SUFFOLK COUNTY LEGISLATURE

GENERAL MEETING

NINTH DAY

MAY 8, 2001

MEETING HELD AT THE EVANS K. GRIFFING BUILDING
RIVERHEAD, NEW YORK
MINUTES TAKEN BY LUCIA BRAATEN AND ALISON MAHONEY, COURT REPORTERS

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[THE FOLLOWING WAS TRANSCRIBED BY DONNA BARRETT]

(*THE MEETING WAS CALLED TO ORDER AT 9:40 P.M.*)

P.O. TONNA:
Roll call, Henry.

MR. BARTON:
Good morning, Mr. Chairman. Good morning, Mr. Chairman. Welcome to Riverhead.

P.O. TONNA:
Thank you. And it's so nice to be here once a year.

MR. BARTON:
The County Seat welcomes you.

(ROLL CALLED BY MR. BARTON)

LEG. CARACCIOLO:
Here.

LEG. GULDI:
Here at the County Seat.

LEG. TOWLE:
Not present.

LEG. CARACAPPA:
Here.

LEG. FISHER:
Here.

LEG. HALEY:
Here.

LEG. FOLEY:
Present.

LEG. LINDSAY:
Here.

LEG. FIELDS:
Not present.

LEG. ALDEN:
Not present.

LEG. CARPENTER:
Here.

LEG. CRECCA:
Here.

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LEG. D'ANDRE:
Here.

LEG. BISHOP:
Here.

LEG. BINDER:
Not present.

LEG. COOPER:
Here.

D.P.O. POSTAL:
Here.

P.O. TONNA:
Yes, here.

MR. BARTON:
We have 14 present in the room.

P.O. TONNA:
Thank you very much. Okay. Let's all rise for the salute to the flag led by our Clerk of the Legislature, Henry Barton.

SALUTATION

P.O. TONNA:
Thank you very much. Okay. You can stay standing for -- introducing our clergy today is Legislator George Guldi. George.

LEG. GULDI:
Good morning. It's my pleasure this morning to introduce Father Gill from Saint Rosalie's Parish in Hampton Bays. He is our clergy for the invocation this morning.

FATHER GILL:
Thank you. Good morning. Let us pray. God who is love invites all of us here to help others, but to help especially those who are weak, the widow, the orphan, those who are sick, those who are unfortunate. God calls those who are kind and compassionate towards others of this nature the Blessed of God and promises them eternal life. May we continue to faithfully serve our neighbors and may members of this Court Legislature Body do in a way pleasing to God. We are your grateful people. We continue to pray for you. We ask God to bless you. Amen.

(AMEN)

LEG. GULDI:
Thank you, Father.

P.O. TONNA:
Thanks. Okay. We have a few proclamations today. And first, Legislator Martin Haley for the purposes of a presentation.

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LEG. HALEY:
Thank you, Mr. Chairman. For those of you who have been in the Legislature for sometime now, you know about four years ago we started something in Suffolk County called ALS Awareness Month, and that's May of every year. ALS is amyotrophic lateral sclerosis, which is commonly referred to as Lou Gehrig's Disease. And what we have been trying to do is raise the awareness, not only in Suffolk County, but raise the awareness throughout the United States because we have a neuro muscular disease that to this date, no ones been able to establish what causes it, no ones been able to establish obviously, how do we cure it. So what you've seen through the papers for the last couple of weeks is Ride For Life. And if you know, last year and the year before, Ride For Life was Chris Pendergast who had made that travel from New York to Washington D.C., twice he made that trip to raise the awareness. And he did so through many states as well as Washington D.C.

Today we're here today again to have a discussion about ALS awareness, and to bring it to light for each and every one of you who are unfamiliar with it. But what I'd like to do before we move forward is, I'd like to recognize we have kids and some teachers from Northport-East Northport Union Free School District from the Dickinson Avenue Elementary School. And if you guys want to come on in and spread out a little bit, I'd appreciate it. You can go both sides, if it makes you comfortable. Go ahead. You can go start over this way. Just keep going around, it's all right. Whatever makes you

comfortable. What a crowd, huh? Look at this. And you know what, ladies and gentlemen? These kids know be Lou Gehrig's Disease, and they're aware of what goes on with ALS. But we want to make sure each and every one of if you, including the people in the audience, know what goes with Lou Gehrig's Disease. All right, Chris, come on in. Maybe you can park over here. I'd like to introduce Peggy Stozuto , a teacher at Dickinson Avenue Elementary School.

MS. STADUDO:
Good morning, ladies and gentlemen. We're happy to be here. I brought 19 student who are Student Government Personnel from Dickenson Avenue School. Mr. Pendergast has been a teacher with us for 32 years. He was diagnosed with Lou Gehrig's Disease seven years ago. Our students have been given the gift of learning about this disease, helping other people, and giving time, money, effort to raise awareness so that a cure could be found for this terrible disease. We've grown close to each other, fond of Mr. Pendergast, and we're here today to support him and to encourage you to learn about and support us in our efforts.

Mr. P. has been to Washington D.C. on his scooter for three years, that's a long and grueling two-week trip for he and many people who travel along to support him. This year the Ride For Life has gone from Montauk to Saint Patrick's Cathedral, and tonight, we'll all be at the Yankee game. And what -- I'd like to introduce to you Sean Flannagan, who will share his feelings with you. Steven, come on up. They each have prepared a few words for you. This is Steve Bornt, co-president of our student government.

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LEG. HALEY:
Republican or Democrat?

MR. BORNT:
I don't know.

LEG. HALEY:
Good answer.

MS. STOZUTO:
Ask this one.

MR. PENDERGAST:
Say bipartisan.

MR. BORNT:

I'm bipartisan.

(APPLAUSE)

Courageous, this is how I describe Mr. Pendergast. He's the kind of man who does all he can for other people even though he has ALS. He even collects money and takes grueling trips on his scooter to bring awareness to others about this debilitating disease. ALS, also known as Lou Gehrig's Disease, is a disease that destroys nerves and muscles. Although most people only live for three years once they are diagnosed, Mr. Pendergast has already survived seven. I believe that he stays so strong because he lives one day at a time, accomplishing all that he can each day, he never gets up. Today's the ceremony for ALS awareness. I hope that everyone here will remember both the courage and the high hopes that people stricken with this disease have for a cure. I have recently read a book called Tuesdays with Morry. This book was about a friend of person who was stricken by this illness. Together as they -- as the disease progresses through Morry's body, they learn that you have to make the best of everyday, no matter what illness or obstacles you may have in your life. Mr. P lives by this motto. I hope that every one of us will remember that Mr.P is an icon of good, hope and happiness. As this trip demonstrates, he never gives up. Let each of us support him as he continues on the crusade for ALS.

(APPLAUSE)

LEG. HALEY:
Thank you, Steven. Okay, Sean, you're ready?

MR. FLANNAGAN:
Chris Pendergast, he is the best person on this planet to me. He encourages me in every way he can. He's there when you need him the most to lend you helping hand. Mr. P always has time to spend with his students and friends. Time, the most precious gift. Lou Gehrig's Disease or otherwise ALS attacks and kills your muscles. You slowly lose the ability to do things, simple things, that we take for granted such as tieing your shoes or scratching your nose. Lou Gehrig was the first famous person to get this disease. His love for baseball helped him to achieve all his athletic goals while he was struggling with

ALS. Chris Pendergast's love for life and children are what I think held Mr. P., Pendergast, achieve his goal; that is, to find a cure for ALS. Doing the Ride For Life this year was tough, yet so much fun. Switching wheelchairs, getting food and taking care of the patients is all part of the ride. Mr. P has had ALS for seven years. I met another patient on the ride who has had the disease for only four

years and already cannot talk. ALS had already killed off those muscles needed to produce speech. Biking the Ride For Life was very enjoyable, especially when I got to be with Mr. P.

Now, seeing what patients with ALS go through everyday teaches me to do things while you still can and are healthy. Mr. P. Is a fighter, fighting for himself and others. Today ends the Ride For Life, but it isn't over with. In fact, it is just beginning. We all need to think of ways in which we can help Mr. Pendergast find a cure so that people with ALS can be cured and live long happy lives.

LEG. HALEY:
Thank you, Sean. Pretty good, huh?

(APPLAUSE)

I'd also like to recognize the rest of the students, and I hope I don't miss anybody. If I miss anybody, raise your hand. Cara Mancuso, Haylee Nichols. I like that name. David DaSilva, Laura Kovacs, Daniel Rubin, Elizabeth Riegert, Greg Siele, Matthew Terry, Maria Stupnikov, Gadalya Edlin, Anna Norell, Hillary Scoot, Michael Kiley, Kyle Godden, Jessica McBride, and Anthony Esposito. Did I get everybody? What's your name son? Steven. All right. I got everybody.

Thanks for coming, guys. Everybody's got a gift for each one of our Legislators. We have a shirt, we have a pin, and we have a brochure. Because we want to make sure that we remind every Legislator in Suffolk County what ALS is all about so they can continue their support in the years to come. So guys, go ahead, pick a Legislator, give that out. And while they're doing that, ladies and gentlemen -- ladies and gentlemen, last year we had a fellow by the name of Gene Hattenback, who -- who made a profound speech concerning ALS. He's not here with us today because he no longer has a voice, he no longer could speak to us. Chris Pendergast happens to be an anomaly with ALS, in that, there's very few people that live as long as Chris has managed to survive. How are we doing? Everybody got some?

LEG. FISHER:
Yes. Thank you.

LEG. CARACAPPA:
Thank you. Congratulations, and good luck.

LEG. FISHER:
Thank you.

LEG. BISHOP:
Somebody was unlucky and didn't get one.

LEG. HALEY:
All right. Find a Legislator and get back in line. I'm sure I'm already in trouble for taking too much time. The missing Legislator. Okay. Ladies and Gentlemen, if I could have your attention. The gentleman who's bring recognition to the problem with Lou gehrig's Disease, not only to the County of Suffolk, but across the entire nation. The fellow who's going to help us find a cure, Chris Pendergast.

APPLAUSE

MR. PENDERGAST:
Thank you, County Legislators. I present to you my students, the Student Government from my school, and the future leaders of our country. Boys and girls, thank you for coming. I'd like each Legislator to look to their right or to their left, whether they're looking at a partisan friend or a political ally or a loyal opposition member, and just look into that face for one moment, as difficult as that might be from time to time. And now, if you will, think about the end of today and think of all of you no longer being here.

Everyday throughout America, 16 people die from ALS, that is one every '90 minutes, 6,000 of them a year. Two Riverhead School Districts wiped out, and they're wiped out from a disease that we do not know the cause. They're wiped out from a disease that economically devastates the family, while the patient slowly becomes totally, and I want to underscore the word totally, immobilized, unable to speak, unable to roll over, unable to even smile. Gene Hattenback struggled to speak to you last year. That was the last time his voice would be heard. It's now stilled by ALS. And our only hope is in you, the government. Hubert Humphrey said that the government is its greatest when you measure how it takes care of people at the dawn of their life, when they're most vulnerable. The government is at its greatest when we measure how they take care of people at the end of their life, when they're most vulnerable. And our government is at its greatest when they take care of those in the twilight of the shadows of life when they are most vulnerable. I am in that twilight and in that shadow. And I, along with the 30,000 other Americans with ALS, need your help. And I pray that I can depend on it. Thank you for letting Legislator Haley , myself and my students come and share our story with you. May you stay healthy, governmentally productive, and happy. Thank you.

(APPLAUSE)

LEG. HALEY:
Thank you very much. Mr. Chairman, thank you very much, Mr. Chairman. Kids, thanks very much. Another round for the kids coming out from school today, please.

(APPLAUSE)

Come on guys, we'll go outside take a picture with you. Thank you Mr. Chairman.

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P.O. TONNA:
Thank you.

P.O. TONNA:
Legislator Caracciolo, I recognize you for the purposes of giving out an award.

(APPLAUSE)

LEG. CARACCIOLO:
Would Jessie and Mary Cadell please join us.

MR. CADELL:
Good morning.

LEG. CARACCIOLO:
Good morning again, and welcome. Welcome to the County Seat. And just to remind the Presiding Officer, we're in the great Town of Southampton not in the Town of Riverhead, unfortunately. Present today are two Riverhead residents. For many, many years, two individuals who have unselfishly given of themselves, not only to their family, but to their community. And Jessie, you've raised a large family; five children, ten grandchildren, I understand one great-grandchild. You've been involved in business, your church and just about every fabric of the Riverhead and East End community. And we have a proclamation, because last month in Hauppauge -- we, once a year, take time to pause and recognize those citizens of the County that give unselfishly of themselves as volunteers -- if I can have your attention please. Can we close that door in the back, please. We are looking at an individual who, over the last six decades, has been involved, not only in raising his family, but also in, as I said earlier, community activities. I'd like to share with you and, in fact, Jessie, I have to apologize. You know, we have a one page proclamation, which -- the one of which I will be presenting to you, I'm going to ask you to give back after we take some photos because I'd like to have this handsomely framed for you. After all of these many years of giving of yourself, I think this is the very least we can do in terms of giving you some recognition well deserved. For my colleagues and those in the audience, I'm not going to read from the proclamation, but I am going to read some of the highlights of the contributions that have been made to many in Suffolk County.

First, let me start off my mentioning in 1942 Cadells married, and over the past many years they raised, as I mentioned, five children who had given birth to ten grandchildren and one grandchild. That, for many people, would be a lifetime worth of achievement, to live a long healthy life, to see your children and grandchildren, and now a grandchild come into this world. And thankfully, I pray that none of your family has ever experienced any serious illness or disease, as we saw a moment ago with Mr. Pendergast. But Jessie, from the early 1940's has been actively involved in community affairs, and I have to mention some of these because they're just -- when I looked at them I couldn't believe it. I could not believe the amount of community involvement and volunteerism that he's been involved in would probably be equal to a half a dozen or more people that were recognized previously by the Legislature.

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Beginning in the 40's, I guess when it was time to go to work, you and your brother got together and decided to go into the lumber business. Well, as many of us on the East End know, you have built, and you are the patriarch of a business that has prospered and expanded -- I forget how many locations you have, I know it's five or six.

MR. CADELL:
It's about seven.

LEG. CARACCIOLO:
Seven. You're up to seven. Started out in his first day of business in 1948 selling over $23,000 worth of building materials. Now that was quite a good days take, I would say, for your first day in business. And as a result of the prosperity that he has enjoyed, he has never once stopped over these past 60 years to give of himself, and that's what I'll speak to next. Jessie's been involved, as I said, in his church in many different ways; as a Sunday School Teacher, as the Chairman of the Old Steeple Board of Directors -- Board of Trustees, as State Chairman for Men's Fellowship, as House Father and Athletic Director of Suffolk County Congregational Junior High School Camp for eight years.

He's been acknowledged for his work with adolescents and young people. In 1987, receiving the Peconic Bay Division of the Boy Scout's Man Of The Year Award for his service to the community. He was recognized by the Aquebogue and Riverhead School Districts for his work as a member and president of the Aquebogue School Board. In the business community, he's been very active over these last 60 years serving as past president of the Riverhead Chamber of Commerce. But probably among his highlights, I think, that I'm aware of in the community that you've been involved with, you've been a longtime friend and stalwart

volunteer and fund-raiser for Central Suffolk Hospital, which services a very large population; Eastern Brookhaven and the East End of Suffolk County.

Many of the improvements, the modernization that has taken place there, the beautification that has taken place there, you personally have been involved. In 1972, Jessie was president of Suffolk central -- Central Suffolk Hospital, and served as Chairman of the Board of Trustees in their Tree of Life Program, which was a fund-raising program. In 1975, Central Suffolk Hospital's Board of Directors awarded him the Teddy Roosevelt Award. And I would like to just take a moment from that award to share with you what was said about Mr. Cadell. Quote, in view of his many hours of service during Central Suffolk's recent expansion program, Mr. Cadell was the unanimous choice of the Hospital's Board of Directors for the Teddy Roosevelt Award. Mr. Cadell served six years on the board and was elected president in 1972. He has been a member of the Executive Committee, the Joint Conference Committee, the Budget and Finance Committee, the Public Relations Committee, the Nominating Committee and the Long-Range Planning Committee. As Chairman of the Building and Equipment Committee, he spent 2,000 hours supervising construction for the board of the most recent addition for Central Suffolk Hospital. A prominent citizen of Eastern Long Island, he is known especially for his work as Director of the Suffolk County Grand Jury's Association,

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President of the Riverhead Chamber of Commerce, Chairman of the Riverhead Town Centralization Committee, and Chairman of the Board of Trustees for the Aquebogue School.

He is an active member of the Old Steeple Church in Aquebogue and has worked with the Cancer Society, the Boy Scouts and the Salvation Army. Mr. Cadell, I can go on and on and on. Time, unfortunately, will not permit that, but I did want to take this opportunity to say that as someone who has been involved in church and community and service to others, as the Good Book says, to those who give, they shall receive. May God bless you, and may you continue to receive, because I know you continue to give. Thank you very much.

MR. CADELL:
Thank you.

(APPLAUSE)

LEG. CARACCIOLO:
Congratulations. Okay. Thank you, Mr. Chairman.

P.O. TONNA:

Thank you. Can I ask you, Legislator Caracciolo, the County Seat is in Riverhead though, right? So what are we doing here?

LEG. CARACCIOLO:
This is the County Center in the Town of Southampton.

P.O. TONNA:
Yeah, but the County Seat is supposedly in Riverhead. Let's look at a Capital Project to put it back into the County Seat. The building trades would love that. All right. There we go. Okay. Legislator Ginny Fields.

LEG. CRECCA:
You got to recognize Phil. Look at him in the back.

P.O. TONNA:
Phil, if you think I'm even going to recognize you today, forget it. Come on, Phil.

MR. GOLDSTEIN:
Jimminy Cricket.

P.O. TONNA:
Phil, get a job.

MR. GOLDSTEIN:
I have a job. I'm conscience of the Legislature.

P.O. TONNA:
There you go. That's probably a full-time job, if you ask me. Okay. Legislator Ginny Fields.

LEG. FIELDS:
Good morning. I would like to introduce the President of the

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Professional Nurses Association of Suffolk County, President Carol Lomanno. And with her is Mary Finnin. This week is National Nurses Week. The crusade to nationally recognize the profound impact that nurses have on the lives of others began in 1953, but the first National Recognition Day for nurses was celebrated in 1982, and the first National Nurses Week was recognized in 1990. But it took until 1993 and the American Nurses Association Board of Directors to designate May 6th through the 12th, May 12th being Florence Nightingale's Birthday, as a permanent date to observe National Nurses Week in all subsequent years. This years theme is "nurses are the true spirit of caring." The nursing profession is a key component of quality health care, and nurses meet the different and emerging needs

of patients in a variety of settings, including hospitals, nursing homes, public health services, home care, schools, mental health,institutions, correctional facilities and private practices. Nurses practice in more than 75 specialties ranging from neonatal care to gerontology and affect patients in all stages of their lives. On behalf of the entire Suffolk County Legislature, we would like to extend our most sincere appreciation to all of the nurses of Suffolk County during National Nurses Week. We would like to present this Proclamation to you, Carol, on behalf of the nurses.

(APPLAUSE)

MS. LOMANNO:
I just wanted to thank Legislator Ginny Fields and all the Legislators for the Proclamation on behalf of the Nursing profession in New York State, and in particular, all the nurses in Suffolk County. We are having a Nurse Day celebration tonight at the Windham Watch, and I will bring this Proclamation and read it. We appreciate your recognition of us. Thank you.

LEG. FIELDS:
We appreciate you. Thank you.

(APPLAUSE)

P.O. TONNA:
Okay. Thank you, Legislator Fields. Legislator Carpenter, you want to read a statement?

LEG. CARPENTER:
Yes.

P.O. TONNA:
Okay. Before we do that, I'd ask all Legislators, please come to the horseshoe. And Ginny, could you ask Legislator Marty Haley to come back in?

LEG. CARPENTER:
I received a copy of this letter that was sent to the Commanding Officer of the Third Precinct, and I would like to share it with the members of the Legislature and the public today, especially as we begin this weekend "Police Week." And yesterday, I was at a ceremony dedicating a boat in honor of a police officer who was killed really just trying to help someone in a situation. He was actually off duty

when it happened, but he intervened in a situation, and he left behind a six week old little baby. So it was --

P.O. TONNA:
Michael, let Legislator Carpenter finish her statement.

LEG. CARPENTER:
It was really touching to see this nine year old little boy standing there as they unveiled a plaque on a boat with his dad's name, a dad he'll never know. But I'd like to share this letter.

"To Inspector Pete Quinn of the Third Precinct. I am writing this letter in regard to an incident that happened Sunday, April 8th, involving a Police Officer in your department. I must say first, that I have never been a supporter of the Police in years past, until now that is. I was visiting my sister in Central Islip. We were sitting in the living room of her house that afternoon when we heard a police car pull up to her neighbor's house. Naturally, we all went to the window to see what was happening. What we saw will forever be etched in our memory. The neighbor's house was engulfed in smoke and flames. We saw a Police Officer crawling on his stomach into the house, then we saw him crawl back out of the house. The Officer kept going back into the house, which seemed to be fully engulfed in flames. At this point, there was quite a large group of people watching what was going on. There was no fire department or any of the police cars arriving to help the Police Officer, but that didn't seem to stop the Officer's efforts at all."

"After the third time we saw the Officer go into the house, it was quite evident to all of us that the officer seemed to be getting overwhelmed by the fire and smoke. A couple of the neighbors began shouting to the officer to stop going into the house and wait for help. The Officer didn't listen to our pleas to stay out of the house. He crawled back into the house a fourth time, and after what seemed to be five minutes, but I'm sure was only a minute, we saw the most amazing thing that I or anyone else has ever witnessed on TV or in life. We saw the Officer dragging out an unconscious person to safety. The Officer dragged the person to the front lawn and began giving the person first aid. As soon as the other police cars showed up to help, it was evident to all of them that the Officer's health was in great danger. They began administering oxygen to the Officer, who seemed to be passing out. Then they carried him to an ambulance and took him to the hospital."

"Two days after the fire, I read a Newsday article about the fire and Officer John Santora. They called him a hero who risked his life four times in that fire to save a man. Although I thought the article was good, it didn't come close to explaining the bravery and absolute courage that Officer Santora displayed that day. A week has gone by since the fire and I no longer hear about it in the papers, but a story like that should be broadcast around the world to every person who has ever doubted the Police and what they stand for. I, along with every person that witnessed the act of bravery, will never forget or would ever want to. In a world of bad, Officer Santora is a true hero. Sincerely, Rose Bennett."

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And I think that yesterday at that service, they said that on the Police Memorial in Washington, it's etched that police officers are heroes, not because of how they die, but because of how they live. And I just wanted to share that with everyone. Thank you.

(APPLAUSE)

P.O. TONNA:
Thank you very much, Legislator Carpenter.

LEG. CARPENTER:
May I just say one more thing?

P.O. TONNA:
Sure.

LEG. CARPENTER:
We did recognize this officer at the Legislature two months ago and presented him with a proclamation, and the Fire Department personnel also who helped save the lives. But, again, this was so touching, because we sat there and we recognized him and we, you know, thought he was a hero, but we really didn't understand and I think this said it. Thank you.

P.O. TONNA:
Thank you very much. I'd ask -- I think, do we have a quorum? 12. Okay. All right. Let's go to the cards. First to speak is John Kennedy from the Nassau Suffolk Building Trades.

MR. KENNEDY:
Good morning.

P.O. TONNA:
Good morning.

MR. KENNEDY:
Presiding Officer Tonna.

P.O. TONNA:
How are you?

MR. KENNEDY:
Good. Members of the Legislature, there's a Sense Resolution that's coming before you this morning.

LEG. HALEY:
Sense Four.

MR. KENNEDY:
Sense Four, and it relates to project labor agreements. And it was suggested that I come before you this morning to maybe answer some questions or give you some -- some of my experience with projects labor agreements. I first of all would like to thank the Legislature for being supportive of project labor agreements. There are a number of them that were done in the last few years, and I'll list some of them; the H. Lee Dennison Building, the Police Precincts, Suffolk

Community College. Suffolk Community College was a job that was very sizable. I believe that might have been something like $65 million. That job was brought in ahead of schedule and under cost, and it was as a direct result of a project labor agreement. The Yaphank Jail, the Underwriters Laboratory, Stony Brook college, the Suffolk County Ballpark, which we just finished, which is a wonderful facility that was done under a project labor agreement, and both our Governor and our County Executive have signed executive orders recommending the utilization of project labor agreements. Some of the sizable jobs, project labor agreements are nothing new. They've been around since 1937. The Cooley Dam was done under a project labor agreement, Cape Canaveral was also, so there's been a long history of project labor agreements. And what they bring to the community, to the County is a reliable work force that makes concessions in the negotiating process.

I negotiate them for the council, with somebody such as the County representative, and usually a third party. And we go through a negotiation process. Each one of -- I represent 60,000 construction workers that are union construction workers that live in both Nassau and Suffolk County, and there's 30 different local unions that come under the building trades. And what we do is, is each one is autonomous and each one has a separate collective bargaining agreement. And what we do is, when we enter this process, we have what we refer to as a master agreement. And it's site specific, it's for that job, and it's for that job only. Some of the things that we do negotiate is a no strike clause, a form of arbitration, binding arbitration, such -- such, if a need came about to settle a jurisdictional dispute, it's done in house, there's no work stoppage, and work goes on. The Sense Resolution is about bringing this to the school districts, which I would highly recommend. There was just a press conference done, probably about a week ago, and it talked about the tragedy of a school district. And it was before the Suffolk County District Attorney, he prosecuted some unreliable contractors in a work force that were not paying the prevailing rate, doing shoddy work, and this is, you know, this gets away from all of that. We -- the process also guarantees the New York State Apprenticeship Program and well trained craft people.

We have one project labor agreement that we're in probably the eleventh hour. All we really need is a signature on it for one of the school districts in the County right now. This is approximately $70 million worth of school construction work, and it will be done, and I can guarantee you it will be done ahead of time, under cost, and we're kind of excited about it because we think it's the wave of the future. Thank you.

P.O. TONNA:
Jack, just a quick question, and I know Legislator Fisher has a question also.

MR. KENNEDY:
Sure.

P.O. TONNA:
Right now -- you have one also?

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LEG. CARPENTER:
Yes.

P.O. TONNA:
Right now school districts are under prevailing wage, right? Everything that they do as far as construction is concerned --

MR. KENNEDY:
Yes.

P.O. TONNA:
-- has to be prevailing wage. It's my understanding that a lot of times though the enforcement of the prevailing wage on jobs and school districts, like other places, is somewhat spotty.

MR. KENNEDY:
It's almost nonexistent. It's almost nonexistent because there's so much work and so much volume, the amount of investigators that they have, they can't physically take care of -- they have a pile of complaints, Paul, that are two years old that are that high that they can't even get to.

P.O. TONNA:
So what happens is, if I'm -- and I would ask you -- in a school district, when it's just prevailing wage and not a project labor agreement, when it's prevailing wage a lot of times the workers aren't getting the benefits that they should, right?

MR. KENNEDY:
That's right.

P.O. TONNA:
It's flowing through the contract, even though school districts are paying the same amount of money, am I right in that?

MR. KENNEDY:
That's right. And it's unfair competition to the legitimate contractor.

P.O. TONNA:
Right. Now, with the project labor agreement, it wouldn't be anymore money because it's still at the prevailing wage rates, right?

MR. KENNEDY:
That's right.

P.O. TONNA:
But only it's going to ensure the right people are payed the benefits and everything else. There's not been any problems with enforcement under prevailing -- under project labor agreements, right?

MR. KENNEDY:
No. No.

P.O. TONNA:
And isn't there also a whole, not a clause, but a whole understanding

with regard to strikes with the project labor agreement?

MR. KENNEDY:
Yes. I mentioned that. There's a no-strike clause, and there's a form of arbitration if there should be any grievances on the job.

P.O. TONNA:
Right. Now that's through all -- that's through automatic -- because a lot of times in some of these other jobs, one group might be union, but another trade is not union and then it causes a whole bunch of problems on the job, right?

MR. KENNEDY:
There will be no work stoppages on any project labor agreement, that's right.

P.O. TONNA:
That's great. Okay. Legislator Fisher then Legislator Carpenter.

LEG. FISHER:
Good morning, Jack. Thank you for being here this morning. I also appreciate you had come to the Education Committee, as well to explain how this sense resolution would affect us. After we spoke, after my meeting, I made a call to Doctor Brandy, who's president of the Superintendents Association of Suffolk County. And Doctor Brandy was not aware at all of what a project labor agreement was. And this is a difficult time for the school district's superintendent because the budget vote is coming up. And I was hoping that perhaps you could help to educate the Superintendents Association and have a meeting with them. Would you be available to do that?

MR. KENNEDY:
I'd be more than willing to do that. And probably I could give you an illustration. I probably should leave them nameless, but I met with a superintendent of schools about a week and a half ago, and he reached out to me because he was unfamiliar about project labor agreement. And when I sat down with him and spoke about the merits and left him, he have a lot more comfortable, and he knew a lot more, and it alleviated some of his fears or misunderstandings.

LEG. FISHER:
Well, Doctor Brandy is trying to get together a number of superintendents after the budget vote. And if you're available --

MR. KENNEDY:
I'll make myself available.

LEG. FISHER:
-- meet with them so they can understand what it is. Because they have really no knowledge of this at all. So I believe that we should have them in the loop before we make a final determination on that and education them as to what it is. Okay. So thank you very much for being available and explaining it to us and, we'll work with Doctor Brandy so that you can let the School Superintendents know what it is and what's going on and what their options are.

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MR. KENNEDY:
We were kind of looking for your vote.

LEG. FISHER:
Well, I would feel more comfortable that the people who are affected by it know what it is. I never like to blindside anybody. I'm going to be making a motion later onto table it one session until such time that you have a chance to speak with the superintendents and that they

know what's going on, and they would believe to come here at our next meeting and understand how the process would affect them.

MR. KENNEDY:
Let me just --

LEG. FISHER:
Just out of fairness to them because they have no idea what it is.

MR. KENNEDY:
I have reached -- my doors always been open to them. In fact, Legislator Martin Haley came to me and I reached out. So it's not from a lack of our side. I'll sit down with whomever anytime to try to make them --

LEG. FISHER:
Well, we're going to try to make that as soon as possible so that we can reach a decision on this at the next -- at the June meeting. I would like to table it today until that time, just out -- to give them an opportunity to understand what it is.

MR. KENNEDY:
I don't want to get involved in your process, but I would hope that the rest of you would take some action on vote it. Thank you.

P.O. TONNA:
Right. Wait. Wait. Legislator Carpenter has a question, Jack.

LEG. FISHER:
Thank you, Jack.

LEG. CARPENTER:
Jack, I believe that we were in committee the other day and you were describing the whole process. One thing that impressed me that I didn't hear you say this morning, and maybe I misunderstood, part of what you negotiate is something that maybe at first blush sounds kind of simple, but from a perspective of a former business owner seems to be really important and that was, uniform work hours.

MR. KENNEDY:
I didn't want to go through the whole collective bargaining agreement that I negotiate, but that's one of them.

LEG. CARPENTER:
I think that probably is --

MR. KENNEDY:
We're talking about an eight hour day, five days a week, which is

contrary, some contracts call for a seven hour day, we're everyone talking about a standardized holiday package.

LEG. CARPENTER:
And I'm sure that those are the kinds of things that help bring projects --

MR. KENNEDY:
Oh, yeah.

LEG. CARPENTER:
-- in under budget because you get the maximum productivity, and you've got everyone there working at the same time and not waiting for a particular trade to show up so they can continue with their work.

MR. KENNEDY:
Sure.

LEG. CARPENTER:
Thank you for coming down.

MR. KENNEDY:
Thank you.

LEG. HALEY:
Thank you, Jack.

P.O. TONNA:
Legislator Haley, do you have a question?

LEG. HALEY:
No.

P.O. TONNA:
Thank you, Jack. Okay. Allen Leon.

MR. LEON:
Mr. Tonna.

P.O. TONNA:
Yes, how are you, sir?

MR. LEON:
Good morning, sir, esteemed members of the Suffolk County Legislature. My name is Allen Leon. I am President of Town Line Association, Inc., which was formed to oppose the siting of a power plant in Kings Park, New York. I come before you today, and I thank you for the opportunity to bring the issue to your table. And I wish to bring my presentation in three parts this morning. Part number one, is the inappropriateness of the Kings Park project. Part number two, would be the applicant, Pennsylvania Power and Light. And it would be inappropriate for me to address you this morning without also bringing to you a road map for solutions to the future.

P.O. TONNA:
Sir, you have three minutes. I just want you to know because it

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sounds like it's going to be a while and they will cut you off -- they, me. I just want you to know, sir. And I'm going to -- I hold that time. I'm not taking your time right now. Go ahead.

MR. LEON:
I respectfully submit, sir, that in 1966 when the President of the United States asked me to bear arms for our country, I did not put a time limit on him.

P.O. TONNA:
Right, but I have to put a time limit because that's the rules of this Legislature.

MR. LEON:
I will try to be brief, sir. And within a few seconds I hope to meet that deadline

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

MR. LEON:
Yes, sir. First of all, the Kings Park project. The Kings Park project is ill conceived and inappropriate, although PP&L, acting in concert with Newsday, has depicted the distance between the proposed site and the residential homes as over 850 feet or nearly three football fields, in actuality, it's only 200 feet. What PP&L did, Pennsylvania Power and Light, is draw a dotted line from the buildings on the north side of their site through the site, across the LIPA right-of-way, through the rear yard, side yard, and front yards of the existing homes, to the curb in front of these homes. The actual distance is 200 feet, the width of the LIPA right-of-way. And I'd like to footnote it at this point.

Interestingly enough, as I walked from my car to the building here this morning, I noticed that your power plant that you have built here is distanced way on the other side of your parking lot away from a light industrial use. It seems inappropriate to site a major generating facility closer to residential homes than you have here in your County Center. The proposed site is only 4/10 of a mile from the North Ridge Kindergarten through Second Grade School, 7/10 of a mile from Commack High School and in very close proximity of senior citizens assisted living facilities and thousands of homes. Additionally, I ask that the situation be addressed aggregately.

Although, the stack emissions from a single plant may be under federal guidelines, the area is already over burdened with methane venting, landfills, the Huntington incinerator, which itself is a generator of electricity and the Northport KeySpan Plant. PPL additionally plans to donate $500,000 to the Suffolk County Water Authority to decontaminate a well to give appropriate drinking water to the community. The estimate to decontaminate the well is 1.6 million. This leaves 1.1 million on the table for the local community to sustain. PPL has given each of you a Lexicon air study. The Lexicon air study, and I'll try to be brief, and I'll just hit some high points --

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P.O. TONNA:
What I'm going to do is, your time is up, but I'm going to ask you a question so you can respond to some of the stuff, so we stay within the rubrics what we've created here.

MR. LEON:
Thank you, sir.

P.O. TONNA:
So you were going to say something about the --

LEG. BINDER:
Lexicon Study.

P.O. TONNA:
Yeah, the Lexicon Study, could you elaborate on that?

MR. LEON:
Yes, sir. Thank you.

P.O. TONNA:
Anybody who served our country deserves that respect.

MR. LEON:
Thank you, sir. The Lexicon air study was commissioned by Pennsylvania Power and Light. They paid for it, and they deemed it as independent. However, it's not objective. The protocol for the Lexicon air study was developed by GE, the manufacturer of the turbines. How objective could that study be? In actuality, it's based on displacement. Mr. Kessel and other experts have said that that displacement is not a reality and that this plant will not displace others, but run in conjunction with; therefore, the emissions from this plant have to be treated aggregately with everything else that's going on.

P.O. TONNA:
Okay. Sir, just you had three things that you were going to talk about. Tell me about the future.

MR. LEON:
Yes, sir. I have met with members of the staff of the Public Service Commission in Albany. The last thing that they want to do is impose restrictions or impose situations on local authority that is opposite local opinion. What I propose now is the same thing that we do in the private sector, and I'm asking you, as the leaders of Suffolk County, to partake in. Number one, let's quantify the issue. Right now we have outside of state merchants running around sighting facilities all over Long Island -- there are over 20 of them right now -- forcing local communities to feel the fear, anguish and frustration of what's going on. I ask you to take charge of the County. Number one, let's quantify the issue, and it's not that difficult. We go to Mr. Kessel and we say, "Mr. Kessel, how many megawatts do you need for the next ten years, taking into account one, a growth factor, and two a reserve?"

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P.O. TONNA:
Sir, you're going to have to wrap up. I have 40 other speakers.

MR. LEON:
I'll be very quick, sir.

P.O. TONNA:
I've given you some leeway, you're really not wrapping up.

LEG. D'ANDRE:
I have a question.

P.O. TONNA:
Yeah, we all do. We have questions to ask, and we want, you know -- you can speak in committee, if you want, in the Energy Committee, but please --

MR. LEON:
I ask that the County Legislature take charge of this situation, do an investigation, come up with the two or three plants that are required, wrap it, give it to the Public Service Commission, let them give it their blessing and then let's solve our electrical needs. Remember, I'll leave you with one thought that grandfather did many years ago. If your not the lead dog, the view never changes.

P.O. TONNA:
Sir, I just -- quick question. No. There is an Article 10 Process, that's the process that New York State is involved in. So why come to the County when this is really -- except for an informational purposes, and I think PP&L had to do their due diligence with talking to election officials and to different groups -- why come to the County when clearly this is a New York State matter. And you know that.

MR. LEON:
It is not a New York State matter, sir. And I respectfully submit that anyone that thinks that had better start looking into what's going on in the County. Article 10 Process was designed by the State in order to site power plants. However, the Article 10 Process does not mandate that the Public Service Commission look in an aggregate situation at the entire future in what's happening in Suffolk County. They are taking applications one on one, chronologically. It's very possible that a company that has made an application could be far ahead in the line, but have a site that is not superior to others that have fallen back in the process. Someone has to take a step back and look at the entire situation.

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

MR. LEON:
I believe there was a question.

P.O. TONNA:
Legislator D'Andre, you had a question.

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LEG. D'ANDRE:
Yes. You brought up Article 10, but beyond that, have you offered the County an alternative site while your doing all of these pros and cons?

MR. LEON:
In conjunction with Mr. Cooper and Mr. Kessel, alternative sites have been suggested to Pennsylvania Power and Light. For economic reasons, they have turned them down. We should not allow that to happen, and we should not allow the issue to be evaluated on its political strengths as opposed to its absolute strengths.

LEG. D'ANDRE:
Well, the State made that almost superfluous. If you can't comment or

give -- you can give an opinion, but it's not withstanding with Article 10, so it's self-defeating.

MR. LEON:
I have met with the Public Service Commission staff members. They are looking for input. They don't know Long Island. When they came here for a meeting, they asked directions to the Long Island Expressway. They have no idea what the local situation is. It behooves our Legislature to paint that picture for them. They don't want to make a decision that is unpopular. They would love to have the present given to them --

LEG. D'ANDRE:
Mr. Chairman, if you will. They didn't make any decisions in California, now they got blackouts. Somebody better stand up and make decisions.

MR. LEON:
Can I address -- since Mr. D'Andre has opened the door, you have to allow me to cross-examine.

P.O. TONNA:
No. No. No. I'm sorry sir. I just -- Legislator Cooper has a question.

LEG. COOPER:
Isn't it true that the question really is not whether we need to build additional power plants, I think there's a consensus that until we do it much more for energy conservation, energy efficiency measures, we will, in the short term and long-term, need to built additional power plants on the Island. The question is where these plants should be sited and finding the most appropriate location. As you may be aware, Shoreham is being looked at increasingly as a logical location. What are your views as the benefits of the Shoreham site for that community versus the possible benefits to the Kings Park community, the site that your opposing?

MR. LEON:
The Kings Park site is 20.9 acres. Shoreham, as I understand it, is over 500 acres. So you could take this entire site, put it in the middle of Shoreham and still have hundreds and hundreds of acres as a boundary so that they will not impact local residents and local

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communities. That is an appropriate siting as opposed to the Kings Park, which is not.

LEG. COOPER:

Thank you.

P.O. TONNA:
All right. Thank you very much, sir. Thank you for your time. Okay.

(APPLAUSE)

P.O. TONNA:
All right. Aldo Marletti. Aldo. I got Aldo right.

MR. MARLETTI:
Good morning, Members of the Legislature.

P.O. TONNA:
Good morning.

MR. MARLETTI:
My name is Aldo Marletti. I'm a Licensed Professional Engineer in the State of New York, and I'm a Senior Vice President with an engineering architectural construction management firm of Cashin Associates that has its headquarters in Hauppauge. Legislator Haley asked me to come here this morning and discuss project labor agreements from a different perspective, perhaps, than Jack Kennedy has because Cashin Associates typically represents public sector owners.

P.O. TONNA:
Mr. Marletti, could you use the microphone just to make it a little easier on the transcriptionist.

LEG. HALEY:
Get a little closer.

MR. MARLETTI:
Cashin Associates represents and has represented public sector owners with respect to project labor agreements. We've developed -- we've done analysis to determine whether a project labor agreements is appropriate and have negotiated and implemented project labor agreements throughout New York State, including Suffolk County, Nassau County, Chautauqua County, Erie County, Buffalo Board of Education, Lackawanna Board of Education and the State of Rhode Island. And what I want -- so we have -- or I have direct or my firm has direct experience from the owners' perspective of what a project labor agreement can do for a project. First off, let me say not all projects are appropriate for project labor agreements. There's a body of case law in the State of New York that pretty much sets down the guidelines as to when project is suitable for a project labor agreement.

In general, they have to be a fairly large and complex project probably in the threshold of the area of $10 million. Typically they would -- they would involve the number of prime contractors as is required by the State of New York WICKS Law on a building project,

they must have at least four independent prime contractors. It must -- a project labor agreement must enhance the competitive goals of the State's competitive bidding statutes. That is, that it must be determined through due diligence and analysis that a project labor agreement implemented on a particular project will save money for the owner, essentially, to get the biggest bang for the buck. And the way that is typically accomplished is through a negotiation of concessions by the Trade Unions to their -- in place of collective bargaining agreements.

Typically, things that are negotiated, as Jack Kennedy mentioned earlier, is standard eight hour days. Some of the unions have standard seven hour days. To make them all work eight hour days, some of those unions would be getting paid time and a half as compared to straight time. That can be distilled down to an estimate of what sort of cost savings. A reduction in the number of holidays, things of that nature, can also be calculated to show a cost savings. Other areas, working shops stewards, spending most of their time doing trade work as compared to over -- making sure that the collective bargaining agreements of the specific unions are being complied with.

P.O. TONNA:
Okay. Hold it one second. Your time is up. Somebody want to ask a question? Maybe --

MR. MARLETTI:
Let me make just one additional point.

P.O. TONNA:
Yes, please.

MR. MARLETTI:
This is also included in case law.

P.O. TONNA:
I like people to finish their thoughts, okay.

MR. MARLETTI:
A project labor agreement must be nondiscriminatory. It cannot discriminate between union contractors and non-union contractors or union employees and non-union employees. It sets a framework for both union and non-union contractors and employees being employed on a job in a harmonious ways that prevents work stoppages, lockouts by strikes by the unions or lockouts by the contractors.

P.O. TONNA:
Right.

MR. MARLETTI:
And it saves money.

P.O. TONNA:
Can I ask you -- just a question, and I know Legislator Haley and Legislator Fisher have a question. From the standpoint cost, because I guess you would deal a little more from the management standpoint, right, with regard to construction project?

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MR. MARLETTI:
No. We manage construction projects on behalf of the owner, right.

P.O. TONNA:
And the cost and everything else that's involved. If there is a Prevailing Wage Law anyway, why not project labor agreements? I don't -- because in a certain sense, if the contractor is going to be paid prevailing wage anyway, right, cost is not a factor, am I right?

MR. MARLETTI:
Well, I'm saying it should not be a factor. But I'm saying project labor agreement obtains concessions from the Trade Unions that even though the hourly rates and benefits are the same, maybe the differential on shipwork if --

P.O. TONNA:
So it's better from the for the school district in the long run because labor harmony -- if I got you right -- and from the standpoint of financially, you know, that they might be better because you're getting some give backs.

MR. MARLETTI:
I'm saying there has to be a due diligent study on each of the particular projects, and it has to show that there will be a cost savings. If it does not show there's a cost savings, the cost will throw out the project labor agreement.

P.O. TONNA:
Okay. Great. Legislator Haley.

LEG. HALEY:
Aldo, did you work on the Suffolk Community College project?

MR. MARLETTI:
Yes, I did.

LEG. HALEY:
Can you give a quicky on how that worked out? That's on the Mutilpurpose Building that we just completed.

MR. MARLETTI:
The Suffolk County Multipurpose Health Technology Facility incorporated a project labor agreement as about a $55 million job. We had five prime contractors as compared to the typical four, and there were two of those prime contractors were nonunion, three were union. When that happens and that's very possible, that will very likely happen based on historic information Nassau/Suffolk, it automatically sets up a contentious situation where you have union and nonunion contractors as we had on that project. All of the disputes, and there were many and myriad, all of the disputes were settled, mostly in favor of the -- actually of the contractors in most of the particular instances, but that job would have been, you know, largely delayed if that arbitration or dispute resolution mechanism was not included in the project labor agreement. And that project was actually performed by the Dormitory Authority that had reluctance at the outset about

project labor agreement, but I belive now -- I can't speak for the Dormitory Authority -- they were very happy with the experience.

LEG. HALEY:
Did that come in on time?

MR. MARLETTI:
It came in on time and on budget and with no delays as a result of labor disputes.

LEG. HALEY:
Thank you, Aldo.

P.O. TONNA:
Legislator Fisher and then Legislator Fields.

LEG. FISHER:
Thank you, Mr. Chairman. Good morning Mr. Marletti.

MR. MARLETTI:
Good morning.

LEG. FISHER:
My understanding of the Sense Resolution and the subsequent action on the State would be that school districts would be required to consider project labor agreements, that's correct, yes?

MR. MARLETTI:
Yes, that's my understanding and that consistent with the already in place Governor's Executive Order regarding capital projects, that the

State proposed. Right. Right.

LEG. FISHER:
Municipalities --

MR. MARLETTI:
No, just the state.

LEG. FISHER:
Just the State. Okay. That they are required to consider PLAs when they are looking at projects. My concern and when I've spoken to superintendents of schools and explained this to some extent, is that in the process of consideration of whether or not the project is suitable, project labor agreement is suitable, to their particular project, school districts must then encumber another layer of expenditure, which is to higher a consultant to make this determination.

MR. MARLETTI:
Right. It's typically in the neighborhood of 15, 20 -- you could do a due diligence analysis that will withstand a court challenge, because it cost about $15,000, in that neighborhood.

LEG. FISHER:
So a school district, every time it's facing a construction project will have to add another ten to $15,000 to that project.

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MR. MARLETTI:
All right, but 6% on $100 million capital construction cost far exceeds that $15,000.

LEG. FISHER:
My concern is that I'm looking at school districts with swelling budgets, facing many capital expenditures because of growing population, Suffolk County taxpayers pay the lion's share of their -- of their taxes to -- real estate taxes to local schools. I've been involved in the budget process and the school district where I live and where I work. I know how difficult it is to arrive at that bottom line number, and ten to 15,000 on every construction project that would be doing to a company such as yours or other consulting companies, I think is adding a layer of expenditure that might be a burden on school districts. And this is precisely why I wanted to discuss this with school districts before we make a decision.

MR. MARLETTI:
Right. But it seems, you know, pretty logical that the expenditure of

$15,000, if it saves you $6 million, that's a wise investment.

LEG. FISHER:
But that's not a guarantee. They might be --

MR. MARLETTI:
No. No. There's no guarantees in this world.

LEG. FISHER:
There are no guarantees.

MR. MARLETTI:
What I'm saying, if it does not save money, if this due diligence analysis does not show the project labor agreements will save money, and typically it's got to be in the range of three to 6%, and on a hundred million dollars that's $6 million, if it doesn't save that, then it may not -- probably will not, based on past, you know, lawsuits, will not withstand judicial -- a legal challenge.

LEG. FISHER:
Yes, but the consultant will still be paid for having done the analysis. The school district would still have to pay the consultant.

MR. MARLETTI:
Of course. I don't think anyone would do it pro bono.

LEG. FISHER:
Of course not. So if there's not a recommendation to go ahead with the PLA, the consultant, that added layer of expense to the school district will exist willy nilly. This is what I think that we have to be very aware of, that there is an additional layer of expense to every school district for every construction project. And this is why I have asked --

MR. MARLETTI:
I would characterize it as a saving.

LEG. FISHER:
May I just finish? This is why I have asked that before we go ahead, that we have the school districts aware of what the Sense is asking and aware of the process, and have their input. School districts may say this does seem like a good idea, and it would be part of their due diligence, that they do -- this is part of the budget, part of that -- the school district infrastructure is to spend this kind of money. I just want to the school districts to have a say in this and to be aware. And for all of the Legislators in this horseshoe who are not

in the Education Committee, to be very well aware that this is an added layer of expense, the hiring of consultants to determine whether or not the PLA is the best way to go.

MR. MARLETTI:
Well, I don't necessarily agree with what you're saying because there are guidelines where a school district alone could determine in advance whether --

LEG. FISHER:
So they don't need to hire a consultant?

MR. MARLETTI:
You must do a due diligence study.

LEG. FISHER:
Okay. And they can do that in-house?

MR. MARLETTI:
They can do it in-house, if they have the wherewithal. I'm saying there are guidelines easy to determine whether a project is likely to be suitable for project labor agreement --

LEG. FISHER:
So they could do it in-house and they wouldn't have to hire a consultant.

MR. MARLETTI:
Size -- size, the number of contractors -- they could do it in-house if they know what they're doing. Fine. No problem. But what I think it's part of -- there's roughly between two to $3 billion worth of school construction that's going to take place on Long Island over the next several years.

LEG. FISHER:
Absolutely, and this is why I'm taking a hard look at this.

MR. MARLETTI:
3% of that number, if that's a quantifiable savings, 3% of that number is an awful lot of money. 3% savings --

LEG. FISHER:
That's right.

MR. MARLETTI:
-- on 2 billion or $3 billion is close to a hundred -- on 3 billion,

that's close to $100 million. That's an awful lot of money to save.

LEG. FISHER:
That's a tremendous amount of money to save.

MR. MARLETTI:
And in addition, guaranteeing -- one of the problems the school districts are going to face with, you know, all the construction work coming on the scene is they're not going to be able -- the prices are going to start soaring, because there will not be enough contractors, there will not be enough skilled laborers and really the unions offer the best mechanism for training through --

LEG. FISHER:
I'm not disputing that at all. Absolutely not.

MR. MARLETTI:
And that really has nothing to do with the project labor agreement itself.

LEG. FISHER:
I know. That just confuses the issue. The issue that I'm raising is the issue of -- given the Executive Order that the PLAs must be considered by school districts, the school districts would then incumber the additional expense of paying a consultant to perform a study.

MR. MARLETTI:
I don't think so.

LEG. FISHER:
That's what's concerning me, and this is why I want to have the school districts in the loop.

MR. MARLETTI:
You can consider it. There are guidelines, as I just said; size of project, roughly a $10 million job, complexity of project, number of contractors that have to be employed on the job. For me -- if you say it's going to be more than $10 million or $12 million, you're going to say there's going to be at least four prime contractors on the job, and it's a school district, which has -- very often school buildings have critical scheduling constraints, because the failure to complete on time will affect the academic programs, it may affect school -- it may affect aid, it could have a lot of implications.

LEG. FISHER:
Absolutely.

MR. MARLETTI:
That alone -- considering -- it would seem to me, and I'm not an attorney, but it would seem to me that with that kinds of an Executive Order in place, you must consider -- that's considering. I consider that it cost more than $12 million, I considered that it's a multiprime contract because it's subject to the WICKS Law. I've considered that we're going to have -- my school district will have significant problems as a result of late completion. That alone will

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-- that's consideration and that will tell you that it's probably appropriate. If the answer to anyone of those questions is in the negative, then it's not appropriate.

LEG. FISHER:
Well, that's clear, that's very clear and that's not the issue. You know the issue I'm raising with you.

MR. MARLETTI:
You're saying --

LEG. FISHER:
I thank you for your response.

MR. MARLETTI:
-- that they have to incur another 15,000. You don't have to incur, if it's not an appropriate project. The district can make its decision itself if you had project-by-project basis --

LEG. FISHER:
Well, that was the point I made earlier, they can make it in-house.

MR. MARLETTI:
-- as to whether or not it's appropriate, and thereby, if it's not appropriate, avoid the expense and avoid the savings.

LEG. FISHER:
And I want to ensure the districts can make it in-house so they don't incur an additional expense.

MR. MARLETTI:
Okay.

D.P.O. POSTAL:
Thank you. Legislator Lindsay is next. I would just like to -- I know he has a question for you, but I just need to remind all Legislators that we are going into an Executive Session at 11:30, and there are 35 other people who have signed cards.

LEG. HALEY:
On what?

D.P.O. POSTAL:
The Presiding Officer has scheduled an Executive Session.

LEG. LINDSAY:

I'll be very quick, Mr. Marletti. You answered some of the questions I was going to raise with you. In your experience, how many school districts do their own construction management now?

MR. MARLETTI:
With in-house forces or with consultants?

LEG. LINDSAY:
Yeah.

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LEG. HALEY:
In-house.

LEG. LINDSAY:
In-house.

MR. MARLETTI:
I don't know of any that doesn't hire a construction manager.

LEG. LINDSAY:
So they have to have a consultant normally anyway.

MR. MARLETTI:
Well, you need an architect to design it and you usually have construction manager to manage the construction.

LEG. LINDSAY:
When you're spending $10 million, wouldn't you think it would be fiscally responsible to have the study done on the best way to spend that $10 million?

MR. MARLETTI:
Yes. I think that's what I was eluding to before.

LEG. LINDSAY:
That's all I have.

D.P.O. POSTAL:
Thank you. The next speaker is Rabbi Steven Moss.

RABBI MOSS:
Good morning everyone.

D.P.O. POSTAL:
Good morning.

RABBI MOSS:
First, I am here to speak on Resolution 1207, regarding a local law extending County Human Rights Law to Public Accommodations Employment and Housing. I would like to begin by thanking, first of all, the committee that brought this to the whole body. And certainly a special thank you to Legislator Postal for authoring this bill. And I also want to begin by just reminding you of the difference between Bias Law and Discrimination Law, in the sense that a Bias Law is criminal, where a Discrimination Law comes under the State under a State Human Rights Law. So that for instance, if someone is called a name based upon their race, you couldn't call the Human Rights Commission. You'd have to call the Bias Crimes Unit of the Suffolk County Police Department, whereas, if someone were looking for a job promotion and felt that they were being past over, let us say because they're a woman, which is one of the largest areas of our complaints, they could not call Sergeant Reecks to be helped in that situation, he would give them our wonderful Executive Director's number, Yvonne Pena. That's important to understand that there are different laws and different agencies who deal with laws that deal with laws.

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I would first like to say that there is a history between the Human Rights Commission and this Legislative Body. And the history has always been most supportive and a very special one, as well as, I believe, history will be made today. History. This Legislature created in 1963 the Human Rights Commission. It added over the years a number of protected categories of individuals to be protected against discrimination. It also, just last year, unanimously passed a bill which would allow for the bringing about of civil penalties in bias cases. It is historic today because the bill before you is the creation of a County Human Rights Law.

Presently, Human Rights Law is State law, and the State law does not include all categories of persons. And also, of course, what this does is it sends out a very clear message to those within our County, within our communities. We do not live, obviously, in Albany or Massena or Westchester, or Nassau County. We are residents of Suffolk. In this law, in it's very beautiful wording -- and I thank Mr. Sabatino for helping us with us this, and certainly, Yvonne for working on this in our office -- and that is, it sounds out a very clear message that we will not tolerate the intolerant, we will not tolerate the discriminatory and the discriminators within our County. And that is important particularly during the times we are living in. But also, this law allows for local enforcement of Human Rights Law. Currently --

D.P.O. POSTAL:

Rabbi Moss, I have to ask you to sum up, please.

RABBI MOSS:
Wow. Three minutes went so fast. My God, that's only one-third of a sermon. All right. Anyway, just to say is that you have the impact statement here, which was written, and it really states all of this out. There will be virtually no cost to this, if that is a concern and, actually, the County will make money. Only to say, as this is passed, and I'm confident it will, our office will handle it with responsibility, with sensitivity, and God willing, Solomonic wisdom. Thank you.

D.P.O. POSTAL:
Thank you. Yvonne Pena.

MS. PENA:
Good morning.

D.P.O. POSTAL:
Good morning.

MS. PENA:
Good morning, Presiding Officer Paul Tonna, where is he?

D.P.O. POSTAL:
He's in the back, right behind me.

MR. PENDERGAST:
And esteemed Members of the Legislature. First, I would like to thank Honorable Maxine Postal for create this law. Second, I would

respectfully ask of each member of this Body to please consider a couple of things as they here some of the testimony this morning. Imagine if those things that we seek in our pursuit of happiness, such as; employment, for you to provide for yourself and your family, housing so you could call a place home, and public accommodations, so you could bring your children to restaurants, movies and parks. Imagine if those things were denied to you, simply because of your race, your color, your national origin, religion, age, sexual orientation, marital status, disability. Thirdly, I'm here to present to you a statement from one of our esteemed Commissioners, Dean Glickstein. "I am a member of the Suffolk County Human Rights Commission, Dean of Touro Law School, and resident of Northport. I regret that I am unable to appear in person, but I am providing this statement to Yvonne Pena, the Executive Director of the Suffolk County Human Rights Commission. Let me begin by describing the backgrounds against which I provide this statement. In 1960, I joined the Civil

Rights Division of the Department of Justice. During my five years as at the Justice Department, I was involved in most of the significant civil rights issue confronting our country at that time, and also participated in the drafting of the Civil Rights Act of 1964, and the Voting Rights Act of 1965."

"In 1965, I joined the United States Commission on Civil Rights as its General Counsel. In 1969, I was nominated by President Nixon to serve as Staff Director of the Commission of Civil Rights and served in that capacity for three years. In 1973, I became the Founding Director of the Notre Dame Center for Civil Rights, where I worked under Father Theodore Hessburg, the President of Notre Dame. I returned to Washington D.C. in 1976, where I joined the faculty of Howard Law School. While I was at Howard, I took a one year leave of absence to direct President Carter's Task Force on Civil Rights Reorganization. The Task Force operated out of the Executive Office of the President. It was our function to evaluate all the Federal Civil Rights Programs and determine how they could be streamlined. The plan my Task Force proposed for reorganizing the Federal Civil Rights Agency was adopted by Congress. I present this statement against this background. The Suffolk County Human Rights Commission was created in 1963, one year before the enactment of the historic Civil Rights Act of 1964. Suffolk County has been sensitive to protecting the civil rights of its citizens --

D.P.O. POSTAL:
I have to ask you to sum up Yvonne.

MS. PENA:
Okay. I have a copy of Dean Glickstein's statement, and I would like to submit them for the record.

D.P.O. POSTAL:
Legislator Lindsay has a question then Legislator Caracappa.

LEG. LINDSAY:
Yvonne, just a quick question. Typically, what is the backlog of a complaint that goes before the State Human Rights Commission?

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MR. PENDERGAST:
Well, there's cases as old as 15 years.

LEG. LINDSAY:
I don't have anything else to say.

D.P.O. POSTAL:
Legislator Caracappa.

LEG. CARACAPPA:
Yes. Yvonne, I have a question related to the bill, so maybe I just should direct it at you Legislator Postal as the sponsor. I'm not -- I don't have -- I don't have quite a grasp on the legislation as of yet. What I want to ask, and I think it's important to know, let's say I owned rental property in the Hamptons, so to speak, and I -- I had two young gentlemen 18, 19 years old come saying they want to rent my property. And I denied them because fear of the fact that they were maybe a little too young, and I thought maybe my property would be vandalized or damaged or there'd be big parties there, and I denied them for that reason. Would I be liable now under this legislation where I'm being told you've been discriminatory because of someone's age or your fear of your property was unfounded?

D.P.O. POSTAL:
Well, is this -- when you're talking about rental property, there are some categories. For example --

MS. PENA:
Excuse me. Could I just answer him real quick.

D.P.O. POSTAL:
Go ahead.

MS. PENA:
That law already exists through the State Division of Human Rights and federal --

LEG. CARACAPPA:
Well, but I'm asking pertaining to this bill.

D.P.O. POSTAL:
The difference would be that we now have the ability to enforce alleged -- investigate and have enforcement powers, penalties if we do find evidence of discrimination, whereas right now the Human Rights Commission is excepting complaints, investigating complaints, but all they can do is refer those complaints to the State, where, as Yvonne said, there could be as much as a 15 year delay. So it's already against the law to do that. We're not creating, I guess, a new illegality or violation of law, we're just going to be able to address it here rather than referring people elsewhere.

LEG. CARACAPPA:
By doing it here, I assume it would unlock that jam up.

MS. PENA:
Right.

LEG. CARACAPPA:
Let's say also, I have rental property within my own home, and I was renting a legal apartment off the side, and I denied it to a smoker, would I be under the same penalties?

MS. PENA:
Well, right now, if you live in the same place where you're renting, you have an option, yeah.

LEG. CARACAPPA:
Is that how it works?

MS. PENA:
Smoking is not --

AUDIENCE MEMBER:
Smoking wouldn't be covered under the law.

D.P.O. POSTAL:
Excuse me. Excuse me.

MS. PENA:
I'm sorry.

D.P.O. POSTAL:
Thank you. Did you fill out a card?

MS. PENA:
I'm sorry. She's my Principle Investigator.

D.P.O. POSTAL:
Would you -- if you want to either come up or have Yvonne give the answer.

LEG. CARACAPPA:
I just want to be clear. I know these are pretty mundane questions of on things you're well aware of already, but most of us don't know. We don't want to put ourselves in a trap here where, we prevent property owners' rights, to a certain extent, but we also would like to see things get -- not be held up as they have been in the past.

AUDIENCE MEMBER:
Right. A delay is actually disadvantageous to both parties. The person being charged --

D.P.O. POSTAL:
I can't hear you.

MS. STADUDO:
I'm sorry. It's not good for either party to have such a long delay, including the person who's being charged. So to get these things

solved expeditiously certainly is an advantage to everyone. Also, in the case that you describe, smoking would not be included as a protected category. But also, this law, as well as Federal and State laws, have an exemption for owner-occupied residences, so basically,

if you live in the house, and you're renting part of your house, you can do whatever you want. This is only for those conducting business in New York, having apartment buildings, renting out entire houses, things like that.

D.P.O. POSTAL:
Thank you. Any other questions? Next speaker, Caroline Peabody.

MS. PEABODY:
Good morning. My name is Dr. Caroline Peabody, and I have served on the Suffolk County Human Rights Commission for the last three-and-a-half years. I'm also the Director of the Undergraduate Program at the School of Social Welfare at SUNY Stony Brook. I'm here to urge to support resolution 1207. I will, today, propose several reasons why we, as a county, should embrace this actual Human Rights Law. Let me say that I'm sort of spitting through, since I understand there's a tight time limit. For one thing, despite what many believe, we do not have a law that prohibits discrimination in Suffolk County. The State and Federal Governments have laws that prohibit discrimination, but we do not.

Secondly, Suffolk County has long distinguished itself as a community that is willing to step forward to do what is right; to recognize the importance of responding appropriately to threats to the well-being of the community, both in its parts and as a whole. It has demonstrated its commitment to honor all of its residents, to ensure their rights to live with freedom and justice and mutual responsibility for the benefit of all. No individual should be denied these. The County has, through its laws and its agencies, worked to enhance inclusion, support justice, and honor the diversity of its people. If I may read from the bill's Legislative intent: "The Legislature hereby finds and determines that prejudice, intolerance, bigotry and discrimination threaten the rights of the inhabitants of Suffolk County, endanger the institutions of freedom and threaten the peace, order, health, safety and general welfare of the County of Suffolk."

Equality of access to accommodations, employment and housing are essential to all to ensure the quality of life for all of Suffolk's people. There are those who say that there is no discrimination, that we make a big deal of nothing. However, there is discrimination. There are successful lawsuits across the State and country because of actual discrimination. There are cases brought before the Suffolk

County Human Rights Commission where, after a thorough investigation, it has been found that discrimination has occurred. There are across our society intergroup tensions that arise from the lived experience of bigotry.

And lastly, across the country there is violence coming from this -- from such tensions. Yet we might say that although we have the best of intentions and the highest of principals, do we have the necessary resources to fund our commitment to fight bigotry and discrimination? Surely it will cost the County fiscal resources that we may not have accessible; however, this concern is not, in fact, warranted. In fact, as the previous speakers eluded to, based on the thorough analysis conducted by the Office of Human Rights Commission, which is available to you, this legislation will not require the hiring of

additional staff of the Human Rights Commission. In contrast, the results of this legislation will result in an increase in financial resources available to the County. According to this --

D.P.O. POSTAL:
Doctor, Peabody, please sum up Mississippi.

MS. PEABODY:
Okay. I would urge you to read the analysis that's very readable and was conducted thoroughly by the office. And lastly, I want to say that this bill is morally principal, fiscally prudent and enhances the quality of life for all of Suffolk County's residents. Once again, I urge you to pass this bill. Thank you very much

(APPLAUSE)

D.P.O. POSTAL:
Thank you. Gary Williams.

MR. WILLIAMS:
Yes. Good morning to the Suffolk County Legislature from Kweisi Mfume and Julian Bond. From Kweisi Mfume and Julian Bond, President and CEO of the National Organization for the NAACP, Hazel Dukes, Presiding President of the New York State Conference and Branches and myself, Gary Williams, President of Brookhaven NAACP. I stand before you in support of Bill 1207, Resolution 1207. I would suggest to you that as long as a man can be chained to a fence and beaten and left to die because of his sexual orientation, as long as a man could be chained to a truck and dragged to his horrible death because of his color and as long as two men in search of work could be taken to a remote location and beaten because of their nationality, and while these are horrific examples of crimes, thousands of men and women across this

country are subject to daily discrimination based on those criteria.

We, as a morale country, are a proponent of civil rights across the globe. And I think it behooves us as people of dignity, as people of high morale fiber to address these issues. We have been told that we have existing bills and existing laws on the books to address these, but I would suggest to you that there are never enough laws to protect those who are defenseless, those who are singled out for superficial reasons, those who are different, those who are subjected to xenophobia, the other. You gentlemen -- you women and gentlemen have the right and have the power within you to send a message across Suffolk County and across Long Island and across the nation that we, in Suffolk County, will not tolerate racism, bigotry, discrimination based on physical disabilities or any of that, and that we stand firm in our commitment to offer a shining example to the rest of the county and the nation that we believe in equal rights for all. And to paraphrase Dr. Martin Luther King, "an injustice against one is an injustice against all." Thank you, gentlemen.

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

(APPLAUSE)

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D.P.O. POSTAL:
Next speaker Adrienne Esposito.

MS. ESPOSITO:
Do we have a quorum, because I'm going to speak about a bill that you're -- might vote on today.

LEG. CARACAPPA:
We have eight.

D.P.O. POSTAL:
No, we have nine. Can we get somebody in. If you wait just a minute. We're waiting for a quorum to be present.

LEG. ALDEN:
If you count Paul, it's ten.

D.P.O. POSTAL:
Adrienne, you now have a quorum.

MS. ESPOSITO:
Okay. Thank you very much. Good morning Legislators. My name is

Adrienne Esposito, and I'm representing Citizens Campaign for the Environment. We're a statewide environmental lobby working to protect the public's health and our environmental resources throughout New York State and here on Long Island. I'm here to urge you to vote yes for Resolution 1292, the No-Spray List Law for Suffolk County. Many of you have been hearing much about this piece of legislation, and I'd like to just raise a couple of points for you. The first is that this legislation is a reasonable bill, it's doable, and it provides some measure of equity for those who do not want to be sprayed with pesticides and those who might be choose to be sprayed. You may be aware that there's a growing anxiety and stress about pesticide spraying from the public. This program will help to reduce that stress, and it sends the right message to the public. It sends the message that the rights of individual opposed to pesticide spraying are equally valued of those who might not be opposed to pesticide spraying. The government should not be in the business of forcing people to be sprayed with chemical pesticides. This bill is very simple, it's very streamlined. It provides for the public to have a choice, a choice in whether or not their homes, their properties and their families are sprayed.

I'd like to suggest to you Legislators that our pesticide -- that your Mosquito Control Program is antiquated, and it's outdated, and it needs to change. Currently, national recognized experts with Center for Disease Control in Atlanta, as well as New York State Health experts, are all advising not to use adulticides, chemical pesticides for mosquito control, unless there is an eminent threat to human health. Let me just read to you a quote by Doctor Novello, Commissioner of New York State Department of Health from a press release dated on April 5th, this year. Quote, "we are emphasizing that spraying to control adult mosquitos should be reserved only for those situations where there appears to be a eminent risk to human health" unquote. And yet, here in Suffolk County, 80% of pesticide application by the County, adulticides, is used for nuisance control,

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not anything related to health issues. And in the wake of that, we have CDC, New York State, nationally renowned health experts who are saying because of the threat to human health and the environment, do not use adulticides unless it's absolutely necessary for human health protection. So I would say currently, that the program for nuisance control defies health experts, it defies science, it defies the public will and frankly, it defies common sense. It needs to change. And what we have suggested is this very common sense law that simply allows the public a small measure of choice, whether or not their house gets sprayed.

D.P.O. POSTAL:

Adrienne, please sum up.

MS. ESPOSITO:
Yes. Are there any questions?

D.P.O. POSTAL:
Legislator Alden.

LEG. COOPER:
Maxine.

D.P.O. POSTAL:
Legislator Alden.

LEG. ALDEN:
Hi, Adrienne. Thank you for coming down. Are you aware that this bill also addresses health issues, as far as -- it's not just for nuisance spraying. It bans spraying to prevent West Nile Virus --

MS. ESPOSITO:
No, it does not ban spraying. It does not ban spraying. It gives the homeowner a choice, it does not ban spraying.

LEG. ALDEN:
What's the end result of it.

MS. ESPOSITO:
The end result is that if a homeowner chooses to be put on a No-Spray List --

LEG. ALDEN:
It would ban spraying.

MS. ESPOSITO:
No, it does not ban spraying. I'm sorry, I definitely disagree with that. It allows for a home to be skipped if that home is requesting that they are not sprayed with a chemical pesticide. It does not spraying at all.

LEG. ALDEN:
There's a difference between skipping a home and banning spraying on that home?

MS. ESPOSITO:
Absolutely. Banning spraying kind of implies the whole program is

ousted, and that's not what this bill does. We can talk about that, if you like, but this bill doesn't do that.

LEG. ALDEN:
No. My question went to the fact that, you know, you made a big -- you emphasized the fact that most of the spraying in Suffolk County is done just to ban pests.

MS. ESPOSITO:
Correct.

LEG. ALDEN:
Right. 80% of the spraying in Suffolk County is for nuisance.

MS. ESPOSITO:
That's correct.

LEG. ALDEN:
This bill doesn't address that it also goes to a health risk and bans the spraying on a health risk provides for this opt out or whatever way you --

MS. ESPOSITO:
Provides for a choice.

LEG. ALDEN:
Whichever you want -- you want to categorize it or portray it, it would, in essence, ban or create a skip even in the instance where there's a health risk. You're aware of that, right?

MS. ESPOSITO:
Actually, I disagree with what you said, so I can't answer yes to the question. The bill also --

LEG. ALDEN:
The bill -- no, no, just to go to it. What does it say in the bill? It mentions nuisance spraying and it mentions West Nile Virus specifically.

MS. ESPOSITO:
Yes, that's right. But it also says that if --

D.P.O. POSTAL:
Let him complete his question and then you can respond.

MS. ESPOSITO:
Okay.

LEG. ALDEN:
Have you looked at the possibility that what this is going to do is create a situation in Suffolk County where -- especially for nuisance -- the individuals who would be affected, and that's neighbors, now their houses would not be sprayed even for nuisance control. Those neighbors are going to go out to the local stores and they're going to

buy hundreds of tons of all kinds of chemicals, and they're going to puts it all over the place because they have no clue. Most homeowners do not have a clue as to how to properly handle these type of pesticides or chemicals. Have you looked at the possibility of that effect?

MS. ESPOSITO:
Well, I'm trying to look at the possibilities based on a realistic scenario, and I don't think that's one. I don't think the homeowner is going to be running out and buying hundreds of tons of chemicals to treat their homes. In fact, the only thing this bill does in reality is it allows for a person to be on a list and not become directly sprayed. There is a number of issues to be addressed and that is that the drift from pesticide spraying will still be available to plenty of homeowners.

LEG. ALDEN:
Are you aware of the amount of -- in pounds or dollars, are you aware of the amount of pesticides and chemicals that are sold each year in Suffolk County to individual homeowners?

MS. ESPOSITO:
Are you aware of the fact that thousands of people --

LEG. ALDEN:
That was a question.

MS. ESPOSITO:
-- around Long Island want to live chemical-free lives?

LEG. ALDEN:
I just wanted to know if you know how much.

D.P.O. POSTAL:
Legislator Alden and Ms. Esposito, can we just have a question and response, rather than a debate?

MS. ESPOSITO:
Are we going to talk about -- I'd like to talk about the bill, and I don't think we are.

D.P.O. POSTAL:
There was a question asked of you. I don't know if you responded to it.

MS. ESPOSITO:
Okay. Yes, I am.

LEG. ALDEN:
You know how much that is.

MS. ESPOSITO:
Do I know the exact amount, no?

LEG. ALDEN:
Okay.

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

LEG. D'ANDRE:
How are you young lady? We had quite a talk in our office.

MS. ESPOSITO:
Yes, we did.

LEG. D'ANDRE:
And one thing that mystifies me --

LEG. HALEY:
Use the mike.

LEG. D'ANDRE:
One thing that mystifies me is why you don't have one of the professionals here with you, Ninivaggi or Doctor Hibberd -- not Hibberd -- Doctor Clare --

MS. ESPOSITO:
I would like to answer that. I think you've all received the memo from Mr. Ninivaggi asking you to vote no, saying that he can't implement this bill. And I find this extremely alarming and disturbing.

LEG. D'ANDRE:
Well, let me calm you down.

MS. ESPOSITO:
Okay.

D.P.O. POSTAL:
In the form of a question, Michael.

LEG. D'ANDRE:
This is a question and dialogue. You're talking about pesticides,

poisons here.

MS. ESPOSITO:
That's right.

D.P.O. POSTAL:
We understand this is a very important issue, but we have limited time.

LEG. D'ANDRE:
There's a way of doing it correctly, and there's a way of haphazardly; a choice here and a choice there. You just can't do it the way you'd like to do it. You can't spray one here, one there, one over there. It's got to go --

D.P.O. POSTAL:
Michael, is there a question?

LEG. D'ANDRE:
Blanket or not at all to be effective.

MS. ESPOSITO:
The public deserves a choice, and it works in other areas --

LEG. D'ANDRE:
Listen to me.

D.P.O. POSTAL:
Michael, a question please.

LEG. D'ANDRE:
A little bit of introduction to the chemical is worse than none at all. Okay?

MS. ESPOSITO:
Is that your medical opinion.

D.P.O. POSTAL:
Mike, if you don't have a question, I'm going to move to the next speaker.

LEG. D'ANDRE:
My dear young lady, this is a life or death, poison or nonpoison and she's advocating --

D.P.O. POSTAL:

I'm going to recognize Legislator Cooper for the next question.

LEG. D'ANDRE:
She's advocating --

D.P.O. POSTAL:
Mike. Mike. I'm sorry, we have five minutes left.

LEG. D'ANDRE:
I have my rights here. And my rights tell me that --

D.P.O. POSTAL:
There are rules.

LEG. D'ANDRE:
-- this lady is talking about life or death or poisons.

AUDIENCE MEMBER:
Ask a question.

D.P.O. POSTAL:
Legislator Cooper.

AUDIENCE MEMBER:
Ask a question.

LEG. D'ANDRE:
I had enough of you.

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D.P.O. POSTAL:
Legislator Cooper.

LEG. COOPER:
I have a few questions, actually.

LEG. D'ANDRE:
I don't like that, let me tell you.

D.P.O. POSTAL:
Mike, we'll talk.

LEG. D'ANDRE:
I don't like that. This is life and death poisons on people, and you better respect that.

AUDIENCE MEMBER:

You got it.

(APPLAUSE)

D.P.O. POSTAL:
Legislator Cooper.

LEG. COOPER:
Adrienne, I had a few questions. Number one, will allowing any member of the public to sign onto the No-Spray List Program seriously impair the County's ability to effectively control the mosquito population in your estimation?

MS. ESPOSITO:
Absolutely not. This program is run in other areas throughout the country. It may be the first of its kinds in New York State, but its also run in Harris County, Texas, also run in Sarasota, Florida, its run in Mammoth County, New Jersey, its run in the state of Massachusetts has such a bill. These places have found that this is a workable, doable program that simply provides the public their democratic right which is to choose to live a chemical-free lifestyle. And also, you know, what we see right now is the Vector Control Department, they need three things. They need somebody to do the data-entry on the names, they need a GIS Program and they need the political willpower to implement the program. I'd like to suggest to you they have two out of three. And if they had the willpower to implement this, they could do it. It would become part of the job, and everybody would be happy.

LEG. COOPER:
And is it correct that, at least the County in Texas that implements a No-Spray Program, that their head of Vector Control has stated that it did not increase their cost, and it did not increase their difficulty in running an effective program.

MS. ESPOSITO:
Yes. And he was so happy about this finding, that he also put that in writing, and we have it for each of the Legislators to review. We

also have someone who would be reading that into the record for us today.

LEG. COOPER:
Thank you. There was a question that was raised about the safety of the pesticides that are being used. Since these pesticides are registered with the EPA, doesn't that imply that they do not pose an unacceptable risk to the public?

MS. ESPOSITO:
Absolutely not. Actually, the EPA will tell you that no pesticide is safe, and in specific with the pyrethroids, which are used to combat mosquitos, nobody here can tell me they are safe because the law forbids you to do that. And there have they ever been any long-term studies on the environmental nor the public health effects on these chemicals. They do not exist. And so in lieu of that, we need to air on the side of caution, or at least let people have the right to choose. There are other speakers today, and I don't know if they're going to have the time to go, but they have health studies --

LEG. D'ANDRE:
The entomologist must choose, not people.

MS. ESPOSITO:
-- which are now saying -- well, science is now telling us these pesticides maybe more harmful than originally thought. Historically in our country, that has been true over and over and over again. We should listen to early warning signs instead reacting later when the damage is done. This is about health prevention, not about reacting later.

LEG. COOPER:
Adrienne, I believe you served on the committee that was created by New York State Department of Health that wrote the New York State West Nile Response Plan. Considering that, can you comment on the current guidance from New York Department of Health and the CDC regarding the use of pesticides for mosquito control?

MS. ESPOSITO:
Yes. Actually, a very important point. The -- New York State has put together a committee, it's comprised of all of the Health Departments across New York State, including Suffolk, and as well as other nationally and statewide renowned experts. We are lucky today to have three people who served on this panel, one, myself and two others in the audience, Patti Wood and Laura Weinberg. And one of the things the State decided to do this year different than previous years, is that when adulticiding is done for West Nile Virus they have requested to keep -- or they have mandated that they need to keep track of how many members of the public are adversely affected by pesticide exposure, and that has not been done before. Last year we had 14 people in New York State with West Nile Virus, and we had 14 people who were medically confirmed by doctors to have had adverse affects to pesticide application.

In addition to that, we had 250 calls to the New York State hotline of people who thought they were affected, but didn't want to bother going

to the doctor because they felt their symptoms had cleared up in a couple of days. This plan is mandating that if people are exposed to pesticides, that we need to monitor what we're doing to the public's health. And this County is not doing that.

LEG. COOPER:
Speaking of the New York State Plan, does that plan recommend that any special action be taken if adulticides are sprayed?

MS. ESPOSITO:
Yes. One, of the things it recommends is that the population is monitored for health effects. It also is recommending there are environmental programs to see what we are doing to the environment, and it also recommends the things that the County is doing, like the notification and whatnot.

LEG. COOPER:
DPW, I believe, has said that they estimated that it would cost an additional hundred thousand dollars in funding to implement this program if it was enacted. Do you abide by that figure?

MS. ESPOSITO:
No. I really -- I think that that figure is more of a figure to scare you, as Legislators, than it is based in reality. I think that we're seeing here is that the DPW finds this program inconvenient, and I agree. This program is inconvenient, but fortunately, democracy is not based on convenience. Democracy is based on public rights to choose whether or not their home is sprayed with pesticides.

(APPLAUSE)

LEG. COOPER:
Adrienne, questions have been raised by Legislators about -- trying to differentiate between spraying to control the West Nile Virus and spraying to control nuisance mosquitos. Why do you think that it's important for this resolution to address both issues?

MS. ESPOSITO:
I think it's important for two reasons. One is that the County has already agreed, and Doctor Bradley will tell you this herself, that the spraying of adulticides should only be used in the eminent threat of human health. The State says that, the State Plan says that, everyone says that, including the County. This bill also keeps the County accountable to that action. But on the same level, the bill also in Clause Four of the legislation, says that the Commissioner of Health, Doctor Bradley, has ultimate say that if she wants to spray and have the No-Spray List voided, she has the ability to did that. So it still allows -- and we agreed with this -- for the Health Commissioner to have the final say. So it allows plenty, you know, flexibility and judgment on her part, as it should.

LEG. COOPER:
One of my colleagues in the back raised another question, just a practical question, and hopefully, you're able to answer this. Do you

know whether it's possible for the County to get sued if a property, if a house is on the No-Spray List, and despite that, it accidently

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gets sprayed?

MS. ESPOSITO:
We research, actually, that particular question because -- I think it was Legislator Alden who had asked me that, originally -- and what other municipalities do that have this law is that when the person fills out this form to be put on the No-Spray List, the form has a clause which holds the County harmless so the County cannot be sued. And also, this legislation says -- all it says frankly, is for the County to make a good faith effort to skip the home. Nobody is going to be out there with a measuring stick measuring how many feet the truck stops. It is a good faith effort to skip that home. So no, the County cannot be sued.

LEG. COOPER:
The purpose of this bill was to try to strike a balance between public health needs and the rights of individuals in Suffolk County who do not want their homes, their properties, their families sprayed with chemicals to control the mosquito population. Do you believe that Resolution 1292 gives individuals who do not want to be sprayed any greater rights than those who would choose to be sprayed?

MS. ESPOSITO:
No, absolutely not. The question keeps coming up from legislators what about people who do want to be sprayed, and I have to ask you back the question why are those people -- why do they have greater rights than people who don't want to be sprayed? All we're working to do here is provide some modicum of balance between those that do and those that don't. That's all the legislation attempts to do. That's why it says a good faith effort on the part of the county, that's why the bill is very simple, and it's easy to implement. And I think we have to worry about both rights.

LEG. COOPER:
One last question, does this resolution in any way affect the County's ability to conduct larval mosquito control?

MS. ESPOSITO:
No. Actually, that issue was raised by the Vector Control Department, and I was a little confused as to why they raised it because if you read the legislation, it says quite clearly in second "resolved" number one, "develop a No-Spray List request form which an individual can cause to notify the DPW of individual desire not to be sprayed or otherwise directly exposed to chemical used in adult mosquito

control."

D.P.O. POSTAL:
Legislator Cooper, did that -- I recognize Legislator Towle for a question.

LEG. TOWLE:
Thank you Legislator Postal. Adrienne, just a couple of things I wanted to go over.

MS. ESPOSITO:
Okay, Fred.

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LEG. TOWLE:
First and for most, I wanted to start off that I've had an extremely good working relationship with you, and I have the greatest respect for you and for your group because we've agreed on many issues. But today is clearly not one of them, unfortunately.

MS. ESPOSITO:
I anticipated that.

LEG. TOWLE:
I've got a couple of questions, and I just want to go over one thing that you did say that I do agree with first. There's no question that we can obviously look to see if we can do our business better, and I think to look to do our business better as far as dealing with mosquitos. And I think that's where we need to start because I think two rights don't necessarily make a wrong. I'm speaking as loud as I can Legislator Postal, but it's kind of loud here in the room.

D.P.O. POSTAL:
Everybody else is speaking too, it's not you.

LEG. TOWLE:
My first question is an obvious one. Using the 300 foot radius and looking at my district in which they've built on very small lots in many instances, we could have four or five homes within one street that would effectively prevent us from spraying that whole street. And obviously, that creates a question immediately of how do you provide a balance between those that want spraying and those that don't want spraying, because without question, with no disrespect to any of the other Legislators but just based on purely call volume and the volume of mosquitos, my district is clearly one of the worst because it's all waterfront on the South Shore. That presents a problem in my mind. How do you effectively provide a balance? You

said it would not be a problem, and it would work out well for everybody. And immediately that comes to my mind, and I'm curious what your thoughts are on that.

LEG. D'ANDRE:
Excellent question.

LEG. TOWLE:
I've got a few more.

LEG. D'ANDRE:
Excellent question.

MS. ESPOSITO:
You know, you didn't give me any positive feedback, Mike. Actually, I would like to say that I understand that your district prevents some unique sensitive issues, Legislator Towle. But I also would like to say that I think that because it present so many problem areas with mosquitos, that the number of people actually requesting to be on the No-Spray List would be greatly diminished because of that, that's number one. Number two, is that in other areas of the country they also have low-lying areas that were once wetlands, and they built on

them, and they still have this program there. What they do find -- because I looked at that specifically for your district -- is that people in that area are not calling to be on the No-Spray List. Number two, is that -- also, what we're finding is that this bill, and I just want to clarify, it's only going to prevent that home from being directly spray. There's going to be drift, as you know pesticides drift, and drift will still go out in the community. It doesn't guarantee that the homeowner on the list will have no exposure, it just guarantees reduced exposure.

LEG. TOWLE:
Of course there's no guarantees. There's no guarantees that we're not going to be sued. Despite your expertise in that area, I mean, anybody can really do what they want. My concern is though if you have four or five homes on a block in my district, for example, that are on the No-Spray List, realistically, you may not be able to spray that whole block because of the patching of those four or five homes.

MS. ESPOSITO:
Well, let me just suggest this: If those people don't want to be sprayed, are you saying the government should spray them anyway?

LEG. TOWLE:
Not arguing the point in the reverse. I'm asking you a question based

on your comments. I'm not saying the system is perfect, and I did say at the start of my conversation that it should be fixed. But I think the solution that's before us today is not a viable solution. And I'm willing to work with you and the Department of Public Works and the Health Department in coming up with something that is viable, but I don't think this is the answer based on that question and that one main question. I have a couple of others. One of which was you mentioned some other locations that have taken similar actions. What locations within this state have taken those actions?

MS. ESPOSITO:
This would be the first of its kind in New York State. However, I would like to say that Nassau County has a program, it's not codified in law, but they do work to make a good faith effort to accommodate everyone who's on a No-Spray List. But this would clearly be the first law of its kind in New York State. But New York State is not the only state to have mosquito issues.

LEG. TOWLE:
That's very true. I'd also like to get a listing from you --

P.O. TONNA:
Fred, just one second and then -- everyone should realize that after this speaker is done and questions are done, we are going to go into Executive Session, right? Okay?

D.P.O. POSTAL:
I have said that.

P.O. TONNA:
You have. Okay. So we are going into Executive Session after that to discuss the Coram lease. There you go. So for those people who

haven't spoken, there'll be an opportunity -- because then you move into the lunch break at 12:30, 2:30 Public Hearings, so probably -- I don't know -- around three

LEG. BISHOP:
Mr. Chairman.

P.O. TONNA:
Yes.

LEG. BISHOP:
I hate to be a trouble maker, but we started this meeting off with at least an hour of presentations, and now -- or half hour of presentations.

LEG. CARPENTER:
Half hour

LEG. BISHOP:
Half hour, and now we're cutting the public off --

P.O. TONNA:
No, we're not cutting the public off, we're having Executive Session.

LEG. BISHOP:
You are. Effectively you are, because you're doing an Executive Session on their time. This is the Public Portion, and what you're saying is we're going to eliminate the public portion in order to have an Executive Session.

(APPLAUSE)

P.O. TONNA:
Everyone stand. Legislator Bishop is such a wonderful Legislator, he speaks for the people from his heart. But anyway, this is absolutely ridiculous. We've done Executive Sessions all the time this way.

LEG. BISHOP:
Why is it ridiculous. Which way? No. We don't do Executive Sessions all the time this way. We don't go into the -- this is something new that's only popped up this year.

LEG. TOWLE:
Mr. Chairman.

LEG. BISHOP:
This is not the traditional way to do Executive Session.

MR. TOWLE:
Mr. Chairman.

P.O. TONNA:
Dave, I just want you to know, and I understand -- just wait --

LEG. TOWLE:
Would you mind if I finish this, and then you guys can argue.

P.O. TONNA:
No. No. Legislator Bishop you read the schedule, right? You saw it. This is the first time you entered any protest. Well, read the

schedule. It said 11:30, it's had it down for quite some time.

LEG. BISHOP:
Well, it's wrong. It's wrong. It's wrong to do --

P.O. TONNA:
Why didn't you call my office and tell me then?

LEG. BISHOP:
It's just like I've been speaking out against these 18 Legislators designating different days every meeting which is going to be continue to cut into the Public Portion and --

LEG. CARPENTER:
Mr. Chairman.

LEG. BISHOP:
-- it's wrong to schedule Executive Session during a Public Portion. It's just wrong. And whether you fax it out in advance or do it at the spur of the moment, it's wrong either way.

LEG. CARPENTER:
Mr. Chairman, if I could respond to that.

P.O. TONNA:
Dave, to tell you the truth, I don't care when the Executive Session is. I couldn't careless. But this is what has been sent out. That's what most prudently people have asked for. You know that, and I know that.

LEG. FISHER:
Can we make a motion to move the Executive Session.

P.O. TONNA:
Let's finish up with the speaker and then we'll have the debate.

(APPLAUSE)

LEG. CARPENTER:
Mr. Chairman, I just don't want anyone getting a wrong impression out there who is here to speak. Officially, the Public Portion ends at 11:00 unless the Legislature votes to extend it. We always extend Public Portion. So this Legislative Body will stay here as long as anyone comes who wants to speak. I think in scheduling the Executive Session at the time they did, it allows the officials from the department -- the various departments who need to address the Body, giving them a time specific so that they can get back to their offices do the people's businesses.

P.O. TONNA:
Legislator Bishop, I thought about this. This is what we're going to do. We're going to cut into our lunch period because you want to hear

the people speak. So what we'll do is we'll go to 12:30 and then we'll have the Executive Session at 12:30. I'll sit through the whole thing, and I hope you will.

LEG. BISHOP:
You'll get my commitment.

(APPLAUSE)

LEG. TOWLE:
Can I --

P.O. TONNA:
Legislator Towle.

LEG. TOWLE:
I'll try to make it short so that we can move on.

MS. ESPOSITO:
That was like a commercial break or something.

LEG. TOWLE:
As I said, since there is nobody within this State, I'd be curious if you had a list -- you mentioned some of the other places, counties, states -- that you can provide us with contacts, because if the bills moved today, I'm going to vote against it, I want to be honest with you, but if the bill is tabled between now and the next meeting, I'd like to be able to call some of these other counties or states and speaks to them in reference to what exactly what was passed there, and what affect it did have on them, obviously, being a test case.

MS. ESPOSITO:
We can give you the name and phone number of the national expert on this who, actually, by the way, was hired by the County of Westchester, for instance, just last year to help them with their mosquito control program. He came from Texas to do that, so he is familiar with New York.

LEG. TOWLE:
As I said, I'll just finish this up with the last thought. I don't think this is the answer. I think there is a problem, and I would agree with you that we need to sit down and work together to try to work out that problem. But I think this does potentially create more problems on the other end the spectrum, which, obviously, you're trying to address this morning. So as I said, I'll would be willing to work with you, but in its present form, I won't be able to support this today.

MS. ESPOSITO:
I'm happy to here, Legislator Towle, that you're willing to work with

us. I know you've done that extremely well in the past, and we look forward to continuing that.

D.P.O. POSTAL:
Legislator Towle, are you finished?

LEG. TOWLE:
Yes, I am. Thank you.

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

LEG. CARPENTER:
Thank you. Adrienne, we have a statement in front of us that I'm sure you've seen from the Health Commissioner, and she clearly states that spraying is used only as a last resort when there is an eminent threat to human health. However, as part of your presentation today, you said that 80% of the spraying is used for nuisance control. Where did you get that figure?

MS. ESPOSITO:
It's in the Vector Control plan this Legislature adopted in the Year 2001, and also, from testimony from Dominick Ninivaggi to this Legislature in regards to supporting the passage of that plan.

LEG. CARPENTER:
Okay. So it says in there that 80% of spraying is used for nuisance control.

MS. ESPOSITO:
It might actually say the opposite. It might say ten to 20% is used for West Nile Virus.

LEG. CARPENTER:
All right. We'll check with Ninivaggi. Thank you.

D.P.O. POSTAL:
Legislator Crecca.

LEG. CRECCA:
Hi Adrienne, good morning. I apologize, I was not here for the beginning of the speech, but I could here you in the back. We've already met. No, I didn't mean because the volume, we have speakers back there, folks. I'm sure I could have heard you without the speakers. I guess one of my concerns -- and I raised it to you prior, but I just want know if there's been anything there -- is the footage.

I think it's 300 feet in the bill; is that correct?

MS. ESPOSITO:
Yes.

LEG. CRECCA:
You know, we have documents before us from the Department of Public Works. It's a single request they're saying could result in a No-Spray Zone of approximately six-and-a-half acres. And I guess the concern is what I said to you, I live on a block where the frontages are 75 feet. You know, and I'm not that -- where I live is not that unique from other parts, especially the West End of this County, where lot frontages could be as small as 50 feet. Actually, in the Town of Babylon, I think sometimes it's 35 feet on some of the lot frontages. I guess my concern is, is that while we protect the right of those citizens who don't want to be sprayed, we're also going to be hurting

the rights of those citizens who want to be sprayed or who need to be sprayed. And I think we need to find a better balance between the two. You know, effectively we're putting one citizens rights above the rights of others, and I think that's why --

D.P.O. POSTAL:
Is there a question?

LEG. CRECCA:
Yeah. I guess my question is, is can we effectuate a similar type thing to protect both people's rights by lowering the footage between property lines.

MS. ESPOSITO:
Okay. You've heard of voodoo economics? Well, this is voodoo math.

LEG. CRECCA:
Voodoo economics worked pretty good under Ronald Reagan.

D.P.O. POSTAL:
We don't have even have time for that discussion.

MS. ESPOSITO:
I agree with Maxine Postal. I just want to say that it's amazing to me how, you know, there was an hallucination made and it got put down on paper and then distributed to the Legislators. As far as I know, you know, an acre is 208 feet by 208 feet. So the math is wrong in your memo, number one. Number two, is that we have a system right now that has a great disparity, everyone gets sprayed period. And the only thing this legislation is attempting to do is to bring us closer

to some measure of equity.

Now, we are more than happy to listen to Legislators concerns, I think you know that about us, and want a program that works. But we want to a program that works for both sides, that really makes it that the 250 foot swath coming off of the truck isn't interfering with that particular homeowner that wants to be on the list.

LEG. CRECCA:
Is their a smaller footage that you guys or that you believe, as someone, you know, who has done obviously a lot of research and work in this area, that you would be willing to accept, other than the 300 feet?

MS. ESPOSITO:
Well, there might be, but we prefer 300 feet. Other states and other and other municipalities use 300 feet.

LEG. CRECCA:
You're saying you're willing to work with us, so give me --

MS. ESPOSITO:
You know, I'm willing to work with you.

LEG. CRECCA:
I know that. I'm saying -- do you know that the spray -- how far it

goes out when they spray with the truck. It depends on wind conditions.

MS. ESPOSITO:
That actually depends on wind and size of droplets and climate conditions and all those things.

LEG. D'ANDRE:
Madam Chairlady.

LEG. FOLEY:
We can't negotiate this in this form, Madam Chair.

LEG. CRECCA:
I'll defer my time for a point from Legislator D'Andre.

LEG. D'ANDRE:
Either spray or you don't spray, you can't piecemeal. It's scientifically wrong and you know that.

MS. ESPOSITO:
Then don't spray.

LEG. D'ANDRE:
You have to spray or not spray. You can't pick and choose.

D.P.O. POSTAL:
Michael.

LEG. D'ANDRE:
It doesn't work. It's that's simple.

LEG. FOLEY:
Thanks, Mike.

LEG. D'ANDRE:
Either you spray or you don't spray.

MS. ESPOSITO:
I respectfully disagree.

LEG. CRECCA:
I'll just wrap up though. I'm willing to sit down. I just grabbed the sponsor, told the sponsor that is my primary concern with the bill. I think the premise of the bill, the idea behind it, is a good premise. I just want to make this work to protect those citizens who don't want to be sprayed, or as Adrienne and I have discussed, who need to be sprayed. There are situations where children can't go out in yards sometimes because of a condition. We have to protect those people too. I have little kids, I don't --

D.P.O. POSTAL:
Legislator Crecca, a question.

LEG. CRECCA:
No, there was no question. It was a statement.

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D.P.O. POSTAL:
Legislator Caracappa.

LEG. CARACAPPA:
I have a question, Paul. There goes counsel, and I waited very patiently for counsel on the bill, actually.

D.P.O. POSTAL:
Can we have Paul Sabatino.

LEG. CARACAPPA:
He's conversing with -- I'll ask Adrienne, she may know. We need a SEQRA on this, I believe. We haven't had it yet.

MS. ESPOSITO:
You might want to ask counsel that, actually.

LEG. CARACAPPA:
Okay. We need SEQRA, determination on this bill?

MR. SABATINO:
The SEQRA process -- somebody asked the question yesterday, and I checked the records. The SEQRA process was completed. The Counsel on Environmental Quality did the review, and they categorized it, not as a stand-alone determination, but they made it part of the Legislative Classification Resolution. It was done about three or four weeks ago.

P.O. TONNA:
It's got to be tabled.

MR. SABATINO:
So it was completed.

P.O. TONNA:
So it does not have to tabled.

LEG. CARACAPPA:
It doesn't, no, technically.

MR. SABATINO:
No, it does not have to be tabled because it was completed. I wasn't sure when I got the question yesterday, but I did research it yesterday afternoon.

[THE FOLLOWING WAS TRANSCRIBED BY LUCIA BRAATEN]

LEG. CARACAPPA:
Just what Legislator Towle said and Legislator Crecca, I'd have to agree with them at this point in time. And I hear what you're saying, that you're willing to work us, but I don't expect you to put yourself in a position of compromising what you're trying to achieve here and I understand that as well. I hope you're open with those proponents of the bill to sit down with us maybe the next couple of days as Legislators and as a group to maybe fine tune this. The premise of the bill is well-intended and I think well thought out, but I think

there's still some logistic problems with relation to aerial spraying and truck -- and ground spraying and the conditions of weather. And you know it better than I do at this point in time. So, hopefully, we can work this out, but I don't think it's going to happen today, so maybe you can work with us in a very timely fashion and get this accomplished.

P.O. TONNA:
Adrienne, I just have one quick question for you. I'm not an expert. I'm not an environmental expert, I'm not a public health expert. As a matter of fact, we're left to organizations like yours, to people like the Commissioner of Health to help us to understand the gravity, you know, pro, con, for, against, on any -- on any issue. The concern that I have is that for me, the way that I see a hierarchy of issues is that public health for me is one of the major priorities that I have as a County elected official, public safety, public health, and, you know -- and that doesn't mean it works against the environment, that doesn't mean -- you know, hopefully, these things will all work together. I have not heard yet -- I read Dr. Clare Bradley's letter with regard to this bill. I'm not even concerned about Public Works as much. Logistically, I don't care. If this is a difficult thing to do, who cares? If it's the right thing to do and difficult, I don't care.

(Applause)

I didn't do it for applause. But from my standpoint, to tell you quite honestly, we'll work out the logistics. But I do have a concern about the public health.

Doctor Clare Bradley, I just read a letter now for the fourth time, to me it's an ambiguous letter. I don't really know what she's saying. I don't know if she's for the bill, against the bill, and, you know, I would expect that from an attorney, not generally from a physician. I am -- I guess the concern that I have is that the way that I look at this is very, very clear. If the doctors, the public health officials in the County, the Commissioner of Health, or whatever else, say that this is not a good bill, I'm going to vote to table it until we can make it a good bill to satisfy a very clear criteria of what public health officials say what they need to make it a good bill. That's my concern.

MS. ESPOSITO:
May I respond?

P.O. TONNA:
Yes. And I'd like to hear, yes.

MS. ESPOSITO:
Okay.

P.O. TONNA:
Absolutely. I just want to know, have you had any conversation with our public health officials and stuff to see, you know --

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MS. ESPOSITO:
I've had numerous conversations, seriously, with public health officials across New York State, and I have to tell you, and if you want to work out the logistics of the bill, we're willing to work out logistics of the bill. But one thing I want to make very, very clear and that is the issue of public health is what drives not only my organization, but all of these organizations to protect the environment. We see it as being one in the same thing. And that the issue of pesticides is the issue of public health.

P.O. TONNA:
Right.

MS. ESPOSITO.
There will be studies presented today that we actually left with your staff about how pesticides, even in very low doses, are affecting fetal development.

P.O. TONNA:
Right. I understand that.

MS. ESPOSITO:
I mean, to us, this is all connected.

P.O. TONNA:
But how would -- the concern that I have, what if we pass this bill and we have some people come down with West Nile Virus? We haven't had that situation. I mean, that's -- see, that's why I say, and I preface my question to you, or whatever --

MS. ESPOSITO.
Legislator Tonna.

P.O. TONNA:
-- is that I'm not a pro at this; okay? I am not the professional. I'm not the one who is whose qualified to weigh in a balance between long-term effects, which we all know, and, you know, we agree with the spirit of this bill, you know, I understand that, and short-term effects and weighing that balance. That's what you have professionals do, and I'm not that professional. And you're kind of dependent on what the professionals say. That's -- do you feel my pain?

MS. ESPOSITO:
Do you feel mine?

P.O. TONNA:

Yes.

MS. ESPOSITO:
But I think what we need to do here is to say -- you're actually I think saying that spraying pesticides is solving the West Nile Virus problem. And even the CDC will tell you, "You know what, it didn't work." You know, they thought by spraying New York, they were going to keep West Nile Virus out of the ecosystem. Now they're saying in the next five years, it will be in every state in the continental United States and that spraying didn't work. So now they've switched

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and said you have to use a multitude of factors to look and see if West Nile Virus even threatens human life, even, and I can read from the plan, but I won't, because we're in a hurry, it says that even in a very, very active ecosystem with West Nile Virus, it's not necessarily translating to the human population. And just because we sprayed poisons on us doesn't mean we've solved the health problem. You can't solve one problem by creating an even larger problem. That's our concern.

(Applause)

P.O. TONNA:
Okay. Thank you. Thank you. I mean, I've asked our public health officials to come, you know, and be able to speak specifically about the bill and if they're -- you know, if there are some concerns, to work that -- to work that out with your group and with other groups that are, you know, concerned. And nobody in any way thinks that you're not concerned about public health. We know that.

MS. ESPOSITO.
Okay.

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

MS. ESPOSITO.
All right. Thank you.

LEG. TONNA:
Thank you. Okay. Where are we? Only here? All right. Patti Wood. Okay. And then after that, Debra O'Kane.

MS. WOOD:
Hi. Thank you.

LEG. TONNA:

I'm just going to -- hold it for a second. I'd ask all Legislators, please come to the horseshoe. If -- I'm going to call a recess if we don't have a quorum. One, two, three, four, five, six, seven. Okay. I'm going to wait two more minutes, so that we have at least, you know, a majority of Legislators here to listen to you.

MS. WOOD:
Thank you.

P.O. TONNA:
Okay. We're at eight. One, two, three, four, five, six, back to seven. Okay. We're going to take a five-minute recess and then wait for -- you know, you'll be the first the speaker. Okay?

MS. WOOD:
Okay.

P.O. TONNA:
Thank you.

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[THE MEETING WAS RECESS AT 11:54 AND RESUMED AT 12:02]

LEG. TONNA:
Call it back into session. All right. We have Patti Wood.

MS. HAMLIN:
Patti was wondering if I could go first and take --

LEG. TONNA:
And is that Debra O'Kane?

MS. HAMLIN:
Aimee Hamlin. I'm right here somewhere.

P.O. TONNA:
Aimee.

MS. HAMLIN:
I was here before any of them. I was here before everybody else who spoke today.

P.O. TONNA:
Aimee, all I can tell you is these things are numbered and you're number twelve.

MS. HAMLIN:

Patti wondered if I could go and if she could switch. I have to take my husband to the hospital.

P.O. TONNA:
All right. You're going to have her spot, then, which is --

MS. WOOD:
I can't.

P.O. TONNA:
What?

MS. WOOD:
I have to leave at twelve.

P.O. TONNA:
No, I can't. Ma'am, every single time I have that. I can't do that.

MS. HAMLIN:
Well, all I'm saying is that I was --

P.O. TONNA:
Ma'am.

MS. HAMLIN:
-- here this morning before almost every single person who already spoke today. I was here and I handed in my card.

P.O. TONNA:
Ma'am I have you as number twelve. That's, you know -- can I say, for

those people who haven't been here before, a lot of you have, this is it process. It's not always pretty, it's not always the most wonderful process, and every single person has the right to speak and wants to speak. The problem is, is that I can't take every single into -- into -- as a factor. Once I start that, then I might as well -- every single person is going to want to speak at the same exact time. That's the way it is. I'm sorry. I have number seven -- number six right now is Patti. She's next on the list to speak. Thank you.

MS. WOOD:
Thank you very much. I'm Patti Wood. I'm the Executive Director of Grass Roots Environmental Education. I am on the New York State West Nile Task Force. We are rewriting the public information sheets, specifically on pesticides and on deet. When you see those sheets, you will see that there have been major changes in the warnings to the

public about their exposure to pesticides and less emphasis on the fact that we have very vulnerable populations, specifically children, which are no longer on the list? Yes? I work with a variety of environmental organizations, both local, state, and national on pesticide issues, and that's why I'm here today.

Just very briefly, and I'm going to try to be brief, because I know I want other people to speak, I just wanted to let you know that in a historic move just last week, the United Nations Commission on Human Rights concluded that everyone has a right to live in a world free from toxic pollution and environmental degradation. Briefly, this statement issue from the United Nations declared that many of the fundamental rights enshrined in the Universal Declaration of Human Rights have significant environmental dimensions.

They go on to say that it is a basic human right to live free of toxic pollution and environmental degradation, including and not limited to the right of all persons, and most especially children who are the most vulnerable and susceptible to the risks of cancer and adverse health effects to live, learn, work and/or play with safeguards and protections for safer, healthier home and school environments free of toxins, especially free of pesticides. This is from the United Nations. This happened last week on April 30th.

I'd also like to speak to you and especially to those that are concerned with Right to Life issues. And I know that some of you here have those concerns. We have good science that confirms the vulnerability of the fetus to environmental contaminants, but a recent study confirmed that the idea that the timing of exposure rather than the amount, and I know that this issue of amount comes up over and over again in these discussions that we're using and ULV, which is an ultra low volume pesticide, this is not an issue when it comes to the health of children or fetuses in particular. They found that the timing of the exposure rather than the amount was the more important factor in the developmental -- in the development of birth defects. This study came out of the University of North Carolina at Chapel Hill. It was published two months ago in toxicology in March of this year. The most critical time they found, the time period for pregnant women is the third to eighth week of pregnancy. I can tell you right now that most pregnant women out there have no idea that between their

third and eighth week of pregnancy that they are especially vulnerable to contaminants.

A no spray list in Suffolk County would allow pregnant women to avoid unnecessary exposure to potential life altering substances such as Anvil and Scourge, which are both synthetic pyrethroids that are

suspected endocrine disrupters and have neurotoxic properties. I don't know how many of you know the exact breakdown of this chemical, but Anvil is 10% sumithrin, which is a suspected endocrine disrupter, 10% {bipiranubatoxide}, which is a synergist that actually makes the sumithrin more active, and that chemical is known by the EPA to be a suspected carcinogens. And the 80% of the rest of that chemical is what we call inert ingredients, or ingredients that do not have to be disclosed by the industry or the manufacturer. The solvents are usually aromatic hydrocarbons such as naphthalene, which is -- which was used in the Anvil products both last year and the year before.

I feel that a pregnant woman must be given the right to protect her unborn child, and so this information about the fetus vulnerability during these certain weeks of gestation I think is something -- some information that the Legislature, or at least the Health Department here in Suffolk County should be -- should be giving to the constituents.

Aimee Hamlin, who is not here, and I just want to briefly tell you why she left, she was leaving to take her husband to the hospital --

LEG. FISHER:
I thought she was here.

MS. WOOD:
-- the day after --

MS. HAMLIN:
Actually, I'm here.

LEG. FISHER:
She's right behind you.

MS. HAMLIN:
I'm here.

MS. WOOD:
Oh.

P.O. TONNA:
Ma'am your time.

MS. WOOD:
Yes, okay. I'm going --

P.O. TONNA:
You time is up.

MS. WOOD:
Okay.

P.O. TONNA:
Is there any questions.

LEG. BINDER:
Mr. Chairman.

MS. WOOD:
Yes.

P.O. TONNA:
Yes, Legislator Binder.

LEG. BINDER:
Just curious. If a woman who's pregnant, her neighbor isn't on the spray list, there's drift, how does she protect the fetus?

MS. WOOD:
She doesn't. I mean, basically, I'm here to say that any pesticide exposure --

LEG. BINDER:
Right. Because you said that it didn't matter what levels, so --

MS. WOOD:
That's right. That's exactly -- that's why I'm saying here, is that any level will affect --

LEG. BINDER:
But then you're --

MS. WOOD:
-- will affect the fetus of a woman who is three to eight weeks pregnant.

LEG. BINDER:
But then what you're saying to me is a woman who's pregnant between the third and eighth week couldn't go out of her house and be affected by it, because she drives down the block, her window is open, she drives in another neighborhood that's being sprayed, so she could be affected that way. She could be affected because the neighbor is being sprayed, the area is being sprayed and there's drift because it's windy, and that day, so she's affected. So in any way, I don't see how a no spray list just protected her when all of these opportunities for being -- if you said because there's a certain level she can protect herself, because the direct spraying of her house at that level can cause a problem, and she could protect herself from that direct spraying. But when you tell me at any level, then it seems to me that there's no protection even on a no spray list.

LEG. TONNA:
Question. What's the question.

LEG. BINDER:
That was the question.

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MS. WOOD:
Well, I can respond to that, if you wish. I would think that if a woman knew that she was vulnerable, or that her fetus was vulnerable between those weeks, that she might ask her neighbor to also to -- she might ask her neighbor to also put themselves on that no spray list and maybe several other people on her street, so that everyone would be -- you know, would be protected from the spraying.

LEG. BINDER:
I think it's not realistic. Thank you.

MS. WOOD:
Well, I know --

LEG. TONNA:
Patti, I just want to ask the question.

MS. WOOD:
Yes.

P.O. TONNA:
I'm sorry. Just to get an idea, because you seem like you know an awful lot about this stuff. Just from a -- I have ASAP. Do you have like a Master's in -- how do you --

MS. WOOD:
No, I don't. I have nine years of experience working as an activist, as an environmentalist.

P.O. TONNA:
Okay.

MS. WOOD:
And, specifically, working on pesticide issues.

LEG. TONNA:
Okay. Thank you. Legislator Fisher.

LEG. FISHER:
You did give us some very good information. I was wondering if you could give us the name of the report from which you were quoting regarding the fetus information, because --

MS. WOOD:
Yes. The report was actually given to Paul Tonna's associates. There was a meeting in his office I believe last week. It's -- I don't have the actual name of it in front of me.

LEG. FISHER:
Okay. So I can get a hold of it.

MS. WOOD:
But I can -- I can actually send it to you, if you would like.

LEG. FISHER:
Thank you. I would appreciate it.

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MS. WOOD:
Okay, yes. It's a very interesting report.

LEG. FISHER:
And my second question is related to Legislator Binder's queries, which is that if someone is vulnerable, if a pregnant woman is at a vulnerable point, this would be one more -- one more tool for her to have at her disposal, would it not? Because we now are informed if there's going to be spraying in our area, so she would know if her neighbor were being sprayed, and this would -- wouldn't you think that this would give her just one more tool --

LEG. BINDER:
If I can just interrupt real quickly, just --

LEG. FISHER:
-- requesting that she not be sprayed?

LEG. BINDER:
Just to let you know that the notification question has already been done. We passed that legislation. This doesn't --

MS. WOOD:
Yes.

LEG. FISHER:
I just said that we have notification already.

LEG. BINDER:
Right, this doesn't change notification.

P.O. TONNA:
All right. Okay.

LEG. FISHER:
So I'm just asking the --

P.O. TONNA:
The question is being asked to the speaker. Go ahead.

MS. WOOD:
I understand --

LEG. FISHER:
-- the speaker a question.

MS. WOOD:
-- Legislator Binder is concerned about the practicality of this and it's a very --

LEG. FISHER:
And my question to you is paired --

MS. WOOD:
It's a very difficult issue and --

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LEG. FISHER:
-- with notification.

MS. WOOD:
Yes, wouldn't this not be an additional protection. Yes, of course it would. I can tell you that the -- in the New York State public information sheets, the wording about pregnant women and exposure has been changed to try -- it's been changed this year to now say "avoid exposure, " and this is -- this is a very important step.

You see, the research, the scientific information that we have is incomplete. We don't have enough information to make definitive statements about these things. We have toxicological data. We are beginning to get data now that -- now that they're looking at endocrine disruption. They're especially looking at children and their vulnerable to pesticides and to fetuses, of course. And so we're trying to put this together. But when it comes to children and when it comes to fetuses, we think that a precautionary -- taking the precautionary principle into -- into play here is the right thing to do. And I know that Westchester County is going to be -- is going to be voting on a no spray list as well. And a lot of these issues are

going to be brought up at that meeting and there will be people testifying about health issues.

LEG. FISHER:
But if I'm hearing, the short answer is that with notification and a no spray list, the pregnant woman has a greater chance of protecting her fetus.

LEG. D'ANDRE:
That's not true.

MS. WOOD:
Yes. But I also --

LEG. FISHER:
Her answer being?

MS. WOOD:
I also would have to say that this information needs to be disseminated to the public. I mean, like I said in the beginning, most pregnant women have no idea that they are at particular risk --

LEG. FISHER:
Thank you.

P.O. TONNA:
Thank you.

MS. WOOD:
-- you know, during that period.

P.O. TONNA:
Thank you very much.

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MS. WOOD:
You're welcome.

P.O. TONNA:
Okay. Amie, somebody has switched their spot with you. I think it's Debra O'Kane. So, Debra, you are now number twelve.

MS. HAMLIN:
Okay.

P.O. TONNA:
Okay? Go ahead.

MS. HAMLIN:
I apologize for my impatience, but I was here before nine o'clock this morning, and many people spoke before me who were not here.

P.O. TONNA:
Right.

MS. HAMLIN:
So I don't know what happened to the order of the list in the first place.

P.O. TONNA:
Okay.

MS. HAMLIN:
I'm Amie Hamlin. I'm with the New York League of Conservation voters here to speak about the no spray list bill. But I'm going to speak about something very personal today.

The day after tomorrow, my husband has to undergo surgery for -- the day after tomorrow, my husband will undergo surgery for possible testicular cancer. After finding a mass in his testicle, the doctors say that there is a 95% chance of cancer. Excuse me, because this is very emotional to me. My husband grew up in West Islip. That's where the pesticide DDT was sprayed four times the rate of surrounding communities in the early 1960's when my husband was a young child. That is the same community where breast cancer rates have been very high. At the time, no one could have imagined the future consequences of DDT, but it was banned from use in this country in 1972. If my husband does, in fact, have cancer, of course, we will never know the cause. At the same time, we don't know the long-term consequences of spraying the current pesticides used for mosquito control will be years from now.

My organization is concerned about preventing diseases, so we don't have to hear the kinds of testimony we heard earlier this morning. We do know that pesticide spraying could, in fact, in the short term trigger asthma attacks and asthma attacks can kill too. My husband has asthma also.

While we qualify to be on the current no spray list, if mosquitoes carrying the West Nile Virus are found in our area, the no spray list will not apply, and our property will be sprayed, even if my husband

is undergoing chemotherapy and should not be exposed to such poisons, not that anyone should be. Furthermore, I believe that ever person has

the right to practice preventive health care. I believe that every person has the right to not be sprayed with chemicals by the government. It is my understanding that at least 80%, and possibly 90% of the spraying that is done in Suffolk County is done for nuisance mosquitoes. And, by the way, I live in Legislator Towle's district where the highest level of mosquitoes are.

Some in the environmental community have called this nuisance mosquito spraying the "Mary Kay spray," meaning it is done for cosmetic reasons to look good. It doesn't seem to create any real change. Bellport was sprayed three times last year. This may not be very scientific, but it was just as buggy outside the day after each spray as it was the day before. For meaningful reduction in mosquitoes, almost daily spraying would probably be required, and that would never happen, as I think we all know, nor should it.

I think it's very clear that opposition to this law has nothing to do with health concerns. I want everyone to hear this. The law contains a clause that would make it null and void with a declaration of a true health emergency. That would be up to the Health Commissioner. I'm almost finished.

P.O. TONNA:
Okay.

MS. HAMLIN:
I wonder if the opposition has more to do with the extra work that would be required by the Vector Control Department. I'm glad you mentioned that doesn't matter. I cannot imagine any other real reason for opposition.

All of you were elected to represent your constituents. A few years ago, you voted to protect your constituents from secondhand smoke in public places. The reason was because people have the right to breathe clean air and not be subjected to being exposed to poisons that they do not wish to be subjected to. Given that this law regarding a no spray list in no way compromises the County in true health emergencies, I hope you will vote today for people to have the right in this year of 2001 to not be sprayed by their government with poisons, remembering that 80 to 90% of the time this spraying is done for nuisance mosquitoes. I hope today you'll vote to protect our children, who are more susceptible to the dangers of pesticides, you'll vote to protect my husband, your husbands, your wives and your constituents who chose to take preventive measures for their health. I cannot see any reason why this should not be passed. Thank you.

P.O. TONNA:
Thank you.

(Applause)

LEG. BINDER:
Could I --

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P.O. TONNA:
Wait, wait, wait.

LEG. BINDER:
No, no, no, it's not a question.

P.O. TONNA:
You don't have a question?

LEG. BINDER:
Can I ask you a question.

P.O. TONNA:
Okay. Does anybody have a question of the speaker? All right. Good luck with your husband; okay?

LEG. FOLEY:
Good luck tomorrow.

LEG. BINDER:
Mr. Chairman, I'm just wondering if you can make a request that Clare Bradley come to the Legislature after the lunch break? Because I read her letter and there's not a lot of information in here, and I think questions from Legislators and answers from her could help us parse out the health risks or not.

P.O. TONNA:
Right.

LEG. BINDER:
Or whether there are or not associated.

P.O. TONNA:
I know we have the physician here from the Department of Health who -- from the Health Department who is a head of Public Health.

LEG. BINDER:
Right. But I would --

P.O. TONNA:
Right.

LEG. BINDER:
-- hope that the Commissioner, since she wrote a letter, we can ask her questions on her letter.

P.O. TONNA:
I think I've already communicated it, to tell you quite honestly.

Okay. Laura Weinberg. Hi, Laura.

MS. WEINBERG:
Hi. I'm here today to represent Huntington Breast Cancer Action Coalition. Unfortunately, Karen Miller, the president, was unable to come to this.

The Huntington Breast Cancer Action Coalition is in total support of

the no spray list. Our coalition has always been appreciative of Suffolk County Legislature's wisdom in enacting legislation that supports the elimination of toxic chemicals from our environment.

As many of you are aware, for the past three years, Huntington Breast Cancer Action Coalition has had a successful campaign to eliminate home pesticide usage called "I'm Fed Naturally," or the "Pink Flag Campaign."

Okay. The sole reason that we are training residents in Suffolk County on how to go organic on their property is for protecting their health and the environment. On a weekly basis, over a dozen people regularly contact us on how to convert their property from using pesticides to implementing a nontoxic program. Many of you supported this program. If the hundreds of people participating in the program don't have the choice to say, "No spray here," you are actually working against this very -- this program that we've worked so hard, the "I'm Fed Naturally" campaign.

We are very concerned also about the health effects of pesticides being used for mosquito control. In particular, sumithrin, which is the active ingredient in Anvil, was shown to have estrogenic activity and increased breast cancer cell growth at extremely -- at extremely low concentrations in a 1999 Mount Sinai study report. For women with estrogen receptor positive breast cancer, exposure to sumithrin and other pyrethroids are a real concern. According to our recent breast cancer mapping, there are 1,218 women in Huntington that have breast cancer. Some of them are as young as 25 years old. Two-thirds of these women are estrogen receptor positive and they should be given the right to say, "Please do not spray here."

From attending the last World Breast Cancer Conference, we have learned from scientists worldwide, as documented in this report, "Rethinking Breast Cancer Risk and the Environment, The Case for the Precautionary Principle," that exposure to pesticides at low doses during critical windows of development, such as the neonatal stage, puberty, and menopausal stages may place men and women at risk of getting breast cancer. During the seventh week of gestation is the

critical window when breast cells are forming. According to this study, breast cells at this sensitive time period are more vulnerable to carcinogens or hormonally active compounds. As I mentioned previously, sumithrin, the active ingredient in Anvil, was found to be hormonally active in the Mount Sinai study.

P.O. TONNA:
You're going to have to conclude your comments, ma'am.

MS. WEINBERG:
Okay. Hence, pregnant women should also be given the option of being on a no spray list.

P.O. TONNA:
Thank you.

LEG. D'ANDRE:
Mr. Chairman.

P.O. TONNA:
You have a question? Legislator D'Andre.

LEG. D'ANDRE:
Have you seen -- have you seen the list of chemicals that do not contribute to breast cancer sometime ago?

MS. WEINBERG:
A list that does not contribute?

LEG. D'ANDRE:
Yeah. They were tested and found that they were not --

MS. WEINBERG:
I'm really --

LEG. D'ANDRE:
Although they're pesticides --

P.O. TONNA:
Put your mike on, Mike.

LEG. D'ANDRE:
Although they're pesticides, they do not contribute to breast cancer.

MS. WEINBERG:
Well, I'm referring to the pesticides being used for mosquito control.

I don't know which ones that you're referring to.

LEG. D'ANDRE:
Okay. Then another thing. You know that pyrethrums is an organic.

AUDIENCE MEMBER:
No, it's not. It is not.

MS. WEINBERG:
It is not organic.

LEG. D'ANDRE:
It is. It comes from the daisy.

P.O. TONNA:
Okay. Hold it. Can I just --

MS. WEINBERG:
That is a -- that is a misconception. I'm sorry, but I think that you better --

P.O. TONNA:
Legislator D'Andre, that was a question, right?

MS. WEINBERG:
I think that you better reread --

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LEG. D'ANDRE:
Yes, it was a question.

MS. WEINBERG:
-- the information on that. I would like to submit also these two studies --

P.O. TONNA:
Great.

MS. WEINBERG:
-- that I referred to, and also the comments.

P.O. TONNA:
Thank you, ma'am. Thank you very much. Thank you for your time today.

MS. WEINBERG:

Okay. Thank you.

P.O. TONNA:
Okay. David Coppola. Coppola? Going once, going twice. Is David around? Sold.

AUDIENCE MEMBER:
He went to the men's room. Can you do the next card?

P.O. TONNA:
Well, nature calls. We all have that. Okay. Eric DuMont.

MR. DUMONT:
I actually have something to pass out to all of you, so --

P.O. TONNA:
Thank you. We love handouts.

MR. DUMONT:
All right, good. There's only Legislators, aren't there? Okay. I can get you more then.

P.O. TONNA:
Will the Clerk's Office please distribute the handouts?

MR. DUMONT:
All right. Hello. My name is Eric DuMont. I'm Long Island Program Coordinator for Citizens Campaign for the Environment. I'm here today to speak in favor of Resolution 1292.

I want to take this time to address one of the objections that have been offered to oppose this resolution. It has been stated that, quote, and you guys have all seen this memo, "Implementation of this bill would require additional staff and space, as well as considerable hardware and software upgrades in the order of $100,000."

First, I would like to point out that Suffolk already has a limited no spray list. Adding more names to that list should not cost $100,000,

shouldn't require additional office space, and should not require additional staff. Other parts of the country currently implement no spray lists in an efficient and cost effective manner.

I have here a letter, which I am passing out to you now, to all members of the Legislature from Ray Parsons, PhD. He's the Assistant Director of Mosquito Control for Harris County, Texas, which is the City of Houston, and I'll read that letter to you guys now.

"Dear Legislators, I would like to take this opportunity to provide you with information on mosquito adulticide notification policy. We have a nonregulatory notification service establish within our mosquito control program to provide residents in Harris County, Texas the option of having our trucks turn off the ultra low volume spray units in front of their residence. Also included is a notification policy. These options are outlined in the attached letter we send to residents. This program, similar to the one I established when I was Director in Sarasota County, Florida is not a local or state law or rule. We believe this policy offers special consideration to those residents requesting no spray option and does not have a negative impact on our program in lost time or funds. If you have further questions, please call or E-mail us. Sincerely, Ray Parson, PhD, Assistant Director for Mosquito Control, Public Health and Environmental Services."

The attached form, which they send out to all the residents in Harris County says, "Dear resident, Harris County Mosquito Control Division of the" --

P.O. TONNA:
Sir, you're going to have to conclude your -- wrap up your comments.

MR. DUMONT:
Okay. Well, you guys all have this form, but you see what the choices says. And as it's stated in the letter, Sarasota County has a similar program. One of my coworkers with CCE has spoken directly with Mr. Parsons, and as he reiterated in the letter, he maintains that this program does not have a negative impact on his overall program in either time or funds.

I've also spoken with Martin {Chomsky}, who's Director of Mosquito Control for Monmouth County, New Jersey. Monmouth County also does its best on a no spray request from residents. I've spoken many times with Greg {Taurilian}, who's the Director for Mosquito Control in Nassau County, and likewise, they do the same. They work to honor no spray requests from any resident, not just those with doctors notes. And we know that it couldn't have a negative impact on funding in Nassau, because if it did, they wouldn't be able to do it.

All these counties all over the country have found ways to successfully implement no spray lists without having a negative impact on funding or the operation of their control programs. We certainly expect that Suffolk County has the same ability to honor a person's desire to not have the government spray pesticides on their property. CCE believes, based on these programs from around the country, that Suffolk not only has the ability, they also have the responsibility to

honor their constituents' rights.

P.O. TONNA:
Sir. Sir. Sir, it's --

MR. DUMONT:
Thank you.

P.O. TONNA:
Thank you.

LEG. FOLEY:
Thank you.

P.O. TONNA:
Okay. Next --

MR. COPPOLA:
And I've returned, by the way.

P.O. TONNA:
Okay. Oh, all right. Let's go back. How are you feeling? Feeling a little better?

MR. COPPOLA:
Very good. Thank you.

P.O. TONNA:
Is that Eric DuMont? No. Oh, we just had -- okay. David Coppola. Okay. Are you a filmmaker? No?

MR. COPPOLA:
No.

LEG. BISHOP:
Now isn't this better than executive session? Aren't you enjoying this?

P.O. TONNA:
Dave, don't even start with me.

MR. COPPOLA:
These will be my three minutes of fame here.

P.O. TONNA:
There you go. Here we go. I pressed the button, you're on.

MR. COPPOLA:
Thank you. Good afternoon, members of the Legislature. Thank you. Oh, I'm sorry. Thank you for hearing me and for your attention today.
I'd like to begin by thanking Maxine Postal, my representative, I'm a resident of Copiague, for having both the courage and the common sense to cosponsor the no spray list resolution. Thank you.

I'm here today to remind all members of the Legislature of your duty as public servants, to respond to the concerns of members of the

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public and to represent and serve us. I am a 29 year old cancer survivor. Earlier last year at age 28, I was diagnosed with testicular cancer, the most frightening day of my life, I would like to add. So far, I have been successfully treated, but I've had -- most certainly at a very relatively young age had to come face to face with my own mortality. While I will ever know -- never know where my cancer actually came from, I do now know how fragile all of our human bodies can be. And I have made important choices to protect myself for the rest of my days. For example, we all know that smoking can cause cancer. I have the choice not to spoke, and also now go to many public places where I can be in a smoke-free environment. Thank you. I also know, and we all know, that a high fat animal diet, for example, animal based diet can lead to heart disease. I have the choice to eat a vegetarian diet. At the same time, though, we all know that pesticides, as they are intended, are produced to kill. And one thing I think I understood Legislator D'Andre to say was that he categorized them as dangerous poisons. Thank you, I agree. I currently do not have the choice to be -- not to be sprayed in the event that the County, though, looks to undertake such mosquito control activities.

With all the emotion that I feel about this issue, I have decided today was not a day to display anger, only urgency. This season is upon us. I am here to humble myself before all of you and let you know and admit that I am absolutely frightened at the thought of being exposed to such chemicals again this year.

Since my cancer experience, I've had the chance and the opportunity to speak with hundreds of people with different cancers, blood diseases, and other serious health concerns, and I would challenge and of you to tell us that you don't know those people, too. They're your family, they're your friends, and they're other people in this room today. I speak for many, if not nearly all of them, I am sure, when I say that I'm insulted at the idea that people like us who have gone through so much already should have to provide the County with a doctor's note in order to avoid being directly sprayed. With the precious years that we all find we have left, we should have just as much right not to be sprayed as anyone who does want it.

I remind you one more time that pesticides are chemicals made specifically to kill. None, in fact, according to the U.S.EPA can ever be considered safe. So while I can't personally understand why any of us fragile human beings would just accept being sprayed anymore, I acknowledge that those who still do want to be sprayed must make choices they can live with. But in our democracy, shouldn't I

and so many -- and I'll wrap up in a moment -- others who have or will fall ill also have choices we can live with?

It's time today for all of you to serve your public. Demonstrate today your courage and your common sense. Please make sure to act on this today and please vote yes on the no spray resolution.

P.O. TONNA:
Thank you, Dave.

MR. COPPOLA:
Thank you for your time.

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(Applause)

P.O. TONNA:
Thank you. Veronica Kemler?

LEG. FIELDS:
Kemler.

P.O. TONNA:
Kemler.

MS. KEMLER:
Good morning.

P.O. TONNA:
Good morning.

MS. KEMLER:
My name is Veronica Kemler. I'm a resident of Patchogue Village. I live at 17 Cleveland Street. And I'm here today because last year my home was sprayed twice, and I'm obviously not very happy with that.

As a homeowner who has worked very hard to keep my home chemical free, I'm dismayed that a group such as you 18 individuals, who do not know me or my family, can decide that I should be subjected to these chemicals. Individuals, as stated in a recent news article, who say that it's too difficult to implement a no spray law should reconsider what they have to do. If I go to my boss and tell them that I cannot do my job -- excuse me -- I will be on the unemployment line. You should sincerely consider what the implications are of endorsing a no spray list.

I would just like to add that the current notification program is

ineffective and does not work. From a personal point of view, notifications were inaccurate. Staying locked up in my home for five hours at a time in the middle of the summer is inhumane, and washing off chemicals that were sprayed on my house following a spray are impossible.

I would just like to say in closing that I encourage all of you to support the no spray list, because it is -- should be my right and my choice whether or not I'm subjected to these chemicals. Thank you.

(Applause)

P.O. TONNA:
Okay. Debra O'Kane. See, Debra, by giving your time and stuff, we're trying to get to you.

MS. O'KANE:
Thank you very much. We really do appreciate the extension and the commitment that you've made to us in giving up your lunch hour, so thank you very much.

(Applause)

No. I mean that sincerely. My name is Debra O'Kane. I'm the Executive Director of the North Fork Environmental Council. I'm also the parent of a five year old preschooler. And I find quite often that motherhood motivates my professional life, especially when it comes to exposure to toxic chemicals in our environment. That is why I ask you today to support Resolution 1292, allowing Suffolk County residents the opportunity to choose whether or not their properties should be sprayed with mosquitoes -- sprayed with pesticides for mosquito control. I understand that according to this proposed legislation, the Suffolk County Health Commissioner may override no spray requests upon calling a health emergency, and I fully support that provision. But as Legislator Cooper so aptly states in this past Sunday New York Times, "If pesticides are safe, then why do we have to bring in the kids" -- "bring the kids and the pets inside?"

Children are especially vulnerable to the toxic effects of pesticides. We must remember that they are not miniature adults. Their bodies and critical systems are in developmental stages for many years before reaching maturity. Their nervous systems continue to develop throughout childhood, and cognitive skills can be impaired by pesticide exposure. Children's immature immune systems may be less able to protect them from the toxic effects of pesticides, and pesticides can cause respiratory difficulties and trigger asthmatic

attacks. We know that pesticides bioaccumulate in human tissue and may cause neurological damage and certain types of cancer over time .

I have copies. I do have a handout for you. This is actually one of the reports that many of our speakers have been referring to. This is the Mount Sinai study, studying synthetic pyrethroids and their effects on breast cells. This study -- synthetic pyrethroids such as Scourge and Anvil are commonly used by Suffolk County Vector Control. Findings from this research suggest that pyrethroids should be considered to be hormone disrupters, and their potential to effect endocrine function in humans and wildlife should be investigated further.

At a recent environmental conference, Suffolk County Water Authority Chair Steve Jones put pesticide contamination of drinking water into perspective. He stated that pesticides in drinking water are measured in parts per billion, one part per billion being equivalent to one grain of sand in a bathtub filled with sand. This may sound minuscule and insignificant, but when it comes to pesticides, one part per billion can be substantial, and several parts per billion may pose potential health risks.

You may say, "Well, spraying is different from exposure through drinking water," yet the ultrafine spray of malathion or synthetic pyrethroids may easily be absorbed into the lungs. These pesticides can also be tracked in to the home unwittingly to linger on carpets where babies crawl and children play, and exposure through skin, by mouth, or by inhaling can take place.

Recognizing the potential health risks of pesticides, the Suffolk County Legislature has made important strides in pesticide reduction over the past few years. You are to be commended for that, and we

thank you for that, also. This legislation is a logical --

P.O. TONNA:
Ma'am.

MS. O'KANE:
-- next step --

P.O. TONNA:
Ma'am, you have to wrap up your comments, your time is up.

MS. O'KANE:
Okay. I'm almost done. This logical -- this legislation is a logical --

P.O. TONNA:
No, you have to --

MS. O'KANE:
Okay.

P.O. TONNA:
It's not like I'm almost done.

MS. O'KANE:
Okay.

P.O. TONNA:
You've got to be done. Finish your thought.

MS. O'KANE:
Okay. I'd just like to respond to one point that you made, Legislator Tonna.

P.O. TONNA:
How about this. I ask you the question and then I can -- would you like to respond to something that I said?

MS. O'KANE:
Yes, I would.

P.O. TONNA:
Great.

MS. O'KANE:
Thank you.

P.O. TONNA:
Thank you.

MS. O'KANE:
Thank you. You asked before what would happen if someone came down with West Nile Virus. And I don't know whether anyone, anyone can guarantee that every single mosquito can be destroyed, eradicated, or whatever, with the spraying. It takes one mosquito to -- one mosquito bite for someone to contract West Nile Virus, so I don't think

spraying is the answer. Personal protection is the answer and I think we need to educate the public on how they can -- I know this is being done, but more of it needs to be done; how we as parents can protect our children, and we can protect ourselves.

P.O. TONNA:
This is the concern that I have, and I'm just watching the debate. Obviously, this should be an academic debate also. This is not just a debate on -- you know, on the level, you know, about

LEG. FISHER:
Philosophy.

P.O. TONNA:
Philosophy. It's an academic debate where --

LEG. D'ANDRE:
Scientific debate.

P.O. TONNA:
A scientific debate. That's probably best to put it. I see an article that I think you've left us with.

MS. O'KANE:
Yes.

P.O. TONNA:
This is the blue paper, right?

MS. O'KANE:
Uh-huh.

P.O. TONNA:
The concern that I have is that -- and there was some quoting about public health officials, whatever. My concern is, again, we're going to hear from the Health Commissioner or the Public Health representative from the County today. I don't know what they're going to say. I have a letter. It's not clear enough to me one way or the other. I think a number of Legislators here want to hear, you know, our health department kick in and make an argument. Like I said, I don't care about the Public Works Department as much as I care about public health. The concern that I have is from the other stand -- from an academic debate. From an environmental stand, I'm sure you have unbelievable credentials. From the standpoint of being a chemist, or from the standpoint of being a physician that deals with these things, or from the standpoint -- that's the type of level debate I want to hear. If our Commissioner, Clare Bradley, says, clearly, you know, the science isn't there, I would like to hear from somebody who has an MD, a PhD, you know, whatever else, to be able to say, "This is my field of expertise," and clearly, you know, Dr. Clare Bradley is mistaken in this from the science standpoint. Do you have any of that? That's what -- I'm not -- I don't know what she's going to say. But do you have, from the professional standpoint, not an environment -- an environmentalist is not a chemist, or an MD, or a public health official, or, you know, a chemist who's going to --

MS. O'KANE:
Right.

LEG. BISHOP:
What is it --

P.O. TONNA:
Do we have that level of debate?

LEG. D'ANDRE:
You need an entomologist.

LEG. BISHOP:
What is that? I don't -- just what is it --

P.O. TONNA:
I'm asking credentials.

LEG. D'ANDRE:
You need an entomologist.

P.O. TONNA:
Credentials.

LEG. BISHOP:
No, I understand that. But what is that you want this credentialed person to declare?

P.O. TONNA:
Well, I want -- I want this credentialed person to declare, so that there could be some debate about the science of the bill. Is this, in fact, when you measure, okay, spraying versus nonspraying, risks and everything else, first of all, is the science there? All right?
There are claims from the environmental community, and I think, you know, correct claims about every -- I mean, intuitively, you know that pesticides are going to kill you. All right? The concern that I have is --

AUDIENCE MEMBER:
Hello.

P.O. TONNA:
Thank you. But the concern --

LEG. TOWLE:
Is that your degree speaking?

P.O. TONNA:
-- that I have and I have to weigh in is what the professionals are telling us from one level -- nobody wants to spray. What do you

think, a Health Commissioner wakes up and says, "Let's spray a population." I mean, you know, give me a break. The concern that I have is that, obviously, this has been a policy decision all over the country. All right? Now I want to hear the level of debate with qualified people, not just lobbyists, not just people who say that they're concerned about the -- people who on the same level of

credentials can make the arguments one way or the other. That's what you need.

LEG. BISHOP:
But what is -- again, what is the argument? One side says we need to spray in order to control mosquitoes.

P.O. TONNA:
I want to hear --

LEG. BISHOP:
What do you think the credentialed --

P.O. TONNA:
Well, I want to hear --

LEG. BISHOP:
Opposition is going --

P.O. TONNA:
I haven't heard a public health official with a PhD, an MD, or whatever else, stand up and say, clearly, this is a bill is a much better way to go. I haven't heard that. I've heard --

LEG. BISHOP:
No. But --

P.O. TONNA:
I want -- I know you said that you had some -- I want to see or I want to hear the debate from -- when we were doing the smoking legislation --

LEG. BISHOP:
See, I --

P.O. TONNA:
All right?

LEG. BISHOP:
Yeah.

P.O. TONNA:
The one side, we had the science on our side. Well, on the side of those who advocated for nonsmoking environment. The science was there. The doctors kicked in, you know, the experts kicked in, the public health officials kicked in.

LEG. BISHOP:
But, Paul --

P.O. TONNA:
The Health Department kicked in.

LEG. BISHOP:
-- there's a distinction there. It's smoking versus us nonsmoking. Here you have two --

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P.O. TONNA:
No. I just want to know, do you have any of that?

LEG. BISHOP:
Two potentially dangerous --

P.O. TONNA:
You handed an article out.

LEG. BISHOP:
You have a collision of two potentially dangerous things.

P.O. TONNA:
Well, what do the -- I want to know what the experts say.

LEG. BISHOP:
One is a disease and the other is pesticides, right?

LEG. FISHER:
Shouldn't we save our debate for after the public?

P.O. TONNA:
No. I'm just asking -- it's a question to ask --

MS. O'KANE:
With all due respect, Legislator Tonna, we, as an environmentalists --

LEG. LINDSAY:
Dave's answering it.

P.O. TONNA:
Dave's not answering it.

MS. O'KANE:
-- we act as advocates, and researchers and scientists do their thing in the laboratories and it's basically up to us as advocates to bring this information to you and that's -- that's what we've been trying to do.

P.O. TONNA:
Do you have any public health officials that are going to advocate on your behalf?

LEG. BISHOP:
Paul.

LEG. FIELDS:
Yeah, right here.

LEG. BISHOP:
May I make a point, if I can.

AUDIENCE MEMBER:
You were given a handout.

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LEG. BISHOP:
Well, let me ask a question to make a point and I can --

P.O. TONNA:
What is that one?

LEG. POSTAL:
Yes, you have that here.

P.O. TONNA:
In Texas?

LEG. POSTAL:
He was in Florida prior to that.

LEG. FIELDS:
Sarasota, Florida.

LEG. FISHER:
They're substantiating it with literature.

P.O. TONNA:
Go ahead. Sorry.

MS. O'KANE:
I guess if this legislation is tabled today, perhaps we might have the opportunity to do that, to bring professional testimony to you --

P.O. TONNA:
Okay.

MS. O'KANE:
-- from other -- from other sources.

P.O. TONNA:
All right. I mean, maybe today our public health officials are going to confirm it anyway. I just want to get an idea so there's some dialogue.

MS. O'KANE:
Right.

P.O. TONNA:
Okay.

LEG. BISHOP:
What you're asking for does not need to be acquired. There's already a well -- a thorough public record about pesticides. For example, through a question, are you aware, being on the North Fork, of water wells that are closed because of the presence of pesticides in them?

MS. O'KANE:
Absolutely.

LEG. BISHOP:
Okay.

MS. O'KANE:
That's definitely one of our issues.

LEG. BISHOP:
So there the Health Department closes down drinking water because of the presence of pesticides. It's established that pesticides are a public health risk, just like the disease is a public health risk of West Nile. The question that's before us ultimately is what is the balance that is struck?

P.O. TONNA:
Right. And I want professionals.

LEG. BISHOP:
So I don't think you need to have hundreds of scientists come in on either side. The question we need to deal with is do we want to limit our Health Department's efforts by saying that the public has a right to say, "Don't spray my land, don't spray me"? And I don't think that that requires a tremendous amount of, you know, scientific data.

P.O. TONNA:
Okay.

LEG. BISHOP:
It's a question of --

LEG. HALEY:
Can we debate this later?

LEG. FISHER:
Can we debate this during our time?

P.O. TONNA:
All right. So -- okay, thank you.

LEG. D'ANDRE:
Tonna. Tonna. Tonna.

P.O. TONNA:
She answered the question.

LEG. BISHOP:
Otherwise we're going to get into that smoking --

P.O. TONNA:
Right.

LEG. BISHOP:
-- debate, which, as you recall, was -- most of it was way --

P.O. TONNA:
All right.

LEG. D'ANDRE:
Tonna, let me say this.

MS. O'KANE:
We just run the risk of trading one health risk for another. It's a very difficult debate, but --

LEG. D'ANDRE:
Tonna.

P.O. TONNA:
Yes.

LEG. D'ANDRE:
All pesticides are dangerous.

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

LEG. D'ANDRE:
But it's methodology. You can't --

LEG. CRECCA:
Can I ask a question?

LEG. D'ANDRE:
-- indiscriminately --

P.O. TONNA:
All right. We'll debate this later. I guess we're debating. I just wanted to ask somebody who's an advocate say do they have advocates who are -- okay. We have a vote now? We're going it make a motion --

MR. SABATINO:
To go into executive session

P.O. TONNA:
No. Before to go -- we want to discharge I.R. 1413, and so it can be aged for an hour. This is the resolution imposing --

LEG. HALEY:
Second.

P.O. TONNA:
Okay. This is the sales tax resolution. Okay. This is to avoid 166% property tax increase.

LEG. GULDI:
Roll call.

P.O. TONNA:
All right. Roll call.

MR. BARTON:
On the motion to discharge.

P.O. TONNA:
Motion by myself, second by Legislator Postal.

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LEG. D'ANDRE:
Whoa, whoa, whoa. What is this?

LEG. FOLEY:
Second.

P.O. TONNA:
This is a discharge. This is a procedural motion to be --

LEG. FOLEY:
Nobody is here.

P.O. TONNA:
Well, they should be.

LEG. FOLEY:
Well, they're not.

P.O. TONNA:
This is to discharge the sales tax resolution. I made a motion and a second. Okay. I would ask -- where's Legislator Haley?

LEG. HALEY:
I'm right behind you.

LEG. POSTAL:
He's behind you.

P.O. TONNA:
Okay, great. Where's Legislator Binder?

LEG. BINDER:
Right here. Right here.

P.O. TONNA:
Okay. All right.

LEG. FOLEY:
We're missing Caracappa.

P.O. TONNA:
Well, I haven't seen him. Okay, go ahead.

MR. BARTON:
On the motion to discharge.

(Roll Called by Mr. Barton)

LEG. TONNA:
Yes.

LEG. POSTAL:
Yes.

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LEG. CARACCIOLO:
(Not Present)

P.O. TONNA:
This is just to discharge.

LEG. GULDI:
No.

P.O. TONNA:
To discharge.

LEG. GULDI:
No to discharge.

LEG. TOWLE:
Yes.

LEG. CARACAPPA:
(Not Present)

LEG. FISHER:
Yes.

LEG. HALEY:
Yes.

LEG. FOLEY:
No.

P.O. TONNA:
To discharge.

LEG. LINDSAY:
Yes.

LEG. FIELDS:
Yes.

LEG. ALDEN:
No.

LEG. CARACAPPA:
Yes.

LEG. CRECCA:
Yes.

LEG. D'ANDRE:
Yes to discharge.

LEG. BISHOP:
Yes.

LEG. BINDER:
No.

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LEG. COOPER:
Yes.

LEG. D'ANDRE:
Where's Caracciolo?

LEG. FOLEY:
Playing golf.

MR. BARTON:
Twelve to discharge. (Not Present: Legs. Caracciolo and Caracappa)

P.O. TONNA:
Okay, great. Thank you very much. Now I'm going to make a motion to move into executive session.

LEG. CRECCA:
Second.

P.O. TONNA:
For the purposes of discussing the Coram lease, Coram Health Center lease litigation, and approving the presence of Budget Review representatives, our Legal Counsel. And no lunch for you, Dave.

LEG. BISHOP:

I'm famished.

P.O. TONNA:
And Law Department, Health Department, Social Services Department representatives, and the Executive Branch representatives. Thank you. Everybody else, we have to clear the auditorium. Make a motion, seconded by Legislator Postal. All in favor? Opposed? Approved.

MR. BARTON:
16, 2 not present.

P.O. TONNA:
Thank you.

[EXECUTIVE SESSION WAS HELD FROM 12:40 P.M. TO 1:23 P.M.]

[THE MEETING WAS RECESSED AT 1:24 P.M. AND RESUMED AT 2:45 P.M.]

D.P.O. POSTAL:
Mr. Clerk, will you please call the roll. Roll call.

(Roll Called by Mr. Barton)

LEG. CARACCIOLO:
(Not Present)

LEG. GULDI:
(Not Present)

LEG. TOWLE:
(Not Present)

LEG. CARACAPPA:
(Not Present)

LEG. FISHER:
Here I am.

LEG. HALEY:
Here.

LEG. FOLEY:
Present.

LEG. LINDSAY:

Here.

LEG. FIELDS:
Here.

LEG. ALDEN:
Here.

LEG. CARPENTER:
(Not Present)

LEG. CRECCA:
(Not Present)

LEG. D'ANDRE:
Here.

LEG. BISHOP:
Here.

LEG. BINDER:
Here.

LEG. COOPER:
(Not Present)

LEG. POSTAL:
Here.

P.O. TONNA:
Yes.

LEG. CARACCIOLO:
Here.

P.O. TONNA:
Can I ask you, do we roll call in special --

MS. FARRELL:
She asked for it.

LEG. POSTAL:
Hearings.

P.O. TONNA:
Yeah?

MR. BARTON:
When the Chair requests it.

P.O. TONNA:
Okay. Sorry.

MR. BARTON:
There is a quorum present for the public hearing, and the affidavits of publication are in order and have been filed.

D.P.O. POSTAL:
Public hearing regarding the 2002 Capital Budget, and the 2002 to 2004 Capital Program. I have no cards. Is there anyone who would like to address the Legislature? Hearing none, this is recessed to the next meeting, isn't it?

MR. SABATINO:
No, no. Close it .

D.P.O. POSTAL:
Motion to close, Legislator Alden.

MR. WERNER:
She wants to speak.

D.P.O. POSTAL:
Oh.

MS. FLEMING:
I put a card outside just a little while ago. Was it in there?

D.P.O. POSTAL:
Are you Cathy Kenny.

MS. FLEMING:
Linda Fleming.

D.P.O. POSTAL:
No.

MS. FLEMING:
A yellow card.

D.P.O. POSTAL:
Oh, a yellow card. Oh, we're in the public hearings. That's green cards, if you filled out a green card.

MS. FLEMING:
Has to did with the budget, Capital Budget.

D.P.O. POSTAL:
The Capital Budget?

MS. FLEMING:
It's not the Capital Budget.

D.P.O. POSTAL:
No. You're talking about the Operating Budget for an agency.

MS. FLEMING:
Sorry.

D.P.O. POSTAL:
No. You filled out a yellow card. We'll get to the yellow cards after we finish the public hearings.

Motion to close by Legislator Alden, seconded by Legislator Haley. The public hearing on the 2002 Capital Budget and Program is closed. Public hearing regarding Introductory Resolution 2286, a local law to require power plant emission evaluations. I have no cards. Is there -- is there anyone who would like to address the Legislature on this public hearing? Hearing none, Legislator Fisher?

LEG. FISHER:
Yes. I am going to ask that this be recessed one more time.

LEG. FOLEY:
Second.

LEG. FISHER:
Tomorrow the Energy Advisory Committee will be meeting at my office, and I do want them to review the corrections before we close it. So I would like to recess it one more session.

D.P.O. POSTAL:
Okay. 2286, motion to recess by Legislator Fisher, seconded by Legislator Foley. All in favor? Any opposed? 2286 is recessed.

Public hearing regarding Introductory Resolution Number 1113, a local law to permanently establish a living wage policy for the County of Suffolk. I have no cards. Is there anyone who would like to address the Legislature on this public hearing? Hearing none, Legislator Bishop?

LEG. BISHOP:
I think I'm going to close it.

D.P.O. POSTAL:
Motion to close, Legislator Bishop.

LEG. FOLEY:

Second.

D.P.O. POSTAL:
Seconded by Legislator Foley. All in favor? Any opposed? 1113 is

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closed.

Public hearing regarding Introductory Resolution Number 1358, a local law to ban discriminatory zone pricing of gasoline in Suffolk County. I have a card. Cathy Kenny. You have ten minutes to speak on this public hearing.

MS. KENNY:
I could do it in ten seconds.

D.P.O. POSTAL:
Is it on? I don't think so. Ilona?

MS. KENNY:
This is just a technical issue. I think the bill number is 1579.

LEG. FOLEY:
It's still off.

D.P.O. POSTAL:
We can't hear her.

MS. KENNY:
It's on? It's a technical issue. It's my understanding that Bill Number 1358 expired at the end of the Year 2000 in December, and the new bill number is actually 1579.

D.P.O. POSTAL:
Oh, I guess I would ask our Counsel. Mr. Sabatino, is that --

MR. SABATINO:
It's 1358.

MS. KENNY:
That died last year, so there was a new introduction, and the new number I think is 1579. That's what the committee hearing was on.

MR. SABATINO:
No. 1358 is the new one?

LEG. FIELDS:
Yeah.

LEG. ALDEN:
Yeah.

MR. SABATINO:
1358 is the new one. You're right, the old bill had expired. I think it was --

MS. KENNY:
The old bill is 1579, then?

MR. SABATINO:
1579 of 2000.

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MS. KENNY:
I just reversed it.

MR. SABATINO:
This is 1358 of 2000. But you're correct, the old bill expired, that's true.

MS. KENNY:
Okay. Thank you. That's it.

D.P.O. POSTAL:
Thank you. Is there anyone else who would like to address the Legislature on this public hearing? Hearing none, Legislator Alden?

LEG. ALDEN:
Motion to close.

LEG. ALDEN:
Motion to close by Legislator Alden, seconded by Legislator Crecca. All in favor? Any opposed? 1358 is closed. I'd like a motion to set the date --

LEG. FISHER:
Motion.

D.P.O. POSTAL:
-- of the public hearing. Motion by Legislator Fisher.

LEG. FIELDS:
Second.

D.P.O. POSTAL:

Seconded by Legislator Fields, set the date of the public hearing for Introductory Resolutions Number 1342, 1420, 1439 and 1484 for June 5th, 2001, at 2:30 P.M., at the William H. Rogers Legislative Building in Hauppauge. All in favor? Any opposed? The public hearings are set.

We're going to return to the public portion. Please remember that speakers have three minutes during the public portion. The next speaker is Marilin "Meg" Engelman, if I pronounced that.

MS. ENGELMAN:
My name is Marilin, and that was my nickname in the middle, "Meg", Engelman. I live in Coram. I happen to be a nurse. I'm retired, but I'm still a nurse. And I want to thank you for giving me the opportunity to speak on a very important issue.

I am asking you to support the no spray list legislation Number 1292. Why am I asking this? There is no safe pesticide. The word itself means to kill a pest. Humans are not pests. Being registered with the EPA means only that. The EPA relies on information from the manufacturer's testing. The EPA does no testing. Even when used as directed, pesticides pose a threat to our health and the health of our environment. The pesticides used in spraying the environment -- in spraying for mosquito control are the same whether they are used for

the West Nile Virus or nuisance mosquitoes. They can affect our immune systems, which help us fight disease, our nervous system, which controls all bodily functions, and our endocrine system, which controls all of our glands.

And just to add, recently they came out with a -- there was an article in the paper that said that the scientists are really looking at how our own immune systems can fight things like cancer. The virus itself is of very little danger to people with healthy immune systems, and the people with compromised immune systems are more susceptible to the dangerous effects of these pesticides. To protect myself, I use an effective and safe product called All Terrain. What it is is essential oils. There's a little bees wax in it, which makes it sweat moisture resistant. It was tested out of -- it's made in this country. It was tested in -- I can't even pronounce it, a university in Canada, and it lasts for up to four hours. I am an avid birder and have used it in swamps, out at Westhampton at Pike's Beach, at Jamaica Bay, loaded with mosquitoes. Anyone that was with me that used it did not get bitten.

Just a little bit more. I have to tell you something that really bothers me, is we constantly hear from Vector Control that it's a very

low dose and it's safe. A low dose that is repeated over and over again over a short or long period are dangerous. Some of the pesticides are stored in our fatty tissues and stay there. People have been found to this day to still have DDT in their tissue. That was banned in the '70's.

I also eat organic foods and am concerned with the spray contaminating the farms that grow these foods. I again implore you to vote yes on 1292, giving me and others the option of having the choice as to whether or not we want area where we live to be sprayed with dangerous chemicals. I'll take my chances with the West Nile Virus. Don't destroy my immune system so that I will not be able to fight off the West Nile Virus and other diseases. Stop harming our environment and the natural enemies of the mosquitoes.

Do I still have time? Because two people that couldn't --

D.P.O. POSTAL:
You have -- your time is up, actually.

MS. ENGELMAN:
Okay. Well, then I'll hand these in. They were just two short little things from two people that couldn't come.

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

MS. ENGELMAN:
Thank you.

D.P.O. POSTAL:
Next speaker is Gerard {McLeo}.

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MR. MC LEOD:
That's McLeod, ma'am.

D.P.O. POSTAL:
McLeod.

MR. MC LEOD:
I'd first like to, if I can, to just ask this young lady here to take a couple of pictures of me doing this in my --

AUDIENCE MEMBER:
You know what, will you take it?

AUDIENCE MEMBER:
Yes.

MR. MC LEOD:
Okay, great.

AUDIENCE MEMBER:
I'm sorry. I can't participate.

MR. MC LEOD:
Thank you. My name is Gerard, owner of Photos by Gerard, PPDs Productions. A lot of you may not know me, but --

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

MR. MC LEOD:
If you read Suffolk Life, Newsday, if you have a teenager and you're familiar with Inside Connection, it's a magazine, you might have seen my work there. And I just wanted to just plug that out, some of the things that I've done. And I know magazines like Jet, New York Beacon and {Tran} are minority magazines, and I know I've been wronged in the past, because it's a part that tells me that I'm human, but I doubt if I finds those publications in your collection of periodicals. I'm a little nervous.

But anyway, first, let me say thank you for allowing me the opportunity to speak before this public hearing regarding Human Rights Commission on Proposition 1207. Don't waste all the film there. Okay. On December 6th, 1999, I called C&C Cab Company -- thank you very much. I called C&C Cab Company in Hyde Park approximately 12 noon, C&C, a longstanding business servicing the community for nearly ten years as a service of communication. I called the cab company to bring me to Bay Shore. The cabdriver called in my destination. The driver told the dispatcher, "One black man going to Bay Shore." The dispatcher replied, "Payment in advance" before leaving my location. I let the driver know how insulted and offended I was and it was wrong. She replied that it was only a joke between her and the dispatcher. I let her know that I did not appreciate that joke, nor find it funny. In fact, I found it very distasteful. I went to tell her that I would do whatever I can to stop that practice or joke, as she put it.

I called Reverend Al Sharpton's Office and Danny Glover to see if they wanted to add Long Island to there already in the news about taxis in

the city not picking up blacks. I had no success. Determined to find an organization, I turned to the NAACP on Long Island to look into my complaint and follow up.

I'd like to stop here and add that because of my contact with the NAACP, I am now the youth advisor for the Town of Islip's NAACP. I was invited to Riverhead NAACP event by Lucius Ware, branch president. I was introduced openly by my complaint, drawing the parallel to New York City cab problems and Long Island here as well. It was at that event I met Yvonne Pena, Executive Director of the Human Rights Commission. She advised me to call her office and that she would look into it. I made that call. In a matter of days, I was in her office speaking to Jennifer Blaske, investigator for the Human Rights Commission. Ms. Blaski took my complaint and guided me through the procedure of lodging a formal complaint. Within a week my letter had gone out in the mail with the backing of the Human Rights Commission behind it. That following week, C&C had responded.

During this time, I found out by Ms. Blaske that asking for payment by a cab company in advance for out-of-town trips was not unusual. In fact, it's some of their policies. Much to my surprise, I also found out that C&C did nothing wrong by identifying me by my race and gender.

I hope that the fact of open prejudice would shock and appall you. If it does not put red flags up that the common gestures, comments and prejudices of businesses need to be changed, what will?

D.P.O. POSTAL:
Mr. McLeod,please finish up.

MR. MC LEOD:
Okay. All was not lost -- all was not lost. The gratitude of knowing that my formal complaint will long stand on the record of C&C cab company, that if something in the future -- some time in the future an investigation or -- of the practice of C&C, and history tells us that it will, my complaint would be one of the counted.

D.P.O. POSTAL:
Mr. McLeod, your time is up.

MR. MC LEOD:
All I have is one -- just one short paragraph and I'm finished.

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

MR. MC LEOD:
Ma'am. Ma'am, I've been waiting all morning. My mother is dying of cancer. I've been out here waiting. I just want to just finish this.

D.P.O. POSTAL:
I do understand that.

MR. MC LEOD:
Just let me finish this.

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

LEG. HALEY:
Madam Chair, does he have anymore -- anything to add?

D.P.O. POSTAL:
I don't know.

LEG. HALEY:
That's a question.

D.P.O. POSTAL:
You know, If --

LEG. FISHER:
It's a question.

MR. MC LEOD:
All I have is a short paragraph, ma'am, and just let me finish it.

LEG. FOLEY:
It's a question.

D.P.O. POSTAL:
You know, if you could --

LEG. HALEY:
It's a question.

D.P.O. POSTAL:
-- sum up in one sentence, I'll allow you to do that.\

MR. MC LEOD:
Okay, one --

LEG. HALEY:
Make it a long run-on sentence.

MR. MC LEOD:
Okay. My one sentence -- okay. My last part of my paragraph, I would just like to thank Yvonne Pena and Jennifer Blaske. And, at this time, I would like to conclude by my appeal to my Legislature, Mrs. Angie Carpenter, to support the Human Rights Commission on the initiative of 1207, giving the help that they need to continue to

support people like myself against prejudice, intolerance and bigotry and discrimination. Thank you.

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

LEG. HALEY:
Thank you.

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LEG. FISHER:
Thank you, sir.

LEG. FOLEY:
Thank you.

(Applause)

D.P.O. POSTAL:
Next speaker is Pete Foster.

AUDIENCE MEMBER:
He's gone.

D.P.O. POSTAL:
Is Pete Foster here? Yes.

LEG. FISHER:
Somebody said he was gone.

AUDIENCE MEMBER:
He left.

D.P.O. POSTAL:
Oh, he's gone? Okay. Next speaker, Mark Thompson.

AUDIENCE MEMBER:
He's gone.

D.P.O. POSTAL:
Ruthie {Truheo}.

AUDIENCE MEMBER:
She's gone.

D.P.O. POSTAL:
Valerie DeLucia.

AUDIENCE MEMBER:
She's gone.

D.P.O. POSTAL:
Joe {Ragonno).

AUDIENCE MEMBER:
He's gone.

D.P.O. POSTAL:
Caroline Frank.

AUDIENCE MEMBER:
She's gone.

D.P.O. POSTAL:
Thomas Williams.

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AUDIENCE MEMBER:
He's gone.

D.P.O. POSTAL:
Is that the Tom Williams -- I don't know. I didn't -- is that --

AUDIENCE MEMBER:
Yeah, he was leaving.

D.P.O. POSTAL:
No? Oh, okay. Sandra Smith. Sandra Smith. {Raj Prasad}. Bob DiBenedetto.

MR. DIBENEDETTO:
He's here.

AUDIENCE MEMBER:
He's right outside. Oh, there you are.

D.P.O. POSTAL:
Okay. Would you -- actually, I have two cards that he filled out. You're there? Mr. DiBenedetto?

MR. DIBENEDETTO:
I am right here.

D.P.O. POSTAL:

Great. Go right ahead.

MR. DIBENEDETTO:
Where I stand. I'm going to be speaking about Resolution 1292. I've been in the field of health education and an activist for over a decade. We need this resolution for many reasons and I'll only touch on a few of them. One, because our pesticide exposure in this area of Long Island is well above what it ought to be. Two, because the vast majority of adulticide pesticides in Suffolk are used for nuisance mosquitoes, not to reduce the risk of any particular disease. And three, because healthy people have rights too. Sounds crazy, but we don't have to have a case of lung cancer to be protected by the ban on indoor smoking in public places. Similarly, we ought not to have a preexisting case of chemical sensitivity, asthma, or estrogen dependent breast cancer to be afforded the right to clean air around our homes. We should not need a doctor's note to excuse our families from being poisoned. And all pesticides are poisons and that's why they work.

Getting back to my first point, I have some bad news. The newest pesticide use numbers in New York State for 1998 went up from 17 million pounds in 1997 to 29.5 million pounds in 1998. These are numbers for EPA listed probable carcinogens to reproductive hazards to endocrine disrupters. And the figure does not take into account the enormous amount of pesticides purchased and used by homeowners. The situation is clearly out of control.

Last year I repeatedly testified that these chemicals have rarely been

tested to ascertain the synergistic effects of the many combinations that are used in our communities. I quoted one study that was done by the EPA and appeared in the journal of toxicology, experts in environmental health. In short, they found that the mixture of a synthetic pyrethroid in Deet created brain damage that neither chemical itself would have created unless given in nearly lethal doses. And since I last testified, another such study has been released from the Journal of Neuroscience. More experts. This study, too, looked into the health effect of the combination of two commonly used pesticides on mice. Neither of these chemicals alone created any ill effects. However, together, they caused the same pattern of brain damage as seen in Parkinson's Disease. In other words, the authors of this study from the University of Rochester School of Medicine experts said this has enormous implications. We simply don't know what the effects of the chemicals used by Vector Control are when combined with the other 70,000 chemicals in the United States.

Finally, the Department of Public Works states that spraying certain

areas will leave residents who need desire from mosquitoes -- desire relief from mosquitoes to deal unaided with the biting pests or threat of disease. In the first place, as what has been said already, 80 to 90% of the cases of spraying are for nuisance mosquitoes. We're not talking about disease control. And we're using EPA listed possible carcinogens among the chemicals that we're spraying.

Secondly, if 90% of these efforts are aimed at Vector Control or aimed at the reduction of breeding sites and larviciding, and we're talking about the -- exercising our right to fresh air, affecting only 10% of Vector Control's plan --

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

MR. DIBENEDETTO:
Yes, okay, I will. Lets see. I will sum up. The pesticide debate has been going on for a long time and they're still using pesticides. But I would like to point out that the smoking issue, and Paul Tonna said that they had science on their side and that they won it because science was on their side, that was 20 years after it should have been done. I have more to say, but --

LEG. D'ANDRE:
I'll ask a question.

MR. DIBENEDETTO:
Good. I'm so happy.

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

LEG. D'ANDRE:
Are you also concerned about the millions of cars, and trucks, and trains, and buses with diesel engines that are polluting our air every second?

MR. DIBENEDETTO:
Yes. As a matter of fact, cars and trucks polluting air are the number one cause of reducable pollution in our society. The number two cause is the meat -- eating of meat and dairy products, and the environmental degradation that that causes.

LEG. D'ANDRE:
Are you going to petition against those?

MR. DIBENEDETTO:
Am I what?

LEG. D'ANDRE:
Going to petition against those?

MR. DIBENEDETTO:
I work my heart out every day for more hours in the day than you what to know --

LEG. D'ANDRE:
You walk to work?

MR. DIBENEDETTO:
-- letting people know about these things. I work at home. Yes, I walk right there.

LEG. D'ANDRE:
When don't go out -- when you go out, you don't take any transportation?

MR. DIBENEDETTO:
Oh, I do. I do. Let me tell you, though, there is -- there's a difference between taking transportation somewhere and driving in an SUV and doing the work you know you need to do by taking a smaller vehicle. And this -- and we also live in a house that's heated, and I get people saying to me all the time, "Well, I'm not going to be involved in a cause because I have to drive around. But the -- what we're creating with our work is a great deal of good, and what we're losing in the meantime is something, that's true. And I agree with you there, but at this point, we have to continue our work.

LEG. D'ANDRE:
Certain flowers don't grow here because of pollution. The orchid business had to move out to go to south America.

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

MR. DIBENEDETTO:
Right.

D.P.O. POSTAL:
A question?

LEG. D'ANDRE:
That's it.

D.P.O. POSTAL:
Okay. Thank you, Mr. DiBenedetto.

MR. DIBENEDETTO:
Okay. Thank you.

D.P.O. POSTAL:
Next speaker, Laura DePaola.

MS. ESPOSITO:
She left.

D.P.O. POSTAL:
Is she here?

MS. ESPOSITO:
No.

D.P.O. POSTAL:
Angel Rivera.

LEG. CARPENTER:
He left a copy of his statements to be distributed.

D.P.O. POSTAL:
Oh, a copy of his statement is being -- thank you. Bettina Barbier.

MS. BARBIER:
I'm here. Legislators. I was going to say hi to Mr. Tonna, but he's not here. My name is Bettina Barbier and I live in Huntington. I am here to support the no spray list resolution, 1292. It is puzzling to me that there is controversy surrounding this resolution. This would seem such a perfect way for our County officials to balance the needs and wishes of the citizens with their own ideas on handling Vector Control. Clearly, increasing numbers of individuals do not want their families or selves exposed to toxic pesticides. This measure would not only protect those people in some degree from such exposure, but would give the County valuable feedback on the desires of its citizens.

Yesterday, when I called Mr. Tonna's Office in support of this measure, the gentleman who answered the phone informed me that mine was the sixty-second call in support of this resolution, with only one call in opposition. He then remarked that somebody out there was doing a good job of lobbying. I responded, and sincerely believe, that these numbers have nothing to do with lobbying, these represent people who care enough about the issue of pesticide exposure to keep themselves informed about it and to let their elected officials know what they want.

People are learning more about these substances that are being used in such extreme quantities. The new neighbor notification of pesticide application law will do even more to raise the consciousness of Long

Islanders regarding the amounts and nature of toxic chemicals being used around them. Given what is known about pesticides, and worse,

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what isn't know, shouldn't anyone using them be obliged to take some steps to allow others to avoid exposure to them?

It is known that some pesticides can cause cancer and other life threatening conditions, and many more are suspected of doing so. There are many more that remain untested of which the health effects remain unknown. I ask you to consider the following:

If you spray a chemical that causes someone to get cancer, even if that cancer takes years to become evident, what is the difference from doing something that harms someone in the short term? We have laws against firing a gun in a populated area or driving in a dangerous manner. Isn't it time for laws that acknowledge the potential danger of these chemicals and allow us to protect ourselves from them? Thank you very much.

(Applause)

D.P.O. POSTAL:
Thank you.

LEG. FISHER:
Thank you.

D.P.O. POSTAL:
Next speaker, Joseph Werner.

MR. WERNER:
Yes. As you know, my name is Joseph Werner. I urgently, urgently ask that you not pass Resolution 1207. This is possibly the most dangerous piece of legislation you have ever had to vote on, and may determine whether Suffolk County will remain as all America should be, or become a police state where police are forced to -- forced to enforce details of this law that would be thrust upon them.

Extracts from that 13-page resolution states are not to print or circulate, or cause to be printed or circulated any statement, advertisement, or make any record or inquiry in connection with the expresses, directly or indirectly.

You as elected officials are the protectors of the people; your constituents whom pay taxes for your representation. Some Legislators, though, seem to have an agenda of taking taxpayers' money and use it to help give aid and comfort to individuals who are

breaking the law by entering our country illegally. In addition, many of them might be rapists, robbers and murderers, or carry infectious diseases. How do we know?

In addition, Resolution 1207 goes far beyond illegal aliens. The April 28th meeting, referenced $80,000 of taxpayers' money shall be used to build a hiring hall for mainly illegal aliens, took place in Hauppauge. By far, many who attend went home ecstatic, knowing the vote to override County Executive Gaffney's veto failed. But while this was happening, Resolution 1207, introduced by Deputy Presiding Officer Postal, was working its way to be voted upon at this May 8th meeting. One has to wonder if it has been a tactical maneuver by

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Legislator Postal and her cohorts to use the April 28th, 2000 general meeting of the Suffolk County Legislator -- Legislature to distract for the forthcoming May 8th meeting where a really crucial vote on the resolution would take place.

No one in America should be discriminated against because of race, creed or color. In general, what this law would do, in my opinion, is cause fear among the law-abiding citizens who feel they might be accused of law-breaking if they so much as write, circulate or inquire about things that concern them. Let's say this law is passed and illegal aliens go to the Human Rights Department with a claim he felt degraded by the look from a legal resident. Could the Humans Rights Department contact our Law Department and have charges filed against a legal resident? If so, would the legal resident might possibly have to hire a lawyer to defend himself against the charges? I'm not a lawyer, but wonder if this by fact, then illegal alien can get law representation at the taxpayers' expense while the legal residents would have to pay the cost for a lawyer and have the fear of being so charged.

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

MR. WERNER:
Okay. And my -- it is my hope you who represent the people and laws of our country will oppose Resolution 1207-2001.

D.P.O. POSTAL:
Thank you. Next speaker, Marie Pendzick.

MS. PENDZICK:
Hi. I'm here today again to speak about 1292, the pesticide resolution. And my mom lives in Amityville, and last year, when they sprayed, I had to take her to the doctor. This was two days after the

spraying, and we live three blocks outside of the spray area. We were told it was safe. They lied. Three blocks outside of this spray area, all we did was get from the car to the doctor, from the doctor back to the car and home. By the time I got home, I was ready to collapse. My legs were weak. I felt them buckling underneath me. I had a splitting headache, I felt like I was coming down with the flu, and the headache lasted for four days. I called my mom up to see how she was doing, and she's a heart patient, and she had palpitations and her heart was racing. She was really scared, didn't know what happened. Then -- it was then that I realized how come the two of us got terribly sick and all we did was go to the avenue to the doctor? And that's when I put it together, that they had sprayed there two days ago, and we were three blocks outside of the spray area.

I now have a compromised liver. It's cost me $9,000 this past year in medical expenses. My dog has had severe allergies, so bad he scratched all the fur out of his body. Has bitten his paws -- has bitten his paws to the point where they're bleeding. Again, it's cost me plenty in vets fees.

Now I am a health person, a health educator. I teach health education and I've taught it for 28 years, and I strongly believe that

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pesticides are the cause of many ills. It's just unfortunate that we don't get sprayed and drop dead the next minute, because then maybe you people will realize how serious the stuff is. Unfortunately, it takes years for things to develop.

I read a lot of medical literature and this was an article written by a Dr. David Williams, who's a renowned international medical researcher. And in this article he talks about pesticides. I'd like to read some of it.

Marcia Morgan, a researcher at the EPA's National Exposure Research Lab in North Carolina published findings of a recent study she performed. The study was to compare the levels of pesticide outdoors as compared to indoors. She found that indoors, they were 50 times higher. This is where we're living, folks. We trek through the grass, we bring it in our homes. It's viable in our carpets for up to a year. Your babies are crawling on the carpets and so are your pets. Little children are lower to the ground, pesticides drop, they're heavier than air, and kids pick them up faster than we do. She also tested the paws of the family dog to find that they were 55 to 250 times higher than the levels found in the yards. Something's wrong here.

D.P.O. POSTAL:
Miss Pendzick, please sum up.

MS. PENDZICK:
Okay. Pesticides are linked to many, many different diseases; Parkinson's, Alzheimers, and unfortunately for the children who left this morning, their teacher is suffering with ALS. Pesticides are linked to that, too. Unfortunately, it takes years for them to develop. And we have to learn that we can't keep living in a toxic environment and expect our health to survive.

D.P.O. POSTAL:
Thank you.

(Applause)

D.P.O. POSTAL:
Next speaker, Margaret Connor. Margaret Connor.

MS. CONNOR:
Good afternoon. I'm a Farmingville resident that has been involved in two of the last Legislative meetings regarding Resolution 1193, and my involvement was empowering people who try to be aware from the sidelines, but weren't confident enough or brave enough to come into the political arena. And we entered that arena by expressing an apology to the Legislators for not having voiced our opinions previously, and to have not given you the benefit of sharing knowledge and experience. I now represent you with a thank you. The 1,182 people who have no affiliation with any other outside organization know that everyone here tried to take their own conscience, to be humanitarians, such as the people I represent, and make a logical appropriate decision. And it's only owed a thank you. And I think all of you, you know, conducted yourselves appropriately. I am proud of the people that I represent, how they conducted themselves the last

two days. And we vow to remain informed and involved. And somewhat on the sidelines, we're going to have people pools where one or two people will be checking what's going on, and we have some E-mail chains going on. You're not going to see us in droves, but we will be there. And if you ever have the feeling that we're not around, just as we reached out to you, please be willing to reach out to us, because we are there and we want to work in conjunction with you.

LEG. FOLEY:
Thank you.

D.P.O. POSTAL:
Thank you.

MS. CONNOR:
Okay.

D.P.O. POSTAL:
The next speaker, Robert Brassell, Jr.

MR. BRASSELL:
I am here. I'm speaking on behalf of -- sorry.

LEG. FOLEY:
Speak into the mike, sir.

MR. BRASSELL:
I'm speaking here in favor of Resolution 1207-2001. I have a copy of my qualifications and also my affiliations for each and every individual Legislator, if you would be so kind to give it out. And also, I have a copy for the record. In other words, one for the record, one for everybody.

LEG. FOLEY:
Ilona.

D.P.O. POSTAL:
Ilona.

LEG. FOLEY:
Ilona, right behind you.

MR. BRASSELL:
So this is for the record, and those are copies for everybody else. I'll be real quick about it. I was given a copy of this by Yvonne Pena, Executive Director of the Suffolk County Human Rights Commission, and I read it very thoroughly this weekend, very carefully, very much, and I'll be real quick about it. It's one of the most clearest resolutions I have read, federal, state, local anywhere. I mean, very, very clear, very straightforward. It might not do everything idealistic, which I would prefer, but in the reality of the situation, in my opinion, it's just what it should be. Discrimination, discrimination, discrimination. Any and all groups are covered. It might be maybe saying too many people are included, but you can never have too much of anything if you want to get it over with, and say, "All right, we did it, let's deal with it now."

I mean, I've heard other people, like the gentleman behind me, say, you know, you shouldn't do this, you shouldn't put this kind of resolution through, because, you know, the spirit of America. Well,

that's what they said hundreds of years ago. And they didn't think about all these rules, because there was no need to, because we were pretty much fighting for our own individual survival. This resolution makes it clear that, straight forward, to the point, very clear, and it's actually readable, not a lot of legalese. I mean, that's pretty much what I have to say on that point, and that's it.

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

LEG. FOLEY:
Thank you.

D.P.O. POSTAL:
Next speaker is Phil Goldstein. Is -- I don't know if he's still here.

MR. GOLDSTEIN:
Here.

D.P.O. POSTAL:
Yes, he's here. How could I miss you, Phil.

LEG. BISHOP:
You're the only one I run back in for, Phil.

LEG. CARACCIOLO:
Phil, you want to get your money's worth out of that outfit.

MR. GOLDSTEIN:
My name is Philip Goldstein, and for the benefit of the audience, the costume, I'm here as a Yankee Doodle Dandy. I'm here to remind this Legislature of a little bit of history called the American Revolution, and the fact that its slogan was "No Taxation Without Representation".

I would like to urge this Legislature to act as bravely as our founding fathers. We have been imposed upon by an arbitrator who has rendered a decision that raise the salaries of the Suffolk County Police force an exorbitant amount of money, as a result of which our taxes are going up, and there is a serious concern with regard to the deficit next year, as well as the sales tax increase you are contemplating. And to me, this spits upon the principles upon which this nation was founded. How can you permit an appointed official who is unaccountable to the citizens upon whom he is imposing this tax burden? It is an outrage. And I would urge you to go beyond the resolution which you sent up to Albany. You expressed in that resolution your dissatisfaction with the Taylor Law, and the fact that it permitted an arbitrator to impose this tax burden upon your constituents. Well, if you haven't read the papers, then perhaps you don't know what the response of the New York State Legislature was. It was the same response that the British Parliament gave to the Colonists. They spit in your face. They passed the Taylor Law again,

reimposing the arbitration clause. Well, this nation responded by refusing to pay its taxes, and I would urge you to do the same. I would urge you to refuse to pay the taxes that were imposed by that arbitrator.

Our government is no longer the "Good Shepherd" that is protecting the flock. Not only are we being fleeced, but now the watchdogs have become predators and are sucking our blood. If you belong to an organized union, or if you're a member of the County Legislature, your economic well-being is protected. Now I realize I'm going to offend you, but I'm going to also remind you --

D.P.O. POSTAL:
Phil, you can only --

MR. GOLDSTEIN:
You gave yourself a large salary --

D.P.O. POSTAL:
Phil.

MR. GOLDSTEIN:
-- increase recently.

D.P.O. POSTAL:
Phil, sum up in one sentence.

MR. GOLDSTEIN:
I find that terribly offensive.

D.P.O. POSTAL:
I know you do, but sum up anyway.

MR. GOLDSTEIN:
All right. The point very simply is this. Government, our government officials are the ones that are bringing this society to its knees. It will not be foreign invaders, it will not be foreign ideologies, it will be the conduct of our own government officials who ignore the rules of the game. That's what Farmingville was all about. Those citizens came to you asking you to play the game by the rules the way they were taught and brought up.

D.P.O. POSTAL:
Phil.

MR. GOLDSTEIN:
I have here an article --

D.P.O. POSTAL:
Phil, your --

MR. GOLDSTEIN:
Just I'm finishing. Okay, last thing.

D.P.O. POSTAL:
No, no, you're finished. Your time is up.

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MR. GOLDSTEIN:
The Senate of --

D.P.O. POSTAL:
Your time --

MR. GOLDSTEIN:
-- the United States --

D.P.O. POSTAL:
Phil.

MR. GOLDSTEIN:
-- fired its parliamentarian --

D.P.O. POSTAL:
Phil, I'm going to call a recess.

LEG. HALEY:
I have a question.

MR. GOLDSTEIN:
-- because he told them that the rules --

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

LEG. HALEY:
Do you have something to say about the Senate of the United States?

MR. GOLDSTEIN:
Yes. Thank you, Mr. Haley.

D.P.O. POSTAL:
Thanks, Marty.

MR. GOLDSTEIN:
Just to show you --

D.P.O. POSTAL:
Thanks, Marty.

MR. GOLDSTEIN:
-- the arrogance of power that exists amongst all of the Legislative bodies. The Senate of the United States just fired its parliamentarian. The Republican majority was unhappy with the fact that he who defines how the rules should be applied informed them that they were violating the rules. And so when he told them they were violating the rules, what did they do, they fired him so that they could continue to ignore the rules, just as Governor Pataki violated the rules with regard to contracts and this was exposed in Newsday.

It is our government officials who are destroying the faith of the people in the system, and I urge you to act with courage. It is not your lives and your wealth that you will put on line if you refuse to

allow this tax to be imposed upon us. That's what the founding fathers did. They had the courage to risk their lives and their fortunes. I ask you to have the same courage.

(Applause)

D.P.O. POSTAL:
Next speaker, Tom {Stody}. Is to him here?

LEG. HALEY:
Nobody wants to follow that one.

D.P.O. POSTAL:
Next speaker, I think it's Rex {Farr}. Am I pronouncing --

MS. ESPOSITO:
He's gone.

AUDIENCE MEMBER:
He's gone.

D.P.O. POSTAL:
No. Dominick Ninivaggi.

MS. ESPOSITO:
He's gone.

LEG. FOLEY:
Three minutes, Dominick.

MR. NINIVAGGI:
I'm afraid I left my three cornered hat at the office.

LEG. COOPER:
Dominick, I told you the meeting was in Hauppauge today.

LEG. FISHER:
Dominick, can you lift the mike a little bit?

MR. NINIVAGGI:
I have --

LEG. FOLEY:
Dominick, you know the score. Speak into the mike, please.

MR. NINIVAGGI:
Yes. Okay I have a set of maps I wanted to share with you.

LEG. FIELDS:
Dominick, use the microphone.

LEG. HALEY:
He can't. He's got to stoop over. You could take it out if you want.

MR. NINIVAGGI:
How about now?

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LEG. BISHOP:
Yeah, that's good.

D.P.O. POSTAL:
Yes.

MR. NINIVAGGI:
Okay. We've heard a lot of testimony that relate to differing values and trying to balance the interests and desires of various people, and ultimately, you as a Legislature have to make those decisions as to which way you want to go on these things. What I can really tell you speaks more to what are the consequences of decisions you make in terms of what is likely to happen in the nuts and bolts world of Vector Control that I'm responsible for.

First thing you have to recognize is that we already have a no spray list, as we're well aware of, and we feel that that represents an equitable and reasonable way to balance the interest between people who have health effects that could be exacerbated by the control

program and the rights of the people around them to some kind of relief from mosquitoes.

I had heard a little bit earlier that our estimate of the no spray zone being six-and-a-half acres being wrong. Well, I double checked my figures and that's very, very close. I think it's 6.47, if you do Pi R squared. If you start looking at rectangular blocks, it comes closer to ten acres, once you figure all the lots that are affected. What you're seeing on your maps are 300 foot radii around hypothetical no spray locations and the number of lots that would be affected by those no spray locations. And you'll see that the numbers range from the low twenties to up into the thirties. There's one in -- one map is in Lindenhurst, which is an area where we had West Nile Virus last year. One of them is in Patchogue, which is an area that we chronically have problems, and one is in Oakdale, where we also chronically have problems.

No spray locations. This gives you an idea of what the effect of no spray locations would have on our ability to deal with adult mosquitoes in those locations. It would take very few no spray locations to render any treatment we do to the community virtually useless.

I want to remind you that mosquitoes are an area-wide, a community-wide problem and they need to be dealt with on a community-wide basis. They can't be dealt with on a piecemeal basis. And if you leave enough refuges, enough areas where the mosquitoes can survive, those mosquitoes will not stay there. They will fly back out, they will reinfest the area. They can even cause you to have to go back and reapply. Boy, that went fast.

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

LEG. HALEY:
I have a question.

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D.P.O. POSTAL:
Legislator Haley.

LEG. HALEY:
Could you expand on this first map that you gave us? In Oakdale, for instance, I'm looking at quite a number of parcels. I see you have -- the circles represent, let's see, 20, 40, 60, 85 parcels which could be precluded from getting sprayed should only four people in this particular example decide not to spray. So is it correct to assume

that if those four individuals decided not to spray -- and all you have to do is just to add a couple, because I think a well thought out organizational drive by any group who is opposed to spraying could find out of all of these parcels six people who don't want spraying, and that could have the effect of really nullifying any spraying in that area whatsoever.

MR. NINIVAGGI:
That's correct. And --

LEG. HALEY:
Could you expand on that?

MR. NINIVAGGI:
Well, again, this is an issue that a single person can control the treatment activities of not only their immediate property, but in some cases dozens of their neighbors. And so I think that that's an issue that -- of equitability that needs to be addressed. We don't treat an area in response to a single request for treatment, we look at the totality of evidence, we look at things like numbers of complaints from an area, we look at our trap data, we'll do landing rates, and based on that totality of information, we'll decide whether an area should be treated. And believe me, it's not an easy decision whether to go in and treat an area. All that totality of information can be negated by a few people who for whatever reason have made a decision to declare their areas essentially as mosquito refuges.

LEG. HALEY:
Okay. Now you picked these particular spots simply, I would assume, because you typically have to spray in these areas because they're on the South Shore where there are a lot of nuisance requests.

MR. NINIVAGGI:
Yeah.

LEG. HALEY:
Could you differentiate between nuisance versus West Nile and a health problem?

MR. NINIVAGGI:
Nuisance -- it's very difficult to draw a fine and bright line between nuisance and direct disease intervention. If you find virus, you declare a public health threat. You might treat an area even if there are relatively new mosquitoes because of the virus threat. But our nuisance species, our biting pest mosquitoes can turn out to be tomorrow's vectors. For instance, the species that typically -- one

of the species that typically causes so called nuisance problems is Aedes vexans. This is a species that was found five times last year with West Nile Virus in Suffolk County. We had an incident where we had to treat an area in Smithtown for Ochlerotatus trivittatus. That species turned out to positive -- later turned out to be positive for West Nile Virus in Nassau County. Our major pest species is Ochlerotatus sollicitans. They used to be called aedes. I have to get used to saying Ochlerotatus. That species, a major salt marsh species, has not yet been found actually with the virus, but in the laboratory, it's a competent transmitter, and we know it has the behavior necessary to pick up virus from birds and transmit it to people. So this is a species that has a great deal of potential to be a West Nile Virus vector and it bites people in great numbers. We're very concerned. If virus gets loose in that species, the number of infections could increase dramatically. So it's hard to draw that line.

LEG. HALEY:
Just one question. Madam Chair, because when it comes time to debate the issue, is it normal that we would ask our experts from the County to come up to the microphone at another time?

D.P.O. POSTAL:
We've done that in the past.

LEG. HALEY:
Okay. Thank you. Are you going to be here later for --

LEG. FOLEY:
You should .

MR. NINIVAGGI:
Well, okay. Well, I thought that -- I thought this was the time I was going to give my testimony.

LEG. HALEY:
Well, the problem is it's limited to three minutes, and if we continue on that bases -- you know, really the process is, is you get three minutes to speak, and then when we, as a Legislature, debate, we're going to ask specifically our experts, if you will, in the County .

MR. NINIVAGGI:
Because I saw in the morning people spoke for quite a bit more than three minutes.

D.P.O. POSTAL:
If Legislators have questions for you, then they can ask them at this time, even though your three minutes have elapsed. But I think what Legislator Haley is suggesting that perhaps in the discussion or debate, when the resolution comes up for action, there may be issues that are raised that may not have come up.

LEG. HALEY:
See, that's a point at which the public doesn't necessarily -- that they can't participate in the debate, but because you work for the County in those specific programs, we can call you up and ask you some

additional information.

MR. NINIVAGGI:
All right. Well, certainly, if you need, I'm here.

LEG. HALEY:
Thank you.

MR. NINIVAGGI:
I just had one other short point I wanted to make and that's that I heard mention of Monmouth County in New Jersey as apparently maintaining a no spray list, which kind of surprised me, because it was used as an example of how practical and easy it is to maintain a no spray list. So I called Monmouth County and I asked them, "Well, what is that you folks do?" Well, what they -- they do not have a no spray list. They have a call ahead list. They still spray the area. They will call the people. And that list has about 125, 150 names on it. They have more staff than we do in the office and they have half the population. You can't compare what they're doing and what they're capable of doing with what we would have here. First it's -- the proposal here is totally different from what they do. We can anticipate a very, very much larger list, on the order of ten times or 20 times that number. And, again, the wherewithal to do that is not there at the present time. So we have to be very careful about making these comparisons and saying that this is an easy thing to do, it's not.

D.P.O. POSTAL:
Legislator Haley, are you finished?

LEG. HALEY:
Yes, thank you.

D.P.O. POSTAL:
Legislator Fields.

LEG. FIELDS:
Dominick, you mentioned about the criteria that you have. You said something about numbers of complaints, trap data, and landing rates. What are the numbers of complaints that you use as criteria?

MR. NINIVAGGI:
It's usually fairly clear cut. If you get an area like a salt marsh outbreak --

LEG. FIELDS:

Let's say --

MR. NINIVAGGI:
Well --

LEG. FIELDS:
Let's say my neighborhood called you. How many numbers in Oakdale would you have to have before you would consider spraying?

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MR. NINIVAGGI:
Well, the first thing we do is look at the trap over at Byron Lake Park.

LEG. FIELDS:
No. Number one, first, how many numbers -- how many complaints do you have to get?

MR. NINIVAGGI:
Well, the first thing we do is look at the trap.

LEG. FIELDS:
What's your criteria for numbers of complaints? And then I want to go to each one of the others.

MR. NINIVAGGI:
In this case, it would be -- it would probably be several dozen in that area, and we look and see what our people are finding.

LEG. FIELDS:
But that's probably?

MR. NINIVAGGI:
Yes. We don't --

LEG. FIELDS:
What's your criteria?

MR. NINIVAGGI:
We don't have the --

LEG. FIELDS:
What's your -- do you say, okay, fifty calls and we think we're going to spray, ten calls, two calls. What's it is criteria?

MR. NINIVAGGI:

We don't have numeric criteria on complaints, because we look at the totality of the situation.

LEG. FIELDS:
Okay. Then on trap data, what's the criteria for that?

MR. NINIVAGGI:
Most people will find around twenty-five females per night in a New Jersey trap as being a significant problem. Again, some communities, if we're getting that number in the trap and nobody is calling us and complaining about it, we're not going to treat, because, you know, we're responding to biting people. If people aren't being bitten, then in different communities, you'll have different tolerances. For instance, the same number of mosquitoes in a trap in Oakdale will cause fewer complaints than in Mastic Beach, and that's partly because more people in Oakdale have air conditioning and there's -- the housing is closer together, there's less air conditioning in Mastic Beach, so the mosquitoes, the same number of mosquitoes is more annoying. So we try to take all those things into account to make a responsible decision.

LEG. FIELDS:
And then the third one, landing rates, what's the criteria on landing rates?

MR. NINIVAGGI:
Landing rates, once you get more than five per minute or so, you know you have a significant problem.

LEG. FIELDS:
It's five per minute?

MR. NINIVAGGI:
Well, yeah. We don't keep a numerical number and say, "Okay, we've got five, now we're going to send the trucks. We look at the totality of the information."

LEG. FIELDS:
Tell that's what I'm saying. So if I were to take the number of complaints, twenty-five in a trap and five landing per minute, you would consider spraying?

MR. NINIVAGGI:
Yes, we would consider. Again, we would -- we look at the situation, we look at the weather, we look at the species involved also.

LEG. FIELDS:
Second question, is the incident -- you mentioned there was an incidence of West Nile Virus in Lindenhurst last year?

MR. NINIVAGGI:
There were mosquitoes captured with West Nile Virus in Lindenhurst.

LEG. FIELDS:
But there were no incidents of West Nile Virus.

MR. NINIVAGGI:
There were no clinical cases.

LEG. FIELDS:
Right, okay. But you did --

MR. NINIVAGGI:
The Sero survey did pick up one case of transmission.

LEG. FIELDS:
What was that?

MR. NINIVAGGI:
There was a Sero survey where they did -- they sampled bloods.

LEG. FIELDS:
Okay. But we didn't really have an incidence of West Nile Virus. Okay. And you also mentioned a single person can control whether or not an area gets sprayed, but I guess this is not -- never mind, that's not a question. Thank you.

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MR. NINIVAGGI:
Anybody else?

D.P.O. POSTAL:
Legislator Foley.

LEG. FOLEY:
Thank you, Madam Chair. These three hypotheticals that you had distributed, is there any rhyme or reason why you chose these three areas? Why not some other areas of the County? It seems to me --

MR. NINIVAGGI:
Well, these are --

LEG. FOLEY:

It seems to me that this is a -- well, this is a County-wide resolution, so why would you focus the three examples in one particular geographic area?

MR. NINIVAGGI:
Well, these are areas that we historically have problems and requests for treatment.

LEG. FOLEY:
These are by no means the only areas, and you certainly have a large volume of requests in other parts of the County; is that not correct?

MR. NINIVAGGI:
Yeah, that's true. I could have picked Mastic Beach, where the houses are closer together, and I could have given you an even bigger number of affected parcels than we did here, but we're trying to be reasonable.

LEG. FOLEY:
And you get calls out on the East End as well; correct?

MR. NINIVAGGI:
We get calls, fewer than in the area south of Montauk Highway.

LEG. FOLEY:
Right.

MR. NINIVAGGI:
But we do get them.

LEG. FOLEY:
Okay. And you get calls certainly along the Peconics, in different areas along the Peconics, I would imagine.

MR. NINIVAGGI:
We -- occasionally.

LEG. FOLEY:
Even if it's not the same volume, the fact of the matter is you do get calls.

MR. NINIVAGGI:
Yeah, we do get some also.

LEG. FOLEY:
Okay. Thank you.

D.P.O. POSTAL:
Legislator Caracciolo.

LEG. CARACCIOLO:
Dominick, where does the Vector Control Department generally apply aerial sprays?

MR. NINIVAGGI:
Well, there are two things. We do aerial larva -- I'm assuming you're talking about adult mosquitoes.

LEG. CARACCIOLO:
Yes.

MR. NINIVAGGI:
In the last two years, we've only done aerial treatment in response to virus isolations, and in 1999, that was in Huntington. In 2000, it was in Babylon. In previous years, it was typical to have to treat along the South Shore, basically from the Forge River to the Robert Moses Causeway. When I started in 1994, around the 4th of July we treated that entire 10,000 acre area by air with adulticides, and then we treated about half that area a second time with adulticide. Over the years, by improving our larval control program, we've been able to cut that down to where the primary area for adulticiding, aerial adulticide was the Mastic/Shirley area and Hamlet of Brookhaven. And in 1999 and 2000, we did not feel we got to the point where those areas needed aerial adulticiding. Not everybody in those communities agreed with us. There are many people who are requesting quite vociferously that we use aerial adulticide. We made a determination that it didn't reach that level.

LEG. CARACCIOLO:
Mastic/Shirley is a very densely populated part of the County in terms of demographics. If this law were to be passed and one resident who lived in proximity to the wetlands and marshes, where you generally would do aerial spraying, called and said, "Put me on a no spray list," there would -- would there be any way for you to monitor drift and effects of that spray perhaps affecting someone in the community?

MR. NINIVAGGI:
Well, the aerial treatment is treated differently in here, and we would have to look at quarter mile radius areas and try to determine if 25% of the residents in those quarter mile radius areas were on the no spray list, and I talked to some of the GIS people such as Ron Green, who I believe is in Planning Department, who said, "Well, how could we do this? How could we make this determination and assure ourselves that there was no quarter mile radius where 25% of the people were on the no spray list, and he said, "We just don't have the kind of data base you would need to make this determination, not to

mention the difficulty it would be to transmit that information to the helicopter to avoid that area." Because when we avoid an area with the helicopter, it's usually something that we can see from the air, map into his system, and then he can avoid it. An arbitrary circle, an arbitrary square is a very different thing to try to avoid.

LEG. CARACCIOLO:
Just to follow-up. So, in effect, if you would be prohibited because of one individual who calls and requests to be put on a no spray list, you would, in essence, in those areas perhaps be precluded from any aerial spraying.

MR. NINIVAGGI:
Well, a single person under this law wouldn't preclude aerial spraying. It's more --

LEG. CARACCIOLO:
What is the criteria?

MR. NINIVAGGI:
Well, for aerial spraying under this law, it's 25% within a quarter mile radius. So I guess one of the things we'd have to look at is see where these people are located and try -- somehow we'd have to make a judgment as to whether they represented 25% of that population. So we'd have to find a data base that would give us the population of that area, look at the numbers, and make a determination. You know, this is not a simple and straightforward process. We're --

LEG. CARACCIOLO:
How long would that take and what would -- what could be the possible drawbacks from a health perspective of the time that it would take to make those kinds of evaluations?

MR. NINIVAGGI:
Well, when you delay treatments, especially with adult control materials, the mosquitoes don't stay still, they continue to spread into the area, they continue to move inland. The Mastic/Shirley area is a particular problem, because, in some cases, the mosquitoes do not originate in that community, they fly in from Fire Island. We do preventive work on the mainland, but we're not allowed to do preventive work on Fire Island. But, of course, the mosquitoes don't stay there, they'll fly into the community and then there's no option to deal with them other than adult control. Where these 300 food radii really impact us is on the ground application, because with the ground application, a single person can control what goes on within that 300 foot radius.

LEG. CARACCIOLO:
Is it fair to say that the efforts that you had under Vector Control are primarily to mitigate nuisance biting by insects, which is mosquitoes?

MR. NINIVAGGI:
They're both, because you can't -- especially most of our work is preventive in nature, and it's impossible when you're doing mosquito preventive work to determine, well, what would have happened if you

let those mosquitoes get away? Would they have been just a nuisance, or would they have been disease transmitters. Most of our program is directed toward the salt marsh, and those species are a problem just from the biting aspect alone, but those species are also known transmitters of Eastern Equine Encephalitis and highly suspect for West Nile Virus. We do not want those species to get seriously out of control, because if virus gets into those populations and they're biting people very aggressively, you know, we could have a much more serious disease transmission problem than with, for instance, these household species that we've seen with West Nile Virus. Those are relatively unaggressive species, nothing like the salt marsh mosquitoes, where, if you look at a light trap, you could have a hundred -- these household mosquitoes in the trap, and nobody is calling me to complain. A hundred salt marsh mosquitoes in that trap, my phone is ringing off the wall. These species differ a lot in their aggressiveness toward people.

LEG. CARACCIOLO:
When was the last time in Suffolk County we had an individual infected from the Eastern Equine Encephalitis species?

MR. NINIVAGGI:
To my knowledge, there hasn't been anybody infected with Eastern Equine Encephalitis. We have found mosquitoes with the virus on several occasions, but when we do find that situation, we do react with the appropriate treatments. So it's hard to say what would happen if we did not treat. We haven't done the experiment to not treat and see if people get Eastern Encephalitis, because it's a 50% fatal disease and most of the people who survive have permanent neurological consequences.

LEG. CARACCIOLO:
In terms of the products you use and the quantities you use, have they been on the increase or decrease?

MR. NINIVAGGI:
We have increased our use of larval control materials, particularly some of the new bacterials. We have decreased our use of --

LEG. CARACCIOLO:
Let me qualify that. The pesticide applications you've --

MR. NINIVAGGI:
Okay. Well, the adult control? I don't have the figures in front of me. Let me think.

LEG. CARACCIOLO:
We heard state-wide statistics before, so I want to get some perspective as to what, you know, where actually the County's involved in.

MR. NINIVAGGI:
I tend to think about this in terms of acres. Last year, it was slightly more acreage than in 1999, but considering the West Nile Virus, I consider that we were able to keep that relatively low. Our -- we went down to 20,000 acres in, I believe, 1997, when we

didn't have any serious nuisance or disease.

LEG. CARACCIOLO:
And last year?

MR. NINIVAGGI:
Last year was slightly up from '99. But, again, considering we had the virus, you know, that's not surprising.

LEG. CARACCIOLO:
Okay. Counsel, in terms of liability, if a resident were to call and have their name on a no spray list, and as a result of these charts that Vector Control has provided today, some 20, or in some cases 25 or more adjoining homes would not, from whatever perspective you want to take on this issue, get the benefit of an application, have a -- not only a nuisance problem, but what if it led to a health -- had a health consequence and someone in that household came down with either a serious disease or resulted in a fatality, would the County be subject to any liability, since one of the primary purposes of government at all levels, federal, state and local, is to ensure the public's health and safety?

MR. SABATINO:
Well, it wouldn't be -- it would not be per se liability. In order to have liability, you have to show that there was a duty or a standard of care, that the duty or the standard of care was violated or not adhered to, or not complied with. Then you have to show that there was an actual injury that arose out of that, and then you have to show that the failure to adhere to that particular standard was the proximate cause of that injury. If you can show all five of those items that I just delineated, then there would be a potential for liability in that case. But you can't make the blanket statement that

that particular action you described would lead to what I'd call per se automatic liability imposed on the County.

LEG. CARACCIOLO:
In terms of individuals who would request to be put on a no spray lists, since it would have consequences of 20 or 30 adjoining residences or homes not being in the application area, one might assume that the other homeowners might resort on their own to take -- taking measures either by hiring outside contractors, pesticide applicators, to come in and do the work for them. I mean, that happens now, and with the exception of the reporting requirements, which I would wonder, maybe you know, in this County, since there are reporting requirements, how many pounds of pesticide are used by private applicators? And are we going to really address this concern, if it's a concern that -- or one believes is valid, that there should be no spraying? Then, really, the step that the Legislature should take, and the State should take, and the federal government should take is to say, "We're going to ban pesticide," period.

MR. NINIVAGGI:
Well, if you look at, for instance, for adulticides last year, I guess we used about 200 -- in the order of 250 to 300 gallons, which is slightly more than usual. You put that in perspective with the numbers you heard this morning, it's a very small portion of the total

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pesticide use in the County, and the type of treatments we use would be extremely low dose, low residual, is very different from what a homeowner might do. A homeowner cannot use the kind of low volume, low residual techniques that we use and get any kind of result.

LEG. CARACCIOLO:
Why?

MR. NINIVAGGI:
Because our program is designed to kill the mosquitoes that are flying in the area at the time and leave without leaving significant residues behind, without even affecting flying insects the next day. And that can work if you can sweep the mosquitoes out of a fairly large area, so it takes a while to reinfest. If you're just -- your individual home surrounded by an infested area, you can't use this kind of technique that just kills what's flying at the time, because more will fly right in, you have to use a residual material. What you'd have to do is treat your vegetation with a material that would last a week or more to kill the insects as they land on your vegetation, and at a higher dose than we use in our program.

So I am concerned that if residents start taking matters into their

own hands, they're actually going to be using higher doses of longer residual materials than the type of materials that we as professionals use. And it is, it's very difficult to kill mosquitoes with the doses that we use, and it's -- you have to be a professional to accomplish that.

LEG. CARACCIOLO:
So the trade-off may, in fact, be higher usage, improper usage, and not only a nuisance problem, but a health problem.

MR. NINIVAGGI:
I'm concerned about the -- what I always hear in terms of homeowners, homeowners have a tendency to think that if one ounce is good, two ounces is better. Sometimes pest applicators will -- they want to make sure that their client is satisfied, they'll really try to do a good job. We don't have those kinds of impetus on us. We are -- try to be as very carefully controlled as we can be. And, of course, we're under very intense scrutiny. We're on an ongoing first name basis with our EPA and DEC inspectors. They visit us rather regularly. You know, we have to run as tight a ship as we possibly can. I don't know if we're perfect at it, but it's quite a task just keeping things up to spec.

LEG. CARACCIOLO:
In terms of other locales, Florida and New Jersey, where mosquitoes are largely a pest problem, have any of them incorporated a no spray list as we are addressing here?

MR. NINIVAGGI:
I am not personally aware of any district that's maintained -- has this kind of a no spray list, and I'm in fairly good contact with other districts. I know -- I was recently meeting with my counterparts in New Jersey, which is very active in mosquito control, they're some of the leaders in this, and they said that they would

never even consider any kind of law that would allow an individual to control what's done in a particular area. Many districts are starting to maintain call ahead lists, where they'll call people and let them know that treatment is going on, so they can take measures if they so choose, but they still treat that area. And, again, they feel very strongly that public health law mandates mosquito control and gives us the authority to control mosquitoes on public and private property, and they would view any law like this as contravening public health law.

LEG. CARACCIOLO:
Ask, finally, in terms of your operations and your ability to manage

and make application, it sounded like, when you eluded earlier to the administrative effort in New Jersey, that you would need additional staff to carry out a program like this.

MR. NINIVAGGI:
Well, we get anywhere from three to six thousand requests for treatment in the summer, usually in the months June, July and August. It's hard to know on this law how many requests would come in. Some Legislators here I know have received several hundred letters. If you multiply that by your 18 Legislative districts and I get a couple of thousand letters, that's going to be similar to the current workload dealing with the public that my staff has now. So you're talking about doubling their workload at the busiest time of the year, and I'm not sure how we would manage it. Again, it's very -- it's one thing to manage our current list of about 300 people or so, it's another thing to geocode and manage and control a list that has several thousand names.

LEG. CARACCIOLO:
So if this resolution were to be approved and enacted, how much time would it take to actually have the staff in place to carry out an effective program?

MR. NINIVAGGI:
Well, we're currently under a hiring slowdown. I have vacant positions that were not going to be filled until late in the year, so I don't think that we would be allowed to hire additional staff. Another option would be to simply not do any treatments other than in a public health threat, which we would get around the law, since the law does not apply when there's an overt public health threat. However, many communities would be impacted by that, because they would have to live with the infestations. We wouldn't be able to go in and reduce these populations. But if we had a large enough stack of unprocessed -- unprocessed requests for no spraying, I think we would have no alternative in good conscience but to shut down that program completely to assure ourselves that we're in compliance with the law, because how do we know -- if we have a stack there, how do we know that there are not requests in the area where we might be wanting to treat?

LEG. CARACCIOLO:
What are the ten hot spots in the County in terms of your annual program and applications?

MR. NINIVAGGI:
Well, let's see. I don't know if I could go as far down as ten.

Obviously, the Mastic/Shirley, Hamlet of Brookhaven, Bellport, parts of Patchogue, parts of Oakdale, the Oak Beach area and Gilgo areas out on -- out in Babylon. We also get requests for treatment in the Fire Island communities, which are another issue entirely, because Fire Island you have extremely small lots. And I could have picked the Fire Island community and I might have come up with 75 or 100 lots in a 300 foot radius. But our hot areas are traditionally south of Montauk Highway, from roughly West Islip out to the Forge River, with incidental problems when you get further east into the Hamptons, and then occasional problems that crop up periodically. For instance, the North Shore is normally not a problem. A couple of years ago Lloyd Harbor had a problem. It turns out that there was a salt marsh breeding area. We had to treat that area. We followed that up with preventive measures, water management over the winter. It hasn't been a problem since. But it's real hard to predict where the next hot spot is going to be, because it's a big County and we have 43 species of mosquitoes and there's a lot of potential problem areas.

LEG. CARACCIOLO:
Publicly, are there any other mosquito commissions, organizations? I know Debbie O'Kane in the past has mentioned, as a resident of Orient, there's an association or some quasi governmental entity that's in a taxing district that makes applications in that area.

MR. NINIVAGGI:
There's a small district out in Orient. They do similar techniques that we use. As a matter of fact, what they do is they hire a couple of our staff on a part-time basis, moonlighting, to go out, mostly larvaciding, but they do some adult control also. It's -- I think there are about seven hundred people out there. They have a very small budget. We do try to provide them with some technical assistance, since they obviously can't have the kind of staffing that we do, and we try to help them out.

LEG. CARACCIOLO:
Are they the only other entity in that category?

MR. NINIVAGGI:
In Suffolk County, that's correct, yeah.

LEG. CARACCIOLO:
Haley walked out of the room. I was -- does the sponsor know if under the bill that entity would have to be also in compliance with the no spray? Paul?

D.P.O. POSTAL:
Why don't you ask your question again, Mike.

LEG. CARACCIOLO:
Right. In the Hamlet of Orient on the North Fork -- do you know the name of the entity, Dominick.

MR. NINIVAGGI:
It's Orient Mosquito District.

LEG. CARACCIOLO:
Okay. There's a mosquito district that also makes applications. I was wondering, would this resolution be applicable to that district, mosquito district, if people in that hamlet called up and wanted to be excluded from spraying?

MR. SABATINO:
Well, to be honest with you, I'm not familiar with that district, so I'm not sure how the mechanics work. Are the mechanics that they work through you or do they work as a separate entity?

MR. NINIVAGGI:
They work independently of us.

MR. SABATINO:
They do. I think this is worded in such a manner as to have the contact made to Vector Control. Let me just -- move on. I'll just look at the bill while you're discussing the other point.

LEG. CARACCIOLO:
Okay. That was my last question.

D.P.O. POSTAL:
Okay. We'll come back to an answer. The next person on the list is Legislator D'Andre.

LEG. D'ANDRE:
Tell me, is the rate of --

D.P.O. POSTAL:
Is your mike on? Would you put your mike on?

MR. SABATINO:
The answer, I was right, this is limited to Vector Control and Public Works. So it would not apply if they're running an independent operation.

LEG. CARACCIOLO:
Is there -- excuse me, Mike, just to finish up. Would there be a way that they could be included in the local law? Because I would ask the sponsors to consider an amendment.

MR. SABATINO:
You'd have to write them in. I'd have to get the exact information with regard to their status, how they were created, and what their geographic jurisdiction is. The answer is yes, it could probably be worked in, but currently it's not, because this was limited to Vector

Control and Public Works.

LEG. CARACCIOLO:
Thank you.

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

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LEG. D'ANDRE:
Thank you. Is the method of determining the dosage still based on the weight of the animal or the insect?

MR. NINIVAGGI:
For mosquito control, there's fairly standard doses. They're somewhat dependent upon the species. We find that we need to use on adulticides near the maximum rates, because when we have -- salt marsh mosquitoes are particularly difficult to kill, and we have to very carefully adjust our droplet size and our dosage rates, because the doses that are allowed for mosquito control adulticides are extremely low. For instance, maximum rate for Scourge is .007 pounds per acre. So we're talking about a couple of grams per acre of active ingredient that's used for mosquito control.

LEG. D'ANDRE:
That's still infinitesimal, I mean, it's a small amount.

MR. NINIVAGGI:
Yes,it --

LEG. D'ANDRE:
You see, where we get into trouble a lot is when homeowners attempt to mix their own chemicals. And for some unknown reason, when they apply with a broadcast spreader or with a sprayer, they tend to overkill, and they figure if two teaspoons to the gallon is good, four would be twice as good, and we get into trouble with that. And there's no way that we can control that. In fact, it would be suicide for you to put a law up saying you don't do your lawn anymore. I mean --

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

LEG. D'ANDRE:
My question is, is the dosage still the controlling factor on the mixtures?

MR. NINIVAGGI:

Oh, yes, the dosage -- dosage and droplet size are -- as well as weather conditions are the key factors that control any kind of adult control operation, and in some ways the size of the droplets is just as important or even more important than the doses, because if the droplets are too large, they're going to fall out, they're not going to kill the mosquitoes. If they're too small, they're going to blow away. So we spend a great deal of time and effort calibrating the equipment just to get the appropriate droplet size.

LEG. D'ANDRE:
Yeah. Well, that's enough.

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

LEG. ALDEN:
You want me to just take up a little time until Dave gets back?

D.P.O. POSTAL:
No. I just reversed the order.

LEG. ALDEN:
Okay. You mentioned before now about a health risk. West Nile is, you said, 50% fatal?

MR. NINIVAGGI:
No. Eastern Equine Encephalitis is 50% fatal. Fortunately, the case fatality rate for West Nile Virus, that is clinical cases, you know deaths in clinical is around 10 to 11%. And, of course, there are a lot of people who either are subclinically ill or don't show any symptoms at all, which is true for Eastern, too.

LEG. ALDEN:
Now what areas in Suffolk County did we spray for the West Nile?

MR. NINIVAGGI:
We did one treatment in the Smithtown area around Blydenburgh Park, one in the Patchogue area for West Nile Virus, and we did three aerial treatments, and I don't have the number of ground applications, in the Babylon area, because we were able to, through our surveillance program, localize where the virus activity was occurring to this area around Belmont Lake and Bergen Point. And over 90% of our isolations of mosquitoes were from the Town of Babylon, so that's where we concentrated our efforts, which is a big difference from the way some of the other jurisdictions handled it. Early in the season, there was a guideline to spray in a two-mile radius around wherever a bird, a

positive bird was found. We very quickly threw that out for Suffolk County, because we quickly realized that birds were going to drop all over the County. We were going to end up having to treat practically the whole County in checkerboard manner, which we did not think was appropriate. So we -- because we have a good surveillance program, we looked very carefully at where there really was a serious problem and concentrated our efforts there, and in other areas where there might have been a bird or two we didn't treat. And that's the type of program we run. We concentrate our area, our problems, our solution where there was a problem. And some -- out of the entire West Nile isolations and mosquitoes in the United States, 25% of them came from Suffolk County last year, so we had one of the hottest areas for West Nile Virus in the country, yet we had no clinical cases.

LEG. ALDEN:
When the Commissioner declares, and I guess there's varying degrees, state of emergency or a health risk, things like that, are there any rules as far as spraying, or can you just go in and --

MR. NINIVAGGI:
No. There are certainly rules. We still have to obviously follow all the label directions. There is some SEQRA compliance, although it's abbreviated. One of the main differences is, is that we are allowed to do adult control in wetlands when we're normally not allowed to do that. But there's still a great number of restrictions that apply, even in the sense of a public health threat, and it triggers a lot of very close consultations with the State Conservation Department, and in some cases EPA will look at an area where we have a problem and

we'll hammer out on a staff basis, well, this is an area we need to treat, this is an area that's sensitive we can get away without treating, and we can work closely with them to try to craft a solution.

LEG. ALDEN:
I just asked you before what areas were sprayed for the West Nile. What areas do you get the most calls for spraying for nuisance control?

MR. NINIVAGGI:
Well, we tend to get most of our calls, something like 30 to 40% will come from the zip codes in the Mastic Beach/Shirley area. It's a very problematic area for us.

LEG. ALDEN:
And where else?

MR. NINIVAGGI:
Hamlet of Brookhaven, Village of Bellport, some of the areas along the South Shore there, occasionally, some areas in the East End.

LEG. ALDEN:
So that's it. That's mainly out in the East End.

MR. NINIVAGGI:
Yeah. We have -- once you get --

LEG. ALDEN:
So you don't get anything from up west.

MR. NINIVAGGI:
Once you get north of the Expressway, particularly, the topography changes. It's very dry, there are fewer wetlands. Mosquitoes tend to not be a serious a biting pest problem. Or if there's a problem, it tends to be more localized. We are working now in the Sunken Meadow area on a larval control basis, because there is a significant wetland there. But Long Island, the topography of Long Island is such that it's these low lying areas that tend to have the most serious problems. It's ironic, but in a way, the reason we have mosquito problems in Suffolk County is because we did a good job of preserving our wetlands, which everybody agrees is a great thing, but in the process, we've maintained our mosquito habitats. If you look at -- that's the big difference between us and Nassau County. Nassau County doesn't have anything like the problem that we have on a day-to-day basis, because they've dried up and paved over more of their county than we have.

LEG. ALDEN:
So from the West Islip, Bay Shore, Islip, East Islip area you don't get many calls at all then.

MR. NINIVAGGI:
North of Sunrise Highway we get some calls. We rarely have to treat for adult mosquitoes that area. Most of our treatments in that area tend to be south of Montauk Highway. And not that we don't get

requests for treatment, but if it's not a big area, if it doesn't look to be a serious problem, you know, we're not going to treat it. You know, we're looking for a significant area that has a significant problem.

LEG. ALDEN:
Specifically, Bay Shore, Islip, south of Montauk?

MR. NINIVAGGI:
Yeah. Islip will tend to have problems occasionally.

LEG. ALDEN:
And how many treatments did you do last year?

MR. NINIVAGGI:
In Islip, Town of Islip?

LEG. ALDEN:
No, no, no. Islip. Islip.

LEG. FOLEY:
Hamlet of.

MR. NINIVAGGI:
Hamlet of Islip? I don't think we did any adult control. Maybe in West Islip. We used to do a lot of control there, but we were able to pretty much bring the Seatuck Marsh under control, and once we did that, if you look at our light trap numbers, they went down about 90% and we were able to do very little treatment there.

LEG. ALDEN:
Right. How about between Islip and Sayville? Because over at West Sayville Golf Course, the State, I believe, and the federal government have done some, you know, like restoration of their --

MR. NINIVAGGI:
Yes. Yeah, we worked with them on those projects, and we continue to have some problems there, but they're more intermittent than in some of the other areas further east.

LEG. ALDEN:
Okay. So not many applications last year at all in that area.

MR. NINIVAGGI:
I think there were probably one or two. I don't have my listing here.

LEG. ALDEN:
Good. Okay, thank you.

D.P.O. POSTAL:
Legislator Binder.

LEG. BINDER:
Generally, we're talking about nuisance applications. Because if we're talking about emergency applications because of infestation, West Nile outbreak, encephalitis outbreak, you know, Eastern Equine,

or some kind of outbreak, we're generally talking about specifically targeted time area. You're not generally going around the whole County now and just kind of spraying. I mean, I would assume you have your particular areas.

MR. NINIVAGGI:
Oh, no. We certainly -- we concentrate our efforts where we have the history of the greatest mosquito problems, and, of course, most of our effort is concentrated on the larval control, either water management or larvacide. And, of course, this time of year, it's much too early to do any adult control.

LEG. BINDER:
Okay. So now in adult control, let's talk about Huntington for a moment, North Shore, very North Shore along the shore, is there a lot of spraying that you do nuisance-wise or --

MR. NINIVAGGI:
It's very rare that we'll have a nuisance problem there. That's one reason why the Lloyd Harbor, Lloyd Neck problem we had a couple of years ago sticks in my mind, because when we start getting complaint calls from there, I know that there's something very unusual going on, and you'll have to find a clogged pipe or a filled in ditch or something.

LEG. BINDER:
So -- well, let me -- let me get this right. So now the spraying that you're going to do around, let's say, Huntington generally, because if you -- because there's going to be more spraying if anywhere along the water than there is south of there into parts south into Elwood and Dix Hills, and Melville, and the other areas. So you don't normally as a course of spraying -- I mean, maybe you can tell me how many -- how many times you've sprayed up there in the last two years, how many times you've sprayed up in Lloyd Harbor as a regular patrol, you know, a regular -- other than -- other than emergency, meaning exclude the West Nile problem, exclude in what we, quote, an emergency, because my understanding under this legislation, you would have sprayed anyway and you wouldn't take into account anyone off the list anyway.

MR. NINIVAGGI:
Yeah. In the seven years -- seven mosquito seasons I've been involved, we've had one year that I found myself sending adulticide trucks to the North Huntington area. It's unusual, because in the North Shore, the types of wetlands and the types of topography are very different than on the South Shore.

LEG. BINDER:
So, basically -- so let me, for my constituents. The only time you've probably sprayed my -- around my area, my constituents from south of 25A, which is Greenlawn area, Elwood area, going through Dix Hills, Melville, and into Deer Park, the only time you've sprayed was when we've had an emergency situation, which would have probably excluded -- been excluded by this bill anyway, so everybody on the list, other than maybe asthmatics or something, because they're on

that other -- the other list where you to be careful if you spray for their -- for their individual health, but other than that, this

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doesn't affect them at all is what you're telling me.

MR. NINIVAGGI:
Yeah, that's correct. And one of the things we've done is we've increased our mosquito prevention efforts by adding additional preventive crews. We have twelve this year instead of eight last year, and we have crews working in that area to try to keep it that way.

LEG. BINDER:
And the sponsor of this bill is from an area that generally doesn't get sprayed, has only gotten sprayed other than emergency, which we exempted anyway, other than emergency spraying, has not gotten sprayed except for once in however many years.

MR. NINIVAGGI:
Yeah, it's --

LEG. BINDER:

So, basically, the bill doesn't affect the author's or the sponsor's district at all, it doesn't do anything for the constituents there, it doesn't change a thing for them, really, and it doesn't change a thing for the people in my district. But it sounds good, so I guess that's what people are interested in. Thanks.

MR. NINIVAGGI:
That's correct.

D.P.O. POSTAL:
Legislator Fields.

LEG. FIELDS:
Just -- but it does -- it does pose a problem in the South Shore Legislator's district.

MR. NINIVAGGI:
Yeah, those tend to be our problem areas.

LEG. FIELDS:
Could you just explain to those who are still present why or what you did at Seatuck?

MR. NINIVAGGI:

Well, Seatuck, it was a combination of wetlands restoration in combination with the U.S. Fish and Wildlife Service. That reduced mosquito breeding and reduced the area of the marsh that was breeding. But an even bigger impact was when we changed our larval control techniques, and in addition to using the bacterial product BTI, which has a marginal effect in the salt marsh, we added the insect growth regulator {methoprene}, which is extraordinarily effective against salt marsh mosquitoes and has had a big impact in reducing our need to treat the residential areas.

LEG. FIELDS:
Thank you.

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D.P.O. POSTAL:
Dominick, I have a question. At the Fire Island National Seashore, no spraying is permitted?

MR. NINIVAGGI:
There's no mosquito control of any kind on the federal lands there.

D.P.O. POSTAL:
Has there been any evidence of West Nile infestation in Fire Island?

MR. NINIVAGGI:
Yes, we --

D.P.O. POSTAL:
In the national seashore.

MR. NINIVAGGI:
Well, we found West Nile Virus in Saltaire, which is on Fire Island. The trap was not in the federal lands itself, they were in -- actually, the trap was actually hanging off somebody's deck.

D.P.O. POSTAL:
Why would you imagine, then, that the -- there is still a prohibition against mosquito control on the part of the federal government?

MR. NINIVAGGI:
This is a standard national park service policy not to allow intervention unless there's a direct threat to the public health. We do work with them in terms of monitoring. We tend to agree to disagree with them on this, because I would prefer to do preventive work on the marshlands that are federal property and not have to send people to treat the residential communities. But the reality is we're now allowed to do anything in the federal marshlands, so if the

residential areas are to get any relief, we have to treat them. In addition, part of Fire Island National Seashore is an actual wilderness, which puts additional restrictions on what, if anything, you can do.

D.P.O. POSTAL:
But, in other words, if the federal government doesn't find the West Nile Virus enough of a public health threat to enact or pursue mosquito control efforts --

MR. NINIVAGGI:
We have a response plan that we're working with the federal government on that they work with us to monitor the area to try to detect whether there is, in fact, virus activity on the federal lands. It also takes into account virus activity on the mainland. Again, mosquito control is generally not triggered unless you actually start seeing virus activity, which --

D.P.O. POSTAL:
Right. So, in other words, at this point, am I right in saying that the federal government has not determined that they've seen, I guess, a level of virus activity that would warrant changing their procedure?

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MR. NINIVAGGI:
They have increased the level of monitoring, and they've monitored -- they've modified the response plan to lower the thresholds to start doing things like larval control, but they still have that overall policy. Now last year, when we found virus on Fire Island, they did agree to allow adult control treatment. But as it happened, we found out about that so late in the year that we made a determination that it wasn't worth treating. Again, Suffolk County was the first jurisdiction to stop adulticiding for West Nile Virus in 2000. We made a determination it wasn't necessary and we stopped.

D.P.O. POSTAL:
Any other questions for Dominick? Thank you.

LEG. HALEY:
Thank you, Dominick.

D.P.O. POSTAL:
But I think that there has been a request that you remain at the meeting, so that when we come to that item on the agenda, if there are any other questions, they can be directed to you. Thank you.

MR. NINIVAGGI:

I'm missing a good ball game. My son's pitching.

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

MR. NINIVAGGI:
Thanks a lot.

D.P.O. POSTAL:
I'm sorry. You know, I hope somebody's doing a video for you.

LEG. FOLEY:
What time, Dominick?

MR. NINIVAGGI:
Four o'clock.

LEG. CARPENTER:
Is it nearby?

D.P.O. POSTAL:
How far are you?

MR. NINIVAGGI:
It's Half Hollow Hills.

LEG. HALEY:
Uh-oh.

D.P.O. POSTAL:
You might get there on time, but you'd never get back. Dr. Graham.

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MR. NINIVAGGI:
Apparently, Dr. Graham had to leave.

D.P.O. POSTAL:
Dr. Graham has left? I'm sorry. Next speaker is Kenneth Marks. Kenneth Marks here?

MR. MARKS:
Yeah. Ladies and Gentlemen, thank you very much for letting me talk. Thank you very much for your time. I'll be brief.

We all know that pesticide use is more than possibly harmful. There are alternatives, natural alternatives, as to Anvil and Scourge type products. I know that my product will be successful in the process of

controlling mosquitoes that carries West Nile Virus, although, if this bill is passed, there's a possibility that we will not be able to use my product. If there are enough -- if there is enough public outcry, then a no spray is not specific to my knowledge.

There is a huge difference between my product and Anvil and Scourge and other chemical compounds used for pesticide control. My product is organic and is more effective than other natural products such as garlic oil, chrysanthemums, tobacco and diatomaceous earth. Just to add, my product does not discolor or -- discolor any greenery or shrubs like garlic oil does to such valuable or should I say expensive trees like the blue spruce and Japanese maple tree. To say the least, you can fill a swimming pool with neem oil and swim in it and you're really helping yourself. It's an herbal oil with hundreds of uses. And remember that just because it's EPA approved or registered as a product doesn't mean that it's deemed safe.

Thank you. And I appreciate the effort that Suffolk County has done. You're brave in approaching the issue, and Nassau, Queens, and the City are all relying on you. They will follow whatever you -- decision that you decide to make. Thank you.

D.P.O. POSTAL:
Thank you. Next card is Linda Fleming.

MS. FLEMING:
Okay. Back to money. A couple of weeks ago, I was at a full Legislature hearing at what time the 3% cut to the contract agencies was tabled to be discussed with the whole budge crisis. Last week, I was at a Health hearing with four other members of the Quality -- three other members of the Quality Consortium, at which time we were told that the 3% cut to the contract agencies was definitely rescinded. Friday, I was at a meeting where I saw a Health Department official. When I said, "Isn't that great about the 3%," he said, "Don't count on it." Phone calls I've made since have left me with the feeling that I better be here today, because I am now a little confused about where that 3% cut is.

So I would just like to remind you, I know you've heard me and others say it before, I'm representing Quality Consortium, which is the drug and alcohol agencies. I'm also Chair of Peconic Community Council, which represents the Health and Human Services on the East End, and

I'm here to say we cannot take that 3% cut. For our agencies, we received a big cut from the State in 1996 that we've never recovered from. We've averaged maybe 1% increase a year. Our costs go up, and everything from salaries to health to rent, what have you.

As you also may know, the Criminal Justice System is sending increasing numbers of clients through our system. When we heard that the 3% cut was rescinded, it was all of a sudden as if we had an increase, because for a month we were suffering with that. I've also heard that the huge deficit that had been anticipated has shrunk a great deal.

So I'm here basically to say if the issue is not resolved, would you please resolve it in favor of keeping those cuts off, and if not, where am I?

D.P.O. POSTAL:
Legislator Carpenter.

LEG. CARPENTER:
Thank you. Linda, thank you for coming down. I was particularly distressed with one word that you used, and that was to discuss -- to describe our situation as a budget crisis. There are other counties, who shall go nameless, who might be having a crisis, but I don't think we in Suffolk County are, and that's precisely why we're looking at doing some cuts, we're looking at the extension or the -- bringing the sales tax to what it is in Nassau County. But I would not characterize the situation as a crisis.

MS. FLEMING:
That -- when we were called to a meeting a few weeks ago by the County Exec's Office, those were the kind of terms that were being used at that time.

LEG. CARPENTER:
Okay. Well, again, I would just like to reiterate, I think the fact that this Legislature is addressing the situation now in March when we began, April, May, and not waiting until we were in the throes of the Operating Budget in October to discover that we might have a crisis. We do not have a crisis now, we're just trying to make some decisions to make sure that we don't have a crisis and that we stay on sound financial footing in this County.

MS. FLEMING:
And I understand that and I'm just here to put in the words that if those cuts must be made, hopefully they will not be made at the contract agencies.

D.P.O. POSTAL:
Right.

LEG. CARPENTER:
Thank you.

D.P.O. POSTAL:
If I can clarify. In my discussions with representatives of the

County Executive, it was said to me, and it was, in fact, said on the record at -- we had a meeting May 3rd that was continued that Thursday and Friday, and it was stated on the record that as we went forward to enact the sales tax quarter of a cent increase, and if we were to do so at this time, because we could anticipate getting that additional quarter of a cent as of June 1st, we would project that we would generate enough revenue so that we would not have to be faced with a possible cut in services, and I think we all agreed that we would like to avoid that.

So my understanding is that by approving the resolution to increase the sales tax by a quarter of a cent today, there will, in fact, be a memo sent to all departments tomorrow making clear that those 3% cuts are rescinded.

MS. FLEMING:
Okay. Then let me also just say, should that not be passed, then I will still hope those cuts can be rescinded.

D.P.O. POSTAL:
Thank you. I have no more cards. Is there anyone else who would like to address the Legislature? Hearing no one, I'm calling a five-minute recess before we go to the agenda.

[THE MEETING WAS RECESSED AT 4:25 P.M. AND RESUMED AT 4:33 P.M.]

[SUBSTITUTION OF COURT STENOGRAPHER - ALISON MAHONEY]

P.O. TONNA:
All Legislators please come to the horseshoe. Welcome to the monkey house. Is that on the record?

MS. BURKHARDT:
Yes.

P.O. TONNA:
Okay, roll call. Everybody, I'd ask all Legislators, please come back to the horseshoe.

LEG. ALDEN:
Present, here.

(*Roll Called by Mr. Barton*)

LEG. CARACCIOLO:
Yes, I'm here.

LEG. GULDI:
Here.

LEG. TOWLE:
Here.

LEG. CARACAPPA:
Here.

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LEG. FISHER:
Here I am.

LEG. HALEY:
(Not in room)

LEG. FOLEY:
Present.

LEG. LINDSAY:
Here.

LEG. FIELDS:
Here.

LEG. ALDEN:
Here.

LEG. CARPENTER:
Here.

LEG. CRECCA:
(Not in room)

LEG. D'ANDRE:
Here.

LEG. BISHOP:
Here, I'm here.

LEG. BINDER:
Here.

LEG. COOPER:
Here.

LEG. POSTAL:
Here.

P.O. TONNA:

Yes, I'm here.

MR. BARTON:
We have 16 Legislators present.

P.O. TONNA:
Isn't that wonderful; 16, we're missing two.

MS. BURKHARDT:
Haley just went to his car.

LEG. POSTAL:
Haley just went to put something in his car, he's coming right back.

P.O. TONNA:
And who else?

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MR. BARTON:
Haley and Crecca.

P.O. TONNA:
All right, we need them both. I'd ask my staff to please get Andrew Crecca. You know what, guys? Pull those pistols out and let's get the Legislators here, all right? And if you can't find them, shoot them. I know that doesn't make sense.

LEG. ALDEN:
If you do find them shoot them.

P.O. TONNA:
If you do find them shoot them.

LEG. TOWLE:
Typical oxymoron.

P.O. TONNA:
Yeah, that's kind of my reputation. Okay, I'm going to make -- are they here?

LEG. CARACAPPA:
Consent calendar, motion to approve the consent calendar.

P.O. TONNA:
Okay, seconded by myself. All in favor? Opposed? Approved. Consent calendar approved.

LEG. CARACAPPA:
Motion to approve the whole agenda.

LEG. GULDI:
Second.

MR. BARTON:
18.

P.O. TONNA:
Okay. All right, we got them? Okay, I'm going to make a motion to approve Resolution No. 1413 - (Imposing an additional 1% Sales & Compensation Use Tax for the period of beginning June 1, 2001 and ending November 30, 2003, Pursuant to Authorization of Section 1210 of Article 29 of the Tax Law of the State of New York). Seconded by Legislator Postal.

LEG. GULDI:
Hold on.

P.O. TONNA:
This is not -- it's the separate -- it's been discharged at 12:30, it's aged for over an hour.

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LEG. ALDEN:
What's the title of that bill?

P.O. TONNA:
This is the saving of 166% property tax increase, I don't know the name of the bill. But anyway --

LEG. CARPENTER:
That's it, that's the name.

P.O. TONNA:
All right. All right, we're in a vote. There's a motion and a second to approve. On the motion, anybody want to speak?

LEG. POSTAL:
Yes.

P.O. TONNA:
Yes. Legislator Postal, you are recognized.

LEG. POSTAL:
I would just point out that we each received a memo from Ken Weiss to I think it was Fred Pollert, and I'm looking for it, pointing out that the State bill that was approved by Governor Pataki changed the expiration date of three-quarters percent of the temporary sales tax which would have expired December 31st, 2001, to a new expiration date of May 31st, 2001. And the memo points out that the effect of this is that if we fail to approve 1413 today, then effective June 1st, 2001, the sales tax in Suffolk County would only be 7 1/2%. So that it's not just a quarter of percent that we're voting on, it's actually -- unless we approve this, our sales tax as of June 1st will only be 7 1/2%.

P.O. TONNA:
Fred, if we keep the 7 1/2% and we do not extend the additional penny, is that a good thing or a bad thing? No, just from the general sense, how much moan are we talking a quarter for a penny?

MR. POLLERT:
The ballpark that we're using is roughly $50 million per quarter cent. So if --

P.O. TONNA:
Right. So we're talking about $200 million per year?

MR. POLLERT:
That's correct.

P.O. TONNA:
Two hundred million dollars per year. Okay, Ladies and Gentlemen. Thank you very much.

LEG. CARACAPPA:
On the motion.

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P.O. TONNA:
Two hundred million dollars per year.

LEG. CARACAPPA:
You have to be in it to win it.

P.O. TONNA:
And how much is the General Fund Property Tax raise?

MR. POLLERT:

The property tax raise is just less than $50 million.

P.O. TONNA:
Okay. So we're talking about basically 400%.

MR. POLLERT:
That's correct.

P.O. TONNA:
Okay, thank you. Okay, question from the Legislator in the first district.

LEG. CARACCIOLO:
Is Mr. Weiss here?

P.O. TONNA:
Is Mr. Weiss here?

MS. DEMARZO:
Yes, he is.

P.O. TONNA:
He is.

LEG. CARACCIOLO:
Okay. Could he come to the podium, please?

MS. DEMARZO:
He should be here shortly, he is in the back, he's coming around.

P.O. TONNA:
He's coming around.

LEG. CARACCIOLO:
While we're waiting for Ken, let me --

P.O. TONNA:
Is he coming around meaning he's physically coming here or is he coming around as far as, you know, like with a new world view of something?

LEG. CARACCIOLO:
Mr. Pollert, while we await Mr. Weiss' arrival, I have some questions for you. How recently have you and the Budget Director -- how recently have you met and reconciled and reviewed forecast and

projections with respect to the year 2002 budget?

MR. POLLERT:
The last time we met was yesterday afternoon at about -- the meeting concluded close to five o'clock when we discussed trying to reconcile some additional budgetary issues.

LEG. CARACCIOLO:
In terms of the budgetary shortfall forecast, what is the number that there is a consensus; what is the consensus number?

MR. POLLERT:
There is not a firm consensus number. Ken has decided to wait for the second quarter sales tax to update his sales tax estimate. He has likewise decided to wait for the final fund balance numbers to update his estimates as well.

LEG. CARACCIOLO:
Normally those -- the year-end, the close-outs, we have those numbers by April, end of April usually; when are they expected or when --

LEG. HALEY:
Come on up, Ken.

MR. POLLERT:
The last I had heard, the final close-out numbers should be available within the next three weeks.

LEG. CARACCIOLO:
All right. In terms of what the Budget Review Office, as of this date, May 8th, 2001, is projecting as a County budget shortfall for 2002, what is the number?

MR. POLLERT:
Within the General Fund there are two items we have not yet updated into our computer model, one of which is we just received a copy of a memo --

P.O. TONNA:
I'd ask all Legislators please to listen and staff to try to keep it a little quite. Thank you. Not that Legislators would talk.

MR. POLLERT:
There is a copy of a memoranda which we have received that was addressed to the County Comptroller from the State Comptroller which indicated that the retirement contributions would be increased approximately one and a half percent, that will cost approximately $8 million, that has not yet been incorporated into the model. So with the exception of that $8 million adjustment, we are projecting a $78 million tax warrant increase in the General Fund and approximately $19.5 million Property Tax Warrant increase in the Police District .

LEG. CARACCIOLO:
Mr. Weiss, could you share with us your projections and forecast?

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P.O. TONNA:
I'd ask everyone to shut off their mikes. Just make sure your microphones -- there's a lot of feedback.

MR. WEISS:
My projections currently are a lot higher than Fred's. For the General Fund I have 136.7 million and for the Police District I have 25.3 million. But Fred and I are getting closer every day.

LEG. CARACCIOLO:
Okay. In terms of forecasting with some degree of accuracy, when one looks back and would analyze your forecast from previous years -- this is to you, Fred -- within what degree of accuracy would you say your forecasts have been? I mean, have you generally been within the range, six months or more out of a forecast or -- I mean, what's the probability that these forecast will actually play out in a way where we would have in your estimation almost a $97 million budgetary shortfall, and in Mr. Weiss' case he's projecting about an additional $50 million, $55 million?

MR. POLLERT:
Clearly, the more time that elapses the more accurate the forecast will become. The 2001-2002 forecast has several large wild cards in it, one of which, and perhaps the largest one, is that there are numerous employee contracts that have not yet been settled with the bargaining units. We have made what we feel to be reasonable forecasts, the forecasts which we made could be inaccurate and that could significantly change what our budget forecasted outcome will be.

Likewise, we are not anticipating that we will receive any large positive or negative impact from the State Operating Budget; the State Operating Budget is expected to be extremely late prior to being adopted. So those are two large wild cards which could impact what the final budget determination will be.

The third large impact deals with the GASB Pronouncement which we wrote up in last year's Operating Budget. There is concern that the new GASB Pronouncement will require that the County not book revenues unless it is anticipated that they will be received within a reasonable time frame from the end of the year. Currently we are booking the revenues assuming that the revenues will be coming in but irrespective of the time that they do come in. So for instance, with the wild fire revenues as well as the Flight 800 revenues, it took a number of years before those revenues actually came in, we had booked those revenues. When the Department of Audit on Control and the

Independent Auditor's Office work out what the proper accrual times are, that could also dramatically impact what our forecast is at this point in time.

LEG. CARACCIOLO:
Okay. Mr. Weiss, what is the essence of this projected shortfall, this $160 million that you're projecting, you know, some eight months before even we begin that calendar year? I mean, share with us by category where these shortfalls will take place or you anticipate shortfalls.

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MR. WEISS:
Well, you say by category, I have a model, it's got --

P.O. TONNA:
Can I just make one announcement while we're looking for it, while you're getting category? At 6:30, if we're not done on the agenda, we are taking a dinner break. No matter what anybody says, no matter who anybody protests --

LEG. CARACAPPA:
What time?

P.O. TONNA:
Six thirty we are taking a dinner break.

LEG. CARACAPPA:
Till what time?

P.O. TONNA:
Till 8:30, no matter what, no matter what. So I just want everyone to know that, 6:30 to 8:30 there will be a dinner break. Thank you. Continue.

LEG. CARACCIOLO:
Ken, could you go by category where this anticipated shortfall is anticipated?

MR. WEISS:
Well, it's not -- I can't really go category by category, it's a combination of several factors. One is right now I'm anticipating --

LEG. CARACCIOLO:
I'm having trouble hearing him.

LEG. HALEY:
Mr. Chairman?

LEG. CARACCIOLO:
Apparently a $160 million shortfall is not important to some people who are just ready to raise taxes.

MR. WEISS:
The projections I have are that without taking corrective action, and that corrective action, you know, would be the sales tax and a number of other things, that we would end 2001 short by $7.8 million.

LEG. CARACCIOLO:
Okay. Now, as I recall, before we go further, that about a month ago the projection for a shortfall for 2001 was I believe close to twice that amount? At least in terms of the Budget Review Office projection.

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MR. WEISS:
Well, we did a have a larger -- both of us had a larger shortfall, but since then we've taken some of the corrective action. The original shortfall was before we took the action, we cut the supplies, the equipment, the travel, we've had a temporary moratorium on hiring since January, so we've accumulated some savings, so we've taken steps to reduce what was projected to be about a 35 million -- a 25 to $35 million shortfall back in March. Now, I'm looking at $7.8 million, I'm not sure exactly what Fred's looking at, but we have reduced the problem substantially by reducing expenses.

LEG. CARACCIOLO:
Okay. Now, in terms of your forecast of 7.8, does that take into account a previous expectation that sales tax collections for this year would be below those estimated?

MR. WEISS:
I am still estimating that the sales tax collections for Fiscal Year 2001 will be about 13 to $14 million less than what we have budgeted.

LEG. CARACCIOLO:
Okay. There has been some --

MR. WEISS:
But it hasn't changed.

LEG. CARACCIOLO:
Okay. There has been some media reports that in large part this budgetary shortfall that we are forecasting is a result of overly optimistic sales tax projections that have not materialized; is that a fair assessment of what is leading us in a direction where you're going to have a $100 million plus shortfall next year?

MR. WEISS:
I think that --

LEG. HALEY:
Order, please; I can't hear him.

MR. WEISS:
-- that's what triggered the problem and that's what led Fred and I to do a lot of research.

LEG. CARACCIOLO:
But is that a fair statement?

MR. WEISS:
Well, the end result is that we ended 19 -- I'm sorry, we ended the year 2000 about what we had projected in the budget in total. While sales tax was short $27 million, other factors on the revenue side and the appropriation side came into play so that the actual fund balance for 2000 will be about what it was estimated in the budget.

LEG. CARACCIOLO:
Okay. So then we begin this year, 2001 and as you go forward looking

ahead to 2002, in terms of getting at these numbers of $150 million or thereabouts, what accounts for the difference? Thirteen million dollars expected shortfall in sales tax, where do you anticipate the difference of $137 million?

MR. WEISS:
Well --

LEG. CARACCIOLO:
Is it all expenses?

MR. WEISS:
No, you have to look at two parts. You have to look at what's causing the shortfall in 2001 and that is -- I said it's about $7.8 million and we expect sales tax to be short about $13 million. So sales tax by itself would be short $13 million but there's other factors in the

budget, cuts that were made, the hiring slow down that we've instituted that will help to reduce that to 7.8. The problem is when we look at the 2002 budget -- and that's where the shortfall is, it's a projected 2002 shortfall -- that unless we have a $69 million fund balance at the end of 2001, which I just said it doesn't look like we will, we're going to have a $7.8 million shortfall. So right there you have to add 69 and 7.8, so $76.8 million of the problem is caused by the fund balance. Now --

LEG. CARACCIOLO:
All right. Explain that to the layperson who is familiar with the household budget and they have expenses and they have income. When you say a fund balance, in most people's case that would be declared discretionary income or money they might use for savings or travel or for entertainment, that's income above and beyond what they need to meet their obligations. In terms of government, when you say fund balance, what's the definition of that term?

MR. WEISS:
Well, the fund balance is the difference between the expenditures and the revenues, that's basically the fund balance. The analogy would be if you had your budget for last year as a home owner and you saved $10,000 but you gave it away to charity so you don't have it anymore, and you made a commitment, you're going to give it away to charity next year. And when you did your budget next year you broke even, your revenue and your expenses were the same, but now you're $10,000 short because you don't have the $10,000 you committed to give to charity because you gave it back the year before.

LEG. CARACCIOLO:
Okay. I follow you. Now, the question I have in terms of the 2001 shortfall, and that figure again was 60 -- what was that amount?

MR. WEISS:
Oh, the 2001 shortfall is projected to be $7.8 million.

LEG. CARACCIOLO:
Okay. Then you said since we won't have a fund balance at the end of

2001, we begin 2002 with a $76,000 shortfall.

MR. WEISS:
Seventy-six million, right.

LEG. CARACCIOLO:

Okay. Where did -- what is that number in between, 76 and 7.8, where does that number come from?

MR. WEISS:
That's the fund balance that was a one-shot revenue in the 2001 budget. Because we used the fund balance to reduce the tax levy, so the warrant, that is the amount of money we collected from the taxpayers, is only $48.9 million. By having a one-shot revenue in the 2001 budget, that is the fund balance, and not having a reoccurring fund balance, you now are starting off 2002 with $69 million plus whatever shortfall you're going to have projected for 2001, so now you have a $78.8 million shortfall starting your 2002 budget preparation.

LEG. CARACCIOLO:
Okay. I recall a couple of years ago, in fact, when I entered the Legislature I attempted to get the County on a two year budgetary cycle and said, oh, we couldn't do it. I left the Legislature momentarily and Legislator Haley had a Local Law passed that requires, in essence, what you are presenting to us today as a two year budgetary forecast. And that said, I'm glad that we're on a two year forecast in cycle. The obvious question is why didn't we know six months ago when we were adopting the 2001 budget that by year-end there was going to be a lack of a fund balance, and not take measures then in terms of addressing the issue?

MR. WEISS:
Any time you have a policy where you return a hundred percent of the fund balance, you're gambling that some year you're not going to have a fund balance.

LEG. CARACCIOLO:
Well, that's what happened.

MR. WEISS:
And, I mean, the situation was inevitable.

LEG. CARACCIOLO:
That's what happened. Did anyone come forward and say you shouldn't do that?

MR. WEISS:
I think Fred and I have been against this policy probably as long as we've been in our positions.

LEG. CARACCIOLO:
Fred, do you want to comment on that?

MR. POLLERT:
The last two or three Operating Budgets, the introduction to the operating budget reviews that were done by the Budget Review Office

indicated that because we were using fund balances to artificially lower the tax warrant, that it was not good enough just to break even during the year. When the 2001 Operating Budget was adopted by the Legislature last year, we actually reduced the projected carry-over fund balance presented by the County Executive's Office by transferring about 12 to $15 million worth of revenues from 2000 to 2001. At that point in time, we were cognizant of the fact that we wanted to bring down the fund balance as much as possible because we had become very dependent upon not just breaking even but having positive fund balances year after year after year.

LEG. HALEY:
Can I interrupt real quick?

LEG. CARACCIOLO:
Mr. Weiss, if you can continue with 2002.

LEG. HALEY:
Mike, could you suffer an interruption real quick?

LEG. CARACCIOLO:
Sure.

LEG. HALEY:
I just want to verify what he's saying. What he's saying is that the one -- we now have to depend on, in essence, a continuation of

one-shot revenues, not knowing what those fund balances are. So that's what -- is that correct?

MR. POLLERT:
That is correct. What we have been doing is what is required by both the County Charter and by New York State Law. We have an operating budget.

LEG. HALEY:
Thank you, Mike.

MR. POLLERT:
We treat a fund balance as a revenue and spend it as if it were any other type of revenue, as if it were sales tax or property tax, it is considered a revenue for budget preparation purposes. But because it is a result of a previous year's surplus, you can't count on it as a reoccurring revenue. What has happened, over the last eight years, we have been counting on turning not just a balanced operating budget but budgets with significant surpluses. We actually went back and looked at what generated those surpluses over the previous years. Years ago, about five years ago we had significant fund balances being created by surpluses in the Department of Social Services, the last two years we had significant surpluses created by sales tax coming in higher than budgeted; neither of those events are we anticipating will reoccur during 2001. We're going to move from having a significant surplus to

having a balanced operating budget for all intents and purposes. Therefore, as Ken Weiss has said, we're going to be short about $70 million that we normally return to the taxpayers as a credit.

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So when we look at our operating budget forecast, our forecast is not projecting that we have a structural imbalance or that we have a tax increase caused by large expenditure increases on the part of the County. We are looking at 70 of the $78 million projected tax increase in the General Fund being associated with not having a carry-over fund balance.

P.O. TONNA:
All right, thank you very much. Okay, Legislator --

LEG. CARACCIOLO:
Mr. Weiss, would you continue with 2002?

P.O. TONNA:
Wait, can I ask you -- just with all due respect.

LEG. CARACCIOLO:
Well, I think it's important to have a complete --

P.O. TONNA:
With all due respect. I have heard these questions asked last time, a lot of these questions. I know that they have been asked in the Finance Committee, a lot of these questions.

LEG. CARACCIOLO:
No, they haven't. Mr. Weiss wasn't there.

P.O. TONNA:
Okay. Mr. Weiss, I'm going to ask you, all right, for as long as we live in this political atmosphere, you better show up at the Finance Committee. All right? I want these questions answered in committee. Thank you. Go ahead.

LEG. CARACCIOLO:
Okay. So as we go forward into --

MR. WEISS:
I think I have answered these questions in committee several times.

P.O. TONNA:
That's what I thought.

LEG. CARACCIOLO:
Well, the numbers keep changing.

MR. WEISS:
Not at the last meeting but --

LEG. CARACCIOLO:
The numbers also keep changing. In terms of 2002, could you explain where the additional shortfall of some $80 million would be attributable to?

MR. WEISS:
My 2002 projection of the General Fund is $136.7 million; 76.7 are attributable to the 2001 deficit and the surplus, the other $60

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million is my estimate of what the increased expenses of the revenues are going forward to 2002.

Primarily, if you look at Fred's projections and mine, the difference we have is projection on the growth of expenditures moving forward into 2002, and this is something that will get worked out between now and the time we submit the budget.

LEG. CARACCIOLO:
Do your present numbers include that $7.8 million -- I'm sorry, that $8 million that's going to be required in additional State retirement contribution?

MR. WEISS:
Yes.

LEG. CARACCIOLO:
Okay. Now I want to go back and look at the County's history with respect to taxes to make the record absolutely complete.

LEG. CARACAPPA:
In the beginning --

LEG. CARACCIOLO:
Since 1993, since 1993 have County taxpayers seen an increase or a decrease in their County property taxes?

MR. WEISS:
In the General Fund they have seen a decrease.

LEG. CARACCIOLO:
And could you inform us as to what that amount in terms of what the

dollar amount is?

MR. WEISS:
I have a chart from '97 to 2001. In the General Fund, the tax warrant in 1997 was 74.9 million, in 2001 it's $48.9 million. In the Police District, in 1997 it was $256 million and in 2001 it's $306 million. I don't have those earlier projections with me.

LEG. CARACCIOLO:
Okay. Fred, if you add up since 1994 what the difference in General Fund taxation is for County residents year by year and add it up to a total amount after seven years what the decrease in taxation to County residents would be, if you don't have the numbers at your finger tips, could you give us an approximation as to whether we'd be talking in the area of 10 million, 20 million or $100 million or more.

MR. POLLERT:
It would be closer in the range of roughly $100 million. So there has been a substantial decrease in the General Fund Property Tax Levy. The Budget Review Office is working on a report which should be available by next week which actually looks at the General Fund and the total tax warrant for all taxing jurisdictions as well as the County going back to 1970.

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LEG. CARACCIOLO:
Okay. So in the area of just the General Fund, there has been general property tax relief to Suffolk County residents in excess of $100 million since 1994. How about in the area of sales tax? Since nineteen ninety, was it five, that the quarter percent was repealed, the County reduced its tax rate and by doing so saved County residents millions of dollars. I believe your estimate presently for every quarter percent raise in the sales tax is about 52 million?

MR. POLLERT:
Fifty-two million dollars in 2002, $50 million this year.

LEG. CARACCIOLO:
If you were to adjust it going back, because there would be, you know, adjustments necessary, and you just took a common denominator of let's say $40 million a year and you multiplied that by six years where residents of this County have had a tax that is lower than it was six years ago, that number would add up to how many millions of dollars?

MR. POLLERT:
That would be more than $300 million.

LEG. CARACCIOLO:
And then add to that the $100 million in General Fund Property Tax relief, that would be $400 million; is that not correct?

MR. POLLERT:
Yes.

LEG. CARACCIOLO:
And then add to that the repeal on the clothing and footwear tax which went into effect last March, and how much additional millions of dollars in tax relief has this Legislature provided residents of this County in the last seven years, what would that total amount be?

MR. POLLERT:
Because you were using ball park types of numbers, the more accurate number would be close to 4500 million.

LEG. CARACCIOLO:
Five hundred million dollars. And what's before us today is an adjustment because of an economic downturn of which no one in this room, no one in this government has any control or effect over. We're talking about an adjustment of some $52 million a year or cumulatively, if you go to June, some $78 million. So that still would have provided residents of this County over the last six years a total property tax and sales tax relief of in excess of $400 million; is that not correct?

MR. POLLERT:
Yes, it is.

LEG. CARACCIOLO:
That's correct. I'd like to share with the members of the Legislature some numbers that relate to the residents in four towns that I

represent and what type of tax relief, property tax relief they have experienced.

In the Town of Riverhead, where the County collected in 1993 some $3,000,218 -- I'm sorry, $3,218,160 in County property taxes, in 2001 the County collected $869,915; that's tax relief of 114 1/2% in the Town of Riverhead. In Southold it was six million two hundred and fifty million dollars, last year -- I'm sorry, this year it's $1.5 million; that's a 122% property tax reduction. And for Shelter Island, it was $1.3 million in '93, it was $424,000 for the entire year in the Town of Shelter Island for 2001.

No one could argue with the facts; these aren't numbers that lie, these are the facts. And the facts are that everyone in this room that's been involved in County government over that period of time should be very proud of the amount of property tax relief that this Legislative body and this Executive have afforded the residents of this County. That's one of the reasons why we have become perhaps a little bit more competitive than our neighbor. That is why, perhaps, we have attempted to deal with issues in an honest and forthright way. And that is why, as I look at my own property tax bill -- to go back to a saying, something that Mr. Foley Sr., John, would say when he would bring up a topic like this -- it is very instructive. And it always rang in my ear when he would say that; as a former educator, he would be making a point in an eloquent way. And I would encourage taxpayers in Suffolk County to pull out their property tax bills which as a result of STAR tax relief passed by the State Legislature and Governor Pataki, every resident has to receive their property tax bill from their tax assessor. And when I recently pulled mine out and looked at it, it's very interesting; 61.44% of my property taxes, or $4,903, goes to the Riverhead School District. Town taxes, some 30% of my taxes collected for property tax go to the Town of Riverhead; that's $2,315. Then there are some special district taxes. And when you get to the County, the amount that I pay in County taxes amounts to 1.42% of my total property tax bill, or $113 out of $8,000 in annual property taxes.

Ladies and Gentlemen, for those reasons and the reasons that I know if we don't approve this resolution, I will see residents in the district I represent property tax increases of 189%, I am going to support this resolution.

[RETURN OF COURT STENOGRAPHER-LUCIA BRAATEN]

LEG. HALEY:
Hey.

LEG. CRECCA:
Holy mackerel.

(Applause)

D.P.O. POSTAL:
Legislator Crecca.

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LEG. BISHOP:
Is that the end? The long and winding road came to an end?

LEG. CRECCA:
I'm sorry, I'm in shock. Wait. I only intend on speaking as long as mike did, so --

LEG. FISHER:
Oh, no.

LEG. BISHOP:
You weren't on Finance, so you have to go through it with him again.

LEG. CRECCA:
No. Actually, you know what, it's all been said already. I mean, the bottom line is, is if we don't -- to my fellow Legislators, if we don't vote for this, I know in my town we're looking at at least 163% tax increase in the General Fund, and an overall major tax increase. It just defies logic to not move forward with this. The impact of a sales tax increase is spread out, not just with businesses and residents, but also with tourists. They pay a lot of that, people who come in and use our services in the County, people who come into this County to shop. Those -- that's where the impact will be felt. It makes total sense to avoid a property tax increase to do this de minimus tax increase. I will be supporting this also.

D.P.O. POSTAL:
Legislator Fisher.

LEG. FISHER:
I just have a brief question for Janet DeMarzo. Miss DeMarzo or Ken Weiss, any --

MS. DEMARZO:
We're all here.

LEG. FISHER:
Okay. One and all.

MS. DEMARZO:
He does the tough questions, I do the easy ones.

LEG. FISHER:
Well, mine is a very easy question.

MS. DEMARZO:
Okay, I'll take it.

LEG. FISHER:
There was a speaker earlier from the Quality Consortium who expressed concern regarding cuts to contract agencies.

P.O. TONNA:
All Legislators, please come to the horseshoe.

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LEG. FISHER:
We had said that they would be restored. And can you, please, speak to that question?

MS. DEMARZO:
Yes. At the prior meeting regarding sales tax, we had indicated, should the sales tax resolution be fully implemented, it was the intention of the administration to restore the funds cut from contract agencies.

LEG. FISHER:
Thank you.

LEG. CARACAPPA:
I have one thing, Mr. Chairman.

P.O. TONNA:
Joe, you have something to say?

LEG. CARACAPPA:
Yes, Mr. Chairman, very briefly.

P.O. TONNA:
Joe Caracappa.

LEG. CARACAPPA:
Thank you for that introduction. One thing that hasn't been mentioned is the fact that the County of Suffolk had a sunset provision the last time we cut -- the last time we raised sales taxes, and that was prior to -- just prior to myself coming here, and most of us, some of you that have been here awhile remember it well. This bill does not have a sunset provision; correct, Freddy?

P.O. TONNA:
No, it does.

LEG. CARACAPPA:
It has a sunset provision? This bill has a sunset provision?

P.O. TONNA:
Yep.

LEG. CARACAPPA:
When does it sunset, the quarter penny. Janet, the penny.

MS. DEMARZO:
Actually -- oh, I'm sorry, Fred.

MR. POLLERT:
No, that's okay.

P.O. TONNA:
Go ahead, Janet.

MS. DEMARZO:
The State authorization for this legislation, which is what you're

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implementing, sunsets on November 31st, 2003.

LEG. FIELDS:
There is no November 31st.

LEG. FOLEY:
Thirtieth.

MS. DEMARZO:
Oh, 30th. I always get those --

LEG. CARACAPPA:
Ginny is all over that.

P.O. TONNA:
No. That's why we did it that way, right?

MS. DEMARZO:
December 1st.

LEG. CARACAPPA:
December 1st. So that --

P.O. TONNA:
Leap year.

LEG. CARACAPPA:
That's not what we originally had spoken about with this, but the home rule, there wasn't any sunset spoken about; correct? This was -- this was just implemented by the State, Janet?

MS. DEMARZO:
The home rule message that we passed was for the specific State legislation, which is reflective in this amendment, which is only until December 1st, 2003. Its a two-year extension. We've basically been looking at two year extensions every time we do the sales tax. The State Legislature in Albany will only authorize limited extensions for local governments.

LEG. CARACAPPA:
Well, the point I'm -- the point I'm going to make is that's standard with relation to a sunset and what we're doing here. We're raising the property -- we're raising the sales tax here and we're just asking that automatically sunsets at this date we just mentioned. What I'm saying here is we should -- we should make a commitment today that we're going to sunset this back to eight-and-a-quarter once the County becomes solvent, just as we -- just when we -- just as the County did in the early '90's to help us out of a jam. I make that pledge today, and I hope that we just don't tax for the sake of taxing and then using it and keeping it in our pocket and looking for fund balances at a -- that are huge year after year. Though we depend on that to a certain extent, I would ask my colleagues to join me in the very near future, once this County does get back on its feet, to sunset that quarter penny when we need to.

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LEG. CRECCA:
Will you suffer an interruption, Legislator --

LEG. CARACAPPA:
I'm done.

P.O. TONNA:
Okay. So now you -- all right. You can suffer an interruption with me, because I always like to suffer.

LEG. CRECCA:
I just wanted to say, I think -- I agree with Legislator Caracappa, and I'll make the same pledge here today.

P.O. TONNA:
Okay. All right. Now -- no, Legislator Fisher -- no, Legislator Postal had a question.

LEG. FISHER:
I was so fast, you didn't even notice.

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

P.O. TONNA:
There you go.

LEG. POSTAL:

Janet. If I could through the Chair, just to clarify something, because I just want to clarify what you said with regard to the cuts proposed for the contract agencies, because some of us are very concerned about reduction in services. And you said it is the intention of the administration; can we --

MS. DEMARZO:
Yes. I can -- I can --

LEG. POSTAL:
-- correct that to say the administration will?

MS. DEMARZO:
Yes. I can say that a letter is prepared to go to the departments from the Budget Director regarding the contract agencies alerting them that the money will be restored. We had talked about this earlier. The Home Rule Message was the first step. This is the final step to ensure that we have the funds necessary to make the contract agency. So, yes, that letter is planning -- will go out tomorrow upon passage of the sales tax resolution.

LEG. POSTAL:
Thank you.

LEG. BISHOP:
Did they lose --

155

LEG. CARACAPPA:
Roll call.

LEG. BISHOP:
I have a question.

P.O. TONNA:
Okay, Dave.

LEG. BISHOP:
It's a follow-up.

P.O. TONNA:
Why don't -- why don't you go right ahead, ask the question.

LEG. BISHOP:
Thank you. Thank you. I don't have a microphone.

P.O. TONNA:
Well, why don't you get one.

LEG. ALDEN:
Borrow mine.

LEG. COOPER:
Did you ever hear of "2001"? "Sure, Dave, why don't you just get a mike?"

LEG. BISHOP:
Thank you. Hal.

P.O. TONNA:
He caught on.

LEG. BISHOP:
The restoration, the 3% restoration, during -- what that means is if a contract agency started the year with an expectation of $1 million, they will get $1 million, or do they lose money because of this period where there was a cut and now there's a restoration?

MS. DEMARZO:
It will -- the funds will be available up to the adopted budget amount. So if they had a million dollars, they --

LEG. BISHOP:
That's a yes to my question?

MS. DEMARZO:
Yes, yes, got it.

LEG. BISHOP:
Okay.

P.O. TONNA:
That's a yes, Dave.

LEG. BISHOP:
Thank you.

MS. DEMARZO:
Yes.

P.O. TONNA:
Okay.

MS. DEMARZO:
That was a Ken question, that wasn't an easy question.

P.O. TONNA:
All right. Roll call.

(Roll Called by Mr. Barton)

LEG. TONNA:
Yes.

LEG. POSTAL:
Yes.

LEG. CARACCIOLO:
Yes.

LEG. GULDI:
(Not Present)

LEG. TOWLE:
Yes.

LEG. CARACAPPA:
Yes.

LEG. FISHER:
Yes.

LEG. HALEY:
Yes.

LEG. FOLEY:
No.

LEG. LINDSAY:
Abstain.

LEG. FIELDS:
No.

LEG. ALDEN:
No.

LEG. CARPENTER:
Yes.

LEG. CRECCA:
Yes.

LEG. D'ANDRE:
Yes.

LEG. BISHOP:
Yes.

LEG. BINDER:
No.

LEG. COOPER:
Yes.

LEG. GULDI:
No.

P.O. TONNA:
Okay. Eleven.

MR. BARTON:
Twelve.

P.O. TONNA:
Twelve?

MR. BARTON:
12-5 and 1 abstention.

P.O. TONNA:
Okay.

MS. BURKHARDT:
Page 8.

P.O. TONNA:
All right. Page 8 -- Page 7.

MS. BURKHARDT:
No, Page 8.

P.O. TONNA:
Tabled. Oh, no, it's Page 8. Yeah, right. Okay. All right. We're going to move very quickly. I would ask Legislators to stay focused and disciplined. All right? Focused and discipline. Here we go.

RESOLUTIONS TABLED TO MAY 8, 2001

1525 (Requiring the Department of Public Works to prepare and disseminate program evaluation and review techniques (PERT) time line charts for all capital construction projects)

LEG. FOLEY:

Motion to table.

158

LEG. CARACAPPA:
Second.

P.O. TONNA:
Second. All in favor? Opposed? Tabled. (Vote: 17, 1 not present-Leg. Cooper) Henry, you guys have to be --

MR. BARTON:
We're trying to get the sales tax resolution ready.

P.O. TONNA:
1525.

MR. BARTON:
Just give us one minute, please.

MS. FARRELL:
Just the sales tax.

P.O. TONNA:
Ilona, you really got to -- you know, you got to hold this crew a little more accountable.

MR. BARTON:
You got us. You got us.

P.O. TONNA:
Jackie.

MS. FARRELL:
We're ready, sir.

P.O. TONNA:
You're in your Town, come on. All right. 23 -- are you? Are in Southampton Town?

MS. FARRELL:
Of course.

LEG. GULDI:
You want to run for Supervisor.

P.O. TONNA:
There you go. 2325 (To grant quarterly open transfer period for

health insurance). Is there a motion?

LEG. ALDEN:
Motion to approve.

P.O. TONNA:
Motion to approve, seconded by?

LEG. POSTAL:
Second.

159

P.O. TONNA:
Legislator Postal.

LEG. CARACAPPA:
Explanation.

LEG. ALDEN:
Right now --

LEG. CARACAPPA:
Quickly.

LEG. ALDEN:
Right now, if you have one type of insurance with the County, you're barred from transferring into any other program. For instance, I was undergoing treatments and some evaluation for my cancer and things like that and I was barred from going over to an insurance company that would have paid for those, and it's a one-year bar on transferring. This would allow on a quarterly basis any employee of the County to transfer between the different insurances that we --

P.O. TONNA:
But, Cameron, is there -- the only thing is, being in kind of like semi insurance business, not -- I'm not -- don't worry, I'm not an insurance guy, but having to deal with health care plans, my concern is -- I can clearly understand your concern, switch from one plan to another. My concern is that somebody could switch from plan to plan, four plans in a year. All right? From an actuarial standpoint, from a health insurance standpoint, that makes that a very, very, very difficult situation, and I'm concerned about the possibility of raising costs, whatever. Does it say like you could switch, you know, in one calendar year at any quarter, or does it say that you have the option? In other words, if somebody said --

LEG. ALDEN:
You have the option four times a year --

P.O. TONNA:
You could change four times a year your --

LEG. ALDEN:
No.

P.O. TONNA:
-- insurance plan.

LEG. ALDEN:
No, no, no.

MR. SABATINO:
No, you could --

LEG. ALDEN:
Those are the periods that you could change.

160

P.O. TONNA:
Change once.

LEG. ALDEN:
Right.

MR. SABATINO:
You could only change once.

P.O. TONNA:
Okay, that's great. Okay. All in favor? Opposed? Approved.

MR. BARTON:
17, 1 not present. (Not Present: Leg. Cooper)

P.O. TONNA:
Okay. Number --

LEG. HALEY:
Table.

P.O. TONNA:
Excuse me?

LEG. POSTAL:
Second.

MS. BURKHARDT:
Table.

LEG. HALEY:
Second.

P.O. TONNA:
Table, second -- oh, 1069 (Imposing reverter clause on non-Brookhaven Town PILOT payments pending appeal of Gowan decision). Motion to table by Legislator Haley, second by Legislator Postal. All in favor? Opposed? Tabled.

MR. BARTON:
17, 1 not present. (Not Present: Leg. Cooper)

P.O. TONNA:
Thank you.

LEG. CARACCIOLO:
Motion to approve.

P.O. TONNA:
1121 (Directing the County Department of Public Works to educate the public as to health effects of pesticide applications).

LEG. CARACCIOLO:
Motion to approve.

161

P.O. TONNA:
Motion to approve 1121.

LEG. CARACAPPA:
Second.

P.O. TONNA:
Seconded by Legislator Caracappa.

LEG. TOWLE:
Explanation.

P.O. TONNA:
Explanation.

LEG. CARACCIOLO:
Counsel. Go ahead, Paul.

MR. SABATINO:
This is legislation that would amend the Vector Control Plan that was adopted this year. That would amend the plan that was adopted this year to require Public Works to work with the Health Department to provide an education component.

P.O. TONNA:
Okay. There's a motion and a second to approve.

LEG. TOWLE:
On the motion.

MR. GRIER:
Legislator Tonna.

P.O. TONNA:
On the motion?

LEG. TOWLE:
On the motion.

P.O. TONNA:
Legislator Towle.

MR. GRIER:
Presiding Officer, could I --

P.O. TONNA:
Yes.

MR. GRIER:
-- address the Legislature.

P.O. TONNA:
Sure. You know, your hair is getting shorter and shorter.

MR. GRIER:
I'm trying to keep up with you.

162

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

MR. GRIER:
Just a procedural issue. Like the other resolution, which is looking to address the Vector Control Plan, this bill does not contain a SEQRA clause, which would make it procedurally defective at this point --

P.O. TONNA:
Okay.

MR. GRIER:
-- and wouldn't be eligible to be voted on.

P.O. TONNA:
Okay.

MR. GRIER:
I'm not going into the merits of what the actual determination should be, I'm just advising you that it doesn't exist currently.

P.O. TONNA:
This is the type of stuff I like, because it's dueling lawyer time now. Legal Counsel, is this true?

MR. SABATINO:
What happened on this bill and on the other bill is that we relied on the recommendation that was made by the Council on Environmental Quality. The way it works is the Council on Environmental Quality meets on a monthly basis, except I think in July, and they provide stand-alone SEQRA recommendations for a variety of bills, and then they take the rest of the bills and they package them into one generic classification of all of those bills. This one and the other bill fell into the generic classification, so --

P.O. TONNA:
So does this meet the legal requirements, then, with the generic SEQRA.

MR. SABATINO:
Well, it does based on CEQ, unless I was -- I was informed early today the CEQ may be reversing its position with regard to what it did. If they, in fact, have done that, you know, then that would change the factual circumstances. At the time that it was put together, it was based on -- it was based on a factual reality that CEQ had treated it as a generic classification.

P.O. TONNA:
Okay.

MR. SABATINO:
If that's changed, then that would change the conclusion.

P.O. TONNA:
Okay. Paul, you sounded like an attorney just now. Tell me --

LEG. CARACCIOLO:
Move the motion.

P.O. TONNA:
-- for those of you us -- for those of us who are concerned, I just want to find the CEQ. Is this -- is this what our County Attorney says that we're precluded from voting on this because of the SEQRA?

MR. SABATINO:
Well, I don't know if the document has emerged since, you know, on o'clock when -- I was told in the hallway that there's a possibility that CEQ had changed it's --

P.O. TONNA:
Has CEQ changed its whatever?

MR. SABATINO:
Its recommendation. If that's the case --

P.O. TONNA:
Recommendation?

MR. SABATINO:
-- you know, I mean, I stand corrected. I'm relying on the information I had, you know, at that time.

LEG. TOWLE:
Motion to table.

MR. SABATINO:
So if CEQ has done something different in the intervening period --

LEG. FISHER:
Second.

LEG. CARPENTER:
Second.

LEG. CRECCA:
Third.

MR. SABATINO:
-- I'll be the first person to say it should be tabled.

LEG. HALEY:
There's a motion and a second.

LEG. CARACCIOLO:
Well, can we get an answer?

P.O. TONNA:
Okay.

LEG. BISHOP:
Motion to table.

164

LEG. CRECCA:
There was already a motion.

P.O. TONNA:
Okay.

LEG. BISHOP:
Table.

P.O. TONNA:
There's a motion to table by --

LEG. BISHOP:
The table has been second.

P.O. TONNA:
Okay. I, just -- Dave, thank you. Thank you, Dave. There is a motion --

LEG. FISHER:
And a second.

P.O. TONNA:
-- to table, and a second by Legislator Fisher.

LEG. CARACCIOLO:
Roll call.

P.O. TONNA:
Okay. Hold it. On the motion to table. Have you -- has SEQRA changed their determination? Is there this floating document around in the hallways behind the Legislature?

MR. GRIER:
We don't actually have a document from CEQ, but there have been conversations with CEQ on this one. They didn't --

P.O. TONNA:
Now who is -- who is CEQ?

MR. GRIER:
Jim Bagg. Jim Bagg is the -- he is basically the individual who does the review of these resolutions and --

P.O. TONNA:
Okay. So the gentleman --

MR. GRIER:
-- does the staff work.

P.O. TONNA:
-- who's responsible for reviewing CEQ documents says what?

MR. GRIER:
Based on my conversations with him, he has basically said, as far as

the no spray list is concerned -- that's the only one I spoke to him about, I didn't speak to him about this particular bill.

P.O. TONNA:
Oh, you didn't talk to him about that.

MR. GRIER:
But the general process --

P.O. TONNA:
Right.

MR. GRIER:
-- is that any bill that goes through CEQ will take a look at it and indicate what their recommendations are based on what their belief the resolution does.

P.O. TONNA:
Right.

MR. GRIER:
And then, ultimately, the decision has to come from this body, whether it's through a clause in the resolution or a stand-alone, that a SEQRA determination is made. CEQ merely provides recommendation to this body. It is this body who ultimately determines what the determination is to be, whether it's positive, negative, Type II, whatever it may be. That is this body's role. A CEQ recommendation, which you have listed here on the agenda, merely saying that this is what our recommendations are for this, itself is not a determination by this body. You would have to make a formal vote on a particular

SEQRA determination for it to be -- to fall within this Legislature having fulfilled its obligations under SEQRA.

P.O. TONNA:
All right. Michael, I mean, is one week's time -- I mean, one meeting's time matter with clearing this up?

LEG. CARACCIOLO:
I just would have liked the Executive to tell me this within the last three months that the bill has been tabled.

P.O. TONNA:
Right. Why is that? Why have we -- why haven't we not gotten to that?

MR. GRIER:
Well we hadn't actually looked at -- not every bill we look to see whether there's a SEQRA in every bill. We try to include SEQRA in all of our bills. We don't look necessarily to see that there are. But given that the situation arose with the no spray list, a resolution, we happened to look at this one to see what this one was doing with Vector Control to see if there was a problem and it cropped up on the radar screen. So we just want to make you aware, because of the procedural problems, that it's something that needs to be addressed. Adding a clause to it indicating the SEQRA would satisfy that requirement.

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LEG. CARACCIOLO:
All right. I'll table it for one cycle.

P.O. TONNA:
Okay.

LEG. HALEY:
Thank you. Second.

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

MR. BARTON:
18.

MR. GRIER:
Thank you.

P.O. TONNA:
Thank you very much. 1197 (Adopting Local Law No. -2001, a Local Law

to ban sale of mercury fever thermometers in Suffolk County).

LEG. COOPER:
Motion to approve.

P.O. TONNA:
Is this the mercury fever?

LEG. COOPER:
Yes.

P.O. TONNA:
All right. Give me the fever. All right. All right. Motion by Legislator Cooper, seconded by myself.

LEG. CARACAPPA:
Motion to table.

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

LEG. HALEY:
Motion to table.

P.O. TONNA:
Motion to table by Legislator Haley.

LEG. CARACAPPA:
Second.

P.O. TONNA:
Seconded by?

LEG. ALDEN:
Second.

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P.O. TONNA:
By Legislator Caracappa. All right. All in favor? Opposed? This is a tabling motion.

LEG. COOPER:
Roll call.

P.O. TONNA:
Roll call.

(Roll Called by Mr. Barton)

LEG. HALEY:
Yes.

LEG. CARACAPPA:
Yes.

LEG. CARACCIOLO:
Table?

MR. BARTON:
Yes.

LEG. CARACCIOLO:
No.

LEG. GULDI:
No.

LEG. TOWLE:
Pass.

LEG. FISHER:
No.

LEG. FOLEY:
No.

LEG. LINDSAY:
No.

LEG. FIELDS:
No.

LEG. ALDEN:
Pass.

LEG. CARPENTER:
Yes.

LEG. CRECCA:
Yes.

LEG. D'ANDRE:
Yes.

LEG. BISHOP:
No.

LEG. BINDER:
Yes.

LEG. COOPER:
No.

LEG. POSTAL:
No.

P.O. TONNA:
No. No to tabling.

LEG. TOWLE:
No to table.

LEG. ALDEN:
Yes to table.

P.O. TONNA:
Okay.

MR. BARTON:
Seven.

P.O. TONNA:
Fine. Motion to approve?

LEG. ALDEN:
On the motion.

P.O. TONNA:
On the motion.

LEG. ALDEN:
This got tabled last time because we were awaiting some kind of documentation or testimony --

P.O. TONNA:
Okay. I can -- I have it.

LEG. ALDEN:
-- from health centers and physicians, and things like that.

P.O. TONNA:
Right. Okay. I have -- I have a document in front of me. I remember, because I asked the questions with regard to has anybody else done this, is it going to be a problem with the industry and stuff. Legislator Cooper, maybe you can address some of those concerns.

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LEG. COOPER:
Aside from the letter of support that we received from the local district of the Environmental Protection Agency, which everyone received a copy of last time, we did a little research and we identified five or six cities across the nation that have already implemented the exact same ban on mercury fever thermometers. The State of New Hampshire has banned the sale of mercury fever thermometers, and eleven of the country's largest retailers, including Walmart and Kmart, have stopped selling mercury fever thermometers because of concern over the health issues, and because there are --

P.O. TONNA:
And CVS and Walgreens, also, right?

LEG. ALDEN:
On the motion.

LEG. HALEY:
On the motion.

P.O. TONNA:
Yeah, just --

LEG. COOPER:
And there are more accurate thermometers out there, digital thermometers and alcohol thermometers that can be used in place of mercury.

P.O. TONNA:
Okay. Thank you. Legislator Alden.

LEG. ALDEN:
Legislator Foley last time had brought up as far as the accuracy and contact, and made the suggestion to contact some doctors, health clinics, maybe the AMA, or something like that. Do we have any testimony from them, or did we have it in committee?

LEG. COOPER:
I don't know whether it was brought up in committee, but again --

LEG. ALDEN:
No, no, no. I mean, it was brought up live on the floor last time, but I don't know if the committee looked into that or what happened.

LEG. COOPER:
Again, I could assume that the State of New Hampshire would not ban

this device if it --

LEG. ALDEN:
No, you can't make any -- not with New Hampshire, you can't make any, you know. No, you can't.

LEG. COOPER:
Boston, Duluth, Minnesota, San Francisco, Ann Arbor, Michigan, Freeport, Maine, etcetera, etcetera. And the --

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P.O. TONNA:
All bellwether states.

LEG. COOPER:
And the position of the Environmental Protection Agency is that this should be addressed at the local level and they're fully in support of this Legislation.

LEG. BISHOP:
As Duluth goes, so does Fargo.

LEG. HALEY:
Mr. Chair.

P.O. TONNA:
The only thing that I will say is that my experience with having five small children, there is no pediatrician that I know of that uses mercury thermometers anymore. There is -- you know, it's just verboten.

LEG. HALEY:
Mr. Chairman.

LEG. ALDEN:
I mean, that helps, but --

P.O. TONNA:
Okay. Well, Legislator Crecca correct has the -- and then --

LEG. CRECCA:
I think Haley was next.

LEG. HALEY:
No, I was --

P.O. TONNA:

Oh, Haley.

LEG. HALEY:
I just want to make a quick comment. You know, while you're on a roll, Legislator Cooper, let's try -- I think we should try banning plastic bags and detergent, too.

LEG. TOWLE:
We did that one.

LEG. POSTAL:
We did detergent.

LEG. CRECCA:
Yeah, we did that. That was before me.

P.O. TONNA:
Marty, you know, every six months the Legislature always needs a good banning. All right.

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LEG. FOLEY:
Don't ban books.

P.O. TONNA:
This is actually -- don't ban what?

LEG. FOLEY:
Just don't ban books.

P.O. TONNA:
Books? Yeah, don't ban books.

LEG. CRECCA:
No, just burn them. My question, Legislator Cooper, is, was there any testimony in committee as to -- look, I know, mercury is not environmentally sound, but there's a very minuscule amount in a thermometer. And has there been studies --

LEG. COOPER:
But that minuscule amount, the amount of mercury in one thermometer --

P.O. TONNA:
You fell into this one.

LEG. COOPER:
Is enough to --

LEG. CRECCA:
I'm asking him.

LEG. COOPER:
-- contaminate all the fish in a 20-acre lake, one-half ounce of mercury. If that was ingested by a child, if a thermometer broke and if it was ingested by a child, it could prove quite hazardous, obviously.

LEG. CRECCA:
Are there any --

LEG. COOPER:
And there are -- for example, I'll pass down here, if anyone wants to see it, I bought this at my local Genovese, Magnatherm. It's an alcohol based thermometer. There's a digital thermometer for another couple of bucks. There are other types as well. It was actually difficult for me to find mercury thermometers. I had to go to three drug stores before I found mercury thermometers. So there are alternatives out there, they're readily available, they're about the same price as mercury thermometers and they're completely safe to use, so there's no reason not to regulate mercury fever thermometers.

LEG. CRECCA:
My real question was, is that -- is there an identified problem with mercury thermometers? I'll tell you what happened. I mean, I --

LEG. COOPER:
It's strong for the EPA. Again, if you've read the letter that we

received from them at the last meeting, the EPA urges local municipalities to ban mercury fever thermometers. They came out in support of our specific legislation.

LEG. CRECCA:
But my question is, is that are like there -- do we have documented cases where in Suffolk County where mercury thermometers have caused either a health problem or the injury or death of a child, or something else.

LEG. COOPER:
But do you -- I don't understand.

LEG. CRECCA:
I'm just asking.

LEG. COOPER:
But do you want to wait for a child to die --

LEG. CRECCA:
No, I'm just asking. I don't know.

LEG. COOPER:
-- when they're readily. No. Again, I don't know of a child's death due to a mercury fever thermometer.

LEG. CRECCA:
I guess my concern is, and I'm not -- again, I'm not trying to be difficult, I --

LEG. COOPER:
This is an instance where -- I'm sorry, Andrew, but there's an instance where --

P.O. TONNA:
Can you pass them around? Everyone would like to see it. We love handouts. Go ahead.

LEG. COOPER:
This really -- I'm sorry, this is a nonissue. The entire country is moving in this direction.

LEG. CRECCA:
I know. Can I just finish my statement and then you --

LEG. COOPER:
Sure.

LEG. CRECCA:
I'll be happy to let you respond.

LEG. COOPER:
Sure.

LEG. CRECCA:
It's just that in one of the -- in knocking on doors and all that, one

of the concerns that's been raised by my constituency is that we overlegislate things, that we get -- we go beyond where we should. And I'm not -- I understand, I think it's a good intent here. I just -- you've said it yourself, that it's difficult to buy -- that people are starting to recognize that there are other options out there other than mercury thermometers. Do we really need to regulate

people's lives right down to what kind of thermometer they use for their children? That's my concern, not --

P.O. TONNA:
All right. Anybody else want to speak on this issue? All right. There's a motion to approve and a second. Roll call.

(Roll Called by Mr. Barton)

LEG. COOPER:
Yes.

LEG. TONNA:
Yes.

LEG. CARACCIOLO:
Yes.

LEG. GULDI:
Yes.

LEG. TOWLE:
Yes.

LEG. CARACAPPA:
Yes.

LEG. FISHER:
Yes.

LEG. HALEY:
No.

LEG. FOLEY:
Yes.

LEG. LINDSAY:
Yes.

LEG. FIELDS:
Yes.

LEG. ALDEN:
Yes.

LEG. CARPENTER:
Yes.

LEG. CRECCA:
Abstain.

LEG. D'ANDRE:
No.

LEG. BISHOP:
Yes.

LEG. BINDER:
Yes.

LEG. POSTAL:
Yes.

MR. BARTON:
15.

P.O. TONNA:
Jon, I just ask you right now, you're not going to ban anything else within the next couple of months? That's the last banning.

LEG. POSTAL:
Not tonight. Not tonight.

LEG. COOPER:
This evening. No, not tonight.

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

LEG. GULDI:
It's coming.

P.O. TONNA:
I know, it's coming. All right.

LEG. HALEY:
He's going to ban hair pieces next.

P.O. TONNA:
Thank God I don't qualify. All right. Anyway, let's go to the next -- 1249 (Allocating funding for pay-as-you-go financing for roofing of various County buildings). Is there a motion?

LEG. FOLEY:
Motion to table.

P.O. TONNA:
Motion to table, second by myself. All in favor? Opposed? Tabled.

MR. BARTON:
18.

P.O. TONNA:
1267.

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LEG. FIELDS:
1263.

LEG. POSTAL:
Motion to table.

P.O. TONNA:
63, sorry. 1263 (Reducing certain appropriating in the 2001 Adopted Operating Budget). Motion to table by Legislator Postal.

LEG. CARPENTER:
Explanation.

LEG. COOPER:
Seconded by myself just for the purposes of -- why?

LEG. CRECCA:
That's the one that --

P.O. TONNA:
Oh, that's the one? Motion to table subject to call.

LEG. BISHOP:
Second.

P.O. TONNA:
Okay.

LEG. CRECCA:
What is that?

P.O. TONNA:
Okay. Yeah, this is the one that --

LEG. POSTAL:
The contract agencies.

P.O. TONNA:
Yeah, cutting all the contract agencies. Okay. Roll call.

LEG. BISHOP:
What do you mean?

LEG. FOLEY:
No, no, no. Come on, come on.

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

(Opposed Said in Unison by Legislators)

Okay. We got opposed Legislator Binder, Crecca, Caracciolo. Thank you. All right. 1292.

MR. BARTON:
15-3.

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P.O. TONNA:
1292 (Directing the County Department of Public Works to maintain "No Spray List" for pesticide applications). Motion?

MR. BARTON:
Tabled subject to call.

P.O. TONNA:
Oh, is this the no spray list?

LEG. POSTAL:
Yes, it is.

P.O. TONNA:
Okay.

LEG. CARACCIOLO:
Motion to approve.

P.O. TONNA:
Motion to approve. Well, motion to approve by Legislator Cooper, seconded Legislator Caracciolo.

LEG. CARACCIOLO:
Cosponsor.

LEG. TOWLE:
Motion to table.

LEG. CARACAPPA:
Second.

LEG. CRECCA:
Would you let the sponsor speak?

LEG. TOWLE:
No, the table.

P.O. TONNA:
Wait. The sponsor doesn't have to speak when there is a motion to table, by Legislator Towle and there's a second by?

LEG. TOWLE:
There is no discussion.

P.O. TONNA:
Is there a tabling second?

LEG. TOWLE:
Legislator Caracappa.

P.O. TONNA:
By Legislator Caracappa. There's a motion and a second. Now, on the -- on the motion to table. Okay, vote.

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LEG. COOPER:
I just want to say I support the motion to table at the request of the County Executive.

LEG. FOLEY:
Speak into the mike, Jon.

LEG. COOPER:
At the request of the County Executive, I have agreed to table this resolution for one cycle. I've received assurance from the County Executive's Office that DPW will conduct no pesticide spraying between now and the next Legislative session. And in the interim, I'll be working diligently with DPW, the Health Department, the County Executive's Office, as well as the environmental and breast cancer groups.

P.O. TONNA:
Well, unless there's an emergency, right? I mean --

LEG. COOPER:
Unless there's a health emergency.

P.O. TONNA:
If there's an emergency.

LEG. COOPER:
But this, again, was at the request of the County Executive.

P.O. TONNA:
Find.

LEG. COOPER:
There's an acknowledgment that the concerns expressed were legitimate concerns. We're going to work cooperatively over the coming weeks to reach some common ground and a fair compromise.

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

MR. BARTON:
18.

LEG. GULDI:
Opposed.

P.O. TONNA:
Great.

MR. BARTON:
17 and George.

P.O. TONNA:
1340 (Authorizing the sale of surplus property sold at the November 15, 2000 auction pursuant to Local Law 13-1976 as per exhibit "A" (Two Parcels). Legislator Towle.

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LEG. TOWLE:
I'm sorry, Mr. Chairman. Motion to table.

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

MR. BARTON:
18.

P.O. TONNA:
Okay. Maxine, this --

LEG. POSTAL:
Motion to approve.

P.O. TONNA:
Okay. Motion to approve Procedural Motion Number 1 (Authorizing funding for the Route 110 corrider). Is there a second?

LEG. BISHOP:
Motion to table.

P.O. TONNA:
I'll second that. All in favor? Opposed? Tabled. Procedural Motion Number 2.

LEG. CARACCIOLO:
Motion to table.

MR. BARTON:
18, tabled.

P.O. TONNA:
(Procedural Motion Number 2-Authorizing retention of consultant to study economic development opportunities for Suffolk County Route 110 corrider). Second. All in favor? Opposed? Tabled. Okay. Ways and Means.

MR. BARTON:
Tabled, 18.

LEG. CARPENTER:
Mr. Chairman.

P.O. TONNA:
2199. Yes.

LEG. CARPENTER:
If I could.

P.O. TONNA:
Sure.

LEG. CARPENTER:
I had stepped out of the room when the Consent Calendar was approved and I am not --

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LEG. CARACAPPA:

Motion to reconsider the Consent Calendar.

LEG. HALEY:
Second.

P.O. TONNA:
Motion to reconsider the Consent Calendar.

MR. BARTON:
Everybody was here.

LEG. CRECCA:
She was here.

LEG. BISHOP:
She was here.

LEG. CRECCA:
She was here.

P.O. TONNA:
Oh, you were here.

LEG. CRECCA:
The Clerk indicated.

LEG. CARPENTER:
I was here, but I was distracted, and I just wanted to make a statement.

LEG. CRECCA:
Oh, I'm sorry.

LEG. CARPENTER:
There are a number of resolutions that are included in the Consent Calendar this time and maybe one or two last time that I feel we're losing the intention of what I believe the Consent Calendar is all about. There are things like lease of premises, authorizing a lease of premises, renaming buildings and rooms, and authorizing the use of the Dennison Building parking lot, authorizing waiver of interest and penalties. There are certain things that I think really should come before the full Legislature. So if --

LEG. CARACAPPA:
It was faxed to our offices.

LEG. CARPENTER:
Yes, it is faxed to the offices, but there's also a one o'clock -- there's a one o'clock deadline for objecting to anything on the Consent Calendar, and by the time I saw my mail last night, it was close to midnight.

LEG. BINDER:
Legislator Carpenter, just -- would you suffer an interruption? Even

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at the meeting, there really isn't a deadline in the sense that even at the meeting, every Legislator should know before the Consent Calendar, up to the moment we have the vote, any Legislator here can object to anything being on the Consent Calendar. It will be taken off at that point, and has to be put then put in the normal order of things. So if you have any concerns, there really isn't -- I think the one o'clock deadline is just so that they can get it off of the -- so it's not on the agenda, printed on there. But every Legislator has the right up until the vote to take something off, so it really doesn't matter what's on there.

LEG. BISHOP:
I'm going to exercise that right liberally.

LEG. BINDER:
We can all do it.

P.O. TONNA:
All right. I think what --

LEG. BISHOP:
You also have a --

P.O. TONNA:
I think this is a creation that I have created in the sense that I have asked all Chairpersons of the committees to make sure that anything that they could put on the Consent Calendar they do. And I think Legislator Carpenter's comments are germane, because we need to either do two things, either one, we don't do that any longer, or two, we need as Legislators in our Legislative offices to be much more vigilant in reading these things and getting back. So as part of your only -- your routine, committee routine, should be to make sure that you review the Consent Calendar ahead of time and make sure that you voice your concerns, so that it goes off the Consent Calendar.

LEG. CARPENTER:
Well --

P.O. TONNA:
But it's my --

LEG. BISHOP:
Mr. Chairman.

LEG. CARPENTER:
May I just --

P.O. TONNA:

Yeah.

LEG. CARPENTER:
But, no. If I could just respond to that. I don't think there's any problem with putting things on the Consent Calendar, but I think we need to have an understanding of the kinds of things that should be on the Consent Calendar, and I don't believe that it was your intent to have substantive kind of things where we're authorizing the use of

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buildings or a lease for certain premises. It should come before the full body and not something that's just, you know, one blanket vote.

LEG. BISHOP:
But -- Mr. Chairman.

P.O. TONNA:
Yes.

LEG. BISHOP:
Isn't there a statutory standard or a rule that's been adopted?

P.O. TONNA:
No, not according to Legislator Binder.

LEG. BISHOP:
Well, may I suggest, Mr. Chairman, that you work with the --

P.O. TONNA:
Make a rule change?

LEG. BISHOP:
Yeah, with the Deputy Presiding Officer and yourself and Counsel, maybe come up with a --

P.O. TONNA:
We'll caucus together and we'll hammer out a compromise.

LEG. BISHOP:
Because I absolutely -- first of all, I apologize that Phil Goldstein isn't here to hear you be the conscience of the Legislature.

LEG. CARPENTER:
You see.

LEG. BISHOP:
In costume.

P.O. TONNA:
But we expect you to dress appropriately next time when you --

LEG. BISHOP:
He would have very much appreciated --

P.O. TONNA:
Lets move on. Thank you.

LEG. BISHOP:
By the way, I just want to point out that there is a -- there's an appointment on there.

P.O. TONNA:
Yes.

LEG. BISHOP:
And that's completely inappropriate.

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LEG. CARPENTER:
What did I tell you?

LEG. BINDER:
You should have taken it off. Then --

LEG. GULDI:
If the appointment's inappropriate, you shouldn't have voted for the Consent Calendar, or you should have read it and you should have removed it. The reason, as Chair of Ways and Means --

LEG. BISHOP:
I plead guilty, you're right.

LEG. GULDI:
Those of you who are criticizing putting these on --

LEG. BISHOP:
I only looked at it after Legislator --

LEG. GULDI:
Putting these on the Consent Calendar, if you read it, we don't have to listen to Tonna read them. The reason they're there is the committee members all voted to --

P.O. TONNA:
That's a good enough argument for me.

LEG. GULDI:
The committee members all voted to put them there because there was no issue. If you got a question, you can ask a question. If you got a concern, you can take it off.

LEG. BISHOP:
Mr. Chairman, that's Exhibit A on why you and Deputy Presiding Officer need to get to together and --

P.O. TONNA:
Yes.

LEG. BISHOP:
-- come up with some standards.

P.O. TONNA:
We'll do that. And I'll ask, Deputy Presiding Officer, could you poll the Women's Caucus also? The input of the Women's Caucus is very, very important here. All right.

LEG. BISHOP:
You know who get sent to Ways and Means, all the wayward Legislators.

LEG. HALEY:
Let's go.

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P.O. TONNA:
Okay. Lets go on.

MS. BURKHARDT:
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WAYS AND MEANS

P.O. TONNA:
Nine. Okay. 2199 (Authorizing Board of Elections to research and report on the feasibility of implementing a program to increase voter participation). Motion by Legislator Cooper.

LEG. COOPER:
Motion to approve.

LEG. FOLEY:
Second.

LEG. CARACAPPA:
On the motion.

LEG. FOLEY:
Second.

P.O. TONNA:
Yeah, on the motion. What does this do?

LEG. CARACAPPA:
This is just a study. It doesn't implement, it just does research.

LEG. COOPER:
No. It's just a study.

P.O. TONNA:
On what.

LEG. CARACAPPA:
Voter turnout.

LEG. COOPER:
It authorizes or requests the Board of Elections to investigate alternate means of voting to increase participation, and also increase accuracy, whether it be internet voting, or computer terminals, or mail-in ballots. It's something that they would like to do in any case, and it has support of the Board of Elections.

P.O. TONNA:
Does it give them any money for it?

LEG. GULDI:
No, they're doing it anyway.

P.O. TONNA:
Because they have enough money.

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LEG. COOPER:
They -- right, correct.

LEG. CRECCA:
Both Commissioners support it.

P.O. TONNA:
Okay. That's not a -- that's not a big feather in my cap, or their

cap for me. All right. So there's a motion and a second. All in favor? Opposed? Approved.

MR. BARTON:
18.

P.O. TONNA:
1344 (Authorizing use of Maritime Museum in West Sayville County Park property by Gay and Lesbian Foundation of Long Island for "Dock of the Bays" funraiser).

LEG. HALEY:
Now that should be on the Consent Calendar.

LEG. GULDI:
Absolutely.

P.O. TONNA:
Right. Okay. 1344. Is there a motion?

LEG. CARPENTER:
Motion.

LEG. POSTAL:
I'll make a motion.

LEG. FISHER:
Second.

P.O. TONNA:
Motion by Legislator Carpenter.

LEG. FISHER:
Second.

LEG. COOPER:
Second.

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

LEG. ALDEN:
Opposed.

LEG. CARACCIOLO:
Opposed.

LEG. ALDEN:
Opposed.

LEG. CARACCIOLO:
Opposed, Henry.

P.O. TONNA:
Okay.

MR. BARTON:
16-2. (Vote Amended to 15 yes, 2 not, 1 not present-Leg. Crecca)

LEG. BISHOP:
Who's opposed?

BUDGET

P.O. TONNA:
Okay. Number 1132 (Amending the Adopted 2001 Operating Budget and transferring funds in connection with lot clean -ups). Is there a motion? Motion to approve by Legislator Postal.

LEG. FOLEY:
Second. First, no second.

P.O. TONNA:
Okay. Seconded by Legislator Foley. Where are we transferring the money from?

MR. SABATINO:
5-25-5 Account.

LEG. POSTAL:
If I could. Legislator Binder -- Legislator Binder had a question, and which I can answer. It's to provide funding for the Division of Real Estate to clean up County-owned property, which we've, you know --

LEG. BINDER:
Okay. They're not 72-h's.

P.O. TONNA:
Why not the -- why not --

LEG. POSTAL:
No, no.

P.O. TONNA:
I have --

LEG. BINDER:
That's find.

LEG. HALEY:

How much.

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P.O. TONNA:
Wait. I have --

MR. SABATINO:
200,000.

P.O. TONNA:
Can I just say, just on -- why aren't we getting the Labor Department to do this?

LEG. POSTAL:
Because there's just --

LEG. BISHOP:
And Real Estate Division

P.O. TONNA:
Who cares?

LEG. POSTAL:
There's just not -- if I could just comment on this. There's not enough staffing to do this. We have an ongoing problem. If we don't clean up the lots, not only do they become neighborhood eyesores, but, in fact, the towns often clean them up and then charge us for it, which means that we lose additional tax money.

LEG. BISHOP:
That's right.

LEG. POSTAL:
So it really pay to do this.

LEG. BINDER:
Let me take back my time for a second.

P.O. TONNA:
Have you checked with the Labor Department? Has the Labor Department said to you that they're not going to do this?

LEG. BISHOP:
Yeah. I'll give you an --

P.O. TONNA:
Because all I know is that the Labor Department --

LEG. BINDER:
Wait. Besides the --

P.O. TONNA:
-- their Work Program does all of this.

LEG. BISHOP:
No, they don't.

LEG. POSTAL:
No.

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LEG. BINDER:
Wait a minute. Wait a minute.

LEG. BISHOP:
I'll give you an --

LEG. BINDER:
That was my time. Hold on, hold on. I started. And the only question I would have is I think we have the ball and chain gang out of the -- out of the jail.

LEG. BISHOP:
May I, Mr. Chairman.

LEG. BINDER:
I mean, I don't where we are on that.

P.O. TONNA:
Legislator Bishop.

LEG. BISHOP:
Counsel, you're eager. I'll yield.

MR. SABATINO:
It might just help. Although it says clean up of lots, it's really the repair and demolition of structures. I thought that might help to facilitate the debate.

P.O. TONNA:
Well, that's a big difference.

LEG. BISHOP:
Right. I was going to give an example. For example, in Legislator

Postal's district, although the constituent thought she was mine, a tree recently fell on a house. Now that's not covered by the Red Cross, not the Department of Labor, it's under this fund to take care of something like that, to remove the tree. So it's for larger jobs.

P.O. TONNA:
Why doesn't the town do that?

LEG. BISHOP:
It's our house. It's our tree. The tree came from our property onto the private house.

P.O. TONNA:
Oh, okay.

LEG. CRECCA:
Is this -- is this costing us $200,000?

LEG. BISHOP:
No. It's budgeted for, it's not an additional. It's from the 5-25-5. This is actually a Legislative initiative from four years ago that we funded ever since.

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LEG. POSTAL:
Right.

P.O. TONNA:
But it's just appropriating money we've already budgeted?

LEG. BISHOP:
Yes.

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

MR. BARTON:
17, 1 not present. (Not Present: Leg. Foley)

ENVIRONMENT, LAND ACQUISITION, AND PLANNING

P.O. TONNA:
Okay. 1323 (Dedication of certain lands 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 (Donation). Is there a motion? I'll make a motion.

LEG. CARACAPPA:
Second.

P.O. TONNA:
Seconded by Legislator Caracappa. All in favor? Opposed? Approved? Henry.

MR. BARTON:
17, 1 not present. (Not Present: Leg. Foley)

P.O. TONNA:
Fine. 1325 (Authorizing the acquisition of Development Rights to farmlands by the County of Suffolk, Phase V [Omnibus 2001(1)]. Motion?

LEG. CARACCIOLO:
Motion.

LEG. CARACAPPA:
Second.

P.O. TONNA:
By Legislator Caracciolo, second by Legislator Guldi. All in favor? Opposed?

LEG. BINDER:
Opposed.

P.O. TONNA:
Approved.

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MR. BARTON:
17, 1 opposition.

P.O. TONNA:
1346 (Authorizing planning steps for acquisition under Suffolk County Land Preservation Partnership Program (Fuchs Property in Northport) Town of Huntington). Motion by?

LEG. COOPER:
Motion to approve.

LEG. HALEY:
Second.

P.O. TONNA:
Legislator Cooper. Seconded by?

LEG. HALEY:
Second.

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

MR. BARTON:
18.

P.O. TONNA:
Approved.

LEG. GULDI:
Motion.

P.O. TONNA:
1352 (Amending Resolution No. 838-2000, Approving acquisition under Suffolk County Land Preservation Partnership Program (East Moriches Farm Property) Town of Huntington).

LEG. TOWLE:
Second.

P.O. TONNA:
Motion by Guldi, seconded by Legislator Towle. All in favor? Opposed?

LEG. TOWLE:
Cosponsor.

MR. BARTON:
18.

P.O. TONNA:
1360 (Authorizing planning steps for implementing Greenways Program in connection with acquisition of active parklands at Miller Place (Town of Brookhaven). Motion by?

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LEG. HALEY:
Motion

P.O. TONNA:

Legislator Haley.

LEG. CARACAPPA:
Second.

P.O. TONNA:
Seconded by Legislator Caracappa. All in favor? Opposed? Approved.

MR. BARTON:
18.

P.O. TONNA:
13 --

LEG. BISHOP:
On the motion. I just -- Legislator Haley, on that last one, which I voted for, and I don't wish to take back that vote, but you're doing planning steps for a seventy-two acre green acre -- Greenways purchase, which would just about terminate the program, so --

LEG. HALEY:
That's why I'm only doing planning steps.

LEG. BISHOP:
Right. I was going to point out that don't take my commitment --

LEG. HALEY:
I understand the money problem.

LEG. BISHOP:
Okay.

P.O. TONNA:
Okay, great. 1361 (Authorizing planning steps for the acquisition of land under pay-as-you-go 1/4% Taxpayer Protection Program (Miller Place, Town of Brookhaven). Motion by Legislator Haley, seconded by Legislator Crecca. All in favor? Opposed? Approved.

MR. BARTON:
18.

LEG. FIELDS:
Opposed.

P.O. TONNA:
Opposed?

MR. BARTON:
17, 1 not --

P.O. TONNA:
Opposed, Legislator Fields.

MR. BARTON:
One in opposition.

P.O. TONNA:
Okay. 1362 (Authorizing planning steps for the acquisition of land under Pay-As-You-Go 1/4% Taxpayer Protection Program (Land of Gustave J. Wade, Wheatley Heights, Town of Babylon).

LEG. POSTAL:
Motion.

P.O. TONNA:
Motion by Legislator Postal.

LEG. FOLEY:
Second.

P.O. TONNA:
Second by Legislator Foley. What does this do?

LEG. POSTAL:
It's planning steps.

LEG. FISHER:
Planning steps.

LEG. POSTAL:
Under the Pay-as-you-go --

LEG. GULDI:
Belongs on the Consent Calendar.

LEG. POSTAL:
Quarter cent.

P.O. TONNA:
Now, can I just ask you --

LEG. POSTAL:
It was on the Consent Calendar? No.

P.O. TONNA:
No. Can I ask you about this?

LEG. POSTAL:
Yes.

P.O. TONNA:
Haven't we already hit the 50% mark?

LEG. BISHOP:
What do you mean?

LEG. POSTAL:
No.

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P.O. TONNA:
We he spoke about -- some of us on the record have spoken about the issue of the Pay-as-You-Go money, right? Is this the Pay-As-You-Go money that?

MR. SABATINO:
No, no.

P.O. TONNA:
No.

MR. SABATINO:
This is.

LEG. BISHOP:
Pay-As-You-Go. You mean -- you mean 5-25-5 money?

P.O. TONNA:
Oh, okay.

LEG. CRECCA:
This is not that.

P.O. TONNA:
This is --

LEG. POSTAL:
This is different.

LEG. CRECCA:
It's different.

P.O. TONNA:
Yeah, That's Pay-As-You-Go.

LEG. BISHOP:
Right.

LEG. CRECCA:

This is the quarter cent for --

P.O. TONNA:
Okay. Motion, second. All in favor? Opposed? Approved.

MR. BARTON:
18.

P.O. TONNA:
Okay. 1368 (Appropriating funds for the acquisition of certain environmentally sensitive parcels of land under the Suffolk County Open Space Preservation Program). There's a roll call on the bond. A motion by myself --

LEG. CRECCA:
Motion to approve.

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P.O. TONNA:
Seconded by Legislator Postal. Roll call.

(Roll Called by Mr. Barton)

P.O. TONNA:
Yes.

LEG. POSTAL:
Yes.

LEG. CARACCIOLO:
Yes.

LEG. GULDI:
Yes.

LEG. TOWLE:
Yes.

LEG. CARACAPPA:
Yes.

LEG. FISHER:
Yes.

LEG. HALEY:
Yes.

LEG. FOLEY:
Yes.

LEG. LINDSAY:
Yes.

LEG. FIELDS:
Yes.

LEG. ALDEN:
Yes.

LEG. CARPENTER:
Yes.

LEG. CRECCA:
Yes.

LEG. D'ANDRE:
Yes.

LEG. BISHOP:
Yes.

P.O. TONNA:
On the vote, can you switch it to Legislator Bishop as the sponsoring

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guy?

MR. BARTON:
He made the motion? Okay.

P.O. TONNA:
Yeah.

(Roll Call Continued by Mr. Barton)

LEG. BINDER:
Yes.

LEG. COOPER:
Yes .

MR. BARTON:
18 on the bond.

P.O. TONNA:
Okay. Same motion, same second, same vote. Okay. 1370 (Appropriating funds in connection with the Land Preservation Partnership with the Suffolk County Towns).

LEG. CARACCIOLO:
Motion.

P.O. TONNA:
Motion by Legislator Caracciolo, seconded by Legislator Guldi. Roll call.

(Roll Called by Mr. Barton)

LEG. CARACCIOLO:
Yes.

LEG. GULDI:
Yes.

LEG. TOWLE:
Yes.

LEG. CARACAPPA:
Yes.

LEG. FISHER:
Pass for a minute.

LEG. HALEY:
Yes.

LEG. FOLEY:
Yes.

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LEG. LINDSAY:
Yes.

LEG. FIELDS:
Yes.

LEG. ALDEN:
Yes.

LEG. CARPENTER:

Yes.

LEG. CRECCA:
Sure.

LEG. D'ANDRE:
Yes.

LEG. BISHOP:
Yes.

LEG. BINDER:
Yes.

LEG. COOPER:
Yes.

LEG. POSTAL:
Yes.

P.O. TONNA:
Yep.

MR. BARTON:
Legislator Fisher.

P.O. TONNA:
Legislator Fisher.

LEG. FISHER:
Okay, okay. Yes. Okay.

MR. BARTON:
18 on the bond.

P.O. TONNA:
Okay, fine. Same motion, same second, same vote. 1371 (Appropriating funds in connection with the acquisition of Farmland Development Rights by Suffolk County Phase V (CP 8701).

LEG. CARACCIOLO:
Motion.

P.O. TONNA:
Motion by Legislator Caracciolo, seconded by Legislator Foley. Roll call.

(Roll Called by Mr. Barton)

LEG. CARACCIOLO:
Yes.

LEG. FOLEY:
Yes.

P.O. TONNA:
Yes, roll call.

LEG. GULDI:
Yes.

LEG. TOWLE:
Yes.

LEG. CARACAPPA:
Yes.

LEG. FISHER:
Yes.

LEG. HALEY:
Yes.

LEG. LINDSAY:
Yes.

LEG. FIELDS:
Yes.

LEG. ALDEN:
Yes.

LEG. CARPENTER:
Yes.

LEG. CRECCA:
Yes.

LEG. D'ANDRE:
Yes.

LEG. BISHOP:
Yes.

LEG. BINDER:
Yes.

LEG. COOPER:
Yes.

LEG. POSTAL:
Yes.

197

P.O. TONNA:
Yep.

MR. BARTON:
18 on the bond.

P.O. TONNA:
Great. Same motion, same second, same vote. 1411 (Directing County Department of Public Works to prepare list of tributaries within South Shore Estuary Preserve). Motion by Legislator Bishop, seconded by Legislator Caracciolo.

LEG. BISHOP:
Wait.

P.O. TONNA:
1411.

LEG. BISHOP:
Motion to table.

CONSUMER PROTECTION & GOVERNMENT OPERATIONS

P.O. TONNA:
Seconded by myself. All in favor? Opposed? Tabled. Okay. 1296 (Authorizing County to enter into intermunicipal agreement with the County of Nassau for equipment exchange).

LEG. CARACCIOLO:
Motion.

P.O. TONNA:
Motion by Legislator Caracciolo, second by Legislator Towle. Okay. Does somebody want an explanation?

LEG. ALDEN:
Yeah.

P.O. TONNA:
Is that what they said?

LEG. ALDEN:
Somebody does, not me.

P.O. TONNA:

Okay. Explanation, please, Legal Counsel.

MR. SABATINO:
This is basically going to be an arrangement between the two Counties, Nassau and Suffolk, with regard to the use of equipment. So the County of Nassau will allow the County of Suffolk to use a vehicle to test for fuel oil terminals, and the County of Suffolk will allow Nassau County to use a truck that tests for --

198

P.O. TONNA:
Tax reassessments?

LEG. CRECCA:
That was pretty funny.

MR. SABATINO:
Actually, it's going to test for something different. But it's going to test for the landfills and asphalt plants. So the deal is that Suffolk County doesn't have to go out and buy a new -- a vehicle for $200,000, and in theory, it's an efficiency for both Counties.

P.O. TONNA:
I'm surprised we don't have a joint press conference about that. Anyway, okay.

LEG. POSTAL:
We don't want to be associated.

P.O. TONNA:
Yeah, no. No kidding. All right. All in favor? Opposed? Approved.

MR. BARTON:
18.

HUMAN RESOURCES

P.O. TONNA:
All right. 1290 (Establishing Recognition Program for experienced County employees). Motion by Legislator Carpenter, seconded by Legislator Fisher. All in favor? Opposed? Approved.

MR. BARTON:
18.

EDUCATION AND YOUTH

P.O. TONNA:
Okay. 1393 (Amending the Suffolk County Temporary Classification and Salary Plan in connection with new position titles at Suffolk County Community College). Motion by Legislator Fisher, seconded by Legislator Crecca. All in favor? Opposed? Approved.

MR. BARTON:
18.

SOCIAL SERVICES

P.O. TONNA:
Okay. 1369 (Authorizing the transfer of funds to Long Island Cares, Inc. to provide additional funding for the Food Commodities Program and authorizing the Commissioner of Social Services and the County Executive to amend the contract). Motion by myself, seconded by Legislator Haley. All in favor? Opposed? Approved.

199

MR. BARTON:
18.

PUBLIC SAFETY & PUBLIC INFORMATION

P.O. TONNA:
Public Safety. 1207 (Adopting Local Law No. 2001, a Local law extending County Human Rights Law to Public accommodations, employment and housing). Motion by --

LEG. POSTAL:
Motion to approve.

P.O. TONNA:
-- Legislator Postal, seconded by Legislator Carpenter. On the motion. This, if I'm not mistaken -- I don't care. Go ahead. I understand what this does.

LEG. HALEY:
I don't.

LEG. CRECCA:
I don't.

P.O. TONNA:
All right.

LEG. POSTAL:
Very quickly.

P.O. TONNA:
Please.

LEG. POSTAL:
Okay. This does -- the Human Rights Commission already accepts complaints and investigates complaints with regard to discrimination in housing, in employment and in public accommodation, restaurants, parks, amusement parks, things like that. They already investigate, but they can only refer to the State Human Rights Commission, which, as we heard, has a backlog as long as 15 years. This would empower the County Human Rights Commission to, when they investigate and they find there has been discrimination, to require the discriminating party to, number one, correct the situation, remedy the situation, and to levy fines of $5,000 criminal penalty, $500 civil penalty. So it would actually give people who have been discriminated against an avenue right here in the County to address their problems of discrimination. And, in fact, it would generate revenue, although that's not the purpose of it, to do exactly what the Human Rights Commission is currently doing, because it would enable us to collect penalties. So it's a win-win.

P.O. TONNA:
Okay. Yes, Legislator Lindsay.

LEG. LINDSAY:
I got a short cord here.

200

LEG. HALEY:
We heard.

LEG. LINDSAY:
Yeah, I know.

LEG. BINDER:
You drew the short cord.

LEG. FOLEY:
You've been baptized.

LEG. LINDSAY:
I need a straight man, you know.

LEG. GULDI:
You're lucky they give you a mike at all.

LEG. LINDSAY:
You know, I'm in favor of this as well, because one of the other things that Legislator Postal forgot to say is that our Human Rights Commission does an excellent job in settling these disputes rapidly using arbitration and mediation rather than court procedures. And I just think it's a good idea. It protects our citizens. It won't cost us anymore more, and it's much more efficient than the State operation.

P.O. TONNA:
Okay. All in --

LEG. BINDER:
Mr. Chairman.

P.O. TONNA:
Oh, Legislator Binder.

LEG. BINDER:
Yeah, I -- a couple of things. Number one, I think this is going to cost us more money, because you're giving them more powers. More powers means they're going to come back to us and they're going to ask for more staff, and they're going to need more resources. Understand, when you give this -- this much extra to an agency, the necessary outgrowth is a need for resources to do the job, particularly when you're talking about levying fines, could be of a criminal nature or of other nature. That's a real question.

When we passed the Anti-Bias Bill having to do with civil penalties, all they got to do really is investigate, generally, what they do now, and then they have do turn it over to a court, so they wouldn't do this step. And this is a step that I don't know that we would want our Human Rights Commission doing.

For years there was -- excuse me. For years there was a discussion about whether they should have subpoena power, and we've been very concerned about giving them that kind of power. I don't know that

this Legislature, I'd be -- I guess I'm surprised that there's not a lot more debate and a lot more concern about giving the Human Rights Commission the power to levy fines on citizens with their own findings, and there could be literally hundred -- multi-hundred or multi-thousand dollar fines on citizens in Suffolk County. I'm not -- I'm not ready to give them that kind of power. I know they're

doing a good job and they've done very positive things in Suffolk County, but I won't be voting to give them these kind -- this kind of -- this is a broad jump in power and I'm not -- I'm not comfortable with doing that.

LEG. POSTAL:
Okay.

P.O. TONNA:
Okay.

LEG. CRECCA:
Is that true, that they're going to be --

P.O. TONNA:
There is a motion and a second to approve.

LEG. CRECCA:
I have a -- on the motion.

LEG. POSTAL:
The second is being withdrawn.

P.O. TONNA:
Okay. You're withdrawing your second?

LEG. CARPENTER:
Uh-huh.

P.O. TONNA:
Okay.

LEG. FIELDS:
I'll second.

P.O. TONNA:
Second, okay.

LEG. CRECCA:
On the motion.

P.O. TONNA:
On the motion.

LEG. CRECCA:
I guess I have a question now, too, because I think Allan's raised what really is a legitimate concern. And I would ask maybe the sponsor to --

LEG. POSTAL:
I'd love to respond.

LEG. CRECCA:
You know what, I thought you did, Maxine, but I really --

LEG. POSTAL:
You just had that feeling.

LEG. CRECCA:
No. Seriously, I'm concerned about giving that power without knowing that we have the proper due process for those people who are accused.

P.O. TONNA:
Right.

LEG. POSTAL:
Okay. I'd be happy to respond to that. There are actually two parts or to that -- or two concerns that Legislator Binder expressed. One had to do with the due process issue and the other one had to do with the cost. I'd like to start with the due process issue. And I'd like to start by asking our Counsel, Mr. Sabatino, about -- just to make a very brief comparison of this bill with the legislation that was sponsored by Legislator Binder and approved having to do with civil penalties related to the Human Rights Commission. Mr. Sabatino, could you just make a very brief comparison?

MR. SABATINO:
Yes. That was Local Law 1 of the Year 2000. I believe it was adopted at the end of 1999. That one authorizes the Human Rights Commission to impose civil penalties for a series of biased related activities. Most of them I think are property related incidents.

This legislation has three components on the penalties clause. One is civil penalties, which would be analogous to that, except it's in the three categories you described before. The second component would be the criminal penalties. Obviously, those cases would be referred to the District Attorney's Office. And then the third category, which is to try to track what they do at the State level, is to look for items like trying to get either injunctive relief or conciliation orders, or to try to work out something that doesn't necessarily require a fine, but it may be something where back-pay is awarded if it's job related, or some kind of language is worked out to accommodate a situation. So even with the civil penalty provision, they may go to category number three and try to work out a restitution or something along those lines.

LEG. POSTAL:
Yeah. Can I just follow-up? Is there a difference between the Civil Penalties Law that we adopted that was sponsored by Legislator Binder in terms of due process, an appreciable difference with this legislation?

MR. SABATINO:
My recollection is, I mean, it's just civil fines are being imposed. It's going to require the same standards.

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LEG. BINDER:
My recollection is that there were courts involved with the civil fines in the other bill.

LEG. POSTAL:
Well, if I could -- if I could -- well, go ahead.

LEG. BINDER:
Do you have the other -- do you have the other legislation?

LEG. POSTAL:
While you're looking, Mr. Sabatino --

MR. SABATINO:
We have to pull out -- I know it's Local Law 1 of 2000. I'll have to go in the back and pull the book, but --

LEG. POSTAL:
Yeah. I'm going to address both that question and the question of cost by sharing a memorandum that was sent to Ted Sklar, who was here a little earlier, by Yvonne Pena, the Director of the Human Rights Commission, regarding the implications of passing I.R. 1207, because there was some concern about whether there would be additional costs. And I think that the memo not only addresses that question, but also addresses the issue of due process, because Yvonne points out that enactment of this law would not require any additional full-time staff members. The agency is currently at full staff and they already accept and investigate allegations of discrimination in these areas. She said, "The law does, however, create the responsibility for an adjudication of administrative complaints filed at the County level. This responsibility can be contracted out to outside law firms or attorneys who would be enlisted as hearing officers for the final stage of complaint processing. As I'm sure you're aware, many cases we process do not ultimately end up at the stage of a formal hearing. Many are conciliated, withdrawn or found to be lacking in merit. Those that the Office deemed to be a probable cause finding would be the only cases being heard before the hearing officers or administrative law judge."

"In a cooperative agreement between our department and whatever law firm is selected, we can pay them on a case-by-case basis, since we

will be utilizing their services for only a few days per month at most. Further, since the Commission has the authority to promulgate its own rules and procedures, it is conceivable that payment of this expense could be required of the respondent in those instances when the Administrative Law Judge upholds the initial probable case" -- "probable cause finding."

Now, she also points out that if we had this law in effect this year, and as I say, the intent of this law is not to collect revenue, but there is concern about the potential cost. If we had this law in effect, she points out that we would have collected $375,000 in fines. And what she suggests, too, is that the objective of the Human Rights Commission is to alleviate discrimination, and she hopes, and I think that this is a valid hope and expectation, that the existence of the

legislation would act as a deterrent to those inclined to break the law. So that, you know, I would imagine that the word would go out, if a case of alleged discrimination was investigated and found to actually be a case of discrimination and there was the imposition of the penalties, that the word would go out. And, in fact, she says that there would be cases conciliated more quickly and there would be -- she anticipates fewer cases of discrimination or alleged discrimination. So I think that that really addresses both issues.

LEG. BINDER:
Well, except that I wonder if we got a copy of the -- of 1 of 2000, because I -- my recollection, though it's never been implemented, it seems now in a year-and-a-half of -- since it's been passed, my recollection of it, and it's been a year-and-a-half since I've looked at it, is that the Human Rights Commission was the referring agency to the Court and the Court would adjudicate and not the adjudication happening at the Human Rights Commission, but I'd have to take a look at it, and that would be a major difference.

D.P.O. POSTAL:
Well, Mr. Chairman -- where is the Chairman? Is there anyone else? Are there any other questions? Make copies of this for everybody.

LEG. CRECCA:
You are the Chairman.

LEG. CARACAPPA:
Roll call.

D.P.O. POSTAL:
Okay. All right. We have a motion. Is there -- there was a motion to approve and a second. Roll call.

(Roll Called by Mr. Barton)

LEG. POSTAL:
Yes.

LEG. FIELDS:
Yes.

LEG. CARACCIOLO:
Pass.

LEG. GULDI:
To approve?

D.P.O. POSTAL:
Yes.

LEG. GULDI:
Yes, to approve.

LEG. TOWLE:
(Not Present)

205

LEG. CARACAPPA:
Pass.

LEG. FISHER:
Yes.

LEG. HALEY:
Pass.

LEG. FOLEY:
Yes.

LEG. LINDSAY:
Yes.

LEG. ALDEN:
Oh, me? Yes.

P.O. TONNA:
The other Legislator Alden.

LEG. CARPENTER:

Yes.

LEG. CRECCA:
Pass.

LEG. D'ANDRE:
No.

LEG. BISHOP:
Yes.

LEG. BINDER:
No.

LEG. COOPER:
Yes.

P.O. TONNA:
Pass.

LEG. CARACCIOLO:
Abstain.

LEG. CARACAPPA:
Abstain.

LEG. TOWLE:
Abstain.

MR. BARTON:
Legislator Caracappa's an abstention.

LEG. HALEY:
Abstain.

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LEG. CRECCA:
Yes.

P.O. TONNA:
Yep.

LEG. FIELDS:
Cosponsor.

MR. BARTON:
Twelve.

P.O. TONNA:
Okay. Let's move on with the agenda. All right. Bond Resolution Number 1367 (Amending the 2001 Capital Budget and Program and appropriating funds in connection with the replacement of Caumsett Radio Tower at Caumsett State Park, Town of Huntington). Motion by myself.

LEG. FOLEY:
Second.

P.O. TONNA:
Seconded by Legislator Foley.

(Roll Called by Mr. Barton)

LEG. TONNA:
Yes.

LEG. FOLEY:
Yes.

LEG. CARACCIOLO:
Yes.

LEG. GULDI:
Yes.

LEG. TOWLE:
Yes.

LEG. CARACAPPA:
Yep.

LEG. FISHER:
Yes.

LEG. HALEY:
Yes.

LEG. LINDSAY:
Yes.

LEG. FIELDS:
Yes.

LEG. ALDEN:
Yes.

P.O. TONNA:
Can you do me a favor? Switch the sponsor of this -- I mean, not the sponsor, but switch the motion by -- to Legislator Cooper.

LEG. BINDER:
The movant.

LEG. BISHOP:
The movant.

LEG. BINDER:
The movant.

P.O. TONNA:
Okay.

P.O. TONNA:
But, Legislator Cooper, get on this, all right?

(Roll Call Continued by Mr. Barton)

LEG. COOPER:
Yes.

LEG. CARPENTER:
Yes.

LEG. CRECCA:
Yes.

LEG. D'ANDRE:
Yes.

LEG. BISHOP:
Yes.

LEG. BINDER:
Yes.

LEG. POSTAL:
Yes.

MR. BARTON:
18 on the bond.

P.O. TONNA:
Great. Same motion, same second, same vote. 1381 (Accepting and appropriating grant funds in the amount of 29,500 from the New York State Division of Criminal Justice Services for the Suffolk County Police Department to continue the Sexual Assault Nurse Examiner (SANE)

208

Program with 75% support). Motion by Legislator Carpenter, seconded by --

LEG. BISHOP:
No. Motion. My motion.

P.O. TONNA:
It's your motion?

LEG. BISHOP:
My program.

P.O. TONNA:
Legislator Bishop, seconded by Legislator Carpenter. All in favor? Opposed? Approved. 1382. Motion by --

MR. BARTON:
18.

P.O. TONNA:
(1382-Accepting and appropriating grant funds in the amount of $12,000 from the County Fire, Rescue and Emergency Services Commission). Whose program is this? Legislator Carpenter, seconded by Legislator Crecca. All in favor? Opposed? Approved.

MR. BARTON:
18.

P.O. TONNA:
1386 (Approving the appointment of Craig Zitek as a member of the Suffolk County Fire, Rescue and Emergency Services Commission). Motion by?

LEG. CRECCA:
Motion.

P.O. TONNA:
Legislator Crecca, seconded by Legislator Carpenter. All in favor? Opposed? Approved.

MR. BARTON:
18.

P.O. TONNA:
Okay. 1387 (Approving the appointment of Edward Tully, Jr., as a member of the Suffolk County Fire, Rescue and Emergency Services Commissioner). Motion by?

LEG. CRECCA:
Motion.

P.O. TONNA:
Legislator Crecca, seconded by Legislator Carpenter. All in favor? Opposed? Approved.

209

MR. BARTON:
18.

P.O. TONNA:
Okay. We're going to say 1388 (Approving the appointment of Thomas J. Richardson as a member of the Suffolk County Fire, Rescue and Emergency Services Commission), same motion, same second, same vote.

1389 (Approving the appointment of Alfred Waters as a member of the Suffolk County Fire, Rescue and Emergency Services Commission), same motion, same second, same vote.

MR. BARTON:
18.

P.O. TONNA:
1390(Approving the appointment of Drew Silverman as a member of the Suffolk County Fire, Rescue and Emergency Services Commission), same motion, same second, same vote.

MR. BARTON:
18.

P.O. TONNA:
1391 (Approving the appointment of Scott W. Davonski as a member of the Suffolk County Fire, Rescue and Emergency Services Commission), same motion, same second, same vote.

MR. BARTON:
18.

P.O. TONNA:
1392 (Approving the appointment of Norman Reilly, Jr., as a member of the Suffolk County Fire, Rescue and Emergency Services Commission), same motion, same second, same vote.

MR. BARTON:
18.

FINANCE AND FINANCIAL SERVICES

P.O. TONNA:
1384 (Authorizing the County Executive to execute an agreement with the Suffolk County Detective Investigators Police Benevolent Association, Inc., covering the terms and conditions of employment for employees covered under Bargaining Unit #12 for the period January 1, 2000 through December 21, 2003). Motion by Legislator --

LEG. CARACCIOLO:
Motion. Motion.

P.O. TONNA:
-- Guldi.

LEG. POSTAL:
Caracciolo.

210

P.O. TONNA:
Caracciolo?

LEG. GULDI:
Second.

LEG. CRECCA:
Second.

P.O. TONNA:
Okay. Seconded by -- okay, guys, jump on this one. Legislator Crecca. All right. Is this the -- is this for the union that has less than 50 members?

LEG. ALDEN:
Yes, it is.

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

MR. BARTON:
18.

PUBLIC WORKS & TRANSPORTATION

P.O. TONNA:
Okay. 1342 (Authorizing Public Hearing for the authorization of rate

alterations for the North Ferry Co., Inc. For Ferry Boat Service between Shelter Island Heights, New York and the Village of Greenport, in the Town of Southold, New York). Is there a motion? Legislator Caracciolo?

LEG. GULDI:
This one's yours, Mike.

LEG. CARACCIOLO:
Is this a mandated public hearing?

P.O. TONNA:
1342? No?

LEG. FOLEY:
Got to have a public hearing.

P.O. TONNA:
Oh, okay. Is this a public hearing?

LEG. CARACCIOLO:
Well, I intend to have plenty of hearings before we consider this, so --

P.O. TONNA:
Okay.

211

LEG. CARACCIOLO:
All right. Yes.

P.O. TONNA:
Motion to table?

LEG. FOLEY:
No, no. We need to have a public hearing.

LEG. CARPENTER:
No. You have to have a hearing.

LEG. CARACCIOLO:
You have to have a public hearing, yes.

LEG. GULDI:
Second.

P.O. TONNA:
Okay. If it's mandated to have a public hearing --

LEG. POSTAL:
We have to pass the resolution.

LEG. GULDI:
Why do we need a resolution?

P.O. TONNA:
Oh, we have to pass the resolution for -- okay. Motion by Legislator Caracciolo, seconded by Legislator Foley. All in favor? Opposed? Approved.

MR. BARTON:
18. Public hearing is set.

P.O. TONNA:
1366 (Appropriating funds in connection with the improvements to the H. Lee Dennison Building, Hauppauge), bond. Motion by Legislator --

LEG. FISHER:
Second.

LEG. CRECCA:
Crecca.

P.O. TONNA:
-- Crecca. Or who wants this?

LEG. CRECCA:
I'll take it.

P.O. TONNA:
Okay. Legislator Fisher and Foley. All right. Fisher, then Foley, or Foley, then Fisher.

LEG. FISHER:
Foley, then Fisher.

P.O. TONNA:
Foley, then fission. Fisher. Fisher. Okay, fission. All right.

(Roll Called by Mr. Barton)

LEG. FOLEY:
Yes.

LEG. FISHER:
Yes.

LEG. CARACCIOLO:
Yes.

LEG. GULDI:
Yes.

LEG. TOWLE:
Yes.

LEG. CARACAPPA:
Yes.

LEG. HALEY:
Yes.

LEG. LINDSAY:
Yes.

LEG. FIELDS:
Yes.

LEG. ALDEN:
No.

LEG. CARPENTER:
Yes.

LEG. CRECCA:
Pass.

LEG. D'ANDRE:
Yes.

LEG. BISHOP:
Yes.

LEG. BINDER:
No.

LEG. COOPER:
Yes.

LEG. POSTAL:
Yes.

LEG. TONNA:
Yes.

LEG. CRECCA:
Yes.

MR. BARTON:
16-2 on the bond.

P.O. TONNA:
Same motion, same second, same vote. 1383 (Approving a construction agreement between Suffolk County Sewer District No. 13-Windwatch and Motor Parkway Associates). Motion by Legislator Lindsay, seconded by Legislator Foley.

LEG. CRECCA:
No. This is --

P.O. TONNA:
It's your district?

LEG. CRECCA:
It's my district.

P.O. TONNA:
I'm trying to figure it out.

LEG. CRECCA:
Thanks.

P.O. TONNA:
Legislator Crecca. That's why I was like Legislator . . .

LEG. CRECCA:
Yep. Sorry.

P.O. TONNA:
Crecca. Seconded by Legislator Lindsay. All in favor? Opposed? Approved.

MR. BARTON:
18.

HEALTH

P.O. TONNA:
Okay. 1385 (Appropriating funds in connection with the replacement of mammography van). Motion by Legislator Fields.

LEG. FOLEY:
Second.

214

P.O. TONNA:
Seconded by Legislator Foley.

P.O. TONNA:
Roll call.

(Roll Called by Mr. Barton)

LEG. FIELDS:
Yes.

LEG. FOLEY:
Yes.

LEG. CARACCIOLO:
Yes.

LEG. GULDI:
Yes.

LEG. TOWLE:
Yes.

LEG. CARACAPPA:
Yes.

LEG. FISHER:
Yes.

LEG. HALEY:
Yes.

LEG. LINDSAY:
Yes.

LEG. ALDEN:
Yes.

LEG. CARPENTER:
Yes.

LEG. CRECCA:
Yep.

LEG. D'ANDRE:
Yes.

LEG. BISHOP:
Yes.

LEG. BINDER:
Yes.

LEG. COOPER:
Yes.

215

LEG. POSTAL:
Yes.

P.O. TONNA:
Yep.

MR. BARTON:
18 on the bond.

P.O. TONNA:
Great.

LEG. FOLEY:
Cosponsor, please.

P.O. TONNA:
All right.

LEG. TOWLE:
Cosponsor as well.

LEG. CARPENTER:
Cosponsor.

P.O. TONNA:
Great.

LEG. COOPER:
Cosponsor.

P.O. TONNA:
We got two CN's in front of us. We have CN Number 1486, requiring the Directors of the Legislature Budget Review and the County Executive's Budget Review Office to issue a report recommending whether or not the

full 1% -- it should be one cent, right. One cent sales and compensation use tax needs to be extended beyond 2003. It's just a study.

LEG. HALEY:
Why do we need a CN?

P.O. TONNA:
Legislator Cooper, a motion, seconded by myself.

LEG. GULDI:
On the motion.

MR. BARTON:
Mr. Chairman, who made the motion?

LEG. HALEY:
Motion to defer to committee.

LEG. CARPENTER:
Isn't this a moot point?

216

LEG. CARACAPPA:
Second.

P.O. TONNA:
What?

LEG. CARPENTER:
It is.

P.O. TONNA:
You know something --

LEG. CARPENTER:
On the motion.

LEG. GULDI:
On the motion.

P.O. TONNA:
-- in a certain sense -- go ahead, Legislator --

LEG. GULDI:
On the motion. When -- since when and under what rule do we need a resolution to ask BRO to do a report?

LEG. CARPENTER:
It's ridiculous.

LEG. FOLEY:
That's correct, too. George, you're absolutely right.

LEG. CRECCA:
It's a cooperative report between --

P.O. TONNA:
Ask the sponsor.

LEG. CRECCA:
It's a cooperative report between -- well, I'll let the --

LEG. GULDI:
Since when and under what rules do we need a resolution to do a cooperative report between --

P.O. TONNA:
Okay. This is what I would say. George --

LEG. GULDI:
-- our Budget Review Office and the Finance Office?

P.O. TONNA:
George, why don't you ask the sponsor of the bill. Legislator Cooper?

LEG. GULDI:
Anybody.

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LEG. COOPER:
Can I defer to Legislative Counsel? I don't --

P.O. TONNA:
Okay. We're going to defer to you, Paul. Good luck.

LEG. COOPER:
As to whether the resolution is required in this case.

MR. SABATINO:
If you want to require, mandate, make absolutely certain that by a date certain a joint certification, which is what this resolution is talking about, a joint certification from two offices, one of which is not in this branch of government, is going to happen, you have to do

it by resolution. Otherwise you're left with good will and good faith. So if you want --

P.O. TONNA:
And you know where that leads us.

MR. SABATINO:
If you want to have -- if you want to have direction to a department that's outside of your own jurisdiction, which is what's required to have a joint certification, you need legislation.

LEG. CARACCIOLO:
Motion.

P.O. TONNA:
Okay.

LEG. HALEY:
Defer to committee.

P.O. TONNA:
Okay. There is a motion and a second.

LEG. FOLEY:
Motion to defer essential.

P.O. TONNA:
Who's the motion to defer?

LEG. HALEY:
I made a motion to defer to committee.

P.O. TONNA:
Okay. Is there a second?

LEG. GULDI:
Yeah, I'll second that.

P.O. TONNA:
Okay. On the motion to defer, roll call.

(Roll Called by Mr. Barton)

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LEG. HALEY:
Yes.

LEG. GULDI:
Yes.

LEG. CARACCIOLO:
No.

LEG. TOWLE:
Pass.

LEG. CARACAPPA:
No to defer.

LEG. FISHER:
No.

LEG. FOLEY:
Yes to defer.

LEG. LINDSAY:
No.

LEG. FIELDS:
Yes.

LEG. ALDEN:
Yes.

LEG. CARPENTER:
Yes.

LEG. CRECCA:
No.

LEG. D'ANDRE:
Yes.

LEG. BISHOP:
No.

LEG. BINDER:
Yes.

LEG. COOPER:
No.

LEG. POSTAL:
No.

P.O. TONNA:
No.

LEG. CARACCIOLO:
Motion to approve.

LEG. TOWLE:
No to defer.

P.O. TONNA:
What do you got? What do you got, Henry?

MR. BARTON:
Eight.

P.O. TONNA:
Eight, okay. Motion to approve we have by Legislator Cooper, seconded by Legislator Tonna, I think okay.

MR. BARTON:
Yeah, I got it.

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

LEG. GULDI:
Opposed.

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

LEG. FOLEY:
Which one?

LEG. FISHER:
1486.

P.O. TONNA:
We're still on 1486, Brian.

MR. BARTON:
17.

P.O. TONNA:
Okay. 1487 (Implementing budget cuts for equipment, supplies, travel, special services and fees for services to partially offset sales and compensating use tax increase without property tax increase). Motion by Legislator Crecca, seconded by Legislator Tonna.

LEG. FOLEY:
Motion to defer.

LEG. CARACCIOLO:

Hold on. Hold on.

P.O. TONNA:
Okay.

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LEG. FISHER:
Second.

P.O. TONNA:
On the motion.

LEG. FOLEY:
Motion to defer.

P.O. TONNA:
On the motion to defer. Oh, by Legislator Foley, motion to defer?

LEG. FISHER:
Second.

LEG. FIELDS:
To committee.

LEG. FOLEY:
To committee.

LEG. FISHER:
To committee.

P.O. TONNA:
And seconded by Legislator Fisher to defer to committee.

LEG. CRECCA:
On the motion.

P.O. TONNA:
On the motion, Legislator Crecca.

LEG. CRECCA:
Yeah. What I'm going to do is I'm going to ask -- there's a backup that was just handed out to everyone. If everyone remembers, the County Executive issued a memorandum back I believe it was in March of this year asking departments or directing departments to make budget cuts on furniture, equipment, travel, and nonprogrammatic services in the amount of --

P.O. TONNA:
Legislator Crecca has the floor.

LEG. CRECCA:
In the amount of 25% and 10%, depending on the areas. What the -- what this bill represents is cutting certain appropriations. These monies have been earmarked as monies that have been transferred out from -- within the department from one area of the department to the another for supplies and travel. It's part of trimming down and being fiscally prudent. These monies have already been transferred by the Budget Director. And now what this will do is this will actually strike the appropriations. The County Executive does not have the authority to strike appropriations, only the Legislature does. And I'm going to ask for a brief explanation on it, because he can probably do it better than I can, from Fred Pollert. Fred.

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P.O. TONNA:
Okay. Can I -- can I just ask a question?

LEG. FOLEY:
Why don't you go through committee with it? It may have merit to it --

P.O. TONNA:
I just have --

LEG. FOLEY:
-- but let it go through committee.

P.O. TONNA:
Well, I'm just looking at the backup.

MR. POLLERT:
Right. But the backup needs a little bit of clarification. What the backup includes is it's a download of all accounts that were transferred from the County Executive to the 5,000 subobjects. It includes everything. Legislator Crecca's bill --

P.O. TONNA:
All right. These aren't the ones that are just being cut.

MR. POLLERT:
It includes the ones being cut outside of contract agencies. The County --

P.O. TONNA:
Okay. But I have contract agencies here.

MR. POLLERT:
They are not being cut by Legislator Crecca's bill.

P.O. TONNA:
Okay. All right.

MR. POLLERT:
The backup includes all items which were reduced by the County Executive's Office. Just the ones that do not deal with contract agencies is what is being reduced by Legislator Crecca's bill. They include no contract agencies, nor does it include reductions in FRES.

P.O. TONNA:
Right, okay.

LEG. FOLEY:
Mr. Chairman.

P.O. TONNA:
So if you look at the backup -- just wait one second, Legislator Foley.

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LEG. CRECCA:
This backup is not part of the resolution.

P.O. TONNA:
This is not part of the resolution. And when you see contract agencies being cut, they're -- you know, they're actually not being can you tell.

MR. POLLERT:
That's correct.

LEG. FOLEY:
Mr. Chairman, this very well may have merit, but I think it should go through the committee system so that this can be looked at more -- you know, with more attention and --

LEG. FISHER:
Absolutely.

LEG. FOLEY:

-- see what comes out of that process. But I think that would be the more prudent approach.

LEG. POSTAL:
I have a question. I have a question. Question.

P.O. TONNA:
Okay, yes.

LEG. POSTAL:
Yeah. Does the -- for our Counsel. Does the County Executive unilaterally have to the right to make these reductions for equipment, supplies, travel, special services and fees for service?

MR. SABATINO:
Up to 10% in an individual account. The difference, though, between what the County Executive can do under the Administrative Code and what's being proposed under this legislation of the County Charter is that this legislation will strike the appropriations. So the appropriation will not exist someplace else as a potential offset to be used later down the road. That the County Executive can't do in his own capacity. So there is a distinction with a difference in terms of this bill versus what you normally think of in terms of the Executive acting.

P.O. TONNA:
Okay, great. Let's -- okay. Let's vote. All right. On the --

LEG. FOLEY:
Motion to defer.

P.O. TONNA:
On the motion to defer to committee, roll call.

(Roll Called by Mr. Barton)

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LEG. FOLEY:
Yes to defer.

LEG. FISHER:
Yes.

LEG. CARACCIOLO:
No.

LEG. GULDI:

Yes.

LEG. TOWLE:
No.

LEG. CARACAPPA:
No.

LEG. HALEY:
No.,

LEG. LINDSAY:
Yes.

LEG. FIELDS:
Yes.

LEG. ALDEN:
Yes.

LEG. CARPENTER:
Yes.

LEG. CRECCA:
No.

LEG. D'ANDRE:
No.

LEG. BISHOP:
Yes.

LEG. BINDER:
No.

LEG. COOPER:
Yes.

LEG. POSTAL:
Yes.

P.O. TONNA:
No.

MR. BARTON:
Ten.

P.O. TONNA:
Okay, deferred to committee. All right. Now we have the Sense Resolutions.

MS. BURKHARDT:
Wait. Two late-starters. Do those first.

LEG. FOLEY:
Which committee is that going to, Mr. Chairman?

P.O. TONNA:
That's going to go to Finance. Okay. Number 1488 (Authorizing the County Comptroller and County Treasurer to transfer funds from the Discretionary Budget to the Mandated Budget to cover costs associated with Deputy Sheriff's Benevolent Association Agreement). I'm going to make a motion to lay this on the table and 1489 (Authorizing the County Comptroller and County Treasurer to transfer funds to cover costs associated with contract agreements for the Deputy Sheriff's Benevolent Association and the Detective Investigators Police Benevolent Association). I'll make a motion, second by Legislator Postal. 1488 will be assigned to Finance, and 1489 will be assigned to Finance. All in favor? Opposed? Approved.

LEG. POSTAL:
Mr. Chairman.

P.O. TONNA:
Okay. Go ahead.

LEG. POSTAL:
I'd like to --

P.O. TONNA:
Wait, wait. Let's do the Sense Resolutions first.

LEG. POSTAL:
I know, that's exactly what I'm doing.

P.O. TONNA:
I know, but I want to -- I've got 15 minutes.

LEG. POSTAL:
I know.

P.O. TONNA:
I want to do these and then you'll -- we'll --

LEG. POSTAL:
Okay. You promise.

P.O. TONNA:
Yes, we'll get it done.

SENSE RESOLUTIONS

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Okay. Sense 4 (Memorializing resolution requesting Governor of the State of New York to extend project labor agreement requirements to local school districts). Motion by Legislator Haley, seconded by myself. All in favor? Opposed?

LEG. FISHER:
Motion to table.

P.O. TONNA:
Okay.

LEG. FIELDS:
Second.

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

LEG. CARPENTER:
Roll call.

P.O. TONNA:
Okay, roll call.

LEG. FISHER:
On the motion, if I could just make a quick comment.

P.O. TONNA:
Yes.

LEG. FISHER:
I have asked for a motion to table out of deference and respect to the Superintendent's Association of Suffolk County. The School Superintendents did not know anything about this sense, and I would like to just table it for one cycle, so that Jack Kennedy could meet with the Superintendent's Association and discuss this with them. I would ask you to just table it for one cycle.

P.O. TONNA:
All right, fine. Okay. There's a motion and a second to table. Roll call.

(Roll Called by Mr. Barton)

LEG. FISHER:
Yes.

LEG. FIELDS:
Yes.

LEG. CARACCIOLO:
Yes.

LEG. GULDI:
Yes.

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LEG. TOWLE:
Yes.

LEG. CARACAPPA:
To table, no.

LEG. HALEY:
Pass.

LEG. FOLEY:
Pass.

LEG. LINDSAY:
No.

LEG. ALDEN:
Yes. This is to table? No.

LEG. CARPENTER:
No.

LEG. CRECCA:
No.

LEG. D'ANDRE:
No.

LEG. BISHOP:
Yes.

LEG. BINDER:
No.

LEG. COOPER:
Pass.

LEG. TOWLE:
Change my vote to a no, Henry.

LEG. POSTAL:
Yes.

P.O. TONNA:
No to table.

LEG. HALEY:
Yes.

P.O. TONNA:
To table?

LEG. HALEY:
Yes.

LEG. FOLEY:
No.

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LEG. COOPER:
No.

LEG. CARACCIOLO:
Motion to approve.

LEG. CRECCA:
Second.

P.O. TONNA:
Okay. There's a motion and a second already to approve. Just wait.

MR. BARTON:
What was your vote, Mr. Cooper?

LEG. COOPER:
What is your vote on the tabling motion, Legislator Cooper?

LEG. COOPER:
No to table.

MR. BARTON:
No.

P.O. TONNA:

Yeah, okay. There you go.

MR. BARTON:
Seven.

P.O. TONNA:
Okay. Now there is a motion and a second to approve. Roll call.

(Roll Called by Mr. Barton)

LEG. HALEY:
Yes.

LEG. TONNA:
Yes.

LEG. CARACCIOLO:
Yes.

LEG. GULDI:
Pass.

LEG. TOWLE:
Yes.

LEG. CARACAPPA:
Yep.

LEG. FISHER:
No.

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LEG. FOLEY:
Yes.

LEG. LINDSAY:
Yes.

LEG. FIELDS:
No.

LEG. ALDEN:
Yes.

LEG. CARPENTER:
Yes.

LEG. CRECCA:
Yes.

LEG. D'ANDRE:
Yes.

LEG. BISHOP:
Yes.

LEG. BINDER:
Yes.

LEG. COOPER:
Yes.

LEG. POSTAL:
Yes.

LEG. GULDI:
Yes.

MR. BARTON:
16.

LEG. FIELDS:
Change my vote to a yes.

LEG. CARACAPPA:
Cosponsor, please, Sense 4.

MR. BARTON:
Seventeen, 17-1.

LEG. CRECCA:
Thank you.

P.O. TONNA:
Okay. Sense 10 (Memorializing resolution requesting State of New York to ensure equitable representation in Long Island Power Authority Board leadership and requesting Nassau County to help fund consumer

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protection).

LEG. HALEY:
Motion.

P.O. TONNA:

Motion.

LEG. CARACAPPA:
Cosponsor.

P.O. TONNA:
Seconded by Legislator --

MS. BURKHARDT:
Haley.

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

MR. BARTON:
18.

P.O. TONNA:
Okay. (Sense 29-Memorializing resolution requesting State of New York to repeal gross receipts tax on energy.) Motion by Legislator Caracciolo, seconded by --

LEG. CRECCA:
On the motion.

P.O. TONNA:
Wait. I got to get a second. Seconded by Legislator Binder. All right.

LEG. CRECCA:
I just have a question. I thought -- and I could be wrong. Didn't the Governor already do this?

LEG. FOLEY:
Gross receipts tax, Mike.

LEG. CRECCA:
The gross receipts tax on energy?

LEG. CARACCIOLO:
No.

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

LEG. FOLEY:
Cosponsor.

LEG. CARPENTER:
Cosponsor.

MR. BARTON:
18.

LEG. CRECCA:
Cosponsor.

P.O. TONNA:
Sense 30 (Memorializing resolution requesting State of New York to enact field trip policy). Motion by Legislator Fisher.

LEG. FOLEY:
Second.

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

MR. BARTON:
18.

P.O. TONNA:
Sense 31 (Memorializing resolution requesting State of New York to ban all future unfunded mandates via constitutional amendment). Motion by Legislator Fields.

LEG. POSTAL:
Second.

P.O. TONNA:
Seconded by Legislator Postal. Ban all future unfunded mandates -- oh, yeah. All in favor? Opposed? I love this one. Okay, approved .

MR. BARTON:
18.

P.O. TONNA:
32 (Memorializing resolution requesting State of New York to require safety devices for gym partitions). Motion by myself.

LEG. POSTAL:
Second.

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

MR. BARTON:
18.

P.O. TONNA:
33 (Memorializing resolution requesting State of New York to extend Suffolk County authorization for DWI ignition interlock device). Motion by Legislator Cooper.

LEG. CRECCA:
Second.

231

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

MR. BARTON:
18.

P.O. TONNA:
34 (Memorializing resolution requesting State of New York to allocate portion of 911 cellular telephone surcharge to municipalities).
Motion by myself.

LEG. CARPENTER:
Second.

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

MR. BARTON:
18.

P.O. TONNA:
Home Rule Message Number 1 (Home Rule Message requesting Ne York State Legislature to grant retirement service credit to Suffolk County employee (Eileen F. Kelly). Motion by Legislator D'Andre.

LEG. FOLEY:
Second.

LEG. CARACCIOLO:
Second.

LEG. CRECCA:
Second. Second.

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

LEG. POSTAL:
Mr. Chairman.

P.O. TONNA:
Legislator Postal.

LEG. POSTAL:
Yes. I would like to make --

MR. BARTON:
Everybody was in favor, 18.

LEG. POSTAL:
I would like to make a motion --

P.O. TONNA:
Don't leave, guys.

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LEG. POSTAL:
-- to waive the rules, discharge and vote on Sense 17, which has been distributed to you, which is a memorializing resolution requesting State of New York to extend the Emergency Tenant Protection Act of 1974, ETPA --

LEG. HALEY:
Motion to defer.

P.O. TONNA:
Okay. Hold it.

LEG. POSTAL:
-- to Suffolk County senior citizens

LEG. BISHOP:
On the motion.

P.O. TONNA:
Okay, wait. There has to be a second.

LEG. FIELDS:
Second.

LEG. CARACCIOLO:
Second.

LEG. FISHER:
Second.

LEG. CARACCIOLO:
Second.

P.O. TONNA:
Second by Legislator Caracciolo.

LEG. HALEY:
Motion to defer to committee.

P.O. TONNA:
Okay. There's a motion to defer to him committee. Is there a second.

LEG. FOLEY:
It's not out of committee, so that's not --

LEG. CRECCA:
On the motion.

P.O. TONNA:
It's not out of --

LEG. POSTAL:
It's not out of committee.

LEG. FOLEY:
You can't defer.

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LEG. CRECCA:
On the motion, Mr. Chairman.

P.O. TONNA:
Yes.

LEG. CRECCA:
As we stated last time, this has not gone through the committee process. In committee, we decided to hold hearings on it and those hearings have not taken place yet. I would ask Legislators to respect the committee process and not try to subvert the committee process.

LEG. POSTAL:
Mr. Chairman, on that -- on that issue.

P.O. TONNA:
Yes, on that issue.

LEG. POSTAL:
First of all, I would ask, just for some attention.

P.O. TONNA:
Wait. I'd ask that staff stop crinkling your papers and just wait. Let --

LEG. POSTAL:
On that issue, we just had a resolution that came to us on CN, Introductory Resolution 1487, which proposed to make cuts in travel, equipment, supplies, and, you know, it was a rather momentous resolution sponsored by Legislator Crecca. So, obviously, it went to committee, but his intention was for us to vote on it, because he requested a Certificate of Necessity. This resolution has been in committee. You'll notice that it was laid on the table March 13th . It has been in the committee for quite sometime.

LEG. HALEY:
For a reason.

LEG. POSTAL:
And --

LEG. CRECCA:
One cycle.

LEG. POSTAL:
Yes. And let me tell you that I would guess that in every one of the Legislative districts, there are senior citizens whose leases are expiring, who are being given new leases at rent increases of 25%, 35%, 50%, because I'm hearing from them. I'm hearing from them not only in my district, but in all of your districts. And I suggest that if there are questions about this, let's discuss it now, let's discuss it openly before the full Legislature, rather than not considering it and ignoring the situation in which these senior citizens are finding themselves.

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LEG. ALDEN:
On the motion.

P.O. TONNA:
Yes, yes, yes, Legislator Alden.

LEG. ALDEN:
Invitations have gone out to not only Nassau County, who implemented this to see how it's working out in Nassau County, but a whole list of other people from New York State Affordable Housing Corporations, to Community Development Agencies, to the Suffolk County Community Development Agency, the federal -- to Department of HUD. There's --

and it's not really a parallel study, but it's -- there was a group that looked at barriers to housing and they included some of these studies about senior citizen housings and that group is ongoing. I was a member of that study group for about four years and it's still ongoing. They look at new problems. They've got a whole bunch of reports that on this. Members of that committee were invited to the -- to our committee to discuss this whole issue. So I would just ask, you know, if you give it a shot, you know, let these people come before us, we're going to have a whole -- you know, all the information that would be available to us and to make an intelligent informed decision, then.

LEG. HALEY:
Mr. Chairman. Mr. Chairman.

LEG. D'ANDRE:
Mr. Chairman.

LEG. HALEY:
On the motion. On the motion.

LEG. POSTAL:
Mr. Chairman. Mr. Chairman.

P.O. TONNA:
Yes, yes.

LEG. HALEY:
On the motion.

P.O. TONNA:
On the motion, Legislator Haley.

LEG. HALEY:
First of all, Macro Economics 101, okay, rent control has the -- has the capacity to have profound effect on housing. All right? Just from that perspective alone, I think we need to do a couple of things. We need to -- first of all, we need to do the homework that Legislator Alden referred to. Secondly, I think we need to give the opportunity for landlords and tenants and the public to come down and speak to us before we railroad something like this at the last -- at the eleventh hour fifty-ninth minute, so to speak.

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LEG. D'ANDRE:
Mr. Chairman.

D.P.O. POSTAL:
D'Andre was next. Okay. Legislator D'Andre.

LEG. D'ANDRE:
If you can suffer an interruption, we had sent out invitations inviting people for this hearing.

LEG. HALEY:
What hearing?

LEG. D'ANDRE:
On this bill.

LEG. CRECCA:
We're doing a hearing in committee.

LEG. HALEY:
We don't have a hearing yet

LEG. BISHOP:
Everybody wants the hearing.

D.P.O. POSTAL:
You know, it seems to me that there's a discussion going on. I understand that there is. I'm next on the list. I wanted to ask, first of all, if I could ask Legislator Alden, what was the name of the group?

LEG. ALDEN:
{LIPI}.

D.P.O. POSTAL:
What does that stand for?

LEG. ALDEN:
Long Island -- it was --

LEG. BINDER:
Builders Institute.

LEG. ALDEN:
No. It was a housing project to study barriers to homeownership and --

D.P.O. POSTAL:
And who were the members of this group, or some of the members?

LEG. ALDEN:
HUD. HUD sent their regional director and four or five other people from their staff. All the Community Development Agencies in all the different towns sent their people. New York State Affordable Housing Corporation. Suffolk County. Joe Sanseverino was a member of the committee. I'm trying to remember, you know, off the top of my head,

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but it was -- and Nassau County was represented there, too. Nassau has already instituted this, so they were invited.

D.P.O. POSTAL:
Have they come up with a study, with a report?

LEG. ALDEN:
It's ongoing and they had a number of different types of studies. Some of them are just -- you know, would deal with the issue of barriers to homeownership, and then others dealt with just, you know, like, why we don't have enough affordable housing on Long Island, things of that nature, for seniors and for other people.

D.P.O. POSTAL:
Well, can I ask what date this public -- these people have been invited for?

LEG. ALDEN:
To the next -- to Mike's --

D.P.O. POSTAL:
So it's the next cycle.

LEG. ALDEN:
Mike's next Vets and Seniors Committee.

D.P.O. POSTAL:
Okay. I would just like to -- and I would -- I would be willing to table this for one cycle, but I would then alter my motion to discharge it and table it to the next meeting, but --

LEG. CARACCIOLO:
Second.

LEG. HALEY:
Second.

D.P.O. POSTAL:
But let me -- okay.

LEG. CRECCA:
Marty.

LEG. HALEY:
We're leaving.

LEG. ALDEN:
Well, then --

P.O. TONNA:
Guys, no, let's just kill it.

D.P.O. POSTAL:
Well, then I will continue. Let me just address something that Legislator Haley said. First of all, there were people who came to the Vets and Seniors Committee, both tenants and senior citizen

tenants, and advocates for senior citizens and tenants, who spoke in support of this and were there in support of this. But I would like to correct a real misconception. This is not rent control. And I will go through the process very --

LEG. HALEY:
It is.

D.P.O. POSTAL:
Excuse me. If I -- I didn't interrupt you.

P.O. TONNA:
You talked me into it, let's bring it back to committee.

D.P.O. POSTAL:
If I'm -- I'm still --

P.O. TONNA:
You want to table it? If there's a motion to table, you'll stop?

D.P.O. POSTAL:
If there's a motion to discharge it and table it --

P.O. TONNA:
No.

D.P.O. POSTAL:
-- on the floor. No? Okay. Then I would like to explain exactly what this does and why this is not rent control. What this does is to ask the State of New York to allow Suffolk County the option of being protected under ETPA, which Nassau County, Rockland County and Westchester County do --

LEG. HALEY:
Doesn't make it right.

D.P.O. POSTAL:
Marty, I didn't interrupt you one time. Which those three counties

already have. Then once it comes back to us, then we complete the process and we appoint a board of members that set guidelines for the percentage of rent increase each year, which is based on -- excuse me, Marty.

LEG. HALEY:
I could shake my head.

LEG. POSTAL:
Which is based on a number of factors, including the cost of living increase, any major economic factors that play into how much rent should increase. And, by the way, this only is eligible where there is a 5% vacancy rate or less. Our vacancy rate in this County is less than 1% for rentals.

LEG. FISHER:
It's also multiple dwellings.

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LEG. POSTAL:
So it's also multiple dwellings. There have to be more than six units. And, by the way, once it comes back to us and we do enact that and we do appoint that board, then every municipality within Suffolk County, every town, every village then has the option to opt in or not opt in. So the County's action is just to give those towns and villages the opportunity to make a choice.

LEG. FISHER:
Henry, I'm a cosponsor.

LEG. POSTAL:
Then each year, the Rent Guidelines Board sets a percentage based on the economic factors by which landlords can request rent increases from their tenants. However, it also considers special requests from property owners, developers, landlords that would justify rent increases of greater than the percentage guideline, which would include hardship of the owner, major improvement, major rehabilitation, so that this is not rent control. It does set a realistic increase, but it does not allow routinely landlords to raise senior citizens' rent by 25% at the end of a lease or more.

Furthermore, if an owner is suffering from hardship or has made a major improvement or major rehabilitation, then that landlord can secure an increase of greater than the amount that the guideline is set for the coming year. The rent -- once this is adopted, by the way, let's say this is adopted and a town or a village opts in, the initial rent is that which exists at the time the village opts in. So if a

complex is charging 8.25 a month for a one-bedroom apartment at the time it's adopted, that's the beginning level, that's the floor. So that's the difference between this and rent control, and I think it's very important that we recognize that there is a difference.

LEG. HALEY:
Rent control by any other name is still that you profess is still rent control. As soon as you go -- as soon as you make an attempt, okay, to limit what landlords could do, all right, and rent in a free market, you have a problem. It's still rent control. And I think, you know, this is a very, very significant policy that we need to look at very carefully before we implement it, very carefully.

LEG. POSTAL:
Well, there is --

LEG. HALEY:
Because, you know what, let me tell you something, any landlord, having been one, the instant you limit his profit, you could affect the level of services that he otherwise gives to his tenants and you could actually -- to the detriment to the operation of that facility.

LEG. POSTAL:
Well, there's a motion to table and a second, I believe, or keep it in committee. Is that the motion?

LEG. HALEY:
The motion is to keep it in committee.

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P.O. TONNA:
Motion to defer to committee.

LEG. POSTAL:
Okay.

LEG. HALEY:
Second.

P.O. TONNA:
To keep it in committee.

LEG. CRECCA:
It's not out yet, guys.

LEG. HALEY:
No, it's not out, it's in committee.

P.O. TONNA:
All you got to do is say no and it stays in committee.

LEG. POSTAL:
All right. Then --

P.O. TONNA:
Just say no and it stays in committee.

D.P.O. POSTAL:
Then I have altered my motion to be a motion to discharge this and table it on the floor.

LEG. BISHOP:
Second.

LEG. FOLEY:
Second the motion.

P.O. TONNA:
Okay.

LEG. FOLEY:
Second the motion.

LEG. HALEY:
On the motion.

LEG. POSTAL:
Yes. The motion is just to discharge it from committee.

LEG. HALEY:
Mr. Chairman.

P.O. TONNA:
You got a -- you got a motion to -- wait.

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LEG. POSTAL:
But I'm making a commitment that I will table it on the floor.

P.O. TONNA:
I'm losing my gavel.

LEG. HALEY:
Motion is to discharge.

P.O. TONNA:
I'll let the Legal Counsel decide whether that's a legal motion. The motion, as I understand, is a motion to discharge and table.

MR. SABATINO:
The motion is to discharge, but Legislator Postal I think is saying that --

LEG. POSTAL:
I said there's a commitment to table it.

MR. SABATINO:
She's doing it for the purpose of then making a second motion to table on the floor.

LEG. POSTAL:
Right.

MR. SABATINO:
So the actual motion is --

P.O. TONNA:
Okay.

MR. SABATINO:
Motion to discharge.

P.O. TONNA:
Roll call.

MR. SABATINO:
If that gets decided --

P.O. TONNA:
Roll call.

LEG. HALEY:
Motion to discharge.

P.O. TONNA:
Roll call. Discharge motion.

LEG. HALEY:
On the motion to discharge.

P.O. TONNA:
Just let's do the roll call.

(Roll Called by Mr. Barton)

LEG. POSTAL:
Yes.

LEG. FOLEY:
Yes.

LEG. CARACCIOLO:
Abstain.

LEG. GULDI:
(Not Present)

LEG. TOWLE:
(Not Present)

MR. BARTON:
Not present.

LEG. CARACAPPA:
No to discharge.

LEG. FISHER:
Yes.

LEG. HALEY:
No way.

LEG. LINDSAY:
Yes.

LEG. FIELDS:
Yes.

LEG. ALDEN:
No to discharge.

LEG. CARPENTER:
No.

LEG. CRECCA:
No.

LEG. D'ANDRE:
No to rent control.

LEG. BISHOP:
Yes.

LEG. BINDER:
No.

LEG. COOPER:
Yes.

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LEG. TONNA:
No.

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

P.O. TONNA:
Okay. So there is -- it's just -- no, that's it. It's in committee.
Meeting adjourned.

[THE MEETING WAS ADJOURNED AT 6:30 P.M.]

{ } INDICATES SPELLED PHONETICALLY

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