

SUFFOLK COUNTY LEGISLATURE

GENERAL MEETING

TENTH DAY

JUNE 5, 2001

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

MINUTES TAKEN BY LUCIA BRAATEN AND ALISON MAHONEY, COURT REPORTERS
MINUTES TRANSCRIBED BY LUCIA BRAATEN, ALISON MAHONEY AND DONNA BARRETT

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

P.O. TONNA:

Would all Legislators please come to the horseshoe. Henry, we'll get ready for a roll call in a couple of seconds. Roll call.

(Roll Called by Mr. Barton)

LEG. CARACCIOLO:

Here.

LEG. GULDI:

Here.

LEG. TOWLE:

(Not Present)

LEG. CARACAPPA:

(Not Present)

LEG. FISHER:

(Not Present)

LEG. HALEY:

(Not Present)

LEG. FOLEY:

Present.

LEG. LINDSAY:

Yeah.

LEG. FIELDS:

Here.

LEG. ALDEN:

(Not Present)

LEG. CARPENTER:

Here.

LEG. CRECCA:

Present.

LEG. D'ANDRE:

Here.

LEG. BISHOP:
Here.

LEG. BINDER:
(Not Present)

LEG. COOPER:
Here.

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LEG. POSTAL:
Here.

P.O. TONNA:
Here.

MR. BARTON:
Twelve present.

P.O. TONNA:
Thank you very much. Could we all rise for the salute to the flag led
by Linda Burkhardt.

(Salutation)

thank you very much. Okay. Due to the -- you could sit -- oh,
actually -- yes, we'll sit down for a second. Actually, if everyone
could stand, that's what I should say. We do not have a clergy today,
and everybody knows, with my seminarian training, I won't bore you,
but maybe we could have a moment of silence for those killed in the
recent bombings and terrorist attacks in Israel.

(Moment of Silence)

Thank you very much. Okay. We have a few proclamations: Okay.
Legislator D'Andre, we'll let you go first.

LEG. D'ANDRE:
Well, that's great.

P.O. TONNA:
Age before beauty.

LEG. D'ANDRE:
I'll tell you.

P.O. TONNA:
There you go.

LEG. D'ANDRE:
You better watch it, I have two winning teams here.

P.O. TONNA:
I know, I can see them.

LEG. D'ANDRE:
And they're pretty girls.

P.O. TONNA:
All right, Legislator D'Andre.

LEG. D'ANDRE:
All right. We're coming up. We're very fortunate today. We have --

P.O. TONNA:
Isn't it nice to get out of school for a little while, you know? How

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many of you would have been here if it was July? Give me a break.
No, I'm teasing, I'm teasing. Anyway, thank you. Legislator D'Andre.

LEG. D'ANDRE:
We don't know whether this was a beauty contest or a winning team, but these lovely young ladies here, and these boys are really looking, let me tell you, they have won a tough -- the lacrosse game. They have been the champions. I don't know how you kids look so demure and you did it. That's a tough game, but you did it, and still managed to keep your composure. Very good.

And, Mr. Chairman, I won't read it all, but just one little "whereas".
"Whereas, the Suffolk County School Girls Lacrosse Championship was recently held at the Kings Park High School. Whereas, girls lacrosse is relatively a new sport in Kings Park High School and in its sixth year at the varsity level." Two people who have a major part in the program and the future direction are Coach Sally Ayres. Is she here?

MS. AYRES:
Yes, I am.

LEG. D'ANDRE:
Coach, stand up. Let's see what you look like. Very good. Let's give her a hand.

(Applause)

Very good. And Coach Mike Quigley.

(Applause)

MR. QUIGLEY:
Thank you.

LEG. D'ANDRE:
You got to be good material to bring out this winner, let me tell you. It goes without question, they also remind their athletes that they are students first and foremost and proud of their over 90% average. You kids are fantastic. So without further ado, shall I hand this to the coach?

P.O. TONNA:
Yeah.

LEG. D'ANDRE:
Yes, yes.

P.O. TONNA:
Why don't you bring the kids around and -- or the coaches and then go out and take a picture with them, Legislator D'Andre.

LEG. D'ANDRE:
Let me get a look at them. Come down here in a circle. We're going to get a picture. Come down and make a circle in here. Come on.

(Applause)

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P.O. TONNA:
Okay. And then we'll do a picture in the lobby? Is that a good place to do the picture? Yeah.

LEG. D'ANDRE:
As soon as they're seen here.

P.O. TONNA:
Sure. Congratulations, ladies.

LEG. D'ANDRE:
Move on down.

LEG. D'ANDRE:
Now, guys, how do you like that? These are some lovely girls from

Kings Park High School. Look at the genes in these kids. Let me tell you. They've got to have beautiful parents. And, Mr. Chairman, these are representative of the Kings Park High School, and they are pretty, let me tell you, one and all. Let's give them a big round of applause.

(Applause)

And coach, coaches, is that plural? We're going to meet in the hall for pictures. We've got some good camera people.

P.O. TONNA:
Great.

LEG. D'ANDRE:
We've got to get these kids.

P.O. TONNA:
Congratulations, ladies. Congratulations, coaches. Thanks, Mike.

LEG. D'ANDRE:
Okay.

P.O. TONNA:
Okay. Go right out there. What I'm going to do, Michael, is some other procs are going to be handed out and then you can come back to recognize the young men.

LEG. D'ANDRE:
Look at these young ladies.

P.O. TONNA:
Okay. Michael, here's the other proclamation. Go ahead.

LEG. D'ANDRE:
Okay. Now it's the boys' turn.

P.O. TONNA:
Men, young men, Mike, young men.

LEG. D'ANDRE:
Look at the crew cuts. These guys are real Americans, let me tell you.

P.O. TONNA:
I feel like the Jay Leno Show and there's a little dialogue going back

and forth and Mike's the band leader.

LEG. D'ANDRE:

Get up and get in front, front and center. And are the coaches here? Coach, come on forward. Coaches. You're the coach?

Good looking young guys, the crew cuts, let me tell you. Uncle Sam's looking for you. All right. Here we have a championship team who wasn't satisfied with just winning one event, they had to go out last night and win another championship. Let's give them a big round of applause.

(Applause)

P.O. TONNA:

This is for baseball, Mike?

LEG. D'ANDRE:

This is baseball. Coaches Rottkamp and Durland have also instilled in their athletes that there are victories to be had, as evidenced by Kings Park High School Boys Baseball Team cumulative average of over 90%. This Smithtown -- I mean, Kings Park is something else. They got low taxes and championship teams. I don't know what -- where Eddie, my aide is a school board member there. I don't know where they get this combination, but the combination it is. Boys, not many did your feat there, I don't think, winning two championships, have they? Are you the first?

MR. HOGAN:

That's their first Long Island championship for the school. That's why it's very special.

LEG. D'ANDRE:

First Long Island championship for the school. I'll tell you, look at that guy, six-foot-nine. Wow. No wonder these guys, they were invincible. So, Mr. Chairman, will you lend your --

P.O. TONNA:

Yes.

LEG. D'ANDRE:

Your congratulatory to these young men?

P.O. TONNA:

Absolutely. Young men, congratulations.

LEG. D'ANDRE:

And who's the coach?

P.O. TONNA:

I see the coaches right there. They're the only ones with the hair that's a little thinning. I see them.

LEG. D'ANDRE:

John Rottkamp? John Rottkamp is the coach. I don't know how you brought it out on these guys, but you brought it out. They won two championships. That's big, let me tell you. And I guess you got all good grades, too, or you couldn't play, right?

(Affirmative Response)

LEG. D'ANDRE:

Right coach?

MR. DURLAND:

That's right.

LEG. D'ANDRE:

Okay.

P.O. TONNA:

All right.

LEG. D'ANDRE:

So it's a double whammy for you guys, triple whammy.

P.O. TONNA:

There you go.

LEG. D'ANDRE:

Good grades, two wins. So meet in the lobby. We'll take pictures.

P.O. TONNA:

Right. Just keep the men and the women separate, Mike. Make sure there's decorum at all times.

LEG. D'ANDRE:

These guys deserve rewards.

P.O. TONNA:

There you go.

LEG. D'ANDRE:

They're champions. Okay, let's go out front.

(Applause)

P.O. TONNA:

We'll talk to you later. Congratulations, young men.

LEG. D'ANDRE:

Coach. That's for you, coach.

MR. RODCAMP:
Thank you very much.

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P.O. TONNA:
There you go.

LEG. D'ANDRE:
You made us proud.

P.O. TONNA:
Okay. Legislator Bishop? Where is Legislator Bishop? Okay. I'll do mine.

LEG. BISHOP:
Is it my turn?

P.O. TONNA:
Hey, Michael. How are you? Why don't you come up and all the Board members, John, Eric, Jim and Steven Jones.

Well, as you know, it wasn't -- it seems like probably yesterday for some people, though I wasn't born, the -- we're celebrating the 50 years of the Suffolk County Water Authority. And water protection has always been something on -- foremost on the minds of Legislators for years, way before I even knew how to spell "Legislature." And to tell you quite honestly, it's an honor, with Board members, the Executive Director, and Michael here as the Chairman, to recognize them for the fine job that they have done, to continue those 50 years, and for the future of great water quality here in Suffolk County. So, gentlemen, congratulations, and congratulations to all the employees of the Suffolk Water Authority.

(Applause)

MR. LOGRANDE:
Thank you. First, I want to thank the Suffolk County Legislature, all of you who have been most supportive and very helpful. I know that last year we asked for Steve Jones, and I said, "You're not coming unless you confer with each one of the members of the Legislature and he did so, and we recognize that it was a great tribute to the Water Authority that you did so. You also have a great Planning Director replacing Steve Jones, so you should know that, because Tom Isles worked with me for a number of years.

The other thing I want to say very quickly is that all those athletes that you say up here drink Suffolk County water. I thought you should be aware of that.

The Water Authority started off 50 years ago with 22,000 customers. Today we have 350,000 customers. We serve over 90% of Suffolk County, which are your constituents and your citizens. We have an obligation to those people to continue to serve them with honor and integrity. Our rate increases in the last 11 years have amounted to less than 15% over the 11 year period, and we are still 40% below the national average in terms of cost. And this year, the Water Authority will exceed \$1 billion in terms of its capital assets, making us a fairly large organization. And when I got there in 1990, we had 610 employees, today we have 605, I want you to know, so we're working

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very hard to try to do a good job as efficiently as can to serve all of our constituents and our customers, the people of Suffolk County. And I thank you very much for this great proclamation, we appreciate it. Thank you.

(Applause)

P.O. TONNA:

Again, congratulations. Ginny do you or Cameron want to say anything?

LEG. ALDEN:

For purity and taste, you really can't beat the Suffolk County water.

(Applause)

LEG. FIELDS:

I just want to say that yesterday I had the privilege of attending their 50th anniversary at the Water Authority in Oakdale, which is in my district. They had a 400 pound cake. And one of the things that was very, very unusual about their celebration was they didn't use any plastics or garbage type of cups for their coffee or plates, and when they toasted, they toasted with real glasses with Suffolk County water in it, and it was really very, very nice. Congratulations.

MR. LOGRANDE:

Thanks. Thank you very much.

D.P.O. POSTAL:

Legislator Bishop.

LEG. BISHOP:

Thank you, Legislator Postal, colleagues and guests. Good morning.

One of the rules that I try to follow as a Legislator is not to torture my constituents too much, so when we had Volunteer Recognition Month a month ago, I didn't have my volunteers come, because that was the meeting that we were doing the Farmingville day-laborer controversy and I knew it was going to take hours and be very arduous, and you deserve better than that. So would my volunteers step forward, because they should be recognized for the wonderful people that they are. Mary Jo Poldino and Gelsie Clark are two people who make my job a lot easier. They are the founders of the West Babylon Beautification Society, which started up 16 years ago. And during those more than one decade of service, they have made a great difference in the community. They've done walkways, beautification plantings, the famous windmill. But the Beautification Society in West Babylon doesn't just deal with beautification, it's also an integral part of the community that donates to families in need and people who are ill. For all that good work, you've been selected as the 14th Legislative District Volunteer of the Year, the Year 2001. You are one entity, a team. You do a terrific job with the other people in the Beautification Society and I deeply appreciate it. Congratulations.

(Applause)

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D.P.O. POSTAL:

Okay. The first speaker on the public portion -- each of you has three minutes. First speaker is Karen Boorshtein. Karen?

MS. BOORSHTEIN:

Thank you. My name is Karen Boorshtein. I'm the Associate Executive Director at Family Service League, and I'm here today to speak in support of Resolution 1480, sponsored by Legislator Cooper.

Helping children and their families through post adoption period is an area of concern for Family Service League. Caring for children is a priority of Family Service League, and with an array of services which work to strengthen all families, we stand ready to help families for the post adoption period.

FSL's position to help provide post adoption service, with offices throughout the County, we can help children make the adjustment to their adoptive home, specifically for those children who qualify for our mental health clinics. We're able to see them in our offices located on the East End. And with the addition of an in-home crisis mobile team for children, we are able to provide post adoption counseling right in the home for children residing south of the

William Floyd Parkway.

Our staff of New York State certified social workers in our counseling programs have the expertise and experience in working with children. Helping children going through transitions, dealing with their roots, sense of family and belonging are all areas of -- our staff have experience in.

On behalf of Family Service League, our Board of Directors and staff, thank you for continuing to address the needs of children through the Post Adoption Counseling Service's pilot program and for your trust and confidence in Family Service League. Thank you.

D.P.O. POSTAL:

Thank you, Karen. The next speaker, Paul Hill.

P.O. TONNA:

Go ahead, Paul.

MR. HILL:

Okay. I kind of hoped that my Legislator, David Bishop, would be here present for my comments. Is he expected back soon?

D.P.O. POSTAL:

He just stepped out in the hall. He presented a proclamation and he's just out in the hall. I'm sure he'll be back in another minute.

MR. HILL:

You want me to --

D.P.O. POSTAL:

He can --

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P.O. TONNA:

Yeah, you want to hold and we'll --

MR. HILL:

I'll just move back one person?

P.O. TONNA:

Sure. Sure, why don't we do that. Okay. Michael, why don't you give your proclamation. Maybe by that time, Paul, you'll have an opportunity. I love that first name. That's a good first name.

LEG. D'ANDRE:

Mr. Chairman, we have with us this morning a man called Vinny Sanders, who, without any legislation or without any orders, goes out and helps people, shave them, cleans them, without pay, volunteers. I mean, it's something you just don't see every day. And when Eddie called my attention to it, I said young man has to be given a proclamation --

P.O. TONNA:
Absolutely.

LEG. D'ANDRE:
-- and recognition for his work. Where's Vinny? Will you stand up, Vinny? Come down front here, please. I tell you. There are wonderful, nice people in life, we may not always see them, but this man, without compensation, just maybe a thank you that he may get here or there, has helped a lot of unfortunate people who can't help themselves.

Whereas; Vinny has worked with Uncle Phil's since high school graduation in 1994. He has since graduated with honors from Farmingdale and now tends Hofstra University full-time with a major in accounting and maintaining a perfect 4.0 average.

P.O. TONNA:
That's pretty good.

LEG. D'ANDRE:
Now some guys can't have 4.0 without doing side work. He does side work and maintains a 4.0. That's just fantastic, Vinny. Vinny is presently doing his accounting internship at a firm in Farmingdale. That just shows you what you can do if you really try. And, Vinny, I can only tell you, I have to applaud you loudly. Let's give Vinny a nice round of applause

P.O. TONNA:
Yeah, let's give him a hand.

(Applause)

LEG. D'ANDRE:
You're just wonderful symbol to a lot of people what can be done when you got a big heart and a little ambition, and we're proud of you, Vinny.

P.O. TONNA:
Congratulations, Vinny.

LEG. D'ANDRE:
So congratulations.

P.O. TONNA:
Congratulations from the Suffolk Legislature.

LEG. D'ANDRE:
Thank you, Mr. Chairman.

P.O. TONNA:
Why don't you go out there and take a picture with him, Mike. What do you think?

LEG. D'ANDRE:
I would be proud to.

(Applause)

P.O. TONNA:
Okay. There you go. Okay. Paul, since Legislator Bishop is here and you wanted him to hear your comments, I think we could continue .

MR. HILL:
Thank you. Good morning. My name is Paul Hill. I live at 39 Cormack Court in the Village of Babylon, and I'm here to ask you to vote yes on the No Spray List bill, Number 1292.

My wife Mary Ellen and I settled in Babylon in 1984. We chose Babylon as a place we felt comfortable starting a family. Like most people, we made an effort to make certain our children have had the best opportunity to be born and grow up healthy and free from chronic diseases, which claim more victims every year. My wife and I both have cancers in our family histories and we've molded our life choices to minimize the potential exposure of carcinogens to our children. To the degree it's economically feasible, we eat organically grown foods. We buy locally grown produce when it is in season, and we avoid toxic dyes and additives, among other things. Our organic garden includes fruits, vegetables, berries and herbs. Our house was built in the early 1900's. It's a balloon construction style house and air circulates freely through the walls. There is no insulation to block it. Closing windows will not keep pesticides away from our children or us.

Scourge is made of resmethrin, piperonyl butoxide and inert ingredients. Anvil employs sumithrin in place of resmethrin. Both are pyrethroid insecticides.

According to a report published in Environmental Health Perspectives on the effects of household and garden pesticides, "The specific chemicals associated with children's brain cancers were pyrethrins and pyrethroids." The study found that risk was significantly elevated for prenatal exposure.

The Physiological Institute at Ludwig Maximilian University in Munich, Germany, studying the effects of acute exposure to resmethrins in humans, found that although a majority of complaints disappeared at the end of exposure, several effects were still seen in patients after more than two years. Among these long-term symptoms were reduced intellectual performance, neuropathological problems and nervous disorders.

The Department of Environmental Toxicology at Uppsala University in Sweden found low dose exposure to pyrethroids resulted in irreversible changes in adult brain function in mice when exposure took place during the growth period.

Pyrethroids are known to break down easily in the environment, however, exposure occurs when inhaled, as they go instantaneously from the lungs into the bloodstream. Inert ingredients make up about 28% of the pesticides being sprayed. These are petroleum based chemicals, many of which are known to be endocrine disrupters and are persistent once released in the environment. Over half of the mixture is piperonyl butoxide. It is acutely toxic and does not break down easily in the environment.

Let's not be lulled by the term "low toxicity". Everyone can be affected by exposure to pesticides.

D.P.O. POSTAL:
Mr. Hill.

MR. HILL:
It only takes one exposure to unleash the full array of health impacts these toxins render.

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

MR. HILL:
Please provide us this modicum of protection, so our assiduous, life-long efforts to avoid chronic disease for our children and ourselves can continue.

LEG. BINDER:
Madam Chair.

D.P.O. POSTAL:
Thank you.

(Applause)

LEG. BINDER:
Madam Chair could I --

D.P.O. POSTAL:
Yes.

LEG. BINDER:
Could I ask one question.

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D.P.O. POSTAL:
Mr. Hill. Mr. Hill, there's --

LEG. BINDER:
Mr. Hill.

D.P.O. POSTAL:
Mr. Hill, there's a question.

LEG. BINDER:
Thank you.

D.P.O. POSTAL:
Legislator Binder has a question.

LEG. BINDER:
If I could just ask you a question. Your real concern is breathing it in, I assume that's -- so your -- what your concern is that there, that you don't know it was coming, that you're --

MR. HILL:
No, it goes beyond that. The resmethrin only makes up 18% of the mixture. The other 82% is persistent in the environment, so it gets into the ground and the water and will get into my -- the crops I'm growing in my house and --

LEG. BINDER:
Well, they --

MR. HILL:
And there'll be continual exposure.

LEG. BINDER:
Well, then here's a question. The bill will only provide for 150 feet from your property.

MR. HILL:

Yes.

LEG. BINDER:

If it's 150 feet from your property, you're going to get plenty of exposure. And you know it can't be exact, so they might start turning it on within 100 feet.

MR. HILL:

Yes.

LEG. BINDER:

So with a minimal a wind, your going to get as much as your neighbor anyway. So in what way does this -- all of a sudden do you feel protected by something that you're going to be exposed anyway?

MR. HILL:

Well, for one thing, passage of this legislation would be tantamount to recognition of an individual's right not to be exposed to hazardous

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chemicals, so I like it --

(Applause)

LEG. BINDER:

Well, when you say an individual's -- when you say --

MR. HILL:

I like it for that reason.

LEG. BINDER:

When you say an individual's right not to be exposed, you're not talking about property, you're talking about you should have the right not to be somewhere when they're spraying -- when they're spraying this --

MR. HILL:

I live at my house.

LEG. BINDER:

I understand. So what if --

MR. HILL:

Okay. So I don't really want them coming over there.

LEG. BINDER:

So what if you were able to get notification, even to your home, you were able to be notified in plenty of time to make sure that you and

your family, should you decide not to be at your house during the spraying, to make sure you won't be there?

MR. HILL:
Why don't they just not spray? Okay?

(Applause)

LEG. BINDER:
Well, because of West Nile and there are other -- there are other public health concerns that we are dealing with and that's the answer to your question, but -- so -- and as we're trying to do a balancing and we look at 150 feet, which doesn't change the amount, or it doesn't change whether --

MR. HILL:
I agree. I would extend it to 500.

LEG. BINDER:
Well, we don't have that, that's not before us.

MR. HILL:
I mean, I'm serious, I would extend it to 500 feet.

LEG. BINDER:
Well, it's fine, but that's not before us. That's not something we're going to decide on. We're deciding on whether 150 feet, which could turn into 120 or 100, whatever they --

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MR. HILL:
Okay.

LEG. BINDER:
-- they turn it on. So that --

MR. HILL:
I'll address the specific question then; okay? If you turn the truck off at 150 feet, okay, well, suppose the pregnant woman who lives kitty-corner from me also doesn't want to be sprayed, okay, and maybe Jack {Horsman} doesn't want to be sprayed, he has kids living at his house, okay, we have a few newborns on the block, maybe those people don't want to be sprayed, maybe we could ban together and we can have an effect, okay --

(Applause)

-- so that I don't have to worry so much about the 150 feet, but so that we -- our community could be free from being sprayed.

LEG. BINDER:

Right. And maybe those babies --

MR. HILL:

Our block of Cormack Court.

LEG. BINDER:

And they're worried about West Nile, and maybe those babies, you can probably -- who are at most risk, then maybe they are concerned, and so they're concerned that you ban together and their baby is possibly exposed, because their whole block's not going to get sprayed --

MR. HILL:

Well, I did --

LEG. BINDER:

And have it also.

MR. HILL:

I did speak with my neighbors this weekend and I know they really don't want to be sprayed. And to be certain --

LEG. BINDER:

That's why we're balancing. We're balancing.

MR. HILL:

To be certain, West Nile Virus, okay, will affect a certain number of individuals, but this spray will affect everyone. Everyone will be exposed to this spray. I don't have the choice here, as you say. Okay? What I would like is 150 feet. Maybe I'll get lucky, it will be a low wind day, but I would like 150 feet from my house and I would like recognition that we have a right to live on our property and not have it contaminated through the act of our government.

(Applause)

P.O. TONNA:

Legislator Towle, you have a proclamation to give? Okay.

LEG. TOWLE:

Good morning, Mr. Chairman. My apologies for doing this at such a late hour of the morning, but, unfortunately, because of the traffic, the children that are joining us this morning arrived late.

I'd like to call up a few people, if I could. First, Jessica Kelly, Nick Jones, Daniel Roland, and Charles Scarangelo, I'm probably pronouncing that last name wrong, from Mrs. Pezzullo and Mrs. Kilmartin's class at Tangier Smith Elementary School and from the William Floyd High School. In fact, if the two teachers would join us also this morning. Jesse, I'm sorry. Thank you. That's good. I'm glad you're up here. Come on over here. You could probably help in a second.

A few months ago, we had started on a program here in the County Legislature in reference to possibly banning the plastic six-pack rings, and from that piece of legislation, which we tabled, we were able to put together a program in the William Floyd School District, a discovery program on this environmental concern, and to give the children an opportunity to take part in what we take part in each and every day as lawmakers. They had the opportunity to research this issue to determine what its impacts would be environmentally, economically, and also on our society as a whole. They spent sometime doing research and taking numerous field trips to different facilities throughout the County, learning more about plastic rings and their affect on our society, and I know they want to speak briefly about that this morning.

But to recognize the students and the teachers for the enormous amount of time and effort and energies that they've spent, my office this morning prepared a proclamation commending the William Floyd School District for taking part in this program, and for the research and efforts that they have done, that they plan to share with us this morning. And we're very grateful for their efforts, and we hope that the experience they took part in was a very rewarding and a promising one. And we appreciate your help and support.

P.O. TONNA:

Let's give them a round of applause, maybe.

(Applause)

Legislator Towle, you're going to take a picture in the back or --

LEG. TOWLE:

Yeah. I think they want to make a few comments.

P.O. TONNA:

Oh, you want to make a -- go ahead.

MR. SCARANGELLO:

Hi. Good morning. My name is Charles Scarangelo and I'm here from

the William Floyd High School.

This project probably wouldn't have been started if it wasn't for Nick Jones and the fourth grade students from Tangier Smith Elementary School. Although Nick's reasons for writing to Mr. Towle about the dangers of plastic six-pack rings differ from the reasons for the fourth graders writing, it was their concern for the environment that led to the writing of this piece of legislation. Mr. Towle's bill caught the attention of ITW Hicone, the leading manufacturer of these rings, also known as yolks, and they asked that research be done on the topic, which led to the involvement of the William Floyd High School Environmental Defense Club and Advanced Placement Chemistry class. The Environmental Defense Club researched the environmental aspects of them, and the Chemistry Class researched the chemical aspects. And right now, I'd like to hand the presentation over to Nick, who's going to tell you a little bit about what he's done so far.

(Applause)

MR. JONES:

Good morning. My name is Nicholas Jones. In the summer of 2000, I wrote a letter to Suffolk County Legislator Fred Towle, Jr. This letter was concerning plastic loops used in packaging such as soda. I felt this was a good topic, because Long Island is surrounded by water and these loops can hurt or kill fish and other animals in the water. I wrote this letter as part of a Boy Scout merit badge, citizenship in the community, which says that you must write a letter to a local official concerning a topic that affects your community, which is definitely an issue that should be addressed. When I wrote it, I didn't think that much would happen over one letter. I thought I'd get something back saying, "Thanks, I'll do what I can." Instead, the response I got was, "I'm asking the Counsel of County Legislature to review your suggestions and make a recommendation on how we could regulate this issue," which surprised me. About a month or two later, I received an envelope with six pages in it. It is a proposed law to ban the loops written by Legislator Towle and his staff.

About two months ago, I met with Legislator Towle to discuss this issue and he told me about a school project which determines these loops and how they affect our environment.

Now I would like to hand the presentation back over to Charles Scarangelo, who will introduce the fourth grade speakers.

(Applause)

P.O. TONNA:

Nick, I just have a quick question.

MR. JONES:

Sure.

P.O. TONNA:

What rank are you now?

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MR. JONES:
I'm star.

P.O. TONNA:
Star? Great.

MR. SCARANGELLO:
Hi. I'd like to introduce Jesse Kelly to speak first from the Tangier Smith students.

(Applause)

MR. KELLY:
My name is Jesse Kelly. Two of the fourth grade classes at Tangier Smith had a very exciting adventure, yet it is not over. As we read -- as we read the story "To the Rescue" about a seagull that got a six-pack holder stuck around its wing and neck, we were so mad, we wanted to ban them. So we wrote letters to County Legislator Fred Towle about this problem. He not only wrote back, but he visited us during school. Then we went to the -- then we went to the Legislature. We just wanted to ban those hoops.

Later, we went on more trips and learned there are other ways to solve this problem, like making cool things from our recyclables. The American EcoBoard Company and other companies do. They make furniture and playsets out of recycled plastics. After that, we took a different perspective. We should encourage people to recycle instead of throwing away. Most people don't know they could recycle plastic hoops.

There were 89 entanglements of animals in 11 years in the U.S.A. This number is expected to rise to over 300 just this year. There were one million entanglements worldwide. This problem is getting worse.

The photodegradable plastic hoops take too long to photodegrade, because if they are buried in a landfill, the sun cannot reach them. Other plastic hoops take 450 years to biodegrade, according to the Environmental Protection Agency, EPA.

We thought what would happen if we do ban the rings. Some people could lose their jobs. We understand that, but we need to protect our environment for the future of our planet. We only have one planet. If we have no planet, we have no jobs. We could just go to the Legislature to complain, or we could put more programs in the schools

to let the public know how bad the litter problem really is. We are planning to educate our school district and try to get our district to recycle more materials.

Six days ago, thirteen children from the William Floyd Recycling Clubs visited us and they had the same information about the problem that we did. They said we're on the right track with what we are thinking. We hope to join forces with them and to start getting people to recycle in our community. If this doesn't work, we'll do what we can to ban the hoops. Thank you for your time and consideration.

(Applause)

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MISS POWERS:

Hello. My name is Emma Powers and I'm reading Ashley Jackson's speech. She couldn't be here today, because she's getting fitted for her new wheelchair. This is Ashley's speech.

When we first started with plastic hoops, we proposed to ban them. Since then, our class has learned new things. We learned about this environment helping a company Ecoboard. Ecoboard is a company that makes furniture like tables and chairs out of recycled plastics and Ecoboard looks and feels like wood. Unfortunately, we did not see any plastic hoop rings being used to make the Ecoboard. We would have liked to see companies like Ecoboard include plastic hoop rings in their recycled plastic.

We feel that if we educate people and let them know that plastic hoop rings can be recycled, and let them -- and tell them how we feel, we can get them to help us and it will be easier to accomplish a recycling program for hoops.

We will -- we have been looking at the negative things that will happen if we ban plastic hoops. People could lose jobs that means losing money, yet all is not lost. We can make a new holder out of recyclable biodegradable materials. Thank you for your time. That's how -- this is how I feel about this matter.

(Applause)

MISS CORWIN:

My name is Melissa Corwin and this is my speech about -- okay. My name is Melissa Corwin. My name is Melissa Corwin and this is my speech for the plastic hoop rings.

Imagine that you are a poor baby sea turtle who got a plastic hoop

ring stuck around his stomach, and as you grew, you grew in that same shape as the plastic hoop ring circle. You for sure would have some disabilities, wouldn't you. Or imagine you are a dolphin, a whale, a small fish or even a common seal and you got one of those plastic hoop rings stuck around your neck. Well, very unfortunately, this happens all the time. The plastic hoop rings hurt our environment badly and also create pollution, because they are not biodegradable, and the sad fact is that people don't recycle them. This means that when they are thrown away, they will not dissolve, and that puts an animal who is passing buy a six-pack plastic hoop ring at risk of becoming an innocent victim. Banning them might be the solution to this problem.

Even though some people's work includes making six-packs, they possibly would not lose there jobs, because we could replace the plastic hoop rings with something that is easily recyclable. For example, maybe we could use cardboard, which can be recycled easily. Plastic hoop rings cannot be recycled easily, and when we do try to get rid of them by burning them, the fumes rise upward and damage the ozone layer. To help prevent too much pollution, we can educate other people, young and old, about the damage that plastic hoop rings do to the land and animals around us and maybe they will start recycling plastic hoop rings.

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If we don't do anything about the plastic hoop rings, our future environment could and probably will wilt like a rose freezing in the winter snow. So let's ban those hoops.

(Applause)

MR. FLACK:

My name is Jeffrey Flack and I am in Mrs. Pezzullo's fourth grade class. I don't understand why some people today think it's okay to pollute just because they are not going to be around when the earth is gone. But what would happen if everyone thought the same thing? If everyone polluted whatever he or she wanted, we would all be probably dead the next day. Let's not take any risks to find out. We should try what seems best for us, which in this case is recycling. Next time we should think before we act.

During this year, I noticed we did a lot of recycling. Most of the recycling was with plastic hoop rings. We learned that plastic hoop rings are nonbiodegradable and are going to have to be banned or recycled. First we thought of banning the hoops, but more people than you would imagine might lose their jobs. I think we should try recycling the hoops and finding a new type of soda can storage box. If we cannot work out a way to educate people so that they can recycle

hoops, then they should be banned. So please do Earth and everyone on it a favor by -- educate people by telling them to recycle all plastic hoops, including plastic hoop rings. Thank you.

(Applause)

MR. PASTORE:

My name is Joseph Pastore. Some people recycle and some don't. I'm here today to tell you and the community what I learned about recycling, reusing and reducing waste. Recycling is when you take something old and make it into something new. Reusing is when you use the object again. Reducing waste is when you take your food leftovers and put it in a compost bin. After awhile, it decomposes into rich soil. If everyone would do these things, our world would be a much better place. I hope you would do these things after listening to my classmates and me.

There have been about one million animals entangled from plastic hoop rings all over the world. This is too many animal deaths. We need to educate the public about this. Too many animals are dying or being hurt. Not many people know hoops can be recycled. Besides entanglements, these hoops are filling up our landfills, because they cannot biodegrade. The photodegradable hoops cannot photodegrade if it is buried in a landfill, because the sun cannot get at them. If we cannot get these recycled by educating the community, we want these dangerous plastic hoop rings banned.

(Applause)

MISS PLOURDE:

My name is Victoria Plourde and I attend Tangier Smith Elementary School in Mastic Beach. Over the past several of months, the students

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in Ms. Re-Kilmartin's class have learned and researched a great deal about recycling. The class learned several good, bad and interesting things about recycling.

At the Suffolk County Farm, we learned that each family in Suffolk County produces four pounds of garbage each day. Egg cartons can be made from recycled paper. The most recyclable material is paper. Plastic has been produced since the 1900's. These materials can be broken down to little bits.

As you know, there are bad things that can happen when we don't recycle that can affect all of us. The air gets polluted, the water gets polluted, and animals can get sick. Our landfills are getting larger each day. Ash from our landfill pollutes our air. This makes

for an unhealthy environment for people and animals.

The good thing is that everyone can recycle, reuse or compost. I think people and animals can suffer when we are not taking care of our environment. When we educate children when they are little, they might grow up to be experts on our environment. As you just heard, we all need to participate in a recycling program in order to keep our world clean.

(Applause)

MR. DIAZ:

Hello. My name is Daniel Diaz, and I want to ban the plastic hoop rings instead of throwing them in the trash or attempting to recycle them. One day I was walking down the street and I saw a plastic hoop ring around a bird's neck. I tried to cut it off, but the bird flew away.

Instead of using plastic rings, you should use cardboard boxes. Plastic only causes additional litter. If plastic could dissolve in water, we should make those rings. It takes over 450 years for photodegradable rings to disintegrate. When the sun hits the plastic rings, they only start the process of disintegrating. But once buried under the trash of a landfill, they don't fall apart at all.

Throughout the world, rescue foundations have discovered over one million animals caught in the plastic hoop rings. The rings have been found around the animals' arms, legs and neck. The animals that are most often found caught are dolphins, whales and marine turtles, and others.

I am asking that you strongly consider it a law to ban the plastic hoop rings in Suffolk County. It is time for us to do our part. Thank you for taking time to listen to our discoveries.

(Applause)

MR. GOTTSCHALK:

Hello. My name is George Gottschalk. I am with Mrs. Re-Kilmartin's fourth grade class. We are from Tangier Smith Elementary School in Mastic Beach, and I'm here to talk about banning the six-pack hoop rings.

I think we should ban plastic hoop rings and here is the research I discovered. One is that the rings rank seventh in all time animal entanglements. Recycling hoops just has not worked up to this point.

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As I looked around at American Ecoboard, I did not notice any plastic hoop rings being recycled. This must mean that the rings are entering our landfill and environment instead. This is the major reason I would like to see the hoops banned. One solution is that you can ban plastic hoop rings and carry beverages in cardboard boxes. Another idea is to purchase soda in large bottles.

It is time to take a stand and do the responsible thing to save our environment. Ban the hoops.

(Applause)

MISS BECK:

My name is Amanda Beck. I am a student in Miss Re-Kilmartin's class at Tangier Smith Elementary School. I'm here today after having done several weeks of research to tell you how horrible the plastic hoop rings are. They are dangerous to our wildlife and environment. If you can't ban the hoops right away, could we probably consider introducing the use of cardboard boxes until the hoops can be banned entirely?

Put yourself in place of animal stuck in a plastic hoop ring. You would die from starvation. All of the -- if all these animals keep dying, what would happen to our world? Hoops that become entangled on plants could damage them as well. You can't force people to recycle, but we could take a strong stand to encourage them to do so. Even your own litter can hurt you.

(Applause)

MR. SCARANGELLO:

Next, I would like to introduce Joanna {Kristinage} from the Environmental Defense Club.

MS. {KRISTINAGE}:

Good morning. My name is Joanna {Kristinage}. I am a member of the Environmental Defense Club at William Floyd High School. Recently, we were asked to find information about the environmental impact of the plastic rings. Through much research, we were able to find information on both the national and international level. Some of the information we focused on included the number of rings found versus the total debris collected in cleanups. Also, the number of entanglements of animals from the rings in comparison to the number of entanglements from other types of produces.

Every year an international cleanup is held to try to collect debris found on the coastlines. Between the years of 1988 and 1999, 297,028 rings were collected, which only amounted to .53% of the total debris. Also, between these years, there was a combined total of 86 entanglements from six-pack rings in comparison to the 1,464 entanglements reported. Although this number is relatively small, there has been a steady increase in the number of entanglements.

In the last ten years, the number of known deaths has increased six times its original number. How many deaths have occurred underneath the surface of the ocean that we have not yet discovered?

I would now like to turn the microphone over the advanced placement chemistry students, so they can give you the chemical compounds of plastic rings. Thank you.

(Applause)

MS. {FETALIANO}:

Good morning. My name is Elizabeth {Fetaliano} and this is Steven {Vanotsky}. The AP chemistry class was asked to research the chemical properties of the yolks. After a thorough investigation, we uncovered many important facts concerning the chemical composition, manufacturing and breakdown of the six-pack rings. Here are important facts that we found that may be integral to your decision in regards to the bill.

MR. {VANOTSKY}:

Hello. As the students said, there were studies done where it took -- it would take 450 years for these plastic loops to degrade. Also in Europe, farmers used a photodegradable plastic sheet which they place over the crops and acts like a greenhouse. These sheets take three to four years to break apart, and mind you, that is in direct sunlight. So these hoops, when they're not in direct sunlight, would take even longer to degrade.

I just thought this would be important in consideration of whether to produce biodegradable, photodegradable, or find another solution.

MS. {FETALIANO}:

Pesticides and plastics have common ingredients and are often manufactured at the same site with each other. People who live in the communities where plastics are produced, burned or buried are exposed to toxic and hazardous chemicals. In an EPA ranking of the 20 chemicals whose production generates the most hazardous waste, three of the top six include propylene, ethylene and benzene, ranked respectively first, fourth and sixth. These are chemicals commonly used by the plastic industry. Benzene, a chemical used to create LDPE, and ethylene are know teratogens, meaning they cause the mutations in fetuses.

These are just a few facts that may be imperative to you in your decision. And we appreciate the opportunity to disclose information to you pertaining to the six-pack rings. Thank you for your time.

(Applause)

MR. SCARANGELLO:

This project brought together students with a wide span of ages. It allowed these students an opportunity to research something which affects the real world, and this research will also have an impact on the area in which we live.

We would like to thank you for the opportunity to do this research and

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to participate here at the meeting. And I would like to hand the microphone over to Fred Towle, if you have any closing remarks you would like to make.

(Applause)

LEG. TOWLE:

I appreciate the Legislators' time this morning. And I'd ask all the students from Tangier Smith as well as the high school to stand up, and a big round of applause I think for all their efforts this morning. Thank you.

(Applause)

D.P.O. POSTAL:

Legislator Towle. Legislator Towle, Legislator D'Andre has a question.

LEG. TOWLE:

Unfortunately for Legislator D'Andre, he's going to have to wait until I get to my seat.

D.P.O. POSTAL:

Is your question --

LEG. FISHER:

While they're leaving --

D.P.O. POSTAL:

Legislator Fisher.

LEG. FISHER:

He has a question.

LEG. TOWLE:

Go ahead, Mike.

LEG. D'ANDRE:

I would say normally I'm not for banning things, but if we ban these

rings, they'll come up with a biodegradable type of ring, you can bet on it. They're not going to let this idea go. So I think the first thing to do is to ban it and then we'll look forward for science to bail us out. Instead of for the long haul, for the short haul. They'll develop something that will biodegrade in a couple of years.

LEG. TOWLE:

Needless to say, I don't think this debate's going to end here this morning, so --

LEG. D'ANDRE:

No, no, no. But --

LEG. TOWLE:

But I don't disagree with you.

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LEG. D'ANDRE:

But these kids went out of their way to tell us --

LEG. TOWLE:

Exactly.

LEG. D'ANDRE:

-- the terrible thing that these rings cause.

LEG. TOWLE:

Exactly.

LEG. D'ANDRE:

Thanks, kids.

LEG. TOWLE:

Thank you.

LEG. FISHER:

Madam Chair.

D.P.O. POSTAL:

Legislator Fisher.

LEG. FISHER:

I would just like to thank Legislator Towle for putting this together. And the students and the teachers, it's commendable to see a project that goes through the grades. That's a wonderful teachable moment and you've done the best with it. Thank you very much.

LEG. D'ANDRE:
Very good.

D.P.O. POSTAL:
Thank you.

(Applause).

Legislator Towle, I think that I certainly speak for all of us, we were very impressed with not only the enthusiasm and the articulateness of the students, but the comprehensive approach that they took to this, researching the issue, starting with a premise, doing research, finding other alternatives and more creative solutions, and coming up with recommendations. So it was -- it was really a very mature learning experience and from some very mature students and very talented teachers. And I know we all want to commend the students and teachers and yourself. Thank you.

LEG. TOWLE:
They did a great job.

(Applause)

D.P.O. POSTAL:
Continuing with the public portion. I think we'll just wait one second while the students and teachers exit the auditorium. And just in

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preparation, our first speaker, as we continue the public portion, is Rocco Campanaro, just so that you can get ready. And I think it will just be a minute until we get everybody out into the lobby and close the doors, so that we can all here.

P.O. TONNA:
How are you doing, Rocco?

MR. CAMPANARO:
Good morning, but it's getting near lunchtime.

P.O. TONNA:
I know. We're almost there. If we can get those doors shut, we're in good shape. Okay, great. Rocco.

MR. CAMPANARO:
We're ready? Okay.

P.O. TONNA:
We're ready.

MR. CAMPANARO:

Okay, Chairman Tonna and Legislators. In case you don't know me, my name is Rocco Campanaro. I'm Executive Vice President of Long Island Federation of Labor. I'm here on behalf of the federation, naturally.

The Long Island Federation of Labor is proud to be part of Suffolk County, and we're here to support the Living Wage Bill. We'd like to see it passed. And we understand there's some opposition, but we hope that we can overcome some of that opposition within your party.

We don't have an ulterior motive here representing labor, because people in labor, I'm not talking about signed contracts, all enjoy more than \$9 an hour, I'm glad to say. So when we're asking for \$9 an hour as a living wage, we're not asking for pie in the sky. And we're hopeful that you will see it our way. We have -- labor movement has always been at the forefront of any social movement. We never looked at the situation is it good for union members. We always looked at a situation does it help working men and women, and this bill does help working men and women. And, again, we hope you see it our way.

And I understand that New York State holds the honor of having the largest gap between the rich and the poor, and life in Suffolk County mirrors that gap. We're one of the richest counties in the country. I understand we have 102,000 individuals who live in poverty in this in this county. We think we owe an obligation to those people. I think the government, the County government owes that obligation, and we should do something about correcting it, and correcting it is only a small part of it. The \$9 an hour naturally doesn't correct everything, but it's a step in the right direction.

We are aware that some companies and organizations are crying doom , and they're making all kinds of threats that they'll shut down operations here and there. We don't believe that will ever happen. Those companies are companies and the almighty buck means a lot to them. If they see they're making money, they're not shutting nothing

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down.

So I want to stay within the three minutes. I just want to end up by saying I hope you see it our way. And we certainly urge you to pass this little -- I call it a little bill, it's not a major bill.

P.O. TONNA:

Maybe because the sponsor is short.

MR. CAMPANARO:

And thank you for your time.

P.O. TONNA:

Thank you. Thank you, Campanaro. Thank you.

(Applause)

P.O. TONNA:

Okay. John Ryerson.

MR. RYERSON:

Good morning, Ladies and Gentlemen. John Ryerson, McGuire's Restaurant and Comedy Club. Also Chairman, Board of Directors, Suffolk County Restaurant and Tavern Association. We just met with the sponsor of this bill from the Health Committee, Dave Bishop. He has agreed to meet with us to discuss some of our concerns. At this time, we do understand that this is going to be tabled, so, therefore, I really don't have that much to say. We do thank Dave Bishop for offering to meet with us. Thank you.

(Applause)

D.P.O. POSTAL:

Next speaker is Maxwell Weinstein, Esq.

MR. WEINSTEIN:

I wish to thank the Legislature and the committee for hearing me out before. I'd like to just sum up the position. I represent the public I feel in this matter. We're talking about Resolution Number 1248, which deals with ferry rates. Now, there's no question in my mind that the Fire Island Ferry is entitled to an increase in rates. That's not the issue. The question is how should the rate be apportioned, and whether or not a select few people should be given discounted rates that are unavailable to the general public at large, especially when we talk about a common carrier that is the only means of ingress and egress as a practical matter to get to the Fire Island National Seashore, which is an area that's open to all people and should be used and enjoyed by all people.

My understanding is that they finally came up with a rate for Ocean Beach. They're talking about \$145 that they're looking for in bulk when they buy discounted tickets, 40 or more, but the public I believe will be offered the same tickets at \$195 in bulk, a difference of \$50 per 40 tickets. The Village of Ocean Beach is seeking 2,100 favored treatment tickets or bulk tickets like this. The Village of Saltaire is seeking 1,400 tickets of that type, and Dunewood is seeking, I

believe, at least 200. From what I heard last time from your Budget Committee, at least \$120,000 or more from Ocean Beach alone is being borne by the public because the allocation isn't proper amongst the tickets that are distributed. What I'm really saying is that if a bulk discount is offered to the general public and it's the same as what's offered to a particular locality, that's fine. But when one area is favored and is given a more favored position than any other area, it really is not right. It really is -- smacks of a violation of equal protection.

Now Natalie Katz Rogers is here today, and I presume that she'll be talking, and she's going to tell you how much money the Village of Ocean Beach has spent for improvements of the Village in order to make it attractive for the people the come over. But that was a decision that the Village made, and I might add, a good part of the money that they spent was from grants and aid and other benefits that they got from the federal and state and local government. So that, therefore, it seems to me that the people who come over shouldn't necessarily have to bear the brunt of decisions that were made on the local level by a particular municipality.

I single out Ocean Beach only because they have the largest commercial district on the entire Fire Island National Seashore, and, therefore, they attract more day-trippers or people from the public that come down and use these facilities. Now you would say, "Well, gee, can't we favor certain areas over others?" The answer is not when it comes to the Fire Island National Seashore when we have finite natural resources.

It seems to me that the public at large has to be treated fairly in this matter, and there really is nobody else to speak for them. Fortunately, my client is willing to pay my fee to come down here and talk about an altruistic matter.

D.P.O. POSTAL:

Mr. Weinstein, please sum up. Your time is --

MR. WEINSTEIN:

Yes. In conclusion, I respectfully ask that when you decide the Resolution Number 1248, that you limit the allocation of costs, so that the general public and the various localities pay the same amount, rather than having the public bear the brunt of the expense. Thank you very much.

(Applause)

D.P.O. POSTAL:

Thank you. Next speaker, Lorraine Dittko. Lorraine.

MS. DITTKO:

Hi. My name is Lorraine Dittko, I live in Manorville. I'm here to talk about the Clancy Road Preserve. It's Resolution Number 1415, authorizing planning steps for the acquisition of land.

The preserve is in the southeastern tip of Manorville in Brookhaven Township. The preserve would be approximately 85 acres, 43 of which

are currently preserved as open space and part of an established preserve. The acreage is part of the compatible growth region of the Pine Barrens and is oversaturated with development. Seven new developments totaling 300 homes are in various stages of progression in this region within one-half mile of the proposed preserve on Clancy Road, destroying the natural beauty of this region and further burdening the Eastport School District, which cannot sustain additional students. The addition of 39.9 acres to the existing County preserve would create a swath of greenery, an oasis, amid the ongoing destruction of this beautiful area. We've received great support from Parks Commissioner Peter Scully, Legislator Michael Caracciolo, and County Planning Department Director Tom Isles and Brookhaven Supervisor John J. LaValle.

I urge you to help us out here. We really need help in that area. It really is a very popular area, I know that, but there's a great natural resource that we're losing very quickly, and I hope you will vote for this. Thanks.

(Applause)

D.P.O. POSTAL:

Thank you. Next speaker, Jeff Tempera.

MR. TEMPERA:

Good morning. I'm here to speak with regard to the living wage resolution. It came up in committee and I had an opportunity to bring up some concerns of the Labor Department at that time, and many of the concerns were met in a corrected resolution filed by Legislator Bishop. However, I think before the resolution is considered, you have to understand the administrative impact it will have on the Labor Department.

In trying to determine the workload associated with this, we tried to get a handle on how many contracts there are in the County. There are approximately, on a survey we did last year, somewhere in the area of 900 service contracts covering over 750 employers. The staff that would be required to audit each of these employers and ensure that they're paying the proper wages have been detailed in the memo I handed out in the past and that was prior -- that was based on the resolution that was filed last year.

Obviously, to do a good job with this, it requires staff time, it requires a lot of field work, it requires reports being reviewed by the Labor Department coming in from each County department. It requires review of the RFP's that go out. It's going to require

on-site audits of payrolls of the affected employers.

In addition, and I didn't have a chance to bring this up at committee, there have been some studies, one in particular that was done in the Year 2000 by the Survey Center of the University of New Hampshire that dealt with the living wage. They raised some issues with regards to the levels that should be used. Particularly, they've taken issue with regards to a family of four being used in the poverty level. They feel that a family of two is probably appropriate. That's number one. Number two, they feel that the living wage may not even be the

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way to go. This is a survey, a national survey of I think 350-plus economists in the country responded to this survey. I bring this out again only for your consideration, and the fact that it wasn't dealt with at committee. I think these are some issues just -- that need to be discussed. Thank you.

(Applause)

D.P.O. POSTAL:

Next speaker, George Hafele.

MR. HAFELE:

Good morning. My name is George Hafele and I'm the President of Fire Island Ferries in Bay Shore. Since filing our petition for rate relief with the Legislature in February, the cost of energy continues to rise. There is no one who could predict with any certainty how much a gallon of fuel oil is going to cost on June 15th, August 15th, or December 15th.

This morning, the government of Iraq announced the curtailment of oil production as a protest against the continuing United Nations embargo. In reaction on the spot market, the price of a barrel of crude oil rose to \$28.30. In 1997, the price was \$18 per barrel. I am entirely uncertain how this translates into the issue before the Legislature today, however, it does have an impact.

The forces of economics are not the only factors to consider when trying to cope with uncertain energy costs. The boring fact of the matter is that regardless of what energy companies decide to charge us, we as consumers are forced to pay. There is no Suffolk County Legislative oversight to protect us from rising oil prices. The question is how do we respond? Most businesses reluctantly pass the cost on to their consumers. Two ferry companies that service Suffolk County have raised their fares twice in the past year. Fire Island Ferry's last fare increase was in December 1997.

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Financial projections from our accounting firm indicated that a 12.5% increase was warranted and necessary. I compromised to an 8% increase. Fire Island homeowners, business owners and renters have anticipated their summer traveling needs and purchased advanced tickets at 1997 prices. The cost of new equipment, health care for our employees and their families, payroll costs and other expenses continue to rise well beyond 1997 levels. We need relief now, we need it today. Thank you.

D.P.O. POSTAL:

Thank you. Next speaker is Laura Weinberg.

MS. WEINBERG:

Hi. I'm here to represent Karen Miller, President of the Huntington Breast Cancer Action Coalition, who regrettably can't -- couldn't make it today. I'm speaking about the "no spray" legislation. And we want to thank you for this opportunity, and we want to especially thank the Huntington representatives, Legislator Cooper and Legislator Tonna, and Legislator Binder, for all their support. And we want to especially recognize Legislator Allan Binder for his years of support.

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You have been fulfilling your promise before the public was even aware of breast cancer and its epidemic proportions. You have been committed to put the subject on the map, and you have also vowed to end the scourge.

The Huntington Breast Cancer Action Coalition, HBCAC, thanks also the Suffolk County Legislature and the County Executive's Office for working so diligently towards compromising on a doable "no spray" legislation during the past month. As we mentioned in the last Legislative session, HBCAC is in total support of the "no spray" list. Scientists on a worldwide basis have been emphasizing that we must eliminate, or at the very least reduce our exposure to toxins when possible, especially during critical windows of vulnerability in our lives. With a "no spray" list, we feel that we are being given the option to reduce our exposure to toxins.

We have a petition that will soon be released, which consists of thousands of names and addresses of residents from Suffolk County that states, "I want a toxic-free Long Island." These are the same people that want a "no spray" option for their homes, and they happen to be your constituents.

We strongly feel that the precautionary principle, which was described in the study that we submitted to you in the last session, should be exercised. The study refers to the precautionary principle as where there are significant risks of damage to the public health, we should

be prepared to take action to diminish those risks, even when scientific knowledge is not conclusive, if the balance of likely cost and benefits justifies it.

As our advocacy coalition and other public health advocates educate ourselves by attending conferences with scientists on environmental toxins and cancer, we hope that you will appoint members of your Health Committee to join us. There happens to be one coming up next week, which we happen to have fliers for you. Dr. Sandra Steingraber will be speaking. She's a cancer researcher on the environment and cancer, and also Dr. Ruth Allen, who is Chief Epidemiologist from the EPA. They will also be discussing pesticides and health our -- and health issues.

As many of you know, Huntington Breast Cancer Action Coalition has the campaign. Many of you may probably know this flag. It says, "I am fed naturally." Hundreds of residents, not only in Huntington, but all over Suffolk County, have made -- have made the change and made the pledge to go organic on their lawns.

D.P.O. POSTAL:

Miss Weinberg, I have to ask you to sum up, please.

MS. WEINBERG:

Okay. If a spray truck happens to go by and directly sprays onto the property where these lawn flags are, then this is going against this campaign where so much hard work has been put into for the past three years. We hope that you will vote yes for the "no spray" legislation.

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D.P.O. POSTAL:

Thank you.

LEG. BINDER:

Madam Chairman.

(Applause)

D.P.O. POSTAL:

Legislator Binder.

LEG. BINDER:

Hi. Let me -- let me -- where -- you live in Huntington, I assume.

MS. WEINBERG:

No. I'm representing Karen Miller. I'm assisting her on this --

LEG. BINDER:
You don't live in Huntington.

MS. WEINBERG:
No. That's correct, I don't.

LEG. BINDER:
Where about do you live?

MS. WEINBERG:
I live in Great Neck. I'm an environmental consultant for the Huntington Breast Cancer Action Coalition. Where -- I don't understand why this has any relevancy.

LEG. BINDER:
Well, and I'll explain. No, I'll explain. Because Huntington, you should know, doesn't get sprayed under this bill. See, people in my district in Dix Hills have never gotten sprayed and would never be affected by this bill, because in Dix Hills we don't do nuisance spraying. Never happened. Now, if there were an emergency and they did do spraying, there could be trucks because there was a West Nile outbreak.

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

LEG. BINDER:
Under this, there would be --

MS. WEINBERG:
Yeah, what is the question?

LEG. BINDER:
So do you --

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

LEG. BINDER:
She wanted an explanation. She asked why was I asking the question. I was trying to help her with why I asked the question.

D.P.O. POSTAL:
This is the opportunity --

MS. WEINBERG:
Okay.

LEG. BINDER:
I understand, but she asked --

D.P.O. POSTAL:
-- to ask questions.

LEG. BINDER:
I asked a question. She said, "What's the purpose for it?" She thought I was attacking her, because she wasn't from Suffolk County at all.

D.P.O. POSTAL:
I know. I would suggest that you might --

LEG. BINDER:
And I was making it clear why --

D.P.O. POSTAL:
Yeah.

LEG. BINDER:
Well, publicly why I asked it, because the people around Huntington, most have never -- would never be affected by this bill in any way.

MS. WEINBERG:
Okay.

D.P.O. POSTAL:
Allan.

LEG. BINDER:
It wouldn't make a difference to them.

MS. WEINBERG:
If you recall, when West Nile Virus originally broke out, that Huntington was sprayed with malathion.

D.P.O. POSTAL:
Miss Weinberg.

LEG. BINDER:
And this is an exception.

D.P.O. POSTAL:
Miss Weinberg.

LEG. BINDER:
Under the emergency exception, they're to be sprayed anyway --

D.P.O. POSTAL:
Legislator Binder.

LEG. BINDER:
Even if they were on the list --

D.P.O. POSTAL:
Legislator Binder.

LEG. BINDER:
-- it wouldn't make a difference.

D.P.O. POSTAL:
Allan.

LEG. BINDER:
They would still be sprayed. So you understand --

D.P.O. POSTAL:
Five-minute recess.

LEG. BINDER:
If you understand, that's the problem. It wouldn't make a difference.

LEG. BISHOP:
Thanks, Allan.

LEG. D'ANDRE:
I have a question, Madam Chair.

D.P.O. POSTAL:
I'm sorry, there's a five-minute recess.

MS. WEINBERG:
All right. I also have the fliers that I wanted you all to have.

D.P.O. POSTAL:
You can leave that with the Clerk. We are in recess for five minutes.

[THE MEETING WAS RECESS AT 11:00 A.M. AND RESUMED AT 11:05 A.M.]

D.P.O. POSTAL:
Will all Legislators return to the horseshoe. Will the Clerk please report to the auditorium? Here's the Clerk. Okay. Mr. Clerk, will you please call the roll, so that we can continue the public portion?

MR. BARTON:
Absolutely.

(Roll Called by Mr. Barton)

LEG. CARACCIOLO:
(Not Present)

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LEG. GULDI:
Here.

LEG. TOWLE:
Here.

LEG. CARACAPPA:
Here.

LEG. FISHER:
Here.

LEG. HALEY:
Here.

LEG. FOLEY:
Present.

LEG. LINDSAY:
Here.

LEG. FIELDS:
Here.

LEG. ALDEN:
Here.

LEG. CARPENTER:
Here.

LEG. CRECCA:
(Not Present)

LEG. CARACCIOLO:
Right behind you, Henry.

LEG. D'ANDRE:
Here.

LEG. BISHOP:
(Not Present)

LEG. BINDER:
Here.

LEG. COOPER:
Here.

LEG. POSTAL:
Here.

P.O. TONNA:
(Not Present)

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MR. BARTON:
Legislator Crecca's present.

LEG. CRECCA:
Here, Henry.

D.P.O. POSTAL:
Thank you. I have a motion --

MR. BARTON:
Sixteen present.

D.P.O. POSTAL:
I have a motion from Legislator Carpenter to extend the public portion, seconded by Legislator Caracappa. All in favor? Any opposed? Public portion is extended. And the next speaker is Adrienne Esposito.

(Applause)

MS. ESPOSITO:
Good morning, Legislators. My name is Adrienne Esposito and I'm representing Citizens Campaign for the environment. I'm here today to ask you to vote yes on the "no spray" list resolution, Number 1292. You'll notice some differences in the bill from this month from last month. You'll notice that the new bill asks for 150 foot buffer between homes, as opposed to the original 300 foot buffer, and the new bill also will have the aerial spraying component implemented in the Year 2002 as opposed to this year.

We've listened to many of your concerns. We've heard you. We've made changes in the bill that many of you have requested and met with us

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about and discussed with us. We're ready today to vote on the bill. We believe that this bill provides a good balance of what you wanted, what the public wanted, what the breast cancer and the environmental groups wanted. This is the best package we can come up with and support. We're going to ask you to, please, vote yes today on the bill.

I do want to thank Legislator Cooper for his bold, brave support of another piece of innovative legislation, and I want to support -- or I want to thank the cosponsors, Legislator Ginny Fields, Legislator William Lindsay, Legislator Maxine Postal, and Legislator Mike Caracciolo. Thank you very much for your help.

(Applause)

I do feel very strongly that we need to address two things. And there have been two statements that have been incorrect so far this morning and we've yet to begin. One is that a 150 foot buffer will not mean anything. This is false. A hundred and fifty foot buffer on each side of the home will, in fact, reduce pesticide exposure for the home on the "no spray" list. That's what the bill's about. The bill does not promise to eliminate pesticide exposure, it does promise to reduce pesticide exposure, and that's what this bill will accomplish.

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Number two is that we just heard of someone -- Legislator Binder say it may not even impact his district because they don't have nuisance spraying there. We're not writing a bill for today, we're writing a bill for today, tomorrow and for the future. There may be pesticide spraying in his district five years from now. He doesn't know. I've lived in Patchogue thirteen years, never once sprayed. Last year we were sprayed two or three times. Things change. This bill is for everyone, whether you currently have nuisance spraying in your district or not.

The right vote on this bill is yes. We're asking to you do the right thing and vote yes on the "no spray" list bill. Thank you.

(Applause)

LEG. TOWLE:
Legislator Postal.

D.P.O. POSTAL:
Thank you.

LEG. D'ANDRE:

Madam Chair.

D.P.O. POSTAL:
Next --

LEG. TOWLE:
Legislator Postal.

D.P.O. POSTAL:
Legislator Towle.

LEG. D'ANDRE:
Madam Chair.

LEG. TOWLE:
Adrienne, how are you this morning?

MS. ESPOSITO:
Good. How are you, Fred?

LEG. TOWLE:
Not bad, not bad. I just want to go over the changes of the bill, so
that I --

MS. ESPOSITO:
Okay.

LEG. TOWLE:
-- clearly understand those this morning, because I have looked at the
changes this morning.

MS. ESPOSITO:
Good.

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LEG. TOWLE:
One was the 50 foot measure as opposed to the 150 foot measure. And
just repeat the measure you said.

MS. ESPOSITO:
No. I think you mean to say 150 foot as opposed to 300.

LEG. TOWLE:
Right, correct, yes, 150 feet. And also the helicopter provision that
up talked about.

MS. ESPOSITO:

Yes.

LEG. TOWLE:

Just redress that again, if you wouldn't mind.

MS. ESPOSITO:

Sure. Originally, the bill said a 25% threshold of individuals in a quarter mile radius would cause the quarter mile radius to be omitted from aerial spraying, if aerial spraying is a chosen path. The current bill says the threshold will be somewhere between 30 and 40%, depending on the recommendations that a committee will be recommending. The committee is established in the legislation. The members of the committee are also written there in the legislation, and they would be doing two things. One is that they will be establishing the threshold between 30 and 40%, and the second thing they will be doing is agreeing upon the GIS, is Geographic Information System's methodology on how to go about making that determination of the quarter mile radius. There was some discussion. There's different ways you can do it, apparently, and the County wanted everyone to agree on the one way to do it that everyone would be happy with, so we thought that was a good, you know, way to go about it.

LEG. TOWLE:

Two questions, I guess.

MS. ESPOSITO:

Okay.

LEG. TOWLE:

First and foremost, do you believe that it's possible that because of this bill, and because of areas that we're not capable of spraying, you know, particularly I'll refer to my district, I won't refer to any of the other Legislators' districts.

MS. ESPOSITO:

Okay.

LEG. TOWLE:

But because of the way home construction has taken place there over the last 30 years, homes are right on top of each other. So as I had mentioned the last time we spoke about this, effectively, if you have two or three or four homes on a block, one could almost come to the conclusion, based on looking at, you know, geographics in the district, that a block or two may not be sprayed because of this bill,

about -- amongst other things, my concern is what is going to prevent people from their own independently, now not being sprayed by the County, whether by helicopter or what have you, to go out and hire somebody to come in and spray their property, where we have no control over that, we don't know how many times that's being done? You know what I'm saying? I'm just --

MS. ESPOSITO:

I understand what you're saying. I want to answer the question in two ways. Number one is that I think this statement about, you know, pitting neighbor against neighbor is way overblown. I mean, that is pure speculation. We have that situation right now. We have people calling up saying, "I want to be sprayed," and neighbors saying, "I don't want to be sprayed," and I don't see the outpouring of support by some for the neighbors who don't want to be sprayed. That's where this bill comes from is to just bring back, you know, some modicum of equity and balance back into the system.

The second thing, that if someone has a mosquito problem right on their property, then the chance of actually -- those type of mosquitoes are going to be what's called the backyard mosquitoes, the culex type of mosquito. That means that if they took a proactive approach and just dealt with the standing water in their property, emptied out the gutters, dealt with all sorts of standing water issues, the population that is -- of mosquitoes in their backyard can be dealt with nontoxically, easily, and extremely effectively. So, really, in those community, for instance, your community, the vast majority of the problem by and large is the salt marsh mosquito. The salt marsh mosquitoes are not known to be growing up in -- or hatching, I should say, in people's backyards, they're hatching in the salt marsh areas. So it doesn't really make sense. I mean, if you could go out and even just spray your own area, it doesn't make sense, because the salt marsh mosquitoes, you know, only feed in the neighborhoods, they don't hatch in those areas.

LEG. TOWLE:

You know, I think the issue that you're trying to fix is a very reasonable issue. People should have the right or the ability to have a say in what they want done. But I think the method that we're using to fix that problem today just creates another problem. And as I said the last time, I'm still not convinced that this is the way to go. And when I look at my district and I look at the volume of mosquito complaints that we have, and I look at the volume of calls that we've gotten for mosquitoes, and I look at the issues that we've looked at over the last couple of years and the problems that we've had associated, the health problems associated with mosquitoes, clearly --

D.P.O. POSTAL:

Legislator Towle, a question, please.

LEG. TOWLE:

Yeah, I'm going to, Legislator Postal. Clearly, your point of, you know, pitting neighbor against neighbor, I don't buy that. I don't buy that at all, and this is not about pitting neighbor against neighbor.

I think it's about trying to deal --

MS. ESPOSITO:
Right, we agree.

LEG. TOWLE:
I think it's about dealing with an issue. And I think your attempt to deal with the issue has been this bill. I don't agree with that in its concept, because I think we create another problem. And I would urge you to, you know, continue to look at this. If the issue is the way we're doing business --

D.P.O. POSTAL:
Legislator Towle.

LEG. TOWLE:
-- then we should do that.

MS. ESPOSITO:
Okay.

D.P.O. POSTAL:
Legislator Towle, and everyone, please, we have a great many people who have signed up. I'm going to ask people to confine their questions to questions. Legislator D'Andre.

LEG. D'ANDRE:
How are you, young lady?

MS. ESPOSITO:
Very good. How are you?

LEG. D'ANDRE:
Hanging in there. Has Ninivaggi voiced an opinion on this change?

MS. ESPOSITO:
I can't hear you, I'm sorry.

LEG. D'ANDRE:
Has Ninivaggi voiced an opinion? He's an entomologist.

MS. ESPOSITO:
Well, we had a very productive and constructive meeting with the County Executive's staff for about two hours, and --

LEG. D'ANDRE:
The County Executive's staff?

MS. ESPOSITO:
County Executive's staff, yes.

LEG. D'ANDRE:
But I mean a scientist. Have you talked to Mary Clare or --

MS. ESPOSITO:
Yeah, we talk to scientists daily on our work actually, yes.

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LEG. D'ANDRE:
No. I mean Ninivaggi specifically.

MS. ESPOSITO:
And that's -- the scientists are telling us that pesticides are dangerous to your health and that's what led us to this bill.

LEG. D'ANDRE:
Well, did they tell you that when you spray 150 feet between a house, you break the pattern up? You give the exposure, but not the kill power.

MS. ESPOSITO:
You know, actually, no one has said that.

LEG. D'ANDRE:
Well, that's a scientific --

MS. ESPOSITO:
Everyone has said that this will be fine.

LEG. D'ANDRE:
That's a scientific fact.

MS. ESPOSITO:
Are you a scientist?

LEG. D'ANDRE:
No, but I've had --

MS. ESPOSITO:
Okay.

(Applause)

LEG. D'ANDRE:
I've been a pesticide applicator.

MS. ESPOSITO:

Well, I just -- the reason I said that, I'm sorry, was not to be glib, it's just that when we -- when we make scientific statements, people ask us if we're scientists, but, yet, when Legislators make a scientific statement, no one asks them.

LEG. D'ANDRE:

I was --

MS. ESPOSITO:

So I don't mean to be glib, I'm just --

LEG. D'ANDRE:

You're not glib, because I've been a --

MS. ESPOSITO:

-- making the point there's a lot of scientific facts out there.

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LEG. D'ANDRE:

I've been a pesticide applicator many years ago, past -- when the first test when they were licensed in this County. I was a horticulturist, I still am.

MS. ESPOSITO:

Yes, I know.

LEG. D'ANDRE:

And I don't spray unless I have to.

MS. ESPOSITO:

Great.

LEG. D'ANDRE:

But -- but there's such a thing as a pattern. When you spray a row of houses and you try to miss a house by 150 feet, you break the pattern. You're giving the people exposure, but not the kill power.

D.P.O. POSTAL:

Mike, a question, please.

MS. ESPOSITO:

Okay. Well, let me -- I want to respond to the comment, and the response is that I --

D.P.O. POSTAL:

Yeah. And I'm going to ask that you not --

MS. ESPOSITO:

People keep commenting.

D.P.O. POSTAL:

Adrienne, that you not engage in a back and forth discussion, because there are a great many people who got here very early this morning --

MS. ESPOSITO:

Right.

D.P.O. POSTAL:

And would like the opportunity to speak.

LEG. D'ANDRE:

I asked a specific question.

D.P.O. POSTAL:

So, if there's a question --

LEG. D'ANDRE:

Yes.

D.P.O. POSTAL:

-- please, ask the question and the speaker can answer the question.

LEG. D'ANDRE:

I'll ask it this way. Have you conducted -- have you asked the entomologists a question that if you used 150 feet barrier or distance, that you break the pattern and it renders the spraying almost useless, but it diminishes the capacity of the kill power?

MS. ESPOSITO:

We've spoken to many entomologists in the formation of this legislation and none of them have raised that concern, not one.

LEG. D'ANDRE:

Well, that's a basic scientific fact. I don't know why not.

MS. ESPOSITO:

I'm sorry, but they didn't raise that concern. The purpose of the bill is to give people a choice. That's the purpose, that's what the bill does, and that's what we need to get accomplished today.

LEG. D'ANDRE:

When a scientist is involved, they have the say.

D.P.O. POSTAL:

Mike.

LEG. D'ANDRE:

And that's why the State makes these laws --

D.P.O. POSTAL:

Mike.

LEG. D'ANDRE:

-- not the County.

D.P.O. POSTAL:

Mike, if you have a question --

LEG. D'ANDRE:

Yes.

D.P.O. POSTAL:

Otherwise you asked the question and she gave you an answer. I'd like to move to the next speaker. Thank you.

LEG. D'ANDRE:

Go ahead, move on.

(Applause)

D.P.O. POSTAL:

Next speaker is Veronica {Kermler} or Kemler.

MS. KEMLER:

Good morning. My name is Veronica Kemler. I am a homeowner at 17 Cleveland Street in the Village of Patchogue. And I would just like to politely remind you that you're here today to vote on behalf of your constituents, not based solely on your position or your

opinion. The County is made up of educated citizens who are capable of making a decision based on their knowledge for the protection of their health and their family's health. Residents and homeowners should have a choice whether or not they're exposed to pesticides and should have the right to have minimal exposure to pesticides, if pesticides are, indeed, sprayed. I would encourage you to vote yes on the "no spray" legislation that's before you today. Thank you.

D.P.O. POSTAL:

Thank you. Next speaker, David Cappola.

MR. CAPPOLA:

Good morning, members of the Legislature. I am here today to repeat testimony I submitted last month in favor of the "no spray" list, Resolution 1292. Thank you for hearing me and for your attention.

My name is Dave Cappola and I'm a resident of Copiague here in Suffolk County. I'd like to begin by thanking Maxine Postal once again for having the courage and the common sense to cosponsor the "no spray" list resolution. I'm here today to remind all of you of your duty as public servants, to respond to the concerns and members of the public whom you represent and to serve us.

I am a 29 year old cancer survivor, and earlier last year at age 28, I was diagnosed with testicular cancer, the most frightening day of my life. So far, I have been successfully treated, but I have most certainly at a very relatively young age come face to face with my own mortality. While I will never know where my cancer came from, I do know now 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, and I have made the choice not to smoke, and I thank you for the choice to go to very many public places and not be exposed to smoke here in Suffolk County. We all know that high fat animal based diets can cause heart disease and I have the choice to eat vegetarian foods. But we all know that pesticides, as they are intended, are produced to kill, and while we know this, I currently do not have the choice not to be sprayed should my County undertake such mosquito control activities.

With all of the emotion that I feel about this issue, today is not the day to display any anger, but simply to display urgency. The mosquito season is upon us. And, again, I am very humbly here to tell you that I'm absolutely frightened to be sprayed by these chemicals once again this year.

Since my cancer experience, I've had the opportunity to speak with hundreds of people with different cancers, blood diseases, and other serious health concerns, and I challenge anyone in this room to tell us you don't know some of these people, too, your family, your friends, others here today. I speak for many, if not nearly all of them, I'm sure, when I say that I am 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, everyone should have just as much of a 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 USEPA 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 others who have or may fall ill have choices we can live with?

It's time today for all of you today to demonstrate your courage and your common sense. Make sure to act on this today, and, please, vote yes on the "no spray" list resolution. Thank you for your time.

(Applause)

D.P.O. POSTAL:

Thank you. Next speaker is Brian Matthews.

MR. MATTHEWS:

Good afternoon. My name is Brian Matthews and I live at 16 Elkins Drive, Middle Island, in Legislator Caracciolo's district.

LEG. LINDSAY:

Would you talk into the mike?

MR. MATTHEWS:

Yeah. Sorry. I'm here to convey my support for Resolution 1292, the "no spray" list resolution, with a minimum buffer of 150 feet on either side of my home, and I urge you to support it as well.

I would like to first take this opportunity to thank Legislator Caracciolo for having the good sense to listen to his constituents and sign on as a cosponsor. Thank you very much.

Passing this bill would give my family and others at least some sort of protection from having toxic pesticides sprayed directly on our home should we choose not to use them ourselves. And there are two primary reasons why I feel this bill should be passed. First and foremost, the health effects associated with these pesticides are well documented. As Mr. Cappola just stated, I'm sure everybody on this -- in this room and on this panel knows someone who has children who has asthma, who's a cancer survivor. The risk -- the risk of direct exposure of these toxic pesticides present to them alone should be reason enough to pass this bill.

And secondly, it's always been my understanding that our government operates under the mantra of equal rights for all of its citizens. Should you choose not to support this bill, in effect, you'd be saying just the opposite, saying that those who wish to get sprayed have more rights than those who do not. It seems to me that there's something fundamentally wrong with this.

So, in closing, for the protection of our public health and the preservation of our rights as citizens, I see no other alternative

than to vote yes on 1292, the "no spray" list resolution. Thank you.

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(Applause)

D.P.O. POSTAL:

Next speaker is Joe Ragano.

MR. RAGANO:

My name is Joe Ragano, I live in Smithtown. I do not want my home sprayed with pesticides. I share all of the concerns about the health risks of pesticide use that have been reported. But the biggest reason that I came here today is to urge all of you to vote in favor of the "no spray" list. It's a fundamental reason. I have a growing distrust for the political process, as do many of my peers. I can't help but feel that our government works to serve itself instead of the people that it governs. I hope that today the Suffolk County Legislature votes yes for the "no spray" list and sends the message that our local government holds the voice of its citizens with the highest regard. Many of us do not want to be sprayed. To thrust pesticides upon us under the guise of the public good says that we are not bright enough or informed enough to make this decision for ourselves. Thank you so much for listening to me.

(Applause)

D.P.O. POSTAL:

Thank you. Next speaker Peter Foster.

MR. FOSTER:

Hi. How are you doing? My name is Pete and -- Pete Foster and I represent Friends of the Bay, and I have a statement on Resolution 1292, which is creating a "no spray" list for pesticide application. Friends of the Bay -- Friends of the Bay is a widely respected nonprofit environmental organization located on the North Shore of Long Island. Working to keep the oyster in Oyster Bay, we are committed to the preservation of Oyster Bay/Cold Spring Harbor Estuary and its surrounding waterways. As an environmentalist seeking to protect water quality, habitat and wildlife, we are deeply concerned about the widespread use of pesticides and their impact on the marine environment. One of the most diverse ecosystems in the country, Long Island Sound is home to the wealth of natural resources. In the Oyster Bay/Cold Spring Harbor Estuary, shellfish, sea turtles, finfish, waterfowl and people enjoy the pristine waters and beautiful shoreline. However, pesticide use, especially by aerial spraying, threatens not only to the target of mosquitoes, but also a wide range of aquatic life.

According to the New York State Department of Environmental Conservation Division of Fish, Wildlife and Marine Resources, experience gained over past years has shown that chemical pesticides can cause harm to fish and wildlife communities. This is a harm -- this harm can range from outright toxicity to more subtle long-term effects. These effects include impacts such as reducing food available to insect-eating birds and animals, or the accumulation of persistent chemicals in fish and wildlife.

While Friends of the Bay recognizes the need to combat public health problems such as West Nile Virus, we do not believe that the

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indiscriminate spraying of poisons, and all pesticides are poisons, is the answer.

Resolution 1292-2001 creating a "no spray" list for Suffolk County is an important step in the right direction. It gives citizens the right to refuse those poisons in their own yards. If enough people make that decision, the ripple effect of protecting entire communities and our precious waterways, perhaps leading our public health and elected officials to explore alternatives to pesticide spraying.

Friends of the Bay commends Legislator Cooper and his colleagues for giving Suffolk County residents a voice on this important environmental issue and urges the Legislature to adopt Resolution Number 1292. Thank you for your time and attention.

(Applause)

D.P.O. POSTAL:

Thank you, Mr. Foster. Before I call the next speaker, would Legislators please return to the horseshoe for a quorum call? Will the Clerk please call the roll?

(Roll Called by Ms. Farrell)

LEG. CARACCIOLO:

Here.

LEG. GULDI:

Still here.

LEG. TOWLE:

(Not Present)

LEG. CARACAPPA:

Here.

LEG. FISHER:
(Not Present)

LEG. HALEY:
Here.

LEG. FOLEY:
Present.

LEG. LINDSAY:
Here.

LEG. FIELDS:
Here.

LEG. ALDEN:
(Not Present)

LEG. CARPENTER:
Here.

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LEG. CRECCA:
(Not Present)

LEG. D'ANDRE:
(Not Present)

LEG. BISHOP:
Here.

LEG. BINDER:
(Not Present)

LEG. COOPER:
(Not Present)

LEG. POSTAL:
Here.

P.O. TONNA:
(Not Present)

MS. FARRELL:
A quorum is present.

D.P.O. POSTAL:

Thank you. Next speaker is Richard Amper.

MR. AMPER:

Let me just join those who are supporting the "no spray" bill here today. My reason for --

(Applause)

my reason, they're certainly articulating that very well. I just need to reach out to you folks in the Legislature. We've been working since the first of the year on the business of being able to continue the County's great job of preserving open space. You recall when there was uncertainty about whether or not this Legislature and the County had the entitlement to borrow against the revenue stream. You approved a home rule message, thank you very much. It went to the State Legislature, it's been approved. The Governor expected to sign that this week. But I did express in January my concern that we might be having trouble with funding these programs that are so important to you. The land's disappearing so rapidly that land that we don't buy immediately is going to be lost to development. This Legislature has been in the business of preserving open space for 30 years. You're not going to be in it for 30 more, you're not going to be in it ten more. What we don't preserve in the next five years or so we're going to lose.

We heard the young lady from the Clancy Road Preserve talk about a great opportunity for acquisition that most of you people support. We've got to be sure the funds are in place for that. Last week, the County closed on the second of three parcels at Corey Pond, great wildlife area, great recreational area. And we have a third one that

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has to be done and that one's not moving as fast as it should.

Many of you folks were there to kick off the Greenways Program at a -- what I call a poster parcel, the Wading Brook parcel up in Wading River. Again, this was one of the three parcels to be acquired. Two of them have been acquired, but I must put everybody on this Legislature, everybody on this horseshoe on notice that I believe the third was in jeopardy. I know you were all concerned when we lost the movement we had on Broad Cove after having made a public commitment to preserve it. Many of you have stood with the County Executive at Wading Brook at Spring Meadow and said, "If you will support a \$62 million program, we can preserve property like this."

I ask you to pay attention to what is going on in the Real Estate

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Department and the flow of dollars. There's no reason why we can't continue this program, but we are in serious risk of not being able to complete deals that many of you people support if we don't do it carefully and we don't do it properly.

I'm merely asking that all of you who are concerned about the County's investment in real estate protection and the preservation of open space and farmland take a good hard look at what's happening in these acquisitions. We've been very supportive of them all the way. We're just a little bit concerned that if we don't keep them on track, if we don't, in fact, continue to produce the dollars and spend those dollars in an efficient fashion, we're going to be out of the Open Space Preservation Program before I think any of you want us to be.

So thank you for your efforts. Please pay attention. I know as soon as the Governor has signed this measure, that you have the option then to borrow against the revenue stream and do the acquisitions, A, while the land is still available, and B, while we can still afford it.

LEG. CARACCIOLO:

Madam Chair.

D.P.O. POSTAL:

Legislator Caracciolo.

LEG. CARACCIOLO:

Mr. Amper, it's my understanding that with respect to today's agenda, you are making a request that the Legislature approve I.R. 1445, which would allocate \$6 million for the preservation of three parcels, Wading Brook being one of the three; is that not correct?

MR. AMPER:

That's correct.

LEG. CARACCIOLO:

Okay. Thank you.

D.P.O. POSTAL:

Thank you. Next speaker is Amie Hamlin.

MS. HAMLIN:

Hello. My name is Aimee Hamlin. I'm with the New York League of

Conservation Voters, Long Island Chapter. And we'd like to thank you for working together to find a solution for the "no spray" list bill. We're glad to know that the majority of you plan to vote yes to allow people the right to be on a "no spray" list.

My husband was recently diagnosed with cancer. Though we'll never know the cause, he was exposed to high levels of DDT as a young child growing up in West Islip, where DDT was sprayed at four times the rate it was sprayed in surrounding communities. DDT at the time was thought to be safe. Now, even though it is illegal to say so, we are told --

D.P.O. POSTAL:
Please, continue.

MS. HAMLIN:
We are told that the poisons used for mosquito control now are safe when used as directed, even though the EPA does not allow that statement to be made.

Children, pregnant women, the elderly and the ill are at high risk for negative effects from pesticides. However, the CDC and the New York State Department of Health have removed children from the high risk category for West Nile Virus. In the United States, no young children have contracted West Nile Virus, so let's stop scaring people with that. Finally --

(Applause)

-- it's important to remember that 80 to 90% of this spraying is done for nuisance mosquitoes, not for West Nile Virus, and hasn't made any noticeable difference last year in the number of mosquito bites I received the day before and the day after the spraying. If spraying the mosquitoes was so effective, we wouldn't have a mosquito problem. Chemical poisons are not the answer.

(Applause)

Until we ban them, people have the right not to be sprayed.

Again, thank you to those of you who will vote yes today on this bill. And to those of you who are not planning to support it, I hope you'll reconsider.

Finally, I just want to note that the League sent all of you a piece via E-mail to include in your next newsletter on the potential dangers of pesticides. Knowledge is power, so we hope you'll educate your constituents on this important topic. And if any of you have any questions about that piece, I'd be happy to answer it. Just give me a call. Thank you very much.

D.P.O. POSTAL:
Thank you.

(Applause)

Next speaker is David Sprintzen.

MR. SPRINTZEN:

My name is David Sprintzen. I'm a Professor of Philosophy at CW Post College of Long Island University, Co-Director of its Institute for Sustainable Development, and here speaking, representing the Long Island Progressive Coalition, which is the local affiliate of Citizen Action of New York, itself an affiliate of National U.S. Action, representing 4.5 million members. And I always -- always a pleasure to come here to the Legislature. You are one of the more, though the organ doesn't say that, one of the more interesting bodies in the United States, and I think most -- one of the more responsive and representative, and that is always -- not always easy or comfortable, but it is something which I deeply appreciate, having been -- having been coming here now for 20 some-odd years from the early days of the Shoreham struggle and the struggle for public power.

Let me say two things first. I came to speak on behalf of the living wage legislation that Presiding Officer Tonna and Dave Bishop have cosponsored. But, first, I'd like to just associate myself in my other capacities with both the "no spray" list proposal, which I think is well worth support, and I want to congratulate Legislator Fisher on taking initiative to address the issue of carbon dioxide. And I won't get into that question now either. I'll limit myself -- I will certainly limit myself to three minutes, so I'll -- but those are issues that I'd be glad to address at some other time, if that is appropriate in my other capacities.

The Progressive Coalition is a founding member of the Working Families Party, the State of New York, and is very proud of that. It is also a member, a representative on the Board of the Long Island Labor Religion Coalition, which I've had the opportunity, quite a satisfaction, to work with your new Legislator, Bill Lindsay, over many years, and both of them have taken the lead in and will speak in some detail about the issues of the living wage legislation.

I think it's fairly obvious that \$9 an hour is hardly a living wage. I don't think anyone needs any detailed discussion of that issue. It is -- but it is an important and significant step in the direction of getting beyond the notion of what we call a minimum wage. Nine dollars an hour itself is quite minimal. And it is an important statement of the willingness of this Legislature and this government to begin to address the questions in a serious way of what constitutes dignity in the workplace, and how do we treat people in some decent fashion to provide them with a minimal standard of living of which they can continue to survive in the County of -- Suffolk County.

So I do want to congratulate you on this initiative. I do hope you will move now with the -- having gone through the careful analysis of the effect of the bill, revised it nicely. And I really appreciate the work that Dave Bishop has done in trying to address the concerns

of all the constituents who have raised serious questions. If someone did not have a question with the bill, then it would probably be not worth being pursued. There are questions, but we have to ask ourselves, what does it mean for us to provide jobs when we cannot provide people with \$9 an hour?

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

MR. SPRINTZEN:
I see that you -- I think I will -- I will end right there. I appreciate the way you run the meetings --

D.P.O. POSTAL:
Thank you.

MR. SPRINTZEN:
-- Legislator Postal. And I thank you very much, and congratulate the Legislature for the initiative you've taken. I certainly hope you'll adopt the bill.

(Applause)

D.P.O. POSTAL:
Thank you. Next speaker, Ruthie Trujillo. Ruthie.

MR. TRUJILLO:
Hi. Good morning.

D.P.O. POSTAL:
Good Morning.

MS. TRUJILLO:
My name is Ruth Trujillo. I live in Brentwood, Cameron Alden's district. I think he's in here somewhere. I'm here today to urge all of you to vote yes on Resolution 1292, the "no spray" list resolution. And the reason why -- well, one of the reasons is because I became a citizen of this country about a year ago, wishing to take part in the Legislative process and decisions made that affect all of us. And it's obvious to me and to a lot of people in this room and a lot of people on Long Island that our rights as citizens were violated last year when our properties were sprayed without our consent.

And I just want to remind all of you that all of you sit here making those decisions for us because people like us have voted for you. So I just ask you to trust our judgment and recognize that it is our

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right to have our properties sprayed with pesticides, and that this will simply give us -- this resolution will simply give us the same rights that people who do want to be sprayed with pesticides have right now. So I, again, just want to remind all of you to vote yes on Resolution 1292. Thank you.

D.P.O. POSTAL:

Thank you. Question, Legislator Carpenter.

LEG. CARPENTER:

If you'll indulge me, it is not a question, and I hope you won't mind. But I just want to thank you for coming down, congratulate you on becoming a citizen and being a participatory one. You, as a citizen of only a year, to have taken the time to be down here and speak your mind really is an example for citizens who have been born here, who really should emulate. Congratulations.

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MS. TRUJILLO:

Thank you.

(Applause)

D.P.O. POSTAL:

Thank you. And I think that was certainly worth stating. Next speaker is Adam Tackett. Adam Tackett. I don't know if I'm pronouncing that correctly. Next speaker, Carlyn Frank.

MS. FRANK:

Hello. David Bishop is actually my Legislator. I was hoping to speak while he was in here.

LEG. D'ANDRE:

Bring David Bishop in here.

D.P.O. POSTAL:

Legislator Bishop.

MS. FRANK:

Thanks.

LEG. COOPER:

Send in Legislator Bishop.

LEG. D'ANDRE:

Tell him front and center. I'm glad you said that.

MS. FRANK:
Thank you.

LEG. D'ANDRE:
He should be here.

MS. FRANK:
I appreciate your help.

LEG. D'ANDRE:
You're pretty, that's why I said it.

D.P.O. POSTAL:
You know what, let me call the next speaker while we're waiting for him, if you don't mind. And Erik DuMont is the next speaker.

MR. DUMONT:
All right. Well, thank you, madam Legislator and all members of the Legislature. My name is Erik DuMont. I work for Citizens Campaign for the Environment, but more importantly, I'm here today before you as a citizen of the Town of Babylon.

Two years ago, when the West Nile Virus was discovered in New York, there was a great deal of hysteria surrounding the mosquitoes associated with that, and from our end, there was also a great deal of hysteria associated with the pesticide spraying. As a prior resident,

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I know I felt somewhat under siege almost by the pesticide spraying that the County was undergoing, and especially at work, our phone was literally ringing off the hook from people calling, literally begging to know what they could do to avoid exposure to the pesticides. At the time, all we could really tell them was, you know, close your windows, turn off your air conditioners, which really isn't that viable an option when it's 80 or 90 degrees outside. And so we really -- I know that the first year and last year even we felt -- I felt personally somewhat under siege by it, and that's really sort of where the whole idea for the "no spray" list came out. We thought wouldn't it be a great idea that people could have the right to say, you know, "I don't want to be sprayed." I think I should be able to have my windows open on a 90 degree day and not having to worry about pesticides being sprayed on me.

And so I'd like to thank all the members of the Legislature, especially those who we've been working with very closely for the past two months to work out this bill, to make sure that it can pass, and to make sure that it can give residents like myself and all of our members and all of the people in Suffolk County who don't want to be

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exposed to pesticides, they can give them that right. And I feel very proud of the work that I've done on this issue, and I hope everyone here who has worked with us on this feels likewise. I feel that this is probably the strongest "no spray" program anywhere in the country. Part of the research we've done, we've look at "no spray" programs in another part of the country. I feel this is the best one I've seen. And so I'd like to thank all of you, Maxine Postal in particular, my Legislator, for the work you've done, and urge everyone of you to vote yes on Resolution 1292. Thank you.

(Applause)

D.P.O. POSTAL:

Thank you. Next speaker is Laura DiPaola.

MS. DIPAOLA:

High. My name is Laura DiPaola. I'm speaking on behalf of Geri Barish, President of Long Island Breast Cancer Coalition, One in Nine.

"This memo of support for Resolution 1292, known as "no spray" list is of great importance to the future of every citizen. We must protect the most important commodities we have, our children and the right to choose."

"Twenty-nine years ago, my dog and children were directly sprayed with chemicals and pesticides. Our neighbor hired a company to kill off the fruit from their trees in their backyard. The spray came directly onto my yard where my dog was running. My windows were open and the children were covered with white spray. I firmly believe my son developed cancer and died because of the direct spray. The asthma that my other son suffers from, the loss of my dog from cancer and my own breast cancer are attributable factors because of that spray. I was not given a choice."

"We at the Long Island Breast Cancer Action Coalition, One in Nine, fully support Resolution 1292. Thank you, Geri Barish, President."

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D.P.O. POSTAL:

Thank you very much. Carlyn Frank.

LEG. BISHOP:

My constituent?

D.P.O. POSTAL:

Yes.

LEG. D'ANDRE:
There she is.

MS. FRANK:
How are you today?

LEG. BISHOP:
I apologize, sorry.

MS. FRANK:
My name is Carlyn Frank. I'm a resident of Babylon Village. I live at 25 Robbins Avenue. And I'm here today to express my full support for the "no spray" resolution, 1292.

At my home we practice organic gardening. We choose to do this because we know it's safer for us, as well as the environment that we live in. We also think that we should be able to choose whether our home now does get sprayed with these toxic chemical pesticides or not. At our residence we also have a cat. It may seem trivial, but our cat spends a lot of time outside and we don't want him to be exposed to pesticides, because we don't know what it will do to him. Because of this, this is why I urge you to support the "no spray" list Resolution 1292 with a minimum of 150 foot boundary on either side of our homes. We feel that this is really going to offer us some protection.

We know little about the effects of these chemical pesticides. My family and I are not willing to take the chance of what we're going to find out about them 20 years from now. As a couple of other people have mentioned before, when DDT and malathion first came out, we told everybody they were safe and now we know otherwise.

So with this, I'd just ask you all to -- and expect you to take a step in the right direction, so we could all take the preventive way of taking care of ourselves and our health. So please vote yes on this bill today, 1292. Thank you.

(Applause)

D.P.O. POSTAL:
Thank you, Miss Frank. Next speaker, Jay Jachimiak. I'm sorry. I know I mispronounced that.

MR. JACHIMIAK:
Good morning. My name is Jay Jachimiak. I live in Oakdale and actually first wanted to be here today to thank my Legislator, Ginny Fields, for both the work she's done for us since taking office, and

particularly for her support of Resolution 1292.

Two weeks ago, I was in -- and there she is, so I'm going to repeat that for Legislator Fields, that I wanted to be here today to thank you for the work you've done. Did you hear me back there?

LEG. FIELDS:
I could hear.

MR. JACHIMIAK:

Two weeks ago I was on vacation, I was in Ireland, and in a small town, Ballymacoda on the coast. I made a conversation in a pub there with some of the locals about the problems they're having with foot and mouth disease, and the actions being taken against it, and in the course of the conversation, I was talking to them about -- about West Nile Virus and the -- and the actions that we're taking here against it, and about mosquito spraying in particular. And I was explaining to them the opposition, the reasons people oppose it, the same arguments that we've been hearing here today, and that in spite of a lot of outspoken opposition and well-reasoned thought, that it looked at that time that spraying was going to continue. One of the old Ballymacoda fisherman said to me, "But that makes so much sense, it must be some kind of government conspiracy." So, of course, it isn't, and I don't believe that and no one does. People on both sides of this issue really are trying to do what they think is the best thing to protect public health, and I think that this resolution presents a good -- a good balance, as I think Legislator Bishop used that word earlier, giving some use of pesticides to try to control the problem, giving homeowners an opportunity to reduce their exposure, homeowners and residents, and along the Health Commissioner, to take stronger action in the case of an emergency. It's a good balance and a reasonable approach. I urge you all to support 1292. Thanks for your time, and thanks again to Legislator Fields.

D.P.O. POSTAL:
Thank you.

LEG. FIELDS:
Thank you very much for taking the time to come down.

D.P.O. POSTAL:
Next speaker, Peter Quinn.

MR. QUINN:

Good morning, members of the Legislature. My name is Peter Quinn. I'm a member of the Long Island Coalition for Democracy. Before I remark on my opposition to IDA's, let me say that I've been a longtime opponent of pesticides and share those who have concerns and would like to see the pesticide resolution passed today.

I am here to talk about IDA's. I have been here in the past about Industrial Development Agency financial funding of companies that consume our tax dollars. Here you are as a Legislature wrestling with a revenue shortfall and seeking to adopt a balanced budget, and, yet, an agency of the Executive Branch, the Industrial Development Agency, is providing once again for another company to receive a ten-year tax

abatement, sales tax elimination, use tax elimination, mortgage transfer tax elimination. And I believe that the Legislature, because you lost oversight years ago and don't have any individual representing you at those meetings, doesn't know what the total amount of money is that's involved. And I have seen in the past three, four \$500,000 for one company, and if you do six or seven of those a year, you're spending over \$3 million, and those continue over a period of years. So it's a cumulative thing, and as a result, we -- that might account why when in November, you -- or October, rather, when you have to balance your budget, you're saying, "Well, we have to take money from this particular group, because we don't have the money."

I submit to you that there should be a moratorium on IDA's while you wrestle with your budget through October. That this one company that I just saw in the legal notice for June 25th hearing, the Legislature submit a petition to the IDA indicating that you do not want to see that kind of thing continuing allegedly on the grounds that it's economic development, when often those companies don't create or maintain jobs for any length of time.

And I would ask that the Chair -- where did he go? That the Chair of the Energy and Economic Development Committee, Legislator Cooper, seek the dollar amount from what those costs are of the mortgage transfer taxes, the sales tax elimination, and so on. In that way, you will be better able -- in that way, you will be better able to judge where the finances are going out the back door and perhaps better adopt a decent budget. Thank you.

D.P.O. POSTAL:
Thank you, Pete.

LEG. BISHOP:
I have a question.

D.P.O. POSTAL:
Question, Pete, from Legislator Bishop.

MR. QUINN:
Yes.

LEG. BISHOP:
Welcome back, and I've always appreciated your work on our consciousness about Industrial Development Agencies.

I don't know if you're aware, in the living wage proposal, which is before this Legislature, that one of the requirements is that

companies receiving IDA benefits from here forward would be required to pay their personnel, all personnel, the living wage, which we're establishing at \$9 an hour with benefits, or ten and a quarter without. Do you know of any companies that receive or have received IDA benefits that do not pay that wage?

MR. QUINN:

No, I don't. That doesn't mean that there aren't --

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LEG. BISHOP:

I know, that doesn't mean it doesn't exist, but you don't -- okay.

MR. QUINN:

But I did think, as I was hearing David speak about the living wage, that perhaps if you -- and then I heard an earlier speaker comment about -- from the Labor Department, Mr. Tempera, say that it would cost a lot of money to investigate -- hire investigators and do the paperwork associated with finding that out. It would seem to me, if you weren't giving away IDA tax dollars, our tax dollars, that you'd be able to determine whether or not they are paying the living wage. And, at the same time, you might even have enough money left over to buy those -- that vacant land that Dick Amper was talking about earlier.

So there are ways for government to operate, it just seems to me that we shouldn't be giving money away to healthy businesses on the -- on the theory that they're going to create and maintain jobs, when, in fact, quite often, especially in an economy like our own, that they're losing jobs. Thank you.

LEG. BISHOP:

Thank you.

D.P.O. POSTAL:

Next speaker, Rosa Sanchez.

MS. SANCHEZ:

Good morning. My name is Rosa Sanchez and I'm here in support of the Living Wage Bill, I.R. 1113. I work in a community with a women's shelter for battered women. We help the women to become independent, so they could keep families together and be productive to society. I make \$22,000 a year working two jobs.

I moved into Suffolk County 20 years ago. I have raised a family of three children, now 22, 19 and four year old -- 14 year old. For the

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last 12 years, I have supported my family as a single mother by holding two jobs in an effort to keep my family together. Due to the higher cost of living in Long Island, low pay jobs with no medical insurance, my family has had to endure difficult times through the years. Trying to pay the mortgage, taxes, home, car insurance, food and doctors medication has put a great strain on the well-being of my family.

Medical insurance is something that has been a priority for my family. I have a diabetic child who needs medication on a daily basis and follow-up on medical appointments. I have two children who have asthma, who also are on medication. Only one child has insurance. I applied for Medicaid for my diabetic child, but I was denied, because they say I make too much money. I make 22,000 a year, two jobs.

I have lost my house two times, because I couldn't pay the high taxes, 5,385 this year. The taxes go up 150 or 200 a year, but my salary doesn't. I went from owning a home free of mortgage to not being able to hold onto it, and I am at the moment facing probably eviction again, and I don't think I'll be able to stop this from happening.

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I have done my work by holding two jobs, paying taxes, keeping my children in the right track and teaching them to be good citizens. I am proud of them. One is graduating from college with a great effort. Another is working for his \$250 a month medication and trying to go to college, too, and the youngest will be going to high school.

Like I said, I work for the community in battered women's shelters. The women I serve want to work, but low salaries keep them longer in the system of Social Services. By not being able to get a good pay job, they find themselves homeless. Low salaries don't provide enough to care -- to day-care of their families. On behalf of all these families and mine, I ask you to raise the wages, so my children and theirs have a better future free of this -- of all this anxiety and suffering.

D.P.O. POSTAL:
Miss Sanchez.

MS. SANCHEZ:
We want to work. We don't want to end in Social Services or become homeless statistics.

D.P.O. POSTAL:
Miss Sanchez, I must ask you to sum up, please.

MS. SANCHEZ:

Okay. I almost finished. With low paying jobs, we can't live in Suffolk County. Please, pass this bill of living wage. Thank you.

(Applause)

LEG. FIELDS:

Miss Sanchez.

D.P.O. POSTAL:

Thank you. There are some questions. Legislator Fields and then Legislator D'Andre.

LEG. FIELDS:

Miss Sanchez, are you aware of the Child Health Plus Program?

MS. SANCHEZ:

Yes, I was aware of that. I used them until -- right now, like I said, my youngest child is the only one that has insurance, because he's 14 years old. My 19 year old was kicked out of the program last March, because he's 19. They suggested for me to go to the welfare office. I went this week, precisely last Monday, I applied for him, and they said I make too much money. And so that's why he's holding a job in an effort for him to pay for his own medication, not counting going to the doctor. An effort to that, I've been trying right now to be able -- he's considered -- as a diabetic is considered a handicap, so I'll be going into the Handicap Program, which it will cover for him only for his diabetic, not for regular doctor visits. And my oldest daughter, well, she's old enough right now and she will try to go on her own.

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LEG. FOLEY:

Madam Chair.

D.P.O. POSTAL:

Just a minute. I can put you on the list.

LEG. FIELDS:

Okay. I'd like to talk to you when we're finished, because we have some phone numbers that we might be able to assist you with.

MS. SANCHEZ:

Thank you very much.

D.P.O. POSTAL:

Legislator D'Andre.

LEG. D'ANDRE:
Young lady. Young lady.

D.P.O. POSTAL:
Miss Sanchez, there are other questions.

LEG. D'ANDRE:
Miss Sanchez.

MS. SANCHEZ:
Oh, I'm sorry.

LEG. D'ANDRE:
You're to be congratulated in your effort. You're a one-parent family?

MS. SANCHEZ:
Yes.

LEG. D'ANDRE:
Let me tell you --

MS. SANCHEZ:
For the last 12 years, I've been a single parent.

LEG. D'ANDRE:
You've got grit, let me tell you. You bringing that family up and holding two jobs down is all the more reason we've got to pass this bill.

(Applause)

MS. SANCHEZ:
Yeah, that's why I came, you know. I'm pleading for the families of all across Long Island, not just Suffolk County, but also --

LEG. D'ANDRE:
And you're not asking for anything. You've gone out holding down two jobs. Madam Chair, I think that's remarkable. We're going to help

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you.

MS. SANCHEZ:
Thank you very much.

(Applause)

LEG. FOLEY:
Madam Chair.

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

MS. SANCHEZ:
Okay, thanks.

LEG. FOLEY:
Miss Sanchez. Miss Sanchez, thank you for your comments this morning. As Legislator Fields had mentioned, and she's the Chair of the Health Committee, she'll be giving you phone numbers. But, also, even though your 19 year old son is no longer part of Child Health Plus he is still immediately eligible to enter some of our health centers within the Deer Park area County health centers. Just because he's off of Child Health Plus, he can still access our Health Center Network that can give him the medical attention that he requires due to his condition. So while some say you need to apply for other kinds of social service benefits, even if you didn't have to apply for those benefits, the fact of the matter is, through our Health Center Network, you can still access quality health care, whether one works or doesn't work. So I would --

MS. SANCHEZ:
Yes.

LEG. FOLEY:
Through Legislator Fields, you'll be able to get those numbers to access those services.

MS. SANCHEZ:
Well, I'm asking for another raising of the salaries, not also just because of that, I also have --

LEG. FOLEY:
No, I understand that.

MS. SANCHEZ:
-- worked for -- you know, for many years without medical insurance. And when sometimes, I myself, I might -- you know, needing the medical help. And I also applied for emergency Medicaid and I wasn't able to pay the fee, you know, the monthly fee that they -- you know, as an emergency, and I end up stuck with a \$16,000 medical bill on my own.

LEG. FOLEY:
Okay.

D.P.O. POSTAL:

Thank you, Miss Sanchez. I know that Legislator Fields has some information for you. Our next speaker is Mark Klein.

MR. KLEIN:

Good afternoon. I'm Mark Klein of 52 Flower Hill Road, Huntington.

D.P.O. POSTAL:

Please speak into the microphone.

MR. KLEIN:

I'm Mark Klein of 52 Flower Hill Road, Huntington, New York. The following is the heartfelt and factual testimony of Rose Hamnick. She could not be here this morning. Here are her words in support of the Living Wage Bill.

"I'm writing this testimony to be read for me by someone else, because I can't afford to take the time off from work. My name is Rose Hamnick. I'm a 46 year old woman and the mother of a 14 year old son. I live in Calverton. I've lived in Suffolk County for 25 years. I earn \$7.25 an hour, which brings home \$200 a week. My job is cooking at a cafeteria for 40 hours a week. I do not have medical coverage. My rent is a thousand dollars a month for a two bedroom apartment. I pay 217 of it and Section 8 pays the rest. If I didn't have Section 8, I would be homeless. LILCO charges \$198 per month. My phone bill is \$20 per month. I spend \$60 a month on bus fair. My food for my son and I cost \$240 a month. When all these basic bills are paid, I have \$20 a week left for all my other expenses. Sometimes I feel like giving up.

Kids don't understand. They're young. They want everything. Kids grow. They need new clothes every year. I can't afford it. I don't think my son understands.

Gas heating went up this year. At one point this winter, I went for a month with the gas turned off. I heated the house with the electric oven. I take a bus to work and home for three dollars a day, \$15 a week, \$60 a month. My son may have to go to summer school this year. He goes to Riverhead High School, which is being closed for renovation this summer. If he needs to go to summer school, I will have to get him to Riverhead School and home at night, which will cost \$14 a day by taxi. In addition to this, they want over \$200 for the summer transportation cost, because they have to take the kids to Patchogue. I can't sleep at night worrying about how I will be able to afford this.

Part of the problem of earning a poverty wage is that you have no safety net. In addition to expenses, others come up besides the bare minimum. I have no way of dealing with it. I'm so tired of struggling just to live. All this would be easier if I had a higher wage and insurance.

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

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MR. KLEIN:
Yes. I like the idea of a living wage. I'd like to be able to afford to live decently." She thanks you for listening to her this morning.

D.P.O. POSTAL:
Thank you.

(Applause)

Legislator Bishop.

LEG. BISHOP:
Henry, can we get a copy of that testimony and make sure it's passed out to Legislators? I'd hate to -- for the ones who are not here to have missed that.

LEG. D'ANDRE:
Madam Chair.

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

LEG. D'ANDRE:
You say you live on Flower Hill Road?

MR. KLEIN:
Yes, in Huntington.

LEG. D'ANDRE:
Is that where the Zazzarinos live?

MR. KLEIN:
Pardon me?

LEG. D'ANDRE:
The Zazzarinos live that had the nursery?

MR. KLEIN:
Not on Flower Hill Road, there's no nursery.

LEG. D'ANDRE:
There used to be.

MR. KLEIN:
No, I don't think so.

LEG. D'ANDRE:
No? Okay, thanks.

MR. KLEIN:
There are many other streets that have similar sounding names.

LEG. D'ANDRE:
Flower Hill is North of 25A.

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D.P.O. POSTAL:
Mike.

MR. KLEIN:
Yes.

D.P.O. POSTAL:
Mike. Our next speaker is Mayor Natalie Rogers.

MAYOR ROGERS:
Good afternoon, ladies and gentlemen. My name is Natalie Rogers and I'm the Mayor of the Village of Ocean Beach on Fire Island. We are one of the 14 communities on Fire Island which is part of the Fire Island National Seashore. We are part of the National Seashore, but the National Seashore doesn't pay for any of the services, facilities or improvements in our community, the taxpayers of our community pay for it.

I'm here in support of application of Resolution Number 1248 , the application of the Fire Island Ferry Company for increased ferry rates, and some other things that are within that. I'm not going to talk much about the ferry rate increase. I think it's extremely fair and equitable that an 8% increase after four years of not having any change in the rate is more than equitable, and they0 have been doing an excellent professional job as a ferry company, and they've been most cooperative with all of our problems.

I would like to discuss very briefly the discount ferry ticket books that the taxpayers of the Village of Ocean Beach have been getting for over 35 years that I know of, and probably longer than that, because of the time that the ferry company has been servicing Ocean Beach. We provide and we have been coming out, "we" meaning the Village of Ocean

Beach, we've been coming out of the horrible name of "The Village of the Land of No" and coming into the sunlight of the "Village of Welcome." We provide services, we are happy to have people, but in order to do it, we not only need intent, we need money and we need time. The money is a big factor.

We in our Village have a budget of \$3.6 million, of which approximately 39%, or 1.4 million, are to provide services and benefits for our visitors who come over to see us. Those facilities, and I'll just list them very briefly without going into details of them, because most of you, I'm sure, do understand and do know what they are. We have lifeguards on our beaches. We have transient boat slips. We provide a major amount of police, of fire protection, of emergency medical services, doctors, dock masters. We clean up our streets. We have to rebuild many of our streets and sidewalks because of the huge amount of traffic that we get. There's a big project on now for dock repair, because we are a marina community. We are putting in new street lights. We have to allocate a great deal of money for beach jetty and dune restoration. All of this is paid for, not by the Fire Island National Seashore, not by the visitors, but by the taxpayers of Ocean Beach.

So I respectfully ask that the application of Fire Island Ferries and all the things that are in it be approved, because it's more than

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justified. Thank you.

D.P.O. POSTAL:
Thank you, Mayor Rogers.

MAYOR ROGERS:
No questions.

D.P.O. POSTAL:
Next speaker is Martin Berger.

MAYOR BERGER:
Thank you, Madam Chairman. Thank you, members of the Legislature, for hearing me. I'm the Mayor of the Village of Saltaire. Saltaire is on the westerly end of Fire Island. It has 380 houses. It has no commercial district, no restaurants, no taverns, no bars, one market. It is unlike other communities on Fire Island. It is essentially a family community.

Saltaire, like Ocean Beach, provides the services that Mayor Rogers just listed out of the funds of the taxpayers of the Village of Ocean Beach. We own our own dock. The ferry ties up to our dock in

Saltaire. It ties up on the mainland to our dock in Bay Shore. It doesn't own its dock. It pays us for the privilege of operating our parking lot for which it gets the revenues.

We have a contract with the ferry company that is cancelable on one year's notice. It provides that if it stops selling us discounted fair books in bulk, that it will have to reconsider -- we will have to reconsider the rental that it pays for our two docks. As to that, just to show you that there is absolutely no discrimination, we are about to spend a million and a half dollars, funded by taxpayers, in order to rebuild our Saltaire dock. In 1994, we spent \$2 million, funded by our taxpayers, to rebuild our beaches after 93-94 storms. We are now having an engineer determine what is required to rebuild our beaches in 2001-2002. We anticipate spending another \$2 million out of taxpayer funds.

To the extent that we have individuals who come over on a daily basis and pay somewhat more than our residents do for ferry service, we are giving those visitors, whom we welcome, all of the facilities that are available in Saltaire without extra charge to them.

Contrary to what Mr. Weinstein says, there's absolutely no discrimination. We pay in advance to the ferry company cash in the sum of \$200,000 to buy the 1,400 discounted books that they make available to us. That cash available now --

MS. JULIUS:
Water?

MAYOR BERGER:
Thank you very much. Thank you very much. Available now has to be considered in terms of the fares that they get, because it's cash in advance. It is not unusual in bulk purchasing to pay in advance and get a discount for it. That is precisely what is happening, a benefit

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to the ferry company and a benefit to those who we are claimed to have discriminated against. That goes into the fare that they pay when we get the discount. And if the Legislature, in my view, unwisely eliminates that discount, all that will happen is that the ferry company will be paying us a rental of substantially more than the discount.

D.P.O. POSTAL:
Please sum up, Mayor Berger.

MAYOR BERGER:
Briefly, it will cost those who we are claimed to discriminate against

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more than allowing us to continue as we've done for lo these many years. I urge you to include in whatever resolution you pass regarding the ferry companies petition provision that allows the continuation of the discounted fare. Thank you for your attention.

D.P.O. POSTAL:

Thank you.

LEG. CARACCIOLO:

Question.

D.P.O. POSTAL:

Question, Legislator Caracciolo.

LEG. CARACCIOLO:

Yes. Mayor Berger, is it your understanding that the resolution that will being considered by the Legislature today has that provision?

MAYOR BERGER:

I understood that at committee it was -- you were advised by the Legislative Attorney and the Budget Review Committee that if you wished to continue it, it should be in the resolution. If it is not in the resolution, I urge that it be.

LEG. CARACCIOLO:

Okay. Then let's go to Counsel and --

LEG. CARPENTER:

If I could respond.

LEG. CARACCIOLO:

-- or the sponsor.

D.P.O. POSTAL:

Legislator Carpenter may be able to respond.

LEG. CARPENTER:

If I could, it is clearly outlined in the resolution the numbers of books and cost of the books to each of the villages.

LEG. CARACCIOLO:

Okay. So it continues the past practice?

LEG. CARPENTER:

Right, but it codifies it. And that was the question that was raised

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last time the ferry company went for an increase, and the ferry company has, you know, gone along with the request that we had made and made it very clear there is no ambiguity, it's clearly stated how many books and for what cost.

LEG. CARACCIOLO:

Okay. The other question I had, Mayor, related to the infrastructure improvements and docking facilities that you said were made in '94 after a 93-94 storm season. Could you elaborate in terms of -- you said taxpayers.

MAYOR BERGER:

We borrowed a million-eight hundred -- we borrowed something close to a \$1,800,000 on a bond issue. We are paying it back with interest to the bondholders. Those funds went for the restoration of our dunes. We did not get any help from any governmental agency.

We were looking forward to the Fire Island interim plan proposed by the U.S. Corps of Engineers, and, unfortunately, the Governor pulled the rug out from under that plan, and the Department of State no longer is the sponsor of it. Our beaches, our restoration program in 93-94 has some 47% of the sand left. We anticipate in two years we're going to have to do another job.

I'm meeting when I leave here with the engineer that we and other communities propose to retain to design the new project to restore the beaches. We anticipate we will be spending another \$2 million to restore sand to protect ourselves and, if you will, the South Shore of Suffolk County, because if there be a breach in Fire Island, Good Samaritan Hospital is under water. And it seems to me that we are not getting help from anyone. We are asking for a modicum of help in terms of benefiting our taxpayers who help everybody who comes to Fire Island by their efforts.

LEG. CARACCIOLO:

Thank you.

MAYOR BERGER:

We're asking that the discount booklets be continued.

LEG. CARACCIOLO:

Thank you.

D.P.O. POSTAL:

Thank you.

MAYOR BERGER:

Thank you.

D.P.O. POSTAL:

Next speaker is Ellen Deweerdt. Ellen, are you here? Next speaker, Joseph Werner.

MR. WERNER:

Now, before I speak, can you tell me what the status of Resolution, let's see, 1582 is?

D.P.O. POSTAL:

Yes.

MR. WERNER:

Which was formerly Introductory Resolution 1207.

D.P.O. POSTAL:

No, that's not quite accurate. 1582 is an expansion of some of the protected categories and some definitions and clarifications with regard to 1207. That's laid on the table today. It's presented to the Legislature today and it's assigned to committee. So what it does is to expand the categories to include women who are pregnant, people who are blind, people who are disabled, and also to define words like "employer" and "commercial space," which were in 1207, and to clarify the issue of immigrants, because there's been a lot of misunderstanding about that issue. So that's been presented to the Legislature, laid on the table today.

MR. WERNER:

Okay. And when will it be actually voted upon?

D.P.O. POSTAL:

It will -- it should go to committee. It's assigned to the Public Safety Committee, so that -- and it will have a public hearing. I believe there's been a public hearing advertised for this afternoon.

MR. WERNER:

This afternoon.

D.P.O. POSTAL:

Am I correct?

MR. WERNER:

Where would that --

D.P.O. POSTAL:

No. Next --

MR. BARTON:

June 26th.

D.P.O. POSTAL:

29th. Is that --

MR. BARTON:
June, June 26th.

D.P.O. POSTAL:
26th.

MR. WERNER:
Yeah, June 26th?

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MR. BARTON:
The Legislature will set that this afternoon.

D.P.O. POSTAL:
June. Okay. The public hearing will be set this afternoon for a public hearing on June 26th on this bill. And after that time, it would be eligible for discharge from the Public Safety Committee.

MR. WERNER:
Did you say it's actually going to be before a committee this afternoon?

D.P.O. POSTAL:
No, no.

MR. WERNER:
No, oh.

D.P.O. POSTAL:
When it's presented to us, it's assigned to a committee. It's been assigned to the Public Safety Committee. This afternoon we will set the public hearing for June 26th.

MR. WERNER:
Oh, okay. Well, actually, I'll read what I was going to say, because I thought we were going to have a hearing on this today.

My name is Joseph Werner of Setauket, New York. Suffolk citizens don't want a police state. Resolution 1582, which began as Introductory Resolution 1207, puts a deadly cancer pill in America's freedom and condemns the mass of 1,400,000 Suffolk citizens to a law that some might say was decreed by 12 Legislators as in a dictatorship. Who knew about it? It is against everything America stands for, and, thus, I ask that the Suffolk County citizens be made aware of the resolution's contents. Then with an enlightened citizenry, a referendum should be declared to give the residents an opportunity to express their wishes through the use of America's

greatest treasure, the ballot.

Farmingville residents have a major problem which denies them peace and tranquility, and worse yet, forces upon them fear, fear for their safety and people and things they hold dear. More and more residents throughout Suffolk County are becoming aware of Farmingville's problem. Is it Farmingville's problem alone, that they themselves are having similar problems in their areas and just don't know what to do.

The black flag you see represents frustration of hard-working, law-abiding Suffolk citizens. If Resolution 1582, formerly Resolution -- Introductory Resolution 1207, becomes law, the black flag will be seen more and more throughout Suffolk as it represents a symbol of citizens' revolt, similar to our forebears revolt against an unjust monarchy. The contents of Resolution 1582 are such that it demands that people should be given an opportunity to express their wishes through the ballot box. At this point, I ask citizens of Suffolk County to make an all out effort to emphasize -- I emphasize an all

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out effort requesting local and national news media and investigatory media to conduct an in-depth investigation from 1985 to the date of the Suffolk County Legislature. It would be shocking to know the contents of Local Law 3-1986 passed by the Suffolk County Legislature majority at the time. Imagine, for approximately seven years, this law helped hide illegal aliens from state and federal government, plus providing them benefits at taxpayers' expense.

D.P.O. POSTAL:

Mr. Werner, please sum up.

MR. WERNER:

Okay. It seems obvious the Farmingville problem -- the present problem in Farmingville, which has also permeated throughout Suffolk County, began with a Legislative majority of Local Law 1986. Let us restore power to the people via the ballot box as such issues as the resolution. Remember, an all out effort to contact local and national news media, investigatory media programs request an in-depth investigation by conducted.

D.P.O. POSTAL:

Thank you, Mr. Werner. Next speaker, Jack McCarthy. Jack McCarthy?

AUDIENCE MEMBER:

He left.

D.P.O. POSTAL:

Next speaker, Jerry Dicecco.

AUDIENCE MEMBER:
He left.

D.P.O. POSTAL:
He left? Jerry Cusack.

AUDIENCE MEMBER:
He left.

D.P.O. POSTAL:
Gail Trocchio.

MS. TROCCHIO:
Thank you for pronouncing my name correctly. My name is Gail Trocchio, I live in Farmingville, and I'm a member of Sachem Quality of Life. And I'm here to read a statement from Margaret Bianculli Dyber, our President. And I would ask, if you have any questions, that you direct them to her by correspondence.

"To the Suffolk County Legislature. In 1992, the Suffolk County Legislature adopted Resolution 1824 to streamline County government by repealing certain laws, boards and commissions. Two of the Legislative intents used to justify the 1992 resolution are justifications for voting against today's resolution, Number 1582, with the repeal of Resolution 421, which was originally 1207.

Number one, it was determined that regulatory legislation, which

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otherwise impose a bureaucratic stranglehold on the private affairs of the citizens of Suffolk County should be repealed.

Number two, it was intended to result in the concentration and allocation of limited County resources in those areas of regulatory concern where County involvement can have its greatest and most cost effective impact.

In other words, Resolution 1582 will impose a bureaucratic stranglehold, not only on the private affairs on the citizens of Suffolk County, but on the affairs of organizations that could include the likes of the Elks, VFW, American Legion and community civic organizations, which this resolution arbitrarily defines as public those organizations that more than 100 members.

Further, 1582 creates a duplication of services that are now provided by the State and paid for by our State taxes. The State has a 15-year backlog and it is foreseeable that the County will soon experience

this same kind of backlog, and funds needed for expansion of the Human Rights Commission services will exceed any projected income from fines.

Already today, this County is in a situation that speaks of limited County resources, which resources are best used in areas that are not already serviced by other levels of government. What will happen to the complaints when the time comes that this County can no longer support the expansion of this Commission's workload? By that time, how far in debt will we be? How much good money will we have thrown after bad. There are other ways to get income which will not tax our services or the taxpayer. For example, prosecute the contractors who violate labor and sales tax laws, because they work the underground economy. From Farmingville alone, you could collect more than \$3 million a year from taxable services.

Finally, the Suffolk County Human Rights Commission has shown its own bias by forcing prosecution of a neighborhood dispute as a bias crime. We should not allow them to place the citizens and legal residents of this County under a bureaucratic stranglehold, or to further stress our County's financial predicament. Vote against Resolution 1582, as well as repealing or withdrawing 421. Thank you very much, from Margaret Bianculli Dyber.

D.P.O. POSTAL:

Thank you. Next speaker is Amanda Trent. Amanda Trent?

MR. TRENT:

Good afternoon, Chairman and Legislature. My name is Amanda Trent. I've lived in Suffolk County my entire life. A month ago, a Working Families organizer came to my job and asked me if I heard about the living wage law. She asked me how much I made. When I told her that I made 6.50 an hour, she asked me if I could -- if she could visit me outside my work and talk with me about the law and my situation. I'm a little nervous about being here. I like my boss and I need to keep the job that I have, even though it pays 6.50, but the living wage is very important, so I have come to ask you to pay us this law, because it will help me and my coworkers and other people I know.

Let me tell you a little bit about myself. My day starts at 6 a.m. and it ends at 8 p.m. five days a week. I'm a single parent with an eight year old daughter. I work two jobs and I try to make ends meet. The cheapest rent I found that's decent is like \$950 a month, and I couldn't afford it, so I moved in with my father. If it wasn't for my father's help, I don't know where we would live. I pay \$600 a month to stay there and help him with the bills. I wish I could do better.

It's not easy being a grown-up living with my father.

In one of my jobs, I work in a cafeteria. In the other job, I help take care of an elderly man, cleaning his house, cooking his meals, and help him until he goes to bed. Between my two jobs, I bring home \$317 a week; that's \$1,268 a month. My daughter and I never eat out, we don't wear name brand clothes. I shop at Walmart and K-mart. I have always had a job for at least 30 years. I'm not a lazy person. I even went to school to get certified as a Nurse's Aide. When I worked at the hospital as an aide, I was hired per diem. I made \$17 an hour, but no benefits. But -- and it was only for 20 hours a week, or whenever they called me. I ended up having to give up the job, because I couldn't afford the child care. If I was a lazy person, I would stay home, but I want to work. I just keep falling through the cracks.

A lot of people stereotype poor people, saying they're lazy, or drug addicts, or alcoholics. I'm here to tell you that we are people like myself that leave one job and go to another. After work, I come home to cook dinner and help my daughter with her homework. My daughter stays home alone for two to four hours a day, because I can't afford the extra \$50 a week it would cost for a babysitter. Again, I slip through the cracks, because I make \$11 over the limit for day-care for her and just me -- it's just me and her. I --

D.P.O. POSTAL:

Miss Trent, I have to ask you to sum up, please.

MS. TRENT:

Okay. Again, like I said, I have to make choices. I fell and I hurt myself, and I have to make choices between the medication that I could afford to buy, and so I took the pain pills instead of the muscle relaxer.

And I believe the law should be about helping hard working people like myself. This is degrading and makes me feel depressed, and I don't want to feel guilty for the \$50 bike that I bought for her for Christmas. I don't want to work two jobs and have no privacy. I don't want to keep slipping through the cracks. This is America. We're supposed to make it if we work hard. I work hard. We should all get a little piece of the pie. I'm talking about not -- not talking about being rich, just comfortable, able to pay the bills.

Please pass the living wage law. I'm not the only person it would affect. The \$400 in medical would change our lives. Thank you.

D.P.O. POSTAL:

Thank you, Miss Trent. Legislator Foley has a question.

(Applause)

LEG. FOLEY:

Miss Trent. Hi, Miss Trent. Miss Trent. Over here, Miss Trent. You mentioned before that you had to make a choice as to what pharmaceuticals you were going to take. Do you access the Riverhead Health Center at all?

MS. TRENT:

Yes, I do.

LEG. FOLEY:

You do.

MS. TRENT:

I use my ten visits and it's \$15 a visit now. I just went May 26th.

LEG. FOLEY:

Okay. Very good. Thank you.

MR. WERNER:

Excuse me.

D.P.O. POSTAL:

And -- I'm sorry. No, you've had your opportunity, Mr. Werner. Last speaker for this morning is Bill Leudemann.

MR. WERNER:

I'm just asking three minutes. I had this time for two minutes. I was wondering if I was losing time when you were speaking.

D.P.O. POSTAL:

Please, Mr. Leudemann.

MR. LEUDEMANN:

Yes.

D.P.O. POSTAL:

Your time.

MR. LEUDEMANN:

Oh, okay. My name is Bill Leudemann and I'm the President of the Suffolk County Restaurant and Tavern Association, and I'm here today for -- in reference to this resolution that Dave Bishop has, Resolution Number 1410. I'm a little concerned with some of the wording. And I would hope to, prior to any such bill being passed, to have the opportunity to discuss some of the wording that's in this bill. I think people in our industry are more concerned with food borne illnesses than just about anyone. This is our livelihood and it could kill us in a heartbeat with a food borne illness. Some of the things I don't understand on the bill, you know, as far as posting it on the website, since the Board of Health has the authority to close an establishment --

D.P.O. POSTAL:
Go ahead.

MR. LEUEMANN:
I don't see any reason why it should be posted on a website for a slow death. Let the Board of Health -- I mean, if the place is that bad, let the Board of Health close the place down. I'm certainly not advocating food borne illnesses, you know, and I don't think anybody does, but, you know, if a place is this bad, then it should be closed down.

I would like, at this time, to -- I don't know if David knows approximately how many places in the County at this present time qualify, according to this bill, to be posted on the website?

LEG. BISHOP:
According to the Health Department, about 500 restaurants. So if we took your approach, you would be advocating closing down 500 restaurants immediately.

MR. LEUEMANN:
There's 500 --

LEG. BISHOP:
I don't know if that's --

MR. LEUEMANN:
There's 500 --

LEG. BISHOP:
-- if that's really what your association wants.

D.P.O. POSTAL:
Question.

LEG. BISHOP:
No. I'm responding to his question.

MR. LEUEMANN:
There's 500 bad restaurants in this County? That's -- that's hard to believe.

LEG. BISHOP:
That's what they tell me. They tell me there's about 500.

MR. LEUDEMANN:

Well, like I said, I would like to have the opportunity to discuss this bill with you, and, you know, I would definitely give you a call and see when you were available and we could set up something.

LEG. BISHOP:

Try to do it sooner than later next week.

D.P.O. POSTAL:

Yeah, I would suggest -- I don't know whether you can find the time today.

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LEG. BISHOP:

Yeah, we're going to --

D.P.O. POSTAL:

We're going to break very shortly.

LEG. BISHOP:

We're going to table it and I'm going to meet with the --

D.P.O. POSTAL:

Okay.

LEG. BISHOP:

With the association.

P.O. TONNA:

Oh, you are going to table it?

LEG. BISHOP:

Yeah.

P.O. TONNA:

Okay.

D.P.O. POSTAL:

Okay. Thank you.

MR. LEUDEMANN:

Thank you.

D.P.O. POSTAL:

Okay. This meeting is recessed until 2:30 for the public hearings.

[THE MEETING WAS RECESSED AT 12:30 P.M. AND RESUMED AT 2:42 P.M.]

[SUBSTITUTION OF COURT STENOGRAPHER - ALISON MAHONEY]

D.P.O. POSTAL:

I would like to call the meeting to order for the public hearings.

Mr. Clerk?

MR. BARTON:

Yes, Madam Chair. The affidavits of publication are in order and they have been filed in my office. We can begin with Public Hearing on 2286.

D.P.O. POSTAL:

Public Hearing Regarding Introductory Resolution 2286-2000 - Adopting Local Law No. 2001, a Local Law to require power plant emission evaluations (Fisher). The first speaker on this public hearing is Peter Quinn. Pete, you have ten minutes.

MR. QUINN:

Thank you, Maxine. Good to see you again after a hiatus of a couple of hours. I am here to speak in favor of Resolution 2286. I do

support the intent and purpose to encourage present and future owners of power plants to maximize the efficiency of converting raw fuel into electricity through a more efficient generating technologies. But my experience with utilities, over a period of some 25 years, is that they honor laws such as this more in the breach than in the compliance. That's why I believe that the penalties after the first year are too low and succeeding years is too low.

And similarly, I oppose the second bullet as to the means of compliance. Yes, the power plants will emit less CO₂, but natural gas is really methane gas which emits toxic noxious gases which when exposed to sunlight on a day like today have an adverse impact on those who are asthmatic, children at work outdoors, senior citizens and others with various types of respiratory ailments. So I'm not a fan of methane gas as means of switching from one fuel to another, even though that was called by the oil and utility industry many years ago the bridging fuel to the future. They called it that because they understood that oil back in 1973 and 81 was being given a bad name and there were shortages and so they promoted more extensive use of natural gas. But I will talk more specifically about carbon dioxide emissions.

We do know, despite the fact that President Bush said in talking -- in responding to a question about CO₂ emissions, he said it's not a toxic

emission; well, he's right. But it does have an impact on our environment as a global heat trapping gas. We do know from scientists and someone -- one of the Legislators at the committee hearing said he wasn't sure about the science. Well, I must tell you that scientists met back in the early 90's to discuss global warming, they determined to do produce papers, they prepared volumes of papers and called for a meeting of 189 nations of the world at Kyoto, Japan, in 1997. And that 1997 Kyoto protocol called for the reduction in CO2 emissions by the year 2000 -- 2112 to 95% of 1990 emissions. And that would go a long way towards reducing global warming.

Scientists have looked at this and climatologists have done studies over a period of a hundred years and they have determined that the 15 warmest years on record have occurred in the last 25 years. So if you saw this on a graph, you'd see it dramatically move up in the last 25 years in comparison to what it was a century ago. So there's no question that scientists -- there of course is the pseudoscience, those scientists hired by Mobile and Exxon to tell their side of the story and they contend there is no problem. But what we know can happen. We know that global warming can cause the polar ice caps to melt, and when the polar ice caps melt they increase ocean levels so that they impact an island like our own, particularly on the south shore where the land level is almost at ocean level. And they indicate that in the period by 2150 that we can see a one foot rise in ocean level. And what will that do to our south shore? It will impact adversely on wetlands, maybe causing them to be wiped out, it will certainly impact on those people who have gorgeous homes on the south shore so that land use can become minimized, it may even see some areas of the south shore disappear up to Sunrise Highway.

Now, we know what's happened whenever there's a hurricane, a Class I hurricane such as the one we had in 1985. Hurricane Gloria did tremendous devastation to large sections of Long Island. So we can

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anticipate within the next 50 years a substantial reduction in the way in which we live.

I would submit to you that this legislation, while it recognizes only those power plants here in Suffolk County, is supportive of what -- of the same and similar kinds of legislation that are going on throughout the rest of the country in several states, Massachusetts having adopted one, Pennsylvania and Connecticut having considered one. It seems to me that this visionary kind of legislation should be supported and passed by every member of this Legislature. And I would urge that if this becomes a one-sided bill, that one party will have to stand up and defend itself when they run for reelection. Thank you.

LEG. FISHER:

Thank you very much.

D.P.O. POSTAL:

Thank you. Next speaker is Mark Serotoff.

MR. SEROTTOFF:

Good afternoon, Ladies and Gentlemen. I'm here representing myself but I am a member of the Townline Association, Chairman of Science and Technology, and a member of the Sustainable Energy Alliance of Long Island.

Increasing energy demand for energy has resulted in a proliferation of proposals for new power plants on Long Island. Although existing KeySpan generating plants were built decades ago when nearby development wasn't an issue, many of the current proposals are for new sites and in several cases they are near homes, schools, hospitals, assisted living and athletic fields. There's widespread community concern that these sites will cause a degradation in the health of nearby neighborhoods. All this proposed generator building has come under greater scrutiny in the light of the California experiment and deregulation of its energy market, a colossal failure. A recently proposed Suffolk County law recognizes that some regulation is needed. The proposed law, introduced by Legislator Vivian Fisher, would set emissions, limits and encourage producers to "maximize efficiency by incorporating technological advances in energy, production that increases electrical generation but do not require an increase in fossil fuel consumption.

The Suffolk County Legislature deserves high marks for doing its job and looking after the public welfare. Other pollutants that are of great concern and cause immediate danger such as nitrogen and sulfur oxides and ozone which causes -- which can result in heart and lung damage and the particulates which are soot, involatile organic compounds cause cancer and all these will be decreased by this bill which is lowering CO₂; it will cause, in turn, these other pollutants to be reduced.

Although these pollutants are covered in Federal and State regulations, special circumstances exist on Long Island that require special standards. The Long Island region has been designated a non attainment area for ozone by the State DEC for the last eight years,

and that means the ozone level is consistently above State limits. Ozone causes heart and lung damage. Concern over carbon dioxide emissions is genuine. Ocean levels are rising, there are problems -- could be problems in decades to come. As a matter of fact, New York

City and Bridgeport have already made contingency plans for rising shoreline water levels to cover coastal flooding. But these other emissions may cause disease and death in a span of weeks to several years. Cancer rates are astronomical. We all know somebody affected by cancer. Can we afford not to remedy these causes? Lost work time due to illness and health care costs will increase. Quality of life, one of the reasons people want to live on Long Island, will erode. To better manage the market and pollutant energy credits, a sliding scale of standards could be applied. Less stringent rules could be in effect for a site more isolated from homes and schools compared with a site adjacent to homes and schools as well as existing sources of pollution nearby.

In my own area in Commack, Kings Park, a proposed power plant is being proposed across the street from the Huntington Regional Incinerator; it's an example of deregulation out of control. A Suffolk County Energy Board could be established to devise a plan and recently SEA, which is the Sustainable Energy Alliance of Long Island, has been formed that can assist in that regard. This energy board would determine what new generation is really needed, review proposals and make suggestions. For example, I think there are about a dozen power plants being proposed for Long Island. How many are really needed? And if they were all to materialize, what would happen to the health and environment and quality of life?

The County energy board should encourage by all means possible the repowering of existing KeySpan plants with new technology, significantly more electricity with less pollution and a decreased need for new power would result. A maximum effort must be made for generation that doesn't cause health or environmental degradation. The local options include wind power, solar, geothermal, wave power, {tardo generation}. Also, more attention should be paid to conservation and energy efficient appliances and consumer awareness. Some of these technologies are costly and take time to establish. I believe that the public would be willing to pay more for a healthier environment for themselves and for their families. Thank you.

D.P.O. POSTAL:

Mr. Serotoff, Legislator D'Andre has a question.

MR. SEROTTOFF:

Let me put my other glasses on so I can hear you better.

LEG. D'ANDRE:

I'm a little confused here. You say volatile organic compounds that can cause cancer. Here we hear another side of the organics are safe and now you have a volatile organic compounds that can cause cancer. Where are we with this interpretation? They're saying about spraying with organics is safe and here we have causing cancer; I'm confused.

MR. SEROTTOFF:

Organics in general is a chemical term used to define any compound

that contains carbon. You can have -- Rice Krispies and milk is an organic compound, very healthy and safe, but there are other organic compounds. All that means is it contains carbon, the atom carbon, that's all organic means. So volatile organic compounds are chemicals that go into the air that cause cancer and they contain carbon.

LEG. D'ANDRE:

Well, some people are trying to sell off the safety of organics.

LEG. BISHOP:

They're not volatile.

MR. SEROTTOFF:

Again, organic just means a compound containing the element carbon. Organic fertilizer or organic farming, it's farming or use of chemicals containing carbon or naturally occurring.

LEG. D'ANDRE:

Well, some of the advocates of this don't know what they're talking about, don't even begin to understand it and that's why I'm bringing this out. They seem to rely on the fact that if you use organics you're perfectly safe and not so. Curari is an organic from a tree and it's deadly poison.

MR. SEROTTOFF:

Yes, yes.

LEG. D'ANDRE:

Just so we get the record straight. Thank you, Madam Chair.

D.P.O. POSTAL:

Legislator Fisher.

LEG. FISHER:

Thank you for being here, Mr. Serotoff.

MR. SEROTTOFF:

You're welcome.

LEG. FISHER:

There was one question that I wanted to ask you because you mentioned tangentially your work with demand side management and I think I saw something that was published by your group recently, the Sustainable Energy Alliance, is it Conservation Hints for People on Long Island?

MR. SEROTTOFF:

Yes.

LEG. FISHER:

Was it your group?

MR. SEROTTOFF:

Yes.

LEG. FISHER:

Okay, I just wanted to ask you about that. That was very good, thank

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you.

MR. SEROTTOFF:

You're welcome.

D.P.O. POSTAL:

I'm sorry.

LEG. FISHER:

I just had a brief question to ask him.

D.P.O. POSTAL:

Next speaker, Marianne Zacharia.

MS. ZACHARIA:

Good afternoon. My name is Marianne Zacharia, I'm the Director of Education and Advocacy for the American Lung Association of Nassau Suffolk.

The American Lung Association of Nassau Suffolk supports Introductory Resolution No. 2286 introduced by Legislator Fisher to adopt a Local Law to require power plant emission evaluations. There are currently no Federal or State guidelines for CO2 emissions, enacting local legislation would close a gap that exists in the Clean Air Act. And it is our belief that the key to ensuring our power needs are met in the future is a modernization of existing power plants utilizing technology which results in greater efficiency and reduced emissions. Carbon dioxide has been identified by many scientific studies to be a cause for global warming and climate change. Its presence in high amounts is also indicative of an inefficient power plant that is also emitting high levels of toxic pollutants such as nitrogen oxides and sulfur oxides. These are pollutants that are known to be respiratory irritants and triggers for asthma episodes.

There are presently more than 160,000 Suffolk County residents who suffer from chronic lung disease. Their health is directly at risk from these emissions. The New York Public Interest Research Group published a report to determine that the Port Jefferson and the Northport Power Plants are among the worst polluting plants in the state. They are grandfathered in by the 1970 Clean Air Act and they do not have to abide by regulations that new power plants have to

abide by.

Legislator Fisher's bill seeks to limit CO2 emissions of power plants by doing all the right things, that is updating our existing power plants by generating greater levels of electricity without increasing the use of fossil fuels and encouraging investments in energy conservation or and use energy efficiency improvements and technologies that rely on renewable energy sources -- resources such as solar, wind and fuel cells. These are steps that will not only ensure cleaner air but will also help to displace much of the forecasted energy demand on Long Island. We urge your support of this legislation for the health and well-being of your constituents. Thank you very much.

LEG. FISHER:

Thank you. May I ask a question?

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MS. ZACHARIA:

Yes.

D.P.O. POSTAL:

Legislator Fisher.

LEG. FISHER:

Okay. When you mention inefficient, it's a power plant that runs efficiently.

MS. ZACHARIA:

Right.

LEG. FISHER:

Would you say that it is efficient in terms of environmental effects or economic effects?

MS. ZACHARIA:

Both, actually. Efficiency, really what I mean is by utilizing the least amount of fuel in order to create the greatest amount of energy with the least amount of pollution.

LEG. FISHER:

Okay. Madam Chair, that was a very important point that I hope everyone is aware of, what Ms. Zacharia said. It's not only the environmental efficiency but the economic efficiency. This is not hampering or costing the ratepayer more money. The power plants can be run more efficiently if a new technology is employed because we won't have as much reliance on the amounts, high amounts of fossil fuel.

Thank you very much.

MS. ZACHARIA:
Thank you.

D.P.O. POSTAL:
Other question? Okay, thank you. Next speaker is James Hurst.

MR. HURST:
Good afternoon. I am speaking only for myself, my name is Jim Hurst. This legislation is an interesting piece of legislation and I in general believe I support it, but there are several problems with the legislation that I think need to be at least raised.

Clearly, the legislation is aimed at the KeySpan plants of which we're looking at about 4,000 megawatts of mostly old plants. The plant on the Expressway is a fairly new natural gas plant, the rest of the plants all go back mostly to being coal burners; I mean, these are old plants, they're grandfathered for a good reason, these are not high technology new plants by any stretch of the imagination. The problem I see with this -- one problem I see with this legislation is the following. These units are all fairly large, I think Port Jefferson has about 1,100 megawatts altogether and the plants you're talking about are 500 megawatt units. We're not talking about replacing a smaller unit, we're talking about replacing something that's very

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large, and I'm not sure this 1% reduction is going to work. You sure want to take off a plant that is of the 500 megawatt variety, but bluntly right now the only plants that have been in the paper are the possibility of a plant in Yaphank, a possibility of a plant in Kings Park and the Spagnoli Road plant that KeySpan just brought out. This is a drop in the bucket compared to a 4,000 megawatt problem we've got, and I think you folks have to recognize that.

The second problem, and this is that right now any plant that LIPA has -- sorry, that KeySpan has that is capable of burning anything other than natural gas, to the best of my knowledge now is burning oil for two reasons; one, natural gas is too expensive, and then there's the other question during the winter time, is there enough natural gas available? I mean, you want to keep the -- since LIPA is moving to get -- KeySpan is moving to get as much natural gas into homes as possible, you have to ask yourself is there enough natural gas to fire a large power plant at the same time?

I think this is an issue that's got to be dealt with. It's not clear that the 1% is going to work real well when you start reducing things

because I think the steps are going to be bigger but they're also going to be slower. I have one other problem and then I will finish.

LEG. FISHER:

May I just interrupt while you are at that point?

D.P.O. POSTAL:

Just use your microphone.

LEG. FISHER:

I'm confused about your confusion. The 1% is a reasonable reduction. I have discussed with this with KeySpan, and I'm just confused about what your problem is with that, it wasn't clear. Because we have discussed this with the physicist and engineers who work at the power plants and it is precisely because the large power plants are running much dirtier than they should. And we are looking for a policy that indicates that when there are new plants they must be the most efficient plants that can possibly be created to generate energy in an efficient manner so that we are able to generate energy for the people of Long Island that is cleaner without depriving the people of Long Island who need energy and are high energy consumers from any -- or cause any kind of blackout here. We want to reduce the emissions but not the energy.

MR. HURST:

I understand that but the point is there's nothing on the books. If you look at the Spagnolia Road plan, I think it's 200 megawatts.

LEG. FISHER:

It's 250 megawatts.

MR. HURST:

Okay, fine. To take one of the units off of Port Jefferson is 500 megawatts.

LEG. FISHER:

The --

MR. HURST:

And I don't believe there is any incremental way of making Port Jefferson run any better. The only way you can make Port Jefferson run better presumably is to switch over to natural gas from oil, I suspect there's a significant change there.

LEG. FISHER:

Absolutely.

MR. HURST:

But the bottom line is I don't believe the plant is capable of doing any better than it's been in the past and right now it's not doing -- if it's still running oil, it's not doing as well as it did in the past. And we have to face up to the fact that you may not have enough natural gas to power these plants. And if you are going to then proceed to fine the plants, and perhaps your fines aren't big enough as Mr. Quinn says --

LEG. FISHER:

There are 20 proposals for new plants. Of course, we don't want that kind of proliferation of new plants, but if we're going to create a master plan or have a vision as to what we want -- how we want our energy needs to be provided for, then we have to establish a policy of how we want to deal with the emissions and part of our policy would have to be looking very carefully, wholistically at the sightings of the plants, see how we can divert some of the energy production away from the large dinosaurs gradually. If you notice, my proposal is not a huge jump that would occur immediately, it's phased in so that we can wean ourselves off of the very high polluting plants. I'm not supposed to be conducting a debate here, I should just be asking you questions. Sorry.

MR. HURST:

That's perfectly okay. I understand what you're saying, it's just I don't --

LEG. FISHER:

No. Actually, I'm apologizing to the Chair who just said, "Questions, please."

MR. HURST:

Well, let me --

LEG. FISHER:

So I'll save my responses for later. I'm sorry, Madam Chair.

MR. HURST:

Okay, fair enough. Let me --

D.P.O. POSTAL:

Let me just -- just one minute. I don't know, had you finished your statement?

MR. HURST:

No, I have one more little piece to add to this.

D.P.O. POSTAL:

Okay. And then I'll recognize Legislator Caracciolo who has a question.

MR. HURST:

In Section 3-B23, there's one source of possible alternate energy which is mentioned which I don't believe should be there unless you add another couple of words to it and that is fuel cells. Fuel cells are very nice devices as long as they are powered by hydrogen gas. If you power them with anything else, all they are is CO2 emitters, and unfortunately if folks don't realize that then there's a little problem with understanding the technology.

LEG. FISHER:

Right. The prototypes we've been looking at here are hydrogen powered on Long Island.

MR. HURST:

Which ones? If you are looking, for instance, a plug power --

LEG. FISHER:

I'm sorry.

MR. HURST:

-- that's not. Thank you. I think I'm finished.

D.P.O. POSTAL:

Legislator Caracciolo?

LEG. CARACCIOLO:

Yes. The speaker indicated that he was here speaking for himself, so

I would assume you are not here representing any organized group or trade association.

MR. HURST:

I belong to a number of groups but I'm not representing any of them.

LEG. CARACCIOLO:

Okay. In terms of perhaps expertise dealing with this issue, do you have some credentials or some familiarity with the issuer in a broader sense than just being someone who has an interest in this area?

MR. HURST:

I have a couple of degrees in engineering and I've been involved with energy issues for a few years. I'm just not prepared to speak for anybody else aside from myself.

LEG. CARACCIOLO:

Okay. You're not a consultant, you don't have your own business.

MR. HURST:

No, absolutely not.

LEG. CARACCIOLO:

Okay.

MR. HURST:

Don't mike a dime off of this.

LEG. CARACCIOLO:

Okay. Then to the extent that perhaps you're familiar, are you at all familiar with wind rows and wind flow direction over Suffolk County?

MR. HURST:

Yeah, uh-huh.

LEG. CARACCIOLO:

And based on information that you have, could you describe what are the prevailing winds during the two dominant seasons, the summer and winter?

MR. HURST:

Yeah, you've got winds out of the northwest and out of the southwest for the most part. And the east end of Long Island is a perfectly good area to think about windfarms.

LEG. CARACCIOLO:

Correct. That said, in terms of the legislation -- and I want to commend Legislator Fisher for this proposal, but I think in the context of what the proposal really does and I think you spoke to that, it really doesn't go anywhere near the effort that needs to be made to really clean air over Suffolk County, predominantly because the pollution in the air that we breath contains -- comes from other places. We're talking about northwest and southwest prevailing winds depending on the season, one only has to look at the Perth Amboy area of New Jersey and all of the fuel tank farms and fuel storage facilities and the emissions that come out of those facilities that wind up as they move from west to east often times over Long Island and in particular Suffolk County.

So while this is a laudable piece of legislation, no one should be under the impression that it's really going to go very far in terms of dealing with the broader issues which are really Federal and State issues and really lawmakers at both levels of government have to address. I mean, we can do our part, and again, I think that's what Legislator Fisher is trying to accomplish. But would you like to elaborate at all with regard to wind direction and pollutants coming from other places, coal fired plants in the midwest?

MR. HURST:

Sure, you're absolutely right. And the U.S. gets half of its power from coal fired plants.

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LEG. CARACCIOLO:

Well, let me ask you this, just to switch gears and --

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MR. HURST:

Sure.

LEG. CARACCIOLO:

-- pick your brain for a moment. In terms of a national energy policy, it seems that the federal government is never prepared to deal with this issue. We had gas lines back in '73 and then back in '77, and briefly we had them again. We've had price controls. In terms of a national policy, we had the onset of the nuclear energy, you know, plan and then that went by the wayside after Three Mile Island. Yet, we know countries like France, more than 50% of their power production comes from --

MR. HURST:

It's about 80%.

LEG. CARACCIOLO:

Eighty percent now, okay, from nuclear power. So what is it that they do right and we haven't done right?

MR. HURST:

Good question. I think --

LEG. CARACCIOLO:

I mean, why are we trying to reinvent the wheel here? Is it all about corporate America trying to steer us in directions that policy-makers get steered, or is it -- I mean, what is it in your mind?

MR. HURST:

Would you like my very personal opinion?

LEG. CARACCIOLO:

Yes.

MR. HURST:

I think it's a lack of understanding of technology on the part of the

public.

LEG. CARACCIOLO:

And if you had your way, besides alternative fuel sources, what other -- I mean, locally, what should we as a local government be trying to do encourage federal and state regulators that license these facilities in terms of encouraging what type of future power stations and plants should be built here?

MR. HURST:

I think there is no question that the word "nuclear" is going to have to come up again. Is it going to be the final solution? Absolutely not. Is it going to be the whole solution? Absolutely not. The problem that Mr. Quinn eluded to earlier about the rising amount of water in the world because of the fact we're melting the ice caps off, I'm not so sure he's -- he didn't understate the problem. We're going to be doubling world power production, assuming we don't blow ourselves up before then by about the year 2020. There's no question that the world is warming up. There's too damn much evidence that says it is to ignore it, I think, at this point. Whether it's from

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what we're doing or from, you know, insulation, because the sun is either moving a bit closer or a bit further away from the Earth, or the tilt of the earth is a little bit different, who knows.

We're in -- almost certainly for sure in a global warming mode. And I suspect the CO2 does nothing except enhance it. It may not be the sole cause of it, but it's certainly going to be an enhancer, there's no doubt about that. So we've got to get away from -- we absolutely have to get away from CO2 production. The problem is that the other forms of alternate energy, and I will use a word which some folks in the past have heard me say it don't particularly like it, they're unreliable. The wind stops blowing, the windmills stop working. The sun goes away and the solar cells stop working.

We've got to learn how to take these sources, which are unreliable sources, and store the energy in some fashion. And that's the problem with the technology, we can't figure out how to store things. If you look around and say, "Well, gee, what energy sources are available to the Earth," well the energy sources available to the Earth overwhelmingly is the sun. So you'd say to yourself, okay, that means something like solar or wind, which is sort of a production of the sun, is the way to do business. It is, except for the fact that we haven't quite figured out how to handle it yet. We don't know, and I asked this question at a seminar at Brookhaven Lab the other night, if you were to go over, for instance, a solar economy or a wind economy, where you have what they call a distributed network, I'm not sure how

stable a distributed network is, and I couldn't get a good answer out of anybody. I'm not an electrical engineer, but I have a funny feeling that a large number of point sources may cause some real problems with system reliability. And if you happen to be needing something that is -- you happen to be using a device that you need to be reliable, and unreliable system is exactly what you don't have. Right now, with oil or coal or anything else, the one thing you can say about it is when you turn the switch, it works. And that's going to be a serious problem for anything we do in the future, and, bluntly, I don't think the research and development is there yet.

LEG. CARACCIOLO:

Notwithstanding what you just said about wind and solar, what really baffles my mind is why hasn't the federal and state government taken a new look at providing economic incentives to consumers and business to go out and really make the field of alternative sources available on a mass scale. You know, on a cost benefit analysis, if the more people go out into the market, it will -- you'll have more manufacturers competing to provide that product or service, and in doing so, we can minimize the need for future power plant production.

MR. HURST:

But you still need to know how to store it and that's a problem we have not faced up to yet. I can't say we haven't faced up to it. I mean, right now, if I go out and put a windmill in my backyard, I'm going to back-feed the system, I'll get a credit, and that's fine, and I'm not anywhere near doing anything about replacing a power plant. If all of us do it and we suddenly start replacing a power plant, that's -- nominally, that's a very good thing. But I don't quite know how the whole system is going to work. If I suddenly find myself with

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{harmonics} which then fries my computer in about 20 seconds, or fries, let's go a little further, a heart-lung machine in 30 seconds, then we've got a real problem. And I think there's -- even the National Resources Defense Council, who I heard -- whose presentation I heard the other evening, was not prepared to bring their portfolio of alternate sources up above 15 or 20%. Well, the bottom line is that means they're 85% fossil fuels, if it's 15% alternate sources.

LEG. CARACCIOLO:

So, then, at least in the short term, the nation, and regionally, we have to consider fossil fuel plants, is that what the sum and substance is?

MR. HURST:

You're basically with this bill admitting that we're going to be taking fossil fuel plants, we just want rather efficient ones. I have

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no problem with that. The problem I have is do we have the fuel sources here available to us? I mean, if suddenly you can't turn a plant on or you're going to fine yourself, because the plant has to go from gas to oil, because that's the availability -- they've done that in California. They've managed to fine themselves as well, and that always fascinates me when I have to dig into my pocket to fine myself, which doesn't really make any sense, because it somehow comes back to my pocket later.

D.P.O. POSTAL:

Legislator Caracciolo, can I just -- I mean, as fascinating as it is

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MR. HURST:

I didn't mean to lecture and I'm ready to sit down.

D.P.O. POSTAL:

-- I don't think it's really relevant to the subject of the public hearing.

LEG. CARACCIOLO:

Maybe the speaker could come back to an Energy Committee meeting and share his thoughts with us there. Thank you.

D.P.O. POSTAL:

I think that that would be very helpful, so --

LEG. FISHER:

A brief question. I want to get back to the bill this.

D.P.O. POSTAL:

Yes, Legislator Fisher.

LEG. FISHER:

Okay. Mr. Hurst, you began to answer the question that I'm about to ask, which is I humbly submit that this piece of resolution does not solve the world's energy problems. And what I'm seeking to do here is to address some of the local issues and address them where we are not preempted, which is in CO2 emissions.

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MR. HURST:

Understood.

LEG. FISHER:

But do you -- would you say that having a more efficient plant will make the period of time which fossil fuels are available to us, and

based on how much fossil fuel we have, which is a finite amount, but it will make that a longer period of time that we would be able to rely on fossil fuels for a longer period of time, if we have more efficient plants?

MR. HURST:

Of course, absolutely. You're absolutely correct. I have no quarrel with your bill at all, I have a quarrel about the way you're going to implement it, because I'm not sure the plants can implement it that way. And the only other quarrel I have is the notion of a fuel cell that doesn't run on -- that doesn't use hydrogen fuel as -- hydrogen as a fuel. Nothing with natural gas, nothing with methanol, anything else is --

LEG. FISHER:

Right. Hydrogen, yes.

MR. HURST:

Hydrogen only. And as far as I know, nothing is running that way.

LEG. FISHER:

Okay. But based on the answer to my question --

MR. HURST:

Yep, sure.

LEG. FISHER:

-- on a local level, within the parameters of what we're able to do, working with fossil fuels, running more efficient plants is the way that we can lower our threat to the environment.

MR. HURST:

Of course, you're absolutely right.

LEG. FISHER:

Okay. Thank you.

LEG. LINDSAY:

I've got a question.

D.P.O. POSTAL:

Legislator Lindsay.

LEG. LINDSAY:

You seem very knowledgeable in this subject. Do you think this bill does what -- what the attempt is to?

MR. HURST:

Without having talked to Keyspan myself, and to understand how they're going to increment down on such small steps, and without the answer to

whether what happens when we go back to oil when we run short of natural gas, the intent of the legislation is good. Whether it's going to absolutely work, because I just hate the idea of fining myself because I don't have a fuel. I mean, Port Jefferson in principle could burn coal again, I do believe.

LEG. LINDSAY:
I believe --

MR. HURST:
That's kind of scary, but it could.

LEG. LINDSAY:
I believe it has the capability of burning both gas and oil.

MR. HURST:
I think it was quite capable of burning coal as well.

LEG. LINDSAY:
Well, it was coal at one time. It went to oil, and I think it has the dual capacity of oil and gas now.

MR. HURST:
Yeah, it does.

LEG. LINDSAY:
That's it.

D.P.O. POSTAL:
Thank you. Any other questions? I have no other cards for public hearing on Introductory Resolution 2286. Is there anyone else who would like to speak on this public hearing? Hearing no one, Legislator --

LEG. FISHER:
Motion to close.

D.P.O. POSTAL:
Motion to close --

LEG. CARACCIOLO:
Second.

D.P.O. POSTAL:
-- Legislator Fisher, seconded by Legislator Caracciolo. All in favor? Any opposed? 2286 is closed.

Public hearing regarding Introductory Resolution 1420, which is a local law to require verbatim minutes for Suffolk County Planning Commission. I have no cards for anyone who has signed up to speak on this public hearing. Is there anyone who would like to address the

Legislature on 1420? Hearing no one --

LEG. CARACCIOLO:
Motion to close.

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D.P.O. POSTAL:
Motion to close, Legislator Caracciolo, seconded by Legislator Carpenter. All in favor? Any opposed? 1420 is closed.

Public hearing regarding Introductory Resolution Number 1439, a local law authorizing procedure for seizure of vehicles used by individuals without valid driver's license. I have no cards for anyone who would like to speak on this public hearing. Is there anyone who would like to address the Legislature on Introductory Resolution Number 1439? Hearing no one, Legislator Binder?

LEG. BINDER:
Motion to close.

LEG. CARACAPPA:
Second.

D.P.O. POSTAL:
Motion to close, Legislator Binder, seconded by Legislator Caracappa. All in favor? Any opposed? 1439 is closed.

Public hearing regarding Introductory Resolution Number 1484, a local law to expand regulation of dangerous dogs. The first speaker is Mary Postiglione. Ms. Postiglione, you have ten minutes.

MS. POSTIGLIONE:
Hi. I won't be that long.

D.P.O. POSTAL:
That's all right. Just use the mike.

MS. POSTIGLIONE:
I'm sorry. How's that? Okay. Well, what brought me here today was that I was attacked by a dog while I was walking my two small dogs. I was attacked by 120 pound bull mastiff, and when I went for help, I found that there was no place for me to go, because attacks on dogs are not recognized. So I went to Mr. Crecca and that's why I'm here today.

So what happened to me was I was walking my dogs on a leash, my two 12 pound dogs, and a dog that was in a yard that's not fenced and was not

on a leash came out and knocked me down and proceeded to maul and attempt to kill my dogs, and I did everything in my power to stop it. I was kicking and screaming and I was powerless to stop the attack. Luckily, the owner came out at that point and dragged the dog off of me. And my dogs, as a result, went to the hospital and got stitches and treatment and have survived. But, in the meantime, this dog in my neighborhood continues to be in his yard without a leash and without a fence, and I'm fearful that -- I'm fearful -- I can't let my children walk my dogs, because should this happen to them, it would be very traumatic and I don't know what really could result from something like that.

That's pretty much it. I'd just like to see some legislature brought, so that owners of large pets who can do serious injury to other

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animals are held responsible and accountable for their pets.

D.P.O. POSTAL:

Thank you. Question, Legislator Caracappa.

LEG. CARACAPPA:

Thank you. Question to the sponsor. Andrew, are you making the term "dangerous dog" based on the environment the dog is kept in or breed specific?

LEG. CRECCA:

No, it's neither, actually. Right now, under current state law, if a dog attacks either a person or a domestic animal, the Animal Controls officers in our town can take action to call -- have a hearing held to see if the dog is a dangerous dog and a judicial determination is made as to whether -- what should be done with that dog, should it be muzzled, should it be put to sleep, is it fine, it can be release, or are ther conditions, it has to be confined?

Current -- animals do not include cats and dogs under the New York State definition. Therefore, if a dog goes out and attacks or kills another doing, or for that matter, another cat or something. What we've seen, and I held a conference here and we had -- I think every single town just about was represented here, your Animal Control Officers and Town Attorneys, and everyone agreed, including New York State Animal Control, that the absence of the ability to make determinations regarding dogs who show a violent nature towards other animals, dogs and cats, is something that the State law is missing and really limits their ability to get dangerous dogs either confined or put to sleep, or whatever the situation be. This law amends the State law to allow us to take it a step further and further defines "domestic animals" to include cats and dogs. It does -- it's not

breed specific. It tracks New York State law. It just includes the -- extends the definition to include dogs and cats and domestic animals. Domestic animals are like chicken, sheep -- what's that?

LEG. CARACAPPA:

Other dogs and cats as well.

LEG. CRECCA:

No, they're not. That's what this -- that what my proposed legislation does.

D.P.O. POSTAL:

Not pets, but farm animals.

LEG. CRECCA:

Pets aren't included under domestic animals. Mine is --

D.P.O. POSTAL:

Can I -- can I just interrupt -- are there any questions for Miss Postiglione?

LEG. CARACAPPA:

No, no, just the sponsor.

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D.P.O. POSTAL:

Okay. You can have a seat. Thank you.

MS. POSTIGLIONE:

Thank you.

LEG. CARACAPPA:

Thank you. I know this would probably be more suitable for when we discuss the bill, but if I could just ask one more question, Madam Chair.

D.P.O. POSTAL:

Yeah, go ahead.

LEG. CARACAPPA:

Andrew, when is it determined that the dog or cat is a dangerous -- a dangerous animal, after an attack or prior?

LEG. CRECCA:

No. It's actually after an attack. What happens is the Animal Control Officer can then take certain actions under New York State law. Like I said, if it attacks a person, it attacks a domestic

animal, it can seize the dog, in most cases, hold the dog for a judicial determination, or in some cases, you know, they can take action right away. This is just going to allow them -- you know, I -- hearing from even Brookhaven, your Animal Control people, one of their complaints was -- is that sometimes they have a situation where they know a dog has attacked other animals, including dogs and cats in the neighborhood, they know the dog has a propensity for violence, but they can't take any action, and this will allow them to do that. So when is it determined to be a dangerous dog?

LEG. CARACAPPA:
Yeah.

LEG. CRECCA:
There has to be a hearing. The District Courts here in Suffolk County hold those hearings --

LEG. CARACAPPA:
Okay.

LEG. CRECCA:
-- and make that determination.

LEG. CARACAPPA:
Not to take up too much more time, but the reason I ask, we've had bills like this before us in the past sponsored by Legislator Levy on several occasions, and we always hit a roadblock based on whether it was actually in the end deemed to be breed specific --

LEG. CRECCA:
Right.

LEG. CARACAPPA:
-- or what actually -- what actually would constitute an attack, at

what level an attack would be the basis of a hearing, and it's actually -- I know this sounds a little silly on the surface, but discrimination against certain classes of dogs. So it's something I'll have to look at --

D.P.O. POSTAL:
Yeah.

LEG. CRECCA:
Yeah.

LEG. CARACAPPA:

-- in the bill in the upcoming weeks.

D.P.O. POSTAL:

And, you know, I think that there's going to be a lot of opportunity to discuss the specifics of the bill. The next speaker on this hearing is Portia Wells.

MS. WELLS:

I'm here because my dog was attacked, and in order to get the dog off my dog, an off-duty police officer had to shoot it.

I'm in favor of the bill, but I just want to know what they're going to do about the everyday just walking out your front door? I mean, every week, there's three or four loose dogs in our neighborhood. I mean, it's just -- and if we go for a walk with our dog now and we see another dog, we turn around and go the other way. We don't even -- we just take the dog around the block now. I mean, and if this was a little kid walking down the street with a dog, is this right? Or if a kid -- we used to make fun of the parents because they used to be at the bus stop with their kids in a car, but now we know why, because there's too many loose dogs out there and they're afraid for their kids. I mean, when are we going to clean up the streets? I mean, this -- this is fine, I'm all for this.

LEG. FOLEY:

Madam Chair, if I may.

MS. WELLS:

But we have to do more.

LEG. FOLEY:

Ma'am, what --

D.P.O. POSTAL:

Thank you. Legislator Foley.

LEG. FOLEY:

Yeah, question. What township do you live in?

MS. WELLS:

Brookhaven.

LEG. FOLEY:

Okay. The way it's supposed to work, and I'm going to be looking, as

decades and it hasn't, because I get a lot of calls about these matters, too, is that through the State Constitution, town governments the authority under their ordinances not only to pass ordinances for animal control, but through their animal control division or department or unit, they're supposed to respond in a rather, let's say, quick fashion to complaints that are made by constituents. And I hear what you're saying. Similar complaints have come to my office by folks in my district when I've called the town as well. And I would say to you that what needs to be done, we need to take a careful look at this bill, but also, just as you're talking to we County -- to us County elected officials, to go to your Town officials as well to say that the Town ordinances, as they currently exist in the Town, either the ordinances aren't working, or that the administration of the ordinances aren't working.

So what you need to do, if you wish to call my office, I'll be happy to give you the names of the elected officials on a Town level, so you can bring these same concerns, as you have every right to bring it to our attention, but also bring it to the town of origin, as I recall, to their attention as well. And I'm sure that there are people there in the Town level that would want to also respond to your concerns.

MS. WELLS:

Well, we've --

LEG. FOLEY:

You've tried, right? Yes, I know.

MS. WELLS:

We've already done that. All right?

LEG. FOLEY:

Our office has tried and --

MS. WELLS:

And the only thing that they did in the Town was to put -- say that people have to get for dangerous dogs or large dogs, that they have to go out and get a certain amount of insurance on this them. How many people are going to go out and do that?

LEG. FOLEY:

Well, I know that other -- just if I may through the Chair. I know that in other townships or other villages, they do have ordinances regarding leashes and regarding where the dogs, if they're outside, where they need to stay. So what would have to -- what should occur is for the Town to do a little comparative study to see how other townships, whether in this County or in the Bi-County region, or in other parts of the State, I mean, they can -- I'm sure they have a qualified Town Attorney who can look at these things to find out how they do it in other jurisdictions in order for them to live up to their responsibilities of administering town ordinances when it comes to animal controls.

MS. WELLS:

Well, we've written letters, we've gone to --

LEG. FOLEY:

I understand.

MS. WELLS:

-- our associations. We've done everything we can and it does not help getting these dogs off the street.

LEG. FOLEY:

To give a variation of a famous saying by a former President, "I share your frustration."

MS. WELLS:

Right.

LEG. FOLEY:

Okay? And the only way we're going to make changes is either through this bill, but, also, we need to -- as you're challenging us, which is fine. But we also need to challenge the townships throughout the County to live up to their responsibilities.

MS. WELLS:

I was down at a hearing in Brookhaven and I got up and I spoke there also, and it's not -- you know, I mean, it shouldn't be that you're afraid to walk out your own door, and that's --

LEG. FOLEY:

I agree.

D.P.O. POSTAL:

Brian.

MS. WELLS:

-- exactly what it's coming down to.

LEG. FOLEY:

I agree.

D.P.O. POSTAL:

Yeah. I think we're all in agreement with you. Certainly, the towns need to enforce their codes and fulfill their responsibilities.

MS. WELLS:

Right.

D.P.O. POSTAL:

I think what we have to come back to is the subject of the public hearing, which is that it would just change what exists to define a dangerous dog as a dog which attacks an animal, which is a pet --

MS. WELLS:
Right.

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D.P.O. POSTAL:
-- which is not now covered --

MS. WELLS:
Right. I --

D.P.O. POSTAL:
-- under the existing law.

MS. WELLS:
I understand that.

D.P.O. POSTAL:
And I think we're --

MS. WELLS:
I understand that.

D.P.O. POSTAL:
You know, we're in agreement on that.

MS. WELLS:
No. I agree with that.

D.P.O. POSTAL:
Thank you very much. Next speaker -- the next speaker is Peter Wells.

MR. WELLS:
I'm here for myself. I would like to say one thing initially, that the dog that attacked our dog had already been -- people would come and they had -- there was no basic enforcement of an order to have this dog leashed and tied, and everything else, that the Town failed to come back and check afterwards, after there was an order that this dog was a dangerous dog, that nobody did anything to check that the dog was confined like it was supposed to be. So that in a law, there should be something where somebody can make the law work, okay, so that if there is an order, that there is somebody around that can go and at least check that the dog is confined or tied after it is

classified as a vicious dog, because if there's no enforcement of the regulation, people are still going to be attacked by a dog that is obviously dangerous and should be confined. So there has to be somebody that enforces the law after the law -- after an animal is declared a dangerous animal, otherwise it doesn't do anybody any good. Because in our case, this dog had already attacked two other people and was supposed to be confined and it wasn't confined, and nobody ever checked on it. And, believe me, if the Town was -- to my mind, the Town is really legally liable, because they should have -- they should have done something and they did nothing to -- you know, to protect the public.

I'd also like to say that I'm in favor of any bill that will get these dangerous dogs off the road and into some type of control. Under the laws, the way I read the laws, the New York State laws go back 100 years and really give the animals more rights than the people. So the laws, they really have to be changed.

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I'm glad that Suffolk County is taking an initiative to help protect the resident, which is very -- which is really wonderful. Having our lives threatened and our dog attacked by a vicious pit bull type dog brought home how important it is for us to regulate these vicious and dangerous dogs. These animals are not family pets, but are trained killers, trained to attack in many cases to protect drug dealers and users. Unless something is done to -- unless something is done, the threat to our household pets and children will continue to grow until someone is killed. Whatever can be done to make owners take responsibility for their animals will improve the quality of life for everybody in our town.

I commend the Suffolk County Legislature for taking the lead to protect its citizens, because New York State certainly hasn't done it and I think that anything that can be done here in Suffolk County, maybe it will show the rest of the state that something has to be done for this serious problem. Thank you very much.

D.P.O. POSTAL:

Thank you, Mr. Wells. Our next speaker is George Beatty.

MR. BEATTY:

Yeah, I'm George Beatty, Town of Smithtown Animal Control and Animal Shelter Supervisor, embarrassingly to admit that. I'm in full favor of this legislation or the concept of it. You know, to protect companion animals, it is something that's missing in State law. State law currently addresses attacks of dogs on humans, and I believe the State law does adequately address that law when attacks on humans by

dogs. And the concept of this law, you know, as in the language goes on to say, "The Legislature also finds and determines that such State legislation does not address dog attacks on other animals such as dogs and cats." However, in the body of it, it goes on to include -- this law also includes attacks on people by dogs. And I don't recommend that you include that in this current local law, because I believe it's already adequately addressed in the State law. The State law also includes a central registry of previously found dangerous dogs on people, attacks.

I can't speak for the other townships. I'm embarrassed by their lack of response to these people's dilemma. But I just -- as I say, I feel the State law adequately attacks -- addresses attacks on people by dogs, and I'm in full favor of this law where it addresses attacks on companion animals, and that's a clearly missing legislation.

LEG. CRECCA:
Madam Chairman, if I may.

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

LEG. CRECCA:
Hi, George. And I want to thank you. George was helpful in getting information on this bill, as was, you know, the Town of Brookhaven also, their Animal Control people, their Town Attorney was down --

MR. BEATTY:
Yes.

LEG. CRECCA:
-- and were very active in putting together not just this legislation, but trying to address the problems with the State.

George, I have a question for you and that is, can you just explain what the problem is, not having what you call companion animals, dogs and cats, in the State legislation? As an Animal Control Officer, it probably would be helpful to my fellow Legislators to explain how this would enhance your abilities or enhance a citizen's ability to identify a dangerous dog or take action against a dangerous dog.

MR. BEATTY:
Well, right now, and it does happen in the Town of Smithtown, as it happens in other towns, I'm sure, people are walking their dogs and they -- and another -- a neighborhood dog comes out and attacks that

companion animal. And right now, all we're able to do is give them a summons on violation of a leash law, not sufficiently in strength, I don't believe. This law would enable us to go after this dog that's allowed to run loose and attack companion animals. It provides -- this law also provides that you're in front of a judge within five days, which is pretty unique. I don't think you'll find that in any other criminal aspect of the law to be before a judge in five days.

The problem that these people are having is a problem with administration. I would encourage them all to go to their town supervisors and demand action, as far as the State law goes. The County law that you're proposing now is -- I'm all for it.

LEG. CRECCA:

George, the -- you heard Legislator Caracappa make reference to some prior dog legislation, which I believe was passed, I don't remember the year, but back by Legislator Levy. And just I would ask you, has that had any effect or any useful effect in trying to control the proliferation of dangerous or vicious dogs?

LEG. CARACAPPA:

It was never passed Andrew, in my recollection.

LEG. CRECCA:

Oh, I don't -- I thought it was.

D.P.O. POSTAL:

I thought it was, too.

LEG. CRECCA:

There is -- no, there is -- there actually is a --

MR. SABATINO:

It was adopted. What happened was Legislator Levy had proposed a comprehensive scheme to regulate the activity, but everybody came out and testified against it, so the final version was left with about three small components out of ten or twelve. So what actually got on the books in 1997 or the beginning of '98 was about 5% of what was

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proposed.

LEG. FOLEY:

In fact, I think --

D.P.O. POSTAL:

Yeah, Legislator Foley.

LEG. FOLEY:

Not this gentleman here, but let the record reflect, I think a lot of the towns had come out opposed to the resolution, right?

LEG. CRECCA:

Yeah. No. And I was asking George, because I think --

MR. BEATTY:

Well, what happened is it didn't -- it didn't give the towns the authority to enforce the law. And we're Animal Control and we weren't included in that.

MR. SABATINO:

No. The problem was Legislator Levy had proposed for county-wide regulation. The towns came out and the Health Department came out and said it's going to be too much paperwork, too much responsibility, it was a turf issue, so it wound up being about 5% of what was proposed. But, you know, 5% is a small portion of what was actually being suggested to deal with the issue.

D.P.O. POSTAL:

Can we confine ourselves to the public hearing? Are there any other questions for the speaker?

LEG. CRECCA:

Yeah.

D.P.O. POSTAL:

Yeah, Legislator Crecca.

LEG. CRECCA:

But with all due respect, Madam Chairman, I was confining myself.

D.P.O. POSTAL:

Yeah. No, you were. You were it.

LEG. CRECCA:

The question -- go ahead.

D.P.O. POSTAL:

It was just other people became involved --

LEG. CRECCA:

Okay. I'm sorry.

D.P.O. POSTAL:

-- in a discussion, which was interesting, but --

LEG. CRECCA:

Are there any recommendations you have for the bill, now that you've actually seen it in written form, George?

MR. BEATTY:

Yeah. The bill is fine, although I don't believe that you should include dog attack on human in this bill, because the State law is adequate in addressing that. If you have a County law, you know, providing recourse on dog attack against people and a State law, you may have some communities going to the State law and making a complaint, and other communities may go to the County law to make the complaint. So in the interest of uniformity, it should be the State law that addresses human attack and then -- and enhance the State law by a County law, which addresses companion animal attack, and this doesn't get -- the two don't get overlapped and confused.

LEG. CRECCA:

I'll certainly discuss that with Legislative Counsel. In addition, I have one other question for you, George.

MR. BEATTY:

Sure.

LEG. CRECCA:

And it was something that was brought up at the Multi-Town meeting that we had. There's a \$35 fee now that the towns pay --

MR. BEATTY:

Correct.

LEG. CRECCA:

-- to District Court, is it?

MR. BEATTY:

That's correct.

LEG. CRECCA:

And that's any time that they file a complaint regarding a dangerous dog?

MR. BEATTY:

That's --

LEG. CRECCA:

Alleged dangerous dog, I should say?

MR. BEATTY:

That's correct.

LEG. CRECCA:

Okay. And was it uniformly the position of the towns that they were asking that, if we could, to waive that \$35 fee?

MR. BEATTY:

That was uniformly agreed to, yeah. That was -- I don't know where that came from. But in order to go before a court to make a complaint

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against an attack, I don't think you should have to pay \$35 to be heard, you know, of a complaint. That's just pretty silly.

LEG. CRECCA:

Okay. I think the waiver was specifically the towns that are doing their job by bringing these under State law, shouldn't have to pay the \$35 court fee.

MR. BEATTY:

That's right.

LEG. CRECCA:

Okay. I would ask Legislative Counsel to just amend -- to add the to the --

MR. SABATINO:

Well, is this \$35 fee that's paid to the court?

LEG. CRECCA:

The District Court.

MR. BEATTY:

That's correct.

MR. SABATINO:

How can we waive that fee?

LEG. CRECCA:

My understanding is -- I'm sorry. My understanding is, is that if you cannot waive the fee for a private citizen, but you can waive it -- there is under State law, there is -- my understanding is it can be waived for a municipality, which is as long as their filing fee is pursuant to a local law. But I'd ask you to just check it out, Paul.

MR. SABATINO:

I'd be surprised, but I'll take a look through it.

LEG. CRECCA:

Thanks. That's -- I have no further questions. Thank you, George.

MR. BEATTY:

Thank you.

D.P.O. POSTAL:

Thank you, Mr. Beatty.

MR. BEATTY:

Thank you.

D.P.O. POSTAL:

I have no other cards on Introductory Resolution 1484. Is there anyone else who would like to address the Legislature on this public hearing? Yes. Is -- on Public Hearing 14 --

AUDIENCE MEMBER:

No.

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D.P.O. POSTAL:

Oh, okay. We're going to come back to the public portion later on. People who signed yellow cards for the public portion will get an opportunity to speak a little later.

Hearing no one who would like to address the Legislature on 1484, Legislator Crecca, motion?

LEG. CRECCA:

I'll make a motion to close.

D.P.O. POSTAL:

Motion to close, Legislator Crecca, seconded by Legislator Fields. All in favor? Any opposed? 1484 is closed.

MR. BARTON:

Legislator Postal.

D.P.O. POSTAL:

Mr. Clerk, would you read the notice of public hearing, please?

MR. BARTON:

Yes. There is one additional public hearing, which I advertised and posted, and copies of resolution are now available to the Legislators and to the public. The County Executive is issuing a Certificate of Necessity for a local law to strengthen and implement application of the County Human Rights Law to public accommodations, employment and housing, and it's been given the number 1508.

D.P.O. POSTAL:

Thank you, Mr. Clerk.

MR. BARTON:

It's my understanding that there are a couple of cards.

D.P.O. POSTAL:

There are cards. First speaker is Joseph Werner.

LEG. CRECCA:

May I ask a procedural question?

D.P.O. POSTAL:

Yes, Legislator Crecca.

LEG. CRECCA:

Yeah, of Counsel.

D.P.O. POSTAL:

Mr. Sabatino.

LEG. CRECCA:

Can they have -- can they do that on a Certificate of Necessity, previously post a public hearing of something that wasn't on our agenda?

MR. SABATINO:

That's the way it -- that's the way it has to -- well, it's one of two ways to do it. There's a provision in the Charter which allows for emergency public hearings on at least one hour's notice. So what's happened here is the County Executive submitted a bill to the Clerk's Office, asked that it be posted at least one hour. Obviously, it's been posted more than one hour in advance. Issuing a CN is discretionary. That's if there's a desire have a vote on the same day, there would have to be a CN. But you could just file a bill and ask for the emergency hearing and not have the CN for a vote. But either way, it's proper to do it, either way, as long as there's at least a one-hour notice.

LEG. CRECCA:

Does an emergency get defined under the local -- under the procedure as to what -- I don't understand where the emergency is on this.

MR. SABATINO:

Certificate of Necessity is just a certification by the County Executive that he or she wishes to have immediate action taken as opposed to waiting the normal eight calendar days before a vote takes place. There's no definition other than the County Executive is permitted to make that determination that he or she wishes to see a vote take place without waiting the normal eight days. That's why

sometimes, like when we miss a corrected copy deadline, the County Executive will issue a Certificate of Necessity to allow a vote to take place that otherwise wouldn't take place because of the corrected copy being filed after the deadline.

LEG. CRECCA:

So you think -- so the public hearing we're having is then properly under our laws.

MR. SABATINO:

Yes. In fact, this -- curiously enough, in 1978, the procedure for the one-hour notice was challenged all the way to the New York State Court of Appeals, and as long as you publish for at least one hour, the public hearing is valid, and it's probably been, well, at least, you know, three to four hours, I would guess.

LEG. CRECCA:

Okay.

MR. BARTON:

And it has been published in the newspaper as well, since I had -- we had the week in between and I was giving more than ample notice that the County Executive intended to do this.

LEG. CRECCA:

When was this -- this bill was filed, then, awhile ago?

MR. BARTON:

Yes. That's why it's Number 1508.

LEG. CRECCA:

Okay. I just wasn't aware of that.

D.P.O. POSTAL:

Okay.

LEG. CRECCA:

The first time I saw it was today.

MR. BARTON:

It was filed, but has not been laid on the table.

LEG. CARACAPPA:

Well, just to take that further, Mr. Clerk, just the title was filed, no specific language was filed until today, until it was laid in front of us a few hours ago.

MR. BARTON:

Which is why they're going the route of the Certificate of Necessity.
I had --

LEG. CARACAPPA:

I'm just -- I just want to make it clear that I've been trying to get that language for days now through your office and the -- and Counsel's office and I haven't received it until this afternoon.

MR. BARTON:

That's correct.

LEG. CRECCA:

And, again, I'm not -- I'm not against a public hearing per se, it's just I'm a little concerned about the procedure that was followed here when I'm seeing a bill an hour ago and now we're doing a public hearing on it, you know, and where it was filed a week ago, but just by title. You know what I'm saying? I just don't know why we're rushing this through, if -- no one's explained exigency, but maybe someone will come forward and explain the exigency of the matter.

D.P.O. POSTAL:

First of all, it's -- again, the Certificate of Necessity is presented by the County Executive, and I assume that when the County Executive comes forward to make presentations on this Certificate of Necessity and/or others, that will be explained. The first speaker on this public hearing is Joseph Werner.

MR. WERNER:

As you know, I was here before and there were a couple of things. First, before I start, can I -- I'd like to ask a question before my time starts.

D.P.O. POSTAL:

Before your -- okay.

MR. WERNER:

I'd like to ask, there are approximately 1,400,000 residents in Suffolk County, and I'd like to ask each one of you, Legislator Caracappa, how many bias crimes have there been during the last year?

D.P.O. POSTAL:

Mr. Werner, you know, I truly don't think that you can --

LEG. CARACAPPA:

Well, let me hear. He directed the question to me .

D.P.O. POSTAL:

-- you know, ask questions during a public hearing. If you would like to make a point in a statement, that's fine, on the bill. But, you know --

MR. WERNER:

Yes. Well, actually, I'd like to know, because those that had voted for this -- for the resolution, original Introductory Resolution 1207, signed, twelve of you had approved it, and I'd like to know what -- your knowledge of what you approved.

LEG. CARACAPPA:

Maxine.

D.P.O. POSTAL:

Mr. Werner, all I can tell you this is not an opportunity for polling the Legislators. I would suggest that those people who voted for the bill, which was Introductory Resolution 1207, felt that there was a need for it. So I would suggest that you go ahead with your statement. At the end, if, you know, you'd like to Legislator Caracappa to answer you, and he'd like to --

LEG. CARACAPPA:

I'll start it off right now.

MR. WERNER:

I well, I was going to go --

D.P.O. POSTAL:

That's fine.

LEG. CARACAPPA:

I'll set the tone, just like Mr. Werner did.

MR. WERNER:

I was going to go around to each one of you.

D.P.O. POSTAL:

But -- well --

LEG. CARACAPPA:

Mr. Werner, I don't know exactly what --

D.P.O. POSTAL:

You can't do that.

LEG. CARACAPPA:

-- the number was, so I can't give the correct information, just as you in your op-ed piece a couple of weeks ago in Suffolk Life --

MR. WERNER:
Right.

LEG. CARACAPPA:
Gave not a such of proper information as it related to 1207. And you sent a hysteria through communities of through the County of Suffolk for no reason. And to be quite honest with you, to give you another piece of information, your op-ed piece was so wrong that I'm surprised Suffolk Life even printed it without doing a background check of who wrote it.

MR. WERNER:
Well, Legislator Caracappa, what I'm going to ask is that 60 minutes of Dateline, I'm going to try to get one of those large media to -- actually, I'm going to ask for an in-depth investigation, which I'll -- you know, which I'm going to go through here.

LEG. CARACAPPA:
Fine. Knock yourself out.

D.P.O. POSTAL:
Fine. Would you --

MR. WERNER:
Okay. Now, does my time start now?

D.P.O. POSTAL:
Yes, begin your testimony.

MR. WERNER:
Okay. My name is Joseph Werner of Setauket, New York. Suffolk citizens don't want a police state. Resolution 1522, but that's been changed, it's been changed a couple of times, puts a deadly cancer pill in America's freedom and condemns the mass of 1,400,000 Suffolk citizens to a law that some might say was decreed by twelve Legislators as in a dictatorship. Who knew about it? It is against everything America stands for, and, thus, I ask that -- let's see -- that Suffolk Citizens be made aware of the resolution's content. Then, with the enlightened citizenry, a referendum should be declared to give residents and opportunity to express their wishes through the use of America's greatest treasure, Mr. Caracappa, the ballot box.

Farmingville residents have a major problem which denies them peace and tranquility, and worst yet, forces upon them fear, fear for their safety in people and things they hold dear. More and more residents departments throughout Suffolk County are becoming aware that Farmingville's problem isn't a Farmingville problem alone, that they themselves are having similar problems in their area and just don't know what to do.

The black flag -- the black flags, and some have it here and some are being made, represents the frustration of hard-working, law-abiding Suffolk citizens. If Resolution -- and, again, I can't put the number on it, because it changed so often, formerly 1207 becomes law, that is if Resolution becomes law, the black flag will be seen more and more throughout Suffolk County as it represents a symbol of a citizens

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revolt, similar to our forebears' revolt against an unjust monarchy. The contents of resolution blank are such that it demands the people be given an opportunity to express their wishes through the ballot box, not 12 Legislators, through the ballot box. It's something so important that it's affecting 1,400,000 people, the ballot box.

At this point, I ask citizens of Suffolk County to make an all-out effort, I emphasize an all-out effort, requesting local and national news media to conduct an in-depth investigation from 19 -- 1985 to the date of Suffolk County legislation. It would be shocking to know that the contents of Local Law 3-1986, which I have here, which I have here, Mr. Caracappa, which I have here, 1986, that's when your mother was here and she was so fantastic, to know the contents of Local Law 3-1986, passed by the Suffolk County Legislature majority at the time. Imagine seven years, seven years, this law helped hide illegal aliens from state and federal government, plus providing them benefits at taxpayers' expense. This at a time when the country was in a deep financial difficulty.

One of the posters I had printed at the time was seeking -- in seeking its repeal, had the heading "Suffolk County Sinks While Its Legislative Majority Gives Life Preservers To Illegal Aliens."

D.P.O. POSTAL:

Mr. Werner, would you address the bill, please? This is a public hearing on 1508.

MR. WERNER:

Well, that's what -- well, this all refers to that. This is a background which refers to that.

D.P.O. POSTAL:

Well, your background time -- you have four minutes and fifty-two seconds left. If you want to address the bill, please do so, because you have very little time.

MR. WERNER:

This is all part of it. This is all part of it. It seems obvious the present problem in Farmingville, which is also permeating throughout other areas in Suffolk, began with a Legislative majority of Local Law

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3-1986. Let's restore power to the people via the ballot box on such vital issues as Resolution blank. Remember an all-out effort to contact the local and national news media and investigatory media programs requesting an in-depth investigation of Suffolk County Legislature . We do have many fine Legislators. We do have many fine Legislators who would be praised and not stained by such an investigation.

Now, what this Local Law 3-1986 -- shall I wait? Legislator Postal, shall I wait?

D.P.O. POSTAL:
No. No, continue.

MR. WERNER:
When I was involved in trying to help get the Local Law 3-1986

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repealed, I gave out passport application blanks. Legislator Postal, you recall that you were one that I had given it to, because I had gave it to 18 Legislators.

Now, we have people coming here with AIDS, hepatitis and tuberculosis, too, childhood diseases, even the flu, spinal meningitis and diseases called social. Some of the diseases, a lot of these people that you can't -- it's getting to the point where you can't really check on them. Stop -- and also concluding, stop handcuffing the police. Let them do what they can do well, protect the people and their property.

LEG. CARACAPPA:
Question.

MR. WERNER:
Does anyone --

D.P.O. POSTAL:
Thank you. There's a question from Legislator Caracappa.

LEG. CARACAPPA:
Mr. Werner, could you tell me what 1207 actually did? What does the bill say?

MR. WERNER:
Well, you tell me.

LEG. CARACAPPA:
No, I'm asking you, seeing that you're the expert on it.

MR. WERNER:

So rather than put the onus on me, you wrote it, you voted for it.

LEG. CARACAPPA:

I didn't write it.

D.P.O. POSTAL:

No, no. Mr. Werner.

LEG. CARACAPPA:

I didn't even vote for it.

MR. WERNER:

Why don't you tell me?

D.P.O. POSTAL:

Mr. Werner.

LEG. CARACAPPA:

I'm kind of in a fog right now --

D.P.O. POSTAL:

Legislator Caracappa.

LEG. CARACAPPA:

-- so I'm asking -- I'm asking if he can explain the bill to us.

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MR. WERNER:

Well, I'm ask you to --

LEG. CARACAPPA:

It's a legitimate question.

MR. WERNER:

I'm asking you to explain it, being that you wrote it, you approved it, you voted for it, which your mother wouldn't have done.

LEG. CARACAPPA:

But you're here speaking --

D.P.O. POSTAL:

Legislator Caracappa, can I interrupt --

LEG. CARACAPPA:

Sure.

D.P.O. POSTAL:

-- for just one minute? First of all, Mr. Werner, Legislator Caracappa did not write 1207, he did not vote for 1207. But the point is that you just made a statement at a public hearing and Legislators are now able to ask you questions. And Legislator Caracappa has asked you the question he has asked you, because your comments have related to 1207, and the Amendment 1508. So if you would care to answer his question, go right ahead. But, you know, it's not --

MR. WERNER:

Okay, okay.

D.P.O. POSTAL:

-- his responsibility to answer your question about your statement.

MR. WERNER:

Well, I don't have it with me, but one of the --

LEG. CARACAPPA:

You wrote an editorial on it.

MR. WERNER:

Well, one of the things -- you want me to answer you, I'll answer you. One of the -- some of the things that says you can't print, you can't have printed, you can't question, you can't inquire, and things like that, general things like that. This is America. You can't inquire? If someone rents an apartment, owns a house, they rent an apartment, and then the owner, the landlord in talking said, "Well, you know, I think that tenant seems to be nice, that we're Italian and he's Italian," actually, that could be a bias crime if that person hears that his name -- he was mentioned as Italian, or could be any nationality.

LEG. CARACAPPA:

Mr. Werner, what you're mentioning is exactly what the amendment is taking out. So, you know, I asked you a question, you can't answer

it.

MR. WERNER:

No, don't say I can't answer it. Don't say I can't answer it.

LEG. CARACAPPA:

But you aren't.

MR. WERNER:

No.

LEG. CARACAPPA:

You're going on about a bunch of junk about 1986.

MR. WERNER:

It's giving the Human Rights Commission power that they shouldn't have. We already have the power in the State, New York State. We don't need Human Rights Commission, who now will have the backing of the Law Department. This is America.

LEG. CARACAPPA:

Did you say -- did you say it's already in New York -- it's law already? You know that? This is an existing statute for how long?

MR. WERNER:

I don't know how long.

LEG. CARACAPPA:

Almost 30 years, correct, Paul, early '70's?

MR. SABATINO:

(Nodded yes)

LEG. CARACAPPA:

Have you gone to the State Assembly or the State Senate to lobby against this, because seeing that it's been a State Law for almost 30 years?

MR. WERNER:

It's in the State. It's in the State, but when you take it down to the County, when you take it down to the County, give the Human Rights Commission all that power and the power of the law, \$5,000 and, I don't know, six months in jail, whatever it is, and then another thing, where you're fined for something else for each day, every incident, for each day is considered another one. This law is awful and it's a disgrace to Suffolk County.

As I said, there are many fine Legislators. I know you perform a good task and most of you really do a nice job. But when it comes to something like this, the people, something so important, something so important should be handled by only twelve when it's obviously a lot of people don't know about it. When I had told about Local Law -- let me say, when I came before the Legislature on December 4th, 1991, I told about Local Law 3-1986, I said, "You're sitting on a stick of dynamite." People don't know this law exists, and that's where illegal aliens, you gave them all the rights, the health, safety and

welfare, you protected them, you hid them, and as I said, "You're sitting" -- as I said, "You're sitting on a stick of dynamite." I intend to --

LEG. CARACAPPA:

Mr. Werner. Mr. Werner, we're not talking about 1986 here, please.

MR. WERNER:

Oh, but this is all part of it.

LEG. CARACAPPA:

But it's not part of this bill.

MR. WERNER:

This is all part of it. It's 30 years.

LEG. CARACAPPA:

Listen, I didn't support 1207, I'm not supporting these amendments. The reason why I'm putting you on the spot right now is because you wrote a very damaging op-ed piece that was printed in Suffolk Like, that, again, put fear and fear of the unknown into good people of Farmingville. Do you live in Farmingville, sir?

MR. WERNER:

No, I don't.

LEG. CARACAPPA:

No. Let me finish.

MR. WERNER:

I live in Suffolk County.

LEG. CARACAPPA:

Let me finish.

MR. WERNER:

Wait, wait, excuse me.

LEG. CARACAPPA:

Just as I have told people --

MR. WERNER:

You asked me a question.

LEG. CARACAPPA:

Just as I have --

D.P.O. POSTAL:

Mr. Werner.

MR. WERNER:

You asked me the question.

D.P.O. POSTAL:

Mr. Werner.

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MR. WERNER:
Don't keep talking.

D.P.O. POSTAL:
Mr. Werner.

MR. WERNER:
Yes.

LEG. CARACAPPA:
I'm asking you a --

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

LEG. CARACAPPA:
Please, let me finish this --

D.P.O. POSTAL:
Legislator Caracappa has the opportunity to ask questions at this point. Please, Legislator Caracappa will ask you a question. You can respond to his question.

LEG. CARACAPPA:
Thank you. Just as I have condemned people in the past at this Legislature for sticking -- pro undocumented aliens for sticking their nose in the business of the good people of Farmingville and using that issue for their own benefit, I'd ask you, who is on their side that don't live in their area, to stick your nose out of their business and stop using them as a political issue.

MR. WERNER:
Don't put it that way. Don't put it that way. Let's turn it around. I'm a Suffolk County Citizen.

LEG. CARACAPPA:
You were wrong.

MR. WERNER:
I get involved --

LEG. CARACAPPA:
You were wrong.

MR. WERNER:
-- locally, nationally. I get involved locally, nationally and

internationally.

D.P.O. POSTAL:
Okay.

MR. WERNER:
I pay every single penny myself in my involvements.

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

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LEG. ALDEN:
Thank you.

MR. WERNER:
So I'm not trying to do anything --

D.P.O. POSTAL:
Gentlemen.

LEG. ALDEN:
Done.

MR. WERNER:
-- but the good.

D.P.O. POSTAL:
Gentlemen, I'm going to recognize Legislator Fisher. I'd like to move on.

LEG. FISHER:
You asked us a question at the beginning of your statement, and I'm going to ask you a question. How many bias crimes does it take before you consider bias crimes important? What is the magic number for you?

MR. WERNER:
You want me to answer that?

LEG. FISHER:
It was a question.

MR. WERNER:
Oh, okay. Actually, anything could be a bias -- any crime is awful. Any crime is awful. But if you get a little splinter, you don't go to a surgeon and get a five-hour operation for the splinter, you try to take care of that splinter.

LEG. FISHER:

So your question to us, in other words, at the beginning of your statement, which was do we know the number of bias crimes, really, was a meaningless question.

MR. WERNER:

I can't hear you. I think you're talking too close to the microphone.

LEG. FISHER:

Is my mike on?

D.P.O. POSTAL:

I could hear you. Your mike is on. I can hear you. Please, just repeat your question.

LEG. FISHER:

The question was, was your question to Mr. Caracappa at the beginning of your statement, then, simply a meaningless question when you asked him if he knew how many bias crimes there were?

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MR. WERNER:

Okay. What about it?

LEG. CARACAPPA:

Do you know?

LEG. FISHER:

Was there any meaning to your question? Was there any point to your question?

MR. WERNER:

There are 1,400,000 in Suffolk County, in Suffolk County. And, again, I think when I said, if you get a splinter, you don't go to a hospital and get a five-hour --

LEG. FISHER:

In other words, you don't know the number either.

MR. WERNER:

Of course not.

LEG. FISHER:

And there would be no right number, there would be no magic number that would satisfy your needs with regards to this issue.

MR. WERNER:

As I said, we have laws to take care of things like that. We don't need the Human Rights Commission --

LEG. FISHER:

Thank you. You've answered my question.

MR. WERNER:

No. I hope to my satisfaction.

D.P.O. POSTAL:

Okay. The next speaker on this public hearing is Ray Wysolmierski. Is Mr. -- okay.

MR. WYSOLMIERSKI:

Good afternoon. I had prepared statements on this matter, but considering what took place just a few minutes ago, I think I have to clarify the position, not only of myself in this issue, but of Schem Quality of Life. I heard Mr. Werner and I concur with his sentiment. Now, let me explain to you why we at Schem Quality of Life feel offended by this legislation.

It is no coincidence that this legislation comes fast upon what took place several weeks ago. At that time, the work -- the hiring site was defeated. Now most people think that was the big victory, but the bigger victory was what had happened in an evolution of time over the last four years. We have been trying to make clear that the problem is a problem of illegal aliens. In order to do that, we have to use the words illegal aliens, not immigrants, not day-laborers, and not any other political -- politically correct incorrectness that you

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people would like to have extended to them. Now, in order to do that, we have to be able to speak without worrying about offending anyone, because the only people that have really been offended here are the people of Farmingville, who first win the battle and then are told you can't call anybody an illegal alien, and that puts us -- puts a collision course on two laws. There's a federal law which forbids anybody from harboring an illegal alien. That's a federal law. Now there's going to be a County law that says you can't ask that question.

Now, what Mr. Werner was talking about was the problems that existed before the clarification, and the clarification is the new bill. That's why people up here are confused about what they're talking about, because the bill has been changed so often.

Now what the problem has to -- it remains to be -- to do is this. The

Suffolk -- the Sachem Quality of Life has to be able, without fear of having a law violate its freedom of speech, to call the problem as it sees it. If it is a problem of illegal aliens, then that's the problem, it is not another problem. Now, if this -- this body chooses to make a law which forbids us to speak that way, and makes us couch our language so that our First Amendment rights are violated in an attempt to defend our own community, that is wrong, and you continue to do this.

And when he was talking about the year 1985 and '86, let me tell you what he was talking about at that time. He was talking about an attempt at that time to use the word "refugees." At that time, this body used the word "refugees" to get that -- those people, the people who were not entitled to benefits, benefits. And then what happened? The people who were not entitled came here and they settled in, and now they form a rather large community. And this body is saying to that community -- is saying to this community, to Farmingville's community, "Well, we may have brought them in, or we may have invited them in, or may have told them they're very, very welcome, but the business of getting rid of them, that's the federal government's jurisdiction." That's very interesting. On the one hand, you bring them here or you tell them, "You're welcome," get all of these -- get all of the drug stuff and all of the health considerations on the taxpayers' -- on the taxpayers' bill, and what happens then? After you get all that stuff, what do you do with it? You tell everybody, "Come here to Suffolk County where you will be welcome, " because there's a kind of underground okay to this, there's a winking of the eye. We're not going to pay any attention to any laws that are not politically correct. Well, you better pay attention to laws that are politically correct, because we'll sue on the second one as we did on the first.

(Applause)

P.O. TONNA:
Ray, I got a couple of questions. Ray, come on back.

LEG. BISHOP:
No more questions.

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P.O. TONNA:
No. I just have a quick question. Ray, have you -- I'm just trying to think, how does this all relate -- I mean, I heard the -- you know, what you're saying. How does this relate to the bill at hand?

MR. WYSOLMIERSKI:

We think that the bill, as it presently is stated, is still too confusing. The language still could be interpreted as, if you do -- if you say this or say that, you can't protect your neighborhood.

P.O. TONNA:
All right.

MR. WYSOLMIERSKI:
Now, what we would --

P.O. TONNA:
No, no, no, no. I just -- that's what I want to find out. Thanks.

MR. WYSOLMIERSKI:
What we would like to do is join this group in redefining the issue here, because that would be the first step in what's really happening here. You know, you can talk about something for four years or you can talk about it for 24 years and people will still not understand the issue.

P.O. TONNA:
Right.

MR. WYSOLMIERSKI:
I'm telling you that the problem in Farmingville has been our ability to define the issue.

P.O. TONNA:
Right.

MR. WYSOLMIERSKI:
And the church's position was you can't say that, and the other position, the advocates for them, say, "You can't say that," and you can't say anything that might -- that might offend someone.

P.O. TONNA:
Okay. Thanks, Ray.

LEG. LINDSAY:
Can I say something?

P.O. TONNA:
You could ask him a question, Bill.

LEG. LINDSAY:
Yeah. Before you sit down, have you read the amended bill as it came through?

MR. WYSOLMIERSKI:
Well, I feel a bit --

LEG. LINDSAY:

Let me just read you something --

MR. WYSOLMIERSKI:

Yes. I'm trying --

LEG. LINDSAY:

-- okay, just to clarify something, because --

MR. WYSOLMIERSKI:

It's only an hour old, sir. Yes.

LEG. LINDSAY:

Because I really think that you're under a misimpression, all right?
And it's just a few short sentences and I want you to listen to it.
And this is, "The following terms shall have the following meanings.
A, the term "alienage" or "citizenship status" shall mean, one, the
citizenship of any person; or two, the immigration status of any
person legally eligible to be employed within the United States."

P.O. TONNA:

How could you have a problem with that?

MR. WYSOLMIERSKI:

Well, you must understand, I've had this for about an hour in my
hands, the amended issue.

P.O. TONNA:

Okay.

LEG. LINDSAY:

Okay. That's understandable.

MR. WYSOLMIERSKI:

Number two, I think if you're going to put -- if you're going to point
to specific references in the law, then I'll refer you to the original
law before it was amended. And what that law did, you know, it wasn't
a matter of commas that had to be changed, it wasn't a matter of ideas
that had to be changed, a whole paragraph was inserted, and not on
page 1, not on page 4, on page 12. And what was that paragraph? That
the execution of this law, the administration of this law suddenly
became a part of the duties of the Human Rights Commission. Whoa,
excuse me.

P.O. TONNA:

Right. Well, I could understand you might not agree with human rights
and the Human Rights Commission, but --

MR. WYSOLMIERSKI:

I'm all for human rights.

LEG. LINDSAY:

All I was trying to point out to you was simply this, is your statements about illegal aliens is very clear in the amended bill, they're not included. Okay? They're not included.

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MR. WYSOLMIERSKI:

You'll forgive me if I appear to be a little confused or upset, but don't -- but this is the kind of nonsense that happens all the time. First you take "refugees" and you turn that -- you turn that word around, then you take "illegal aliens," you turn that word around, and then, pretty soon, we don't believe anything you guys have to say.

P.O. TONNA:

Okay. Thank you very much, Ray. There's no hand-raising. Fill out a card and we'll be glad to recognize you when you -- whatever. Okay. Is there anybody else? Let me see. One more? One more card? Yvonne Pena. Is this -- this is the third person to speak on this.

MS. PENA:

Good afternoon. Can you hear me? First of all, I want to make clear that this bill in no way even slightly it would deny anyone the freedom of speech. Some individuals have quoted portions of the bill such as, quote, "Residents in many cases are denied the right to print, or circulate, or cause to be printed or circulate, make any records or inquiry." This language was taken totally out of context. It has been cited only to inflame public opinion. It is taken from a section of the law that deals with discrimination in the sale, lease or rental of real property. The law forbids anyone to print, or circulate, or cause to be printed or circulate any statement, advertisement or publication which expresses directly or indirectly any limitations, specifications, or discrimination as to group identity. In other words, please understand what we're saying is that you cannot use language such as this, and I'm quoting, "This property is not available for lease or sale to African-Americans, people of Irish decent, Jews or handicapped." That's what we're saying, that you cannot say that, because that is against the law, has been against the law for 30 years. This also happens to be the federal law and the law of New York State. What this law does is to prohibit discriminatory conduct. It does not limit free speech.

The pending legislation also prohibit making, quote, "Any records or inquiry in connection with the prospective purchase, rental or lease of such a housing accommodation." This means that a real estate broker or owner may not ask a caller whether he or she is African-American, Jewish, handicapped or other. The inquiries are -- that are prohibited are inquiries that are made in connection with the

sale or rental of property. The purpose of this law is to allow individuals to rent or buy property without their race, color, religion, national origin, ability or disability to be taken into account as a factor in deciding whether or not to sell or lease the property.

Another quote that has been improperly used is the one that says, quote, "Law abiding citizenry feel they may be accused of being law-breakers if they so much as write, circulate or inquire about things that concern them," end of quote. There is nothing in the law that prohibits people from writing to individuals or circulating material expressing their views on public issues. The law, again, prohibits discriminatory publication and discriminatory inquiries. It does not prohibit individuals from speaking or writing about matters

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that concerns them. Can I continue?

P.O. TONNA:

Yes. You got about two minutes.

MS. PENA:

There has been concerns that the pending legislation might give rights to illegal immigrants. This concern has been addressed by an amendment to the pending law, which gives protection only to immigrants who are legally eligible to be employed within the United States. This makes clear that persons whose immigration status does not permit them to be employed will not receive the protection of this legislation.

While Suffolk County often is at the forefront of enacting innovative legislation, the pending amendments to the Human Rights law are far from ground-breaking. Most states and numerous cities and county, including our twin county, Nassau, have human rights law more comprehensive than those found in Suffolk County. The pending legislation simply will bring Suffolk County in line with what is happening in most other areas of the country where the citizens are determined for eligibility in employment, in housing and the pursuit of happiness, simply because that's their right. Eliminating discrimination based on the individual's race, color, religion, sex, sexual orientation and national origin is our goal. And, therefore, I thank all the Legislators that support this. It is my job, it is my professional dedication and personal commitment to protect the rights of every individual in Suffolk County, regardless of their race, color, creed, national origin, ability and disability. Thank you.

(Applause)

P.O. TONNA:

Yvonne, I have a question. Just, if -- and just to allay fears, or whatever else, what I understand you as saying is it's about conduct, it's not about speech.

MS. PENA:

Right.

P.O. TONNA:

So this summer, for example, and, you know, a few occasions, I had people protesting in front of my house. The vast majority of people, we've already discussed this, people come protest, or who oppose certain bills that we've had, are just frustrated people in Farmingville, they're not bigots, they're not people who are prejudiced, they're not anything else. But if I had, which was my experience, one isolated incident where somebody in front of my home was calling my children certain pejorative names, they would -- there is nothing -- that's their right under First Amendment, right?

MS. PENA:

I have no jurisdiction on that.

P.O. TONNA:

So if they use the words "spic," "wetback," whatever else that were

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the words that I heard, those people aren't, you know, in any way -- right?

MS. PENA:

No.

P.O. TONNA:

They have that right, which I would protect. I mean, I think people have a right, whether it be in front of my home or anywhere else, that they have a -- they have a right to be able to use that language. That's not what we're talking about here, right?

MS. PENA:

Right, absolutely correct.

P.O. TONNA:

So the worst language.

MS. PENA:

We're talking about a discriminatory act.

P.O. TONNA:

Right.

MS. PENA:

And I would like to clarify that we have nothing to do with bias crimes. Bias crimes is strictly a police matter.

P.O. TONNA:

But that's not a crime to be able to voice your opinion, even if it's maybe something that I would find --

MS. PENA:

Absolutely.

P.O. TONNA:

-- you know, offensive. Still, you're able to say pretty much anything that you would like.

MS. PENA:

Absolutely.

P.O. TONNA:

Okay.

LEG. ALDEN:

Mr. Tonna.

P.O. TONNA:

So what's the fear? Yes, Legislator Alden.

LEG. ALDEN:

Would you suffer just --

P.O. TONNA:

Sure.

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LEG. ALDEN:

Before you leave the impression on the audience that you can just go and say anything you want, there -- there's a line out there.

P.O. TONNA:

Okay.

LEG. ALDEN:

And it's well established in United States Constitution Law and also New York Constitution Law, when you cross over that line, you've committed crimes.

P.O. TONNA:

Right. But there's no line crossed over when somebody blurted out a certain thing about my children or happen to be, whatever, right?

LEG. ALDEN:

Well, actually, there might be a line, because if somebody --

P.O. TONNA:

Get me a lawyer. No, I'm joking.

LEG. ALDEN:

Exactly right, but --

P.O. TONNA:

Anyway, and I thought that was an isolated event. It did not represent at all even close to the vast majority of people who are frustrated, might disagree with my opinion in Farmingville. I think that most of these people, you know, by a vast majority are people who are frustrated with a situation and are not bigots and are not prejudiced and not, you know, whatever. But, Legislator Binder, do you have a question?

LEG. BINDER:

Yeah. Could you tell me why this is a CN?

MS. PENA:

I have no idea. I got it an hour before you did. I mean, I got it when they were distributed in here.

LEG. BINDER:

So, wait a minute.

P.O. TONNA:

I think that's a question --

LEG. BINDER:

Wait, wait, wait. This is interesting. So you're the Director of the Human Rights Commission --

MS. PENA:

Yes.

LEG. BINDER:

-- of Suffolk County and you're telling me you got this an hour before

we did?

MS. PENA:

The certificate of need, yes. I knew there would be a public hearing today and that's why I was here.

LEG. BINDER:

You knew. Were you asked to come down?

MS. PENA:

No. I came because I come here every month. Can I --

P.O. TONNA:

And we're glad to see you.

MS. PENA:

Thank you so much. I'd like to say something, please, for the record.

P.O. TONNA:

Sure.

MR. PENA:

I want to thank Joe Caracappa, because although we've had many differences, he has always been professional, and I have a lot of respect for him, because many times, besides having differences, we've always tried to do the right thing. And, Joe, thank you.

P.O. TONNA:

Okay. Thank you very much

(Applause)

Okay. Let's go -- I think we're done. We have to recess? Okay. I make a motion to close 1508, seconded by Legislator Caracappa.

LEG. BISHOP:

Mr. Chairman.

P.O. TONNA:

Yes.

LEG. BISHOP:

At this time, I ask for a motion to discharge from committee --

P.O. TONNA:

Well, can we just second? All in favor? Opposed? Closed?

LEG. BISHOP:

Excuse me.

P.O. TONNA:

Now, Legislator Bishop.

LEG. BISHOP:

Just -- thank you. I apologize. Discharge from committee, not a vote on the merits, 1113 of 2001.

P.O. TONNA:

I'll second that motion.

LEG. BINDER:

What's the bill?

LEG. BISHOP:

The living wage resolution.

P.O. TONNA:

Right. This is just to discharge and let it age for an hour; am I correct, Legislator Bishop?

LEG. BISHOP:

Yes.

P.O. TONNA:

All in favor? Opposed?

LEG. BINDER:

Opposed.

P.O. TONNA:

Opposed, Legislator Binder. Okay. Henry, just make the call.

LEG. BISHOP:

Fifteen, fourteen.

P.O. TONNA:

I'll let Henry make the call.

MR. BARTON:

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P.O. TONNA:

Okay. Thank you very much. Thank you, Legislator Bishop. Okay. Let's go back to the public portion. Mrs. JoAnn Russo.

AUDIENCE MEMBER:

She left.

P.O. TONNA:

Going once, twice, left. Ray, you've already spoken. Do you want to speak again?

MR. WYSOLMIERSKI:
No. Sue wants to speak.

P.O. TONNA:
Okay. You're going to have to -- well, you know what, just give that to the Clerk and we'll have you come up. But you're going to be number 53 and we're at number 30 right now. Okay?

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MR. WYSOLMIERSKI:
In which case I have one statement to make.

P.O. TONNA:
No, no, you're not able to do that. You already spoke. You've already said that you're not speaking. We're talking about the woman there who wants to fill out a card. You're just next in line of cards. I can't advance you ahead of those.

LEG. CARACAPPA:
Mr. Chairman.

P.O. TONNA:
Okay. Bob -- yes.

LEG. CARACAPPA:
Mr. Chairman, just he spoke on a public hearing. We're back --

P.O. TONNA:
Yeah, be he said he didn't want to speak.

LEG. CARACAPPA:
We're back -- okay. But he changed his mind. Just I want to be fair to everyone.

P.O. TONNA:
Ray, now you change your mind? You want to speak. No, Ray, you're not speaking from the back of the auditorium. You come up here, you get on the record, and you're able to have your three minutes. What? No, he's -- I have his card right here. That was somebody else.

LEG. CARACAPPA:
He spoke on public hearings, now he he's on public portion.

P.O. TONNA:
All right.

MR. WYSOLMIERSKI:

Well, I don't know if this is a happy happenstance, having to be able to speak after that situation by the Human Rights Commissioner. Let me tell you really what's happening here.

P.O. TONNA:

Okay. Why don't you tell us .

MR. WYSOLMIERSKI:

We believe that in Farmingville, many so-called bias issues, I won't call them crimes, I'll call them bias issues, are manufactured.

P.O. TONNA:

Okay.

MR. WYSOLMIERSKI:

We also believe that there's great hyperbole with respect to these issues, and that absent any real argument, our opponents are forced

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into (inaudible) arguments. They call us racist and everything else. Well, this is going to continue as long as you continue to do what you've done today and consider this law. I'm thinking that sometimes the best thing to do with respect to this kind of thing is to do nothing.

I don't know why this body feels obliged to enhance upon or add to a law that I understand already exists in the State. I hope it doesn't protest too much, given the attitudes and the atmosphere that has been promulgated upon Farmingville by the press and by the media, but it does appear so. What I want to have this body do is to soberly consider what's happening and act upon it intelligently. Now I realize that's a big job for you guys, but try anyway.

P.O. TONNA:

Thank you very much for those complementary remarks. Bob DiBenedetto. Hey, Bob. How are you?

MR. DI BENEDETTO:

Hello. I'm doing very well, thank you. How are you?

P.O. TONNA:

Good to see you. It would be nice to elevate the level of comments on the record. Thank you.

MR. DI BENEDETTO:

I have a white flag here.

P.O. TONNA:
There you go.

(Applause)

MR. DI BENEDETTO:
And all this talk about the aliens has got me concerned, because if they've got the technology to get down here, I say let's just give up.

P.O. TONNA:
That's great. Well the "no spray" won't help, you know, for spraying aliens, but go ahead.

MR. DI BENEDETTO:
On the serious side, my name is Bob DiBenedetto. I'm the Chairperson of Earth Save-Long Island. And the microphone is off or it's on?

LEG. GULDI:
Actually on.

LEG. FIELDS:
Talk closer to it.

MR. DI BENEDETTO:
It's a little far down. I guess I'll crouch over. And I am also the area Director of the Healthy School Lunch Program.

Ten years ago, most Americans wouldn't have been able to define the

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term "organic," and I see still some people can't, but now, organic food is the fastest growing sector of agriculture, growing by at least 25% each year. For those of you who still don't know, among other things, "organic" means food that is grown without chemical pesticides. Now, I bring this up to illustrate how Americans are educating themselves and millions are choosing a life which steers away from the use of pesticides. Organic foods represents a choice, which was recently sanctioned by the U.S.D.A. with federal standards.

Long Islanders deserve the same choice in deciding whether or not they and their families get sprayed with pesticides, which contain everything from EPA listed possible carcinogens to estrogen mimickers. We need this resolution because our pesticide exposure in this area is well above what it ought to be, and because people who choose health have rights as well. We shouldn't need a doctor's note to excuse our families from being poisoned, as the current law requires.

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Look at the ban on indoor smoking in public places. It's not place solely to protect those with preexisting lung cancer. Similarly, we ought not to have a preexisting case of chemical sensitivity, asthma, breast cancer to be afforded of the right to not be sprayed with pesticides.

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, and the few that have been tested have produced alarming results.

I'd again like to point out that 90% of County spraying is not for disease control, but nuisance control. The needs of pregnant women, children and people who value their health and the environment should always supercede the rights of those who wish to live without mosquito bites, especially since there are many personal measures that these individuals can take to avoid mosquitoes without threatening their neighbor's health.

For the past decade I've been working with schools to give children a heart and cancer preventive plants-based option on their lunch menus. It's currently the norm to feed kids a diet which is cancer promoting by the standards set by many mainstream health organizations. And believe it or not, people are more cautious about introducing new healthful foods onto a school lunch menu than they are introducing old dangerous junction foods.

So let's pass the "no spray" resolution and pursue a more enlightened approach to pesticide use in our community. This his resolution still doesn't protect and educate its citizen from Chemlawn deluge that is making -- that their neighbors may use. It simply gives us the choice to not be at the mercy of tax supported nuisance spraying t a time when more and more of us are wisely choosing to go organic. And I'll talk more about organic if anyone has any questions. Thank you.

LEG. D'ANDRE:
I have a question.

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MR. DI BENEDETTO:
Oh, wait, there's a question.

LEG. D'ANDRE:
When the government was trying --

P.O. TONNA:
Question, Mike, right?

LEG. D'ANDRE:

When the government was trying to put organics to work and license it, if you will, or set standards, that was it.

MR. DI BENEDETTO:

Yes.

LEG. D'ANDRE:

And it was intergovernment.

P.O. TONNA:

Question, Mike.

LEG. D'ANDRE:

Let me -- this is life or death.

P.O. TONNA:

Mike, question.

LEG. D'ANDRE:

This is life or death. Do you want to hear it or don't you?

P.O. TONNA:

No. We can get a chance to debate it on the merits when we debate the thing.

LEG. D'ANDRE:

It's not a debate, it's --

P.O. TONNA:

This is the public portion. Please ask a question, sir.

MR. DI BENEDETTO:

Sounds like an interesting question, though.

P.O. TONNA:

Yeah.

LEG. D'ANDRE:

Well, the people of California saved the day, because they insisted that those big molecules of pollutants not be in there, namely the metals. The government was already to sanction the pesticides, but the people of California went to war, so to speak, and now they have a better law.

P.O. TONNA:

So?

LEG. D'ANDRE:
Because the people put their two cents in --

P.O. TONNA:
Right.

LEG. D'ANDRE:
-- which they were not allowed to, and finally won out. So now we have organics that have meaning. So if it's --

P.O. TONNA:
Right.

MR. DI BENEDETTO:
Yes.

P.O. TONNA:
So, Mr. DiBenedetto, what do you think about that?

LEG. D'ANDRE:
If you now have a place of business and you grow organic chemicals --

MR. DI BENEDETTO:
Right.

LEG. D'ANDRE:
-- you can list it as such.

MR. DI BENEDETTO:
Organic chemicals?

P.O. TONNA:
Right. And what do you think of that?

LEG. D'ANDRE:
I'm sorry. Well, organics have chemicals.

MR. DI BENEDETTO:
Oh, organic vegetables.

LEG. D'ANDRE:
Yeah.

MR. DI BENEDETTO:
Okay.

LEG. D'ANDRE:
Organic vegetables.

MR. DI BENEDETTO:
Okay.

P.O. TONNA:
What do you feel about those issues?

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MR. DI BENEDETTO:
I'll tell you what I feel.

P.O. TONNA:
Okay.

MR. DI BENEDETTO:
The governments wisely stepped in and created organic standards last year and has said that food that -- foods that are defined as organic could not contain chemical fertilizers, genetically altered foods, irradiated foods, animals that had been given antibiotics and hormones and pesticides and that's great and --

LEG. D'ANDRE:
And metals. Metals.

MR. DI BENEDETTO:
And the thing that did happen last year --

LEG. D'ANDRE:
No metals.

MR. DI BENEDETTO:
-- and this is the last thing I'll say, is that John Stossel came out with a report which misled everybody into thinking that organics were dangerous. He was wrong. He had to go back on what he said and, in fact, it's mainstream chemical agriculture that's most dangerous for us, and food poisoning, killing 5,000 people a year, and hundreds of millions of people are sickened by it, are mainly the result of eating meat and dairy products which are fecally contaminated. That's my final point. Pass resolution for no spray. Thank you.

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

LEG. D'ANDRE:
Well, I don't know about passing that.

P.O. TONNA:
Thank you.

(Applause)

Thank you very much. Okay. Kimberly Wilder. Kimberly? Hi, Kimberly. How are you?

MS. WILDER:

My name is Kimberly Wilder, I'm from Amity Harbor, and I just have to say that I graduated from Sachem High School, and it hurts my feelings that the people that are being angry about immigrants are allowed to call themselves Sachem anything. But there are people in Sachem that love all kinds of people of different colors.

I'm in the 14th Legislative District, which currently is served by Mr. Bishop. I'm sorry he is not here right now.

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LEG. D'ANDRE:

Bishop, where are you?

P.O. TONNA:

That's okay. You could always exercise your right to vote.

LEG. BISHOP:

Don't hold it against him, he's a nice kid.

MS. WILDER:

I wanted to say that this morning, I was here when we were having some of the "no spray" debates, and a man, Paul Hill, that I haven't met before, said something very interesting about -- you know, he was talking about his house and his property and that he didn't want to have to be sprayed, so Legislator Binder said, "Oh, why" -- "you could just leave." Well, I wanted to know if he can just take his tomatoes and his potatoes and just take them with him for a vacation and then come back when the spray is done, or whenever it's --

LEG. BINDER:

So you asked a question when --

MS. WILDER:

You were saying to Paul Hill --

LEG. BINDER:

I know, I got the question.

MS. WILDER:

Right.

LEG. BINDER:

But the answer is that if it's within 150 feet, most likely, the same

pesticides are going to be on those same tomatoes, and same plants, and same everything, because --

MS. WILDER:

It would be obvious that it would be less of them, because it would be 150 feet away.

LEG. BINDER:

There'll still be plenty on there, and there'll be plenty that he'll be eating, and it won't make that much of a difference, most like. And that was the point, was that if you're that close, and that's 150 feet. It could be 100 feet, because if they don't turn it on or off just in time, it most likely will be on those plants anyway, and that's -- that was my point.

MS. WILDER:

So I disagree, because I think it's very obvious that if you put poison a little bit farther away, it's a little bit better.

Also, I wanted to say that in part of that argument with Paul Hill, it was said that -- you know, he had told about a few of his neighbors that wanted to get together and not be sprayed, and people said, well,

if his -- if the neighbors got together and weren't sprayed, it wasn't fair to the other neighbors. And I wanted to say that if three or four neighbors wanted to get together and decide something about government, wouldn't that be a wonderful thing and a way to build community? I hope the Legislature wouldn't be against those three or four people smart enough to actually talk about the problems that they sure and look for a solution that involves their own people and communicating skills. And that if five people were smart enough to get together and say, "Don't spray my house, my house, my house, my house," and it would make it easy for the Legislature, or whoever at Vector Control, that those five people, if they were smart enough to ask for that and get together, they would also be smart enough to dump out all the water in their yard, put screens in their houses and take other measures to stop the mosquitoes from spreading to their neighbors.

Also, I wanted to say that I belong to Sophia's Garden, which is just an organic garden in Amityville, I'm not representing them. But we were at the beginning at our garden, it's kind of new, and when -- all of a sudden, when Vector Control was going to spray us, we were all like totally confused, because we didn't know what the heck we were going to do, and we were trying to call the number and figure things out. We want to be certified organic, and if somebody sprays us accidentally, or if they would have sprayed us because we didn't know

to register ourselves, then we would never ever again in the history of the world be allowed to be called an organic garden.

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

MS. WILDER:
So that would affect -- it is true. When you want to be an organic garden, you have to get certified. If you got sprayed once, you couldn't be called an organic garden.

LEG. D'ANDRE:
Let me tell you something, that's not true.

MS. WILDER:
I'm just saying that the actions of the government doing widespread spraying is going to affect people's own rights to the choices that they're trying to make about their food and their property.

Also, if you think about it, one of the revolutions taking place is people trying to -- it's kind of like antiglobalization, is people trying to keep things local and be less rude consumers, just buying things, expecting people in other countries to work the farm for you and take the choices for you. A lot of people want backyard gardens, home grade -- homegrown foods, community supported agricultures, so gardens are going to start to pop up like they did in Amityville. And there's people in Huntington that belong to community supported agricultures, and, of course, out east. And I think that it's just kind of a bizarre thing for us to just think of ourselves as some suburbs with no annoying mosquitoes, so that we should spray everything and nobody here could ever produce food.

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Let's see. I also wanted to say about people were saying that people called about mosquitoes. I can think of probably jokes from Mark Twain about the mosquitoes. People usually talk about the bugs --

P.O. TONNA:
Ma'am, you're going to have to --

MS. WILDER:
-- right after they talk about the weather.

P.O. TONNA:
We're going to have to have somebody ask you a question. Your time is up.

MS. WILDER:
Oh, can I ask one question?

P.O. TONNA:
Wait, no. Somebody's going to --

MS. WILDER:
Where are all the people that want to be sprayed by mosquitoes,
because there were a lot of us. But I don't see anybody here --

P.O. TONNA:
Well, how about I ask you a question.

MS. WILDER:
-- asking to be sprayed.

P.O. TONNA:
Hold it one second. Just wait.

LEG. D'ANDRE:
What about Mark Twain?

P.O. TONNA:
Do you have a question?

LEG. D'ANDRE:
Mark Twain.

P.O. TONNA:
All I can ask you is, you had an issue about people who want to be
sprayed? What was that question?

MS. WILDER:
Okay. My question is, actually, Legislator Bishop left a message on my
answering machine a while ago that said that, you know, he was
supporting the "no spraying" bill.

P.O. TONNA:
Right.

MS. WILDER:
And then he never got back to me. I found out from someone else that

I think he might be changing his mind. But his Aide said to me that a
lot of people got back to him that it was a problem, so he might have
to reconsider. And I've heard like in the air people kind of saying
their constituents want to be sprayed, their constituents are nervous,

or fearful, or don't want mosquitoes. And I wanted to ask where are those people, because none of them are here. And when I talk to anyone, I haven't met one person that said, "Please, spray me, please, poison me. Where are the trucks?"

P.O. TONNA:

Okay. I would probably ask -- maybe Legislator Bishop would like to ask a question, too, you know.

LEG. BISHOP:

Well, I just want to respond. I know that's not in the rules, but --

P.O. TONNA:

Okay.

LEG. BISHOP:

-- let me see if anybody cuts me off.

P.O. TONNA:

Well, respond with a question.

LEG. BISHOP:

Are you aware that when I left the message, I was unaware that the bill had the zones? And the zones are what I'm troubled by, because in our section of the County where the houses are close together, when one person opts in, they're going to bind their neighbors, and I think that's a formula for fights, which I want to avoid.

As you may know, last year I sponsored the law that bans pesticide use on County property, the phase-out. Last year I sponsored the law that will train organic -- train landscapers during the off-season on organics. So I agree. Unfortunately, where the pesticide -- the people who want pesticides are all around us in our community. When I did a survey in -- through my newsletter about West Nile, it came back overwhelmingly in favor of being sprayed, and I was surprised and disappointed. And I've communicated to my constituency through my newsletters that I disagree with them, but they want spray, they believe in it.

So I think we have to do more educating before we consider measures like this, which I find to be coercive, you know, "I want out, therefore, you have to be out as well."

MS. WILDER:

I find it to be coercive to spray me.

LEG. BISHOP:

If the measure was just written to control your own property -- right. No. I agree, you should be allowed to say, "I don't want to be sprayed on my own property." Then you get into the issue of drift. I don't have the answer on drift. It drifts onto your property. If you opt out, you still may get some drift onto your property. That's

unfortunate and I don't know how to deal with that. But I know that the opposite, that if you want out, you're going to take out your neighbors as well, would be a problem, so that's my position.

MS. WILDER:

I just wanted to say that it still kind of doesn't answer the question of -- you send out a survey. Actually, surveys sometimes angle a question a certain way by creating fear or angling it, but --

LEG. BISHOP:

No, I -- I was angling -- I'm with you.

MS. WILDER:

Right.

LEG. BISHOP:

I'm against the pesticides.

MS. WILDER:

I know. I know you are.

LEG. BISHOP:

If there's any angling, it was --

MS. WILDER:

And, actually, people -- people say -- I mean, I know that you have a pretty good environmental record, but I also wanted to say that checking off a survey box or when you're asking -- saying something is a lot different than coming out here. And I think I'm at least the third or fourth person that said that they were from your district --

LEG. BISHOP:

Yes.

MS. WILDER:

-- that was imploring you today to please vote yes for Resolution 1292-2001.

LEG. BISHOP:

Thank you. Thank you for taking the time.

D.P.O. POSTAL:

Thank you, Kimberly. The next speaker is Meg Engelman.

MS. ENGELMAN:

Originally, I thought I was going to get to say good morning, but I get to say good afternoon. Thank you for allowing me to speak again on an extremely important issue. I'm again asking you to support the "no spray" list legislation, Number 1292. It's the right thing to do. And I thank Jon Cooper for sponsoring the bill and Maxine Postal for

cosponsoring.

There are no safe pesticides. The word itself means to kill pests. Unfortunately, when sprayed, these poisons and dangerous chemicals have negative effects on everything in its path, including us and the environment. The "no spray" list legislation will not stop the County

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from maintaining effective mosquito control. It will give people like me the option of not having these chemicals sprayed directly on the area we live in. Most of the spraying is done for nuisance mosquitoes, not the West Nile Virus. The same dangerous chemicals are used for both.

The West Nile Virus is a mild virus, except for people with compromised immune systems. However, these same people are more susceptible to the negative side effects of these chemicals. A lot of the people with compromised immune systems are people that already have cancer that are on chemotherapy, which is also a poison, and so you're doubling the danger for them.

I do what I can to protect my health by eating organic foods, which when they get sprayed are no longer organic. I use nontoxic biodegradable cleaning products, and I use effective self protection against mosquitoes that really works. I'll take my chance with the virus. Please vote yes on 1292 and give us the option of protecting us from these dangerous chemicals. Thank you.

D.P.O. POSTAL:
Thank you.

(Applause)

Next speaker -- I can't read this. It looks like it's Ninfa Vasallo.

MS. LONETTO:

Good afternoon. I'm Ann Marie Lonetto, a staff representative for District Council 1707. Ninfa was not able to stay for the afternoon session and asked me to deliver her testimony.

Ninfa is the Director of Home Care for District Council 1707, which is an AFSCME local, affiliate of AFL/CIO. I am here on behalf of the 8,000 home care workers Local 389 represents, 500 of whom live and work in Suffolk County. I would like to speak to you about the living wage bill and what it would mean for retention and recruitment in the home health care labor force.

Let me say, first of all, that District Council 1707 takes pride in

the high quality care that our members give their clients, the elderly, the disabled and the sick. Our home care workers care for their clients with love and provide them with companionship. What they ask for in return is to be treated with dignity, respect and to be compensated fairly for the service they provide.

As you are all aware, New York State is facing an acute shortage of health care workers. The various job opportunities available to low wage workers makes it difficult to recruit workers into home care. Why would someone choose to change adult diapers or assist a heavy client onto the commode when they could make the same wages being a salesperson at a department store, or cashier in a fast food restaurant. The answer is that home care workers are special people. They perform tasks that many of us would not choose to do, because they care for their clients.

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People who want to help -- want to work helping others need to be able to make a living wage. District Council 1707, Local 389, home care workers working in Suffolk County make between 6.50 to 7.25 per hour. With health benefits, pensions, sick time and vacation time, this is clearly not enough of a wage to provide for a family. The unorganized home care worker makes between 6.50 to 8.50 per hour without any fringe benefits. What makes the situation worse is that as hourly employees are paid only when working, home care workers depend on the structure and stability of their work. However, home care assignments are often parceled out in blocks of two, three or four hours, thus, making it impossible for workers to work a full-time schedule.

Often the home care worker must travel to three or four clients in the same day to be paid for an eight-hour day. The mileage and coffee must be paid from their meager earnings, since many agencies do not reimburse the worker.

In 1997, Professor Emanuel {Ness} of Brooklyn College did a study of the socioeconomic conditions of home care workers. Among the findings of that study, it was determined that the ability of home care workers to maintain themselves on their wages is problematic. The survey found that 61% of the home care workers indicated that their earnings did not meet their expenses for food. Sixty-three could not meet their expenses for housing, and 75% could not meet their expenses for clothing. Sixteen percent relied on government benefits, Medicaid, food stamps, unemployment, child care, public assistance or public housing to supplement their incomes.

It is a crime that County funds, along with matching State and federal dollars are used to exploit these and other workers employed by home

care agencies that have contracts with the County. These workers give much and are paid so little.

D.P.O. POSTAL:

Miss Lonetto, please sum up.

MS. LONETTO:

All right. I'd like to speak for myself. And, first, I'd like to say that District Council 1707 represents 30,000 members in New York City and Long Island. We recently opened an office in Suffolk County, and I look forward to working with this body on issues of concern to our members. Some of the people I represent are the hard working poor and they rely on government assistance to meet their basic necessities for food, for housing, for health care. If we were instead --

D.P.O. POSTAL:

Miss Lonetto, I have to ask you to please finish up.

MS. LONETTO:

Can I give one sentence?

D.P.O. POSTAL:

One phrase, yes.

MS. LONETTO:

If the money instead were going into their salary, it would provide

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these working families with the dignity of self-sufficiency. Please vote yes on the Living Wage Bill.

D.P.O. POSTAL:

Thank you.

MS. LONETTO:

Thank you.

(Applause)

D.P.O. POSTAL:

The next speaker is Donna Lent.

MS. LENT:

Good afternoon. First, let me say that I bring greetings from Assemblywoman Patricia Eddington. She is in Albany today, but she wishes to compliment both Legislators Tonna and Bishop for their vision and commitment to the working families of Suffolk County in bringing forth this bill, and congratulates the members of this

Legislature who will be voting yes.

Well, my name is Donna Lent and I'm also here on behalf of the Suffolk County chapter of the Working Families Party. There is probably no issue that is more important to the Working Families Party than this Living Wage Bill. We have been working on similar legislation in Rockland, Westchester, the Capital District, Nassau and in New York City. And, in fact, the New York City Living Wage Coalition held a breakfast this morning hosting more than 1,000 people on this issue. The reason is simple. We live in an age characterized by almost unbearable levels of inequities. The Working Families Party believes, and I hope that you all believe, that this society and County will be a healthier place if there is a bit more equality in our economy.

In considering the Bush tax cut, it's going to give the richest New Yorkers an average pay increase by lowering their taxes of almost \$1,500 a week, another \$75,000 per year for another group of New Yorkers, who most decidedly don't need it. Now consider the Suffolk County Living Wage Bill. It will give a different group of New Yorkers somewhere between \$20 and a \$100 per week, depending on their current wage. The way we see it, this group of working New Yorkers needs the raise a lot more than the millionaires that are going to be affected by Bush's policies.

LEG. D'ANDRE:

That's not up to you to say.

MS. LENT:

Not only that, but such a bill will do more for our economy, schools and neighborhoods than the trickle-down attempt by the new administration. Here's what we think. A Living Wage Bill means that a substantial number of children will eat better, some parents will be able to spend more time with their family, and workers may only have to work one job instead of two or three, as you've heard this morning by some of the other testimony.

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So on behalf of the Suffolk County chapter of the Working Families Party, we urge you to do the right thing. We know that many of you will. Stand up for the idea that when you get public money, you have to meet public standards of decency. And in this case, decency means paying a living wage. I know that all the Working Family Party affiliates and members in Suffolk are determined to work with this body to pass this legislation. Thank you.

D.P.O. POSTAL:

Thank you, Donna. Next speaker is Michelle Lynch.

MS. LYNCH:

Good afternoon. My Legislator is not in the room at this time.

LEG. D'ANDRE:

Who's your Legislator?

MS. LYNCH:

Michael Caracciolo. Okay. I didn't see you. I'm sorry, I was looking over there. Okay.

Hi. My name is Michelle Lynch and I am here to speak in support of the living wage, both as a resident of Riverhead Town, and as a representative of 1199 SEIU union, which has over 200,000 healthcare workers throughout the State of New York. Many of the workers who will be affected by this living wage law in Suffolk County are home care workers, mostly without union representation. These workers take care of the elderly and the disabled, and many start with wages as low as 6.50 an hour, without vacation days or medical benefits.

At present, Suffolk County is experiencing a shortage of home care workers that has a negative effect on the clients that need to be served. It is the belief of many, myself included, that this shortage in home care workers is a direct result of the low wages these workers earn. After all, who can live in Suffolk County on only 6.50 an hour? These workers need a raise. In fact, the living wage proposed will not only improve the lives of the workers, but it is bound to improve the quality of care that their clients need.

Research throughout the country has found that raising wages is the most effective way to reduce the high employee turnover rates and the resulting excessive recruitment and training costs, which plague most low-wage home care agencies. It makes sense, therefore, that passing the Living Wage Bill will ultimately improve the services that the health care agencies can offer the residents of Suffolk County.

We at 1199 SEIU understand that the funding received by the home care agencies is shared among the County, State and federal governments at a formula of 10%, 40%, 50% respectively. Therefore, since the benefits from this Living Wage Bill will improve the lives of the home care workers and the patients they are dedicated to serve, 1199 SEIU commits to fighting for full funding at the State level for any additional State costs that are incurred by passing this Living Wage Bill. It is our hope that you will join us in this fight by supporting the Suffolk County Living Wage Bill, I.R. 1113, and making it a law in this County. Thank you for your time.

(Applause)

LEG. FISHER:

I have a question. Michelle, I have a question. Thank you for being here. I've recently supported the Child Care Enhancement Bill because of many of the same reasons for which I would support the Living Wage Bill. And one of the issues that's very important in the field of child care workers is that the people who are working in -- as child care providers are very often single moms who are coming off the welfare roll and are entering into the workforce, and with the low wages that they receive, they find themselves at a lower level of poverty than they did when they were receiving public assistance. Is this also true in the home health care field?

MS. LYNCH:

Yes.

LEG. FISHER:

Are they people coming into the workforce off of the welfare rolls?

MS. LYNCH:

Yes, many of them are.

LEG. FISHER:

Okay. So then this would be an additional benefit.

MS. LYNCH:

Definitely, for the taxpayers to get people, you know, to earn the living wage, even though real -- realistically, \$9 an hour is only 18,000 a year.

LEG. FISHER:

Which is still poverty.

MS. LYNCH:

And 10.25 is 21. But as the one worker testified this morning, she's working two jobs, and she lives in Riverhead Township also, and she's only making 22,000 working two jobs, so that definitely would help her.

LEG. FISHER:

And I think the additional benefit is that the -- the health benefits.

MS. LYNCH:

Definitely, without a doubt, to have health coverage, because she was using also the County Health Department.

LEG. FISHER:

Thank you.

MS. LYNCH:

Okay. Thank you, Vivian.

D.P.O. POSTAL:

Thank you. Next speaker is Ericka Bozzi Gomez. I know you're not

Ericka.

MR. SONN:

Members of the Legislature, thank you for the opportunity to speak this afternoon. My name is Paul Sonn. Notwithstanding my hair color, which was a youthful indiscretion which I'm told may set back the living wage movement, I'm a lawyer with the Brennan Center for Justice, which is a public interest legal research and advocacy group affiliated with NYU Law School. We provide technical assistance to lawmakers on matters such as campaign finance reform and progressive sort of worker-oriented legislation, including living wage legislation. Although we did not draft the bill that is before you today, we have provided technical assistance to the coalition working on it. And I've prepared more extensive written testimony that is being distributed. I'll just hit on a couple of the key points, and then would be delighted to answer any questions folks might have.

In particular, I was told that there were questions concerning two areas of potential coverage of the Living Wage Bill. These are coverage of home care workers and of adult homes. I'll very briefly address both of them.

As some of the earlier speakers have outlined, there's a very serious shortage of home health care workers currently under the County's -- County contracted Medicaid Home Care Program. This is resulting in serious hardship for the County's disabled and elderly residents, many of whom are eligible for a Medicaid funded home care worker, but are not receiving them because of the shortage. It's very clear that shortage is directly attributable to the low pay.

The County has been subject to repeated litigation by individual elderly and disabled residents who have been unable to get the home care they're entitled to, and the County has been forced to effectively settle these cases and admit that until the pay is raised, they will not be able to meet their obligations. There is currently a serious risk of a class action lawsuit being brought against the County. Happily, though, the Living Wage Bill offers an affordable way to provide this service that's legally mandated to the County's elderly and disabled residents. The reason that this is affordable is because the Medicaid Program's generous cost shifting formula allows 90% of the resulting extra costs to be passed back to the State and federal governments. Now, this is sort of an innovative win-win solution that cities around the country are beginning to explore. San Francisco and Los Angeles in the last couple of years have adopted precisely this proposal. This morning, I was at a meeting of the New York City Council, which is currently considering a bill of exactly

this sort and is expected to bring it up for a vote sometime in the next couple of months. Under the Medicaid program, once State Health Department's sign-off is obtained, the County's share of the extra cost is only 10%.

D.P.O. POSTAL:
Mr. Sonn.

MR. SONN:
Yes.

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

MR. SONN:
Okay. I'd be delighted to take any questions. I should note also, the question was raised about adult homes. The current definitions --

LEG. BISHOP:
Let me ask that to legalize you. I have received inquiries regarding --

D.P.O. POSTAL:
Legislator Bishop.

LEG. BISHOP:
-- adult homes and assisted living facilities. What is your perspective in reviewing the legislation as it pertains to those facilities?

MR. SONN:
It's clear that the current legislation would not reach adult homes and assisted living facilities in the County based on the way the coverage is written. However, if one -- if the Legislature wanted to remove any doubt, I proposed some clarifying language in my testimony that could be adopted, if that were desirable.

D.P.O. POSTAL:
Are there other questions? Legislator Caracciolo.

LEG. CARACCILO:
Yes. You made reference to your appearance this morning before the New York City Council and legislation pending there. What would be the keynote differences between that proposal and the one before us?

MR. SONN:

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There are very, very few differences. The New York City proposal has a few additional bells and whistles, some additional elements aimed at facilitating labor or organizing, some other things that unions put in. But the core proposals requiring that City contractors and recipients of City development subsidies pay a living wage, those are virtually identical.

LEG. CARACCIOLO:
Thank you.

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

MR. SONN:
Thank you.

D.P.O. POSTAL:
Next speaker is Laurie Farber. Is Laurie still here? No? Next speaker, Eugene Roos.

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MR. ROOS:
Good afternoon, distinguished members of the Suffolk County Legislature. Thank you for your time. I'm here as an American patriot. I don't represent anyone in particular. There's a gentleman who sells corn on Montauk Highway in Brookhaven Hamlet on the borderline of Shirley. His name is Joe Gamper, commonly referred to as "The Corn Man." He's been in the media. He has a petition drive going. What's happened is the County of Suffolk has unfairly, in my opinion and many other people's opinion, fenced this gentleman out. He's a 62 year old elder statesman. He's been a veteran of the United States Marine Corps for four years. And while we were all home in the 1950's watching Father Knows Best, this man was being shot at in the Republic of North Korea.

I'm here to ask you most humbly and most respectfully if we can, as a group of human beings, help this gentleman, whether it's by passing a law and expediting the law to the County Executive for signature and stop the hemorrhaging that's going on in my area. This gentleman is a very nice elderly gentleman. He's got kind of like Santa Clause. I don't buy corn off of him. I have no affiliation with him. I stopped to sign his petition and I've been out trying to help him out. So with that I thank you very much.

Just before I conclude, there's people who sell corn, especially out in the eastern district of the County. We have coffee trucks that are all over Long Island selling coffee on the side of the road, and in

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the afternoons, the hot dog wagons. We need the coffee trucks, we need our hot dog trucks, and most respectfully we -- let us save this gentleman who's been so courageous in helping us in our freedom of America. Thank you very much.

D.P.O. POSTAL:

Legislator Caracciolo has a question.

LEG. CARACCIOLO:

Yeah. Well, I'd like to just inform you on his behalf that I have submitted correspondence to Legislative Counsel, who has advised me that with respect to this issue, we really need to get some clarification from the County Department of Law. I'm awaiting a reply to some -- to an inquiry of the Department of Law, and as soon as we have that, we'll certainly pass that along to see what legal rights or what alternative locations we can assist him with to continue to make a livelihood.

MR. ROOS:

That's great. Thank you very much.

LEG. CARACCIOLO:

You're welcome.

D.P.O. POSTAL:

Question.

LEG. TOWLE:

I just want to actually jump ahead of Legislator Caracciolo, because I've actually --

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D.P.O. POSTAL:

Yeah, I think --

LEG. TOWLE:

Mr. Gamper, actually, is in my district.

D.P.O. POSTAL:

Yeah. I think Legislator Caracciolo finished.

LEG. TOWLE:

Yeah. I just --

D.P.O. POSTAL:

Yeah. Legislator Towle.

LEG. TOWLE:

I just want to jump ahead of where he is --

D.P.O. POSTAL:

Oh, okay.

LEG. TOWLE:

-- because I'm actually a little bit ahead of that. I met with the County Attorney's Office and the Department of Public Works and Parks. The latter two agencies or the groups, obviously, that have requested him not to be there and they've put up the fence. We have set up a meeting with Mr. Gamper to discuss that situation. However, it appears that we are going to have to do this legislatively to allow him to be at that property. I have a --

LEG. GULDI:

Cosponsor.

LEG. TOWLE:

I have a -- no problem, Legislator Guldi, I'd be happy to put you on. I had a packet that I was going to give to Counsel today with all the pertaining information to that. He's been there, as Mr. Roos pointed out, for a very long period of time. The thing that compelled me to change my opinion on this was the Police's comments that there's never been any problem at that location, and that appeared to be our argument as to why we were moving this gentleman. He's willing to provide insurance and he's willing to pay the County some, you know, monetary amount, whether it's a dollar a year, or some percentage of his sales, because, obviously, we can't give away County property to people. And from that perspective, just for the clarification of the Legislators, that's probably where we're going to wind up going, as far as the legislation is concerned. And for you Mr. Roos, obviously, I appreciate your support.

MR. ROOS:

Sure.

D.P.O. POSTAL:

Thank you, Legislator Towle. Next speaker --thank you, Mr. Roos.

MR. ROOS:

Thank you.

D.P.O. POSTAL:

Next speaker is Ruth Gaines.

MS. GAINES:

Good afternoon, Deputy Presiding Officer Postal, members of the Suffolk County Legislature. Thank you for the opportunity to speak with you regarding the proposed law to establish a living wage law in Suffolk County.

My name is Ruth Gaines. I am the Co-coordinator of the Long Island Labor Religion Coalition, the Regional Coordinator of the Public Employees Federation, AFL/CIO, a resident of Suffolk County for over 40 years, and presently living in Central Islip, the mother of six children, with one of my daughters working in a day-care center making \$7 an hour and living at home. The Public Employees Federation represents 5,000 members on Long Island. As a member of the Federation, this proposed law does not affect us. However, many of us have family members, friends and neighbors that would benefit greatly with the enactment of this law.

The proposed living wage law is based on the principle that anyone who works full-time should be able to support a family above the poverty line. The rationale behind this law is that the local government, which is responsible for developing anti-poverty programs, should not contract with or subsidize employers who pay poverty level wages.

The economy has been growing at a rapid rate, but the buying power of the minimum wage has continued to decrease. The living wage benefits businesses. Paying a living wage has a potential to reduce employee turnover and absenteeism, thereby lowering recruitment, retention, and training cost, increased productivity, increased morale and commitment to the company. When people are paid enough to support their families, they no longer need to rely on public assistance in the form of housing subsidies, medical assistance, food stamps, and welfare. In effect, taxpayers are subsidizing employers who don't pay a living wage. When people are paid enough to support their families, they pay more taxes and buy more goods and services in the local economy, stimulating growth of neighborhood economies. I respectfully ask that you vote yes and establish a living wage in Suffolk County. Thank you.

(Applause)

D.P.O. POSTAL:

Thank you. Next speaker is David M. Curtin. David M. Curtin? The next speaker is Rhonda Nelson.

MR. MAUSER:

If you could please excuse me, Rhonda couldn't be here.

D.P.O. POSTAL:

Excuse me.

MR. MAUSER:

Rhonda couldn't be here for the evening session. She asked me to speak briefly on her behalf.

D.P.O. POSTAL:

Can you just speak into the microphone?

MR. MAUSER:

Sure. My name is Jeff Mauser and I -- from UFCW Local 1500. I'm here -- I'm here to ask you for your support on the Living Wage Bill. We represent over 4,000 members in the supermarket industry, and over 20,000 in New York State. Not only -- not only will -- excuse me. Not only will many of the members benefit from this bill, but hundreds of working men and women in Suffolk County will benefit. Therefore, we urge that you support the Living Wage Bill. I appreciate your time today. Thank you.

P.O. TONNA:

Thank you very much.

MR. MAUSER:

Thank you.

P.O. TONNA:

Good seeing you.

(Applause)

Thank you. Excellent. Next speaker, Charles Hammer. Going once, going twice. Okay. Bill Jones. Mr. Jones, Mr. Jones. Okay.

LEG. GULDI:

You're here on the living wage?

MR. JONES:

Believe it or not.

LEG. GULDI:

You get one, don't you?

P.O. TONNA:

Are you really? You're here on the living wage?

MR. JONES:

I am.

P.O. TONNA:

Are you?

MR. JONES:

Yes.

P.O. TONNA:
Okay.

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MR. JONES:
Yes. Mr. Chairman, Members of the Legislature.

P.O. TONNA:
Yes.

MR. JONES:
Bill Jones, Deputy Commissioner of the Department of Social Services, and I am here on behalf of the Department with regard to living wage. We had heard that it may come up for a vote today, so -- and, in fact, it will later on, and I'd certainly be able to stay around and answer any questions, if there is a debate later on in the evening --

P.O. TONNA:
Great.

MR. JONES:
-- when the bill comes up for a vote. But we have two areas, and it sounds to me like from what I have heard with regard to this bill that the two major areas throughout the entire County that are going to be affected could be the day-care and home health industry. I'm not sure if there are many others, but it seems like those are the two major ones. And, clearly, for our Department, those are the two critical areas that are affected in our ability to continue to do our business, we believe, and it is in the day care area, and it is primarily with the center-based operations, because those are the operations that would have ten or more employees. And the other one, and I'm not really here to speak so much about that today, but more on the home health industry and the impact that we feel that it may have with regard to that. And we were hopeful in the Department that this would get tabled until the next committee meeting so we would have a little bit better opportunity to put some more data together. And I do apologize to the sponsor that we weren't prepared more at the last committee meeting with regard to the impact of this bill, but we have begun a process that we hope that you will consider and allow us to speak at the next committee meeting with regard to this bill.

The Department is responsible for providing approximately 30,000 hours of personal care aide time each and every week, and we do that essentially through contracts with about 24 agencies. The key essential ingredient from this, and we're not here necessarily to argue for the providers that we do business with, but more so with the

process that is established not by us, but, once again, by the State of New York, and that is the rates that are -- that we are able to pay these contracted providers. It's a Medicaid rate established by the Department of Health through the Division of the Budget in the Governor's Office. That rate is established through a mechanism in statute that is not regulation of the Department of Health, but statute. So the maximum rate that we are allowed to pay to a Medicaid provider is established each and every year by the Department of Health with a two-year lag. So the gentleman earlier, I forget his name, the attorney who was at New York is correct, that, ultimately, if this rate is included in the cost report that goes to the Department of Health and is approved at some future time, that two years down the road, we may well end up paying only 10% of that additional cost. Our primary concern is for that two-year lag period.

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So, in other words, the rates that their providers are getting today in 2001 were established in 1999. If we or the providers cannot absorb that additional \$3 per hour increase in the cost and they go out of business, or let's say that they no longer can provide that level of service with the dollars that are available through that rate established, we are really concerned, because, as the speaker said earlier, we are also concerned about the number of hours that we're required to provide each and every week.

P.O. TONNA:
Bill, wait. How are those -- your thoughts continued?

MR. JONES:
Oh, well.

LEG. ALDEN:
That was smooth, Paul. That's smooth.

LEG. BISHOP:
Answer the question.

MR. JONES:
A good question.

P.O. TONNA:
I'm a smooth dude. You can see that.

MR. JONES:
Yes.

P.O. TONNA:
I'm very smooth on the record.

MR. JONES:
Thank you.

P.O. TONNA:
Go right ahead.

MR. JONES:
So what we had determined to date is the following: That this would mean, if we were to increase the PCA rate, we use this as an example, the one that we use the most, the PCA rate, number two, by this amount in the legislation, this would increase provider costs to the tune of about \$4 million per year. So the choice is the providers, if they were able to either absorb that cost somehow for at least a two-year period of time, assuming that the State would approve their new rate two years hence, or we would have to consider possibly subsidizing that four million additional dollars to all of those providers in order for them to continue to provide the same level of service that we currently provide. And therein lies the -- you know, conundrum I think for us as to -- because if we cannot subsidize that industry for the two-year period, and if, in fact, we're not crying wolf or we're not playing chicken little and the sky will fall, because I can tell you that five -- Tom, five providers, five major providers have gone out of business, out of this business over the last year because the

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margins are so close. So I think that that is a legitimate example of something that speaks to the difficulty that these particular individuals are having in maintaining their operations in this current economic climate.

So if we're not able to provide that additional subsidy, direct subsidy to these providers to get them over this hurdle, and at the end of that time we're not even proof positive that the State would approve that additional rate, if we don't know that in advance, what might happen is we would have to hire County workers in order to do this personal care service.

We currently provide personal care services to about 1,200 PCA cases. If you take on average, and this was something that we asked the industry, that they really need roughly two workers for every single case, because of vacations, because of sick time, because of downtime for whatever reason, you're talking about hiring an incredible number of aides. Right there alone, you're talking about 2,400 people. I'm not saying that necessarily we would need that many, but just as a comparison, there are currently 1,500 employees, authorized employees in the Department of Social Services.

So I want to do -- I'm asking you -- I want to do a little bit more work on evaluating, if the sky did fall by the passage of this with regard to the home care industry and they said, "We cannot do anymore business with you," and we would have to provide this service in-house, to try to come up with something, a realistic number in terms of how many additional employees we might need. It is, by the way, I will also say, an area that we prefer not to get into. We would not like to have that direct responsibility for hiring the people and assuring all these cases. We think it works better under our current system, even with the limitations that do exist.

P.O. TONNA:

Can I ask you -- just I have a couple of questions. I'm sure there might be some others.

MR. JONES:

By the way, I have Tom Brennan here, who can really --

P.O. TONNA:

Okay.

MR. JONES:

If anybody has --

P.O. TONNA:

Tom, just --

MR. JONES:

-- specific rate questions in that whole process.

P.O. TONNA:

Do you have any idea of -- you mentioned that it might be up to 2,400 people that the County would have to employ if the sky fell.

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MR. JONES:

Well --

P.O. TONNA:

How many people are employed now by the contract agencies? Approximately, how many? Are they still on the two-to-one ratio?

MR. JONES:

I really --

P.O. TONNA:

You don't know.

MR. JONES:

I need to ask that question to the provider. We asked that question with regard to the -- when the fingerprinting -- we had that fingerprinting legislation with regard to home health industry.

P.O. TONNA:

Right.

MR. JONES:

And we really tried to establish how many people are out there. And we heard numbers anywhere from there are 2,000 to 4,000 people --

P.O. TONNA:

Right.

MR. JONES:

-- that are in the industry that kind of flowed in and flowed out --

P.O. TONNA:

Right.

MR. JONES:

-- at various times. You also have providers who provide in Nassau County as well as Suffolk County, so, you know --

P.O. TONNA:

Right.

MR. JONES:

It was a difficult number to really get a hold of. But the reality is, what I can tell you is this, is that there are currently approximately 1,200 people that we service on a daily basis in Suffolk County. Those 1,200 people are serviced through a variety of hours per day. Some have two hours, some have six hours, some have 24/7. So, clearly, you're going to need more than 1,200, the number needed to service each individual case at this moment in time, should we be called upon to do so.

P.O. TONNA:

Let me just -- I mean, you have not just a narrow perspective with regard to just the -- you know, the services under Medicaid, I mean, you have a -- the Social Services Department deals with a lot of different things, including, you know, people who are on public

full-time jobs, just in general? I mean --

MR. JONES:

Could you say the -- repeat the --

P.O. TONNA:

In other words, I know, as Chairman of Social Services Committee, that there are a number of people who are working full-time in Suffolk County, who, because they're not making even close to a living wage, are also on public assistance, right, who -- there's a cost to the County.

MR. JONES:

Correct.

P.O. TONNA:

Do you have any idea of the amount of people who are working full-time and still need, you know, nutritional help, need day-care, you know, housing, whatever else? Because I think we need --

MR. JONES:

I could easily get that for, you know --

P.O. TONNA:

I think we need a macro --

LEG. BISHOP:

Isn't there a program call TANF?

MR. JONES:

-- within an hour or so.

LEG. BISHOP:

TANF? What was that?

P.O. TONNA:

What?

LEG. BISHOP:

TANF? What's TANF?

MR. JONES:

TANF is Temporary Assistance to Needy Families.

P.O. TONNA:

Right.

MR. JONES:

-- that represents about 4,200 cases in the County. We have roughly --

P.O. TONNA:

Whoever's phone that is, please shut that off. Okay, thank you. Go ahead.

MR. JONES:

And then we have the home relief single population, and out of those two populations -- I mean, there's a chart back in my office, and later on this evening, I could have it for you and tell you exactly how many of those, or roughly how many people access benefits, even though they are on public assistance as well.

P.O. TONNA:

Right. I just -- you know, I mean, the County pays a certain dollar amount and offers health benefits, and all the different protections that are needed. I know when Legislator Bishop and I discussed this bill and Legislator Bishop proposed it, I gladly cosponsored it. You know, I looked at my own private business and looked at how much are we paying these people, what are we doing in my own private business? The last thing I wanted to do is say I'm pushing for a living wage and making -- you know, there's any inconsistencies. My concern is, from a Social Services standpoint, when you're looking out at the whole issue of providing a safety net, so that people are not on public assistance for the rest of their lives, and ending the cycle of dependency, could there be any more important service than to insist on a living wage?

MR. JONES:

Yes.

P.O. TONNA:

Okay.

MR. JONES:

There is.

P.O. TONNA:

Okay. That's what I want to hear.

MR. JONES:

Providing --

P.O. TONNA:

I want to --

MR. JONES:

Providing a greater shelter subsidy, so that our people could have the very -- one of the very basic needs of human existence, and that is a decent regular consistent place to live.

P.O. TONNA:

Okay. But if they're making --

MR. JONES:

But --

P.O. TONNA:

-- a living wage --

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MR. JONES:

But -- but --

P.O. TONNA:

They're making a living wage --

MR. JONES:

But in order -- in order to do that, in order to do that, because I don't think, you know -- but in order to do that, that issue is ultimately the same issue as this one for us with regard to providing additional funds for salaries, for people that we contract with in this industry, and that is ultimately who pays.

P.O. TONNA:

Right.

MR. JONES:

Do you change the dynamics and are you willing to assume all of the risks involved with regard to the dollars and cents?

P.O. TONNA:

Well, is it who pays or -- Bill, is it --

MR. JONES:

I heard the testimony today.

P.O. TONNA:

Right. Is it who pays, or is it when we pay? In other words, I mean, and how we pay? Is it really who pays, or is it that you can either pay it up front, or you get people an opportunity to be self-sufficient? And I don't think any of the sponsors or supporters of this bill, you know, the general public who has come out in support of this bill and, you know have -- anybody has said that this is, you know, a panacea. I think everyone said this is just a first step in improving the quality of living for those people who are willing to work full-time, work hard and do everything else. I'm just asking --

MR. JONES:

Okay.

P.O. TONNA:

-- how much do we spend --

MR. JONES:

I am not arguing on that point. I hope you appreciate the fact that --

P.O. TONNA:

Four million dollars versus how much -- how much do we spend in all of the other programs for -- you know, to provide sustenance and, you know, all of these other things? I mean, isn't it -- isn't it a lot of money that we spent in shelters and everything else?

MR. JONES:

A tremendous amount.

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P.O. TONNA:

Yeah.

MR. JONES:

And, again, Paul, I'm not arguing that -- I'm not arguing that point.

P.O. TONNA:

No, I know that. I just --

MR. JONES:

You can't -- I listened to the testimony as well today. Just from the standpoint -- and, again, I honestly am trying not, to the very best of my ability --

P.O. TONNA:

Oh, I know that.

MR. JONES:

-- you know, to cry wolf here, because I know that you folks have heard "wolf" before spoken. And, you know, I just think that in my looking at this and what we've done so far, we sent out a letter last week as a follow-up to the committee meeting to 60 of our providers, a cross-section, to ask them to also -- so that we don't miss anything, that we don't miss something that may come out of the -- out of left field and really, you know, back us up and say we're not able to provide this. Because the gentleman is also correct about the State watching over us with regard to our provision of personal care services, you know, and ensuring that we're covering the hours

necessary. I mean, we have that struggle as well.

P.O. TONNA:

How does New York City deal with this, because New York City does have a living wage ordinance?

LEG. BISHOP:

Not yet.

MR. JONES:

No, they're --

P.O. TONNA:

Do you have any idea?

MR. JONES:

Not yet. They're --

P.O. TONNA:

No?

MR. JONES:

They're considering.

P.O. TONNA:

I thought they passed it in --

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LEG. BISHOP:

They don't have it yet.

P.O. TONNA:

It's passed, it just hasn't been applicable, right?

MR. SABATINO:

No, it was --

LEG. BISHOP:

They don't have it yet. A lot of cities around the country have it, Los Angeles being the largest among them; Boston, in New York State, Albany and Buffalo have it. New York City is pending.

P.O. TONNA:

Okay.

MR. SABATINO:

It was just tabled.

MR. JONES:
And there are other --

P.O. TONNA:
Okay.

MR. JONES:
Two other quick things that I just --

P.O. TONNA:
Sure.

MR. JONES:
-- you know, remembered here that I think is worth thinking about that's come up recently. One is what does a provider do with employees? And this is something that has to be considered by them, and I guess by us, is that, you know, for those agencies that work in both Nassau and Suffolk -- and, also, you have to realize a lot of our providers provide services, not only to us, but to private payers as well.

P.O. TONNA:
Right.

MR. JONES:
They would have a workforce that could be split where, you know --

P.O. TONNA:
Right.

MR. JONES:
-- Mrs. Smith is making nine -- \$10.25 an hour and Mrs. Jones is not. You know, so that bifurcation is a possibility. I don't know -- I don't know whether that would be reality, whether it not that --

P.O. TONNA:
Right. Well, from running a --

MR. JONES:
-- provider would have to bring up everybody. But since the legislation speaks to just, you know, bringing their wages up for those who directly provide services to us, A, that's one issue I think is worth considering, and the other one is the migration issue with

regard to those who work in the nursing homes and other industries that -- hospitals that we do not contract with, therefore, would not be required to pay this. They, of course, naturally would leave those positions, one would think, to come to work for the personal care --

P.O. TONNA:

Well, I can tell you this from a hospital standpoint. I was the Director of Personnel in Saint Francis Hospital in Roslyn, and I, you know, sit on a hospital board right now in Suffolk County at Saint Catherine's. There is nobody in the hospital industry that's paying less than we're putting onto this bill. There is -- you know, that's just -- it seems to me that with regard to hospitals, you know, I would -- although I probably wouldn't stake my children's lives on it, there are a few Legislators who I would stake their lives on it, that there is -- you know, that there is no hospital, you know, on Long Island that isn't paying at least, you know, the minimum, and all of them get health benefits. Is there any other questions? Yes, Legislator Postal.

LEG. BISHOP:

I have questions.

LEG. POSTAL:

A couple of things. First, you know, I would suggest that if we were paying more than aides were being paid at nursing homes, private nursing homes with which we did not have contracts, this is a competitive market, and I think that that would be a positive thing, and those nursing homes would then have to pay a competitive wage, which would benefit their employees as well. But I have a question, Bill --

MR. JONES:

Yeah.

LEG. POSTAL:

-- which has to do with your statement about taking two years, possibly, to get the State to approve the Medicaid rate --

MR. JONES:

Rate, yes.

LEG. POSTAL:

-- that we're paying. Right now I have a steady stream of calls from generally the families of infirm elderly people who need to have home care aides so that they can remain in their homes, and they can't get home care aides. They can't get the home care aides, not because they're not eligible, but because the agencies don't have enough employees, they don't have enough home care aides. You said yourself

that a number of them had gone out of the business just this past year. This is a competitive job market. It's really hard. This is tough work, and if you're going to pay the kind of low wage that is being paid for this very rigorous emotional and physical work, then it's real hard to find and retain employees. So what I hear all the time is that these infirm elderly who cannot get home care aides in many cases have got to go into long-term care, they've got to go into nursing homes. They're obviously Medicaid eligible. Has there been any study of the cost to the County, or the relative cost to the County, of providing the long-term care coverage for these individuals rather than providing home care aide in their home?

MR. JONES:

Well, there was, in fact, State legislation that was rescinded about two years ago that basically directed us to do an evaluation when an individual was in a nursing -- if a person was in a home environment and the costs, you know, for maintaining that person in the home were greater than 90% of what it would cost, greater than 90% of the cost than that person would be evaluated for a nursing home placement. However, when we do the evaluation and our nurses take a look, I mean, that person, I don't know specifically of situations where a person was at home and went to a nursing home because they did not have appropriate coverage, because they have to qualify in order to be placed in a nursing home.

LEG. POSTAL:

Right, and I understand that.

MR. JONES:

They have to meet that criteria, and if they don't, you know, then they would remain at home until, you know -- and in some cases, we have made extraordinary efforts and our providers have made the same kind of efforts at our request to attempt to ensure coverage for those people. I'm not saying we --

LEG. POSTAL:

Yeah.

MR. JONES:

-- you know, batted a -- you know, batted a thousand on it.

LEG. POSTAL:

Yeah. It's just that I call DSS Medicaid on a regular basis for constituents who call me, who are eligible and cannot get a home care aide, because the number of available home care aides is not sufficient to meet the approved demand for eligible clients. And I would suggest that it would be -- it would be effective to make a comparison of the cost of not being able to provide those home care aides due to a shortage of employees, and the cost of placement in a long-term care facility for those individuals, because that's what's happening. Also, another question, does EIHSEP still exist?

MR. JONES:

The Elderly --

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LEG. POSTAL:
In Home --

MR. JONES:
In Home.

LEG. POSTAL:
-- Services.

MR. JONES:
I believe it does. Tom?

MR. BRENNAN:
Yeah.

MR. JONES:
Yes.

LEG. POSTAL:
Does that have -- does that come with a specific rate that can be paid for home care or home health care?

MR. BRENNAN:
Ms. Postal, that's at Office for the Aging, not at Social Services. They usually contract with one of the providers that also provides personal care services, and, typically, Aging has used whatever rate structure we followed in the Personal Care Services Program, so it's comparable.

LEG. POSTAL:
But are they restricted to use the same rate structure?

MR. BRENNAN:
No, I don't believe so. But they have a fixed budget, as I understand it, so as the rate goes up, the number of hours they can provide goes down. The higher the rate, the fewer the hours, the more people they have waiting at any given time for service.

LEG. POSTAL:
And have we used our entire EIHSEP budget every year, do we do that?

MR. BRENNAN:
I couldn't say.

D.P.O. POSTAL:

Okay. Thank you. Legislator Alden, I think, did you have --

LEG. BISHOP:

I think I had -- me? Okay. Thank you. Legislator Postal had some constructive suggestions when you're going through your evaluation process. Whether it's voted on today or it's tabled, you're still going to do this process.

MR. JONES:

We are.

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LEG. BISHOP:

And she offered some suggestions.

MR. JONES:

If it's the decision, yes.

LEG. BISHOP:

I would ask that you also look at, from the industry, if they can put a number on their recruitment and training costs. And, also, do some evaluation that she suggested, Legislator Postal suggested, of the cost of the heavy turnover in the industry as well, if you can in evaluating it, consider those factors as well.

Also, when the rates have been adjusted in the past, have we ever looked at what percentage of the adjustment flows down to the employees? In other words, I'm sure there has been 5% adjustments, 10% adjustments over the years. Have the wage scale for the employees kept up with that same pace? You wouldn't know off the top of your head.

MR. JONES:

I don't know.

LEG. BISHOP:

I think you're going to have to look at that.

MR. JONES:

I notice that Mr. Halpern has come. Really, he didn't think he was going to be able to make it. He is here.

LEG. BISHOP:

Okay, terrific.

MR. JONES:

And he is somebody that could address it.

LEG. BISHOP:

I mean, because we went through this at committee, we went through it at previous hearings where we asked for specifics and we get generalities. You know, I would -- as I've always said, if you have specific lists of employees, what they do and how much they're paid, and so forth, that would be very helpful in evaluating the wisdom of the proposal. Also, if the industry would be willing to open up its books, that would also be helpful.

MR. JONES:

We could certainly get them from State DOH, because they do submit them to State DOH, the cost report.

LEG. BISHOP:

You've had seven months to do it, Bill.

MR. JONES:

I know, I understand. Okay.

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LEG. BISHOP:

So I don't know --

MR. JONES:

Right, I know.

LEG. BISHOP:

-- where it's been, but --

MR. JONES:

We also --

LEG. BISHOP:

I guess now you're going to be motivated to go through this process. So one of the other things I would look at, if I were doing the process, is how many of the home health care employees do receive other government services, the TANF, TANF that we spoke about, that would also --

MR. JONES:

Right.

LEG. BISHOP:

-- as an example of that.

MR. JONES:
Food stamps, anything else.

LEG. BISHOP:
Right. And then, finally, I just want to go back to something. Is that the administration's, what you articulated before, belief, that they would prefer to give housing subsidies to people as opposed to waging -- raising wages?

MR. JONES:
No, not at all.

LEG. BISHOP:
Because that's what I thought I heard you say.

MR. JONES:
No, I don't think that was -- he -- I thought that question was directed at me --

LEG. BISHOP:
Oh, okay.

MR. JONES:
-- personally.

LEG. BISHOP:
That's your personal perspective.

MR. JONES:
If I agreed. That was my personal opinion.

LEG. BISHOP:
You believe in --

MR. JONES:
No. But he was asking me if there's something greater to do, and in relative terms from the, you know, housing crisis that we have, I guess, you know, if I were given my druthers --

LEG. BISHOP:
No, I don't think he was talking about housing, I think he was talking about Social Service prospective broadly, how -- you know, is there anything more valuable than a job that pays well to get people out of poverty, and I don't think that you could argue that there is anything that would be more beneficial than that. Perhaps you can.

MR. JONES:

Exactly. And we were lucky that -- you know, that, welfare reform came at a time when the economy was doing so well to move so many people from here to there. The downside of the -- of that process has been the increase in the cost of housing in our area. That really presents a -- you know, a real difficult challenge for us, because as people go off of welfare and had to spend more of their dollars for that. That was my point, along with the other issue, that along with anything that you change with regard to a social service program in terms of eligibility, has far-reaching implications beyond Suffolk County, that we as a department and part of the State arm of the State Department of Social Services have to take into consideration. You increase the eligibility for a housing grant and, suddenly, you change the whole formula for public assistance in the State.

LEG. BISHOP:

Thank you, I appreciate it. Madam Chair, I ask your indulgence. I'd like to ask Mr. Sonn one question that --

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

LEG. BISHOP:
Yeah, Mr. Sonn.

D.P.O. POSTAL:
Okay.

LEG. BISHOP:
May I --

D.P.O. POSTAL:
Mr. Sonn.

LEG. BISHOP:
-- with your permission?

D.P.O. POSTAL:
Thank you, Bill.

MR. JONES:
Thank you.

LEG. BISHOP:

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I just want to get your response, if you have one, to the notion of the two-year lag on an adjustment for reimbursement for the Department of Health.

MR. SONN:
Please, yes, Counsel -- Legislator.

LEG. BISHOP:
Whatever I am.

LEG. GULDI:
Whatever you are.

LEG. BISHOP:
Politician.

MR. SONN:
The key to making this proposal affordable is getting the State Health Department sign-off. Now, there is -- there may potentially be a lag time in the rate adjustment process. However, the bill, as currently structured, appears to allow sufficient flexibility to get us over that interim bridge period. The requirements under Section 11 of the bill do not kick in for one year -- until one year after enactment, July 2002. In addition, the bill authorizes an additional one-year exemption beyond that to July 2003 for -- to be granted to contractors. So it appears that the current legislation affords us the flexibility to get over this bridge period without having to bring the home care provision staff on the County payroll, or to absorb unnecessary interim costs. But, I mean, of course, the proposers would welcome working with the Department of Social Services to figure out the most effective way to do this.

LEG. BISHOP:
That must have been my cosponsors who snuck -- stuck in that reasonableness into this. I certainly wouldn't have. Thank you very much.

D.P.O. POSTAL:
Legislator Alden.

MR. SONN:
Thank you.

LEG. ALDEN:
Just -- if you could stay for a minute.

D.P.O. POSTAL:
Mr. Sonn.

LEG. ALDEN:
Along that same -- that point, do we have to actually expend the money to ask for an increase from New York State, is that how it works, or

would it just be on the fact that we pass the legislation? Both of you, I mean, either one, if --

MR. JONES:

Our provider community will submit what is called an expense report to the State Department of Health by this October for 2001 expenses that will become effective if approved in 2003. So maybe there is a way of working it out. We haven't reached out to the State. Because it is in statute, I'm not sure what really would need to be done. But the gentleman is absolutely right, we would really have to work with them very closely, because that cost report that goes in in October of this year, or next October, would have to clearly indicate what the costs are in order for them to consider it two years hence.

LEG. ALDEN:

Now, is that your experience with the way it works?

MR. SONN:

I believe that's correct. I mean, there will -- there will be need for negotiations with the Department of Health. However, we were at this meeting this morning with Dennis Rivera and the New York City Council and they -- and this is exactly the strategy they're planning to use in New York. And if you could imagine what the bridge cost would be here for Suffolk County, if the County had to absorb it on the interim, magnify that by 300 times and that's what it would be in New York City. And, obviously, it's not affordable to be absorbed at the local level, and 1199, based on their conversations, is confident that the rules can be finessed to allow the County having to -- to avoid the County having to absorb during this bridge period this disproportionate share of the costs.

D.P.O. POSTAL:

Thank you. Our next speaker is Aimee Hamlin. Amiee? Is she still here?

LEG. FISHER:

She left.

D.P.O. POSTAL:

Next speaker, Joe Gergela. Gergela. Excuse me. Excuse me. Joe Gergela. Is he still here? Okay.

MR. GERGELA:

Good afternoon, good evening, whatever time it is. Joe Gergela. I'm Executive Director of Long Island Farm Bureau.

First, I'd like to thank all of you and congratulate you for your efforts historically over the long-term, and most recently on farmland preservation and open space preservation. No doubt, Suffolk County leads the country in their commitment to environment.

As it relates to the budget amendments, there's only one that I have some concern with, and I -- I probably should speak into this a little better. I talked to Legislator Bishop a little bit earlier and a couple of the other Legislators. We need to have a dedicated fund for the Farmland Program. I know that you're increasing the funding kind

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of in a general pot that will be there for environmental purposes or parklands, or what have you. I'd like to see you continue your commitment to the dedicated fund for the Farmland Program. There are times when the County cannot partner with the towns, and there may be a parcel of farmland that we want to get those rights from, and it gives the County that flexibility to make a deal with its own money without the commitment from the towns. We've been working with the towns to get more money from them to do the partnering on the Partnership Program and the Greenways Fund, and everything else, but this is very, very important.

Jim Burke is here from the County Real Estate Department. A couple of Legislators mentioned to me about concern about that we haven't been able to spend the money quickly enough. In fact, all the money that we have in the Greenways Fund, the traditional Farmland Program, all the funding is committed. The Land Trust, in cooperation with the County and the towns, has gone out aggressively and we've got a number of farmland parcels ready to go that are under negotiations, and, basically, we've committed all the available money for the Farmland Program.

So I would urge you to do what you're doing with the budget. I would just ask if you would keep that dedicated fund as it has been traditionally and just leave that little piece alone. It's only a couple of millions dollars over the next few years. And I thank you for your support.

D.P.O. POSTAL:
Thank you.

LEG. FISHER:
Thank you.

LEG. CARACCILO:
I have a question.

D.P.O. POSTAL:
Question, Legislator Caracciolo.

LEG. CARACCILO:

Joe, as you are familiar, and I know, obviously, Jim is, Jim Burke, that beginning in January this year at my request, the Division of Real Estate has been meeting on a bi-weekly basis with the Town of Riverhead, one of the remaining towns in Suffolk County that has still vast amounts of agricultural lands that could be preserved under our Farmland Preservation Program, to kick off a new initiative in cooperation with the County Executive and Division of Real Estate. We are now well on our way. And I did a quick tabulation based on our last meeting last Friday, and I thank Becky for bringing this -- these notes from Friday's meeting with her. As we sit here today, we are looking at a commitment by the County, or contracts that the Division is in the process of, I guess, bringing to closure, or actually going to closing on, of some \$9 million in the Farmland component of Greenways.

Now, I know laid on the table today there's a resolution from the

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County Executive to commit or appropriate the remaining \$10 million under Greenways. So the question -- the next question I had, it's a question, is -- Joe, you can't answer it, but maybe Mr. Burke can. Jim, that is, with respect to the resolution that was laid on the table today for the remaining \$10 million, where do we stand in terms of commitments that we'll exceed \$20 million, so that the importance to which Mr. Gergela is speaking of, and that's keeping in the Capital Program and Budget the \$6 million, could be better understood?

MR. BURKE:

What Joe previously said, that we have -- every dollar that we have in the program really is committed between acceptances that we have and matters that we have in contract. Between our Capital Programs and our Greenways Programs, we have pretty much -- we have pretty much commitment for every dollar that's out there right now.

LEG. CARACCILO:

And, in fact -- and I appreciate what my colleagues are attempting to do in establishing a new multifaceted environmental preservation fund. And I guess we could debate when we get to the Capital Program and budget the need to really do that, since we have a sales tax program that just kicked off December 1, 2000 that is expected to generate over the next thirteen years \$285 million for a variety of purposes, environmental protection purposes, some of which is dedicated farmland, some of which is dedicated to groundwater protection, some of which is dedicated to open space. So it seems to me the attempt to exclude farmland in the Capital Program and Budget is shortsighted, especially in light of your testimony, Mr. Gergela, and the facts that we are really overextended as we sit here today, and that is why those funds should not be deleted. Am I correct, Mr. Burke?

MR. BURKE:

Yes, Mike, as far as that the monies are committed at this time for all our farmland, between our -- the 5 million that we have for Capital Program for this year, between purchases in the Town of Brookhaven and Riverhead and Southold, and also now we have another acceptance in Western Suffolk in Melville, which is nice to be able to spend some money in the western part of the County also, between those programs, we really have all the monies committed for --

LEG. CARACCIOLO:

Along those lines, I'm not aware that you were successful in the western part of the County. That's good news. But on the basis of, I guess, a ratio, if you can give us a sense of ratio, what is the ratio per acre for, say, a piece of property in Huntington, farmland to be preserved, versus that we buy, let's say, in Riverhead? Is it two to one, five to one?

MR. BURKE:

As far as the money spent --

LEG. CARACCIOLO:

Let's say --

MR. BURKE:

-- or the cost per acre?

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LEG. CARACCIOLO:

The cost per acre.

MR. BURKE:

The cost per acre, yeah, certainly. Certainly, right now, in Riverhead --

LEG. CARACCIOLO:

Without getting into specifics, okay.

MR. BURKE:

No, right. I'm saying, certainly, in Riverhead and Southold, we get far more bang for our buck. I mean, you could say values compared to, say, the Town of East Hampton compared to Riverhead is almost eight to one.

LEG. CARACCIOLO:

Eight to one. It costs eight times as much to buy something in East Hampton, a piece of -- an acre of land, farmland in East Hampton as it

does in Southold or Riverhead Town. And what would the ratio be for a Town like Huntington, the purchase you're talking about?

MR. BURKE:

I believe that the purchase in Huntington would probably be something similar to the East Hampton values.

LEG. CARACCIOLO:

About eight to one.

MR. BURKE:

That's really on a high end, although the Riverhead and Southold monies are -- values are starting to increase more. But compared to some of the deals we're doing in East Hampton, I's say anywhere between six to eight -- six and eight to one.

LEG. CARACCIOLO:

Okay. Thank you.

D.P.O. POSTAL:

Legislator Alden.

LEG. ALDEN:

Mr. Gergela, you mentioned before, and I'm not sure if I heard you right, but you've been meeting with the Town of Riverhead on a biweekly basis?

MR. GERGELA:

Yes.

LEG. ALDEN:

What's their attitude towards preserving this land through zoning?

MR. GERGELA:

It's on the table right now. They've hired a firm from Michigan, actually, to do a master plan update. Their recommendations are

forthcoming in two weeks. And I expect that they are going to look at the issue of zoning as part of their recommendations. That is something that we are very concerned about, because one of the issues about zoning is that from a farmer's point of view, it can devalue the property in equity and make it harder for farmers to get operating loans, because they use their land as their collateral value to get operating loans. So zoning is really more of a density reduction issue and -- mechanism rather than a preservation mechanism. It certainly is something that they're trying to do to consider to reduce potential build-out density, but it could have negative ramifications

on the farming industry. So we would prefer that they look at transfer of development rights, conservation opportunity, subdivision process. There's a lot of creative things that they have rather than use zoning, but they are looking at it.

LEG. ALDEN:

Have you found them to be persuaded to grant a lot of these subdivisions, you know, like in the past or up until the present time, as opposed to have they -- have they denied a lot of these zoning applications?

LEG. CARACCIOLO:

Joe. Joe, if I could, maybe -- and if you would suffer an interruption, because I live in Riverhead, I'm very familiar with Town Board actions, or lack of actions. And that said, Riverhead is not yet one of those towns, like we heard testimony this morning from Mrs. Dittko, where in Eastern Brookhaven Town we have tremendous development pressures. There are a lot of applications pending in the Town of Riverhead, but, quite frankly, the pace at which they get approved is very slow, and that's a good thing. And that really brings us to the heart of this debate and issue, and that's why it's important to keep this \$6 million alive --

LEG. ALDEN:

Okay.

LEG. CARACCIOLO:

-- and dedicated for farmland.

LEG. ALDEN:

All right, Mike. Then --

LEG. CARACCIOLO:

Because, Cameron, if we don't --

LEG. ALDEN:

No, I know. I just want to deal with --

LEG. CARACCIOLO:

Then we'll lose.

LEG. ALDEN:

We'll debate -- we'll debate the --

LEG. CARACCIOLO:

We'll lose the farmland.

LEG. ALDEN:

But we'll debate that later. But, you know, if you could answer my question.

MR. GERGELA:

Certainly. Repeat it one more time, Mr. Alden.

LEG. ALDEN:

Has the Town Board denied a lot of these applications for subdivisions, or have they been very, very receptive to the idea of doing subdivisions?

MR. GERGELA:

Over the years, they have gone forward. It's a very hot issue over the last several years. There is a proposed moratorium that the Town is going to public hearing on in the next month. I expect that things have slowed down. They're going to slow down while the Town is updating its master plan. The Farm Bureau, and we have an Agricultural Advisory Committee as part of the Town, we are going to be looking at strategy comprehensively, including zoning, transfer of development rights, all the tools in the toolbox, to see what we can do to hold on to that critical mass.

One thing that I would say to all of you is that in the next five years or so, we're not going to have much more opportunity to hold on to this critical mass of the farmland. There's not much left on -- in Suffolk County, and it's all highly, you know, sought by developers, by all kinds of different uses. So we're running out of time and we need every dollar that we can get, because this is the most effective preservation program there is, is the purchase of development rights program.

LEG. ALDEN:

So just to -- to not paraphrase, but to kind of sum up the way you answered my question, in the past, Riverhead has not been cooperative. They've been granting -- as far as preservation-wise. They've been granting a lot of these subdivisions. Right now they're going to take a look at a moratorium.

MR. GERGELA:

That's correct.

LEG. ALDEN:

Okay, thanks.

LEG. CARACCIOLO:

Joe, let me correct the record as far as the Town goes. The Town has before it subdivision applications in excess of 2,500 homes. They've had those applications pending for almost a year in many cases. So I would take issue with the representation that the Town has been proceeding and approving subdivisions in the Town, they have not.

Number two, what we have not spoken to is the partnership as a result of this initiative we kicked off in January. And Mr. Burke, actually he left -- oh, there you are, Jim. Jim, you want to get up and speak

to that, that initiative where it is true the partnership with the County in that the Town is contributing along with the County to make these acquisitions possible.

LEG. ALDEN:
Maxine, I --

D.P.O. POSTAL:
Legislator Caracciolo, I would suggest that this is not the time. We're still in the public portion. There are still people who are waiting to speak who have signed cards who have been waiting. It might be better to address this when we get to the Capital Budget.

LEG. CARACCIOLO:
Well, will these -- will these individuals be given an opportunity to speak when we get to omnibus?

D.P.O. POSTAL:
If I'm chairing the meeting, I assume. I can't speak for the Presiding Officer, but I assume that people will have the opportunity.

LEG. CARACCIOLO:
Well, you know, if there is assurance that the public will not be shut out from the discussion, then I will obviously yield and accept that.

D.P.O. POSTAL:
Yeah, first of all, these people can -- certainly, at the end of the public portion, the people who have signed cards. At that point, there's always an opportunity for people who would like to address the Legislature to do so before we go into the agenda or anything else on the agenda. So, at that point, they certainly would have an opportunity.

LEG. CARACCIOLO:
Well, fine. I have a question for Mr. Gergela.

D.P.O. POSTAL:
Okay.

LEG. CARACCIOLO:
Joe, could you just explain how this partnership with the Town has -- is working in terms of matching funds from the Town?

MR. GERGELA:
Right.

LEG. CARACCIOLO:

This is not a County-only initiative.

MR. GERGELA:

That's correct. The Partnership Program requires that the towns put up some of their own money, the taxpayers' money in those towns, to match with the County. Southampton went out and got a \$30 million loan from the Environmental Facilities Corporation, New York State Environmental Facilities Corporation, and they got a \$30 million loan, they're looking to get another 30 million. So they've got their

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money, that they're working hand in hand with Suffolk County. Southold, the Farm Bureau recently has made this recommendation to Southold to do likewise. And we're also talking about this with the Supervisor and the Town Board in Riverhead. We feel that the towns need to go after more of their own money and they're also -- and that would be funded through their own -- the 2% real estate transfer tax, which is on the five East End towns, where they tax themselves on their real estate. And we need to leverage more of the local money with the County. Like I said, there's just not enough money to do it all. We need every dollar that we can get. And, in fact --

LEG. CARACCIOLO:

And, Joe, just to complete the circle, would you just mention for the Legislature's benefit how you were successful in Washington and Albany for the first time to bring federal and state dollars to farmland preservation?

MR. GERGELA:

In fact, I talked to the Senate Majority Leader's Office yesterday. The Senate has put in 18 million roughly in farmland preservation for the budget that is not done yet, that's being debated right now. And, also, in Washington, the President actually put in 65 million for farmland preservation, most of it being driven by the Northeast states, including New York. Governor Pataki has personally, along with the Commissioner of Agriculture, is pleading the case in Washington that we want more money for this purpose in New York State. So we're making progress. We're talking to the Governor's Office and the Legislature about doing \$100 million in next year's budget through the Environmental Protection Fund. So we're really pushing hard to enlarge the pot of money.

LEG. CARACCIOLO:

And, finally, what would you say to those who may take the position, "Well, 6 million isn't a lot of money and we have all this other money coming in, we don't need to really spend six more million dollars"?

MR. GERGELA:

I look at it is that it's not only preserving our history and our land, we're helping to hold onto an industry that needs this land for the future. Critical mass. A lot of people say, you know, "Well, what the hell is critical mass?" It means that when we fall below a certain amount of acreage, we lose our supply companies, our equipment dealers, all the ancillary industries that are part and parcel of the agricultural industry. It not only is an economy of itself, it's an economy that's important to Suffolk through the tourism industry, the East End of Long Island, and I'm not going to exclude the Huntington area, we still have considerable agriculture in the Town of Huntington. It's important to Suffolk County for quality of life and for economics. It's part and parcel of our whole economy.

Dr. Koppelman, I asked him, I said, "Well, if you put" -- "try to put a value on it, what does it mean?" Five percent of Long Island's GMP is the agriculture industry. So our long-term survival to have agriculture continue is predicated upon the support of this program, so we have the land.

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LEG. CARACCIOLO:

Thank you, Joe.

P.O. TONNA:

I have a question.

MR. GERGELA:

Thank you very much.

P.O. TONNA:

Thank you. I have a question. You mentioned the magic word to me, Huntington and agriculture.

LEG. ALDEN:

Just jump in.

P.O. TONNA:

Are you -- sorry.

D.P.O. POSTAL:

There's a list.

P.O. TONNA:

Oops, sorry. I'll wait. Sorry.

D.P.O. POSTAL:

Legislator Fisher.

LEG. FISHER:

Joe, quite awhile ago, you mentioned -- you indicated that there was a consultant from Michigan who was working on a master plan. By whom were they hired?

MR. GERGELA:

They were hired by the Town of Riverhead to do the agricultural portion of their master plan update. It's a farm called Land Ethics.

LEG. FISHER:

So then the assumption is that they will abide by this master plan? They have bought into it.

MR. GERGELA:

It's going to be out for the public review and comment. It has not been presented yet.

LEG. FISHER:

Okay. Thank you, Joe.

D.P.O. POSTAL:

Legislator Alden.

LEG. ALDEN:

If Legislator Tonna wanted to go before me, that would be all right.

P.O. TONNA:

I much rather an intelligent question first.

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LEG. ALDEN:

Are you going to be here later when we debate the Capital Program or are you going to take off?

MR. GERGELA:

I was going to take off.

LEG. ALDEN:

Okay. Then --

MR. GERGELA:

But if you want me to, I will stay.

LEG. ALDEN:

Well, I don't want to force you to stay, because I have just two more

questions. And not to put you on the spot, but when you look at, you know, like how much money should go into the, I guess, preservation of farmland, just an overall, I'm not going to say one specific program, but the money that should be expended by Suffolk County for the preservation of farmland, you don't really prioritize as far as, you know, farmland fits in with, you know, whether we should do affordable housing or this, that, or the other thing, you just do that standing along, don't you, when you do your evaluation?

MR. GERGELA:

The answer is yes. However, all of us live here. We are cognizant of those other concerns.

LEG. ALDEN:

Okay.

MR. GERGELA:

And I think that there has to be balance in everything that we do here.

LEG. ALDEN:

One other one. You just -- you mentioned like an infrastructure that, you know, like -- or a support structure for the farming industry, and how many billions of dollars, and things like that. You don't really do a tax analysis either, right, that, okay, if you're going to buy this amount of -- this amount of farmland, you're going to incur this amount of debt, and the debt service is going to be "X" amount of dollars; you don't really go into that either, right?

MR. GERGELA:

We leave that to you guys to figure out what the debt service is --

LEG. ALDEN:

Good. That's fair.

MR. GERGELA:

-- on all that.

LEG. ALDEN:

That's fair. Thanks.

LEG. CARACCILO:

Okay. Madam Chair. I have a -- oh.

P.O. TONNA:

I think -- I'm on --

D.P.O. POSTAL:

Well, I think the Presiding Officer wanted the floor.

LEG. CARACCIOLO:

After the Presiding Officer, then.

P.O. TONNA:

Yes. You mentioned that there is still some agriculture in Huntington, which is --

MR. GERGELA:

Yes, sir.

P.O. TONNA:

-- we're aware of. Is -- are there any farmland pieces that are slotted for preservation?

MR. GERGELA:

Absolutely. There's the --

P.O. TONNA:

I'd love to hear this.

MR. GERGELA:

The Schneider Farm has come forward recently within the last month. The County is actively engaged in negotiating with them right now.

P.O. TONNA:

Where --

MR. GERGELA:

It is in the Melville area.

P.O. TONNA:

Right.

LEG. TOWLE:

It's a quarter acre.

P.O. TONNA:

Yeah, how -- it's more than a quarter acre? No, I'm joking.

MR. GERGELA:

No, no.

P.O. TONNA:

No.

MR. GERGELA:
I'm not sure. How many acres, Jim?

P.O. TONNA:
I'm aware of the Schneider Farm. It's in my district, right? I think it's in my district. How much are we talking about?

MR. GERGELA:
Twenty acres.

P.O. TONNA:
Okay. All right. Is that the only --

LEG. CARACCIOLO:
Mr. Chairman.

P.O. TONNA:
Wait.

LEG. CARACCIOLO:
If you'd just suffer a quick interruption.

P.O. TONNA:
Sure.

LEG. CARACCIOLO:
While you were out of the room, I asked for a ratio of what it costs on the West End versus the East End or the North Fork.

P.O. TONNA:
Right.

LEG. CARACCIOLO:
And Mr. Burke indicated eight to one.

P.O. TONNA:
Ten to one?

LEG. CARACCIOLO:
Eight to one.

P.O. TONNA:
All right, eight to one.

LEG. CARACCIOLO:
Okay. So we're talking about --

P.O. TONNA:
We went a little low.

LEG. CARACCIOLO:
We're talking ball park, 12 to 15,000 an acre on the North Fork.

P.O. TONNA:
Right.

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LEG. CARACCIOLO:
You're talking, you know --

P.O. TONNA:
Right.

LEG. CARACCIOLO:
-- a lot of money in Huntington. And if you eliminate this funding in
the Capital Budget, you may not have it,
Mr. Chairman.

P.O. TONNA:
Well, I just want to get -- so we are looking at lands in the West
End, farmland that we are looking to preserve.

MR. BURKE:
Absolutely.

P.O. TONNA:
Is there any others that, you know, we're looking at?

LEG. BISHOP:
Come on, Paul, let's --

MR. BURKE:
Paul, the Schneider Family ist he only one --

P.O. TONNA:
I want to find out.

LEG. BISHOP:
Do we do this now?

P.O. TONNA:
Yeah.

MR. BURKE:
The Schneider Family is the only one that's agreed --

P.O. TONNA:
Okay.

MR. BURKE:

-- right now to sell, but there's others that are -- we've been looking at.

LEG. BISHOP:

Thank you.

P.O. TONNA:

All right.

MR. BURKE:

Schmidt Family, McGovern and a few others.

LEG. BISHOP:

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Schmidt, Schneider.

P.O. TONNA:

Great. I went to high school with them. All right. The Schmidts. Anyway, good farmers.

LEG. BISHOP:

Various pumpkin purveyors throughout the greater Melville area.

P.O. TONNA:

All right. That was. I'm sorry. That was my only question. Madam Chair, you have the floor.

LEG. CARACCIOLO:

I have a question.

D.P.O. POSTAL:

Legislator Caracciolo.

LEG. CARACCIOLO:

I love when Legislators are very selective in their questioning to get an answer to a particular -- you know, in a particular direction. So let me do the same thing, because if you want to talk economics, let's talk economics, and what it means when we preserve, whether it's open space --

LEG. ALDEN:

Mr. Chairman, I have a -- put me on the list.

LEG. CARACCIOLO:

Whether it's open space or whether it's farmland, what it means to local taxpayers in terms of the cost of services, what does it cost

local government and County government when we buy land and preserve it, versus when we allow a developer to develop it; is there a net plus?

MR. GERGELA:

There's a net plus to preservation. When a land -- an acre of land is converted to particularly residential development, it costs \$1.36 in service for every tax dollar paid by that homeowner. Farmland pays 26 cents for every dollar, so it certainly is better to preserve land than to allow it all to be built.

LEG. CARACCIOLO:

And in effect, what you just said, it costs 100% more when you allow development to take place.

MR. GERGELA:

That's correct, on services.

LEG. CARACCIOLO:

I mean, that's more than 100%.

MR. GERGELA:

Yes. And, you know, that's recognizing the debt service and everything

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else, that it's still more favorable to preserve than to allow it all to be built.

D.P.O. POSTAL:

Legislator Alden.

LEG. ALDEN:

Actually, I would ask you now to stay around, because that's opened up a whole -- really, I have probably about forty-five minutes worth of questions to ask you. So if you could stay around for the Capital Budget and I'll do it -- that's a more appropriate time to debate, because we're actually going to start --

MR. GERGELA:

Okay.

LEG. ALDEN:

The questions I have would be more appropriate to that. Thank you.

MR. GERGELA:

I apologize for taking so much of your time. Thank you.

P.O. TONNA:
Oh, no, no.

D.P.O. POSTAL:
Next speaker is Becky Wiseman.

P.O. TONNA:
It's almost as long as Fred Towle's

D.P.O. POSTAL:
Presentation.

P.O. TONNA:
Presentation today. But, anyway --

LEG. TOWLE:
One in six years I'll have you know.

LEG. BISHOP:
That was an hour.

D.P.O. POSTAL:
Miss Wiseman, go ahead. Everyone.

MS. WISEMAN:
Hi. As you say, I'm Becky Wiseman. Actually, I'm the Associate Director at Long Island Farm Bureau. And a lot of the questions and a lot of the statements that I was going to make were already asked and already stated, so I come here as sort of his, Joe Gergela's shadow. I know you all know him and have worked with him for a number of years.

Just to repeat some of the major statements that he's already gone over and all of you have asked about is that, actually, I have been

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working as the local farmland -- on the local farmland committees with all of the communities that have farmland preservation programs, so I have been attending the Riverhead biweekly meeting that Mr. Caracciolo was speaking of.

Long Island Farm Bureau, in cooperation with the ag community in each these towns is encouraging the towns to level funding from their 2% real estate tax money, so that they can obtain some low interest loans from New York State Environmental Facilities Corporation. Mr. Gergela mentioned that. We have specifically been discussing this with Riverhead and Southold recently, and Southampton Town, East Hampton Town has already borrowed 30 plus million dollars from that account.

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Long Island Farm Bureau is encouraging this, because we feel that there can't be enough money right now to be spent on preservation, because it is such a -- land values are so escalating, and now the efforts really have to be pushed to preserve land.

From my perspective, attending these town meetings, the Town and the Counties are serious about purchasing lands and looking at loans and different abilities for them to borrow money to partner in purchasing farmlands.

I would just like to reiterate what Mr. Gergela said, the traditional farmland program is very important and is essential for the County to retain this dedicated fund for farmland preservation. These dedicated funds are important when other program fundings do not work, and Suffolk County needs to have the ability to step in at those critical times with the funding. Thank you.

P.O. TONNA:

Thank you very much. Madam Chair, next one.

D.P.O. POSTAL:

Next speaker, Hoot Sherman.

P.O. TONNA:

Is that you, Charlie, alias?

LEG. CARACCIOLO:

Oh, he had to leave.

D.P.O. POSTAL:

Did he have to leave?

LEG. CARACCIOLO:

He had to leave.

P.O. TONNA:

Okay. Next.

D.P.O. POSTAL:

Okay. Next speaker, Gerald P. Halpern.

MR. HALPERN:

Members of the Legislature, I'm here to talk about Intro 1113 . My name is Gerald Halpern. I'm the attorney for all of the personal care

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services of different kinds, and I'm here candidly not to say that I'm against the concept of a Living Wage Bill, because I think it's very hard to be against living wages, it's very hard to be against motherhood, it's very hard to be against anything of the things that will make life better for the residents of the County. But I think that that's just the first opening issue, and I think there many other things that are inherent in this Intro 1113 that may have been considered by committee, may not have, but I think require very, very careful analysis.

The first question is who is going to pay for this and when are they going to pay for it? And I heard the question raised of whether or when, and this I think raises a very difficult problem. You don't really control the funding for this program. You pay 10% at present of the money that goes into the Personal Care Program. The Feds and the State pay 90%. It seems to me, as has been done with some Legislative proposals in different parts of the State at different times, that where the real purse string control is out of the hands of the Legislative body that's considering mandates, that it really should be left to the sources of the funding, unless you control them also to determine how the money will be spent and how much money there will be at your disposal. It seems to me that in addition to the various exclusions that the law provides for, it would be wise, realistic, and I think the only practical approach to exempt any contract or program where a majority of the funding is outside of your control. Here we have the feds to deal with, and I don't think any of you can control what happens with the funding of money from Washington, where 50% of the money comes from, and where the controls over spending that money and how much it will be are determined by the feds, and the other 40% comes from the State. And here, in order to clarify the way the funding from the State comes, as was mentioned before, all of the contract agencies that provide home care must annually submit to the State Department of Health a cost report, which is based upon actual costs incurred in the year in which the report is prepared. So that this year, for 2001, there will be a report that must be submitted by each agency to the Department of Health of the State by October 1st and those figures then are analyzed by the State Department of Health, its Budget Bureau, and then the Division of the Budget of the State, and they will either allow the reimbursement of those expenses, or they will cut them, they will disallow certain things, they will say that certain things are excessive. They have --

D.P.O. POSTAL:
Mr. Halpern.

MR. HALPERN:
Yes.

D.P.O. POSTAL:
I must you ask that you sum up, please. Your time is up.

MR. HALPERN:
Well, I really --

LEG. BINDER:

Can I ask -- can I ask him a question?

D.P.O. POSTAL:

Certainly, Legislator Binder.

LEG. BINDER:

Could you tell more about how the funding mechanism is --

[SUBSTITUTION OF COURT STENOGRAPHER - ALISON MAHONEY]

MR. HALPERN:

Yes, I would like to do that. I would also like to raise a number of other things about the bill and I'll try to do it as quickly as possible.

Two years from now the state will then pass through to the counties throughout the state that portion of the cost reports as part of the reimbursement rate to the providers. So that the 2001 numbers will not be used until the earliest 2003, but then it will be based only upon actual expenditures in the year for the report. So that if you defer payment then it will not be considered until two years thereafter, but you must spend the money before you can get it back. You can't have a perspective payment and the State will not recognize that, it's got to be actual.

May I point out a couple of other things that I think are relevant? I have done an analysis of about 40 municipalities that have adopted living wage laws, I haven't done an exhaustive study but I can tell you that virtually none of them has a proposed wage rate that's nine or ten and a quarter. Buffalo, New York, has a rate which is this year 7.25; Chicago, Illinois, \$7.60, and so on and so forth. There are maybe -- Cambridge, Massachusetts is at \$10, that's one of the very few. So while the idea may be sensible, if you look around the country, the experience has been very different in terms of the rate you're trying to impose.

There's one other issue here that I think is extremely important. This bill would require submission of the lists of all names, addresses and identification of every home care aide in Suffolk County. The State Department of Health has already said that it is illegal for a personal care agency such as DSS to require that. The Freedom of Information Law prohibits violation of the privacy of aides, and the reason for that is that aides should not be inundated with solicitations for contributions, for sales of insurance or membership in organizations of any kind where they are not willing to get that kind of solicitation. And when Westchester County attempted

to impose such a requirement of a disclosure of a list of names and addresses and phone numbers and social security numbers of the aides, it was stricken down by the Department of Health and no longer is the law.

I would like to point out also that someone asked about the dearth of care, the absence of care, that there are constituents of yours who call and say, "Why aren't we getting the care for which we are

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eligible?" The fact is that the Department of Social Services at this point -- and my clients are providing over 91% of all of the hours of eligible Medicaid providers. It is not generally true that there is a difficulty in providing care to eligible Medicaid recipients.

I would suggest also that the one year exemption that you're putting in for not-for-profits should also, I believe, apply to any other type of agency if it can show a hardship. I think that it would make sense for all of these reports on the impact of living wages, if not yet studied by the committee or by the sponsor, that they should be looked at, they're available, many, many reports are available on the Internet which is my office gathered a number of them so far, but there are many more that I haven't had an opportunity to look at.

I think that the objective of the living wage law is fine, but I think it has to be sharpened, it has to be refined and it has to be looked at from a practical viewpoint of the funding and the impact and when it should go into effect. So I don't want to stand up here and say that my clients are absolutely opposed to the concept of the legislation, we are not opposed absolutely to the idea of increases in the minimum wage, as long as our funding sources whom we don't control recognize someone has to pay for it. And if the County is going to pay the difference, it's going to be a whopping cost to the County; I don't know that you really want that to happen. I would be happy to answer any questions if there are any.

LEG. BINDER:

Yeah, let me continue on the questions. So because of the lag time and your ability not to get remuneration under the cost report method, if we were to pass this today, starting in the next negotiation -- really you're not going to be able to get enough money to cover, I would assume, the \$9, so let's play this out for a moment. What would be the response of your clients when they won't be able to get paid for -- under the current work, for the work that they're doing, what would be the response? If we were to pass this today in its current form, what would your clients have to do or would they have to do, I mean, where would we go?

MR. HALPERN:

Well, among other things, they would probably say a baker doesn't deliver bread unless it gets paid. Our clients -- my clients would stop servicing this program at some point, maybe not immediately because we have obligations to our patients that we certainly don't want -- we don't want to abandon, but we would -- unless the County provided the funding, we would find it very difficult to remain in the County's personal care program. That doesn't mean we would -- my clients would necessarily go out of business because they service hospitals, they service insurance companies, they service private patients, they would shift the personnel there. And there is a shortage of personnel so it seems to me that they will assign their personnel to those cases where they can make a living, it's not just the living wage for the employees we're talking about, but I think you have to recognize that these companies which are tax-paying companies have to make money too or they will fold from the personal care program at the very least.

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I think there's also a prospect which I really abhor, I think it's terrible to do because I think it's not productive for anybody except the lawyers, there's the prospect of litigation. I don't relish it, I don't recommend it, but I think if pushed to the wall, that's the kind of response that people might be forced to take. I think we have successfully over at least 15 years negotiated contracts year by year with the department, I personally have negotiated contracts over that period of time. We have worked things out, we would like to continue to work things out but I think this body, this Legislature has to

recognize that your part of the process of working out a very, very difficult problem.

LEG. BINDER:

Thank you.

D.P.O. POSTAL:

Thank you, Mr. Halpern.

MR. HALPERN:

Thank you very much.

D.P.O. POSTAL:

Is there -- I have no more cards. Is there anyone else who would like to address the Legislature?

LEG. BISHOP:

Madam Chair?

D.P.O. POSTAL:

Hearing no one, I would like a motion to set the date of the following Public Hearings for June 26th, 2001, at 2:30 p.m. at the William H. Rogers Legislature Building, Hauppauge, for the following Public Hearings: Introductory Resolution No. 1343, Introductory Resolution No. 1407, Introductory Resolution No. 1490, Introductory Resolution No. 1494, Introductory Resolution No. 1496 and Introductory Resolution No. 1582.

LEG. TOWLE:

Motion.

D.P.O. POSTAL:

Motion, Legislator Towle, seconded by Legislator Crecca. All in favor? Any opposed? The date of the public hearings has been set.

LEG. COOPER:

Madam Chair?

D.P.O. POSTAL:

Legislator Cooper.

LEG. BISHOP:

Well, I thought I had the floor first.

D.P.O. POSTAL:

I'm sorry. Legislator Bishop and then Legislator Cooper

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LEG. BISHOP:

I thought I did make a motion and you gave me the hand. I make a motion at this time, given that 1113 has aged for an hour, to approve 1113.

LEG. CARACAPPA:

Second.

P.O. TONNA:

Just on the motion. On the motion, we have right now I think three or four Legislators who are going to ask to do this. We do have an executive session set. Now, you know, that's up to you, I will go either way. I can tell you this, if the debate --

LEG. BISHOP:

Well, why don't we do the important bills before we go to executive

session, this way we can expedite.

P.O. TONNA:

Well, all I can tell you is if we are going a long time, I am going to have the executive session and then after that I'm going to call a dinner break if we're going to keep on going, okay?

LEG. FOLEY:

Let's do the bills.

P.O. TONNA:

We have to vote on the Capital Budget this evening, also. So if you want to proceed with this, in due fairness to Legislator Bishop who has a bill that he would like to discharge and vote on immediately, Legislator Cooper who would like to do that and Legislator Carpenter who would like to do that.

LEG. BISHOP:

I think you will find once we get rid of those --

P.O. TONNA:

Three bills.

LEG. BISHOP:

Carpenter has Fire Island Ferries, I have living wage and Jon -- once you get through those, it's a fairly rapid agenda except for the Capital Budget.

P.O. TONNA:

Right. And I have -- no, no, and I have an executive session that I said we would do at five o'clock because, you know, we thought that we would have everyone speak to give the right for people to speak. Really, that's up to Legislators, I'm personally -- you know, I would rather get the executive session over with, but it's up to everyone else. Okay, there's a motion --

LEG. BISHOP:

Motion to approve.

P.O. TONNA:

No, motion right now to take out --

LEG. BISHOP:

There is no order because it's not on the agenda.

P.O. TONNA:

Okay. I'll second the motion to approve, I'm a cosponsor on the bill.
Okay, on the motion, anybody want to speak? Great, roll call.
(*Roll Called by Mr. Barton*)

LEG. BISHOP:
Yes.

P.O. TONNA:
Yes.

LEG. COOPER:
Yes.

LEG. BINDER:
Pass.

LEG. D'ANDRE:
Absolutely, yes.

LEG. CRECCA:
Yes.

LEG. CARPENTER:
Yes.

LEG. ALDEN:
Yes.

LEG. FIELDS:
Yes.

LEG. LINDSAY:
Yes.

LEG. FOLEY:
Yes. Cosponsor, please.

LEG. HALEY:
Pass.

LEG. FISHER:
Yes, cosponsor.

LEG. CARACAPPA:
Yes.

LEG. TOWLE:
Yes.

LEG. GULDI:
Yes, cosponsor.

LEG. CARACCIOLO:
Affirmative.

LEG. POSTAL:
Yes.

LEG. BINDER:
No.

LEG. HALEY:
Yes.

MR. BARTON:
17-1 (Opposed: Legislator Binder).

P.O. TONNA:
Great, thank you very much. I will recognize Legislator Cooper, and then Legislator Carpenter.

LEG. COOPER:
I would like to make a motion to waive the rules and take out of order Resolution 1292, please.

LEG. CARACCIOLO:
Second.

LEG. CARACAPPA:
On the motion.

P.O. TONNA:
Hold it one second. There's a motion by Legislator Cooper, second by Legislator Caracciolo.

LEG. CRECCA:
What's the motion, to take out of order?

P.O. TONNA:
Okay, on the motion, Legislator Caracappa.

LEG. CARACAPPA:
Thank you. To the sponsor, is this the changed bill with the County Executive changes?

LEG. COOPER:
Yes, this is the CN that has the support of the County Executive.

P.O. TONNA:
Wait, wait, wait. We can't vote on that right now.

LEG. CARACAPPA:

No, you can't pull a CN --

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P.O. TONNA:
No, we have to have a circulated CN.

LEG. COOPER:
It was circulated.

P.O. TONNA:
No, it's not circulated. While we're doing that, Legislator Carpenter, do you have a motion?

LEG. CARPENTER:
Yes. I'd like to take out of order 1248, the alteration of the rates for Fire Island Ferries.

P.O. TONNA:
What number is that?

LEG. CARPENTER:
1248, it's on the agenda

P.O. TONNA:
1248, seconded by Legislator Alden. Okay, roll call.

(*Roll Called by Mr. Barton*)

LEG. CARPENTER:
Yes.

LEG. ALDEN:
Yes.

LEG. COOPER:
Pass.

LEG. BINDER:
Yes.

LEG. BISHOP:
Yes.

LEG. D'ANDRE:
Yes.

LEG. CRECCA:

Yeah.

LEG. FIELDS:
Yes.

LEG. LINDSAY:
Yes.

LEG. FOLEY:
Yes.

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LEG. HALEY:
Yes.

LEG. FISHER:
Yes.

LEG. CARACAPPA:
This is out of order and approve?

P.O. TONNA:
Yes, this is a motion to approve -- to take out of order and approve.
LEG. CARACAPPA:
Yes.

LEG. TOWLE:
Yes.

LEG. GULDI:
Yes.

LEG. CARACCILO:
(Not Present).

LEG. D'ANDRE:
What number is that?

P.O. TONNA:
That's No. 1248. It was a good year for wine.

LEG. POSTAL:
No.

P.O. TONNA:
Yes.

LEG. COOPER:
Yes.

LEG. CARACCIOLO:
Yes.

P.O. TONNA:
Okay.

MR. BARTON:
17-1 (Opposed: Legislator Postal).

P.O. TONNA:
Great. Now, Legislator Cooper, I think we all have them distributed to us. Please, make a motion.

LEG. COOPER:
I would like to make a motion to waive the rules and take out of order Resolution 1292.

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P.O. TONNA:
Okay, let's do that quickly, seconded by Legislator Caracciolo. All in favor? Opposed?

LEG. COOPER:
I would like to point out that Legislator Caracciolo had asked to be a cosponsor of this resolution, that was not done.

P.O. TONNA:
Michael, just stay here because we're going to vote on this in five seconds.

LEG. CARACAPPA:
On the motion.

P.O. TONNA:
Okay, all in favor? Opposed?

LEG. CARACAPPA:
On the motion, on the motion.

LEG. BINDER:
No, no.

P.O. TONNA:

This is just to waive the rules and bring it up in front of us. All in favor?

LEG. CARPENTER:

It's a CN.

P.O. TONNA:

Oh, it's a CN. And to approve?

LEG. CARACAPPA:

Not to approve.

LEG. GULDI:

It's a CN.

P.O. TONNA:

Okay. I'm just going to ask our Legal Counsel, please; let our Legal Counsel determine what is proper.

MR. SABATINO:

It should be a motion to take it out of order first and then it should be a motion to approve.

P.O. TONNA:

Fine. There's a motion to take it out of order by Legislator Cooper, seconded by Legislator Caracciolo. All in favor? Opposed?

MR. BARTON:

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P.O. TONNA:

Fine, it's now in front of us; am I correct, Legal Counsel?

MR. SABATINO:

Yes.

P.O. TONNA:

Okay. Now, is there a motion?

LEG. COOPER:

I'd like to make a motion to approve 1292.

LEG. CARACCIOLO:

Second.

P.O. TONNA:

And seconded by Legislator Caracciolo. On the motion, Legislator Binder; you wanted to speak, right?

LEG. BINDER:

Sure.

P.O. TONNA:

Okay.

LEG. BINDER:

The bill is obviously a very political one because it's not a practical one. The legislation basically is for a few areas in Suffolk County, those areas which have regular nuisance spraying in their area; Legislator Towle's area is one of those areas, maybe the most affected is Legislator Towle's area. In those places we have nuisance spraying so if you're on a no-spray listen it could be effective. It could be a very effective tool for you except that it could also be a danger for your neighbor if there's Encephalitis, if there's West Nile outbreak, unless of course the Health Department declares a state of emergency. In other areas like my Legislative District, other than the spraying for West Nile which would negate the no-spray list because once the Commissioner of Health decided that there was an emergency and a need for universal spraying, they would negate any no-spray list. So maybe the one time that anyone in the area, around my area that they actually sprayed was for West Nile, and it wasn't in an emergency, they aerial sprayed, truck sprayed -- in fact, they sprayed in front of my house, windows open because I didn't know they were spraying that night and in fact I was on the phone with the Health Department and they didn't even tell me it was coming.

Now, it would have been nice to know and I think notification is an important measure. And in fact, I'm going to be sponsoring an enhanced version of our notification using a reverse E-911 system that we all voted for and that we set up so that we could actually call people in any area that we spray, we're going to be able to call them before the spraying, tell them when the spraying is happening and they can move away from that if they don't want to be home during the time. So we'll have notification that's incredible universal. It's not just did I read the paper, did I see it on News 12, it will be did I pick

up my phone, did I check my answering machine. So people will be able to get that kind of notification and move out.

Now, the next question is what about if the spraying is in their --

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you know, it lands in your backyard, it lands wherever it is? Well, within 150 feet -- and I don't know that we're going to be that accurate to the very foot so it could be within a hundred feet, it could be whatever -- and if the wind is blowing a little bit you've got this on your property. Most likely, if it's sprayed anywhere near you, unless your whole block or every other, a third house says they don't want it, there's probably going to be spraying around your block and you're going to probably have spraying on your lawns. And that's, again, only in those areas where they do regular nuisance spraying. If you're in Dix Hills, if you're in Greenlawn, if you're in Elwood, if you're in Deer Park, if you're in places where they don't do nuisance spraying, they haven't sprayed you, so people that have written me and called me in my office don't even know this, they think that they have been sprayed and they think that the West Nile type emergency spraying, they would be protected because they could be on a list, that's the political nature of this, we have made it look like something it's not. And so now people think they're going to be protected. In fact, I'm actually concerned because there are going to be people out there that think they're on a no-spray list and when an emergency spraying happens, and we do that for West Nile, they're going to think they're on a no-spray list, "No problem, I'm home. I don't care, they can't spray my property," except then the helicopter goes over or the truck goes in front and they're going to be sprayed and their windows will be open, they'll be home when they didn't want to be because they won't think about the fact -- because they say, "I'm on a no-spray list, no problem here." It's like the guy who pulls over and doesn't know it's illegal to pull over when he has a cell phone. People will do that kind of thing.

So those are things that we're going to have to face. That's going to be the thing. In my district, this is not going to make a difference, not to anyone in my district because they don't get sprayed anyway. This is a political thing, a political nature. And I think the people that are going to have to be really be concerned are the people on the south shore and those people like in Legislator Towle's district where they have such infestation that it really ruins the quality of their life during peak periods and they may not be able to deal with that. And if there is, again, a question of Encephalitis and other illnesses, they could -- neighbors could put their other neighbors at risk, particularly if there are seniors or infants living in those homes, and that's unfortunate.

So I guess on the political nature of the bill, yeah, we can all vote for it, wonderful. But on the practical side, I think it's a waste of time, effort and energy. And as I said, I think if we do a notification so people are universally notified using the technology the County already possesses, people will be able to protect themselves as best they can and that is probably the best way for people to make decisions for themselves and their families.

D.P.O. POSTAL:
Legislator Caracappa?

LEG. CARACAPPA:

Thank you, Madam Chair. I have always stated from the beginning of this bill that I think the concept is fine, logistically, I'm not sure if we're there yet. We have the Commissioner of Public Works here, if I can just bring him up seeing this is a CN, if we can just ask Charlie to come up. Sorry, Charlie, but I need --

LEG. FISHER:

Is this a tuna commercial?

LEG. CARACAPPA:

I need to ask you a few questions with relation to Vector Control and if the changes that are in the CN, the 150 foot radius among other things, can you implement it, can Mr. Ninivaggi and his crew deal with it, is this doable?

COMMISSIONER BARTHA:

It's doable on the ground fogging side with the 150 foot distance away on either side of a home to stop spraying, that's something we can do. Will it have an impact? Yes, it will have an impact depending on how many people call and how many people file the form to become on the no-spray list.

LEG. CARACAPPA:

That's it? What are your concerns?

LEG. CRECCA:

Madam Chair, put me on the list.

COMMISSIONER BARTHA:

Well, we worked with the sponsor of the bill to make it as liveable as possible. Our biggest concern is with the aerial side of it and right now what the bill does is it establishes a committee to determine the best way to handle the aerial side. Aerial sprays are obviously much more widespread and defining an area where less than 50% of the people can determine what happens in that entire area. We have some issues with that and that's something we're going to work on through this committee that's established in the bill.

LEG. D'ANDRE:

Madam Chair?

LEG. CARACAPPA:

A question to Counsel. Paul, if an individual puts their name on this no-spray list and they feel that they have been sprayed, or their next door neighbor which is 140 feet away is sprayed, what are the ramifications to us as a County legally and, you know, what position does that put us in?

MR. SABATINO:

Well, there are no penalty provisions in the legislation. It would all depend on whether or not something in the form of harm or an illness occurred to the individual and then the individual would have to establish that there was a relationship between the illness or the harm that he or she would incur and the County's failure to comply

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with that particular provision of the legislation. So there would be potential liability assuming that somebody could make the connection between the two events and also establish that there was actually an injury or damages.

LEG. CARACAPPA:

To the sponsor, 150 feet of either side of the property, that don't include across the street from a property; correct?

LEG. COOPER:

Correct. But basically, picture a truck driving down the street, they would stop a 150 feet from your property line if you were on the

no-spray list, they would resume spraying after they have passed your property a 150 feet.

LEG. CARACAPPA:

Wouldn't it be logical if a person was on the no-spray list that they would -- like in the Mastic/Shirley area, on the south side of Selden and Ronkonkoma, the frontages of property or the property widths are much less than 150 feet -- wouldn't it be logical to put in the bill that those who are on the no-spray list it would cease at the end of their property line as opposed to 150 feet from the beginning of their property line to the end of it? It would stop at the beginning and cease at the end so that the next door neighbor who was calling for nuisance spraying, if that's the case, that they would be eligible for spraying on their property?

LEG. COOPER:

I really don't want to rehash all the testimony we've heard over the past few weeks, this was addressed multiple times in the public portion.

LEG. CARACAPPA:

Right.

LEG. COOPER:

That if you stopped 50 feet, 75 feet, there was even one suggestion to just stop at the property line, that would render the bill completely worthless; with drift, they would get almost the same amount of

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pesticide coverage as if they just continued spraying. A hundred and fifty feet was a major compromise on the part of the breast cancer groups and the environmental groups. The original bill called, as you know, for 300 feet, Nassau County uses 300 feet for their no-spray, the County in Texas that was referenced, the County in Florida that was referenced, they all use 300 feet. Suffolk County, in an effort to compromise with people from DPW, the Health Department and the County Exec, we agreed to 150 feet. But there was as a strong feeling that if we reduced to anything beyond that, it would turn into a paper bill that would have no practical input whatsoever.

LEG. CARACAPPA:

No, I --

LEG. COOPER:

This bill does not -- this bill will not prevent exposure to chemical

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pesticides of those people on the no-spray list. What it seeks to do is to minimize that exposure and this is the first time any County government in New York State has attempted to do this and that's why I think it's very important.

LEG. CARACAPPA:

Well, I do commend Adrienne Esposito and her group for compromising and cutting that footage and being willing to cut that footage in half, among a whole host of other provisions. I still have -- I'm undecided and it's going to come down to the second I vote, but I still feel that the rights of a next door neighbor to someone on that no-spray list is going to be dictated by someone else.

LEG. COOPER:

Legislator Caracappa, what we have been trying to do, and that's why this has not been --

LEG. CARACAPPA:

No, I'm not saying you haven't tried or you haven't put forth a good faith effort to --

D.P.O. POSTAL:

Legislator Cooper, can I just ask that you not engage in a debate? Legislator Caracappa has the floor.

LEG. CARACAPPA:

Yeah, I'm making my point.

D.P.O. POSTAL:

Yes, please.

LEG. CARACAPPA:

It still -- in certain areas such as Legislator Towle's area there are going to be households and property owners, property taxpayers who are going to be told, because of their next door neighbor, "You're not getting nuisance spraying," and I have a problem with that.

LEG. COOPER:

If I can just respond very briefly.

D.P.O. POSTAL:

I would suggest that Legislator Caracappa has said that he really is listening to the debate and the discussion and he's going to formulate his decision based on what he hears. I do have you on the list. There are a number of people who would like to speak and I would suggest that there may be other issues you wish like to address when we get to your name. The next person to have the floor is Legislator Towle.

LEG. TOWLE:

Thank you, Charlie, I'm glad you're here tonight. I've got a series of questions. First and foremost, how many people do you have working in the Vector Control Unit now in your department? Let's start with the laborer people, I guess, that would be the type of people that are doing the spraying that Legislator Cooper's bill would address.

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COMMISSIONER BARTHA:

Approximately 30 field people.

LEG. TOWLE:

Thirty field people. Are there any vacancies now in the department, for that division?

COMMISSIONER BARTHA:

I'm sure there's vacancies, typically there's -- I would assume there's probably about three vacancies right now, three or four vacancies.

LEG. TOWLE:

What kind of support staff do those 30 technicians have as far as clerical?

COMMISSIONER BARTHA:

Clerical, we have two clerical persons in the Vector Unit and then we have for the summer, Civil Service has a program where they assign people for short-term needs and we have an additional person through

that.

LEG. TOWLE:

The temporary labor pool, right?

COMMISSIONER BARTHA:

Correct.

LEG. TOWLE:

How many phone calls does the division field on average a year?

COMMISSIONER BARTHA:

Thousands, and what happens is --

LEG. TOWLE:

Thousands of calls.

COMMISSIONER BARTHA:

Yes.

LEG. TOWLE:

And those calls are pertaining to what?

COMMISSIONER BARTHA:

The vast preponderance of them are people that want to have their neighborhood sprayed.

LEG. TOWLE:

Okay. The thing that would come to my mind and I understand the intentions of the bill, but Legislator Cooper just said something that I think speaks volumes about the bill. Let's envision one of your employees driving down the road spraying, you know, ABC Street; ABC Street has 80 homes on it, four of which or five of which or ten of which have decided that they don't want to be sprayed. Legislator Caracappa asked a question of Counsel which I thought was a very interesting question that I hadn't thought about. He forgets to look

at the list while he's driving in his truck at night by himself to realize that there are ten homes on the ABC Street that don't want to be sprayed and he sprays that street. Now I assume that some of those people that are going to notice that are going to probably call your office and complain. How is your department planning to handle that situation?

COMMISSIONER BARTHA:

Well, we would certainly address the driver immediately. And what the bill calls for is a good faith effort, so it is, I would say,

anticipated that no one is perfect and this type of situation may very well develop.

LEG. TOWLE:

Okay. So it's a feasible possibility --

COMMISSIONER BARTHA:

Yes.

LEG. TOWLE:

-- based on the situation. The crews usually go out one person in a truck or multiple people?

COMMISSIONER BARTHA:

Normally one person.

LEG. TOWLE:

One person in a truck. What are our procedures now in determining the footage? I'm assuming he's going to -- he or she is going to eye that up, I guess, and determine what's 150 feet, what's not?

COMMISSIONER BARTHA:

Well, presently, because we do have a no-spray process right now with about 300 people on the list that have submitted medical documentation, in those cases we stop at the property lines; there's a procedure we have done on our own for years.

LEG. TOWLE:

Obviously, the property line being perfectly defined, you know, one lot to the next for the most part, as opposed to the person guessing what's 150 feet and what's not. Because that's what they're basically doing. It's not like your staff is going to get out of a truck and take a tape measure or a ruler and measure 50 feet and stop and go and stop and go; its all going to be done by, you know, an eye, I guess, a guesstimate.

COMMISSIONER BARTHA:

That's correct.

LEG. TOWLE:

Okay. That seems a very thorough, well thought out procedure by the same group of people that they now want to appoint to a committee to tell us how we should be doing our helicopter spraying.

You know, I think the intentions of the bill are very honorable. And

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Charlie, I have known you for a long time and I clearly sense that you uncomfortable about this piece of legislation. And I'm going to vote against it so I'm going to make no bones about it. We're creating a new problem to fix another problem, and that clearly is not the way to fix the problem. I think there are other solutions that we can sit down and work out, and maybe forming a committee is not a bad idea. But the reality is we're going to put people's health in jeopardy, I believe, we're going to put this County in a bad situation in which your staff, I don't believe, based on the way I know that operation runs -- and that's probably one of the operations that I've had the most contact with because on average I do about 1,200 calls regarding mosquitoes a year just out of my office, forget my calls to you.

I'm curious, if I could ask Counsel another question, the reverse of Legislator Caracappa. We don't spray somebody's house now because they're within the 150 foot range that we're eyeing up, that we're not measuring scientifically or determining scientifically and somebody on that property now gets sick. What liabilities and exposures do we have at that point?

MR. SABATINO:

It's the same standard. What happens is initially you have to show whether or not there's a standard of care that has to be adhered to. If you can, in fact, establish the standard of care, then the next thing you have to do is you have to determine whether or not the County --

LEG. TOWLE:

I'm a little -- can we stop on that one point? Standard of care in the County of Suffolk has been what, Commissioner, when we've had a mosquito problem, to date, prior to this bill? When we have a problem, an enormous number of mosquito calls, how does your department handle it?

COMMISSIONER BARTHA:

If we have an enormous number of complaints, we have a mosquito count, we'll go out and spray the area.

LEG. TOWLE:

Okay. So that's our standard prior to today.

MR. SABATINO:

That's the standard of care. But there's a provision in the Statute which says that this statutory standard of not having the pesticide application performed can be overridden by determination by the Health Commissioner. So in your scenario, it presupposes there's been no overriding determination by the Commissioner of Health Services, so that would indicate that the standard of care is not going to rise to the level of where you actually, in fact, had to have the application. But once you got past that, all the other normal standards apply. Then you have to establish is there approximate cause between the alleged injury and the standard of care and the failure to comply with the standard of care. Then you have to show -- if you get the proximate cause, you've got to show that there was in fact an injury or harm or an illness and then, in fact, you have to show that there

are damages associated with that. So you've got to jump through about five different hoops.

I think the hoop that would probably defend the County's position the strongest in that scenario is that the Health Commissioner not making that health determination that you should, in fact, have done the spraying would basically immunize the County from liability because the courts are not going to second guess the Health Commissioner's health judgment and substitute the court's judgement or medical determination for that of the Commissioner. So I think in your scenario the County is in a much stronger defensive posture.

LEG. TOWLE:

But in the spraying procedure that we use now, as the Commissioner described, when we've had an enormous number of calls from an area, we respond to that in some way, shape or form; in some instances, that involves spraying. That doesn't involve the Health Commissioner determining that there's necessarily a health threat, that department has then gone in there and sprayed. Now we're not going to do that, we're going to change the County's past practice. And in fact, we're going to specifically not spray your house or your property if you happen to be within a 150 feet of someone who doesn't want to be sprayed. So we clearly not only changed our policy and procedures, we were unaware that there was a health emergency, so clearly here the Health Commissioner is not involved at this point and now someone gets, you know, or contracts something from mosquitoes.

MR. SABATINO:

You're still going to be in the same situation, though, which is that -- so you would have to establish that there's approximate cause between the County not adhering to an old practice or an old standard of care and that, in fact, led to a particular injury and that that particular injury is now associated with damages that could be established. It's -- again, that would be the process or the procedure to establish liability. My point being that it's not automatic, it's not -- by virtue of that person failing to spray the County automatically is now liability for something. There are no penalty provisions so it's not as though somebody has been hit with a fine or a disciplinary action by virtue of the statute.

LEG. TOWLE:

Basically nothing would --

MR. SABATINO:

It would be in your normal back and forth of whether or not you can establish the County did something wrong that, in fact, led to somebody suffering damages.

LEG. TOWLE:

On that note, just to follow up with that. Basically, if one of Commissioner Bartha's employees, you know, forgot to flip the switch and sprayed a block, there is no provision for us to do anything about it except say, "We're sorry and we won't do that again," under this piece of legislation; is that accurate or inaccurate? Is there any

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provision to do anything? You know, we're telling the public, "Call us and we'll guarantee you we won't spray your house," but, you know, there's a lot of good faith efforts in life. But I mean, the people that are going to hear about this think that if they fill out a form or they call the Department of Public Works, their house is not going to be sprayed, that's what they're going to think. We can sit here and pontificate it until the cows come home, the reality is that's what the general public is going to believe and, in fact, that's not the case. It's a possibility that if someone looks, you know, at three Park Avenues in Babylon and picks the wrong Park Avenue and winds up spraying the street, now we've got a problem where we've sprayed someone's property and they weren't supposed to be sprayed, and there's no provision to do anything about it.

MR. SABATINO:

There are no automatic statutory penalties, but I would never under state or under estimate the power of oversight and the power of accountability. When you have a statute that's in place that lays out the standard of care, people for the most part are held to that standard of care and the failure to comply or adhere with can lead to major public accountability and ultimately embarrassment and that generally is what makes a lot of these laws that we don't have penalties for work. There are literally thousands of sections of law that are on the books that don't have a fine or a penalty associated with them, you know, ranging from dealing with the Operating Budget to making real estate transactions occur and there's adherence and compliance for the most part.

LEG. TOWLE:

One last question, Commissioner, if I could. Obviously it appears that we're going to be voting on this tonight. From your perspective, I mean, I heard you say that, you know, the bill is workable and blah, blah, blah. Do you support the bill or do you oppose the bill or do you think we need to find some common ground between this bill and some other point, to continue to do the quality job that your department has done in the Vector Control Division under some very

adverse conditions?

COMMISSIONER BARTHA:

Obviously this bill was not our initiative. We have worked with the sponsor to try to frame it into something that we can work with with a minimal impact on the community. But as I said before, it's certainly -- I'm obviously not going to say it does not have an impact and your community, the community you represent is one of the communities in particular that we're concerned about as having major impact because of the mosquito problem as well as the size of the properties.

LEG. TOWLE:

Okay. So I guess I'm going to push the point, Charlie, because I still don't feel I've gotten I'm for the bill or I'm against the bill, I guess.

COMMISSIONER BARTHA:

If you are asking me --

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LEG. TOWLE:

You know, similar to what we have to do tonight, Charlie, I've got to vote yes or know, and clearly I have already decided to vote no based on the facts. So I'm just trying to get some more information from you.

LEG. BISHOP:

He's trying to drag you along into the pain.

LEG. TOWLE:

Any if there were any other thoughts to the bill, any other thoughts from you --

LEG. BISHOP:

Why should he pay?

LEG. TOWLE:

Well, he's the department head, I want to hear what he has to say. He's the person -- you know, we can sit here and pontificate all we want tonight. What we pass here or what we do here is going to effect the way he operates and what he does for a living and the people that work for him; and those are the people I think that need to definitely be part of this process.

COMMISSIONER BARTHA:

If I could frame the question differently.

LEG. TOWLE:
Frame any way you want.

COMMISSIONER BARTHA:
If you're asking me if I was a Legislator would I vote for this bill?

LEG. TOWLE:
That's a good question.

COMMISSIONER BARTHA:
I would say no.

LEG. TOWLE:
Okay. That's good to hear, Charlie. I appreciate your comments.

LEG. CARACAPPA:
Motion to table.

LEG. HALEY:
Second.

LEG. GULDI:
I've got a follow-up question to that.

LEG. BISHOP:
That's why you wouldn't get cross endorsement.

LEG. D'ANDRE:
Mr. Chairman?

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P.O. TONNA:
Wait, there's a motion to table by Legislator Towle and a second by Legislator Caracappa. Legislator --

LEG. D'ANDRE:
We haven't finished discussion.

P.O. TONNA:
I know, I know, but there's a motion and it's seconded. Okay, Legislator Crecca -- I'll just read how it's going. It's Crecca, Cooper, Alden, D'Andre, Fisher, Carpenter.

LEG. CRECCA:
On the motion.

LEG. TOWLE:

On the motion to table.

P.O. TONNA:
Legislator Crecca.

LEG. GULDI:
Put me on the list.

P.O. TONNA:
No. I'm still sticking with the order that I have.

LEG. GULDI:
Put me on the list, add me to it.

P.O. TONNA:
Oh, okay.

LEG. TOWLE:
Isn't this on the motion to table?

P.O. TONNA:
Yeah, I'm sure it is. And if not, they'll --

LEG. CRECCA:
No, on the motion to table.

P.O. TONNA:
Legislator Crecca, you have the floor.

LEG. CRECCA:
Charlie, one question I have is on the 20 calendar days, if you're familiar -- guys, can we have a little quite, please? It says that Vector Control will have 20 calendar days after they receive an accepted no-spray list form to ensure compliance pursuant to Article 8 which is basically to make sure that they comply with it. Is that enough time, my concern is, that 20 days, in order to make sure that it gets from clerical to crews or from mail room to crews?

COMMISSIONER BARTHA:
We anticipate that it will be. But the key with that is if we get

25,000 people to complete the forms that they don't want to be sprayed, we would not be able to do that.

LEG. CRECCA:
I guess one of the things that one of the other Legislators brought up just now was would it make more sense -- you don't spray, you only
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spray during a certain season, that would be Spring and Summer, I would assume, and into the Fall; correct?

COMMISSIONER BARTHA:

What this bill pertains to is adulticide spraying which is done between mid June and mid September.

[RETURN OF COURT STENOGRAPHER-LUCIA BRAATEN]

LEG. CRECCA:

I'm sorry, Charlie. That seems to be the line tonight. Would it make more sense just to have a cutoff date by when people have to file the form, for example, and I'm being completely hypothetical, but March 15th, so you have time to compile your whole list for the whole summer? I mean, it just -- that just seems to make more sense than having 20 days, so that way you have it for the whole season?

MR. BARTHA:

That would be easier to work with.

LEG. CRECCA:

Would it be easier to implement that way?

MR. BARTHA:

Yes.

LEG. CRECCA:

The other question I have is, and, actually, I'm -- Legislator Carpenter, actually, and I were looking at it and she brought it up, so -- but I'm going to steal your idea, Angie. On the --

LEG. CARPENTER:

Well, this would be the second one.

LEG. CRECCA:

So -- yeah. Well, you want to talk about it? Are you going to talk about it? I'll let you go.

LEG. CARPENTER:

Go ahead.

LEG. CRECCA:

On the -- it goes with the same thing. It says that a household may withdraw or renew its participation on an annual basis. I would -- would it be better if a house had to, on an annual basis, put in that they were going to -- wanted to be on the "no spray" list, this way if somebody moved or whatever, we could update it? Do you understand the question?

MR. BARTHA:

I understand the question. I would rather work with a data base, that once we establish it, it's set, and then we'd make revisions to that data base, rather than require people to do it each year.

LEG. CRECCA:

Okay. The only -- I guess my question would be, then, what about if someone moves, will you be checking -- cross-referencing with the County Clerk's Office to see when houses are sold, and things like that, so that new residents -- I'm just -- it's just --

MR. BARTHA:

That's a good question and we did not anticipate that.

LEG. CARPENTER:

It's mine.

LEG. CRECCA:

It was -- yes, I give full credit to that question to Legislator Carpenter, as we were discussing some of these things that came up, because this is the first time I've seen some of these requirements in the bill. The other question I have is -- do you want me to leave this one to you, because --

LEG. CARPENTER:

No, go ahead.

LEG. CRECCA:

Was my understanding was that the Health Commissioner was going to be able to override the "no spray" list once she felt that it was the public health interest. And I guess my concern is with the language that she has to declare a health emergency. Do you see a preference, having dealt with Commissioner Bradley and the Vector Control issue with West Nile last year, that language that the Health Commissioner determines that the public health requires spraying without exception instead of declaring an emergency, or is there no -- is there not a difference in your mind?

MR. BARTHA:

I'm smart enough not to answer for another Commissioner.

LEG. CRECCA:

Okay. I mean, those are the -- I pretty much am in favor of having people be able to opt out. I'm just concerned with some of these things which maybe can be addressed tonight or not be addressed tonight, but I'd like to see some of those changes. I commend the sponsor and also the groups that have been working on this in reducing the footage and addressing a lot of the concerns that were in the bill. These are just some things that just came up that we're just seeing now, that they are significant and have to do with implementation. So I'll leave it at that. I'm done, Paul.

P.O. TONNA:

Thank you very much. Legislator Cooper. Do you want to speak at this moment, Legislator Cooper? Yes? You're heading for the mike? Legislator Cooper, you have the floor.

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LEG. COOPER:

I have a few comments. First of all, Joe, Legislator Caracappa, you're entirely correct, it does come down basically to a matter of equity, or trying to find some formula where we could address for the first time the concerns of hundreds, if not thousands, if not tens of thousands of Suffolk residents, including your own constituents, that heretofore have not had a voice. That when we have decided to spray, whether it was for West Nile or whether it was for nuisance mosquitoes, and 80 to 90% of the time it is for nuisance mosquitoes, your constituents, or your constituents, Angie, or your constituents, Mike, that do not want their families, their children, their homes sprayed with chemical pesticides have had no say in the matter, they've been sprayed.

What this bill attempts to do, and we've worked for weeks on this, weeks, and we've worked cooperatively with the County Exec's people, who have been great, with representatives from DPW, the Health Department, environmental groups, breast cancer groups. I was at personally two meetings, about five hours in total, with thrashing this out, trying to seek common ground. And, I mean, that's the art of compromise, reducing it from 300 feet to 150 feet with drift, as I said earlier. There's still a very good chance that people that are in the area that's not being sprayed will still be sprayed, to a certain extent. But what we're attempting to do is, as I said, not prevent exposure to chemical pesticides by people that do not want to be exposed, but to minimize that exposure.

And we heard testimony from countless people who lost children, or who themselves have either breast cancer or testicular cancer. My sister is a breast cancer survivor. I have lots of friends who are breast cancer survivors, and I don't think there's any doubt, any doubt -- if anyone here feels there is not some correlation between pesticide use and the high breast cancer rates in Suffolk County and Nassau County, raise your hand. I think it's acknowledged by all the experts that there is. So we're trying to weigh these relative risks, short-term risks and long-term risks, of chemical pesticide exposure that are killing our women, that are killing our children, that are killing fathers, maybe not tomorrow, it's not like they're hit by a bus and it happens immediately, but in three years and five years or ten years.

Do we want on our conscience blindly going ahead with what may be an

outdated Vector Control Program that's going to spray in cases where, number one, it may not be necessary, if you believe the environmental groups and the breast cancer groups, the testimony that we heard, for those that were around the horseshoe listening. Do we want to continue that program, or do we want to at the very least, at the very least provide an opportunity for our constituents, rightly or wrongly, that do not want to expose their kids and their families to these chemical pesticides, that if you ask the Health Commissioner, and I did ask Clare, I said, "Clare," at the first meeting, "if you can assure me that these pesticides are safe, I'll withdraw my bill in a second." And she said, "Well, of course, I can't do that." So there are admitted risks to exposure to chemical pesticides.

And I don't care whether it's your house that's being exposed or your

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neighbor's house, or a lady down the block, it's one thing if she wants to take that risk, but if she doesn't want to take that risk, if they've decided on their own to try to live pesticide-free lives and they see it as a health risk to their family, to their children, who are we, who are we to say, "We don't care what you think, we're going to spray you anyway"? It's -- for me, it's a slam dunk. And for others that are anguishing over this, I can understand it. And for me it's personal, because my sister, without going into details, came this close to losing her life over breast cancer. I've got other friends and relatives and neighbors who have breast cancer and other types of cancers. We all have read the papers about the high incidence of breast cancer on Long Island, and there's a correlation. There's no one that says that there's not a correlation.

To segue for a second to something that my colleague from -- what are you, the 17th District, Allan?

P.O. TONNA:

No. No, don't do that.

LEG. COOPER:

I'm sorry. He made a statement portrayed as fact, and I would just like to correct that for a second. And I just wanted to clarify it beforehand. That's why I took the break. I just want to confirm that the district represented by the area between -- from Park Avenue and Broadway east to Larkfield Road, and northern boundary, Pulaski Road south to Jericho Turnpike, I ask Allan, can I just confirm that that's your district and you said about ten minutes ago it was, indeed, your district. You testified last year that there was no spraying of -- for nuisance mosquitoes -- excuse me.

P.O. TONNA:

Wait. Allan, you'll have an opportunity to respond.

LEG. COOPER:

We checked with Vector -- we checked with -- maybe you don't pay attention to the E-mails that you get, you don't read it as closely as I read mine, from DPW.

LEG. BINDER:

I asked --

LEG. COOPER:

Excuse me. Can I please finish? We checked with Vector Control about an hour-and-a-half ago and they did spray your district one time last year for nuisance mosquitoes.

LEG. BINDER:

Actually, they told me they didn't. I asked also.

LEG. COOPER:

Well, but --

LEG. BINDER:

Well, I asked. I asked also and they told me they didn't.

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P.O. TONNA:

Jon. Jon.

LEG. BINDER:

Okay -- so --

P.O. TONNA:

Jon, you're making a statement. Legislator Binder will have an opportunity to respond.

LEG. COOPER:

All right.

P.O. TONNA:

I'm sure he'll ask for personal privilege.

LEG. COOPER:

I heard a public meeting in my district about a year-and-a-half ago, attended by about 150 residents of my district. We had a represent -- Dominick Ninivaggi was there. It was either Clare Bradley or a representative from the Health Department was there, and environmental groups, and the purpose of the meeting was basically discussing the

risks of West Nile and the risks of mosquito spraying. The vast, vast majority of my constituents that showed up at this meeting, 95%, 98% of them were more concerned about the spraying than they were about the mosquitoes. We heard testimony ad infinitum from people that would say from the South Shore that they'd have a mosquito infestation, they'd be sprayed, it would get better for the afternoon, and then the next morning, all the mosquitoes would be back. Are you advocating spraying with chemicals on a daily basis to deal with the nuisance mosquitoes? I don't think anyone's advocating that.

We've heard testimony that mosquitoes, depending on the species, can travel several hundred feet, or could travel several miles. Well, if you sprayed a certain area, and particularly along the South Shore and near Fire Island, or areas where they're prohibited from spraying, there's nothing that you can possibly do to stop new infestation of mosquitoes. So it's the spraying that's giving -- if anything, it's the spraying that's giving a false sense of security to these people. And on the flip side, what you're doing is you're creating a real health risk for residents of Suffolk County. And, yes, every Legislator in a matter of minutes is going to have to weigh with their own conscience whether you want to put your constituents at risk of breast cancer, testicular cancer and other diseases in a year, two years, three years, five years, whatever it is down the road, against their will. It's one thing for you to educate, to call for education of your constituents, and let them have all the facts on a website, on mailings, what have you. So they can weigh the relative risks themselves. But for you to decide on your own that you don't care what your constituents think, you know what's best for them, and you're going to spray, damn it, whether they like it or not, I think that that is a vote that is unconscionable.

LEG. CARACAPPA:

Jon. Jon, if you just could, seeing that you addressed that towards me at first. Yeah.

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LEG. COOPER:

Well, yeah, I didn't mean to, but --

P.O. TONNA:

Okay.

LEG. CARACAPPA:

Yeah.

P.O. TONNA:

Wait. I recognize that.

LEG. CARACAPPA:

I'm sorry to interrupt, but I just want to say this and I'll let you finish. It's not a question of not allowing people to choose to have their property sprayed, I would take as a taxpayer personal umbrage to the fact that my next door neighbor that chooses not to be sprayed means -- and they have a 75 foot -- footage along the front of their property line, that means I don't get sprayed. What happens to my rights? What happens --

LEG. COOPER:

Right. And, Joe, that's a valid concern.

LEG. CARACAPPA:

You're absolutely right about pesticide, pesticide use, Long Island, the rate of cancer, all of that is 1,000% correct in my belief, but we come down to one final point, rights on both sides. What gives one neighbor the right to dictate what happens to another neighbor's property that is paying a tremendous amount of property taxes? That's why I asked about property to property line. That makes much more sense to me. That keeps everyone's right intact and every property taxpayer's right intact, as well as protect the environment and protect the family and children.

LEG. COOPER:

Well -- but, Joe, the problem is, and again, we heard testimony about this a number of times when that exact question was raised, the average width of spray from a truck is 300 feet. If they were to try to stop at the property line, particularly when you consider drift, it renders the bill totally useless, totally useless, which is why in the other counties, where they have no spray programs, now, none of them were enacted into law, this is the first time it would actually be a law, but there are voluntary programs in at least one county in Texas, at least one county in Florida, and in Nassau County, we checked with the head of DPW in Nassau County, where, again, they have a voluntary "no spray" program. They stop 300 feet from the property line. And I wish I had the letter in front of me, but the head of DPW said it cost them just as much money and takes just as much effort not to spray as to spray. It posed no problem for them and it did not affect the effectiveness of their program. Ditto on the county in Texas. We were told it did not impact on the effectiveness of their Vector Control Program.

So we have attempted to compromise, and it was a very long and arduous

maybe everyone's going to hate me because I didn't go far enough, or I went too far. But, Joe -- I'm sorry, everyone here. This is the first time, the first time that Suffolk County is making a real concerted effort to take into consideration the concerns of -- as someone pointed out, no one came, no member of the public came here to say, "Don't change your program, we want to be sprayed." It's been publicized for weeks, for months. We heard from, what, 30, 40, 50 people over the past few sessions asking us not to spray their property. Not one person, not one individual resident showed up saying, "Please, spray me." I'm sure that there are people out there. Maybe if they were educated about the health risks, they'd feel differently. I think we need to do a better job about education. But that's what's great about this bill, that for the first time, a county government is taking the initiative to do something about this problem, to try to weigh these two concerns, public health needs on the one hand, and the rights of individual citizens to not expose their families to poisonous chemicals.

It's one thing to have notification. You can have all the notification that you want, but as someone said, if they have a garden there, it's going to be sprayed on their plants. If they have pets, it's going to be sprayed on the pets and we're going to bring it in the house. If they have kids and they happen to go out onto playground equipment soon after the spraying, they can get it on their hands and ingest it. I certainly wouldn't want to take that risk with my kids, and I don't think anyone here would want to take that risk with their children or their grandchildren.

So who are we, who are we to tell our fellow residents in Suffolk County that we don't care what you think, and again, we know what's best for you, and the best thing is to spray, whether it's West Nile or even nuisance mosquitoes, we're going to spray, even though the Health Commissioner admits that there are definitely health risks posed by the spraying. The only question is how great is that risk, and how long exposure is required before whatever the disease is will kick in. There's really no debate about whether there are risks posed by this chemicals. So, if we acknowledge that, if we acknowledge that these are poisons being sprayed on our properties, what right do we have to spray without regard to the wishes of our constituents?

LEG. CARACAPPA:

But you have to acknowledge on the other side of that, there are going to be people's rights that are going to be violated who aren't going to be able to get sprayed if they want to because of the 150 foot provision.

LEG. COOPER:

Well, but, Joe, but, you know --

LEG. CARACAPPA:

Just acknowledge that.

LEG. COOPER:

Yes, it's true. Of course it will be taken care of partly by wind

carrying it. But as someone pointed out, it was one of my colleagues here, if they're that concerned, if they really are that concerned, after the education, etcetera, then they could apply pesticides on their own. I would not recommend that they do that. It may turn out that it's not done at all, but there is always that out for those that do have that concern. My gut feeling is that the vast majority of residents, when they are given this option, number one, they're going to be thankful to us that they at least gave us this option, which heretofore they have not had. And I've received, I don't know about you, but I've received hundreds of letters, hundreds of handwritten letters and phone calls, and these were not form letters, I must have receive 40, 50 over the past week, and from residents applauding me, applauding us for introducing and considering this legislation. And I've heard from people that lost a child to cancer. We heard a couple of times from a gentleman with testicular cancer. We heard from women with breast cancer. I've gotten letters and E-mails from women with breast cancer. They're convinced that at least a small role was played by chemical pesticides. I don't know if they're right in each individual case, you know, none of us do, but who are we to decide for the people that we're representing. We've got to give them this right.

And, yeah, I wish we could just stop at the property line and it would be black and white, and if we did that, then, you know, no spray would get onto their property. Of course, that would be the answer. Unfortunately, that's not practical, it can't be done. So we have to -- we had to make this decision on our own, try to find -- they're saying wrap it up. Trying to reach a compromise. I think that compromise was reached. We cut it back from 300 feet, which is what they use in Nassau County and at least two other counties. It's now 150 feet. And I think that this is a common sense compromise that will -- that really bends over backwards to address the health needs of people on both sides of the issue.

P.O. TONNA:

Okay. Thank you. You're going to have to ask for a thing of personal privilege.

LEG. BINDER:

However, if I could just make a response.

LEG. CARPENTER:

Oh, no, there's a list.

LEG. BINDER:

If I can just make a response to a comment about my district.

P.O. TONNA:

Well, just I'm trying to be consistent. No. I have a whole group of speakers.

LEG. BINDER:
If I can have --

LEG. CARPENTER:
No.

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P.O. TONNA:
Sure.

LEG. BINDER:
-- point of personal privilege.

P.O. TONNA:
See. Hey, Allan Binder did ask me for something. This has been two years in the waiting and there it is.

LEG. BINDER:
Got it.

P.O. TONNA:
Allan, I recognize you.

LEG. BINDER:
Thanks. I just had a conversation. Dominick Ninivaggi told me that in my whole district, from 25A all the way down to Sunrise Highway, in the whole district, there's been one spraying. And Mr. Cooper was told that that was a West Nile, very small spraying, but it was purely West Nile, it was not a nuisance spraying, and that's in years in my district. It's only been West Nile, no -- none that he can think of ever nuisance spraying in my district. So this bill wouldn't even apply.

P.O. TONNA:
Okay. Thank you very much, Legislator Binder. Legislator Alden, you're on. You got it, baby.

LEG. ALDEN:
Thank you, Mr. Presiding Officer. Legislator Cooper mentioned cancer, and he also mentioned that there's no causal link between pesticide application and cancer. And I know there was some debate before about being a scientist and things like that, so I'm not -- I'm not really putting myself out here as a scientific, you know, expert on any of the causal links, or anything like that, between cancer and things of

that nature. But I can tell you a little bit about cancer, and I could tell you what it's like to be a cancer survivor, and I could tell you what it's like to actually think about the idea of being sprayed with pesticides, or having my property sprayed with pesticides. It's terrorizing. To go through, and just to mention it, I had breast cancer. I had a radical mastectomy done. I had to go through all the -- all the treatments and things like that, and I'm still going through treatments, and that's -- I'm an 11-year survivor, cancer survivor.

So, when you think about this bill and we put it in human form, and we think about allowing people to choose, and maybe giving a little bit of comfort, a comfort level that they don't have at this point, I think that we really have to err on the side of the human nature, and also to allow people that choice to try to protect themselves. So from that point of view, if we save even one life, or if we save one person, one more person from having breast cancer, or any other type of cancer, I think that we owe it to the citizens of Suffolk County.

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And I would urge my fellow Legislators to pass this bill. Thank you.

(Applause)

P.O. TONNA:

Thank you very much, Legislator Alden. Legislator D'Andre.

LEG. D'ANDRE:

Hey, finally.

P.O. TONNA:

It's worth waiting for, Legislator D'Andre.

LEG. D'ANDRE:

I know. I have never heard such rhetoric in my life that Cooper brought up without any experience in the field. It's disgusting, let me tell you.

P.O. TONNA:

Okay. Who? Who? Let me just get it.

LEG. D'ANDRE:

His propaganda.

P.O. TONNA:

Oh, okay. Thank you.

LEG. D'ANDRE:

This is a scientific business of sprays and spraying, and we do have scientific men in our employ. Charlie Bartha, come up here.

P.O. TONNA:

Is that a scientific man or an engineering man?

LEG. D'ANDRE:

Let me tell you something, I've never heard such -- well, I don't want to use the right adjective.

P.O. TONNA:

Okay.

LEG. D'ANDRE:

Charlie, can you take this spray and ice-cube them and drop them 150 feet apart?

MR. BARTHA:

No.

LEG. D'ANDRE:

How in the world can you take something that's in a gaseous situation, floating through the air, and stop at 150 feet, and then go a little further and do another 150 feet, and keep everything in bounds?

MR. BARTHA:

Well, what we would do to implement this is we would stop spraying when we were --

LEG. D'ANDRE:

But, Charlie, you know you can't do it. And let me tell you this. A little exposure is more dangerous than a proper exposure for killing the insect, because you don't get the kill power, but you get the exposure. I mean, it's so unscientific. I don't understand what these people are doing with their intelligence here. We do have scientists working for us and they know how to do this. Either you spray or you don't spray. There's no halfway measure there's no partial measure.

You're an engineer, Charlie. What do you say to that? Do you spray or don't you spray? What would you recommend?

MR. BARTHA:

My recommendation is that we rely upon the agencies that have -- that have done all the research, that established the restrictions, and that we spray within the restrictions, the label restrictions that

exist on these chemicals.

LEG. D'ANDRE:

Now, the State reserves the right to do -- to do spraying legislation. There's a reason for that. It's governed by the State EPA and those guys up there, not our Long Island Legislators. Just look at this list of names I have here, Cooper, Postal, Fields, Lindsay, Guldi. Where is there experience in this? And, yet, they're coming out with severe legislation controlling this, giving a little exposure to some people in one area, a lot of exposure to people in another area, totally unscientific, and, yet, we're supposed to follow the leader here? I'm telling you, I've never heard of such propaganda in my life, people speaking about a subject they know nothing about. I could understand if they had lecturers come in and brief them, and talk to a lot of entomologists and scientists. But for them to take it upon themselves when they released figures or pesticides that did not -- were not responsible for cancer not too long ago. You remember that study? And, yet, every time you mention a pesticide, they mentioned cancer. It doesn't work that way.

We got millions of vehicles on the road every day, diesel engines spewing poisons every minute of the day throughout Long Island, from New York City to Montauk. If you want to know a hazard, try eliminating those and see how far you'll get. But they're going to pick on pesticides. And, hey, I don't -- I couldn't care less if they don't spray. Doesn't matter to me. I stay indoors, I keep my water emptied in my yard. I don't have a problem, but there are people on the South Shore that have a problem, a big problem, and there's going to be a revolution in there, because those people don't come to the meetings, only the anti-spray people come to the meeting, the so-called environmentalist. I put that in quotes.

P.O. TONNA:

All right. That's usually with two fingers each side, but --

LEG. D'ANDRE:

Well, two or four.

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P.O. TONNA:

All right. There we go.

LEG. D'ANDRE:

But let me say this.

P.O. TONNA:

I wasn't sure if that was a direct quote.

LEG. D'ANDRE:

I say to this Legislative body. Before they don't distinguish themselves with this legislation here, they go back to the drawing board, get some more training. Let Ninivaggi handle this and your department, who are trained to do it. You're the best thing we have. I don't know if you're right or wrong, but you know more than any of these Legislators up here, including myself, and I've been a pesticide applicator for years. I had my own nursery business. I had to learn. I was licensed, okay, and never did I hear what I'm hearing now from these Legislators, let me tell you. I would say this to you, Charlie, I don't care whether they spray or don't spray, but if they spray, they've got to spray correctly or don't spray at all. What do you say to that?

P.O. TONNA:

You don't have to say anything.

LEG. D'ANDRE:

Why?

P.O. TONNA:

Because I don't know if he wants to say anything.

LEG. D'ANDRE:

He's an engineer.

P.O. TONNA:

I know. Thank you.

MR. BARTHA:

Well, I agree. If you're going to do something, you should do it right.

LEG. D'ANDRE:

Right.

P.O. TONNA:

There you go.

MR. BARTHA:

That's the way try to construct everything we do in the Department.

LEG. D'ANDRE:

Is that so hard to understand?

P.O. TONNA:

No.

LEG. D'ANDRE:
Okay. I rest my case.

P.O. TONNA:
And if it's broke, make sure you fix it. And if it's not broke, don't fix it.

LEG. D'ANDRE:
I rest my case. And we would not get -- if we don't spray at all, I feel safer that if we sprayed partially.

P.O. TONNA:
Okay. Thank you very much. Legislator Fisher.

LEG. FISHER:
My first question, Charlie, is why is it so cold in here? I am freezing.

LEG. D'ANDRE:
That's not his bailiwick.

D.P.O. POSTAL:
And where are the changing tables in the ladies room?

MR. BARTHA:
You should be standing where I'm sitting --

LEG. HALEY:
Put on a sweater.

MR. BARTHA:
Standing where I am.

LEG. FISHER:
I have on a sweater. Thank you.

LEG. CARPENTER:
Because you can't spray, you can freeze.

LEG. FISHER:
I had to put a sweater over my suit. Okay. I have -- that was my only question for you, Charlie.

MR. BARTHA:
Thank you.

LEG. FISHER:
Okay. I have a number of points that I think are very important here. The rights of individuals have been raised a number of times, and I have a right not to have pesticides sprayed on my property. I have that right. And if I ask that my property not be sprayed and my neighbor wants their house sprayed, okay, it is infringing upon their right. But if they're -- if they have their house sprayed and my

house is not -- and there is no "no spray" resolution, then I will have mine sprayed. So it's either my rights are not taken into

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account, or their rights are not. And if we look at those risks, if we look at those two scenarios, I believe that there is a health risk associated with pesticide spray, not only with cancer risks, by my asthmatic child is exposed to pesticides. My neighbor, who is not having his home sprayed, or her home sprayed, is not facing health risks because of that.

The health risks of mosquitoes are very, very minimal. And the cases where the County Health Commissioner sees a health risk, all of this is moot. So the equity here is that the rights of the person who wants his or her home sprayed are respected. In the case of health risk, that person's home will be respected, that person's right to be sprayed will be respected. But I -- the person who doesn't want the health risk of pesticides must also be respected.

As far as the issue of the liability on the part of the County with regards to someone who contracts West Nile Virus or encephalitis, I have a cousin who did have a mosquito bite and did contract encephalitis and it's horrible. She did suffer permanent brain damage because of it and blindness. However, spraying does not guarantee that you will not have -- be bitten by a mosquito, and whenever you have a mosquito, it doesn't necessarily guarantee that you will be bitten or contract encephalitis. It's very hard to determine that, and, certainly, having the "no spray" list does not greatly increase anyone's chances of contracting encephalitis.

As far as tabling this resolution, we are already in the summer months. If we were to table this until the next meeting and the County does not have to move forward with this I believe the bill says for 60 days after this, we've gone beyond the summer, so we've lost a summer of protection for people who don't want to be exposed to pesticides. We should not table it. The bill's sponsor has worked hard on it. The bill's advocates have worked hard on looking for compromises. Either vote it up or down, but we certainly shouldn't table it. That's a mockery.

D.P.O. POSTAL:
Legislator Carpenter.

LEG. CARPENTER:
Thank you. I would like to ask Counsel if he knows what is involved in the County Department of Health declaring a health emergency? Because the conversation that I had with the Commissioner on this was that if she determined that a health emergency existed, that she could

override the "no spray" and authorize the spraying, absent declaring a health emergency. But the language here calls for declaring a health emergency

MR. SABATINO:

Well, let me just look at the -- I didn't draft this new version, so let just --

LEG. CARPENTER:

It's the next to the last page.

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MR. SABATINO:

Yes, this says that -- right. It requires a declaration of a health emergency, Paragraph 6, right.

LEG. CARPENTER:

Right. So what is involved in declaring a health emergency, is it a simple -- she sends out an alert? I mean, what is involved in the process?

MR. SABATINO:

She has to -- well, I mean, she has to talk to her technical people first to -- you know, to make sure it's predicated on scientific and medical evidence. But the actual physical act of doing it is you actually sign what amounts to an administrative order. It's an actual written document that --

LEG. CARPENTER:

So there are no --

MR. SABATINO:

And they can do --

LEG. CARPENTER:

She doesn't have to file it or -- I mean, she -- it can be done immediately, if it is determined that there is a health emergency.

MR. SABATINO:

Well, absolutely. I mean, she's got the ability to act with speed and, you know, in an efficient manner. It's just that -- I guess the hardest part, just judging from experience in the past, is just getting the people in your office to get you the technical information that something is out there sufficiently generating a problem to -- you know, to form the basis for it. But the actual physical part of doing it is just signing a piece of paper.

LEG. CARPENTER:

I've talked to the sponsor. There was one other thing that I -- he didn't seem to be aware of, but in the ninth resolved clause, and it seems a little unclear as to who was actually or who has the responsibility for developing the program. I understand that you have the recommendations of the committee, but it's not clear that it's DPW that's actually developing it. And, also, it seems that in the tenth resolved clause, the committee is going to issue a report of their recommendations to the Legislature, and once this plan is formulated, should it not come back to us for approval?

MR. SABATINO:

Well --

LEG. CARPENTER:

And when I raised that with the sponsor, he seemed to --

MR. SABATINO:

Reading the ninth and the tenth together, I mean, I think what the intent was -- I think what the intent is for the -- the sponsor wants to have the committee that's going to be formed by this resolution,

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because that was not in the original resolution, is to have them sit down and develop the rules and the regulations, basically, for -- or the guidelines or the parameters for a -- you know, for the actual "no spray" adulticide program for 2002. I think what is a little bit unclear is who will then actually develop that plan. I mean, since it's a Certificate of Necessity, I would recommend that that language just be smoothed out so there's no question. I don't really -- I can't speak for the sponsor. I don't know if the intent was to have the Public Works and the Health Department do that in conjunction like it was in the first resolved clause, or if the idea was to have it come back to the Legislature. I mean, I honestly don't know the answer, but my recommendation would be to smooth it out tonight while we -- you know, with a Certificate of Necessity, you can be sure you've got the precise language, and then there won't be an issue later on, there won't be an ambiguity.

LEG. CARPENTER:

Also, too, and I would address this to the sponsor as you're clearing up that language, that it be clear that once the plan has been formulated, that we have that look, that last look at approving it.

LEG. CRECCA:

Can I just -- can I respond to that?

LEG. CARPENTER:
Yes.

LEG. CRECCA:
Because I just got the answer to it. Do you want me --

LEG. COOPER:
Sure, go ahead. Sure.

LEG. CRECCA:
I need a microphone.

LEG. CRECCA:
My understanding is that it calls for to go -- have to be in the
Vector Control Plan.

LEG. CARPENTER:
Okay.

LEG. CRECCA:
Which has to come before us for approval.

LEG. CARPENTER:
But that's not -- see, that is not in here. So I think that has to be
clearly stated. There's a lot of holes in this. And then in
discussing this with the sponsor, I understand that this is a one-year
pilot program.

LEG. COOPER:
Well, no. In the sense that -- in the sense that there are a number
of issues that will be taken up, number one, by the committee, and as
far as the aerial spraying is concerned. And number two, after we

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have this track record for the first year of implementation, if we
want to fine tune for the following year, if we say, "Hey, this was a
piece of cake implementing this, let's expand it from 150 feet to 200
feet," or on the flip side, some problem arises and we want to reduce
it, we'll, of course, have that opportunity next year. We're going to
be modifying --

LEG. CARPENTER:
But, again, I think that needs to be stated in this resolution and
it's not clear in the resolution. I would ask Counsel, based on what
the sponsor said, is that reflected in here? Am I just not seeing
that? I'm not an attorney, so --

MS. ESPOSITO:

Yes, it's in the bill.

MR. SABATINO:

Well, the only part that I -- the only part that I think is a little ambiguous and unclear is just that bridge between -- the committee meets and then -- the committee meets and then they're going to develop some recommendations by September 15th. But it's just unclear as to how the proposed 2002 plan is going to be, I mean, developed. Is it going to be the committee that just simply develops it and forwards it to Public Works, or is it just going to make recommendations and then Public Works is going to incorporate it into the proposed plan for the following year? To me it's just that's just the one little narrow issue there, just the bridge between those two. And then the sponsor was correct in stating that then the Legislature would vote at the end of the year, because it's got -- the plan's got to be filed I think it's by October 1st, and then it has to be adopted by December 31st. So the voting on it is not a problem, that will happen at the end of the year. I just -- I think the only part that's not just absolutely clear is like will this committee develop that plan and that plan automatically goes into the proposed Vector Control Plan for the year 2002, or do they make the recommendation, then it goes to Public Works, then Public Works makes its own independent assessment, and then they put something into the proposed plan? That's the only point that I think is not clear.

LEG. CARACAPPA:

Are you ready? That's it?

LEG. CARPENTER:

No. Just bear with me a moment.

LEG. CARACAPPA:

Sorry.

LEG. CARPENTER:

Oh. How did you determine which -- and this is for the sponsor, if I might -- which of the Breast Cancer Coalitions to include as a member of the committee, since there are a number of them, and then there's the overall Suffolk County Breast Health Partnership? I'm wondering why you didn't go with a more umbrella kind of group rather than a very focused small coalition.

LEG. COOPER:

What is the Suffolk County Breast Health Partnership? Who does that --

LEG. CARPENTER:

Well, there's the Suffolk County Breast Health Partnership, which is conducted out of the Office of Women's Services, that has representatives from each of the Breast Cancer Coalitions participating, Huntington, Babylon, West Islip, Bay Shore/Brentwood, the coalitions from out east. They all participate in the Suffolk County Breast Health Partnership. So it seems that perhaps they should decide who would be the group representing the breast cancer community, not whomever came up with this one particular --

LEG. COOPER:
But I think that's--

LEG. CARPENTER:
-- Breast Cancer Coalition.

LEG. COOPER:
I think that's done all the time. We don't -- if we're looking for input from environmental groups, we don't pull -- I don't believe we pull every environmental group on the Island and ask them to come up with a name.

LEG. CARPENTER:
But I'm asking you how you arrived at this one particular coalition.

LEG. COOPER:
This was an organization that was involved with us over the past few weeks in providing input for the bill. They're located on the South Shore. We felt it was --

LEG. CARPENTER:
I know exactly.

LEG. COOPER:
Right. But --

LEG. CARPENTER:
And I know that there are a number of others that --

LEG. COOPER:
We could have picked Huntington Breast Cancer. I mean, there are many that we could have chosen.

D.P.O. POSTAL:
Legislator Carpenter?

LEG. CARPENTER:
I would just ask the sponsor to perhaps, as far as the component for the breast cancer movement, to maybe throw it to the Partnership to collectively come up with a recommendation for who from the breast cancer community would represent --

LEG. COOPER:

Okay.

LEG. CARPENTER:

Okay?

LEG. COOPER:

We have to modify the CN in any case, so we'll do that.

LEG. CARPENTER:

Thank you.

D.P.O. POSTAL:

Legislator Guldi. Is Legislator Guldi here?

LEG. TOWLE:

He left.

D.P.O. POSTAL:

Well, if he comes in, we'll shift around.

LEG. TOWLE:

He had to spray his house.

D.P.O. POSTAL:

I'm next on the list. And I think that the pertinent issues here and the pertinent points have really been made by, well, many people, but especially Legislator Alden and Legislator Fisher. This Legislature has in many ways, under many different circumstances, affirmed its policy of avoiding and limiting exposure to pesticides. It's done it through adopting Integrated Pest Management, adopting organic pest control and organic golf course design and construction. So we've acknowledged that there is a rationale for thinking that pesticides may have a deleterious affect on people's health, and wherever possible, we should avoid them.

But the other issue here is the issue of choice. And we have also reaffirmed again and again and again the right of the consumer to make a choice in so many different areas. And I see this as a consumer issue, I see it as an issue of a consumer who has the right to determine that he or she does not want to be exposed to pesticides.

Now, we've talked back and forth about the rights of the person who wants to have his or her property sprayed versus the rights of the individual who doesn't. But I suggest that the individual who does want to protect him or herself from exposure to mosquitoes has the ability to do that on a personal basis. There are all kinds of insect repellents available that can be used by anyone who would like to have protection against mosquitoes. But without passing this resolution, we're not giving the individual who would like to have the right to

not be exposed to pesticides any alternative.

So that by passing this, we truly aren't removing a right from those individuals who would like to protect themselves from exposure to mosquitoes, but we are providing a right to those individuals who do not want to be exposed to pesticides and who have no other choice.

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The person who wants to be protected can use the personal insect repellent.

You know, a couple of years ago, I was at a social gathering in Center Moriches, and this is prior to the first reported incident of West Nile Virus, and it was when we were spraying, there was a Vector Control Plan, and I would suggest that that South Shore area was an area that was treated through the Vector Control Plan. But I can tell you, and you know this, Legislator Towle, that --

LEG. TOWLE:

Depends. It could be Galdi's area of Center Moriches, not mine.

D.P.O. POSTAL:

Well, I could tell the mosquitoes had little "Towle for Legislator" signs on them.

LEG. TOWLE:

Then it was my -- it was my side of the district, Legislator Postal.

LEG. CRECCA:

You can't spray those mosquitoes.

LEG. BISHOP:

They had a part-time job at the Clerk's Office.

D.P.O. POSTAL:

But the point --

LEG. TOWLE:

They did, responding to all the legal inquiries of Legislator Bishop's law firm.

LEG. BISHOP:

Right.

D.P.O. POSTAL:

The point that I'm making is that there were a lot of mosquitoes in that section of Center Moriches, no matter whose district it was. Obviously, it had been treated by Vector Control, but it's also

directly across Great South Bay from the Fire Island National Seashore, where there is not any kind of Vector Control permitted. So that, obviously, despite vector control in Center Moriches, there were still mosquitoes.

People who want to protect themselves do have the right to use personal repellent. And I suggest that that may be the only effective way, because we could probably spray that area every single day, morning and night, and we'll still get a heavy mosquito infestation coming across from the Fire Island National Seashore.

So I think that the important way to see this bill is that it's providing equality of choice, because it provides those people who do not want to be exposed to pesticides with the means for avoiding that exposure, while still permitting the people who want to be protected against mosquito to take that kind of personal action that will

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protect them against mosquitoes.

LEG. BISHOP:

Well, that wraps it up, Max.

D.P.O. POSTAL:

That's it. We're --

LEG. BISHOP:

You convinced everybody. Let's go.

D.P.O. POSTAL:

I think we're --

LEG. TOWLE:

I've changed my mind.

P.O. TONNA:

There's a vote to table and a second.

D.P.O. POSTAL:

We have a motion and to table and a second. All Legislators, please return to the auditorium.

LEG. BISHOP:

Can I -- may I speak on the motion to table?

LEG. COOPER:

I just want to make -- could I make a motion to table?

LEG. BISHOP:
On the motion to table.

P.O. TONNA:
Okay. Legislator Bishop.

LEG. BISHOP:
I don't think there's any need to have a motion to table, since this is on a Certificate of Necessity. So if it goes down with between 10 or 11 votes, then it's tabled automatically.

P.O. TONNA:
Correct.

LEG. BISHOP:
If it has less than that, it fails.

P.O. TONNA:
Well, it's not tabled, it goes to committee.

LEG. BISHOP:
It goes committee, which is, in essence, a tabling.

P.O. TONNA:
It's not tabled, it goes to committee.

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LEG. COOPER:
What I'd like to do, if possible, is to use the dinner break to allow the County Exec's Office to make these changes --

P.O. TONNA:
Wait, wait.

LEG. COOPER:
-- that we've been discussing.

P.O. TONNA:
Jon.

LEG. BISHOP:
What dinner break?

P.O. TONNA:
Jon, let me say something; okay. I'm about to give you a big noogy. Listen to me. You asked to pull --

LEG. COOPER:
Is that a threat?

P.O. TONNA:
Yes. You asked to pull this thing out of the order, right?

LEG. FISHER:
That's right.

P.O. TONNA:
Okay. We have an executive session we have people who have been waiting since 5:00 to speak on a matter that's vital to this County. All I can ask you is we have now a motion and a second to table.

LEG. FISHER:
Which we don't need.

P.O. TONNA:
Well, no. I mean --

LEG. CRECCA:
Motion to table.

P.O. TONNA:
-- you might think we don't need, but the guy who made the motion and the second --

LEG. CRECCA:
Motion to table the bill.

P.O. TONNA:
It doesn't matter.

LEG. CRECCA:
Motion to table the bill until 9 p.m.

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LEG. BISHOP:
Motion to table the dinner.

P.O. TONNA:
Let's just wait.

LEG. BISHOP:
Motion to dinner table.

P.O. TONNA:

I'd ask, first of all, where is the guy who made the motion to table?

LEG. TOWLE:

Right here.

P.O. TONNA:

Okay we have a motion and a second. What takes priority, the motion or the motion to a time specific?

MR. SABATINO:

So far, there's one motion.

P.O. TONNA:

I agree with you, but I can't stop people from making motions.

MR. SABATINO:

So far, there's a motion to table it until the next meeting.

MS. FARRELL:

Yes.

P.O. TONNA:

Yes.

MR. SABATINO:

That's the motion I think that we have.

P.O. TONNA:

No. Legislator Crecca is --

LEG. CRECCA:

No. I'm making a motion to table it until 9 p.m.

LEG. COOPER:

I second that motion.

MR. SABATINO:

Okay. Well, first in time is first in right, so the first motion, which is to table it --

P.O. TONNA:

Table? Okay.

MR. SABATINO:

-- three weeks will take --

P.O. TONNA:
First in time, first in right?

MR. SABATINO:
First in time, first in right.

P.O. TONNA:
There you go.

MR. SABATINO:
You learn that in law school.

P.O. TONNA:
And a stitch in time saves time -- saves nine. There we go. First in time, first in mind. All right. Here we go. We have right now a motion to table and a second. We have spoken about it. Roll call, please.

(Roll Called by Mr. Barton)

LEG. TOWLE:
Yes.

LEG. D'ANDRE:
To table for how long?

P.O. TONNA:
Until the next meeting.

LEG. CARACAPPA:
Yes.

LEG. COOPER:
No.

LEG. BINDER:
Yes.

LEG. BISHOP:
Yes.

LEG. D'ANDRE:
Absolutely.

LEG. CRECCA:
Pass.

LEG. CARPENTER:
Pass.

LEG. ALDEN:
No.

LEG. FIELDS:
No.

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LEG. LINDSAY:
No.

LEG. FOLEY:
No.

LEG. HALEY:
Yes.

LEG. FISHER:
No.

LEG. GULDI:
No.

LEG. CARACCIOLO:
No.

LEG. POSTAL:
No.

LEG. TONNA:
No.

LEG. CRECCA:
No.

LEG. CARPENTER:
No.

P.O. TONNA:
Okay.

MR. BARTON:
Six.

P.O. TONNA:
So there we go. Now there is a motion to table to 9 o'clock and a second.

LEG. LINDSAY:
Right.

P.O. TONNA:
Okay? Roll call.

(Roll Called by Mr. Barton)

LEG. CRECCA:
Yes.

LEG. COOPER:
Yes.

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LEG. BINDER:
Yes.

LEG. BISHOP:
No.

LEG. D'ANDRE:
No.

LEG. CARPENTER:
Yes.

LEG. ALDEN:
Yes.

LEG. FIELDS:
Yes.

LEG. LINDSAY:
Yes.

LEG. FOLEY:
Yes.

LEG. HALEY:
No.

LEG. FISHER:
Yes.

LEG. CARACAPPA:
No.

LEG. TOWLE:
No.

LEG. BISHOP:
Point of order, Mr. Chairman.

P.O. TONNA:
Wait. We're in the middle of a roll call.

LEG. GULDI:
Point of order is a point of order.

P.O. TONNA:
All right, point of order. It better be a point of order. Legal Counsel, what is a point of order? No, I'm joking. Go ahead. Go ahead.

LEG. BISHOP:
When you table something to a specific time, that means that we have to drop whatever we're doing at that time to pick it up. I think what Legislator Cooper wants to do is withdraw his motion to -- withdraw any action on it at this time and bring it up later on; isn't that the intent?

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P.O. TONNA:
Well, that would be -- no, but that's not what the motion that Legislator Crecca -- and we're in the middle of a roll call.

LEG. BISHOP:
So now at 9 o'clock we've got, you know --

P.O. TONNA:
No, that's not a point of order, I can even tell you that. Keep on with the roll call.

LEG. CRECCA:
I'll withdraw my motion.

P.O. TONNA:
Wait a minute.

D.P.O. POSTAL:
Wait a minute.

LEG. CRECCA:
Can I do that?

LEG. GULDI:
Okay. Just withdraw --

LEG. CRECCA:
I could do it.

LEG. GULDI:
-- your motion to consider it, David.

LEG. CRECCA:
Yeah.

P.O. TONNA:
Okay.

LEG. TOWLE:
I'm going to make a motion to defer to committee.

LEG. HALEY:
Second.

P.O. TONNA:
All right. Can I say something here?

LEG. TOWLE:
We're wasting time.

P.O. TONNA:
No. He just withdrew the motion. So now there's a motion to defer to committee.

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LEG. GULDI:
It's not before us.

P.O. TONNA:
Refer or defer? Which one would you rather have? Refer. Refer.
Who's smoking -- okay, go ahead. There's a motion. Is there a second?

LEG. TOWLE:
Legislator Haley seconded my motion.

P.O. TONNA:
Second by Legislator Haley. Okay. On the refer motion, go ahead.

(Roll Called by Mr. Barton)

LEG. TOWLE:
Yes.

LEG. HALEY:
Yes.

MR. BARTON:
Legislator Cooper.

P.O. TONNA:
That's a no Legislator Cooper, probably.

LEG. COOPER:
No. And I withdraw my motion to approve.

LEG. BISHOP:
He wants to bring it up later on.

P.O. TONNA:
All right. Okay. So go ahead. What's next? No, no.

D.P.O. POSTAL:
No. There's no CN.

MR. BARTON:
Legislator Binder.

P.O. TONNA:
No, there's no -- there's nothing now.

MR. BARTON:
Legislator Binder.

P.O. TONNA:
Wait a second. Can I say something here?

LEG. COOPER:
Can I see a show of hands in the audience, who is following all this?

P.O. TONNA:
I just want to mention this on the record; okay? It's tough enough losing IQ points listening to this debate for the last two hours, it's hard to follow this; okay?

LEG. TOWLE:

Motion to recess.

P.O. TONNA:
Right now -- no.

LEG. POSTAL:
No.

P.O. TONNA:
I am making a motion, and there'll be a second by Legislator Postal, Madam Deputy Chair, to go into executive session. So that means --

LEG. TOWLE:
For the purpose of what?

P.O. TONNA:
For the purposes of discussing the legal issues regarding County health centers. But before we do that, I would like to announce to the audience, in case you want to lose IQ points along with us for the rest of the day, is that what we are doing is we're going to go into executive session and then I am going to take an hour dinner break. Okay? After the executive session, the hour dinner break, and then we will come back. Good luck.

LEG. POSTAL:
To the Capital Budget?

P.O. TONNA:
To the Capital Budget. Thank you very much. Okay. All in favor?

MR. SABATINO:
No, wait.

P.O. TONNA:
Wait, wait. Oh, who do we accept?

MR. SABATINO:
You have to make a motion now.

P.O. TONNA:
Okay. The right motion is?

MR. SABATINO:
Motion to go into executive session.

P.O. TONNA:
Executive session.

MR. SABATINO:
For the purposes of --

P.O. TONNA:
For the purposes of?

MR. SABATINO:
Discussing litigation on the Bay Shore Minicenter, and the Coram
Health Center --

P.O. TONNA:
Right.

MR. SABATINO:
-- leases.

P.O. TONNA:
Yeah, ditto.

MR. SABATINO:
And approving the presence of --

P.O. TONNA:
Approving the presence of.

MS. DEMARZO:
Department of Public Works.

P.O. TONNA:
Department of Public Works representatives, the County Attorney's
Office, the Department of Health representatives, and Social Services,
Budget Review.

MR. SABATINO:
And Counsel.

P.O. TONNA:
And our --

MS. DEMARZO:
County Exec.

P.O. TONNA:
-- esteemed Legislative Legal Counsel.

MR. SABATINO:
And nobody else.

P.O. TONNA:
And --

MR. SABATINO:
No. No Legislative staff, it is.

P.O. TONNA:
No Legislative staff. All right.

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LEG. POSTAL:
County Executive.

P.O. TONNA:
But -- no.

MR. SABATINO:
County Exec, yeah.

P.O. TONNA:
You have?

LEG. POSTAL:
They've been in.

P.O. TONNA:
You have?

MS. DEMARZO:
Yes.

P.O. TONNA:
All right. And Ellen Martin. Yeah, and Ellen Martin.

MS. DEMARZO:
And the County Executive.

P.O. TONNA:
That's it.

LEG. HALEY:
Second.

MS. DEMARZO:
And the County Executive.

P.O. TONNA:
And the County Exec? Bob's going to come down here?

MS. DEMARZO:
No. The County Exec --

P.O. TONNA:
And the County Executive's staff, yeah, representatives.

LEG. GULDI:
I'm opposed.

MS. DEMARZO:
Terry Allar, too.

P.O. TONNA:
Okay.

LEG. GULDI:
Opposed.

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P.O. TONNA:
Okay. Roll call.

(Roll Called by Mr. Barton)

LEG. TONNA:
Yes.

LEG. POSTAL:
Yes.

P.O. TONNA:
Can everyone stay here to vote?

MR. BARTON:
Legislator Cooper.

P.O. TONNA:
Cooper. Cooper, we're in the middle of a vote. Legislator Cooper,
we're in the middle of a vote. Could you, please, come here and vote?
So could you please -- we're waiting for you to say it.

LEG. COOPER:
Yes.

P.O. TONNA:
Yes.

LEG. BINDER:
Yes.

LEG. BISHOP:
Yes.

LEG. D'ANDRE:
Yes.

LEG. CRECCA:
Yes.

LEG. CARPENTER:
Yes.

LEG. ALDEN:
Yes.

LEG. FIELDS:
Yes.

LEG. LINDSAY:
(Not Present)

LEG. FOLEY:
Yes.

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LEG. HALEY:
Yes.

LEG. FISHER:
No to dinner break.

LEG. CARACAPPA:
No.

LEG. TOWLE:
No.

LEG. GULDI:
No.

LEG. CARACCIOLO:
Yes.

P.O. TONNA:
No to discussing leases. I can't believe Legislator Guldi.

LEG. FISHER:

No to the dinner break.

MR. BARTON:
Legislator Lindsay.

P.O. TONNA:
No, we're not voting on a dinner break. It's executive session.

LEG. POSTAL:
No, you don't have the right to vote on that, he declares that.

LEG. ALDEN:
He says he's going to declare a dinner break.

MR. BARTON:
Thirteen, Mr. Chairman.

P.O. TONNA:
I could declare one anyway.

LEG. POSTAL:
He declares whatever he wants.

MR. BARTON:
Thirteen.

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

MR. BARTON:
Thirteen.

P.O. TONNA:
All right. We approved everyone. Everybody else, please shut off your

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mikes and let's roll.

[EXECUTIVE SESSION THEN RECESS: 7:45 P.M. TO 9:37 P.M.]

P.O. TONNA:
I would ask all Legislators to please come to the horseshoe, we're voting. Okay. I'm going to make a motion to approve the Consent Calendar. Brian Foley, are you here? Come on back in.

LEG. BISHOP:
I make a motion for the search party for the pizza.

LEG. TONNA:

Okay. Wait, wait. There's a motion by myself, seconded by Legislator Caracappa. All in favor? Opposed? Approved. That's the Consent Calendar. All right. We've done something.

MR. BARTON:

18.

LEG. TONNA:

8. Thank you very much. Thank you. Well, it's --

MS. BURKHARDT:

Page 6.

P.O. TONNA:

All right. Okay. Well, let's go -- Legislator -- I just want to make sure. Legislator Binder, you're here?

LEG. ALDEN:

Motion to reconsider the Consent Calendar.

P.O. TONNA:

I don't think so. Okay. Let's go to -- let's go to the Capital Budget.

LEG. CARACAPPA:

Motion to approve Capital Budget Amendment Resolution Number 1.

LEG. CARPENTER:

Wait a minute. Wait a minute.

P.O. TONNA:

Okay. I make a motion.

LEG. CARACAPPA:

Second.

MS. BURKHARDT:

Fred has to explain it.

P.O. TONNA:

No. Henry has to explain it, right?

MS. BURKHARDT:

No. Fred has to explain it.

P.O. TONNA:
Fred.

LEG. CARPENTER:
Fred, where are you?

P.O. TONNA:
Okay. Do I have to make a motion? I'll make a motion to approve Bill 1, seconded by Legislator Postal. Fred, could you, please, explain this?

MR. POLLERT:
Yes. What Bill 1 is, it's an omnibus resolution which amends the proposed Capital Program and Budget. The intent of the bill is to both reduce the amount of serial bonds, as well as to level the amount of serial bonds over a number of years. The proposed Capital Program specifically consolidates multiple capital projects for land acquisition, and increases the amount of funding for land acquisition in 2002 by \$5 million. It --

MR. BURKE:
Does everybody have an index? No.

LEG. BINDER:
Nobody has an index.

MS. BURKHARDT:
I've got to go get some more indexes.

P.O. TONNA:
This the index.

MR. BURKE:
Do you have more indexes?

LEG. ALDEN:
Is this the index?

LEG. GULDI:
I don't have an index.

MS. BURKHARDT:
No, that's not an index.

P.O. TONNA:
This, what I have here, right?

LEG. GULDI:
Motion to skip this until she passes out the indexes.

P.O. TONNA:
Okay. Wait. Hold it a second. Yeah, that's it.

MR. BURKE:

Wait. I'm going to make more copies.

P.O. TONNA:

Okay. While we're -- while we're copying that, let's go to the tabled resolution. Okay. By the way, for everyone's knowledge as soon as the -- okay. I better not say that. Yeah, right, right. Okay.

RESOLUTIONS TABLED TO JUNE 5, 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). Legislator Foley, do you have something you would like to --

LEG. FOLEY:

Motion to table.

LEG. CARACAPPA:

Second.

P.O. TONNA:

Seconded by myself. All in favor? Opposed? Tabled. Okay. That's on tabled resolutions of June 5th.

MR. BARTON:

17, 1 not present.(Not Present: Leg. Crecca)

P.O. TONNA:

Page 6. Okay. 1069 (Imposing reverter clause on non-Brookhaven Town PILOT payments pending appeal of Gowan decision). Marty?

LEG. HALEY:

I'm sorry.

P.O. TONNA:

I'll make a motion to table, seconded by Legislator Haley. All in favor? Opposed? Tabled.

MR. BARTON:

17, 1 not present.(Not Present: Leg. Crecca)

P.O. TONNA:

Great. 1121 Directing the County Department of Public Works to educate the public as to health effects of pesticide applications). Motion --

LEG. CARACCIOLO:

To approve.

P.O. TONNA:
To approve?

LEG. CARPENTER:
Explanation.

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P.O. TONNA:
Explanation. Well, I'll second it for the purposes of an explanation.

LEG. CARACCIOLO:
Counsel?

MR. SABATINO:
1249 is the \$500,000 of pay-as-you-go --

LEG. CARACCIOLO:
No, no, no, 1121.

P.O. TONNA:
1121.

MR. SABATINO:
Oh, I thought we skipped over that. 1121? Okay. 1121 was the amendment to the Vector Control Plan that's being proposed to provide for an education as to the health effects of pesticides that are used to be made part of the Vector Control Plan.

P.O. TONNA:
Okay. There's a motion and a second.

LEG. ALDEN:
How much does this cost?

P.O. TONNA:
What's it cost? What does it cost?

LEG. CARACCIOLO:
Fred.

P.O. TONNA:
Fred, could you tell us what it costs? Don't worry about it, Paul, he's going to tell us. We've got to have Budget Review do something. Go ahead.

MR. POLLERT:

With respect to the fiscal impact statement, there is no direct fiscal impact statement cost, because there's just an opportunity cost to redirect staff in the Health Department to do the advertising of this program.

P.O. TONNA:

Okay. That's 1121.

MR. POLLERT:

That's correct.

P.O. TONNA:

Thank you very much. All in favor? Opposed? Approved.

MR. BARTON:

17, 1 not present. (Not Present: Leg. Crecca)

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P.O. TONNA:

Okay. 1249 (Allocating funding for pay-as-you-go financing for roofing of various County buildings). Is there a motion, Legislator Foley? Pay-as-you-go.

LEG. FOLEY:

Motion to approve.

P.O. TONNA:

You are. Okay, wait. Just -- I'll second for the purposes of listening to how much is it.

MR. POLLERT:

That would be \$500,000.

P.O. TONNA:

But are we already past the 5 million on the -- with regard to half the Pay-As-You-Go Program?

MR. POLLERT:

Yes, that's correct.

P.O. TONNA:

What -- this is for roofing?

MR. POLLERT:

Yes.

P.O. TONNA:

Is the department -- is somebody from Public Works here?

LEG. CARPENTER:

Motion to table.

LEG. FOLEY:

He's Finance, he won't have the answer to it, so I'll make a motion to table, which would be fine.

P.O. TONNA:

Okay. Seconded by myself. All in favor? Opposed? Tabled.

MR. BARTON:

17, 1 not present. (Not Present: Leg. Crecca)

P.O. TONNA:

1292 (Directing the County of Department of Public Works to maintain "No Spray List" for pesticide applications). Is there a motion?

LEG. COOPER:

I'm awaiting a corrected copy.

P.O. TONNA:

Okay. 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). Is there a motion, Legislator Towle?

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LEG. TOWLE:

Motion to table.

P.O. TONNA:

Second by myself. All in favor? Opposed? Tabled. 1411 (Directing County Department of Public Works to prepare list of tributaries within South Shore Estuary Preserve). Is there a motion, Legislator Bishop.

MR. BARTON:

(1340) 17, 1 not present. (Not Present: Leg. Crecca)

P.O. TONNA:

1411.

LEG. BISHOP:

Motion to approve.

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

MR. BARTON:
17, 1 not present. (Not Present: Leg. Crecca)

LEG. FOLEY:
Cosponsor.

PROCEDURAL MOTIONS

P.O. TONNA:
Great. Procedural motions. (Procedural Motion 1-Authorizing funding for the Route 110 Redevelopment Corporation).

LEG. BISHOP:
Motion to table.

LEG. POSTAL:
Motion to table.

P.O. TONNA:
Seconded by myself. All in favor? Opposed? Tabled. That's Procedural Motion Number 1.

LEG. GULDI:
Table?

P.O. TONNA:
It's a motion to table.

MR. BARTON:
17, 1 not present.(Not Present: Leg. Crecca)

P.O. TONNA:
Procedural Motion Number 2 (Authorizing retention of consultant to study economic development opportunities for Suffolk county Route 110 Corridor). Legislator Cooper?

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LEG. COOPER:
Motion to table.

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

MR. BARTON:

17, 1 not present. (Not Present: Leg. Crecca)

P.O. TONNA:

Okay. I am -- now we are going to have a 20-minute --

D.P.O. POSTAL:

Twenty-minute?

P.O. TONNA:

Twenty-minute, up --

MS. BURKHARDT:

While We're having the indexes copies.

P.O. TONNA:

What? While we're having the indexes copied. We hear that it's going to take about 20 minutes, so we're going to call a 20-minute break.

[THE MEETING WAS RECESSED AT 9:40 P.M. AND RESUMED AT 10:00 P.M.]

P.O. TONNA:

I'd kindly ask all Legislators to please come to the horseshoe. Let's get this thing done. Okay. All Legislators here? Legislator Caracciolo and Legislator Guldi. All right. Who else is here? Legislator Haley?

MS. BURKHARDT:

I'll get everybody else.

LEG. FISHER:

He's here.

P.O. TONNA:

Why don't you get -- he's here? All right. We are -- finished all the tabled resolutions. We now move on to the Capital Budget. And with regard to the Capital Budget, right now I think there is a motion by myself, seconded by Legislator Postal. Also, on Number 1, you'll see that Legislator Carpenter, for some reason, her name is not on as one of the key cosponsors, and so put it -- put it there. And, also, Legislator D'Andre is a cosponsor.

Okay. So I make a motion to approve, seconded by Legislator Postal. All in favor? Opposed?

LEG. BINDER:

No, no, no, no.

LEG. CARACCIOLO:
Opposed. Opposed.

P.O. TONNA:
Oh, Fred, you want -- Fred did the explanation, I think, right?

LEG. BINDER:
No.

P.O. TONNA:
Fred, did we cut you off in the middle of it?

MR. POLLERT:
Yes, you did.

P.O. TONNA:
Okay.

MR. POLLERT:
But that's okay.

P.O. TONNA:
Sorry.

MR. POLLERT:
What the first resolution does, which is an omnibus resolution, is it reduces for the time period of 2002 through 2004, which is the proposed Capital Program, it reduces serial bonds debt issuance by \$52 million. It increases General Fund transfers by \$37.4 million as a pay-as-you-go policy. It creates a capital reserve funds for pay-as-you-go capital financing.

The County used to have a capital reserve fund years ago. It consolidates funding for land acquisition programs, as well as increases funding in 2002 by \$5 million.

P.O. TONNA:
Great.

MR. POLLERT:
It establishes an initiative that energy conservation projects will be funded with tax exempt funding through the New York State Power Authority. It includes \$5 million for a new capital project for infrastructure improvements in 2002, and it does renovations at the nursing home for expansion of their physical therapy unit for an Alzheimers garden and for expansion of the adult day-care program. And those are the highlights of what's included in the omnibus bill.

P.O. TONNA:
Thank you very much.

LEG. FOLEY:
Question.

P.O. TONNA:
Legislator -- Legislator Binder I saw first, then Legislator Foley. I

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was looking that way. I was looking to my right -- no, my left.

LEG. BINDER:
Fred, you said it's a reduction of \$52 million. And if you'd compare that to the -- is that -- that's compared to last year's, or is that compared to the County Exec's submission?

MR. POLLERT:
That is compared to what the County Executive had proposed in his Capital Program.

LEG. BINDER:
Okay. So this is \$52 million less in what year?

MR. POLLERT:
That would be over the entire life of the program. In 2002, there's a \$7.8 million reduction, 2003, it's 27.6, 2004, it's 16.8.

LEG. BINDER:
Okay. So the operative number really is 7.8, because the others could be changed as we do capital budgets next year, or the next year, or the next year, I mean. So the operative really is you're talking about a 7.8% -- \$7.8 million decrease for this capital budget.

Now, in terms of all this pay-as-you-go stuff I'm looking at as I go through it, is there a cost to the Operating Budget for that?

MR. POLLERT:
The total amount of general fund transfers would be \$15.592 million in 2002.

LEG. BINDER:
15.5 -- so almost \$16 million increase in property taxes, basically.

LEG. POSTAL:
No.

LEG. CRECCA:
That's not true.

LEG. BINDER:
Is that -- let me -- I'll ask him.

LEG. CRECCA:

You're right. I'm sorry. I'm sorry.

LEG. BINDER:

If it's not true, I'm sure Budget Review will correct me.

LEG. CARPENTER:

Yep.

LEG. BINDER:

So is that -- does that mean \$15.6 million increased in property taxes that we have to absorb next year in the budget?

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MR. POLLERT:

No, it does not.

LEG. BINDER:

Okay

MR. POLLERT:

In part because we are currently funding the Pay-As-You-Go Program with approximately \$10 million worth of General Fund transfers this year. So the net increase from 2001, where the \$10 million is already in the base, to 2002 is a net increase of \$13.6 million. In addition to that, the --

LEG. BINDER:

So -- let's stop there. So we'll get to the addition in a second. So what you're saying is for next year, there's an increase, Operational Budget increase that we have to deal with of \$13.6 million from the omnibus?

MR. POLLERT:

No. There's a net difference of \$3.6 million between what we have in the budget this year and what will be required next year.

LEG. BINDER:

But if we don't do this, we would have that ten million.

MR. POLLERT:

If you do not do this, you would not have to include \$13 million in pay-as-you-go, but you would also not be able to fund many of the projects, because the County Executive had proposed funding them with bonds, but they do not meet the 5-25-5 requirements of the local law. So a number of the projects that are included with bond proceeds by the County Executive cannot be funded with the bond proceeds.

LEG. BINDER:

And about what does that come to, about how much?

MR. POLLERT:

That would definitely deal with all the equipment. We didn't break it out that way, but I would imagine probably -- probably most of it would not be able to be funded with the bond proceeds.

LEG. BINDER:

Most of the equipment.

MR. POLLERT:

One hundred of the equipment would not be able to. But in addition to that, there is a number of projects that would be considered to be recurring projects, which could also not be funded under the 5-25-5. So with respect to the first item, 1109, there is a component of equipment of about \$235,000 -- whoops. \$716,000, which would not be able to be funded in 2002, because it's equipment purchases. So even though it's included in the proposed Capital Program with serial bonds, because it does not meet the requirements of 5-25-5, the project could not progress unless you had a General Fund transfer.

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LEG. BINDER:

I guess I'm curious from the County Exec's point of view. I don't know if you want to come up, Ken, because I'm curious what your view is, because that's a concern, that we would get a Capital Budget that would have a lot of stuff in it that didn't meet the criteria. So maybe you can help me out with that.

MR. WEISS:

My concern is, and I think I had similar concerns last year -- first of all, the model that we are working on to try and come up with a budget with a slight General Fund tax increase has us only using \$5 million of the -- of this year's 5-25-5 and has us only using \$2 1/2 million next year. So I don't know where the money's going to come from to fund these pay-as-you-go projects. I think pay-as-you-go is a good concept. Unless the Legislature is considering a large tax increase, I don't know how they're going to fund it.

LEG. BINDER:

But are you taking issue with the -- whether these equipment requests or the things that you include in equipment meet 5-25-5? Or I'm not sure --

MR. WEISS:

Yes, on some of them I am. There's some very large equipment

purchases, which I think clearly are within the 5-25-5. And as you may or may not recall, we have a bill in there to change the Charter on 5-25-5. We also have a committee that's going to start meeting tomorrow to discuss long-term financial planning, but --

LEG. BINDER:

Well, then your feeling for -- let me then get a combination of -- your concern on 5-25-5, wanting to change it and putting them in here is basically -- I guess I'll throw it at you and tell me if this is accurate, that your feeling is, and I guess I've also read it in comments, maybe yours and others, that in times where you don't have cash flow, or you're looking at deficits and you don't have the money or the revenues coming in at the time when you increase bonding some, and then when you get the cash flow, then you decrease, as we've done over the years, increase your debt service. And so your look -- the way look at it, I assume, is that you don't -- you didn't want to put \$13 1/2 million into next year into -- into property taxes.

MR. WEISS:

Based on what I've seen of the budget request, and based on the estimate which includes the new quarter cent sales tax that we have, I don't see how it's possible to have that kind of money in that pay-as-you-go or in a capital reserve fund. So to adopt a Capital Budget which anticipates a General Fund transfer of like 15, \$16 million, I think you're just creating a document that you won't be able to fulfill.

LEG. BINDER:

What do you think about the 10 million that we have in the -- at this point?

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MR. WEISS:

Well, when we realized that we had a structural problem going into 2002, one of the things that I anticipated in order to meet the -- to get the General Fund tax increase down to a reasonable level was to have to reduce 5-25-5 to \$5 million in 2001, and to keep it around \$2 1/2 million for 2002. When we submitted the Capital Budget, we put \$2 1/2 million, and we intended to, when we submitted the Operating Budget, you know, fund \$2 1/2 million. So to come up with another --

LEG. BINDER:

So it's not \$3 million, it's more like about 8 to 10 -- well, let's say it's almost about \$10 million.

MR. WEISS:

Well, what Fred said is \$3 million than what's in this year, but in my model, I had anticipated reducing it next year to 2 1/2 . So the numbers just don't work.

LEG. BINDER:

Okay. Well, thank you. I guess my real concern with this has to do with the Operating Budget and the pressure there's going to be on taxes next year. So I guess I'll be listening for -- there'll be a lot more speakers and maybe I can get a lot more information as I listen to debate.

P.O. TONNA:

Yeah. I just want to ask, Legislator Binder, I'm with you to -- are you suggesting, then, we should capitalize operating expenses? Because, actually, that's more expensive.

LEG. BINDER:

Well, it's more expensive over the long haul, but some -- and, by the way, you say "operating expenses." I don't -- I think --

P.O. TONNA:

Well, 5-25-5, that's a law that we passed.

LEG. BINDER:

Well, Operating -- 5-25-5 is now what we're calling operating expenses, when we've been in a cash flow, very positive cash flow situation over the years. So we've been able to define operating as 5-25-5. We may be in a different situation where we're looking at deficits and reduced cash flow, that we redefine what operating means for the time being, so that we can fit more things into bonding, so we can take pressure off the taxpayer for the short term, and then -- and then as more revenue comes in, again, move towards things like 5-25-5 and reducing the number of things that we would consider capitalized-type projects. So that's a concern of mine.

P.O. TONNA:

But what you're saying is then change the statute, right, of 5-25-5?

LEG. BINDER:

Well, actually, the County --

P.O. TONNA:

That's the only way, because right now --

LEG. BINDER:

Right. Actually, the County Executive is saying that.

P.O. TONNA:

Right.

LEG. BINDER:

And so he -- in what he formed, and so I -- and I have a concern, I guess, and especially with what's been going on, I have a concern in terms of the revenues coming in, and in terms of hitting the taxpayer. Sometimes it is better to bond when you have a constraint period, which seems, by the way, for a short time. I mean, looking at the stock market, it's starting to come back, the interest rates went lower. You know, the hope is that that's a nine-month cycle. It normally is with the fed, when the interest rates go down, they brought it down a basis point, then you're looking at maybe a nine-month lag, maybe ten. So maybe we're looking at more -- a better economy again, and it was a short -- a short trough, and so then we, again, move back into trying to define more things as capitalized rather than operating type. And that's -- that's what I want to listen for in debate.

P.O. TONNA:

Right.

LEG. BINDER:

Because I want to make that decision as to whether --

P.O. TONNA:

Kenny.

LEG. BINDER:

-- this is where I want to go.

P.O. TONNA:

Where's Kenny? Oh, there you are. Good. I can't see at all. I thought you disappeared. Kenny, when you -- when you came up with your budget model and decided that you would next year go to the 2.5 million, wasn't that without any anticipation of an increase in the sales tax; am I correct?

MR. WEISS:

No, that's with the increase of the sales tax.

P.O. TONNA:

So you were -- you were estimating that we would have in June the increase of the sales tax and -- I mean, in other words, from the time that you've done those budget calculations and today, you would basically say it's the same calculation?

MR. WEISS:

No. You know, the calculation has been updated. When we got the sales tax, we updated the model. And plugging in the sales tax, which over

a two-year basis was \$80 million, but, remember, we were starting with a \$140 million problem on my model.

P.O. TONNA:
Right.

MR. WEISS:
So to get -- to see how I could get down to a less than 5% tax increase in the General Fund, I looked at everything we could do and we reduced 5-25-5. That was before I even saw the Social Services budget request, which I think I mentioned it to you, it's like a \$37 million net County increase.

P.O. TONNA:
Right.

MR. WEISS:
So --

P.O. TONNA:
For 2002.

MR. WEISS:
So the 2002 budget is going to be a very difficult budget. And what I'm just suggesting, that while pay-as-you-go is a very good concept, you know, if you had to add -- you know, if we send a budget over, you know, with \$2 2/1 million and you had to add \$12 1/2 million, you know, you're talking about that in itself is a 25% tax increase in the General Fund.

P.O. TONNA:
Fred, I think Kenny has been pretty good in trying to lay out, you know -- I mean, from a policy standpoint, it seems like the County Executive is saying, at these times, we would much rather to increase our indebtedness from a capital standpoint than have it flow to operating expenses; am I right? That's really the philosophical, you know --

MR. WEISS:
What we're saying is that pay-as-you-go, when you have the funds to do it and you have the availability, you should do it, but you should have the flexibility. You know, there's going to be those years when the economy is in a, you know, bit of a problem, as it is right now, where you need the flexibility. If you're going to continue to do large road resurfacing projects, \$4 million a year, you know, you just may not be able to do it. So today your decision gets to be do you want to forego doing the project at all, or do you want to bond it, if it's a necessary project and it has to be done.

P.O. TONNA:

Right.

LEG. HALEY:
Mr. Chairman.

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P.O. TONNA:
All right. Just -- okay. I just want -- I wanted Fred to respond to that. Go ahead, Marty.

LEG. HALEY:
And that's especially in consideration that we happen to be overly dependent on sales tax revenue. So I think from a policy perspective, that makes a lot of sense.

P.O. TONNA:
Okay. Thank you. Fred?

MR. POLLERT:
One of the difficulties is that the current 5-25-5 law does not afford the County much flexibility. We were in contact with Tom Rothman, who's our bond counsel. The proposed use of serial bonds for equipment would require an act of the State Legislature to increase the period of probable useful life beyond five years, because the 5-25-5 law, as we detailed in our report this year, says that the life of the equipment has to be five years, or has to be greater than five years. There is nothing in local finance law with respect to equipment that allows bonding for equipment that has a life of more than five years. So, for instance, when we discussed this topic with Mr. Rothman, he indicated that the only reason we were able to bond the CJIS computer system is because we had an act of the State Legislature.

So, again, going back to the first capital project of \$715,000 for equipment, you could bond that, but it would require an act of the State Legislature to increase the period of probable useful life greater than five years. Likewise, the proposed changes to the 5-25-5 law, which has been proposed by the County Executive, do not take into account those types of changes. It deals with the highway resurfacing funds and it deals with the dredging funds, but it doesn't deal with all the equipment funds, which even if you left in the Capital Program with the serial bond purchases, you can never consummate, because you can't float a bond issue for them.

P.O. TONNA:
So, basically, what we have here from -- as best I can understand it,

a philosophical debate where, from a pragmatic standpoint, you're saying, in lean times, let's utilize the Capital Program to do some of this stuff, and have Budget Review saying we have a law on the books that says we can't do that in certain -- in certain areas, specifically equipment, and that although whatever you want to say philosophically in how you want to work it out, the fact is, is that we have a law that this Legislature put into place that we were very comfortable, you know, with for many years, and that we're not -- we don't have the leeway to do that.

MR. WEISS:

All of a sudden, there seems to be a reinterpretation of this law.

P.O. TONNA:

That's what I want to hear. I want you to --

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MR. WEISS:

There were things that --

P.O. TONNA:

You know, tell us what you really think, Kenny.

MR. WEISS:

I usually do.

P.O. TONNA:

Yeah, okay.

MR. WEISS:

There were things that we bonded in the past. I mean, we're talking about a bus, a prisoner transport bus, \$105,000, we've bonded them in the past. We've bonded bus --

P.O. TONNA:

During the 5-25-5, while that was in effect?

MR. WEISS:

I think. I'm trying to get -- I'm trying to look at Local Finance Law, but I believe it has a ten-year life. But there's certain types of equipment that you can't bond, that's true, that has less than a five-year life, and that's why we said we could put \$2 1/2 million in the budget. But the road resurfacing, they recategorized road resurfacing and made it pay-as-you-go. Now, clearly, road resurfacing is eligible to be bonded under Local Finance Law, and with the change that we had recommended, it's eligible to be bonded under the 5-25 -- I'm not even sure if that's under 5-25. I think that's under a section

-- a different section of the Charter.

P.O. TONNA:

Fred. Wait. Just let's -- we'll get Legal Counsel, because --

MR. POLLERT:

It's under 5-25-5. Part of the reason that we had recommended the change to the General Fund transfer is obviously that has not been adopted by the Legislature. So, at this point in time, with the --

P.O. TONNA:

Right.

MR. POLLERT:

-- legislation, you can't fund it with bonds.

P.O. TONNA:

Yeah. I don't care what somebody proposes, that doesn't mean we act on something that's proposed we haven't voted on it. Maybe, Legal Counsel, do you want to kick in anything? I see you shaking your head one way or the other.

MR. SABATINO:

No. The reason 5-25-5 was put in the Charter was to make it something that wasn't going to be changeable from day to day to week to week. The idea was to impose discipline, so that's why it's in the County

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Charter. I mean, it wasn't like it happened there by accident. The idea in 1994, when the legislation was proposed, to establish a rigid program of fiscal discipline to carry over from year to year to year.

P.O. TONNA:

Which has served us pretty well with the rating agencies, right?

MR. POLLERT:

Yes.

P.O. TONNA:

I mean, it's been a -- it's been a net gain with the rating --

MR. POLLERT:

The pay-as-you-go policy -- yes. The pay-as-you-go policy is one of the ten best practices, according to Fitch, that they look for in a municipality, that they have a Pay-As-You-Go Program. We agree with Ken Weiss, that it is going to be a difficult year next year. It's not going to be easy to fund all the items the departments have requested in the budget request.

P.O. TONNA:
Plus, maybe an AME contract increase and other things, right?

MR. POLLERT:
That is correct.

P.O. TONNA:
Okay. Oh, wait, there was --

LEG. ALDEN:
Yes.

P.O. TONNA:
There was a list. Legislator Alden is next. Sorry.

LEG. BISHOP:
What do you hope to find in that book?

LEG. ALDEN:
Fred.

MR. WEISS:
That the life -- I'll give you an example. It says an ambulance, ten-year life. Now, an ambulance with ten-year life? So --

LEG. BISHOP:
The point is what?

MR. WEISS:
The point is that if equipment has more than a five-year life, it's eligible to be bonded under 5-25-5, it's eligible to be bonded under New York State Finance Law. So why are we going to put it in a budget and then never be able to do it?

LEG. ALDEN:
Fred.

LEG. BISHOP:
You buy it every year, is that it?

MR. POLLERT:
What we had done is we agree that there is -- an ambulance can be bonded for ten years. The Local Finance Law specifies the terms of probable useful life for just about everything that you could imagine.

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We did not serialize the cost of an ambulance. If the County was going to buy it, clearly, you could bond it, because it's got a ten-year life. Passenger cars have got three years. So what we had done is we had gone to Local Finance Law, we had consulted with Tom Rothman, and we had come up with a list of items which we felt needed to be funded with General Fund transfers under the current 5-25-5 law. If the Legislature wishes to change the law, clearly, you can change those items which we have included that should be funded with General Fund transfers.

LEG. BISHOP:
Can I?

P.O. TONNA:
No. Legislator Alden, then yourself, Legislator Bishop.

LEG. CARACCIOLO:
Whoa, whoa, whoa.

P.O. TONNA:
Sorry. No, I'm sorry. Legislator Caracciolo, then you Legislator Bishop.

LEG. BISHOP:
Oh, gees. All right.

LEG. ALDEN:
Fred.

LEG. BISHOP:
See you in an hour.

LEG. ALDEN:
Fred, the trend in Suffolk County has been, as far as the amount of debt that we've approved, that's been on the increase. And as far as our amount of debt service, that's been on the increase. Under this proposal, does that change that trend, or does that -- or does that trend stay intact?

MR. POLLERT:
The proposed Capital Program would reduce the trend, obviously, because it is proposing to reduce the amount of serial bond issues over the three years of the Capital Program by \$52 million. In the short term, there is so much bonds in the pipeline that has already been previously approved by the Legislature that the County Comptroller can issue at any time, that in the short term, there's

nothing that you can do to prevent debt service from tracking up over the next year to two. The reason for that is there's \$200 million worth of debt that has previously been authorized by the Legislature, and those \$200 million will be issued by the Comptroller over the next several years that will continue to put pressure on our annual debt service costs. But this will, because it reduces by \$52 million the amount of serial bonds, will reduce the long-term debt service cost rather significantly.

LEG. ALDEN:

But -- well, you had mentioned there's nothing we can do as far as to reduce that trend. There is something we can do.

MR. POLLERT:

Well, you can reduce the trend. That's part of what the omnibus bill does. There's nothing that you can do in the short term, even if you decided for the remainder of the year to appropriate no additional capital funds and not to appropriate any additional funds next year. There's so much debt in the pipeline, that in the short term, there will be an increase in debt service cost. The County Comptroller is going to be issuing approximately \$50 million worth of serial bonds in the next week or two weeks. That's the spring borrowing. There will be another fall borrowing to meet the cash flow needs of projects which are already underway. That will probably be somewhere in the neighborhood of another 30 to \$50 million. Even if you do nothing else, that's already debt that's in the pipeline.

LEG. ALDEN:

Where does the courthouse fall on here? That isn't on this.

MR. POLLERT:

There are actually two courthouse projects. One courthouse project is for the construction of courtrooms in Riverhead. That's funded in 2003. There is another Capital Project, which was included in last years Capital Program, for construction of courtrooms at Cohalan Court Complex. The County Executive did not include funding for that capital project.

LEG. ALDEN:

How about the Jail?

MR. POLLERT:

The Jail is included I believe in subsequent years.

LEG. ALDEN:

After 2003?

MR. POLLERT:

Yes.

LEG. ALDEN:

But now those are -- now how about the rebuild of the County Center in Riverhead?

MR. POLLERT:

The County Center is also included in 2003. Those three capital

projects are extremely expensive capital projects, which will, in effect, drive what's going on in the Capital Program. Between the Riverhead County Center at about \$19 million, the courts in Riverhead at about \$25 million, they were expensive capital projects, which, even if you attempt to reduce bonding for smaller projects, those two projects will continue to drive your debt service costs for the next few years.

LEG. ALDEN:

So we're loaded up with stuff in the pipeline. This actually reverses the trend a little bit, but it's going to increase the debt and the debt service at a slightly less rate than it's been going up.

MR. POLLERT:

Right.

LEG. ALDEN:

And we have three major projects coming up within -- just outside of this plan that are major type of expenses policy, is that what --

MR. POLLERT:

Two are included in the plan, one is included in subsequent years.

LEG. ALDEN:

But those are multi-year -- those are multi-year projects, then.

MR. POLLERT:

They're multi-year projects, but prior to the County undertaking the project, the entire bond authorization will have to be made at one time. So even though you may not need \$20 million of cash for the renovation for the County Center on day one, the County Legislature authorizes the full \$20 million, so that the project can progress without requiring subsequent Legislative actions. So they don't want to just have enough cash to do the HVAC and then come back to do the electric, so the entire bond authorization is made for the entire project.

LEG. ALDEN:

And I'm sorry just to repeat, but what was the increase for next year and the year after?

MR. POLLERT:

For 2002, the County Executive is proposing \$71.4 million worth of serial bond issues. That increases dramatically in 2003 to \$125 million dollars. It drops in 2004 to \$105 million, and then increases in subsequent years to \$112 million.

LEG. ALDEN:
Thanks, Fred.

LEG. CARACCIOLO:
Mr. Chairman.

P.O. TONNA:
Legislator Caracciolo.

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LEG. FOLEY:
Paul, put me on.

LEG. CARACCIOLO:
Fred, I have a number of questions, but I'd like to pick up where Legislator Alden kind of left off. And let's speak to the issue of those three major capital project, programs and projects that have really been in the pipeline for how many years, when we talk about the renovations to the Southampton County Center complex? Jackie gives me a smile, being a Southampton resident, because that's really where it's located. If you talk about the other two major capital project proposals, it's my recollection that when I arrived here in 1990, the Riverhead or the Southampton County Complex was slated for renovation. It's been in the program ever since. And if one were to look back ten years ago, what were the deferral of those projects? What have they actually added in terms of project costs, since we have deferred them now for a full decade?

MR. POLLERT:
Clearly, there have been large inflationary pressures in a few areas, but the projects have also changed in scope dramatically from what they were originally anticipated. The first project for the County Center in Southampton was to replace both the escalator, as well as to do energy improvements. The amount of energy improvements, which are now going to take place, are substantially different than what was originally proposed. So it's not fair to compare what the cost was back then, if it had taken place, versus now, because we're going to be replacing the windows with thermopane windows, as opposed to just doing things like the coating of the windows, which was originally anticipated.

LEG. CARACCIOLO:
That's a fair point, but at the same time, the fact that you've deferred making any improvements, particularly to the energy and efficiency of the buildings, has cost -- has resulted in excessive operating costs to those buildings.

MR. POLLERT:

Yes, it has.

LEG. CARACCIOLO:

As fuel costs go up where we're approaching \$2 a gallon of gasoline, and higher fuel oil prices, it's just not wise to defer these projects indefinitely, because we're trying to reach some artificial goal that ostensibly is going to save \$7.8 million. I would -- I would argue that by the end -- at this time next year, when one looks back at the experience of the budget for 2002 that allegedly would be reduced by \$7.8 million, it probably will exceed that.

But we go through this annual exercise for reasons that are still unbeknown to me, except I know years ago, Legislators engaged in it because they wanted to be able to come out, when Rick Brand used to sit in the audience and now he has some successors, and they would print the story the next day that the Legislature cut the County Executive's Capital Program by "X" amount of dollars. But if anybody followed the story, when the County Executive takes his swipe at this

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Legislative action, he will restore a number of these alleged cuts. And I would submit that, probably, the 26th of this month, when we take up veto -- line item vetoes to this Capital Program and Budget, the final result will be a lot less than \$7.8 million. But that just speaks to the exercise that we get into.

Mr. Weiss, how many square feet of county-owned property -- well, let me just be a little bit more overwhelming for you; okay? Does anyone have an idea of how much County real estate -- the fair market value of County-owned real estate equipment, vehicles, etcetera, would be? I mean, we're talking into the billions of dollars.

P.O. TONNA:

You're talking about total assets?

LEG. CARACCIOLO:

Total assets.

MR. WEISS:

Actually --

P.O. TONNA:

Come on, let's get it, total assets.

MR. WEISS:

We're going to have to know that --

P.O. TONNA:

You want to be a millionaire?

MR. WEISS:

-- by next year. Based on GASB 34, we're going to have that as part of our balance sheets.

LEG. CARACCIOLO:

Do we have any preliminary estimates?

MR. WEISS:

No. But we're going to be hiring a -- we're doing an RFP now to hire a firm to go out and do a complete appraisal of everything.

LEG. CARACCIOLO:

Would it be fair to say it would be into the billions of dollars?
Would that be an understatement?

MR. WEISS:

Oh, I'm sure, I'm sure it is.

LEG. CARACCIOLO:

Okay. And that leads me to my next point, that if you have billions of dollars of assets, like any business or any homeowner, you have to maintain those assets, and this is what this program is about, it's about maintaining those assets. And if you don't maintain them today, you're going to maintain them tomorrow at a higher cost, and I don't see where there's a cost benefit to taxpayers in doing that. I'm not going to argue with the benefits of pay-as-you-go, I think that speaks

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for itself and that's a good initiative, but there's a lot of other amendments in this omnibus resolution that I -- the reason why I can't support it, and I could enumerate them, but I don't want to -- that's not necessary, it doesn't serve any useful purpose. But the fact of the matter is you really, at the end of the day, have to balance the needs of the taxpayer, the employees and the personnel that work for the County. And I'm not sure that by a slight reduction of \$7.8 million, which, as Legislator Binder pointed out, is going to result in shifting the cost over to the Operating Budget next year, that when all is said and done and you do a final analysis, that it really amounts to a whole lot of money.

Fred, a final point. The \$7.8 million, by removing it, typical rule of thumb with debt service is that you bond it out over a long period of time, it, what, doubles in cost, it would be a little bit less than double in cost?

MR. POLLERT:

Generally, with the bond issuance expenses and everything else, we assume that it increases the cost by about -- for every dollar that you borrow, you have to pay back roughly \$1.70.

LEG. CARACCIOLO:

Okay. So if you just calculate quickly for me and then divide that by the amount of taxpayers or taxing parcels in Suffolk County, what are we really talking about cost? If this \$7.8 million remained in this omnibus, what is the real cost to taxpayers?

P.O. TONNA:

Fred, you're going to have to calculate the wind, the velocity.

MR. POLLERT:

Assuming a 20-year bond issue, you're looking at a little more than \$1 per year.

LEG. CARACCIOLO:

Thank you. Mr. Chairman.

P.O. TONNA:

Okay. Thank you very much. Okay.

LEG. FOLEY:

Paul.

P.O. TONNA:

Yes, Legislator Foley.

LEG. FOLEY:

Fred, I noticed the different preservation programs, including the Farmland Preservation, have been bundled into the same multifaceted preservation program under the omnibus; is that not correct?

MR. POLLERT:

Yes.

LEG. FOLEY:

Okay. Some have made a suggestion that, you know, this would be the end of let's say particularly Farmland Preservation. If we intend to still -- many of us still want to go forward with that. How would that work under the multifaceted land preservation program?

MR. POLLERT:

What multifaceted acquisition does is it takes the individual projects and it consolidates the amount of funding for land acquisitions. In addition to that, it increases the amount of land acquisitions by \$5 million. Part of the reason that there's only a \$7 million reduction is that there were two projects which increased substantially in cost in 2002. One was inclusion of a new project of \$5 million to maintain the County's infrastructure, and then the second project was this consolidated land project, which now includes total funding of \$13 million, which is \$5 million more than the projects that were consolidated.

LEG. FOLEY:

So, through the Chair, would it not be accurate to say that we're -- that this resolution eliminates the Farmland Preservation Program?

MR. POLLERT:

The funding for the Farmland Acquisition Program of \$2 million a year was consolidated into this large umbrella project, but then the total funding was increased by \$5 million.

P.O. TONNA:

Right.

LEG. FOLEY:

Okay. Thank you.

P.O. TONNA:

So your statement is correct, Legislator Foley.

LEG. FOLEY:

Right.

LEG. CARACCIOLO:

I have a question --

LEG. FOLEY:

Yeah, sure.

LEG. CARACCIOLO:

-- if Legislator Foley would --

LEG. FOLEY:

Please.

LEG. CARACCIOLO:

For point of clarification.

LEG. FOLEY:

That's why I raised the question.

LEG. CARACCIOLO:

Right. Does the multifaceted program specify breakdown by category, or earmarked by category, how much money will be spent for farmland preservation?

MR. POLLERT:

No, it does not.

LEG. CARACCIOLO:

Thank you.

LEG. FOLEY:

So it can be above or below or however.

LEG. CARACCIOLO:

Or zero.

LEG. FOLEY:

Well, I don't think it will be zero.

LEG. D'ANDRE:

Moving right along.

P.O. TONNA:

Okay. All right. Roll call.

(Roll Called by Mr. Barton)

LEG. TONNA:

Yes.

LEG. POSTAL:

Yes.

LEG. CRECCA:

Call Legislators to the horseshoe.

P.O. TONNA:

Yeah. All Legislators, please come to the horseshoe.

(Roll Call Continued by Mr. Barton)

LEG. COOPER:

Yes.

LEG. BINDER:

(Not Present)

P.O. TONNA:

Wait.

LEG. BISHOP:
(Not Present)

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P.O. TONNA:
It was a no anyway.

LEG. D'ANDRE:
Yes.

LEG. BISHOP:
Yes.

LEG. CRECCA:
Yes.

LEG. CARPENTER:
Yes.

LEG. ALDEN:
No.

LEG. FIELDS:
Yes.

LEG. LINDSAY:
Yes.

LEG. FOLEY:
Yes.

LEG. HALEY:
Yes.

LEG. FISHER:
Yes.

LEG. CARACAPPA:
Yes.

LEG. TOWLE:
Yes.

LEG. GULDI:
No.

LEG. CARACCILO:
No.

LEG. BINDER:
No.

MR. BARTON:
14.

P.O. TONNA:
Thank you very much. Let's go right to the stand-alone resolutions.

LEG. COOPER:
If I could, I'd like to make a --

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P.O. TONNA:
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LEG. COOPER:
-- motion to --

P.O. TONNA:
No. We're in the Capital Budget. When we finish the Capital Budget.

LEG. COOPER:
Okay.

P.O. TONNA:
You already had your motions.

LEG. COOPER:
Okay.

P.O. TONNA:
All right. Here we go. Number 2 (Add \$250,000, 2002 for microfilm equipment for archives, pay-as-you-go project). Is there a motion, Legislator Towle?

LEG. TOWLE:
Yeah, motion to approve.

P.O. TONNA:
Motion to approve. Is there a second?

LEG. GULDI:
I'll give him a second.

P.O. TONNA:

Give him a second. And now just each --

LEG. GULDI:

Explanation.

P.O. TONNA:

Each thing here is a direct add, right, to the program?

MR. POLLERT:

That is correct. And there are only three conflicts. The conflicts is Number 3 and 4 conflict with one another, and Number 25 conflicts with the omnibus.

P.O. TONNA:

Three and four?

MR. POLLERT:

Conflict with one another.

P.O. TONNA:

Okay, they're at odds with each other. Sounds like some Legislators.

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MR. POLLERT:

And Number 25 conflicts with the omnibus.

P.O. TONNA:

25 is out.

LEG. CRECCA:

Mr. Chairman, if I can just ask Fred. Fred, do you know the total cost of these added amendments or you don't?

MR. POLLERT:

Yes. The cost in 2002 in bonds would be \$9.7 million. The additional cost in General Fund transfers will be \$2.3 million. In 2003, the cost of the stand-alones would be \$6 million in serial bonds. In 2004, the cost would be \$2.8 million, for a total cost in 2002 to 2004 of \$18.5 million in serial bonds, and \$2.2 million in General Fund transfers.

LEG. CRECCA:

I'm just -- I'm sorry. The 2002 figure for General Fund?

MR. POLLERT:

With be an additional \$2.3 million.

LEG. CRECCA:
Does that mean in debt service?

MR. POLLERT:
No. That would mean that the General Fund transfers that --

LEG. CRECCA:
Oh.

MR. POLLERT:
That was previously discussed would increase by another 2.3 million.

LEG. CRECCA:
I got you. Thanks.

MS. BURKHARDT:
Paul. Paul, recognize Legislator Fields.

P.O. TONNA:
Yes, Legislator Fields, I recognize you.

LEG. FIELDS:
Fred.

LEG. CRECCA:
I recognize her, too, she looks familiar.

LEG. FIELDS:
Number 14. Is Number 14 redundant? Didn't we just vote on that? Was that part of the --

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MR. POLLERT:
Yes, you are correct.

LEG. FIELDS:
So we can wipe that one out?

MR. POLLERT:
Yes, Number 14 can also be deleted.

LEG. TOWLE:
Mr. Chairman. Mr. Chairman.

MR. POLLERT:

Or you could add another \$4 million, but I don't think that was the Legislative intent.

LEG. TOWLE:

Mr. Chairman.

P.O. TONNA:

Yes.

LEG. TOWLE:

Over this way, to your right.

P.O. TONNA:

Yes, to my right. Yeah. Just a motion and a second on that. I just wanted to ask Fred Pollert a question, if I could. Fred, on the microfilming of County records at the archive facility in Westhampton, which is near capacity, if not at capacity at this point, some of those -- some of those -- some of those records that are microfilmed are permanent records that we could also seek reimbursement from State agencies, whether they're social service records or health records, and, in some instances, court records. I was curious, what's the reimbursement rate for some of that work?

MR. POLLERT:

That's difficult to assess. I am not sure how much more social services work we would be addressing with this equipment. What the intent of the equipment is, is to take the pressure off the current records center, which is at near capacity. There's a capital project to continue to deck over the mezzanine area to increase capacity, but that's a temporary measure. At this point in time, we're going to be exceeding the capacity of the building. What this equipment would do would also be to replace the old -- whoops. Would be to replace the old rotary and planetary cameras that the County Clerk's Office has, which is what he uses to do the bulk of his work.

LEG. TOWLE:

Right. I was curious, though, that if we focused on the bulk of the records that are in the facility in Westhampton, much of which are Health Department and Social Service records, much of which are 15, 20 years, or permanent records that need to be maintained, we could apply for reimbursements in microfilming those records.

MR. POLLERT:

Yes, and, in fact, we do do that. General rule of thumb, the

reimbursement in the Health Department is about 40%, and, generally, the reimbursement to the Department of Social Services is roughly 80%. The bulk of the reimbursement, though, deals with the manpower. The equipment is a relatively small component.

LEG. TOWLE:

Yeah. So, basically, if you were able to make this expenditure on the equipment, we, obviously, have an opportunity to seek some reimbursements --

MR. POLLERT:

That's correct.

LEG. TOWLE:

-- after the fact. Okay.

LEG. FIELDS:

Henry, could you ask -- add me as a cosponsor to Number 1, please?

MR. BARTON:

Yes.

LEG. CRECCA:

Henry, add me as a cosponsor to Number 2.

P.O. TONNA:

Okay. There you go, there's bridge-building. Okay. So we have a motion and a second on Number 2. Could we just please have a vote now? All in favor? Opposed? Let's roll call. Roll call.

(Roll Called by Mr. Barton)

LEG. TOWLE:

Yes.

LEG. GULDI:

Yes.

LEG. COOPER:

Yes.

LEG. BINDER:

No.

LEG. BISHOP:

No.

LEG. D'ANDRE:

Yes.

LEG. CARACAPPA:

Yes.

LEG. CARPENTER:
Yes.

LEG. ALDEN:
No.

LEG. FIELDS:
No.

LEG. LINDSAY:
No.

LEG. FOLEY:
To approve Number 2?

MR. BARTON:
Yes.

LEG. FOLEY:
Yes.

LEG. HALEY:
Yes.

LEG. FISHER:
Yes.

LEG. CARACAPPA:
Pass.

LEG. CARACCIOLO:
No.

LEG. POSTAL:
No.

LEG. TONNA:
No.

LEG. CARACAPPA:
For my man Freddy, yeah.

P.O. TONNA:
What do we got?

MR. BARTON:
Ten.

P.O. TONNA:

Ten, whoa. Freddy, I'll tell you, I don't know how you do it, but you do it, Freddy.

All right. Number 3 and 4 are at conflict with each other and they're both sponsored by Legislator Caracciolo. So which one do you want to see?

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LEG. CARACCIOLO:

Number 3.

P.O. TONNA:

Okay. So -- okay. Number 3 (Add \$45,000, 2002 for planning \$450,000 2003 to demolish old Cooperative Extension Building and construct parking).

LEG. CARACCIOLO:

Let me explain.

P.O. TONNA:

That's okay.

LEG. CARACCIOLO:

You have to let me explain why we have to prepare the site.

P.O. TONNA:

Please.

LEG. CARACCIOLO:

Once you take down -- I mean, demolish the building --

P.O. TONNA:

Okay.

LEG. CARACCIOLO:

Because we need the area for parking for the new court complex.

P.O. TONNA:

Okay.

LEG. CARACCIOLO:

So this is part of a long-term capital project --

LEG. BISHOP:

Why wasn't it in omnibus?

LEG. CARACCIOLO:

-- that the County made a commitment to undertake in 2003. If you don't start the work now, you won't have the parking facilities for the people that will -- including the attorneys, that will be going to the new courts.

P.O. TONNA:

Including the attorneys. Including those attorneys. Oh, gosh, that just kills it for me.

LEG. TOWLE:

Let them take the bus.

P.O. TONNA:

The last group I want parking. I want them to take public transportation, if you ask me.

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LEG. CARACCIOLO:

Whatever.

LEG. GULDI:

Change it to add public transportation.

P.O. TONNA:

Okay. I'll put the bus. I'll put a bus bill in.

LEG. FOLEY:

We already did. We enhanced bus service on the --

P.O. TONNA:

Attorneys to the back of the --

LEG. FOLEY:

S92 on the East End, so that's been taken care of.

P.O. TONNA:

Attorneys sit in the back. Anyway --

LEG. CARACCIOLO:

A shuttle bus from Cohalan, good idea.

P.O. TONNA:

Yeah, there you go. Okay. That would be great, and they can sue each other on the way. Anyway, here we go. We have 3 --

LEG. BISHOP:
Take it up with the Transportation --

P.O. TONNA:
Yeah, yeah. Don't forget to -- please, could I play there? Please,
please. All right. All in favor? Opposed, for Number 3?

MR. BARTON:
Who's the second?

P.O. TONNA:
Wait. Who is the second? Who is the second?

LEG. GULDI:
I'll give him a second.

P.O. TONNA:
Okay, second. Roll call.

(Roll Called by Mr. Barton)

LEG. CARACCIOLO:
Yes.

LEG. GULDI:
Yes.

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LEG. COOPER:
Pass.

LEG. BINDER:
No.

LEG. BISHOP:
No.

LEG. D'ANDRE:
No.

LEG. CRECCA:
No.

LEG. CARPENTER:
No.

LEG. ALDEN:
Nope.

LEG. FIELDS:
No.

LEG. LINDSAY:
No.

LEG. FOLEY:
No.

LEG. HALEY:
Almost Sheriff to almost Sheriff, yes.

MR. BARTON:
Legislator Fisher.

LEG. TOWLE:
Between the two of you, you couldn't get arrested.

P.O. TONNA:
That's the next group that I want to be able to take on a bus. What did he say?

LEG. BISHOP:
Between the two of you, you couldn't get arrested.

LEG. GULDI:
Yeah, Freddy, but you could.

(Roll Call Continued by Mr. Barton).

LEG. FISHER:
No.

LEG. CARACAPPA:
No.

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LEG. TOWLE:
No.

LEG. POSTAL:
No.

LEG. TOWLE:

Glad mine was first.

P.O. TONNA:
No.

LEG. COOPER:
No.

P.O. TONNA:
Okay.

MR. BARTON:
Three.

P.O. TONNA:
There we go. Okay. Number 4 (Add \$40,000, 2002 to assess benefit of renovating or demolishing old Cooperative Extension Building Riverhead).

LEG. CARACCIOLO:
Sure, motion.

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

LEG. CARACCIOLO:
Legislator Haley.

LEG. HALEY:
I gave you one.

P.O. TONNA:
Okay. Fails for lack of a second.

LEG. GULDI:
I'll give him a second. I'll give him a second.

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

(Roll Called by Mr. Barton)

LEG. CARACCIOLO:
Yes.

LEG. GULDI:
Yes.

MR. BARTON:
Legislator Cooper.

P.O. TONNA:
Let's just move through the no's quickly.

LEG. COOPER:
No.

LEG. BINDER:
No.

LEG. BISHOP:
No.

LEG. D'ANDRE:
Yes.

LEG. CRECCA:
No.

LEG. CARPENTER:
No.

LEG. ALDEN:
No.

LEG. FIELDS:
No.

LEG. LINDSAY:
No.

LEG. FOLEY:
No.

LEG. HALEY:
Yes.

LEG. FISHER:
No.

LEG. CARACAPPA:
No.

LEG. TOWLE:
No.

LEG. POSTAL:
No.

P.O. TONNA:
No. Just forget the Legislator. Just let's go right Tonna, ra, ra, ra,

ra, ra. Okay.

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MR. BARTON:
Four for four.

P.O. TONNA:
All right. Number 5 (Add \$150,000 G, 2003, for the purchase of 6 hybrid electric vehicles, HEV's). I'll make -- I'll do that one myself, seconded by Legislator Cooper.

LEG. FISHER:
On the motion.

LEG. TOWLE:
On the motion.

P.O. TONNA:
On the motion. I would be glad to tell you about this.

LEG. TOWLE:
Who's getting the six cars?

P.O. TONNA:
Yes. This is -- this is -- since we're in the middle --

LEG. TOWLE:
Who's getting the six cars?

LEG. ALDEN:
Jaguars?

P.O. TONNA:
This is in the middle --

LEG. ALDEN:
Jaguars?

P.O. TONNA:
This is in the middle --

LEG. TOWLE:
Jaguars? Cadillacs?

P.O. TONNA:
No, Jag-u-wa, Jag-u-wa, Jag-u-wa. Anyway, this is -- this is an attempt by the Suffolk County Legislature to --

LEG. TOWLE:
By the Presiding Officer.

P.O. TONNA:
And the Presiding Officer.

LEG. TOWLE:
Press release.

P.O. TONNA:
To allow us to say we got to look at the issue of energy efficiency.

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LEG. CARACCIOLO:
Are these golf carts?

P.O. TONNA:
And, basically, what we're doing is -- no, they're not golf carts.

LEG. FISHER:
Are they golf carts?

LEG. TOWLE:
That was good, Mike.

P.O. TONNA:
Anyway, this is -- this is to look in the Year 2003 at the -- at transferring some of our fleet over to hybrid cars.

LEG. CARPENTER:
Second.

P.O. TONNA:
Which are electric/gas cars, and I think this is the way of the future. All right?

MS. BURKHARDT:
We're not bonding it.

LEG. FISHER:
My question, on the motion.

P.O. TONNA:
It's out of the General Fund, we're not bonding it. Thank you.

LEG. FISHER:

On the motion.

P.O. TONNA:
Yes, on the motion.

LEG. FISHER:
Have you applied for grants -- for different grants for funding?
Because there are many grants available, you know.

LEG. FOLEY:
We have to have the grant --

P.O. TONNA:
I know we're working with --

LEG. FOLEY:
We have to have the grant writers first --

LEG. FISHER:
We do need the grant writers.

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LEG. FOLEY:
-- so we've got some resolutions to approve.

P.O. TONNA:
I'm with you. I know that my staff has been working with both Chrysler
and I think Ford.

LEG. FIELDS:
American cars.

P.O. TONNA:
American made cars.

LEG. FISHER:
What about NYSERTA and --

LEG. CRECCA:
Excuse me, if I may, Mr. Chairman.

LEG. FISHER:
There are grants for --

LEG. CRECCA:
Have you approached LIPA yet and sought -- because we just got about

\$200,000 for our Green Parks Program, just these type of things, energy efficient vehicles.

P.O. TONNA:

I think we'll -- I think we'll approach all of those things. But we wanted to make sure that we made a very clear definitive statement --

LEG. CRECCA:

Well, they're willing to --

P.O. TONNA:

-- to put in 2003.

LEG. CRECCA:

They're willing to fund money. There's \$70 million there. They have a lot of it left. They're looking for projects to do, so --

P.O. TONNA:

We'll add that.

LEG. CARPENTER:

So let's plan for it, then.

P.O. TONNA:

Okay.

LEG. CARPENTER:

This is in 2003. I'll second the motion.

P.O. TONNA:

This is just the planning money and it's in the subsequent year, it's in 2003.

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LEG. FISHER:

You have a second?

LEG. CARPENTER:

Correct.

LEG. FISHER:

Do you have a second?

LEG. CARPENTER:

I have a second -- I seconded.

LEG. FISHER:

Okay.

P.O. TONNA:
Yeah, okay. All in favor? Opposed?

[Opposed Said in Unison by Legislators]

Okay. Let's go through it. Go ahead.

LEG. CRECCA:
Roll call.

P.O. TONNA:
Roll call on energy efficiency.

(Roll Called by Mr. Barton)

LEG. TONNA:
Yes.

LEG. CARPENTER:
That's part of our theme.

LEG. COOPER:
Yes. Cosponsor.

MR. BARTON:
All right. I'll do the Legislators.

LEG. BINDER:
No.

LEG. BISHOP:
Yes.

LEG. D'ANDRE:
Yes

LEG. CRECCA:
No.

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LEG. CARPENTER:
Yes. Cosponsor.

LEG. ALDEN:

No.

LEG. FIELDS:

No.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes for the golf carts.

LEG. HALEY:

No.

LEG. FISHER:

Yes for alternative energy.

LEG. CARACAPPA:

No.

LEG. TOWLE:

Yes.

LEG. GULDI:

No.

LEG. CARACCIOLO:

No.

LEG. POSTAL:

No.

P.O. TONNA:

That's all right. Just wait until you get the -- you know, I still have a few months in this position. Just wait until your cars break down. We'll give you energy efficiency.

MR. BARTON:

Nine.

P.O. TONNA:

We're talking about that bus.

LEG. FOLEY:

Nine?

MR. BARTON:

Nine. Nine.

LEG. FISHER:

Aw, man.

LEG. HALEY:
Aw.

P.O. TONNA:
Break my heart. Break my -- that's okay. That's all right. I'm not hurt.

LEG. ALDEN:
Henry, cosponsor on that.

LEG. HALEY:
Lost by a hair.

MR. BARTON:
Cosponsor on the golf carts?

P.O. TONNA:
Okay. Number 6.

LEG. FISHER:
Remember all those grants?

P.O. TONNA:
Number 6 (Add \$750,000 2004; \$11,250,000 SY for learning resource center, SCCC Eastern Campus). Is there a motion?

LEG. GULDI:
Motion.

LEG. CARACCIOLO:
Second.

P.O. TONNA:
Motion by Legislator Guldi.

LEG. FISHER:
Second.

P.O. TONNA:
Seconded by Legislator Fisher. Roll call.

LEG. FISHER:
I'd like to remind everybody, when you look at these numbers, that there is 50% reimbursement by New York State --

P.O. TONNA:
Great.

LEG. CARPENTER:
Great.

LEG. FISHER:
-- on this. Okay?

LEG. CARPENTER:
If they ever adopt a budget.

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LEG. FISHER:
And the college on the Eastern Campus has a library that is smaller than most high school libraries on Long Island. It's disgraceful that this is what we offer people on the East End attending our Community College. The other issue is that New York State accreditation depends on our having libraries that are sufficient for our student bodies. Okay. It really is important that we look at this, because Midstates will be inspecting our colleges again. We do need to have a library that meets the New York State standards. This is 50% reimbursable by the state. It's really important that the Eastern Campus have a decent library for its students.

P.O. TONNA:
Okay. Roll call.

LEG. CARPENTER:
On the motion.

P.O. TONNA:
On the motion.

LEG. CARPENTER:
Was this something the college requested?

MR. POLLERT:
Yes.

P.O. TONNA:
Yes.

LEG. FISHER:
Actually, it's their second priority.

LEG. GULDI:
Yeah, and it's been requested for years.

LEG. FISHER:
Last year it was their number one priority, this year it was number two priority, because their safety project had to be number one.

P.O. TONNA:

Well, maybe -- could I just ask a question, somebody from the Executive Branch? If this was the College's number two priority, and last year the number one, why did you cut it out?

MR. WEISS:

Well, a combination of things. One, the College, when you see the College budget --

P.O. TONNA:

This is going to be good, Kenny, I know this is going to be good.

MR. WEISS:

When you see the College budget in two weeks, or actually ten days, you'll see that they are pretty -- almost out of money. The reserve

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fund's depleted. Two, the State -- I'm not sure exactly where this is in the State plan, but we had difficulty getting funding authorization from the State Budget Office, and until we have assurances that we have funding, we don't put these projects in.

LEG. FISHER:

It's 2004, and then subsequent years for the rest of it.

MR. WEISS:

It's a lot of money for a campus that -- you said that the library isn't as big as some of the high schools? They don't have the number of students as most of the high schools.

P.O. TONNA:

All right. Thank you very much.

LEG. GULDI:

That's not correct, Kenny.

P.O. TONNA:

Wait, wait, wait, wait. Let's --

LEG. FISHER:

It might attract more if we had decent facilities.

P.O. TONNA:

Okay. All right. Roll call. Roll call.

MR. BARTON:

Okay.

LEG. FISHER:

I think Fred wanted to say something.

P.O. TONNA:

Oh, Fred, you wanted to say something?

MR. POLLERT:

Yeah.

P.O. TONNA:

Which Fred

LEG. FISHER:

Pollert.

P.O. TONNA:

Oh.

MR. POLLERT:

Generally, what is required is that there has to be a commitment prior to the State of New York including the funding. So, generally, what the first step is, is that the County needs to include it in the Capital Program. With respect to the size of the library, according to SUNY standards, the current library would have to be doubled in size just to meet the space requirement based upon current enrollment,

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not the projected enrollment.

P.O. TONNA:

All right. Go ahead, roll call.

(Roll Called by Mr. Barton)

LEG. GULDI:

Yes.

LEG. FISHER:

Yes.

LEG. COOPER:

Yes.

LEG. BINDER:

No.

LEG. BISHOP:

Yes.

LEG. D'ANDRE:
No.

LEG. CRECCA:
No.

LEG. CARPENTER:
Yes.

LEG. ALDEN:
No.

LEG. FIELDS:
No.

LEG. LINDSAY:
Yes.

LEG. FOLEY:
Yes.

LEG. HALEY:
Yes.

LEG. CARACAPPA:
Pass.

LEG. TOWLE:
No.

LEG. CARACCIOLO:
Yes.

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LEG. POSTAL:
Yes.

LEG. TONNA:
Yeah.

LEG. CARACAPPA:
No.

P.O. TONNA:

2004, we'll take it out next year, no problem. No, I'm joking. Okay.
Yeah, there we go. Okay.

MR. BARTON:
11-7.

P.O. TONNA:
Fine. There we go.

LEG. FISHER:
Thank you.

P.O. TONNA:
I'd love somebody to reconsider my electric cars. Okay, 7 (Advance \$3,360,000 from 2004 to 2003 for planning, add \$1.7 million, 2004 for Yaphank Correctional Facility expansion). Is there a 7? Yes, there is a 7. Is there a motion, Legislator Postal?

LEG. POSTAL:
Motion to approve.

P.O. TONNA:
Okay. Legislator Carpenter?

LEG. CARPENTER:
Second.

P.O. TONNA:
Second? Okay.

LEG. CARPENTER:
Well, this was at the Public Safety Committee hearing and they came forward and requested this.

LEG. TOWLE:
Who is "they"?

P.O. TONNA:
Okay.

LEG. TOWLE:
Who is "they"?

LEG. BISHOP:
I request \$8 million for my district office.

LEG. CARPENTER:

Well, you should have been there. Absolutely.

P.O. TONNA:

Okay. Right now -- right now, we are in a roll call.

LEG. TOWLE:

Question, Mr. Chairman.

P.O. TONNA:

Legislator Towle has a question.

LEG. TOWLE:

Legislator Carpenter, you said, "They requested it," "they" being the Sheriff's Office, or "they" being who?

LEG. CARPENTER:

Sheriff, Sheriff's Office.

P.O. TONNA:

Sheriff's Office? Okay. Well, since we have -- all right. Can we please have a roll call on this? Henry, let's get going before we get really silly.

(Roll Called by Mr. Barton)

LEG. POSTAL:

Yes.

LEG. CARPENTER:

Yes.

LEG. COOPER:

Pass.

LEG. BINDER:

No.

LEG. BISHOP:

No.

LEG. D'ANDRE:

No.

LEG. CRECCA:

Pass.

LEG. ALDEN:

No.

LEG. FIELDS:

No.

LEG. LINDSAY:

Yes.

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LEG. FOLEY:
No.

LEG. HALEY:
Yes.

LEG. FISHER:
No.

LEG. CARACAPPA:
No.

LEG. TOWLE:
No.

LEG. GULDI:
No.

LEG. CARACCIOLO:
Yes.

LEG. TONNA:
No.

LEG. COOPER:
Yes.

LEG. CRECCA:
No.

P.O. TONNA:
All right. Number 8.

MR. BARTON:
Six.

P.O. TONNA:
Thank you. Number 8 (Add \$5,000, 2002 for Police impound forklift,
Pay-As-You-Go Project). Legislator Carpenter?

LEG. CARPENTER:
Motion.

P.O. TONNA:
Second by?

LEG. POSTAL:
I'll second it.

P.O. TONNA:
Okay.

LEG. CARPENTER:
No. Let me {splain}. Let me {splain}.

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P.O. TONNA:
Let her {splain}. Let me --

LEG. CRECCA:
{Splain}, baby.

P.O. TONNA:
{Splain}. The {splain}, the {splain}, the {splain}, the {splain}.
No, that's a helicopter. Okay. Go ahead.

LEG. TOWLE:
Hey, hey, hey.

P.O. TONNA:
There you go.

LEG. CARPENTER:
Cap the forklift that the Police use for the heavy vehicles, lifting and towing in the yard, cannot be used any long or repaired. So DPW was requesting a forklift, and Budget Review recommended that perhaps they share the forklift, and the Police Department was very willing to do that. However, when they checked with DPW, they found that the forklift that DPW was ordering or getting was far smaller and not capable of doing the larger vehicles that the Police Department needed it for. And, as a matter of fact, the Police Department has been in this sharing kind of operation with DPW, because they use the forklift for these old buses. So this will continue doing that, but they really need this.

P.O. TONNA:
Okay.

LEG. BISHOP:
Legislator Carpenter.

LEG. CARPENTER:

Yes, sir.

LEG. BISHOP:

Why aren't you just attempting to, you know, amend this year's budget and do this? Why are we doing this on the Capital Program? It sounds like some little, you know, small --

P.O. TONNA:

Please, explain.

LEG. BISHOP:

-- immediate need, rather than a planning document matter.

LEG. CARPENTER:

Because they really --

LEG. BISHOP:

They need it next year --

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LEG. CARPENTER:

They need it --

LEG. BISHOP:

-- they don't need it right now.

LEG. CARPENTER:

Well, you know, we're already in what, June? By the time this is all said and done, they'll be ready to move with this the beginning of the year. Honestly, this is the best way to go.

P.O. TONNA:

Okay. That was a good {esplanation}. Please, let's go on. Roll call, please.

(Roll Called by Mr. Barton)

LEG. CARPENTER:

Yes.

LEG. POSTAL:

Yes.

LEG. COOPER:

Pass.

LEG. BINDER:
No.

LEG. BISHOP:
No.

LEG. D'ANDRE:
No.

LEG. CRECCA:
Sure, yes.

LEG. ALDEN:
No.

LEG. FIELDS:
No.

LEG. LINDSAY:
Yes.

LEG. FOLEY:
Yes.

LEG. HALEY:
No.

LEG. FISHER:
Yes.

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LEG. CARACAPPA:
No.

LEG. TOWLE:
No.

LEG. GULDI:
No.

LEG. CARACCIOLO:
No.

LEG. TONNA:
Sure.

LEG. D'ANDRE:

Change my vote to a yes.

LEG. COOPER:
Yes.

LEG. D'ANDRE:
Change my vote to a yes.

LEG. BISHOP:
Jon, do you vote against anything, or you just give everybody everything?

P.O. TONNA:
It depends on how he feels.

LEG. BISHOP:
Seven yeses in a row.

P.O. TONNA:
All right.

LEG. TOWLE:
He's keeping count.

LEG. CARPENTER:
You're counting yeses?

MR. BARTON:
Nine.

P.O. TONNA:
There you go. Now you know how I feel.

LEG. CARPENTER:
I do.

P.O. TONNA:
All right. Number 9 (Add #3.5 million, 002 for new Police Quatermaster Building). Just try to explain this \$3.5 million boondoggle. No, I'm joking. Okay. Please, I would love an

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explanation on this one. Come on, let's go.

LEG. CARPENTER:
Budget Review, explain.

P.O. TONNA:

Come one.

MR. POLLERT:
The Quartermaster Building --

P.O. TONNA:
Budget Review, please explain this.

MR. POLLERT:
The Quartermaster Building was approved by the County Legislature a number of years ago. The blueprints have been drawn. The building was ready to be let out to bid, but then the cost increase, because the Police Department decided to consolidate the generator for the Police Headquarters together with the Quartermaster Building, and it drove up the cost. So the funds were never appropriated, but the Quartermaster, as a result, never got his building, which means that he continues to occupy space at the Police Headquarters. It was a request of the Police Department to move ahead with the construction of the Quartermaster Building so they could vacate space.

P.O. TONNA:
Who is a Quarter -- what is a Quartermaster?

LEG. FISHER:
You asked him to explain.

P.O. TONNA:
What is the Quartermaster? I mean, is this the guy that --

MR. POLLERT:
The Quartermaster --

P.O. TONNA:
I knew in the Boy Scouts what the Quartermaster was, but --

LEG. CARPENTER:
They store all the equipment.

MR. POLLERT:
Well, the Quartermaster is the guy that does all the uniforms and the shoes and the supplies, you know, like all the police supplies.

LEG. CARPENTER:
So they're in precious -- they're in precious space in Headquarters where they should be in some storage building.

MR. POLLERT:
Right now, they're on the first floor.

LEG. CARPENTER:
It doesn't make sense.

P.O. TONNA:
Put it in the Suffolk County Police Museum. Let's go.

LEG. BISHOP:
Why do you think they need the space at Police Headquarters for, more centralized units?

P.O. TONNA:
\$3.5 million, what, to issue clothes?

LEG. POSTAL:
They're very good shoes.

P.O. TONNA:
Okay.

LEG. BISHOP:
Hats.

P.O. TONNA:
You know how many -- you know how many -- do you know how many electric vehicles we could buy with that money? Okay.

LEG. TOWLE:
Reoutfit the whole fleet.

P.O. TONNA:
Forget it. We can get a whole bus service for all the lawyers in Long Island. All right. Let's vote. Legislator -- you have Legislator --

LEG. POSTAL:
Made a motion and a second.

P.O. TONNA:
-- Carpenter, and the second by Legislator Postal. Let's go.

(Roll Called by Mr. Barton)

LEG. CARPENTER:
Yes

LEG. POSTAL:
Yes.

LEG. COOPER:
I'm going to have to vote no.

P.O. TONNA:
Ooh, a no. A no.

LEG. BINDER:
No.

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LEG. BISHOP:
No.

LEG. D'ANDRE:
No.

LEG. CRECCA:
Yes.

LEG. CARPENTER:
Good boy, Andrew.

LEG. ALDEN:
What the heck, no.

LEG. FIELDS:
No.

LEG. LINDSAY:
Yes.

LEG. FOLEY:
No.

LEG. HALEY:
No.

LEG. FISHER:
Yes.

LEG. CARACAPPA:
No.

LEG. TOWLE:
No.

LEG. GULDI:
No.

LEG. CARACCIOLO:
No.

P.O. TONNA:
No. Okay .

MR. BARTON:
Five.

P.O. TONNA:
Let's --

LEG. CARPENTER:
Okay, enough. This is important.

P.O. TONNA:
We have a few more of these cabals. Here we go.

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LEG. CARPENTER:
No. This --

P.O. TONNA:
Number 10 (Advance \$135,000 from 2003 to 2002 Police UPS System, Pay-As-You-Go Project). Motion by Legislator Carpenter, seconded by Legislator Postal. Go ahead, explain this one.

LEG. CARPENTER:
Right, really, really, really, important. No. It's the backup system, the UPS, right.

P.O. TONNA:
The UPS?

LEG. CARPENTER:
And they really need it. We're moving it from 2003 to 2002. It's pay-as-you-go. It's \$135,000. We're not talking a big ticket item. Right?

LEG. CARACCILO:
Uninterruptable power supply.

LEG. CARPENTER:
Right.

P.O. TONNA:
Is that what it is?

LEG. CARPENTER:
Yes.

LEG. GULDI:
What equipment is this UPS being used for?

LEG. CARPENTER:
For our computers and everything. You can't --

MR. BARTON:
Please, use your microphones.

P.O. TONNA:
All right.

LEG. GULDI:
What equipment is this UPS being used for?

P.O. TONNA:
Why wasn't this in the County Executive plan?

LEG. CARPENTER:
Well, they had it in in 2003, but that was not timely.

P.O. TONNA:
We're talking about energy. What's going on here?

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MR. WEISS:
This doesn't save energy.

P.O. TONNA:
What does this do?

MR. WEISS:
What this does, is if the computer --

LEG. GULDI:
It protects equipment. What equipment?

MR. WEISS:
But they have a system now and they need a replacement system. So we felt that they could wait until 2003.

P.O. TONNA:
Okay. Sounds interesting. All right. Roll call.

(Roll Called by Mr. Barton)

LEG. CARPENTER:
Yes.

LEG. POSTAL:
Yes.

LEG. COOPER:
Pass.

LEG. BINDER:
No.

LEG. BISHOP:
(Not Present)

LEG. D'ANDRE:
No.

LEG. CRECCA:
Yes.

LEG. ALDEN:
No.

LEG. FIELDS:
No.

LEG. LINDSAY:
Yes.

LEG. FOLEY:
Yes.

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LEG. HALEY:
No.

LEG. FISHER:
No.

LEG. CARACAPPA:
No.

LEG. TOWLE:
No.

LEG. GULDI:
No.

LEG. CARACCIOLO:
Yes.

LEG. TONNA:
No.

LEG. COOPER:
Nope.

MR. BARTON:
Bishop. Six.

P.O. TONNA:
Okay. Number 11 (Add \$401,000, SY for FRES Backup Communications System). If you don't succeed, try and try again. Go ahead.

LEG. CARPENTER:
Absolutely. And this is in subsequent years.

P.O. TONNA:
Okay.

LEG. CARPENTER:
But we need to keep it. The Capital Budget is a planning document. We need to keep this project alive --

P.O. TONNA:
Fine, I'm with you.

LEG. CARPENTER:
-- so we're putting in there.

P.O. TONNA:
We're going to give you this one.

LEG. CARPENTER:
Oh, gee, thanks. Give ice away in the winter, too?

P.O. TONNA:
As long as it's in way subsequent years, no problem. Go ahead, roll call.

LEG. CARPENTER:
Yes.

LEG. POSTAL:
Yes.

LEG. COOPER:
Yes.

LEG. BINDER:
No.

LEG. BISHOP:
(Not Present)

LEG. D'ANDRE:
No.

LEG. CRECCA:
No.

LEG. ALDEN:
No.

LEG. FIELDS:
No.

LEG. LINDSAY:
Yes.

LEG. FOLEY:
Yes.

LEG. HALEY:
Yes.

LEG. FISHER:
Yes

LEG. CARACAPPA:
Yes.

LEG. TOWLE:
Yes.

LEG. GULDI:
No.

LEG. CARACCILO:
FRES backup?

LEG. GULDI:
FRES backup, yes.

LEG. CARACCIOLO:

Yes. Yes.

LEG. CRECCA:

Henry, change mine to a yes.

P.O. TONNA:

Okay. Legislator Crecca and Legislator Fields have changed their votes to yes, to an affirmative.

MR. BARTON:

Legislator Tonna.

P.O. TONNA:

Yes.

LEG. BISHOP:

No. They got their {live burn} --

P.O. TONNA:

They haven't gotten -- oh, they had got --

LEG. POSTAL:

That's in the omnibus.

P.O. TONNA:

No. That was in the omnibus.

LEG. BISHOP:

Right. They got their --

P.O. TONNA:

They got their {live burns} .

MR. BARTON:

14-4.

P.O. TONNA:

There we go. That was it now. Number 12 (Add \$1,820,000, SY for new FRES storage garage). Motion by Legislator Carpenter, second by Legislator Postal.

LEG. CARPENTER:

We were busy.

LEG. POSTAL:

What a combination.

P.O. TONNA:
Okay. Go ahead.

LEG. BISHOP:
Storage garage.

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P.O. TONNA:
FRES storage garage?

LEG. CARPENTER:
Yes. This was -- you may -- if you've read all the letters that you received from the various fire departments, this was something that they were very concerned about and something they really wanted, but we did agree to put it in subsequent years. So, therefore --

P.O. TONNA:
Okay. Let us just -- let us have a roll call and see what we really think.

(Roll Called by Mr. Barton)

LEG. CARPENTER:
Yes.

LEG. POSTAL:
Yes.

LEG. COOPER:
No.

LEG. BINDER:
No.

P.O. TONNA:
It's doomed.

LEG. BISHOP:
Yes, subsequent years.

LEG. D'ANDRE:
No.

LEG. CRECCA:
Absolutely. Put me as a cosponsor, Henry.

P.O. TONNA:
For the storage garage.

LEG. ALDEN:
No.

LEG. FIELDS:
Yes.

LEG. LINDSAY:
Yes.

LEG. FOLEY:
Yes.

LEG. HALEY:
Yes.

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LEG. FISHER:
Yes.

LEG. CARACAPPA:
No.

LEG. TOWLE:
No.

LEG. GULDI:
Yes.

LEG. CARACCIOLO:
Yes.

LEG. TONNA:
No.

MR. BARTON:
11-7.

P.O. TONNA:
All right. There we go. 13 (Add \$50,000, 2002 for Long Island Sound
Lobster Study). Legislator Caracciolo.

LEG. HALEY:
Second.

LEG. GULDI:
Second.

P.O. TONNA:
By Legislator Haley.

LEG. HALEY:
Haley. And cosponsor, Henry.

LEG. COOPER:
Cosponsor.

LEG. BISHOP:
This is a capital item?

LEG. CARPENTER:
Yeah. Excuse me. Why isn't this pay-as-you-go?

LEG. HALEY:
Cosponsor, Henry.

P.O. TONNA:
Yeah. Tell me about the lobster study and how that meets the Capital Budget thing. Fred, go ahead, try to --

MR. POLLERT:
You can bond studies. It's just equipment that can't be bonded under

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5-25-5, but you can bond studies.

P.O. TONNA:
Why -- do you -- let me ask you, Fred.

LEG. CARPENTER:
Because they have a longer shelf life, because they sit on the shelf for years and years and years.

P.O. TONNA:
Have we -- how many studies have we bonded? Bonding a lobster study.

LEG. ALDEN:
On the motion. On the motion.

LEG. HALEY:
Mr. Chairman, on the motion.

LEG. ALDEN:
On the motion.

LEG. HALEY:
On the motion.

P.O. TONNA:
Legislator Alden.

LEG. ALDEN:
No, Haley got me -- Haley was first.

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

LEG. HALEY:
You know, in consideration that you've got an awful lot of people who are trying to ascertain what's killing off lobsters, I think it's appropriate for us to do the right thing. We've heard stuff from pesticides to changes in water temperatures, and stuff like that. Well, I've already -- it's already in -- it's already -- if you would disapprove this, you've already got \$50,000 being bonded. This just increases it by another 50.

LEG. GULDI:
Fred.

LEG. HALEY:
If you disapprove it you've already got 50 bonded, right?

P.O. TONNA:
Freddy, you were raising hand, please.

MR. POLLERT:
The source of funding, if you look at Number 13, is with a General Fund transfer.

LEG. CRECCA:
All right.

LEG. CARPENTER:
Okay.

MR. POLLERT:
So it's included in the Capital Program, but it's included with a

General Fund transfer.

P.O. TONNA:

Okay. So what does that mean, we don't vote on this?

MR. POLLERT:

No, no. It is pay-as-you-go.

P.O. TONNA:

It is pay-as-you-go.

MR. POLLERT:

Right.

LEG. BISHOP:

Mr. Chairman, I'm --

LEG. ALDEN:

On the motion.

LEG. CRECCA:

Henry.

LEG. BISHOP:

On the motion, Mr. Chairman.

LEG. ALDEN:

Paul.

LEG. CRECCA:

Cosponsor.

P.O. TONNA:

Just wait one second. Legislator Alden is next.

LEG. ALDEN:

My question is to Paul Sabatino. Paul, I recollect within the past year, we did -- we did some kind of study, or we funded some kind of study.

MR. SABATINO:

In the Operating Budget, I think we did either 75,000 or 125,000.

LEG. ALDEN:

Right.

MR. SABATINO:

I do recall doing that, yes.

LEG. ALDEN:
Okay. That's within the last year.

P.O. TONNA:
Now, Legislator Cooper, that was your piece of legislation, right?

LEG. COOPER:
Yes.

MR. SABATINO:
Yeah, we appropriated the money.

P.O. TONNA:
Okay. Now, what was the outcome of that study, and why would we need another one?

LEG. COOPER:
The study is underway.

MR. BARTON:
Please, use your microphones.

P.O. TONNA:
Okay. That's with butter sauce. Okay. Just -- all right. Roll call.

LEG. BISHOP:
No, no. Mr. Chairman, I have a question.

P.O. TONNA:
Oh, go ahead, please.

LEG. BISHOP:
What I would like Counsel, perhaps, to clarify for me is I don't understand some of these smaller items, why they're in the Capital Budget. And what is the nature of a capital item? Is it anything that we spend on can be put into the Capital Budget? Because I hear people saying it's pay-as-you-go, which means it's not going to be bonded. So why is it in the Capital Budget?

LEG. FOLEY:
It's a capital project.

LEG. BISHOP:
All right. Maybe -- Fred.

LEG. CARPENTER:
Can you say that again?

MR. POLLERT:
Okay. You can include it in the Capital Program if it has a multi-year useful life. So a project that's a planning project would have a multi-year useful life. The intent of putting it in the Capital Program is that the funds do not lapse once they're appropriated by

the Legislature. So if the funds were included in the Capital Program, once they're appropriated by the Legislature, they continue

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on year after year. If it was an Operating Budget expense, if the funds are not expended at the end of the year, they would lapse, closed fund balance, and --

LEG. BISHOP:

Right. So I know we move a lot of items to the Capital Budget at the end of the year from the Operating Budget, but I didn't realize that we can -- that -- I mean, I guess, legally we can. I didn't realize as a practice we are taking small projects, which are not multi-year in nature, and giving them multi-year lives through -- by putting them into the Capital Budget, and that's what's going on here with a couple of these.

MR. POLLERT:

Yes, that's correct.

LEG. BISHOP:

Well, I don't know if that's a wise way to do this.

LEG. CARACCIOLO:

Mr. Chairman.

P.O. TONNA:

Legislator -- wait. Legislator Lindsay has the floor, and then Legislator Caracciolo.

LEG. LINDSAY:

My question is, is this \$50,000 to continue the existing study?

LEG. CARACCIOLO:

Yes, yes. Mr. Chairman, I would note, for the benefit of Legislator Bishop, who was a cosponsor of omnibus, that there are no less than 30 items in omnibus that are pay-as-you-go.

LEG. GULDI:

Like this.

LEG. CARACCIOLO:

Like this.

P.O. TONNA:

I know. But he did vote for omnibus.

LEG. CARACCIOLO:

This doesn't break any new ground.

P.O. TONNA:

But, anyway, the question I have is how do we determine that we need -- who determined that we needed \$50,000? The people who are doing this study said, "Look, you know" -- I mean, how did we determine this? Who's doing the study?

LEG. BISHOP:

Are they -- are they new items?

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P.O. TONNA:

What is the study?

LEG. CARACCIOLO:

Well, Cornell --

P.O. TONNA:

I mean, I haven't seen any study document.

LEG. CARACCIOLO:

The research just began. Cornell has a center set up at Vanderbilt, and we purchased some equipment. In fact, some of that equipment --

LEG. BISHOP:

Can you imagine every -- next year's Capital Budget, now that Legislators know this new trick?

P.O. TONNA:

Wait, wait. Legislator Caracciolo has the floor.

LEG. BISHOP:

He's going to put in like --

P.O. TONNA:

Legislator Bishop, Legislator Caracciolo is trying to explain.

LEG. CARACCIOLO:

One of the pieces of equipment that Cornell's Marine Scientists -- Science Division has just developed is being -- sorry, George?

LEG. GULDI:

No.

LEG. CARACCIOLO:

Okay. Is being purchased by the United States Navy, because it's -- it's groundbreaking state of the art equipment that's going to be used around the world in several pilot projects. So I think, you know, once again, Suffolk County, through Cornell Cooperative Extension, demonstrates that, you know, we have leading research and this is just an effort to keep that research going.

P.O. TONNA:

But, Michael, the question I have is we've put \$75,000 into it, right?

LEG. CARACCIOLO:

Uh-huh.

P.O. TONNA:

Legislator Cooper, if I'm not mistaken --

LEG. CARACCIOLO:

It wasn't \$125,000, was it?

P.O. TONNA:

No, 75, I think.

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LEG. CARACCIOLO:

Seventy-five.

P.O. TONNA:

All right.

MR. SABATINO:

No. I said it either 75 or 125. 125 sticks with me, but --

P.O. TONNA:

All right. So let's -- what do we -- we gave --

LEG. CARACCIOLO:

But, Mr. Chairman, that's the tip of an iceberg of an industry --

P.O. TONNA:

Let me just -- no, no, no. I understand that.

LEG. CARACCIOLO:

An industry --

P.O. TONNA:

I just to add -- I just want to add -- just hear me out for a second. 125,000 for the lobsters from the County, right? Jon. Jon, could you

answer this? \$125,000, right, at the Vanderbilt. Then Frank Petrone had a big press conference for something that --

LEG. HALEY:
Another almost Sheriff.

P.O. TONNA:
How much -- yeah, right.

LEG. COOPER:
There was two --

P.O. TONNA:
Okay. How much --

LEG. COOPER:
240,000.

P.O. TONNA:
And that was from the federal government?

LEG. ALDEN:
Roll call.

LEG. COOPER:
No. That was from a private company that was laying fiberoptic cable across the Long Island Sound.

P.O. TONNA:
Okay. And they gave two hundred and --

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LEG. COOPER:
And forty thousand.

P.O. TONNA:
Forty thousand dollars to research.

LEG. COOPER:
Right.

P.O. TONNA:
Okay.

LEG. COOPER:
To hire scientists and --

P.O. TONNA:

Okay. Now hold it second, we're adding it up. And you're telling me the U.S. Navy --

LEG. CARACCIOLO:

No, no.

P.O. TONNA:

-- invested how much?

LEG. CARACCIOLO:

No, no, no, no. What I'm saying is a piece of equipment that Cornell Marine Scientist Division has just developed, the Navy is purchasing from us --

P.O. TONNA:

Right.

LEG. CARACCIOLO:

-- for \$100,000 a unit, okay, because we are applying for patents and so forth. And I'm saying it's that type of vanguard research that should be continually funded, because the other side of this are the economic issues related to the Baymen and people who are operating, make a living off the Sound, the lobsterman. I mean, this is important --

P.O. TONNA:

Okay. So where did the \$50,000 request come from?

LEG. CARACCIOLO:

This is an important investment.

P.O. TONNA:

Where did it come from Cornell?

LEG. CARACCIOLO:

Where did it come from --

P.O. TONNA:

The Cornell Cooperative Extension met with you and said --

LEG. CARACCIOLO:

No, no, no, no, no. This is --

P.O. TONNA:

-- "Could you put another 50 grand into this?"

LEG. CARACCIOLO:
I did.

P.O. TONNA:
But who -- in other words, what I'm asking, Michael, is, was it --

LEG. CARACCIOLO:
It's like your electric carts, did anybody ask you for those?

P.O. TONNA:
No, not carts, they were cars, but, you know.

LEG. CARACCIOLO:
No, golf carts. I'm sorry, the golf carts.

P.O. TONNA:
No, no, there's no electric golf carts. I'm just trying to ask you --

LEG. ALDEN:
Paul, let's vote.

P.O. TONNA:
-- who asked?

LEG. CRECCA:
Roll call.

P.O. TONNA:
Who asked for the money, did Cornell?

LEG. CARACCIOLO:
No.

P.O. TONNA:
Did the Vanderbilt?

LEG. CARACCIOLO:
No.

P.O. TONNA:
This is --

LEG. CARACCIOLO:
No. This is an initiative that we started, and I think it's good research --

P.O. TONNA:
Okay.

LEG. CRECCA:
Please take a roll call.

P.O. TONNA:
All right.

LEG. CARACCIOLO:
-- vanguard research, and we should fund it properly.

P.O. TONNA:
Okay. Thank you, okay, roll call.

(Roll Called by Mr. Barton)

LEG. CARACCIOLO:
Yes.

LEG. HALEY:
Yes.

LEG. COOPER:
Yes. Cosponsor, please.

LEG. BINDER:
No.

LEG. BISHOP:
No.

LEG. D'ANDRE:
No.

LEG. CRECCA:
No.

LEG. CARPENTER:
Yes.

LEG. ALDEN:
No.

LEG. FIELDS:
No.

LEG. LINDSAY:
No.

LEG. FOLEY:
Yes.

LEG. FISHER:
Yes.

LEG. CARACAPPA:
No.

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LEG. TOWLE:
Yes.

LEG. GULDI:
Yes.

LEG. POSTAL:
No.

P.O. TONNA:
No. Sorry.

LEG. CARACCIOLO:
It's your area.

P.O. TONNA:
I know. No. My area is landlocked.

MR. BARTON:
Eight.

P.O. TONNA:
Okay. Okay. 14 is out. 15 (Add \$100,000, 2002 for dredging of Goldsmith Inlet, Southold, Pay-As-You-Go Project). All right. Let's go with this one. Tell us about Goldsmith. All right. First, is there a motion, Mike.

LEG. CARACCIOLO:
Oh, wait a minute. Yes. I'm sorry.

P.O. TONNA:
Yes. And second by Legislator Guldi?

LEG. CARACCIOLO:
I was looking at -- I thought I heard you say 14.

LEG. GULDI:
Yes.

P.O. TONNA:

No, 14 is -- it's a conflict. 15?

LEG. CARACCIOLO:
Got you. Okay, 15.

P.O. TONNA:
Yes.

LEG. CARACCIOLO:
Goldsmith Inlet is a body of water that is on the North Fork in Southold Town. It is -- and we've checked with DPW, we had a meeting in my office several weeks ago with the Town of Southold. And since 1994, the Town has taken on the responsibility -- since 1994, the Town has taken over the responsibility of dredging this waterway. It is not its responsibility, but it has taken it on. What happened the last two years is there have been some major coastal storms, and,

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unfortunately, I don't have the aerial photographs, but it shows a lot of damage to the point now where the Inlet is almost completely closed. There is a question here of liability by homeowners along the waterway, because some of the problems are causing erosion on personal property. This is the right thing to do. We have a million dollars in the Pay-As-You-Go Program for dredging, but it does not include this project, so a compromise or a partnership agreement has been reached with the Town, that if we undergo this large dredging project of \$100,000, they will continue, as they have since 1994, to provide annual maintenance dredging, which, hopefully, will negate the need to do dredging of this size and scope again for perhaps another decade.

They did fax to me some figures on what the dredging cost since '94 to the Town have been, which otherwise and should have been a County expense, and that amounted to \$114,000 that have been saved to County taxpayers. So I would urge your support and it would -- the stipulation with this, as I indicated to Vicki in our conversation last week --

P.O. TONNA:
Guys.

LEG. CARACCIOLO:
-- it would be subject to a Town Board resolution that they would continue hereafter with the annual maintenance dredging responsibility.

P.O. TONNA:
Thank you. Okay. Roll call.

(Roll Called by Mr. Barton)

LEG. CARACCIOLO:
Yes.

LEG. GULDI:
Yeah.

LEG. COOPER:
Pass.

LEG. BINDER:
No.

LEG. BISHOP:
Yes.

LEG. D'ANDRE:
Yes.

LEG. CRECCA:
No.

LEG. CARPENTER:
Yes.

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LEG. ALDEN:
No.

LEG. FIELDS:
No.

LEG. LINDSAY:
Yes.

LEG. FOLEY:
Yes.

LEG. HALEY:
Yes.

LEG. FISHER:
Pass.

LEG. CARACAPPA:
No.

LEG. TOWLE:
No.

LEG. POSTAL:
No.

P.O. TONNA:
No.

LEG. COOPER:
No.

LEG. FISHER:
No .

MR. BARTON:
Eight.

P.O. TONNA:
Okay. 16 (Add \$250,000, 2003; \$2,250,000, 2004 for improvements to South Country Rd, CR 36, Montauk Hwy. To Browns Lane). Legislator Foley and Towle?

LEG. FOLEY:
Yep.

P.O. TONNA:
Sponsor --

LEG. FOLEY:
Motion.

P.O. TONNA:
I mean, motion by Legislator Foley, second by Legislator Towle.

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LEG. FOLEY:
On the motion.

P.O. TONNA:
Go ahead.

LEG. FOLEY:
There's a stretch of roadway on South Country Road in East Patchogue, Bellport area that has not received any repavement in well over 15 years. It would not only repave the road, it would also replace some

of the crumbling sidewalks. There's also issues of storm water runoff into a number of tributaries in this same area that this bill would also take care of.

P.O. TONNA:
Fred.

MR. POLLERT:
With Resolution Number 16, we inadvertently included the wrong Capital Project number. We will have to get a new project number from the County --

P.O. TONNA:
Okay.

MR. POLLERT:
-- Executive's Office.

LEG. FOLEY:
Fine.

P.O. TONNA:
Okay. That's not going to --

LEG. FOLEY:
That's not going to materially affect it.

P.O. TONNA:
Yeah, okay. And if it's road resurfacing, why isn't this in pay-as-you-go.

LEG. FOLEY:
No. I just said it's not just road resurfacing, it's a complete reconstruction of the roadway, both resurfacing the roadway, plus reconstruction of sidewalks, plus the installation of a series of catch basins in the area, because there's a number of tributaries that flow into the Great South Bay that also go under this roadway.

P.O. TONNA:
Is this priority for the Department of Public Works?

LEG. FOLEY:
Yes.

P.O. TONNA:
Ken, do you know? Kenny? Is he there? I only see that -- yeah. Do

you have any idea?

MR. WEISS:

I don't think it was requested by them, because we don't have it as a request.

LEG. FOLEY:

They did not have it as a request, but, certainly, they do see the need for the project, and that's why they -- I received, in fact, a memo from them on this early in the month that outlined the costs associated with the project. So while it may not be a priority with them, you know, we set the priorities as the policy-makers. So they would --

P.O. TONNA:

Right.

LEG. FOLEY:

-- execute what our -- what our priorities are for the Capital Program.

P.O. TONNA:

All right. Thanks. All right. Roll call.

(Roll Called by Mr. Barton)

LEG. FOLEY:

Yes.

LEG. TOWLE:

Yes.

LEG. COOPER:

Pass.

LEG. BINDER:

No.

LEG. BISHOP:

Pass.

LEG. D'ANDRE:

No.

LEG. CRECCA:

No.

LEG. CARPENTER:

Pass.

LEG. ALDEN:

Yes.

LEG. FIELDS:

Yes.

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LEG. LINDSAY:
Yes.

LEG. HALEY:
No.

LEG. FISHER:
Yes.

LEG. CARACAPPA:
Yes.

LEG. GULDI:
Yes.

LEG. CARACCIOLO:
No.

LEG. POSTAL:
Yes.

P.O. TONNA:
Yep.

LEG. BISHOP:
Yes.

LEG. CARPENTER:
Yes.

LEG. COOPER:
Yes.

P.O. TONNA:
Okay.

MR. BARTON:
Thirteen

P.O. TONNA:
There you go. It's the road less traveled.

LEG. FOLEY:
Thank you very much.

P.O. TONNA:

Let's go, the next on. 17 (Add \$50,000, 2002 for traffic study CR 58, Riverhead).

LEG. FOLEY:

All of you who go to the Bellport Country Club to play golf, you'll have a better roadway in a few years.

P.O. TONNA:

All right. I don't play there. It's too short a course. I hate to throw a ball too far for that course. No, I'm joking. Anyway, let's

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go on to 17, please.

LEG. FOLEY:

Thank you.

P.O. TONNA:

Is there a motion, Legislator Caracciolo? From here on in, we've got a couple of Caracciolo things here going on.

LEG. HALEY:

Taking over for Levy, huh?

P.O. TONNA:

All right? "Mr. I don't vote for the Capital Budget." Okay. No, go ahead. What do you got?

LEG. CARACCIOLO:

I got a motion to approve.

P.O. TONNA:

Okay. Is there a second?

LEG. HALEY:

Second.

LEG. CARPENTER:

Is this pay-as-you-go?

P.O. TONNA:

We don't have to second everything. Okay. All right. Let's --

LEG. BISHOP:

Mr. Chairman.

P.O. TONNA:

Roll call.

(Roll Called by Mr. Barton)

LEG. CARACCIOLO:
Yes.

P.O. TONNA:
This is roll call.

LEG. BISHOP:
Well, on the motion, I think that anybody who's been out to the area know there's a traffic problem on Route 58. The question I have is does a traffic study facilitate further development, which I'm sure a majority of people in the area are opposed to? I mean, what's the point of the traffic study?

LEG. CARACCIOLO:
Is to find alternatives besides using County Road 58. Are there alternatives?

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LEG. BISHOP:
To what end?

LEG. TOWLE:
Electric cars.

LEG. CARACCIOLO:
Bypasses.

LEG. FOLEY:
58 was a bypass.

LEG. CARACCIOLO:
Bypasses.

LEG. GULDI:
58 is a bypass.

LEG. CARACCIOLO:
Well, it was in the '30's, but it no longer is --

P.O. TONNA:
Mag-Lev.

LEG. CARACCIOLO:
-- 70 years later.

P.O. TONNA:
Mag-Lev. Okay.

(Roll Called by Mr. Barton)

LEG. HALEY:
Yes.

LEG. COOPER:
No.

LEG. BINDER:
No.

LEG. BISHOP:
No.

LEG. D'ANDRE:
No.

LEG. CRECCA:
No.

LEG. CARPENTER:
Yes.

LEG. ALDEN:
No.

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LEG. FIELDS:
No.

LEG. LINDSAY:
No.

LEG. FOLEY:
No.

LEG. FISHER:
No.

LEG. CARACAPPA:
No.

LEG. TOWLE:

No.

P.O. TONNA:

I think we can consider this one done.

LEG. GULDI:

Go for a record. Nah.

LEG. POSTAL:

No.

LEG. HALEY:

I think Petrone wants this.

P.O. TONNA:

Yeah, right.

MR. BARTON:

Mr. Tonna.

P.O. TONNA:

All right. Number -- say -- no, no .

MR. BARTON:

No. Three.

P.O. TONNA:

Okay, great. Number 18 (Advance \$150,000 from 2004 to 2002 for maintenance building at Indian Island).

LEG. CARACCIOLO:

Motion.

P.O. TONNA:

Seconded by? Who is seconding this? Going once, going twice. Motion fails for lack of a second. Number 19 (Add \$274,300, 2002 for golf course maintenance equipment, Pay-As-You-Go Project).

LEG. HALEY:

A lot of golf stuff, Mike.

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P.O. TONNA:

Michael.

LEG. CARACCIOLO:

Yes, motion.

P.O. TONNA:
Do you have a motion?

LEG. CARACCIOLO:
Motion.

P.O. TONNA:
Is there a second?

LEG. CARACCIOLO:
Well, let me explain that --

P.O. TONNA:
Well, there has to be a second first, Mike --

LEG. FISHER:
I'll second it.

LEG. CARACCIOLO:
Well, people need to know what --

LEG. FISHER:
I'll second it.

LEG. GULDI:
I'll second.

P.O. TONNA:
Second for the purposes of an explanation. Go ahead.

LEG. CARACCIOLO:
The \$274,000 would be utilized to purchase equipment that would be part of the County's new organic maintenance program, which kicks in January 1 next year. We do not have the equipment. You can't have a program unless you have equipment and personnel trained in the use of that equipment. So this is an opportunity for the County --

P.O. TONNA:
But it's pays-as-you-go money, right?

LEG. CARACCIOLO:
-- to put its money where its mouth is.

P.O. TONNA:
But this is pay-as-you-go money, right, and you didn't want to add the pay-as-you-go money.

LEG. CARACCIOLO:
This is --

LEG. CARPENTER:

Right, he didn't.

LEG. CARACCIOLO:

This is pay-as-you-go. No, that's not what I said.

P.O. TONNA:

Yes you did, you very clearly said that.

LEG. CARACCIOLO:

No, no, no, no, no.

P.O. TONNA:

Oh, yeah, yeah, yeah. "No, no, no, we don't want this in pay-as-you-go money."

LEG. CARACCIOLO:

It's pay-as-you-go, because Budget Review says it has to be pay-as-you-go.

LEG. FISHER:

I have a question, Mr. Chairman.

P.O. TONNA:

Yes.

LEG. FISHER:

I thought 22 was for the organic golf course.

MR. POLLERT:

Yes. What this project does is it adds two rotary cutters, five green motor --

LEG. CARACCIOLO:

I apologize, I got the two mixed up.

MR. POLLERT:

One core harvester, one tee cutter.

LEG. CARACCIOLO:

This is golf course maintenance equipment.

P.O. TONNA:

Okay.

LEG. GULDI:

Withdraw my second.

P.O. TONNA:

So now do you withdraw your second?

LEG. GULDI:
Withdraw my second.

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P.O. TONNA:
Okay. Did you withdraw your second?

LEG. FISHER:
Well, it was for purposes of discussion.

P.O. TONNA:
Right.

LEG. FISHER:
And I'll withdraw it now.

P.O. TONNA:
Okay. So this one fails for lack of a second. Okay, next. Number 20
(Add \$250,000, 2002 for golf course infrastructure improvements).

LEG. CARACCIOLO:
Motion. This is simply to provide golf cart pads, which a number of
our --

P.O. TONNA:
Okay.

LEG. CARACCIOLO:
-- facilities do not have --

LEG. CARPENTER:
At what courses?

LEG. CARACCIOLO:
-- adequate golf cart pads.

P.O. TONNA:
Okay. Hold it a second. There has to be a second. Is there a second?
Motion fails for lack of a second.

LEG. CARACCIOLO:
Okay.

P.O. TONNA:
21 (Add \$250,000, 2002 for Division of Sports and Recreation
improvements, Pay-As-You-Go). Legislator Caracciolo?

LEG. CARACCILO:
Motion.

P.O. TONNA:
Motion. Is there a second? Motion --

LEG. HALEY:
Second.

P.O. TONNA:
Okay, Legislator Haley. There we go.

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LEG. HALEY:
Explanation.

P.O. TONNA:
Okay, explanation.

LEG. HALEY:
No, never mind.

LEG. TOWLE:
Could Legislator Levy give us an explanation? Oh, Caracciolo.

P.O. TONNA:
Roll call.

(Roll Called by Mr. Barton)

LEG. CARACCILO:
Yes.

LEG. HALEY:
Yes.

LEG. COOPER:
No .

LEG. BINDER:
No.

LEG. BISHOP:
No.

LEG. D'ANDRE:
No.

LEG. CRECCA:
No.

LEG. CARPENTER:
No.

LEG. ALDEN:
No.

LEG. FIELDS:
No.

LEG. LINDSAY:
No.

LEG. FOLEY:
No.

P.O. TONNA:
Legislator Fisher.

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LEG. FISHER:
Pass for the moment.

LEG. CARACAPPA:
Pass.

LEG. TOWLE:
No.

LEG. GULDI:
No.

LEG. POSTAL:
No.

P.O. TONNA:
No.

LEG. FISHER:
Yes.

LEG. CARACAPPA:
Yep.

P.O. TONNA:
Okay.

MR. BARTON:
Four.

P.O. TONNA:
Great. 22 (Add \$359,500, 2002 for Parks pesticide free organic maintenance, Pay-As-You-Go Project). Now this is the motion, Legislator Caracciolo, you were talking about, the organic program?

LEG. FISHER:
Second.

LEG. CARACCIOLO:
Yes.

P.O. TONNA:
Seconded by Legislator Fisher. Roll call.

(Roll Called by Mr. Barton)

LEG. CARACCIOLO:
Yes.

LEG. FISHER:
Yes.

LEG. COOPER:
Yes.

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LEG. BINDER:
No.

LEG. BISHOP:
Yes.

LEG. D'ANDRE:
Yes.

LEG. CRECCA:
Pass.

LEG. CARPENTER:
Yes.

LEG. ALDEN:
Pass.

LEG. FIELDS:
Yes.

LEG. LINDSAY:
Yes.

LEG. FOLEY:
Yes.

LEG. HALEY:
No.

LEG. CARACAPPA:
Pass.

LEG. TOWLE:
No.

LEG. GULDI:
Yes.

LEG. POSTAL:
Yes.

LEG. TONNA:
Yep.

LEG. CRECCA:
Yeah.

LEG. ALDEN:
Yes.

LEG. CARACAPPA:
No.

MR. BARTON:
14-4.

P.O. TONNA:
Okay. Kenny, could I ask you something? Why aren't -- why didn't you suggest this in the Capital Budget if you're going to need this piece of equipment to comply with the pesticide-free organic maintenance law?

MR. WEISS:
First off, it wasn't requested by the department. We don't usually add things that aren't requested by the department.

P.O. TONNA:
Any reason? Maybe Parks. Legislator Caracappa, is there any -- has there been any discussion in committee about complying with this law?

LEG. CARACAPPA:
Not at all.

P.O. TONNA:
Okay.

LEG. CARACCIOLO:
Mr. Chairman.

P.O. TONNA:
Could I ask you that you would bring it up at the next committee meeting?

LEG. CARACAPPA:
Yes.

LEG. CARACCIOLO:
Mr. Chairman.

P.O. TONNA:
Thank you. Yes.

LEG. CARACCIOLO:
I had the Commissioner in my office last week to go over the program that has to be implemented in January. I simply asked the question you did. He said it was not submitted. Perhaps at a committee meeting, it would be appropriate to ask the Commissioner why he didn't submit his request.

P.O. TONNA:
Right.

LEG. CARACCIOLO:
But it was not submitted. Knowing that the law is effective in seven months, this was our opportunity to put it in place.

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P.O. TONNA:
Right. All right. We've already said yes to you.

LEG. CARACCIOLO:
I know. I know.

P.O. TONNA:
But, you know, I just wanted to get an idea. Okay. Number 23 (Add \$200,000, 2002 for site work at NYCONN Park, West Sayville Park).

LEG. FIELDS:
Motion.

LEG. BISHOP:
Second.

P.O. TONNA:
Motion by Legislator Fields.

LEG. FOLEY:
Second the motion.

P.O. TONNA:
Seconded by Legislator Foley.

LEG. GULDI:
Explanation.

P.O. TONNA:
Explanation.

LEG. FIELDS:
This was a piece of property that we bought and the -- when it was purchased, it was put into the purchase price to take the buildings down that were in there, and have a piece of property that we could call a park. However, it is not in any way, shape or form in a position to look at as a park. It has debris, and asphalt, and all kinds of things on it. And as a South Shore Estuary Reserve Comprehensive Management Plan recommendation, one of the recommendations is to provide access to our residents, and this is one of the very few areas where people can actually access the Great South Bay or the South Shore Estuary.

P.O. TONNA:
Okay.

LEG. BISHOP:
Where is this thing?

P.O. TONNA:
Let me guess, West Sayville.

LEG. FIELDS:
On Atlantic Avenue in West Sayville.

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

(Roll Called by Mr. Barton)

LEG. FIELDS:
Greens Creek. Yes.

LEG. FOLEY:
Yes.

LEG. COOPER:
Yes.

LEG. BINDER:
No.

LEG. BISHOP:
Yes.

LEG. D'ANDRE:
Yes.

LEG. CRECCA:
No.

LEG. CARPENTER:
Pass.

LEG. ALDEN:
No.

LEG. LINDSAY:
Yes.

LEG. HALEY:
No.

LEG. FISHER:
Yes.

LEG. CARACAPPA:
No.

LEG. TOWLE:
Pass.

LEG. GULDI:
Yes.

LEG. CARACCIOLO:
No.

LEG. POSTAL:
Yes.

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LEG. TONNA:
Yeah.

LEG. CARPENTER:
Yes.

LEG. TOWLE:
Yes.

P.O. TONNA:
Okay.

MR. BARTON:
12-6.

P.O. TONNA:
Number 24 (Add \$200,000, 2002 for purchase of pump-out vessels,
Pay-As-You-Go Project). Legislator Caracciolo.

LEG. CARACCIOLO:
Motion.

P.O. TONNA:
Seconded by?

LEG. BISHOP:
Second, please.

P.O. TONNA:
By Legislator Bishop. Let's roll call.

LEG. FIELDS:
On the motion.

P.O. TONNA:
Yes, on the motion.

LEG. FIELDS:
Where is this pump-out vessel?

LEG. CARACCIOLO:
No. This would be funding for additional pump-out vessels, which are leveraged with State and local funding.

LEG. FIELDS:
To go where, though?

LEG. CARACCIOLO:
Anywhere in the County where we have a partner with a Town. Presently, we have an agreement with Shelter Island in the Town of Southampton. I'm sorry, Southampton did their own, okay.

LEG. CARPENTER:
We have not worked out the details of --

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LEG. FISHER:
Right.

LEG. CARPENTER:
How we're going to go through with this --

LEG. CARACCIOLO:
We discussed it at length.

LEG. CARPENTER:
-- for the ones that we approved.

LEG. CARACCIOLO:
During the committee meeting last week, we talked at length to Vito Minei about this.

LEG. FISHER:
Yes. And at that meeting -- oh, I'm sorry. I'll wait my turn.

LEG. CARPENTER:

Right. And I have a resolution in to correct that, because the resolution was originally passed by myself and Legislator Levy, and the Health Commissioner said that there was some problems with implementing this program the way it was, and we have a resolution in to change it.

LEG. CARACCIOLO:

What are those problems?

LEG. FISHER:

Actually, we haven't exhausted the existing funds yet.

LEG. CARPENTER:

That's what I'm saying.

LEG. CARACAPPA:

Because we have acquisition problems.

LEG. CARACCIOLO:

Right.

LEG. CARPENTER:

We haven't purchased one boat yet.

LEG. CARACCIOLO:

Legislator Caracappa, if he could, could perhaps explain what the acquisition problems are, the logistics.

LEG. FISHER:

Actually, moving -- who would own it, the Town or the County?

LEG. CARACAPPA:

Exactly. We're having -- we can't -- we can't claim title to something that we don't own, and seeing that we're the ones authorized to purchase the boats and then turn them over to the towns, it has been very difficult with the purchasing aspect of them. What the Health Department's tried to put together are some technical corrections to

the original resolution that makes it a much more seamless, so to speak, procurement process, so that the Towns were to go out and buy the boats, then the County would then reimburse them for the funds that they expend, and I believe that to be the case, right, Fred?

LEG. CARACCIOLO:

That's what Vito -- that's what Vito stated.

LEG. FISHER:
Yes.

LEG. CARACAPPA:
Yeah.

LEG. CARACCIOLO:
What I'm pointing out, here we are in June, this is 2002 funding, I would hope in the next seven months, since the program was initiated well over a year ago, these kinks could be worked out and we'd be in a position again to put funding in place to carry out an aggressive program to clean up our bays and waterways.

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

(Roll Called by Mr. Barton)

LEG. CARACCIOLO:
Yes.

LEG. BISHOP:
Yes.

LEG. COOPER:
Yes .

LEG. BINDER:
No.

LEG. D'ANDRE:
Yes.

LEG. CRECCA:
No.

LEG. CARPENTER:
Pass.

LEG. ALDEN:
No.

LEG. FIELDS:
Yes.

LEG. LINDSAY:
No.

LEG. FOLEY:
Yes.

LEG. HALEY:
No.

LEG. FISHER:
No.

LEG. CARACAPPA:
No.

LEG. TOWLE:
No.

LEG. GULDI:
Yes.

LEG. POSTAL:
No.

P.O. TONNA:
No.

LEG. CARPENTER:
Yes.

MR. BARTON:
Eight.

P.O. TONNA:
All right. We finished our Capital Budget.

LEG. FOLEY:
No, one more.

LEG. CARACCIOLO:
One more.

P.O. TONNA:
25 has already been redundant.

LEG. CARACCIOLO:
Why is it redundant?

MR. POLLERT:
Because it's in conflict with the omnibus, which remove funding for the Farmland --

LEG. CARACCIOLO:
Well, I look forward to the County Executive vetoing that line item veto and we'll override -- we'll be able to sustain.

P.O. TONNA:

Let me just --

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LEG. GULDI:
Motion to reconsider Number 5.

P.O. TONNA:
Just before we go -- before we go on --

LEG. FOLEY:
No. No, hold on.

LEG. GULDI:
Motion to reconsider Number 5.

LEG. FOLEY:
On Number 25, if I -- just for a moment. This is -- this -- I don't know how this could conflict with the omnibus, because this adds to that program.

MR. POLLERT:
No. What happened with the omnibus is the Farmland Program funding was deleted, so it could be consolidated into the omnibus.

LEG. FOLEY:
Right. So this, in essence, would recreate that budget line.

MR. POLLERT:
Right. But you can't have a conflicting resolution. You can't both add money to a project as well as remove money from a project.

LEG. FOLEY:
No. Well, the first budget amendment removed the budget line.

MR. POLLERT:
Right.

LEG. FOLEY:
This is a later budget amendment that would add.

MR. POLLERT:
Right. So they would be in conflict, one remove the funds and --

LEG. FOLEY:
Right.

MR. POLLERT:

-- now --

LEG. FOLEY:
Now --

MR. POLLERT:
The one resolution would add to it.

LEG. FOLEY:
Correct, it would -- through the Chair, it would add to it. I mean, it gives the opportunity for the 18 of us to decide whether or not we want to, in essence, reconsider a portion of the omnibus by adding

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back a program that, while it was eliminated under -- not eliminated, it was transferred under omnibus, this, in essence, is a reconsideration of one item within that omnibus resolution.

P.O. TONNA:
Can I ask you something, just --

MR. SABATINO:
You can't vote to -- you can't vote to add and subtract at the same time. That's been the rule for the last 20 years.

LEG. FOLEY:
Well, it's not the same time, it's a subsequent resolution.

MR. SABATINO:
It is. It is. You can only vote on subsequent amendments that are supplemental. So if you cut something and move in one direction, you can supplement the cuts. If you move in the other direction, which just adds, you can move in that direction. But you can't move in contradictory, opposite positions at the same time.

P.O. TONNA:
Hence --

LEG. GULDI:
Why not?

P.O. TONNA:
Hence the word "conflict."

MR. POLLERT:
Because the reason it can't be done is you don't know which action the Legislature is really carrying out. So that has been a rule in both the Operating Budget and the Capital Program with respect to how do we

come up with conflicts. The appropriate thing to do, if you want to add \$2 million, would be to reconsider the omnibus and take that portion of the omnibus out.

LEG. FOLEY:

No, no. If I may, through the Chair.

P.O. TONNA:

Freddy. What are you doing, Freddy?

LEG. FOLEY:

Paul, if I may, through the Chair.

P.O. TONNA:

Yes, go ahead, through me.

LEG. FOLEY:

If I may, through the Chair, thank you, is that you have this bundle of money under the multi-faceted preservation program, which can be used for a myriad of purposes. And as Legislator Caracciolo said, theoretically, you could have none of that money used for Farmland Preservation; isn't that not correct?

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MR. POLLERT:

Yes.

LEG. GULDI:

That's correct.

LEG. FOLEY:

Okay. So that -- although many of us feel that some will be, but theoretically, it could be zero. That being the case, Mr. Chairman, what this, in essence, does is add another program, or recreates a program to -- that omnibus had transferred from one area to another. So I don't know why -- I still don't understand why it's a conflict.

MR. SABATINO:

You can't. You can't, because the County Charter says when you go to amend the Operating Budget or the Capital Budget, we have line item budgeting. So you can take a line item and you can either strike it, you can increase it, or you can cut it, but you can't do both at the same time. The Charter says you treat each line as a separate amendment.

LEG. GULDI:

So?

MR. SABATINO:

So you can either vote to increase that line, or you can vote to decrease that line, or you can vote to strike the line.

LEG. HALEY:

Mr. Chairman. You can't vote to strike it, to reduce it and to increase it at the same time.

LEG. GULDI:

It's not.

LEG. FOLEY:

It's not at the same time, it's two different resolutions.

P.O. TONNA:

Can I say something, Brian?

LEG. GULDI:

A subsequent vote.

P.O. TONNA:

Right, right.

LEG. BISHOP:

Right. And the ruling has been handed down.

MR. SABATINO:

It's at the same time because you're voting to amend the Operating Budget tonight, once.

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LEG. FOLEY:

No, this is a -- this is a Capital -- this is the Capital Program for next year.

MR. SABATINO:

I'm sorry, the Capital Budget. But the rules are the same, the language is the same for the Operating Budget --

P.O. TONNA:

Okay. Can I say something?

MR. SABATINO:

-- as it is for the Capital Budget.

P.O. TONNA:

Brian. Brian, all I would say is it's 25 minutes to. We still have a lot of work to do.

LEG. FOLEY:

Correct, that's right.

P.O. TONNA:

Could we -- this is something that, obviously, our Legal Counsel and Budget Review seem to be in total 100% unalterable agreement. Can we just -- we'll do this later. We'll talk about this later. Yes.

LEG. HALEY:

Just quickly, isn't the proper way to do it is to go back and reconsider the omnibus, change the omnibus, right?

P.O. TONNA:

Yes.

LEG. HALEY:

That's the only way you could do it.

P.O. TONNA:

Right, yeah. Okay. So now let's go on. Where are we now? We are --

LEG. COOPER:

Mr. Chairman.

P.O. TONNA:

-- finished with the Capital Program.

LEG. GULDI:

No, we're not.

LEG. COOPER:

I'd like to make a motion.

LEG. FISHER:

Second.

P.O. TONNA:

What.

LEG. GULDI:

No. A motion --

P.O. TONNA:
A motion?

LEG. GULDI:
A motion to reconsider Number 5.

P.O. TONNA:
Number 5? Oh, that sounds good.

LEG. FISHER:
Second.

P.O. TONNA:
Second, okay. All in favor? Opposed? Fine, we're in front of us.
Now, go ahead, vote. Make a motion to -- I make a motion to approve
Number 5.

LEG. FISHER:
Second.

P.O. TONNA:
Is there a second? Second by Legislator Fisher. All right. That's
the cars, the cars. Anyway --

LEG. HALEY:
Somebody change their vote.

LEG. FISHER:
Remembering that you can seek many types of grant funding for this.

P.O. TONNA:
Absolutely. And I could --

LEG. CARPENTER:
Legislator Tonna.

P.O. TONNA:
Yes.

LEG. CARPENTER:
You might need a forklift for those cars.

P.O. TONNA:
Probably. Oh, gosh, it almost cost me a lobster. Anyway, let's --
but it didn't.

LEG. BINDER:
Not from me.

P.O. TONNA:
Let's roll call.

LEG. FISHER:
Vote? Okay.

(Roll Called by Mr. Barton).

P.O. TONNA:
Yes.

LEG. FISHER:
Yes.

LEG. COOPER:
Yes.

LEG. BINDER:
No.

LEG. BISHOP:
No.

LEG. D'ANDRE:
Yes.

LEG. CRECCA:
No.

LEG. CARPENTER:
Yes.

LEG. ALDEN:
I should use my last lifeline on this one, right?

P.O. TONNA:
Yeah.

LEG. ALDEN:
No.

LEG. FIELDS:
No.

LEG. LINDSAY:
Yes.

LEG. FOLEY:
Yes.

LEG. HALEY:
No.

LEG. CARACAPPA:
Yes.

LEG. TOWLE:
Yes.

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LEG. GULDI:
Yes.

LEG. CARACCIOLO:
No.

LEG. POSTAL:
No.

MR. BARTON:
10-8.

P.O. TONNA:
Oh, look at that. Amazing. Merciful me. Okay.

LEG. COOPER:
Mr. Chairman, I'd like to make a motion to approve 1292, please

P.O. TONNA:
Okay. There is a motion to approve 1292, seconded by --

LEG. BISHOP:
It's like deja vu.

P.O. TONNA:
-- myself. No. Wasn't somebody -- who's the -- who was the second on this? Who was the second before?

LEG. COOPER:
I think it was Mike.

P.O. TONNA:
Yeah, Michael. Michael.

LEG. HALEY:
Second.

P.O. TONNA:
Okay. No. It's already seconded. All in favor?

LEG. TOWLE:
Motion to table.

P.O. TONNA:
Okay. Wait, wait, wait. Okay. Let's go back to this now. There was a motion to approve and a second. Already had a motion to table and a second defeated. Can we go do that again?

LEG. TOWLE:
He withdrew the bill.

P.O. TONNA:
Well, let me just find out. Can I just find out?

MR. SABATINO:
Well, the motion that was defeated, I think, was the motion to table

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it until June 26th. So that --

P.O. TONNA:
Right.

MR. SABATINO:
That motion would not be in order unless there was a motion to reconsider that motion.

LEG. TOWLE:
Motion to table.

MR. SABATINO:
But a motion to table to a different time line would be in order, if it was made.

LEG. TOWLE:
July meeting.

P.O. TONNA:
Okay.

MS. BURKHARDT:
August is the next meeting.

MR. SABATINO:
August 7th would be the next meeting.

P.O. TONNA:
I don't want to have a July meeting. Okay.

LEG. TOWLE:
I'm with you.

P.O. TONNA:
There we go.

P.O. TONNA:
To our next August meeting.

MR. SABATINO:
August 7th.

P.O. TONNA:
August 7th. There's a motion and a second to table. Roll call.

MS. FARRELL:
Who was the second, please?

P.O. TONNA:
This bill to the August meeting.

MS. FARRELL:
Haley.

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P.O. TONNA:
Because Fred Towle has asked --

LEG. CRECCA:
June meeting?

P.O. TONNA:
No. We already defeated that.

(Roll Called by Mr. Barton)

LEG. TOWLE:
Yes.

LEG. HALEY:
Yes.

LEG. COOPER:
No.

LEG. BINDER:
Yes.

LEG. BISHOP:
To table, no.

LEG. D'ANDRE:
Pass.

LEG. CRECCA:
No to table.

LEG. CARPENTER:
No.

LEG. ALDEN:
No.

LEG. FIELDS:
No.

LEG. LINDSAY:
No.

LEG. FOLEY:
No to table.

LEG. FISHER:
No.

LEG. CARACAPPA:
Yes.

LEG. GULDI:
No.

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LEG. CARACCIOLO:
Table, no.

LEG. POSTAL:
No.

P.O. TONNA:
No.

MR. BARTON:

Four.

P.O. TONNA:
Okay.

MR. BARTON:
Oh, Mr. D'Andre? I'm sorry.

LEG. D'ANDRE:
No.

P.O. TONNA:
Okay.

MR. BARTON:
Four.

P.O. TONNA:
Let's -- now there's a motion to approve and a second. Roll call.

(Roll Called by Mr. Barton)

LEG. COOPER:
Yes.

LEG. CARACCIOLO:
Yes .

LEG. BINDER:
Pass.

LEG. BISHOP:
No.

LEG. D'ANDRE:
Pass.

LEG. CRECCA:
Yes. Is this to approve?

MR. BARTON:
To approve.

LEG. CRECCA:
Yes.

LEG. CARPENTER:
Yes.

LEG. ALDEN:
Yes.

LEG. FIELDS:
Yes.

LEG. LINDSAY:
Yes.

LEG. FOLEY:
Yes.

LEG. HALEY:
No.

LEG. FISHER:
Yes.

LEG. CARACAPPA:
Pass.

LEG. TOWLE:
No.

LEG. GULDI:
Yes.

LEG. POSTAL:
Yes.

P.O. TONNA:
Yes .

LEG. BINDER:
Yes.

LEG. D'ANDRE:
Yes.

LEG. CARACAPPA:
Yes.

MR. BARTON:
15-3.

P.O. TONNA:
Okay. There we go.

(Applause)

All right. Let's go to the agenda. We still -- oh, late-starters. I want to -- I'm going to read them all out and then -- yeah, and to lay them on the table. 1583 (To establish Storm Water Remediation Program

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for South Shore Tributaries), assigned to Environment. 1586 (To establish unified Cash Management and Borrowing Procedure Committee), assigned to Finance. 1587 (Amending the 2001 Capital Budget and appropriating funds for the Jail Utilization Study (Jail Medical Unit), assigned to Public Safety and Finance. 1588 (Amending the 2001 Capital Budget and appropriating funds for replacement of the Equipment Shelter at the Mount Misery Radio Tower Site), Public Safety and Finance. 1589 (Amending the 2001 Capital Budget and appropriating funds for replacement of Security Booths at County Correctional Facilities), Public Safety and Finance. 1590 (Authorizing amendment of the Suffolk County Community College Capital Projects Funding Schedule), Public Works, Ed and Youth. 1591 (Amending the 2001 Capital Program and Budget, and appropriating planning funds for the construction of a Children's Shelter, Yaphank), Education and Youth, and Finance. 1592 (Establishing criteria for Suffolk County Active Parklands Stage II Acquisition Program), Environment. 1593 (Amending the 2001 Operating Budget transferring funds from the General Fund to the Community College Fund for advertising), Education and Youth. 1594 (Authorizing planning steps for land acquisition under Water Quality Protection component of the 1/4% Drinking Water Protection Program (Connetquot Avenue Property, Town of Islip, Suffolk County). Environment. 1595 (Authorizing Planning steps for the acquisition of land under Pay-As-You-Go 1/4% Taxpayer Protection Program (Land on Connetquot Avenue in Islip Terrace, Town of Islip), Environment. Motion by myself, seconded by Legislator Postal. All in favor? Opposed? Okay.

Can I just make -- today, all I ask is that late-starters, it causes severe headaches for the Clerk's Office. All I would ask is that people get back to -- late-starters should be for emergencies or something like that, not just "Hey, I forgot to file it."

LEG. FISHER:

You put in this late-starter.

P.O. TONNA:

Which one?

LEG. GULDI:

You put these in.

LEG. FISHER:

You put these in.

P.O. TONNA:

What did we do that for?

LEG. FISHER:
Presiding Officer from the County Executive --

P.O. TONNA:
Hey, physician heal thyself. I'm talking to myself. Okay. Anyway --

LEG. FOLEY:
Trust your doctor.

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WAYS AND MEANS

P.O. TONNA:
Trust my doctor, there we go. All right. Here we go. We are now in Introductory Resolution Number 2217 (Adopting Local Law No. -2000, a Local Law to license process servers in Suffolk County). Is there a motion, Legislator Postal?

LEG. POSTAL:
Motion to table.

P.O. TONNA:
Motion to table, seconded by myself. All in favor opposed? Tabled.

MR. BARTON:
18.

YEAR 2001

P.O. TONNA:
Okay. 1479 (Amending the 2001 Capital Budget and Program and appropriating funds in connection with the rehabilitation of the approach Lighting System on Runway 6-24 at Gabreski Airport) is a bonding resolution. Motion by Legislator Guldi, seconded by Legislator Carpenter. Roll call.

(Roll Called by Mr. Barton)

LEG. GULDI:
Yes.

LEG. CARACAPPA:
Yes.

LEG. COOPER:
Yes.

LEG. BINDER:
Yes.

P.O. TONNA:
Yeah, just say yes.

LEG. BISHOP:
Yes.

LEG. D'ANDRE:
Yes.

LEG. CRECCA:
Pass.

P.O. TONNA:
Let's move, let's move.

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LEG. CARPENTER:
Yes.

LEG. ALDEN:
Yes.

LEG. FIELDS:
Yes.

LEG. LINDSAY:
Yes

LEG. FOLEY:
Yes

LEG. HALEY:
Yes.

LEG. FISHER:
Yes.

LEG. TOWLE:
Yes.

LEG. CARACCIOLO:
Yes.

LEG. POSTAL:
Yes.

P.O. TONNA:
Yep.

LEG. CRECCA:
Yeah.

MR. BARTON:
18.

P.O. TONNA:
Okay, great.

MR. BARTON:
On the bond.

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

BUDGET

1442 (Transferring contingent funding for various contract agencies (Phase II). Motion by myself, seconded by Legislator Postal. All in favor? Opposed? Approved.

MR. BARTON:
18.

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ENVIRONMENT, LAND ACQUISITION, AND PLANNING

P.O. TONNA:
Okay. 1034 (Establishing Suffolk County Aquaculture Committee in connection with programmatic dispute). Motion by Legislator Guldi, second by Legislator Caracciolo. All in favor? Opposed? Approved.

MR. BARTON:
18.

P.O. TONNA:
Okay. 1295 (Transferring certain lands now owned by the County of Suffolk to the County Department of Parks, Recreation & Conservation (East Patchogue, Bellport, North Bellport - f/k/a Gallo Duck Farm). Motion by Legislator Foley, seconded by --

LEG. TOWLE:
Myself.

P.O. TONNA:
Legislator Haley? Oh, Towle.

LEG. HALEY:
Towle.

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

MR. BARTON:
18.

P.O. TONNA:
1415 (Authorizing planning steps for the acquisition of land under pay-as-you-go 1/4% taxpayer protection program (Clancy Road Property, Town of Brookhaven).

LEG. FOLEY:
Thank you.

LEG. TOWLE:
Cosponsor.

P.O. TONNA:
Motion by Legislator Caracciolo, seconded by myself. All in favor? Opposed? Approved.

MR. BARTON:
18.

P.O. TONNA:
1418 (Making a SEQRA determination in connection with the proposed reconstruction of Shinnecock Canal Locks, Phase IV, C.P. #5343, Town of Southampton). Motion by Legislator Guldi, seconded by myself. All in favor? Opposed? Approved.

MR. BARTON:
18.

P.O. TONNA:
1419 (Making a SEQRA determination in connection with the proposed repairs and upgrades to the H. Lee Dennison Building, C.P. 1659, town

of Islip).

LEG. ALDEN:
Motion.

P.O. TONNA:
Motion by Legislator Alden, seconded by Legislator Carpenter. All in favor? Opposed? Approved.

MR. BARTON:
18.

P.O. TONNA:
1425 (To establish policy for securing Land Management grants). Motion by Legislator Fields.

LEG. FOLEY:
Second.

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

LEG. CRECCA:
Opposed.

LEG. BINDER:
Motion -- I mean roll call. Roll call.

P.O. TONNA:
Okay. Roll call.

(Roll Called by Mr. Barton)

LEG. FIELDS:
Yes.

LEG. FOLEY:
Yes.

LEG. COOPER:
Yes.

LEG. BINDER:
No.

LEG. BISHOP:
Yes.

LEG. D'ANDRE:
No.

LEG. CRECCA:
No.

LEG. CARPENTER:
No.

LEG. ALDEN:
Nope.

LEG. LINDSAY:
Pass.

LEG. HALEY:
No.

LEG. FISHER:
Yes.

LEG. CARACAPPA:
Yep.

LEG. TOWLE:
No.

LEG. GULDI:
Yes.

LEG. CARACCIOLO:
Pass.

LEG. POSTAL:
Yes.

P.O. TONNA:
Yes.

LEG. CARACAPPA:
Oh, which one is this, 1425? Change my vote to a no.

LEG. CARACCIOLO:
Yes.

MR. BARTON:
10-8. S

P.O. TONNA:
Okay. 1428 (Making a SEQRA determination in connection with the proposed construction of a class "A" fire training building, C.P. 3405, Town of Brookhaven). Motion by -- who's Brookhaven? Who wants this? Marty, you want this?

LEG. HALEY:
Sure.

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P.O. TONNA:
1428.

LEG. FISHER:
Second.

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

MR. BARTON:
18.

P.O. TONNA:
1429 (Making a SEQRA determination in connection with the proposed stormwater remediation at Santapogue Creek, at C.R. 96 and C.R. 12, Town of Babylon). Motion by Legislator Bishop, seconded by myself. All in favor? Opposed? Approved.

MR. BARTON:
18.

P.O. TONNA:
1430 (Making a SEQRA determination in connection with the proposed intersection improvements to C.R. 80, Montauk Highway, at C.R. 31, Old Riverhead Road, Town of Southampton, C.P. #3301). Motion by Legislator Guldi, seconded by Legislator Caracciolo. All in favor? Opposed? Approved.

MR. BARTON:
18.

P.O. TONNA:
1431 (Making a SEQRA determination in connection with the proposed intersection improvements to C.R. 80, Montauk Highway at East Tiana Road/Bellows Pond Road, C.P. #5045, Town of Southampton). Motion by Guldi, seconded by Legislator Caracciolo. All in favor? Opposed? Approved.

MR. BARTON:
18.

P.O. TONNA:

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1433 (Making a SEQRA determination in connection with the proposed upgrade of Riverhead County Center Power Plant, C.P. 1715, Town of Southampton). Motion by?

LEG. GULDI:
Motion, same.

P.O. TONNA:
Guldi, seconded by Legislator Caracciolo. All in favor? Opposed?
Approved.

MR. BARTON:
18.

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P.O. TONNA:
1434 (Making a SEQRA determination in connection with the proposed improvements on Victory Drive at River Road, Town of Brookhaven, C.P. #5512). Motion by Legislator?

LEG. TOWLE:
Towle.

P.O. TONNA:
Towle, seconded by Legislator Foley. All in favor? Opposed?
Approved.

MR. BARTON:
18.

P.O. TONNA:
1435 (Making a SEQRA determination in connection with the proposed intersection improvements on C.R. 19, Patchogue-Holbrook Road at Old Waverly Avenue, Patchogue, Town of Brookhaven, C.P. #5040).

LEG. FOLEY:
Motion.

P.O. TONNA:
Motion by Legislator --

LEG. LINDSAY:
Cosponsor on 1436.

P.O. TONNA:
Well, we're not there yet. Motion by --

LEG. FOLEY:
Motion.

P.O. TONNA:
By Legislator -- Patchogue-Holbrook, Who's that?

LEG. FISHER:
Foley.

P.O. TONNA:
Foley, seconded by Legislator Lindsay? All in favor? Opposed?
Approved.

MR. BARTON:
18.

P.O. TONNA:
1436 (Authorizing acquisition of land for Lake Ronkonkoma). Motion by
Legislator Crecca, seconded by Legislator D'Andre. All in favor?
Opposed? Approved.

MR. BARTON:
18.

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P.O. TONNA:
1445 (Appropriating 1/4% Sales Tax proceeds for pay-as-you-go open
space acquisitions). Motion by Legislator Caracciolo, seconded by
myself.

LEG. FOLEY:
Explanation.

P.O. TONNA:
Explanation.

MR. SABATINO:
This resolution would appropriate the first \$6 million from the new
Quarter Percent Pay-As-You-Go Program for open space acquisitions, and
this would deal with three acquisitions, which is the Deger Property
property at West Hills, which is approximately 12 1/2 acres, Forsythe
Meadow, which is approximately 7 3/4 acres, and Wading Brook, which is
also known as Spring Meadow, which is approximately 60 acres.

LEG. CARACCIOLO:
Paul, we're ready.

LEG. CRECCA:

This is -- I just want to make clear that this is 1445 we're talking about?

LEG. FISHER:

Yes.

MR. SABATINO:

1445, yes. This is -- these are parcels that have been authorized for acquisition, but now there's a need for funding. This is the first batch of quarter percent pay-as-you-go open space.

LEG. CARACCIOLO:

Earlier today, Dick Amper made reference to the fact that the State Legislature has now approved a bill that allows us to borrow the proceeds from the new sales tax program. In fact, the Legislature almost unanimously approved Home Rule Message Number 2 that was requesting that authorization from the State, that State legislation has now been approved, and it's time to start spending the money.

MR. SABATINO:

He was talking about borrowing.

LEG. CARACCIOLO:

Oh, he was talking about the borrowing aspect of that.

MR. SABATINO:

This is pay-as-you-go money. This is the real money, this is not the borrowing program.

LEG. CARACCIOLO:

Okay, Paul. Thanks for the clarification.

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LEG. FISHER:

Money for the tax.

LEG. BISHOP:

Mr. Chairman, I don't know, does it need further explanation? Because as the --

P.O. TONNA:

No.

LEG. BISHOP:

No? We're ready?

P.O. TONNA:
Yeah.

LEG. BISHOP:
I could explain it, if you want.

P.O. TONNA:
I was ready.

LEG. GULDI:
Call the question.

P.O. TONNA:
Yeah, roll call. Oh, no. All in favor? Opposed?

MR. BARTON:
18.

P.O. TONNA:
Thank you. Where are we?

MS. BURKHARDT:
1446.

P.O. TONNA:
1446 (Dedication of certain lands now owned by Blue Point Downs Corporation 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), Legislator Foley.

LEG. FOLEY:
Motion.

P.O. TONNA:
Seconded by --

LEG. FOLEY:
Motion. Make a motion.

P.O. TONNA:
-- Legislator Lindsay. All in favor? Opposed? Approved.

MR. BARTON:
18.

LEG. FOLEY:
Thank you.

P.O. TONNA:
Okay.

LEG. CARPENTER:
Mr. Chairman.

P.O. TONNA:
Yes.

LEG. CARPENTER:
I would like to make a motion to extend the meeting until --

LEG. FISHER:
Extend past midnight?

LEG. CARPENTER:
-- 12:30.

LEG. FISHER:
Second.

P.O. TONNA:
Until when?

LEG. CARPENTER:
12:30.

LEG. BISHOP:
Second.

P.O. TONNA:
Okay.

LEG. CRECCA:
12:15.

P.O. TONNA:
Motion by Legislator Carpenter, seconded by Legislator Bishop. All in
favor? Opposed?

LEG. BINDER:
Roll call.

LEG. HALEY:
Opposed.

LEG. TOWLE:
Opposed.

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P.O. TONNA:
Okay, roll call.

LEG. GULDI:
Opposed.

P.O. TONNA:
Roll call.

MR. BARTON:
Who was the second, Mr. Chairman? Bishop.

P.O. TONNA:
Roll call.

(Roll Called by Mr. Barton)

LEG. CARPENTER:
Yes.

LEG. BISHOP:
Yes.

LEG. COOPER:
Yes.

LEG. BINDER:
No.

LEG. D'ANDRE:
Yes.

LEG. CRECCA:
Yep.

MR. BARTON:
To 12:30.

LEG. ALDEN:
Pass.

LEG. FIELDS:
Yes.

LEG. LINDSAY:
Yes.

LEG. FOLEY:
Yes.

LEG. HALEY:
No.

LEG. FISHER:
Yes.

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LEG. CARACAPPA:
Yes.

LEG. TOWLE:
No.

LEG. GULDI:
No.

LEG. CARACCILO:
Yes.

LEG. POSTAL:
Yes.

P.O. TONNA:
Yeah. To extend, yes.

LEG. ALDEN:
Yep.

MR. BARTON:
14-4.

LEG. FOLEY:
Lets go.

P.O. TONNA:
Okay. How many do we have?

LEG. BISHOP:
1437.

P.O. TONNA:
Wait, wait. How many do we have?

MR. BARTON:

14.

P.O. TONNA:
14, okay.

LEG. GULDI:
Let's go

HUMAN RESOURCES

P.O. TONNA:
So, 1437 (To establish RFP Policy for securing grants for Department of Human Resources, Personnel and Civil Service). Motion by Legislator Fields, seconded by --

LEG. FISHER:
Second.

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LEG. BINDER:
Roll call.

P.O. TONNA:
Legislator Fisher. Roll call.

(Roll Called by Mr. Barton)

LEG. FIELDS:
Yes.

LEG. FISHER:
Yes.

LEG. COOPER:
Yes.

LEG. BINDER:
No.

LEG. BISHOP:
Yes.

LEG. D'ANDRE:
Yes.

LEG. CRECCA:
No.

LEG. CARPENTER:
No.

LEG. ALDEN:
No.

LEG. LINDSAY:
Yes.

LEG. FOLEY:
Yes.

LEG. HALEY:
No.

LEG. CARACAPPA:
No.

LEG. TOWLE:
No.

LEG. GULDI:
Yes.

LEG. CARACCIOLO:
Yes.

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LEG. POSTAL:
Yes.

LEG. TONNA:
Yeah. I'd still -- yes.

MR. BARTON:
11-7.

P.O. TONNA:
Okay. 14 -- the next one that I see, I want to --

LEG. BISHOP:
Paul.

EDUCATION AND YOUTH

P.O. TONNA:

15 -- 1455 (Accepting and appropriating a 100% State funded grant to fund a Summer Youth Employment Program).

LEG. FISHER:
Motion.

P.O. TONNA:
Motion by myself -- oh, by Legislator Fisher, seconded by Legislator Alden. All in favor? Opposed? Approved.

MR. BARTON:
18.

P.O. TONNA:
1456 (Authorizing an agreement with a catering concessionaire at Suffolk County Community College). Motion by Legislator Fisher, seconded by Legislator Carpenter.

LEG. ALDEN:
On the motion.

LEG. CARPENTER:
No. I think we should have an explanation of this.

P.O. TONNA:
Okay.

LEG. CARPENTER:
I think everyone should be aware of what they're voting on.

P.O. TONNA:
Okay. Seconded by -- first of all, who is seconding?

LEG. CARPENTER:
I'll second it for the purposes of discussion.

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P.O. TONNA:
Okay. Go ahead.

LEG. FISHER:
Counsel, would you like to explain?

P.O. TONNA:
Go ahead.

MR. SABATINO:

This is \$845,000 that will be accepted from the State Department of Labor for a summer youth --

LEG. FISHER:

No, no, 1456, which is the concessionaire --

MR. SABATINO:

Oh, the next one. I'm sorry. I'm sorry.

LEG. FISHER:

-- who will be building the building and the revenues will be coming to the County from that.

MR. SABATINO:

Right. The reason this has to come before the County for a vote, and it requires a two-thirds vote, is because there was just a sole concessionaire that responded to the RFP, and it's a 20-year agreement.

LEG. FISHER:

Paul, do you know who the concessionaire is? I didn't remember the name of the concessionaire.

MR. SABATINO:

The name of the concessionaire is Carlisle Caterers Management Corporation. They'll be investing \$1.6 million, and the County will be getting a portion back. They'll be getting 3% at the beginning, then it will be 4% of the gross revenues, then 6%, and then 7%. It's based on five-year segments, so each of those five-year segments will get a different percentage.

LEG. FISHER:

Furthermore, the students can also purchase food here. I asked Mr. Wankel, with regards to the students, if they would be able to use meal cards, you know, the charge-down meal cards, and they would be able to use those also. And it's adjacent to the field house and the athletic and conference facilities.

LEG. ALDEN:

Legislator Fisher.

LEG. FISHER:

Yes.

LEG. ALDEN:

Do you know who the principals are in that corporation?

LEG. FISHER:
No, I don't.

LEG. ALDEN:
Paul?

LEG. FISHER:
It would be in the backup.

LEG. ALDEN:
Paul, do you know the principals?

MR. SABATINO:
I'm sorry. The principals should be attached. Hold on. The backup doesn't -- I thought the backup had an attachment that indicated it, but I don't see it, so I don't know.

LEG. FISHER:
Yeah. I didn't think I had remembered seeing that, the name -- I didn't remember seeing the names of the principals.

LEG. ALDEN:
Would Fred Pollert have it, or where can we get that information from?

LEG. LINDSAY:
Mr. Chairman. Mr. Chairman.

P.O. TONNA:
Yes.

LEG. LINDSAY:
I'd like to make a motion that we table this until we get some more information.

LEG. ALDEN:
I'll second that.

P.O. TONNA:
Which one is this?

LEG. CRECCA:
We had it in committee, so if we could answer some --

P.O. TONNA:
Number 1456?

LEG. CRECCA:
Maybe we could answer some question now.

LEG. CARPENTER:
Mr. Wankel was here.

LEG. LINDSAY:
There isn't a rush, though.

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LEG. FISHER:
Mr. Wankel was here most of the day, but --

LEG. LINDSAY:
We don't have to approve this tonight, do we?

P.O. TONNA:
No. All right. Motion to table by Legislator Lindsay, seconded by Legislator Crecca.

LEG. CRECCA:
On the motion. I'm not -- no, I'm not seconding it.

LEG. FISHER:
I'll get -- we'll get those answers for you in committee.

P.O. TONNA:
Oh, you don't want to tabling it? Oh, Legislator Alden. Okay. On the motion.

LEG. FISHER:
Legislator Alden, we'll get those answers for you before the next meeting.

LEG. CARACCIOLO:
Mr. Chairman.

P.O. TONNA:
Okay. Does -- wait, wait. We have a motion and a second to table.

LEG. CARACCIOLO:
Fine.

P.O. TONNA:
All in favor? Oh, you want on the motion?

LEG. CARACCIOLO:
Well, I would -- go ahead, table it.

LEG. FISHER:
Excuse me.

LEG. CARACCIOLO:

Table it.

P.O. TONNA:

Was there anybody from the Department or anybody from the County Executive's who's going to come?

LEG. FOLEY:

Paul, table it. Table it.

P.O. TONNA:

What?

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LEG. FOLEY:

Table it.

LEG. GULDI:

Table it.

P.O. TONNA:

Then, guess what, they go home, they could wait.

LEG. FISHER:

Brenda, I don't know what you're saying. County Exec's people, what are you saying from back there?

MS. ROSENBERG:

There was backup filed with the resolution.

P.O. TONNA:

Wait, wait. Brenda, you're going to have to come on the mike or we can't hear that, nor we can --

LEG. GULDI:

Not on the copies we have.

MS. ROSENBERG:

There was backup filed with the resolution.

P.O. TONNA:

No, no. You're going to have to come up here.

LEG. FISHER:

The backup didn't answer the question that Legislator Alden asked, which is who are the principals of the corporation with whom we're dealing in this -- with in this RFP.

MS. ROSENBERG:

I can't answer that, I'm sorry.

LEG. FISHER:

Okay. And that's why we're tabling it.

P.O. TONNA:

Okay.

LEG. CARACCIOLO:

Mr. Chairman, I would make a request that some competent legal review of this agreement be made before a recommendation is made to the Legislature.

P.O. TONNA:

Well, what do you mean --

LEG. CARACCIOLO:

Or independent. Maybe Legislative Counsel or Budget Review, Kevin, can look at this lease agreement to see if it's a good lease agreement.

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LEG. ALDEN:

Give it to Guldi, he beats up everything.

MR. SABATINO:

Just one point for the record.

LEG. GULDI:

I get paid for that.

LEG. TOWLE:

He said competent attorney.

LEG. CRECCA:

Yeah. That puts most of us out of the running.

LEG. GULDI:

You can't afford me.

MR. SABATINO:

Just one point for the record. There was reference made in the backup to an Appendix H, which is a disclosure statement, but that disclosure statement, Appendix H, is not attached. So I recalled seeing the reference, but it's not attached, so.

LEG. FISHER:
Motion to table.

P.O. TONNA:
All right.

LEG. CARACCIOLO:
Legislative Counsel, have you looked at this agreement?

LEG. FOLEY:
We're tabling it, Mike.

LEG. CARACCIOLO:
I understand.

MR. SABATINO:
I haven't seen an agreement. All there is is there's a Board of Trustees resolution that was submitted, and, as I said, there was reference made to Appendix H, but no statement.

LEG. FISHER:
Table it.

LEG. FOLEY:
Table it, Mike.

P.O. TONNA:
Okay. Motion to table and second. All in favor? Opposed? Tabled.

LEG. CRECCA:
Opposed.

357

LEG. CARACAPPA:
Opposed.

LEG. HALEY:
Opposed.

P.O. TONNA:
Opposed, Legislator Crecca?

LEG. CRECCA:
Yeah.

P.O. TONNA:
Okay. 1480 (Designating contract agencies for funding included in the
Page 421

2001 Operating Budget to provide services for adopted children). Is there a motion?

LEG. COOPER:
Motion to approve.

MR. BARTON:
15-3 on the tabling.

P.O. TONNA:
Motion to approve, seconded by myself. All in favor? Opposed?

LEG. ALDEN:
No. On the motion.

P.O. TONNA:
On the motion.

LEG. ALDEN:
Can I have an explanation addition on this?

P.O. TONNA:
Sure. Legislator Cooper?

LEG. COOPER:
This is money that was already in the 2001 Operating Budget. The problem is that, apparently, with the change in the Commissioner of Social Services, the RFP process was never initiated, but the current --

P.O. TONNA:
Right.

LEG. COOPER:
-- DSS Commissioner strongly supports the appointment of these three contract agencies, who are going to put aside the RFP process.

P.O. TONNA:
Yeah, it's revenue neutral, right?

LEG. CRECCA:
It's two contract agencies, right?

LEG. COOPER:
It's actually --

LEG. BINDER:
Which are the two?

P.O. TONNA:
It's revenue is the yes, but you think there's three contract agencies.

LEG. COOPER:
Yes. And the answer to that is no, it's three contract agencies.

LEG. CRECCA:
Because the resolution only shows two, Pederson Krag and Family Service League.

LEG. COOPER:
No. Then you have a -- you have an old copy. We also have \$10,000 for Spence Chapin.

LEG. CRECCA:
I got it off the internet, so.

P.O. TONNA:
Okay, great. Okay. You can't believe everything you read on the internet. 1488.

LEG. FOLEY:
We have to call the vote.

P.O. TONNA:
Oh, wait, vote. All in favor? Opposed?

MR. BARTON:
18.

P.O. TONNA:
Approved.

FINANCE AND FINANCIAL SERVICES

Okay. Finance and Financial Services. 1488 (Authorizing the County Comptroller and County Treasurer to transfer funds from the Discretionary Budget to the Mandated Budget to cover costs associated with the Deputy Sheriff's Benevolent Association Agreement). Motion by?

LEG. CARPENTER:
Motion.

LEG. CARACCIOLO:
Motion.

P.O. TONNA:

By Legislator Carpenter, seconded by Legislator Caracciolo. All in favor? Opposed?

MR. BARTON:

18.

P.O. TONNA:

Approved. 1489 (Authorizing the County Comptroller and County Treasurer to transfer funds to cover the costs associated with contract agreements for the Deputy Sheriff's Benevolent Association and the Detective Investigators Police Benevolent Association).
Motion by?

LEG. CARACCIOLO:

Motion.

LEG. CRECCA:

Motion.

LEG. CARPENTER:

Motion.

P.O. TONNA:

Legislator Caracciolo, seconded by Legislator Crecca. All in favor? Opposed? Approved.

MR. BARTON:

18.

PUBLIC SAFETY

P.O. TONNA:

Public Safety. 1440 (Directing Suffolk County Police and Suffolk County Sheriff to fly flag representing National Law Enforcement Officers Memorial in Washington D.C.) Motion by Legislator D'Andre, seconded by?

LEG. CARPENTER:

Second.

P.O. TONNA:

Legislator Carpenter. All in favor? Opposed? Approved.

LEG. D'ANDRE:

Alden or Caracciolo are second.

P.O. TONNA:

Alden is what?

LEG. D'ANDRE:
Alden or Caracciolo second it.

P.O. TONNA:
No, Legislator Carpenter did.

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LEG. D'ANDRE:
Cosponsor.

P.O. TONNA:
Okay.

LEG. ALDEN:
Cosponsor.

P.O. TONNA:
Okay. Cosponsors, Legislator Alden and Legislator Caracciolo?

LEG. CARACCIOLO:
Yeah.

LEG. CARPENTER:
And Carpenter.

P.O. TONNA:
Okay.

LEG. CRECCA:
Crecca.

P.O. TONNA:
And Crecca. Okay.

MR. BARTON:
18.

P.O. TONNA:
1463 (Amending the 2001 Capital Budget and Program and appropriating funds in connection with improvements to the Police 800 Mhz Radio Communications System (Huntington) (CP 3221).

LEG. BINDER:
Motion.

LEG. CARPENTER:
Motion.

P.O. TONNA:
Motion. This is a bond, so I'll make a motion, seconded by Legislator
Carpenter. Roll call.

(Roll Called by Mr. Barton)

LEG. TONNA:
Yeah.

LEG. CARPENTER:
Yes.

LEG. COOPER:
Yes.

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LEG. BINDER:
Yes.

LEG. BISHOP:
Yes.

LEG. D'ANDRE:
Yes.

LEG. CRECCA:
Yep.

LEG. ALDEN:
Yes.

LEG. FIELDS:
Yes.

LEG. LINDSAY:
Yes.

LEG. FOLEY:
Yes.

LEG. HALEY:
Yes.

LEG. FISHER:
Yes.

LEG. CARACAPPA:
Yes.

LEG. TOWLE:
Yes.

LEG. GULDI:
Yes.

LEG. CARACCIOLO:
Yes.

LEG. POSTAL:
Yes.

MR. BARTON:
18.

P.O. TONNA:
Okay.

MR. BARTON:
On the bond.

P.O. TONNA:
Great. Same motion, same second, same vote. I think we did 1248.

362

LEG. FOLEY:
Correct.

P.O. TONNA:
1320 (Authorizing execution of an agreement by the Administrative Head of Suffolk County Sewer District No. 11 - Selden with the Developer of Park Shaw Golf Community).

LEG. FISHER:
Motion.

P.O. TONNA:
Motion by Legislator Fisher, seconded by Legislator Haley. All in favor? Opposed?

LEG. CARACCIOLO:
Opposed.

P.O. TONNA:

Approved.

LEG. FOLEY:
Opposed.

P.O. TONNA:
Who's opposed? Legislator Caracciolo and Legislator Foley.

LEG. BISHOP:
And myself.

P.O. TONNA:
And Legislator Bishop.

LEG. GULDI:
And me.

P.O. TONNA:
And Legislator Guldi.

MR. BARTON:
14-4.

P.O. TONNA:
It's still approved. 1459 (Approving an amendment to the existing connection contract between Suffolk County Sewer District No. 7-Medford and Watral Industrial Building). Motion by Legislator Foley, seconded by Legislator Lindsay. All in favor? Opposed?

(Opposed Said in Unison by Legislators)

Opposed, Legislator --

LEG. ALDEN:
Abstain.

363

P.O. TONNA:
-- Caracciolo, Guldi, Haley, and one abstention, Legislator Alden.

LEG. BISHOP:
And Bishop.

P.O. TONNA:
And Bishop.

LEG. BISHOP:

Is no.

P.O. TONNA:
Is a no. Okay.

MR. BARTON:
13-4, 1 abstention.

P.O. TONNA:
Great. 1460 (Approving an amendment to the existing connection contract between Suffolk County Sewer District No. 7-Medford and HRS Corp. Warehouse). Motion by?

LEG. FOLEY:
Motion.

P.O. TONNA:
Legislator Foley. Seconded by? Legislator Towle. All in favor?
Opposed?

(Opposed Said in Unison by Legislators)

Approved. Let me guess. Legislator Caracciolo, Guldi, Haley. And anybody abstaining here? Bishop, what are you doing, you're approving that one?

LEG. BISHOP:
A-okay.

P.O. TONNA:
A-okay.

MR. BARTON:
15-3.

P.O. TONNA:
All right. Great. 1461 (Accepting a 75% grant award from the New York State Emergency Management Office (SEMO), and Amending the 2001 Capital Budget and Program for improvements to Sewage Treatment Facilities in Suffolk County Sewer District No. 3-Southwest (CP #8170). Motion by?

LEG. CARPENTER:
Motion.

P.O. TONNA:

Legislator Carpenter, seconded by Legislator Crecca. All in favor?
Opposed?

LEG. FISHER:

How much is this for?

P.O. TONNA:

Seventy-five percent.

LEG. GULDI:

Take the money.

P.O. TONNA:

What is the total --

MR. BARTON:

18.

P.O. TONNA:

Okay. What is the total amount?

LEG. CRECCA:

\$93,638.

P.O. TONNA:

There you go. Somebody paid attention to detail here.

LEG. BISHOP:

Got it off the internet.

P.O. TONNA:

All right. Here we go. Got it off the internet. A bargain price. All right. We have a couple of bonding resolutions. 1462 (Appropriating funds for participation in engineering in connection with the reconstruction/widening of CR 83, North Ocean Avenue, over the Long Island Expressway Exit 63 (CP 5849).

LEG. FOLEY:

Motion.

P.O. TONNA:

Motion by Legislator Foley, seconded by Legislator Haley. Roll call.

(Roll Called by Mr. Barton)

LEG. FOLEY:

Yes.

LEG. HALEY:

Yes.

LEG. COOPER:

Yes .

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LEG. BINDER:
Yes.

LEG. BISHOP:
Yes.

LEG. D'ANDRE:
Yes.

LEG. CRECCA:
Yeah.

LEG. CARPENTER:
Yes.

LEG. ALDEN:
Yes.

LEG. FIELDS:
Yes.

LEG. LINDSAY:
Yes.

LEG. FISHER:
Yes.

LEG. CARACAPPA:
Yep.

LEG. TOWLE:
Yes.

LEG. GULDI:
Yes.

LEG. CARACCIOLO:
Yes.

LEG. POSTAL:
Yes.

P.O. TONNA:
Yeah.

MR. BARTON:

18 on the bond.

P.O. TONNA:

Okay. Same motion, same second, same vote. 1464 (Appropriating funds in connection with safety improvements at various intersections (CP 3301). Motion by?

LEG. CARACCIOLO:

Motion.

366

LEG. GULDI:

Second.

P.O. TONNA:

Legislator Caracciolo, seconded by Legislator Guldi.

(Roll Called by Mr. Barton)

LEG. CARACCIOLO:

Yes.

LEG. GULDI:

Yes.

LEG. COOPER:

Yes.

LEG. BINDER:

Yes.

LEG. BISHOP:

Yes.

LEG. D'ANDRE:

Yes.

LEG. CRECCA:

Yeah.

LEG. CARPENTER:

Yep.

LEG. ALDEN:

Yes.

LEG. FIELDS:

Yes.

LEG. LINDSAY:
Yes.

LEG. FOLEY:
Yes.

LEG. HALEY:
Yes.

LEG. FISHER:
Yes.

LEG. CARACAPPA:
Yep.

LEG. TOWLE:
Yes.

367

LEG. POSTAL:
Yes.

LEG. TONNA:
Yes.

MR. BARTON:
18 on the bond.

P.O. TONNA:
Great. Same motion, same second, same vote. 1466. Motion by
Legislator --

MR. BARTON:
65.

P.O. TONNA:
I think --

LEG. LINDSAY:
65.

P.O. TONNA:
65, I'm sorry. 65. (1465-Appropriating funds in connection with the
reconstruction of CR 43, Northville Turnpike, from Elton Lane to Sound
Avenue). Motion by Legislator Caracciolo, seconded by Legislator

Guldi.

(Roll Called by Mr. Barton)

LEG. CARACCIOLO:

Yes.

LEG. GULDI:

Yes.

LEG. COOPER:

Yes .

LEG. BINDER:

Yes.

LEG. BISHOP:

Yes.

LEG. D'ANDRE:

Yes.

LEG. CRECCA:

Yeah.

LEG. CARPENTER:

Yes.

LEG. ALDEN:

Yes.

368

LEG. FIELDS:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. HALEY:

Yes.

LEG. FISHER:

Yes.

LEG. CARACAPPA:
Yep.

LEG. TOWLE:
Yes.

LEG. POSTAL:
Yes.

P.O. TONNA:
Yep.

MR. BARTON:
18 on the bond.

P.O. TONNA:
Okay. Same motion, same second, same vote. 1466 (Appropriating funds in connection with the intersection improvements to CR 19, Patchogue-Holbrook Road at Old Waverly Avenue, Village of Patchogue, Town of Brookhaven).

LEG. FOLEY:
Motion.

P.O. TONNA:
Motion by Legislator Foley.

LEG. LINDSAY:
Second.

P.O. TONNA:
Seconded by Legislator Lindsay. Roll call.

(Roll Called by Mr. Barton).

LEG. FOLEY:
Yes.

LEG. LINDSAY:
Yes.

369

LEG. COOPER:
Yes .

LEG. BINDER:
Yes.

LEG. BISHOP:
Yes.

LEG. D'ANDRE:
Yes.

LEG. CRECCA:
Yeah.

LEG. CARPENTER:
Yep.

LEG. ALDEN:
Yep.

LEG. FIELDS:
Yes.

LEG. HALEY:
Yes.

LEG. FISHER:
Yes.

LEG. CARACAPPA:
Yep.

LEG. TOWLE:
Yes.

LEG. GULDI:
Yes.

LEG. CARACCIOLO:
Yes.

LEG. POSTAL:
Yes.

P.O. TONNA:
Yep.

MR. BARTON:
18 on the bond.

P.O. TONNA:
Okay. Same motion, same second, same vote. 1467 (Appropriating funds in connection with the intersection improvements on CR 16, Smithtown Boulevard at CR 93, Lakeland Avenue-Rosevale Avenue, Town of Smithtown

(CP 5118).

LEG. CRECCA:
Motion.

LEG. D'ANDRE:
Second.

P.O. TONNA:
Motion by Legislator Crecca, seconded by Legislator D'Andre.

(Roll Called by Mr. Barton)

LEG. CRECCA:
Yes.

LEG. D'ANDRE:
Yes.

LEG. COOPER:
Yes.

LEG. BINDER:
Yes.

LEG. BISHOP:
Yes.

LEG. CARPENTER:
Yes.

LEG. ALDEN:
Yes.

LEG. FIELDS:
Yes.

LEG. LINDSAY:
Yes.

LEG. FOLEY:
Yes.

LEG. HALEY:
Yes.

LEG. FISHER:
Yes.

LEG. CARACAPPA:
Yes.

LEG. TOWLE:
Yes.

371

LEG. GULDI:
Yes.

LEG. CARACCIOLO:
Yes.

LEG. POSTAL:
Yes.

P.O. TONNA:
Yep.

MR. BARTON:
18 on the bond.

P.O. TONNA:
Same motion, same second, same vote. 1468 (Appropriating funds in connection with the reconstruction of the Shinnecock Canal Locks, Phase IV, Town of Southampton (CP 5343). Motion by?

LEG. GULDI:
Motion.

P.O. TONNA:
Legislator Guldi.

LEG. FOLEY:
Second.

P.O. TONNA:
Second by Legislator Foley.

(Roll Called by Mr. Barton)

LEG. GULDI:
Yes.

LEG. FOLEY:
Yes.

LEG. COOPER:
Yes.

LEG. BINDER:
Yes.

LEG. BISHOP:
Yes.

LEG. D'ANDRE:
Yes.

LEG. CRECCA:
Pass.

372

LEG. CARPENTER:
Yes.

LEG. ALDEN:
Abstain.

LEG. FIELDS:
Yes.

LEG. LINDSAY:
Yes.

LEG. HALEY:
Yes.

LEG. FISHER:
Yes.

LEG. CARACAPPA:
Yep.

LEG. TOWLE:
Yes.

LEG. CARACCIOLO:
Yes.

LEG. POSTAL:
Yes.

LEG. TONNA:
Yep.

MR. BARTON:
17, 1 abstention on the bond.

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

LEG. CRECCA:
Excuse me, I passed.

MR. BARTON:
Well, it sounded like a yes to me.

P.O. TONNA:
Okay. 1470.

MR. BARTON:
What is your vote?

P.O. TONNA:
Motion by?

LEG. CRECCA:
Abstain.

373

MR. BARTON:
Abstain.

LEG. FOLEY:
1469.

LEG. FISHER:
1469.

P.O. TONNA:
Sorry. 1469 (Appropriating funds in connection with the reconstruction of Culverts (CP 53710).

MR. BARTON:
16, 2 abstentions on 1468 on the bond.

P.O. TONNA:
Motion by? Guldi?

LEG. GULDI:
Yeah.

MR. BARTON:
I'm sorry, I thought you said yes.

P.O. TONNA:
Okay. Seconded by Legislator Caracciolo. Roll call.

MR. BARTON:
On 1469.

(Roll Called by Mr. Barton)

LEG. GULDI:
Yes.

LEG. CARACCIOLO:
Yes.

LEG. COOPER:
Yep.

LEG. BINDER:
Yes.

LEG. BISHOP:
Yes.

LEG. D'ANDRE:
Yes.

LEG. CRECCA:
Yeah.

374

LEG. CARPENTER:
Yes.

LEG. ALDEN:
Yes.

LEG. FIELDS:
Yes.

LEG. LINDSAY:
Yes.

LEG. FOLEY:
Yes.

LEG. HALEY:
Yes.

LEG. FISHER:
Yes.

LEG. CARACAPPA:
Yes.

LEG. TOWLE:
Yes.

LEG. POSTAL:
Yes.

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

MR. BARTON:
18 on the bond.

P.O. TONNA:
Great. 470.

LEG. GULDI:
Motion.

P.O. TONNA:
1470 (Appropriating funds in connection with the repair of bulkhead at Quogue Canal, Town of Southampton (Capital Program Number 5375).

LEG. CARACCIOLO:
Second.

P.O. TONNA:
You know what, I'm going to let Legislator Postal take over for a little while.

(Roll Called by Mr. Barton)

LEG. GULDI:
Yes.

LEG. CARACCIOLO:
Yes.

LEG. COOPER:
Yes.

LEG. BINDER:
Yes.

LEG. BISHOP:
Yes.

LEG. D'ANDRE:
Yes.

LEG. CRECCA:
Yes.

LEG. CARPENTER:
Yes.

LEG. ALDEN:
Abstain.

LEG. FIELDS:
Yes.

LEG. LINDSAY:
Yes.

LEG. FOLEY:
Si.

LEG. HALEY:
Yes.

LEG. FISHER:
Yes.

LEG. CARACAPPA:
Yes.

LEG. TOWLE:
Yes.

LEG. FOLEY:
Yes.

LEG. POSTAL:
Yes.

P.O. TONNA:
Yes.

376

MR. BARTON:
17, 1 abstention on the bond.

D.P.O. POSTAL:
Same motion, same second, same vote. 1471 (Appropriating funds in connection with a corridor study of CR 13, Fifth Avenue, Town of Islip (CP 5538).

LEG. CARACCIOLO:
Motion.

LEG. GULDI:
Second.

D.P.O. POSTAL:
Motion by Legislator Carpenter, was it, second by Legislator Alden.
Roll call.

(Roll Called by Mr. Barton)

LEG. CARPENTER:
Yes.

LEG. ALDEN:
Yes.

LEG. COOPER:
Yes.

LEG. BINDER:
Yes.

LEG. BISHOP:
Yes.

LEG. D'ANDRE:
Yes.

LEG. CRECCA:
Yes.

LEG. FIELDS:
Yes.

LEG. LINDSAY:
Yes.

LEG. FOLEY:
Yes.

LEG. HALEY:
Yes.

LEG. FISHER:
Yes.

377

LEG. CARACAPPA:
Yep.

LEG. TOWLE:
Yes.

LEG. GULDI:
Yes.

LEG. CARACCIOLO:
Yes.

LEG. POSTAL:
Yes.

P.O. TONNA:
Yep.

MR. BARTON:
18 on the bond.

D.P.O. POSTAL:
Same motion, same second, same vote. 1472 (Appropriating funds in connection with the reconstruction of CR 7, Wicks Road, from CR 13, Fifth Avenue to CR 67, Long Island Motor Parkway (CP 5539). A motion by Legislator Carpenter, seconded by Legislator Crecca. Roll call.

(Roll Called by Mr. Barton)

LEG. CARPENTER:
Yes.

LEG. CRECCA:
Yes.

LEG. COOPER:
Yes.

LEG. BINDER:
Yes.

LEG. BISHOP:
Yes.

LEG. D'ANDRE:
Yes.

LEG. ALDEN:
Yes.

LEG. FIELDS:
Yes.

LEG. LINDSAY:
Yes.

378

LEG. FOLEY:
Yes.

LEG. HALEY:
Yes.

LEG. FISHER:
Yes.

LEG. CARACAPPA:
Yep.

LEG. TOWLE:
Yes.

LEG. GULDI:
Yeah.

LEG. CARACCIOLO:
Yeah.

LEG. POSTAL:
Yes.

P.O. TONNA:
Yep.

MR. BARTON:
18 on the bond.

D.P.O. POSTAL:
Same motion, same second, same vote. 1474. Motion.

MR. BARTON:
73.

D.P.O. POSTAL:
Motion, Legislator Foley.

LEG. CRECCA:
73.

LEG. FOLEY:
1473.

D.P.O. POSTAL:
14 -- oh, I'm sorry. (1473-Amending the 2001 Capital Budget and Program and appropriating funds in connection with the rehabilitation of various bridges and embankments (CP 5850).

LEG. FIELDS:
Motion.

D.P.O. POSTAL:
Motion, Legislator Fields.

379

LEG. CARACCIOLO:
On the motion.

D.P.O. POSTAL:
On the motion. Is there a second? I'll second it. On the motion, Legislator Caracciolo.

LEG. CARACCIOLO:
Explanation of the nature of the amendment.

D.P.O. POSTAL:
1473.

LEG. CARACCIOLO:
1473.

MR. SABATINO:

GM060501.txt

The Capital Budget would be increased from 585,000 to 800,000 for bridge work, and the offset's coming from safety improvements at road intersections. The roads -- the bridges, rather, that would be rehabilitated would be Steven's Lane Bridge, Nicolls Road Bridge, Yaphank -- Yaphank Avenue Bridge, and Moneybogoe Creek Bridge in Southampton.

LEG. CARACCIOLO:

Is there a net increase in the bonding cost?

MR. SABATINO:

Well, there's an offset so --

LEG. GULDI:

It's an offset so it's not a --

MR. SABATINO:

There has to be --

LEG. CARACCIOLO:

Oh, okay. I didn't hear. I'm sorry, I didn't hear you say "offset."

MR. SABATINO:

There has to be an offset. The offset's coming from the road intersection improvements.

LEG. CARACCIOLO:

Oh, okay.

LEG. FISHER:

There is a motion.

D.P.O. POSTAL:

There's a motion and a second. Any other questions? Roll call.

(Roll Called by Mr. Barton)

380

LEG. FIELDS:

Yes.

D.P.O. POSTAL:

Yes.

LEG. COOPER:

Yes.

LEG. BINDER:
Yes.

LEG. BISHOP:
Yes.

LEG. D'ANDRE:
Yes.

LEG. CRECCA:
Yep.

LEG. CARPENTER:
Yes.

LEG. ALDEN:
Yes.

LEG. LINDSAY:
Yes.

LEG. FOLEY:
Yes.

LEG. HALEY:
Yes.

LEG. FISHER:
Yes.

LEG. CARACAPPA:
Si, I mean yeah.

LEG. TOWLE:
Yes.

LEG. GULDI:
Yes.

LEG. CARACCILO:
Yes.

P.O. TONNA:
Yep.

MR. BARTON:
18 on the bond.

D.P.O. POSTAL:

Same motion, same second, same vote.

PARKS, SPORTS & CULTURAL AFFAIRS

1474 (Appropriating funds in connection with improvements at the main building of the Hard Estate (Meadowedge) at West Sayville County Golf Course (CP 7510). Motion, Legislator Fields, seconded by Legislator Lindsay. Roll call.

(Roll Called by Mr. Barton)

LEG. FIELDS:

Yes.

LEG. LINDSAY:

Yes.

LEG. COOPER:

Yes.

LEG. BINDER:

Yes.

LEG. BISHOP:

Yes.

LEG. D'ANDRE:

Yes.

LEG. CRECCA:

Pass.

LEG. CARPENTER:

Yes.

LEG. ALDEN:

Yes.

LEG. FOLEY:

Yes.

LEG. HALEY:

Yes.

LEG. FISHER:

Yes.

LEG. CARACAPPA:

Yes.

LEG. TOWLE:

Yes.

382

LEG. GULDI:
Yes.

LEG. CARACCIOLO:
Yes.

LEG. POSTAL:
Yes.

P.O. TONNA:
Yes.

LEG. ALDEN:
Change mine to a no.

LEG. CRECCA:
No. This is \$20,000.

MR. BARTON:
Mr. Crecca, your vote?

LEG. CRECCA:
No.

MR. BARTON:
No? Thank you. 16-2 on the bond.

D.P.O. POSTAL:
Same motion, same second, same vote.

[SUBSTITUTION OF STENOGRAPHER - ALISON MAHONEY]

D.P.O. POSTAL:
1475, 1475A - Appropriating funds in connection with improvements to Historic Sites and Buildings at the Mary L. Booth House, Yaphank (CP 7510) (County Executive). Motion by Legislator Towle.

LEG. FOLEY:
Second.

LEG. CRECCA:
On the motion.

D.P.O. POSTAL:

Seconded by Legislator Foley. On the motion, Legislator Crecca.

LEG. CRECCA:

This is \$50,000, I'm just wondering why we're bonding it. The last one was 20,000, this one is 50,000.

D.P.O. POSTAL:

This is a County Executive resolution.

LEG. GULDI:

Capital project 7510, it's in the Capital Budget.

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LEG. CRECCA:

I'm going to ask Budget Review. I'm showing it as a bond of \$50,000 for improvements to some historic sites.

MR. POLLERT:

Yes, that's correct, it is a bond.

LEG. CRECCA:

I mean, is there a reason why we're bonding such a small amount -- I'm just asking -- or it's just part of it?

LEG. TOWLE:

It's part of an overall project.

D.P.O. POSTAL:

Okay? Any other questions? Roll call.

LEG. CARACCIOLO:

Well, yeah.

D.P.O. POSTAL:

Question, Legislator Caracciolo.

LEG. CARACCIOLO:

Thank you.

MR. BARTON:

Please use your microphones.

LEG. CARACCIOLO:

Thank you. The \$50,000, is that needed to complete the project or is this a change in the project's scope?

LEG. TOWLE:

I believe it's the last phase of the project, if I'm not mistaken. We have approved money for this project before.

LEG. CARACCIOLO:

I understand. I'm just trying to make sense of whether or not it's an addition to the project, we need some more money to finish it?

LEG. TOWLE:

The house -- as Budget Review is looking it up, the house is already on the site and if I'm not mistaken, this is the last phase of it.

D.P.O. POSTAL:

If we could ask Budget Review to respond.

MR. POLLERT:

Just one second. Actually, this is an ongoing Capital Project with funding of \$100,000 in each of the following years which in general just deals with the historic preservation.

LEG. CARACCIOLO:

Okay. What stage of rehabilitation or construction is this project,

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that's all I'm trying to find out.

LEG. CRECCA:

Fred, if you want, I can answer that.

MR. POLLERT:

Good, thank you.

LEG. CRECCA:

It's restoration of the buildings at Mary Booth House in Yaphank, it's under --

LEG. CARACCIOLO:

I have the same backup.

LEG. CRECCA:

Oh, okay. I thought you didn't.

LEG. CARACCIOLO:

But I don't know at what stage this project is in. Is this the onset or is this money needed to complete the project, to the global budget?

MR. POLLERT:

The first project was Resolution 531 of 2000 which appropriated \$50,000

for the Mary Booth House and I believe that was all the money that had previously been appropriated on the project.

LEG. CARACCIOLO:

So is this a \$100,000 project and this is going to provide the balance to finish it?

P.O. TONNA:

Excuse me. Everyone, Legislator Caracciolo has the floor, I'd ask that everyone please be quiet and let's just listen.

MR. POLLERT:

No, it will be a \$101,000 project because \$50,000 was previously appropriated.

LEG. CARACCIOLO:

Okay. So this is really just appropriating the balance of funds needed to complete the project.

MR. POLLERT:

That's correct, that's our understanding.

LEG. CARACCIOLO:

Thank you. Okay.

D.P.O. POSTAL:

Roll call.

(*Roll Called by Mr. Barton*)

LEG. TOWLE:

Yes.

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LEG. FOLEY:

Yes.

LEG. COOPER:

Yes.

LEG. BINDER:

Yes.

LEG. BISHOP:

Yes.

LEG. D'ANDRE:

Yes.

LEG. CRECCA:
Yes.

LEG. CARPENTER:
Yes.

LEG. ALDEN:
No.

LEG. FIELDS:
Yes.

LEG. LINDSAY:
Yes.

LEG. HALEY:
(Not Present)

LEG. FISHER:
Yes.

LEG. CARACAPPA:
Yes.

LEG. GULDI:
Yes.

LEG. CARACCIOLO:
Yes.

LEG. POSTAL:
Yes.

P.O. TONNA:
Yes.

LEG. BINDER:
Yes.

MR. BARTON:
16-1, one not present on the bond (Opposed: Legislator Alden - Not

Present: Legislator Haley).

D.P.O. POSTAL:
Same motion, same second, same vote.

1476, 1476A - Appropriating funds in connection with improvements to Historic Sites and Buildings at the Third House, Montauk (CP 7510) (County Executive).

LEG. GULDI:
Motion.

D.P.O. POSTAL:
Motion by Legislator Guldi, seconded by Legislator Crecca.

LEG. CARACCIOLO:
On the motion, same question.

LEG. POSTAL:
On the motion, Legislator Caracciolo.

LEG. CARACCIOLO:
Same question, Fred, as before?

MR. POLLERT:
Yes. What this is is the first phase of the project; 2001 includes planning, there is a cost of \$75,000 in 2002 for the restoration.

LEG. CARACCIOLO:
Thank you.

D.P.O. POSTAL:
Roll call.

(*Roll Called by Mr. Barton*)

LEG. GULDI:
Yes.

LEG. CRECCA:
Yes.

LEG. COOPER:
Yes.

LEG. BINDER:
Yes.

LEG. BISHOP:
Yes.

LEG. D'ANDRE:
Yes.

LEG. CARPENTER:
Yes.

LEG. ALDEN:
Yes.

LEG. FIELDS:
Yes.

LEG. LINDSAY:
Yes.

LEG. FOLEY:
Yes.

LEG. HALEY:
(Not Present).

LEG. FISHER:
Yes.

LEG. CARACAPPA:
Yes.

LEG. TOWLE:
Yes.

LEG. CARACCIOLO:
Yes.

LEG. POSTAL:
Yes.

P.O. TONNA:
Yes.

MR. BARTON:
17, one not present on the bond (Not Present: Legislator Haley).

D.P.O. POSTAL:
Same motion, same second, same vote.

1477, 1477A - Appropriating funds in connection with planning for improvements to Historic Sites and Buildings at Blydenburgh County Park Historical District (CP 7510) (County Executive). Motion by Legislator Crecca, seconded by Legislator D'Andre. Roll call.

(*Roll Called by Mr. Barton*)

LEG. CRECCA:
Yes.

LEG. D'ANDRE:

Yes.

LEG. COOPER:

Yes.

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LEG. BINDER:

Yes.

LEG. BISHOP:

Yes.

LEG. CARPENTER:

Yes.

LEG. ALDEN:

Yes.

LEG. FIELDS:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. FISHER:

Yes.

LEG. CARACAPPA:

Yep.

LEG. TOWLE:

Yes.

LEG. GULDI:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. POSTAL:

Yes.

P.O. TONNA:
Yes.

LEG. HALEY:
Yes.

MR. BARTON:
18 on the bond.

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

HEALTH:
1410 - Establishing County website page for food service establishment violations (Bishop). Legislator Bishop, what do you want to do with this?

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LEG. CARPENTER:
Think about it.

LEG. BISHOP:
What is it?

P.O. TONNA:
This is your website.

LEG. BISHOP:
Oh; table, please.

P.O. TONNA:
Table, seconded by myself. All in favor? Opposed?

LEG. GULDI:
Hold on, hold on?

P.O. TONNA:
Tabled.

LEG. GULDI:
Tabling what?

LEG. CRECCA:
1410.

MR. BARTON:
18.

P.O. TONNA:
Okay. 1426 - To establish policy for securing Health Department
(Fields).

LEG. FIELDS:
Motion.

P.O. TONNA:
Motion by Legislator Fields, seconded by Legislator Foley. On the
motion, I want to ask this question. Now, this is the third one that
we've done, we've done it in Health?

LEG. FIELDS:
And the Commissioner of Health agreed with it.

P.O. TONNA:
Right, but just -- Health --

MR. BARTON:
Please use your microphones.

P.O. TONNA:
We voted already for it in what other -- Civil Service and?

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LEG. FIELDS:
Human Resources Attorney .

P.O. TONNA:
Paul, could you just do a -- what this bill does?

MR. SABATINO:
This bill creates a three member RFP committee to seek a grant writer
to supplement the efforts of a department -- in this case it's the
Health Department -- for seeking either Federal or State aid under the
various programs that they've got. It would be based on a contingent
fee basis with the responder submitting the lowest percentage fee
request of being the successful responder --

LEG. ALDEN:
On the motion.

MR. SABATINO:
-- and it would be subject to legislative approval of the contract
after the recommendation was made.

P.O. TONNA:

Okay. Just the question was raised, and maybe this is what Legislator Alden wants to raise, but are we allowed to pay for contingency fees, are we allowed to do that with regard to grant writing?

MR. SABATINO:

Only if you pass a resolution. The question came up at the committee which is why a resolution, why can't the department just do it? The reason is the department can't do it because they wouldn't have the authority, you need legislative authorization.

P.O. TONNA:

All right. Even if we get Federal funding or State funding or whatever else? I mean, when you accept a grant --

LEG. FIELDS:

It depends upon the grant.

MR. SABATINO:

As long as the grant doesn't have --

LEG. FIELDS:

Right.

MR. SABATINO:

-- you know a specific term or condition that bars that. So it would be grant specific.

P.O. TONNA:

Okay. And my other question is there is no way that we're now going to have a grant writer and then all the grants that we normally get --

LEG. FOLEY:

No, this supplements.

LEG. FIELDS:

Absolutely not.

P.O. TONNA:

Now we're going to start paying them for it.

LEG. FOLEY:

Supplement is the operative word.

P.O. TONNA:

What's the mechanism?

LEG. CRECCA:

Can I just -- on the motion?

P.O. TONNA:

Wait. No, Legislator Alden is next after my questions, but then Legislator Crecca.

LEG. ALDEN:

Foley might be next.

P.O. TONNA:

The question that I have is in other words, let's say we have gotten a grant every year, a DARE grant, okay -- Legislator Binder would love that -- we now underwrite DARE, we get a grant from the Federal Government to do some DARE, we have it each year. Now this grant writer says, "Okay, I'll help you do the grant". Okay, what if two years go by and then, you know, what if there's an interruption in the grant? In other words, what I'm saying is I don't mind paying somebody to go out there and basically market new money for us. I have a problem, though, with somebody who is going to go out there --

LEG. FIELDS:

No.

P.O. TONNA:

-- and market old money for us.

LEG. FOLEY:

No, this is --

LEG. FIELDS:

No, this bill does not do that at all.

P.O. TONNA:

Well, not that I don't believe you.

LEG. FIELDS:

Right.

P.O. TONNA:

But I'd just like to --

LEG. FIELDS:

Okay, ask.

P.O. TONNA:
What's the mechanism?

MR. SABATINO:
Well, first of all, it was worded as supplemental. But more importantly, that's why the RFP process is being subject to Legislative approval, so that the final contract that would be awarded would be voted on by the Legislature.

P.O. TONNA:
But that's a check and balance the Legislature --

LEG. FOLEY:
Let me give you an example, Mr. Chairman.

P.O. TONNA:
Wait, wait. I want to conceptually --

LEG. FOLEY:
I know, I'm going to give you an example conceptually.

P.O. TONNA:
The department --

LEG. FOLEY:
I'm going to give you an example conceptually.

P.O. TONNA:
All right, but let me just finish one thing before that. In other words, can the department say okay -- like for example, right now in the Department of Labor, okay, in the Department of Labor we have a great grant writer.

LEG. FIELDS:
Right.

P.O. TONNA:
Okay. In the Labor Department we have a great grant writer, there has been an indication that she might want to retire. From what I understand from the Commissioner of Labor is that this is not something that you can just fill a vacancy and all of a sudden get -- this is a special talent or whatever else. The concern that I have is this; would then instead of them filling the position in the department --

LEG. CARPENTER:
She comes back and (inaudible).

P.O. TONNA:
Well, two things. One, could she come back as an independent contractor, first of all? And second of all, let's say she goes, she wants to retire, she really wants to the retire; now, do we try to fill that position in the department or do we go on a contingency basis --

LEG. FIELDS:
As long as the --

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P.O. TONNA:

-- and then every grant that she used to get now these people get? That's what I'm concerned about.

LEG. FIELDS:

There was a grant writer that was asked for by Legislator Foley and that position was not filled by the County Executive. This initiative was to go after money that we don't ordinarily go after and not have to pay someone for and not take a position, this was money that we don't ordinarily get to supplement the County. And just Legislative Counsel, have we ever done anything where we have contingency funds expended by the County?

MR. SABATINO:

Yeah, that question came up the other day. We passed Resolution 690 of 2000, 210 of '94, 585 of '94, 32 of '97, and there are others but those were the four that I pulled real quickly which authorized contingent fee agreements.

P.O. TONNA:

Okay. Legislator Alden?

LEG. ALDEN:

No, Foley --

P.O. TONNA:

No, you were next.

LEG. FOLEY:

The only example I was going to give --

P.O. TONNA:

No, no. Legislator Alden was next, then there was Legislator Crecca, then Legislator Foley; I'm sticking with the order. Legislator Alden?

LEG. ALDEN:

On this bill, and I did look into it after I saw it in a couple of committees, this grants discretion to a department head to go out and give away basically all the grants, that's one way of -- you can interpret this as reading that way.

The second point that I want to make is these are Federal and State grants that we're talking about, these are other layers of government. We already have people on staff that actually are supposed to be paid to write for grants and we're going to go out and give away money that

would normally flow to a program out of those grants, that's two major points. The second thing is that Legislator Foley last year included in the budget a larger position that would cover more than one department. And if we're -- as far as in County government, if we're not fulfilling our obligation and getting all the money that we should be getting, especially with a position that actually is tagged already to go out and do that, then I think that we owe an obligation to the people of Suffolk County not to be giving away part of that grant money that all 100% of it would flow to the benefit of the people in Suffolk County. Thank you.

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P.O. TONNA:

Okay. Legislator Crecca then Legislator Foley.

LEG. CRECCA:

Actually, Legislator Alden stated most of what I wanted to say. But I've heard in committee too that this won't allow a department head to go out and grants that we're already getting, there's nothing in the bill to stop that. It gives individual discretion to each department head, so if the head of the department wants to go out for a \$6 million grant that we normally get and then put it out on a contingency fee basis, there's nothing legally to stop them from doing it.

P.O. TONNA:

Is that -- let me --

MR. SABATINO:

Each of the bills sets up a separate, different, three member RFP Committee. The RFP Committee consists of three members. The recommendation that the RFP Committee makes for the award of the contract comes back to the Legislature and requires Legislative approval, so there's no discretion given to the department head to do anything.

P.O. TONNA:

Let me just --

LEG. ALDEN:

(Inaudible).

P.O. TONNA:

Wait, wait, but let me just ask you. Conceptually, okay, we get a million dollar grant, okay, every year we get this million dollar grant; what you're saying is a department head now can say, "Forget

about getting the million dollar grant from inside, we're going to" -- Andrew, what you're saying is we're going to give this out to the RFP person who wins the RFP and let them get it.

LEG. CRECCA:

It's certainly possible under the way the bill is written.

P.O. TONNA:

Is that --

LEG. FOLEY:

Mr. Chairman? Mr. Chairman, this is what I have been trying to talk about for the last five minutes.

P.O. TONNA:

Okay, go ahead. Legislator Foley.

LEG. FOLEY:

This conceptualization that you're talking about. When we spoke about this in committee, the Commissioner had given every indication that

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this would, in fact, be of a supplemental nature meaning the following. For years the Health Department has been receiving Ryan White monies, for example, for AIDS care, all right? A new grant writer would not be writing grants for Ryan White funds since we're already receiving those monies through --

LEG. ALDEN:

Good.

LEG. CRECCA:

What stops them?

LEG. FOLEY:

-- through prior programs. This is all about finding new sources of funding, new governmental sources, private foundations, public foundations. This is to empower and energize different departments through the RFP process which gives us some oversight of this, but it's to empower these departments to look in other areas that they don't currently receive monies in order to have other monies available to those departments so we don't have to use County taxpayer dollars to fund some programs.

P.O. TONNA:

Okay.

LEG. CARPENTER:

Motion to table.

P.O. TONNA:

Guys, we're almost there, we've got six minutes left. I want to hear the last piece of this. Legislator --

LEG. CARPENTER:

Motion to table.

P.O. TONNA:

Wait, wait. You made a motion to table, Legislator? Okay.

LEG. HALEY:

Second.

P.O. TONNA:

And seconded by Legislator Haley. On the motion, Legislator Alden and then I have one more question.

LEG. ALDEN:

On the motion. There's people here from the County Executive's Office, I'm going to ask you to go to the County Attorney. I've researched this a little bit myself, I want the legality as far as giving this kind of contingency on Federal and State grants to come to the County, I want to know the legality, I want a little research on that, please.

P.O. TONNA:

Can I just -- okay.

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LEG. CARPENTER:

Motion to table.

P.O. TONNA:

Can I ask the question? Just wait. There was representation that the Commissioner of Health specifically with this is in favor of this bill; is that true?

LEG. FIELDS:

At the committee meeting.

P.O. TONNA:

I mean, who's on -- it was the Health Committee? Who is on the Health Committee?

LEG. CRECCA:

I am not on Health.

P.O. TONNA:

Did Clare Bradley come in front of the Health Committee and she said it on the record?

LEG. FIELDS:

(Shaking head yes)

P.O. TONNA:

Okay. All right, there's a motion to table and a second. Roll call.

(*Roll Called by Mr. Barton*)

LEG. CARPENTER:

Yes.

LEG. HALEY:

Table, yes.

LEG. COOPER:

Yes.

LEG. BINDER:

Yes.

LEG. BISHOP:

No.

LEG. FIELDS:

To table?

LEG. COOPER:

To table? I'm sorry, no to table.

LEG. D'ANDRE:

Yes to table.

LEG. CRECCA:

Yep.

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LEG. ALDEN:

Yes.

LEG. FIELDS:

No.

LEG. LINDSAY:
No.

LEG. FOLEY:
No to table.

LEG. FISHER:
No.

LEG. CARACAPPA:
To table? Yes, sir.

LEG. TOWLE:
Yes.

LEG. GULDI:
No.

LEG. CARACCIOLO:
Pass.

LEG. POSTAL:
No.

P.O. TONNA:
No to table.

LEG. CARACCIOLO:
No.

MR. BARTON:
Eight.

LEG. FOLEY:
Mr. Chairman? Mr. Chairman?

P.O. TONNA:
There's a motion and a second to approve.

LEG. FOLEY:
On the approval motion. I hope that all who voted against the tabling will approve this. There is a question that was raised by Legislator Alden about the Federal and State monies, but the fact of the matter is there are other -- as many of us know, there are other foundations out there, both public and private foundations, where there's tens of millions of dollars that we're not accessing --

LEG. CARPENTER:
Brian, the time.

LEG. FOLEY:
It's through these grant writers that we will try to access those dollars. Those dollars.

P.O. TONNA:
Roll call.

(*Roll Called by Mr. Barton*)

MR. BARTON:
Legislator Fields? Legislator Fields?

LEG. FOLEY:
Yes; Ginny?

P.O. TONNA:
Roll call.

LEG. FIELDS:
Motion to approve.

MR. BARTON:
I have it. What's your vote?

LEG. FIELDS:
Yes.

LEG. FOLEY:
Yes.

LEG. COOPER:
Yes.

LEG. BINDER:
No.

LEG. BISHOP:
Yes.

LEG. D'ANDRE:
Yes.

LEG. CRECCA:
No.

LEG. CARPENTER:
No.

LEG. ALDEN:
No.

LEG. LINDSAY:

Yes.

LEG. HALEY:

No.

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LEG. FISHER:

Yes.

LEG. CARACAPPA:

Pass.

LEG. TOWLE:

No.

LEG. GULDI:

Yes.

LEG. CARACCIOLO:

Pass.

LEG. POSTAL:

Yes.

P.O. TONNA:

Yes.

LEG. CARACAPPA:

No.

LEG. CARACCIOLO:

Abstain.

MR. BARTON:

10-7, one abstention (Abstention: Legislator Caracciolo).

LEG. TOWLE:

Mr. Chairman? Mr. Chairman?

P.O. TONNA:

Yes.

LEG. TOWLE:

Item No. 8, the forklift on the Capital Program, I was on the prevailing side which failed. I would like to make a motion to reconsider.

P.O. TONNA:

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Okay, I second it. All in favor? Opposed? Fine. It's No. 8 in the Capital Budget, the forklift, okay. There's a motion to approve by Legislator Carpenter, second by Legislator Towle. All in favor? Opposed?

LEG. GULDI:
Opposed.

P.O. TONNA:
Roll call.

(*Roll Called by Mr. Barton*)

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LEG. CARPENTER:
Yes.

LEG. TOWLE:
Yes.

LEG. COOPER:
Yes.

LEG. BINDER:
(Not Present).

P.O. TONNA:
Is there a Binder? Where is Legislator Binder?

LEG. CRECCA:
He left.

LEG. BISHOP:
No.

LEG. D'ANDRE:
Yes.

LEG. CRECCA:
Sure.

LEG. ALDEN:
No.

LEG. FIELDS:
No.

LEG. LINDSAY:
Yes.

LEG. FOLEY:
For the forklift, yes.

LEG. HALEY:
No.

LEG. FISHER:
Yes.

LEG. CARACAPPA:
Yeah.

MR. BARTON:
Mr. Guldi, on the motion, the forklift?

LEG. GULDI:
No.

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LEG. CARACCIOLO:
No.

LEG. POSTAL:
Yes.

P.O. TONNA:
Yes.

MR. BARTON:
Legislator Binder?

P.O. TONNA:
He's not here.

MR. BARTON:
Eleven.

P.O. TONNA:
Okay, fine.

LEG. CARACCIOLO:

Mr. Chairman, I'd like to make a motion on CN 1585.

P.O. TONNA:
1585, motion.

LEG. CRECCA:
We're in the middle of the agenda.

P.O. TONNA:
No, I can do whatever I want I think. CN 1585, motion. You know what?
I'm going to ask for a motion to extend the meeting for five minutes.

LEG. CARACCIOLO:
Second.

P.O. TONNA:
Seconded by --

LEG. CARACCIOLO:
Second.

P.O. TONNA:
Okay. Roll call. Five minutes so we can get these two CN's. Come on,
guys, five minutes.

(*Roll Called by Mr. Barton*)

P.O. TONNA:
Yes.

LEG. CARACCIOLO:
Yes.

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LEG. COOPER:
Yes.

LEG. BINDER:
(Not Present).

LEG. BISHOP:
Yes.

LEG. D'ANDRE:
Yes.

LEG. CRECCA:
No.

LEG. CARPENTER:
Pass.

LEG. ALDEN:
Pass.

LEG. FIELDS:
Pass.

LEG. LINDSAY:
No.

P.O. TONNA:
This is summer positions, people. Summer positions.

LEG. FOLEY:
Yes.

LEG. HALEY:
Yes.

LEG. FISHER:
Pass.

LEG. CARACAPPA:
No.

LEG. TOWLE:
No.

P.O. TONNA:
Get through this, Henry.

MR. BARTON:
I'm trying.

(*Roll Call Continued by Mr. Barton*)

LEG. GULDI:
No.

MR. BARTON:
It's going down. Legislator Postal?

P.O. TONNA:
Okay. I'm going to make a --

LEG. FISHER:
Make mine as a yes.

LEG. CARPENTER:
Mine is a yes.

P.O. TONNA:
I make a motion to approve 1584, it's a CN.

LEG. CARACAPPA:
Second.

P.O. TONNA:
Roll call.

LEG. GULDI:
There's a motion and second on 1585.

P.O. TONNA:
No. All in favor?

LEG. CARACCIOLO:
There's a motion and a second on 1585.

P.O. TONNA:
1584 first.

LEG. CARACCIOLO:
You seconded the motion.

P.O. TONNA:
I've got thirty seconds here, I'll get them both in.

LEG. CARACCIOLO:
Go ahead.

P.O. TONNA:
Motion to approve, seconded by myself -- I mean myself, seconded by
Legislator Carpenter. All in favor? Opposed? Approved 1584.

MR. BARTON:
17, one not present (Not Present: Legislator Binder).

P.O. TONNA:
Motion by -- 1585 -- by Legislator Caracciolo, seconded by myself.
All in favor?

LEG. CRECCA:
Explanation.

LEG. CARACCIOLO:

Very simple explanation. We have a piece of property that the owner has not paid taxes, we're taking the property for a superior governmental need, a hundred acres for --

P.O. TONNA:

Twenty.

LEG. CARACCIOLO:

That's all I'll say.

P.O. TONNA:

Fifteen. All in favor? Opposed?

LEG. FOLEY:

Aye.

LEG. ALDEN:

Whoa, whoa.

P.O. TONNA:

There's a motion and a second.

LEG. ALDEN:

Yeah, but I had a question as far as the explanation. I'd like a little explanation from Paul Sabatino.

LEG. TOWLE:

Time's up.

P.O. TONNA:

No, I have -- I'm looking right at the clock right now, we have five, four --

LEG. ALDEN:

Paul Sabatino?

LEG. COOPER:

Motion to approve 1357.

LEG. CARACCIOLO:

Motion to extend the meeting five minutes.

LEG. FOLEY:

Second the motion.

LEG. COOPER:

Second.

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P.O. TONNA:

Seconded by -- we did that already. I'm sorry. Done. The meeting is adjourned.

[THE MEETING WAS ADJOURNED AT 12:35 A.M.*)

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