

SUFFOLK COUNTY LEGISLATURE

GENERAL MEETING

FOURTH DAY

MARCH 13, 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
MINUTES TRANSCRIBED BY LUCIA BRAATEN, ALISON MAHONEY AND
PATRICIA PATRISS, COURT REPORTERS

[THE FOLLOWING WAS TRANSCRIBED BY PATRICIA PATRISS, COURT REPORTER]

[THE MEETING WAS CALLED TO ORDER AT 9:35 A.M.]

P.O. TONNA:

Okay. You're all right? Okay. I'd ask all Legislators, please come to the horseshoe. We have a quorum? Okay. All rise for the Pledge led by Legislator Joe Caracappa.

(Salutation)

Thank you very much. I'm going to recognize Legislator Marty Haley for the purposes of introducing our clergy for today. Legislator Haley.

LEG. HALEY:

Good morning, everyone. It's a great pleasure for me to introduce Father Tom Murray from Saint Louis De Montfort Church in Sound Beach. He has a parish that reaches forty-five hundred families from -- I guess, I imagine you touch Mount Sinai out towards Rocky Point too, right?

FATHER MURRAY:

Right, and Sound Beach.

LEG. HALEY:

So there's a number of hamlets. Thank you. Father Tom.

FATHER MURRAY:

Let us pray. Let us pray. Let us pray for Gods help and the inspiration of his spirit. A reading from the book of Job, "I will state directly what is in my mind. My lips shall utter knowledge sincerely for the spirit of God has made me. The Almighty keeps me alive. We gather here in the name of God. Let us open up our minds and hearts to the needs of those that we serve. Let us pray that we may put aside any self interest in favor of the good of those we serve. That each member present may openly express ideas, problems, and projects from mature consideration by everyone present, that our community will always respond to the needs of all its members regardless of age, heritage, or social status. God our creator, you have heard our prayer for assistance. We believe that we are gathered here in your name. Strengthen our faith, our hope and our love and bring our efforts to a fruitful resolution. To our God whose is able to accomplish far more than we ask or imagine by the power at work within us, to God be glory forever and ever. Amen.

P.O. TONNA:

Thank you, very much. Thank you, Father. Okay. First of all I'd like to thank Legislator Maxine Postal who has provided us with breakfast today. Thank you. Today, Henry, if I'm not mistaken, it's your birthday today?

MR. BARTON:

Yes, it is.

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LEG. CARPENTER:

Henry, Happy Birthday.

P.O. TONNA:

Henry, happy birthday. How old are you?

MR. BARTON:

Thirty-eight.

P.O. TONNA:

And you're still available, right?

MR. BARTON:

Yes, I am.

P.O. TONNA:

Okay.

LEG. ALDEN:

Look at him blush.

P.O. TONNA:

Do we have any proclamations today? Any proclamations? No? All right.

I have, before we go to the cards, I have a report by a Yvonne Pena. Is there a report we're supposed to give today?

LEG. BINDER:

A little louder. I don't think she heard you.

P.O. TONNA:

Yeah, Penna. Okay, I guess not. All right. And just a reminder to everyone that our April 3rd meeting is an evening meeting, which will begin at five thirty in Hauppauge. That's for all of us. Okay.

All right. Our first speaker is Wayne Prospect. Oh, roll call. Roll call.

(Roll call by Mr. Barton)

MR. BARTON:

Thirteen present. We have a quorum. (Not present: Legislators Guldi, Fisher, Fields and D'Andre).

P.O. TONNA:

Okay. Our first speaker, Wayne Prospect. Wayne.

MR. PROSPECT:

Thank you Mr. Chairman. Good morning, members of the Legislature. My name is Wayne Prospect and I'm a member of the Advisory Board of the Long Island Groundwater Research Institute. Thank you, Mr. Binder.

I appeared before the Legislature last year in support of Legislator Fisher's Legislation to ban MTBE as a gasoline additive. A thanks to her initiative and your initiative in adopting it. The realization

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became known that the approval of MTBE as a gasoline oxygenate was a terrible mistake and subsequently New York State acted to ban MTBE. Unfortunately, though, we're going to have to live with this for another three years. I believe the ban doesn't take effect for another three years.

Today I'm speaking in support of Legislator Alden and Legislator Postal's Legislation to initiate litigation against the manufacturers of MTBE and hold them responsible for the economic damage for removing MTBE from groundwater and drinking water. As we rightfully discuss the MTBE issue, however, we must be careful not to convey the impression that the public -- that we should be careful not to convey to the public that somehow the drinking water supply is imperiled, because it is not. So if someone is having a cup of coffee they're not getting a mouthful of MTBE. If you're taking a shower or you're giving a bath to your baby, you're not drenching yourself in MTBE.

So as we discuss this important issue we must be sensitive to what the realities are. We're not talking about PR, we're not talking about spin. We're just talking about an honest presentation of the facts. The Suffolk County Water Authority for example has 465 operating wells, and small traces of MTBE have been found in 10% of those wells. Now the state guideline for MTBE is 50 parts per billion. These wells, the 10%, have had traces of between .5% and 2.5%. These are incontestable amounts in 10% of those wells. To give you a question of scale about parts per billion, having 1% part per billion in a well

is equal to one second, one second in the life of a person who's 32 years old.

So this is just a question of scale. However, many of the more shallow, I repeat, many of the more shallow private wells in Suffolk County have been severely impacted. The Suffolk County Water Authority wells are very deep, and the water they pump could be anywhere from 10, 20, to 30 years old. Now since MTBE is in the groundwater as a result of rainfall, storm water run off, gasoline spills, storage tank leaks, we don't want MTBE to be in our groundwater in significant larger amounts five years from now, ten years from now, fifteen years from now, twenty years from now.

We have invested tens of millions of dollars to protect the future drinking water supply in the Pine Barrens and what we don't want to see happen is that this future drinking water supply compromised by this, if you will, cockamammy oxygenate, MTBE.

D.P.O. POSTAL:

Wayne, excuse me. Would you sum up, please?

MR. PROSPECT:

Yeah. Now MTBE is a highly aggressive and soluble --

P.O. TONNA:

Wayne, Wayne, sum up.

MR. PROSPECT:

Yeah.

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P.O. TONNA:

We have a lot of speakers today.

MR. PROSPECT:

I hear --

P.O. TONNA:

You have your time.

MR. PROSPECT:

So it moves, it's very soluble in sand, in our sandy soils. It's very, very soluble. Lastly, if you'll just let me complete the rest of this thought, I will wrap it up.

P.O. TONNA:

How about the sentence.

MR. PROSPECT:

Our obligation is to intercept MTBE in the groundwater before it ever moves to the drinking water. This is our -- this is our task. And there are economic impacts to doing that. There are economic impacts to protecting the people who are on private wells. Who's going to absorb the burden for these economic impacts. I think a case could be made that the manufacturers of MTBE should be held responsible for this, and that is -- that is the purpose I think, of the Legislation that you -- that you've introduced.

D.P.O. POSTAL:

Thank you.

MR. PROSPECT:

So I just wanted to make those impressions. Now last year when I came before you --

D.P.O. POSTAL:

Wayne, we have a lot of speakers today.

MR. PROSPECT:

I know. I want to give you something. Last year when I came before you here, when I came before you, some of you requested that I give you copies of the 60 Minutes piece that appeared about a year and a half ago, if I got a hold of transcripts you'd want a copy of it. It's late, but I did give you -- I did get copies of the transcripts. I have them for you and I may have other material that may be of assistance as you debate this.

D.P.O. POSTAL:

Thank you. Next speaker is Michele Morris.

MS. MORRIS:

Good morning. My name is Michele Morris, and I'm a student at Tecumseh Elementary School in the Sachem School District. A few weeks ago my classmates and I came across an article pertaining to DARE. When we read how the Police Commissioner wanted to cancel the DARE Program we were very shocked and disturbed by this thought.

My classmates and I love the DARE program and learned so many things in just seventeen weeks. We decided that we had to do something to show people that DARE is effective. I typed up petitions explaining the situation and my classmates handed them out to the 5th and 6th graders in my school. We also had parents and teachers sign the petition along with students. When we were finished we had a total of

five hundred and ninety signatures. My class also wrote letters explaining why they thought DARE is effective.

I myself think DARE is effective because half of the issues that we talked about were issues that I never knew about. The issues we talked about were important things that books left out and teachers cannot explain. By having an actual police officer teaching these issues I was able to understand what he was talking about better.

My DARE officer experienced things firsthand. He was able to answer the questions we had because he was in situations involving gangs, drugs, violence and so on. If you have a teacher teaching topics similar to DARE, they will not be able to answer the questions because they do not experience it and they do not have the knowledge that a DARE officer has. When a student in my class asked my teacher a question pertaining to DARE issues 99% of the time my teacher would tell them to ask our DARE Officer.

When I think back to the DARE Program I realize that the program prepared me for junior high and the challenges ahead of me. The program had an impact on every single graduate of DARE. I realized that I do not have studies showing that DARE is effective, but myself and 590 people just in my community think that it is. If I am ever offered drugs DARE is going to be the reason, number one reason, why I said no.

I asked the people that do not believe in DARE to think about whether or not they want a teacher to teach them about DARE or a police officer. Tecumseh School supports DARE one hundred percent.

Thank you for taking the time to listen to me. I would like to present signatures and letters to the Legislators.

LEG. D'ANDRE:
The Clerk.

D.P.O. POSTAL:
Thank you, Ms. Morris.

MS. MORRIS:
Thank you.

(Applause)

D.P.O. POSTAL:
Next speaker is Darren Sandow, or -- is it Darren? Am I pronouncing that right? Darren Sandow. Is Darren Sandow here?

MR. SANDOW:
Good morning

D.P.O. POSTAL:

Good morning.

MR. SANDOW:

I wanted to start out today by doing something a little bit different. In fact, it's kind of a little bit of a game. I'm going to give some characteristics and you can guess which bill I'm here to testify on behalf of.

Littering, blocking driveways or parking lots, traffic hazards, trespassing, public urination, sexual harassment, lowering property values, increases in crime, unsightliness, and the intimidation of customers or the reduction in business. These are the common complaints filed to local police districts from sixty-one communities around the Country that have been put together in a study compiled by the Los Angeles County Commission on Human Resources.

In 35 of those communities nonprofit organization, churches, police, and government came together in one form or another to create shape up sites or hiring halls. In nearly all of those communities, citizens, day laborers, police officials and government officials claim that shape up sites improved the quality of life, and they reduced the number of complaints filed to the police, which means that fewer tax dollars were being spent investigating the claims and creating a police presence.

I am here today to speak to you about Bill Number 1193-2001. At present, in Farmingville, we have our own hiring site, it's called Horseblock Road. Each day that we blame the Federal Government for the high number of immigrants living and working in the hamlet of Farmingville and each day that we claim that this is a Town of Brookhaven problem and not that of Suffolk County, is another day that the residents of Farmingville must face some legitimate quality of life issues such as hazardous street conditions, large numbers of men gathering in front of the local businesses, and sanitary conditions, all to fuel the demand for labor that other Long Islanders are simply unwilling to perform.

Supply and demand for skilled and unskilled day labor has met in Farmingville, and we must deal with this reality by devising a workable solution. This bill presents Suffolk County residents with the first realistic step towards dealing with a County wide problem and I applaud its sponsors for having the vision and the courage for bringing it to the Social Services Committee.

My name is Darren Sandow, and I speak to you wearing several hats, one as the program officer for the Long Island Community Foundation, the other as the program officer for the Long Island Unitarian Universalist Fund, and I also work with Horace and Amy Hagedorn. Combined my hats have helped to provide Long Island non-profit organizations with nearly 10 million dollars last year.

D.P.O. POSTAL:

Mr. Sandow, can you sum up, please?

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MR. SANDOW:

Okay. Basically we are absolutely in support of Bill Number 1193-2001, which is supporting the creation of services in a community opportunity center in Farmingville.

D.P.O. POSTAL:

Thank you. There's a question. Legislator Foley.

LEG. FOLEY:

Thank you, Madam Chair. Thank you, Mr. Sandow, for your presentation. You know the term quality of life has been used rather loosely over a period of time. If you could explain to us why you believe, or in your investigations throughout the Country, why you believe that a shape up area or a community center would in fact improve the quality of life? We have heard from others who have attempted to say that this kind of site would do just the opposite, but in your estimation, in your review in your investigation of different sites here on the Island, as well as Country wide, again, what has been the results of your investigations of this particular approach to the issue of day laborers?

MR. SANDOW:

The Long Island Community Foundation, as well as the Long Island Unitarian Universalist Fund, supported the shape up site that was created in Glen Cove several years ago. We helped to staff that site. Initially in Glen Cove what happened were community tensions were at an all time high, and once the site was created, the tensions in the community diminished, because, in fact, it dealt with the hazardous street conditions, it dealt with the sanitary concerns of the community, as well as it just -- it took the masses off the streets from being in front of the local businesses.

LEG. FOLEY:

So in your estimation we could apply that same approach to this particular area as well?

MR. SANDOW:

Absolutely. And I brought results of the study, the survey of day labor sites from across the Country, and there are 35 funded shape up sites from all across the Country and I'll leave that with the Legislature.

LEG. FOLEY:

One follow-up question if I may, Madam Chair. One of the other notions that has been expressed by some and I would in fact call fearmongering, but one of the other notions involved is that when a center is created it literally, not just hundreds, but thousands of new day laborers will invade the communities in which the centers are located. Have you looked into that particular issue?

MR. SANDOW:

Yeah. That is absolutely not the case because the fact is, is that what has happened in Farmingville is a product of supply and demand. The fact is, is that there is a demand for this labor, and the men come up merely as a result of wanting to improve the lives of their families back at home, and they come for work. They're here for

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nothing other than to work.

LEG. FOLEY:

So in other words Mr. Sandow, they don't travel the whole length of this Country because they hear of a shape up area of Farmingville, but they're here instead because the market has a need for that particular kind of labor?

MR. SANDOW:

Correct.

LEG. FOLEY:

Thank you.

D.P.O. POSTAL:

Thank you, Mr. Sandow.

LEG. D'ANDRE:

Madam Chairman, may I say something here?

D.P.O. POSTAL:

No. Legislator D'Andre I'd like to call the next speaker. If you have a question for Mr. Sandow, you may ask it, but I would like to ask all Legislators to please confine their remarks to questions. Keep your questions to the point, brief, avoid making statements because we have, as you can see, a great many speakers, and we want to give the public an opportunity to speak.

LEG. D'ANDRE:

Madam Chair.

D.P.O. POSTAL:

Do you have a question, Legislator D'Andre?

LEG. D'ANDRE:

I think we deserve a little latitude here. We can't just have to ask questions. There's a lot of people here.

D.P.O. POSTAL:

No, I'm sorry. I'm sorry.

(Applause)

Mike, if you have a question, that's fine. The public comes to speak to us, and you know, we're going to debate an issue later. We can do that at that time.

LEG. D'ANDRE:

My question is this, since you put it that way, do you think that they have a right to come into a community, upset it, send it in turmoil because they need the job? The Federal Government couldn't care less. They have these people come in. And there's nothing wrong with the people. I respect them as aliens, but the voting public, the tax paying public is being trotted upon and that's wrong.

(Applause)

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MR. SANDOW:

Well --

LEG. D'ANDRE:

That's very wrong.

MR. SANDOW:

Excuse me, Legislator D'Andre --

LEG. D'ANDRE:

That's very wrong.

MR. SANDOW:

Can I --

LEG. D'ANDRE:

They're not supposed to give up their rights.

D.P.O. POSTAL:

Let him -- Mike. Mike, he wants to answer your question.

MR. SANDOW:

I'd like to answer your question. Nobody in this room working on either side of the issue would deny that the fact that the INS hasn't been doing their job, isn't -- it has created a problem in the community. But the issue is that tensions have risen in that community to such a level that two men were nearly killed last year.

LEG. D'ANDRE:

I realize that.

AUDIENCE MEMBER:

Not by Farmingville people.

D.P.O. POSTAL:

Can we please have order?

MR. SANDOW:

We need to take steps in order to deal. The shape up site is a start, Legislator D'Andre, and then we can begin to work on the other issues.

LEG. D'ANDRE:

Nobody deserves to have that thrust upon them.

D.P.O. POSTAL:

Mike, I think we need to move to the next speaker. The next speaker is Michael Baguilera, if I pronounced that right. Mr. Baguilera? Okay. You have three minutes. All speakers have three minutes during the public portion.

MR. AGUILERA:

Thank you for letting me speak. My name is Dr. Michael Aguilera. I'm a research fellow at the State University at Stony Brook. My speciality is Mexican immigrant labor markets. I'm very interested in this topic of the opportunity center that is proposed for the bill

1192-2001.

I live in the 4th District and my Legislator is Joseph Caracappa. As a representative of Brookhaven Citizens for Peaceful Solutions I would like to attest to -- I would like to attest to the urgent need for a community opportunity center in Farmingville. There are several pressing problems that I believe an opportunity center can address. Four well publicized informal day labor sites exist in Farmingville and the surrounding areas. In these sites day laborers meet employees in the street to obtain work. These sites create traffic congestions and pose traffic hazards to drivers, day laborers and employers. These legitimate traffic concerns are problematic to all users of

these roads regardless of race.

A center would provide an alternative hiring site and would largely stop street pickups. It would ensure the safety of, mark this, drivers, day laborers and employers. Some argue that day laborers are illegally in the Country and we shouldn't do anything for them. An opportunity center is not merely solving the problems of day laborers. Traffic congestion and road hazards are shared community concerns and we must ensure the safety of all members of our community. Besides, the day laborers are part of the Farmingville community and would likely continue to contribute to the strength of the Farmingville Community.

I have visited nine opportunity centers along with other members of the BCPS to help determine what makes a successful opportunity center in California and Los Angeles and San Diego and New York and Huntington and Farmingdale and one in Orange County California as well. If the criteria for a successful center is whether the day laborers use the center rather than the street, I would have to say that we can create a center that largely meets this criteria that would take the labor from the street to the opportunity center.

Legislators, you have the opportunity to act to stop the senseless beatings and/or possible murders that may be a result without an opportunity center. You have the opportunity to do something positive for your communities. You have the opportunity to make Farmingville an excepting environment that rejects racism and racial stereotyping. Regardless of how you feel about federal immigration policies you must recognize that we share a community with many different people and we must incorporate all members of this community into one cohesive community.

D.P.O. POSTAL:

Please sum up, Dr. Aguilera.

MR. AGUILERA:

Thank you. To do nothing and/or wait for the unlikely day when the INS, Immigration Naturalization Service comes to solve your problems is not only naive, but also unrealistic. We, Brookhaven Citizens for Peaceful Solutions, alongside with many other organizations support the creation of the center with the hopes of providing a solution. Legislators, please join us in supporting the community opportunity center.

D.P.O. POSTAL:

Thank you.

MR. AGUILERA:

I have copies of my talks that I would like to give to you.

D.P.O. POSTAL:

You can give it to that woman. She'll distribute it. Thank you.

MR. AGUILERA:

Thank you.

(Applause)

D.P.O. POSTAL:

Mrs. JoAnn Russo.

MRS. RUSSO:

I'd like to relinquish my time to Mr. John Sadowski.

D.P.O. POSTAL:

Okay. Mr. Sadowski. Did Mr. Sadowski fill out a card as well? Did you fill out --

AUDIENCE MEMBER:

Yes, he did.

D.P.O. POSTAL:

Mr. Sadowski.

MR. SADOWSKI:

Yes.

D.P.O. POSTAL:

Did you fill out a card did you say?

MR. SADOWSKI:

Yes, I did.

D.P.O. POSTAL:

Okay. Then you have six minutes.

MR. SADOWSKI:

Thank you very much. Ladies and Gentlemen, as we all know we do have a problem in Suffolk County. This problem is that we have illegal aliens. This is a very big problem. Number one, we have necessarily known to each one of you under Article 18 USC1, anybody that is --

D.P.O. POSTAL:

May I just ask you to speak into the microphone?

MR. SADOWSKI:

Oh, okay. Under Article 18 USC1 anybody who takes part and is a party to, that has knowledge that is necessarily known has a problem because they themselves become part of the problem. They are in knowledge of that these illegal aliens exist. Now, upon the illegal aliens

existing, the public officials are supposed to come into action and place all of the officials that they can place together to get rid of anybody who is, Number 1, breaking the law, Number 2, an illegal alien, check Number 1, to see if they're illegal, do they have a green card? They don't. Well, let's get them out.

We have a problem that we pay our taxes, but they pay none. We have a problem that they come into our hospitals. They get emergency care, they leave that hospital, they give a bogus address. They don't pay the bills. Doctors don't get paid. Many people don't get paid because of illegal aliens.

I have some exhibits over here for the board, the full Legislative body. I would like to hand these to the Clerk for this Legislative body. At this time -- at this time, these exhibits are going to be handed to the Clerk. Your name is, sir?

MR. BARTON:
Henry Barton.

MR. SADOWSKI:
Thank you.

AUDIENCE MEMBER:
Happy Birthday.

MR. BARTON:
Thank you.

MR. SADOWSKI:
These papers will clearly show our feelings, and how the community -- take them out of the box please, and how the community feels at this time. Because at this time we are tired of watching -- we have one woman who's 80 years old who lives around the block from where these people are getting jobs, has been assaulted, one, two, broke into her house six times. Nobody has done anything about it. At this time outside of the horseshoe of this forum, I have served upon this body a lawsuit against each and every individual that sits on this committee. Thank you.

(Applause)

D.P.O. POSTAL:
Jim Claffey.

MR. CLAFFEY:
Yes. Good morning. Jim Claffey, Health and Welfare Council of Long Island. I'd like to speak also to the community opportunity center

issue, and bring a little of a sparkle perspective into this. This problem, as you know, is very old at this point. We began to address this issue in 1998. There's a phrase that appears every day in Newsday on the editorial page where there is no vision the people perish. We see that phrase every day as we read the newspaper.

The important thing is not however that it's in the Newspaper, the important thing is it comes from the Book of Proverbs of the Bible.

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What has been lacking is a sense of vision in the County to resolve this problem. In 1999 I was hired and went out to Farmingville for what we called the listening project. For over four months I engaged people in one on one individual conversations listening to their point of view. Over 225 people, and the great majority of the people interviewed spoke in favor of an organized peaceful attempt to deal with the issues, very few people at that point registered racist comments to me in those interviews.

Now at that time we predicted violence, we predicted that things would turn violent. Unfortunately, we were correct in that opinion. No one has ever claimed that the organizing of a center would be the magic wand that will solve all the problems. It's important for Legislators to understand that. We have never claimed that do organize this center will immediately take away all of the problems. What we have said is it will take a bite out of some of the more visible, more annoying aspects to the problem, it will introduce finally, some organization into this situation instead of the chaos that currently exists, and it will then allow us piece by piece to work peacefully in an organized manner to address the many different issues that are there.

So I would urge you today, again from a historical perspective, this issue has been around, it's one of these things that apparently is not going away since 1998. It is about time that the leadership of Suffolk County develop the political role to recognize that to do nothing is to further entrench people in their current attitudes. To foster a center is to usher in finally, some organization that allows some positive steps to be taken. So I urge the Legislature today to find the political will to move on this issue. Thank you.

(Applause)

D.P.O. POSTAL:

Thank you. Next speaker is Lee Winters.

MR. WINTERS:

Good morning. I'm not an expert in this field at all. I'm just a

regular citizen. I'm a retired cop. I was in the Marine Corps. I have a lot of respect for the laws of the United States. However, I'm a human being. I'm an American citizen. I'm a citizen of the world and I'm a child of God. If I lived in Mexico and I knew I had some advantage here to help my family back in Mexico, I'd be wading across the Rio Grande myself.

(Applause)

I'd be on a raft floating from Haiti, I'd be crossing the border from Yugoslavia into Germany. I'd be going into England. I'd do anything I can to help my family. Again, I say I'm not a person with a lot of answers. I'm a person with a lot of questions. We have two different groups in Brookhaven. I'm only from Islip.

AUDIENCE MEMBER:
Of course.

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MR. WINTERS:

I really feel for the people in Brookhaven. There are two groups there. I've become aware of that one is the Citizens for a Peaceful Solution, the other is for a Quality of Life. With two positive groups like that you would think that we'd be able to come up with one positive solution. I don't think the center is the ultimate solution, but I do think it is a step in the right direction. We have people standing out in the street. There are no urinary facilities, no any other facilities that you're all aware of. Its all been said before.

Again, I'm a humble citizen. I'm a volunteer of Saint Mary's Church and I'm here to remind everybody these are children of God that are coming here for some help. Please remember that in your decision.

D.P.O. POSTAL:
Thank you, Mr. Winters.

(Applause)

P.O. TONNA:
Mary Ann Heart, please.

MS. HART:
Good morning. My name is Mary Ann Hart. I live in Stony Brook. I have lived at this address for almost a year and a half. Prior to that I lived in Bay Shore for 23 years. My husband and I have five children, Vivian Fisher is our elected official to this Legislative body. As a resident of Suffolk County and Brookhaven township I

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congratulate -- I wish to thank Mr. Foley, Ms. Fisher, Mr. Tonna and Ms. Postal for sponsoring bill 1193-2001. It's an important step in the right direction for a peaceful solution to this difficult situation.

The people who come to Farmingville are looking for work to feed their families because they're poor. We need and benefit from their labor. They also need a place to assemble in dignity and safety. The community needs that as well. The need to care for our families is a strong one. It's not going to go away. These people risk their lives to do that in many ways. Having worked and lived with the Hispanic community both in Brentwood and Riverhead, I ask you to help them work and live in peace. Thank you.

(Applause)

D.P.O. POSTAL:
Thank you, ma'am.

P.O. TONNA:
Nadia Marin-Molina. How are you doing Nadia?

MS. MARIN-MOLINA:
Thank you. Very well. Good morning.

P.O. TONNA:
Good morning.

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MS. MARIN-MOLINA:
My name is Nadia Marin-Molina and I'm here as Executive Director of the Workplace Project, a nonprofit organization that organizes Latino immigrants workers on Long Island to defend their rights on the job and in their communities.

We are urging you to support resolution 1193-2001 to create a community center that will allow the day laborers in Farmingville to be hired under safe and dignified conditions. We believe that the creation of such a center will be an important step towards improving the situation of these workers. We have worked with the Farmingville day Laborers for over two years. The most common problems faced by the day laborers as workers include injuries on the job and nonpayment of wages. In addition, the workers also face hate on a daily basis as they seek to make a living in their own neighborhood. There are those who seek punitive measures against these workers. Some call for outlined day labor, others call for outright deportations. None of this will improve a single life within the Farmingville Community. It

will not answer the cries of those who are worried about traffic, or littering, or any of the quality of life issues that are commonly raised.

In addition, it won't work. A survey recently conducted by the Los Angeles Human Relations Commission confirmed that punitive measures such as anti day labor ordinances are ineffective, and that quote, "As long as there are jobs available, the workers will continue to gather." The Latino population in Suffolk County is growing and will most likely continue to grow, voters and non voters, immigrants and native born. As long as there are new houses to be built and to be cleaned immigrants will be filling those jobs. Rather than seeking punitive measures Suffolk County can however take a positive step to improve the situation in Farmingville by approving the funding for a community center.

Other sites have been created in other parts of the Country that have improved the situation. They're mentioned in the Los Angeles Commission Report and they're funded with city money and they lower the incidents of employers abusing workers.

Now some people might argue that their tax dollars should not be spent to help immigrants, but this center will not just benefit workers for two main reasons. First, when one worker is abused, all workers suffer. When a day laborer works for a week without being paid, U.S. foreign construction workers also suffer because contractors learn that if they hire off the street they can get away without paying. The only way to counteract this is by raising the floor, by ensuring that no one can be abused and mistreated and that unscrupulous contractors will have nowhere to go to find cheap labor.

Second, the site will improve tensions in the Farmingville Community. While workers are out in the street issues such as traffic get in the way of basic human understanding. When workers begin to use the site the community will see that workers are simply human beings struggling for a better way of life. The racism and hate that is being peddled now in Farmingville will have nowhere to go.

P.O. TONNA:

Nadia, there are a lot of speakers today and you have to wrap up your comments, please.

MS. MARIN-MOLINA:

Okay. I have one more section and then I'm going to give you two things. So first, I just know that there are people who get upset when we use words like racism and hate, but I think things have to be

called what they really are. When, you know, when the workers were attacked in September nobody asked them for their social security numbers. They said let's go get some Mexicans and that's what they decided --

LEG. D'ANDRE:
That doesn't recognize --

P.O. TONNA:
Legislator D'Andre, Nadia has the floor.

LEG. D'ANDRE:
That doesn't --

P.O. TONNA:
Legislator D'Andre.

LEG. D'ANDRE:
That doesn't recognize all the people --

P.O. TONNA:
Legislator D'Andre, let the lady finish.

LEG. D'ANDRE:
-- that's an individual.

P.O. TONNA:
Legislator D'Andre, let her finish, please, sir.

LEG. D'ANDRE:
I'm sorry.

P.O. TONNA:
Thank you.

MS. MARIN-MOLINA:
And the point is again, I'm going to give you a report. I'll give you a copy of my testimony, which is a little bit longer and a report, which is entitled, "Is FAIR unfair?" It is a report by the Anti-Defamation League on the Federation of Americans for Immigration Reform that talks about how they've received money from the Pioneer Fund, which basically funds research to talk about how blacks are genetically inferior to white on an intellectual level. This is the kind of hate that is coming to Suffolk County and will continue to come if the Legislature doesn't take a strong stand and do something about it.

P.O. TONNA:

Thank you, ma'am. Thank you very much.

(Applause)

P.O. TONNA:

Tom Strong.

MR. STRONG:

Good morning. I'm Tommy Strong. My wife and I have resided in the community of Farmingville for the last 28 years, five months and two days. I raised four girls through the Sachem School District and I'm also a member of the Brookhaven Citizens for Peaceful Solutions. Day workers are presently living in our community and most likely will continue to be here in the foreseeable future. I share my neighbors concerns with the role both of contractors and landlords who have taken unfair advantage of this situation.

However, I am here this morning to speak in favor of the creation of a community opportunity center in Farmingville. It is time for us to move on to minimize the hazardous traffic problem, remove an unsightly daily perception throughout Farmingville, and create a center that could provide a centralized site for daily hiring, acculturate the day laborers to community norms, reduce sanitary problems, train anyone in the community and refer all to appropriate medical treatment.

I'm a retired Deputy Inspector for the New York City Police Department. Over 30 years of my police service was on the subways of New York City and in the end of the '80's and the early part of the '90's quality of life issues were our greatest concern. We dealt with people who destroyed -- we dealt with people who destroyed property by vandalism, blast the radio in your ear and other negative conduct. Contrast just to what I see daily in the streets of Farmingville. I see day workers rise early, proceed to Horseblock Road on North Ocean Avenue and huddle in groups hoping to be picked up for a day's work. If you greet them as you pass, if they say anything, they'll give you a humble response.

Shortly, Suffolk PD sector or COPE cars, as many as four cars will appear to monitor groups as well as contractor activity. Mind you, the only reason the day workers are there is to be hired. However, to an unknowing motorist passing on one would think there was a very threatening ongoing condition. I, for one, find this daily scene quite offensive and my quality of life is affected by this daily scene.

Certainly an establishment of an off-street hiring location would greatly reduce the present traffic hazards and greatly lessen the police presence and burdening costs.

There have been complaints about urination in public areas. The center would have toilet facilities. This condition is not unique just to the day workers. As many of you know toilets on the subway were closed many, many years ago and the same problem would surface.

There only the individuals involved were passengers on the systems whether they be stockbrokers, teachers or factory workers. The center

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would be a spring board for training all of the Farmingville Community in getting their GEDs, specific skills and ESL. Additionally knowledgeable personnel can provide appropriate representatives for medical attention and necessary vaccinations.

I'm going to close. The day workers are here. Until something changes this situation we must do something aimed at the present hazardous condition as spring quickly arrives in less than two weeks and the number of workers will greatly swell. Some Farmingville residents, and I don't say for a minute that they're all racist in any way, shape or form, but they say the establishing of the center will never work. We see it as a very positive step in dealing with one issue related to the day worker. Just one issue, not everyone. We ask for your support in bringing the center to fruition. Thank you.

D.P.O. POSTAL:
Thank you, Mr. Strong.

(Applause)

Donna Strong.

MRS. STRONG:

My name is Donna Strong. My husband and our four children have lived in Farmingville for the last 28 years. I didn't get accurate with the days and the months. I love Farmingville, and only want the best for all concerned. I am here to testify in favor of passing that bill that would provide funding through Catholic Charity for a necessary shape up site. I realize that the weak INS has led to the large number of day laborers coming to Farmingville. The reality is that they are here and we must do something to maintain safe streets for all. I believe that a work site is a first step. Once this is established we can go on and discuss other problems that need to be dealt with. Spring is around the corner and we will be seeing more and more of the men standing on the corners of Horseblock Road waiting for the contractors to pick them up.

The intolerance of our community is growing stronger each day. In building this work site we will be securing peace and protecting the men from the people with no tolerance. By voting yes we are helping to make the streets of Farmingville a safer place for all people who live and work in the community. I believe that the violence on the streets of Farmingville will escalate this summer if some positive steps are not taken. I feel the first step is a work site.

There is a prayer I believe is used by AA members which I think is appropriate for this -- for us to think about today. "God grant me the security to accept the things I cannot change, the courage to change the things that I can, and the wisdom to know the difference."

I ask that you look deep within yourselves to vote on Bill 1193-2001. We have the power to change the atmosphere of the community of Farmingville. Let us use that power in a positive way. I would like to thank Brian Foley, Vivian Fisher, Paul Tonna and Maxine Postal for sponsoring this bill.

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D.P.O. POSTAL:
Thank you, Mrs. Strong.

(Applause)

John Bingham, Esq.

MR. BINGHAM:
Good morning.

D.P.O. POSTAL:
Good morning.

MR. BINGHAM:
My name is John Kennedy Bingham. I'm the grandchild and great grandchild and the husband of immigrants. My wife and I are residents of this County. My wife and I are voters and taxpayers. I'm also the director of Immigrant Services for Catholic Charities of the Diocese of Rockville Centre and I'd like to address you if I could in that capacity.

We join many of our parishioners and other residents of Farmingville like the Brookhaven Citizens for a Peaceful Solution and the workers and representatives of area parishes asking you to discharge the resolution on the community opportunity center to get it out in the open, ask and answer the hard questions, and make a decision one way or the other. Time is running. In that resolution, you are asking Catholic Charities to take on the challenge of figuring out with the workers, other residents of the community, the contractors and the police how to move current shape up activity in a way that works for the common good to the whole community. Glen Cove did it, Huntington Station has just done it, and both have been pleased with the results. It's time to try to the proven thing in Farmingville to take a reasonable decent step forward. This is not complicated. It is a

resist for public safety and reducing community tension for the safety of everyone who lives and passes through Farmingville.

There's a lot that people don't agree with in this story, but the one thing that everyone agrees on is that the roads near the current shape up sites are dangerous to drivers, pedestrians and workers. Unlike some of the other concerns people expressed, concerns like housing which are absolutely legitimate, and demands for deportation, which are just plain extreme, you can do something about you can do something about public safety, and you should before another person gets hurt, before more workers are attacked.

Catholic Charities is ready to give it a good shot if you are, as long as you don't kill this with conditions. Please stay open to our combined history of common sense and common good. Time is running. In fact it's late already. Spring starts next week and that brings not only the work and workers, but also we know increased danger on Horseblock and the kind of rhetoric and risk that motivates attacks like the one last September. What is needed is the responsible thing. We ask you simply address the issue. First by bringing the resolution to the table and really looking at it and then voting it either up or down and I'll close.

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Let's ask and answer openly, honestly with some respect, American style, all the tough questions everyone's asking, the four toughest. Is it legal for a community or government or church to support shape up sites that undocumented workers might use?

D.P.O. POSTAL:

Mr. Bingham, I have to ask you to sum up, please.

MR. BINGHAM:

I'll close. The answer is yes, there is no law against offering people a place to work. How can anyone consider using taxpayer dollars for that kind of place? Taxpayer dollars are always used for public safety programs. The eyes of the County, the Island, even a good part of the Country are on you. The eyes are not on the INS, they're not on some far away border, they're on you and us here, and after three years of paralysis and worse, this at last is a chance to do something.

D.P.O. POSTAL:

Thank you.

MR. BINGHAM:

Thank you.

(Applause)

D.P.O. POSTAL:

Pat --

LEG. BISHOP:

I have a question.

D.P.O. POSTAL:

Legislator Bishop has a question.

LEG. BISHOP:

This list of California sites --

MR. BINGHAM:

Yes.

LEG. BISHOP:

In California do they require that the day laborer prove that they're in the Country legally?

MR. BINGHAM:

I'm not familiar with all the sites and there are different sites in California, Mr. Bishop. I can speak to the sites that I visited both on the Island and down in the Washington DC area, and the answer is no there's no requirement. The only requirement in law for people to ask and prove immigration status is on the employers. It's not on the church. It's not on community groups like this. It's not on the shape up center. It's not on any location where people stand looking for work.

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LEG. BISHOP:

Because I'm reading an LA Times article right now and it says that the ones in southern California have by and large been a failure because only a fraction of the laborers use it because most of them require proof of being in the Country legally. So I wouldn't -- you know, I wouldn't want to vote for something that's not going to solve the problem --

MR. BINGHAM:

Certainly.

LEG. BISHOP:

-- and just get everybody more angry.

MR. BINGHAM:

Certainly not. And I'd like to look at that article. But let me tell you that some of the shape up sites that have had trouble or failed across the Country have largely done so because the location of the site that was chosen was not workable for the workers and for the community.

LEG. BISHOP:

In other words you have to be where the problem is.

MR. BINGHAM:

Kind of thing yes. Yes, sir.

D.P.O. POSTAL:

Thank you.

MR. BINGHAM:

I'd like to leave a copy of my statement and some questions and answers with you. Thank you.

D.P.O. POSTAL:

Yes. Thank you. Next speaker is Pat Gyscek.

MS. GYSCEK:

Good morning.

D.P.O. POSTAL:

Good morning.

MS. GYSCEK:

I am here to speak in favor of providing funding for the community opportunity center. My name is Patricia Gyscek. I am a twenty-four year resident of Farmingville. My Legislator is Joseph Caracappa. My husband and I have raised three children, all young adults now, and all alumni of the Sachem School District. I came before you on August 31st to testify about the atmosphere in Farmingville at that time. You all seemed very concerned about this community in crisis. A lot has happened since then, some good, some horrible, but the outward situation is much the same as it was then with the potential for emotions and tempers to peak this summer.

I want to thank Ms. Postal, Ms. Fisher, Mr. Foley and Mr. Tonna as sponsors of this bill for the courage in taking a positive action to try to bring common dignity back to our community.

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Allowing the situation to remain as it is with the men continuing to gather at sites along Horseblock Road and North Ocean Avenue is no solution to the problems of traffic congestion, overcrowded housing, sanitation, health, and social issues.

It seems to me that if we have a site available to the men, a safe and dignified place, we might more easily enter into dialogue with them and address head on some of the most serious of the community concerns. A community center will not solve all problems, but it would immediately address some of the concerns and give the community a chance to heal. There is no chance of improvement if we do nothing. There are broader issues to be addressed and one of the most promising actions nationally seems to be the relationship between our President and President Fox of Mexico. Their ongoing dialogue includes consideration of legitimate immigration practices to address the obvious need for the labor provided by our neighbors to the south. But the men are here now and we need a local solution now. We need your help.

Albert Einstein said, "No problem can be solved by the same consciousness that formed it." I'm a nurse and when I was preparing my remarks I started thinking about the situation that plagues my neighborhood in medical terms. We are a community in an urgent situation. We are bleeding and we tried to take care of it at home and failed. There were community meetings and visits to town officials. We have come to you as if to an emergency room. There will be further treatment needed later to be sure, but please don't delay. Please don't send us to another hospital. This could be a life-threatening situation. Please. Stop the bleeding.

(Applause)

[THE FOLLOWING WAS TRANSCRIBED BY LUCIA BRAATEN, COURT REPORTER]

D.P.O. POSTAL:

Next speaker is Bishop Emil Wcela.

BISHOP WCELA:

I am Bishop Emil Wcela. I'm the Auxiliary Bishop of the Diocese of Rockville Centre. I live in Riverhead, because I'm responsible for Eastern and Central Suffolk, and I was the founding Pastor of Resurrection Parish in Farmingville. When I was Pastor in Farmingville, the situation of the day-laborers was not as it is today. However, things have changed over the years.

I don't need to go over again all the reasons that have been given for having a center in Farmingville where people may gather, where the day-laborers may come, you've heard the reasons. I think what is -- just can't go on any longer is that the situation continue without some way of dealing with it. It's obvious that there's not going to be some great roundup of people to send them back to Mexico. The people are waiting on the corners. I think it's time for some kind of

action to take place. Catholic Charities is ready and willing to help and we certainly support the presentation of the bill that's before you. Thank you.

(Applause)

D.P.O. POSTAL:

Deep thank you. Next speaker is Horace Hagedorn.

MRS. HAGEDORN:

You get two for one here. I'm Amy Hagedorn. I'm an Italian-American. My people came here W.O.P., and they were helped in their acculturation to this country and became valuable members of society, I must say, myself included, I hope. I've been a teacher, I was a teacher for 23 years. My people were helped by efforts in the community, both public and private, settlement houses, programs in -- from the government that helped them become citizens.

You know why we're here, my husband and I. Well, maybe you don't. My husband and I are philanthropists. I find myself now in a position where I can do a funding, considerable funding through my association with Horace, who will also take some time to speak. Horace is the founder of Miracle-Gro Plant Food and has established a fund here on Long Island. Our funding is Island-wide, although we live in Nassau County. We support the opportunity center and would like to be part of it, and we represent other funders who would also like to support the center. We see it as a -- something important for you to do, something that is possible for you to do, something that addresses the immediate problems.

(Applause)

MR. HAGEDORN:

I'm a very lucky man. I've lived a charmed life. I have 19 grandchildren. I've been successful in acquiring the best that America can offer. I don't -- I don't want -- I don't want to be in a country where people can't earn a living. And I really feel that when conditions are such that people have to come to this country to make a living, I think that if they're that anxious, we should give them a chance. I just want to say that we're going to support as best we can this effort. Thank you.

(Applause).

D.P.O. POSTAL:

Thank you. Legislator D'Andre has a question. Legislator D'Andre?

LEG. D'ANDRE:

Young man. Young man. Young man.

D.P.O. POSTAL:
Mr. Hagedorn.

LEG. D'ANDRE:
Get back here. You should be taking some of that Miracle-Gro. Let me tell you, I'm a --

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MR. HAGEDORN:
I've tried it.

LEG. D'ANDRE:
By trade I'm a horticulturist and that's one of the best plant foods I have ever used and I continue to use it. It doesn't burn, you can use it umpteen times. It's very good.

MRS. HAGEDORN:
Please, keep using the product so that we can do philanthropy. Thank you.

D.P.O. POSTAL:
Thank you.

MS. HAGEDORN:
Horace will be 86 this month.

D.P.O. POSTAL:
Wonderful

LEG. D'ANDRE:
Very good.

(Applause)

MR. HAGEDORN:
Thank you.

D.P.O. POSTAL:
Thank you.

LEG. D'ANDRE:
Thank you for giving us Miracle-Gro.

D.P.O. POSTAL:
Thank you, Mr. and Mrs. Hagedorn.

LEG. D'ANDRE:

Very good.

D.P.O. POSTAL:

Next speaker is Edward Hernandez.

LEG. ALDEN:

I gather that's a nonpaid endorsement.

LEG. D'ANDRE:

Hey, I use that stuff. It's great, doesn't burn.

MR. HERNANDEZ:

I always get the tough acts to follow. I'm Ed Hernandez. I'm a Farmingville resident in Joe Caracappa's district, married to the granddaughter of an Italian immigrant who arrived here illegally. Just some random thoughts to try to squeeze them in three minutes.

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This is not about illegal activity, it's quality of life issues, and, certainly, those quality of life issues have been outlined.

The workers will not go away tomorrow by a lack of action by this group. The problems will remain and can only promise to get worse. Immigration policy is changing on a federal level, so we can't rely on the feds for relief until they make up their own minds in which way that they're going.

You hear words have no influence. It was not Farmingville residents that did the two beatings. If words have no impact, then why are we here today. You may hear about budget problems. How much did it cost to investigate the two beatings, and how much does it cost to add patrols in the area to make sure that peace is kept? Don't let the talk about job market elsewhere apply to Farmingville. Articles in Newsday about hiring on Long Island, hiring even on the federal level is not going away. You hear about overpopulation. The census came out and Lee Koppelman did a study and we're well below our carrying capacity, so it's not an issue about overcrowding. And with restrictive zoning and smart growth, it may never get there.

You know, we want to resolve community issues. People on the other side haven't mentioned outsiders today, because they brought in the big guns from outside and laid down the gauntlet. Others have tried for three years with nothing moving forward. We can act now to take some control of this situation to address quality of life issues. It's up to everybody here to get together and act and do something for the benefit of the community, what's in the best interest of the community, what's in our power as a Legislative body here to do, not to address issues that are beyond our control, and not to play in

other arenas. This is what we could act on here today and I urge you all to do so. Thank you.

(Applause)

LEG. FOLEY:
Madam Chair.

D.P.O. POSTAL:
Legislator Foley.

LEG. FOLEY:
Just by way of background, Ed, your the past Chair of -- or President of the Farmingville Civic Center.

MR. HERNANDEZ:
I've been six or seven years at different times President that group.

LEG. FOLEY:
Okay. Is it not the case that there are a goodly number of Farmingville residents who are also in favor of trying this approach; is that not correct?

MR. HERNANDEZ:
There are a goodly number of residents that who want to see the beneficial for the community. I don't think anybody or very few

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people are proclaiming, you know, to make this a Mecca a for day-labor, it's a question that the men are out there and what do we want to do about it, and that's where everybody disagrees, the level of where they want to go with this.

LEG. FOLEY:
Thank you.

D.P.O. POSTAL:
Thank you. Next speaker is --

(Applause)

I'm not sure if I'm reading this handwriting right. Pat Young.

MR. YOUNG:
Hello. My name is Patrick Young from Central American Refugee Center. I am an attorney with the center, and I know last time when I was here, some folks from the anti-immigrant side asked why Central Americans were supporting something that dealt primarily with

Mexicans. And, you know, the fact is, is when Mexican day-laborers get beaten up, it could just as easily be by a Salvadoran who's a U.S. citizen, who's been in this country for 20 years, who gets beaten up. The folks who attack immigrants really are looking at skin color and accent and not at legal status.

I want to just address a couple of quick issues. I know I have very little time. Those are the issues that I think are in the background of some of your minds, which are the INA, the Immigration Nationality Act prohibitions on harboring and on employment. The first thing is, just to look at the employment issue, is it illegal to set up a hiring hall because -- because some people may be undocumented who use it? When the immigration law which, created employer sanctions, was passed in 1986, the Congress created a specific exemption for hiring halls. In other words, as long as the hiring hall does not take a fee for referral to a job, the hiring hall does not have to check employment documentation and does not violate federal law. The following year, the Reagan administration, in drafting regulations around Section 1324-A of the U.S. Code said that labor unions, which do charge a fee to belong to the union, which then refer people out for jobs who may be undocumented, also are not required to check documentation and, therefore, do not fall afoul of laws governing the employment of undocumented immigrants.

The second issue I know, which someone with a sign was walking around talking about earlier, which is the harboring provision, the harboring provision was set up specifically to deal with safe houses that were created in the Southwest to aid newly smuggled aliens. In other words, coyotes, alien smugglers would set up houses where they could bring people during the process of coming into the United States. And if those safe houses were found, then those persons might be guilty of committing the crime of harboring. This issue came up I know -- just in the last couple of months when President Bush's designee for Labor Secretary, Linda Chavez, was revealed to have hired, or maybe not hired, but housed an undocumented immigrant woman from Guatemala, and in that case, the -- although some Democrats were raising that charge,

the outgoing INS General Counsel Paul {Virtue}, who was President Clinton's INS General Counsel, was asked whether this fell within the harboring provision, and what he said was that harboring specifically looks at concealment, in other words, hiding someone from the INS, it's not looking at, gee, you know, is somebody in a luncheonette eating at a luncheonette, is that harboring? Is somebody on a bus or in a car with someone traveling to a soccer game or a baseball game, is that harboring? It really looks at the issue of trying to avoid prosecution, trying to conceal someone. So at the --

D.P.O. POSTAL:
Mr. Young.

MR. YOUNG:
I'm sorry.

D.P.O. POSTAL:
Please sum up.

MR. YOUNG:
Yeah, just to some up, at the day-labor site, there's no federal requirement that immigration documentation even be asked for. Certainly there's specific exemption for that. And since there's not going to be any attempt to conceal people from the INS, there's also no problem with the harboring provision. Thank you.

D.P.O. POSTAL:
Thank you.

(Applause)

Rosemary Grande.

MS. GRANDE:
Good morning.

D.P.O. POSTAL:
Good morning.

MS. GRANDE:
My name is Rosemary Grande and I come here today to oppose Resolution 1193, which is an attempt to place a hiring hall in Farmingville veiled as a community development center or a child care health facility. I am battered and bewildered on just how special interest groups hold our politicians in their pockets, and how the tax-paying citizen has no right and no power.

My husband and I purchased our first home in Farmingville nine years ago. We had such high hopes to improve our home and raise a family. We had no idea that our suburban dream would soon become a nightmare. We have been working since 1998 with our Town and County government with no success on alleviating the ongoing problem concerning the influx of illegal immigrants in Farmingville.

I have written to the President of the United States, both Clinton and Bush, to my Congressman, my Senator, Mr. Grucci, Mr. LaValle, and even

Mr. Tonna and Mr. Foley, with no response. With the passing of the Neighborhood Preservation Act, we thought it would at least address the problem of overcrowding housing, but the Housing Code of the NPA is not enforced. This does not even address the health and fire code issues.

I cannot believe I stand before you today. I can look back on recent ongoings in my community and see why we are here today. When Mr. Caracappa had enough courage to bring forth a bill regarding illegal immigration, this set up a room full of day-laborers holding up signs, "I cut your lawn and I paint your house." Of course, the bill was voted down and we had to start from the beginning once again. I can tell you now my husband cuts our lawn, and we have never and will never employ anyone who uses day-laborers and adds to the underground economy of Long Island.

After two illegal aliens were attacked last summer, they set up a whole scenario of candlelight vigils, marches and calls for a hiring hall by those various groups, Catholic Charities, the Workplace Project, Mr. Tonna and Mr. Foley, all whom have their own agenda and who do not live in my community. I could not turn on my T.V. without seeing Mr. Tonna speaking about his family, but not giving us any solutions to our problems.

Some may say that I am a racist, since that is the only response these groups have, because they represent people who are in our country illegally. I can tell you today I am not a racist. Both of my grandparents were immigrants from Italy who came into this country through Ellis Island and worked their way to a better life and did it legally. This is not about race, it's about right and wrong.

My husband and I pay \$6,111.71 a year in property tax to have the pleasure to live in Farmingville. If someone wants to purchase a home and pay the inflated property taxes Long Islanders pay and live the suburban dream, I would not care what race or religion they are. Again, it is about right and wrong, legal and illegal. By having a hiring hall, you are violating many laws, labor laws, tax laws, immigration laws. What kind of example are we setting for our children when we openly support illegal ongoings with our tax dollars? By passing this resolution, you are asking the taxpayers of Suffolk County to pay for a hiring hall that they do not want and will not utilize. But since the special interest groups have our politicians in their pockets and most politicians have their own agenda, we the taxpayers have to foot the bill. Well, this taxpayer says no. New York State already has a hiring hall, it's called the Department of Labor, but this would not work for these men, since they are in our country illegally. Also --

D.P.O. POSTAL:

Miss Grande, please sum up.

MS. GRANDE:

I'm going to finish. Also the problem of how these men are housed is not going to be alleviated by a hiring hall, community center, or whatever you want to call it. I am the majority of these illegal aliens are not violent or criminal people, but hard-working people,

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same as I, but with one difference, I am a citizen of the United States of America. Thank you.

(Applause)

D.P.O. POSTAL:

Thank you. Bill McNulty.

MR. McNULTY:

Good morning. I'm Bill McNulty.

D.P.O. POSTAL:

Good morning.

MR. McNULTY:

And I come from Setauket, and I'm here with connections to my church, Saint James Church, Peace and Justice Group, as well as connections that I maintain with civic groups and justice groups throughout the County, as well as the radion station WUSB 90.1FM at Stony Brook.

We salute the flag and we pray, and then somehow or another, we hope that we can bring together what these two groups represent. It lets me know that it is not out of order to think the thought that no human being is illegal. It also brings out for me that this is an appropriate place to bring the concepts of justice, equality, acceptance, fair treatment of people to this Legislative body.

We -- I urge you to pass the bill, 1193, because it is appropriate that folks who come to us now, not with the inscription W.O.P., with W.O.P., which stands for "Without Papers," but folks who come to us because our tax dollars, we hear reference to those tax dollars frequently, our tax dollars have played a role in disrupting the places from which these people come. As I've said to many in talking to folks in Farmingville, they don't come here because of the weather. Therefore, I would urge you to pass 1193, and then when that's done, I would urge you to continue with the struggle and pass a resolution calling for the closure of the School of the Americas, which is just one of the those instruments that has played a role in disrupting the countries to our south. Thank you very much.

(Applause)

D.P.O. POSTAL:

Thank you. Jennifer Greene.

MS. GREENE:

Good morning.

D.P.O. POSTAL:

Good morning.

MS. GREENE:

My name is Jennifer Greene. My husband, son and I moved to Suffolk County six years ago and we've lived in Bellport in Legislator Towle's district for three years. When I go home today, my son will ask me, "Mom, did the politicians do the right thing?" The reason Daniel's --

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Daniel, who's in grade school, knows all about what's going on here is that his mommy joined Brookhaven Citizens for Peaceful Solutions and has been concerned about the escalating tension in Farmingville for quite awhile now. Let me give you just two examples of how Farmingville has come into my life recently.

I am the Program Director at my church, and early last summer, I was preparing the fall schedule of guest speakers. With the growth of the Latino population in mine, I decided to book a speaker to come and describe her efforts to counter anti-immigrant attitudes. She came to speak on September 17th. I'll never forget it, because it was the very next day that two day-laborers from Farmingville were brutally beaten.

The first principle of our faith is the inherent worth and dignity of every human being, every person. That includes Ray Wysolmierski, whose show I saw for the first time just last week. Try to imagine this, if you haven't seen it. During the first and last few minutes of the show, the visual is a sequence of different screens of text exhorting viewers to action, and the accompanying audio is high spirited Mexican fiesta music. Do you get the picture? The show time is 7 p.m., not late night, so my child was in the room at the time. Bright boy that he is, he understood that the show's producer had chosen that music in an attempt to ridicule and provoke contempt for a people and their culture. I wish you could have seen the look on his face, the look that transformed his face as he grasped the meaning of it. It was a mixture of anguish and revulsion as he asked me why. Why would the person who made this show be so mean as to try to make fun of or insult other people like that?

That is how the situation in Farmingville is affecting my life nowadays. And I want to state that somehow I still believe in the inherent worth and dignity of Ray Wysolmierski, but I think it would be pretty hard to convince my little boy of that right now.

The silver lining of that horrible episode, by the way, was that I got

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to illustrate the principle of free speech on the spot to my child by explaining that I think it's right that the Sachem Quality of Life group can have a show. Freedom of speech must apply to exactly that speech I dislike and disagree with most. But what they broadcast Friday night just proves the point, that we need solutions now. Creating a center has worked in other communities and it will work here. I'll sum up. It's a needed step and a doable step that you should support. If you don't pass this bill, I don't see how this situation can improve.

I've visited two of your offices during the last week and I haven't heard any better ideas than a community opportunity center, which will help address some of the problems that exist now, so that we can then tackle the problems it won't address, but we must take this step. I'd like to be able to go home today and tell Daniel that the politicians did the right thing and helped pave the way for some peaceful solutions. Thank you.

(Applause)

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D.P.O. POSTAL:

Thank you, Miss Greene. Robert Becherer.

MR. BECHERER:

Good morning. My name is Robert Becherer, I live in Stony Brook. I have lived in the Three Village area for over 20 years. I have three sons, all of whom graduated from the Three Village School District, and I consider myself fortunate to be represented by County Legislator Vivian Fisher.

Almost two years ago, I retired from State service. Several years prior to my retirement, I had become interested in conditions in Latin America. It is no secret that there is a great difference in the standard of living here from that in Latin America. I have spent the past few years trying to understand the difference. This question is central to the issue before you today --

D.P.O. POSTAL:

Excuse me.

MR. BECHERER:

-- Bill Number --

D.P.O. POSTAL:

Just one second. Can we keep the doors closed, please? Go ahead.

MR. BECHERER:

This question is central to the issue before you today, Bill Number 1193-2001. Many, not all, of the persons served by this legislation will undoubtedly be Latin Americans. Why are they here? It is for the opportunity to improve conditions for themselves and their families.

I am seeking your affirmative vote for Bill 1193 for several reasons. Personally, my religious convictions guide me to promote the legislation. It will provide needy services for needy people. There is no question about the neediness of the people. Organizations such as Catholic Charities and private philanthropic organizations have identified the need long ago. As a practical matter, the day-laborers provide essential services that are not available in any other way, shape or form. That fact is demonstrated daily at several locations in Suffolk County where day-laborers are picked up. The communities in which the day-laborers are picked up have legitimate traffic and public health concerns, which will be solved by the passage of this legislation. This is an opportunity to provide a solution to conditions which will continue to be a problem if this legislation is not enacted.

I have never employed a day-laborer. I cut my own lawn. I am an inveterate do-it-yourselfer. So you might ask how do day-laborers serve me? Let me give you the following example: For over the past year, my church, Saint James in Setauket, has been building a parish center, a building which I believe greatly enhances our parish and our community at large. Being a civil engineer, I took an interest and watched as the building was being constructed. At all stages of construction, there were day-laborers present on the construction

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site, from the pouring of the concrete footings to the erection of the steel, and to the final landscaping of the property. The labor of the day-laborers has enhanced my community and I am grateful to them. I suggest that the day-laborers have also enhanced many of your lives in ways that we don't always recognize, such as the parish center example. It is not unlike the Italian or Irish, or you-fill-in-the-blank immigrant group that built the New York City subways or the New York City water supply system. It is the same story here in Suffolk, just a different group of immigrants.

D.P.O. POSTAL:

Mr. Becherer, please sum up.

MR. BECHERER:

We all know that we are a nation of immigrants. Vote for legislation 1193-2001 to give the current group of immigrants a helping hand and

solve an already existing problem for our Suffolk County.

D.P.O. POSTAL:

Thank you.

MR. BECHERER:

I have copies of this.

(Applause)

D.P.O. POSTAL:

Thank you. You can just -- next speaker is Clark Berge.

MR. BERGE:

Good morning. My name is Clark Berge and I'm an Episcopalian Franciscan Brother from Little Portion Friary in Mount Sinai, a member of Martin Haley's district, and I'm here as a member of Brookhaven Citizens for Peaceful Solutions and I urge your support of 1193-2001. Thank you very much.

(Applause)

D.P.O. POSTAL:

James Staudenraus.

MR. STAUDENRAUS:

After my three minutes, if I can answer any questions about -- is this on?

D.P.O. POSTAL:

Yes.

MR. STAUDENRAUS:

All right.

D.P.O. POSTAL:

You just need to speak into it.

MR. STAUDENRAUS:

If I can answer any questions about the changing attitude in

Washington on federal immigration law, I'd welcome questions after my three minutes.

I'm here today with a letter from the Chairman of the Law Enforcement Advisory Council, James Dorsey. Law Enforcement Advisory Council is a distinguished panel of INS and Border Patrol experts, former and

current employees.

"Dear Suffolk County Legislature, I am Chairman of the Law Enforcement Advisory Council Coalition of retired INS Law Enforcement Officers. We are concerned about the potential adverse effects on all law enforce and community tranquility." Excuse me. "We are concerned about the potential adverse effects on all law enforcement and community tranquility that would surely result from passage of Resolution 1193, a resolution that would authorize the County to enter into funding and establish a center for day-laborers in Farmingville. The consideration of this resolution is a cause for concern to us for the following reasons: First, in our collective experience," and this is a national group, please bear in mind. " In our collective experience, we have observed similar actions and other communities have never achieved their intended results. Although community hiring halls are touted as being needed for all day-workers throughout their communities, there is actually little need for them in the legitimate labor market. Legal workers usually have little trouble in finding employment through unemployment offices and other labor services. Community hiring halls become magnets for illegal immigrants who keep coming in ever increasing numbers, because word spreads in the sponsoring communities that they are sanctuaries and havens. Communities inviting illegal immigrants for the cheap labor they represent pay a price, sometimes a horrible price."

"Illegal immigrants, through illegal entry into our country, evade background screening and identity checks. These are imposed on legal immigrants. Although the majority of illegal immigrants are undoubtedly relatively harmless. We have no idea who they are or who they may be, or what they may have done before coming to our communities. Many do have criminal pasts and sociopathic histories, which we have no way of determining."

I want to note here that in fiscal '99, the State of New York spent \$241 million detaining criminal illegal aliens, people who had committed violent crimes here in this country.

"Communities bear the burden of their own making when citizens suffer the consequences of crime, violence and other social cost."

"Third, employment of unauthorized aliens is a violation of federal law, since most of the clientele at the community hiring hall are undocumented illegal aliens. Communities become parties to multiple continuing violations of federal law. Hiring of unauthorized aliens is attractive to employers, mostly because their services are cheap and they can be cheated and abused with almost total impunity."

D.P.O. POSTAL:
Mr. Staudenraus, please sum up.

MR. STAUDENRAUS:

Last point is the community hiring halls become hangouts and ultimately they fail to contain the problem, they increase the problem.

And I just want to close by saying that arguments made before categorize illegal immigrants as immigrants. They are not immigrants. And there is nobody in this room who can legitimately claim that a person's race gives them the right to violate our laws. Thank you.

D.P.O. POSTAL:

I have a motion from Legislator Foley to extend the public portion, seconded by Legislator Guldi. Next speaker is Paul Aronow.

MR. ARONOW:

Good morning. I'm a member of -- my name is Paul Aronow. I'm a member of two civic groups and the Farmingville/Holtsville Chamber of Commerce.

Unfortunately, we'd note that there are certain special interest groups that have imposed and taken over the rights of taxpaying citizens, so we are against 1193. We note and understand the point of view of these special interest groups. We see landlords who want more and more aliens coming in to fill their rooms of their houses. We see that the contractors want more and more of these people to have their workforce and to continue to avoid paying their taxes and expenses. We all know this. We see that there are churches that want to fill the seats, some seats left vacant by the residents, the citizens who have saw fit not to attend their churches anymore because of the situation. But, still, the churches in the name of humanity will welcome more and more of these people. We see the leadership of these people wanting more and more of them coming in to expand their base of power. After all, it keeps them in office, it keeps them in leadership. And if they -- these leaders, so-called, can point to a common enemy, the citizens of Farmingville, or whoever, that further entrenches their leadership. It's an old trick used by any leader of any group. Just point to a common enemy, call names, hatred, racism, so forth. When we have 30 peaceful picketing or walking with signs the leaders make sure they bring in three hundred with buses and so forth to get the sympathy and the press on their side, and they give out statements like "I live in fear." Live in fear of who? Nobody from Farmingville did anything wrong. Some white supremacist from Queens came in and another fellow from another town and they committed an act which we didn't do, we didn't agree with, of course, we still don't agree, but they're getting the sympathy, they're getting the press for that.

We note that the money allocated is only the beginning. Hundreds of thousands of dollars would have to be -- come forward, because there is upkeep, maintenance, there is security, there is public restrooms, and there is liability insurance. There is liability to anyone connected to a center where anything happens, they can be sued. I'm

sure that Mr. Sabatino can advise you on that, or your Town Attorney. That money could be better spent toward education initiatives for the citizens, science projects.

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I'll sum up with a suggestion. There is an area, North Ocean Avenue, and in that area is a complex of low-level buildings, and in that complex is Catholic Charities. Why can't Catholic Charities donate a desk and a telephone as a booking or registration office to book these people? They don't have to stand on the streets, because the contractors know in advance how many people they're going to hire. They've got the contracts and the -- and the --

D.P.O. POSTAL:
Mr. Aronow.

MR. ARONOW:
-- and the deposits in advance.

D.P.O. POSTAL:
Mr. Aronow, I must ask you to please conclude.

MR. ARONOW:
Okay. So we would suggest that if Catholic Charities wants to be humane, let them donate, and we would also donate people to run the desk and the telephone --

D.P.O. POSTAL:
Thank you.

MR. ARONOW:
-- to book these people for the contractors.

D.P.O. POSTAL:
Thank you.

MR. ARONOW:
Thank you.

LEG. FOLEY:
Thank you.

D.P.O. POSTAL:
Next speaker, Ray Wysolmierski.

MS. WYSOLMIERSKI:
I want to thank -- I want to thank the members of the Legislature for

allowing me to speak at this time. Last time I tried to speak, this Legislative body was hijacked by foreign nationals. I could not speak. I was kept outside while the foreign nationals occupied the seats.

Also, I've had my -- so that you know who I am, my name is Ray Wysolmierski. I am the -- with Sachem Quality of Life. I am the host of the program "Who's Community Is It Anyway?" I'm also a resident of Farmingville for the last 35 years. I have two children, both of whom grew up to be proper people, having grown up in the situation before the onslaught of the illegal aliens.

Let me say this. I have listened to a lot of people come up here and give us reasons why this thing should be built and all of them have

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been either non sequiturs, or they've been aside from the situation. You know, if the law says something and it's not being enforced, that does not give this Legislative body the right to assume that the law no longer does not exist. If it's not -- if it's not in existence -- if it's in existence on the federal level -- excuse me -- and it's not being enforced, you're not to take upon yourselves the business of enforcing it, or assuming that it doesn't exist and move ahead. If you build it, they will come, and not only will they come, but those who are here will stay.

One of the problems that has existed up until now is a misunderstanding of this issue. You know the -- you know the line "Give us your tired, your poor, your huddled masses yearning to be free," there's one word that's left out of that, it's the word "until and" -- "until and unless." So until. How long do you do this, forever and ever? I understand that there is a point, a breaking point in the community where there are just too many people. That's a density problem, it is not a race problem. If I were -- happened to fall out of the Titanic and I was swimming toward a life raft, the person who would determine who gets on that life raft or not would not be the Catholic Church, would not be Unitarian Church, it would not be anyone, it would be the person who wrote on the side of that lifeboat "Fifteen people only, no more." That's the governing situation here.

We're not talking about whether or not this situation is affecting Nassau County, or Setauket, people up here coming on behalf of them, pointing to us and suggesting that we're somehow less than generous. I haven't spoken about this until now, but you know who I am. I'm the person who created the Interface Program, millions of which dollars go to needy people, many of whom are Hispanic.

D.P.O. POSTAL:

Mr. Wysolmierski, please sum up.

MR. WYSOLMIERSKI:

I will not continue anymore. I think the lawsuit, the lawsuit speaks for itself. Let that be my speech.

D.P.O. POSTAL:

Thank you very much. Next speaker, Scott Turner. Is Scott Turner here? Scott Turner? The next speaker, Dr. Rebecca Carley. Dr. Rebecca Carley? Is Dr. Carley here? The next speaker, this may be machine who spoke previously, Mike Aguilera.

MR. AGUILERA:

I spoke.

D.P.O. POSTAL:

I thought so. Okay. Mary Moycik-Aguilera.

MS. MOYCIK-AGUILERA:

Hello. My name is Mary Moycik-Aguilera and I live in the Fourth District. I am a member of Brookhaven Citizens for Peaceful Solutions and I would like to take this opportunity to add my office to the many others in support of a community opportunity center in Farmingville that would include a hiring center where workers could obtain

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employment. Already, we have approximately 2,000 signatures in support of such a center. First, I would like to say that a hiring center is not illegal.

LEG. FOLEY:

Madam Chair, I don't mean to interrupt, to be so rude to interrupt, but under the Rules of the Legislature, we're supposed to have a quorum of ten in order to move forward with the public portion.

D.P.O. POSTAL:

Okay. I will ask --

LEG. FOLEY:

Considering the importance of this particular issue, I think it's highly --

D.P.O. POSTAL:

I will ask all Legislators to report --

LEG. FOLEY:

-- important that people would come to the horseshoe.

D.P.O. POSTAL:

-- to the horseshoe for a quorum call. All Legislators, please report to the horseshoe.

LEG. FOLEY:

It will be important and instructive if our remaining colleagues could come back to the horseshoe to hear all sides of the issue. We don't have a quorum, Madam Chair.

D.P.O. POSTAL:

We have nine. I'm trying to -- I've sent someone to bring other Legislators in. Just for the public, there are speakers throughout the building, so that Legislators who are not present in the auditorium do have the ability to listen to the testimony on the speakers that are located in other parts of the building.

MS. GOLTZ:

That's not good enough.

D.P.O. POSTAL:

Janet, please be courteous. Okay. Please continue. We have a quorum now.

MS. MOYCIK-AGUILERA:

We do? Okay. First, I would like to say that a hiring center is not illegal. Second, as many have noted, including Newsday, what we already have in Farmingville are several hiring centers at various points on Horseblock Road. A hiring center within the community opportunity center would merely be a place to organize the activity that is already taking place every day.

Third, a hiring center will not attract more immigrants, jobs attract immigrants. Thus, it is not a realistic fear to say that a hiring center will attract some sort of invasion of immigrants.

Fourth, this situation here in Farmingville is our problem. The INS has made it clear that it will not conduct some sort of sweep, thus, it is necessary for us to take responsibility for our community.

Fifth, you can look at the creation of a community opportunity center as helping immigrants, and, in fact, it will help immigrants. For one thing, it will help provide some security against incidents such as the hateful beating of last September. However, you can also see that a community opportunity center will help all of us who live here. It will be an immediate step in dealing with hazardous traffic congestion and lack of sanitation. Other services incorporated into the center, such as health screenings, are of obvious benefit to us. English as a

Second Language courses will help integrate newcomers into the community, diminishing the "us and them" situation that currently exists.

Sixth, a community opportunity center will immediately relieve the very ugly tensions in this community, which is something that needs to occur before men return for the spring and summer months.

Seventh, recently, Farmingville and the surrounding area have received an incredible amount of negative attention in the press. The image of our community needs to be restored before it is too late. I believe a community opportunity center is the responsible response to our situation. No one claims that it is a perfect solution, or that it would be perfect from day one, but it is a step in the right direction. And I would like to thank Legislators Paul Tonna, Brian Foley, Vivian Fisher, and Maxine Postal for sponsoring Bill Number 1193-2001, which would provide financial support to Catholic Charities for the services of the community opportunity center. I applaud their efforts for taking a positive step towards solving a serious problem in our community. Thank you.

(Applause)

D.P.O. POSTAL:

Next speaker is Cirilo Santillan.

TRANSLATOR:

I'm going to be translating for him. First, he's going to read his, and then I'll read it in English.

D.P.O. POSTAL:

Okay.

LEG. FOLEY:

You have to speak closely into microphone.

D.P.O. POSTAL:

You need to speak into the microphone when you speak.

TRANSLATOR:

I'm going to be translating for him, but first he's going to read his speech and then I'll translate it for him.

D.P.O. POSTAL:

Thank you.

(A statement was read into the record in Spanish by Mr. Santillan)

P.O. TONNA:

We're going to have to -- we're going to have to stop. And to tell you quite honestly, this is the first time I've ever come across the translation issue.

D.P.O. POSTAL:

We had it before. It's just --

P.O. TONNA:

Okay. We double the time?

D.P.O. POSTAL:

What we can do about the time --

P.O. TONNA:

All right.

D.P.O. POSTAL:

Because --

P.O. TONNA:

Okay. I would say, you know, we have to move to the --

LEG. ALDEN:

Have them submit it.

P.O. TONNA:

Yeah, you're going to have to submit the written and we'll put it into the record. You have a written translation?

TRANSLATOR:

Sure.

P.O. TONNA:

Okay. That's -- your time is up.

LEG. FOLEY:

We have at other meetings, though, Mr. Chairman, have allowed the interpreter to state on the record in English what was first spoken in Spanish.

LEG. TONNA:

Okay. Can we tak a summary of what he said, all right? To tell you quite honestly, I do that in a committee meeting when there's three or four cards, but when we have, you know, a number of cards where people --

LEG. FOLEY:

Prior to meetings, or prior to meeting where we had issues with day-laborers, there were interpreters --

P.O. TONNA:
All right. Go ahead.

LEG. FOLEY:
-- that were given the chance to speak.

P.O. TONNA:
Just please summarize as best as possible.

LEG. FISHER:
Actually, Mr. Chairman, if I could just say, I was able to understand everything -- I know that everyone else isn't able to understand, but it's -- I think it's important for someone who understands the original language to have heard it in case there are -- something is lost in the translation. So perhaps if he could just finish it and the translator summarize, and then that's submitted?

(A question was asked of Mr. Santillan by Legislator Fisher in Spanish)

He only has a little bit left.

P.O. TONNA:
Okay, go ahead. Go ahead.

(Cirilo Santillan continued his statement in Spanish)

P.O. TONNA:
Okay. I have to -- I have to stop.

MR. SANTILLAN:
Gracias.

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

(Applause)

LEG. ALDEN:
Submit it.

P.O. TONNA:
Just submit it and maybe --

LEG. ALDEN:
We don't need a summary.

LEG. TONNA:

Well, I'd like to have a summary, but, you know --

LEG. ALDEN:

There's too many people that want to speak.

LEG. FISHER:

Sir, can you tell me what he said?

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P.O. TONNA:

Thank you. There you go.

LEG. FISHER:

Can you, please, summarize what he said?

P.O. TONNA:

Or you can respond to a question that was asked from a Legislator. And I think the Legislator asked, "Could you please summarize," or "Could you tell us what he just said?" So now you can go on.

TRANSLATOR:

No. I have this written.

P.O. TONNA:

No you can read it now.

TRANSLATOR:

Okay. Good morning, members of the Legislature. We thank you for the opportunity you have given us to testify before you.

P.O. TONNA:

A summary. A summary.

TRANSLATOR:

I am one of many day-laborers who wakes up at 5 a.m. each morning hoping to find work. We work twelve to fourteen hours, or until the sun goes down, or sometimes until our employer sees that we are too tired to produce. I earn very little, and I often struggle to support myself, my wife and my two children. Many of my fellow day-laborers and I have worked days and even entire weeks, only to find out that the contractors never intended to pay us for our labor. I experienced just that not too long ago. A contractor picked me up from one of the corners and took me with him to work. After sometime, when I called him to inform him that I would be unable to work the following day because I had become ill, he refused to pay me for the days I had already worked. It was difficult -- very difficult to tell my wife that I would be unable to provide her with money to buy food for our

two children because I had not been paid. For my fellow day-laborers and I, one day's pay can determine whether we will have enough to eat, pay for a place to live in, and whether or not our family will eat.

As all of you can see, my fellow day-laborers and I struggle each day to achieve dignified treatment, and believe that one way to achieve this would be the creation of a community opportunity center where we would all be recognized -- almost finish. And as human beings, that we are -- and we -- where we will have a voice in any of the decisions that affect us. Therefore, we, as members of the United Day-Laborers of Long Island, believe that the creation of this center is a good first step in a solution to some of the problems facing our community.

P.O. TONNA:
Thank you.

TRANSLATOR:
Thank you.

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P.O. TONNA:
Thank you very much.

(Applause)

I would ask -- I'd ask in the future that we have three minutes. If somebody wants to speak in one language and then another, you're going to have to -- you're going to have to have the statement and the translation within those three minutes. Thank you very much. Okay. Armando --

LEG. FISHER:
Can I explain it?

P.O. TONNA:
Yeah. Maybe you can -- Vivian, could you tell them the rule? Yeah.

LEG. GULDI:
If it's two people and they fill out two cards --

P.O. TONNA:
They didn't.

LEG. GULDI:
Well, that's because we didn't tell them to. I submit --

P.O. TONNA:

George. George.

LEG. GULDI:

We should hear the speakers.

P.O. TONNA:

George, I would love -- I'd love to be able to do that, George. They did not fill out two cards.

(Legislator Fisher spoke to the speaker in Spanish)

P.O. TONNA:

And we have one translator speaking for a number of people.

LEG. FISHER:

Can I speak to -- can I explain it to the speaker?

P.O. TONNA:

Yes, please.

(Legislator Fisher spoke to the speaker in Spanish)

P.O. TONNA:

Thank you. Okay, go ahead.

(A statement was read into the record by Armando Uribe)

You're at a minute and a half.

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(Statement was continued by Armando Uribe)

If you want to translate, you've got to wrap it up.

TRANSLATOR:

Good morning. My name is Armando Uribe. I am from Mexico. I am proud to be in the country. And I would like to thank you all for the time you're taking to listen to us. I would like to begin by sharing with you an experience that I believe shows how important it is that you approve this resolution. I had the misfortune of having fractured my waist while I was working the forms, which is cement used in the construction of houses. At that moment, I felt that my world had collapsed, because I knew that I would not be able to work for a good while and I would not be able to support my family. It is sad that we as immigrants create a bad image for the community, but that is not true. We only want to understand how important it is that you consider our words as you consider this resolution, because that is

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how we will be able to avoid having to suffer attacks like that one that occurred on Sunday, September 17th to two of our fellow workers, which are fortunately still alive. This is why we ask that you approve Resolution Number 1193-2001, which designates funds for Catholic Charities to create a community center.

(Applause)

LEG. FISHER:

May I ask a question, Mr. Chair?

P.O. TONNA:

Sure.

LEG. FISHER:

Short question. Can you, please, tell us how long he has been without work due to the accident? He said it in his speech, it's four months. Four months. How would a site have helped him?

[The following was translated for Armando Uribe]

TRANSLATOR:

I have been without work for four months.

LEG. FISHER:

Right.

[Armando Uribe Responded in Spanish]

LEG. FISHER:

Okay. What he's saying is that if there was a place where they could be in contact with the contractors, that if they were in a situation where they have an accident, need to know what kind of information is available, there is a place that they could -- they would be able to go to, and that was an important point in what he said.

P.O. TONNA:

Thank you very much. Thank you. Muchas Gracias.

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(Applause)

Israel Perez. Does he understand the same time limits?

TRANSLATOR:

Yes.

P.O. TONNA:
Okay.

MR. PEREZ:
Buenos Dias.

P.O. TONNA:
Buenos Dias.

[A Statement Was Read Into The Record by Israel Perez in Spanish].

P.O. TONNA:
We're at a minute left.

[Statement was continued by Israel Perez]

LEG. FISHER:
Gracias.

TRANSLATOR:
This is very important that you --

(Applause)

Many of you know already of the attack to day-laborers suffered on the hands of two men who offered them work. Well, I am one of those men. I am here to tell you just how horrible an experience that was for me and inform you that what you can do to help prevent the reoccurrence of such attacks on my fellow day-laborers. When I was being attacked by the two men, I felt so much fear of dying and fear of never seeing my family again. I felt that what was happening to us was so unjust, since I wanted -- all I wanted was to work to be able to support my wife and two years old son. During the time that I've been in this country, I have never offended anyone or hurt anyone and I thought it was so unjust to receive such treatment.

P.O. TONNA:
I'll ask a question. Can you just finish up your remarks and communicate as best as possible to the Legislature the rest of his statement?

TRANSLATOR:
Sure. That is why I decided to join my fellow day-laborers in their effort to form the United Laborers of Long Island, so that I may help make sure that attacks and injustice that I suffered or even worse ones reoccur.

Today you all are considering a resolution that could determine the

life or death of many of my fellow day-laborers, and I believe that the approval of the funds for the creation of the community opportunity center is extremely important, for if such a center had already existed, I wouldn't have had suffered such a horrible experience. I also believe that the creation of a community opportunity center will benefit the entire community, for it will give way to the healing of the pain that we all feel and knowing that there's so much hate against all of us day-laborers.

To finish up, once again, I urge you to support this resolution and do the right thing. I ask that you not be afraid to approve this resolution, for it will be the only way to make sure that other members of the community no longer live in fear of having such a horrible attack take place again. Thank you.

P.O. TONNA:
Thank you.

(Applause)

P.O. TONNA:
Connie Hornick.

LEG. FISHER:
I'm sorry, Mr. Chair. I had asked if I could --

P.O. TONNA:
Oh, you had a question?

LEG. FISHER:
-- just make a --

P.O. TONNA:
Sure.

LEG. FISHER:
A quick comment.

[Legislator Fisher Made a Statement in Spanish]

P.O. TONNA:
A question, right, Legislator Fisher?

LEG. FISHER:
Si.

[Legislator Fisher Continued Her Question in Spanish]

(Applause)

LEG. FISHER:
And I was wondering if you know how valiant some of us here believe that you are for coming here and making this public statement after what you have been through?

MR. PEREZ:
Gracias.

P.O. TONNA:
You look -- maybe you could translate. He looks healthy and he's gained a little weight from the last time I saw him.

[Legislator Fisher Translated in Spanish and Israel Perez Responded]

LEG. FISHER:
It did him good travel -- to travel to Mexico.

P.O. TONNA:
Sounds good.

[Israel Perez Responded in Spanish]

(Applause)

LEG. FISHER:
He has come with -- he has returned with renewed strength to see that they been --

LEG. FOLEY:
Start over.

LEG. FISHER:
He has returned with renewed strength to see that justice is done with regards to the people who have attacked him and to help see that it doesn't occur again.

P.O. TONNA:
Thank you very much.

(Applause)

Okay. Connie Hornick. I'm going to have to stop until I ask all Legislators, please come to the horseshoe. We do not have a quorum. I'd ask Legislators, please come to the horseshoe. Okay. Connie -- I mean -- yeah, Connie. Thank you.

MS. HORNICK:
Good afternoon. My name is Connie Hornick. I'm the Parish Social Ministry Coordinator at the Church of the Resurrection, Farmingville.

I was going to come here and talk to you today about fears, legitimate or otherwise. I was also going to talk to you about needs and realities, but I'm sure you've hear them all. You've been sitting here, as I have. So I'm asking you to please support 1193-2001. The problem is we've done nothing for three years, and nothing has produced more division, nothing has produced nothing good. If we look for a Nirvana, we're not going to find it. We have to accept good with flaws. We keep talking and we come up with the butts, but what about this, or what about that? At this time, we're sitting on our butts and people are getting hurt.

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Farmingville has been judged in the press and we've been found guilty, but we're not guilty. Ninety percent of Farmingville is not guilty, they're good, wonderful people. Please, help us move from one point to another and heal. We are looking to you. You're the people who can do it. We're asking you to please support and pass this community center. Thank you.

P.O. TONNA:

Thank you. Thank you very much. Hold it one second. Legislator Caracappa.

LEG. CARACAPPA:

Thank you, Connie, for coming down. It's Joe Caracappa speaking. I know you're from the Church of the Resurrection, and my one question is, is has the church explored doing the site right there in Farmingville, seeing that you're about, I don't know, fifty, sixty yards from one of largest shape-up sites, as opposed to what I think is more an -- a more arduous task in coming through County government and searching out of site within the community and getting a landlord to go along with renting or leasing space. Don't you think the Church would be a much easier sell and solution to this? And you have plenty of land right there. The men pretty much gather there, they worship there. It could be an easy sell. That could have been done a long time ago. And I don't if the Church -- and I'm asking, is the Church --

MS. HORNICK:

The Church works --

LEG. CARACAPPA:

-- willing to do that at this point in time?

MS. HORNICK:

The Church works in conjunction with Catholic Charities, and that's

what this is all about. We can't bear the responsibility of all the public. You are our public servants, you have to bear that responsibility as well. So working in conjunction with you and Catholic Charities, as well as people like the Hagedorns, that's where we come in full conjunction and collaboration.

LEG. CARACAPPA:
So the Church isn't willing to do it at this point in time?

MS. HORNICK:
The Church is willing to work with you.

LEG. CARACAPPA:
But not -- not there.

(Applause)

MS. HORNICK:
No, not there.

LEG. CARACAPPA:
Just yes or no.

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MS. HORNICK:
That's no.

LEG. CARACAPPA:
Not on the Church property or --

MS. HORNICK:
No.

LEG. CARACAPPA:
-- in the basement there.

MS. HORNICK:
No.

LEG. CARACAPPA:
Nothing related to it.

MS. HORNICK:
No. That's our faith base.

LEG. CARACAPPA:
Okay. Just -- just asking.

P.O. TONNA:
Legislator Foley. No questions? Thank you, Connie.

(Applause)

MS. HORNICK:
Thank you.

P.O. TONNA:
Christine Harvey. Christine Harvey. Going once, going twice.

LEG. CARACAPPA:
She's right here.

MS. HARVEY:
I'm here.

P.O. TONNA:
Oh, there you are. Christine.

MS. HARVEY:
Good morning.

P.O. TONNA:
I'm looking everywhere but the podium. Sorry. Thank you.

MS. HARVEY:
Good morning.

P.O. TONNA:
Good morning.

MS. HARVEY:
My name is Christine Harvey and I live in Lake Ronkonkoma in the Fourth Legislative District. I'm a member of the Brookhaven Citizens for Peaceful Solutions and the Parish Outreach Coordinator at Saint Elizabeth Ann Seton Parish in Lake Ronkonkoma. I'm the granddaughter of an illegal alien who stowed away at 14 years old and came to this country from Norway. I've resided here in Suffolk County in Lake Ronkonkoma for the past 24 1/2 years. My husband and I have raised our five children in Suffolk County, all in the same place. My husband and I have always taught our children to be tolerant of all people, considering my illegal alien grandfather, sympathetic and compassionate towards those who suffer due to poverty, illness, ignorance, whether they were born here or emigrated here. We have

tried to teach them to welcome all those who have come to our country due to conditions of war, economic depression, or any type of persecution, and to work towards justice and peace in the local community, the national community, and the global community to which we all belong. I am proud that my children so far have learned some of these values, and they wish to volunteer their time and talent to make the world a better place to -- in which to live. I am proud of my oldest son who has chosen to work in a poor Latino section of Chicago, to help improve the health and quality of life in that neighborhood, rather than to continue in a practice in an affluent suburban neighborhood where he interned as a doctor. And more importantly, my children, they wish to know how things are going in our struggle to bring peace and safety to the community where the men every day struggle so far away from their families, to support them, because they come from an economy that is so poor. My children understand how these day-laborers are sacrificing so much for the sake of their families.

For the past three years, discussion has ensued around the day-laborer issues in Farmingville. We all know that the federal government is not going to come down and sweep the day-laborers from the community, because it's too economically inadvisable for them to do that. Traffic conditions, littering, poor housing conditions are some of the complaints that we hear for the past three years. But what positive action has been taken? It's about time to try something. The creation of a community opportunity center seems to be the way to go, to make a positive attempt to solve some of the problems. Others today have testified in this regard, but I think Newsday's editorial on Sunday put it most succinctly in urging the Suffolk County Legislator -- Legislature to do the right thing. Don't we try to teach this to our children, to teach our children to do the right thing.

P.O. TONNA:

Ma'am, your time is up. Just please wrap it up.

MS. HARVEY:

It's time to do something. To create the center would be the way to go. There are many Suffolk County residents in each Legislative District who applaud Mr. Foley and the other sponsors of Bill 1193-2001.

P.O. TONNA:

Okay. Thank you.

MS. HARVEY:

Thank you.

(Applause)

P.O. TONNA:
Robert {Dizefera}. Did I get that even close? Robert {Dizefera}.

LEG. GULDI:
He didn't recognize it.

AUDIENCE MEMBER:
He's yielded his time to me.

P.O. TONNA:
Excuse me?

LEG. GULDI:
Whoever it is.

P.O. TONNA:
It doesn't really work that way.

AUDIENCE MEMBER:
Okay.

P.O. TONNA:
But are you on -- are you on the list somewhere?

AUDIENCE MEMBER:
Yes, at the end, but I'll speak when I'm on the list.

P.O. TONNA:
Okay. I'm sorry. If he wants to speak now, he can speak. He filled out a card. When you have your time, there's no yielding time back and forth like that. Okay. Carmella Johnson.

MS. JOHNSON:
Camille.

P.O. TONNA:
Camille. Sorry, Camille.

MS. JOHNSON:
That's okay.

P.O. TONNA:
As you can tell, Camille, I did very poorly in phonics growing up.

MS. JOHNSON:
That's okay. You're not alone, that's okay. Hi. I'm Camille Johnson, President of the Stony Brook Civic Association, and I'm here regarding the Resolution 1136.

The Stony Brook Civic Association strongly supports the resolution made by Legislator Vivian Fisher to purchase the seven-acre parcel currently separating the new Forsythe Meadow Nature Preserve from the Stony Brook Village Center. We see this acquisition as a natural extension to the previously aquired 36-acre Suffolk County Park. This park, with it's current boundaries, for all intents and purposes is now inaccessible to the average citizen. Acquisition of the additional seven acres could make the total park accessible, especially through the natural swale, which can be easily entered on foot from the rear of the Village Center. The original concept was to preserve the forest, to create a park, which would also serve and enhance the community. If desired, a series of walking paths and riding trails could connect Hollow Road, the residential communities of eastern Forsyth Meadow and the Village Center. This would serve to connect rather than divide our community, and, at the same time, preserve our woodland.

Much has been said about negative impacts on the environment, including pollution of our harbor, that could be caused by development of these seven acres. We believe this to be true. We also believe the current Stony Brook Village Center, following the well conceived plan of Ward Melville, has symmetry and beauty. Further development would only destroy that symmetry and beauty. We ask for County acquisition of the additional seven acres to preserve more land, and, at the same time, maintain the unique beauty and ambiance of our community as it exists today. Thank you for your consideration.

P.O. TONNA:
Thank you very much, ma'am.

LEG. FISHER:
Thank you, Camille.

P.O. TONNA:
Thank you.

(Applause)

Charles Zerilli. No? Yes?

MR. ZERILLI:
Zerilli.

P.O. TONNA:
Zerilli.

MR. ZERILLI:
Good morning. My name is Charles Zerilli. I'm a resident of Farmingville. I moved into the area roughly six years ago, a retired

senior citizen, and I felt it was a perfect location for us. It's centrally located, and it seems like a very nice middle class community, which I was proud to live in. Since then, with these problems arising, I find that my property values are being threatened, my life savings. I'm on a fixed income and I feel that this is very bad for us.

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I object to the subterfuge that this hiring hall is being called a community development center. Let's call what -- a spade a spade. What else?

Let's see. I just feel that we're being affected by this. The children of these -- we're calling them immigrants. They're not immigrants, they're aliens, which is against the law, and they're breaking the law here in trying to build this hiring hall for illegal aliens, not immigrants.

Besides the loss of property values, there's no control of them coming into the country, which I feel has to lead to drugs and diseases that we're not capable of taking care of.

Let's see. They also sized up the law as far as paying taxes. The contractors are getting away with not paying their fair share, and the middle class has to bear the burden of this whole problem. And I would urge the Legislators to take all this into consideration and vote no for this proposition. Thank you.

P.O. TONNA:

Thank you. I just have a question, if you don't mind, sir. First of all, I want to thank you for coming down. And I know -- I remember about seven or eight years ago before being a Legislator coming to a public hearing, actually -- it's kind of -- sometimes it can be a little nerve-racking. So, respectfully, I just want to say that I probably disagree with much of what you have said, but I want to focus in on one or two things.

You mentioned with regard that these people are aliens, they're here illegally, and you talk about drugs and disease. Are you -- and something that I heard you say, because I think that you represent -- you know, you're talking about a senior citizen who has lived a middle class life and, you know, has worked hard, whatever. The thing that I hear you saying is that somehow that it's affected the middle class. Are you aware -- have you seen the recent article in Newsday talking about one of the reasons why our economy has been so strong that has baffled economists? Just last week the article came out that it's because of so many people who have worked for substandard wages and

that that's one of the things that have kept our economy --

MR. ZERILLI:

Well, I wasn't always middle class, I was substandard myself.

P.O. TONNA:

Okay.

MR. ZERILLI:

So I understand the problem.

P.O. TONNA:

On what do you base the idea of diseases and drugs? Where, you know --

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MR. ZERILLI:

Well, there have been articles where people crossing the border are coming cross with drugs, and I feel that, eventually, if these people can't get the jobs that they are seeking, because I don't think there are enough jobs to suit the disproportionate amount of people that we have on the street, and if more come, there's going to be more -- the only way they can make money is either by committing crime or selling drugs. That's my personal opinion.

P.O. TONNA:

Okay. And it's not based on any -- just a feeling that you have?

MR. ZERILLI:

Yeah, it's just a feeling.

P.O. TONNA:

Okay.

MR. ZERILLI:

I'm just reeling my feelings in why I oppose this.

P.O. TONNA:

All right. Thank you very much, sir.

MR. ZERILLI:

Thank you.

LEG. FISHER:

Mr. Chairman, if I may, there's just --

P.O. TONNA:
Sure.

LEG. FISHER:
There was one more comment. And I thank you for coming here, sir. And you're the second person to say that these workers are not immigrants. I would like to ask you, have you looked up the word "immigrant" in the dictionary? Because an immigrant is someone who migrates from one country to another.

MR. ZERILLI:
Well, I was --

LEG. FISHER:
So this is twice that heard that.

MR. ZERILLI:
Well, I would think that we're talking about legal immigrants.

LEG. FISHER:
Yes, but they still are immigrants and that's very important.

MR. ZERILLI:
Well, I would consider them illegal aliens, not --

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LEG. FISHER:
Okay. I'm not speaking to anyone who's sitting out there. It's been said twice and I would like to correct that on the record that an immigrant is a person who moves from one country to another, and so, indeed, they are immigrants.

MR. ZERILLI:
All right. Maybe I should have qualified and said legal immigrants.

(Applause)

LEG. FISHER:
Okay. Then it should have been qualified.

MR. ZERILLI:
All right. Thank you.

P.O. TONNA:
Okay. Mrs. JoAnn Russo.

LEG. CARPENTER:
She spoke.

P.O. TONNA:

She spoke. Well, I don't -- I don't -- you know, one of the things that is a concern, I see a number of people who filled out their cards twice, sometimes three times with each a different signature. So my concern is when people are filling out cards, they fill those cards out. There are a lot of people who are filling out their own cards and I would ask that you adhere to that. Patricia Hodge. Patricia, sorry about that.

MS. HODGE:

That's okay. My name is Patricia Hodge. I'm a nurse practitioner in psychiatry. I've been a resident of Suffolk County for most of my life, and my elected official is Mr. Joseph Caracappa. We purchased our home in Farmingville in November of 1978. My two children and I and my grandparents in their last years spent many happy years in our neighborhood. I hope to spend many more there. For the past three years, I and others have been growing increasingly concerned about the problems we've been encountering in Farmingville. The near murders of the two day-laborers should have been a profound wakeup call to everyone who professes leadership on Long Island.

As a member of Brookhaven Citizens for Peaceful Solutions, I strongly support Bill Number 1193-2001. As we have heard, the money from this bill would provide Catholic Charities with the necessary support to operate a community opportunity center. This center would not only serve as a shape-up site, but as a place where the whole community could access valuable services. It is a humane, reasonable and workable first step.

We want to provide a clean, safe, contained environment where the activities that have already been transpiring openly on our streets could be overseen and managed more effectively. Once there is some containment and easing of tensions in our community, our group is

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committed to begin addressing other larger issues related to housing and acculturation.

The question has been raised who's community is it? It's mine. Sadly, we have no control over what the federal government does or doesn't do to address the immigration issue. As have heard, other communities on Long Island and communities nationwide have had to address similar problems. Some have been more successful than others. The Suffolk County Legislature has been known to provide creative leadership on tough issues in the past. You are our leaders. The

betterment of our communities is your responsibility.

I would like to thank Legislators Foley, Tonna, Fisher and Postal for sponsoring this bill. Voting yes for this bill not only gives us the opportunity to rise above, restore our reputation, and become role models for other communities struggling with these challenges. It means that at last there is some relief in sight for Farmingville. Thank you very much for your time.

(Applause)

P.O. TONNA:

Thank you, ma'am. Reverend Gerald Twomey.

REVEREND TWOMEY:

Thank you, Mr. Chairman, and good morning everyone. And if I may presume the privilege, Happy Saint Patrick's Day to all of you. I'll be mercifully brief, because many others here have spoken at length with greater eloquence and greater passion than I.

I represent the Justice and Peace Commission of the Roman Catholic Diocese of Rockville Centre. And I'd like to just leave you with two simple thoughts. One is a word from one of the giants of the 19th Century named John Henry Newman, who once said that courage is grace under pressure, and so I wish all of you courage and grace under pressure as you deliberate this very serious and significant issue revolving around Bill Number 1193-2001.

The the other simple thought I'd like to leave you with, it relates in a certain sense to the greeting I gave in honor of the feast to be celebrated on Saturday. On the wall of a room in my house, I keep a sign that was printed in Boston in 1913 that says, "No Irish Need Apply." That's something that confronted the mentality, that confronted my own grandparents when they arrived here in the decade of the nineteen oughts, nineteen teens, who, incidentally, arrived legally, but still were subject to tremendous discrimination. And it's interesting to see how in the course of successive generations how their children, grandchildren, and great-grandchildren have contributed to the common wheel of our society and our nation here in the United States.

So I simply pose the question for you, what will be the signs that will be left after this meeting, your deliberations, and what will be the judgment, the verdict and history upon you and all of us?

P.O. TONNA:

Thank you very much, Reverend Twomey.

(Applause)

We have a 12 o'clock executive session. It is five to twelve. And I have Margaret Connor.

MS. CONNOR:

Good morning -- good afternoon. First, the young lady has left, but, obviously, we all came -- many of us came here with different agendas. And I was very surprised and very proud of the young lady who spoke about DARE. So if you would kindly read her information, I think she did an excellent presentation. And there's more than one thing that needs to be discussed today.

I am a Farmingville resident, and I'm a Christian, I'm a Catholic, I'm a taxpayer, and I'm one who cried when Mr. Foley, you know, embraced that gentleman. I think we have different roles and different hats to wear. I am someone who helps fellow human beings, but as -- and provides for gentlemen that I see on the streets in a human nature, but I am not sure that I am willing to be responsible to provide as a taxpayer. And I think I'm glad that's your decision, not mine, because it is quite a quandary, and I don't know what should be said. I do know that I also feel a responsibility as a parent. What we do now is going to affect going forward, and I don't know if we're giving a band-aid to, you know, complete what the nurse was saying, or if we're giving a solution and we need to look at that. I do know that I'm losing neighbors who are giving up and leaving, rather than staying and be part of the solution. We need to think about it and we need to think about it clearly, and we need to understand our roles, not only for the people who are here, there's people who are fighting adamantly and are activists.

I'm not an activist, I'm a person and a taxpayer. And there are many who are working doubly. People were swapping, who's going to babysit who, so that we could be here. There are more people out there who are confused. I don't think they're supporters or nonsupporters of the issue, I think there's people who are confused and are concerned. And before we spend time and money and taxpayer, are we really convinced this is a solution and this is an appropriate step?

So as a human being, I applaud all the social efforts that are being done, but as a taxpayer and a citizen, I question if this is the appropriate and the right answer to go forward with the hall.

P.O. TONNA:

Thank you very much.

LEG. CARACAPPA:

Just a second.

P.O. TONNA:

Hold it one second.

LEG. CARACAPPA:
One question.

P.O. TONNA:
Legislator Caracappa has a question.

LEG. CARACAPPA:
I'll tell you right now, I feel like coming over and hugging you.

MS. CONNOR:
And I'm scared, too, Mr. Zerilli.

LEG. CARACAPPA:
And let me explain that, because, I think you summarized what we as elected officials are going through at this moment with this issue. I think we all as human beings and people who have faith want to do the right thing, and I think the community, as was stated before, it was said 90% of the community is a good community. I'd have to disagree with that and say 99.9% of the community is a good community in Farmingville.

(Applause)

LEG. CARACAPPA:
There's no need for applause, trust me.

P.O. TONNA:
Question, Joe.

LEG. CARACAPPA:
The question is -- thank you, Mr. Chairman. The question is, you said you sympathize and you applaud those who are here today to support the hiring center or the community center, as it's been described to us, but you're not willing yet, or you're not sure as a taxpayer to move forward with that. I'm sure you talk with your neighbors. I certainly have talked with thousands of my constituents relating to this, and many of them who have spoken to me feel that same way. Though they feel something needs to be done, they don't know if their taxpayers' money is worth using or can be used for this instance. What is your feeling with regard to the people that you speak to in the community, your neighbors, other parents and the like with relation to what you just said?

MS. CONNOR:
The majority of them who have just undergone other raises, they've turned down a fire hall to be expanded. There was a lot of discussion

regarding the expansion of the school system. Money is very tight and everyone is very scared of having their money and their tax dollar raised. Mr. Zerilli talked about the middle class. Not everyone can move out, and everyone's afraid to move down, and every dollar being spent, they're scared it might be wasted. That seems to be -- I'm a PTA mom, I'm class mother, I'm active at my church. I'm here with a fellow religious ed teacher. We happen to have networks out into the community and that's my read of my network is they're not sure the few dollars we have to spend towards our taxes and our livelihood, if that's the appropriate way to spend it.

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P.O. TONNA:
Thank you.

LEG. CARACAPPA:
And I appreciate that answer. And, Mr. Chairman, one further point. I'm not using that answer for any sort of leverage in this debate at this point in time, I just wanted a clear understanding on the record and for the -- and for all of you and for everyone in the audience who's here, who's dealing with this issue for many years now, that it's tough for us, just as it's tough for you in the community to be dealing with this issue, and I appreciate that point of view.

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

LEG. FOLEY:
Thank you.

P.O. TONNA:
At this point, we still have a number of cards to go. The way that this works in the Legislature is, at this point, we're going to go into executive session. I have to take a vote for that. At that point, we have to clear the auditorium. After that, there will be a 12:30 to 2:30, our normal lunch break. At 2:30 we will do public hearings.

LEG. BISHOP:
Mr. Chairman.

P.O. TONNA:
And after we're done with the public hearings --

LEG. BISHOP:
You have more cards?

P.O. TONNA:
Yeah.

LEG. BISHOP:
And we're going to have a -- go into executive session?

P.O. TONNA:
Yeah, yes. It's been scheduled, we have the attorneys. Yes, 12 o'clock to 12:30, that's correct.

LEG. BISHOP:
I don't think that that's fair. And I would urge my colleagues to vote against executive session. We can do executive session from 12:30, cut into our lunch hour.

P.O. TONNA:
Dave, you know, it's amazing --

LEG. BISHOP:
But right is right. I mean --

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P.O. TONNA:
Yeah, sure, right is right. I've heard the argument the other way.

LEG. BISHOP:
But you shouldn't -- you shouldn't schedule executive session against the public portion. The public portion is reserved for the public to speak to us.

LEG. CRECCA:
Public portion ended at 11 o'clock.

P.O. TONNA:
Well, you know what, I'm going to -- I'm going to ask for an executive session vote. You vote your consciences --

LEG. BISHOP:
Right.

P.O. TONNA:
-- as I'm sure other Legislators would. I'd ask all Legislators, please come to the horseshoe.

LEG. CRECCA:
And, Mr. Chairman, for the record, if I may, I'll make a motion that we go into executive session now. And bring up the point, too, that

the attorneys are paid --

P.O. TONNA:
For the purposes?

LEG. CRECCA:
For the purposes of discussing --

P.O. TONNA:
The bus bidding.

LEG. CRECCA:
Right.

P.O. TONNA:
The bus bidding issue. Okay? All right. I'll second that. And approving the presence of Budget Review, Paul Sabatino. And who is -- who's here?

LEG. ALDEN:
County Executive, George Gatta.

P.O. TONNA:
George, who's here? Who's here in --

MR. GATTA:
Bob Shinnick from Public Works, and Robert {Cavall} from the County Attorney's.

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P.O. TONNA:
Okay. Public Works and County Attorney's Office? We don't have our -- the attorneys also, George?

MR. GATTA:
No, we don't.

P.O. TONNA:
The attorneys that we have retained?

MR. GATTA:
No, we don't.

P.O. TONNA:
No? Okay. Thank you.

LEG. BISHOP:

No. So we're not paying anybody to be here.

P.O. TONNA:

All right. All right. So, obviously, that changes the dynamic and we'll see how the vote goes.

LEG. BISHOP:

Not that George doesn't have a handsome salary.

P.O. TONNA:

Okay. I'd ask all Legislators to -- roll call on the vote.

(Roll Called by Mr. Barton)

LEG. CRECCA:

Yes.

P.O. TONNA:

Yeah.

LEG. CARACCIOLO:

(Not Present)

LEG. GULDI:

No.

LEG. TOWLE:

(Not Present)

LEG. CARACAPPA:

Yes.

LEG. FISHER:

Yes.

LEG. HALEY:

(Not Present)

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LEG. FOLEY:

No.

LEG. FIELDS:

Yes.

LEG. ALDEN:
Pass.

LEG. CARPENTER:
Yes.

LEG. D'ANDRE:
Yes.

LEG. BISHOP:
No.

LEG. BINDER:
For Paul Tonna, yeah.

P.O. TONNA:
Yeah, right.

LEG. COOPER:
(Not Present)

D.P.O. POSTAL:
Yes.

LEG. TOWLE:
Yes.

LEG. HALEY:
Yes.

LEG. ALDEN:
Yes.

P.O. TONNA:
Okay. That was a nice statement, though --

MR. BARTON:
Twelve.

P.O. TONNA:
-- on freedom and the American way, Dave. Okay. Now let's -- we would ask that everyone clear the auditorium, so that we could -- we'll see you at 2:30, and then after that, our public hearings. Thank you.

[THE MEETING WAS ADJOURNED AT 12:00 P.M. AND EXECUTIVE SESSION CONVENEED, AND THE MEETING WAS CALLED BACK TO ORDER AT 2:35 P.M.]

D.P.O. POSTAL:
Okay. Will all Legislators report to the auditorium for public hearings. Okay. Will the Clerk please call the roll.

(Roll Called by Mr. Barton)

LEG. CARACCIOLO:
Here.

LEG. GULDI:
I'm over here.

LEG. TOWLE:
(Not Present)

LEG. CARACAPPA:
(Not Present)

LEG. FISHER:
Here I am.

LEG. HALEY:
(Not Present)

LEG. FOLEY:
Present.

LEG. FIELDS:
Here.

LEG. ALDEN:
Here.

LEG. CARPENTER:
(Not Present)

LEG. CRECCA:
Here.

LEG. D'ANDRE:
Here.

LEG. BISHOP:
(Not Present)

LEG. BINDER:
Here.

LEG. COOPER:
Here.

LEG. CARPENTER:
Here.

D.P.O. POSTAL:

Here.

LEG. BISHOP:
Here.

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P.O. TONNA:
Yep.

LEG. TOWLE:
Henry, here.

D.P.O. POSTAL:
Okay.

MS. BURKHARDT:
Legislator Towle is here.

LEG. FISHER:
Did you hear me say here?

MR. BARTON:
Yes.

LEG. FISHER:
Okay.

D.P.O. POSTAL:
Can we please have some quiet?

MR. BARTON:
Fifteen present.

D.P.O. POSTAL:
Public -- okay. Go ahead, Henry. I didn't hear you.

MR. BARTON:
Yes. Fifteen present. The affidavits of publication are filed and are in order on the public hearings.

D.P.O. POSTAL:
Okay. Public Hearing on Introductory Resolution Number 2286 of 2000, a local law to require power plant emissions evaluations. I have a card from Mark Lyons. Mr. Lyons, you have ten minutes.

MR. LYONS:
Thank you. Good afternoon. My name is Mark Lyons. I am the Director

of Community Outreach for the Kings Park Energy Project. And thank you for the opportunity to speak here today. My purpose today is to strongly endorse the goals outlined in Resolution Number 2286-2000, to help clean up Long Island's air.

I'd also like to address the critically important need for Long Island to identify and encourage the development of environmentally beneficial resources for energy as soon as possible. The project I represent, Kings Park Energy, is one such source.

I would like the members of the Suffolk County Legislature to be aware of the benefits that this project can provide to the Island, to Suffolk County, and especially to the communities of Kings Park, East Northport and Commack that are closest to our site. And I would ask

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you to do all that you can to promote the expeditious construction of the clean, efficient, state-of-the-art natural gas fired electric generating technology that this project represents as a key component of a county-wide energy policy that is both responsive to the need for new energy sources and responsible to the environment.

The proposed Kings Park Energy facility is a 300 megawatt simple cycle General Electric LM 6000 installation, fueled primarily on natural gas, with the capability for instantaneous switching to fuel oil under emergency conditions. The facility would have selective catalytic reduction and carbon monoxide oxydation catalyst pollution control equipment that would make it the cleanest burning simple cycle facility in the world today.

At fairly conservative assumed rates of growth and power demand, which are well below current annual increases, Long Island will need the equivalent of 300 megawatts of new generating rating capacity, or one Kings Park Energy Facility every 20 months. The need in the near term is accute, so much so that LIPA estimates that it may fall short of critical reserve levels by as much as 130 megawatts this coming summer. The question is not can a California style energy crisis happen here in Suffolk County, but, rather, how can it possibly be avoided.

Over the long term, Long Island needs to consider many potential solutions. Long Island is one of the best markets in the world for energy conservation and efficiency measures, and over time, as the current stock of homes, buildings and appliances are retrofitted or replaced with more efficient ones, a great deal of potential increased demand could be avoided.

Also, higher costs of conventional energy over time should encourage

the use of alternative and renewable energy sources. Technology such as photovoltaics and fuel cells can play an important role in helping to meet Long Island's power needs. But in the short term, the list of options for increased energy is desperately short, and some of those options come at a much higher environmental cost than others.

Long Island already suffers a great deal from the effects of airborne pollution from older dirty power plants that are exempt from today's strict emissions limits, because they were built before the limits became effective. This pollution has been linked to serious health impacts and premature deaths. Unfortunately, if the answer to the question, "Where do we get the additional power from" is simply to run the old units harder, or to encourage businesses to rely on highly polluting on-site diesel generators for nonemergency power, Long Island's air quality and its residents will inevitably suffer. However, if technology, like the kind we plan for Kings Park Energy Facility, is permitted to compete with these older dirty and less efficient units, substantial amounts of power plant emissions can be displaced, thereby improving air quality.

Under the New York State Article X permitting process for new power generating facilities, each proposed project must commission an air quality impact study, known as a market assessment portfolio

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strategies or map study. The map study for the Kings Park Energy Facility predicts that in 2004, the facility will be able to displace 17% of the nitrogen oxides emissions from existing Long Island power plants, 19% of their sulphur dioxide emissions, and 4% or 202,000 tons of CO₂ in one year alone.

The Kings Park Energy Facility will fully comply with the CO₂ limits for new generating units in Legislator Fisher's Resolution Number 2286-2000, as currently drafted, and will play an important role in achieving the resolution's target for future CO₂ emissions reductions for all affected units.

In closing, I would encourage the Legislature to rise to the dual challenges of acknowledging Long Island's urgent need for new energy sources, and encouraging the development of projects that will fulfill that need in an environmentally responsible way.

Thank you for this opportunity to speak with you today. For more information on the Kings Park Energy Facility, you may refer to our project website at www.pplkingspark.com, call our toll free number, 800-765-6103, or write to us at PO Box 306, Kings Park, New York, 11754.

I'd be happy to answer any questions you may have at this time, or to be of service in any way I can.

LEG. D'ANDRE:
Young man.

D.P.O. POSTAL:
Thank you. Legislator D'Andre has a question, and then Legislator Binder.

LEG. D'ANDRE:
I thought I saw a letter from Dr. Clare Bradley on the oil tank,

D.P.O. POSTAL:
Mike, can you just speak into your microphone?

LEG. D'ANDRE:
Does this work?

LEG. BINDER:
Just pull it closer.

LEG. D'ANDRE:
Yeah. Clare Bradley sent a notice out, or a contradiction out, or something about that power plant violating Article VII, I believe, for the oil tank was too big, your plant to use an oil tank in off hours or something.

MR. LYONS:
Right.

LEG. D'ANDRE:
What do you have to say about that?

MR. LYONS:
I believe the County Department of Health Services has expressed concern about our proposal to store petroleum products in a sole source aquifer --

LEG. D'ANDRE:
Right, that's it.

MR. LYONS:
-- because, in general, it is prohibited by Article VII. However, exemptions are granted, and under the law, for a good reason. For

instance, gas stations and education facilities, schools, are allowed to store petroleum products, if it's done safely, which is to say in compliance with Article XII.

LEG. D'ANDRE:

It's just the size of this. Gas stations don't have them this size, naturally.

MR. LYONS:

Well, some of them do. I believe the jurisdictional limit is 250 gallons, and most gas stations have tanks that exceed that. But I think the point is that we understand that our proposed storage is prohibited under current law. Our intention is to try to persuade Suffolk County and the State Siting Board that we have good reason, and our good reason is to maintain electric reliability on the Long Island electric system, and that our proposed method of storage would be completely safe and without environmental risk and in full compliance with Article XII.

LEG. D'ANDRE:

Without environmental risk? Nothing is without environmental risk, you know that. To make make a statement like that is rough.

MR. LYONS:

Right. We're going to invite the decision-makers to engage in a cost benefit analysis and determine whether on the facts of our case it's worthy of allowing the storage.

LEG. D'ANDRE:

Does your company plan on exporting any of that energy?

MR. LYONS:

No, sir.

LEG. D'ANDRE:

That's in your favor. Article X is not in your favor, it's against us. We can't -- I can't vote on it, because it has nothing to do with my vote. Article X allows you to proceed without counting our vote.

MR. LYONS:

Well, my --

LEG. D'ANDRE:

And that's a little -- that's not really democratic, with a small "d".

MR. LYONS:

My understanding of the process is such that the Siting Board and the staff members of all the agencies, whose Commissioners make up the Siting Board, are critically interested in knowing what the local community feelings are and the -- and what the feelings are of local political leaders and community leaders, and there's a very comprehensive public involvement process.

LEG. D'ANDRE:

Yeah, but it doesn't do you any good. If I had to a vote, or the Town of Smithtown had a vote, the Supervisor and Board Members, there's nothing to stop you. And you come out with your best foot forward and your best face, which is proper, but the Town, Vecchio won't vote for it, because he has no say.

MR. LYONS:

Well, I'd suggest that there's nothing automatic about --

LEG. D'ANDRE:

And that's not your fault, don't get me wrong, that's the State's fault. They've got to amend that law.

MR. LYONS:

Well --

D.P.O. POSTAL:

Mike.

LEG. D'ANDRE:

-- to give the Town, when somebody is coming on their property or their community, give them veto power.

MR. LYONS:

Yes, sir.

D.P.O. POSTAL:

Mike, can we just -- I know --

LEG. D'ANDRE:

This is important. This is --

D.P.O. POSTAL:

I'm not saying it isn't.

LEG. D'ANDRE:

This is an issue for Smithtown and I'm talking to this young man.

D.P.O. POSTAL:

And I agree that it is, but I don't think it's related to the subject necessarily of the public hearing, so, you know, I'm sure --

LEG. D'ANDRE:

Absolutely, Madam Chair.

D.P.O. POSTAL:

I have had no time to speak about this problem, and this is encroaching on Smithtown sovereignty and I don't like it, and it's the State, not this -- he has no fault with your company or your business. You may be the safest thing going, you know, from where your men talk.

MR. LYONS:

I hope it is.

LEG. D'ANDRE:

But I don't like the way the whole setup comes across. You're from Virginia, right?

MR. LYONS:

No, sir.

D.P.O. POSTAL:

Mike, could I just --

LEG. D'ANDRE:

Your company from Virginia?

D.P.O. POSTAL:

Mike, Mike.

MR. LYONS:

The company is.

D.P.O. POSTAL:

Michael, could I just suggest that it might be more productive for you and Mr. Lyons to meet privately at some time to discuss the issues you're discussing rather than during this public hearing.

LEG. D'ANDRE:

I don't -- I don't agree with you, Madam.

D.P.O. POSTAL:

Well, I'm sorry, but I would like to --

LEG. D'ANDRE:

This is a public hearing.

D.P.O. POSTAL:

And it is, but it's --

LEG. D'ANDRE:

And this is -- affects my Town of Smithtown.

D.P.O. POSTAL:

And I do understand that.

LEG. D'ANDRE:

And there's two Legislators from Smithtown.

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D.P.O. POSTAL:

I am not disagreeing with you. What I'm saying is that I think you're engaging to a discussion which is unrelated to the public hearing, specifically, and also is --

LEG. D'ANDRE:

No, no, no, no, no. I disagree with that. It's a public hearing.

D.P.O. POSTAL:

-- taking time when other Legislators have questions for this speaker. And we do have a lot of people who still are here to speak during the public portion, so I'd like to move along to the next questioner.

LEG. D'ANDRE:

There's only one person from Smithtown besides me that's on this --

D.P.O. POSTAL:

Well, people might have questions who are not from Smithtown. Legislator Binder is next on the list. Allan.

LEG. BINDER:

Sure. Thank you.

LEG. D'ANDRE:

I'll speak to you again. Thank you for coming.

MR. LYONS:

I'll look forward to it. Thank you.

LEG. BINDER:

I get the impression that there'll be no CO2 emissions from your plant; is that correct?

MR. LYONS:

No, that's not correct. Actually, if I could get a copy of my report back.

MS. JULIUS:

Yeah, right here.

MR. LYONS:

Thanks. And, by the way, I've made available for everyone in the Legislature copies of our map study. And in Table 3A of the study, it shows what the CO2 emissions would be from Long Island power plants in the absence of the Kings Park Energy Project, and then what they would be reduced to with the Kings Park Energy Facility running, and the difference --

LEG. BINDER:

Is that -- that assumes replacement?

MR. LYONS:

That assumes that our generation would displace generation from those other power plants on an annual basis.

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LEG. BINDER:

Except that I thought that the understanding is that we need new generation and we need new. So how are we displacing when we're talking about adding to the generation? Because you yourself --

MR. LYONS:

Yeah.

LEG. BINDER:

-- were talking about the need for new generation.

MR. LYONS:

Right. The explanation is in the fact that sometimes you need all of the power plants operating at their full capacity, and during those periods, our emissions and our generation would be additive to the other power plants. But for most of the time, that's -- those are rare occurrences. And, in fact, in last year, that never happened. During all other hours of the year, the supplies to -- the energy supplies exceed demand often by a great deal, and during those periods, one resource has to compete against another to fulfill that demand. And if we successfully compete against another power plant, we'll run more and they'll run less, and that's the displacement that we're talking about.

LEG. BINDER:

So you're assuming that you're going to run more and others would run less.

MR. LYONS:
On an annual basis.

LEG. BINDER:
Well, I understand, but that's during a -- it's in a competition mode. So you're making a further assumption, a second assumption, not only that we need the added power, now it's only not -- we don't need added power in general, we need added power during specific times. And now you're saying that -- you're assuming that you're going to beat these other plants in competition, maybe you will, maybe you won't, so the displacement is a question mark in terms of displacement. So, I mean, my concern is that you're talking about our need in terms of added capacity, and then you're saying, "Well, we don't really need it all the time, we only need it certain times," and then only on those certain times are we talking about, if you are successful in competition, should you displace, and so now -- and then you're talking about overall CO2 questions. Let me then jump to -- the next question would be how much CO2 is being produced there right in that -- at that site right now? I mean, obviously, it's rhetorical somewhat, but you can answer it zero. So now you're adding -- you're adding CO2 to it. Now, without the displacement question, you're adding CO2. You're adding, you're a net add to CO2 to the atmosphere.

MR. LYONS:
In that neighborhood?

LEG. BINDER:
In that area for sure, right.

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MR. LYONS:
Well, what I'm -- what we're talking about is the Long Island area region, generally, and so these beneficial impacts, these reductions in emissions would be on a regional basis. We're in the process of finalizing a follow-on study that measures the area impacts in the Commack and Kings Park neighborhood. The preliminary results are that we would reduce the impact of power plant emissions in those locations as well, and the reason is because it doesn't matter -- it matters to some extent what the source of the emissions are, but, really -- what really matters is where they carried to by the wind and the weather. And so we've overlaid meteorological data to determine what the impact would be locally, and those are -- those are positive impacts as well.

LEG. BINDER:
And you're including -- you're including concentration questions? In other words --

MR. LYONS:
Yes, sir, we are.

LEG. BINDER:
In other words, you're not -- you're saying even with the dispersement from Northport -- obviously, you're talking about Northport --

MR. LYONS:
Right.

LEG. BINDER:
-- for general emissions.

MR. LYONS:
Yes.

LEG. BINDER:
Even with dispersement for amount of distance that it has to travel to get to that area.

MR. LYONS:
Yes, sir, yeah. The air quality in Commack is determined in part by power plants that are located in the Midwest. I think the Attorney General in New York filed a successful lawsuit against certain power plants in the Midwest based on that air science. So the air quality on Long Island and in these neighborhoods is determined literally by every up-wind source.

But if I could get back to your other question about the --

LEG. BINDER:
Well, you know, I've been wanting to get back to this, but you can go back to the other one that was --

MR. LYONS:
Okay. Well, be I'm happy to --

LEG. BINDER:
Sure, go ahead.

MR. LYONS:
-- stay on this one, if you'd like.

LEG. BINDER:
Go ahead. We'll go back. We can go back and forth.

MR. LYONS:

The seeming inconsistency between the fact that we would be needed to meet peak demand and the fact that most resources are not needed, all the resources are not needed for most of the time and that's due to the fact that Long Island has a particularly volatile load curve, if you will. Sometimes because of weather and usage, the demand is quite high. Most times it fluctuates off of that, and at night, for instance, it's very little. There's very well in the way of large base load industry on Long Island, so the load curve tends to be fluctuating. You have to have the capacity to meet the highest peak, even though a great deal of that capacity will stand idle for most of time. That's the function of the marketplace.

LEG. BINDER:

So your plant will not even be functioning during nonpeak load times, and you're just going to basically turn the plant on only for load time. Other than that, you will not even have the plant running.

MR. LYONS:

We will -- we will operate up to a maximum of 6,000 hours a year under our air permit whenever we can successfully compete in the marketplace. We expect that we will be off all night most nights. We expect that we will run 16 hours a day, five days a week. That could change for some reason. It could change because --

LEG. BINDER:

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MR. LYONS:

I don't have my calculator with me, but up to 6,000 hours. Actually, the map study that we're making available predicts that we will run between 40 and 60% of the year, of the hours in the year.

LEG. BINDER:

So you say 16 hours a day .

MR. LYONS:

Five days a week, that's 80 hours.

LEG. BINDER:

Okay. So you're talking 365, so that's fifty-eight-forty, so that's 5,840 hours in a year. So you're basically assuming that even -- I mean, it doesn't make any sense to me, because it seems to me that even in the future, during winter months, we don't have the same requirement as we do during summer months.

MR. LYONS:
Right.

LEG. BINDER:
Yet you're telling me you're going to need to operate during really nonpeak what are load times, but they're winter months --

MR. LYONS:
Yeah.

LEG. BINDER:
-- so we're not going to need as much, so I'm --

MR. LYONS:
And again -- again, the best --

LEG. BINDER:
-- not understanding that.

MR. LYONS:
The best prediction of how many hours we're going to run is in this map study, and again that's 40 -- between 40 to 60% of the hours. The 16 hours on a weekday is a typical operating day, so --

LEG. BINDER:
But if you have 6,000 hours you're allowed to run --

MR. LYONS:
That would be our --

LEG. BINDER:
-- can't we assume that you're going to run 6,000 hours, because we --

MR. LYONS:
No.

LEG. BINDER:
Well, and the reason being you've got to make this thing cost effective.

MR. LYONS:
Well, we would like to, certainly.

LEG. BINDER:
You've got debt service, you've got capital investment.

MR. LYONS:
We'd like to run 6,000 hours, yeah.

LEG. BINDER:
Of course you would.

MR. LYONS:

Yeah. But will run when it's competitive for us to do so.

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LEG. BINDER:

Well, I hear that, but my concern is that you're going to be up and running a lot more than that, because you say, quote, competitive, but the fact that you're running helps you to defer costs, just the fact that you're selling from -- even if you're, quote, not competitive, but -- and competitive, again, is a -- who determines competitive?

MR. LYONS:

I could --

LEG. BINDER:

You determine competitive.

D.P.O. POSTAL:

Excuse me. If I could --

MR. LYONS:

No. Actually, the --

D.P.O. POSTAL:

-- interrupt you, Mr. Lyons, for a minute.

LEG. BINDER:

The reason I'm asking the question is because it has to do with the amount of time CO2 is being produced in the area, which has to do with the bill.

D.P.O. POSTAL:

And I understand that. And I was going to ask --

LEG. BINDER:

Right.

D.P.O. POSTAL:

I was going to suggest that that was the reason for your line of questioning.

LEG. BINDER:

Right.

D.P.O. POSTAL:

But -- and I know it's really tempting to kind of drift off into other areas, but I'm going to ask everyone, and this is not just directed at

you, it was -- I guess I responded to Legislator D'Andre's questions in the same way. Let's try to confine ourselves to the issue of emissions. And I understand --

LEG. BINDER:

It is.

D.P.O. POSTAL:

-- where you're going.

LEG. BINDER:

Okay. So you understand, I'm trying to do that.

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D.P.O. POSTAL:

Okay.

LEG. BINDER:

Because it --

D.P.O. POSTAL:

Just cautioning everyone to --

LEG. BINDER:

I understand we're talking about a specific piece of legislation, but these questions are really within the --

D.P.O. POSTAL:

Okay. Let's keep.

LEG. BINDER:

Somewhat broad, but in the confines of it.

D.P.O. POSTAL:

Let's just keep all our within the parameters of the public hearing.

LEG. BINDER:

I will.

D.P.O. POSTAL:

Thank you.

MR. LYONS:

I will work to do that.

MR. LYONS:

Sir, could I --

LEG. BINDER:

Sure.

MR. LYONS:

Could I suggest that the questions you're asking relate to the inputs, the modeling protocol that underlies these modeling results. This model is one that we're required to run by the Siting Board, by the Public Service Commission. It's run by an independent consulting firm using modeling protocol and dated -- dictated by the New York State Energy Research and Development Authority, and those data show -- they predict that we will be running, based on our competitiveness, between 40 and 60% of the year, and it's those results that drive the expected emissions reductions that I'm speaking of. So if there's one or two or more of those data inputs that you have trouble with, I'd be happy to make that data available to you and then we can question this. It's really questioning NYSERTA's data, it's not our data. But I just want to make one other point.

LEG. BINDER:

And my concern is data's one thing, and another thing is your need as a company, your need for capital generation to defer capital

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investment. I understand --

MR. LYONS:

It's more of a desire than a need.

LEG. BINDER:

Okay. Let's say both. I mean, you're going to have bonds. This is not -- actually, I don't know how you're financing it, but, well, let's assume that there's going to be some financing involved here --

MR. LYONS:

Right.

LEG. BINDER:

-- or some kind of capital infusion.

MR. LYONS:

Yes.

LEG. BINDER:

And you're going to look to offset -- and I guess I have to assume that you're not -- you don't have a pot of money somewhere else as big as PBL might be, that you're not going to be able to capitalize the whole thing with some kind of debt financing. So my assumption is

that, look, there are -- there are business imperatives that drive your need to function, and maybe towards the end of an envelope, maybe beyond an end of an envelope, because you have to sell power.

MR. LYONS:

Sure.

LEG. BINDER:

And so that can dictate how much we're talking in terms of emissions, which might change -- when you're looking at modeling, the modeling is not looking at your business necessities, that your needs as a business to operate.

MR. LYONS:

Right.

LEG. BINDER:

It looks at what are the parameters of what are the general needs of

--

MR. LYONS:

The pro forma financial expectations.

LEG. BINDER:

Well, the needs of power on Long Island --

MR. LYONS:

Right.

LEG. BINDER:

-- at times that make you competitive. I understand that.

MR. LYONS:

Yes.

LEG. BINDER:

But I have to tell you, I have a hard time buying that, because I think you have different imperatives than they do.

MR. LYONS:

I just need to suggest that PPL's desire for profitability does not dictate anything. Our run time is dictated by the competitive market on Long Island. And while we would very much like to run for our permit limit of 6,000 hours a year, the experts in Albany and the modeling experts predict that we will --

LEG. BINDER:

When you say competitive, competitive how? Competitive in the general market, but not competitive to you. You need revenue. This is the difference. When you say competitive, competitive in terms of price, that's what we're looking at.

MR. LYONS:

Right.

LEG. BINDER:

Now --

D.P.O. POSTAL:

Allan. Allan, I think we're beating a dead horse here.

MR. LYONS:

Are you --

LEG. BINDER:

Well, no, no, no. I --

D.P.O. POSTAL:

You know, it's -- we really --

LEG. BINDER:

No, I'm not. I need --

D.P.O. POSTAL:

You know, it's really become a debate, and I'd like to recognize --

LEG. BINDER:

It's not a debate. It's not --

D.P.O. POSTAL:

-- Legislator Fisher, so that we can move along.

LEG. BINDER:

No, it's not a debate and I need to -- I need to --

D.P.O. POSTAL:

Well, I would suggest --

LEG. BINDER:

-- pursue this line of questioning for a public hearing. This needs to be I think on the record.

D.P.O. POSTAL:

I think we're dealing more with a public hearing on -- and I think you --

LEG. BINDER:

No, because it has to do with how much --

D.P.O. POSTAL:

You have covered the amount of time that the plant will run in terms of emissions generations.

LEG. BINDER:

No, I don't think we have, because --

D.P.O. POSTAL:

But I think you've gone beyond that into capitalization and --

LEG. BINDER:

I don't think so, because I am trying to understand what capitalization has to do with the fact that there are different imperatives, and I want to understand what's going to drive -- drive their --

D.P.O. POSTAL:

And I do understand that, Allan. I'm going to recognize Legislator Fisher so that she can have an opportunity to question the speaker.

LEG. BINDER:

That actually should never happen, Legislator -- it should never happen during a public hearing, that a Legislator asking questions -- you may not -- you may not be happy with the line of questioning, you may think it's going too long, but I'm trying to establish a public record and that's what public hearings are for under our Charter. And I have to tell you that whoever is chairing a meeting, I have not given up the floor. Under our rules even, I don't have -- there is no responsibility for me to give up that floor, nor the right of the Chair to give the floor to anyone else under that circumstance.

D.P.O. POSTAL:

Well, I think that the Chair has the right to decide that you're out of order with your questioning during the public hearing and recognize another speaker.

LEG. BINDER:

Actually, you don't. Actually, you don't, but I'll --

D.P.O. POSTAL:

But I am recognizing Legislator Fisher.

LEG. BINDER:

That's unfortunate. What you did is very unfortunate, and it sets a very bad precedent for public hearings.

LEG. FISHER:
Okay.

D.P.O. POSTAL:
Legislator Fisher.

LEG. FISHER:
Mr. Lyons, this -- your power plant, which is a simple cycle plant which you're proposing, does run cleaner than many of the older plants. However, as Mr. D'Andre has stated before me, the Health Department does have some issues with regards to protecting our groundwater.

MR. LYONS:
Yes.

LEG. FISHER:
You had said that you had plans for mitigation of those issues. Can you hear me all right? Do I have the microphone close enough?

MR. LYONS:
Yeah, I can hear you just fine.

LEG. FISHER:
Okay. And have you developed more detailed -- more detailed mitigation strategies for securing the safety of the groundwater?

MR. LYONS:
We're in the process of doing that. What we're doing right now literally as we speak is we're doing some CAD, computer assisted design drawings, of our proposed state-of-the-art oil storage facility, a proposal that would fully comply with Article XII requirements under Suffolk County Law, which, I might add, are probably the strictest in the country in terms of petroleum storages, and that's to the benefit of the County. So we're developing a detailed design of our proposal right now, and we're in ongoing discussions with staff at the Health -- Department of Health Services, again, to discuss really three issues. One is, is this -- is this a circumstance that is worthy of exception under Article XII, akin to other storage facilities that have been accepted from Article XII, like gas stations in schools. Is this something that's worthy of exception because it's so critical to electric reliability on Long Island?

Basically, the reason we're proposing to store oil is because we, like a lot of other people and a lot of other power plants, will be connected to the Iroquois Pipeline, Iroquois Natural Gas Pipeline. If there's a failure on that pipeline, Long Island will go black. The New York State Independent System Operator has defined that as the.

Single largest contingency on the LIPA system. So if a power plant doesn't have the capability to switch to oil, then the system will go black, and we think that's a very important reason for having emergency oil storage. And, again, our facility is the only one that would be able to switch to oil on the fly.

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The second issue that we need to discuss with the County is to make sure that they're comfortable, that the proposed storage mechanism that we would have is the safest possible and would fully comply with the regulations.

And the third is whatever else we might do as a company to help mitigate this, or to provide benefits to the County with regard to its petroleum storage throughout the County, and so we're in ongoing discussion on all those issues.

LEG. FISHER:

Okay. I do want to get back to the emissions, because this is what the public hearing is about and not the PPL proposal in Kings Park. And I believe that that's what our Chair was certainly stressing in her discussion with Legislator Binder, that this isn't about whether or not Kings Park should be -- the plant should be developed.

With regards to my resolution, as you know, I'm working on the resolution. I'm looking for an absolute cap, and I was hoping that Legislator Binder might have remained here, because this is very germane to my resolution. If there is an absolute cap, then the different power plants existing across Long Island would have to work together in order to maintain an absolute cap on CO2 emissions, and that's a very important aspect of this resolution. I hope that he can hear me where he is, because I want to clarify that.

But another piece is that it's not just an absolute cap, but there's a cap and credit model in my resolution. And I know that I've spent a great deal of time on this, and for those who have not, what we are looking for in a cap and credit model is that there can be CO2 credit bought through -- well, one of the sources is the research and development of alternative energy resources. I would like to know how much of a commitment your firm, PPL, has made in terms of research and development of alternative energy sources. You mentioned very tangentially photovoltaic cells, etcetera. Can you, please, expand on that? How much of a commitment has your company made on that?

MR. LYONS:

Unfortunately, I can't speak with any detail about the commitment that PPL has made to research, development and commercialization of

alternative energy sources, but I'd be happy to get you that information and provide that to you afterwards.

LEG. FISHER:

Okay. One of the other means of buying credit is the encouragement of conservation and conservation efforts; okay? We have not been happy with the level of commitment on the part of current energy providers on Long Island with regards to conservation. We can't just work on a distribution end of this and a production.

MR. LYONS:

Right.

LEG. FISHER:

We have to look at conservation. What kind of a commitment has your -- has PPL made to conservation efforts?

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MR. LYONS:

Again, I know that the company has commitments in that area, and, frankly, I have spoken to people in the company and they've assured me that they understand that, frankly, there's a good deal of money to be made on conservation, so -- and Long Island is a ripe market for that. As to the specific business activities that they have in that area, again, I'm going to have to get back to you with the detail on that.

LEG. FISHER:

Okay. I'm working on refining the resolution. I'm going to ask that we recess the hearing after --

LEG. CARACAPPA:

Second.

LEG. FISHER:

Well, we're not done yet.

D.P.O. POSTAL:

Well, we may have other speakers.

LEG. FISHER:

There are other speakers.

LEG. CARACAPPA:

I tried.

LEG. FISHER:

But I was just informing Mr. Lyons that I will be refining this based

on the Oregon model on cap and credit, so that we would be looking for any firms that are involved in the production of energy on Long Island to work within the parameters that will be outlined. We will be looking at that very carefully, because we are not only seeking the emission control, and of course, if we have CO2 emission standards, then NOx and SOx falls into place with regards to emissions. But part of my Legislative intent here is, also, that we're looking at alternative energy sources, that we're looking at conservation efforts as part and parcel of any energy endeavors on Long Island, and, of course, the Health Department's concern with our groundwater is paramount to this effort.

MR. LYONS:

Right. Well, I -- we certainly support your efforts to develop a comprehensive energy policy around these opportunities and now is certainly the time.

As we said, if people don't step up to the fact that more energy is needed and there is an energy crisis looming, then the potential exists for emergency measures to be done at much higher environmental cost than is necessary and -- but I think the good news is that you can meet the energy demand in an environmentally beneficial way if you look at all the alternatives.

D.P.O. POSTAL:

Thank you, Mr. Lyons.

MR. LYONS:

If I might, I just wanted to -- I know Mr. Binder's not here, but I did want to just answer his question. And I think what he was -- what he was implying was that somehow PPL would sell more -- generate more power and sell more power into the marketplace than is predicted by this model. And I just want to make a couple of things clear.

First of all, whether we run or not is determined by the New York State Independent System Operator based on the price we bid. Now, it's always possible for a company to bid a price that's less than its costs, basically sell power at a loss, but a company wouldn't stay in business very long if it did that. And what this model assumes is that we're going to sell power at our costs or above our costs, it does not assume that we're going to become a nonprofit organization. If we continue to sell power to cost, obviously, we -- below our costs, we'd go out of business, but there are some basic rational economic limitations on how long we could continue to sell power and how much power we would sell into the marketplace. I think one could comfortably make the assumption that if we ran for all 6,000 hours

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that we were allowed to under on our permit, we would still reduce power plant emissions on Long Island.

D.P.O. POSTAL:
Thank you.

MR. LYONS:
Thank you.

D.P.O. POSTAL:
I have no other --

LEG. D'ANDRE:
Madam Chairwoman.

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

LEG. D'ANDRE:
The frightening thing about all of this is they're looking to start the nuclear plants again. They're looking to start the nuclear plants again and that's very frightening.

D.P.O. POSTAL:
Thank you.

LEG. D'ANDRE:
So perhaps you're not as bad as you seem.

MR. LYONS:
Thank you. I like to think so.

D.P.O. POSTAL:
Thank you. Mike, I'm sure Mr. Lyons is very happy.

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MR. LYONS:
I take them where I can get them.

LEG. D'ANDRE:
Who knows.

D.P.O. POSTAL:
Thank you, Mr. Lyons. I have no other cards on this public hearing. Is there anyone else who would like to address the Legislature on Introductory Resolution 2286? If not, there's a motion to recess the

hearing by Legislator Fisher, seconded by Legislator Alden. 2286 is recessed.

Public hearing on Introductory Resolution 1127 of 2001, which is a local law extending fair and equitable connection fees to all County sewer districts. I have no cards on this public hearing. Is there anyone who would like to address the Legislature? Hearing no one, I would make a motion to close this public hearing.

LEG. ALDEN:
Second.

D.P.O. POSTAL:
Seconded by Legislator Alden. 1127 is closed.

Public hearing regarding Introductory Resolution 1134, a local law to reform Suffolk County space management practices through truth and integrity restrictions. I have no cards on this public hearing. Is there anyone who would like to address the Legislature? Motion by Legislator Fields to close, seconded by Legislator Alden. 1134 is closed.

Public hearing regarding Introductory Resolution 1138, a local law to prohibit operating of motorized scooters in Suffolk County. The first speaker is Timothy Peters. Mr. Peters, you have ten minutes. Come right up. If the clerk can help Mr. Peters just to adjust the microphone.

MR. PETERS:
Good afternoon. My name is Timothy Peters and this is my go-ped.

D.P.O. POSTAL:
Mr. Peters, can you just -- I know you're trying to show us something, but you have to talk into the microphone or we can't hear you.

MR. PETERS:
This is my go-ped. It is a motorized scooter. That is my helmet I wear when I ride it in my neighborhood. The top speed of it is only 20 miles per hour. It took me six months to save up enough money for my go-ped, \$450, and my other friend had saved \$650 for a different type of motorized scooter. Before I got my go-ped, my parents called Suffolk County Police to find out if you needed a license to ride it. The police told us it was legal and no license was required, so I ordered my go-ped a year ago. If go-peds are banned, all the kids who have go-peds will have spent their money on something only to have a year or so.

I am opposed to this bill, because there's no evidence or data that says go-peds are dangerous. I think bicycles are more dangerous than motorized scooters, because on bicycles, you can get your body caught in the spokes or get stuck in the frame on the bicycle, where on a go-ped, there isn't much of a frame, and the spindle, which spins the wheel, is covered by a metal piece. Bicycles can even go faster than a motorized scooter, and less people wear helmets on bikes than on motorized scooters. You should also know that it is incorrect that if you fall or step off the go-ped that it keeps. When you step or fall off the go-ped, it will fall and stop moving.

Where are the documents that say go-peds are dangerous? If you are going to do something about go-peds, don't ban them. Instead, you should make a law that you have to wear a helmet. If you want to protect us, then just make us where a he met. Using my go-ped is a way of transportation for me and everyone who owns a go-ped. I ride it to my friend's house, I ride it to the deli on my corner for a lot of gum and candy I want, and milk and eggs for my parents. I also ride at the places sometimes where my parents can't drive me. I also think that go-pedding will help me become a better driver. It's teaching me how to obey stop signs, watch out for cars, and helps my peripheral vision. If more young boys like my age or a little older ride co-peds, then maybe when they are teen-agers and get their driver's license, they won't be such bad drivers like some teen people today.

I am a good student and I play on organized travel soccer and basketball. Go-pedding is one of the few things I can do just for fun without competing against anyone. So what is so wrong about a kid being safe and just wanting to have fun?

Everybody complaints and worries about kids drinking and smoking underage. I think young teens probably do this because they are bored. Yet, every time we find an alternative fun thing to do, it seems to get banned or taken away. We find out about go-peds and they're trying to get banned. We find out about skate-boarding and there's no place to ride them without getting in trouble or getting them taken away. Every -- even when -- even when people take them away or get banned, no one gives us an alternative -- us alternatives like a local skate park or safe trails to ride a motorized scooter. Younger kids find Pokeman cards and they aren't allowed to have them in school. People are taking away everything we're doing. Maybe that's why so many underage kids are drinking and smoking.

LEG. D'ANDRE:
Very good argument.

D.P.O. POSTAL:
Thank you, Mr. Peters.

MR. PETERS:
I have more.

D.P.O. POSTAL:
Oh, go ahead. I'm sorry. Go right ahead. You have plenty of time.

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You have --

LEG. CRECCA:
You go. You go, boy.

LEG. D'ANDRE:
Keep going. Go, go, go.

D.P.O. POSTAL:
Go right ahead.

P.O. TONNA:
You still have six minutes to go.

D.P.O. POSTAL:
We're just very impressed by you.

MR. PETERS:
I have a petition of eighty-two people who are signed by friends, people from my school, adults, and some of my older brother's friends that believe go-peds should not be banned. In the statement above the signatures, it says that every person on the petition agrees that you should wear a helmet, but not ban the go-peds.

I hope all of you elected officials will realize that there is no real proof or studies that will show these scooters are anymore dangerous for kids than bicycles. You should also think about how this bill is just one more thing you're taking away from young teenagers without replacing it with an alternative. Please, vote against this bill. If you really want to do something positive, then pass a law requiring motorized scooter drivers to wear helmets. Thank you for listening to young people like me.

(Applause)

LEG. CRECCA:
Good job, buddy.

MR. PETERS:
Would you -- do you want a copy? I have the --

D.P.O. POSTAL:
We're very impressed. And we'll take a copy of those eighty-two signatures. I know that there are some Legislators who have questions for you, Mr. Peters.

P.O. TONNA:

I just have one quick question. Which Legislative district is he in?

D.P.O. POSTAL:

I think he's in the Eighth, Sayville.

P.O. TONNA:

I figure, with the technology he has, may he'd want to run.

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D.P.O. POSTAL:

Well, we're very impressed by your citizenship, we're very impressed by your coming to participate in government and share your feelings about proposed legislation with us, which many adults don't do, so -- but I know that there are questions that people may have for you. Anyone? Legislator Carpenter?

LEG. CARPENTER:

Timothy, thank you so much for coming down. I, too, am very, very impressed. You did an absolutely wonderful job. My question is when you -- did you say your mom called the Police Department?

MR. PETERS:

Yeah, and I my dad.

LEG. CARPENTER:

To ask about them being legal. What exactly did they say to you? Where did they tell you you could ride the go-ped?

MR. PETERS:

They -- the Police said that you shouldn't just ride them on like the highway or anything, like back roads are okay, and like I can -- I ride it up and down the driveway, and that's what they said. They just said not really main roads.

LEG. CARPENTER:

So when you go to buy milk and whatever you said you go to buy, and go to practices or go visit your friends, are you not going on roads? How are you -- what are you riding the go-ped on?

MR. PETERS:

Well, you ride the back roads to a friend's house, which a kid -- one of my friends, my best friend lives down the block from me, so I just ride there. And the deli is right on the corner, and there's a back entrance, so I just go straight down the alley --

LEG. CARPENTER:
Okay.

MR. PETERS:
-- to the back entrance.

LEG. CARPENTER:
So it almost seems like you could walk there, but we won't talk about that.

MR. PETERS:
Okay.

LEG. CARPENTER:
I really thank you for coming down, though, and I certainly am going to take your comments under consideration. And you're leaving that for us to see, the signatures; correct?

MR. PETERS:
Yes.

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LEG. CARPENTER:
Thank you.

MS. BURKHARDT:
We're making copies.

D.P.O. POSTAL:
Thank you. Any other questions for Mr. Peters? Thank you very much. Thank you for coming down today.

LEG. CRECCA:
How old are you. Can I just ask how old you are?

MR. PETERS:
I'm twelve.

LEG. CRECCA:
Good job, buddy.

MR. PETERS:
Thank you.

D.P.O. POSTAL:
We're very impressed with you. Thank you, Mr. Peters. Next speaker is Santino, if I'm pronouncing this right, Tamaino.

MR. TAMAINO:

Yes.

D.P.O. POSTAL:

You have ten minutes.

MR. TAMAINO:

It's more than enough time I'll ever need. Good afternoon.

D.P.O. POSTAL:

Good afternoon.

MR. TAMAINO:

My wife, Janet Tamaino, and I purchased a -- the go-peds, the gas powered type for a Christmas present. Prior to purchasing, we also did contact the Police and the Motor Vehicle Department and we were told that they were legal, otherwise we would not have spent \$600 and -- \$650 apiece. I have not fallen off one, and if it does fall or if you do fall off of it, it's just going to tilt right down, it's not going to go nowhere, where it can actually keep going. It just don't. It doesn't balance itself. It does fall over. I do not find them unsafe at all. My neighbor that's 70 years old or over, which I have pictures of, for the first time just got on it and drove right around with me without no problem at all. Again, I feel they're fairly safe. I believe you should have a helmet. I believe they should be -- I believe twelve years and older should be, you know, the age limit on them. And, again, helmets are very, very important, and even though sometimes, you know, people do not where them. I would suggest a law for the helmets.

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I'd like to keep it street legal, because they're not dangerous at all. You're not going to run into a car with it, naturally, and if a car hits you, you can get hit walking or riding a bicycle as the same danger. It was our Christmas present and I really hope you guys don't take it away. Again, as now I would say keep it legal, because then we can't ride them and we're throwing away our Christmas presents. Thank you very much.

LEG. CARPENTER:

Thank you.

D.P.O. POSTAL:

Thank you. Are there any questions?

MR. TAMAINO:

Would you like the pictures that I have?

D.P.O. POSTAL:
Excuse me?

MR. TAMAINO:
Would you like the pictures that I have?

D.P.O. POSTAL:
Yes. Why don't you just give them to the Clerk, and the Clerk will circulate them and we can give them back to you. Are there any questions that anyone has? Thank you. I have no other cards for this public hearing. Is there anyone else who would like to address the Legislature on Introductory Resolution 1138?

MR. TAMAINO:
Thank you

D.P.O. POSTAL:
Legislator Carpenter?

LEG. CARPENTER:
Recess.

D.P.O. POSTAL:
Motion to recess by Legislator Carpenter.

LEG. ALDEN:
Second.

D.P.O. POSTAL:
Seconded by Legislator Alden. 1138 is recessed.

Public Hearing regarding Introductory Resolution 1197 of 2001, a local law to ban the sale of mercury thermometers in Suffolk County. First speaker is Erik DuMont.

MR. DUMONT:
Good afternoon. My name is Erik DuMont. I'm Long Island Program Coordinator for Citizens Campaign for the Environment. Citizens

Campaign for the Environment is a statewide organization and we work to protect New York's natural resources and public health.

I'm here today to speak in favor of Intro Resolution 1197, a local law to ban the sale of mercury thermometers in Suffolk County. Mercury is one of the single most persistent poisons found anywhere in the

environment. It can bioaccumulate in animal tissues as it moves up the food chain, and that includes people as well. People who eat fish and shellfish are especially at risk to mercury poisoning, because fish and shellfish are the two places where it accumulates most often. Mercury can cause kidney damage, liver damage, neurological damage. In pregnant woman, it can actually cross the placenta, and also cause developmental impairment on a developing fetus.

Additionally, EPA considers mercury to be a possible human carcinogen. Mercury has also been shown to have detrimental effects on wildlife which eat fish, such as otters and mink. Mercury enters our environment from many different sources, some natural, others artificial. Solid waste incineration is one of the leading causes of mercury release into the environment. Mercury thermometers that get incinerated lead to mercury in the atmosphere, which in turn gets precipitated down into the soil and water, then gets accumulated into the tissues of fish, plants and mammals. Mercury can easily get into our coastal waters and our groundwaters, with the potential to have an adverse impact on a very large number of people.

With this bill, Suffolk County is taking a proactive step to reduce the amount of mercury in our environment, there's other places in the country which have already done this, the City of San Francisco, the City of Boston. I know Duluth, Minnesota, Ann Arbor, Michigan, the entire State of New Hampshire have already taken this step. As far as New York State is concerned, Suffolk again has the role of leading the way in New York State and being the first to do the right thing on this.

So, CC, Citizens Campaign for the Environment strongly supports this bill and urges its quick passage. Thanks.

D.P.O. POSTAL:

Thank you. Questions for Mr. DuMont. Thank you. The next speaker is Todd Teichert.

MR. TEICHERT:

Thank you. Good afternoon, Mr. Coopers, hearing board members, and residents of Suffolk County. I would like to introduce myself. I'm Todd Teichert, a third generation manufacturer of temperature measurement instruments. I'm married with three children, ages ten, seven and three, and reside in Suffolk County. As a husband, father, and resident of this County, I share the same sentiment of seeing to it that our environment be preserved and maintained properly for the benefit of all families and future generations. That is why I've taken the time to contribute to this afternoon's hearing.

The chemical in question, mercury, has been refined for its contents since the 15th or 16th Century B.C. Mercury is best known as the silver liquid in thermometers. However, it has over 3,000 industrial

uses. Among them include florescent lamps, advertising signs, electronic switches, medicines, and in textile production, just to name a few. Another common use of mercury is a component of amalgam used for silver dental fillings. The other major ingredients are silver, tin, copper and zinc. When mixed, these elements bond to form a strong, stable substance. In a report Dr. Steven Barrett, it states that very sensitive instruments can detect billionths of a gram of mercury vapor in a mouth of a person with amalgam fillings. However, the minuscule amount of mercury the body absorbs from amalgams is far below the level that exerts any adverse health effect. It goes on to say that one study found that people with symptoms they related to amalgam fillings did not have significant mercury levels.

The study compared ten symptomatic patients and eight patients with no reported health complaints. The symptom group had neither a higher estimated daily uptake of inhaled mercury vapor, nor a higher mercury concentration in blood and urine than in the control group. The amounts of mercury detected by the tests were trivial. Some studies have shown that the problems patients attribute to amalgam restorations are psychosomatic in nature and have been exasperated greatly by information from the media or from a dentist.

An extensive review published in 1993 by the U.S. Department of Health and Human Services concluded that, "There is scant evidence that the health of the vast majority of people with amalgam is compromised or that removing fillings has a beneficial effect on health."

In January 1988, the American Dental Association Council on Scientific Affairs issued a report on dental amalgam safety with emphasis on studies that had been published since the 1993 review. The report concluded millions of people have amalgam restorations in their mouths and millions more will receive amalgam for restoring their carious teeth. Over the years, amalgam has been used for dental restorations without evidence of major health problems. Newly developed techniques have demonstrated that minute levels of mercury are released from amalgam restorations, but no health consequences from exposure to such low levels of mercury released from amalgam restorations have been demonstrated.

Given the available scientific information and considering the demonstrated benefits of dental amalgams, unless new scientific research dictates otherwise, there currently appears to be no justification for discontinuing the use of dental amalgam. Anti-amalgam dentists typically use a vapor analyzer to convince patients that detoxification is needed. To use the device, the dentist asks the patient to chew vigorously for ten minutes, which may generate tiny amounts of mercury from the fillings. Although this exposure lasts for just a few seconds and most of the mercury will be exhaled rather than absorbed by the body, the machines give a falsely high readout, which the anti-amalgamists interpret as dangerous.

The most commonly used analyzer is an industrial device which

multiplies the amount of mercury detects in a small sample of air by a factor of 8,000. This gives a reading for a cubic meter a volume far larger than the human mouth. The proper way to determine mercury exposure is to measure urine levels which indicate how much the body

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has absorbed and then excreted. Scientific testing has shown that the amount of mercury absorbed from fillings is insignificant and that people with fillings excrete no more mercury than those without them. This is overwhelming evidence that mercury amalgam fillings are safe.

Since 1905, although billions have been used successfully, fewer than 50 cases of allergy to the amalgam have been reported to the scientific literature. In 1986, the American Dental Association Council on Ethics Bylaws and Judicial Affairs concluded that, "Removal of amalgam restorations for the alleged purpose of removing toxic substances from the body, when such treatment is performed at the recommendation of the dentist, presents a question of fraud or quackery in all but an exceedingly limited spectrum of cases." The ruling was triggered in part by the case of an Iowa dentist, which extracted all 28 teeth of a patient with multiple sclerosis. The dentist received a nine-month license suspension, followed by fifty-one months of probation.

In a public health statement issued by the Agency for Toxic Substances and Disease Registry, it states that mercury is found at higher than normal background levels at only 14% of superfund sites on the National Priorities List. While this number is not to be commended, it is not as staggering as many environmentalists would like us to believe. The statement goes on to say that full recovery from mercury exposure is more likely after short-term exposures once the body clears itself of the contamination most commonly through urine and feces. Mercury has not been shown to cause cancer in humans. There are reliable, accurate and easily available ways to measure mercury levels in the body. Blood or urine samples can be taken in a doctors office and tested using special equipment in the laboratory.

In the statement's conclusion, it states that an exact exposure level cannot be determined for some human health effects that are known to occur. It states, "We cannot estimate an exact level of mercury that would cause this effect, because the amount of mercury in food and the amount of contaminated food eaten is not known."

The answer to the chemical in question is not abolishment, but in education. There are many methods of manufacturing and processes that are centered around mercury filled instruments. Completely eliminating instruments and products would interrupt countless manufacturing and research operations. Manufacturers of such products

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should instead work along with environmentalists and Legislators to achieve results that are acceptable to both parties. For example, mercury spill control kits, teflon encapsulation of instruments when applicable to retain mercury in event of breakage, and instructional literature included with each instrument order. Manufacturing guidelines could be improved to create a more durable product. For example, thickness of glass diameter could be increased to decrease the instance of breakage. Again, teflon encapsulation could be introduced to retain mercury spillage upon breakage.

I recall a conversation with a Legislator while I was sitting in the jury pool room waiting to be selected. It was at the time of the Brookhaven National Lab crisis where the ground and drinking water had been contaminated. He communicated to me that he knew very little

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about the chemicals in question or about the related environmental issues. However, it was his responsibility as Legislators to bring both sides together to effectively come up with a solution to the problem. I would like to say that the same term should apply regarding this issue.

Instruments containing mercury are critical to industries and applications where extreme accuracy is crucial. Substitute instruments in many cases do not offer the same accuracy, which many institutions on the national, state and local level require. This in turn will affect the quality and results of the information obtained from less accurate instruments. Many research facilities cannot rely on such substandard results that these substitute instruments will provide.

In closing, I recommend that a ban on these instruments not be imposed, but through the cooperation of industry leaders, Legislators, and environmental engineers, we come up with a solution that is mutually beneficial to the environment and the manufacturing sector. Thank you for your time.

D.P.O. POSTAL:

Thank you, Mr. Teichert. Are there any questions? Legislator Cooper?

LEG. COOPER:

Sir, I wanted to thank you for coming down. We just had one question. Are you aware that the bill that I introduced does not pertain in any way to either dental amalgam restorations or mercury filled industrial instruments? It only refers to the use of mercury in fever thermometers.

MR. TEICHERT:

The reason why I'm here today as a manufacturer is to explain through our experience mercury and the low levels and the way that it's excreted from the body, that it does not really constitute significant health effects that are stated. I would have a question, and if we could speak at a later time, that would be fine.

LEG. COOPER:
Sure.

MR. TEICHERT:
Do you have any specific instances of mercury contamination in the County related to these clinical thermometers?

LEG. COOPER:
Related to fever thermometers?

MR. TEICHERT:
Yes.

LEG. COOPER:
No, I don't. I have a report from the EPA talking about the threat that this poses on a nationwide basis and I agree with details of that. But I don't know specific testing that's been done in Suffolk County, but this is a problem that's prevalent throughout the --

throughout the nation.

MR. TEICHERT:
Well, I'd like to say the reason for me being here, as well as many other people, I've seen the article in Newsday which actually prompted me for a physical. And I've been working with the chemical myself personally for 20 years and all of my tests came back within the proper levels. Again, I think even regarding clinical thermometers, education is very critical in the determination of a solution. Again, there are methods, manufacturers and steps that they can take to improve the safety of the environment and the customers.

LEG. COOPER:
I really don't want to go into too much detail to take up more time, but -- and I don't want to read from the EPA report, which goes into quite a bit of detail about the risks posed by mercury thermometers. And just one factoid. The average fever thermometer contains about a gram of mercury, which according to the EPA is enough to contaminate all the fish in a lake with the surface area of 20 acres. And they talk about how when mercury is incinerated, when it's mixed with municipal waste, it turns into methylmercury, and methylmercury, which is far, far more toxic than mercury is, can again bioaccumulate in the

environment and in the water system.

MR. TEICHERT:

Well, as I brought up, earlier, of the superfund sites, it showed that 14% of them have contained higher than normal background levels. Again, while it's not to be commended, it's not as great as the environmentalists would like us to be able. I'm not defending this. The reason why I'm here is, again, to work along with the Legislators and environmentalists to come up with a solution that's equitable.

LEG. COOPER:

No. I appreciate that. I think that there are solutions in the case of fever thermometers, since they are readily available in any drug store alternatives to mercury thermometers, whether they're alcohol-based thermometers or whether they're digital thermometers. So since there are safe alternatives out there, and since there is a very clear consensus among both the EPA and environmental organizations that mercury does pose a real serious risk to humans, I believe that this is something that should be regulated.

MR. TEICHERT:

Do you have actual statistics to support that?

LEG. COOPER:

Yes, I have about 12 pages of statistics, so I could show this to you afterwards.

MR. TEICHERT:

As far as the levels and the contamination?

LEG. COOPER:

Not specifically in Suffolk County, but in the United States.

MR. TEICHERT:

Oh, okay. Well, this was regarding to Suffolk County and I'm just wondering if you had that information available.

LEG. COOPER:

No, I don't.

MR. TEICHERT:

Okay.

LEG. COOPER:

Thank you.

LEG. D'ANDRE:
Madam Chairlady.

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

LEG. D'ANDRE:
You know, mercury is supposed to be a very dangerous metal, right, or you don't think so?

MR. TEICHERT:
No, no, no, I'm not denying that whatsoever. I would just like some evidence to support the findings. As I mentioned, the article prompted myself, who's the manufacturer, to seek a doctor's testing.

LEG. D'ANDRE:
Well --

MR. TEICHERT:
And I work with it on a daily basis. So you're making claims and I just want to make sure that you have the evidence to support that. I'm not denying that, that's why I'm here.

LEG. D'ANDRE:
There's evidence all around you and we can't put it together, but --

MR. TEICHERT:
Oh.

LEG. D'ANDRE:
-- let me say this. There's an ad that runs in the papers on the preemergence weed control, and it goes on to say what this lady does not see is the benefit of this weed control, preemergence and she puts it down and no weeds grow. Now, I say this to you. If mercury is in our environment, it's not a safe chemical, I don't know who's doing the studies on it, but it's got to be considered dangerous.

MR. TEICHERT:
Absolutely, I agree.

LEG. D'ANDRE:
And if we can substitute alcohol thermometers for mercury thermometers, I go with that. Why should we take a chance on the

MR. TEICHERT:

Well, as -- I was not aware that Mr. Cooper's legislation is limited to clinical type thermometers. As far as our manufacturing of thermometers, they're more industrial grade and they require higher accuracy, which only mercury can provide. We provide our instruments to the pharmaceutical industry.

LEG. D'ANDRE:

But it's a metal that won't go away, that's the frightening part about it. It's a dangerous chemical.

MR. TEICHERT:

Well, within the industries, we have provided education, labeling instructions.

LEG. D'ANDRE:

You know, that's fine, but who reads it? You go get your hands on it or it gets into the food chain --

MR. TEICHERT:

Well, there's labeling --

LEG. D'ANDRE:

-- even in minute amounts --

MR. TEICHERT:

There's labeling on alcohol also and people still go out and purchase that and they drive and they kill people.

LEG. D'ANDRE:

It doesn't compare with mercury.

D.P.O. POSTAL:

Well, I think that --

LEG. D'ANDRE:

No way. You can't sell that argument, I'm sorry.

MR. TEICHERT:

I'm sure --

D.P.O. POSTAL:

Legislator Cooper.

MR. TEICHERT:

I'm sure that more people die of DWI --

LEG. D'ANDRE:

Yeah, if you had that. You don't need that much of mercury --

MR. TEICHERT:

-- than of mercury contamination.

LEG. D'ANDRE:
-- to kill you as you need alcohol.

MR. TEICHERT:
Well --

LEG. D'ANDRE:
Come on .

MR. TEICHERT:
Again, we need statistics to support our facts.

D.P.O. POSTAL:
Okay. Legislator Cooper.

LEG. COOPER:
I just wanted to say that I agree with the last point that you made, that to my understanding, there are not alternatives to mercury thermometers for certain industrial applications, which, again, is why my bill was restricted to mercury fever thermometers. I did -- again, I don't want to quote from the EPA report, but just one or two sentences. "Medical literature contains several cases of serious illness and even death resulting from exposure to mercury from fever thermometers. Most, but not all, of these cases involve young children who are known to be the most susceptible to the effects of mercury." And it goes on and on. So there are many documented cases of the risks.

MR. TEICHERT:
Okay. Thank you.

LEG. COOPER:
Thank you.

D.P.O. POSTAL:
Thank you, Mr. Teichert. Next speaker, Amie Hamlin.

MS. HAMLIN:
Hello. I'm Amie Hamlin and I'm the Long Island Chapter Director for the New York League of Conservation Voters.

Mercury is highly toxic to humans and wildlife. It accumulates in the tissues of fish and other organisms inhabiting mercury contaminated waters and builds up in the tissues of organisms higher up the food chain, including humans. In humans, mercury is toxic to the nervous system, affecting the brain, spinal cord, kidneys and liver. Mercury exposure is particularly significant for young children and pregnant women, because mercury inhibits the development of the brain and the

nervous system. Lowered intelligence, impaired hearing, and poor coordination are some of the effects seen in children with elevated mercury exposure. Mercury also adversely affects wildlife. Eagles, osprey, common loons, river otters, mink and other fish-eating animals may suffer a premature death, weight loss, difficulties reproducing and other problems as a result of eating mercury contaminated fish.

Most of the mercury released to the atmosphere comes from the burning

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of mercury-containing garbage and the burning of coal oil and natural gas to provide energy. Mercury may also become airborne when mercury-containing products are improperly handled.

This bill is not about dental fillings, nor about completely eliminated mercury-filled instruments. Jon Cooper's bill to ban the sale of mercury thermometers to prevent them from being incinerated and to ban the incineration of such thermometers is a positive step in the right direction. Because alternatives already exist to mercury thermometers and some of the alternative types of thermometers have equal or greater accuracy for fevers, there is no environmental downside to this bill.

The problem is greater in the Northeast United States. Therefore, any steps we take in Suffolk County to remove it from the environment would be beneficial. The environment on Long Island is a precious resource and we need to do all we can to protect it. The League supports this bill and we hope it will pass quickly. Thank you.

D.P.O. POSTAL:

Are there any questions? Thank you, Miss Hamlin. Is there anyone else who would like to address the Legislature on Introductory Resolution 1197? Hearing no one, Legislator Cooper?

LEG. COOPER:

Motion to recess.

D.P.O. POSTAL:

A motion to recess --

LEG. CRECCA:

Second.

D.P.O. POSTAL:

-- by Legislator Cooper, seconded by Legislator Crecca?

LEG. CRECCA:

Crecca.

D.P.O. POSTAL:
Sorry.

LEG. CRECCA:
You can call me Bishop, because I'm sitting here.

D.P.O. POSTAL:
No, I wasn't. I was almost going to call you Alden, but, no.
No, no.

LEG. CRECCA:
His hair's too long.

D.P.O. POSTAL:
1197 is recessed. A Public Hearing regarding Introductory Resolution
1207 of 2001, which is a local law extending the County Human Rights
Law to public accommodations, employment and housing. I have no cards

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on this public hearing. Is there anyone who would like to address the
Legislature? Hearing no one, I make a motion to recess the hearing,
seconded by Legislator Guldi. 1207 is recessed.

I have a motion to set the date of the public hearing regarding
Introductory Resolution 1113 of 2001, and Introductory Resolution
Number 1187 of 2001 for April 3rd, 2001, at 7 P.M. in the William
Rogers Legislative Building. Motion by Legislator D'Andre, seconded
by Legislator Towle. The public hearing is -- hearings is set for the
3rd.

Can all Legislators please return to the horseshoe. I'd like to
recognize Legislator Fisher for a motion -- Fields.

LEG. FISHER:
That's Fields, I'm Fisher.

D.P.O. POSTAL:
For a motion.

LEG. BISHOP:
We don't have a quorum, so I don't know if she wants to make a motion.

D.P.O. POSTAL:
No, we do. We have twelve people.

LEG. FISHER:
Maxine, did you close your public hearing?

D.P.O. POSTAL:
No, I recessed it.

LEG. FISHER:
1207?

D.P.O. POSTAL:
I recessed it.

LEG. FIELDS:
I'd like to make a motion to lay --

D.P.O. POSTAL:
Discharge.

LEG. FIELDS:
-- resolution -- discharge Resolution 1205 for the purposes of aging.

D.P.O. POSTAL:
Second. You have it in front of you.

LEG. FIELDS:
You have it in front of you.

LEG. FISHER:
Got it. Do we have enough to vote?

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D.P.O. POSTAL:
We're just -- the motion is only to discharge Introductory Resolution 1205-2001. That's to reform space management practices at the Coram Health Center, also known as the Elsie Owens County Health Center at Coram, located at 3600 Route 112, Coram, New York. This is a motion to discharge the resolution from committee.

LEG. ALDEN:
On the motion.

D.P.O. POSTAL:
Legislator Alden.

LEG. ALDEN:
Legislator Guldi, was -- is there a reason why it wasn't discharged from your committee?

LEG. GULDI:

Yeah. There was --

LEG. ALDEN:
A snowstorm.

LEG. GULDI:
There was a snowstorm. We didn't have a meeting.

LEG. ALDEN:
I had to reschedule two of my committee meetings.

LEG. TOWLE:
You're a better Chairman.

LEG. ALDEN:
Thank you. Thank you, Fred, I appreciate that.

D.P.O. POSTAL:
All right. All in favor? Any opposed?

MR. BARTON:
Fourteen.

D.P.O. POSTAL:
I.R. 1205 is discharged. It will age for an hour.

LEG. CARACAPPA:
Madam Chair.

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

LEG. CARACAPPA:
I'd like to also make a motion to discharge. This was a resolution that was not voted on in committee due to the fact that it was canceled, the committee. It's only a technical correction. It's before you. It's 1252. Motion to discharge for the purpose of aging.

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D.P.O. POSTAL:
And that was seconded by Legislator Fisher.

LEG. ALDEN:
Is this Guldi's committee, too?

D.P.O. POSTAL:
You have this in front of you, Resolution 1252, authorizing certain
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technical resolutions to adopted Resolution Number 920 of 2000. All in favor? Any opposed?

MR. BARTON:
Fourteen.

D.P.O. POSTAL:
1252 is discharged. We're going to return to the public portion.
Yes. The next speaker is Norma Watson. Norma Watson, is she here?

AUDIENCE MEMBER:
She had to leave.

LEG. CARACAPPA:
She left.

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

LEG. CARACAPPA:
She had to leave.

D.P.O. POSTAL:
No? Is she gone? Charles Hammer. Charles Hammer here? Anne {Seigelaire}?

LEG. CARACAPPA:
She left.

D.P.O. POSTAL:
Cynthia Barnes. Miss Barnes, you have three minutes.

MS. BARNES:
Hi. Thank you very much. I'm here to speak about 1136.

LEG. FISHER:
Pull the microphone close to your mouth, Cynthia.

MS. BARNES:
I will. Hi. My name is Cynthia Barnes. I'm the Co-Chair of the Coalition for the Future of Stony Brook Village. I'm also vice president of the Setauket Civic Association. And I want to thank you, one, for two years ago for passing a resolution to --

LEG. BISHOP:
Speak into the mike.

MS. BARNES:

I'm sorry.

D.P.O. POSTAL:

It's very hard to hear you.

MS. BARNES:

Can you hear me now?

D.P.O. POSTAL:

Yes.

MS. BARNES:

Is that better? I've got a cold, too, so I'm not really --

D.P.O. POSTAL:

You need the mike more.

MS. BARNES:

So I need the mike more, you're right. Thank you for two years ago for passing a resolution for acquire the 36 acres that is now our nature preserve, Stony Brook's last forest. Today I ask that you pass Resolution 1136 to acquire the remaining undeveloped seven acres. It is threatened with severe excavation, 60,000 cubic yards of earth that will go within 30 feet of the nature preserve, eliminating the protective buffer that helps preserve our forest.

As you may know, there is tremendous community support for the preservation of Stony Brook's last forest, including all your good work two years ago and in our acquisition, finally, this summer -- of 2000 of our nature preserve. Please continue your good work and pass Resolution 1136. Thank you. I'm also speaking for the Civic Association of Setaukets in support of that bill.

D.P.O. POSTAL:

Thank you, Miss Barnes. Legislator Fisher, do you --

LEG. FISHER:

I just wanted to thank her. Thank you, Cynthia.

D.P.O. POSTAL:

The next speaker is Funk. Not here? Thomas Goodhue.

LEG. CARPENTER:

Not here.

D.P.O. POSTAL:

Phillip Goldstein. Louise Harrison.

MS. BARNES:

She also had to leave, but I spoke for her, too.

D.P.O. POSTAL:

Allan Robinson. Paul Hart.

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MR. HART:

Hi. Come right up. You have three minutes.

D.P.O. POSTAL:

Hi.

MR. HART:

I probably don't need a microphone. That's what people tell me.

D.P.O. POSTAL:

Well, yes, you do, because it helps the stenographer.

MR. HART:

Sure. Hi. My name is a Paul Hart. I've been a resident and homeowner in Suffolk County since 1976. I've lived in Brookhaven Town for about the last 17 months. Prior to this, I lived in the Town of Islip and Bay Shore for 23 years. My Suffolk County Legislator is Vivian Fisher. My wife and I have five children, three of which, by the way, still live with us, and the children all attended Brentwood Schools. I am mentioning this on purpose, and they're all out of school now, they're all out of high school. They're now in college costing me a fortune. But the reason I'm here is to voice my support for Bill 1193-2001 sponsored by Legislators Brian Foley, Vivian Fisher, Paul Tonna and Maxine Postal. This bill, as you know, will enable the County to put \$80,000 into the till for the start-up of the community center in Farmingville. And also included would be a hiring site for day-workers to get them off the street. And I understand the concerns that many of the residents have for what's going on. I lived with a similar situation in Bay Shore. We had mental patients who were dumped, and there was a tremendous amount of community opposition. I actually worked a little bit on the periphery to get them into group homes, to get group homes started. And I will say that the problem is tremendously improved. And I was at some meeting where people were screaming. It was similar to this. So I understand the -- I understand everyone's concerns for property values, being a homeowner, etcetera, etcetera. And they don't like the sight of hundreds of workers congregating on Horseblock Road. Well, unfortunately, the problem is not going to go away. And I think that building the center will probably help this. It will help the people. They'll congregate, hopefully, at an industrial area where they can get jobs. We know this problem will not go away. There already is a site up in Farmingville, whether we like it or not, so we have to be pragmatic. Let's do something about this. Let's do something positive. And if we continue with the status quo, it's only going to get worse. I

guarantee you, it will get worse. I promise you.

Putting this in an industrial area will probably help a lot. And right now, our economy depends on these day-laborers/illegal aliens. And if -- I don't know about you, but every time I've been into a restaurant and I've gone to check -- gone to the bathroom, gone by the kitchen, I've seen a lot of Hispanic faces. And, also, the company I work at, I work in the Hauppauge Industrial Park down the street from here, the people doing our grass, I don't think three-quarters of them speak English. And I'll say one thing, they're excellent -- the people I know are excellent people, really good. I've actually come to know a few of them.

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So any time -- so, anyway, this is the story. The center I don't think will attract more day-workers, because the jobs are here already. If the jobs aren't here, they're going to get out of here. I'm sure that most people, given the chance, wouldn't leave wherever they come from and come here for the climate. I don't know about you, but I'd rather stay in my culture with the people I know with my family and my friends than move 3,000 miles away and be abused and be exploited.

D.P.O. POSTAL:

Mr. Hart, would you please sum up?

MR. HART:

Okay. Anyway, really, I could probably go on for a ways, but I just think, basically, we can bury our head in the sand and complain when matters get worse, and I recommend for one that we -- right, we be pragmatic about this situation. And every human deserves what's written in the Declaration of Independence, the right to life, liberty and the pursuit of happiness. These people are good people, they're good workers.

D.P.O. POSTAL:

Thank you, Mr. Hart.

(Applause)

Mary Murphy. Mary Murphy.

MS. MURPHY:

Good afternoon. I represent the Farmingville Civic Association and we're here to ask you or to tell you we have concerns that the County may be having a fiscal problem, as reported in Newsday, and where would the dollars come from for the upkeep of a community service

center that the community didn't know it needed and did not petition for? And that would be continuous dollars, also.

Number two, if the community center is to contain a hiring hall, then you should be advised that it has been proven not to work in other communities and in other states, and that's due largely to just the humanistic competitiveness amongst the laborers themselves.

Three, that we are -- have a problem that our tax money is going to go to a religious organization, and that for the community as opposed to a nonseparation of church and state the way the constitution provides for. Thank you.

LEG. CARACAPPA:

I have a question, Madam Chair.

D.P.O. POSTAL:

Legislator Caracappa, do you have a question?

LEG. CARACAPPA:

Mary, you said you were here on behalf of the Farmingville Civic Association?

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MS. MURPHY:

Correct.

LEG. CARACAPPA:

Has the Farmingville Civic Association taken a position pro or con for this center?

MS. MURPHY:

We have never from day one been in favor of a hiring hall.

LEG. CARACAPPA:

And that's as voted on by your members?

MS. MURPHY:

Right.

LEG. CARACAPPA:

Thank you.

MS. MURPHY:

And our position hasn't changed, nor has federal law changed, to our knowledge, that is. I also had a card in for myself, personally.

D.P.O. POSTAL:

What was that name under?

MS. MURPHY:

Well, maybe I spoke out of turn, then. I put one in for the Farmingville Civics and I was the speaker and -- correct.

D.P.O. POSTAL:

Oh, you can only --

MS. MURPHY:

And then I put one in for my name itself.

D.P.O. POSTAL:

Yeah. You can only speak once during the public portion. You can -- you can't put in two cards for the public portion on any given day to speak on different issues or at different times.

LEG. CARACAPPA:

Your time's not up. Your time's not up.

MS. MURPHY:

Okay.

D.P.O. POSTAL:

But you do have some additional time. If you would like to continue, you have another minute and forty-eight seconds.

MS. MURPHY:

Thank you very much. I've heard today, community, will they see them as human beings, I've heard today do it the American style, and I've heard about dialogue, dialogue, dialogue. Well, I know that the

Farmingville community does and always has seen these people in our community as humans, and we have had and do have dialogue with these people, and we have done it in the American style. We had and have problems. We have met and discussed those issues. And then the American style, we came to you and every other politician to find relief to our problem.

Farmingville did not and does not condone violence or racial bigotry, but the media and some select organizations who receive most of their money from public funding and have salaried officials are the ones that have sensationalized Farmingville's problem, not the community, and, thus, my community holds them directly responsible for what happened to those men on September 17th in 2000.

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Everyone here, except the American Indian, has -- all are part of the history of immigration and contributed to it legal or illegal. Therefore, on Resolution 1193 before us, I find 800 -- \$80,000 worth of duplication of current county, town, local, and educational services currently available to all.

Mr. Foley, Mr. Tonna, Ms. Fisher and Ms. Postal, in proposing 1193, are you saying that you have -- you know of or have inside information that the County and the Town are no longer capable of doing its jobs?

D.P.O. POSTAL:

Miss Murphy, I must ask you to sum up, please.

MS. MURPHY:

Are you -- yes.

D.P.O. POSTAL:

I must ask you to sum up. Your time is up.

MS. MURPHY:

Okay. Are you telling us that the County cannot adequately serve the Hispanic community, one like in Farmingville, and, therefore, is going to continually need outside help? If you're not saying that, then for \$80,000, could you please fix the County phone system so that anyone can -- so that the County can return calls to everyone in Suffolk County, even those who have a block on their service due to annoying solicitation? Or better still, can you look into a better public transportation system for the 21st Century, since we don't currently have an adequate one?

D.P.O. POSTAL:

Thank you, Miss Murphy.

(Applause)

Next speaker is Margaret Bianculli.

MS. BIANCULLI:

The longer I sit at these meetings, the more I change my statement. Under U.S. Code 8, the Federal Immigration Law, the definition of an immigrant is one who comes to this country legally and invited to establish permanent residency, and eventually on the track to

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citizenship. That is the federal government's definition of "immigrant." The federal government under the same code defines an "illegal alien" and uses the term "illegal alien" as well as "alien" as someone who comes to this country uninvited, without documentation,

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violating our borders. So when we use the term "illegal alien" or "alien", we are talking about those who come to this country undocumented. Further, it defines the word "migrant" as someone who comes here seasonally to work with permission.

So I just wanted to set that straight and have it in the record and to not go back on this anymore. For three years we've been fighting about definition and terms. Also, for three years, my community has been charged with bigotry and racism. And I say ditto to what Mary Murphy said, and congratulate her on blaming you, and the media, and Catholic Charities and the Hispanic advocacy groups for perpetuating -- as well as Peaceful Solutions Organization for perpetuating that rhetoric, which has damaged our community and our ability to discuss things with you openly.

We are different than what the man described before in Bay Shore. People who are mentally ill are our people, are our children, they are our responsibility. And when they are taken off the street and placed in homes, they do not multiply and tell their other family members to come and move in because there's a place for them. You refuse to acknowledge for three years -- my name is the first name on that lawsuit and you refuse to acknowledge for all this time the research that Mr. Caracappa, that myself, that other people have done, gone to and acknowledged the fact that a hiring site, whatever name it's called, increases, triples within months the population that is in that community. With that comes competition and crime, as you are experiencing in Huntington. We don't want this in our community.

We have asked you and come to you for redress and you have ignored us. You've done worse than ignored us. You've tried to crucify those who have stood for the right, right there on your own Legislature.

In 1988, at a Task Force meeting with the County Executive, a meeting on the Farmingville illegal alien underground economy issue, and during the December 2nd, 2000 meeting, sponsored by Mr. Gaffney and the community, the CRS of the Department of Justice, a community development center was introduced, so we know what a community development center means.

D.P.O. POSTAL:

Ms. Bianculli, please sum up.

MS. BIANCULLI:

Okay. I have questions. The 80,000 -- well, not questions, a statement. The \$80,000 that will be taken from the Department of Labor, I know one of -- Mr. Crecca, one of your people who you helped has just benefitted from the Department of Labor. You take money from those vital resources for a woman who was trying to get herself back into the community.

D.P.O. POSTAL:

Miss Bianculli, I'm sorry.

MS. BIANCULLI:

Okay.

D.P.O. POSTAL:

Your time is up. You have to --

MS. BIANCULLI:

I'll sum up right now. I want you all to be concerned with the fact that this is not a joke to us. We are not bigots, we are citizens, and your first commitment is to us, and then we could redress the other things. Please use that money wisely. Do what is right for your citizens who need that work --

D.P.O. POSTAL:

Thank you.

MS. BIANCULLI:

And that. Thank you.

D.P.O. POSTAL:

Next speaker, Stuart Lowrie. Is Stuart here?

MR. LOWRIE:

I am. And now for something completely different.

MS. BIANCULLI:

I need that, too.

MR. LOWRIE:

My name is Stuart Lowrie. I'm the Director of Government Relations for the Nature Conservancy on Long Island, and I'm here to speak in favor of I.R. 1066, which is to implement a Greenways Program in connection with the acquisition of active parklands, the Oak Beach Inn property.

For those of you who may not be abundantly familiar with the Nature Conservancy, we are a national and international organization dedicated to conservation. On Long Island we have over 30,000 members, and we've been working here for 49 years to protect critical wildlife habitat and vital open space. We're now focused locally and nationally on protecting biological diversity in large scales. We're thinking of natural systems such as our ocean beaches and bays on Long Island's South Shore.

Long Island's Atlantic Ocean beaches and bays are a priceless treasure, one that's ecologically significant, as well as vitally important in other ways to the economy of Long Island, and keeping our barrier Islands from being overdeveloped is essential to long-term conservation goals that I'm sure all of us share.

Acquiring the waterfront site of Oak Beach Inn is a wise investment, forward-looking and an elegant solution to a host of problems. Development of 114 condominiums on the OBI or Oak Beach Inn site would have ecological consequences that are far-reaching and reverberations up and down Long Island's South Shore. Other towns along the South

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Shore say the outcome will influence their coastal policies and decisions possibly for years to come.

This project has strong community support, residents in the neighborhood, as well as Town and County residents on the mainland support this acquisition, and it also has very strong support from the environmental community and the Nature Conservancy.

We think that what the Legislature proposes to do here is timely, visionary and courageous, and we encourage you to pass this resolution.

LEG. FOLEY:
Thank you, Stuart.

D.P.O. POSTAL:
Thank you.

LEG. FISHER:
Thank you.

(Applause)

D.P.O. POSTAL:
Is there anyone else who would like to address the Legislature? Then I'd like to call all Legislators to the horseshoe, so that we can begin the agenda.

LEG. COOPER:
I'd like to make a motion to reconsider recessing Public Hearing I.R. 1197.

LEG. GULDI:
Why?

D.P.O. POSTAL:
He can make a motion to reconsider a vote, which is what he's doing. He's making a motion to --

LEG. COOPER:

It's for the purpose of closing the hearing.

D.P.O. POSTAL:

He wants to close the hearing. He's the sponsor.

LEG. FISHER:

Second.

LEG. GULDI:

Second.

D.P.O. POSTAL:

Motion by Legislator Cooper, seconded by Legislator Guldi to reconsider. All in favor? Any opposed? Public hearing is being reconsidered. Motion by Legislator Cooper to close the public hearing on --

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LEG. COOPER:

Thank you.

LEG. FISHER:

Second.

D.P.O. POSTAL:

What is the number?

LEG. COOPER:

1197.

D.P.O. POSTAL:

Okay. 1197, seconded by Legislator Guldi. All in favor? Public hearing on 1197 is closed.

LEG. CARACAPPA:

Madam Chairman, motion to move the Consent Calendar.

LEG. GULDI:

Second.

D.P.O. POSTAL:

Okay. Motion by Legislator Caracappa to approve the Consent Calendar, seconded by Legislator Guldi. All in favor? Any opposed?

MR. BARTON:

Sixteen. (Not Present: Leg. Towle)

RESOLUTIONS TABLED TO MARCH 13, 2001

D.P.O. POSTAL:

Okay. Resolutions tabled to March 13th.

LEG. BINDER:

Wait. Did you set the public hearing?

D.P.O. POSTAL:

Yes.

LEG. BINDER:

Okay, sorry.

D.P.O. POSTAL:

Introductory Resolution 1525, requiring the Department of Public Works to prepare and disseminate program evaluation and review techniques time --

LEG. FOLEY:

Motion to table.

D.P.O. POSTAL:

Motion to table, Legislator Foley.

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LEG. HALEY:

Second.

D.P.O. POSTAL:

Seconded by Legislator Caracappa. 1525 is tabled.

MR. BARTON:

Sixteen. (Not Present: P.O. Tonna)

D.P.O. POSTAL:

I.R. 1948, calling a public hearing upon a proposal from Suffolk County Sewer District No. 24-Yaphank in the Town of Brookhaven. Motion to approve, Legislator Foley? Is there -- this is --

LEG. FOLEY:

1948?

LEG. TOWLE:

Motion to table.

D.P.O. POSTAL:

1948. Motion to table, Legislator Towle, seconded by Legislator Foley. All in --

LEG. HALEY:

On the motion.

D.P.O. POSTAL:

On the motion, Legislator Haley.

LEG. HALEY:

I just want to hear from Legislator Towle.

MR. BARTON:

Please, use your microphone.

D.P.O. POSTAL:

Legislator Towle.

LEG. TOWLE:

Thank you, yeah. I met with the Department of Public Works, actually, last week in reference to this. The resolution would allow the Department of Public Works to hold a public hearing in creating a sewer district. Currently, there is a sewer district in Yaphank, but it's not an official district, it's not official designated. Because of the lack of that designation, the Department of Public Works would be unable to allow any outside entities beyond County facilities to tap into this facility, that's why they need to move forward with this public hearing.

As I said, the meeting with the Department of Public Works is on Friday. A lot of the community groups had expressed some concern about this and I've reached out to the community groups to let them know exactly what this does and does not do, but, unfortunately, from Friday to today, I have not had an opportunity to reach all the people I needed to reach. So I am going to table it one more time and then

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we can vote on it next time. I am going to be voting against it and asking the other Legislators to do that as well, because I cannot believe the community is going to support the creation of a sewer district.

D.P.O. POSTAL:

Legislator Fisher.

LEG. FISHER:

I was under the impression this was just for a public hearing.

LEG. TOWLE:

Yeah. The public hearing would be to create a new sewer district -- to create a district. It's already there. The building's there, the facilities are there, but it's not a created sewer district. The only people that are into that facility right now, are hooked into it are County facilities. By creating a sewer district --

LEG. FISHER:

But wouldn't the public have an opportunity to say they don't want a sewer district?

LEG. TOWLE:

They'd have an opportunity to have a district -- you know, opportunity to speak on this subject one way or the other, but they're also going to have that opportunity now. This is their first shot at the apple. If we were to approve this resolution, my understanding from the Department of Public Works is that the Sewer Agency would schedule a hearing, the public would comment on that. However, the sewer agency has never denied, despite public opposition, the creation of a new sewer district. They would have to approve it, and then it would also come before us once again for another approval, so there's three steps, I guess, to this.

LEG. FISHER:

Thank you, Legislator Towle.

D.P.O. POSTAL:

Any other comment? There's a motion to table, which was seconded, I believe.

MR. BARTON:

Yes

D.P.O. POSTAL:

All in favor? Any opposed? 1948 is tabled.

MR. BARTON:

Sixteen, one not present. (Not Present: P.O. Tonna)

D.P.O. POSTAL:

At this point, I know many of us have been sitting here for quite awhile. I'm going to call a five-minute recess before we continue with the agenda.

[THE MEETING WAS RECESSED AT 4:25 P.M. AND RESUMED AT 4:45 P.M.]

P.O. TONNA:

All Legislators please come to the horseshoe. Okay. Roll call. Oh, you know what, wait. Hold the roll call for one second. We're going to give -- we're going to give -- recess for four more minutes.

[THE MEETING WAS RECESSED AT 4:45 P.M. AND RESUMED AT 4:55 P.M.]

Okay. I'd ask a roll call. All Legislators, please come to the horseshoe.

(Roll Called by Mr. Barton)

LEG. CARACCILO:

Here.

LEG. GULDI:

Here.

LEG. TOWLE:

Here.

LEG. CARACAPPA:

Here.

LEG. FISHER:

Here.

LEG. HALEY:

Here.

LEG. FOLEY:

Present.

LEG. FIELDS:

Here.

LEG. BINDER:

Here.

LEG. CARPENTER:

Here, yes.

LEG. CRECCA:

Here.

LEG. D'ANDRE:

Here.

LEG. BISHOP:

(Not Present)

LEG. BINDER:

Here.

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MR. BARTON:
Legislator Cooper.

LEG. BISHOP:
I am here.

LEG. COOPER:
Here.

MR. BARTON:
Legislator Bishop is here, Legislator Cooper.

LEG. POSTAL:
Here.

P.O. TONNA:
Here.

MR. BARTON:
Seventeen, Mr. Chairman. All are present.

P.O. TONNA:
Thank you very much. Okay.

LEG. CARACAPPA:
Mr. Chairman.

LEG. GULDI:
Mr. Chairman, discharge motions, please.

P.O. TONNA:
Excuse me?

LEG. GULDI:
Discharge motions, please, so that things can age.

P.O. TONNA:
Okay.

LEG. GULDI:
Will you entertain discharge motions --

P.O. TONNA:
Okay, discharge.

LEG. GULDI:

-- on 1188 of 2001? It's a technical correction.

LEG. CARACAPPA:
Second.

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

LEG. CARACAPPA:
Mr. Chairman.

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P.O. TONNA:
Opposed?

LEG. CARACAPPA:
Mr. Chairman, on that --

P.O. TONNA:
It's fine.

LEG. CARACAPPA:
Earlier I made a discharge motion which was the wrong number. I'd like to rule that out of order and just include that in this resolution that was just passed --

P.O. TONNA:
Okay.

LEG. CARACAPPA:
-- to age.

P.O. TONNA:
There's a motion to rule out of order, seconded by Legislator Guldi. All in favor? Opposed? All right.

LEG. GULDI:
I have one more.

MR. BARTON:
Seventeen. It's discharged.

P.O. TONNA:
Okay.

LEG. GULDI:
I have one more.

P.O. TONNA:
There was already a motion to --

LEG. GULDI:
One more to discharge, 1871.

LEG. FOLEY:
Second the motion.

P.O. TONNA:
Okay. Rule -- to discharge 1871?

LEG. GULDI:
Yep.

MS. BURKHARDT:
Did you circulate it?

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LEG. GULDI:
Yeah. It's before everyone.

LEG. FOLEY:
Second the motion.

LEG. BINDER:
What is it?

P.O. TONNA:
Where is 1871? Okay. 1871?

LEG. GULDI:
It's establishing the Task Force for the Shinnecock Inlet project.
It's up against the Six-Month Rule. It's got to at least come out of
committee. We'll discuss it when it comes up after an hour.

P.O. TONNA:
The Committee Chairperson is Dave Bishop. Just wait one second. Who
is it?

LEG. FOLEY:
Public Works.

P.O. TONNA:
Okay. I would have to ask the Chairman of Public Works.

LEG. GULDI:

He seconded the motion.

P.O. TONNA:

Brian, why isn't this already out of committee?

LEG. FOLEY:

I second the motion. The Chair did try to move it out of committee last week, but the majority of the committee -- actually, it was a two-two tie to approve. Since that wasn't enough votes, then the motion was made to table. The tabling motion was approved, and I then spoke with the sponsor of the bill to explain to him that we need to report it out of committee today, otherwise the Six-Month Rule would be invoked and the bill would be stricken from the record.

P.O. TONNA:

Well, I --

LEG. GULDI:

If we discharge it to keep it alive, we'll discuss the merits of the bill on a tabling motion rather than on the discharge motion.

P.O. TONNA:

Can I just say something?

LEG. FOLEY:

If I just might add, Mr. Chairman, the other reason that we need to take it out of committee and keep it live is that the sponsor and I have been working on some other amendments to the bill to include

another inlet, which is important on the South Shore, namely Moriches Inlet. So that would be more holistic resolution, if you will, to the issue of sand bypass and erosion along Fire Island.

P.O. TONNA:

Just one quick thing to the sponsor of this resolution, and to the seconder, and to the Chairman of the Public Works Committee. It didn't get out of committee because members of the committee didn't want to vote it out. I think, if I'm not mistaken, since you were not --

LEG. BISHOP:

I think we were missing a member.

P.O. TONNA:

Since you were not on the prevailing side --

LEG. FOLEY:
We were missing --

LEG. BISHOP:
We're not a four-member committee, Mr. Chairman.

P.O. TONNA:
So who was missing? Who was missing from that committee?

LEG. CARPENTER:
There's only four members.

LEG. BISHOP:
There's only four members?

LEG. FOLEY:
It's a four-member committee.

LEG. BISHOP:
So it's a committee designed to fail.

LEG. FOLEY:
The Presiding Officer in his wisdom didn't have an odd number of committee members, you had an even number.

P.O. TONNA:
Legislator Bishop, aren't you on that committee?

LEG. HALEY:
There goes that vote.

LEG. GULDI:
There are odd committee members, but --

LEG. BISHOP:
I'm on there. You dropped out.

P.O. TONNA:
There's a five-member committee.

LEG. BISHOP:
You used to be on there.

P.O. TONNA:
It's a five-member committee, first of all.

LEG. BISHOP:
It is.

LEG. FOLEY:
I'm talking about numerically odd, George.

LEG. HALEY:
On the motion.

P.O. TONNA:
First of all, Legislator Foley, I just want you to know, your committee's a five-member committee.

LEG. HALEY:
I just have a quick --

P.O. TONNA:
Legislator Bishop is on that committee.

LEG. FOLEY:
Sometimes it feels as if there's only four members there, I can tell you that.

P.O. TONNA:
Okay. You know, anyway, all I would say is that, just in all fairness, this is not like a normal resolution that says we couldn't get it out of committee, because, you know, there was -- we wanted to get it out of committee, the committee wanted to get it out, or whatever else. What we're saying is the Chairman of that committee wants to get it out, the sponsor of the committee wants to get it out. I mean --

LEG. HALEY:
But they didn't get it out.

P.O. TONNA:
-- just so that people understand, and they couldn't get it out. All right.

LEG. FOLEY:
No. We have -- just on the motion, Mr. Chairman. This has been done before, maybe not too frequently, but it has been done in the past where in order to keep a resolution alive, it has been reported out of committee, given to the Committee of the Whole, and then we've tabled it on the floor in order to make other necessary changes to the resolution in order for it to be, let's say, readied for a final approval by the Legislature.

LEG. HALEY:
Mr. Chairman.

P.O. TONNA:
Do I have a guarantee from the sponsor?

LEG. HALEY:
Question.

LEG. FOLEY:
So we've done this procedure before.

LEG. HALEY:
Question.

P.O. TONNA:
Legislator Haley.

LEG. HALEY:
I have two questions. Number one, I notice Mr. Foley's changed his position at the dais. Does that mean he's going to take over where Mr. Levy left off? All right? Rhetorical, you don't have to answer that, please.

LEG. GULDI:
No. What it means is --

LEG. HALEY:
The second question is --

LEG. GULDI:
-- that Mr. Sabatino's hearing aid has been turned off.

LEG. HALEY:
What?

P.O. TONNA:
Okay, next.

LEG. HALEY:
The second question I have is, if we bring this back on the floor, can we refer it back to committee?

LEG. GULDI:
No. That would violate the Six-Month Rule, wouldn't it?

P.O. TONNA:
Okay. Wait, wait, wait. Can I --

LEG. HALEY:
I mean, that's a real question.

P.O. TONNA:

I can see that even though we have a short agenda, this is a feisty group. And so I would ask --

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LEG. HALEY:

Could I get an answer to that question, Mr. Chairman.

P.O. TONNA:

Let our Legal Counsel answer Legislator Haley's question.

MR. SABATINO:

If it gets out to the floor, then the Six-Month Rule begins. Again, you have to take some kind of an action.

P.O. TONNA:

Right.

MR. SABATINO:

That action will then trigger the next six-month calculation.

LEG. HALEY:

All right. I would support it, if it gets on the floor, motion to --

P.O. TONNA:

Okay.

LEG. HALEY:

-- send back to committee.

P.O. TONNA:

All right. Let's -- Legislator Towle, you have the floor.

LEG. TOWLE:

Thank you. I just want to ask Counsel, didn't we pass a resolution stating the Legislature's opinion regarding sand bypassing in Shinnecock? I distinctly remember that it actually had passed, but --

LEG. FOLEY:

I could answer the question.

MR. SABATINO:

No. We had -- my recollection is there two different bills that predated this, one was a memorializing resolution, which never got a majority vote, and there was a second bill, I thought, to amend the Capital Budget and provide funding, which also never got support. It just basically -- I think it died in committee, quite frankly. I

don't think it ever got to a vote on the floor.

P.O. TONNA:

Okay, great. So we have a motion and a second. And do I have -- do I have a guarantee from the sponsor that we're not going to push to vote on this bill, but just to --

LEG. GULDI:

No. I have amendments I want to make and I --

P.O. TONNA:

-- keep it alive, so that you can make the changes to the bill?

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LEG. GULDI:

I want to make some changes to the bill, and I'd like to discuss with the Department of Public Works objections that they didn't -- that they raised in committee, but they haven't raised with me.

P.O. TONNA:

Okay. So there's a motion and a second to discharge with the understanding that they'll send this bill back to committee, so that there can be some changes, right?

LEG. GULDI:

Well, no. I'll make the changes on the floor and we'll just table it here.

P.O. TONNA:

No. I think that -- well, that's the point, we want it to go back to committee, because there's a committee process. All right. So we'll vote on that, the merits then. You have a chance of not having the bill being able to be changed. Okay. So there's a motion and a second to discharge from committee.

LEG. D'ANDRE:

What motion?

P.O. TONNA:

A motion to discharge --

LEG. CRECCA:

What number?

P.O. TONNA:

Resolution Number 1171 -- 1871. That was a good year, 1871. 1871.

LEG. CARPENTER:
So the understanding is that we're discharging it --

P.O. TONNA:
The understanding is that there is --

LEG. CARPENTER:
-- and we're going to refer it right back to committee.

P.O. TONNA:
No, the understanding -- that's not what they want to do.

LEG. HALEY:
That's what we're hoping for.

LEG. CARPENTER:
No, that's --

P.O. TONNA:
Right.

LEG. GULDI:
Some people want to refer -- want to refer it back.

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P.O. TONNA:
Okay. Roll call.

LEG. GULDI:
I want to table it.

P.O. TONNA:
Roll call.

(Roll Called by Mr. Barton)

LEG. GULDI:
Yes.

LEG. FOLEY:
Yes.

LEG. CARACCIOLO:
No.

LEG. TOWLE:

No.

LEG. CARACAPPA:
Yes.

LEG. FISHER:
Yes.

LEG. HALEY:
No.

LEG. FIELDS:
Yes.

LEG. ALDEN:
No.

LEG. CARPENTER:
No.

LEG. CRECCA:
No.

LEG. D'ANDRE:
Pass.

LEG. BISHOP:
Yes.

LEG. BINDER:
Pass.

LEG. COOPER:
Yes.

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LEG. POSTAL:
Yes.

LEG. TONNA:
No.

LEG. D'ANDRE:
No.

LEG. BINDER:
No.

MR. BARTON:
Eight.

P.O. TONNA:
Okay.

MR. BARTON:
Eight. It fails

LEG. FOLEY:
A new coalition.

P.O. TONNA:
All right. No, it's not a new coalition, it's just trying to respect the committee process. And if there was an agreement on the sponsor to be able to say that he would refer it back to the committee that you head, that would have been no problem, he would have had the votes.

LEG. GULDI:
Counsel, refile the bill.

P.O. TONNA:
There you go, and then it will stay in committee again. Okay. Let's go on to number -- Resolution Number 2051 (Implementing Day Care Program for County Employees). Is there a motion?

LEG. TOWLE:
To table, Mr. Chairman, one more meeting.

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

MR. BARTON:
Seventeen.

P.O. TONNA:
2218 (Establish media room in William H. Rogers Legislative Building). Is there a motion? Allan, is there a motion? I think this is a moot point now, right?

LEG. BINDER:
How is it a moot point?

P.O. TONNA:
Don't we have the media room all --

LEG. CRECCA:

He's doing it. We're doing it.

P.O. TONNA:

I think we have it. You know, do whatever you want, Allan. Give me an opportunity to vote against it, that's fine, whatever you want to do.

LEG. BINDER:

I'll make a motion to approve it.

LEG. BISHOP:

Second the approval. Second.

P.O. TONNA:

Okay. Making a motion to approve and seconded by --

LEG. BISHOP:

Yes.

P.O. TONNA:

Yes.

LEG. BISHOP:

And proudly.

P.O. TONNA:

Yes, and proudly. Yes, "Legislator Pander". Okay. Let's just -- let's -- no, no, no, no, no.

LEG. CRECCA:

Motion to --

P.O. TONNA:

I'm joking and he knows that. Okay.

LEG. CRECCA:

Motion to table.

LEG. BISHOP:

Maybe the -- maybe the Presiding Officer, as we begin the debate, can explain to us the process that went into determining to leave this room out of the new building that was in the old building.

P.O. TONNA:

I would have no idea about that, because it was the last --

LEG. BISHOP:

Oh, okay. That's all I wanted to know.

P.O. TONNA:

Wait, wait, wait. It was the last Presiding Officer, as you are fully aware, Legislator Bishop, who had to deal with the day-to-day

operations of this, and the Public Works Chairman. So I would say why don't you ask the Public Works Chairman and the last Presiding Officer. Okay.

LEG. CRECCA:
Motion to table.

P.O. TONNA:
Thank you very much.

LEG. CRECCA:
Mr. Chairman, motion to table.

LEG. CARPENTER:
Second.

P.O. TONNA:
Seconded by myself.

LEG. BINDER:
Mr. Chairman.

P.O. TONNA:
All in favor?

LEG. BINDER:
Mr. Chairman.

P.O. TONNA:
Opposed?

LEG. GULDI:
Opposed. Roll call.

LEG. BINDER:
On the motion.

LEG. FISHER:
On the motion.

P.O. TONNA:
On the motion, Legislator Binder. Let the sponsor of the bill have a say.

LEG. BINDER:
Let me just make it clear.

LEG. FISHER:

Legislator Binder, I just have a quick question.

LEG. BINDER:
Sure.

LEG. FISHER:
Would you mind? Would you yield?

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LEG. BINDER:
Sure, I would yield.

LEG. FISHER:
I just wanted to ask the Presiding Officer why he said it was a moot point. I missed that.

P.O. TONNA:
I think that we -- because we already have it done.

LEG. GULDI:
Where.

LEG. FISHER:
Where.

P.O. TONNA:
Downstairs, I think.

LEG. GULDI:
It's not there.

LEG. FISHER:
How do you get downstairs from here?

P.O. TONNA:
Ralph, now I know you were in Myrtle Beach this weekend. Was this not done?

LEG. GULDI:
It's not done.

LEG. BINDER:
The media room is in Myrtle Beach, Mr. Chairman.

P.O. TONNA:
Oh. The letter went to Newsday. We're waiting for Newsday to get back, that's why.

LEG. CARPENTER:
We're working on it.

LEG. FISHER:
Okay. So I didn't miss anything.

LEG. BINDER:
Right.

LEG. CARPENTER:
No. We were working on it, I think is what we said at the last meeting. We were working on it.

MR. BARTON:
Mr. Chairman.

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P.O. TONNA:
Yes.

MR. BARTON:
Newsday has an office over in the Dennison Building, and I also provide space to them during the business day and when we're here late for meetings. But we haven't worked out the security with the --

P.O. TONNA:
Right.

MR. BARTON:
-- the press yet.

P.O. TONNA:
Okay. Would this -- maybe I'd ask Paul, because you're familiar with it. Would this legislation in any way assist the process that we are already undergoing here in the Presiding Officer's office to be able to expedite their media room. Is this --

LEG. BINDER:
I thought I had the floor.

P.O. TONNA:
In any way, shape or form, does this -- does this assist or help? Is this a helpful piece of legislation --

LEG. BINDER:

I thought I had the floor, Mr. Chairman.

P.O. TONNA:
-- even from Newsday's standpoint?

LEG. FISHER:
Allan, thank you for yielding.

P.O. TONNA:
All right. I'm just -- point of whatever. Go ahead.

LEG. BINDER:
Point of whatever.

P.O. TONNA:
It's a new rule, point of whatever.

LEG. BINDER:
It's a new one, it's a new point of.

LEG. BISHOP:
I think that point of whatever is out of order.

P.O. TONNA:
Yeah, all right.

LEG. BINDER:
And I don't know that it's a legal argument whether it assists in any

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way.

P.O. TONNA:
All right. Paul, just render an opinion, then we'll listen to Allan.
Come on.

MR. SABATINO:
What I had said at the committee was that there were two ways to do it. It could be done administratively by the Presiding Officer under the Rules of the Legislature, or to be done by resolution. So either way is an appropriate mechanism or vehicle. If the process has started administratively, passing the resolution won't change the time line of the administrative process that took place, but by the same token, passing the resolution won't impede the administrative process, so there are two ways to achieve it.

LEG. BINDER:
Yeah. If I can just --

P.O. TONNA:

Emi. Emi, just take this down on this vote, okay, because these are the people -- then you'd have to go to the editorial board, and I know there's a Chinese Wall between the editorial board and everything else, but that way, then everyone will feel comfortable that they actually voted and get a good editorial. Okay, great. Let's go ahead.

LEG. BINDER:

Yeah.

P.O. TONNA:

Allan.

LEG. BINDER:

Thank you.

P.O. TONNA:

You have the floor. I apologize.

LEG. BINDER:

That's okay. Well, thank you for the apology. I would ask Counsel, but I think it's pretty clear, I don't have to ask him, the question would be does it hamper in any way the Presiding Officer's efforts? And the answer would be no, it wouldn't hamper the efforts going forward. Number two, this is not meant as a criticism or critique of the Presiding Officer.

P.O. TONNA:

Absolutely not.

LEG. BINDER:

Though may some -- some may think that I might be doing that. That's not what this is for.

P.O. TONNA:

There's a new Allan Binder, I know that.

LEG. BINDER:

What this is -- what this is clearly, all it is is an opportunity for Legislators to be on record that this is like what they would like to see. This does not tie the Presiding Officer's hands, nor does it force him to do something that he would -- that he would have to do that would be in -- not in the interest of the Legislature as an institution. All it is is for all of us to say we'd like to see this

happen.

My concern about Newsday is not just Newsday, it goes beyond Newsday, it's News 12 and it's any other papers that would like to have an opportunity of not only a desk, but maybe a computer and phone lines. All that it would say is that anyone that -- news organization that could afford it could come in here and do. We'd provide that, we'd work out the security arrangements with them, that we'd like to see that. But all of that is contingent on the Presiding Officer being able to do it, what's best in the interest of the Legislature and still gives him the ability to do that. And let me again add at the end, it's not a criticism of him, it's just for us to get on the record to say we'd like to see this.

P.O. TONNA:

Okay. Roll call. Oh, no, does somebody else want to --

LEG. CARPENTER:

This is on a tabling.

LEG. CRECCA:

It's a tabling motion.

P.O. TONNA:

Oh, there's a motion to table by Legislator --

MR. BARTON:

Crecca.

LEG. CARPENTER:

Crecca.

P.O. TONNA:

Crecca, seconded by Legislator Carpenter. Just all in favor?
Opposed?

(Opposed Said in Unison by Legislators)

P.O. TONNA:

Okay. Legislator Towle, Guldi, Binder and --

LEG. FOLEY:

Opposed.

LEG. GULDI:

Haley, Foley.

P.O. TONNA:
Haley.

LEG. BINDER:
Roll call. Roll call.

LEG. BISHOP:
Roll call.

P.O. TONNA:
All right. Roll call.

(Roll Called by Mr. Barton)

LEG. CRECCA:
Yes to table.

LEG. CARPENTER:
Yes.

LEG. CARACCIOLO:
To table?

MR. BARTON:
Yes.

LEG. CARACCIOLO:
No.

LEG. GULDI:
No.

LEG. TOWLE:
No.

LEG. CARACAPPA:
Yes.

LEG. FISHER:
Yes.

LEG. HALEY:
No.

LEG. FOLEY:
No.

LEG. FIELDS:
Yes.

LEG. ALDEN:
Yes.

LEG. D'ANDRE:

Yes to table.

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LEG. BISHOP:
No to table.

P.O. TONNA:
Yes to table.

LEG. POSTAL:
No.

LEG. TONNA:
Yes.

LEG. BINDER:
No.

MR. BARTON:
I had written it down before. I'm sorry.

LEG. BINDER:
I figured you assumed my vote.

MR. BARTON:
No. I recorded it before the roll call.

LEG. GULDI:
We all knew.

LEG. BINDER:
It's okay.

MR. BARTON:
Nine.

P.O. TONNA:
Okay. Now there's a motion to approve. All in favor? Oh, roll call.

(Roll Called by Mr. Barton)

LEG. BINDER:
Yes.

LEG. BISHOP:
Sure, yes.

LEG. CARACCIOLO:
Yes.

LEG. GULDI:
Yes.

LEG. TOWLE:
Yes.

LEG. BISHOP:
Now that Paul promised me a good editorial.

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LEG. CARACAPPA:
Yes.

P.O. TONNA:
That's Emi's work, not mine.

LEG. FISHER:
Yes.

LEG. HALEY:
Yes.

LEG. FOLEY:
Yes.

LEG. FIELDS:
Yes.

LEG. ALDEN:
I strongly support this, yes. You got that?

MR. BARTON:
Wait until you see the room I give them.

LEG. CARPENTER:
Yes.

LEG. CRECCA:
I support more strongly than Alden.

LEG. D'ANDRE:
Yes.

LEG. COOPER:

Yes, absolutely. Cosponsor.

LEG. BINDER:
He's my guy.

LEG. POSTAL:
Yes.

P.O. TONNA:
Abstain.

LEG. BINDER:
Mr. Chairman, can we get a copy of the vote slip --

MR. BARTON:
Sixteen, one abstention.

LEG. BINDER:
-- sent over to Emi, if we could do that.

P.O. TONNA:
We're faxing it to Jim Klurfeld as we speak. Okay.

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LEG. CRECCA:
Congratulations.

P.O. TONNA:
Allan, congratulations on a significant piece of legislation you passed for 2001. Okay.

LEG. TOWLE:
I can see a mailing on this.

P.O. TONNA:
Yeah, I can, too.

LEG. CARACAPPA:
Newsletter.

P.O. TONNA:
Okay. 2289.

LEG. BINDER:
Only to Pinelawn Road.

P.O. TONNA:

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Hey, wait, wait. Could I say something? Fred, you could see a newsletter? Not with my signature. Anyway, I'm teasing. Go ahead. 2289 (Authorizing the sale of surplus property sold at the November 15, 2000 auction pursuant to Local Law 13-1976 as per Exhibit "A".) Is there a motion?

LEG. BINDER:
That will go with my storage cabinet.

P.O. TONNA:
Yeah, right. You got that right. Okay. 2289. Is there a motion?

LEG. CRECCA:
Does anybody know why this was originally tabled? I don't recall. Paul?

P.O. TONNA:
Yes.

MR. SABATINO:
This was tabled because there were Legislators who were concerned about some of the parcels on the actual list --

LEG. TOWLE:
Motion to table.

MR. SABATINO:
-- not being disposed of, but I don't -- it never got reconciled --

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

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LEG. POSTAL:
Can I ask a question?

LEG. FOLEY:
Sure.

P.O. TONNA:
Yes.

LEG. POSTAL:
This is not the affordable housing part of the auction?

LEG. FOLEY:
No, it's not, no.

LEG. POSTAL:
Okay.

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

MR. BARTON:
Seventeen.

P.O. TONNA:
Resolution 105.

LEG. COOPER:
Motion to table.

P.O. TONNA:
1005. 1005 (Changing designation of "Pet Safe" Program to provide temporary shelter for pets of domestic violence victims in Suffolk County to PAWS).

LEG. CRECCA:
Second.

P.O. TONNA:
Yes?

LEG. CRECCA:
Second.

P.O. TONNA:
I can't hear you, Jon.

LEG. COOPER:
Motion to table.

P.O. TONNA:
Motion to table, second by myself. All in favor? Opposed? Tabled.

MR. BARTON:
Seventeen.

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

LEG. HALEY:
Table.

LEG. FISHER:
Second.

P.O. TONNA:
Motion to table, second by myself. All in favor? Opposed? Tabled.

MR. BARTON:
Seventeen.

P.O. TONNA:
Okay. 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). Is there a motion?

LEG. FOLEY:
Motion.

LEG. FISHER:
Motion to approve.

LEG. FOLEY:
Second.

P.O. TONNA:
Motion to approve, seconded by --

LEG. ALDEN:
On the motion.

P.O. TONNA:
Okay. Hold it one second. There is a motion to approve by Legislator Fisher, seconded by Legislator Foley.

LEG. FOLEY:
For purposes of discussion.

P.O. TONNA:
For purposes of discussion. Legislator Alden has the floor.

LEG. ALDEN:
Question of Paul Sabatino. There was a Constitutional problem, or possible Constitutional problem? Has that been straightened out?

LEG. FISHER:
May I answer that, because I had a discuss with Counsel earlier. I had apprised the Suffolk Community College of Counsel's objections, and they asked that we approve it here and that the State of New York, who formulated the grant plan and used the wording that we see in our

resolution, that they refer it to the legal people in the New York State Department of Education. Okay.

LEG. ALDEN:

I'm going to make one comment then. I would be opposed to doing something like that, because we're making a statement that could be really contradictory to what the law actually allows us to do.

LEG. HALEY:

Could you ask that same question of Counsel.

LEG. ALDEN:

So I'd be very uncomfortable doing it that way.

LEG. HALEY:

Have Paul answer your question again.

LEG. FISHER:

Now that Paul is not involved in conversation, maybe he can speak for himself --

P.O. TONNA:

Right, Paul.

LEG. FISHER:

-- regarding our conversation.

P.O. TONNA:

Paul.

MR. SABATINO:

What's the question?

P.O. TONNA:

The question is the constitutionality of Resolution Number 1083.

MR. SABATINO:

Well, under current Supreme Court rulings, you can't single out particular classes of individuals for economic assistance. I mean, that's clear. There's been at least two or three Supreme Court cases I outlined in a letter I sent to all Legislators about three weeks ago. The problem with the program the way it's identified is that it specifically lists only four groups that can qualify for the aid, so it's clearly not a constitutional allocation of money. I think what Legislator Fisher was describing is that the College is going to basically punt, you know, the issue up to the State and let them deal with it at that level. You know, that's --

LEG. ALDEN:

I'd be uncomfortable.

MR. SABATINO:

It's not something that I advocate, it's just not something --

LEG. CRECCA:

You know, we also took an oath to uphold the Constitution.

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LEG. ALDEN:

Motion to table.

LEG. HALEY:

Second.

P.O. TONNA:

Okay.

LEG. CARPENTER:

On the motion to table.

P.O. TONNA:

Motion to table.

LEG. CARPENTER:

On motion to table.

P.O. TONNA:

Wait, wait, wait. First I have to recognize the motion to table by Legislator Alden, seconded by Legislator Haley.

LEG. FISHER:

On the motion.

P.O. TONNA:

On the motion, Legislator Carpenter, then Fisher.

LEG. CARPENTER:

I would just ask Legislator Fisher, in her conversations with the College, because I had talked to someone briefly, and I thought there was going to be someone here today, but it was my understanding that there was a time sensitive issue on this and that some programs were already to go contingent on this, and absent approval of this, it could be problematic.

LEG. FISHER:

Yes. Eric was here earlier today. I don't see. Eric Ricioppo was here -- Ricioppo was here earlier today. I don't see him here now.

And you're right, the College wanted to be timely in making the decision, otherwise, they would be precluded from competing for this grant. And so my hope was to have this approved, so that Suffolk Community College could be -- could be -- have this money available to them, because this is the wording as it appeared in the -- are you saying something to me?

LEG. CARPENTER:

If I could. If I remember correctly, I believe it was the Entrepreneurial Assistance Program and there were people lined up ready to go with this, and that if this is not approved, they're going to be left expecting that, you know, they're going to have this benefit and now they're not.

LEG. FOLEY:

That's -- Mr. Chairman, just on the motion. That's the reason why,

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with all due respect to the personnel from the College, that's why they need to stay here for the duration of the meeting, so that if this is as important as has been explained by a number of Legislators, that it's incumbent upon the College to have officials here for the duration of the meeting, so they can be here to answer these questions.

LEG. CARPENTER:

Why don't we pass on this, then.

P.O. TONNA:

Okay.

LEG. HALEY:

On the motion.

LEG. CARPENTER:

And see if we can contact someone.

LEG. HALEY:

On the motion.

P.O. TONNA:

Okay. Just wait, wait.

LEG. GULDI:

Public Safety?

P.O. TONNA:

All right. George. George, just ask to be recognized, if you don't

mind. Legislator Haley. I didn't hear what you had to say and I want to hear it.

LEG. HALEY:

I don't think we need the College here to ascertain whether or not it's constitutional.

LEG. FOLEY:

No, no. We need the College officials to explain to us if, in fact, there is -- as Legislator Carpenter mentioned, this is a time sensitive issue, and if it is time sensitive, what are the time parameters and what can we do in order to try to address the problem?

LEG. ALDEN:

Mr. Presiding Officer.

P.O. TONNA:

Just hold a second. Just -- okay, Legislator --

LEG. FISHER:

Alden.

LEG. ALDEN:

Mr. Presiding Officer.

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P.O. TONNA:

Alden. Sorry. Yes, Mr. Alden.

LEG. ALDEN:

Making the assumption that it is a time sensitive issue, there's still a constitutionality problem, and if this violates it, we wouldn't be able to award these scholarships or whatever this money is involved with anyway. So I still stand by a tabling motion.

LEG. FOLEY:

Well, if these are State -- through the Chair.

LEG. POSTAL:

I have a question.

LEG. FOLEY:

Through the Chair. If these are State monies -- correct, these are State monies?

LEG. ALDEN:

That's what it appears to be.

LEG. FOLEY:

If they are State monies, don't you think that the State would have reviewed the issue of constitutionality.

LEG. ALDEN:

No, you can't make any assumption on the State, because we've been burned by them many, many times.

LEG. FISHER:

Okay.

LEG. POSTAL:

Can I -- Mr. Chair.

LEG. FISHER:

And these are State monies --

LEG. POSTAL:

Paul.

P.O. TONNA:

Yes.

LEG. POSTAL:

Yeah. I have a question, just very similar to the issue that Legislator Foley is raising. If this is a New York State grant program, then I assume that this is a program that is either providing funding to other municipalities with community college -- community colleges.

LEG. FISHER:

Yes, other community colleges across New York State.

LEG. POSTAL:

And is this program a grant program which has awarded monies to community colleges in past --

LEG. FISHER:

In the past, yes.

LEG. POSTAL:

-- years? Has there been any constitutional challenge to either the State or the municipalities that we know of in regard to the award of

these monies? I assume not. So, you know, it seems to me that this is a program which has awarded money based on the same criteria that it's being offered to us on, and there hasn't been any kind of constitutional challenge or court case questioning this. And, again, it seems to me that the onus is on the State and we're just excepting money from a program that they are providing and that they have provided, and it would -- you know, it doesn't make sense to me to turn this money down if the --

LEG. FISHER:

Well, we would not then be eligible for the money as would be other community colleges throughout the State, and that's the -- I'm looking at the expedience of this. And we have -- I have asked President LaLima to consult with his legal counsel, who had been consulting with the State. They haven't yet received a final -- a final determination from the State. However, I don't want to make our college ineligible by our unwillingness to approve it.

LEG. FOLEY:

Mr. Chairman, if I may, just as a follow-up.

P.O. TONNA:

Wait. There is -- go ahead, and then Legislator Crecca.

LEG. FOLEY:

Okay. Thank you.

P.O. TONNA:

Legislator Alden, you're all done?

LEG. ALDEN:

I wasn't, but go ahead.

P.O. TONNA:

Yeah. Legislator Crecca -- Legislator Alden had the floor.

LEG. FOLEY:

Okay.

P.O. TONNA:

Let him finish.

LEG. ALDEN:

I'll yield to Legislator Foley.

P.O. TONNA:
All right.

LEG. FOLEY:
Thank you, Legislator. If you look at the backup to the resolution, the total amount of the grant award is \$18,000. So while I know that there is -- you have an issue of constitutionality, but we're not talking about a great amount of money. And why cannot we just accept the monies now, and if there is some constitutional issue to be addressed, I mean, heavens, we're talking about a relatively small -- a very small amount of money. And the fact of the matter is perhaps we are endangering the opportunity of having some students attend the college who otherwise couldn't attend. So on the basis of the fact that it's a small amount of money, if there are constitutional issues, maybe we can approve the monies, and on a parallel track, speak with the college and the State about the constitutionality of this particular program. But I would not want to shut the door on students who otherwise may not be able to take some classes --

LEG. FISHER:
Mr. Chairman, may I respond to that?

LEG. ALDEN:
On that point.

LEG. FOLEY:
-- where the college hasn't closed the sections.

P.O. TONNA:
Okay. Wait, wait, wait. Legislator Alden, I would ask that you finish your piece.

LEG. ALDEN:
I will if they --

P.O. TONNA:
And then I'll recognize --

LEG. ALDEN:
-- don't talk over me again.

P.O. TONNA:
Well, no. You recognized Legislator Foley, you yielded to him.

LEG. ALDEN:
That time, but people were talking over me before that, so --

P.O. TONNA:
All right.

LEG. ALDEN:
-- it's up to the Chairman to --

P.O. TONNA:
I can't keep -- I can't keep track of all of this.

LEG. ALDEN:
All right. Thanks.

P.O. TONNA:
So why don't you finish and then I'll recognize Legislator Crecca.

LEG. ALDEN:
Okay. If it is \$18,000, it also requires us to put \$18,000 in. And if that's such a small amount of money, if the college believes that it's such a, you know, great program, they should put the 36,000, but without Legislative approval, because what -- this is clearly in violation, according to our Counsel and according to my reading of it, it's clearly in violation of the Constitution. So if it is such a small program, let the college go and make a determination on their \$18,000. And I seriously doubt that \$18,000 is going to make a difference between somebody attending it or not attending the college. And if that's important, then the college should come up with the 36 and structure it in a constitutional manner. And then I'm done. Thanks, Paul.

P.O. TONNA:
Thank you very much. Legislator Crecca, I'm sure you want to weigh in on a Constitution issue such as this.

LEG. CRECCA:
Absolutely.

P.O. TONNA:
Absolutely.

LEG. CRECCA:
I just want to remind my fellow Legislators, though, that, you know, the fact of the matter is is that whether there is -- you're saying, well, we don't want to lose the money, but if this is an unconstitutional piece of legislation, why do -- why would you want to vote for something that's unconstitutional? We have a clear -- you know, I think Mr. Sabatino is a hundred percent correct on this, that it is unconstitutional, because it talks about specific groups and earmarks them out. So before you cast your vote on this, please consider the fact that when you took the oath of office, you swore to uphold the United States Constitution. That Constitution has been interpreted by the Supreme Court in a way that this piece of legislation I believe, and I think we all are acknowledging, doesn't conform with the U.S. Constitution. So I'm not going to -- I'm not going to vote for this simply because this college may lose \$18,000. It's just not right, and I think you need to think about that before

you vote on it.

P.O. TONNA:
Okay. So you're for protecting the Constitution also.

LEG. CRECCA:
I think so, yeah.

P.O. TONNA:
All right. Okay.

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LEG. FOLEY:
He's a strict constructionist.

P.O. TONNA:
Wait, wait.

LEG. FISHER:
No, not --

LEG. CRECCA:
No, I'm not, actually.

LEG. FOLEY:
He's a strict constructionist.

P.O. TONNA:
Okay. I would just say is there anybody else who would like to weigh in on this important issue?

LEG. FISHER:
No. Let's just have a vote.

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

LEG. BISHOP:
Is this to table or to approve?

P.O. TONNA:
The motion is to approve -- oh, motion to table by yourself and seconded by?

LEG. HALEY:
Me.

P.O. TONNA:
Legislator Haley. Okay. All in favor? Opposed to tabling?

(Opposed Said in Unison by Legislators)

Okay. Opposed, Legislator Binder, Bishop.

LEG. ALDEN:
Do a roll call.

P.O. TONNA:
Okay, roll call.

(Roll Called by Mr. Barton)

LEG. CRECCA:
This is on the motion to table. No, this is --

P.O. TONNA:
This is to table.

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LEG. CRECCA:
Okay. I made the motion. Yes.

LEG. HALEY:
Yes.

LEG. GULDI:
That's right, we know that. That's why they're calling you first.

LEG. CRECCA:
I didn't make the motion, Alden did.

LEG. HALEY:
Yes.

LEG. CARACCIOLO:
Yes.

LEG. GULDI:
No.

LEG. TOWLE:
Yes.

LEG. CARACAPPA:

Yes.

LEG. FISHER:
No.

LEG. FOLEY:
No to table.

LEG. FIELDS:
No.

LEG. ALDEN:
Yes to table.

LEG. CARPENTER:
No.

LEG. D'ANDRE:
Yes to table.

LEG. BISHOP:
No.

LEG. BINDER:
No.

LEG. COOPER:
No.

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LEG. POSTAL:
No.

P.O. TONNA:
No.

LEG. FISHER:
Motion to approve.

LEG. FOLEY:
Second

MR. BARTON:
Eight.

P.O. TONNA:

Okay. Roll call.

(Roll Called by Mr. Barton)

LEG. FISHER:

Yes.

LEG. FOLEY:

Yes.

LEG. CARACCIOLO:

No.

LEG. GULDI:

Yes.

LEG. TOWLE:

No.

LEG. CARACAPPA:

No.

LEG. HALEY:

No.

LEG. FIELDS:

Yes.

LEG. ALDEN:

No.

LEG. CARPENTER:

Yes.

LEG. CRECCA:

No.

LEG. D'ANDRE:

No.

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LEG. BISHOP:

Yes.

LEG. BINDER:

Yes.

LEG. COOPER:
Yes.

LEG. POSTAL:
Yes.

P.O. TONNA:
Yes. Okay.

MR. BARTON:
Ten.

P.O. TONNA:
All right. There we go. Let's go to the Budget Committee. Oh, yeah.
You want to make a motion?

LEG. POSTAL:
Well --

P.O. TONNA:
No. No, anybody on the prevailing side. Legislator Postal makes a
motion, I second it.

LEG. POSTAL:
I would make a motion to reconsider.

P.O. TONNA:
Reconsider 2289.

LEG. POSTAL:
Right.

LEG. CARPENTER:
Second.

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

LEG. GULDI:
Hold on.

LEG. TOWLE:
Hold it, Mr. Chairman.

LEG. FISHER:
Hold on.

P.O. TONNA:
2289.

LEG. TOWLE:
Mr. Chairman.

P.O. TONNA:
Yes. Where, Mr. Chairman?

LEG. TOWLE:
Over here.

P.O. TONNA:
Yes.

LEG. TOWLE:
Thanks. I think three or four of us originally had some concerns about properties that had been auctioned. My specific concern was a piece of property that I had asked Mr. Grecco to pull off the list. I've spoken to him about this, since we, obviously, have tabled the resolution. Unfortunately, he did not get back to me and had been away for three weeks I think in Russia. So I would ask not to reconsider this until I get an answer on that particular piece of property that I had discussed with him, at least until the next meeting.

LEG. CRECCA:
He was in Russia.

P.O. TONNA:
There's a lot of land in Russia.

LEG. TOWLE:
Apparently, yeah.

P.O. TONNA:
Legislator Crecca, do you have any -- I mean, Legislator Towle's concern or something. No? Okay.

LEG. CRECCA:
On.

P.O. TONNA:
All right.

LEG. CRECCA:
I just confirmed the fact that Mr. Grecco was in Russia.

P.O. TONNA:
Okay, great. Okay. Yeah. All right.

LEG. POSTAL:
Withdraw it.

P.O. TONNA:

No. Just we have a motion and a second to -- I mean --

LEG. POSTAL:
To reconsider.

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LEG. TOWLE:
One more meeting.

P.O. TONNA:
One more, one more meeting?

LEG. TOWLE:
Yeah. I would have probably had an answer already, but, unfortunately, he was out of town, so he didn't get me that answer before he left, so.

P.O. TONNA:
Okay. We will -- we will leave this alone. Okay. We withdraw that motion.

LEG. CRECCA:
Never mind.

BUDGET

P.O. TONNA:
Budget Committee. 1114 (Amending the Adopted 2001 Operating Budget and appropriating funds in connection with Suffolk County Planning Federation for Smart Growth Policy Plan Training). Is there a motion?

LEG. FIELDS:
Motion to table.

P.O. TONNA:
Motion to table.

LEG. POSTAL:
Second.

LEG. ALDEN:
Second.

P.O. TONNA:
Okay. All in favor? Opposed? Tabled. 1115 (Amending the 2001 Operating Budget transferring funds for improvements to Indian Island Golf Course, Riverhead). Motion to approve.

MR. BARTON:
Seventeen (1114).

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

MR. BARTON:
Seventeen.

P.O. TONNA:
1128 (Amending the adopted 2001 Operating Budget and transferring funds for the contracted agency Pal-O-Mine Equestrian Inc.) Is there a motion? A motion?

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LEG. COOPER:
Motion to approve.

P.O. TONNA:
Motion to approve, second. On the motion. What is this doing?

LEG. BISHOP:
Mr. Chairman, this is -- this is simply reconciling a mistake in the omnibus.

P.O. TONNA:
Okay.

LEG. BISHOP:
It is not a new initiative.

P.O. TONNA:
Great. Okay.

LEG. BISHOP:
So before Legislator Cooper --

P.O. TONNA:
Okay, just, you know. All right. All in favor? Opposed?

LEG. BINDER:
Opposed.

P.O. TONNA:
Opposed --

MR. BARTON:
Sixteen.

P.O. TONNA:
All right, fine. 1133 (Amending the 2001 Operating Budget transferring funds for the American Center for Senior Citizens). Is there a motion?

LEG. CARACAPPA:
Motion.

P.O. TONNA:
Motion.

LEG. TOWLE:
Second.

P.O. TONNA:
And a second.

LEG. CARPENTER:
Motion.

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LEG. CRECCA:
Hold on a second.

LEG. CARPENTER:
On the motion.

P.O. TONNA:
Is this a similar thing, it's just correcting -- no?

LEG. CARPENTER:
No.

LEG. CARACAPPA:
No, Mr. Chairman. This is an add inadvertently left out of the omnibus. This program was in the budget last year. This is as a Meals On Wheels program for the elderly in Central Brookhaven and Northern Brookhaven.

P.O. TONNA:
Great.

LEG. CARACAPPA:

GM031301.txt

It's sorely needed. The provider of this program has been running -- running the area that we're speaking about now, but at his own expense, and he's actually been going out towards -- there's a packet. I gave you a backup packet on this resolution from the American Center that does provide this Meals On Wheels program, so I'd ask for its adoption.

LEG. CARPENTER:
On the motion.

P.O. TONNA:
Can I just ask you, just on the motion, Joe, what's the offset?

LEG. CARACAPPA:
456 Account.

LEG. HALEY:
How much?

P.O. TONNA:
How much?

LEG. CARACAPPA:
25,000.

LEG. POSTAL:
Comes out of the budget?

P.O. TONNA:
Is this the only acceptable offset that we could find?

LEG. CARACAPPA:
Yes.

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LEG. GULDI:
How did the committee -- how did this come out of committee?

P.O. TONNA:
Yeah.

LEG. GULDI:
What was the vote in committee?

P.O. TONNA:
How did this get through the "Three Ayatollahs"?

LEG. CARACAPPA:

Because it's a worthy program, Mr. Chairman.

LEG. BISHOP:

Because one "Ayatollah" folded.

LEG. D'ANDRE:

It's for seniors, come on. Don't labor over this, it's for seniors.

P.O. TONNA:

I'm not laboring over it, but, Legislator D'Andre.

LEG. BISHOP:

Mr. Chairman.

P.O. TONNA:

And I will support this. But I just ask --

LEG. BISHOP:

The compelling --

P.O. TONNA:

The 456 Account is not the place that I want to set offsets, and the reason --

LEG. CARACAPPA:

And I agree with that, Mr. Chairman, and I made that point. I came to the committee, and I agree with that, and we looked for other offsets. And I'd be the first to admit that the 456 Account is not the most favorable offsets, but when it came to a program as important as this one, and seeing that the timely fashion that was needed to pass it, and hearing from Budget Review saying that this was doable within the 456 Account, I went for it.

P.O. TONNA:

Budget Review, if I ever hear you say that one more time, I just -- Jim? That was Jim? Jim, I want you to know, you're lucky you're a civil service status. All I can say -- all I can say, and I will support this, is, Joe, and just to understand as respectfully as possible, there has been a number of Legislators who have come with extremely worthy causes and have asked to take money out of the 456 Account, and as Legislator Carpenter, who is speaking on behalf of the Women's Caucus, no, anyway, has asked -- asked sincerely, and all I'd say it I've always said no, not out of the 456 Account.

LEG. CARACAPPA:

And I also said that myself.

LEG. CARPENTER:

On the motion.

P.O. TONNA:

All right. Yes, Legislator Carpenter.

LEG. CARPENTER:

Is it possible, since we're meeting in two weeks, that if you went back to the drawing board, Budget Review, who do such wonderful things, you could do another offset?

LEG. CARACAPPA:

Say no, Jimmy.

MR. POLLERT:

One of the difficulties is getting an agreement with the Budget Office what's an acceptable offset. So we can come up with an offset, but in all probability, they would disagree with it.

P.O. TONNA:

Can we take it out of the Campaign Finance Board on the salary line of \$80,000 salary?

LEG. BINDER:

I would do that.

LEG. BISHOP:

Mr. Chairman.

LEG. BINDER:

Second.

LEG. BISHOP:

Can I point something out?

P.O. TONNA:

Yes.

LEG. BISHOP:

And I agreed with you about the 456 offset. And I was prepared to vote against this in committee, but because of the structure of the Budget Committee this year, one vote against would effective -- would have killed the bill, which means that the bill could not have been reconsidered until the next opening of the window to consider these measures, which would have been in mid year, and the program would have been --

P.O. TONNA:

All right.

LEG. BISHOP:

Decimated by that.

P.O. TONNA:
All right. Okay.

LEG. BISHOP:
However, since it's out of committee and now before the floor, I suppose it could be tabled at this point without killing it until June, and then at the next meeting, with a new offset, it could move forward.

LEG. D'ANDRE:
Mr. Chairman.

P.O. TONNA:
Well, let me just say this. On this one topic -- on this one issue, let's just -- but just -- this for me as the Presiding Officer in trying to protect the Legislative budget, all right, for things that we might actually need and things that are actually requested from time to time from each Legislator, all I would ask --

LEG. BINDER:
(Inaudible).

P.O. TONNA:
Right, right, and that's why I said no to the cabinet. So the concern -- the concern that I have is that we're setting a precedent. I don't mind doing this once, but I would ask all Legislators to understand that it's very, very difficult from my standpoint to be able to say no to ten other Legislators because of the 456 Account being sacrosanct and at the same time now saying yes because of this. Can we just let it -- this one last time? And, Legislator Caracappa, I'd ask, you know, just say no to every other thing on the 456 Account. Okay? Thank you.

LEG. CARACAPPA:
Mr. Chairman, not to beleaguer the point, I've always said no to using 456 Account monies for any budget offset. This I thought was imperative. And seeing that it was the only way we really could go at this point in time and for the program and how needy this program is, I went for it. And if you could see your way clear of making this happen, I'd appreciate it.

P.O. TONNA:
Yes.

LEG. D'ANDRE:
Mr. Chairman.

P.O. TONNA:
Well, I've already indicated I would.

LEG. D'ANDRE:
You've shown real --

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

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LEG. D'ANDRE:
You've shown real leadership here.

P.O. TONNA:
Thank you.

LEG. D'ANDRE:
The seniors very seldom ask and receive much from this committee, and this is a minor amount, and I think you've shown great leadership here.

P.O. TONNA:
Okay. Thank you very much. All in favor? Opposed? All right

LEG. CRECCA:
Cosponsor.

MR. BARTON:
Seventeen.

LEG. CRECCA:
It's my district, it covers my district.

P.O. TONNA:
All right. 1137 (Transferring funds for Year 2001 pursuant to policy established for use of fees collected from Title Examiners utilizing County facilities.) Is there any -- is there a motion? 1137, Legislator Guldi, is there a motion?

LEG. GULDI:
Skip over it for a moment, please, for a second.

P.O. TONNA:
Legislator Guldi, could you just tell me, is there a motion or not?

LEG. GULDI:
Skip over it, please.

P.O. TONNA:
1191 (Transferring Contingent Funding for various contract agencies).
Is there a motion?

LEG. BISHOP:
Motion to approve.

P.O. TONNA:
Yeah, it's done. Motion by myself, seconded by Legislator Bishop.

LEG. CARACCIOLO:
On the motion.

P.O. TONNA:
On the motion.

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LEG. CARACCIOLO:
Counsel, could you explain the resolution?

MR. SABATINO:
1191 or -- 1191 is the Legislative --

LEG. CARACCIOLO:
1137.

MR. SABATINO:
Oh, 37?

P.O. TONNA:
Please, answer the question for Legislator Levy. Oh, I'm sorry.

We're on 91.

P.O. TONNA:
We're on 91, 1191.

MR. SABATINO:
We skipped 37, that's why I'm asking.

LEG. CARACCIOLO:
Oh, we definitely skipped -- I wasn't sure if you skipped over it or
you --

P.O. TONNA:

Yeah, no. We're on 1191.

LEG. CARACCIOLO:
Okay.

P.O. TONNA:
Oh, you're okay on this one, on 1191?

LEG. CARACCIOLO:
Yes.

P.O. TONNA:
Oh, okay. I take that back. All in favor? Opposed? Approved?

MR. BARTON:
Seventeen.

[SUBSTITUTION OF COURT REPORTER - ALISON MAHONEY]

P.O. TONNA:
We're at 1191 - (Transferring Contingent funding for various contract agencies (Phase I) (Presiding Officer Tonna).

LEG. CARACCIOLO:
Okay.

P.O. TONNA:
You're okay on this one, on 1191?

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LEG. CARACCIOLO:
Yes.

P.O. TONNA:
Oh, okay. I take that back. All in favor? Opposed? Approved.

MR. BARTON:
17.

P.O. TONNA:
Okay, 1200 - (Amending the 2001 Operating Budget transferring funds for additional contracted services (Guldi). Is there a motion?

LEG. CARPENTER:
Explanation.

P.O. TONNA:

Legislator Guldi?

LEG. GULDI:
Motion.

LEG. TOWLE:
Second.

P.O. TONNA:
Second by Legislator Towle. On the motion, explanation.

LEG. GULDI:
Yeah.

LEG. BISHOP:
This was an another Omnibus error.

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

LEG. BINDER:
Opposed.

P.O. TONNA:
Okay, approved.

MR. BARTON:
16 (Opposed: Leg. Binder).

P.O. TONNA:
1137. Legislator Guldi, please --

LEG. GULDI:
I'm getting a copy of the bill, I've got the wrong copy.

P.O. TONNA:
Okay, we're going to skip over that.

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PUBLIC SAFETY:

1159 - (Accepting and appropriating a grant in the amount of \$98,100 from the State of New York Governor's Traffic Safety Committee to enforce Motor Vehicle Passenger restraint regulations with 92.9% support (County Executive). Is there a motion?

LEG. CARPENTER:
Motion.

LEG. FOLEY:
Motion.

P.O. TONNA:
Motion by Legislator Carpenter, second by Legislator Foley. All in favor? Opposed? Approved.

MR. BARTON:
17.

P.O. TONNA:
1160 - (Accepting and appropriating a grant in the amount of \$50,000 from the State of New York Governor's Traffic Safety Committee to apprehend aggressive drivers with 90.4% support (County Executive). Is there a motion? Motion by Legislator Carpenter, seconded by Legislator Foley. All in favor? Opposed? Approved.

MR. BARTON:
17.

P.O. TONNA:
Okay, 1161 - (Accepting and appropriating a grant in the amount of \$25,000 from the State of New York Governor's Traffic Safety Committee to enforce regulations regarding Junior License Operators with 90.4% support (County Executive). Motion by Legislator Carpenter, seconded by Legislator Fields. All in favor? Opposed? Approved.

MR. BARTON:
17.

P.O. TONNA:
1162 - (Accepting and appropriating a grant in the amount of \$12,500 from the State of New York Governor's Traffic Safety Committee to locate and apprehend certain habitual scofflaws with 45.2% support (County Executive).

LEG. CARPENTER:
Motion.

P.O. TONNA:
Motion by Legislator Carpenter, second by Legislator Fields. All in favor? Opposed? Approved.

MR. BARTON:
17.

P.O. TONNA:

Okay, we have a Bonding Resolution, this is 1177, 1177A - (Appropriating funds in connection with the purchase of a portable shooting range Suffolk County Police Department (CP 3131) (County Executive). I'm going to make a motion to table.

LEG. HALEY:

Second.

LEG. TOWLE:

Second.

P.O. TONNA:

Okay. Motion to table, seconded by Legislator Haley. All in favor? Opposed? Tabled.

MR. BARTON:

17.

P.O. TONNA:

1178, 1178A - (Appropriating funds in connection with the improvements to Fire Training Center, Yaphank (CP 3405) (County Executive). Motion by Legislator Carpenter, second by Legislator Caracappa.

LEG. BISHOP:

Explanation, please.

P.O. TONNA:

On the motion.

LEG. BINDER:

Motion to table.

P.O. TONNA:

Okay. There is a motion to table by Legislator Binder. Is there a second?

LEG. BISHOP:

I'm looking for an explanation.

P.O. TONNA:

Fails for a lack of a second, Legislator Binder.

LEG. BISHOP:

I'll make a second for the purpose of debate.

LEG. BINDER:

Mr. Chairman, on the motion.

P.O. TONNA:

I'm going to recognize Legislator Bishop who had the floor and then Legislator Binder.

LEG. BISHOP:

I was just asking Budget Review for an explanation.

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MR. POLLERT:

Yes. It's \$450,000 worth of funds which have been included in the 2001 Capital Program, it's for planning of a Class A Firematics Building which is like a residential building. The total cost is approximately \$4.5 million and it's to be 2,000 square feet.

LEG. BISHOP:

Is this what my fire services refer to as the natural burn facility, natural gas?

MR. SPERO:

Yeah, one of them.

MR. POLLERT:

It's going to be one of them, they have converted things to natural gas which is cleaner than the fuel oil, but it is not the same thing as a natural burn. It's a Class A Building.

D.P.O. POSTAL:

Live burn.

LEG. BISHOP:

Hold on, Legislator Postal seems to know the answer.

P.O. TONNA:

Legislator Postal?

D.P.O. POSTAL:

No, I am suggesting that what you want to ask, Legislator Bishop, is a live burn facility.

LEG. BISHOP:

Yeah, live burn. This is not the live burn, this is the natural gas.

D.P.O. POSTAL:

Because we converted to natural gas.

LEG. BISHOP:

Right, they have gone away from live burn.

P.O. TONNA:

Legislator Binder, on the motion to table?

LEG. BINDER:

Yeah, the --

LEG. FOLEY:

I have a question, Mr. Chairman.

P.O. TONNA:

Legislator Binder has the floor.

LEG. BINDER:

The reason I made a motion is not because I oppose the project or I have even a problem with the project, it's that as we tabled 1177, I think we should at least tonight at this point table appropriations as we're talking about very important budgetary questions that are coming

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down the pike. I'm not saying that this -- right now we're talking a couple of weeks here, we're going to have a meeting very soon. And I think we should have a very good understanding before we go forward and appropriate anything. Again, not that I oppose this and I would support this, this is an important project. But the question of how important it is has nothing to do with whether we should take a breather tonight as we're looking at the budget and looking at what's going on, whether we should just take a moment, step back, hear from Budget Review Office and have an understanding of what's happening in terms of the budget of the County before we appropriate money. I think in the end we're going to appropriate this. I don't think two weeks will change the ability of having to do this firematic center, I don't think in the end it will make a difference in being able to do this project. But I think it would send the wrong message, with the things we see coming, to move forward with specific appropriations. I think we should, as I said, take a breather, table this for a couple of weeks and in between now and then we should try to get a better handle on what's going on with the budget.

P.O. TONNA:

Okay, I -- Yes, Legislator Postal.

D.P.O. POSTAL:

Yeah, I don't disagree with Legislator Binder in that I think we need to adopt or come to agreement on a plan for addressing any projected deficit, but I think we need to do that on an overall basis. I assume that Legislator Binder is proposing that we hold off on all Capital Resolutions; is that what you're proposing?

LEG. BINDER:

Right.

D.P.O. POSTAL:

So that it's not just these resolutions.

LEG. BINDER:

Right. No, no, just generally appropriating resolutions just tonight. I'm not even talking even in two weeks, I don't know, but I'm saying tonight where we don't know what's happening, we're hearing different numbers come out of different places as to what's happening with the budget. I'm not even talking long-term, I'm not even talking in terms of coming together with some kind of, quote, plan that we'll have to go forward. But I think we should take a breather tonight before we appropriate any more dollars, specifically appropriate, especially larger dollars, this is \$450,000. Before we appropriate money, just take a breather, look at what we're doing, look at the budget. My guess is that we're going to go back in a couple of weeks and do this anyway, but not to move forward very quickly and show some concern as to what we're doing on the budgetary front.

LEG. CARPENTER:

Put me on the list, Paul.

LEG. BINDER:

It's not a question of this particular project.

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P.O. TONNA:

Okay. Legislator Carpenter, then Legislator Alden.

LEG. CARPENTER:

Thank you, Mr. Chairman. I, too, can appreciate the comments that Legislator Binder made. However, I think in issues of public safety, as this certainly is with the fire training center, that we need to move forward now on any of the issues that are time sensitive or of a public safety nature. I think we've discussed all of these, it got the appropriate ranking and it is something that we should move forward with.

LEG. BINDER:

Mr. Chairman or Legislator Carpenter?

LEG. CARPENTER:

Especially at a time, especially at a time when we're struggling so hard to get the message out to the public that we need volunteer fire fighters, we need volunteers in the EMS service, how important and necessary they are to us. For us now to be tabling something that they have been so supportive of and need so desperately, the improvements to the fire training center, I think would be kind of foolish.

P.O. TONNA:
Okay.

LEG. BINDER:
Mr. Chairman?

P.O. TONNA:
Legislator Alden is next. And Legislator Binder, I'm sure you'll get an opportunity.

LEG. ALDEN:
This is for the planning steps?

LEG. CRECCA:
Just for the planning.

LEG. CARPENTER:
If we don't start planning we can't do it.

LEG. ALDEN:
Okay. Is somebody here that can speak, you know, from the County Executive's Office that can speak on how urgent and how badly it would be hurt if it was pushed back a couple of weeks? Secondly, Fred, I know that you have been keeping me informed on the amount of debt we've approved and the debt service cost; could you provide that to all the Legislators before the next meeting?

MR. POLLERT:
Yes.

LEG. ALDEN:
Because it will give us a good idea of where we were, where we are now

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and where we're going.

P.O. TONNA:
We're actually in good shape on the debt. But anyway --

LEG. ALDEN:
Debt service, though, Paul.

P.O. TONNA:
Yeah. All right, hold it one second. There were two questions that you asked. Is there anybody from the County Executive's Office who could speak to the urgency of this project?

MS. DeANGELO:

He's getting Brenda now.

P.O. TONNA:

We're getting somebody? Okay, so that's an affirmative answer, somebody will be able to speak definitively about this.

LEG. CARPENTER:

Why don't we pass on this.

P.O. TONNA:

Okay. The second thing is, Fred, maybe this is an opportunity at this juncture, because we have a number of resolutions coming that's expending money, okay, just to be able to look at Legislator Alden's question about debt service right now.

MR. POLLERT:

Yes. Hold on just one second.

P.O. TONNA:

Fred, do we need to approve a new Capital Project for your computer?

MR. POLLERT:

No.

P.O. TONNA:

No? Okay.

LEG. CRECCA:

Paul, somebody's here from the County Exec's Office.

P.O. TONNA:

Okay, we have a County Exec representative? Come on up, give it a whirl. We're talking about 1178, what's your feel?

MR. JOHNSON:

Todd Johnson from the County Exec's Office. We don't have anybody here to speak on the matter. You are tabling it, we'll have somebody at the next meeting.

P.O. TONNA:

Okay.

MR. JOHNSON:

Okay?

P.O. TONNA:

All right. Does that answer -- what you basically said is -- there was a motion to table, it doesn't mean it's going to be tabled.

MR. JOHNSON:

Oh, I thought it was already tabled.

P.O. TONNA:

Just because Legislator Binder sponsors a resolution, although he's one for one today which is more than I've ever wanted to agree for.

MR. JOHNSON:

No, if you want to table it that's fine we'll have somebody at the next meeting come and speak on the merits of the program.

P.O. TONNA:

Okay.

LEG. CARPENTER:

Actually on the issue of tabling, we did not want to. It was approved in committee, it was something that they felt the need to move forward with the fire training center because the fire service community has been very supportive of it and this is something that we need to do and this is the first step towards the planning steps. So I didn't want to see us losing that time and, you know, it passed unanimously in committee. And again, I can appreciate the willingness on the part of the Legislature to be very cautious as we move forward with any appropriating resolutions, but then again when they are of a time sensitive nature or when they are concerning public safety, we should be moving forward with it now.

P.O. TONNA:

Okay.

LEG. BINDER:

Mr. Chairman?

P.O. TONNA:

All right, Legislator Binder, you have the floor.

LEG. BINDER:

Public safety is an interesting word. Public safety could be somebody or something that needs to be done now so we'll have people safe in some manner. I don't know, I would like to hear if someone was at the committee or someone said that two weeks would make a huge difference in the planning steps to this. I'm talking about being a little prudent on the budget. I am not saying that we're going to kill this; in fact, I support this program. I'd like to see it passed, I support the firematics people in my district, I want to see this happen. But I think as responsible Legislators, we should get the answers to Legislator Alden's questions, understand where we are in debt service

and be responsible in terms of the budget. It's the balance that we're supposed to strike between politics and government and I would hope that we can strike that balance and make sure -- I'm not saying that -- I believe that in two weeks we can pass this thing, but when we pass it we should show the public that we're responsible in how we go forward. I don't know of anyone that can give me an argument, I would like to hear it, if there's two weeks that would change this project and its ability to go forward and how public safety would be at risk or someone would be at risk if this had to wait two weeks for planning steps to start.

P.O. TONNA:

All right. Is that enough said? We're on this resolution, there's a motion to table and a second. Fred, could you answer the question?

MR. POLLERT:

We have appropriated \$13.96 million year-to-date.

P.O. TONNA:

And how much in -- give me a little comparison, where were we last year or, you know, give me some --

MR. POLLERT:

You're ahead of where you were last year. If you appropriate more --

P.O. TONNA:

Ahead meaning we've appropriated more or ahead meaning we've appropriated less?

MR. POLLERT:

No, you have appropriated more funds than you have appropriated this time last year. We are projecting for 2002 that the debt service cost will be up by approximately \$5.6 million net impact on the property tax levy next year.

P.O. TONNA:

Okay, Fred. Thank you.

D.P.O. POSTAL:

Can I ask a question?

P.O. TONNA:

Do we have to -- yes, of course, Legislator Postal.

D.P.O. POSTAL:

If I could ask, through the Chair, the Budget Review Office; does that include a debt that's been appropriated through the Greenways Program, or is that exclusive?

MR. POLLERT:

That would include everything that has been done this year.

D.P.O. POSTAL:

So, you know, is it logical to say that last year at this time the Greenways acquisitions were not as far along as they are at this point in time?

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MR. POLLERT:

We're going to print out a list and distribute it very shortly, we're just having some problems with the print range.

D.P.O. POSTAL:

When you do that, can you I guess identify or separate out the Greenways acquisitions?

MR. POLLERT:

Yes.

D.P.O. POSTAL:

Thank you.

MR. JOHNSON:

I just want to clarify. When I came here I misunderstood, I thought that it was already tabled, obviously the County Executive would be pleased if it was passed today.

P.O. TONNA:

Okay, thank you very much. All right. There's a motion to table and a second. Roll call.

(*Roll Called by Mr. Barton*)

LEG. BINDER:

Yes.

LEG. BISHOP:

(Not in room)

LEG. CARACCIOLO:

Yes.

MR. BARTON:

Legislator Guldi?

LEG. CARACCIOLO:

Oh, table, I'm sorry, I misunderstood. No to table.

LEG. GULDI:
No.

LEG. TOWLE:
Yes to table.

LEG. CARACAPPA:
Yes to table.

LEG. FISHER:
No.

LEG. HALEY:
Yes.

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LEG. FOLEY:
No to table.

LEG. FIELDS:
No.

LEG. ALDEN:
Yes to table.

LEG. CARPENTER:
No.

LEG. CRECCA:
Pass.

LEG. D'ANDRE:
No to table.

LEG. BISHOP:
(Not in room).

LEG. COOPER:
No.

D.P.O. POSTAL:
No.

P.O. TONNA:
Nope.

LEG. CRECCA:
No.

MR. BARTON:
Five.

LEG. CARPENTER:
Motion to approve.

LEG. CARACCIOLO:
Second.

MS. FARRELL:
We have that.
P.O. TONNA:
Okay, roll call.

(*Roll Called by Mr. Barton*)

LEG. CARPENTER:
Yes.

LEG. CARACAPPA:
Yes.

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LEG. CARACCIOLO:
Yes.

LEG. GULDI:
Yes.

LEG. TOWLE:
Yes.

LEG. FISHER:
Yes.

LEG. HALEY:
Yes.

LEG. FOLEY:
Yes.

LEG. FIELDS:
Yes.

LEG. ALDEN:
Yes.

LEG. CRECCA:
Yes.

LEG. D'ANDRE:
Yes.

LEG. BISHOP:
(Not in room)

LEG. BINDER:
Yes.

LEG. COOPER:
Yes.

D.P.O. POSTAL:
Yes.

P.O. TONNA:
Yes.

MR. BARTON:
16, one not present. On the bond, yes, it's approved.

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

MR. BARTON:
On the companion resolution, yes.

P.O. TONNA:
Okay. All right.

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LEG. GULDI:
Go back to 1137?

P.O. TONNA:
Oh, sure. Why not?

LEG. GULDI:
Motion to approve. (1137 - Transferring funds for Year 2001 pursuant to policy established for use of fees collected from Title Examiners

utilizing County facilities (Guldi).

LEG. CARACCIOLO:
Second.

LEG. GULDI:
If I may, this is a pro forma allocation of the rent Title Examiner's rent fees to equipment for the County Clerk's Office that was introduced as Chairman of Ways and Means.

LEG. CARACCIOLO:
Second.

LEG. CARACAPPA:
Very good.

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

MR. BARTON:
16, one not present (Not Present: Leg. Bishop).

P.O. TONNA:
PUBLIC WORKS:
1144 - (Allocating funding for Pay-As-You-Go financing for strengthening and improving County roads and landscaping on County roads (CP 5014.335, 5178.414) (Foley).

LEG. FOLEY:
Motion to approve.

P.O. TONNA:
Motion to approve, second by Legislator Fisher.

LEG. CARACCIOLO:
On the motion.

MR. BARTON:
Who made the motion, Mr. Chairman?

P.O. TONNA:
On the motion.

LEG. CARACCIOLO:
Now here is an opportunity to accomplish what Legislator Binder was

talking about; only a comment.

LEG. CARPENTER:

Well, on the motion.

LEG. CRECCA:

What's the fiscal impact?

LEG. CARPENTER:

On the motion, Mr. Chairman? I would just like to ask Budget Review if you can tell us where we are on the Pay-As-You-Go now.

MR. SPERO:

These two resolutions coming up are the first resolutions tapping into the Pay-As-You-Go money for Capital Projects.

LEG. HALEY:

How much for these two?

MR. SPERO:

1144 is four million for road resurfacing and 250,000 for landscaping, and 1145 is a half of million dollars for dredging projects, all of which are under the hundred thousand dollar bond threshold.

LEG. CRECCA:

Wait, how much is 1144, Jim?

MR. SPERO:

Four million and two hundred and fifty thousand for the two components.

LEG. CRECCA:

That's what I thought.

LEG. BINDER:

Motion to table.

LEG. HALEY:

Second.

LEG. GULDI:

Second.

P.O. TONNA:

Okay. There's a motion to table, seconded by Legislator Guldi.

LEG. FOLEY:

On the motion.

LEG. BISHOP:

This is on 1178?

P.O. TONNA:

On 1144.

LEG. FOLEY:

On the motion

P.O. TONNA:

On the motion, Legislator --

LEG. BISHOP:

Can I briefly ask for a reconsideration of 1178 as I was out of the room.

P.O. TONNA:

Later. Let's get this one done and then we'll do 1178, okay?

LEG. BISHOP:

Oh, I thought it was just done.

P.O. TONNA:

No, we're right in the middle of a debate, Dave.

LEG. FOLEY:

On the motion.

P.O. TONNA:

Okay. On the motion, Legislator Foley.

LEG. FOLEY:

Thank you, Mr. Chairman. I had worked with the Public Works Department to come up with the list of roadways throughout the County that this resolution would resurface. Speaking with the engineers, there are a number of roadways throughout the County in a number of Legislative Districts that are substandard that need to be strengthened and improved. There are a number of roadways, because of the amount of cars that use those roadways on a daily basis, where they don't have the necessary, as they would call, friction for the tires of the cars and skidding is occurring.

And the fact of the matter is over the last number of years, we have used this approach of using the Pay-As-You-Go for this kind of resurfacing program. As a matter of fact, when I spoke with Budget Review Office last week, when the bond rating agencies -- and Mr. Pol -- James, you can expand on this point. When the bond rating agencies came to Suffolk County the other week, one of the first questions they asked was whether or not we had a Pay-As-You-Go policy, the answer was yes. And from what I was told by the Budget Review Office, one of the reasons that the bond rating agencies is considering, in fact, upgrading our bonds once again is because we are one of the leaders among municipalities of utilizing Pay-As-You-Go for some Capital Programs. Additional to that fact, Mr. Pollert said that the upgrading

in our bond rating will save us some several millions of dollars.

So while at first blush this appears to be a significant amount of money, \$4 million, the fact of the matter is we've done it this way for the last number of years. The Pay-As-You-Go policy has enabled us to increase or upgrade our bond ratings thereby saving taxpayers millions of dollars. And I just wouldn't want to use this specter of the upcoming budget negotiations as a reason to prevent this resolution from going forward.

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Finally, Mr. Chairman, I would say this. This is the kind of resolution where we put taxpayer dollars to work. This resolution will employ people, this resolution will enable the County to have safer roads and this resolution will also be able to do something that we've all agreed to over the last several years and that is also try to improve the landscaping along our roadways. Because as we're all well aware, our County roads as well as other roads are really in need of making Greenways out of our highways. So this particular resolution achieve those goals. And I would hope, I would hope that we would not agree with the tabling, move forward with this resolution. It's the right approach from a public safety point of view, from traffic safety as well as putting people to work throughout the County. Thank you.

LEG. FISHER:
Mr. Chairman?

P.O. TONNA:
Just -- yes, wait one second. I have a list, Legislator Fisher is next, then after that Legislator Caracciolo; how do you say that again?

LEG. CARACCIOLO:
Caracciolo.

P.O. TONNA:
Caracciolo, and then Legislator Binder. Legislator Fisher.

LEG. FISHER:
Okay. Legislator Foley, if I understand it correctly, this work is also going to be done in-house which is --

LEG. FOLEY:
Correct.

LEG. FISHER:

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-- a very important issue as far as I'm concerned because sitting on the Public Works Committee last year, I became aware of how much money is expended on consultants and engineers who are hired out of the County, from outside of the County. So I was very pleased when I looked through this resolution that this work would be done in-house and would be Pay-As-You-Go. So I support the approval of this resolution.

LEG. FOLEY:
Thank you.

P.O. TONNA:
Okay. Legislator Caracciolo; that's good, right? I got it.

LEG. CARACCIOLO:
You're getting better, Paul. Fred or Jim, does your office monitor the conditions in terms of standard/substandard roadway services in the County? Do you have any reports or documentation from the Department of Public Works?

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MR. POLLERT:
No, we would get those from the Department of Public Works and we would get them during the Capital Program process. So we're in the process of requesting them.

LEG. CARACCIOLO:
Well, Mr. Chairman, I think that's another reason to table this resolution. Because clearly, looking at the list, there are more than a half of dozen of these County roadways that I've traveled within the last several weeks that compared to local town and some State and Federal highways are in far better condition. So the representation that some of these roadways are substandard I find questionable.

LEG. FOLEY:
I wouldn't use the towns as the bar.

LEG. CARACCIOLO:
But I'm not going to -- I wouldn't -- what was that, Brian?

LEG. FOLEY:
With the sufferance of the Chair and the speaker, I wouldn't use town roads as the bar for a comparison.

LEG. CARACCIOLO:
No, I said town, Federal and State roads.

P.O. TONNA:

Okay. Could I -- we have a lot of people who would like to speak. Go ahead.

LEG. CARACCIOLO:

Well, I think it's relevant before considering the resolution to verify what the condition of these roadways were, number one. Number two, to determine when they were last resurfaced, what method was used and are we employing the most cost effective methods on a regular and routine basis to keep the roadways in a safe condition?

P.O. TONNA:

Okay.

LEG. CARACCIOLO:

So I think until we have some answers to the questions like that, it's reasonable to table this for two weeks, get those answers, particularly for the benefit of those of us who do not serve on Public Works where maybe these issues have been aired and answered, but they have not been aired and answered to my satisfaction.

LEG. BISHOP:

If you succeed --

P.O. TONNA:

Wait, wait, wait. Just -- we have a list. Legislator Binder then Bishop. Legislator Binder, if you don't mind, I can switch the order so that Legislator Bishop --

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LEG. BINDER:

Sure.

LEG. BISHOP:

I just want to know what specific questions you want answered in the Public Works Committee if you are successful on the tabling motion so we don't have to repeat this again.

LEG. CARACCIOLO:

One, when was the last time these roadways were resurfaced, what method was used, what specifications were followed, the length of the roadway.

LEG. BISHOP:

What specifications were followed?

LEG. CARACCIOLO:

Yes. I mean, you know, if they're just going with an eighth of an inch or something less than that, well then you're going to have to resurface on a more frequent basis than if you put down a good top dressing.

LEG. BISHOP:

So what do you want, you want the thicker, more expensive course of action in this fiscal time?

LEG. CARACCIOLO:

The most cost effective action.

LEG. BISHOP:

Looking at the long-term or the short-term?

LEG. CARACCIOLO:

The long-term.

LEG. BISHOP:

Okay.

LEG. CARACCIOLO:

I mean, that's what taxpayers want us to do with their money.

LEG. BISHOP:

Just want to carry your perspective back to the -- okay.

P.O. TONNA:

Okay. First of all, Legislator Caracciolo, you have the background; have you looked at the backup?

LEG. CARACCIOLO:

I have looked at the roadway, location.

P.O. TONNA:

I think it answers a few of the questions that you might have had with regard to --

LEG. GULDI:

No.

P.O. TONNA:

No?

LEG. CARACCIOLO:

It doesn't answer any of those questions.

P.O. TONNA:

All right. Brian, why don't you tell me this.

LEG. FOLEY:

Yeah. When you look in the backup under the column remarks, it mentions the thickness of the pavement that will be applied to each of the roads; that will answer the question that Legislator Caracciolo has. Secondly, my committee meetings, as well as every other committees, are open to any Legislator who's not a member of the committee. You know, I would be hesitant to table this for another three weeks. I would like to move forward with these projects as quickly as possible.

P.O. TONNA:

Legislator Binder and then I plop myself on the list. A lot of people, as soon as they say Legislator Binder, I see the heads shaking, I mean really. Go ahead, Legislator Binder.

LEG. CARPENTER:

I didn't shake mine.

LEG. CRECCA:

They were shaking because you said you're on the list.

P.O. TONNA:

Oh, they're saying because I'm on the list. All right, go ahead.

LEG. CARPENTER:

We're just shaking because we're cold.

LEG. BINDER:

I just wanted to make it clear. Obviously I made the motion for one reason it's budgetary. I think, again, we should look at -- take our time, take a breath, take a look at where we are before rushing forward. Now we're talking ten times what we're talking before. I know these projects are important, they're important to Legislators, they're important to constituencies, they're important to the projects that we like to see go forward. I'm not talking about killing the projects, I'm talking about slowing down a bit and thinking about what we're spending, that's it. And I think we should do that and I would hope we would do it here today.

P.O. TONNA:

Okay, thank you. This is what I hear and I want to be able to articulate what I think is the concern of some Legislators. First of all, if I could ever articulate anything, in 1994 Legislator Bishop has come up with the idea as the Pay-As-You-Go. And by the way,

Legislator Bishop, we passed that law, in the last bond rating scenario one of the things that they point to, as Legislator Foley has just so eloquently said, was the idea that we have a Pay-As-You-Go program. As a matter of fact, I got this frantic call from Fred, "Paul, it was great. The rating agencies love us and the reason is because of all of these wonderful legislative initiatives."

The concern that some Legislators have is that we have a Pay-As-You-Go budget of how much, Fred?

MR. SPERO:
Almost ten million.

P.O. TONNA:
Total. We have a \$10 million Pay-As-You-Go budget. We know for a fact that we're going to hit some rough financial times. We have to look at the budget without -- and we're in a discovery, to use a legal term, we're in a discovery period right now. We are looking at every single possible scenario with regard to modeling our budgets for the next year, the next two years, the next three years, the concerns with fund balances, the concerns with reduced sales tax revenues. With all of these things coming together, we have right now resolutions -- and I think Legislator Foley is correct, road resurfacing is a very important priority. My concern is that I would like, in light of the fact that we have a lot of fiscal things to look at and maybe to tighten our belt at the beginning of the year, I think it's very, very important that we just prioritize. I personally think road resurfacing has got to be a priority of the Pay-As-You-Go money, more because I'm a landlock district and dredging. But the truth is --

LEG. CARPENTER:
Oh.

P.O. TONNA:
Right, I mean, that's why we have 18 Legislators.

LEG. CARPENTER:
Thank God.

P.O. TONNA:
But the concern that I have is that with a meeting coming up very, very quickly, why can't we say let's look at each thing? We have this -- for example, Legislator Foley, and you are the Chairman of Public Works and would be more aware, out of the \$10 million that has been appropriated, would you say this four million is more important than the other six million that is being appropriated? I mean, have you already made that decision?

LEG. FOLEY:
I haven't made that decision, Mr. Chairman, what I have simply done is look at the pay-as-you-go policy, see where we need to go with a number of Capital Projects. And as we've done over a series of years,

one of the first projects out of the box over the last five years has been strengthening and improving roadways, and the reason that we do that at the beginning of the year is in order to set in motion all the contracts and the other things that need to be put in place in order

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for the contractors to go out and do the work well before next winter.

P.O. TONNA:

Brian, this is what I'm wondering, though. If we look and look at the \$10 million and say in the big picture we need to maybe cut half our Pay-As-You-Go money, let's just say hypothetically --

LEG. FOLEY:

Sure.

P.O. TONNA:

-- sound minded Legislators get together and say we need to tighten our belt on a bipartisan basis to -- would you still want to maybe appropriate four million of that for road, or maybe it would be two million for road, something for dredging, something for some other project in Pay-As-You-Go? All that I'm suggesting is that maybe passing this piece of legislation today might give us -- might already encumber us to be able to make those decisions. Nobody is against road resurfacing, God knows I'm not against road resurfacing, but I just -- maybe there's some dredging that needs to be done.

LEG. CARPENTER:

Yes, it does.

P.O. TONNA:

And it needs to be --

LEG. FOLEY:

That's the next resolution.

P.O. TONNA:

It needs to be coordinated or whatever else. And all I'm saying is why for three weeks, why would anybody want to already say here's our priority list? Because that's what we're doing, if we vote for this today -- and if this was any other year I would have said vote for it. You know, I've been on the record and Legislator Foley, you and I have been on a like mind on these issues. But I'm saying --

LEG. FOLEY:

Hopefully on some others pretty soon, too.

P.O. TONNA:

Yeah. No, absolutely. But all I can tell you is that from my standpoint, why would we want to already set the priority of this \$4 million or four and a half million without looking at the whole \$10 million program?

LEG. BINDER:

Mr. Foley, right now he agrees with me.

P.O. TONNA:

Well, I don't want to say that. I will never say that publicly, Legislator Binder. Anyway -- okay

LEG. FOLEY:

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Allen, that's the Presiding Officer's mitzvah for the day, that he agrees with you.

P.O. TONNA:

Yeah, mitzvah, some might call me a Schlemiel.

LEG. FOLEY:

Mr. Chairman?

P.O. TONNA:

Legislator -- I mean, Legislator Cohen, Assistant Legislator Cohen has told me the difference between a Schlemiel and a {Schlamazal}. And I guess the {schlamazel} is the guy who throws up, the Schlemiel is the guy he throws up on. So I feel like a Schlemiel. Anyway, thank you very much. Is that right, allen, is that the right caricature?

LEG. BINDER:

I don't know.

[RETURN OF LUCIA BRAATEN-COURT REPORTER]

P.O. TONNA:

Okay. Legislator Caracappa.

LEG. CARACAPPA:

Thank you, Mr. Chairman. Freddy, did we get the fourth quarter projections on sales tax yet?

MR. POLLERT:

Yes, we did. We're short in the General Fund approximately \$26 million for Fiscal Year 2000. We're projecting a shortfall in 2001 of approximately \$13 million in the General Fund.

LEG. CARACAPPA:

That speaks volumes to what we're talking about here with relations to starting to put our best foot forward with relation to being fiscally prudent. I wholeheartedly agree that we need to do certain projects, but when we're talking about \$4 million here, \$4 million there, we cannot just stop and deal with this process when the budget time rolls around and say how are we going to deal with the large hole that we most definitely are going to be dealing with.

The numbers Fred just mentioned now is going to be a drop in the bucket with relations to what we're going to be facing when we sit down at the table next year when we start looking at the 2002 Operating Budget. If we do not start now tightening our belts with a project here, a project there, and, hopefully, have a large turnover savings to help us deal with next year's budget problems, I could tell you, Ladies and Gentlemen, we will be in big problem, so --

LEG. BISHOP:

But Mike wants a thicker road service.

LEG. CARACAPPA:

So right now -- right now I think we need to prioritize, we need to maybe scrutinize these resolutions a little bit more, three weeks,

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four weeks, a month, two months. I think it's imperative upon us as Legislators now facing a fiscal crisis, and that's just what we are facing, a fiscal crisis if we don't start putting money in our pockets now for the budget for 2002. So for those reasons and many, many more, I will support the tabling.

LEG. FOLEY:

Mr. Chairman, if I may.

P.O. TONNA:

Yes, Legislator Foley.

LEG. FOLEY:

Mr. Chairman, one of the other reasons that I will respectfully oppose the tabling is that this past winter was an extraordinarily harsh winter. And, in fact, the end February into early March, we've seen just how harsh the conditions have been. That being the case, the engineers have mentioned to me, and maybe Mike, Legislator Caracciolo wants to do some field inspection of some of his County roads, but the fact of the matter is this winter has been very hard on our roadways, and the County Department wants to get at those roadways sooner than later. But with that said, if this tabling resolution -- tabling

motion is approved, I would ask --

P.O. TONNA:

Hold it one second. Just, Brian -- I'd ask that everyone just be a little quieter and give the respect to the Chairman of the Public Works Committee, finish his thoughts.

LEG. FOLEY:

Thank you, Mr. Chairman. If the tabling resolution is approved, which I hope it's not, but if it is, then I would welcome Legislator Caracciolo, as well as others, to attend the next committee meeting where the homework of the Legislature is done, to ask these very questions, so that these questions aren't posed at the next general meeting where there wouldn't be any representatives from the Public Works Department. But please attend my next meeting, so we can then get some answers to these questions.

With that said, however, Mr. Chairman, I would say this finally. People speak about budgetary constraints and the rest. It has been shown time and again that pay-as-you-go over long term actually saves taxpayer dollars as opposed to bonding. That being the case, it's as if the reasoning is strange today that people who are concerned about budgeting are -- want to take -- want to cut the pay-as-you-go policy as opposed to looking at the indebtedness policy of the County. So, if there's any area where we're saving taxpayer dollars in the long wrong it's in this very approach of utilizing pay-as-you-go in order to move ahead with some capital --

P.O. TONNA:

All right.

LEG. FOLEY:

Well-needed capital projects.

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P.O. TONNA:

Okay. Legislator --

LEG. FOLEY:

Throughout the County.

P.O. TONNA:

-- Carpenter, then Crecca.

LEG. CARPENTER:

I support Legislator Foley's feelings about the pay-as-you-go and would like to see all of our projects done. But looking at the backup

on the resolution, there are 26 road projects, and since it was mentioned that this is going to be done in-house, so to speak, I sincerely doubt that we're going to be able to attack all of these, you know, within the next month or two months. That perhaps we could table this, look at the list between now and the next meeting, which I think is two weeks, and come up with maybe half of them to go forward with at the next meeting.

LEG. BISHOP:
Mr. Chairman.

P.O. TONNA:
Yes.

LEG. BISHOP:
Is there a list?

P.O. TONNA:
Wait, wait, wait. Legislator Crecca, then Legislator Bishop.

LEG. CRECCA:
I'm going to be quick.

P.O. TONNA:
Okay, Legislator Crecca.

LEG. CRECCA:
I just want to sort of say ditto to Legislator Caracappa's comments. We've got to look between now and the end of this year for every single place that we can cut in budget. And pay-as-you-go is a great responsible thing, I agree with you, Legislator Foley, but it's still \$4.2 million. And if we can get that down to whatever it is, 2 million, a million, just going to the top priority projects, we're going to have to do that, not just today, we're going to have to do that for the rest of the year. And everyone has to accept that on both sides of the aisle. Every district is going to have to make sacrifices, otherwise, we're going to be looking at tax increases this year and next year, and we -- you know, we want to avoid that, so let's all tighten our belts.

P.O. TONNA:
All right. Legislator Bishop.

LEG. BISHOP:

P.O. TONNA:

Right, we all agree with that. We all agree with that.

LEG. CRECCA:

But if you don't spend it, you use it.

LEG. BISHOP:

Well, what I think is occurring is a sporadic declaration of crisis without a comprehensive understanding of what the situation is and what the plan is to solve it.

LEG. CRECCA:

That's why it's being tabled.

P.O. TONNA:

Right.

LEG. BISHOP:

So what I want to know from the --

P.O. TONNA:

Wait. Let Legislator Bishop finish.

LEG. BISHOP:

Would everybody calm down, so I can make my --

P.O. TONNA:

Please.

LEG. BISHOP:

So what I'd like to know --

P.O. TONNA:

Legislator Bishop needs to make his point uninterrupted.

LEG. BISHOP:

What I'd like to know from the Presiding Officer --

P.O. TONNA:

Yes.

LEG. BISHOP:

Is the way that the "crisis" would be dealt with. Are you going to --

P.O. TONNA:

I can outline that for you, if you'd like.

LEG. BISHOP:

Right. And I would --

P.O. TONNA:

Okay.

LEG. BISHOP:

I would hope that that outline includes --

P.O. TONNA:

There is -- and I will -- and I'd just ask Legislator Foley to -- I would say it takes on three facets. First of all, my commitment as the Presiding Officer of this Legislature is it will happen in a bipartisan fashion. That's the very first thing. There will not be -- in any sense of the word, there will not be --

LEG. BISHOP:

Sure. It's always good to have the other party when you're in crisis.

P.O. TONNA:

-- a coordinated effort from one set of colleagues versus another set of colleagues to -- you know, to try to handle a crisis to withhold information or anything else like that. That's the very first thing. The second thing is I think that within the next week, I've asked Fred, and Fred and myself, the Chairman of the Finance Committee, and, again, I will work through the Chair, Chairpersons of the different committees, you know, to keep them, so if we're dealing with pay-as-you-go, obviously, the Chairman of Public Works, and as we go through the different Chairmen for whatever committees that have to deal with finances, we will -- we will try as best we can to communicate. Whether we communicate those things in work groups, whether we form a task force maybe with people also in the County Executive's Office, that right now I'm trying to do. That will be a bipartisan task force or a group, work group, so that we can communicate from that point then to the working caucuses. My -- that's the -- that is the process.

As far as, you know, substantively, I think that right now we're in the discovery phase. The Budget Review Office is coming up with as much information as it can. They already have a directive from our -- I think from the Finance Chairman, from myself, and I think, you know, we'll probably have a meeting of the Budget Review Steering Committee because it will take more time, to talk about possible revenue-producing ideas and vice versa, or also cost-cutting measures, and those things will be outlined to, you know, individual Legislators, discussed, debated in committees, or whatever else, so that we can come up with some idea.

I think -- and the last piece is all that we're saying right now is let's put -- let's put any major spending projects on hold for the two to three-week process that we're in, so that we don't -- we don't cut our nose to spite our face, where maybe there's 23 road resurface projects and only 15 make the criteria of really, really, really important versus maybe some critical dredging that has to be done,

versus whatever else we might prioritize. That's what we're looking at, Dave. So --

LEG. BISHOP:
Okay.

P.O. TONNA:

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And I think in a two-week process, this will be done.

LEG. BISHOP:
So it's a -- right, okay. And then, so, essentially, what will occur is a working group --

P.O. TONNA:
Right.

LEG. BISHOP:
-- of -- most likely led by Budget Review to identify revenue goals and as well as spending goals, and if those goals are cuts, which we assume they are, then you will communicate to the Chairpeople how much they should look to cut from their --

P.O. TONNA:
Right. And a general --

LEG. BISHOP:
From their bailiwick.

P.O. TONNA:
And a general articulation of a policy, which this body will debate and argue both publicly, you know, on the Legislature and in the committees to see how we can go about that.

I think the one thing that I will say, and to a "T", each Legislator that I have spoken to has indicated very clearly, you know, the importance of -- and I think, Dave, you have articulated it a number of times. We've had some good times with our sales tax and now we have to be very, very wise and thoughtful on the possibility of some reduced revenues and how we're going to deal with that. For many of us as a Legislator, and I'll say it for me, I've never had really bad financial times as a Legislator, unlike Legislator Postal, or Binder, or, you know, Legislator Caracciolo. Many of us -- or D'Andre, or Legislator Carpenter and Bishop, who are on the end of that, who have seen those things. Many of us have only have had good times. So that's the process we're involved in. All right?

LEG. FOLEY:

Let's go.

P.O. TONNA:

Okay. Thank you very much.

LEG. CARACCIOLO:

I would just close my comments, Mr. Chairman, by pointing out, when we look at DPW needs and expenditures, there are some -- I don't know if they're significant yet, but I know the Budget Review Office has -- it's been made mention to BRO that in terms of this winter's snowstorm and snow removal budget, they've exceed it and they'll require some additional funding before year end. So I think your point is well taken. I appreciate the indulgence of the Chair of Public Works.

LEG. FOLEY:

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Thanks, Mike.

LEG. CARACCIOLO:

And I think in three weeks time we'll all have a better sense of where we are and where we need to go.

LEG. FOLEY:

Let's move, Mr. Chairman.

P.O. TONNA:

All right. Thank you very much. All right. So there's a motion to table and a second on 1144. All in favor? Opposed?

LEG. FOLEY:

Opposed.

P.O. TONNA:

Opposed, Legislator Foley. Motion is tabled.

MR. BARTON:

Sixteen.

P.O. TONNA:

1145 (Allocating funding for Pay-As-You-Go financing for dredging of County Waters).

LEG. BINDER:

Motion to table.

LEG. GULDI:
Motion to table.

P.O. TONNA:
Motion to table.

LEG. FOLEY:
Motion to approve.

LEG. CARPENTER:
Motion to approve.

P.O. TONNA:
Wait. There's a -- wait. There's a motion to table by Legislator
Guldi, seconded by myself. There's a motion to approve --

LEG. FOLEY:
Motion to approve.

P.O. TONNA:
-- by Legislator Foley.

LEG. CARPENTER:
Second.

LEG. CARACCILOLO:

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Second.

P.O. TONNA:
Seconded by --

LEG. FOLEY:
On the motion.

P.O. TONNA:
-- Legislator Carpenter.

LEG. FOLEY:
On the motion.

P.O. TONNA:
Okay.

LEG. FOLEY:

Mr. Chairman, this is a --

P.O. TONNA:

Just let's not repeat the arguments.

LEG. FOLEY:

We're not.

P.O. TONNA:

Okay?

LEG. FOLEY:

This is a horse of a slightly different stripe here. When it comes to dredging of our waterways, there are very -- very tight environmental windows that need to be adhered to in order to get the jobs done. Some of those environmental windows have already -- are about to pass, which is the middle of March. Other environmental windows are at the end of -- middle of April, some are in May. My concern here is that the committee cycle is three weeks away, then the general meeting is the following week, then the County Executive has to sign the resolution. So we're a good four to five weeks away before -- if it's tabled today and it's approved at the next meeting, we're a good four to five weeks away before DPW can contract with the dredging companies to do the work. And if we wait -- in this case, very different than road projects because of the environmental windows that occur throughout the springtime, we are in this case jeopardizing some of those dredging projects.

And here I would submit to my colleagues that a number of these projects, they're in the backup, these are all navigational safety related projects. This is not about having a nice layer of asphalt on a particular roadway, this gets to the issue of having navigable waterways, whether or not boats are going to run aground when there is low tide. And I would submit to you, particularly along the Great South Bay, that there's a need to go ahead with these projects.

As many of you know, in the Peconics, there are County dredgers that already do the Peconics, so that's being done as we speak. But there

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are other waterways that need to be treated on the same footing, and the way -- even though many are speaking to other Legislators as I'm talking, the fact of the matter is this is a serious resolution. We need to approve it today, because if we wait another five weeks, we're going to miss some of those windows for some of these projects.

LEG. BISHOP:

Mr. Chairman.

LEG. BINDER:
Mr. Chairman.

LEG. BISHOP:
Mr. Chairman.

P.O. TONNA:
No. Legislator Carpenter, then Bishop, then Binder.

LEG. CARPENTER:
Thank you. As Legislator Foley says, this is really very time sensitive. One or two of these projects I know firsthand are requests that were put in that missed the window and are waiting a year to be dredged. And if we don't do it now, it won't get done, and it just really isn't fair.

And, as Legislator Foley said, we're talking about navigable waters. That is what Long Island is all about. And unlike the previous resolution, here we're talking about \$300,000, not 4 million.

LEG. BISHOP:
Mr. Chairman, I think I'm next on the list and I --

P.O. TONNA:
Yes, Legislator Bishop is next, then Binder.

LEG. BISHOP:
And if any of the Legislators who have districts along the water know how tight these windows are, how very difficult it is to try to jam these projects into those tight time frames, and this resolution is only \$330,000. It's a pay-as-you-go resolution, so it's fiscally prudent, and it would literally destroy these projects not to pass these -- this resolution today. So I urge my colleagues who are landlocked, who are landlubbers, to join us.

LEG. FOLEY:
Plus, Mr. Chairman -- Mr. Chairman, just to follow-up. Mr. Chairman.

LEG. BISHOP:
Do hear the anxiety of all of us who have water districts? We've dealt with these things over the years.

LEG. FOLEY:
Mr. Chairman, just to follow-up. Mr. Chairman, just to follow-up.
Mr. Chairman.

P.O. TONNA:

Yes.

LEG. FOLEY:
Just to follow up.

P.O. TONNA:
Wait, wait, wait. Legislator Binder is next, and you can follow-up after that.

LEG. BINDER:
I'll yield.

LEG. FOLEY:
Thank you, Allan.

P.O. TONNA:
Legislator Binder, you're going to --

LEG. BINDER:
I yield.

P.O. TONNA:
-- graciously --

LEG. FOLEY:
Thank you, Allan. We've explained the navigational safety issue, but there's another important one which this Legislature's always been interested in that is one of economic development and economic vitality. The fact of the matter is some of these dredging projects are important for the economic vitality of a number of waterways, where if the dredging doesn't happen, there could be a problem with these waterways where some marinas are going to be impacted. And I think from the standpoint of economic vitality as well as navigational safety, these are monies well spent.

LEG. BINDER:
Mr. Chairman, I'm --

P.O. TONNA:
Great. Can we do a roll call. Yes, Legislator Binder. Sorry.

LEG. BINDER:
I'm curious -- how many -- how many projects -- maybe Budget Review could tell me, how many projects are under this 300,000?

LEG. FOLEY:
It's in the backup.

LEG. BINDER:
I don't have it in front of me.

LEG. GULDI:
Ten.

LEG. CARACCIOLO:

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Ten.

LEG. GULDI:

Ten.

LEG. CARACCIOLO:

Ten. Average about \$30,000 each.

LEG. BINDER:

Ten, about \$30,000 apiece. Is there -- I mean, do we have the windows on any of them? Do we know which ones have windows that are coming up? My concern is I'm somewhat surprised that we're sitting here today with a resolution that if it doesn't pass today, they don't happen. And if that's true, why are we sitting here in March and why didn't we see these in early February or something?

LEG. CARPENTER:

Because they have to get the permits from DEC.

LEG. BINDER:

So maybe -- you know, I just want to understand maybe from DPW. Do you have a list of -- do you have a list? And if the list has -- if we have a list of when their windows, environmental windows close? So we don't know -- so we don't know which ones closes. Anybody, can they specify which ones have closing windows, so we understand?

LEG. FOLEY:

To answer Legislator Binder's question, you're correct that there is not appended to each of the projects when the windows are. Just those of us who have been involved in this process for a number of years, we know that the springtime -- throughout the springtime is when there are a number of environmental windows. So the rule of thumb, Allan, for these projects has been the sooner in the year that we approve them, the more likely -- let me finish. The more likely we have the ability to do the projects. Because what's happened in the past, Allan, is sometimes we've waited too late in the spring to approve these projects, and as Legislator Carpenter mentioned, we'll miss the window. So, in this case, even if some of these projects are in May, the fact of the matter is a lot of the dredging companies have -- are putting in place as we speak their schedule of contracts for the spring. So if we wait another -- effectively, if we wait another month, which is what will happen, a number of the contractors that do dredging will already have, so to speak, those days lined up for other projects around our coastal waterways. So while your point is well

taken that the windows aren't next to each of the projects, the fact is --

LEG. CARACCIOLO:
Brian, will you suffer an interruption?

LEG. FOLEY:
-- we need to move ahead with them earlier than later.

LEG. CARACCIOLO:
Would you suffer an interruption?

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LEG. BINDER:
Sure, I'll yield, Legislator Caracciolo.

LEG. CARACCIOLO:
Thank you. Allan, as you may recall during my first term in the Legislature in 1990, I was Chair of Public Works Committee and this issue came up annually during our financial crisis, and as a result, it was an area that was targeted for cuts by both the Executive and in many cases the Legislative Branch. And, thankfully, as a result of good reasoning around the horseshoe, we were able to restore those funds, because there was a common sense -- common sense agreement on the part of Legislators that even though the impact of these projects is small compared to the County as a whole, they are geographical across the County. When you look at this particular resolution, I believe there are five or six towns that would be served by these -- by this contract dredging. These are small dredging projects. And the environmental windows by which this work usually has to be completed by is mid to late April.

LEG. BISHOP:
Right.

LEG. CARACCIOLO:
So time, as Legislator Carpenter pointed, time is of the essence. And while I would agree with you, annually, this list should be prepared, submitted and approved long before early March, as we sit here today, that, unfortunately, was not the case and, hopefully, moving forward, the Chair of the Public Works Committee could attempt to address that.

LEG. BINDER:
I would --

LEG. CARACCIOLO:

But this cannot really withstand another three-week delay, because it, in fact, may jeopardize these projects from being done.

LEG. BINDER:

Let me just take back my time. I would just -- I don't know that it can't. I understand Legislators say that. So I want to support the motion. I want to support the motion of the Chair until someone comes forward, or DPW, somebody that has a list of all the windows that are closing.

P.O. TONNA:

All right. We have a motion to table and a second; am I correct? There's a motion by Legislator Tonna.

MR. BARTON:

Guldi.

P.O. TONNA:

Guldi. And seconded by Legislator --

MR. BARTON:

Tonna.

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P.O. TONNA:

Tonna. Okay. All in favor? Opposed?

(Opposed Said in Unison by Legislators)

All right, roll call.

LEG. CRECCA:

What is this?

P.O. TONNA:

This is a motion to table. This is a roll call.

(Roll Called by Mr. Barton)

LEG. GULDI:

Yes.

LEG. TONNA:

Yes.

LEG. CARACCIOLO:

No.

LEG. TOWLE:
(Not Present)

LEG. CARACAPPA:
(Not Present)

LEG. FISHER:
No.

LEG. HALEY:
Yes.

LEG. FOLEY:
No.

LEG. FIELDS:
No.

LEG. ALDEN:
Pass.

LEG. CARPENTER:
No.

LEG. CRECCA:
No to table.

LEG. D'ANDRE:
No to table.

LEG. BISHOP:

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No.

LEG. BINDER:
Yes.

LEG. COOPER:
No to table.

D.P.O. POSTAL:
No.

MR. BARTON:
Legislator Towle.(Not Present)

LEG. CARACAPPA:
Yes to table.

P.O. TONNA:
Next.

MR. BARTON:
Legislator Alden.

LEG. ALDEN:
No.

P.O. TONNA:
This is an issue that I'll be reminding myself for redistricting. I want more landlocked districts.

MR. BARTON:
Five.

P.O. TONNA:
Anyway, motion to approve and a second.

MR. BARTON:
The vote is five. I have it.

P.O. TONNA:
Roll call on the bond. Oh, no, it's pay-as-you-go. Roll call on your pay-as-you-go.

LEG. FOLEY:
It's not a bond.

P.O. TONNA:
I know. I said roll call on the pay-as-you-go. I made a mistake.

(Roll Called by Mr. Barton)

LEG. FOLEY:
Yes.

LEG. CARPENTER:

Yes.

LEG. CARACCIOLO:
Yes.

LEG. GULDI:
Yes.

LEG. TOWLE:
(Not Present)

LEG. CARACAPPA:
No.

LEG. FISHER:
Yes.

LEG. HALEY:
No.

LEG. FIELDS:
Yes.

LEG. ALDEN:
Yes.

LEG. CRECCA:
Yes.

LEG. D'ANDRE:
Yes.

LEG. BISHOP:
Yes.

LEG. BINDER:
Yes.

LEG. COOPER:
Yes.

LEG. POSTAL:
Yes.

P.O. TONNA:
No.

MR. BARTON:
Thirteen.

P.O. TONNA:
Okay, there you go.

LEG. FOLEY:
Thank you.

P.O. TONNA:

All right. So that's approved. Okay. Let's -- can we --

LEG. BISHOP:

Hopefully, we can debate each and every resolution as thoroughly.

P.O. TONNA:

I would ask that Legislators please concentrate as much as possible. We could roll through this pretty quickly.

1179 (Transferring escrow account revenues to the Capital Fund, amending the 2001 Capital Budget and Program and appropriating funds for improvements of existing facilities in Suffolk county Sewer District No. 7 - Medford). Is there a motion?

LEG. CARACCIOLO:

Motion.

P.O. TONNA:

Motion, seconded by Legislator Guldi. All in favor? Opposed? Approved.

MR. BARTON:

Sixteen, one not present. (Not Present: Leg. Towle)

P.O. TONNA:

1180 (Transferring escrow account revenues to the Capital Fund, Amending the 2001 Capital Budget and Program and appropriating design funds for upgrading of facilities in Suffolk County Sewer District No. 1 - Port Jefferson). Is there a motion?

LEG. CARACCIOLO:

Motion.

P.O. TONNA:

Motion by Legislator Caracciolo, seconded by Legislator Guldi. B

LEG. GULDI:

Same motion.

P.O. TONNA:

All in favor? Opposed? Approved.

MR. BARTON:

Sixteen, one not present. (Not Present: Leg. Towle)

P.O. TONNA:

Okay. 1186 (Authorizing a public hearing for authorization of the extension of the license and franchise of Davis Park Ferry Co., Inc., for Cross Bay Service between Patchogue, New York and the Fire Island

Communities of Davis Park and Watch Hill). Is there a motion?

LEG. FOLEY:
Motion.

LEG. CARPENTER:

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Second.

P.O. TONNA:
Motion by Legislator Foley, second by Legislator Carpenter. All in favor? Opposed?

LEG. CARACCIOLO:
Abstain.

P.O. TONNA:
Abstain.

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

P.O. TONNA:
Okay, great. The discharge of 871 -- of, I'm sorry, 1871, could we hold off on that? Because I understand that we have to go to executive session on that.

PARKS, SPORTS & CULTURAL AFFAIRS

Okay. 1147 (Authorizing Cultural Affairs agreement funding for 2001). Is there --

LEG. CARACAPPA:
Mr. Chairman.

P.O. TONNA:
Yes.

LEG. CARACAPPA:
Motion to approve. But just so you know, there's a CN for this. We've amended the numbers very, very slightly, as was requested in the Parks Committee. My office called all district offices with relations to any --

LEG. HALEY:
Pass over this and wait for --

P.O. TONNA:
So let's pass over this.

LEG. CARACAPPA:
I'm just letting you know.

P.O. TONNA:
Okay.

LEG. CARACAPPA:
So it's a CN, and there's minor, very minor changes.

P.O. TONNA:
Okay. So we're not going to -- we're not going to vote on this one.

LEG. GULDI:

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We'll deal with it when we do the CN's.

P.O. TONNA:
1196 (Naming main room at Deepwells Farm as the Barbara Van Liew Room). Is there a motion?

LEG. D'ANDRE:
Motion, Mr. Chairman.

LEG. FISHER:
Second.

P.O. TONNA:
Motion by Legislator D'Andre, seconded by Legislator Fisher. All in favor? Opposed? Approved.

MR. BARTON:
Sixteen, one not present. (Not Present: Leg. Towle)

P.O. TONNA:
Okay. 1206 (Reappointing Anthony J. Pecorale as a member of the Suffolk County Vanderbilt Museum Commission (Trustee No. 12). Motion by Legislator Carpenter, seconded by Legislator Bishop.

LEG. BISHOP:
On the motion.

P.O. TONNA:
On the motion.

LEG. BISHOP:

I voted against this appointment the first time it came up. I was wrong. He's been an outstanding member of the board and I'm proud to second it.

LEG. CARPENTER:

Thank you, Legislator Bishop.

P.O. TONNA:

All right. All in favor? Opposed? Approved.

MR. BARTON:

Sixteen, one not present. (Not Present: Leg. Towle)

P.O. TONNA:

There you go.

LEG. FOLEY:

Cosponsor, please. Cosponsor.

P.O. TONNA:

Okay. 1210 (Amending the 2001 Operating Budget and transferring funds to the Department of Public Works in connection with the demolition of Quonset Huts at Indian Island County Park). Is there a motion?

LEG. CARACCIOLO:

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Motion to approve.

P.O. TONNA:

Motion to approve by Legislator Caracciolo, seconded by Legislator Caracappa. All in favor? I'm trying. Now I'm caught in between. All in favor? Opposed? Approved.

MR. BARTON:

Sixteen, one not present. (Not Present: Leg. Towle)

HEALTH

P.O. TONNA:

Okay. We're into Health. 1109 (Adopting Local Law No. - Year 2001, a Local Law to change chairmanship of Community Advisory Committee for use of pesticides on Suffolk County properties). Legislator Bishop?

LEG. CARPENTER:

Explanation.

P.O. TONNA:

Wait. He's got to make a motion first. This is the Bishop Bill.

LEG. BISHOP:

Motion to approve.

LEG. GULDI:

Second.

P.O. TONNA:

Motion to approve by Legislator Bishop, seconded by Legislator Guldi.
On the motion?

LEG. D'ANDRE:

Explanation.

P.O. TONNA:

Explanation, please, sir. Dave, we're asking you on the record to explain it. Don't get caught up with Binder, he's the dark side. He'll have you all confused.

LEG. BISHOP:

He's so charming.

P.O. TONNA:

I know. I'm thinking of other words.

LEG. BISHOP:

As Legislator Carpenter, when she established her DARE Committee, pointed out too often, when we establish committees, we fail to name an initial chairperson who moves the work of the committee along. This would change -- this is -- this would change the chairmanship to the Chairman of the Environment Committee, who happens to be me.

P.O. TONNA:

There you go. Now, is there any essential conflict of interest? No.

LEG. BISHOP:

From Cornell Cooperative.

P.O. TONNA:

Okay.

LEG. D'ANDRE:

Bishop, you're going to chair this?

LEG. BISHOP:
Yeah.

LEG. D'ANDRE:
With your background?

LEG. CARACAPPA:
Are you going to go to the meetings?

LEG. ALDEN:
With your background.

LEG. BISHOP:
I'm going to attend the meetings.

P.O. TONNA:
Wait, wait.

LEG. D'ANDRE:
Why don't you get somebody from Cornell?

P.O. TONNA:
Legislator Bishop, there's a motion and a second?

LEG. BISHOP:
Yes.

LEG. HALEY:
I have a question. Isn't there a height requirement?

P.O. TONNA:
Legislator Haley, that would take you out of the running, too, I guess. All right. All in favor? Opposed? Approved.

LEG. GULDI:
In favor of Bishop for pests.

P.O. TONNA:
Okay.

MR. BARTON:
Sixteen, one not present. (Not Present: Leg. Towle)

P.O. TONNA:

1121 (Directing the County Department of Public Works to educate the public as to health effects of pesticide applications). Is there a motion? Legislator --

LEG. CARACCIOLO:
Table.

P.O. TONNA:
What?

LEG. CARACCIOLO:
Table.

P.O. TONNA:
Motion to table, seconded by myself. All in favor? Opposed? Tabled.

MR. BARTON:
Sixteen, one not present. (Not Present-Leg. Towle)

P.O. TONNA:
1209 (Designating week of May 6th as "Cooley's Anemia Awareness Week"). Is there a motion?

LEG. CRECCA:
Motion to table.

P.O. TONNA:
Motion to table, seconded by myself. All in favor? Opposed? Tabled.

MR. BARTON:
Sixteen, one not present. (Not Present: Leg. Towle).

ENVIRONMENT, LAND ACQUISITION AND PLANNING

P.O. TONNA:
Okay. Land Acquisition. 2184.

LEG. CARACAPPA:
Cosponsor.

LEG. CRECCA:
1209?

P.O. TONNA:
2184 is what I -- 1209 we just tabled.

LEG. GULDI:
No. 1121 we just table.

LEG. CRECCA:
They tabled it. I tabled it.

LEG. POSTAL:
Yeah, we tabled both of them.

P.O. TONNA:

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We tabled both of them.

LEG. CRECCA:
I tabled 1209.

LEG. CARACAPPA:
Still cosponsor.

P.O. TONNA:
1209, 1209. Beach Boys song. Okay. 2184. Is there a motion?

LEG. CARACCIOLO:
Motion to approve.

P.O. TONNA:
Nobody remembers the Beach Boys? Motion to approve by Legislator Caracciolo, seconded by Legislator Guldi. All in favor? Opposed? Approved.

MR. BARTON:
Sixteen, one not present.(Not Present: Leg. Towle)

P.O. TONNA:
Okay. What I'm going to -- oh, Legislator Bishop, 1066. Is there a motion?

LEG. BISHOP:
Motion to approve.

LEG. POSTAL:
Second.

P.O. TONNA:
Okay. Seconded by Legislator Postal. 1066, does everybody remember that, that date? Battle of -- no, Battle of Hastings, William the Conqueror. Okay. Seconded by Legislator Postal. All in favor? Opposed? Approved.

MR. BARTON:
Sixteen, one not present.(Not Present: Leg. Towle)

P.O. TONNA:
Okay. We have some SEQRA determinations and we're going to start with -- I'll make a motion, seconded by Legislator Postal. All in favor? Opposed? Approved.

MR. BARTON:
Making a motion to what?

P.O. TONNA:
1116. I'm sorry.

MR. BARTON:
Okay.

P.O. TONNA:

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I'm going to make same motion, same second, same vote --

MR. BARTON:
Sixteen, one not present. (Not Present: Leg. Towle)

P.O. TONNA:
-- on 1117. Can I just run them -- read them off?

MR. BARTON:
Sixteen, one not present. (Not Present: Leg. Towle)

P.O. TONNA:
Same motion, same second, same vote on 1118 (Making a SEQRA determination in connection with the proposed addition to the 6th District Court, Town of Brookhaven). Same motion, same second --

MR. BARTON:
Sixteen, one not present. (Not Present: Leg. Towle)

P.O. TONNA:
-- same vote on 1119 (Making a SEQRA determination in connection with the proposed Sewer District 1 - Port Jefferson Pilot Facility), even though this is a little different.

MR. BARTON:
Sixteen, one not present. (Not Present: Leg. Towle)

P.O. TONNA:
Same motion, same second, same vote on 1120.

MR. BARTON:
Sixteen, one not present. (Not Present: Leg. Towle)

P.O. TONNA:
Same motion. Okay. Now we are into whatever. 1123 (Dedicating certain lands now owned by the County of Suffolk to the County Nature

Preserve pursuant to Article I of the Suffolk County Charter and Section 406 of the New York Real Property Tax Law (Near Flax Pond, Village of Old Field). Legislator Fisher, what is your --

LEG. FISHER:

Okay. You should all have received another copy --

LEG. CRECCA:

Use the mike.

LEG. FISHER:

I'm sorry. A copy of this resolution with a technical correction -- no, I'm sorry. This is a different bill. 1123, this is already County property and it's adjacent to some State properties in Oldfield, and I would just like to dedicate them to the nature preserve.

P.O. TONNA:

Okay, great. Motion, seconded by Legislator Bishop. All in favor? Opposed? Approved.

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MR. BARTON:

Sixteen, one not present. (Not Present: Leg. Towle)

P.O. TONNA:

Okay. 1131 (Authorizing Real Estate Division to purchase property at 111 West Oak Street (Village of Amityville). Is there a motion, Legislator Bishop?

LEG. BISHOP:

Motion.

LEG. CARACCILO:

Second.

P.O. TONNA:

Legislator Bishop, is there a motion?

LEG. BISHOP:

Motion to approve.

P.O. TONNA:

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

MR. BARTON:

Sixteen.(Not Present: Leg. Towle)

P.O. TONNA:

Okay. 1136 Authorizing planning steps for the acquisition of land under Pay-As-You-Go 1/4% Taxpayer Protection Program (land adjacent to Forsythe Meadow Nature Preserve, Town of Brookhaven). Motion, Legislator Fisher?

LEG. FISHER:

Yes, motion to approve. But this is now the resolution to which I was referring earlier. 1136, you should all have received a copy with technical corrections with the parcel numbers corrected on them.

P.O. TONNA:

How much --

LEG. FISHER:

They've been distributed.

P.O. TONNA:

If I could ask --

LEG. FISHER:

It's 7.8 acres.

P.O. TONNA:

How much money?

LEG. CARACAPPA:

It's planning steps.

200

LEG. FISHER:

It's planning steps.

P.O. TONNA:

Okay, great. Motion --

LEG. FISHER:

Motion to approve.

P.O. TONNA:

Motion to approve by Legislator Fisher.

LEG. FIELDS:

Second.

P.O. TONNA:

Seconded by Legislator Fields. Just on the motion. Fred, fiscal impact? I want to get an idea. What's this going to cost us? Does this come out of the quarter cent money. I see it, but --

MR. POLLERT:

Yes, this is the new quarter cent money. This is the first resolution out of the new quarter cent money.

P.O. TONNA:

So it's a dedicated fund. We have to spend, you know -- well, you know, we should spend the money on this stuff. Okay.

LEG. BISHOP:

Mr. Chairman, I think -- no.

P.O. TONNA:

All in favor? Opposed? Approved.

MR. BARTON:

Sixteen.

P.O. TONNA:

All right. 1141. Is there a motion?

LEG. FIELDS:

Motion.

D.P.O. POSTAL:

Second.

P.O. TONNA:

Motion by Legislator D'Andre.

LEG. ALDEN:

Forty-one or forty-two?

LEG. CRECCA:

Forty-two, you mean.

P.O. TONNA:

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Oh, that's taken out?

MS. BURKHARDT:

Sorry.

P.O. TONNA:

Okay, thanks. Wait. I had 1141. But 1141. Motion by Legislator Fields, second by Legislator Postal. All in favor? Opposed? Approved. 1143. Same motion, same second, same vote.

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

P.O. TONNA:
1164 (Accepting and appropriating additional 100% State funds from the New York State Department of Environmental Conservation to the Department of Health Services, Division of Environmental Quality for pesticide monitoring of groundwater). Motion by Legislator Caracappa, seconded by Legislator --

LEG. CARPENTER:
Consent Calendar.

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

LEG. CRECCA:
Why isn't this stuff on the Consent Calendar?

LEG. CARPENTER:
Why isn't this on the Consent Calendar?

P.O. TONNA:
Yeah. I would say, Legislator Bishop --

LEG. CRECCA:
He failed us.

MR. BARTON:
Sixteen.

LEG. BISHOP:
I think, Mr. Chairman, that I asked that question in committee and Counsel advised me that I could not put it on the Consent Calendar; am I correct?

P.O. TONNA:
You can't put this on the Consent Calendar with --

LEG. CRECCA:
1164 and --

LEG. BISHOP:
No, I'm wrong, I can.

LEG. GULDI:

You can.

LEG. CARPENTER:
Hundred percent grant.

LEG. GULDI:
A hundred percent grant.

LEG. BISHOP:
Oh, a hundred percent, yes.

LEG. BINDER:
No. Wait a minute. Wait a minute.

P.O. TONNA:
Right, okay. Just we want to make sure in the --

LEG. BISHOP:
I thought we were talking about the SEQRA's.

LEG. BINDER:
Wait a minute for one second. I'd just like to, if I could, clear something up. Anything could go on the Consent Calendar, as long as you have a unanimous consent of the committee, doesn't matter what it is. Doesn't matter what the resolution is.

LEG. CRECCA:
Even the SEQRA's?

LEG. BINDER:
Anything can go on the Consent Calendar, as long as you have unanimous consent of the committee, unanimous vote, that's it. Everything, everything could go on the Consent Calendar, and it takes one Legislator who could take it off. So if you get it sent to the office and you don't like that it's on there, call the Presiding Officer's Office and automatically it's taken off, because it's there by unanimous consent of all of us.

P.O. TONNA:
Okay.

LEG. BINDER:
That's the idea.

P.O. TONNA:
Okay.

LEG. CARACAPPA:
I know you're the rules guy, Allan, but, Mr. Chairman, through the Chair --

P.O. TONNA:

We had "Robert Rules," now we'll have our Legal Counsel.

LEG. CARACAPPA:

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Could you --

P.O. TONNA:

I think that he was the author of this rule, though, so he should know what he's talking about on this issue, and this issue alone.

MR. SABATINO:

You can't put everything on the Consent Calendar, for example, bond resolutions, because they require a specific roll call vote.

You can't put the auction of property, because that requires a two-thirds vote, Chapter 27 conveyances, Capital -- Capital Budget amendments.

LEG. CARACAPPA:

Partial grants.

MR. SABATINO:

You know, budget-piercing votes that require fourteen votes. You can't put the SEQRAs on because of litigation that addressed the issue years ago. But that's not the issue here. The issue here is this question wasn't raised from a legal standpoint. I think that the reason 1173 was not put on the Consent Calendar was because it also created some positions in the budget. It was a tactical decision, not a legal decision.

LEG. BISHOP:

One of my great tactical decisions.

P.O. TONNA:

All right. Okay. So now, Allan, do you want to --

LEG. BINDER:

No.

P.O. TONNA:

Okay. All right. So thank you, Legal Counsel. Let's -- motion, seconded on -- I think we're on 1173 (Accepting and appropriating additional 100% State funds from the New York State Department of Health to the Department of Health Services, Division of Environmental Quality for a Drinking Water Enhancement Program); am I correct?

MR. BARTON:

Yes.

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

MR. BARTON:
Who's the motion?

P.O. TONNA:
Approved. But that doesn't get you off the hook, Bishop.

MR. BARTON:
Mr. Chairman.

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P.O. TONNA:
You could have put these on the Consent Calendar.

MR. BARTON:
Mr. Chairman, who made the motion?

LEG. BISHOP:
As Counsel points out, it was a brilliant tactic on my part.

P.O. TONNA:
All right. 1211 (Authorizing open space acquisition of Baer property in Town of Riverhead). Legislator Caracciolo.

MR. BARTON:
The same.

LEG. GULDI:
Well, I'll make a motion to approve.

P.O. TONNA:
Okay. Seconded by --

LEG. FOLEY:
Second.

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

MR. BARTON:
Sixteen.

P.O. TONNA:
Social Services. 1061 (Adopting Local Law No. -2001, a Local Law to increase County fines for illegal parking in handicapped parking spaces).

LEG. CRECCA:
Motion to approve.

P.O. TONNA:
Motion by Legislator Crecca.

LEG. CRECCA:
This has a positive fiscal impact for the County.

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

LEG. FOLEY:
Mr. Chairman.

P.O. TONNA:
Hold it.

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LEG. FOLEY:
Mr. Chairman.

P.O. TONNA:
Hold it, just wait. Let's get to the senseless resolutions.

LEG. FOLEY:
Before we get there, Mr. Chairman, just to say on the record, since we're in Social Services --

P.O. TONNA:
Okay.

LEG. FOLEY:
-- Resolution 1193, which many people spoke about today from the Farmingville community, others who would like to see a resolution to the issue of the day-laborers, as well as other associated challenges within the community. Many of them had spoken today. While it was my intention to have a discharge motion made on the floor at this particular meeting, it's my hope and expectation, if not at next week's State of the County address, or no later than our next general meeting, that by that time, whether next week or the following

meeting, that we should muster enough votes to move forward with this very resolution.

P.O. TONNA:

And I would like to say, first of all, that for those Legislators who were not in the committee meeting, I am -- I am the cosponsor of this resolution. I consider it -- I consider it probably my responsibility that I was not able to at this point build consensus. There are a few very small mitigating issues that we have to work out. I fully intend to make this, and as Legislator Bishop has asked with regard to the fiscal concerns that we have, these two will be my priority issues within the next week or two. And that, hopefully, because of the good faith that Legislators have indicated with regard to in principle supporting this type of resolution, I'm hoping that we can move forward also, as Legislator Foley has indicated. If there is any concern with why we're not moving, I rest -- it rests on my shoulders, that it's been my responsibility that this is not done, and I will -- you know, I will do everything that I can to make sure that it will move forward at the next meeting. Thank you. Okay.

LEG. CARACCILO:
Mr. Chairman.

P.O. TONNA:
Yes.

LEG. CARACCILO:
On 1211 --

P.O. TONNA:
You want to be considered, right? Is this --

LEG. CARACCILO:

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Yes, I'd like to have that reconsidered and --

P.O. TONNA:
Because you were missing your resolution.

LEG. CARACCILO:
-- cast my vote with the majority.

P.O. TONNA:
Can we do that?

MR. BARTON:

He's fine. He's fine. He's in. He's here.

P.O. TONNA:

Fine. Because he was here. You were here.

LEG. FOLEY:

Considered for --

LEG. CARACCIOLO:

Oh, you got me on that one.

MR. BARTON:

Yes.

LEG. CARACCIOLO:

Okay.

MR. BARTON:

You were standing right there.

LEG. FOLEY:

Considered for what, Mr. Chairman, a different elective office, or considered --

P.O. TONNA:

Okay. Let's -- we have -- we have two discharge petitions. And I would just say, again, there were numerous amount of requests for -- oh, no, we're on discharge petitions. All right. Discharge 1205. Okay. This is the one -- oh, this -- let's wait on that one. Hold it. We'll get everything else done, because that's going to be an executive session. 1188 (Authorizing technical correction to Adopted Resolution No. 920-00). There was a motion to discharge Resolution Number 1188?

LEG. GULDI:

Motion. No, second.

P.O. TONNA:

Legislator Caracappa, seconded by Legislator Guldi. All in favor? Opposed?

LEG. CRECCA:

I'm sorry. Can --

P.O. TONNA:

All right. Excuse me. An explanation?

LEG. CARACAPPA:
Technical correction.

P.O. TONNA:
This is a technical correction.

LEG. GULDI:
Just omnibus errors.

P.O. TONNA:
All right.

LEG. CARACAPPA:
No dollar amount changes.

LEG. CRECCA:
Okay.

P.O. TONNA:
Before we get to -- could I ask each Legislature, just all in favor?
Opposed? Fine.

MR. BARTON:
Sixteen.

P.O. TONNA:
Okay. I would ask that we have a couple of other -- I'd like to do the
CN's, then I'd like to go back to do the late-starters, get everything
done, and then we'll go into the discharge of 1205, because I think,
again, there is a -- there's a need to consult our Legal Counsel on
that. Am I correct, from the County Attorney's Office? (Affirmative
Response). Great. And you're prepared to talk about this?

LEG. POSTAL:
Which one is the one that --

P.O. TONNA:
Legislator Fields' discharge petition for 1205, the Coram lease. The
Coram lease.

LEG. ALDEN:
How about 1252?

P.O. TONNA:
No, we're not --

LEG. POSTAL:
That was a mistake. That's the car one that was a mistake

P.O. TONNA:
Let me just -- I would ask again. I'll explain where we're going. We
are going to do the Sense Resolutions first, then we are going to move
to the CN's. Then after the CN's, we're going to do the

late-starters. After the late-starters, we are going to spend the rest of our time discussing this last piece of legislation.

SENSE RESOLUTIONS

To the senseless resolutions, here we go. Okay. Memorial Resolution Number 101 (Memorializing resolution requesting Town Tax Assessors to create task force to administer property taxes). Is there a motion? Legislator Carpenter.

LEG. CARPENTER:
Motion to approve. And a corrected copy is in front of everyone.

P.O. TONNA:
Okay. Motion to approve, seconded by Legislator Crecca. All in favor?

LEG. CARACCIOLO:
On the resolution.

P.O. TONNA:
Yes.

LEG. CARACCIOLO:
I didn't have a chance to look at it. What exactly does it do?

P.O. TONNA:
Legislator Carpenter.

LEG. CARPENTER:
Well, back in 1995, this Legislature approved a commission to issue a report on a plan to repeal property taxes on Long Island, and it was an exhaustive commission that met over a period of probably a year-and-a-half. Legislator Bishop was on it. We had representation from Nassau County, Town Assessors, school boards, Supervisors, and so forth. At the end, after all was said and done, with a lot of work from Robert Lipp from the Budget Review Office, a report was issued that this body -- John Cochrane came and made the presentation. And it's -- it was very difficult to really implement any of the recommendations, except for this one. And what this does is asks the Town Assessors to come together to form a Task Force to look at unifying the assessment practices across the County. Rather than us directing them to do it, we're just asking them to put together a task force and putting the -- giving them access to assistance from the Suffolk County Real Property Tax Agency.

LEG. CARACCIOLO:
Okay. The reason why I bring that up is that you are well aware, Angie, over the years, whenever the County's Legislature has tried to

impose its will on local governments rightfully, they have resisted that, especially if we have not had any communication or dialogue with them. Since this is simply a request --

LEG. CARPENTER:
Right, exactly.

LEG. CARACCIOLO:

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-- I'll support the resolution.

LEG. CARPENTER:
Thank you.

D.P.O. POSTAL:
Okay. I think we have a motion and a second --

MR. BARTON:
Yes.

D.P.O. POSTAL:
-- on approving Sense 101. All in favor? Any opposed? Sense 101 is approved. Henry, number?

MR. BARTON:
Fifteen, two not present.

D.P.O. POSTAL:
Okay

MR. BARTON:
Fourteen, one abstention, two not present. (Not Present: Leg. Towle and P.O. Tonna)

D.P.O. POSTAL:
Sense 7, Memorializing Resolution requesting State of New York to establish Last-Chance Youth Conservation Corps for troubled juveniles).

LEG. D'ANDRE:
Motion.

D.P.O. POSTAL:
Legislator D'Andre?

LEG. CRECCA:
Second.

D.P.O. POSTAL:

Motion to approve, seconded by Legislator Crecca.

LEG. BISHOP:

On the motion.

D.P.O. POSTAL:

On the motion, Legislator Bishop.

LEG. BISHOP:

I'm going to support this resolution, of course, but Ellie Seidman-Smith from the Red Cross called me and she wants it -- all Legislator D'Andre's colleagues to know that in many respects, this is exactly what the Red Cross Program that we've supported so thoroughly over the years does. It provides a last chance for youth.

D.P.O. POSTAL:

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Thank you.

LEG. BISHOP:

Thank you.

LEG. HALEY:

Question.

D.P.O. POSTAL:

Question, Legislator Haley.

P.O. TONNA:

Count me in, I'm here.

LEG. HALEY:

The concern I had with that is that if to the same extent that we -- you know, when we have had to house children, whether we've sent them to Upstate or to Nassau County, there's been chargebacks to us and we now are creating a children's shelter. If the State creates a program like that, don't you think any kids we ship Upstate are going to have the same situation? We're going to wind -- we're going to wind up having to -- we're going to get charged back for all of that, when I think that we may be able to, in fact, take care of our children with the programs that we have in Suffolk County.

LEG. CRECCA:

But this is just -- I think you're reading more into it than it is. The bottom line is, is that's still going to be used in the discretion

of the judges who decide these individual cases of what type of program they have. I think what Legislator D'Andre is calling on here is just that the State impose another program.

D.P.O. POSTAL:

May I ask, Legislator Crecca, since you have some expertise, this is with regard to those juveniles who might be sentenced to a State facility under any circumstances. It would just give the court the discretion to sentence them to one specific type of State facility rather than another.

LEG. CRECCA:

That's correct. Actually, it's one specific type of program as an alternative to incarceration, that's all it is. It's not going to -- this is not going to make major changes in our current or juvenile delinquency laws.

D.P.O. POSTAL:

Any other questions? I know we have a motion and a second. All in favor? Any opposed? Abstentions?

MR. BARTON:

Sixteen. (Not Present: Leg. Towle)

D.P.O. POSTAL:

Sense 7 is approved. Sense 9, memorializing resolution requesting --

LEG. D'ANDRE:

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Does everybody want to be a cosponsor?

D.P.O. POSTAL:

Yes.

LEG. CARPENTER:

Cosponsor.

D.P.O. POSTAL:

We all want to be a cosponsors. Sense 9, memorializing resolution requesting State of New York to reimburse Suffolk County for police patrol costs on the Long Island Expressway and --

LEG. HALEY:

This is a Levy.

LEG. CRECCA:

This is --yeah.

D.P.O. POSTAL:

At Sunrise Highway to promote community policing efforts in Suffolk County. Motion, Legislator Fields.

LEG. ALDEN:

On the motion.

D.P.O. POSTAL:

Seconded by Legislator Foley. On the motion, Legislator Alden.

LEG. ALDEN:

Just as a point of information, I believe that this resolution was passed in like '95, '6, '7, somewhere around that neighborhood.

LEG. CARPENTER:

Every year they wait for it. Albany waits for it every year.

LEG. ALDEN:

They do with bated breath.

LEG. FOLEY:

Rites of spring. Rites of spring.

LEG. CRECCA:

Henry, cosponsor on this one. I'm over here.

D.P.O. POSTAL:

I think -- is there anyone who would not like to cosponsor this?

LEG. BISHOP:

Me.

D.P.O. POSTAL:

Okay. Legislator Bishop, because in keeping with his personal policy.

LEG. BISHOP:

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I don't cosponsor things which I did not create.

D.P.O. POSTAL:

All in favor? Any opposed? Abstentions? Sense 9 is approved.

MR. BARTON:

Sixteen. (Not Present: Leg. Towle)

D.P.O. POSTAL:

Sense 12, memorializing resolution requesting the --

LEG. BISHOP:

Wait, nine. I fought for that over the years.

D.P.O. POSTAL:

So you can be about a cosponsor. List Legislator Bishop as a cosponsor.

LEG. CRECCA:

I make a motion that we don't allow him to go on as a cosponsor.

D.P.O. POSTAL:

Sense 12, memorializing resolution requesting State of New York to allow Suffolk County to enroll in pilot program for underinsured people.

LEG. COOPER:

Motion.

D.P.O. POSTAL:

Motion by Legislator Cooper.

LEG. FISHER:

Second.

D.P.O. POSTAL:

Second by Legislator Fisher. Legislator Binder --

LEG. BINDER:

On the motion.

D.P.O. POSTAL:

-- you had a question?

LEG. BINDER:

Yeah. What is the pilot program for underinsured people?

D.P.O. POSTAL:

If I could ask our Counsel to briefly explain Sense 12.

MR. SABATINO:

There's currently State legislation which is limited to four counties, Onondaga, Saint Lawrence, Albany and Nassau, to pay the bills of underinsured people who have catastrophic health expenses. According to a recent report that was publicly disseminated, those four Counties are not using up the full allotment of the State money. So this would

ask the State to allow Suffolk County to replace Nassau County as one of the members of the pilot program.

LEG. CARPENTER:
Good show.

D.P.O. POSTAL:
Legislator Alden.

LEG. CRECCA:
Good job.

LEG. ALDEN:
Paul. Paul, is there any chargeback to us on this, as the State is doing on a lot of other programs?

MR. SABATINO:
No. This is real -- this is real dollar-for-dollar money to offset the cost.

LEG. CARACCIOLO:
Mr. Chairman.

D.P.O. POSTAL:
Legislator Caracciolo.

LEG. CARACCIOLO:
Oh, I'm sorry. I would request that as we go forward and review some of our options, that the Budget Review Office ascertain from the State all of those programs where they provide aid to localities that's not standardized, in other words, where not every county gets aid. This appears to be one of those types of programs. And there has to be a means by which one can review either the State budget or request this information directly, so that we could look at various State aid programs and see if there would be applicability for this County requesting similar aid.

D.P.O. POSTAL:
I would also suggest, Legislator Caracciolo, I think that's a good question, perhaps the County Executive's Office, through its -- whoever the person is who's the liaison to the State, you guys, could ascertain for us whether there are State programs which are selective, which counties have to apply for, which we could apply for to bring us some extra revenue as well.

LEG. CARACCIOLO:
Jim Spero, is --

D.P.O. POSTAL:
Could the Budget Review Office --

LEG. CARACCIOLO:
Are you aware of any programs? For example, in talking with Fred this week about the sense resolution on highway patrol reimbursement, he

mentioned that there are several localities, including Westchester, that gets or receives State aid for reimbursement of patrols on

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federal and state highways. So, I mean, there may be a number of programs that we simply are not aware of where we could possibly lobby our State delegation to try to get Suffolk County some additional State aid.

D.P.O. POSTAL:

Yeah, I think that's a good suggestion. We have a motion and a second on Sense 12. All in favor?

LEG. FISHER:

Cosponsor.

D.P.O. POSTAL:

Any opposed? Abstentions? Sense 12 is approved.

MR. BARTON:

Sixteen.(Not Present: Leg. Towle)

D.P.O. POSTAL:

Sense 13, memorializing resolution requesting State of New York to adopt a statewide carbon monoxide alarm requirement for new buildings. Motion to approve by Legislator Fields, second by myself.

LEG. HALEY:

What are we on? I'm sorry.

D.P.O. POSTAL:

Legislator Haley, do you have a question?

LEG. HALEY:

Okay. Never mind.

D.P.O. POSTAL:

Okay. All in favor? Any opposed?

MR. BARTON:

Sixteen.(Not Present: Leg. Towle)

D.P.O. POSTAL:

Abstentions? Sense 13 --

LEG. FISHER:

Madam Chair.

D.P.O. POSTAL:
Yes. On this question?

LEG. FISHER:
No .

D.P.O. POSTAL:
Sense 13 is approved. Legislator Fields.

LEG. FISHER:
Fisher.

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D.P.O. POSTAL:
Fisher, I'm sorry.

LEG. FISHER:
Sense Number 18 has been distributed. I'm sorry. Because of some error, Legislator Fields' name was left off as a sponsor. Legislator -- Sense Number 18, I'd like to make a motion to lay it on the table and approve.

LEG. CARACAPPA:
Second.

LEG. CRECCA:
What is it? Which one is it?

LEG. FISHER:
It's a memorializing resolution requesting the State of New York building designations to honor women achievements, and the four women for the four buildings are Eleanor Roosevelt, Harriet Tubman, Susan B. Anthony, and Mother Cabrini.

LEG. HALEY:
Is Mother Cabrini a Republican.

D.P.O. POSTAL:
Okay. Everyone has a copy of --

LEG. CRECCA:
Cosponsor.

D.P.O. POSTAL:
-- Sense 18. Whose voice was that, Legislator Crecca?

LEG. CRECCA:

Yeah.

D.P.O. POSTAL:

Yeah. Legislator Crecca would like to be a cosponsor.

LEG. CRECCA:

I'd also like to be part of the Women's Caucus --

D.P.O. POSTAL:

I will --

LEG. CRECCA:

-- but I don't think I'll make it.

LEG. ALDEN:

I was going to point out that --

D.P.O. POSTAL:

Did we have -- Henry, did we have a -- I don't think we have a second on that, do we?

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MS. FARRELL:

Yes, Caracappa.

D.P.O. POSTAL:

Okay. I know it was a motion by Legislator Fisher, seconded by Legislator --

MR. BARTON:

Caracappa.

D.P.O. POSTAL:

Caracappa?

MR. BARTON:

Yes.

D.P.O. POSTAL:

Okay. All in favor? Any opposed? Abstentions?

MR. BARTON:

Sixteen.(Not Present: Leg. Towle)

LEG. BINDER:

Madam Chair.

D.P.O. POSTAL:

Sense 18 is laid on the table and approved.

LEG. BINDER:

Madam Chair, as long as we're doing it, in the --

D.P.O. POSTAL:

Legislator Binder.

LEG. BINDER:

As long as you're doing those, in the packet is Sense Resolution 15. I'd like to lay on the table and approve Number 15, memorializing resolution requesting United States Congress to enact Bush Tax Cut Plan. It's in everyone's packet.

LEG. ALDEN:

Second.

D.P.O. POSTAL:

There's a motion and a second to approve Sense 15, which is in everyone's packet.

LEG. CARPENTER:

I don't think so.

LEG. CRECCA:

Yeah, I got.

D.P.O. POSTAL:

If you would --

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LEG. FOLEY:

Why can't we put it through a committee?

D.P.O. POSTAL:

There's been a motion and a second. I, frankly, think that -- you know, I would suggest that we leave this in committee, because it's rather momentous. And I don't think it's something that we should act on precipitously, so --

LEG. BISHOP:

I think we should bring Allan Greenspan to Suffolk Legislature to tell us.

D.P.O. POSTAL:

I would oppose.

LEG. BINDER:

The people of -- the people of Suffolk County who are overtaxed would like to let --

P.O. TONNA:

Can we -- can we --

LEG. BINDER:

I would hope we could let our Legislators know that they'd like some tax relief and we could send that message to Congress tonight.

P.O. TONNA:

All I would like --

D.P.O. POSTAL:

Mr. Chair, you could be --

P.O. TONNA:

Just can I be recognized? No. I would like to be recognized.

D.P.O. POSTAL:

Yeah, certainly.

P.O. TONNA:

Okay.

D.P.O. POSTAL:

Actually, I'd like you to.

P.O. TONNA:

Right. We -- and with all due reference and with all due respect to Legislator Binder, we have been in absence of these type of resolutions for quite sometime, and although it's Legislator Binder's absolute right to put in any type of resolution that we want, any type of resolution that he would like, I would just encourage my colleagues, you know, if we're looking at tax cuts, probably the Bush Tax Cut Plan I would benefit I'm not saying the most --

LEG. BISHOP:

Ay.

P.O. TONNA:

-- but I would probably benefit, but I don't know if our country would benefit the most from this. And all that I would say is that although

it sounds nice to be for tax cuts, paying down a deficit and a thousand other things, instead of arguing the merits of this, can we just leave this in committee and --

LEG. FOLEY:

Yes.

P.O. TONNA:

Is that going to be at the Finance Committee?

LEG. ALDEN:

On the motion.

LEG. FOLEY:

Let's leave it in committee, Mr. Chairman.

LEG. ALDEN:

On the motion.

P.O. TONNA:

Let Legislator Caracciolo deal with this issue, giving it the scrutiny, the time, the questions that he needs.

LEG. FOLEY:

Mr. Chairman, if I may.

P.O. TONNA:

I would like to read the meeting minute notes --

LEG. FOLEY:

In all seriousness, too --

P.O. TONNA:

To acquaint myself with, you know --

LEG. FOLEY:

Mr. Chairman.

P.O. TONNA:

-- the due diligence that the Finance Committee would do on this issue before I could cast this vote.

LEG. FOLEY:

In all seriousness, Mr. Chairman, on this Bush Tax Cut Plan, there can be --

P.O. TONNA:

No. Legislator Postal is running this.

LEG. FOLEY:

There's a potential impact for cuts to aid to localities if this particular federal tax cut plan goes into effect. All the more reason

why it should go to committee in order to look at that particular aspect of what could happen if his -- if the President's plan is enacted in its present form.

LEG. BINDER:

That's not a part of the budget tax cut plan. That's tax cut --

LEG. ALDEN:

On the motion.

LEG. BINDER:

-- not spending cut, or not --

D.P.O. POSTAL:

Hold --

LEG. BINDER:

Not budget cut.

D.P.O. POSTAL:

Hold it. Okay.

P.O. TONNA:

Take control.

D.P.O. POSTAL:

All right. Legislator Alden.

LEG. ALDEN:

Just a quick question. Mr. Presiding Officer, are you afraid that the federal government would be persuaded by our enactment of this legislation?

P.O. TONNA:

No, I don't think that anybody in the federal government would actually read this piece of legislation if we pass it. But I think that -- I think that quite honestly, just in case that there might be somebody who would, I think, very clearly, this is something when -- just do whatever you want.

LEG. BISHOP:

We have two freshman Congressmen. Maybe they don't know not to read these things yet.

LEG. CRECCA:

It could make the difference, you know. This could be that vote.

D.P.O. POSTAL:

Can -- through the chair, please. If you would like the floor, please let me know. If not, let's go to a vote. There's a motion to waive

the rules and approve Sense 15, which is in your packet. Motion was made by Legislator Binder.

LEG. BINDER:
Roll call.

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D.P.O. POSTAL:
Yeah. Is there a second?

MR. BARTON:
Alden.

D.P.O. POSTAL:
Alden?

LEG. ALDEN:
Yes.

D.P.O. POSTAL:
Okay. Roll call.

(Roll Called by Mr. Barton)

LEG. BINDER:
Yes.

LEG. ALDEN:
Yes.

LEG. CARACCIOLO:
Yes.

LEG. GULDI:
Yes.

D.P.O. POSTAL:
Yes?

LEG. CARACCIOLO:
George is a capitalist.

LEG. CARACAPPA:
Yes.

LEG. FISHER:
No.

LEG. GULDI:

No. Hell, no. Change my vote to a no.

LEG. CRECCA:

Come on, George, you almost got cross endorsement.

LEG. GULDI:

Crossed, yes.

LEG. HALEY:

Sorry, I pass. Yes, yes, yes.

LEG. FOLEY:

No.

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LEG. FIELDS:

No.

LEG. CARPENTER:

I make a motion commit to committee.

LEG. FIELDS:

Second.

LEG. FISHER:

Second.

LEG. ALDEN:

If it fails, it goes to committee.

D.P.O. POSTAL:

This -- yeah, it would automatically. But if you want to make a motion, I would ask --

P.O. TONNA:

I second it. I second it.

D.P.O. POSTAL:

Okay. And I believe that would take precedence over the motion to approve it?

MR. SABATINO:

A motion to refer would take precedent.

D.P.O. POSTAL:

There's a motion to refer to committee by Legislator Carpenter,
seconded by Legislator Tonna. Roll call.

(Roll Called by Mr. Barton)

LEG. CARPENTER:

Yes.

LEG. TONNA:

Yes.

LEG. CARACCIOLO:

Sure.

D.P.O. POSTAL:

To refer to committee, George. George, to refer the --

LEG. GULDI:

Yes to defer. Yes to defer.

LEG. TOWLE:

(Not Present)

LEG. CARACAPPA:

No.

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LEG. FISHER:

Yes.

LEG. HALEY:

No.

LEG. FOLEY:

Yes to refer.

LEG. FIELDS:

Yes.

LEG. ALDEN:

No.

LEG. CRECCA:

No.

LEG. D'ANDRE:

No.

LEG. BISHOP:
Yes.

LEG. BINDER:
No.

LEG. COOPER:
Yes.

D.P.O. POSTAL:
Yes.

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

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

D.P.O. POSTAL:
Okay. We were -- we were in a roll call to approve Sense 15.

(Roll Called by Mr. Barton)

LEG. CARPENTER:
Yes.

LEG. CRECCA:
Yes.

LEG. D'ANDRE:
Yes.

LEG. BISHOP:
No.

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LEG. COOPER:
No.

D.P.O. POSTAL:
No.

P.O. TONNA:
No.

MR. BARTON:

I got eight. Eight.

P.O. TONNA:
Great.

MR. BARTON:
No letters to Washington this week.

P.O. TONNA:
Thank you. And I would ask that maybe we should have a motion. Could I make a motion without a piece of paper to sequester Allan Greenspan here to give us the whole debate? Anyway, thank you.

LEG. CARACAPPA:
CN's Mr. Chairman.

D.P.O. POSTAL:
Anyway, there's -- that's all right. There's a motion to waive the rules to lay on the table and approve Sense 19 (Memorializing Resolution requesting State of New York to adopt Keg-tagging deposit beer to reduce underage drinking) by Legislator Carpenter? -

LEG. CARPENTER:
No.

D.P.O. POSTAL:
No?

LEG. CARPENTER:
Not to approve, just to lay on the table.

D.P.O. POSTAL:
Just to lay on the table. Okay, I'll second it.

LEG. FOLEY:
What's the resolution?

D.P.O. POSTAL:
It's Sense 19. It's in front of you.

LEG. CRECCA:
Just so we can lay on the table.

D.P.O. POSTAL:
Just to waive the rules to lay it on the table. All in favor?

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

D.P.O. POSTAL:
Any opposed? Sense 19 is assigned to Public Safety. Motion by Legislator Carpenter to waive the rules and lay on the table Introductory Resolution 1256 of 2001, which is in front of you, local law, a charter law to require annual expenditure disclosure for contract agency funding. Motion by Legislator Carpenter.

P.O. TONNA:
Second.

D.P.O. POSTAL:
Second by Legislator Tonna. All in favor?

MR. BARTON:
And set the public hearing.

D.P.O. POSTAL:
And set the public hearing for April 3rd at 7 p.m.

MS. BURKHARDT:
Assigned to Finance.

D.P.O. POSTAL:
Assigned to Finance. All in favor? Any opposed?

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

D.P.O. POSTAL:
1256 is laid on the table. There's a motion to lay on the table Introductory Resolution 1257 of 2001, to authorize planning steps for acquisition under Suffolk County Land Preservation Partnership Program property at Hilaire Woods, Town of Huntington, by Legislator Cooper, seconded by Legislator Tonna. All in favor? Any opposed?

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

D.P.O. POSTAL:
Assigned to Environment. 1257 is laid on the table.

LEG. CARACAPPA:
CN's.

D.P.O. POSTAL:
Motion to lay on the table -- to waive the rules and lay on the table Introductory Resolution 1258 of 2001, which is authorizing the planning steps for implementing the Greenways Program in connection with acquisition of active parklands at Park Avenue, County Road 35, Hilaire Woods, Town of Huntington. Motion by Legislator Cooper, seconded by Legislator Tonna. All in -- and assigned to?

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MS. BURKHARDT:
Environment.

D.P.O. POSTAL:
Environment. Motion -- all in favor?

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

D.P.O. POSTAL:
Any opposed? 1258 is laid on the table. Motion to lay on the table Introductory Resolution 1259 of 2001, authorizing planning steps for the acquisition of land under Pay-As-You-Go Quarter Cent Taxpayer Protection Program, land at Hilaire Woods, Town of Huntington. Motion by Legislator Cooper, seconded by Legislator Tonna. I assume this is assigned to Environment.

MS. BURKHARDT:
Yes.

D.P.O. POSTAL:
All in favor? Any opposed? 1259 is --

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

D.P.O. POSTAL:
-- laid on the table. Now you want to do the CN's?

LEG. FOLEY:
Nice job, Max.

LEG. CRECCA:
Let's hear it for Maxine Postal.

P.O. TONNA:
All right.

LEG. CRECCA:
For Maxine.

(Applause)

P.O. TONNA:
We had to give her practice, just in case the majority switches next year, you know what I mean.

LEG. CRECCA:

That's right.

P.O. TONNA:

Okay. You ready? We have Certificate of Necessity Number 1147 (Authorizing Cultural Affairs Agreement Funding for 2001).

LEG. ALDEN:

What?

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P.O. TONNA:

Certificate of Necessity Number 1147. Motion by Legislator Caracappa, seconded by myself. All --

D.P.O. POSTAL:

I have a question.

P.O. TONNA:

On the motion.

D.P.O. POSTAL:

Yeah. I did get the call from Legislator Caracappa's Office and I did not have an opportunity to communicate back with him, but I'm looking at what's in front of me and it looks like, in looking over the amount, it looks like just about every agency was reduced from their 2000 appropriation for 2001, and I wanted to know the rationale. Now, there are some new agencies funded. I notice in some cases there was a dramatic drop in an area and there are some new agencies that are in the same area. But I'm wondering if there's an overall rationale for the general reduction in just about every appropriation.

LEG. CARACAPPA:

Yes, I can answer that for you, Legislator Postal. First and foremost, the funding amount allocated for cultural arts for this year was much less than it was last year. On top of that, we thirty something new agencies applying for this cultural affairs money. So the committee that oversaw the disbursement of this money this year tried it's best to not make it hurt as much as it really could have, and also get some new programs under the wire for some funding, so --

LEG. HALEY:

It's about 35,000 less.

LEG. CARACAPPA:

And on top of that, where you see some big {disparagies} --

LEG. FISHER:
Disparities.

LEG. CARACAPPA:
Disparities in the -- some fundings is because some agencies were in the omnibus resolution for some large dollars, and the committee took that into account as well when doling out the hotel/motel tax money for cultural affairs. So, in a nutshell, that's pretty much the answer.

P.O. TONNA:
Okay. Thank you very much. All in favor? Opposed?

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

P.O. TONNA:
Thank you. Next is Resolution Number -- CN Number 1212 (Authorizing acquisition of environmental sensitive lands to be acquired pursuant

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to Article XII of the Suffolk County Charter known as Deger Property (Town of Huntington, Suffolk County Tax Map No. 0400-230.00-01.00-012.001). I'll make a motion, seconded by Legislator Cooper. On the motion. I just -- this is a CN because of a fault of ours not being able to put it in the last packet. There is tremendous, what do you call it, development pressure. We have asked that the Chairman of the Environment Committee, Dave Bishop, discuss this at his last committee meeting, and I think you had, Dave, right?

LEG. BISHOP:
Yes.

P.O. TONNA:
This is in the West Hills area. This is -- I think it's contiguous with other open space pieces and parcels and it just --

LEG. BISHOP:
This is under the 12-5-8, right?

P.O. TONNA:
Right. Okay. Thank you very much.

LEG. BISHOP:
What's 1410E? Hold on.

P.O. TONNA:

You did discuss this in your committee.

LEG. BISHOP:

No. What -- after the committee, your Aide asked if we can discuss it here and consider it here and I said I wouldn't have a problem.

P.O. TONNA:

From what I understand, it was on your agenda.

LEG. BISHOP:

It was on the agenda? All right.

P.O. TONNA:

Yes.

LEG. BISHOP:

In any case, what is 25-6B?

P.O. TONNA:

Legal Counsel. Legal Counsel. Let them answer a question -- hold it. Let Paul --

LEG. CARACCIOLO:

Well, the last "Resolved" clause spells it out. The money's coming out of the new Quarter Percent Program.

LEG. BISHOP:

Oh, okay. The new Quarter Cent Program.

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LEG. CARACCIOLO:

So these are funds that have yet to be received.

LEG. BISHOP:

Where the Forsythe Meadow -- the same thing as Forsythe Meadow.

LEG. CARACCIOLO:

Well, they're coming in now. Well, on that point.

P.O. TONNA:

Wait, wait, wait. Let Paul respond. If I can, let Paul respond to this and then we'll go from there.

MR. SABATINO:

The funding would come from the new Pay-As-You-Go Quarter Percent Program. The references to those sections deal with authorizations

for Real Estate Division to negotiate the acquisition. That's what Section 14-10 is all about. 25-6 is just a reference to the Conservation Easement Provisions, but it's the Quarter Percent Pay-As-You-Go Program.

LEG. CARACCIOLO:

Okay. Here is the question. Those monies are coming in through this calendar year. At what point that Real Estate negotiates the purchase of this property, do they have to wait for until they could write a check and pay for this property?

MR. SABATINO:

No. They have to wait for resolutions like this. There was some discussion at two committee meetings ago about doing an omnibus-type resolution to pick up a whole series of parcels. That particular bill is in your packet and will be voted on in the next committee cycle to deal with a large number of parcels. But until you get either a stand-alone authorization like this or the group authorization, as you see --

LEG. CARACCIOLO:

No, I understand that. My question is, at what time this year, what point this year does the Division of Real Estate have to wait until those tax receipts are actually in hand before the Treasurer could write a check to pay for this acquisition? Is it June, is it today, if monies had been received and deposited in this account, if there is sufficient amounts, or is it -- you know, at what point in time?

MR. SABATINO:

They have to coordinate that with the -- there's no magical -- there's no magical date. They have to coordinate that with the Treasurer's Office. I don't know when the first -- I don't know when the first payment's going to be received. I don't know if it's March 1st or April 1st, or whatever, but they're going to get them on an installment basis. But what they have to keep their eye on ball with is there's a projected amount of I think it's about \$4.5 million, if I remember correctly, for this first year. They're just going to have to be careful in signing the contracts to --

LEG. CARACCIOLO:

Well, I would just alert, then, my colleagues that you're talking about 12 1/2 acres in the West Hills area. That could be an amount of money -- the purchase of that alone could absorb that entire account.

MR. SABATINO:

But that's not different than the old --

LEG. FISHER:

I'd like to make a motion to refer to committee.

MR. SABATINO:

I mean, just from a technical standpoint, a conceptual standpoint, that's no different than the old Quarter Percent Program.

LEG. CARACCIOLO:

Well, I understand, but --

P.O. TONNA:

In terms of -- I mean, how they time it, I don't --

P.O. TONNA:

You think it could be as much as Shadmoor?

LEG. CARACCIOLO:

Well, Shadmoor we bonded.

P.O. TONNA:

Well, how about the place in Riverhead that we did?

LEG. CARACCIOLO:

No, no, no. I said Shadmoor we bonded. Okay? So that would be another funding mechanism at your disposal. I would just say, getting back to priorities, Mr. Chairman, that there is a committee process and the Chair of that committee has been very insistent, and I've agreed with him, that when these acquisitions come along, our consistency, Mr. Chairman, okay --

P.O. TONNA:

This is consistency. We made sure --

LEG. CARACCIOLO:

Well, as long as everyone understand that by approving this resolution, and I'm not opposed to it --

P.O. TONNA:

Right.

LEG. CARACCIOLO:

-- but by approving it --

P.O. TONNA:

It is in the West End. I know, you know --

LEG. CARACCIOLO:

I do not oppose it. If it is meritorious, it should be approved. But

everyone needs to understand that in approving it, you may use all of the available funds in that new Quarter Percent Program, and there will not be funds available in that program for any other open space acquisitions, that's all.

P.O. TONNA:

All I would ask is, Legislator Bishop, I know that this was supposed -- this resolution was supposed to be laid on the table last committee process, it was not. We made a mistake. We went to you as the Chairperson, said we want to make sure that this -- that in deference to you, because we don't like to discharge without the Committee Chairperson's permission, that you make this a discussion factor or point in your committee. I know it was on your agenda, and all that I say is I was -- I was respecting the Chair, you know. This was a clerical error. And from our standpoint, this is -- this is a pristine piece of land that is imminently going to be developed. And that's why we wanted to go through the process. We're asking for the CN, because, right now, it is very, very time sensitive.

LEG. CARACCIOLO:

When you say it's under imminent threat of development, is there someone who has filed and received approvals for some type of residential or commercial development?

P.O. TONNA:

I would defer, actually, to the Chair of Committee, or to somebody else. I don't --

LEG. CARACCIOLO:

I'm just saying --

P.O. TONNA:

Right.

LEG. CARACCIOLO:

-- we should have a criteria and follow it, that's all.

P.O. TONNA:

I know this, I know that the -- I know for a fact that in this district, there have been -- the purchasee or the person who is selling this land has had offers and is awaiting some indication to begin negotiations, if they're even fruitful. That I know.

LEG. CARACCIOLO:

Again, as a result of Proposition 2, Mr. Chairman, not being favorably considered last year, we have very limited funds for open space acquisitions. The money that was allocated in Greenways, the 20 million for open space, gone.

P.O. TONNA:

I understand that.

LEG. CARACCIOLO:
Oversubscribed.

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P.O. TONNA:
I understand that.

LEG. CARACCIOLO:
So this may, in effect, take all of the remainder of open space allocations in the County's budgets and leave us with a zero balance for the remainder of the year, that's all I'm saying.

P.O. TONNA:
Right. I wish I had somebody from Real Estate, or somebody from Planning, or some --

LEG. CARACCIOLO:
Well, Budget Review, they're familiar with the figures.

LEG. CRECCA:
Isn't it coming out of the Quarter Percent money?

P.O. TONNA:
Yes.

LEG. ALDEN:
This is water protection.

LEG. CRECCA:
It's water protection. It's water protection. It's money earmarked to the Town of Huntington, isn't it?

MR. SABATINO:
No. This is the --

LEG. CARACCIOLO:
No, no.

MR. SABATINO:
This is the new Quarter Percent Program. The new Quarter Percent Program --

LEG. CARACCIOLO:
Don't get confused. You know, they're getting confused in terminology.

MR. SABATINO:

The new Quarter Percent Program is totally different from the old Quarter Percent Program, open space and farmland with specific allocations. So it's not -- it's not the water sensitive land from the Pine Barrens that you're thinking about. The only other thing that does have to happen, this was discussed at the committee meeting two committee meetings ago, is that there has to be a resolution to appropriate the four point whatever -- \$4.5 million. What was agreed to at the last two committee meetings ago is that Real Estate would come forward with that resolution when they had the omnibus list. So even though this resolution could be adopted tonight, it would still be subject to that appropriation at a subsequent time.

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P.O. TONNA:

Okay. I would --

LEG. CARACCILO:

Then that raises this question. In terms of the County negotiating with a potential seller in good faith, that contract agreement would have to be subject to that subsequent appropriation by the Legislature. As long as that language is contained in a contractual agreement, then I will support this resolution.

P.O. TONNA:

This is not an appropriating resolution?

MR. SABATINO:

No, this is not an appropriating resolution. This is an authorizing resolution on a stand-alone basis. I know in the new packet, there's another group of like an omnibus type of authorizations, but there has to be what was agreed to two committee meetings ago, which is an appropriating resolution.

P.O. TONNA:

Could I ask you a question? In this bill, it says, "Authorizing the acquisition of the environmentally sensitive lands of." So this isn't an authorizing acquisition?

LEG. BISHOP:

Paul, I think I could explain.

P.O. TONNA:

Yes, could you, please, Chairman?

LEG. BISHOP:

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This is authorizing them to go forward and purchase it. The problem is that the fund is not in place yet. We're collecting the money as we speak. It's current year sales tax. So what Counsel is pointing out is that you need that appropriating resolution, and that's going to come over not only with this parcel, theoretically, but with hundreds of others that are left over from the Pine Barrens Program.

P.O. TONNA:
Okay. All right, fine.

LEG. BISHOP:
And so all of those previous authorizations would now be contingent to be authorized under a new appropriation.

P.O. TONNA:
Okay. Is that --

LEG. FISHER:
Mr. Chair, I have a question.

P.O. TONNA:
All right. Thank you. Yes, Legislator Fisher.

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LEG. FISHER:
Paul Sabatino, why does this resolution go right into authorizing, an authorizing resolution and not planning steps first?

MR. SABATINO:
Because planning steps was adopted at the end of last year.

LEG. FISHER:
Oh, that was. Okay, it had been approved? I'm sorry. Sorry.

MR. SABATINO:
It was like Resolution 965, I think, or -- yeah.

LEG. FISHER:
Sorry. Okay.

P.O. TONNA:
Okay. All in favor? Opposed? Thank you very much.

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

P.O. TONNA:

To my colleagues, thank you. I asked the questions. Okay. We're at CN Number 1220. Is there a motion, Legislator Bishop?

LEG. BISHOP:

Motion to approve.

P.O. TONNA:

Motion to approve.

LEG. HALEY:

On the motion.

P.O. TONNA:

Wait. Let's get a second. Is there a second, Legislator Postal?

D.P.O. POSTAL:

Second.

P.O. TONNA:

Second by Legislator Postal. On the motion?

LEG. CARACCIOLO:

Mr. Chairman.

P.O. TONNA:

Wait. On the motion, Legislator Haley. I'm sorry.

LEG. HALEY:

I thought he was on the Board of Directors.

LEG. BISHOP:

Mr. Feeney I was told resigned as of 12/31/2000. It is now --

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LEG. HALEY:

Why did he resign?

LEG. BISHOP:

It is now the Democratic Caucus' intent to reappointment him as of today.

LEG. HALEY:

Does the Democratic Caucus get an appointment to the OTB?

LEG. BISHOP:

Yes, we get one.

P.O. TONNA:
Absolutely.

LEG. BISHOP:
We get one and you get two.

P.O. TONNA:
Wait. Marty --

LEG. HALEY:
Is that memorialized somewhere in writing?

LEG. BISHOP:
Memorialized in practice.

LEG. HALEY:
Oh, in practice. Oh, okay. All right. Just asking. Just -- it's okay.

P.O. TONNA:
I just want to know, because I like the inner workings of, you know, these type of things, too, but I always thought you were the resource for those type of things.

LEG. HALEY:
Well, I'm unaware of anything memorialized in writing, but Dave mentioned in practice.

LEG. BINDER:
I didn't know there was a caucus, I thought there was just a coalition.

LEG. HALEY:
Before I was born. Thank you.

P.O. TONNA:
All right. Anyway, Legislator Caracciolo. Why do you want to weigh in on this issue?

LEG. HALEY:
It's like (inaudible) that's why I don't understand.

LEG. CARACCIOLO:
Move the resolution, then I want to bring up OTB.

P.O. TONNA:
Excuse me?

LEG. CARACCIOLO:
Move the resolution, then I want to discuss OTB.

P.O. TONNA:
Okay. Let's -- all in favor? Opposed? Unanimous.

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

P.O. TONNA:
There we go.

LEG. BINDER:
This is a coalition choice.

P.O. TONNA:
Okay. Legislator Caracciolo.

LEG. CARACCIOLO:
Just quickly, Mr. Chairman, when do you intend or plan to have a presentation of the Committee on the Whole on the reform measures that are taking place at OTB?

P.O. TONNA:
OTB? Actually, we --

LEG. BISHOP:
Why not Finance? Have Finance do it.

LEG. CARACCIOLO:
I'll be happy to do it.

P.O. TONNA:
Legislator Bishop, just no comments from the Peanut Gallery, please.

LEG. CRECCA:
Where are the Peanuts.

LEG. CARPENTER:
Yeah, where are the Peanuts.

P.O. TONNA:
This is --

LEG. CARACCIOLO:
Talking about bipartisanship, Dave.

P.O. TONNA:
We will be glad to have that. I know -- for example, I know that -- and I think that most Legislators, or if not all Legislators here, are

very heartened by already the things that we either read in the paper, or for the fact that somebody like myself will have my Legislative Aide, Ron Cohen, attend every OTB meeting, and to hear about the reform measures that are taking place, so that they can maximize dollars back to the county. I know that the President of OTB has indicated her willingness to come and to make presentations to tell you where you are. She has been, from what I understand, very forthcoming with information. As a matter of fact, we had a little snag with Budget Review, if I'm not mistaken. Has that been taken care of?

MR. POLLERT:

Yes, it has.

P.O. TONNA:

Right. So all I can say is if you're willing to give information to Budget Review, then, gosh, you're willing to give it to anybody. So, basically, we will -- after I take care of the two things that I've made my highest priorities, our fiscal state in the County and the issue of taking care of resolutions --

LEG. CARACCIOLO:

Well, I think that's part of it.

P.O. TONNA:

Right.

LEG. CARACCIOLO:

I think that's part of it.

P.O. TONNA:

I'm sure we'll make that as part of our discussion. Thank you.

LEG. BISHOP:

That was very long winded.

P.O. TONNA:

Yeah, there you are. I'm trying to give you some coverage.

LEG. CARACAPPA:

One more.

P.O. TONNA:

Anybody else?

LEG. CARACAPPA:

One more.

LEG. CARPENTER:
One more.

P.O. TONNA:
Yes, 1255 (Appropriating funds in connection with the acquisition of land for intersection improvements at CR 93, Ocean Avenue, at Johnson Avenue/Easton Street, Town of Islip). Is there a motion?

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LEG. CARPENTER:
Motion.

P.O. TONNA:
Motion by Legislator Carpenter, seconded by Legislator -- 1255. By Legislator Fisher. All in favor? Opposed? Approved.

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

LEG. BINDER:
It's a bond resolution.

P.O. TONNA:
Oh, is there a bond resolution with this?

MR. SABATINO:
Roll call on the bond.

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

(Roll Called by Mr. Barton)

LEG. CARPENTER:
Yes.

LEG. FISHER:
Yes.

LEG. CARACCIOLO:
Yes.

LEG. GULDI:
Yes.

LEG. CARACAPPA:
Yes.

LEG. HALEY:

Yes.

LEG. FOLEY:

It didn't go through committee, but yes. Yes.

LEG. BINDER:

Mr. Chairman, motion --

LEG. FIELDS:

Yes.

LEG. BINDER:

Motion to table as another -- on the bond.

P.O. TONNA:

Come on, Allan. Allan, just give us a break.

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LEG. CRECCA:

I'm sorry. I'm going to pass, because I need to look at it.

MR. BARTON:

Legislator D'Andre.

LEG. D'ANDRE:

What's the motion?

MR. BARTON:

1255, the CN.

LEG. D'ANDRE:

Yes.

P.O. TONNA:

Yes.

LEG. BISHOP:

Yes.

LEG. BINDER:

Yes.

LEG. COOPER:

Yes.

D.P.O. POSTAL:
Yes.

LEG. TONNA:
Yes.

LEG. CRECCA:
Yes.

P.O. TONNA:
Okay.

MR. BARTON:
Sixteen.

P.O. TONNA:
Thank you very much. Same motion, same second, same vote. We're done with the CN's. We are done, if I'm not mistaken, the late-starters. We are done, the sense resolutions. We now have in front of us our last resolution, which is a discharge, discharge Resolution Number 1205 (To reform space management practices at Coram Health Center a/k/a Elsie Owens County Health Center at Coram, Located at 3600 Route 112, Coram, New York). I would ask that all Legislators please focus in on this for a second. Is there a motion?

LEG. BINDER:
Read the title, please.

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LEG. FOLEY:
Title, please.

P.O. TONNA:
The title is to reform Space --

LEG. COOPER:
Coram Health Center.

P.O. TONNA:
-- Management practices -- yes, we are -- at Coram Health Center a/k/a {Ellis} -- Elsie?

D.P.O. POSTAL:
Elsie Owens.

P.O. TONNA:
Elsie Owens County Health Center at Coram located at 360 Route 112,

Coram, New York. Okay.

LEG. HALEY:
On the motion.

P.O. TONNA:
Wait. There's a motion by Legislator Fields.

LEG. FOLEY:
Second.

P.O. TONNA:
Seconded by Legislator Foley.

LEG. HALEY:
On the motion.

P.O. TONNA:
Wait. On -- I would ask -- I know that there was a request to go into executive session because of the legal nature of, you know, this issue, and so I would recognize to stay in are representatives from the County Attorney's Office, Brenda Rosenberg, our Deputy Health Commissioner. Is that the title? Our Health Commissioner is here, too?

MS. ROSENBERG:
Yes.

P.O. TONNA:
Deputy Health Commissioners, Social Services, and the Law Department, Budget Review. And there's a motion by myself, seconded by Legislator Postal.

LEG. HALEY:
Mr. Chairman.

P.O. TONNA:
And approving the presence of all of those people.

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LEG. HALEY:
Mr. Chairman, before you go, I just want to say something on the record.

P.O. TONNA:
Just wait. I got to make a motion and a second. Motion by myself, seconded by Legislator Postal. Yes, Legislator --

LEG. HALEY:

No. I just want to make a comment about the title, because it's rather obvious that in the first "resolved" clause, they're looking to repeal something, and there's no mention of that in the title, which I think is totally misleading.

P.O. TONNA:

Okay.

LEG. HALEY:

I have a problem with that. I wanted to make that statement on the record.

P.O. TONNA:

All right. Thank you. All in favor? Opposed? We're in executive session.

[Executive Session Was Held from 7:20 p.m. to 8:20 p.m.]

P.O. TONNA:

I am taking the meeting back in from executive session. Okay. Scotty, beam me up, Scotty.

MR. BARTON:

Mr. Chairman, we're back on the record now.

P.O. TONNA:

Great. We're back on the record? Okay. So our legal strategy -- no. Paul, we have a corrected copy filed with the Clerk.

MR. SABATINO:

Yeah, a corrected copy. I just filed it a minute ago. The Clerk's Office is bringing out the copies to be distributed to everyone. The motion will be to --

LEG. CRECCA:

Table.

MR. SABATINO:

To table the corrected copy to the next meeting, and there'll be an executive session scheduled for a week from today.

P.O. TONNA:

Okay. There's a motion by Legislator Fields, seconded by Legislator Tonna. All in favor? Opposed?

LEG. FISHER:
And cosponsor, please.

P.O. TONNA:
Yeah, put us all down as cosponsors, unless somebody does not want to be. Dave? Okay. We have a motion and a second. We have everybody present as a cosponsor. Okay. Also, just so that everyone knows, there will be an executive session after the State of the County Address, all right, where we will deal with this issue once again. All in --

LEG. GULDI:
Henry, what time is the speech?

MR. BARTON:
10:30.

P.O. TONNA:
Oh, let me -- wait. I've got something to read to everybody. Next meeting of the Legislature on April 3rd is an evening meeting in Hauppauge with -- with. I'll tell you, who -- Jim, did you proofread this? Which begins at 5:30. Also, I have been informed that the County Executive will give his State of the County address on Tuesday, March 27th, at 10:30 in Hauppauge. Meeting notice will be sent out -- 27th. Well, this -- I guess it's the 20th. It says March 27th.

MR. BARTON:
I was told the 20th.

MS. FARRELL:
Next Tuesday at 12 o'clock.

P.O. TONNA:
The 20th? Okay.

LEG. CRECCA:
Is he providing breakfast?

P.O. TONNA:
It will be sent out at the end of the week. No. They did a very good job last time.

MR. BARTON:
Mr. Chairman, the vote --

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

MR. BARTON:
The vote to table is twelve. Twelve. Thirteen. (Not Present: Leg. Towle).

P.O. TONNA:
Okay.

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LEG. BISHOP:
Motion to adjourn.

P.O. TONNA:
Thirteen. Motion to adjourn by Legislator Bishop, seconded by myself.
All in favor? Opposed?

[THE MEETING WAS ADJOURNED AT 8:25 P.M.]

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