SUFFOLK COUNTY LEGISLATURE

GENERAL MEETING

ELEVENTH DAY

JUNE 26,2001

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

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[THE MEETING WAS CALLED TO ORDER AT 9:38 A.M.]

D.P.O. POSTAL:
Henry, roll call, please.

(ROLL CALLED BY MR. BARTON)

LEG. CARACCIOLO:
Here.

LEG. GULDI:
(Not Present)

LEG. TOWLE:
(Not present)

LEG. CARACAPPA:
(Not present)

LEG. FISHER:
(Not present)

LEG. HALEY:
(Not present)

LEG. FOLEY:
Present.

LEG. LINDSAY:
Here.

LEG. FIELDS:
(Not present)

LEG. ALDEN:
(Not present)

LEG. CARPENTER:
Here.

LEG. CRECCA:
(Not present)

LEG. D'ANDRE:
(Not present)

LEG. BISHOP:
Here.

LEG. BINDER:
(Not present)

LEG. COOPER:
Here.

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LEG. POSTAL:
Here.

LEG. TONNA:
(Not present)

LEG. BINDER:
Here.

LEG. FIELDS:
Here.

D.P.O. POSTAL:
Will everyone please stand for the salute to the flag led by Legislator Binder.

SALUTATION

D.P.O. POSTAL:
Will everyone please remain standing. Our guest clergy is a guest of Legislator Binder, Rabbi Bausk from Young Israel of East Northport. Legislator Binder.

LEG. BINDER:
Thank you. It is my honor and privilege to introduce a Rabbi who came here a good number of years ago to help start a Young Israel, which is Orthodox Judaism. In a place where there isn't a lot, and there aren't a lot of opportunities whether it's for kosher or other opportunities that people that are observant Jews find themselves in. So he came here kind of as a pioneer. One of the other things that has been said about him, from many people that I know, is that he's as close to a Tzaddick as anyone has met around here. And a Tzaddick in Hebrew, is a righteous person. And it has been my honor to know him. And it's been more than that, it's been an uplifting experience for me and important to me and my family's lives. And I want to introduce for a few words and prayer, Rabbi Bausk of East Northport.

RABBI BAUSK:
Thank you very much. I don't know about the Tzaddick part. But I'd just like to share with you what we call a Torah thought, something from the scriptures from the Bible. In our synagogues, every week on the Sabbath, we read a portion of the Torah. The Torah's too vast to do it all in one shot, so we break it up into segments, and each week we read a portion. Last week we read a portion that I think many people may be familiar with it. It was a person by the name of Balaak, who challenged the authority of our famous leader Moshe, Moses and his claim against Moses was, is that he was getting too powerful. A leader, a politician, I guess you would call him. And he was getting too powerful, and even though God the Almighty had told him exactly who to appoint, he had appointed his brother, Thekohan, to do certain things, and other members of the family. And this man Balaak, because of clear-cut jealousy, claimed that he was usurping power, nepotism or anything you could think of. And this troubled Moses very, very much. And he did something that was a little bit atypical for him.

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Oftentimes, the Jewish people had done various sins, even against him, and he always interceded on their behalf when he spoke to the Almighty. It happened to be last week, he comes along, speaks to God, and he tells him don't show them any favoritism whatsoever. And it was very atypical for Moses to do that. In the very same verse, he says -- the sentence says that Moses said to himself, "I never used any one of their donkeys, never used their donkeys. And secondly, I never thrust myself upon them to take advantage of them or hurt them in any manner, shape or form." And the commentaries are bothered by what does that have to do with the sentence? He asked God not to favor them because he knew they were coming from a terrible source of jealousy. And then, all of a sudden, in the middle here, he says, "I never took advantage of them in any manner, shape or form."

The lesson that's learned is that despite the fact that the attack was from an invalid source, Moses says, "One second, let me think about this. They're attacking me for too much power." So he reviewed so to speak his life, and said, "Did I ever do that? Did I ever do that?" And the answer he comes up with is no. "I never used their property, I never took anything from them, I never used my power or position to hurt them in any manner, shape or form." And even though he knows the source is terrible, he has this humility about him that in the midst of it, he says, I got to -- I've got to introspect. I know they're coming from a terrible source, but who knows, maybe there's a kernel of truth somewhere. And this is my blessing to the politicians. You're accused of a lot of things; power, this, that. In the midst of

all this, always remember that if you have humility -- and who knows, maybe the source is a terrible source, but maybe there's a kernel of truth -- in what they have to say. This is what makes you great politicians and great leaders of our nation.

D.P.O. POSTAL:
Thank you, Rabbi. I think I agree with Legislator Binder. You are a Tzaddick. Thank you. Will everyone please be seated. We have presentations from Legislator Ginny Fields. While Legislator Fields is preparing to make her presentation, I would just remind everyone that our next meeting, which is scheduled for August 7th, is an evening meeting in Riverhead. So please be aware that our next General Legislative Meeting is August 7th, and that will be in the evening in Riverhead.

LEG. FIELDS:
Good morning. Quite sometime ago, I tried to get some young people interested in politics. And the way that life has gone to this point, is that people think that they can't make a difference, and that they shouldn't get involved in local levels, because all of the decisions are already made and there are partisan politics and so forth. So I tried to get some young people involved. And we introduced a program called I Want To Make A Difference. And I visited some schools, and I spoke to some of the children, and asked them to try to think of something that impacts their lives in some way. And write to me and suggest that maybe there should be some kind of a law or some kind of -- something that we can do to change the way things are and see if you can make a difference.

And we had several schools participate. And coincidentally, these

four children are all from one school, which is the Timber Point Elementary School in East Islip. And I'm going to do one by one, they're not in any particular order, but I'd like to read the letters that these young people proposed as their I Want To Make A Difference Law, and then I will tell you what we did. All four laws did not impact us on a local level, but -- well, they do impact us on a local level, but they're laws that would have to be changed from the state. And we do what we call a Sense Resolution, where we send that message up to the state to ask them to change the law in some way.

So I'll start with Alex, since he's the only young man here, and he's got such a great smile. And his name is Alex deReeder, and he writes "Dear Honorable Fields, Hi. My name is Alex deReeder, and I'm a boy with hazel eyes and brown hair. I like to read and play video games. Also, I like to skateboard a lot too. I'm writing to tell you about a law I made. It is about road rage, with people yelling curses and

racing. My dad always hears people jamming on the brakes and waking him up. A reason why I'd like this to stop is kids should not be hearing curses. And road rage can make car accidents happen with people dying. I am glad you had the time to read my letter. I appreciate it. That is my law. I would like to make it, if it's not a law already. Sincerely, Alex deReeder." And this is Alex. Come on over here Alex.

(APPLAUSE)

LEG. FIELDS:
Congratulations. And I'm just going to read this very quickly. "Alex deReeder accepted the challenge of participating in the democratic process by proposing a law to improve the lives of residents of Suffolk County by suggesting that a law discouraging road rage or aggressive driving be written. Whereas of the many suggestions proposed by the student throughout the 9th District, Alex was one of the few earning special recognition for his innovative idea. Alex deReeder has shown himself to be an original thinker and is an example for all young people to follow. And that I, Ginny Fields, Legislator from the 9th District, on behalf of the entire Suffolk County Legislature, do hereby commend Alex deReeder for his I Want To Make A Difference Entry. And we have -- we will be filing a resolution which is called Memorializing Resolution requesting State of New York to adopt strong measures to discourage aggressive driving behavior. Congratulations Alex.

(APPLAUSE)

LEG. FIELDS:
Okay. The second one is Kelly Lang. Dear Ginny Fields -- where's Kelly Lang? Okay. Come on over here Kelly. "I am going to try to try to make a difference. I thought of a few ideas, and I came up with three ideas I think are good laws. The first one is to change rating of movies to make it more clear to parents. The second one is to make kids ID's so people know how old they are. Lastly, if you work in the same store as someone else, make the prices the same in both stores. For example, there is one CVS in East Islip and one in Bay Shore. The items they sell would have to cost the same amount in both CVS's. I hope you like my laws. Thank you, Kelly Lang."

We did a Memorializing Resolution, and it is called Memorializing Resolution requesting State of New York to prohibit discriminatory zone pricing by retail chain stores. So Kelly, we thank you for your participation and we present you with this resolution or this proclamation on behalf of the entire Suffolk County Legislature

thanking you for your participation and your innovative idea. Thank you.

(APPLAUSE)

D.P.O. POSTAL:
Legislator Fields. Legislator Fields, can I just ask that the people who are in the aisles try to find seats because you're blocking the aisles. So I'm going to have to ask that you either find seats, or if there are no seats, that you wait in the lobby.

LEG. FIELDS:
There are seats up here on this side.

LEG. FIELDS:
Cara Stillwell. "Dear Ginny Fields, I think movies, PG-13 and up should advertised after 9:30. Typically, kids under 13 are going to bed between 9:00 and 9:30. If advertisements are starting at eight o'clock, children underage will be watching them. These children will ask their parents if they can watch these movies. Some of these might say something like, everyone I know has seen it. This could lead to parents feeling bad and saying yes. Parents should have certain rules about television. One rule could be only certain channels are allowed to be watched. Parents need to make sure that children are asking before watching PG-13 and/or higher. Parents also need to make sure their children are in bed before these advertisements come up. Sincerely, Cara A. Stillwell."

And Cara, we have put in a resolution called a Memorializing Resolution requesting Federal Communications Commission, the FCC, to restrict advertising of R-rated movies. On behalf of the entire Suffolk County Legislature, we thank you for your participation and your innovative idea. Congratulations.

(APPLAUSE)

LEG. FIELDS:
And last but not least, we have Kelly O'Connor "dear Ms. Fields, my name is Kelly O'Connor I'm ten years old. I'm a student at Timber Point Elementary School. I think a new law can be that they should take away tax on gasoline because gas is very important for cars and trucks. If gas costs a $1.50, then when you add tax it would be $1.60, if the tax was ten cents extra. I don't think we need tax because the cost of gasoline keeps rising every year, every few months or weeks. To replace the tax on gas, they should place tax on cigarettes so more people will stop smoking. Thank you for taking your time for reading my letter. I hope you will think about this law. Once again, thank you."

So for Kelly we have made a -- a Memorializing Resolution requesting

the State of New York to repeal state taxes on price of gasoline, and hoping that this will take the burden off the average citizens who travel to work, shop for necessities or travel for recreational purposes, especially since we have a surplus. So on behalf of the entire Suffolk County Legislature, I would like to congratulate Kelly for your participating -- participation and for your innovative idea. Thank you.

(APPLAUSE)

D.P.O. POSTAL:
Legislator Fields, while these young people are here, one of the issues that was raised is relevant to some information that one of the students might want to know. Legislator Carpenter.

LEG. CARPENTER:
Yes, thank you. Alex, in our Public Safety Committee this week, the Police Commissioner came and gave us a report. And among the things that he talked about, was what you were -- what your letter was about, and that was road rage, and that they have started a campaign. And the police officers are going to be targeting just that kind of behavior here in Suffolk County. So citizens and visitors to Suffolk County should be warned that any of those acts of road rage or erratic driving, changing lanes without signaling, things that appear to be minor offences are going to be targeted, and they will be ticketed. So you're right on track. Congratulations.

(APPLAUSE)

LEG. FIELDS:
So congratulations to these four young people who can make a difference. Thank you.

D.P.O. POSTAL:
Thank you. Legislator Brian Foley and County Clerk, Ed Romaine, are here for the purposes of presenting proclamations.

LEG. FOLEY:
Thank you, Madam Chair. Before I speak I'll hand the microphone to my better half, the County Clerk of County of Suffolk, Ed Romaine, who has a proclamation, and I'll say a few appropriate words after his presentation. Mr. Romaine.

MR. ROMAINE:
Thank you very much, Brian. And I'm here to celebrate an anniversary that is extremely important to this Legislature. 25 years and four days ago, with 14 votes of an override, this Legislature established the Budget Review Office. And I could tell you, as a former Legislator, what a tremendous opportunity that was for this Legislature to independently analyze the policies and directions of this County, to understand more fully the implications of its Capital Operating and Community College Budgets, how much had to be borrowed,

where this County was going, and understanding the fiscal implications of budget policy with an independent arm.

For more than 25 years, this office has served this Legislature

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faithfully with an independent voice neither partisan nor appointed, but rather objective and hopefully providing the type of information that, as policy makers, all 18 Legislators need and can trust and rely on in making their decisions and deliberations. So I join with Legislator Foley. At this point, I'm going to give the microphone back to him in celebrating this.

LEG. FOLEY:
If we could have Fred Pollert please step forward to accept this on behalf of the Budget Review Office. Certainly the remarks made by County Clerk Romaine really get to the point, and I would just echo the fact that this is one of the finest Budget Offices, not just in New York State, but I would think throughout the country as well. There are many who look upon this Budget Review Office for guidance. We just have to look to the west to see how we do things here, has attempted to be emulated in other municipalities as well. I think a demonstration, if you will, of just effective this particular office has been in the past, that they've done their job so well that temporarily speaking they were banished to the New York State Office Building many years ago, because their news, while being objective, somewhat didn't welcome it.

Well, the fact of the matter is they only spent a short time over in the State Office Building. They came back into the County Buildings, where they belong. And since that time, have given us the kind of information that we need in order to make the right decisions for the public. It's also on behalf of the County Legislature, Fred we would also like to give this proclamation. And according to Ed Romaine, who has the power given to him under the County Charter, the Legislative Budget Review Office Day in Suffolk County has been declared for --

MR. ROMAINE:
June 22nd.

LEG. FOLEY:
-- of the Year 2001. So congratulations. We expect great things in the future. Certainly, I think Ed would agree, when it comes to our County work force, some of the most dedicated civil servants that we have are here in the Budget Review Office. And testimony and demonstration of that is if folks from the public would come to this building in the fall they'll see the staff here, not just Monday through Friday, but sometimes on Saturdays and Sundays as well in

order to put together the packet of Budget Resolutions that we need to make the right decision. So Fred, congratulations, and please pass the word onto the whole staff.

MR. POLLERT:
Thank you.

LEG. FOLEY:
Thank you Mr. Romaine. Just finally, the Presiding Officer was unable to be here for the moment, but certainly, all the Legislators who aren't present they feel the same way about the Budget Review Office. And we all know that we hold them in the highest esteem. And throughout the day, I'm sure others will have some comments they want to make on the record since this is an unusual and very important

anniversary, the 25th anniversary. It's the start of a new millennium, and certainly the Budget Review is poised to help this Legislature in the next 25 years.

LEG. D'ANDRE:
Mr. Foley.

LEG. FOLEY:
Leg. D'Andre.

LEG. D'ANDRE:
Budget Review is most noted for its superb honesty. And everybody looks to our Budget Review for their facts and figures that are correct. If ever there was an office, a political office that this may be, it's rare and unusual to find the honesty throughout that office with each and every employee. So I want to congratulate you, Mr. Pollert. You've brought a new dimension to politics. Thank you very much.

MR. POLLERT:
Thank you.

(APPLAUSE)

D.P.O. POSTAL:
Before our next presentation, and before I turn the microphone over to the Presiding Officer, I would just like to make everyone aware that today is the Presiding Officer's birthday. So, Paul, we wish you a happy and healthy birthday you don't look a day older than the day you came here.

(APPLAUSE)

P.O. TONNA:
But I can now grow some facial hair.

D.P.O. POSTAL:
Well, it's nice to see some hair in the vicinity of your eyes, nose and mouth.

P.O. TONNA:
Absolutely.

D.P.O. POSTAL:
But for the purposes of the proclamation, the Presiding Officer, Paul Tonna.

P.O. TONNA:
Thank you. Where is she?

D.P.O. POSTAL:
Right there.

P.O. TONNA:
Back right. Oh, Dionne, come up here. Dionne, I just want you to know on behalf of the Legislature, Budget Review, the Clerk of the

Legislature's Office, and, of course, our esteemed Legal Counsel, we just want to thank you for the six-and-a-half years of service. I can not believe that working with Paul Sabatino you were able to keep your cool for that much time. Our loss is Arizona's gain. I hope that you have the best and most fulfilling career there. You're always going to be welcome back here at home. And we just want to say thank you so much for all the hard work and dedication.

MS. GOMES:
Thank you.

(APPLAUSE)

MS. GOMES:
I'd like to say thank you to everyone. I'm going to miss everybody tremendously. And it's been great working here at the Legislature.

(APPLAUSE)

P.O. TONNA:
He put in a budget request for three people to replace Dionne. Of course, the request was denied.

(PHOTOGRAPH WAS TAKEN)

D.P.O. POSTAL:
The first speaker this morning is John Ryerson. During the public portion, each speaker is allotted three minutes.

MR. RYERSON:
Good morning, Legislators. My name is John Ryerson. I represent the Suffolk County Restaurant and Tavern Association. I'm the Chairman of the Board of Directors. I also represent my own establishment, which is McGuire's Restaurant and Comedy Club. I'd like to address Item Number 1410, establishing County website page for food service establishment violations, the proposal by Legislator Bishop. It was tabled at the last meeting until we could meet with Legislator Bishop, and since then, we have, in fact, done so. We met last week after one of the meetings had to be rescheduled. Unfortunately, we have not at this time received any of the proposed revisions that we discussed with Legislator Bishop at that time, and, therefore, we have not had a chance to peruse them at all.

The President of the organization, Bill Leudemann, who most of you know, is on Association business in Albany today and he had this conflict of interest, that's why I'm here. So until we can see the new proposals from Legislator Bishop, we would ask that it be tabled.

Secondly, it is our understanding that Legislator Binder is working with the Health Department to come up with some changes to that legislation, which might be a little more fair to the industry. We have a lot of concerns in this matter, and for that reason, also, we would like to see it tabled. So I'm making that request of you today. And we are represented here by some of our other members. Jerry DiCecco is here from Jerry and the Mermaid, and I just saw Ed Ryan come in. He's one of the Board of Directors also.

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So I hope that you will take this into consideration and put this matter back on the table until we can see the new proposals, and also until we can see Legislator Binder's work with the Health Department and see how that comes out. Thank you very much.

LEG. BISHOP:
Mr. Ryerson, if I may.

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

LEG. BISHOP:
Counsel Sabatino, we had a conversation following the meeting with the -- that I had with the Restaurant Association. The change that I had asked for was the removal of the word "restaurant" and substitution with "food preparation establishments," purpose being that it's not just restaurants who prepare and serve food in this County, it's also little league concession stands, the American Legion hot dog trucks, the whole host of institutions. You advised me at that time that that's not in the bill. And I think what happened was that when you came to my office, you were carrying an old copy of the resolution. So there was no change, because none was needed.

MR. SABATINO:
What had happened was when I went back and I checked, all of the "resolved" clauses from day one used the Sanitary Code provisions, which are food establishment -- food service establishments and caterers. In the "whereas" clause, there was one reference in the old version to restaurant and that was -- that was deleted, but that was in the "whereas". The "resolved" clause has always used the Sanitary Code provisions.

MR. RYERSON:
I understand that, but we still haven't -- we haven't seen -- all we've seen is --

LEG. BISHOP:
Well, I'll get you that after -- I'll go get another copy of it.

MR. RYERSON:
All we've seen is the unrevised copy, then. And, actually, the meeting that we had with Legislator Bishop was based on that unrevised copy. We haven't even seen the new revisions. And we also have content problems with it, which we would like to see what Legislator Binder can come up with the Health Department that would make this a little more fair.

LEG. BISHOP:
Well, let me ask you, what do you -- what is unfair about a bill that says that when a restaurant violates the Sanitary Code three times on three consecutive inspections, that the public would not have a right to access that information? What's unfair about that?

MR. RYERSON:
It is not our intention not to have establishments who are flagrant

violators posted on a website. What it is our intention to do is to not have restaurants who are alleged to have committed a violation three times, and the word is "alleged" -- and I do appreciate your use of the word "alleged" from a legal standpoint, which is, you know, you're innocent until proven guilty, but, usually, in the court of public opinion, that comes out to be guilty until proven not guilty, and we have a problem with that wording. We also have a problem with even "establishment." I mean, an establishment is a restaurant. It's a place with doors that you walk into. We're talking about coffee trucks, we're talking about hot dog trucks that can drive down the road and open up on the next corner. We have just a lot of problems with this. And we think that there's a way of structuring this bill --

LEG. BISHOP:
What is that. Well, first of all, what --

MR. RYERSON:
-- where the flagrant violators that you are trying to target would be the ones that are posted, and people who have maybe an alleged violation would not be posted until it's -- until it's finalized in front of the Health Department. And to go on with that, even the Health Department itself will agree that the certain red violations, which are more serious violations that we're targeting here, even those, some of those are more important than others. I mean, food left out on the table is obviously going to pose a health hazard, because it's going to be bacterially compromised. And there are other red violations which don't carry that kind of weight. For instance, maybe a cryovac piece of meat stored on a shelf, which doesn't leak, if it's not on top of a piece of produce, it's just a matter of switching it, and even the Health Department would admit to that. We just would like to see what other proposals can be made here, what other compromises can be made with the Health Department, and then, at that time, attack the issue, rather than just bringing it out for a vote today.

LEG. BISHOP:
What is the problem with the word "establishment"? I don't understand that.

MR. RYERSON:
Well, an establishment is -- we went through that in your office. An establishment is a restaurant. Establishment is a place -- is a building with doors on it and things like that. I mean, a hot dog truck is not an establishment, a coffee truck is not an establishment.

LEG. BISHOP:
I don't know.

MR. RYERSON:
These are --

LEG. BISHOP:
What would it be, then?

MR. RYERSON:
These are people that hold --

LEG. BISHOP:
If it's not an establishment, what is it, a thing? I mean, what's the alternative to "establishment"?

MR. RYERSON:
I don't what you would -- I would call it "highly mobile."

LEG. BISHOP:
I think it's a bit -- it's not you personally, but a bit egocentric on the part of the Restaurant Association to say that the word "establishment" equates with restaurant. I don't see that, and I don't think there's any basis for that in the English language or in law.

MR. RYERSON:
What we're trying --

LEG. BISHOP:
I don't know how we're going to get around the word "establishment".

MR. RYERSON:
I know that we're -- you and I are rehashing the same things that we rehashed in your office, but for the benefit of the rest of the people on the horseshoe, we feel that the restaurant industry and restaurants, which are establishments which have, you know, locks, and keys, and doors, and tables, and chairs, are a different entity from things that roll around on wheels and are here today and gone tomorrow, although, as you said, some hot dog trucks have been in the same location forever.

D.P.O. POSTAL:
Okay. Mr. Ryerson, I've just asked the Clerk to give you the latest corrected copy of the bill, so that you can see exactly what -- where the bill is right now. I don't know if you have any other questions, Legislator Bishop.

LEG. BISHOP:
I just want to go over one more thing for the benefit of the members. The word "alleged" was inserted by myself as a protection for the industry. The Health Department seeks to use the word "cited." Do you prefer the Health Department, my version, or do you have a third version?

MR. RYERSON:
We prefer neither the Health Department's version, nor the word

"alleged", although we do recognize that the reason that you put the word "alleged" in there was to try and -- was for our benefit. As I explained, the word "alleged" has two connotations, one in a strict legal sense, and one in the court of public opinion, and the court of public opinion has a tendency to ascertain guilt until proven innocent.

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LEG. BISHOP:
Finally, if you --

MR. RYERSON:
I don't at this point have a third alternative, but I'm sure that my organization could come up with one.

LEG. BISHOP:
Well, you've had time and you haven't done so, so --

MR. RYERSON:
As a matter of fact, we may have done so --

LEG. BISHOP:
You've had about three months now.

D.P.O. POSTAL:
Can I just ask that you confine yourselves to question and answer rather than a discussion?

LEG. BISHOP:
You don't have an alternative, correct. Okay. Thank you.

D.P.O. POSTAL:
Thank you. The next speaker is Robert --

MR. RYERSON:
Thank you very much.

D.P.O. POSTAL:
And you will be provided with the latest corrected copy, Mr. Ryerson. Next speaker is Robert Benson.

MR. BENSON:
Good morning. To Presiding Officer Paul Tonna, the members of the Suffolk County Legislature, I want to thank you for allowing me to speak to you this morning on Sense Resolution Number 45, which exempts the taxes on Social Security benefits. My name is Robert Benson, and

I am president of the Long Island Retirees Coalition, which has a membership of thirteen retiree organizations. Our organization wrote to President George W. Bush requesting him to include in his 2001 tax reduction proposals the elimination of the unfair taxation of Social Security benefits.

Unfortunately, this did not become a reality. We believe that this tax is unfair because it only targets the senior citizens and puts a tremendous financial burden on them. It is common knowledge that the majority of senior citizens are struggling just to make ends meet as cost of food, medicine and housing keeps rising. In addition, our senior citizens pay the Social Security Tax on their salaries throughout their working years, and now after retirement, their Social Security benefits are taxed again. This is a radical departure from the program that originally did not tax retirees' Social Security benefits. For your information, in 1983, a 50% tax -- rate of tax was instituted for couples having an adjusted gross income of $25,000 per year.

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In 1993, the rate for couples was increased to 85% for adjusted gross income of $44,000. In addition, this unfair tax may eliminate those retirees who are planning to apply for senior housing or the New York State STAR Program because of the taxable income limits allowed to qualify for these programs. Most retirees that do have a pension plan from their employer, have a pension plan that is fixed, meaning it does not have a cost of living adjustment or COLA. Most retirees want to stay on Long Island because it's a wonderful place to live, but they need your help. Therefore, I'm requesting the Suffolk County Legislature to approve Sense Resolution Number 45, which will eliminate the unfair tax on Social Security benefits, and provide our senior citizens and your constituents with much needed tax relief.

D.P.O. POSTAL:
Mr. Benson, please sum up. Please sum up. Your time is up.

MR. BENSON:
Oh, thank you.

LEG. LINDSAY:
I have a question.

D.P.O. POSTAL:
Oh, question, Legislator Lindsay.

LEG. D'ANDRE:
Yes, I have a question.

LEG. LINDSAY:
Yes. Mr. Benson, could you please elaborate for us on the -- what you would like us to do in terms of this sense resolution?

MR. BENSON:
I would appreciate -- many of the retirees living on Long Island would appreciate, if you would proceed with this resolution to the -- to Washington D.C., meaning our House of Representatives, and also the US Senate, indicating that the Suffolk County Legislators agree that this tax is unfair.

LEG. LINDSAY:
Thank you.

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

LEG. D'ANDRE:
You know, at my age I've seen a lot of things --

MS. FARRELL:
Use your mike.

D.P.O. POSTAL:
Is your mike on?

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LEG. D'ANDRE:
Hello. And one of them is the statesmen in Washington D.C., Democrats and Republicans, are supposed to take care of the seniors. And what I find here, it's a lot of hogwash. Why do I say that? When you tax somebody's Social Security, you may not hurt a few people, but you hurt the majority of people who can't make ends meet. When it comes to drug prescriptions and all the rest of the things that goes with it, their earning years are down, and Social Security was supposed to save them, not ruin them. Now what does it take to bring Washington to its feet, Democrats and Republicans, to take care of these seniors so they don't have to look for welfare in their old age?

LEG. CARACAPPA:
Question, Mike.

LEG. D'ANDRE:
Now, I say to you, what do you think Washington should do together?

MR. BENSON:
I think they should really give consideration for those people that help make this country a great nation.

LEG. D'ANDRE:
You got it.

MR. BENSON:
And that's the way I feel personally. Thank you.

LEG. D'ANDRE:
You got it. And a lot of them fought in World War II.

(APPLAUSE)

D.P.O. POSTAL:
Thank you, Michael. Thank you, Mr. Benson. Thank you.

LEG. D'ANDRE:
Thank you very much for coming down, taking the time to come, to show your concern.

MR. BENSON:
Thank you very much.

D.P.O. POSTAL:
Thank you.

MR. BENSON:
Thank you very much.

D.P.O. POSTAL:
Our next speaker is Kelly Mason.

MS. MASON:
Good morning. My name is Kelly Mason, and I'm here to address Resolution 1357, which is directing -- establishing Climate Protection Greenhouse Emissions Program for Suffolk County. And I'm representing

and working for Cities for Climate Protection, which is a campaign to help assist cities and counties across -- around the world to reduce their greenhouse gas emissions, primarily carbon dioxide and methane. It's on Page 13 of the white packets.

LEG. FISHER:
Would you slow down, please. Take a deep breath, and slow down. It's hard to catch what you're saying.

MS. MASON:
It was Resolution 1357, it's on Page 13 in the packets. It's to create a program called Cities for Climate Protection in the County, which is going to help reduce greenhouse gas emissions, primarily carbon dioxide and methane, for Suffolk County. This program, it's being -- I'm working in the Health Department in the Division of Environmental Quality, and what I'm doing is creating an emissions inventory, an audit. And there's two separate parts of my job this summer. I'm doing a community inventory audit, and I'm also doing an audit for the government actions. This is broken down -- the two sectors are broken down into community and local governments, and each is broken down into waste, transportation and energy use. Within the community, I'm doing residential, industrial, and -- I'm sorry, I'm a little nervous -- industrial, community and residential.

There's five different milestones within my program. The first one is to create this inventory, which I'm doing. The second one is to create an emissions reduction target, which is basically in essence saying, you know, by the Year 2015, we're going to reduce emissions maybe 15% below 1990 levels. Energy issues have come up in the news. I mean, you can't ignore them, they're everywhere. This is very standard; developing an action plan and then finally, carrying out the actions within the County. New York city has just passed this resolution -- it hasn't passed it -- it passed the Environmental Committee unanimously the end of last week, and it's coming up for voting again for larger council this Thursday. So I was thinking, if it passed today, maybe we can hurry up on the press and get one up on the city in the next couple of days.

Cities for Climate Protection addresses environmental concerns, yes, but it also inexorably linked to economics. For the County, it's going to save money, helping us become more efficient, figuring out where we can save money as far as reducing our bills and reducing the money going out towards energy use. It's also going to help us boost our local economy through the news services and technology that's going to come into the County that are innovative all over the country that are being --

D.P.O. POSTAL:
Kelly, I have to ask you to sum up, please. I know Legislator Fisher has a question for you after that.

MS. MASON:
Sure. It's going to improve air quality and health, especially in children, through air pollution. And it's also going improve the livability of our community.

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

LEG. FISHER:
Good morning, Kelly.

MS. MASON:
Good morning.

LEG. FISHER:
Kelly, are you aware that I have -- that there's a law that we'll be voting on today --

MS. MASON:
Yes.

LEG. FISHER:
-- which is Number 2286? And that actually, when I discussed it with the Health Department, I discussed your roll in it. So do you -- do you see the relationship between this law and the one that you've witnessed that -- in New York City, which is being proposed for CO2 emissions?

MS. MASON:
Yes, ma'am. Actually, I was doing some research on that trying to figure out, there's an 1800 pounds of carbon dioxide for electricity plants, and I was trying to research doing that, where that number came from. So it's very much linked. It's also tied into carbon dioxide emissions and trying to cap them so we could be more efficient.

LEG. FISHER:
Kelly, the ultimate plan in this resolution, in this local law is that we reduce by 20% from that base line of 1800 pounds. So your aware of that function.

MS. MASON:
Yes, ma'am.

LEG. FISHER:
Okay. Thank you. You're doing good work, and I hope that when this local law passes, you can be part of the process because this would be establishing a policy for us so you would believe to work within that. Thank you.

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

LEG. D'ANDRE:
Yes. Young lady, before you embark on this big CO2 problem, which a lot of people that don't know too much about it are making a lot of noise. But there's an easy solution, an easier solution that's attainable. Would you support open land purchases and reforestation and the saving of our trees? As you know trees take in carbon

dioxide. That's doable. That's seeable. You can explain easily to children and grown-ups. The rest about the factories and they -- it's

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difficult to digest and understand the scientific ramifications in the atmosphere.

MS. MASON:
I agree with you 100%, but you have the business people and economists saying population is rising --

LEG. D'ANDRE:
They better do their share. But we can do much more without them, and that is purchase open space, reforest. Everybody can plant one to three trees on their property. Trees take in carbon dioxide and give off oxygen, as one six year old boy taught us in here one day. So I say to you, would you support such a plan, would you advocate such a plan in conjunction with your plan?

MS. MASON:
Absolutely. They're tied together. You can't tease them apart. It comes down to land use and --

LEG. D'ANDRE:
But you don't hear much about it, so you've got to make a lot of noise in that direction.

MS. MASON:
I'll work on it.

(APPLAUSE)

LEG. FISHER:
Kelly, I've got another question. Kelly, do you recall in my local law where it said that there would be cap and trade; where reforestation, so that Mr. D'Andre -- Mike. In the local law, which I've proposed -- Kelly has seen -- there is a portion of it which is CO2 credit, which means you can do reforestation as a CO2 credit. That's part of that local law. So that we're looking at a policy of CO2 reduction, the whole picture.

LEG. D'ANDRE:
You must order it. It's got to be here to stay.

LEG. FISHER:
That's why it's a local law.

D.P.O. POSTAL:

Very good. Thank you, Kelly.

LEG. D'ANDRE:
Thank you.

(APPLAUSE)

D.P.O. POSTAL:
Next speaker is John Bund. Bunde, excuse me.

MR. BUNDE:
It's okay. Good morning, Legislature -- Legislators. My name is John

Bunde. I live at 40 Craig Place in Islip Terrace, New York. I'm the President of the Islip Terrace Community Association, and I would like to address the two resolutions submitted by Legislator Ginny Fields.

D.P.O. POSTAL:
Mr. Bunde, can you just hold it a minute.

MR. BUNDE:
Sure.

D.P.O. POSTAL:
I'd like to get some more of the Legislators into the auditorium. So if you would just wait a minute, just give us a couple of seconds.

MR. BUNDE:
Sure, no problem.

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

MR. BUNDE:
Again, my name is John Bunde. I live at 40 Craig Place in Islip Terrace, New York. I am the President of the Islip Terrace Community Association. I would like to address the two resolutions submitted by Legislator Ginny Fields with regards to a 26.5 acre wooded undeveloped property at the northeast corner of Sunrise Highway and Connetquot Avenue. The two resolutions in question are Number 1594 and 1595. This parcel adjoins my neighborhood to the south and to the east. This property also adjoins the Connetquot River State Park Preserve on its eastern boundary and Sunrise Highway to the south. On May 30th of 2001, I organized a community meeting with over 250 residents of our community in attendance. An overwhelming majority of those present opposed the proposed development plan for this site. All those in attendance supported a resolution being submitted to acquire this

property for open space. Over 1,250 community residents signed a petition against the change of zone proposed by the developer, with 800 to 1,000 community residents attending the Town of Islip Planning Board Hearing with regard to this property on June 13th.

Since this law is showing at Islip Town Hall, a number of local papers and news media have been following this story. This particular property is contiguous to the Connetquot River State Park Preserve. This preserve is the only one of its kind in New York State. The parcel in question is the last largest parcel left in the Town of Islip for acquisition with this attribute. Even the Suffolk County Water Authority has shown an interest in the copurchase of this property. It is very important that the Legislature not let this opportunity slip away. While we, as residents, are doing all that is possible to prevent irresponsible and reckless development of this parcel, the Suffolk County Legislature should proceed with the process towards acquiring this land.

This land is a perfect natural buffer for our community from Sunrise Highway, especially since the New York State DOT has expressed no intention of constructing sound retention walls on the Sunrise Highway corridor. Any development of this property would remove our buffer

while already overloading our already stressed infrastructure at Sunrise Highway and Connetquot Avenue, an area long known for its traffic hazards. Surely, there will also be an environmental impact on the neighboring preserve and the Great South Bay Estuary as well, especially with regard to surface runoff created by new man made surfaces. Increased runoff serves to transport pollutants directly into the groundwater and local waterways creating non point source pollution, which is the single largest threat to our water quality in the United States. Our community came out in large numbers to tell the Town of Islip that development of this parcel should be the lowest impact -- lowest density allowed in its current zone, thereby having the least impact on our community environmentally, demographically, with regard to traffic safety and for those who properties adjoins this lot, financially.

D.P.O. POSTAL:
Please sum up, Mr. Bunde.

MR. BUNDE:
Yes, I'm almost done. Our quality of life as residents of this community has shown to be of our highest priority as evidenced by the large number of those willing to stop their busy schedules and support our cause. We can think of no lower impact for this property than the County's acquisition of it. This would benefit the residents of our

community and Suffolk County for generations. To the Legislators who represent the eastern towns, as you are watching lands being swallowed up by development, you are a acutely aware of the need to preserve open space. You have been successful in doing so. We're ask for help in preserving the last of our available open space. And to the Legislators who represent the western towns, as much of your open has already dwindles, due to overdevelopment, you should feel compelled to help our community avoid the same finality. Thank you.

(APPLAUSE)

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

LEG. D'ANDRE:
Madam Chair.

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

LEG. D'ANDRE:
Have you got -- have you got the whole community behind you on this purchase? There isn't much more land --

(APPLAUSE)

MR. BUNDE:
Yes, we do. A lot of people would have liked to attend today, but because of work, they couldn't make it here. We do have letters from some residents who couldn't make it that will be read by other people.

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LEG. D'ANDRE:
Well' you see how simple this is. It's just a matter of purchasing. There's no going to the State, going to the federal government. This is within our means to do.

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

LEG. D'ANDRE:
My question to you is would you support Legislator Fields' attempt to purchase this property?

MR. BUNDE:
Yes. As a community, we do support this. We understand the tax

implications of such a purchase.

LEG. D'ANDRE:
Well, I say this, this is doable, you don't have to take readings. You just go ahead and do it with your Legislator.

MR. BUNDE:
Thank you very much.

(APPLAUSE)

D.P.O. POSTAL:
Thank you, Mr. Bunde. Our next speaker is Allen Leon.

MR. LEON:
Good morning.

D.P.O. POSTAL:
Good morning.

MR. LEON:
Madam Deputy Presiding Officer, esteemed members of the Legislature, my name is Allen Leon. I am President of Townline Association. I guess we're becoming old friends. You're probably tired of looking at me. I come before you today to urge you to support Legislator Binder's Sense 40, resolution requesting Suffolk County Board of Health to reject hazardous material storage facility material waiver to Kings Park Energy proposed power plant. Pennsylvania Power and Light, aka, Kings Park Energy, is proposing to store hundreds of thousands of gallons of distillate fuel on a deep recharge area.

The requirement for the storage of this distillate fuel is somewhat self-imposed, in that the plan as proposed is supposed to run on natural gas the majority of time, and the distillate is supposed to be used as a backup fuel. The backup fuel is required when the purchase of natural gas is not by contract, which is more expensive, but rather on an as-needed basis, which is less expensive. When you purchase it on a less expensive nature, then you you're required to have a backup fuel. So the requirement for backup fuel is really a manifestation of the drive for Pennsylvania Power and Light for corporate profits. I urge you to support Legislator Binder's resolution, and I urge you not to overshadow the health and welfare of a community with the drive for

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corporate profits. Thank you.

(APPLAUSE)

D.P.O. POSTAL:
Thank you. Next speaker is Rick Van Dyke.

MR. VAN DYKE:
Members of the Suffolk County Legislature, ladies and gentlemen, my name is Rick Van Dyke, and I'm Executive Director of Family Service League of Suffolk County. And I'm here today to speak to Resolution 1140, which was introduced earlier this year. As you probably know, Suffolk has the largest child and youth population in New York State, outside New York City. Many of these children are in serious trouble and some of them are at very high risk of being placed in residential treatment facilities. Often, placement is off Long Island, either Upstate or in surrounding communities. Family Service League has developed a very unique program which keeps the child at home, here in Suffolk County. That's why we call this program Home Base. We work intensively with the child and the family. We wrap services around them, and we focus on their assets. In 90% of the cases, which are referred to us by the Suffolk County Probation Department and the Department of Social Services, we are able to keep these children here at home, thus saving Suffolk County taxpayers 50 to $100,000 a year, because we avert these placements on each child. The salaries for our child/family team coordinators, who handle 20 cases at a time, are just too low, and we are at risk in this economy of losing carefully selected well-trained, dedicated, efficient and effective staff who work in this program. This bill calls for an increase for nine workers of a total of $36,000.

As I indicated, Resolution 1140 was introduced earlier this year and to ensure continuation of our staff and the savings to Suffolk taxpayers, as well as to ensure the quality of service to children, we urge this resolution be passed by this Legislature. I have here, briefly, two letters I'd like to quote from a couple of paragraphs. One is from Vincent Iaria, Commissioner of the Suffolk County Probation Department, who says in this his letter, "I understand that certain Legislators have asked for assurance as to the value of the Service League Programs. Probation Department has a long history of work with Family Service League in its Home Base Program. Home Base Programs are used by both the Probation Department and the Department of Social Services, have an immediate tangible impact on avoiding residential placements at a cost of 60 to $100,000 a year. Therefore, I support Family Service League efforts." And from Dan Hickey, Commissioner of the Department of Social Services, he just indicates in his letter --

D.P.O. POSTAL:
Rick, I'm sorry, your time is up. May be it would be better if the clerk made copies, if you have those letters.

MR. VAN DYKE:
That's fine. I do.

D.P.O. POSTAL:
And we can distribute them to all Legislators.

MR. VAN DYKE:
Terrific.

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

MR. VAN DYKE:
Thank you very much. Any questions? Thank you.

D.P.O. POSTAL:
Next speaker is Margaret Tannen.

MS. TANNEN:
Good morning. Good morning. I come to this group today to request a waiver of interest and penalties which appear on my property tax bill. I'm asking for this waiver for reasons of extreme hardship. In '95, '96, I became disabled with Systemic Lupus. It's an autoimmune disease that attacks the body, the vital organs, and in my case, it's attacked my lungs. I had tumors removed from my feet in '96 and was unable to walk for eight weeks. I use a breathing nebulizer at home on a daily basis. Before this time, I was not on disability. This is the time when I started to fall behind on my property taxes. I am currently receiving SSI Disability, and I receive minimum child support. I receive no spousal maintenance, and this is my only income.

I know I'm able to pay my taxes, but the interest penalties towering over me, I feel I will never get out this debt. I've had the house since 1980, and the property taxes were always paid until I became ill. I secured a part-time job working two days a week and have had -- made about $6500 to cover the property taxes, and then Social Security reduced my income by $50 a month. I've contributed to my community when I was well, when I was physically able. I am involved with the school, the Rotary and a member of the Fair Harbor Community Association. Before my illness, I was an EMT, a fire fighter and I was with the Saltaire Fire Department. In my frustration, I went down to Social Security in Patchogue. I met a counselor there who advised me to get in touch with my local Legislator, Angie Carpenter, to request a resolution.

Mr. John Cochrane, Suffolk County Treasurer, was also very helpful. Ne sent me documentation that brought me up to date in the requirements for this waiver. He too suggested that I contact Angie Carpenter. This was in March 2001. Mr. Cochrane suggested that I mention the last tax bill that I paid include interest of over $1700, which would have easily paid the next tax period. In light of these circumstances, I'm requesting that this group consider waiving all

back interest and penalties on my property taxes due to extreme hardship. As I understand it, the requirements of this waiver are as follows: Disability, low income, and over 65, which I do not qualify, but I hope I will not be discriminated on age for this. Thank you.

(APPLAUSE)

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D.P.O. POSTAL:
Thank you, Ms. Tannen. Question, Legislator Carpenter.

LEG. CARPENTER:
Not a question, but I would just like to ask if, while Ms. Tannen is here, we could take this resolution out of order.

LEG. CARACAPPA:
I have a question first, Ms. Chair.

D.P.O. POSTAL:
Legislator Caracappa, and then we'll come back.

LEG. CARACAPPA:
You know what, I'd rather do it private. Let me ask the sponsor.

D.P.O. POSTAL:
Okay. Mr. Sabatino, we're in the middle of the public portion, would we need to wait until 11:00 or --

MR. SABATINO:
Well, you have two choices. One is to wait until 11:00 and do it immediately at 11, or the other option is to waive the rules and suspend the public portion for five minutes --

D.P.O. POSTAL:
We probably -- that would probably be a better motion because we have many speakers, and I don't think we'd be finished by 11.

MR. SABATINO:
The motion to suspend the public portion for five minutes to allow --

LEG. CARPENTER:
I don't want to do that.

D.P.O. POSTAL:
Okay.

LEG. CARPENTER:

We don't have enough Legislators here.

D.P.O. POSTAL:
Okay. We'll just have to wait. But thank you Ms. Tannen. And our next speaker is Laura Michaels.

MS. MICHAELS:
Good morning, Legislators. I come before you today to -- in support of Ginny Fields' Resolution Number 1594 and 1595. Myself, as well as several other -- many members of my community, who unfortunately could not be here today due to work commitments, as we are a working community. I wish to express sincere urgency in purchasing this property. I have a letter here from Angelo Loverro, "As a 40 year resident and community member of Islip Terrace, and East Islip High School Graduate, an economics teacher for the last 32 years, at the same school, is righting this letter to urge each and every Legislator

to make every effort needed to purchase the approximate 26.5 acre parcel of land on the northeast corner of Sunrise Highway and Connetquot Avenue. This piece of land, adjacent to the Connetquot State Park and tributaries of Connetquot River is extremely important to the environmental quality of life of our community and all the residents of Suffolk County. Any development of this environmentally sensitive area will, not only have a negative impact on the park, river and Great South Bay, but will also have a detrimental effect on the quality of life for the residents of Islip Terrace.

This wooded parcel of land is the only sound and air buffer left between us and the pollution emitted by the traffic congestion bottlenecking on Sunrise Highway each and every day, especially at the rush hours. Development will result in increased air and noise pollution in our neighborhood and increase health risk to us and our children. Increasing the traffic volume on one of the most dangerous stretches of roads in this County will surely cost more lives and put our children at a greater safety risk. If true public policy is based on benefit cost analysis and applied in this decision making process by the Legislature, the short run, as well as the long run benefits to the residents of Islip Terrace and all those who live in Suffolk County will far outweigh the costs. I urge each Legislator to vote in favor of maintaining and preserving the environment and the quality of life in our community now as well as our children and their children."

I also have a letter here from Dave Wissemann, who could not be here because of work commitments. And he also supports this environmentally sensitive property to keep it as the one natural state. And he asks your consideration in purchasing this land as well. There were also several people in the back of the room that had

to leave due to children commitments; Elaine Cannataro and Elizabeth Connolly and Ivy Wood, who was scheduled to speak that also support this resolution. Thank you.

(APPLAUSE)

D.P.O. POSTAL:
Thank you, Ms. Michaels. Next speaker is Norma Recco. Is Norma Recco --

MS. RECCO:
Good morning. I'm here addressing the Suffolk County Legislators. Good morning, ladies and gentlemen. I'm speaking in reference to the Living Wage Bill, 1113. My name is Norma Recco. I am President of Home Care Services, a company that has been providing home care to the sick, disabled, elderly and infirmed for over 30 years, 15 years of which are in Suffolk County. I am a board Member of the Home Care Association of New York State. I am also a member of the Health Care Providers of New York State. I've been vice chair of the New York State Council on Home Care. We are a licensed -- we are licensed and regulated under Article 36 of the Public Health Law, and allow me to explain some of the services we provide. We recruit, train, free of charge, and employ individuals in need of work. Upon graduating our course, they are given a certificate as a personal care aid. In order to maintain their credentials, they are required to also have continuing education programs, which we also provide.

Throughout the years I've been in this industry, we have sought to increase the salaries of the home care workers through the New York State cost reporting mechanism that controls our reimbursement. To date, we have not been successful. Our cost report is completed annually and generates a reimbursement rate two years in the future. As an example, our report for the Year 2000 must be forwarded to the New York State Department of Health by September 2001. In order for the reimbursement to be generated, we have to have our -- we have to have incurred the expenses. There is always a two year gap between costs incurred and reimbursements received. I am not opposed to the concept of your Bill 1113, requiring an increase in salaries and benefits. However, a basic question has to be asked. Where is the funding coming from? This bill carries with it significant problems regarding implementation and financial support for an already struggling home care industry. Your bill does not consider how a company can comply with this mandate for a period of two years without reimbursement. The monies needed to support this burden would be in the millions and is certainly is not available. The cost of borrowing would be more than we could absorb and banks are very sensitive to

lending.

D.P.O. POSTAL:
Ms. Recco, please sum up.

MS. RECCO:
Okay. I feel that Bill 1113 should be looked at again, and as Legislators you must realize that, if there is an interruption of services, it will affect the people who need the service the most. And I think Legislators have a responsibility to them. The PCS providers request that you revisit the language of Bill 1113, recall it and include an addendum that grants a waiver to my industry. Our clients and families need our help and they deserve your consideration. Thank you very much.

D.P.O. POSTAL:
Thank you. Legislator Foley has a question.

MS. RECCO:
Yes.

LEG. FOLEY:
Thank you Madam Chair. I have to phrase this as a question, less as a point of view, so allow me to phrase it this way, if I may. Isn't it possible to interpret this resolution, this approved resolution as we had approved it at the other meeting, isn't it possible to look at this resolution as an opportunity, as an opportunity for on your industry to go to the State of New York and to explain to them the fact that one of the major suburban counties in the State of New York has passed a resolution that requires us to more adequately -- better to improve the payment to our workers, and therefore, prevail upon the State of New York with their multibillion dollar surplus to change their formulas so that your industry and other industries that receive these kinds of monies can give better pay to their workers? So isn't it not possible to look at this resolution as an opportunity to your industry as opposed to something that hurts your industry? Don't you

think that's an opportunity to look at it in that fashion?

MS. RECCO:
Mr. Foley, yes, there is an opportunity to do that. However, it is not an opportunity that has not been taken advantage of in previous situations. We have made attempts to have increases in the money that's allotted to health care, and we have also been denied that opportunity.

LEG. FOLEY:

That's correct.

MS. RECCO:
So it leaves us in a Catch 22 situation. We can't do it if the State is unwilling to appropriate more monies to that program.

LEG. FOLEY:
I understand that. And the difference this time around, I would submit, the difference this time around is you have a county who has passed this kind of resolution, whereas in the past, you didn't have that kind of ammunition, if you will, to bring to the State of New York. And if it's done here in this County, and if it's done in other counties in the state, I think you're going to find that ground swell of support that will make it very difficult for the State of New York to turn their back on your workers. So many of us see this as more of an opportunity to help you as well as to help working class men and women as well.

MS. RECCO:
Well, I think too, if the Legislative people and the powers that be in Suffolk County can discuss it with the State Governor's Office, perhaps there can be some flexibility, but there's a timing element that has to be considered. You know, if you're going to impose a mandate on providers and mandate that they increase the salaries without understanding how we're going to support it, it becomes almost an impossibility. So I think, you know, there has always been -- there has always been activity on our part as an industry to get more funding for the home care industry, and we haven't been very successful in doing it.

D.P.O. POSTAL:
Legislator Carpenter.

LEG. CARPENTER:
Thank you. Ma'am, Recco, Ms. Recco. Here.

MS. RECCO:
Oh.

LEG. CARPENTER:
You said that there is a two year lag from when you're reimbursement level is set. When the State does come down with a rate, because there is a two year lag, if expenses that were not known, all of a sudden surface, do you have the opportunity to have that rate adjusted if you can show that the expenses were even greater than you submitted to them?

MS. RECCO:
Not necessarily. If there are expenses that are incurred that are beyond what we had originally put in a cost report, it's almost impossible to get the rate changed. There are certain ways that you can do it, but it takes quite a long time to achieve. Months can go by before that's accomplished. In the meantime, you are facing the expense.

LEG. CARPENTER:
And the rates are set on annual basis?

MS. RECCO:
The rates are set on an annual basis, but as an example, the rate for 2001 is based upon the costs in 1999. So there's a two year lapse of time between the expenses that are incurred and the setting of a rate.

LEG. CARPENTER:
And is there accommodations that are made for the change -- the cost of living that has happened in that time because you've --

MS. RECCO:
There's a trending factor that's used that's a percentage, and it's based upon certain things that some of the other individuals here with me to make presentations will explain, but there is a trending factor that is used and it's flexible, it changes.

LEG. CARPENTER:
When you do get that reimbursement for what happened the two years previous, does it equal out that your covered for what you've expended?

MS. RECCO:
Well, not necessarily because sometimes the cost in that two year period has escalated beyond what you anticipated, and so it really doesn't help too much.

LEG. CARPENTER:
Well, I think that's probably a problem that's indicative of all businesses --

MS. RECCO:
Sure.

LEG. CARPENTER:
-- that when you bill for services or your product, by the time you receive the money, in today's money, it's not worth what it was billed previously.

MS. RECCO:
I know. And in years gone by, as an example, when workers' comp changed the coding of our workers, it increased our workers' comp cost almost 400%, and we had already -- we were beyond that point in our rates, so we had -- we had to support it for a period of time until such time as it was included in our cost reporting.

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LEG. CARPENTER:
Thank you.

LEG. BINDER:
Madam Chair.

D.P.O. POSTAL:
Legislator Binder. Legislator Binder, can I just interrupt you for one minute before you start. I just wanted to make everyone aware that there are a number of Legislators who are out of the auditorium right now but within earshot of this meeting, because there's a meeting going on right now concerning one of our County Health Centers. So, you know, you see some empty chairs, there are a number of Legislators who are out of the room because they need to participate in that meeting. And I will except a motion to extend the public portion from Legislator Carpenter, seconded by Legislator Binder. Legislator Binder, please ask your question.

LEG. BINDER:
Norma, what if New York State decides that the submission you made on the cost reporting is not acceptable, can they reject that?

MS. RECCO:
Yes, they can.

LEG. BINDER:
So you're not even guaranteed.

MS. RECCO:
No.

LEG. BINDER:
And I think that's an important point that people should know that the rate that we're talking be here might not even be accepted because we'd probably be the only one in New York State looking at cost reports this large. And they may decide that the County has to go it alone and just not even accept it and not give you this new rate based on these new costs.

MS. RECCO:
Yes, that's true. And if the costs -- there are caps on costs, and if the costs of the administrative portion of this exceeds what the State cap is, there is no reimbursement.

LEG. BINDER:
Right, and part of this could also affect that cost.

MS. RECCO:
Absolutely.

LEG. BINDER:
The other part is you do private pay.

MS. RECCO:
Yes.

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LEG. BINDER:
Now, you charge more -- you charge more than the Medicaid, but --

MS. RECCO:
Yes.

LEG. BINDER:
-- under this, I would assume Medicaid is going to get more expensive.

MS. RECCO:
Yes, and as a result --

LEG. BINDER:
So you're looking at a substantial increase in private pay.

MS. RECCO:
In private pay, absolutely.

LEG. BINDER:
And currently the people you're providing services for under private pay, do you see that they have a lot of room for increased costs or it being a problem if you increased your costs? You're still going to be able to afford for these home bound seniors and others that need the kind of care that you give, is that going to be a problem for them or do you see a fall off?

MS. RECCO:
It would be a tremendous problem for individuals. It hits the middle income population and they have a limitation on how much they can pay for in a private -- on a private-pay basis. Some of the families are trying desperately to cover it and so forth, but it -- if we raise the rates to that extent, it would really make it impossible.

LEG. BINDER:
So what would happen? What happens to people that now can't afford it? Can I assume that there's a possibility that they would let's say

dissipate some assets and do things, maybe fall back into the Medicaid category? My concern then, obviously, is that people who are on private pay now will find that they can't afford it, but have no alternative because they have -- they need this care. This is not a question, maybe I'll get it, maybe I won't. Their alternative only will be to find a way -- or make their way to either Medicaid with home care or institutional care. Is that a possibility?

MS. RECCO:
It's probably what would occur. And most of the time, you know, people aren't prepared for some of the illnesses that occur, and they aren't prepared too on what they can do with an elderly parent that needs care, and it's immediate. You just can't put it off. They have to do something.

LEG. BINDER:
So this could be hidden costs. My concern, obviously, is that even if we had a very full financial statement on this, we don't have a budget impact statement, this -- even if we had it, this would even be the one -- this might not even be one of the categories that we look to

see the cost of increased Medicaid burden. Thanks.

MS. RECCO:
Yes. Absolutely. Thank you.

D.P.O. POSTAL:
Legislator Lindsay.

LEG. LINDSAY:
Yes, Ms. Recco.

MS. RECCO:
Yes.

LEG. LINDSAY:
Is employee turnover a problem in your industry?

MS. RECCO:
It is to a degree, Mr. Lindsay. The workers work for several agencies depending upon their availability to work. They find it very convenient because they can work it into other schedules, childrens schedules, the school schedules, their husband's work schedule. So in some instances they will work mornings for one agency and then afternoons for another. Some of the assignments that we receive, in fact, are very short on hours. We're getting assignments for two hours, which makes it even more difficult, because we try to cluster

the cases or -- so that it gives them more than two hours of work a day, which wouldn't be very beneficial for them. But it's hard to maintain --

LEG. LINDSAY:
Do you have any idea what the turnover rate is?

MS. RECCO:
I don't have an idea right now, but it's probably depending upon the agencies and how long they've had people working for them, it's probably 40, 50%.

LEG. LINDSAY:
Is that a cost to your providers?

MS. RECCO:
Well, it's a cost because then we have to continue to recruit and offer to train them, and we try to keep them as close to their home as possible for -- so that it keeps the transportation costs down. They aren't reimbursed for transportation.

LEG. LINDSAY:
Why do you think the turnover rates so high?

MS. RECCO:
For many reasons. I think it goes back before even the time we're in now, it goes back to the fact that the nursing field and home care and taking care of the sick have not been careers that were promoted in training schools and so forth. Many of the training schools had to be closed because they didn't have funding. And I think in my

generation, being a nurse was something that was offered to you by an educational counselor. I don't see it being offered now as a career. The nurses are overworked, they're stressed out, their pay is not enough, and it goes up and down the ladder of the health care system.

LEG. LINDSAY:
But we're talking about nurses --

MS. RECCO:
We're not talking about that. We're talking about the paraprofessional who is the one that's supporting the programs that we exist on. And they're the ones that are needed. Families depend upon them to show up, and the --

LEG. LINDSAY:
What is the average salary to these employees?

MS. RECCO:
The average salary ranges from $7.50 to $8 an hour, sometimes more.

LEG. LINDSAY:
Do you think that could account for the turnover rate?

MS. RECCO:
It does and it doesn't, Mr. Lindsay. It's not completely the fault that you can blame it on the salary.

LEG. LINDSAY:
Okay.

D.P.O. POSTAL:
Legislator Bishop.

LEG. BISHOP:
In -- your agency, has a contract with Suffolk County, when does that contract with the County expire?

MS. RECCO:
I believe it expires 2002. I'm not sure. Do you know when it expires, 2002?

AUDIENCE MEMBER:
The end of this year.

MS. RECCO:
The end of this year.

LEG. BISHOP:
Yours expires the end of this year.

MS. RECCO:
2001.

LEG. BISHOP:
How many employees since we last -- since you last came to the public forum, I know we've had a meeting in my office. We discussed the

impact on your particular establishment, we'll use that word. How many employees in your establishment would be impacted by the Living Wage Law, and what would be the cost to you?

MS. RECCO:
Probably about 100 employees would be impacted. The cost to me would

be approximately $400,000.

LEG. BISHOP:
Okay. Have you --

MS. RECCO:
Per year.

LEG. BISHOP:
We're not voting on this today, but before the next vote, would you obtain the specific information as we had discussed previously?

MS. RECCO:
Yes, we can do that.

LEG. BISHOP:
I would appreciate that. Do you file -- is there a public audit or a document that you could file that shows your finances.

MS. RECCO:
We have audited financial statements, our cost reports are audited statements by certified public accountants.

LEG. BISHOP:
Are they in the public domain, do you know or maybe your attorney would know that. Is that something that we could obtain that private information?

MS. RECCO:
With reference to what, individual cost?

LEG. BISHOP:
In full financial picture of your operations.

MS. RECCO:
Of my financials? I'd have to talk to my attorney about that.

LEG. BISHOP:
Okay. Your profit is limited, I understand.

MS. RECCO:
Yes, 3%.

LEG. BISHOP:
Does that profit include expenses to yourself? Are you the owner of the agency?

MS. RECCO:
Yes.

LEG. BISHOP:
Does the 3% include your salary or that's above your salary?

MS. RECCO:
No, it's not above my salary.

LEG. BISHOP:
You're within the three --

MS. RECCO:
It's -- it's included in administrative costs.

LEG. BISHOP:
The salary?

MS. RECCO:
Right.

LEG. BISHOP:
Not the 3%.

MS. RECCO:
No.

LEG. BISHOP:
Right. Would you share with us what the salary is? How about this, in the last five years has your salary gone up?

MS. RECCO:
No.

LEG. BISHOP:
So it's been flat for five years. And that would be in the information that we may be able to obtain.

MS. RECCO:
If you -- yes.

LEG. BISHOP:
Okay. Thank you very much.

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

APPLAUSE

D.P.O. POSTAL:
Next speaker, Glenn Edwards.

MR. EDWARDS:
Good morning, and thank you for having me today. I appreciate the opportunity to speak. I have a few comments. Unfortunately,

Representative Foley is not in the room, because I had a response to his question --

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D.P.O. POSTAL:
He can here you. He's at that health center meeting right across the hall.

MR. EDWARDS:
Okay. So let me read through my comments, they're short. I want to reserve sometime to just respond to some of the questions. I am a provider of Home Health Care Services here in Suffolk County with three offices and a substantial capital investment. I'm speaking about the same bill that Ms. Recco spoke about 1113. The providers of the DSS Program can be irreparably harmed if the bill goes into law as it is currently written. I hope it isn't the intent of the Legislature to destroy an industry that is so vital to the well-being of Suffolk County residents. Many of you are aware of the work we do for the aged and infirmed and chronically ill. However, some Legislators might not be familiar with the intricacies of our challenges in accomplishing our jobs. We are not in disagreement on better wages and benefits for our employees, we are in disagreement on how to get there, what the costs will be, who will pay for it and the overall impact to all concerned. During the past few weeks, my colleagues and I have been spending many hours trying to educate you on some of the industries specific issues relating to the impact of the Living Wage Bill. I hope we have been helpful to this Body. Some issues are: In New York, the Medicaid rate is set by the state based on cost reports of agencies costs two years prior. And they do not accept new costs. That's one thing that you should be very clear on. New costs incurred today do not reflect in your '99 wages -- in your '99 costs. The business that an agency does with the County is not their only business and this is an important issue. However, we use the same work force. The worker would be -- would expect the same wages and benefits for similar work, and rightfully so. But the reimbursement can be completely different. Many contracts that we have here in Suffolk County, but not with the County, would reimburse us below the cost that you're expecting us to incur. Because their ultimate payer, which many times is an insurance company or the federal government, pays them only so much money. On a competitive basis, we are even more negatively affected if the Living Wage Bill isn't the true minimum wage for the entire region. Companies in Suffolk County who don't do business with the County will undercut your providers that are contracted with DSS. Providers in Nassau and Queens wouldn't be prevented from taking our business as well. Even though this bill has some good inflationary goals for the worker, it

might eliminate many of the jobs for the people here in Suffolk that it was intend to help.

D.P.O. POSTAL:
Mr. Edwards, I have to ask you to sum up.

MR. EDWARDS:
I was doing so well. I really felt I was on a roll. I will wrap up because we're going to have a lot of comments from other providers that are here and some of our legal representatives. We will have comments from -- let me see if I can find my list of paragraphs over here so I can leave you there. Here in Suffolk, the Wage Bill and benefit package for home care workers has been rising steadily, not because of government intervention, but because of market driven

pressure of supply and demand. The main reason that salaries and benefits have not risen quicker and more comprehensively is low reimbursement to the health care industry over the last five years. The Medicaid cuts on statewide level, Medicare cuts from federal government, the local Department of Social Services mandate to reduce hours and the total cost of services. And lastly, managed care from insurance industry have hamstrung the providers. As an industry we have been lobbying Albany for more funding in the state for workers. The Health Care Provider Association has formed an alliance with seven other health care groups to form the Wind Coalition --

D.P.O. POSTAL:
Mr. Edwards. Mr. Edwards --

MR. EDWARDS:
I'm done. I am done.

LEG. BINDER:
Madam Chair, can I ask --

D.P.O. POSTAL:
Yeah, Legislator Binder.

LEG. BINDER:
Let me ask you a question, if I could.

MR. EDWARDS:
Sure.

LEG. BINDER:
And you just brought something out. I pursued a little bit of the line of questioning with Norma Recco about the fact that you're going

to have to charge more, and that's true, you have to charge more than Medicaid rates. So your going to have to increase your private pay costs, and that's clear. I assume that's --

MR. EDWARDS:
Right.

LEG. BINDER:
Okay. So that being true, what you just brought out was that those who do not contract with Suffolk County, but who provide private care in Suffolk County, are not under this umbrella, so they will quickly, obviously, it will take nothing for them to go in and replace you one by one in all your private care because you don't have a choice as to what you can charge. They have a choice as to what they can charge.

MR. EDWARDS:
Yes, that's true.

LEG. BINDER:
So basically the threat now is that you will lose all your private care. What does that amount to? I mean, what would that do to you if you were undercut and you lose all your private care in Suffolk?

MR. EDWARDS:
Well, there's two parts to that question, but we would lose all of our private pay, because the consumer, who was going to look for the best deal possible, isn't going to look to pay three or $4 an hour more just because of a mandate that we're forced to live with the Department of Social Service contract. But even if it was only 10% of our business, which it's not, if you lost 10% of your revenues, you couldn't stay in business. As you heard Mr. Bishop talk about our profit margins only being 3%. You couldn't stay in business if you lost the business -- the profit associated with 10% of your business, but everyone in this room knows that the DSS portion of their business is a small portion of their business, but it would affect the rest of their company. I think one of the bigger issues is the certified home health agencies who are -- try to save the state, the local government and the federal government billions of dollars by getting patients out of the hospital quicker, would be hamstrung by this regulation, because the average reimbursement for certified home health agency to a subcontracted license agency, which is what we are in Suffolk County, is about $12.50 an hour. The cost associated with running this benefit just for the worker alone is over $14 an hour. So we wouldn't be able to -- the licensed agencies who are doing business with the County couldn't contract with certified home health agencies.

The licensed agencies who do business with the County are the most substantial legitimate providers in this County, and it should be that way, because that's what the County deserves. But they wouldn't have the work force if the same exact worker who works on a certified home health agency case -- you couldn't service those cases. So those patients would be stuck in the hospital.

LEG. BINDER:
So as a businessperson, trying to save a company, because now you're talking about the inability to survive on losses and private pay, is it foreseeable that agencies would -- that have contracts in other counties and have opportunities in other places, walk away basically from the County contract and do in a sense -- I'm talking would do -- because once you're not a County provider, you can come in and undercut on private pay. You have to cut a number of your work force. So you cut all the people of Suffolk County, build up other parts of your business and then become a non Suffolk County contractor. Is that what -- is that a reasonable business decision that might happen you know as a flow through from this?

MR. EDWARDS:
Well, absolutely. You know, the fact is that the agency that's been doing business with Suffolk County would have to get out of that contract. If the total cost is three to $4 an hour of new increased costs of benefits and everything associated with the wage bill, well, if you do 2,000 hours a year -- 2,000 hours a week or 100,000 hours a year, you're costing three to $400,000 a year. So you give up that contract so you can do business with the rest of your customers. And the rest of your customers might not be enough to support your agency either because the County contract is an important part of our business.

LEG. BINDER:
So what you might -- I'm just trying to think in terms of what a

business may do. Even if we reimbursed you, in other words, we said okay, we're going to give you the difference straight taxpayer, property tax, sales tax, we're going to give you dollar for dollar your increased cost, we're going to put it in the budget. Even if we do that, the cost to your business on the other end might be so prohibited and the undercutting -- because you had to increased the cost. So it might be -- that it might not even be worth taking that in.

MR. EDWARDS:
You might not be able to survive just on your DSS business, if that was the only business you were to do here in Suffolk County. Or as I

mentioned, you have providers that are right butting to us in Nassau, and as far away as Queens to transport workers into Suffolk County that don't have the same mandate. So they would positively undercut us in every portion of the business.

LEG. BINDER:
It would seem to me they could actually open an office here as long as they don't do business with the County itself. They could actually -- they don't have to actually bus people in, they can have an office in Suffolk County.

MR. EDWARDS:
That's why my comments were that if this was a regionalized effort, that if -- I don't think you can isolate Suffolk County and that's part of my response to Mr. Foley. The state can reject our rate regardless of cost at any time, regardless if it's -- even if we incurred the cost, they could still reject our rate if it's so out of line with the rest of the reimbursement for the similar type services across the state. And, you know, again, you know, you couldn't do business with certified home health agencies. You priced yourself out of the market on the private pay. Even if the private pay families said, sure charge us anything you want, we'll pay it. You know, there are going to be so many people that say let me go underground, let me hire the person off the books because, you know, at five or $6 an hour, you know, that they are new costs because they have to be higher than the DSS rate, the people that you're intending to help, the home care workers, are going to end up getting lower wages, off the books, no representation, no workers' comp, no Social Security. The workers you're intending to help are going to be the ones that are most harmed because the private family who makes the biggest portion of business in home health care are going to go underground. You're pushing them underground with this. I believe there's a common sense way to get to this, but, you know, it's not all in one big step, and you can't isolate in Suffolk County in home care away from the region. It is a big part of this whole region, and we can't keep out the out liars, we can't keep people out from going underground. But right now you have a very solid home care service base, and you can ask the Department of Social Services how we're doing, and you can ask the patients how we're doing. And the health care workers who should be helped the most, and anyone in my industry is so supportive of the intent of this regulation or legislation, we just are in disagreement how to get there. And I think you should include us as part of the solution, or waive us out, because we only get 10% of our reimbursement -- or you only get 10% of the cost of the DSS contract, 90% comes from the

federal government and state. So maybe a solution is while we're moving forward to waive us out until you get there. But we want to be

part of the solution. We are a great partners with the Legislature. Give us the opportunity to work with you, and we'll come up with something that works over a time period that we can adjust to.

D.P.O. POSTAL:
I have some questions. When you, I guess, go to the State to -- with your budget to justify or to provide the documentation so that they can check to see that your profit is within that 3% range, do you -- are you limited in terms of what percentage of your budget your administrative costs are?

MR. EDWARDS:
Yes.

D.P.O. POSTAL:
What is that?

MR. EDWARDS:
There's an audit process -- first of all, it's 28% -- you can't go beyond 28%, that's the cap on administrative services. Most providers probably come in underneath it, but it's an allocated basis your total business. If your -- for instance, if your private pay business was 50% of your total billing in that office, you only can allocate 50% towards your Medicaid contract. So the State gets the benefit of having providers who have a diversified portfolio business. If 100% of your business was Medicaid and you did nothing else, then the State would have to incur 100% of those costs. So the State gets a percentage of those services at what I would consider a discount because of the allocation method. And that's gap.

D.P.O. POSTAL:
Do you have any idea of what percentage of your private-pay clients are now funded by long-term care insurance?

MR. EDWARDS:
Well, you know, in New York State, it's a very small percentage. I have offices in Florida and other states. In New York State, this is not a good thing, it's not a bad thing, it's the law. You can dispose of all your assets. You can be Bill Gates and give away your $50 billion and tomorrow go on Medicaid for home care tomorrow. So there's no big demand to buy long-term insurance policies in this state because you can dispose of your assets. So it's a small, small percentage today. As a matter of fact, most of the people that utilize long-term insurance here in New York are residents of Florida who are snow birds who come back to New York for the summer. And I would have a good sense of that because we're an expert.

D.P.O. POSTAL:
Do you know if the percentage is increasing? I would be interested in knowing if the percentage is increasing.

MR. EDWARDS:
It's -- it's not even -- it hasn't cracked the service yet. I'm an expert on that. I just want you to know on long-term insurance

reimbursement and taking assignments on it, my company does an extensive amount because in the three counties that are so famous down in south Florida, they buy long-term home health care insurance like it's Medicare Part B. Everybody buys it. Why? Because there's no Medicaid Program. Medicaid doesn't pay for anything in Florida. So there's no state tax, no Medicaid, everyone buys long-term insurance.

D.P.O. POSTAL:
I'm just wondering with the increase of development of assisted living facilities, which are not covered by Medicaid, whether we're seeing an increased number of individuals holding long-term care policies, which would then be utilized for home care?

MR. EDWARDS:
Two different issues. Assisted living as of -- in a very short period of time -- there is someone here from the Health Care Providers if you want to get in into the bill that's before the Governor right now on assisted living, to provide services for personal care in assisted living, it's going to be a requirement, they use agencies similar to ours, licensed home care agencies. So, again, they're going to feel the impact of inflation on this rate. And no, there's no correlation between long-term insurance policies and assisted living. They're two separate lines of business. The only thing is that the assisted living community gives a range of services, but not necessarily reimbursed by long-term -- definitely not reimbursement by long-term home health insurance.

D.P.O. POSTAL:
Definitely not? Say that again.

MR. EDWARDS:
Definitely not. The long-term home -- the assisted living facility provides housing and other services. They bill separately for the personal care.

D.P.O. POSTAL:
Right.

MR. EDWARDS:
It's a licensed home health agency within the assisted living facility that's billing for it.

D.P.O. POSTAL:
I'm just wondering -- my question was that with the increase of development of assisted living facilities in Nassau and Suffolk County, I would imagine that there would be an increased number of individuals providing long-term care insurance for themselves, thinking that that could be an eventual, I guess, outcome for them

that's not covered by Medicaid, you know, that you wouldn't be
covered. And those individuals, even though they're securing that
kind of coverage for assisted living facilities, that also could be
used for home care in their home, not in an assisted living facility.
So that -- what I was asking was whether you're seeing -- and you may
not be seeing it yet -- whether you're seeing any increase in
individuals and clients who are funded by long-term care policies?

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MR. EDWARDS:
It's growing, but ideally the home care industry would love everybody
to have a long-term care policy, because everybody would be funded for
home care. But that's just not a reality, and it's growing very, very
slowly because of what I said to you before, you can disposes all your
assets today and go on home care with Medicaid reimbursing you
tomorrow. So there's no incentive to spend that two, three, $4000 a
year. Your financial and legal advisors currently will not tell you
to go out and buy a long-term follow here in New York because they
know you can get Medicaid, which is a very comprehensive and very good
program as it's currently provided. The best in the country, right
here in New York.

D.P.O. POSTAL:
Just one other question. Is there any, I guess, record that's kept of
individuals who contact you as private clients for home care who ask
you questions about the turnover rate, who ask you questions about the
amount that you pay?

MR. EDWARDS:
Yes. Well, there's -- I mean every agency, especially the private
ones, but even the public ones, collect their own information, use it
how they want to use it. Smaller agencies might want to collect
information in a less sophisticated way, larger agencies might use it
for their market research. But to address Mr. Lindsay's comment
before, is there turnover and is it because of rate? Well, we do have
turnover, and what industry doesn't have turnover, but the turnover in
home care is not higher, and it's certainly not because of rate, but
when we replenish our workers because, if you do lose 40% of your
workers a year and you don't loose 40% of your business, then you're
still servicing all your clients, which is our goal, and we're doing
it within our costs. We haven't inflated the costs to replenish those
workers. But when we do replace them, we're usually replacing them
with workers from other home care agencies who have already been
trained and are in the system that go from one agency to the next.
One of the largest reasons that home care workers leave an agency is
because the nature of our business is patients get better, they die,
they go into nursing homes, they go into assisted living facilities.

So you can have a job today that's a temporary job, the next day it's not there. And when the agency that you're working for offers you to replace that position and they say, well, I got a job from the county, it's three days a week, two hours a day, can you take it? They say well, I'll get back to you in a few hours. And what they do is they go to speed dial and call five other agencies, do you have anything better than three days a week, two hours a day. The other agency says, I have eight hours, five days a week, of course, the workers going to leave because that's a smart business decision for them. But they will come back when that jobs ends because there are very few assignments in home care that are permanent assignments that you would have at, you know, Arrow Electronics or Symbol Technology or Computer Associates. But as I read in the newspapers, Computer Associates, Symbol are laying off, and they pay large wages, and they have huge turnover and dissatisfaction. We try to do so much for our workers. We have a great relationship with our workers. We would like to get more for them. We don't need the prompting of the Legislature, we need help of the Legislature. We can't do it in a way that puts us

out of business at the same time. And we will go out of business.

D.P.O. POSTAL:
Thank you, Mr. Edwards. Next speaker --

LEG. BISHOP:
I have questions.

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

LEG. BISHOP:
I'm sorry. Did I hear you correct, you feel the turnover is not because of cost, it's not because your industry pays $7.50 an hour without benefits?

MR. EDWARDS:
No. Yes, there is a factor of cost, but if we raise the rates up to ten and a quarter an hour, I will guarantee --

LEG. BISHOP:
That's not going to help.

MR. EDWARDS:
I will guarantee you that there will still be a cost issue. People will still leave because of rates. In every survey about workers, wages comes down to number five. It's job satisfaction, it's location, it's the people they work with. Those are all more

important --

LEG. BISHOP:
Have you done a survey of your industry, of the workers?

MR. EDWARDS:
I've been in it for 22 years. You know, when you have your hands on the throttle, you can feel if your going forward or going backwards.

LEG. BISHOP:
Really. I just want to understand this. So you believe that people who earn $7.50 an hour, it's number five on their list, that they earn 7.50 an hour, that number one is, you know, quality of life or some other issue.

MR. EDWARDS:
No. I believe that if you ask workers is wages the number one issue on your plate, absolutely they're going to say yes. But if you dig a little deeper, if you do a real survey, one that finds out what workers really feel are important to them, you'll find out that our workers, if they were working at K Mart, WalMart, any other store, those workers are going to still come home and they're still going to still take care of people in the community because these are people who are caring people. They like what they do. They enjoy what they do. And absolutely, they'd enjoy a better wage. Nobody is arguing about a better wage.

LEG. BISHOP:
Would they enjoy benefits? Would they enjoy health care for their families maybe?

MR. EDWARDS:
Absolutely. Why wouldn't they?

LEG. BISHOP:
Because you said they wouldn't. So I'm trying to understand what your perspective on it is.

MR. EDWARDS:
No. No. I never said they wouldn't. You might have missed my comments when you were out of the room.

LEG. BISHOP:
They do this per diem work because they have such a commitment to the public and that's why they do it. So I'm trying to understand --

MR. EDWARDS:
You don't believe that's one of the reasons they're in the business because --

LEG. BISHOP:
Of course I do. I just don't believe that we should, as a government, take advantage of that. That's what we do. We do it by passing it through to you --

D.P.O. POSTAL:
Gentlemen, can we avoid debating and stick to questioning?

LEG. BISHOP:
I apologize. Mr. Edwards, the questions that I asked of Ms. Recco, do you have answers for your own agency, what the cost would be?

MR. EDWARDS:
Whatever isn't private for a private home care agency, I wouldn't share. Whatever is public, I would share.

LEG. BISHOP:
No. I meant in terms of your particular agency, what would be the cost of the living wage proposal, how many employees would be affected/

MR. EDWARDS:
Well, everyone in my company that's a paraprofessional would be affected.

LEG. BISHOP:
How many is that, and what would the cost be? If you don't have that now, maybe bring it to the next meeting.

MR. EDWARDS:
I can get it to you. But it's in the -- I would say it's probably in the hundreds, also.

LEG. BISHOP:
And do you -- can you he -- lead me to any public filings that you have, or do you have public filings?

MR. EDWARDS:
You mean cost reports? Yes, we have cost reports.

LEG. BISHOP:

They include the administrative costs and salaries or everybody.

MR. EDWARDS:
Yes.

LEG. BISHOP:
Does that include your salary?

MR. EDWARDS:
Yes. You can go to Suffolk County Department of Social Services, it has it. You know what, we're a low cost provider here in Suffolk County. That's a decision we made as a competitive decision. There are providers in the program that have ranges of bill rates from $13 to 18 dollars. There's a big range, and we've chosen to be on the lower side of the cost. That's a business decision. One that's not mandated.

LEG. BISHOP:
And public filings are at Social Services?

MR. EDWARDS:
Department of Social Services. Absolutely.

LEG. BISHOP:
Thank you very much.

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

MR. EDWARDS:
Thank you.

(APPLAUSE)

D.P.O. POSTAL:
Next speaker is Joseph Palermo.

LEG. CARACCIOLO:
Madam Chair. I'd like to just make a brief announcement for the members of the Budget Committee. At 12:30 in the auditorium, we will convene the Budget Committee. Thank you.

D.P.O. POSTAL:
Thank you. Mr. Palermo.

MR. PALERMO:
Good morning, Legislators. My name is Joseph Palermo, and I am a homeowner residing at 887A Connetquot Avenue for almost 20 years. I

support, with an additional 1300 other residents, the 1594 and 1595 proposal of County Legislator Ginny Fields to have the County purchase the twenty-six and a half acres of land on the north side of Sunrise adjacent to Connetquot Avenue.

Virtually all of Islip Terrace residents and most of East Islip residents would like to have the County purchase this land to preserve a better way of life as we enjoy ot now, as opposed to pollution, drainage problems, and congestion, which will surely occur if this acreage is developed. I am a Suffolk County tax payer. I'd like to see my taxes spent for a good cause like this proposal, which is beneficial to all and not detrimental. The following is directed at Legislators Binder and Legislator Alden. I attended the Environmental Committee on meeting -- meeting June 18, 2001. When this proposal was put forth, Legislator Binder and Legislator Alden completely ignored the proceedings and chatted with each other until the vote was put forth. Gentlemen, instead of having your minds made up along party lines, I ask you to be big enough to be bipartisan on this important issue. If you think neglecting the needs of Islip Terrace residents doesn't affect your Legislative district, think again. Residents of Islip Terrace have mothers, fathers, sons, daughters, brothers and sisters living in your areas, and will know how you vote on this proposal. If you still think this is unimportant, then perhaps you won't care about the results of the next election. You were elected to be servants of the people, not the other way around. Thank you.

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

(APPLAUSE)

D.P.O. POSTAL:
Next speaker, Daria Woltmann.

MS. WOLTMANN:
Good morning, ladies and gentlemen. As you know, my name is Daria Woltmann. I'm a resident of Commack, and I come do speak to you today pertaining to Legislator Binder's Sense 40 Resolution. Many years ago, decisions were made regarding that site that proved to have long-term and damaging effects. We have landfills, incinerators, recycling plants, sand mining, and the property is not in the greatest condition. But where is it written that we must further decimate this site by the addition of a power plant? We, as a community and you as Legislators, have the ability to send a message, send a message to any industry that wants to do business on Long Island that they may do so only if they abide by the laws of Long Island. Article 7 was not written to be waived when more convenient for a certain industry.

As you should know, there are several sites being proposed for power plants on Long Island. PP&L is not the only game in town, and this site is not the only suitable site for a power plant. As a resident of Long Island, am I to understand that we need to grant the proposals for all of the sites that are being requested? Am I to understand that we need all of the power that all of these power plants, if all

of them were approved, would generate? If we allow a waiver for one company, don't we open the pandora's box and doom ourselves to repeat

this process over and over again? And at what point do we say enough? I called every Legislator yesterday and spoke to many of your aides. One aid in particular in Legislator Lindsay's office asked me to come up with an original reason for not wanting this power plant. That puzzled me, because how do you get original with a fact. You could embellish that fact or you can detract from the fact. You can eliminate or add details to make it more appealing for your position, but a fact is a fact. The fact is the siting of this plant is in direct violation of Article 7's Law. The fact is that all of Long Island's drinking water will be affected. The fact is that the ramifications -- excuse me -- of not upholding this law could be felt immediately in case of a spill or a leakage, but may not be felt for years to come. The fact is that there are 54 schools and 13 senior residences, countless numbers of residential homes and nursery schools within that five mile radius. The fact is, as reported in the Washington Post on October 18th, in the Year 2000, that people who live in close proximity to power plants die on average three years earlier than people who don't. Legislator Fields' presentation this morning about making a difference couldn't have been more timely. I want to make a difference.

D.P.O. POSTAL:
Ms. Woltmann, please sum up.

MS. WOLTMANN:
I am summing up. I urge you to stand and vote in favor of Legislator Binder's Sense 40 Resolution. If you don't stand for something, you'll stand for anything, and my health and your health and the health of generations to come should not be sacrificed. Thank you.

(APPLAUSE)

D.P.O. POSTAL:
Thank you. Next speaker is Carol Granoff.

MS. GRANOFF:
Good morning Legislators, my name is Carol Granoff, and I live in Commack for the last 37 and a half years. And I want to reiterate what Daria had said in support of Mr. Binder's Resolution of Sense. We cannot ignore the fact that Article 7 was put in place by our Legislators to protect our groundwater here in Suffolk, and we have to not think in terms of just our generation, but future generations to come. And in doing so, we have to make sure that the state cannot just come in and override our local laws, and play God to all of us.

We have to stand up before the state and with the support of all the Legislature -- Legislators we will be able to do that. I ask for your support.

Also, I know coming up will be a suggestion for a master plan to provide electricity to all of New York State, but we also have to stop building these plants before we have a master plan. I learned this week that the governor of Kentucky, Governor Patton, has had this foresight and will put a moratorium on building these plants until they can figure out what is the need. And we have to think first, what is the need for New York State? And in what direction are we going to go? Are we going to violate environmental concerns and

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pollute our air and our groundwater and not think of the future? Please, think of the future. We all are in it together. And we all have children or most of us do, have children or grandchildren that we have to think of, too. Thank you very much.

(APPLAUSE)

D.P.O. POSTAL:
Thank you, Ms. Granoff. Next speaker is Wayne Brody.

MR. BRODY:
Thank you. Good morning, ladies and gentlemen of the Legislature.

D.P.O. POSTAL:
Please just speak into the mike.

MR. BRODY:
My name Wayne Brody. I am Vice President and General Counsel of North America for Arrow Electronics, Inc. As some of you, I hope will know, Arrow is, I believe, the largest company headquartered in Suffolk County. We have eight facilities in Suffolk County, employing approximately 1700 people, virtually all of whom live in Suffolk County. And I come to you this morning to express our support on behalf of the company for Legislator Binder's resolution, Sense Resolution 40, and the two further resolutions, which I believe will be before you this afternoon. Those three resolutions share, as people have told you, the -- share a focus on the need for the County to maintain an active involvement in the siting of power plants particularly, and in the granting of waivers or the -- or prohibiting the granting of waivers under Article 7. We strongly support

prohibiting those waivers at this time, particularly until we see a Long Island energy plan.

We are deeply concerned with the quality of life on Suffolk County and in Long Island, not just because of our personal concerns, but because we also need to retain and attract employees to Suffolk County. We are also concerned, of course, with electricity. We need it, we use large quantities of it, and we're concerned with an inexpensive supply of electricity and consistent supply. However, we cannot address either of those issues until we have a comprehensive energy plan for Long Island and neither of them is well served if this Body and other parts of the County Legislature or the County Government simply rubberstamp ad hoc decisions by LIPA or by the merchant power developers who seek our favor at this time.

Article 7 is intended to ensure that the Department of Health has a say in the placement of large quantities of hazardous materials over our sensitive groundwater areas and recharge zones. Three hundred and seventy thousand gallons in Kings Park, and in the case of the proposed Spagnoli Road facility, an astounding two million gallons in the heart of a deep groundwater recharge zone. That, of course, is adjacent to our world headquarters, which has certainly raised our

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consciousness on this issue. Now is not the time in the absence of any kind of coherent energy policy and in the face of these two siting proposals and others to come, to abandon the County's role in protecting our aquifer and those who depend on it. Thank you very much.

(APPLAUSE)

D.P.O. POSTAL:
Thank you. Next speaker, is Calvin Pomerantz. Calvin Pomerantz. Next speaker Dr. Nancy Lopez.

MS. LOPES:
Hi. Just for the record, it's Nancy Lopes.

D.P.O. POSTAL:
Sorry.

MS. LOPES:
Thank you. It's okay.

D.P.O. POSTAL:
That's what Legislator Fields just told me.

MS. LOPES:
It's the most mispronounced name, I think in the County. But I like to correct it, thank you. I'm here today because a few months ago, I received a letter from a Merchant Energy Power Plant Company. They didn't state it this way, but I read between the lines. And what they were asking me to do, basically, was to forego three years of my life, was to allow my children to play on playgrounds and to ingest particulate matter into their lungs and to limit myself to serving them only bottled water. But watching this summer, I say to myself what should I do with the sprinkler and what should I do with the water guns that my son sprays into his mouth? Should I use bottled water for that as well? I speak to you today in support of Sense Bill 40, which is cosponsored by Allan Binder and Jon Cooper. You need to support this bill.

News 12 recently reported that on the east end, our water is highly contaminated with pesticides and fertilizers. Is this coincidence that the east end also has the highest breast cancer rate, or is it indicative at that our water supply is directly related to our health and to our cancer rate on Long Island? The EPA has a Clean Water Act since 1972, which is the Total Maximum Daily Load. It is used to determine whether -- the amount of pollution that industry is dropping into our water supply. It now includes more factors other than the surface pollution that industry causes. It considers runoff and pesticides, fertilizer, industrial waste. When you look at the communities where this PPL, KPE Power Plant is sighting itself, it is a community that is growing. We just passed a $93 billion bond to expand our schools. It is a growing community. The runoff into our water system will be astronomical. Do you want to add to that the

threat of toxic chemicals sitting on top of our water supply? I think not. We do not have an energy shortage. Mr. Kessel has publicly stated that we are going into this summer during the very peek usage at 350,000 megawatt surplus. Mr. Quinn, an energy expert, last week confirmed we do not have an energy shortage. Do we want to rush into making decisions for the sole purpose of profit gain of a corporation? I think not. As a body, as a total Legislative Body, you need to keep Long Island a good place to live. You need to stop, to think, and to plan. Do not rush to be the first to have a power plant of this kind, because as we know, when it comes to modern technology, first is the last place you want to be. I stated that last week. It is the last place you want to be. It is where 8 track cassette tapes are. Nobody owns them. Nobody wants to be first in modern technology. Let us stop, think and plan. And one more comment. When it comes to sand

lots that are 200 feet from people's homes, they are not for power plants, they are for children to create the greatest baseball memories of their lives. Thank you.

(APPLAUSE)

D.P.O. POSTAL:
Next speaker is Anthony Altieri. Anthony Altieri. Next speaker, Bill Steibel.

MR. STEIBEL:
I'll say good morning to everybody. My name is Bill Steibel, I'm from the Sierra Club. To those of you who don't understand, the Sierra Club and its role, we are the oldest and the most prestigious environmental organization going. We were started in the year 1892 by the great naturalist, John Muir. We have, over the years, assumed the role of protecting the environment. All our actions are intended in that direction. I represent the New York State Chapter, called the Atlantic Chapter, for which I am both the Chair of the Political Committee and the Chair of the Energy Committee.

In my latter role, I'm here to talk today. We are -- we have heard what the local residents have said and we are behind them 100%. We think that's the right way to look at things. We have looked at the future, we have seen chaos in how we're approaching the problems, we have seen decisions by the State Legislature, many years ago, to fast track the approval process, comes out as Article 10, which seems to give the state, especially the Public Service Commission, the ability to override our local ordinances, but only if it's necessary for a merchant plant. It cannot be done for a plant that's owned by a state agency. So where do we go from here? I could repeat what everybody said about the dangers of sighting a plant over an aquifer. I think you've all heard that. I agree with it completely. I have looked at Legislator Vivian Fisher's proposal for lowering carbon dioxide, and I say that's great, considering the fact that the president, our beloved George W has seen fit to back out of the Kyoto Treaty on reducing carbon dioxide.

I think we must approach all of these problems with one standpoint. Whatever we do here sets the precedent for the future. If we approve this waiver, how can we stop giving waivers for everybody else in the future? If we allow plants to be built willy-nilly, anybody who feels

like it could put a proposal in, make sure everybody is happy with it and then we'll approve it. Why do we need all of this? The answer is until such time as we can organize our approach, until such time as we truly understand what we're after, then we are powerless. The Sierra

Club just spent three months working with the Attorney General trying to find a consensus of opinion between the environmental community and the business community and the state agencies. The gap was too wide to be breached. The Attorney General threw up his hands and said I can't do it, and that was the end of it. But in the process of --

D.P.O. POSTAL:
Mr. Steibel, could you sum up, please. Can you sum up, please, your time is up.

MR. STEIBEL:
Okay. In the process of talking about this, we developed some good ideas. It's our intention to supply the State Legislature with these good ideas as soon as I can get my hands on them. I wish you, please, do your responsibility, protect the people of Suffolk County. Thank you.

D.P.O. POSTAL:
Mr. Steibel, I have a question for you. You know, this is a question I've really had in mind. You might be the person who maybe can answer me from an informed point of view. Obviously, the speakers who have spoken on this issue have asked for support for the resolution, which asks the Department of Health to deny the waiver for this application.

MR. STEIBEL:
Yes. And I support that strongly.

D.P.O. POSTAL:
Right. My question is, and you can correct me, is -- I was under the impression that the application was at the New York State level, and there was no application made to Suffolk County's Department of Health Services, and because the application was made to New York State, the Suffolk County Department of Health Services did not have a role with regard to granting or not granting a waiver. This is aside from the merits of any such issue. But can you --

MR. STEIBEL:
Unfortunately, you are saying it correctly. Yes, you are.

D.P.O. POSTAL:
So explain that to me. Would you explain that to me? Is that -- the application is at the State level.

MR. STEIBEL:
Yeah, that is correct. It's Article 10 of the Public Service Departments, Public Service Law.

D.P.O. POSTAL:
So what is the role of -- in view of that, is there a role that the Suffolk County Department of Health Services plays?

MR. STEIBEL:
Unfortunately, you're saying it the way it is. The statutory approval for any of this is strictly the Public Service Department of New York State.

D.P.O. POSTAL:
So that if --

MR. STEIBEL:
I think what we should do is have this -- have the County Legislature come out strongly in favor of what the residents are saying, merely as a way of indicating to the State Legislature and to the Public Service Department that the people feel very strongly about this. We need the voice of the County Legislature to support the people. And that's what we're asking.

D.P.O. POSTAL:
Even though --

(APPLAUSE)

D.P.O. POSTAL:
This is the public portion, and, you know, it's an opportunity for Legislators to ask questions. I think that this is really an important issue, and I'm going to ask our counsel if he would clarify this issue. And then I know Legislator Binder wanted the opportunity to address the same matter. So we'll start with our counsel.

MR. SABATINO:
The clarification is there are two articles, two different levels. The Article 10 application is to the state for the actual construction of the plant and the facility. Article 7 of the Suffolk County Sanitary Code, which is adopted by the Board of Health, deals with the storage of hazardous materials. What happened is this particular plant needs to have storage of about 300,000 gallons of kerosene, I believe it is, as a backup to the facility, and it's that storage of the 300,000 gallons that requires approval under Article 7. That application will go to the Suffolk County Board of Health. So it's two different articles.

D.P.O. POSTAL:
So two approvals would be necessary for the specific plans.

MR. SABATINO:
Correct. I think the theory is that if the Suffolk County Board of Health disapproves the waiver under Article 7, that it would be that much more difficult for the State to use Article 10 to approve the overall construction of the plant.

MR. STEIBEL:

Counsel, if I read Article 10 properly, there's nothing in it that gives the local people any control. They're allowed at various times to voice their opinion, as we do here, but there's no statutory control that they have --

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MR. SABATINO:
That's correct. Article 10, under State law, is one of those unusual statutes that grants exclusive authority to the State and leaves no role for the Suffolk County Government, nor for the town government, for that matter.

D.P.O. POSTAL:
Legislator Binder.

LEG. BINDER:
The point of this is that we'd be making, hopefully, a strong enough statement that the PSC would understand that the County government is concerned about the environmental impact enough that they would hesitate in overruling a local environmental question. I mean, this is not a local energy question. When the Health Department Environmental Division looks at this, or I should say the Board of Health looks at this, and decides not to give a waiver, they're doing it in the interest of an environmental question. So, hopefully, this is a strong enough statement that we can send up to the PSC to let them know that it would not be favorably taken by this county. And when we make an environmental question paramount that they say, no, we don't care about your environment, but we want to look at it in an energy question, too bad, we're overruling it. And that's really the intent of this.

(APPLAUSE)

D.P.O. POSTAL:
Mr. Steibel, you can certainly make a last comment. We kind of used your time to discuss this. Go ahead.

MR. STEIBEL:
Can I add one more point?

D.P.O. POSTAL:
If it's brief.

MR. STEIBEL:
Right at this moment there are some 22 proposals statewide in the Article 10 process. I believe that only on Long Island is there a

problem with groundwater. Surface water is the drinking water's supply for the balance of the state. So that we do have slightly an additional problem. The Public Service Department can say, we don't understand groundwater versus surface water, so we do have that extra problem.

D.P.O. POSTAL:
Thank you.

MR. STEIBEL:
Anyway, thank you very much.

D.P.O. POSTAL:
Question from Legislator Fisher.

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LEG. FISHER:
Mr. Steibel. Bill, before you sit down.

D.P.O. POSTAL:
Mr. Steibel, there's a question by Legislator Fisher. Would you remain at the podium?

MR. STEIBEL:
Say it again, please.

LEG. FISHER:
Okay. You mentioned in your remarks that we need to look at the sighting of power plants and some sort of comprehensive systematic way.

MR. STEIBEL:
Absolutely.

LEG. FISHER:
And my question to you is, with Article 7, and a CO2 Local Law, do you think that would establish a basis for a framework to begin to look at the sighting of power plants?

MR. STEIBEL:
I would look at it this way. It's a step in the right direction. And every step in the right direction is what we're looking for. We have to insist that you cannot override the local people's public health circumstance by some statement in an article written Upstate. There was a reason for it when the Article 10 was written, I think in 1993, somewhere around there, there was a reason. It was to fast track the

sighting system. But in those days, we were not talking about energy problems, we were merely talking about possibly getting some more plants on line without discouraging proposals. It has now come back to haunt us, because anybody who feels like he has a chance to make a lot of money putting a plant on Long Island and selling the electricity wherefore he can and make no -- have no doubt about it, this is the purpose, these plants are not being proposed because we have an energy shortage, they're being proposed because somebody, a lot of people see a way to make a lot of money, put it into Long Island, sell the energy wherefore you can, make a lot of money and run off somewhere else.

PP&L has put plants in Arizona in Montana and other parts of the world. They're familiar with this. They know how to go in and put a plant in. In Arizona, the people are concerned about their installation using up a lot of the very, very scarce groundwater. In Montana, they have other problems. What we need here is not to say the law is on our side, what's on our side is what's moral. Don't do anything to hurt the population in the guise of meeting some perceived energy shortage which isn't really there. And you will find that the plants that are being proposed have very little connection with any perceived energy shortage. Look, all of us have lived here for many years. Does anybody remember a rolling black-out or a brown-out? No. So why all of a sudden do we need five, ten, 20 plants being put on Long Island? What's the purpose of it? The answer is someone very carefully recognized an ability to make a lot of money, which is great

for those people, but not on our backs and that's the problem.

LEG. FISHER:
Thank you, Bill.

D.P.O. POSTAL:
Thank you.

(APPLAUSE)

D.P.O. POSTAL:
Next speaker is Diane Contino. Diane.

MS. CONTINO:
Good afternoon, ladies and gentlemen of the Legislature. My name is Diane Contino. I'm vice president of Utopia Home Care, we're an agency that services all of Suffolk County. Year after year, we have been told by the federal government, the state and the local county to cut costs and reduce Medicaid spending. We have worked in the State and on the County -- and with the County on new programs, such as the

Share A Day Program and Cluster Care to reduce the spending and to still provide quality care.

With all of these cuts, I have seen agencies close offices, reduce staff and go out of business. Clients were forced to reduce their hours and days. Agencies costs have continued to rise and still we have all worked hard to maintain the same quality. Every single agency is dedicated to the care and the welfare of the patients as well as the employees. We want to be fair to our employees that we are servicing, because God knows they deserve it. It takes a special person to work with the elderly and the sick, and most of the people who are this position are displaced home workers or an unskilled work force interested in working with people. We offer them a free 40 to 80 hour training course taught by a registered nurse, approved by the Department of Health, as well as accredited by joint commission. This is the mandated entry level to become a personal care provider. These employees are also required to receive a six to 12 hour in service yearly to update their skills. Most of these employees are per diem and looking for specific hours, days and location. This is why they're usually employed by most of the agencies, we all share the same pool of employees. And some of these aides move on to be staff aides, also coordinators, office managers and even go onto nursing.

If we were forced to start them all at 10.25 per hour, we would have to raise the salary of all our employees to still maintain a career ladder and to reward longevity. I recently saw an article in the paper saying that we were paying minimum wage. Our employees have been making several dollars over minimum wage for quite some time now, even though we were going through hard days of the mandates. For the Legislature to now issue another unfunded mandate, especially when the County is only paying for less than 10% of the program, would wipe out the industry. Both the patients and the workers would be devastated, and the agencies would be forced to close doors in Suffolk County. The alternative to home care is institutionalization in nursing homes in hospitals at four times the cost of home care. Most patients and their family prefer to remain at home and that choice will no longer

be available.

All of the agencies are small, middle-sized businesses in your community, and most of the aides live near their homes. This bill, while it looks like an apple pie, could surely severely impact the elderly, the sick, the mentally ill, employees, the tax payers, small businesses and the community. Also, there's another clause in the bill that states that we are mandated to give to the county a list of all of our employees names, phone numbers and addresses, the amount of salary they make, to the County, quarterly. And there's a $500

penalty everyday after that's not received. I find this a tremendous violation of their privacy as well.

D.P.O. POSTAL:
Mrs. Contino, would you sum up, please.

MS. CONTINO:
Yes. I understand that this is very difficult to go back on your original decision, but please, consider these people involved and the home care industry and exempt us from this bill.

D.P.O. POSTAL:
Thank you. Next speaker is Manny Martinez.

MS. CONTINO:
He had to step out.

D.P.O. POSTAL:
Oh, okay. Next speaker, Gerald Halpern.

MR. HALPERN:
Good afternoon. Thank you very much for the opportunity to address you. I have been here before, and I don't intend to repeat the comments that I made at my previous appearance here. But in the interim since then, there was a hearing on this bill called by County Executive, Gaffney, on the 18th, and I testified there. Rather than repeat that, I'd like to hand up a copy of my comments at that place and time for distribution. I would, instead of going through the previous discussion and the comments that others who will follow me will make, I'd like to focus on just two things. One is the point that Ms. Contino just briefly touched on. The provision in the law, 1113, that would require the disclosure in a public way of the names, home addresses and other private information about all of our employees in the home care field and in all of the other kinds of businesses and industries and service organizations that this law will cover. It means that those people who have tried to preserve their privacy against unwanted intrusion by any number of solicitors, selling insurance, soliciting funds for contributions, trying to unionize them, trying to enlist them in any kind of organization where they do not want to receive those calls at home or visits at home. This would make it extremely easy for any of these marketers, organizers, solicitors to invade their privacy in their homes.

We don't think that many of you were aware at the time that you voted on this law that that was part of the bill itself. We think that the obvious reason why it's in the bill is that the sponsors of the bill

would like to have that private information in breach of the rights of privacy of our employees made available to them to facilitate their objectives, which are not genuinely part of this bill and should not be something that is forced by any governmental agency, including this Legislature. We would like you to know that this particular provision of the law has previously been denounced by the Commissioner of Health of the State of New York when the issue came up in the context of Department of Social Services contracts. The Department of Health, itself, prohibits disclosure of this kind of information. The Freedom of Information Law protects privacy of personnel like ours, but you are overriding those two legal considerations if you keep this provision in the bill. The other thing I would like to mention, just very quickly, is this, we are anticipating the possibility that County Executive Gaffney may veto 1113 --

D.P.O. POSTAL:
Mr. Halpern, I have to ask you to sum up quickly.

MR. HALPERN:
I will, thank you. We urge you to take advantage of this usual second opportunity to look at the law, which is an unfunded mandate. At the hearing on the 18th of June, speaker after speaker focused on this question of an unfunded mandate, something which this Legislature has often and legitimately denounced. You are now imposing an unfunded mandate, the second failure, major failure, of this law is that it doesn't say where this money is going to come from. And to say, let us pass the law and entrust us to the money could put a lot of people out of business. We thank you, and we hope that if there is a veto, you vote to sustain it.

D.P.O. POSTAL:
Thank you Mr. Halpern. Next speaker, Joseph Werner.

MR. WERNER:
Well, actually, as you know, the only person in the world who operates as I do at the local, national, international level, I belong to -- I'm a member of no organization, and I pay everything myself. Actually, the reason I'm here today, I think that probably be the last time I'll be here. I hope that I get involved when I see a problem, I get involved, I act as a catalyst, and then I get out of the picture. Now, ten years ago, I had been very involved in a problem that was here, and what the problem was isn't really that important. But I want to read this. I have a web page, www.josephwerner.com, and I won't say what link it is, but it would be obvious that I think very highly of Suffolk County and the Legislators, and I just have a sense -- sense or two that I've extracted from the one link. When the Berlin Wall came down, Mr. Werner ended his ten year involvement in Europe, he then researched the records of Suffolk County -- records of a county in America and found -- now, I don't mention the County, because I don't want -- well, I'll go a little further. He then researched the records of a county in America and found, the name of the county is not given, as it would be a disservice to the County and the many who make it a pleasure living here. Mr. Werner holds officials in high regard and realizes it's impossible to please everyone. Then toward the end, and I'm leaving a lot of this out, Mr. Werner realizes his tenacity in this matter irks some officials, and I

may have done that, but again, it was trying to accomplish something. Also, if I make an error, you know, a mistake, I like to admit it and representative Caracappa, at the last session, I made an error saying that you had vote for something when you didn't. You abstained. Excuse me for it.

Now, the last thing I'd like to say, I had written this and -- to Rose Caracappa. The auditorium has been designated to Rose Caracappa, and I had made this -- what it says, "Rose Caracappa, we'll never forget you", and it goes on. I won't read the whole -- if I could have time to do that, to read this, because would --

D.P.O. POSTAL:
Mr. Werner, you can only have the three minutes that everybody else gets.

MR. WERNER:
Okay. Well, actually the Presiding Officer at the -- before Mr. Tonna had accepted it, saying that he was going to put -- I presented a laminated plaque with this -- with this tribute to Rose Caracappa, and he was going to put it next to her picture there, and I'd like to actually see about having that done.

D.P.O. POSTAL:
Right. Well, you know, I can have somebody check with him for you. What I would suggest is if you have that written out, the Clerk's Office can take it and can make a xerox copy that can be distributed to --

MR. WERNER:
Yes, I have it here. Mr. -- she is --

D.P.O. POSTAL:
Ms. Farrell.

MS. FARRELL:
I have it.

D.P.O. POSTAL:
Terrific.

Mr. WERNER:
It's on her desk here. Can she give it out now?

D.P.O. POSTAL:
She can give out copies to all of the Legislature as soon as there is

someone else here that can make copies.

MS. FARRELL:
We'll do it shortly.

MR. WERNER:
Could it be given out now so everyone sees it while I'm talking?

D.P.O. POSTAL:
Well, your time is up. Your three minutes are up. So that we have to

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go onto the next speaker, but she will distribute it to each member of the Legislature.

MR. WERNER:
Okay. Now, here's a gold copy that was in the laminated one. The others are small.

D.P.O. POSTAL:
Well, I think she has a copy.

MS. FARRELL:
I have it, don't worry about it.

D.P.O. POSTAL:
She will get a copy to each of us. Thank you, Mr. Werner. Next speaker is James Potter.

MR. MILLER:
Ms. Postal, my name is Bill Miller, Mr. Potter had to, unfortunately, leave. I am also a scheduled speaker, I think one or two slots after here. And at your pleasure, I would --

D.P.O. POSTAL:
William C. Miller, Jr.

MR. MILLER:
Right. Would you want me to speak at this point or would you want me to step back?

D.P.O. POSTAL:
Why don't you, since you're right after this, let's move onto William Seevers is the next speaker. Is Mr. Seevers here?

MR. SEEVERS:
Yes, I am.

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

MR. SEEVERS:
Good afternoon. I'm Bill Seevers, and I am representing the groundwater issues on behalf of Kings Park Energy at the Townline Road site. Excuse me. Let me begin by reviewing my background and what brings me here as an expert on the issue of groundwater. I've been in practice as a groundwater hydrologist since 1960. I've been involved in projects for the firm, Gearaghty and Miller, that created the zoning divisions, including Deep Recharge Zone 1, that we're discussing at Townline Road site.

Otherwise my background, I'm the cofounder and president of the Environmentally Technology Group. I'm a member of the faculty of the New York Institute of Technology's Engineering and Environmental Department, and a 35 year resident of the Town of Huntington. We're a little out of order by the three speakers who are to address on behalf of Kings Park Energy. And what I'd like to do is focus on the single point that I think needs to be discussed, identified and which

incidentally is under a process of rather collegial discussions with the Suffolk County Department of Health services. And this is the question of whether there is or isn't deep recharge at the proposed site. And by recharge we mean is there water moving from the surface of the land into the Magothy aquifer as it's defined in the regulation.

Now, the surprise is that there is no recharge into the Magothy aquifer as described in the regulation. We have flow, we have vertical flow, but in order to satisfy the deep recharge definition, we must have flow into either the middle or the lower Magothy aquifer. That's the way the rule is written. And the fact is that that does not occur at the site on Townline Road.

D.P.O. POSTAL:
Mr. Seevers, your time is up. I have a question.

MR. SEEVERS:
I just finished. Thank you.

D.P.O. POSTAL:
Other people may too. I'm looking at the material that was passed out, page two, which speaks about 300,000 gallons of oil storage. Can you give me an idea, I'm just curious, the standard size gasoline tanker that travels around from gas station to gas station, how much gallonage is in one of those so I can get a handle on what 300,000

gallons is?

MR. SEEVERS:
Well, your home storage tank for fuel oil is about 275 gallons. The typical gasoline station might be on the order of anywhere from 75 to 100,000 gallons of gasoline. Tanker trucks, 50,000 gallons are not unusual.

D.P.O. POSTAL:
Thank you. I don't know if anybody else has questions for you. You know I think your handout is very interesting and I -- the only other question I would ask has to do with the special groundwater protection area. You're addressing the, I guess, reference to this area as being in a deep recharge zone, and you're saying it's not in the information that you have.

MR. SEEVERS:
That's correct.

D.P.O. POSTAL:
What's the difference between deep recharge zone and a special groundwater protection area?

MR. SEEVERS:
The deep recharge zone, as I just indicated, is a zone where the recharge of water, the actual flow of groundwater, vertically downward, reaches a point in the Magothy aquifer, which is a designated formation, reaches either the middle or the lower zone, which are the zones that are water producing and developed for water supply. The special groundwater protection areas, of which there are

eight on Long Island, are areas that have been set aside and this was done in 1992, as areas that have special qualities that, absence of facilities, industry, open space for the most part, and areas that can be protected and preserved above and beyond anything else on the island. So a special groundwater protection area is exactly what it says, it's an area that's been set aside as a natural area that will produce, through recharge, the highest quality of water.

D.P.O. POSTAL:
So that in essence, if we were to make a real simple layperson's comparison a special groundwater protection area would be like sort of a higher degree of -- would have a higher impact on the quality of the water than a deep recharge zone?

MR. SEEVERS:
No. It's just an area that has special qualities that have been

identified and are being preserved, as it would be if you had an open space or an undeveloped piece of land that happened to exist in an area where we also had recharge.

D.P.O. POSTAL:
And does that mean that, for example, a gas station, that if it's in a special groundwater protection area, would have to go to the Suffolk County Department of Health for an Article 7 waiver?

MR. SEEVERS:
No.

D.P.O. POSTAL:
It would not?

MR. SEEVERS:
No.

D.P.O. POSTAL:
But if it were in a deep -- deep flow recharge --

MR. SEEVERS:
I'll hesitate here and say that I think the gasoline stations, by my information, are pretty much exempt when it comes to this process.

D.P.O. POSTAL:
Why? I mean I'm curious. You know why should they be exempt?

MR. SEEVERS:
Well, certain things have been exempted and have been exempted by decree including hospitals, gasoline stations, schools, etcetera.

D.P.O. POSTAL:
But there's -- I'm assuming that that's because they're absolute necessities and they can, in essence, be anyplace, is that what we're saying?

MR. SEEVERS:
That's probably a good guess, yes.

LEG. BISHOP:
Exemptions for gas stations and SGPs?

D.P.O. POSTAL:
Yeah, that's why -- we shouldn't be doing this, but is there anyone else who has a question?

LEG. CRECCA:
You're saying that gas stations are exempt from this, is that what you're saying?

MR. SEEVERS:
That's my understanding, yes.

LEG. CRECCA:
Statutorily.

MR. SABATINO:
What the gentleman is referring to is the Suffolk County Sanitary Code is adopted by the Board of Health pursuant to State law. We have no control over those provisions, but the way that particular code is written, there are certain things that are just carved out as exemptions. In that case it was probably two reasons. One was because they require a special lining for the tanks that are put into the ground, so they are being replaced over a period of time. And the second is probably an economic business judgment, not to burden them.

LEG. CRECCA:
The power plants, are they exempt?

MR. SABATINO:
They're not exempt statutorily, no.

D.P.O. POSTAL:
Did you have a question, Legislator Bishop?

LEG. BISHOP:
No.

D.P.O. POSTAL:
No. Any other questions?

LEG. CARACCIOLO:
Yes.

D.P.O. POSTAL:
Legislator Caracciolo.

LEG. CARACCIOLO:
Sir, can you tell us who supports this proposal? What community groups, what municipalities that the towns of Huntington, Smithtown support this proposal for this power plant?

MR. SEEVERS:
I don't know the answer to that question.

LEG. CARACCIOLO:
Thank you.

D.P.O. POSTAL:
Thank you.

MR. SEEVERS:
Thank you.

D.P.O. POSTAL:
Next speaker is William C. Miller, Jr. Mr. Miller.

MR. MILLER:
Good afternoon. My name is Bill Miller, and by way of introduction, I'm a lifelong resident of Suffolk County. I'm a professional engineer and have dedicated my entire life to the protection of Long Island's environment. In fact, I even served ten years as an appointed official, having served as the Chairman of the Head of the Harbor Planning Board. During that time, I worked with County Legislator D'Andre to preserve the Deep Wells Estate with regard to preserving our environmental resources here on Long Island. You do have the handout that Jim Potter of Kings Park Energy wanted you to see.

And because of the fact that I am a lifelong resident of Suffolk County, have practiced my entire life here with regard to our environment, and, in fact, have served as an official, I'd like to speak to you in my short minutes of time frankly, but not confrontationally. Given the information packet that's been delivered to you, I beg for you to understand that this Legislative Body would recognize that it has the responsibility to act on a fully informed basis. I further beg the fact that you are not acting on a fully informed basis. The Kings Park Energy project does not, does not lie over a deep recharge zone. There is 20 years of public information available to you that has monitored the area of this groundwater more than any other area in Suffolk County. That information is available to you, it's available to us. We are digesting it. There is no uncertainty about the groundwater in and around this site. It is not a deep recharge zone.

I, as a resident and an environmental engineer, support the notion of the very laws that you have created. Let them act. Let the agency that you've put in charge to administer that law act. The Kings Park Energy site cannot and will not impact our public drinking water supply. I have spent eight months deciding as to whether I would come on board and address this particular project as an environmental engineer. Therefore, your further consideration of this legislation would be nothing short of being manipulated into believing that there's a potential environmental threat to our public drinking water supply when there is none. That you would be interfering with the County's Sanitary Codes that you helped create and the agency you helped create to administer them. And furthermore, you have an

opportunity to learn the facts.

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

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MR. MILLER:
Okay. I for one look at you and say this is very suspicious legislation. Why is it absolutely silent on other proposals, which, in fact, do lie over the deep recharge zone? You gain nothing by this bullet legislation. If you do, in fact, want your laws and your agency to act, let them act.

LEG. CARACCIOLO:
Madam Chair.

D.P.O. POSTAL:
Legislator Fields has a question followed by Legislator Caracciolo. Legislator Fields.

LEG. FIELDS:
May I ask you if you have any financial ties or are you compensated by PPL or Kings Park?

MR. MILLER:
Yes. I mentioned earlier that I have agreed to come on board with them as their environmental consultant.

LEG. FIELDS:
So you do receive compensation. Thank you.

LEG. CARACCIOLO:
Mr. Miller, just before you closed, you mentioned that there are other sites that do, in fact, lie -- or other proposals, that do, in fact, lie over SGPA areas, could you identify those proposals?

MR. MILLER:
Yeah. They're very public. There's a preliminary scoping statement that has been put out into the public domain with regard to a project mentioned earlier on Spagnoli Road in Melville. Within that particular preliminary scoping statement, it identifies that it's not only in a deep recharge zone, but in a special groundwater protection area.

LEG. CARACCIOLO:
Any others?

MR. MILLER:
Yeah. There's two out -- I'm sorry. There's two out on Sills Road, one of which has already said, I'd rather not have fuel oil, but the other hasn't retracted fuel oil. I believe that's not only in the deep recharge zone, but it's adjacent to the Pine Barrens.

LEG. CARACCIOLO:
Sills Road, that would be out in Yaphank.

MR. MILLER:
Yeah.

LEG. CARACCIOLO:
With respect to the quality of water discharged this area, as an

environmentalist, environmental engineer rather, you've obviously studied the reports that you made reference to. What can you tell us about the quality of the water in this area?

MR. MILLER:
There is a 66 year old plume emanating from the Huntington landfill, uncontrolled plume, millions of tons of waste put into that plume. It is a terrible thing to have done to our upper glacial groundwater. It was -- but with regard to serving as a yard stick in terms of this facility, it's as if someone injected that groundwater with dye and monitored it for 66 years. That plume has only gone to the upper glacial aquifer for 66 years and is racing for the Long Island Sound. It is not going vertical.

LEG. CARACCIOLO:
What effects do plumes like that have on the Sound's environment?

MR. MILLER:
Ultimately, there will be typical landfill-type leaching. VOCs are the most predominant one of concern. Will they be highly diluted, answer is yes. But it's still VOCs. So it's headed for Sunken Meadow Sate Park. It's headed for the Long Island Sound. Just to the east, you have Smithtown landfill that also has its plume that's racing. I can't believe that the Suffolk County Water Authority, knowing the public information that's out there, would locate well fields in that area? In addition --

LEG. CARACCIOLO:
Do you believe there are public well fields contaminated by these plumes?

MR. MILLER:

There are no public well fields contaminated by these plumes in that area. I would also tell you that it would be -- that as part of the landfill closure, in the early '90s of the Huntington landfill, monies were flowed to the Fort Salonga residents that had private wells, so that they would be put on public water supply. The public water supply by the Suffolk County Water Authority is obtained by the Magothy aquifer. I want to make that clear. Deep, deep, deep Magothy aquifer. The 66 year old plume from the Huntington landfill that's been monitored for over 20 years has never settled below the upper glacial aquifer. As terrible as it is, I'm not to minimize it, what I'm trying to saying is we have 20 year old evidence on a 66 year old uncontrolled plume flow that has gone over the years from high pumping to no pumping. So every kind of influence that we could have had on that plume has been shown. And it has never gone vertical. And by the way, that landfill is just across the street from this site.

LEG. CARACCIOLO:
Are you in a position where you can speak to the energy needs of this proposal? There were previous speakers who made reference to -- made comments, I should say, that there is not the need for additional capacity -- generating capacity in the bi-county region. Are you in a position where you can comment on that?

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MR. MILLER:
I can give you my personal and my professional. I had the pleasure of participating over the past six months in the Brookhaven National Lab Citizens Advisory Committee's Energy Forum Series, which helped to identify the current status of our energy demand, where we're headed for the future, examined all sorts of energy generation alternatives. Some of the ones that we all embrace in terms of wind, solar, etcetera. I have reached the personal conclusion that our current energy demand, 40% of it supplied off island because we lack the on site generation ability, combined with the fact that our existing generation infrastructure is so old, so aged, so polluted that we do need a degree of additional generation. I would personally like it to be a mix, a portfolio of current technology in terms of modern gas fired technology, in addition to some of the more environmentally benign technologies, be they solar, wind, etcetera. But the fact is that demand is far out racing supply. We are, in fact, a very fragile area with regard to energy generation. And I think we have a responsibility, not only as my fellow concerned citizens because I do embrace what they feel, but also as responsible decision makers, to come up with a balance. And I'm convinced that we do need near term generation.

P.O. TONNA:
Michael, you have a committee meeting, right? It's past the time. I'd like to ask, you know, there are people who have --

LEG. CARACCIOLO:
I believe there's one more speaker for the --

P.O. TONNA:
Doesn't matter. It's 12:30, it's lunch.

LEG. CARACCIOLO:
I understand that. I'm just saying I'll defer some more questions I have to a later time, if there's another speaker.

LEG. D'ANDRE:
I have a question. Come up.

P.O. TONNA:
Okay. Of this gentleman?

LEG. D'ANDRE:
Of this gentleman.

P.O. TONNA:
Okay. Go ahead. Michael, I'm just saying, if you can, keep it short, to the point.

LEG. D'ANDRE:
This is life and death to those people up there. They've got to be heard

P.O. TONNA:
Okay. Michael, just ask the question.

LEG. D'ANDRE:
Okay. You mentioned the fact that you can't pollute the water in Fort Salonga.

MR. MILLER:
Directly in the area, that's correct.

LEG. D'ANDRE:
Well, I beg to differ with you. Even though some of the statements --

P.O. TONNA:
Michael. Michael, a question not -- no, a question.

LEG. D'ANDRE:
Listen, Mr. Chairman, this is life or death for these people --

P.O. TONNA:
Michael. Michael you're going to have an opportunity to speak on this. Save your comments for when you're speaking.

LEG. D'ANDRE:
The man made a statement.

P.O. TONNA:
This is the time for the public to speak, Michael. This is your turn to ask a question. You asked a question, do you have any other questions?

LEG. D'ANDRE:
I asked a question about the fact -- by the way, I brought the public in to Fort Salonga for those people.

MR. MILLER:
Legislator D'Andre, you don't recognize me. I worked along side of you to do it.

LEG. D'ANDRE:
I don't recognize you.

MR. MILLER:
You were talking before. I said that part of my history was that you and I helped save deep wells together. Maybe you recognize me now.

LEG. D'ANDRE:
Okay. Now, my question to you is you don't think that you can pollute the water in Fort Salonga?

MR. MILLER:
It's not what I don't think. I'm telling this is the most extensively monitored groundwater area in all of Suffolk County. There's a 66 year old plume that shows that it will -- that drinking water supplies will not be contaminated.

LEG. D'ANDRE:
Well, I can't buy that argument.

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P.O. TONNA:
Okay. Thank you.

MR. MILLER:
I think what you ought to do is allow yourself to be fully informed.

LEG. D'ANDRE:
Let me tell you, I'm fully informed enough.

P.O. TONNA:
All right. All right.

LEG. D'ANDRE:
Those people's lives are before anything that you say.

P.O. TONNA:
Okay.

LEG. D'ANDRE:
Or that you say, Mr. Chairman.

P.O. TONNA:
I'm going to call our lunch recess. Thank you. Budget Committee is going to meet, I guess.

LEG. CARACCIOLO:
We will convene in five minutes.

(*THE MEETING WAS RECESSED AT 12:35 P.M.*)

(*THE MEETING WAS RECONVENED AT 2:35 P.M.*)

P.O. TONNA:
Roll call. All Legislators please come to the horseshoe.

(*ROLL CALL BY HENRY BARTON*)

LEG. CARACCIOLO:
Here.

LEG. GULDI:
Here.

LEG. TOWLE:
(Not Present)

LEG. CARACAPPA:
(Not present)

LEG. FISHER:
Here.

LEG. HALEY:
(Not present)

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LEG. FOLEY:
Present.

LEG. LINDSAY:
Here.

LEG. FIELDS:
Here.

LEG. ALDEN:
(Not present)

LEG. CARPENTER:
Here.

LEG. CRECCA:
Here.

LEG. D'ANDRE:
Here.

LEG. BISHOP:
(Not present)

LEG. BINDER:
(Not present)

LEG. COOPER:
Here.

LEG. POSTAL:
Here.

LEG. TONNA:
Here.

MR. BARTON:
Mr. Chairman, a quorum is present for public hearing.

P.O. TONNA:
Great. Before I start the public hearing, just for the purposes -- can I just turn something? What do you think? Just for the purposes of aging. All right. We'll do it right after the public hearings. Let's see the agenda. Where are we? Okay. Public hearings. All right. The first public hearing is regarding the Suffolk County Community College budget. Thomas -- sorry. Where are we? Is there any cards? No. All right. I'll make a motion to close, seconded by legislator -- did you fill out a card?

MR. QUINN:
Yes, I did, this morning.

P.O. TONNA:
On the community college budget?

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MR. QUINN:
No, but you -- I thought you were going to return to the public portion.

P.O. TONNA:
Okay. Come on up. Come on up. Can I say something though, can -- you want to speak on the community college budget and then something else?

MR. QUINN:
No.

P.O. TONNA:
Okay, then please --

MR. QUINN:
Are you on the public portion.

P.O. TONNA:
No sit down.

MR. QUINN:
What are you doing --

P.O. TONNA:
We're doing public hearings on the community college budget

MR. QUINN:
After that you're coming back to the public portion.

P.O. TONNA:
Yes, but you know what? Should we bar him from speaking? We're feeling good today. I can't do that. Hold it a second, Michael. Okay. Motion to close. Seconded by Legislator Postal -- Deputy Presiding Officer Postal. All in favor? Opposed? Closed. Okay.

Now we have Public Hearing Number 1343, rate alterations in the North Ferry Company. We have some speakers on that? Yes. Okay. Thomas

Sleojeski. Is that correct? Am I close?

MR. SLEOJESKI:
Yes, that's very good.

P.O. TONNA:
The first time in two years that I got an actual name correct. And from my standpoint, there is like, you know --

MR. SLEOJESKI:
You're batting a thousand.

P.O. TONNA:
I'm very proud of myself. The phonics is working. I need you to put the microphone up.

MR. SLEOJESKI:
I don't usually need a microphone.

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D.P.O. POSTAL:
Yes, you do.

MR. SLEOJESKI:
I'm teasing. I'm going to turn the floor over to Julie Ben-Susan, with all respect to the Legislature, if she can make the first presentation.

P.O. TONNA:
It doesn't work that way. Did she fill out a card?

MR. SLEOJESKI:
Yes, she did.

P.O. TONNA:
So then she'll speak when her card is called. She's next.

D.P.O. POSTAL:
They can switch.

LEG. ALDEN:
Lets take a vote on it.

LEG. CRECCA:
Motion to let them switch.

P.O. TONNA:

Julie, you want to come up first. Julie, you want to come up first, come on up. Thomas, we'll call you next.

P.O. TONNA:
I can pronounce this name too, Ben-Susan.

MS. BEN-SUSAN:
That's correct.

P.O. TONNA:
Thank you.

MS. BEN-SUSAN:
Good afternoon, everyone. My name is Julie Ben-Susan. I am the -- I'm a fourth generation Shelter Islander, and I am the general manager of the Shelter Island Heights Property Owners Corporation as well as the North Ferry Corporation, it's wholly owned subsidiary. I appreciate the opportunity to address you. I apologize that some of this is old news for the transportation -- Public Works and Transportation Committee. I have just about ten minutes worth, and off we go.

By way of background, the Shelter Island Heights Properties Owners Corporation is a small -- occupies a small corner of Shelter Island and is composed of a cluster of Victorian homes and 166 homeowners, all of whom are pairs of eyes overlooking us. They are preservationists and minimalists by nature who resist change and have tried to maintain this community the way it was 100 years ago. The

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Heights is responsible for the roads, the pathways, a water system, a sewer system and as -- in the form of a wholly owned subsidiary, the North Ferry. The ferry itself runs 365 days a year, is an essential service to the islanders. We have four boats, two shifts a day, 19 hours a day. Each boat costs -- each boat carries 12 cars, and we run roughly 15 minute shuttles. About 18 months ago, Legislator Michael Caracciolo sent out a survey to the residents of Shelter Island, which confirmed our own sense that we desperately needed a new ferry boat. The results were that our service was deemed unacceptable by most, and so this put our effort to get a new boat on the fast track.

Our last new boat was built 25 years ago, in 1977. The oldest boat is over 40 years old. During that time, more than 725 houses have been built that are year-round in nature. I emphasize the year-round, because there's been a societal change on the island. Historically, it was a summer community, and it has become very much more a year-round community. And with that comes additional services and additional comings and goings. Why do we need a new boat? Partly

because of that demand. Sadly, many of us need chemotherapy and various things off the island, and so there is -- and our teachers and bankers live off the island and work on the island, so there is just tremendously more volume. Also, the ferries around us have grown, Cross Sound and South Ferry have each put on newer bigger boats, and we have been put in the unenviable position of being the logjam.

Furthermore, the size of the vehicles that we carry has grown dramatically. We used to have a cement company on the island, and they are no longer, and so we now have six or seven cement trucks a day coming over. We have Corazzini Asphalt in Greenport coming over. We have 18 wheelers with food and building materials, along with landscapers and painters and carpenters and everybody. So -- one other issue about the new boat is that we have a very small window when we can maintain our boats. Obviously, the spring and the fall, we can't do it in the middle of the winter when there's ice, and we can't do in the middle of the summer when there's traffic. So we have a very narrow window. That's a very busy time of year. So when we should be running four boats, we can only run three until such time as we have a backup boat.

If one is down as it is this morning, we instantly have a line that's just simply intolerable. We also need an increase for operations. Like everyone else, we have experienced an increases all around, but most notable ones is 28% increase in our health insurance and our labor costs, we're a union shop and our labor costs have increased. They are fairly dramatic increases as is fuel, and the general CPI expenses that everyone's incurring. So that brings us to the proposal that is before you, which is a 10% increase for operations, and a 13% increase for the boat. In the course of the conversations that we've -- the dialogue that we've had with the subcommittee of the Legislature, and with public hearings and with Legislator Caracciolo himself, we are prepared to bifurcate this request. It is not before you today, but we have it to bring before you in the form of a 10% now, and a 13% effective January, contingent upon our providing financing for the boat and also the signed contract with the boat yard.

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As I'm sure you can understand, we have sort of a Catch 22 here. All these three things are interdependent. The project itself is a -- not to be overlooked -- is a 25 car vessel, 140 feet long, 44 feet wide. She will cost 100 -- she will cost roughly a million-nine. We also have to widen each of our four slips, and that will cost about $800,000. For a project that size, we have a $270,000 contingency and so that comes to a total of 2,970,000. That's what we had been authorized by our 166 members as the expenditure. Lest you think that

we got here easily, we have considered a vary of other options. Many of us would prefer to build a boat -- another 12 car boat like the ones we have, but the productivity issues associated with that make it economically unviable. We also looked at a larger boat, which is from an economic perspective, is even better, but as sort of a compromise to our constituency, and also because we would have to do a different form of soapwort, we redesigned that boat and opted to propose the 25 car vessel. I think that's the bulk of my presentation. I welcome your questions, and thank you for the hearing.

D.P.O. POSTAL:
Thank you Ms. Ben-Susan. Next speaker is Thomas Sleojeski.

MR. SLEOJESKI:
Thank you very much. Honorable members of the Legislature, I appreciate having the opportunity to be here today to speak with you. I've been fortunate enough to speak with a couple of you in the past several days, and we did have the opportunity to make two presentations before the Transportation Committee. Unfortunately, I couldn't make last weeks presentation, but I thank you for providing me the time to speak today. Just to follow-up on a few of the issues, which Ms. Ben-Susan presented to you, the North Ferry Service is a vitally important service to both the constituency of Shelter Island as well as those who are coming from off-island. The dramatic change in the character of the island over the past several years has presented itself with a situation, whereby it becomes almost impossible to commute back and forth to simple tasks, such as your own job.

There are series of photographs, which I believe Ms. Ben-Susan presented to some of the members, and I think they're in packets to all of you, which will evidence this is a year-round problem now. This occurs in February, March, April, May, June, etcetera. It is no longer a situation which begs attention only during seasonal time of the year, such as the summer. Our suggestion to bifurcate this rate increase is one in which we came about after some long and hard discussions with, among others, Legislator Caracciolo, who was in attendance at two prior informational meetings, which took place on the island June 7th and June 16th of this year. I think that the Legislature could agree with me in one regard, in particular that there's an overwhelming amount of support from the constituency in Shelter Island for this change. I don't think we heard one vote or, shall we say, one voice from anyone suggesting that this was not a properly needed expenditure, and I think there was universal and unanimous agreement among those that attended these two meetings that this is something, which is not only necessary, but obvious to those who live on the island. And they're more than willing to accept the responsibility, which comes in the way of a financial responsibility

to pay the difference.

There have been numerous discussions had with the shipyard, with the dock builder and the like. This is not a willy-nilly approach, this has been looked at by any number of people. We have everything in the works to lay the keel for the new boat in October, to have it fairly constructed and then on line entirely by January 1, of 2003. That includes sea trials, testings to come up to Coast Guard certification, and whatever else is necessary to satisfy the regulatory and public agencies. The one thing that we have is a need for urgency with respect to this increase. Just to supplement something that Julie mentioned, the ferry does a bulk of its business as you can imagine in the summer. However, beyond that, from July 1st to December 31st, there's approximately 60% of revenues realized by the company. Between July and August, there's approximately 28 to 29%. Therefore, we are requesting that this rate increase be viewed very seriously and that we have an opportunity to present it to you so that we can put at least the operating expense increase into effect immediately. We are prepared to present sufficient documentation to the members of the Legislature in the form of a written and duly executed contract between the ferry company and the ship builder, as well as loan commitment documents to reflect the intent of purchasing the new boat in order to make the January 1, 2002 rate increase effective.

We also have an amended resolution prepared, which sets forth how we intend to go about this. Simply put, we are asking that it be consider by way of two-rate increases beginning on July 1st. Simply two-rate increases, one for the one-way trip, and one for a round trip. Currently, it's $7, we ask that the $7 one-way go to 8.50 and the $8 round trip go to 9.50. That in and of itself will allow us to accomplish our need to execute a -- an increase for operating expenses. As Julie mentioned, it's impossible for us in any way, shape or form to in any way secure financing or build this boat without an operating increase. Like any other business, a bank examines the documents very closely. If they see a corporation, a company or any type of business, no matter how big or how small, that doesn't seem as if it's going to be able to meet its own expenditures, they're not going to get the money they need for whatever it may be. And that's the quandary that we're in, and that's the essence of our presentation today.

We would thus ask that the public hearing, at its close today, rather at the termination of our presentation, the public hearing on this issue be closed, and that we have an opportunity to obtain a Certificate of Necessity today, place this matter before the Legislature for a vote, get it out of committee, and get our increase passed today. Thank you very much.

LEG. FOLEY:
Thank you.

D.P.O. POSTAL:
Thank you. Next speaker is Patricia Shillinburg.

MS. SHILLINGBURG:
Good afternoon. My name is Patricia Shillingburg.

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D.P.O. POSTAL:
Sorry.

MS. SHILLINGBURG:
It's okay. It's not typed, my handwriting is bad. I'm here today representing the Shelter Island Ferry Advisory Committee, which met last night and came up with a variety of solutions, which it has shared in a letter to our Legislator, Michael Caracciolo. We've reviewed all the materials and the testimony at the two hearings, and have determined that it's very important that we urge you today to vote today on the ferry increase.

The island constituency is supportive of this effort. We want you, not only to vote for the 10% increase today, but also to vote for the 13% increase as of January 1, so that we can move ahead with a new boat. We have a very serious problem of capacity on Shelter Island off to the north, and we desperately need a ferry. The lines are extraordinarily long at times when, in the past, they were not. It's not unusual to come over on the island as I often do around four o'clock in the afternoon when the ferry line is about four ferries long going off of the island, and they're all trucks and contractors. We also would like to urge that in the rate increases, how they're computed that the concept of a differential be considered. We believe that the Legislature has been trying to bring ferry rates for visitors and islanders closer together, and we very much urge that those numbers be kept at 50%. We see that process as a continuum, and would like to continue to have hearings amongst the towns that are affected by the ferry and the various individuals affected by the ferry. We continue to look forward to working with Legislator Mike Caracciolo. I have a copy of this letter to him, which I would like to have distributed to the entire panel of Legislators, if I may, please. And I'd be very happy to answer any questions. Thank you.

LEG. TOWLE:
Legislator Postal.

D.P.O. POSTAL:
Yeah.

LEG. TOWLE:
I just had a question. I have a question. You said you're the Chairwoman of the --

MS. SHILLINGBURG:
No, I'm not the Chairwoman. I'm on the Ferry Advisory Committee. This letter is written by our supervisor, Jerry Siller, who called the meeting last night and every member of the committee from the island attended and agreed.

LEG. TOWLE:
How many people are on the committee? How many people are on the committee?

MS. SHILLINGBURG:
I'm counting, sorry.

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LEG. TOWLE:
It's okay.

MS. SHILLINBURG:
I think there are five.

LEG. TOWLE:
Those people are appointed by who?

MS. SHILLINGBURG:
By the supervisor. Over a period of time. Some of the people have been on the committee for ten, 15 years. I think I'm the newest member. I've been on since before the last increase. So I guess that's two or three years.

LEG. TOWLE:
Did you also attend the meeting, I guess, that that gentleman spoke about earlier in the conversation, the last two speakers?

MS. SHILLINGBURG:
Yes, I attended both hearings.

LEG. TOWLE:
And all the residents, all of them want to see this happen?

MS. SHILLINGBURG:
Yes. It's been an educational process for the entire town. We started out by not even wanting to deal with the issue, but as we have taken -- gone through the process and educated ourselves and watched what's going on the island, we have all, as a general rule, the island is determined that this is something we need. It was -- it was overwhelmingly supported. In fact, I think at one point, Legislator Caracciolo asked the room if -- who objected to the new ferry and no

one put up their hands. So that was -- and these were well attended hearings for Shelter Island, as well.

LEG. TOWLE:
Okay.

MS. SHILLINGBURG:
Thank you.

D.P.O. POSTAL:
Legislator Caracciolo, you had a question?

LEG. CARACCIOLO:
Hi, Patricia.

MS. SHILLINGBURG:
Hi.

LEG. CARACCIOLO:
As a member of the Ferry Advisory Committee, as the Chairman of that committee, I was not advised anyone called a meeting last night.

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MS. SHILLINGBURG:
I don't know about that. That's an issue you have to raise with Mr. Siller.

LEG. CARACCIOLO:
I have a call in to Mr. Siller to do that very exact thing. Thank you.

MS. SHILLINGBURG:
Well, we as a group feel very strongly that this has to move forward.

LEG. TOWLE:
Legislator Postal, if I can --

LEG. CARACCIOLO:
Let me just add for the record that this Legislator has had two informational hearings on the 6th and 20th of -- 21st of June. I'm having another meeting on the 28th, which is this Thursday on the North Fork to give residents of the North Fork an opportunity to address their concerns regarding the proposed rate increase. And when we recessed on Saturday, a week ago Saturday, I made an announcement to the committee as the Chairperson that we would reconvene after the Greenport hearing, and you heard the announcement, and we would make a recommendation. Now, understand what the role of the Advisory

Committee is as its newest member. It's advisory. It is not binding upon the Legislature, or this Legislator. We will allow the process to continue. There will not be a CN request today.

MS. SHILLINGBURG:
My letter does request that, sir.

LEG. CARACCIOLO:
I know that. I know that. A lot of people have made CN requests. We have to, however, follow a very deliberative, fair, equitable due process.

MS. SHILLINGBURG:
The people of Shelter Island --

LEG. CARACCIOLO:
That's what we are engaged in.

MS. SHILLINGBURG:
I believe the people of Shelter Island feel very strongly that if we don't start this ferry increase right now, the rates will have to go up in order to cover the loss from not having it this summer.

LEG. CARACCIOLO:
Well, like you, I speak to a lot of people as well, and that's not necessarily the same feedback I received.

LEG. TOWLE:
Legislator Postal.

D.P.O. POSTAL:
Legislator Towle.

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LEG. TOWLE:
Thank you. Can we just go back for a second, because know I'm really confused.

LEG. CARACCIOLO:
Yes.

LEG. TOWLE:
You're the Chairman of the committee. When you gave me the number of one of five, you included Legislator Caracciolo as one of five.

MS. SHILLINGBURG:
No, I didn't.

LEG. TOWLE:
Okay. So then the committee has six.

MS. SHILLINGBURG:
I apologize for that. I was counting the people in the room.

LEG. TOWLE:
Legislator Caracciolo, is that accurate?

LEG. CARACCIOLO:
That's correct.

LEG. TOWLE:
And you're appointed Chairman by the supervisor or by the committee itself?

LEG. CARACCIOLO:
No. No. No. It's a committee. And I earlier today, I queried Counsel as to its origin. So maybe I will, given the opportunity, share with everyone what its origins were, and what role it plays.

LEG. TOWLE:
While he's doing that, Legislator Caracciolo, I just want to make sure I heard this right. The committee called the meeting last night, of which you are the Chairman of. You were not told about the meeting. You were not invited, and the committee took a vote and sent out a letter to you, the Chairman of the committee.

LEG. CARACCIOLO:
Correct.

LEG. TOWLE:
I just wanted to make sure I had that right.

D.P.O. POSTAL:
If we could have Counsel clarify.

MR. SABATINO:
I indicated to Legislator Caracciolo that I don't know the origin of the Advisory Committee, but that I assumed it was probably something that was created locally, probably by either private citizens or

private citizens in conjunction with the Supervisor of the Town.

MS. SHILLINGBURG:
We are all appointed by the Supervisor of the Town.

LEG. TOWLE:
So then this is basically a Town Committee, I would assume.

MS. SHILLINGBURG:
Yes.

LEG. TOWLE:
That the supervisor has appointed.

LEG. CARACCIOLO:
The members, outside of myself, are from the Town of Shelter Island.

LEG. TOWLE:
How did you get selected as Chairman, Legislator Caracciolo? How did you get the dubious honor?

LEG. CARACCIOLO:
It's an honor I've had since I've been a Legislator. And it's my understanding Legislator Thiele, who represented the Shelter Island community prior to myself, also Chaired this committee.

LEG. TOWLE:
Okay. And there's nobody, obviously, here from the supervisor's office today aside from this letter he sent, right?

D.P.O. POSTAL:
Legislator Towle -- thank you very much for your testimony. There are no other cards on this, so you know unless there's someone else who would like to speak on this public hearing, on Introductory Resolution 1343 --

LEG. BISHOP:
I have a question.

D.P.O. POSTAL:
There's a question. Legislator Bishop.

LEG. BISHOP:
I don't know who can answer it. Perhaps, Ms. Ben-Susan.

D.P.O. POSTAL:
Well, we have three speakers. Julie Ben-Susan was the first speaker.

LEG. BISHOP:
Could you come back?

D.P.O. POSTAL:
While Ms. Ben-Susan is coming up, apparently, there are a lot of questions on this that are unresolved at this point.

LEG. BISHOP:
Right. I understand that. But I think we had a long hearing. We tried to do this the correct way, Public Works Committee and Chairman Foley is to be congratulated for having the patience to lead us through it thoroughly. And what we discovered through the course of the hearing was that -- like with the Fire Island Ferry -- there's a real estate component to this, and there was an issue that was fleshed out about the lease that the ferry company or that the holding company is providing to the ferry company, and the terms of that lease. And I think there was some discussion between the Budget Review Office and the holding company about a way to do that that would be fairer to all involved. Did that discussion take place?

MS. SHILLINGBURG:
That discussion did take place, and in our packet you have a revised lease. The issue was that the lease was -- the lease was a ground lease on which a dilapidated old building, and you have pictures of it in your package, sat. In 1998, we tore that building down and built a new building. The rent remained the same, which in substance, underlined our point that this was a ground lease. Regrettably the original lease did not explicitly state that it was a ground lease, but it was. So since we have seen you last Wednesday, we have done a new lease, which made two changes; one was to -- and you have copies of the first page, which cover both issues, one is that it is a ground lease, and the other is that it was extended for 20 years with a 20 year option underlining the point that the ferry doesn't plan to go anywhere. It's been there for 100 years and it hopes to be there for another hundred years.

LEG. BISHOP:
Fred.

MR. POLLERT:
Yes.

LEG. BISHOP:
Just for me and perhaps for others, explain why this is an improvement, the change that was made over what was originally offered.

MR. POLLERT:
Why this was an improvement is because there was a concern of the Budget Review Office that at the expiration of the lease, that the newly constructed ferry office, which was constructed by the ferry company, would become an asset of the Property Owners Association, which -- and then in turn the expiration of the 12 year lease, dramatically increased the rents to the ferry company, even though the ferry company had constructed the ferry office.

LEG. BISHOP:

With money from ferry proceeds.

MR. POLLERT:
That is correct.

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LEG. BISHOP:
So they're asking for a rate increase to cover this building, and we're ensuring that the building remains part of the ferry and not part of the holding company.

MR. POLLERT:
That's correct. At least for the next 20 years, there will not be rate increases outside of the normal rate increases that are associated with the ground lease.

LEG. BISHOP:
And otherwise, in our thorough review of the lease, that was the only red flag issue that the Budget Review Office --

MR. POLLERT:
That was the major component of the Budget Review Office review. There are two additional costs which we adjusted. One was the treatment of unearned income, and the other was a vary of expenses, which we disallowed. However, they paled by comparison to the size of the disallowance, which we had made with respect to the ferry office.

LEG. BISHOP:
All right. And my final question is, just to finalize this, they -- Fred -- maintained that time is of the essence because this is their high season, and if this does not go through now, all the benefits of a rate increase are lost. And so we would be in a worse position. Do you agree or is that overstating it?

MR. POLLERT:
The -- July and August are the two extremely fast months for the ferry company, revenue wise. Their revenues, last year, were in excess of $400,000 per month for those two months. So there is an advantage to the ferry company to receive the rate increase as quickly as possible. If they're going to bifurcate their rate increase to a 10% rate increase now, they are foregoing approximately $40,000 worth of additional revenues, if the matter is put over to the August meeting.

LEG. BISHOP:
And what happens if they lose 40,000? I mean, is something -- why don't we just say, great, keep the same rates the way they are now?

MR. POLLERT:
I would really have to defer to the ferry company. The one month delay in the broad scheme of things when the total revenues exceed $3 million, should not be overly dramatic. Clearly, it would be good from the point of view of the ferry company, if they would get the rate increase as soon as possible from a budget point of view. Looking at the numbers, 1it's not going to result in major problems to the ferry company. Clearly, they need some rate relief prior to the end of the year, especially if they intend to purchase a new boat.

LEG. BISHOP:
So time is of the essence, but time is not of the essence.

MS. BEN-SUSAN:
$40,000 is obviously not going to be the end of the word. The other

issue is we're trying to lay the keel of this boat and we do that -- we can't take these next steps until we have a rate increase. So that's the two points of urgency.

LEG. BISHOP:
Can I -- No. I'm sorry. The problem of Legislator Caracciolo and the communication is that -- what is your understanding of what his objection to the -- You don't know.

MS. BEN-SUSAN:
I would have to defer.

LEG. BISHOP:
You don't even know what he claims is the problem?

LEG. CARACCIOLO:
Did I claim there's a problem?

LEG. BISHOP:
I don't know. I understand it's not moving.

LEG. CARACCIOLO:
Can I answer him?

LEG. BISHOP:
If it's moving, then I withdraw the question, Mike.

LEG. CARACCIOLO:
What is moving? We're going through a process. The process started December 1999, when this Legislator initiated a survey. And

overwhelming, David, the people of Shelter Island said they were displeased with the North Ferry Company and its operations. The ferry company met with Counsel, Budget Review and myself. Counsel, when was that meeting?

MR. SABATINO:
October of 2000.

LEG. CARACCIOLO:
And can you relate one of the salient points that came out of that meeting in terms of an agreement by the ferry company to come forth with this proposal in a timely manner to avoid the very essence that they claimed we have to deal with today.

LEG. BISHOP:
Here's what --

LEG. CARACCIOLO:
Let Counsel answer that --

LEG. BISHOP:
You're addressing a question I don't have.

MR. SABATINO:
At the end of that contentious meeting, it was represented that because they contemplated a significant rate increase, that the

application would be filed by December of the Year 2000 to take into account the fact that it would be difficult, you know, to process it in anticipation of trying to get it up and ready for springtime.

LEG. CARACCIOLO:
Now, let me go on, David, to answer your question. That did not take place. We got their application in April. There was some additional material requested from Budget Review, which extended Budge Review's statutory deadline beyond the 45 days, and we are now continuing through the process of allowing for public hearings, both formally, such as this one, and informally where people are not available on a weekday to come into Hauppauge for one statutory public hearing, but are available in their communities, both on the island and off, on the North Fork to attend those hearings, and the third and final of those hearings will take place this Thursday, and I would expect that a rate -- the rate application will come before the Legislature in August. So that is the process.

D.P.O. POSTAL:
Could I suggest that obviously, these questions are not directed to

Ms. Ben-Susan, but when it comes to the --

LEG. BISHOP:
Six -- six might be an exaggeration -- it must have been a good three hours of this in Public Works, you're very anxious to have resolution and movement, and I was told that the Legislator for the district was not anxious to have resolution of the movement --

D.P.O. POSTAL:
I'm just suggesting --

LEG. BISHOP:
I was corrected, and I appreciate that let's have a vote in August --

D.P.O. POSTAL:
I'm just suggesting that we allow Ms. Ben-Susan to take a seat, and when we come to a motion to either close or recess the hearing, this entire discussion would be more appropriate.

LEG. BISHOP:
Send it back to committee.

LEG. TOWLE:
Motion to send it back.

D.P.O. POSTAL:
Thank you, Ms. Ben-Susan. Is there anyone else who would like to address the Legislature on public hearing for Introductory Resolution 1343? Hearing none, motion --

LEG. CARACCIOLO:
Motion to recess.

D.P.O. POSTAL:
Motion by Legislator Caracciolo to recess. Seconded by Legislator Alden. All in favor? Any opposed? 1343 is -- well, there was a

motion to recess.

LEG. BISHOP:
You don't want to close it. What's the point?

LEG. CARACCIOLO:
The reason I am not closing it is there was a request at the informational meeting by people on the island to have this issue, at least, at the Riverhead County Center for discussion, the formal public hearing. That's where our next meeting is, and I will defer to

those individuals who made the request.

D.P.O. POSTAL:
All right. Public hearing regarding Introductory Resolution Number 1407, consenting to the acquisition of additional land at Center Moriches, Town of Brookhaven, County of Suffolk, State of New York by the Mount Pleasant Cemetery Association Incorporated, for cemetery expansion purposes.

LEG. CRECCA:
You didn't take a vote on the motion.

D.P.O. POSTAL:
No. I did. You didn't hear me. We'll come back. Henry, did you hear?

MR. BARTON:
It was unanimous.

D.P.O. POSTAL:
If there are people -- Henry heard it.

LEG. CRECCA:
I apologize.

D.P.O. POSTAL:
Okay. At any rate, I have one card, Elsie Acevedo, Esq., on this public hearing.

MS. ACEVEDO:
Good afternoon. I'm Elsie Acevedo, the legal representative for Mount Pleasant Association. It's a cemetery located in East Moriches, New York. Mount Pleasant would like to purchase land for the purpose of -- cemetery use. I'm here to just welcome any questions. Did everybody here me?

LEG. CRECCA:
Yes.

MS. ACEVEDO:
Any questions?

LEG. TOWLE:
Motion to close the hearing.

D.P.O. POSTAL:
Motion to close, Legislator Towle. Seconded by Legislator Haley. All in favor? Any opposed? 1407 is closed.

Public hearing regarding Introductory Resolution 1490, a local law to establish Healthy Bottled Water Labeling Law. The first speaker is Jack West.

MR. WEST:
Thank you Honorable Legislators. This is the second time I've come in front of Legislator Postal, and Legislator Alden to discuss this proposed law, for which I'm grateful, and I'm looking forward to continuing to work with you on this. I'm a bottled water guy. For almost 20 of the last 23 years, my name was the one that appeared on the New York State and New Jersey Bottled Water Plant Licenses for bottled water plants in Commack, Maspeth, and in East Orange, New Jersey. The labels that we distributed here in Suffolk were Nature's Best and Puro, and most recently Culligan the company that ended up purchasing mine just a couple of years ago. What it meant for my name to be on that bottled water license for the State of New York was that I was charged with operating a federally regulated pure food plant, and if I made anybody sick or if I killed anybody with my product, I would go to jail for it. That makes it different from all other kinds of waters that aren't federally regulated food products.

There are four levels of regulation that affect the bottled water that's distributed in Suffolk County. The first is the Federal EPA Laws that apply to the Safe Drinking Water Act, and those apply to public utilities as well. By law, the second level of regulation is administered by the Federal Food and Drug Administration, and they implement the food laws for bottled water. There are a few minor differences between the standards of quality for federally regulated bottled water and public water supplies. One of them is that, for example, there is a much tighter regulation on allowable levels of lead. We lobbied for that as an industry. I did so personally in front of Congress, in front of the National Drinking Water Advisory Committee as early as 1985. Why? Because it was the right thing to do and our customers expected it.

Moreover, we are permitted no fecal bacteria contamination of our product. That's the way it should be. If it shows up in the product, it is subject to immediate recall. You could imagine that it would be difficult to do that for other waters, which are distributed by pipes. New York State is like Texas, California and Massachusetts, in that it has it's own bottled water regulations, stricter than the those of the EPA and stricter than those of the FDA. Most notably, it calls for much tighter contaminant levels on the series of synthetic organic compounds, a lot of them which are found in areas of farms and of companies that use industrial solvents. Moreover, New York State has very strict regulations regarding the labeling of the product, and if you have in front of you a bottled water container that doesn't contain a New York State Department of Health certified number on it, that product has been distributed illegally in New York State and should be subject to recall.

There's a fourth level, which applies only to about 80% of the

gallonage in the United States, and that's my Trade Association Model Code Standard, and I consider myself the midwife of that over the last 23 years. And those companies that are members of the International Bottled Water Association, of which I'm a very proud member, have to have even tighter standards. Long before the Milwaukee Cryptosporidium outbreak, we had a one micron absolute filtration requirement for our product. That's protective against parasites in the water. Why? Because our customers expected it, and it was the right thing to do. We have a ten times tighter restriction on total trihalomethanes, same reason, carbon filtration takes those out. If you don't do it, then you shouldn't be in the business. We also have now have mandatory {HASIP} plant inspections. {HASIP} was developed by NASA to protect the astronauts from food and beverage-born illnesses. We're about five years ahead of the rest of the food industry on that.

We have an annual surprise plant inspection for every single one of our member's plants. We don't know when a third party inspector's going to show up to inspect us to the Federal EPA Standard, the Federal FDA standard, any local, state standards, any IBWA and model code standard. So when I read of a law that asks us to provide the story on our product to our customers in Suffolk County, I applaud it, I'm for it, and it's part of our policy. There are some wrinkles in it that I'd like you to address, which is that when you finish all of the 83 regulated contaminants and another 24 as yet to be regulated contaminants for any of the laboratory analysis, then it comes to about five or six pages about this size. If I attached each one of these reports along with a description of our sources and our manufacturing processes, there wouldn't be enough trees in Suffolk County to provide that paper, so there's probably a better way of getting that information out there. I'm looking forward to working with the Legislators on that. I do want you to note one other thing about labeling. If a bottle water label says "spring" on it, it had better be spring. It had better come from a spring that was certified and approved from by the local authority in charge of that, in our case, it's Albany, New York State Department of Health, Bureau of Public Water Supply Protection, Bottled Water Program. And I better have a professional engineers name on the bottom of that report so that if there's anything incorrect about that, they can go chase that guy and yank his license.

And it costs a lot of money, it takes a lot of time to certify a spring. Some of our waters are from condensed steam. Those are usually called purified waters, because most of the minerals are removed. And there are good manufacturing practices for that in the federal regulations as well. And, yes, some bottled waters come from

tap water originally. And by law, they're subjected to a minimum processing by filtration and disinfection, usually ozone disinfection, which is very highly protective against microbial growth. So not only am I a bottled water guy, but I have been, over the last 23 years, a little bit of a failure, because I didn't get that message out very well, neither did my trade association. And I'm here to turn that around and work with my Legislators on that.

D.P.O. POSTAL:
Thank you. Next speaker, Dave Dexter.

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MR. DEXTER:
Thank you. My name is Dave Dexter. I'm with the International Bottled Water Association, and we appreciate the opportunity to submit testimony to the Legislature. IBWA is the trade association representing all segments of the bottled water industry. Our member companies produce and distribute approximately 80% of the bottled water sold in the United States. The association membership includes more than 600 domestic and international bottlers, distributors and suppliers.

Legislation calling for additional labeling for bottled water is not necessary. There already exists a comprehensive system of regulation at the state and at the federal level that fully protects the public health. Bottled water is a packaged food product regulated like all other packaged foods under the Federal Food, Drug and Cosmetic Act by the US Food and Drug Administration in the same way it regulates all other packaged beverage and other foods. For example, bottled water is subject to the food labeling requirements of the act, it is subject to the food adulteration requirements of the act, as a packaged food, bottled water is subject to the full panoply of FDA enforcement actions, including warning letters, recalls, civil and criminal penalties. Bottled water has its own unique set of bottled water good manufacturing regulations under 21 CFR, Part 129, in addition to being subject to the general food good manufacturing practice regulations. Let me explain what that is. All foods must follow a general GMP; good manufacturing practices. There are four food types that have a level of regulations above what is required of all foods. Those four food types are acidified foods, low-acid canned foods, infant formula and bottled water. We think that's a pretty good company to be in.

Bottled water has as extensive standard of identity regulation that defines products, such as spring water, purified water and drinking water. If a product calls itself spring water and does not meet the FDA definition in the standard of identity, it is therefore misbranded and subject to civil and/or criminal enforcement action. Bottled

water has 83 allowable levels for contaminants set forth in the standard of quality. A bottled water product must be tested for compliance with these allowable limits. If a bottled water contained a contaminant that may be injurious to the health, the bottled water product may be deemed adulterated, and the bottler subject to the civil and/or criminal enforcement action mentioned earlier. Are these regulations protective of the public health? We think the bottled water record speaks for itself. According to the US Center for Disease Control and Prevention, 76 million Americans suffer annually from a gastrointestinal illness, which in many cases means food poisoning. The 76 million, according to the CDC, included 325,000 hospitalizations and 500 deaths annually in the US. The bottled water record, none of the 76 million illnesses were attributed to bottled water. In fact, the CDC has never documented an outbreak of beverage or food-born illness attributed to bottled water, 76 million to zero.

IBW believes that consumers should be able to obtain information about the safety and quality of bottled water on a timely basis. Indeed, consumers now can readily obtain that information upon a simple request. FDA labeling requirements mandate that the name and place of

business of the manufacturer, packer or distributor appear on the label. Further, IBWA members must comply with the association's model code, which calls for providing a telephone number on the label. This allows consumer easy access to the information, if they wish to have it. Given the stringent regulations already in place, the availability of content and quality information to consumers and the impeccable safety record of bottled water, legislation mandating additional labeling is simply not needed. Thank you for the opportunity to comment, and I have brochures to distribute to the Legislators.

D.P.O. POSTAL:
Legislator Alden has a question, Mr. Dexter.

LEG. ALDEN:
Hi. How many things do you actually test for?

MR. DEXTER:
We test for 83 contaminants, an additional 40 -- it's 128 total. Eighty-three contaminants that are called primary contaminants, the secondary ones are ones that relate to aesthetics and color, odor, taste.

LEG. ALDEN:
You might not have the answer to this, but do you know how many the Suffolk County Department of Health test for of requires testing on

when water samples are submitted to them? If you don't, we have the head of the Suffolk County Water Authority here, so he can answer it later on. Do you have that answer?

MR. DEXTER:
I can only assume that they would follow the federal scheme.

LEG. ALDEN:
So you don't know whether they test for more or less.

MR. DEXTER:
No, I don't know that.

LEG. ALDEN:
Okay. Second thing, in your estimation -- and I don't know if you're from Suffolk County or where you're from -- but in your estimation, could you go to a sore in Suffolk County and find a water that's bottled that does not have a New York State or a federal permit or any of the things that you say are required on it? Do you think that you could find that in Suffolk County?

MR. DEXTER:
What is required?

LEG. ALDEN:
No, no, no. It's not what is required, do you think that that product might be found in Suffolk County on a shelf for sale?

MR. DEXTER:
You might be able to find anything.

LEG. ALDEN:
Okay. Would it surprise you if I told you that I found more than one of those type of things on the shelf in Suffolk County?

MR. DEXTER:
If they did not have a New York Certified Permit as Mr. West mentioned before, that property could be deemed misbranded.

LEG. ALDEN:
So under my legislation Suffolk County could actually go to that store and have that stuff taken away to protect its citizens, are you aware of that?

MR. DEXTER:
I don't think that's what the legislation said.

LEG. ALDEN:
Well, I drafted it and so did Legislator Postal, so your interpretation, you know, that's fine if you want to make that determination. Actually that's all the questions. Thank you.

MR. DEXTER:
Thank you.

D.P.O. POSTAL:
I have a question. I understand that you're required to test for 83 contaminants, did you say? What would the recourse be for a consumer who was making a decision about purchasing bottled water in say a supermarket who had sensitivity to a given mineral or chemical? You know it might not --

MR. DEXTER:
Can you give me a specific example of an --

D.P.O. POSTAL:
You know, I'm going to pick one that's probably not used in many or any bottled waters, but, for example, fluoride. Now, you know, fluoride, above a certain level I assume, is a contaminant.

MR. DEXTER:
It is. Fluoride is a regulated contaminant.

D.P.O. POSTAL:
In any amount?

MR. DEXTER:
No, no, no. Above a certain level.

D.P.O. POSTAL:
Right.

MR. DEXTER:
There are allowable levels.

D.P.O. POSTAL:
That's what I mean. If I'm in a supermarket and I have a special sensitivity to fluoride in any degree, to any degree, how would I know that a particular brand of bottled water does or doesn't contain any fluoride?

MR. DEXTER:
I would ask the manufacturer, packer or distributor directly.

D.P.O. POSTAL:
I would not be able to, at the point of purchase, have that information, I would have to get to a telephone or go home, or inquire at some time other than when I'm in the store about to make the purchase.

MR. DEXTER:
Well, the product you cannot legally distribute a substandard product. So if the product is in compliance, it's going to be below the allowable levels.

D.P.O. POSTAL:
Right, but I'm not talking about being substandard or not in compliance. I'm talking about if I, as a consumer, either have a sensitivity to fluoride at any level, not at the level of where it becomes a contaminant, but at any level and I do not want to -- even if I don't have a sensitivity -- if I don't want to ingest fluoride, the way things are now, I would not be able to make an informed decision in the supermarket at the time that I'm shopping about purchasing this brand of bottled water or that brand ever bottled water; is that true?

MR. DEXTER:
Well, I'd have to say I've never heard of a fluoride sensitivity. Not to say that isn't any, but I've never heard that. I've never heard of that being a problem with our industry.

D.P.O. POSTAL:
Even if I don't want to ingest fluoride -- maybe I don't have a sensitivity, but I choose not to ingest fluoride. Should I not have the right to have the information at the point at which I am buying bottled water which I'm going to drink, about whether that contains a substance that I do not want to ingest?

MR. DEXTER:
Bottled waters that are fortified with fluoride clearly indicate it on the label.

D.P.O. POSTAL:
In any degree?

MR. DEXTER:
In those where fluoride is added.

D.P.O. POSTAL:
In any degree?

MR. DEXTER:
Well, it's got to be within the standard. It cannot be above the certain quality standard.

D.P.O. POSTAL:
No, I don't understand that. But in other words, if there is any fluoride at all -- even if it's not added -- if it appears naturally in the water that is being bottled, would that information appear on the label? It has not been added.

MR. DEXTER:
I'd have to say if it's below the quality standard, it would not be on the label unless it's been added, unless the manufacturer specifically adds it and creates a fluoridated bottled water product, in which case, it would be labeled fluoridated bottle water. But that's a very tiny niche of the bottle water market.

D.P.O. POSTAL:
Well, you know, all I'm suggesting is for those people who choose not to ingest fluoride, they have a right to know. Thank you.

LEG. LINDSAY:
Yes, sir. If this proposed regulation was passed into law, would this create any kind of hardship for your industry?

MR. DEXTER:
Oh, definitely. Definitely it would be very difficult to engage in interstate commerce because many of the brands that are produced are produced outside of Suffolk County. So you'd have to have segregated labeling, segregated warehousing. You know, the analysis of the product may change on day to day basis, which means you probably would have to make a new labels everyday. It would be very, very difficult to comply with.

D.P.O. POSTAL:
Okay. Next speaker, Paul Granger.

MR. GRANGER:
Good afternoon. My name is Paul Granger, I'm superintendent of the Plainview Water District, and I also serve on the Board of Directors of the Long Island Water Conference, which is an alliance of fifty-two public water suppliers in Nassau and Suffolk Counties. We provide potable water to a population of over three million people. I'm here today to speak in support of the proposed bottled water labeling law, and would like to start by saying thanks to slick advertising and multi-million dollar public relations campaign, the public has been misled to think that bottled water is superior in quality to municipal tap water at all times. This is hardly the case on Long Island. But in fairness, while recent state and federal laws have mandated that the bottle water comply with strictest water quality standards imposed on tap water, a glaring difference still exists.

The primary difference between bottled and tap water is the fact that the public water purveyors are obligated to provide a comprehensive annual drinking water quality report to the public. This is an example of one such report that is made available. We also have a

supplemental data package, because the data -- there's a lot of attributes we test for. So we make this available in the public libraries. But what most water suppliers do is we that mail this to every customer, and we make a good faith effort to get it to the non paying ratepayer within a community. Certain water suppliers will also post this information on the internet. What these reports do -- they're very important -- the report discloses the source of water, very important, the cost of the water, list of detected contaminants -- and we also in our supplemental data package list the contaminants that are not detected, and we list the water treatment employed, case in point, whether or not fluoride is added. Bottled water suppliers are not obligated, they're not obligated, key word, to make such information easily available to the public.

Customers served by public water system have the right to know what's in their tap water, based on federal and state law. At present, which is interesting, I did the calculation, based on a quick survey of suppliers in Nassau and Suffolk County, when you look at a per volume basis, customers will pay two hundred -- 600 to 2000 times more on a per volume basis for bottled water when compared to tap water. However, these customers, unfortunately, do not have the same to right to know protection the law when purchasing bottled water. We strongly believe that the bottled water industry should be placed on the same level playing field with public water suppliers. Disclosing the facts about bottled and tap water will allow the customer to make an educated decision as it relates to drinking water preferences.

Just one note, it's encouraging to hear that there's an organizations such as the International Bottled Water Association. Mr. Dexter mentioned 80% of the bottled water industry -- bottlers are members of this organization. However, that leaves the other 20% non members, which is one in four are not members. So while it -- I need to compliment the association for doing their best to be progressive, what do we do about the remaining one in four that are not a member of this organization and that are not as cooperative? With that, I'll field any questions. And I thank you for giving me the opportunity to speak in front of the Legislature.

D.P.O. POSTAL:
Legislator Alden.

LEG. ALDEN:

Now, I might be reading something into it, but if I hear you correctly, you would possibly want to see a modification in my bill to, you know, coincide, I guess, a little bit more with what you're required to do, and that would be to either post the results of your tests or something along those lines. Not exactly stick it on the label because it sounds like it would be a very, very large volume of material to put on a label.

MR. GRANGER:
Exactly. It might be a simple method of allowing a customer to make a phone call or go into an internet web site possibly and to obtain the information. All we're saying is that the customer has a right to know what's in their water. Public water suppliers do it. Bottled water -- the bottled water industry should do the same. Some, from

what I understand, may be doing it already. That's fine, but let's get everybody on the same level playing field. That's what we're looking for.

LEG. ALDEN:
Thank you.

D.P.O. POSTAL:
Thank you. Next speaker is Steve Jones.

MR. JONES:
Hi. Good afternoon. My name is Steve Jones. I'm CEO of the Suffolk County Water Authority. I just wanted to echo what Paul just told you, and the reason I brought all these bottles -- each of you have a bottle here that talks about getting the bottle out -- getting the water out of the tap. I could tell you and assure you that if you take that bottle and you fill it up with our water, you know what's in the water, because we are required to test it continuously, we are required to post those results. They're -- the results are on the internet. Anybody can see them at any time, and they can be assured what's in the Suffolk County Water Authority water supply. And as indicated on our label, it's a lot cheaper to do it this way. And, of course, for people who do not like the smell or taste of chlorine they can just leave the cap off the top and put it in the refrigerator overnight and it will meet any blind taste test of any bottled water.

Anyway, what I wanted to say in addition to what Paul Granger indicated, I'm not here to comment on the substance of this particular legislation other than to say that certainly people who are going to buy bottled water, maybe they have an expectation in their mind that somehow it's purer then the water they can get out of their tap. And I think it's important that they be as educated as they could possibly

be as to what's in that bottle of water. So I think it's certainly is worthwhile for you to pursue this in some fashion or other, work with the bottled water industry. We certainly don't have -- we pump 60 billion gallons a year, the amount of water people drink out of bottles is infinitesimal compared to that. We have no beef with the bottled water industry, but I think what you're doing is the right thing in terms of just raising consumer awareness as to what exactly is in there -- in the bottles or not in the bottles.

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

LEG. ALDEN:
Steve, and I don't know -- I don't mean to put you on the spot either, but if you need to go back to the office and find out -- but do you know how many things you're tested for?

MR. JONES:
We test for, I think it's either 130 or 133 constituents.

LEG. ALDEN:
Okay. Thanks.

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D.P.O. POSTAL:
Legislator Haley.

LEG. HALEY:
Hi, Steve. How are you?

MR. JONES:
Good morning.

LEG. HALEY:
Nice to see you. Steve what do you typically treat your water with in the Water Authority? I know you do filtration in certain circumstances, you know, charcoal and the like but -- you do treat the water, right?

MR. JONES:
90% of the water that we pump out to our customers comes out of the ground and meets drinking water standards. The only thing we put in all of our water when we have to is a buffering agent to get the Ph level down -- I'm sorry up from its acidic state to make it a little more on the basic side so it doesn't eat away the pipes. There are in 10% of our wells, we do have carbon filtration that we use, because

there are constituents that are coming out of the ground that exceed drinking water standards, and we use carbon filtration in only 10% of our wells. Actually, it's down quite a bit. We used to have seventy-nine of these carbon vessels, we're down to 48 now throughout our system. Actually, the waters been getting better over the years, and we need to use less carbon filtration. But that's what we use generally. When we have high iron, we use a manganese sand to get the iron out, although the iron is a constituent that's not a drinking water standard constituent, it has more to do with taste and odor and aesthetic issues.

LEG. HALEY:
Right. Making it palatable. Right, because I know in the southwest sections of the Suffolk County have some iron problems, right?

MR. JONES:
Yes, that's right.

LEG. HALEY:
Just to go back to that other -- what is that material that you use to correct the Ph level again?

MR. JONES:
Generally we use lime, sometimes soda ash. We use soda ash over in the beach because we don't need that much material, but generally, we use lime to do that.

LEG. HALEY:
How does that treat the water? I mean, does it dissolve in total?

MR. JONES:
Yes, it's dissolved into the water, and it's strictly for the purposes of changing the Ph. It comes out of the ground at five point something, we need to get it up to seven point something above --

LEG. HALEY:
The only reason I ask the question is because I remember when the Water Authority took over Great Beach Water where I live and there was a distinct, you know, I thought problem with the water for a period of time right after they took over, because they did something to treat the pipes, or I'm not exactly sure what that was.

MR. JONES:
There are a few water systems in Suffolk County that do not chlorinate, and what happens is iron and other materials build up inside the pipes and do provide a home for bacteria in the pipes.

These are not dangerous bacteria, but they are bacteria. So what happens is when you put chlorine -- if you don't put chlorine in, you get a build up of bacteria in the pipes. Sometimes you can get a bacterial outbreak, there have been -- there have been bacterial outbreaks in a couple of the non Suffolk County Water Authority districts in Suffolk County. They have not been dangerous problem at all or anything. However, when we have taken over these kinds of water companies, yes, we have to chlorinate the pipes because we believe that chlorine is an important constituent to add for the purposes of disinfection. But we don't -- we just do it for disinfection. We do not do it to meet drinking water standards.

LEG. HALEY:
Thank you.

D.P.O. POSTAL:
Legislator Lindsay.

LEG. LINDSAY:
Yeah, hi, Steve. So just by the amount of testing that Suffolk County Water does compared to the bottled water, would you say that Suffolk County water is purer than bottled water?

MR. JONES:
I'm not that familiar with the amount of testing that the bottled water industry actually does. I don't know what portion of it is private testing that they do for their own purposes and how much is actually required by the state or federal government.

LEG. LINDSAY:
I think the testimony was by federal standards.

MR. JONES:
Well, they're regulated as a food -- I think they're regulated as a food product, not as a drinking water product. So their standards and requirements are somewhat different than ours are. All I can testify is that we are required by state and federal law to test continuously to make sure that our water meets or exceeds drinking water standards.

LEG. LINDSAY:
And the other just comment is the bottles are nice, but they're empty. All this talk about water made me thirsty.

MR. JONES:
I'm lazy, and I wanted to carry a light weight box, not a heavy box.

LEG. CARACCIOLO:
Madam Chair.

D.P.O. POSTAL:
Legislator Caracciolo.

LEG. CARACCIOLO:
Hi, Steve. Welcome back.

MR. JONES:
Thank you.

LEG. CARACCIOLO:
This morning we had a presentation from individuals associated with a proposal to build a generating facility, energy facility in Kings Park. In doing so, as part of their presentation, there were references and some comments made about the underground sole source water aquifer in that area. First, are you familiar with the siting of this proposal?

D.P.O. POSTAL:
Legislator Caracciolo, could I just ask that -- this is not related to the subject of the public hearing. Perhaps, this might be something that you would want to discuss with --

LEG. CARACCIOLO:
This will take a couple of minutes.

D.P.O. POSTAL:
I know, but if you want to ask him about this, if he's willing to stay until after the public portion.

MR. JONES:
No. I'm sorry. I can't stay. I have a board meeting later on this afternoon.

LEG. CARACCIOLO:
I understand. If I can beg your indulgence for one or two quick questions.

D.P.O. POSTAL:
I'm sorry, Mike. I really don't think it's fair to the other people.

LEG. CARACCIOLO:
I'll try to speak to you privately then.

MR. JONES:
I've also given the information to someone who's willing to stay.

LEG. CARACCIOLO:
Okay. Very good.

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D.P.O. POSTAL:
Great. Thank you, Steve. The next speaker is Mark Serotoff.

MR. SEROTOFF:
Good afternoon, ladies and gentlemen. I'm here talking about Legislator Alden's bill on labeling contents of bottled water. As a parent, a teacher, and a husband of a wife who's in health care, she's a pediatrician. And we're all inhaling bottled water. I go to Staples, I see bottled water being sold by the -- what do you call it -- skid, and it's going -- the sales are tremendous. And it's imperative that we know what is in the material we're taking in. We get that in orange juice, we get that in soda cans, we get that in other food that we eat and drink and consume. And we're just taking the company's word. I don't doubt their reputation, but accidents happen. I remember years ago, there was asbestos particles found in bottled water from an asbestos filtration setup that broke down, and the nature of asbestos is it's a carcinogen. And until this was found people were ingesting carcinogenic particles of asbestos.

So this reason and for reasons that it never hurts to have a backup. The gentleman from the Bottled Water Association mentioned over 120 potentially hazardous materials that are test. And by requiring a label, Suffolk County, again will be on the cutting edge, leading edge of protecting public and protecting the health of its people, like the Bicycle Helmet Law and the Cell Phone law, and there's nothing wrong with being extra safe and extra cautious. Thank you very much.

D.P.O. POSTAL:
Thank you. Is there -- I have no other cards. Is there anyone else who would like to address the Legislature on the public hearing on Introductory Resolution 1490? Hearing none, Legislator Alden.

LEG. ALDEN:
Motion to recess.

D.P.O. POSTAL:
Motion to recess, seconded by myself. All in favor? Any opposed? 1490 is recessed. Public hearing regarding Introductory Resolution Number 1494, a Charter Law to promote Smart Growth by diversifying composition of County Planning Commission. I have no cards. Is there anyone who would like to address the Legislature on this public hearing? Hearing no one, Legislator Fields.

LEG. FIELDS:
Motion to recess.

D.P.O. POSTAL:
Motion to recess.

LEG. FOLEY:
Second.

D.P.O. POSTAL:
Seconded by Legislator Foley. All in favor? Any opposed? 1494 is recessed. Public hearing regarding Introductory Resolution Number 1496, a Local Law to extend smoking ban to 50 foot radius outside of

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County building and hospitals. The first speaker on this public hearing is Claire Millman.

MS. MILLMAN:
Good afternoon. I am Claire Millman, President of the Alliance For Smoke Free Air, and we welcome this proposed legislation, which would afford protection from ETS to employees and the general public as they enter and exit County buildings and hospitals. No one should be subjected to the toxic and carcinogenic fumes of tobacco smoke as a toll for entering any public building. More than 50,000 studies worldwide have established that there is no safe level of exposure to ETS. It is our number three cause of preventable death responsible in this Country from 3000 to 4000 lung cancer deaths, more than 47,000 fatal heart attacks, 100 and 50,000 non fatal heart attacks, and hundreds of thousands of new cases of asthma and other respiratory illnesses among nonsmokers every year.

It is important note that nonsmokers also include former smokers who have struggled with great difficulty to kick the habit. Many of whom have been afflicted with or were showing signs of contracting tobacco related disease. No one should be forced to be an involuntary smoker. The tobacco industries own internal reports revealed that it knew from its own testing started in the mid '70's that side stream smoke was quote biologically active, that is carcinogenic. And they took steps to hide these findings while publicly denying the hazards. We'd like to suggest as I did to the Health Committee that this protection from ETS be extended to having buffer zones outside movie and other theatres and outside indoor shopping malls. We also strongly urge smoke free amusement parks except for designated areas away from the rides and eating slash snacking session. This would protect the general public and especially the children who are more susceptible to the deleterious effects of ETS.

Laws mandating smoke free public places are a major factor in reducing social acceptability of smoking, benefiting all our society. While protecting nonsmokers, which is the major reason of these laws from the toxic and carcinogenic fumes, the laws provide incentives for smokers to quit and eight out of ten of them wish to quit, and send a

message to all, including teens, that active and passive smoking kill. Last month on World No Tobacco Day, there was an event at the UN. The theme for this year is environmental tobacco smoke, clearing the air. And at the affair, they read a long list of tobacco control regulations that went into effect in many countries throughout the world on World No Tobacco Day. We commend Suffolk County for its continued leadership on this important public health issue, which is, of necessity, being addressed globally. Thank you.

(APPLAUSE)

D.P.O. POSTAL:
Thank you. Next speaker on this hearing is Linda Jasper.

MS. JASPER:
Mr. Presiding Officer, and members of the Legislature, my name is Linda Jasper, and I'm a volunteer with the American Cancer Society, and I'm grateful for the opportunity to address you today. I am the

immediate past president of the eastern division of the American Cancer Society, which covers all of New York and New Jersey, and I'm also a resident of Miller Place. I'm here to testify on behalf of resolution 1496, a Local Law to ban smoking within 50 feet of all Suffolk County buildings, and all hospitals in the County.

Each of us here today should know that secondhand smoke contains numerous human carcinogens for which there is no safe level of exposure. Each year 3,000 nonsmoking adults die from lung cancer as a result of breathing secondhand smoke. Thiry-five thousand to 40,000 people who are not current smokers also die from heart disease every year, again from secondhand smoke. Suffolk County, thanks to you, has a strong progressive record on tobacco control and clean indoor air initiatives. This proposal is the next logical step. No one should have to walk through the clouds of smoke from smokers who have moved from inside the building to the area just outside building entrances. This proposed legislation as it pertains to hospitals makes very good common sense when we consider that secondhand smoke is responsible for 7500 to 15,000 hospitalizations each year to treat respiratory illnesses, doesn't it make sense that an institution devoted to treating our most infirmed citizens has a healthy, smoke free environment both inside and out.

Based on the terrific -- terrible health effects of secondhand smoke, the American Cancer Society supports resolution 1496. In driving down here this afternoon, I was trying to think of an analogy for this proposed law, and I think I came up with a good one. If you were my Legislator and I called to let you know that a local hospital was

doing some construction work, and their ventilating system somehow failed and toxic air was being blown out in front of each entrance to the hospital, including carbon monoxide, arsenic lead, formaldehyde, cadmium, butane, ethanol and 30 or 40 other toxic chemicals, I know you as Legislators would be down there before the phone was disconnected using every public health law, environmental and building regulations and every EPA and OSHA requirement to get this situation fixed. Well, this is no different. It's the same thing. Everyone going in and out of hospitals are walking through toxic smoke. This is a public health and environmental issue only. I would ask for your support on this important issue. And thank you for your attention.

(APPLAUSE)

D.P.O. POSTAL:
Thank you very much. Next speaker is Audrey Silk.

MS. SILK:
Good afternoon. My name is Audrey Silk. I'm the founder of New York City Citizens Lobbying Against Smoking Harassment. I'm here to represent all the smokers who get scared away because of these types of laws. They've been marginalized and discriminated against and they feel they don't have a voice. I'm here to speak for them. I have a web site. I get on average of over 400 hits a day, which gives me good reason to denote myself as a representative. These are nothing but scare tactics that these people are handing to you.

MR. WERNER:
Speak into the microphone.

MS. SILK:
I'm sorry, do you hear me now? That analogy, toxic chemicals, if something exploded, guess what, those chemicals are coming out from the cars passing by you every single day. There's no difference. A scare tactic, they exaggerate, they lie. I would appreciate to ask, do any of you hold in your hand a study that says that secondhand smoke is dangerous outdoors? You can't. There isn't any. There is not one study that has been conducted that -- on outdoor smoking. They've done extensive studies on indoor smoking. Unfortunately, those are called {met analysis}, they're based on a handful of studies, and they keep regurgitating the same information out so when they say 50,000 studies, that's 50,000 studies based on maybe 50 studies. These people have an agenda to push. The agenda is a smoke free society, and they're trying to accomplish that through laws such as this one. Making smoking less and less socially acceptable, wipe

the smokers out of sight, and hope that smokers will conform by being forced to quit due to harassment, degrading treatment and having no place left to light up. May I remind you that smoking is a legal activity. Government has lost sight of what their obligation to the people is. It's not to legislate behavior you don't like. It's to treat everyone equally and fairly.

The issue in question is enshrouded deeply in emotions, political and economic forces. Whatever happened to integrity? The democratic values of the U.S. are diversity, autonomy, respect, rationality and fairness. These are non-negotiable. Yet none of these values are displayed by politicians influenced by anti-tobacco organizations. No public policy should be instituted that is formulated in the absence of reason and on the basis of surmises, hunches, or appeals to emotion or intuition. They can be no toleration for lies used to justify the reinforcement of the danger of the smoking message.

Bad science to hurt people is immoral. Government is using this bad science to intervene in the private lives of competent adults resulting in depriving smokers of their right to pursue their pleasure in public, and recently, to even deny employment. Influence on government by anti-smoking groups makes government an accomplice to the discriminatory practice placing a moral outcast stigma on smokers. Corrupted ETS science goes wrong for when it decides in the interest of health promotion, quitting smoke, and the interest of a smoke free society take precedence over the truth, it sets itself on the course of manipulation, fabrication and misrepresentation that cannot but collide with the values of autonomy, diversity and respect set forth by democratic values.

Public policy regarding tobacco is not exempt from the process of compelling evidence and clear argument that our hallmarks of legitimate democratic public policy, you have no compelling evidence. Do not base it on what you hear. There seems to be nobody from my side, and I have no ties to the tobacco companies, none what so ever. I've only been involved in this for a year-and-a-half. I take no funding, I take no donations, everything I've done, I've paid for out of my own pocket because I'm tired of being victimized this way. And

by paying more of my fair share of taxes, hypothetically, I should have more say in what goes on in public buildings than they do. A quote from Doctor Gary {Hubert}, Professor of Medicine. "Generalization, interpretation and use of scientific and medical information about ETS has been influenced and probably distorted by a social movement to shift the emphasis on the adverse health affects of smoking and the act of smoking to an implied risk to the nonsmoker. ETS crusaders use the harm to others argument to conceal an offensive

and unjustified paternalism. It is not that ETS is harmful, rather smoking is harmful to smokers. They've gone from smoking kills to smokers kill. The determination of lung cancer risks are not -- are not that difficult to alter toward positive findings. Who is monitoring the monitors?"

There will always be someone who will object to any activity you can think of, always. You can't ban everything, can we? Nor should we. In consideration a nuisance is simply not enough justification for a ban, and since there is no danger from outdoor ETS, it can only be concluded that this part reason for a ban, besides wanting a smoke free society, any demands to do just that are as selfish and inconsiderate as the activities under scrutiny. Proposals to strengthen the bans on smoking is not out of concern for the health of nonsmokers because there's currently no standing study that shows a direct correlation of disease and death from ETS outdoors, but from personal prejudice against those who smoke. It is abundantly clear that by holding this hearing at all, you are demonstrating partisanship with a group of people perpetuating a lie to meet you own ends to influence the opinions of nonsmokers in an attempt at behavior modification of smokers. When did government stop representing all the people? 50 feet away from a doorway means a hundred feet a year from now and then only in our homes two years from then. And if you listen to their gurus, they will say soon they will not have us smoking in our own homes. We're not giving any more inches, we're not going to just sit here and just take it and try to compromise, because every time we compromise, it's the go ahead for greater restriction. Thank you very much. Are there any questions?

LEG. D'ANDRE:
Yes, I have a question.

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

LEG. D'ANDRE:
You know, it seems every time -- can you hear me -- every time I go to the doctor for an examination, I'm seventy-nine years old, seventy-eight years old. I gave up smoking in 1965 about the time when my children were all small, they were being inundated in the cars when we were out, they were in an enclosure taking in second hand smoke. It never fails when I go to the doctor he mentions were you a smoker. Even today. And all of them, just about every doctor I meet, male, female, nurses, they all ask if you've been a smoker. If it was not harmful to me, somebody's telling a big lie somewhere.

MS. SILK:
Okay.

LEG. D'ANDRE:
Let me speak and then I'll ask you the question. I think that the reason I made it until now is because I gave it up in 1965, even though I had a coronary -- I didn't have a coronary -- I had a triple bypass. The first question again, were you a smoker. When I passed the first bill on nonsmoking in 1984, that young lady was still here.

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

LEG. D'ANDRE:
And my question to you is the overwhelming word on -- from the doctors and the health professionals is that it's harmful to you. You feel your judge and jury that it isn't harmful to an individual? Or is it a matter of rights?

MS. SILK:
You're confusing two issues. You're confusing smoking with being exposed to smoke. There is a very good link between smoking and risk to health. This Legislative bill is about secondhand smoke, not --

LEG. D'ANDRE:
Yeah.

MS. SILK:
So you can't use smoking as a gage to rule on this bill.

LEG. D'ANDRE:
Why not?

MS. SILK:
Because it's about people being exposed, it's not the same thing.

LEG. D'ANDRE:
Why?

MS. SILK:
Why?

LEG. D'ANDRE:
You're breathing in air so the last time I heard --

MS. SILK:
I've been smoking for 20 years. I've been exposed to my own main stream smoke and my own secondhand smoke. Smokers should be dropping dead like flies.

LEG. D'ANDRE:
Don't work that way.

MS. SILK:
I'm sorry, sir, but you have to do the research. Secondhand smoke is not the same as firsthand smoke. They will say that it's -- the smoke

that comes off the cigarette is even more carcinogenic. Yes, if your nose is at the very tip of my cigarette. The minute it's an inch away

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from my cigarette, it dissipates.

LEG. D'ANDRE:
I'm sorry. All during the war, I smoked nonfilters --

D.P.O. POSTAL:
Michael.

LEG. D'ANDRE:
And if I wasn't 18 or 19 years old, I don't think I would have would have been here today.

D.P.O. POSTAL:
Mike.

LEG. D'ANDRE:
Thank you.

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

MS. SILK:
Thank you.

D.P.O. POSTAL:
I have no other cards. Is there anyone who would like to address the Legislature on Introductory Resolution 1496? Hearing no one, Legislator Carpenter?

LEG. CARPENTER:
Motion to close.

D.P.O. POSTAL:
Motion to close. Seconded by Legislator Fisher. All in favor? Any opposed? 1496 is closed. I'd like a motion to set the date of July 23rd, 2001 at 10:00 A.M., in the William H. Rogers Legislative Building, Hauppauge, New York for the following public hearing: Public hearing regarding Suffolk County Community College budget and to set the date of August 7th, 2001 at 7:00 P.M., in Riverhead New York for the public hearing regarding Introductory Resolution Number 1510, approving renewal and extension of ferry license and fares for Tony's Freight Service Inc. Motion by Legislator Carpenter. Seconded by Legislator Fisher.

The date of the public hearings is set. We're going to return to the public portion. Please remember that speakers have three minutes to address the Legislature. And our first speaker is John M. Kennedy.

MR. KENNEDY:
Good afternoon. I'm here to speak on a number of issues that relate directly to employment opportunities for the Nassau/Suffolk Building Trades. I represent 60,000 men and women that work in both Nassau and Suffolk County. And the first issue that I'd like to speak about is the sense resolution -- Sense Resolution Number 40. I'd like to also mention I'm a resident of the Town of Smithtown. We have 10,000 of our members that live in both Huntington and Smithtown. You know that

with -- many of you may know, and if you don't know, we've been in the middle of the siting plan for Kings Park Light and Power. That project would offer employment opportunity for our membership for probably over two years. One of the reasons why -- there's a number of issues here today for me to speak to you about -- is, is we see a turn down in the employment situation for our membership. An job of this nature is very, very critical for our work opportunities. So I would urge you to not pass Sense Resolution Number 40.

The other issue that I would like to talk about is there's a Resolution 459-2001 that deals with capital funding for the court complexes in Riverhead. I understand there was $33 million planned for that -- for that work. 8,566,500 is talked -- there's a bill before you to reduce that by that amount of money. We were in the talking stages to the County Executive, Department of Public Works, again, about work up an opportunity on the court complexes and this money was there, and this -- this reduction means a lack of work opportunities. So I would ask you to consider that not reduce the budget by that eight million -- $8.5 million dollars.

There's also another Bill, 1128, that deals with taking out of the budget $700,000 to acquire land at the Cohalan Court Complex. Again, there's been talk about expansion over at the court complex. In order to do the expansion, you need the money to purchase the land. No land, no expansion, unless I stand corrected.

D.P.O. POSTAL:
Jack.

MR. KENNEDY:
Yes.

D.P.O. POSTAL:
Your time is up, but Legislator Crecca has a question for you.

MR. KENNEDY:
Thank you.

LEG. CRECCA:
Jack, I mean, I can't speak for the other Legislators, but I know that I support an expansion over at the Cohalan complex. We're squeezed out there now, as you know. We're renting space from the Federal Court House, and we desperately need space out there, there is no question about it. But there is -- there is possibly a way to do that within the existing land structure that we have out there now. So the reason I point that out to you -- and that could be argued, I'm not looking to debate that topic -- but I just wanted to say necessarily not supporting that $700,000 for land acquisition there doesn't necessarily equate with not expanding the courts out there.

[SUBSTITUTION OF COURT STENOGRAPHER - ALISON MAHONEY]

Well, the only thing that it could do is if it's bought up by something else, then that would automatically prohibit the expansion, if it was bought for another use and used for another use.

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LEG. CRECCA:
No, the point I was making is that there are -- there is existing land there that the County owns already I'm saying that would allow for the expansion; at least that's some people's position. I'm just saying, it's not -- I just want you to understand that definitely the County Executive's position is that we should be acquiring that additional land that's available there for future expansion. What I'm saying to you is that if we don't acquire that land, there are some of us who believe that the expansion can exist on -- take place on existing property owned by the County, that's all I was saying. I understand your point, it's a point well taken.

D.P.O. POSTAL:
Yeah. And Legislator Crecca, I would just like to follow up on that because as one of the cosponsors of the Omnibus Amendment, the amendment with regard to that specific issue at Cohalan was not to pursue the additional courtroom space because we all felt that that was necessary, it was just that we felt that we could pursue the construction, as Legislator Crecca says, on land that is already owned by the County, that we already have. But with regard to the -- I think you raised the issue of the Riverhead Courts and I wish that Budget Review Office was here because, again, the intention was not to abandon that project and, you know, I would just -- I know Legislator Carpenter has a question. Maybe the Budget Review Office will come

back and be able to address that specific issue

MR. KENNEDY:
Well, we were told some time ago that the money was in the ball park of $33 million that was going to be spent out there. And, you know, rightfully or wrongfully, we -- I report to our membership and I told our membership. And we also had a commitment that the work out there would be done under a project labor agreement which really made us quite happy, and now I'm being told from what I read that that 33 million is going to be reduced by $8 million.

D.P.O. POSTAL:
Yeah. Let me recognize Legislator Carpenter.

LEG. CARPENTER:
Thank you.

D.P.O. POSTAL:
And maybe we can send someone to the Budget Review Office.

LEG. CARPENTER:
To get Budget Review, and I think that would be helpful because there was much discussion about this. And amongst those of us who sponsored the Omnibus resolution for the Capital Program, there certainly was a desire to go forward with the Riverhead Court reconfiguration with the full nine courtrooms. There was some difference of opinion as to what the projected cost was supposed to be because according to the information that we were given, that the projected cost was somewhere in the $20 million area for the renovation, that was not only Riverhead but some other areas. So again, on the recommendation of Budget Review, it was felt that this would be the prudent way to go, not saying -- especially since we're only in the planning stages of

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this, not saying that at a point in the future, if it were determined that more funds were needed to do this, that we couldn't add it at a future date because it is just at the planning stages. But the commitment is there for the full nine courtroom extension.

MR. KENNEDY:
I think when the presentation came to us --

LEG. CARACCIOLO:
Madam Chair?

MR. KENNEDY:
-- it was around 33 million.

D.P.O. POSTAL:
Legislator Caracciolo?

LEG. CARACCIOLO:
Yes. Commissioner Bartha, could you just clarify what the amount of money involved with this Capital Project is and what the effect of the reduction of eight and a half million dollars?

D.P.O. POSTAL:
Michael, can we -- you know, we're in the middle of the public portion.

LEG. CARACCIOLO:
Well, we requested Budget Review, I thought maybe the Commissioner could assist us in the interim.

D.P.O. POSTAL:
I know, but Budget Review is our staff.

LEG. CARACCIOLO:
I understand, but the Commissioner is also the Commissioner of the department that oversees these projects.

D.P.O. POSTAL:
Well, you know, I would prefer to have a response from Budget Review.

LEG. CARACCIOLO:
I appreciate that, but I have requested the Commissioner to answer a question.

P.O. TONNA:
Michael. Michael, in all due deference and fairness --

LEG. CARACCIOLO:
No, Mr. Chairman.
P.O. TONNA:
Listen to me. This is the public --

LEG. CARACCIOLO:
We have always honored the right of a Legislator to ask a department head a question, that's what I am doing and that's what I insist on doing.

P.O. TONNA:
This is the public -- Michael. Michael, first of all, I'm not raising my voice, am I?

LEG. CARACCIOLO:
Well, you know, it's the second time today that --

P.O. TONNA:
Michael, am I raising my voice at you?

LEG. CARACCIOLO:
Well, I won't raise mine either.

P.O. TONNA:
Okay. All I want to do is --

LEG. CARACCIOLO:
But the fact remains --

P.O. TONNA:
Michael, just let me say --

LEG. CARACCIOLO:
No, you want to move things along, Paul, when it's convenient.

P.O. TONNA:
Michael, I'm looking at you, I want to talk and then you can talk right back at me.

LEG. CARACCIOLO:
Go ahead.

P.O. TONNA:
Okay? What I'm saying is we have a public speaker who has filled out a card, a question came up, we're waiting for Budget Review, right? We're going to debate this issue. The Department of Public Works is going to be here, all right?

LEG. CARACCIOLO:
You're certain of that.

P.O. TONNA:
Well, I would say this. I would venture a guess that if we're dealing with a Capital Budget --

LEG. CARACCIOLO:
Well, I would be happy to --

P.O. TONNA:
-- and the Department of Public Works is not here --

LEG. CARACCIOLO:
-- delay my request to later if the Commissioner will be present later.

P.O. TONNA:
Charlie, are you going to be here?

COMMISSIONER BARTHA:
I hadn't been contemplating it.

P.O. TONNA:
Well, Charlie, it's a capital budget. Wouldn't you think that since --

COMMISSIONER BARTHA:
I'd be glad to.

P.O. TONNA:
Okay. All I would say is, Michael, this is a time for the public to tell us what they think to ask a couple of questions of those people. When we go back into --

LEG. CARACCIOLO:
Mr. Chairman, Mr. Kennedy is exercising his right to do so.

P.O. TONNA:
Right, right. Here's Budget Review. Budget Review, guys, we have a question with regard to the Riverhead Court Complex and the cutting of $8 million?

LEG. POSTAL:
There was --

MR. KENNEDY:
Eight and a half, Paul.

P.O. TONNA:
Okay, right. Was that put off to later years, was that a straight cut out and why?

MR. SPERO:
The funds were removed to keep the construction cost of the project to $25 million in an effort to reduce our serial bond costs in 2003 which was were spiking rather high in that year.

P.O. TONNA:
Okay. When you build a project, right, you do it at the cost. I mean, where are we -- what was the rationale behind -- it was just budgetary or was it something that said no, we can reduce the size, the square feet, we could build it with plastic instead of real glass, I mean, what?

MR. SPERO:
The intent was to have Public Works construct a nine courtroom facility within the $25 million envelope.

P.O. TONNA:
Well, I mean --

MR. SPERO:
The project is currently -- design funds have been appropriated for

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the project, so it's still in --

P.O. TONNA:
And it's a $25 million project instead of a $33 million and a half project.

MR. SPERO:
Correct.

P.O. TONNA:
What was the rationale?

MR. SPERO:
Just that, to reduce the bonding in the year 2003 because it was spiking rather high in that year because construction for the Riverhead County Center is also scheduled to be appropriated in 2003 and that's another $19 million. So those two projects alone total about --

P.O. TONNA:
Was there eight million more dollars in the project than was originally designed? I mean, have we designed to go from mahogany down to, you know, balsam wood? How do you --

MR. SPERO:
Public Works would have to design the building within the $25 million envelope.

LEG. CARACCIOLO:
Mr. Chairman?

P.O. TONNA:
Yes, Legislator --

LEG. CARACCIOLO:
Now that we have Budget Review, I have some questions. Jim, could you identify the size and scope of this project and the timetable? And as you're doing that, just to key in on your last remark regarding the Riverhead County Complex, how many years has that project -- first of all, it's in the Town of Southampton. How many years has that been in

the Capital Program and Budget?

MR. REINHEIMER:
It's been approximately 12 years since the health area was done which is the south wing of the Riverhead County Center.

LEG. CARACCIOLO:
But my question, Lance, is from the very beginning there's been

attempts to fund and make improvements to the County Center in Southampton.

MR. REINHEIMER:
That's correct.

LEG. CARACCIOLO:
And what were the original project costs and what are they now?

MR. REINHEIMER:
I don't have the original project costs, but the current cost is --

LEG. CARACCIOLO:
I heard somebody mention $19 million.

MR. REINHEIMER:
-- 19.1.

LEG. CARACCIOLO:
Okay. Would it be fair to say that they are substantially higher today than they were a decade ago?

MR. REINHEIMER:
That's correct.

LEG. CARACCIOLO:
So in effect, when you defer the Capital Project improvement, you are increasing the cost to taxpayers, you are increasing the cost of borrowing money to make the improvements and you are keeping a facility that is substandard as that building is. We have an elevator in that building, I mean an escalator that hasn't worked in that building 20 years. So let's stop trying to fool the public that you're saving them money by deferring and moving back to subsequent years capital improvements that should have been made five, six, maybe 10 years ago. It's bogus, it's not real and it's a game that's played around here because the Legislature wants to walk away, Mr. Kennedy,

after the County Executive presents its Capital Program budget and Budget say, "We cut," whatever the amount of money in the proposed budget was.

Let me ask the Budget Review Office, what was the net reduction in the County Executive's proposed budget for the next three years after the Legislature acted and prior to today's veto attempt override?

MR. POLLERT:
Jim left the numbers inside.

LEG. CARACCIOLO:
None of you recall what that figure is?

MR. POLLERT:
No, I was working on another project.

LEG. CARACCIOLO:
First of all, what is the size of the next three year Capital Program and Budget, in the aggregate? Maybe the Commissioner could answer my question. You don't know, Fred, you have to wait to get some information?

MR. POLLERT:
Yes.

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LEG. CARACCIOLO:
All right. With regard to the eight and a half million dollar cut, what was the original size, or what was the proposed amount for the nine new additional courtrooms in Riverhead; is it 25 million or 33 million?

P.O. TONNA:
I have it right here.

LEG. CARACCIOLO:
How much is it, Mr. Chairman?

P.O. TONNA:
Yeah, I have it right here for you, Michael. It's on page 49 of your report and it's $33,566,500.

LEG. CARACCIOLO:
Okay. So then if am I to understand those who are proponents of removing this eight and a half million dollars, the rationale goes along the lines that we want you to build a facility that the County

Executive and his staff and his experts indicate is going to cost at least 33 and a half million dollars, but we want you to do it for $25 million. What is the rationale that goes into that type of decision making? Tell me where, when we did the reconstruction of the Dennison Building, it met budget projections; it went over. I think this building just barely came in around what we budgeted for. So what is the rationale, except for the example I gave of trying to the say to the media and the public, "We reduced the County Executive's proposed Capital Program and Budget by eight and a half million dollars"? It's not real today, it won't be real tomorrow. And in fact, Legislators who support this type of chicanery are just engaging in activity that is bogus, false and a disservice to the public of Suffolk County, and that's why I'm so upset about this. Granted, it's in my district. The project is going ahead, we have appropriated 10% of the project costs. Tell the public the truth.

LEG. POSTAL:
Mr. Chairman.

LEG. CARACCIOLO:
Tell Mr. Kennedy and his members the truth.

P.O. TONNA:
Ask a question of the --

LEG. POSTAL:
Mr. Chairman?

P.O. TONNA:
Yes. But no, you have to ask a question.
LEG. POSTAL:
Well -- okay. Jack, are you aware that we in 1999 appropriated $2,600,000 for planning and design for this project?

MR. KENNEDY:
I knew there was some money but to say that I knew, in fact, that it

was two million, whatever you said, no, I don't remember how much money was allocated for R and D.

LEG. POSTAL:
Okay. It was, it was $2,600,000, and usually the planning and design cost is about 10% of a project. So what I'm suggesting is that with $2,600,000 for planning and design, we were talking about a project that was projected to cost about $26 million. So, you know, what I'm saying to you is that yes, that was 1999, it's now 2001, but I don't know that costs have gone up $8 million in that time. And I think

without question there's still a commitment to go ahead with this. We're just -- what we did was to go back to that amount and say that usually planning and design is 10% of a project, therefore how we got to 33 million frankly we don't know, 26 million is more realistic, I think we ended up with 25. So that's just --

LEG. CARACCIOLO:
Mr. Chairman?

MR. KENNEDY:
Well, my point is we would much rather have $33 million worth of construction than we would 25.

LEG. CARACCIOLO:
Mr. Chairman?

MR. KENNEDY:
It would put that many more of our members to work.

LEG. POSTAL:
Yeah, and I think we all realize that. But what happens I think, Jack, is that in something like this, it's not like we eliminate eight million, we're spending it someplace else. We had to look at -- for example, one of the things that we did in the Omnibus Capital Budget Amendment was to invest very, very strongly in infrastructure repairs and improvement which we've neglected for years. So it wasn't like we wiped that out, it was just that we, I guess --

P.O. TONNA:
One project.

LEG. POSTAL:
-- you could say prioritized and we said, you know, we have some emergencies that we've got to do, and this was planned for a $26 million project, let's reduce it to that.

MR. KENNEDY:
Can you identify where you shifted the money in infrastructure?

LEG. POSTAL:
Yeah, we did a whole bunch of infrastructure improvements at the community college. And I don't know if the Chair would allow but, you know, the Budget Review Office could probably address the specifics.

P.O. TONNA:
Well, as long as, you know, the speaker is asking the question and we're -- you know, that's fine. It's addressing the speaker.

MR. KENNEDY:
Let me summarize. I see all of these items on here, I wanted to bring it to your attention --

P.O. TONNA:
Thank you.

MR. KENNEDY:
-- that it means work opportunity for us. I thank you for listening to me and about our concerns and I thank you for letting me come before the Legislature today.

LEG. CARACCIOLO:
Mr. Chairman?

P.O. TONNA:
Yes. Do you have a question of the speaker?

LEG. CARACCIOLO:
Well, I'm waiting for an answer from Budget Review of previous questions.

P.O. TONNA:
Okay.

MR. KENNEDY:
Are you finished with me, Paul?

P.O. TONNA:
Yes, thank you. Thank you very much.

MR. KENNEDY:
Thank you very much.

P.O. TONNA:
Thanks, Jack.

LEG. CARACCIOLO:
Thank you, Jack. Fred?

MR. SPERO:
In 2003?

P.O. TONNA:
Yeah. It's a question that the speaker asked, we're going to get an answer and then we'll go back to having our next speaker and then you could use this information when we debate this issue.
LEG. CARACCIOLO:
Thank you.

MR. SPERO:
In 2003, the year that the project funding is scheduled, the County

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Exec proposed $125.9 million in serial bond funding for Capital Projects, the Legislature adopted 98.5 million. So the amount of bonds being issued in that year was being reduced to avoid a spike in funding in that year.

LEG. CARACCIOLO:
Jim, let me ask you the question. Until the Legislature appropriates funds we haven't spent a dime. We haven't spent 98.5, we haven't spent 125.5. When one looks back at the experience of actions taken when the Capital Budget is adopted and then subsequent actions of the Legislature, one might conclude that at the end of the year the Legislature may have actually exceeded its own self-imposed cap on spending. Did we do any type of analysis like that?

MR. POLLERT:
The Local Laws that govern the Capital Program say that you have to work within the envelope of total appropriations that was included in the Adopted Capital Program and in the Adopted Capital Budget. So the Legislature does not exceed amounts that are adopted in the Capital Program and Budget and, for the most part, over the last three years nearly 100% of what has been included has been appropriated by the Legislature.

LEG. CARACCIOLO:
Okay. But Fred, my point simply is, you know, you're not saving taxpayers money when you defer these projects --

P.O. TONNA:
Michael?

LEG. CARACCIOLO:
-- and costs -- all right, we'll get to that when we talk about the budget.

P.O. TONNA:
Yeah. Michael, this is the public portion.

LEG. CARACCIOLO:
Okay, all right.

P.O. TONNA:
Richard Amper. Okay, Joann Raia. Hi, Joann, welcome.

MS. RAIA:
Thank you. A little different from the Huntington Town Hall.

P.O. TONNA:
I'm sure, it's a little cooler in here.

MS. RAIA:
Yes. Good afternoon, Presiding Officer Tonna --
LEG. HALEY:
Less pretentious.

MS. RAIA:
-- Members of the Legislature. My name is Joann Raia and I'm the

President of the Board of Directors of the Pederson-Krag Center. I thank you for the opportunity to address you and I do so on behalf of Anita Fleishman, the Executive Director of the Pederson-Krag Center, who has prepared this statement for me to read. Anita was here at this morning's session but unfortunately had to leave early due to illness. Her comments are relative to the living wage bill and a request to this body to vote to sustain a veto should one occur.

We could not be more pleased that the issue of competitive salaries and benefits have been brought to the forefront, as we have long struggled with the problems of recruiting and retaining staff in light of no-growth budgets. It is not the spirit and intent of this law that I am in disagreement with but rather how it will be implemented. An unfunded mandate could indeed have an opposite impact on agencies than what this Legislature intends. A mandate which will raise gross costs without additional funding will for many result in decreases in staff and services as we attempt to balance our budgets. The rapidity with which this bill has moved through the Legislature is most disturbing. This morning many individuals that spoke opposing this bill were asked by Legislators regarding what specific outcome this bill would have on their agency. It was not surprising to me that many Legislators did not have detailed responses, I believe it is because no one had the advance notice and time to conduct a thorough investigation. But what did surprise me was the fact that the bill passed without this information available prior to its passage.

With regard to Legislator Foley's statement that this would be "an opportunity for community agencies to send a message to the State that funding must be increased," I could not agree more. However, this sends a message after an imposed mandate which would cripple struggling agencies even further while deliberations occurred.

I -- and again, I'm speaking for Anita Fleishman -- would like to suggest that the Suffolk County Legislators and providers work together to appeal to the State prior to imposing a mandate. There are other aspects of this bill which need to be further examined, most

specifically the piece regarding the release of confidential employee information. I, therefore, implore this body to reexamine this bill, but only after they and the provider agencies have fully explored its ramifications. I thank you very much for your time.

P.O. TONNA:
Thank you, Joann. Thank you very much and it's a pleasure having you here. Okay, Barry Luna? Okay, we're going to move fast through these.

LEG. FOLEY:
Presiding Officer?

P.O. TONNA:
Yeah.

LEG. FOLEY:
If we could just have the prior speaker up for a moment; Ma'am?

P.O. TONNA:
No, it's -- okay. Joann, if you don't mind coming up, this is the

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Huntington Town Clerk, Joann Raia.

LEG. FOLEY:
Okay. She spoke on behalf of Pederson-Krag which --

MS. RAIA:
Yes.

LEG. FOLEY:
-- as the record will reflect, the Legislature has always generously funded that particularly organization. I just want to ask you a question. Are you aware of the fact that the enabling legislation that we have approved, the STAR update if you will is I believe July of next year, it's not automatic. And the reason I make that point is, again, the opportunity does exist since a year will go by before it would be -- go into effect. It gives us the opportunity to work together to prevail upon the State Legislature in the meanwhile through two legislative sessions, the one currently and next year's Legislative session, to make those changes so that Pederson-Krag and a number of other contract agencies can more -- can offer their workers better pay. So that's why, as I said, this is a unique opportunity that can be ceased upon where we can work together over two State Legislative sessions to have them increase their allocations for those staff members.

P.O. TONNA:

Thank you. What's the question? All right.

LEG. FOLEY:
I said was she aware of it and her indication for the record was that she was not aware of it.

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

MS. RAIA:
Can I just comment to that?

P.O. TONNA:
Sure, Joann.

MS. RAIA:
And again, I can't comment on behalf of Anita Fleishman, but this issue was discussed at a board meeting held last week and one of the concerns was also that while you increase the lower level of staff, then you would have to have -- it would have a domino effect and you would have to keep increasing the other levels of staff comparatively, and where is that gap going to come from? And I'm sure the County --

LEG. FOLEY:
Well, that's a decision -- since a question has been asked, we have to answer, Mr. Chairman. This establishes a ground floor. What happens above -- what happens on the second or third story, that's a determination that each of the agencies has to come to their own

conclusions. This simply deals -- well, naturally the first floor, this deals with the foundation of that particular agency. And what happens above the foundation, that's a determination to be made by each of the agencies. And there is no mandate on that particular part of the staffing allocation.

LEG. BINDER:
Don't call us, we'll go out of business, we don't care.

LEG. FOLEY:
And there is no mandate on that particular part of the staffing allocation.

MS. RAIA:
But there are hundreds and hundreds of individuals who are being serviced by the agency and this was the primary concern. And I thank

you very much.

P.O. TONNA:
Joann, thank you so much.

LEG. FOLEY:
Hold on a second. The primary concern was what now?

MS. RAIA:
I'm sorry?

P.O. TONNA:
Is --

LEG. FOLEY:
Let her make the point.

P.O. TONNA:
Is it dominos effect and salaries, I think that's what --

MS. RAIA:
Well --

LEG. FOLEY:
As I said, a domino effect, that's a determination to be made by each of the agencies.

P.O. TONNA:
Just for the record, Joann, having you here, I want you to know, this is one of the greatest elected officials that I have ever met and has been a shining example in the Town of Huntington. So it's so great to have you here. Thank you.

MS. RAIA:
Thank you very much. And just for the record, I thank you very much for your comments, but I'm not here in my capacity as an elected official, just as President of the Board of Pederson-Krag.

P.O. TONNA:
Right.

MS. RAIA:
Thank you so much. I appreciate it.

P.O. TONNA:
Thank you. Okay, Christy Johnson? Hi, Christy. How are you?

MS. CHAYES:
Hi, good afternoon. My name is Christy Johnson and I'm the Vice-President of Public Policy for the New York State Association of Health Care Providers, we're a Statewide trade association representing home care providers throughout the entire State, about 600 offices including the home care providers that have been speaking to you today on the living wage act.

Today I'm here to convey to you some of our concerns about the living wage legislation and the negative impact it will likely have on providers, workers and ultimately patients. While there are many aspects of the policy in this act, they are problematic for us. Most importantly right now we're focused on some of the fiscal impacts that this would have on agencies in Suffolk County and the resulting impact on patient care. As a statewide trade association, HCP has and continues to oppose the imposition of arbitrarily set floors and minimums on wages and benefits, especially as they relate to businesses involved in the micromanaged, restrictive reimbursement structure of the Medicaid Program.

Let me stress that the home care providers, the providers here today, are very supportive of their workers, the paraprofessionals in this industry are the backbone of the home and community based service delivery system and providers would like to be able to increase wages and benefits but must do so in a well thought out manner with the appropriate support. Unfortunately, providers involved with delivering services through the Medicaid Program, in particular the Personal Care Program, cannot accommodate the significant increases in wages and benefit packages as other market driven industries are able to do. And even if under a cost based reimbursement system such as Medicaid Home Care Programs where increased costs may be captured, it would be two years before an increase of this magnitude would be reflected in providers' Medicaid rates.

It's my understanding that this living wage increase would result in more than $5 million per year in additional costs for home care providers in Suffolk County and this type of increase cannot be sustained. The next approach, as already discussed here to some extent today, would be to look to the State for short term assistance in overall policy changes, but I would categorize the chances of securing this support, in the short-term certainly, as highly unlikely.

While the New York State Legislature has traditionally been fairly supportive of home care issues and our providers and we can look to allies in both the Senate and the Assembly on our issues including the Chairs of the Health Committee, Senator Hannon and Assembly Member {Godfried}, the support is limited in nature. Unfortunately, our

advocacy efforts are expended primarily on fighting back proposed cuts in Medicaid Home Care Programs, not in establishing a different -- additional funding streams. And while we have been successful over the years in beating back a number of these proposed cuts, more than $700 million in Medicaid funding for home care has come out of the system in the past five to seven years.

Looking for additional Medicaid funding has and continues to be the focus of our recent Statewide advocacy efforts along with other provider groups in the health care continuum and we are seeking substantial funding to address work force shortage and recruitment issues to secure relief that will enable providers to assist with increases and wages and benefits. And while we never say never, this year it looks unlikely, we'll see what happens next year. Currently in the Assembly Resolution, a $5 million add in additional funding for Medicaid Home Care has been proposed but that's for a Statewide approach, it certainly wouldn't accommodate the issue for one year in Suffolk County for the providers here. And the Senate has chosen not to add any additional or propose any additional funding for home care in the coming year for work force shortage issues. If experience and the words of a key staff member holds true, that number is most likely going to go down as negotiations move forward and that's why we have many supporters and commitments by key members in the Legislature for short-term cost increases to deal with this issue. It's unlikely that this will translate into real dollars in the short-term. And in the long-term, when the cost report rates eventually catch up and reflect the increases, it will be too late for a lot of the providers in this community and there are no guarantees that two years down the road the State or the County will choose to sustain any kind of rate increase.

If providers are unable to sustain this living wage increase, workers and patients are the ones who ultimately suffer. We urge you to rethink your approach to this bill, it is an extremely expensive, unfunded mandate in all aspects of the service delivery system.

D.P.O. POSTAL:
Thank you, Ms. Johnson. Next speaker is Peter Quinn.

MR. QUINN:
Good afternoon, Members of the Legislature. My name is Peter Quinn, a member of the Long Island Coalition for Democracy.

Gosh, there are so many issues, one of which our group endorses is the living wage bill. Contrary to those who are providers, after all, according to reports, we live in the third most affluent area of America. And what some are arguing is who do we gore; do we gore the workers who are trying to live here or do we gore a little bit, the administrators of those providers? I think the answer should be clear.

Secondly, we endorse the reinforcement of our Article 7, and we think

that it's a longstanding law that deserves your attention. And certainly Legislator Binder is in the right place on this particular issue.

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Third, we have strongly supported Legislator Fisher's CO2 resolution and I'll address that in a moment if I was called upon to do so. And finally, the IDA, I have spoken about that to you before, the IDA recently gave a perk to a company called Arco Products, Inc. Five years ago, before an environ -- let's see, the Economic Development Committee chaired by Legislator Carpenter, three members of the IDA came before that committee and said there was no cost to the County, and I submit to you there are -- that's erroneous, there are two costs to the County, one when the county floats bonds, then it increases the amount of debt, floats bonds for these businesses, then it increases the County's debt. And when it increases the County's debt, the rating agencies lower your rating and the cost of doing -- floating future bonds is increased by increases on those bonds.

Secondly, when a company is given a perk, sometimes in the form of a property tax abatement, sometimes in the form of tox elimination, sometimes in the form of mortgage transfer tax elimination or construction help, then the County loses that money to the one company while having taxpayers throughout the County pick up the tab. For example, in the recently -- yesterday's meeting of the IDA, there was one person from IDA and me, I was the only other person there, the company was given $40,600 in sales tax elimination and $315,000 in property tax abatement. I submit to you that when you're wrestling with a budget and you're deciding where are we going to shift our monies, there might be a reason to say that it's time to reassess the way you do -- the way this Legislature accepts IDA's. I would call for you to do a few things. One --

D.P.O. POSTAL:
Pete, can you sum up with that?

MR. QUINN:
I'm making four points to sum up and that's it.

D.P.O. POSTAL:
Okay.

MR. QUINN:
Okay? One --

LEG. BISHOP:
Pete, what are the four points? How's that?

MR. QUINN:
Require an IDA dialogue so that they provide you six months -- six weeks in advance before a Legislative meeting the amount of money they are providing to any company. Two, require that they include that information in legal notices so that the public has some awareness of what they're doing and we don't have to seek a FOIL as I have done in the past to get that information. Three, perhaps you need a moratorium on any future IDA approvals until such time as you adopt a budget, then you don't have to incur additional expenses while you're wondering where your revenue stream is. And fourth, perhaps you ought to consider eliminating IDA's as an anachronism in our time. The question is do they really provide a benefit or -- to the entire County by their creating or maintaining jobs, or are they frequently

not keeping those jobs once they receive these perks. Thank you.

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

LEG. FISHER:
I have a question.

D.P.O. POSTAL:
Oh, Legislator Fisher.

LEG. FISHER:
Just a quick question, Pete, because as you know, there has been some media concern regarding the generation of energy on Long Island and scare tactics regarding blackouts. You had read my CO2 Local Law and I was wondering, vis-a-vis energy generation, can you comment on the law with regards to its impact on the energy generation?

MR. QUINN:
Well, I spoke at the hearing on it where I indicated that 39% of the CO2 comes from power plants, 31% from vehicles and other sources of lesser amounts. So there is certainly a need to curb the excesses of power plants in their use of fossil fuels. And here we have the LIPA spending over a billion dollars alone this year in oil, natural gas pollutants, fossil fuel pollutants in contrast that are only spending $37 million on energy efficiency and conservation. I'm convinced that we need a balance and I have submitted to the Legislature before testimony that we do not need to build numerous generating plants when we are we already have excess capacity; fourteen megawatts of excess generating capacity over the 4,000 megawatts which are viewed as the barometer where we're getting close to being concerned about a brown out or a black out. In truth, we have had no brown outs or black outs

even on the one occasion when we had 4,500, in excess of 4,500 megawatts. And in the last 10 years LIPA has seen according to their own data, only 16 times have they had 4,000 megawatts or more of peak load capacity needs, and that means less than two times a year are we -- do we have any concern about a brown out or a black out.

I would submit to you that we'd be better off spending our money not on supply side of building generating plants but on -- which costs bills of dollars, but rather on hundreds of millions to accommodate energy efficiency and conservation. I hope that answers your question.

LEG. POSTAL:
Thank you, Pete.

MR. QUINN:
Thank you.

D.P.O. POSTAL:
Next speaker is Kenneth Spillane; is Kenneth Spillane here?

MR. SPILLANE:
Good afternoon. My name is Kenneth Spillane, I live at 36 Craig Road in Islip Terrace and my property backs up to the property today, Ginny's 1594 and 1595.

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I just want to -- excuse me. I support that. I am here to say I support it. I don't want to take up too much of your time, it's been a long day already, I don't want to be repetitive in what everybody said about the pollution and our quality of life there. It's just that it's also a very dangerous traffic area by the Oakdale Merge, the Connectquot Avenue area is very dangerous. And I think it's in all our best interest if you were to purchase that property. Thank you.

D.P.O. POSTAL:
Thank you. Next speaker, Lauri Agosti; is Lauri here?

MR. SPILLANE:
She had to leave.

D.P.O. POSTAL:
Next speaker, Manny Martinez?

MR. MARTINEZ:
Thank you. Ms. Presiding Officer, Honorable Legislators, Ladies and Gentlemen, Distinguished Guests. As said, I'm Manny Martinez, member of Gaffney's Advisory Board, Vice-President of the Hispanic Chamber of

Commerce and a slew of other things I belong to including the President and CEO of Utopia Home Care Incorporated.

For the past few weeks, the members of the Long Island Chapter and myself have had the pleasure of visiting some of you in the hope of enlightening you to the serious consequences of this bill; the bill I'm referring to is the living wage bill. I wish to take this opportunity to thank those of you who were most courteous and receptive to our concern. As a businessman, however, I believe this bill should have never been introduced. Why? Because you cannot propose a belief that all our dedicated providers already live by. As business providers, we are also entrepreneurs, we have the right to earn a profit with the least amount of government intervention. However, we also believe that the market is what dictates the rate of pay and not the intervention of an unfunded mandate.

As we know by now, our home care industry has been battered with mandates and cuts for over eight years. The bottom line to the home care agency has been reduced to a modest profit 3% profit at most. During our visit, one of our Legislators found it surprising that we were still in business; after all, no one should be in business for less than 33%. It can then be said that the dedication of our providers to the workers in the community they serve is certainly manifested here. Nevertheless, the imposition of this bill would be impractical and counterproductive. Let's follow the logic through, if you will.

With less than 10% of Medicaid reimbursement, the County will never compel the Federal and the State Government to increase funding; that is pretty obvious. Our providers cannot pass the expense of this bill to the patients because the law prohibits the patient to make the supplementary payments. The slim margin of profit would not allow the agencies to pick up the tab for one year let alone two. The banks also would be reluctant to extend credit as a result of this mandate.

Providers, therefore, would be in debt because of the adoption of this bill and ultimately going out of business.

D.P.O. POSTAL:
Manny, I have to ask you to sum up, your time is up.

MR. MARTINEZ:
Yes, thank you. Conversely, however --

LEG. BINDER:
Madam Chair, can I ask Manny just --

D.P.O. POSTAL:
There's a question.

MR. MARTINEZ:
Can I finish, please?

LEG. BINDER:
Well, actually I want to ask you if you can give me the other problems that you see.

MR. MARTINEZ:
The other problems?

LEG. BINDER:
Yeah, now your time --

LEG. FISHER:
He's giving you an opportunity to keep talking.

D.P.O. POSTAL:
He's giving you more time, Manny.

LEG. BINDER:
Now keep reading.

MR. MARTINEZ:
Thank you. Sorry. Conversely, however, should the County, State or Federal pick up the expense of the County or the County 100%, then the taxpayers would carry the burden of this expense which, calculated by our attorneys and some of the providers, came down to $7 million annually for Suffolk County alone. Not withstanding the domino effect this would create throughout the 62 counties in New York State; seven million, give or take, plus or minus, gradually you're talking about almost close to half a billion dollars. I don't know if that's the way we want to go on a bill like this.

In my opinion, this is not effective management. As in all business -- as in a business, all systems of government should be mindful of the value of its currency and its optimal use. Let's not forget that we also have an obligation to our taxpayers as well. Lastly, our crippled industry has already put many providers out of business leaving clients unserved. These were the dedicated business providers who believed that our free enterprise system of laissez-faire should -- period; sorry. Should this bill pass, more

providers will be lost and more clients unserved putting workers out of business instead. I urge you to see the wisdom of what I am trying

to say here today and cast your vote to sustain a veto should that become imminent. Thank you for granting me the opportunity to speak to you today.

D.P.O. POSTAL:
Legislator Lindsay?

LEG. LINDSAY:
Yeah. The legislation that you're talking about has already passed this body, it was introduced in March, I believe, or early April. Where were you guys then?

MR. MARTINEZ:
Very good question. We never got notice to appear to any of the hearings. The only notice we got was the last hearing, I think you had four of them, we found out you had four?

LEG. LINDSAY:
It was publicized in the paper, I believe the sponsors --

MR. MARTINEZ:
Let me explain. You asked me a question, I'm trying to answer it.

LEG. LINDSAY:
Go ahead, answer it.

MR. MARTINEZ:
All right? The last minute someone called my attorney, our attorney, who rushed down here and made a feeble presentation of trying to gather the information that you folks wanted. No one received any notices or memos whatsoever. The only people that got memos were the not-for-profit agencies, not the profit earning agencies; that's the difference. You're right, there were four meetings, we never got a notice.

LEG. LINDSAY:
Four meetings in the paper several times, nobody knew about it.

MR. MARTINEZ:
No.

LEG. LINDSAY:
Nobody knew about it, nobody reads the paper.

MR. MARTINEZ:
We never had it --

LEG. LINDSAY:
Let me ask you a question.

MR. MARTINEZ:
What was in the paper was directing it to the not-for-profit people.

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LEG. LINDSAY:
Let me ask you another question. Are you familiar with Section 8 Housing?

MR. MARTINEZ:
No.

LEG. LINDSAY:
Section 8 Housing --

MR. MARTINEZ:
Maybe briefly from my encounters in passing.

LEG. LINDSAY:
Okay, what is it?

MR. MARTINEZ:
It's funds that are funded through HUD, I believe, to subsidize --

LEG. LINDSAY:
To fund housing for the poor.

MR. MARTINEZ:
To subsidize dilapidated homes?

LEG. LINDSAY:
No, it's to subsidize housing for the poor. You know what the interpretation of being poor is in Suffolk County?

MR. MARTINEZ:
You think I don't know?

LEG. LINDSAY:
No I'm asking you.

MR. MARTINEZ:
Of course I do.

LEG. LINDSAY:
What is it?

MR. MARTINEZ:
When you're operating at minimum wage, you're barely making ends.

LEG. LINDSAY:
No, no. Section 8 Housing, to qualify for Section 8 Housing in Suffolk County, you have to make less than $25,000 a year.

MR. MARTINEZ:
I'm not a social worker, I would know those things.

LEG. LINDSAY:
Okay. At the rate that you folks are paying your people, $8 an hour, do you know what that comes out to annually?

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MR. MARTINEZ:
At the rate that I am paying, $8 an hour?

LEG. LINDSAY:
Well, that's your testimony this morning.

MR. MARTINEZ:
I don't have the calculator here to give you that information.

LEG. LINDSAY:
Okay. It's much less than the $25,000 a year.

MR. MARTINEZ:
I cannot relate to what you're saying right now. I'm not equipped to calculate what you're trying to say to me.

D.P.O. POSTAL:
Any other questions? Thank you, Mr. Martinez. Next speaker is Nancy -- it looks -- I don't know if I'm pronouncing this right -- Koleda; Nancy Koleda? Christina Arena; Christina? Elizabeth Connolly. Elaine Cannataro? Annette Ehmer? Justine Duncovich? James Engrassia?

MR. ENGRASSIA:
My name is James Engrassia, I live at 42 Craig Place in Islip Terrace. Over the past several weeks I've had the honor of working along side many of my neighbors in an effort to preserve the quality of life in my community. I am here today in support of Resolutions 1594 and 1595 to purchase a 26.5 acre piece of property on the northeast corner of Connectquot Avenue and Sunrise Highway. We cannot stand by anymore and watch another piece of property be developed with absolutely no regard to the impact of the immediate area. We already have major traffic safety problems in this area and don't need to make it worse. The environmental issues associated with the development of this land are also of great concern. Tampering with the hydrology of this land will greatly impact both the bordering homeowners of this property as well as Connectquot River State Park. I ask all of you not to make this a party line issue. You have the opportunity to do something here that would benefit all of Long Island and protect the neighboring

preserve for future generations. This opportunity, if passed over, will never be available again. Thank you for your consideration.

D.P.O. POSTAL:
Thank you, Mr. Engrassia. Next speaker, Ivy Wood? Next speaker, Cara A Sell? Next speaker, Elsie Owens? Next speaker, Larry Gargano?

[RETURN OF COURT REPORTER-LUCIA BRAATEN]

MR. GARGANO:
Thank you, Legislators. Good evening. I am the owner of the property that's been discussed this morning and this afternoon through Legislator Fields for 1594 and 1595. I feel obligated to come before the Legislature tonight to advise you that at this time and in the future we are not interested in selling this property to Suffolk County, and I speak on behalf of a controlling interest in the property. I would also like to address this committee as a developer and advise this committee that the development that has been proposed

for this property is not as it was described earlier this morning; reckless and irresponsible, but quite the opposite. It is a balanced proposal that does not seek an increase density in terms of square footage from what could presently be constructed on the property. However, it does offer many benefits, including six acre natural open space along a prior buffer zone that has since been removed by a neighboring property. We are proposing to revegetate that buffer substantially.

As I said, this is a low impact development that we were proposing. I think at issue here is not the preservation of open space, but the, you know, rejecting any kind of change of zone for substitutions of one housing type for another. As a taxpayer in Suffolk County, the Town of Islip and also within the East Islip School District, I also want to address this committee to advise that as a taxpayer this would not in my opinion and in the opinion of many other taxpayers be a prudent acquisition due to several reasons. Number one, it would have a negative impact on a school district that is continuing to be under pressure for commercially generating school taxes without the impact of additional children. They are, of public record, against any acquisition of this property. There is a large amount of open space contiguous to this property as has been previously stated; the Connetquot State Park flanks both sides of Sunrise Highway for approximately three-quarters of a mile. There is an addition to the Connetquot State Park, which I believe is over 1,200 acres within the same community of East Islip and the same school district of East Islip, there is the Heckscher State Park, the Bayard Cutting Arboretum, the Wildlife Research Preserve. There is thousands of

acres of open space preserved in a very small confined community.

As I said, this property is at issue for a change of zone, and I believe that is the motivation behind the proposed acquisition. So as a taxpayer, a property owner and developer, we would urge that this Legislature reject the notion of acquisition, and not send a message that it is okay to discriminate against one type of housing product to another.

D.P.O. POSTAL:
Mr. Gargano, thank you. Question, from Legislator Fields.

LEG. FIELDS:
Mr. Gargano, at the Islip Town Hall the other night when somewhere between estimates of 600 to 1,000 people turned out in opposition to your plan, they asked you if you were the owner of the property and you would not answer that, and yet today you come and you say you are an owner of the property?

MR. GARGANO:
That's not correct, Legislator Fields. It wasn't that I did not answer it. The question that was asked of me, was I contract vendee? And that is a different question.

LEG. FIELDS:
He did ask you if you owned the property.

MR. GARGANO:
They asked me if I was contract vendee, and I explained to the Chairman of the Planning Board that we are a joint venture of the property now, and we have a controlling interest in the ownership of the property. That is different than contract vendee, but it's not as simple as what the Chairman of the Planning Board was asking.

LEG. FIELDS:
He was asking if you own it. So do you own the property?

MR. GARGANO:
Typically he asked the question do you own the property or are you -- have a Subject II type of proposal with a property owner. So the answer to him and to you is that we now are joint owner with a controlling interest in the property.

LEG. FIELDS:
So you do own the property?

MR. GARGANO:
Yes.

LEG. FIELDS:
When did you purchase the property?

MR. GARGANO:
That information is not -- I don't have that information available as far as the dates. There is an agreement in place for a joint venture ownership giving our company controlling interest of the property. There was a long period of negotiation and if it is -- if it is of public interest as to when a particular private company acquired a piece of property, then I believe that would be of public record.

LEG. FIELDS:
How many apartments do you propose to put on this property?

MR. GARGANO:
I believe the application called for 294.

LEG. FIELDS:
Parking how much?

MR. GARGANO:
Five hundred, which is town code.

LEG. FIELDS:
Five hundred or 515?

MR. GARGANO:
Somewhere between 500 -- I wasn't prepared to discuss the site plan. I believe that's a Town Islip issue. However, if you do want to discuss it, I can tell you --

LEG. FIELDS:
It's an issue because it's up for acquisition.

MR. GARGANO:
I can tell you that the traffic impact of the proposal that we are proposing is drastically lower in impact than the current zoning. I can tell you that the school district revenue is greatly enhanced by the particular project. So if it really boils down to a question of one residential use to another, then ironically, I should be getting support from the community, because this is a -- by far -- much easier project to develop as far as quality of life and impact to the

community. I suggest to this Board and to everybody whose listening, that this is more of an issue of whether one particular housing type is more acceptable than another.

LEG. FIELDS:
Well, I think you came before us today because it's not whether one is more acceptable but acquisition.

MR. GARGANO:
Well, you're bringing up the issue of the project itself. I'm here to tell you the Board respectfully, that at this time, we are not interested in selling the property, and would not want to see the County direct valuable taxpayer funds towards any, you know, posturing towards buying the property. As I understand it, in order for the County to exercise its options to buy property, there has to be willing parties, and I'm here to advise this Legislature that we think it would be a waste of money to a appropriate any funds towards the acquisition of this property.

LEG. FIELDS:
It wouldn't be the first time that this Legislature has approved a resolution in order to try to acquire a piece of property.

MR. GARGANO:
I am aware of that, and I'm aware of the reasons behind that.

LEG. FIELDS:
Are you aware that Suffolk County Water Authority would like to be a partner in the purchase of this property?

MR. GARGANO:
I'm aware that you approached Suffolk County Water Authority, yes.

LEG. FIELDS:
Are you aware that they do want to be a part of this?

MR. GARGANO:
That's not what was told to me, but --

LEG. FIELDS:
I have a letter to that effect signed --

MR. GARGANO:
Is that a letter you read at the public hearing?

LEG. FIELDS:
Yes.

MR. GARGANO:
That's the Suffolk County Water Authority's option to do whatever they feel is appropriate

LEG. FIELDS:
Okay. Thank you.

D.P.O. POSTAL:
Legislator Lindsay.

LEG. LINDSAY:
That's okay.

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

LEG. CRECCA:
Mr. Gargano, what is the proposed -- because you're talking about one type of housing facility over another type, what is the type of housing facility that you're proposing for the site.

MR. GARGANO:
We are proposing senior housing, senior rental housing. And the current zoning would permit development of single family homes. And what we are proposing is actually a very closely balanced overall total construction between what could be permitted under the current zoning in terms of square footage. We actually are proposing less lot coverage than what the current zoning would provide for and a variety of other impacts that, if you were to way both developments one by one, our current proposal would, we believe, be a better plan for the property.

LEG. CRECCA:
And I just want to touch on one other thing that you brought up. You asked -- you had indicated that you, as the owner, are not interested in selling to the County.

MR. GARGANO:
That's correct.

LEG. CRECCA:
Can you say that unequivocally now without, you know --

MR. GARGANO:
Yes.

D.P.O. POSTAL:
Legislator Foley and then Legislator Guldi.

LEG. FOLEY:
Thank you, Madam chair. Just as a follow-up to Legislator Crecca's question, being an investor and looking for a fair return on your investment of that particular property, why would you not -- and I'm asking the question in a forthright way -- if the resolution was

approved to enter into negotiations, why would you not at least
entertain negotiations if, in fact, you could come to an agreement as

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we've had in many other occasions where we've been able to work with
land owners to come to a satisfactory settlement on a particular
parcel? Why would you, right from the very beginning, rule out even
the possibility of negotiations to try to have you receive a fair
return on your investment and at the same time preserve the property?
Why would you rule that out tonight? Without even giving it a chance?

MR. GARGANO:
Well, I can answer you this way, Legislator, we currently own and
manage other properties. We are constantly on approached by
prospective investors to sell our properties, whether they be direct
or through real estate brokers. And almost equivocally, we say we're
not interested in selling regardless of what they might offer us.
We're not specifically taking a harder position with the County than
we would be with any other private investor, we're just not
interested in selling. That goes for this land as well as other
properties or existing residential units that we may own or manage.
I'm here today to advise this county Board that we're not interested
in selling so that you may make a decision as to whether or not to
appropriate any funds whatsoever towards the potential acquisition of
this. I don't, you know, mean to be disrespectful to this Board, I'm
just trying to do the right thing from a taxpayer's point of view.

LEG. FOLEY:
If I just may follow up with that. I can understand there when there
are other investors who wish to buy the property and you made the
decision to the sell the property to other investors because you want
to hold onto that property for some future use, if you will. In this
case I think you've made a determination that you do want to build on
this property, that's why you're seeking the change of zones. So
since you've already made a determination that you want to dispose of
the property in one form or another disposition, by that I mean, that
you want to develop the property, your company has made that decision.
Since you made the decision that you want to dispose of the property
and make a fair return on your investment, why not have as one of the
menu of options of disposition is to negotiate with the County so you
could try -- at least go through the effort of trying to see whether
or not there could be a negotiated agreement on -- again you receiving
a fair return your investment and at the same time a larger public
good would also be served by preserving property in an area that we're
hearing from residents that want to see it preserved? Why eliminate
that possibility? Since you've already made a decision to dispose of
the property?

MR. GARGANO:
Well, that's not actually accurate because our proposal does not call for the disposition of the property, it calls for the development and retainage of the property.

LEG. FOLEY:
By disposing, I mean developing. It's an interchangable word. The bottom line is I've just -- just through the Chair -- I've seen a number of other investors, savvy investors, who may want to develop property, but at the same time, they haven't shut the door to the possibility of negotiating with a public entity in order to, again, still receive a fair return on their investment, but at the same time

also achieve what we would consider a higher public good, which is to preserve the property. And I'm just at a loss as to why you wouldn't allow that process to move forward on a twin track, if you will.

MR. GARGANO:
Mr. Legislator, I don't believe I have the power to stop you from moving forward. I'm here to advise you today that we are not interested in selling the property.

LEG. FOLEY:
With that very statement, though -- I say this respectfully through the Chair -- some on this Board would use that as a reason to stop this resolution.

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

LEG. GULDI:
Yeah, let me start at the beginning. Who are you?

MR. GARGANO:
I'm sorry if I didn't introduce myself. My name is Larry Gargano, and I'm here on behalf of the property for Resolution 1594 and 1595.

LEG. GULDI:
Okay. Mr. Gargano, you said a couple of things that concern me, and that's why I want to follow up with some questions. You said that you don't know when you got -- got the interest in the property?

MR. GARGANO:
Specifically, as far as a particular date, within the last several months.

LEG. GULDI:

Generally.

MR. GARGANO:
Yes.

LEG. GULDI:
Recently.

MR. GARGANO:
Yes.

LEG. GULDI:
Oh, okay. So you do know when you --

MR. GARGANO:
Yeah, I don't mean to be evasive. I didn't understand --

LEG. GULDI:
Well, it struck me you were being quite evasive when you said you didn't know when you got the property. Now, you said you were in a joint venture with a controlling interest. What exactly is the status of that joint venture?

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MR. GARGANO:
Gives us --

LEG. GULDI:
Who is us?

MR. GARGANO:
Myself and the original property owner.

LEG. GULDI:
You individually and --

MR. GARGANO:
No. An entity called Greenview Properties and the original property owner, which is Levin Management.

LEG. GULDI:
Okay, is that contract closed, have you paid --

MR. GARGANO:
Yes.

LEG. GULDI:

-- paid in the consideration under that contract --

MR. GARGANO:
Yes. It's an executed agreement, yes.

LEG. GULDI:
And received a deed?

MR. GARGANO:
Yes.

LEG. GULDI:
Okay.

MR. GARGANO:
I don't want to speak for the deed.

LEG. GULDI:
You haven't received the deed.

MR. GARGANO:
I don't want to speak for the deed because it wasn't --

LEG. BISHOP:
They have an arrangement.

MR. GARGANO:
This is silly.

LEG. GULDI:
No, it's not silly because you're standing here telling me you don't have a deed, yet if you don't have a deed --

MR. GARGANO:
I have an executed agreement for a controlling interest to develop this property. Whether or not the property moved from one deed to another because of the formation of a partnership, I will defer to an attorney who handled it for me, and I will have him write you a letter if your concerned.

LEG. GULDI:
Fine. Okay.

MR. GARGANO:
I do not mean to be disrespectful or evasive. I'm not sure I understand what this particular point has to do with the preservation

of open space.

LEG. GULDI:
Well, we'll get there. If you just stay with me and answer my questions, I'll try and connect it for you.

MR. GARGANO:
Absolutely. I'm trying to do the best I can.

LEG. GULDI:
Okay. So you created a partnership structure, but you don't remember receiving a deed to the new joint venture?

MR. GARGANO:
I don't know that there will ever be a deed to a new joint venture, but I'll clarify that with my attorney.

LEG. GULDI:
Well, see if you don't have a deed, you have an agreement with --

MR. GARGANO:
I believe the deed will eventually go into a new partnership name.

LEG. GULDI:
Right. But if you don't have the deed today, you're not the owner. That's the problem I have with technically what you're saying. You're standing here saying on behalf of the owner you have an executory contract, and you have a controlling interest, but you don't have a deed. That means you don't --

MR. GARGANO:
If I had known, I would have asked my attorney to come here to clarify this particular point.

LEG. GULDI:
That means you're not the owner.

MR. GARGANO:
I would have asked my attorney to come here to clarify this. I'm not prepared to answer those technical questions.

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LEG. D'ANDRE:
Madam Chairlady.

LEG. GULDI:

Excuse me. I've the floor, Mike. Let me follow-up on it.

LEG. D'ANDRE:
Go ahead. You're a lawyer.

LEG. GULDI:
The problem I have -- when you say "we are not interested in selling", you mean yourself and the former owner? Is that the "we" you're referring to?

MR. GARGANO:
Correct.

LEG. GULDI:
The -- all right. Finally the last -- are you aware that this County as a major preserver of open space farmland and wetlands throughout this County has done -- closed literally thousands of transactions with owners who declared they had no interest in selling the property to Suffolk County?

MR. GARGANO:
I'm not aware of that, no. I'm aware of the County's Open Space Program, but I am not aware of the success or failure of have program other than what I may read from time to time in the papers.

LEG. GULDI:
The fact is that thousands of transactions with this County have been completed with sellers who initially stated they had no interest in selling the parcel, but instead wanted to pursue their development goals.

MR. GARGANO:
I'll take your word for it, Legislator.

LEG. GULDI:
Thank you.

D.P.O. POSTAL:
Legislator Towle.

LEG. TOWLE:
Thanks, Legislator Postal. I was a little confused on the ownership issue and obviously Legislator Guldi has clarified it a little further. You're telling us tonight, and we're to believe that your also representing the real owner of the property because you are not necessarily the owner of the property currently, you have an arrangement with them. I mean --

MR. GARGANO:
Whatever. Whatever. I can't even answer that.

LEG. TOWLE:
Is that accurate or inaccurate? It's not whatever because I have to vote on this resolution tonight, and if you were --

MR. GARGANO:
What does the ownership have to do with the voting of the resolution? I'm here to say to you -- if I would have known that my partners in this property from New Jersey needed to be here tonight, I certainly would have asked them to come.

LEG. TOWLE:
One would assume that you're here today --

MR. GARGANO:
I would be glad to have them issue a letter to you and to the entire Legislature in support -- which would be in support of the letter I issued last week.

LEG. TOWLE:
One would assume that you knew enough to be here tonight to oppose this as the owner of the property, but technically, you're not the owner of the property. And I'm not an attorney, but the bottom line is you have a relationship or business relationship with the actual owner of the property in which you are saying that he, I'm assuming it's a he, and you don't want to sell the property to the County.

MR. GARGANO:
Correct.

LEG. TOWLE:
And we're supposed to believe that tonight -- not that I'm questioning you on face value because he's not here -- I haven't gotten anything from him, and we're voting this resolution tonight. That's basically the nuts and bolts of the question.

MR. GARGANO:
If it would -- if it would help for you to have a supporting letter from them, I would be more than happy to have one sent, if you defer to vote. I don't know what to offer to you to make it better for you. I'm just telling you the facts.

LEG. TOWLE:
I mean, if this vote were to be approved tonight, how would that affect your relationship with him or the potential development of this property?

MR. GARGANO:
Has zero effect on me other than being a Suffolk County taxpayer and having some of my money being spent on a particular aquisition that I, as a taxpayer, don't feel is appropriate.

LEG. TOWLE:
Legislator Postal, if I could ask counsel a question, just two questions. What would actually be spent of the taxpayers money if we were to approve the resolution tonight?

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LEG. ALDEN:
No. That's debating the bill.

LEG. TOWLE:
That's not debating the bill, I just have a question about what it does. This gentleman is not going to stay here to two o'clock in the morning when we're voting this.

D.P.O. POSTAL:
I also think -- let me just say, as the Chair of the meeting, that I think that it's a relevant question only because there are many questions that are being asked that are really related to this.

LEG. TOWLE:
Thank you, Legislator Postal. I agree with you.

MR. SABATINO:
Both resolutions are Planning Steps Resolutions. So those would involve items such as an appraisal, a title search to ascertain the ownership, and survey, if there's not an existing survey and environmental engineering audit. Those would be the four planning step components.

LEG. TOWLE:
Any idea on a dollar amount for that kind of thing since you're obviously an attorney who does occasionally some planning transactions? What are we talking about, a couple of thousand dollars, maybe?

MR. SABATINO:
I would say probably -- you're talking maybe $10,000.

LEG. ALDEN:
10,000? I missed that, I'm sorry.

MR. SABATINO:
I was thinking maybe 10,000.

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

LEG. TOWLE:
I'm done.

D.P.O. POSTAL:
Are you finished?

LEG. TOWLE:
Yes.

D.P.O. POSTAL:
Legislator Carpenter.

LEG. CARPENTER:
I just wanted to ask you about something I think I heard you say, that you were planning to leave six acres of the parcel vegetated or

revegetate?

MR. GARGANO:
The current plan that we have developed and has been submitted for review by the Town of Islip calls for the reconstruction of a -- what was a natural buffer along the residence, some of which have come up tonight in the interest of this application. It does call for, when calculated out, approximately six acres of continuous natural buffer, which would include the restoration of a buffer that was destroyed and the revegetation of the same.

LEG. CARPENTER:
Do you know how that buffer was destroyed?

MR. GARGANO:
It was targeted for an egress road for the Suffolk County Water Authority. So they, through an easement that was granted to them, built a road across the property in an east-west direction to gain access to their facility, which is just to east of our property where they have an administrative building. And it's approximately -- I'm going to say a 35 foot paved roadway, which called for an additional 20 feet, plus or minus of clearing on either side.

LEG. CARPENTER:
So this paved roadway would be ripped up and replanted with trees?

MR. GARGANO:
That's a proposal that has survived the numerous discussions that we've had with the community in an effort to give them an understanding of what we were proposing. And this was one of their

concerns, was the loss of that buffer to begin with. So at great expense to the development, we offered to remove it and relocate it, which is permissible under the easement that we have with the Water Authority, and thereby restoring the natural buffer that they once had.

LEG. CARPENTER:
So out of twenty-six acres, if six are going to be vegetated minimally along the back, I would imagine there would be other green space in this parcel. So we're looking at a good 25% of this being preserved.

MR. GARGANO:
Well, I'm not referencing additional space, because they're not necessarily contiguous. So as a result of our particular proposal, we exceed all the requirements of the Town of Islip's Planning as far as landscape area, lot coverage and just general development. We're well within all those limits. So by far, the proposed development offers a lot of open space, but this is a contiguous piece, which I feel was more important than some of the other pieces that are, you know, 100 by 200 here or 50 by 50 there as a result of the clustered development that we're proposing.

LEG. CARPENTER:
I understand. Thank you.

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

LEG. D'ANDRE:
Thank you. You know, I don't like the way this man was treated here. This is a free country. The man can sell or not sell. I always believed in that, and I'll fight and defend that.

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

LEG. D'ANDRE:
My question to you is if you don't want to sell it, why should you be forced to sell it or be under duress to sell it? I think the questioning here was too harsh. I think that in a free country you can do what you like, you can sell it or not sell it. It's up to you. I'm going to support this purchase, but I'm not going to force you to sell. We buy on the open market. If there's a willing seller and a willing buyer, we have a deal. If not, we don't have a deal. It's that simple. I don't think any Legislator should come down upon you

like you're an alien. That's wrong. You did your best to answer these questions. Thank you, Madam Chair.

D.P.O. POSTAL:
Legislator Fields.

LEG. FIELDS:
You made a statement that Suffolk County Water Authority, the road -- -- you're negotiating with them, that's permissible by Suffolk County Water Authority?

MR. GARGANO:
No, I'm currently not negotiating with them. Under the easement agreement that was grant to them, which was granted prior to the property being designed for future development, it was prudent to make sure that any roadway that they may create could be relocated so that it didn't impact the future development of the property. This is an agreement that is binding between the Water Authority and this property. We have discussed with them the possibility if this property were to be developed under our current plan, that this may be a component of that development, and as I understood it, their only interest is to have egress and ingress in and out of the property. So therefore, it would not matter to them whether or not this road was relocated.

LEG. FIELDS:
Okay. Because I wrote down as you spoke that you said this is permissible by the Suffolk County Water Authority. I did write that down that you just said that.

MR. GARGANO:
I just agree with it, that it is. It is permitted within our easement agreement to relocate the roads. That's why I chose not to use the word negotiate.

LEG. FIELDS:
No. But what you said was when made the statement in answer to I think Legislator Carpenter that you were going to move the six acres I believe you were asking about, and that it was permissible by the Suffolk County Water Authority -- I think we'll have it when we have the minutes typed -- that was what you said. I did speak to Steve Jones, he said that he did not believe that was going to be true.

MR. GARGANO:
I had a conversation with Steve Jones, I wish he was still here to

have confirm it, but he is well aware of the easement agreement as I believe you might be as well. It does clearly give us the right to relocate the road.

LEG. FIELDS:
If it's agreeable.

MR. GARGANO:
No, not if it's agreeable to the Water Authority, as long as it provides the Water Authority with the necessary ingress and egress that they require. And it is a component of our plan in order to give back to the neighbors what we feel would be an appropriate buffer zone not only from our development it actually exceeds what would be required by our development by three times, but it would be an appropriate buffer zone for the -- you know, for their proximity to other areas.

LEG. FIELDS:
Okay. You also mentioned this is a rental for senior citizens. Approximately what were you going to be charging those senior citizens?

MR. GARGANO:
The current rent in the area between units that we own and other units range anywhere from -- in one bedroom from 875 to a two bedroom up to twelve to 1300. There is a wide range.

LEG. FIELDS:
Are these one bedrooms or two bedrooms?

MR. GARGANO:
These would be combination of both if built. So there's really a wide range, and it really would depend on the continuing process of design and development as to what we wound up with and how many ones and how many twos, and so it would be been within that range. It would be a market rate project, meaning that it would not have any subsidies in order to offset the rent other than possibly, if the County is willing to give up property taxes, maybe they would consider not charging taxes for this, and we would gladly rebate it to the tenants.

LEG. FIELDS:
It's not unusual for taxpayers to want to have property acquired.

MR. GARGANO:
Absolutely.

LEG. FIELDS:
And that is something that Suffolk County --

MR. GARGANO:
As a taxpayer, I understand that. I do, again, question the impact of this particular property considering the proximity to so much open space. That, you know, that may or may not come into play. From my layman's point of view, that seems to be diminished value for this open space.

LEG. FIELDS:
Are you aware that New York State DEC and New York State Parks has a little bit of a problem with this development?

MR. GARGANO:
I'm not aware of particulars, but I'm sure that through any proposal, every agency that would have anything to say would be involved as has always been with any application that I've ever seen or been involved in. Whatever due process --

LEG. FIELDS:
Are you are you aware also that the Commissioner of Planning for Suffolk County also does support the acquisition?

MR. GARGANO:
I'm not aware of that, no.

LEG. FIELDS:
Okay. Thank you.

MR. GARGANO:
I'm aware that it's his master plan that this project that we're proposing falls upon, though, according to the Sunrise Highway Corridor Study that the Suffolk County Planning Commissioner was a part of.

LEG. FIELDS:
Well, okay. Thank you.

D.P.O. POSTAL:
Legislator Binder.

LEG. BINDER:
I'm sorry to prolong this.

MR. GARGANO:
It's okay. I've been here since 9:30. I'm glad to talk.

LEG. BINDER:
You're representing -- let's put some of this to bed. You're representing to us on the record that you have the legal authority to speak on behalf of the ownership of the property, however this works, I mean, you're saying on the record that you can represent, that you can speak with legal authority for the property?

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MR. GARGANO:
Yes.

LEG. BINDER:
Okay. You've gone through a process, whatever your process is, in coming to this point, and decided that you don't want to sell. Now, is there something that could change that process so I understand if it's just going down one road or there are things that could happen, there are things that could change, an appraisal could change, I don't know. Are there things that could change in your mind or in the minds of the owners and you as a group, is there something that could change? Because often -- by the way, when it was said that thousands of properties have been sold by people who said they originally don't want to -- but I'm sure in their mind they've contemplated not wanting to. Usually it's an owner that said I don't like an appraisal, and we find a way to do something better for them, or they find things change. Can you contemplate anything changing that would have you change your mind.

MR. GARGANO:
I would not want to be the one to stand here and say never. There's always a possibility for anything. I don't know exactly how to respond to that. I'm just here to advise this committee that we're not interesting in selling, just like I would to any other potential buyer of any other piece of real estate. What this membership does after that and how they respond back to us, whether it be through a negotiation or an offer, I can't comment on how we would react until we heard that. But I'm just telling you now we're not interested in selling.

LEG. BINDER:
That's fair enough. And your timetable is what at this point? What's your timetable?

MR. GARGANO:
Well, we're currently -- we currently have an application filed with the Town of Islip for what would be a change of zone in order to build this type of housing, because unfortunately, in the Town of Islip, this housing does not exist unless you change the zoning. So, you know, there's this kind of change of zone problem that developers face when they want to build this type of product. So that process with the Town of Islip we suspect will take approximately a year.

LEG. BINDER:
Your decision to go for senior housing has -- what's the thought process in that? The need -- in other words, you're looking at a

demographic change, demand, that kind of thing. What leads you towards wanting to put in senior housing?

MR. GARGANO:
Well, currently my company is one of the providers of senior housing within the Town of Islip rental housing. We have been doing it for approximately 18 years, and we have a product that is -- that is experiencing a high level of occupancy due to all the demographic issues concerning seniors in Suffolk County, as well as in the Town of Islip. It is a particular type of housing that we specialize in, and

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we wish to continue to develop that strategy.

LEG. BINDER:
What kind of demand do you see since you've had other senior rental facilities, what kind of demand do you see? Are there waiting lists? Are there -- you know, what kind of demand is out there?

MR. GARGANO:
Currently and for as long as I can remember, the occupancy levels have been extremely high. I think now they're peaking at somewhere very close to 100%. Typically, in my recollection it's that they've always been above 90%. In this particular market, due to a variety of reasons, one of which I believe is the increased population of the senior market, which is classified as fifty-five and older in the Town of Islip, the -- you know, the turning over of existing homes allowing entry level buyers to move into communities and allowing seniors to sell their home at a high price and then, you know, move into something a little bit less costly for them. So there's a lot of that as well as the demographic age change.

LEG. BINDER:
Thank you, appreciate it.

D.P.O. POSTAL:
I have a question, Mr. Gargano. There is a tremendous need for senior housing. However, there are a great number of senior tenants who are having a great deal of difficulty meeting the cost of market rentals, and there's virtually a zero percent vacancy rate. One of the towns in Suffolk County has adopted a zoning policy whereby when they grant a change of zone for senior citizen housing, the developer agrees to set a side a certain portion of the development that will be affordable and rent-stabilized for say 20% of the units. Would you be willing to make such a commitment?

MR. GARGANO:
I can't speak for all the towns in Suffolk County, but specifically

the Town of Islip adopts the policy that your referring to. We are currently participating in multiple projects with the policy of the Town of Islip. So to answer your question, yes, we do submit to that, and embrace that particular component of the change of zone. I also would like to point out, since it was brought up, that there is, you know, the basic economics of supply and demand, and you are absolutely correct, the number one complaint of any senior renting right now is that rents are too high. I know of no other way to stabilize rents in a private market than to increase the supply, especially in a market where occupancy rates are running very high. There are a variety of subsidized programs including Federal Housing Tax Credits, and other types of financing available to specific projects; however, they have to qualify and they are often not given in the appropriate amounts. So therefore, the seniors are suffering, and I agree. So this particular property, if approved, would offer that component.

D.P.O. POSTAL:
It would offer the 10% affordable.

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MR. GARGANO:
Whatever the town requires, yes. We may even, you know, approach the town with an increased percentage. You know, we would have to, again, see what the overall thinking is of the Town of Islip as far as their planning.

D.P.O. POSTAL:
Right. Now, you said a little earlier that the -- you would imagine that the range of rentals and you gave examples of rentals for your one bedroom units elsewhere two bedroom units, and as I remember the lowest rental on the one bedroom unit was 800 something a month?

MR. GARGANO:
I believe it's probably in the range of 875.

D.P.O. POSTAL:
875, well, you know, plus or minus. So is that what we're saying -- when your speaking about a percentage that would be affordable, are we looking at a $875 a month rent?

MR. GARGANO:
No. We're looking at a rate pegged at a particular -- I don't know if it's Section 8 or if it's another housing benchmark, but there is a benchmark that the Town of Islip would look towards a developer to use, and I think -- I think it would be somewhere in the neighborhood of $600 a month, plus or minus because I'm recalling what we're

renting some of our units at our most recently completed project in Oakdale. I believe they're in the 600 range, 675, plus or minus.

D.P.O. POSTAL:
Legislator Fields.

LEG. FIELDS:
Mr. Gargano, what's the top end? You're saying 875 for one bedroom, but what's the top end?

MR. GARGANO:
As I said, I think the range right now -- and I don't specifically want to let this membership believe it's just my particular apartments that I represent, the entire housing market in this particular region of Suffolk County -- the range is between 875 and I believe, somewhere in the neighborhood of between twelve and 1300 a month for a senior component. The non senior is probably somewhere in the $1600 to $1800 high end rent.

LEG. FIELDS:
What's -- non senior being what?

MR. GARGANO:
Well, in other words, there are also properties that have recently been constructed or existing that do not have an age restriction upon it, whereby any age group can live there. This particular project, as I refer to it as a senior project, requires that you must be a minimum of fifty-five years old.

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LEG. FIELDS:
In the apartments in Oakdale, aren't they somewhere around twelve to $1500 a month rent?

MR. GARGANO:
We have two properties in Oakdale, you have to be specific.

LEG. FIELDS:
Oakdale Bohemia Road.

MR. GARGANO:
Oakdale Bohemia Road, again, the one bedrooms are one rent, and two bedrooms are a little more. I believe it's probably somewhere around nine to 1,000 for one and probably in that 1,200 to 1300 range for two.

LEG. FIELDS:
Not 1500?

MR. GARGANO:
No. I have nothing at 1500.

LEG. FIELDS:
Okay. Thank you.

D.P.O. POSTAL:
Thank you, Mr. Gargano. Our next speaker is Christine Hartmann. Next speaker, Roberta Owens. John Mahon. Gloria Craft.

AUDIENCE MEMBER:
Gloria left, but I have copies of her comments

D.P.O. POSTAL:
Okay. You can bring it up and give it to the clerk, and we'll have copies distributed. John Schick. Mark Serotoff. Mr. Serotoff, you have three minutes.

MR. SEROTOFF:
Good evening, again, Madam Chairperson. Is there a quorum here?

D.P.O. POSTAL:
We're bringing Legislator back into the auditorium, if you want to wait for just a moment.

Okay. Five minute recess.

(*A RECESS WAS TAKEN AT 5:40 P.M.*)

(*THE MEETING WAS RECONVENED AT 6:42 P.M.*)

P.O. TONNA:
I'd ask all Legislators, please come to the horseshoe. I'd ask all Legislators, please come to the horseshoe. I beg, please, a few Legislators, could you please show up.

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MR. BARTON:
You got ten.

P.O. TONNA:
Oh, Cooper. All right. Number ten. All right. Let's go. Here we go. Mark Serotoff, are you here?

MR. BARTON:
Your quorum is present.

MR. SEROTOFF:
Thank you, sir. You made fun my name the last time.

P.O. TONNA:
I did? Thank you --

P.O. TONNA:
No, I just was making fun of myself that I couldn't pronounce it.

MR. SEROTOFF:
Thank you. It woke me up a little bit. One of the former speakers is -- if that's okay and acceptable, has giving me her three minutes.

P.O. TONNA:
No. Three minutes, that's it.

D.P.O. POSTAL:
Is she former speaker?

MR. SEROTOFF:
No, not a former. She hasn't spoken yet.

P.O. TONNA:
Each individual live person is allowed to speak for three minutes.

MR. SEROTOFF:
Mr. Kennedy earlier mentioned the thousands of union people throughout Suffolk County and Nassau County and especially, the 10,000 people and workers and union men in Smithtown, and we own enormous debt to the union people that build our bridges, homes, hospitals, schools and keep us safe and warm. And toward that end, this one power plant, Kings Park Energy, is not the only show in town, and other efforts to meet energy needs besides Kings Park Energy, which has a chance of not succeeding or going through LIPA and these power plants proposed in the Cablevision address of June 6, 2001, have seven other plants that most of them will on line by 2002. This time next year. And to give you an example of the accomplishment of LIPA working with NYPA and KeySpan, Brentwood Power Plant was built -- went from proposal to permitting to hearings to construction. It's done. It's virtually on line, in three months. That's bull and train permitting. And Mr. Kessel sat back in a chair in front of me two weeks ago with several other members of the Townline Association, leaned back, looked to the sky and said, "We're LIPA. We're the state. We can do anything. We go to the head of the line." So if any power plant, any power company is going to get and be successful in making power plants, it's going to be LIPA and KeySpan and NYPA. So there are many other plants for

workers to work on. I'm done with that.

I'm shocked -- shocked to see and listen to -- to here the misinformation that was spread earlier today about our alleged Article 7 zones not being Article 7 zones. That's the same thing as saying I'm standing on the ceiling and that's the floor. You can pay and hire an engineer and a geologist any time and have them say anything for you. Suffolk County Health Department in its own statement to Pennsylvania Power and Lights preliminary scoping statement says, in one sentence, the proposed project is within the deep recharge area. And therefore, is subject to Article 7 restrictions. I have for your inspection, I showed Mr. Caracciolo the map earlier, here is the Suffolk County Health Department Article 7 Map. It is clearly within those restrictions.

And finally, none of these plants need oil. They can all run on an uninterruptable supply of natural gas, which Brookhaven Energy has done. They've dropped the oil requirement and have obtained an uninterruptable gas supply. For economic reasons, they commonly choose to have duel fuel, but a major power plant mass dropped the oil. It's not needed. And that's also within Public Service Commission regulations. You don't need back up oil if you have non interruptible gas supply.

LEG. BINDER:
Okay. Mr. Chairman.

P.O. TONNA:
You have a question, sir.

LEG. BINDER:
I wasn't at the Townline meeting with Mr. Kessel. When was that that you met with him?

MR. SEROTOFF:
This was about two-and-a-half weeks ago at LIPA Headquarters at the Omni Building in -- by Hofstra University.

LEG. BINDER:
How many people were there?

MR. SEROTOFF:
It was the Townline Executive Board, consisting of myself, the president and two other people of the Executive Board.

LEG. BINDER:
So there were four people there that heard the same quote?

MR. SEROTOFF:
Yes.

LEG. BINDER:

I mean, I'd like to see if you can kind of have an unanimity of feeling on what he said, because to lean back in a chair, look up at the ceiling and say something to the effect of we're LIPA, we can do anything, we're a state authority. And I mean, it is exactly the

abuse that a lot of us were worried about when we talked about the construction or forming --

MR. SEROTOFF:
I might have embellished.

LEG. BINDER:
That's what I'm concerned about.

MR. SEROTOFF:
I can't remember the exact words, but he said -- his words were to the effect of we're LIPA, we're NYPA, we're the state, we go to the head of the line. It was something like that, but he did lean back in his chair and look up.

LEG. BINDER:
Was there any discussion about a master plan, that he wants to talk about doing this in some kind of orderly fashion, building plants?

MR. SEROTOFF:
There was some discussion about it. We mentioned it. Townline mentioned it, and he thought it was a good idea.

LEG. BINDER:
He thinks it's a good idea. Well, I'm not going to move to pass him tonight, but I'm putting him in the hopper, where we -- two sense resolutions -- moving towards that end asking LIPA to actually give us a master plan before they can do any building of any plants.

MR. SEROTOFF:
Yes.

LEG. BINDER:
So we can understand the demand versus the supply and what their plans are in meeting that end of distribution. Thank you.

P.O. TONNA:
All right. Thank you very much. Bob Callaghan? Going once, going twice, sold. Claire Millman? Going, once going --

MS. MILLMAN:
I can't believe it. This is public portion, I was here since quarter

after nine this morning

P.O. TONNA:
Thank you very much. Go right ahead, Claire.

MS. MILLMAN:
I wanted to address the support of establishing Smoking Prevention and Cessation Program for adolescent females, and I wanted to address full Legislature, I've been to the Health Committee. Surgeon General, David {Satchure} states there is no better word than epidemic to describe the 600% increase since 1950 in women's death rates for lung cancer, a disease primarily caused by cigarette smoking. Clearly smoking related diseases among women is a full blown epidemic. Women and smoking; a 2001 report of the surgeon general stresses how the

tobacco industry has historically and currently devised marketing programs that specifically target women. This is one of the myriad examples of this fact. New York Magazine; Virginia Slims' two page spread, text reading, "never let the goody two shoes get you down, find your voice."

The fact that smoking is the leading cause of death and disease among women points up the success of the industry's strategy, which incorporates themes of social desirability and independence. Some staggering statistics; lung cancer is now the top female cancer killer, claiming 27, 000 more female lives each year than breast cancer. This year alone in this country, lung cancer will kill 68,000 women. A new study, brand new, finds women are more likely to survive breast cancer if they don't smoke. Breast cancer is more likely to spread to the lungs of women who smoke.

In 1999, approximately 165,000 women died prematurely from smoking related disease. What most women don't know is the high risk of tobacco related deaths from heart disease. A woman's annual risk doubles among continuing smokers compared with those who have never smoked in all age groups from 45 to 74. Most also don't know of the high risk of many other cancers, including most of the organs of the body as well as strokes, hemorrhages and aneurisms. Each year during the 1990s, US women lost an estimated 2.1 million years of life due to smoking attributable premature deaths. That's quite a number. Among the gender specific risks are menstrual irregularities, various adverse reproductive outcomes, such as infertility, low birth weight babies, still births, miscarriages, earlier menopause and also osteoporosis. The serious health consequences of secondhand smoke, our nations number three cause of preventable death are of concern globally as an important women's issue. Those concerns expressed --

P.O. TONNA:
Claire, you're going to have to wrap up.

MS. MILLMAN:
I will wrap up.

P.O. TONNA:
No. No. Claire, you're going to have to wrap up.

MS. MILLMAN:
I am wrapping up.

LEG. GULDI:
I'll ask her a question.

MS. MILLMAN:
-- those concerns expressed in the World Health Organization's press release of May 30th, along with cancer and heart disease, ETS can cause lower birth weight of babies if mother is exposed during pregnancy, slightly increased intrauterine growth retardation. And these facts are irrefutable.

P.O. TONNA:
Thank you, Claire.

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MS. MILLMAN:
And I just wanted to --

P.O. TONNA:
No. You finished the thought, I really --

MS. MILLMAN:
I've been here since a quarter after nine this morning.

P.O. TONNA:
Claire, all I can tell you is so has 20 other people who want to speak. And I would like to get them before our dinner break so that we can finish it up.

MS. MILLMAN:
I would have finished by now, if you would have let me.

P.O. TONNA:
Ma'am, I'm sorry. I'm trying to do the best I can. Karen Dargo.

MS. DARGO:

Good evening. My name is Karen Dargo, and I am a board member of the New York State Association of Health Care Providers, and I'm also the Long Island Chapter President of the New York State Association of Health Care Providers. I'm speaking today on the Living Wage Act, Number 1113. Home care touches every single one of us whether it be a family member, coworker, friend or neighbor.

Home care providers are dedicated to the care and welfare of their patients, and every single agency shares in this dedication. While the alternative to home care is institutionalization, whether it be in a nursing home or a hospital, this type of care costs about four times the cost of home care. And most patients and their families prefer to let them remain in their own homes with which they are familiar, where they can be most comfortable and maintain their sense of dignity. Please understand that we do not oppose the concept of a living wage. In order to recruit and retain our labor, agencies have been increasing wages and benefits primarily over the last five years. At the state level, our association has joined seven other organizations to form what's called the Wind Coalition. And through the Wind Coalition, we are working towards the state budget to include additional appropriation to be specifically targeted to the direct care workers who are so critical to meeting the needs of our patients. Unfortunately, home care has been left out thus far. I can personally tell you that I have been lobbying year after year in Albany and in Washington against proposed cuts to our industry and have has no success in securing additional funding. Who will pay the cost of the living wage -- this is an unfunded mandate -- private business or the government that imposes the mandate and controls the income that have business? Since the payments of home care providers who contract with the County is rigidly controlled by the state under the Medicaid program, the providers cannot absorb the cost of compliance with the law. With reimbursement coming 50% from the federal government and 40% from the state, will those levels of government agree to pay their proportionate share of the increase in provider budgets or will

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Suffolk County pick up the entire cost increase? And with reimbursement only occurring after providers have actually incurred the expense, meaning paying out the higher wages and benefit cost, there's always a two year lag. With the slim profit margins, providers do not have the money to bear this additional cost for two years in the hope that Medicaid will then pay them back, what was spent two years earlier. But let's just get back to the end users of care. If this legislation is enacted into law, you can guarantee a number of licensed home care agencies will either go out of business or terminate their contract with the Suffolk County Department of Social Services. And the clients receiving services through the program will suddenly have their services interrupted, putting an

overwhelming strain on family members and endangering the lives of our patients. This would cause complete chaos and detriment to the delivery of home care services in Suffolk County. While many of you have allowed us to meet with you to state our position, we must continue to deliver this message. I implore you, if hopefully given the opportunity, and the County Executive vetoes this bill, to reconsider and take a look at the potential devastating impact this would have on the home health care industry.

P.O. TONNA:
That's pretty good. You got that exactly in three minutes. Very well timed. Thank you.

Okay. Liam Mulligan. Milligan. How about Milligan? Okay. Leo D'Sa. Sir, you have three minutes.

MR. D'SA:
Okay. When you see this handout -- my name is Leo D'Sa. I'm from Holtz Rubenstein & Company. We are a C.P.A. Health Care Consulting Firm that we do the reimbursements for the home care agencies. Okay. My focus to come over here in front of you guys to explain how the reimbursement mechanism really works. I handed out a sheet of paper to explain. Basically what I did is I drew three scenarios, two which pertains to the Living Wage Act, and one what is currently being at cost. Okay. The first scenario of current costs, if an agency is paying an aide or a PCA 7.75 with the payroll tax and workers comp and plus the training factor coming into 2002 reimbursement for the agency, it ends up to be $9.74. But with your act, okay, it's going to be running them a cost at $10.25 direct pay, at $12.10 with agency or at $9.00 cost with providing them employee benefits, health insurance plan, which will cost them another $3.94, which if they were to say, well, we'll cover $1.25 if it, the rest is covered by you, by you, by the aide. The aide is not going to be able to afford it because it's going to cost him $2.19 -- $2.14 more. So this is another additional cost adding onto the agency, that would end up being $14.14. Okay. The focus basically is as simple is this; I put in bold basically what's going to cost the agencies. At the $10.25 rule of yours is going to cost the agencies $2.36 more than what they are going to get reimbursed for. That's 17%.

P.O. TONNA:
Right.

MR D'SA:
Okay. Where are they supposed to come up with 17% of cost when doing

business in home care is maybe gross profit margin 30% at max?

P.O. TONNA:
Is that 17% of overall budget. No. It's 17% of payroll costs.

MR. D'SA:
No. That's 17% going additional to direct care cost.

P.O. TONNA:
No. That's what i want to ask you about, the 17%. If you don't mind just to suffer one second of an interruption. When you say 17%, you mean it's a 17% increase in salary, which does not translate to a 17% overall cost increase, because your payroll might not be -- it's not 100% of your total budget. 17% of just your payroll cost.

MR. D'SA:
17% of increase -- payroll cost --

P.O. TONNA:
Increase of your payroll cost.

MR. D'SA:
-- of your payroll for direct care cost

P.O. TONNA:
Right.

MR. D'SA:
It's for the direct care portion. Okay. In reality what you guys are doing to the agencies is basically telling them that okay, we want these PCAs to receive, at the $10.25, a 32% raise? Or at $9, a 16% raise. I have not seen those numbers in any industry of a raise in one year's time. Okay.

P.O. TONNA:
Thank you, sir. Any questions?

LEG. CRECCA:
I have one. One quick question.

P.O. TONNA:
Sure. Go ahead. Andrew, ask the question.

LEG. CRECCA:
On the current home care 2000 chart you handed out to us, what's the reimbursement there. I mean, is it zero or are they making money there?

MR. D'SA:
No. This is the direct cost portion. This does not include the profit factor that they get.

LEG. CRECCA:
It doesn't include it. Okay. That answers my question.

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

MR. D'SA:
You're welcome.

P.O. TONNA:
Commissioner Charlie Bartha. Andrew Lopes. Andrew. Oh, the Commissioner's here. Sorry. Sorry, Andrew. We're going to get there.

COMMISSIONER BARTHA:
Okay. I just want to speak to you briefly in opposition to IR 1525, which is a resolution that had been tabled for sometime. There has recently been a corrected copy provided.

P.O. TONNA:
What does this resolution do, Charlie?

COMMISSIONER BARTHA:
Requires the Department of Public Works to submit time charts for construction project in excess of $100,000 to the Public Works Committee on a quarterly basis. Basically, on large projects we do have -- we have either Gantt charts, which are a simplified form of a bar chart. They would certainly satisfy this requirement. Om more complex projects we use CPM. What I'm saying is that if you trusted the Department of Public Works for doing the projects, we are glad to review any of these projects and the schedules that anyone is interested in. It's just adding a level of bureaucracy to be providing this information, submitting it on a quarterly basis on projects that are less than $100,000. A $100,000 project for us is a resurfacing program, not even a program, resurfacing a section of roadway.

P.O. TONNA:
Okay. Thanks, Charlie. Okay. You're going to be around, right? Charlie, can I say?

COMMISSIONER BARTHA:
By popular demand, yes.

P.O. TONNA:
You're a popular guy. Andrew. Please, Andrew Lopes.

LEG. CRECCA:
I thought I had to do something.

P.O. TONNA:
No, not you Andrew.

MS. LOPES:
Good evening, Legislators. I'd like to thank a couple of Legislators, in particular, Mr. Cooper, Mr. Binder, Ms. Fisher, with your foresight. I believe that your best representing the interest of Long

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Islanders with regard to your Carbon Dioxide Bill, your Sense 40 Resolution, as well as the master plan. Mr. Tonna, I don't know if you recall, but I spoke to you yesterday right before lunch.

P.O. TONNA:
You spoke to me before lunch?

MS. LOPES:
I smoke to you yesterday, which was Monday. About 11:45 I called your office and you picked up your phone.

P.O. TONNA:
No. I was -- at 11:45, you must have spoke to somebody, one of my aides or something.

MS. LOPES:
Okay. Actually, I know I spoke to Ron, and I spoke with a woman in the Hauppauge office, and I spoke to someone -- maybe I misunderstood him to say he was you.

P.O. TONNA:
It wasn't me, sir.

MS. LOPES:
Well, let me tell you what this person told me with regards to this PPL --

P.O. TONNA:
Who said they were me also. Now, believe it or not, I'm very interested to find out what they told you.

LEG. TOWLE:
Your staffers on top of things now, boy.

MS. LOPES:
The imposter told me was that with regards to the Sense Resolution 40 and the master plan --

P.O. TONNA:
I know it's not me then, because I don't know what Sense 40 and a master plan is. No, I'm teasing. Go ahead.

LEG. CRECCA:
He's got a little more time now.

MS. LOPES:
My concern is of the development of the Townline site for a power plant. What this person told me was -- in your office -- was that he saw the power plant as an enhancement. And that word just sent chills through my body because that gave me flashbacks of sophomore year in high school when I was reading Brave New World by Aldous Huxley and George Orwell of 1984. And I came up with all these neat euphemisms to describe things that really weren't so neat. And to describe a power plant as an enhancement to a property which is presently a sandlot, scares me to no end. And I think to myself, when you use the word enhancement, for me I would think of maybe some swing sets, a

park, maybe a playground, horse trails. But to say a power plant is an enhancement kind of made me think that the person in your office was closely aligned with the unions who are interested in building this power plant.

P.O. TONNA:
That could have been me, but I didn't say it.

MR. LOPES:
Very closely aligned, as well as PP&L, which is a mega billion dollar company.

P.O. TONNA:
That would have nothing to do with it.

MS. LOPES:
Right. It was quite unsettling, and I just thought to myself, I guess maybe this person in your office wasn't thinking along the lines of the best interest of Long Islanders because they didn't have the foresight to see the potential hazardous nature of a power plant as opposed to a playground, swing sets --

P.O. TONNA:
Sir, can I ask you a question? First of all, it wasn't me, and although -- and I make no bones about it. I would say, sure, I'm very very supportive of blue collar workers making a decent wage and getting benefits. So I'm supportive of union in general. The question I would have for is if a power plant anywhere, you know, is

not an enhancement or whatever -- let's not use the word enhancement, it wouldn't have been my word -- how do you expect to turn on your lights? How do you expect to -- everyone knows that there is a growing need for energy on Long Island. In my district, they're going to build the power plant -- I would use the word enhancement, I would use the word enhancement clearly, because on Spagnoli Road we need to have energy generation. We need to have conservation, we need energy generation. Is there any place at all that you think it would be proper to build a power plant?

MS. LOPES:
I think -- let me first explain what's in my backyard because a lot of people tend to label people that are opposing this plant as a NIMBY, not in my backyard. On Fathers Day, I took a ride over to the Northport Generating Facility, which is precisely 4.5 miles from the Townline site. That facility generates 1440 megawatts of electricity. Also, across the street from the proposed site is the Huntington Incinerator, which generates 25 megawatts of electricity. I think our backyard is full with power generating facilities. I don't know where these sites may be, but as far as this particular area of Long Island, I think we're already overburdened with power generating sites.

P.O. TONNA:
Right. I hear your argument. In other words, energy generation is important, but we already have our fair share in our area. That's, I think, what I hear you saying.

MS. LOPES:
Yeah. Beyond that, as far as to say that you're going to be enhancing my community --

P.O. TONNA:
I didn't say it. I will talk to somebody in my office.

MR. LOPES:
The imposter in your office said that.

P.O. TONNA:
I wonder if Ron Cohen is throwing his voice. If you know Ron Cohen, he might have two or three voices.

MR. LOPES:
I spoke to Ron. I also spoke to a woman in your Hauppauge office. So actually, I spoke to three people; the imposter, Ron and your

secretary.

P.O. TONNA:
We're a busy group. Now they're going to be asking for a raise, whoever this person is.

LEG. BISHOP:
Did any of them possess less knowledge than Paul?

MR. LOPES:
I wouldn't know.

P.O. TONNA:
Thank you, sir.

MS. LOPES:
Can I just make one point?

P.O. TONNA:
Fine.

MS. LOPES:
What I just want to say is PP&L is a mega billion dollar company. I believe one of their representatives came today to question the validity of the area being a sole source aquifer. I just have to say that PPL -- I wrote this down -- I believe they will stop at nothing, and their resources are vastly unlimited. And they will find whoever they need to find to say whatever they need to say to build that power plant on that site. And I just wish, in closing, that you align yourselves with the residents of the community who intend to raise their children for the many, many years, hopefully generations, as well as maybe seeing grandchildren develop into this area, as opposed to a mega billion dollar company in Pennsylvania, and as opposed to the union workers who's basic interest in that site is only short term. They're just interested -- basically PPL and the union workers are basically just in it for the money. I'm into it for raising my family in a healthy and safe environment. And I hope you give this consideration when you vote on Sense Resolution 40.

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

MR. LOPES:
Thank you.

APPLAUSE

P.O. TONNA:
Gerard Walsh. I'd really like -- by the way, I would like my staff to find out who's throwing my voice. All right.

LEG. FISHER:
It was Ralph.

P.O. TONNA:
Was it Ralph? Ralph, was that you?

MR. RIENZO:
No. It was Sabatino. It was Sabatino.

P.O. TONNA:
If there's somebody -- if there's -- I know it wasn't Ralph. He was with me yesterday. Gerard Walsh, please? No. Vincent Walsh? Okay. Rich Couch? Did I pronounce that right? Couch?

MR. COUCH:
Mr. Presiding Officer, members of the Legislature. My name is Rich Couch. I'm the regional advocacy director for the American Cancer Society's Long Island region. I'm here today on behalf of over three hundred volunteer advocates to testify in support of Resolution 1495, Legislator Postal's legislation to establish smoking prevention and cessation programs for adolescent females in Suffolk County.

It is my pleasure to be with the Health Committee last week and talk to them a little bit about this. I will share with all of you the information that I shared with them. Smoking is the most preventable cause of disease in our society. In a 1999 study, 37% of the female students surveyed admitted to using some type of tobacco product. Those results alone are troubling, but I hate to tell you, it gets a little worse. The same -- a very similar study done in 1997 indicated that 36% of those females studied admit to using tobacco products. We're going backwards in a race that we need to be winning by going forward. At the same time in those same two studies, in the '97 study, 48% of the young men surveyed admit to using tobacco products. That number went down in '99 to 44%. So we're making progress with young men, we're losing ground with young women.

For too long now, smoking has been seen as a glamorous activity for young ladies. The tobacco industry has marketed to women using sexy stylish packaging, a smaller cigarette, and not to mention the popular advertisement, that unfortunately, we all know too well, "you've go come a long way, baby." What the tobacco industry doesn't want young women to know that is nationally over 70,000 women will die this year of the cancers that tobacco use is most responsible for. Those

cancers include -- and I'm handing this out, so -- and in the honor of time, I won't go over all of them. Oral cavity and pharynx, 2,700 deaths this year because of smoking. Respiratory system, 68,600 deaths in women this year because of smoking.

Resolution 1495 targets smoking prevention and cessation programs towards women and there is validity in such a proposal. Expectant mothers who smoke give birth to lower birth weight babies. Women also have established a reputation as informal caregivers, health educators, and as a group that talks about health concerns. We know that most men make medical decisions based on the advice of the female in their life, whether that be your mother, your wife, your girlfriend, your sister, a female coworker, or in my case, my secretary. If I cough for more than two days, she tells me it's time to go to the doctor.

D.P.O. POSTAL:
Richard, I need to ask you to sum, please.

MR. COUCH:
Sure. I understand --

LEG. CRECCA:
I have a question for the speaker, too.

MR. COUCH:
I understand that the Suffolk County Health Department is already undertaking steps towards this goal. Resolution 1495 is a very worthwhile method for focusing attention on females who smoke. The American Cancer Society is pleased to support Legislator Postal's legislation. Thank you.

D.P.O. POSTAL:
Thank you. Richard, there are questions. Legislator Haley.

LEG. HALEY:
I have a question.

MR. COUCH:
Yes.

LEG. HALEY:
And, you know, I appreciate, but you have to -- you have to know the person here, and, George, don't say anything, when you talk about most of us are told what to do by a wife, or a girlfriend, or a mother, or something like. I think --

LEG. FISHER:
Or a daughter.

LEG. HALEY:
Or a daughter. I think I'm the exception to that. But putting that aside, for the same reasons that you support this particular resolution, would you support another resolution that duplicates that,

but does the same thing for males, young male teenagers.

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MR. COUCH:
Certainly. Certainly.

LEG. HALEY:
Thank you very much. That's in the hopper, by the way.

D.P.O. POSTAL:
Legislator Crecca.

LEG. CRECCA:
Yeah. My question was -- basically, I was asking the same exact question, and could we include young men in this, because I just think it's --

LEG. HALEY:
I have another resolution.

MR. COUCH:
I don't think --

LEG. CRECCA:
No, I think -- I really do, I think it's -- we're being -- I understand that you're trying to address a problem and a need here, but I'll save it for debate.

D.P.O. POSTAL:
Okay. I'll just --

LEG. CRECCA:
Well, I really --

D.P.O. POSTAL:
Yeah.

LEG. CRECCA:
I will ask this -- ask him this question. Do we have -- is there a differentiation between the problem between young women and young men?

MR. COUCH:
We know that the tobacco companies in the past have marketed towards young women. "You've Come A Long Way, Baby" was directed at women. Virginia Slims is an entire line of cigarettes marketed toward women. They're physically smaller than a Marlboro.

LEG. CRECCA:
Well, yeah, but a Marlboro, it was a cowboy on a horse. There was Joe Camel. I mean, I could make the same --

MR. COUCH:
Women smoke them, too.

LEG. CRECCA:
No, you're not telling me -- I'm talking about --

MR. COUCH:
Yeah.

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LEG. CRECCA:
-- you know, those are marketed towards young men. I could make the same argument, too. But, my -- I guess my question, is there anything statistically to show that young men don't need this same protection that the young women do?

MR. COUCH:
The surveys that I mentioned, young men are coming in the direction that we want them to come in. They've gone from 48% who smoked in '97 to 44% who smoked in '99. That number is coming down. We like that. Young women, on the other hand, are going from 36% in '97 to 37% in '99. That number is going up. It's the wrong direction.

LEG. CRECCA:
But we --

MR. COUCH:
Certainly, from the point of view of the American Cancer Society, any time you want to talk about smoking, smoking cessation and prevention to anyone ages zero to ninety-nine, regardless of gender, will be here and we'll be in support of it.

LEG. CRECCA:
Do we -- one more question, just because we won't have you --

MR. COUCH:
Sure.

LEG. CRECCA:
-- later when we vote on this.

MR. COUCH:
I can be here, if you want me to be.

LEG. ALDEN:
It could be one or two o'clock in the morning.

LEG. CRECCA:
Yeah, really. Don't --

MR. COUCH:
I can be here, if you want me to be.

LEG. CRECCA:
I wouldn't make that offer. But my question is this, is if -- does the American Cancer Society believe that we should have -- it would be more appropriate to have gender specific programs. Like, in other words, would you do smoking cessation or market smoking cessation to young women different than you would to young men?

MR. COUCH:
It depends on your market segment. I have been in contact with the Department of Health here in Suffolk County when we were looking at this legislation, and, basically, what I said to them, you know, "Can you do this?" And what they said is, "We're already doing this."

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Certainly, you need to know your audience. So, if it has to do with knowing your audience and targeting your message to a certain gender or a certain group, you need to do that. Bottom line, whatever it takes to get the point across so that they're not smoking. You know, this proposal zeroed out or identified a segment of the population that has some troubling numbers. If you need to tweak the message a little bit to reach out to that group and make them understand, you know, if the pamphlet, and this is a terrible generalization and I apologize, the pamphlet needs to be pink and not blue, then make the printer make it pink.

D.P.O. POSTAL:
Legislator Fisher.

LEG. FISHER:
Just a very brief question --

MR. COUCH:
Sure.

LEG. FISHER:
-- because of the dialogue that has taken place. As an educator, I work a great deal with young men and women, and there are -- I see great differences in their motivation to smoke. And has the American

Cancer Society seen a trend in young women, women who very often have -- are the same -- fit the same profile for women with eating disorders, with issues of keeping their weight down and smoking to keep their weight down? That kind of trend seems to be very prevalent in today's society.

MR. COUCH:
Yeah, you're correct, you know, and that's another marketing -- you've never seen a heavy female model in a cigarette commercial. That's another form of marketing that they've used, yet another indicator of why marketing cessation and prevention programs towards adolescent females isn't a bad idea to --

LEG. FISHER:
And why it's different --

MR. COUCH:
It's different, yeah.

LEG. FISHER:
-- from how we would target young adolescent males.

MR. COUCH:
Exactly. But, certainly, if Legislator Haley wants to amend this to include --

LEG. HALEY:
I've got another whole resolution coming.

MR. COUCH:
I'll be here in support of it.

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LEG. HALEY:
The men's caucus.

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

MR. COUCH:
Okay. Thank you.

LEG. BISHOP:
Your microphone is not on.

D.P.O. POSTAL:
Next speaker, Jerry Guercia, not Garcia. Guercia? John Catrona? Ruth

Cunningham. Eileen Kaczynski. Dawn Daley.

MS. DALEY:
Right here.

D.P.O. POSTAL:
Ruth --

LEG. ALDEN:
Hold it. Hold it.

MS. DALEY:
I'm still here.

D.P.O. POSTAL:
Sorry. This is Dawn Daley?

LEG. BISHOP:
You guys have a color that's --

MS. DALEY:
Thank you.

LEG. BISHOP:
That's the color for advocacy.

MS. DALEY:
What --

LEG. BISHOP:
Many of you are wearing the same color scheme.

MS. DALEY:
Oh, no, it's summer.

LEG. BISHOP:
Many times and advocacy group comes --

MS. DALEY:
Oh, no. No.

D.P.O. POSTAL:
Hold your questions until after her statement.

MS. DALEY:

I almost forgot why I'm here.

D.P.O. POSTAL:
Miss Daley, go ahead.

MS. DALEY:
Can you hear me?

D.P.O. POSTAL:
Yes.

MS. DALEY:
My name is dawn Daley and I'm a resident of Suffolk County, and I'm here to speak in support of Legislator Binder's and Cooper's Sense Resolution 40. First, I'd like to thank you for the opportunity to speak directly to you on matters that concern all of Suffolk residents, and, in fact, all of Long Islanders. And just as an aside, a gentleman, Mr. Kennedy, who was a former speaker, a union -- head of the union, he needs to understand that we are not against the construction of power plants on Long Island, but we are against the siting of power plants in environmentally sensitive areas, such as the area in question that we've been discussing today. I'm not an environmental engineer, I heard a gentleman speaking for PPL, but I do live within walking distance of the proposed site of this PPL, also known as KPE Power Plant. And I can tell you that it absolutely turned my stomach this morning. I learned something I didn't know, that there is in existence a 66 year old plume underground in that area, and that it just so happens to be heading towards Long Island Sound. So, good, I guess I'm safe, my family is safe, but what about the residents of Fort Salonga who live directly north of the proposed site, and, apparently, in the path of this plume?

As our local Legislators, you're being asked to send a clear message supporting our local environmental codes and concerns to the New York State Siting Board for electric generating power facilities by supporting Legislator Binder's and Cooper's initiative. Your message would be very clear, that Article 7 of the Suffolk County Sanitary Code, which was enacted in great measure to protect the integrity of the sole source aquifer, is of the utmost priority for all Long Islanders, as it is in place to ensure the integrity of the drinking water as a vital need of every man, woman and child to sustain life.

The current need for additional electrical generating power facilities on Long Island should not supercede the responsibility that we all have, especially our elected officials, to protect the aquifer, which sustains life for every Long Islander. I'm nervous. We must take every measure to ensure its integrity now and for future generations to come. And I ask, if this site isn't over an area of deep recharge, as prior speakers had indicated from PP&L, then why are they requesting a waiver? You would throw out logic and good sense if you don't stand behind and support Article 7 now and always without exception.

Once environmental damage is done, it cannot be taken back. This could happen. You can send the message to New York State, the New York State Siting Board for power generating facilities and to others that Suffolk County will not compromise the integrity of the water supply of its people.

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

MS. DALEY:
Well, I had one other point on a -- I'll go quick. Today we're also asking the Legislative Body to not only support and uphold Article 7 of the Suffolk County Sanitary Code, but we're asking that both Nassau and Suffolk Counties join together and set minimum basic standards that all merchant companies, including LIPA, must honor and follow if they intend on siting power generating facilities here on Long Island.

D.P.O. POSTAL:
Thank you. I'm going to have to ask you to --

MS. DALEY:
Okay.

D.P.O. POSTAL:
-- please --

MS. DALEY:
Just one point, just one point, just one point. I'm here today to urge that every company looking to stake a claim here on Long Island for whatever purpose, but particularly for today's discussion of electrical power generating companies, that they be mandated to honor Article 7 of the Suffolk County Sanitary Code, so they cannot look to the New York State Siting Board to override this crucial piece of legislation, which was enacted to protect the drinking water supply of all Long Islanders. Thank you.

D.P.O. POSTAL:
Thank you.

(Applause)

Next speaker, Ruth Lott McKay. Mattie Proctor. James Stephens. James Stephens? Is there anyone else who would like to address the Legislature? Hearing no one --

LEG. GULDI:
Start the agenda.

D.P.O. POSTAL:

Motion to into executive session for the purpose of --

P.O. TONNA:
No, no, no, no.

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D.P.O. POSTAL:
-- discussing -- no?

P.O. TONNA:
No.

LEG. CARACAPPA:
Mr. Chairman, if I could, on the record.

P.O. TONNA:
Yes.

LEG. CARACAPPA:
I know you want to take a dinner break, but, you know, I, as one member of this Legislature, would -- I completely disagree with that. We can get the rest of our work done in a very short period of time. Just let me finish. I would ask that my colleagues at least buckle down, and we can be done with our work in a very short period of time. We all know what we're doing for the most part, and let's just finish up and then we can go and do whatever we want, maybe even have dinner with our families, for crying out loud. So I would ask for at least a poll or the option of a poll --

P.O. TONNA:
Before I -- before --

LEG. CARACAPPA:
-- of a poll of members so we can do this.

P.O. TONNA:
Okay. I'll tell you what, out of deference to you, we'll ask for a poll and then we'll call a dinner break anyway, probably. But, no, no. Let me just see. How many people want to continue and -- I'm not going to phrase, he already phrased it. How many people want to stick this straight through? Okay. We've got three, one, two, three. Hold it, I'll look on this side, four, five, six, seven. Okay. You lose.

The other thing -- wait, last thing. Sorry, Joe.

LEG. GULDI:

You didn't count them.

P.O. TONNA:
Sorry, you don't vote. Before we do that, I would like to make, because it has to age for an hour, I'd like to make a discharge motion on Resolution Number -- see, when Linda Burkhardt goes -- oh, 15 -- 1574, which is authorizing the lease -- 1579, authorizing the lease of premises located at Veterans Memorial Highway and Alexander Boulevard.

LEG. CARPENTER:
Second.

LEG. CRECCA:
Second.

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P.O. TONNA:
Seconded by Legislator Carpenter. This is just to discharge and to age for an hour. All in favor? Opposed?

LEG. CARACAPPA:
Opposed.

LEG. GULDI:
Opposed.

P.O. TONNA:
Okay. Legislator Guldi is opposed. Anybody else?

LEG. CARACAPPA:
Me.

P.O. TONNA:
And Legislator Caracappa. Okay. Thank you. And -- yes.

LEG. FISHER:
I'd like to make a motion to discharge.

P.O. TONNA:
And age for an hour?

LEG. FISHER:
And age for an hour, Resolution No. 2286, adopting a local law to limit carbon dioxide emissions.

LEG. COOPER:

Second.

LEG. CRECCA:
Second.

P.O. TONNA:
Okay.

LEG. CRECCA:
Second.

P.O. TONNA:
Second --

LEG. CRECCA:
Legislator Tonna.

P.O. TONNA:
Okay. Legislator Fisher, seconded by Legislator Crecca. All in favor? Opposed?

LEG. CARACAPPA:
Opposed.

P.O. TONNA:
Opposed, Legislator --

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LEG. CRECCA:
Roll call.

LEG. CARACAPPA:
Me.

P.O. TONNA:
Legislator "Me". Legislator Caracappa. Okay. We don't need a roll call. Okay. Anything? Everybody but Legislator Caracappa, I think. Okay.

LEG. CARACAPPA:
Mr. Chairman.

P.O. TONNA:
Yes, go ahead.

LEG. CARACAPPA:
One further point.

P.O. TONNA:
Yes.

LEG. CARACAPPA:
Or idea.

P.O. TONNA:
Sure.

LEG. CARACAPPA:
For those who want to take a dinner break, obviously, I have been outnumbered, maybe those who want to stick around concerning the Coram Health Center, maybe we can do that, while those who aren't interested go --

P.O. TONNA:
That's a great idea.

LEG. CARACAPPA:
Go to the --

P.O. TONNA:
Okay.

LEG. CARACAPPA:
Go to dinner and we can stick around, at least have our --

P.O. TONNA:
Fine.

LEG. CARACAPPA:
-- executive session on the Health Center.

P.O. TONNA:
Yes. Dinner break is going to be from 6:30 to 8.

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LEG. HALEY:
Mr. Chairman, I don't agree.

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

LEG. BISHOP:
No. With reference to executive session, we're really concerned about a policy perspective and we really need to make sure we have almost

all of the Legislators here, because we have some directions we're very much concerned with.

P.O. TONNA:
Okay.

LEG. BISHOP:
And I think we should all be together, and I think -- I think the Chairman of Health would probably agree with that.

P.O. TONNA:
Okay.

LEG. CARACAPPA:
She'll stick around.

LEG. FIELDS:
I would agree, and I don't think it's going to take that long, Joe.

P.O. TONNA:
Fine. Well --

LEG. HALEY:
No, it's only five minutes.

P.O. TONNA:
Yeah. Well, I'll tell you what, we'll go --

LEG. CRECCA:
We'll go into executive session.

P.O. TONNA:
Yeah. No, it's not possible, because if you go into executive session, then as soon as we go out of it, I have to call the dinner break then and I'll already be gone. So --

LEG. HALEY:
Do it when we come back.

P.O. TONNA:
Promptly at eight?

LEG. GULDI:
Regarding the proposed executive session --

P.O. TONNA:
Yes.

LEG. GULDI:
-- on the Coram Health center, I just want to point out --

P.O. TONNA:
Oh, you know what, fine, we'll do the executive session; okay?

LEG. GULDI:
On the executive session.

P.O. TONNA:
Yes.

LEG. GULDI:
I want to point out that at the last executive session, I asked if there were any developments or information, that they be presented at the Ways and Means Committee, and I invited the landlord's representatives to come to the Ways and Means Committee. Lo and behold, there was no presentation to the Ways and Means Committee, no one came to the Ways and Means Committee, and here we are in general session again for our third consecutive meeting where we're asking for an executive session to discuss in full body matters that belong in and have been referred to committee.

P.O. TONNA:
Right. And --

LEG. GULDI:
And they're not being discussed in committee. Instead, the committee process is being circumvented, and I'm objecting.

P.O. TONNA:
That's a very good point, but -- okay. I'm going to move then for an executive session for --

LEG. ALDEN:
Eight o'clock.

P.O. TONNA:
Not, not until eight o'clock.

LEG. ALDEN:
At eight o'clock.

P.O. TONNA:
No. Do you want to do it now? Are you sure?

LEG. ALDEN:
It went on for an hour last time. Are you kidding me?

MR. SABATINO:
If I could just interject.

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P.O. TONNA:
Yes, please, Legal Counsel.

MR. SABATINO:
The importance of having a quick executive session is we just have to clarify the four sets of instructions that were given at the last session. This time around, we're going to ask for the stenographer to come in at the appropriate moment when we refine that, so being on a piece of paper for the law department to see. So I really thing we're talking fifteen minutes. But I think -- I also think it's important that we do it, so that there is some clarification of the four points that were directed --

LEG. GULDI:
I'm going to object. I think it's absurd. We've done that three times. We're going to have to do it in writing to our own attorneys? Enough is enough.

P.O. TONNA:
Okay. This is what -- I'm going to make a motion to move into executive session for the purposes of clarifying our outstanding --

LEG. GULDI:
Roll call.

P.O. TONNA:
The legal strategy with regard to the Coram Health --

LEG. GULDI:
Roll call.

LEG. HALEY:
Second.

P.O. TONNA:
And approving the presence of the Law Department, Executive representatives, Budget Review and --

LEG. GULDI:
Anybody else who wants to attend.

P.O. TONNA:
One stenographer who can sit here and wait?

MR. SABATINO:
No. She's only going to come in when we're ready to --

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

LEG. GULDI:
Opposed. I want a roll call. I mean, this is ridiculous.

P.O. TONNA:
Okay. Roll call.

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MR. BARTON:
Who was the second, Mr. Chairman.

P.O. TONNA:
I agree with you, though, George.

LEG. HALEY:
I was.

(Roll Called by Mr. Barton)

LEG. TONNA:
Yes.

LEG. HALEY:
Yes.

LEG. CARACCIOLO:
Pass.

LEG. GULDI:
No.

LEG. TOWLE:
(Not Present)

LEG. CARACAPPA:
Yes.

LEG. FISHER:
Yes.

LEG. FOLEY:
Yes.

LEG. LINDSAY:

Yes.

LEG. FIELDS:
Yes.

LEG. ALDEN:
This is scary, Guldi and I. No.

LEG. CARPENTER:
Yes.

LEG. GULDI:
It's scary for you? Think how it is to me.

LEG. CRECCA:
Yes.

LEG. D'ANDRE:
Pass.

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LEG. BISHOP:
No.

LEG. BINDER:
Yes.

LEG. COOPER:
Yes.

LEG. POSTAL:
Yes.

LEG. CARACCIOLO:
Yes.

LEG. GULDI:
Mike. Yes or no, Mike?

D.P.O. POSTAL:
Say yes, Mike, say yes.

LEG. CARACAPPA:
Say yes, Mike.

LEG. D'ANDRE:
No.

LEG. GULDI:
Thanks, Mike.

LEG. CRECCA:
Mike says no.

MR. BARTON:
Thirteen.

MR. HALEY:
Clear the room.

LEG. D'ANDRE:
Mr. Chairman, before -- I mean, Mr. -- before you call the vote, yes.

MR. BARTON:
14.

[THE MEETING WAS RECESSED AT 6:30 P.M. AND RESUMED AT 8:45 P.M.]

D.P.O. POSTAL:
Will all Legislators please report to the horseshoe for a roll call.
Mr. Clerk, will you call the roll.

(Roll Called by Mr. Barton)

LEG. CARACCIOLO:
Here.

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LEG. GULDI:
Here.

LEG. TOWLE:
Here.

LEG. CARACAPPA:
Here.

LEG. FISHER:
Here.

LEG. HALEY:
(Not Present)

LEG. FOLEY:

Present.

LEG. LINDSAY:
Here, here, here.

LEG. FIELDS:
Here.

LEG. ALDEN:
(Not Present)

LEG. CARACAPPA:
Here.

LEG. CRECCA:
Here.

LEG. D'ANDRE:
Here.

LEG. BISHOP:
(Not Present)

LEG. BINDER:
Here.

LEG. COOPER:
Here.

D.P.O. POSTAL:
Here.

P.O. TONNA:
(Not Present)

MR. BARTON:
There are 14 present.

D.P.O. POSTAL:
Okay. Let's go to the Consent Calendar.

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LEG. CRECCA:
Second.

LEG. CARACAPPA:
Motion to approve the Consent Calendar.

LEG. GULDI:
Second.

D.P.O. POSTAL:
Okay. Did I have a motion to --

LEG. TOWLE:
Motion.

D.P.O. POSTAL:
Motion by Legislator Towle to approve the Consent Calendar.

LEG. CRECCA:
Second.

D.P.O. POSTAL:
Seconded by Legislator Crecca. All in favor? Consent Calendar is approved.

MR. BARTON:
18.

LEG. CRECCA:
Madam Presiding Officer. Madam Presiding Officer.

D.P.O. POSTAL:
Yes.

LEG. CRECCA:
I'm over here.

D.P.O. POSTAL:
Legislator Crecca.

LEG. CRECCA:
Yes. A motion to take 1423. It was an add-on to the agenda. It does not appear on the --

LEG. CARPENTER:
Second.

LEG. CRECCA:
On the agenda. It is -- it was done in Budget at 12:30 today when they met. I'll do a brief explanation.

LEG. GULDI:
Was it discharged.

D.P.O. POSTAL:
Yes, please.

LEG. CRECCA:
No, it's already -- it was approved out of committee.

D.P.O. POSTAL:
It's 1243?

LEG. CRECCA:
It's 1423.

D.P.O. POSTAL:
14.

LEG. CRECCA:
It appears on a handout that was given out, because it was only approved this afternoon. The Budget Committee met this afternoon. It --

LEG. FIELDS:
Can you read the title?

LEG. GULDI:
Read the caption.

LEG. CRECCA:
Sure. You don't have the bill, it's just on the agenda.

LEG. GULDI:
Can we have a copy of the bill circulated? Because I don't have it in my book, because it wasn't --

LEG. FOLEY:
If it's not circulated, we can't vote on it.

LEG. GULDI:
Because it wasn't in the agenda.

D.P.O. POSTAL:
All right. We have a motion to approve 1423, which was approved at this afternoon's meeting.

LEG. CRECCA:
If I can just explain it briefly, and then if you need to see a copy -- it's a very simple bill. What -- it's appropriating Legislative initiative monies in the amount of --

LEG. GULDI:
Fine. No questions.

LEG. CRECCA:

In an amount from -- in the amount of $235,000. These are monies that were not appropriated last year, which were carried over. It has no fiscal impact. It's $100,000 to the Smithtown Historical Society, $100,000 to the Smithtown Arts Council, and 30,000 to Hauppauge Youth

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Organization, and $5,000 to the Smithtown YMCA.

LEG. FOLEY:
No doubt, it makes sense, but --

LEG. BISHOP:
Mr. Chairman, if I may explain.

LEG. FOLEY:
But before --

D.P.O. POSTAL:
On the question, Legislator Bishop.

LEG. BISHOP:
Thank you.

LEG. FOLEY:
We need a copy of the resolution, we have to before we vote.

LEG. BISHOP:
On the resolution. What Legislator Crecca is describing is actually from the 19 --

LEG. CRECCA:
Ninety --

LEG. BISHOP:
No. 2000 omnibus budget. Former Legislator Holst had in these line items. Unfortunately, the Executive Branch did not properly act upon them last year. So what happened towards the end of last year is he preserved the money into the Capital Fund and is now seeking to spend it within the same Legislative district this year. So this has no fiscal impact on County taxpayers, and it simply is trying to finish the work that Legislator Holst began.

LEG. CRECCA:
That's an accurate --

D.P.O. POSTAL:
Legislator Haley

LEG. HALEY:
What's the total, 235? What is that divided by 18?

LEG. CRECCA:
You know, I'm not good at math, Marty.

LEG. D'ANDRE:
Suddenly, suddenly.

LEG. CRECCA:
Suddenly.

D.P.O. POSTAL:
Legislator --

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LEG. HALEY:
That's found money, split it.

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

LEG. FISHER:
No.

D.P.O. POSTAL:
Okay.

LEG. FOLEY:
Madam Chair, I do.

D.P.O. POSTAL:
Legislator Foley.

LEG. FOLEY:
Yeah. Prior to voting on the resolution, even though it's been reported out of committee, unless Ann Marie is distributing it right now -- all right. All right.

MR. BARTON:
We're giving out the three titles that were approved at the committee this afternoon. We're making the copies of the three resolutions right now.

LEG. FOLEY:
All right. Well, Madam Chair, I would hope that -- I think we really should withhold the voting on these resolutions until all the members

have a chance to review the three of them, even if it's a quick review. It's just our common practice to not vote on a bill that's being reported out of committee unless we have a copy of it.

D.P.O. POSTAL:
Well, can we -- can we ask the Clerk to distribute copies of this? It should take a very short time to do that.

LEG. FOLEY:
Let's go through the --

P.O. TONNA:
Can I ask, why are we call it out of order?

D.P.O. POSTAL:
We weren't. There was a special meeting of the Budget Committee --

P.O. TONNA:
Yes, I know.

D.P.O. POSTAL:
-- this afternoon, so, you know, this has just been distributed.

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P.O. TONNA:
I would ask, distribute -- okay. Let's distribute the bill, so the people can vote on something that they have.

LEG. CRECCA:
I thought I had it.

LEG. FOLEY:
Let's vote on it later.

P.O. TONNA:
Okay? Then we'll do it.

LEG. FISHER:
Motion to approve 2286.

P.O. TONNA:
Wait. Can the -- just wait. Are you taking it out of order?

LEG. FISHER:
Because it's not in the agenda, that was discharged.

P.O. TONNA:
Okay. Can we -- can I make a suggestion? Just --

LEG. FISHER:
Okay.

P.O. TONNA:
I think what's happening is, is that --

LEG. CARPENTER:
Chaos.

P.O. TONNA:
-- all of us have individual things.

LEG. FISHER:
Okay.

P.O. TONNA:
I have one, you know.

LEG. FISHER:
Okay.

P.O. TONNA:
Let's get rolling for awhile. Okay? Let's get some bills under our belts.

LEG. CARACAPPA:
Procedural motion.

P.O. TONNA:
I know, we all have people that we want to get home.

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LEG. CARACAPPA:
I just have a procedural motion.

P.O. TONNA:
All I can say is let's -- excuse me?

LEG. CARACAPPA:
Procedural motion when you have the chance.

P.O. TONNA:
Okay. What I would ask is I think that the work in front of us is not that much. As Joe Caracappa would say, we think we can finish this up

pretty quickly.

LEG. CARACAPPA:
Thank you.

P.O. TONNA:
So let's get some stuff under our belts, let get some things done, and then, if we need to, if we're started to move into the wee hours of the evening, then we can start looking at the issue of discharging.

LEG. CARPENTER:
Mr. Chairman, there's already --

P.O. TONNA:
Yes. Hold it.

LEG. CARACAPPA:
Mr. Chairman, procedural motion.

P.O. TONNA:
Just are --

LEG. CARPENTER:
Excuse me.

P.O. TONNA:
Oh, yeah, okay.

LEG. CARPENTER:
There is a motion. There was a motion and a second on this bill, though.

P.O. TONNA:
On which bill?

LEG. CARPENTER:
On 1431, on Legislator Crecca's bill.

LEG. LINDSAY:
No, 1423.

LEG. POSTAL:
23.

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LEG. CARPENTER:
Right, 1423.

P.O. TONNA:
Okay. I would ask that -- just, Andrew, could you just hold?

LEG. FOLEY:
Can we pass over it?

P.O. TONNA:
Can you pass over it right now, so that we can get -- some people can look at the bill?

LEG. BINDER:
Mr. Chairman.

LEG. CRECCA:
Can we do that legally?

LEG. FIELDS:
Withdraw.

P.O. TONNA:
Yeah, yeah. You just say --

LEG. CARPENTER:
All right. Withdraw. We'll withdraw.

P.O. TONNA:
You just withdraw it right now.

LEG. HALEY:
Yeah, motion to table.

LEG. CARPENTER:
We'll postpone it.

LEG. CARACAPPA:
I have a procedural motion.

LEG. BINDER:
Mr. Chairman.

P.O. TONNA:
Okay. I recognize the withdrawal. Go ahead. Joe, you want a procedural motion?

LEG. CARACAPPA:
Yes. Mr. Chairman, when we had discharged some bills prior to us going into executive session and taking a dinner break -- I need Paul to here this. Does a bill have to age while we are conducting our business.

P.O. TONNA:
No.

LEG. CARACAPPA:
Or can it age while we are at the dinner break?

P.O. TONNA:
Dinner break is fine

LEG. CARACAPPA:
That's -- I just want to make sure for --

P.O. TONNA:
It's the ruling of the Chair.

LEG. CARACAPPA:
For the benefit of Legislator Fisher.

MR. SABATINO:
No, the -- it's a good question. The key is that it be in front of the Legislature for at least one hour. So when it was discharged at 6:25, any time 7:25 or later, it would be eligible for a vote.

LEG. CARACAPPA:
Very good.

P.O. TONNA:
Okay. Just one other thing that Legislators should be aware of, is that our Capital Budget, if we don't deal with the overrides and it hits 12 o'clock, right?

MR. SABATINO:
Well, if we don't recess.

P.O. TONNA:
Yeah if we don't recess, we lose any opportunity. So this -- we have to do it today.

LEG. BINDER:
Mr. Chairman.

P.O. TONNA:
Okay.

LEG. FOLEY:
You want to do the Capital Program first before we do the agenda?

P.O. TONNA:
No. Let's get some of the agenda done.

LEG. BINDER:

Mr. Chairman.

P.O. TONNA:
Yes.

LEG. BINDER:
I would like to -- I know we don't want to take things out of order, but I'd like, because there is a group here --

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P.O. TONNA:
Let's get --

LEG. BINDER:
-- that's been here since this morning.

P.O. TONNA:
We have a few groups. All I would ask is --

LEG. BINDER:
Maybe we can get those groups to move along.

P.O. TONNA:
Yeah, but this is -- this is my thing.

LEG. BINDER:
Okay.

P.O. TONNA:
I would just like to get some bills behind us. Let's move through the agenda. I think we're going to move through this agenda quickly, and then we have three or four discharge petitions. If we start -- if we start to be bogged down, then let's look at it. Just give me some time.

LEG. BINDER:
Okay.

P.O. TONNA:
Let's get this agenda going. All right?

LEG. BINDER:
Okay.

P.O. TONNA:
Okay. We did the Consent Calendar; am I correct?

LEG. POSTAL:
Right.

P.O. TONNA:
Thank you, Deputy Presiding Officer.

LEG. POSTAL:
You're welcome.

P.O. TONNA:
Okay. We're in Legislative and Personnel. 1505. Motion by -- excuse me?

MR. BARTON:
Page 8.

P.O. TONNA:
Oh, Page 8, apologize. Boy, where is Linda Burkhardt when you need

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her? Okay.

MS. MARTIN:
What did you say?

P.O. TONNA:
Nothing, Ellen.

RESOLUTIONS TABLED TO JUNE 26, 2001
2000

P.O. TONNA:
1525 (Requiring the Department of Public Works to prepare and disseminate time -line charts for capital construction projects). Motion by Legislator Foley.

LEG. FOLEY:
Mr. Chairman.

P.O. TONNA:
You want to table?

LEG. FOLEY:
I'm going to table for one more meeting.

P.O. TONNA:
Second by myself. All in favor? Opposed? Tabled.

LEG. FOLEY:
And by August --

MR. BARTON:
18.

LEG. FOLEY:
-- we'll have this squared away.

P.O. TONNA:
Okay. 2217 (Adopting Local Law No. -2000, A Local Law to license process servers in Suffolk County).

LEG. POSTAL:
Motion to table.

P.O. TONNA:
Second by myself. All in favor? Opposed? Tabled.

MR. BARTON:
18.

2001

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

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LEG. HALEY:
Motion to approve.

LEG. CRECCA:
Second.

LEG. BISHOP:
Motion to table, Mr. Chairman.

P.O. TONNA:
Okay. Second by Legislator -- motion to table. I'm going to second the motion to table. Okay. We want to have a -- All in favor? Opposed?

LEG. CRECCA:
No, roll call.

P.O. TONNA:

Okay, roll call.

LEG. LINDSAY:
On the tabling motion?

P.O. TONNA:
On the tabling motion.

MR. BARTON:
On the motion to table.

(Roll Called by Mr. Barton)

LEG. BISHOP:
Yes to table.

P.O. TONNA:
To table, yes.

LEG. COOPER:
Yes to table.

LEG. BINDER:
Yes.

LEG. D'ANDRE:
No.

LEG. CRECCA:
No to table.

LEG. CARPENTER:
Yes.

LEG. ALDEN:
Yes to table.

LEG. FIELDS:
Yes.

LEG. LINDSAY:
Yes.

LEG. FOLEY:
Yes.

LEG. HALEY:
No.

LEG. FISHER:
No.

LEG. CARACAPPA:
No.

LEG. TOWLE:
Nope.

LEG. GULDI:
Yes.

LEG. CARACCIOLO:
Yes.

LEG. POSTAL:
Yes.

MR. BARTON:
12, it's tabled.

P.O. TONNA:
Okay, great. Motion is tabled?

MR. BARTON:
18.

P.O. TONNA:
How many do we have for tabling motion?

LEG. CARPENTER:
Lots.

P.O. TONNA:
12.

MR. BARTON:
12.

P.O. TONNA:
Okay, great. 1249 (Allocating funding for pay-as-you-go financing for roofing of various County buildings). Motion? Legislator Foley, what are you going to do here?

LEG. FOLEY:
Mr. Chairman, I'll make a motion --

P.O. TONNA:
To table.

LEG. FOLEY:
To table.

P.O. TONNA:
Great. Second by myself.

LEG. FOLEY:
Just on --

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

LEG. FOLEY:
On the motion. On the motion. I want to state it for the record.

LEG. CARPENTER:
Is it necessary? We don't care.

LEG. FOLEY:
No. I want to state it for the record that --

P.O. TONNA:
Okay.

LEG. FOLEY:
-- that I had amended this resolution early in the day, and I've asked the County Executive's Office, and I want this stated for the record, to give a CN. Where we're going to utilize these monies, Mr. Chairman, instead of utilizing them for roofing, we're going to use them instead for traffic signal improvements on various County roads for the amount of $700,000. The Capital Program in the past has used operating dollars for traffic signal improvements. And we had tabled in the Public Works Committee the County Executive's resolution that would have used capital dollars, which was a violation of the 5-25-5. So I have asked the County Executive earlier today, his representatives, to give us a CN, so we could vote on this today, 1249, in order to move ahead with some of these traffic signal improvements.

P.O. TONNA:
Great.

LEG. FOLEY:
As we speak, unfortunately, the CN has not come over.

P.O. TONNA:
Okay.

LEG. FOLEY:
So I'm going to have to regretfully table this resolution with the

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hope that perhaps in the next three hours we have a CN. If not --

P.O. TONNA:
Then we're going to have to wait.

LEG. FOLEY:
-- then we'll have to take this up at the August meeting. But let the record reflect that we did try to move this tonight, as opposed to having to wait six weeks in order to allocate dollars for this very important traffic safety --

P.O. TONNA:
Issue.

LEG. FOLEY:
-- project.

P.O. TONNA:
Go ahead.

MR. BARTON:
18.

P.O. TONNA:
Thank you.

LEG. POSTAL:
Mr. Chairman.

P.O. TONNA:
1340.

LEG. POSTAL:
Mr. Chairman, I'm sorry, but I have to make a motion -- I'm sorry to interrupt you -- to waive the rules and discharge Home Rule 4. I didn't realize that it was different from a sense. I didn't know it had to age an hour.

P.O. TONNA:
Okay.

LEG. POSTAL:
That's in the -- I'd be happy to explain.

P.O. TONNA:
What is Home Rule 4?

LEG. POSTAL:
It's in today's packet.

P.O. TONNA:
It's not rent control, is it?

LEG. POSTAL:
No, it's definitely not.

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P.O. TONNA:
I mean rent stabilization.

MR. SABATINO:
Oh, I thought it was in committee you said.

LEG. POSTAL:
No, no. It's in today's packet.

MR. SABATINO:
Oh, no, then you don't have to wait the hour. I'm sorry.

LEG. POSTAL:
Then I don't have to wait an hour?

MR. SABATINO:
I'm sorry.

LEG. POSTAL:
Okay, I'll do it at the end.

P.O. TONNA:
Thank you so much, Legislator Postal. I just want to ask you, but just because I know there's a habit of like --

LEG. POSTAL:
It's not, it's not.

P.O. TONNA:
-- these sneaking kind of bills.

D.P.O. POSTAL:
No, it's not sneaking.

P.O. TONNA:
No? Okay.

LEG. CARPENTER:
What is it?

P.O. TONNA:
Anyway, this isn't stopping the Legislature as we know it? Okay.
Let's go back. 1410. Legislator Bishop?

LEG. BISHOP:
We're not up to it.

P.O. TONNA:
Oh, 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?

LEG. TOWLE:
Yeah. I'd like to make a motion to table subject to call.

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P.O. TONNA:
Second. Okay. Second by myself. All in favor? Opposed? Tabled
subject to call.

MR. BARTON:
18.

P.O. TONNA:
1410 (Establishing County website page for food service establishment
violations). Legislator Bishop?

LEG. BISHOP:
Motion to approve.

P.O. TONNA:
Second by myself.

LEG. BINDER:
Motion to table.

LEG. TOWLE:
Second.

P.O. TONNA:

Motion to table, Legislator Binder, seconded by --

LEG. TOWLE:
Second.

P.O. TONNA:
-- Legislator Towle.

LEG. BINDER:
Just on --

P.O. TONNA:
On the motion.

LEG. BINDER:
On the motion, quickly.

P.O. TONNA:
Yes.

LEG. BINDER:
I'm trying to -- I don't know if Legislator Bishop would be interested in working on this in this particular regard, but what I'm trying to do is work with the Health Department in trying to come up with a standard that would not be as specific as saying there's a two degree differential in the meat, or that someone wasn't wearing gloves at that one time. It wouldn't be as specific. What it would do is let the professionals create in a sense a rating system that would say, "These are the strata of really bad people. We might not have closed them, but you have to be concerned." And so I want to see what they can produce that they can say -- kind of on a health watch, or something, that we can -- we could put people in that category. Also,

the Health Department's concerned with those restaurants who are -- have not taken care of consent orders, so they just violate the consent orders, so also to list those.

The combination would allow people to understand, going to a website, that there might be an unhealthful situation. They would get the information, but not information that they wouldn't be able to assimilate and understand the severity of by the specificity of the nature of a violation, so we'd let the professionals kind of categorize. I'm hoping we can move in that manner. The Restaurant Association is interested in that, because I think they would like to also highlight those who were the worst players among them, because they don't have a problem with that. So they'd like to move in that direction, and so I'm hoping we can table this tonight.

LEG. BISHOP:
Mr. Chairman. There's no Chairman.

P.O. TONNA:
Yes, I'm a Chairman and I'm right here. Yes, and there's a Chairman.

LEG. BISHOP:
I didn't mean that allegorically, I meant --

P.O. TONNA:
You meant that physically.

LEG. BISHOP:
-- literally, you weren't in your Chair. Mr. Chairman, I oppose the motion to table. Just to review what this bill does, this bill allows the public to know what the government knows, and it does so for restaurants that have three consecutive violations of code red problems. Now, the code red comes from the Health Department. Every line of the bill has been negotiated with the Health Department. And if Counsel could spend a moment to tell us what code -- a code red violation is.

P.O. TONNA:
What is a code red violation, Legal Counsel?

LEG. BISHOP:
It's a term of art, it's a legal term.

MR. SABATINO:
Code red is a term of art, it's not actually found in the statute. What -- it's not actually found in the Sanitary Code, which is the governing statute, but it's activities that are related to food borne illnesses. And what we did was we took the definition that the Health Department is using in terms of its regulations and we simply wrote it into the statute.

LEG. BISHOP:
Okay. So these are violations which have the potential to lead to food borne illness, and they don't occur one time to get on the website, they don't occur a second time to get on the website, they occur a third time, and not a third time without warning, because

after the second time, the violator has a meeting with the Health Department.

The Health Inspector, when they inspect on the subsequent times after

the initial inspection, can only look for the same violations. So they go in once, they have a list of ten. They go back a second time, they can only look at those same ten problems. They have the meeting and then they go back a third time. I would say that as a consumer, I would want to know about a restaurant that fails that standard.

And I think that the purpose of this bill is part of a larger movement to allow the public to access the information that government has overall. So it may in subsequent resolutions be where traffic accidents occur, or, in this case, it may be which restaurants have failed significant health inspections three times.

P.O. TONNA:
The -- Legislator Haley. Sorry.

LEG. BINDER:
Let me get back on.

P.O. TONNA:
Okay.

LEG. HALEY:
You know, I'm always --

P.O. TONNA:
Legislator Haley.

LEG. HALEY:
I'm always concerned about legislation that may create an innocent victim such as, you know, a restaurant owner who typically is -- you know, does a pretty good job in servicing --

LEG. BISHOP:
Right.

LEG. HALEY:
-- the people. One of the things -- I got a message today from Mr. Ryerson, and I understood you were going to meet with the Restaurant Association.

LEG. BISHOP:
I did.

LEG. HALEY:
And he still apparently has a problem in that he says the wording is flawed and vague. Perhaps the sponsor could expand on upon that, because you have met with him. Obviously, you haven't satisfied some of their concerns on language.

LEG. BISHOP:
Yeah. And, actually, as a result of that meeting, I have violated what I -- one of the things I said they were going to do. It's not

restaurants. In the colloquial, I'm saying restaurants, but it's actually any food service establishment. So that includes hot dog trucks, you local American Legion Hall, the Little League that has a stand.

LEG. HALEY:
Uh-oh.

LEG. BISHOP:
Any place that has a permit from the County to help serve prepared food.

LEG. HALEY:
Quit while we're ahead.

LEG. BISHOP:
Supermarkets. You know, list the goes on and on.

LEG. HALEY:
Could you ask -- answer? I had a question.

LEG. CARPENTER:
Excuse me.

P.O. TONNA:
He's going to answer.

LEG. BISHOP:
That -- no, that is answering the question, because that was one of their concerns, was -- one of the their concerns was that it unfairly targets restaurants. It does not. It's any permit-holder.

With regard to fairness, the standard that Legislator Binder is advocating gives comfort -- well, doesn't give comfort. It could potentially lead to manipulation. If it's a flat standard, a clear standard like the one that they use currently, three violations and you're on the website, that's fine. What Legislator Binder is arguing is that there could be gray area, should we have discretion on some and not on others?

LEG. BINDER:
That's not the argument.

LEG. BISHOP:
Well, that's how I understood the argument. This is clear. Three code red violations consecutively and you get posted on the website.

P.O. TONNA:
How long --

LEG. BISHOP:
So the --

P.O. TONNA:
Dave, how long do you get posted on the website?

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LEG. BISHOP:
Six months.

P.O. TONNA:
Six months?

LEG. CARPENTER:
And even if they corrected it?

P.O. TONNA:
And after the six months, do they take you off, if you -- if -- in other words, do they have another inspection and then take you off? If you meet those inspections, then you get off the website, or do you just get off in six months, like a statute of limitation?

LEG. BISHOP:
Counsel, why don't you -- why don't you give us the answer specifically?

LEG. HALEY:
You know, I'd like the floor back, because I didn't get -- I don't think I got my answer.

LEG. BISHOP:
Well, that was their concern. One concern was restaurant --

LEG. HALEY:
Well, they said "flawed" and "vague" specifically, so --

LEG. BISHOP:
Well, what's vague?

LEG. HALEY:
I don't know. I'm not sure what that -- that's why I was asking you, because --

LEG. BISHOP:
Well, I mean, if somebody says it's vague without --

LEG. HALEY:

No. One of the things we were concerned about is --

LEG. BISHOP:
-- articulating specifically what's vague.

LEG. HALEY:
-- to make sure that you were going to meet with these people and work out some of the problems, and I'm unaware that that's been worked out. So until such time, I'm not inclined to support this bill.

LEG. BISHOP:
Listen, if you could -- if you can articulate a specific problem with the bill other than somebody called up and said it was vague, then I could perhaps meet with them.

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LEG. HALEY:
No, there's a --

LEG. BISHOP:
I've met with them.

LEG. HALEY:
Wait. Excuse me. I think it's --

LEG. BISHOP:
Their position is that, "We are restaurants and we feel that government beats us up too much." My position is that there are hundreds of restaurants that failed this standard and the public has a right to know if they want to know.

LEG. HALEY:
All right. I'll take the floor back. I think the -- I think there's a little bit of difference there, Legislator Bishop. I think it's incumbent upon us to make the case, not incumbent upon those affected to make the case why we shouldn't create legislation.

LEG. BISHOP:
Well, I had made the case, I feel.

LEG. HALEY:
And you were going to work -- you were going to work that out and I was confident you could do that, and to this date, I'm unaware of that, and so until --

LEG. BISHOP:

Wait.

LEG. HALEY:
Until such a time, I think we should table it until we've had the opportunity --

LEG. BISHOP:
What is the reason for tabling? What --

LEG. HALEY:
Because I haven't --

LEG. BISHOP:
Which restaurant -- give me an example of a situation where a restaurant that fails three consecutive inspections of this nature is being unfairly --

LEG. HALEY:
I don't have --

LEG. BINDER:
Would you yield?

LEG. HALEY:
I don't have an example.

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LEG. BINDER:
Would you yield? I'll give you --

LEG. BISHOP:
Yes, I'll yield to Legislator Binder as an example.

LEG. BINDER:
Well, no, no. Actually, Legislator Haley has to yield.

LEG. HALEY:
No. That's for me to yield. Yes --

P.O. TONNA:
Wait, wait. I'll decide that. This is how it goes. Legislator Haley, you have the floor. We're not yielding. Ledge Binder is on the list. Say your piece, say what you want. Legislator Binder is going to have an opportunity, just like there are six other Legislators who want to have an opportunity.

LEG. HALEY:

In absence of a major group, such as the Restaurant's Association, being somewhat satisfied, I'm not inclined to support it.

LEG. BISHOP:
Okay.

LEG. HALEY:
Thank you. I'm finished.

P.O. TONNA:
Okay. Legislator Crecca, you have the floor.

LEG. CRECCA:
Yes. One of my concerns is that these are violations, and my understanding is that the posting on the website occurs even in the event that those violations, there's been no hearings on them. You know, they're entitled to a department administrative hearing; isn't that correct?

LEG. BISHOP:
That is correct. There is a category on the website for those restaurants which have gone through the administrative hearing and been exonerated. In the last two years, the number of restaurants that would be listed on that is zero.

LEG. CRECCA:
Okay. But in the interim, if a restaurant --

LEG. BISHOP:
So, if no --

LEG. CRECCA:
But if a restaurant had the violations --

LEG. BISHOP:
Right.

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LEG. CRECCA:
-- and was going to a hearing, they would still -- if they had the three, they would still be listed on the website; correct?

LEG. BISHOP:
They would be, and they would also be listed on the exonerated site, as which I said there has been zero.

LEG. CRECCA:

Once they were exonerated. But before they were exonerated, once that third violation hit, they'd go on the website.

LEG. BISHOP:
Right. Just like in the Police Beat in the Newsday, you have people every week who are listed, you know, potentially for crimes.

LEG. CRECCA:
I know, but I'm not going to use Newsday as my guide on whether to vote for this, and no offense Emme.

LEG. BISHOP:
That's all right.

LEG. CRECCA:
So, I mean, and I understand what you're saying, but the bottom line is, is that you can actually ruin a restaurant for good without due process being had, and that's the problem I have, too. If there was a hearing and there was -- or there was a plea, you might have a different situation, but this is an allegation until -- unless and until that administrative hearing is held.

P.O. TONNA:
I just --

LEG. BISHOP:
Well, let me ask you this, Legislator Crecca. If you knew a restaurant was cited three consecutive times by the inspector, would you want to know that,

P.O. TONNA:
Would you want your --

P.O. TONNA:
Or would you want to not know that --

P.O. TONNA:
Would you want your kid's birthday party there?

LEG. BISHOP:
-- until you had the answer of whether they were actually convicted? There is --

LEG. CRECCA:
I do my kids' birthday parties at home.

LEG. BISHOP:
There is language on the website, and it's very clear language, which says that these are allegations, but they are allegations --

LEG. CRECCA:
Right.

LEG. BISHOP:
-- by our by our inspectors. So what you're saying is you have no confidence in the integrity of our inspection?

LEG. CRECCA:
No. It's just that I do believe that -- you know, in these cases, I do believe that we should allow due process to take its course, and these people should have, if they're -- there may be situations where, and they may be more rare, Dave, I don't disagree with you that they might be rare, but there may be situations where a restaurant is innocent. And once you post them on that website, they're cooked.

LEG. BISHOP:
They're on the exonerated.

LEG. CRECCA:
No pun intended.

P.O. TONNA:
Well, if they're cooked, they probably wouldn't as many violations. It's when you don't cook things.

LEG. BISHOP:
That's probably the problem.

P.O. TONNA:
The -- wait, wait, wait.

LEG. CRECCA:
I just --

P.O. TONNA:
Legislator Binder has the floor.

LEG. CRECCA:
I just want one more comment, then it's done.

P.O. TONNA:
Sure.

LEG. CRECCA:
I just -- I think -- I agree with Legislator Haley in that I think that we can come to some consensus that the restaurant industry is comfortable with that still serves the public's need to know.

LEG. BISHOP:
Can I ask you -- I'm going to --

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P.O. TONNA:
Listen to me. Hold it a second. This is how it works. Legislator Bishop, you can have the floor again, just you're going to be on the list.

LEG. BISHOP:
I would like any --

P.O. TONNA:
Legislator Crecca is finishing.

LEG. BISHOP:
-- and advocate --

P.O. TONNA:
No. Wait, wait, wait. You will have your turn. Legislator Binder has the floor. You want to be back on the list, Dave?

LEG. BISHOP:
Please.

P.O. TONNA:
Okay.

LEG. BINDER:
The discussions I've had with the restaurant people is that they would like to see the bad players in their industry on this list. When you talk about red and nonred violations, if you've ever seen a sheet, the red violations are at the top, the others ones are at the bottom. Among the red violations could be dented cans, because of the concern about what happens with a can that's dented. So you have dented cans three times, now you're on the list, now you're the dented can offender. And I could give you more, but it's not that important in that what is important is that most people don't in the public understand what happens during an inspection. First off, it's a snapshot in time. You could not -- there's a possibility that 99% of the time you don't have any problem with meat, that it's not, you know, two degrees over what it should be, or two degrees under what it should be, so you could have that almost every time. But the inspector comes in on a couple of occasions that falls into a category and just over the limit, not like it's 20 degrees difference, not like you found E-coli, which is a very serious problem, not like there's a health danger.

We should know that the Health Department closed last year, or through the -- I think over the last 12 months, they've closed 35 restaurants.

That's what they've done according to the Health Department. It's not like they're not closing restaurants that are unhealthful. Would they, if they could, put those in the next tier? There's kind of a next tier, those who they close who are a definite threat to the people's health. And that is our job, as Legislators, to make sure our people are protected. The next tier are those who are the -- kind of the bad players, and they have really bad stuff, but maybe not enough to close them down, but, boy, it's kind of repeated, as Legislator Bishop, I think, is on the right track about repeat kind of offenders is the next question about what Legislator Crecca says, have

they had an opportunity to have a hearing on it. That's another question.

Can the Health Department, our health professionals, do what I think what we all want to do, provide the information to people, so they can have the ability to see those who our professionals deem possibly unhealthful, not unhealthful, because they're closed, but possibly unhealthful, can we create that list? I'm not sure that we can, I'll be honest, but I do know that they're working on it now. I do know that I've asked them to try to see if we could put that together. In the end, maybe something along the lines of Legislator Bishop's proposal with tweaks and with more work with the Restaurant Association could be moved forward on, but I think we should give the Health Department an opportunity to put something together that isn't being done anywhere else, that are being done here, that will serve the public, give them the information. Don't give them more information that they -- than --

LEG. BISHOP:
Than what?

LEG. BINDER:
Than they should have in the sense that they're not educated as to -- they're not Sanitarians. They don't know what it means to have two degrees off on meat. They might not know that. I would say most people don't; I don't. I don't know the implication. I don't know at what point bacteria grows. I don't know how unhealthy it is. I don't know the difference that it makes in my -- for me and my family. But if the Health Department, the professionals tell me that this restaurant is on a list because you should be concerned, I would be comfortable with that, but I'd like to see if they can create that kind of schema, kind of rating system, so that they can decide who should be on this list. I would like to give them the time to do that ,and since we're not meeting during July, it would give them the opportunity during the month to put together some kind of rating system that could put restaurants that we should be concerned about,

what our constituents should be concerned about, put them on the website. And so I'd like to at least try to explore going down that road.

P.O. TONNA:
Okay. Legislator Lindsay?

LEG. LINDSAY:
Yeah. I'm in favor of this bill, and the reason I'm in favor of this bill is because we have a Health Department. They cite a restaurant three times for serious violations, I think the public have a right for know that information to protect themselves. And I'm opposed to any administrative hearing to wait until that's concluded. How many could get sick in the meantime if these are repeat offenders?

P.O. TONNA:
Okay. Legislator Carpenter.

LEG. CARPENTER:
I have a question for Legislator Bishop. Did I hear you say that it

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covers supermarkets also?

LEG. BISHOP:
For food that's pre prepared that they sell as prepared food.

LEG. CARPENTER:
Right. And a lot of the larger supermarkets in particular are doing that.

LEG. BISHOP:
Right.

LEG. CARPENTER:
They have snack bars and everything.

LEG. BISHOP:
Cooked chickens and so forth, right.

LEG. CARPENTER:
Except that it's my understanding that the Health Department does not have jurisdiction over supermarkets, even in food preparation, that that's left to Ag and Markets.

LEG. BISHOP:
That may be. I don't know that.

LEG. CARPENTER:
So --

LEG. BISHOP:
I didn't learn that. I will say this, that if they hold a permit from Suffolk County Department of Health, they would be covered.

LEG. CARPENTER:
They don't.

P.O. TONNA:
Then they're not covered.

LEG. BISHOP:
Well, then that's a flaw in the system, but it's not --

LEG. CARPENTER:
Well --

LEG. BISHOP:
It's not an argument against the bill.

LEG. CARPENTER:
And I think that that's -- you know, that's just another example of why perhaps --

LEG. BISHOP:
What is it?

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LEG. CARPENTER:
Pardon me?

LEG. BISHOP:
What would that be an example of, except a loophole in State law?

P.O. TONNA:
Well, let Legislator Carpenter --

LEG. CARPENTER:
Another reason --

P.O. TONNA:
Let Legislator Carpenter articulate. She was saying that and then you kind of asked it again. Let her -- let her finish, please. You're next on the list anyway.

LEG. CARPENTER:
Another example of why perhaps it might be more prudent to table this at this time, and really have a meaningful meeting with not only some of the restaurant people, but certainly the Health Department. And I think it's important, too, that when we have people here advocating today to perhaps listen to their concerns as an industry, that those establishments, those restaurants that are part of the Restaurant and Tavern Association, that are industry leaders, that take the time to be involved in a situation and advocate for their concerns, are not probably likely to be the ones that are going to be causing these violations to occur. But I think their input would be very, you know, helpful. I think anyone out there who's operating a legitimate business that follows the rules and regulations is going to be supportive of doing something that's going to tighten up the industry. And I think we would be foolish to rush forward with this without getting the input of the very people that, you know, this is going to affect. We want the information that the public has to be meaningful.

P.O. TONNA:
Okay. Legislator Bishop, you're next.

LEG. BISHOP:
Thank you, Mr. Chairman. Legislator Carpenter, Legislator Haley, Legislator Binder, who say that we should table this because the Restaurant Association came forward with concerns, what was the Restaurant Association's concerns? I can't articulate it, I don't think you can. What was it?

LEG. CARPENTER:
Can I respond?

LEG. BISHOP:
That they're restaurants and they don't like the bill.

P.O. TONNA:
Well, he's asking a question? Sure, Legislator Carpenter. Legislator Carpenter.

LEG. CARPENTER:
Can I respond?

P.O. TONNA:
He asked a question.

LEG. BISHOP:
Please.

P.O. TONNA:
It wasn't rhetorical.

LEG. CARPENTER:
I don't know what their concerns are, because I wasn't at the meeting that you had with them. And --

LEG. BISHOP:
You were -- you were at --

P.O. TONNA:
Go ahead, Legislator Carpenter.

LEG. CARPENTER:
But, obviously, there was a meeting and someone from the industry was here earlier today and didn't seem to feel that they were heard or their concerns were addressed.

LEG. BISHOP:
They're opposed to the bill, but they don't have a rationale for being opposed to the bill. They see --

LEG. CARPENTER:
Well, that wasn't the impression that I got.

LEG. BISHOP:
Well, I'm asking, I'm issuing a challenge. You've heard them twice now. They've come to two full meetings of the Legislature. Several of them have spoken. What is the opposition to the bill? Tell me.

LEG. CARPENTER:
Well, I'm not a member of their Association --

LEG. BISHOP:
No, because inarticulable.

LEG. CARPENTER:
-- and I'm not an advocate for their --

LEG. BISHOP:
It's a feeling, it's not anything specific, it's not anything logical. They don't like the idea of the public knowing what the government knows. Now, I think --

LEG. CARPENTER:
No. I think you're --

LEG. BISHOP:
-- that the public has a right to know what the government knows. I think that the public is intelligent enough to figure out --

LEG. CARPENTER:
May I respond.

LEG. TOWLE:
Mr. Chairman.

LEG. BISHOP:
-- that when a restaurant has three violations, they will weigh the evidence and figure out whether they want to go there or not. So I don't think that we should table a bill because of some amorphous feeling of the Restaurant Association that they don't want to go forward. Now, if they had specific concerns, you know, "In Section 3, this language is unfair to us because of da, da, da, da." They don't -- da, da, da, da, da, do you want me to spell that? They don't do that. They don't offer that kind of specificity. All they offer is, "Table it, because we think it's vague." Why is it vague? Well, they can't tell you why it's vague. This is a well crafted piece of legislation. It was negotiated every line with the Health Department. The result will be hundreds of restaurants which have multiple violations will be posted on a website where the public can access. But I'll tell you what, it won't be hundreds of violations in the end, because once this legislation is passed, you know that there will be a great incentive for restaurants after the second violation, if they have their meeting with the Health Department, to get their act together.

Legislator Binder says dented cans. Well, what kind of -- what kind of businessman, after being cited twice --

LEG. CARPENTER:
Or a woman.

LEG. BISHOP:
-- and having a meeting with the Health Department would allow dented cans to be still in his storage area. You'd think you'd get the message that it's a problem.

Snapshot in time. Three times in a row, three times consecutively I think addresses the snapshot in time concern.

Negotiate with the Health Department. Well, I met that standard. I've had numerous meetings with the Health Department. I've had meetings with the Health Commissioner. This is again a well crafted bill based on what they do. It does not provide for gray areas of discretion, but specificity based on practice, and in the end, the public health will be served by this resolution.

P.O. TONNA:

Before Legislator D'Andre, I'm next on the list and then -- so, you know, it's very interesting listening to the debate. It's very analogous to what is going on right now in the State of New York with regard to physician profiling. There is concern and a movement by

consumer advocates to make sure that more information is known about their physicians, and part of that is those who are sanctioned, who have disciplinary action against them. And I think the debate is very, very analogous. I agree with Legislator Bishop. I run a business that is basically regulated by many, many health codes. We have opportunities, whether it be our X-ray units, whether it be how we dispose of blood borne red bag they call waste. We have many, many different regulations that regulate the medical industry in running a medical office. And I could tell you that when somebody comes in to do an inspection, first of all, it's -- it is something that sends -- talk about red codes, it sends shock waves through -- you know, are we making sure that everything is there. How did the inspector -- what did they see? What are the violations? What are the possible things? As a hospital administrator, when the JCOH used to come to the hospital and give us certifications, or whatever else.

I cannot think, in running a business, that after having some initial violations, that I wouldn't very, very quickly put into place the methodology, the procedures, and everything else to make sure that I wasn't violated -- committing any violations again. This is three opportunities. And I think that there is a tacit almost contract between food service, whether it be a restaurant, or whatever else, that when they serve food, that it's going to be of the highest quality from a health standpoint, and everything else. I think that when people come into a restaurant, when people come in ,whether it be a hot dog stand, or anything else, that there should be confidence on the behalf of those who are partaking to make sure that, you know, from a confidence standpoint, that they could be consumers and consume food that is healthy.

For those people who have three violations, including an interview with the Health Department, I mean, they deserve to be put on a website. The public deserves an opportunity to say, okay, these are the people, not once, not twice, but three times, have said that it's not important enough.

And so I see this as motherhood and apple pie with regard to a very, very clear consumer protection bill, and utilizing web technology, where people now -- a consumer can say, "Hey, you know what, I like this restaurant, I want to go, I want to -- I want to have my kids birthday party and invite their friends over to this place, or whatever else, let's just go on a website and see, " just like so many

people are now going and looking up their doctor and saying, "Hey, do they have any violations, do they have any State sanctions," or, you know, whatever else this is information. This is information. When do we, in an information age, where people are able to now, through the internet be able to have information, why can't we have people understand what's going on? It's public -- it's public information.

So I would say I am in support of the bill. I think the sponsor has gone more than what is required. And I don't think anybody who is running their industry and business, you know, with an eye on making sure that they're meeting these health care codes, would have a problem with three strikes and you're out for only six months and it's only information.

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LEG. CARPENTER:
No, it's not six months.

P.O. TONNA:
Thank you. It is six months on the website.

LEG. CARPENTER:
No, no, no.

LEG. CRECCA:
Can you put me down?

P.O. TONNA:
Yes, I have --

LEG. HALEY:
Mr. Chairman.

P.O. TONNA:
-- Legislator D'Andre, Legislator Cooper and Towle is on the list. I have Legislator Postal.

LEG. CRECCA:
Crecca.

LEG. BISHOP:
Oh, my goodness.

P.O. TONNA:
Okay. Then I have Haley again.

LEG. D'ANDRE:

Let me say this.

P.O. TONNA:
Hold it. Carpenter.

LEG. ALDEN:
Alden.

LEG. CARPENTER:
Eighteen minutes ago I asked.

P.O. TONNA:
I crossed you off. You just went, didn't you?

LEG. CARPENTER:
I didn't finish.

LEG. ALDEN:
Paul, did you put me on?

P.O. TONNA:
Okay. And then Alden. Okay.

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LEG. D'ANDRE:
Am I ready to go?

P.O. TONNA:
Legislator D'Andre.

LEG. D'ANDRE:
Okay. Let me say this. Bishop's direction is good, his timing is awful. You can't put people out of business on a mistake, on a whim, or what have you. Bad providers must be stopped. But before you do, you don't want to hurt a lot of good people, good restaurateurs, good business people, the hot dog stand guy. So -- and a Legion who serves every now and then, and I got them to get ballpark franks. They are going to be hurt in this thing. They don't deserve this. Everybody wants to do what's right. They're not in it for the commercial end, they're in to please their friends and family. So I say this, Mr. Tonna -- where did you go?

D.P.O. POSTAL:
He left.

LEG. D'ANDRE:

Mr. Bishop, I'll tell you.

LEG. BISHOP:
Tell me.

LEG. D'ANDRE:
You move slowly. We got -- we have a saying -- we have a saying in Italian, you measure a hundred times, but you cut once.

LEG. CARPENTER:
That's Italian?

LEG. D'ANDRE:
And that means --

LEG. ALDEN:
That's carpentry.

LEG. D'ANDRE:
That means that you -- well, I can say it in Italian, but you wouldn't understand it. But that means that you move carefully before you businessman out of business on a technicality on something like that. I know you mean well and you're not a meanie, but --

LEG. BISHOP:
I'm not a meanie.

LEG. D'ANDRE:
But -- but you have bonafide business people who worked a lifetime in business that could be hurt in this thing. So I'm saying to you, I'll support your bill, not today. Move slowly. Give the industry a chance for come in and speak, those who haven't made it yet. Move slowly. This is serious. It involves people's lives and their investments. And for the honest entrepreneur, you want to protect

him. The bums we want to kick out, we agree with you.

So, please, Bishop, hold off on your bill. We'll support you. No one here is against it. Crecca is not against it, Haley's not against it. But you got -- you've got to hold off on your bill, you've got to table it. And thank you, Mr. Chairman. Where did you go?

D.P.O. POSTAL:
Madam Chair right now.

LEG. D'ANDRE:
Madam Chair, I thank you. And, Bishop, I mean the best for you, but I

don't want you to hurt any business people.

D.P.O. POSTAL:
Legislator Cooper.

LEG. COOPER:
First of all, Legislator D'Andre, I think it's uncalled for for you to use language such as "meanie" in referring to your colleagues, so I think in the future you'll --

LEG. D'ANDRE:
Who are you talking about?

LEG. COOPER:
I'm just joking around.

LEG. BISHOP:
A homonym attack.

LEG. D'ANDRE:
Homonym attack.

LEG. COOPER:
Are there any Legislators here that, if they were aware that a restaurant that they were thinking about frequenting with their spouse and their kids tonight, had received not one, not two, but three red flag violations, is there anyone here that would go to that restaurant with that --

LEG. BINDER:
Depending on what those three are. Right, depending on what those three are.

LEG. D'ANDRE:
They'd be shut down. They'd be shut down with one violation, if the Health Department wants to do it.

MR. BARTON:
Use the microphones.

D.P.O. POSTAL:
That's not true.

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LEG. COOPER:
But that's the point. Apparently, that's not true.

D.P.O. POSTAL:
I had the experience.

LEG. COOPER:
So that being the case, I would certainly want to be armed with that information. And if most people here are in agreement, that if we had that information about these three violations, we would not want to subject our families to that risk. And I think that it's our obligation to afford the same opportunity to all Suffolk residents that we would like to reserve for ourselves. So I think it's important that we err on the side of caution and that's why I think that we should support this resolution.

LEG. D'ANDRE:
Not putting a guy out of business is not caution. It's a lifetime business, lifetime savings.

P.O. TONNA:
Stick with the flow.

D.P.O. POSTAL:
Legislator Towle.

LEG. TOWLE:
Thank you, Legislator Postal. I'll just wait until Legislator Bishop gets done. Legislator Bishop.

P.O. TONNA:
Legislator Bishop

LEG. TOWLE:
Just a couple --

P.O. TONNA:
Legislator Towle is addressing you, Legislator Bishop.

LEG. TOWLE:
Yeah. Just a couple of other points that you brought up earlier. I listened and I spoke to a few of the folks that have appeared before us, as far as the Suffolk County Restaurant Association is concerned. I don't think anybody is opposed to putting fragrant violators of serious offenses available on the internet to --

LEG. BISHOP:
Fragrant? Smelling?

LEG. FISHER:
Flagrant.

LEG. TOWLE:
Flagrant. Available to the general public. But, you know, let's talk about other industries that also should be on the internet. Auto body shops that, you know, repair people's cars. You know --

LEG. BISHOP:
Lawyers.

LEG. TOWLE:
Electricians, lawyers.

LEG. D'ANDRE:
Lawyers.

LEG. TOWLE:
Whatever. But the point is where do you stop, number one? Number two, I think there's a question -- I think there's a question of the level of confidence in --

P.O. TONNA:
If you support a bill on lawyers, I'm with you, I want you to know.

LEG. TOWLE:
Get a CN?

P.O. TONNA:
I'll spend every penny to get fragrant, flagrant abusers in the law --

D.P.O. POSTAL:
Just flagrant lawyers.

LEG. TOWLE:
You'll get a CN? You'll get a CN?

P.O. TONNA:
Let's get a CN. I just need a lawyer to draft it, that's my problem.

LEG. TOWLE:
The point I'm -- the point I'm trying to make is I think there's a question of the confidence --

P.O. TONNA:
My lawyer is next.

LEG. TOWLE:
The confidence of that information and the process in which that information is disseminated to the general public via the internet, that's number one. I think the second issue, the second issue is, you know, and I've had restaurants -- in fact, I had an issue this morning with the Health Department with a group that was holding an event this Friday, Saturday and Sunday, and had some difficulty with the Health Department signing off on their permits to have this event. And the

information that I had from the Health Department and from the individuals was different than the information that the Commissioner got.

I think the Health Department clearly has their plate beyond full in the responsibilities that they have. Now to add this new responsibility to them, without putting a system in place, without doing a try run -- a dry run, really, I think puts a potential adverse

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effect on the fact of the people that are doing this business and in which they make their livelihood.

You know, you brought up the point of -- and I'll wait until Legislator Bishop gets done. I'll -- yeah. You brought up --

P.O. TONNA:
Legislator Bishop, Legislator Towle has been very patient waiting and he would like your attention.

LEG. TOWLE:
I listened to you, and I agree with you, people shouldn't be selling products out of dented cans. But the reality is, when you run a business, you're not inspecting every ounce of that business, no different than, I imagine, if we were to send the Health Department to your house tonight to open up your refrigerator, they would probably find something wrong, as they would find something wrong in my refrigerator. The reality is you can only police so much. And the reality is the standards that you're talking about I think really at this point can't be met by our own employees. And that's why I'm not prepared to support this bill, because I do not have the level of confidence that you have that that information will be accurate, thoroughly checked, thoroughly researched before we put it out to the public. Because once you release that information in the manner that you're suggesting, the damage has been done and we can't repair it. Because if we were suggest that, okay, now go to website ABC to realize that that mistake was, in fact, a mistake, it's too late and the damage is done.

P.O. TONNA:
Fred, could I just ask you a question, if you don't mind just with regard to that? What is -- what is the difference from your standpoint with the Health Department -- Public Sanitarians, they're professionals in this area, this is what they do. This is what they spend their 35 hours with their 3% raises from AME, or whatever else -- 9%. Sorry, Mike. Anyway, what --

LEG. TOWLE:

The same Health Sanitarians who are forced to use their own cars, who are overworked now --

P.O. TONNA:
Right.

LEG. TOWLE:
-- who can't keep up with the workload that they currently have on their plate.

P.O. TONNA:
My point is this. Why -- why should -- why should this be information that either the public has to FOIL or that is relegated just to the Health Department? Why shouldn't the public know, you know, exactly what the determinations of our Public -- we're not changing any process. They're still going to get, you know, code reds. We're not preventing the industry from getting code reds. Why shouldn't the public know about that? And don't you think that it would be an

incredible incentive for those who have frequent violations to make sure that, hey, now the cost is even greater than a small violation, the cost is, is that, you know, of people that are going to know about the perception of this. And, secondly, I would venture to guess, although I'm not a member of the Restaurant Association, for all of those people in the restaurants who do their due diligence, who run good operations, who, you know, work very, very hard to make sure that, you know, they are living by the health codes or whatever else, don't you think that actually, you know, to have the ability to say that there's consumer confidence, that they can go and find out that they're not on the list, that this and that, or whatever else, if there's rumors about this, or whatever else, don't you think that that actually would help the industry in the long run?

LEG. TOWLE:
Well, you know, I think the question of is this mechanism going to force these businesses to run better and more thorough businesses, of course, of course there's a possibility of that. One would also assume that based on the level of fines that we give -- the level of fines that we give people, that they wouldn't want to have to pay 500, 1,000, $1,500, $2,500 ,whatever the fines can be, and some of the fines could be quite extensive, depending on what the violation is and how many times it's happened, and whether they've disregarded. One would think that those fines would be an incentive for you to make sure your business is in compliance, and if it was, they wouldn't have three violations. So one could make the argument in either point . What I'm saying is the fact of the matter is, I've not -- first of all, there's no one here from the Health Department, nor was there

anybody here from the Health Department at the last meeting. And I'm not on the committee, so, obviously, I didn't hear the Health Department's debate during that process. But I'm not convinced, having worked with the Health Department in the past, on violations, some which were legitimate, some which were beyond ridiculous, that we were citing people for things that were just ridiculous, that to provide that information to the public without a full detailed explanation is not the best way to proved information to the general public. You know, if you leave out some of the facts or the process, I think that information can be damaging.

P.O. TONNA:
Thank you. Okay. Legislator Postal, then Haley, Carpenter --

LEG. POSTAL:
Thank you.

P.O. TONNA:
-- and Alden.

LEG. POSTAL:
Thank you.

P.O. TONNA:
Then Binder.

D.P.O. POSTAL:
First of all, I'm sure that a number of us, if not all of us, read

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Newsday's article on should we grade restaurants, that was in -- I guess it was in the Father's Day issue of Newsday. And it pointed out that there is a system in Los Angeles of grading restaurants with regard to food poisoning complaints, and since they've had this system in effect, complaints have declined from 2,050 to 1,603. That's a considerable reduction. Now, that's just -- you know, that's a fact, that we should keep in mind when looking at moving ahead with this program. But, you know, there are some personal reasons, too. I've worked with the Health Department. I had, as you all know, a licensed day-care center and a licensed day camp for many years, and I was subject to Health Department inspections. And I can tell you that when there was something that was not in compliance with the Health Department, their objective was to help me come into compliance as quickly and as easily as possible. So that they're not ogres, they're not unreasonable, their objective is not to close businesses down, their objective is to help businesses operate in a safe and healthy way.

Now I'll also tell you that I have, over the course of my long life and eating at restaurants, had food poisoning twice eating in restaurants on Long Island, and each time when I reported that to the Health Department, they went in, they inspected, they found the source of the problem, and they worked with the restaurant owners to correct the problem. But had they -- but had they not corrected the problem, had there been three violations -- and I have to tell you that when the bill was first introduced, I was not in support of the bill, because I felt that it could put a restaurant in a position where it had some minor code violations, like somebody forgot to post a permit, or something that really didn't endanger public health, and a restaurant could be hurt because they would be listed on a website for something that really was not directly dangerous to the public. But the bill was changed. There have been corrected copies and it is very reasonable. And in the case of the restaurant, for example, one of them where I did have food poisoning, and the Health Department went in and worked with the owner and there was a change, if next time the Health Department came in, they hadn't corrected that problem, and even worse, then they went back a third time and hadn't corrected the problem, the public should know that.

P.O. TONNA:
Absolutely.

D.P.O. POSTAL:
Furthermore, I will tell you that there is a restaurant here in Suffolk County, very well-known restaurant, that I would guess a number of us have eaten at over the years which has some -- has had a series of highly egregious Health Code violations. I happen to know it.

LEG. CRECCA:
Where?

LEG. POSTAL:
I'm not going to tell you publicly which restaurant that is, but the point is that it's not on a website. Now I can tell you that I found out about this and I found out that these violations occurred and

recurred and recurred. I won't eat at that restaurant, because I happen to have that information. But, I really think that the public deserves to know when there's a restaurant that is repeatedly violating health codes and violating them in a serious way that endangers the public. So that I think the bill is reasonable. I think that the Health Department works to help food establishments meet health codes and address problems. And, furthermore, when an establishment does not address the problems, the public has the right

to know.

P.O. TONNA:
Thank you. Legislator Haley .

LEG. HALEY:
You know, for the life of me, I just can't imagine how we do what we do in the Suffolk County Legislature. You know, the whole system of our government is I think founded upon protection of the innocent. I mean, the whole judicial system is, at least. And what I don't understand is that we continually create legislation that could, in fact, create innocent victims. And based on the foundation of our government, it seems to me we shouldn't create anything that may, in fact, create an innocent victim. We should always be aware of that.

If somebody -- if you look at this particular legislation, and, you know, perhaps Legislator Bishop may want to respond to this, it simply says caterers -- all food establishments and caterers which have been cited at least three times by the Suffolk County Department of Health. And Legislator Crecca had mentioned, well, you know, those citations haven't been adjudicated yet, they still have an administrative hearing to go through. And I do appreciate the fact that you've put in -- there's a disclaimer that says, "As a result of an inspection, the County Department of Health Services may issue citations to a food service establishment for matters related to food borne illnesses. Owners have the opportunity to dispute these violations at a department administrative hearing. Citations are allegations and may be dismissed. The information presented here reflects the results of those inspections and hearings."

Now it seems to me, when you go and you go put on the website and you use that medium, every time you go and you share where you download a browser or something, do you spend all of that time going through all the small print and making sure that you -- you ascertain that you've agreed to all of that information? No. You basically look to the meat, if you will, or the center of the -- the meat, right? I shouldn't say meat. The center of the issue of what you want to look at and you come to a conclusion. You put something like this on a website, people are going to come to conclusions without really knowing some of the specifics involved in that. You have an opportunity here to create innocent victims. And I think we -- I think we really need to change our whole mind set and understand that this type of government is not the type of government I think that people in general want out there, because the same reasoning you're using here to create victims you're going to use elsewhere. We've been doing it for almost six years that I've been here and I think it's atrocious. I think one of them, as an example, we found out that if you have a second DWI violation, we can seize that automobile. And

one of the last things I remember asking Counsel was, "Well, is there a situation where somebody, innocently we could create a victim because a car will be seized and it could take administratively months before they get that car back?" He says yes. Well, how could we continually pass government -- legislation like that? It just belies logic and, yet, we continue to do it.

LEG. CRECCA:
Paul, call the next speaker.

P.O. TONNA:
Next is Legislator Carpenter.

LEG. CARPENTER:
The "resolved" clause says, "All food service establishments and caterers which have been cited at least three times," Legislator Bishop. Is that three times within a year, three times within six months, three times within the life of the restaurant? What is it?

LEG. BISHOP:
"All food establishments and caterers which have been cited at least three times by the Suffolk County Department of Health Services pursuant to Article 13."

LEG. CARPENTER:
Right.

LEG. BISHOP:
"Of the Suffolk County Sanitary Code for a critical violation related a food borne illness for which a formal hearing has been scheduled." That full paragraph presents a process which the Health Department is mandated by law to go through, which is a consecutive inspection process, which also includes a meeting with the food preparation establishment, with the permit holder, and a third -- after two violations, and a third inspection after the third violation. So, I mean, to take a phrase individually may not present the whole picture .When you read the full paragraph, it's referring back to a process which is already in place in the law in the County.

LEG. CARPENTER:
That sounded like legal mumbo jumbo to me.

LEG. BISHOP:
Well, I explained it in English --

LEG. CARPENTER:
It says here --

LEG. BISHOP:
-- first and then you read the legal mumbo jumbo and questioned it.

LEG. CARPENTER:
No. But says at --

LEG. BISHOP:
The legal --

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LEG. CARPENTER:
You still haven't answered my question.

LEG. BISHOP:
In English is it's three violations --

LEG. CARPENTER:
It says at --

LEG. BISHOP:
-- in a row.

LEG. CARPENTER:
It does not say in a row. It says at least three times, at least three times. That could be three times -- a restaurant could be in business for ten years.

LEG. BISHOP:
Legislator Carpenter, I understand the concern. What I'm saying is I explained it in plain English. You questioned it reading the legalese, and then when I explained it, you say, "Well, you're speaking legalese." The answer in both legalese and in plain English is it's three times in a row.

LEG. CARPENTER:
But it does not say in a row, it says at least three times.

LEG. BISHOP:
Counsel, am I correct or --

MR. SABATINO:
The reason it's worded the way you now see it worded is because the Health Department wanted it to be worded that way. You don't get to a hearing unless you have three violations. So what's critical about this is three things. One, it's got to be a critical violation. Critical violation is not just, you know, a piece of paperwork, a critical violation is something --

P.O. TONNA:
Not showing a permit or something.

MR. SABATINO:
No, exactly. It deals with something that involves food contamination,

food illness, or environmental health hazard, so it's a very stringent standard. It's a much more stringent standard than the original version had. That was something the Health Department had requested.

The second point was that three violations is what gets you to the formal hearing. I misunderstood when I did the first draft. I thought one violation and you got to a hearing. That's not the way Article 13 works with the Health Department.

So the time line of when the three violations occur is not relevant, because separate and apart from this piece of legislation under Article 13 of the Sanitary Code, which is not adopted by the County

Legislature, if you get to a third violation, you wind up in a formal hearing before the Suffolk County Department of Health.

LEG. CARPENTER:
In a -- a third violation within what time period?

MR. SABATINO:
I don't know the time period, because the time period is governed by Article 13 and the Health Department. This legislation is not defining the time periods. Three violations is what gets you to a formal hearing.

LEG. BISHOP:
Consecutive.

LEG. BINDER:
Could I --

MR. SABATINO:
That's a process I have -- we have no control over.

LEG. CARPENTER:
But he's saying --

MR. SABATINO:
The mistake that I made in the first draft --

LEG. CARPENTER:
But he's saying consecutively and it doesn't say that.

LEG. BINDER:
Legislator Carpenter, could I ask Counsel a question?

MR. SABATINO:

What is -- consecutively means one, two, three. When you get to the third -- of course he's right, when you get to the third violation, that's what gets you to a formal hearing.

LEG. CARPENTER:
So if someone --

MR. SABATINO:
How can you have --

LEG. CARPENTER:
If someone --

MR. SABATINO:
How can you have nonconsecutive violations if you have to get to three?

LEG. CARPENTER:
So is it over a period of -- if someone had a violation and their whole staff changes and new people come in and then they get the second violation a year later, and then six months later they get the third violation, a year-and-a-half has passed, that's the three

violations?

MR. SABATINO:
Yes, but not because of the legislation in front of you, because of the Sanitary Code which has been adopted by the Suffolk County Board of Health.

I think the confusion here tonight is that there's a sense that Legislator Bishop's bill is somehow changing the rules of engagement, that we're imposing a new standard or requirement. That's not the case. What we're doing is we're taking whatever the standards are under the existing Sanitary Code that gets you to a formal violation. Whatever it is that gets you to that point, that's what's going to get onto the internet. We can't -- we can't change the way it gets there.

In the first draft that I did of the bill, because I misunderstood the process, quite frankly, and I said this to the Commissioner, I really thought that if you got hit with one violation, I thought you immediately went to a hearing. I was stunned to find out, I was shocked to find out that under the Sanitary Code, you commit one violation or two violations and you don't even get to a hearing. So this legislation is not going to change that. Whatever gets you to the hearing, which is three violations, which have to be consecutive because it's one, two, three, that's the information that would get

onto the internet.

LEG. BINDER:
Legislator Carpenter, could I ask a question on that?

LEG. CARPENTER:
Yeah.

LEG. BINDER:
Counsel, what it -- what the paragraph doesn't say is that three violations that would lead to a hearing pursuant to Article 13. Each violation or each citing could be pursuant to Article 13 in and of itself. So Legislator Carpenter, it would seem, would be right, because it says -- listen to what I'm saying before you -- before you nod no. Each citing -- three citing, it says, pursuant to Article 13. You didn't say, "Three citings that would lead to a hearing under," so now you're talking about the process that would lead to a hearing under Article 13. You just say, "Three citings," so each of the citings are pursuant to Article 13, though they may not even lead to a hearing, because each citing in itself is under the article that provides for citings of food establishments. Do you know what I'm saying? Do you see the point I'm making?

MR. SABATINO:
I hear what you're saying and -- but you're leaving out the rest of the sentence, which is, "For a critical violation," and then goes on to say, "For which a formal hearing has been scheduled," because it takes -- it takes the third violation, and in this case a critical violation. A critical violation is not the paperwork violation. That was in the earlier bill. The first draft that I had done, because I wasn't raising it to the level of critical violation, could have triggered -- could have triggered that kind of interpretation. But

because the Health Department brought it to my attention, we went to the critical violation language and then the language I had in the original bill remained there, "For which a formal hearing has been scheduled." So, "For which a formal hearing has been scheduled" is the trigger language.

LEG. CARPENTER:
May I reclaim my time?

P.O. TONNA:
Yes.

LEG. CARPENTER:
The -- everyone -- not everyone, but a lot of people have said that

the public deserves to have the information and I couldn't agree more. But I still say that the public deserves the right information and they deserve all the information. Now, when the names of these establishments are going to be posted on the website, are we also going to be having a description of what these critical violations are, what the process is?

LEG. BISHOP:
No.

LEG. CARPENTER:
No?

LEG. BISHOP:
No.

LEG. CARPENTER:
Well, then how are we not giving them all the information then?

LEG. BISHOP:
I would like that, but the Health Department resisted that. And as I said, you wanted -- you earlier called for me to meet with the Health Department, which I did, to meet with the Health Commissioner, which I did, and this is what came out of it. They wanted a simple list of the three time code red violators, as opposed to a description of what each violation was. I would like the entire --

LEG. CARPENTER:
But are they going to describe what --

LEG. BISHOP:
Ultimately, what I would like is the Sanitarian's report on the three -- for the -- for the food preparation establishments in this category to be posted on the web, and I think that's the direction that governments who are doing this are trying to move in, for example, New York City. I don't think any government, yet, has achieved that level of technology. But your point is well taken. You're saying -- you're saying, "Legislator Bishop, people have the right to know. Well, don't they have the right to know everything?" They do, and some day we need to get there. This is the first important step towards that.

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LEG. CARPENTER:
Well, you know, we always say it's a step in the right direction, this important first step. I still would plead that you table this bill tonight, that you have that further meeting with the Restaurant

Association to make this bill be ever more meaningful for the public, so that they do have all the information, because the "resolved" clause here calls for this to be on the website by January of 2002.

LEG. BISHOP:
So let me get this straight.

LEG. CARPENTER:
Certainly, we have enough time from now until the next meeting in August for that meeting to take place to make whatever changes you would feel appropriate as the sponsor of the legislation to put more information in there for the public and still have it posted by January of 2002.

LEG. BISHOP:
Legislator Carpenter, I pride myself in my almost nine years of being an elected official, same day is you were --

LEG. CARPENTER:
Yes, one day less.

LEG. BISHOP:
-- as being very reasonable. I tabled this bill at their request last time, had the meeting and said, "All right, fellas, what's wrong with it," and there is no specific problem with it. They cannot point to specific problems with the bill, it's the concept of the bill that they don't like. I'm not willing to compromise on that. Perhaps you are.

LEG. CARPENTER:
No, I'm not. I --

LEG. BISHOP:
Nothing further is going to come out of a meeting. They've been to two public hearings. I issued a challenge to you, tell me what they specifically object to. You can't say it.

LEG. FISHER:
Can we call the vote?

LEG. CARPENTER:
Legislator Haley --

P.O. TONNA:
Just wait. We have two other -- no, Legislator Haley doesn't have an opportunity to speak right now. Legislator Alden is the next. Legislator Carpenter, wait, just so I want to make sure.

LEG. BISHOP:
So it's not a matter of tweaking the legislation is my point. It's either, you know, you're with it or against it, you know.

LEG. CARPENTER:
Well, you know, there's someone here who was here earlier. I don't know if he is willing to come up and --

P.O. TONNA:
No. Wait, wait. No, this is not the public portion.

LEG. CARPENTER:
Respond to what you're asking.

P.O. TONNA:
This is not the public --

LEG. CARPENTER:
Well, I understand it's not the public --

P.O. TONNA:
Legislator Carpenter, there's a public portion.

LEG. CARPENTER:
I understand that.

P.O. TONNA:
I'm not, no.

LEG. CARPENTER:
He's saying --

LEG. BISHOP:
Well, you could run out there and --

P.O. TONNA:
No.

LEG. BISHOP:
-- get the answer.

P.O. TONNA:
In all due respect, Legislator Carpenter, or anybody, once I start to open up a precedent where people can come back and start talking --

LEG. BISHOP:
We've been down that path.

P.O. TONNA:
That's why we should keep --

LEG. BISHOP:
That can be hours.

P.O. TONNA:
-- public portion to public portion and our opportunity to debate a bill our opportunity. Legislator Alden, you have the floor.

LEG. ALDEN:
Are you done, Ang?

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P.O. TONNA:
Angie's done.

LEG. CARPENTER:
Yeah.

LEG. ALDEN:
I mean, I certainly would want to know if a restaurant is selling Soylent Green or whether it's red --

LEG. BISHOP:
Soylent Green.

LEG. ALDEN:
-- if I go in there. But, Paul Sabatino, I have a --

LEG. BISHOP:
It's people.

LEG. ALDEN:
-- couple of quick questions. Just does this apply to --

P.O. TONNA:
That was a great movie.

LEG. ALDEN:
Does this apply to delicatessens and other type of --

P.O. TONNA:
Bus companies.

LEG. ALDEN:
No, not bus -- I own delis, too, but --

P.O. TONNA:
I know. I know you did, that's what I'm saying.

LEG. ALDEN:
I know. Would this apply to a deli that's serving take-out food or --

P.O. TONNA:
Yeah, absolutely, if they have a permit, right?

MR. SABATINO:
Another important point is food service establishments, it's a statutory phrase, that comes from the Sanitary Code. So it's all of those establishments that are, in fact, permitted or licensed by the Health Department.

LEG. ALDEN:
Okay. Now it's been a number of years since I was in that business, but I did own, you know, multiple locations. The way I remember the procedure was, if you got a violation, you got "X" amount of time to correct that violation, you got a reinspection. If they came back in and found that same -- or that same thing in violation still, that put

you into a position where you were in jeopardy of actually the fine and a hearing, and then again, you had a specific amount of time. If you didn't correct it, then you were allowed a judicial -- it wasn't a judicial hearing, it's more an administrative hearing. Is that what we're talking about right here? So it's not three separate violations, it's a violation that wasn't corrected by the establishment, and then under additional time was not corrected by that establishment; is that what we're talking about? You understand where I'm -- there's one violation.

P.O. TONNA:
In other words --

LEG. ALDEN:
So it's a serious violation.

P.O. TONNA:
-- if they found a rat turd --

MR. SABATINO:
I'm listening.

P.O. TONNA:
-- okay, in a sandwich and they got violated, and the next time they come back and they find the same thing, I mean, or is it that they found the rat turd the first time and the second time they found, you know, a chicken --

LEG. ALDEN:
No.

P.O. TONNA:
-- that was only half --

LEG. ALDEN:
Let me give you little better -- let me give you a better example.

MR. SABATINO:
If the question was that you have to find the exact same thing, the answer is no, it's you have to find -- you have to find three instances in which it's something that would contribute to food contamination, food illness, or be an environmental health hazard, so you got to get three.

LEG. BISHOP:
The answer is three.

LEG. ALDEN:
He just said no. He said three, three just separate -- see, originally, they could come in and they could find like your refrigeration is at 52 degrees. They could --

P.O. TONNA:
Is that a code red?

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LEG. ALDEN:
Yeah, that's a code red, absolutely. They could cite you for that and then they'll be back in "X" number of days to reinspect. Now what we did was --

P.O. TONNA:
And then the next time they find a rat turd.

LEG. ALDEN:
No, no, no.

LEG. CRECCA:
Would you stop with the rat already.

LEG. ALDEN:
Yeah, stop with that. Yeah, let's use the --

P.O. TONNA:
Invasion of the Body Snatchers, there was a big debate about that. Don't you remember the movie?

LEG. ALDEN:
Paul, is it three separate things or is that initial violation?

MR. SABATINO:
I was answering the question because I thought you -- I thought your question was does it have to be the exact same thing. The answer is no, it doesn't have to be the exact same thing, it could be. You know, the scenario that you just laid out is one scenario. It could be the exact same thing three times, the person flunked on the same problem three separate times, or you could have somebody who, you know, flunked under one category and then under a second category or on a third category. Those scenarios would be picked up.

LEG. ALDEN:
Under the first -- I'm supporting this bill under that first one. But, if there's a possibility that if they came in and cited you for like your refrigeration --

LEG. CRECCA:
Or a dented can.

LEG. ALDEN:
No, the dented can is not -- I'm not going to get into it. But if they cite you for the refrigeration, they come back to reinspect whatever it is, four days later, now you've corrected your refrigeration, but they find that, you know, you don't have hot water, which is a code red also, so if you don't have the proper temperature to clean your utensils, so under that scenario, if they got you for the refrigeration one time, you corrected that, they got you for the lack of hot water the second time, you correct that, and then they hit you for something else, they would actually -- they would fall under this bill to be put on a website?

MR. SABATINO:
They would fall under the bill, if -- under Article 13 of their

proceedings, that would lead to a formal hearing. They may not -- they may not -- I can't -- I can't guarantee to you, you know, when they're going to schedule that hearing other than they need three violations to get to the hearing. This legislation is not going to expand in any manner, shape or form their ability to get to that hearing. If they get to the hearing under your scenario, or they get to the hearing under the second scenario, that's what becomes the trigger to get in onto the website.

P.O. TONNA:

We have to --

LEG. HALEY:
Motion to close debate.

P.O. TONNA:
No, wait. Legislator Alden, are you done?

LEG. CRECCA:
I thought you were done. I'm sorry, Cameron.

P.O. TONNA:
Are you done?

LEG. ALDEN:
No, but go ahead.

P.O. TONNA:
Well, I'm going ahead. We've spent an hour debating this bill and I had some Legislators telling me that we would finish the whole agenda in 20 minutes. So all I'm saying is I'm going call for a vote.

LEG. CRECCA:
Yes.

P.O. TONNA:
Okay? So --

LEG. GULDI:
There's a motion to table, though.

LEG. CRECCA:
Roll call on the tabling motion.

P.O. TONNA:
There is a motion to table by Legislator --

MR. BARTON:
Binder.

P.O. TONNA:
It took me an hour to figure this out. Seconded by Legislator Towle --

MR. BARTON:
Towle.

P.O. TONNA:
-- if I remember correctly.

MR. BARTON:
Yes.

P.O. TONNA:
Okay. Roll call.

LEG. CARPENTER:
On the motion to table.

LEG. BISHOP:
Oh, come on.

P.O. TONNA:
That's what we had, we had the on the motion to table.

LEG. CARPENTER:
He sent me to go speak to --

LEG. CRECCA:
Roll call.

P.O. TONNA:
Oh, you think we're going to convince anybody?

MR. BARTON:
Legislator Binder.

P.O. TONNA:
Everyone has made their mind up what they're voting. Okay.

LEG. FOLEY:
Roll call.

P.O. TONNA:
Legislator Carpenter, believe it or not, you do have the floor. Do you want to say something?

LEG. CARPENTER:
Yes. Legislator Cooper and I were just speaking with the gentleman from the restaurant industry who was here earlier this morning and he seems to -- the feeling that I got, and, Legislator Cooper, maybe you can confirm this, is that he sincerely feels that this is something his industry can live with, would like to see. It certainly protects those that are legitimate business people that do things the right way.

P.O. TONNA:
Right.

LEG. CARPENTER:
That he would like the opportunity. He has been working with Mr. Dinda from the Health Department, as Legislator Binder is, and

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would be happy to sit down with you one more time and come up with one or two things that they feel would be --

LEG. BISHOP:
Legislator Carpenter --

LEG. CARPENTER:
Because ther were -- there were --

LEG. BISHOP:
What are the specific --

LEG. CARPENTER:
All right. Well, one --

LEG. BISHOP:
-- objections?

LEG. CARPENTER:
One thing that he addressed, when he said code red violations and gave us the example of when they order number -- ten number 10 cans of tomatoes, it comes in a carton of six, and if a guy from the Health Department comes in and says, "Open that carton, I want to see those cans," and he just got delivery of them, hasn't even opened them and checked the, the can comes out and it's dented, that's a code red violation.

LEG. BISHOP:
And that happens three times in a row? That happens all the time, you're telling me.

LEG. CARPENTER:
Well, that's one thing. It could. It could.

LEG. BISHOP:
It could. All right. That's the argument, it could.

LEG. CARPENTER:
But I do feel, as I said earlier, January 1 of 2002, certainly, we can give them the opportunity -- why should we put amendments in? Let's do the bill, do the bill right.

LEG. BISHOP:
Because the bill is correct.

LEG. CARPENTER:

You say it's correct.

P.O. TONNA:
But, Legislator Carpenter, the only thing, and I think what Legal Counsel, what he has made the argument over and over again, we're not changing any Sanitary Code. The restaurant industry, nor Legislator Bishop, nor anybody else is going to change the Sanitary Code. What would change the bill -- the dented cans is an issue with the Sanitary Code. So all that I'm saying is, is that it's not expanded anything. There's not any meetings with people to say all this is a question of

is whether you're going to have public access after which seems to be a threshold for the Sanitary Code, which is three violations, an administrative hearing, or you're not going to have public access, one or the other.

LEG. BINDER:
Mr. Chairman, I'm on the list, so if I can --

P.O. TONNA:
Okay. Legislator Binder, and then we are really voting, everybody.

LEG. BINDER:
I think the point is that when we -- you hear red code violation, everyone goes, "Oh, my gosh, it must be real bad and unhealthful." The problem with red code violation is there's a spectrum and goes from those things like a dented can, which more than nine times out of ten, 99.99% of the time is no problem because it was in the carton and it got dented, to something like E-coli, they actually find E-coli. If there's a huge spectrum, if red code violations were always really unhealthful, and finding it three times is always really a problem, I'd understand it. But understand, every time they find one of these, it's a snapshot in time. And if they find something at the very low end of that spectrum, meaning red code, sounds bad, but really isn't that -- or isn't unhealthful, not enough that they're even concerned as a Health Department, because as a spoke to Ernie, Ernie, Dinda -- I had the list and I should have it in here. I don't have it front of me. I had all the lists of all the things, and there were a number of things we were laughing about. Some of the things on there, even if you found them three times, they wouldn't do anything about it, or they would, they'd bring them to the -- they bring them to hearing, but they wouldn't be so concerned as to our constituents' health prospects in going into the restaurant. They wouldn't be worried, yet we're going to put somebody on this. And look, at these restaurants, who's waiting tables at these restaurants? Single mothers. I mean, now you're putting their name up, they lose the business. We're affecting livelihoods and people. By point is, if they were all E-coli

of that level, yeah, I'd say we're right. But since they're not, we should be talking about how to make sure we get the bad players and unhealthful -- unhealthful problems.

P.O. TONNA:
All right. Legislator Fisher, who said --

LEG. FISHER:
This is just very --

P.O. TONNA:
-- "Come one, get this vote done, get this vote done." Go ahead.

LEG. FISHER:
But what we're addressing has nothing to do with the bill that's before us, it has to do with the Sanitary Code. And, apparently, the spectrum of what is considered a red violation is certainly a spectrum that is too broad. I agree with you, Legislator Binder, but I don't think that that's for us to address in this venue at this particular time.

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LEG. BINDER:
If you'll yield for a moment just a --

LEG. FISHER:
May I? I still have the floor. May I finish, please? During that time that Legislator Carpenter has referred to a number of times, when this bill takes effect, perhaps, however the Sanitary Code could be reviewed, maybe that should be done. But this -- I don't see that this bill is flawed. I think this seems to be a very reasonable and logical bill.

LEG. BINDER:
Except that, Legislator Fisher, we could find a way, another way to formulate it so the -- so they can take that into account, the spectrum of severity within the red zone, and that's all I'm -- that's all I'm saying is maybe give it a month to see if they can do that, if the Health Department can do it, not to come up with a new red code system. Can they come up with a way to take that into account? That's all I ask. After a month, if they can't, then maybe we got to go with this. But does a month change anything since this doesn't take effect until January? What does a month change? Does it destroy anything? It gives at least an opportunity for the Health Department to see if they can do something within that framework that would protect restaurants and protect the consumers at the same time, that's it. That's all I ask for is that one meeting.

LEG. LINDSAY:
Motion to table is on the floor.

P.O. TONNA:
Okay.

LEG. CRECCA:
Let's vote. Roll call.

P.O. TONNA:
Roll call.

(Roll Called by Mr. Barton)

LEG. BINDER:
Yes.

LEG. TOWLE:
Yes.

MR. BARTON:
Legislator Cooper.

LEG. D'ANDRE:
What is the motion?

MR. BARTON:
Motion is to table.

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P.O. TONNA:
To table.

LEG. COOPER:
No.

LEG. BISHOP:
No.

LEG. D'ANDRE:
Absolutely.

LEG. CRECCA:
Yes.

LEG. CARPENTER:

Yes.

LEG. ALDEN:
No to table.

LEG. FIELDS:
No.

LEG. LINDSAY:
No.

LEG. FOLEY:
No.

LEG. HALEY:
Yes.

LEG. FISHER:
No.

LEG. CARACAPPA:
Yes.

LEG. GULDI:
No.

LEG. CARACCIOLO:
Yes.

LEG. POSTAL:
No.

P.O. TONNA:
No. Okay. You got --

MR. BARTON:
Eight.

P.O. TONNA:
Eight, right?

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MR. BARTON:
Yes, eight.

P.O. TONNA:
Okay. There's a motion to approve by Legislator Bishop, seconded by

myself. Roll call.

(Roll Called by Mr. Barton)

LEG. BISHOP:
Yes.

LEG. TONNA:
Yes.

LEG. COOPER:
Yes.

LEG. BINDER:
Pass.

LEG. D'ANDRE:
Abstain.

LEG. CRECCA:
Abstain.

LEG. CARPENTER:
Abstain.

LEG. ALDEN:
Yes.

LEG. FIELDS:
Yes.

LEG. LINDSAY:
Yes.

LEG. FOLEY:
Yes.

LEG. HALEY:
No.

LEG. FISHER:
Yes.

LEG. CARACAPPA:
Abstain.

LEG. TOWLE:
No.

LEG. GULDI:
Pass.

LEG. CARACCIOLO:
Yes.

LEG. POSTAL:
Yes.

LEG. BINDER:
Abstain.

LEG. GULDI:
Yes.

P.O. TONNA:
Okay.

LEG. CARACAPPA:
Change my vote to a no, Henry.

LEG. CRECCA:
You know what, Henry, change my vote to a no also.

LEG. BINDER:
Yeah, Henry, change my vote to a no.

P.O. TONNA:
Okay. Anybody else want to change their vote to a no?

LEG. D'ANDRE:
Yes, I'll change my vote to a no.

P.O. TONNA:
Okay, there you go. All right. Now that the hour and five minutes, we're done with this issue?

MR. BARTON:
Eleven.

P.O. TONNA:
Thank you very much. Okay. 1456 (Authorizing an agreement with a catering concessionaire at Suffolk County Community College). Is there a motion? 1456. Is there a motion?

LEG. FISHER:
Motion to approve.

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

LEG. CRECCA:

Second.

P.O. TONNA:
Seconded by Legislator Crecca. All in favor?

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LEG. ALDEN:
On the motion.

P.O. TONNA:
On the motion, Legislator Alden.

LEG. FISHER:
Ed Wankel is here if there are any questions for him. I think Legislator Alden had some questions.

P.O. TONNA:
Legislator Alden has the floor.

LEG. ALDEN:
Yeah, Ed. If Mr. Wankel could come up and just put the name of the concessionaire on the record, both the corporate name and the principal.

MR. WANKEL:
Good evening. Yes.

LEG. ALDEN:
I'm not sure if it's on. It might have been turned off.

MR. WANKEL:
Yes I'd like to introduce the principal and owner, Steven Carlyle. And the corporate name is?

MR. CARL:
Carlyle Management.

LEG. ALDEN:
Thanks. I'm fine now.

P.O. TONNA:
Is there any relation between Carl and Carlyle? No, I'm joking. Thank you very much. All right. There's a motion and a second. All in --

LEG. ALDEN:
You don't serve Soylent Green, do you?

P.O. TONNA:
No. Okay. All right.

LEG. CRECCA:
You realize now, if you have three code violations --

P.O. TONNA:
Everybody, let's go immediately to code red and vote on this, please.
All right. Henry, roll call on the vote.

LEG. CARACCIOLO:
Hold it, hold it, hold it, hold it.

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LEG. BISHOP:
Can we have tee times rate?

P.O. TONNA:
Excuse me? It takes two-thirds vote?

MR. SABATINO:
It takes a two-thirds --

LEG. CARACCIOLO:
Paul, I have questions.

P.O. TONNA:
Oh, okay. I didn't know where you were. You're there, you're not
there, I hear your voice.

LEG. CARACCIOLO:
I'm always here, remember that.

P.O. TONNA:
Yeah, okay. Legislator Caracciolo.

LEG. CARACCIOLO:
This --

P.O. TONNA:
Caracciolo.

LEG. CARACCIOLO:
This agreement went through the Education and Youth Committee, did not
go through Ways and Means? Counsel?

MR. SABATINO:
No. It went to Education. It's at the Community College.

LEG. CARACCIOLO:
Okay. To the members or the Chairperson of the Committee, did anyone spend an extensive amount of time looking at this agreement? Yeah, maybe we can get just a summary of the terms and conditions of the agreement.

MR. WANKEL:
Sure. The College went out to bid for a food service concession to provide a capital investment at the new facility, the Health, Education and Sports Center, to provide food service for the college students for the Sport Convention Center and for the Police Academy. We went out to bid for an agreement that would be 20 years that required a minimum of $1.5 million investment to add a 10,000 square foot addition to the building over a, you know, period of 20 years. The concessionaire will pay a percentage of the gross, which escalates each five years. And, in addition, the College realizes a rental fee every time there is a function where there is catering there. The concessionaire will also handle the cafeterias at Sachem and the Western Campus.

It's critical this evening to have this bill passed because the

existing concession agreement with the concessionaire expires at the end of July, and we have to get a new agreement in place to provide food service for both the students as well as the Sports and Convention Center, which, by the way, is booked solid now for the next two years, and we have an anticipation of all those organizations who've booked there to get food service. And, you know, are there any other questions, Legislator Caracciolo, in terms of -- did I not answer everything?

LEG. FISHER:
Well, and further to that, Ed, if -- Ed, further to that, the service it provides for the students who are there, and students can get the meals at this particular service through the food service.

MR. WANKEL:
Yes, the students will actually enjoy a much lower --

LEG. FISHER:
We discussed that -- those parts of the lease.

MR. WANKEL:
Right.

LEG. FISHER:
The agreement, rather.

MR. WANKEL:
The students will enjoy a much lower price, and the -- you know, the profit to the College will be realized through the conventions, trade shows, and other events of that nature.

LEG. CARACCIOLO:
Well, what is the arrangement in terms of the County's -- what kind of revenues does this generate for the County?

MR. WANKEL:
I estimated about 250,000 a year. Every time there is a rental for a catered function, the College will receive $7,200 a day during the week, $8,400 a day on the weekend, plus they get percentage of the gross on the food sales, and the capital investment of $1.5 million. So it's in excess of 250,000 a year in addition to providing a much needed service at the facility, which was not provided for during the initial construction of this building.

LEG. CARACCIOLO:
I could understand that. I just want to make sure -- how about safeguards in the agreement where if the vendee does not live up to their obligations -- as you know, you and I earlier today discussed one such concessionaire with the County at one of our parks, which will be coming to the Legislature in the next few months for, hopefully, some action. But in the interim, I just want to make sure that we don't continue what may be a practice of entering into long-term agreements where there are capital investment on the part of the vendors, but then once the vendor is in, we find it difficult, as we have now with a number of lease agreements, Coram Health Center coming to mind, as well as some others, in trying to get the vendor to

do the right thing, or default the vendor's contract. What default provisions are in this contract?

MR. WANKEL:
Well, I think the most important issue in these contracts with public/private partnerships is that there's an investment here of $1.5 million. If the concessionaire defaults, a substantial default, they lose their investment, and that's probably the largest incentive. They are not a private business that operates in our facility, they are actually under the College's management. Prices are approved, personnel is approved, every policy and procedure is approved by the College, and if they do not live up and go through due process, they

lose their investment. And again, that's been the one big thing that protects government when you enter public/private partnerships. And, yes, at times you do have somebody that doesn't perform and it's up to the County at that time to exercise its right to default and to go through due process, and if the concessionaire does not live up to what the agreement specifies, then the concessionaire should defaulted and removed. But there are safeguards within the contract.

It's incumbent upon us as government officials to make sure that we oversee those contracts and we make sure we monitor them, so that they do not become problems like the one at Indian Island. I think that's probably the first time, you know, of one of like that that has occurred, but it's because it needs closer monitoring, and that's really the most important safeguard we have.

LEG. CARACCIOLO:
In this instance, the Carlyle Caterers will make a one-and-a-half million dollar investment over what period of time?

MR. WANKEL:
We are hoping that within a year to 18 months the facility will be completed, and that will -- we will specify those time periods within the agreement.

LEG. CARACCIOLO:
Okay. Thank you.

P.O. TONNA:
Okay. Roll call. Is everybody in the auditorium? Legislators? Where is Legislator Postal? Okay.

(Roll Called by Mr. Barton)

LEG. FISHER:
Yes.

LEG. CRECCA:
Yes.

LEG. COOPER:
Yes.

LEG. BINDER:
Yes.

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LEG. BISHOP:

Yes.

LEG. D'ANDRE:
Yes.

LEG. CARPENTER:
Yes.

LEG. ALDEN:
Yes.

LEG. FIELDS:
Yes.

LEG. LINDSAY:
Yes.

LEG. FOLEY:
Yes.

LEG. HALEY:
Yes.

LEG. CARACAPPA:
Yep.

LEG. TOWLE:
Yes.

LEG. GULDI:
No.

LEG. CARACCIOLO:
Abstain.

LEG. POSTAL:
Yes.

P.O. TONNA:
Yes.

MR. BARTON:
16-1 and 1 abstention.

P.O. TONNA:
Okay. I'm going to make a motion to table Procedural Motion 1. Is that okay?

D.P.O. POSTAL:
Yes.

P.O. TONNA:
Okay. Second by Legislator Postal. All in favor? Opposed? Tabled. I'm going to make a motion to --

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MR. BARTON:
18.

P.O. TONNA:
-- table Procedural Motion 2, second by Legislator Cooper. All in favor? Opposed? Approved.

MR. BARTON:
18.

P.O. TONNA:
Okay. Ladies and Gentlemen, we're going to move to the Capital Budget, because if -- we have to, that's why. So I'm going to make a motion to override --

LEG. BINDER:
Mr. Chairman.

P.O. TONNA:
Yes.

LEG. BINDER:
Can we do Sense 40?

P.O. TONNA:
I'd like to. Let's move these things quickly. Okay? All right. But this is time -- this is time sensitive. Okay. What are we doing? Okay. Go ahead.

MR. SABATINO:
The vetoes -- the vetoes are in the folder, but the two pages that were just handed out, two loose pages, those two loose pages have to be added to -- as Pages 2 and 3 to that document that you have with --

LEG. CRECCA:
Yeah, they're in here.

MR. SABATINO:
With a black clip on it.

P.O. TONNA:
Do I do it as one vote?

MR. SABATINO:
Well, that's up -- that's up --

P.O. TONNA:

I'd like to do it as one vote, personally.

LEG. CRECCA:
Can we do it that way?

P.O. TONNA:
Okay. I make a motion to override as one vote -- is that a motion?

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MR. SABATINO:
Yeah, it is.

D.P.O. POSTAL:
Second.

P.O. TONNA:
Okay. Seconded by -- yeah, all of them together.

LEG. BINDER:
Wait a minute.

P.O. TONNA:
All six vetoes as one.

LEG. BINDER:
Are ther --

P.O. TONNA:
Wait, wait, wait. Just wait. Let's get a second --

LEG. BINDER:
Question.

P.O. TONNA:
-- and then --

LEG. CRECCA:
Are there more than six?

D.P.O. POSTAL:
I was the second.

P.O. TONNA:
Okay. Legislator Postal, on the motion to --

LEG. GULDI:
Clarify what the motion is.

P.O. TONNA:
The motion -- the motion is to take all six --

LEG. CRECCA:
More than six.

P.O. TONNA:
Line item vetoes --

LEG. CRECCA:
Oh, okay.

P.O. TONNA:
-- as one veto. We've done it before. Oh, there's more than six?

LEG. GULDI:
Hold on. I don't see six.

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P.O. TONNA:
How many are there?

LEG. BINDER:
Sixteen, I think.

MR. SABATINO:
We're talking about Resolution 459, which is the first one at the top.

LEG. GULDI:
Twenty-two.

LEG. CARPENTER:
Twenty-two.

LEG. HALEY:
Twenty-two different line items.

P.O. TONNA:
Okay. For those of us who are interested in getting home at least by tomorrow night, I'm going to make a motion to override all of the vetoes, how many they are.

MR. BARTON:
In the omnibus.

MR. SABATINO:

There are 22 line items.

P.O. TONNA:
In the omnibus, the 22 line items.

LEG. CRECCA:
Second.

P.O. TONNA:
Okay. Second -- well, it's seconded already by Legislator Postal.

LEG. ALDEN:
On the motion.

P.O. TONNA:
On the motion.

LEG. ALDEN:
Fred, from Budget Review, what's the effect of either an override or if they're sustained? And what I mean by that is does it increase our capital indebtedness or the authorization for capital indebtedness? Does it increase the debt service? Could you just -- a brief explanation on that.

MR. SPERO:
Okay. Over the three-year period, you'll decrease the amount of serial bond funding for capital projects, and you'll increase funding for the -- for pay-as-you-go.

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LEG. ALDEN:
If you what?

MR. SPERO:
If all the vetoes are overridden. It goes back to what the Legislature had adopted originally.

P.O. TONNA:
And if we don't, how much money is added into our indebtedness, capital --

MR. SPERO:
If the vetoes are sustained, you'll increase capital borrowing over the three-year period $43.6 million.

LEG. CRECCA:
Wow.

P.O. TONNA:
Okay. That sounds good to me.

LEG. HALEY:
Mr. Chairman.

P.O. TONNA:
Yes. Oh, wait, wait. Legislator Binder.

LEG. HALEY:
Question on the motion.

P.O. TONNA:
I had made eye contact with Legislator Binder first.

LEG. HALEY:
Procedural question. Procedural question.

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

LEG. HALEY:
Should not the motion have been to first take them as a group, and then a second motion would be to override, right?

P.O. TONNA:
Yes.

LEG. HALEY:
So the motion before us is --

P.O. TONNA:
It's a procedural motion, to take them as one --

LEG. HALEY:
Is to take it as a group.

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P.O. TONNA:
Right.

LEG. HALEY:
Okay. Thanks.

P.O. TONNA:
Okay. Legislator Binder.

LEG. BINDER:
Okay. First off, Fred and Jim, you said that it would increase bonded indebtedness. Actually, that's increase the potential for bonded indebtedness, is that true? Because, unless we appropriate all of these things, it's only potential for a bonded indebtedness. Is that -- that's the case?

P.O. TONNA:
Right.

MR. SPERO:
Yes, that's true.

[SUBSTITUTION OF COURT STENOGRAPHER - ALISON MAHONEY]

LEG. BINDER:
Okay. So on the flip side, what wasn't asked is what happens in terms of the pressure on the budget for next year? Because I haven't gone through each individual -- and in terms of next year's Operating Budget, if we were to sustain the veto, what would happen in terms of the Operating Budget for 2002 in terms of the need for if we were to appropriate for all these things as pay-as-you-go versus bonding them, the pressure on next year's Operating Budget?

P.O. TONNA:
Who says we're going to do that all? We haven't done even half our program this year.

LEG. BINDER:
Well -- no, that's a good question, and that would be my concern with doing it as a group. Normally I'm right out there saying let's do it all as one. The problem is that maybe in this case we would want to look at them on an individual because we might want to say, "In this case we're probably not going to bond it, we're probably not going to put it in the budget anyway so let's override the veto." And then we might say, "You know what? We really want to do this project as a group, we should decide" -- and I think that would affect each and every -- on each project.

P.O. TONNA:
But Allan, in fairness, we already took a bite at this apple when we approved the Capital Program. We already gave our budget document, we've already done that.

LEG. BINDER:
Right, but --

P.O. TONNA:
We've already made that decision.

LEG. BINDER:
Agreed, but --

P.O. TONNA:
Now all we're doing is saying this is the second bite at the apple, that we agree with us as a body who voted for the capital program that we voted as a majority versus what the Executive Branch says.

LEG. BINDER:
Right, but at that time we did it all as a group because it was an Omnibus Amendment.

LEG. CARPENTER:
Well, 14 of us did.

P.O. TONNA:
Fourteen of us.

LEG. BINDER:
Well, 14, but Legislators might look at this, want to look at this individually and say, "Do I want to put pressure on Operating Budget costs or not?" And so let me renew my question to Fred Pollert, what is the potential --

P.O. TONNA:
Okay. Fred, if you can answer his question.

LEG. BINDER:
And again, it's potential as with the Capital Budget because it's potential of whether we vote for it. What's the potential pressure, total pressure on next year's Operating Budget in terms of having to do pay-as-you-go, if we were to do all these projects or ones that were scheduled for next year, how much money are we talking about if we override the veto? What's -- right, you have to go back and forth. And then what's the cost to the Operating Budget to do all these things, these projects?

MR. POLLERT:
The County Executive vetoed $8.8 million worth of General Fund transfers to the Capital Program.

LEG. BINDER:
Okay. So the potential, the potential here is if you override the County Executive's veto, that we have to find -- if we were to do these projects and if we vote in a block then that's the question you're asking yourself, is whether you're going to want to find nearly $9 million to do these projects including dredging, you can go through list by list and all of them. So that's the question.

P.O. TONNA:

Legislator Binder, just -- every year we have been doing, what, we have been budgeting $10 million worth of pay-as-you-go. So actually

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we're even looking less than with eight point whatever, right?

LEG. BINDER:
No, because this is not all the pay-as-you-go.

P.O. TONNA:
Okay.

LEG. CARACCIOLO:
Mr. Chairman, I would like Mr. Weiss to come up and answer a question.

LEG. BINDER:
The Weissman.

P.O. TONNA:
Kenny, I love your haircut. Come on up here.

LEG. BINDER:
He's going to grow a goatee, you know.

P.O. TONNA:
There you go. I'll tell you one thing. Kenny, I want you to know, there's no early retirement, sorry. Go ahead. I think Fred and Kenny, by the way, are in collusion, they're going to say that this thing is the best fiscal -- anyway, go ahead.

MR. WEISS:
It's because of my fear of no early retirement, I'm trying to get the budget straight. If you did override our vetoes in total --

LEG. CARACCIOLO:
Ken, yeah, I just wanted to raise the issue that was brought up by the Presiding Officer.

MR. WEISS:
Right. You would be increasing our pay-as-you-go to 16 million, six more than we had this year.

P.O. TONNA:
Okay.

MR. WEISS:

And as I advised the Legislature, because of the problems that we have in preparing next year's budget, I was planning on reducing that to two-and-a-half million dollars and reducing this year's amount to $5 million, that's to get the General Fund tax rate to a reasonable level. So if you have 16 million in pay-as-you-go, I estimate you're going to have to raise property taxes by at least 20% in the General Fund.

P.O. TONNA:
We've heard that before. The concern that I have is basically what you're really doing is saying we're going to scrap the pay-as-you-go program and go back to bonding stuff, we're going to forget about the

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5-25-5 Program. So functionally --

MR. WEISS:
No, no, no. Everything we vetoed was outside of 5-25-5. We have documentation from Bond Counsel, everything we vetoed has a life of more than ten years, not five years, more than ten years, many of the things have lives of 15 to 20 years. In the veto message we delineated for every single project whether it had a life of 10, 15, 20 or 25 years. So the things that we vetoed are things that for outside of 5-25-5 and are legitimately able to be bonded under the Local Finance Law.

P.O. TONNA:
Fred?

MR. POLLERT:
The Bond Counsel sent a letter which indicated what can be legally bonded according to State Law, but he did not address nor interpret the local requirement that the County Legislature has adopted which is the 5-25-5 law which talks to funding reoccurring projects with operating funds. So that you could legally bond salaries if you wanted to of the Department of Public Works, you could legally do that, but according to the 5-25-5 Law you would be precluded from in fact doing that because it's a reoccurring cost.

P.O. TONNA:
Right, okay.

MR. WEISS:
Can I respond to that?

P.O. TONNA:
Yes.

MR. WEISS:
5-25-5 means something, right?

P.O. TONNA:
Right, five years --

MR. WEISS:
And the five is five years.

P.O. TONNA:
Right.

MR. WEISS:
One of those fives is five years.

P.O. TONNA:
Right.

MR. WEISS:
No?

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MR. SABATINO:
No, there's a fundamental misunderstanding about the 5-25-5 law. I have to interject myself.

P.O. TONNA:
He's wound up, I want you to know.

MR. WEISS:
So am I.

P.O. TONNA:
He's going to straighten this out. Go ahead.

MR. SABATINO:
The 5-25-5 Law starts with the presupposition that everything that it's applicable to is eligible for bonding, that's the whole point. The bill was adopted to deal with the issue of bonding and deciding when the County should not bond, not because you're legally precluded by the Local Finance Law, but because of an internal decision or calibration as to what should be bonded and not be bonded.

MR. WEISS:
What does 5-25-5 stand for?
MR. SABATINO:

Okay, I'm going to get to it. The statute itself has six categories, okay, the six categories of where the County of Suffolk -- not Bond Counsel, not the State of New York, not the Local Finance Law.

P.O. TONNA:
Not George Bush?

MR. SABATINO:
Not George Bush, not Bill Clinton, but the Suffolk County Legislature, in passing that law, determined that these six categories would not be bonded. The first category is repair and maintenance, period, repair and maintenance, period. Category number two is dredging projects of a hundred thousand dollars or less, period. The third category is road and equipment repair, period. The fourth category is roof replacements, period. The fifth category is equipment purchases. Now, equipment purchases --

MR. WEISS:
But no period, 5-25-5.

MR. SABATINO:
Colon, 5-25-5. So the 5-25-5 was a colloquialism which was given to designate the statute. But 5-25-5 doesn't define the six categories, 5-25-5 is just the subcomponents of category number five, and that's where you get into the 5,000, the 25,000 and the five years. And the last category was to ban the bonding of hand guns, body vests and --

MR. WEISS:
We didn't veto any of those.

P.O. TONNA:
So I guess what our Legal Counsel is saying is that it covers exactly

what we're talking about, period. Okay. Mike, you have any other questions?

MR. WEISS:
I didn't hear the mention of replacement fuel tanks --

P.O. TONNA:
Okay, hold it, hold it. Kenny's got --

MR. WEISS:
I didn't hear the mention -- should I go through the list?

P.O. TONNA:
Kojack's got a point here, come on. Go ahead.

LEG. CARACCIOLO:
Kenny, would you please? Because that's the debate and/or discussion we should have with those --

P.O. TONNA:
I don't want to have a debate, I want to go home and go to sleep.

LEG. CARACCIOLO:
Well, I mean, what's the justification then, Mr. Chairman? If they're not included in one of the six categories enumerated by Counsel and it doesn't meet the other criteria of 5-25-5, then what is the justification to those who supported this originally? You're one of those proponents.

P.O. TONNA:
Absolutely.

LEG. CARACCIOLO:
Well, then answer our question. I mean, why would you take out replacement fossil fuel tanks?

P.O. TONNA:
Legislator Postal would like to answer that.

LEG. POSTAL:
Yeah, I'd like to answer your question. I was a cosponsor on the Omnibus and I think that this is relevant to Legislator Binder's comment and question with regard to the fact that it's a wish list, you don't have to appropriate all the things that are -- you don't have to do appropriations for all the things in there. This has to do with a policy, with establishing what we felt as a Legislature. Originally when we adopted 5-25-5, all through and up until when we adopted the Omnibus we adopted a policy with regard to stabilization of property taxes through Capital Projects. We established a ceiling, a level of proposed capital spending in the Capital Program that would not raise taxes in the Operating Budget for the following year. That's why, Allan, when we did what we did in the Omnibus we set a certain ceiling so that yes, we don't have to appropriate everything, but we didn't adopt an inflated Capital Program that would allow us to either appropriate all of those projects or use those appropriations

as offsets for other projects. So that we would eventually be bonding at a level that would increase our Operating Budget the following year when we were paying debt service.

The same thing is true with 5-25-5. We didn't do it because anybody said -- anybody at the State level said we have to do that, we did it because we felt it was prudent fiscal practice not to bond for certain types of expenditures, and we did that with the understanding that we were going to have to pay for it in the Operating Budget.

So that when we adopted the Omnibus Budget with the level of Capital spending that we proposed and when we amended the Capital Budget so that we eliminated those projects that we felt should be pay-as-you-go, we did it to be consistent with policies that we had adopted before. So that yes, it will impact on the Operating Budget but we felt that it was prudent in certain areas, when we adopted 5-25-5, not to borrow, not to incur interest payments. And I know, Mike, you know because you've chaired the Finance Committee that that's been one on the factors that's produced and improved bond rating for us. So that our practice have been fiscally prudent and that's why I think it makes sense to override as a whole.

LEG. FOLEY:
Here here.

MR. WEISS:
Could I ask a question?

P.O. TONNA:
Wait, wait. Just hold it one second. Legislator Haley has the floor, then Lindsay, then Caracciolo.

LEG. HALEY:
You know, in the best of the times it makes perfect sense to cap your Capital Program so you don't increase that portion of your budget that has to go to debt repayment; is that what you just said?

LEG. POSTAL:
Uh-huh.

LEG. HALEY:
Yeah, but it seems to me, it became very clear that in absence of bonding that and perhaps increasing that repayment, those monies have to be converted to pay-as-you-go and the tax implications severely outweigh what that increase in the debt repayment might be. Now, typically in the best of times that makes a lot of sense to pay as you go, but sound fiscal policy is when things start to slow down and you're concerned about revenues, that's when it becomes I think smart to consider doing that typical bonding that a lot of municipalities do when you're worried about revenues. So I think the decision is whether you want to deal with a very large increase in taxes or we want to modify that policy that you speak of in the short run because we're concerned about revenues and sales tax which makes up most of our budget.

P.O. TONNA:
Okay. Legislator Lindsay and then Legislator Caracciolo.

LEG. LINDSAY:
Yeah, I'm opposed to taking this whole group as one, I think you've got two different issues here. The first resolution has to do with a straight cut of $8 million from the court complex project and the other five have to do with the 5-25, and I think they're two separate issues, I think they should be handled separately. I have no objection to handling the five --

LEG. HALEY:
The bulk is 22, though.

LEG. LINDSAY:
Well, 22 of them.

P.O. TONNA:
Okay. Legislator Caracciolo.

LEG. CARACCIOLO:
Ken, Fred, if one were to do a quick analysis of what the cost to taxpayers would be by shifting this, as Mr. Weiss indicated, into next year's Operating Budget, per household, what's the financial impact versus what the financial impact if and when this Legislative body were to appropriate over the next year or two or three years all of these Capital Projects for some $48 million as you said, when we look at it from a dollars and cents perspective like that, what does it come down to?

MR. WEISS:
If you're talking about -- Legislator Postal was talking about tax stability.

LEG. CARACCIOLO:
Wait a minute, I think Fred has the numbers. Go ahead.

MR. POLLERT:
What the dollar impact would be is if the entire thing flowed directly through to property taxes about $16 dollars on the average homeowner tax bill to maintain the pay-as-you-go policy as adopted by the Legislature.

LEG. CARACCIOLO:
So it would be an additional $16 per household impact.

MR. POLLERT:
That's if it's evaluated solely in terms of property taxes. That assume that you have a budget which does not include that amount of money and it would have to be raised exclusively from property taxes.

LEG. CARACCIOLO:
If you bond the 40 -- what was the figure, 43 million? If all of these 22 items --

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MR. WEISS:
No, 16 million.

LEG. CARACCIOLO:
You disagree with that number, Ken?

MR. WEISS:
It's 16 million. I mean, the --

LEG. CARACCIOLO:
No, no, no, we're talking about the total cumulative impact, financial impact that's in this --

P.O. TONNA:
Wait. Michael, can I make a suggestion? Can we vote on the procedural motion and then --

LEG. CARACCIOLO:
Well, I thought you made a determination that we were going to vote on the full 22; now you changed your mind?

P.O. TONNA:
No, we're making a procedural motion to see if we're going to do that. Let's just finish that, okay? Roll call --
LEG. CARACCIOLO:
As long as I can have my time back.

P.O. TONNA:
-- on the ability to vote on all of this as one. Let's find out before we --

(*Roll Called by Mr. Barton*)

MR. BARTON:
Legislator Tonna?

LEG. POSTAL:
Can I just -- Mr. Chairman?

P.O. TONNA:

Yes?

LEG. POSTAL:
Legislator Lindsay had made a statement about why he would rather not vote on the group as a whole and he spoke about the specific issue of the courts, and I would just like to address that, Bill, because, you know, it might have bearing on whether you're willing to vote on this as a whole.

First of all, the entire amount, the $33 million that we were talking about for the court improvements and expansion in both Islip and Riverhead, originally that $33 million was planned for improvement and expansion to both Islip and Riverhead Courts. When we got this year's Capital Program, the entire amount was earmarked but it was earmarked solely for the Riverhead Courts. And as a matter of fact, the County Executive didn't provide any funding for the Islip Courts, so that

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when reduced the Riverhead Courts we provided for the Islip Courts as well; we didn't eliminate, we just redistributed back to what should have been in the first place. Plus, when this was brought up, Jack Kennedy brought it up, and I couldn't remember what the projects were because I knew that we had, as a matter of fact, added to Capital Projects for infrastructure repair and improvement. And just so that you're aware of it, we added $12 million for a Resource Learning Center, commonly known as a library, at the Eastern Campus of Suffolk County Community College and three and a half million dollars for {Kreiling} Hall at the Community College. So we didn't reduce the court expenditure by $8 million, we just redistributed it back so that it was a for both. Whereas the County Executive -- no, no, this is the courts. If you override on this --

P.O. TONNA:
We added another 12 million.

LEG. POSTAL:
We added 15 point -- we added 15 and a half million for the community college that wasn't in the budget, but we also took the 33 million which was originally proposed for Islip and Riverhead Courts in this year's was all allocated for Riverhead Courts, there was nothing allocated for Islip other than buying land for I think it was $700,000, and we re -- which we don't need because we have land, but we put it back, we put the Islip project back. So we didn't reduce anything, we just returned to what was originally proposed. So we didn't reduce court spending by $8 million, we just went back to what was originally proposed and, in fact, we added 15 and a half million dollars.

P.O. TONNA:
Kenny, you want to say something?

MR. WEISS:
Yes.

P.O. TONNA:
Go ahead.

MR. WEISS:
First of all, I really disagree with Legislator Postal, but this time I have to strongly disagree. That project -- to remove that $8 million, it was arbitrary and capricious. The Legislative Budget Review Office Report on page 50 says, "We agree with the funding presentation for that project." Your own Legislative Budget Office agrees that that -- that we had the proper amount in for that project. That was reduced so you could come up with some magical number which you determined you don't want to bond over a certain number, you can't just arbitrarily take part of a project out. I think Legislator Tonna before said that did you change the extent of the project, are we going to do it differently? No, Public Works is doing the same project except when they go to bid it they're not going to have enough money. If you don't want to do the project take the whole project out.

LEG. POSTAL:
Can I ask the Budget Review Office?

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P.O. TONNA:
Yeah. Fred?

MR. WEISS:
You can't just dismantle part of a project.

P.O. TONNA:
Right. Is that true?

MR. POLLERT:
The project is not completely under way at this point in time, you're in the planning phase. It's a Legislative prerogative to be able to change the amount of funding included for a Capital Project.

P.O. TONNA:
But Fred, Legislator Postal said that basically the original $33 million allocation was for two court places, one in Islip --

MR. POLLERT:

That is correct, it was --

P.O. TONNA:
So now from what I understand, when the County Executive submitted his budget, he just kept all the money in Riverhead, is that --

MR. POLLERT:
What transpired is that the project was originally configured for that amount of money to construct courts in Riverhead as well as in Cohalan. The project costs escalated dramatically so that the entire project was designated just for the construction of courts in Riverhead, and in the current Capital Program the construction phase of the courts for the Cohalan Court Complex dropped out of the Capital Program.

P.O. TONNA:
All right.

LEG. FISHER:
That's exactly what she said.

P.O. TONNA:
Right, that's exactly what she said. Okay, let's do the vote on --

MR. WEISS:
The Commissioner doesn't agree with what Fred just said. And the court study -- for three years that project has been Riverhead only, it's a result of the court study that was done. All we're doing is taking a project and slicing $8 million so we can get to some magical number. And if you don't want to do the project don't do the project, but don't put a number in here that's not realistic.

LEG. BINDER:
Can we ask the Commissioner to come up?

P.O. TONNA:
Okay. Commission --

LEG. BINDER:
If the Commissioner can tell us --

P.O. TONNA:
By the way, I want you to know, you get the fortitude award, all right? You actually are here. Legislator Caracciolo, do you notice, The Commissioner is here.

LEG. CARACCIOLO:
Yes.

COMMISSIONER BARTHA:
As promised.

LEG. CARACCIOLO:
And I have questions for him from earlier.

P.O. TONNA:
I know you have no life.

LEG. BINDER:
Can this project be done for the $8 million less? I mean, at the number that it's at can this project in Riverhead be done?

COMMISSIONER BARTHA:
I can't answer that. At this point we're in the program phase of it. If the Legislature goes through with this reduction in the project, which I was a little surprised at since the BRO report recommended that they agreed with the Executive's Budget presentation, however, since we're in the programming phase we would ask the architect to evaluate what could be done for this amount of funding.

P.O. TONNA:
Okay.

LEG. LINDSAY:
Could I -- let me ask him something.

P.O. TONNA:
Yes, Legislator Lindsay has the floor.

LEG. LINDSAY:
Charlie, I mean, you must have some planning estimates on this project.

COMMISSIONER BARTHA:
Right.

P.O. TONNA:
Yeah, 33 million, that's what he's going to say.

COMMISSIONER BARTHA:
Thirty-three million dollars.

LEG. LINDSAY:
Is it 33 million? So can you do it for 25 million?

COMMISSIONER BARTHA:
We certainly can't build the project that was contemplated in the --

LEG. CARACCIOLO:
That's the whole point, Bill.

LEG. POSTAL:
I have a question for Charlie.

P.O. TONNA:
All right, hold it a second.

LEG. BISHOP:
Can I ask --

P.O. TONNA:
Wait, wait. Everybody can ask but can you be recognized? Legislator Postal.

LEG. POSTAL:
Yeah. Charlie, can I ask, there was two -- $2,600,000 appropriated for planning, right?

COMMISSIONER BARTHA:
That sounds correct.

LEG. POSTAL:
How did we come to that figure; what is it usually for planning?

COMMISSIONER BARTHA:
Well, it's for three major portions and I believe that 2.6 is only a portion of the planning money because there's the programming phase where you go over the scope and you don't even have preliminary designs at that point. You make sure you can build the project at the budget, then you get into the preliminary design, the final design, then you need funds for a project labor agreement, that is planning money, as well as the inspection services during the construction period.

LEG. POSTAL:
So when we usually figure that planning money is 10% of a project?

COMMISSIONER BARTHA:
It depends on the complexity and size of the project.

LEG. POSTAL:
Well, in other words, you're telling me that this project -- we only appropriated the planning money for part of the project, for $26 million worth of project, right?

COMMISSIONER BARTHA:
I'm not confirming that that's the amount that's appropriated.

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LEG. BISHOP:
Yeah, because 2.6 times ten is 26.

LEG. POSTAL:
Well, that's what I'm saying.

LEG. BISHOP:
I understand that.

LEG. POSTAL:
That, you know, if we appropriated --

LEG. CARACCIOLO:
That's a rule of thumb, Maxine.

LEG. POSTAL:
-- 2.6, and the rule of thumb is usually that the planning money is 10% of the job, then it would lead one to believe that the job was $26 million. And what I'm asking is are you telling us that that planning -- that 2.6 million was only for part of the job?

COMMISSIONER BARTHA:
Okay. What I was trying to tell you is that the total planning is four and a half million dollars.
LEG. POSTAL:
And when was the rest of the job going to be done?

LEG. BISHOP:
But that includes the other courthouse.

COMMISSIONER BARTHA:
You're talking about the other phases of it, the project labor agreement portion, that's part of the planning.

LEG. POSTAL:
Well, I'm saying the other money beyond the 2.6 million --

LEG. BINDER:
Uh-oh, let's not screw the project labor agreement.

LEG. POSTAL:
Listen, the money beyond the 2.6 million, was that for the Riverhead Court?

COMMISSIONER BARTHA:

Yes.

LEG. POSTAL:
The whole thing was for the Riverhead Court, the 4.3 I think you said?

COMMISSIONER BARTHA:
Yes, yes.

LEG. POSTAL:
When were we going to get to the point at which we were appropriating

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the additional 1.7 or 1.8 -- my math is not that good -- for the planning?

COMMISSIONER BARTHA:
In 2002 is when it's programmed, next year.

LEG. POSTAL:
And that was going to be -- you're telling me that was a $33 million project that we were spending 4.3 million on planning for, right?

COMMISSIONER BARTHA:
In the category that planning includes of the design, the programming, project labor agreement.

LEG. POSTAL:
Is planning usually 10% of a project?

COMMISSIONER BARTHA:
No, I didn't say planning is usually 10% of a project.

LEG. POSTAL:
Has it usually been? I mean, let's ask -- we have people who have been on the Public Works Committee for I don't know how many years, Legislator Foley, Legislator Bishop.

P.O. TONNA:
Let's not get him on the record, please. He's been very good today, Legislator Foley, please.

LEG. POSTAL:
You know, I mean, that's -- as long as I've been here that's generally been the rule of thumb, that it's 10%.

COMMISSIONER BARTHA:
Are you talking about projects with a project labor agreement?

LEG. POSTAL:
I'm talking about virtually every project that I can remember from Public Works.

COMMISSIONER BARTHA:
Most projects don't have project labor agreements.

LEG. POSTAL:
Oh, so this is the only one?

COMMISSIONER BARTHA:
No.

LEG. POSTAL:
Is this one of -- what?

COMMISSIONER BARTHA:
This is probably our fifth project labor agreement project.

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LEG. POSTAL:
What are some others, just give me examples.

COMMISSIONER BARTHA:
The ball park, the Dennison Building.

LEG. CARACCIOLO:
Cornell?

LEG. BISHOP:
What was the planning on the ball park?

LEG. POSTAL:
And what was the planning -- for example, let's take the Dennison Building?

COMMISSIONER BARTHA:
The multi-purpose building was a college project, I don't have the details on that since it wasn't under our jurisdiction.

P.O. TONNA:
Okay.

LEG. CARACCIOLO:
Mr. Chairman?

P.O. TONNA:
Yes, Legislator Caracciolo.

LEG. CARACCIOLO:
Since you indicated earlier this afternoon that Mr. Bartha could come back at this time to answer questions --

P.O. TONNA:
Yes, sure.

LEG. CARACCIOLO:
-- I would like to avail myself to some questions.

P.O. TONNA:
All right.

LEG. CARACCIOLO:
Charlie, just to reiterate the point made by Legislator Lindsay. This is scoped as a $33 million project.

COMMISSIONER BARTHA:
Yes, the construct cost of this project is $33 million.

LEG. CARACCIOLO:
And that cost more likely will go up not down if the project is not completed on time, if there is an effort to reduce the size and scope of the project today. The agreement -- not agreement, but I guess the recommendation by the committee that allocated nine courtrooms to Riverhead and nine courtrooms to Cohalan --

P.O. TONNA:
Wait. Can I --

LEG. CARACCIOLO:
What is the status of the nine courtroom addition in Cohalan?

P.O. TONNA:
Okay. Could we just -- I shouldn't have recognized Legislator Postal because now we're back to the bill. Let's just find out if we're dealing with it separately or whatever. Can you just roll call the vote --

LEG. CARACCIOLO:
All right, we'll come back.

P.O. TONNA:

-- as putting it all together. And then Legislator Caracciolo, I will recognize you first to continue your questioning. Okay?

(*Roll Call Continued by Mr. Barton*)

MR. BARTON:
Legislator Tonna?

P.O. TONNA:
Hold it a second. I'd ask all Legislators, please come to the horseshoe.

LEG. ALDEN:
Some of them are in the auditorium.

P.O. TONNA:
Okay, there's one, Legislator Crecca. There's two, Legislator Guldi. Okay, where's Legislator Bishop? Where's Bishop? He's very short, I don't see him all the time.

LEG. CRECCA:
Right here.

P.O. TONNA:
Okay, there he is. Go ahead. Roll call. Where's Cooper?

LEG. COOPER:
Cooper's here

(*Roll Call Continued by Mr. Barton*)

P.O. TONNA:
Yes. Oh, no, to take it as one? Yes.

LEG. POSTAL:
Yes.

LEG. COOPER:
Yes.

LEG. BINDER:
No.

LEG. BISHOP:
Pass.

LEG. D'ANDRE:
Pass.

LEG. CRECCA:
Yes.

LEG. CARPENTER:
Yes.

LEG. ALDEN:
Pass.

LEG. D'ANDRE:
I vote yes, Henry.

MR. BARTON:
Thank you, Mr. D'Andre.

LEG. ALDEN:
Pass.
LEG. FIELDS:
Yes.

LEG. LINDSAY:
No.

LEG. FOLEY:
Yes.

LEG. HALEY:
No.

LEG. FISHER:
Yes.

LEG. CARACAPPA:
Yep.

LEG. TOWLE:
No.

LEG. GULDI:
No.

LEG. CARACCIOLO:
No.

LEG. BISHOP:
Yes.

LEG. ALDEN:
Yes.

P.O. TONNA:
Thank you.

MR. BARTON:
Twelve.

P.O. TONNA:
Great. All right, now Legislator Caracciolo.

LEG. CARACCIOLO:
Commissioner Bartha? Just if we could recap the recommendations that were made by the Court Utilization Committee to build nine new courtroom facilities at Riverhead and nine new courtroom facilities at Central Islip; what is the status of the Central Islip Project?

COMMISSIONER BARTHA:
Central Islip, presently there's some space being rented in the Federal Complex and there is no funding at this point for even planning of the work at Cohalan.

LEG. CARACCIOLO:
Is that because we don't anticipate utilizing those additional courtroom spaces at Cohalan for sometime yet?

COMMISSIONER BARTHA:
The -- I would suggest that funding be placed in subsequent years for something for those because of the fact that we're trying to work it out with the lease timing that the leases run out by the point we have construction, design and construction completed.

LEG. CARACCIOLO:
Okay. But we are, in fact, as far as Riverhead is concerned, we are in the planning and design phase and you would anticipate construction to begin when?

COMMISSIONER BARTHA:
We anticipated construction in 2003, the very beginning of 2003 we'd be able to start.

LEG. CARACCIOLO:
Okay. If, in fact, this resolution is considered as a whole, which it appears -- not appears, the vote that was just taken, it makes it one veto override vote -- and this funding is removed, what is the import of that action on this project?

COMMISSIONER BARTHA:
Well, it's possible we would not be able to build the project at all. But certainly the project would be compromised in quality --

P.O. TONNA:
Michael, can I ask a question?

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LEG. CARACCIOLO:
I would like him to elaborate on his last statement.

P.O. TONNA:
Right, I would like to ask the question.

LEG. CARACCIOLO:
Well, just have him elaborate on the last statement; why would the project in its entirety be in jeopardy, Charlie?

COMMISSIONER BARTHA:
Because it's such a substantial reduction, it's a 25% reduction in the construction costs of the project.

P.O. TONNA:
Can I ask you a question, Charlie, just in line of Legislator Caracciolo's. The planning and design, right, that's funded, right?

COMMISSIONER BARTHA:
A portion of it.

P.O. TONNA:
Okay. That's going to take place in what year?

COMMISSIONER BARTHA:
Well, it will -- it's under way now, it will continue through next year.

P.O. TONNA:
2002, right. You're not going to break ground in 2002, right?

COMMISSIONER BARTHA:
Correct.

P.O. TONNA:
Okay. So all that I could say is from a Legislative oversight standpoint, after 2002 it's a planning document -- I mean, it's a planning document all three years, but it's a planning document in the sense of we're not going to spend money for 003 when we're breaking ground or whatever else. If anything, from a Legislative oversight standpoint -- now, this might not be the County Executive's standpoint, but now we have -- in 2002 you're going to get working --

Kenny, just hold it a second, just hold it one second. I don't know which side you are, the angel or the devil on his ear, I mean on his shoulder, you're moving from one to the other.

COMMISSIONER BARTHA:
I thought it was someone different when he was on that side.

P.O. TONNA:
Yeah, right, I know; this is Satan. Anyway, what I would say is from the standpoint of next year, 2002, we're going to have some information with regard to planning. All I'm saying is next year when we address the Capital Budget, if planning says we need eight more million dollars and now you're going to make the severely compromised project argument, we can put that in our next plan. You're not

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spending any money in 2003 with this Capital Budget anyway, it's a planning document, right? In 2002, we have done everything to get the project to the next step.

COMMISSIONER BARTHA:
Okay.

P.O. TONNA:
So tell me where -- and I like the idea that you've got to come back and make the argument to spend more based on the planning document.

LEG. CARACCIOLO:
Mr. Chairman, if you would --

COMMISSIONER BARTHA:
Well, the predicament that --

LEG. CARACCIOLO:
The issue is not coming back to make the argument that he has to spend more, we know, look at the Budget Review Report. This is a $38 million project, with planning and design this is a $38 million project. What the Commissioner has said very clearly, what the Commissioner has said very clearly is the Legislature has a appropriated planning and design funds to the tune of $2.6 million which could be money thrown into a black hole if you don't fund this project, continue to fund this project all the way through the way it needs to be funded.

COMMISSIONER BARTHA:
The predicament that I'm in --

LEG. CARACCIOLO:

Wait a minute, I want the PO to hear this, Charlie.

LEG. CRECCA:
Paul, just listen so we can get on with this.

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

COMMISSIONER BARTHA:
If the budget is adopted this way --

P.O. TONNA:
Right.

COMMISSIONER BARTHA:
-- the predicament it places me in is do I direct the architect to design a project that meets the budget, or do I tell him to design the project that meets everyone's expectations and hopefully we'll get more money? Which means then I get the old --

P.O. TONNA:
Or do you design a project that meets the needs and is the most economical project that you can have?

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COMMISSIONER BARTHA:
And then when I come back here then I'm told that, you know, we have another project cost overrun and that we didn't -- you know, I didn't follow the directions of the Legislature.

P.O. TONNA:
I don't -- all I can say is, Charlie, we have a pretty good institutional memory, all right. There are times when we're told, like ball park, "This is all I need", okay? There are times --

LEG. CRECCA:
That's not fair.

LEG. CARPENTER:
Now, now.

COMMISSIONER BARTHA:
That's all right.

P.O. TONNA:
When I saw, you know, "This is all I need," and then --

LEG. ALDEN:
And then you came back, this is all you need.

P.O. TONNA:
Right, and you came back, you came back and you said, "We need more." And yeah, was it a little difficult? But we got the votes to do it because from the standpoint of a grassy knoll versus actual seats and everything else, we did the right thing. My sense is that this Legislature is not making any major shift in the way that we've dealt with the Department of Public Works. Yeah, it's difficult, there's always going to be institutional tension. But I think what we're saying is from a policy standpoint, at least the majority of people who voted for this, the 14 people who did vote for this project, was that this is what we're willing to pay right now. And just like the old Mick Jagger song, we want to give you what we think you need, not basically what you want, and let's see what we come up with.

LEG. BISHOP:
That's Mick Jagger's song?

LEG. CRECCA:
He's paraphrasing.

P.O. TONNA:
Yeah, you can't always get what you want, you get what you need, right?

LEG. CRECCA:
That's not quite what it was, but that's close.

P.O. TONNA:
I know, I remember it.

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LEG. CRECCA:
Call the vote, call the vote.

P.O. TONNA:
So, anyway.

LEG. CRECCA:
Call the vote.

P.O. TONNA:
Why, you didn't listen to the Rolling Stones?

LEG. CRECCA:
Call the vote.

P.O. TONNA:
All I'm saying is that's a policy decision that we're making right now. You're going in the planning and design stage, you have a Chairman of Public Works will be monitoring, I guarantee, every step of the way with all of these different things. So, please.

LEG. CARACCIOLO:
Mr. Chairman?

LEG. CRECCA:
Call the vote.

LEG. FOLEY:
Mr. Chairman?

LEG. CARACCIOLO:
Mr. Chairman, can I continue?

P.O. TONNA:
Where's our plaque, by the way?

LEG. FOLEY:
Mr. Chairman, that all depends on who the Presiding Officer would be next year.

P.O. TONNA:
That's right, that's right.

LEG. CARACCIOLO:
Fred?

P.O. TONNA:
And by the way, if it's me, Brian -- no, I'm joking. Go ahead.

LEG. CARACCIOLO:
Fred Pollert? Okay. Reference has been made to the BRO Report on pages 49 and 50 which concludes with the office, summing up their report, "We agree with the funding presentation in this project." Has anything changed since this report was written?

MR. POLLERT:
No, what I had said was that the funding level is a Legislative

prerogative that can be established, but the recommendation of the Budget Review Office was to maintain the funding level.

[RETURN OF COURT STENOGRAPHER-LUCIA BRAATEN]

LEG. CARACCIOLO:
Commissioner, if this resolution -- if the veto is sustained, what will be the real impact on this project if you have to go back to the individuals that are doing the planning and design work, tell them to scale it down to a smaller project, how many fewer courtrooms will that provide? I mean, will it result in fewer courtroom space, or where do you see the changes taking place?

MR. BARTHA:
I think, first, I would look at changes in the finishes. I mean, to give two extremes, you can go from marble to formica.

P.O. TONNA:
There you go. I live with formica.

LEG. CARPENTER:
There you go.

MR. BARTHA:
You're talking about --

P.O. TONNA:
Let them eat cake.

LEG. CARACCIOLO:
What's on the back wall here? Wait a minute. What's that on the wall? What's that behind us?

P.O. TONNA:
Marble.

LEG. CARACCIOLO:
Oh, okay.

P.O. TONNA:
Well, I don't think the Judges need it. I know about it.

LEG. CRECCA:
Can we move on?

P.O. TONNA:
I could talk about district offices. Anyway --

LEG. CARACCIOLO:
No marble in my office.

P.O. TONNA:
Oh, please. Let's go.

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LEG. CARACCIOLO:
Mahogany, yes; marble, no.

P.O. TONNA:
All right. Listen. Can we say something? I think everyone gets the idea.

LEG. CARACCIOLO:
Well, I just want to make sure it's not --

P.O. TONNA:
You're making --

LEG. CARACCIOLO:
-- going to impact the size of the court facility.

MR. BARTHA:
I can't guarantee you that right now. That's -- it would have to go through the --

P.O. TONNA:
Right. He's -- we're going to find from the planning stages.

LEG. CARACCIOLO:
Do you think it will jettison the project?

P.O. TONNA:
Jettison.

MR. BARTHA:
Do I think it will? It's possible. I can't guarantee that.

LEG. CARACCIOLO:
When would you come back to the Legislature to let us know if that is even a reality, a remote reality?

MR. BARTHA:
I would say in approximately three months.

LEG. CARACCIOLO:
Three months. Okay.

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

MR. BARTON:
On the motion to override.

P.O. TONNA:
On the motion to override.

(Roll Called by Mr. Barton)

P.O. TONNA:
Yes.

265

LEG. POSTAL:
Yes.

LEG. COOPER:
(Not Present)

P.O. TONNA:
Where is Legislator Cooper?

LEG. COOPER:
Yes.

LEG. BINDER:
No.

LEG. BISHOP:
Yes.

LEG. D'ANDRE:
Yes.

LEG. CRECCA:
Yep.

LEG. CARPENTER:
Yes.

LEG. ALDEN:
Yes.

LEG. FIELDS:
Yes.

LEG. LINDSAY:
(Not Present)

LEG. FOLEY:
Yes.

LEG. HALEY:
No.

LEG. FISHER:
Yes.

P.O. TONNA:
Where did Legislator Lindsay go?

LEG. CARACAPPA:
Yep.

LEG. TOWLE:
Yeah.

LEG. GULDI:
No.

266

LEG. CARACCIOLO:
No.

LEG. LINDSAY:
No.

MR. BARTON:
Thirteen --

P.O. TONNA:
That's not short.

MR. BARTON:
-- Dave.

P.O. TONNA:
Dave, you're short. All right, there we go. Anyway, let's -- wait. Just wait a second. I am going to recognize Legislator Binder. You have been most patient, Legislator Binder, I want you to know that, really. And, really, it's not changing the substance of our relationship whatsoever, but I am going to -- I am going to recognize Legislator Binder, and then I will recognize Legislator Fisher, then I will recognize Legislator Tonna. And then correct? No, okay. You don't have anybody waiting for you. Don't worry, we've got four discharge positions, because we opened very good on the Capital Budget. The health thing we weren't so good on. Legislator Binder.
65

LEG. BINDER:
Motion to take out of order and pass, if we could do it as one shot, take out of order and pass Sense 40, memorializing resolution requesting Suffolk County Board of Health to reject --

P.O. TONNA:
Okay.

LEG. BINDER:
-- hazardous material storage facility --

P.O. TONNA:
All right. Second by Legislator Cooper. Roll call.

MR. BARTON:
On Sense 40.

(Roll Called by Mr. Barton)

LEG. BINDER:
Yes.

LEG. COOPER:
Yes.

LEG. BISHOP:
Yes.

267

LEG. D'ANDRE:
Pass.

LEG. CRECCA:
Yes.

LEG. CARPENTER:
Yes.

LEG. ALDEN:
Pass.

LEG. FIELDS:
Yes.

LEG. LINDSAY:
No.

LEG. FOLEY:
Yes.

LEG. HALEY:
Pass.

LEG. FISHER:
Yes.

LEG. CARACAPPA:
Yes.

LEG. TOWLE:
Pass.

LEG. GULDI:
(Not Present)

LEG. CARACCIOLO:
Yes.

LEG. POSTAL:
Yes.

P.O. TONNA:
No.

LEG. D'ANDRE:
Yes.

LEG. ALDEN:
Yes.

LEG. HALEY:
No.

268

LEG. TOWLE:
No.

LEG. GULDI:
Yes.

MR. BARTON:
14-4. It's approved.

P.O. TONNA:
Okay. Now we're going to move --

LEG. BINDER:
Thank you

P.O. TONNA:
-- to Resolution Number?

LEG. FISHER:
2286.

P.O. TONNA:
2286. This is --

LEG. FISHER:
Motion to approve.

P.O. TONNA:
Oh, you know what, could I -- okay. 2286. She made it -- it's aged for well over an hour.

LEG. FISHER:
It's aged for a little over an hour.

P.O. TONNA:
And --

LEG. FISHER:
You all have copies in a folder on your -- at your places. It's in a folder of its own. Nanette, can give you another copy. Nanette, can give you another copy if you don't have it. I'll make a motion to approve.

LEG. FOLEY:
Second.

LEG. HALEY:
Motion to table.

LEG. CRECCA:
Second.

LEG. FISHER:
Okay. On the motion to table.

P.O. TONNA:
Yes. Wait. There's a motion to table by who?

LEG. HALEY:
Me.

P.O. TONNA:
And who's the second? Okay.

LEG. CRECCA:
Me.

P.O. TONNA:
On the motion -- the motion to table --

LEG. FISHER:
On the motion to table, based on the six-month rule that would -- that would kill the bill --

P.O. TONNA:
No.

LEG. CRECCA:
No, it wouldn't.

P.O. TONNA:
No.

LEG. FOLEY:
It's on the floor.

P.O. TONNA:
It's on the floor, it stays. But, Legal Counsel, could you, please.

LEG. CRECCA:
Yeah, but it was my -- if that's the case, then I won't second it. I didn't -- my understanding was that it stays on the floor once it's on the floor.

MR. SABATINO:
The motion to discharge got it past the six-month rule, so the bill is now safe against the six-month rule.

LEG. FISHER:
Okay. Thank you, Counsel. However, on the motion, there is absolutely no reason why we should table this piece of legislation at this point. I have been working very hard on this for the past six months. I have worked with KeySpan and LIPA. We have met for countless hours over the course of the six-month period that this had been in public hearing.

The reason why we should certainly have this in place I think was made abundantly clear during these six months. We need to have an energy policy in place in Suffolk County. This particular local law sets

very clear criteria of what CO2 emissions would be acceptable levels of emissions in Suffolk County.

270

With regards to the issue of KeySpan had -- rather LIPA had made a statement this afternoon that they didn't agree philosophically because of the global nature of this particular legislation. And just last week, when I heard this argument on the part of LIPA, I had read an article two days before on the death of a {Dennis Pulitson}, who in 1967, in the Town of Stony Brook where I lived for 30 years, joined with other environmentalists in Suffolk County to stop the use of DDT. You may not think of that as a local issue, but at that point, it was local people in Suffolk County who sued to stop the use of DDT. It was then prohibited on the State level and then national levels. We have never been thwarted by considerations that issues are too big for us here in Suffolk County. We are global citizens. It's very important for us to think globally on this issue. CO2 emissions are a serious threat to our environment.

As far as arguments on the technical portions of this bill, the bill will not -- this local law will not raise ratepayers' -- cost to ratepayers. I have spent, as I said, much time with KeySpan. I have adjusted this law so that it would not impact unduly monetarily on the generator of energy. I have adopted the -- adapted the bill so that it would -- so that LIPA could use some of this -- its conservation credits against any kind of penalty that it might incur if it were to go over its CO2 emissions levels, which is very unlikely, because I have worked well within parameters that would be easy to maintain.

The point in this local law is that we are establishing a policy statement. We're articulating the policy statement that we in Suffolk County will have a ceiling on CO2 emissions, that every time we add 100 megawatt hours of energy, we will lower our CO2 emissions by 1%. This is a very reasonable bill, because any new energy that is added to the grid has to be added by very clean and efficient power plants. We must use this kind of criteria to evaluate any new power plants that come into Suffolk County. This will be part of a master plan, so that when we make a decision on power plant sitings, we have very clear criteria on which to base intelligent decisions. I ask you, please, not to table this -- this local law. We have had it here for six months. I have worked very hard with the entities involved. I have come to an agreement with KeySpan and with LIPA. This is a bill that they can live with.

This afternoon Vinny Frigeria from KeySpan was here and again reiterated, not only for me, but for the Presiding Officer and Legislator Crecca, that KeySpan was clearly on board with this piece

of legislation. They would not embrace it, because philosophically they are being -- restrictions are being imposed upon them. However, they have maintained that I have worked hard with them and that they can be on board with this. So there is absolutely no reason.

Earlier I heard arguments that a Legislator should table his bill because he had not spent enough time with the -- with the entities that were involved. Well, I can certainly attest that I have spent a tremendous amount of time with KeySpan and with LIPA and feel very confident that there is nothing else that can be done to -- with this bill that would make it more workable. And I hope that you consider all of this when you vote.

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P.O. TONNA:
I'm -- I want to be next on the list, then I have Legislator Haley and then Legislator Lindsay. I -- yes.

LEG. ALDEN:
Put me on the list.

LEG. CRECCA:
Crecca. I was on the list.

P.O. TONNA:
Oh, sorry. It is actually Legislator Crecca, Haley, Lindsay. And I apologize to Andrew. And then Alden.

I want to commend the sponsor of this bill. I -- actually, it was very tough bill to read, first of all. You know, it seemed like you needed a degree in physics and chemistry. And I'm sure and I've heard it was tough typing also. But I will say this.

LEG. FISHER:
Actually, I typed it.

P.O. TONNA:
My concerns, and we're dealing with energy issues, we've been dealing with energy issues for the last month especially, and in light of what's going on in California, in light of our 233 megawatt, basically, cushion of energy at peak times, I was very concerned with the bill because I felt that we should be really focusing on the issue of energy generation and energy conservation. I will have to say that the sponsor of this bill convinced me otherwise, and for three reasons. One is, Vivian, you have done your due diligence. You went to LIPA, you went to KeySpan. You had conversations, not only that, but an open -- openness to change the bill according to some of the

things that they thought were very, very important with regard to their industry. We answered some of the questions with regard to ratepayers. And I heard LIPA clearly say, a LIPA spokesman say that this would have no impact on increasing rates among ratepayers by complying with this bill. George just a little lower.

The third thing that I want to point out is that I don't think any industry likes to have to comply with certain standards. It's easier at times not to. But considering that our environment is in such a critical situation, and in light of listening to a community that's concerned with regard to a power plant just 4.2 miles away, or whatever else, landfills and everything else, there should be some environmental concern when putting energy generation plants in the area.

And so I wholeheartedly support this bill, and I want to commend you on the process that you took in developing and moving through the public hearings and everything else that was involved. Legislator Crecca, Haley, Lindsay, Alden.

LEG. CRECCA:
First, I also want to commend the sponsor, because I do know that you

worked very hard on this. And I think the bill has merit, a lot of merit, because I think global warming is something that we need to effect. And I, too, spoke to KeySpan today, and my conversation with them was that they were idealogically opposed to the bill, because they did not believe that the County should be passing this kind of bill, but that they did work with the sponsor, and that they felt that they could operate within the limits set in the bill. That would -- that's accurate?

LEG. FISHER:
Yes.

LEG. CRECCA:
Okay. The problem I have and the only reason I was asking to table this, and I'm only looking to table it one meeting, and I know that will put us into August, but there'll still be plenty of time for this bill to take effect, is because LIPA, who has told me, and I know that they have worked with the sponsor, and I know that they made representations to the sponsor, and they've told me that they're -- well, they're still examining the changes, which the problem I have is I would like LIPA to come either before the Energy and Environment Committee or before this Legislature.

LEG. FISHER:

Okay. Mr. Chairman, may I answer that?

LEG. CRECCA:
Yeah. Let me just finish it, though. But --

LEG. FISHER:
Okay.

P.O. TONNA:
Let Legislator --

LEG. FISHER:
Oh, okay.

LEG. CRECCA:
-- I would like them to come before -- and I will happily defer to you to answer that, because -- but they should be made to come here and tell us -- I would like to hear them say that they don't believe it will affect the ratepayers, the rate. They should be made to come here. They are the power authority for this region. Okay? They --

LEG. FISHER:
Well, we have suggested that they come here.

LEG. CRECCA:
I know and it's not the sponsor's fault.

LEG. FISHER:
I don't know if we can compel them to come here, but they did --

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

LEG. FISHER:
They did speak to him.

P.O. TONNA:
Let Andrew finish his sentence.

LEG. CRECCA:
Just let me finish.

LEG. FISHER:
Oh, I thought you were done.

P.O. TONNA:

Legislator Fisher, let Andrew finish his sentence.

LEG. CRECCA:
And I don't -- maybe we can't compel them to come here, but it's apparent to me that they've avoided coming here to comment on this bill. And I believe, as the power authority for this region, they have an obligation to come here and at least give us whatever opinion they can regarding whether this will result in the closing of power plants, you know, or result in an energy shortage, which I don't believe it will, but I want to hear them say that. And I also want them to tell us that they don't believe that this will affect the ratepayers.

P.O. TONNA:
Okay.

LEG. CRECCA:
That's my only reason for tabling this, but I think that --

LEG. FISHER:
Okay. Now I'll answer that.

LEG. CRECCA:
I know. And I think the bill does have merit and -- but I think that they should be made to answer those questions, so that we as Legislators can comfortably vote on this without worrying about affecting rates on utilities here on Long Island, and also worry about having an energy shortage because of this bill. Again, I think I know what the answers will be based on my conversation with KeySpan today, but even KeySpan said LIPA should come here and LIPA should answer those questions. They agreed with me on that, Vinny.

LEG. FISHER:
Okay. Well, LIPA answered those questions in a conference call with the Presiding Officer earlier this evening.

LEG. CRECCA:
LIPA did.

LEG. FISHER:
LIPA.

P.O. TONNA:
Yeah.

LEG. FISHER:

Bill Davidson answered those questions.

P.O. TONNA:
He told me --

LEG. FISHER:
And I told him, "You can disagree with me philosophically on whether or not it's too global for a County to handle, that's a philosophical difference." However, the basic questions, which really should be where the Authority is looking, is, number one, will it affect the ratepayers? And Bill Davidson, on the phone to the Presiding Officer in a conference call, said, "No, it would not raise rates for ratepayers." Number two, "Would it impact on your ability to generate more power?" And the answer was, "No, it would not affect our ability to either build power plants or generate more power." In fact, building new power plants is a way of lowering carbon dioxide.

P.O. TONNA:
I'll corroborate everything that Legislator Fisher just said. Okay? What?

LEG. HALEY:
Am I next?

P.O. TONNA:
Okay. Next is Legislator Haley.

LEG. HALEY:
Legislator Crecca has a point here, because we've all had different conversations. And my conversation with Bill Davidson tonight was that he had to make a representation that LIPA wanted to continue to study the bill. There was, in fact, a Task Force that has a report due from the Governor's Office -- to the Governor's Office concerning CO2 emissions that's due in the Fall, and LIPA wanted to wait for that report until such time -- wait -- they wanted to wait for that report before they took a position.

You know, and I know there's no doubt in my mind, and, Legislator Fisher -- excuse me, you're right in my ear. Legislator Fisher worked very hard on this. But I try to put myself in another position, whether it's as one of our State delegation, or in the Governor's position, or as a Congressman, or a Senator from another state, and here I see this county who all of a sudden has the wherewithal to decide what they think is best for our world and our globe, and they're going to resolve and protect everybody from themselves, which is typical of Suffolk County, taking an approach with creating stuff, which I don't think has been extended to the level that's necessary to provide I think an overall approach to the problems of energy on Long Island. I think a blueprint is very necessary, a blueprint that includes not only future energy usage that approaches conservation, that looks at, you know, alternate energy sources, and wraps into that all of the CO2 emissions. I mean, we've asked LIPA to do that

blueprint because that's what we think they're charged with. We see that the State's already studying CO2 emissions and that's due out in the Fall.

The rush to judgment here I think is premature, and I want to make very clear before I finish that my conversation with Bill Davidson was that they were not going to take a position until that report from the Governor's Office was out concerning CO2 emissions. And that's why I think it's incumbent upon us to get him down here.

P.O. TONNA:
And I will also corroborate Legislator Haley's. That was a subsequent -- all I can tell you is this, and the only -- the only reason why that was said -- or, no, I don't want to say it that way. What I would like to say is that I think that LIPA always has an eye on making sure that they pay attention to not stepping on the State's toes, and, therefore, at times, give --

LEG. HALEY:
Excuse me. I'll say it. He talked to Richard Kessel, Richard Kessel told him --

P.O. TONNA:
"Ahhhhhhh." That's what he said.

LEG. HALEY:
In so many words.

P.O. TONNA:
You want to hear?

LEG. HALEY:
All right. And it's rather obvious --

P.O. TONNA:
"Ahhhh, I can't believe it. Oh, my God, the Governor, the Governor.

LEG. HALEY:
If you really think about it a lot of people don't realize this --

P.O. TONNA:
I'd like to see how you write that on the record.

LEG. HALEY:
-- is that the whole LIPA statute and its existence was perpetrated by the State. I mean, we fought that and we -- everybody blames the County for that, but it was perpetrated by the State. So it seems to me only logical that Mr. Kessel and his board will be considerate of what the State's doing regarding CO2 emissions.

P.O. TONNA:
Thank you. Legislator Alden.

LEG. FISHER:
Could I just --

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P.O. TONNA:
Oh, Legislator Lindsay and then -- listen, we have other bills. I really want to get this -- I think people have decided on where they're voting and I just want to move this. Go ahead.

LEG. LINDSAY:
I'd like to ask Counsel for an explanation on the bill.

MR. SABATINO:
The legislation sets a threshold standard for carbon dioxide emissions within the County of Suffolk by generating facilities. It uses a new standard that was incorporated after discussions with KeySpan and LIPA, which will be 1,800 pounds of carbon dioxide per gross megawatt hour, which is a scientific formula. That's the base line that will be in place. Then starting on March 1st of the Year 2002, there has to be a rate -- not a rate, but a reduction in the carbon dioxide emissions from generating capacity of at least 1% for every 100 megawatts of electric generating capacity generated within the County until an overall limit of 20% is achieved. So it's 1% for every 100 megawatts until you get to 20%. And the balance of the bill deals with, as Legislator Fisher described before, the ability to basically trade energy conservation or energy efficiency credits to bring yourself into compliance, if you're unable to do it through the actual generating capacity of the facility, and then the last portion is to impose fines for failure to comply with those standards.

LEG. LINDSAY:
Do we have the jurisdiction to do this?

MR. SABATINO:
We currently -- we currently do, because there's an absence of regulation with regard to this particular activity. But in Section 7, it contemplates the possibility of either Federal action, if the Feds reverse their current position, or if the State decides to step into the breach and do something by having a reverse preemption clause, which says that if you do get either national or state regulations, then this legislation would become null and void and the Federal or State provisions would prevail.

P.O. TONNA:

Okay.

LEG. POSTAL:
Mr. Chairman.

P.O. TONNA:
After that was Legislator Alden.

LEG. ALDEN:
Jim, did you do an impact statement on this, or on the old bill?

MR. SPERO:
There was a fiscal impact statement that's currently on file, was dated June 5th. So the corrected copy was dated May 21st, so --

LEG. ALDEN:
And what did he find on that?

MR. SPERO:
Well, the Health Department had stated at that time that they needed five additional people if this program was initiated, and the cost over five years at that time, let's see --

LEG. ALDEN:
Jim, hold on a second, I can't hear you .

MR. SPERO:
The five-year cost --

LEG. ALDEN:
Jim, I can't hear you. Hold it. Just wait. Wait a second until the conversation ends and --

P.O. TONNA:
Okay. Hold it one second. Legislator Alden has a question. Jim, please, can you answer it?

MR. SPERO:
The five-year cost would be $1,000,015,359 for the five additional people, including fringe benefits.

P.O. TONNA:
Okay.

LEG. FISHER:

I spoke about that with the Health Commissioner and with Vito Minei, and as we discussed it, they -- I spoke with them about how that was far overestimated, because they wouldn't have to but in a monitor, because these are self-monitoring. The way the EPA does it, it's self-monitoring. There would also be a system in place where we're looking at -- well, one of the things we're doing is the grant that was submitted by Legislator Cooper for someone to work on greenhouse effects, which would again help to defray some of that. And it wouldn't need more than one person part-time to do the work, because they were envisioning having to do the monitoring ourselves, and the EPA doesn't do that, the EPA just on the website just reads the self-monitoring of the plants.

P.O. TONNA:
Okay.

LEG. ALDEN:
And --

P.O. TONNA:
Oh, sorry, go ahead.

LEG. ALDEN:
Does this bill create those five positions or authorize them in any way?

MR. SPERO:
No, that --

LEG. ALDEN:
No.

MR. SPERO:
No, it does not.

LEG. ALDEN:
Okay, thanks.

P.O. TONNA:
Okay. I'd like all Legislators, please come to the horseshoe.

LEG. CARACAPPA:
We're here.

P.O. TONNA:
Thank you. Legislator Caracciolo, I don't -- okay. Roll call.

LEG. D'ANDRE:
What is this bill on, Mr. Chairman.

P.O. TONNA:
This is the CO2. This is to table.

LEG. D'ANDRE:
To table?

P.O. TONNA:
The second on the tabling motion was Legislator Crecca.

LEG. D'ANDRE:
Crecca made the motion?

P.O. TONNA:
No, Legislator Haley made the motion. To table, this is.

(Roll Called by Mr. Barton)

LEG. HALEY:
Yes.

LEG. CRECCA:
Yes to table.

LEG. COOPER:
No.

LEG. BINDER:
Pass.

LEG. BISHOP:
No.

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LEG. D'ANDRE:
Yes to table.

LEG. CARPENTER:
Yes.

LEG. ALDEN:
Pass.

LEG. FIELDS:

No.

LEG. LINDSAY:
No.

LEG. FOLEY:
No to table.

LEG. FISHER:
No.

LEG. CARACAPPA:
Pass.

LEG. TOWLE:
Pass.

LEG. GULDI:
No.

LEG. CARACCIOLO:
(Not Present)

LEG. POSTAL:
No.

LEG. TONNA:
No.

LEG. BINDER:
No.

LEG. ALDEN:
Nope.

LEG. CARACAPPA:
No.

LEG. TOWLE:
No.

MR. BARTON:
Legislator Caracciolo.

P.O. TONNA:
Legislator Caracciolo is walking in right now. Legislator Caracciolo?

LEG. CARACCIOLO:
Motion to table?

P.O. TONNA:
Yeah, yes.

LEG. CARACCIOLO:
Yes.

P.O. TONNA:
Okay.

MR. BARTON:
Five.

P.O. TONNA:
Great.

MR. BARTON:
It fails.

P.O. TONNA:
There's a motion to approve by Legislator Fisher, seconded by --

LEG. FIELDS:
Me.

LEG. COOPER:
Second.

P.O. TONNA:
Legislator?

MR. BARTON:
Fields.

P.O. TONNA:
Okay. Roll call.

(Roll Called by Mr. Barton)

LEG. FISHER:
Yes.

LEG. FIELDS:
Yes.

LEG. COOPER:
Yes.

LEG. BINDER:
Yes.

LEG. BISHOP:
Yes.

281

LEG. D'ANDRE:
Yes.

LEG. CRECCA:
Yes. I'm still make -- going to make LIPA come and answer the questions.

LEG. CARPENTER:
Yes.

LEG. ALDEN:
Yes.

LEG. LINDSAY:
Yes.

LEG. FOLEY:
Yes.

LEG. HALEY:
Yes.

LEG. CARACAPPA:
Yes.

LEG. TOWLE:
Yes.

LEG. GULDI:
Yes.

LEG. CARACCIOLO:
Yes.

LEG. POSTAL:
Yes.

P.O. TONNA:
Yes. All right.

MR. BARTON:
All that for 18.

P.O. TONNA:
Congratulations.

(Applause)

1579.

LEG. FISHER:
Thank you very much.

P.O. TONNA:
I'm going to make a motion to approve, seconded by --

282

LEG. ALDEN:
What is it --

P.O. TONNA:
This is the --

LEG. FIELDS:
Henry, can I be a cosponsor on that?

P.O. TONNA:
-- authorizing the lease of premises located at Veterans Memorial Highway and Alexander Boulevard. Okay. I will -- you know what, this is what we're doing.

LEG. CRECCA:
Second.

P.O. TONNA:
Wait. Second by Legislator Crecca.

LEG. FIELDS:
What are we doing?

P.O. TONNA:
We're doing an approval to approval on Resolution 1579, authorizing the lease of premises located at Veterans Memorial Highway and Alexander Boulevard, Ronkonkoma, New York. Now just -- okay. We have a motion and a second. Before we go --

LEG. GULDI:
On the motion.

P.O. TONNA:
No. I'm going to make another motion to extend the meeting until one o'clock.

LEG. CARPENTER:
Second.

P.O. TONNA:
Second by Legislator Carpenter.

LEG. CARACCIOLO:
Roll call.

LEG. TOWLE:
On the motion.

P.O. TONNA:
Roll call.

LEG. TOWLE:
How can you make another motion on top of the --

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P.O. TONNA:
I can, because, you know, I want to make sure. Wait, I'll ask. I'll ask right now, Legal Counsel, can't we in the middle of debating a bill, can't we make a motion to extend the meeting? Don't make me override you, Paul.

MR. SABATINO:
It takes a -- it will take a two-thirds vote.

P.O. TONNA:
Okay, great. Let's go.

LEG. BINDER:
Until when?

P.O. TONNA:
Until one o'clock. We should be done way before one, but --

(Roll Called by Mr. Barton)

LEG. TONNA:
Yes.

LEG. GULDI:
We haven't started the agenda yet.

LEG. CARPENTER:
Yes.

LEG. GULDI:
We got a $50 million thirty year lease.

P.O. TONNA:
Shhh.
LEG. COOPER:
Yes.

LEG. BINDER:
No.

P.O. TONNA:
We don't want to come back Friday.

LEG. BISHOP:
Yes.

LEG. D'ANDRE:
Yes.

LEG. CRECCA:
Yes.

P.O. TONNA:
It's blackmail, Allan.

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LEG. ALDEN:
No.

P.O. TONNA:
You don't want to come back Friday at four.

LEG. FIELDS:
Yes.

LEG. LINDSAY:
Yes.

LEG. FOLEY:
Yes.

P.O. TONNA:

Everyone has an achilles heel.

LEG. HALEY:
Yes.

LEG. FISHER:
Yes.

LEG. CARACAPPA:
No.

LEG. TOWLE:
No.

LEG. GULDI:
You didn't say please. No.

LEG. CARACCIOLO:
Nope.

LEG. POSTAL:
Yes.

P.O. TONNA:
Okay. Thanks, Henry.

MR. BARTON:
13-5.

P.O. TONNA:
There we go. Okay.

MR. BARTON:
We're here until one a.m.

P.O. TONNA:
Right.

LEG. GULDI:
Whoopie.

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P.O. TONNA:
Okay. 1579. Yeah, at least somebody's saying already. Okay. 1579. There's a motion to approve by myself, seconded by Legislator Crecca. On the motion, Legislator Guldi. On the motion.

LEG. CARACAPPA:
George, you're up.

P.O. TONNA:
Legislator Guldi.

D.P.O. POSTAL:
Legislator Guldi.

LEG. GULDI:
I'm trying to decide where to begin.

D.P.O. POSTAL:
Just jump right in. It was discharged.

LEG. GULDI:
I mean, the fundamental problem, and this is the question that I've asked repeatedly at Space Management -- Commissioner Jones may as well come forward, because it's the boondoggle question, and that is we're looking at -- Jim Spero or Budget Review, please, someone from Budget Review, come to the office. We're looking at tens of millions. I think it's over 30, or is it $50 million over the life of the lease. It's $50 million over the life of the lease of taxpayer money that we are dumping into a build to suit building that's going to cost less than that to build. With a reverter on the building at the end of the lease term, it's reasonable to anticipate we'll be worth a multiplier of that value and is going to revert to a private -- to private hands instead of to public coffers. So we're going to design the building, we're going to build the building, we're going to pay for the building, and we're going to give it away. And my problem with that is it's the question I call, "Okay, why are we creating this private $50 million plus boondoggle instead of creating a public benefit with the equity ownership of a public use building?" DSS is not something we're going to go out of the business of. Please, answer my question.

MR. JONES:
Me?

LEG. GULDI:
Yeah. Well, yeah.

D.P.O. POSTAL:
Is there somebody --

LEG. GULDI:
Come up, Commissioner.

D.P.O. POSTAL:
Bill.

LEG. GULDI:
Whatever.

LEG. TOWLE:
Don't put more of the burden on him.

LEG. GULDI:
If he pulls this one off, they ought to make him a Commissioner.

MR. JONES:
Well, I believe that my answer this evening is the same that I really had at the Space Steering Committee, George, and at the Ways and Means Committee as well, that, you know, this is part of the process that was established by the Legislature. We evaluated a number of different proposals and they are all within the parameter of a build to suit price per square foot, at which in each case the owner of the building ends up owning the structure at the end of that period of time, and we are basically leasing this structure as we would in a new proposed Coram Center, as we do in all of our facilities that we currently lease. It is no different in this particular case than in any one other.

LEG. GULDI:
What's the projected value of the building at the end of the lease term if the reverter clause kicks in, or when the landlord has an absolute right of ownership and possession of it?

MR. JONES:
What is the value of that building?

LEG. GULDI:
Projected value, yeah.

MR. JONES:
I don't know the answer to that question.

LEG. GULDI:
So we don't know how much we're giving away, or how much we are putting into private hands.

MR. JONES:
Well, we're putting in over $50 million into the -- into the cost of the lease over the 20 year span of this building. And, again, you know, we are -- because we are DSS and this question has been evaluated with regard to the build versus lease question, and due to reimbursement and some other issues, we have just found that it's more efficient for us and better in terms of reimbursement for us to continue to lease.

LEG. GULDI:
What are the other issues besides reimbursement that you just eluded to?

MR. JONES:
It has always been a strictly reimbursement issue with regard to the assessment of whether or not we should continue to lease or build to

suit, except that this year there was discussion with regard to the fact that some Upstate county supposedly had arranged with a municipality in that county to have a structure built, at which time at the expiration of that lease with the county, that the building then would revert to the municipality. Originally, we were told that that was a Department of Social Services building, and, in fact, it was a health services building, and, therefore, that created another question as to whether or not it would be possible to somehow end up with either the County or some other municipality owning the building, and it was determined, after a substantial review, both by Budget Review, by bond counsel and others, that that, in fact, was not doable.

LEG. GULDI:
Budget Review, it's just been said that you analyzed the intermunicipal reverter ownership of a reimbursement leased premises and determined that it was not viable. Is that a fair and accurate characterization of both your review and your conclusion?

MR. SPERO:
Well, the people at the State level didn't change their opinion, vis-a-vis if we built, we being the County, built our own facility.

LEG. GULDI:
No. But with the investigation --

MR. SPERO:
You could have a --

LEG. GULDI:
-- of looking at a multigovernment, a town, village --

MR. SPERO:
That's right. You could have another party build it for you, another municipal party.

LEG. GULDI:
Another municipal party build it.

MR. SPERO:
Like the town build it, we lease it from them, we could still continue to get our reimbursement and then work out an ownership arrangement at

the end of the lease period.

LEG. GULDI:
Right. Now did you conclude that that was not a viable alternative?

MR. SPERO:
No. We thought it could be a viable alternative --

LEG. GULDI:
Okay.

MR. SPERO:
-- if it could be explored --

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LEG. GULDI:
What is the --

MR. SPERO:
-- and pursued.

LEG. GULDI:
What is the market -- what is the anticipated market value of a 50,000 square foot office structure on Veterans Memorial Highway built today?

MR. SPERO:
Well, if we built the building, the cost would probably be around $225 a foot, I would think and --

LEG. GULDI:
So -- and the math being --

MR. SPERO:
Yeah.

LEG. GULDI:
-- 50,000 times that? You've got the calculator.

MR. SPERO:
But, anyway --

MR. JONES:
It's 121 --122,000 square feet.

LEG. GULDI:
It's 122,000 square feet.

MR. JONES:
Plus -- yeah, right, and a basement.

P.O. TONNA:
Legislator Guldi.

LEG. GULDI:
Yeah.

P.O. TONNA:
More questions?

LEG. GULDI:
Yeah. I asked a question, he's doing a calculation, he'll answer my questions, then I have a few more.

P.O. TONNA:
Okay. We got time.

LEG. GULDI:
Going to need it. The point -- well, the point is, even if you use -- even if you used a $200 per square foot cost for the construction of 122,000 building, you're looking at --

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LEG. CARPENTER:
27.9.

LEG. GULDI:
Twenty-seven -- yeah, 25 million. $25 million today for construction, plus the land and site improvements; is that correct? So assuming another 5 to 10 million, you're looking at a $30 million structure today at least; isn't that right? Somebody. Fred, Jim, ballpark?

MR. POLLERT:
It's 28.1 million.

LEG. GULDI:
For the building, for the construction, plus the land and improvements and another ten.

MR. JONES:
Right. The number should really be 150,000. It's 30,000 square feet in the basement and it's 122,000 --

LEG. GULDI:
Okay.

MR. JONES:
-- on the first -- on the four floors.

LEG. GULDI:
So how much is it worth, $30 million ballpark today? Is that what we're saying? And in ten years it should be worth twice that, and 20 years it should be worth four times that. So it should be worth $120 million four years from now based on the 50 -- 50 in revenue stream and the 30 in costs; isn't that what we're looking at?

MR. GARFINKLE:
If I may be heard, Legislator Guldi.

LEG. GULDI:
Go ahead, jump right in.

MR. GARFINKLE:
I don't think anyone here has been able to say categorically what the building would be worth. What I can say categorically is that we attempted to negotiate a longer term lease, and what was indicated by the potential landlord, which was corroborated by Public Works, is that after 20 years in a building, we don't want it to become what had been old Bay Shore Minicenter. It requires substantial renovations. You need a new HVAC system, you're going to need a new roof, you're going to need new elevators, you're going to need, as technology changes in the lighting equipment. So that whatever you anticipate the cost of the building, the value of the building, it gets depreciated by the amount of improvements that you're going to have to make on it. So that without entering into a substantially longer term lease, which would have required renovations, after 20 years, the building is not like a normal house that you're going to say is worth "X" amount of dollars. So that I think the very premise that you're starting with is not correct. And unless someone can come forward

from Budget Review and say that they've done an analysis, which I don't believe they did, and I know it's very difficult to do, what that building is going to be worth after 20 years, it's speculation, that's number one. And number two, what also has to be taken into account is if the building, using your figure, is worth $30 million, to finance that over the 20-year period is going to maybe the cost, whatever the interest rate comes out to, and that also has to be factored into it.

LEG. GULDI:
I understand your position, Mr. Garfinkle, but it's also fair to say, is it not, that the structure, even if it's not maintained for the

20-year period and needs a gut renovation at the end of 20-year period, it's still a -- it's still reasonable to conclude that it's projectable to be a valuable asset worth a lot more money than it would be today, given trends --

MR. GARFINKLE:
Using --

LEG. GULDI:
Given hundred year trends in real estate markets.

MR. GARFINKLE:
Using the Bay Shore Minicenter as an example, that's an incorrect assumption, that's my point.

LEG. GULDI:
All right. So why --

LEG. CARACAPPA:
Next question.

LEG. D'ANDRE:
Moving right along.

LEG. GULDI:
My question goes.

P.O. TONNA:
George, George.

LEG. GULDI:
Moving right along --

P.O. TONNA:
Yeah, George.

LEG. GULDI:
-- as you said, Mike, why are we giving away $100 million of taxpayer -- worth funded asset.

P.O. TONNA:
Okay. Wait, wait, George. I don't think George really wants to ask the question with an answer, do you?

LEG. GULDI:
Yes, I want an answer.

P.O. TONNA:
Okay. From who?

LEG. GULDI:
I've asked it to Commissioner --

P.O. TONNA:
Whom --

LEG. GULDI:
Deputy Commissioner Jones. Mr. Garfinkle jumped in. Nobody else is -- nobody else is answering my question. I don't have a satisfactory answer.

P.O. TONNA:
Well, okay.

LEG. GULDI:
Are you going to offer -- do you have anything else to offer on the subject?

P.O. TONNA:
All right. Okay. Legislator Lindsay is next. Legislator Lindsay. Oh, you wanted to be next?

LEG. TOWLE:
I thought I was.

P.O. TONNA:
Okay. You know what, T comes after L on this one. But next time around, I'll screw Lindsay and put you on first; okay?

LEG. LINDSAY:
Mr. Jones, how much of the $50 million lease is reimbursable by the State?

MR. JONES:
The aggregate reimbursement is approximately 80% of the yearly cost of the lease, which includes reimbursement for all of the operating expenses, in addition to the base rent, such things as electrical. Whatever other utilities that we use there will be reimbursable at approximately 80% is the answer.

LEG. BISHOP:
Eighty percent?

MR. JONES:
Eighty percent.

LEG. BISHOP:
Thank you.

LEG. LINDSAY:
If we were to build it ourselves, how much of it would be reimbursable?

MR. JONES:
Well, it's roughly the same reimbursement rate, except that getting that reimbursement rate is a lot more complicated, because you have to have a yearly rental survey conducted, you have to go out and, you know, incur the expense of having the appraisals done each and every year, then you have to submit those appraisals to the State, so that they can be reviewed. It's just a lot more complicated process in terms of getting that reimbursement. A lease situation, which again, as I've stated before, the Department of Social Services leases approximately 300,000 square feet of space here in Suffolk County, and every time we've reviewed this issue, it has always come up to the same answer, that leasing appears and is the better way and easier way to go to ensure that we're reimbursed the maximum amount possible.

P.O. TONNA:
All right. It's Towle next, Legislator Haley.

LEG. CARACAPPA:
Next.

LEG. TOWLE:
Bill, just a couple of questions on the building itself. The building is going to be built to suit?

MR. JONES:
It is.

LEG. TOWLE:
Are we providing any funding for any interior renovations, or materials, or supplies, or equipment, or anything like that?

MR. JONES:
Once the building -- the build to suit includes, of course, the structure, the building, the four walls, and interior office spaces around parts of the perimeter, and, of course, includes the elevators and all those things that make the building operate, all the mechanical systems, etcetera. And then what we have designed is essentially an open floor plan for each one of the floors, and within those floor plans will be incorporated work stations such as are in the -- this new Legislative building for our workers. That's what will -- that's where our workers will be. It will be an open floor plan with work stations with some perimeter offices.

LEG. TOWLE:

So offices/work stations will be our problem.

MR. JONES:
The work stations are our responsibility. The offices, anything that is -- requires walls and sheetrocking will be built by the developer.

LEG. TOWLE:
Okay. And have we budgeted for -- first of all, do we have an amount

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on the work stations?

MR. JONES:
Yes. The work stations, and I'm talking about the individual units, including the demountable partitions and the work surfaces, and the files, and the overhead storage, we estimate will cost -- and to include the office furniture, which are desks, etcetera, conference room tables and chairs, all of those things that will make this thing work when it's finished is approximately $2.5 million. We have asked for $3 million, because, for example, we're doing some additional items in this building. We are converting our Child Support Enforcement file system to a modern office file system, such as you see in doctors' offices, etcetera, you know, they have huge numbers of files. So we want to do that. That will cost additional dollars. We want to put in closed circuit television, which will be at our expense, and it's something that we're doing in all of our renovations of our buildings in all of our centers. Riverhead is being renovated. Right now, that will get a closed circuit television and a security system included as part of our agreement with the union to make our workers more secure and safer, and be able to conduct our business in a safer environment. And there are a couple of other things that total our estimate at $3 million, for which we have discussed with the County Executive. And we do expect, and, you know, the -- they're expecting to put it in the Operating Budget for next year, so that we will be able to purchase these items.

LEG. TOWLE:
Were those items included in the Capital Program request from your department.

MR. JONES:
We did, in fact, make a request in exploring all avenues to ensure that we would be able to purchase these items, since a $3 million hit at one time in our Operating Budget is sometimes difficult to find. We did make that request to have it included in the -- in the Capital Budget. But, first of all, you know, I think there are a couple of things that probably kept it out, but, as you know, it was not included as a Capital Budget item.

Primarily, one of the things is that doesn't comply with the local law. That local law is the one I think you've discussed earlier, and that is that each one of these individual units is not -- does not cost $5,000. So it would have not qualified under that criteria to be included in the Capital Program.

LEG. TOWLE:
Any particular reason we didn't have work stations built in as part of the renovation, as opposed to buying these units ourselves independently?

MR. JONES:
Yes. The reason for that again is there are two issues at work here, one is a reimbursement issue, and the other one is a procurement law issue, and we explored that. We had numerous meeting with both budget people, County Attorney, Purchasing, etcetera, to try to work it out, so that we could possibly have it included as part of this overall

plan. But, for example, if we had the -- if we had attempted to have the developer include it as part of the cost and just include it in the rent, that would have required it to be a biddable -- you know, under procurement laws, it would have had to have been built out, you know, because it would have been seen as an installment purchase of an item, for example, and the County Attorney can explain that better than that, but that was one of the hurdles that we ran into. But the answer to the question is, yes, we examined numerous different ways of trying to pay for these items and have them included other than just through the Operating Budget, and at the end of the day, this was the easiest way to do it.

LEG. TOWLE:
Just one other question, too. The comparables that you guys looked at as far as office spaces, I would assume, or buildings of this size, you obviously looked at "X" number of facilities.

MR. JONES:
Correct.

LEG. TOWLE:
What were some of the other facilities that you guys looked at and considered?

MR. JONES:
We looked at somewhere between 15 and 20 additional -- 15 and 20 sites. A couple that come to mind immediately, and Tom {Contegni} is opening up a board of something that we showed to both the Social

Services Committee and to -- the Social Service Committee and the Space Management Committee. So we looked at somewhere between 15 and 20 sites in total, a number of them, and based on the criteria that we had set up from the very beginning, we eliminated a number of them, because of their location or because they just were buildings that we felt could not work. I believe you're looking at the board that shows where we came to the department to determine that there were four potential sites, Exit 63 on the Expressway, 100 Motor Parkway, and the intersection of Veterans Highway and Sunrise, and then the parcel that is before you tonight.

LEG. TOWLE:
So I guess these were your four finalists, if you will?

MR. JONES:
Correct.

LEG. TOWLE:
What was the cost on each of those proposals?

MR. JONES:
Terry? Square footage wise or gross costs?

LEG. TOWLE:
Both.

MS. ALAR:
I do have a cost per square foot, but I don't know if you want me to

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go into executive session with respect to the numbers. Bob?

LEG. TOWLE:
Why would we have to go into executive session if you're proposing one of these projects?

P.O. TONNA:
Wait. Hold it. Hold it a second. Who's proposing to go into executive session?

MS. ALAR:
No. I'm asking, only because I'm going to be discussing some numbers. Normally we do, but --

P.O. TONNA:
Okay. Well, let's just -- what was the question, Legislator Towle?

LEG. TOWLE:

The question was, Legislator Tonna, I guess the final four were presented here, one, two, three and four, that they looked -- that they came up with. Obviously the writing is quite small. The question I asked was what was the square footage cost, and then the total cost for each of those --

MS. ALAR:
Okay.

LEG. TOWLE:
-- four final sites, I guess.

P.O. TONNA:
Wait.

LEG. TOWLE:
And at that point --

P.O. TONNA:
Okay. We'll ask -- we'll ask Legal Counsel. Is this something that we have to go into executive session over?

MR. SABATINO:
No. This is just documentation of numbers.

P.O. TONNA:
Okay.

MR. SABATINO:
This is --

P.O. TONNA:
Okay.

MS. ALAR:
Initially, when we first started to analyze the different numbers on the four buildings, the one that is the northwest corner of Vets Highway and Ocean Avenue, which is the one that's in front of us

today, was approximately 16.95 per square foot. The one that was exit 63 on the Long Island North Service Road was approximately 18.40 per square foot. The one that was the northeast corner of Sunrise Highway and Veterans Highway in Holbrook was approximately $18 a square foot, and then there was one that was -- the fourth one which was 100 Motor Parkway in Hauppauge, which was substantially higher, but this was a gross lease at $26.50 per square foot.

When we went into committee, they recommended that we negotiate on these four, and then soon thereafter, it was the first three. And then we met during the Year 2000 with different developers, and the best lease that we had and what we presented to the committee is the one in front of us today.

LEG. TOWLE:
When you said committee, you mean Space Management Committee, right?

MS. ALAR:
Correct. Correct.

LEG. TOWLE:
So you did negotiate with each of those four owners --

MS. ALAR:
Yes, we did.

LEG. TOWLE:
-- of these four buildings.

MS. ALAR:
Yes, we did.

LEG. TOWLE:
And the final price was the numbers you just gave us through the negotiations.

MS. ALAR:
That was just the beginning numbers. The final prices I'll have --

LEG. TOWLE:
Yeah, but let's talk from this point forward on final numbers as opposed to what they gave us in the beginning.

MS. ALAR:
Just bear with me for a second and I'll have it.

LEG. TOWLE:
Yeah, no problem. And I'm also going to want a total, so you guys obviously know the square foot of the building, so I would imagine whatever that is time the square foot price.

P.O. TONNA:
Budget Review, can you get a calculator out just to help them out?

MS. ALAR:
Just about each building that we looked at was approximately 125,000

square feet. Storage area was approximately 25,000 square feet. The --

LEG. TOWLE:
So it's 125 plus 25, or the 25 is inclusive in the 120?

MS. ALAR:
No. Plus the 25 square feet for the basement/storage area. So on each site, we were looking at approximately 150,000 square feet.

LEG. TOWLE:
Okay.

MS. ALAR:
The Meridian Building, which is a new building, started out at 15 -- for year one, 15 --

LEG. TOWLE:
Meridian being one, two, three or four? I'm sorry, because we really can't see this. Number one is the Vets Highway and Ocean Avenue building. Let's start with that.

P.O. TONNA:
Just Ronkonkoma, Holtsville, Holbrook.

MS. ALAR:
That's the one in front of us today.

LEG. TOWLE:
Right.

MS. ALAR:
You know what, I don't have that number. Let me go through another paper.

MR. JONES:
The Meridian Building is not before you. That -- the Meridian Building was a late entry, something that came up as a potential site as we were going to the Space Steering Committee to report on those. So it was presented to the Space Steering Committee as well as a possible alternative, and just to make the committee aware of all of the alternatives. Everything that had been presented to us was presented to the committee as possibilities. So it was, again, you know, it was the Steering Committee that guided us through this entire process, and that this one proposal was after that -- after we went back with those four.

LEG. TOWLE:
Okay. So let's go back to number one, which is the Ronkonkoma --

MS. ALAR:
The first one, which is the one that is in front of us today, was at 16.95 per square feet, plus a $1.17 for CAM, for a total of 18.12 per square foot. The basement area -- and also the annual escalation was

at 1.5%. However, for the basement area, the price was 5.50 per square foot that was not escalated over the life of the lease. The

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total amount, and this is just during our initial negotiations, was approximately $55,600,000. The second one, which was Vets Highway and Sunrise Highway, started out at $18 per square feet, 350 for CAM, for a total of 21.50 per square foot. That total rent was the next highest, which was approximately 59,500,000. And the last one, which was the Long Island Expressway, Exit 63, was 16.50 per square foot, 276 for CAM, for a total of 19.26 per square foot. The basement area was 6.50 per square foot, and it also included an annual escalation as well as the regular rentable area. I believe that was also 1.5%. That was a total of $60,300,000. From that, the committee then recommended that we negotiate. They chose the one in front of us today, and that's where we ended up with the final negotiations.

LEG. TOWLE:
Okay. So, in essence, out of the ten facilities you looked at that met your needs, the cheapest facility was number one.

MS. ALAR:
Correct.

LEG. TOWLE:
And there were no other facilities that you looked at that were cheaper?

MS. ALAR:
Correct.

LEG. TOWLE:
And how did you come to the conclusion on these ten facilities, did you guys do some type of advertising where, you know, real estate owners or property owners contacted you based on, you know, some type of advertising, or you just went out and sought the buildings on your own?

MS. ALAR:
We went out between -- between the Department of Planning, between -- brokers were contacted and they asked if they had anything available, and that's how we ended up getting different sites. Once we received those sites, we submitted them to the Department, and the Department then took a look at each site to see if any of them would suit their needs, then the department made a presentation to the Space Steering Committee.

LEG. TOWLE:

When you said brokers, where did we get the brokers from?

MS. ALAR:
Just from a list of brokers that we have throughout the area.

LEG. TOWLE:
Okay. But there was no advertising done requesting the space whatsoever?

MS. ALAR:
No, there wasn't.

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LEG. TOWLE:
And how long did the search take place to come up with these ten locations?

MS. ALAR:
Excuse me?

LEG. TOWLE:
How long did it take to come up with those ten locations? How much time was spent in coming up with the ten locations?

MS. ALAR:
I really don't know. I imagine it took a few months. And also, up until the time that the Steering Committee voted on the final one, which is before you today, if a broker contacted us and said there was another one, we would have submitted it, so it was ongoing. And as it is today, we -- this is our procedure.

LEG. TOWLE:
Who contacted the brokers? Who was the contact point to the brokers telling them --

MS. ALAR:
At that point in time, it was Roy Dragotta.

LEG. TOWLE:
Okay.

LEG. CARACCIOLO:
Question.

P.O. TONNA:
Thank you. Well, just wait. Legislator Haley has the floor.

LEG. HALEY:
Who is the broker?

MS. ALAR:
I believe -- you know, don't quote me, it's been a long time. Then there's no broker on this

LEG. HALEY:
Oh, then there's no broker on this.

LEG. HALEY:
Oh, there's no broker? Oh, well, that's terrible.

LEG. GULDI:
Got lots of lawyers.

LEG. HALEY:
Lots of lawyers, but no broker. That's terrible. That's why it's the cheapest.

LEG. FISHER:
It's for sale by owner.

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LEG. HALEY:
I just want to go back. One of the things that really concerns me, Bill, is that for the longest time, I always thought there was a lot -- a lot more of a difference between the reimbursements of leasing versus owning. And you also said that -- you said that it seemed to be kind of close, but a lot more difficult process to go through the reimbursement when you own the building. Is that a correct characterization?

MR. JONES:
Essentially, that is correct, yes.

LEG. HALEY:
Fred, do you somewhat agree with that assessment? Because I thought the reimbursement rates were substantially different.

MR. POLLERT:
The reimbursement rates are identical. What the difference is is the term of the reimbursement. With the federal reimbursement rates, if the County owns a building, we get the reimbursement over the estimated useful life of the building, which is 50 years. However, if we lease a building, we get the reimbursement over the term of the lease. So it is far less expensive, as Legislator Guldi said, to have

the County construct the building ourselves. However, when you look at the reimbursement rate, it is more expensive from a net County cost because of the reimbursement rates.

LEG. HALEY:
Because --

MR. POLLERT:
So it's not just an issue of having to an annual basis come up with a reappraisal and the market conditions, the difficulty is is they will only reimburse us over the 50 years, even though we're paying off the bonds within 20 years.

LEG. HALEY:
All right. Very good. I appreciate that. The other thing that Jim had mentioned talked about the possibility, and I don't think that that's possible with this building, but I think it's worth mentioning, you know, if you found another municipality to build and lease to us, all right, what's the value of -- the impression I think he was trying to give is that if you go to -- if you make an arrangement with another municipality, at the end of the lease term, you're going own that?

MR. POLLERT:
No. What would happen is that the other municipality would wind up owning the building. That would be the next least expensive method of constructing the building and would also maximize your reimbursement, because if another --

LEG. HALEY:
What do you mean by next least?

MR. POLLERT:
Okay. The least expensive way of doing it is if the County did it ourselves. If you went to another municipality, it would be the next lowest cost, because they would be using tax exempt financing, and they would not have a profit included as well. They would own the building at the expiration of the lease and you would be eligible for the same reimbursement rates. The moment expensive way of doing it, but the cheapest of the two alternatives that are currently available to the Legislature would be to contract with a third party to construct a building, but the third party winds up owning the building as opposed to the municipality.

LEG. HALEY:
Right.

MR. POLLERT:
So if the Town of Islip wanted a building in 20 years, they could construct a building for us, we would lease the building from them. We would receive the same reimbursements. At the expiration of the lease, they would wind up owning the building. And, in fact, when we contacted the federal government, the Town of Islip could also build in a replacement of the elevators and HVAC, as long as their market rent was below prevailing market rents.

MR. JONES:
If I might, Marty. With regard to that, there are so many legal issues that would be involved here. The people that we spoke to at State DSS -- and, by the way, the State Department Social Services must approve this lease. If this body approves it and it's signed by the County Executive, we send it up there. Normally, if it's just a lease situation, it's a proforma approval by the State.

LEG. HALEY:
No. In the interest of moving things along --

MR. JONES:
Yeah, but --

LEG. HALEY:
-- I'm going in a totally different direction. I understand the difference now between that. But I really think that if we happen to have some sort of control over a separate agency that's already been established by the State, we can have our own agency, although we've maintained enough separation so we can -- you know, to meet State statutes, that that separate agency, which we really control, can, in fact, build that for us, tax exempt bonds and -- but at the end of the day, it's going to be an agency that owns a building that we control as opposed to a town controlling, like a Judicial Facilities Agency.

MR. JONES:
Right. And the State Department of Social Services is saying that that would not be allowable. They just -- any option where either the County or a municipality would end up owning the building at the end reverts it back to the situation where --

302

LEG. HALEY:
Judicial Facilities Agency is not a --

MR. JONES:

-- you're going to have to amortize over --

LEG. HALEY:
Is not --

MR. JONES:
-- over a 50-year period of time.

LEG. HALEY:
Judicial Facilities Agency is different. It's a different entity.
Bill.

MR. JONES:
Yes.

LEG. HALEY:
It's a different entity than the town or a county.

P.O. TONNA:
Okay. Legislator -- Legislator Caracciolo.

LEG. CARACCIOLO:
With respect to the lease, did anyone in the Legislature in the committee -- do we have a copy of the lease?

P.O. TONNA:
It's attached.

LEG. CARACAPPA:
It's attached.

LEG. CARPENTER:
Backup.

LEG. CARACCIOLO:
Has anyone in committee discussed the terms and conditions of the lease?

P.O. TONNA:
We have -- actually, we did. We did cover it in committee pretty thoroughly.

LEG. CARACCIOLO:
Taking into account recent events at the Minicenter and the Coram Health Center?

P.O. TONNA:
Absolutely. Let me tell you. I was waiting --

LEG. CARACCIOLO:
Yeah, I'd --

P.O. TONNA:
For everyone else to go. Let me talk a little about the process. This should be the poster child of looking at lease agreements. Six months ago, I think it was December, actually, it started in January or February when we heard about Child Enforcement. And Jon Cooper, if -- you know, if you could just -- in the Social Services Committee we heard about child protection workers, we heard about, really, the terrible work conditions that the Department of Social Services has to conduct themselves, okay, and conduct the business. And it was, you know, through this process that Bill came to the committee and said, "We have a plan. We have a plan of giving our workers in the County the proper facilities and tools necessary, so that their morale could be built, that they don't have to have" -- I mean, there are people who right now, if you take a tour of where they are right now, you'd see that they handle things out of paper boxes, cardboard boxes, that they don't have places to do interviews. I mean, it's just horrendous. And so, basically, the Social Services Committee made it a high priority to go over step by step the capital programs, the programs for facilities and everything else. And before they went to Space Committee, they came to Social Services Committee, and I think it was like a two or three hour meeting, where they outlined the whole process. Ginny, if I'm not mistaken, I mean, you must have asked a half an hour worth of -- at least a half an hour worth of questions with regard to the whole bidding process, the term, how it was culled down to one from five to -- you know, from ten to five to one, whatever else, before it went to Space Committee.

LEG. CRECCA:
We even know where the desks are going to be.

P.O. TONNA:
Right. We talked about -- we talked about partitions. I mean, we've talked about tons of different things. And in the committee -- in the committee we went through every single specific issue. And let's not lose sight. The reason is, is because we want Social Services to have an opportunity to do what it's supposed to do, and facilities are an important part of that. And so we went over each part of that. The last committee meeting, we went over terms of the lease agreement, how it would work, you know, questions about partitions, all of those different things. And so that's where we are today.

LEG. CARACCIOLO:
Besides yourself, does anyone in the horseshoe have a copy of the lease, and Counsel, besides you and Counsel.

P.O. TONNA:
I think everyone has it. No. We all have it.

LEG. CRECCA:
We all do.

P.O. TONNA:
It's right here.

LEG. CRECCA:
It's in our -- it's attached to the bill.

304

P.O. TONNA:
It's attached to your bill.

LEG. CARACCIOLO:
So we got it today, in other words.

LEG. CRECCA:
No.

P.O. TONNA:
No.

LEG. CRECCA:
It was in the original packet that we had.

P.O. TONNA:
No. It was laid on the -- and the only reason why we're discharging out of committee, because it was subject to a public hearing in Bill Lindsay's office and that's the only reason. We would have approved it out of committee in Social Services and I think we would have had a unanimous vote and -- George, I have twice the amount of paperwork that you have.

LEG. GULDI:
Yeah. Mr. Chairman, as a point of order.

P.O. TONNA:
Yeah.

LEG. GULDI:
You discharged it from committee. The bill and the backup weren't circulated to Legislators before the discharge. I submit the discharge is improper, the debate's improper, the bill's not properly before us, as a point of order.

P.O. TONNA:
Okay. So let Legal Counsel -- let Legal Counsel rule on that. This is the bill that was in the packet that was laid on the table.

LEG. FIELDS:
We got it last meeting.

LEG. GULDI:
Last meeting.

LEG. FIELDS:
That's right.

LEG. GULDI:
It was not circulated for the discharge motion this meeting. It is, therefore, not properly discharged, it is not properly before us, it has not properly aged. The debate and motion to approve are improper. That's my point of order. Am I right, Counsel? Isn't there a requirement that the bill be circulated prior to discharge?

305

MR. SABATINO:
No. What has to happen is the bill has to be circulated and be in front of you for one hour before the final vote. I thought it was discharged at six.

LEG. GULDI:
The bill has not been circulated today and distributed here at the horseshoe.

MR. SABATINO:
Well, I thought it was discharged at 6:25 with the other three, the other three bills.

LEG. CARPENTER:
It was. I seconded the motion.

LEG. GULDI:
Yeah, the motion was seconded. The bill hasn't been circulated to permit that motion. The motion was, therefore, improper. The bill has not been properly discharged, it's not properly before us.

MR. SABATINO:
All I can say is I -- there were four motions to discharge. I thought there were four sets of bills that were distributed, because I got four sets of bills.

P.O. TONNA:
They're right here.

MR. SABATINO:

And I wrote on my note that it was at 6:25.

LEG. GULDI:
Where is it?

P.O. TONNA:
I have it right here. I have mine right here.

LEG. GULDI:
You have one copy, Mr. Presiding Officer. One copy isn't 18 copies.

LEG. CARACCIOLO:
That's what my question was, who besides you and Counsel has a copy of the entire resolution and lease agreement?

MR. SABATINO:
No. There's two separate issues. With regard to the lease document, the lease document was attached to the resolution --

P.O. TONNA:
As backup.

MR. SABATINO:
-- that was laid on the table at the June 5th meeting.

306

P.O. TONNA:
As backup.

MR. SABATINO:
So everybody's had it in their possession since June 5th.

LEG. GULDI:
The bill isn't before us.

MR. SABATINO:
That's issue number one. Issue number two, with regard to the discharge motion, my records show it was 6.25, four bills were discharged.

LEG. CARACCIOLO:
But, Counsel, Legislator Guldi's point of order is, if, in fact, that did not take place, can it properly be acted upon at this time?

MR. SABATINO:
If it didn't take place, no.

P.O. TONNA:
No. It's right here.

LEG. CARACCIOLO:
Oh, okay.

P.O. TONNA:
It was discharged to everyone, it's backup.

LEG. CARACCIOLO:
I don't have it.

LEG. GULDI:
The bill's not here, Mr. Tonna. The bill not being distributed, we can't pretend that it's here when it's not.

P.O. TONNA:
Did the Clerk's -- did the Clerk's Office distribute the bill for aging?

MR. BARTON:
Yes, the resolution was distributed.

P.O. TONNA:
Okay.

LEG. GULDI:
Where is it?

P.O. TONNA:
Thank you very much.

LEG. HALEY:
I haven't seen it.

307

LEG. GULDI:
I haven't seen it.

LEG. CARACCIOLO:
Who on that side of the horseshoe has it? Lift it up.

LEG. GULDI:
Hold up a copy of it.

LEG. CARACCIOLO:

Yeah.

LEG. GULDI:
Anyone who has the bill.

LEG. CARACCIOLO:
I mean, you're all saying you have it, show us that you have. Nobody has it, that's the point, Mr. Chairman.

LEG. ALDEN:
Whoa, whoa, whoa, I need a minute.

P.O. TONNA:
Wait a minute. Can I say something? Was it distributed?

LEG. GULDI:
No, it was not distributed, it was an error. Only the disclosure statement is here. That's not the bill.

MR. BARTON:
The disclosure statement was in your packet. The resolution was distributed separately.

LEG. CARACCIOLO:
Well, how come no one has it?

LEG. BISHOP:
Mr. Chairman.

MR. BARTON:
I can't answer the question. I know the copies were made.

LEG. BISHOP:
Mr. Chairman, I have a question of Counsel.

LEG. CARACCIOLO:
Well, I'd like Counsel to rule on the inquiry.

LEG. GULDI:
Yeah, point of order. It needs a ruling.

P.O. TONNA:
Okay.

MR. SABATINO:
If there was a motion to discharge and the bill was distributed, it's

eligible. It's not an issue of whether the lease was distributed today.

LEG. GULDI:
No, it's not an issue of whether the lease was distributed.

LEG. BISHOP:
The bill hasn't been distributed.

LEG. GULDI:
The question is still, if the bill has not been distributed, because nobody seems to have it but Presiding Officer and yourself, was the motion to discharge improper because the bill's not before us? I submit it is improper. The bill's not before us. It, therefore, hasn't been discharged properly.

MR. SABATINO:
Well, no. It was properly discharged, but you would have to wait one hour. The issue is --

LEG. CARACCIOLO:
So then you're ruling is that from this juncture on, we'd have to wait one hour.

MR. SABATINO:
No. It's one hour from the time of its distribution. But, again, you know, I --

LEG. CARACCIOLO:
Which we have -- we don't have.

MR. SABATINO:
I mean, it's a factual question as to whether -- I don't control the distribution, but I thought I saw four bills at 6:25 for four separate discharge motions that were made.

LEG. CARACCIOLO:
But, Counsel, I requested who had a copy of the bill. The Presiding Officer and --

LEG. CARPENTER:
I have a copy of the bill.

MR. SABATINO:
Well, that's not a good test, because --

LEG. CARACCIOLO:
Well, now you do. No. You just got it.

MR. SABATINO:
That's not a good test, because a lot of things --

LEG. CARACCIOLO:
You didn't have it --

309

MR. SABATINO:
Get lost in the course of --

LEG. CARACCIOLO:
-- a minute ago when I asked the same question.

LEG. CARPENTER:
No, because I was looking through this packet.

MR. BARTON:
It's a single sheet, it's one resolution.

P.O. TONNA:
This is what I'm going to do. While you make a -- right, that's the bill. That went out?

LEG. CARPENTER:
Yes, that went out.

LEG. GULDI:
Which one? Let me see it.

P.O. TONNA:
Do we have it? Okay. While --

LEG. GULDI:
No, that's not the -- 1579. The only thing that was distributed is the disclosure statement.

P.O. TONNA:
No. That was in your folder. That was in your folder already, George. The thing that was distributed was the one-page bill.

LEG. GULDI:
It's not here. It's not here.

P.O. TONNA:
They're saying they did it.

LEG. BINDER:
Mr. Chairman.

LEG. CARPENTER:
Excuse me. The whole thing was in the packet at 9:30 this morning.

LEG. GULDI:

No, it was not.

LEG. CARPENTER:
It is.

LEG. GULDI:
Only the disclosure statement, not the bill.

LEG. CARPENTER:
Then we got this separate one sheet later.

310

LEG. CRECCA:
I have mine, too.

P.O. TONNA:
Okay. You know what, it's simple to me. It's simple to me. From --

LEG. GULDI:
Let's pretend we have the document.

P.O. TONNA:
No, no, we're not going to pretend anything.

LEG. GULDI:
This whole thing is so wired it's disgraceful.

P.O. TONNA:
I am -- hand it out now, please. Hand out the document now.

MR. SABATINO:
Hand out another copy of the resolution.

P.O. TONNA:
Hand out the document now.

MR. SABATINO:
Extend the meeting, you know, until 1:15.

LEG. CARPENTER:
1:15.

LEG. CARPENTER:
1:15.

MR. SABATINO:
And we'll be covered.

P.O. TONNA:
Right.

LEG. BINDER:
Mr. Chairman.

P.O. TONNA:
I'm going to make a motion.

LEG. BINDER:
Mr. Chairman.

P.O. TONNA:
You guys want to play games, we'll play games.

LEG. BINDER:
Mr. Chairman, parliamentary --

311

P.O. TONNA:
Yes.

LEG. BINDER:
Can I make a parliamentary inquiry?

P.O. TONNA:
Yeah.

LEG. BINDER:
Whether it is within the power of the Legislature to make a -- no, to make -- to waive the rules and pass. Change the motion to waiving the rules --

P.O. TONNA:
No.

LEG. BINDER:
-- of it being -- sure, let me --

P.O. TONNA:
Go ahead.

LEG. BINDER:
That we can waive the rules and pass it. Waive the rule of one hour, laying on the table, since we've been debating it, we've been

discussing it --

P.O. TONNA:
Can we do that?

LEG. BINDER:
-- and we know its contents. Can we waive that rule, if I can ask Counsel?

P.O. TONNA:
You can't win on the votes, fine. Can we make that motion.

MR. SABATINO:
You can make a motion to waive the one-hour maturity, yes.

P.O. TONNA:
Okay, fine. I make a motion to waive the one-hour maturity --

LEG. CRECCA:
Second.

P.O. TONNA:
-- the bill. Seconded by Legislator Crecca.

LEG. GULDI:
Roll call.

P.O. TONNA:
Roll call.

312

LEG. GULDI:
To waive the rules.

LEG. BINDER:
Waive the one-hour rule.

P.O. TONNA:
To waive the one-hour rule in light of the fact -- in light of the fact that some people couldn't find the bill.

LEG. CARPENTER:
That some people misplaced it.

LEG. GULDI:
Some people could see it without having it in their hands.

P.O. TONNA:
Yeah, George, I can see it will change your vote now that you have it, you know. Give me a break. This is the most ridiculous thing I've ever heard.

LEG. CARACAPPA:
Roll call

P.O. TONNA:
You know? But that's --

LEG. CRECCA:
Just do the roll call, Paul.

P.O. TONNA:
Roll call.

LEG. HALEY:
Mr. Chairman, I just want you to know --

LEG. CARPENTER:
Roll call.

LEG. HALEY:
-- I did see this earlier.

P.O. TONNA:
Roll call.

LEG. GULDI:
Hell of a fund-raiser.

P.O. TONNA:
George, let me tell you something. Sometimes you're ridiculous. At 12:15, you are absolutely --

MR. BARTON:
Mr. Chairman.

P.O. TONNA:
Roll call.

MR. BARTON:
Fourteen Legislators voted to discharge it.

(Roll Called by Mr. Barton)

P.O. TONNA:
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:
Yes.

LEG. FISHER:
Yes.

LEG. CARACAPPA:
Nope.

LEG. TOWLE:
No.

LEG. GULDI:
No.

LEG. CARACCIOLO:
No.

LEG. POSTAL:
Yes.

MR. BARTON:
Fourteen Legislators to waive the rules.

P.O. TONNA:
Thank you very much. Now I'm going to make -- we have a motion to approve and a second. Roll call.

MR. BARTON:
On the lease.

(Roll Called by Mr. Barton)

LEG. TONNA:
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:

Yes.

LEG. FISHER:
Yes.

315

LEG. CARACAPPA:
Yes.

LEG. TOWLE:
No.

LEG. GULDI:
No.

LEG. CARACCIOLO:
Nope.

LEG. POSTAL:
Yes.

MR. BARTON:
15-3.

P.O. TONNA:
Thank you very much.

LEG. CRECCA:
Mr. Presiding Officer, a motion to approve 1423 --

P.O. TONNA:
Yes. I'll second --

LEG. CRECCA:
-- which we skipped over before.

P.O. TONNA:
I'll second that motion. All in favor?

LEG. GULDI:
Hold on. What's the bill?

P.O. TONNA:
1423.

LEG. CRECCA:
The bill that we discussed earlier, the contingency funding bill --

P.O. TONNA:
Right.

LEG. CRECCA:
-- that everybody got a copy of it before the dinner break.

P.O. TONNA:
Make sure to check your copies.

LEG. GULDI:
Yes.

316

P.O. TONNA:
Check your copies.

LEG. GULDI:
Yeah. That one you handed out.

LEG. CRECCA:
It's not a discharge anyway, guys.

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

MR. BARTON:
18.

P.O. TONNA:
Thank you. Let's go to the rest of the agenda.

LEG. CARPENTER:
Ways and Means, Page 9.

P.O. TONNA:
Page 9, Ways and Means. 1501.

MR. BARTON:
Mr. Chairman. Mr. Chairman.

P.O. TONNA:
Is there a motion, Legislator Fisher? Page 9.

MR. BARTON:
Mr. Chairman.

P.O. TONNA:
Yes.

MR. BARTON:
Could I ask that you waive the rules and lay on the table the resolutions that we've already distributed? Because they won't be in -- they won't be in committee in August if we don't finish the meeting.

P.O. TONNA:
Okay, go ahead. What is -- what are they? Where are they?

MR. BARTON:
It was the large packet that was given to you. It starts off with 1669, 1670.

P.O. TONNA:
Thank you.

MR. BARTON:
1671, 1672.

317

P.O. TONNA:
I'm going to make a motion to waive the rules and lay on the table 1669. It's going to go to the Environment. 1671, that goes to the Environment. 1672, that goes to Public Works and Finance. 1676, that goes to Ways and Means. 1677, that goes to Environment. 1678, Environment. 1679, Environment. And Sense Number 64, that goes to Economic Development and Energy. Sense 65, that goes to Economic Development, Energy and Health. And Sense 66, that goes to Ways and Means. I made a motion --

LEG. CARPENTER:
Second.

P.O. TONNA:
-- seconded by Deputy Presiding Officer Postal. All in favor? Opposed? Approved.

MR. BARTON:
18.

LEG. ALDEN:
So, basically, we could just do late-starters once again? Because I

have about -- I had five or six that I wanted to put on, too.

P.O. TONNA:
Yeah.

LEG. CARPENTER:
Can we get to the agenda?

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

LEG. ALDEN:
No. We're doing late-starters right now.

P.O. TONNA:
Yeah. No, we're not doing -- we just them.

LEG. ALDEN:
Yeah, but wait a minute. Not that long ago, you said you didn't want late-starters, so I'm abiding the rule, now I'm penalized. I have five that I wanted to put on.

P.O. TONNA:
Okay. Okay. Legislator Alden, it's --

LEG. ALDEN:
No, never mind, that's fine.

P.O. TONNA:
Listen to me. What you say is true. And all I can say is I've said it before and I'll say it again to Legislators, get it in on time, please. This is really very tough on the Clerk's Office and everybody else, you know, the whole issue of late-starters. Get them in on time. Thank you.

318

WAYS AND MEANS

1501 (Authorizing reduction of erroneous tax assessment of property located at 21 Jane Boulevard, Port Jefferson Station, Town of Brookhaven). Is there a motion?

LEG. FISHER:
Yes.

P.O. TONNA:
Legislator Fisher.

LEG. FISHER:
Motion to approve.

P.O. TONNA:
A motion to approve, seconded by Legislator Guldi. All in favor? Opposed? Approved. (Vote: 18).

1527 (Authorizing waiver of interest and penalties for property tax for William and Georgette Canning). Motion by Legislator Foley, seconded by Legislator Guldi. All in favor? Opposed? Approved.

MR. BARTON:
18.

P.O. TONNA:
1529 (Authorizing waiver of interest and penalties for property tax for Margaret and Steven Tannen). Motion by Legislator Carpenter, seconded by Legislator Crecca. All in favor? Opposed? Approved?

MR. BARTON:
18.

ENVIRONMENT, LAND ACQUISITION AND PLANNING

P.O. TONNA:
Energy and the Environment. 1363 (Authorizing the acquisition of development rights to farmlands by the County of Suffolk, of property in Wheatly Heights (Pay-As-You-Go 1/4% Taxpayer Protection Program). Motion by Legislator Postal?

LEG. POSTAL:
Yes.

P.O. TONNA:
Seconded by?

LEG. BISHOP:
Me, I'll second it.

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

MR. BARTON:
18.

P.O. TONNA:
1420 (Adopting Local Law No. 2001, A Local Law to require verbatim minutes for Suffolk County Planning Commission). Motion by Legislator Fields?

LEG. FIELDS:
Yes.

P.O. TONNA:
Seconded by?

LEG. GULDI:
Second.

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

(Opposed said in Unison by Legislators)
LEG. HALEY:
Opposed.

LEG. CRECCA:
Roll call.

P.O. TONNA:
Roll call.

LEG. HALEY:
Roll call.

(Roll Called by Mr. Barton)

LEG. FIELDS:
Yes.

LEG. GULDI:
Yes.

LEG. COOPER:
Yes.

LEG. BINDER:
No.

LEG. BISHOP:
Yes.

LEG. D'ANDRE:
Yes.

LEG. CRECCA:
No.

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LEG. CARPENTER:
No.

LEG. ALDEN:
Yes.

LEG. LINDSAY:
No.

LEG. FOLEY:
Yes.

LEG. HALEY:
No.

LEG. FISHER:
Yes.

LEG. CARACAPPA:
No.

LEG. TOWLE:
Yeah.

LEG. CARACCIOLO:
Yes.

LEG. POSTAL:
Yes.

P.O. TONNA:
Pass. No, no, no.

LEG. TOWLE:
Good try.

LEG. GULDI:
All right. Now that you passed, it's your vote.

P.O. TONNA:
No. No to verbatim minutes.

MR. BARTON:
11-7.

P.O. TONNA:
There you go. Okay. 1432 (Making a SEQRA determination in connection with the proposed alternate sludge processing at Suffolk County

Southwest Sewer District No. 3, Town of Babylon). Motion by myself, seconded by Legislator Postal. All in favor? Opposed? Approved.

MR. BARTON:
18.

P.O. TONNA:
Okay. I'm going to go same motion, same -- 1512 (Making a SEQRA

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determination in connection with the proposed intersection improvements on CR 13, Fifth Avenue at Candlewood Road, Brentwood, Town of Islip - CP 3301). Same motion, same second, same vote.

MR. BARTON:
18.

P.O. TONNA:
1513 (Making a SEQRA determination in connection with the proposed intersection improvements on CR 31, Old Riverhead Road, at CR 104, Quogue/River Road, Town of Southampton - CP 3301.)

LEG. GULDI:
Motion on 1513.

P.O. TONNA:
Motion by Legislator Guldi, seconded by myself. All in favor? Opposed? Approved.

MR. BARTON:
18.

P.O. TONNA:
1514 (Making a SEQRA determination in connection with the proposed intersection improvements on CR 67, motor Parkway at Adams Avenue, Hauppauge, Town of Smithtown - CP 3301). Same motion, same second, same vote.

MR. BARTON:
18.

P.O. TONNA:
1515 (Making a SEQRA determination in connection with the proposed construction of Salt Storage Building, Commack, Town of Smithtown). Same motion, same second, same vote.

MR. BARTON:
18.

P.O. TONNA:
1516 (Making a SEQRA determination in connection with the proposed intersection improvements on CR 46, at Surrey Circle, Mastic, Town of Brookhaven - CP #3301). Same motion, same second, same vote.

MR. BARTON:
18.

P.O. TONNA:
1517 (Making a SEQRA determination in connection with the proposed construction of County alternative DWI Facility (Replacement of), Town of Brookhaven, CP #3044). Same motion, same second, same vote.

MR. BARTON:
18.

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P.O. TONNA:
1518 (Making a SEQRA determination in connection with the proposed drainage improvements on CR 40, Three Mile Harbor Road, Town of East Hampton - CP #5542). Same motion, same second, same vote.

MR. BARTON:
18.

P.O. TONNA:
1554 (Dedication of certain lands now owned by Campo Brothers, a New York State Partnership, 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).

MR. BARTON:
18.

P.O. TONNA:
Is there a motion?

LEG. CRECCA:
Explanation. Motion to approve for the purpose of an explanation.

P.O. TONNA:
Okay. I'll second it for an explanation.

LEG. FISHER:
Yes.

P.O. TONNA:
Who are the Campo Brothers? It sounds like a like traveling circus. Anyway.

MR. SABATINO:
They've offered six parcels to be --

P.O. TONNA:
Don't ask. Go ahead.

MR. SABATINO:
They've offered six parcels to the County to be dedicated to the County Nature Preserve. This would accept that offer.

P.O. TONNA:
Fine, we'll take it.

LEG. FISHER:
Why? What do we have to give them?

LEG. CRECCA:
There's no fiscal impact, zero dollars.

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

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MR. BARTON:
18.

P.O. TONNA:
1515. Motion by --

LEG. FOLEY:
1555.

P.O. TONNA:
1555 (Amending the 2001 Capital Budget and Program and appropriating funds in connection with the continuation of the Suffolk County Community Greenways Fund-Farmland).

LEG. CARACAPPA:
Motion.

LEG. HALEY:

Second.

LEG. FOLEY:
Let's go.

P.O. TONNA:
1555.

LEG. GULDI:
Motion.

P.O. TONNA:
Motion by --

LEG. FOLEY:
Motion.

P.O. TONNA:
-- myself, seconded by Legislator Guldi.

LEG. CRECCA:
On the motion.

P.O. TONNA:
On the motion.

LEG. CRECCA:
Budget Review, I read the bill, and my question for you is where is --

LEG. FOLEY:
Where is the money?

LEG. CRECCA:
-- the money coming from?

P.O. TONNA:
Show me the money.

LEG. CRECCA:
Show me the money.

P.O. TONNA:
Show me the money.

MR. SABATINO:
This is the Greenways bond that was actually authorized a year ago.

This would now appropriate the second $10 million -- actually, the first $10 million component for farmland acquisition.

LEG. CRECCA:
Okay, got you. I got it.

MR. SABATINO:
Okay. The bonds are already authorized.

LEG. CRECCA:
I see it with that explanation.

P.O. TONNA:
Okay.

LEG. CRECCA:
Thank you.

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

MR. BARTON:
18.

P.O. TONNA:
1560 (Accepting and appropriating additional 40% Federal grant funds from the New York State Department of Environmental Conservation to the Department of Health Services, Division of Environmental Quality for the Water Quality Management Planning (SPDES) Program). Motion by myself, second by Legislator Bishop. All in favor? Opposed? Approved.

MR. BARTON:
18.

P.O. TONNA:
1562 (Authorizing the transfer of certain properties to Suffolk County Department of Parks, Recreation and Conservation). Motion by Legislator Bishop, Seconded by Legislator Fisher. All in favor? Opposed? Approved. Pay attention, everybody.

MR. BARTON:
18.

P.O. TONNA:
1578 (Amending the 2001 Capital Budget and Program and appropriating funds in connection with the continuation of the Suffolk County Community Greenways Fund-Active Parkland). Motion by Legislator

Postal, seconded by Legislator Guldi. All in favor? Opposed? Approved.

MR. BARTON:
18.

P.O. TONNA:
1583 (To establish storm water remediation Program for South Shore tributaries). Motion by Legislator Binder.

LEG. FOLEY:
Second. No, Bishop.

P.O. TONNA:
Or Bishop, Bishop.

LEG. FOLEY:
I'll second it.

P.O. TONNA:
Seconded by Legislator --

LEG. FOLEY:
Second. Second.

P.O. TONNA:
Can't deal with it, I can't.

LEG. GULDI:
We know you can't deal with it.

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

MR. BARTON:
18.

P.O. TONNA:
1585 (Declaring a governmental need for the premises formerly known as Broad Cove Duck Farm, Town of Riverhead, Suffolk County Tax Map No. 0600-086.00-01.00-036.000). Motion by?

LEG. CARACCIOLO:
Motion to table.

LEG. GULDI:
Second.

P.O. TONNA:
Motion to table by Legislator Caracciolo, seconded by -- the Duck Farm. Seconded by Legislator Guldi. All in favor? Opposed? Tabled.

MR. BARTON:
18.

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P.O. TONNA:
1592 (Establishing criteria for Suffolk County Active Parklands Stage II Acquisition Program). Motion by Legislator Haley, seconded by myself. See, Marty, we do things together here. All in favor? Opposed? Approved.

MR. BARTON:
18.

P.O. TONNA:
Who knows. Motion -- 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 Tax Map No. 0500-299.00-01.00-010.000). Motion by?

LEG. FIELDS:
Fields.

P.O. TONNA:
Legislator Fields. Seconded by?

LEG. FOLEY:
Second.

LEG. FISHER:
Second.

P.O. TONNA:
Seconded by Legislator Foley.

LEG. ALDEN:
On the motion.

P.O. TONNA:
On the motion.

LEG. ALDEN:
Freddy, from Budget Review, we heard an approximation of what this actually would lead to as far as spending. What does this resolution cost us? And was there a fiscal impact statement? Right.

MR. SPERO:
This is authorizing planning steps for an acquisition, so --

LEG. ALDEN:
And how much do we expend on planning steps?

MR. SPERO:
Sometimes we do the appraisals in-house, other times we hire outside appraisers, so it depends. Several thousand dollars.

LEG. ALDEN:
What's -- is there a range?

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MR. SPERO:
I'm not really sure.

LEG. ALDEN:
Because on the record before, Paul Sabatino said that it could be up like in the $10,000 range. Because we heard testimony earlier in the day that the property seller -- the owner of the property is an unwilling seller. So I just want to find out what this is going to cost the taxpayers for this exercise in futility.

MR. POLLERT:
I don't know whether or not they intend to do the appraisal in-house or if they're going to contract it out. There's a list of appraisals, and it would really be dependent upon how complex the appraisal is. I don't know what this specifically cost.

LEG. ALDEN:
All right.

P.O. TONNA:
Okay.

LEG. HALEY:
Oh, could I -- may I comment on that?

P.O. TONNA:
Roll call? No?

LEG. HALEY:
Can I comment?

P.O. TONNA:
Legislator Haley.

LEG. HALEY:
Yeah. I just want to comment on that. My experience is with Real Estate, I don't think they're going to order an appraisal unless they have a seller that they already started to kind of negotiate and had an interested seller. That's my experience. I don't know what they might do here, but I don't think they order appraisals if they got a seller that's not ready, willing and -- you know, not at least willing to talk.

LEG. ALDEN:
So then what does this do, then?

LEG. HALEY:
Actually, it gives Real Estate the opportunity to go and approach them or talk. Talk about options, you know, how they can roll through it and then -- but I don't -- I don't believe they go through any expenditures unless they feel like they're heading in some sort of direction.

LEG. ALDEN:
I'd feel better if there's, you know, money going to be expended or --

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LEG. HALEY:
I'm just telling you my experience with Real Estate.

LEG. ALDEN:
Okay. All right.

D.P.O. POSTAL:
Legislator Fields.

LEG. FIELDS:
This would not be the first time that the County has appraised or gone through the steps of trying to acquire a piece of property. I think Forsythe Meadow was not a willing seller. And I probably could reach out a lot of people on this horseshoe that have put in pieces of property to be acquired that didn't have willing sellers, but, eventually, we did acquire the property. I would just like to make a motion to approve, and if you're going to vote for it, vote for it, if not, don't.

D.P.O. POSTAL:
Legislator Foley.

LEG. FOLEY:
No. No, thank you.

D.P.O. POSTAL:
Okay. Roll call. There's a motion --

LEG. CARPENTER:
Motion to table.

LEG. BINDER:
Second.

D.P.O. POSTAL:
Motion to table. Is there a second?

LEG. CARACAPPA:
Second.

LEG. BINDER:
Second.

D.P.O. POSTAL:
Second by Legislator Caracappa. Roll call on the tabling motion.

(Roll Called by Mr. Barton)

LEG. CARPENTER:
Yes.

LEG. CARACAPPA:
Yes.

LEG. COOPER:
No.

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LEG. BINDER:
Yes.

LEG. BISHOP:
To table, no.

LEG. D'ANDRE:
No.

LEG. CRECCA:
Pass.

LEG. ALDEN:

Pass.

LEG. FIELDS:
No.

LEG. LINDSAY:
No.

LEG. FOLEY:
No to table.

LEG. HALEY:
No.

LEG. FISHER:
No.

LEG. TOWLE:
Pass.

LEG. GULDI:
No.

LEG. CARACCIOLO:
Pass.

LEG. POSTAL:
No.

P.O. TONNA:
I don't want to table.

LEG. CRECCA:
No.

LEG. ALDEN:
Nope.

LEG. TOWLE:
No.

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LEG. CARACCIOLO:
No.

MR. BARTON:

Three.

D.P.O. POSTAL:
There's a motion to approve and a second, I believe.

MR. BARTON:
Yes.

P.O. TONNA:
Roll call.

D.P.O. POSTAL:
Second. Roll call on the motion to approve.

(Roll Called by Mr. Barton)

LEG. FIELDS:
Yes.

LEG. FOLEY:
Yes to approve.

LEG. COOPER:
Yes.

LEG. BINDER:
No.

LEG. BISHOP:
For approval, yes.

LEG. D'ANDRE:
Yes.

LEG. CRECCA:
Pass.

LEG. CARPENTER:
No.

LEG. ALDEN:
Nope.

LEG. LINDSAY:
Yes.

LEG. HALEY:
Yes.

LEG. FISHER:
Yes.

LEG. CARACAPPA:
No.

LEG. TOWLE:
Yes.

LEG. GULDI:
Yes.

LEG. CARACCIOLO:
Yes.

LEG. POSTAL:
Yes.

LEG. TONNA:
No.

LEG. CRECCA:
No.

MR. BARTON:
Twelve.

D.P.O. POSTAL:
1595, authorizing planning steps for the acquisition of land under Pay-As-You-Go 1/4% Taxpayer Protection Program.

LEG. FIELDS:
Motion to approve.

D.P.O. POSTAL:
Motion to approve by Legislator Fields, I'll second it. Roll call.

LEG. LINDSAY:
Can I just ask a question?

D.P.O. POSTAL:
Yes.

LEG. LINDSAY:
Is this the same property?

LEG. FIELDS:
Yes.

LEG. LINDSAY:
Same property.

LEG. FIELDS:

Yes.

LEG. LINDSAY:
Why do you need --

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LEG. FIELDS:
Different program.

LEG. GULDI:
Two different tax maps.

LEG. ALDEN:
Which programs then? Could we just identify which one is this?

D.P.O. POSTAL:
This is Pay-As-You-Go Quarter Cent Program, which is the new quarter cent.

LEG. ALDEN:
Oh, this is the new one? The other one was the -- what's --

D.P.O. POSTAL:
The other was the Drinking Water quarter cent.

LEG. ALDEN:
Twelve? Was that 12 something?

D.P.O. POSTAL:
Yeah, it was -- what was that 12E or --

MR. SABATINO:
12(5)(E) --

LEG. ALDEN:
12(5)(E) --

MR. SABATINO:
-- was the residuary from the 1989.

D.P.O. POSTAL:
Okay. Roll call on 1595.

(Roll Called by Mr. Barton)

LEG. FIELDS:

Yes.

LEG. POSTAL:
Yes.

LEG. COOPER:
Yes.

LEG. BINDER:
No.

LEG. BISHOP:
Yes.

LEG. D'ANDRE:
Yes.

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LEG. CRECCA:
No.

LEG. CARPENTER:
No.

LEG. ALDEN:
Nope.

LEG. LINDSAY:
Yes.

LEG. FOLEY:
Yes.

LEG. HALEY:
No.

LEG. FISHER:
Yes.

LEG. CARACAPPA:
No.

LEG. TOWLE:
Yes.

LEG. GULDI:
Yes.

LEG. CARACCIOLO:
Yes.

P.O. TONNA:
No.

MR. BARTON:
11-7.

LEG. CARACCIOLO:
Mr. Chairman.

D.P.O. POSTAL:
1595 is approved.

LEG. CARACCIOLO:
I'd like to make a motion to reconsider 1585.

LEG. FOLEY:
Second.

LEG. GULDI:
Second.

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LEG. CARACCIOLO:
Which was tabled.

LEG. FOLEY:
Second the motion.

D.P.O. POSTAL:
Okay. There's a motion to reconsider 1585, which was declaring --

P.O. TONNA:
You already tabled it.

D.P.O. POSTAL:
Yeah.

LEG. CARACCIOLO:
I know, but I want to make a motion to reconsider to approve.

LEG. GULDI:
Approve it instead.

D.P.O. POSTAL:
There's a motion to reconsider, seconded. All in favor?

LEG. CARPENTER:
Second.

LEG. CRECCA:
Second.

LEG. FOLEY:
Aye.

D.P.O. POSTAL:
Any opposed?

LEG. BINDER:
Opposed. I'm opposed.

D.P.O. POSTAL:
Okay. 1585 is before us.

MR. BARTON:
17-1.

LEG. CARACCIOLO:
Motion to approve.

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

LEG. GULDI:
Second.

D.P.O. POSTAL:
-- Legislator Caracciolo, seconded by Legislator Guldi. Roll call.

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Excuse me. All in favor?

LEG. FOLEY:
Aye.

D.P.O. POSTAL:
Any opposed?

LEG. BINDER:
Opposed.

LEG. ALDEN:
I'm going to abstain.

D.P.O. POSTAL:
One in opposition, one abstention.

MR. BARTON:
16-1-1.

LEG. CRECCA:
Abstention. Abstention.

D.P.O. POSTAL:
Two abstentions.

MR. BARTON:
Okay, sorry.

D.P.O. POSTAL:
Okay. Education and Youth.

MR. BARTON:
15-1-2.

D.P.O. POSTAL:
1558.

P.O. TONNA:
We have to go back to 1583. Legal Counsel --

MR. SABATINO:
Yeah. On 1583, there was yet another corrected copy that was filed a day or two ago, so it's not eligible until the August 7th meeting. I missed it on the first round.

P.O. TONNA:
Thank you.

MR. SABATINO:
I apologize, but we have to reconsider.

P.O. TONNA:
Motion to send it back to -- reconsider.

MR. SABATINO:
Just to reconsider and table it on the floor. It will be eligible on the 7th. There was a last set of changes that were made.

P.O. TONNA:
I'll make a motion to reconsider, second --

LEG. CARPENTER:
Second.

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

LEG. CRECCA:
Motion to table.

P.O. TONNA:
It's before us. Motion to table by Legislator Crecca, second by Legislator Bishop. All in favor? Opposed? Approved.

P.O. TONNA:
Go.

MR. BARTON:
18.

P.O. TONNA:
Go right ahead.

EDUCATION AND YOUTH

D.P.O. POSTAL:
Education and Youth. (1558-Amending the 2001 Operating Budget and transferring funds in the Youth Bureau from National Council of Negro Women, Inc., to Riverhead Community Awareness Program, Inc., to provide a Youth Service Program).

LEG. FISHER:
Motion.

D.P.O. POSTAL:
Motion, Legislator Fisher.

LEG. CARPENTER:
Second.

D.P.O. POSTAL:
Seconded by Legislator Carpenter. All in favor? Any opposed? 1558 is approved.

MR. BARTON:
18.

D.P.O. POSTAL:
15 --

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LEG. CRECCA:
Motion to approve.

D.P.O. POSTAL:
Yeah.

LEG. CARPENTER:
Second.

D.P.O. POSTAL:
1591 (Amending the 2001 Capital Program and Budget, and appropriating Planning funds for the construction of a Children's Shelter, Yaphank (CP 3012). Motion by -- was that Legislator Crecca?

LEG. CRECCA:
Yes.

D.P.O. POSTAL:
Seconded by Legislator Carpenter. Roll call.

(Roll Called by Mr. Barton)

LEG. CRECCA:
Yes.

LEG. CARPENTER:
Yes.

LEG. COOPER:
Yes.

LEG. BINDER:
Yes.

LEG. BISHOP:
Yes.

LEG. D'ANDRE:
Yes.

LEG. ALDEN:
Yes.

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. POSTAL:
Yes.

P.O. TONNA:
(Not Present)

MR. BARTON:
15-2, 1 not present on the bond.

D.P.O. POSTAL:
Same motion, same second, same vote on the resolution. 1593 (Amending the 2001 Operating Budget transferring funds from the General Fund to the Community College Fund for advertising).

LEG. FISHER:
Motion.

LEG. CARPENTER:
Second.

D.P.O. POSTAL:

Motion by Legislator Fisher, seconded by Legislator Carpenter.

LEG. ALDEN:
Just one quick explanation, please.

D.P.O. POSTAL:
Legislator Alden. Explanation, Mr. Sabatino.

MR. SABATINO:
This would be legislation to transfer $100,000 from the Permanent Salary Account for advertising at the Community College. The discussion at committee was that 60,000 would be for direct mail, and 40,000 would be for newspaper type advertising.

LEG. CRECCA:
They're going to send their catalog to --

LEG. FISHER:
Cameron.

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LEG. CARACCIOLO:
On the motion.

LEG. FISHER:
This was based on -- Cameron, we had had some discussions last year instructing the College on send the course catalog to people's homes instead of listing the course catalog in the -- in Suffolk Life. I'm correct, right?

LEG. CARPENTER:
Yeah, this would be direct mail.

LEG. FISHER:
Okay.

LEG. CRECCA:
Yes, it's direct mail.

LEG. FISHER:
Instead of doing it in Suffolk Life.

LEG. CRECCA:
Everyone in Suffolk is going to get it at their house.

LEG. FISHER:
And so this is a direct mail to people's homes of the catalog.

LEG. ALDEN:
That I understood. I just wanted to know where --

LEG. CARACCIOLO:
On the resolution.

LEG. ALDEN:
From where to where was the transfer?

LEG. CARACCIOLO:
On the resolution.

LEG. FISHER:
Okay. All right.

LEG. CARACCIOLO:
Maxine. Maxine.

D.P.O. POSTAL:
Yeah, I'm sorry. Legislator Caracciolo.

LEG. CARACCIOLO:
Question for Budget Review. Was there not money earmarked specifically for advertising in the College's budget last year?

LEG. FISHER:
Yes, there was.

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MR. POLLERT:
Yes, there was, but they have requested an additional $100,000.

LEG. CARACCIOLO:
How much money was spent?

MR. POLLERT:
They had obligated all the money that was included in the budget.

LEG. CARACCIOLO:
Do you recall what that was? My recollection was about a half a million dollars.

LEG. FOLEY:
Resolved, there was 605.

LEG. CARACCIOLO:
605,000.

LEG. FOLEY:
605.

LEG. CARACCIOLO:
This is another 100,000.

LEG. FISHER:
Yes.

LEG. CRECCA:
Yes.

LEG. CARACCIOLO:
Okay.

D.P.O. POSTAL:
Okay.

LEG. CRECCA:
Call the vote.

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

LEG. CARACAPPA:
Opposed.

LEG. CARACCIOLO:
Caracappa.

MR. BARTON:
Mr. Guldi is that you're opposed?

LEG. GULDI:
No.

MR. BARTON:
Or you're scratching you're head? Thank you.

LEG. GULDI:
Scratching my head.

LEG. CARACAPPA:
Henry, opposed.

LEG. GULDI:
Talking to Towle.

D.P.O. POSTAL:
Okay. Abstentions?

MR. BARTON:
15-2, 1 not present.

D.P.O. POSTAL:
1593 is approved.

FINANCE AND FINANCIAL SERVICES

Finance and Financial Services. 1487 (Implementing budget cuts for equipment, supplies, travel, special services, and fees for services to partially offset sales and compensating use tax increase without property tax increase).

LEG. CRECCA:
Motion to approve.

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

LEG. HALEY:
Second.

D.P.O. POSTAL:
Seconded by myself.

LEG. FOLEY:
Explanation on that, please.

D.P.O. POSTAL:
For purposed --

LEG. CRECCA:
This is -- what this does is the County Executive, through a memorandum, had implemented a memo to departments so that they -- sorry -- which resulted in 3.4 million in nonappropriations that he was ordering for a travel, supplies and equipment. What this bill does, does what the County Executive can't do and takes that and now prevents it from being appropriated. We're cutting the appropriations, so it will save $3.4 million this year, which will go towards a surplus for next year and have a direct tax impact to save taxpayers money.

LEG. FOLEY:
I know the hour's late, but I need to ask this question. You know, there have been resolutions to approve equipment for a variety of departments earlier on the agenda. What this resolution -- will be cutting dollars for equipment. Forgive for asking the question, but what kind of equipment are we talking about? For instance, in Public Works or in the Parks Department, you know --

LEG. CRECCA:
These were -- I'm sorry, I didn't mean to interrupt you.

LEG. FOLEY:
That's okay, please.

LEG. CRECCA:
These were all -- these are all supplies and equipment that were already being cut in the sense that the County Executive has refused to appropriate the money for those. My understanding is that maybe Budget Review can confirm that, is that this does not affect any of the things we passed earlier today.

MR. POLLERT:
Yes, that is correct.

LEG. FOLEY:
All right.

D.P.O. POSTAL:
Okay. We have a motion and second on 1487. All in favor? Any opposed?

MR. BARTON:
18.

[SUBSTITUTION OF COURT STENOGRAPHER - ALISON MAHONEY]

D.P.O. POSTAL:
1487 is approved. 1586 - To establish unified cash management and borrowing procedure committee (Tonna).

LEG. CARPENTER:
Motion.

LEG. FISHER:
Explanation

D.P.O. POSTAL:
Motion by Legislator Carpenter, second by Legislator Tonna. Explanation, Legislator Fisher has asked for an explanation. I believe that this establishes a committee that will I guess work towards establishing communication and unified record keeping between various

departments of County government that are responsible for issuing bonding and keeping records and issuing payments based on Capital Projects.

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LEG. HALEY:
And it sunsets at sometime, right?

LEG. FISHER:
There is no collaboration now?

LEG. CARPENTER:
No.

D.P.O. POSTAL:
No. There's a structural problem that needs an improved communication system.

LEG. FISHER:
Okay. Thank you.

D.P.O. POSTAL:
Motion and a second. All in favor?

LEG. BINDER:
Just let me --

D.P.O. POSTAL:
Legislator Binder.

LEG. BINDER:
Can I just ask, does it change any jurisdictions or --

D.P.O. POSTAL:
No.

LEG. CARPENTER:
No, it's just bringing them together.

LEG. BINDER:
No? Okay.

D.P.O. POSTAL:
It's just the committee seeking solutions.

LEG. HALEY:

It sunsets at some time, too.

D.P.O. POSTAL:
Any other questions? All in favor? Any opposed? Abstentions?

MR. BARTON:
18.

D.P.O. POSTAL:
1586 is approved.

PUBLIC SAFETY & PUBLIC INFORMATION:
1138 - Adopting Local Law No. 2001, a Local Law to prohibit operation of motorized scooters in Suffolk County (Carpenter).

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LEG. CARPENTER:
Motion.

D.P.O. POSTAL:
Motion by Legislator Carpenter. Second? Is there --

LEG. GULDI:
This is a motion to approve?

LEG. CARPENTER:
Yes.

D.P.O. POSTAL:
This is a motion to approve 1138.

LEG. GULDI:
There is no second?

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

P.O. TONNA:
I'll second it.

D.P.O. POSTAL:
Second by Legislator Tonna.

P.O. TONNA:
What is it?

D.P.O. POSTAL:

Can we have --

LEG. GULDI:
Motorized scooters.

D.P.O. POSTAL:
Can we have an explanation?

P.O. TONNA:
This is Legislator Carpenter's thing? Sure.

LEG. CARPENTER:
Yep.

P.O. TONNA:
I'm second on that. Dangerous, they're very dangerous.

LEG. TOWLE:
Like dogs.

D.P.O. POSTAL:
Paul is gone. Legislator Carpenter?

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LEG. CARPENTER:
Everyone has an op-ed piece in front of them, if they care to look at it. But right now, motorized scooters are not -- anyone who rides a motorized scooter on a sidewalk or on the roads in Suffolk County is already breaking the law because you are not allowed to ride a motorized vehicle that is not licensed and the New York State Department of Motor Vehicles does not provide for licensing these vehicles. These are the motorized scooters that are either gas or electric powered, they go about 20 miles an hour and they're very unsafe. And they are being sold all over the place now and people are buying them unsuspectingly not knowing that they're not legal. They're upwards of, I don't know, 800, I have heard a thousand dollars some people are paying for these and then finding out that they legally cannot be driven on the roads in Suffolk County.

LEG. HALEY:
Motion to table subject to call.

LEG. FIELDS:
Second.

LEG. GULDI:

Second.

D.P.O. POSTAL:
There is a motion to table subject to call and a second.

LEG. FIELDS:
Second.

D.P.O. POSTAL:
On the motion?

P.O. TONNA:
Let's roll call the vote.
D.P.O. POSTAL:
I have a question. Because as I said in committee, I truly have not made a decision --

LEG. CARPENTER:
Legislator Postal, if you could. Because of the hour, I would like to make a motion to table.

P.O. TONNA:
Second.

D.P.O. POSTAL:
Okay, I would support that.

LEG. GULDI:
Withdraw the second on the tabling.

LEG. HALEY:
I'll withdraw my motion to table subject to call.

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D.P.O. POSTAL:
Okay. There's a motion to table and a second.

LEG. GULDI:
Second the tabling.

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

MR. BARTON:
18.

D.P.O. POSTAL:
1138 is tabled.

1504 - To extend deadline for Priority One Task Force DARE Evaluation Program for Suffolk County (Carpenter).

LEG. CARPENTER:
Motion.

D.P.O. POSTAL:
Legislator Carpenter makes a motion, second by --

P.O. TONNA:
By myself.

D.P.O. POSTAL:
-- Legislator Tonna. All in favor? Any opposed?

LEG. BINDER:
Opposed.

LEG. CARACAPPA:
Opposed.

LEG. CRECCA:
Roll call.

P.O. TONNA:
Great. Just no debate.

D.P.O. POSTAL:
Okay, roll call.

(*Roll Called by Mr. Barton*)

LEG. CARPENTER:
Yes.

P.O. TONNA:
Yeah.

LEG. COOPER:
Yes.

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LEG. BINDER:
No.

LEG. BISHOP:
Pass, please.

LEG. D'ANDRE:
Yes.

LEG. CRECCA:
Pass.

LEG. ALDEN:
Yes.

LEG. FIELDS:
Pass.

LEG. LINDSAY:
Yes.

LEG. FOLEY:
Yes.

LEG. HALEY:
Yes.

LEG. FISHER:
Pass.

LEG. CARACAPPA:
No.

LEG. TOWLE:
No.

LEG. GULDI:
Pass.

LEG. CARACCIOLO:
No.

D.P.O. POSTAL:
Yes.

LEG. BISHOP:
No.

LEG. CRECCA:
Yes.

LEG. FIELDS:
Abstain.

LEG. FISHER:
Abstain.

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LEG. GULDI:
No.

LEG. CRECCA:
Change my vote to a no, Henry.

LEG. BISHOP:
Do they need an extension?

LEG. CARPENTER:
Yes, they are.

MR. BARTON:
Nine.

LEG. CARPENTER:
On the motion. I don't know what the vote is, I'm going to make a motion to table.

LEG. BINDER:
It was already called.

LEG. CARPENTER:
It was not called; Allan, relax.

LEG. CARACAPPA:
I heard him say nine.

LEG. BINDER:
Wait a minute. He just said nine.

LEG. ALDEN:
He didn't say anything.

P.O. TONNA:
Did you say any numbers yet?

MR. BARTON:
I --

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

P.O. TONNA:
Did you say a number?

MR. BARTON:
I said nine.

P.O. TONNA:
You did?

MR. BARTON:
Yes.

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LEG. BISHOP:
Change my vote to a yes.

LEG. HALEY:
Motion to reconsider.

P.O. TONNA:
Okay. Motion to reconsider by Legislator Bishop, seconded by myself.

LEG. CARPENTER:
On the motion. I would just like to say that the task force --

P.O. TONNA:
Let's vote. Let's vote.

LEG. CARPENTER:
-- has been working and needs the time. It's just extending it, they've already put --

P.O. TONNA:
Okay.

LEG. TOWLE:
Can I ask a question on reconsidering?

P.O. TONNA:
Yeah.

LEG. TOWLE:
Okay, just a question on the reconsider.

P.O. TONNA:
Yes.

LEG. TOWLE:
We obviously now don't meet till when?

LEG. POSTAL:
August 7th.

LEG. TOWLE:
What was the deadline for the committee now?

LEG. CARPENTER:
July 31st.

LEG. TOWLE:
And if we were to, you know, reconsider this bill and table it, what's the point either way? They're either going to meet the deadline or not, we're not meeting --

P.O. TONNA:
Well, they get five days off as a committee; I mean, come on.

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LEG. CARPENTER:
This is just extending it.

LEG. CARACAPPA:
They can get a travel voucher and get to go to California.

P.O. TONNA:
Yeah, we have to get a travel voucher. Okay. Reconsider. All in favor? Opposed? It's in front of. Now there's a motion to approve by Legislator Carpenter --

LEG. BINDER:
I am against reconsidering.

LEG. BISHOP:
Motion to table.

P.O. TONNA:
Okay. There's a motion to table by Legislator Bishop, seconded by Legislator Carpenter. All in favor? Opposed?

LEG. BINDER:
Opposed.

LEG. CARPENTER:
No, I'm not seconding the tabling.

LEG. FOLEY:

Opposed.

LEG. CARACCIOLO:
Opposed.

LEG. GULDI:
Opposed.

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

LEG. FISHER:
I'll second it.

P.O. TONNA:
-- Fisher.

LEG. FISHER:
On the motion, I have a question.

P.O. TONNA:
Sure.

LEG. FISHER:
Legislator Carpenter, I was concerned about the money expended for the study that was going to be done; what is the status of that study?

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LEG. CARPENTER:
The status of it is is that the researchers have been reviewing all of the information, they have contacted schools throughout Suffolk County, they have been doing surveying, they have gotten to date 3,000 responses back, they're in the process of analyzing all of this data. By not extending the deadline, we're just really shooting ourselves in the foot. This is just giving them an opportunity to spend more time. They met this morning as a task force, this morning they were bringing in DARE officers, these are police officers that are actually in the classroom with the children and getting their input. I stopped by that meeting before I came to the Legislature this morning and I was talking to the two DARE officers and it was obvious that these two DARE officers thought the DARE Program was absolutely wonderful, and I would be interested to see what the task force's response is going to be to their testimony today. But I think we're being very, very foolish in not letting them go forward in doing what we overwhelmingly approved for them to do and just --

LEG. FISHER:
Have most schools opted in? Because I know that the timing was very bad when they began the survey --

LEG. CARPENTER:
Exactly.

LEG. FISHER:
-- and many school districts opted out of it, they didn't want to participate.

LEG. CARPENTER:
Well, they have gotten to date over 3,000 responses on the survey. And I think, again, we're being foolish in not letting them do their work.

LEG. CARACAPPA:
Mr. Chairman?

P.O. TONNA:
Okay, roll call.

LEG. BINDER:
Mr. Chairman? No, Mr. Chairman?

P.O. TONNA:
All right, Mr. Binder. I'm a Mr. Chairman, you're a Mr. Binder; go ahead.

LEG. BINDER:
Thank you. It would seem to me that the Superintendents Organization, even they termed it -- and everyone got a copy of the letter -- political and unnecessary. I don't know that a lot of good is going to come of this thing at this time. We're not going to get a lot of information.

The DARE officers apparently met with them today, there was no notice, I didn't hear about it. This is now not even a public thing anymore.

They're having these meetings, no one hears about it, they're kind of off in their corner and so there's not even an opportunity to go and see or hear about this. It would have been nice if we got any kind of notice. They had public meetings and there were no DARE officers. I don't know why we would continue on with this.

P.O. TONNA:
Can we -- are we going to vote right now?

LEG. CARPENTER:
Yes.

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

LEG. CARPENTER:
Roll call.

P.O. TONNA:
Roll call.

LEG. GULDI:
Tabling?

P.O. TONNA:
What is the motion, Henry?

LEG. CARPENTER:
To approve.

MR. BARTON:
1504 to table.

P.O. TONNA:
This is to table. Roll call, please, quickly.

LEG. CARPENTER:
It's approval.

MR. BARTON:
Legislator Bishop?

P.O. TONNA:
No, this is to table.

LEG. CARPENTER:
It's to approve.

P.O. TONNA:
This is Bishop's motion to table.

LEG. BISHOP:
Withdraw the motion.

P.O. TONNA:
We already did --

LEG. CARACAPPA:
He withdrew the motion.

LEG. CARPENTER:
Someone on the prevailing side --

P.O. TONNA:
Okay. So now there's a motion to approve by Legislator Carpenter, seconded by myself. Roll call.

LEG. CARACAPPA:
We did that.

LEG. GULDI:
We already did that.

P.O. TONNA:
We reconsidered it.

LEG. BINDER:
No, the reconsider was successful, approval wasn't successful.

P.O. TONNA:
All right. Just please, trust me on this one. Go ahead.

(*Roll Called by Mr. Barton*)

LEG. CARPENTER:
Yes.

P.O. TONNA:
Yes.

LEG. COOPER:
Yes.
LEG. BINDER:
No.

LEG. BISHOP:
Yes.

LEG. D'ANDRE:
Yes.

LEG. CRECCA:
No.

LEG. ALDEN:
Yes.

LEG. FIELDS:

Abstain.

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LEG. LINDSAY:
Yes.

LEG. FOLEY:
Yes.

LEG. HALEY:
Yes.

LEG. FOLEY:
To table it?

P.O. TONNA:
No, it's not tabling, it's approve.

MR. BARTON:
It's to approve.

LEG. FOLEY:
Mark me as a yes.

MR. BARTON:
Thank you.

LEG. HALEY:
Yes.

LEG. FISHER:
Yes.

LEG. CARACAPPA:
No.

LEG. TOWLE:
No.

LEG. GULDI:
No.
LEG. CARACCIOLO:
No.

LEG. POSTAL:
Yes.

MR. BARTON:
11-6, one abstention (Abstention: Legislator Fields).

LEG. COOPER:
Mr. Chairman?

P.O. TONNA:
No, no, just wait. Capital Budget then Mr. Cooper --

LEG. POSTAL:
No, then me.

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P.O. TONNA:
Okay. Quickly, I just want Certificates of Necessity, they're all necessary. Here we go.

1566 - I'll make a motion --

LEG. FISHER:
Wait, wait, give us a chance to get to them.

P.O. TONNA:
Just open up your packet. George, they're there.

LEG. GULDI:
Those were handed out, they're right here.

P.O. TONNA:
All right, okay. 1566 -- hey listen, what can I say?

1566-01 - Amending the 2001 Capital Budget and Program and appropriating funds in connection with the purchase of highway maintenance equipment (CP 5047). Motion by myself, seconded by Legislator Postal. All in favor? Opposed? Approved.

MR. BARTON:
18.

P.O. TONNA:
1644-01 - Amending the 2001 Capital Budget and Program and appropriating funds in connection with site improvements at Western Campus (CP 2190). Motion by myself, seconded by Legislator Postal. All in favor? Opposed? Approved.

MR. SABATINO:
Wait, wait. 1566 has a bond.

P.O. TONNA:
Roll call.

MR. SABATINO:
So we need a roll call on the bond which is 1566A.

P.O. TONNA:
Gosh darn.

LEG. CRECCA:
63A you're talking about?

LEG. POSTAL:
1566A.

LEG. CRECCA:
I don't have a 1566.

LEG. CARPENTER:
Yes, you do. It's CN's.

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LEG. CRECCA:
I'm looking at the wrong thing, that's why.

P.O. TONNA:
You lack focus; I'm joking, I'm teasing.

(*Roll Called by Mr. Barton*)

P.O. TONNA:
Yes, yes.

LEG. TOWLE:
Whoa, whoa, question. Where is the bond? All I have is 1566.

MR. SABATINO:
It's attached right after it, it's the very next document. It says on the top --

P.O. TONNA:
What are they doing in the Clerk's Office with your resolutions there, Mr. Towle?

LEG. TOWLE:
All I have is 1566.

MR. SABATINO:
The point is we're appropriating bond proceeds and we have to have a roll call on that bond.

P.O. TONNA:
Okay.

MR. BARTON:
I have the bond. I have the bond.

P.O. TONNA:
He has the bond. All right, James, James Bond. Let's go.

(*Roll Call Continued by Mr. Barton*)

P.O. TONNA:
Yes.

LEG. POSTAL:
Yes.

LEG. COOPER:
Yes.

LEG. BINDER:
Yes.

LEG. BISHOP:
No.

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MR. BARTON:
Changed his vote. Legislator D'Andre?

LEG. BISHOP:
I'm a no; I meant to be a no on the first one.

LEG. CARPENTER:
Okay, okay.

LEG. GULDI:
This is the first one, it's a roll call on the bond.

MR. BARTON:
Mr. D'Andre, your vote, please.

LEG. D'ANDRE:
Yes.

LEG. CRECCA:
Pass.

LEG. CARPENTER:
Yes.

LEG. ALDEN:
No.

LEG. FIELDS:
Pass.

LEG. LINDSAY:
Yes.

LEG. FOLEY:
Pass.

LEG. HALEY:
Yes.

LEG. FISHER:
Yes.

LEG. CARACAPPA:
Yes.

LEG. TOWLE:
Pass.

LEG. GULDI:
Yes.

LEG. CARACCIOLO:
No.

LEG. CRECCA:
One minute. Yes.

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LEG. FIELDS:
No.

MR. BARTON:
Legislator Towle? Legislator Foley, I'm sorry.

LEG. FOLEY:
No.

LEG. TOWLE:
Yes.

MR. BARTON:
13-5, the bond is approved.

P.O. TONNA:
Okay. 1644, motion by myself, seconded --

MR. POLLERT:
No. Excuse me.

MR. BARTON:
Wait.

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

LEG. CRECCA:
On a CN you need 14 votes.

LEG. CARPENTER:
Twelve.

MR. POLLERT:
Right, the last resolution required 14 votes because there was a change of source of funding.

P.O. TONNA:
Okay. Does it go now to committee?

LEG. FOLEY:
It's still in committee.

MR. SABATINO:
I'm sorry, somebody was asking me a question. What was the final vote?

MR. BARTON:
13.

MR. SABATINO:
No, it's short a vote, it required 14.

LEG. BISHOP:
Does it go to committee or what happens?

MR. SABATINO:
It goes to committee because it got more then ten votes.

P.O. TONNA:
Highway maintenance equipment, there you go.

LEG. FOLEY:
It stays in committee.

P.O. TONNA:
Okay. No.1644, is there a motion?

LEG. CARPENTER:
Motion.

LEG. FISHER:
Second.

P.O. TONNA:
Motion by Legislator Carpenter, second by myself. All in favor? Opposed? Approved.

MR. BARTON:
18.

P.O. TONNA:
1673-01 - Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act (Vincent Barbaro Trust 0900-024.00-02.00-058.000). Motion by --

LEG. CARPENTER:
Motion.

P.O. TONNA:
-- Legislator Postal -- oh, motion by Legislator Carpenter, second by myself. All in favor? Opposed? Approved.

LEG. CARACCIOLO:
Opposed.

LEG. CRECCA:
On the motion.

LEG. CARPENTER:
Why?

LEG. CRECCA:
Because I haven't looked at it.

P.O. TONNA:
Start looking. Okay. He is opposed. What are you, Andrew?

LEG. CARACCIOLO:
Opposed, Henry

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MR. BARTON:
Yes.

P.O. TONNA:
Andrew, we have nine -- we have eleven minutes to do at least an hour-and-a-half worth of work.

MR. BARTON:
If you're opposed just raise your hands, please.

P.O. TONNA:
Okay. You're raising your hand, George?

LEG. GULDI:
No, I'm in favor.

P.O. TONNA:
Okay.

LEG. FISHER:
It's a redemption.

LEG. GULDI:
I know, it's in my district. Why you asking for a CN without talking with me about it?

LEG. CARPENTER:
I didn't realize it, I'm sorry.

P.O. TONNA:
Okay, here we go.

MR. BARTON:
17-1 (Opposed: Legislator Caracciolo).

P.O. TONNA:
1674-01 - Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act (Caroline Lewkovits 0900-099.00-01.00-045.014). Is there a motion?

County Executive's Office, just in general, if you're going to do a CN in somebody's district, a redemption or something like that --

LEG. CARPENTER:
I apologized.

P.O. TONNA:
-- can you consult the Legislator?

MS. ROSENBERG:
We did.

LEG. CARPENTER:
I apologize, that's my fault.

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P.O. TONNA:
That's your fault? Okay. I don't know why. 1674, is there a motion? I will make it. Motion, seconded by --

LEG. CRECCA:
I'll second.

LEG. BISHOP:
What section is 46?

P.O. TONNA:
Section 46, oh, let me think, hold it. Section 14 is an Article 10, there is a Section 7. Section 46, Paul, what is Section 46?

LEG. CARPENTER:
It's a code red.

LEG. BISHOP:
They're all section 46?

MR. SABATINO:
Section 46 is the redemption.

LEG. BISHOP:
Okay.

P.O. TONNA:
It's a redemption of the Article 16. It's a Local Law 16 with the Article 46, hey. Okay. Thank you. That's approved by --

LEG. CARPENTER:
Hurry, we've got some things we have to do.

MR. BARTON:
Seconded by who?

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

LEG. CARACCIOLO:
Opposed.

LEG. GULDI:
Which one?

P.O. TONNA:
Okay, Legislator Caracciolo is opposed to the --

MR. BARTON:
17-1.

P.O. TONNA:
-- Article 16, Section 46.

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LEG. FOLEY:
I oppose.

P.O. TONNA:
Okay, and so is Legislator Foley.

MR. BARTON:
16-2 (Opposed: Legislators Caracciolo & Foley).

P.O. TONNA:
1675-01 - Authorizing the sales of surplus property sold at the May 23 and May 24, 2001, auction pursuant to Local Law 13-1976 as per Exhibit A (Omnibus Resolution).

LEG. CRECCA:
Motion to approve.

P.O. TONNA:
Motion to approve by Legislator Crecca, seconded by?

LEG. CARPENTER:
Second.

LEG. HALEY:
Myself.

P.O. TONNA:
Myself, that's Legislator Haley.

LEG. FOLEY:
On the motion.

P.O. TONNA:
This is a Local Law 13.

LEG. GULDI:
Yeah, this is --

LEG. TOWLE:
As opposed to a Local Law 14?

LEG. FOLEY:
This should go to committee, Mr. Chairman.

LEG. GULDI:
No, no, no, no. On the motion. This is the -- this went to committee.

LEG. FOLEY:
No.

LEG. GULDI:
The auction was held one day after the filing deadline. The Real Estate Division made a presentation at the Ways & Means Committee. In addition to which, at my request, the Real Estate Division sent every Legislator a copy of this before -- during the committee cycle asking you to review it because there are no parcels here that any Legislator

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has asked to be removed, they have been very meticulous about that. There's no problem, there's $8 million in revenue, they want to start closing them. I urge we approve this CN.

LEG. FOLEY:
Just on the motion. On the motion.

LEG. CARACCIOLO:
Counsel?

LEG. FOLEY:
Mr. Chairman?

P.O. TONNA:
Yes, you have the floor, Legislator Foley.

LEG. FOLEY:
Yeah, thank you. That notice may have gone out, Legislator Guldi, but I would like to, particularly for the Brookhaven sections, just take a second look to ensure that those that I have asked to be taken off were, in fact, taken off the auction block. I haven't had the chance to review these and, you know, another six weeks is not going to break the County's bank.

LEG. GULDI:
There was a level of urgency when it was presented to committee and there were assurances made that they have abided by every request made.

LEG. FOLEY:
Well, they're always urgent to move these things forward. But I would submit again that five weeks is not going to change the bond rating for Suffolk County.

LEG. CRECCA:
Call the vote.

LEG. CARACCIOLO:
Legislative Counsel, a question.

P.O. TONNA:
Yes.

LEG. CARACCIOLO:
Counsel sent a letter out regarding one individual and made a request that this auction list remove from consideration any parcels that were sold to that individual; do you know, Paul, if that was --

MR. SABATINO:
That's been accomplished, it's been exceeded to. And there's a separate resolution that will be coming in the next packet to deal with those parcels separately so we can get some clarification.

LEG. CARACCIOLO:
Okay.

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

LEG. FOLEY:
I'm opposed.

P.O. TONNA:
All right, Legislator Foley is opposed. Approved.

MR. BARTON:
17-1 (Opposed: Legislator Foley).

P.O. TONNA:
Okay, now we're going to --

LEG. POSTAL:
Mr. Chairman?

P.O. TONNA:
-- Legislator Postal then Legislator --

LEG. CARPENTER:
No. We have to go back to the agenda.

LEG. POSTAL:
Mr. Chairman?

P.O. TONNA:
No, Legislator Postal, then Legislator Cooper.

LEG. POSTAL:
No, I'm making a motion to waive the rules and discharge and approve Home Rule No. 4 which is in your packet, laid on the table today.

P.O. TONNA:
Explain this. I'll second it. Go ahead.

LEG. POSTAL:
Okay. What this is is a retroactive tax exemption for a religious institution that didn't realize that they have to file every year and neglected to file on March 1st.

LEG. CARPENTER:
Motion.

LEG. HALEY:
Move it.

P.O. TONNA:
Isn't that a devine revelation? Doesn't religious organizations just know that?

LEG. CARPENTER:
Just go.

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LEG. HALEY:
Move it, move it, move it.

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

LEG. CARACCIOLO:
Abstain.

LEG. POSTAL:
Thank you.

MR. BARTON:
17, one abstention (Abstention: Legislator Caracciolo).

P.O. TONNA:
Okay. Legislator Cooper, you have something that you wanted to say?

LEG. COOPER:
I'd like to make a motion to take out of order and approve 1357.

P.O. TONNA:
What is that, Jon?

LEG. COOPER:
That's the {Ickley} CO2 intern, no cost to the County, they're doing --

LEG. BISHOP:
Second.

LEG. CRECCA:
Why are we doing this?

LEG. CARPENTER:
Where is this?

P.O. TONNA:
Seconded by Legislator Bishop.

LEG. POSTAL:
What is the number?

LEG. COOPER:
1357.

LEG. HALEY:
Why you taking it out of order?

P.O. TONNA:
We don't have the time. We're not going to finish the agenda so he wants it done, let's do it.

LEG. CRECCA:
All right, then I'm going to do a Sense Resolution.

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LEG. FISHER:
What page is it on?

LEG. COOPER:
Page 13, first one under Economic Development.

MR. BARTON:
That's the one resolution that was left over from last meeting.

LEG. FISHER:
I'll second that.

P.O. TONNA:
It's already seconded by Legislator Bishop. Okay.

LEG. CARPENTER:
1509.

LEG. FOLEY:
Mr. Chairman?

P.O. TONNA:
Yes.

LEG. CARPENTER:
Mr. Chairman?

P.O. TONNA:
Just wait. Can we approve this? All in favor? Opposed?

LEG. ALDEN:
What was the explanation on it?

LEG. BISHOP:
First you have to take it out of order, you need a vote.

LEG. ALDEN:
Yeah.

P.O. TONNA:
Yeah, to approve taking it out of order. All in favor? Opposed? Approved, it's in front of us.

MR. BARTON:
18.

P.O. TONNA:
Now there's a motion to approve by Legislator Cooper, seconded by Legislator Fisher I think.

LEG. FISHER:
I'm Fisher over here. Oh, does Bishop want to do it?

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LEG. BISHOP:
It's all right.

P.O. TONNA:
Yeah, go ahead, Fisher. Now, on the motion, Legislator Alden had a question; what does this bill do?

LEG. COOPER:
It allows the Health Department to utilize an intern provided at no charge to the County to study global warming gas emissions throughout the County to try to minimize those emissions. We heard from this intern this morning.

P.O. TONNA:
Okay. Now, I just -- do you have any -- go ahead.

LEG. CARPENTER:
Mr. Chairman.

LEG. COOPER:
This is an international program, it's being conducted in dozens of cities across the United States. It's led to great reductions in CO2 emissions.

P.O. TONNA:
Okay, great.

LEG. COOPER:
It's reduced energy costs.

LEG. CRECCA:
That's good enough.

P.O. TONNA:
All right. Is that enough?

LEG. CARPENTER:
Mr. Chairman?

P.O. TONNA:
All in favor? Oh, on this issue?

LEG. CARPENTER:
No.

P.O. TONNA:
Okay.

LEG. FOLEY:
I got one.

P.O. TONNA:
What, on this issue?

LEG. FOLEY:
No, not on this one.

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

LEG. CARACAPPA:
Opposed.

MR. BARTON:
17, one in opposition (Opposed: Legislators Caracappa and Towle).

P.O. TONNA:
Okay.

LEG. CARPENTER:
Mr. Chairman, can we --

P.O. TONNA:
I'm going to recognize Legislator Carpenter first, then Legislator Foley.

LEG. CARPENTER:
There are a number of time sensitive resolutions here, we don't have a heck of a lot of time. I would like to make a motion to extend 20 minutes, till 1:15, so that hopefully we can get through the majority of these that need to be addressed today.

LEG. FOLEY:
Second.

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

LEG. CARACAPPA:
Opposed.

LEG. TOWLE:
Opposed.

LEG. GULDI:
Opposed.

LEG. CARACCIOLO:
Opposed.

LEG. CARPENTER:
Oh, come on.

P.O. TONNA:
Okay, we got the usual cast of characters. Here we go, Caracciolo, Guldi, Towle, Caracappa who said it's only going to be a 20 minute agenda, Binder and Bishop. All right. And?

LEG. ALDEN:
Alden.

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LEG. TOWLE:
And Haley.

P.O. TONNA:
And Haley. Go ahead.

MR. BARTON:
Who else? Who else?

P.O. TONNA:
That's it, that's it.

MR. BARTON:
10-8.

LEG. FOLEY:
Mr. Chairman, I'll take --

P.O. TONNA:
Wait, wait. Did we get that one?

LEG. BISHOP:
I'm a yes, 10-8.

MR. BARTON:
You got it.

P.O. TONNA:
You've got to have 12, right?

LEG. CARPENTER:
We got it, okay.

LEG. FOLEY:
We have the extension?

LEG. CARPENTER:
Yeah, good.

P.O. TONNA:
Paul, how many you need to extend?

LEG. CARPENTER:
All right, motion to take out of order --

P.O. TONNA:
Just wait.

LEG. ALDEN:
You said eight in favor, right?

LEG. BISHOP:
Hit your hammer.

LEG. ALDEN:
You have me down as what?

MR. SABATINO:
Twelve to extend.

P.O. TONNA:
So we don't have it. Here we go.

LEG. FOLEY:
Motion to --

LEG. CARPENTER:
Motion to take out of order 1575 and 15 --

LEG. FOLEY:
Mr. Chairman? Mr. Chairman?

P.O. TONNA:
I said her then you. Go ahead. 1575.

LEG. CARPENTER:
1575 and 88, Vinny Stiles has been here since 9:30 this morning.

P.O. TONNA:
Motion by Legislator Carpenter, seconded by myself. All in favor? Opposed? Approved. Legislator Foley.

LEG. FOLEY:
Mr. Chairman, I'd like to take out of order 1590.

P.O. TONNA:
1590.

LEG. GULDI:
Hold on, hold on. Henry?

P.O. TONNA:
Direct us to the page, please, Legislator.

LEG. FOLEY:
Page 12, Public Works and Transportation.

LEG. CARPENTER:
Second.

P.O. TONNA:
Motion by -- hey, listen to me.

LEG. FOLEY:
Come on, this is important.

P.O. TONNA:

We've got have five minutes, I would like to get people to get their things. I know, you're next, Legislator Caracappa. Motion by Legislator Foley --

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LEG. FISHER:
Second.

P.O. TONNA:
-- seconded by Legislator Fisher.

LEG. GULDI:
Bill number.

P.O. TONNA:
1590.

LEG. FOLEY:
1590, Public Works and Transportation.

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

MR. BARTON:
18.

LEG. CARACAPPA:
Thank you, Mr. Chairman. I'd like to take out of order and approve --

P.O. TONNA:
Just wait. Read it.

LEG. CARACAPPA:
Page 12, 1519 out of Park, Sports, to change composition of Greenways RFP Committee to designate site for Suffolk County Community Greenways Fund Educational Interpretive Center.

P.O. TONNA:
Okay, great. Motion by Legislator Caracappa --

LEG. CRECCA:
Second.

P.O. TONNA:
-- seconded by myself. All in --

LEG. GULDI:
What's the bill number?

P.O. TONNA:
1519.

LEG. CARACAPPA:
1519, it just reconstitutes the committee for the interpretive center.

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

LEG. ALDEN:
Whoa.

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P.O. TONNA:
Okay, roll call, quickly. And no Legislator, just Tonna, Crecca, bucka, bucka; let's go.

LEG. CARACAPPA:
Mr. Chairman?

(*Roll Called by Mr. Barton*)

LEG. CARACAPPA:
Yes.

P.O. TONNA:
Yes.

LEG. COOPER:
Yes.

LEG. BINDER:
Yes.

LEG. BISHOP:
Yes.

LEG. D'ANDRE:
(Not Present).

LEG. CRECCA:
Yes.

LEG. CARPENTER:

Yes.

LEG. ALDEN:
Pass.

LEG. FIELDS:
Yes.

LEG. LINDSAY:
Yes.
LEG. FOLEY:
Yes.

LEG. HALEY:
Yes.

LEG. FISHER:
Yes.

P.O. TONNA:
Come on, give the respect.

LEG. TOWLE:
Yes.

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LEG. GULDI:
Yes.

LEG. CARACCIOLO:
Yes.

LEG. POSTAL:
Yes.

LEG. D'ANDRE:
(Not Present)

LEG. ALDEN:
Yes.

MR. BARTON:
Okay. 17, one not present (Not Present: Legislator D'Andre).

P.O. TONNA:
Great.

LEG. CARACAPPA:
Mr. Chairman?

P.O. TONNA:
Legislator Towle.

LEG. CARPENTER:
Mr. Chairman, 1509.

LEG. TOWLE:
Thank you. Motion to move 2226 out of order for the purpose of approving.

P.O. TONNA:
Okay, 2226.

LEG. TOWLE:
Page 12 under Parks, Sports and Cultural Affairs.

P.O. TONNA:
Motion by Legislator Towle, seconded by Legislator Alden. All in favor? Opposed? Approved. Legislator Alden.

LEG. ALDEN:
I have to put something on the record.

MR. BARTON:
18.

P.O. TONNA:
Go right ahead, Legislator Alden.

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LEG. ALDEN:
Thank you. This is from George --

LEG. BISHOP:
Wait, wait.

LEG. BINDER:
Whoa, stop. You just took it out of order.

LEG. TOWLE:
No, and approve I said; pull out of order and approve.

LEG. BISHOP:
I didn't vote. And he wants to put something on the record.

LEG. TOWLE:
We did.

P.O. TONNA:
Legislator Alden is putting it on the record.

LEG. BISHOP:
Well, that's no vote yet.

P.O. TONNA:
Yeah, afterwards, we already voted. Go ahead, Legislator Alden.

MR. SABATINO:
I got a request to do a corrected copy on that today.

LEG. TOWLE:
Oh, you didn't get it sooner.

MR. SABATINO:
I got the request it was faxed to my office in the middle of the morning.

LEG. TOWLE:
Not a problem. I withdraw my motion.

LEG. CARACAPPA:
Mr. Chairman?

LEG. POSTAL:
Mr. Chairman?

LEG. TOWLE:
I thought it was done, Mr. Chairman.

LEG. CARACAPPA:
Motion to lay on the table and approve --

P.O. TONNA:
Guys, just wait. There's a ferry -- we need to table 1509 for the purposes of a public hearing.

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LEG. CARACAPPA:
Motion.

P.O. TONNA:
Motion by Legislator Caracappa, seconded by myself. All in favor? Opposed? Tabled.

LEG. ALDEN:
You don't want me to put this on the record, Paul?

LEG. POSTAL:
Mr. Chairman?

MR. BARTON:
18.

P.O. TONNA:
Tabled.

LEG. ALDEN:
Paul?

P.O. TONNA:
No, it's not even a motion. Go ahead.

LEG. ALDEN:
You don't want me to put this on the record?

LEG. CRECCA:
Why don't we just extend a couple of minutes to get this done.

LEG. CARPENTER:
Really.

LEG. HALEY:
No. Let's go, I'm out of here.

LEG. CARACAPPA:
Mr. Chairman?

P.O. TONNA:
No.

LEG. POSTAL:
Mr. Chairman, did you recognize me?

LEG. CRECCA:
Motion to approve --

LEG. POSTAL:
I'm making a motion --

P.O. TONNA:
Legislator Postal.

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LEG. POSTAL:
I'm making a motion to approve 1140 which was discharged from the Budget Committee several hours ago. It's in front of you, it's amending the Adopted 2001 Operating Budget and appropriating funds for Family Service League.

LEG. BINDER:
Second.

LEG. FIELDS:
Second.

P.O. TONNA:
Okay. Motion by Legislator Postal, seconded by Legislator Binder. All in favor? Opposed?

LEG. CRECCA:
Motion to take out of order --

LEG. ALDEN:
Whoa, hold it. I asked to put something on the record.

MR. BARTON:
17, one in opposition (Opposed: Legislator Caracappa).

P.O. TONNA:
I'll recognize Legislator Alden, then Legislator Crecca.

LEG. ALDEN:
Henry, I want this to just go in the record. I'm not going to read it then, but this should go in verbatim because it looks like it's getting stampeded here.

LEG. CARACAPPA:
Mr. Chairman?

LEG. CRECCA:
Motion to take out of order and approve 1484, a Local Law to expand regulation of dangerous dogs.

LEG. TOWLE:
Woof.

LEG. FISHER:
Page?

P.O. TONNA:

Okay, seconded by myself.

LEG. CRECCA:
Page 12 under Health.

P.O. TONNA:
All in favor? Opposed? Approved. Just the last thing -- guys, could you just wait? Just wait.

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LEG. BISHOP:
Did you just vote on that? Because I'm objecting to this.

LEG. FISHER:
What number is that, Andrew?

LEG. CRECCA:
It's 1484 on page 12.

P.O. TONNA:
There was a motion to approve and a second.

LEG. ALDEN:
Explanation.

LEG. BISHOP:
No, I'm against it.

P.O. TONNA:
Okay, so say -- motion to approve and a second. All in favor? Opposed?

LEG. BISHOP:
On the motion.

LEG. ALDEN:
Explanation.

LEG. BISHOP:
On the motion.

P.O. TONNA:
On the motion.

LEG. BISHOP:
Roll call.

LEG. CARPENTER:
Oh, come on.

LEG. ALDEN:
Explanation.

P.O. TONNA:
You've got 20 seconds.

(*Roll Called by Mr. Barton*)

MR. BARTON:
This is on the dogs. Legislator Crecca?

LEG. CRECCA:
Yes.

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P.O. TONNA:
Yes.

LEG. COOPER:
Yes.

LEG. BINDER:
Pass.

LEG. ALDEN:
I asked for an explanation on the bill. How can you vote on something?

P.O. TONNA:
You're not going to get the vote anyway, don't worry.

MR. SABATINO:
Five, four --

P.O. TONNA:
Three, two, one, it's not voted on. We end. Thank you. Budget Review. Hold it a second. Where's Fred?

MR. POLLERT:
I'm here.

P.O. TONNA:
Fred, for 25 years anniversary to Budget Review.

(Applause)

How many people are left? All right. By the way, I just want you to know, you're always on our mind; yeah, right. Okay? Anyway, here's a proclamation from 18 Legislators who wanted to say aloha.

MR. POLLERT:
Thank you.

[THE MEETING WAS ADJOURNED AT 1:04 A.M.]

MR. BARTON:
All Legislators are invited to the Clerk's Office tomorrow to listen to the tape.

{Indicates Spelled Phonetically}