe having to

pay those back, that's all it really does and that's only if as and when that falls apart.

P.O. TONNA:

Okay.

LEG. GULDI:

On the motion.

P.O. TONNA:

On the motion -- wait, Legislator Alden, then Legislator Guldi. My left ear is working now.

LEG. ALDEN:

Good, thank you. Marty, originally when we had spoken about this I supported your idea of freezing, you know, the expenditure side of this. What this does, too, aside from what Legislator Binder points out and Legislator Bishop pointed out, it actually makes a legal analysis that Brookhaven is entitled to just a complete refund from the County of this \$8 million where, in fact, they might not be able to actually recover all that \$8 million. As you pointed out, maybe the reverts clause should have been in the original agreement, it's not in the original agreement. Also, we do not know all the ramifications of the Gowan decision and how it might be either changed on appeal or negotiated out. So I don't support this. I would support a freezing of that money, the expenditure side of the money, but this is -- this you're making a legal argument that Brookhaven is entitled to that refund just on the Gowan decision alone and I really can't go along with that.

LEG. FOLEY:

No.

P.O. TONNA:

Legislator Guldi.

LEG. GULDI:

Yeah, a question for the sponsor, and that is why can't -- I understand the objectives of the bill. Why can't we wait to see what the Appellate Division does and revisit this issue at and when we know what the parameters of the Gowan decision as it's sustained or modified on appeal and visit the issue at that time rather than essentially deal with a hypothetical and, you know, if A then B when we don't know that A is going to happen; why can't we wait?

LEG. HALEY:

Well, primarily because this particular language should have been in the original --

P.O. TONNA:

Is that the Town Attorney, Brookhaven Town Attorney?

LEG. HALEY:

I don't know if there was an actual memorializing -- I don't know to what extent they memorialized an agreement, but this should have been part of that original agreement that provides a method by which those

monies will come back.

P.O. TONNA:

You know, Legislator Guldi -- well, whatever. I'm not prepared to put money into escrow and stop the affordable housing initiatives when this island is critically in need of affordable housing. Secondly, though, I can understand the internal logic what Legislator Haley is saying which is, you know, we're agreeing -- I would say that either way, up or down, it's still a hypothetical and we'll probably have to deal with whatever it is, whether we have to give them \$8 million back, whether there is a reverts clause or there isn't, you know. If the Gowan decision -- whatever happens, we're going to have to deal with the Gowan decision anyway, so.

LEG. GULDI:

Yeah. But why can't we wait until we know what it is we're dealing with? And that's really what my question is, especially since the bill doesn't contemplate any action today but sets policy, essentially in a vacuum, without telling us what the -- without giving us the benefit of knowing what the decision and the result on appeal is going to be. Since we're not writing a check today --

P.O. TONNA:

Right.

LEG. GULDI:

-- why not wait? And I still don't see an answer to that, other than the criticism that they blew the agreement in the first place, but I have the enviable position of having voted against the whole thing at that instance.

P.O. TONNA:

Right. Legislator Fisher then Postal.

LEG. FISHER:

Just a question. Budget Review, how much of the \$20 million that's earmarked for affordable housing has been used?

P.O. TONNA:

None yet I don't think.

MR. DUFFY:

I'm not certain but I believe that it hasn't started yet, that they haven't spent anything.

LEG. FISHER:

Nothing has been spent. And we're talking about an additional eight million that's coming from a source which is being debated.

P.O. TONNA:

But you know what it is, Legislator Fisher? Just from -- that eight million is apportioned to different towns outside of Brookhaven. And I know that there are different towns, like the Town of Huntington, that is making plans on how to utilize that money. So, you know, in a certain sense, even though it hasn't been expended yet, there are people who --

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LEG. FISHER:

But there is 20 million that we have allocated for affordable housing, could that be tapped into?

P.O. TONNA:

I think that basically as long as the -- the way that it's working, the program is working is yes, but as long as the eight million is allocated by percent -- or by dollar amount to each of the towns when they request it, but yes. But I think right now they're starting with the 20 million.

LEG. POSTAL:

First, I would ask if we have any idea how long this appeal process could take; if I could ask our Counsel, through the Chair?

MR. SABATINO:

When we had the executive session on this at the end of last year, the County Attorney's Office said that they would not be fast-tracking or expediting the deal. So we were told at that time that we were looking at some time in May or June of a year from now.

LEG. POSTAL:

Two thousand and two.

MR. SABATINO:

So it would be May or June of 2002.

LEG. POSTAL:

Okay. So I guess what it comes down to is whether you're willing to invest County dollars in affordable housing because we have some serious problems. Obviously, the real estate market has been booming, doing very well, at the same time, that's causing an increase in homelessness. So it's almost as if in these good times we need affordable housing more than we ever do. I voted against this resolution because I had some reservations about it and there is some fine tuning going on. But I can tell you that the Town of Babylon in which I live is actually putting together a plan to begin establishing an affordable housing program which is imminent. So that I would imagine over the next couple of months the Town of Babylon Affordable Housing Program is not only going to be reality, it's not only going to be under way to provide affordable housing to income eligible families, but it's going to be a rehabilitating deteriorating County-owned housing stock.

So that I guess what I'm saying is we passed a comprehensive

affordable housing bill last year, too, there were sort of two parts to our Affordable Housing Program. I think we made a policy commitment to affordable housing at the time we passed that comprehensive affordable housing bill to, number one, transfer properties for affordable housing for \$10 each, that was a commitment, a financial commitment on our part to pursuing a policy of affordable housing. We also created a fund that could be tapped into to develop property for affordable housing. So that if we believe in the policy that we adopted, I believe it's not inconsistent to do two things, to approve this resolution with the understanding that we're still making

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a commitment to affordable housing. If the results of the appeal are such that we have the PILOT monies to go ahead with supporting affordable housing from a revenue standpoint with the towns, great; if not, then I believe we made a commitment to support affordable housing from our own budget.

P.O. TONNA:
Roll call.

(*Roll Called by Mr. Barton*)

LEG. HALEY:
Yes.

P.O. TONNA:
Yep.

LEG. COOPER:
Pass.

LEG. BINDER:
Pass.

LEG. BISHOP:
This is on up or down?

LEG. CARPENTER:
Yes.

LEG. BISHOP:
Motion to table.

LEG. CARPENTER:
Second.

P.O. TONNA:

Roll call.

(*Roll Called by Mr. Barton*)

LEG. BISHOP:

Yes.

LEG. CARPENTER:

Yes.

LEG. COOPER:

Yes.

LEG. BINDER:

Yes.

LEG. D'ANDRE:

Pass.

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LEG. CRECCA:

Pass.

LEG. ALDEN:

Yes to table.

LEG. FIELDS:

Yes.

LEG. FOLEY:

Yes.

LEG. HALEY:

No.

LEG. FISHER:

No.

LEG. CARACAPPA:

(Not Present)

LEG. TOWLE:

No.

LEG. GULDI:

Yes.

LEG. CARACCILO:
No.

LEG. POSTAL:
Yes.

P.O. TONNA:
No.

LEG. D'ANDRE:
Yes.

LEG. CRECCA:
No.

MR. BARTON:
10, tabled (Not Present: Leg. Caracappa).

P.O. TONNA:
Okay. Let's go on to the next -- there's a Procedural Motion, I think that's next in order, right?

LEG. FISHER:
Yes.

P.O. TONNA:
Oh, 1061? What did we have, what other things, before we go to the Procedural Motion.

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LEG. FISHER:
Gordian Raacke is here.

P.O. TONNA:
I know, but I just want to get -- there's some others. Yeah.

LEG. FISHER:
Page ten, Isles.

P.O. TONNA:
1101 - (To extend deadline for implementing RFP Committee process for analysis of Brownfield properties in Suffolk County). There's a motion by Legislator Fields, seconded by Legislator Bishop. Okay. All in favor? Opposed? Okay, that's --

LEG. TOWLE:

Abstention.

MR. BARTON:
There's an abstention.

P.O. TONNA:
One abstention, Legislator Towle? Okay.

MR. BARTON:
15, one abstention, one not present (Not Present: Leg. Caracappa).

P.O. TONNA:
Great.

MR. BARTON:
Mr. Isles is approved.

P.O. TONNA:
1026? Where are we, 1026?

MR. BARTON:
1026 is the detention center.

P.O. TONNA:
Page ten. Okay, 1026 - (Amending the 2001 Capital Program and Budget and appropriating planning funds for the construction of a children's shelter, Yaphank (CP 3012.110) (Caracciolo).

LEG. TOWLE:
Motion to table.

P.O. TONNA:
1026, there is a motion to --

LEG. CARACCIOLO:
Approve.

P.O. TONNA:
-- table?

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LEG. TOWLE:
Yeah.

P.O. TONNA:
Legislator Towle. Is there a second?

LEG. CRECCA:

I'll second the motion to approve.

P.O. TONNA:

Wait, wait, wait. Okay, is there a second for the motion to table?

LEG. CARACCIOLO:

Well, Mr. Chairman, we had requested and I'm told we do have a representative here from Probation, Ann Martin.

LEG. CRECCA:

She spoke already.

P.O. TONNA:

She spoke.

LEG. CRECCA:

She spoke already earlier, on this bill.

LEG. CARACCIOLO:

I apologize. I was out at a meeting with Budget Review on this year's budget, so I apologize.

P.O. TONNA:

Okay. So there is a motion by Legislator Towle to table. Is there a second?

LEG. TOWLE:

Yeah. Mr. Chairman, I made it for --

P.O. TONNA:

Wait. I need a second.

LEG. FOLEY:

Second for the purposes of discussion.

P.O. TONNA:

Second by Legislator Foley.

LEG. TOWLE:

I just want to explain to you why I said April, because the motion to table this morning had failed so it's my understanding that I could not do it to the next meeting.

P.O. TONNA:

Fine. So there's a motion and a second to table. There's a motion to approve by Legislator Caracciolo and a second by Legislator Crecca to approve. Roll call on the tabling motion.

(*Roll Called by Mr. Barton*)

LEG. TOWLE:

Yes.

MR. BARTON:

Legislator Haley? Oh, Legislator Foley, I apologize.

LEG. FOLEY:

Yes.

LEG. COOPER:

Yes.

LEG. BINDER:

Yes.

LEG. BISHOP:

Yes.

LEG. D'ANDRE:

Pass.

LEG. CRECCA:

No to table.

LEG. CARPENTER:

Pass.

LEG. ALDEN:

No to table.

LEG. FIELDS:

No.

LEG. HALEY:

No.

LEG. HALEY:

Yeah, table, I'm sorry.

LEG. FISHER:

No, table; April is too far.

LEG. GULDI:

No.

LEG. CARACCILO:

No.

LEG. POSTAL:

No.

P.O. TONNA:

No.

LEG. D'ANDRE:

No.

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LEG. CARPENTER:

No.

MR. BARTON:

Seven.

P.O. TONNA:

Motion to approve by Legislator Caracciolo, second by Legislator Crecca. Roll call.

(*Roll Called by Mr. Barton*)

LEG. CARACCIOLO:

Yes.

LEG. CRECCA:

Yes.

LEG. COOPER:

Yes.

LEG. BINDER:

Pass.

LEG. BISHOP:

Yes.

LEG. D'ANDRE:

Yes.

LEG. CARPENTER:

Yes.

LEG. ALDEN:

Yes.

LEG. FIELDS:

Yes.

LEG. FOLEY:

Yes.

LEG. HALEY:
Pass.

LEG. FISHER:
Pass.

LEG. CARACAPPA:
(Not Present)

LEG. TOWLE:
No.

LEG. GULDI:
Pass.

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LEG. POSTAL:
Yes.

P.O. TONNA:
Yes.

LEG. BINDER:
No.

LEG. HALEY:
Yes.

LEG. FISHER:
Yes.

LEG. GULDI:
Yes.

P.O. TONNA:
Okay.

MR. BARTON:
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P.O. TONNA:
Great. Let's go to -- I think we have Procedural Motion 3; do we have something before that?

LEG. CARPENTER:
The bond.

P.O. TONNA:

Oh, same motion, same second, same vote. Thank you. Okay, we're on Procedural Motion No. 3?

LEG. CRECCA:

1043, was that done already?

MR. BARTON:

Yes.

LEG. CRECCA:

Never mind, we did that. I apologize.

P.O. TONNA:

It's okay, I accept your apology. I have no idea what you were talking about, but that's okay.

MR. BARTON:

I have a motion and a second.

P.O. TONNA:

Okay. Motion and a second on Procedural Motion 3. On the motion?

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LEG. HALEY:

On the motion.

LEG. BISHOP:

We asked for Mr. Raacke.

P.O. TONNA:

Yes, Mr. Raacke is here.

LEG. CARPENTER:

Also, I'd like to ask Fred Pollert, if he's in the building.

P.O. TONNA:

Is Fred Pollert in the building? Yeah, let's get Freddy here. Okay, on the motion. Legislator Carpenter, did you -- Legislator Haley has some things to say, so we'll start with Marty.

LEG. CARPENTER:

Go right ahead.

LEG. HALEY:

Okay, it's somewhat related. There's a member of us out of committee

that sponsored a resolution that called for some better representation on the Suffolk County side of the equation on the LIPA Board. Right now the numbers appear equal, but what happens is that the Chairman is from Nassau, the Chairman of the Finance Committee is from Nassau, the Chairman of the Personnel Committee is from Nassau. So we've -- in a resolution we've asked -- in a sense, we've asked for some balance in that regard. We've also asked that Nassau pick up a fair share of the costs but it says Citizens Advisory Panel. That's all I have to say, just in reference to this. And I am supporting this retention of the Citizens Advisory Panel because, basically, it's going to be less expensive than -- he needs a whole lot more, he's got things cut down to the bone and it's probably the only entity that's really providing any oversight whatsoever.

P.O. TONNA:
Okay.

LEG. HALEY:
As a matter of fact, I'll ask that in the form of a question; is that correct?

P.O. TONNA:
No, you don't --you can do anything you want, Marty.

LEG. HALEY:
Is that correct?

MR. RAACKE:
Yeah, we are --

P.O. TONNA:
You don't have to do that.

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LEG. BISHOP:
How is this relevant to the motion before us?

LEG. FISHER:
Is there a list, Mr. Chair?

P.O. TONNA:
Yes, there is. Legislator Carpenter, then Fisher then -- there was one other, Alden.

LEG. CARPENTER:
I will just begin, I'm glad that Fred is here. On this particular

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resolution, I heard figures mentioned of 300,000 this morning, you had said you were requesting, then I understand that the resolution is for two or 250, so I'm not quite sure what figure we're talking about. Secondly, I don't have the backup here, I don't know, did we submit backup that shows a budget of what, you know, this represents over the course of a year?

MR. RAACKE:

We had submitted late last year a request for \$300,000 for appropriation for 2001 and with that we had submitted a breakdown of our budget as to how we would spend that money.

LEG. CARPENTER:

Can you -- do you have a copy of the budget with you?

MR. RAACKE:

I don't have it with me. Budget Review may have a copy, it also went to the Presiding Officer and to the Energy Committee Chair.

LEG. CARPENTER:

Budget Review, Fred, do you have a copy of the budget?

MR. POLLERT:

Right now we're looking for it.

LEG. CARPENTER:

Okay. While they're looking for it, maybe perhaps since you put the budget together, Gordan, you can speak to some of the -- Gordian? Some of the numbers. In this budget I would presume there's a salary for your services?

MR. RAACKE:

Correct.

LEG. CARPENTER:

And what is that salary?

MR. RAACKE:

My salary is \$65,000 per year.

LEG. CARPENTER:

Sixty-five thousand dollars per year; does that include any benefits or any reimbursement for travel or anything like that?

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MR. RAACKE:

No, that's just plain salary, there's benefits on top of that and travel expenses.

LEG. CARPENTER:

Okay, so salary plus benefits and travel expenses, so 65 is your base salary. So you get 65,000 off the top of this \$300,000, plus --

LEG. CRECCA:

Two hundred.

LEG. CARPENTER:

Well, he had said 300,000 earlier today, so we haven't quite determined yet what the figure is.

LEG. FISHER:

The second RESOLVED says 200.

LEG. CARPENTER:

Okay. All right, so the resolution says 200, you're asking for 300.

MR. RAACKE:

Correct.

LEG. CARPENTER:

Your salary then is 65,000 plus benefits plus travel expenses. And then are you reimbursed for any other kinds of services?

MR. RAACKE:

No.

LEG. CARPENTER:

No. Budget Review, have you found the budget yet?

MR. POLLERT:

No, we haven't found it yet. Generally how we reimburse them is on a flat rate of \$150 per hour that he works on projects, that had been approved by the Legislature.

LEG. CARPENTER:

Okay. So you have an hourly fee of \$150 an hour on top of the 65,000?

MR. RAACKE:

No, no. The reimbursement rate from the County is based on billing we submit to the County Legislature and each hour of billing that I generate is billed at \$150 an hour. That's not --

LEG. CARPENTER:

Plus your travel and your benefits?

MR. RAACKE:

No. Well, plus mileage expenses for travel, yes.

LEG. CRECCA:
And benefits.

LEG. CARPENTER:
And benefits?

MR. RAACKE:
No, no benefits. But to make that clear, of course that's not my salary, this is not what I'm getting, I'm not making \$150 an hour as an employee, as an employee I'm being paid \$65,000 a year, I get a flat salary.

LEG. BISHOP:
To draw down from he gets paid 65,000 flat.

P.O. TONNA:
Wait, wait, that doesn't --

LEG. CARPENTER:
But if we are the only funding source then we, in fact, are paying him a 150,000 -- I mean \$150 an hour to a cap of 65,000 plus benefits; is that -- am I misunderstanding it?

MR. POLLERT:
No.

P.O. TONNA:
Tell us how this works, Fred.

MR. POLLERT:
His direct salary might be \$65,000, however when he works for the County he charges out at a rate of \$150 per hour. We will pay him for his charges up to whatever cap the Legislature authorizes; so if you authorize \$200,000, we will authorize payments up to \$200,000 based upon an hourly chargeback rate to us of \$150 an hour.

P.O. TONNA:
So in other words, it's not the County who's getting a bill for \$65,000 for the salary and then in addition 150,000. It's basically he set his salary from his private -- whatever, the board or whatever else, and when he works specifically on things that are Suffolk County relevant he charges us a billing rate of \$150 an hour.

MR. POLLERT:
That's correct.
LEG. CARPENTER:
Now --

MR. RAACKE:

That is not in addition to my salary.

LEG. CARPENTER:

Okay. So Gordian, you said that it's your -- what you submit to the Legislature -- to the County for payment is approved by the Legislature.

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MR. RAACKE:

Correct.

LEG. CARPENTER:

Okay. So what committee of the Legislature approves these payments?

LEG. FISHER:

Energy.

P.O. TONNA:

Fred, did you hear the question?

LEG. CARPENTER:

What committee of the Legislature approves these payments?

P.O. TONNA:

I don't think it's a committee.

MR. POLLERT:

The Chairman of the Energy & Environment Committee last year was sending us memoranda authorizing a group to work on specific projects at Legislative request. So it was my understanding that Legislators would see the Chairman of the committee and request this group to work on specific projects, they were then authorized, we received a carbon of the letter and we reviewed the bills to make sure that they were consistent with work authorized by the Chairman of the committee.

LEG. CARPENTER:

Okay, so last year was our first year of experience with this. The kinds of things that were submitted to us for reimbursement, do we unilaterally reimburse them or is there a -- were half of them reimbursed, was everything reimbursed, ten percent of it; what was the breakdown of what we reimbursed over what was submitted to us for payment?

MR. POLLERT:

What was billed out to us was \$180,000, what was finally approved was \$140,000; we disapproved approximately \$40,000. I will say that the

level of disapprovals, because we picked it up halfway during the year, they had their own source of funding prior to that. There was some stored up problems with respect to what they expected to be reimbursed for, we have resolved most of those problems. The disallowances were rather significant at the beginning of the

contract, the amount of the disallowances have decreased significantly over time but we're continuing to have some disallowances as we review their bills.

LEG. CARPENTER:

Well, when you said it decreased significantly, what was the rate of disallowance in the beginning that we've decreased from?

MR. POLLERT:

Probably the first one or two bills we were probably disallowing somewhere between a quarter to 30% of the bills. And then we had one

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or two meetings with Gordian, we had one or two meetings with his support staff, Kevin Duffy, who actually reviewed the bills, went out to visit with them once or twice and that seems to have resolved the problems with the billings.

LEG. CARPENTER:

So in addition to the time -- to the monies that we're committing, can you give me a ballpark on how many hours are expended in oversight in the approval process here and whatever else the budget review office has to do here with, you know, getting the original requests and copying them and submitting them and ultimately approving everything? Because it seems to me there's another cost associated with all of this, it's not all that simple.

MR. POLLERT:

Just talking with Kevin, he spends approximately two days per month with doing the reviews and doing the bills and doing the monitoring and doing reports to the Budget Review Office Steering Committee or to the Chairman of Energy & Environment.

LEG. CARPENTER:

So two times -- it's 24 days a year.

MR. POLLERT:

Right.

LEG. CARPENTER:

And whatever cost that's associated with. I think there needs to be a

more precise procedure in how the original request for service is initiated. To just -- with all due respect to the Chairman of the Energy & Environment Committee, I know if I were chairing that committee, I don't know if I would want to unilaterally have that responsibility of, you know, authorizing it. Because a Legislator may think a particular thing is important to he or she that we go ahead and authorize Gordian to engage in activity that we are going to be reimbursed for, or to if it's to represent us in a policy, that might not be something that we as a Legislative body in a majority might be supportive of. I don't think that that is as appropriate as maybe it should be and perhaps the better thing to do here would be to table this right now and sit down and see if we can come up with some parameters for doing this in a more business like fashion.

P.O. TONNA:

Before I -- after myself is Legislator Fisher and then Bishop.

Gordian, one of the concerns that I have --

LEG. BISHOP:

I'm on the list?

P.O. TONNA:

No, but you are now. One of the concerns that I have is and after listening to some anecdotal stuff about some of the bills submitted, you know, I feel a little ambivalent. On one hand I think the work that you do and the oversight that you provide is absolutely essential. Like Legislator Haley, said this is an essential part, we need a watchdog for LIPA, especially after we heard about their, you know, newest rate increases and different things that they're talking

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about, bout, and we need somebody out there. But we also have fiduciary responsibilities. One of the concerns that I have is that I've heard that there were bills submitted, for example like op-ed pieces, that there was a \$3,000 bill submitted by your organization for the writing of an op-ed piece. And that is a concern of mine because basically what we're doing is we're trying to provide funding for the good work that you're doing and yet at the same time we open ourselves up, the committee chairperson, whoever has to approve those bills or whatever else, opens up to huge vulnerability. Now, I understand that that bill was rejected, right, Fred?

MR. POLLERT:

Yes, we had disallowed that bill.

P.O. TONNA:

Right. But the concern is that, you know, there's a governmental function that's taking place and from our standpoint, we're out there Nassau County is not providing any funding, right? We're the only

organization basically providing the funding, is that true?

MR. RAACKE:

Yes, the only -- we used to have funding from federal court settlement.

P.O. TONNA:

Right. But that stopped, right?

MR. RAACKE:

That has terminated now. The only other source of funding I just disclose at the moment is a \$50,000 grant from the Department of Energy to run a specific program on solar energy.

P.O. TONNA:

Okay.

MR. RAACKE:

That's being run separately, of course.

P.O. TONNA:

Great. But can you understand how from a governmental and a political standpoint, that that opens up a huge chasm and a huge potential embarrassment for the possibility of a chairman of a committee who has to approve costs or for Budget Review or for a Legislative body who's been out there on the forefront of saying that we want to support you; can you see how that could be a politically volatile situation?

MR. RAACKE:

Absolutely.

P.O. TONNA:

Okay. I would just ask that, you know, we'll deal with the merits of how much funding and everything, but you need to be very sensitive to that with regard to us. Now, we were able to see that, we were able to whatever else. But I think that something like that also undercuts the work that you're doing, because it's much easier to say, "Ah, you see, this is really what it's about, billable hours," similar to some of the disparaging things that you hear about some of our outside

counsels that some people might say; you know, it's all about billable hours, it isn't about the quality of work or it isn't about the importance of the issue. It's just something that you should be very, very aware of, that those type of things really do cause problems for us. Okay. Legislator Fisher?

LEG. FISHER:

I'd like to reiterate Legislator Haley's comment and reinforce as to

how valuable the service is that is done by this group that provides the position of watchdog at a time when LIPA is making threats with regards to Suffolk County and initiating purchasing of more power plants. And it's a very volatile time and certainly it's a very important time to have the good work done by Gordian Raacke and his group. As far as the issues that were just raised, it's clear that there is good oversight when there was a -- when there were billable hours that were not deemed to be appropriate it was caught by the system, it went through the Legislator who had --

LEG. CARPENTER:
No, it didn't.

LEG. FISHER:
The Energy Chair, did you ever see that billable, the op-ed piece? Well, apparently it was caught then in Budget Review, it was disallowed.

LEG. GULDI:
I didn't see the op-ed piece. Frankly, as Energy & Environment Chair last year, I decided that the Budget Review people were much more capable of reviewing the detail of the billing and would be much more meticulous than I would and I deferred to them to perform that function.

LEG. FISHER:
And clearly they performed it admirably. And I submitted a request for work to be done by Gordian Raacke and I submitted it to the Energy Chair who then passed it along to Budget Review. This morning there was a comment made with regard to a accountability and information passed along to the Legislature by Mr. Raacke and this OCitizens Advisory Panel has been very forthcoming in information. I have reached out and called Gordian when I wanted information, when I needed references with regard to setting up an energy committee, these are professional level inquiries. And I believe that all of us here are responsible professionals, that if any one of us makes a request then it's passed along to the Energy Chair, it's passed along to Budget Review; it seems to me that that's a three step process. And how much more burdensome are you going to make a process? There's clear oversight, the job that's being done is a very important job. I don't think that we should in any way hamper the work that's being done or delay it. It's very timely, we need the work that's being done by the Citizens Advisory Panel. I would like to be a cosponsor of this Procedural Motion.

D.P.O. POSTAL:
Legislator Alden.

LEG. BISHOP:
I'm not next?

LEG. POSTAL:
Legislator Alden is next.

LEG. ALDEN:
I have a question of Counsel. Paul, in this resolution or Procedural Motion, motion what is the mechanism now for submission of actually request for projects and in submission of bills to us?

[RETURN OF STENOGRAPHER-LUCIA BRAATEN]

MR. SABATINO:
The way it's going to work is going to be the same as last year. What will happen is if this resolution is adopted, there'll be a contract that will be signed for Fiscal Year 2001. The fiscal -- I'm sorry. The contract outlines what the areas of the services are to be rendered, the primary one being the implementation of the local law that was approved by public referendum. And what it does is it sets up the -- in this case, it will be the Energy and Economic Development Committee as the supervising entity. There's a requirement for like quarterly reporting. The committee itself is to at least have that first initial meeting to kind of set the outline and the parameters of what projects are to be undertaken during the course of the year. That process was started last year and then it evolved into a situation in which it was delegated to the Chairman to kind of process requests that came from Legislators outside of that committee. With regard -- this year's committee may work a little bit differently, I'm not really sure. I had spoken to the Chairman. I think it might be slightly different. But the idea is that there's a committee that's delegated the responsibility of giving direction, giving outline, you know, giving some type of scope to it.

With regard to the billing, the way the billing works is the billing is submitted based on hourly fees for the -- there's like three titles set forth in the contract. I think one's a paralegal, one's an analyst, and one is Executive Director. It goes first to Budget Review. Budget Review, when they have questions, brings it down to my office. I review it to see if fits within the scope of the contract. For example, the issue that came up before was something Budget Review brought down to me early in the year. We assessed it, we realized it was something that was outside the scope of the contract. Budget Review then contacts the contract agency and the item is not paid. I mean, that's -- by the way, it's not a practice that's unique to just this one contract agency, that's the way we do all of our things in the Legislature. And, quite frankly, we have a much higher level of scrutiny than anybody else in the County does. I mean, I saw million dollar bills getting paid in other situations where, when we took over the responsibility for managing those contracts on Shoreham and LIPA, the whole process was totally, completely different.

So that's how it comes down to the actual payments, and we make sure

that any expenditures fall within whatever the appropriations are for the year. And we've been, you know, quite effective I think in

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managing the contracts in the past.

LEG. ALDEN:

Okay. So once the -- once this resolution is approved, then further expenditure resolutions would not be appropriated, it would just automatically the money would be approved?

MR. SABATINO:

Well, only up to 200,000. Just to clarify, I said earlier this morning, you know, when we sat down at the beginning of the year to put the budget together for the upcoming year, we had contemplated, not for any one entity, but just in general, we had contemplated maybe \$250,000, depending on what circumstances were. This particular resolution is for \$200,000 for a couple of reasons. One, we think it's consistent with our internal calibrations of what's going to be taking place out there. But, secondly, with budget constraints, there's also the possibility that you might want to go in the direction. We were holding back, you know, \$50,000, so you could theoretically vote later in the year on another \$50,000, you know, for some other direction or to supplement this contract. But right now, if this is approved, the maximum that could be spent during the course of the year would be \$200,000.

LEG. ALDEN:

And then any special projects would be -- those requests from Legislators would go to the Chairman?

MR. SABATINO:

It would go to the -- what I envision happening is what happened last year, which is there'll be an initial meeting of the Energy and Economic Development Committee to try to set some outline, to try to set some parameters for the big projects that are going to take place in the course of the year. Consumer complaints that come in under the local law are automatically -- just so you understand, consumer complaints that come in under the local law that was approved by public referendum automatically go to this entity to be responded to. Those don't go the circuitous route of going to the committee and then back to the CAP, because that's by law, we have to respond; okay?

But with regard to projects, you know, things that happen -- for example, last year there was a request to study the Kings Park Power Project, the situation in Brentwood. There were two or three requests for that. There was a project out on the East End. Those are what I consider to be special projects, which are things that would get

routed through the committee process.

D.P.O. POSTAL:
Legislator Cooper.

LEG. COOPER:
Gordian, could you just clarify for us the approximate percent of the consulting time that you spend right now on work related to CAP as opposed to the consultant work that you do?

MR. RAACKE:
You're asking about the time that I spend on work for the County

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Legislature?

LEG. COOPER:
Correct.

MR. RAACKE:
It's a hundred percent of the time.

LEG. HALEY:
It's what?

D.P.O. POSTAL:
I'm sorry, we can't hear you.

MR. RAACKE:
It's a -- I'm sorry. The time that I spend working for the Suffolk County Legislature is a hundred percent of my time, pretty much.

LEG. COOPER:
And the other employees of CAP is the same?

MR. RAACKE:
Same. Same thing. There is -- the only exception is I am supervising the program administrator for the DOE Program. So when I say a hundred percent, that's not quite correct. I should say, you know, maybe two hours in a month I would spend on supervising the DOE Program. But that's a minuscule amount of time compared to the rest of the time. I end up usually working a lot more than 40 hours a week.

LEG. COOPER:
I have a question for Budget Review. Does it -- is there any advantage to the County in having CAP and Mr. Raacke operate the way he's currently operating as opposed to having him be a de facto

employee of Suffolk County, a direct employee?

MR. RAACKE:
Is that question --

MR. POLLERT:
If he was an employee of the County, then the County would have to provide health benefits. I don't know what the cost is to CAP to provide benefits to him. There could be some economies of scale if the County were to provide it, because we have a larger pool of employees, so our costs could be lower in that respect. It would be a policy issue whether or not you want to maintain CAP as an independent contractor, or whether or not you want to make him a County employee. I'm not sure to what department he would then report, if it would be to Legislature or if it would be to the County Executive's Office or to the Law Department. I don't know where you would put him administratively.

LEG. HALEY:
Legislator Cooper, would you suffer an interruption?

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LEG. COOPER:
Let me just -- if I could just make one other point. I am going to be reaching out to Presiding Officer Judy Jacobs in Nassau to see whether, particularly in light of the good news of their recent budget surplus, that they might be willing to contribute some funding towards CAP. If the answer, though, is in the negative, then I think it's important that we redefine the mandate of CAP, or whatever we call the organization, to make it very clear that you'll be a watchdog agency advocating for Suffolk County and for the ratepayers of Suffolk County, which is not the case right now. Yes, Legislator Foley --

LEG. HALEY:
Haley.

LEG. COOPER:
Haley.

D.P.O. POSTAL:
Excuse me.

LEG. HALEY:
I'm sorry.

D.P.O. POSTAL:

Excuse me.

LEG. HALEY:

I'll wait on line. I was just going to suffer an interruption.

D.P.O. POSTAL:

There is a list, so --

LEG. HALEY:

I was asking him to suffer an interruption, you didn't hear that, and I'll pass on that.

D.P.O. POSTAL:

Okay, thank you. Would you like me to put you on the list?

LEG. HALEY:

No, that's okay.

D.P.O. POSTAL:

Okay. Legislator Cooper, are you finished?

LEG. COOPER:

Yes, I am. Thank you.

D.P.O. POSTAL:

Legislator Crecca. Where is he?

LEG. BISHOP:

May I go?

D.P.O. POSTAL:

Okay, Legislator Bishop. Why don't we switch?

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LEG. BISHOP:

Thank you. You know, one of my stock speeches here is that we should focus on the substance and not the form. In this case, I'm reversing that, because my objections are solely to the form and not -- and not the substance. I think the substance of the work that CAP does is necessary and they produce an excellent product. But we're paying a hundred percent of it, and, yet, CAP presents it as CAP, and the Suffolk Legislature is not credited, and is not understood by the public that the Suffolk Legislature is funding this necessary investigation, analysis, and so forth. And that's not just a political credit issue, it's one that we're obligated to undertake under the referendum that was approved by the voters two years back, where the County is obligated to provide oversight. You're performing

that function, yet it's presented as some sort of independent body that's producing it. I think that this contract should be between -- we should have this organization in place, but it should be the Suffolk County taxpayers LIPA watchdog, not CAP. That would be a better message to the public, it would be more accurate, and it would also set -- follow from that that the Energy Committee of the Legislature would be the Executive Director, so to -- the Executive Board that would guide you on your missions, which is only right since we're footing the bill. What do you think of that?

MR. RAACKE:

I would -- I would see no problem with that. I think that's a reasonable request. There is -- you know, there is one constraint under which I operate when I'm out there when I go before the LIPA Board, for example, which is that I cannot, according for the contract at this point, make statements on behalf of the County Legislature unless I am specifically authorized to do so. So it's not really up to me to make the point very clearly that I'm working for and on behalf of the County Legislature, I would need specific approval to do that. I'd be more than happy to do that if you give me that authority.

Leg. BISHOP:

I think that's a much fairer arrangement for the taxpayers and for this institution. I don't know if I can -- we can legislate that kind of change on the fly. I don't know if it's the will of my colleagues to make that kind of change, but that's what I would urge. Counsel, what do you want to --

MR. SABATINO:

The answer really hinges on the circumstances. I've advised Mr. Raacke in the past not to formally state a position, except in those circumstances in which this Legislature has affirmatively stated something, because it would be unfair to take the viewpoint of two or three Legislators, go before --

LEG. BISHOP:

That would continue. The point is that it's not going -- the entity that we contract with should not be the Citizens Advisory Panel, it should be the Suffolk County LIPA Watchdog, or something like that, which we're -- you know, which reports to us, which reports to our Energy Committee. And, in fact, instead of having a vote on every

time this -- this agency forms an opinion, it should be run through the Energy Committee and its chairperson. That empowers the committee, it provides them a professional staff unparalleled probably in local government around the country. That's -- that would be

something unique and helpful, I believe.

D.P.O. POSTAL:

Yeah. Legislator Bishop, I have a different point of view, and I would like to respond to you when we get to my name on the list. But I think that we're entering -- that's one aspect of this issue. And I think that maybe if that was something that people wanted to offer as a resolution, I think that would be another issue. But I --

LEG. BISHOP:

No, because --

D.P.O. POSTAL:

I will respond. I have a very different point of view and I would not support what you're suggesting.

LEG. BISHOP:

All right.

D.P.O. POSTAL:

And I will explain why.

LEG. BISHOP:

Well, if your point of view is that we should pay for something that's independent, what -- how -- I don't understand where we would get the authority to do that.

D.P.O. POSTAL:

Well, you know, again --

LEG. BISHOP:

You just can't pay for some independent body to go off on its own.

D.P.O. POSTAL:

I will respond to you when it's my turn, because there is a list. But I think you're opening a whole new issue in the middle of a discussion.

LEG. BISHOP:

About renewing this contract and it's a little --

D.P.O. POSTAL:

Right. And it's -- you know, it's a relevant point, but I think -- I don't want to see us get bogged down on that and not move to sort of the kernel of the issue. Legislator -- I don't if Legislator Crecca's back. No, he's not.

LEG. BISHOP:

Which is? What's the kernel of the issue?

D.P.O. POSTAL:

Well, the kernel of the issue is the money. Legislator Caracciolo.

LEG. CARACCIOLO:
Was that the cradle of the issue?

D.P.O. POSTAL:
No, the kernel.

LEG. CARACCIOLO:
Kernel.

D.P.O. POSTAL:
Kernel.

LEG. CARACCIOLO:
The kernel. K-E -- oh, I got you, okay. Andrew, I just took your turn, but I'll be happy to yield, if you'd like to --

LEG. CRECCA:
Yeah, why don't we come back to me. I'd like to hear what you have to say, Legislator Caracciolo.

LEG. CARACCIOLO:
Thank you. Hi, Gordian. Let me start by echoing those who feel that the work you do is very valuable. I would agree. And I would agree once again, as I often have in the past with Legislator Bishop, that I, too, have difficulty with the form and not the substance of what CAP does, which leads me to a series of questions. Do you provide or have you provided, aside from what I've heard so far, some billing statements or billable work, any type of financial statement of the organization?

MR. RAACKE:
Yes.

LEG. CARACCIOLO:
An annual statement? Is it a certified financial statement?

MR. RAACKE:
We provided a certified financial statement, yes.

LEG. CARACCIOLO:
Okay. Could you just quickly recap, for example, last year, the last calendar year that you have such a statement? Maybe it's '99, maybe it's 2000. I'm not sure what year it would be.

MR. RAACKE:
The 2000 statement is being prepared.

LEG. CARACCIOLO:
Okay.

MR. RAACKE:
We provided the --

LEG. CARACCIOLO:
In terms of the '99 statement --

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MR. RAACKE:
-- the '99.

LEG. CARACCIOLO:
-- could you just recap your revenues and your expenditures, your overhead? Where are your offices, for example?

MR. RAACKE:
In Bridgehampton.

LEG. CARACCIOLO:
Okay. And the size of your offices?

MR. RAACKE:
It's one room and a half a reception area, and I'd say it's about six by six floor -- I mean, ceiling tiles, so I don't know the exact square footage.

LEG. CARACCIOLO:
Okay. So it's a very modest --

MR. RAACKE:
Very modest.

LEG. CARACCIOLO:
Very modest office space that you occupy. On a monthly basis, what would your telephone bill average?

MR. RAACKE:
Telephone can go up, I would say, to about a thousand or even \$1,200 a month.

LEG. CARACCIOLO:
Could explain why?

MR. RAACKE:
Because there's a lot of phone calls involved, and, you know, we have four lines and a lot of calls in and outgoing to Albany and to other parts of the country, because we have to keep track of some of these

issues.

LEG. CARACCIOLO:

Who are some of the individuals or institutions and resources that you would tap into to keep abreast of the whole Long Island Power Authority situation, fuel cost, electrical power, wheeling charges, and all the things related to the utility industry?

MR. RAACKE:

Well, for example, the National Association of State Utility Consumer Advocates, that's a professional association of people who do the kind of work that I do, I would call there, for example, to get some information on similar issues and what their experiences with that. I would call let's say the Comptroller's Office in Albany to get LIPA's financial statements that are filed with the Comptroller. It could be a call to -- could be a call to California to find out whether they're

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planning to take over power plants, public utility company over there, what experience they have with that, and so on.

LEG. CARACCIOLO:

Well, you kind of mentioned something I want to get into in a little bit and that's the California power crisis and what many perceive is one coming to New York, maybe as early as this summer in the City of New York and perhaps on Long Island, and, you know, we may -- we may not get through the summer, we may, depending on how hot and what kind of an extended season we have in terms of high temperatures and high demand, but we'll get to that in a moment. In terms of your overall operating expenses, you mentioned your salary of \$65,000. Your other staff costs are how much?

MR. RAACKE:

Thirty-one thousand and something, a little bit under 32,000.

LEG. CARACCIOLO:

Do you have any professional associations or fees that you --

MR. RAACKE:

Yes.

LEG. CARACCIOLO:

Could you tell us what they're for?

MR. RAACKE:

Well, for example, we're a member in the National Association of State Utility Consumer Advocates and several other similar organizations.

LEG. CARACCIOLO:

On that line -- on that line, in terms of publications, subscriptions and memberships, what kind of a budget number are you looking at?

MR. RAACKE:

I don't have it in front of you me now. I would imagine a few thousand dollars, not more than that.

LEG. CARACCIOLO:

How about travel and conference attendance, what type of a number would you be looking at?

MR. RAACKE:

Again, I mean, under \$10,000.

LEG. CARACCIOLO:

Okay. I think the point I'm getting to here is that it's important for us because of our fiduciary responsibility to make sure that anyone that we have a relationship such as this, that we have all of the information, so that some day we're not blindsided by what may very well be a fact that we were totally in the dark or unaware of and could cause embarrassment to this institution and to the members of this body. So to the extent that you could share that with the members of the Legislature on a, say, quarterly basis, I would very much appreciate, because forewarned is forearmed, and this way if we see any trends that are disturbing or if we feel are going beyond the

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realm of what we feel our association is, we could, you know, discuss that and take that up in a timely manner before perhaps you go out too far on the limb in terms of taking a position that may not be consistent with the policy of this Legislative body. Do you have any problem with that?

MR. RAACKE:

I don't have any problem with that. In fact, I did provide our annual budget that spells out the line item expenses, expected expenses on phone costs expenses to the Budget Review Office, that should be on file.

LEG. CARACCIOLO:

In total, the '99 or 2000 operating year budget for your organization would have been how much?

MR. RAACKE:

The original budget that we used to have under the -- under court funding was \$300,000 a year. That allowed us to have three employees, one --

LEG. CARACCIOLO:

Okay. Could you break down the 2000 expenditures of that amount of money?

MR. RAACKE:

Well, in 2000, we didn't have that. In 2000, we had an appropriation from the County starting in May up to \$150,000. That allowed us to barely scrape by, actually, with a staff of two, myself and one office manager.

LEG. CARACCIOLO:

Okay. So let's breakdown the 150. Is that your total budget for last year?

MR. RAACKE:

Yes.

LEG. CARACCIOLO:

Okay. You didn't have any other subsidies, grants?

MR. RAACKE:

Well the only thing, as I mentioned, we did receive a grant of \$50,000 to run a completely separate program. In fact, that's being administered by a program person outside of the CAP offices.

LEG. CARACCIOLO:

And what is that for?

MR. RAACKE:

That is for providing an outreach and education function on solar energy under the solar roof initiative.

LEG. CARACCIOLO:

Okay. I want to get back to the California crisis and what you perceive are issues that, as you do the work you do, we in this

Legislative chamber should be taking up and reviewing and considering in terms of meeting the demands for increased utility demand as we go forward, your thoughts.

MR. RAACKE:

Well, the California crisis certainly has ensured that a lot more people pay attention to energy issues than I think ever before and I think that's a good thing. It could be said that there are a lot of things in California that we don't have here, a lot of conditions that do not exist here, but there are some conditions that do exist here.

So some of the problems that we're seeing in California now could be experienced here, maybe not as severely, but certainly in a way that should make us pay attention, and that should trigger some preemptive action. And I believe the County Legislature could play a proactive role in that and consider some action.

LEG. CARACCIOLO:

Here's what I'm thinking, and I'm sure others have had the thought, too. Why hasn't the State given -- yeah, I saw one Wall Street analyst a few weeks ago site New York State as being number six on a list of the top ten states that may not be able to meet energy demands within the next three years, Georgia being on the top of the list, and then I saw a rebuttal from the PSC Commissioner, who is equivalent down -- the Public Utilities Commission it's called in Georgia refute that, saying that this analyst was all wet, didn't have all the facts. We don't certainly have all the facts, but one of -- there's two areas that I think, you know, we could have some role and one would be to encourage the passage of some type of energy tax credit at the state level to encourage homeowners and business to purchase and buy into energy efficient lights and renewable energy sources, as well as fuel cell energy and the like. Is there anyone working on that at the state level?

MR. RAACKE:

Not to my knowledge at the moment. But the point you're making is a very good suggestion and I think, especially given the fact that in California as well as in New York State, spending on energy efficiency by the state and by the private utility companies was cut way back just as deregulation becoming a reality. If we would have continued a high level of conservation spending, we would not see the kind of problems we're seeing in California now, we would -- we would be able to meet at least part of the demand through energy efficiency. So we got to get back up to the level, at least the level we were at in 1994.

LEG. CARACCIOLO:

Where is LIPA in its five-year plan to implement energy conservation measures. As I recall, the last number I remember a couple of years ago was that they were committed to spending \$35 million. Was that the first year or for the first several years on energy conservation incentives?

MR. RAACKE:

The total they committed to spending was 160 million over five years, in other words, an average of \$32 million a year. The first year of spending was a lot less than that, less than 10 million, I believe.

They've wrapped that up. They've also added -- they've added \$5 million for this year and next year for the next couple of years, but LIPA is unfortunately shifting away from energy conservation spending, some of this money now, not on energy conservation, but merely on peak shifting programs, which means that we're still going to be generating and using the electricity, we're just going to do that during different part of the day, which has some benefits. I would not be saying that's bad thing to do, per se, peak shifting, but it takes away -- again, it takes -- it cuts down the spending on energy conservation, which I think is a mistake.

LEG. CARACCIOLO:

What will be your focus for the remainder of this year, as best you could tell us at this time, in terms of the work you'll perform for the residents of Suffolk County?

MR. RAACKE:

Well, I would take -- I would take my cues from the Legislature, from the Energy Committee, obviously, and from the whole Legislature. I can only tell you some that upcoming issues are the LIPA rate increase, even though it's not called that, it's called the surcharge, and the remaining fuel cost over -- fuel -- increase of fuel costs that have to be dealt with. There are a number of fiscal issues on the horizon for LIPA, a new \$300 million bond issue and so on, to list just a few, but there's also the issue of taking over Keyspan's power plants, a proposal that would involve a huge amount of money. Then there's the whole issue of planning for Long Island's energy future, all the proposed new plants, power plants, proposed new cables, proposed new gas pipelines, and so on. So plenty of work.

LEG. CARACCIOLO:

That's also a lot of work, that's a very high magnitude of work for one or two people to deal with. I saw the reply that you recently received from LIPA concerning what they felt was, to use one of my favorite expressions, disingenuous analysis of the fuel surcharge. Your response? Fraudulent, as well, yes.

LEG. BISHOP:

This is not relevant. I mean, this is not an opportunity --

LEG. CARACCIOLO:

Dave, I know you have difficulty with me asking a lot of questions, but this is -- this is 150 or \$200,000.

LEG. BISHOP:

It's not the quantity, it's that you stray from the mission.

LEG. CARACCIOLO:

I'm not.

LEG. BISHOP:

You're asking --

LEG. CARACCIOLO:

I'm getting to the heart of what his mission is and what he intends to do for us.

LEG. BISHOP:

But you're asking him his analysis of policy issues, which is not the appropriate time.

P.O. TONNA:

What I would ask is this, all right, because we were really going well here, okay, we were really doing well. And all I would say, Legislator Caracciolo, are you almost done?

LEG. CARACCIOLO:

Almost done.

P.O. TONNA:

All right. Could you just -- all right.

LEG. CARACCIOLO:

Gordian, could you answer that last question?

P.O. TONNA:

Gordian, this is \$100,000 response. If it's short, I guarantee you get the extra hundred thousand. If you're not, forget it. No, I'm teasing.

LEG. CARACCIOLO:

The issue is disingenuous, fraudulent.

MR. RAACKE:

Well, Chairman Kessel has called me all kinds of names and fraudulent is one of them. The letter, first of all, that he sent out and CC'd to all of you and a lot of other Legislators never arrived at my office by mail from Mr. Kessel, I should tell you that. The accusations in the letter are at least a distortion of our position. We have merely pointed out that LIPA is required by the Public Authority Control Board's condition that it accepted --

LEG. CARACCIOLO:

Two-and-a-half percent goes to the PSC, right?

MR. RAACKE:

Exactly. So that, I guess, just triggered this letter and I don't think the letter --

LEG. CARACCIOLO:

But, okay, let me then put it to you this way. How would you expect them to take on this additional burden, this financial burden, of

increased fuel cost without it appearing somewhere -- I mean, they just can't simply absorb those kinds of fuel cost increases without addressing it one way or another. What other way do you feel, or what other more appropriate way do you feel that issue should have been addressed by the LIPA Board?

MR. RAACKE:

First of all, LIPA, as any other body, should be following the law and follow its own rules that it accepted. They have not done that, or --

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LEG. CARACCIOLO:

So you're saying they created a mechanism that skirts the law and avoided the review of the PSC.

MR. RAACKE:

They're trying to avoid that, yes.

LEG. CARACCIOLO:

Okay. But if they gone to PSC and they would have cited as grounds for the rate increase or a rate request, the fuel -- increases in fuel costs, which no one denies, don't you think the PSC would have approved that?

MR. RAACKE:

Well, maybe, maybe not. But we would go in, for example with your authorization and question whether LIPA has done everything to cut costs on other expenses. I think every CEO of any business would -- in a situation like that would look -- would look to sharpen a pencil and go in and say, "What can we cut at this point in order to offset these high expenses on the fuel side?" LIPA has not done that, at least we have seen no proof of that. And I asked Chairman Kessel yesterday whether he had a cost-cutting plan and whether he could present that and that didn't come forward.

LEG. CARACCIOLO:

How flush is LIPA today in terms of the bonds that they've purchased, you know, when they refinance? They refinance in excess of what they actually needed.

MR. RAACKE:

LIPA -- LIPA'S actually been doing financially fairly well because of growing electric sales. So even with their current rates, they're taking in more than they had anticipated, because they're selling so much more electricity.

LEG. CARACCIOLO:

Well, on that basis, do you -- are you saying, then, that you don't feel that those additional fuel costs needed to be passed on?

MR. RAACKE:

You know, the only way to really tell is go through an evidentiary hearing and proceeding to look at those numbers in detail to get to the bottom of that. So I can't give you the answer at this point, I'd have to see the documents.

P.O. TONNA:

All right. This is --

LEG. CARACCIOLO:

Well, I think one of the things you have to bring to this Legislature in the future in the work that you're going to be doing for us is request to do things like that, or to bring them in before this Legislative body to get answers to questions like that. The public has a right to know.

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P.O. TONNA:

Okay. Can I make a suggestion?

LEG. GULDI:

Can we put Caracciolo on the Energy Committee?

P.O. TONNA:

Yeah.

LEG. CARACCIOLO:

I was.

P.O. TONNA:

Okay. I'd ask all Legislators to please turn their attention back to the business that is at hand, which is Motion Number 3, Procedural Motion Number 3, extending retention of Citizens Advisory Panel for LIPA oversight. There is right now -- Henry, give me a recap. What do we have?

MR. BARTON:

A motion and a second.

P.O. TONNA:

Motion and second to approve. There's a motion to table by Legislator Carpenter.

LEG. CRECCA:
Second.

P.O. TONNA:
And there's a second by Legislator Crecca. Okay. We've already -- I just --

LEG. HALEY:
Roll call.

LEG. GULDI:
Roll call.

P.O. TONNA:
All right. On the tabling, roll call. This is to table this resolution. Roll call. That means call the roll. Do you want to respond?

LEG. BISHOP:
I wanted to hash out this issue, so we don't have to hash it out in the future and see if we can bring it to --

P.O. TONNA:
No. Take your time, Legislator Postal.

LEG. POSTAL:
I think --

P.O. TONNA:
I'm never going to cut off anybody from the Women's Caucus, trust me.

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LEG. POSTAL:
Legislator Bishop really had put it in a nutshell. I think it's really important that CAP retain its position as an independent watchdog agency. I think the Suffolk County Legislature, whether right or wrong, or good or bad, has been characterized over the years as being anti LILCO, anti LIPA, anti take-over, pro RICO suit. So that I think that there's at least a perception that the Legislature has a position, and I think that it jeopardizes the perception of CAP as an independent watchdog organization, agency to be under our direction.

LEG. BISHOP:
If you would allow me to engage you in a dialogue.

LEG. POSTAL:

I'm sure the Presiding Officer would love it.

LEG. BISHOP:
May I?

P.O. TONNA:
Dave, you're not part of the Women's Caucus, so no. All right. No, go ahead. I'm teasing.

LEG. BISHOP:
Thank you.

P.O. TONNA:
Go ahead.

LEG. BISHOP:
Because I see Legislator Fisher is nodding her head to your comments also, and I don't understand how --

LEG. POSTAL:
It's a women's thing.

P.O. TONNA:
She feels her pain.

LEG. BISHOP:
Perhaps. I hope not. I hope it's not a women's -- I don't see how an entity -- excuse me. May I just --

P.O. TONNA:
Legislator Bishop, then Legislator Crecca.

LEG. BISHOP:
How can an entity be independent if it's a hundred percent funded by the Suffolk County Legislature.

LEG. POSTAL:
I can answer that.

LEG. BISHOP:
Now, in the past, when they were a mix of funding, we could maintain, relatively assured that we were paying for the analysis that they provided. But when you're paying for all their activities, a hundred percent of their activities, there's no way that you're simply paying for analysis now. Now you're paying for every time they utter an

opinion, every time they take a position. That's fine. But it should be the Suffolk County Legislature's CAP. This is our agency now. They are funded by us and so it should be presented to the world as that.

The second point is that that's not just the desire to get the appropriate credit for their good work, it's also our obligation under the referendum. We were obligated to have a Suffolk County oversight.

Paul Sabatino, under the referendum -- I saw you trying to have a conversation, that's why I pulled you back in. Under the referendum that was approved by the voters 70% of the vote -- 72%? The Suffolk County government is obligated to do what?

LEG. GULDI:
Oversight.

MR. SABATINO:
Exercise consumer protection oversight, which is set forth in a series of about seven or eight explicit categories. One of the categories, for example, are the silver bullets --

LEG. BISHOP:
Yeah.

MR. SABATINO:
-- which Mr. Raacke referred to before, to make sure that those are being enforced and complied with.

LEG. BISHOP:
Okay. Bureaucratically, I mean, what is the -- what obligation did we commit to, or did the voters commit for us?

MR. SABATINO:
You undertook an obligation for oversee rates, the implementation of rates, the implementation enforcement of those silver bullets.

LEG. BISHOP:
Now --

MR. SABATINO:
Consumer complaints, service complaints.

LEG. BISHOP:
If we contracted with them to do that, we would meet that obligation. If we simply give them money to be independent, then we still have to do the obligation, we're not meeting it, because we're giving money to an entity to be independent and we're not taking on our Suffolk County obligation. So my point is that you could satisfy the referendum's mandate and keep CAP doing the good work that they're doing, and the

Suffolk Legislature will get credit for meeting the obligation under the referendum.

LEG. FISHER:
Time for a vote.

LEG. POSTAL:
Well, at the risk -- okay. I think that this is an issue that we could and should discuss at some future point in time. I just -- again, I still disagree with you. I still disagree insofar as if the Legislature, if this Legislature changed in composition or position and gave CAP a directive that CAP felt it could not comply with in terms of its mission, then I think you'd have a tremendous conflict. We've also over the years provided funding to agencies which worked as consultants to us to go out and do an independent study, which, yes, you know, it --

LEG. BISHOP:
Not independent of us, though.

LEG. POSTAL:
It was -- it was triggered by us, but we didn't hold their hand to prevent them from taking a position. For example, I'll give you an example, laid on the table today the procedural motion to provide funding to seek a consultant firm to pursue action, to research and pursue action with regard to MTBE contamination.

LEG. BISHOP:
Right. Now --

LEG. POSTAL:
There's a certain -- excuse me. There's a certain presupposition on the part of the Legislature, if the Legislature approves that, that there is evidence and cause to suspect that we may have action for litigation. But if, in fact, we select a consultant which then goes out and says, "No, you don't have a prayer in the world," we're not -- that's what we're asking this consultant to do. We're asking this consultant to go out and do research, we're starting off with a premise. If the information that comes back to us doesn't support that premise, we can't say to that consultant, "No, you can't present us with that information."

LEG. BISHOP:
Right. They -- we send out a consultant, we say, "Gather facts, report back to us and we'll give you direction." When you give CAP the money under this arrangement, you're saying, "Here is money on this general topic, go forth and do what you think is best." That's a very different relationships. Counsel, you're shaking your head no? Tell me the distinction.

MR. SABATINO:
Well, no. Legislator Postal is correct, all the consultants we've

hired in the past we've hired to do independent analyses and to come back to us and --

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LEG. BISHOP:
And come back to us.

MR. SABATINO:
Right.

LEG. BISHOP:
They have no obligation.

MR. SABATINO:
The same situation -- no. The same situation applies here, except for the component on consumer complaints. The consumer complaint component is automatic. The complaint comes in, it gets referred over and they look into it. With regard to everything else -- for example, the silver bullets is a perfect example. They come back to you with a report and says, "You know what, the silver bullets are being violated, these are the options, you can do A, B and C." They are not authorized to go out and do anything. In fact, we've had this discussion. They had talked about, "Gee, could we bring a lawsuit?" And I said, "Absolutely not." It would be up to the Legislature to make an affirmative determination or decision based on the information they bring back to you to go forward. So this notion that they're running around independent of the Legislature after we approve the contract is not true.

LEG. BISHOP:
Well, that's my point to Legislator Postal.

MR. SABATINO:
No, no. No, no.

LEG. BISHOP:
They're not independent. That's exactly right, they're not independent.

MR. SABATINO:
No, no, no. Running around, making --

LEG. BISHOP:
They are constrained by the contract. We are the sole source of funding.

MR. SABATINO:

They're not running around making independent determinations; okay?

LEG. HALEY:

Motion to close debate.

LEG. FISHER:

Second.

P.O. TONNA:

I would ask in the interest of not closing -- not having that motion passed, Legislator D'Andre, do you have some words of wisdom?

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LEG. D'ANDRE:

Yes. I'd like to congratulate Foley for not being part of this. He gets blamed --

(Applause)

-- and he was right there keeping quiet like a gentleman.

P.O. TONNA:

Legislator D'Andre, that is the most lucid thing I've heard today. There we go. All right. True to form. Thank you. Okay. Can't -- all right. Roll call on the tabling motion. You want to say something?

MR. RAACKE:

I just wanted to --

P.O. TONNA:

Go ahead.

MR. RAACKE:

I just wanted to interject that whatever you do, please be aware of the fact that we've been working since the beginning of the year and don't have a contract. It's difficult for me to pay the bills and make a living without --

LEG. GULDI:

You're out of the money.

MR. RAACKE:

-- having a contract.

P.O. TONNA:

Okay.

LEG. BINDER:
What's the date you're out of money?

P.O. TONNA:
For two weeks?

LEG. CARPENTER:
Two weeks.

P.O. TONNA:
Okay. The tabling motion is for two weeks.

MR. BARTON:
Legislator Carpenter.

P.O. TONNA:
Wait, hold it. Okay.

LEG. CRECCA:
I know I deferred my time and everyone keeps chiming in. If we're going to call votes, otherwise I'll speak and nobody wants to hear me.

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LEG. BINDER:
Mr. Chairman, could I ask a --

LEG. HALEY:
You got that right.

P.O. TONNA:
There's a question to ask. Legislator Binder.

LEG. BINDER:
I didn't hear. When did you say you were out of money?

MR. RAACKE:
As of the beginning of the year, we have not had a contract. Therefore, I did not submit a bill. So since January 2nd, I think it was Monday, I'm working without being compensated. So any delay at this point is --

LEG. BISHOP:
You can do a bill -- could we do a contract now just for the first two months to get him through?

LEG. HALEY:
My motion stands.

LEG. CRECCA:
No. Why is he doing work that isn't authorized by contract? That's the other question, too. I mean, if we're your only funding source --

LEG. GULDI:
We haven't authorized it.

LEG. CRECCA:
What?

LEG. GULDI:
Because we haven't acted.

LEG. HALEY:
Stop being a lawyer.

LEG. BINDER:
When's the next meeting, Mr. Chairman?

P.O. TONNA:
Okay, hold it. Can everyone -- is it just that we don't want to end this -- you know, we don't want to -- we don't want to be timely? Is this what it is?

LEG. CRECCA:
It's just one big happy love fest. We all want to be together.

P.O. TONNA:
Is this something that --

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LEG. BISHOP:
Simple answer is what it is.

P.O. TONNA:
Okay. We have a motion and a second to table this for two weeks.
Roll call.

(Roll Called by Mr. Barton)

LEG. CARPENTER:
Yes.

LEG. CRECCA:
Yes.

LEG. COOPER:
Pass.

LEG. BINDER:
Yes.

LEG. BISHOP:
Yes.

LEG. D'ANDRE:
Two weeks, yes.

LEG. ALDEN:
Pass.

LEG. FIELDS:
No.

LEG. FOLEY:
No to table.

LEG. HALEY:
No.

LEG. FISHER:
Absolutely not.

LEG. TOWLE:
Pass.

LEG. GULDI:
Absolutely not.

LEG. CARACCIOLO:
No.

LEG. POSTAL:
No.

P.O. TONNA:
Yep.

I have to say yes.

LEG. ALDEN:
Yes.

LEG. TOWLE:
No.

MR. BARTON:
Eight. (Not Present: Leg. Caracappa)

P.O. TONNA:
Okay. So the tabling motion fails?

MR. BARTON:
It fails.

LEG. CARACCIOLO:
Motion to approve.

LEG. FISHER:
Second.

P.O. TONNA:
Okay. Motion to approve by?

MR. BARTON:
Legislator Fisher.

P.O. TONNA:
Legislator Haley, I think it was, right?

MR. BARTON:
Fisher.

P.O. TONNA:
Fisher and Haley.

LEG. CRECCA:
On the motion.

P.O. TONNA:
There you go. Now this is not on The Wedge, right, this is on CAP?
Okay.

LEG. CARPENTER:
On the motion.

LEG. CRECCA:
On the motion to approve.

P.O. TONNA:
Yes, on the motion to approve. We have more questions.

LEG. CRECCA:

No. I just wanted to say that -- does this -- I mean, if we don't approve this, is it possible that we can do -- that we can do a lesser amount than the \$200,000? I mean, one of the questions that have been raised here today is that -- you know, about the budget and things like that. These same questions came up in committee. We got some of those answers and all, but we knew that it was going to be debated here, too. So I just wanted to point out to Legislators that if we vote no to this today, it does not preclude us two weeks from, possibly by CN or otherwise.

P.O. TONNA:

But just maybe to answer that, I think, yes, you can -- you're not precluded from putting anything in. But, Fred, just \$200,000, that means that he has up to \$200,000 to bill us for reasonable expenses, doesn't mean we're going to -- right, for approved work, right? That's all that it means.

MR. POLLERT:

That is correct.

P.O. TONNA:

That's a the budget that we're in control of. Okay.

LEG. HALEY:

Roll call.

P.O. TONNA:

We're committed up to 200,000.

LEG. BINDER:

Mr. Chairman.

MR. POLLERT:

No. You're committed up to 200,000. If he doesn't bill out, he won't be paid.

P.O. TONNA:

Right. And if he bills for things that aren't approved, he won't be paid.

LEG. BINDER:

Mr. Chairman.

LEG. CRECCA:

Well, also, the thing is do we authorize the work that he does ahead of time?

LEG. HALEY:
Yes.

LEG. BINDER:
Just if I could ask a parliamentary question.

P.O. TONNA:
Yes, parliamentary question.

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LEG. BINDER:
Yeah.

P.O. TONNA:
Since I'm not the parliamentarian, why don't you ask Paul.

LEG. BINDER:
The procedural motion comes to the floor, does it have to come through committee? Normally a procedural motion can just come to the floor as it's presented. Is that true?

MR. SABATINO:
It can go either way, but this one -- this one came through committee.

LEG. BINDER:
I understand. But it's possible that in two weeks, if someone -- if let's say this didn't pass today and someone in two weeks researched and we had a discussion on this other question, we could just do this on the floor without it having to go through a committee process.

MR. SABATINO:
That's absolutely correct.

LEG. CRECCA:
And I just want to -- sorry, I have to ask one more question.

P.O. TONNA:
Sure. You can ask as many questions as you want.

LEG. CRECCA:
The approval process now, that's if we approve this bill, the terms of the contract, the approval process will still just be just the Chairman of the Energy Committee approves the work that's done?

MR. SABATINO:
It will be the same as last year, which is the Chairman of -- the Committee of Energy and Economic Development, last year that committee

just evolved into letting the Chairman at a certain point --

LEG. CRECCA:

I understand. But who actually -- you draw that contract up for us, right?

MR. SABATINO:

Exactly.

LEG. CRECCA:

Who signs the contract, the Presiding Officer?

P.O. TONNA:

Yes.

MR. SABATINO:

The Presiding Officer signs the contract --

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LEG. CRECCA:

So if the Presiding Officer wants to change some of the terms, he can do that?

MR. SABATINO:

That's correct, yes.

LEG. CRECCA:

In other words -- because, I'll tell right now, I don't think that -- and Jonathan Cooper is great and that's good, but I think that the committee should decide what work is done, so that it's not on one Legislator, too, what work is done and not done, or the full Legislature should.

MR. SABATINO:

Well, it doesn't. I misstated that, I'm sorry. It's going to be exactly the way it was last year. It states in the contract it's the committee. But last year's committee chose at some point internally to let it flow through the chairman.

P.O. TONNA:

Right.

LEG. CRECCA:

I understand.

MR. SABATINO:

But the contract will still say what it said last year, which is it's

the committee.

P.O. TONNA:
Right.

MR. SABATINO:
The committee. Not the chairman, the committee.

P.O. TONNA:
And I will give that the full scrutiny in my office.

LEG. CRECCA:
All right.

P.O. TONNA:
Whatever that means. Okay. Roll call.

LEG. CARPENTER:
I have a question.

(Roll Called by Mr. Barton)

MR. BARTON:
Legislator Fisher.

LEG. CARPENTER:
I have a question.

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LEG. FISHER:
Yes.

P.O. TONNA:
Wait, wait. One more question. Go ahead.

LEG. CARPENTER:
So when the committee authorizes them to do whatever task it is, do we, as the full Legislature, get a copy of what has been authorized?

LEG. FISHER:
In the minutes.

MR. SABATINO:
Yeah. I know last year that there were reports done for the -- the power plants are the best example. There was the Brentwood, and there was the one in Kings Park, and I think there was one --

LEG. CARPENTER:

No, I'm not talking about after the work is done, I'm talking about before.

MR. SABATINO:

Well, that's the work product that comes back.

LEG. CARPENTER:

No, I'm talking about before. When the committee makes a decision to authorize CAP to go research whatever, do we then know that, yes, they've been authorized to do this?

MR. SABATINO:

Well, it will be in the minutes. It will be in the minutes. If you remember last year, the first -- the first or second meeting out of the box, after --

LEG. CARPENTER:

But the minutes --

MR. SABATINO:

After the contract --

LEG. CARPENTER:

Yeah. The minutes you don't necessarily get right away; okay? And the CAP doesn't get their authorization to do the work from the minutes. They don't wait until they get the minutes. Obviously, something is sent to CAP authorizing them to do something, whether it be a letter from a Legislator or whatever. Is that copied to the rest of the Legislature, or is it just the committee?

MR. SABATINO:

The answer is it depends. I mean, I -- it's a cumbersome process, you know, with an 18-member group to try to administer something on a day-to-day basis. When you break it down to a committee, it becomes more manageable. The whole notion is that it's going to the committee, so that you've got, you know, a smaller, tighter group moving forward. I mean, theoretically, I suppose the committee could

do some kind of a CC process. I'm not saying you can't, it's just that it gets cumbersome at some point.

LEG. CARPENTER:

Well, I think when the final decision is made to authorize them to investigate turbine generators at Pilgrim State, or the Cross Sound Cable, or whatever they're being asked to look into, I don't see where that would really be a difficult thing for every Legislator to receive

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a copy of whatever he is given telling him to do that, which is probably just a letter; correct? So then who -- that comes from Budget Review? Does it come from the Chairman of the Committee? Does it come from Counsel? Who authorizes him, then, to do that?

MR. SABATINO:

It depends. I mean, I hate -- for example, last year, the committee on several occasions voted on the record instructing me to make a direct for -- make a direct for FOIL requests of LIPA in connection with three and four specific issues. I sent out a letter, I CC'd everybody. The

LEG. CARPENTER:

Right.

MR. SABATINO:

The request -- I mean, that was something I was instructed to do. The other -- the power plants, because they're the best example, really came in a slightly different process, because the Legislators in the affected communities who were not on the --

LEG. CARPENTER:

Right.

MR. SABATINO:

Environment and Environment Committee made those inquiries and then the request went directly to CAP. I specifically told CAP not to take any position with regard on those plants, to come back to the full Legislature, because it would be up to the entire Legislature to decide what to do with the information. So I thought that process worked.

LEG. GULDI:

Yeah. If I may, Paul. If I may interject. Last year what we did at Energy was when these were approved, they would go by letter to Mr. Sabatino and to Fred Pollert with a copy to all of the members of the committee, none of whom ever read the letter.

P.O. TONNA:

Okay. Can we --

LEG. HALEY:

Roll call.

P.O. TONNA:

Can we roll call --

LEG. CARPENTER:

Well, then if --

P.O. TONNA:

-- on the -- oh, go ahead.

LEG. CARPENTER:

So if the letters, then, are copied to the members of the committee by the Budget Review Office?

LEG. GULDI:

No, not anymore. I don't know what the current Chair is doing.

LEG. CARPENTER:

Well, I think that we need to know that, what the procedure and the process is going to be before we vote on expending \$200,000. Jonathan. Can I ask through the Chair the Chairman of the Committee? -

P.O. TONNA:

Yes.

LEG. CARPENTER:

Do you feel that that's something you're comfortable with?

LEG. COOPER:

I'm completely comfortable with it. And, also, speaking for Gordian, he's expressed numerous times to the committee that he would be willing to report to us on whatever basis that we would like, he will speak before the committee, he'll issue written reports to us. He's willing to -- he's willing to consult with us, get our input. I'd be willing to update any other Legislator on any decisions that are reached, as far as projects that CAP will be involved with.

P.O. TONNA:

You know what, Jon, what I would ask then, is that, just to -- trying to get some sense of the Legislature, I would ask that you put together some protocols and some very clear direction on you as Committee Chairman and how you're going to handle and deal with CAP. I'd ask that you -- your office send that out to individual Legislators and solicit their response, actively solicit their response, those especially outside of the committee, to see if they have a comfort zone with some of the things that you're going to do, so that there would be that flow of communication back and forth; okay?

LEG. COOPER:

Fair enough.

P.O. TONNA:

Is that a start? Okay. All right, great.

LEG. COOPER:

And, also, it should be --

P.O. TONNA:

Also, I want you to know, before I sign the contracts, okay, before

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that I put my signature to the contracts, that I will -- I will have a discussion with the Chairman of the Energy Committee to discuss those issues; all right?

LEG. GULDI:

Can we continue the vote? Roll call.

P.O. TONNA:

Yes.

LEG. COOPER:

Wait. One question first. If we vote today and we approve this contract, and at some later date we wish to modify the terms of the contract or the mandate of the agency, are we free to do that?

MR. SABATINO:

Yes, subject to appropriation limits.

P.O. TONNA:

Yeah.

MR. SABATINO:

Everything is always subject to appropriation limits.

P.O. TONNA:

All right? Okay. Thank you very much. Okay. Roll call. We're in the middle a roll call.

(Roll Call Continued by Mr. Barton)

LEG. HALEY:

Yes.

LEG. COOPER:

Yes.

LEG. BINDER:

Pass.

LEG. BISHOP:

Yes.

LEG. D'ANDRE:

Yes.

LEG. CRECCA:
Pass.

LEG. CARPENTER:
Pass.

LEG. ALDEN:
Yes.

LEG. FIELDS:
Yes.

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LEG. FOLEY:
Yes.

LEG. TOWLE:
Yes.

LEG. GULDI:
Yes for ten.

LEG. CARACCIOLO:
Yes.

LEG. POSTAL:
Yes.

P.O. TONNA:
Yep.

LEG. BINDER:
Yes.

LEG. CRECCA:
Yes.

LEG. CARPENTER:
Yes.

P.O. TONNA:
Okay. Great.

MR. BARTON:
Sixteen. (Not Present: Leg. Caracappa)

P.O. TONNA:

All right. Just to finish up, Legislator Cooper and Gordian, I'd like to probably have a meeting with the two of you this week or next week to sit down and go over some of the items discussed. So, all, right great. All right, great.

SENSE RESOLUTIONS

We have the Sense Resolutions. Sense Number 101 (Memorializing resolution requesting Town Tax Assessors to create task force to administer property taxes). Legislator Carpenter, you make a motion?

LEG. CARPENTER:

Motion.

P.O. TONNA:

Motion, seconded by myself. All in favor? Opposed? Approved. Okay.

MR. BARTON:

Sixteen. (Not Present: Legislator Caracappa)

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P.O. TONNA:

Sense 1 (Memorializing resolution requesting State of New York to fund biotechnology research). Legislator D'Andre, you make a motion?

LEG. D'ANDRE:

Yes, I make a motion.

P.O. TONNA:

Okay. I second that. All in favor? Opposed? Approved.

MR. BARTON:

Sixteen. (Not Present: Leg. Caracappa)

P.O. TONNA:

Number -- Sense 2 (Memorializing resolution requesting US Congress to expedite repairs to Pennsylvania Station LIRR Tunnels). Legislator Carpenter, seconded by my myself. All in favor? Opposed? Approved.

MR. BARTON:

Sixteen.

P.O. TONNA:

Sense 3 (Memorializing resolution requesting Unites States Department of Agriculture to preserve Plum Island Lighthouse). Legislator

Caracciolo, seconded by Legislator Fields.

LEG. GULDI:
Cosponsor.

P.O. TONNA:
Cosponsor, Legislator Guldi.

LEG. FIELDS:
Myself.

P.O. TONNA:
And?

LEG. ALDEN:
Cosponsor.

P.O. TONNA:
All right.

(Cosponsor Said in Unison by Legislators)

P.O. TONNA:
Everybody but Legislator Bishop, because he doesn't do that. All
favor? Opposed? Approved.

MR. BARTON:
Sixteen. (Not Present: Legislator Caracappa)

LEG. BISHOP:
I have integrity.

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P.O. TONNA:
Yeah, until -- except when you did it the last meeting, but that's
okay. Anyway, okay.

LEG. HALEY:
As short as it might be.

MR. BARTON:
So I'll list Legislator Bishop as a no.

LEG. GULDI:
Look who's making short jokes.

P.O. TONNA:

Are you implying that nobody else has integrity?

LEG. BISHOP:
Yeah.

P.O. TONNA:
Yeah, okay. Anyway, Sense 6 (Memorializing resolution requesting State of New York to allow automatic senior citizen check cashing).
Legislator Towle?

LEG. TOWLE:
Motion to approve.

P.O. TONNA:
Motion to approve, seconded by Legislator Crecca. On the motion.

LEG. CARPENTER:
I would like -- no.

P.O. TONNA:
Okay. All in favor? Opposed? Approved?

MR. BARTON:
Sixteen. (Not Present: Legislator Caracappa)

P.O. TONNA:
Legislator Carpenter.

LEG. CARPENTER:
I just want to reconsider Sense 101 and make a motion to table.

P.O. TONNA:
Okay. There's a motion to reconsider. I'll second it.

LEG. GULDI:
Second.

P.O. TONNA:
All in favor? Opposed? Reconsidered. Now it's in front of us.
Motion to table by Legislator Carpenter, seconded by myself.

LEG. ALDEN:
Motion to lay on the table.

P.O. TONNA:
All in favor? Opposed? Approved. I have -- I have late-starters.

LEG. ALDEN:
Motion to lay on the table.

LEG. GULDI:
Second.

P.O. TONNA:
Okay. Hold it a second. We have late-starters 1205, 1206, 1207, 1208.

LEG. BINDER:
What are they?

P.O. TONNA:
1209, and 1210. Okay. 1205 -- and Procedural Motion 4.

LEG. GULDI:
Just to lay on the table and refer to the committee.

LEG. CRECCA:
Second.

P.O. TONNA:
Okay. Wait a second. On these, 1205 -- let's see. Procedural Motion 4 will go to Environment and Consumer Protection. 1205 will go to Ways and Means and Health, 1206 to Parks, 1207 to Public Safety, 1208 to Public Safety, 1209 to Health, 1210 to Parks and Finance.

LEG. CRECCA:
1209, it can also go to Education and Youth.

LEG. BISHOP:
Can you name what they are, so if the Chairman --

P.O. TONNA:
Motion 4 is a procedural motion to authorize retention of the law firm in connection with the MTBE litigation.

LEG. BISHOP:
Now where is that going?

P.O. TONNA:
That's going to Environment primarily, and Consumer Protection secondarily.

LEG. GULDI:
Can you put that in Ways and Means, too, please?

P.O. TONNA:
Sure. Put it also in Ways and Means.

LEG. BISHOP:
But they're secondary.

P.O. TONNA:
They're secondary, your prime, Dave.

LEG. BISHOP:
That's what I want to hear.

P.O. TONNA:
Okay. The next Resolution, which is 1205, to reform space management practices at Coram Health Center, a/k/a {Ellis} Owens County --

LEG. FISHER:
Elsie.

P.O. TONNA:
Elsie Owens -- I was thinking of the cow -- Health Center at Coram.
All right?

LEG. BISHOP:
Going to Health, I assume.

P.O. TONNA:
That's going to Ways and Means and then Health. Okay. 1206 is reappointing Anthony Pecorale as a member of the Suffolk County Vanderbilt Museum Commission. All right. We already did all of this on the record. That's Parks. 1207, adopting a local law extending County Human Rights Law to Public Accommodations, Employment and Housing, and that's going to Public Safety. Why is a Human Rights --

LEG. BISHOP:
Why is that going to Public Safety?

P.O. TONNA:
It's in their jurisdiction, that's why. When I wrote up the jurisdictions, you know, and I spent a lot of time thinking of the language and the subtleties involved with each committee, that's what -- that's what I did.

LEG. GULDI:
Who read them to you?

P.O. TONNA:
Okay. Hold it one second. 1208, establishing a Police Department hotline for victims of sexual misconduct by law enforcement personnel.

LEG. BISHOP:
Where is that going to, Agriculture?

P.O. TONNA:
That's Public Safety. Okay. 1209, designating the week of May 6th as

"Cooley's Anemia Awareness Week." And that's going to Health.

LEG. CRECCA:

I also ask that be secondary to Education and Youth.

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P.O. TONNA:

Sure, we'll put it secondary to Education and Youth. Okay? And then --

LEG. GULDI:

{Yutes}?

P.O. TONNA:

Youth, youth. Youths. Did I say youth?

LEG. CRECCA:

Yeah, you did. It's Youths.

P.O. TONNA:

Okay. All right. 1210, amending the 2001 Operating Budget and transferring funds to the Department of Public Works in connection with the demolition of Quonset Huts.

LEG. CRECCA:

Quonset Huts.

P.O. TONNA:

Quonset Huts at -- I don't remember. I don't know. I know what Kwanza is, but, anyway. And that's going to Parks. Indian Island County Park. What? It's going to Parks and then Finance. All right. And then the last one is 1211, which is authorizing open space acquisition of Bauer Property in the Town of Riverhead. And that's going to Environment and Land Acquisition and Planning. Thank you very much.

LEG. ALDEN:

Paul.

P.O. TONNA:

Yes.

LEG. ALDEN:

1191.

LEG. CARACCILO:

1211.

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P.O. TONNA:

Hold it a second. Okay. Anyway, all in favor? Opposed? Approved?
We're finished for the evening.

[THE MEETING WAS ADJOURNED AT 5:55 P.M.]

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