

SUFFOLK COUNTY LEGISLATURE

GENERAL MEETING

SIXTEENTH DAY

OCTOBER 23, 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 DONNA BARRETT, COURT REPORTERS

[THE MEETING WAS CALLED TO ORDER AT 9:50 P.M.]

P.O. TONNA:

Will all Legislators please come to the horseshoe? Roll call. Roll call.

MR. BARTON:

Good morning, Mr. Chairman.

P.O. TONNA:

Good morning.

(Roll Called by Mr. Barton)

LEG. CARACCIOLO:

Here.

LEG. GULDI:

Here.

LEG. TOWLE:

Here.

LEG. CARACAPPA:

Here.

LEG. FISHER:

Here. Did you say me just now?

MS. JULIUS:

Yes.

LEG. HALEY:

(Not Present)

LEG. FOLEY:

Present.

LEG. LINDSAY:

Here.

MR. BARTON:

Legislator Fields. Good morning, Mr. Lindsay.

LEG. FIELDS:

Here.

LEG. ALDEN:
Here.

LEG. CARPENTER:
Here.

LEG. CRECCA:
Here.

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LEG. D'ANDRE:
(Not Present)

LEG. BISHOP:
Here.

LEG. BINDER:
(Not Present)

LEG. COOPER:
Here.

LEG. POSTAL:
Here.

P.O. TONNA:
Yes.

MR. BARTON:
Fifteen present.

P.O. TONNA:
Great. Thank you.

LEG. LINDSAY:
Lindsay's here, Henry.

MR. BARTON:
Yes, I got it.

P.O. TONNA:
Okay, great. First of all, I want to thank Legislator Fisher for the food that -- provided by Legislator Fisher today. We did the roll call. Salute to the flag I'd like to be led by Legislator Guldi.

(Salutation)

Thank you very much. And I'd like to recognize Legislator Crecca for the purposes of our Clergy.

LEG. CRECCA:

Please join me in welcoming Rabbi Laurence Bazer of Temple Beth Chai of Hauppauge. It's an honor to have him here today. He is the Chaplain for the Federal Bureau of Investigation and for the New York Army National Guard.

On September 11th, Rabbi Bazer was home watching his television when he witnessed the tragic events that took place on that day. When the second airliner crashed, he knew it was a terrorist attack. He knew that he would be needed by the Army Reserve Unit in which he serves, and also for the F.B.I., which he serves as one of only three Jewish Chaplains for the Federal Bureau of Investigation. He packed his Army uniform and other necessities and left immediately for the site, for Ground Zero. He spent I think approximately ten days down at Ground Zero ministering to what was greatly needed at that time. He is a person who serves not only his community in my district, the 12th

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Legislative District, but, as you can see, serves our community at large. It is a great honor and privilege to have him here today for the purposes of giving our invocation. Rabbi?

RABBI BAZER:

Thank you very much. I'd like to thank Legislator Crecca for the invitation and the opportunity to be here and to offer today's blessing.

Let us first take a moment of silent prayer or meditation, and in your thoughts, I ask you to keep in mind all those who have suffered from the terrible events of September 11th and the ongoing attacks upon our country, and, also, please keep in mind our brave men and women of the United States Armed Forces defending our country at home in a show of strength and presence and in countries far away, pursuing justice and safeguarding the ideals of democracy and freedom that we hold so dear. Let us take a moment of silent prayer.

(Moment of Silence)

Eternal Creator, Supreme Sovereign of the universe who grants salvation unto nations, courage and strength to governments, we invoke your blessing upon these elected women and men of Suffolk County Legislature who have gathered here today to do the important work of governmental business of our County. Imbue them with wisdom and understanding, with the warm spirit of harmony and fellowship as they

discuss and debate motion and modify resolutions that will become laws in order to safe govern our blessed County of Suffolk, New York. May their work be generated by earnest consideration for the greatest welfare of our fellow human beings. Inspire them with labor zealously for the perpetuation of the American way of life, for the fulfillment of economic, social, as well as political democracy, so that there will always be he equality of opportunity and security for all those who live in this County, regardless of race, color, creed or religion. Grant them clear minds to approach the political, social and economic problems of our day with forthrighteousness, courage, and unselfishness. May our Suffolk County of the State of New York prosper under their leadership.

Bless and guard the United States of America and the State of New York from evil designs, from intolerance and prejudice. Keep our borders free from every enemy from within and without. Spread thy tabernacle of peace over all the nations of the Earth, and may we speedily usher in a new era in which all thy children shall enjoy the fullest equality of opportunity, liberty of thought and expression, and universal hope and peace. We ask for your choicest blessings, oh, Lord, our eternal God. Amen.

P.O. TONNA:

Okay. I'd like to recognize Legislator Fisher for the purposes --

LEG. FISHER:

They're not here, yet.

P.O. TONNA:

They're not here. Okay. Legislator Towle?

LEG. TOWLE:

Same group.

P.O. TONNA:

They're the same group? Okay. Let's go to the cards. Start with Ellie Smith.

MS. SMITH:

Good morning, everybody. Today I come to you as a representative of the Humanitarian Effort of the American Red Cross in our headquarters in Yaphank, New York. I just want to give you a few minutes of what the American Red Cross is doing in our County. And I also want to assure all of you that all of your constituents are being worked with, are being cared for, and are being concerned for each day that we're in existence in Suffolk County and the United States.

I'm passing out our Assistance for Affected World Trade Disaster. We approximately have about twenty calls a day.

D.P.O. POSTAL:

Sorry, Ellie. We're overcome by these beautiful children.

MS. SMITH:

This is our future, I could believe that. I didn't realize they were there.

LEG. FISHER:

Sorry, Ellie.

MS. SMITH:

That's okay, I'll wait.

D.P.O. POSTAL:

It's all right, Ellie, I stopped the clock.

MS. SMITH:

This is what we're all about, by the way, is our children, so I want to give them at least a minute of my time or more.

D.P.O. POSTAL:

Actually, I stopped the clock.

MS. SMITH:

Thank you. Okay. What you have in front of you is from Federal -- I'm sorry I had to make the copies of it, but this is from Federal Red Cross, American Red Cross in Washington, and they are explaining to you, aware any of your constituents who are -- who were affected, either immediately impacted by their families as victims, their husbands, their spouses, could call, and, of course, the number is 924-6700. That's our Yaphank headquarters. We've had many calls from Legislators saying, "How quickly can you turn around the checks to these needy families?" And the Red Cross has been able to get the checks around within two weeks of the request.

We also are dealing with people who have lost their jobs. And, just

for the record, if anybody who was in the World Trade Center lost their job because of the World Center, or half a mile south of the World Trade Center, they are entitled to one month mortgage or rent, and one week food voucher that could be split into two weeks. And it's important for them to come forward to us and not to worry, because the most important thing for me to do, and I'm at headquarters

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24/7 now, is the most important thing for me to do is home visits to make sure that I can turn around those checks quickly and I can get your constituents the -- we have the Mental Health. We're working with Suffolk County Department of Mental Health on a daily basis and I can tell you how excellent that department is. I just want to commend their efforts. Any time someone calls -- we've had two suicides and that we've been able to -- you know, overdoses that we've been able to quickly get the mobile County unit over to the homes and we've prevented two suicides. It's daily. It's a daily work.

People will be coming. We're assuming -- people say, "Well, what about the money? You have a lot of money from the Red Cross. Where is it going?" Well, we still have -- as I explained last time, we still have five years later, at Oklahoma City, we still have our Red Cross headquarters working daily. So we're assuming that this money is going to carry us, hopefully, ten -- you know, for ten years or more, however long it takes. This is an effort that will -- you know, that we will be doing and this is the -- important for you to understand.

We also have 430 people from all over Suffolk County who have taken the first Introduction to Disaster course, volunteers. So 430 new people are coming into the Red Cross as volunteers. And my Executive Director wanted to remind you that we have over 2,000 volunteers alone in Suffolk County. You know, we're very proud.

Actually, that was my -- that was my Red Cross speech. I'm going to just quickly ask --

D.P.O. POSTAL:
Ellie. Ellie.

MS. SMITH:
Yes.

D.P.O. POSTAL:
I'm sorry, your time is up.

MS. SMITH:
Okay. I'm going to ask my staff to talk about the Community Service Program and the needs of the program, and you have that packet with you, and you will hear from them. They're in order. I will have to get back to the headquarters, and I thank you for your time.

D.P.O. POSTAL:
Thank you, Ellie. I'm going to interrupt the public portion to return to presentations. Our first presentation is from Legislators Vivian Fisher and Fred Towle.

LEG. FISHER:
Good morning. Ellie Seidman Smith just spoke of the role of the Red

Cross with regards to disasters and the needs of the community, and I'd like to speak a little bit to the role of teachers in the community.

When students had to call home to see if their families were okay on September 11th, it was teachers who were there when they made those calls, and we were there to hug them when they found that their families were safe, or to console them, and console those 10,000 children who lost parents on September 11th. And it is teachers who work with all of the other children who are fearful and who don't quite know how to react to the terror and the changing world. One of the positive ways that -- in which children can react is to lend a helping hand. And today I'm here to congratulate Robin Sidewitz. Robin, can you come forward, please?

Robin I think exemplifies what every teacher should be, which is a facilitator, someone who sees a need and helps children to direct their energies and to do what they feel is an important act of lending a helping hand to other people in need. And Robin, with her kindergarten class, started the Flag Project that you see on the wall. Those are little kindergarten hands that create the stars and stripes of that flag. Her class began it and they included, after the beginning of the project, they involved all of the kindergarten classes in the -- the name of the school is the Hobart -- John Hobart --

MS. SIDEWITZ:
John S. Hobart.

LEG. FISHER:
-- elementary school. So would like to congratulate Robin and her class and all of the classes at the John Hobart Elementary School. The other teachers, this is -- I just need to say that I found out about this at my nephew's bar mitzvah when Robin told me the story of what she did with her students. Robin happens to be my sister-in-law. So I'm proud as a teacher and I'm proud as a sister-in-law that she did this.

MS. SIDEWITZ:
Thank you.

LEG. FISHER:
The other teachers --

(Applause)

LEG. FISHER:
Betsy Muntner's class was involved in this. Betsy, if you could come up.

MS. SIDEWITZ:
The other teachers couldn't come.

LEG. FISHER:
Oh, the other teachers didn't come.

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MS. SIDEWITZ:
Some of them aren't here.

LEG. FISHER:
But their children are here. Can we have a representative of Mrs. Muntner's class, one of the children or two, two delegates. Oh, look at these delegates coming up here. And I'll give this to you to give to them, Legislator Towle.

LEG. TOWLE:
Congratulations. Here you go.

LEG. FISHER:
Hi, Emily.

LEG. TOWLE:
Congratulations.

LEG. FISHER:
Good job. Good job, Kimberly. May I please have two delegates from Mrs. Schmidt's class. Here come those delegates.

LEG. TOWLE:
Congratulations.

LEG. FISHER:
Congratulations. From Mrs. Clarry's class, two delegates.

LEG. TOWLE:
Take your time, we're in no rush. It's okay. Congratulations.

LEG. FISHER:
And from Mrs. Pidgeon's class.

LEG. TOWLE:
Congratulations.

LEG. FISHER:
Good job. I don't know. You have a sister, don't you? Janel and Kylie, are you sisters? Oh, you just have the same last name. From Mrs. Bienemann's class. Oh, those delegates are ready. Okay, Mrs. Bienemann's class. And from Mrs. Cucolo's class.

LEG. TOWLE:

Unfortunately, I wasn't invited to the Bar Mitzvah. However, I have watched very closely the work that these student at the William Floyd School District have done on behalf of a very special resident of our community, Kevin Smith. Kevin was a New York City fireman, New York City fireman who had been a longtime resident of Mastic, which is one of the communities that we live in in the William Floyd School District. And Kevin was a New York City Firefighter, as well as a volunteer firefighter with the Mastic Fire Department, and involved in the Mastic Ambulance Company, and so is his wife Gerry, who is a past Chief for the Mastic Ambulance Company. Unfortunately, Kevin was lost. He was one of the first responders to the World Trade Center disaster. And I must tell you that the letters, and the drawings, and

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the pictures, and the notes, and the art work, such as the flags, have been really important to the Smith Family, and I've met with them on a couple of occasions. And they really appreciate your words and comfort and consideration from them. It's such a great thing that you've done to reach out and help one of your neighbors.

And I want to personally thank all of the students of the William Floyed School District, and particularly the folks that are here this morning from the Hobart Elementary School. You guys have done such an excellent job and we're very, very proud of you. Thank you.

(Applause)

D.P.O. POSTAL:

Thank you, Legislator Towle and Legislator Fisher. And boys and girls, you really have done a wonderful job and we're so happy to have you here today.

Our next presentation will be by Legislator Brian Foley. And, Brian, you just might want to wait --

LEG. FOLEY:

Sure.

D.P.O. POSTAL:

-- just a moment.

LEG. FOLEY:

Will do.

(Photograph Was Taken)

Madam Chair, as the children are leaving the auditorium to get some photographs in other parts of the building, I would like to call everyone's attention that this particular month is Domestic Violence Awareness Month. And last week, the Suffolk County Coalition Against Domestic Violence had, let's say, a milestone event. Last week was the 25th anniversary of this very important program and coalition. Those who have been involved with this over many, many years, both Patricia Manzo and JoAnne Mitidieri Sanders have worked very hard to bring these services to those within Suffolk County who, unfortunately, need these services. And those of us who have followed this particular coalition have known that the early years of the program were very challenging years. They were years of what I would call raising the consciousness of policy-makers, of judges, of police officers, of prosecutors, and it took I think many, many years before the program really became a full-fledged program to address those concerns that both men and women have had to have addressed through the judicial process.

Finally, we've reached a point, particularly through funding of this County Legislature, where the Domestic Violence Outreach Program is in all the precincts, I believe. In fact, in a number of them, they have bilingual advocates in the Fifth Precinct within my Legislative District, and the Sixth Precinct, and others. So I thought it was very timely, in light of the fact that last week they had a

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celebration of 25th Anniversary, I thought it would be important to also have on the record here at our general meeting the fact that all of us here present and for the -- and for the record, that we can salute the Suffolk County Coalition Against Domestic Violence for the great work that they do. It's something that is a sign of the times, but at the same time, it's very, very necessary in order to help those who otherwise wouldn't have the information, wouldn't have the advocacy that they need in order to work their way through the system that can at times be very intimidating.

So, Joanne, if you'd like to say a few words before I present this proclamation to you, please feel -- and, Patricia, go ahead.

MS. SANDERS:

Thank you. I want to thank Legislator Foley for this honor. We're really very proud of the work that we've done and we're -- especially we want to thank the Legislature, because, as you said, over the years, we couldn't have done it without the support of the Legislature through funding, through recognition, through coming to visit, even though -- a facility to come to visit and let even the client see you to know that you care. And, again, we hope that our -- we will be out of business some day, but until then, we look forward to your support

in the future. Thank you.

LEG. FOLEY:

Patricia, would you like to say a few words?

MS. MANZO:

I would just like to second that and thank everyone on the Legislature for all of your dedication and hard work for all of our efforts, Angie and Maxine who are always there for Commemoration Day and always are so helpful to us. I thank all of you. Thank you so much.

LEG. FOLEY:

Thank you.

(Applause)

In closing, in closing, I'd also like to mention the good work, I know Dave, but you mentioned in one of your newsletters, Dave Bishop also has been very supportive, as have all the Legislators. And what's really worthwhile to mention is the fact that this is a program that has received bipartisan support of the Legislature, both Republicans and Democrats alike, because, unfortunately, unfortunately, the problems that this program addresses knows no political affiliation, knows no gender affiliation, and the fact, as I said, it's a sign of the times, and, hopefully, there is the day when we won't need to fund a program because it won't be necessary. But until such time, we are here to say, by virtue of being here today on the record, that we are here for the program. It's one that has made a world of difference in the lives of so many women, children and men, and we stand ready to help in the future as well. Okay. Thank you very much.

(Applause)

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D.P.O. POSTAL:

Thank you. We're returning to the public portion. Our next speaker is the Suffolk County Treasurer, the Honorable John Cochrane.

MR. COCHRANE:

Thank you very much, Madam Chairman. Ladies and Gentlemen of the Legislature, thank you very much for the opportunity to briefly speak with you this morning. I'm here to clarify a resolution that will be presented to you during the day for your consideration with a Certificate of Necessity, and that's what I'm here to explain. The Certificate of Necessity was -- the need for that arose when this resolution was delayed administratively. It has to do with the

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authority for the Treasurer to move money among County funds. It's a routine resolution that we do each year normally in the month of September. But as we're getting near the end of the year, I felt it appropriate to ask the County Executive's Office for a Certificate of Necessity so we have it in place.

We have no economic problems in Suffolk County, as you as Legislators well know, and I wanted to allay any concerns you might have as to why a Certificate of Necessity was requested for this resolution. The only reason is one of timing. The resolution is one you've considered before and I believe passed unanimously. It authorizes the Treasurer to move money among funds, report such movement to the Legislature within five days of such movement, and to repay all borrowed funds among the funds with interest prior to December 31st of the year, and that's precisely what we will be doing. I cannot at this moment predict whether it will even be necessary, but under General Municipal Law we need to have it in place in case we need to do it. So with that statement, I'd be delighted to respond to any questions, and if not, I would appreciate your positive consideration when the resolution comes before you.

D.P.O. POSTAL:

John, as you said, we've done this year after year after year.

MR. COCHRANE:

Absolutely, Maxine.

D.P.O. POSTAL:

In fact, if we have to do it, it enables us to maintain services and save money, we don't have to go out and borrow, we're using our own monies and just moving them --

MR. COCHRANE:

Absolutely right.

D.P.O. POSTAL:

-- temporarily. I'm going to ask you something about another issue and that had to do with the resolution that we recently passed on the installment payment of taxes, property taxes. You were very, very supportive and I want to thank you. You know, I just -- you've been very helpful and very taxpayer friendly. I know it won't kick in until December of this year, but do you have any kind of prediction or experience that could give us some insight into whether it's going to be problematic, whether it's going to be beneficial, not only to

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taxpayers, but to us?

MR. COCHRANE:

I can assure you of several things, Maxine. The first is we're now in the testing phase of the program. It will be ready, you have my word that it will be ready to accept partial payments on December the 1st, which is what the resolution called for. We've spent considerable effort, in fact, in the last four years, working toward this problem of resolving the partial payments that people want to make and should be allowed to make. Here's the good news, that it will kick in December 1st. We are prepared to do it. The good news for the County is each June, I receive from the ten towns 40,000 parcels, approximately, with unpaid taxes, totalling \$120 million.

We have had to in the past, and when I was elected to the position, we have had to hire temporary workers at payroll cost to the County, pay our own staff overtime, because we would receive payments that were short by the amount of interest and principal. The County was denied the use and the interest earnings on the \$120 million, and we incurred labor cost and other handling cost to calculate each of those person's unpaid taxes, send it back to them, tell them it wasn't enough, they would have to then send it back to us. If the end of a month went by, we incurred another 1% penalty. What will happen now is we will accept delinquent tax partial payments starting in December on already delinquent taxes, but come next June, when we receive part of that 120 million as it flows in, we'll deposit it daily, the County will have the use of the funds or the interest earnings thereon. We will not have to take the extra help to mail back payments and ask them to send us the correct amount. The system will calculate interest and penalties. It will apprise the property taxpayer that we have deposited their check. They will then be billed for the interest and penalties. They send that back and the whole matter is closed. So that's all going to be done and calculated with the system that we have developed.

So I thank the Legislature, because all of you appropriated the money for the consultant services and, ultimately, for the system over the last several years. It's now ready to go in accordance with your resolution, I believe had other sponsors. This partial payment system is up and running. It will be December 1st. It will be a great benefit to the County and to the taxpayers.

D.P.O. POSTAL:

Thank you, John, and thank you for your help.

MR. COCHRANE:

Thank you for the --

D.P.O. POSTAL:

Legislator Carpenter.

MR. COCHRANE:

Thank you for the long-winded answer.

D.P.O. POSTAL:

And it was a good answer.

LEG. CARPENTER:

Good morning, John. I know that you didn't come specifically for this, but you did mention the partial payments. And I just want to ask you what kind of impact is this having on the Town Tax Receivers? Are they working cooperatively with your office on this? What is the status of that?

MR. COCHRANE:

Yes, the Town Receivers of Tax are working cooperatively. We had a press conference last week and several of the Town Receivers did attend. A number of them -- all -- in fact, all of them I've talked with on the phone and we're going to work to make it as seamless as possible to have the Town Receivers of Taxes handle their responsibilities with partial payments, and then what comes to the County as our responsibility will flow smoothly. So I think it will be a very, very workable system.

LEG. CARPENTER:

So any of the trepidation that they had initially, has that basically been addressed?

MR. COCHRANE:

Yes. I think they're reaching a point of comfort with the concept and with the systems, and we're working cooperatively with them. As I say, we invited them to a demonstration of the system. Brookhaven has already contracted by coincidence with the same organization that has given us our partial payment program, so we are seeing cooperation from the Towns and I think a very positive attitude.

LEG. CARPENTER:

I think if it inures to the benefit of the County, it certainly has to -- the same benefit is ascribed to the Towns, and, certainly, to the taxpayers, and I think that's probably something that everyone needs to keep in mind. And I thank you for all of your work on it.

MR. COCHRANE:

Thank you.

D.P.O. POSTAL:

Thank you, John.

MR. COCHRANE:

Thank you all. Have a good day. Thank you very much.

D.P.O. POSTAL:

You, too. Our next speaker is Richard Amper.

MR. AMPER:

Members of the Legislature, I am here on behalf of the New York League of Conservation Voters on the matter of the borrowing against the revenue stream of the Drinking Water Protection Program through the State Environmental Facilities Corporation. I just want to read brief excerpts from the League's letter to you Legislators.

"It is essential that purchases of the dwindling open space and

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farmland be made immediately before the land is developed or the cost of preserving it increases. To do this, the County Legislature must authorize borrowing against anticipated revenues." I think you will find that Budget Review has all of the information you need. Committee members asked additional information be supplied as to what was prudent in terms of borrowing. I think that information is in front of you today. We'd like to get that program moving.

And then I also just want to thank so many of the people in County government that were supportive of me after my car crash last month and sent greetings or had kind words. Nothing more buoying than the tremendous number of excellent jokes about the need to wire my jaw shut when I broke my jaw. And I just want to share one of my own, I think the best, it was my wife's, who asked the surgeon just before we went into the surgery, "Will my husband be able to speak after this procedure?" And he paused and he said "Well, yes, but it will sound as though he's talking through gritted teeth." And she said, "That's the way it always sounds anyway." So thanks.

D.P.O. POSTAL:
Thank you.

(Applause)

Next speaker is Maxine Jurow.

MS. JUROW:
Good morning.

D.P.O. POSTAL:
Good morning.

MS. JUROW:
It's good to be here today again. I'm Maxine Jurow from Literacy Volunteers of America in Suffolk County, and I'm really here to thank everybody for their past support of Literacy Volunteers.

When every word is a struggle, literacy is the answer. We have served
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this County for the past 23 years with over -- over 17,000 people have been served by our organization. And what we're here today to ask for is your continued support.

I really want to thank Maxine, my other Maxine, Maxine Postal, and Ginny Fields, and Brian Foley, and all the Legislators that have spent time with us, and come to our events, and helped us to continue to do our work. So I want to thank you.

I would like to introduce Terry Karl, who is the president of our Board, and he will introduce one of our students. Thank you.

MR. KARL:

Thank you, Maxine. Good morning, everybody. As Maxine said, I am Terry Karl. I am the president of the Board of Directors and have been so for the past four or five years. This is the third opportunity that I have had to address the Suffolk County Legislature. Two previous occasions I came before you seeking your help. This time I'm

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here to say thank you more so than ask for your help. The County has acted in a collaborative fashion with us. As Maxine said, we have touched the lives of 17,000 individuals and families over the years, and we would not be able to continue the work that we do and continue to do without the help of this austere body.

I think it's very striking that we appear here today, however, in conjunction with the kindergarten students that you saw earlier this morning, because the United States Department of Education estimates that one in seven or 14 percent of those young innocent faces that you saw here this morning will grow to adults who cannot read or write beyond the 5th grade level. That to me is a sad commentary in this day and age. So we invite you to continue to work with us in a collaborative fashion, so that 100% of those young innocent faces will be able to read and write and share the beauty of reading with their families in the future.

One of our beauties of LVA is with us today, a gentleman by the name of Frank Favilla, and I'd like to introduce Frank to just say a word to you this morning. Frank.

MR. FAVILLA:

Good morning. For the last 30 years of my life, I've been pretty successful. I ran my own business putting up signs. As a matter of fact, I put the letters outside this building. And if you're wondering how a guy who can't read can put up signs, they numbered the letters for us, so we know what to do. But for the last year-and-a-half, I've been a student, and when I joined then I was

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only a second grade reader, and now, I'm a little bit past a 4th grade reader, so that makes me feel real good about myself. I'm able to go to a library now. And when I see my grandchildren walking around with a little book, I don't get too nervous and have to leave the room, because they might ask me something to read and I don't know how. But I can do that and that makes me feel good. And if I had to tell my grandchildren "I don't know that word," I would really feel very bad. But, mainly, it would be a big disappointment in their lives saying, "Well, Grandpa tells me to go to school, he can't read himself." So it's a big plus in my life and has changed my life. And I have a lot to thank this organization here. And thank you for listening to me.

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

(Applause)

Next speaker is Lee Lutz.

MR. LUTZ:
Good morning to you all. Lee Lutz, Campaign Finance Board. Here in front of you this morning, just very briefly, you have in front of you on today's agenda again Resolution 1734, which is a proposed operating agreement to facilitate the smooth functioning of our Board relative to the rest of the County operation. It has been revised since last meeting at the urging and through the facilitation of Legislator Fisher, who the Board wishes to thank once again for all the work that she's done on our behalf. A meeting was held with the -- all parties

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concerned, including Legislator Fisher and your Legislative Counsel, County Exec's Office and staff, Law Department, BRO. We believe that the agreement is acceptable to all of the various parties concerned at this point, and we hope for your approval of that agreement today. And, if you have any questions, I'd be happy to answer. Thank you.

D.P.O. POSTAL:
Legislator Fisher.

LEG. FISHER:
Lee, the question invariably will come up, what is the need to have -- why do we need to have this operating agreement? Can you, please, explain it once more for the Legislators who are here now?

MR. LUTZ:
Of course, and I'll try to be brief. I had the opportunity and was grateful for the opportunity to speak directly to and individually to most of the Legislators, so I was able to explain this in some detail.

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The legislation which created the Campaign Finance Board, passed overwhelmingly by referendum in 1998, did not, in fact, establish the place that the Campaign Finance Board would occupy within the County's hierarchy. No provision was made for interaction of the Board with the other various departments of the County that we need to interact with on a quite regular basis, both to achieve what we are mandated to do, but also to simply function on a day-to-day basis. Specifically --

LEG. FISHER:

Lee, can you just give us a nuts and bolts example of that, because --

MR. LUTZ:

Well, specifically, one of the problems we've had from day one has been the process of budgeting and our -- the flow of our funds. Fortunately, Fred Pollert, through your BRO, has graciously agreed to and has been funneling our money to pay our bills. That's not really appropriate. We're grateful that he has been willing to do so, but, in fact, there's no provision for a direct budgeting process. That has also manifested itself in the fact that the Board, even though authorized by the referendum to have personnel as employees, has been unable to do so because of the ties to the budgeting process and the necessity of line items for personnel. So that has also created yet another problem. The interaction of the Board with the various other County agencies is defined by this agreement, so that we will be able to, hopefully, more smoothly function. There are other specific examples, but, again, I addressed to the Legislators individually most of them and don't want to take a lot of your time here this morning, just hoping that you will see fit to approve this arrangement.

LEG. FISHER:

Lee, will you remain until we reach this item on the agenda, if you --

MR. LUTZ:

If you want me here, I will remain as long as necessary.

LEG. FISHER:

Thank you

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MR. LUTZ:

Okay.

D.P.O. POSTAL:

Thank you, Lee.

MR. LUTZ:

Thank you.

D.P.O. POSTAL:

The next speaker is Denise Miller.

MS. MILLER:

Good morning. I'm here this morning for Diane Mecieca, the Director of the South Fork Community Health Initiative, who is sick today. She wanted me to read you this letter that she had written.

"Dear Legislators, the South Fork Community Health Initiative has been able to double its patient load, expanding services into the community. Last year we served 5,000 patients in the Towns of East Hampton and Southampton. Last year our adopted budget was \$54,101. This year, we are in the County budget for \$5,000. Needless to say, this would affect a small grass roots organization. And I'd like you to know that this amount is one-third of our budget and we need your help."

"We take pride in our tradition of hosting health awareness, education, and services within our community. We offer a wide array of free and minimal cost blood pressure screenings, mammographies, prostate screenings, and immunizations to children and health education in the schools. We take pride in our services to medically help the needy and the underinsured in the South Forth. Please help us. Sincerely, Diane Mecieca." Thank you. Any questions?

D.P.O. POSTAL:

Thank you very much.

MS. MILLER:

Thank you.

D.P.O. POSTAL:

Next speaker is Stacy Romeo.

MS. ROMEO:

Good morning. I work for the American Red Cross, I'm a Case Manager, and I'm here to shed a little bit of a different light on what community service is all about. You were given pamphlets and in those pamphlets there is a letter that was written by one of my clients who did his community service. And I'm just going to read a couple of lines, because I think it speaks in volumes as to the purpose of what we do.

Community service and the importance it represents should never be underestimated or mistaken as a lesser alternative to reduction in punishment. The program itself has revealed to be in many ways more than just a penalty, but a whole adjustments in one's life. Not only

completing the number of hours assigned, combining that with employment, family, financial obligations and life in general is more effective in realizing your crime than a correctional facility. It is extremely difficult.

I think one thing we can all agree upon that one thing we don't have a lot of is free time, and when we start consuming that free time, people begin to work harder and realize what their actions have created. And the final thing in this letter that he wrote is that the American Red Cross accomplishes this in a no-nonsense, tactful way, that the community and all its people can be proud of now and forever. This program works. It has already been felt.

And it may sound like I'm patting us on the back, but I am. I am very proud of my colleagues and the agency, because we've managed to find an equal balance of being tough and riding these people hard to do what's expected of them, but in the same time, we haven't lost the human side of us; that we realize these are human beings who also have problems. And they know at any given time they can call on their case manager, and if they need assistance in shelter, food, clothing, if they need help in counseling for emotional, family problems, in counseling for rehabilitation because of a substance addiction, they know that we are equipped to guide them to the appropriate agencies and with phone numbers.

This program not only holds people accountable for what they've done, but it also, I believe, helps in trying to break the cycle of crime. And I am -- I hope that you really will review this pamphlet and read this letter by my client, because I think we really are an asset to the criminal justice system. Thank you.

D.P.O. POSTAL:

Thank you very much. Legislator Foley, did you have a question?

LEG. FOLEY:

No.

D.P.O. POSTAL:

I'm sorry. Just one second. I have a question for you. If you could just come back. The State budget kind of stopped. There was a bare bones budget adopted. And the, I guess, sense, rumor, whatever, is that there may not be an additional budget action, including there may not be member items. What does that do to the Community Service Program?

MS. ROMEO:

Actually, I'm going to have one of my constituents here, one of my colleagues speak on that, because they're more educated in that field that I am. My purpose is to --

D.P.O. POSTAL:

Programmatic.

MS. ROMEO:

To do more public relations and shed a different light on what we do.
So, Helen.

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D.P.O. POSTAL:

Okay. Thank you very much. The next speaker is Helen Meyer.

MS. MEYER:

Thank you very much. I have my report here on the juvenile level, and I'd like to just go over Ellie Smith's portion with the Adult Division, as she didn't get a chance to do that.

During the past 20 years, the American Red Cross Community Service Program has had the great fortune of working closely with the community and the criminal justice system and the Legislative Branch to develop an outstanding program, which has been the model on both the State and the national level. Our goal has always been public safety, and we have 100% safety record with the offenders performing community service, as defined by New York State Penal Law 6510-2H, and Family Court Act 758A.

Each year, when we come before you with our charts and requests, you have always been there for us. Our growth has always been documented, and to this end, we have enclosed our new charts and requests. But in this year's requests, there is an urgency. Half of our funding for the weekly and weekend crews comes from the generous member items of our State Legislators. As of today, we have no word that this money is forthcoming.

As you can see from our adult charts, which are included right in the back of this letter, during the first three quarters of this year, our court referrals increased from 616 in the Year 2000 to 993 in 2001. This represents -- this represents a 42% increase in the amount of referrals and crews.

Last year's increase in the omnibus for our two positions enabled us to double our crew efforts and include Saturday crews as well. We are desperately in need of another Crew Chief and the adult -- another adult Crew Chief position, as you can see from our charts.

On the Juvenile Division, our numbers have also increased. Again, our State monies for our Beautification Crews are not forthcoming and we trust make some critical decisions, which may involve a drastic reduction in our juvenile crew activity around the County. This could not come at a worse time, as a new PINS legislation will double our numbers. As of October 15th, the PINS cases alone increased from 69% to 2000.

I have a chart on the Juvenile Division level. It's entitled on the top and it clearly indicates the number of referrals for the past three years. Our referrals have steadily increased, going back as far as 1997. But, actually, there's a straight incline since the inception of the program. The PINS cases have increased and we're at 193 -- 139, I'm sorry, PINS cases right now and it's only October, and that's an increase from last year, where we only are had 97.

D.P.O. POSTAL:

Helen, I'm sorry, but your time is up.

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MS. MEYER:

Okay.

D.P.O. POSTAL:

If you could provide us with that information --

MS. MEYER:

The whole packet, everything is in the packet.

D.P.O. POSTAL:

It's in the packet.

MS. MEYER:

Including the charts. And I'm sorry I had to read this, but Ellie Smith had to go, so --

D.P.O. POSTAL:

That's fine.

MS. MEYER:

I wasn't prepared. But everything is very self-explanatory. I thank you very much.

LEG. FOLEY:

Thank you.

D.P.O. POSTAL:

Thank you. Next speaker is Stuart Lowrie. And I have --

MR. LOWRIE:

Would that be Alpa Pandya?

D.P.O. POSTAL:

Yes, please. You know, you're actually, if you're both -- you're both

on one card, so you have three minutes.

MR. LOWRIE:
That may be enough.

MS. PANDYA:
That might be enough.

D.P.O. POSTAL:
Okay.

MR. LOWRIE:
I just wanted to take a minute as a follow-up to the Nature Conservancy's testimony given before the Environmental Committee last Tuesday to urge --

MS. FARRELL:
Excuse me, can I raise that?

MR. LOWRIE:
Here we go, yes. I'm a little taller than average here. Just for the record, my name is Stuart Lowrie and I'm the Director of Government

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Relations for the Nature Conservancy on Long Island. And I wanted to ask the Legislature to find a quick way to say yes to low interest financing through the Environmental Facilities Corporation and the New York State Revolving Fund to leverage our Quarter Percent Drinking Water Protection Program funding to save critical wildlife habitat and open space in Suffolk County.

The past exemplary efforts of Suffolk County Legislature have brought tens of thousands of acres of key environmental areas county-wide into conservation and parks ownership for the residents of this County. We are now at a crossroads. The Nature Conservancy believes actions taken over the next three to five years will determine forever what natural areas will be protected for our children and grandchildren to enjoy into the future. Using low-cost financing to bring forward key land purchasing dollars now will be a fiscally responsible way to allow the County to assure a better outcome in the final years that we have for this opportunity.

The Nature Conservancy urges your support for and swift action to bring legislation, which we understand is pending in committee, to a timely vote. Many thanks to all of you for your past leadership and your commitment to the future of our great County.

LEG. FOLEY:

Question.

D.P.O. POSTAL:

Thank you. Do you want to let the other speaker go first? And then there are a couple of people who have questions. Go ahead.

MS. PANDYA:

Hi. My name is Alpa Pandya with the Nature Conservancy. You've heard the Conservancy speak many times over the last few months on this issue. You know, I'm happy to take questions. I believe Legislator Bishop, Caracciolo, I mean, many others have spoken with EFC directly, as well as Fred Pollert, Tom Isles, and I think many of the issues which have been coming up, process-type issues which have been coming up have been resolved. I am very happy to take any questions. I've also been working very closely with them.

D.P.O. POSTAL:

Okay. Legislator Alden, then Legislator Foley. Then, Legislator Bishop, did you have a question?

LEG. ALDEN:

Mr. Lowrie.

MR. LOWRIE:

Yes, sir.

LEG. ALDEN:

And, as you know, I respect your opinion, and I respected the work that you did when this Quarter Cent Program was originally passed, in saying that -- I'm going to ask a couple of questions I think about -- you just put on the record that you would like to see us borrow the money, because the next five years, three to five years is going to be

the key period. I mean, I'm making the assumption that you have looked at the cost of borrowing the money, because when we go out and borrow money, and some of the proposals are for \$75 million, so that could cost us somewhere between seven and \$10 million in financing charges. Even if we don't pay any interest on it, there's an amount of money due to the underwriters and things of that nature. That's seven to five million, or five million, whatever it is, even two million or one million, that's less dollars that we can actually go to spend for the properties. This was a cash, a pay-as-you-go system that was put in place and we can buy 100% of that cash flow in properties if we don't go and borrow against it.

So my question is have you considered the cost of the finance as a factor that when you make the statement that we should go out and

borrow the money to spend the money in the next five years? Because that program's only got about another ten years worth of life in it anyway.

MR. LOWRIE:

Yeah, we did. We've done some very heartfelt analyses. And on balance, you have to consider what you've noted, Legislator Alden, which is the cost of financing against the rising cost of land. And as we -- as near as we've been able to parse it out, again, real estate values have increased dramatically, and if real estate values increase faster than the financing costs, which are in this case subsidized and, therefore, very low, then buying the land now is actually cheaper than waiting to buy it later. So it actually makes good sense to buy it now economically.

The other issue that concerns us is the one of urgency, and that is that some key parcels which may become available now, which are available now, if we don't get them, they're lost forever now. So we're very sensitive to the economics of it and appreciate your point. But on balance, we think it's a better use of our money now, given the state of the market and the costs that would be incurred, and the option, the possibility of losing land to go ahead with some low cost financing.

LEG. ALDEN:

The second part of my question, too, or second question would have been in the past six months, I've done a lot more research than I had before that on this very issue, but there's other key parcels that are out there that are not for sale right now. And my worry is that we go out and borrow to the max about our next ten years cash flow, then we go and try two to five years from now, when some of these other very, very key parcels come on the market that we would like to buy, now what do we do? Because we've already spent our whole program for the next ten to twelve years. We've definitely spent out that, plus the principal and interest cost that's going to go on there, the cost of financing it. And now, if two to five or ten years out some of these very, very key parcels that are not for sale right now come on the market, what do we do in that instance?

MR. LOWRIE:

Well, the County here is one of the prime funders, but it's not the sole funder, plus there are other County funds that are available over

the long-term. And we've seen through this Legislature a very generous capital fund to make acquisitions occur above and beyond dedicated funds like Drinking Water Protection Program. We think that given the rapidity with which we're losing key environmental property,

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that we're better off taking what I acknowledge your point to be that there is a risk that we may find ourselves short of cash at some point in the future. I think it's a small risk and I think it's worth taking because of the rate at which we're losing things now.

There are a lot of other sources of funding which the Nature Conservancy is working very, very hard to bring to the County. We've had certain success. There are federal funding sources from the Land Water Conservation Fund. We're working now statewide to ramp up the New York State Environmental Protection Fund. We're in a bit of a limbo now because of the State budget, but we're confident that over the next couple of years, more money will be coming to Suffolk County on that score. We're also looking at Towns putting in more money, and, as you know, Brookhaven, Southampton, East Hampton, Shelter Island, a number of Towns, Huntington, have bonded or have dedicated funds that they're using to protect open space. So there is a larger universe and we're confident that when those needs do arise, we will creatively meet them the way that this Legislature has in the past.

LEG. ALDEN:

There's one further point, and apologize for taking up this much time, but there is also a balancing act that we're doing right now. There's a lot of agencies that do much needed work for the County that have been cut, which means that there's going to be cuts in County services going forward, because there's -- there is a finite amount of money, there's not an infinite amount of money. Have you considered the risk that in the future, we're not going to have any other land purchase programs, because we've got to fund some of these much needed County services?

MR. LOWRIE:

The balancing act for the limited resources that the County has is something that I certainly think about, but my role here is to be an advocate for protecting critical wildlife habitat and open space county-wide, and to commend this Legislature for having so masterfully balanced the needs of the County on other areas with that particular need, and I hope that you'll continue to do so.

LEG. ALDEN:

Okay. Thanks for your comments.

D.P.O. POSTAL:

Legislator Foley.

LEG. FOLEY:

Thank you, Madam Chair. Stuart, isn't one of the more compelling and I would say persuasive arguments for accessing these dollars is the very low interest rate that the State agencies would attach to the bonding? Could you just go into a little more detail about that, what is the percentage rate and how much lower is it than -- and before you answer, let me just say, on a regular basis, and we should do so, the Legislature on a whole has approved a number of capital projects,

which does incur additional debt service to the County, but we do that because those programs or those projects meet a public need. And around the horseshoe, when my colleagues have joined me and others to approve those particular capital projects, what they need to understand is that the debt service on those are far higher than the EFC funding will be, and I think that shouldn't be lost on my colleagues. But if you could just go into a little more detail about the level of interest on this, the low level of interest on this, and why this, if this municipality doesn't, in the best sense of the term, take advantage of this funding source, would it not be more likely than not that some other municipality, be it a city or particularly county in another part of the state is going to take this money. So if you could answer those two questions.

MR. LOWRIE:

Well, let me first say that, yes, there is a subsidized interest rate that covers this particular kind of financing. But let me then turn it over to Alpa Pandya, who is our Nature Conservancy expert on how the EFC works and --

LEG. FOLEY:

Okay.

MR. LOWRIE:

-- what kinds of funds are available, and what the rate might be at the present time.

LEG. FOLEY:

Okay, thank you.

MS. PANDYA:

Yeah. The EFC, their standard amount that they've been offering for land purchases, for conservation loans they call them, is less than half of the going rate. Right now that would be about 2 1/2%.

LEG. FOLEY:

So it's less than half of the going rate, which is what --

MS. PANDYA:

Less than half.

LEG. FOLEY:

-- municipalities usually incur when they capitalize other costs, other projects.

MS. PANDYA:

It's less than half, like I said, which is now about 2 1/2%, but that's actually for their long-term loans. It's actually zero percent for their short-term loans, which is for the first year, and we're actually working with them, with the County, and with other

organizations to actually extend that period of time when we can get zero percent loans.

LEG. FOLEY:

Okay. And just on that point, if I may, Madam Chair, because it's an excellent point and it helps to address Legislator Alden's concerns,

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if it's zero percent, is that zero percent for the 60 million, or is it zero percent for the monies -- if we receive the \$60 million, is it just for a portion of the 60 that we would utilize in the first year of the program, or would it be for, let's say, if we move forward with almost utilizing the whole amount? How would that work within the first year?

MS. PANDYA:

It works -- it's a line of credit.

LEG. FOLEY:

Right.

MS. PANDYA:

So it's zero percent on whatever you take out. If in that first year you take out a full \$60 million, which is kind of hard to believe --

LEG. FOLEY:

Right, right.

MS. PANDYA:

-- it would be zero percent on the full 60 million.

LEG. FOLEY:

Oh, okay.

MS. PANDYA:

If you only spent 10 million --

LEG. FOLEY:

Right.

MS. PANDYA:

-- it would be zero percent on that 10 million.

LEG. FOLEY:

Oh, okay.

MS. PANDYA:

But then in year two, which is the remaining -- let's say you spend

the remaining \$50 million, you would again start with zero percent. So as the loan is -- as the line of credit is drawn down, the clock starts ticking for each parcel.

LEG. FOLEY:
Okay.

MS. PANDYA:
So every time you draw down, one year starts on that, so you have zero percent for every time you draw down upon that line of credit.

LEG. FOLEY:
And you're looking to extend that year's -- I would call it almost a grace period, if you will.

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MS. PANDYA:
Yes, yes. The regulations actually allow for up to three years --

LEG. FOLEY:
Okay.

MS. PANDYA:
-- with zero percent, and that extension has been granted for some areas. And we're certainly saying that considering our development pressures, we should be --

LEG. FOLEY:
Okay.

MS. PANDYA:
-- allowed for that full three years.

LEG. FOLEY:
Madam Chair, if I could just suffer for another -- if you wouldn't mind suffering for another minute here, because this is a very important line of questioning, I believe.

The other municipalities that received three years, what was the criteria that they used in that criteria that the State accepted? And can it also be utilized in this County? And who makes the decisions, is it simply the EFC? Does there need to be any State enabling legislation, or can it simply be done administratively through the State agencies to approve this extension?

MS. PANDYA:

It's -- the extension is an administrative one. It's kind of at their discretion.

LEG. FOLEY:

Okay. Now, on that point, it's at their discretion, but which counties have received that extension?

MS. PANDYA:

I'm not exactly sure, but I believe it's been some Upstate counties or municipalities --

LEG. FOLEY:

All right. It would be important to receive that information.

MS. PANDYA:

-- claiming certain hardships --

LEG. FOLEY:

Fine, okay.

MS. PANDYA:

-- or urgency issues, where they're saying we don't have the money right now --

LEG. FOLEY:

Okay, okay.

MS. PANDYA:

We need the --

LEG. FOLEY:

And what they have done in those other counties and agencies, it would be helpful if you can get that information to us. Have they passed resolutions from their local Legislative bodies to urge the EFC to extend the zero percent?

MS. PANDYA:

I'm not 100% sure if they --

LEG. FOLEY:

Okay.

MS. PANDYA:

If they've passed resolutions, or if it was done through discussion of what their --

LEG. FOLEY:
Okay.

MS. PANDYA:
-- circumstances were, but I can -- I can ask them and certainly find out.

LEG. FOLEY:
And it's your understanding -- last question. It's your understanding, Alpa, that -- has the administration in this County approached the State agencies about extending this, zeroes?

MS. PANDYA:
I don't think they have, no.

LEG. FOLEY:
They have not.

MS. PANDYA:
No.

LEG. FOLEY:
Perhaps we can hear from the Chair of the Committee, Legislator Bishop, in a few moments, whether he can lend any light on that? If, in fact -- if, in fact, the administration has not -- have you requested of the administration to speak to the State EFC about that?

MS. PANDYA:
I think we have a little bit, but it was kind of in the middle of while we were talking about so many other issues --

LEG. FOLEY:
Okay, right. Okay.

MS. PANDYA:
-- I think it kind of got buried.

LEG. FOLEY:
All right. But, Madam Chair, I'll leave other questions at a later point, but I would hope that we could impress upon the administration, if not this body and through the Chair of the committee, to also request of the EFC to extend that same benefit and the same courtesy --

MS. PANDYA:
Yeah, absolutely.

LEG. FOLEY:

-- to this County, as other municipalities have received, and that would, I think -- should pretty -- should answer, if not resolve, the concerns that Legislator Alden has about incurring additional debt service for the County. Thank you.

D.P.O. POSTAL:

Before we go to Legislator Bishop, I have a motion to extend the public portion by Legislator Crecca, seconded by Legislator Haley. Public portion is extended. Legislator Bishop.

LEG. BISHOP:

What portion is extended?

MS. PANDYA:

Extending zero percent for three years.

D.P.O. POSTAL:

Legislator Bishop.

LEG. BISHOP:

Excuse me. Good morning. I know that we resolved the issue that was in question at committee and before the full Legislature of whether the Legislature needed to pass an authorizing resolution and we do.

MS. PANDYA:

Yes.

LEG. BISHOP:

Does the authorizing resolution need to conform in dollar amount to the application that was submitted by the County Executive?

MS. PANDYA:

No.

LEG. BISHOP:

So we still have the option of changing the number.

MS. PANDYA:

We do, yes.

LEG. BISHOP:

What was the number that the County Executive submitted?

MS. PANDYA:
I believe it was --

LEG. BISHOP:
Sixty-two?

MS. PANDYA:
-- sixty-two or 63.5, of which about 50 million was actually for open space. The rest was for refinancing other loans, water quality loans.

LEG. BISHOP:
Okay. That's it. Those were my questions.

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

MS. PANDYA:
Could I just make one last statement?

D.P.O. POSTAL:
Sure.

MS. PANDYA:
Just -- I'm just asking that you do have two resolutions in front of you, I hope you pass it today, because until that's done, they cannot move forward with the application. They can't even finish reviewing it, therefore, money cannot start flowing until it's --

LEG. BISHOP:
Did those resolutions come out, by the way?

MR. SABATINO:
No. What happened was those two bills, which gave the two options on the bonding, came out, and at the last meeting on September 20th, they were sent back to the committee by the full Legislature, because there was a misunderstanding, I think, on the part of some people that you could do this without legislation. And as I had said at two meeting before that, you have to pass a resolution. An administrative filing of an application does not commit the County to anything. Now, those two bills remain in committee, because -- those two bills remain in committee, because those are the bonding resolutions and there apparently was no consensus. But you cannot access the money without getting some kind of -- you probably need two resolutions --

MS. PANDYA:
You do.

MR. SABATINO:
-- but at a minimum, you need one.

LEG. BISHOP:
Weren't you the one who told us that they did it without coming to us and they could do that?

MR. SABATINO:
It's just the opposite. I kept saying to everybody you can't do it

administratively, you need a resolution. It was just the opposite. I mean, I must have -- I was talking myself blue in the face and everybody was looking at me like I had six heads. You need a resolution.

LEG. FOLEY:

With this issue, I'd say, you were talking --

D.P.O. POSTAL:

Legislator Foley.

LEG. BISHOP:

Counsel, we all know you have three heads.

LEG. FOLEY:

-- green in the face instead in the blue.

D.P.O. POSTAL:

Legislator Foley, just as soon as Legislator Bishop yields the floor.

LEG. BISHOP:

I believe that the outcome --

LEG. FOLEY:

Let's get a CN or discharge motion.

LEG. BISHOP:

Right. We could probably do this with a discharge motion. The question, since Legislator Caracciolo filed a bill with 75 million; is that the correct number?

MR. SABATINO:

He had two options. One was 75, I think the other was 62.5, if I remember correctly.

LEG. BISHOP:

62.5, and I was under the impression that the 62.5 number is the one that's supported by the administration, and I believe --

MR. SABATINO:

He filed the bill for 50 million.

LEG. BISHOP:

But I believe the application, or at least I was told verbally --

MR. SABATINO:

That I don't know. You may be right. You may be right.

LEG. BISHOP:

Was speaking to the 62.5. So perhaps --

LEG. FOLEY:

It was sixty -- the planning -- just a point of clarification, point of information. My understanding, the Planning Department submitted a 60, the \$62 million resolution. However, request -- however, if this Legislature, and I hope that we do, supports the larger number,

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75 million, I'm certain that the Planning Department would amend the application to be sent to the State, especially, especially if at least the first year is a zero and there's a good likelihood we can extend it beyond one year for a zero percent interest rate. I mean, it just behooves us to go for a higher amount as opposed to a lower amount.

LEG. BISHOP:

Fred, why don't we take a minute to -- since we have a fairly light agenda and this is something that I think most people want to accomplish today, to discuss, if we can, Madam Chair, through the Chair, as Legislator Foley would say, the difference between -- implications long term fiscally of the 75 versus the 62.

D.P.O. POSTAL:

Well, why don't we -- we just have a few more speakers. Why don't we just complete the public portion and then we'll go back to that?

LEG. BISHOP:

That's fine.

D.P.O. POSTAL:

Legislator Lindsay had a question.

LEG. BISHOP:

You know the question coming, though, Fred, right?

D.P.O. POSTAL:

Oh, I'm sorry. Did you have another question, Legislator Bishop?

LEG. BISHOP:

No.

D.P.O. POSTAL:

Legislator Lindsay.

LEG. LINDSAY:

I just have one question. I know land values around Long Island escalate at different values. Is there an average amount of what inflation is for land value on Long Island; would you know that?

MS. PANDYA:

I'm sorry.

MR. LOWRIE:

I'm not aware of any --

LEG. LINDSAY:

Okay.

MR. LOWRIE:

-- specific number. Again, the problem with trying to fix such a number is that the difference in appreciation can be radical from one part of the Island to another.

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LEG. LINDSAY:

Okay.

MR. LOWRIE:

If you take a South Shore ocean beach parcel, it might have tripled in value in the last three or four years, whereas a parcel in another part of the County might have raised -- gone up, you know, 15 or 20% in the last two or three years.

LEG. LINDSAY:

But it would certainly be fair to say that land values anywhere on Long Island would appreciate greater than 2 1/2% a year.

MR. LOWRIE:

We took as a very conservative estimate for models that we ran to determine the fiscal responsibility of this an inflation factor of land value of 5% a year. We thought that was very conservative against what we have been seeing in the Nature Conservancy as we've made purchases around the County.

LEG. LINDSAY:

Thank you.

D.P.O. POSTAL:

Thank you very much.

MR. LOWRIE:
You're very welcome. Our next speaker --

LEG. LINDSAY:
Can I have one more question?

D.P.O. POSTAL:
Sure.

LEG. LINDSAY:
One last thing. The EFC, is that an endless stream of funding, or is it capped somewhere, and if we don't take advantage of it, would another --

MR. LOWRIE:
Oh, Brian's question.

LEG. LINDSAY:
-- subdivision in another part of the state take advantage of it?

MR. LOWRIE:
I think Alpa can answer that question better than I can.

MS. PANDYA:
There's basically an unlimited amount of money available for long-term, it's like a billion dollars, and they can always get more. The ultimate source of funding is the federal government, the EPA Clean Water Act, so it's almost unlimited for that. For the short term, however, they have -- which is the one year, zero percent, because it is an exceptional rate, I think the amount is something

under \$200 million available per year. They are actually considering upping that number, because a number of other counties are starting to look into this very seriously compared to past years. The County, actually in '96, was one of the first places which started refinancing through EFC for like land protection efforts. The Towns of East Hampton and Southampton did it two years ago for 50 million. Now the County is again looking at it for first time line of credit. So they're starting to realize just how valuable this tool is, which is why I'm hoping with -- as Legislator Foley suggested, and with the help of Legislator Bishop and the Executive's Office, we can make a very strong case for showing that we have a very real urgency issue to get the zero percent interest for more than one year, for at least three years, and we're certainly talking with -- actually with the Governor's Office to get it extended for even longer.

LEG. LINDSAY:

Thank you.

D.P.O. POSTAL:
Legislator Alden.

LEG. ALDEN:

Alpa, I just had one more follow-up question on what you just said. I just read or heard that I think both New York State and the federal government just took all the superfund money and they diverted it to basically World Trade Center type of cleanups and bioterrorism type of cleanups. How is that going to affect the -- because now you mentioned the EPA, that's EPA money.

MS. PANDYA:

Yeah. It's not going to affect it. We've -- since September 11th, we've actually spoken a couple of times with EFC, New York State EFC to say, you know, "Is there any money in there for us," especially -- even before September 11th. With the budget stuff going on, there was a lot of questions about is this going to affect this funding stream, and we've been assured repeatedly that the money is still happening.

LEG. ALDEN:

Okay. Because New York State and the federal government both had to make commitments to New York City, which is going to have like a major type of disaster with their budget and --

MS. PANDYA:

I know.

LEG. ALDEN:

-- that actually backs up into the State budget and backed up into the federal budget. They're actually looking at shortfalls in all their budgets now rather than the surpluses that they've had, but you've checked on that.

MS. PANDYA:

I have spoken with them repeatedly.

LEG. ALDEN:

So just unlimited money. Okay.

MS. PANDYA:

For the -- well, for the -- up to this budget funding level, certainly, we've been assured that they are -- they're good for the coming year at least, yes.

LEG. ALDEN:
All right.

D.P.O. POSTAL:
Any other questions? Thank you. Our next speaker is Karen Acampora.

MRS. ACAMPORA:
Good morning.

D.P.O. POSTAL:
Good morning.

MRS. ACAMPORA:
I'm here again to talk to you about PAD legislation that we have on the table today. A few weeks ago, you passed all our resolutions unanimously and I want to thank you all very much. You've understood the importance of the Task Force and how having defibrillators in our County is important. And we've demonstrated that through testimonials, and I've also told you about a young boy who was saved by a defibrillator. And we all know that having a defibrillator in a timely manner is very, very important. And I just want to implore you to please finish the job that you've started in placing defibrillators in the remainder of our police cars.

When we first started putting defibrillators in police cars, there was a 2% survival rate. Right now, it's 30 to 35%. And if we finish that job, I could only imagine what that survival rate will be, and we're not asking for a lot. And I do think that it would be to our best advantage to finish the job that you've all started and put defibrillators in the rest of our police cars.

D.P.O. POSTAL:
Thank you.

LEG. CRECCA:
Question, Madam Chair.

D.P.O. POSTAL:
Question, Legislator Fields, and then Legislator Crecca.

LEG. FIELDS:
Probably, you -- I don't know if you can answer this. Do you know the cost of how much it's going to be to place those defibrillators in the rest of the cars?

MRS. ACAMPORA:
Andrew, have we --

LEG. CRECCA:
I know the answer to that.

MRS. ACAMPORA:

I think Andrew knows the answer to that.

LEG. FIELDS:

My next one was to ask Legislator Crecca.

LEG. CRECCA:

We believe to do the cars that are on the schedule, which will put it in all the patrol vehicles, will be approximately between 200,000 and 275,000 to finish the job.

LEG. FIELDS:

How many vehicles is that?

LEG. CRECCA:

About a hundred. It's 96, I think, or 99.

LEG. FIELDS:

And what cars are they placed in, is that COPE cars, sergeant cars, lieutenant cars? What is --

LEG. CRECCA:

What we did was, originally, the bill had read just the COPE cars and spare cars, but in sitting down with Chief Robilloto, what we did was we made sure that they're in all the what we call 24/7 cars, which are cars that are -- roll, are on patrol seven days a week, 24 hours a day. And, also, it will go into some of what they call the -- I think they're called 16/7 cars. They're rolling 16 hours a day on patrol, seven days a week. It will also add them to the highway patrol vehicles that do the LIE and Sunrise Highway. Currently, only a few of those have it. This would make it on all those patrol vehicles. Basically, what we've tried to do, in sitting down with the Police Department, is address getting them into all the vehicles that are out there responding to emergency calls, not -- but not the specialized units, because they would not be the first to respond.

LEG. FIELDS:

Thank you.

D.P.O. POSTAL:

Legislator Crecca --

LEG. CRECCA:

Yeah.

D.P.O. POSTAL:

-- you have a question?

LEG. CRECCA:

Yeah. My question was -- Karen, was regarding, it's not on the agenda today yet, it may be added on later, but is the PAD, coordinator

creating that position, I don't know --

MRS. ACAMPORA:

Well, I would like -- I didn't know if that was going to be on the

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table. But the importance of having a PAD coordinator in our community would be unbelievable. Part of what we're trying to do is make, not only schools, but businesses and all other places where a defibrillator could be used effectively, so that they would know. And a PAD coordinator could help these organizations place defibrillators, do it cost effectively, and show them the need and the why of having defibrillator placements in municipal buildings, schools, etcetera.

LEG. CRECCA:

Thanks, Karen.

D.P.O. POSTAL:

Thank you.

LEG. TOWLE:

Legislator Postal.

D.P.O. POSTAL:

Legislator Towle.

LEG. TOWLE:

Thank you. Just to follow up on Legislator Crecca's comment. I remember this discussion being at the last meeting and about the Police Department being here to explain why they had not completed a policy that was established some years back by the County Executive and by the Legislature in placing defibrillators in each of the police cars.

LEG. CRECCA:

What I can tell you, Legislator Towle, I don't think it's anything new, is that when the Task Force started out its work, we thought that they were in every police vehicle. It was only after the Health Commissioner didn't believe they were, and then we got more specific information and learned that there were almost approximately a hundred patrol vehicles that didn't have them. By the way, there are probably more vehicles -- there are more vehicles that don't have them, but what we try to do is pick the ones that really need them most, so -- and that's why we're adding these 96. I can't answer the question why it was never implemented.

LEG. TOWLE:

You know, I understand your point of view and your issue to try to do

that now. My point of view is of a greater concern, because I was also under the same impression that the committee was, that every car had a defibrillator, and, clearly, that is not the case. And, clearly, I've repeatedly asked the question what and why I'm -- I don't understand why we haven't gotten an answer as to why they have not complied with the law and placed a defibrillator in every car. I mean, you're basically just redoing something, which is great, and I commend you for finding out it wasn't done, but had already been established by us and they still have not answered the question why they haven't followed through with that. And I'm going to once again ask the Chairlady if we could get the Police Commissioner here after the lunch break to answer that question?

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D.P.O. POSTAL:
Yeah.

LEG. CRECCA:
The only question --

D.P.O. POSTAL:
Legislator Towle --

LEG. CRECCA:
Just so you know, the only --

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

LEG. CRECCA:
The only answer I had to that question was, and I'll let it go, was that they only had "X" number of defibrillators and they placed them as best they could. There was a limited amount that they had. Now why that is, I don't know, but that was the answer I got.

LEG. TOWLE:
That sounds like a typical --

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

LEG. TOWLE:
-- bureaucratic answer.

D.P.O. POSTAL:
Legislator Towle, Legislator Crecca, I suggest -- I'm being -- since

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we don't have a great many people who still are asking to speak, I am allowing some discussion. But I think that it would be better if we were to request that the Police Commissioner be here this afternoon to address questions, and we discuss and debate the resolution then.

MRS. ACAMPORA:
Thank you.

D.P.O. POSTAL:
Was there a question, Legislator Carpenter, for Mrs. Acampora?

LEG. CARPENTER:
No.

LEG. ALDEN:
Did we extend the public portion?

D.P.O. POSTAL:
Yes.

LEG. CRECCA:
We did.

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

MRS. ACAMPORA:
Thank you. I just want to, again, reiterate the importance of having these defibrillators in the police cars, and please do your best to finish the job. Thank you.

D.P.O. POSTAL:
Thank you. Our next speaker is Tina Guglielmo.

MS. GUGLIELMO:
Hi. I'm here to speak on a resolution that was originally introduced by Legislators Caracciolo and Guldi. I'm wondering if it's possible to see if they're available?

D.P.O. POSTAL:
They're actually in the building, and there are loudspeakers, but we'll see if we can ask them to come into the auditorium. So, if you want to yield your time to the next person and then we'll come back to you?

MS. GUGLIELMO:

Well, if they're here and they can hear it, then that's fine.

D.P.O. POSTAL:

Okay.

MS. GUGLIELMO:

I want to --

D.P.O. POSTAL:

Okay. Then go ahead, please.

MS. GUGLIELMO:

-- go ahead. I'm here to make some comments regarding emergency planning issues. There was a resolution passed by this Legislature and signed into law by the Executive Gaffney, and it's regarding directing the County Emergency Services to develop a disaster preparedness plan for Long Island in regards to the Millstone Plant. This was passed and signed in 1999. It never received any funding. So very specifically, I'm here to request that every effort is made to acquire the funding to enact this directive in light of the recent events with the September 11th attack. Right now, the National Guard is stationed at the New York nuclear plants and the New Jersey nuclear plants, but there is no National Guard presence at Millstone, which, if there was a terrorist attack there, would have a significant impact on the entire East End and central portions of Long Island. So this Legislature thought this was important enough to pass this resolution and the Executive signed it and nothing has been done. And, once again, we're left sitting duck, especially since there's no National Guard presence there.

And I wanted to make a suggestion that there is -- there is a lot of new funding that's being made available for terrorism prevention, and maybe these new sources of funding can be looked at to fund this

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resolution. It's specifically Resolution Number 44. So I'd like everyone to take that into serious consideration. Thank you very much.

D.P.O. POSTAL:

Thank you. Our next speaker is George Rubino.

MR. RUBINO:

Yes, good morning. I was at an East Hampton emergency preparedness meeting last night, and we were told that of the 100 areas most vulnerable to terrorist attack in the United States, Suffolk County is number 17. And I was very shocked and disturbed to hear that we were

so high on the list. And when the presenter was asked why Suffolk County was so high on the list, he didn't know.

LEG. D'ANDRE:
The population.

MR. RUBINO:
Is that it, the population?

LEG. D'ANDRE:
It's a big attraction.

LEG. CARACAPPA:
Proximity to New York.

D.P.O. POSTAL:
Can we --

MR. RUBINO:
And the proximity to New York --

D.P.O. POSTAL:
Excuse me. I think this is the speaker's time. If you would like to make a statement, Legislators can then have the opportunity to ask you questions, but it's really not a time for discussion.

MR. RUBINO:
Okay. I was also wondering if it's because of Brookhaven National Laboratory, the proximity, the proximity of Millstone, and as well as the high population, and what Suffolk County is doing to deal with this, the steps that Suffolk County is taking.

The other is a point I was going to make, but Ms. Guglielmo already did, and that is that it concerns Millstone, and that if there is a terrorist attack on Millstone, we, all of us, are trapped, as we all know. And the Governor of Connecticut said that they don't need the National Guard to patrol Millstone. I believe he said his workers are doing that. And all of the New York power plants, I believe, do have the National Guard. And is there some pressure we can put on Connecticut to take the proper steps? You know, we're told it's a different state, but, yet, we as a group can exert moral pressure on them, and even talk with them. Okay. I'm hoping something can be done.

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

MR. RUBINO:

Thank you.

LEG. FISHER:

I have a question.

D.P.O. POSTAL:

A question, Legislator Fisher.

LEG. FISHER:

Do you know what kind of security is in place at Millstone?

MR. RUBINO:

No. But as far as I know, the Coast Guard is not patrolling Millstone. In fact, some people we know were out there on a boat recently and they saw these fishermen right there at Millstone fishing because of the intake valves, they draw the fish, and the fishermen were there fishing and there was no -- there was no one else around, so I don't know what is being done.

LEG. FISHER:

Okay. Thank you.

MR. RUBINO:

Thank you.

D.P.O. POSTAL:

Thank you. Our next speaker is Sue Avedon. I have to ask you if you're related to Richard Avedon.

MS. AVEDON:

We've been trying to figure that out for awhile. Possibly. I'm here to follow up on this discussion about a possible terrorist attack on the Millstone Nuclear Power Plant, and to urge the County make arrangements to stockpile potassium iodide, also known as KI. Potassium iodide is a substance which will protect the thyroid gland from accumulation of radioactive iodine. Radioactive iodine is one element that's released during a nuclear emergency. It accumulates in the thyroid and it causes cancer. After Chernobyl, the data show that those people, particularly children, who were able to receive potassium iodide had significantly less thyroid cancer. So it was -- it would be extremely helpful to stockpile this medicine, really. It requires a prescription, so you can't just get it over the counter, particularly in schools, fire houses, or any other places that can distribute it quickly and easily.

A study done a couple of years ago by the New York State Department of Health Radiologic Health Advisory Commission recommended that potassium iodide be provided for the general public. It's low cost and there are no significant side effects.

As far as funding is concerned, there are new sources of funding. And, you know, our concern, those of us who have been involved in the

fight against Millstone for a number of years now, had to do with nuclear accident. I think that the nuclear power plants are really, to a large extent, sitting ducks, particularly given the lack of security that seems to be present. And we on the East End of Long Island in particular, although it's not only the East End that would be affected, are very close, number one. The North Fork is 11 miles from Millstone. And number two, we can't -- anyone who's tried to drive to Montauk during the summer can imagine what it would be like to try to evacuate, you know, large numbers of people from the East End of Long Island.

So we really urge the Legislature to do whatever it is necessary to either help the individual towns, or to provide money in some way and to make a case for the stockpiling of potassium iodide. Thank you.

LEG. BISHOP:
I have a question.

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

LEG. BISHOP:
We are, of course, a county government, a local government. Do you know of any local governments that are stockpiling either antidotes, remedies for nuclear, biological, or chemical attacks? Should that not be the responsibility of the federal government?

MS. AVEDON:
Well, the federal government, the NRC has offered to help defray some of the costs via the State, I do believe.

LEG. BISHOP:
Oh, so, there's --

MS. AVEDON:
That the State --

LEG. BISHOP:
There's an official federal policy that envisions local governments doing this?

MS. AVEDON:
Well, it has come up in the past. I mean, I think, given the terrorist attacks of late, I don't know how specifically it's recently been addressed, but I know within the last few years, that has come out, that the -- that the money that the NRC has gotten for, you know, for governing these nuclear power plants for the licenses that they pay, some of that money could be given to states and then through

states, may be funneled through to county governments. Whether this is being done anywhere, I just don't know for sure.

LEG. BISHOP:

See, I've received letters, as you can imagine, from constituents saying, you know, "Are you stockpiling this or that?"

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MS. AVEDON:

Yes.

LEG. BISHOP:

Which will help us in the event of "X" or "Y". And I don't -- I don't -- haven't resolved in my own mind whether that's our responsibility. And I would assume that the Homeland Security Department that's being formed, that would -- they would provide the ultimate guidance on that and if --

MS. AVEDON:

I was thinking of them as a source of funds, to tell you the truth, that was not available in the past.

LEG. BISHOP:

Yeah. My instinct was that it would be federal government responsibility, and then I read an awful lot of opinion pieces and news articles which suggest that, you know, local government is the front line of defense and local government has to be vigilant and prepared. So I'm uncertain myself as to what the answer is at this time, but I know it's an important question.

MS. AVEDON:

Well, we've never faced anything like this before, so maybe we have to rewrite that book.

D.P.O. POSTAL:

Thank you.

MS. AVEDON:

Thank you.

D.P.O. POSTAL:

Next speaker is Ed Flaherty.

LEG. BISHOP:

Unless you're coming up to talk about big issues like that one --

MR. FLAHERTY:

I think this will be relatively simple. My name is Ed Flaherty, I'm an Assistant D.A. It is my understanding there will be a resolution presented to the Legislature today by the County Executive with a CN which, in effect, is really a -- I guess, an after-the-fact housekeeping measure.

The District Attorney's Office had and has an ongoing relationship with the State Crime Victims Board, and after the World Trade Center Disaster and the World Trade Center was declared a crime scene, at that point, the World Trade -- the Crime Victims Board made substantial amount of monies available to those District Attorney's Offices who had a preexisting relationship with the Crime Victims Board to make emergency grants to victims and the families of victims of the tragedy at the World Trade Center, and we have done that and we have been continuing to do that. However, in order to do it and do it most effectively, because they were emergency grants, it required the establishment of an impressed fund. In other words, we would fund the

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initial funding with monies from the Crime Victims Board, and as we made grants, we would then claim to the Crime Victims Board and they would refresh the initial amount of money.

Before any County agency can formally establish such an impressed fund, it requires the action of the Legislature, and that's why this housekeeping measure is really done with a CN today, so that we can refresh that fund for the ongoing claims. They're not big claims, they're sort of abridged claims, if you will, until such a time as the victims and families of victims can get access to the funds provided through the other relief funds that have been established in New York State, New York City and the federal level.

So the resolution will be coming today. It's -- I'm just here to advise you of that fact, and ask you to pass it, so that we can then refresh the fund and continue the efforts we've made to date.

D.P.O. POSTAL:

Thank you, Ed.

MR. FLAHERTY:

Okay?

LEG. FOLEY:

Thank you.

MR. FLAHERTY:

Okay.

D.P.O. POSTAL:

Our next speaker is Charles Richardson.

MR. RICHARDSON:

Good morning, Ladies and Gentlemen.

D.P.O. POSTAL:

Good morning, Mr. Richardson.

MR. RICHARDSON:

Thank you for your time. I'm here on behalf of the Astor Literacy Program. Some of you may have heard of that in connection with our operation with the Red Cross Community Service and with the Literacy Council in providing reading instruction to youth who are involved with the law at some level as being on probation or attendants to community service. There is much background information that says that low literacy levels are a precursor of delinquent behavior and whatever goes beyond mere delinquency, may be harmless, but maybe not. And what has been happening in the -- in this County in the last couple of years is we have found many cases where the improvement in literacy makes an improvement in the use for youthful behaviors to the extent that the Family Court Judges are now referring more clients than we can handle, because we have run out of volunteer tutors. The program is out of funding at this point in time. What we're asking for is a small grant this year of \$2,000 to reinforce our cadre of volunteer tutors. We can run one tutor training class with this and that will get us back into the action again.

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Now, I'm being -- I'm preparing to give you each an Astor Literacy Brochure, which explains the program. And one thing that I would say that is unique about our literacy program, we will take any age of student. We give priority to students referred by Family Court Judges, Probation Officers and Community Service Counselors. The other thing that is unique is that we preimpose tests to make sure that something positive is happening with the student. We set ourselves a target of one grade level of improvement in comprehension for any 40 hours of instruction, and we are meeting that -- meeting that objective on a program basis.

The testing that we do is also more comprehensive than other literacy services in that we are looking for possible limiting factors that have not been discovered by previous therapists, or school system, or whatever, in terms of visual difficulties, auditory processing difficulties. We frequently find these things that have just never been recognized in any of their previous encounters with therapists or

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remedial services of any kind. So this is what sets us apart as a unique kind of service.

Let me leave that with you. We're -- I have a short letter that mentions the amount that we are looking for, and the brochures that will be informative about the history of the program. Thank you.

D.P.O. POSTAL:

Thank you, Mr. Richardson. I have no other cards. Is there anyone else who would like to address the Legislature? Hearing no one, I'm going to call a 15-minute recess, and I understand that there's going to be a meeting of the -- special meeting of the Budget Committee. So there is --

LEG. BISHOP:

Discussion on --

LEG. CARACAPPA:

Why don't we do the agenda first?

D.P.O. POSTAL:

Well, why don't we have that meeting, so that we can get any resolution passed out on the agenda, and then we will go back to the meeting after that 15-minute recess, and we can discuss that issue of the percentage of borrowing. Fifteen-minute recess. Special meeting of the Budget Committee.

[THE MEETING WAS RECESSED AT 11:35 A.M. AND RESUMED AT 12:04 P.M.]

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P.O. TONNA:

All Legislators, please come to the horseshoe. Henry, can you give us a roll call?

(Roll Called by Mr. Barton)

LEG. CARACCILOLO:

Here.

LEG. GULDI:
(Not Present)

LEG. TOWLE:
Here.

LEG. CARACAPPA:
(Not Present)

LEG. FISHER:
Here.

LEG. HALEY:
Here.

LEG. FOLEY:
Present.

LEG. LINDSAY:
Here.

LEG. FIELDS:
Here.

LEG. ALDEN:
(Not Present)

LEG. CARACAPPA:
Here.

LEG. CRECCA:
Here.

LEG. D'ANDRE:
Here.

LEG. BISHOP:
Here.

LEG. BINDER:
Here.

LEG. COOPER:
Here.

LEG. POSTAL:
Here.

P.O. TONNA:
Here.

MR. BARTON:
Fifteen -- 16. Mr. Guldi has returned.

LEG. CARACAPPA:
Here, Henry.

P.O. TONNA:
Okay. We're going to go to the Consent Calendar.

LEG. CARACAPPA:
Motion.

P.O. TONNA:
I make a motion, seconded by Legislator Caracappa. All in favor?
Opposed?

MR. BARTON:
18.

P.O. TONNA:
Thank you.

RESOLUTIONS TABLED TO OCTOBER 23, 2001

We go to the tabled resolutions. Number 2217 (Adopting Local Law No. -2000, a Local Law to license process servers in Suffolk County).
Legislator Postal?

LEG. POSTAL:
A motion to table.

P.O. TONNA:
Second by myself. All in favor? Opposed? Tabled.

MR. BARTON:
18.

2001

P.O. TONNA:
1069 (Imposing reverter clause on non-Brookhaven Town PILOT payments pending appeal of Gowan decision.) Legislator Haley? How about we just table it?

LEG. HALEY:
Table.

P.O. TONNA:
Second by myself. All in favor? Opposed? Tabled.

MR. BARTON:
18.

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P.O. TONNA:
Okay. How about 1338 (1138-Adopting Local Law No. 2001, a Local Law to prohibit operation of motorized scooters in Suffolk County)? Legislator Carpenter?

LEG. FIELDS:
No, 1138.

P.O. TONNA:
I'm sorry, 1138, scooters.

LEG. CARPENTER:
There's been a change in that. I want to table it.

P.O. TONNA:
Okay, great. And I'll second that. All in favor? Opposed? Tabled.

MR. BARTON:
18.

P.O. TONNA:
1496 (Adopting Local Law No. -2001, a Local Law to extend smoking ban to 50-foot radius outside of County Buildings and Hospitals). Legislator Carpenter? That's smoking, 50-foot.

LEG. CARPENTER:
Table.

P.O. TONNA:
Second by myself. All in favor? Opposed? Tabled.

MR. BARTON:
18.

P.O. TONNA:
1734 (Authorizing operating agreement between Suffolk County and Suffolk County Campaign Finance Board to implement Voluntary Campaign Finance Law). Legislator Fisher? This is the bill --

LEG. FISHER:
Oh.

P.O. TONNA:

Yeah, you want to make a motion to --

LEG. FISHER:
Motion to approve.

P.O. TONNA:
Okay. Who's going to second that?

LEG. FIELDS:
Second.

47

P.O. TONNA:
Second. Roll call.

LEG. BINDER:
Whoa, whoa, whoa. On what?

P.O. TONNA:
On 1734.

LEG. TOWLE:
Explanation.

LEG. CARPENTER:
Explanation.

LEG. BINDER:
Explanation, Counsel.

P.O. TONNA:
Yeah. Legal Counsel, could you, please, provide an explanation of the -- Resolution Number 1734?

MR. SABATINO:
Okay. 17 --

P.O. TONNA:
Make sure everyone's beepers and cell phones are shut off, please. Thank you. Or on vibrate, whatever you feel comfortable with.

MR. SABATINO:
Okay. 1734 was the subject matter of a corrected copy that was filed on October 15th, which resulted from a meeting that was held with representatives from the County Executive's Office, the Law Department, the Campaign Finance Board, and Legislator Fisher's

Office. And the purpose of -- the purpose of the resolution is to set up a system that will now allow for the Campaign Finance Board to operate as an agency of County government, as it was originally set up in the County Charter, basically laying out all the protocols in how it will work with other agencies and departments within the County of Suffolk.

P.O. TONNA:
Okay, great. All right. Roll call.

(Roll Called by Mr. Barton)

LEG. FISHER:
Yes.

P.O. TONNA:
No.

LEG. COOPER:
Yes.

48

LEG. BINDER:
No.

LEG. BISHOP:
Pass.

LEG. D'ANDRE:
No.

LEG. CRECCA:
No.

LEG. CARPENTER:
No.

LEG. ALDEN:
Abstain.

LEG. FIELDS:
Yes.

LEG. LINDSAY:
Yes.

LEG. FOLEY:
Yes.

LEG. HALEY:
(Not Present)

LEG. CARACAPPA:
Pass.

LEG. TOWLE:
No.

LEG. GULDI:
Yes.

LEG. CARACCIOLO:
Pass.

LEG. POSTAL:
Yes.

LEG. BISHOP:
Yes.

LEG. HALEY:
(Not Present)

LEG. CARACAPPA:
Yes.

LEG. CARACCIOLO:
Yes.

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LEG. CARPENTER:
Henry. Henry.

MR. BARTON:
Ten.

LEG. CARPENTER:
Change my vote to an abstention, please.

LEG. CRECCA:
Change mine to an abstention, also.

LEG. FOLEY:

He already called the vote.

LEG. CARPENTER:
He didn't.

P.O. TONNA:
Guys. Guys, can I say something?

LEG. CRECCA:
It doesn't matter.

P.O. TONNA:
Let's not nitpick. Okay. All right. It's got ten, right?

MR. BARTON:
10-4-3.

P.O. TONNA:
There you go.

MR. BARTON:
And one not present. (Not Present: Leg. Haley).

P.O. TONNA:
Okay. 1805 (Authorizing planning steps for the acquisition of land under pay-as-you-go 1/4% Taxpayer Protection Program (land on Connetquot Avenue in Islip Terrace, Town of Islip). Motion. Is there a motion?

LEG. FIELDS:
Motion to table.

P.O. TONNA:
Second. All in favor? Opposed? Tabled. (Vote: 17, 1 not present: Leg. Haley)

1806 (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?

LEG. FIELDS:
Table.

P.O. TONNA:

Second.

MR. BARTON:
17. (Not Present: Leg. Haley)

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

P.O. TONNA:
1849 (Authorizing waiver of interest and penalties for property tax for Dr. And Mrs. Simon Zysman).

LEG. CRECCA:
Motion.

MR. BARTON:
17. (Not Present: Leg. Haley)

LEG. CRECCA:
Motion to approve. This was -- it needed a corrected copy, that's why it was tabled last time.

P.O. TONNA:
Does it meet the criteria?

LEG. CRECCA:
It meets the criteria.

LEG. ALDEN:
Second.

P.O. TONNA:
Legal Counsel, does it meet the criteria?

MR. SABATINO:
Yes, this one does, in fact, meet the criteria.

LEG. ALDEN:
Second.

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

MR. BARTON:
17, 1 not present. (Not Present: Leg. Haley)

P.O. TONNA:
Okay. 1898 (To implement Defibrillator Placement Task Force recommendations (Police Department). Motion, Legislator Crecca?

LEG. CRECCA:
Crecca, yes. Motion to approve.

P.O. TONNA:
Seconded by?

LEG. COOPER:
Second.

P.O. TONNA:
Legislator Cooper.

LEG. ALDEN:
On the motion.

P.O. TONNA:
On the motion.

LEG. ALDEN:
On the motion.

P.O. TONNA:
Can you just explain this first?

LEG. ALDEN:
Also, Legislator Towle had asked for some people to be present to give us an explanation.

LEG. CRECCA:
Yeah, I don't think -- and I agree with Legislator Towle, we should get an explanation of why it wasn't done in the past, but I don't think that should stop us from moving forward on this. I think Legislator Towle would agree that this is something that we definitely need to see happen, I mean, and move forward with it, and that's why I'd like to move forward with this.

LEG. FOLEY:
1898?

LEG. CRECCA:
Yes, 1898.

P.O. TONNA:
1898.

LEG. CRECCA:
This is --

LEG. FOLEY:
Financial impact?

LEG. CRECCA:

I don't know if Budget Review prepared a financial impact. I can tell you that -- I can tell you what the cost would be. It would be approximately 200 to 250,000 possibly, a little bit more, but it would certainly be in that range.

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LEG. FOLEY:

Well, many of us are -- just through the Chair, many of us are supportive of the Task Force recommendations. Just as a matter of procedure, I believe we need -- if we don't, it's fine, but I believe we need a financial impact statement before we can approve it. As much as I support the bill, from a procedural point of view, it's my understanding we need to have that. Is that not correct, Counsel?

MR. SABATINO:

Well, there is a fiscal impact statement, at least there's one attached.

LEG. CRECCA:

Yeah, Brian.

MR. SABATINO:

There was a corrected copy filed on September 18th, which the corrected copy of the bill converted the requirement to cover vehicles which are now set forth on Schedule A for each of the seven police precincts. So that was the major change in the corrected copy. And there is a fiscal impact statement from Budget Review which shows that it would be \$3,200 per defibrillator, and that based on the number of vehicles on that schedule, that projects out to \$323,200.

LEG. CRECCA:

What I can tell you, just -- and I don't, not that I -- I rarely disagree with Budget Review, but I can tell you that I have shopped these machines, I've talked to EMS Services, who usually does the purchasing in the Health Department. There's no question in my mind that we can get these for 2,500 or even possibly less per machine. What's happened is, is that we've seen the prices have dropped dramatically. If you look at the old prices that we paid, we did pay over 3,000, but the price has dropped dramatically and they're heading in that direction. Probably, by the time we buy it, and since we buy in such large bulk, I wouldn't doubt if we could them for 2,000 a machine, but I --

LEG. POSTAL:

Mr. Chairman.

LEG. FOLEY:
What's the offset for this?

LEG. CRECCA:
This is not a budget -- this is not budget amendment bill, this is a policy bill --

LEG. FOLEY:
Go you.

LEG. CRECCA:
-- to implement a policy, so that's why it's not --

LEG. FOLEY:
Thank you.

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P.O. TONNA:
Okay. Legislator Postal?

LEG. POSTAL:
Yeah. Legislator Crecca is correct. In the past, over the past few years, I've provide some funding for a fire department in my district to purchase additional defibrillators, and they've purchased I think very few, like one a year, and even at that, they were paying about 2,500 a defibrillator. So I think he's absolutely right, a purchase in quantity would likely be even less than that per defibrillator.

P.O. TONNA:
Okay. Thank you. All right. There's a motion?

LEG. CRECCA:
There was and it was seconded.

P.O. TONNA:
And a second by --

LEG. CRECCA:
Cooper.

P.O. TONNA:
-- Legislator Towle? No. Yeah.

LEG. CRECCA:
Cooper.

P.O. TONNA:
Cooper. I'm sorry, Legislator Cooper. All in favor? Opposed?

MR. BARTON:
18.

LEG. TOWLE:
Cosponsor.

LEG. FOLEY:
Cosponsor, please.

LEG. CARACCIOLO:
Cosponsor.

P.O. TONNA:
Great.

LEG. CARPENTER:
Cosponsor.

WAYS AND MEANS

P.O. TONNA:
Okay. We're into Ways and Means. 1924 (Approving the appointment of John E. Meehan to Inspector in the Suffolk County Police Department).

54

I'll make a motion.

LEG. CRECCA:
Second.

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

MR. BARTON:
18.

P.O. TONNA:
Okay. Procedural Motions 1 and 2. I make a motion to table, seconded by Legislator Postal. All in favor? Opposed? Approved.

MR. BARTON:
18.

P.O. TONNA:
Thank you. And 18 again.

MR. BARTON:
18.

P.O. TONNA:
Thank you.

LEG. POSTAL:
Did you do both of them?

P.O. TONNA:
Yes. Okay. 1925 (Approving the appointment of William B. O'Donnell to Detective/Sergeant in the Suffolk County Police Department). I'll make a motion. Seconded by?

LEG. CARPENTER:
Second.

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

MR. BARTON:
18.

P.O. TONNA:
1939 (Authorizing the grant of an easement and execution thereof of the County of Suffolk and Sewer District No. 12 - Holbrook/Birchwood on property in the Hamlet of Holbrook, Town of Brookhaven, to the Town of Brookhaven (SCTM No. 0200-764-4-2).

LEG. FOLEY:
Motion.

P.O. TONNA:
Motion by Legislator Foley, seconded by?

55

LEG. CARPENTER:
Second.

P.O. TONNA:
Legislator Carpenter. All in favor? Opposed? Approved. By the way, the two --

LEG. CARACCILO:
Abstain.

MR. BARTON:
17, 1 abstention.

P.O. TONNA:
1924 and 1925, although they were on the Consent Calendar, I felt it would be proper for us to vote on them, since they are nepotism, you know, resolutions, I think we should vote on those.

DISCHARGED BY PETITION

Okay. Discharged by petition. We have 1880 (Rescinding conveyance of parcel to Town of Babylon (Section 72-h, General Municipal Law).

LEG. POSTAL:
Motion to approve.

P.O. TONNA:
Motion by Legislator Postal to approve, seconded by Legislator Foley.
On the motion. What does this do?

LEG. POSTAL:
This rescinds 72-h property conveyance through the Town of Babylon.

P.O. TONNA:
What does that mean?

LEG. POSTAL:
It means that we transferred property through the Town of Babylon to and agency. That agency has been in the building for upwards of three years, August was three years, and has not complied with the terms of its contract, hasn't paid the County one red cent for the building. So the Town of Babylon rescinded its resolution to convey --

P.O. TONNA:
Oh, it did?

LEG. POSTAL:
-- the property. Yes.

P.O. TONNA:
And that we have to do, also?

LEG. POSTAL:
And now we have to do the same thing.

P.O. TONNA:

Is this a not-for-profit organization? What --

LEG. POSTAL:

Yes, it is a not-for-profit organization.

P.O. TONNA:

What is the organization?

LEG. POSTAL:

The organization is Compel Mins. Resource Center.

P.O. TONNA:

Compel?

LEG. POSTAL:

Mins. Resource Center.

P.O. TONNA:

Okay. Is there -- just to ask, is there something in the district that's going to pick up for the work that they're doing?

LEG. POSTAL:

Yeah.

P.O. TONNA:

I mean, are they doing anything?

LEG. POSTAL:

Yeah. Well, that's actually --

P.O. TONNA:

I care more about the work that they're doing than the money that they might be paying to the County.

LEG. POSTAL:

Actually, they're not doing the work they're supposed to be doing. The County Comptroller, as a matter of fact, has just issued them a letter based on an audit telling them they have not documented properly expenditures in the past. However, there is a Wyandanch Weed and Seed Program that's about to be funded by the Justice Department and this would be an ideal site for the Safe Haven for the Wyandanch Weed and Seed.

P.O. TONNA:

Okay.

LEG. CRECCA:

Have you -- oh, no, never mind. This was the head of the men's caucus?

P.O. TONNA:

Yeah, we have to ask the head of the men's caucus.

LEG. POSTAL:

Who is the head of the men's caucus?

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

LEG. CRECCA:
I think Marty Haley is bumming the ex officio --

P.O. TONNA:
Member of the -- head of the men's caucus.

LEG. CRECCA:
Head of the men's caucus, yeah.

P.O. TONNA:
All right. Well, since -- he's out of the room right now. Anyway --

LEG. HALEY:
No, I'm right here.

P.O. TONNA:
Oh, he's right there? Okay.

LEG. POSTAL:
I will say, Mr. Chairman, he signed my discharge petition.

P.O. TONNA:
Oh, he did? Okay. All right. All in favor? Opposed? Approved.

MR. BARTON:
18.

ENVIRONMENT, LAND ACQUISITION AND PLANNING

P.O. TONNA:
1523 (Resolution approving appointment of member to Suffolk County Panel on Groundwater Protection (Dr. Robert Turner). Motion, Legislator Guldi?

LEG. GULDI:
1523? Hold on.

P.O. TONNA:
1523.

LEG. FISHER:
It's Environment, Land Acquisition and Planning, Page 7.
Page 68

LEG. ALDEN:
Dr. Robert Turner.

LEG. GULDI:
No, we skipped one.

LEG. FISHER:
No.

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P.O. TONNA:
No. We didn't skip a page, we didn't skip --

LEG. GULDI:
Motion to approve. Motion to approve.

P.O. TONNA:
Okay.

LEG. FOLEY:
Second.

LEG. FISHER:
I'll second that.

P.O. TONNA:
Okay.

LEG. GULDI:
Dr. Turner was in Committee.

P.O. TONNA:
Motion to approve, seconded. All in favor? Opposed? Approved.

MR. BARTON:
18.

P.O. TONNA:
All right. We're on Page 7.

LEG. GULDI:
Thank you.

P.O. TONNA:
Okay. 1815 (Authorizing the acquisition of development rights to farmlands by the County of Suffolk, at Riverhead (pay-as-you-go 1/4%

Taxpayer Protection Program). Is there a motion?

LEG. CARACCIOLO:
Motion

P.O. TONNA:
Legislator Caracciolo.

LEG. FOLEY:
Second.

P.O. TONNA:
What is this?

LEG. FOLEY:
Second, Henry.

P.O. TONNA:
Paul?

59

LEG. CARACCIOLO:
A hundred and seventeen acres in the Town of Riverhead.

MR. SABATINO:
Okay. This is a resolution that will be tapping into the Farmland portion of the --

P.O. TONNA:
We have money in the Farmland, right?

MR. SABATINO:
Of the Quarter Percent Pay-As-You-Go Program, and the requisite Farmland Select Committee recommendation was submitted at the last committee meeting, so now it's eligible.

P.O. TONNA:
All right. I just want to ask the Chairman of the committee, Legislator Bishop, stalwart of the West End, Dave, does this meet all our farmland things that we're concerned with?

LEG. BISHOP:
Yes.

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

LEG. GULDI:
Second.

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

MR. BARTON:
18.

P.O. TONNA:
Okay, great. 1877 (Authorizing the agreement with the Suffolk County Water Authority for building code compliance services). I'll make a motion, seconded by Legislator Postal. All in favor? Opposed? Approved.

MR. BARTON:
18.

P.O. TONNA:
1927 (Authorizing the Acquisition of development rights to Farmlands by the County of Suffolk, Phase V [Omnibus 2001 (2)]).

LEG. FISHER:
Motion.

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

LEG. FOLEY:
Second.

60

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

MR. BARTON:
18.

P.O. TONNA:
1737 (Implementing Greenways Program in connection with acquisition of Active Parklands at Miller Place (Town of Brookhaven)).

LEG. HALEY:
Mr. Chairman.

P.O. TONNA:
Yes.

LEG. HALEY:
Could we hold this over, because I want to get some additional information for the Chairman of that committee.

P.O. TONNA:
Okay. We're going to have a holdover.

LEG. HALEY:
Thank you.

P.O. TONNA:
All right. Linda, mark that, that I've got to come back to that.

CONSUMER PROTECTION & GOVERNMENT OPERATIONS

Okay. Consumer Protection. 1358 (Adopting Local law No. -2001, a Local Law to ban discriminatory zone pricing of gasoline in Suffolk County).

LEG. ALDEN:
Motion to table.

P.O. TONNA:
Motion to table by Legislator Alden.

LEG. CRECCA:
Second.

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

MR. BARTON:
18.

P.O. TONNA:
1929 (Approving the appointment of Patrick M. Pichichero, Jr. As a member of the Suffolk County Home Improvement Licensing Board).
Motion by --

LEG. CRECCA:
Motion.

P.O. TONNA:
By Legislator Crecca, seconded by Legislator Alden. All in favor?
Opposed? Approved.

MR. BARTON:
18.

P.O. TONNA:
1930 (Approving the appointment of Robert Ciappa as a member of the Suffolk County Home Appliance Repair Licensing Board). Motion by?

LEG. CARPENTER:
Motion.

LEG. ALDEN:
Motion.

P.O. TONNA:
Legislator Crecca, second by Legislator Lindsay. All in favor?
Opposed? Approved.

MR. BARTON:
18.

PUBLIC SAFETY & PUBLIC INFORMATION

P.O. TONNA:
1882 (Adopting Local Law No. -2001, a Local Law to reform procedures for and strengthen seizure of personal property used in connection with or constituting the proceeds of crimes). Motion by Lindsay, seconded by Foley. All in favor? Opposed? Approved.

MR. BARTON:
18.

P.O. TONNA:
1920 (Implementing Suffolk County Cell Phone law under state provisions). Motion by Legislator Cooper.

LEG. FISHER:
Second.

P.O. TONNA:
Seconded by Legislator Fisher. John, what does this do, this just -- this helps make our law what the New York State law is?

LEG. COOPER:
During the transitional period in November, where New York State Law Enforcement is allowed to issue warnings to violators, this will allow Suffolk law enforcement to comply with New York State requirements. So it will just ease the transition between the County law and State law.

P.O. TONNA:
Great.

LEG. CARACCIOLO:
Question.

P.O. TONNA:
Okay, thanks. Yes, Legislator Caracciolo.

LEG. CARACCIOLO:
Under the State law, Counsel, could you single out what the distinctions are between the adopted State law and the County law that was adopted months ago?

MR. SABATINO:
There is no distinction except for the 30-day warning period in the month of November. But there's no need to have a warning period in Suffolk County, because the law has been in place for over a year. The reason this resolution has to be adopted is because the original State -- the original County legislation had a reverse preemption clause, which said that you had to make a Legislative determination to kick into statewide legislation when it actually took affect. So this will allow that to take place and the law will become enforceable on November 1st.

LEG. CARACCIOLO:
The County law is in effect, and with this resolution, it also permits a 30-day warning period in Suffolk County, or does not?

MR. SABATINO:
No, it does not, because the State law -- the State law would have a 30-day warning period that would be irrelevant for Suffolk County.

P.O. TONNA:
Okay. Thank you. There's a motion and a second. All in favor?
Opposed?

LEG. CARACCIOLO:
Opposed.

LEG. BINDER:
Opposed.

P.O. TONNA:
Okay. Who's a possessed? Legislator Caracciolo and Binder.

LEG. GULDI:
I'll make an abstention.

P.O. TONNA:
And an abstention by Legislator Guldi. Okay, great.

MR. BARTON:
17.

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P.O. TONNA:
All right.

MR. BARTON:
15-2.

P.O. TONNA:
Thank you, Henry.

MR. BARTON:
One abstention.

P.O. TONNA:
Bonding resolution, 1922 (Appropriating funds in connection with the replacement of DWI Alternative Facility, (CP 3044). Motion by Legislator Carpenter, seconded by myself.

LEG. FOLEY:
Explanation, please.

LEG. ALDEN:
Explanation.

P.O. TONNA:
Explanation.

MR. SABATINO:
Well, this is \$3.4 million to replace the DWI Alternative Facility. Two hundred thousand dollars of that total amount is for equipment and furniture at the facility.

P.O. TONNA:
Is there a PLA here, Project Labor Agreement? We don't know?

MR. SABATINO:
Well, I would -- I would defer to the department. I don't -- that did not come to committee.

P.O. TONNA:
Okay.

LEG. CARACCILOLO:

Question.

P.O. TONNA:

All right. Question, who?

LEG. CARACCIOLO:

Yes. Jim, terms of County bond indebtedness issued this year, what is the figure? Can you bring us up to date?

MR. SPERO:

I have to get it.

LEG. CARACCIOLO:

All right. I make a motion to come back to this resolution --

64

P.O. TONNA:

Why?

LEG. CARACCIOLO:

-- so we can put it in context with our total budget.

P.O. TONNA:

All right. I mean, this was in Finance Committee. Did you ask the question -- was the question asked at Finance and just to find out?

LEG. CARACCIOLO:

This is prime in Public Works, it was differed to prime.

P.O. TONNA:

But it was --

LEG. CARACCIOLO:

And we didn't have a Finance Committee meeting.

P.O. TONNA:

Oh, that's right. That's right. Okay. All right. Okay. We'll come back to this. But I'm going to tell you, coming back to it might be in 15 minutes. We're almost going to be done with the agenda. All right. In deference to the Finance Chairman.

1926 (Authorize execution of a road maintenance agreement with the Town of East Hampton). Motion by Legislator Foley, seconded by Legislator Guldi. All in favor?

LEG. CARACCIOLO:

Explanation.

P.O. TONNA:
Approved.

LEG. CARACCIOLO:
Just a brief explanation.

P.O. TONNA:
Okay.

LEG. CARACCIOLO:
We've been trying to --

P.O. TONNA:
Before -- okay.

LEG. CARACCIOLO:
-- do this for years.

LEG. FOLEY:
If I may explain.

P.O. TONNA:
Sure.

65

LEG. GULDI:
If I may.

LEG. FOLEY:
Oh, go ahead, George.

LEG. GULDI:
We, in fact, have been doing this for years. What it does is in East Hampton, in exchange for equipment, provides maintenance services to County roads in the Town of East Hampton, which are remote from any County maintenance facility. It's good for us, and I'll urge us to continue availing ourselves of their services.

P.O. TONNA:
Okay.

LEG. CARACCIOLO:
Second, third.

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

MR. BARTON:
16.

P.O. TONNA:
1938.

MR. BARTON:
17, 1 not present. (Not Present: Leg. Haley)

P.O. TONNA:
(1938 Amending the 2001 Capital Budget and Program and appropriating funds for safety improvements on Victory Drive, Town of Brookhaven (CP 5112.311). Motion by Legislator Towle.

LEG. FOLEY:
I'll second the motion.

P.O. TONNA:
Seconded by Legislator Foley. Roll call.

(Roll Called by Mr. Barton)

LEG. TOWLE:
Yes.

LEG. FOLEY:
Yes. Cosponsor.

LEG. COOPER:
Yes.

LEG. BINDER:
Yes.

66

LEG. BISHOP:
Yes.

LEG. D'ANDRE:
Yes.

LEG. CRECCA:
Yeah.

LEG. CARPENTER:
Yes.

LEG. ALDEN:
Yes.

LEG. FIELDS:
Yes.

LEG. LINDSAY:
Yes.

LEG. HALEY:
(Not Present)

LEG. FISHER:
Yes.

LEG. CARACAPPA:
Yes.

LEG. GULDI:
Yes.

LEG. CARACCIOLO:
Yes.

LEG. POSTAL:
Yes.

P.O. TONNA:
Yep.

MR. BARTON:
17, 1 not present on the bond.

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

PARKS, SPORTS & CULTURAL AFFAIRS

Okay. Parks. 1923 (Amending the 2001 Capital Budget and Program and appropriating funds in connection with the rehabilitation of plumbing at the Vanderbilt Museum (CP 7447). Motion by Legislator Caracappa, seconded by Legislator Cooper. Roll call.

LEG. CARACAPPA:
No.

MR. BARTON:
Legislator Cooper.

P.O. TONNA:
Plumbing. Plumbing at the Vanderbilt.

LEG. COOPER:
Yes.

LEG. BINDER:
Yes.

LEG. BISHOP:
Yes.

P.O. TONNA:
Stay focused.

LEG. D'ANDRE:
Yes.

LEG. CRECCA:
Pass.

LEG. CARPENTER:
Yes.

LEG. ALDEN:
Yes.

LEG. FIELDS:
Yes.

LEG. LINDSAY:
Yes.

LEG. FOLEY:
Yes.

LEG. HALEY:
Yes.

LEG. FISHER:
Yes.

LEG. TOWLE:
Yes.

LEG. GULDI:
Yes.

LEG. CARACCIOLO:
Yes.

LEG. POSTAL:
Yes.

P.O. TONNA:
Yes for plumbing.

MR. BARTON:
17-1.

LEG. CRECCA:
I didn't vote.

MR. BARTON:
Oh, I'm sorry. Legislator Crecca.

LEG. CRECCA:
Yes.

P.O. TONNA:
Okay, there we go.

MR. BARTON:
17, 1 no.

P.O. TONNA:
Okay. Motion -- same motion, same second, same vote. 1940 (Amending the 2001 Capital Budget and Program, appropriating funds and authorizing the acquisition of Normandy Manor (CP 7430). Is there a motion?

LEG. COOPER:
Motion to approve.

P.O. TONNA:
Motion to approve. Is there a second?

LEG. FOLEY:
Second.

LEG. CARACCIOLO:
On the motion. Could we have an explanation of the financial impact?

LEG. CARACAPPA:
Tremendous, trust me.

LEG. CARPENTER:
Mr. Chairman, if I could.

LEG. COOPER:
I'd like to invite Lance Mallamo, the Executive Director of the
Vanderbilt, to address --

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LEG. CARACAPPA:
No, no, no, we can't.

LEG. CARACCIOLO:
No, no. We're doing the agenda.

P.O. TONNA:
No, we're voting. We're voting. Sorry, Jon.

LEG. CARPENTER:
If I could, Mr. Chairman.

P.O. TONNA:
Sure.

LEG. CARPENTER:
On that issue of him coming forward, I know that at the committee
meeting, this was approved out of the committee with the understanding
that the Director would be here to put forward a plan and a program of
what they plan on doing with this acquisition.

LEG. CARACAPPA:
Mr. Chairman.

LEG. CARPENTER:
Mr. Chairman.

LEG. CARACAPPA:
Just to respond to that.

P.O. TONNA:
Sure.

LEG. CARACAPPA:
That should --

P.O. TONNA:
Oh, wait. Is that okay, Angie? He wants to respond to that.

LEG. CARPENTER:

Well, yeah. I don't know if you --

LEG. CARACAPPA:

Well, that should have happened this morning during the public portion, to be quite honest with you.

P.O. TONNA:

What should have happened?

LEG. CARACAPPA:

The presentation from the Vanderbilt Trustees --

P.O. TONNA:

Right.

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LEG. CARACAPPA:

-- and the management.

P.O. TONNA:

Yeah, he could have filled out a card and asked to speak. This is not a public hearing, this is a public -- we had an opportunity for the public to speak or anybody to speak on this issue, to tell you the truth, Angie.

LEG. CARPENTER:

Well, you know, if there are some questions on this, I mean, we had raised this issue. We, you know, would like to see this acquisition go forward, but we were supposed to have received an outline of their program and plan.

LEG. FISHER:

Mr. Chair, haven't we --

LEG. CARPENTER:

And I assumed that this was going to be --

P.O. TONNA:

Hold it.

LEG. CARPENTER:

-- done here this morning.

P.O. TONNA:

I guess the Chair will rule.

LEG. FISHER:
May I just ask one question?

P.O. TONNA:
No, the Chair doesn't rule?

LEG. FISHER:
In past practice --

P.O. TONNA:
Yes, go ahead.

LEG. FISHER:
-- haven't we let Directors come forward to answer questions?

P.O. TONNA:
I've tried as best I can -- unless it was a department head, like a commissioner, with specifically germane things. Generally speaking, no.

LEG. CARACAPPA:
Mr. Chairman.

LEG. HALEY:
Mr. Chairman, wouldn't we -- I'm sorry.

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LEG. CARACAPPA:
Go ahead.

LEG. HALEY:
Haven't we normally had someone from the County Exec's Office come forward with stuff like this?

P.O. TONNA:
Yeah. I mean, I don't have a problem with the County Exec's Office coming forward. Listen, I don't have a problem, if you want to get some information, you think it's going to change your vote.

LEG. COOPER:
It's going to be a brief presentation.

P.O. TONNA:
I mean, to tell you quite honestly, other specific questions that you have to ask, Jon, we know where you're voting. You know, I'm just

saying, is there --

LEG. COOPER:

I'm just concerned that there are --

P.O. TONNA:

Is there a need from Legislators who might be on -- you know, on the balance, on the fence, undecided, whatever?

LEG. CARACAPPA:

Well, Mr. Chairman.

LEG. COOPER:

I can't --

LEG. CARACAPPA:

On the motion.

LEG. FOLEY:

Just a point of --

LEG. CARACAPPA:

On the motion.

LEG. COOPER:

I can't answer that question.

LEG. FOLEY:

Mr. Chairman, if I may.

P.O. TONNA:

Yes, Legislator Foley.

LEG. FOLEY:

Yeah. If one looks at the backup, the capital dollars are coming out of or they're amending the Vanderbilt --

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P.O. TONNA:

A projector.

LEG. FOLEY:

They're amending capital programs for other projects at the Vanderbilt.

P.O. TONNA:

Right.

LEG. FOLEY:

So they're not raiding any other projects, so to speak. They're taking monies that would have been utilized by the Vanderbilt for other purposes, and they're, in essence, transferring those monies from, in particular, the GOTO projector to this. And when the Chair of the Board, Gittelman, had spoken before the Parks Committee, he and Mr. Mallamo had said very candidly that it was a tough call to make, but they made the decision to hold in abeyance, if you will, the GOTO projector in favor of this resolution. And the urgency involved was the fact that there is a likely development to take place at this -- on this parcel of property if the County doesn't move forward to approve this resolution.

P.O. TONNA:

All right.

LEG. FOLEY:

He also stated that, and some had asked the question, that why wasn't this purchased years earlier.

P.O. TONNA:

Yeah.

LEG. FOLEY:

In the words of Mr. Mallamo, the prior owner of the property was, to use his words, a hostile person who did not want to negotiate with the County, whereas now there is a new owner of the property who's more than willing to sell the property at fair market value, no greater, to the County, as long as it could happen I think prior to the end of the year. So it's a unique opportunity to move forward with an acquisition of property right next to the Vanderbilt.

P.O. TONNA:

But, Brian --

LEG. FOLEY:

And it's using Vanderbilt monies, they're not taking any other monies from any other capital program, it's their own monies.

P.O. TONNA:

All right.

LEG. FOLEY:

Or it's the monies focused for the Vanderbilt, Mr. Chairman.

P.O. TONNA:

Joe.

LEG. CRECCA:

I'd like to recognize the Chairman.

P.O. TONNA:

Yes. And I'd like to be recognized to recognize Legislator Caracappa.

LEG. CARACAPPA:

Thank you for recognizing me, Mr. Chairman. I spoke at this at committee, and I will give this the flip side to what Legislator Foley has just mentioned respectfully speaking, and, of course, respectfully to the Vanderbilt management as well. But the GOTO projector as an offset I think is a big mistake for one pertinent reason, that being that the Vanderbilt Museum, a third of their revenues come in from the Planetarium.

Not long ago, the Vanderbilt Trustees and the Director came before this Legislature begging us to make sure that we put the appropriations in for the GOTO projector, because it was A number one priority with relation to the operation of that facility. Since then, they came to us saying, "We need money for the sea plane hangar project," because that was now a number one priority with relation to the Vanderbilt Museum.

With relation to the sea plane hangar project, there are so many things still uncertain with relation to cost and procedure, DEC permitting. I mean, the list goes on and on.

Third, with relation to the Normandy Manor, the acquisition of this, I believe, is ill timed. And I believe it's the feeling of Budget Review and many Legislators, as well, due to the fact that what it's going to cost the County just to maintain that property, cost with relation to these new facilities would be dramatic, to say the least.

And to make one final point, to do this now while the Vanderbilt Museum's endowment fund is being crippled on Wall Street I think is a serious direction for which we need to go in.

I want to know, Legislators need to make a choice, which one of these is the main priority of the Vanderbilt Museum, is it the GOTO projector, where a third of their revenue comes in, is it the sea plane hangar, which, all of a sudden, was a huge priority a few months back, just a few months back, or is it now the Normandy Manor, or is it getting their financial house in order? Which one is it? I don't think the Normandy Manor at this point in time, with a serious budget problem coming up, with the problems on Wall Street that we're facing with relation to the endowment fund, this is not the time to do this project.

I do agree that it's time sensitive, I do agree that it's a unique situation, but I must -- I must say that this is not the direction for the Legislature to go with relation to this project at this point in

time. Thank you, Mr. Chairman.

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P.O. TONNA:
Thank you. Legislator Cooper.

LEG. CARPENTER:
Mr. Chairman.

P.O. TONNA:
You're on -- yeah, you're on the list, Legislator Carpenter. You're on my list. I feel like a school teacher. Okay. Here we go. Yes, we are going to break for lunch.

LEG. COOPER:
As Legislator Foley said, this is really our last opportunity to preserve this property. For 20 years, for over 20 years, the museum has attempted to acquire this property for various reasons. Unfortunately, none of these attempts were successful. If we are not able to move forward very quickly on this acquisition, the contract vendee is going to move forward with a housing development across the street. It will destroy forever, forever, the ambiance, the entrance to the Vanderbilt Museum, which is one of the crown jewels of the Suffolk County museum system. It's strongly supported by the local community.

If you look at the memorandum that was just distributed, this letter from Lance Mallamo, it explains that if in the worst case the GOTO projector does fail, there are several programs that they could very quickly put in place that will replace the revenue, or perhaps even increase the revenue to the museum short term, until they're able to get funding to replace the GOTO projector.

There's really no alternative right now to this acquisition. If we don't move forward now, this session, the developer has said that he's not going to wait any longer and he's going to proceed with subdivision of the property.

P.O. TONNA:
Condos?

LEG. COOPER:
No.

LEG. CARACAPPA:
No.

LEG. FISHER:
No, homes.

LEG. COOPER:
Homes.

LEG. CARACAPPA:
Luxury homes, two.

LEG. CRECCA:
Two homes?

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LEG. CARACAPPA:
Two luxury homes.

P.O. TONNA:
I'm not talking on it. I was just asking a question. Okay.
Legislator Crecca, Binder, Carpenter, Lindsay. That's the batting
order.

LEG. CRECCA:
I just want to -- I would -- rather than reiterate everything
Legislator Caracappa said, I just want to say that I support what he
had to say. You know, the GOTO projector was a huge priority for them
and they came to us saying they had to have the money to fix the
projector. That's something to now turn around and take that money
away to acquire this, we're getting so many mixed messages from the
Vanderbilt. Bottom line is, is that, you know, this is \$1.4 million.
We are in a period of, you know, I'll call it financial crisis,
because we really are. I've seen the budget numbers and I know my
fellow Legislators have, too. This is not something that we should be
moving forward on, and the Vanderbilt is not in the financial shape
either to be moving forward with this now. You know, this development
is not condos, and it's not a huge development, from what I'm hearing,
and I don't think that we should be committing \$1.4 million, because
I'm not hearing that they're not going to come back to us again for
the GOTO projector. And they -- not only would I assume they are, but
they should be coming back to us for the GOTO projector, because, as
Legislator Caracappa pointed, it is a huge revenue source for the
Vanderbilt, and it is one of the star attractions of the Vanderbilt is
the Planetarium. So, I don't know -- I can't support this, spending
\$1.4 million on this.

P.O. TONNA:
Legislator Binder.

LEG. BINDER:

When I first got here 12 years ago, we had a Vanderbilt Board out of control. I don't think we would have listened to anything they had to say. In fact, we weren't interested in anything they had to say, because they did whatever they wanted, and mostly in a political fashion and in factional fashion, and things they did there were just not working. We had a lot of fights going on. So we spent a long time in this Legislature fixing the Board over there and putting people who are responsible who we can trust. Now, we have a Board there that has come to us and they came to us and said we need the projector. They understood the import of it, and Legislators are talking about it, Legislator Crecca, Legislator Caracappa, very important that we have this projector. So how much -- how painful is it for this Board, who we know is responsible, who we know is trying to do the right thing over there, who has built this into an institution that we can be proud of, how painful is it for them to do this? They made a very difficult decision in trying to take another tact, because they understood that Legislators would be concerned that we're getting mixed messages and mixed signals. But they made a very difficult decision for them. But they understand that they have an opportunity that comes along once and then it's gone, and it's in front of them.

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It's as if you have something you don't like in your backyard and, you know, you've been wanting to build that bathroom, you know, fix that bathroom. You put money aside for the bathroom, you're ready to do it, fix your house up, and then there it is, that lousy piece in the backyard becomes available and at not a bad price, and you can buy that, protect it, you could put a tree in there, save the vista, save the view in your own backyard. Do you say, "You know what, don't know if I'm going to do that right now, I think I'm going to fix the bathroom." No. You'd probably put the bathroom off a little bit, because you're going to have one shot at the piece of land and then you're going to go back and you're going to fix that bathroom when you get that opportunity, because you -- when something happens and it's immediate, you take that opportunity.

Now, I heard about the endowment, we're really concerned about the endowment, it's being crushed. Well, the endowment's not being crushed, the endowment went from \$11 1/2 million to over 15 million. Recently, everyone's taking a hit. Has it drawn back some? Yes. But from the time we switched to Fleet and we fixed the problem, this Legislature focused in on fixing that, it's increased by 3, \$4 million. So it's -- it is healthy. Let's not talk about the endowment not being healthy, it is healthy.

I would like to GOTO -- to get the GOTO up and running, they would like to do it, but when you have an opportunity that stares you in the face, you go and you do it, you make a difficult decision, but you put the investment. This is an investment in something that we have tried -- we have -- this Legislature has worked very hard to make this a very important piece of what we do in Suffolk County, a museum that we can all be a -- we can all be proud of. They are doing the same. Let's give them the opportunity. Let's save that piece across. It's an historic piece. We had people who were divorced, fighting, we couldn't get our hands on the piece. It's now become available through serendipity. Now it's in front of us. Now we can take a shot at it. After it's -- after it's subdivided, it's going to become much more expensive, it's gone. Let's do it, let's do it now. I would hope that we can support this. This is an opportunity that you shouldn't let -- you shouldn't let slip through our fingers. Thanks.

P.O. TONNA:
Legislator Carpenter, and then Lindsay.

LEG. CARPENTER:
I have to agree with the majority of what Legislator Binder said. However, twelve years ago, the Board that was in place at -- the Vanderbilt Museum Board was not out of control, it was prior to that, because that was the time that I first came on the Board with -- with Mr. Gittelman.

LEG. BINDER:
Actually, right, it was -- 12 years ago, you weren't on yet, you were on about 11 years ago.

LEG. CARPENTER:
Right after that.

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LEG. BINDER:
Eleven years ago.

LEG. CARPENTER:
Okay.

LEG. BINDER:
Right. I want to -- we'll make that clear, it was before you were there.

LEG. CARPENTER:
In any event, Mr. Gittelman and I came to the Board at the same time, and it was one of the priorities from the very beginning to try to

acquire this parcel. For those of you who may not have been there of late, it is directly across the street from the entrance of the Vanderbilt, and from the moment you come down the road and you see the walls to the right, and then you come to the entrance and you see this parcel to the left, you know that they belong together. And there had been many attempts over the years to try to acquire it, and this has been said previously this morning, there just wasn't the opportunity, there wasn't a willing seller, and that has changed. And now we have the opportunity, and because of the situation that everyone finds themselves in financially, even though the Board and everyone involved at the museum would like to go forward with the GOTO projector, they feel that because of the import of this acquisition, because of the historic significance of it, that they should reprioritize, go forward with this acquisition, and if by some chance the GOTO projector does fail, they have presented, and we have it in front of us this morning, which we had asked the Director to come forward with today, and that was some kind of contingency plans that we could put into effect, so that the revenue that would be lost from the fact that the GOTO wasn't being -- coming in could be made up.

There were laser shows in place at the museum years ago, and that is an area that they're looking at that could be reinstated. The very fact that the Normandy Manor property has formal gardens, and the museum has worked very closely with a lot of the garden clubs in the area that will come in and restore those gardens to the beauty and significance that they had of years past and make it an opportunity to do photo shoots, which is something that they do on a regular basis, they get five hundred bucks a pop, and when you have that ability to generate that kind of revenue, this certainly will help offset it.

I think we are in a unique position now to allow them to go forward with this historic acquisition of the Normandy Manor and complete the entire parcel as it was meant to be when it was first given to the museum.

P.O. TONNA:

Legislator Lindsay, then we're going to vote, then we're going to break for lunch. And we still have a lot more --

LEG. CARACCIOLO:

I want to speak.

LEG. LINDSAY:

Yeah. My question was simply --

P.O. TONNA:

Well, then you have to just -- Michael, then you have to just be -- tell me.

LEG. LINDSAY:

My question was to Budget Review. We have one argument that says it does have a financial impact, the other says it doesn't.

MR. POLLERT:

Yes, it will definitely be a financial impact. Number one, the museum will have to maintain the Normandy Manor. I do not have a current forecast of what the maintenance costs are, heat, light and power, what type of renovations they want to take place. We contacted the County Architect. The County Architect has not walked through the building and does not have a determination on what it would cost to do renovations to the building. The intended use of the building will in part determine what the cost of renovations are.

In addition to that, clearly, you are going to have the cost of the debt service for the acquisition of the parcel, so that there will be some sort of a fiscal impact statement, but, at this point in time, we don't have the details to determine what the impact will be on the museum.

LEG. CRECCA:

Paul.

P.O. TONNA:

Yes, Legislator Caracciolo.

LEG. CARACCIOLO:

Thank you. Just to follow up on Legislator Levy's -- Levy's. How did I do that, Bill? Lindsay's inquiry, a couple of quick questions. First, to the issue of the museum and the endowment, Fred. I'm looking at the financial impact statement and it seems to clearly indicate that you are projecting a \$600,000 deficit for the Museum in 2002.

MR. POLLERT:

That is correct, unless there is an extension on their \$1.2 million guarantee, with a slight twist to it. Legislator Fisher had approved an extension of a \$1.2 million guarantee payment from the trust fund. However, there's a possibility that the museum will not be able to receive \$1.2 million in the future.

LEG. CARACCIOLO:

Okay. Let me interrupt --

MR. POLLERT:

Sure.

LEG. CARACCIOLO:

-- because I want to do this quickly. Just is the endowment moving --

increasing its revenue base and its stature?

MR. POLLERT:

No, it's been decreasing.

LEG. CARACCIOLO:

Decreasing. So I think that clears the air on that question. You already mentioned, touched on in response to Legislator Lindsay's inquiry, that there needs to be an engineering study with undeterminate amount of capital costs associated with that; correct?

MR. POLLERT:

Yes. That has not been done yet.

LEG. CARACCIOLO:

Okay. The property has not been appraised by the County, so the current listed purchase price of \$1.395 million may not be a final price; is that correct?

MR. POLLERT:

Yes.

LEG. CARACCIOLO:

And, finally, the final -- you indicate here the five-year total debt service is estimated to be \$492,000; is that correct?

MR. POLLERT:

That is correct.

LEG. CARACCIOLO:

All right. Mr. Chairman, I would just note that I also arrived in this Legislative body 12 years ago with Legislator Binder, and, at that time, this County had neglected for a long time the Vanderbilt Museum. That is no longer the case. Budget Review, just if you had it, give me a quick number. In the last three years alone, how many capital improvement resolutions has this Legislative body approved, and what was the total amount of money therein?

MR. POLLERT:

Just with respect to the Vanderbilt?

LEG. CARACCIOLO:

The Vanderbilt.

MR. POLLERT:

That I don't know off hand, I would have to dig that out.

LEG. CARACCIOLO:

Into the million of dollars, would that be a fair estimate?

MR. POLLERT:
Yes, very definitely.

LEG. CARACCIOLO:
Okay. Mr. Chairman, I would just note for the record, then, that this Legislative body, this Legislative body has lived up to its commitment

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to make that museum facility a first class, if not a world class facility. At this point in time, given recent events, to expand its scope to include this piece of property would be nice, we simply can't afford it. Thank you.

P.O. TONNA:
Thank you. Okay. Roll -- Legislator --

LEG. CARACAPPA:
Mr. Chairman.

P.O. TONNA:
Wait. Legislator Foley, do you --

LEG. CARACAPPA:
Mr. Chairman.

LEG. FOLEY:
No.

P.O. TONNA:
No? Okay.

LEG. CARACAPPA:
On one final --

P.O. TONNA:
Legislator --

LEG. CARACAPPA:
One final thought on it.

P.O. TONNA:
Oh, Legislator Cooper had something to say, too.

LEG. CARACAPPA:
Oh, I'm sorry, after Legislator Cooper.

P.O. TONNA:
All right. I'm going to give you the almost -- the penultimate final

thought on this.

LEG. COOPER:

Thank you. I just want to follow up on a few statements. Legislator Caracciolo is correct, that we have done our part historically, but the question is why should we stop now? This is a very important investment that we need to make in the future of the museum. This is our last opportunity. If we delay one month, it's going to be too late and we'll never have a chance again to right this wrong.

Number two, the question that was raised about the fiscal impact on the operating budget of the Museum, if you look at Page 3 of the memorandum from Lance Mallamo, it does address this, and there's actually a net increase in revenues for the museum that's projected.

The overriding point, though, is that there's a new board in place at

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the Museum that we should be very proud of. It's a professional, dedicated board, nonpolitical, and this is our opportunity to express our confidence in this institution. And I think it's critically important that we give them that imprimatur, and that we back them on their judgment. They've made some very hard decisions in this instance and I don't think that we should second guess them. And I believe that we have to support them in this very important effort.

LEG. CARACAPPA:

Mr. Chairman, just to finalize now, if I could.

P.O. TONNA:

Yes.

LEG. CARACAPPA:

Legislator Binder earlier made an analogy that if you want to do some projects in your home, you put off the bathroom or do something that you want to do in your yard, but the point is, when your house is sinking, you put everything off and you save what you have at this point in time. So that's how I want to end my statement, Mr. Chairman.

P.O. TONNA:

Wait, wait, wait.

LEG. BINDER:

Mr. Chairman, it's a good thing --

P.O. TONNA:

Do you want to give an analogy.

LEG. BINDER:

And it's a good thing the Vanderbilt isn't sinking because of the people that we have put our judgment in, that's why it's not sinking. Now they want to protect --

P.O. TONNA:

Right. It's close to the water.

LEG. BINDER:

But I didn't think the ground was -- you know, I thought we're --

LEG. BINDER:

Now they want to protect the --

P.O. TONNA:

All right.

LEG. BINDER:

Protect the institution.

P.O. TONNA:

All right. Okay. Roll call.

(Roll Called by Mr. Barton)

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LEG. COOPER:

Yes.

LEG. BINDER:

Yes.

LEG. BISHOP:

Pass.

LEG. D'ANDRE:

No.

LEG. CRECCA:

No.

LEG. CARPENTER:

Yes.

LEG. ALDEN:

Pass.

LEG. FIELDS:
Pass.

LEG. LINDSAY:
Pass.

LEG. FOLEY:
Yes.

LEG. HALEY:
Yes.

LEG. FISHER:
Yes.

LEG. CARACAPPA:
No.

LEG. TOWLE:
Pass.

LEG. GULDI:
Yes.

LEG. CARACCIOLO:
No.

LEG. POSTAL:
Yes.

LEG. TONNA:
No.

LEG. BISHOP:
Yes.

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LEG. ALDEN:
No.

LEG. FIELDS:
Yes.

LEG. LINDSAY:
Yes.

LEG. TOWLE:
Yes.

LEG. CARACAPPA:
You guys are crackers.

MR. BARTON:
12-6.

P.O. TONNA:
Okay, there you go. Same motion, same second, same vote. All right.
Lunch. See you at 2:30.

[THE MEETING WAS RECESSED AT 12:47 P.M. AND RESUMED AT 2:35 P.M.]

D.P.O. POSTAL:
Mr. Clerk, have the public hearings been advertised?

MR. BARTON:
Yes, the affidavits of publication have been filed and are in order.

D.P.O. POSTAL:
Okay. The first public hearing is regarding the 2002 Operating Budget. Each speaker has ten minutes to speak during the public hearings and then to respond to any questions Legislators might have. Our first speaker on the 2002 Operating Budget is our County Comptroller, the Honorable Joseph Caputo.

MR. CAPUTO:
Thank you, Madam Presiding Officer. I appreciate the opportunity to come before you to discuss next year's budget. I must tell you I'm quite disappointed that the County Executive has not provided for in his appropriations the debt service requirement, which is actually a mandated obligation on the part of government. The first thing you provide for in next year's budget is a proper appropriation in order to retire your debt service that is going to come due in the subsequent year. This budget does not provide for that appropriation.

I'm also happy to see that the Budget Review Office of the County Legislature has come out and reflected in their analysis of the budget to the Legislature stating the fact that they believe that the Insurance and Risk Management operation has failed to materialize and failed to do their proper job within the Department of Civil Services or Human Resources. They are not communicating with the people of the Budget Review Office. No information is provided to other offices within the County who need to work with those -- with the figures that

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are involved, and there is a closure put upon the Executive Director of the Insurance and Risk Management that he's not to speak to the Budget Review Office. This is America, not some foreign country.

Finally, though you may provide additional units, additional units I call them, I'm sorry, though you may provide additional positions for the Comptroller's Office, which you did provide in the Year 2001, unfortunately, I still suffer by four vacancies on those new positions, only because the Budget Office of the County Executive's administration has not approved the SCIN forms that are required in order for us to fill those vacancies. So ten months have gone by with vacant positions that were appropriated and provided for in this year's budget, a fallacy to the operations.

Finally, in concert with the Budget Review Office, we looked at the 110 payroll account throughout the County and that's an inflated amount of money. We've been reflected in all of the 110 accounts throughout the County. We estimate that it was increased from the 2001 budget to the 2002 by 22%. We believe that 7% is adequate for the union increases that are going to materialize, therefore, we believe that the 110 account has been overstated and inflated by in excess of 15% that is worthwhile and necessary for the 2002 budget. I thank you for your attention.

D.P.O. POSTAL:

Thank you, Mr. Caputo. Next speaker is Denise Miller.

MS. MILLER:

Good afternoon. I was here this morning and again now. I am representing Diane Mecieca, the Director of the South Fork Community Health Initiative. She's given me this letter to read to you.

"Dear Legislators, the Suffolk Community Health Initiative has been able to double its patient load and expanding services into the community. Last year we served 5,000 patients in the Towns of East Hampton and Southampton. Last year, our adopted budget was \$54,101, this year, we are in the County budget for 5,000. This, needless to say, would affect a small grass roots organization like ourselves. I would like you to know that this amount is one-third of our budget and we need your help. We take pride in the tradition of hosting health awareness, education and services within our community. We offer a wide array of free and offer minimal cost blood pressure screenings, breast cancer mammographies, prostate screenings, and immunizations to children, and health education in the schools. We take pride in our services to the medically needy and the underinsured of the South Fork." Thank you.

D.P.O. POSTAL:

Thank you very much. Next speaker is Karen Boorshtein.

MS. BOORSHTEIN:

Good afternoon. My name is Karen Boorshtein. I'm an Associate Executive Director at Family Service League. Before I give my testimony on the Operating Budget, I do want to extend my gratitude to all of those -- to those of you who have supported Family Service League in our application recently for the caretakers relative request

for proposal. Your support has helped to strengthen our application.

I'm here today to ask for your help in restoring \$220,000 for services in the 2002 omnibus budget. This amount represents the total dollars that the Legislature was able to secure in the 2001 omnibus budget. Unfortunately, this was not included in the County Executive's budget for next year.

Our programs impact all of your constituents, as they are county-wide. Without restoration of these funds, thousands of children and families will go unserved. Seniors will lose vital support. Children, whose lives are already filled with uncertainty and challenge, will be at greater risk. Without restoration, individuals suffering with mental illness will be shortchanged, and without these critical dollars, children and families will become more fragmented. We cannot allow this to happen, and I urge you to support a resolution to include funding to restore the \$220,000.

We're clearly facing some of the most difficult uncertain and challenging times that we've ever seen. Children and families will need our help more than ever. While our Federal and State government must direct a massive amount of dollars to the disaster relief, we cannot forget about the thousands of Suffolk County families who rely on services from nonprofits for other needs. This is not a time to cut services. I implore you to find the fiscal flexibility in the budget to help protect your constituents.

The \$220,000 we're requesting doesn't represent any increase over last year's budget, it will simply keep services operating at last year's level. Without these services, scores of employees will have to be laid off, and thousands of your constituents, who come to us for critical help on a daily basis, may need to be turned away, because we don't have the resources to be of assistance. We need your help to continue to restore hope and rebuild the lives of those most in need in Suffolk County. Please don't allow funding cuts to fall on the backs of the children and families in this County. Thank you.

D.P.O. POSTAL:

Thank you. Next speaker is Rick Van Dyke.

MR. VAN DYKE:

Ladies and Gentlemen, my name is Rick Van Dyke, and I have been the Executive Director of Family Service League for the past 16 years. And I'm here today to talk about preventing another disaster. We are all living the current tragedy. We have been seeing the faces and read the stories about the missing and the dead. A few days after the

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planes crashed into the World Trade Center, I was on voluntary duty at the Family Assistance Center at Kennedy Airport on the 10 p.m. to 7 a.m. shift. A young man shared his story about escaping from the World Trade Center's 58th floor and how he lost his fiancée on the way out. He's not seen her since. It truly is, as Mayor Giuliani says, more loss and heartbreak than one can stand.

Now since September 11th, a few billion dollars have been raised for those who were victims, civilians, police, firefighters, and Port Authority personnel and their families, but most of this money is

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restricted for those who were the September 11th victims. We desperately need funds for services for people who have become victims since 9/11 and into next year.

I am here to ask for your help in preventing another disaster right here in Suffolk County. It may be different. This year, Family Service League will serve 38,000 of Suffolk's residents. Next year, I estimate that perhaps 5,000 of these may be victims.

Until now, our Albany leaders have abrogated their responsibility by cutting funding for children, family, mental health and elder services. In the Suffolk County budget, Family Service League needs \$220,000 to support 14 programs just to hold the line at this year's funding levels. This is the same amount we requested in 2000, and includes no salary or cost of living adjustments. Just two of these contract programs saves Suffolk County taxpayers almost \$5 million all for the cost of about \$663,000.

Now, you know that Family Service League has been serving residents of this great County for 75 years, and this year won the prize for becoming the first Suffolk County based not-for-profit human service agency to be credentialed by the National Council on Accreditation. To accomplish this honor, we met more than 550 best practices standards, thus ensuring that our programs are the very best available anywhere. Now we need your help to restore Family Service Leagues contracts in 2002 to the same level, funding level that they have been in 2001.

The bottom line is that we need you to sponsor \$220,000 more than is reflected in Suffolk County Executive Gaffney's budget for 2002. Suffolk County doesn't need anymore victims. Thank you.

D.P.O. POSTAL:

Thank you. Next speaker is Louise Stalzer.

MS. STALZER:

Hi. I'm Louise Stalzer, Director of Peconic Community Council on Eastern Long Island, the five East End Towns. I'm here today -- we have a -- we're a coalition of 240 health and human service agencies on the East End. We have for the past three years been working in the area of transportation. It became an issue for us because of the many people, the seniors, the youth, people who couldn't get to Human Service programs, lacking transportation. We've had focus groups, committee meetings, and surveys, many different informational efforts, and have found overwhelmingly the need for public transportation. Many -- any meeting you go to and mention transportation, it's a major problem amongst many, many people, including human service agencies.

To see the possibility of a \$1 1/2 million possible cut at a fixed route is of great concern. It comes at a time when there has been, and we sat on the Task Force, the Suffolk County Executive Legislative Task Force, and at a time when that Task Force has recommended an increase to public transportation, here in this budget for 2002, it could possibly be a cut. We need to go the other way. Certainly, economically, one were to put some -- looking -- hard looking at that, certainly economically, makes a lot of sense to get people to work, to

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get medical care ,and, certainly, get human services that they need.

We will be back again tomorrow with some other people from the East End of Long Island. There will people from the rest of Suffolk County before the Public Works and Transportation Committee to talk some more on this -- in this area.

I also come as a representative of Human Service Agencies and ask that you support the Human Service Agencies. South Fork Health Initiative has done a tremendous job in Eastern Long Island in many different areas, including the vans for mammograms there. We've -- there are several programs that get funded. When we need to get agencies to distribute money from, let's say, KeySpan for oil programs, FEMA money, rental assistance, that's an agency that's always there. They have Hispanic speaking people that work for them and have done a great job in outreach, and so I urge their support. We work with Cornell Cooperative Extension, we work with Child Care Council, both here today, many other agencies. We urge you to continue to support them.

I will tell you that in Eastern Suffolk, we have monthly meetings, we get together. We collaborate on many, many projects. We bring in additional Town money, we bring in foundation money, we bring in grant money, and we work hard together to really maximize what we really have. We urge you at this time to support Human -- continue to support Human Services. Thank you.

D.P.O. POSTAL:

Thank you. Next speaker, Janet Walerstein.

MS. WALERSTEIN:

Good afternoon. My name is Janet Walerstein and I'm the Executive Director of the Child Care Council of Suffolk. And I want to thank you all for being as supportive as you have always been, and we appreciate that in the work that we do for children and families of Suffolk. But I'm addressing you here today to ask for the \$28,000 that has been cut from our Suffolk Works Employment Program contract with the Department of Social Services by the County Executive. The Department of Social Services has requested the full allocation of a hundred and two some-odd thousand dollars as a total for our contract. The County Executive has reduced the bottom line to \$75,276. This additional \$28,000 has been -- had been first granted by the Legislature in 1999, as prior to that time we had not had an increase in ten years.

As you know, the child care needs of families have risen drastically. This -- thus, due to the significant larger volume of referral and support services needed for TANF and subsidized families, the agency continues to expend more resources, which is resulting in higher costs. More personnel are involved in handling the many services needed by families. In addition, increased postal costs and higher telephone bills are related to the higher volume of services provided to families.

As a result of Suffolk Works Employment Program, many parents are transitioning to work or work related activities, school and training programs, resulting in a dramatic increase in the low income demand

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for child care resource and referral services. For example, from October 1999 to March 2000, 56% of all child care referrals were for low income children, TANF and subsidy eligible children. During the same period of the previous year, 1998-99 year, 49% of all referrals were for low income children. This represents a 7% increase for the same period last year, and a total of 26% increase for the past two years.

The Child Care Council of Suffolk is able to reach the needs of these specific families from the participation of a parent counselor working directly with these families at the Department of Labor. A parent counselor is present at the Department of Labor three-half working days per week to assist these parents in their need. This funding directly affects our availability to continue this critical presence.

Over 50% of low income parents seeking child care have special needs

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or circumstances resulting in the need for more consultations and written information to assist them in finding child care. For example, a number of parents report difficulty finding appropriate child care because of their lack of transportation. Therefore, they must find providers located near public transportation or within walking distance. Many times child care is needed during nontraditional working hours, such as night, holidays, weekends, etcetera. Child care resource and referral counselors often provide numerous consultations to the same parents confronting difficult situations, including unavailability and scarcity of providers serving low income an/or children with disabilities. Approximately 20% of children needing child care have special needs.

Many low income families need several consultations to help them meet their individual child care needs. The Child Care Council of Suffolk is committed to ensuring that we provide support services to parents to help them make informed decisions regarding their child care needs. Increased funding will help to ensure that we continue to provide high equality services for the families of Suffolk County. I appreciate your consideration of this request.

D.P.O. POSTAL:
Thank you.

MS. WALERSTEIN:
I want to know who did the sheet.

P.O. TONNA:
It was kindergartners from the William Floyd School District who came here this morning. Isn't that great?

MS. WALERSTEIN:
It's great. I like the one errant hand who went out of the line.

P.O. TONNA:
That's an individualist.

MS. WALERSTEIN:
Right.

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

MS. DEVIN-SHEEHAN:
Good afternoon. The good news is that the Child Care Earns Program is finally up and running, and the child care community has shown a

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tremendous enthusiasm and excitement about the fact that they are finally going to receive some awards, some salary supplements that will indicate to them that the fact that they have credentials and training in their field counts for something.

The Child Care Council of Suffolk received its contract from the Department of Social Services in September and has been working feverishly since that time to try to get the word out to the child care community that these awards were going to be made available, that they were going to be tied to their education and training, and applications are now flooding the mails of all the child care centers and the family child care providers. The problem is that the County Executive has eliminated this program from the 2002 budget, and so Janet Walerstein and I are here today to request that you restore that program to the budget.

One of the reasons why it's so important at this time is that we have just initiated with Legislator Vivian Fisher the -- a corporate campaign for child care. We could not begin that campaign until we had the contract with the -- with the County. With that contract, however, we've initiated that, we've received a good response from the corporate community, and they are -- have indicated that they're ready to step up to the table. But if this program isn't funded by the County next year, it won't exist and they won't have any funds to match or even contribute to.

So I ask you to continue to do the right thing. We appreciate so much the support that you've shown for this program. Seventeen out of eighteen Legislators voted for it this year, and it was because of your support that we were able to get this started, and it's going to make a significant difference in the lives of young children to know that they will have quality child care, and that's what it's all about is trying to ensure here in Suffolk County that we have quality child care. Please restore the funds.

D.P.O. POSTAL:

Thank you. Our next speaker is Wallace Broege.

MR. BROEGE:

Hi. My name is Wallace Broege. I'm the Director of the Suffolk County Historical Society. The Suffolk County Historical Society is located in Riverhead. Our purpose is that we were founded in 1886; our purposes are to collect, preserve and interpret the ongoing history of Suffolk County and its people. Toward those goals, we maintain a library and archives, a museum, and we offer educational programs both to school groups and adults.

The County Executive's recommended budget for 2002 has reduced funding for the Suffolk County Historical Society from 191,500, which was the adopted level in 2001, to \$182,070, a loss of \$9,430, and increase

that the Legislature added to our budget last year. It's a relatively small amount of money, even when compared to the size of the operating budget that we have, \$350,000. Unfortunately, it couldn't have come at a worse time. Our income from other sources is down. Grants from the New York State Council on the Arts have already been cut. Our income has not been able to keep up with the increased costs of running programs.

We have two major sources of income. We have about 20 sources total, but two major sources, one is Suffolk County, and the other is an endowment. During good years, the endowment has produced income for the Historical Society. During the last year, it's lost 13% of its market value. There won't be any income from the endowment to support programs in 2002, and we've used up the surplus that we achieved during good years in order to support additional expenses that we had to undertake through 2001. So we're faced with a staggering deficit for 2002.

The new expenses, as I mentioned, hiring a curator and a receptionist, placed quite a burden on the Society's budget. The impact of rising costs and the lack of funds will have a disastrous impact. We'll have a staggering deficit of \$50,000. In order to balance our budget, we've cut all of our discretionary spending. We plan to sell a gift of stock, which I would have preferred to have put into the endowment, so that it could have earned future income for us. However, we'll be liquidating that at the end of this year. We've frozen all salaries to the 2001 level, and we'll be forced to eliminate two staff positions in 2002. One position is the librarian, the other is the curator. The librarian is a part-time position.

This is really going to be very difficult on our programs, because they represent two of our major program areas. And we're a small institution. We have four full-time and seven part-time people. There aren't additional staff members waiting in the wings to undertake the duties that the librarian and the curator won't be able to accomplish. The curator is responsible for care of collections and activities, for planning and installing exhibitions, helps write grants, which raise project support. The loss of this position will mean fewer exhibits, fewer things to publicize and fewer visits, and we may lose a \$15,000 grant from the New York State Council on the Arts if we lose that curator's position. The librarian is the person that's in charge of the library. He conducts research, helps patrons, catalogues collections, and organizes the library and archival collections. The loss of that position will mean closing our library. It will mean that probably the finest historical and genealogical collection in the County will be inaccessible to County residents.

We realize that this is no time to be asking for a major increase in funding. Budget Review has recommended that you restore the \$9,430 removed by the County Executive, bringing our funding back up to the adopted level of 2001. That would be \$191,500. I think the Budget Review Office did a very fair analysis of our programs, and the

Legislature has been good to us in the past, and I hope you'll be able to continue to support us.

I have one -- if those of you that have had an opportunity to look at

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the report from Budget Review, you may not have had an opportunity to look at the section about the Suffolk County Historical Society. There's one thing I'd like to point out to you, a minor mistake. It has nothing to do with money, and probably to most people, it would be a very minor detail. But the review states that we're going to sell artifacts to support our operating budget. That's a mistake. It's stock that we're going to sell. Museums are pretty fairly -- pretty closely regulated by the State Attorney General's Office and would not be a good thing for us to be selling artifacts to support our operating budget.

In summary, our costs have increased beyond our ability to pay them. We have new expenses by way of the curator and the receptionist, and our income is down for 2002. The County Executive's budget cut our funding, and we respectfully request that the Legislature restore that almost \$9,500.

At this point, we just ask that you keep your minds open about the Society's funding problems, and that you do what you can to help. The package that I've prepared for you will explain any details. I've had an opportunity to meet with a few of you, but I'd be happy to answer any questions you might have about our operation or our budget request. Thank you.

D.P.O. POSTAL:

Thank you. The next speaker is Allan Varela.

MR. VARELA:

Hello. My name is Allan Varela. I'm the Executive Director of the Greater Port Jefferson Arts Council and the Long Island Arts and Technology Council. Five, six weeks ago, the United States endured a disaster and a tragedy. It has frightened our citizens, and it's impacting all of us economically. One of the things that we see in Port Jefferson is that we're being asked to provide more programming and more opportunities for people to go to events locally, spend their money locally, because they're not willing to get on an airplane now and go to Disney World, and so on and so forth. At the same time that we're being requested by our constituencies, and this is all of the arts organizations on Long Island, we are facing cuts from the Legislature and we are facing losses with private funding. Private funding is difficult because many corporations have put their money into the disaster in New York.

As you've heard before and many times probably today, everybody is feeling the pain, but this is almost a life and death situation for many, many cultural groups. So my request is not only that the monies that the Legislature would put in, which I believe is 220,000, be restored, that it be increased. Why? Because if we provide more events and programming, our citizens, your constituents will stay local and start stimulating our economy locally. Thank you.

D.P.O. POSTAL:

Thank you. Our next speaker is Thomas Williams.

MR. WILLIAMS:

Good afternoon. I'm Tom Williams, the Director of the Suffolk

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Community Council, and I'm here to speak on behalf of the health and human service not-for-profit community that provides a very wide variety of services to the citizens of Suffolk County.

As a result of the World Trade Center disaster, we've seen an increase already on the strained capacity of the variety of agencies that we represent. Many mental health agencies have spent time going to New York, have opened up their clinics after hours on weekends. Counselors have been dispatched to Pier 91 in New York, the JFK Airport, and so a lot of the agencies are using their staff as well as they can, paying some overtime. A lot of volunteer work is happening, but it's very important that they be maintained and strengthened during this difficult time.

In speaking with the Red Cross today, they're getting about ten calls a day from families and individuals who have been affected by this crisis. Some of them are looking for employment, training, some have lost their jobs. One individual came to them who had been living with his mother, who was a pedestrian in New York City and was killed as a result of the accident. As a developmentally disabled young man, he was dependent completely on his mother for care, for housing, and he is now looking for sustenance from the agencies.

We are looking also at a cut in this budget of about \$1,400,000 to the youth agencies. And, as you know, and have -- you supported them many times in the past, they provide services to youngsters, counseling. A lot of children are scared, are asking a lot of questions, are trying to deal with the issues of tolerance, are needing a lot of support and sustenance in how they deal with this very difficult situation, so the youth agencies are in great need of continued service.

As you heard from Janet Walerstein, the Child Care Council certainly

needs the continuing support of the Legislature. Many families will no longer have two breadwinners out here, and child care will be even more important than it has been in the past.

We also are involved with transportation, working with the Peconic Community Council. We, too, were a member of the Legislative Task Force and we are concerned about the potential of transportation cuts, especially to the SCAT, Suffolk County Accessible Transportation Program, and we will also be at the hearing tomorrow.

I would also like to ask for your continued support for the Council and its programs. We provide the clearing house for mental health residents, as you know, and provide mediation for residents of mental health residences. We also provide services through community partners, bringing agencies together in order to maximize services. We're working in about eight or nine communities throughout Suffolk, bringing agencies together, trying to coordinate services. We're also working with the Family Court to expand the Family Drug Court coordination piece. We're working with Probation Department to work with their DSS mental health and drug coordination piece, and we also have been working with New York State on the Modernization Project. Our Community Partners Project I think helps the County maximize the services that are provided through the Health and Human Services delivery system. We also last year sponsored the Youth Experiencing

Arts Program, and that project was not included in the County Executive's budget, and we would hope that that program could be reinstated as well.

So I appreciate the opportunity to speak before you. And it is critical and important for us to keep the health and human service community, not-for-profit community alive and well in this very difficult time. Thanks.

D.P.O. POSTAL:
Thank you.

LEG. FISHER:
Thank you, Tom.

D.P.O. POSTAL:
Next speaker is Sally Foulke.

LEG. FISHER:
Wait. I just have one question for Tom.

P.O. TONNA:

Oh, Tom.

LEG. FISHER:

Tom, just a quick question.

D.P.O. POSTAL:

Question from Legislator Fisher.

MR. WILLIAMS:

Yes.

LEG. FISHER:

Tom, you've mentioned the services that were provided, counseling services that went down to lower Manhattan. Was there any kind of reimbursement from emergency funds, federal emergency funds for counseling? I thought there was going to be something in place.

MR. WILLIAMS:

Well, there are a number of possibilities. Wednesday that New York State has received I think about \$20 million through FEMA --

LEG. FISHER:

Right.

MR. WILLIAMS:

-- that will be distributed within New York. We don't know if any of that will come out here. We hope it will. The Department of Mental Hygiene Services has distributed forms to the various mental health agencies out here to apply for it.

We've also been working with the United Way to get agencies aware of the September 11th Fund, and the United Way and our agencies applied for a block grant to get funding out here in Suffolk County for those agencies as well, but we haven't heard anything. We understand a lot

of that money, and naturally, is going to be targeted to New York, but we have made a case. We've applied for it and we're hopeful that some will be coming out here.

LEG. FISHER:

I understand that Senator Clinton has a bill for the support of the children, for education and counseling of those children who were left orphaned, because there are 10,000 children who were left orphaned by September 11th. And you don't know -- do you know the status of that bill?

MR. WILLIAMS:

I'm afraid I don't know the status of that bill.

LEG. FISHER:

Because I think that that might be beneficial in distributing more funds to mental health --

MR. WILLIAMS:

Right.

LEG. FISHER:

-- and educational agencies, counseling agencies for children.

MR. WILLIAMS:

Yeah. Yeah, I've heard of the bill. I'm not sure where it is at this point.

LEG. FISHER:

Okay. Thank you, Tom.

D.P.O. POSTAL:

Thank you. Sally.

MS. FOULKE:

Good afternoon.

D.P.O. POSTAL:

Good afternoon.

MS. FOULKE:

I'm Sally Foulke. I am Interim Director of Cornell Cooperative Extension of Suffolk County.

I would like to begin by just taking a moment to thank all of you for your support this past year. As you know, 2001 was a very difficult year, as we lost our Executive Director, Kermit Graf, in January. He was a strong and dynamic force, and his loss was deeply felt, not only by our staff, but the community members and leaders alike. Your support of legislation to name our Education Center in memory of Kermit is deeply appreciated by our staff, our Board of Directors, our colleagues and friends throughout the County.

Though this year has been an emotionally challenging one, we are fortunate to have a dedicated staff who are deeply committed to their programs and the residents of Suffolk County, and have continued

reaching out in an unprecedented manner.

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We recognize the times we are living in now and the strain placed upon the economy as a result of tragic national events and our own county economy. We know the repercussions well, because we have been dealing with the effects of September 11th firsthand every day since that very afternoon. We responded immediately by developing and distributing much needed information for parents and child care providers, and we issued guidelines for helping children deal with the trauma.

In order to help families and communities cope with the aftermath of such a tragedy and the war effort, we have planned special training programs to support parents, educators, and family support professionals. This in-service programs focus on adult concerns, helping children cope, teaching tolerance, fostering nonviolence and managing media.

While we understand the complexity of the budget situation at this time, we also understand the needs and concerns facing your constituents. By eliminating programs and reducing staff, we are taking vital services and expertise away from people that are in a more needy time now than ever before.

We are well aware of a difficult economy and we hear daily from industry leaders who turn to us for support and guidance and we are there for them. We hope that these respected programs will still be there for them in the year 2002.

I am here today to ask for your continued support of our programs. The recommended 2002 budget, as set forth by the County Executive, will significantly impact our efforts through our Family and Consumer Science Programs, our 4-H Youth Development, our Agricultural Programs, as well as our outreach at the Suffolk County Farm and Education Center, and the activities within the Marine Program.

In addition, the reduced County budget puts us at risk of losing funds from the State, as well as thousands of dollars that can be leveraged from our base funding in term of grants.

We recognize that these are trying times for all of us, and the repercussion of last month's events are still impacting lives of Suffolk County residents and our economy. We ask that you help us to continue to do our part in supporting these families, and fostering programs that are vital to the economic development.

We respectfully request that you support the Legislative Budget Review's recommendation. Thank you.

D.P.O. POSTAL:

Thank you. Next speaker is Lillian Barbash.

MS. BARBASH:

My name is Lillian Barbash. I'm a resident of Suffolk County for 47 years, almost 48 years. I know many of you, even though I don't come to your meetings too often, but I thought this year was an extremely important, important opportunity that I should not overlook.

Many of you probably know that my family has been very active on many different fronts in the County. We love living here. We have no intention of retiring anyplace outside of Suffolk County.

I called the Budget Office today to find out what the total budget is, Suffolk County's total budget, and was informed that it is more than \$2 billion. And then I looked at the budget for Cultural Affairs, which I understand was just cut by another \$220,000, and in the arts community, we're not used to dealing with such big numbers. And so I may be off by a percent or so, but I calculated that the Cultural Affairs budget receives one four millionth of one percent of the total budget, which is a bit ludicrous, if you think be what benefit the community gets from the cultural activities in Suffolk County. Cultural activities are used to revitalize downtowns. As many of you know, the downtown of Bay Shore has been revitalized because of all the cultural activities that are taking place on the Main Street and in surrounding areas.

The Islip Arts Council, which is not located in Bay Shore, but located in Islip, presents more than 30 free programs, which attract better than 60,000 people a year. The budget we receive from Suffolk County is a very small percentage of the revenue we receive from the private sector, and so this happens to be true for all the cultural -- excuse me, cultural organizations on Long Island. Most of the money they receive is from the private sector, not from Suffolk County. What we are asking is that Suffolk County continue to partner with the private sector and continue to support cultural activities. It's important for the well-being of our County, it's important for the well-being of all our communities.

If you've been watching television at all, you'll see that every single cultural activity has been attracting thousands of people who want to come together. They raise money at these cultural events for the benefit of the victims of the September 11th disaster. And so to cut cultural activities in County -- in the County would be absolutely impossible.

So thank you for letting me come before you, and I do hope you will continue to support cultural activities in Suffolk County.

D.P.O. POSTAL:
Thank you.

LEG. FISHER:
Thank you.

D.P.O. POSTAL:

Next speaker is Elissa Goldman.

MS. GOLDMAN:

Hello. Good afternoon. My name is Elissa Goldman and I'm actually here from two different organizations. First, I'd just like to talk to you a little bit about the Suffolk County Youth Services Project Directors Association. We are a collaboration of all of the contract agencies with the Suffolk County Youth Bureau, and we are here on

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behalf of all of the member agencies. The Suffolk County Youth Bureau has 76 contract agencies, and in the proposed budget, that will total about a \$1 1/2 million cut in youth services.

And I know that it's been said throughout most of the day, but, certainly, the effects of the September 11th attacks have been devastating not only to people in the City, but certainly all the way out here on Long Island, and, certainly, in Suffolk County. So now more than ever, it's important that we do maintain our safety net.

We have worked for a long time to build up support of the agencies, to work together. I'm currently the vice president of the Youth Services Association. You will later hear from the President, Sal Bush. We have a new board, and we are really working vigorously to be a voice for all of the youth service agencies throughout the County.

There are 338,000 youth under the age of 21 who live in Suffolk County, and each and every agency works to service those children in their catchment areas. We have the largest youth population in New York State outside of New York City. And the need for services has certainly been, as I said, exacerbated by what has gone on. Now is the time that we need to build up our programs on tolerance, on diversity, on conflict resolution, providing after-school activities for children and support services for parents.

And I'd just like to follow that by saying, in addition to that role, I'm also here to speak on behalf of my particular agency. I'm the Executive Director of Patchogue-Medford Youth and Community Services and have been for the past three years. I'd like to thank the Legislature for their support over the years for our agency. We have been serving the Patchogue-Medford community for the past 17 years. Our budget last year from the County was \$110,490. The recommended budget for this year is 87,200. It's about a 21% cut, totaling a total of 23,290. Now, for maybe some of the bigger agencies, or you may be saying that that doesn't seem like all that much money, given what the County budget is on a whole, but, certainly, to a small grass roots youth serving agency, \$23,000 is an extraordinary amount of money. And the children will suffer the direct consequences of us --

of the agency losing that money, if that should happen. We offer programs in our community, in our schools, and at our agencies. We partner with a variety of community agencies. We partner with the library, with the school district.

And just some of the programs that we have been providing, we would like to continue to be able to provide, all at no cost to the children of the Patchogue-Medford community, we have youth development activities, peer leadership, volunteer -- excuse me, volunteerism, employment opportunities, educational workshops, after-school programs for the children in the elementary schools, a basic needs and clothing closet to give out free baby items and clothing to families and individuals in need, recreation programs, advocacy, resources and referrals, holiday assistance. So throughout the year, we're working very hard with all of the other youth agencies, as well as our own community agencies, to serve the children. We served over a thousand children last year, and at this difficult time are not asking for an increase, but just that the money would be restored, again, the

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\$23,290 would be restored to our budget, so we can continue to do the work that we do.

Tom Williams also eluded to the Community Partners Program with Suffolk Community Council, which we are a part of. Patchogue is one of the communities that the Council has chosen to try and coordinate services. I'm very active in the collaboration. It's called the Patchogue-Medford -- excuse me, Patchogue-Medford Child and Family Collaboration. And, again, what we are trying to do is make the best use of all of the available and wonderful services that we have here in the County to continue to serve all of the children and all of the families who need our assistance. So thank you very much for your time.

D.P.O. POSTAL:
Thank you.

LEG. FOLEY:
Question.

D.P.O. POSTAL:
Miss Goldman, just one second.

MS. GOLDMAN:
I was nervous and walked away.

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

MS. GOLDMAN:
Okay, yes.

LEG. FOLEY:
Thank you, Miss Goldman, for coming down today and sharing what -- sharing with us what others have also mentioned, the fact that, in many cases, the proposed budget eliminates the increases that the Legislature had placed in last year's budget.

When we look at a potential loss of \$23,000 and change for your particular agency, while some may say it's not a drastic cut, the fact of the matter is, particularly in your, what I would call, service area, catchment area, the greater Patchogue-Medford area, would you not agree with the statement that there's a growing need for the youth services provided by your agency?

MS. GOLDMAN:
A growing --

LEG. FOLEY:
A growing need.

MS. GOLDMAN:
Absolutely.

LEG. FOLEY:
And by virtue of the fact that there's a growing need, that if we

simply restore the 23,000 that was taken out, that's not even a cost to continue, that's simply keeping the same amount of money as was in the budget this year, even though there's a growing need for the services your agency provides within the Patchogue-Medford community. And I just wanted to have that on the record and share that with my colleagues. We may be hearing similar testimony from others where there is a growing need in a lot of communities for the services provided, particularly by our youth agencies, so there's a lot of concern about these cuts and what it means. I would think that's about a 20% cut, is it not?

MS. GOLDMAN:
Twenty-one.

LEG. FOLEY:
Twenty-one percent cut. And the fact of the matter is over the past three years, we've been able to increase the budget for the agency in order to try to match your budget dollars with the services necessary

to serve the community that your service -- your agency resides in.

So I want to thank you for your time, and, hopefully, after this week's testimony at other committee meetings, we'll be able to make some changes.

MS. GOLDMAN:
Thank you.

LEG. FOLEY:
Thank you .

D.P.O. POSTAL:
Thank you. The next speaker is Marion Cohn.

MS. COHN:
Good afternoon. I'm Marion Cohn, Assistant Director of Government Affairs for the Long Island Association. Thank you for giving the Long Island Association the opportunity to comment upon Legislative Resolution Number 1921, which would require all retailers to post --

D.P.O. POSTAL:
Excuse me. Can I just -- I'm sorry, but this is --

MS. COHN:
Of course.

D.P.O. POSTAL:
Your card said something about the budget, so that this is a public hearing on the Operating Budget. There is a public hearing a little later on 1921, and I'll have to ask you to just wait --

MS. COHN:
Oh, sure.

D.P.O. POSTAL:
-- until we finish this hearing.

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MS. COHN:
All right. Thank you.

D.P.O. POSTAL:
Sorry about that. Next speaker is Sal Bush.

MR. BUSH:
Good afternoon. My name is Sal Bush. I'm the current president of

the Suffolk County Project Directors Association. As you've just heard from the vice president, Miss Elissa Goldman, and also one of our colleagues, Tom Williams, about the dire straits that's happening with our youth programs.

I just want to speak to you a little about -- more so about substantive issues surrounding the need to understand young people and the youth in our communities. Most of you, I should say all of you are very familiar with the rash of violence, the issues of drug abuse, the school violence, and the deadly violence of young people locally and nationally.

Most of you are very familiar with the vandalism and the growing need for gang prevention and youth intervention, and most of you are definitely familiar with, intimately so, about the need for counseling for young people. Most of you are aware of the issues that have face and continue to face the County of Suffolk, the City and State of New York and the nation at large. What I want to impress with you today is that I come because this is the body of leadership. I don't come with solutions, I bring my problems here, because the leaders here have strategies, insights, wisdoms and understanding to come up with those solutions, you are our leaders, not coming begging. If that would do it, I would have been begging a lot sooner. I'm not coming to plead, because we shouldn't plead for what is necessary and needed for our youth in our communities. What I am coming to do is ask you to step outside of the political process, the daily grinds, and understand that what you do affects the lives of those young people that later on in life will manifest itself into Terry Nichols, Timothy McVeighs, and other young people who feel the only way that they can be heard or listened to is through a violent method or means.

What do I mean by this statement? Simply, I understand that there is a limited supply of funds and resources to be allocated by this Legislature. I understand that there is a shortfall in the taxes, revenue this year. I understand that we had binding arbitration for contracts, and we had to meet the needs as prescribed in those agreements. But the most important thing that I understand is that united we must be, creative we must be, we must be able to finalize solutions to add to and not take away. As it was stated earlier with the \$2 billion budget for our County, we're talking about \$1.4 million for youth services, which, like Legislator Foley said, is woefully inadequate. Each year we have to beg for the defenseless, the young people who don't vote, the young people who cannot be a part of any political process, the young people who do not have a voice. And all my colleagues, and they will be speaking to you later on, none of us will get rich from doing the job we do.

I remember Legislator Haley said we have with youth services the best

deal in town, because we pay the least and we get the most, because they care about what they do and how they adversely affect the lives of the young people in the community. So that's what my appeal is to the Legislators. Let's find ways to address the issue without using subtraction. You can't subtract from in order to add to. We need more than we're receiving, we need your support, we need your faith, we need your leadership, and we need it today, because we are in crisis all over the state and the nation. Thank you.

D.P.O. POSTAL:

Thank you. Our next speaker is Christopher Cooke.

MR. COOKE:

Good afternoon. My name is Chris Cooke, and I'm the Director of the Suffolk County Office of Cultural Affairs. I just got a copy of the Budget Review Office recommendations, and I was shocked to see that the recommendation is for the removal of \$220,000 from the General Fund. This is in addition to the recommendation from the County Executive's budget of \$50,000, which is an estimate of reduced hotel/motel tax revenues.

I don't think that this particular proposal is at all feasible. The reason that the Office of Cultural Affairs is in the Department of Economic Development is because it is directly linked to economic development. Each one of the hundred-plus organizations that we give some sort of funding to is an economic engine and is very important to keep them going.

So, when you review this review of the budget, if you would take a close look at Page 164, it explains a little further what I just reported to you. If, in fact, the \$220,000 was removed on top of the 50,000 from the motel tax, it would put the budget down to \$215,000, which I believe is lower than at any time since the creation of funding for the arts by the County. We were stuck at a level of \$250,000 for approximately seven years, up until 1999. There were great initiatives by Legislators, especially Angie Carpenter, and we've made great strides to having a respectable amount of money giving support to the arts. This would be a truly disastrous step backwards and I hope you take that into consideration. Thank you.

D.P.O. POSTAL:

Thank you. Our next speaker is Louis Medina.

MR. MEDINA:

Good afternoon, Ladies and Gentlemen. My name is Louis Medina. I'm Executive Director of Three Village Community and Youth Services {Newly} Boys and Girls Club. I'm here to talk to you about and add to what my colleagues have already spoken to, and I'm going to talk to you from my heart.

I've been working with young people in community-based organizations for over 30 years, and for over 30 years, as actually a participant in youth programs as an ex-gang member from East New York. If it wasn't for youth agencies or for someone like Sal, or Elissa, or Tom

Williams, I would end up -- I would have ended up in jail, in prison, as some of my friends did. They died junkies, they died in violent

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acts. And I had the opportunity to attend a youth agency when I was growing up. The importance of the community-based organization and the youth agency now known as not-for-profits are the heart and soul of communities. This is what we do, we assist families, the elderly, the young, the bicultural, the multicultural. We help everyone.

When you look at our budget and you see the cuts that have been made, we need to look at what all of us, what all of us represent. We represent our communities, we represent our children. And as I've heard since I was a little kid, children have always been our future. And if we cut funds from youth agencies, what future do they have?

The day after the tragedy, I happened to go and I was called to attend the high school, because the young people were in need, they needed to talk to someone. They called the youth agencies, they called the social workers from those youth agencies, the outreach workers. Some of us worked 17, 18 hours that day, and we did it not only because it was our job, but because we love what we do. I know I do, and I believe that you do. And that being said, we need to restore the funding to our agencies, to our community based organizations.

We appreciate all the support that you've been giving us over the years. Without you, there is no us. We are working in collaboration to make it a better place for our young people and our families here in Suffolk County. Thank you for your time.

D.P.O. POSTAL:

Thank you, Mr. Medina. I have no other cards on this hearing. Is there anyone who would like to address the Legislature with regard to the 2002 Operating Budget?

LEG. CARACAPPA:

Motion to close.

D.P.O. POSTAL:

Motion to close, Legislator Caracappa, seconded by Legislator Towle. The public hearing regarding the 2002 Operating Budget is closed.

The next public hearing is regarding the Southwest Sewer District Assessment Roll. I have no cards. Is there anyone who would like to address the Legislature on this public hearing?

LEG. FOLEY:

Motion.

D.P.O. POSTAL:

Hearing no one, motion to close by Legislator Foley, seconded by Legislator Alden. The public hearing regarding the Southwest Sewer District Assessment Roll is closed.

Public hearing regarding Introductory Resolution Number 1847, a local law to prohibit red light running in Suffolk County. The first speaker on this public hearing is Antoanela Vaccaro.

MS. VACCARO:

Good afternoon.

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D.P.O. POSTAL:

Good afternoon.

MS. VACCARO:

I'm Antoanela Vaccaro. I am the Manager of Government Affairs at the Automobile Club of New York. We are the local AAA affiliate representing 2.2 -- excuse me, 1.2 million members.

This is an important hearing because individuals who run red lights present a clear and increasing danger to other motorists and pedestrians. We commend Legislator Lindsay for addressing this issue and his efforts to address this serious problem.

AAA has held the view that visible law enforcement officers are the most effective means of deterring traffic violations. At the same time, however, we have recognized the potential of red light cameras to perform critically important enforcement functions, thereby enhancing traffic safety. Indeed, there is substantial evidence that red light cameras deter red light violation, particularly where red light running is rampant. Moreover, surveys show that greater and greater numbers of motorists support use of such devices. In fact, in our latest local survey of AAA members conducted in December of last year, more than eight in ten members supported the expanded use of red light cameras now in operation only in the City of New York. Further, 54% of members surveyed indicated that they witnessed other motorists running a red light daily or several times a week.

The threat the red light runners pose to others is well documented. The Insurance Institute for Highway Safety estimates that red light runners are responsible for an estimated 260,000 crashes each year in the United States, of which 750 are fatal. In addition, fatal crashes of traffic signals increased by 19% from 1992 to 1996, and red light crashes increased 15%, far outpacing the 6% increase in all other

fatal crashes during the same period.

In New York State, of the 269,190 reported vehicular accidents occurring in 1998, 30% or 80,869 happened at signalized intersections. Of those accidents occurring at signalized intersections, 244 involve fatalities, which is just over 17% of all fatal accidents that occurred statewide. Another 57,975 such accidents were personal injury, and the remaining 22,650 involve property damage only. Of 18,396 pedestrian accidents occurring in the same period, 6,045 or 33% happened at signalized intersections.

Now that I've given you all the statistics, the bottom line is that red light cameras have proven effective in reducing the epidemic of red light runnings.

Recent studies conducted by the institute -- excuse me, by the Insurance Institute of the effects of red light cameras in intersections in the communities of Fairfax, Virginia, and Oxnard, California showed the cameras reduced red light violations by 44% in Fairfax and 42% in Oxnard. One surprise in those studies was that red light violations were also reduced at intersections at which there were no cameras at all. The reductions in Fairfax at noncamera

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intersections was 32%.

One criticism that we'd like to point out of red light camera programs raised is the potential to misuse them as a revenue-generating device. To alleviate those concerns, one additional improvement the Club would like to suggest to this legislation is an amendment to ensuring that the amber times are set in accordance with engineering guidelines, specifically standards established by the Institute of Traffic Engineers. Such an amendment will protect the integrity of the program and help ensure motorists aren't caught in what engineers call the "Dilemma Zone," where they are forced to choose between stopping short or proceeding through a red light.

We've dealt directly with the New York City Red Light Camera Program and many members have called complaining that the amber times were too short, and thereby the motorists didn't have time to stop, and got caught through the -- on the camera. When engineers went to look at these cameras -- excuse me, to look at the amber times, they noticed that the amber times were too short. Therefore, they didn't have ample time.

It should also be noted that the same questions that surrounded the legality of the Suffolk County cell phone ban may also arise with respect to this legislation.

Our interpretation of the New York Vehicle and Traffic Law, under which the New York City Red Light Camera Program was created, leads us to believe that any effective implementation of a red light camera program should be addressed at the State level, not locally, where the legality of any violation will come into question. For that reason we are supporting a proposal at the State level to authorize all municipalities, including Suffolk County, to adopt camera programs. We recognize and commend Suffolk County for being a leader in traffic safety and hope that the enactment of this law will prompt State Legislatures to act on the pending legislation.

And, on behalf of the Auto Club of New York and its 1.2 members (sic), I thank Legislator Lindsay and his colleagues for addressing this important issue.

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

MS. VACCARO:
Thank you.

D.P.O. POSTAL:
Next speaker is Richard Retting.

MR. RETTING:
Hi. Good afternoon. I'm Richard Retting with the Insurance Institute for Highway Safety. I'm not sure if my testimony is necessary any longer after the first speaker, and I'm delighted to be here today and to quickly summarize what I've provided in written testimony.

The Insurance Institute is a nonprofit research organization that

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identifies ways to reduce motor vehicle crashes and their losses. I'm here at the invitation of Legislator Lindsay to present the Institutes position and thoughts on the proposed local law.

You've already heard that deliberate red light running is a very serious and frequent violation, and it's a major cause of injuries, and very serious ones, at signalized intersections. I won't reiterate the statistics. We also know, through our research and the research of others, that red light cameras are a very effective way to modify driver behavior. We agree that uniform police officers are very effective, there's simply not enough of them, and often they are tied up with other responsibilities than traffic enforcement.

Follow-up research to the work that found violation reductions looked

at crash reductions, because the ultimate goal is not just to keep people from running red lights, but to prevent cashes and injury crashes.

Our research shows that in Oxnard, California, where cameras were introduced in 1997, there was a 29% reduction in injury crashes on a city-wide basis at signalized intersections within a couple of years of cameras being used. And side impact crashes, which are the most likely to be caused by red light running, were reduced by about 3%. The side impact crashes involving injuries were reduced by 68%. Keep in mind, this was on a city-wide basis, even though only 11 out of 125 signalized intersections were equipped with cameras, so there is a very big spill-over effect. Drivers going into a city that uses cameras, or into a county, quickly change their behavior. This is one of the benefits of camera enforcement.

And it's also important to emphasize the deterrent effect. The goal is not to ticket drivers. In fact, the fewer tickets issued the better. The goal is to put drivers on notice that the laws are being enforced. Once those laws are obeyed, there's less of a need to ticket.

Privacy is an issue that does come up and it is raised by opponents of photo enforcement. I'll say for the record that photographing vehicles whose drivers run red lights doesn't violate anyone's protected privacy interest. The proposed law calls for cameras that would record only the rears of vehicles, not occupants. Besides, driving is a regulated activity on public roads.

Although the "Big Brother" issue is raised by some opponents of red light cameras, public opinion surveyed consistently reveal wide acceptance and strong public support for red light cameras. Telephone surveys across the country, including those by the AAA in New York show that 75 to 80% of drivers support the use of red light cameras. They're in use in over 65 cities, and some of the counties using cameras include Montgomery County, Howard County in Maryland, Fairfax County in Virginia. The proposed law change would authorize the cameras in Suffolk County. I agree, there probably is a need for a State law change as well, but this important local action is also needed. The result would be detection and punishment of more violators, many others would be deterred, and the safety of Suffolk County residents would be enhanced by this law. I thank you for your

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time.

D.P.O. POSTAL:

Thank you. Next speaker is Bob Stegmaier.

MR. STEGMAIER:

Good afternoon, Madam Chairperson. My name is Bob Stegmaier. I'm a resident and a taxpayer here in Suffolk County, and I received notification from Mr. Bill Lindsay about this hearing. I am the Safety Officer for ABATE, A-B-A-T-E, the American Bikers Aimed Towards Education. In our Motorcycle Association, we have over 600 motorcycle riders here on Eastern Suffolk, and we are sick and tired and angry over motorcycle riders being needlessly killed and injured by drivers running red lights. It's a very important and serious concern of ours.

I'm also a volunteer Safe Driving Instructor for AARP, and side impact crashes are usually fatal to older drivers, it's a proven fact. Therefore, lack of respect by motorists for red lights need to be restored. We have to restore the law and order and the respect of red lights here for motorists driving on Long Island. We need, however, a sensible application of these cameras, starting out maybe with a trial number of five or ten at the most needed intersections. For example, something like the five corners area in Ronkonkoma. Because of the severity of such consequences of these side impact crashes, the death and the needless injury of other riders and drivers, we propose that the fine be raised significantly from I believe the city standard of \$500 to something more reasonable like 100 or \$200.

Again, thank you very much by trying to bring safety to the roads of Suffolk County.

D.P.O. POSTAL:

Thank you. Next speaker is Donna Marie Velazquez.

MS. VELAZQUEZ:

Good afternoon. My name is Donna Velazquez. I reside here in Suffolk County. I don't have anything written. The only thing I could tell you is that I'm one of the these victims that was in a car accident. It was just April of this year.

I am a law-abiding citizen. I had my seven year old daughter with me and I stopped at a red light, and when the light turned green, I went up into the middle of the intersection, waiting for traffic to pass me by. When the last car passed me by, I proceeded to go and make a left hand turn. That's the last thing I remember, because I spent two-and-a-half weeks, after being heliported to Stony Brook University, in a coma. Waking up -- the last thing I remember is waking up to a bunch of strangers asking me questions. I've thus had severe cognitive disabilities. I have three children. I can't even help my second grader with her homework, because I lost all my math skills. And I am very, very much for this legislation, only because there's people out there that are running red lights to get to where they have to get to, because they're running late. But they don't take into consideration that they could have hit me, a Brownie leader, mother of three and could have killed me. A life support system kept

me alive for two-and-a-half weeks.

You know, I hear a lot of people have negative things to say about this, that it interferes with their privacy, but if you're a law-abiding citizen and you pay attention to your law -- to your traffic rules and regulations, there should be no reason why you should feel that you're going to be invaded. And that's really all I could say. I mean, I'm just a victim.

D.P.O. POSTAL:

Thank you very much, Mrs. Velazquez.

LEG. LINDSAY:

Could I just say something, Madam Chairwoman?

D.P.O. POSTAL:

Legislator Lindsay.

LEG. LINDSAY:

I just want to thank Donna for coming down here today. Donna has really had a real tough, tough year. She lost her dad in the World Trade Center last month. And on top of all she's went through with you her medical problems, for you to come down here today to testify on behalf of this bill is above and beyond the call of duty. We really appreciate it. Thank you.

MS. VELAZQUEZ:

I'd like to say just one more thing, since Bill did mention my father. My father worked in the World Trade Center. He went around slamming the newspaper on everybody's desk about this bill. He was all excited because his daughter took a bad thing and was trying to help out with a good thing. Let's help save lives out there. You know, my daughter almost got killed, because that's the side of my van I got hit on. Okay? Thank you.

D.P.O. POSTAL:

Thank you. There are no more cards on this public hearing. Is there anyone else who would like to address the Legislature on this hearing? Hearing no one, Legislator Lindsay?

LEG. LINDSAY:

Motion to close.

P.O. TONNA:

Motion to close, seconded by Legislator Bishop. The public hearing on 1847 is closed.

Public hearing regarding Introductory Resolution Number 1921, which is a local law to require posting of tax exempt clothing items in Suffolk County. And our first speaker is Marion Cohn.

MS. COHN:

Thank you. I'm Marion Cohn, Assistant Director of Government Affairs for the Long Island Association. This is a letter I believe all of you received already from Mitch Pally and I'm simply --

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D.P.O. POSTAL:

Yeah.

MS. COHN:

-- going to put it in the record.

"Thank you for giving the Long Island Association the opportunity to comment upon legislation, Resolution Number 1921, which would require all retailers to post signs at their cash registers regarding the items in which the State and local sales tax is collected on clothing. All retailers who collect sales tax under New York State law do so based on the provisions of the tax law as it relates to the items upon which the sales tax is collected. The differences between taxable and nontax items are ambiguous and confusing, resulting in items such as a baby blanket, being taxable in one situation and nontaxable in another. Our retailers only act as tax collector for the State and County and do not keep any tax collected, even if in some circumstances a tax was collected on an item which should have been nontaxable. In that case, the sales tax is collected and sent to the State, which then sends a portion of the tax to Suffolk County. No part of any tax collected, even if done so in error, is kept by the retailer or is refunded to the retailer by the State. The retailer only acts as a tax collector under the rules given them by the State."

"In addition, any sign which would be posted should be designed and constructed either by Suffolk County or New York State, since no retailer is going to be able to decipher the intricate and confusing nature of the State sales tax laws as it relates to which items are taxable."

"In addition, in many of our smaller retailers, it would be very difficult to post the signs listing the items at or near the cash register, since the signs would have been to be of sufficient size to be read by the customer. Many of our stores do not have the area or space near the cash register to be able to fit the new sign into their limited space. The Long Island Association would not object to a requirement that all stores have a copy of the State rules relating to sales tax items in their store or in the mall where they are located. However, the legislation, as currently written, would cost substantial hardships to many of our small retailers and would not accomplish its

intent."

"We look forward to working with you to fashion a program that would allow our retailers to be in a position to ensure that their customers are adequately informed." Thank you very much.

LEG. LINDSAY:
Thank you.

D.P.O. POSTAL:
Question, Ms. Cohn, question from Legislator D'Andre.

LEG. D'ANDRE:
Young lady, some years ago this was tried and it fell flat then, because there's no way you could put all the signs needed around a cash register. It's just physically impossible to do.

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MS. COHN:
That's what we articulated here. We agree.

LEG. D'ANDRE:
And if somebody has experience, they'd would know this. Someone should have researched this a little better than they have, and perhaps go and ask into the field to people that are executing these sales tax collections and they'll find out just how hazardous -- or not hazardous, but how hard the job is to accommodate this.

D.P.O. POSTAL:
Mike, question.

LEG. D'ANDRE:
My question to you is we're with you all the way.

MS. COHN:
Thank you. I like that question. Thank you.

P.O. TONNA:
Thank you. I have no other cards. Is there anyone who would like to address the Legislature with regard to public hearing on 1921? Hearing no one, Legislator Cooper?

LEG. COOPER:
Motion to close.

P.O. TONNA:
Motion to close, Legislator Cooper, seconded by Legislator Foley. All

in favor? Public hearing on Introductory Resolution 1921 is closed.

Public hearing regarding Introductory Resolution 1931, which is a local law increasing fines for speeding in safe school zones. I have no cards on this public hearing. Is there anyone who would like to address the Legislature on this hearing? Legislator Carpenter, motion?

LEG. CARPENTER:
To close.

D.P.O. POSTAL:
To close, seconded by Legislator Crecca. Public hearing on 1931 is closed.

Public hearing regarding Introductory Resolution Number 1937, a local law in relation to the sale by Suffolk County of its rights to receive payments expected to become due under the master settlement agreement and the related consent decree and final judgment with various tobacco companies. The first speaker on this public hearing is Thomas Rothman. Tom?

MR. ROTHMAN:
Thank you, Legislator Postal. Is this on?

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D.P.O. POSTAL:
Yes.

MR. ROTHMAN:
I'm here as your counsel. I was the draftsman, if you will, of the local law that's been introduced. It was introduced at the request of the County Executive, I understand.

Tobacco securitization is a tool, it is only a tool, that has been utilized by a number of counties throughout New York State and a number of states throughout the United States. It is in effect a factoring under which you take the stream of revenue to be paid to you over a period of years under the master settlement agreement that was negotiated between 46 states, a few territories, and the five tobacco companies, and you sell that stream of revenue to another, thereby transferring the risk of collecting the stream of revenue, and it is a risk. How large a risk it is is for you to determine, but there is a risk of collection, and you transfer this risk and you receive up front a specified amount of dollars and you receive what's called a residual amount, meaning that if the tobacco companies do, indeed, pay

more than the amount that you have sold, you receive that back from year to year. So it's not a total sale of the revenues, it is a sale of a portion of the revenues. That the proceeds that you receive from the sale of the stream of revenue are County monies. You can use them under the Federal Income Tax Code in two ways. You can use it either for capital projects of the County, and capital projects are capital projects defined in the Internal Revenue Code, not necessarily in the Local Finance Law, or you can use it to fund a reserve fund for the payment of debt service on outstanding capital projects. And, again, they're capital projects that have been defined under the Internal Revenue Code, not under the Local Finance Law, and there is a difference.

It is a very complicated transaction, it is an expensive transaction. A number of municipalities have looked at it. Some have turned it down. Most who have looked at it, after considering it at great length, have decided to go forward. As you may or may not know, the State Association of Counties has put together a pool program for the smaller municipalities, the smaller counties throughout the state, to put it together to do a joint pool deal. On a transaction of the size that you're talking about, we would recommend to you that you do it individually, because you can control it and you can control the outcome. The structure can be almost anything that you want. The results, I should say, can be almost anything that you want, depending on how you structure the payments and the transaction. My understanding is that before you, you have a pro forma showing that most of the proceeds are received in the next year. That's to fund a projected shortfall in revenues.

To echo what County Comptroller Caputo said to you before, and I agree 100%, and I agree with what Fred Pollert said in his report on the same issue, this money will be used to fund a shortfall in debt service. If you do not do the tobacco transaction, you must fund that shortfall in debt service.

We and you have worked very, very hard over many, many years to

increase the credit rating of Suffolk County to where it is today. We are very concerned as your finance counsel that if you simply adopt a bond resolution without funding debt service, the rating agencies will believe that this is entirely improper, and is an evidence of fiscal irresponsibility, and you should not do this. You must fund your debt service amount. This is one way you can fund your debt service amount.

The Comptroller is laying on the table before you as well, I understand, as a late-starter coming through the County Executive's

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Office a proposed advance refunding of a number of series of bonds we did originally in 1993, which will produce around \$3 million for you next year. That's part of the puzzle. This also is another part of the puzzle. Fred Pollert has set forth to you in his report other alternatives. My message to you is you have to take one of those alternatives. You can't simply adopt a budget that doesn't comply with State law, and it would not comply with State law if you did not fund debt service, and the rating agencies I believe would look at this extremely adversely.

The tobacco securitization method is one method. The results can be many, many different things. You can take the proceeds up front, you can take them equally over the life, you can take them in basically any way that you want to take them. But, again, it is one method of moving forward. It both produces revenue in the short term. It also transfers the risk. It is your choice whether you want to do it. As your counsel, I really would beseech you not to adopt a budget without one of these mechanisms. Tobacco is an accepted mechanism. The State itself is considering doing it.

Fred points out in his report that several of the issues have been the subject of IRS investigations, that is correct, but they have not used the proceeds for the two items that I said before in the beginning, which is capital and debt service on obligations issued for capital projects. And, again, capital projects are those things under the Internal Revenue Code, not under the Local Finance Law. The entities that have been -- have received letters from IRS that, they're looking at it, have used it for working capital for cash flow purposes. That is not something that the code permits.

I'm here basically to answer any questions.

D.P.O. POSTAL:

Yeah, thank you. Legislator Alden.

LEG. ALDEN:

Tom, you said it's expensive. Approximately how expensive is it, the underwriting fees and all that?

MR. ROTHMAN:

Each deal is a little bit different. We've seen them anywhere from basically one and three-tenths percent to two percent. There's a lot of upfront costs. The larger of the issues should be less expensive, because you don't have -- you know, the upfront costs are spread. For example, the rating agency fee on the \$300 million issue probably would be around \$300,000. That's the reason for the pool, because the

rating agency fees and these other expenses, they have to do the WEFA report, roughly \$125,000, can be spread across many counties. On a big county, the benefit of structuring yourself and getting the particular results that you want more than outweigh the cost of these fees, but it is expensive.

LEG. ALDEN:

Approximately how much of a discount have you seen these things sold for?

MR. ROTHMAN:

Anywhere from 1% to 1 1/2%, generally. It depends on how it's negotiated and how easy or difficult the transaction is and the size of the transaction.

LEG. ALDEN:

Thanks.

D.P.O. POSTAL:

Legislator Haley.

LEG. HALEY:

Hi, Tom. Over the last month, we've been hearing about tobacco securitizations, and I don't know if -- you know, the first problem is people think that it's a one-shot revenue. Could you speak to that? I always thought one-shot revenue was something that really only existed for a year, and thereafter was no longer in existence. Is that the case in this particular situation?

MR. ROTHMAN:

No.

LEG. HALEY:

Or is this something that's somewhat front-loaded and has an extended life to it?

MR. ROTHMAN:

The revenue you will receive as part of the negotiated master settlement agreement, a consent decree entered into by the State of New York on your behalf, provides for a very long-term revenue. It provides for the revenue to go on as long as the tobacco companies are in business and selling tobacco, actually. What you are selling is a stream of revenue, probably 40 years of a stream. We have both a planned amortization and a maximum amortization, even though you would sell the obligations. Having a 40 year maximum maturity, it probably would be paid off earlier. But the investors aren't certain when the monies are going to come in, because these are all projections. And anybody who tells you they can project with any degree of accuracy 30 or 40 years out has a crystal ball better than the rest of us. So the investors take a conservative approach, nevertheless, they're taking a risk, which is why the interest rate is a little bit higher than on your general obligation bonds. But it is a long-term revenue which you are taking most of the money up front in the proposal that I've seen.

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LEG. HALEY:

Define -- do me a favor, just define what you -- what "up front" means to you.

MR. ROTHMAN:

My --

LEG. HALEY:

Means -- should mean to us.

MR. ROTHMAN:

My understanding of the --

LEG. HALEY:

We're talking about, you know, over -- just for this year -- for 2002, or are we talking about 2002 to 2007?

MR. ROTHMAN:

My understanding of the proposal you have received or you're looking at now is you would receive around \$37 million in 2002, declining for what, Fred, five years, six years, seven years?

MR. POLLERT:

Yes.

MR. ROTHMAN:

And you can structure it any way you want. It depends upon the needs. My understanding of this structure that has been presented to you is that the reason for the deficiency is because of a spike in projected social service costs. That is not going to be a one-year spike, but is probably going to be a five, six, seven-year spike. And the tobacco revenue stream that you're taking in proceeds is intended to deal with that spike. So it is not a one-shot in the way that you would normally look as a one-shot, it is a multi-year plan to address the needs of a multi-year problem.

LEG. HALEY:

All right. If we can for the moment assume it's not one-shot revenue, as typically defined by the newspapers, or perceptually anyway, how would the rating agencies in particular look at this type of a plan, the one that we're proposing, or the County Executive proposed?

MR. ROTHMAN:

The rating agencies have looked at tobacco financing securitizations in a very positive manner to date.

LEG. HALEY:

So, obviously, they look very -- they've also looked very negatively at one-shot revenues.

MR. ROTHMAN:

Yes.

LEG. HALEY:

So they don't consider this a one-shot revenue.

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MR. ROTHMAN:

They have not considered this a one-shot revenue, but in many of the tobacco securitizations they've looked at, the proceeds have been taken in series over a 20-year period. In some of them, they have been taken over a much shorter period. Each deal is a little bit different. As I said before, you can tailor a tobacco securitization transaction to the results that you wish.

LEG. HALEY:

Right.

MR. ROTHMAN:

I would think that if it is tailored to taking a revenue over a six or seven year period to meet a six or seven year problem, they should not look at that negatively.

LEG. HALEY:

Okay. So now you take a unique program. Do you think it's prudent on our part, before we were to implement such a program, that we would have a conversation with rating agencies concerning the same?

MR. ROTHMAN:

I think it would be prudent to meet with the rating agencies to discuss it. As I've said to you, in connection with prior transactions, the rating agencies will not tell you candidly exactly what they're thinking until you actually come to them with a final proposal, but you can certainly get a very, very clear and good indication from them as to how they think. And if they believe this is a significant negative, they generally tell you that. I was on the phone for three hours on Monday with another program, not a tobacco securitization, another type program, and they told us exactly what they thought and we restructured it a little bit to meet their needs and they were quite content.

LEG. HALEY:

Okay.

MR. ROTHMAN:

I would think it would be in your interest to meet with the rating agencies.

LEG. HALEY:

Okay. In your opinion, what do you think the response might be from those rating agencies on this particular program?

MR. ROTHMAN:

I would expect it to be positive, if you can convince them that you are addressing a multi-year problem with a multi-year solution.

LEG. HALEY:

Okay. And my last question is, could you define to us what you think the risk might be of losing, in absence of doing securitization, what the risk might be of losing future tobacco revenue, losing that stream?

MR. ROTHMAN:

Well, there is a risk. I don't think there's any question there's a risk. In the first year that securitization or the tobacco revenues were payable to New York municipalities, the amount you received was less than what they projected. There is a risk of the bankruptcy of tobacco companies, there's no question about that. Most of the tobacco companies have very cleverly reorganized themselves and spun off the food processing entities in the nontobacco related portions. The tobacco companies, understand, were extremely clever in what they did. They made government your -- their partner in connection with tobacco securitization. So you are the beneficiary of continued sales of tobacco products. They did this, many of us believe, so that Congress would not outlaw the sale of tobacco products in this country, which was on the table at one point in time. By doing that, they would hurt the states and the other local governments. Local governments are only in New York and California. In all the other states, it's the states. It's only in New York and California that the counties receive monies. So they made you your partner. Nevertheless, there is a risk, and if you read the WEFA report, they describe what the risk is. WEFA report is -- WEFA is Wharton Econometrics they used to be known as. They are believed my most experts to be the most credible in the field of forecasting tobacco revenues. They list a whole series of risks.

LEG. HALEY:

Well, did they put those in laymen's terms, though?

MR. ROTHMAN:
I believe so, yes.

LEG. HALEY:
Okay. Do you think that it's possible that you might be able to provide us that particular paper?

MR. ROTHMAN:
Oh, absolutely.

LEG. HALEY:
Thank you.

MR. ROTHMAN:
It's a published document.

LEG. HALEY:
I'm sorry. I'm finished. Thank you. Thank you, Tom.

D.P.O. POSTAL:
Legislator Lindsay.

LEG. LINDSAY:
Yeah. Really a very academic question, and I just want to hear it from your mouth, is that if we go forward with this securitization plan, are we shedding the risk?

MR. ROTHMAN:
You would absolutely be shedding the risk.

LEG. LINDSAY:
Okay.

MR. ROTHMAN:
You are transferring the risk to investors. In the event that the tobacco companies file for bankruptcy and the amount of tobacco payments are not sufficient to pay debt service on the bonds, you, as the County, are not obligated, in fact, as a matter of constitutional -- cannot make an appropriation to pay debt service on the bonds. Understand what we're doing. The County would be selling the stream of revenue, however we define it in the documents, to a bunch of investors. We'd be selling it to a local development corporation, which we would create for this purpose. The local development corporation would raise money to pay you by issuing bonds. Those bonds would be sold to investors. The security for that

investment, for those bonds, is solely the payment received from the tobacco companies. In the event that the tobacco companies do not pay an amount sufficient to pay debt service on those bonds, those bondholders do not get paid. You are not required, in fact, as a matter of constitutional law, cannot pay those bonds. So to that extent, by all means, you are shedding that risk and transferring that risk to the investors and the investors are being compensated for that by charging a high rate of interest.

LEG. LINDSAY:
Okay.

D.P.O. POSTAL:
Legislator Foley.

LEG. FOLEY:
Thank you, Madam Chair. Tom, you mentioned earlier that you helped to develop this program, if you will; is that not correct?

MR. ROTHMAN:
Yes.

LEG. FOLEY:
Okay. How long have you been working on this?

MR. ROTHMAN:
On Suffolk County or tobacco generally?

LEG. FOLEY:
On this -- on Suffolk County securitization plan.

MR. ROTHMAN:
I wrote the local law. Originally, a year ago, I sent to all of our County clients a draft local law with a memorandum explaining what this was, not with a recommendation to do a tobacco securitization, but with a letter explaining that this is an option available to counties provided through the master settlement agreement in the consent decree.

LEG. FOLEY:
And when did this particular County respond to that?

MR. ROTHMAN:
I was called this summer, this -- what month, do you recall, in September?

LEG. FOLEY:
This summer?

MR. WEISS:
After September 11th.

MR. ROTHMAN:
After September 11th. We dusted off our local law, updated it, put in specific provisions that I was asked to put in, specifically about the 20% continuation for education purposes and sent --

LEG. FOLEY:
Okay. So it's been the past month and a half or so that --

MR. ROTHMAN:
Yes.

LEG. FOLEY:
-- they responded to your letter?

MR. ROTHMAN:
Yes.

LEG. FOLEY:
Have you had an opportunity, since you've been now working on this for awhile now, have you received a copy of the Budget Review Office's --

MR. ROTHMAN:
Yes.

LEG. FOLEY:
All right. Do you have a copy of it with you?

MR. ROTHMAN:
Yes.

LEG. FOLEY:
I'm sure you do. Could you turn, please, to Page 67?

MR. ROTHMAN:
What I have is what Fred Pollert had done, his October 8th report. Is that what you're talking about?

LEG. FOLEY:
That's -- No.

MR. SABATINO:
It's the same as this.

LEG. FOLEY:
Is it the same?

MR. POLLERT:
Same as Page 2.

LEG. FOLEY:
Okay. If look at the subheading that says, "The Issue" --

MR. ROTHMAN:
Page 2. Thank you.

LEG. FOLEY:
Okay, Tom?

MR. ROTHMAN:
Yes, Page 2.

LEG. FOLEY:
It says, "The Issue." Okay.

MR. ROTHMAN:
"The Issue."

LEG. FOLEY:
Now, those of us who are going to be wrestling with this over the next several weeks, you know, there's a lot of questions, obviously, that have to be answered about securitization and what the options are. So today, through the Chair, I think this is just the beginning of the conversation, if not the debate, that some of us on the Legislature are going to have about the different pros and cons of whether to securitize or not to securitize. So think of this as just the opening of discussions on this, and then in committee meetings this week and subsequent to this week, there'll be other discussions as well. But I'm going to raise a few points that the Budget Review Office raises within their review, and I'd like to have your response today, and then if you want to clarify and amplify it, add to it after today, I would welcome you to do that.

If you go to the second paragraph, where it states that the net total cost of the program, that is the difference between the total tobacco revenue sold and debt service reductions, is estimated to be 243 -- \$234.3 million. Then they go on to say that after 2009, the loss of tobacco revenues exceeds the reduction in debt service costs. So as it's being sold to us today, if you will, presented to us, that this is a way to at least help in the short term with debt service, we're being told by the Budget Review Office that in the long term, over the next 30 some-odd years, that the loss of tobacco revenues will actually exceed the reduction in debt service costs. So I'd like to have your response to that and to what you've read before today on how would you respond to BRO's remarks, review, critique, if you will, of that portion of the securitization plan?

MR. ROTHMAN:

Well, let's remember I'm a lawyer, I'm not your financial advisor, and you're asking a --

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LEG. FOLEY:

Okay.

MR. ROTHMAN:

-- financial question, but let me answer it in this way. What Fred is responding to is one particular proposal that has been received for you. As I said in the beginning, you can structure a tobacco securitization proposal in many, many ways. The proposal he's responding to took most of the dollars produced up front. When you do that, you are taking the revenues which you would receive in later years and taking them up front.

LEG. FOLEY:

I understand -- we understand that.

MR. ROTHMAN:

And that's the reason for the cost of the program, because, as his graph shows, at a point in time, you are paying back more than you're receiving. If this had -- if the numbers had been pegged to outstanding debt service over a number of years, so that the tobacco revenues would come in to match the existing debt service, you would have a totally different result, which is the way that many counties have done it, by the way, which is why I use it as an example.

LEG. FOLEY:

Many counties have done it which way, to match --

MR. ROTHMAN:

To match the existing debt service curve that you now have outstanding for general obligation debt.

LEG. FOLEY:

Okay.

MR. ROTHMAN:

But those counties did it for a totally different reason. They didn't do it to produce monies in one particular year because of a Social Services shortfall, they did it to transfer the risk and to eliminate or economically defease the outstanding debt in an effort to increase their general obligation bond rating to make future projects less expensive. And I will tell you that has, in fact, been successful.

Oneida County, which we took to market about a month ago, in the Moody's rating report, they stated that one of the reasons they had increased the credit rating of Oneida County was because of how they had used their tobacco bonds to economically defease all their outstanding general fund general obligation debt.

LEG. FOLEY:

Well, let me ask you a question, then, more on your field as far as a bond attorney, a bond lawyer. The local development corporation that's incorporated in this, in the resolution that you had drafted, BRO mentions that this, as drafted, it grants the Executive the sole authority to establish a local development corporation, when, in fact, many other municipalities that have formed similar LDC's have had a, let's say, a joint participation by both the Legislature and the

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County Executive's Office; is that not correct?

MR. ROTHMAN:

In most of them, not all, in most of them, it has been a joint effort to name a board, and, frankly --

LEG. FOLEY:

Why in this case have you drafted a resolution that only has the Executive as the sole authority as opposed to a joint partnership?

MR. ROTHMAN:

We drafted it the same as we've drafted all the others, that the Chief Executive Officer or his designee. And what has happened, for example, we just did one in Ulster County, in that county, there is not a County Executive, there is a Chairman of the Legislature, so we drafted it that the Chairman of the County Legislature is designee. And before this was passed, they had an agreement as to who would be on the board and that's the way that it was done. In Monroe County, we did it as the County Executive and the County Executive had an agreement with the Legislature about who was going to be on the board.

LEG. FOLEY:

And you said you did it with the County Executive. Did it state in the language of the resolution, though, that it would be a joint participation?

MR. ROTHMAN:

No, it was the -- it was -- whenever we've done them, we have put it as the Chief Executive Officer. Now, you can amend that, you can change that --

LEG. FOLEY:

Of course.

MR. ROTHMAN:

-- or you can have an agreement with the Chief Executive Officer. I mean, this is a conduit, understand that. Their sole function is to issue bonds, make semiannual reports to the bond trustee, and be audited once a year. They have no discretion over the expenditure of any monies. A hundred percent of the bond proceeds from their sale of the bonds are either used to pay cost of issuance or paid to the county. Any amount that comes into them in excess of what's needed to pay debt service and trustee fees goes to the county. They have no independent power to spend any money. So most of the counties we've worked with have not looked at the composition of the not-for-profit corporation as a major issue, and I don't think it should be a major issue. Now, having said that --

LEG. FOLEY:

Well, the only way it would be a major issue, Tom, and I have to take a respectful difference of opinion, the obvious exception would be if it's simply just one branch of government that's participating in this as opposed to a joint participation, that's number one. But that's after arriving at the fact of agreeing to a securitization plan, which right now, quite frankly, many of us are not convinced of that.

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But with that said, Madam Chair, I have more direct questions for the -- let's say on the arithmetic than I do on the law, so I'll withhold my other questions for a later time.

MR. ROTHMAN:

Can I just add one thing so understand the format of the corporation? This is a corporation established under an existing section of New York Law. It's Section 1411 of the Not-For-Profit-Law Corporation Law of New York. It is a corporation established to lessen the burdens of government. That's the language of the statute, that's also the language of the Internal Revenue Code. You can have three members, you can have five members, you can have seven members, it doesn't say how many members. The rating agencies will insist that one of those members be totally independent of the County. Now, when I mean independent, I mean they or their immediate family cannot have had any financial relationship with any agency or county government for five years, and that's for a reason.

In the not-for-profit corporation certificate of incorporation, which we will write, there will be a provision that the corporation cannot file for bankruptcy without unanimous agreement of all the members. The rating agencies want one independent body, one independent person

totally separate and divorced from the county to make an independent evaluation about whether to file for bankruptcy, because when they file for bankruptcy, that's when the tobacco companies aren't paying the debt, and this is adverse to the bondholders. It doesn't affect you at that point at all, it affects the bondholders, so this is a protection to the bondholders. So while you can agree with the County Executive about the composition of the board, remember, one of these members, if it's a three-member board, has to be independent, and the rating agency would like, if it's a five-member board, that two of these people should be independent. They have done them with one person being independent, they would like two people.

LEG. FOLEY:

Just who has chosen this independent personage in the other municipalities?

MR. ROTHMAN:

I can't answer that because the names have been given to us. In one county, they couldn't choose anybody, they couldn't find anybody who met the definition. There is actually a body of people out there who are professional board members and they hired them. We gave them the name of several companies that provide board members.

LEG. FOLEY:

But who does -- I'm not asking who the person was, but the person or the entity that hired or appointed the person, who made the appointment?

MR. ROTHMAN:

I was serious, I don't know. We send out the certificate of incorporation with blanks and we get it back with names, so I can't tell you how they came up with the independent member. We gave them the criteria for what is independent, and then we sent them a questionnaire to fill out to certify that, in fact, they did meet the

requirements of the rating agencies. Remember, this is not a legal requirement, it's a rating agency requirement. We need to make sure we could represent to the rating agencies that we had an independent member. But who in each case chose them, I don't know.

LEG. FOLEY:

Thank you.

D.P.O. POSTAL:

Thank you. I have some questions. I'm a little confused, because I do understand that you were saying that there are a number of different ways that you can structure tobacco securitization based on what your

ultimate goal is, and sort of what you're willing to pay to reach that goal, in essence.

MR. ROTHMAN:
That's correct.

D.P.O. POSTAL:
But you confused me because you said -- you said that the County was not going to be obligated in the event that the tobacco companies went bankrupt. Are these insured bonds in the plan that we're talking about, the plan that the County Executive is looking at?

MR. ROTHMAN:
I'm told no.

D.P.O. POSTAL:
So explain to me how, if the bonds are not insured, and we or the local development corporation is not going to pay the bondholders, why anybody would buy a bond like that?

MR. ROTHMAN:
Because bond holders, there is a class of bondholders that invest for risk with concomitant yield. They are willing to buy bonds with a higher risk, a higher likelihood, if you will, of not getting paid for additional money.

D.P.O. POSTAL:
So that is that why this is a such a costly plan --

MR. ROTHMAN:
One of the reasons, yes.

D.P.O. POSTAL:
-- in terms of the long-range cost to the County?

MR. ROTHMAN:
Yes.

D.P.O. POSTAL:
That's one question. So that even in the event that the local development corporation would file for bankruptcy, even in the event that that would happen, if the tobacco companies went bankrupt, the LDC did file -- all the board members agreed, they filed for bankruptcy, the bond holder are left holding the bag.

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The sole security for the bondholders is this future stream of revenues from the tobacco companies. In the worse case scenario, if the tobacco companies file for bankruptcy and don't pay the stream of revenues, the bondholders do not get paid. It's their risk and they are buying that risk and being compensated for that risk by a higher yield than the County itself would pay.

D.P.O. POSTAL:

What's the customary yield on something that has that much risk?

MR. ROTHMAN:

Well, it depends on the market at the time. It depends on how long the maturity is and issues like that. I believe in the proposal that -- sorry?

MR. TYSON:

Thirty basis points.

MR. ROTHMAN:

Thirty basis points Mr. Tyson is telling me his firm believes is a higher yield per maturity over what the County would pay on its own debt.

D.P.O. POSTAL:

I have another question, too. When you said that the proposed budget, or the proposed budget would be, is an illegal budget if it doesn't budget adequately to meet debt service, in the -- and, again, I'm not sure if this is right. I guess that Budget Review Office would have to tell me. Even with the assumption -- first of all, the first assumption is, if the County -- the County Executive is submitting -- has submitted a budget to us that does not provide adequately for debt service, and is providing a revenue which has not been approved by the Legislature and adopted by the County, is that not an illegal budget then?

MR. ROTHMAN:

My understanding of the budget that's been submitted, and I have not seen it, is that the budget provides an expenditure item for debt service and a revenue item to pay that debt service, and part of the revenue item are the proceeds from this tobacco -- this proposed tobacco transaction. So that if the tobacco transaction is not undertaken, not approved by the Legislature, you will now have an expenditure item without a revenue item. And as the Budget Review Office has pointed out, you must have those in balance. You cannot adopt a budget with a deficit, if you will, in the debt service line. The constitution mandates you to pay debt service. We have a Court of Appeals case at the time that New York City was, frankly, flirting with bankruptcy where the Court of Appeals has said it's not optional, you must pay debt service. There is a provision in the State Finance Law that in the event you fail to pay debt service, the State Comptroller is required, not authorized, but required to take the next state aid that would be payable to the County and use it to pay debt service. So this is really the one area of the budget that is mandatory --

D.P.O. POSTAL:
Yeah, except it's --

MR. ROTHMAN:
-- that is in balance.

D.P.O. POSTAL:
Except it's mandatory, but it's based on a revenue that has not been adopted by the County, and it's iffy. So, you know, it's based on a revenue that you can say is a figment of somebody's imagination. Isn't that --

MR. ROTHMAN:
Well, you're asking a lawyer for a policy determination, and I suggest that the policy is better left to the people in the horseshoe.

D.P.O. POSTAL:
Before you go, Tom, I have a question for Budget Review, and I know Legislator Caracciolo has some questions for you. Could I ask the Budget Review Office, there's something -- some recollection that's kind of at the back of my head about even if -- if the County did go ahead with the tobacco securitization proposal that's assumed in the proposed budget, would we then have adequate revenues to meet debt service?

MR. POLLERT:
Frankly, I'm not sure exactly of the nature of the question. The County Executive did not include \$55 million for debt service. With the proposal, the debt service is not included in the budget, it has become an off-budget item, which will be paid by the LDC. Together with tobacco securitization and the amount of money which is in the budget, there should be sufficient funds to meet our debt service obligations.

D.P.O. POSTAL:
So that we're in -- if the Legislature were to adopt the local law that we're having a public hearing on right now, how much are we anticipated to bring in revenue in 2002?

MR. POLLERT:
In 2002, the County Executive is proposing to bring in a gross amount of \$53.4. The net amount, because we are also losing, because we are selling our revenues, is he is generating a net amount of \$37.7 million. That declines, as Mr. Rothman said, each and every year.

Just if I could clarify one additional point with respect to the risk.

There is very little risk which we're actually shifting to the investor, because we're not securitizing 100% of our revenues. However, the investors will have a call on 100% of the revenues. So in 2002, we are anticipating only selling approximately 66% of the revenue stream. If the revenues, for whatever reason, don't come in, that --

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D.P.O. POSTAL:

We don't get our share, they get theirs.

MR. POLLERT:

That's right. They get their share as a first call and it's cumulative. So because there is both a coverage ratio built into it, as well as an escrow account on the debt service, we are not guaranteed that residual amount. It is the investor that's guaranteed 100% of the revenue stream, and if the revenues don't come in in 30 years, they can keep the revenue stream for 31, 32 33 years until they are made whole. So, in reality, you're shifting very little of the risk.

D.P.O. POSTAL:

So that, in other words, if the tobacco companies went bankrupt, then nobody's getting any revenue; am I right?

MR. POLLERT:

Yes.

D.P.O. POSTAL:

But if the revenue stream drops dramatically, then we give up what we might be getting, so that they can get the return on their bonds.

MR. POLLERT:

That's correct. And in reality, the people that are buying the bonds are institutional investors, which are very risk adverse. These bonds are being sold without any insurance, and if they're going out at 30 basis points above the normal type of rate, clearly, there's very little risk perceived with this type of bond. So if there was a lot of risk shifting going on, then there would be a larger rate differential. But in reality, the institutional investors perceive these as a good investment.

D.P.O. POSTAL:

Because we're going to provide the cushion. Legislator Caracciolo.

LEG. CARACCILOLO:

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Thank you. My questions are not for Mr. Rothman, it's on the public hearing, though. So I'll direct my questions to Budget Review and the Budget Office. Could we have someone from the Budget Office come forward?

D.P.O. POSTAL:

It's a public hearing.

LEG. BINDER:

No, no. The public hearing with the speaker was Mr. Rothman, that's not for now.

D.P.O. POSTAL:

Why don't we move to the next speaker? Because we do have a public hearing, we're in the middle of a public hearing. If you had questions for Mr. Rothman, please feel free to ask him.

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LEG. CARACCILO:

Well, they're financial in nature and, obviously, he has announced the disclaimer for --

D.P.O. POSTAL:

Well, then you might want to ask Ken Weiss, who's the next speaker.

LEG. CARACCILO:

Okay. That works out.

D.P.O. POSTAL:

Thank you, Tom.

MR. ROTHMAN:

Done? Thank you.

D.P.O. POSTAL:

The next speaker on this public hearing is Kenneth Weiss.

MR. WEISS:

My name is Ken Weiss, I'm the Budget Director. I'm here to address Resolution 1937, which basically authorizes the County to securitize the tobacco revenues.

Tobacco securitization is not a new concept. In fact, in New York State, over 30 counties, representing 75% of the population, have already securitized their tobacco. New York City has securitized their tobacco, and New York State is in the process of looking at it.

Tobacco securitization should be considered, whether or not it's going to be used in the 2002 budget. Fred and I have a difference of opinion as to the amount of risk that's shifted, but I believe that all of these counties and all the states that are looking at it wouldn't be securitizing tobacco if they didn't believe that, indeed, there wasn't a risk.

Let me address a few components of the local law. First of all, the local law talks about the County's commitment to ensure that 20% of the tobacco revenues will be used for tobacco cessation programs, as the County Executive has committed to in the past, and we have included those amounts in every budget since tobacco revenues were available.

In the 2002 budget, as we were preparing the budget, after September 11th, we reviewed the amount of sales tax that we anticipated receiving in 2001 and 2002. We identified the problem to be \$37.7 million. We believe the problem to be a temporary problem, though temporary may be two or three years. We believe that we're dealing with a problem that has a fixed life, be it two or three years, and we're looking at a solution that it provide funding to bring us to the point where sales tax increases will be sufficient to deal with current operating cost increases.

The Legislators have to agree on the solution to the budget problem. The Budget Review Office has stated that the problem is even greater than \$37.7 million. I don't think anybody has a crystal ball and I don't think anybody is in a position to really, with any type of

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certainty, know exactly how our sales tax revenues and even our social service costs are going to be affected by the events that happened last month. Resolution 1937 gives the County Executive the flexibility to deal with the problem. The problem has to be dealt with in this budget.

I urge the Legislature to close the public hearing and move forward with Resolution 1937. And I'm here to answer any questions.

D.P.O. POSTAL:
Legislator Caracciolo.

LEG. CARACCIOLO:
Thank you, Madam Chair. Ken, over the course of the summer, as you know, myself and Legislator Maxine Postal, along with Legislative Counsel, were part of a group of -- from the Legislature that met with yourself and others as part of an Executive/Legislative Task Force or work group to discuss long-range financial plans for the County.

Those meetings concluded, as I recall, sometime in August, certainly before the events, the horrific events of September 11th. But nonetheless, it was well along in terms of the process of the Executive preparing his budget for next year. As I recall, and I just queried Legislative Counsel to make certain I had it right, that the issue of tobacco securitization came up, came up briefly, never was really entertained, but now we find it as a major plank in next year's proposed budget, and one that from all appearances, based on our excellent Budget Review Office exhortation, clearly demonstrates it is probably one of the least conceived and financially viable alternatives that we should ever consider, whether for next year, or, as you said, a short-term problem that may last two or three years. I wonder if that two or three years has anything to do with a political calendar, but I'm not going to raise that specter.

What I do know about next year's budget is that we believe, or at least our Budget Review Office believes, that there is sufficient appropriations in the budget that negate the need for this type of folly. That said, I'd like to know what the real justification is for, A, coming forth with this proposal just weeks after the Executive/Legislative Task Force met, and where no serious consideration was given, at least by the Legislature, or for that matter anyone, and then the justification to utilize over \$354 million of net budgetary impact, loss of revenue to County taxpayers in a long sort, hard fought victory that I sponsored along with Legislator Tonna and Legislator Bredes. And when we proposed that legislation, I heard from political leaders in this County, "Don't go there, we don't want to go there." Meanwhile, 21 states were already involved in that federal litigation, but Suffolk County didn't want to go there. Thanks once again to the wisdom of the people who sit around this horseshoe we went there and we became one of 45 states that will now enjoy a \$25 million revenue stream in perpetuity, yet we come up with a half baked proposal here to take the majority of that money and give it to bondholders. I really don't understand it. Has this proposal been before the County's financial advisors?

MR. WEISS:
No.

LEG. CARACCIOLO:
So, in other words, we have a budget proposal, a significant budget proposal that we didn't even take the time to see if it met muster with the County's own financial advisors?

MR. WEISS:
I don't know of any requirement that we have to review proposals with

the financial advisor who works for the Comptroller's Office.

LEG. CARACCIOLO:

Well, I heard a lot from the previous speaker about securitization, how it's worked in other locales, and while I'm certainly not familiar with all of those proposals, I do note on Page 67 of the Budget Review report that the issue of whether or not Suffolk should securitize its tobacco revenues has been discussed since New York City first securitized its revenues in 1999. Over the past two years, County officials have received a number of securitization proposals from investment banking firms and previous proposals were rejected for a number of reasons. Could you share with us why some of those previous proposals were not even entertained?

MR. WEISS:

First of all, the County Executive's Office has been looking at securitization since securitization was made available in 1999. We were recently looking at it as something the County should do, because we believe that securitization is the right thing for local governments and for states to make sure those revenues are there in the future, and to make sure that the risk is shifted from the municipality, from the taxpayers to the investors. So we believe securitization should be done regardless of whether or not we have budget problems.

As I stated before, when we were preparing the budget in the middle of September, we drastically reduced our sales tax revenues based on events that have happened and some projections that we -- some preliminary projections we got from our economic advisor. We had to produce a balanced budget on September 21st. We decided that securitization, looking at options we had and the time we had to prepare the budget, we decided that securitization was a viable option. We addressed it in the budget and we submitted this local law to the Legislature to approve it.

LEG. CARACCIOLO:

And based on that, what are the primary justifications that this proposal has been put forth on?

LEG. CARACCIOLO:

What are we trying --

MR. WEISS:

Justification? I'll say it again, we believe securitization is something that is good for the counties, it's good for the states. Seventy-five percent of the population of New York State counties have already securitized. Obviously, there's a difference of opinion. If all these other municipalities and all these other states are doing

it, then somebody must think it's a good idea.

P.O. TONNA:

Kenny, that's not a great argument, come on. You know, if we waited for New York State, to follow with New York State, we'd still be banging two rocks together. All right? That's -- come on.

LEG. CARACCIOLO:

Mr. Chairman, I think we're --

P.O. TONNA:

Sorry.

LEG. CARACCIOLO:

I think we're all used to --

MR. WEISS:

Securitization is a viable option, it's a legitimate financing option.

P.O. TONNA:

New York State -- New York State fought against -- we had an Attorney General who was against the idea of tobacco litigation.

MR. WEISS:

No. I said thirty --

LEG. CARACCIOLO:

Thank you.

P.O. TONNA:

Give me a break.

MR. WEISS:

I said 30 counties in New York State.

LEG. CARACCIOLO:

Okay.

MR. WEISS:

I'm sure the Legislators of those counties are as wise as the Legislators of these counties.

P.O. TONNA:

Oh, I know they're not as bald as the Budget Director and the Presiding Officer.

MR. WEISS:

I've met some of them.

LEG. CARACCIOLO:

Let me have Budget Review respond to my question, and that is, based on your knowledge, Fred, and I'm looking at Page 68 of your report, there were four primary justifications that this proposal was put forth based on that the proceeds of the bond would stabilize property

taxes. The proceeds would be used to defease a portion of debt coming due between 2002 and 2023. Securitization shifts the risk of

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uncertain tobacco revenues to investors, while still keeping a portion of revenues to be received directly by the County. And four, the County will no longer have a stake in future tobacco sales. Where did you come up with these four criteria? Were these your criteria, or were there other enumerated somewhere?

MR. POLLERT:

No. The four criteria are included in the County Executive's narrative on why he was proposing tobacco securitization. We --

LEG. CARACCIOLO:

Okay. Now let's take them one by one. Let's start with the myth that somehow tobacco securitization stabilizes property taxes long term, long term.

MR. POLLERT:

Long term, it will not, and even short term, the savings are fleeting, because the way it has been proposed, there is a decline of stabilization. Next year there will be \$6 million less available in tobacco securitization revenues than are available in 2002. And that's particularly important because we're, in fact, we projected the problem is in the Department of Social Services, net cost have been increasing for a number of years. Therefore, we believe that a revenue source which declines is not the appropriate method to deal with that type of problem. We have --

LEG. CARACCIOLO:

Fred --

MR. POLLERT:

Yeah.

LEG. CARACCIOLO:

-- let me just interject on that, because you mentioned Social Services. And on Page 69 of the report, I think you summarized your last statement very well, where you say, "It is poor budgetary practice to mask long-term projected structural imbalance through the use of short-term nonrecurring revenue enhancements." Do you recall writing that?

MR. POLLERT:

Yes.

LEG. CARACCIOLO:

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I'd like to hear later from the County Comptroller what his take is on this proposal. Mr. Chairman, I'd like to request today that the County's financial advisor be present tomorrow or at a later date before the Finance Committee to tell us where they stand on this proposal. I have a number of questions, I can go on for hours, but I'll save that for the budgetary process of Finance Committee. Thank you.

P.O. TONNA:

Thank you. Thank you, Legislator Caracciolo. Legislator Foley is next, and then I have a few questions.

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LEG. FOLEY:

No, that's all right.

P.O. TONNA:

You're done?

LEG. HALEY:

I'll go.

P.O. TONNA:

Okay. I just -- Kenny, just one question. All right. So we plug a what, a 30 --

LEG. CARACCIOLO:

Hold it, Mr. Chairman. Mr. Chairman, I want an acknowledgment from the Budget Director and the Executive staff that we will, in fact, have the County's financial advisors here for tomorrow morning's meeting.

P.O. TONNA:

Well, I think they can acknowledge that you made the request.

LEG. CARACCIOLO:

All right. Well, then will your office immediately make that request, because I want those people here.

P.O. TONNA:

If you can give me I think about five seconds.

LEG. CARACCIOLO:

Okay.

P.O. TONNA:

Okay? That's as close to immediate. Make the request. Okay. Thank

you. All right. We're very efficient here. Whatever -- whatever that request -- okay. Kenny, 36 million, 34 million, what are we looking at?

MR. WEISS:
37.7.

P.O. TONNA:
Okay. Two questions. One, all right, so now we get the tobacco securitization. All right? So what are we going to do next year?

MR. WEISS:
Well, the reason that we're not just dealing with 2002 is based on the 2002 budget, I projected forward, as you recall, there is a --

P.O. TONNA:
Sales tax is going to make up for the difference?

MR. WEISS:
There's a requirement that we do a two-year budget.

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P.O. TONNA:
Yeah.

MR. WEISS:
And as I was looking at the 2003-2004 budget models, it indicated that we would have another shortfall moving forward of \$31 million.

P.O. TONNA:
Right.

MR. WEISS:
So this plan is structured to give us \$37 million in 2002, \$31 million in 2003, \$21 million in 2004, and so on. Based on projections that we have now, which we know will be off, I mean --

P.O. TONNA:
Right, of course.

MR. WEISS:
-- things will either better or worse than they are, and -- but at the time we did it, we had -- I had to come up with a structure, so I used the model that I have that's based on the 2002 budget that was recommended, and based on that, we came up with the amounts for 2002, 3, 4, and 5.

P.O. TONNA:

Kenny, what would be better, from a Budget Director's standpoint, with regard to tobacco securitization or putting back the sales tax on clothing? What would be better budgetarily for the fiscal health of the County?

MR. WEISS:

From a budgetary standpoint a permanent revenue, sales tax on clothing would be a better alternative.

P.O. TONNA:

Okay. How about -- how about tobacco securitization versus raising the general fund tax levy -- warrant?

MR. WEISS:

It's the same answer. A permanent tax is always better than a financing, and then you'd always have the financing as a fallback if things got worse.

P.O. TONNA:

Right.

LEG. CARACCIOLO:

Mr. Chairman, would you suffer an interruption?

P.O. TONNA:

Only to the Finance Chairman.

LEG. CARACCIOLO:

Thank you.

P.O. TONNA:

I would suffer immense interruption, please

LEG. CARACCIOLO:

Okay. Then that begs the question, why was not the budget for next year proposed with either one of those two permanent steady revenue streams?

MR. WEISS:

We made a decision. We believe that tobacco securitization is an acceptable alternative. The budget that we submitted was raising taxes or raised taxes by I think 7% for the average taxpayer.

LEG. CARACCIOLO:

In the Police District, not the average taxpayer.

P.O. TONNA:
No, blended rate he's talking about.

MR. WEISS:
Funded.

LEG. CARACCIOLO:
Well, in my district it doesn't raise taxes.

MR. WEISS:
Right.

P.O. TONNA:
Right.

MR. WEISS:
But, you know -- so looking at the entire picture --

P.O. TONNA:
Legislator Binder, now, now.

LEG. BINDER:
Excuse me.

P.O. TONNA:
We're suffering the interruption.

LEG. BINDER:
I ate too much for lunch.

P.O. TONNA:
Go ahead.

MR. WEISS:
Looking at the entire picture, we believe that a reasonable tax increase and the tobacco securitization definitely works. I'm not saying that there aren't other alternatives, this is the alternative that we chose to go forward with.

P.O. TONNA:
Okay. Thank you, Kenny.

LEG. BINDER:

Mr. Chairman.

P.O. TONNA:
I'll defer to Legislator Haley, who has a --

LEG. HALEY:
Just a quickie. I whispered --

P.O. TONNA:
It could be a longie. Go ahead.

LEG. HALEY:
I whispered in Legislator Lindsay's ear earlier, I said that really what it boils down to is the choice of voting for tobacco securitization, bringing back the sales tax or clothing, or increasing general property tax by how much?

MR. WEISS:
Thirty-seven million dollars. I mean --

LEG. HALEY:
And what does that -- what does it mean to a percentage --

MR. WEISS:
-- if \$37 million was the problem that we identified, I think Fred, with better -- what?

LEG. HALEY:
Just stick with what my point is.

MR. WEISS:
Oh, okay. All right.

LEG. HALEY:
Thirty-seven million dollars does what to the general tax levy percentage-wise?

MR. WEISS:
On a percentage basis, it's 73%. But on a dollar basis, it's about \$60 to the average person.

LEG. HALEY:
What is the percentage again?

P.O. TONNA:
Yeah, which is still lower than my library tax, you know.

LEG. HALEY:
What is the percentage again?

MR. WEISS:
Seventy-three percent.

LEG. HALEY:
Seventy-three percent.

P.O. TONNA:
Yeah, I guess that?

LEG. HALEY:
So, you know, everybody's positioning here. Now, I would imagine, and I understand BRO's position, I would tend to go for a more permanent tax if I was BRO's. Seems to me out of the three, that if we could find a more permanent tax revenue, that that's what we would select. But I can't imagine a sufficient number of Legislators, okay, voting for a 73% percent tax increase.

P.O. TONNA:
Well --

LEG. HALEY:
No, wait, I'll finish up. And nor could I imagine a sufficient number of Legislators voting to increase a sales tax on clothing. So I think that's perhaps one of the reasons why securitization is before you today.

P.O. TONNA:
So because it's -- if I can paraphrase and then --

LEG. BINDER:
Is this debate or is this questions?

LEG. HALEY:
No.

P.O. TONNA:
Wait. I just want to get an idea, because it's -- are what we saying it that -- you're saying it's more politically expedient to do --

LEG. HALEY:
I'm saying you're going to have difficulty getting votes for those other alternatives.

P.O. TONNA:
Because it's more politically expedient?

LEG. HALEY:
I don't -- no, don't put words in my mouth. I just --

P.O. TONNA:
Well, that's why I'm trying -- that's why I'm asking.

LEG. HALEY:
No, no, no.

P.O. TONNA:
That's a question.

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LEG. HALEY:
I'm not going there, Paul. Thank you. I'm finished.

P.O. TONNA:
Okay.

LEG. BINDER:
Mr. Chairman.

P.O. TONNA:
All right. Thank you. Legislator Binder, do you have a question?

LEG. BINDER:
Yeah, thanks. You started off by saying you have a difference of opinion with -- in terms of transference of liability or risk between you and Budget Review. I'd like to -- for you to flush that out a little bit for me so I understand it. I might ask Fred, and I might do a little back and forth, because I'd like to understand both of your views on it, because I think it's kind of a central point on how this works.

MR. WEISS:
Okay. You know, I'm going to get there, but I got to take a little round about way.

LEG. BINDER:
As usual. We'll take a journey with you.

MR. WEISS:
I mean, the reason that this transaction as structured appears to be so costly is because we're taking those future dollars and we're using them in earlier years. If we just securitize to securitize and it had no impact on the budget, you would see a totally different chart. However, you would still see that the future dollars would be more than the earlier dollars. Now, those are future based on a schedule. When tobacco securitization came out, I got a schedule that said, you know, in the Year 2003, you're going to get this, and in the year 2042, you're going to get this. Now, we haven't gotten the amounts correct in any year yet. They keep making adjustments. They make adjustments because it's based on tobacco sales, it's based on, you

know, if the tobacco companies are still in business. You're talking about costing more in future years, but nobody can guarantee me and nobody can guarantee anybody that in future years there's going to be tobacco revenue. So, you know, I don't know what the risk is, but there is definitely a risk. I mean --

LEG. BINDER:

No, no. But the question --

MR. WEISS:

If we're successful in our anti-smoking campaign, we're going to put the tobacco companies out of business.

LEG. BINDER:

Okay. I understand. I understand the risk side of it. That's not really what the question was.

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P.O. TONNA:

All right, Kenny. Not the cigar business, though, from what I hear.

MR. WEISS:

Not the cigar business, no.

P.O. TONNA:

Okay.

LEG. BINDER:

There'll be some tobacco left for you, Paul.

P.O. TONNA:

Yeah.

MR. WEISS:

Cigar companies aren't involved in this.

P.O. TONNA:

Yeah, right.

LEG. BINDER:

The question wasn't particularly about what is the risk, more your vision or your view of how that risk is transferred to investors. And the reason I'm asking, Budget Review puts it out there as we're securitizing a percentage of the revenues; leaves a cushion. We, in the way it's structured, are actually giving up that cushion, because the real downside risk is probably not bankruptcy. I don't know how successful we're going to be getting people off of something they're

addicted to, and everyone agrees that they're addicted to. So let's assume they're not going to go bankrupt, they're going to find a way to survive somehow, and somehow there are going to be revenues. Now there might be less because we might be successful on the margins. We might be successful in lowering the amount of sales they have. If that were the case, the way it's structured, the way I hear Budget Review's concerns are, is that we take the hit on the decrease, because on the -- on that part that's not being securitized, on that part of the revenue stream, we're going to have to cough that up first.

MR. WEISS:

I understand your question. We're not securitizing 100%, we're securitizing about 80%. So we're counting on 20% of the revenues coming in as additional revenues to the County. And to the extent that the tobacco revenues were only reduced by this 20 or, you know, maybe 18,17%, then there would be no risk. But once you go beyond that, and, I mean, if the tobacco companies go out of business, or two of the five, I guess there's five tobacco companies, two of them go out of business, and there's risk and there's -- if there wasn't risk, I don't think anybody would be doing this. Counties are doing this not because they have financial problems, they're doing this just to shift the risk, and they're exchanging tobacco debt with G.O. debt. They're covering their G.O. debt with the tobacco proceeds and paying off the tobacco bonds. And, truly, there must be a lot of people that believe that there is a risk or nobody would be doing these deals.

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LEG. BINDER:

Well, let me -- and let me go to Fred, so I could -- because I want to get a -- not back and forth, but I want to ask the questions back and forth. From your perspective, the -- we were securitizing 66%. Now I'm hearing 80%, so there's -- now there's a bit of a difference. You're saying that there's more of a cushion and more at risk for us in terms of how much we're not securitizing, how much we're devoting towards using for debt service. Maybe you can give me why you have a difference.

MR. POLLERT:

Okay. For the Year 2002, we're securitizing about 66% of the revenue stream, which means that we're still anticipating receiving a portion of the revenues for 2002. That ramps up to the point wherein next year, we're going to be securitizing 73, then 79, then 83%. That's the coverage ratio which we're providing. There's a safety net. But what happens with the LDC is we give them 100% of the revenues. If the tobacco revenues drop off, the first call on it is to make the investors whole. If there's a shortfall in one year, that's

cumulative, it carries forward. So if there's a surplus three years out, we don't get that surplus, it goes to making the investors whole. If there is a major dropoff in tobacco consumption, it's not a 30-year bond, the investors have the rights to this tobacco revenue stream for 31, or 32, or 35 years, or whatever it is, until they're made whole. So the investors are assuming very little risk. The proof of the pudding is that these bonds sell uninsured at about 30 basis points higher than a normal revenue bond. Number two is --

LEG. BINDER:

Well, wait, wait. Let me stop at that point. On the street, if we were selling an uninsured municipal bond, what would we pay in terms of basis points? What's the average on the street, do you know?

MR. POLLERT:

No. I would defer to our financial advisor. But there are two important points. When the County goes out, we issue general obligation debt --

LEG. BINDER:

Right.

MR. POLLERT:

Which is cheaper than a revenue bond. This is a revenue bond and, therefore, just by virtue of the fact that it's a revenue bond, it's more expensive than a general obligation bond. So because it has market acceptability uninsured, we believe that the informed investor, which are the institutional investors, see it has being very little risk. Because we're not guaranteed the residual portion, there is very little risk to the investors. The risk is being assumed by the County, that, in fact, we're not going to have five or six or seven million dollars worth of residual revenues coming in every year. And I guess the proof is that would be to find out if the deal could be structured where we would be guaranteed our residuals, or if that would cause a problem to the investment community.

LEG. BINDER:

My guess is they wouldn't want us to be guaranteed to keep our residuals.

MR. POLLERT:

That's my guess.

LEG. BINDER:

I'm sure they want first call on the money. Right. I don't think they're going to structure it that way. So here's the question for

us, I guess, as a Legislature. We've got only a few weeks to decide how we're going to fill \$37 1/2 million worth of hole.

MR. WEISS:

Or greater, depending --

LEG. BINDER:

Well, it's --

MR. WEISS:

-- I would --

LEG. BINDER:

In other words, whatever it is.

MR. WEISS:

Right.

LEG. BINDER:

Let's take it off the table because it hasn't happened. We haven't decided -- you know, as Legislator Postal put it, we haven't decided this policy. So since it doesn't exist, we have to decide as a policy-making body, do we fill this hole as it exists with this? Budget Review offers another way to do it at lower cost debt using our own -- our own capital debt and increasing that, and maybe this is the time to do that, which is a lot cheaper of a way to do it, but you still can fill the hole. We're going to have to figure out how to do it. And one of the questions we have to ask ourselves is how do we assess --

MR. WEISS:

You don't want me to respond to that last one, do you?

LEG. BINDER:

You can. I'm just going to finish.

MR. WEISS:

All right.

LEG. BINDER:

You can respond to the whole thing. Then the question for us is going to be how are -- if we were to assess this particularly, we have to assess the risk in a very short amount of time. Will data be available to us, expert data, projections in tobacco, what's going to happen, where it's going to be? Because if Budget Review's analysis is correct about that residual, we have to -- that gives -- that gives

us -- I would hope it would give us all pause and we'd be concerned on that, that they're not risking and there isn't that -- there might not be that much risk and that we're selling it maybe at too high a cost.

MR. WEISS:

Just let me ask you a rhetorical question. If there's no risk --

LEG. BINDER:

I didn't say there was no risk, but the risk versus the cost is the question.

MR. WEISS:

If there's a limited risk, why is anybody doing it? Why are all these municipalities, who I assume are doing their due diligence and listening to their financial advisors, whoever they are, and listening to their bond counsel, whoever they are --

LEG. BINDER:

You know, I --

MR. WEISS:

-- and they're doing this.

LEG. BINDER:

Ken. Ken, easy, easy.

MR. WEISS:

So there has to be --

LEG. BINDER:

But it's a lay-up.

MR. WEISS:

-- a difference of opinion.

LEG. BINDER:

Right. But there also could be other factors that might be not be here. Need for cash outweighs --

MR. WEISS:

No, no.

LEG. BINDER:

-- the need for prudence.

MR. WEISS:

No. I'm saying -- I'm saying --

LEG. BINDER:

I mean, I don't know. And I'm not saying it's imprudent, I'm just saying --

MR. WEISS:

But Legislator Binder, what I'm saying is I think you have to look at securitization, you know, would you do it if you didn't need the cash? Is it a good thing to do?

LEG. BINDER:
That's the question.

MR. WEISS:
I believe it is.

LEG. BINDER:
Right.

MR. WEISS:
The County Executive believes it is.

LEG. BINDER:
Right.

MR. WEISS:
And we were pursuing it, though we weren't going to put it in this budget. Based on what happened to pull this budget together, we decided that this was a good alternative, looking at a series of alternatives, and we put it in there. But we would have been pursuing this and coming forward to the Legislature with a securitization on the merits of securitization alone.

LEG. BINDER:
But here's my problem. My problem is where it's being presented in a budget, not as a policy question, during a year where we can go to committee --

MR. WEISS:
Right.

LEG. BINDER:
-- and we can take two months, we can't ask --

MR. WEISS:
It's unfortunate that the timing is such.

LEG. BINDER:
Right.

MR. WEISS:
Yes, I agree.

LEG. BINDER:
That we wouldn't be able to ask for the kind of -- ask the kind of

questions and receive the kind of information that would help us, and I think it's central, is assessing the risk versus the cost of doing this.

MR. WEISS:
I agree with you.

LEG. BINDER:
And so we now are set with a budget that gives us a few weeks to create a multi-billion dollar budget and in it we have to take care of

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the debt service, we have to take care of this hole. This is not a question we can just kind of, "Well, maybe we'll kind of wing it here," you must do it, and we have to assess whether this is the best thing to do. And I'm very concerned about our ability to get the information we're going to need in a time frame that we're going to have allotted to us to make sure that we're making a very fiscally prudent decision. And so I don't know if there is a way you can supply us with that. Since you are very confident about it, you must have a lot more of the information, especially in risk and other, that --

MR. WEISS:
Well, I --

LEG. BINDER:
No, I know you do.

MR. WEISS:
I rely heavily on bond counsel, who --

LEG. BINDER:
Well, then we're going to --

MR. WEISS:
-- is here and --

LEG. BINDER:
We're going to need that. In the short amount of time, we're going to need a lot of information.

MR. WEISS:
You could interrogate him all you want.

LEG. BINDER:
Okay.

MR. POLLERT:

If I could just answer the -- prior to any securitization deal being done, you need to have an econometric forecast, which goes out for a number of years. They have been done by WEFA. They are public data. The number that was used to do our securitization deal is based upon the WEFA numbers, because we receive a proportion of what the State of New York gets. They do a national forecast. So the numbers that are included here are the best, most current numbers, with there being about a 20% coverage factor. So that's the best data which is available.

LEG. BINDER:

The question is how do we use -- how do we interpret the data to have a good understanding of the risk versus the cost? And that's what -- and that's going to be a very difficult question for us. And that really is what it comes down to is, is this cost reasonable --

MR. POLLERT:

Right.

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LEG. BINDER:

-- for the risk that we're transferring?

MR. POLLERT:

Perhaps the best way to look at it is a lot of these issues have been rated AA uninsured. So just coming out of the box, a lot of the rating agencies that do a very detailed rating review have been rating these a AA bond issue without insurance. So they are perceived as being very low risk, not just by the investor, but also by the rating agencies.

LEG. BINDER:

Okay. Thanks.

D.P.O. POSTAL:

Legislator Caracappa.

LEG. CARACAPPA:

Thank you, Madam Chair. I would like to ask a few questions with relation to the bill itself, and also the implementation aspect of the securitization program.

Kenny, how many companies, we'll call them companies for argument sake at this point in time, are interested in implementing this program for the County?

MR. WEISS:

I don't know how many. I'm sure there's -- just about any company that sells bonds would like to be involved in it.

LEG. CARACAPPA:

So you're saying it would be more than one, most --

MR. WEISS:

Oh, yeah.

LEG. CARACAPPA:

Your best -- okay.

MR. WEISS:

I'm sure.

LEG. CARACAPPA:

As of right now, what is the projected number that that company will make on this deal to do this program for the County?

(SUBSTITUTION OF REPORTER - DONNA BARRETT)

MR. WEISS:

The expenses, based on the research we've done as to what other municipalities have paid, is that roughly -- it's about a 1% that goes to the firms that handle it, and part of that's commission, what they call take down, which is the selling of the bonds themselves and then there's fees that go to the firm. It's about 1%.

LEG. CARACAPPA:

Six or \$7 million.

MR. WEISS:

No. No. This is like a 300 plus million dollars -- it's like three -- \$3 million plus. It's -- the bond sale would be about -- if it's structured like this, and this isn't the final structure, this is the proposal we have right now -- the bond sale would be \$350 million. That's about 1% of that, about \$3 1/2 million, and then there's other expenses that the County has to deal with like rating agencies etcetera.

LEG. CARACAPPA:

Okay. The reason for my first two questions is -- and, I guess I direct this to any -- either Budget Review, yourself or Counsel to answer -- seeing that there are competing interest for County

business, must there -- and I know this is a unique situation and a new situation -- must there an RFP Process to implement this?

MR. WEISS:

In my opinion, there's no requirement that there has to be.

LEG. CARACAPPA:

No requirement. Paul, would you in your estimation seeing that this -- we'll say between three million and five million when it's all said and done and several companies have been looking to do this business for the County, implement this program for the County, wouldn't it be mandatory or is it mandatory in your view that an RFP Process be put forward?

MR. SABATINO:

Well, Section, I think, 104-B of the New York General Municipal Law does state that you have to engage in a process that shows you've avoided favoritism and have engaged in a process that provides for, you know, prudent expenditure of funds. The only -- the only thing I'm thinking listening to Kenny's answer is that maybe they're going to use the local development corporation as a way to bypass that process and then not have the normal rules of engagement that would apply to us if we were, in fact, doing it directly. But unless there's something about the local development corporation as being a bypass mechanism, ordinarily I would expect there to be a process.

MR. ROTHMAN:

104 of the General Municipal Law as Paul indicates is a process binding upon the County itself. If the County itself were to sell these bonds, you would be subject to those provisions. These bonds, as I indicated before, are going to be sold by the local development corporation, so therefore, 104 as a legal matter is not applicable. As a matter of policy, if you wish to have a RFP Process, you can always do that. But as a matter of law, it's not required.

MR. SABATINO:

What that means is that you would have to write in that requirement into this Local Law that's being proposed, and not take it on good faith, because the last time this happened, which was a couple of years ago with the Judicial Facilities Commission, it was done on good

faith. We had suggested you write the language and that there be an RFP Process. So the Legislature went through the entire process of, you know, insisting on an RFP and there were certain terms and conditions in terms of what the payments were going to be, and low and behold, when everything got transferred over to the Judicial Facilities Corporation, the recommendations from the RFP Committee

that the County created was ignored. So if you don't write it in, good faith is not going to make it happen.

LEG. CARACAPPA:

That's why I brought up this point because I think it's crucial that this be an open and honest and fair process that we're moving forward with, because we as a County and we as taxpayers can basically get raped over the coals by one company -- we'll call it a company -- or bank or those doing the bonds because of a whole host of reasons that Counsel just suggested. And I think we as a body need to take that into serious consideration before we even take another first step or baby step towards even thinking about this program.

D.P.O. POSTAL:
Legislator Crecca.

LEG. CRECCA:
My point was already raised.

D.P.O. POSTAL:
Legislator Caracciolo.

LEG. CARACCIOLO:
Thank you. Ken, you mentioned in a previous statement other localities, counties, that believe tobacco securitization is a good way to go, a viable way to go, and you mentioned that -- you kind of underscored that comment by saying that they performed due diligence. Did we perform due diligence, and with whom? What type of due diligence was performed?

MR. WEISS:
Due diligence in determining whether tobacco securitization? We've done research.

LEG. CARACCIOLO:
Who did research?

MR. WEISS:
I've done research. I've talked to Bond Counsel.

LEG. CARACCIOLO:
But no discussion with financial advisors? Any discussion with the County Comptroller?

MR. WEISS:
No.

LEG. CARACCIOLO:
On Page 69 of Budget Review's summary, it touches on something that you also have mentioned so I want to, you know, single this out.

"Excessive use of nonrecurring revenues to cover long term structural imbalances in the budget may compromise hard one upgrades in our bond ratings and our credibility with rating agencies". Now. You know hard we have worked over the last eight years, and worked together, to achieve those bond rating upgrades. Why would we begin to go down a path where what we have achieved could be compromised? Have we consulted with any Wall Street Rating Agencies about this proposal?

MR. WEISS:

We have -- rating agencies have accepted tobacco securitization as a legitimate revenue source. Some of the revenue -- alternative revenue sources that were mentioned in the BRO Report are things that may, in my opinion, may jeopardize our future credit ratings. But tobacco securitization -- 30 counties have done it. None of them have been negatively impacted. Their rating hasn't been changed or damaged by doing this. This is an acceptable, tried, proven ability to raise funds and use, as long as the proceeds are used for two purposes, that is capital projects or debt diffusions, it's a perfectly legitimate acceptable means of financing.

LEG. CARACCIOLO:

All right. I think -- i think the devil is in the details. And clearly, if you compared this proposal with the other 30 municipalities you referred to, I'm sure there were some very distinctive differences in certainly cost. In terms of cost, and get back to the issue of be property tax increase of \$60 versus this proposal, where are the long term benefits to Suffolk County taxpayers to go along with tobacco securitization versus what you yourself said are more stable and reliable permanent revenues like property taxes. We have not raised property taxes in this County in eight years.

MR. WEISS:

The Presiding Officer asked me the question, if as a budget person I thought increasing property taxes would be more -- would be more better financially, and I believe I answered that it would.

LEG. CARACCIOLO:

I know you did.

MR. WEISS:

So to answer your question, I concur.

LEG. CARACCIOLO:

Then again that begs the question, why did you not submit that as your proposal to deal with Why go to the extent of pulling something off the shelf that is going to cost Suffolk County taxpayers \$354 million? I mean, if you did a \$60 across the board property tax increase, forget about percentages, because the problem with percentages is we all know they really don't accurately reflect what taxes are. In my district, County taxes are \$62 a year for an average resident in the Town of Riverhead that pays County taxes, and they all do, okay,

depending on the average assessed value home in that town. It fluctuates, but that is a 75% reduction from where it was eight years ago. Why would I want to support this or why should any elected official, including the County Executive, want to support something

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that ultimately is going to cost taxpayers millions and millions of dollars in future revenues that are guaranteed and were hard fought and won for through the National Tobacco Settlement? Why? Why? Can

MR. WEISS:
The Legislature has alternatives.

LEG. CARACCIOLO:
Why didn't the Executive submit an honest budget that was stipulated --

MR. WEISS:
Last year the Executive submitted a budget that would have raised property taxes 12% to fund the budget. I don't remember standing here and getting an overwhelming reception for that budget.

LEG. CARACCIOLO:
So in other words, we submit an irresponsible proposal because you don't want to stand there and try to defend an increase above 7%.

MR. WEISS:
We had to come up with an alternative. Last year we came up with an alternative to raise taxes --

LEG. CARACCIOLO:
I think you answered my question. I think you answered my question. Thank you.

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

LEG. BISHOP:
Thank you. In the Budget Review Report there is a footnote, which says "underwriters have indicated that most SPEs" -- and SPEs are Special Purpose Entities --

MR. WEISS:
Do you have a page number?

LEG. BISHOP:
67. Got it?

MR. WEISS:
Yep.

LEG. BISHOP:

All right. It says, "underwriters have indicated most SPEs, Special Purpose Entities, or LDCs, that's Local Development Corporation" -- that's the vehicle that you've established in this resolution -- "created by counties have provided for joint participation of the Legislature and the Executive. This was the case in the creation of the JFA" -- which I believe is the Judicial Financing Agency -- "there are five members" -- and it goes on to show the joints participation. Why have you chosen to exclude the Legislature from this LDC?

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MR. WEISS:

We haven't necessarily. We haven't gotten to the point where we're talking about naming members to the board.

LEG. BISHOP:

But the resolution is written in a way where the discretion of the -- it is in the prevue of the Executive to appoint all members, correct, in the way the resolution is written? Yes. The answer is yes.

MR. WEISS:

The answer is yes?

LEG. BISHOP:

It is. I just want to know --

MR. WEISS:

All that means is that the County Executive wouldn't consult with the Legislature before he named the members.

LEG. BISHOP:

Did you and Rothman, you know, concoct that or was Bob Gaffney involved in that? Who came up with that one?

MR. WEISS:

This -- I think Tom Rothman addressed this before. This is normally the standard way that an LDC is formed. It's not the only way.

LEG. BISHOP:

Okay. So if I can rebut that it's standard, I'll win the argument. I don't know if that's the standard.

MR. WEISS:

Then maybe we should address that to bond counsel.

LEG. BISHOP:

Okay. I got it. All right. Well, no, I think the point's made. I don't think we need to drag it on. Thank you.

LEG. POSTAL:

Legislator Lindsay.

LEG. LINDSAY:

I pass.

LEG. POSTAL:

Legislator Fisher.

LEG. BISHOP:

Tell me that is not the standard way to cut the Legislature out.

MR. ROTHMAN:

The Legislature is not cut -- nobody is cut out of this. I was asked to do a Local Law to provide for the securitization of tobacco. When I asked for parameters, I was told to do it the way that has become the standard way to be done in New York State. And the standard way for the Local Law is to provide that the Chief Executive Officer is

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the one who creates the corporation. You need somebody to create the corporation. That doesn't mean that it's only people executive people on the board.

LEG. BISHOP:

Right.

MR. ROTHMAN:

In the -- all the --

LEG. BISHOP:

It does when it says all five appointees are from the Executive.

MR. ROTHMAN:

You can create this with three members, you can create it with five members, you can create it with seven members. You can have anyone on it you want, I think though, you need to be aware that this is Board doesn't really have a great many powers. If you're looking to them to protect you from something, they're not going to be the ones who are doing it, because -- it's like an IDA, it's a conduit financing. Once the bonds are issued, they really have no function except to make reports. Twice a year they're going to be required to send schedules

to the trustee of monies that have been received. Once a year, they're going to be required to have an audit and make a filing with the State. That's it. They have no discretionary powers. So it really doesn't matter who's on. Now, having said that, you can put anyone on it that you want, but you need an individual to create the corporation and to put members on it.

LEG. BISHOP:

Is there a provision in the overall tobacco agreement or in State Law which requires a separate SPE, or can we use one that already exists, like the JFA?

MR. ROTHMAN:

The JFA was created by special State Legislation, you know I wrote it. It limits the powers. If you wanted to put the members of the JFA on the board, assuming that at least one of them is independent -- and I don't know them well enough to know whether one of them is truly independent in the definition I gave before -- you could do that.

LEG. BISHOP:

Okay.

MR. ROTHMAN:

You could do that. You could have an agreement -- you could either put in this Local Law or have an agreement with the County Exec that those are the five people who are going to be appointed.

LEG. BISHOP:

All right. I understand. It doesn't seem -- so that's it's not a policy decision made by the County Executive to exclude the Legislature, it was just a draftman's effort to write.

MR. ROTHMAN:

That's correct. Correct.

LEG. BISHOP:

Then it's easily correctable. Thank you.

LEG. FISHER:

Mr. Rothman, don't go away.

LEG. POSTAL:

Legislator Lindsay.

LEG. LINDSAY:

Yeah. I was going to ask is the primary power of the LDC to decide

which company is going to sell these bonds?

MR. ROTHMAN:

They are the bonds of the LDC, but I've never been involved in a transaction.

LEG. LINDSAY:

Well, who's going to -- who's going to physically sell them? Who is going to --

MR. ROTHMAN:

An underwriter is going to sell the bonds.

LEG. LINDSAY:

Okay. Who's going to decide on who the underwriter is?

MR. ROTHMAN:

I don't set that policy, sir.

LEG. LINDSAY:

But wouldn't that be something that the LDC would do?

MR. ROTHMAN:

The LDC will because they're selling the bonds, but just like the JFA was directed who to use as the underwriter, my assumption is that that the LDC is going to be directing who to use as an underwriter.

LEG. LINDSAY:

Isn't -- there was admitted before there are a number of companies that would like to be the underwriter in this type of deal, am I right?

MR. ROTHMAN:

Absolutely.

LEG. LINDSAY:

Okay. If we put out an RFP, could you possibly get a better deal from one over the other?

MR. ROTHMAN:

Possibly.

LEG. LINDSAY:

Isn't that a good reason to put out an RFP?

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Well, I'm thinking of the last two deals I did. The last two deals I did was a deal for Ulster County and a deal for Niagara County. The proposals that came to them were from three different underwriters. They tentatively selected an underwriter. They then went out for an RFP and still stayed with the same underwriter. What you wind up having in -- what you had -- in those cases it was a little bit different than this case.

In those cases you had a County who solicited underwriters, solicited different structures, and there are a whole load of structures you can utilize in a tobacco transaction. And different underwriters proposed different structures. Here, at least in the County Executive's proposal, a structure is already determined. So you're not looking for somebody to come in and give you a better structure. What you're looking for, if I understand you correctly, is for something to take that structure and say, we will sell those bonds at a lower cost to the County. You could certainly send out a RFP and say, this is the structure we're going to utilize, we want to know from you what your underwriting fees would be based on this structure. You could certainly do that, yes.

My one caveat is don't lose sight of timing in this. You really need to at least sign a bond purchase agreement with the underwriter by the end of the year, because you're treating this as a revenue for next year in this year's budget. My accounting friends in the profession tell me that in order to include this as a revenue in this year's budget, you have to have a certainty by the end of the year it is a revenue. And they say in you can't close the transaction by the end of the year, at least you have to have a bond purchase agreement executed in order to count this as a revenue. Now, that's told me -- to me by three of the big five accounting firms. So I am -- I'm not an accountant. I'm assuming that is correct advice. It's also been told to me by the State Comptroller Office, not in connection with tobacco, but in connection with an advanced refunding, where the City of Niagara Falls wanted to include in its budget for a year revenues to be received from an advanced refunding, and the State Comptroller said, you can only include those if you have a bond purchase agreement signed before the end of the year. So I'm assuming from an accounting standpoint that it is good information. So if you wish to have an RFP, you need to do it quickly.

LEG. POSTAL:
Legislator Lindsay.

LEG. LINDSAY:
Could I ask Fred, do you agree with that assessment that it has to be done this quickly?

MR. POLLERT:
Specifically, we don't want the revenues this year, because it's proposed to solve a problem in Fiscal Year 2002. If we brought the revenues in in 2001, if they became the revenues of the County, it would float to fund balance and then we would lose 25 cents on the dollar, it would have to go to the Tax Stabilization Reserve Account.

So it's my understanding that we, in fact, don't want the revenues posted to this year, we want to match it with the expense in 2002.

LEG. LINDSAY:

So we have almost a year to do this?

MR. POLLERT:

No, actually that's not the case because we make debt service payments throughout the year. The County Executive --

LEG. LINDSAY:

What's its time frame that you feel we have to do this if we decided to do it?

MR. POLLERT:

When we met with three different underwriters, we requested all of them to give us calendars. They all felt that approximately 12 weeks from the time that the resolution was adopted, the County could receive its cash. We had suggested as part of our review that it be locked in at the time that the budget is adopted so that there is no uncertainty with respect to the budget. Either you're going to do it or you're not going to do it. It shouldn't be postponed. As a practical matter, you can postpone, you could probably postpone until the time that you do the warrant and the levy.

LEG. LINDSAY:

Okay. But if we get beyond the decision process that we want to go this route of tobacco securitization, you know, that's one decision. The second decision is who -- which -- who are we going to go to to sell these bonds? And that's why I'm suggesting an RFP should be issued because there's like \$5 million in commissions here.

MR. POLLERT:

Yes. In fact, we had found that the three proposals that we reviewed were all marked proprietary, however, there was significant variance between the cost to do all three deals, basically to generate the same amount of cash. So the prices fluctuated rather significantly, and that's the reason we suggested that an RFP would be worthwhile.

LEG. LINDSAY:

Still the same question is what kind of time frame are we looking at if we decide to go down this road?

MR. POLLERT:

The last time the Audit Committee did an RFP we informed the underwriter it was being fast-tracked. I believe we gave them a week to respond and then we took approximately a week and a half to two to

analyze all the responses, then we meet with them. So it took us in the neighborhood of three to four weeks to do the RFP.

LEG. LINDSAY:

Which -- which is no problem at all being that we don't need the income until two -- next year.

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MR. POLLERT:

That's correct.

LEG. POSTAL:

Are you finished, Legislator Lindsay?

LEG. LINDSAY:

Well, I just wanted to see if Tom wanted to comment on the difference here between having to do it this year and Fred's assessment of next year.

MR. ROTHMAN:

I have a question more than an answer. If you wait until next year to do the transaction, how do you include in your budget for next year the proceeds from the tobacco as a revenue? What I am told by the accounting profession is you cannot.

MR. POLLERT:

The Budget Review Office, when we prepared the report, sent a copy to the County's independent auditor Earnst & Young. They had reviewed the report. They did not raise that as being a concern with respect to their understanding of the proposal.

MR. ROTHMAN:

I would advise the County to carefully then contact Earnst & Young and let's make sure they're focusing on the right question. Because my understanding, and again, it comes from three of the big five accounting firms as well as the State Comptroller's Office, is that you cannot adopt a budget and include a revenue when you haven't even started down the road of doing the project.

LEG. LINDSAY:

If we agreed to go down this road, I mean, and we pass the local law, that doesn't mean that we have to enact it in terms -- before the end of the year, or does it? Why is Mr. Weiss --

MR. SABATINO:

Just to refine the question. When these accountants made that comment

to you about starting down the road, what did they mean by starting done the road? I mean, I would -- ordinarily, I would think adopting the local law would be a firm commitment to do securitization. Did they say to you you have to have the investment banker and the transaction closed before the end of the year? There's is a big difference. I mean, I think --

MR. ROTHMAN:

What they have said is you have to have a certainty of the revenue. And when we have tried to press them on what a certainty of a revenue is, they said, at a minimum, to have a bond purchase agreement signed because when you sign the contract with the underwriters that the underwriters will buy the bonds, that's when you know you have sold the bonds, and you will receive the revenue.

MR. SABATINO:

Before you said that we had to have the money this year. That's what led to --

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MR. ROTHMAN:

No. No. You have to have the transaction done -- undertaken this year.

MR. SABATINO:

But see the transaction done -- to me, the transaction done is you've closed the deal. That's not what you're saying. I think you don't mean to say that.

MR. ROTHMAN:

What I'm saying is if you want to include this as a revenue of next year in this year's budget, I think on the day that you adopt the budget, you will have to have passed the local law, number one, okay, and begin down the process of securitizing the tobacco revenues. And from what the accountants have told me in the passed, at least by December 31st, have a bond purchase agreement executed to deliver the bonds in the Year 2000, so that you know -- 2002, sorry -- so that you know in the Year 2002 you have this revenue available to be expended on debt service in 2002.

MR. SABATINO:

But it is a revenue? Because I thought when I read the Budget Review Report, it's off budget, it's not a revenue so --

LEG. POSTAL:

Can I -- Legislator Lindsay. Can I suggest that you ask Budget Review whether they agree with what -- Mr. Weiss want to --

MR. WEISS:

What Tom is saying is basically correct, but he's not -- I mean, he doesn't do budget, he doesn't know how a budget is structured. What we actually did was, we don't have the debt serve in the budget. The debt service would be handled -- I'll use the term off-budget -- by the LDC, the Local Development Corporation would pay the debt service. The reason you have to do it -- first of all, you have to do something by the time you adopt the budget. And I think the Local Law is sufficient. If the Local Law was passed by the time you adopted the budget, you know, at least in my opinion, you have a proper balanced budget, because you have a way to fund it.

[RETURN OF STENOGRAPHER LUCIA BRAATEN]

Two, there was debt service that is refunded that's coming due in 2002. You definitely would have to have these proceeds before that debt service comes through. I'm not sure exactly which issues and when that debt service is due. I think it is prudent to do the transaction this year, not necessarily getting the money this year, but to do the transaction this year, and I think Paul agrees with me.

LEG. CARACAPPA:

All right.

LEG. FISHER:

Okay. You may as well both --

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D.P.O. POSTAL:

Legislator Fisher.

LEG. FISHER:

Both stay there. I don't know who would be answering this question. Earlier, Mr. Rothman, you indicated that our bond -- that our rating would improve. Well, that this would be a positive in our bond rating, because we'd have a balanced budget, and we would have this revenue. However, as I look at the structure of the securitization, it seems that the revenue is only in the very immediate future, that it's a very transient or a short-term revenue. And in Budget Review's report, on Page 69, I'll just read it. "Excessive use of nonrecurring revenues to cover long-term structural imbalances in the budget may compromise hard-won upgrades in our bond ratings and our creditability with rating agencies." Can you comment on that?

MR. WEISS:

I think I'm in a better position to comment on that.

LEG. FISHER:

Okay. As I said, that's why I asked you both to stay there.

MR. WEISS:

If you have the BRO report in front of you, on Page 67, you see that the revenue actually comes in between 2002 and 2009. So it is not -- it's not a one-shot by any stretch of the imagination. And again, the rating agencies have not looked at the tobacco --

LEG. FISHER:

Except, Ken, look at the net budgetary impact on that chart and I think that's where I'm seeing that there --

MR. WEISS:

I know, but your question was, is this a one-shot revenue.

LEG. FISHER:

No. I'm saying it's short-term revenue, because the net budgetary impact, okay, if you look at the whole chart, it begins to cost us more and more money --

MR. WEISS:

That's correct.

LEG. FISHER:

-- as we go into it. So it's only in the first couple of years where it's not costing us a great amount of money, and so we have a larger net budgetary impact, so I see that as a short-term revenue.

MR. WEISS:

Well, I don't think the rating agencies look at --

LEG. FISHER:

They don't?

MR. WEISS:

-- seven eight years as short term. No.

LEG. FISHER:

Fred?

MR. POLLERT:

Specifically, what my concern was, number one, it's a relatively short-term revenue. More importantly, the 2002 budget includes \$30 million coming in from the tax stabilization reserve fund. So if

you add the two together, what you're using as short-term revenues to solve the problem is larger than what you're collecting in property taxes in the General Fund. Thirty million --

LEG. FISHER:

Right. I thought that seemed clear in what you were saying.

MR. POLLERT:

Right. So when the rating agencies look at the County's credit worthiness, they say, "Yes, you have a problem with Social Services." Is it a long problem? Yes, it is. How are you solving it? \$37.7 million in tobacco securitization and \$30 million coming in from the tax stabilization reserve account. That seems to be a very large reliance upon short-term financings or short-term revenues to be able to do it.

LEG. FISHER:

And we're seeing short -- we're defining short-term differently. I'm seeing it the way Fred is, which is that it's not part of the structure of our budget, which is what we need to look at, which is an ongoing and permanent structure and how our revenue stream comes in, because we know that those expenditures are going to be there for the long-term. Social Services issues are not going to be diminishing in five or six or seven years, so we need to have the structure that supports those services. So I do see that as short term, and I think that we have to look ten years into the future.

I have another question, Ken. Again, on Page 67, when Joe asked you the question regarding the cost, you had said that it would be \$3 million dollars, because -- but it seemed to me that you would be basing that on the debt service rather than on the tobacco revenues used. Wouldn't we have to use that bottom line on tobacco revenues used, that \$588 million figure and then come to a figure of almost 6 million?

MR. WEISS:

I thought Legislator Caracappa was talking about the cost of issuance of the bonds and that's what I addressed.

LEG. FISHER:

No, he -- no. The amount of money that the underwriter would make that you said would be 1%.

MR. WEISS:

Three million dollars, right.

LEG. FISHER:

But --

LEG. CARACAPPA:
That's their fee?

LEG. FISHER:
But wouldn't the total number --

MR. WEISS:
That's their fee, yeah.

LEG. FISHER:
Wouldn't the total number of dollars be 588,332,590, and wouldn't 1% of that be --

MR. WEISS:
No, no, no, no.

LEG. FISHER:
-- almost \$6 million?

MR. WEISS:
It's --

LEG. FISHER:
Which amount are you working on?

MR. WEISS:
It's based on the size of the bond issue itself. If the bond issue was \$350 million --

LEG. FISHER:
So it would be only on the debt service?

MR. WEISS:
No, it's a one-time fee. It's a one-time fee based on the size of the bond issue. If the bond issue is 300 million, it's roughly 1% or \$3 million. If it's 3 1/2 --

LEG. FISHER:
And not on the total revenues.

MR. WEISS:
Correct, correct.

LEG. FISHER:
It's not on the total package of revenues.

MR. WEISS:
Correct.

LEG. FISHER:
Okay. Thank you.

MR. WEISS:

You're welcome.

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D.P.O. POSTAL:
Legislator Binder.

LEG. BINDER:

Yes. Tom, just compare and contrast, and maybe, Ken, you know, compare and contrast this structure and what we're doing with what others had done in two ways. Number one, how much time did they have? You worked with Ulster and you worked with other counties. How long did they spend in trying to -- trying to analyze and understand risk versus cost, and understanding the appropriateness and the fiscal prudence of doing this? So what kind of time did they put into that deliberation process? The second, compare and contrast this structure with others, meaning is it unique, it's difference. How different is it? It's something that no one's done in quite this way because, that kind of thing. Is this differentiated? So the deliberation and differentiation.

MR. ROTHMAN:

Every deal that we've done has been a little bit different. The use of the proceeds and the difference in the analysis has been a little bit different. In Niagara, for example, they split the use of the proceeds to, if I remember right, it was around 60% for debt service on outstanding obligations and 40% for new capital projects. They had a list of new capital projects that they needed. It is an area of New York State that is not economically growing or healthy one would argue. That's the area where the Governor has just proposed gambling to help them out. And they believed that they needed certain capital projects and the only way they could really afford them was using tobacco money. That's not relevant here.

LEG. BINDER:

Well, no, but it's relevant in that we're deliberating on whether to use it in our situation, to understand. And what's being given to us is, "Well, others are doing it, it must be a good thing." To understand what others did in terms of their deliberation, in terms of their situation, and then also in how different the structure might have been, that has -- that could be helpful to us.

MR. ROTHMAN:

What I'm looking at is a chart that says 19 of the 30 or 63% of the counties that have sold tobacco bonds have used a portion of the proceeds to economically defease outstanding debt. As I said, each county has used it a little bit differently. The deliberations have been different in every county. In some counties, by the time it has

gotten to us to ask us as their lawyers to draft the documents, they have already made the policy decision to proceed and what to spend the proceeds on. In some counties they have just had an idea, and we have gone up there and sat down with a committee of the Legislature and the elected county executive, or the elected treasurer in some counties, and gone through the possibilities, the alternatives. They have then sent out an RFP and they've listened to pros and cons, and on one of them it took three-and-a-half months to figure out how they wanted to proceed, and one of them, they knew exactly what they wanted to do and --

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LEG. BINDER:

But they had done the deliberations previous to your getting involved in that case.

MR. ROTHMAN:

They had already determined --

LEG. BINDER:

Right.

MR. ROTHMAN:

-- what they wanted to do and how they wanted to spend the money. Remember when -- when the MSA came out, in fact, before it was signed, we sent a memo out to our county clients telling them this was coming, giving them alternatives, saying, "You are undoubtedly going to be contacted by underwriters, you're going to be contacted by other people, these are the facts, this is what you can do, give us a call, we'll sit down with you further to explain every possibility you could possibly think of." In some of them, they took us up on that and we spent a long time with them, and other ones, by the time they called us, they had made that decision already.

LEG. BINDER:

And the structure of the bond is pretty much straight forward, it's use of proceeds that kind of differentiates them, I would assume.

MR. ROTHMAN:

No. Westchester County, for example, didn't sell, in effect, the first ten years of tobacco revenues, so they only securitized their new bonds with revenues coming, or principal portion of the revenue coming from year eleven on out, so that they, in effect, sold a greater part of the future revenue stream than even as proposed here. That was duplicated in at least one county to a certain extent.

LEG. BINDER:
And they probably identified that as higher risk.

MR. ROTHMAN:
Yes.

LEG. BINDER:
As higher risk debt.

MR. ROTHMAN:
That's correct.

LEG. BINDER:
That's why they did that.

MR. ROTHMAN:
The longer it -- the longer out it is, the higher the risk it is,
correct.

LEG. BINDER:
Right.

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MR. ROTHMAN:
So there are -- there are a myriad of different alternatives to this.
But if, in fact, the product, the end product at the end of the day is
the need for \$37 1/2 million this year, 31 next year, you don't have a
lot of alternatives. You can't massage this too much, because you've
already determined what the outcome is.

LEG. BINDER:
Thanks.

D.P.O. POSTAL:
Legislator Foley, last speaker.

LEG. FOLEY:
No questions.

D.P.O. POSTAL:
No questions? Thank you. Thank you, gentlemen. I have no more
cards. Believe it or not, we're still in the public hearings. I
have --

LEG. FOLEY:
Madam Chair.

D.P.O. POSTAL:
Legislator Foley.

LEG. FOLEY:
I have no questions for the current speakers, but since we do have the Comptroller here from the County --

D.P.O. POSTAL:
Well, I think the Comptroller is going to come up to speak.

P.O. TONNA:
I'd like to close the public hearing.

LEG. BISHOP:
Yes, close it.

D.P.O. POSTAL:
Well, we don't have anymore cards, but we do have to ask if anybody else would like to address the Legislature on this.

P.O. TONNA:
Okay. Would anybody else like to address the Legislature on this?
There we go. Brian, your wish came true. Okay.

MR. CAPUTO:
Thank you, Mr. Presiding Officer. I come here with a different opinion than you've heard from the previous speakers, and I tell you that the Comptroller's Office, nor his financial advisor, were invited to the discussions between the investment bankers and the County Executive's Office, and that was a request of the County Executive that we be precluded from the meeting and precluded from hearing the presentation, so the presenters, of course, did not invite us.

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Nonetheless, I think I have a different way to solve the problem.

I think we have to recognize, yes, Social Services may increase in the course of the general budget, but that doesn't mean that it's 100% expense to the County. Depending on what the program is, it will be 75% funded by the federal and state government, and maybe as high as 87 1/2%, if it's truly a federal program. So we cannot use that as a basis if they haven't factored into the budget process, which I don't know because I don't have a copy of the Budget Review Office report, and I don't know because the budget was delivered to me in a sealed package and I haven't opened it yet. Nonetheless, I do know a few things that, if you put in a dollar of cost, you have to have at least 75% of revenue when the federal and state government, when it deals with Social Services.

When you talk about the \$37 1/2 million shortfall, as far as the bonded debt obligation that we have, I ask you to go further and look at the 110 Account, as I talked about earlier, when I spoke about the budget itself. Now the 110 Account has been inflated. We don't know exactly how much. We've been advised between 15 and 22% higher than what is needed, and that it's -- the appropriation for the Year 2002 is 22% higher than what it has been for the Year 2001. In anticipation that we need 7 1/2% in 2002, there's 15% more in there in the 110 Account than what we need. If you presume that the 110 Account, which is the payroll account paying our weekly salaries, represents 50% of the total budget of 200 -- of \$2 billion, you now have \$1 billion in the 110 Account. If that's 10% exaggerated or inflated, more than we need, if you only say it's only 10%, you have \$100 million there to take care of the \$37 million shortfall in the debt service that you haven't funded.

The County Legislature can adjust this budget very simply with ten -- ten votes is all you need, ten votes to appropriate the money necessary to satisfy the debt service, and thereby solve your problem as far as you paying off the debt service for next year. To fund that debt service, yes, you will have to put \$60 more a year in property taxes, which on the East End would be 100% increase, because they're paying \$62 now, but on the West End, it's not that dynamic and dramatic, because on the West End you have 23 sewer districts which are part of the County levy, you have the lighting district that is important for County roads that we have to pay for certain lights, like the Long Island Expressway, which is a State road, but we pay for it, for lighting that area. You also have the police district, Fund 15, which we have to fund entirely on the West End in the five West End Towns. The budget for the -- historically has been at least \$200 million for the police district. If you're putting \$12 -- \$60 more a year on the person's levy, which is \$5 a month, or \$1.20 a week, there's not going to be a big impact upon that person living in the West End and they're going to accept it, they're not going to holler, they're not going to be screaming when you avoid the percentage factor and talk about the total picture.

Another -- another alternative is, yes, to discontinue the forgiveness of the sales tax on the properties -- on clothing. Doing that could raise the money also. You have to keep in mind, with the clothing exemption, you also have to guarantee the quarter penny that is due to

the MTA. That's the requirement of the State legislation. And forgiving the sales tax on the clothing, a requirement of the State was that the MTA had to be kept whole. So even if the State goes along with excluding the sales tax, we have to make it up as a local

community. Those are the things that are looking at you, those are the things that have to be done. It's not all conclusive, but it is a way to solve the budget problem. In solving the budget problem, you then could look at this program next year, you don't have to look at it in haste, you don't have to be pushed into doing it quickly.

I don't like the idea of not being invited to the discussions, but that's their problem. The fact that the LDC has only the County Executive, that's his problem. What you have to do is that if you use an LDC, you have to be sure that an RFP process is put into place. This is not a proprietary recommendation. This is not the first tobacco securitization plan we've heard about from the first investment banker. This investment banker has made the proposal, other investment bankers have also made the proposals. Since it's been out there, other investment bankers who have not made a proposal have said they're interested in the RFP proposal -- possibility. They want to be involved. They want to be invited to bid on an RFP. That feels good for the County, because it shows that there's competition out there, there's money to be made and it's not 1%, look closer to 2%. That's what it's going to cost if you go with this deal. That's what it's going to cost you for everything that's involved.

And you have to know that there's a lot of money to be made, and, therefore, there's a lot of bankers who'd be interested in getting the winning bid. So don't act in haste. Think of the budget. Think of the alternative ways to fund the lack of the County Executive properly providing a budget that would satisfy your debt service, a mandated charge. He has no alternative. He was supposed to put it in the budget. It's a gimmick that he's trying on you here to fool you into going to -- for the securitization. There are five tobacco companies. Phillip Morris is not going bankrupt. R & R Nabisco is not going bankrupt. R.J. Reynolds is not going bankrupt. I don't know the other companies, but that isn't important. Whoever they may be, they're not going bankrupt so quickly.

They talk about the fact in the press release that the County spends a lot of money against the tobacco industry by advertisement. The advertisement program that the County has is very, very sad. "Take a minute and don't smoke." What kind of a commercial? Put a man or a woman up there who used to smoke who had a heart attack in 1975, who's still alive because he gave up smoking and is using medicine to keep himself alive, and since that time had a bypass operation two years ago and is still here. Why is he here? Because he gave up smoking, he's not smoking anymore. "That's why you shouldn't be smoking, young man, because your father gave it up." My two sons smoke.

LEG. D'ANDRE:
Mr. Chairman.

MR. CAPUTO:
I don't smoke anymore.

LEG. D'ANDRE:
May I? May I --

P.O. TONNA:
Wait. No.

LEG. D'ANDRE:
-- have a minute?

P.O. TONNA:
The speaker -- the speaker has about a minute-and-a-half to finish his comments.

LEG. D'ANDRE:
Are you finished, Joe?

MR. CAPUTO:
For Michael, go ahead.

LEG. D'ANDRE:
Well, let me say -- let me say this.

P.O. TONNA:
No, Michael. You got to ask a question, Michael.

LEG. ALDEN:
Can't he use his last minute-and-a-half?

P.O. TONNA:
Michael, we're in the wee hours of the twilight.

LEG. D'ANDRE:
I'd like to ask a question, but, at the same time, I'd like to give you some wisdom. Why are we not using all our resources? Joe is the Comptroller. Why isn't the County Executive using all our resources into the best heads, push them together and get out the best plan than letting us go a bit of information here, a bit of information there. Joe is a Comptroller, he's an accountant by all standards, we're not. So I say this, we should utilize Joe a lot more than we are, as we utilize Fred Pollert.

P.O. TONNA:
Okay.

LEG. D'ANDRE:
And, Joe, I have deep respect, because I know you're tough with a dollar, and that's good, because you take care of the taxpayers. So I say this, he should be included on any financial --

P.O. TONNA:

Mike.

LEG. D'ANDRE:
-- plans that we talk about.

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P.O. TONNA:
Okay. Thank you, Michael. Michael, we have to ask questions of the speaker, but --

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

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

LEG. D'ANDRE:
Thank you, Joe.

MR. CAPUTO:
Thank you, Michael, for your confidence.

P.O. TONNA:
I suffered, you know, whatever it was, an interruption. Wait, wait, wait. Let's let Legislator Crecca. We'll get Smithtown done in one second here, and then we'll go on.

LEG. CRECCA:
I don't have a question. I just wanted to thank Joe for taking the time to come down here and give us input. I think it was valuable today.

P.O. TONNA:
Thank you, Joe.

LEG. CRECCA:
But that's not a question, so --

P.O. TONNA:
Okay.

MR. CAPUTO:
You're welcome.

LEG. CRECCA:
Joe, do you know that I want to thank you? There you go, that's my

question.

P.O. TONNA:
All right. There we go.

MR. CAPUTO:
I'm surprised, but thank you.

P.O. TONNA:
I can feel the love. Okay. Legislator Caracciolo.

LEG. CARACCIOLO:
Thank you. I understand that through the Offices of the County Comptroller, we -- they are making a request, along with your office, to have our financial advisors here tomorrow. Going to make an announcement.

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P.O. TONNA:
Then they're really the Comptroller's. Just so that they're not the -- they're not the County Executive's financial advisors, they're not even the Legislative --

LEG. CARACCIOLO:
They're County's advisors. I know --

P.O. TONNA:
No, they're the Comptroller's advisors, really, when it comes down to it.

MR. CAPUTO:
Well, the contractors sign with the Comptroller's Office, you're absolutely right.

P.O. TONNA:
Yeah.

MR. CAPUTO:
However, the County Executive does endorse and sign the contract also.

P.O. TONNA:
Okay.

LEG. CARACCIOLO:
I just wanted to --

MR. CAPUTO:

But we pay the bill.

LEG. CARACCIOLO:

I just wanted to state that you're invited as well, or a representative from your office to address the committee.

P.O. TONNA:

To what?

LEG. CARACCIOLO:

Tomorrow morning.

P.O. TONNA:

To address our Omnibus Committee?

LEG. CARACCIOLO:

No, to address the Financial Services Committee.

P.O. TONNA:

Okay. At 11 o'clock?

LEG. CARACCIOLO:

Right, on the budget for next year. Because you've just added to what I have already been advised by our own Budget Review Office and that is that there are millions of dollars of extra money in this budget that's buried. There's no need for all of these other alternatives,

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there's no need for this tobacco securitization proposal. The question is, with a staff of twenty people in the Budget Office, we can find the money, save a property tax increase, save rolling back or repealing the clothing tax. Let's do our real work. Let's do our own due diligence --

P.O. TONNA:

Mike.

LEG. CARACCIOLO:

-- instead of floating all these other ideas out there to pad the budget and make it one that's good for an election year two years from now.

P.O. TONNA:

Michael, could I just ask one question? Do you truly believe that you can -- you're going to find \$108 million worth of, what was the word, padding in the budget?

LEG. CARACCIOLO:

Mr. Caputo just identified \$100 million. I have not -- I have not verified that figure, but, Joe, is that not what you said?

MR. CAPUTO:
That's what I said, Michael.

P.O. TONNA:
You said that there's going to be -- there's \$100 million of padding in the budget?

MR. CAPUTO:
The 110 Account.

P.O. TONNA:
Okay. I know that account.

MR. CAPUTO:
That pays your -- that pays -- that pays the rent every week.

P.O. TONNA:
I've padded it myself in here. No, I'm joking.

MR. CAPUTO:
That pays the rent every week.

P.O. TONNA:
On the record, that is just a joke. That is an attempt at humor in the late hours of the night. And when my -- when somebody can actually fund a campaign against me, I just want them to know that they have to use the whole quote. Okay. No, I'm teasing.

LEG. CARACCILO:
So, Joe --

P.O. TONNA:
Yes.

LEG. CARACCILO:
-- I look forward to seeing you tomorrow.

LEG. ALDEN:
Mr. P.O., on the question.

P.O. TONNA:
Yes, \$100 million, there you go. Yes. Don't give Cameron -- Cameron is going to cut \$200 million out of our budget.

LEG. ALDEN:
Absolutely. I have it down for 9:30.

P.O. TONNA:
Forget the zero or the negative.

LEG. ALDEN:
I have your committee down for 9:30.

MR. CAPUTO:
It's changed to 11 o'clock.

LEG. CARACCIOLO:
Did I give a time?

LEG. CARPENTER:
No. It's been changed to 11 o'clock. Read your mail.

P.O. TONNA:
Okay.

LEG. CARACCIOLO:
It's been changed?

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

LEG. CARACCIOLO:
I'm not aware of any time change.

MR. CAPUTO:
Eleven o'clock.

LEG. POSTAL:
There was a memo.

P.O. TONNA:
I want you to know, there might be a time warp in a couple of seconds here if we don't get to the business of --

LEG. CARACCIOLO:
No. When was it changed?

MR. CAPUTO:
You sent out a memo, Michael.

LEG. CARACCIOLO:

I have it -- I had it at 9:30.

P.O. TONNA:

No. You have a signed memo from you. It says eleven. Anyway --

LEG. CARACCIOLO:

No, no, no. I had scheduled a committee meeting for today and at your request I cancelled it.

P.O. TONNA:

Absolutely. Okay.

LEG. ALDEN:

On the record, what time is your meeting tomorrow?

LEG. CARACCIOLO:

I'm sorry?

LEG. ALDEN:

On the record. What time is the meeting tomorrow?

LEG. CARACCIOLO:

I guess it's 11 o'clock.

P.O. TONNA:

All right. Thank you very much. Okay. Joe, thank you very much.

MR. CAPUTO:

You're welcome.

P.O. TONNA:

Okay. I'm going to make a motion to close this public hearing, seconded by Legislator Postal. All in favor? Opposed? Closed. Thank you very much. Let's get back to the agenda now. Okay. Wait. We have to set the dates for a couple of public hearings.

LEG. CRECCA:

Paul.

P.O. TONNA:

And then we have a --

LEG. CRECCA:

There's also a budget meeting.

P.O. TONNA:

We have a budget meeting for ten minutes. We're going to have a five-minute recess. It's going to be a ten-minute meeting. All right?

LEG. LINDSAY:

We didn't finish the resolutions either.

P.O. TONNA:

No. We have that, we have CN's, and then we're out of here.

LEG. POSTAL:

But we have to set the dates.

P.O. TONNA:

Yes. Let me please set the dates, please. Hold it one second. I'm setting the date of November 20th, at 2:30, in the William H. Rogers Legislative Building in Hauppauge, New York, for Public Hearing Number 1949, and Public Hearing Number 2049.

LEG. FISHER:

Motion.

P.O. TONNA:

Thank you.

LEG. CRECCA:

Second.

P.O. TONNA:

I'll make a motion, seconded by Legislator Postal. All in favor? Opposed? Fine.

LEG. BISHOP:

I make the motion give me the numbers you make the motion

P.O. TONNA:

All right.

LEG. CARACCIOLO:

Mr. Chairman, I'd like to make a motion for the purposes of aging two resolution.

P.O. TONNA:

Which are these?

LEG. CARACCIOLO:

1885 and 1886.

LEG. FOLEY:

Second the motion.

MS. BURKHARDT:

A, A.

MR. BARTON:

Along with the companion bonds.

LEG. CARACCIOLO:
A, and the companion --

MR. BARTON:
The bonds.

LEG. CARACCIOLO:
-- bond resolutions, right.

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LEG. FOLEY:
Second the motion.

LEG. BISHOP:
We're going to pick one or the other.

LEG. CARACCIOLO:
Right, but we'll discharge both right now.

LEG. BISHOP:
We asked this morning to have this discussion and the Deputy Presiding Officer said, "No, wait, we're going to do this one thing first."

LEG. POSTAL:
I said we'll do this --

P.O. TONNA:
Okay.

LEG. POSTAL:
I said we'll do it after the public hearings. Now the public hearing have ended.

P.O. TONNA:
There's a motion and a second to discharge --

MS. BURKHARDT:
1885.

P.O. TONNA:
1885 and 1885A.

LEG. CARACCIOLO:
And companion.

P.O. TONNA:
1886 and 1886A.

LEG. CARACCILO:
Correct.

P.O. TONNA:
All in favor?

LEG. ALDEN:
On the motion.

P.O. TONNA:
Okay, wait. On the motion, yes.

LEG. BISHOP:
It's to discharge, not to vote on this.

LEG. ALDEN:
No, I know, I know, but --

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LEG. FOLEY:
Come on, Cameron, it's a procedural motion.

LEG. ALDEN:
Right. But what is the earnestness that we have to go and the immediacy to go and look at these --

LEG. FOLEY:
We might not be here for an hour.

P.O. TONNA:
So then --

LEG. ALDEN:
Why do we have to look at these at this meeting?

LEG. FOLEY:
We could be here for an hour.

LEG. ALDEN:
The testimony that we heard, even from Budget Review, was there's no immediacy on voting on committing the County to 75, or 100 million, or 50 million, or anything like that, so I don't see why we need to bring it out at this meeting.

LEG. FOLEY:
Why don't we have the procedural motion, then we can debate --

LEG. ALDEN:
No, no, no. I want --

LEG. FOLEY:
-- the substance of the bill.

LEG. ALDEN:
This is relevant right now, why we should even discharge it,
because --

P.O. TONNA:
Personally --

LEG. ALDEN:
-- in committee --

P.O. TONNA:
Personally, I hope we finish an hour before and it doesn't age --
doesn't have the hour to age and we get a -- you know.

LEG. BISHOP:
Right.

LEG. CARACCIOLO:
Let's go. Move the motion, please.

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P.O. TONNA:
No, no, no.

LEG. ALDEN:
Is it in committee?

P.O. TONNA:
Legislator Alden still has the floor. I'm sorry.

LEG. CARACCIOLO:
All right.

P.O. TONNA:
Go ahead.

LEG. ALDEN:

Jim, is Fred available? I don't see the immediacy for actually bringing this before us.

LEG. BISHOP:
Why can't you save this for the substantive debate?

LEG. ALDEN:
Why don't we --

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

LEG. ALDEN:
-- have it for debate? It shouldn't even be --

P.O. TONNA:
Cameron has the floor.

LEG. ALDEN:
It shouldn't be before us.

LEG. BISHOP:
The same argument --

P.O. TONNA:
Can I say something? Every single Legislator has had their time. Cameron has the floor. Cameron, whatever you want to ask, whatever you're doing, go ahead and finish it.

LEG. ALDEN:
Fred.

MR. POLLERT:
Yes.

P.O. TONNA:
Fred, no break for you. No break for the weary.

LEG. ALDEN:
There's a motion to discharge from committee, which I don't believe

the committee's finished its job on this, but there's a motion to discharge from committee two bonding resolution. What were those numbers?

LEG. FISHER:
1885 and 1886.

LEG. ALDEN:

85 and 86. During the committee, I remember your testimony, something to the effect that there is no immediacy to the County committing to 75 million, 100 million, 50 million, any number at all. Can you refresh my recollection on that, please?

MR. POLLERT:

Yes. If possible, it would probably -- the first memoranda that we did was a joint effort between myself and Tom Isles. We had an extensive conversation with the EFC. We were led to believe that there was no real time line required. Likewise, we were led to believe that no bonding resolution was required. We have had subsequent resolutions with the EFC. They have now said that it is necessary to have a bonding resolution, as well as the authorization to enter into an agreement with the EFC. They had indicated that it would be preferable to have it done sooner rather than later. However, if it was not done at this meeting, it would be acceptable to have it done at the next meeting. That was based upon the last conversation I had with them I believe on Monday, yesterday.

LEG. ALDEN:

Okay.

LEG. CARACCIOLO:

Move the motion.

LEG. ALDEN:

So we don't have to do it today.

LEG. BISHOP:

Call the question.

D.P.O. POSTAL:

Okay. Roll call on the discharge.

MS. BURKHARDT:

No, all in favor.

LEG. BISHOP:

All in favor.

P.O. TONNA:

Okay. All in favor?

LEG. FOLEY:

Aye.

D.P.O. POSTAL:

Any opposed?

(Opposed Said in Unison by Legislators)

LEG. CARPENTER:
What are we doing?

D.P.O. POSTAL:
Discharging those two resolutions. Opposed, Legislator Caracappa,
Alden, Crecca. Abstention?

LEG. D'ANDRE:
And me.

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

MR. BARTON:
14.

D.P.O. POSTAL:
Resolutions are discharged. They'll age for an hour. There's now a
five-minute recess while the Budget Committee will meet.

LEG. CARACCIOLO:
Mr. Chairman, would the Deputy Presiding Officer, before she leaves
the chair, temporarily note the time they were discharged?

MS. BURKHARDT:
6:02.

LEG. CARACCIOLO:
6:02, okay.

[THE MEETING WAS RECESSED AT 6:06 P.M. AND RESUMED AT 6:20]

P.O. TONNA:
Roll call. Page 7. All right. Roll call. Wait, wait, one more time.
Roll call.

(Roll Called by Mr. Barton)

LEG. CARACCIOLO:
Here.

LEG. GULDI:
I'm here.

LEG. TOWLE:
Here.

LEG. CARACAPPA:
That would be me.

LEG. FISHER:
Here.

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LEG. HALEY:
Here.

LEG. FOLEY:
Present.

LEG. LINDSAY:
Here.

LEG. FIELDS:
Here.

LEG. ALDEN:
Here.

LEG. CARPENTER:
Pass.

MR. BARTON:
It's attendance.

LEG. CRECCA:
This is a roll call.

LEG. CARPENTER:
Oh, I'm sorry.

LEG. CRECCA:
She's passing on the roll call. She is here.

LEG. CARPENTER:
I always take an informed vote. I wanted to be sure.

LEG. CRECCA:
I'm passing also.

LEG. D'ANDRE:
Here.

LEG. BISHOP:
Here.

LEG. BINDER:
Here.

LEG. COOPER:
Here.

LEG. POSTAL:
Here.

P.O. TONNA:
Yes, I am here.

MR. BARTON:
Mr. Chairman, there are 18 present.

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P.O. TONNA:
That is wonderful.

MR. BARTON:
And at the moment, they're all in their seats.

P.O. TONNA:
That's great. Let's go with it then.

DISCHARGED BY PETITION

All right. Discharge Petition. 1737 (Implementing Greenways Program in connection with acquisition of Active Parklands at Miller Place (Town of Brookhaven). Motion by Legislator Haley, seconded by Legislator Caracappa. All in favor? Opposed?

LEG. FOLEY:
Explanation.

LEG. FISHER:
Can we ask what the Chair's position is on it?

P.O. TONNA:
Oh, Chair? Chair.

LEG. FISHER:
David Bishop.

P.O. TONNA:
Chair of the Environment, Land Acquisition --

LEG. FOLEY:
Legislator Bishop.

P.O. TONNA:
-- and Planning.

LEG. FISHER:
Legislator Bishop.

P.O. TONNA:
Dave. Dave.

LEG. FOLEY:
Front and center.

P.O. TONNA:
Dave, we're asking you what you --

LEG. FOLEY:
Page 7.

P.O. TONNA:
Legislator Fisher has asked you your official position as Chairman of the Environmental, Land Acquisition and Planning Committee. What is

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your position on Resolution Number 1737?

LEG. BISHOP:
The Greenways Active Recreation Fund --

LEG. D'ANDRE:
Oh, man.

LEG. BISHOP:
It will be a one-minute explanation. Had started off with \$20 million. We've drawn down to about -- we've spent about 12 million or so. This is a very large track, 75 acres. It's a sod farm up in Miller Place. In the \$12 million that we've spent so far, we've never achieved one of the goals of the legislation, which was to create a regional soccer park, a facility that would be able to be used by youth leagues throughout the Island. This tract is so large that it can accommodate that and also accommodate what Legislator Haley originally envisioned, which was a PAL facility.

P.O. TONNA:
What's that?

LEG. BISHOP:
Police Athletic League.

P.O. TONNA:
No, I know that. What is a PAL facility?

LEG. BISHOP:
I assume it's mostly ball fields.

P.O. TONNA:
I mean, it's not guys learning how to handcuff people.

LEG. HALEY:
No, not necessarily.

P.O. TONNA:
What does the Police --

LEG. HALEY:
But it's all kinds of fields.

LEG. ALDEN:
Use your microphone.

LEG. HALEY:
It's all kinds of fields.

P.O. TONNA:
Like what?

LEG. HALEY:
Ball fields, soccer fields, lacrosse.

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P.O. TONNA:
All right. Sports.

LEG. HALEY:
Sports.

P.O. TONNA:
Sports. All right.

LEG. BISHOP:
Okay.

P.O. TONNA:
Okay. So --

LEG. BISHOP:
So it's a large -- it's a very large tract.

P.O. TONNA:
You're getting like -- you're getting like all the Legislators, you're just going and then you're not making a point.

LEG. BISHOP:
No, no. The point is --

P.O. TONNA:
What is your point?

LEG. BISHOP:
That if we commit to this, we're drawing down a good portion of the remaining Greenways Active Recreation Fund. And so this is one of the -- so what I wanted to do with Legislator Haley was make sure that the Long Island Junior Soccer League, which is the umbrella organization for youth soccer on Long Island, was on board and in communication with PAL --

P.O. TONNA:
Step.

LEG. BISHOP:
-- and on the same page, and so forth. Legislator Haley today produced correspondence from Long Island Junior Soccer which says just that, we're in -- they're in support of it. They have a tentative agreement or a structure for an agreement in the future with PAL.

P.O. TONNA:
Great. This is great.

LEG. BISHOP:
So this will solve that problem.

P.O. TONNA:
Is this accessible by -- is it close to the parkways, highways?

LEG. BISHOP:
No. That's the one bad thing is it's off the beaten path a little.

Yeah, it's all the way in the middle of nowhere.

LEG. HALEY:
About 15 minutes.

P.O. TONNA:
All right. Here we go. Very good.

LEG. CARACCIOLO:
Hold it. Hold it.

P.O. TONNA:
So there's a motion, a second? All in favor? Opposed?

LEG. CARACCIOLO:
Whoa, whoa. I have a question.

P.O. TONNA:
Oh, okay. Well, then you get the question answered. Do we need the financial advisor here to answer this?

LEG. CARACCIOLO:
The resolution speaks to an active parkland acquisition. Must have a partner to do that. It's my understanding the partner is PAL, the Police Athletic League of Suffolk County. Do we have the requisite agreement in place? Is one required before we approve this?

LEG. HALEY:
Counsel, everything in order?

MR. SABATINO:
Well, everything is in order. We have the resolution that was enacted. The thing that held it up at the last meeting was the SEQRA, but SEQRA was completed in the intervening period.

LEG. CARACCIOLO:
Okay.

MR. SABATINO:
So we have a commitment, it's eligible.

LEG. CARACCIOLO:
Just so I understand, Legislator Haley, what the arrangement is going to be with PAL, because this is obviously going to be a regional asset, are people or youth from other areas outside the Town of Brookhaven, since it's a County-run facility, going to be allowed use, and on what basis? In other words --

P.O. TONNA:
That's a junior soccer league.

LEG. HALEY:
Yes, they have to be. They have to be.

P.O. TONNA:
That's a junior soccer league.

LEG. CARACCIOLO:
Well, I know they have to be, but who's going to be the gatekeeper, if you will, and determine --

LEG. HALEY:
Long Island Junior Soccer League.

LEG. CARACCIOLO:
Okay. And then the rest of the year when --

LEG. HALEY:
PAL for the rest. It has to be --

LEG. CARACCIOLO:
And who will develop these fields?

LEG. HALEY:
PAL has the ultimate responsibility, but what they'll do is through various agreements extend to those that -- Long Island Junior Soccer in particular will rise to the occasion to do some of those improvements. Its primary --

P.O. TONNA:
These are sod farms, right?

LEG. HALEY:
Yeah, sod farms, yeah.

P.O. TONNA:
I mean, this is straight -- I mean, they've already got them sodded.

LEG. HALEY:
Yeah, there's some -- there's some elevation work, because the sod farms roll a little bit, but they're pretty good to go.

P.O. TONNA:
Okay.

LEG. CARACCIOLO:
Final question, Marty. What is the timetable to accomplish the use of -- you know, the begin -- to begin use of these facilities.

LEG. HALEY:
They're going to start probably -- well, after they close, they're going to start next year, but we foresee it, probably it's a five-year

project.

LEG. CARACCIOLO:

So, in other words, you'll begin -- play there next year, but it won't be fully up --

LEG. HALEY:

We're going to try to. It's all based on closing, yeah. It's all

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based on being able to close the deal. I mean, we have an agreement, but we're ready to go.

P.O. TONNA:

Legislator Fields.

LEG. FIELDS:

Is there going to be a parking facility?

LEG. HALEY:

Yes.

LEG. FIELDS:

Enough for if they were going to have big, big tournaments --

LEG. HALEY:

Yes.

LEG. FIELDS:

-- there's enough parking?

LEG. HALEY:

Yeah. The plan calls for parking, and to expand parking as the fields expand.

P.O. TONNA:

I know that the County Executive lives in Miller Place. He offered to use his driveway, too, right, just in case.

LEG. HALEY:

Right

P.O. TONNA:

Okay. All right. Here we go.

LEG. FISHER:

Just one more question.

P.O. TONNA:
Yes, Legislator Fisher.

LEG. FISHER:
And Brookhaven Town has a plan in place?

LEG. HALEY:
No. This is -- Brookhaven Town is not a part of this.

LEG. FISHER:
So it's not including a municipality at all.

LEG. FOLEY:
That's why it's going to work.

LEG. HALEY:
No, it's -- no, it's --

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LEG. FISHER:
That's why it's going to work.

LEG. HALEY:
That's why it's going to work, right? No.

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

LEG. LINDSAY:
Question.

P.O. TONNA:
Okay. We had -- all in favor? Opposed?

LEG. LINDSAY:
No, a question, I've got a question.

P.O. TONNA:
Legislator Lindsay.

LEG. LINDSAY:
I keep asking.

P.O. TONNA:
You know, all you do is talk since you've come here, Legislator Lindsay.

LEG. CRECCA:
Yeah.

LEG. LINDSAY:
Will this wipe out this fund?

LEG. HALEY:
I don't know that it will.

P.O. TONNA:
Legislator Bishop, will this wipe out the fund?

LEG. BISHOP:
I don't think so, but the fund is going to be -- there's not going to be a hell of a lot less -- left after this. This is 75 acres, so it's big.

LEG. HALEY:
Thank you.

LEG. CARACCIOLO:
That's why, Legislator Lindsay, when we get to the resolutions coming up at the end of the day here, hopefully in a half hour, we'll be able to find some money to --

LEG. HALEY:
Well, yeah.

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LEG. CARACCIOLO:
-- keep acquisitions going.

LEG. HALEY:
I'll help you with that, Mike.

LEG. CARACCIOLO:
Okay.

LEG. HALEY:
Ready.

LEG. ALDEN:
What's the vote.

LEG. CRECCA:
Announce the vote.

P.O. TONNA:
Okay. I can't do that, that's not my job.

LEG. ALDEN:
Ask Henry.

P.O. TONNA:
Henry, are you -- could you tell me what the vote is?

MR. BARTON:
All in favor? Opposed? 18.

P.O. TONNA:
Thank you. Okay. Page 8.

LEG. HALEY:
Thank you.

P.O. TONNA:
1922 (Appropriating funds in connection with the replacement of DWI Alternative Facility). I make a motion, seconded by Legislator Carpenter. All in -- roll call.

LEG. FIELDS:
What's 1922?

P.O. TONNA:
This is the DWI alternative facility. Go ahead. Go ahead.

LEG. CARACCIOLO:
On the --

P.O. TONNA:
Roll call.

LEG. CARACCIOLO:
Hold it. I was the one who had the question before. We have a budget submitted for next year that is shy \$54 million in debt service

obligations.

P.O. TONNA:
But we have \$100 million solution, you said, so we've got 50 million to spend.

LEG. CARACCIOLO:
No, no, let's be consistent here. Let's not rush to judgment and
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haste to get out of here. You want to be responsible you told me in the a hallway a little while ago. Let's be responsible.

P.O. TONNA:

Legislator Caracciolo, this would be the first time that I said that to you in the hallway. Okay. Go right ahead.

LEG. CARACCIOLO:

But, in any event, the question is, in terms of the issue that Legislator Alden constantly brings up, and I would have to say sometimes with very good cause, what is our status this year on bond issuance, Jim?

MR. SPERO:

Let me get that file back here.

LEG. CARACCIOLO:

And as a percentage of the County budget, for every dollar collected, how much is necessary to retire debt service?

MR. SPERO:

It's about 7% of the General Fund, the serial bond.

LEG. CARACCIOLO:

I have a figure here from Fred Pollert that it's eleven point -- let me find it. I have 11%. He gave me this figure before.

MR. SPERO:

I have to check.

LEG. CARACCIOLO:

How much have we borrowed this year?

MR. SPERO:

We're up to about 65 million, but that includes 20 million of Greenways funding.

LEG. CARACCIOLO:

Okay. He gave me a figure of 67.665. Mr. Chairman, I only bring these points up -- I only bring these point up, because if you're not -- if you're going to a propose a budget that doesn't even provide adequate debt service reduction or payment, I think it's interesting that the same individual would sponsor resolutions to increase our debt obligations.

P.O. TONNA:

Why do you find that surprising?

LEG. CARACCIOLO:
I guess you don't either.

P.O. TONNA:
I'm just asking. You know, I've been here eight years. Why do you find that surprising?

LEG. CARACCIOLO:
Okay.

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

(Roll Called by Mr. Barton)

LEG. CARPENTER:
Yes.

P.O. TONNA:
Yes.

LEG. COOPER:
Yes.

LEG. BINDER:
Yes.

LEG. BISHOP:
(Not Present)

LEG. D'ANDRE:
Pass.

LEG. CRECCA:
Sure. I'm over here.

LEG. ALDEN:
Yes.

LEG. FIELDS:
Yes.

LEG. LINDSAY:
Yes.

LEG. FOLEY:
Yes.

LEG. HALEY:
Pass.

LEG. FISHER:
No.

LEG. CARACAPPA:
Nope.

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LEG. TOWLE:
Yes.

LEG. GULDI:
Pass.

LEG. CARACCIOLO:
No.

LEG. POSTAL:
Yes.

LEG. BISHOP:
(Not Present)

LEG. D'ANDRE:
Yes.

LEG. HALEY:
Yes.

LEG. GULDI:
Yes.

MR. BARTON:
14-3, 1 not present. (Not Present: Leg. Bishop)

P.O. TONNA:
Same motion, same second, same vote. Okay. We switch down to Health now. All right.

HEALTH

1804. (Adopting Local Law No. -2001, a Local Law to extend ban on distribution of free promotional samples of tobacco products). I'm going to make a motion table. I have one small -- I'll be submitting a corrected copy. Second by Legislator Carpenter. All in favor? Opposed? Tabled.

MR. BARTON:
17, 1 not present. (Not Present: Leg. Bishop)

ECONOMIC DEVELOPMENT & ENERGY

P.O. TONNA:

Great. 1531 (To establish Eco-Tourism Task Force to evaluate the potential of an Ecological Based Tourism Industry in Suffolk County). I make a motion to approve.

LEG. ALDEN:

Second.

P.O. TONNA:

Second by --

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LEG. ALDEN:

Second.

P.O. TONNA:

-- Legislator Alden. All in favor? Opposed? Approved.

MR. BARTON:

17, 1 not present. (Not Present: Leg. Bishop)

P.O. TONNA:

Thank you.

LEG. GULDI:

Give me an abstention on that, Henry, 1531.

MR. BARTON:

16, 1 abstention, 1 not present. (Not Present: Leg. Bishop)

P.O. TONNA:

1883 (Adopting Local Law No. -2001, a Local Law adopting an amended targeted business investment real property tax exemption plan). Motion by -- I'll make a motion by myself, seconded by Legislator Postal. On the motion.

LEG. POSTAL:

On the motion.

P.O. TONNA:

What does this do, Paul?

LEG. POSTAL:

Exactly.

MR. SABATINO:

GM102301.txt

Okay. It just -- it adds three geographic regions to this tax abatement program that was adopted in 1995, and the three areas are a portion of Village of Patchogue on East County Road along Montauk Highway, the second area is the Village of Patchogue in its Business Zone 1, and the third category or area is the Flanders Riverside area in the Town of Southampton. They would all now be eligible for the targeted tax credit.

P.O. TONNA:

I would defer my sponsor on this resolution, if Legislator Foley would like to be -- Legislator Foley, would you like to make the motion?

LEG. FOLEY:

Thank you for the courtesy. I'll make the motion to approve 1883.

P.O. TONNA:

Okay. Second by Legislator Postal. All in favor? Opposed? Approved.

LEG. FISHER:

I have a question. Is there cost associated? Could we determine how much it would cost us?

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LEG. FOLEY:

I wouldn't define this cost as a term of art, because the reason why there -- the reason why there's an incentive program is that by offering a tax incentive program, you would thereby hopefully attract certain businesses to locate or relocate to a downtown area. And this particular area is part of the unincorporated portion of East Main Street. And with the cooperation of the County Exec's Office, in particular George Gatta, we've been able to put this resolution forward. So while there may be a temporary reduction in taxes, in property taxes, the longer term outlook is an economic plus for the County and also for that portion of Main Street.

LEG. CRECCA:

Okay, got it.

P.O. TONNA:

Okay, thanks.

LEG. FOLEY:

Thank you.

LEG. FISHER:

Oh, never mind, Jim.

P.O. TONNA:
Vivian, thanks. Thanks a lot.

LEG. FOLEY:
And place me as a cosponsor on that. The County Executive was supposed to put me on.

P.O. TONNA:
Okay. I'm sure he wanted to. Okay. We have --

MR. BARTON:
The vote on 1883 is 18.

P.O. TONNA:
Thank you so much.

LEG. FOLEY:
Thank you.

P.O. TONNA:
1887 (Directing the Suffolk County Energy Advisory Committee to develop Master Energy Policy statement).

LEG. FISHER:
Motion.

P.O. TONNA:
Legislator Fisher, do you have a motion?

LEG. FIELDS:
Second.

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P.O. TONNA:
Second by Legislator Fields.

LEG. LINDSAY:
On the question.

P.O. TONNA:
On the motion.

LEG. LINDSAY:
On the motion.

P.O. TONNA:
Yeah.

LEG. LINDSAY:

I am opposed to this, because I don't think we belong in energy management. I think there's enough oversight on the State level, and I think this will be a hinderance in developing more generation on Long Island and which I think we desperately need.

P.O. TONNA:

Billy, just to understand, this would be a hinderance to generation?

LEG. LINDSAY:

I believe it will be used that way, yes.

P.O. TONNA:

Okay.

LEG. FISHER:

Okay. If I may, Mr. Chairman.

P.O. TONNA:

Sure, Legislator Fisher.

LEG. FISHER:

This -- in no portion of this resolution is there any indication that this would hinder energy generation. As a matter of fact, what this committee will be doing is gathering information and discussing the information and presenting to this Legislature master plans that are being developed for Suffolk County by such entities as LIPA, towns which are developing energy policies and energy plans such as the Town of Brookhaven, the Town of East Hampton, the Long Island Sustainable Alliance, which is coming up with an energy plan. And what this Energy Advisory Committee is doing is bringing all of those together and looking at an energy policy statement for Long Island. It is not preventing the construction of any power plants. In fact, it might help us with that, because we can remove it from parochial concerns and have a broader look of where we might site power plants, and it would be a look outside of the Legislature on this, it's not preventing the construction of any new generating plants.

LEG. LINDSAY:

Mr. Chairman, if I may. I still don't feel that we should be involved in this issue. I think there's enough oversight. I think the County

Legislature has a full plate now without taking on anymore responsibilities that we don't belong in.

LEG. FISHER:

GM102301.txt

This is an existing task force, it's an existing advisory committee, it's already in existence, and it's looking at energy master plans that are being created in municipalities that are actually more local than county; Brookhaven Town, East Hampton, civic groups. LIPA sits on this committee, Brookhaven Lab sits on this committee. It is not adding another layer. It's collaborating and bringing together all of the different energy policies, so that we have one view in Suffolk County and one -- one perspective as to what is going on. And this committee will let the Legislature know what is happening in our County.

P.O. TONNA:
Okay. Let's roll call it.

(Roll Called by Mr. Barton)

LEG. FISHER:
Yes.

LEG. FIELDS:
Yes.

LEG. COOPER:
Yes.

LEG. BINDER:
Yes.

LEG. BISHOP:
Yes.

LEG. D'ANDRE:
Yes.

LEG. CRECCA:
Sure.

LEG. CARPENTER:
Abstain.

LEG. ALDEN:
Pass.

LEG. LINDSAY:
No.

LEG. FOLEY:
Yes.

LEG. HALEY:
Yes.

LEG. CARACAPPA:
Yes.

LEG. TOWLE:
Yes.

LEG. GULDI:
Yes.

LEG. CARACCIOLO:
Yes.

LEG. POSTAL:
Yes.

P.O. TONNA:
Pass.

LEG. ALDEN:
Yes.

P.O. TONNA:
Yes. Why not.

MR. BARTON:
15-1 and 1 abstention.

P.O. TONNA:
Okay. All right. 1928 (Authorizing contract with the Long Island Convention and Visitor's Bureau to provide administration of the North Shore Heritage Trail ISTE grant on behalf of Suffolk County). Is there a motion?

MR. BARTON:
16.

LEG. ALDEN:
Motion

P.O. TONNA:
Motion. A motion by Legislator Alden, second by his partner, his new partner in crime, Legislator Fisher. All in favor? Opposed?

MR. BARTON:
18.

LEG. FOLEY:
Mr. Chairman I'd like to make a motion to override --

P.O. TONNA:

Wait, wait.

LEG. FOLEY:

No, I'm making a motion. I'd like to make a motion now to override Resolution Number 930, allocating money for pay-as-you-go financing for the painting of bridges at various locations. I'd like to do it

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now Mr. Chairman

P.O. TONNA:

All right. There was a --

LEG. FOLEY:

Motion to override.

P.O. TONNA:

A motion to override.

LEG. CARACCILO:

Second.

P.O. TONNA:

And there's a second by?

LEG. POSTAL:

Second.

P.O. TONNA:

By Legislator Postal.

LEG. FOLEY:

Mr. Chairman.

P.O. TONNA:

Roll call.

LEG. FOLEY:

The resolution was approved originally 17 to 1.

P.O. TONNA:

Okay. Roll call.

(Roll Called by Mr. Barton)

LEG. FOLEY:

Yes.

LEG. POSTAL:
Yes.

LEG. COOPER:
Yes.

LEG. BINDER:
No.

LEG. BISHOP:
Pass.

LEG. D'ANDRE:
Pass.

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LEG. CRECCA:
Pass.

LEG. CARPENTER:
Pass.

LEG. ALDEN:
Punt.

MR. BARTON:
Does that mean you'll leave it up to me?

LEG. ALDEN:
Pass. No, henry, sorry. Pass.

LEG. FOLEY:
It wouldn't be the first time, I don't think.

LEG. FIELDS:
Yes.

LEG. LINDSAY:
Yes.

LEG. HALEY:
No.

LEG. FISHER:
Yes.

LEG. CARACAPPA:
Yes.

LEG. TOWLE:
Yes.

LEG. GULDI:
Yes.

LEG. CARACCIOLO:
Yes.

LEG. TONNA:
Yes.

LEG. BISHOP:
Yes.

LEG. D'ANDRE:
Yes.

LEG. CRECCA:
Yes.

LEG. CARPENTER:
Yes.

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LEG. ALDEN:
Yes.

MR. BARTON:
16-2.

LEG. FOLEY:
Thank you.

BUDGET

P.O. TONNA:
Okay. Now let's go to the Budget Committee. 1441 (Amending the Adopted 2001 Operating Budget and transferring capital funds for Touro Eldercare Program). Is there a motion, Legislator Alden?

LEG. ALDEN:
Motion.

P.O. TONNA:
Seconded by myself.

LEG. BINDER:
Read the title.

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

LEG. BINDER:
Read the title.

LEG. CRECCA:
Paul, can you just read the title?

LEG. BINDER:
Just read those titles.

P.O. TONNA:
Really?

LEG. BINDER:
From the Budget Committee. Just read it back.

P.O. TONNA:
Why?

LEG. CRECCA:
Oh, I have it right here.

LEG. BINDER:
I don't have those titles. Oh, it's in front of us. Sorry.

MS. BURKHARDT:
We sent around a list.

195

LEG. BINDER:
Sorry.

P.O. TONNA:
You want to stay a little longer?

LEG. CARPENTER:
No.

LEG. BINDER:

No.

P.O. TONNA:
Okay. That's what I thought.

LEG. CARPENTER:
He's sorry.

P.O. TONNA:
All right. 1441.

LEG. GULDI:
On the motion.

P.O. TONNA:
There's a motion by Legislator Alden.

LEG. FOLEY:
Yeah, explanation.

P.O. TONNA:
Seconded by myself.

LEG. GULDI:
On the motion. I'd like explanations --

LEG. FOLEY:
Absolutely.

LEG. GULDI:
-- on these, because we then -- I don't have the bills with me,
because they were just discharged in committee earlier this evening.

P.O. TONNA:
Weren't you sitting down while we discussed this in committee?

LEG. CARPENTER:
Yes, you were.

LEG. GULDI:
No, I wasn't.

P.O. TONNA:
George, you were, you were right here.

LEG. GULDI:
I was otherwise --

P.O. TONNA:
Preoccupied?

LEG. GULDI:
-- Occupied.

P.O. TONNA:
Okay. This is -- Legislator Alden, would you -- Legal Counsel, go right ahead.

MR. SABATINO:
This transfers \$50,000 from the advertising account, which was carried over into the 5-25-5 account over to Touro Law School for the Elder Care Law Clinic Program.

LEG. GULDI:
Okay. Thank you.

P.O. TONNA:
This is two years ago when --

LEG. GULDI:
That's enough.

LEG. ALDEN:
Don't -- no, you don't have to go there.

LEG. FOLEY:
What is it?

P.O. TONNA:
Okay. All right.

LEG. GULDI:
That's all I wanted to know.

P.O. TONNA:
I was waiting for you to go jump down and say, "Uncle." All right. There's a motion and a second. All in favor? Opposed? Approved.

MR. BARTON:
18.

P.O. TONNA:
1901 (Amending the Adopted 2001 Operating Budget and appropriating funds to create Public Access Defibrillators Coordinator (PAD) position at County Department of Health Services).

LEG. GULDI:
Same question.

LEG. CRECCA:
Motion to approve.

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P.O. TONNA:
Same question.

LEG. CARPENTER:
Second.

P.O. TONNA:
This is the PAD position.

LEG. GULDI:
Fine, okay.

P.O. TONNA:
All right. Motion by Legislator Crecca, second by Legislator Alden.
All in favor? Opposed? Approved.

MR. BARTON:
18.

P.O. TONNA:
1903 (Amending the 2001 Operating Budget transferring funds to the
Community House of Long Island). Motion by Legislator Postal, seconded
by myself. All in favor? Opposed? Approved.

MR. BARTON:
18.

P.O. TONNA:
1904 (Amending the 001 Operating Budget transferring funds for Row for
a Cure). Motion by Legislator Caracciolo, seconded --

LEG. ALDEN:
Second.

P.O. TONNA:
-- by myself. Oh, no, by Legislator Alden, because there's warm
feelings there.

LEG. CRECCA:
Yeah, very warm and fuzzy.

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

LEG. CRECCA:

This is beautiful.

MR. BARTON:
18.

P.O. TONNA:
Okay.

LEG. CRECCA:
Give me a tissue.

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P.O. TONNA:
Here we go. 1906 (Amending the 2001 Operating Budget transferring funds to various contract agencies). Motion by Legislator Towle.

LEG. ALDEN:
Second.

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

MR. BARTON:
18.

P.O. TONNA:
1918 (Amending the 2001 Operating Budget and transferring funds for Downtown Revitalization Program (CP 6412.310). Motion by Legislator Cooper, seconded by myself. All in favor? Opposed? Approved.

LEG. FOLEY:
Cosponsor, please.

P.O. TONNA:
There you go.

LEG. FIELDS:
Cosponsor.

P.O. TONNA:
There you go.

LEG. CRECCA:
Cosponsor.

P.O. TONNA:
Jonathan, look at the support, it keeps coming in. All right.

LEG. TOWLE:
Cosponsor.

P.O. TONNA:
1919 (Amending the 2001 Operating Budget transferring funds for the
Suffolk County Volunteer Firefighters Burn Center fund, Inc.). Motion
by Legislator Carpenter.

MR. BARTON:
18.

LEG. CARACCIOLO:
Second.

P.O. TONNA:
Seconded by --

LEG. CARPENTER:
Bishop.

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P.O. TONNA:
Who said second?

LEG. CARPENTER:
Bishop.

P.O. TONNA:
Legislator Lindsay. We're going to give this to Lindsay.

LEG. CRECCA:
Henry, cosponsor on this.

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

(Cosponsor Said in Unison by Legislators)

P.O. TONNA:
All right.

MR. BARTON:
18.

P.O. TONNA:
There you go.

MR. BARTON:
All present, except for Mr. Bishop.

P.O. TONNA:
1932 (Transferring contingent funding for various Contract Agencies
(Phase III.) Motion by myself.

LEG. CARACCIOLO:
Second.

P.O. TONNA:
Seconded by Legislator Caracciolo. All in favor? Opposed? Approved.

MR. BARTON:
18.

P.O. TONNA:
1941 (Amending the 2001 Operating Budget transferring funds to the
Capital Program and Budget for the Environmental and Public Health
Review and Risk Assessment of Plum Island).

LEG. CARACCIOLO:
Motion.

LEG. GULDI:
Cosponsor.

LEG. FISHER:
Cosponsor.

200

P.O. TONNA:
Motion by Legislator Caracciolo.

LEG. GULDI:
Second. Second.

P.O. TONNA:
Seconded by Legislator Guldi.

LEG. GULDI:
Cosponsor, Henry. You got me?

MR. BARTON:
Yes, sir.

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

LEG. FOLEY:
Cosponsor, also.

P.O. TONNA:
Approved.

MR. BARTON:
18.

MS. BURKHARDT:
CN's?

P.O. TONNA:
Now -- no. Let's continue with the agenda where we are. We're on the senseless resolutions. Okay, here we go.

SENSE RESOLUTIONS

Sense Number 82 (Memorializing Resolution requesting State of New York to authorize Suffolk County Red Light Running Law). Motion by Legislator Lindsay, seconded by myself.

LEG. CRECCA:
What are we doing? I'm sorry.

P.O. TONNA:
This is the Red Light Running Law.

LEG. CARACCIOLO:
What? Whoa, whoa. Where are we?

P.O. TONNA:
Okay?

LEG. FOLEY:
Red Light District?

201

P.O. TONNA:
Right.

LEG. GULDI:
Hold on.

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

LEG. BINDER:
Opposed.

LEG. GULDI:
Hold on, hold on. Hold it.

P.O. TONNA:
Approved.

(Opposed Said in Unison by Legislators)

LEG. BINDER:
I'm opposed.

LEG. GULDI:
A question for Counsel.

P.O. TONNA:
Okay.

LEG. CRECCA:
Roll call.

P.O. TONNA:
Hold on a second.

LEG. CRECCA:
Roll call.

P.O. TONNA:
We've got some -- we've got some --

LEG. GULDI:
Question for Counsel.

P.O. TONNA:
-- opposition.

LEG. GULDI:
No. I got a question, it's not opposition.

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

LEG. GULDI:
I'm confused about the law, because I thought there was already a provision in the Vehicle and Traffic Law making it illegal to run a

red light.

LEG. FOLEY:
George, come on.

P.O. TONNA:
We know how George is with driving.

LEG. CARPENTER:
As long as you're not on your cell phone.

LEG. GULDI:
Only when you're on the cell phone.

LEG. CARACAPPA:
He's never seen a red light he didn't --

MR. SABATINO:
The legislation is asking for an amendment to that portion of the Vehicle and Traffic Law, which would allow municipalities to do surveillance of people running red lights, and then ticket based on that surveillance equipment. That currently only exists for the City of New York.

LEG. GULDI:
Thank you.

P.O. TONNA:
Okay. Thank you. Running for -- what do we got? All in favor? Opposed?

LEG. CRECCA:
Roll call.

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

(Roll Called by Mr. Barton)

LEG. LINDSAY:
Yes.

LEG. TONNA:
Yes.

LEG. COOPER:
Yes.

LEG. BINDER:
No.

LEG. BISHOP:

Yes.

LEG. D'ANDRE:

No.

203

LEG. CRECCA:

Abstain.

LEG. CARPENTER:

Abstain.

LEG. ALDEN:

Abstain.

LEG. FIELDS:

Yes.

LEG. FOLEY:

Yes.

LEG. HALEY:

No.

LEG. FISHER:

Yes.

LEG. CARACAPPA:

Yep.

LEG. TOWLE:

Yes.

LEG. GULDI:

Yes.

LEG. CARACCIOLO:

Abstain.

LEG. POSTAL:

Yes.

MR. BARTON:

11.

P.O. TONNA:

There you go. Okay. Sense Resolution Number 84 (Memorializing

resolution requesting State of New York to establish regional traumatic brain injury technical assistance centers). Motion by Legislator Cooper.

LEG. CARPENTER:

On the motion.

P.O. TONNA:

Seconded by myself. On the motion. Who wants the motion on? All right. All in favor? Opposed?

LEG. CARPENTER:

No, wait. I don't understand why we're doing this, because we already have regional traumatic brain injury technical centers.

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LEG. ALDEN:

That's Southside Hospital. It's already been designated.

LEG. BISHOP:

Is that true?

LEG. ALDEN:

Absolutely.

LEG. BISHOP:

That's outrageous.

LEG. COOPER:

They're establishing I believe it's nine additional regional -- the desire is to establish nine additional regional traumatic brain injury centers to provide educational support for children, for students that have suffered brain injuries.

P.O. TONNA:

Can I say something, just from the standpoint if -- I think Legislator Cooper has some real live experience with regard to this issue, if I'm not mistaken.

LEG. COOPER:

Nice try. No, that was a brain tumor. This is different, but thank you.

LEG. ALDEN:

Call the vote.

P.O. TONNA:

All right. I'm sorry.

LEG. ALDEN:
Call the vote, Paul.

P.O. TONNA:
Brain tumor, brain trauma, what the heck.

LEG. FOLEY:
That's very gracious of you, Jon.

P.O. TONNA:
What the heck. I could tell there's some brain trauma going on in the
P.O.'s Office right now, that's for sure.

LEG. COOPER:
I can take that ball and run with it, though, if it will get the
votes.

P.O. TONNA:
After six -- after six candy bars, I'm wired. All right. Here we go.

LEG. COOPER:
Paul, thank you.

205

P.O. TONNA:
Okay. So all in favor? Opposed? Approved.

MR. BARTON:
18.

P.O. TONNA:
Okay. Sense 86 (Memorializing resolution requesting Federal
Government to continue ban on using recycled radioactive waste in
consumer products).

LEG. FISHER:
Motion.

LEG. FOLEY:
Second.

P.O. TONNA:
Motion. Okay.

LEG. BINDER:

Come on, what radioactive?

P.O. TONNA:

Okay. Could I just -- can I just ask, recycle radioactive consumer products? Okay.

LEG. FISHER:

There is a move to allow -- do you really want an explanation?

P.O. TONNA:

Yeah, I would like to know --

LEG. FISHER:

Okay.

P.O. TONNA:

-- just from a point of information.

LEG. FISHER:

There's a move to permit the recycling of radioactive material that has been -- that is waste, okay, and we want to continue the ban. So this is a memorializing resolution supporting the ban.

P.O. TONNA:

They put it in consumer products, like what, in those little glow sticks. I mean, what are we talking about here?

LEG. FOLEY:

They used to put -- they used to put it in clocks back in the '50's, absolutely did.

P.O. TONNA:

Really?

206

LEG. FOLEY:

Radium, yep.

P.O. TONNA:

Okay, there we go. There is a motion and a second. All in favor? Opposed? Approved.

MR. BARTON:

Who?

P.O. TONNA:

Okay. 87.

MR. BARTON:
Mr. Chairman.

P.O. TONNA:
Yes.

MR. BARTON:
You said there's a motion and second. Who?

P.O. TONNA:
Motion by Legislator Fisher.

MR. BARTON:
Oh, thank you.

P.O. TONNA:
Second by Legislator Foley.

MR. BARTON:
Thank you. 18.

P.O. TONNA:
All in favor? Opposed? Approved. There goes the clock argument.
87 (Memorializing resolution requesting State of New York to ban
distribution and sale of any radioactive materials in New York State
that have been recycled or released from any DOE/NRC site). Motion by
Legislator Fisher. Radioactive -- okay. It's the same kind of thing,
right?

LEG. FISHER:
Yes.

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

MR. BARTON:
18.

P.O. TONNA:
Okay. On Sense 89 (Sense of the Legislature resolution condemning
9/11/01 anti-American terrorist attacks), which I'll make a motion, I
just want you to know, this was a -- this was a sense resolution
requested by the --

NATO.

P.O. TONNA:

Yeah, all right, organizations and counties, and so that's why all I did was basically put a bill together that recapitulated the language that they have asked. And I think as participants and members of that, that that's where we should be.

LEG. BISHOP:

Well, of course, it goes without saying. My question is how do we deliver the sense?

LEG. ALDEN:

Slam Bin laden right in the head with it.

LEG. BISHOP:

Right.

LEG. BINDER:

Paste it to a bomb.

LEG. BISHOP:

Paste it to a bomb, exactly.

LEG. ALDEN:

And I'm volunteering Tonna to do just that.

P.O. TONNA:

I would volunteer.

LEG. ALDEN:

You're on your way, Paul.

P.O. TONNA:

I'd volunteer. And I'd take a Marine with me and a couple of other guys, I know, and maybe even -- maybe even an Air Force man. Anyway, all right. All in favor?

LEG. ALDEN:

Marty's Air Force, I was Army.

P.O. TONNA:

Marty, you were a veteran, you're a veteran, Air Force.

LEG. HALEY:

Air Force.

P.O. TONNA:

Oh, you and Mike D'Andre have a lot in common, I got that now.

LEG. HALEY:

I'm a real American.

P.O. TONNA:
There we go. Okay. There we go.

LEG. FOLEY:
Passing the torch.

P.O. TONNA:
Now I know who to pass on, Marty, the head of the Vets Committee.
Okay. All in favor? Opposed? Approved.

LEG. FOLEY:
Mr. Chairman, why don't we make the --

P.O. TONNA:
Wait. We got Sense --

LEG. FOLEY:
Mr. Chairman, why don't we make the whole Legislature cosponsors of
the resolution?

P.O. TONNA:
That would be great. Thank you. I think I did put all your names on
it already.

MR. BARTON:
Who was the second? Who was the second?

LEG. FOLEY:
Thank you for anticipating our cooperating on that one.

P.O. TONNA:
There we go.

MR. BARTON:
Who was the second?

P.O. TONNA:
Okay. Is everyone's name on it?

MR. BARTON:
D'Andre?

P.O. TONNA:
D'Andre.

MR. BARTON:
Thank you.

P.O. TONNA:
Okay.

MR. BARTON:
18.

P.O. TONNA:
All right. Here we are with a late-starter. 2052.

209

LEG. FOLEY:
Hold on. Hold on.

LEG. POSTAL:
Wait a minute.

P.O. TONNA:
Oh, late-starters, is this the only one?

LEG. POSTAL:
No. I have --

MS. BURKHARDT:
CN's.

LEG. BISHOP:
There's three or four.

P.O. TONNA:
Oh, this is the CN's?

MS. BURKHARDT:
No, that's the late-starters.

P.O. TONNA:
Okay. Let me give you the late-starters. Late-starter Number 2052 (A resolution authorizing the issuance, pursuant to Section 90.10 of the Local Finance Law, of refunding bonds of the County of Suffolk, New York, to be designated "Public Improvement Refunding (Serial) Bonds", and providing for other matters in relation thereto and the payment of the bonds to be refunded thereby). I want that to go to Finance. 2054 2054 (Expanding use of War Veterans Building in Lindenhurst) to go to Vets and Seniors. 2056 (Creating Committee for securing HVAC systems in County buildings and facilities against chemical biological terrorist diseases) to Health. All right. Sense 95 (Memorializing resolution requesting State of New York to clarify grandparent custody rights) to go to Education and Youth. Sense 96 (Memorializing

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resolution requesting State of New York to provide caregiver support program for grandparents and older relatives caring for children) to go to Education and Youth. All right. And Sense 97 (Memorializing resolution requesting Federal Government to condition 9/11/01 World trade Center (WTC) financial aid on Layoff Protection Plan).

MS. BURKHARDT:

Legislator Lindsay would also like to adopt this tonight.

P.O. TONNA:

Okay. We would like to, on Sense 97, lay it on the table, approve --

LEG. BISHOP:

Waive the rules.

P.O. TONNA:

Waive the rules and approve.

210

LEG. GULDI:

Do you want to tell us about it?

P.O. TONNA:

Sure. This is a memorializing resolution requesting Federal Government condone -- condition, to condition the September 11th World Trade Center financial aid on Layoff Protection Plan. Legislator Lindsay.

LEG. HALEY:

Is that a no vote?

P.O. TONNA:

This is not the bill?

MR. SABATINO:

The condition's going to be that the -- anybody receiving that federal aid, the \$40 billion package that was put together for the airline industry, has to agree not to lay off members of their workforce until the war against terrorism has been successfully concluded.

LEG. LINDSAY:

What brought this about was the TWA situation. Since September 11th, they have moved their whole operation to Saint Louis and laid off a lot of people in New York metropolitan area at the same time that they're looking to collect a windfall from the Federal Government, and we think that's unfair to the New York metropolitan area now.

P.O. TONNA:
I do, too. Here-here. And I'm sure they'll listen. Here we go.

LEG. BISHOP:
Cosponsor, please.

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

MR. BARTON:
Second?

P.O. TONNA:
Yes, I'm the second. I'm the second. All in favor? Opposed?
Approved.

MR. BARTON:
18.

P.O. TONNA:
Okay.

MR. BARTON:
Sense 97 is approved.

P.O. TONNA:
All right. CN's. Here we go.

211

LEG. TOWLE:
No travel vouchers for TWA.

P.O. TONNA:
There we go. You know, that's a good point, but I don't think --

LEG. BISHOP:
Mr. Chairman.

P.O. TONNA:
I say no to travel vouchers unless you are in New York State anyway.

LEG. BISHOP:
Mr. Presiding Officer, can I --

P.O. TONNA:
Yes.

LEG. BISHOP:

On one of the assignments, I don't know if it's an error or not, 2054 is -- relates to a purchase by the County of property that is currently the World War Veterans Club building. It has nothing to do with providing services to veterans. You assigned it to Vets and Seniors. It's a land purchase bill.

P.O. TONNA:

It's a land purchase bill? Okay. Can I -- do the Rosanna Rosannadanna routine. I'm sorry. Okay. Now, how do we do this?

LEG. BISHOP:

Just change it. You're the Presiding Officer.

LEG. CRECCA:

Change it.

LEG. CARACAPPA:

Motion to reassign.

LEG. FOLEY:

It's at your discretion.

P.O. TONNA:

Yeah. And you can see I toil over each bill and make those assignments, you know, based on the merit.

MR. SABATINO:

Well, the resolution is adding the War Veterans Club of Lindenhurst as a potential user of the property acquired.

LEG. BISHOP:

Right. But it's been through the -- it's all been under land acquisition the entire time. It was set to close and the County Executive's Office kicked it back and said, "We need another resolution just to clarify this one point."

MR. SABATINO:

Then Ways and Means. Ways and Means.

LEG. BISHOP:

It wouldn't be -- since it came through Environment up to this point, why wouldn't it not go --

MR. SABATINO:

No, it didn't. It was never in --

LEG. BISHOP:
Okay, Ways and Means. Fine. Whatever.

P.O. TONNA:
All right. My decision is Ways and Means. Okay. There we go.

MR. BARTON:
Okay. Those resolutions aer laid on the table, 18.

P.O. TONNA:
Legislator Carpenter, what do you got going on here?

LEG. CARPENTER:
That should be Public Safety, not Health.

LEG. FOLEY:
Mr. Chairman.

P.O. TONNA:
Wait. Can I say something?

LEG. FOLEY:
Mr. Chairman.

P.O. TONNA:
Wait.

LEG. CRECCA:
That's definitely Public Safety, though, Paul.

P.O. TONNA:
Okay.

LEG. FOLEY:
Mr. Chairman, 2056 should have as a secondary committee the Public Works Committee, 2056, dealing with HVAC systems in County buildings. Prime should be Health, which is fine, but I'd like to have it go to --

P.O. TONNA:
Can I say something? Okay.

LEG. FOLEY:
You're the Presiding Officer, you can say what --

P.O. TONNA:
I'm the Presiding Officer. It's in Health. I'll make secondary
Public Safety and --

LEG. FOLEY:
No, public works.

P.O. TONNA:
And Public Works.

LEG. FOLEY:
Okay.

P.O. TONNA:
All right? There we go.

LEG. HALEY:
Mr. Chairman.

LEG. CRECCA:
Why is that Health?

LEG. FOLEY:
Solomon-like like decision, Mr. Chairman.

P.O. TONNA:
Yeah.

LEG. HALEY:
Mr. Chairman.

LEG. CRECCA:
Why is that Health?

LEG. HALEY:
Mr. Chairman.

P.O. TONNA:
How is this Health? It has to do -- can I say something? I'm going
to tell you how it's Health. Because what the Police Commissioner is
going to do is say, "Thank you, this is a health issue." We're going
to find out about, you know, anthrax, about this, about the biological
terror. Once we move to the word "biological," we move to the Health
Department.

LEG. CARPENTER:
Go head.

P.O. TONNA:
Okay. Thank you.

LEG. HALEY:
Mr. Chairman.

P.O. TONNA:
No, I'm not going -- I'm not going to change anymore.

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LEG. FISHER:
Mr. Chairman.

P.O. TONNA:
Yes. You want to change another one?

LEG. FISHER:
The Police Commissioner said the same thing, that he'd --

P.O. TONNA:
Oh, he did.

LEG. FISHER:
That Health was the lead agency.

P.O. TONNA:
Okay. All right.

LEG. HALEY:
I only have one simple request.

P.O. TONNA:
No, no changing another committee.

LEG. HALEY:
No. Last year -- last year I was chairman of nothing and I got promoted to chairman of something and I've only had about three resolutions assigned to my committee. So I wouldn't mind if you can throw a couple more my way.

P.O. TONNA:
All right. I'll --

LEG. HALEY:
Thank you.

P.O. TONNA:
You know what, I'll ask --

LEG. TOWLE:
What are you the Chairman of?

P.O. TONNA:

-- Legal Counsel.

LEG. HALEY:
Thank you.

LEG. GULDI:
Yeah, what is he the Chairman of?

LEG. FOLEY:
You're trying to justify your position, so --

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LEG. HALEY:
Thank you.

P.O. TONNA:
Okay. There we go. Certificates of Necessity. And, Ladies and Gentlemen, we're almost done.

LEG. CARACCILO:
Mr. Chairman, I have a motion to make.

P.O. TONNA:
Oh, no, no. After the CN's.

LEG. CARACCILO:
All right. All right.

LEG. CARPENTER:
After the CN's.

LEG. CARACCILO:
Okay.

P.O. TONNA:
After the CN's, if I look that way. Here we go.

CERTIFICATES OF NECESSITY

1850. CN number 1850 (Authorizing acquisition under Suffolk County Multifaceted Land Preservation Program (Brayson Property, Village of Lake Grove) Town of Brookhaven).

LEG. CRECCA:
Motion to approve.

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

P.O. TONNA:
Seconded by?

LEG. CARPENTER:
Second.

LEG. GULDI:
Hold on. Hold on.

LEG. CARACCIOLO:
Hold on. We're not ready.

LEG. GULDI:
Why --

P.O. TONNA:
Legislator Caracappa.

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LEG. GULDI:
I got a question.

P.O. TONNA:
This is authorizing --

LEG. GULDI:
Question on the resolution.

LEG. CRECCA:
Sure.

P.O. TONNA:
Yes.

LEG. GULDI:
Why are we on a CN on an acquisition, and why isn't this going through committee.

LEG. CRECCA:
Okay.

LEG. CARACCIOLO:
Good question.

LEG. CRECCA:

Two things. First of all, it's planning steps. The title I know says acquisition, but it is planning steps. There's a companion CN with it tonight to fund the planning steps for \$5,000. It is a time sensitive piece of property in Lake Grove that we had to amend the bill and we --

P.O. TONNA:

Is that your district?

LEG. CRECCA:

Yes, it's in my district. It borders next to Legislator Caracappa's district. It is -- it's in the Planning Department right now in the Village of Lake Grove. I've spoken to both the owner and the developer, proposed developer of the property. They are willing to sit down with the County and move forward.

P.O. TONNA:

Why, does it have --

LEG. CRECCA:

Why is it time sensitive?

P.O. TONNA:

Yes.

LEG. CRECCA:

Because the Village is about to approve the planning, and we have sat down with the Village Planning Board, and if we can move quickly on this, we can hold off the final approval of the planning, and everybody's on board with that. But we're not going to again -- we're

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not meeting again until November 28th, and by that time, my fear is that the Planning Department may be forced to move forward on it.

LEG. BISHOP:

We've got to do the budget.

P.O. TONNA:

Well, we're not doing -- we're doing the budget on the 8th, 7th, whatever. Okay.

LEG. POSTAL:

Twentieth.

LEG. CRECCA:

Twentieth. I said 28th. I apologize.

P.O. TONNA:
All right.

LEG. CARACCIOLO:
On the motion.

P.O. TONNA:
Yes.

LEG. CARACCIOLO:
This is a seventeen acre --

P.O. TONNA:
Oh, I'm sorry. Hold it one second, please. Wait. Legislator Fields
and then yourself. Go ahead.

LEG. FIELDS:
Out of what money do we pay for the planning steps? Where does that
money come from?

LEG. CRECCA:
I'm going to defer to --

LEG. FOLEY:
Real Property Tax Service Agency.

LEG. CRECCA:
Thank you. I was going to defer to Legislator Foley, I guess, but
that's fine. It's --

LEG. FOLEY:
Real Property Tax Service Agency, \$5,000.

LEG. CRECCA:
Thank you, Brian. The money is there.

P.O. TONNA:
Okay.

LEG. CRECCA:
It has been approved by the --

P.O. TONNA:

Legislator Caracciolo.

LEG. CARACCIOLO:

What was the ranking of this based on our criteria?

LEG. CARPENTER:

A plus.

LEG. FOLEY:

You want the answer to it, Penny Wells LaValle on that one, Andrew.

P.O. TONNA:

I almost bought that one, Legislator Carpenter. I almost fell for that one.

LEG. CARACCIOLO:

I mean, do we know? Do we know if it --

P.O. TONNA:

Legislator Bishop, would you have known?

LEG. BISHOP:

What?

P.O. TONNA:

The ranking.

LEG. CARACCIOLO:

Sure you would. The Planning Department is supposed to give us a ranking before we approve anything.

LEG. FIELDS:

Right. It's got a page, but no ranking.

LEG. BISHOP:

It certainly -- it certainly passed muster. The issue was --

LEG. CRECCA:

Yeah.

LEG. BISHOP:

-- it needed a special appropriation, because it's in the -- in a program that doesn't yet exist. The multifaceted program kicks in next year --

LEG. CARACCIOLO:

Next year.

LEG. BISHOP:

-- not this year. And what Crecca's trying to do, Legislator Crecca's trying to do is to get the process moving on some preliminary appraisal steps. It doesn't bind the County, we could come back and

vote on it again.

LEG. CARACCIOLO:
But that doesn't answer my question.

LEG. BISHOP:
What is the question?

LEG. CRECCA:
Mike, I can -- two things. First of all, it's going to come back to us to approve, obviously. If --

LEG. CARACCIOLO:
I don't want to spend \$5,000 for something that doesn't qualify.

LEG. BISHOP:
You're in the committee, Mike.

P.O. TONNA:
Wait. Mike, can I ask you something? Do you know what it -- because I have a feeling that you might know. What is -- do you know what it is appraised -- I mean, rated as or ranked as?

LEG. CARACCIOLO:
No, I don't know.

P.O. TONNA:
Okay.

LEG. CARACCIOLO:
We have a blank sheet attached.

P.O. TONNA:
Because a lot of times, you know, I'm not so sure. Sometimes you ask the question and then --

LEG. CRECCA:
Mike, I don't know about the ranking, but I can tell you that this is -- not only is it important to the community that's there, this is 17 acres of woodlands with rare species in it. It also has great historic value.

P.O. TONNA:
The tiger salamander? Because I'm a big tiger salamander guy.

LEG. CRECCA:
It was, yes. And the red tail hawk.

P.O. TONNA:
The red tail hawk?

LEG. CRECCA:

Red tail hawk. And it actually has great historic value. There was archeological value to it.

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P.O. TONNA:

You got Jon on that one as soon as you mentioned the red tail hawk. There, you got Cooper, right?

LEG. CRECCA:

Red tail fox, that's what they tell me.

P.O. TONNA:

Oh, it's a red tail fox.

LEG. CRECCA:

It's a red tail fox?

LEG. CARACCIOLO:

Andrew.

LEG. CRECCA:

And the red tail hawk, too, I'm told.

LEG. TOWLE:

And whatever other animals we need to put on there tonight.

LEG. CRECCA:

Yes, Mike.

P.O. TONNA:

The red tail hawk and the red tail fox.

LEG. CARACCIOLO:

Has the site ever -- has the site ever been used for any purpose?

LEG. BISHOP:

Just for gatherings of rare species.

P.O. TONNA:

Do you know any fox that doesn't have a red tail? Anyway.

LEG. CRECCA:

The seventeen -- this part of the parcel, it's a forty-two acre parcel, Mike, this part of the parcel has always been woodlands.

LEG. CARACCIOLO:
Okay. And where is it located in the Town?

LEG. CRECCA:
It's Lake Grove by -- it's the property known as the Lake Grove School on Moriches Road.

P.O. TONNA:
On 17 acres?

LEG. CARACCIOLO:
Okay. I'm familiar with Moriches Road.

LEG. CRECCA:
It's 42 acres total. We're only looking at 17 acres of it.

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LEG. GULDI:
No. Wait a minute.

LEG. CARACCIOLO:
Is this near the nursing home, Moriches Road, or is this south of --

LEG. CRECCA:
No

LEG. CARACCIOLO:
No.

LEG. CARACCIOLO:
Where on Moriches Road?

LEG. CRECCA:
It's south of the Jericho Turnpike, just by --

P.O. TONNA:
The Red Fox Inn.

LEG. CRECCA:
By the Red Fox Inn. No.

LEG. CARACCIOLO:
No, seriously, where --

LEG. CRECCA:
It's by Nichol's, is it?

LEG. CARACAPPA:
Do you know where Gould's Pond is, Mike?

LEG. CARACCIOLO:
Nichol's Pond?

LEG. CARACAPPA:
Gould's Pond.

LEG. CARACCIOLO:
Gould's Pond. No, I don't.

LEG. BISHOP:
He doesn't know anything about it.

LEG. FISHER:
No, he doesn't know the area.

LEG. CRECCA:
I actually do. I've been at the site like a half a dozen times.

LEG. CARACCIOLO:
Oh, by the Lake Grove School?

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P.O. TONNA:
By the Red Fox School?

LEG. FOLEY:
Let's go, come on. Mr. Chairman, get in control.

P.O. TONNA:
There are some legitimate questions being asked by Legislator Caracciolo.

LEG. CRECCA:
I'm sorry, I didn't hear you, Mike, I apologize.

P.O. TONNA:
All right?

LEG. CARACAPPA:
It's filibuster. Don't you guys understand, it's a filibuster?

LEG. CARACCIOLO:

Well, we have to have criteria that has to be met --

LEG. CARACAPPA:

The location, if -- it's just west of the Lake Grove School, between Moriches Road and Hawkins Avenue, adjacent to Gould's Pond, which the County helped -- is helping acquire with the Town of -- Village of Lake Grove as well.

LEG. BISHOP:

Mr. Chairman, I'd like to make a point. Legislator Caracciolo says there's -- there is a criteria. Actually, technically, there is not a criteria yet. We have not adopted a criteria for the Multifaceted Program.

P.O. TONNA:

Criteria for the Multifaceted Land Preservation Program.

LEG. CARACCIOLO:

But why is Exhibit --

LEG. BISHOP:

It's a program that does not yet exist.

LEG. CARACCIOLO:

Mr. Chairman, then why in the resolution do we specify Exhibit A and that's the criteria form?

LEG. GULDI:

It's the open space rating form.

LEG. BISHOP:

Because that's what somebody would like --

LEG. CARACCIOLO:

Well, it's in the resolution.

LEG. BISHOP:

-- namely Tom Isles --

LEG. CARACCIOLO:

It's what I have before me to vote on.

LEG. BISHOP:

-- would like that to be the -- to be the form.

LEG. CARACCIOLO:

So that's why I'm raising the issue.

P.O. TONNA:

Okay. This is what I would ask, okay? Listen to me. I'm having a very, very tough time, and the reason I'm having a tough time is because we've got to stay focused. You, obviously, have a problem because it's not rated. So, fine, vote against it.

LEG. CARACCIOLO:

Mr. Chairman, in the first "whereas" clause, it specifies, "In accordance with criteria attached thereto as Exhibit A," and my Exhibit A is blank.

LEG. BINDER:

Mine's not.

MR. SABATINO:

No, there's an -- if I --

P.O. TONNA:

Okay. Legal Counsel, please solve this problem quickly.

MR. SABATINO:

When the Multifaceted Program was adopted, there were eight components. One of the components was open space. That particular component was adopted with criteria. The criteria are set forth in Exhibit A. Exhibit A is attached to the bill. So Legislator Caracciolo is correct --

LEG. BISHOP:

Counsel, may I ask a question?

LEG. CARACCIOLO:

Oh, let's hear what Counsel just said.

LEG. BISHOP:

Well, he said that the multifaceted program was adopted with criteria. It was adopt in the Capital Budget, was it not?

MR. SABATINO:

Right. And if you --

LEG. BISHOP:

And when did we do a separate resolution with criteria?

MR. SABATINO:
When the Multifaceted Program --

LEG. CARACCIOLO:
Point of order, Mr. Chairman. Counsel was --

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

LEG. CARACCIOLO:
Point of order.

P.O. TONNA:
No, no.

LEG. CARACCIOLO:
Counsel had made it very clear that --

P.O. TONNA:
Counsel was -- let Counsel finish talking, please.

LEG. CARACCIOLO:
Well, he was interrupted.

P.O. TONNA:
No.

LEG. CARACAPPA:
By you?

P.O. TONNA:
You interrupted him.

LEG. CARACCIOLO:
No, he did.

P.O. TONNA:
Let him finish talking and then we'll get back to it.

LEG. CARACCIOLO:
Thank you.

P.O. TONNA:
Legal Counsel, I would ask, we are not going to suffer any interruptions, go right ahead.

MR. SABATINO:
When the Multifaceted Program was adopted, there was a desire to merge a whole series of programs into that funding. In order to do that, you had to enact standards, the content, the criteria of the program. There were like seven or eight components of it. It's all set forth in the fifth resolved clause of Resolution 459-2001. In fact, there was a subsequent resolution that was adopted under the sponsorship of Legislator Haley for Resolution No. 602-2001 to pick up the Active Parklands Stage II --

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P.O. TONNA:
Please.

MR. SABATINO:
-- component of that program, so there are criteria. This particular one falls under Open Space. Open Space was assigned a criteria, which you see in Exhibit A.

P.O. TONNA:
Thank you. Okay.

LEG. CARACCILO:
The short answer, then, Mr. Chairman, is that this resolution is not complete, because it does not specify in the exhibit what point rating and if it meets minimum qualification. That's the only point I bring out.

P.O. TONNA:
Thank you. Okay. Let's vote. Roll call.

LEG. CRECCA:
Yeah. If it was on the East End, I'm sure it would be fine, though.

LEG. BISHOP:
May I resume my dialogue with Counsel?

P.O. TONNA:
Sure, why not?

LEG. BISHOP:
And I'm sure he'll have the final word in it.

P.O. TONNA:
Why not, Plato?

LEG. BISHOP:
When we rolled in three programs into one program in the Capital Budget, we created a new program, it has a new title, right?

MR. SABATINO:
Correct.

LEG. BISHOP:
What you're saying is that whatever rules existed prior to the creation of the new program continue to exist.

MR. SABATINO:

Right. What you did was you --

LEG. BISHOP:

And I am saying that it doesn't, because it's a new program and we'd have to write new rules for it.

MR. SABATINO:

And you did. What you did was you took --

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LEG. BISHOP:

Well, that's what I missed, I missed when I did that.

MR. SABATINO:

Okay. What you did was you took -- you took all of -- you took all of the programs that you wanted to have in Multifaceted. So, for example, you took Open Space. You used these criteria that are set forth in Exhibit A for open space. And, by the way, the existence of those criteria for a planning steps resolution doesn't preclude the planning steps resolution. If this was an acquisition resolution, then the objection raised would be a problem. You made farmland acquisition development rights a component. Again, you adopted the criteria of Chapter 8. You went into parkland purposes, you set that forth. You went to an Active Parkland Stage II program, you adopted a resolution to put those criteria in. If you don't have those criteria, on January 1st, you wouldn't have the ability to acquire any land.

LEG. BISHOP:

That's what I'm saying, but I didn't realize that we adopted all these separate resolution adopting --

MR. SABATINO:

You didn't.

LEG. BISHOP:

-- new criteria, or adopted previous criteria. I didn't -- maybe you can --

LEG. BINDER:

In the individual program.

MR. SABATINO:

Yeah. Maybe there's an impression you broke out of the box. That's not the case. You didn't break out of the box.

LEG. BISHOP:

That's what I'm -- that's what I'm saying.

MR. SABATINO:

You basically took the criteria and you applied them to the program, so you can now go into that program with the \$13 million and spend it where you want to spend it.

LEG. D'ANDRE:

Move the question.

MR. SABATINO:

But you're not going to be starting from --

LEG. BISHOP:

So then the Capital -- the Capital Fund doesn't relate to the program where it used to. It used to say, "Open Space, 5 million," and you go to the Capital Fund --

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MR. SABATINO:

Now you've got 13 and you --

LEG. BISHOP:

Go to the authorizing rules for open space. Now it's all collapsed in one fund and you can direct that fund to the particular areas, and you have to play by the rules that existed previously.

MR. SABATINO:

Exactly, that's correct, right.

LEG. BISHOP:

Okay. That's your interpretation. You're the Counsel of the Legislature. And that took about 15 minutes, which is exactly what Mike and I needed.

LEG. CARACCIOLO:

Mr. Chairman.

P.O. TONNA:

All right.

LEG. CARACCIOLO:

Just a final point. Paul Sabatino, this is just a planning resolution?

MR. SABATINO:

Yeah. My suggestion would be --

P.O. TONNA:

Oh, so now you're okay with it?

LEG. CARACCIOLO:

Yeah.

P.O. TONNA:

Yeah.

LEG. CARACAPPA:

Yeah, it's 7:02.

MR. SABATINO:

The problem is the title -- on the record, the title should be corrected on the title. It's a CN, so it can be done.

P.O. TONNA:

You guys are really shameless I want you to know. I am going to give you both the shameless award.

LEG. CARACCIOLO:

As long as the record reflects it's only a planning and not an authorization for acquisition resolution. I might not vote on something else if you keep on doing this, guys. Do you understand that?

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LEG. BISHOP:

We have enough time, right?

P.O. TONNA:

I would say -- I would say maybe what we should worry about next time is maybe tabling the next one that they want.

LEG. BINDER:

Okay.

P.O. TONNA:

If they keep doing this, that's what I'm going to do.

LEG. BINDER:

So we'll do this now.

P.O. TONNA:
All right.

LEG. BINDER:
Retribution.

P.O. TONNA:
1850. Motion, second. All in favor? Opposed? Approved.

MR. BARTON:
16, 2 not present. (Not Present: Legs. Guldi and Towle)

P.O. TONNA:
1951.

MR. SABATINO:
With the title corrected on the record, so there's not a problem.

P.O. TONNA:
Right. There's the title corrected on the record, right?

LEG. BINDER:
Don't you have a problem, Mike, with this?

LEG. CARACCIOLO:
Which?

P.O. TONNA:
No. 1951 (Authorizing the County Treasurer to borrow cash funds from other County funds for 2001). Motion by --

LEG. HALEY:
Myself.

P.O. TONNA:
Okay.

LEG. CARACCIOLO:
It saves money, Allan. Read the resolution.

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

MR. BARTON:
16, 2 not present. (Not Present: Legs. Towle and Guldi)

LEG. CRECCA:

I'm sorry. That was 1951?

P.O. TONNA:

Yes. All right. 1978 (Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act John J. Halligan). Motion by?

LEG. CARPENTER:

Motion.

P.O. TONNA:

Motion by Legislator Carpenter, seconded by Legislator Alden. All in favor? Opposed? Approved.

MR. BARTON:

16, 2 not present. (Not Present: Legs. Guldi and Towle)

P.O. TONNA:

1999 (Authorizing waiver of interest and penalties for property tax for William B. Schwartz). Motion by?

LEG. CARPENTER:

Motion.

P.O. TONNA:

Legislator Carpenter, seconded by Legislator Lindsay. All in favor? Opposed? Approved.

MR. BARTON:

17, 1 not present. (Not Present: Leg. Towle)

P.O. TONNA:

2021 (Authorizing the District Attorney, County Treasurer and County Comptroller to create imprest Fund 170 to accept and appropriate Federal and State funds that are to be awarded to victims of the World Trade Center tragedy). Motion by Legislator Guldi, seconded by Legislator Caracciolo. All in favor? Opposed? Approved.

MR. BARTON:

17, 1 not present. (Not Present: Leg. Towle)

P.O. TONNA:

Motion Number 20 -- 43. (2043-Appropriating funds in connection with the acquisition of lands for the reconstruction of CR 16, Portion Road at Hans Boulevard, Town of Brookhaven).

LEG. CARACAPPA:

Motion.

P.O. TONNA:
Motion by Legislator --

LEG. FOLEY:
Second.

P.O. TONNA:
-- Caracappa, seconded by Legislator Foley. All in favor? Opposed?
Approved.

MR. BARTON:
17, 1 not present. (Not Present: Leg. Towle)

P.O. TONNA:
Okay. 2045 (Amending the 2001 Capital Budget and Program and appropriating funds in connection with the rehabilitation of runway lighting systems at Francis S. Gabreski Airport).

LEG. CARACCIOLO:
Second.

P.O. TONNA:
Motion by?

LEG. CARACCIOLO:
Legislator Guldi.

P.O. TONNA:
By Guldi, seconded by Legislator Caracciolo. All in favor? Opposed?
Approved. There you go.

MR. BARTON:
17, 1 not present. (Not Present: Leg. Towle)

P.O. TONNA:
Look at that. Guys, you can leave. It was nice seeing you. Take care. All right. Good work. All right. 2046 (Authorizing the grant of an easement and execution thereof by the County of Suffolk on property in the Town of Southold known as Corey Creek Road a/k/a Koke Drive to Suffolk County Water Authority). Motion by Legislator Caracciolo, seconded by Legislator Guldi. All in favor? Opposed?
Approved.

MR. BARTON:
17, 1 not present. (Not Present: Leg. Towle)

P.O. TONNA:
Okay. I got a couple more left. 2050 (Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Barbara L. Piligan, surviving spouse by the entirety). Motion by Legislator Carpenter, seconded by Legislator

Fisher. All in favor? Opposed? Approved.

MR. BARTON:
18.

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P.O. TONNA:
2051 (To readjust, compromise, and grant refunds and charge-backs on real property correction of errors by: County Legislature). Motion by Legislator Tonna, seconded by Legislator Fields. All in favor? Opposed? Approved.

MR. BARTON:
18.

P.O. TONNA:
2055 (Amending the adopted 2001 Operating Budget and transferring funds in connection with the payment of planning steps for the Brayson Property, Village of Lake Grove, Town of Brookhaven).

LEG. CRECCA:
Motion.

P.O. TONNA:
Motion by Legislator --

LEG. CRECCA:
Crecca.

P.O. TONNA:
Crecca, seconded by Legislator Caracappa. All in favor? Opposed? Approved. Okay.

MR. BARTON:
18.

P.O. TONNA:
I have to discharge --

LEG. CARACCIOLO:
Motion to discharge and approve 1866 and 1866A.

P.O. TONNA:
We already passed this veto.

LEG. CARACCIOLO:
Oh, motion to approve.

LEG. BISHOP:
Which number is that? What's the dollar amount?

LEG. CARACCIOLO:
1886.

LEG. BISHOP:
Is that the 63 --

LEG. CARACCIOLO:
That's the \$62 million --

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P.O. TONNA:
Just wait.

LEG. TOWLE:
Second.

LEG. BISHOP:
Yeah, I'll second that.

MR. SABATINO:
Whoa, whoa. Whoa, whoa. No.

P.O. TONNA:
I'm going to defer to Legal Counsel to get some semblance here.

LEG. CRECCA:
Excuse me. That's 1886A?

MR. SABATINO:
The only two -- yeah. The only two bills that are in front of you are the bond resolutions, which are 85A and 86A. They're mutually exclusive, you can't adopt both. We're not appropriating the money. It's 85 and 86A, not 85 and 86. It's A.

P.O. TONNA:
Can I ask you, Paul --

MR. SABATINO:
It's bond resolutions, but only one of them can be adopted.

P.O. TONNA:
Paul, the \$62 million -- or Fred. Where is Fred? Yeah, sure. Jim,

maybe you can answer this. The \$62 million bonding resolution, as opposed to 75 million, do both of them only go out thirteen years?

MR. POLLERT:
Yes.

MR. SPERO:
Yes.

P.O. TONNA:
Both of them do, that's it?

MR. POLLERT:
Yes.

P.O. TONNA:
Because, originally, there was like a 25 or 30 year.

LEG. CARACCIOLO:
No. That was another version.

LEG. CRECCA:
What's --

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P.O. TONNA:
Okay.

LEG. CRECCA:
On the motion.

P.O. TONNA:
So it only -- for the extent of the program.

LEG. CARACCIOLO:
That's correct.

LEG. BINDER:
Mr. Chairman, just one question.

LEG. CARACCIOLO:
Directly tied to the revenue stream.

P.O. TONNA:
Okay.

LEG. BINDER:

Mr. Chairman.

P.O. TONNA:
Yes.

LEG. CRECCA:
What's the urgency on these?

LEG. BINDER:
Let me ask one -- Fred, over here.

P.O. TONNA:
Yeah. Is there any criteria on the purchases?

LEG. BINDER:
Sixty-two million you're comfortable with in terms of being able to cover the debt service on your current models?

MR. POLLERT:
Yes, that is correct. We had done a flow chart, which we gave to the Legislators, and we broke it out component by component on the Farmland, on the Open Space, and on the Water Quality, what could be bonded, and there is sufficient coverage ratio.

LEG. BINDER:
I just wanted it on the record.

LEG. CARACCIOLO:
Mr. Chairman, I would note that there are presently about a dozen resolutions sponsored by probably half the members who sit on this horseshoe for acquisitions in their districts, which are now tied up simply because we don't have funding for appraisals, nor do we have funding for acquisition. This is the means by which we can accomplish both. I urge my colleagues for their support. I think we have ten

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cosponsors. Let's do it.

P.O. TONNA:
Can I ask, why are we discharging this now?

MR. SABATINO:
It's already discharged.

P.O. TONNA:
Oh, it is? It would already -- no. But I'm asking why did we have to discharge it, why didn't it go through committee? Because there was not committee?

LEG. BISHOP:

Mr. Chairman, this went through committee. It came to the full Legislature. Questions were raised before the full Legislature. It was sent back to committee. Those questions --

LEG. CARPENTER:

Yeah. And they were supposed to come out with one bill, not two.

LEG. BISHOP:

Those questions could not have been answered between -- I mean, were only answerable between the time the committee met and this meeting, so we discharged both without recommendation and said we'll present them to the full Legislature.

P.O. TONNA:

Well, which -- the problem is now --

LEG. FOLEY:

Which one? Which one?

LEG. BISHOP:

We --

P.O. TONNA:

Now we're going to have a debate about two different bills.

LEG. BISHOP:

No. We're going with the lower number.

LEG. FOLEY:

No, no.

LEG. CARACCIOLO:

No, no, no.

LEG. BISHOP:

We're going with the lower number.

LEG. FOLEY:

No, no.

LEG. CARACCIOLO:

No, no.

LEG. CARPENTER:

Yes.

LEG. CARACCIOLO:
They're mutually exclusive, as Counsel said.

LEG. BISHOP:
They're mutually exclusive.

P.O. TONNA:
Well, that's my point. Okay. So which bill --

LEG. BISHOP:
We're moving on the 62 million.

LEG. CARACCIOLO:
1886.

P.O. TONNA:
Which bill is the Chairman --

LEG. BISHOP:
Sixty-two million.

P.O. TONNA:
Okay.

LEG. CARACCIOLO:
I made the motion.

LEG. FISHER:
Why? Why? I thought that we would only --

LEG. FOLEY:
Seventy-five. Seventy-five.

LEG. FISHER:
Fred, why is it better to go for the 62 rather than the 75? I thought that we would only have to pay for the amount that we used, the amount that we borrowed. But with 75, it would enable us to have access to more money.

LEG. FOLEY:
Right, we can go to seventy --

MR. POLLERT:
I would defer to Legislator Caracciolo why he wants 62.

LEG. CARACCIOLO:
Because based on my conversations with the Minority Leader, he seemed to indicate that there would be more acceptance with the lower amount.

LEG. FOLEY:
Oh, come on. No.

LEG. BISHOP:
Because the EAF --

P.O. TONNA:
Was that a question in the hallway behind -- that both of you guys
want to get serious?

LEG. BISHOP:
By the -- because the --

LEG. CARACCIOLO:
No. That was regular --

LEG. BISHOP:
Because the application --

LEG. FOLEY:
Why don't we first --

LEG. FISHER:
Okay. It's really important.

LEG. FOLEY:
If they can amend the application, David, they can amend the
application.

LEG. BISHOP:
Come to the committee meetings. All right? If you have --

LEG. FOLEY:
They can amend applications, Dave.

LEG. FISHER:
We were at the committee meeting.

LEG. FOLEY:
You don't have to attend the committee meeting to know that they can
amend the application, Dave.

P.O. TONNA:
Legislator Foley, right now, I'm willing to give you the floor, but
Legislator Fisher had the floor.

LEG. FOLEY:
Okay. May I be recognized?

P.O. TONNA:
Legislator Fisher, are you done?

LEG. FISHER:
No, I'm not, actually.

P.O. TONNA:
Okay. So Legislator Fisher has the floor.

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LEG. FISHER:
David.

P.O. TONNA:
Then Legislator Bishop, then Legislator Foley.

LEG. FOLEY:
Thank you.

LEG. FISHER:
David, I'm still asking you a question. Is he leaving? Okay.
Because I recall in a committee meeting --

P.O. TONNA:
This is like a nut house right now.

LEG. FISHER:
-- that we had said that the money would be available to us.

LEG. FOLEY:
You're the leader of the asylum.

LEG. FISHER:
Okay?

P.O. TONNA:
I'm not doing anything.

LEG. FISHER:
Okay. In committee, it was that we would have the monies available to us and we would not incur any debt unless we used it. Is he going to whisper it in my ear?

LEG. FOLEY:
Mr. Chairman, if I --

LEG. LINDSAY:
He goes out one door, comes in the other. What is this?

P.O. TONNA:
Wait. Legislator Bishop.

LEG. CRECCA:
Mr. Chairman.

P.O. TONNA:
Legislator Bishop.

LEG. CRECCA:
Make a motion to table.

P.O. TONNA:
There is a question.

LEG. FISHER:
You could just answer it on --

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P.O. TONNA:
Could you please come on the microphone?

LEG. BISHOP:
No.

P.O. TONNA:
No, you won't.

LEG. BISHOP:
I'm trying to have a conversation.

P.O. TONNA:
Okay. Then I make a motion to table the bill.

LEG. FOLEY:
No, no.

LEG. CRECCA:
Second the motion to table.

P.O. TONNA:
Fine.

LEG. GULDI:
Roll call.

LEG. FOLEY:
Mr. Chairman, on the motion to table.

LEG. CARACCIOLO:
Roll call.

LEG. FOLEY:
On the motion to table. If we could have the Committee Chair.

P.O. TONNA:
This is ridiculous.

LEG. FOLEY:
Mr. Chairman, on the motion to table. I would prefer -- Mr. Chairman,
I would prefer that we would first --

P.O. TONNA:
We would like this debate conducted in public.

LEG. FOLEY:
Right.

P.O. TONNA:
Not in private, thank you.

LEG. FOLEY:
I would -- I had the floor, Mr. -- Mr. Chairman, do I have the floor?

P.O. TONNA:
Yes.

LEG. FOLEY:
Thank you, Mr. Chairman. There's a tabling motion. I would prefer that we would dispense with the tabling motion, move forward with a motion to approve the resolution that appropriates the \$75 million, and, hopefully -- it's nothing to laugh about. I mean, the point made by Legislator Caracciolo was succinct and to the point. Many of us have resolutions to acquire properties throughout Suffolk County. The problem is the program is oversubscribed, and you don't have to attend the committee meeting to understand that. If we want to move forward with acquisitions throughout Suffolk County, it makes sense not to support the 62 million, but to support the 75 million. The additional 13 million will enable us to move forward next year with a number of acquisitions. So I would hope -- I would hope that we could withdraw the tabling motion, move forward with the resolution that has the 75 million, and then all of us, east, west, north, and south, and in

the central portions of the County, can move forward with acquiring the properties.

LEG. CARACCIOLO:

Okay. Mr. Chairman, I'm going to --

P.O. TONNA:

No, no, I'm not even recognizing you yet.

LEG. LINDSAY:

I've got a question. I've got a question.

P.O. TONNA:

Legislator Bishop, do you have something to say? Legislator Fisher asked you a few questions. Legislator Foley has just made a statement that he wants to support the \$75 million resolution. You're the chairman. What do you feel?

LEG. GULDI:

Let's do both.

LEG. BISHOP:

Let's call the vote.

LEG. LINDSAY:

On the issue.

P.O. TONNA:

Legal Counsel. Legal Counsel had something to add, and then Legislator Lindsay.

MR. SABATINO:

Maybe this would be helpful. You're not appropriating any money today. Okay? So if you pass the bond --

LEG. FOLEY:

Yeah, we're not appropriating, correct.

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MR. SABATINO:

-- resolution that's 75 or at 62, or whatever number --

P.O. TONNA:

Right.

MR. SABATINO:

-- you ultimately control --

LEG. FOLEY:

Right, right.

MR. SABATINO:

-- or can calibrate --

LEG. CARACCIOLO:

Up to.

MR. SABATINO:

-- the actual allocation --

LEG. CARACCIOLO:

Up to.

LEG. FOLEY:

Right, up to.

MR. SABATINO:

-- because you can appropriate up to, but not in excess of.

LEG. FOLEY:

Right.

LEG. CARACCIOLO:

Okay. Mr. Chairman, I'd like to amend my motion --

MR. SABATINO:

The second point is -- okay.

LEG. CARACCIOLO:

-- all right, based on what Counsel just elaborated on.

MR. SABATINO:

The second point is that, I mean, --

P.O. TONNA:

Okay. I'm going to give a five-minute recess.

LEG. FOLEY:

No, no.

LEG. COOPER:

No, no, no, no, no.

P.O. TONNA:

No. Five-minute recess.

LEG. FOLEY:

No.

[THE MEETING WAS RECESSED AT 7:15 AND RESUMED AT 7:23 P.M.]

P.O. TONNA:

Okay. Henry, let's go roll call. Sixty-two.

MS. BURKHARDT:

Did you withdraw your tabling motion?

P.O. TONNA:

Not yet. I haven't --

LEG. BISHOP:

Mr. Chairman, you're so desirous of hearing me speak on this.

LEG. FISHER:

Please, don't recognize him.

LEG. BISHOP:

I'm going to withdraw my second. There's a desire among many Legislators to take a crack at passing the \$75 million one.

P.O. TONNA:

Don't do this.

LEG. BISHOP:

That may not be your preference --

P.O. TONNA:

Not only that.

LEG. BISHOP:

But I don't think it puts --

LEG. FOLEY:

No, you can't put the other one at risk, because --

P.O. TONNA:

Don't do it.

LEG. FOLEY:

-- that's wrong.

P.O. TONNA:

Don't do it, Dave. There's a motion for the 62, that's what we're voting on.

LEG. CRECCA:

Motion to table?

P.O. TONNA:

Yes.

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LEG. CARACCIOLO:
Motion to withdraw my previous motion on 1885 and a --

P.O. TONNA:
Well, I'm going to make a motion. I'll make a motion to --

LEG. CARACCIOLO:
And a motion to approve 1886.

P.O. TONNA:
I'm making -- no, I'm sorry.

LEG. CARACCIOLO:
Oh, wait a minute, I just made a motion.

LEG. BISHOP:
Mr. Chairman.

P.O. TONNA:
I didn't recognize anything yet. We haven't even done a roll call yet.

LEG. BISHOP:
Mr. Chairman, if the -- if the --

LEG. CARACCIOLO:
On?

LEG. GULDI:
Roll call on attendance.

MR. BARTON:
We're back on.

LEG. BISHOP:
As has been pointed out --

P.O. TONNA:
Have you done a roll call?

LEG. TOWLE:
Do a roll call.

MR. BARTON:

For what, just attendance?

P.O. TONNA:
Yeah.

MR. BARTON:
Okay.

P.O. TONNA:
I want a roll call.

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LEG. BISHOP:
As has been pointed out a number of times, these are not mutually exclusive. So if the --

LEG. CRECCA:
Can we have -- can the Chair recognize people to speak?

LEG. BISHOP:
If the resolution for 75 million is voted down, does not achieve 12 votes --

P.O. TONNA:
No. No way are we doing it that way.

LEG. FOLEY:
Well, then make the motion for the other -- then make the motion, Mr. Chairman.

P.O. TONNA:
There are people -- there are people here who have made agreements with a number of different groups and agencies that they would like to be supportive --

LEG. FOLEY:
Then make the motion.

P.O. TONNA:
-- of a \$62 million resolution.

LEG. FOLEY:
Make the motion.

P.O. TONNA:
And I don't think it's fair to put people in a position, who are

generally supportive of this type of resolution, to have them vote against another one and to be able to still keep their word. That is not fair. All right? So we're voting on a \$62 million resolution.

LEG. FOLEY:

Which resolution number is it? You've got to put it in the form of a motion.

P.O. TONNA:

I haven't --

LEG. CARACAPPA:

Motion to table that \$62 million resolution.

LEG. CRECCA:

First of all --

P.O. TONNA:

Right now --

LEG. CRECCA:

-- can we do attendance?

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P.O. TONNA:

I will -- excuse me?

LEG. CRECCA:

Can we do the attendance? We haven't called the attendance.

P.O. TONNA:

Yeah, go ahead do the attendance.

LEG. CRECCA:

Well, roll call.

MR. BARTON:

All Legislators are present.

P.O. TONNA:

Okay.

LEG. CRECCA:

But I don't want to confuse the roll call on the vote, that's why.

LEG. FOLEY:

You've got to make the formal motion, Mr. Chairman.

P.O. TONNA:
There is a --

LEG. CARACCIOLO:
Motion to table 1887.

LEG. ALDEN:
There's a motion pending already.

P.O. TONNA:
All right. There's a motion. There's a motion for 86 --1886A. All right? If somebody wants to withdraw their motion, I'll withdraw my tabling motion and make a motion to approve.

LEG. CRECCA:
I'll make a motion to table, then.

LEG. CARPENTER:
Second.

LEG. ALDEN:
Second.

P.O. TONNA:
What? Don't do that. Then we go to the 75 and it will pass.

LEG. FOLEY:
Which one is 1886?

LEG. CRECCA:
I'm not voting on either one of these.

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P.O. TONNA:
Yeah, but there's not enough to do that. They'll kill the one.

LEG. FOLEY:
1886 is \$62 million. Okay.

P.O. TONNA:
You're just going to cost us about \$15 million.

LEG. CARACAPPA:
Let's table the \$75 million one.

LEG. BISHOP:

What are you doing?

P.O. TONNA:
Do you understand what I'm saying?

LEG. FISHER:
No, it's not going to cost us that.

P.O. TONNA:
Yes, it will. The minute that there's money appropriated for these bills, you know it's going to be spent.

LEG. CRECCA:
Motion to --

LEG. CARACCIOLO:
Not appropriated.

P.O. TONNA:
Motion to take 1885 --

P.O. TONNA:
Baloney.

LEG. CRECCA:
-- out of order for the purposes of a motion to approve.

P.O. TONNA:
1886. 1886.

LEG. CRECCA:
1885A out of order for the purposes of a motion to approve.

P.O. TONNA:
No, I want -- I don't want people to vote against --

LEG. CRECCA:
I know. We'll --

LEG. CARACAPPA:
Is that the 62 or 75?

LEG. FISHER:
That's 75.

LEG. FOLEY:

Mr. Presiding Officer, you have to --

LEG. ALDEN:
Table it.

LEG. CRECCA:
We'll table it. We'll table it.

P.O. TONNA:
Okay, fine.

LEG. ALDEN:
Motion to take it out of order and table it, right? Is that the correct --

P.O. TONNA:
Yes.

LEG. ALDEN:
Second.

LEG. CARACCIOLO:
We already had the motion to take it out of order.

LEG. CARACAPPA:
85?

P.O. TONNA:
I'm going to make a motion.

LEG. FOLEY:
It's up to you.

P.O. TONNA:
I'm making a motion in 1886; okay?

MR. BARTON:
I have that.

P.O. TONNA:
Just make sure I got the right -- this is the --

LEG. FOLEY:
What is the motion, Mr. Chairman?

MR. SABATINO:
1886A. 1886A is --

P.O. TONNA:
1886A to approve.

LEG. FOLEY:
Okay.

MR. BARTON:
I have that.

P.O. TONNA:
Okay.

LEG. FOLEY:
Is there a second on that, Mr. Chairman?

LEG. HALEY:
I'll second that.

LEG. FOLEY:
All right.

P.O. TONNA:
Second by Legislator Haley.

LEG. FOLEY:
On the motion, Mr. Chairman.

LEG. GULDI:
Point of order.

P.O. TONNA:
On the motion.

LEG. FOLEY:
On the motion, Mr. Chairman.

LEG. GULDI:
Point of order.

P.O. TONNA:
Fine. Go ahead.

LEG. GULDI:
Mr. Chairman.

P.O. TONNA:
Yes.

LEG. GULDI:
Your motion is out of order. There's a pending motion that was made by Legislator Caracciolo. There was a motion to table that motion.

P.O. TONNA:

He withdrew the motion.

LEG. GULDI:

No, he didn't. You didn't recognize him. You failed to recognize him and, therefore --

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P.O. TONNA:

Fine.

LEG. GULDI:

-- he didn't withdraw his motion. If you recognize him, then he has the floor and he gets to make his motions and withdraw the way he wants to --

P.O. TONNA:

So, George --

LEG. GULDI:

-- not the way you want to dictate to him.

LEG. GULDI:

I have the floor, sir. Let me complete my statements.

P.O. TONNA:

Sure. And you can --

LEG. GULDI:

You, sir, are a Presiding Officer, you are an equal here. You have no greater procedural rights except to call your "I'm having a fit" recesses because we're doing things you don't like.

P.O. TONNA:

No, it's not --

LEG. GULDI:

You do not have --

P.O. TONNA:

It has nothing to do with things I don't like.

LEG. GULDI:

I have the floor, sir.

LEG. D'ANDRE:

That's not true.

LEG. GULDI:

You can respond when I'm done.

LEG. D'ANDRE:

That's not true.

P.O. TONNA:

Sure, great.

LEG. GULDI:

You do not have the right or the authority to do that. You can recognize Legislators and you can listen to them when you do. And you can't pretend you don't have motions or disregard other Legislators' votings. You can't abuse your office, sir. I object to your conduct.

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P.O. TONNA:

Fine, then vote to -- why don't you make your motion to overrule the Chair?

LEG. GULDI:

I don't need to.

P.O. TONNA:

Fine. So we're going to stay with the same -- we're going to stay with the Chair's -- the Chair's motion.

LEG. GULDI:

Hold it. On my point of order, are you ruling that your motion is proper?

P.O. TONNA:

Absolutely.

LEG. GULDI:

Then I will make a motion to overrule the Chair.

LEG. CARACCIOLO:

Second.

LEG. FOLEY:

Just on that motion. Perhaps the stenographer can have -- read back the earlier motion.

LEG. BINDER:

Mr. Chairman, point of --

P.O. TONNA:
Go ahead. There's a --

LEG. BINDER:
No, point of order on that request.

P.O. TONNA:
Wait.

LEG. BINDER:
On that request.

P.O. TONNA:
There's a motion and a second --

LEG. BINDER:
On the request to --

P.O. TONNA:
-- to overrule the Chair.

LEG. BINDER:
Oh, okay. Because on the request to read back, there's no -- there's
nothing giving any member --

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P.O. TONNA:
That's right.

LEG. BINDER:
-- the right to call for the read-back.

P.O. TONNA:
There's a motion and a second.

LEG. FOLEY:
What was -- you can't?

P.O. TONNA:
Roll call.

LEG. FOLEY:
You can't call for that? You can't call for that?

LEG. CRECCA:
What's the motion, sir?

P.O. TONNA:
There's a motion to overrule the Chair's ruling.

LEG. ALDEN:
Who seconded it?

LEG. CARACCIOLO:
I did.

LEG. POSTAL:
Excuse me.

LEG. GULDI:
What was the Chair's ruling?

LEG. CARACCIOLO:
I did.

LEG. POSTAL:
Can I have the floor for a minute?

P.O. TONNA:
Okay, sure. Legislator Postal, I recognize you on the motion to overrule the Chair.

LEG. POSTAL:
No, no. On -- oh, on that motion. It seems to me that we're debating exactly the same motion. Legislator Caracciolo made a motion to approve 1886A. That was the initial motion. Now, you have made a motion to approve 1886A.

P.O. TONNA:
Right.

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LEG. FISHER:
Right.

LEG. POSTAL:
That's the same motion. I don't --

P.O. TONNA:
He said he withdrew the motion.

LEG. POSTAL:

No, but he didn't -- he says --

LEG. FISHER:
No, he didn't withdraw the motion.

LEG. GULDI:
He didn't. You didn't recognize him.

LEG. POSTAL:
He says that you didn't recognize him.

LEG. GULDI:
You refused to recognize him.

LEG. POSTAL:
But the point is that --

P.O. TONNA:
That's not how I read it.

LEG. POSTAL:
-- you were both arguing about procedural matters when you're both trying to making exactly the same motion on exactly the same resolution. This makes no sense.

P.O. TONNA:
All I can tell you is I heard that he withdrew his motion, I then added it.

LEG. CARACCILO:
I started to make a statement and you interrupted me.

LEG. FOLEY:
That's what I'm saying, if you had the stenographer read back the minutes.

P.O. TONNA:
I'm sorry.

LEG. GULDI:
You refused to recognize him, sir.

P.O. TONNA:
So overrule the Chair. There's a motion to overrule the Chair and a second.

LEG. LINDSAY:

Yeah, but what -- what is that going to accomplish?

LEG. GULDI:

On the motion to overrule the Chair.

P.O. TONNA:

Right.

LEG. GULDI:

What exactly is the ruling of the Chair? I didn't hear you say anything.

P.O. TONNA:

The ruling of the Chair is --

LEG. GULDI:

In order for us to overrule the Chair, the Chair must articulate a ruling.

LEG. CRECCA:

George, you made the motion.

P.O. TONNA:

You made the motion.

LEG. CRECCA:

So --

P.O. TONNA:

So tell me what you're saying. I made -- I made a motion to approve. You said that was out of order.

LEG. GULDI:

I said the motion is out of order --

P.O. TONNA:

Right.

LEG. GULDI:

-- because you have a pending motion.

P.O. TONNA:

Right. And I'm saying no. I made a motion, so there's a motion to overrule --

LEG. CARACCIOLO:

Can we have the Clerk read back -- can we have the stenographer read back the record?

P.O. TONNA:

She can't.

LEG. FOLEY:

Why not?

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LEG. CARACCIOLO:
Why?

LEG. FOLEY:
Why not?

LEG. CARACCIOLO:
Why not?

LEG. FOLEY:
Oh, come on.

P.O. TONNA:
Okay.

LEG. FOLEY:
Come on, no.

MR. BARTON:
Well, you were all talking at the same time.

P.O. TONNA:
Guys this is --

LEG. FOLEY:
That's been asked before in the past --

LEG. CARACCIOLO:
Paul, let's listen to the tape.

LEG. FOLEY:
-- and we've had stenographers read back minutes. We have.

LEG. ALDEN:
All right. You know what, I'm going ask to have the --

P.O. TONNA:
No, no, there is a motion.

LEG. ALDEN:
-- whole meeting read back.

P.O. TONNA:
There is --

LEG. ALDEN:

No, no, no.

P.O. TONNA:
No, no. No, no. Listen.

LEG. ALDEN:
We're just going for little sections. Let's go for the whole thing.
Let's go back to 9 o'clock this morning.

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P.O. TONNA:
There is a motion.

LEG. CARPENTER:
9:30.

LEG. ALDEN:
9:30. I want the whole thing.

P.O. TONNA:
I would ask that everyone be quiet. There is a motion to overrule the
Chair and a second by Legislator --

LEG. CARACCIOLO:
Caracciolo.

P.O. TONNA:
Caracciolo.

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

P.O. TONNA:
Okay, on the motion.

LEG. FOLEY:
Mr. Chairman, we heard Legislator Postal mention the fact that
Legislator Caracciolo and you effectively, effectively have made the
same motion on 18 --

P.O. TONNA:
No, he withdrew the --

LEG. FOLEY:
No, no, no. Wait a second.

P.O. TONNA:

He withdrew the motion.

LEG. FOLEY:

On 1886. If that's the case, then why not just let stand Legislator Caracciolo's motion, because it's the same as yours.

P.O. TONNA:

No, there is a --

LEG. FOLEY:

It's the same motion.

P.O. TONNA:

There -- he made a motion to -- he made a motion to withdraw --

LEG. CARACCIOLO:

What is the harm in having the Clerk read back the record what took place?

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MR. BARTON:

The problem --

LEG. FOLEY:

I have the floor, Mr. Chairman. I have the floor, Mr. Chairman.

MR. BARTON:

The problem that we have --

LEG. FOLEY:

Mr. Chairman, I have the floor. I ask the question again to --

P.O. TONNA:

First of all, it's not a debatable motion. It's not a debatable motion. It's not a debatable motion. Paul, could I ask you just to rule on this, so that we can get to George's vote.

LEG. FOLEY:

A motion to overrule the Chair is a debatable motion, is it not?

LEG. BINDER:

It is. No, I --

LEG. FOLEY:

Yes, it is.

P.O. TONNA:
Oh, it is?

MR. SABATINO:
All our motions are debatable. We have our rules, so.

LEG. FOLEY:
All right.

P.O. TONNA:
All right.

LEG. FOLEY:
So with that said, Mr. Chairman, with that said, to try -- to try to bring some completion to this, Legislator Postal mentioned a few moments ago that essentially your motion and Legislator Caracciolo's --

P.O. TONNA:
If I get overruled, this goes down.

LEG. FOLEY:
-- motion are one in the same, Mr. Chairman.

LEG. ALDEN:
Mr. Chairman, put me on the list.

LEG. FOLEY:
Mr. Chairman.

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P.O. TONNA:
Yes.

LEG. FOLEY:
They're one in the same, your motion and the prior one by Legislator Caracciolo. That being the case, what harm is there in keeping Legislator Caracciolo's motion, because it's the same as the one you made moments afterwards? So what --

P.O. TONNA:
Because he made a motion to withdraw his bill.

LEG. CARACCIOLO:
You did not recognize it.

P.O. TONNA:
I did. I recognized that and --

LEG. ALDEN:
Mr. Chairman.

P.O. TONNA:
-- I moved to make a motion.

LEG. CARACCIOLO:
No, you did not. That's why we're raising the point of order.

LEG. ALDEN:
Mr. Chairman.

P.O. TONNA:
So you have a vote to overrule the Chair and a second.

LEG. ALDEN:
Mr. Chairman.

P.O. TONNA:
Could we please proceed with the vote?

LEG. ALDEN:
Mr. Chairman.

LEG. CARACCIOLO:
But if we could simply have the Clerk read back the record, we could find out.

LEG. FOLEY:
But it's an overruling on -- and they both made the same motion.

LEG. ALDEN:
Mr. Chairman.

LEG. HALEY:
Mr. Chairman.

P.O. TONNA:
Yes, Legislator Alden.

LEG. CARACCIOLO:
You said with your own words, Paul.

LEG. ALDEN:
Motion to adjourn the meeting.

LEG. CRECCA:
Second.

LEG. HALEY:
Second.

LEG. FOLEY:
No.

LEG. CARACCIOLO:
Roll call.

P.O. TONNA:
Fine.

LEG. CARACCIOLO:
Roll call.

P.O. TONNA:
There's a motion and a second to adjourn the meeting.

LEG. BINDER:
It's not debatable.

LEG. CARACCIOLO:
Roll call.

P.O. TONNA:
Roll call.

LEG. BINDER:
That's not a debatable motion.

P.O. TONNA:
Right. I don't want to adjourn, I want to hear the motion, but go ahead.

MR. BARTON:
Okay. On the motion to adjourn.

(Roll Called by Mr. Barton)

LEG. ALDEN:
Yes.

LEG. CRECCA:
Yes.

LEG. COOPER:
No.

LEG. BINDER:
Yes.

LEG. BISHOP:
No.

LEG. D'ANDRE:
Yes.

LEG. CARPENTER:
Pass.

LEG. FIELDS:
No.

LEG. LINDSAY:
No.

LEG. FOLEY:
No.

LEG. HALEY:
Yes.

LEG. FISHER:
No.

LEG. CARACAPPA:
Absolutely.

LEG. TOWLE:
No.

LEG. GULDI:
No.

LEG. CARACCILO:
What do you think, Henry? No.

MR. BARTON:
He's punting to me.

LEG. HALEY:
Mr. Chairman.

LEG. POSTAL:
No.

LEG. HALEY:
Mr. Chairman.

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LEG. TONNA:
No.

LEG. CARPENTER:
No.

LEG. HALEY:
Mr. Chairman.

P.O. TONNA:
Now we have a motion and a second --

MR. BARTON:
Six. It fails.

P.O. TONNA:
-- to overrule the Chair. Roll call. Oh, go ahead, Marty.

LEG. HALEY:
Mr. Chairman, wait a minute. You know what the problem is here? No one waits to be recognized, everybody is just blurting stuff out. If everybody would just wait to be recognized, we can get through this.

LEG. ALDEN:
Paul, didn't you recognize me?

P.O. TONNA:
Yes. Roll call.

LEG. FISHER:
On the motion.

P.O. TONNA:
On the motion to override the Chair, Legislator Fisher.

LEG. FISHER:
What you're doing with your insistence that we vote on this motion is to antagonize people and draw lines in the sand that I don't feel need to be drawn. I think it's very clear that you and Legislator Caracciolo both have the same motion. I didn't hear you recognize Legislator Caracciolo, neither did he. However, you're putting people in the position where they have to overrule you, which I think is a

very antagonistic and I think harmful position. And I believe that if we just want to consider good government rather than posturing, we would just vote on the motion to pass 1885 or 1886, whichever one we finally have a motion on.

P.O. TONNA:

Legislator Fisher, I find it absolutely anathema to me to have people who are in generally very supportive of open space and environmental issues to be put into a position where there is such confusion among those people who are the so-called advocates, and there is a mix of signals, there is absolute chaos for almost one-half an hour, including probably one of the most grotesque things for people who have other things to do to watch filibusters that are absolutely ridiculous; okay? It is -- I find it -- I find it absolutely

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offensive. And then to hear the plethora of motions that take place because people can't figure out what they wanted to do, that's why we have a committee process. And when you discharge something from a committee, all right, there should be clear indication from the committee chair and the committee about at least what their will is. Instead, Legislators are here given two options and they're forced now to vote against one to be able to say, "Look I am voting against something or another."

LEG. FISHER:

But there's only one motion now.

P.O. TONNA:

And then the games. The games, I had -- we had an almost ten-minute recess for people to get their act together, and all that I got back is still absolute division about where people want to vote, and I found that offensive. And when I heard Legislator Caracciolo said he is willing to absolutely withdraw his motion, I heard that and I made a motion, and that's what it was.

LEG. CARACCIOLO:

Paul, you didn't recognize that motion.

P.O. TONNA:

I did recognize the motion and then I made a motion. That was it. And all I can say is if Legislator Guldi takes such umbrage, I could understand Legislator Guldi, I actually respect his opinion. But I have -- I just think it is -- we look like idiots when we play these types of games at the horseshoe. And, you know something, I don't like this confrontational thing. I happen to agree with Legislator Guldi. If he thinks that's what I did, he has every right to make that motion. I just want to get a bill voted on and getting out. All

right? And I find the games that you guys are playing is ridiculous. There are some of us who want to go home or do whatever we want because we've worked hard all day and not to have at cross purposes this type of reaction. So all I could say is overrule me. Let's get it down and vote on the things that you want to do.

LEG. POSTAL:
Mr. Chairman.

P.O. TONNA:
Take the vote.

LEG. POSTAL:
Mr. Chairman.

LEG. CRECCA:
Just call the roll.

LEG. D'ANDRE:
What is the vote?

P.O. TONNA:
The vote is to overrule the Chair.

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(Roll Called by Mr. Barton)

LEG. GULDI:
Yes.

LEG. CARACCILO:
Yes.

LEG. COOPER:
No.

LEG. BINDER:
I'm always with the Chair. No. I love my Presiding Officer.

P.O. TONNA:
You had your one shot, Allan.

LEG. BISHOP:
No. It doesn't matter, right? Presiding Officer is Presiding Officer.

LEG. D'ANDRE:
No.

LEG. CRECCA:
No.

LEG. CARPENTER:
No.

LEG. ALDEN:
I feel the love in the room for Paul. No.

LEG. FIELDS:
No.

LEG. LINDSAY:
No.

LEG. FOLEY:
No.

LEG. HALEY:
No.

LEG. FISHER:
I'm going to pass.

LEG. CARACAPPA:
Maybe next time. No.

P.O. TONNA:
Probably. Probably.

LEG. TOWLE:
Pass.

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LEG. POSTAL:
No.

P.O. TONNA:
No. I was thinking about it.

LEG. FISHER:
No.

LEG. TOWLE:
No.

MR. BARTON:
Two.

P.O. TONNA:
Thank you. Now there is a motion and a second, and I better get this right, to approve 1886A.

MR. BARTON:
Only the bond.

LEG. FOLEY:
And the amount of money is?

LEG. CRECCA:
There is.

P.O. TONNA:
Sixty-two million dollars.

LEG. ALDEN:
On the motion.

LEG. CARACCILO:
Question.

LEG. CRECCA:
There's also a motion to table, I think, currently.

LEG. CARACCILO:
Now we go on the record with --

P.O. TONNA:
No, there is no motion to table.

LEG. CARACCILO:
-- how we got to this number. How did we get to this number? How did we get to this number?

LEG. LINDSAY:
You're one of the sponsors.

LEG. CARACCILO:
A question.

P.O. TONNA:
First of all, I did recognize you, Mike.

LEG. CARACCIOLO:

I have a question.

P.O. TONNA:

When you -- when you're recognized, I'll make that very clear to you.

LEG. CARACCIOLO:

Well, make certain I'm recognized.

P.O. TONNA:

Legislator Alden has been on the list for about a half an hour.

Legislator Alden.

LEG. ALDEN:

Fred, could you -- I just want to go over a couple of things. Now before when I ask you, you said there's sort of an immediacy, but it's not something that we have to do tonight; is that correct?

MR. POLLERT:

That was my understanding from a discussion that I had with the EFC. Yesterday I spoke with Tom Rothman, who has a more working relationship with respect to the time lines. I don't want to speak for him, but I believe that we could postpone it for another Legislative meeting.

LEG. ALDEN:

You didn't talk directly to EFC?

MR. POLLERT:

Yes, I spoke directly to the EFC.

LEG. ALDEN:

You did?

MR. POLLERT:

Yes, I did.

LEG. ALDEN:

Okay. So you believe that we could adjourn it to what, November 20th?

MR. POLLERT:

That's correct.

LEG. ALDEN:

Okay. Now, before, when we started talking about what this does, it takes the entire amount of money that we would be able to spend on a year-to-year basis for the next how many years?

MR. POLLERT:

Thirteen year --

LEG. ALDEN:

Program.

MR. POLLERT:

-- program, so that the revenues that we looked at were through the expiration of the program.

LEG. ALDEN:

Okay. Now, you did look at the fact that some of this money has been spent already.

MR. POLLERT:

Yes, we did.

LEG. ALDEN:

Okay. So this is just going forward from --

MR. POLLERT:

From this point forward, that's correct.

LEG. ALDEN:

Okay. Now, the program that was passed is a pay-as-you to -- is labeled as a pay-as-you-go program, right? And it would have operated as a pay-as-you-go program. So, in other words, every year "X" -- and we don't know what the dollar amount would be, but "X" amount of dollars would be available on a yearly basis to purchase cash in the most -- the most cost efficient manner, and that is by incurring no finance charges by pay cash for that; is that not correct?

MR. POLLERT:

That is correct.

LEG. ALDEN:

Okay. So now what we've done is we've taken twelve years of revenue, we've brought that forward and we're going spend that to -- or, you know, authorize the spending of that money tomorrow. But, what happens there is there's a cost associated with that, that even if it's zero percent financing, there is charges that are associated with going to bonding on this, is there not?

MR. POLLERT:

Yes. Even though the rates are subsidized, when we move past that zero percent financing, we will be incurring debt service cost, even though they are subsidized.

LEG. ALDEN:

And there is a possibility that we don't get zero percent financing on all the money that we use; is that not correct?

MR. POLLERT:

No. I was under the impression that under the Phase I of the program, we would believe eligible for the one hundred -- for the zero percent financing.

LEG. ALDEN:

We're eligible for it, but if we structure our purchases in a certain way, we might not be eligible for it on certain properties; is that correct?

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MR. POLLERT:

No. I was under the impression that, in fact, we would be eligible for it. There is a possibility that the -- that some parcels may not be eligible for the EFC funding.

LEG. ALDEN:

Okay. Now what happens if we -- if we authorize the borrowing of this money and then we go to -- now we have to -- we have to present each parcel that we're going to buy. We have to present that to EFC?

MR. POLLERT:

That is correct. And they -- my understanding is that we have an intended use plan. We have identified land which we wish to purchase, but there is an entire procedure we have to go through, including doing SEQRA's and determining whether or not there are any pollution sources on the site, so there's a --

LEG. ALDEN:

If there's pollution on the site, that could actually tie up our funding. We're not allowed to buy it, and we can be actually closed out from closing on that property by EFC. They --

MR. POLLERT:

Using the EFC funding. That's the reason it's important not to, in fact, lose all your degrees of freedom, to make sure that there's enough coverage ratio that if the County wished to go out to buy a parcel, which is not eligible for EFC funding, that you still have the capability of doing that either from cash on hand or by issuing the County bonds.

LEG. ALDEN:

Okay. Now before we heard some testimony about land inflation and about the economic expansion, and things like that. Now, the United States was in a period of economic expansion for eight, ten, how many years?

LEG. CRECCA:

Max, put me on the list.

MR. POLLERT:
For an extended period of time.

LEG. ALDEN:
Extended period of time.

MR. POLLERT:
I believe about eight years, right.

LEG. ALDEN:
During that period of time, land valuations go up. What happens in a period of either deflation, or a period that we're going into right now, where we actually -- I don't want to use the word "depression", but there has been that word thrown out by financial advisors and economic advisors, even to the United States Senate. Economic -- so an economic slowdown, recession or depression, what traditionally

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happens in those periods of time to land valuations?

MR. POLLERT:
Land valuations decrease. There have been business cycles identified going back to the medieval times. During those times, there have been devaluations in land values. It has happened in the past during the last quarter cent program where the land values decreased dramatically.

LEG. ALDEN:
Okay. Let's take a worse case scenario then.

LEG. FOLEY:
Salud.

LEG. ALDEN:
We go --

LEG. FOLEY:
Sorry.

LEG. ALDEN:
That's a comment? I don't know.

LEG. FOLEY:
No, salud. I was --

LEG. LINDSAY:

He sneezed.

LEG. FOLEY:
Somebody sneezed.

LEG. LINDSAY:
He sneezed. Continue on.

LEG. ALDEN:
Oh, gesundheit. In a recessionary period of time, and that's going to affect our sales tax revenues. Now, if we commit to a program today, and I know you said that you believe it's fiscally prudent type of coverage, let's take the worse case scenario, let's say we do go into a depression, the United States falls into a depression, it finally hits Long Island, and our sales tax slows down some unimaginable amount, which we didn't imagine it was going to slow down this much. So if it slows down even a little bit more, that could be an unimaginable amount. Now we're taking the worse case scenario. What happens when our sales tax does not cover the payment for these bonds and these purchases that will be made?

MR. POLLERT:
Under a worse case scenario, if there are not enough revenues to cover the debt service obligations, we will have to do a General Fund transfer, because even though it is not County debt, nevertheless, we have an obligation to cover it. So it would be a requirement much like with the lease payments on the Cohalan Court Complex, we have to make them, even though it may not be our debt.

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LEG. ALDEN:
And just to make sure we're following that through, it could be at the worse period of time for the County. When the County experiences a sales tax revenue that could hit the bottom, then we are still obligated to make payments on whatever number we decide on here, we're still obligated to make those payments. So that's going to be a flow-through. And, obviously, if that's happening, what we're going to end up doing is we're going to have to raise taxes, or in some way pass that bill right on to the people who live in Suffolk County at the worst time in their lives. Because if we're experiencing a slowdown, as we are right now, the people who live in Suffolk County are experiencing a slowdown, obviously, because they've bought less materials even right now. So that's really the worst case scenario is that we can get a double shot at this and end up having to pass that on to people. Is that a fair characterization of it?

MR. POLLERT:

That's a worst case scenario. That's what I believe would happen is that the County would be obligated to make the debt service payments and to fulfill their obligations. It's a primary call on the County, you have to meet your debt service obligations, even if they're not directly your debt.

LEG. ALDEN:

Madam Chairman, I'm going to wait until I can hear, because there's a lot of conversations going on here and I -- you know, I'm missing some of the answers and things like that --

LEG. FOLEY:

Could I ask a question? Could I ask a question, Mr. -- Legislator Alden. Legislator Alden --

P.O. TONNA:

Wait, no. Legislator Alden has the floor. Until he's ready to give it up --

LEG. FOLEY:

Yeah, but, you know --

P.O. TONNA:

Legislator Alden --

LEG. POSTAL:

Go ahead. Go ahead.

P.O. TONNA:

-- to you have more to say?

LEG. ALDEN:

Yeah. I wanted a little bit of quiet, so I can hear the answers, and I'm getting a lot of this static and other noise that's coming in here. Thank you. Now, before you were going into expense coverages. What is your projection for sales tax revenues to the County?

MR. POLLERT:

For the remainder of this year, we --

LEG. ALDEN:

Oh, hold on Fred, until I -- and I can't hear. And you know what, if that's the way it's going to be, interrupting by whatever the innuendo is and the noise and everything else, I'm done with my questioning. Thank you very much, and thanks for the consideration. I want that on

the record.

D.P.O. POSTAL:
Legislator Foley. Legislator Lindsay.

LEG. LINDSAY:
Yeah. Fred, just a point that I'm trying to make. The \$62 million is -- we're not borrowing \$62 million. I mean --

LEG. CARACCIOLO:
Today, you're not, no.

LEG. LINDSAY:
No. We don't start paying interest on it until we use the account; am I correct?

MR. POLLERT:
That's correct. You have one year worth of interest-free borrowing is my understanding.

LEG. LINDSAY:
Okay. But three years from now, we've only used \$10 million. What are we paying interest on?

MR. POLLERT:
I don't have the detailed schedules with me. I can assure you that we should have more than adequate coverage on the sales tax.

LEG. LINDSAY:
I'm not saying that, Fred.

MR. POLLERT:
Okay. I'm sorry.

LEG. LINDSAY:
What I'm simply saying, three years down the road, we borrowed \$10 million. Do we owe interest on 62 million or 10 million.

MR. POLLERT:
Ten million.

LEG. FOLEY:
All right. Good.

LEG. LINDSAY:
That's my whole point.

LEG. FOLEY:
Roll call.

LEG. ALDEN:
On the point.

D.P.O. POSTAL:
Legislator Crecca was --

LEG. FOLEY:
Call the question, Mr. Chairman.

LEG. ALDEN:
On the point.

D.P.O. POSTAL:
Legislator Alden.

LEG. ALDEN:
On that point. Fred, how much money do you project coming in?

MR. POLLERT:
We are forecasting next year a 3% growth in sales tax, and, thereafter, it returning to a long-term trend of 5%. In total, over the life of the program the --

LEG. ALDEN:
Oh, I'm sorry, just on a year -- like approximate year-to-year basis, how many dollars?

MR. POLLERT:
If you give me a few minutes. I shut down the computer. I didn't --

LEG. ALDEN:
Here's the point. If two or three or four years from now we've only borrowed \$10 million, it would be very, very imprudent of us to have done that, because there's going to be at least \$10 million as far as revenue comes into that account. So it would have been more prudent and financially responsible to the people of Suffolk County to just go and pay cash for those purchases. Thanks.

MR. POLLERT:
All right. What I'm understanding is, is that you have the capability, if the County has cash, before the EFC actually does the bond issue, you have the -- the County has the -- has the option of either floating bonds itself, or if they have cash --

LEG. ALDEN:
And I have one other question and to --

MR. POLLERT:
-- paying it off.

LEG. ALDEN:

A legal question. Paul, if we authorize the borrowing of money, that leaves it up to the discretion of the Comptroller?

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MR. SABATINO:

After you appropriate. Normally, you do the bond, then you appropriate at the same time. This would only be authorizing the issuance of the bond. But without the appropriation --

LEG. ALDEN:

So they can't go out and borrow the money. If we just do this, we cannot --

MR. SABATINO:

You can't -- you can't go out and expend it, because you haven't appropriated it, so --

LEG. ALDEN:

This is an -- so wait a minute.

MR. SABATINO:

You have the ability to go do the bond, but you can't -- you can't incur any expense for the bond, because you haven't appropriated the proceeds.

LEG. ALDEN:

But he can go out and do the bond.

MR. SABATINO:

He'd have the authority to issue -- to issue bonds, but not --

LEG. ALDEN:

He can issue -- he can issue whatever number of dollars --

MR. SABATINO:

Not to spend the money, right.

LEG. ALDEN:

Okay. Thanks.

LEG. FOLEY:

All right. Let's go here, come on.

P.O. TONNA:

Hold it a second. Fred, go ahead.

MR. POLLERT:

Yes. Could I just clarify what Paul had said? What's important to realize is the County Executive has included the appropriation in the 2002 Operating Budget.

P.O. TONNA:

That's the only appropriation that he --

MR. POLLERT:

In the Budget Review Office report, we felt that it was inappropriate to include it in the Operating Budget, it's a capital expense. However, even though there's normally a second step, I believe that the County Executive is probably going to maintain that with the

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adoption of the budget, there will be an appropriation of the funds concurrently. We had recommended that that's an improper way of showing this program. So it's something that all the Legislators need to be aware of.

MR. SABATINO:

That's an important point. I assumed that the omnibus would correct all those errors in the budget.

LEG. FOLEY:

Can we move the question, Mr. Chairman?

P.O. TONNA:

Yes.

LEG. FOLEY:

Move the question.

P.O. TONNA:

Please, Andrew.

LEG. CRECCA:

I just want to --

LEG. FOLEY:

This is how you're going to pay for Lake Grove next year.

LEG. CRECCA:

I just want to reiterate one quick question, because I'm not sure if I was clear on it. If we wait to do this until the November 20th meeting, you're saying that there's not going to be a problem with the EFC?

MR. POLLERT:

That is my understanding. I spoke with Tom Rothman. Perhaps you would like to have Mr. Rothman clarify the issue.

LEG. FOLEY:

If we have the votes now, I mean it's prudent to do it now if we have the votes as opposed to waiting a month.

LEG. CRECCA:

I'd like Mr. Rothman to answer the question.

MR. ROTHMAN:

What I said when Fred asked me was --

LEG. ALDEN:

You got to turn it on.

P.O. TONNA:

We did -- okay. There's a question for Mr. Rothman by who?

LEG. CRECCA:

By Legislator Crecca.

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P.O. TONNA:

Go ahead.

MR. ROTHMAN:

What I said when Fred asked me is that EFC has not yet issued its time line. This is for what they call the winter pool. They will issue probably within the next 15, 20,25 days a time line which will say that you had to have done the following in order to be in the winter pool. We don't know what that is yet. But I didn't realize when I talked to Fred your meeting is in more than a month. It is very conceivable that that time line will be cut off before the next month.

LEG. ALDEN:

Mr. Crecca, would you suffer one interruption?

LEG. CARACCIOLO:

Mr. Chairman, could we move the motion?

LEG. CRECCA:

Yeah, I'd like to suffer an interruption to Legislator Alden.

LEG. ALDEN:

Mr. Rothman, could you -- I have one more question, that you just bring up the --

LEG. CARACCIOLO:
Talk about filibuster?

LEG. CRECCA:
This is not a filibuster, Legislator Caracciolo; okay?

LEG. CARACCIOLO:
Oh, no. When it's Lake Grove, you want -- you want approval.

P.O. TONNA:
I would ask that everybody -- right now, Legislator Alden has the floor. Thank you.

LEG. ALDEN:
Mr. Rothman, if we authorize whatever number of dollars it is, what will they expect us, and what time line will they expect us to expend those funds in?

MR. ROTHMAN:
They don't have a time line for you to expend the funds. You can borrow any part of what you authorize, if it's on the short-term program. In effect, what you're doing is getting a line of credit from them. You don't pay anything on that line of credit until you access the line of credit. So, if you authorize a \$62 million line of credit and you only borrow 20 million, you've only borrowed 20 million against the line of credit. The rest just sits there unused.

LEG. CARACCIOLO:
Interest free.

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MR. ROTHMAN:
So they don't have a time line. They don't require you to spend the --

LEG. ALDEN:
So it doesn't have to be expended in ten years, twelve, four years, whatever, there's no time line --

MR. ROTHMAN:
Not for EFC purposes.

LEG. ALDEN:
Okay.

MR. ROTHMAN:
They do not have a time line, correct.

LEG. ALDEN:
All right. Thank you.

P.O. TONNA:
Okay. Roll call. Oh, Legislator Caracciolo.

LEG. CARACCIOLO:
Did you want to withdraw your motion?

P.O. TONNA:
No, I'm not going to withdraw it. You -- Legislator Caracciolo is going to be the man who made the motion; okay?

LEG. CRECCA:
Paul, I wasn't done. I just --

P.O. TONNA:
Oh, go ahead.

LEG. CRECCA:
Mr. Sabatino, Paul, if, when we go to borrow money out of that, will it have to come back for Legislative approval?

P.O. TONNA:
Yes.

LEG. CRECCA:
Each time.

P.O. TONNA:
For each purchase.

MR. SABATINO:
Well, it's supposed to. I mean, Fred Pollert has raised an interesting point, which is that the budget -- the budget that was submitted or recommended improperly shows this money in that budget. If you don't correct that and -- in a vote on the budget, then there's a possibility it might be construed by others as a commitment to appropriating those funds.

LEG. CRECCA:
Is that -- that's right, Fred? I mean, not that I'm questioning you, Paul, I just want to --

MR. POLLERT:
Yes. That is --

LEG. CRECCA:
-- clarify it.

MR. POLLERT:
That is correct. We had identified it within our Operating Budget Review that Fund 475, I believe, shows the appropriation of all of the bond proceeds. It shows \$50 million being appropriated.

LEG. CRECCA:
This -- in the 2002 Operating Budget?

MR. POLLERT:
In the 2002 Operating Budget.

LEG. FOLEY:
We'll just correct it. We'll correct it.

LEG. CRECCA:
What did it show as a revenue source?

MR. POLLERT:
It shows proceeds of bonds, which is normally --

LEG. FOLEY:
A capital.

LEG. CRECCA:
In the Capital Budget, right.

MR. POLLERT:
Normally, this would be a capital expense.

LEG. FOLEY:
Yeah, it's all right.

LEG. CRECCA:
So we would just need to take it out of the budget for -- the Operating Budget for 2002. And what would we do, just remove it from there and then add it to the Capital Budget next year?

MR. POLLERT:
Well, next year will be 2003.

LEG. CRECCA:
Two, I know, right.

MR. POLLERT:
No, no.

LEG. FOLEY:
No, would be 2003 for Capital.

MR. POLLERT:
No, no, the 2003 --

LEG. CRECCA:
Oh, no, 2003.

MR. POLLERT:
-- Capital Program and Budget.

LEG. FOLEY:
Let's not complicate this. Come on.

MR. POLLERT:
Yes. What could be done is you can remove it from the Operating Budget, which then would require you to either appropriate the funds during the year, either in the Operating Budget or more appropriately in the Capital Program. But if done in the Capital Program, you need an offset.

P.O. TONNA:
Great. Roll call.

(Roll Called by Mr. Barton)

LEG. CARACCIOLO:
Yes.

LEG. BISHOP:
Yes.

LEG. COOPER:
Yes.

LEG. BINDER:
Yes.

LEG. D'ANDRE:
Pass.

LEG. CRECCA:
Pass.

LEG. CARPENTER:
Yes.

LEG. ALDEN:

No.

LEG. FIELDS:
Pass.

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LEG. LINDSAY:
Yes.

LEG. FOLEY:
Yes.

LEG. HALEY:
Yes.

LEG. FISHER:
Yes.

LEG. CARACAPPA:
Pass.

LEG. TOWLE:
Yes.

LEG. GULDI:
Yes.

LEG. POSTAL:
Yes.

P.O. TONNA:
Yep.

MR. BARTON:
Legislator D'Andre.

LEG. FOLEY:
Come on, Mike, you may have something on Nissequogue River.

LEG. D'ANDRE:
Yes.

LEG. CRECCA:
Yes.

LEG. FIELDS:

Yes.

LEG. CARACAPPA:
Yep.

MR. BARTON:
17-1 --

LEG. FOLEY:
All right.

MR. BARTON:
-- on the bond. There's no companion resolution.

LEG. CARACCIOLO:
Mr. Chairman.

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LEG. FOLEY:
Congratulations.

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

MR. BARTON:
There is no companion.

P.O. TONNA:
Same vote.

MR. BARTON:
There is no companion.

LEG. CARACCIOLO:
Mr. Chairman.

P.O. TONNA:
Yes.

MR. BARTON:
There is no companion resolution.

P.O. TONNA:
There is no comparison (sic)? Fine. That's it.

LEG. CARACCIOLO:
Mr. Chairman, earlier today I was on the prevailing side of 1734. I'd

like to make a motion to reconsider.

LEG. BINDER:
Second.

LEG. POSTAL:
What page.

LEG. FOLEY:
Title of the bill.

P.O. TONNA:
Which one is this?

LEG. FOLEY:
Title of the bill, please.

LEG. CARACCIOLO:
Authorize an operating agreement with Suffolk County and the Campaign Finance Board, and I'll tell you why. I read the attached agreement and there's a provision in there that allows, without Legislative approval, travel to conferences. I find that objectionable and -- yes.

LEG. BINDER:
Second for reconsideration.

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LEG. CARACCIOLO:
That's in -- I read it, Paul. It's in the agreement.

LEG. BINDER:
Come on, go forward.

LEG. FOLEY:
Just on the motion. Is it true that -- all right.

LEG. BINDER:
Come on, vote, vote.

LEG. FOLEY:
Legislator Fisher, you're the sponsor of the bill?

LEG. FISHER:
Yes.

LEG. FOLEY:

Does it --

LEG. FISHER:
In our meeting --

LEG. CARACCIOLO:
Unless I don't have the right copy.

LEG. FISHER:
-- it was discussed it had the same provisions for travel as everyone else's --

LEG. FOLEY:
All right. It's a good --

LEG. FISHER:
Every other department; isn't that so, Paul?

MR. SABATINO:
I'm just looking for the language. It's just the opposite. It says it's subject to the same procedures --

LEG. FISHER:
You must have an old --

MR. SABATINO:
-- that are used in the rest of the County. I'm just looking for the paragraph, because I know it's there.

LEG. FOLEY:
Is that a corrected copy, Vivian?

LEG. FISHER:
Yes.

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LEG. FOLEY:
Is that a corrected copy?

LEG. FISHER:
That was with the County Exec. Same provisions as any other department in the County for travel.

LEG. FOLEY:
There may have been a corrected -- was there a corrected copy, Legislator Fisher?

LEG. FISHER:

Yes.

MR. SABATINO:

There was a corrected -- there were two corrected copies that came out of that meeting, so --

LEG. FOLEY:

All right. The latest one --

LEG. CARACCIOLO:

Okay.

LEG. FOLEY:

What's the date on the latest one?

MR. SABATINO:

I'm just -- the latest one --

LEG. CARACCIOLO:

Okay. That's what I --

LEG. FISHER:

Okay. It has all the of the same requirements.

LEG. CARACCIOLO:

Okay.

MR. SABATINO:

The latest one was October 15th.

LEG. FOLEY:

October 15th, Mike.

P.O. TONNA:

Are you fine now?

LEG. CARACCIOLO:

I'm fine.

LEG. FOLEY:

Okay.

LEG. CARACCIOLO:

My copy didn't reflect that language, so --

LEG. FOLEY:

Okay, fine.

P.O. TONNA:

All right. So there's nothing, there's no motion?

LEG. FOLEY:

You're withdrawing the motion?

LEG. CARACCILO:

I'm withdrawing the motion.

LEG. FOLEY:

Okay.

P.O. TONNA:

Okay. Meeting adjourned.

[THE MEETING WAS ADJOURNED AT 7:55 P.M.]

{ } Denotes Spelled Phonetically

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