

SUFFOLK COUNTY LEGISLATURE

GENERAL MEETING

THIRTEENTH DAY

DECEMBER 18, 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 A.M.]

P.O. TONNA:

Okay. If everyone -- those Legislators who are actually here to be present behind --

LEG. POSTAL:

We need a roll call.

P.O. TONNA:

Okay. How about a roll call, Henry.

MR. BARTON:

Good morning, Mr. Chairman.

(Roll Called by Mr. Barton)

LEG. CARACCILO:

(Not Present)

LEG. FIELDS:

Here.

LEG. TOWLE:

(Not Present)

LEG. CARACAPPA:

Here.

LEG. FISHER:

(Not Present)

LEG. HALEY:

(Not Present)

LEG. FOLEY:

Present.

LEG. LINDSAY:

Here.

LEG. FIELDS:

I'm here, Henry.

LEG. ALDEN:

Here.

LEG. CARACAPPA:  
Here.

LEG. CRECCA:  
Here.

LEG. D'ANDRE:  
Here.

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LEG. BISHOP:  
(Not Present)

LEG. BINDER:  
Here.

LEG. COOPER:  
Here.

LEG. POSTAL:  
Here.

P.O. TONNA:  
Yes, here.

MR. BARTON:  
Thirteen present. (Not Present at Roll Call: Legs. Caracciolo, Towle,  
Fisher, Haley and Bishop)

P.O. TONNA:  
Okay. Could we all rise for the Salute to the Flag led by our Budget  
Review Director, Fred Pollert?

(Salutation)

Thank you very much. I'd like to recognize Legislator Angie Carpenter  
for the purposes of our clergy introduction.

LEG. CARPENTER:  
Thank you, Mr. Presiding Officer. It is, indeed, an honor for me to  
introduce our clergy this morning. Father Jim Vlaun is a Chaplain at  
Saint John the Baptist High School in West Islip, and also a Parish  
Priest at our Lady of Lourdes. He truly exemplifies what a Parish  
Priest is all about, and really reaches out to the entire community.  
And I know that he is very loved at Saint John the Baptist as he is at  
the parish. Father Jim, if you would.

FATHER VLORN:

Let us pray. God of all good gifts, we ask you to bless us this day. Bless this meeting of our Legislature and help them to do the good work that you have called them to do. Bless our families throughout Long Island and throughout our country. Bless those who are mourning. Bless those who are fighting for our freedom at this time. Bring peace to our troubled, and help us recognize your intense presence every moment of our lives. May this time of holiday, may this time of spirituality be a time when we recognize that you love us, that you care for us, and that you constantly challenge us to reach out to the needs of the poor and the oppressed, and to bring your love to all. Amen.

P.O. TONNA:

Okay. We have a number -- you can all be seated. Thank you. We have a number of proclamations today, and we're going to -- our first -- I'd like to give out a set of proclamations and then I think we have a list of people.

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I would ask Paul and Rodney, if you want to come up here. I have a little story to tell. And maybe the representatives from Local 1049 and KeySpan to also come up.

We're very fortunate today to be in the presence of two real heroes. It's -- fate played a huge part in the recent tragic events created with the downing of Flight 587. We know that it happened to the Belle Harbor area just after September 11th. What some people might not know is that there were two gentlemen who, and if you'll listen to the story, it was reported in the paper, it was, you know, national news, but to see really live, breathing, two heroes such as Paul and Rodney here, who actually were working as members of Local 1049 for KeySpan and who left their position, I guess you guys were in doing some gas work, saw the plane heading right for them and then go overhead when they came out of their hole, or whatever I guess it's called. I'm sorry, I'm not totally familiar with the terminology. It was these two gentlemen who ran, put a ladder up, and saved a family who was burning on the second balcony. One of the women had their hair burning at the time, and one of the gentlemen actually had a mild heart attack afterwards. It was their heroic deeds that today the Suffolk County Legislature and all of Suffolk County would like to recognize, first of all, as great family men. Rodney has two children, Paul has four, as union members of a great union that's committed to community service, Local 1049, and to a great company in KeySpan that has really partnered up very well with the communities throughout the New York Metropolitan area. And so I want to extend my heartfelt best wishes

and maybe an applause from the Legislature and the people around for your great heroic actions.

(Applause)

You know, I'm sorry that neither of them live in Suffolk County, so they have to pay a little higher taxes, you know. But, you know, with that said, if you lived in Suffolk, we would try to find out something.

I'd like the -- first of all, the spokesman from Local 1049, the Business Manager, Ralph Rangelli, maybe to say a few words.

MR. RANGELLI:

Thank you, Presiding Officer Tonna. I'm going to be extremely brief. I just want to personally thank you, Paul, for providing this opportunity. I'd like to thank all of the Legislators, many of whom I consider my dear friends, for recognizing the heroic efforts of our two members and these employees of KeySpan. Paul {Ressler} and Rodney {Keenan} are two everyday working men who went out to work that morning to do their job and were confronted with a situation that, hopefully, none of us ever have to face in our lives, and they reacted like we hope all of us would. They threw themselves in the face of danger, saved two elderly people who are now still with us to enjoy this holiday season, and it was through their efforts that all of this is possible. So I'm deeply gratified. I thank you again for your consideration in this matter and I'm very appreciative. Thanks.

P.O. TONNA:

Thank you.

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(Applause)

P.O. TONNA:

And Wallace Parker, the President of KeySpan.

MR. PARKER:

Thank you very much Paul. Similarly, I would like to thank Presiding Officer Tonna and the Suffolk County Legislature. It's a wonderful thing to do, and we do very much appreciate it at KeySpan, our partnership. I just want to say, most importantly, to these two gentlemen, on behalf of KeySpan Corporation, on behalf of Bob Catell, our Chairman and CEO, and the 13,000 employees, that we just congratulate you guys, Rodney and Paul, on just a wonderful job of heroism. I want to tell you how proud we are of you and how grateful we are for your terrific action. It's great. Shortly after the

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incident happened, Bob {Catell} and Ralph and I took these two gentlemen to lunch and just had a wonderful conversation, and heard them talk about so honestly and casually, "Well, it just happened, and we just reacted and did what we felt was the right thing to do," and that's just terrific. So we congratulate you and we thank you for that.

(Applause)

P.O. TONNA:

Thank you so much. Thank you. Thanks. We'll get a picture in the back.

(Applause)

Okay. I would like to recognize Legislator Angie for the purpose of giving a proclamation.

LEG. CARPENTER:

Thank you. I would like to call up Eileen Kavanaugh, who's the Executive Director of the Bay Shore/Brightwaters Library and the members of the Board of Trustees who are here with us this morning.

The Bay Shore community has of late really been in the forefront of a lot of things, but they are also steeped in history. And this week, in fact tomorrow, the Bay Shore/Brightwaters Public Library is celebrating their 100th Anniversary. So there are many wonderful things that have been planned and are being planned, and, in fact, the community has come together and have purchased a clock that will be unveiled tomorrow at the Library. And I just want to recognize all of the people who are involved on a day-to-day basis, and those who set the policy, who serve as members of the Board of Trustees, to say a very big heartfelt thank you from the residents of the community, from the residents of the Eleventh Legislative District, and from the residents of Suffolk County for all you do, and to commemorate this incredible occasion, your 100th Anniversary. Congratulations.

(Applause)

does someone want to step up and say a few words? Eileen? Oh, Mr.

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Kramer.

MS. KAVANAUGH:

Mr. Kramer is Vice President of our Board.

MR. KRAMER:

Thank you very much, Legislator Carpenter. On behalf of the Trustees and the staff and the patrons, I thank you for this honor, and we hope that in a hundred years from now, we'll repeat this ceremony. Thank you very much.

LEG. CARPENTER:

Mr. Kramer, do you want to share how long you've been a Trustee? I'm asking Mr. Kramer if he would care to share how long he's been involved with the Bay Shore/Brightwaters Library.

MR. KRAMER:

Now I virtually have to give my age. I have been a Trustee of the Library for 25 years. And I just want to say it's been an honor. The Library has been a great experience of being involved with the Library. And Bay Shore has a very, very old tradition and it's -- as I say, it's stayed in existence for a hundred years, and we really expect bigger and better things, if that's possible, for the next hundred years. Thanks very much.

LEG. CARPENTER:

Thank you very much, Mr. Kramer.

(Applause)

P.O. TONNA:

I'd like to call representatives from the Family Service League and the Family and Children's Association to come forward.

You know, the Family Service League and the Family and Children's Association are only two organizations on Long Island to be acknowledged for the prestigious Accreditation Award by the International Council on Accreditation for Children and Family Services. The COA is an independent not-for-profit accrediting body of social and behavioral health care services. COA accredits accreditation, insures that an organization meets the highest national standards, and is delivering the best quality service for children, youth and families.

Therefore, on behalf of the Suffolk County Legislature, I'd like to present to both the Family Service League and the Family and Children's Association with a proclamation in recognition for their outstanding contributions for the betterment of all. Thank you.

(Applause)

If you want, I'll give you first an opportunity to say something. Go right ahead.

MR. DINA:

Thank you, Paul. I just want to thank you for recognizing us.

Accreditation took us two years to accomplish. It's a very rigorous evaluation of the organization from soup to nuts. It means that the organization is at state-of-the-art in terms of delivering health and human services to children and families on Long Island. So we're delighted we have that. It's made us a better organization, and I hope it gives confidence to the Legislature about the kinds of nonprofit agencies that are working to deliver services for the people of Suffolk County. Thank you very much.

(Applause)

MR. VAN DYKE:

Good to be with you, Dick, partner. We want to take this opportunity, also, to thank the Suffolk County Legislature. We've been working with Suffolk County government now for 75 years. We were founded here in Suffolk County in 1926. We chose -- because our clients, we're always trying to help our clients improve their conditions and their potential, and we decided a couple of years ago to voluntarily embark on a journey which that took us for 18 months in the development of 21 committees involving our entire staff and Board of Directors in an effort, through these 21 committees, to come up with performance standards, best practices standards for 550 different standards, which cover everything that we do with the residents we serve here in Suffolk County, children, families, and seniors and all the work -- all the operations that we have, financial development, etcetera.

So anyway, this is a great honor. I think Suffolk County should be proud of these two agencies having achieved this mark of excellence, and we appreciate your confidence in us, and we look forward to working with you for many years in the future. And our board members and staff members are here to help celebrate this grand occasion. Thank you very much, Paul, and all of you.

(Applause)

P.O. TONNA:

Just for all the other not-for-profit organizations, all I -- you know, the working with Suffolk County and getting funding, I just would encourage them to look into this process with the Council for Accreditation. It's a painful, it's a helpful, and in the long run something that's going to benefit those that they serve. Thank you. Maybe we'll get some pictures in the back. Thanks. All right. Who's next.

MS. BURKHARDT:

Legislator Fields.

P.O. TONNA:

Legislator Fields, you got -- you're next.

LEG. FIELDS:

Joseph Vereline. Today, as most days, when we give out proclamations

are days in which we celebrate with pride for certain things that special people do, and today we have Ex-Captain Joseph Vereline here who was chosen and named as the Southern New York State Firefighter of the Year for the Year 20001. He displayed great courage in rescuing a

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senior citizen from a Town of Islip senior citizen complex without regard to his own safety. And we have much deep respect and we honor you for that and all of the work that you and your colleagues do, and, certainly, I think the general public is much more aware these days of how hard you work and how committed and dedicated you are, and how very much we appreciate it. So on behalf of the entire Suffolk County Legislature, we wish to give you this proclamation and commend you for your acts of bravery and heroism. Thank you very much.

(Applause)

LEG. CARPENTER:

I would ask Ralph Dalton, who's the Athletic Director from Saint John the Baptist High School, and the coaches for the Saint John the Baptist Cougars Varsity Football Team if they would come up and join us.

Saint John the Baptist High School this season took the championship in the A Division. And what was so incredible is, if that weren't incredible enough, what was particularly incredible was the fact that this team last year was in last place. So the old proverb of "The last shall be first," you guys have really proved it. And we have members of the team here, if you would all please stand.

(Applause)

And the game that they won was really tough, and the score was what, 21-19, so it was really close. And this is particularly meaningful for me because this morning, when the gentlemen arrived, I looked up and saw Mr. Fred Gallagher and his son, Brian Gallagher, and Fred is a retired hero of the New York City Fire Department, and in all of the years that he served as a fireman, always found many, many countless hours to volunteer. And when my son at age eight played little league football, his coach was Mr. Gallagher, and to this day, he has some very special memories of playing football for his hero, Mr. Gallagher.

So, again, I want to congratulate everyone involved with Saint John the Baptist High School, particularly the Principal, Wally Lace, who was not able to be here today, and the gentleman who gives the spiritual guidance to everyone at Saint John's, Father Jim Vlorn. Thank you very much. Would you like to say a few words?

MR. DALTON:

On behalf of the Saint John's community and the Athletic Department, I would just like to thank the Suffolk County Legislature and Legislator Carpenter for this opportunity.

LEG. CARPENTER:

Thank you.

P.O. POSTAL:

We have some additional presentations, but while we're waiting, I would just like to take a minute to make you aware of something that we should be very proud of here in Suffolk County. Unfortunately, recently, we have become more aware of the problems of youth gang violence, and even more unfortunately, the realization that we face

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this problem here in Suffolk County. But we are and have been ahead of the curve, because for a number of years, we've undertaken through our Police Department some special initiatives with regard to combating youth gang violence and educating the public. And we have a Special Assistant to the Police Commissioner, Detective Wes {Daley}, who happens to be a nationally recognized expert on fighting youth gang violence. Detective Wes {Daley} is also President of the East Coast Youth Gang Investigators Association. And one of the unique things about this association is that it has been supported by Suffolk County through the efforts of Legislator Carpenter and myself, and, as a matter of fact, we're the only county. There are states which have supported initiatives, but Suffolk County has been the only county to support anti-youth gang initiatives.

And I know that Detective {Daley} will be making a presentation before the Public Safety Committee at sometime in the near future, but I wanted to make the Legislators aware of the availability of these posters, which you can see right before you, which lists and graphically displays some of the different symbols that are symbols of youth gangs and extremist groups, prison gangs, because many parents are not aware of these things, and may not be aware of the existence of youth gangs in their communities, in their schools, or even if their children become involved with youth gangs. These are some of the signs. So these are available. Any Legislator who would like to have these posters either for display in your office or to provide to community organizations, just let me know. I have some of them here, I can get some more.

P.O. TONNA:

Great. Thank you, Maxine. Okay. Legislator Fisher. Sorry. Legislator Fields, you have one more -- just hold it. I'll get mine, then you. Okay. I just want to make sure. That's it? Okay. I'd like

to bring -- Tom, come on up with the family, please.

It's a rare pleasure. Everyone knows about the events of September 11th, it's hard not to. And one of the enduring images that is going to be, probably from this point, probably for the rest of eternity, when talking about this event, will be this picture taken by Tom. And I'll turn it around for Legislators to see, too. Everybody knows exactly the picture that we're talking about. Well, today we'd like to honor Tom for capturing probably something that speaks to the very heart about who we are as Americans and how we handled the events on September 11th. And so, Tom, on behalf of the Suffolk County Legislature and the residents of Suffolk County, to somebody who was brought up in my district, who actually -- and I know your face looks so familiar, so you must have made a couple of the youth group meetings when I was running the program over at Saint Hughs. Your brother was a little better of a basketball player, I'm sure, I just want you to know.

MR. FRANKLIN:  
Not much.

P.O. TONNA:  
And don't worry about the hair, I want you to know, you know, it's okay, it's all right. But, anyway, to his wife, to his two-and-a-half

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year old son, we just want to say how proud we are of you. We're claiming you now as our own, the Suffolk County -- I know now you live in Jersey, but to claim you as somebody who's come right from our own community and just to be able to capture with your talents and your gifts something that will endure probably for all eternity. Tom, congratulations.

(Applause)

MR. FRANKLIN:  
I just want to go on the record, Paul, my younger brother was not a better basketball player. This is a great honor, Paul. I don't live in Suffolk County anymore, but I have fond memories of growing up here. And I did go to youth group with you and I have good memories of that. September 11th is a day we'll never forget, and it's a great honor for me to have my work recognized. And I've had many people tell me what this picture means to them and it's a great honor to know that it's helped in a small way, despite the horrible tragedy. Thanks.

P.O. TONNA:  
Thank you.

(Applause)

LEG. FIELDS:

Dr. Jeanne Alicandro. I've seen Dr. Alicandro receive an award before, and she's probably one of the most humble people I've ever met, so I know she's not liking this, but we're very proud of her. And as the Chairperson of the Health Committee, I would like to actually read this, because as much as it will make her uncomfortable, I want everyone else to hear what it was that we are going to present her a proclamation for. And the Co-Chair of the Health Department, Brian Foley -- Health Committee, rather, Brian Foley, is here to assist.

In 2001, the New York State Physician of Excellence Award and Suffolk Regional Emergency Medical Services Council Award for Physician of Excellence was bestowed upon Dr. Jeanne Alicandro. Dr. Jeanne Alicandro's dedication, responsibility, ingenuity and special skill in the pre-hospital environment, as well as her many contributions to the EMS community has made her the recipient of these prestigious honors. She was appointed Medical Director of the Suffolk County Department of Health Services Division of Emergency Medical Services, EMS, on November 29th, 1999, and in the capacity of Medical Director of EMS provides overall supervision of all EMS Division staff and medical oversight of the Suffolk County EMS System, including quality assurance, controlled substance use reviews, BLS/ALS medical protocols, and system development. She's responsible for the technical direction and management of programs created to respond to the emergency health needs of Suffolk County, and oversees the various research projects that assess the quality, productivity and availability of emergency medical services, which are conducted on an ongoing basis to ensure that the highest level of pre-hospital care is being delivered to the residents of Suffolk County. She's a member of the Suffolk Regional Emergency Medical Services Council, the Suffolk Regional Emergency Medical Advisory Committee, as well as a member of

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the Regional Trauma Committee, and the New York State Emergency Medical Advisory Committee representative for the Suffolk region. And we would like to honor Dr. Alicandro for her excellence in the field of emergency medicine, and her commitment to improving services for the residents of Suffolk County, and commend you for receiving these two awards. We are very proud of you. You make Suffolk County better than it was before, and that's what we all strive for. Congratulations. On behalf of the entire Suffolk County Legislature, we would like to give you this proclamation. Congratulations.

(Applause)

DR. ALICANDRO:

Thank you so much. I just want to say it's a privilege to work with the dedicated and professional volunteers of this County, as well as a very dedicated Health Commissioner, and a County government who's really responsive and attentive to EMS issues. Thank you very much.

(Applause)

LEG. FIELDS:

Thank you.

P.O. POSTAL:

Legislator Binder. Oh, okay. I know Legislator Crecca has a statement, and I know Dr. Alicandro --

LEG. CRECCA:

Yeah, I'll --

D.P.O. POSTAL:

-- it would be nice if she was here.

LEG. CRECCA:

I just wanted to say for my fellow Legislators, some of you know already, and for the public, well, it's just that many of you know that Suffolk County took the lead in putting -- trying to put defibrillators, not just in the schools, but in many public places throughout the County. Yesterday, I'm very happy to say, that a 15 year old boy's life was saved at Smithtown High School just six weeks after they put defibrillators in that school. So we're moving in the right direction. That was the whole purpose of putting them in. And I'm confident that we'll have more tragedies averted throughout Suffolk County as we implement our AED Program in our public buildings, as well as continue seeing the schools do that. So I just wanted to let everybody know about that, and thank Dr. Alicandro and the Health Department for their assistance.

(Applause)

P.O. POSTAL:

Thank you, Legislator Crecca. Will all Legislators please return to the horseshoe? I know that there are some who were out in the lobby for photographs, but can we get Legislators back into the auditorium?

For a number of months now, the DARE Task Force has been working on an

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at Suffolk County Community College if he will please come to the podium and report on the work of the DARE Task Force. And if the other members of the Task Force who are here who would like to join him, that would be very good. If you want to just wait a couple of minutes.

DR. CANNIFF:  
Sure.

P.O. POSTAL:  
Perhaps we could find some room at the table. It might be more comfortable if the members of the Task Force could be seated, since there are a number of members here.

Dr. Canniff I think you can begin. Dr. Bradley, the Commissioner of Health, who I know was a member of the Task Force, I believe is in the lobby, so when she comes in, she can join us, but please proceed.

DR. CANNIFF:  
Thank you. Good morning. As I was introduced, my name is Jim CANNIFF and I am the Chairperson of the DARE Program Review Task Force. My purpose here this morning is to provide you with a brief overview on the findings and work of the Task Force. First, let me introduce Task Force members. Dr. Clare Bradley, Suffolk County Health Commissioner, and she also serves as the Vice Chair for the Task Force. Fern Alexanderson, Suffolk County District PTA. Dr. Timothy Brennan, Superintendent of the South Huntington School District. John Gallagher, Suffolk County Police Commissioner. Also present are doctor Lee Koppelman, Executive Director of the Long Island Regional Planning Board, Dr. Seth Forman, Director of the same group, and Theresa Capelos, who's a researcher with the Long Island Review Planning Board. They conducted comprehensive research report for the Task Force.

I would like to publicly thank my fellow Task Force members. Although I serve as the Chair, and I should add not self-appointed, all Task Force members shared equally in the significant amount of work effort and time required to complete our task. The Task Force chose to look at our basic charge to review the long-term affects of the DARE Program in Suffolk County in the most comprehensive manner. We have taken our work very seriously and conducted it with objectivity. We have all learned a great deal from participating in the Task Force. Reports submitted to you reflects a consensus of our thinking, research and considerable discussion and debate on this project.

In order to complete our charge, the Task Force conducted two public hearings, one on April 5th and one on April 19th. Conducted interviews with the Suffolk County Police Officer in charge of the DARE Program, Officer Annicharico. Conducted meetings with two Suffolk County Police Officers who currently teach in the DARE Program.

The Task Force contracted with the Long Island Regional Planning Board to conduct firsthand research on the Suffolk County DARE Program, as

well as to examine substance abuse programs across the country. The Task Force also spoke with officials from the DARE Program, and we held numerous meetings to discuss this project.

Conclusions: Based upon all the information and research, discussion and debate, the Task Force finds no credible evidence that the DARE Program is effective in decreasing long-term drug use. I must hasten to add that our research also shows that DARE is no better or worse than any other one-size-fits-all product being marketed nationally. The Task Force notes with some concern the seeming overreliance by some on a false sense of security on any one-time 17-week program to promote drug avoidance in children over their entire school career.

The federal government no longer considers DARE a research-based drug prevention program. The DARE Program is no longer considered in the list of effective programs identified by the National Institute of Drug Abuse of the National Institute of Health. The survey of drug behavior and attitudes conducted by the Long Island Regional Planning Board show no statistically significant difference between DARE and non-DARE students in drug use behavior among 10th graders in Western Suffolk. Students participating in the DARE Program appear to have neither better attitudes, nor better record of drug abuse avoidance than those who did not have the program.

In a survey of almost 2,500 students conducted by Long Island Regional Planning Board, at the direction of the Task Force, we found that youngsters perceived the program as effective, but their self-reported behavior did not bear that out.

Neither the Long Island Regional Planning Board, nor the Task Force was able to find a single peer review study that contradicted the seemingly inescapable conclusion that the effects of DARE of not sustained long term. Any issue with the long-term ineffectiveness of the core DARE Program in Western Suffolk does not appear to be a problem of classroom implementation.

Suffolk County police officers who have been observed in the classroom delivering DARE lessons have conducted their jobs with the highest degree of competence and integrity. The Task Force and the Long Island Regional Planning Board found that there is real educational value in having uniform police officers interact with students in some capacity in the classroom, classroom setting. Students appeared to be seriously engaged with police officers in the classroom and the officers reported reaching students effectively.

While the DARE Program is -- in the long-term is not effective, the police officers are effective in important ways. DARE is costly and difficult to integrate into a K-12 framework. Only a comprehensive

coordinated program specifically designed to fit the dimensions of each community can effectively curb drug use among our children.

Specific recommendations: Number one, the County should continue to support the placement of police officers into school districts. Two, set support should be offered only if the officer is part of a comprehensive program. The school districts must form a partnership with the Suffolk County Police. Classroom teachers could be trained,

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as police officers are trained, so that they can continue to reinforce substance abuse prevention information throughout the year. This measure could also serve the police officers to reach more children of all ages.

Number three, the comprehensive program must include prevention instruction in all schools, in all grades from kindergarten through 12, coordinated and articulated in some manner across the grades. At least three components or activities in addition to classroom instruction that are intended to help reduce risk factors of drug abuse must be included; parent, teacher, peer, media, and community involvement in the prevention program. Also, training for staff to provide instruction activities. The comprehensive program must comply with the principles of the effective Drug-Free Schools and Communities Act, which is outlined in our report. Since the federal government now requires all of the above for receipt of federal funds, local districts may satisfy the recommendations of One through Four by presenting verification that they have qualified for such funds.

Recommendation Number 5, the Suffolk County Legislature should form a committee to build on the findings of this Task Force. Membership on the committee should include representatives of all major stakeholders in the outcome; educational leaders, law enforcement officials, public health officials, parents, teachers, community leaders, prevention providers, and students. Liaison with a -- should be maintained with the Legislature.

Number six, the County must build upon the initial research of the present survey in order to get a better picture of drug use in Suffolk County school children. Because of the importance of this issue, work should begin immediately.

As Chair of this Task Force, I believe Suffolk County, in partnership with the school districts, has an opportunity to build an effective comprehensive substance abuse prevention program for our youth. Quite frankly, our youth deserve such a program. After all, they represent the future of this County. The challenge is in the coordination and funding of such an effort. The youth of Suffolk County continue to

deserve our best efforts. Thank you very much.

D.P.O. POSTAL:

Thank you. First, let me thank all the Task Force members. I think that that was an excellent report and brief report. And I know that we'll be going through the report that you've distributed. Obviously, it's clear that the members were very committed to their task, and I can't help but being very impressed. I know that Legislator Caracappa has a question.

LEG. CARACAPPA:

Thank you, Madam Chair, I appreciate it, and to the committee, I appreciate your work that you did. I know it was tough in light of tremendous pressure from PTA's and parent groups and drug and alcohol awareness advocates to keep this program, along with many Legislators, including myself. I have to review the report. I appreciate the breakdown that was just given to me. I personally believe from the beginning that this would be your recommendation and your findings. I

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personally felt that this process was put in place to show, or a report just to codify the wantings of the Police Department and the Commissioner to end DARE, and, unfortunately, I don't agree with this study, and I don't agree with its findings. So my question is, Commissioner, seeing that you have your backup now to essentially do what you originally proposed and that is end DARE, I know the County Executive has committed to the program through this year. Does this -- does this report give you what you need to end the program, and will you do it unilaterally without coming back to this Legislature once this Task Force is put together, if it's put together, that was stated in the presentation?

COMMISSIONER GALLAGHER:

Legislator Caracappa. You addressed that to me, right?

LEG. CARACAPPA:

Yes.

COMMISSIONER GALLAGHER:

I believe you just redefined the term "loaded question."

LEG. CARACAPPA:

Exactly.

COMMISSIONER GALLAGHER:

First of all, I couldn't agree less with your disagreement or your conclusion before reading the report, that this report was a stacked deck to make my recommendations justifiable. That is totally opposite

of what this committee did. If anything, they changed my preconceived notion of things that I went into this committee with about the use of police officers in the classroom. They changed that by the investigation we did, by the work we did, by the research. I became convinced that I was wrong, that the use of police officers in the classroom does have a beneficial effect, regardless of the effectiveness of the program itself, that there is a, you know, per se police officers -- police officers in the classroom are beneficial effect to any drug program.

Now, as far as the ending of this program, we have -- the County Executive has committed the DARE Program through June of 2002. What this committee is recommending is that school districts now stop the practice of letting the DARE Program be the sole source of drug abuse prevention and education in their districts, and that they start looking at what every study, every study that this report shows, the most comprehensive from national to regional to local. Over 3,000 students, or close to 3,000 students, were surveyed in this program. Nobody preconceived anything, Legislator Caracappa, the results speak for themselves. We need a comprehensive program. Stop kidding ourselves that a 17-week program in one grade or two grades is going to do it. We're asking the school districts to step up to the plate and give us a comprehensive K through 12 program. I will be part of that program. To whatever degree they want to participate, I will participate with them.

I am not here to -- you know, either to give you a prediction of either err the DARE Program being terminated at the end of June 2002

or continued. There is, of course, the DARE -- of America's own experimental review of its program going on now and I would like to see the results of that, the revised or new program that's being conducted on an experimental basis in some of the school districts here in Suffolk County. But that program, like every program of a one-time approach, that has been proven time and again not to be effective I think is a program that we have to, as representatives of the public of this County, both you, the Legislature, myself as a member of the administrative branch of government, we have to be -- face -- you know, face this honestly. The program has not -- is not going to work, has not worked, and will not work if it's not a comprehensive program.

LEG. CARACAPPA:

There was another point to my question and that was do you possess the ability to unilaterally, through your offices or through the County Executive, to end this program without coming back to this Legislature?

COMMISSIONER GALLAGHER:

Well, DARE, the DARE Program, as part of the Police Department's administrative structure, always -- I always had the ability to, in effect, terminate the program by transferring the officers out of the program. I chose, when I came here in January of this year, to go before you, because I did not feel it was -- it was an administrative decision alone, since it involves public policy and you are the authors of public policy. I would come back to this Legislative body before I would make any final determination as to the DARE Program. What this committee is recommending to you is that the program be made subject to a comprehensive school district approach in order for us to continue our presence in the classroom.

LEG. CARACAPPA:

Madam Chair, if I could just request, I know in the past there's been a resolution sponsored by Legislator Binder and myself to switch that policy decision to this Legislature. I'd like to refile that bill under the same sponsors, okay, Paul, if you could?

LEG. BINDER:

I'd agree with that, too.

D.P.O. POSTAL:

Mr. Sabatino, there's been a request.

LEG. CARACAPPA:

Refile the bill to --

MR. SABATINO:

Just refile the one that was --

LEG. CARACAPPA:

Yes, the one that --

MR. SABATINO:

Okay.

LEG. CARACAPPA:

And let Legislator Binder be the lead sponsor again and me cosponsor.

MR. SABATINO:

Okay.

D.P.O. POSTAL:

Legislator Carpenter.

LEG. CARPENTER:

Thank you. I would just like to thank the members of the Task Force. I had sponsored the resolution putting together the Priority One Task Force, and sat in on one or two meetings and was very impressed with the seriousness with which everyone who was involved on the Task Force took this charge. I have not had an opportunity to look at this beforehand, I am just seeing it for the first time this morning, but I did hear as part of your recommendations, Dr. Canniff that you or the Task Force felt that a committee should be formed immediately to see how we can better make a difference in the lives of the students of this County and help them get past the dangers and the temptations to indulge in alcohol and drug abuse. I've asked Counsel to file that bill.

The commitment has been made and I think it's been said publicly on more than one occasion that the DARE Program is going to be in place through the end of this school year, so I would think that providing the composition of the committee is such, and as dedicated as the Task Force has been, that we can see some meaningful dialogue and recommendations and things to come out of this. And, certainly, the school has to be a vital part of it, because they control the curriculum, they know how much time is actually in the school day. And I think the point that was made that too often people feel that because a child has gone through a 17-week DARE Program, that it's as if they got their DPT booster or any other kind of inoculation, now they're safe and they don't have to worry that these kids are going to be involved in drugs.

And one thing you did say that I found here now looking through the report on the text of it and that was the statement that we found that the youngsters perceived the program as effective, but their self-reported behavior did not bear that out, and that I think is the crux of it. How do we take what happens in a classroom and is effective and translate it so that kids understand that it's not just something that they heard, that it's a life-style choice that they have to make, it's a decision that they have to make? And I think perhaps together with the people that have participated on the Task Force, and I know that it would be an onerous task, but I would hope that you would continue as part of this broader committee, because of all of the work that you have spent to date, and be a part of this. And I was impressed to hear that the Police Commissioner had had some of his preconceived notions changed. And I think that working together, that we can come up with what is the most effective strategy to make sure that the kids in this County do not fall victim to the temptations before that. And that coupled with these tobacco cessation programs that are coming out of the Health Department, I think if we can look at this more globally and come up with a total

approach, that we can finally make some meaningful decisions. So I thank you very much for your participation.

D.P.O. POSTAL:

Thank you. Legislator Binder.

LEG. BINDER:

Thank you. I had, as you know attended some of the meetings. I even attended one of the meetings where there was the draft being put together, and, at that time, I had a concern about which reports were used and which reports weren't used, but I haven't had a chance to see what the final document was, what reports and what was relied upon. I guess I'm a little dismayed that we attempted to ask for the report, knowing it was coming this week, asked last week for a copy of it, and, of course, it wouldn't be ready until today. So then that means that I couldn't even have one week to go through it, read it, and ask some decent questions while you're all sitting here, the opportunity to at least ask preliminary questions after a preliminary review, I think that's unfortunately, because I have a hard time believing that the last "T" was crossed this morning and we couldn't see this thing until today. I think -- I personally think it was an attempt to avoid maybe some questioning.

All -- I want to commend Legislator Caracappa in his pointing out that this is a policy question. And I don't know where this is going to go, but I do think that what it shouldn't be, as the Commissioner said, this is administrative, something he could do administratively, I just pull the guys off this program and do something else. Programs are policy, and the question for the Legislature is whether this should be policy question for the Legislature, should we have the say as a Legislative body. Is it the policy of this Legislature to provide the DARE Program for the children of Suffolk County? I think it should be policy. That's why Joe and I are going to be putting in legislation to codify that, that this should be a policy, that we should debate it, and it shouldn't be the province of one administrative official administratively moving people around to end something that we may think is a good program. So I hope we're going to early in the year vote on that and make that something that's our province and a question for us. I will hope -- I hope that you'll come back.

DR. CANNIFF:

Yes, we'd be willing to come back --

LEG. BINDER:

Right.

DR. CANNIFF:

-- and answer any questions that you or any other Legislator have.

LEG. BINDER:

Right, and I figured that. By June -- I mean, January or February, I'm sure by then we can have some kind of review. I'm going to have some time now to go through this, and, hopefully, we can have a very

lively dialogue on it. Thanks.

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D.P.O. POSTAL:

Thank you. Before we continue, I would just like to respond. There were certainly I think a wide range of opinions or preconceived attitudes toward the DARE Program when this whole process began. I know that there were advocates for and people who had doubts, and people who are legitimately waiting to see what this report would produce. I think the important things that I feel about this are, first of all, Commissioner Gallagher just said in response to Legislator Caracappa's question that any decision or potential decision would be reached after a discussion between the Administration, the Task Force, the Legislature, so that I certainly feel confident in making an assumption that because we received this report today, and I don't have any suspicions about why this report came to us today, but I think that having received this report today, there's not a doubt in my mind that as we go through this, there will be other opportunities at which we can meet again with the Task Force, discuss issues that come to mind as we review this report. Commissioner Gallagher has made that absolutely clear. I see Dr. CANNIFF shaking his head. I know that that's going to be the case. So that I don't think receiving this report today -- and, you know, I know that the Task Force was asked to report by the end of the year, if I remember correctly, and I know that this was a mammoth and voluminous task, so that I think many of us appreciate what the Task Force undertook and that there was a necessity to get this report to us. And I think the executive summary that was presented to us was an excellent one and just kind of an introduction to the whole discussion that's going to ensue. So I don't think any of us should assume that this is the end of a process, it's a continuation of a process.

The other comment that was made about who makes policy, well, without question, the Legislature makes policy. But I think that it's our responsibility, before making policy, before making a decision, to gather as much information as we possibly can gather in order to make the most effective policy that we can make. And I'm not an expert on this. I think there are probably very few people who are sitting here who would claim to be an expert on substance abuse prevention. So that if we were not addressing this extremely emotional issue, I would assume that we would, through our normal processes of committees, we would invite people who have expertise to come and share their expertise with us, and I would hope that that would happen. I have the feeling it's going to happen. Commissioner Gallagher indicated that along with this report, which provides us with information that's been gathered, there will be an ongoing discussion process, which I think is vital before the Legislature does attempt to make a policy.

And lastly, I was -- I took particular note of one of the recommendations that Dr. CANNIFF reported to us, because I've spoken with some experts in the field of substance abuse prevention, and what they tell me is that the most effective programs are those programs which are holistic, they involve the entire community. And the recommendation that all segments of the community be involved, the schools, the police the Department of Health services, teachers, students, parents, community organizations, that correlates completely with what I've been told by those people who are considered experts in the field. So I just -- I think that, if nothing else, that recommendation really struck a chord with me. And I will now

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recognize the next person on the list, who is Legislator Caracciolo.

LEG. CARACCIOLO:

Thank you, Madam Chair. First, I would note to my colleagues that the Task Force has identified that police officers should be an integral part of a DARE successor program, so I don't think any of us should jump to the conclusion that they have precluded or excluded uniformed police officers or police personnel from the education process. But my question really deals with a timetable. Since, Commissioner, you have indicated the program as is is due to expire at the end of June 2002, given the need to now appoint a committee, and it will take just administratively here in the Legislature a couple of months to actually put that committee in place, would you consider extending the program on a temporary basis until such time a committee of qualified experts can be formed, report and recommendations acted upon?

COMMISSIONER GALLAGHER:

Well, first of all, the 2002 deadline was really not a termination deadline, it was the extension of the program that the County Executive, County Executive Gaffney, by a letter to me, indicated he wanted the program extended through the remainder of this school year. So it's not automatically, you know, to be concluded, or assumed that at the end of that school year in June the program will terminate. What we do have to do, though, is sometime in the time remaining between now the end of the school year, at least I feel in, you know, deference to the school districts, Dr. Brennan who was on the committee can speak as a Superintendent, we do have to let the districts know where we're going after this school year, or, you know, what are we going to be presenting by way of a programmatic material. The districts themselves also are on notice from the federal government that the funding for substance abuse prevention programs is now ready to be reviewed and, in effect, taken away from them if they don't start giving outcomes, you know, producing outcomes that are measurable.

And as I think Dr. CANNIFF noted, the Safe Schools Act, the federal drug funding act, indicates that the school districts have got to start reporting the outcomes of their programs, and which up to know they have, in effect, been relying on the DARE Program and they can't rely on the DARE Program anymore. The federal government has defunded, in effect, that program. It's no longer considered, you know, a measurably effective program. So what I think we have to do is come up with some kind of comprehensive plan, both the school districts and the department, for the remainder -- you know, for what happens after June. But June is not automatically a date that I would say, you know, it's a cutoff an determination of any police drug prevention program.

LEG. CARACCIOLO:

Are there any models elsewhere in the country, elsewhere in the state, that the committee to be formed can examine as a replacement for the current DARE Program?

COMMISSIONER GALLAGHER:

Dr. Brennan?

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DR. BRENNAN:

Yes, we researched the program nationwide.

D.P.O. POSTAL:

I don't think your microphone is on.

LEG. CARACCIOLO:

Madam Chair, could we have some order?

DR. BRENNAN:

We researched programs nationwide. There are a number of effective programs. One of them is called Project Northland and it is written up extensively in your report. All of the successful programs seem to have the same things in common. They have instruction at kindergarten through 12th grade. The instruction is articulated and coordinated. There are at least three other components. There may be counseling, there may be social activities in which people go on drug-free trips, or to plays, or movies together. Everyone is involved, the media, the town, the teachers, the parents, and the local government, and there's some form of evaluation of results, and, finally, the people in this get training.

The other thing I'd like to say is that I joined this committee giving everyone fair warning that I was a big advocate of DARE,

because I had seen it work in the classroom, and I still believe that part works. But in coming up with a timeline for replacing DARE, I would say that I now agree with the Surgeon General, who's report, "Violence 2001" is quoted in our report, and it says in part, quote, "One school-based universal prevention program meets the criteria, for it does not work, DARE." So we have a program that doesn't work. It's offered to 85% of our kids. As long as we keep it in place, then we -- I think we're worse off than if we had no drug prevention program if we have one that everyone says does not work.

P.O. TONNA:

Just I'd like to take a -- I guess, as Presiding Officer, I could really do this if I wanted to. I want to recognize Legislator Allan Binder for the purposes of a proclamation, so consider this a DARE coming attraction, or, you know, just a commercial. All right. Legislator Binder, it's nice to recognize you for a change.

LEG. BINDER:

Thank you very much, Mr. Presiding Officer. And I appreciate your moving the process along. Mr. O'Reilly has to move on.

I was watching, as most of us do, the top rated cable program, The Factor, and I've been watching all through what happened with September 11th, the tragedy, the terrorist attack on this nation, on New York, and there was one person that seemed to rise above and talk about an issue that no one else wanted to talk about and it's the victims. There are 3,000 plus victims in the United States, most of them here on this Island and around New York City, and no one spoke for them when they had to go through the maze, the quagmire of paperwork. When the Red Cross said, in a very bad move, their Board said, "We're going to use some of the money that was pledged, pledged to the victims and their families, we're going to take some and we

think in our better judgment we're going to use it for other things, " no one spoke, except for Mr. Bill O'Reilly. Mr. Bill O'Reilly used his God-given talents and his meteoric rise through a national voice, and that's the important thing. He had a national voice that could put pressure on the Red Cross, the United Way, all of these charities who asked for money specifically for the families, for nothing else but the families, and they didn't use it for that, and he became their voice. Since then, the Congress has held hearings, the Red Cross has totally reversed themselves. United Way gets pummeled pretty regularly, and they are made to know what's expected of them.

And so today, I wanted to honor a Long Island hero, who's had the ability and the effectiveness to raise his voice above the others and make something happen, and something did, and he's made a difference

in 3,000 family's lives. And so today, we honor him as a Legislature. We have 18 Legislators. We don't do a lot of things as 18. Usually I'm the one off by myself, but this one I even signed. There are 18 of us on this resolution -- this proclamation. And in honor of Mike D'Andre's last meeting, I am going to say, for the first time in 12 years I'm probably going to use this phrase, that I'm going to call up now to speak to us about what he's doing, a real American, Bill O'Reilly.

(Applause)

MR. O'REILLY:

Ladies and Gentlemen, good morning. Mr. Binder, thank you. It's an honor to be here. I'm a born and raised New Yorker, born in Manhattan, raised in Levittown. And like everybody in Long Island, when I saw the attack in the World Trade Center, I just said to myself, "What can I do?" And the answer immediately was I have to do my program and I'm going to do what I always do and analyze the situation, and that's where I let it lie the first couple of days. But in my town where I live, in Manhasset, twenty-nine people were killed, and my little two year old plays with some of their kids, so I see these kids every day and mommy and daddy are not coming home anymore. So I started to get angry, started to get really, really angry, you know, much more so than a newsman gets over covering a story, and I've covered some pretty hellacious things in my career. And then people kept coming up to me on the North Shore of Nassau County and kept going, you know, "We lost a brother, a sister, a husband, a wife, but we don't know where the charities are. We watched the telethon, we watched the concerts, but nobody's contacted us. Can you help us?" So what am I supposed to say? I have to say, "Sure, I'm your neighbor, I'm going to help you." And so I left my real role as a newsman and got to be an advocate for these families.

And then I ran into this buzz saw at the Red Cross. We cut them down fast. I mean, we just -- that was so out of control there that I had the President on The Factor in October, and three days later she was fired, because I just cut her to pieces, because there was no real thought put into the suffering of these families. It was a bureaucratic decision that was made at a very impersonal level, which isn't going to cut it with the American people, particularly because they're giving the 1.5 billion dollars that are available, or should be available to the families.

So the Red Cross turned around pretty fast, and that was 275 million that we got extra, because they were going to split it down the middle. The Red Cross was going to give 50% to the families and keep

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50% for them. So we said, "No, you're not going to do that, that's not why the American people gave you the money, you're going to give it all to them," and they did. Then my buddy, George Clooney, and the United Way, they stepped up and got caught up in this unbelievable bureaucratic nightmare. They turned around two weeks ago, not to a hundred percent of where they should be, but to an extent, where all the families are getting an extra 10,000 for Christmas.

So we're on the right road. And it was a tough story for me, because I know that people all across the world stopped giving to the United Way and the Red Cross and I don't want them to do that, I want people to give money. But I also want these charities to get a little bit more real and get less arrogant, and say, "Look, you know, we have a job to do here, and when people give us money, we have a hundred percent obligation for full disclosure. We have to tell them where that money is going."

So anyway, Suffolk County's the first person, the first entity, I should say, to recognize our work here. Most people are throwing stuff at me. And I think that speaks well for Long Island, you know, it's a no spin place, and I appreciate it very much.

LEG. BINDER:  
Thank you.

(Applause)

P.O. TONNA:  
Okay. I'm going to do one other thing before we move on with our agenda. I'm going to recognize Legislator Ginny Fields for the purposes -- and, Allan, just maybe -- he's voting yes, I think, on the health appointment, right?

LEG. BINDER:  
Yes.

P.O. TONNA:  
Yeah.

LEG. FIELDS:  
Are you?

P.O. TONNA:  
Okay. But anyway, make a --

COMMISSIONER GALLAGHER:  
Are we through, Mr. Chairman.

P.O. TONNA:  
Okay. But we're going to get them -- no, they're going to come back. I just wanted --

LEG. ALDEN:  
Wait, wait. They're coming back today?

P.O. TONNA:  
No, they're staying right here.

LEG. ALDEN:  
Right.

P.O. TONNA:  
They're staying. I just wanted -- I'm just asking Legislator Fields,  
for the purpose of moving one vote out of order. It's an appointment  
to the Health --

LEG. FIELDS:  
Board of Health.

P.O. TONNA:  
The Board of Health.

LEG. CARPENTER:  
Why?

P.O. TONNA:  
It is -- I'll tell you why.

LEG. FIELDS:  
I'll tell you why.

P.O. TONNA:  
We have the person in the audience. Go ahead. I just want to --

LEG. FIELDS:  
I'd like to make a motion to take 2047 out of order for the purpose of  
approval, because Mr. Daniel McGowan is here with a resume placed in  
front of over Legislator for approval as an appointment to the Board  
of Health and he has to leave. Is Mr. McGowan here?

D.P.O. POSTAL:  
And I'll second that motion?

LEG. FIELDS:  
If anyone on the Legislature has any questions for Mr. McGowan after  
looking at his resume? I make a motion.

D.P.O. POSTAL:  
There's a motion take 2047 out of order and a second. All in favor?  
Any opposed? 2047 is before us.

MR. BARTON:

18. (Vote: 17, 1 absent-Leg. Towle)

D.P.O. POSTAL:  
Legislator Fields, you have a motion to approve?

LEG. FIELDS:

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I make a motion to approved 2047.

D.P.O. POSTAL:  
Seconded by Legislator Tonna.

P.O. TONNA:  
I'll second it by myself. I just -- I do want to give the respect to some Legislators who say we really -- in no way do I want to cast any aspersions on -- you know, on what we're dealing with with DARE. I just -- it was my suggestion and my request, being that we could -- there is somebody who is going to be in the audience all day for an appointment, and I was the one who told them that I would do this this morning. So I have to take full responsibility. All right? Right. And then we'll go right back to the discussion. Okay?

LEG. D'ANDRE:  
What page is that?

D.P.O. POSTAL:  
Twelve.

P.O. TONNA:  
Page 12.

MS. BURKHARDT:  
2047.

P.O. TONNA:  
All right. There's a motion and a second to take it out of order.

D.P.O. POSTAL:  
We did that?

P.O. TONNA:  
Oh, we did that? Okay. I'd just ask a motion to approve. All in favor.

LEG. CARPENTER:  
Mr. Chairman.

LEG. ALDEN:  
On the motion.

LEG. CARPENTER:  
Mr. Chairman.

P.O. TONNA:  
Yeah.

LEG. ALDEN:  
On the motion.

P.O. TONNA:  
Okay.

LEG. CARPENTER:

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I am sorry. I just -- this is such an important appointment. I saw the resume here this morning. I didn't realize it was coming before us. And to take it out of order like this --

P.O. TONNA:  
Okay. How about --

LEG. CARPENTER:  
-- really demeans the import of it.

P.O. TONNA:  
Okay. How about this, Legislator Carpenter?

LEG. CARPENTER:  
And, also, the Task Force who had --

P.O. TONNA:  
Okay. How about this then? How about if I withdraw -- I just asked are there any questions of the person? It was done through committee, you know, it went through the thing, just so that I made the promise to the person to reschedule their day. They wanted to give the respect of being here to ask any or answer any questions of the -- you know, that Legislators might have. If there is nothing, let me just release the person, we'll vote on it later. How is that?

LEG. CARPENTER:  
Well, I would say that if the person's been here, you know, since 9:30 this morning --

P.O. TONNA:

And at the committee meeting, too, to answer all questions.

LEG. CARPENTER:

And at the committee meeting, and it shows a certain sense of commitment to the position, which it certainly requires, I would think -- I sense that the DARE Task Force was pretty near finishing, why don't we let them complete --

P.O. TONNA:

Okay.

LEG. CARPENTER:

-- their report --

P.O. TONNA:

Fine.

LEG. CARPENTER:

-- and then go to this.

P.O. TONNA:

That's right. Okay, great. I'm going to -- if we can, let's withdraw the motions. And, Legislator Alden, is that okay for you right now, or do you want to still speak?

LEG. ALDEN:

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No, that's fine.

P.O. TONNA:

Okay, great. Let's finish. Okay. Legislator Foley, you're next on the list with DARE and then we'll go from there. Okay?

LEG. FOLEY:

Thank you, Mr. Chairman. Many of the points and questions were raised earlier. I just wanted to also thank the members of the Task Force for taking time out of your busy professional lives to devote your talents and energies to one of the most important areas of public policy in our County, and that is to how to help our children, our school children, to combat the evils, if you will, of drug and substance abuse. And I was heartened to hear from the Commissioner principally because of his background as a graduate of Manhattan College. I know he has no preconceived notions. The Christian Brothers would never allow him to have any, nor would my dad, who is also a product of that fine college. I can't speak for others, but at least for those two graduates.

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But the fact of the matter is the Department now sees the importance of having the uniformed officer in the classroom, if not for 18 weeks, at least for some prescribed period of time, because there's an intangible benefit to that. And so this process has been a learning process, an educational process for many within and outside of government.

But I would just end by saying thank you. You've given us some homework to do over the holidays, and then come January, we'll pick up the next part of this task. So thank you very much.

D.P.O. POSTAL:

Thank you. Legislator -- Legislator Fisher.

LEG. LINDSAY:

The Commissioner wants to respond.

COMMISSIONER GALLAGHER:

Madam Chair, just to answer Legislator Foley.

D.P.O. POSTAL:

I'm sorry, Commissioner Gallagher.

COMMISSIONER GALLAGHER:

I'm glad to hear that he said the homework over the holidays. If we come back, I would urge each and every member of the Legislature, please read the report. A lot of time and effort went into it, and it would be helpful to all of us if you -- if you have questions, that they're based on you having read the material. Thank you.

D.P.O. POSTAL:

Thank you, Commissioner. Legislator Fisher.

LEG. FISHER:

I plan on doing my homework, Commissioner. I do look forward to reading this. I know that the Task Force has worked very hard. There

was a question I had for Dr. Canniff regarding one of the comments which you made, which was that the greatest challenge was the funding. As you know, I've been a teacher for 32 years, and I've seen a number of fads come in and out of education, I've seen unfunded mandates, I've seen burdens placed on the shoulders of teachers who are trying to get through curricula. And so my concern is -- and I've actually written curriculum where we have tried to put a strand of conflict resolution through the academic programs. I'm sure that Dr. Brennan has seen this kind of effort. And I know how difficult it is to maintain these programs when the financial support is not available to

the school districts. There is just so much we can do in the school districts with the staffing and the financial resources that are available, and, certainly, the people of Suffolk County cannot be further taxed to support programs in their school districts. So can you just -- I do plan on reading this, but can you just give me some direction as to what kind of funding will be available, and what we will be able to do in that regard?

DR. CANNIFF:

I don't know what additional funding would be available. I know that the program currently costs about \$3 million a year in terms of the involvement of Suffolk County Police. And the question that came up in the Legislature -- excuse me, in the committee, was, you know, is that the best way to spend those dollars? In other words, can we spread the information out on a K to 12 basis? You have some programs across the country who do around eight to ten days a year of information on substance abuse prevention, but they do it throughout the 12 grades that our children are in school, and we're looking for a more comprehensive program like that. In my own experience in education, I know that there's going to be some funding implications the more we try to expand this. It's the view of the Task Force, though, that we must try to do that, if we want a comprehensive and effective program.

D.P.O. POSTAL:

Can we get more Legislators back here in the auditorium? This is, obviously, something that concerns all of us. Please, all Legislators report to the auditorium.

LEG. FISHER:

State funding has been very disappointing of late, as you know.

DR. CANNIFF:

Yes.

LEG. FISHER:

Both in public schools and in higher education, they certainly haven't been forthcoming in support of Suffolk Community College. However, Safe Schools, The state has had a very integral role, an important role in that, and, yet, the funding hasn't been forthcoming, and that's what concerns me. So do you see any way that we could tap into or push this --

MS. ALEXANDERSON:

Legislator Fisher.

LEG. FISHER:

Yes.

D.P.O. POSTAL:

Can I just --

MS. ALEXANDERSON:

One of things --

D.P.O. POSTAL:

Yeah. Can I -- you know, I truly think that there needs to be more Legislators here --

LEG. ALDEN:

Well, there has to be a quorum.

D.P.O. POSTAL:

-- to respond, so I'm going to call a five-minute recess.

[THE MEETING WAS RECESSED AT 11:12 A.M. AND RESUMED AT 11:15 A.M.]

P.O. TONNA:

All right. I'd ask all Legislators please come to the horseshoe. Henry, roll call. You've got three minutes left.

(Roll Called by Mr. Barton)

LEG. CARACCILO:

Here.

LEG. GULDI:

Here.

LEG. TOWLE:

(Not Present)

LEG. CARACAPPA:

Here.

LEG. FISHER:

Here.

LEG. HALEY:

(Not Present)

LEG. FOLEY:

Present.

LEG. LINDSAY:

Here.

LEG. FIELDS:

Here.

LEG. ALDEN:

Here.

LEG. CARPENTER:  
Here.

LEG. CRECCA:  
(Not Present)

LEG. D'ANDRE:  
Here.

LEG. BISHOP:  
(Not Present)

LEG. CRECCA:  
Henry, mark me present.

LEG. BINDER:  
(Not Present)

MR. BARTON:  
Mr. Bishop. (Legislator Bishop entered the auditorium)

LEG. COOPER:  
Here.

LEG. POSTAL:  
Here.

LEG. COOPER:  
Cooper is here.

P.O. TONNA:  
All right. Here. All right. Let's go back. I apologize.

MR. BARTON:  
Fifteen present. (Absent: Leg. Towle)

P.O. TONNA:  
There was a question by Legislator Fisher.

LEG. FISHER:  
I was about to get an answer to my question.

P.O. TONNA:  
Okay. Just --

LEG. FISHER:

Shall I repeat the question?

P.O. TONNA:

I would ask, the discussion in the back, bring the Sheriff, pistol whip anybody in the back who's talking. All right, there we go. Okay. I'm sorry. I had a little chocolate.

LEG. FISHER:

Okay. The question that I had asked --

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P.O. TONNA:

Wait. Just wait until everyone's quiet.

LEG. FISHER:

Oh, okay.

P.O. TONNA:

That's all I'm asking. I don't want -- I want -- okay. Before Legislator Fisher resumes her questioning, I would just like to apologize on behalf of myself. I am part of this chaos. I have caused it today. And I ask that, please, to the DARE Committee, who have spent a lot of time, to Legislators who have worked very, very hard on this, I ask your indulgence. Thank you very much. Legislator Fisher.

LEG. FISHER:

I had asked the committee a question regarding unfunded mandates. As an educator, I've seen many trends weave themselves in and out of the educational system. There are tremendous demands on educators. Our kids are being tested. There is a high level of accountability that's being asked for. And I feel that any program that comes out of this committee will be put on the educators to carry, and I want to know, it was -- Dr. {Kafee} had said in his presentation that one of the challenges that we will face will be in funding, and that was a question that I had asked, and I think I was getting a couple of responses to that.

MS. ALEXANDERSON:

Legislator Fisher, we discussed that there are a great number of programs dealing with the different aspects of substance abuse, whether it be personal safety or self-esteem, that are free or of minimal cost to a school district, but that many of these districts do not know about these programs. One of the charges that we would say we would like this committee that's to be formed would be to put together some kind of place that -- a reference guide where we can find these programs, because there are --

LEG. FISHER:

And a clearing house where we could access?

MS. ALEXANDERSON:

Because each program -- a comprehensive program that we're talking about really would have to be tailored to each individual school district or community, because the lower income community faces different problems than the middle income or the higher income school district would face. The problems facing the kids, as well as the parents, as well as the communities themselves are all completely different. So these -- so a school district would have to tailor a program -- a program to their own personal needs. But there are a lot of resources out there that are free or low cost that are not being tapped into. There are a lot of private organizations that are providing speakers that are free of cost. Sometimes you have to pay their transportation or whatever. But there are a lot of these type of programs that are just not being used. Because of the fact that the DARE Program is no cost to a school district, they're all using it and relying on it, because it doesn't tap into their budgets and

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that's a good thing for them. But there are other programs as well that they don't know about, because they're not as highly publicized as the DARE Program, they don't have as good marketing as the DARE Program, so they're not aware of these things. We've run across a few, but I'm sure there are a lot more, and that's why a committee to look at this problem and to -- people from all different places are going to find it. The parents have different resources that the Health Department doesn't have, and the Health Department has resources, the Police Department, etcetera. So I don't know that the cost itself would have to be raised that much, but it should be money well -- it's money well spent taking care of the kids.

LEG. FISHER:

Well, not matter how well spent it is, the money has to be available to school districts, number one. And your answer really has raised other concerns, which is that it almost seems very scattered and unsystematic. And I think part of what was good about the DARE Program was that we knew that there was a standard, that there was a set curriculum, that every school was getting the same level of instruction. The structure was very important. And whatever this future committee were to propose, I would want every school district to have available to it a very structured program. You can't -- I wouldn't want to leave drug and alcohol education up to arbitrary decisions, and a school district that might be proactive would be -- would seek out better sources. I don't think that we should allow this kind of chance decision-making. So I'm hoping that we will be

very careful in how this is structured and what is presented to the school districts.

And whether we think that it's low cost or not, when you're introducing a program and programmatic changes into school districts, and I'm sure Dr. Brennan can verify what I'm going to say, it will cost the district money. It will cost the district money and it -- is it money well spent? Absolutely. But our school taxes are the highest taxes that we pay on Long Island. They're a tremendous burden on our constituents, and we want to be certain that we're not giving school districts unfunded mandates.

I am a teacher and I have seen the tremendous burden this year that the school district has gone through in creating a budget, because New York State wasn't forthcoming in its support of school districts. We can't further burden school districts.

Commissioner, were you going to -- it looked like you were going for the mike.

COMMISSIONER GALLAGHER:

Just the structure and descriptive analysis you made of the DARE Program ended, but it ended short of one point, the program doesn't work. I mean, it might be well structured, well founded, but the program I think has been -- you know, it's been demonstrably exhibited not to have effect on -- have an effect of outcome.

LEG. FISHER:

The point I was making, though, was that we shouldn't leave it to chance, that one --

COMMISSIONER GALLAGHER:

I don't think you should.

LEG. FISHER:

-- district would choose one and another --

COMMISSIONER GALLAGHER:

No, I agree with you, but I also -- you know, it's been my experience both in this role I presently have Police Commissioner and other roles in County government, you have to always remember school districts are entities unto themselves also, and that, you know, we could only go so far in recommending policy to them, that we can work with them, and I hope that we can work with them. I hope that whatever is the outcome of this discussion is -- this committee that we're recommending you form work closely with the school district. But districts will -- you

know, they will pursue their own policy. I think you all need to, you know, be -- realistically remind ourselves of that.

COMMISSIONER BRADLEY:

One point is that the Safe and Drug-Free School money right now can't be used on DARE. So that's another pot of money that school districts can use if they reconfigure their substance abuse prevention programs.

LEG. FISHER:

Okay, outcomes. Okay. So would that money not be forthcoming until after a program had been in place for awhile and surveys would have been conducted to prove the outcomes?

COMMISSIONER BRADLEY:

If they propose a new program, it can be used for a new program, but it has to be within a certain period of time evaluated. They feel that DARE is not effective, so up front, they will not fund DARE with that funding.

LEG. FISHER:

But if there were a different program --

COMMISSIONER BRADLEY:

Yes.

LEG. FISHER:

-- there could be up-front funding and then there would be further evaluation for further funding; is that what you're saying?

COMMISSIONER BRADLEY:

Yes, yes. The other point is, is I don't think that the burden should all fall on the school district. I think they're one part of all of the players that need to participate. I mean, I think it needs to be the school district, it needs to be -- the PTA's need to get involved, the parents, the media, community. So I agree that if we think it's all going to fall on the school district, it's going to be a financial problem for the schools. I think it needs to be shared amongst all of the players.

LEG. FISHER:

Thank you, Clare.

D.P.O. POSTAL:

Thank you. I just wanted to comment on Commissioner Gallagher's response to Legislator Fisher about working with the school districts and that it has to be a cooperative relationship. When we piloted

DARE, we piloted it in two school districts. I believe -- I know Amityville was one, I think Deer Park was the other, and I can't begin to tell you how much resistance there was on the part of the school districts and the school boards to having someone providing instruction in a classroom. So that back then there was all of that resistance, and I think it's a lesson that it does have to be a cooperative approach, there has to be communication and kind of brainstorming. Legislator Alden.

LEG. ALDEN:

Commissioner Gallagher, I really don't like homework, but I've never done more since being elected to this so-called part-time job four years ago. But that being said, Commissioner Bradley, I might be asking for more homework. Do you have any kind of comprehensive study on our Smoking Deterrent Program, as far as the effectiveness and what we've been doing and what we plan on doing in this coming year and in the next year?

COMMISSIONER BRADLEY:

In terms of the school-based part of the program?

LEG. ALDEN:

Any part of it, because I notice we do some advertising and we do some, you know, in-house type of teaching and things like that, because that's going to play an important role, really, in my decision on which way we go with any of this.

COMMISSIONER BRADLEY:

The different parts of the program are in different stages. In terms of the school-based, the contract has just been awarded, so that's just barely started, so we don't have anything in terms of that. In terms of the enforcement, we have statistics, in terms of the cessation programs, we have statistics, in terms of completion, but not yet in terms of long-term cessation of tobacco use. In terms of the media, we have statistics on people calling in in response to that. But I think the most important part in terms of the districts is, number one, the fact that we offer cessation to all school districts, a small minority take us up on that, and the other is the school-based K through 12 education program, but that's not going to start until 2002.

LEG. ALDEN:

Can you pull together a report that just, you know, shows what our proposal is, you know, going forward, and what we're doing right now, and any of the statistics that you do have?

COMMISSIONER BRADLEY:

Sure.

LEG. ALDEN:

Thank you.

D.P.O. POSTAL:  
Legislator Fields.

LEG. FIELDS:  
Can anybody on the panel just tell me whether or not you have any reports from the Robert Woods Johnson Foundation? I know that they were doing an evaluation of the DARE Program.

DR. BRENNAN:  
The Robert Wood Johnson Program has hired the University of Akron --

LEG. FIELDS:  
Can you talk closer to the microphone?

DR. BRENNAN:  
Sure. The Robert Wood Johnson Foundation has offered grant to DARE to do a five-year study to move the program and to evaluate the results, and they've hired the University of Akron to be the -- in Ohio to be the University who presents that program. Right now, several Long Island school districts are trying to decide whether they want to be part of that five-year pilot program. If they do, those districts might serve as a good laboratory for us to determine whether the new DARE Program issued and implemented in a comprehensive way in -- with the SAVE legislation actually works. And the thing that's making most of the school districts hesitate as to whether to participate or not is that we don't know whether we're going to be in the control, that is use the old DARE Program, or the experimental, use the new DARE Program.

LEG. FIELDS:  
I thought about a year ago that I had heard that they had already started their evaluation process, so -- but what you're telling me is that they're still looking for representatives to be part of the evaluation.

DR. BRENNAN:  
Yes. In fact, the South Huntington --

LEG. FIELDS:  
So it has not really begun yet?

DR. BRENNAN:  
The South Huntington Board of Education will be discussing tonight whether we want to be one of those districts.

LEG. FIELDS:  
Okay. Thank you.

D.P.O. POSTAL:  
Legislator Lindsay?

LEG. LINDSAY:

Yeah. The first thing that I want to say is that I think we all appreciate the work that you folks have done on this, and I know that

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I will be reviewing it with great interest. When this whole controversy started last year, I think Commissioner Gallagher initially proposed cutting the money from the Police budget for the DARE Program.

COMMISSIONER GALLAGHER:

Actually, it was a proposal to reallocate the resources, that is the officers.

LEG. LINDSAY:

And from what I understand, you know, what you've presented orally today, is that you not necessarily want to reallocate to a different part of the Police budget but want to keep it in the educational structure of some kind of drug resistance program, but you want to smooth it out across the whole K through 12; is that correct, is that the essence of your report?

COMMISSIONER GALLAGHER:

Well, it's a -- no. I mean, in terms of the report itself has a lot more -- you know, there's a lot more components to it. As far as the Police component of the report, I think more -- it's actually more to the point, Legislator Lindsay, that we would be -- we, we, the Police, as far as I'm concerned, is to have a role to play in a comprehensive drug education resistance program. That role I think would be better defined in a comprehensive program than in a one-shot DARE Program, and that's, I guess, as far as I would go, is to say, "Look we will be there." I've become convinced that uniformed police officers in the classroom do make a difference. I mean, all of the -- all of the results of all the research indicated that the presence of the uniformed officer is actually -- you know, is one of the most positive aspects of the DARE Program right now, as far as the -- as the program is carried out here in Suffolk. So I would continue having the presence of uniformed police officers, but in justice to the children, I would say let's make that presence part of a comprehensive program that's working. So that would be the essence of what I'm saying.

LEG. LINDSAY:

And are you also saying that you want the school to take the lead as far as designing this program?

DR. BRENNAN:

That apparently -- from the programs we evaluated, that apparently

does not work. You have to have a comprehensive approach involving town, parents, school, media, law enforcement.

LEG. LINDSAY:

But is it not true that DARE is a canned program that's very easy for the school to adopt without fashioning it to their community?

DR. BRENNAN:

It's too easy to adopt and it lends itself to overreliance on one 15 to 17 week shot in a child's 13-year career. And the principle of learning that it violates is that the best way to present information is over time, so that as the student grows and comes into contact with people trying to give them drugs and friends of theirs making these decisions, you come back and teach them a little more. But, yes, that

was always one of the great appeals of DARE.

COMMISSIONER GALLAGHER:

Legislator Lindsay, too, I might add that in the comprehensive aspect of what we're talking about, the federal government has recognized this aspect of building coalitions to make programs such as this drug prevention and avoidance programs effective. They've actually had federal grants. I think there is one now in operation in Nassau County of coalition building. I don't know what else you -- you know the group I'm talking about, that there -- there are federally funded program that -- just for this purpose, to put together comprehensive approaches to issues such as this.

LEG. LINDSAY:

I guess the challenge to us is how do we initiate that coalition building without, as Legislator Fisher pointed out, putting more mandates on the school districts, or putting a mandate on the school district? I guess that's all our challenge.

D.P.O. POSTAL:

Legislator Caracciolo.

LEG. CARACCIOLO:

I think both Legislator Fisher and Legislator Lindsay are touching upon a very important aspect of program continuation, and that is in addition to program effectiveness, there has to be cost efficiency. And as Legislator Fisher pointed out, as an educator, she is very much aware, as we all are as elected officials, of state and federal mandates in education, as well as in County government, that are unfunded. So for the County to chart a new course with respect to DARE education over a prolonged period of time, maybe not thirteen years, but maybe six, seven years of a child's education, ongoing

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funding for that has to be identified up front. And if the County is going to be a participant, either through law enforcement personnel or otherwise, that, too, has to be identified and that commitment has to be made here by the policy-makers. Thank you.

D.P.O. POSTAL:

Thank you. On behalf of all of the members of the Legislature, I would like to thank you. I think you've done yeoman's job, and the information that you've provided I'm sure will provide truly fruitful reading and examination. Thank you. We look forward to continuing discussion with you.

DR. CANNIFF:

Thank you.

COMMISSIONER GALLAGHER:

Thank you.

LEG. CARPENTER:

Thank you.

D.P.O. POSTAL:

And if we -- if all Legislators would return to the horseshoe.

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LEG. LINDSAY:

Madam Chairlady, could I have a point of personal privilege?

D.P.O. POSTAL:

Certainly. Legislator Lindsay, for a point of personal privilege.

LEG. LINDSAY:

Yeah. I just want to recognize, with us today is Mr. Ponzi's Sayville High School Class. And I can't think of a more opportune debate to listen to than about the DARE Program. And thank you for coming down and spending the day with us. Why don't you just stand up and be recognized? Come on, don't be shy.

(Applause)

LEG. FOLEY:

Madam Chair, and I note we also have students, I believe, from Longwood community as well. If they would like to stand with Miss Connie Kepert. There we go.

P.O. TONNA:

That's great.

LEG. FOLEY:  
Very good.

(Applause)

P.O. TONNA:  
Guys, it's a free day out a couple of classes, right? Not bad.

LEG. FOLEY:  
They want to speak on perennial youth issue of skate parks, so --

P.O. TONNA:  
Oh, great, great. Hey, dude. No. Anyway, okay. Yes, I would like to -- I guess I'll make the motion now. Do we have ten Legislators here, please?

LEG. FISHER:  
No.

P.O. TONNA:  
All right, eleven. And I'd ask all Legislators, please come to the horseshoe. I'm going to make -- I'll make the motion Ginny?

LEG. FIELDS:  
Sure.

P.O. TONNA:  
I'll make a motion to take out of order -- or is that already taken out of order?

MR. BARTON:  
You have it. You have it.

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P.O. TONNA:  
It's already taken out of the order? All right. I'd like to --

D.P.O. POSTAL:  
He withdrew the motion to approve.

P.O. TONNA:  
Yeah. I'd like to make a motion to approve Resolution Number 2047 (Appointing member to the Suffolk County Board of Health (Daniel McGowan), seconded by Legislator Fields. On the motion. Legislator Alden?

LEG. ALDEN:

First, if I could just have the Committee Chairman summarize what questions were and weren't asked, the appropriateness of this appointment, if it's being accepted by the Commissioner of Health.

P.O. TONNA:

Sure.

P.O. TONNA:

He's here, Dan's here. Mr. McGowan, maybe just to stand, you know, if you want. You know, if you have any questions for Mr. McGowan, also, that's why he's here.

LEG. ALDEN:

I just want -- I don't want to go over old ground, so if --

LEG. FIELDS:

He did come to the committee. He had the opportunity of responding to any of the questions that the members of the Health Committee asked, and they did ask mostly about his background and what he'd been involved in, and he gave us a very quick response to what his needs were and what he could provide to the Board of Health. And if you look at his resume, most resumes are not quite as detailed and as much background as Mr. McGowan possesses?

P.O. TONNA:

Thank you. Yes.

LEG. ALDEN:

Mr. McGowan, why do you want to do it?

MR. MC GOWAN:

Well, first of all, I've got a wealth of experience. I've been in public health in one area or another for about 30 years. This here is my County and I think it's a privilege to be asked. I'd like to do something to help.

LEG. ALDEN:

Do you have the time?

MR. MC GOWAN:

I will make the time.

LEG. ALDEN:

MR. MC GOWAN:  
To be people-friendly?

LEG. ALDEN:  
Yes.

MR. MC GOWAN:  
I guess that's part of what I try to do in life in general, but I didn't perceive it necessarily as part of what I'd be doing at the Health Department as much as helping them with things from my experience that come up as part of their regular agenda with the County and with the Legislature.

LEG. ALDEN:  
Part of it's going to be administrative, so you're going to have some administrative oversight over the processes and --

MR. MC GOWAN:  
Yes.

LEG. ALDEN:  
-- my office gets a lot of calls from people that have problems, and whatever you want to call them, snafus or just -- you know, where they're delayed in the Department of Health. So if your -- if your position is that you'd like to see that as far as make it go as smoothly as possible, make it as people-friendly as possible, I'd like to see somebody go in there that has that type of thinking.

MR. MC GOWAN:  
I think that's the way all government should be. I think that the Health Department especially should be an example of, you know, responsiveness to the community's needs.

LEG. ALDEN:  
Thank you very much.

MR. MC GOWAN:  
Thank you.

P.O. TONNA:  
Legislator Bishop.

LEG. BISHOP:  
Thank you. Mr. McGowan, I suppose the most vexing question facing the County that relates to health is what is the appropriate use of our Vector Control in dealing with West Nile. Do you have any opinion on that at this time?

MR. MC GOWAN:  
Well, I had the occasion during the Health Committee hearings to sit and listen to a fair amount of discussion about Vector Control, not specifically the West Nile discussion, but plans for East End activities, and I would say that, at this point, I have a lot to learn

about West Nile and about the County's existing plans and current efforts to revise the plan for Vector Control before I take any positions.

LEG. BISHOP:

What about a general attitude towards application of pesticides?

MR. MC GOWAN:

I think that one of the points that was made during the committee hearing that was quite important to me was that the use of pesticides be to protect human life and not just to make a few people more comfortable.

LEG. BISHOP:

Excellent. I appreciate that answer. We'll hold you to it. Thank you very much.

P.O. TONNA:

Legislator Carpenter.

LEG. D'ANDRE:

Mr. Chairman.

P.O. TONNA:

Wait. Just Legislator Carpenter, and then Legislator D'Andre.

LEG. CARPENTER:

Mr. McGowan, I just want to thank you. I'm sure, given the breadth of your responsibilities, that time is very precious to you. And I know that you did come down to the committee and very pleased that you took the time to come down this morning and stay and wait until we could address the resolution. And I'm pleased to hear that you're willing to devote the time, because I think that is most important. I thank you.

P.O. TONNA:

Legislator D'Andre.

LEG. D'ANDRE:

Mr. McGowan.

MR. MC GOWAN:

Yes, sir.

LEG. D'ANDRE:

You know, getting --

P.O. TONNA:  
Questions?

LEG. D'ANDRE:  
Getting to the spraying, we have an Entomologist aboard, we have the Health Commissioner aboard. They're scientific people, scientifically trained. I would like you to listen to those people for directions than this Legislature, because I had a little entomology myself. And

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you can't spray this house, leave that one out and then do the next one. It doesn't work that way.

MR. MC GOWAN:  
I understand that.

LEG. D'ANDRE:  
You know, you blanket spray or you don't spray. So if you listen to our scientific community, I'll vote to you.

MR. MC GOWAN:  
That's always been my job, but I have to listen to both sides all the time

LEG. D'ANDRE:  
You listen, but you don't obey those falsehoods.

P.O. TONNA:  
Thank you. I just --

MR. MC GOWAN:  
Thanks for the advice.

P.O. TONNA:  
Just before we cast a vote, just put on the record, Dan, I just appreciate -- they always say, if you want something done well, give a busy person the task. And thank you very much for, you know, the opportunity to serve. You know, we in this Legislature have always tried to elevate the level of people who serve on appointed boards and, you know, commissions and everything else, and I don't think you're any finer -- there's any finer example than having you. So, you know, thank you very much for your willingness to serve. And there's a motion and a second. All in favor? Opposed?

MR. BARTON:  
17. (Absent: Leg. Towle)

P.O. TONNA:

Approved. Thank you very much.

MR. MC GOWAN:  
Thank you.

P.O. TONNA:  
Thank you, Dan, for the time. Okay. Back to our regularly scheduled program. Okay. We'll make a motion to extend the public portion --

LEG. CARPENTER:  
Second

P.O. TONNA:  
-- until when? Okay, until 12:30. And I have -- Mr. Cochrane, yes.

MR. COCHRANE:  
Just about two second.

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P.O. TONNA:  
Yes, I have a card. I think you're, you know, third. Okay. Just -- all right. So --

MR. COCHRANE:  
Okay. I thought you were going to recess.

P.O. TONNA:  
No, no, no, no, no. We're extending the public portion. Marion Cohn. Sorry. Cohn. Sorry, I put an "E" in there. I apologize.

MS. COHN:  
I'm used to it. That's all right.

P.O. TONNA:  
Thank you.

MS. COHN:  
Good morning. I'm Marion Cohn from the -- it's off? Thanks. I'm Marion Cohn. Can you hear me now?

LEG. LINDSAY:  
Yep.

MS. COHN:  
From the Long Island Association, Government Affairs. This letter has been sent to the County Executive and all of you, but I'd like to put it in the record, if I may.

"The Long Island Association wishes to express its strong support for the passage of Resolution 2035, which would appropriate \$5 million in bond funds to be used for the purchase of property for affordable housing."

"One of the major reasons why Long Island is continuing to have difficulty in keeping our young people here is the lack of affordable housing. Many of our companies are having significant problems in finding the employees they need, because we do not have enough housing that they can afford. Recent reports by economists Irwin {Kelner} of Hofstra University and Mark {Gollivan} of J.P. Morgan Chase indicate that the Long Island economy will recover in the second quarter of next year, but that the shortage of workers may impede our continued recovery. Our lack of workers is directly tied to our need for additional affordable housing, so that our young people can begin their careers here on Long Island."

Suffolk County is to be commended for its foresight over the years in moving forward a very aggressive affordable housing agenda. The program envisioned by this resolution will be the centerpiece of a major new campaign to bring such housing to those who need it the most. The Long Island Association urges the County Legislature to approve Resolution 2035, so that projects can be started next year. Every home built because of these funds is one more family that can afford to live on Long Island. We will all benefit from that realization." Thank you.

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D.P.O. POSTAL:  
Thank you.

MS. COHN:  
Thank you.

LEG. FOLEY:  
Thanks, Marion.

D.P.O. POSTAL:  
Next speaker is The Honorable Robert Kozakiewicz. Kozakiewicz, excuse me.

SUPERVISOR KOZAKIEWICZ:  
Just checking to see if it was still the morning. Good morning. I'm here wearing two hats, one as Supervisor for the Town of Riverhead and one as the recently appointed Chairman of the Suffolk County Supervisor's Association, and I'm here to address Resolution 1494,

which is looking to change the composition of the Suffolk County Planning Commission.

I got to admit, I'm a tad nervous, because I'm hoping that my comments will ring true, and that when you consider my comments along with close examination of the legislation, you will do the proper thing and not adopt Resolution 1494.

One of its proposed intentions or stated goals is to provide greater diversity of opinion and independence, which would offer the Commission some sort of insulation from outside pressure. I would submit to you that there's no greater diversity than the composition of each of our Towns, the ten Towns that comprise Suffolk County. Each of those Towns brings with them a diversity of income, which we heard about a great deal earlier in the discussion with respect to DARE, how we have to possibly consider redrafting our thoughts to deal with the particulars of each community. In that case it was school districts, but I submit to you the same is true with the Towns, that we have a diversity of income within each of the Townships.

There's also a diversity of ethnic backgrounds, there's a diversity which deals with the local issues, and these local issues are important and an important aspect that the Planning Commission must deal with on a day-by-day basis when it addresses matters that come before it. I submit to you not only would the diversity be adversely impacted by the proposed legislation, but that you would also lose that connection that the local members who comprise, the Town member who comprise, the Planning Commission now bring to the table. And I think that's an important aspect that all of you should consider when you look at this legislation, the fact that the local members, the people from each of the townships are clued into those local issues, those issues that are diverse, and they help the Planning Commission when it rules upon each of the individual applications.

This is not a question of fear of change, change is inevitable, but I submit to you that it's not broken and, therefore, it shouldn't be changed. Thank you.

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D.P.O. POSTAL:

Thank you. Question? Legislator Caracciolo?

LEG. CARACCIOLO:

Yes. As I recall, Bob -- and congratulations. I was not aware that you are actually succeeding Jerry Siller.

SUPERVISOR KOZAKIEWICZ:

One of the things that happens when you don't attend one of their meetings.

LEG. CARACCIOLO:

That was at the meeting last week in Quogue? Okay. I know at the Land -- Planning, Land Acquisition Committee meeting, Councilwoman-Elect Barbara Blass lobbied for the adoption of the resolution with some changes, and I believe the bill's sponsor has made the changes and the resolution's been amended to reflect those changes. Am I correct about that, Legislator Fields? Could you elaborate?

LEG. FIELDS:

You are correct. I did comply with her request to alter the bill back to the amount of people that were before representing each Town.

SUPERVISOR KOZAKIEWICZ:

I haven't seen that changed bill.

LEG. FIELDS:

I can get you a copy of it.

SUPERVISOR KOZAKIEWICZ:

And, as I said, I'm here representing a second hat, which is the Suffolk County Supervisor's Association, which I understand had submitted comments previously to the proposed legislation.

LEG. FIELDS:

Perhaps what I can do is mail each one of the Supervisors the updated correct bill.

SUPERVISOR KOZAKIEWICZ:

That would be great.

LEG. CARACCIOLO:

Bob, I think --

SUPERVISOR KOZAKIEWICZ:

-- because the only copy I have is the previous --

LEG. CARACCIOLO:

Sure.

SUPERVISOR KOZAKIEWICZ:

-- proposed bill, which was to change it.

LEG. CARACCIOLO:

And I can appreciate your comments with respect to Town

representation, and I think the resolution's sponsor has addressed that.

SUPERVISOR KOZAKIEWICZ:

Very good. Thank you. Any other questions?

D.P.O. POSTAL:

Thank you. Before we continue -- thank you. There are no other questions. I just wanted to recognize, we have two former Legislators here with us today, former Legislator and Presiding Officer Joe Rizzo and --

(Applause)

And former Legislator and longtime Chair of the Health Committee and advocate for the Community College, Legislator John Foley.

(Applause)

LEG. ALDEN:

I believe there another Legislator in the audience.

D.P.O. POSTAL:

I can't see. Oh, that's true. I sometimes forget that former Legislator who's now the Director of the Long Island Housing Partnership, Jim Morgo is here.

(Applause)

and our next speaker is The Honorable John Cochrane, our County Treasurer.

MR. COCHRANE:

Thank you, Madam Presiding Officer, and good morning, Ladies and Gentlemen of the Legislature. I'll be very brief.

Later today, you'll be receiving a resolution with a Certificate of Necessity, and I've asked for this opportunity to briefly explain it and answer any questions you may have, so that, hopefully, we'll get it enacted today. It's an administrative resolution that authorizes the Treasurer to distribute to the Towns and Villages the mortgage tax that has been collected in their jurisdictions, and we'd like to get it done before the end of the year and that's why it has a Certificate of Necessity accompanying it. So, if there are any questions, I'll be glad to respond, otherwise, I would respectfully request that you approve it so I could distribute the money.

LEG. CARACCILO:

John, as it relates to the mortgage tax collections, what are the numbers?

MR. COCHRANE:

The total numbers are that for the Villages, the distribution would be \$2,267,970.19, for the Towns \$29,917,264.03, for a total of

\$32,185,234.22.

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LEG. CARACCIOLO:

How much of the mortgage tax does the County receive? I believe it's just an administrative charge or fee that we receive out of the total?

MR. COCHRANE:

Yes. The mortgage recording tax that's broken down, a certain amount goes to the State, a certain amount to the County, and a certain amount to each Town or Village where the transaction takes place.

LEG. CARACCIOLO:

But the County's portion is very nominal, as I recall.

MR. COCHRANE:

Yes.

LEG. CARACCIOLO:

Right? It's like a percent or less than that? It's --

MR. COCHRANE:

I believe it's about a percent, right.

LEG. CARACCIOLO:

Right. Because a lot of people aren't aware, Madam Chair, that the mortgage tax, which is a State imposed tax --

MR. COCHRANE:

Right.

LEG. CARACCIOLO:

-- that helps localities such as Towns and Villages, does not come to the County, except for the administrative charges that the County Clerk's Office administers, collects, the funds or distributes the funds.

MR. COCHRANE:

They collect -- the collect --

LEG. CARACCIOLO:

What's your role, what's their role?

MR. COCHRANE:

The Clerk's Office collects the funds, transmits them to us. We keep them in a trust account bearing interest, and then each six months, based upon the authorization of the Legislature, we disburse those

funds together with the interest earned thereon to the entities.

LEG. CARACCIOLO:

Thank you, John.

D.P.O. POSTAL:

Legislator Alden.

LEG. ALDEN:

Hi, John. What time period does that cover?

MR. COCHRANE:

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Six-month period.

LEG. ALDEN:

Ending in June?

MR. COCHRANE:

Ending in -- this particular one is September the 30th. We like to distribute within 90 days, which would be December 30th.

LEG. ALDEN:

That's what we do with -- we've done that in the past?

MR. COCHRANE:

Yes. This is traditional.

LEG. ALDEN:

Good. Thank you.

D.P.O. POSTAL:

Legislator D'Andre.

LEG. D'ANDRE:

Yeah. I'd like to congratulate you on your re-election.

MR. COCHRANE:

Thank you, Michael.

LEG. D'ANDRE:

We don't want to lose a good man like you. You've conquered the South Pacific in World War II. You're here to help us here and we really appreciate all the good you've done for this County. Thank you.

MR. COCHRANE:

Thank you, Michael. That was very thoughtful. And if there are no

other questions -- any other questions?

D.P.O. POSTAL:

No. Thank you.

MR. COCHRANE:

Your Honor, I'd like to salute Legislator Rizzo and Legislator D'Andre for their many years of service, and Jim Morgo for his ongoing service, but thank you all for your hospitality. And, Michael and Joe, I salute you both for your years of service as well.

D.P.O. POSTAL:

Legislator Foley as well.

MR. COCHRANE:

Who, what?

D.P.O. POSTAL:

Legislator John Foley.

MR. COCHRAN:

John, congratulations, also. Thank you very much and enjoy the

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holidays.

D.P.O. POSTAL:

Thank you. You, too, John. Our next speaker is Carolyn Matherson.

MS. MATHERSON:

Yes, good afternoon. I'm Carolyn Matherson from the Oak Beach Inn, representing Bob Matherson. I'm here -- I don't -- I didn't see it on the minutes. Mr. Bishop was handling -- this is regarding a donation. I don't know if you have it all before you.

D.P.O. POSTAL:

There may be a resolution coming to us later today.

MS. MATHERSON:

Okay. The reason I'm here is answer any questions you might have over the donation. And also to bring to your attention that this donation needs to be ruled on before December 24th regarding Judge Catterson's order to remove the items or not.

D.P.O. POSTAL:

Miss Matherson, we don't have the resolution in front of us, so it would be helpful if you told us what's being donated.

MS. MATHERSON:

Okay. I have a statement of disposition to the Suffolk County Legislature saying we are offering to donate the following items to Suffolk County in the calendar year of 2001. That's what's important here, that it has to be done this year and a decision before December 24th, for the purpose -- for whatever purpose the County deems appropriate. For your convenience in consideration, I have enclosed two fair market value appraisals, if -- on which we wish to donate. The appraisals were on a conservative level. I'll give you an example of one of the items is a hundred and five foot Yacht Club flag pole, which is valued, if it was to be replaced, at about 30,000 to \$40,000. We are making a donation and putting a number on it as \$3,600. So you can see how conservative these appraisals are in order to donate it to the County. These appraisals are for fair market value, which, like I said, the flag pole would be approximately \$3,000, not replaced in value of about \$30,000. So they're very conservative, but we wish to donate it, and we wish to have it done before the end of the calendar year 2001. We know you're very busy, we know you have an agenda, and that's why I'm here to bring up that point.

D.P.O. POSTAL:

Yeah. Miss Matherson, I assume that these were items which had been at the site of the Oak Beach Inn or in the vicinity.

MS. MATHERSON:

Yes.

D.P.O. POSTAL:

Do you have a list of these items? We -- if we get a resolution, I would assume we'd have an appendix with the individual items enumerated, but do you have a list?

MS. MATHERSON:

I have a list of the items on the statement of disposition, plus a dozen eight-by-ten photographs of them as well, the pages and pages of appraisals done. I don't have the replacement value, because it isn't necessary. I have just the appraisal, fair market value, and Dave Bishop got a copy of them all.

D.P.O. POSTAL:

Yeah. If you could provide the Clerk's Office with a list of the items.

MS. MATHERSON:

I just -- I put it in the minutes.

D.P.O. POSTAL:

Oh, great.

MS. MATHERSON:

In the minutes.

D.P.O. POSTAL:

And we'll ask that copies be made for the members of the Legislature. Legislator Alden has a question.

LEG. ALDEN:

Hi. Thanks for coming down. To your knowledge, who's the sponsor of this legislation?

MS. MATHERSON:

Who's the sponsor of this legislation? Dave Bishop.

LEG. ALDEN:

Okay. So we can -- we can probably get a lot of questions asked by him or answered by him later on.

MS. MATHERSON:

He has the complete framework of all the appraisals Grammercy Park put together, and the attorneys drew up a whole complete package.

LEG. ALDEN:

The question is why is the urgency as far as this year? I assume that it's some kind of income tax or some kind of tax purposes.

MS. MATHERSON:

It's twofold. Of course, Oak Beach Inn isn't going to exist in the Year 2002, okay, but the most important thing is Judge Catterson ordered -- he gave us an additional 60 days to try to accommodate Suffolk County, because they wanted these things, and our 60 days runs out on December 24th, otherwise, the items have to be removed. They were going to a museum in Key West, but since -- and that was a choice we made when it was going to be a development. But when it wound up to be a Suffolk County park, we decided to donate the items to Suffolk County, because we were very happy to see that happen.

LEG. ALDEN:

Is there a tax consequence to you donating it to us, though?

MS. MATHERSON:

Is there a tax consequence?

LEG. BISHOP:

Yeah, they get a break.

MS. MATHERSON:

Well, I get a \$3,600 break on 110 foot steel flag pole.

LEG. ALDEN:

That's the only item is the flag pole?

MS. MATHERSON:

No, there's four of them. There's the list -- I can read the list to you.

D.P.O. POSTAL:

We're actually going to get a copy of the list.

LEG. ALDEN:

No, that's all right. We'll do it when -- yeah, we'll do it --

D.P.O. POSTAL:

It's being copied right now.

MS. MATHERSON:

They're usually sculptures of -- granite sculptures, tremendous granite sculptures. There's three dancing dolphins, there's a whale, there's an environmental carved plaque there as well.

LEG. ALDEN:

Does this legislation include a comparison of what it would have cost you to remove the items from the property?

MS. MATHERSON:

We wouldn't have to remove the items. Whoever we were going to donate them to were happy to come get them. But since we are giving them to Suffolk County and they wish to keep them there, or you can take them and put them anyplace you want, we have to do it by the 24th of December.

LEG. ALDEN:

All right. Thank you.

D.P.O. POSTAL:

Thank you.

MS. MATHERSON:

Is there any other questions?

D.P.O. POSTAL:

No. Thank you, Miss Matherson.

MS. MATHERSON:

I'd be happy to stay, if you think there might be any questions later.

D.P.O. POSTAL:

Well, there could be later when we get to this item on the agenda, but I'm sure that won't be until --

LEG. BISHOP:

Probably should come back four or five o'clock.

D.P.O. POSTAL:

-- later, after the public portion, sometime after 2:30, certainly.

MS. MATHERSON:

Okay. Thank you.

D.P.O. POSTAL:

Thank you. The next speaker is Alice Amrhein, Commissioner of the Department of Economic Development.

MS. AMRHEIN:

Thank you. My name is Alice Amrhein. I'm Commissioner of Suffolk County Department of Economic Development. I am here today to testify in favor of two Sense Resolutions, Sense Resolution 99, establishing an independent agency for Gabreski Airport, and Sense Resolution 100, to create an aviation tax-free zone. Legislator Guldi, whose district the airport lies in, has introduced these two pieces of legislation to the Legislature.

Sense Resolution 99 would establish the airport as an independent agency. It would need to go to the State Legislature, have legislation enacted at the State level, then come back again to Suffolk County, I believe, for a Home Rule Message. I believe that creating the airport as an independent agency will help us to develop the airport to its full potential. It will allow us to operate the airport in a more cost efficient manner and improve our administrative structure. It will also help us to stimulate the local economy on the East End, and will help us with the creation of the industrial park.

Resolution 100, to create an aviation tax-free zone, would allow us to eliminate taxes on aviation services. This will encourage companies to come to the airport and offer services to the aviation industry. Right now, airports in the surrounding states do not tax aviation services, so we are at a noncompetitive position. When we eliminate the tax, we should see more companies coming in to service the aircraft, which will generate more noise-free or noiseless corporate operate aircraft, which are the type we want to encourage, and it will provide more employment on the East End. I'd be happy to answer any questions on these resolutions.

D.P.O. POSTAL:  
Legislator Alden.

LEG. ALDEN:  
What specific tax is there?

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MS. AMRHEIN:  
There's a sales tax on the services and that's what we're suggesting be eliminated.

LEG. ALDEN:  
That's a County-wide tax, though, right?

MS. AMRHEIN:  
That's correct.

LEG. ALDEN:  
And what other tax would you propose to do away with?

MS. AMRHEIN:  
I think I will address -- Legislator Guldi, was there any other specific tax?

LEG. GULDI:  
Actually, the purpose of the bill is to address sales tax revenue only. And the reason for the sales tax issue is because the bulk of ordinary scheduled maintenance for base aircraft is leaving -- not only Gabreski, but leaving New York State and going to the States of Connecticut, Pennsylvania, and New Hampshire where the tax rate is zero. An 8 1/2% sales tax rate on these services, which are provided in an industry that operates on a 5% margin, is very substantial, and aircraft by definition are portable, so they're leaving. It's really a relief effort for existing businesses, because they estimate anecdotally that more than half of their regular customers are leaving the state and the region for major service.

LEG. ALDEN:  
Do you have a proposal on how much sales tax that's going to --

LEG. GULDI:  
The fact of the matter is that I think the sales tax loss would be de minimus, because the bulk of the revenue is going out of state anyway. So what will happen is that to the extent that there's any sales tax loss from existing businesses currently being retained, it would be more than offset by the secondary impacts of the spending for the additional economic activity from the wages and the purchases that

will be made in the -- at the airport.

D.P.O. POSTAL:

Legislator Guldi, Legislator Alden, could I suggest that --

LEG. GULDI:

We save that for debate?

D.P.O. POSTAL:

-- these questions might be better saved for when we discussed the Sense, and if there are questions for --

LEG. ALDEN:

If Alice -- if you have an estimate of the amount of sales tax we're going to lose by doing away with this.

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MS. AMRHEIN:

I will try to have that by later in the meeting. And I won't be coming back, but Carolyn Fahey will, so we'll try to get you an estimate on the loss of sales tax.

LEG. ALDEN:

Thanks.

D.P.O. POSTAL:

Thank you, Alice. Next speaker --

MS. AMRHEIN:

Thank you. And have a nice Christmas and holiday.

D.P.O. POSTAL:

Thank you, you, too.

LEG. GULDI:

Thank you.

D.P.O. POSTAL:

The next speaker is Paul Levitt.

LEG. GULDI:

While he's coming up, I've distributed a copy of 2039, which was in Ways and Means. It is a lease renewal for the District Attorney's East End Bureau in Southold. We did not discharge it from committee because we didn't know what the new District Attorney wanted to do. I have communicated with him. He wants the space. I, therefore, move to discharge 2039 so it can age and be considered as part of our

agenda.

LEG. CARACAPPA:  
Second.

D.P.O. POSTAL:  
Second by Legislator Caracappa. All in favor? Any opposed? 2039 is discharged. Mr. Levitt.

MR. LEVITT:  
Yes. Thank you for taking my request here. My name is Paul Levitt. I am Counsel to the Town of Huntington Housing Authority. You have for your consideration today I.R. 2115, and we are here today to speak to that particular resolution. I have with me today Bill Elsbree, who is the consultant retained by the Town of Huntington Housing Authority for the development and financing part of building a Millennium Hills Development in Melville, New York. You should have before you in your packet a letter from the Chairman of the Town of Huntington Housing Authority, Scott Brown. And, hopefully, this letter will serve you, and when you review and answer any questions or concerns that you may have with respect to I.R. 2115.

I would note that there has been in the last year-and-a-half, almost two years, a big change in the Town of Huntington Housing Authority. I'm proud to be the new Counsel there. We have a very energetic board, a reform-minded board, and we are very excited to build

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affordable housing in Melville in the Town of Huntington.

D.P.O. POSTAL:  
Thank you.

MR. LEVITT:  
If there is any question or comments?

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

LEG. ALDEN:  
Hi. Thanks for coming down. Our Counsel had raised at the committee meeting a number of important, I think, issues, and they were -- there were some I addressed at the committee meeting. And if Paul would restate the questions, I'm sure that now we would appreciate hearing you on the record address these specific questions.

MR. LEVITT:  
Certainly.

MR. SABATINO:

The issue I had raised at the Ways and Means Committee was twofold. The first issue was with the nature of the use of the funding. The funding is being used to acquire land from the Housing Authority, and then the land is going to be traded back to the -- or transferred back, I should say, to the Town of Huntington as part of the transaction. That was the first issue in how that fits within the overall plan.

The second issue was one of the Housing Authority itself and the difficulties it has experienced in the past with regard to allegations of funds that were basically misused for mortgage payments by members of the Housing Authority, and for trips to Florida, and some other activities that would not fall within the normal scope of government. The questions I had raised were what has the Housing Authority done to address those concerns in terms of membership, due diligence, the people that were responsible for processing those payments, the accounting, the auditing, and that led to a subsequent meeting with the Presiding Officer's Office and representatives from the Housing Authority, and a lot of those, if not all of those issues, were hashed out, and the agreement was that they would provide something in writing to put on the record, a really full disclosure to respond to those, and I believe that that letter has been distributed to members today. And I think the letter does an excellent job of putting on the record the measures that have been taken to mitigate, if not eliminate, those problems that existed.

LEG. ALDEN:

I'd like just a recognition from that there were issues in the past and that they have been corrected, and that we're not going to see such things as -- and it's disputable whether, you know, that's a legitimate type of expense, or whether it was a criminal activity, or whatever it was. But we really want assurance and I want assurance from you that that type of behavior and that type of accounting and that type of process is not going to go on in the future.

MR. LEVITT:

Well, I can speak to that very clear, because I was involved in representing the new Board members in challenging the old Board members, and we were in Federal Court. We were successful in basically cleaning house. But any board or any housing authority goes beyond its members, and I'm proud to say that the new Chairman and the Board as it is now constituted has implemented various safeguards to assure, and I'm talking about accounting safeguards, auditors, personnel, procurement issues, have implemented all these safeguards,

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so that in the future, if people change and new chairmen come and go or new commissioners come and go, that the safeguards will be there. And I can assure you that under my watch and under the watch of the present board, we are very proud to have -- to be before you today as a rehabilitated reformed Housing Authority ready to build.

LEG. ALDEN:

I thank you for that assurance, then.

LEG. FOLEY:

Madam Chair.

D.P.O. POSTAL:

Thank you. Legislator Foley?

LEG. FOLEY:

Just as an additional comment, I mentioned this in the Public Works Committee, we heard from Joseph DeVincent from the Huntington Town government as well about the need to make a slight change to the local bus route to make it -- the bus available directly to the future tenants, future families who will be living in the Millennium Hills. The Director of Transportation, Bob Shinnick, has a copy of the letter that Mr. DeVincent had sent to me. Considering that it's just a slight change, less than a quarter of a mile, I'm hopeful, I think it's the S-1 that goes through that particular area, that that slight jog from the main road will take place once your development is open to the families and others who will occupy the grounds in keeping with the latest, let's say, initiatives of the County to try to make our bus routes a little more compatible and convenient for County residents. So that's another convenience that we're going to extend to those who will be living in Millennium Hills.

MR. LEVITT:

Thank you for your comment. I will discuss that with Joe.

LEG. FOLEY:

Thanks.

D.P.O. POSTAL:

Thank you. Our next speaker is right at the podium. Mr. Elsbree, you filled out a card. Would you like to address the Legislature?

MR. ELSBREE:

I think we felt we'd just both make ourselves available together.

D.P.O. POSTAL:

That's fine. Thank you very much. Next speaker is Jim Morgo.

MR. MORGO:

Good morning, and happy holidays, everybody. I'm Jim Morgo, I'm President of the Long Island Housing Partnership, and I'm here to speak in support of I.R. 2035, which would implement the Affordable Housing Opportunities Programs. And I'm sure that's a huge surprise to you all that I'm speaking in favor of that resolution.

When I usually talk about affordable homes, I emphasize the human aspects, what homeownership means to families, what it means to things like even the education for the kids that come from the families who own their own homes, what it means to their health care.

(SUBSTITUTION OF STENOGRAPHER - DONNA BARRETT)

But this morning I want to talk about something a little different and directly related to your appropriation, and that's the ripple affect of affordable homes. And that is just on a couple of different levels, on one level it exists what you talk about any stimulus, any subsidy that goes into the construction of affordable homes. When we look at the housing partnership for all our different developments, we find that one dollar that comes in from the public sector generates at least eight other public and private dollars.

In the program we were just talking about, Millennium Hills, if the County goes through with its acquisition program there, the \$1.5 million will generate another thirteen -- \$13.5 million in other public and private funds. And what's often forgotten is that there is a real economic engine behind any affordable development. Pearl Kamer from the Long Island Association did a study for the Housing Partnership last year, where he took the first 533 homes we built and looked at what they did for the Long Island economy. And I'm not going to go through all these figures, it's in my testimony, and it's also on our annual report, it's on the studies on Pages 8 and 9. But the 533 homes pumped \$60 million into the local economy, and those were just the first 533 homes we've done, we've done much more since then. And what's often overlooked is what the affordable homeowners pump into the economy.

Although, we sell to low and moderate income people, from those first 533 homes, the annual incomes of the people who brought them was about \$13 million -- I'm sorry, about \$17 million. Their disposable income was \$13 million. These people need things, they buy things. Angie and Cameron will know that the -- do know that the folks down in Bay Shore, the merchants, are happy to see Southwind Village coming in because those people have to furnish their homes, and we made a point they have to shop in Bay Shore.

LEG. POSTAL:

Jim -- Jim, I have to ask you so sum up, you're time is up.

MR. MORGO:

Two seconds. There is -- now exists is a pipeline of development from Southampton to Huntington that would be able to use the funds generated by this program. And just one other thing not related --

point of personal privilege, if I may -- we were hearing about the relieve efforts early this morning from Mr. O'Reilly. Some of you may know that the Long Island Builders Institution has collected and they have the potential to go beyond \$1 million to \$4 million from the national for relief funds for victims of the 9/11 horror; both people who lost the bread winner, but also people who lost their jobs. Those -- do a lot in CI and Brentwood, and their are a lot of restaurant and hotel workers who have lost their jobs. Well, the Housing Partnership is administering that fund, so if any of have constituents that could benefit, they should contact the Long Island Builders Institute and then we administer the program. And one last thing -- personal privilege -- I want to --

LEG. POSTAL:

Jim. Jim, you really learned well here.

MR. MORGO:

I want to give my best to Michael D'Andre. He's the last person on this Legislature who served with me. I used to sit between him and Joe Rizzo, and I'll tell you, I had an education in practicality sitting between the two of them. So thank you, and I'll answer any questions.

LEG. POSTAL:

Thank you, and I know Legislator Haley has a question.

LEG. HALEY:

How are you doing, Jim?

MR. MORGO:

I'm all right, Martin.

LEG. HALEY:

I just thought -- I'm taking a little privilege here, if you don't mind.

LEG. POSTAL:

Everybody else is, why shouldn't you.

LEG. HALEY:

Yeah, why not. As you know, Jim, or do you recall where affordable housing really started in Suffolk County?

MR. MORGO:

I know where you're going.

LEG. HALEY:

It started, actually, in Brookhaven, as you know.

MR. MORGO:

I'm trying to remember the name of the organization that you were --

LEG. HALEY:

It's the Brookhaven Community Development Corporation of which I am president, by the way, and proud of the many homes that we provided. But affordable housing is really a function of good economic times,

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and it's not low-income housing, it's affordable housing, especially for new homeowners. We're about to close down Brookhaven Community Development Corporation in the Town of Brookhaven, and while it may sound sad, but it's actually because Long Island Housing Partnership has taken up the lead for not only Brookhaven Town, but for all of the towns in the Suffolk County, and I think you're doing a great job.

MR. MORGO:

Thank you, Marty.

LEG. HALEY:

And to that extent, we'll probably be closed down, I would say within a month, and we're going to provide over \$30,000 -- we're going to contribute to Habitat For Humanity so they could continue their efforts. I think you're doing a good job.

MR. MORGO:

Wonderful, Marty. And our good friend Bob Russell is a great help.

LEG. HALEY:

Great. Absolutely.

LEG. POSTAL:

Legislator D'Andre.

LEG. D'ANDRE:

Jimmy, if every anybody graduated to a job that he's goods and loves, you and the housing, I don't think I'd like to see anybody else in the job. First, you do a wonderful job, you understand the plight of the people, you understand politics, so you're well qualified to do that job. And John Foley, who's sitting in the back seat, he was with us too you know.

MR. MORGO:

John was another educator of mine in a couple of different ways.

LEG. D'ANDRE:

And he was good for housing too. So, Jimmy, don't leave that job, stay with it, we're proud that you served with us, but you are much better at this job.

LEG. POSTAL:

Thank you. In the holiday spirit. There's a lot of latitude in personal privilege here, but it's all in the warm spirit of the holidays. Thank you, Jim. Our next speaker is Marian Zucker.

MS. ZUCKER:

We are on a role with affordable housing. Good afternoon, I'm Marian Zucker, I'm the Director of Affordable Housing. I'm here to speak in favor of Resolution 2035, which was tabled at the last Legislative Session. Especially after Jim's speech and the Long Island's Association's letter, I know I don't need to educate you on the need for affordable housing resources in Suffolk County.

Recognizing this need, last year, the Legislature took the commendable proactive steps to creating more affordable housing resources for

first-time home buyers, senior citizens and entry-level job holders by targeting the County's LIPA Pilot Funds for affordable housing purposes and by putting in place the County's Affordable Housing Opportunities Program. Resolution 2035 allows your vision to be realized to providing the first round of funding to implement this program. I joined the County in late July of this year, since then I've met with nine of ten towns in Suffolk County to discuss this program and find ways that we might work together to provide more housing resources. I've also met with non-profit and for-profit developers to discuss and explain this program. In all of these meetings I reiterated the desire of the County to use this program to leverage other assets and a preference for development and redevelopment efforts that meets Smart Growth Principles.

I've prepared an updated set of guidelines and application for distribution. Last week we signed a contract with the Long Island Housing Partnership to assist in our marketing efforts. We intend to produce a marketing package and launch series of meetings in the first quarter of next year. We currently have three applications in the pipeline requesting a total of \$2.5 million. The County's investment of 2.5 million will leverage over \$21 million of outside funds, producing a 105 affordable rental units and 54 affordable single-family homes. Two of these applications already have significant financial resources committed to their developments, and the third is putting its financing in place.

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I expect all three will be in a position to close by sometime next spring or early summer. In fact, the first of these applications -- and we've heard from Bill and Paul this morning -- is before the Legislature today in a planning steps resolution. I also want to make note of the fact that resolution 2035 does not spend County funds at this point. It preserves the ability to borrow to finance these projects in the future. In fact, all projects will be before the Legislature twice; both for planning steps and for final acquisition resolutions. With respect to geographic distribution, we have one application in Huntington, which you've heard of, one in Brookhaven and one in Islip. I expect shortly to receive at least one application, if not several more, on the East End. And if Resolution 2049, which expands the program's parameters and is before you today is approved, I expect to receive application from Babylon. My time is up?

LEG. POSTAL:

Yes, it is.

MS. ZUCKER:

I guess so. I'd be happy to answer any questions.

LEG. POSTAL:

Are there any questions? Our next speaker is Diane Baumert-Moyik. Diane. Not here? Next speaker, Robert Doyle. Robert Doyle here? Next speaker Louise McMurray. Next speaker Mary Reid. Next speaker Nikki Thompson.

MS. THOMPSON:

Good morning members of the Legislature. I won't take a lot of your

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time because I'm also speaking on the less Resolution 2035 dealing with the funding for affordable housing. This County Legislature has always been on the cutting edge of setting public policy for the residents of Suffolk County, for which we've been very grateful, and we believe that this is another piece of legislation that you will rise to the occasion for, especially in this holiday season, when there is so much to be thankful for those of us who do have homes, families and things that like. We want to be mindful of those who need housing.

One thing I would like to address though, sometimes when people hear the term affordable housing, a lot of times they may get wrong concept in their mind of who we're talking about, but I'm thinking of one my own children. I have a daughter who is right now a college student, and she is working her way through college. She was very happy to get a job as a receptionist in a doctor's office, which would help her

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with her auto insurance and transportation. And she that well, eight-fifty is not bad for the job I'm going to be doing. But when you do the math, eight-fifty is only a little over \$17,000 a year. People who work in those jobs could never live in Suffolk County making that kind of money. And if we don't as a County do not do something to keep our young people, our young families, here, we're going to lose them, and then we're going to be a County that's going to wonder where our greatest resources went. We'll they're going to go to another county or another state where they can afford to live and live decently. So I thank you for all of your consideration of this resolution, and I wish all of you a very happy holiday season. Thank you.

LEG. POSTAL:

Thank you. Next speaker is Peter Quinn.

MR. QUINN:

Let me use a point of personal privilege. Would you ask the balance of the Legislature to reconvene since there are fewer than --

LEG. POSTAL:

We actually have sent some staff people out. There's a press conference that's going on at this moment.

MR. QUINN:

Wow, that's critical.

LEG. POSTAL:

But we're trying to have a few of the Legislators return to the horseshoe. I will -- I will just remind everyone that we do have loudspeakers throughout the back of the building. But we are asking Legislators to report to the auditorium.

MR. QUINN:

Do you want me to start since they are only six Legislators, I believe, present.

LEG. FOLEY:

Peter, are you going to give us an electrifying speech here this afternoon.

MR. QUINN:

Well, it's going to deal with electricity, yes. Okay? I'll beginning anyway. I know that you will pass along the information I convey. I -- there were two fliers that I picked up from LIPA recently, and I've asked that Legislator Cooper distribute them to the Legislature, but

he has to get them first from Alice Amrhein to whom I had given them at the Energy Advisory Committee last week. The first one is a one page flier that tells us how much energy is used on a one hour basis each month of the year. And it illustrates clearly that the complaints of a potential black out or brown out are vastly overstated by Richie Kessel, and it comes from their office. The second point deals with the Clean Energy Initiative Report put out by LIPA, and it shows that they're not keeping their promise to do renewable energy. They claim they're spending \$32 million a year, for two years, they hope to spend \$37 million a year. But, in fact, in '99 they spent 8 million, and in 2000, they spent 20 million. So that over a two year period, they spent less than \$32 million average which they claim they were going to spend each year for five years. So you've got to hold their feet to the fire to demand that they use an increased amount of our rate money to be used for renewable energy.

The third -- the additional point of view -- I'd like to talk about collusion on the part of LIPA. But if there are any questions after I finish, I'll be happy to respond in that vein. But more importantly, the Suffolk County Electrical Agency, of which I am a member, just won a huge suit. The federal Energy Regulatory Commission had reviewed Suffolk County's bid to be a municipal distribution agency. Ever since the agency was created back in 1983 the Legislature -- by this Legislature, LILCO challenged our right to be able to purchase and sell electricity. Throughout the '90s, they challenged us, even after deregulation by order 636 from FERC back in 1992. So we've been struggling trying to get the opportunity to do something. Well, even LIPA challenged us saying we were a paper agency, we had no right, we had no distribution power. And FERC just recently ruled, September 27th, that we were entitled to be a municipal electrical agency. Following that, we had two months of discussions with LIPA over what the rates should be if we purchase 200 megawatts of residential electricity from some source other than LIPA. And those negotiations have been going on. We have filed an RFP, we've gotten eight companies to respond. And now, on January 3rd, there will be a stipulation meeting, and on January 10th, there should be a decision.

LEG. POSTAL:

Pete, I have to stop you.

MR. QUINN:

Okay. We're in the process of collecting -- of selecting a vendor to supply power for residential consumers, up to 200 megawatts. And I just wanted to share with you reporting as a member of the agency that we have had some success. I wish you all a happy holiday. Thank you.

LEG. POSTAL:

Very good news. Thank you. Our next speaker is Connie Kepert.

MS. KEPERT:

Good afternoon. My name is Connie Kepert, I am president of the Longwood Alliance, and I'm here today with some of myself friends who the Longwood Alliance has been working with for over two years now to create a skate park in the Longwood area. Just to give you a little background, the Longwood Alliance and its Youth Board have been working on raising funds and securing a location for a skate park since December of 1999. It was then that many of the youngsters in back of me today and many others who were here early and some others who were unable to attend today approached the Alliance and requested that we work with them to make their dream of a safe, affordable, accessible park come true. We immediately began seeking grants to build and maintain the park. We have raised \$20,000 and have acquired four ramps, including a \$6000 ramp from Ramp Tec. We also work to identify possibly locations for the park.

The first location we worked on was a 17 acre Cogal property on 25. It was placed on the Greenways list, but the Real Estate Department and Mr. Cogal, the owner of the parcel, were unable to agree on a price for that parcel. We then began looking for other parcels, and after much searching identified parcels of land located in Legislator Caracciolo's District and across from a the Longwood Junior High School, which is owned by Suffolk County Water Authority. The Water Authority had considered using the parcel as a well site, but after drilling test wells, found that the water was too high in iron for that. We then brought Steve Jones of the Water Authority and Legislator Caracciolo together to discuss the possible use of the site for our skate park. We all agreed that this was a win-win situation for the Legislature as well as the community.

The entire parcel is 3.6 acres in size, and the Alliance would carve out an area of one acre in size to place the skate park and needed parking facilities. That portion of the property would be accessed, that one acre, and it's value created to the Suffolk County Water Authority. This resolution was supposed to be moved by Legislator Caracciolo in August, unfortunately, it was not. Instead, Resolution 1959 was introduced on October 23rd by Legislator Haley, which names an alliance members -- now the Alliance is, as you have been given, an umbrella organization, and we contain a number of the community organizations as our members. The resolution introduced by Legislator Haley named a member organizations, LISA, to operate and manage the park. I did have an opportunity to meet with LISA Board. They do not wish to operate and maintain a skate park. They will, however, work closely with Alliance as they always do to ensure its success.

This resolution needs to be amended and a new one introduced stating this and reflecting the terms set forth by the Water Authority. This body really has a chance to demonstrate to the public that its Land Acquisition Program works. And to these youngsters, that their participation is important and will bear fruit.

LEG. POSTAL:

Ms. Kepert, your time is up. Thank you. Question, Legislator Foley.

Legislator Lindsay.

LEG. LINDSAY:

Ms. Keper, I was just asking -- was going to ask how -- is the

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Alliance going to directly manage this skate park or is proposing to directly manage it or one of the member agencies going to do it?

MS. KEPERT:

We are proposing to directly manage it. We have submitted some grants to do that. We have contacted the School of Social Work in Stony Brook. They would also like to help us manage and supervise this. This is an opportunity to provide for positive recreational opportunities. It is -- will be well supervised, it will be a drug-free area. You know, it's an important part of that component piece that DARE was speaking about earlier today. So we are -- we are proposing that we will manage and operate the park.

LEG. POSTAL:

Thank you very much. Legislator Bishop, question.

LEG. BISHOP:

Just -- I was told by -- Legislator Haley, is that information that you told me early correct, that --

LEG. HALEY:

Yes.

LEG. BISHOP:

Okay. So Legislator Haley informed me that the County Executive's Office asked for revisions of this bill, technical corrections, and once those revisions are completed, which apparently they're not at this time.

LEG. HALEY:

I just talked to Brenda Rosenberg, she said she'll have something by the end of the week. But we're going to have to refile this anyway because it's the end of the year.

LEG. BISHOP:

So then this will move in January.

LEG. HALEY:

Yes.

LEG. BISHOP:

All the other things -- all the other contingencies are in place; is

that correct?

LEG. HALEY:  
No. That's not correct.

CHAIRMAN BISHOP:  
What's missing?

LEG. HALEY:  
Are we going to debate the bill or?

CHAIRMAN BISHOP:  
Well, I'm just trying to -- so they don't have to come back.

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LEG. POSTAL:  
But I don't know if you have questions for the speaker.

LEG. BISHOP:  
I have questions of Counsel regarding the topic. Can I ask the question?

LEG. POSTAL:  
Yeah, but you might want to let them sit down. There are questions for the speaker. Okay. Go ahead, Legislator Bishop. And I'm just going to --

LEG. BISHOP:  
In order to pass a Greenways Bill you have to have certain criteria met. What is outstanding in the criteria.

MR. SABATINO:  
My recollection was that there's a need for the binding commitment from the organization. The resolution as it was filed, I believe, had that blank because we were waited for something with a specific date and a specific commitment to participate. And I think that the second thing was that the SEQRA Process wasn't completed because we didn't have that component. So it was pending before the Council on Environmental Quality --

LEG. BISHOP:  
So the next step is that the group that wants to operate the skateboard park has to pass a resolution.

MR. SABATINO:  
They have to have a specific proposal in the form of a resolution and a commitment to do whatever it is they are going to do. And a copy

was just handed to me, and my memory is correct that that portion was left blank because we don't have that document.

LEG. BISHOP:  
Okay.

MS. KEPERT:  
No one asked us for that document. We did, you know, when we were working on the Cogal piece, we did pass a resolution. We do have a, you know, a whole area; how we are going to operate it, who are members will be, what we will charge, when operating hours will be. So all of that's is done, but we have not been asked for that information.

LEG. BISHOP:  
Okay. See, that's why I ask questions. I'm trying to line everything up.

LEG. POSTAL:  
Legislator Foley.

LEG. FOLEY:  
My question was answered.

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LEG. POSTAL:  
Your question was answered. Thank you. Question, Legislator Fisher.

LEG. FISHER:  
Connie, you have been working with the Town of Brookhaven on this.

MS. KEPERT:  
The Town of Brookhaven, you know, we had worked on -- initially, I had several meeting with Supervisor LaValle. When I did speak to Supervisor LaValle, he was not interested in the Town running a skate park. He did not express interest in doing that. That's why, again, the Longwood Alliance has stepped forward, because they are sort of a void that we are filling here.

LEG. FISHER:  
Well, as Legislator Bishop did, I will have to have that same question -- rather direct that question to Counsel, because isn't there a necessity to have the Town of Brookhaven involved?

MR. SABATINO:  
No. The way the Greenways Law is written it can be -- it's an either or situation. You can either have a municipality, which could be the

Town of Brookhaven, or you can have a community organization as long as you get a binding --

LEG. FISHER:

When we went through the Wedge, though, Paul, didn't we need to have the Town of Brookhaven involved?

MR. SABATINO:

No. That was -- that was something that evolved out of a discussion. A dialog, where it was agreed at some point to share the responsibility, but it's not a necessity.

LEG. FISHER:

Okay. The Longwood Alliance then has the fiscal capability to -- to do this? Okay. What kind of a financial capability does the Longwood Alliance have because I know that that will be scrutinized as part of the agreement?

MS. KEPERT:

Certainly. You know, we are a {50NC3}, we have gotten grants in many, many different areas, including, you know, Sustainable Development Grant, we have gotten grants in this area, we have raised \$20,000 for our skate park so far, and we are seeking additional grants. Now, the problem that I know that the Mount Sinai Civic Association is having with the participation with the Town of Brookhaven is that nothing is moving. You know, their engineering studies are not coming forward, their permits are tying up the process. We would rather not work with the Town of Brookhaven. So, you know, we will do whatever is financially necessary to run the park ourselves.

LEG. FISHER:

Okay. Because that will be another piece of information that will be required of the Longwood Alliance is to represent that there is the financial ability to take on this project, that's part of the

Greenways Agreement.

MS. KEPERT:

Yes. Yes, Legislator Fisher. And we do have -- you know, we do have member organizations. When I talked to LISA they will help us in any way we want, they just do not want to run the park themselves. So they are a member of the Longwood Alliance as are, you know, the area civic organizations. So we will call on them for their help, and if we have to call on them for their financial backing, we will do that also.

LEG. FISHER:

Okay. Thank you. Happy holidays.

LEG. POSTAL:  
Legislator Foley.

LEG. FOLEY:  
If this is approved in early January, how quickly would you foresee the plans get underway for a skateboard park?

MS. KEPERT:  
We're ready, Legislator Foley. We have been ready for quite a while. We have the ramps, several of which are in my driveway, unfortunately. So, you know --

LEG. FOLEY:  
They've been tested already by these fine young men?

MS. KEPERT:  
Yes. Yes, they are broken in. So we're ready to go.

LEG. FOLEY:  
Okay.

LEG. POSTAL:  
Thank you.

MS. KEPERT:  
Thank you, and Happy Holidays.

LEG. POSTAL:  
This meeting is recessed. All legislators are to return at 2:30 for the public hearings.

(\*THE MEETING WAS RECESSED AT 12:40 P.M. AND RESUMED AT 2:50 P.M.\*)

[RETURN OF LUCIA BRAATEN-COURT STENOGRAPHER]

P.O. TONNA:  
All right, here we go. Public Hearing Number 2077 (Adopting Local Law No. 2001, a Local Law to reform Suffolk County Space Management practices through truth and integrity restrictions.) Are there any cards? No. I make a motion to close. Does anybody want to speak on 2077? We don't want it closed. Okay. I make a motion to recess, seconded by Legislator Crecca. All in favor? Opposed? Recessed.

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Brenda Rosenberg. You filled this out yourself? We put a handwriting analysis and it's proved -- go right ahead. Why don't you -- you want to speak in to the mike? Well, I'm the Presiding Officer.

MS. ROSENBERG:

Thank you, Presiding Officer Tonna.

P.O. TONNA:

Thank you. Thank you very much, Brenda Rosenberg.

MS. ROSENBERG:

Thank you, sir. I just wanted to speak briefly about Local Law to amend the Suffolk County Code of Ethics. We are presenting this today as a CN, hopefully, and the purpose of this is the strengthen the Suffolk County Code of Ethics.

The new language that's in this bill conforms to Section 74 of the Public Officers Law. The standard that's in this bill would set the same standards that are in the State Code, and it's exactly the same language for State officials and employees.

Currently, the existing law governs actual conflicts, and this resolution would expand the sphere of prohibited conduct with the inclusion of perception and the appearance of impropriety.

P.O. TONNA:

The perception of impropriety.

MS. ROSENBERG:

It's perception and appearance of impropriety. That's the wording that's in the State Code, and now, if you -- if the Legislature passes that, that would also be in the Suffolk County Code.

The language in the State Code has been in effect since 1983 and that is what we're proposing today. And I would like to close the public hearing, and if so --

P.O. TONNA:

Before I do, I just have a couple of questions to ask.

MS. ROSENBERG:

Okay.

P.O. TONNA:

Brenda, I'm sure -- I'm asking the question, but you've read the bill, right?

MS. ROSENBERG:

Yes.

P.O. TONNA:

Okay. I've had one person use the word "tautological," which means that it's kind of redundant, that it repeats already what is in the Suffolk County Ethics Laws and everything else. The question I have

for you, very simply, is would this piece of legislation in any way change the current events, you know, the perception of conflicts of interest, or whatever else? And I say perception. I'm not accusing anybody of anything. But what would this law on the books have done to help alleviate the perception?

MS. ROSENBERG:  
It would strengthen the law and --

P.O. TONNA:  
How?

MS. ROSENBERG:  
When you say -- under State Code, when they say, "Perception," you have a better chance of proving that something happened. If not, you have to go back and you have to use a weaker set of facts to go forward.

P.O. TONNA:  
Okay. Marty do you have a question?

LEG. HALEY:  
That doesn't make sense to me.

MS. ROSENBERG:  
Excuse me.

LEG. HALEY:  
What you're saying is that -- delineate what's the difference between the County law and the State law again, please.

MS. ROSENBERG:  
Okay.

LEG. HALEY:  
And then once you identify that, then just tell us what the difference is or how that has an affect.

MS. ROSENBERG:  
I could tell you the new amendments to the Suffolk County Code.

P.O. TONNA:  
Right. That's what you're proposing, the new amendments.

MS. ROSENBERG:  
Right.

P.O. TONNA:

Right.

LEG. HALEY:

That amendment says -- go ahead

MS. ROSENBERG:

It would prohibit private employment, where the private employment may tend to create a conflict of interest, or impair the public official's

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ability to properly discharge their duties.

LEG. HALEY:

Okay.

MS. ROSENBERG:

It would prohibit conduct which may be viewed as having been subject to the improper or undue influence of third parties. It would prohibit investments in private enterprise on which the public official believes they will be making decisions in their official capacity, or which creates substantial conflict between their public and private interest.

LEG. HALEY:

Okay.

MS. ROSENBERG:

And it prohibits conduct which places the public official's trust in question. Those are additions.

LEG. HALEY:

Okay. Then where did the perception come from, the perception expression that you used earlier? I mean, you just gave me specific language, right?

MS. ROSENBERG:

Yes.

LEG. HALEY:

But then you said perception. What -- is that just your words?

MS. ROSENBERG:

I believe that's actually in the new law.

LEG. HALEY:

But that's not what you read to me just now. You read me four items and you didn't --

MS. ROSENBERG:

The new law adds, "Might reasonably tend to create." Those are new words.

P.O. TONNA:

Dave, you want to say something?

MS. ROSENBERG:

The word "perception" is not specifically in the law.

P.O. TONNA:

We haven't seen --

LEG. HALEY:

All right. Yeah, I think that's an important word, though.

P.O. TONNA:

Dave, you want to come up and say something? It's a festive season.

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I love your haircut. Come on up.

MR. GRIER:

Basically, what this -- the phrase, "perception of the appearance of impropriety" are not actually contained in the law, they are just words that indicate what we're looking to prohibit as in the descriptive, but the actual language does not contain those phrases.

P.O. TONNA:

Dave, let me ask you, because you're an attorney and it's a little easier, because, you know, Brenda, you're not, I'm not. You're husband is, a very good one I hear, so you might go home and ask him for some homework. But, generally speaking, an attorney had told me that looking at this bill, that it's tautological. I love that word. You know, it's my word for the day. How does this law create any additional amendments or whatever else? I mean, isn't -- isn't the Suffolk County laws in place? Aren't they already -- basically cover all of this?

MR. GRIER:

They actually cover actual conflicts. If you look at the first amendment, which says that -- change it to say that the -- It's "The service creates or might reasonably tend to create a conflict." That covers both actual conflicts and those that could be perceived as conflicts, which is broader than just an actual conflict itself.

P.O. TONNA:

Right. Now, the question I have is now on the enforcement. Being in

private business myself and being an elected official, would it not be possible that if we have something in place where it says the perception or -- you know, that's not the language, the language is -- what is the language that covers the perceived conflict?

MR. GRIER:

"Or might reasonably tend to create."

P.O. TONNA:

Okay. "Or what might reasonably tend to create." Could that then -- I mean, if somebody wanted to be critical of me, all right, you know, just because they're gunning for me, you know, that never happens in politics, of course, or in government, but just in case that something like that might happen, couldn't they use that statute to basically, with a -- you know, a large, broad stroke -- accuse anybody of anything in violating a law? Is it too broad?

MR. GRIER:

I don't believe so. I mean, again, the State language has been in place for 18 years at this point. There have been no cases brought that say it's overbroad and encompasses too much conduct, so I would say that no, it's not too broad.

P.O. TONNA:

Okay. Paul, I just -- I mentioned the word "tautological," that the -- we're not -- we're not against, by the way, any type of ethics laws that would say that hold our elected officials, or those who are appointed, or those who are under employment in the County service,

you know, to strong ethical considerations. We commend anybody who wants to do that. But just, you know, from another lawyer, what is your sense of the law that's being proposed?

MR. SABATINO:

Just a few points. We have significant ethics laws on the books. I mean, they go back to the 1970's. They deal with the issues of direct conflict and, you know, perceived conflict. You know, the proposed language, I mean, in two or three of the instances is just -- it's like self-reinforcing, which is not a problem, self-reinforcing. The only one that I had a slight reservation about was the one that you just, you know, brought to the attention, which is this reasonable suspicion standard. I mean, I just thought that in order to tie it to something, I think the recommendation I had made was that it should be -- it should be connected to something like violation of a public trust, or a violation of a fiduciary responsibility, or a violation of an ethics law, as opposed to just the current language being proposed is that a reasonable suspicion in the public that somebody is likely

to violate a trust. I mean, I think you really want to tie it into you're violating some other provision of the Ethics Law, or you want to talk about something a little bit more specific. That's only the only one that concerned me.

P.O. TONNA:  
Right.

MR. SABATINO:  
The other ones are just self-reinforcing. The perceived conflict already exists in the statute. This is just saying it a second time. It's sort of like chicken soup, I guess. But the other provisions, again, are not necessarily problematic, but that one with the reasonable suspicion I just think should be a little bit tighter.

P.O. TONNA:  
Is there a way, Dave, that maybe we could have one of these, you know, conferences where maybe your people could talk to our people, and then, you know, that we might want to come up with a corrected copy that ties this indice to something a little more specific, or, you know, this issue to something a little more specific? And I'm not thinking about -- maybe one of the reasons why you were prompted to put this, you know, that the County Executive's put -- but I'm also thinking about Legislators and anybody else who, you know, on a part-time basis, you know, might have other business interests. And I want to make sure that they're not unduly criticized under the cloud of perception, you know, with regard to almost anything, you know. So I'd like to tie it to something where we can look and say, "This is what we're concretely talking about." And maybe our Legal Counsel has, you know, some ideas or something like that. Just an opportunity, and I think that you'll find, generally, there'll be support, you know -- you know, for any type of recommendations with regard to, you know, strengthening or amending our Code of Ethics.

MR. GRIER:  
In response to that, of course, you know, we could always discuss the issue, but going back to the fact that this language comes directly from the State Code of Ethics under Section 74 --

P.O. TONNA:  
Right.

MR. GRIER:  
-- of the Public Officers Law, and our State Legislature has seen fit to include this language, and this is the language they live by --

P.O. TONNA:

Well, that's what scares me, to tell you quite honestly, Dave, I just want you to know. That's no all of a sudden precedent for good behavior, you know.

MR. GRIER:

You're absolutely correct.

P.O. TONNA:

So I just --

MR. GRIER:

However, we're taking from something that has been on the books for quite sometime --

P.O. TONNA:

Right.

MR. GRIER:

-- and is a higher standard than which our code currently provides for.

P.O. TONNA:

Would you mind having those conversations with our Legal Counsel and maybe finding a middle ground that can accomplish the same thing that you want, which is stronger, you know, more delineated codes of ethics with regards to having our employees, elected officials, public officials, or whatever else? I think we all want the same thing. I just think we don't want to throw the baby out with the bath water. And maybe, maybe possibly we're splitting hairs here, but since you and I have a shortage of hair, this might be an opportune to look at ways to work this out.

MR. GRIER:

Sure, I'd be willing to sit down with Paul and --

P.O. TONNA:

Great.

MR. GRIER:

-- if it's the will of this body to move forward with this, we can sit and discuss it.

P.O. TONNA:

Great. Thank you. Paul, could -- so I don't know who's paying for lunch, but, you know, if it's Sabatino, you're not going very far, I just want you to know. Okay. Thank you very much.

MR. GRIER:

Yeah. I'd be willing to sit down with Paul right now --

P.O. TONNA:

Okay.

MR. GRIER:

-- and go over it.

P.O. TONNA:

Sure. Well, I mean, whenever. I guess after lunch. That's good. He won't have to pay, then, because you weren't eating big, I want you to know. We have a couple of Snicker bars in the office. Maybe that would cover it. Anybody else on this issue?

MS. ROSENBERG:

Paul, can you please close the public hearing, however?

P.O. TONNA:

Yes.

MS. ROSENBERG:

Thank you.

P.O. TONNA:

I'd like to close the public hearing. I'll make a motion to close, seconded by Legislator Postal. All in favor? Opposed? Closed. All right. Public -- back to the public portion. Deputy Presiding Officer.

D.P.O. POSTAL:

No problem.

P.O. TONNA:

You're duly charged.

D.P.O. POSTAL:

No problem.

P.O. TONNA:

Next speaker is Susan Barbash. Next speaker, Kevin McAllister. Kevin, you have three minutes.

MR. MC ALLISTER:

I understand. Thank you very much. I'm here to speak about Vector Control, the 2002 Annual Work Plan. I'd like to draw to your attention some concerns. I've spent hundreds of hours in the last several months not only reviewing the work plan, but gathering information pertaining to the practices that are being proposed in the work plan. These are physical alterations to our tidal marshes, as well as pesticide applications. If I may disseminate some materials, please. Is there staff that might be able to?

D.P.O. POSTAL:

Jackie.

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MR. MC ALLISTER:

I have letters. There's three in there, please. Okay. I'd like to first start with alterations to our tidal marshes. There's a document that's being distributed. It's a 1989 paper that was published in the New York State Conservationist, a magazine authored by Mr. Dominick Ninivaggi, Superintendent of Vector Control. In that paper, the premise of the paper is that we have incurred past damages in the '30's and '40's, primarily with alterations, the ditching our tidal marshes. In the paper, again, this is acknowledged as a damaging practice.

There is a proposal to advance more advanced thinking with respect to marsh restoration efforts.

I'd also like to draw your attention to a recent publication, the Comprehensive Conservation and Management Plan. In that document, that's millions of dollars to protect the Peconic Bay Estuary, there's there's very succinct language about discontinuation of grid ditching in tidal marshes and allowing these marshes to recover through natural processes. All right? This County is a principal partner in that particular program. Again, I submit to you the 2002 work plan is in direct contradiction to both Mr. Ninivaggi's past position on this issue, as well as this -- the CCMP, comprehensive plan.

Speaking of pesticide applications, again, I've researched extensively the profiles on the products that -- the materials that are proposed to be in use, and I'd like to read you some excerpts. This comes out of a collaboration of Universities, Cornell, Michigan State. It's funded by U.S. Department of Agriculture. It's very supported, very objective information.

Larvicides, Altosid. Very highly toxic to some species of estuarine invertebrates. May cause long-term adverse effects in the aquatic environment. The adulticides, four or five of them, I'll summarize them by saying very highly to moderately toxic to fishes, and they all speak the impacts, significant impacts to invertebrates. And when we're speaking of invertebrates, we're talking about our crabs, our shrimps, our other critters out there.

August 12th there was a significant fish kill in Flanders. The Legislative body needs to be made aware of that.

D.P.O. POSTAL:  
Kevin.

MR. MC ALLISTER:  
I understand.

D.P.O. POSTAL:  
I know that you're --

LEG. GULDI:  
Mr. Presiding Officer.

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

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LEG. GULDI:  
Yeah. Kevin, I wanted you to explain the work that you've done and the hearings you've attended related to the fish kill, and the findings or the evidence that was put forth there succinctly, please.

MR. MC ALLISTER:  
Yes, thank you. On August 12th, I responded to a fish kill in Flanders Bay area, Priest's Pond. It's a tidal creek that comes up there. When I arrived about midday, there were on the order of 50 or 60 flounder. I understood there were actually hundreds in the hours preceding my arrival. There were thousands of grass shrimp on a 150 foot stretch of shoreline. In the course of the investigation and discussions, there was some suggestion made that the Division of Vector Control fogged this area in the preceding days. In the follow-up investigation, that was, in fact, confirmed. So this was a Sunday. I believe on the Tuesday preceding this event, they, in fact, fogged the neighborhood using Scourge. This is a highly toxic pesticide to fish. The labeling on the product speaks to the fact that we have to keep it out of surface waters and that through drift, as well as runoff, it may have adverse impacts on, again, marine organisms.

The DEC actually, or I should say I had the sample analyzed at an independent laboratory. They showed very high levels of pyrethroids, extremely high. Further analysis ended up narrowing down one compound in the sample, piperonyl butoxide at 54%. That is consistent with the product Scourge that was sprayed in the preceding days.

And I draw your attention, in reality -- the fish kill was observed on a Sunday, but in reality, it was probably a Friday or a Saturday that the actual event did occur. And we had significant rainfall following the actual applications.

The DEC actually took enforcement action on this issue. They had

cited the Division of Vector Control for failure to adhere to the labeling on the product, and also spraying directly onto surface waters. The actual surface waters were in the order of about 35 feet from the roadway. The swath of distribution is on the order of about 300 feet coming off of the backs of these trucks. So, clearly, this product made its way into surface waters. And, again, in my professional opinion as a scientist, there is significant evidence that certainly suggest that the product Scourge is responsible. Yes, Mr. Bishop. Oh, I'm sorry.

LEG. GULDI:  
If I may.

D.P.O. POSTAL:  
David. Oh, I'm sorry.

LEG. GULDI:  
I have a couple of follow-up questions.

D.P.O. POSTAL:  
Legislator Guldi.

LEG. GULDI:  
I'd like to you focus on two areas and to expound on one, and that is the -- at those hearings, we had a bunch of testimony and proposals with respect to monitoring programs, citizen oversight or review of monitoring programs, and, also, we heard a lot of scientific evidence with respect to hormone mimickers and accumulators, and the impact of those phenomena, vis-a-vis spraying adjacent to wetlands and aquatic environment. Could you expound on all three of those, please?

MR. MC ALLISTER:  
Yes. At the -- that was the September 19th hearing. It was a fact-finding hearing pertaining to this incident. That was well attended there was a great deal of testimony from baymen, scientists, the Baykeeper, of course, and others that spoke to their observations.

I'll take the second question first. With respect to hormone mimickers, one of the impacts of pesticides is they have an effect on, again, the production of hormones. They can impact reproductive cycles of our marine resources. So that will be spoken to in some real life detail, but, you know, essentially, we're probably messing with, again, reproduction cycles, when our crab populations or shrimp populations molt, when they reproduce when they develop eggs. It can have a significant impact on, again, perpetuation of these stocks of these populations in our estuaries. There was, again, a great deal of

information. And, Mr. Guldi, forgive me. The first part of that question again?

LEG. GULDI:

The monitoring and a citizen oversight.

MR. MC ALLISTER:

Yes. I'm hoping my presence today, as well as follow-up presence, will move the Legislative body to recognize that there may be significant impacts associated with the Vector Control Program, and as such, it behooves us to have a rigorous review of the operations of Vector Control. I'm trying to share with you some significant discrepancies, some factual information that speak to the damage that could be -- is being incurred, again, in my professional opinion. We are asking for a comprehensive environmental impact review. The program is long overdue for that. For many, many years, it has been in operation without the review that's needed, and there's just, quite frankly, many, many question marks out there as to what the long-term impacts will be.

The program has to come under scrutiny in -- again, principally, in the form of an environmental impact statement, and then I would suggest, as follow-up to that, is certainly a closely monitoring program to define some of the infield impacts associated with the program.

LEG. GULDI:

Just for the record, the Department indicated that it had no objection to a monitoring program. And I've asked both DPW and Health Department personnel to submit elements of a monitoring program for a bill that I will be submitting in January, as well as addressing Mr. Ninivaggi's testimony, that he already felt that he was subject to

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citizen oversight, and his willingness to have a citizen panel have some input and comment on their operations. Other Legislators have questions. I don't want to monopolize the --

D.P.O. POSTAL:

Yes. Legislator Bishop.

LEG. BISHOP:

Thank you. I don't know if I could match George's question, where he asked them to focus, expound and expand.

LEG. GULDI:

I'm sure you can't.

LEG. BISHOP:

You know, I simply want you to highlight concisely the differences between the paper that Mr. Ninivaggi wrote and the policies that Mr. Ninivaggi now implements.

MR. MC ALLISTER:

Yes. It's in direct contradiction to what he had espoused in the 1989. And, again, I ask you to look at the CCMP, and if I may -- if you may indulge me for one moment, I will read --

LEG. BISHOP:

Now you have time. You're not under the begun because you have questions.

MR. MC ALLISTER:

Okay, thank you. Maintain and enforce policy of creating no new mosquito ditches in tidal wetlands, and establish a policy for not reopening ditches that have been filled in by natural processes.

LEG. BISHOP:

Where are you reading from?

MR. MC ALLISTER:

That be on the third -- Page 3 of -- I'm sorry, that's not from this paper. This is the CCMP, the other document, Mr. Bishop. The cover sheet is -- the following document.

The Vector Control Plan in the last couple of years has gone out in a very random haphazard condition or -- and reopened tidal -- or mosquito ditches that have been filling in through natural processes. The CCMP and collaboration which Vector Control has been party to, this has been in the process for several years. So as this policy has been -- being developed and recently adopted by the Governor and Secretary Christy Whitman, Vector Control has been fully aware of recognizing this policy.

In the annual work plan, as well as the application that is now before the Department of Environmental Conservation asking for a renewed permit for the physical alterations in the tidal marshes, pointedly, he is asking -- Vector Control in that application is asking for the authority to dig new ditches, and also to continue with the maintenance of existing ditches, which equates to redredging these

ditches. The values and functions of tidal marshes are such. Obviously, there's habitat. We're getting in there, we're fragmenting the habitat, degrading the habitat with the tidal marshes.

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Another very important component you have to recognize is they're essentially filters, so they're filtering the pollutants as they drain off the uplands. If we compromise these tidal marshes, we're allowing the pollutants to reach surface waters more readily, and I'll give you case in point. There is an illegal sewer pipe feeding into a tidal marsh in Greenport as we speak. It's discharging overflow sewage from a residential development. That tidal marsh is grid ditch right up to basically that origin. The coliform counts in the tidal marsh and in the receiving waters are through the roof. What I'm suggesting here is through the past actions, through these past damages, we have compromised the ability for the tidal marsh to filter the pollutants. That is one of the basis for the change in the policy. As coastal managers in the development of coast management over the last 25 years, we have recognized this is not a good practice, this is not a sound practice, so we're really working toward restoring our tidal marshes. This is not being put into practice in the preceding years, and it's not being recommended or proposed in the 2002 work plan. So, again, it is in contradiction to his own position in 1989, as well as multi-partnership of the Peconic Estuary Program. I hope I answered your question, Mr. Bishop.

LEG. BISHOP:  
Thoroughly.

D.P.O. POSTAL:  
Legislator Fisher.

LEG. FISHER:  
Kevin, when I saw a presentation by Ducks Unlimited regarding marshes and marsh restoration, they had -- in order to begin those projects, they had to go through this the CEQ Committee and had to have the approval of CEQ. Are you saying that Vector Control doesn't have to go through that process?

MR. MC ALLISTER:  
Oh, they absolutely do. They're in that process right now with the 2002 Work Plan, and that's pursuant to the State Environmental Quality Review Act, which the CQ -- CEQ, excuse me, acts as, I believe, an advisory body to this body. In the years past, and this is probably new information, I would presume they went through that process with a program called Open Marsh Water Management, and the intent was to move forward in advanced coastal management with respect to restoring our tidal marshes, so having manipulations within the tidal marsh, including plugging the ends of these ditches, backfilling to, again, restore the functions and values of the tidal marsh. What I'm suggesting today, and I stand by this statement, the priority or I should say the willingness to prioritize OMWM is very low on Vector Control's priority list. In fact, they are actually demonstrating a regression in that effort.

LEG. FISHER:  
Are you suggesting -- have you presented before CEQ? Have you

testified before them?

MR. MC ALLISTER:

Yes. They met approximately a month ago, and forgive me for not --

LEG. FISHER:

And you've asked them to pos dec?

MR. MC ALLISTER:

Yes, I have. I submitted comments, Counsel has submitted comments. I can make those -- that statement available to this body as well.

LEG. FISHER:

But there was not a recommendation, was there, yet?

LEG. CARACAPPA:

No.

MR. MC ALLISTER:

They have tabled that discussion. They will pick it up, I believe, the third Wednesday of January.

LEG. FISHER:

Has Mr. Ninivaggi presented before?

MR. MC ALLISTER:

He presented. At the time Mr. Ninivaggi presented, as did others, the CEQ tabled the issue. They asked for more information from Vector Control pertaining to their work plan.

LEG. FISHER:

Now, did he state that he would be ditching, of creating ditches as -- because it seemed from your statements that you felt that his presentation seemed to indicate that there would be ditching, but --

MR. MC ALLISTER:

Actually, he --

LEG. FISHER:

-- was it clearly mentioned in his --

MR. MC ALLISTER:

No, it wasn't clearly mentioned before the CEQ. It's identified as maintenance activities. But I have a very specific document, it is the project work plan pertaining to the DEC application. There is a sentence in there that is very specific, authorization to create new ditches, to that effect.

LEG. FISHER:

But if Mr. Ninivaggi were here and I were to ask him, "Are you

creating new ditches," would he say that, do you think, or has he been asked that question directly at CEQ?

MR. MC ALLISTER:

I am not -- at CEQ he has not. This is new information. I'm going to be very candid. I believe Mr. Ninivaggi is misleading this body in

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many facets.

LEG. D'ANDRE:

Let me say this.

D.P.O. POSTAL:

Mike, Mike, Mike.

LEG. D'ANDRE:

This is no fair.

D.P.O. POSTAL:

Mike.

LEG. D'ANDRE:

You can't talk about somebody --

D.P.O. POSTAL:

Mike.

LEG. D'ANDRE:

-- that's not here.

D.P.O. POSTAL:

Michael.

LEG. D'ANDRE:

I don't like that.

D.P.O. POSTAL:

Michael, he was asked a question.

MR. MC ALLISTER:

I was asked a question.

LEG. D'ANDRE:

You speak only what you know.

D.P.O. POSTAL:

Michael.

MR. MC ALLISTER:

Okay, fair enough .

D.P.O. POSTAL:

Michael, please don't argue with the speaker. If I could, just as a point of information. At the Health Committee, when the work plan, the Vector Control work plan was discussed, I asked Mr. Ninivaggi about I guess the plans with regard to ditching, and I don't remember that -- whether he said he was planning to construct any new ditches, but he did say that he was planning to, I guess, reconstruct existing ditches. And there was a -- I guess there were some questions. I guess I asked him questions about -- he said that the condition of the ditches is such that unless they're repaired or restored, they would create opportunities for stagnant water, which would, in fact, lead to places for mosquitoes to breed. My question to him was that it seemed

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that the restoration of those ditches would require the same amount of work as reopening the ditches, and he really wasn't able to satisfactorily respond to that, so --

LEG. FISHER:

Mr. McAllister, this is what you're indicating was referred to as the maintenance in the application that you had seen, what he referred to as maintenance was actually restoring the ditches?

MR. MC ALLISTER:

No, that's actually --

D.P.O. POSTAL:

Reopening.

LEG. FISHER:

Reopening?

MR. MC ALLISTER:

Reopening ditches. And the language that I was speaking to, Item 3 in the project description, and this is an attachment to the application. Construction of new mosquito ditches up to 36 inches wide, 36 inches deep, up to 400 feet in length when necessary to enhance mosquito control or improve wetland values, which is -- follow the last part of that sentence. But he also speaks to, again, the enlargement of existing ditches. So there's two separate proposals here and that's the maintenance end to go back into ditches that have been in later stages of recovery where they're actually silting in, where the functions of values of this -- of the wetlands are being restored naturally, going back in and reexcavating those ditches. And in

addition, and this body was unaware of that, the application before the DEC is asking for authority to create, to dig new ditches.

LEG. FISHER:

Thank you, Mr. McAllister.

D.P.O. POSTAL:

Legislator D'Andre.

LEG. D'ANDRE:

Tell me, what would you use for control of mosquitoes, if anything?

MR. MC ALLISTER:

Control of mosquitoes.

LEG. D'ANDRE:

And how would you repel them?

MR. MC ALLISTER:

Again, a personal opinion, I don't think the Division has been aggressively pursuing alternative actions, alternative products out there. I'll suggest one. I cannot speak to its effectiveness. It's being placed in use in Connecticut now, I believe the City of Stafford, and that's a garlic spray that acts as a barrier and repels, as well as kills mosquito populations. I cannot speak to the effectiveness of that, if it makes sense --

LEG. D'ANDRE:

Well, are you scientifically trained?

MR. MC ALLISTER:

Yes, I am.

LEG. D'ANDRE:

Well, then you know, if you're scientifically, trained that -- what toxicity means. If you don't get good kill power and you use a pesticide or insecticide of sorts and you get a partial kill, you're being more dangerous than if you don't use anything. You know --

MR. MC ALLISTER:

Mr. D'Andre -- and I want to point out I'd like to acknowledge Mr. McGowan, who I think is a fine appointment. He struck me as being very objective to the Vector Control issue on what we have to balance here and put in perspective. Are we dealing with a public health emergency or are we dealing with nuisance control? And we also have to put into the equation and balance it, is the collateral damage to

our estuarine resources. And when it comes to an economic benefit, do not dismiss, please, do not dismiss the value of a healthy bay system when it comes to recreation, commercial uses.

LEG. D'ANDRE:

Yeah, but you come here and you speak to people who are not familiar with pesticides or insecticides, or have a degree in entomology.

MR. MC ALLISTER:

I understand that.

LEG. D'ANDRE:

And your the priest speaking to the choir. You've got to have somebody here like Ninivaggi or some other entomologist to refute what you say or add onto it or agree with you. We here as Legislators, unless you've been a scientist, we don't have any background. I have a little --

D.P.O. POSTAL:

Mike, you need a question.

LEG. D'ANDRE:

-- but not enough. So you come here and you tell us all of these things, percentages, you send us material written. It's very, very vague, the kill power.

D.P.O. POSTAL:

Mike, please ask a question.

LEG. D'ANDRE:

I'm discussing a very important thing here.

D.P.O. POSTAL:

I know, but this not the --

LEG. FOLEY:

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Let him, it's all right.

D.P.O. POSTAL:

-- the opportunity to discuss.

LEG. D'ANDRE:

He's a scientist telling us all what he wants us to know.

D.P.O. POSTAL:

If you want to ask him a question --

LEG. D'ANDRE:  
But you've got to qualify these things.

D.P.O. POSTAL:  
You have to ask him a question.

MR. MC ALLISTER:  
Mr. D'Andre.

LEG. D'ANDRE:  
And I want this Legislature to hear --

LEG. FOLEY:  
Right.

LEG. D'ANDRE:  
To hear things that are correct with an answer.

LEG. FOLEY:  
Legislator D'Andre's point is well taken. Madam Chair.

D.P.O. POSTAL:  
If you could just confine it to a question.

LEG. D'ANDRE:  
You can't just ask a question on entomology.

LEG. FOLEY:  
Madam Chair, perhaps just to elucidate on that very point. Legislator D'Andre.

LEG. D'ANDRE:  
Yes.

LEG. FOLEY:  
On your point, it's well taken. In Legislator Fields' Health Committee, we have been, over a period of at least two committee meetings, have been discussing the Vector Control plan. Mr. McAllister and others have been discussing the very points that you raise, and the Committee has given ample opportunity to Mr. Ninivaggi, as well as others within the County Executive Branch, to either refute, challenge, debate the points raised by Mr. McAllister and others about the overuse of and misapplication of pesticides.

So you're absolutely right, it should be done in committee. It has

been done in committee. We expect to do it again in January, but Mr. McAllister is here today to speak to others who are not members of the Health Committee to give his considered expertise in this area to those members of the Legislature who have not had the benefit of attending the prior two Health Committee meetings. That's why he's here today.

LEG. D'ANDRE:

Well, I'm just trying to be an arbitrator here, because you have a point to make, and I respect that point. You're scientifically trained, I respect that. But I don't respect you just speaking what you have to say without someone else who can counter you, or some other scientist here that can contradict what you say or agree with you.

MR. MC ALLISTER:

No, absolutely. Point well taken, Mr. D'Andre. In various forums, the CEQ, the Health Committee, and perhaps at a later time this body as well, there has been dialogue. What I'm suggesting today in my efforts to collate the information, the information gathering to try to put in a format that is more simplistic for the layperson, if I may. And with respect to, you know, this particular piece, I mean, this came from the pesticide profiles. This is verbatim their language. I'm not materializing this language, this is the language that the profiles speak to.

LEG. D'ANDRE:

Until Encephalitis came to the floor, it wasn't as serious. Now with Encephalitis, you just can't play games. People die.

MR. MC ALLISTER:

No, it's -- this body has a very difficult balancing act, quite frankly and I --

LEG. D'ANDRE:

And if a liberal --

MR. MC ALLISTER:

I respect that.

LEG. D'ANDRE:

If a liberal comes in here, an environmentalist, they don't want any spraying. They don't care what happens to anybody. But you talk to the people who live on the South Shore, which I live on the North Shore, and when those mosquitoes come out and inundate them, they can't use their backyards, and they're taxpayers, they want action. What do you do?

MR. MC ALLISTER:

I'm suggesting we need to look at the big picture, that's all. And, obviously, it's a very difficult issue. We try to make the best possible decision we can based on --

LEG. D'ANDRE:

That's why we have an entomologist.

MR. MC ALLISTER:  
-- on the full picture and that's --

LEG. D'ANDRE:  
That's why we have Ninivaggi.

MR. MC ALLISTER:  
I'm trying to add to the other part of the equation.

LEG. D'ANDRE:  
Okay. That's I ask is fairness, the fairness doctrine.

MR. MC ALLISTER:  
Fairness absolutely. Well -- point well taken. Thank you.

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

LEG. FOLEY:  
Thank you, Madam Chair. To the point made earlier about the application, Kevin, not only of the Department, not only requesting the, let's say, retrenching of existing trenches, or those that were originally trenched back in the '30's or '40's, but, in fact, the Department's looking for approval to create new ditches.

MR. MC ALLISTER:  
Absolutely

LEG. FOLEY:  
Okay? My question to you, then, is that's a very labor intensive approach. What we've heard in the past with open marsh -- open water marsh management is how labor intensive it is. My question is if, in fact, there's a whole workforce that would be utilized to undertake this trenching and retrenching, could not that same workforce be used to undertake the other more environmentally beneficial techniques as envisioned under Open Water March Management Plans?

MR. MC ALLISTER:  
Absolutely.

LEG. FOLEY:  
So with that said -- so the point I'm trying to raise is we've been told in the past that there's not enough people to do open marsh management, or that it's going to be labor intensive. My point, and if you could amplify or expand on it, is the current workforce that goes out to the field to do a lot of this trench work, they could

easily be -- let's say adapt their program to do open marsh management, is that not correct?

MR. MC ALLISTER:

That is correct. The open marsh water management is actually a partnership called the Long Island Initiative, Ducks Unlimited, U.S. Fish and Wildlife Service, Suffolk County, and the Department of Environmental Conservation. The technical expertise is there to work collaboratively to restore the values and functions of our tidal marsh and --

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LEG. FOLEY:

My question is this. How much more work is it to do that than to do what they plan to do? If we were to take 40 acres of property along the stream corridor and they were going to trench it in the traditional sense, how much more work is it to do the open marsh water management approach of plugging -- of making the ditches and plugging them and then placing the kill fish in there?

MR. MC ALLISTER:

I believe the staffing's there within the Division to make considerable progress on that front. It all comes down to the wherewithal. Obviously, when it comes to the excavation, it's principally, the machinery with --

LEG. FOLEY:

And they have the machinery?

MR. MC ALLISTER:

Yes. But we -- again, the focus has to be there, the commitment has to be to be -- to restoring our marshes, as opposed to degrading them.

LEG. FOLEY:

Well, what's the big difference as far as labor intensity is concerned between trenching as they want to do and the other more environmentally benign approach that still would kill mosquitoes? What's the big difference? I mean, is there a big difference?

MR. MC ALLISTER:

I don't see a big difference myself. It's a matter of some people power out there, perhaps with a piece of machinery, to bring materials to actually plug off some of these ditches, and in some instances perform backfilling -- backfilling.

LEG. FOLEY:

All right. And they have that equipment. So the real difference --

but then also to bring in kill fish; is that not correct? Is that what they put into the --

MR. MC ALLISTER:

There's introduction of killifish and in --

LEG. FOLEY:

Killifish, rather. Okay.

MR. MC ALLISTER:

-- many instances, they're introduced through natural processes.

LEG. FOLEY:

So the people are there. And Madam Chair, it's important to make this part of the record, because we're going to revisit this. Both CEQ is going to revisit this in early January, as will the Health Committee, as it's reconstituted in January, that the record reflects, as it does now, that Oak Marsh Management, the folks who currently do the field work in Public Works Department, they could be redeployed, if you will, or work the same area, but, in fact, undertake this other more

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environmentally benign approach. But I know Legislator Fields has some issues and issues with that as well about the Departments -- the concerns that DEC has with Department of Public Works and whether or not there's any violations of existing tidal wetland laws.

Let me finish with this. The Triple "E" that was mentioned by Legislator D'Andre, that's more of a fresh water problem; is that not correct?

MR. MC ALLISTER:

When put in the proper context, the principal vector is a fresh water species of mosquito.

LEG. FOLEY:

Right.

MR. MC ALLISTER:

As opposed to the tidal marsh species.

LEG. FOLEY:

Correct. And so that's far less of a concern in the tidal wetland areas than it is in the fresh water --

MR. MC ALLISTER:

Absolutely.

LEG. FOLEY:  
-- wetland areas.

MR. MC ALLISTER:  
Absolutely.

LEG. FOLEY:  
Okay.

LEG. D'ANDRE:  
Madam Chair, may I ask him a question?

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

LEG. D'ANDRE:  
I notice, is this your paper?

MR. MC ALLISTER:  
This is a summation from --

LEG. D'ANDRE:  
Extension Toxicology Network.

MR. MC ALLISTER:  
Yes, EXTTOXNET. That's a collaboration. It's a pesticide information project of Cooperative Extension Offices, Cornell, Oregon State University, University of Idaho, University of Cal, Davis, Michigan State. Major support and funding was provided by the U.S.D.A. Extension Service, National Agricultural Pesticide Impact Assessment

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Program.

LEG. D'ANDRE:  
Why aren't the kill powers following this? You could be exposed to kill power that's very -- well, when you talk in terms of kill power, 80% may not be good. You're talking into millions now. You might have to have a 98% kill. Now you don't list any kill power with any of these chemicals, permethrin, Dibrom, Anvil, Malathion. And, by the way, Malathion only lives for 25 days. You don't mention any of those kill powers, so --

MR. MC ALLISTER:  
Let me give you kill powers, if I may.

LEG. D'ANDRE:  
I'd like see it on the paper.

MR. MC ALLISTER:

The sample, and I'll submit the samples, the laboratory analysis, 27.6 parts per billion in that sample. Here's the kill power for Resmethrin. Very highly toxic to fish, with a 96 hour LC50. That's lethal concentration to kill 50% of the population. It's generally at or below one part per billion.

LEG. D'ANDRE:

Is that Scourge?

MR. MC ALLISTER:

Let me qualify this, and I think one of the other speakers may espouse on this. The LC50 for Resmethrin synergized with piperonyl butoxide, that's Scourge, in red swamp crawfish, that's a crustacean, is .00082 parts per billion. What I'm suggesting here, and I can provide the variabilities on the kill power as they relate to species specific, but what I'm suggesting and what is being provided through the Extension Toxicology Network is at extremely low levels, we're having impacts on aquatic organisms. When you look at the insect populations, insectia as well as crustacea, they're similar. They're under the same -- they're arthropods, so the --

LEG. D'ANDRE:

What do you mean low dosage? What do you mean?

MR. MC ALLISTER:

At parts per billion levels. That's extremely low levels and that is potentially knocking out our crustacean populations, our spawning shellfish out there.

LEG. D'ANDRE:

Are you telling me you don't want to spray at all?

MR. MC ALLISTER:

What I am suggesting is we need a rigorous review. We have to look thoroughly at the program.

LEG. D'ANDRE:

This is not a new science, this has been around since the beginning of

chemicals.

MR. MC ALLISTER:

It is -- you're right, and the chemicals are obviously extremely toxic. The DEC, the State has made it very specific. They made reference to the fact that many of the pesticides that are being

employed today have not undergone any form of an environmental review. And they're suggesting that -- they're making an affirmative statement that these pesticides need an environmental impact statement performed before they're placed into the environment.

LEG. D'ANDRE:  
Maybe I'm saying it wrong.

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

LEG. D'ANDRE:  
Madam Chair, may I finish?

D.P.O. POSTAL:  
Could I just suggest something that may be helpful to you, Mike?

LEG. D'ANDRE:  
May I finish?

D.P.O. POSTAL:  
Yeah. But I just want to suggest something to Kevin that might be helpful, because Kevin provided the Health Committee with material that answered the same questions that you're asking, and I was going to ask Kevin if he has that material --

MR. MC ALLISTER:  
Absolutely.

D.P.O. POSTAL:  
-- other than what he has just given to us that he could provide to you that would answer the questions that your asking.

LEG. D'ANDRE:  
Well, I'd like to see somebody here that understands pesticides, an entomologist like Ninivaggi, or a couple of them, or DEC people, somebody that's trained to counter what you say. You say a lot of things you leave unanswered, and nobody --

MR. MC ALLISTER:  
Mr. D'Andre --

LEG. D'ANDRE:  
Nobody likes to spray.

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

LEG. D'ANDRE:  
Let me say one thing.

D.P.O. POSTAL:

Mike.

LEG. D'ANDRE:

Nobody likes to spray. If you had a choice, we don't want to pollute the environment.

D.P.O. POSTAL:

Mike, can I just --

LEG. D'ANDRE:

But when you talk about people's existence, when you talk about encephalitis that can kill, then people get concerned.

D.P.O. POSTAL:

We're not voting on this today.

MR. MC ALLISTER:

No, I understand.

D.P.O. POSTAL:

But CEQ, the SEQRA process has not been completed, so we're not going to vote on this today. But I would suggest that if Kevin has this information, that he provide it to you. You know, unfortunately, Mr. Ninivaggi was at the Health Committee, and so that there was an opportunity for him to respond to some of these things, and he's not here today, probably because he knew that we weren't going to be voting on this issue.

LEG. D'ANDRE:

Well, my concern is that we get the truth, we get scientific truth, we don't get one-sided or lopsided, or environmental views only, we get the general public, we get the scientific community, whether they agree or disagree with these. We're not qualified to answer these questions.

MR. MC ALLISTER:

Mr. D'Andre, I just would ask --

D.P.O. POSTAL:

Kevin, can I just ask, that if you have that information, if you could provide it to the Clerk's Office. The Clerk's Office will make copies of it. I know that the members of the Health Committee received it, but I think the other members of the Legislature would find it helpful and it would --

LEG. FOLEY:

Very.

D.P.O. POSTAL:

It would address Legislator D'Andre's questions and -- but I know

Legislator Alden has a question.

LEG. ALDEN:

Actually, just to follow-up, if we get that information, if we could

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send it over, as Legislator D'Andre has suggested, to Dr. Ninivaggi, or something like that, for his response to it also, so we have both sides of it.

D.P.O. POSTAL:

Okay. You know, probably, I would just --

LEG. D'ANDRE:

Our Health Commissioner should be involved.

D.P.O. POSTAL:

Yeah. And what I would suggest, at the last meeting of the Health Committee, that material was made available to the members of the Health Committee, Mr. Ninivaggi, Commissioner Bradley, and there was an opportunity and Mr. Ninivaggi did respond. Now, if the Legislature as a whole, I'm sure this issue is going to be addressed in the Health Committee as we move into January.

LEG. D'ANDRE:

I won't be here.

D.P.O. POSTAL:

And I would suggest that the Chairperson of the Health of Committee --

LEG. FOLEY:

Come back and fill out a card, Mike .

D.P.O. POSTAL:

-- would probably find it helpful to notify all members of the Legislature when the Health Committee meeting that is going to continue the discussion of the Vector Control Work Plan is to be discussed, and any members of the Legislature who would like to participate in that committee meeting and are available could come to that meeting, that would be an appropriate time.

LEG. FOLEY:

Sure.

D.P.O. POSTAL:

Did you have a question, Legislator Foley?

LEG. FOLEY:

Just a follow-up. Mr. McAllister, if you could for the record, just tell us your educational background, your professional expertise on the subject matter that you're discussing today.

MR. MC ALLISTER:

Yes, please. I hold undergraduate degrees in Marine Biology, as well as Natural Resources Conservation, with a minor in Chemistry, quite a bit of chemistry, actually, and a Masters of Science Degree in Coastal Zone Management, which ties together water resources with land use planning, land use activities. Well over 15 years of professional experience working in both government, as well as the private sector, and more recently in my position as the Baykeeper for approximately four years.

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LEG. D'ANDRE:

And who brought out this paper?

MR. MC ALLISTER:

I produced that paper. That was a summary from the EXTOXNET profiles that are being copied now and will be distributed.

LEG. D'ANDRE:

Well, you know this will not do --

D.P.O. POSTAL:

Mike, your going to get the original, that it was --

LEG. D'ANDRE:

What --

D.P.O. POSTAL:

The information that it was taken from in just a couple of minutes. It's being copied for you.

LEG. D'ANDRE:

The original? This is not the original?

D.P.O. POSTAL:

No. That was kind of a --

LEG. COOPER:

The full information --

MR. MC ALLISTER:

That was summarized. I was trying to -- if I may. Earlier in discussions, and I know it was said tongue in cheek that, you know,

homework is very difficult, but you have a lot of issues before you. I'm trying to coalesce that information to make it more simple where you can actually go right to. In this case, I'm providing the background materials. Some are four five pages deep. They may have some technical verbiage to it, and by all means, the documents that I either reference or submit to you today, I will certainly provide them for you. I want you to see them.

LEG. D'ANDRE:

Then I'll ask you one other question.

MR. MC ALLISTER:

I ask you, really --

D.P.O. POSTAL:

Mike, use your mike.

MR. MC ALLISTER:

Do your homework on this issue, and with respect to fact finding and some of the technical information.

LEG. D'ANDRE:

I'll ask you one other question. What system would you use to control mosquitoes in the seashore or the waterfront?

MR. MC ALLISTER:

I made a statement before the Health Committee and I'll expand on it or resuggest it again. We have to put Vector Control in a proper perspective. If we're looking at a health emergency, then the latitude to employ techniques that are necessary to control or safeguard public health by all means, and that would include pesticide use. If we're speaking of nuisance control, which the majority of Vector Control's work is, we have to balance that with the health in -- of our bays. And with that, again, to reiterate the point, do not lose the fact in the economic value of a healthy Great South Bay or healthy Peconic Bay system.

LEG. D'ANDRE:

The only thing I agree what you said was the sewage seeping into our seashore. That should be outlawed, that should be corrected immediately when there's overflowing sewers. But as far as pesticides are concerned, you haven't excited me, you haven't reached me. There's some things you haven't said enough of or you lack. And I don't know if anybody has all those answers.

MR. MC ALLISTER:

May I suggest along the lines of Legislator Postal's suggestion? I would be happy, I would cherish the opportunity to actually meet with you personally.

LEG. D'ANDRE:

Well, I'm leaving the board, so you've got to get my colleagues.

MR. MC ALLISTER:

That's true, your colleagues.

D.P.O. POSTAL:

Well, Mike, you're always welcome back to any meeting we have. Thank you.

LEG. D'ANDRE:

You take care of that sewage --

D.P.O. POSTAL:

Thank you, Kevin.

LEG. D'ANDRE:

-- sewage seeping into our waterfront. That's bad.

MR. MC ALLISTER:

Thank you.

D.P.O. POSTAL:

Thank you, Mike. Our next speaker is Matthew Atkinson.

MR. ATKINSON:

Good afternoon and thank you. I'm Matthew Atkinson. I'm the attorney for the Peconic Baykeeper. And all I want to address is, in fact, the SEQRA review, to clarify it as I see it, and I see it, that this process is tending to try to go astray, although it has not yet so.

The Legislature ultimately is the one who makes the determination of significance here. CEQ makes its recommendations, it goes through the Health Committee, but it's up to the Legislature as a whole to make a determination of significance here. This is not purely, you know, a little nice exercise to follow through rules of SEQRA, it's a substantive hard look at what are the potential, potential only, for adverse environmental impacts. I submit to you that this proposed program doesn't pass the straight-face test as a program which may -- that cannot have any significant adverse environmental impacts. And the way it's being presented as -- under the Environmental Assessment Form, which has been incomplete, it's in constant revision, is it

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keeps coming to this conclusory ending that, no, no, there can't be any adverse environmental impacts from this program. From this program, I submit to you, we're looking at over 500,000 acres. Hundreds of thousands of acres have impacted wetlands, surface waters and uplands, ditching that extends for some 660 miles, or over 17,000 acres of actual ditching. We're talking about application of pesticides. All you have to do is read the label and it says, "This is hazardous to the environment." You apply it, you're going to kill stuff. You're going to kill more than mosquitoes, and that's not something that's a secret or that requires any special skill, it says that right on the label.

I'm saying here that we have a straight-face test that cannot be passed. The credibility of this Legislature is going to be challenged. It's going to be asked to neg dec this proposed work plan and say, "Oh, no, these activities," which by their very nature are adverse to the environment, "cannot have any significant adverse impacts." It simply doesn't pass muster.

I ask you to look at that big picture, look at the size and scope of this program. This is, you know, the epitome of the type of program that should have an environmental impact statement where the types of protections and review and limitations that have been discussed individually be considered by CEQ, Health Department, that Legislator Guldi has brought up once again. This is where they get incorporated into this process, and this provides this body with an ample record in which it can make a determination of what's best for the County, what's best for the people of this County, how are they going to balance the harms with what they consider are the needs. But this balancing cannot take place without looking at the adverse effects, because right now we're trying to balance with one scale, public interest, health, nuisance control, and not balancing with the other scale, what are the adverse impacts.

D.P.O. POSTAL:  
Thank you.

LEG. CARACAPPA:  
Madam Chair.

D.P.O. POSTAL:  
Legislator Caracappa.

LEG. CARACAPPA:

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ability to introduce legislation, and that's usually done through the Presiding Officer, to further review what SEQRA has given to us as their determination and ask for a pos dec. So if SEQRA does come across with the neg dec determination, we -- it's not the end of the road, so we do have the option to move forward in a stronger voice and say that we were requesting a positive declaration, whether it's a Vector Control plan or even a road project, so we still have that final option if we're not satisfied with CEQ's recommendation.

D.P.O. POSTAL:  
Thank you.

LEG. FOLEY:  
Thank you.

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

LEG. FISHER:  
Madam Chair.

D.P.O. POSTAL:  
Yes.

LEG. FISHER:  
Before our next speaker comes up, may I -- I have three resolutions that I wanted to waive the rules and --

LEG. FOLEY:  
Second.

LEG. GULDI:  
Second.

LEG. FISHER:  
Okay. Resolution Number --

D.P.O. POSTAL:  
And discharge?

LEG. FISHER:  
And discharge, yes. We have ten. Resolution 2111, 2112, and 2127. We didn't have the Education Committee meet this week, because two of these resolutions were 100% reimbursement that we would have recommended to go on the Consent Calendar, and that left one more, which was an offset from one area of the College to another. And there was difficulty with one of our members attending the meeting that day, so rather than have a meeting without a quorum, we moved it to this venue.

D.P.O. POSTAL:  
I'll second your motion. As I recall, we received -- I received a memorandum from I believe it was your office --

LEG. FISHER:

Yes, my office sent that.

D.P.O. POSTAL:

-- making me aware of that.

LEG. FISHER:

Absolutely, yes.

LEG. FOLEY:

Madam Chair, if I may.

D.P.O. POSTAL:

Legislator Foley.

LEG. FOLEY:

I think, also, another reason we didn't have a meeting, Chairwoman Fisher, was that we were told by the College that there weren't any issues to discuss at the committee meeting at that time.

LEG. FISHER:

You're absolutely correct, Legislator Foley. I did ask the President and the Chair of the Board if there were any pending issues that would require attention, and I was assured that there were no issues of importance that were coming before the Board of Trustees. You're absolutely right, Legislator Foley, and unfortunately, the turn of events was that there were some very important issues, but they did not come up until after our meeting would have met.

LEG. FOLEY:

Correct.

D.P.O. POSTAL:

Okay. So there's --

LEG. FISHER:

Thank you, Madam Chair.

D.P.O. POSTAL:

There's a motion and a second to waive the rules and discharge I.R. 2111, I.R. 2112, and I.R. 2127, which have all been distributed. All in favor? Any opposed? Those three resolutions have been discharged and will age for an hour.

MR. BARTON:

Twelve. (Absent: Leg. Towle)

LEG. FISHER:

Thank you, Madam Chair.

D.P.O. POSTAL:

Thank you. Our next speaker is Adrienne Esposito. Is Adrienne --

MR. MC ALLISTER:

She's no longer hear.

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D.P.O. POSTAL:

Okay. Next speaker, Alfred Chiofolo.

MR. MC ALLISTER:

My name is Fred Chiofolo. I've worked on the water for 39 years. I've been a commercial fisherman on the Great South Bay, and I've lived in Suffolk County all of my entire life. I'm 58 years old. We've had mosquito spraying in Suffolk County since I was a little kid in the '50's. We still have mosquitoes. Obviously, the spraying has never done any good. Back '50's and early '60's we had DDT. We had no crabs in the Bay whatsoever. DDT killed everything. Now we stopped the DDT, we had crabs come back. Now we're starting to kill them again. We're using more powerful pesticides, more things, we're doing a tremendous amount of damage to these crabs. I fish in the Smith Point Park area in the Narrow Bay and it seems that -- seems to be a highly concentrated spray area. And the helicopter's there at least every ten days, ten to fourteen days religiously. They spray, two days later we're finding dead crabs all over the place. I mean, they're killing them like the mosquitoes they're supposed to kill. I don't know what can be done. Not even the spider crabs can live there. It gets really bad. It starts to come back a little bit, ten or twelve days later, they spray again and it starts all over again.

I don't know what it can be done about it. I don't have all the answers. I hear talk about what can we do. It's got to be bad for our health, too. It's killing all this other stuff, it's got to be bad for us. Long Island has the highest cancer rate in the country. It just can't be good for us. Now I'm starting to see in the crabs the reproductive cycle is messed up. This is a long-term effect of a lot of these pesticides. I don't know if you people could try to make a difference and make Suffolk County what it was. I don't know what's going on.

LEG. GULDI:

Mr. Presiding Officer.

D.P.O. POSTAL:

Legislator Guldi.

LEG. GULDI:

Two follow-up questions. One is, could you clarify what you mean by reproductive cycle being messed up. How is it messed up and the like?

MR. CHIOFOLO:

I'm starting to see very, very, very immature crabs, I mean crabs that are -- a crab only lives three years, a Blue Claw Crab. I'm seeing very, very immature crabs, female crabs in a cycle that already mated, lived their life. They're going to egg up, and after they have eggs, they only have eggs one time and they die. These crabs are only two to two-and-a-half inches long. They've reached their reproductive capacity, that's it, they're done. And I don't know whether the eggs are live on them or what. Crabs are shedding before they even get the eggs out of them.

LEG. GULDI:

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All right.

MR. CHIOFOLO:

Now, in the wintertime, crabs should not have eggs on the exterior of their body at all. We're finding crabs now, I'm dredging crabs now every day, we find crabs with eggs, sponges on the bottom of them. That should not be. It's all messed up. Something's going on. I don't know what it is, I'm not a scientist, I've been a bayman my whole life, but I'm seeing things --

LEG. GULDI:

I know, but what you've been finding out on the bay is important to us. So in addition to the --

MR. CHIOFOLO:

But I've never seen things --

LEG. GULDI:

In addition to the out-of-seasons and the immature egging up of crabs, which, obviously, is wrong, or, obviously, is messed up, the -- you said that after the spraying, in conjunction with the spraying, you've been finding a large number of dead crabs after you see the spraying going on.

MR. CHIOFOLO:

Right.

LEG. GULDI:

Is the -- is the dead crab that you're finding mature crab, immature crab?

MR. CHIOFOLO:

Some are and some aren't.

LEG. GULDI:

What are the ratios, what are the -- and what are the relationships of that?

MR. CHIOFOLO:

Some are and some aren't. When they spray in the summertime, we're potting crabs at that time of year and it seems to kill them all. It doesn't seem to be discriminatory, it doesn't seem to matter. If it gets the spray it dies. And the ones that are alive are not so strong in the pots, they're not like they normally are. And it seems to last a few days where they're really bad and then it gets a little better, and a little better, and a little better, until they spray again, and then when they spray again, they get a heavy concentration of it and you go through it again, and more move into the area. It's not like there's no crabs, there's plenty of crabs the last few years, and more move in, but when they spray, they kill more, you know. And it doesn't seem to be discriminatory whether it's mature or immature crabs that they kill, they kill all of them.

LEG. GULDI:

Thank you.

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MR. CHIOFOLO:

Thank you.

D.P.O. POSTAL:

Thank you. Legislator Fisher.

LEG. GULDI:

You've got another question.

MR. CHIOFOLO:

I'm sorry.

LEG. FISHER:

I have a question with regards to that reproductive cycle to which you referred. When Stony Brook University did their study on lobster die-off, one of the factors that came into play was the warmer waters. Would warm water affect that reproductive cycle?

MR. CHIOFOLO:

It may to an extent, but, also, the lengths of daylight has a lot to do with it and the days are short now. There's no way that crabs should have eggs on them. The only thing, the water temperature, crabs are more of a warm water type of thing, and crabs usually have their eggs when the water temperature is in the sixties. The water temperature hasn't been in the sixties now for more than a month. The water temperature, I check it pretty much every day, has been in the very low fifties to the high forties. It's been hovering around 47 to 49, basically, the water temperature as of lately. The last --

LEG. FISHER:

Okay. So although we've had an unseasonably warm Fall --

MR. CHIOFOLO:

Right.

LEG. FISHER:

-- the water temperatures aren't --

MR. CHIOFOLO:

Still, they're around 49, 47, 48 in that area. And I do check them every single day.

LEG. FISHER:

So that wouldn't have been a factor in the reproductive anomalies that you're seeing.

MR. CHIOFOLO:

It's much too cold for them to have eggs --

LEG. FISHER:

Okay.

MR. CHIOFOLO:

-- on the outside.

LEG. FISHER:

Thank you.

MR. CHIOFOLO:

They don't have eggs until the water is at least in the sixties, and that's even a little cool. The seventies are more active. The warmer the water is, the more active the crab gets. And lobsters are the same way, their reproductive things are messed up, too. If you ask any lobsterman, they can tell you the same thing. They're seeing

things that they've seen things that they've never seen before. I have a lot of friends that are lobster guys.

LEG. FISHER:  
Thank you very much.

MR. CHIOFOLO:  
Okay?

D.P.O. POSTAL:  
Thank you. Next speaker is Nancy Lustig. Is Nancy here?

MS. LUSTIG:  
Good afternoon. I am Nancy Lustig, President of the Board of Directors of the Suffolk Coalition to Prevent Alcohol and Drug Dependencies. I'm here today on behalf of Bobby Keller, the staff of the Coalition and its membership. We are proud to be the organization that has been what I call ahead of the curve in providing alcohol and drug prevention services to schools and communities in Suffolk County.

I'm going to divert a little bit from my prepared testimony. In listening earlier today to the panel that was here that did do yeoman's work, I feel especially proud to represent the Suffolk Coalition, because I really believe that we have followed the research. We have been innovative, and I think we've been somewhat courageous in implementing programs that are now just coming to be recognized as ways to address the alcohol and other substance abuse issues that are not only in our schools, but in our larger society.

Our primary focus has been to build a comprehensive approach, and we've been hearing that word "comprehensive", that buzz word, and we'll probably continue to hear it again and again. This comprehensive approach to alcohol and drug prevention through our school, community, collaborative program known as COMPASS. Now I know that myself and other Board members of the Coalition have visited with some of you. Others we have -- we will be getting to you personally. So some of you are familiar with COMPASS. COMPASS stands for community, parent, school and student, and that has been eluded to time and time again earlier today.

This is a -- these are programs that are research driven. They are methodologies that are recommended in reducing crime rates, violence and underage drinking. The COMPASS Program is specifically designed to meet the specific needs of individual communities. And as someone on the panel said earlier today again, you know, this business of -- this is not a one size fits all. We recognize that each community has its own specific needs, and that is what the COMPASS Program is designed to accommodate.

The Coalition has received support for its COMPASS Program from a four-year \$240,000 local incentive grant from OASAS. That's the New York State Office of Alcohol and Substance Abuse Services for --

D.P.O. POSTAL:

Ms. Lustig, your time is up. If you can just sum up in a sentence.

MS. LUSTIG:

I'm sorry, yes. For school coalition building. Let me just indicate here that, in closing, we support Commissioner John Gallagher's program initiatives, and we look forward to being part of the team given the responsibility to address how the County will act to bring a meaningful and collaborative program into effect.

D.P.O. POSTAL:

Thank you.

MS. LUSTIG:

Thank you.

D.P.O. POSTAL:

Next speaker is Phil Goldstein. Is Phil here? Next speaker, Jack Hurt. He missed his opportunity. And the last card I have is filled out by Charles Clampet.

MR. CLAMPET:

Yes.

D.P.O. POSTAL:

Mr. Clampet, you have three minutes, if you'll come to the podium.

MR. CLAMPET:

I have a question, a statement, pamphlets. One I already gave to Jon Cooper, and then I also have two papers that I'd like to give out, one Paul Tonna and also to Brian Foley. Commissioner of Social Services, assignee o/b/o, which is on behalf of, wants \$9,275 from me. And in order for them to do that notice to withhold income, they're putting \$433 against my Social Security, which I only get 506 a month, which I totally feel is ridiculous.

The courts don't want to hear, nobody wants to hear here, so I keep coming down here and I'm hoping that the greasy wheel gets the oil. And I just really feel that, you know, anybody that's going through this Child Support Enforcement Bureau, I think that the County Legislature and the State Legislature should really look into it really hard, because there are people that are committing suicide. I have a letter here from a guy that committed suicide because of child support. And if everybody thinks it's a funny matter and a laughing matter, then so be it, but there are lives that are being taken. And it's not just men that are killing themselves, it's women that are also the noncustodial parents that have to pay child support and the women are disappearing. And I'm not saying at a high rate of speed, but the train is going to be wrecked again and I don't want to see it

happen. And I'm asking the County Legislature of Suffolk, and even Nassau -- I've even gone into Nassau to say something, because I think

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this is ridiculous, that Social Services wants to take money from me, \$433 and I only have 506 a month.

Yes, I talked to Brian Foley. Now I gave a letter to Paul Tonna and I gave one to Jon Cooper. They're the ones that are on the Social Services Board. I went to Senator Trunzo. Senator Trunzo wrote to Dan Hickey. Dan Hickey wrote back to Senator Trunzo. I'm hoping with Dan Hickey that something might happen. So I'm at the point where I'm going to be poor, and is there any County Legislator that would like to take me in in their house?

LEG. D'ANDRE:  
You're getting no offers.

MR. CLAMPET:  
You know what I'm saying. I have no offers, okay. But I hope you guys all understand what I'm going through. Any questions?

D.P.O. POSTAL:  
I don't think so. Thank you, Mr. Clampet. There are no more cards. Is there anyone else who would like to address the Legislature? Yes. Why don't you -- actually, Miss Matherson, you spoke during the public portion this morning.

MS. MATHERSON:  
Right.

D.P.O. POSTAL:  
You cannot speak a second time.

MS. MATHERSON:  
They asked me to come back after four o'clock.

D.P.O. POSTAL:  
Yeah. I think that's if there are any questions at the time that we address the resolution.

MS. MATHERSON:  
Right, that's what I want to address.

D.P.O. POSTAL:  
I don't have a resolution yet in front of me, but if there are questions, we wanted you to be available so that you could provide answers.

MS. MATHERSON:  
I wanted to let you know I was here.

D.P.O. POSTAL:  
Thank you.

LEG. CARACAPPA:  
Motion to approve the Consent Calendar.

LEG. FISHER:  
Second.

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LEG. HALEY:  
Fifteen minute recess.

P.O. TONNA:  
Let's have a five-minute recess.

[THE MEETING WAS RECESSED AT 4:15 P.M. AND RESUMED AT 4:30 P.M.]

P.O. TONNA:  
Roll call.

(Roll Called by Mr. Barton)

LEG. CARACCIOLO:  
Here.

LEG. GULDI:  
Here.

LEG. TOWLE:  
(Not Present)

LEG. CARACAPPA:  
I'm here.

LEG. FISHER:  
Here.

LEG. HALEY:  
(Not Present)

LEG. FOLEY:

Present.

LEG. LINDSAY:  
Here.

LEG. FIELDS:  
Here.

LEG. ALDEN:  
Here.

LEG. CARPENTER:  
Here.

LEG. CRECCA:  
Here.

LEG. D'ANDRE:  
Here.

LEG. BISHOP:  
Yes.

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LEG. BINDER:  
Here.

LEG. COOPER:  
Here.

LEG. POSTAL:  
Here.

P.O. TONNA:  
Yes, here. Okay. All right I would ask -- I would ask that all Legislators please concentrate on the agenda, and we'll -- as in the words of Legislator Lindsay, let's move it. Okay. On the Consent Calendar --

LEG. FOLEY:  
We'll follow your lead.

P.O. TONNA:  
I make a motion.

LEG. FOLEY:  
We'll follow your lead.

P.O. TONNA:  
Then you're in trouble.

LEG. FISHER:  
Motion.

LEG. CARACAPPA:  
Second.

P.O. TONNA:  
I'll make a motion on the Consent Calendar, seconded by Legislator  
Fisher. All in favor? Opposed?

MR. BARTON:  
17, 1 not present. (Absent: Leg. Towle)

P.O. TONNA:  
Great. We're on page --

MS. BURKHARDT:  
Seven.

P.O. TONNA:  
Seven. Okay. No tabled resolutions? Oh, tabled, okay.

RESOLUTIONS TABLED TO DECEMBER 18, 2001

Resolution Number 2217 (Adopting Local Law No. -2000, a Local Law to  
license process servers in Suffolk County). Legislator Postal.

D.P.O. POSTAL:

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Motion to approve.

LEG. GULDI:  
Second.

LEG. CARACAPPA:  
To approve?

LEG. POSTAL:  
Yes.

P.O. TONNA:  
To approve? Okay. A motion and a second to approve. On the motion,  
Legal Counsel. Explanation, please.

MR. SABATINO:

This is the legislation that arose out of a significant number of days worth of testimony, both at the Legislature, as well as the Public Safety and the Ways and Means Committee meeting over the last year, and it's gone through several corrected copies, the most recent of which is June 29th of 2001. The corrected copies took into account suggestions that were made both by representatives from the industry, as well as from the Suffolk County Bar Association. And the essence of the bill is to put into place a comprehensive licensing program with the normal standard provisions for licensing by Consumer Affairs for process servers doing business within the County of Suffolk.

P.O. TONNA:

Okay. Thank you very much. Okay. Roll call.

(Roll Called by Mr. Barton)

LEG. POSTAL:

Yes.

LEG. GULDI:

Yes.

LEG. CARACCIOLO:

Pass.

LEG. CARACAPPA:

(Not Present)

P.O. TONNA:

Get Joey.

LEG. FISHER:

Yes.

P.O. TONNA:

Find Joey.

LEG. HALEY:

Pass.

LEG. FOLEY:

Yes.

LEG. LINDSAY:

Yes.

LEG. FIELDS:  
Yes.

LEG. ALDEN:  
Yes.

LEG. CARPENTER:  
Yes.

LEG. CRECCA:  
(Not Present)

P.O. TONNA:  
Crecca.

LEG. D'ANDRE:  
Yes.

P.O. TONNA:  
Find Crecca.

LEG. BISHOP:  
Sure, yes.

LEG. BINDER:  
Yes.

LEG. COOPER:  
Yes.

P.O. TONNA:  
No, not for this.

LEG. CARACCIOLO:  
No.

LEG. CARACAPPA:  
(Not Present)

LEG. HALEY:  
No.

LEG. CRECCA:  
(Not Present).

MR. BARTON:  
12-3, and 3 not present. (Absent: Leg. Towle/Not Present: Legs.  
Caracappa and Crecca)

P.O. TONNA:

Okay. Congratulations, Legislator Postal. 1069 (Imposing reverter clause on non-Brookhaven Town PILOT payments pending appeal of Gowan decision.) Legislator Haley?

LEG. HALEY:  
A motion to approve

P.O. TONNA:  
Okay. Is there a second?

LEG. BISHOP:  
Motion to table.

D.P.O. POSTAL:  
Second.

P.O. TONNA:  
Second. Okay. All in favor? Opposed?

LEG. HALEY:  
I'm opposed.

P.O. TONNA:  
Opposed, Legislators -- 1069.

LEG. CRECCA:  
What is this, 1069?

LEG. FIELDS:  
Table, no.

P.O. TONNA:  
Okay. Just --

LEG. CRECCA:  
Motion to approve it?

P.O. TONNA:  
No, to table. All right.

LEG. CRECCA:  
Opposed.

P.O. TONNA:  
Legislator Haley and Legislator Crecca. All right. That's going to be tabled. All right.

MR. BARTON:  
15-2, 1 not present. (Absent: Leg. Towle)

P.O. TONNA:  
Thank you, sir.

MR. BARTON:  
It's tabled.

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P.O. TONNA:  
1138 (Adopting Local law No. 2001, a Local Law o prohibit operation of motorized scooters in Suffolk County). Legislator Carpenter.

LEG. CARPENTER:  
Motion to approve.

P.O. TONNA:  
Motion it approve.

LEG. BISHOP:  
Motion to table.

P.O. TONNA:  
Okay. Motion to approve. I did say at the lunch that I'm for this.

LEG. POSTAL:  
I heard you.

P.O. TONNA:  
I second. And then motion to table, Legislator Bishop. Is there a second?

LEG. COOPER:  
Second.

LEG. FOLEY:  
Explanation.

P.O. TONNA:  
Wait, wait, I need a second. Seconded by Legislator Cooper. Okay. Explanation.

LEG. CARPENTER:  
Just on this -- on the motion. This resolution has been changed to -- the County Attorney's Office had some reservations about banning the operation, but, rather, if we tied it into banning the operation, if they were not licensed or insured, and that's what this bill does.

P.O. TONNA:

Okay.

LEG. BISHOP:  
Insured? Wait, hold on.

LEG. POSTAL:  
I have a question.

P.O. TONNA:  
Legislator Postal.

LEG. POSTAL:  
Yeah. If I could ask Legislator Carpenter, licensed by whom, by the Department of Motor Vehicles as a --

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LEG. CARPENTER:  
Yes.

LEG. POSTAL:  
And do they currently issue licenses for motorized scooters at the DMV?

LEG. CARPENTER:  
No.

LEG. POSTAL:  
So I'm confused.

LEG. CARPENTER:  
It's my knowledge -- you know, as far as I know, some of the ones that are out there cannot be licensed, but some motor vehicles can be. So if they can be licensed and they're insured, then we should allow the operation. But for these unlicensed motorized vehicles to be on the roads illegally or on sidewalks illegally really should be not legal.

LEG. POSTAL:  
Is there any -- I mean, what are the criteria or the distinguishing characters? I don't understand why one would be licensed? Are we talking about something that's what I used to call a motor scooter that's licensable, and a motorized scooter is one of those little things that has a motor on it that looks like a foot scooter?

LEG. CARPENTER:  
Exactly.

LEG. POSTAL:

And those are not licensable or --

LEG. CARPENTER:

Right.

LEG. POSTAL:

Okay. Thank you.

P.O. TONNA:

All in -- this is to table? All in favor?

LEG. ALDEN:

On the motion.

P.O. TONNA:

Oh, sorry. I must be losing my mind. Legislator Alden. I've lost my mind.

LEG. ALDEN:

Paul, I don't know if you would know or not, but under current New York State Vehicle and Traffic Law, aren't unlicensed motor vehicles prohibited from operation on County roads? And also, is this -- so does this establish a civil crime, I mean, a civil penalty?

MR. SABATINO:

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If they're not registered, they can't be used on public highways, if they're not registered.

LEG. ALDEN:

That's under the V & T Law. So this is actually going after them civilly, then? This is creating a civil penalty for the operation?

MR. SABATINO:

Well, yeah. This has forfeiture provisions in it to actually seize the -- to actually seize them, and forfeiture them.

LEG. BISHOP:

The motion before us is to table?

LEG. GULDI:

Yes.

LEG. BISHOP:

The one that I made?

LEG. GULDI:  
Correct.

P.O. TONNA:  
Yes. Okay. Anybody have any other questions? All right. All in favor? Opposed to tabling? I'm opposed.

LEG. ALDEN:  
Opposed to table.

P.O. TONNA:  
Opposed to table. We got D'Andre, Crecca, Carpenter, Alden, Tonna. Okay. Motion tabled, right?

MR. BARTON:  
Twelve. (Absent: Leg. Towle)

P.O. TONNA:  
Okay. Thirteen -- please, all beepers, cell phones, pacemakers. Okay. 1358 (Adopting Local Law No. -2001, a Local Law to ban discriminatory zone pricing of gasoline in Suffolk County). Legislator Alden?

LEG. ALDEN:  
Motion to table.

P.O. TONNA:  
Motion to table, second by myself. All in favor? Opposed? Tabled.

MR. BARTON:  
17. (Absent: Leg. Towle)

P.O. TONNA:  
1494 (Adopting Local Law No. -2001, a Charter Law to promote Smart Growth by diversifying composition of County Planning Commission). Motion, Legislator Fields?

LEG. BISHOP:  
Motion to approve.

LEG. FIELDS:  
Yeah, motion to approve.

LEG. BISHOP:  
Second.

P.O. TONNA:

Motion to approve, seconded by Legislator Bishop.

LEG. CRECCA:

Motion to table.

P.O. TONNA:

Motion to table, seconded by myself.

LEG. BISHOP:

On the motion. On the motion, Mr. Chairman.

P.O. TONNA:

Okay. Thank you. Go ahead, Legislator Bishop.

LEG. BISHOP:

This resolution was voted out of the Environment Committee and has been changed subsequently to make it stronger and to relieve some of the -- some of the concerns that Legislators might have. If you are not aware, there are currently 15 members on the Planning Board; is that correct, 15 members?

LEG. HALEY:

Yes.

LEG. BISHOP:

Eleven of whom expire, or have already expired. Their terms have expired, that is they have not personally expired. Their terms expire December 31st. So the Planning Board, which is --

P.O. TONNA:

Legislator Bishop has the floor, everybody.

LEG. BISHOP:

The Planning Board, which is perhaps our second most important Board after the Board of Health, is entirely comprised, or almost entirely comprised of people who do not have legitimate terms. Legislator Fields is seeking to address that. And while she's addressing that issue, she's also seeking to diversify the composition of the Board. As we probably all know, it is currently extremely heavy with interests from real estate and development, and very light in terms of its composition --

P.O. TONNA:

Environmentalists.

LEG. BISHOP:

-- of people from the environmental community or from civic associations. That would strike me as a very poor way to do planning. It probably strikes you the same way. If you believe that, then I suggest you take a look at this legislation, because it does a good job of addressing that and creating a proper balance. It also maintains the need for a geographic balance.

The Planning Board, if properly balanced, can be one of the most effective tools in this County to build -- it's hard to do this with you guys talking. To build a consensus around planning applications. That tends to be the problem for both development interests in communities, that things are done piecemeal and haphazardly. An effective Planning Commission can implement a smart growth strategy that can address that and move this County forward. It is actually a great opportunity, if we pass this legislation, to have the kind of Planning Board the people of Suffolk County would --

P.O. TONNA:

Guys, hold it a second. I'd ask the staff behind the horseshoe --

LEG. BISHOP:

It's just impossible. I can't --

P.O. TONNA:

It is impossible. You know, please, I'd ask if you want to talk, talk outside. Okay? Thank you. Go ahead, Legislator Bishop.

LEG. BISHOP:

I think the point is that the Planning Board is not as effective as it can be. It would be more effective with this legislation, because you'd have geographical balance, and as well as a balance of interest between development and environmental and community pressures. And that's what we've always wanted, so let's pass this and get it done.

LEG. CRECCA:

On the motion.

P.O. TONNA:

Okay. Legislator Crecca, and then Legislator Haley.

LEG. CRECCA:

Yeah. One of the things this bill, the amended bill does is while it keeps geographical appointments, it pigeon-holes how many people have to be from different sectors. We've got a lot of people who -- and limits -- can very much limit the individual Town's ability to appoint people unless they fit into a specific area. And the problem -- one of the major problems I have with this bill is that, you know, we've got people who have eleven, twelve years experience, who for no other reason other than they don't fit into a specific category, who have experience with the Planning Board or the Planning Department, or have other experience, we may be stopping ourselves from putting very good qualified people on our Planning Board. In addition, I've had the liberty of speaking to a number of the Supervisors of the four Towns I represent. And, also, I know he spoke earlier today, but I spoke to him again this afternoon, the Supervisor from the Town of Riverhead.

And even after I explained to him the changes, there's not a Supervisor that I've spoken to that's not opposed to this the way it's -- even with the amendments, that it's written. Because it puts great limitations -- Legislator Fields asked my why -- what is their reason behind it. By pigeon-holing "X" number from -- that have experience in real estate, attorneys, or this and that, by specifying the specific categories, you make it difficult to pick the best representative from their entire Town, or necessarily the person with the most experience in the Planning Department, and, really, that's the problem that I have with it and I can't support it for that reason.

LEG. FIELDS:

Does it not, the way it stands, allow you not to -- allow you to appoint people that don't have a good background?

LEG. CRECCA:

I'm sorry, it's not you, Legislator Fields, I didn't hear you.

LEG. FIELDS:

The way that it stands now is it allows you to put people in there who do not have a good background.

LEG. CRECCA:

Again, I can't speak for -- you know, even if you put a pigeon-hole and you say it has to be somebody with this background, if a Town wants to appoint somebody who's not qualified, or somebody who's not good, they can still do that. You know, the bottom line is I want to -- I have a little faith, and I'm not saying every Town and every Supervisor will do this, but --

P.O. TONNA:

The Town doesn't appoint, just for --

LEG. FIELDS:

I was just going to tell you that.

P.O. TONNA:

But picking from that Town.

LEG. CRECCA:

Right. I'm sorry.

P.O. TONNA:

Ginny, let me ask you, just as Andrew just -- I'm sorry, I cut you off. Go ahead, Andrew.

LEG. CRECCA:

No, that's okay actually. But that's my point, is I know the Supervisors don't, and I speak about it, though, but there is -- because of this geographical nature of our Planning Board and the history of it, and it's legitimate, that each Town feels that they have a representative on that Board and they do have some input to it, so that's what I'm saying.

P.O. TONNA:

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Ginny, how about this scenario? This is what I'm projecting out. Let's say that it's always an appointment from the County Executive, right, that's how it works right now.

LEG. FIELDS:

It's suggested by the Town Supervisor.

P.O. TONNA:

Right.

LEG. FIELDS:

They submit it to --

P.O. TONNA:

To the County.

LEG. FIELDS:

-- Bob Gaffney.

P.O. TONNA:

Right.

LEG. FIELDS:

Bob Gaffney then decides whether --

P.O. TONNA:

Right.

LEG. FIELDS:

-- he wants that person or not, and then recommends that person on the Board.

P.O. TONNA:

Okay. So now, here we are. What you're doing is, basically, you're suggesting a subset within, you know -- like, for example, the set would be each of the different Towns, right, have to have?

LEG. FIELDS:

Right.

P.O. TONNA:

-- representation, this and that, and then there is a subset, which means three lawyers, two representatives from real estate, two labor unions, whatever else. Now, let's say that the Board is full and now an opening opens up in the Town of Huntington, okay, and the person that left the board was a lawyer. And the Town of Huntington says, "I have nationally known" -- renowned, "nationally renowned, publicly acknowledged environmental organization candidate." He could not, from the -- who lives in the Town of Huntington. He could not be suggested, am I correct, because you have to fill the lawyer requirement?

LEG. FIELDS:

What we're looking for is balance.

P.O. TONNA:

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I know that.

LEG. BISHOP:

Not necessarily, because -- because there are 11 spots that are sunseting. So they could reconfigure --

P.O. TONNA:

I need to --

LEG. BISHOP:

So you don't necessarily have --

P.O. TONNA:

-- understand this once again.

LEG. BISHOP:

If all the terms expire at the same time, he could say, "Look, I'll fill my lawyer from Southampton, I'll take my nationally recognized environmentalist from Huntington, and then the next time around, when the terms expire --

P.O. TONNA:

Okay. But this is my -- this is my problem, Dave. You might have -- as you know, that terms expire. There are people who pick up experience, like in the Legislature.

LEG. BISHOP:  
Right.

P.O. TONNA:

There are people who pick up experience as time goes on, you know, they learn about certain things, they actually add more to the process as they are involved. And all that I'm -- all I'm suggesting is, whereas I agree -- I agree with the idea of getting more balance onto the Planning Board. That still becomes a -- right now, there would be balance on the Planning Board if the Legislature, okay, if -- all the Legislature has to do is vote for balance on the Planning Board. When you look -- that -- this doesn't -- the current law, as it is right now, does not preclude the Legislature from acting responsibly, and when there is a term up or whatever else --

LEG. BISHOP:  
Except --

P.O. TONNA:

Wait. All I'm saying is, is that what you're doing is -- I think Andrew used the word pigeon-hole, you know, I don't know what the word is, but you are basically limiting a formula whereby there might be somebody who leaves, who resigned, or whatever else, you've got to fill that criteria, when somebody might be from a civic group or another thing.

LEG. FIELDS:

The whole point of having a commission is to try to match the commission with the job they're doing. You wouldn't ask someone who's a day-care worker to be on the Planning Board. You wouldn't ask, you

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know, for people who don't have a good background to be -- to serve on a board. In a hospital setting, you don't ask someone who's a bricklayer to be, you know, making decisions about medical.

P.O. TONNA:  
Well, then --

LEG. HALEY:  
Mr. Chairman.

P.O. TONNA:

Answer me this, and this will be a very strange question coming from me, and I hope I -- how does somebody from a labor organization qualify to be on a Planning Board? What is -- I mean, you have to realize, and I'm sure --

LEG. HALEY:  
Or the Legislature.

P.O. TONNA:  
Well, you know, if he's a Legislator, and, you know, whatever else.  
But, from my standpoint, what is the criteria of having a labor  
organization representative?

LEG. FIELDS:  
Actually, let's take that out.

P.O. TONNA:  
Right? No. What is the criteria of having a labor organization  
representative? What qualifies them more than a day worker --

LEG. BISHOP:  
Well, I would suggest, they're in --

P.O. TONNA:  
I mean, not a day-laborer. Sorry, Joe.

LEG. CARACAPPA:  
That's it.

P.O. TONNA:  
They're a citizen. No. Anyway more than a day-care worker?

LEG. BISHOP:  
Can I answer that question?

P.O. TONNA:  
I'm just -- yeah, I want an answer.

LEG. BISHOP:  
Because I would suggest that the building trades, they have just as  
much an interest in the construction industry as does the developer.

P.O. TONNA:  
A labor organization? How about a commercial food worker, or how  
about a teamster?

LEG. HALEY:  
Mr. Chairman.

P.O. TONNA:  
He drives through the County. What I'm saying is --

LEG. BISHOP:  
Well, what I'm saying --

LEG. HALEY:  
Mr. Chairman.

LEG. BISHOP:  
-- you issue a lot of challenges, then you don't want to listen around  
for the answer to them. The point is --

P.O. TONNA:  
I'm sorry. Go ahead, answer. I apologize.

LEG. BISHOP:  
-- that they're all expired. This is -- you have an -- because of  
the --

LEG. HALEY:  
Mr. Chairman, there's a list.

LEG. BISHOP:  
-- because nobody is taking the time in the -- I'm getting to it, it's  
preamble. Because nobody in the Executive Branch, apparently, has  
taken the time to resubmit all these nominations promptly, you now  
have a situation where eleven of them have expired. So now you have a  
perfect opportunity to recreate the Board and create balance. And  
when you're creating balance, maybe you should at this time identify  
for the Town Supervisors and the Executive the balance that we seek to  
create. That's what the legislation does.

P.O. TONNA:  
If there was a bill, if there was a bill that said that they have to  
have expired terms, believe -- you know, and that their terms comes to  
an end and they expire and they have to then be refiled and revoted  
on, I'm for that.

LEG. HALEY:  
Mr. Chairman.

P.O. TONNA:  
Wait. All I'm saying is, well, all you have to do is reappoint people  
that you want. But it's the Legislature that has to --

LEG. FIELDS:  
We don't reappointment them.

P.O. TONNA:  
We vote on their appointment. We vote -- there is nobody who could  
enter the Planning Commission, if I understand correctly, without a

vote of the Legislature, right?

LEG. FIELDS:  
On the same --

LEG. HALEY:  
Mr. Chairman.

LEG. FIELDS:  
In the same vein --

P.O. TONNA:  
Yeah, I know.

LEG. FIELDS:  
-- there was someone whose term expired, was --

LEG. HALEY:  
Mr. Chairman, we have a list.

P.O. TONNA:  
I know, I'm still asking questions, though. I'm still --

LEG. HALEY:  
Well, I don't know that --

P.O. TONNA:  
She's responding to questions of mine.

LEG. FIELDS:  
I'm the author of the bill.

P.O. TONNA:  
I'm still at the bill.

LEG. HALEY:  
It's like four or five people already intervened.

P.O. TONNA:  
I still have the -- yes, I still have the floor. I have a list. I think I have a list. Maxine, hurry up, come up with a list. Anyway, my concern is, is that I understand about expiring terms. But I just don't see where this doesn't, in fact, even though we move to an idea of having more diversity on the Board, it's the Legislature -- it's the Legislature who has the say in that. Once they're appointed, we don't have -- we say no until we get a nationally recognized environmentalist, or this or that or whatever else. It's us who has final say in being able to -- who goes on a Planning Commission and who doesn't. No?

LEG. FIELDS:  
Well, let's say, then, that you're saying who doesn't. And the last

time we did not approve a reappointment and that person is still going to every meeting. So even though you may vote or not vote --

P.O. TONNA:

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We didn't -- if --

LEG. CRECCA:  
They're holdovers.

P.O. TONNA:  
They're holdovers, right.

LEG. FIELDS:  
We're not -- we can't appoint someone new.

P.O. TONNA:  
Okay. Legislator Haley, and then Legislator Alden.

LEG. HALEY:  
You know, I think everyone misses the whole point. Excuse me.  
Originally --

P.O. TONNA:  
Haley, Alden, Binder, Bishop. All right?

LEG. HALEY:  
Originally, when they created the Suffolk County Planning Commission, in my view, it was an attack on those rights reserved to the Towns and that is for zoning. However, they wanted to provide a tool, all right, and some -- and they met somewhere in middle ground and they said, "Okay, we're going to create this commission who has some jurisdiction within five hundred feet of State roadways, County roadways, County properties," so on and so forth. And the function of the Planning Commission is once they pass a resolution or deny a resolution, the Towns, it's incumbent upon the Towns to get a majority plus one in order to overcome that. That was a major, major step towards usurping the rights of the Towns in their zoning. However, in return, the Towns, there's fifteen Board -- there's fifteen Commissioners. Ten Commissioners are appointed from each Town, ten -- right, one from each Town, ten Commissioners, one from each Town, three are at large, one from a large village, incorporated village, and one from a small -- I don't know what the population is. I think in keeping with the original intent of the legislation, and the Towns have the ability to still provide input as those individuals that are assigned or appointed to that Board, and I think that's important for us to protect. I think that this legislation is an attempt to undo

that which is, in my view, is the divine right of the Towns, and for that reason, I can't support it.

LEG. BISHOP:  
A divine right?

LEG. FISHER:  
A divine right?

LEG. HALEY:  
A divine right of Brookhaven.

P.O. TONNA:  
He's been to the Vatican.

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LEG. BISHOP:  
It came down from --

LEG. HALEY:  
Brookhaven.

LEG. FOLEY:  
Of Kings and Cabbages.

LEG. HALEY:  
Thank you, Mr. Chairman.

P.O. TONNA:  
Thank you. Thank you, Legislator Haley. Legislator Alden.

LEG. ALDEN:  
Just to follow up a little bit on what Legislator Haley was saying, and I guess I'll address my question to Paul Sabatino, it's nonbinding on the Town, except in the instance where they can't come with a majority plus one; is that correct, as far as action that our Planning Commission takes?

MR. SABATINO:  
Well, the action, the action is binding, it's just that the legal mechanism for the Town or the Village to unravel itself from that binding agreement is to get a majority plus one.

LEG. ALDEN:  
Really, what we're trying to do here is to work together with the Towns to provide an overall plan for the development of Long Island, specifically Suffolk County, and this is only my estimation of this.

By us completely ignoring what the Supervisors have said to us a number of times, doesn't look like we want to be too cooperative and we're trying to ram something down their throat. If we approach it from a little different aspect and get some more input from the Towns, I think we can come up with a compromise that would actually put some of the experts that you want to put on this Planning Commission and actually get the Towns to want to buy into the fact of cooperating with us and to go forward from that position. So I think that that might be a better compromise than to try to do something like this that actually has caused consternation among the Supervisors to the point where they came down a number of times and spoke out against this resolution.

LEG. BISHOP:  
Am I on the list?

P.O. TONNA:  
Okay. Legislator --

LEG. BISHOP:  
Binder.

P.O. TONNA:  
Binder, then Bishop, and then I put my name on the list again.

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LEG. BISHOP:  
And I want to go back on.

P.O. TONNA:  
Then I'm going to go back on. All right, go ahead.

LEG. BINDER:  
The point is that zoning has been the province of the Towns. That's not new, that's not -- that's not new law.

LEG. BISHOP:  
It's divine right.

LEG. BINDER:  
That's not new government in Suffolk County. The Towns have had that responsibility. And I have to tell you, the people in the Towns that we represent like that part of Home Rule about zoning, having control over local zoning. Now, they did give in some on this planning aspect so we can have an overview in the County. They gave in and they said, "Okay, with the Planning Board, maybe we'll give a little bit more oversight function. Maybe the County has a bigger picture view."

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That's all well and good, but to act as a bull in a China shop, basically, to come in and say, "We're going to go in and we're going to take the next step," not only have the Planning Commission that works with, as Legislators have said, but actually overrules and overruns in the sense that we say, "Now, what we're going to do is we're going to put the people on that we want, we're going to do it the way we want to do it," I think all you're asking for is the Supervisors in the Towns to let us know in a very big way that they'll reject the Planning Board, and I think you'll see more than -- everything will be 50% plus one easily. They will unravel everything, because they won't be cooperating with the County, they won't be -- they won't have faith in the Planning Board -- the Planning Commission. They're not going to have that kind of working relationship, and I think they're going to reject the actions we're taking.

And I don't think that the County should be acting in this manner. I think we should give an ear to our Towns, to Home Rule. We should try to keep the balance as best as possible. And it was set to keep a balance. It may not be the best way, it may not be the best balance, but a balance exists between the County's role in planning and the Town's function in Home Rule and zoning. So I would hope we can keep this balance and I would hope we'll reject this resolution.

P.O. TONNA:

Okay. Legislator Bishop, then Tonna, then Foley.

LEG. BISHOP:

I don't think there's anybody in this horseshoe who believes that our Planning Commission doesn't underperform as compared to what it can be, and it could be a deliberative body that has a regional perspective. That's what we want it to possess. It doesn't serve that function currently. One of the problems is that there is no criteria, so when somebody is presented to us, it becomes personalized

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to the applicant. "Oh, how could you vote against Mr. "X"? Mr. "X" is a good guy. Mr. "X" is" -- you know, "he comes to the meetings, Mr. "X" cares. And the fact is we have a Planning Commission of a bunch of Mr. "X's" and no "Y's", and we need "X's" and "Y's" in order to have the proper balance and make it function. You say, Paul Tonna, why don't we -- why don't we exercise the power that we have in this Legislature and reject the people that come forward? Well, they don't bring anybody forward. They have terms that have expired and they linger on. I assume that's illegal, and that's my question of Counsel. What right do these current members have to stay there if their terms have expired, and what recourse do we have?

P.O. TONNA:  
Good question.

MR. SABATINO:  
They're all holdovers, and under law, that's -- you know, that's legal and they can exercise their power until such time as they're replaced, unless they miss four consecutive meetings, in which case they would automatically be terminated from the position by operation of law under the Charter. The only recourse you would have in a case like that is the recourse that was exercised against the Council on Environmental Quality in 1990 when a similar situation arose, and what you did was you changed the County Charter. You took all five members out and you made them Legislative appointments.

LEG. BISHOP:  
Just I want to clarify that. Member "X" is appointed for a five-year term. After five years, they're not reappointed. They don't come back to the Legislature for review of their job performance or an opportunity to replace them and balance them out, they stay there. They could stay there in perpetuity as long as they show up, and then we can't do anything to remove them without changing the County Charter? Is that the answer?

MR. SABATINO:  
That's the legal answer, yes.

P.O. TONNA:  
Well, then --

LEG. BISHOP:  
So, in other words, to remove Member "X", who is a holdover, I have to have a Charter Law to do that?

P.O. TONNA:  
That's not a big deal, Dave.

LEG. BISHOP:  
Well, that's a big deal --

P.O. TONNA:  
The Charter Law. Not the Charter Law.

LEG. FISHER:  
Divine intervention.

Well, it's a big deal, because that was your whole defense to the current system, was that we're not doing our -- we could just simply deny them.

P.O. TONNA:

Dave, Dave, Dave, you know I didn't defend the current system. All I said --

LEG. BISHOP:

You did. That was your whole --

P.O. TONNA:

No, no. The whole thing is, is that I said I didn't like the makeup of this. But if you see that as a defense of the current system, I would suggest, then, doing a couple of different things, unless, when you're ready to give up the floor, I'm next anyway, so I just --

LEG. BISHOP:

I'll yield.

P.O. TONNA:

Thank you.

LEG. BISHOP:

Because I'm fascinated.

P.O. TONNA:

All right. Just I don't know if you have a fear with submitting Charter Laws. I am one Legislator who doesn't have a problem with a Charter Law. But if I look at this piece of legislation and I say, "You know, the 75% idea, that's a good idea. They should make their meetings. If they don't make 75%, get rid of them." That's good. Having to go to pertinent Legislative committees, and everything else, at least when they first appear to be approved, I think, you know, that's a mandatory thing, I think that should be mandatory, no problem with that. Okay. Being a party leader or a party officer, you know, I always liked that word "party." I mean, I've never seen anybody really party. But anyway, the committeemen thing, that's great. If there are people who say that by virtue of being a member of a committee, you know, that they somehow invalidate their ability to, you know, participate in the planning process, I don't see that, you know, happening any day and every day, because you can get a guy to say, "Okay, resign from the committee and do all your dastardly deeds," you know, or whatever else, as a noncommitteeman. I don't see that the committee should be a big thing, but if that's one thing, that's fine. What I suggest is this. We should tighten the Charter Law with regard to when a term expires, they have to come back and be reapproved. I think that's a good way. I don't like the idea that you have, you know, people who stay on for -- in perpetuity, you know, just -- and no accountability, because they don't have to come back and be reappointed in front of the Legislature. I would find that there would be very few Legislators, I think, that would disagree with that.

The second thing is this. You have a formula for the qualifications of membership on the Planning Commission. You have fifteen members and fifteen different criteria. That's where the pigeon hole factor gets involved. If you said instead, I'm just suggesting, that, "I want three people to be involved in an environmental organization and five have to be this," and leave a certain amount of flexibility where other people could be lawyers or not part of a nationally known environmental organization, but meet the criteria, and the Legislature has the approval to vote on those people, I think that's good enough. But when you set up fifteen members, fifteen different people who have to qualify for those fifteen different spots, you don't open up diversity and flexibility, what you do is you limit it.

And so what I would suggest is, if a bill comes with a corrected copy where I would knock the labor organization thing out completely, all right, if somebody is part of a labor organization, good, but that doesn't -- I don't see how that is involved in the planning process whatsoever. If they are a labor leader with 20 years experience, you know, in negotiating contracts with building and -- who knows, maybe you can make an argument there. But I know a lot of people who are in labor organizations, who are Legislators, or whatever else, that doesn't mean that that qualifies them to be involved in a planning process.

I would say pare down, pare down the criteria, stay with fifteen, pare down the criteria of three lawyers, two this, three this. Say what you need to have a balance. Maybe it's four people from a nationally renowned -- I don't know what nationally renowned means. I mean, I guess the Sierra Club is nationally renowned, but I don't know -- you know, if we can be specific, then I would support that. I like the idea that when somebody's term expires, that they are accountable to be reappointed and have to come in front of the Legislature and make the argument of why they want to be reappointed, if the County Executive sees fit. If not, then automatically they're off the Board and there needs to be the process of fulfilling those positions. That I don't have a problem with. I think that's a good healthy compromise that adds more flexibility, accomplishes the goals that the sponsor would like and maybe some members of the Legislature who would like to approve this, and you'll have me as a cosponsor.

LEG. BISHOP:  
May I reclaim my time?

P.O. TONNA:  
Oh, yes, and then Legislator Foley.

LEG. BISHOP:  
Well, first of all, your hostility to labor unions is surprising.

P.O. TONNA:  
Oh, strick that from the record, you little rat bastard. Okay, go ahead.

LEG. BISHOP:  
If this were not to pass today --

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P.O. TONNA:  
I'm joking. I said {ballista}. Go ahead.

LEG. LINDSAY:  
You make out the tag, I'll stick it on his back.

P.O. TONNA:  
"Kick me"? I'm sorry. Go ahead, Dave.

LEG. BISHOP:  
So you would support legislation which says that all eleven members --

P.O. TONNA:  
Fifteen, or whatever.

LEG. BISHOP:  
-- whose term have expired can no longer sit as holdovers?

P.O. TONNA:  
Right. I'm for that. I think that's a good idea. They should be -- not that they can't be reappointed, but they have to go through the same process. They've got to go to a Legislative committee like so many others. I mean, you might think you have a big win here, but I think it's the right thing to do. I don't have a problem with that.

LEG. BISHOP:  
I don't know. I just --

P.O. TONNA:  
That's how you have accountability.

LEG. BISHOP:  
As Presiding Officer with a large and capable staff, do you know if there are other boards --

P.O. TONNA:  
Thousands of them. We had the problem in every single board and commission. Do you know how tough it is -- I mean, don't get me

started with Boards and Commissions. Ask Linda Bay.

LEG. BISHOP:

Well, I'd like to, because I think --

P.O. TONNA:

Linda Bay gets?

LEG. BISHOP:

-- clearly, you have a lot more knowledge about it than I do and I'd like to know more. So you're telling me that there are -- all these Boards and Commissions are rife with holdovers who have illegitimate terms?

P.O. TONNA:

Dave, I won't even tell you -- I'll even go better than that. We have Boards and Commissions that pin head Legislators have put in Boards and Commissions for every single thing under the sun and then we have

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voted those things on, and then the next thing you know it, what happens? Nobody even meets, because it's a ridiculous board and commission. They never met. We have -- we have things with plastic law, this law, that law. All I can tell you is it's a nightmare.

LEG. BISHOP:

Look at poor Paul sitting there, he created all of them.

P.O. TONNA:

No, Paul didn't create them, Paul would like to limit them, and I would like to see some legislation where we could limit some of these.

LEG. BISHOP:

Well, I will certainly work with you on that Charter Law. But I would urge my colleagues to adopt this law, because it is an immediate step and a best step towards resolving this situation.

P.O. TONNA:

The better step is what I suggested. Legislator Foley.

LEG. FOLEY:

Thank you, Mr. Chairman. You know, last year, the Legislature approved, with a large majority, we directed the Planning Department to develop smart growth initiatives, smart growth strategies. Then Director Jones went throughout the County, elicited a lot of public input on it, and had developed smart growth principles for County government. This to me is the next logical step. After promulgating those regulations, if you will, those ideas in the department, it's

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not incumbent upon the Planning Commission to have the same kind of smart growth representation among its membership. The reason why it's important to do that is because time after time we've seen, particularly the Town Boards routinely make decisions on land use matters that impacts the County.

Within my committee, within the Committee of Public Works, many times we've had to approve appropriation resolutions in order to widen roadways or to change roadways because of poor land use decisions that have been made by Townships, where we had to widen the roads because of the increase in traffic along those roadways. Now if we had in place, Mr. Chairman, although I listened carefully to your comments, I'd ask for the same courtesy.

P.O. TONNA:

Yes.

LEG. LINDSAY:

He's insulting you.

P.O. TONNA:

Okay. You're insulting me? Okay, go ahead. Sorry.

LEG. FOLEY:

The fact of the matter is last year we had approved and directed the Planning Department Director to develop smart growth principles to be utilized by the Department. This year we have a resolution that will have the Planning Board in essence have membership that reflects I

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think those qualities that were contained within the smart growth provisions that were developed last year. We have also Town governments that routinely ignore what is being said by the County, routinely ignoring what the Suffolk County Planning Commission has supported, and the end result has been, particularly on County roads and State roads where we've had to undertake massive reconstruction of those roadways because of poor land use decisions by the Towns. With that said, and even though they have in the past ignored us, maybe because of their thinking that they have some divine right to ignore what the County Planning Commission has said, I think that we still should have a reconstitution, particularly Brookhaven, a reconstitution of the Planning Commission in order to have it better reflect in its membership, as well as in its philosophy, smart growth initiatives. Thank you.

P.O. TONNA:

Joe, can I ask you, with that ear piece in, were you getting a translation?

LEG. CARACAPPA:

Yeah, I was.

P.O. TONNA:

He looks like he's at the U.N.

LEG. CARACAPPA:

In laymen's terms. Actually, I thought all the problems were Council Districts, Brian.

LEG. FOLEY:

Council Districts will solve the problems in the Towns.

P.O. TONNA:

There you go. Okay. Who else wants to be recognized on this very debatable issue?

LEG. FISHER:

Call the vote, please.

P.O. TONNA:

Call the vote. Roll call.

LEG. BISHOP:

What's the motion?

P.O. TONNA:

The motion is --

LEG. CRECCA:

To table.

MR. BARTON:

To table.

P.O. TONNA:

To table. Is it to table?

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MR. BARTON:

Yes.

LEG. GULDI:

Yeah, it was a motion to table.

P.O. TONNA:

Read it back. What's --

MR. BARTON:  
Motion to table, Legislator Alden.

P.O. TONNA:  
By?

MR. BARTON:  
Seconded by Legislator Tonna.

P.O. TONNA:  
Okay, Crecca and Tonna?

MR. BARTON:  
Alden.

P.O. TONNA:  
Okay. Just before we call the vote, my commitment is to, with the stuff, if it doesn't pass or if it's tabled, to work with the sponsor or anybody who wants to come up with a law that says, "Put some criteria in." That's no problem. Make sure that the terms expire and then they're off the board. But don't limit us to the fifteen -- you know, don't lock us into fifteen set positions. Thank you.

(Roll Called by Mr. Barton)

LEG. ALDEN:  
Yes, to table.

P.O. TONNA:  
Yep.

LEG. COOPER:  
No.

LEG. BINDER:  
Yes.

LEG. BISHOP:  
No.

LEG. D'ANDRE:  
Yes, to table.

LEG. CRECCA:  
Yes.

LEG. CARPENTER:  
Yes.

LEG. FIELDS:  
No.

LEG. LINDSAY:  
No.

LEG. FOLEY:  
No.

LEG. HALEY:  
Yes.

LEG. FISHER:  
No.

LEG. CARACAPPA:  
Yes.

LEG. GULDI:  
No to table.

LEG. CARACCIOLO:  
Yes.

LEG. POSTAL:  
No.

MR. BARTON:  
It's nine. (Absent: Leg. Towle)

P.O. TONNA:  
Okay. That's a tabling motion.

LEG. FOLEY:  
Motion to approve.

P.O. TONNA:  
Motion to approve -- Number 1496?

MS. BURKHARDT:  
1494.

MR. BARTON:  
I have it.

P.O. TONNA:  
Oh, 1494. I'm sorry. Motion to approve 1494.

LEG. FOLEY:  
We need a second for that.

LEG. COOPER:  
Second.

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MR. BARTON:  
I have a second.

P.O. TONNA:  
There's a motion and a second, Legislator Fields and Cooper.

(Roll Called by Mr. Barton)

LEG. FIELDS:  
Yes.

LEG. BISHOP:  
Yes.

LEG. COOPER:  
Yes.

LEG. BINDER:  
No.

LEG. D'ANDRE:  
No.

LEG. CRECCA:  
No.

LEG. CARPENTER:  
No.

LEG. ALDEN:  
No.

LEG. LINDSAY:  
Yes.

LEG. FOLEY:  
Yes to approve.

LEG. HALEY:  
No.

LEG. FISHER:  
Yes.

LEG. CARACAPPA:  
No.

LEG. GULDI:  
Yes.

LEG. CARACCIOLO:  
Abstain.

LEG. POSTAL:  
Yes.

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P.O. TONNA:  
No.

MR. BARTON:  
Eight. (Absent: Leg. Towle)

P.O. TONNA:  
Okay. I would be glad to work with the sponsor of the bill to look at something and we can compromise on. Okay. 1496 (Adopting Local Law No. -2001, a Local Law to extend smoking ban to 50-foot radius outside of County Buildings and Hospitals). Motion by Legislator -- Legislator Carpenter?

LEG. CARPENTER:  
Motion.

P.O. TONNA:  
Motion?

LEG. CARPENTER:  
Yes.

P.O. TONNA:  
Motion by Legislator Carpenter. You realize we're cleaning this calendar up. Once these things are gone, they're gone for good. All right.

LEG. CARACAPPA:  
Unless you take it to a specific date.

P.O. TONNA:  
Right. This is a motion to approve, seconded by myself. Roll call.

LEG. FOLEY:  
Explanation

LEG. BISHOP:  
On the motion

LEG. FOLEY:  
Explanation.

P.O. TONNA:  
Okay. This is the 50 yard -- 50 foot radius outside County buildings and hospitals.

LEG. FOLEY:  
Has there been any new amendments to it that you'd like to make us aware of it?

LEG. CARPENTER:  
No. And as a point of information, Southside Hospital in Bay Shore already has posted signs, a hundred foot radius.

P.O. TONNA:

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Great.

LEG. BISHOP:  
All right. This applies to County buildings and all hospitals that are not -- that are not County facilities.

LEG. CARPENTER:  
Right, hospitals and health care facilities.

LEG. BISHOP:  
Okay.

LEG. CARPENTER:  
Public entrances.

LEG. BISHOP:  
So in this building, if somebody wanted to smoke right outside that entrance, they couldn't.

LEG. CRECCA:  
Right.

LEG. CARPENTER:  
Right.

LEG. BISHOP:  
They'd have to move 50 feet away.

LEG. CARPENTER:  
Right. So that when people are entering or exiting the building, they're not walking through a cloud of smoke.

LEG. D'ANDRE:  
What about if it's raining?

LEG. FISHER:  
Isn't it 50 feet from the entrance.

LEG. CARPENTER:  
At public entrances, so that there are -- the side entrance there is -- you know, you have to have a card access.

P.O. TONNA:  
For example, in the Legislative building, there is -- you see a butts only container that's put out, that would not qualify. That would have to be 50 feet from the main entrance. So when people go out, they can --

LEG. BISHOP:  
What's the cost of that? What about the cost of littering, as people are going to be 50 feet from the building?

P.O. TONNA:  
I don't know. Do you want to do an estimate to figure that out?

LEG. BISHOP:

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I don't know. It just seems to me that all legislation is a balancing test and I just don't see where the benefit outweighs the potential negative here.

P.O. TONNA:  
Well, let's just -- are you asking a question, because there's a lot of people who want to answer you.

LEG. BISHOP:  
Okay.

P.O. TONNA:  
Okay. Legislator Alden --

LEG. BISHOP:  
Let them have it.

P.O. TONNA:  
-- wants to answer you and Legislator Postal wants to answer you.

LEG. ALDEN:  
I've suffered from cancer, as you know, and I find it offensive to have to walk through clouds of smoke, because I had one type of cancer and I do not want to subject myself to the possibility of having another type of cancer. So legislation like this would help me and other cancer survivors to have that piece of mind, that we do not have to subject ourselves to a carcinogen in entering or exiting a public building.

LEG. BISHOP:  
Go ahead, the next one. This is unfathomable to me.

LEG. POSTAL:  
You know, I'm going to address this from another point of view, and I can only talk about this from my own experience and perception, because, as you I'm sure know, I'm a smoker. I've been a smoker for more years than I care to think.

LEG. D'ANDRE:  
I didn't know that.

LEG. POSTAL:  
And -- Yes. That's because you only think good things of me, Mike. But the point is that, you know, I certainly do agree with Legislator Alden about subjecting people to secondhand smoke when they walk in or out of a building. But I want to say that, over the years, I supported the tobacco ban legislation, and I want to say that it really is helpful to people like myself, who are trying on overcome decades long addiction to cigarette smoke, when there are restrictions on when and where we can smoke. The tobacco ban showed me that I could go to a restaurant and not have a cigarette for two hours. That was a big step for me. The fact that I cannot smoke in this building, that there's not a smoking room in this building, is a big step for me, because it's cold outside and I'm not going to go outside. Now, if I couldn't smoke within 50 yards of -- feet of a public entrance, believe it or not, it would be helpful to me, because it would

restrict the number of times that I could have the opportunity to smoke. So I think not only is this good legislation from the point of view of protecting people from secondhand smoke, but it's actually helpful to people like me who need a help in enabling me to stop

smoking and recognize that I could live without a cigarette. It's very much like the smoke-free moment --

LEG. BISHOP:  
May I just --

LEG. POSTAL:  
-- that had the Department of Health -- if you'd just let me finish.

P.O. TONNA:  
Let her finish.

LEG. POSTAL:  
I'm almost finished. That the Department of Health Services keeps promoting and advertising. And I do think that it is a reasonable bill. I think that it was changed to affect public entrances only rather than all entrances. And I truly think that it won't be a major littering problem that we'll have to address, I think fewer people will go out of buildings and smoke.

LEG. BISHOP:  
What I was going to ask is, so that's the underlying purpose of the bill is to compel, harass smokers into not smoking, it's not about the innocent person passing through.

LEG. POSTAL:  
No. If I could just correct what I said.

LEG. BISHOP:  
There's no study anywhere that -- I voted for the smoking ban in restaurants. We had some scientific information available to us that people who are, especially the workers in those restaurants, who are forced to endure eight hours a day, five days a week of secondhand smoke have a real risk. I can't see how somebody for four seconds passing through a vestibule is going to endure a real health risk.

LEG. POSTAL:  
Well, if I could just respond, since you were commenting on my comments. Again, I think that my first comment about whether the -- that the bill is worthwhile because of what Legislator Alden brought up about the impact of secondhand smoke. There are people who have allergies to smoke who can go through an area that's filled with smoke and they'll be sick, or the smoke will cling to their clothing, the smoke will cling to their hair walking through an area, very heavy concentration of smoke. With regard to the other issue, although I have spoken about this with the American Cancer Society and the American Cancer Society does have statistics to show that there are a number different factors which motivate and help people to stop smoking, like restricting the places in which they can smoke, increasing the price of cigarettes, there are a whole range. I'm not suggesting that this bill would have any other implications for stopping people from smoking as supported statistically, I'm just

telling you how I feel for myself as a person who smokes. That's the only comment I'm making.

LEG. BISHOP:  
I'm a person who doesn't smoke.

LEG. FISHER:  
Mr. Chair.

LEG. CARPENTER:  
Mr. Chairman.

P.O. TONNA:  
Wait. Legislator Carpenter, then Legislator Fisher.

LEG. CARPENTER:  
Certainly, I think you'll agree with the benefit of this for those of us who -- anyone should not have to be subjected to secondhand smoke. But it was interesting, when the bill was first being discussed, I had a woman talk to me about it who was a smoker, and I fully expected her to object to the bill, and she works in a public building and her office is on the ground floor, not very far from the main entrance, and she said that on days that it's rainy in particular, when people congregate outside the building and the door is open and people go in and out of the door, that that smoke sort of works its way into her office, and she as a smoker finds it very, very offensive. So I think this certainly goes along with what Suffolk County has done in the past and continues to be a leader in helping people with the smoking addiction, and this certainly is a step in that direction.

LEG. BISHOP:  
May I have a final?

P.O. TONNA:  
All right.

LEG. BISHOP:  
I just want one last --

P.O. TONNA:  
No, no. There is a list. Legislator Fisher. Legislator Fisher.

LEG. BISHOP:  
Just another point.

LEG. FISHER:  
Actually, my question was -- I was going to ask a question of the sponsor, but you -- I believe you answered it. It was -- rather, I'm looking at the legislation and it's 50 feet outside of the entrance, not the building.

LEG. CARPENTER:  
Public entrances. Public entrances, right.

LEG. FISHER:  
The doorway.

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LEG. CARPENTER:  
Right.

LEG. FISHER:  
And only the entrance that's open to the public.

LEG. CARPENTER:  
Right.

LEG. FISHER:  
So that we're not talking about every single door in every building.

LEG. CARPENTER:  
Right.

LEG. FISHER:  
And the second comment that you made was one that I thought was particularly important. My children go to a pediatrician who was in an office building with a number of other offices, and when I -- about two years ago, when I started bringing them there, the people who worked in the offices would smoke outside the entrance. My son is an asthmatic and the effect of the smoke was not only at the entryway, but in the vestibule of the building. So from the time we left the parking lot until we got into the office, he was breathing the cigarette smoke. So you're absolutely right, the smoke works its way into the building. And they have subsequently established a "no smoking zone", which is I think -- I don't think it's 50 feet, because it's not that large of an -- it's about 25 feet, but that brings you to the parking lot, and it's made a considerable difference in the entire first floor of the building. So this certainly is worthwhile, not only for the ambient air inside -- outside the building, but inside the building as well.

P.O. TONNA:  
All right. Legislator Lindsay.

LEG. LINDSAY:  
Quick question. Who does the enforcement if it passes?

LEG. CARPENTER:

To be quite honest with you, it has been so long since this was drafted, I don't remember. I think it's a civil sanction; correct, Counsel.

MR. SABATINO:

It would be enforced by the Health Sanitarians in the Health Department.

P.O. TONNA:

Air National Guard?

LEG. CARPENTER:

The Green Berets.

P.O. TONNA:

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Just a little joke, air. Okay.

LEG. BISHOP:

Air National Guard.

P.O. TONNA:

It took a little while. Okay. Thanks, Dave. All right.

LEG. BISHOP:

I had one last point.

P.O. TONNA:

All right. You have one last point.

LEG. BISHOP:

I tried to do it through Binder, but he won't speak on this. The last point I want to make is that when you -- when we legislate on the fringe of necessity and rather than what is truly necessary, we create contempt for all laws, and we run the risk of people are going to -- are just going to laugh at these kind of laws and that's going to do real damage to when we want to legislate to address a real need, and I thought that indoor air quality was a real need. I don't think one second walking through --

LEG. CARPENTER:

It's not one second and it's indoor.

LEG. BISHOP:

-- an entrance is a real need.

LEG. BISHOP:  
I know. I sometimes need -- you know.

LEG. CARPENTER:  
It becomes indoor air quality.

LEG. CARACAPPA:  
Call the question.

LEG. BISHOP:  
That gives me pause for concern.

P.O. TONNA:  
Dave. Dave. Okay. Roll call.

(Roll Called by Mr. Barton)

LEG. HALEY:  
What's this on, table, to approve?

LEG. CARPENTER:  
Yes.

P.O. TONNA:  
Yeah, to approve.

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MR. BARTON:  
Please use your microphones.

P.O. TONNA:  
There's nobody who tried to table this, right? Roll call.

LEG. HALEY:  
Motion to table.

MR. BARTON:  
Legislator Tonna.

P.O. TONNA:  
Well, if you table it, it's dead. Either you approve it or you don't.  
This stuff is kind of moot.

LEG. HALEY:  
All right. All right.

P.O. TONNA:

Let's just be efficient.

LEG. HALEY:  
I'll withdraw my motion.

P.O. TONNA:  
Okay. Motion to approve, Legislator Carpenter is a yes, I'm a yes.

(Roll Called by Mr. Barton)

LEG. COOPER:  
Pass.

LEG. BINDER:  
No.

LEG. BISHOP:  
No.

LEG. D'ANDRE:  
No.

LEG. CRECCA:  
No.

LEG. ALDEN:  
Yes.

LEG. FIELDS:  
Yes.

LEG. LINDSAY:  
Yes.

LEG. FOLEY:  
Yes.

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LEG. HALEY:  
No.

LEG. FISHER:  
On behalf of all those who breathe, yes.

LEG. CARACAPPA:  
No.

LEG. GULDI:  
Pass.

LEG. CARACCIOLO:  
Pass.

LEG. POSTAL:  
Yes.

LEG. COOPER:  
I'll go with yes.

LEG. GULDI:  
Abstain.

LEG. CARACCIOLO:  
No.

P.O. TONNA:  
All right.

MR. BARTON:  
Nine. (Absent: Leg. Towle)

P.O. TONNA:  
Nine. Thank you. 1733 (Appropriating Greenways infrastructure improvements fund grant for Miller Place property in the Town of Brookhaven) is a bond resolution. I make a -- motion by Legislator Haley.

LEG. HALEY:  
Table.

P.O. TONNA:  
Table by Legislator -- okay. Motion to table, second by myself. All in favor? Opposed? Tabled.

MR. BARTON:  
Eighteen -- 17. (Absent: Leg. Towle)

P.O. TONNA:  
1789 (Authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program (Emerald Estates Property at East Northport) Town of Huntington). Motion by Legislator Binder, seconded by myself. What is this, Allan?

LEG. BINDER:  
Yes.

P.O. TONNA:  
Yes, you're for this.

LEG. BINDER:  
Yes, this is mine, yes.

P.O. TONNA:  
Okay.

LEG. FOLEY:  
Explanation.

P.O. TONNA:  
Explanation, Legal Counsel.

LEG. BINDER:  
Planning steps. It's Huntington's money.

P.O. TONNA:  
We've done -- we've said no to planning steps before in this  
Legislature, so I just --

MR. SABATINO:  
1789 --

P.O. TONNA:  
-- I just want to make sure.

LEG. BINDER:  
No. Huntington's money with a willing seller.

LEG. POSTAL:  
Say it on the mike.

LEG. BINDER:  
It's with Huntington's money with a willing seller. And it was  
changed in committee to parallel Legislator Cooper's resolution and  
that was -- excuse me?

LEG. FISHER:  
Is this that long, skinny piece?

LEG. BINDER:  
Right, the piece, right. It's out of Huntington's money.

P.O. TONNA:  
All right. There's a motion. Yes, Legislator Alden.

LEG. ALDEN:  
Is this that long strip of land that you can only build one house on?

LEG. CARPENTER:  
Right.

LEG. BINDER:

No, it's not one house. They can build at least three or four.

LEG. ALDEN:

Yeah, right.

LEG. FISHER:

On the motion.

P.O. TONNA:

Yes.

LEG. FISHER:

It is -- it seems like a piece that wouldn't be very usable, and it was a piece that was bought by someone from the State --

LEG. ALDEN:

That made a ton of money.

LEG. FISHER:

Who's going to be making a ton of money on the sale of it.

P.O. TONNA:

Well, why did he buy it?

LEG. BISHOP:

Speculation.

P.O. TONNA:

I don't know. To tell you the truth, truly, it's -- I just --

LEG. ALDEN:

To sell it to Suffolk County.

LEG. FISHER:

He bought it from the State to sell it to Suffolk County.

P.O. TONNA:

Wait. Legislator Binder, I'm sure you have a response.

LEG. BINDER:

Yes. He has road access. He can build, it looks like, two, three or four, depending on how he puts the houses in. He can build back there. It was State-owned land that was auctioned off under a State auction. And I don't know what he's going to get, because I haven't

seen an appraisal, so I don't know what he would make, because the appraisal might not be high. The appraisal out of Huntington's money might come in and give it such a low appraisal, he might reject it and build the couple of houses he could.

P.O. TONNA:

Who cares. We'll work with appraisals. Hey, appraisals {schmaisals}.

LEG. BINDER:

But if it wasn't high enough -- and I'm not going to ask for multiple

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appraisals. I'm sure there'll be one appraisal. And if the appraisal, because of the width, because it's not a wide piece, if it doesn't -- if they're not able to get a high enough appraisal, then he's going to reject the appraisal and he'll go build the one, two or three houses he can build on it and that will be that. But this is, as I said, it's about -- it's Huntington -- it comes out of Huntington's money, that's how we changed it.

LEG. FOLEY:

Mr. Chairman.

P.O. TONNA:

Okay.

LEG. FOLEY:

The point that's -- the concern that some of us have is the State had it at one time, then it was sold, and now it's trying to be sold to the County. Mr. Chairman.

P.O. TONNA:

Yes, I'm here, I'm listening.

LEG. FOLEY:

If you could have your staff -- thank you. If you could have your staff, even before the end of the year, under your -- with your signature write to -- whether it's to the State DOT or General Services Administration, to request of them that prior to them auctioning properties, they should notify, particularly all those parcels that are in Suffolk County, to notify the Planning Department and the Presiding Officer's Office about any parcels that they intend to auction off and give us, in essence, the right -- I won't say the right of first refusal, but at least if we're noticed of when they are going to auction properties, we can then attempt at that point to directly purchase the properties, as opposed to waiting until someone else purchases the property and then there could be a great inflation in the price of said property. So under the guise --

P.O. TONNA:  
I don't mind writing that letter.

LEG. FOLEY:  
Under the guise of --

P.O. TONNA:  
I just want to know which paper shredder that's going to hit in Albany.

LEG. FOLEY:  
Well, if we have a change in administrations in Albany, it just might --

P.O. TONNA:  
Oh, yeah, I'm sure that will make a big difference.

LEG. FOLEY:  
No. But I would -- but in all seriousness, I would ask that you

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would --

P.O. TONNA:  
Hey, you could petition Senator Lack. Oh, go ahead.

LEG. FOLEY:  
I would ask that you would send that letter out forthwith, so that --

LEG. FISHER:  
I'll call him for you.

LEG. FOLEY:  
So that we could ignore -- so that we could prevent this problem from happening in the future.

P.O. TONNA:  
Okay.

LEG. FOLEY:  
Will you be able to do that, Mr. Chairman?

P.O. TONNA:  
I would be glad to do that. I want you to know --

LEG. FOLEY:  
Thank you.

P.O. TONNA:

-- it's under protest for spending 34 cents on the stamp that's going to be spent there, but I would be glad to do that, no problem. Okay. I'd ask, Legislator Foley, if you can direct Linda Burkhardt just to exactly what you talked about, I'll sign it. Whatever you say --

LEG. FOLEY:

She's got it.

P.O. TONNA:

-- I'll sign it. Okay. Thank you. All right. So we're on a vote. Let's get -- let's get rolling. Roll call.

(Roll Called by Mr. Barton)

LEG. BINDER:

Yes.

P.O. TONNA:

Yes.

LEG. COOPER:

Pass.

LEG. BISHOP:

No.

LEG. D'ANDRE:

Yes.

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LEG. CRECCA:

Yes.

LEG. CARPENTER:

Pass.

LEG. ALDEN:

Nope.

LEG. FIELDS:

No.

LEG. LINDSAY:

No.

LEG. FOLEY:  
Pass.

LEG. HALEY:  
Is this Lake Panamoka? Yes.

LEG. FISHER:  
No.

LEG. CARACAPPA:  
Yes.

LEG. GULDI:  
Pass.

LEG. CARACCIOLO:  
Yes.

LEG. POSTAL:  
No.

LEG. COOPER:  
No.

LEG. CARPENTER:  
Yes.

LEG. FOLEY:  
No.

LEG. GULDI:  
Yes.

MR. BARTON:  
Nine. (Absent: Leg. Towle)

P.O. TONNA:  
Okay. All right. Whoa, there's an unholy alliance. Okay. 1804  
(Adopting Local Law -2001, a Local Law to extend ban on distribution  
of free promotional samples of tobacco products). What pinhead put

this in? Oh, that's mine. No, I'm joking. Let's go on -- this is  
legislation that we had the Andrew Crecca, you know, problem with it.  
I think we settled that, right?

LEG. CRECCA:  
Yeah. I want to just go on record. One of the things that was

brought to my attention previously was that there was a possible concern that it would violate our settlement agreement --

P.O. TONNA:  
Right.

LEG. CRECCA:  
-- with the federal government, or the tobacco industry I should say, the federal agreement.

P.O. TONNA:  
Right.

LEG. CRECCA:  
And I'm now told by the tobacco lawyers that it does not violate that agreement.

P.O. TONNA:  
Right.

LEG. CRECCA:  
The original arguments that I did make regarding preemption with the State, I still stand by those.

P.O. TONNA:  
Right.

LEG. CRECCA:  
But I did represent I did do the follow-up. I did get back to your staff a little late, but I did.

P.O. TONNA:  
Thank you.

LEG. CRECCA:  
And I apologize.

P.O. TONNA:  
No, don't apologize.

LEG. CRECCA:  
I was misinformed --

P.O. TONNA:  
Just vote for it.

LEG. CRECCA:  
-- about that there.

P.O. TONNA:

All right. I made the motion, seconded by Legislator Crecca.

LEG. HALEY:  
What's the motion?

P.O. TONNA:  
What?

LEG. HALEY:  
What's the motion?

P.O. TONNA:  
This is a motion to approve.

LEG. HALEY:  
Motion to table.

P.O. TONNA:  
Okay. Motion to table by Legislator Haley. Is there a second to table? Okay. Motion for a lack of a second fails. Motion to approve. Roll call.

(Roll Called by Mr. Barton)

P.O. TONNA:  
Yes.

LEG. CRECCA:  
No. Wait, I didn't make the -- I didn't make the second.

P.O. TONNA:  
Yeah, you did, I put you in. You could vote against it, don't worry about it.

LEG. CRECCA:  
No.

P.O. TONNA:  
I'm glad that you me all through this just you'd vote against it.

LEG. COOPER:  
Yes.

LEG. BINDER:  
Pass.

LEG. BISHOP:  
Yes.

LEG. D'ANDRE:  
Yes.

LEG. CARPENTER:  
Yes.

LEG. ALDEN:

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Yes.

LEG. FIELDS:  
Pass.

LEG. LINDSAY:  
Yes.

LEG. FOLEY:  
Yes.

LEG. HALEY:  
God, no.

LEG. FISHER:  
God, yes.

LEG. CARACAPPA:  
Yes.

LEG. GULDI:  
Yes.

LEG. CARACCIOLO:  
Yes.

LEG. POSTAL:  
Yes.

LEG. BINDER:  
Yes.

LEG. FIELDS:  
Yes.

MR. BARTON:  
Fifteen. (Absent: Leg. Towle)

P.O. TONNA:  
Thank you very much. Okay. 1805 (Authorizing planning steps for the acquisition of land under pay-as-you-go /4% Taxpayer Protection Program (land on Connetquot Avenue in Islip Terrace, Town of Islip).

Motion by Legislator Fields, motion to approve, seconded by Legislator Postal.

LEG. CARACCIOLO:  
On the motion.

P.O. TONNA:  
On the motion.

LEG. CARACCIOLO:  
Is this one of the two infamous parcels? Has anything changed --

LEG. FIELDS:  
One parcel.

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LEG. CARACCIOLO:  
One parcel. Has anything changed as it relates to the owner and the issue of the veto message which indicated there wasn't a willing seller?

LEG. FIELDS:  
I think the only thing that changed is that at the committee meeting, it was asked of Tom Isles and Jim Burke the process of acquisition, and the process on the record was that the County Executive or a Legislator proposes a parcel, it gets approved, it goes to the real Estate Department, the Real Estate Department does an appraisal and a survey, and the next step is they call the landowner to ask if they would like to sell. So it is not a situation where you have to have a willing seller to have a planning step approved.

LEG. CARACCIOLO:  
Well, as I recall, when we put together the open space component of Greenways, the process was a little bit different, because, as I recall, the Talmadge property in my Legislative district was the number one open space priority. The property owners were notified of the County's interest. They responded before appraisals, I believe, and I stand corrected if I'm incorrect, that they were not interested in selling the property. Did I misstate any facts?

LEG. FIELDS:  
No.

LEG. CARACCIOLO:  
Okay. It would seem to me that before we approve this resolution, that we, the Planning Department, correspond with the property owner and ascertain once again whether or not there's a willing seller. Why

authorize the acquisition, go through the planning steps, authorize a three to five thousand dollar expenditure of taxpayer money if we know, and nothing has changed unless someone is here to tell me otherwise, that we all of a sudden have a willing seller? I think we have to be very circumspect in the way our land acquisitions are made, given what just transpired in the Division of Real Estate. And I think we need to follow some of our own advice when we give advice in terms of a program, how a program should be implemented and carried out.

LEG. HALEY:  
Paul.

LEG. FIELDS:  
In response just to that is you cannot have a willing seller if you don't have a negotiation of a price of what you would offer that person, and that's it.

LEG. CARACCIOLO:  
I would respectfully agree and disagree along these lines. In my district, where we have many, many farms, we have a program that is now almost a year old. Working with the Long Island Farm Bureau, Town government and others, we are reaching out to local farmers to first determine if they have an interest in selling their property to the

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County, subject to, of course, as you point out, an appraisal that would reflect in their opinion a fair market value for considering sale to the County. But, clearly, in those instances where we don't even have an individual who's willing to consider the sale, we just bypass them and move on, because this is a large County. There are a lot of priorities in land acquisitions and we should proceed accordingly and not get stymied or stuck on one. And I know this is very important to you and the people you represent, and you know I've supported it in the past and I'd like to in the future. However, I think we have to cross the first hurdle of determining whether or not there's a willing seller.

D.P.O. POSTAL:  
Legislator Haley.

LEG. HALEY:  
Legislator Caracciolo, did you say that you were concerned about establishing, prior to approving planning steps, a willingness of someone to purchase?

LEG. CARACCIOLO:  
Yeah.

LEG. HALEY:  
I'm sorry, to sell.

LEG. CARACCIOLO:  
Yeah.

LEG. HALEY:  
I think I'm somewhere between where you want to be and where Legislator Fields wants to be. My concern is, sometimes, you know, in an acquisition world, you may not have the ability to get someone to come to the table until, in fact, you've taken the first step, which says, yes, you can now negotiate it and you can now look into the purchase of the property. But by the same token, if you have in this particular instance, correct me if I'm wrong, Legislator Fields, you have a prospective who has made it very clear in writing that they did not want to sell. And I think in that regard, I think that would normally preclude an approval process, or should preclude an approval process for planning purposes, but I don't necessarily agree with your end of the spectrum either. Thank you.

D.P.O. POSTAL:  
Legislator Alden.

LEG. ALDEN:  
I think that we're with a unique opportunity in overhauling the way that the County does business as far as buying property, and going into next year, 2002, is I think a very good opportunity for us to work on some legislation, as Legislator Caracciolo has stated just a few minutes ago, to maybe clean up a few of the things that we might not be doing properly. To take money and spend it on an appraisal and then to do an environmental assessment of pieces of property where an owner has indicated to us that he has absolutely no desire to sell to us is unconscionable in this regard that we don't have extra money

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laying around in the County. So maybe it's only a few thousand dollars, maybe it's more than a few thousand dollars. Add that up, ten pieces of property at \$3,000 apiece. Everybody can do the math. And it is unconscionable for us to go and raise the taxes of people that are out there suffering in a recession and spend it in -- and I'm not saying this particular property, but on any property where we're doing an environmental assessment and we're doing appraisals, and we have no possible chance of buying that property in the foreseeable future.

If we're going to work on some type of overhaul of the system where we establish parcels that we would like our Department of Real Estate to

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go out and actively pursue and call up these owners and determine if there is any possibility that we can meet on a middle ground at any type of price, or some type of price, that might be part of the overhaul that we should go in and that might be the direction we should go in. But to go and spend money like this at this particular time after we've raised taxes, I don't think it's right to the people.

D.P.O. POSTAL:

Legislator Fields, and then Legislator Guldi.

LEG. FIELDS:

I guess I would like to ask all of the Legislators, have we not had examples of developers who wanted to develop a piece of property in their districts and their constituents -- you know, for instance, a Home Depot or something like that, and their constituents did not want that, came to them and asked them if they would be willing to attempt to try to acquire the property in threat of development, which I think a lot of properties have come under that? And secondly, you cannot have a willing seller unless you have a price that you can offer that person. And an example of what we've gone through over the last several months, we don't have willing sellers until we give them the right price. And how do you know what the right price is until you have gotten an appraisal?

D.P.O. POSTAL:

Legislator Guldi.

LEG. GULDI:

Legislator Fields just addressed part of my question in that there is no possibility of determining willingness to sell until you have a number on the table, because real estate's about price. But there's another small factor that we should consider in response to Legislator Caracciolo's inquiry as to what's changed. The answer to what's changed is the economy has changed, the need to -- the desire and the profitability of development's changed, and the entire industry is experiencing both fluctuation and price movement in combination because of dropping interest rates and because of decreased purchase demand. The mortgage market is being flooded with refinances. The March, particularly in large scale, is down.

D.P.O. POSTAL:

Legislator D'Andre.

LEG. D'ANDRE:

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and now we're looking at an appraisal that's going to cost us money, there's no comparison. I think the Legislator is worth getting an appraisal and trying out to see if they can buy the property. If you keep the system honest, we can afford to make an appraisal, whether we gain it or not, but we cannot sell property at five hundred times its worth, or five times the value that we paid for it. And I think that this young lady deserves this bill for this Christmas present.

D.P.O. POSTAL:

Thank you. Legislator Crecca.

LEG. CRECCA:

Yeah. I think the difference here, though, is, I mean, the last two parcels that we did planning steps on in my district were places that were planned on being developed. But the difference was, is here we affirmatively had the owner or the person who had the contractual rights, whose authorization was needed, coming to us and saying, under no circumstances, no matter what the price, they are not going to move forward with this, and that's the difference. I mean, a perfect example is I just did a piece and the seller doesn't -- you know, have said, basically, they want to develop the property, but they've also said they're open to an offer from the County, so we have to go through the planning steps in order to do that. I think that's the difference here, the one distinction here, you know, is that here, we've got -- we had someone affirmatively come to the Legislature, affirmatively testify before us and say, "I don't care what you guys do, I don't care how many steps you take, I don't care how high your appraisal is, I'm not selling." You know, in the two years I've been here, that's the first time I've seen a seller come here and take that position. And, again, I don't care whether it's \$500 or \$5,000 in planning steps, why are we going to spend that money in planning steps if the seller is saying, "Under no conditions am I going to sell to the County"? That's the difference here. And I would agree supporting any Legislator, you know, in going forward with planning steps on a piece of property, but when a seller says that, you know, I can't see doing it.

D.P.O. POSTAL:

I just would like to ask our Counsel, it seems to me over the years that I've been here there have been at least a few occasions on which the Legislature decided to proceed with planning steps for acquisition on a property where the owner indicated the owner was not interested in selling, or unwilling to sell. Mr. Sabatino, do I remember correctly that there have been occasions when we went ahead with planning steps, we were dealing with an owner who expressed a complete disinterest in selling, and then we ended up acquiring the property?

LEG. HALEY:

In writing.

MR. SABATINO:

That's historically been the case, especially on the larger transactions. Also, you have to keep in mind, when you're looking at the particular transaction, as to who the owner is and what the

circumstances are. In a case like this, there's an owner and there's a developer, two different entities. As Legislator Guldi pointed out, circumstances change. If you get the authorization in place, the developer's contract, for example, or the option that he's got could expire in the intervening period of time, but then you've got the authorization in place, so that at the time when the owner now steps to the forefront, you have the ability to negotiate with that person based on information. That's probably been the case in a few of the instances in the past, but more significantly is that there's a dynamic to the negotiating process. Once you get the authorization started, sometimes people who say -- for example, in the case of OBI, OBI, in fact, made accusations that there was tortious interference with the contract, there would be no way they would do the transaction, but you have to have something in place. And a comment was made before about having preliminary contacts with the parties. That's the one thing you can't do. Legislators can't go out and have -- initiate contacts to negotiate or to talk with the owners about -- or prospective owners or developers or contractors. So if you want to have a process to at least take a shot at it, you've got to formalize it from the standpoint of passing a planning steps resolutions, or you just move on to another project.

LEG. D'ANDRE:

That's what I was going to say.

D.P.O. POSTAL:

Legislator D'Andre.

LEG. D'ANDRE:

I was going to say the same thing. Buying and selling is an art. You're on, you're off, you sell, you don't sell. It's not an exact science, it's a psychological thing with a lot of people. So once the steps are taken or an appraisal is made and they see you mean business, they come around. Maybe they're holding out for more money, who knows. But selling is an art and the Legislator deserves the right to put the property up for appraisal.

D.P.O. POSTAL:

There is a motion and a second to approve 1805. Am I right, Mr. Clerk?

MR. BARTON:

Yes, correct.

P.O. TONNA:

Roll call.

(Roll Called by Mr. Barton)

LEG. FIELDS:  
Yes

LEG. POSTAL:  
Yes.

LEG. COOPER:  
Yes.

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LEG. BINDER:  
No.

LEG. BISHOP:  
Pass. I'm sorry.

LEG. D'ANDRE:  
Yes.

LEG. CRECCA:  
Pass.

LEG. CARPENTER:  
No.

LEG. ALDEN:  
Nope.

LEG. LINDSAY:  
Yes.

LEG. FOLEY:  
Yes.

LEG. HALEY:  
No.

LEG. FISHER:  
Yes.

LEG. CARACAPPA:  
No.

LEG. GULDI:  
Yes.

LEG. CARACCIOLO:

Pass.

P.O. TONNA:  
No.

LEG. BISHOP:  
Yes.

LEG. CRECCA:  
No.

LEG. CARACCIOLO:  
No.

MR. BARTON:  
Nine. (Absent: Leg. Towle)

P.O. TONNA:

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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 by Legislator Fields, seconded by Legislator Postal. Roll call.

(Roll Called by Mr. Barton)

LEG. FIELDS:  
Yes.

LEG. POSTAL:  
Yes.

LEG. COOPER:  
Yes.

LEG. BINDER:  
No.

LEG. BISHOP:  
Yes.

LEG. D'ANDRE:  
Yes.

LEG. CRECCA:  
No.

LEG. CARPENTER:  
No.

LEG. ALDEN:  
No.

LEG. LINDSAY:  
Yes.

LEG. FOLEY:  
Yes.

LEG. HALEY:  
No.

LEG. FISHER:  
Oh, I'm sorry.

LEG. CARACAPPA:  
Next parcel.

P.O. TONNA:  
It's the next parcel, it's the same.

LEG. FISHER:  
Yes.

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LEG. CARACAPPA:  
No.

LEG. GULDI:  
Yes.

LEG. CARACCIOLO:  
No.

P.O. TONNA:  
No.

MR. BARTON:  
Nine. (Absent: Leg. Towle)

P.O. TONNA:  
Okay. Thank you very much. 2014 (Authorizing execution of an agreement by the Administrative Head of Suffolk County Sewer District

No. 3 - Southwest with the Developer of Whitman Corporate Park. Is there a motion? I guess this is a motion by --

LEG. POSTAL:  
I'll make a motion to table.

LEG. GULDI:  
Second.

P.O. TONNA:  
Table.

LEG. FIELDS:  
Second.

P.O. TONNA:  
Seconded by Legislator Fields. All in favor? Opposed? I'm opposed to tabling.

LEG. BINDER:  
Opposed.

P.O. TONNA:  
One? Just me? Okay.

LEG. CRECCA:  
No. I'm opposed to tabling.

LEG. BINDER:  
Opposed. I'm opposed.

LEG. CRECCA:  
I'm opposed to tabling.

P.O. TONNA:  
Okay. Crecca and Binder and --

LEG. BINDER:

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Roll call.

P.O. TONNA:  
Roll call. Roll call.

MR. BARTON:  
I got it.

LEG. CRECCA:  
Do a roll call.

LEG. POSTAL:  
Before we get into a roll call, since a roll call has been called --

P.O. TONNA:  
Sure.

LEG. POSTAL:  
On the question. There is a resolution that I've prepared that's going to be laid on the table at the organizational meeting which would have us prioritize these out-of-district Southwest Sewer District hookups, but, furthermore, would require a report to us on the actual cost to the County of doing these sewer hookups in comparison to the revenue that these out-of-district hookups are alleged to generate, because I have had information which indicates that for many years we've been told that we actually benefit the Southwest Sewer District and the taxpayers thereof by hooking up out-of-district hookups. They pay a surcharge, there are additional fees. But I have reason to believe that, in fact, the taxpayers in the Southwest Sewer District, by doing these out of district hookups, are subsidizing these out-of-district hookups. And I think at very least, we should table this until we get some hard and fast objective information to know whether we're actually getting some revenue and it's beneficial to the Southwest Sewer District, or whether, in fact, we're costing Southwest Sewer District taxpayers extra money.

P.O. TONNA:  
Okay.

LEG. BINDER:  
Mr. Chairman.

P.O. TONNA:  
Legislator Binder.

LEG. BINDER:  
I respect Legislator Postal's position. At the same time, I don't think that the Legislature should act on a Legislator's reason to believe that maybe something is happening, and maybe eventually we're going to get a study that will tell us something, and meanwhile, businesses that could and should hook up in this area don't hook up, don't generate the revenue, the tax revenue, add to the economic base. This is exactly the wrong time in our economic cycle and what's going on in Suffolk County for us not to be hooking up. If in the future a study comes forward, then that's fine, let's look at the study. If in the future there's New York State action or something, fine, let's

look at it. But right now, everything we're told is this is a benefit to the sewer district, a benefit to the ratepayers, this is a benefit we know to the economy, that businesses go forward, it's a benefit to the people who will be employed by these businesses, it's a benefit all around. We should be doing this, unless we have information that says otherwise. And I would hope, I would hope that as we end this year, we're not going to hold these businesses up for months and months more and just, even in its own small way, take a hit to the economy.

LEG. D'ANDRE:  
I agree.

P.O. TONNA:  
Okay. Legislator Alden, and then Legislator Guldi.

LEG. ALDEN:  
Actually, billions of dollars have been spent or paid, I'm going to call it that way, billions of dollars have been paid by people that live in the Southwest Sewer District, my neighbors, myself, and other Legislators who have portions of the Southwest Sewer District, but those dollars translate into a proportional -- there is a proportional ratio that we can make. While I was a member of the Public Works Committee, and I guess that's two years ago now, we did get reports about there is a surcharge that is charged to hook up. But when I did the math, it in no way in a proportion comes close to the amount of money that I spent by myself in supporting the Southwest Sewer District, the debt and the construction cost and things like that, so until we see all those facts in front of us, and there are facts.

The other fact is that the Southwest Sewer District, the processing plant, is in need of major overhaul right now as we sit here. It's a danger as far as the thing being shut down. So that would very greatly impact the people that have been paying for the past 30 or 40 or fifty years, whatever has been going on, the extortion that has been coming out of this Southwest Sewer District, and people did go to jail over it. You know, we all know the stories that go back. So until we have all those full facts in front of us, I don't think that making this type of a tabling motion, I don't think that that's outside the realm of good government operations.

LEG. POSTAL:  
Mr. Chairman.

P.O. TONNA:  
Yes. Just before I recognize you, is anyone else hungry?

LEG. POSTAL:  
No.

P.O. TONNA:  
No, okay. Just wanted to know, because, you know -- well, Joe you might not be, but anyway, okay.

LEG. GULDI:

No, not after the sumptuous lunch. But on the motion

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P.O. TONNA:

Oh, I'm sorry. George, I thought you said you didn't want to be recognized.

LEG. GULDI:

Yeah, I changed my mind. Am I allowed to do that?

P.O. TONNA:

All right. Thank you. With that holiday sweater, go right ahead.

LEG. GULDI:

To take Legislator Alden's analysis one step further, it's not just that it's counterintuitive that the hookup rates are by no means commensurate with the cost of infrastructure and operations and improvements over the years for the sewer district, but we have to analyze what it is that we're doing. Legislator Binder's concern is that we're going to impair economic activity. Au contraire, I must say. What we are going to do and what we have achieved by out-of-sewer-district sewer hookups is we are providing government funded subsidy to private owner's intensification of their land use. So what we are doing is literally taking out of the sewer district fund taxpayer revenue to subsidize the overdevelopment of portions and selected industries in the County.

So even beyond the analysis of the direct dollar input, I think that we have to look at the policy and the impact of the land use of these kinds of out-of-sewer -- out-of-district sewer rate -- sewer hookups. So I think that there's all the more reason to not rush forward with these kinds of things, which have been done far too routinely and with far too little analysis.

LEG. POSTAL:

Mr. Chairman.

P.O. TONNA:

Okay.

LEG. POSTAL:

I'd like to ask the Budget Review Office if the Budget Review Office feels assured that we're actually generating revenue that exceeds the cost to the County of these and the taxpayers of the Southwest Sewer District of these out-of --

P.O. TONNA:  
Or how about breaks even?

LEG. POSTAL:  
Or even breaks even.

P.O. TONNA:  
There you go.

LEG. POSTAL:  
Of the Southwest Sewer District. Are we assured of that?

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P.O. TONNA:  
Let me guess, you already have the answer to this. I hope you checked it out with Fred beforehand. Go right ahead, Fred.

MR. POLLERT:  
No, we have no assurance. We have never looked at it and we're not sure whether or not we're completely recovering the costs. The cost of the connections are determined by Public Works and by the Sewer Agency.

P.O. TONNA:  
Do you have any -- do you have any evidence to maybe lend the other side, that we are actually? Are you assured that we are supplementing? No assurance or assurances?

MR. POLLERT:  
Frankly, I don't know what they are considering with respect to the hookup fees. I know that there is a large embedded capital cost which has already been paid off. I don't know if they are looking to recover a portion of that cost or not.

P.O. TONNA:  
Legislator Lindsay.

LEG. LINDSAY:  
Yeah. I would like to know what the true costs are. And rather than stifle economic development, what do we have to do to readjust the cost to bring it back into reality?

LEG. BINDER:  
Mr. Chairman. Mr. Chairman.

LEG. ALDEN:  
We can set a policy whereby we recapture more of the capital costs

that went into building the system and maintaining the system, and actually capitalizing the system and carrying it for all these years. And that testimony has been given before Legislator Foley's committee on a number of times. But as far as what the current numbers are and how much they capture, and where the break-even point is, that really hasn't been established.

LEG. LINDSAY:

But my point is simply this. Doesn't it make more sense to establish a realistic cost, assuming that the cost that we're charging back isn't realistic now, which we really know? Isn't it better to go that route than to discourage companies from moving here and want to open --

LEG. ALDEN:

Well, no, and --

LEG. LINDSAY:

-- a business and hire people and raise revenue?

LEG. ALDEN:

And I don't think Legislator Postal made that point. I think that

what she wants to do is just look at all the facts, look at the numbers, and then establish a policy, and we're the people that establish that policy. So we could actually set or recapture a number and we can go forward from there.

LEG. POSTAL:

Yeah. If I could respond, Mr. Chairman, to Legislator Lindsay's question. A while back, maybe within the past year, I had sponsored a resolution to increase the per gallon cost for out-of-district hookups by three dollars, and that was based on an assumption that the previous twelve dollar charge was too low and was unrealistic. So that we approved that additional three dollar -- we approved that additional three dollars, but we still sit here today and Budget Review Office can't tell us whether we're breaking even, whether it's costing us money, whether we're making money when we do these out-of-district hookups. We don't know whether the impact of the extra gallonage is costing us money in terms of wear and tear on the plant, which could be extremely expensive to retrofit that plant. We don't know how much it would cost us to truck, which we do right now. We've never really -- we make an assumption. We compare what people pay in the Southwest Sewer District and what people pay outside the Southwest Sewer District, and we assume that because there's a surcharge, we're actually benefitting the County and making extra money. We don't know whether we're factoring in all the costs of all

of these out-of-district hookups.

And, you know, if we were just to look at just one isolated out-of-district hookup, we might say that it doesn't have a whole lot of impact, but every single meeting we are asked to approve out-of-district hookups that result in tens of thousands of additional gallonage that must be processed and disposed of by Southwest Sewer Treatment Plant at Bergen Point. So we really are making these decisions and we don't have a full picture. And all I'm suggesting is that we table this, because I believe that we need information, and another month is not going to make an enormous amount of difference in this or any other proposal. I just think that before we make this decision --

LEG. BINDER:  
Mr. Chairman.

LEG. POSTAL:  
-- we need to have accurate and complete information.

P.O. TONNA:  
Just I --

LEG. BINDER:  
Mr. Chairman.

P.O. TONNA:  
Before I recognize Legislator Binder, Legislator Caracciolo, in the interest of moving the meetings along, who's been a big proponent of that throughout the year, all right, making sure that move -- meetings move quickly and to the point, I would recognize Legislator Binder, and then I would ask that we vote on this.

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LEG. BINDER:  
One month, or it could be two months, we don't know how long it's going to be. And unless it's your business that you want to be going -- go forward with, unless you're the one doing the carrying charges, yeah, it's not a big deal. We sit around here, thousands of dollars in carrying costs not to be able to start your business, hey, it's no big deal to us, but it is to those businesses, that work, to that opportunity, that project. I mean, this is -- what is happening now, it seems to me that some people just want to sludge up the works. I mean, this is what would slow the process down, and see if they can -- what the objection was previously was --

P.O. TONNA:

That just won't flush with you, right?

LEG. BINDER:

It won't flush, this won't flush with me. The point is that the same people who said it wasn't expensive enough, "Let's hold on, we want to wait until the new numbers come in, the three dollars," because that's what -- that's the difference, and we could -- if I dug out the old records, you could see, they said, "We just want to wait until the new numbers come in. We want the higher rates." So we held up a whole thing of them, a number them, because we held up for the new rates. Then the new rates come in and now it's, "Well, we don't know what those rates do anymore." So now we don't know if we should hold it up again. I understand. If you're down there, you're supposed to fight the good fight for your locals. But the bottom line is this impacts jobs. We should be doing this now, and if we want answers -- we don't do these every meeting. These two have been hanging around meeting after meeting after meeting. These -- and there haven't been others. There haven't been that many. We should do these two and we should go forward and do any studies and go look at it. If we have charge more, like Legislator Lindsay says, then we should charge more. But right now we shouldn't be -- we shouldn't at every turn hold this up. And now in the time of this County's economy is not the time to hold economic activity back.

P.O. TONNA:

I just want you to know that Legislator Guldi has informed me, it's his legal opinion, if this meeting goes past the end of the year, you don't automatically get to stay P.O., so let's move on with this, please. Legislator Alden, you have one other thing to say.

LEG. ALDEN:

Just in answer to what Legislator Binder just said, we're not stopping a project from going forward, they have an option. They could build their own sewage treatment plant on site, or they could put in enough cesspools to handle the flow from that.

LEG. BINDER:

Let's put it in the groundwater. That's good.

LEG. ALDEN:

So as far as that argument, that doesn't -- that doesn't cut it.

LEG. BINDER:

Let's put it in the groundwater.

LEG. ALDEN:

Well, then what you really are a proponent of is extending the sewer district all the way up into Huntington, and I propose put a legislation -- put legislation forward --

P.O. TONNA:  
The North Central Sewer District.

LEG. ALDEN:  
-- for the allocation of the hundreds of billions of dollars and let the Huntington people pick up the price for that.

P.O. TONNA:  
North Central Sewer District, I think we should look at that. Just no arbitrage, please. Okay. And the Commissioner works, right? He would be in pretty state affairs. Wasn't the last one killed when we did a sewer district? Anyway, okay. So let's vote. Roll call.

MR. BARTON:  
Legislator Postal.

LEG. POSTAL:  
There's a motion to table.

P.O. TONNA:  
Motion to table. Roll call.

(Roll Called by Mr. Barton)

LEG. POSTAL:  
Yes.

LEG. FIELDS:  
Yes.

LEG. COOPER:  
Yes to table.

LEG. BINDER:  
No.

LEG. BISHOP:  
Which one is this one, Whitman Park? Yes to table.

LEG. D'ANDRE:  
No to table.

LEG. CRECCA:  
No to table.

LEG. CARPENTER:  
No.

LEG. ALDEN:  
Yes to table.

LEG. LINDSAY:  
I'm sorry, did you call me? Yes.

P.O. TONNA:  
I'm going to make a motion to table to a date certain.

LEG. POSTAL:  
Sure.

P.O. TONNA:  
To -- when's our next meeting?

LEG. CARACAPPA:  
First regularly scheduled meeting.

LEG. ALDEN:  
January 2nd.

LEG. FISHER:  
The first regularly scheduled January meeting.

P.O. TONNA:  
Not to January 2nd, that's for sure. I do not want to -- you know.

LEG. BINDER:  
Mr. Chairman.

P.O. TONNA:  
We deal with enough sludge on that day.

LEG. BINDER:  
Mr. Chairman, let me make a parliamentary inquiry on that --

P.O. TONNA:  
Yes.

LEG. BINDER:  
If you could, because -- and ask Counsel.

P.O. TONNA:  
Okay.

LEG. BINDER:  
From the rules, it doesn't seem to me that tabling to a date certain allows you to --

P.O. TONNA:

Carry it over the year?

LEG. BINDER:

-- run in ground the expiration bill. The bill itself expires, even if you wanted to today procedurally -- one's the rules and one's a procedural motion. You can't procedurally try to extend beyond the

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end of the year.

P.O. TONNA:

I'll let the Legal Counsel comment now on the proper reading of Robert Rules of Order. No, I'm joking.

LEG. BINDER:

No. Actually, it's our rules.

P.O. TONNA:

Okay. Our rules of order. Go ahead.

MR. SABATINO:

Because this is an odd numbered year, under the Binder Rule, if you wish to carry legislation beyond December 31st, you'd have to waive Rule 7(B) first, then you'd have to make your motion to --

P.O. TONNA:

All right.

MR. SABATINO:

-- table to a date certain. Otherwise, Legislator Binder is absolutely correct, the bills will expire.

P.O. TONNA:

Thank you. I'm going to make a motion to waive Rule 7(B), and I'd like a second, so at least this stays on the agenda somewhere.

LEG. ALDEN:

Second.

P.O. TONNA:

Second by Legislator Alden. Okay. All in favor? Opposed? Great. We have now waived Rule 7(B). Now there's a motion to table to the first General Meeting in January as whenever that is.

LEG. CARPENTER:

Meeting after.

P.O. TONNA:

After the -- yeah, it's the first General Meeting. Seconded by  
Legislator Alden. All in favor? Opposed?

LEG. BISHOP:  
Opposed.

P.O. TONNA:  
Opposed, Legislator -- Legislator Postal just said she just wanted a  
month.

LEG. BISHOP:  
I'm opposed.

P.O. TONNA:  
Oh, but you're opposed to it. Okay.

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LEG. BISHOP:  
I'm opposed because I don't think we should waive the Rules of the  
Legislature for a particular bill.

P.O. TONNA:  
Well, I think -- okay.

LEG. ALDEN:  
Rules are there to be waived.

P.O. TONNA:  
Okay. Anyway, all in favor? Opposed? We have Legislator Bishop and  
Legislator D'Andre and Legislator Binder. So it's now tabled to  
January whatever.

MR. SABATINO:  
The General Meeting.

[SUBSTITUTION OF COURT STENOGRAPHER-DONNA BARRETT]

P.O. TONNA:  
Right. Whenever the General Meeting is.

MR. SABATINO:  
It might be February.

P.O. TONNA:  
It might be February, you never know. Okay. Number 2014. What?  
That was 2014, sorry. 2019 (Approving an amendment to the existing  
connection contract between Suffolk County Sewer District No. 3 -

Southwest and 110 Sand & Gravel Clean Fill Disposal Site). Same motion. Same second. Same vote, of the B, the 7-B and the General Meeting deal. You got that? You guys got that because I've got my eyes on you. All right. That's done. And then we've got 2035 (Appropriating funds in connection with the purchase and development of property for Affordable Housing). I'm going to make the same -- do I do that one too? No. I want that approved. I'll make a motion to approve. Seconded by Legislator Postal. Okay. All right. Role call.

LEG. CARACAPPA:  
On the motion.

P.O. TONNA:  
On the motion, Legislator Caracappa.

LEG. CARACAPPA:  
Just a quick question.

P.O. TONNA:  
Sure. I have some things to say about it too, I just --

LEG. CARACAPPA:  
Okay. I know you'll go into a long lengthy speech about how strongly you feel about it as you usually do. Anyway, is this -- is there any way we can find out if this is parcel specific? I know it's not now,

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that's my concern. That's my concern that if we're going to approve \$5 million for affordable housing properties, I certainly believe that we as Legislators should have the option to see what parcels we're talking about here as it relates to our districts and where these projects will be compatible to our districts and to certain areas. And when we're talking about a \$5 million price tag, I certainly believe it should be parcel specific.

P.O. TONNA:  
Joe, we have our Director of Affordable Housing. Is the Director of Affordable Housing in the 00 okay. Mary, can you just address Legislator Caracappa's issue about is this parcel specific and will this come back to us? Thank you.

MS. ZUCKER:  
This isn't a bill that appropriates the funds, it doesn't spend it, the County doesn't borrow for this appropriation at this point. And as Legislator Tonna said, each parcel will come back to the Legislature for two hearings; one for a planning steps hearing and one for final acquisition resolution.

LEG. LINDSAY:  
I have a question.

P.O. TONNA:  
Yes, Legislator Lindsay.

LEG. LINDSAY:  
Who makes the determination on which properties that would come before us?

MS. ZUCKER:  
We're taking applications for the program. If the application meets the guidelines of the program and is approved by staff, we'll bring it forward to the Legislature.

LEG. LINDSAY:  
An application has to be filled out to -- for someone to sell the property to the County is that --

MS. ZUCKER:  
We're actually dealing with parcels that have a project proposed on them. We're not looking just to buy a piece of land and then kind of develop something in the future. We're looking for things that are more conceptual and ready to move forward.

LEG. LINDSAY:  
So in other words, this money would be used as a subsidy to -- to develop affordable housing with a developer.

MS. ZUCKER:  
It will be used for the land acquisition portion of the -- of the development, but instead of buying land and then trying to put together an affordable housing projects in it, we're really looking at things that are much further along in the planning process.

LEG. CARACCIOLO:  
Mr. Chairman.

P.O. TONNA:  
Yes. Just one second, wait. I have a list, okay? Legislator Caracappa can finish asking his questions and then, you know.

LEG. CARACAPPA:  
Well, actually, it worked out for me because Bill's question helps me ask my next one. It sounds as if you have many of the parcels ready

to go or very far into the process aside from appropriating the capital dollars for the land acquisitions. Why can't we see where those projects with relation to their advancement in the process?

P.O. TONNA:

I just would --

LEG. CARACAPPA:

Let her --

P.O. TONNA:

I'm sorry.

LEG. CARACAPPA:

Because it's obvious from her answer to Bill that there's a lot going on already, and they're just waiting for -- waiting for money for land acquisitions. It seems like they are parcels identified throughout the County, and I just would like to know at least in some instances, obviously, where they're advanced and where are there?

LEG. CARACCIOLO:

Legislator Caracappa, would you suffer an interruption on that point?

LEG. CARACAPPA:

Absolutely.

LEG. CARACCIOLO:

I'm led to believe that there are at least -- there is at least one town, possibly two or more, that have submitted applications that are in the review process by staff, Babylon being the town that I believe -- was it Babylon or?

MS. ZUCKER:

I have three applications at this point; one in Huntington, which is before you today for planning steps resolution, one in Islip and one in Brookhaven.

LEG. CARACCIOLO:

There were none Babylon. I thought --

MS. ZUCKER:

No Babylon had come in under the LIPA Pilot program.

LEG. CARACCIOLO:

Oh, okay.

LEG. CARACAPPA:  
Where in Brookhaven?

MS. ZUCKER:  
In Coram.

LEG. CARACAPPA:  
Where in Coram?

MS. ZUCKER:  
Middle Country Road

LEG. CARACAPPA:  
Middle Country Road in Coram?

MS. ZUCKER:  
I don't know the corner, the cross street on that. Let me tell you that bit about that project, because we're waiting -- we're not moving that forward until we see a rezoning from the town. So it's not going to come to the County Legislature for planning steps resolution until the town is ready to move forward. But I want to address your bigger question, which is are there all these parcels of land out there that we've identified for affordable housing purposes. And the answer is no. We have three applications in the program, I am doing outreach to the towns, non-profit developers in the County, but I don't have list of parcels that we've targeted for affordable housing purposes.

LEG. CARACAPPA:  
Well, through the application in Brookhaven, the one in Coram on Middle Country Road in Coram, on some corner, how big is that parcel?

MS. ZUCKER:  
I don't have that information with me.

P.O. TONNA:  
And, Joe, it's not being voted on today and hasn't even been presented.

LEG. CARACAPPA:  
I know, Presiding Officer, I'm not sure I want to appropriate a dollar for this program unless I know what's going on. That's all -- we're talking about \$5 million here. And I want to know where the parcels are, because, obviously, one's in my district or very close to it, and I'm not -- it's being held back, and I won't appropriate a penny unless I'm given some facts.

P.O. TONNA:  
Joe, in a certain sense -- and I just would maybe ask legal counsel to answer this question. This is the same process we go through with everything. We don't -- we're not appropriating a penny for any job specific except for today there is a resolution in front of us with regard to Millennium Hills in Huntington. That is the only one that is actually dollar specific. There is not going to be -- there is not appropriation of one penny until it's approved, the planning steps are approved then everything else -- just like we do with every other land purchase. This is putting money into a program that can't spend not

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even a red cent, but I'd ask Paul. Maybe I have this wrong, but I think it's right.

MS. ZUCKER:

Can I also just try to allay some of your fears about --

P.O. TONNA:

Wait. Let our Legal Counsel --

MR. SABATINO:

This program actually was constructed differently which is that money was put into the Capital Budget; 5 million, 5 million, 5 million, 5 million over a four year period. In addition, we set up a \$7.9 million pay-as-you-go fund, which came out of the pilot money. But under either of those affordable housing programs, what was different about this as opposed to other things we do in terms of appropriating bond proceeds, is that the Legislature will specifically vote on the plan or the project before the monies can be expended. So even though the money is going to be appropriated tonight in the full amount of \$5 million, and again, the only reason it has to be expended before the end of this year is that it's bond money and you would lose it, is that the money cannot be expended, however, unless or until you approve project by project by project. So if you only approve one project and it only costs \$2 million, you're only going to spend \$2 million even though you appropriated 5 million.

P. O. TONNA:

And that's the program that we voted on when we approved the Capital Budget, when we approved everything else, this was the proceeds. That this should have been -- all due respect Legislator Caracappa -- debated -- the process should have been debated earlier on.

LEG. CARACAPPA:

Presiding Officer Tonna, a capital project is a blue print. And we -- we approve a Capital Budget and then as the year goes on, we -- we debate each resolution, each expenditure such as the one before us now as they come before us out of that blueprint. That's where we are now. I will not go forward with -- with a piece of this blueprint or the program, which this is doing in making this money available, until I know some more specifics. But we have three -- three parcels being identified in three separate towns; one in my town and one obviously very close to my district, which I can't even be told where the location is other than it's on Route 25 in Coram somewhere. And I will not appropriate -- I know you're saying it's got to come back for planning, it's got to come back for two more steps, but I will not appropriate a dollar unless I know more information. It -- I

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understand what you're saying, we could have debated it in the capital program when we did the budget, but this is when we debate capital items, when they come up for approval throughout the year. That's what we say when we approve a Capital Budget. We say, well, let's not debate that, it's only a blueprint, and we'll debate each item as they come forward. This item here is \$5 million, and I want to know about the one in Brookhaven, and I'm not getting it.

P.O. TONNA:

I would honestly -- I just respectfully disagree with your assessment

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of it. But I have a list, it's Legislator Alden, Postal, Caracciolo.

LEG. CARACAPPA:

I want an answer.

P.O. TONNA:

Answer about what? It hasn't even been -- it hasn't even brought to the Legislature yet, they haven't done their due diligence yet.

LEG. CARACAPPA:

They have three applications.

P.O. TONNA:

Applications.

LEG. CARACAPPA:

I want to know about the application in Brookhaven. Is that -- can I have that answered?

P.O. TONNA:

Yes. Go right ahead.

MS. ZUCKER:

The application in Brookhaven is for 65 units, senior citizens, low income rental housing project. It's part of the Saint Frances of Cabrini Church on Middle Country Road. The church intends to sell part of their parking lot to Catholic Charities.

P.O. TONNA:

Feel a little better now? Okay. I hope that's not your parish. No, I'm joking, Joe. All right. Is it? All right. Well, I hope there's more in my district.

MS. ZUCKER:

Can I make another point?

P.O. TONNA:

Yes and then I recognize --

MS. ZUCKER:

The other point I'd like to make is that this \$5 million funds the first year of the program. There is no money in next year's budget for the program. This money is not appropriated now, we have nothing to spend until 2002 -- 2003.

P.O. TONNA:

Three, that's right. Okay. Legislator Alden then Postal then Caracciolo.

LEG. ALDEN:

That's was the first point I was going to make, that this -- in effect, if we don't pass this now, we shut down the program. And there are -- and I'm going to say some of them are in the pipeline, but some of them are just in the thought process right now of some of the non-for-profits and some of the town affordable housing corporations are looking for the need in their towns and assessing

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that. And they will be coming forward with other projects. So we're not going to be able to be site specific with anything tonight. This just actually provides the funding into the main plan, so that over the next two years we can continue to do affordable housing. So it's very important to realize that if this is defeated tonight, we don't have any affordable housing programs for the next two years.

P.O. TONNA:

Absolutely. Legislator Postal.

LEG. POSTAL:

I think this has become very, very complicated and confused. So I would just like to take a few minutes to, I believe, clarify this whole situation. We passed an Affordable Housing Policy and Program which had kind of three components; one component was to transfer land on 72-hs, County-owned land for \$10; another one was to have auctions for income-eligible first-time homebuyers with a lower down payment; the third component was a land development subsidy which was the money that Mr. Sabatino referred to of \$20 million that would be utilized for acquisition of property for affordable housing. So that was kind of a generic program. It was like the 1/4% Drinking Protection Program, it was like the Pay-as-you-go Program, it was kind an overall plan that laid out how you could participate in that program. Now, at some point along the line, we recognized that the original wording of the plan was not appropriate for all towns. So there are a whole bunch of other resolution here, by the way. Because in some towns

like my town, Babylon, it's not appropriate necessarily to use the money to acquire land, we're very densely developed. What's more important for us is to rehabilitate deteriorating housing stock. So that's something that we'd like to use land development subsidy money for. And there is another resolution to amend the Affordable Housing Program to allow towns to have a variety of difference ways to use that money for affordable housing. But no matter what, the towns have got to come back to us, or any applicant for plugging into that money, has got to come back to us to -- with a plan to tell us how they intend to use that money. So this is very much like the old 1/4 cent Drinking Water Protection Program where we passed the plan and then we had individual resolutions that came to us over the years that said that we wanted to acquire and preserve this particular parcel under that program. That's exactly what this is doing. This is saying we're going to -- this is the overall program, we're going to go ahead and bond the \$5 million. Right now, we have a plan for -- and by the way, the towns can make applications for this money, there can be agencies that make applications for this money, developers can make applications for this money as long as the uses of this money fit into the guidelines and the Legislature approves the money -- approves the plan, excuse me. So that right now the Town of Babylon has a plan which is in the process of needing to be corrected because it was going to use a different funding stream. Huntington has a plan. There is a plan from Islip, which I don't believe has been laid on the table at this point, but all of these plans are going to come to us. And, you know, I can tell you with the Town of Babylon plan because it's kind of a, I guess, a blueprint because it was the first one in. That plan has probably been before this Legislature since -- Paul, would you say the or maybe June or something?

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MR. SABATINO:

It's been 6 months, and that would push it back about May or June.

LEG. POSTAL:

It has been examined so thoroughly and completely that it hasn't even come out of committee. So that before this Legislature or any committee of this Legislature is going to move ahead with allowing people to have funding through land development subsidy, it's going to be looked at up, down, sideways and backwards. So -- but the important thing as people have said over and over is there's no way that we're going to be able to move forward with this. Now, I'm going to talk only about the Town of Babylon plan, because in the Town of Babylon we have County-owned properties which are abandoned, which at the very least become eye sores as they become overgrown and people dump trash on them, at very worst, they become crack houses. The Town of Babylon has a plan not only to rehabilitate those properties, but

make them available as affordable houses for income-eligible families. That isn't going to happen, it can't happen, unless we approve this resolution that just appropriates this \$5 million today and then we have a chance to examine every town's plan. And I really think that the people who have, I guess, reservations are concerned about the possibility that there will be the lack of communication. And that any Legislator will have something happening in his or her district that he or she has not been informed about and has not had any input with regard to that proposal. And I think that's what's at the bottom here. And I think that we need maybe some assurance, maybe a level of confidence that there will be a communication between the Executive Branch and each individual Legislator with regard to any use of the land development subsidy in that person's district, other than the fact that the plan would have to come before the Legislature and a Committee of the Legislature.

LEG. CARACCIOLO:  
Mr. Chairman.

P.O. TONNA:  
It's Alden. No, Legislator Caracciolo, sorry.

LEG. CARACCIOLO:  
Just to pick up where you left of Maxine. I think it's not a question of communication, it's a question of mutual respect. I think that's what Legislator Caracappa is speaking to here, and that is he made inquiry as recently as yesterday and wasn't told anything, only to find out right now when the resolution is before us. And consideration has to be given by this Legislative body -- approve it, and we'll talk to you later. No. It doesn't work that way, and shame on Legislators who let it work that way. You are right, Joe, each and everyone of us, just like the County Executive is an independently elected public official. We represent, in my case 90,000 people, most other instances, it's close to that. Whether you represent the entire County as the Chief Executive Officer or one of 18 members of the Legislative policy-making body, you have a right to mutual respect and communication. And I for one am sick and tired of the way Legislators allow themselves to be treated by this Executive Branch. Stand up, be men and women and represent your constituents, not some special interest. He has a right just like everyone of us to know what

affordable housing applications have been submitted in his Legislative District or in the town that he represents. You obviously, Legislator Postal, have been on top of the situation in Babylon, as I think Legislator Bishop has. I know I am attempting to get up to speed in my district. There is a resolution here for \$1.5 million for Millennium Hills for 40 units. Okay? This is a program that's

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designed to work on the basis of per capita distribution so every town and every entity in the County will receive some county funding for affordable housing.

P.O. TONNA:

That's the pilot program, that's not this 20 million.

LEG. CARACCIOLO:

All right. I keep getting confused. Just clarify that point for me.

P.O. TONNA:

\$20 million was an initiative by the County Executive that we approved in the Capital Program. We approved an additional --

LEG. CARACCIOLO:

So that's first-come, first-serve. Are you saying that's first-come, first-serve?

P.O. TONNA:

Yeah. That is initiative --

LEG. CARACCIOLO:

Well, then that's problematic from this standpoint.

P.O. TONNA:

Well, it's not first-come, first-serve. Let me -- let me say something. First-come, first-serve that's not how it works, and by the way, your district has been the great recipient of first-come, first-serve.

LEG. CARACCIOLO:

Come on, that's where the land is. And you know what? If the affordable housing needs are in the West End of the County, I certainly understand that.

P.O. TONNA:

I met with the Supervisor today from an East End area, you know, anything east of -- anything east of Route 110 for me, you know --

LEG. CARACCIOLO:

North or south?

P.O. TONNA:

Anyway.

LEG. CARACCIOLO:

Blue or gray?

P.O. TONNA:

That would be really down south. Okay. My point -- my point is that

I think in fairness to towns, each town is looking, they already know that there is a desperate need for affordable housing. The County Executive's initiative, which is as Legislator Postal has enumerated, gives us an opportunity, okay, to buy some land, period. We have one resolution in front of us, there have been two other applications that we've heard of, there are -- I know -- more coming down the pipeline. I don't understand --

LEG. CARACCIOLO:

Just answer a simple question. The \$20 million, the four year Capital Program, 5 million a year, how is that to be apportioned?

CHAIRMAN TONNA:

By the quality of the applications that are given and brought to us, and then we decide. Just like the County Executive bring them over to us, and we have decision-making power whether to approve or not approve based on the merits of every single resolution; like today, Millennium Hills, I am ready to make the argument that this should be approved. All right? That's how it's done. If I can convince ten of you, it get approved.

LEG. CARACCIOLO:

Twelve.

P.O. TONNA:

Twelve, sorry. Twelve of you, uh, oh. No, I'm joking. If I can convince 12 of you, then it gets approved. That's how it works. Just like any land acquisition program.

LEG. CARACCIOLO:

That speaks to another point, and that is it underlies Legislator Caracappa's concern. Once you approve this, which requires 12 votes, this particular resolution --

P.O. TONNA:

Right, planning steps.

LEG. CARACCIOLO:

Right. Subsequent resolutions only require ten. So if at a subsequent time Legislator Caracappa takes issue with this particular project for valid reasons, and I'm sure it would only be for valid reasons, it only requires a simple majority of the Legislature. And something that he may feel is detrimental to his community and district could be implemented. All I'm saying, Mr. Chairman --

P.O. TONNA:

That's true. Legislator Caracciolo, that's true in every single aspects of everything we vote on, everything. If I wanted -- if I had ten Legislators to decide --

LEG. CARACCIOLO:

Does he have a right -- does he have a right to know what this

particular money is going to be used for and what particular application was received from the Town of Brookhaven?

P.O. TONNA:

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Absolutely. And when it -- when it comes out -- when it comes out --

LEG. CARACCIOLO:

Why did they -- why did they not know yesterday, but they knew today, and why did he have to wait until now to get the answers?

P.O. TONNA:

Mike. Michael, it has nothing to do with the \$5 million. This funds the program. Every single application, specific application, like today's Millennium Hills will either pass or fail on the merits of being able to get the majority of Legislators. Obviously, if Legislator Caracappa has concerns of his own district -- you know how Legislators are generally. If it's not the LIDC site, we're pretty good with making sure -- where's Legislator Binder? Anyway, so my point is we've made a commitment to fund affordable housing. We've done it in the Capital Budget. We know what the procedures are. This to me is just saying, okay, now we're anteing up with our commitment to put the \$5 million in so that towns now can make an application. Very similar to the Greenways, very similar to other things, period.

LEG. CARACCIOLO:

That's fine. And that -- that's a good point. We have -- we have another resolution for 1.5, Town of Huntington, could they tell us --

P.O. TONNA:

We were going to argue that.

LEG. CARACCIOLO:

No. No. Can they tell us among the two other pending applications in the other towns; Islip and -- what was the third town?

P.O. TONNA:

Brookhaven.

LEG. CARACCIOLO:

No. Brookhaven, Islip and Huntington. Okay. What in the aggregate is the dollar amount associated with those three applications?

P.O. TONNA:

I don't know. They haven't brought it over yet, how do we know? They're still in the process of due diligence.

LEG. CARACCIOLO:

They have an idea. Paul, the application has identified how many unit, where it's located and approximate cost. I'd like to know, we should know.

P.O. TONNA:

Do you have any ideas of that? Okay. Come on up.

LEG. CRECCA:

Point of privilege.

P.O. TONNA:

You can have a privilege.

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LEG. CRECCA:

It's just -- you know, it's 6:30 and I understand that we're debating, but we are going around in circles on the same -- everyone's saying the same thing over and over again. And I think most people know how they are going to vote on this issue.

LEG. CARACAPPA:

Andrew. If I could, Mr. Chairman. You've got to understand Andrew, we're going to enter into a program here that basically we're going to be deciding what zoning preferences happen in our district. As you're well aware of -- and we had this conversation recently -- not only in my district, but the Town of Brookhaven is just getting killed with M-F Zoning. M-F Zoning everywhere. It's absolutely changing the dynamic of the town. And what's going to happen is under the guise of affordable housing and with a gun to our head, we're going to have to vote to approve more M-F if that's how the application comes over to us under the affordable program.

P.O. TONNA:

But with due respect, we're not making the -- it's the town that starts the process.

LEG. CARACAPPA:

Yeah, but we approve it. We finalize it. We approve it, and in the long run, we'll be approving zoning that we don't like.

P.O. TONNA:

You need to talk to Supervisor LaValle and say, what are you doing representing in my district without giving me notification. I will tell you this -- not that I live -- come from a town that is perfect or anything else, be it from Frank Petrone, Supervisor Petrone, but he did give me the respect of saying prior to, I would like to go ahead

with this project, I would like your leadership in the Legislature for this project. I sat down with the Huntington Housing Authority, we grilled them for, you know, quite a bit of time, to the point where people were screaming and yelling. But the point is that I was notified ahead of time. Legislator Caracappa, my point to you is if there is a lack of communication, it's not on behalf of the County Executive's Office, it's on behalf of a town that should communicate with their Legislator if they're making an application.

LEG. CARACAPPA:

Mr. Chairman, just let me say there has been no lack of communication with my Supervisor in the Town of Brookhaven. There has been some knock-them-down-drag-them-out fights between me and him relating to MF Zoning and other special zoning such as this. I can --

[RETURN OF COURT STENOGRAPHER-LUCIA BRAATEN]

P.O. TONNA:

That's multi-family, by the way, not anything else.

LEG. CARACAPPA:

Yeah, right.

P.O. TONNA:

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Okay.

LEG. CARACAPPA:

Well, I'm going to use the MF to describe other things, but -- that's a joke. So I've had this discussion with my Supervisor.

P.O. TONNA:

And he went ahead with the application anyway.

LEG. CARACAPPA:

Time and time again, my district, Legislator Fisher's district, Legislator Foley's district, Legislator Haley's district.

LEG. FISHER:

Because we don't have council districts.

LEG. CARACAPPA:

We're actually getting pounded in the Town of Brookhaven with MF zoning, and if this is going to add to more of that and I'm actually going to have a part or a say in MF zoning and MF projects with a gun to my head, saying that, "Oh, he didn't support affordable housing," because it's just another multi-family project in the Town of

Brookhaven, then I can't support it, and that's why I won't step forward even with the start money when I know in the future, I'm going to approving another multi-family --

P.O. TONNA:  
But, Joe. Joe.

LEG. CARACAPPA:  
-- project in my district.

P.O. TONNA:  
Wait. All I know is --

LEG. CARACAPPA:  
Or in the Town of Brookhaven in general.

P.O. TONNA:  
I have a project in my district, that if we don't approve the \$5 million, you could understand -- we've gone through our due diligence, we've gone through all the process and stuff, this won't happen.

LEG. CARACAPPA:  
Well, that's fine. I mean, you know, see, it's town specific as well parcel specific. But what it comes down --

P.O. TONNA:  
Well, that's why you need the 5 million up front.

LEG. CARACAPPA:  
What it comes down to --

P.O. TONNA:  
That's what we said that we would put into the program this year. All

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right. Hold it a second.

LEG. HALEY:  
I haven't --

P.O. TONNA:  
I'm getting a little confused about the list. I think Legislator Lindsay, and then Legislator Haley.

LEG. HALEY:  
Thank you.

P.O. TONNA:

Who else? Okay. Go ahead.

LEG. LINDSAY:

No. I would like to speak on behalf of the program. I think it's probably one of the most needed things Island-wide, affordable housing. I don't think any one of our communities don't need affordable housing. And we're talking about our parents, we're talking about our kids. They don't have any place to live on Long Island. And this is really a drop in the bucket, \$5 million. But if we don't approve it now, the whole program goes down the drain, because it isn't in the Capital Budget next year. And \$5 million isn't a lot of money, but at least it shows that as a County, we're interested in promoting affordable housing for our citizens.

Before Legislator Binder talked about economic development. This is part of economic development. If our people don't have a place to live, they can't man the factories that we want to build, they can't man the business that we want to open.

LEG. HALEY:

And they can't pay union dues.

LEG. LINDSAY:

And they can't pay union dues.

P.O. TONNA:

All right. Legislator Haley?

LEG. HALEY:

Thank you. He's a good egg, he could take it. I thought that this was an affordable housing program, but this particular project in Brookhaven is did you say low-income housing, low income senior housing? Is that consistent with our definition of affordable housing? I mean, I know that we need -- I know that affordable housing for seniors is just as bad as affordable housing for first-time home buyers. But I think there's a difference between what I've grown to know as affordable housing versus low-income housing. And I'm curious about the program description.

P.O. TONNA:

Let Legal Counsel answer that question, because, you know, that would go to the very definition of the program.

LEG. HALEY:

But, if she wants it -- she was going to come forward. I'm sorry, I

don't know her name. Maryann?

P.O. TONNA:  
Maryann, come on up.

MS. ZUCKER:  
Marian.

LEG. HALEY:  
Marian.

P.O. TONNA:  
Marian. That's what I thought

LEG. HALEY:  
With an "A" or and "O"?

MS. ZUCKER:  
It's M-A-R-I-A-N.

P.O. TONNA:  
Thank you Marian. Marian, please.

MS. ZUCKER:  
The legislation that was passed that put in place the Affordable  
Housing Opportunities Program --

P.O. TONNA:  
Approved by us.

LEG. BISHOP:  
Louder.

MS. ZUCKER:  
Louder? Sorry. I'm actually looking for the program guidelines. Put  
in place income -- maximum income limits. It didn't set minimum  
income limits or minimum rents, it just said maximum purchase price  
limits, maximum income limits, and maximum rent limits.

P.O. TONNA:  
Fine, that's perfect. That's what we need, the ceiling, not the  
floor. That's affordable. Whatever you -- you want to call it  
reasonable, we'll call it reasonable. Whatever you want in your  
district, Marty. All right.

LEG. BISHOP:  
What's the ceiling?

MS. ZUCKER:  
The ceiling is based on family size. For a family of one or two, it's  
80% of median income, and for a family of three or more, it's 100% of  
median income.

LEG. BISHOP:

A hundred percent of the median income in the County.

MS. ZUCKER:  
Yes.

LEG. BISHOP:  
Let's say that \$50,000.

MS. ZUCKER:  
Seventy-eight thousand.

LEG. BISHOP:  
It's 78,000? So if they earn up to 80%, they're eligible to purchase these or rent?

MS. ZUCKER:  
Or rent them, yes.

P.O. TONNA:  
Whatever the program is.

LEG. BISHOP:  
And we don't know what the rental or purchase prices are.

MS. ZUCKER:  
When I get the applications, I do, but the legislation only speaks to the maximum.

LEG. BISHOP:  
Right. So, for example -- I'm sorry. If I may. Mrs. Barbash's -- I mean, Ms. Barbash's application, we know how much she wants to charge at the end of the process?

MS. ZUCKER:  
Yes.

LEG. BISHOP:  
Okay. And what is that as an example? Because it's a neighboring district, so it gives me an idea of what we could do in my district.

MS. ZUCKER:  
Let's say roughly -- I don't remember the exact number. Let's call it like a hundred and ten --

LEG. BISHOP:  
Rough is fine.

MS. ZUCKER:

-- thousand dollars.

LEG. BISHOP:

A hundred and ten thousand, you get a two-bedroom condominium, essentially?

MS. ZUCKER:

Yes.

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LEG. BISHOP:

Okay.

P.O. TONNA:

Okay. Thank you. There was one more speaker. No? No. Okay. Can we do a roll call on this, please?

MR. BARTON:

Sure.

LEG. HALEY:

Thank you, Marian.

P.O. TONNA:

Could I ask all Legislators to come to the horseshoe?

LEG. POSTAL:

Where's George?

P.O. TONNA:

George, are you here? I'd ask all Legislators please come to the horseshoe? Your vote is precious.

MR. BARTON:

Roll call on the bond.

(Roll Called by Mr. Barton)

P.O. TONNA:

Yes.

LEG. POSTAL:

Yes.

LEG. COOPER:

Yes.

LEG. BINDER:  
Yes.

LEG. BISHOP:  
Yes.

LEG. D'ANDRE:  
Yes.

LEG. CRECCA:  
I'm sorry. This is the motion to approve?

MR. BARTON:  
On the bond, yes.

LEG. CRECCA:  
Yes.

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LEG. CARPENTER:  
Yes.

LEG. ALDEN:  
Yes.

LEG. FIELDS:  
Yes.

LEG. LINDSAY:  
Yes.

LEG. FOLEY:  
Yes.

LEG. HALEY:  
Yes.

LEG. FISHER:  
Yes. And we would like Brookhaven Town to be on notice that we will be looking very carefully.

LEG. CARACAPPA:  
I'll approve the upstep money, but not the Brookhaven application.

LEG. GULDI:  
Yes.

LEG. CARACCIOLO:  
Yes.

MR. BARTON:  
17. (Absent: Leg. Towle)

P.O. TONNA:  
Same motion, same second, same vote. Okay. Should -- I'm just thinking, should I try to take this Millennium Hills out of order, since we debated all of this?

LEG. CARACCIOLO:  
Yes, take it out of order.

P.O. TONNA:  
Okay? Okay.

LEG. BINDER:  
What page?

LEG. POSTAL:  
It's got to be under Ways and Means.

LEG. COOPER:  
Page 9.

P.O. TONNA:  
Nine. I don't see it.

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LEG. GULDI:  
2115.

MR. SABATINO:  
2115 on Page 9.

LEG. CARACCIOLO:  
2115.

P.O. TONNA:  
All right. 2115 (Authorizing planning steps for acquisition of property under Suffolk County Affordable Housing Opportunities Program (Millennium Hills 0400 -254.02-01.00-001.000 through 084.000; Town of Huntington). I make a motion to take it out of order, seconded by Legislator Caracciolo. All in favor? Opposed? It's before us. 21 -- where is it?

LEG. CARACCIOLO:  
Fifteen.

LEG. GULDI:  
Page 9, middle of the page.

LEG. LINDSAY:  
Just a question on this. This is the planning steps and we come back?

LEG. CARACCIOLO:  
Yes.

P.O. TONNA:  
Let's ask Legal Counsel of that just to make sure.

MR. SABATINO:  
2115 is planning steps for the acquisition, so when they actually are ready to do the acquisition, there'll be a second resolution.

P.O. TONNA:  
Great.

LEG. CARACCIOLO:  
Mr. Chairman.

P.O. TONNA:  
Yes.

LEG. CARACCIOLO:  
Just with respect to planning steps, since this is a little bit different than a land acquisition program, what exactly does that entail, Paul?

MR. SABATINO:  
Well, in this case, it's going to be the appraisal, the title search, environmental audit, survey, the things that make certain that the property in question is acquirable.

LEG. CARACCIOLO:  
And if during the environmental audit there is some type of remediation required, what provisions are applicable here? Are there standard provisions that would require remediation at someone else's cost, or would that be part of an acquisition?

MR. SABATINO:  
No. What happens is that's information that you use to finalize

the -- or to work out the negotiations for the acquisition. For example, if it turns out that it would cost more to remediate than what's available, you probably would walk away from the transaction. On the other hand, if it's a negligible amount, you would probably make that the seller's responsibility. But there's no set -- there's no set formula, there's no set automatic provision, it's fact specific. But the key is to get the information, so you know what you're doing when you sit down to negotiate.

LEG. CARACCIOLO:

And the size of the property, you have 40 units proposed, a million and a half dollars, I believe, was in the backup. What's the size of the footprint of this property?

P.O. TONNA:

The size? With regard to affordable housing, size matters.

MS. ZUCKER:

This is actually -- let me just clarify. It's for 84 units of affordable housing.

LEG. CARACCIOLO:

Yeah, what I looked at a moment ago, that's 40, but I'm glad you clarified it.

MS. ZUCKER:

Forty rental, and 44 homeownership units.

LEG. CARACCIOLO:

Okay. And how many acres?

MS. ZUCKER:

The overall site is roughly 23 acres, but the Town has already approved the subdivision of the lot, so it's broken up now into the 84 parcels, plus recharge basins and a few other things. What the County is actually buying is the 84 lots.

LEG. CARACCIOLO:

And who owns the property?

MS. ZUCKER:

Right now, it's owned by the Huntington Housing Authority.

LEG. CARACCIOLO:

Okay.

P.O. TONNA:

Okay. Thank you very much.

LEG. LINDSAY:  
Question.

P.O. TONNA:  
Question, Legislator Lindsay.

LEG. LINDSAY:  
Yeah. So we would -- the County would purchase the property, but Huntington would develop the units, is that correct, or would we --

P.O. TONNA:  
Yeah. No, we have nothing to do with -- well, I'll leave -- I'll leave it to Paul, but we have nothing to do with the development of the lots.

MR. SABATINO:  
No, the County can't engage in the actual development. This one's unusual only in the sense that we're buying from a housing authority, then we're going to transfer the property back to the Town. This is not your normal, typical affordable housing initiative where you'd be buying from a third party. But, in this case, the actual development and project and the work will not be done by the County, it will be done by this consortium that's been put together.

P.O. TONNA:  
By the way, you realize the \$1.5 million project will bring us or bring to this project \$13.5 million of public and private funds, which, I mean, this is, you know --

LEG. CARACCIOLO:  
That's very good. I want to go back to the point Counsel made about this is not your ordinary third party transaction. Could you elaborate?

MR. SABATINO:  
I simply meant that there's an additional -- there's an additional intermediary step, because the County is going to be purchasing the property from the Housing Authority, but then transferring --

LEG. CARACCIOLO:  
You mean the Huntington Town, the Town.

MR. SABATINO:  
-- the property back to the Town. Because the key to making this project work is to get whatever the dollar amount that's associated with this joined with all the other funds that are available from the Housing Partnership. It's only different in the sense that you're not going to a third nongovernmental party in the first instance.

LEG. CARACCIOLO:  
So we're buying the land from the Town and then --

P.O. TONNA:

No.

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LEG. CARACCIOLO:  
No?

P.O. TONNA:  
From the Housing Authority.

MR. SABATINO:  
Well, the Housing the Authority.

LEG. CARACCIOLO:  
Okay. Well, are they part of Town government?

P.O. TONNA:  
No. That's an authority, a separate authority.

LEG. CARACCIOLO:  
Okay. So they were created by the State as an authority. I'm just trying to understand who we're dealing with.

MR. SABATINO:  
You're dealing with a governmental entity, which is the Housing Authority. It's unusual. The Housing Authority has the property in place. And, normally, you would say to yourself, "Well, the Housing Authority has the property, you move to the next level," but the key to this program is that the -- without the County funding, the program, the project won't work.

LEG. CARACCIOLO:  
In other words, the Authority doesn't have the authority to access other funding --

P.O. TONNA:  
Right.

LEG. CARACCIOLO:  
-- the \$13 1/2 million, the vehicle that's used to do that is the County's participation

P.O. TONNA:  
Right.

MR. SABATINO:  
Right.

LEG. CARACCIOLO:  
Okay.

P.O. TONNA:  
Okay. Roll call. No? Oh, I'm sorry. Lindsay? No? Nobody?

LEG. CARPENTER:  
Legislator Lindsay to you.

P.O. TONNA:  
Okay. Anybody. Motion. Anybody? Motion. I made a motion. Sorry.  
Seconded by Legislator Binder. He's closer to the property, he'd get

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in bigger trouble with the NIMBY's than just myself. Okay. I'm  
teasing. All in favor? Opposed? Approved. Thank you very much. And  
thank you for the --

MR. BARTON:  
17, 1 not present. (Absent: Leg. Towle)

P.O. TONNA:  
Thank you. This is really big. Thanks.

LEG. BINDER:  
We did that together, Paul.

P.O. TONNA:  
I feel good about this.

LEG. CARACCIOLO:  
On a roll. Keep going.

P.O. TONNA:  
Now let's -- yeah, believe me. Let's go --

LEG. BINDER:  
Top of the same page.

MS. JULIUS:  
Page 8.

P.O. TONNA:  
Okay. We're not even going to touch those. Okay. Let's go to Page 9,  
start with a bonding resolution.

WAYS AND MEANS

2023 (Appropriating funds in connection with the interfacing of District Court Judgements in the County Clerk's Office). Motion by myself, seconded by Legislator Postal. Roll call.

(Roll Called by Mr. Barton)

P.O. TONNA:

Yes.

LEG. POSTAL:

Yes.

LEG. COOPER:

Yes.

LEG. BINDER:

Yes.

LEG. BISHOP:

Yes.

LEG. D'ANDRE:

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Yes.

LEG. CRECCA:

Sure, yes.

LEG. CARPENTER:

Pass.

LEG. ALDEN:

Yes.

LEG. FIELDS:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. HALEY:

Yes.

LEG. FISHER:

Yes.

LEG. CARACAPPA:  
Yes.

LEG. GULDI:  
Yes.

LEG. CARACCIOLO:  
Yes.

LEG. CARPENTER:  
Yes.

P.O. TONNA:  
Just last names, Henry.

MR. BARTON:  
17, 1 not present. (Absent: Leg. Towle)

P.O. TONNA:  
Okay. It's not going to make a difference in the ten votes you need,  
trust me. Okay. 2039.

LEG. GULDI:  
Motion.

P.O. TONNA:  
That was an affirmation. In other words, you can just, you know, kind  
of wing it.

MR. BARTON:

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Step all over them?

P.O. TONNA:  
Step all over them, Henry.

MR. BARTON:  
Okay.

LEG. CARACCIOLO:  
Second.

P.O. TONNA:  
All right. 2039. There you go. 2039 (Authorizing the extension of a  
lease of premises located at Feather Hill Village, Main Road,

Southold, NY for the Suffolk County District Attorney).

LEG. GULDI:  
Motion.

P.O. TONNA:  
Motion by Legislator Guldi, seconded by Legislator Caracciolo.

LEG. GULDI:  
Yeah.

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

MR. BARTON:  
17, 1 not present. (Absent: Leg. Towle)

P.O. TONNA:  
I did say same motion, same second, same vote on the other one, right?

MR. BARTON:  
Yes, you did.

P.O. TONNA:  
2049 (Adopting Local Law No. -2001, a Local Law to enhance the County Affordable Housing Opportunities Program). Motion by Legislator Postal, seconded by myself.

LEG. BISHOP:  
Explanation.

LEG. POSTAL:  
Mr. Chairman.

P.O. TONNA:  
Yes.

LEG. POSTAL:  
This is exactly what I was talking about before. It expands the uses of the land development subsidy funding to purposes other than acquisition of land, and sets up the process whereby the Towns have got to come back to us with their plans.

P.O. TONNA:  
Thank you. All in favor? Opposed?

MR. BARTON:

17, 1 not present. (Absent: Leg. Towle)

P.O. TONNA:

Okay. I'd ask, Deputy Presiding Officer, could you take over with the agenda? I'm still here. I'm not leaving, I'm still here.

D.P.O. POSTAL:

All right. Did you give us the --

MR. BARTON:

17, 1 not present.

D.P.O. POSTAL:

Introductory Resolution 2090 -- excuse me, 2071 (Authorizing waiver of interest and penalties of property tax for Louise McMurray). Motion, Legislator Caracappa, seconded by Legislator Haley. All in favor? Any opposed?

MR. BARTON:

17, 1 not present. (Absent: Leg. Towle)

P.O. TONNA:

2071 is approved. 2090 (Authorizing the Director of the Division of Real Estate, Department of Law to issue a certificate of abandonment of the interest of the County of Suffolk in property designated as Town of Brookhaven, Suffolk County Tax Map No. 0200-564.00-01.00-002.003, (Item No. 8016831) pursuant to Section 40-D of the Suffolk County Tax Act).

LEG. FOLEY:

Motion.

D.P.O. POSTAL:

Motion by Legislator Foley.

LEG. HALEY:

Second.

D.P.O. POSTAL:

Second by Legislator Haley. All in favor? Any opposed?

LEG. CARACCILO:

Hold on. Where is it located? I know it's in Brookhaven. Where?

LEG. FOLEY:

Lake Ronkonkoma.

D.P.O. POSTAL:

Question.

LEG. CARACCILO:

Okay.

D.P.O. POSTAL:  
Any other questions?

MR. BARTON:  
17, 1 not present. (Absent: Leg. Towle)

D.P.O. POSTAL:  
2106 (Authorizing the Director of the Division of Real Estate, Department of Planning to issue a certificate of abandonment of the interest of the County of Suffolk in property designated as Town of Babylon, Suffolk County Tax Map No. 0100-075.00-02.00-026.000 (Item No. 140895003) pursuant to Section 40-D of the Suffolk County Tax Act). Motion by Legislator Guldi, seconded by Legislator Bishop. All in favor? Any opposed?

MR. BARTON:  
17, 1 not present. (Absent: Leg. Towle)

D.P.O. POSTAL:  
2106 is approved. 2114 (Establishing a policy for the placement of wireless communications facilities on County property). I'll make the motion, seconded by Legislator Fisher.

LEG. ALDEN:  
Explanation.

D.P.O. POSTAL:  
Explanation, Mr. Sabatino.

MR. SABATINO:  
This legislation is going to set up a procedure for any commercial wireless communication entity which wants to use County property for the placement of those facilities, so that the County can generate revenue from the use of the property, and it's going to set up a special review committee to consist of six or seven members to implement that.

LEG. HALEY:  
But it can't be within 50 feet from the front of an entrance of a building.

D.P.O. POSTAL:  
Not if anybody's smoking there.

LEG. ALDEN:  
In a way that's funny, but in another way that's not. So on the motion. Do they have to come back to us for approval for any of the siting?

MR. SABATINO:

Well, the first thing that's going to happen, actually, is there's going to be an RFP process by the end of January to bring in a consultant to come up with the -- you know, with the protocols to try to utilize. As far as subsequent Legislative approval, there'll have

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to be approvals for the actual sites, because you can't use County property without approvals.

LEG. ALDEN:

Okay. So this just establishes criteria that they can go out with an RFP?

MR. SABATINO:

Yeah. It's just -- basically, it's trying to get -- it's something that's been discussed for several years now. It's really just to get it off the ground by -- the biggest thing is to get a consultant to come in and give the County some help.

LEG. CARPENTER:

Do we have to approve the policy?

D.P.O. POSTAL:

Legislator Bishop.

LEG. BISHOP:

May I ask Mr. Grier a question on the record, just one question?

D.P.O. POSTAL:

Dave.

LEG. BISHOP:

Just to put something on the record that we discussed. The primary purpose or the initial purpose of this RFP is to establish a committee that's going to --

LEG. LINDSAY:

Can't hear you, Dave.

LEG. HALEY:

Speak into the mike, Dave.

LEG. BISHOP:

Sorry. The initial purpose of this RFP is to establish a group that can establish value; is that correct, for --

MR. GRIER:

Well, the committee itself doesn't necessarily establish the value, they're going to look at the recommendations of the consultant to evaluate our -- the sites that are suitable for placement of wireless communications facilities, and among other things, siting, whether or not it is suitable marketing plan, and in the site, look at the guidelines. But as far as the committee itself, that's not their primary function, it's to look at a site, look at a proposal, see if it's appropriate, recommend to the Executive whether or not it's something that should move forward or not.

LEG. BISHOP:

One of the things as Legislators that we're going to encounter, if the County is going to go into the business of leasing space or selling space for cell phone is community concerns. And I was hoping that this committee could establish recommended guidelines for -- that

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could come back to this Legislature for a vote. An example would be no tower within, you know, a hundred feet of a school. That's arbitrary, I'm just making that up. But is that the type of work that this committee can do, and if it is, can they do that? I mean, will you direct them to do that?

MR. GRIER:

Well, as we had discussed privately, we can incorporate that into the RFP process where the consultant will give us recommendations on how to do that. The committee that's established, that can be part of the guidelines they use, and the rules and regulations that are developed could also include provisions which would alleviate some of those concerns in our siting of facilities on particular buildings or poles that exist, among other things.

LEG. BISHOP:

So you'll do that? You'll put that as part of the RFP, the creation of guidelines, rules and regulations, so that there is -- so when an application comes forward for to use a County site, we could tell whether it's violative of some established guideline?

MR. GRIER:

Oh, it could either be done in the RFP process itself with the consultant and it could be done --

LEG. BISHOP:

We don't have any right now, right?

MR. GRIER:

We don't have -- right, correct.

LEG. BISHOP:  
Okay. So --

MR. GRIER:  
And it can be done in conjunction with actual rules and regs that are promulgated to codify what those are as we move into the future.

LEG. BISHOP:  
Okay.

MR. GRIER:  
That is certainly something we would look at.

LEG. BISHOP:  
So the first step towards establishing those will be the consultant's report, correct?

MR. GRIER:  
Yes, that would be --

LEG. BISHOP:  
And they're going to look at this. Okay.

MR. GRIER:  
The first process that we'd want to go through.

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LEG. BISHOP:  
Good. Thank you very much.

D.P.O. POSTAL:  
Are there any other questions? I think we have a motion and a second to approve. All in favor? Any opposed?

MR. BARTON:  
17, not present. (Absent: Leg. Towle)

D.P.O. POSTAL:  
2114 is approved. 2121 (Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law (Town of Brookhaven (0200-973.80-02.00-035.000)). This is a 72-h in the Town of Brookhaven.

LEG. CARACCILO:  
Motion.

D.P.O. POSTAL:  
Motion, Legislator Caracciolo.

LEG. FISHER:  
Second.

D.P.O. POSTAL:  
Second by Legislator Haley. All in favor? Any opposed?

MR. BARTON:  
17, 1 not present. (Absent: Leg. Towle)

D.P.O. POSTAL:  
2121 is approved. 2122 (Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law (Village of Westhampton Beach) (0905-017.00-0500-036.000).

LEG. GULDI:  
Motion.

LEG. CARACCIOLO:  
Second.

D.P.O. POSTAL:  
Another 72-h. Motion by Legislator Guldi, seconded by Legislator Caracciolo. All in favor? Any opposed?

MR. BARTON:  
17, 1 not present. (Absent: Leg. Towle)

D.P.O. POSTAL:  
2122 is approved. 2123 (Authorizing the sale of County-owned real property pursuant to Section 72-h of the General Municipal Law to the Village of Westhampton Beach for affordable housing purposes). Another 72-h. Motion by Legislator Guldi, seconded by Legislator Foley. All in favor? Any opposed?

MR. BARTON:  
17, 1 not present. (Absent: Leg. Towle)

D.P.O. POSTAL:  
2123 is approved. 2129 (Appropriating funds in connection with the reconstruction of CR43, Northville Turnpike from Elton Lane to Sound Avenue, Town of Riverhead (C.P. 5035).

LEG. CARACCIOLO:

Motion.

LEG. GULDI:  
Second.

D.P.O. POSTAL:  
Motion by Legislator Caracciolo, seconded by Legislator Guldi. Roll  
call.

(Roll Called by Mr. Barton)

LEG. CARACCIOLO:  
Yes.

LEG. GULDI:  
Yes.

LEG. COOPER:  
Yes.

LEG. BINDER:  
Yes.

LEG. BISHOP:  
Yes.

LEG. D'ANDRE:  
Yes.

LEG. CRECCA:  
Yes.

LEG. CARPENTER:  
Yes.

LEG. ALDEN:  
Yes.

LEG. FIELDS:  
Yes.

LEG. LINDSAY:  
Yes.

LEG. FOLEY:  
Yes.

LEG. HALEY:  
Yes.

LEG. FISHER:  
Yes.

LEG. CARACAPPA:  
Yes.

LEG. POSTAL:  
Yes.

P.O. TONNA:  
Yes.

MR. BARTON:  
17, 1 not present on the bond. (Absent: Leg. Towle)

D.P.O. POSTAL:  
Same motion, same second, same vote. 2132 (Amending the 2001 Capital Budget and Program and appropriating funds for the acquisition of land for intersection improvements on CR35, Phase I, from the vicinity of Old Country Road, to the vicinity of CR 86, Broadway-Greenlawn Road, Town of Huntington, Phase I (CP 5519.211). Motion by Legislator Binder, seconded by Legislator Tonna. Roll call.

(Roll Called by Mr. Barton)

LEG. BINDER:  
Yes.

P.O. TONNA:  
Yes.

LEG. COOPER:  
Yes.

LEG. BISHOP:  
Yes.

LEG. D'ANDRE:  
Yes.

LEG. CRECCA:  
Yes.

LEG. CARPENTER:  
Yes.

LEG. ALDEN:  
Yes.

LEG. FIELDS:  
Yes.

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LEG. LINDSAY:  
Yes.

LEG. FOLEY:  
Yes.

LEG. HALEY:  
Yes.

LEG. FISHER:  
Yes.

LEG. CARACAPPA:  
Yes.

LEG. GULDI:  
Yes.

LEG. CARACCILO:  
Yes.

LEG. POSTAL:  
Yes.

MR. BARTON:  
17, 1 not present on the bond. (Absent: Leg. Towle)

D.P.O. POSTAL:  
Same motion, same second, same vote. 2133 (Appropriating funds in connection with improvements on CR 35 from the vicinity of CR 66 Dear Park Avenue to the vicinity of Old Country Road, Town of Huntington, Phase II (CP 5519.212). Motion, Legislator Binder, seconded by Legislator Tonna. Roll call

(Roll Called by Mr. Barton)

LEG. BINDER:  
Yes.

P.O. TONNA:  
Yep.

LEG. COOPER:  
Yes.

LEG. BISHOP:

Yes.

LEG. D'ANDRE:

Yes.

LEG. CRECCA:

Yep.

LEG. CARPENTER:

Yes.

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LEG. ALDEN:

Yes.

LEG. FIELDS:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. HALEY:

Yes.

LEG. FISHER:

Yes.

LEG. CARACAPPA:

Yes.

LEG. GULDI:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. POSTAL:

Yes.

MR. BARTON:

17, 1 not present on the bond. (Absent: Leg. Towle)

D.P.O. POSTAL:

Same motion, same second, same vote. 2135 (Appropriating funds in

connection with drainage and road improvements on CR 58, Old Country Road, Town of Riverhad (CP 5543).

LEG. CARACCIOLO:  
Motion.

D.P.O. POSTAL:  
Motion, Legislator Caracciolo, seconded by Legislator Guldi. Roll call.

(Roll Called by Mr. Barton)

LEG. CARACCIOLO:  
Yes.

LEG. GULDI:  
Yes.

LEG. COOPER:  
Yes.

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LEG. BINDER:  
Yes.

LEG. BISHOP:  
Yes.

LEG. D'ANDRE:  
Yes.

LEG. CRECCA:  
Yes.

LEG. CARPENTER:  
Yes.

LEG. ALDEN:  
Yes.

LEG. FIELDS:  
Yes.

LEG. LINDSAY:  
Yes.

LEG. FOLEY:

Yes.

LEG. HALEY:

Yes.

LEG. FISHER:

Yes.

LEG. CARACAPPA:

Yes.

LEG. POSTAL:

Yes.

P.O. TONNA:

Abstain.

MR. BARTON:

16, 1 abstention, 1 not present. (Absent: Leg. Towle)

D.P.O. POSTAL:

Same motion, same second, same vote.

D.P.O. POSTAL:

2136 (Appropriating funds in connection with improvements to CR 80, Montauk Highway, Town of Southampton (CP 5550).

LEG. GULDI:

Motion.

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D.P.O. POSTAL:

Motion, Legislator Guldi, seconded by Legislator Caracciolo. Roll call.

(Roll Called by Mr. Barton)

LEG. GULDI:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. COOPER:

Yes.

LEG. BINDER:

Yes.

LEG. BISHOP:  
Yes.

LEG. D'ANDRE:  
Yes.

LEG. CRECCA:  
Yep.

LEG. CARPENTER:  
Yep.

LEG. ALDEN:  
Yes.

LEG. FIELDS:  
Yes.

LEG. LINDSAY:  
Yes.

LEG. FOLEY:  
Yes.

LEG. HALEY:  
Yes.

LEG. FISHER:  
Yes.

LEG. CARACAPPA:  
Yes.

LEG. POSTAL:  
Yes.

P.O. TONNA:  
Yeah.

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MR. BARTON:  
17, 1 not present on the bond. (Absent: Leg. Towle)

D.P.O. POSTAL:  
Same motion, same second, same vote.

P.O. TONNA:

Henry, can you change my other vote on 58? No, I was just joking.

LEG. CARACCIOLO:

Second thought

D.P.O. POSTAL:

On 2135?

P.O. TONNA:

Yeah, 2135, just change my vote to a yes.

MR. BARTON:

That was a yes for Mr. Willmot?

P.O. TONNA:

No to Mr. Willmot, yes to County Road 58.

D.P.O. POSTAL:

2143 (Amending Resolution No. 713-2001 for sale of surplus vehicles).  
Motion to approve Legislator Caracappa, seconded by Legislator Haley.  
All in favor? Any opposed?

MR. BARTON:

17, 1 not present. (Absent: Leg. Towle)

D.P.O. POSTAL:

2143 is approved. I'll make a motion to table 2150 (Authorizing use  
of old toll building at Smith Point Bridge by Bay Area Civic  
Association) at the sponsor's request, seconded by Legislator Foley.  
All in favor? Any opposed?

MR. BARTON:

17. The sponsor's not present.

D.P.O. POSTAL:

2150 is tabled.

#### ENVIRONMENT, LAND ACQUISITION, AND PLANNING

Environment, Land Acquisition, and Planning. 1885 (To appropriate  
funds and establish programmatic criteria for the 1/4% Land  
Acquisition Borrowing Program (\$75 million). Motion, Legislator  
Caracciolo.

LEG. CRECCA:

Didn't we do this already?

D.P.O. POSTAL:

Didn't we? Yeah.

LEG. CARACCIOLO:

We did 1886. This shouldn't be on here.

D.P.O. POSTAL:

Oh, okay. So that this is -- 1885 is --

LEG. FISHER:

Withdrawn?

D.P.O. POSTAL:

-- not on this agenda.

LEG. CARACCIOLO:

Counsel.

D.P.O. POSTAL:

And 1886 was approved.

LEG. BISHOP:

Right. I don't know why it's here.

LEG. CARACCIOLO:

Paul, can you clarify?

MR. SABATINO:

You can't -- it's premature to -- it's premature to be adopting these resolutions. You've got -- there's another resolution we put together, which is to get the application up to the EFC. That has to be done next. This would come someplace down the road.

LEG. CARACCIOLO:

Motion to table.

D.P.O. POSTAL:

Okay. So, do you want to make the motion to waive -- waive that rule? Was it 7(B) --

LEG. CARACCIOLO:

Well, we approved 18 --

MR. SABATINO:

It's Rule 7B if you want to keep -- if you want to keep something alive for next year. That's not going to happen until after that application process is completed and the EFC has come forward with a specific --

LEG. CRECCA:

Just resubmit.

LEG. CARACCIOLO:

I'll resubmit it.

D.P.O. POSTAL:  
Okay.

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LEG. BINDER:  
Table it so it won't die.

D.P.O. POSTAL:  
Okay. Well --

LEG. CARACCIOLO:  
Table 1885.

D.P.O. POSTAL:  
Okay. Motion to table by Legislator Caracciolo, I'll second. All in favor? Any opposed?

MR. BARTON:  
17, 1 not present.

D.P.O. POSTAL:  
1885 is tabled.

LEG. CARACCIOLO:  
Same motion.

D.P.O. POSTAL:  
Same motion, same second, same vote on 1886 (To appropriate funds and establish programmatic criteria for the 1/4% Land Acquisition Borrowing Program (\$62 million).

MR. BARTON:  
17, 1 not present. (Absent: Leg. Towle)

D.P.O. POSTAL:  
1886 is tabled. 1949 (Adopting Local Law No. -2001, a Local Law to implement recommendations made by the CAC in connection with phase out of pesticide use on Suffolk County properties). Legislator Bishop?

LEG. BISHOP:  
Motion to approve.

LEG. CARPENTER:  
Explanation

LEG. FISHER:  
Second.

D.P.O. POSTAL:  
Motion to approve, seconded by Legislator Fisher.

LEG. CRECCA:  
On the motion.

D.P.O. POSTAL:  
Legislator Carpenter?

LEG. CARPENTER:  
I want an explanation.

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D.P.O. POSTAL:  
Explanation, Mr. Sabatino.

MR. SABATINO:  
Okay. Back on --

D.P.O. POSTAL:  
1949.

MR. SABATINO:  
1949, okay. 1949. The most critical component is it's going to extend the phase-in date for -- the January 2000 deadline for the final stage of the total pesticide ban is being postponed by 18 months, and then some technical adjustments that were requested by the County Advisory Committee that was formed under that law are being implemented in terms of things and items to be exempted.

D.P.O. POSTAL:  
Okay. Any other questions?

LEG. ALDEN:  
On the motion.

D.P.O. POSTAL:  
Legislator Alden.

LEG. ALDEN:  
On the motion. Just as a point of interest, there's not enough money in the budget to actually support the number of people that we need to implement any of this, so it just -- that's something we might have to clean up next year.

D.P.O. POSTAL:

Okay. Any other questions? There's a motion and a second to approve.  
All in favor? Any opposed?

MR. BARTON:

17, 1 not present. (Absent: Leg. Towle)

D.P.O. POSTAL:

1949 is approved. 1957 (Dedicating certain lands now owned by the  
County of Suffolk to the County Nature Preserve pursuant to Article I  
of the Suffolk County Charter and Section 406 of the New York Real  
Property Tax Law at Bergen Point (West Babylon).

LEG. BISHOP:

Madam Chair.

D.P.O. POSTAL:

Yes.

LEG. BISHOP:

I make a motion to waive Rule 7(B).

LEG. CARACAPPA:

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Second the motion.

LEG. BISHOP:

Is that the right rule?

D.P.O. POSTAL:

Yes.

LEG. BISHOP:

7(B) as in "boy". And to table it to the next meeting of the  
Legislature. General Meeting.

D.P.O. POSTAL:

The first General Meeting.

LEG. BISHOP:

First General Meeting.

D.P.O. POSTAL:

I'll second that.

LEG. BISHOP:

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The reason I don't want to refile is because this bill was voted out of committee last time. At the request of the Parks Department, I tabled it for one meeting. Then again before this meeting, they said, "Oh, we need more time." So rather than have to go through the committee process, since I'm accommodating them, I'd like to go to the next meeting.

D.P.O. POSTAL:

There's a motion to waive Rule 7(B) and table this for the first General Meeting in January by Legislator Bishop, seconded by myself. All in favor? Any opposed?

MR. BARTON:

17, 1 not present. (Absent: Leg. Towle)

D.P.O. POSTAL:

1957 is tabled. 1960 (Making a SEQRA determination in connection with the proposed rehabilitation of the former Suffolk County Infirmary). Motion by Legislator Fisher, seconded by Legislator Foley. All in favor? Any opposed?

MR. BARTON:

17, 1 not present. (Absent: Leg. Towle)

D.P.O. POSTAL:

1960 is approved. 2074 (Making a SEQRA determination in connection with the proposed repair of commercial dock at Shinnecock Inlet, Town of Southampton). Same motion, same second, same vote.

MR. BARTON:

17, 1 not present. (Absent: Leg. Towle)

D.P.O. POSTAL:

2074 is approved. 2075 (Making a SEQRA determination in connection

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with the proposed highway and intersection improvements to CR 7, Wicks Road at CR 67, Long Island Expressway South Service Road, Town of Islip). Same motion, same second, same vote.

MR. BARTON:

17, 1 not present.

D.P.O. POSTAL:

2075 is approved. 2076 (Making a SEQRA determination in connection with the proposed preliminary interior security fencing at Francis S. Gabreski Airport, Westhampton Beach. Same motion, same second, same vote.

MR. BARTON:  
17, 1 not present.

D.P.O. POSTAL:  
2076 is approved. 2104 (Amending Resolution No. 994-2001). Motion to approve by Legislator Haley.

LEG. FISHER:  
Explanation.

D.P.O. POSTAL:  
Seconded by Legislator Foley.

LEG. HALEY:  
It's just a technical correction. Counsel will -- Counsel will tell you.

D.P.O. POSTAL:  
Legislator Fisher is asking for an explanation. Mr. Sabatino.

MR. SABATINO:  
It just corrects the SEQRA clause in the Miller Place land acquisition that was done earlier in the year.

LEG. HALEY:  
Well, it should have said "Technical Correction" in the title. It wasn't drawn up by Counsel, otherwise it would be a lot clearer.

D.P.O. POSTAL:  
All right. Any other questions?

MR. BARTON:  
Who's the second?

D.P.O. POSTAL:  
All in favor?

MR. BARTON:  
The second.

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

MR. BARTON:  
The second.

D.P.O. POSTAL:

I thought there was a second by Legislator Foley.

LEG. FOLEY:

Yeah, I second it.

MR. BARTON:

Thank you.

D.P.O. POSTAL:

All in favor? Any opposed?

MR. BARTON:

17, 1 not present. (Absent: Leg. Towle)

D.P.O. POSTAL:

2104 is approved.

#### PUBLIC SAFETY & PUBLIC INFORMATION

Public Safety and Public Information. 2103 (Amending the 2001 Capital Program and Budget and appropriating funds for the construction of new Sixth Precinct, Town of Brookhaven (CP 3184.315). Motion by Legislator Caracappa.

LEG. HALEY:

Second.

D.P.O. POSTAL:

Second by Legislator Haley. Roll call.

LEG. ALDEN:

Explanation.

D.P.O. POSTAL:

Can we have an explanation, Mr. Sabatino, before we go to the roll call?

MR. SABATINO:

This would increase the Capital Budget from zero to \$1.8 million for the Renovation of the Sixth Police Precinct, with the offsets coming from the Consolidated Record Land Management System, certain components of it, plus a portion of the Motor Parkway North Road LIE construction, and then the monies would be appropriated to get the work started.

LEG. BISHOP:

That poor Motor Parkway.

D.P.O. POSTAL:

Any other questions.

LEG. BISHOP:

Twenty years.

D.P.O. POSTAL:  
Roll call.

(Roll Called by Mr. Barton)

LEG. CARACAPPA:  
Yes.

LEG. HALEY:  
Yes.

LEG. COOPER:  
Yes.

LEG. BINDER:  
Yes.

LEG. BISHOP:  
No.

LEG. D'ANDRE:  
Yes.

LEG. CRECCA:  
Pass.

LEG. CARPENTER:  
Pass.

LEG. ALDEN:  
Pass.

LEG. FIELDS:  
Yes.

LEG. LINDSAY:  
Yes.

LEG. FOLEY:  
Yes.

LEG. FISHER:  
Yes.

LEG. GULDI:  
Yes.

LEG. CARACCIOLO:  
Yes.

LEG. BISHOP:  
Change my vote to a yes, please.

LEG. POSTAL:

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Yes.

P.O. TONNA:  
Yes.

MR. BARTON:  
Mr. Bishop?

LEG. BISHOP:  
Change it to a yes.

MR. BARTON:  
Yes.

LEG. CRECCA:  
Yeah.

LEG. CARPENTER:  
Yes.

LEG. ALDEN:  
Yep.

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

D.P.O. POSTAL:  
Same motion, same second, same vote. 2117 (Accepting and appropriating a grant providing 75% support, in the amount of \$745,849, from the United States Department of Justice, Office of Community Oriented Policing Services, and amending the 2001 Capital Budget and Program and appropriating funds in connection with the purchase and implementation of an integrated arrest processing system and microwave network upgrade).

LEG. CARPENTER:  
Motion.

D.P.O. POSTAL:

Motion by Legislator Carpenter. Seconded by Legislator Lindsay. All in favor? Any opposed?

MR. BARTON:

17, 1 not present. (Absent: Leg. Towle)

D.P.O. POSTAL:

2117 is approved. 2119 (Amending the 2001 Capital Budget and Program and appropriating funds in connection with the construction of a Class "A" Fire Training Building, Yaphank (C.P. #3405). Motion by Legislator Carpenter.

LEG. BISHOP:

Motion.

D.P.O. POSTAL:

Legislator Bishop, seconded by Legislator Carpenter.

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LEG. ALDEN:

On the motion.

D.P.O. POSTAL:

On the motion.

LEG. ALDEN:

Explanation.

D.P.O. POSTAL:

Legislator Alden.

LEG. CARPENTER:

Counsel.

MR. SABATINO:

This would increase the Capital Budget from zero to \$3.9 million for the fire training facility to be built at Yaphank with the offset coming from the Long Island Aquarium in Bay Shore, and the monies would be appropriated to start the project.

LEG. ALDEN:

On the motion.

D.P.O. POSTAL:

Yes.

LEG. ALDEN:

Paul, do you have in front of you when this was actually scheduled to be constructed then? Because we're moving it up, basically, right?

MR. SABATINO:

That's correct, because there's no money in the budget for 2001, that's correct.

LEG. ALDEN:

When was it in the budget for, what year?

MR. SABATINO:

I'll do this from memory from the committee meeting, but I think it was for next year, 2002, but that's what I'm doing from memory. And Fred Pollert's nodding his head in agreement, so that helps.

LEG. ALDEN:

So what's the purpose of us doing it 2001 as opposed to waiting and doing it 2002?

MR. SABATINO:

Well, I would think that it would -- assuming that things are being run efficiently at Public Works, they could get the project probably started 45 or 50 days sooner, because you're going to pick up 31 days in January at a minimum, plus 14 -- 13 days in this month, and maybe even a few days in February --

LEG. ALDEN:

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Okay.

MR. SABATINO:

-- because the earliest we might otherwise vote would be the first meeting in February.

LEG. ALDEN:

I'm not on Public Works and I'm not on Public Safety, so did they give us a representation that this is going to be their top priority? Leave it in as secondary? It's a building --

LEG. CRECCA:

Public Safety.

LEG. ALDEN:

All right. So what was their -- what was their representation from DPW as far as this being priority?

MR. SABATINO:

Well, not so much a question of priority, it was just a question of it's ready and they're able to go forward. And I'm extrapolating that it saves time. You're 45 or 50 days ahead, but that's not based on any engineering knowledge that I have, just --

LEG. CARPENTER:

And also to -- yeah, the fire training facilities have really been inadequate, so anything we could do to fast track it would be helpful.

LEG. ALDEN:

Well, going back again to when I was on Public Works, there was some debate as far as what type of fire training facilities that we were going to actually build, and what project is this then? Is this a --

D.P.O. POSTAL:

Do you want have Budget --

LEG. ALDEN:

You know, like they wanted a real burn facility?

D.P.O. POSTAL:

No, no, that's -- yeah.

LEG. FOLEY:

As I said, this did not come -- this was not before Public Works, it was Public Safety and Finance. You have to ask the Committee Chairs, and I'd also ask the sponsor, the County Exec's Office, to try to answer some of your questions.

LEG. ALDEN:

What type of facility is this?

D.P.O. POSTAL:

Yeah, I can respond to some of your questions. It is -- they are doing a live burn facility. That was a major concern of the volunteer community, and they -- by the way, there is material that's not environmentally hazardous and is not --

LEG. ALDEN:

Okay, because --

D.P.O. POSTAL:

You know, there is going to be a live burn.

LEG. ALDEN:

When they proposed a live burn facility last time, there was a whole bunch of people who came out and said that it's going to pollute --

D.P.O. POSTAL:  
Right.

LEG. ALDEN:  
-- because they were going to use oil and they were going to use --

D.P.O. POSTAL:  
No.

LEG. ALDEN:  
-- gasoline, kerosene, thing like that, so -- and even when they use the -- even the concern was expressed when they said something about natural gas as far as being in there.

D.P.O. POSTAL:  
Yeah, there were concerns, but there is a process that they're using that's environmentally friendly and not hazardous. And perhaps the Chair of Public Safety, I know --

LEG. CARPENTER:  
They also did represent that they had gone to visit a couple of sites and the material that was used was so resistant to the burnings, so that it can be used again, and also the configuration of the house can be redone, so that it -- you know, it may be a cape, it may be, you know the kitchen in the back, kitchen in the front, so that it really is giving a real life experience for the fire training that's going to be done there.

LEG. CARACAPPA:  
Madam Chair, just one further point.

LEG. CARPENTER:  
One --

LEG. CARACAPPA:  
Oh, I'm sorry. Were you done, Angie?

LEG. CARPENTER:  
No, go ahead.

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

LEG. CARACAPPA:  
Originally, Legislator Alden's right, there was a concern about live

burns, and then when we were going to build a new Class A, the Fire Chief's Councils, as well -- of Suffolk County, as well as individual fire departments, came and said they didn't want to have the simulated burn through the gas only. So what was struck was, I don't know if this was said already, the compromise of a gas ignition with the live burn material. And the Chief Council came before CEQ, came before Public Work -- Safety Committee and they wholeheartedly endorsed the new Class A as it was presented with a, as I said, a gas ignition and a live burn simulation with the materials.

LEG. CARPENTER:  
If I could.

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

LEG. CARPENTER:  
I just want to speak to the subject of the offset on this that's being used. The County Executive's Office had called, and I know working in conjunction with Budget Review, to try to identify an offset for this, and because of the keen interest on the part of a number of Legislators and the County Executive in the Aquarium Project, however, the Aquarium Project, because of the environmental process is not able to allow us to appropriate that money this year, but there has been a commitment made from the County Executive that it will be in the Capital Budget next year.

D.P.O. POSTAL:  
Thank you. Are there any other questions? We have a motion and a second. Roll call.

(Roll Called by Mr. Barton)

LEG. BISHOP:  
Yes.

LEG. CARPENTER:  
Yes. I'm sorry.

LEG. COOPER:  
Yes.

LEG. BINDER:  
Yes.

LEG. D'ANDRE:  
Yes.

LEG. CRECCA:  
Yes.

LEG. ALDEN:  
Yes.

LEG. FIELDS:  
Yes.

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LEG. LINDSAY:  
Yes.

LEG. FOLEY:  
Yes.

LEG. HALEY:  
Yes.

LEG. FISHER:  
Yes.

LEG. CARACAPPA:  
Yep.

LEG. GULDI:  
Yes.

LEG. CARACCIOLO:  
Yes.

LEG. POSTAL:  
Yes.

P.O. TONNA:  
Yes.

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

D.P.O. POSTAL:  
Same motion, same second, same vote. 2144 (Accepting and appropriating 70% Federal pass-thru grant funds from the NYS Division of Probation and Correctional Alternatives for the Temporary Assistance for Needy Families (TANF) Project for community corrections programs and creating one position with the Department of Probation). Motion by Legislator Carpenter, seconded by Legislator Caracappa.

LEG. ALDEN:  
On the motion.

D.P.O. POSTAL:  
On the motion, Legislator Alden.

LEG. ALDEN:

I need an explanation on this. Does this create the alternatives where they're going to send people out from New York City and house them actually out here?

D.P.O. POSTAL:

Mr. Sabatino, if you would respond, 2144.

MR. SABATINO:

I don't know about the New York City component. That wasn't -- that wasn't brought up at the committee. I mean, I know what the bill

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itself does, but the New York City component I'm not aware of.

LEG. ALDEN:

Yeah. Because, I mean, even in the title, this states New York City.

D.P.O. POSTAL:

No, New York State.

LEG. CARPENTER:

No. New York State Division of Probation.

LEG. ALDEN:

Yeah, I know, but --

LEG. CRECCA:

Yeah, but right, these are people who are --

LEG. ALDEN:

These are people incarcerated in different parts of the state and then they're going to send them to us to be housed.

MR. SABATINO:

No, no, this is a case where -- no, no. If that's the question, this is what they call a model program for female individuals who are on public assistance and who are under probation, and it's going to try to set up a referral program to provide them with community resources.

LEG. CRECCA:

Yeah. It involves 25 women.

MR. SABATINO:

-- at the County, but it's --

LEG. CRECCA:

Right.

LEG. SABATINO:

-- coming at the County level

LEG. ALDEN:

But they don't have to be Suffolk County residents.

LEG. CRECCA:

Actually --

LEG. ALDEN:

And if we accept the New York State funding, then they can come from anyplace in New York State.

D.P.O. POSTAL:

Legislator Crecca, are you familiar with this?

LEG. CRECCA:

No. Actually, I'm just reading the bill.

D.P.O. POSTAL:

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Okay. I thought you --

LEG. CRECCA:

But I don't know if they're going to come from out of the County. The way the bill reads, it appears that it's Suffolk County Probation dealing with 25 women who are eligible for this. They're either custodial or noncustodial parents, they have kids and all that, and it does provide comprehensive services.

MR. SABATINO:

It would be under the Suffolk County Probation Department. I mean, they'd have to be -- they'd have to be people within --

LEG. ALDEN:

No, they don't have to be, because if you're in New York City and you can get favorable treatment out here, you can move into Suffolk County, be under Probation, the Suffolk County Probation Department. You can come from anywhere in the country.

MR. SABATINO:

It's a good question. I mean, I'm not going to give you a definitive answer --

D.P.O. POSTAL:

Do we --

MR. SABATINO:

-- because I -- the details of the program were not discussed.

D.P.O. POSTAL:

Can I ask, I don't know if the County Executive's representatives could give us any information about whether this is time sensitive, because, evidently, there are some concerns and questions. And if with could, again, waive Rule 7(B) and address this at the first General Meeting in January and have some answers to Legislator Alden's questions, it might be helpful. Do we know whether there's any time sensitivity here?

LEG. CRECCA:

Can I just -- can I just --

D.P.O. POSTAL:

Yeah, Legislator Crecca.

LEG. CRECCA:

I'm sorry, I'm just reading the backup, and in reading the backup, it appears that these are women who we are already providing services for. This grant money is going to -- this grant money is going to pick up the cost for intensive case management, and part of -- one of our Case Workers and Probation Officers and cover those costs for us. But, again, it's a population that -- from the backup it appears it's regarding a population we are already serving and relying on another TANF --

LEG. ALDEN:

But an interpretation of already serving, could be somebody that's in

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the process of transferring here, too.

MR. SABATINO:

I wish I could answer, but I don't have the answer.

LEG. ALDEN:

So if it's time sensitive, if we can put this off and get some answers --

LEG. CARPENTER:

Can we pass over it --

D.P.O. POSTAL:

Can we get a response from the --

LEG. CARPENTER:

-- and we can call someone.

MR. SABATINO:

It's a legitimate question, I just don't know the answer to it.

D.P.O. POSTAL:

-- from the County Executive just to -- I don't know if you're --

MS. ROSENBERG:

I don't have all the information on this.

D.P.O. POSTAL:

Can we come back to this, and in the meantime, you'll get some information for us?

LEG. CRECCA:

The start date is --

MS. ROSENBERG:

I could try to contact somebody in the Department, but most of bills that we made sure came onto the table were all time sensitive.

LEG. CRECCA:

The contract is supposed to start --

DR. BRENNAN:

Because otherwise the grant would end.

D.P.O. POSTAL:

Could I just --

MS. ROSENBERG:

I would have --

D.P.O. POSTAL:

Could I ask that you try to get a hold of Mr. Iaria --

DR. BRENNAN:

Yes, I will.

D.P.O. POSTAL:

-- or somebody who could give you information, to have some information about whether these would be women who are already Suffolk County residents, number one, and if there is a time sensitivity to

acting on this resolution, and we'll come back to it later.

MS. ROSENBERG:  
Okay, we'll try.

LEG. FISHER:  
Madam Chair.

LEG. CRECCA:  
Just so you know --

LEG. FISHER:  
It does say that --

D.P.O. POSTAL:  
Legislator Fisher.

LEG. FISHER:  
-- the program begins --

LEG. CRECCA:  
Yeah, exactly.

LEG. FISHER:  
-- January 1st.

MS. ROSENBERG:  
Right.

LEG. CRECCA:  
That's what I was trying to say.

LEG. FISHER:  
So I would assume that there would be time sensitivity.

MS. ROSENBERG:  
That's what we -- we laid all of the ones that were time sensitive on the table now.

D.P.O. POSTAL:  
All right. If you could just then check to see whether this would only -- what the eligible women would be Suffolk County residents.

MS. ROSENBERG:  
I'll try to get that answer.

D.P.O. POSTAL:  
And also -- wait, Brenda.

LEG. ALDEN:  
Brenda, location, if they have specific location, sites available right now, or specific proposals for sites.

DR. BRENNAN:

Okay.

D.P.O. POSTAL:

And Legislator Fisher.

LEG. FISHER:

I just had further questions for Counsel or Brenda. It seems to me that it's a program that is already, as Legislator Crecca has indicated, exists. Based on the letter to Vinny Iaria which says, "To begin your TANF Step Ahead Today Program with a start date of January 1st, 2002," but it seems that they've already identified in the Probation Department who the women offenders are based on the memorandum to Kenneth Weiss from Vinny Iaria. So it would seem unlikely to me that they would be importing women criminals to the County for this program. It would seem that it would be people who are already in our probation system.

D.P.O. POSTAL:

Brenda, if you could just check. You know, it does seem that it would be logical if they would already be Suffolk County residents who are already probationers with our Probation Department, but there is some concern, and just to be completely sure, and we'll come back to this. In the meantime, 2145 (Appropriating funds in connection with Special Patrol Bureau construction (CP 3139).

LEG. CARPENTER:

Motion.

D.P.O. POSTAL:

Motion by Legislator Carpenter, seconded by Legislator Lindsay. Roll call.

(Roll Called by Mr. Barton)

LEG. CARPENTER:

Yes.

LEG. LINDSAY:

Yes.

LEG. COOPER:

Yes.

LEG. BINDER:

Yes.

LEG. BISHOP:

(Not Present)

LEG. D'ANDRE:  
Yes.

LEG. CRECCA:  
Yes.

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LEG. ALDEN:  
Yes.

LEG. FIELDS:  
Yes.

LEG. FOLEY:  
Yes.

LEG. HALEY:  
Yes.

LEG. FISHER:  
Yes.

LEG. CARACAPPA:  
Yes.

LEG. GULDI:  
Yes.

LEG. CARACCIOLO:  
Yes.

LEG. POSTAL:  
Yes.

P.O. TONNA:  
Yes.

MR. BARTON:  
Mr. Bishop? 16, 2 not present. (Absent: Leg. Towle/Not Present: Leg. Bishop)

D.P.O. POSTAL:  
Same motion, same second, same vote.

PUBLIC SAFETY & PUBLIC INFORMATION

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Public Works and Transportation. 2036 (Authorizing execution of an agreement by the Administrative Head of Suffolk County Sewer District No. 11-Selden with the Developer of Fairfield Knolls at Port Jefferson Station).

LEG. FISHER:  
Motion.

D.P.O. POSTAL:  
Motion to approve by Legislator Fisher, seconded by Legislator Crecca.

LEG. CRECCA:  
Doesn't matter.

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

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MR. BARTON:  
16.

LEG. CARACAPPA:  
Opposed.

D.P.O. POSTAL:  
Legislator Caracappa is opposed.

LEG. CARACAPPA:  
2036?

D.P.O. POSTAL:  
Yes.

MR. BARTON:  
15-1, 2 not present. (Absent: Leg. Towle/Not Present: Leg. Bishop)

D.P.O. POSTAL:  
2036 is approved. 2118 (Amending the 2001 Capital Budget and Program and appropriating funds in connection with the renovations to the Former Home & Infirmary (CP 1771)).

LEG. FOLEY:  
Motion.

D.P.O. POSTAL:  
Motion by Legislator Foley, seconded by myself. Roll call -- on the motion. On the motion. Legislator Alden?

LEG. ALDEN:

What is the purpose, then, of the renovations? Do we have specifics that are going in there? Is this that -- rotate them out of the County Center

LEG. FOLEY:

Yeah. This is the follow-up to placing this in the Capital Program last year where we'd be renovating the facility, moving folks, after it's renovated, moving folks from the Riverhead County Building into -- into the old Infirmary as swing space, so that over a longer -- over the longer term period of time, then the Evans K. Griffing Building can be reconstructed on a phased basis.

LEG. ALDEN:

Through the Chair, may I ask the -- through the Chair, may I ask the Chairman of Public Works, the renovation of the County Center is actually scheduled and it's starting to proceed?

LEG. FOLEY:

No, no, no. The way it would work is first the old Infirmary has to be fully reconstructed.

LEG. ALDEN:

How long does this take, Brian?

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LEG. FOLEY:

It's in the backup as to what the time line is. I think they're expecting, I could be incorrect, within the next 12 to 18 months that they would complete the reconstruction of it. It's also a way to, you know, save the murals, and also save the architectural, let's say, finer points of the building as well.

D.P.O. POSTAL:

Any other questions? Roll call.

(Roll Called by Mr. Barton)

LEG. FOLEY:

Yes.

LEG. POSTAL:

Yes.

LEG. COOPER:

Yes.

LEG. BINDER:  
Yes.

LEG. BISHOP:  
(Not Present)

LEG. D'ANDRE:  
Yes.

LEG. CRECCA:  
Sure.

LEG. CARPENTER:  
Yes.

LEG. ALDEN:  
Yes.

LEG. FIELDS:  
Yes.

LEG. LINDSAY:  
Yes.

LEG. HALEY:  
Yes.

LEG. FISHER:  
Yes.

LEG. CARACAPPA:  
Yes.

LEG. GULDI:  
Yes.

LEG. CARACCIOLO:  
Yes.

P.O. TONNA:  
Yes.

MR. BARTON:  
Bishop. (Not Present). 16, 2 not present on the bond. (Absent: Leg.  
Towle/Not Present: Leg. Bishop)

D.P.O. POSTAL:

Same motion, same second, same vote. 2128 (Appropriating funds in connection with median improvements on various County roads (CP 5001). Motion by Legislator Foley, seconded by Legislator Haley. Roll call.

LEG. FOLEY:

Yes.

LEG. HALEY:

Yes.

LEG. COOPER:

Yes.

LEG. BINDER:

Yes.

LEG. BISHOP:

(Not Present)

LEG. D'ANDRE:

Yes.

LEG. CRECCA:

Yep.

LEG. CARPENTER:

Yes.

LEG. ALDEN:

Yes.

LEG. FIELDS:

Yes.

LEG. LINDSAY:

Yes.

LEG. FISHER:

Yes.

LEG. CARACAPPA:

Yes.

LEG. GULDI:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. POSTAL:

Yes.

MS. BURKHARDT:

Paul, say yes.

P.O. TONNA:

Yes.

MR. BARTON:

Got it. 16, 2 not present. (Absent: Leg. Towle/Not Present: Leg. Bishop)

D.P.O. POSTAL:

Same motion, same second, same vote. 2130 (Amending the 2001 Capital Budget and Program and appropriating funds in connection with the County share for the renovation of Shinnecock Commercial Dock, Town of Southampton (CP 5344). Motion by Legislator Guldi, seconded by Legislator Caracciolo. Roll call.

MR. BARTON:

On the bond.

(Roll Called by Mr. Barton)

LEG. GULDI:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. COOPER:

Yes.

LEG. BINDER:

Yes.

LEG. BISHOP:

(Not Present)

LEG. D'ANDRE:

Yes.

LEG. CRECCA:

Yes.

LEG. CARPENTER:

Pass.

LEG. ALDEN:

Abstain.

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LEG. FIELDS:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. HALEY:

Yes.

LEG. FISHER:

Yes.

LEG. CARACAPPA:

Yep.

LEG. POSTAL:

Yes.

MS. BURKHARDT:

Paul, say yes.

P.O. TONNA:

Yes.

LEG. CARPENTER:

Abstain.

D.P.O. POSTAL:

Same motion, same second, same vote.

MR. BARTON:

14, 2 abstention, and 2 not present. (Absent: Leg. Towle/Not Present: Leg. Bishop).

D.P.O. POSTAL:

Same motion, same second, same vote. 2131 (Appropriating funds and approving federal aid for participation in engineering for the reconstruction of portion of CR 3, Pinelawn Road, Town of Huntington (CP 5510). Motion by --

LEG. BINDER:

Paul.

D.P.O. POSTAL:  
Legislator Binder, I'll second the motion. Roll call.

(Roll Called by Mr. Barton)

LEG. BINDER:  
Yes.

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LEG. POSTAL:  
Yes.

LEG. BISHOP:  
(Not Present)

LEG. D'ANDRE:  
Yes.

LEG. CRECCA:  
Yes.

LEG. CARPENTER:  
Yes.

LEG. ALDEN:  
Yes.

LEG. FIELDS:  
Yes.

LEG. LINDSAY:  
Yes.

LEG. FOLEY:  
Yes.

LEG. HALEY:  
Yes.

LEG. FISHER:  
Yes.

LEG. CARACAPPA:  
Yes.

LEG. GULDI:  
Yes.

LEG. CARACCIOLO:  
Yes.

P.O. TONNA:  
Yes.

LEG. COOPER:  
Yes.

LEG. BISHOP:  
Yes.

MR. BARTON:  
17, 1 not present. I heard him. (Absent: Leg. Towle).

D.P.O. POSTAL:  
Same motion, same second, same vote. I don't know how you did that?

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2134 (Amending the 2001 Capital Budget and Program and appropriating funds in connection with improvements to CR 7, Wicks Road, Town of Islip (CP 5539). Motion by Legislator Carpenter, seconded by Legislator Alden. Roll call.

(Roll Called by Mr. Barton)

LEG. CARPENTER:  
Yes.

LEG. ALDEN:  
Yes.

LEG. COOPER:  
Yes.

LEG. BINDER:  
Yes.

LEG. BISHOP:  
Yes.

LEG. D'ANDRE:  
Yes.

LEG. CRECCA:

Yes.

LEG. FIELDS:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. HALEY:

Yes.

LEG. FISHER:

Yes.

LEG. CARACAPPA:

Yes.

LEG. GULDI:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. POSTAL:

Yes.

P.O. TONNA:

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Yes.

MR. BARTON:

17, 1 not present. (Absent: Leg. Towle)

D.P.O. POSTAL:

Same motion, same second, same vote. 2138 (Authorizing the County Executive to execute an agreement extending the term of grant agreement with the New York State Department of Transportation and amending the Work Program for the Suffolk County Police Department enforcement efforts in the vicinity of certain highway construction projects in Suffolk County). Motion by Legislator Foley, second by Legislator D'Andre. All in favor? Any opposed?

MR. BARTON:

17, 1 not present. (Absent: Leg. Towle)

D.P.O. POSTAL:

2138 is approved. 2141 (Authorizing execution of an agreement by the Administrative Head of Suffolk County Sewer District No. 3-Southwest with the Developer of Farmingdale Villas). I'm going to make a motion to waive Rule 7(B) --

LEG. CARACAPPA:

Second.

D.P.O. POSTAL:

-- and table this to the first General Meeting in January, seconded by Legislator Caracappa. Before we have a vote, I would just like to point out, and I would ask that -- I don't know who's here from the County Executive's Office, but -- is there somebody here from the County Executive's Office? I thought --

LEG. FOLEY:

There is.

D.P.O. POSTAL:

I thought there was somebody else. There's only one person? Where are they, anybody?

LEG. ALDEN:

They're all over the place.

D.P.O. POSTAL:

Okay. I would ask that the County Executive's Office speak with the owners of this property, because this is a senior citizens complex in the Town of Babylon where senior citizens, at the end of their first year lease, had their rent raised by \$350 a month on a one-bedroom apartment. This is rent gouging. This was actually the situation that motivated me to introduce the Sense Resolution that had to do with rent stabilization. And I would really like to know that if we're going to permit this out-of-district hook up for this particular senior citizens apartment complex, that there would be savings passed along to senior citizens to, first of all, roll back their rents and give us a commitment to keep their rents affordable and raised only to the degree that there's a cost of living increase for perhaps the next

five years, because I think that this an unconscionable situation. So I would just make that suggestion to the County Executive's staff. Legislator Lindsay.

LEG. LINDSAY:

Yeah. What I don't understand, in other words, this is not a new

development it exists now. So what do they have, cesspools there now and they want to hook up to the sewer district?

D.P.O. POSTAL:

I truly -- I would assume that they either have a septic system -- this was before Public Works. I don't know if -- oh, okay, Mr. Bartha is here. Charlie.

MR. BARTHA:

Yes.

D.P.O. POSTAL:

There was a question about what kind of sewage disposal system Farmingdale Villas had prior to this, or has currently. With regard to Page 12, 2141.

MR. BARTHA:

Right. I'm looking at the resolution right now. I don't know what they have now. We're only talking about two units here, 775 gallons per day.

D.P.O. POSTAL:

Wait a minute. Two units?

MR. BARTHA:

Yes.

D.P.O. POSTAL:

What did they do with the other units?

MR. BARTHA:

I don't know that it's anymore than two units.

D.P.O. POSTAL:

Oh, believe me, it's more than two units.

MR. BARTHA:

Well, this resolution is --

D.P.O. POSTAL:

The application may be two units. I mean, I think that, first of all, we need to have an answer for that first General Meeting in January about what they're doing to dispose of the rest of their sewage at this point, and why they're making this application for two units. I mean, this is -- this is really interesting.

MR. BARTHA:

Okay. We'll get that information for you.

D.P.O. POSTAL:

And, also, I don't -- I don't know if you were here when I said I would like to know if they would make a commitment to -- I didn't know this was just two units. I'd like to get some explanation of why they're making application for two units.

MR. BARTHA:  
Okay.

D.P.O. POSTAL:  
And then I -- we could go beyond that once we have that information. At any rate, I made a motion to waive Rule 7(B) and table this to the first meeting in -- General Meeting in January, seconded by Legislator Caracappa. All in favor? Any opposed? Do we have a --

MR. BARTON:  
15, 3 not present. (Absent: Leg. Towle/Not Present: P.O. Tonna and Leg. Caracciolo)

D.P.O. POSTAL:  
Okay. 2141 is tabled. Brenda, if you could just hold on one minute.

MS. ROSENBERG:  
Sure.

D.P.O. POSTAL:  
Why don't we do the last resolution under Public Works and then we'll go back to the one we skipped over.

We have 2149 (Amending the 2001 Capital Program and Budget and appropriating planning funds for improvements to South Country Road, CR 36, Town of Brookhaven (CP 3184.315). Motion by Legislator Foley, seconded by Legislator Caracappa. Roll call.

(Roll Called by Mr. Barton)

LEG. FOLEY:  
Yes.

LEG. CARACAPPA:  
Yep.

LEG. COOPER:  
Yes.

LEG. BINDER:  
Yes.

LEG. BISHOP:  
Yes.

LEG. D'ANDRE:  
Yes.

LEG. CRECCA:  
Yes.

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LEG. CARPENTER:  
Yes.

LEG. ALDEN:  
Yes.

LEG. FIELDS:  
Yes.

LEG. LINDSAY:  
Yes.

LEG. HALEY:  
Yes.

LEG. FISHER:  
Yes.

LEG. GULDI:  
Yes.

LEG. CARACCIOLO:  
(Not Present)

LEG. POSTAL:  
Yes.

P.O. TONNA:  
(Not Present)

MR. BARTON:  
15, 3 not present. (Absent: Leg. Towle/Not Present: P.O. Tonna and  
Leg. Caracciolo)

D.P.O. POSTAL:  
Same motion, same second, same vote. Now --

LEG. FOLEY:  
Thank you.

D.P.O. POSTAL:  
-- if we can go back to Page 11, we skipped over 2144. I think Brenda  
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has some information for us.

MS. ROSENBERG:  
Okay.

D.P.O. POSTAL:  
Brenda.

LEG. CRECCA:  
Please, share.

MS. ROSENBERG:  
I shall. All TANF funds have to be applied --

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D.P.O. POSTAL:  
Could you just speak in to the mike?

MS. ROSENBERG:  
You can't hear me? All the TANF funds are applied for by Social Services districts, so all the residents have to be from Suffolk County who will be receiving any of these funds. They have to be in the program and they have to be in Suffolk County, and that's how they get the grants, based on those people. The grants are written based on those districts.

LEG. ALDEN:  
Okay. Now the turnover, as far as the initial people that are listed there as being in this or going into this program, the turnover can come from where? Is there a restriction on that?

MS. ROSENBERG:  
It's Suffolk County residents.

LEG. ALDEN:  
So to establish a residency in Suffolk County, all they have to do is set forth -- set your foot into Suffolk County, right?

MS. ROSENBERG:  
To establish residency in Suffolk County?

LEG. ALDEN:  
Right.

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

LEG. ALDEN:

Under this program, under the guidelines of this program.

D.P.O. POSTAL:

Can I, just to clarify?

LEG. ALDEN:

What I'm getting at is transfers. There's transfers in the Probation system, there's transfers of parolees.

MS. ROSENBERG:

This is based on I think 25 people, and those 25 people are already in -- under the Probation Department's jurisdiction, so they are Suffolk County residents.

LEG. ALDEN:

Right. And when these people move out of this program --

MS. ROSENBERG:

Well, there's only a certain amount of money for the grant.

LEG. ALDEN:

What?

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MS. ROSENBERG:

This is a certain amount of funds that are being proposed in the grant, it's not forever.

LEG. ALDEN:

All right. How long is the grant? The grant is going to cover what period of time?

MS. ROSENBERG:

January -- it's a fiscal year, January to December. It's one year.

LEG. ALDEN:

And the same 25 people are going to be in that program? You're representing that the same 25 that started in January will be in the program until the end of the year under this --

MS. ROSENBERG:

I can't swear to that. I mean, if they come out of Probation, I assume they're not going to be in that program.

LEG. ALDEN:

Okay. Then the second part of my question was what sites?

MS. ROSENBERG:

I don't have that answer. I didn't get the information from Vinny laria, I got this from a grant writer. Vinny's not home. I left a message there. If he calls back, I will get you that information, but I can't get that information at the current time.

LEG. ALDEN:

Can anybody answer, any type of similar program that Suffolk County's done, where they've housed these people?

MS. ROSENBERG:

I can't tell you that. I don't have that information.

D.P.O. POSTAL:

I think --

MS. ROSENBERG:

I don't think -- yeah, I think probation isn't necessarily a housing issue.

LEG. ALDEN:

I can't hear you.

MS. ROSENBERG:

Probation isn't the housing issue.

LEG. ALDEN:

What?

MS. ROSENBERG:

The probation isn't where they're housed, probation is they're usually in their own homes.

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LEG. ALDEN:

Right.

MS. ROSENBERG:

So you want a breakdown of their homes, is that what you're looking for?

LEG. ALDEN:

Where does the grant cover, then, people living in their homes? It's not going to provide any housing for them, or it's not going to provide relocation services?

MS. ROSENBERG:

Correct. Probation is people who are living in their homes who are under the Probation Department's auspices.

LEG. ALDEN:

Then explain what the program does.

MS. ROSENBERG:

I don't have the -- all the information in front of me.

MR. SABATINO:

The questions that are being raised are legitimate questions. I cannot answer them based on either the documents submitted or my own knowledge of how the system works. This may be something different. I mean, logic tells me that these are going to be Suffolk County placements and residents, but I don't know for certain. The Legislator has asked a legitimate question that I don't have the expertise or the knowledge to answer, because I'm not familiar with the details beyond what the documents are. So my recommendation would be, since it's only January 1st as a kickoff point, we do grants retroactively all the time, just waive the rule, let the people who have the knowledge and expertise come before the committee. I can't answer the question, it's --

LEG. CARACAPPA:

Madam Chair, if I could, just to --

D.P.O. POSTAL:

Legislator Caracappa, followed by Legislator Fisher. And then did you have a question?

LEG. CARACAPPA:

Legislator Alden, I know you had a problem in your district, I guess it's about a year plus ago, with something I think along the lines of your questioning. Is that what you're concerned about, this grant may be allocated for as one of those PINS houses or probation halfway homes?

LEG. ALDEN:

Well, actually, that's part of it, you're right on the money there, Legislator Caracappa, but the other part was that under some programs, under probation and parole, they allow people to come from outside the area, and, actually, they're housed out here and they go through their whole probation and -- or parole times in Suffolk County. They could

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like that on the record, that before I vote, I mean, maybe everybody else doesn't want that on the record, but before I vote on it, I would like that assurance, that these are not coming from outside, and that they already know where these people are being housed.

LEG. CARACAPPA:

Well, the reason I asked the question of you and your particular problem in your district in the past is that maybe it gives them a little more background as to ask those specific questions if the grant is going in that direction.

LEG. ALDEN:

Thanks.

D.P.O. POSTAL:

Legislator Fisher.

LEG. FISHER:

I don't think that -- well, looking at the resolution, where it says, "These funds will be utilized to expedite referrals and access to community resources, and will provide and monitor interventions for employment and self-empowerment in an effort to reduce criminal recidivism," and then it says, "Probation will utilize the resources from the Department of Labor, Health and Social Services, and the total grant program will operate from the 1st of January to the 31st of December, at a total projected cost of \$143,000, with an allocation of 100,000 in federal funds," etcetera, etcetera, and then it says it will provide funding for 50% salary of a Senior Probation Officer. So it seems that the money is going toward having another Probation Officer, which I think the Probation Department could use. They always seem to be short-handed. It doesn't have any indication that it provides housing for people. Brenda has indicated that the TANF funds would only be going to people that are currently residents of Suffolk County. And I would hate for us to hold up the funds coming to us to help a really overworked Probation Department to do its job. I think that most of us here have met with people from the Probation Department who have explained what a large caseload they have. So I'd hate to see us turn away money, and this does seem to be time sensitive.

MS. ROSENBERG:

Cameron, the program begins on January 1st.

D.P.O. POSTAL:

Legislator Lindsay, did you --

LEG. LINDSAY:

No.

LEG. CRECCA:

Can we vote on this?

MS. ROSENBERG:

There is --

D.P.O. POSTAL:

No. Okay. Lets do a roll call. 2144. Do we have a motion and a second?

MS. FARRELL:

Yes.

D.P.O. POSTAL:

Okay.

(Roll Called by Mr. Barton)

LEG. CARPENTER:

Yes.

LEG. CARACAPPA:

Pass.

LEG. COOPER:

Yes.

LEG. BINDER:

Pass.

LEG. BISHOP:

Yes.

LEG. D'ANDRE:

Yes.

LEG. CRECCA:

Yes.

LEG. ALDEN:

Abstain.

LEG. FIELDS:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. HALEY:

Yes.

LEG. FISHER:  
Yes.

LEG. GULDI:  
Yes.

LEG. CARACCIOLO:

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Yes.

LEG. POSTAL:  
Yes.

P.O. TONNA:  
Yes.

LEG. BINDER:  
Yes.

LEG. CARACAPPA:  
Yes.

MR. BARTON:  
16, 1 abstention, 1 not present. (Absent: Leg. Towle)

D.P.O. POSTAL:  
2144 is approved.

#### HEALTH

Back to Page 12. Under Health, we've already approved 2047. 2056 (Creating committee for Securing HVAC Systems in County buildings and facilities against chemical biological terrorist diseases). Motion by Legislator Fisher, seconded by Legislator Fields. All in favor? Any opposed?

MR. BARTON:  
17, 1 not present. (Absent: Leg. Towle)

D.P.O. POSTAL:  
2056 is approved. 2139 (Amending the Department of Health Services, Division of Public Health 2001 Adopted Budget to reallocate funds for a contract agency). Motion to approve by Legislator Fields, seconded by Legislator Foley. All in favor? Any opposed?

MR. BARTON:

17, 1 not present. (Absent: Leg. Towle)

D.P.O. POSTAL:

2139 is approved. 2140 (Amending the Department of Health Services, Division of Patient Care Services 2001 Adopted Budget and reallocate funds for a contract agency). Motion by Legislator Fields, seconded by Legislator Haley. All in favor? Any opposed?

MR. BARTON:

17, 1 not present. (Absent: Leg. Towle)

D.P.O. POSTAL:

2140 is approved. 2142 (Requesting Legislative approval of a contract award for the development and implementation of a K-12 Health Education Curriculum for the Tobacco Education and Control Program to be provided to the Suffolk County Department of Health Services). Motion by Legislator Fields, seconded by Legislator Carpenter. All in favor? Any opposed?

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MR. BARTON:

17, 1 not present. (Absent: Leg. Towle)

D.P.O. POSTAL:

2142 is approved.

#### FINANCE AND FINANCIAL SERVICES

Finance and Financial Services. 2044 (Authorizing the County Comptroller and County Treasurer to close certain Capital Projects). A motion by Legislator Caracciolo, seconded by myself. All in favor? Any opposed?

MR. BARTON:

17, 1 not present. (Absent: Leg. Towle)

D.P.O. POSTAL:

2044 is approved. 2147 (Authorizing the County Comptroller and the County Treasurer to transfer funds to cover unanticipated expenses in the 2001 Adopted Discretionary Budget). Same motion, same second, same vote.

MR. BARTON:

17, 1 not present. (Absent: Leg. Towle)

D.P.O. POSTAL:

2147 is approved. 2148 (Authorizing the County Comptroller and the

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County Treasurer to transfer funds to cover unanticipated expenses in the 2001 Adopted Mandated Budget). Same motion, same second, same vote.

MR. SABATINO:  
2148 requires 14 votes, just so you know.

D.P.O. POSTAL:  
Okay.

MR. BARTON:  
17, 1 not present. (Absent: Leg. Towle)

D.P.O. POSTAL:  
2148 is approved.

LEG. FISHER:  
Madam Presiding Officer, I have -- Deputy Presiding Officer.

D.P.O. POSTAL:  
Legislator Fisher? I'm sorry.

LEG. FISHER:  
I have three resolutions that we waived the rules and discharged. They've been distributed.

D.P.O. POSTAL:  
Yeah. I think we're going to those resolutions now. We had

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previously approved 2039; am I correct? That was the lease of premises located at Feather Hill Village, Main Road.

LEG. GULDI:  
That was in the agenda.

LEG. FISHER:  
Yes, that was approved.

D.P.O. POSTAL:  
We approved that a little earlier this evening.

LEG. CARACAPPA:  
2111.

D.P.O. POSTAL:  
2111 was discharged --

LEG. FISHER:  
Thank you.

D.P.O. POSTAL:  
-- earlier today.

MR. BARTON:  
Correct.

D.P.O. POSTAL:  
Motion to -- you have that before. Motion to --

LEG. FISHER:  
2111 (Accept and appropriate a grant proposal to the State University of New York for a Community College Workforce Development Training Program for American Diagnostic Corporation 100% reimbursed by State funds at Suffolk County Community College.) Motion to approve.

D.P.O. POSTAL:  
Motion to approve by Legislator Fisher, seconded by Legislator Carpenter. All in favor? Any opposed?

MR. BARTON:  
17, 1 not present. (Absent: Leg. Towle)

D.P.O. POSTAL:  
2111 is --

LEG. FISHER:  
2112. Motion to approve.

D.P.O. POSTAL:  
2111 is approved. 2112 (Accepting and Appropriating a grant award from SUNY Venture Funding for a Webwrite SUNY Collaborative to assess and improve writing skills 100% reimbursed by State funds at Suffolk County Community College.) Same motion, same second. All in favor? Any opposed?

MR. BARTON:  
17, 1 not present. (Absent: Leg. Towle)

LEG. FISHER:  
2127. Motion to approve.

D.P.O. POSTAL:  
2112 is approved. 2127 (Amending the 2001 Capital Budget and Program  
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and Appropriating funds in connection with mechanical/electrical upgrades at Huntington Library (CP 2105). Same motion, same second, same vote.

LEG. BISHOP:  
These are final approvals?

MR. BARTON:  
17, 1 not present. (Absent: Leg. Towle)

LEG. FISHER:  
I'm sorry. We need a roll call on 2127, because that's only 50% reimbursed, it's a bond.

MR. SABATINO:  
2127 has a bond, because there's a matching -- there's a matching grant.

LEG. FISHER:  
There's a 50% matching by the State.

D.P.O. POSTAL:  
All right. Roll call on 2127.

MR. BARTON:  
All right. On 2127 on the bond.

(Roll Called by Mr. Barton)

LEG. FISHER:  
Yes.

LEG. CARPENTER:  
Yes.

LEG. COOPER:  
Yes.

LEG. BINDER:  
Yes.

LEG. BISHOP:  
Yes.

LEG. D'ANDRE:  
Yes.

LEG. CRECCA:

Yeah.

LEG. ALDEN:

Yes.

LEG. FIELDS:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. HALEY:

Yes.

LEG. CARACAPPA:

Yes.

LEG. GULDI:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. POSTAL:

I'm sorry. Yes.

P.O. TONNA:

Yes.

MR. BARTON:

17 on the bond. (Absent: Leg. Towle)

D.P.O. POSTAL:

Same motion, same second, same vote. We're going to go to the Certificates of Necessity. I.R. 2156 (Adopting Local Law No. -2001, a Local Law to amend the Suffolk County Code of Ethics.) Do we have representative of the County Executive's Office?

LEG. LINDSAY:

2156?

MS. BURKHARDT:

It's a CN.

D.P.O. POSTAL:

We're addressing the CN's, Certificates of Necessity.

LEG. CRECCA:

We're doing the CN's.

LEG. CARACCIOLO:

Motion.

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D.P.O. POSTAL:

A motion. Who was the maker of the motion? Legislator Caracciolo, seconded by Legislator --

LEG. FOLEY:

Explanation, please.

D.P.O. POSTAL:

2156. This is adopting a Local Law to amend the Suffolk County Code of Ethics. There are a number of questions.

P.O. TONNA:

You're going to push through with the CN, Dave?

LEG. CRECCA:

What's the rush?

D.P.O. POSTAL:

Just wait one second.

P.O. TONNA:

You're going to -- okay. My concerns were those that were raised by Legal Counsel. I don't want to go lawyer to lawyer, because I'm not a lawyer, you know, practicing outside my field. I haven't decided what my field is.

LEG. GULDI:

What is your field?

P.O. TONNA:

I know, I beat you to it. I don't know what my field is. But I would say this --

LEG. BISHOP:

Golf.

P.O. TONNA:

You know, all right, I'll take that. Anyway, at least I don't try to spin them around the greens, Legislator Alden. But my concern is to -- I'd like to have this opportunity to, you know, work something out. I would ask, because of the question, and maybe you could present the issue once again, with regard to tying the one section to some indece.

MR. SABATINO:

Well, I had sketched out some changes and submitted them to --

LEG. BISHOP:

We should send this through the committee process.

LEG. GULDI:

Yeah. Motion to actually --

P.O. TONNA:

Why is there a CN?

LEG. GULDI:

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Yeah, why a CN? Why doesn't it go to committee?

P.O. TONNA:

Is this under the urgency of political coverage? No, I'm joking. Anyway, I'm teasing. Joke, joke. You don't have to answer that. Strick that from the record, gosh darn it.

LEG. BISHOP:

Because there are people committing appearances of impropriety every day.

P.O. TONNA:

All right. I say let it go -- I say let it go to the committee process.

LEG. GULDI:

Are we going to have that next year?

LEG. FISHER:

Motion to table.

P.O. TONNA:

A committee process? I don't know, George. It's all up to you. You're the big decision-maker here. It was a public hearing today, which we recessed, didn't we?

MR. BARTON:

Closed it.

MR. GRIER:

No, it was closed.

P.O. TONNA:

We closed it? Oh that's why we closed it, so that we could vote on it

tonight. Oh, you guys are tricky.

MR. BARTON:  
So, are you reopening the public hearing?

LEG. FISHER:  
Can we just table it?

P.O. TONNA:  
I would say this. We have a certain criteria that we try to adhere to given the fact that, of course, nobody is 100% consistent. We would -- I would like this to go the -- I would make a motion to --

LEG. CRECCA:  
Motion to waive the rules --

P.O. TONNA:  
To commit to --

LEG. CRECCA:  
Do you want to waive Rule 7(B) again?

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LEG. FISHER:  
Just table it. Just table it. They can bring it back.

LEG. GULDI:  
Motion to table.

P.O. TONNA:  
Paul, how do we get this to committee, you know, in January?

LEG. GULDI:  
Refile it.

LEG. POSTAL:  
But then there has to be another public hearing, doesn't there?

P.O. TONNA:  
No. That's your argument why you have a CN --

LEG. FISHER:  
That's okay.

P.O. TONNA:  
-- because you don't want it to expire at the end of the year. You see, that was the thing you should have gave us.

MR. GRIER:  
Just so you do know --

MR. SABATINO:  
If you want to get the bill into next year, you'd have to -- and preserve the effectiveness of the public hearing that you closed today, you'd have to waive --

P.O. TONNA:  
7(B).

MR. SABATINO:  
-- Rule 7(B), and then make a motion to table it to the first meeting.

P.O. TONNA:  
All right. I'm going to waive the rules on 7(B) and make a motion --

LEG. CARACCIOLO:  
Withdraw my motion, Mr. Chairman.

P.O. TONNA:  
-- to table until the first General Meeting. Second by Legislator Alden.

LEG. GULDI:  
On the motion.

LEG. ALDEN:  
On the motion.

P.O. TONNA:

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On the motion.

LEG. ALDEN:  
You would have it tabled to the first committee meeting. You want it to go through the committee process.

MR. SABATINO:  
Well, if you want it to go through the committee process, then what you're going to have to do is --

LEG. GULDI:  
Waive Rule 7(B) and recommit.

LEG. FISHER:

Just resubmit it.

MR. SABATINO:

You're going to have to waive the rule and then make a motion to refer it to whatever pertinent committee is in existence in the new year.

P.O. TONNA:

Okay. Is that a motion? Paul, I --

LEG. GULDI:

He can't make the motion.

LEG. BISHOP:

Mr. Chairman.

P.O. TONNA:

Okay.

LEG. GULDI:

Mr. Chairman.

P.O. TONNA:

I'm going to make a motion --

LEG. BISHOP:

Mr. Chairman.

P.O. TONNA:

-- to waive 7(B).

MR. BARTON:

It was only laid on the table today.

LEG. BISHOP:

Mr. Chairman.

P.O. TONNA:

Just don't lay it on the table? But then --

MR. BARTON:

It was laid on the table today.

LEG. BISHOP:

Paul, why can't I be recognized?

P.O. TONNA:

Why? Because I'm still in the process of my thought process and you just interrupt that. Just hold it one second.

LEG. CRECCA:  
Guys it was laid on the --

P.O. TONNA:  
Legislator Bishop. He might have some very insightful points.

LEG. BISHOP:  
Yeah. What is the urgency to preserve the public hearing that we closed today, since we --

P.O. TONNA:  
So it's not subject to another public hearing.

LEG. BISHOP:  
But why do we want to not have it subject to a public hearing. We should be. Nobody knew about this. It came over as a surprise. Gee whiz, I hate that damn gavel.

P.O. TONNA:  
That's what happens, Legislator Postal, when I get back to running this thing. Dave has the floor. Legislator Bishop has the floor.

LEG. GULDI:  
On the motion.

P.O. TONNA:  
Speak up, Dave.

LEG. BISHOP:  
My point simply is that we may benefit from a public hearing, since nobody knew about this piece of legislation until today.

LEG. FISHER:  
That's right.

LEG. GULDI:  
On the motion.

LEG. BISHOP:  
So what is the urgency to preserve the fact that we closed the public hearing? I don't think that serves the public well.

LEG. FISHER:  
Absolutely, it makes sense.

LEG. BISHOP:  
It doesn't serve the process.

P.O. TONNA:

All right. Thank you very much. Legislator Guldi.

LEG. GULDI:

Yeah. I would like the County Executive's representative to actually tell us why they brought it over by CN. We haven't --

LEG. BISHOP:

All right. Come on.

LEG. GULDI:

We've asked the question.

P.O. TONNA:

George, they already said, so it didn't expire at the end of the year.

LEG. GULDI:

No, they didn't say that.

P.O. TONNA:

They have it in the process, they wanted it to --

LEG. GULDI:

You didn't say that, you said that.

P.O. TONNA:

All right. Come on up and say that.

LEG. CARPENTER:

Mr. Chairman.

LEG. BISHOP:

Refile.

LEG. GULDI:

I'd like to hear why it's here by CN. I'd like to hear the explanation.

P.O. TONNA:

All right. Go ahead, Brenda.

LEG. GULDI:

Dave? What happened to Dave, de he go home?

P.O. TONNA:

Stick with me, Brenda, here, stick with me.

MS. ROSENBERG:

You want a legal definition?

P.O. TONNA:

Dave, go head. No. Go ahead, Brenda, tell us why.

MS. ROSENBERG:

We felt it was important to put this on the table at this point. And we did send it over to the Clerk in a timely fashion, so it was advertised properly, and the public hearing notice was sent out.

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P.O. TONNA:

Yeah, it was fine.

MS. ROSENBERG:

It was there.

P.O. TONNA:

Yeah.

MS. ROSENBERG:

So we thought it would be a good point to start a discussion.

P.O. TONNA:

Yeah, there we go.

LEG. GULDI:

So let's send it to committee so we can discuss it then. Is there any objection to that?

MS. ROSENBERG:

We have no objection to that.

LEG. BISHOP:

Refile it, we'll have a public hearing, committee hearings.

MS. ROSENBERG:

We have no object.

P.O. TONNA:

Okay.

LEG. GULDI:

Thank you.

LEG. BISHOP:

Withdrawn.

P.O. TONNA:

All right. Legislator Carpenter.

LEG. BISHOP:  
Withdrawn, right?

LEG. CARPENTER:  
Mr. Chairman, I would just like to thank the County Executive's Office for their confidence in the female Legislators, but I would suggest, when you look at this bill again, you may want to make it gender neutral.

P.O. TONNA:  
All right. I know we're looking at the scriptures and doing that, too.

MS. ROSENBERG:  
Angie.

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P.O. TONNA:  
Okay. Hold it a second. Here we go.

MS. ROSENBERG:  
All actresses are now actors.

LEG. FISHER:  
Motion to table.

MS. ROSENBERG:  
All actresses are now actors in their soul.

P.O. TONNA:  
Okay. No. I think --

LEG. GULDI:  
Motion to waive the rule and commit to committee.

P.O. TONNA:  
Okay.

LEG. GULDI:  
That's the motion.

LEG. BISHOP:  
No.

P.O. TONNA:  
No, you can't do that.

LEG. FISHER:  
No. Motion to table, so they resubmit it.

LEG. BISHOP:  
Resubmit. Resubmit.

P.O. TONNA:  
I would ask this. Brenda, can you just -- listen to me. I'll take full responsibility. I would just ask that you withdraw the CN and just submit it. We'll lay it on the table. Can we lay it on the table?

LEG. FISHER:  
It is laid on the table today.

MR. SABATINO:  
No, no. If --

LEG. GULDI:  
That's what I just said.

MR. SABATINO:  
No. What they should --

P.O. TONNA:

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Let Paul -- let the Legal Counsel tell us what we're actually supposed to do with it.

MR. SABATINO:  
If there's a desire to have the cycle start all over again, but on a nondelayed basis, the bill should be withdrawn and then filed as a normal bill before December 27th, in which case it will be get laid on the table at the Organizational Meeting and be eligible for the first committee cycle in January or February.

P.O. TONNA:  
There we go. That's what we're suggesting that you do. Okay? Great then it goes through public hearings then it goes through the committee system and everything else. Okay. Next CN. Urgency -- remember the operative thing in CN's is urgency. For some reason there's got to be an urgency argument. Feigned or real, there's got to be at least an argument. All right? Here we go. Is that the proper use of the word there, Dave?

LEG. BISHOP:

Excellent. Thank you.

LEG. BISHOP:  
Excellent.

P.O. TONNA:  
Who told me to shut up? All right. Here we go. 2159, CN (Authorizing the lease of premises located at MacArthur Airport, Town of Islip, NY for the Police Department). Legislator --

LEG. FISHER:  
Wait. What about 2157?

LEG. CARACAPPA:  
That passed.

P.O. TONNA:  
2159. Motion by Legislator Alden.

LEG. LINDSAY:  
What is it?

P.O. TONNA:  
This is authorizing the lease in premises for MacArthur Airport. Legislator Lindsay?

LEG. LINDSAY:  
Yeah.

P.O. TONNA:  
Okay.

LEG. BISHOP:  
What's the urgency here?

P.O. TONNA:

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Seconded by myself.

LEG. BISHOP:  
Well, let's go through the -- let's --

P.O. TONNA:  
We wanted to -- okay.

LEG. BISHOP:  
Why doesn't it go through committee?

P.O. TONNA:

We want to do the urgency? I know there's somebody from the department. Do you guys want to -- you've been sitting back there all day. No?

LEG. FIELDS:

January 1st is the deadline.

P.O. TONNA:

It's a January 1st deadline, that's why.

LEG. BISHOP:

Why? Was it a surprise that it was going to --

P.O. TONNA:

No.

LEG. CRECCA:

We didn't know the --

LEG. CARPENTER:

Because we were making the improvements and the lease --

P.O. TONNA:

Dave, Dave.

LEG. CARPENTER:

-- you need longer, so that you can bond the --

P.O. TONNA:

We're going to go Dave to Dave here. Dave, tell Dave.

MR. GRIER:

The reason we need to do this is we've -- you've approved the appropriation of the funding to do the second story in the premises that currently exists. In order for us to bond those proceeds, we need the lease term to coincide with the useful life of the capital improvements, so we have to extend the term its current expiration of 2012 to 2027.

LEG. BISHOP:

Excellent.

P.O. TONNA:

Okay.

LEG. BISHOP:  
Very cogent.

P.O. TONNA:  
There we go. Thank you very much. All right. There's a motion and a second. All in favor? Opposed? Approved.

MR. BARTON:  
17, 1 not present. (Absent: Leg. Towle)

P.O. TONNA:  
Okay. Next one is 2160 (Amending the 2001 Capital Budget and Program and Appropriating funds in connection with the improvements to Peconic Dunes County Park (CP 7050).

LEG. CARACAPPA:  
Motion.

LEG. BISHOP:  
What is it?

LEG. FISHER:  
Second

P.O. TONNA:  
Motion by?

LEG. CARACAPPA:  
Motion.

LEG. FISHER:  
Caracappa.

P.O. TONNA:  
Legislator Caracappa. Second by?

LEG. FISHER:  
Fisher.

P.O. TONNA:  
Fisher.

LEG. BINDER:  
Mr. Chairman.

P.O. TONNA:  
On the motion.

LEG. BINDER:  
On the motion.

LEG. CARACAPPA:  
Just for those who aren't on the Parks Committee, we had a discussion about this need then, and, at that point, I did not support the funding for this. It was originally \$1.7 million, and having met with

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the Parks Commissioner, we were able to come back with a budget of under a million dollars to do what is -- what I view is necessary improvements there. So we -- Legislator Binder shared my concerns in the committee, so to him I say we were able to -- we were able to knock \$900,000 off the original estimate.

LEG. BINDER:  
Mr. Chairman.

P.O. TONNA:  
All right. Yes, Legislator Binder.

LEG. BINDER:  
My concern, obviously, went further beyond, is that we have a camp that obviously needs some improvements. But the question is are we running in correctly? Are we -- should we be investing the money, or should someone else who's running the camp be investing the money? It would seem to me that we would need to look at this a little deeper before we run at the last meeting with a CN when there are so many outstanding questions. Even at half the price, and this is still nearly a million dollars, and a million dollars, I don't know that we should run to do this until we understand if there's a better way to get this financed, whether there is someone else that would want to go in there and run the camp. It would seem that someone could make money. Camps make a lot of money, and someone would be willing to improve the camp to make that money if we can make them the right deal, and that would save us a lot of money right now. It seemed to me either at the committee meeting and even at \$900,000, it seems to me that homework hasn't been done on this thing, questions couldn't be answered, and nearly a million dollars is a lot to spend without being able to know the -- without getting the answers.

LEG. CARACAPPA:  
Your points are well taken, and there were concerns, again, of most of the committee, again, having sat down with the Parks Commissioner at length the other evening for a couple of hours. The things that he showed me, along with his staff member that came with him, especially with relation to the water systems, I don't think we're going to get anybody to even consider doing a camp there after seeing how poor a condition even that water systems are in. And if you -- you can't even get running water into the place. When you turn the water -- it's PVC pipe above the ground. When you turn it on, it explodes like a fountain. So there's really no running water on top of the things that we saw in committee. So I think we need to do some basic improvements before we could even start thinking about structuring a better agreement with another user group.

LEG. BINDER:

Except that if someone went to build a camp from scratch with nothing there, no water, no improvements, no buildings, nothing to fix up, the cost is infinitely more. So maybe someone would come in there and say, "This is still less for me, we could save on the land, because the County's going to work with us on land." I just want to see that thought was put into different ways to fund this before turning to us in a capital program. I'm concerned that a million dollars is -- or nearly a million dollars is still a great concern to me, so I'm going

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to have a problem today on a CN without seeing more to support this.

LEG. CARACAPPA:

That's fine. And just one final point so we can move on. The improvements that could be done there to make it a, well, a third class camp, as right now it's not even close to that, would be significant amount more with relation to the dollars. This is self-admittedly a band aid approach to the entire program, but it's going to be enough to take care of the essential services that will keep the camp running in a safe mode in the upcoming season, while we're still in a contractual agreement with SCOPE and Camp {Seawolf} through the University.

P.O. TONNA:

All right. Legislator Lindsay.

LEG. LINDSAY:

Yeah. My only question is, evidently, it did go through the committee process, it didn't bypass that.

LEG. CARACAPPA:

No. Actually, it's a CN and the Commissioner knew --

LEG. LINDSAY:

I know that, but they talked about it in committee.

LEG. CARACAPPA:

No. The Commissioner knew that there would be a CN forthcoming, and when he laid out the detail -- and so he was kind enough to comment and say, "We'd like to bring a CN and this is -- these are all the particulars." They handed out -- they did a presentation in committee based on what was going to happen tonight.

LEG. LINDSAY:

Was it voted out of committee?

LEG. FISHER:

No, it never went through the committee process.

LEG. CARACAPPA:

There was never -- it was just discussed -- the CN that was coming tonight was discussed in committee.

LEG. FISHER:

He gave us a heads-up, in other words.

LEG. LINDSAY:

Same question, why is it a CN? Why is -- what's the urgency?

LEG. CARACAPPA:

Again, the end of the year. I think it was just the time frame, so -- and the capital, the capital dollars, we'd lose the offset with relation to January 1st.

LEG. FOLEY:

And, also, I think they want to approve it as quickly as possible in

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order to make the improvements before the next camping season.

LEG. CARACAPPA:

It was mainly the offsets, Billy, so we don't lose it, instead of going and scavenging for one next year. Great. Thank you.

P.O. TONNA:

Okay. The urgency issue, why is this urgent?

LEG. FISHER:

To use the offset.

LEG. CARACAPPA:

To use the capital offset.

P.O. TONNA:

Great. Okay. All in favor? Opposed?

D.P.O. POSTAL:

No, no, roll call.

P.O. TONNA:

Roll call.

(Roll Called by Mr. Barton)

LEG. CARACAPPA:  
Yes.

LEG. FISHER:  
Yes.

LEG. COOPER:  
Yes.

LEG. BINDER:  
No.

LEG. BISHOP:  
Yes.

LEG. D'ANDRE:  
Yes.

LEG. CRECCA:  
Yep.

LEG. CARPENTER:  
Yes.

LEG. ALDEN:  
Abstain.

LEG. FIELDS:  
Yes.

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LEG. LINDSAY:  
Yes.

LEG. FOLEY:  
Yes.

LEG. HALEY:  
Yes.

LEG. GULDI:  
Yes.

LEG. CARACCIOLO:  
Yes. Cosponsor.

LEG. POSTAL:

Yes.

P.O. TONNA:

Yes.

MR. BARTON:

15, 1, 1 abstention, 1 not present. (Absent: Leg. Towle)

P.O. TONNA:

Is it just me, because we all ate together today, is everybody else hungry? All right. I just want to know. Same motion, same second, same vote.

LEG. CRECCA:

I had that very filling sandwich.

P.O. TONNA:

Yeah, I know.

LEG. GULDI:

We should have hung around for dessert.

P.O. TONNA:

Yeah. All right. 2161 (Authorizing the execution of an agreement for architectural services for premises to be leases as a joint Health and Social Services Center). Motion by Ginny Fields, seconded by --

LEG. FOLEY:

Second.

P.O. TONNA:

Legislator Postal. All in favor? Opposed?

LEG. GULDI:

On the motion. On the motion.

LEG. FISHER:

On the motion.

P.O. TONNA:

On the motion.

LEG. GULDI:

On the motion. I not, this conceptually was before Space Management, and, in fact, I think it was even my suggestion that we -- that we proceed in this direction. I'm concerned that the fourth from the

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last "resolved" clause states that the reimbursement rate shall not exceed, quote, a reasonable -- a reasonable fee for services to be rendered to which shall be mutually agreed upon. An agreement to agree. Obviously, I presume that's there because the County Executive hasn't had an opportunity to negotiate that number, but I wonder if there are at least some parameters that you would indicate would be unreasonable, so that we could -- we in the Legislature could approve this without it being, in effect, a blank check. I mean, are we talking about hundreds of -- a hundred thousand, a million, five million, I mean, a number, a range of values that would seem to be unreasonable? I'd really like to get an indication of what the County Executive thinks that is.

MS. ROSENBERG:

From speaking to the people on that committee, I was told that they felt that \$20,000 would be at the outer limit.

LEG. GULDI:

Thank you. Motion to approve.

P.O. TONNA:

Seconded by?

MR. BARTON:

We have it.

P.O. TONNA:

No. Motion. There was a motion and a second by Ginny Fields and seconded by George Guldi. All in favor? Opposed?

LEG. CARACCIOLO:

Opposed.

P.O. TONNA:

Opposed, Legislator Caracciolo. Okay, Caracciolo.

MR. BARTON:

16, 1 and 1 not present. (Absent: Leg. Towle)

P.O. TONNA:

All right. 2162 (Apportioning Mortgage Tax by: County Treasurer). Motion by?

LEG. BINDER:

Motion.

P.O. TONNA:

Motion by Binder, seconded by Postal. All in favor? Opposed?

LEG. GULDI:

Hold on. Hold on.

P.O. TONNA:  
You guys got to move.

MR. BARTON:  
17, 1 not present. (Absent: Leg. Towle)

P.O. TONNA:  
Thank you. 2163 (Amending the 2001 Capital Budget and Program and appropriating funds in connection with the purchase of Vector Control equipment (CP 5509).

LEG. FISHER:  
Is it equipment for digging ditches?

LEG. GULDI:  
Yeah, what is this?

P.O. TONNA:  
This is Vector Control.

LEG. GULDI:  
Yeah. What are they buying trenching equipment?

LEG. CARACAPPA:  
Large tractor --

MR. BARTON:  
Please, use your microphones.

LEG. CRECCA:  
Are they getting one of those mosquito zappers?

P.O. TONNA:  
It's for the big cans of Raid that they buy for everybody.

LEG. CRECCA:  
The huge black light.

P.O. TONNA:  
Okay. All right. Motion and a second, seconded by myself.

LEG. GULDI:  
On the motion. On the motion.

P.O. TONNA:  
On the motion, Legislator Guldi.

LEG. GULDI:  
Yeah. I'd like to know, I mean, we're talking --

P.O. TONNA:  
Who's the primary? Legislator Fields.

LEG. GULDI:

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Obviously, ditching doesn't progress until the late -- until the spring. Why are we having the urgency of purchasing the equipment in December?

LEG. CARPENTER:  
Because this is when we do it.

MR. BARTON:  
Could you all please use your microphones?

LEG. FOLEY:  
It's done in the wintertime as well as the springtime.

P.O. TONNA:  
All right. Let me change that. It's a motion by myself, seconded by Legislator Foley. I see a sympathetic ear on this issue. Okay.

MR. BARTON:  
It's a bond.

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

MR. BARTON:  
A bond.

P.O. TONNA:  
Bond. Roll call.

(Roll Called by Mr. Barton)

P.O. TONNA:  
Yep.

LEG. FOLEY:  
Yep.

LEG. COOPER:  
Yep.

LEG. BINDER:  
Yes.

LEG. BISHOP:  
Yes.

LEG. D'ANDRE:  
Yes.

LEG. CRECCA:  
Yes for the mosquitoes.

LEG. FIELDS:  
Can I make a motion to table?

LEG. POSTAL:

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I'll second that.

LEG. FIELDS:  
I would like to make a motion to table.

P.O. TONNA:  
All right. There's a motion to table by Legislator Fields, seconded by Legislator Postal.

LEG. FIELDS:  
Why is this not going through committee?

P.O. TONNA:  
Urgency issue. Urgent, urgent. Please, give it to us.

LEG. CARACAPPA:  
You lose the offset. You lose the offset is basically what it is.

P.O. TONNA:  
It's to use the offset.

LEG. CARPENTER:  
And because the one that they had went on fire.

LEG. FIELDS:  
Don't we have insurance? I mean, there are a lot of questions here.

MS. BURKHARDT:  
We're self-insured.

P.O. TONNA:  
It's coming out of our pockets.

LEG. FIELDS:  
That's right. I'm sorry.

P.O. TONNA:  
Roseanna Rosannadanna made that very famous. You withdraw your motion? Great.

LEG. FIELDS:  
No, I still -- I still think this should go --

P.O. TONNA:  
Oh, still sticking to it.

LEG. FIELDS:  
I still think this should go before the committee. I don't see the urgency.

P.O. TONNA:  
You can't spend the money.

LEG. CARACAPPA:  
You lose the dollars.

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P.O. TONNA:  
It's this year's money.

LEG. CARPENTER:  
For those of us that have to --

LEG. POSTAL:  
Is Charlie Bartha still here?

LEG. CARPENTER:  
Charlie Bartha. Calling Charlie Bartha.

P.O. TONNA:  
Wait. Can I say something? Hold it a second. What is Charlie Bartha going to answer that we don't -- that you philosophically want to know about? It's a capital -- it's money that we can use this year, that's why the urgency.

LEG. POSTAL:  
Well, I have a question.

P.O. TONNA:

Sure.

LEG. POSTAL:  
Maybe the Chair of Public Works can tell me --

P.O. TONNA:  
There you go.

LEG. POSTAL:  
-- whether this tractor is used for grid ditching?

LEG. CARACAPPA:  
Yes.

LEG. FOLEY:  
No.

P.O. TONNA:  
Grid ditching?

LEG. FOLEY:  
If you look at the last page of the resolution under memoranda dated December 3rd, it explains -- it describes the machinery, equipment, and also the time frame in which they use the equipment.

D.P.O. POSTAL:  
Yeah, it does, but it doesn't tell me -- you know, it's kind of vague. It says that it's nonpesticide control technique, but it doesn't tell me what this -- it tells me the time window, but it doesn't tell me what it's going to do. Now we've had some discussions in the Health Committee about whether grid ditches should be redug or whether they should be restored.

LEG. FOLEY:

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That's correct.

LEG. POSTAL:  
And some of us felt that the same amount of effort and the same amount of resources would be used for either activity, and it made more sense to restore than to redig.

LEG. FIELDS:  
In addition, Brian --

LEG. FOLEY:  
Well, the machinery can be used to --

LEG. POSTAL:  
For either one?

LEG. FOLEY:  
To undertake open marsh management, too, though.

LEG. FIELDS:  
In addition, we don't know whether DEC is going to renew those permits for us to even be allowed to do this kind of work come the end of January 31st. I don't see the urgency for this whatsoever until we know more.

P.O. TONNA:  
Okay.

LEG. GULDI:  
Hold on, hold on.

P.O. TONNA:  
All right.

LEG. GULDI:  
Counsel. Counsel, don't we regularly appropriate funds for capital programs and keep them live past the expiration date without necessarily making a commitment to expend those funds at the same time?

MR. SABATINO:  
When you say not a commitment to spend them at the same time, you mean not to spend them --

LEG. GULDI:  
Appropriate the funds in the capital budget year subject to a subsequent approval of the purchase, say in this instance.

MR. SABATINO:  
No, not for equipment. On the day that we appropriate the money for equipment, we're committing --

LEG. GULDI:  
Authorizing the equipment.

MR. SABATINO:

We're committing to the list of equipment.

P.O. TONNA:

Okay. So there's a motion and a second to table. Roll call.

(Roll Called by Mr. Barton)

LEG. FIELDS:

Yes.

LEG. POSTAL:

Yes.

MR. BARTON:

Legislator Cooper. The motion is to table.

LEG. COOPER:

Pass.

LEG. BISHOP:

Come on, pick it up.

P.O. TONNA:

Guys, focus, focus, focus.

LEG. BINDER:

No.

LEG. BISHOP:

Yes.

LEG. D'ANDRE:

No.

LEG. CRECCA:

No.

LEG. CARPENTER:

No.

LEG. ALDEN:

No.

LEG. LINDSAY:

No.

LEG. FOLEY:

No.

LEG. HALEY:

No.

LEG. FISHER:

Yes.

LEG. CARACAPPA:

No.

LEG. GULDI:  
Yes.

LEG. CARACCIOLO:  
No.

LEG. FOLEY:  
Change mine to a yes.

P.O. TONNA:  
No.

MR. BARTON:  
Who changed?

P.O. TONNA:  
Foley was a no.

LEG. COOPER:  
Yes.

LEG. CARPENTER:  
Bishop is wavering.

MR. BARTON:  
Seven. (Absent: Leg. Towle)

P.O. TONNA:  
Okay. There's a motion to approve. There's a roll call, right? This is a bond?

MR. BARTON:  
I was in the middle of it, yes.

P.O. TONNA:  
In the middle. Go ahead.

MR. BARTON:  
Legislator Alden. To approve the purchase.

LEG. ALDEN:  
I voted yes.

LEG. FIELDS:  
No.

LEG. LINDSAY:  
Yes.

LEG. HALEY:  
Yes.

LEG. FISHER:  
No.

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LEG. CARACAPPA:  
Yep.

LEG. GULDI:  
No.

LEG. CARACCIOLO:  
No.

LEG. POSTAL:  
No.

MR. BARTON:  
Twelve. (Absent: Leg. Towle)

P.O. TONNA:  
Great. Okay. Let's go on to the next.

MR. BARTON:  
On the bond.

P.O. TONNA:  
Same motion, same second, same vote. 2164 (Conforming vacation carry over restrictions to the provisions of Resolution No. 655-2001).  
Motion by?

LEG. CARACAPPA:  
Motion.

P.O. TONNA:  
A motion by who?

LEG. CARACAPPA:  
Motion.

LEG. FOLEY:  
Where are we?

P.O. TONNA:  
Motion by Legislator Caracappa, seconded by myself.

LEG. CARACCIOLO:  
On the motion.

LEG. FOLEY:  
What's the resolution number.

P.O. TONNA:  
Conforming vacation carry-over restrictions to the provisions to  
Resolution whatever. What does it -- on the motion. What does this  
do?

LEG. CARACCIOLO:  
This provides 60-day benefit for exempt employees to carry over  
vacation time if they resign, retire or die in -- well, die. The

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question is the --

P.O. TONNA:  
That's no vacation.

LEG. CARACCIOLO:  
Financial impact statement doesn't indicate, or specifies, rather.  
It's indeterminate now. There's a cost associated with this we know.  
How many exempt employees do we have, Jim?

LEG. CRECCA:  
Can't hear.

LEG. CARACCIOLO:  
How many exempt employees do we have?

P.O. TONNA:  
Legislator Caracciolo. You know what happens, the acoustics in this  
room, when one Legislator is speaking on the mike, we can't hear him.  
So I would ask, please, let's give -- let's give it up for Legislator  
D'Andre here, come on -- I mean, Legislator Caracciolo.

LEG. CARACCIOLO:  
Jim, how many exempt employees?

MR. SPERO:  
There are over 300. Over 300.

LEG. POSTAL:  
Mr. Chairman.

LEG. CARACCIOLO:  
Over 300?

LEG. POSTAL:  
This just seems to me to conform with the exempt contract that we approved that --

LEG. CARACCIOLO:  
Right. But it requires a resolution which requires 12 votes.

LEG. POSTAL:  
Yeah.

LEG. CARACCIOLO:  
I understand that.

LEG. POSTAL:  
Where we increase the amount of accrual time --

LEG. CARACCIOLO:  
And since we have a --

LEG. POSTAL:  
-- that exempt employees could accumulate.

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LEG. CARACCIOLO:  
Since we are having a financial not crisis yet, but we are having some financial difficulties, we should find out what the financial impact is going to be. And why does it have to be done by a CN?

P.O. TONNA:  
Jim, do you have the financial impact on this?

LEG. CRECCA:  
Paul, put me on the list.

P.O. TONNA:  
Okay.

LEG. CARACCIOLO:  
Mr. Chairman, why is this a CN?

P.O. TONNA:

Okay.

LEG. CARACCIOLO:  
What's the necessity?

P.O. TONNA:  
County Executive's people, the urgency issue. Feigned or real, why is this a CN?

MS. ROSENBERG:  
The urgency is this corrects the management resolution that was passed earlier --

LEG. CARACCIOLO:  
We know that, but why does it have to be done by CN?

MS. ROSENBERG:  
Because many people will be losing their accruals come December 31st.

LEG. BINDER:  
We're going into a new accrual year.

MS. ROSENBERG:  
You're going into a new year they will be losing their accruals.

LEG. CARACAPPA:  
Like case in point -- case in point, my staff, they hardly take any days off, and now they're in a marathon almost just to take up their days because they're going to lose them, because, of course, during our business season --

LEG. CARACCIOLO:  
Okay. I understand that issue.

P.O. TONNA:  
Unless you died, then who cares. But, you know, for those people --

LEG. CARACCIOLO:

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I understand that, but what is the potential financial impact?

LEG. CRECCA:  
While Budget Review looks that up, may -- can I be heard?

P.O. TONNA:  
Yes. While Budget Review looks that up, Legislator Crecca.

LEG. CRECCA:

I just -- you now, the only thing, too, is I don't want to penalize our exempt employees because they're not a part of the union. There's a reason they're exempt and it's because of our status as elected officials, for example, and other exempt employees, there's good reason why they're exempt employees, and alls this does is conforms --

LEG. CARPENTER:

Alls?

LEG. CRECCA:

Alls, yeah, it's a word now. All that this does is conform what we've already approved in the union contract and make it applicable to our exempt employees. So let's not penalize them because of who they work for. It's punishment enough working for us and --

LEG. CARPENTER:

Speak for yourself.

P.O. TONNA:

That's for sure. No truer words have been spoken, Legislator Crecca. Legislator Alden, you want to be recognized?

LEG. ALDEN:

Well, actually, I was thinking about talking on this issue.

P.O. TONNA:

Because I know you would have no problem penalizing your staff. Go right ahead.

LEG. ALDEN:

But I'm starting to pull the knives and stuff out of back already, so.

P.O. TONNA:

All right. There we go. Legislator Caracciolo.

LEG. CARACCIOLO:

I'm not going to --

P.O. TONNA:

What is the financial impact? Anybody want to give an idea? Paul, there has to be -- isn't there a financial impact statement with this?

MR. SABATINO:

There's a financial impact statement attached. I think Legislator Caracciolo's point is that it says indeterminate or -- because it doesn't have a dollar figure listed.

LEG. CARACCIOLO:

Well, let me ask --

MR. SABATINO:

I don't know the answer. I can do the calculation, but there must be some dollar --

P.O. TONNA:

Okay somebody's here. You look like -- you look like you actually have something to say that will add to this conversation.

MR. KNAPP:

Somewhat.

P.O. TONNA:

Go right ahead.

MR. KNAPP:

On the fiscal impact --

P.O. TONNA:

Please, introduce yourself to the crowd.

MR. KNAPP:

Okay. Kenneth Knapp from the County Exec's Budget Office.

P.O. TONNA:

There we go.

LEG. ALDEN:

Kill him.

P.O. TONNA:

All right. Kenneth.

(Applause)

MR. KNAPP:

The fiscal impact mentioned that it is undetermined at this time, and the reason is because we do not know who this is going to impact if they're retiring this year. For example, the payout, I believe, is for 60 days. There's not going to be any additional impact accrued because of this or additional to this resolution. It's just bringing their carry-over up to that 60-day period anyway. So there really isn't going to be a fiscal impact. This is just affecting how much vacation they can carry over. However, what Legislator Caracappa was saying, it could have a positive fiscal impact to some extent because you allow people to continue working rather than forcing them to take time off. So there actually might be more productivity in everybody's offices throughout the County --

P.O. TONNA:

Yeah, right. No, go ahead.

MR. KNAPP:  
-- with the passage of this.

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P.O. TONNA:  
I'm teasing. I'm teasing. I'm joking. More internet hours, that's all. Anyway --

LEG. CARACCIOLO:  
What a convoluted argument that is.

P.O. TONNA:  
All right. Thank you, Kenneth. Thank you very much. Now, is there a perceived or a real conflict of interest to have an exempt employee give that --

MR. KNAPP:  
I'm Civil Service.

P.O. TONNA:  
Oh, you are. All right, so you got -- you're covered. All right. There we go. Okay. Question by Legislator Lindsay. And, Michael, you were the one telling me to keep this meeting going.

LEG. CARACCIOLO:  
Oh, now you want to -- now you want to rush.

P.O. TONNA:  
No. I'll keep it going. I got another hour.

LEG. CARACCIOLO:  
Oh, okay.

P.O. TONNA:  
Go ahead.

LEG. LINDSAY:  
But going back to Michael's question, how many employees are we talking about? I mean, we must know that, right?

LEG. CARACCIOLO:  
Three-forty, I think Jim said.

LEG. LINDSAY:  
How much.

LEG. CARACCIOLO:

Three hundred and forty. There's a -- my point, Mr. Chairman, is very simple. There is going to be a significant impact. At some point in time, taxpayers at a later date --

P.O. TONNA:  
Right.

LEG. CARACCIOLO:  
-- with higher salaries are going to have to pay out this benefit.

P.O. TONNA:  
Right.

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LEG. CARACCIOLO:  
So let's just keep that in mind --

P.O. TONNA:  
Absolutely.

LEG. CARACCIOLO:  
-- when we talk about other areas of the budget that need to be addressed.

P.O. TONNA:  
Okay. Let's just -- can we vote on it now?

LEG. POSTAL:  
Okay. Not problem.

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

LEG. CARACCIOLO:  
Opposed.

LEG. BISHOP:  
Opposed.

LEG. GULDI:  
Roll call.

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

(Roll Called by Mr. Barton)

LEG. CARACAPPA:  
Yes.

P.O. TONNA:  
Yeah.

LEG. COOPER:  
Yep.

LEG. BINDER:  
Yes.

LEG. BISHOP:  
No.

LEG. D'ANDRE:  
Yes.

LEG. CRECCA:  
Yes.

LEG. CARPENTER:

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Oh, I'm sorry, yes.

LEG. GULDI:  
One hundred and twenty-one D.A.'s, exempt.

LEG. ALDEN:  
Yes.

P.O. TONNA:  
A hundred and twenty-one D.A.'s?

LEG. GULDI:  
A hundred and twenty-one exempt D.A.'s.

LEG. CRECCA:  
Oh, yeah, because they're so overpaid.

LEG. HALEY:  
Keep the vote going. Excuse me, we're in the middle of a vote.

LEG. CARPENTER:  
No talking during a roll call.

P.O. TONNA:

Go ahead.

LEG. FIELDS:  
Abstain.

LEG. LINDSAY:  
Yes.

LEG. FOLEY:  
Yes.

LEG. HALEY:  
Yes.

LEG. FISHER:  
Abstain.

LEG. GULDI:  
No.

LEG. CARACCIOLO:  
Nope.

LEG. POSTAL:  
Yes.

MR. BARTON:  
Twelve. (Absent: Leg. Towle)

P.O. TONNA:  
All right. There you go. Okay. And, Linda, that was despite the lunch reservations. Okay. Here we go. 2165 (Authorizing waiver of

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interest and penalties for property tax for H. Charles Riker). Is there a motion? Waive for Charles Riker. Legislator D'Andre, seconded by Legislator Crecca. All in favor? Opposed?

MR. BARTON:  
17, 1 not present. (Absent: Leg. Towle)

LEG. CARACCIOLO:  
Whoa, whoa, whoa. How much? How much money is this?

LEG. HALEY:  
Too late.

P.O. TONNA:

Go to the next one.

LEG. HALEY:  
It's too late.

LEG. CARACCIOLO:  
Thirteen thousand dollars?

LEG. HALEY:  
No.

P.O. TONNA:  
Christmas comes early for Legislator D'Andre.

LEG. HALEY:  
Sixteen hundred and eighty-five dollars. It's already been voted.  
Next.

MR. BARTON:  
17, 1 not present. (Absent: Leg. Towle)

P.O. TONNA:  
Okay.

LEG. CARACCIOLO:  
Are you the Chairman now?

P.O. TONNA:  
2166 (Authorizing certain technical correction to adopted Resolution  
No. 744-2001). Motion to approve. Legislator Postal, what are we  
talking about?

LEG. POSTAL:  
If I get a second, I can answer.

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

LEG. POSTAL:  
No, no. This is not a waiver --  
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P.O. TONNA:

Okay.

LEG. POSTAL:  
-- of interest and penalties.

P.O. TONNA:

Great. Okay. Second. All in favor? Opposed? Go ahead.

MR. BARTON:

17, 1 not present. (Absent: Leg. Towle)

P.O. TONNA:

All right. Did you call out the roll call?

MR. BARTON:

17.

P.O. TONNA:

Thank you. 2167 (Approving payment to General Code Publishers for Administrative Code Pages). Motion by myself, seconded by Legislator Postal. What is this?

LEG. POSTAL:

Approving the General Code Publishers.

P.O. TONNA:

Okay. All in favor? Opposed?

MR. BARTON:

17, 1 not present. (Absent: Leg. Towle)

P.O. TONNA:

Okay. Hold it a second. Before -- all right. I want to -- just wait one second. I want to get this right. Okay. I have a Sense Resolution Number 102 . I want to lay it on the table -- yes, you have it in front of you -- and approved. This is the --

LEG. GULDI:

We haven't done the rest of the Sense calendar.

P.O. TONNA:

Excuse me?

LEG. GULDI:

We haven't done the rest of the Sense calendar.

P.O. TONNA:

We're on the Sense now. Let's just do this.

LEG. FOLEY:

We haven't done the regular one.

P.O. TONNA:

Any of them, right. We'll just --

MR. BARTON:

And we still have two tax resolutions.

P.O. TONNA:

Thank you. This is a Memorializing Resolution Requesting the State of New York to reject any proposed reinstatement of the New York City Commuter Income Tax. Motion by Legislator Crecca.

LEG. CARPENTER:

Second.

P.O. TONNA:

Seconded by Legislator Carpenter. All in favor? Opposed?

MR. BARTON:

17, 1 not present. (Absent: Leg. Towle)

P.O. TONNA:

There you go. We're such tax cutters.

LEG. COOPER:

Henry, cosponsor, please.

MR. BARTON:

Yeah, I got that.

P.O. TONNA:

Here we go. Sense 103. To lay on the table and approve by Legislator Binder.

LEG. CARACAPPA:

Second.

P.O. TONNA:

This is a memorializing resolution requesting the Federal and the State Governments to coordinate and consolidate the application and distribution process for all charitable funds dedicated to the September 11th terrorist attacks.

LEG. CARACAPPA:

No spin zone.

P.O. TONNA:

Okay. Motion and a second. All in favor? Opposed?

MR. BARTON:

17, 1 not present. (Absent: Leg. Towle)

P.O. TONNA:

Sold. All right. Now we go to some more of these. Sense 69 (Memorializing Resolution requesting State of New York to repeal State

taxes on price of gasoline). Legislator Fields. Motion by Legislator Fields?

LEG. FIELDS:  
Table. Table.

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P.O. TONNA:  
Okay. Motion to table, seconded by myself. All in favor? Opposed?  
Tabled. 78.

MR. BARTON:  
Tabled, 17, 1 not present. (Absent: Leg. Towle)

P.O. TONNA:  
(78 Memorializing resolution requesting State of New York to authorize Suffolk County to regulate registration and licensing of taxicabs within the County.) Motion by Legislator Fisher, seconded by --

LEG. CARACAPPA:  
Table, right?

LEG. FISHER:  
Table it.

P.O. TONNA:  
Table? Motion to table by Legislator Fisher, second by Legislator Caracappa. All in favor? Opposed? Tabled.

MR. BARTON:  
17, 1 not present. (Absent: Leg. Towle)

P.O. TONNA:  
98 (Memorializing resolution requesting State of New York to implement enforcement of restriction on tinted windshields). Oh, yes this is my big -- this is my tinted windshield shield legislation. Yes.

LEG. GULDI:  
Making the front page.

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

LEG. BINDER:  
What is this, tinted --

LEG. FISHER:

Cosponsor.

P.O. TONNA:

This tinted windshield -- this basically asks -- you're going to be surprised that I actually know this.

LEG. BINDER:

Probably.

P.O. TONNA:

This is asking -- we have laws on the books already. All it's asking is I think when they do the inspections, that the inspections will actually check the tinted windshield, that they're complying with the law. Thirty percent. There we go. I'm very -- you know, it didn't get a front page like Bill Lindsay's legislation, but you know. Anyway, all in favor? Opposed? Great.

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MR. BARTON:

17, 1 not present. (Absent: Leg. Towle)

P.O. TONNA:

99 (Memorializing Resolution requesting State of New York to establish independent Suffolk County Airport Facilities Agency).

LEG. GULDI:

Motion.

P.O. TONNA:

Motion by Legislator Guldi, seconded by?

LEG. FOLEY:

Second.

P.O. TONNA:

By Legislator Foley. For an independent Facilities Agency -- Airport Facilities Agency. Okay. All in favor? Opposed? All right. I'm for it.

LEG. CARACCIOLO:

Abstention.

MR. BARTON:

17, 1 --

P.O. TONNA:

Okay, one abstention.

MR. BARTON:  
Who's the abstention?

P.O. TONNA:  
Legislator Caracciolo.

MR. BARTON:  
16, 1 abstention, 1 not present. (Absent: Leg. Towle)

P.O. TONNA:  
100 (Memorializing resolution requesting State of New York to establish aviation tax free zone in Suffolk County Airport).  
Legislator Guldi?

LEG. GULDI:  
Motion.

P.O. TONNA:  
Okay. Motion by Legislator Guldi, seconded by Legislator Foley.  
Aviation tax free zone. All in favor? Opposed? There we go again,  
cutting taxes.

MR. BARTON:  
17, 1 not present. (Absent: Leg. Towle)

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P.O. TONNA:  
All right. 101 (Memorializing Resolution requesting LIPA to eliminate temporary fuel surcharge).

LEG. FISHER:  
Motion.

P.O. TONNA:  
Motion by Legislator Fisher, seconded by Legislator Binder. This is requesting LIPA to eliminate temporary fuel surcharge. All in favor? Opposed?

MR. BARTON:  
17, 1 not present. (Absent: Leg. Towle)

P.O. TONNA:  
Okay.

LEG. ALDEN:  
Paul. Paul, motion.

LEG. CARACCILO:  
Hold it. Hold it.

LEG. ALDEN:  
Motion to reconsider 1789.

P.O. TONNA:  
What's 1789?

LEG. POSTAL:  
What is that?

P.O. TONNA:  
Cameron Alden, could you please read the legislation, 1789? This is authorizing planning steps and acquisition under the Suffolk County Multifaceted Land Preservation Program, Emerald Estates Property at East Northport, Town of Huntington.

LEG. ALDEN:  
I voted against it, but it was pointed out to me that there's a willing seller.

LEG. BINDER:  
Second.

P.O. TONNA:  
Okay. Now there's a willing seller? That was the criteria?

LEG. BINDER:  
Yes.

P.O. TONNA:  
Okay.

LEG. ALDEN:

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No. Among other things.

P.O. TONNA:  
There's a motion -- what?

LEG. ALDEN:  
Among other things.

P.O. TONNA:  
Okay. A motion by Legislator Alden, seconded by Legislator Binder.

All in favor? Opposed? Okay. Now it's in front of us.

LEG. CARPENTER:  
Roll call.

P.O. TONNA:  
Roll call.

LEG. CARACCIOLO:  
What resolution.

LEG. FOLEY:  
No, you don't need a roll call.

LEG. LINDSAY:  
What are we doing?

MS. BURKHARDT:  
1789, we're reconsidering it.

P.O. TONNA:  
No. There's going to be a roll call, because a lot of people voted for it, a lot of people voted against it. Roll call.

MR. BARTON:  
17-1. (Absent: Leg. Towle)

P.O. TONNA:  
There's a motion by Legislator Binder, seconded by Legislator Alden. 1789. This is the piece of property in East Northport.

MR. BARTON:  
Okay. And then we have the two tax amendment warrants.

P.O. TONNA:  
Excuse me?

MR. BARTON:  
And then there are two tax warrant amendments that are in the folders.

P.O. TONNA:  
Oh, okay.

MR. BARTON:  
It's very fast.

P.O. TONNA:  
Don't go. We still got -- we still got a few things.

(Roll Called by Mr. Barton)

LEG. BINDER:  
Yes.

LEG. ALDEN:  
Yeah.

LEG. COOPER:  
Abstain.

LEG. BISHOP:  
Pass.

LEG. D'ANDRE:  
Yes.

LEG. CRECCA:  
Yes.

LEG. CARPENTER:  
Pass.

LEG. FIELDS:  
Pass.

LEG. LINDSAY:  
No.

LEG. FOLEY:  
Pass.

LEG. HALEY:  
Yes.

LEG. FISHER:  
No.

LEG. CARACAPPA:  
Yes.

LEG. TOWLE:  
(Absent)

LEG. GULDI:  
Pass.

LEG. CARACCIOLO:  
Pass.

LEG. GULDI:  
Change it to a yes.

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LEG. POSTAL:  
No.

P.O. TONNA:  
Yeah.

LEG. BISHOP:  
No.

LEG. CARPENTER:  
Abstain.

LEG. FIELDS:  
No.

LEG. FOLEY:  
No.

LEG. GULDI:  
Yes.

LEG. CARACCIOLO:  
This is the piece we walked, Allan? Allan, this is the property I  
walked with you.

LEG. GULDI:  
The walk in the woods piece.

LEG. BINDER:  
Yes.

LEG. CARACCIOLO:  
Yes.

P.O. TONNA:  
Okay.

MR. BARTON:  
Nine. (Absent: Leg. Towle)

P.O. TONNA:  
Okay. Thank you. It still fails.

MR. BARTON:  
Okay.

P.O. TONNA:

Thank you very much. Okay. Now, I would -- wait. Just quickly, we have -- what do we have?

MR. BARTON:

Real fast. In the folders, you have two amending resolutions to the levy and to the warrant. I received letters from two Towns, the Town of Babylon and the Town of East Hampton. They're very small changes.

P.O. TONNA:

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Hold it a second. I'm going -- I will call a recess. No, I won't. But just, please, could you guys stop? Just hold it.

MR. BARTON:

I can do this in 60 seconds.

P.O. TONNA:

Control your emotions.

MR. BARTON:

The first one, the Town of Babylon, there's no change, but they made a mistake in a couple of the -- relieving the unpaid commercial garbage districts. It's \$4,100, but there's no change in the amounts, but they really want another amendment -- another warrant. And the Town of East Hampton, they made a mistake on a couple of pro ratas.

LEG. GULDI:

Two hundred and twelve dollars. Motion.

MR. BARTON:

Two hundred and twelve dollars.

LEG. GULDI:

Motion.

MR. BARTON:

That's it.

P.O. TONNA:

Okay. Wait a second. What --

MR. BARTON:

There's two of them. 2157.

P.O. TONNA:

So Resolution Number 00000-2001.

MR. BARTON:  
2157 is the first one.

P.O. TONNA:  
Okay. All in favor? Make a motion, seconded by Legislator Postal.  
2157. All in favor? Opposed?

MR. BARTON:  
17, 1 not present.

LEG. ALDEN:  
No, I'm opposed to both of them.

P.O. TONNA:  
Okay.

MR. BARTON:  
You're opposed to both.

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LEG. ALDEN:  
Yes.

MR. BARTON:  
Oh, okay. 16-1. (Absent: Leg. Towle)

P.O. TONNA:  
All right. Sixteen and one. Okay. Hold it a second.

MR. BARTON:  
And then the second one is the warrant. It gives us authorization to sign it.

P.O. TONNA:  
Okay.

MR. BARTON:  
That's 2158.

P.O. TONNA:  
Don't -- just wait one second, please, everybody. Introductory Resolution Number 2158. There's a motion --

LEG. FOLEY:  
What's the title?

P.O. TONNA:

-- by myself. This is the warrants in the Town of Babylon and East Hampton. Seconded by Legislator Postal. All in favor? Opposed?

LEG. CARACCIOLO:

Opposed.

LEG. ALDEN:

Abstain.

P.O. TONNA:

Opposed and abstention. Okay. Here we are. Now I go to Angie?

MR. BARTON:

15, 1, 1 abstention, 1 not present. (Absent: Leg. Towle)

LEG. CARPENTER:

On 1789, is there a prohibition about reconsidering twice on a bill?

MR. SABATINO:

A second motion to reconsider requires 12 votes.

P.O. TONNA:

Requires 12 votes.

LEG. ALDEN:

To reconsider or --

P.O. TONNA:

To reconsider.

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LEG. CARPENTER:

I would like to make a motion to reconsider 1789.

LEG. HALEY:

Second.

P.O. TONNA:

Okay. Now it needs 12 votes, not 10, right? Okay.

MR. SABATINO:

That motion requires 12 votes.

P.O. TONNA:

Okay. There's a motion -- don't leave. There's a motion and a second. Okay? Roll call.

MS. FARRELL:  
Who's the second?

LEG. HALEY:  
I am.

P.O. TONNA:  
The second is Legislator Haley.

MR. BARTON:  
All right.

(Roll Called by Mr. Barton)

LEG. CARPENTER:  
Yes.

LEG. HALEY:  
Yes.

LEG. COOPER:  
No.

LEG. BINDER:  
Yes.

LEG. BISHOP:  
Yes.

LEG. D'ANDRE:  
Yes.

LEG. CRECCA:  
Yep.

LEG. ALDEN:  
Yes.

LEG. FIELDS:

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No.

LEG. LINDSAY:  
No.

LEG. FOLEY:

Pass.

LEG. FISHER:  
No.

LEG. CARACAPPA:  
Yep.

LEG. TOWLE:  
(Absent)

LEG. GULDI:  
Yes.

LEG. CARACCIOLO:  
No.

LEG. POSTAL:  
No.

LEG. TONNA:  
Yes.

LEG. FOLEY:  
No.

MR. BARTON:  
Ten. (Absent: Leg. Towle)

P.O. TONNA:  
Okay. Now I would like to do three quick things.

LEG. BISHOP:  
It's before us, right?

P.O. TONNA:  
No, it failed. It needed 12. I would like to remind Legislators to take home their poinsettias from the Cornell Cooperative Extension.

I would also like to say something about Legislator D'Andre's last meeting. So, Mike, congratulations. We love having you. And, really, let's just give a round of applause for Mike.

(Applause)

All right. And --

LEG. CARPENTER:  
May I just say something? May I say something?

P.O. TONNA:  
Michael, please, this is your --

LEG. D'ANDRE:  
All I can say, it's been a pleasure working with each and every one of you. And we had our disagreements, but mostly we agreed. And I couldn't work with any nicer people. Thank you.

P.O. TONNA:  
Thank you. Michael, I --

(Applause)

LEG. CARPENTER:  
May I say something?

P.O. TONNA:  
Michael, I'd like to say one more thing. Michael, I want to personally thank you for the past two years. It was your leadership and your ability to be flexible, and to do a whole bunch of things, so that we can get what we did in the last two years taken care of. Thank you, Michael, personally from me to you. Thank you.

LEG. D'ANDRE:  
Just stay more Republican than a Democrat.

(Applause)

P.O. TONNA:  
I can't make any promises, Mike. Anyway, the last thing is -- and the last thing is, I just want to wish everyone a happy holiday, you know, whatever else. And for those -- I guess Hanukkah is over, but Merry Christmas and, you know, Happy New Year.

LEG. ALDEN:  
Safe one.

P.O. TONNA:  
Safe one, please.

[THE MEETING WAS ADJOURNED AT 8:20 P.M.]

{ } Denotes Spelled Phonetically.