

**SUFFOLK COUNTY LEGISLATURE
GENERAL MEETING
SECOND DAY
JANUARY 29, 2002**

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, COURT REPORTER

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[THE MEETING WAS CALLED TO ORDER AT 9:10 A.M.]

P.O. TONNA:
Henry?

MR. BARTON:
Good morning.

P.O. TONNA:
Please, the roll. Good morning, Ladies. Good morning. Good morning,
Fred.

MR. POLLERT:
Good morning.

P.O. TONNA:
Let's roll. It's a new year.

(*Roll Called by Mr. Barton*)

LEG. CARACCIOLO:
Here.

LEG. GULDI:
(Not Present).

LEG. TOWLE:
(Not Present).

LEG. CARACAPPA:
(Not Present).

LEG. FISHER:
Present.

LEG. HALEY:
(Not Present).

LEG. FOLEY:
(Not present).

LEG. LINDSAY:
Here.

LEG. FIELDS:
Here.

LEG. ALDEN:
Here.

LEG. CARPENTER:
Here.

LEG. CRECCA:
Here.

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LEG. NOWICK:
Here.

LEG. BISHOP:
(Not Present).

LEG. BINDER:
Here.

LEG. COOPER:
Here.

D.P.O. POSTAL:
Here.

P.O. TONNA:
Yes, I'm here.

MR. BARTON:
Legislator Foley?

LEG. FOLEY:

Present.

MR. BARTON:
Thirteen.

P.O. TONNA:
Isn't this wonderful? Don't you feel the love? It's seven -- it's ten after nine ,we're starting earlier than we've ever started before. And I would just like to speak to my colleagues .Today could be a great day, okay ,if we make sure that we keep the banter down and have the meeting move. All right. Let's start with a salute to the flag led by Legislator Nowick.

SALUTATION

And Lynne, I'd like to recognize you for the purpose of introducing Clergy today.

LEG. NOWICK:
Certainly.

P.O. TONNA:
Come on right up.

LEG. NOWICK:
Good morning, everybody. Today I would like to introduce Father Bob {Duneteenie}. Father Bob is the pastor of St. Phillip and James Church in Saint James.

FATHER {DUNETEENIE} :
Let us open ourselves to the presence of God. God and Father of all our people, we place ourselves in your presence this morning. We trust in your guidance and authority as we work to sort out the complicated issues dividing our world and our State and our County.

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We desperately need your power as we struggle to maintain our heritage of freedom in the face of all those forces trying to destroy the good you have created through us. Therefore, we dedicate this new term of the Suffolk County Legislature to your greater honor and glory and to the welfare of the people of Suffolk.

Heavenly father, let our gratitude for our years of freedom and progress under our American Constitution inspire us to face up to the tasks and challenges of today in our nation, in our State and in our County, with confidence and courage, deepening in our hearts the morale virtues of prudence, justice, fortitude and temperance with which you will -- we will be able to exercise our office in a

responsible manner. We invoke your spirit of justice and compassion upon all our deliberations and decisions. Make us women and men of hope, a hope which springs from self-respect and a deep respect for the rights of others. A hope which springs from the promises you have made to us countless times in the beauty of nature and in your words of truth from the various sacred scriptures of our people, a hope that is framed in all the laws and ordinances we have enacted to bring some of your devine order to the workings of our community.

Bless our families and our staffs for the many sacrifices they make every day in helping us to fulfill our official duties. Lord of heaven and earth, deliver us and our society from the evils of violence and greed, from cynicism and discouragement, from dishonesty and corruption, from the threat of even more terrible terrorist attacks, from the fears of a nuclear explosion, from the trafficking of drugs. Save us from being disillusioned by weaknesses in our existing political systems. Protect us from being exploited by vested interests who do not care about the pressing needs of all your people. Deepen our efforts to keep human life fully human, from conception of natural death.

If there needs to be some partiality in our deliberations of this Legislature, Dear Lord, let that partiality be for those who are least able to defend themselves or for those who's needs are the greatest, the vast number of children at risk, the Army of agents searching for affordable health care, the undocumented workers searching for a way to offer their many talents to our communities, those with special needs which only government can assist, and the homeless who are all around us. We are mindful that you, oh Lord, hear the cry of the poor. Oh powerful Lord, let our greatest joy be experienced in the satisfaction of our direct share in honestly influencing needed revisions in our laws that will preserve and increase the many resources of our beautiful and prosperous Suffolk County and the quality of life of all the people under our jurisdiction. We pray as responsible citizens, may your blessings be upon us, oh Lord, as we place our hope in you where you live and reign forever and ever, amen.

P.O. TONNA:

Okay. Tommy, I didn't see you over there; nice to see you. The -- I'd like to give a proclamation today. First of all, maybe I'd like to bring up Joan Brennan and Jeff Weiner and also {Tom Russotti}, if you guys could come up. Hi, Joan. How are you?

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MS. BRENNAN:
Good

P.O. TONNA:

How are you? Good to see you .Thank you so much. Hi, Tommy. I want to know about your diet, Tommy. You look like you're losing some weight. That post office has got you busy. Come on right over here.

The future of the County and our nation rests on the shoulders of our youth and educating confident children will grow -- will give rise to a stronger and brighter tomorrow. Sadly, however, children today face difficult circumstances. One out of every four live with only one parent, one in five live in poverty, and one in ten will not finish high school. However, there is a proven effective strategy to the -- to these combat -- to combat these circumstances, a new hope, and that hope is mentoring. Mentoring has a direct impact on the lives of young people. Simply, by matching a caring, responsible adult with a child through mentoring, attendance at school increases and involvement in drugs and violence decreases.

For the past nine years, as the Director of the Long Island Mentoring Partnership, Joan Brennan has provided Long Island children with the opportunity to develop their fullest potential under the watchful eyes of a caring mentor. Long Island Mentoring Partnership has influenced the lives of more than nine thousand children, provided support for more than 160 programs and worked with over 75 schools and the numbers keep on growing. On February 1st, students will shadow their mentors throughout the nation, and this year two students will join me and my staff as part of this unique mentoring project; if they're around, I just want you to know, really, good luck. But more can be done. We could do more and I challenge every Legislator to participate in this national celebration of youth. All of us win when our young people are supported, energized and encouraged to be best -- to be the best that they can be.

Joan, on behalf of your involvement and commitment to young people and on behalf of the Legislators, I thank you. I want to provide you with this proclamation and give you an opportunity to speak. Thank you, Joan.

Applause

MS. BRENNAN:

It's a simple message, mentoring works, and your public recognition of that fact is joy to me and those of us who work with the youth on Long Island to see that they're connected with caring adults. I'm very appreciative of your recognition and indeed celebrate with you teens on the job when you will have students here as well. I'd like to briefly hand the microphone to one of my Executive Committee members to speak about his involvement as a business member in mentoring youth.

P.O. TONNA:

Jeff?

MR. WEINER:

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Hi. My name is Jeff Weiner. I have a small business, insurance business in Uniondale. I've been involved with the Long Island Mentoring Partnership approximately three years, I'm on the Leadership Council and Chairman's Council. I think it's real important to get involved with mentoring. The future in my business and many other businesses is sitting out in the audience and I think it's important to get involved with working with mentors, it gives them a good sense of what the business world is like and it's very encouraging and inspiring to work with the youth developing programs and expanding their horizons as far as the business world. And I really enjoy the program a lot and I've been involved with it, as I said, for three years and it's really helped me, as far as my business goes, with people learning about the future of the youth and what they're looking for. Thank you.

P.O. TONNA:

Thank you. As some of you might know, January is National Mentoring Month. And to continue the celebration of our young, I'd like to introduce Tom {Rossotti}, the District Manager and the Executive in Charge of the Long Island U.S. Postal Service for an unveiling, a special unveiling.

{MR. ROSSOTTI}:

Thank you, Paul. Good morning. It's an honor for me to represent the United States Postal Service today as we dedicate the Mentoring a Child Stamp. And it's a wonderful opportunity to recognize and thank the thousands of mentors serving the youth of our country, but most especially our County. With this stamp, the Postal Service continues its tradition of raising public awareness of social issues and recognizes the vital role mentoring plays in helping our young develop into successful happy adults. Many of the Postal Services' Long Island employees volunteer and work with young people in their communities. We are extremely proud of these employees who volunteer and it is my hope that the Mentoring a Child Stamp will help Americans focus on the friendship, guidance and support of these people. They work behind the scenes to ensure sure that young people from diverse backgrounds have the opportunity to benefit from relationships with committed adults outside their families. I appreciate this opportunity to introduce this stamp to our customers and friends in this community. Thank you again for taking the time to join us. And now, Paul and Joan, Mr. Weiner, can you join us?

P.O. TONNA:

Oh, great, that's a nice stamp.

Applause

Congratulations. This is great. This is great. Thank you. Thank you very much.

MS. BRENNAN:

Send out the message.

P.O. TONNA:

Yes, we will. Just raise your hand, who's spending time with me? Oh, you guys are in big trouble. Make sure you bring your sneakers.

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MS. BURKHARDT:

The next Legislator is Legislator Towle.

P.O. TONNA:

Legislator Towle for the purpose of proclamations.

LEG. TOWLE:

Good morning. Thank you, Mr. Chairman. I've asked Legislator Foley to join me for a second for the first of two presentations, actually. I'd ask Coach Sipp and the Bellport Football Team to come on up for a second.

This morning both Legislator Foley and I are recognizing the Bellport Football Team on their outstanding season and accomplishment this year. They're the Undefeated Long Island Champions, undefeated in Division II, undefeated in the Big IV Championship. They received the Rutgers Trophy Recipients, they've been ranked nationally, they're ranked seventh in the Metropolitan area, and of course they are now ranked first in New York State in Class A. And this morning we have a proclamation that we'd like to present to Coach Sipp and to each member of the football team. Coach, come on up. Congratulations and we wish you a much continued success in the season. Brian?

Applause

LEG. FOLEY:

I'd like to echo Legislator Towle's comments. The Bellport Football Team is synonymous with excellence and athletics. For a whole number of years they have, time after time, season after season, had excellent teams, and every year the effort was great, every year the effort was a hundred and ten percent. And this particular year it's culminated in not only being number one ranking in the County of Suffolk, but listed as the best high school football team in the State of New York. And that's through no -- through no small effort of the

coaching staff, but also this is the kind of community that the school, the athletic department, the teachers, the administration and the community and neighbors all come together for this particular football team.

It's a unique situation. It really is an example of how communities can work cooperatively with schools in order to not only excel in academics but also to excel in athletics. And I think it's a testament to the coach particularly, we have Coach Still is here as well, but to Coach Sipp who has, in fact, a football field named in his honor, and that is something that is rather unique, but again, it's testimony to the respect and the love that that community has for its football team and also they have for education within the South Country School District.

So on behalf of the Legislature, I also would like to congratulate you, Coach, and wish you ball players the best of luck in the years ahead.

Applause

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COACH SIPP:

I'd like to thank you very much for recognizing our children. You realize how important our kids are. We have a saying, "Celebrate Success", and it's nice to see other people from other communities celebrating our success and I thank you for it. I know Legislator Towle, Legislator Foley have been at our dinners for many years and this one's a real good one, so we'll expect you there too and we'll have a good time in April. Thank you very much.

Applause

I'd also like to recognize our Athletic Director, Mr. Brown, back there, and Coach Still.

Applause

LEG. TOWLE:

As I mentioned, there were actually two presentations, very fortunately not only do we have Bellport in the district, but also the William Floyd School District, the William Floyd Colonials. I'd ask the coach and team members to come up for a second. We'd also like to present them with a proclamation from the County Legislature. They were the Undefeated Division I Champions, they ranked fifth in the Long Island At-Large School Districts and they've also received the Division Sportsmanship Award. And I'd like to congratulate them and also wish them much continued success in the new season. Coach,

congratulations.

Applause

LEG. TOWLE:

Thank you.

LEG. FOLEY:

Just quickly, we heard about the football exploits of the coaches, but the Athletic Director for Bellport High School, Coach Brown, was also in his own right a great coach in basketball. So we should always give basketball equal footing with football, right, Coach Brown?

Okay, thank you.

LEG. BISHOP:

Thank you. Congratulations.

D.P.O. POSTAL:

The first speaker is Diane Mecieca. And each speaker during the public portion has three minutes.

MS. MECIECA:

Good morning, everyone. I want to first wish you all a happy and healthy new year. As you can tell, I just got over the flu. But the reason I'm here today -- most of you I know on a first name basis. I'm the Director of the South Fork Community Health Initiative which is a grass roots organization, and we take care of people on the east end. Last year we did 5,700 people.

You might be saying why am I here today. Well, our County budget was

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completely closed. We lost \$54,000 which is one-third of our budget, which means this is not a program that we're cutting out, this is one-third of our operating budget. How did we get in a situation like this? We were put into the Omnibus bill and when the Omnibus bill was pretty much cut out, us too were left to the side. We belong in patient care, that's where we've been for years. And I would hope that this can be rectified, that's why I'm coming before you today. Fifty-four thousand dollars for a small, grass roots organization is a large nut to crack when you consider that it's only one to one-third of our operating budget. Again, I thank you for your time and I hope you will give this special consideration.

D.P.O. POSTAL:

Thank you. The next speaker is Peter Quinn.

MR. QUINN:

Good morning, Members of the Legislature. My name is Peter Quinn, member of the Long Island Coalition for Democracy. I'm mad as hell at Newsday for yesterday's editorial in which it condemned Suffolk County and the Citizens Advisory Panel as a dog. And I must confess that I think that LILCO -- pardon me, Newsday is guilty of yellow dog journalism.

LEG. HALEY:
Yeah.

MR. QUINN:
The fact of the matter is Newsday lied in the editorial when it claimed that LILCO funded CAP and it was followed by LIPA's funding CAP. That's certainly a stretch of the truth, and rather than call him a liar I'll use the words of the pastor this morning and try prudence to claim that they're at least dishonest. The fact of the matter is that money came -- that was -- it was -- that money came -- that money came from a lawsuit that Suffolk County challenged LILCO back in 1989, the RICO lawsuit, where a Brooklyn jury found LILCO guilty of fraud on two counts dating back to 1976, and fined them \$600 million; no interest was calculated. LILCO went into negotiations in that situation and claimed they were poverty stricken and asked the judge to lower the award. They did, \$400 million and it was back loaded over 11 years. That money was ratepayer money, it wasn't LILCO's and it wasn't LIPA's, and yet Newsday carefully avoids mentioning that in the article where they don't want Suffolk County to fund CAP for another \$200,000 this year.

Let me tell you, LIPA has been guilty of lying itself. It claims in this document -- which is what LIPA sent to me by mistake, Clean Energy Initiative -- that it is spending, and they have boasted years, they're spending \$32 million on energy efficiency and renewables. The truth of the matter is in this page, the important page in the whole document -- and I'll give a copy to the Clerk so that each of you has it -- you can see that they have spent less than 30 million in the first two years and seven months of their operation. In contrast, they've been spending a billion dollars a year in fossil fuel and purchased power. Two years ago, last year, and this year, \$1.02 billion. And Newsday --

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

MR. QUINN:
Okay. Newsday has been -- was given property tax abatements by the Half Hollow Hills School District for over a billion dollars a year for ten years. In addition, they're given --

D.P.O. POSTAL:

Pete?

MR. QUINN:

Okay, one final comment. In addition, they're given over \$200,000 in energy discounts, and this is the newspaper that claims CAP shouldn't be funded. I submit to you that CAP should be refunded. Thank you very much.

D.P.O. POSTAL:

Thank you, Pete. Next speaker is Tom Field.

MR. FIELD:

First I'd like to thank the Presiding Officer and all the members of the Legislature for hearing me. I'm just a simple guy from the east end, came dressed simply to talk to you simply from the heart. I just happen to be an EMT, critical care provider for the east end, I'm here to talk about the helicopter bill that you're going to be talking about here.

First, I'd like to just say that the helicopter has been a Godsend, the one that's been posted out in Westhampton Beach. It has allowed us to provide excellent patient care out there when, in fact, we had a problem in the past. I'm sure you've all heard before but I just want to make it very clear that we as EMT's, Emergency Medical Technicians, in the field try to go by a New York State protocol which is also a national and international protocol, and that is our goal is to take any patient of a serious trauma injury and get them to trauma surgery and proper trauma care within the golden hour we call it. That means an hour from the time of insult until the time they arrive at the door of the trauma center, where they have proper surgical facilities and critical care facilities that the average hospital just doesn't have. They also have surgical teams on duty 24-hours a day. They have specialist surgical teams available to give the best possible care. So that's been a standard of care throughout the State of New York, it is our New York State protocols that we go by.

Certainly, we're very happy to think that the Legislature is considering having the helicopter on the east end from -- I believe if I'm correct, from May till September. This past year it was extended to December -- to the end of December. Our last call in Amagansett was December 31st for a seven year old child that fell off a roof. Because of the mechanism for injury protocol which says because of the fall she had, she could have had serious internal injuries and therefore need a trauma center, we called a helicopter. As it turned out, the injury that she had probably wouldn't have killed her. However, what happens was the mechanism was there, she did have a kidney that was bleeding, had it been a spleen that had ruptured she

would have been dead two minutes after that probably. Because the helicopter was there and was on the scene within minutes to the time we called as opposed to the typical 40 to 45 minutes from MacArthur, we were able to get her to the hospital. Had she had that injury, she would have been in the surgery and probably saved a life for that.

We realize that you have budget constraints. The May through September thing is very, very nice. This girl would not have made it to the hospital had the helicopter been taken away in September, this was December. I don't have the statistics here, but the statistics I believe will tell you that by the 15th of December we had more calls in December on the east end than we did in the month of July; again, that is hearsay on my part. Certainly we did use it a lot, and as I say, it's been a Godsend.

From Amagansett, the nearest trauma center that we have is Brookhaven Hospital and we have no chance of getting to Brookhaven Hospital from Amagansett in that golden hour time. So our only chance --

D.P.O. POSTAL:

Mr. Fields, please sum up.

MR. FIELD:

Okay, thank you. What I'd like to say is very simply this; we would like to see this extended, if humanly possible, to a year-round thing. And your budget constraints, we ask this; what would happen if somebody like Peter -- Steven Spielberg's daughter fell off her horse and had a major injury and died because we couldn't provide the standard of care to this person? What would that lawsuit cost us as the people in the Legislature? Or Peter Jennings's child got hurt or one of these people or any of us? We ask you to please, while we're very happy that we are getting a helicopter for part of the year, please consider the rest of the year too for us. Okay? Thank you very much.

D.P.O. POSTAL:

Thank you.

LEG. TOWLE:

Legislator Postal?

D.P.O. POSTAL:

Legislator Towle?

LEG. TOWLE:

Just before you walk away.

D.P.O. POSTAL:
Mr. Field, question.

LEG. TOWLE:
Just come on back for one second.

MR. FIELD:
Yes, sir.

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LEG. TOWLE:
There's going to be a bill filed next month -- I just spoke to my aide, the bill is in the process of being drafted -- to require the County to place the helicopter at Gabreski for 12 months out of the year. It never made any sense to me to do on a part-time basis, but unfortunately it was the will of the administration to do it in a test case, we did that. And clearly on the test case, as you pointed out, the figures were a 40% increase in call volume. And, you know, it's not a question of being someone's famous kid, for that matter, it could be one of us in Eastern Suffolk County for a meeting or to do business or to be out there with your family and have some problem and need that service. There's no question about it. Four people's lives were saved between September and December of this past year because we had a helicopter at Gabreski Airport. And it's our obligation to provide public service to every resident of Suffolk County, regardless of where they live.

So I appreciate your comments this morning. And once we get a copy of that bill, we'll make sure we get it to you so you can come down and speak on it again.

MR. FIELD:
Thank you very much. And may I just say the Suffolk County Medical Director has all the statistics I talked about and many, many letters that the various fire services and emergency medical services have sent to her asking for help. Thank you very much.

D.P.O. POSTAL:
Thank you.

LEG. FISHER:
Thank you.

D.P.O. POSTAL:
Next speaker is the honorable Pat Mansir.

COUNCILWOMAN MANSIR:
Good morning, Ladies and Gentlemen of the Legislature. It is my

privilege to be here and address you. And I thank you for the efforts that you've made in seeing that the helicopter, the Medevac helicopter is stationed at Westhampton and the bill that you have before you to have it stationed there part of the year. I represent the people of the Town of East Hampton, and in this instance I represent over 850 emergency service personnel.

Back in the 70's when we were in emergency service, we felt that we would never see a helicopter out on the east end. You had to be five counties meeting in the middle for that helicopter to be stationed there to be able to make it cost effective to touch the other five counties. And you and your foresight have given us a helicopter through part of the year and it is very, very much appreciated out on the east end and I thank you. But -- and this was very good news this morning that the Legislator gave Mr. Field and I really hope that next month when this does come before you, you all realize that the little people all year-round value their lives and their children's lives just as much as the increased population that we have in the summer.

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And I ask you to consider the year-round proposal when the time comes and I thank you very, very much.

D.P.O. POSTAL:

Legislator Alden, did you have a question?

LEG. ALDEN:

I don't have a question of this speaker, so I'll just wait.

D.P.O. POSTAL:

Councilwoman, I know there's a question from Legislator Fields -- Legislator Fisher, excuse me.

LEG. ALDEN:

Vivian, she recognized you.

LEG. FISHER:

Oh, okay. Well, actually mine wasn't actually a question either, but I was wondering if you knew that when I originally introduced the bill to have the east end helicopter, it was at the request of medical professionals who had come to my office to say that there were so many calls out there, that we needed to provide that service out there. So it came from the medical -- from the medical field who had come to see me --

COUNCILWOMAN MANSIR:

Good, excellent.

LEG. FISHER:

-- regarding that.

COUNCILWOMAN MANSIR:

It's good to know that we're all working together, the people in the field and the people in the hospitals and the people who train us all. And thank you very much for being responsive to us.

LEG. FISHER:

And Jeanne Alicandro --

COUNCILWOMAN MANSIR:

Okay.

LEG. FISHER:

-- was very instrumental, she came to my office with Mark Henry to tell me about this need. And so it really came from the providers.

COUNCILWOMAN MANSIR:

Thank you very, very much.

D.P.O. POSTAL:

Legislator Alden.

LEG. ALDEN:

Basically, I was just going to ask our Legislative Counsel, Paul Sabatino, I know it's going to be a month, but if you could prepare like maybe -- not even a brief but just some comments on -- there was

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a question raised as far as our legal duty to provide that type of service. And even though we are going to put -- and there's a good possibility we'd put a helicopter out there year-round, there's still a limiting factor that we've only got two or three Medevac helicopters. So they raise an interesting legal point, can we be sued, which we can be sued for anything, but would that suit, would they prevail on an argument that we did not pick them up or provide them medical transportation to a hospital in time?

MR. SABATINO:

Okay.

LEG. ALDEN:

Thanks a lot.

D.P.O. POSTAL:

The next speaker is Philip Goldstein. Can we have some order? Phil?

MR. GOLDSTEIN:

Thank you. I wish Mr. Tonna were present. Do you know where he is?

LEG. ALDEN:

He could hear you.

D.P.O. POSTAL:

Well, he can hear you because there are speakers in the back of this building.

MR. GOLDSTEIN:

Okay, thank you. Because what I'm about to propose I feel warrants his attention. Number one, congratulations to all of you on your re-election, I haven't been able to express that previously. However, I want to express some dismay over being stifled by the three minute rule.

I feel that that's an imposition that there are oft-times things that I would like to say and I feel I am not afforded an opportunity. As for example, campaign finance reform. I understand that there is a proposal to generate funds in order to fulfill the legal obligation that the citizenry imposed upon the County to create public financing of campaigns. And this has been a cosmetic reform up until now because sufficient funds have not been available for the public financing portion. And a bill is now being put forward to put the onus on those who benefit by having contracts with the County, that they pay a \$100 fee and that this \$100 fee would in turn generate \$300,000 of revenue to the County. And it would seem to me that that is an appropriate way to provide the necessary funds so that this law can be implemented and made into meaningful reform instead of merely something cosmetic, so that we can claim we have reformed the manner in which campaigns are financed. That just illustrates some of the kinds of things that I'd like to be able to discuss with the Legislature but I feel stifled by the time.

The proposal that I wish to place before you today is extraordinary in that I feel that there has been a failure on the part of political leadership to recognize the fact that we the citizenry of the United

States of America, and of Suffolk County in particular, are capable of rising to the demands of circumstances. My parent's generation was extolled as the generation that survived the Depression that defeated the enemies of democracy in World War II, but I feel that current generations are just as capable of rising to meet the challenge. And so I am calling upon this Legislature to rectify an error you made in the budget that you passed recently where you imposed the burden upon the poorest segment of our community by raising the price of public

transportation, and I think that was wrong. And I think where the answer lies is for you to show the kind of courageous leadership that you have shown in the past.

This Legislature has set the example for the nation often times, as for example with cigarette smoking and so on. And I think here we have a national emergency that warrants the imposition of a 25 cent per gallon gas tax. I think that this gas tax would go a long way in beginning to establish a national energy policy whereby we must be weaned off the oil tit.

D.P.O. POSTAL:

Phil, I need to ask you to sum up.

MR. GOLDSTEIN:

See, this is what I mean. I mean, here is an important issue and I am not afforded an opportunity to adequately address it. The point very simply is that if you impose this 25 cent per gallon tax, it would go a long way towards perhaps ridding us of the SUV's that clog our roads. These are unsafe, gas-guzzling vehicles that have been put upon us by the automobile industry, by the oil industry, who don't really exhibit the kind of conscience that corporate America needs to sha.

D.P.O. POSTAL:

Thank you, Phil?

MR. GOLDSTEIN:

And that it is the role of government --

LEG. HALEY:

I have a question.

MR. GOLDSTEIN:

-- to impose regulation. Yes?

D.P.O. POSTAL:

Before --

LEG. HALEY:

I have a question.

D.P.O. POSTAL:

Before I recognize you, I'm going to take I guess personal privilege in addressing the three minute limit for speaking during the public portion. The reason that that three minute limit exists is because very often, unlike today, this auditorium is packed and there's a stack of cards from people who would like to address the Legislature,

many of whom have taken time off from work to be here. And the limit is necessary because otherwise people wait for hours and hours and hours. Very often, you've seen it, we don't get an opportunity to reach all of those people, they come back for the public hearings, they have to wait for the completion of the public hearings, and that's really discouraging to many people who would like to address the Legislature. So as difficult as it is to impose that three minutes, it's done in the interest of giving people the opportunity and it's the same reason we've moved our meetings to 9 A.M., so that we can give people the opportunity to address the Legislature without over-burdening them by having to wait an enormous amount of time. So, you know, I recognize everything in life has good aspects and bad, and that's the reason. But I will recognize Legislator Haley.

LEG. HALEY:

You must drive a small car, you're picking on SUV's. Could you rewind and go back to what was your point about transportation? When you first brought up transportation, not necessarily the energy tax.

MR. GOLDSTEIN:

Yes. My understanding is that you raised the price of public transportation in Suffolk County and I believe that's an injustice to the welfare mothers and marginal people within our community who are forced to depend upon public transportation and the impact of a 25% -- a 25 cent increase in transportation may to you appear insignificant, but to those people who are on the edge, I think that has a significant impact in their lives and I would urge you to rescind that. And I'm offering this 25 cent per gallon tax as a means not just of generating revenue, and I'd like to speak further with regard to why I feel it's necessary, but I think you ought to reach out to our neighboring County in Nassau and urge them to adopt similar legislation.

In fact, I would like to see the Presiding Officer contact his counterparts throughout the metropolitan area and urge all of the counties impose this as a patriotic tax in order to get us to reduce our consumption of oil, and at the same time we would help Nassau County who is in dire financial straights right now if they were -- if we raised the tax by that 25 cents, it would afford them an opportunity of generating revenue and doing so in a manner with a patriotic purpose in mind, I think the entire society would be more than willing.

As I said, I remember as a child we saved money, we bought stamps to purchase savings bonds, we rationed meat, I collected aluminum on the war drive and so on; there were countless measures that were taken to enroll the public in support of the World War II effort. And I think this counter terrorist effort that we are facing is going to be, as

the President cited, a long-term effort. And the Republican Party has said that the states ought to be the laboratories of democracy. Well, by the same token, I contend that the Counties perhaps ought to be the laboratories of democracy within New York State. And I think that you have set the example in the past, as I have said, this Legislature has been exemplary in some of the laws that you have passed with regard to banning detergents and the impact that it has on our water supply, etcetera and so forth. And I think that here is another example where

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you, at the grassroots level, may start the ground swell which may cause the American people to get on the bandwagon and to do something about our consumption of oil and gas. We are making ourselves subservient to foreign interests, our whole national interest and our foreign relations and so on are impacted by this, and somewhere somebody has to stand up and say, "It's about time we did something in our national interest," and I think this is a good first step.

D.P.O. POSTAL:

Legislator Haley, did you have another question?

LEG. HALEY:

Yeah. Do you feel -- you complained about the extra 25 cents for public transportation; do you feel the same way about the recent increase on the energy tax?

MR. GOLDSTEIN:

That's an interesting point. Yes, perhaps I would agree with you there. The whole energy policy needs to be examined. For example, I happen to concur with Peter Quinn with regard to the behavior of LIPA. As for example, the peak demands for electricity in this County occur in the summer when everybody wants to turn on their air-conditioners, yet not enough is being done by LIPA to enable us to put solar panels on our roofs -- I'm sorry, I get a little, you know, passionate as -- oh, David isn't here to chide me, okay, nor is Paul.

The point very simply is every home should have solar panels on the roof. We should be generating the electricity to meet our peak demands. If you go to any of these seminars that are held at the technical university in Farmingdale, all right, I've attended some of them. This is an ideal location for solar electrical generation, all of the experts contend that. Yet not enough is being done to put solar panels on everybody's roofs so that we can generate the electricity to meet our own demand, instead, we're building centrally located, bonded production facilities. Yes, the Wall Street banking firms and so on that are reaping the benefits of it love it, and LIPA likes it and so on, but the point very simply is we the people in a sense are being cheated. The more things change the more they remain

the same. Hey, we got rid of LILCO, great. So what do we got? LIPA. Is LIPA any better? I doubt it. All right? Not enough is really being done in terms of a well thought out energy policy.

So there are countless examples that you can point to, but I think we need to take a dramatic step, and I think that kind of dramatic step would be in imposing a tax upon ourselves to wean us off the use of gasoline and increase the use of public transportation.

LEG. HALEY:
Thank you.

D.P.O. POSTAL:
Legislator Haley has another question?

LEG. HALEY:
No

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D.P.O. POSTAL:
Legislator Fields.

LEG. FIELDS:
Phil? Phil? Phil?

MR. GOLDSTEIN:
Yes.

LEG. BINDER:
More to say.

D.P.O. POSTAL:
See, aren't you glad we ask questions?

P.O. TONNA:
Phil, it's just wonderful, the Year 2002, no profanities yet, that's wonderful. Thank you.

MR. GOLDSTEIN:
Thank you, Paul.

P.O. TONNA:
Okay. Legislator Fields.

LEG. FIELDS:
Phil, if you propose that we increase gasoline per gallon to another 25 cents in Suffolk County, do you not think that people in Suffolk County are going to drive to Nassau to buy -- to fill up their gas

tanks?

MR. GOLDSTEIN:

That's why I said that Paul ought to be in touch with his counterparts throughout the metropolitan area and every suburban county ought to create this same tax as a patriotic gesture. Then each County can use the money --

LEG. FIELDS:

But you mention --

MR. GOLDSTEIN:

-- as it sees fit. We ought to subsidize people to buy these low gas consumption cars, these alternative cars that are being produced now.

LEG. FIELDS:

But you also mentioned that if we did that it would help save Nassau County.

MR. GOLDSTEIN:

Yes, because if Nassau adopted a similar tax, then Nassau would have a source of revenue which it does not currently have.

LEG. FIELDS:

Okay. All right, thank you.

MR. GOLDSTEIN:

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They couldn't do it on their own because they fear the exact thing you say, that the people from Nassau would drive to Suffolk in order to get cheaper gas.

LEG. FIELDS:

Okay, thank you.

MR. GOLDSTEIN:

It ought to be done by both counties coincidentally, or concurrently.

LEG. CARPENTER:

If I could?

D.P.O. POSTAL:

Thank you. Legislator Carpenter.

LEG. CARPENTER:

Phil, I just would like to make sure that the record is totally clear as far as the increase that was proposed to the bus fares. That was

only done as a means of keeping the service, the very service that the single moms and the population that you spoke to need the buses to travel, that service was threatened to being cut back because we needed to address the lack of revenue that we received from the state in the bus routes.

MR. GOLDSTEIN:

I know that --

LEG. CARPENTER:

So the population came forward during the hearing process, asked us not to cut the service, particularly the paratransit service. And the bus riding public that was here advocating for the routes said that they could afford a modest increase but certainly no one wanted to see an increase. And if in petitioning the State we can get those revenues that we feel that we need and deserve here in this County, that that increase would be rescinded.

MR. GOLDSTEIN:

But that's still a choice, a decision made by this Legislature which you imposed, as I said, upon those who are least able to protect themselves against the imposition of such an increase. And I think -- you know, there are other alternatives that you could have adopted and that's why I came forward with this proposal. I think we need to enlist the people of this County and the people of the metropolitan area to set an example for the rest of the country and say, "We're not going to put up with it anymore. We're not going to be seduced by these big gas-guzzling cars that suit the bottom line of the automobile makers." They're one of the most profitable vehicles, yet they don't meet the gas consumption mileage standards. They are an anathema to what our energy policy ought to be.

And I think we ought to take a step to speak out. You as our leaders, as the government who is closest to the people of Suffolk County and so on ought to stand up and speak out and say to the State and to the national government, "It is time for a policy that is in the best interest of the United States of America," and that we have to

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diminish our subservience to foreign oil interests.

P.O. TONNA:

Okay. Are we really going to continue? This is what I'm talking about.

LEG. HALEY:

No, I just wanted to --

P.O. TONNA:

We could finish this morning.

LEG. HALEY:

No, Pete didn't understand one thing about the rules. He gets three minutes per meeting but an overall ten minutes for the entire year, so he's used up all his time, he's done for 2002.

P.O. TONNA:

Unless, of course, you use profanity, then we'll give you a couple of extra minutes. All right, next speaker, the Honorable Diana Weir, Councilwoman, Town of East Hampton. How are you?

COUNCILWOMAN WEIR:

How are you, sir?

P.O. TONNA:

Good.

COUNCILWOMAN WEIR:

Good morning, Members of the Legislature, Paul.

P.O. TONNA:

Good morning.

COUNCILWOMAN WEIR:

Thank you so much for letting me speak today .I'm here again on the Medevac issue. And I was very happy to hear Legislator Towle say that a bill will be presented next year -- next month rather, on having it year-round. I'd like to give you some statistics, but before I do that, thank you for all the money for land preservation. You help us save land and we appreciate it and it makes East Hampton the beautiful place that it is and brings in all those wonderful tax dollars.

The census for the Year 2000 has shown that East Hampton alone has increased in population over 12%. The trade parade traveling back and forth, east to west, because of our affordable housing problems has a constant year-round traffic flow that we never experienced before. Our EMT services and emergency medical people are on the go year-round now, the traffic is not just a summertime traffic, we don't have this extended, you know, just Labor Day to -- Memorial Day to Labor Day, the traffic is year-round. And if any of you have ever been on Montauk Highway, one lane going each way only from Montauk into Southampton and have seen an ambulance try to pull through and get through the traffic to get to Southampton Hospital, it's quite frightening. And you wouldn't want to be in that ambulance if you had a very serious, life-threatening situation. Our EMT people on the

spot at an accident have to decide whether or not they can call that Medevac and have it respond or whether they buck the traffic trying to get to the nearest trauma unit.

So in our situation, it's a matter of life and death. With a growing population extended and -- extended season on either end, you know, pumpkin picking, if you go to the east end in October the traffic is just as bad as it is in middle of July. Same thing for the holidays; year-round people are there all the time, but the part-timers, homeowners that come for the weekends only are now there on vacations during December, during February when the kids are home from school, almost every weekend. It's not like it used to be. So your consideration of keeping this Medevac helicopter there year-round will really help save lives and we appreciate it on the east end.

I know recently this Legislative body voted to have all but four of its meetings here in Hauppauge. And it's wonderful, you have a beautiful facility here and we will travel from the East End to come and support you and implore you when we need help. But please, keep that helicopter there year-round, it is a life-saving situation. And I thank Fred for proposing the bill next month and I thank you for letting me speak.

P.O. TONNA:

Thank you. Thank you very much, Diana. Adrienne Esposito? How are you doing, Adrienne? Good to see you.

MS. ESPOSITO:

Very well. How are you?

P.O. TONNA:

Good.

MS. ESPOSITO:

Good morning, Legislators. I'm here simply to ask you to vote yes today on a resolution that you'll be voting on later today. It's Resolution 1070, which is a bill that reauthorizes funding for the Peconic River Study. Most of you, I think with just one new Legislator as an exception, voted yes on this bill twice, once in 1998. It was then vetoed by the County Executive. We worked out the questions and concerns he had. You then voted yes again on the bill in 1999. The bill required three components, two of which have been completed, and the last one is the Peconic River Study.

The resolution that's been put forth to you today will obtain the funding for the Peconic River Study from the Quarter Cent Sales Tax Program. We had the -- the study was written, took a year-and-a-half to write this study. It is the best health and environmental assessment study anywhere on the East Coast. It is a comprehensive

study for health and environmental impacts of the Peconic River to not only the communities surrounding the Peconic River, but also for any other individuals, whether it be tourists or visitors, that utilize this tremendous River.

Many of you know that this River is one of the largest river systems here on Long Island, with a tremendous environmental and economic

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impact to us, and we must better understand any health or environmental implications as result of contamination to this river system, so we can better protect it for the future.

So we're asking you just simply to vote yes on two years worth of work that went into putting the study together. It actually was put into the County Attorney's Office about six months ago. No movement on it occurred, therefore, the funding ran out, or whatever happened to it, and now in the new budget year they've looked for a different source and have found a different source of funding to continue it. Thank you.

P.O. TONNA:

Thank you very much. Okay. Okay. I'm going to recognize Legislator Bill Lindsay for the purposes of a proclamation. Just, Bill -- does anybody else want to address the Legislature? Great. Thank you.

LEG. LINDSAY:

Come up, Paul.

P.O. TONNA:

Oh, I'd love to.

LEG. LINDSAY:

Please.

LEG. LINDSAY:

I'd like to ask Sergeant Marotta to come to the podium, please. The last few months we've used the term "Home Town Heroes" an awful lot in this vicinity, and it primarily referred to our police and firemen who acted so bravely and gallantly in those horrible days of last September. This morning we have a different type of home town hero with us, his name is Sergeant Marotta, and to our knowledge, he's the first Long Island citizen that's returning from the war in Afghanistan. Sergeant Marotta is a Holbrook boy and a Sachem graduate. He just completed serving four years with the elite Tenth Mountain Division. He served our country in some of the greatest trouble spots around the world over the last few years, including a tour in Bosnia and Kuwait. And when his unit was assigned to go to

Afghanistan to join the war in Afghanistan, he didn't have to go. He was so close to discharge, he could have stayed home. He chose voluntarily to go with his unit, because he served with them all these years.

And this morning, on behalf of the Legislature and the citizens of Suffolk County, I asked the Sergeant to come here, that we might present him with a plaque for putting himself in harm's way to make our world a lot safer. And we're very proud of you, and we're happy you came home safe and sound.

(Applause)

P.O. TONNA:
We're going to hear from Sergeant Marotta.

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SGT. MAROTTA:
Just real quick, to everybody here, thank you. I appreciate everything. Thank you.

LEG. LINDSAY:
The Sergeant said he'd rather fight than speak.

LEG. HALEY:
Sounds like my ex-wife.

LEG. LINDSAY:
What did he say?

LEG. CRECCA:
Sounds like his ex-wife.

LEG. LINDSAY:
Just a follow-up, Sergeant Marotta was discharged from the Army the end of December and he started a new career. He reupped in the Air Force for six years.

LEG. HALEY:
There's better looking women in the Air Force.

P.O. TONNA:
Okay. We're going to the Consent Calendar. But, Legislator Crecca, you have a motion?

LEG. CRECCA:
Yeah. I have a motion to remove Resolution 1012 from the Consent

Calendar.

P.O. TONNA:
Okay.

LEG. CRECCA:
Just so we can vote on it.

LEG. CARPENTER:
Second.

P.O. TONNA:
That's going to -- that's going to be voted on separately, then,
right?

MS. BURKHARDT:
Ways and Means.

P.O. TONNA:
In Ways and Means, when we get to the Ways and Means agenda. Okay.
There's a motion by myself and a second by Legislator Postal to pass
the Consent Calendar. All in favor? Opposed?

MR. BARTON:
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P.O. TONNA:
Okay. Let's go to Page 8. We're on Tabled Resolutions. Is there a
motion, Legislator Bishop? Okay. Does anybody want to make a motion
for 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). He's not here and I'm not waiting.

D.P.O. POSTAL:
Can we come back to this later?

P.O. TONNA:
Yeah, we'll come back to that. Oh, there you are. Legislator Bishop,
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LEG. BISHOP:
Table. Table.

P.O. TONNA:
A motion by Legislator Bishop to table, second by myself. All in

favor? Opposed? Tabled. (Vote: 16, 2 not present-Legs. Caracciolo and Lindsay)

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?

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

P.O. TONNA:
Motion to table by Legislator Postal, seconded by Legislator Alden.
All in favor? Opposed? I'm opposed.

LEG. BINDER:
Opposed.

LEG. CRECCA:
Opposed.

LEG. CARPENTER:
Opposed.

P.O. TONNA:
Okay. Roll call.

(Roll Called by Mr. Barton)

D.P.O. POSTAL:
Yes.

LEG. ALDEN:
Yes.

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LEG. CARACCIOLO:
(Not Present)

LEG. GULDI:
Yes.

P.O. TONNA:
No, he's not here.

LEG. GULDI:
I already said yes.

LEG. TOWLE:

Yes.

LEG. CARACAPPA:
Yes to table.

LEG. FISHER:
Yes.

LEG. HALEY:
No.

LEG. FOLEY:
(Not Present)

LEG. LINDSAY:
(Not Present)

LEG. FIELDS:
Yes.

LEG. CARPENTER:
No.

LEG. CRECCA:
No.

LEG. NOWICK:
No.

LEG. BISHOP:
No.

LEG. BINDER:
No.

LEG. COOPER:
No.

P.O. TONNA:
Nope.

MR. BARTON:
Seven.

LEG. FOLEY:
I'm a yes.

P.O. TONNA:

Okay. All right. I'm going to make a motion to approve.

MR. BARTON:

Eight.

LEG. BINDER:

Second.

P.O. TONNA:

Seconded by Legislator Binder.

D.P.O. POSTAL:

On the motion.

LEG. ALDEN:

On the motion.

P.O. TONNA:

On the motion.

LEG. BINDER:

And then me, Mr. Chairman.

P.O. TONNA:

I'll recognize Legislator Postal, and then Legislator Alden.

D.P.O. POSTAL:

Okay. You know, the reason that I made the motion to table this resolution, and I'm going to make the same motion on the next two -- I think they're the next two on the agenda.

P.O. TONNA:

Three. Oh, two.

D.P.O. POSTAL:

There are actually two more.

P.O. TONNA:

Yeah.

D.P.O. POSTAL:

There are a number of reasons. The first reason is probably because there are a couple of things pending which have real impact on the Southwest Sewer District. The first one is a resolution that's currently tabled in the Public Works Committee that would establish a moratorium, before we continue to do these out of district hookups, to determine what the actual fiscal impact is. Over of the years, we've been told many, many times that we make money because there's an out-of-district surcharge, but we don't know whether that's actually the

fact and whether it's actually the fact in spite of the fact that a short while ago we changed the per gallon fee from 12 to \$15, but at

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the same time, our costs are increasing. So we increased the per gallon processing charge, but our costs for labor, our costs for trucking contracts are going up all the time. Plus we're facing an enormous capital expenditure, because Bergen Point is an aging plant and it's absolutely not functioning properly.

We have received a report based on a {Bartallucci} Study a little earlier last year that gave us a number of alternatives, whether it's replacing the incinerator and putting in new conveyor belts or pelletization, they recommended the first, but the costs are going to be astronomical. Are we factoring in those costs when we do those out-of-district hookups?

So the first question is, before we proceed with additional hookups, to make a determination about whether we're losing or making money on these. If we are losing money, then we have to make a determination on whether we should be raising the per gallon fee, or whether we do not want to hook up these out-of-district hookups. So that's the first issue that we should be looking at.

The other part of that resolution that's in Public Works currently calls for prioritization for the excess capacity based on health issues. I'm actually asking Mr. Sabatino to change that. I don't know if he got this from my office yet. I don't think so, because I just wrote it last night. But I'm asking that we establish some kind of rating system for that phrase that says, "Economic Development," because we approve these out-of-district hookups on the basis that we're promoting economic development in Suffolk County, but the fact is what is beneficial economic development? We have a finite capacity. If we use it up now for those things which truly do not benefit our economy, then we won't have it later. I mean, that's real simple.

Now, many of the people here have heard me say this over the years again, and again, and again. We hooked up the Sitar Restaurant in Melville on the basis that it was a boon to our economy, a small restaurant, which, in fact, went out of business. And I want you to know that now hooked up is Gossips, which is a strip club on Route 110. Now, if we think we're promoting economic development, I suggest that they didn't need to be hooked up to the sewer to benefit Suffolk County to provide us with Gossips, but --

LEG. BISHOP:

You should have said they were automatically a sewer, or something like that.

D.P.O. POSTAL:
Well --

P.O. TONNA:
This is great. That's great.

D.P.O. POSTAL:
You like that.

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P.O. TONNA:
I like that. That's --

D.P.O. POSTAL:
You like that.

P.O. TONNA:
We could work with that.

D.P.O. POSTAL:
You like Gossips.

P.O. TONNA:
No. No, I don't like Gossips.

D.P.O. POSTAL:
You're opposed to Gossips.

P.O. TONNA:
I'm no fan of pornography or anything like that.

D.P.O. POSTAL:
Unhook them from the sewers.

P.O. TONNA:
I don't think like gossip in any way, fashion, or form.

D.P.O. POSTAL:
But, you know, just to look at the three resolutions which are before us today, 2014, that's a small park. Now, I don't know how many jobs they're proposing to create, what kind of jobs those will be, will they be permanent jobs, temporary jobs, will they have benefits, will they pay minimum wage, or will they pay the living wage that this County adopted as its policy? We don't know any of those things.

If you look at the last of the tabled resolutions, 2141, I want to tell you what that is, because that's a senior citizen apartment complex, which you may remember raised rents on one bedroom apartments from \$800 a month to 1150 for senior citizens. Now, they happen to be in Suffolk County, but this resolution addresses a new building that was built in the apartment complex that is actually located in Nassau County, and this developer is asking to hook it up to Southwest Sewer District, so that he can create another two to four apartments for which he will rip off senior citizens, by the way.

P.O. TONNA:
Which one is this?

D.P.O. POSTAL:
The third one, Farmingdale Villas. But I want to ask you what the economic benefit to Suffolk County will be if we allow this apartment complex owner to hook up the additional two apartments, which are in Nassau County, to our Southwest Sewer District? So that we need to establish some kind of evaluation and assessment tool for determining what is true economic development benefit and what is specious economic development benefit.

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So that's one reason that I think that these resolutions should not be approved, and certainly, at very least, should be tabled. But the other reason is that Congressman Steve Israel has secured a quarter of a million dollars to conduct a feasibility study on the excess capacity at Bergen Point in the Southwest Sewer District to determine whether we can hook up additional areas adjacent to the borders of the current Southwest Sewer District. Now, not only would that provide the ability to create affordable housing. If developers could build without having to build on-site sewage treatment plants, that would truly create the ability to create affordable housing, but it would also create economic benefits. They might not be along the 110 Corridor in Melville, but what about in the Pilgrim area? What about in the North Babylon/Deer Park area? There are lots of places that need to have sewer service in order to build our economy.

So I ask that in view of the resolution that's before the Public Works Committee, in view of the quarter of a million dollar feasibility study that's going to be done, that we hold off taking action and using up whatever excess capacity exists.

(Applause)

P.O. TONNA:
Okay. There's a motion and a second.

LEG. ALDEN:
On the motion.

P.O. TONNA:
Oh, sorry. Legislator Alden, you want to speak?

LEG. BINDER:
You've got a list.

LEG. ALDEN:
Thanks.

P.O. TONNA:
Oh, that's right. You were next. Sorry.

LEG. ALDEN:
I'd just like to reiterate a couple of points that Legislator Postal made. And I'm not against any kind of economic development, and this could very well be something that we want to do at some point. 2002 we'll have the opportunity to set, number one, out-of-district rates that are more reasonable or possibly more fiscal responsible type of level. But I'm going to point out one other things that's been going on here. Since around 1970, people that lived in the Southwest Sewer District have paid an ad valorem property tax of -- now it's up to about \$500. It's been close to that all along. These people, if they're allowed to hook up, they don't pay an ad valorem property tax. So all they're required to pay is a user fee, which might and might not be a reasonable fee to cover the services that are being generated to them. But, if there are any other type of capital improvements that have to be made to that system, and that's not an "if", that's

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just a "when", and it's probably sooner rather than later, the rest of the people that are in the Southwest Sewer District that have been paying that ad valorem tax and continue to pay it will have to pick up the price of that type of development, or that type of capital structure and capital improvement. That's one thing that's totally -- it seems like out of balance with the concept of making people pay for a benefit that they had for 30 years, or a questionable benefit, and allowing people that had not been proposed to go into that sewer district originally, never had to pay that property tax, and now, if they're allowed to hook up, they will not have to pay that property tax either in the future.

So I think we've made a mistake in the past in allowing the expansion of that sewer district without including those that are taking advantage of it on the property tax end of it, and I think that we have the -- we have the opportunity right now to establish something

that's fair and equitable in the user fees and some of the other hookup fees, and that hookup fee actually should include some type of payment that would have been made had that property been included for the past 30 years on the property tax situation.

So I think that -- I've asked for some of that information to come along, and as soon as we have that information, I think we can set fair and equitable type of fees and make sure that these properties are included in the property tax.

LEG. FISHER:

I just wanted to ask you a question, Cameron. I just wanted to ask Cameron a question about what he just said.

P.O. TONNA:

Sure.

LEG. FISHER:

I think my mike is on. Is an end point to those tax, property taxes?

LEG. ALDEN:

No. If you're in the Southwest Sewer District, you will pay that ad valorem property tax, you pay that --

LEG. FISHER:

That's a permanent addition to --

LEG. ALDEN:

Right, that's a permanent fixture for your house.

LEG. FISHER:

I see. Okay. Thank you.

P.O. TONNA:

Great. All right. Anybody else? Legislator Binder.

LEG. BINDER:

Mr. Chairman, I think it's basically a constant stall tactic on economic development when we get to these sewer hookups, and I think it's really unfortunate. When is the end? When is it when we have

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enough money? When it is when the studies are done? When is it we're going to know? When is it when we're going to decide what is and isn't economic development? It seems to me, when we promote a business or help a business to open up and it employs one person, two, ten, twenty, we've got economic development. This employs people. It employs people to build, to do the contracting on it, to employ them

in the businesses themselves, to house people, to give them an opportunity for housing. We can now explore, "Well, is it socially constructive?" Do we -- "Are they having the rents that we find agreeable?" And so, if we don't like the rent, so maybe we don't give them the opportunity to hook up. So what do we do? So let's push them to put in their own plants, tertiary plants, or whatever kind of plants are required, and so we then should threaten the groundwater.

The fact is that people outside of the Southwest Sewer District in Suffolk County are paying taxes to support the Southwest Sewer District, we always have, and we do this willingly. There is no benefit to someone in most parts or any part in Huntington, unless they have a current business, or something that's hooked up into the Southwest Sewer District. Other than that, we're paying for something we don't use, but we do that as part of the County.

How is it that we keep talking about looking, and looking, and looking, studying, and studying, and studying, meanwhile, while we fiddle, businesses and residences burn, because they burn through capital, carrying costs are outrageous, they can't open up, but we think it's okay, "We'll eventually get to you. We'll eventually get to you, you who would employ, you who would build. We'll eventually get to you when we're ready. Meanwhile, you pay the carrying charge, you pay the taxes. You keep paying for something that you can't make work for Suffolk County, that you can't make work in terms of paying property taxes in Suffolk County and the municipalities, that you can make work in terms of employment. When we're ready to get around to it, we will."

I would just ask my colleagues, pass these. You want to study, study. There's plenty of capacity after these three. There are more coming, I am sure, after these three. And between now and then, those who would try to stop this, get a study done, try to put forward something, talk about what's reasonable. But in the interim, while there are those waiting to add to Suffolk's fabric here, economic fabric, particularly in a time when we need economic activity, I would hope that the Suffolk County Legislature would let these go forward, let them happen now, and as future ones come, let's try to beat that. Before the next ones come, before we see the next resolutions, let's get the other things, the studies from Congressman Israel or other things. Let's have them before us, but let's not stop what's in progress now. All we're doing is hurting people and we're hurting a potential economic activity. I would hope we would pass this.

P.O. TONNA:
Legislator Alden.

LEG. ALDEN:
Just two, just two points that he made. I'm not sure if there's excess capacity, because, right now, everyone's not hooked up to the

Southwest Sewer District that is in the Southwest Sewer District that had been paying the property tax for the past 40 years, so that there might not be all this excess capacity that we're talking about. And secondly, the rates that we are going to charge these people might or could be considered an improper gift of government services and money, basically. So I really -- until we establish some kind of fair rate on that, and that shouldn't be that long to take, that we can do probably before the next meeting, I would like to see at least those two issues addressed. Thank you.

P.O. TONNA:
Okay. All right.

LEG. BISHOP:
Can I?

P.O. TONNA:
We've heard this -- okay, go ahead. Legislator Bishop, please, weigh in.

LEG. BISHOP:
You've had enough.

P.O. TONNA:
It's not a change in the --

LEG. BISHOP:
I'm sorry if you had enough, I won't speak.

P.O. TONNA:
No, no, no. Legislator Bishop, it's just it's not a change in the Charter Law, so I guess you can talk on this issue.

LEG. BISHOP:
Because it's above 60 degrees and you want to get out there and run around on the grass, I understand that.

P.O. TONNA:
It's just -- you know, it's funny. I had an image of my Doberman today out there running around on the grass and just huh, huh, huh. Okay, go head.

LEG. BISHOP:
And then you saw me.

P.O. TONNA:

Legislator Bishop, go right ahead. It's not a change in the Charter Law, so I guess you're not as scared, you know, you can speak on this one.

LEG. BISHOP:

Perhaps it should be a Charter Law change. I just want to say that I've discussed with at least eight of my colleagues Legislator Postal's perspective, I've heard Legislator Alden's perspective, and it seems like we're very close to actually passing a moratorium, so that we could take a short time out, maybe just two or three months,

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and evaluate the true fiscal impact on the residents of the Sewer District and the residents of the County as a whole, and I think that would be a wise policy.

P.O. TONNA:

Well, I want you to know, just from my standpoint, if we -- oh, I'm sorry to interrupt. Go ahead, Legislator Bishop, finish your comments.

LEG. BISHOP:

I'm done.

P.O. TONNA:

If we're going to take a moratorium on looking, I think that we need to look at -- shudder the word, but looking at a Public Works project, whether it be the old West Central Sewer District Program, or something like that to be able to say, because it's a vital need in the Melville Corridor, it's a vital need in other areas to have sewer district hookups. So, if we're going --

LEG. BISHOP:

So you want to have a sewer district in Melville, which would be perhaps the way to go?

P.O. TONNA:

Well, it's something that I've been working --

LEG. ALDEN:

Don't tax us to cover it, though. Don't tax us to cover the Huntington and Melville area.

P.O. TONNA:

I think -- I think the idea, Legislator Alden, and everyone else, is we want everything to be equitable. Nobody would -- nobody would want something to be unequitable. Everybody wants to pay their fair share and --

LEG. ALDEN:
Oh, they do?

P.O. TONNA:
Yeah.

LEG. ALDEN:
All right.

P.O. TONNA:
I think that that's a basic principle, and I don't think there's a Legislator here that wouldn't want that situation. But we need to, I think, begin, and I know Legislator Caracappa and Legislator Foley, as the Chair and the Vice Chair of the Public Works Committee, we should -- we should maybe start looking at the issue of this, you know, they call West Central Sewer District. And the idea is, as time goes on, if we need -- if we need more sewer district hookups, if we need to be able to, as Legislator Postal has made the argument with regard to affordable housing issues and things like that, then we need to look at that and -- but, in the meantime, I would like to make sure

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that we continue economic development.

I think Legislator Postal's comments on the Farmingdale Villas is a good one, and so I'm not going to vote for a hookup to something in her district where she says it's at best specious, you know, to hook something like that. And if we had a vote to hook up Sitar again, that knowing that it would be, you know, some type of house of something, whatever you categories it, you know, whenever I hear something like that, "Aah," you know, I wouldn't hook that up. Let them flush their own waste. But, generally speaking, you know, the other things I'd like to continue to move in the direction of hooking them up. Okay. Thank you. Let's roll call. This is a motion to -- a motion to approve and a second.

LEG. ALDEN:
Mr. Presiding Officer, then can --

P.O. TONNA:
Yes. Yes, Mr. Alden.

LEG. ALDEN:
Because it looks like you're going to push to have this passed.

P.O. TONNA:
Yes.

LEG. ALDEN:

Can I expect your support, then, in at least adding these people to the tax rolls, that they would support the sewer district on a capital basis?

P.O. TONNA:

I think what you would -- what you can expect is, as you said, I have never held up anybody for doing a study to find out. Even you have said that you're not sure about the rates that are being paid and stuff and whether it's equal or not. So what I would say is that you would have my commitment to work on the concept of making sure that there is some type of equalization. And, remember, Legislator Alden, which I'm sure you do not have to be reminded, there is -- there was a Quarter Cent Program, which we, the Suffolk County taxpayers, all taxpayers, okay, including those outside of those in the Southwest Sewer District, who helped and help with the Southwest Sewer District, with a portion of that tax money going there in the sales tax. You remember that, we worked on that project together.

LEG. ALDEN:

Right.

P.O. TONNA:

All that I would say is I would work with you to make sure that things are equal. How that -- what shape or form, I'm not going to make a commitment to. I'd be glad to study it with you. I would work on making sure that we do have a study to find out about the equalization or the rates would be equal. And, hopefully, you would work with me, then, to make sure that we could find County funding to begin something like a, you know, West Central Sewer District Program.

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LEG. ALDEN:

But the Chair does recognize the fact that people outside the Southwest Sewer District -- now, the people inside the Southwest Sewer District are paying a tax on their property value. People outside that have been hooked up in the past for economic development purposes, they're not paying that property tax, they're only paying a user fee.

P.O. TONNA:

Right, which they say should support the use of, you know, what their

--

LEG. ALDEN:

But they haven't --

P.O. TONNA:

The service that they're getting.

LEG. ALDEN:

They haven't paid anything towards the capital -- basically, the capital requirements of building that plant, and then any improvements that will be done to that plant, because that's going to come out of a tax base that's already in place.

P.O. TONNA:

And part of that tax base is what they call sales tax, quarter cent sales tax money.

LEG. ALDEN:

And that's on operation and maintenance.

P.O. TONNA:

Yeah. Okay. Please, roll call, Henry.

(Roll Called by Mr. Barton)

P.O. TONNA:

Yes.

LEG. BINDER:

Yes.

LEG. BISHOP:

What's the motion before us?

P.O. TONNA:

Hold it. Hold it. I'm sorry. I know this is -- Legislator Lindsay wanted to speak and I didn't recognize him. It's my fault.

LEG. LINDSAY:

Yeah. My question is simply this, is that if we do this study and we find the rates are too low and we up the rates, will the people that are already hooked up, their rates be raised, or it's a one-time fee, it's paid and it's over with?

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LEG. ALDEN:

Actually, the rates right now, as it is, they're being increased on a yearly basis to pay off the debt that was incurred years ago. But actually -- and also, to pay the rising operation and maintenance type of cost. But the property tax part of it, the people that are outside of the Southwest Sewer District are not being included in the property --

LEG. LINDSAY:

I understand that, Cameron. My question is about the user fees.
If the user fees are raised, they're going to be --

LEG. BINDER:

Everyone's fees go up.

LEG. ALDEN:

Everybody gets a raise in the user fee.

LEG. LINDSAY:

-- raised for everybody, past, present and future.

LEG. ALDEN:

Right.

P.O. TONNA:

Okay. Roll call.

(Roll Call Continued by Mr. Barton)

LEG. CARACCIOLO:

No.

LEG. GULDI:

No to approve.

LEG. TOWLE:

No.

LEG. CARACAPPA:

No.

LEG. BISHOP:

What's the motion?

P.O. TONNA:

To approve.

LEG. FISHER:

No.

LEG. HALEY:

Yes.

LEG. FOLEY:

No.

LEG. LINDSAY:

Yes.

LEG. FIELDS:

No.

LEG. ALDEN:

No.

LEG. CARPENTER:

Yes.

LEG. CRECCA:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

Yes.

LEG. COOPER:

Yes.

D.P.O. POSTAL:

No.

MR. BARTON:

Nine.

P.O. TONNA:

Okay. Motion fails. Okay. 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). There's a motion to table by Legislator Postal.

LEG. ALDEN:

Second.

P.O. TONNA:

Seconded by Legislator Alden. All in favor? Opposed?

LEG. BINDER:

Opposed.

P.O. TONNA:

Opposed, Legislator --

LEG. BISHOP:

This is being tabled now?

P.O. TONNA:
Yeah.

MR. BARTON:
17.

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P.O. TONNA:
All right. Well, I'm opposed also. Sorry.

MR. BARTON:
16.

P.O. TONNA:
Okay. On 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 would just -- I would vote on it to approve so we can kill it. I don't have a problem --

D.P.O. POSTAL:
Yeah, that's fine. I'm okay with that.

P.O. TONNA:
-- on the merits of yours. I don't mind. I don't want to help any, especially when they're --

LEG. BISHOP:
Motion to table.

LEG. CRECCA:
Second.

LEG. BINDER:
Motion to approve.

P.O. TONNA:
I'm going to make a motion to approve for the purposes of defeating it.

LEG. ALDEN:
On the motion.

P.O. TONNA:
Yeah.

LEG. ALDEN:

Just as a reminder, this isn't in Suffolk County.

P.O. TONNA:
Right.

LEG. ALDEN:
This property is not in Suffolk County.

D.P.O. POSTAL:
And secondly, Mr. Chairman --

P.O. TONNA:
Yeah.

LEG. BISHOP:
On the motion.

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D.P.O. POSTAL:
And secondly, it's an additional building in an apartment complex that will create two or four additional apartments. And when you think about economic development benefits, it's in Nassau County, two or four additional apartments, think of the economic benefit to the County.

LEG. BISHOP:
On the motion.

P.O. TONNA:
Yes, on the motion. There's a motion to table by Legislator Bishop, and a second by Legislator who? First, I just want to get the motions right.

LEG. BINDER:
Me.

P.O. TONNA:
Binder.

LEG. BISHOP:
I think it's --

P.O. TONNA:
There's a motion to approve by Legislator Postal, seconded by myself. Legislator Bishop.

LEG. BISHOP:
You're killing me today.

P.O. TONNA:

I just want to make sure we got it all. Legislator Bishop.

LEG. BISHOP:

There are facts -- there are -- yeah, there are statements being presented as facts which were not discussed at Public Works Committee, and I think it would be -- perhaps send it back to Public Works or table it would be the better course of business, because I'm not certain that this is, in fact, in Nassau County. And, also, I'm not sure what the topography is or what other reasons would be that our technical staff would recommend that we adopt it if it was on the Nassau County side of the line. Perhaps there is an environmental reason that we would do this.

In any case, I'm not prepared to approve it, I agree with you, but perhaps it should be sent back to committee for further discussion. So I'll -- if somebody would make that motion, since I have the motion to table pending --

LEG. BINDER:

Change your motion.

LEG. BISHOP:

All right. I'll change the motion. How's that.

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P.O. TONNA:

Okay.

LEG. BISHOP:

Motion to recommit.

LEG. BINDER:

I'll second.

P.O. TONNA:

Legislator Bishop now has decided to change his mind and change the motion to motion to recommit to committee, seconded by Legislator Binder.

LEG. BISHOP:

My coach is telling me what to do --

P.O. TONNA:

There you go.

LEG. BISHOP:

-- and he says to recommit it.

P.O. TONNA:
All right.

LEG. BISHOP:
Thank you, Coach, Coach Binder.

P.O. TONNA:
All right. Legislator Postal, on the motion.

D.P.O. POSTAL:
Yeah. I would just want to comment that I had a conversation with Mr. Bartha, the Commissioner of the Department of Public Works, David, where -- because, at the last meeting, I think I made some comments about this specific application and he discussed this with me. He didn't -- he didn't disagree with me when I said it's in Nassau County, when I said it's my understanding that this just creates an additional two apartments or four, I really can't remember which, he didn't disagree, when I spoke about the fact that we would be giving this complex owner a benefit in Suffolk County when this owner has been completely unwilling to even discuss the issue of these unconscionable rent increases for these senior citizens, over \$300 a month on a one-bedroom apartment. So, you know, Mr. Bartha had no comment. The only thing he did say to me was he would speak with the developer and see if there could be some, I guess, public spirited action on the part of the complex owner with regard to rents, and that was, oh, a couple of weeks ago. I haven't heard a word back. So, you know, I really don't think that there's any mitigating factor here.

P.O. TONNA:
Just maybe we could address Legal Counsel. On the bill itself, is there a filed map or something like that, that --

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MR. SABATINO:
Yes. When I looked at the backup that was filed with the Clerk's Office when the legislation was originally filed, the backup filed map shows it to be in Nassau, on the Nassau County side of the border. It straddles the border, but it's on the Nassau County side.

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

LEG. ALDEN:
On which one?

LEG. CRECCA:

On the motion to recommit.

P.O. TONNA:
Motion to recommit.

(Roll Called by Mr. Barton)

LEG. BISHOP:
Sure, yes.

LEG. BINDER:
Yes.

LEG. CARACCIOLO:
To recommit, yes.

LEG. GULDI:
(Not Present)

LEG. TOWLE:
Yes.

LEG. CARACAPPA:
Sure.

LEG. FISHER:
Yes.

LEG. HALEY:
Yes.

LEG. FOLEY:
Yes.

LEG. LINDSAY:
Yes.

LEG. FIELDS:
Yes.

LEG. ALDEN:
Yes.

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LEG. CARPENTER:
Yes.

LEG. CRECCA:

Yep.

LEG. NOWICK:

Yes.

LEG. COOPER:

Yes.

D.P.O. POSTAL:

Yes.

P.O. TONNA:

Yep.

MR. BARTON:

17, 1 not present. (Not Present: Leg. Guldi)

P.O. TONNA:

It's a recommit. All right. Okay. Let's go to the -- go to the agenda.

LEG. CRECCA:

Let's go to the video tape.

P.O. TONNA:

We are now on Environment, Land Acquisition and Planning. And I want to remind --

LEG. CARACCIOLO:

Mr. Chairman.

P.O. TONNA:

Yeah. Just wait one second. Let me finish. Legislator Caracciolo, let me finish my statement and then I'll recognize you. I have to make a -- I just want to remind people, if there is a bill that is in question, the very first person that I'll recognize will be the chairman of that committee. So, Legislator Bishop, since we're in the committee that you chair, if there is some type of issue or something like that, I'm looking for, kind of in the spirit of the NFL, the play-by-play, you know, recall, or whatever else you want to say, so that we can get an idea of what happened in committee. All right. Legislator Caracciolo?

LEG. CARACCIOLO:

Yes, Mr. Chairman. I'd like to make a motion to add my vote to the majority votes on the Consent Calendar.

MS. FARRELL:

We did that already.

P.O. TONNA:

Okay. You were already there. Okay.

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LEG. GULDI:

You were in the room.

ENVIRONMENT, LAND ACQUISITION & PLANNING

P.O. TONNA:

Resolution Number 1003 (Making a SEQRA determination with the proposed replacement and rehabilitation of structures at Peconic Dunes County Park, Town of Southold). Is there a motion? Motion by Legislator Caracciolo? No?

LEG. CARACCIOLO:

Yes.

P.O. TONNA:

1003, seconded by Legislator Guldi. All in favor? Opposed?

MR. BARTON:

18.

P.O. TONNA:

Okay. 1004 (Making a SEQRA determination in connection with the construction of Special Patrol Bureau, MacArthur Airport, Town of Islip (CP 3139). Motion by?

LEG. BISHOP:

Motion.

P.O. TONNA:

Can we --

LEG. CARPENTER:

Second.

P.O. TONNA:

By Legislator --

LEG. BISHOP:

Doesn't matter, keep it moving.

P.O. TONNA:

Well, Legislator Lindsay, seconded by Legislator Crecca. All in favor? Opposed?

MR. BARTON:
18.

P.O. TONNA:
Okay. 1005 (Making a SEQRA determination in connection with the proposed reconstruction of CR 16 Portion Road, from Ronkonkoma Avenue to Nicolls Road, Town of Brookhaven (CP 5511)). Motion by Legislator --

LEG. CARACAPPA:
Motion to table.

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P.O. TONNA:
Motion to table by Legislator Caracappa, seconded by Legislator Foley. All in favor? Opposed? Tabled.

MR. BARTON:
18.

P.O. TONNA:
1006 (Making a SEQRA determination in connection with the proposed drainage improvements to CR 67, Long Island Motor Parkway, in the vicinity of CR 4, Commack, Town of Smithtown, (CP 5176)). Motion by Legislator Crecca, seconded by Legislator {Nowack}. All in favor? Opposed?

MR. BARTON:
18.

LEG. BISHOP:
You better tell him it's Nowick.

P.O. TONNA:
I know it's Nowick. Did I say {Nowack}? I'm like a switched guy like that, I say Nowick, I say {Nowack}. Nowick, wick, wick, wick, like no wick.

LEG. CRECCA:
Wick, like a candle.

P.O. TONNA:
I see the hand moving, Dave. I saw the ramifications of that.

LEG. BISHOP:
You said you were a switch guy. I don't know.

P.O. TONNA:

All right. Here we go.

LEG. BISHOP:
What does that mean?

P.O. TONNA:
107.

LEG. BISHOP:
A switch guy.

P.O. TONNA:
There we go.

LEG. BISHOP:
Haley says --

LEG. HALEY:
Blame me again.

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LEG. BISHOP:
Does it matter? It's fine.

P.O. TONNA:
Well, he throws like a girl, so -- no. 1007 (Making a SEQRA determination in connection with the proposed improvements to Sewer District No. 1, Village of Port Jefferson). Is there a motion? By Legislator Fisher, seconded by Legislator Postal. All in favor? Opposed? Approved.

MR. BARTON:
18.

P.O. TONNA:
1027 (Authorizing New York State Clean Water Revolving Fund Application and Agreement for Project Financing Under 1/4% Land Acquisition Program). Motion by Legislator Bishop.

LEG. FOLEY:
Second.

P.O. TONNA:
Second by Legislator Foley. On the motion. What does this do, Dave?

LEG. BISHOP:
Which one, 1027?

P.O. TONNA:
Your bill on 1027.

LEG. BISHOP:
This is the official request of the County to participate in the \$62 million bond.

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

MR. BARTON:
18.

P.O. TONNA:
1032 (Authorizing planning steps for acquisition of land under pay-as-you-go 1/4% Taxpayer Protection Program (property adjacent to Goldsmith Inlet Park) Town of Southold). Motion by Legislator Caracciolo, seconded by Legislator Guldi. On the motion? What do we got here?

LEG. FOLEY:
Planning.

P.O. TONNA:
Planning steps? Dave?

LEG. BISHOP:
This is planning steps for a property which the Town Board came to the committee, or representatives of the Town Board, including the new
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Town Supervisor, to advocate for. Since it's planning steps, we don't know the appraisal. We will find that out when it comes back. You'll get a second bite at the apple. The Legislature can approve it or deny it, but this just allows us to gain more information. It's using the quarter cent pay-as-you-go money to fund those preliminary steps.

P.O. TONNA:
How much money, Legislator --

LEG. FOLEY:
Planning.

P.O. TONNA:
Yeah, I know. Planning? Okay. All right. Legislator Alden?

LEG. ALDEN:
I have a question. I know we were looking at some of the procedures

that we use to acquire property, and the appraisal type of review situation. Has some of that stuff been discussed or cleaned up, so to speak. Before we start getting into another round, are we going to put ourselves in a position where we're not reviewing appraisals and things of that nature, and spending money and then maybe not even acquiring the property?

P.O. TONNA:

I'm going to recognize Legislator Carpenter. Legislator Carpenter and Legislator Lindsay have been serving on that committee to start looking at reforming things. So, Legislator Carpenter?

LEG. CARPENTER:

Yes. The Land Review Panel that Legislator Lindsay and I serve on has been meeting weekly since it was put together before the holidays. I guess it was early December we started meeting. We are very close to coming up with a final report. The Chairman of the Committee is the County Attorney. Also serving on the Committee is the County Executive's Deputy, George Gatta, as well as the Commissioner of Planning, Tom Isles. Through all of the meetings that have been held, and they have been hours in length, each of the meetings, they've been attended by the appointees, not designated representatives. Everyone has been there themselves meeting. I do believe that Tom Isles -- Legislator Bishop, if you could confirm this. Was Tom Isles at your committee giving an update on where --

LEG. BISHOP:

What I wanted to say is that there are at least a half a dozen reform bills that have been filed, and the Environment Committee is going to discuss them at our next meeting, we tabled everything else, we hope by that time, but I don't think you'd have your --

LEG. CARPENTER:

We're very close to looking at a final report the middle of February.

LEG. BISHOP:

So we may put it off again for one further meetings. But one of the suggestions is that we have on our staff of the Legislature a consultant who is an appraiser, a licensed appraiser, to review all

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the -- to review all the findings. Strangely enough, in the Executive Branch, they contract with an appraiser to look at a parcel, and then the review of the appraisal is not done by professional appraisers. Their reviewers are -- they're very fine people and they're very professional, but they're not licensed appraisers. So if we're going to inject further scrutiny into the process on this end in Legislature, we should have the licensed appraiser at least, so that's

one of the --

LEG. CARPENTER:

Well, these are, you know, very much the kinds of things that we are looking at and the kinds of recommendations that you'll see coming forward. And in the research that's been done, there are levels of appraisers. And I don't know if the committee is aware of that, but that was something that we have discovered, and that, really, we would look for the highest level of certification on the part of the County's appraiser. Legislator Lindsay, would you like to add anything that I may have overlooked?

LEG. LINDSAY:

The only thing that I wanted to say is if we could ask our colleagues just to hold off for a couple of more weeks, look at the recommendations coming out of the committee. Some of the recommendations is going to take legislation by this body, some of it's going to be administrative. But take a look at them and if we forgot anything, throw in your two cents.

LEG. BISHOP:

Thank you.

P.O. TONNA:

Legislator -- yeah, Legislator Haley.

LEG. HALEY:

I'd like to go back to Legislator Bishop's comment about appraisal review. It's a tested position, appraisal review, and -- or appraisal investigators, I think, in the County of Suffolk, but all of those people have been involved for quite sometime. As a matter of fact, I would venture to guess that those people have probably more experience in education than probably most people out there doing appraisals. It's only in the last couple of years that the State has required some sort of licensing for appraisers, but I think half of that is just to gain revenues. I don't think there's a distinct difference between their capabilities -- Dave. I don't think there's a distinct difference between their capabilities and the capabilities of your -- what you commonly refer to as a professional appraiser out there. So I wouldn't -- I don't think there's a need to find a way to duplicate the services that are already provided by that group over there, because what in essence you're really saying is that we don't need that group, and now you're talking about, you know, probably five or six people that can go out and start looking for work.

P.O. TONNA:

Thank you. Okay. Legislator Alden.

LEG. ALDEN:

Paul.

P.O. TONNA:
I know. Legislator Alden.

LEG. ALDEN:
And maybe the Committee Chairman would know the answer to this, but --

P.O. TONNA:
Maybe not.

LEG. ALDEN:
Do we have any kind of relationship as far as -- or an agreement with the County Executive's Planning Department? I know there was questions as far as the list and things like that. So if we authorize spending money under this program, has that list been reviewed? Is there a new list? Have we looked at all the qualifications on those people, or is this going to just --

LEG. BISHOP:
You're speaking about the list of appraisers?

LEG. ALDEN:
Of appraisers and things like that. So I --

LEG. BISHOP:
I think that one of the things that Carpenter and Lindsay and that committee are going to recommend, I'm assuming, is an update of the list or --

LEG. ALDEN:
Then is there any urgency to this resolution today?

LEG. BISHOP:
This is merely planning steps.

LEG. ALDEN:
Right. But planning steps authorizes going out and contacting somebody on that list and getting them to go and do an appraisal. And before we have, you know, all those procedures, which maybe some new, some old, or a combination of such, I feel a little uncomfortable being asked to spend some money that could end up in another controversy.

LEG. BISHOP:
Well, I think that the --

LEG. CARPENTER:

If I -- if I could.

LEG. BISHOP:
You may respond.

LEG. CARPENTER:
Thank you. Because of the --

LEG. BISHOP:

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I'll yield.

LEG. CARPENTER:
-- fact that the Planning Commissioner is part of this Land Review Panel, he certainly is privy to what has been discussed and what some of the, you know, projected recommendations coming forth are going to be. They have, even absent any of the recommendations, have been very, very careful, needless to say, in what is done and not done. And as we've gone forward with our research, they have looked at the current list of appraisers and they do, I think with the exception of one, meet the criteria that probably will be recommended to come forward. So I think with any of the resolutions that might come forward between now and when the recommendations are put forward, as long as they are planning step resolutions, I think there should be basically a comfort level on the part of the Legislature with not stopping the process, because I think everyone was in agreement that we did not want to bog down the process, we would like to have it go forward, but certainly in a very deliberate, professional way.

P.O. TONNA:
Okay. So we have a motion --

LEG. BISHOP:
Very deliberate, professional way.

P.O. TONNA:
-- and a second with regard to 1032. Roll call. Motion to approve.

(Roll Called by Mr. Barton)

LEG. CARACCILO:
Yes.

LEG. GULDI:
Yes. Should we call other Legislators back to the horseshoe?

LEG. TOWLE:

(Not Present)

LEG. CARACAPPA:
Pass.

LEG. FISHER:
What number are we on? I'm sorry.

MR. BARTON:
1032.

LEG. FISHER:
Yes.

LEG. HALEY:
Yes.

LEG. FOLEY:
Yes.

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LEG. LINDSAY:
Yes.

LEG. FIELDS:
Yes.

LEG. ALDEN:
Abstain.

LEG. CARPENTER:
Yes.

LEG. CRECCA:
Yep.

LEG. NOWICK:
Yes.

LEG. BISHOP:
Yes.

LEG. BINDER:
Yes.

LEG. COOPER:
Yep.

D.P.O. POSTAL:

Yes.

P.O. TONNA:

Yep.

LEG. TOWLE:

Yes.

LEG. CARACAPPA:

Yes.

P.O. TONNA:

Okay, planning steps.

MR. BARTON:

17, 1 abstention.

P.O. TONNA:

Okay. 1036 (Directing the County Comptroller to conduct an audit of the Real Estate Division in the County Planning Department). Motion by Legislator Fields. Is there a second?

LEG. CARACCIOLO:

Second.

P.O. TONNA:

Second by Legislator Caracciolo. Is this -- just to Legislator

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Fields, is this one of the things that -- or I'll ask, is this one of the things that the committee is dealing with with regard to --

LEG. FIELDS:

This legislation was directed at having the Audit Department look through the Department to look at procedures, not just in the land purchases, but in auctions, etcetera. Joe Poerio is here. We can ask him this. This was done about ten years ago in that Department, and I believe that the results of it were very fruitful for the Department.

Joe, do you --

MR. POERIO:

Good morning.

P.O. TONNA:

Good morning.

MR. POERIO:

We had an operations review of the Department of Real Estate back in 1989, and I guess I should ask the question, is there anybody from Real Estate Division today representing that Department?

P.O. TONNA:

I think they're a little short.

MR. POERIO:

Well, some of the questions, I guess, will go unanswered, since there's no one here representing the Department. We made certain recommendations back in 1989, and I think if some -- a number of those recommendations were adhered to or followed, we probably in some way would not find ourselves in the predicament that we're in today, and I would like to know if some of those things were implemented. For example, back in -- it's going to sound like history repeating itself all over again. The review -- let me just read some of the items from this audit.

"This review was conducted to determine whether the established system of administrative controls provided reasonable assurance that the goals and objectives of the capital project, Open Space Program, were being met efficiently and economically and whether the system of controls is operating effectively. Our scope of work encompassed five areas of administrative controls, and they were the reliability and integrity of information, the achievement of project goals and objectives, the safeguarding of assets, policies and procedures, economic and efficient use of resources. For the purpose of this review, we examined and analyzed records for acquisitions of land completed from November of 1986 through November of 1988." And as a result of those examinations, we found out three, four, five items that we detailed here.

"Reliability and integrity of information. While the purchase price for property acquired under the Open Space Program should be represented to a fair market value, the information system used to determine this value requires improved controls." So we asked for better controls back then on the -- on the purchase price for acquiring property.

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Secondly, "Achievement of goals and objectives. Our review of the Open Space Program reveal that the need was there to establish stronger controls to ensure that the project effectively -- effectively achieves its purposes."

Thirdly, "Safeguarding of assets. More effective and prompt safeguarding measures need to be taken while parcels -- when parcels are acquired."

Fourth, "Procedures governing the prioritization of land acquisitions submission of disclosure statements and verification of insurance coverages need to be strengthened."

And lastly, "Economic and efficient use of resources. The underutilization of the appraisal firms authorized to perform appraisals for the County may not result in the most economic and efficient use of County funds." So there was some criticism of the appraisers back then, that they weren't really following the rules and doing the job that the County needed to be done.

LEG. HALEY:
Mr. Chairman.

P.O. TONNA:
Joe.

MR. POERIO:
We found that they needed stronger controls. And let me just give you an indication, and again, it's history, it's deja vu all over again. This is back in -- problems back in 1986 through 1988. There was a purchase of a piece of property called the Inlet Pond. This two-acre parcel was valued between 88,000 and 93,000 by the independent appraiser. One week later, Real Estates review appraiser valued the property at 140,000, citing inadequate comparables and appraisal techniques by the independent appraiser. The parcel was acquired by the County for 140,000. {Sansusi} Property. The County did not receive good value in the appraisal report submitted by the independent appraiser. The reports were inefficient in execution and credibility. We found the following: Incorrect sales history. The subject's acreage was misstated. Old comparables were used. The appraisal included a calculation error in the time adjustment. The report included typographical transposition errors. And finally, the appraiser stated a value of 20,000 per acre on 3/4/86 -- on 3/14/86, March 14, '86, but on October 1st of '86, stated the per acre value as now 42,500 to 44,000 per acre, when a few months earlier they appraised it at less than half the value they were appraising it six months later.

Real estate acquired the parcel at a price more than 100% above the preliminary appraisal. Real Estate did not request that a second formal appraisal be performed.

Montauk. The parcel was purchased for -- there's a description of this property. The parcel was purchased for \$332,000. It was appraised at 200,000 to 235,000 by the independent appraiser based on

incorrect zoning. Therefore, it was purchased for 97,000 to 132,000 more, or 41 to 66% more than appraised value.

P.O. TONNA:

Joe, just quickly. One is have you given this stuff to the committee, that committee that is reviewing everything?

MR. POERIO:

No, I have not, because Legislator Fields called us yesterday and specifically requested this particular audit, which we had to go out to the archives, and, you know, since it's 12 years old, and obtain, and I just got in my hands --

P.O. TONNA:

Okay. You have recommendations, different things like that. And, you know, you talk about history repeating itself. I mean, this is something that, hopefully, if you could, and I'd say to Legislator Carpenter --

LEG. CARPENTER:

Absolutely.

P.O. TONNA:

-- or Legislator --

MR. POERIO:

Absolutely, we will get this.

P.O. TONNA:

Okay.

MR. POERIO:

I just put my hands on it and I will make sure that the --

P.O. TONNA:

The second thing is why do you need the Legislature to incumber you to do an audit? I mean, that's --

MR. POERIO:

I don't.

P.O. TONNA:

Right.

MR. POERIO:

I don't.

P.O. TONNA:

Why are we auditing them then?

MR. POERIO:

Well, the way the audit procedure works is that we make up a -- the Audit Committee, of which your representative, Fred Pollert --

P.O. TONNA:

Right.

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MR. POLLERT:

-- is a member of, as well as --

P.O. TONNA:

And proud, a proud member, Fred. I'm glad you're my representative.

MR. POERIO:

Right. As well as the Treasurer, the Comptroller, and the Budget Office, Ken Weiss is a fourth member. A schedule is prepared each year by our Director of Auditing, John D'Amico, who's in the audience today, and that schedule is presented to the Audit Committee, who then approves the audit, the audit sequence for the following year. It's a three-year actual schedule, but revised every year. And so they're -- and for practices of propriety, we don't let that schedule out to anyone, so no one is -- has advanced knowledge that they're going to be audited.

P.O. TONNA:

Right. It's top secret.

MR. POERIO:

So, obviously, it's kept under close scrutiny. But those are -- so we do have a schedule to follow each and every year. However, from time to time, Legislators or others will ask us to slip --

P.O. TONNA:

It's a topical --

MR. POERIO:

-- slip something in that becomes important and we usually try to accommodate them. So, no, we do not need a resolution to really go forward and --

P.O. TONNA:

Okay. The Audit Committee, is there a mechanism in the Audit Committee to say, "You guys get together," and even my representative, Fred Pollert, gets together with everyone and says, "Hey, this is a topical issue, this is an issue that, obviously, had missed the -- it was two years ago, or something like that the cycle, let's, you know, step up

our audit of Real Estate and, you know, have it bump a couple of other things, so instead of seven months down the line or a year-and-a-half down the line, let's audit it now"? Is that ever done in the Audit Committee? Do you guys ever discuss that stuff?

MR. POLLERT:

Yes, we do, but, generally, what happens is, if there's a Legislative resolution, like there was with the Long Island Visitors and Tourism Bureau, it establishes both a time line for the audit --

P.O. TONNA:

Okay.

MR. POLLERT:

-- as well as prioritizes the audit.

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MR. POERIO:

Prioritizes, exactly.

P.O. TONNA:

Okay. So, all right, Legislator Fields, the time line and everything else, just tell me what does the resolution do? It sets the time line for when? When do they begin the audit, when do they finish the audit?

LEG. FIELDS:

I have it here.

LEG. CARACCIOLO:

Mr. Chairman.

P.O. TONNA:

Yeah. Just let -- as soon as Legislator Fields is done.

LEG. FIELDS:

It asks that the audit be for January 1st, '99 through December 31st, no later than 120 days subsequent to the effective date of this resolution.

P.O. TONNA:

Okay. So, basically, what we're doing is we're asking the Comptroller's Office to conduct an audit outside of the scheduled audit of -- and who knows, it might have been already up for it, but we don't know that, right, but generally speaking. And you're coming today just to say that there was already an audit, the last audit that you've done, you made some recommendations, I guess, about the Real Estate Division?

MR. POERIO:

Yes.

P.O. TONNA:

And that, you know, those things should have been followed.

MR. POERIO:

That's correct.

P.O. TONNA:

Okay. So, just in general --

MR. POERIO:

The only thing that I have a problem with, Legislator Tonna and Legislator Fields, is that this is, you know, an interesting resolution. However, the time lines are something that we cannot absolutely be subjected to, because we don't know what we're going to encounter. We don't know how much field work is going to be involved. So for us to have it on your desk 120 days after we start is something that --

P.O. TONNA:

Well, isn't that management by objectives? No, I'm joking. If anybody read the --

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LEG. FIELDS:

Haven't we gone past the deadline on many other things before, and if you do, couldn't you just say you need an extension?

MR. POERIO:

You know, I would not like to see this in a resolution stating that it must be done at a specific time, because, again, if we don't -- if we don't meet those requirements, then we've already failed. And I would like not to see us fail when we're trying to do our job in the most proficient way.

LEG. FIELDS:

I'm not sure that just because you need more time is evidence of failure, I think it just means you need more time.

MR. POERIO:

I'm just -- I'm just -- Legislator Fields, I'm just giving you my opinion. I would not like -- I would say in a timely --

P.O. TONNA:

You don't want to limit yourself to a four-month period for an audit.

MR. POERIO:

In a timely manner, or whatever. You know, any kind of language like that I would feel better with. But if you're saying 120 days, and we're not going to be criticized if we don't get back to it in a 120 days, then, you know, I mean, I can't -- I can't argue with your objectives. If you want to do that, then fine, but I don't think I can stand here today and tell you that we will be finished and have it on your desk in 120 days.

P.O. TONNA:

Legislator Caracciolo, then Legislator Lindsay, then I think there's -- Legislator Postal. But Legislator Caracciolo?

LEG. CARACCIOLO:

On the issue that Mr. Poerio raises about completing a report within a timely fashion or by a certain date, as oftentimes has been the case here, that deadline can be extended for good reason. I think it sets a --

MR. POERIO:

Yeah, with the golf course, the golf course audit, right.

LEG. CARACCIOLO:

I think it sets a goal -- right. I think it sets a goal and a target date, but, certainly, if more time is needed, the Legislature has always been willing to do that. A couple of questions. Who are the members of the Audit Committee and who chairs it?

MR. POERIO:

As you might recollect last year, they changed the requirements somewhat and now it's a revolving chairmanship. It had always been in the County Comptroller. Now, each year, it swings to another member of the Audit Committee. There are four members. Currently the

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Chairman is the Treasurer, John Cochrane, this year. It's the Treasurer, the Comptroller, the Budget Review Office, and the County Executive's Budget Office are the four members of the Audit Committee.

LEG. CARACCIOLO:

How often does the Audit Committee meet, and what are your priorities and goals for this year?

MR. POERIO:

They meet as required. The Chairman calls a meeting based on the necessity of situations that come before them. The priorities and

goals are always the same. I mean, we make up a schedule of the audits for the upcoming three-year period and change it on an annual basis. And any and all other business that come before the Committee, whether it has to do with the outside auditors or GASBY 33, 34 -- we just had a meeting on that on Friday. We're having a meeting on the refunding. We have nine proposals from investment banking firms to do that refunding. So we will meet not on a regular basis, but on a basis as needed, called by the Chairman.

LEG. CARACCIOLO:

Within the Department of Audit, do you have sufficient staff to conduct this particular audit investigation?

MR. POERIO:

Of course. Of course we do, but then again, it interferes with the -- you know, with the schedule that we have laid out before us, so then another audit team is going to have to be switched from whatever they were about to do to work on this and that audit gets delayed somewhat, but --

LEG. CARACCIOLO:

Let me take this opportunity to request a copy of what audits have been completed by Audit and Control in the last three years, what departments, what agencies, what other areas you have looked at, because we're talking about a 12-year lapse since this area was last visited. Certainly, as the resolution points out, recent revelations have caused irreparable harm to the County's nationally acclaimed land preservation programs, because there is now a perception that land acquisition programs may have been compromised. I think the sooner we deal with that from a management and audit standpoint, the better County government will be, which brings me to the report in today's Newsday regarding the governmental report card. And the one area where this County fails and fails miserably is managing for results. I think, as we just heard, 12 years ago, the Department did something, came up with recommendations, but what this County lacks is the ability to take and audit, review it, and make sure, just as it does with resolutions that are passed by this Legislature, that those policies and recommendations are actually implemented and carried out. That is a huge, huge shortcoming in Suffolk County government. It's time we owe up to our elected responsibility and make sure that these lapses no longer continue.

D.P.O. POSTAL:

Legislator Lindsay.

LEG. LINDSAY:

Yeah. I'm a little confused. You talked about a three-year cycle. I

was assuming the three-year cycle was that the Comptroller's Office would look in to every piece of government within Suffolk County within three years.

MR. POERIO:

No. The schedule is a three-year schedule and it's revised each year, and adopted each year.

LEG. LINDSAY:

So there hasn't been an audit of Real Estate since '86?

MR. POERIO:

No, that's not true, I never did say that. What happened is there's been partial audits of the Real Estate Department. I have in front of me one, January 1st, 1994 through December, 1994, when we were looking at capital projects. In that audit, we tested 100% of the properties acquired during 1994 under the Drinking Water Protection Program and the Open Space Program, and we found that everything, according to their rules and regulations, was operating fairly, properly at that time. The acquisitions were properly appraised in accordance with applicable laws and division policies, that acquisitions were appraised in a timely manner, prior to acquisition, that each acquisition was approved by County resolution, as required by County Code. So we did find in '95 that they were following their own rules.

LEG. LINDSAY:

Okay. Then a follow-up question to that. You quoted before from the '86 report.

MR. POERIO:

'88, right.

LEG. LINDSAY:

'88?

MR. POERIO:

'89, actually.

LEG. LINDSAY:

'89, okay, about recommendations that the Comptroller made to Real Estate. Then you went back in in '94 and now you're asking whether they were implemented. Wouldn't that be one of the first things that you would check when you went back?

MR. POERIO:

Well, we spot-checked various acquisitions and found out that they were following their rules, but we didn't -- you know, it's not detailed in here whether or not they followed all the rules and -- you know, we didn't specifically check each and everything that we did in 1989, no. So some --

LEG. LINDSAY:

But they followed some of the recommendations --

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MR. POERIO:

Yes, they did.

LEG. LINDSAY:

-- from '89 to '95? So you do know that.

MR. POERIO:

Yes, we do know that.

LEG. LINDSAY:

But not all of it.

MR. POERIO:

But not all of it.

LEG. LINDSAY:

I'm not opposed to auditing any department within our government, I just don't know why we need a resolution to do this. I would think it would be a normal course of action of the Comptroller's Office to do that.

MR. POERIO:

I'm not suggesting that, I'm only here today at the behest of Legislator Fields, so -- and there is no --

LEG. LINDSAY:

But --

MR. POERIO:

There is no resolution required.

LEG. LINDSAY:

Yeah, but I think the resolution raises the issue of why hasn't this department been audited in so many years.

MR. POERIO:

For the simple reason as we have limited resources and -- as far as staffing goes. In fact, we didn't get one position. We have 12, 12 or 13 vacancies, did not get one position filled last year, not one.

LEG. BISHOP:

You still have staff.

MR. POERIO:

We still have staff, yes, but in a couple of years we won't have any, if it continues.

LEG. LINDSAY:

Don't we spend a lot of our money on real estate acquisition?

MR. POERIO:

Certainly, we do.

LEG. LINDSAY:

So wouldn't that be a target area to go back and take a look at periodically --

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MR. POERIO:

Legislator Lindsay.

LEG. LINDSAY:

-- instead of every six years or eight years or --

MR. POERIO:

Legislator Lindsay, we have responsibility in other areas, such as outside agencies that do business with the County, in which millions of dollars are captured by the County, and we have to take and look at the departments where there is no revenue to be recaptured and try to base where we're going to use our resources. So the answer to that is, you know, if you have 12 or 13 departments that you look at and if you can do one a year, it's going to take you 10 or 12 years to get back to the cycle of looking at the department again. So the answer is I think we are doing and providing adequate service to those audits, yes.

LEG. LINDSAY:

If this motion is not passed, when would be the next time you'd look at Real Estate in the normal cycle?

MR. POERIO:

I can't answer that offhand, I don't know. I don't know. I don't even know if it's on the three-year schedule; is it, John? Do you know offhand?

MR. D'AMICO:

It was looked at in '99. There's that other --

MR. POERIO:

The other report in '99?

MR. D'AMICO:
As part of the Capital Program.

MR. POERIO:
As part of the Capital Program it was looked at '99. So we've been looking at it in part, not in total review of the department as we did back in 1989. Back then we had four Operation Review Specialists and we had a program going on at that time. Since then we've lost all of those positions and have not been able to hire anybody back into those positions, and lost those positions actually, so we don't have people looking at operations specifically, although we do have our auditors looking at that from time to time.

LEG. LINDSAY:
Okay. So in '89 you did a full review of the Department and made a number of specific recommendations as far as procedures are concerned.

MR. POERIO:
That is correct.

LEG. LINDSAY:
You went back in '94 and did a partial audit.

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MR. POERIO:
In '99 also.

LEG. LINDSAY:
And in '99.

MR. POERIO:
Right.

LEG. LINDSAY:
And you still don't know whether the procedures that were recommended in '89 were implemented.

MR. POERIO:
Yes, we do. For what we checked into and what we looked into in '94 and '99 --

LEG. LINDSAY:
Then why didn't you ask (sic) the question before whether those procedures were implemented or not?

MR. POERIO:
Not -- I can't tell you that all of them were implemented.

LEG. LINDSAY:

Yeah. But wouldn't that be something you would look at when you went back in to do an audit in '94 and '99?

MR. POERIO:

It wasn't an audit of the Department, it was an audit of the Capital Program, looking at various Capital -- not only in Real Estate, but in other parts of the County.

D.P.O. POSTAL:

Joe, this is not specific to this audit, and I do understand that there's -- you audit contract agencies, as well as departments, and, you know, a great many different audits are done, and I know that there's sort of a waiting list, so that --

MR. POERIO:

That's correct.

D.P.O. POSTAL:

-- you know, things have to -- unless there is something like this --

MR. POERIO:

Right.

D.P.O. POSTAL:

-- things don't jump out of order. But I have more of I guess a management procedural question that you brought to my mind when you spoke about the recommendations that you made in that 1989 audit. Is there, not necessarily through Audit and Control, but maybe through Audit and Control, is there any procedure in the County whereby when recommendations are made after an audit, whether it's a fiscal audit

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or a management audit, some department or person in County government goes back at some subsequent time to review and see whether those recommendations have been implemented, whether they're still necessary, whether they're no longer necessary? Is there anything like that in place?

MR. POERIO:

That's an excellent question, Legislator Postal, and I think Legislator Caracciolo just pointed out that there is something lacking in County government, and he pointed that out very well. Really, there is no procedure. We can only make recommendations, we can't force anyone, or we don't have police powers, or those kinds of things to make sure that they're implemented.

D.P.O. POSTAL:

I think --

MR. POERIO:

It's up to the Legislature and the County Executive, I guess, to --

D.P.O. POSTAL:

Yeah. And I think that that's something we really need to do.

Mr. Sabatino.

MR. SABATINO:

I hate to interrupt, but there is, in fact, a local law that we adopted in the Legislature which sets up a procedure whereby when an audit is completed --

MR. POERIO:

Within 90 days, the Department Head --

MR. SABATINO:

-- the County Comptroller files it with the Legislature and then the Presiding Officer sends it to the committee that has prime jurisdiction. The Department has 45 days to come to the committee and go through it line by line to either respond, acknowledge, implement, or whatever, so there is a Legislative review process. Mr. Poerio is correct, that after that 45-day period is concluded, there's not a follow-up, but in all honesty, that initial 45-day period should resolve the issues with regard to the specific recommendations.

MR. POERIO:

And how often does that happen, Mr. Sabatino, in every audit that we produce and generate to the Legislature?

MR. SABATINO:

It happened on a regular basis until a few years ago.

D.P.O. POSTAL:

Yeah, I was going to --

MR. SABATINO:

It happened all the time, because every committee --

MR. POERIO:

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Again, you know, we can only make the recommendation, and if they don't appear within 45 days and tell us what's been done, we have no control over it. And I think again, once again, getting back to Legislator Caracciolo's recommendations is maybe we ought to beef that up again, maybe we ought to get on top of that again, and you've got

our full cooperation. We'll do whatever it is that you want us to do regarding that.

D.P.O. POSTAL:

Yeah. You know, I really --

MR. POERIO:

And that's good, good suggestion.

D.P.O. POSTAL:

If I could interrupt you, Joe, I just think that -- first of all, thank you. But secondly, within the past few years, certainly, I think those of us who have been in the Legislature have rarely seen that procedure followed. And I think that maybe this is a very fortunate occurrence today, because we're all here and we're all being reminded, and the Presiding Officer's staff is being reminded, too, that when an audit comes to us, it -- but they're -- they have their --

LEG. CARPENTER:

I just sent someone to get them.

D.P.O. POSTAL:

That, maybe, just as, again, another reminder, the Presiding Officer's staff needs to remind the Chair of the appropriate committee that it's the responsibility of the committee to follow up on that audit report. I know we all saw the Newsday article and we all came in today to find a copy of the article from Governing Magazine that was critical of management procedures in the County, and that was -- you know, it's really relevant today that we're talking about this at the same time that we were not graded well in the area of management, specifically in terms of pursuing our evaluations of how well we achieve our goals. So, you know, I think it's really good timing that we're reviewing that today, and reminds us of how necessary it is that we do follow that procedure, which this Legislature, in fact, adopted. So, you know, it's an ill wind that blows no good. Legislator Haley.

LEG. HALEY:

Thank you.

LEG. LINDSAY:

You're on the list?

LEG. HALEY:

Actually, I was first on the list, but I got moved down. I have a major problem with anybody -- first of all, I have a major problem when we tend to react to Newsday, let alone Governing.com, which I'm unaware of what their credibility is in making comments about how we operate. You know, we're grown men and women here and we should have a sense of what we think is appropriate for our constituents and what

we think is appropriate for the operation of this County, not react to

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stuff like that. It seems to me that instead of -- instead of being premature and auditing, going back immediately and trying to do a complete department audit, maybe we should audit the County Legislature, because we failed.

LEG. TOWLE:

We do.

LEG. HALEY:

We failed over the past few years to do that which we've set aside in local law, and that is to -- when an audit comes through, especially a substantial audit, that committee should take a look at it and see that, in fact, there's a follow-up and something's happened to that. Now, here's a perfect example; all right? They've gone through, they did a substantial audit in '89, and I understand the process where the Budget Committee -- I'm sorry, the --

MR. POERIO:

The Audit Committee.

LEG. HALEY:

The Audit Committee --

MR. POERIO:

Audit Committee.

LEG. HALEY:

-- goes through a process, and I'm sure that they take input from everybody. And there's no doubt in my mind, had a committee reviewed an audit and had a problem with it and went back to them, that would show up on that list somewhere, and based on some prioritization, they'd go back and take another look at it.

So I think everybody's got -- everybody has a problem in this particular instance, but I think that we should put everything on hold until such time as Legislator Lindsay and Legislator Carpenter and that committee comes back, until we have an idea to put all the information on the table, and then I think we could react, because I think that at the end of the day, we could simply let the committee who's responsible in that particular area to make recommendations, perhaps to the Audit Committee, and they can come up with some sort of process. But I think we're way premature in demanding a full audit right now, because we're not even -- I think there's a lot more information to be had.

D.P.O. POSTAL:
Legislator Carpenter.

LEG. CARPENTER:

Thank you. Mr. Poerio, I would just ask that -- well, I think rather than just getting it to Legislator Fields, it would be important for you to get a copy of those recommendations from the '89 audit and the subsequent audits to Bob Cimino, the County Attorney, who is chairing that Real Estate Review Committee, and I would ask that you try to do that --

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MR. POLLERT:
We'll take care of that.

LEG. CARPENTER:
-- as quickly as possible, because the Committee is meeting again Friday morning at 7 o'clock.

MR. POERIO:
We'll take care of that immediately.

LEG. CARPENTER:
Also, too, I think that we ought to consider putting this resolution on hold, tabling it until the panel comes forward with their recommendations, because I think you will find a lot of recommendations that you'll be happy to see that we will adopt, and it might be more meaningful for the Audit Department to be doing an audit after the fact, after the recommendations have been put in place, to see if we are moving forward in a progressive way and not -- you know, not rehashing something, but, hopefully, adopting new systems and procedures that make us do things better.

D.P.O. POSTAL:
Legislator Lindsay.

LEG. LINDSAY:
Well, I would just like to see the Comptroller audit Real Estate more regularly. And if there is recommendations that were done on a previous audit and they weren't followed, I'd like to see them highlighted to the committee, and so that they're not overlooked, that we can enforce what you guys are recommending, simple as that.

D.P.O. POSTAL:
Legislator Foley?

LEG. FOLEY:
No.

D.P.O. POSTAL:
Legislator Fisher.

LEG. FISHER:
I found myself agreeing with Legislator Haley twice in one day and that in itself is a little frightening to me.

MR. POLLERT:
Shocking, huh?

LEG. TOWLE:
I make a motion to adjourn, then.

LEG. FISHER:
However, there was -- the initial part of his statement was something I didn't agree with, which is that we should ignore -- we should ignore the governing report card. I agree with it in as much as we don't need to take a document like this to heart and act upon it solely on its own merit. However, I think that it has served to make

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us take a look at ourselves, and I think that's the best part of any assessment when it makes you take a look at yourselves. And if it has caused us to take a look at what we -- where we may be falling short, vis-a-vis audits, that we are not as a Legislative body taking these audits as seriously as we should and studying them within our committees, then I think that this particular article has served a very good service, has served us very well today and served a very good purpose. And I -- I know, as a Chair of a committee and Vice-Chair of another, I will be going through the audits that I have not looked at carefully enough and see if there might be closer scrutiny. Certainly, what you have pointed out is that we had an audit that called for a closer look in 1989, and that the actions that should have been taken were not. So I think that this governing report card certainly is very timely, coupled with what we have just been told regarding a 1989 audit upon which we did not act and we should have. So I have to say that although I agreed with some of the statements that Legislator Haley made, I disagree with that initial point.

D.P.O. POSTAL:
Legislator Foley.

LEG. FOLEY:
Thank you, Madam Chair. Many times there are those who criticize the Legislature for micromanaging. The fact of the matter is when an audit is completed, these audits aren't audits of the County

Legislature, these are audits of departments within the Executive Branch. So while we need to respond to our oversight responsibilities, but, at the same time, when these audits are completed, they're not audits of this particular body, they are audits of different departments. So the primary responsibility for following through on the recommendations of the audits are the departments of which the audit was reviewing. So those around this horseshoe who like on the one hand to criticize this Legislature for micromanaging and then on the other hand states the fact that the Legislature somehow is at fault that different departments haven't followed through on the recommendations of an audit I think have things backwards.

But what I would say, the Legislature needs to, as part and parcel of its oversight responsibility, follow through on reviewing the audits, but again, has to be stated clearly for the record that the primary responsibility for following through on the recommendations of the audit are the department of which that audit is focusing on. If it was an audit on the Legislature, then we would have to focus on the recommendations. But let no one say somehow that the Legislature is equally culpable with that department for not following through on the audit's recommendations. That is a strange way of looking at this. It has given us far too much responsibility in an area that many, as I said, of our critics say that we micromanage. The fact of the matter is the primary responsibility for following through on these recommendations are with the department itself, and that's where the name failure has been. What we can do as a Legislature is to prod, to challenge, as we do on a regular basis, a variety of things that different department should be doing. But let's not sell ourselves short here by saying that somehow that we're equally culpable of what

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a particular department that hasn't followed through on recommendations.

D.P.O. POSTAL:
Legislator Crecca?

LEG. CRECCA:
Yeah. I was out of the room earlier when Legislator Carpenter made her comments, but I did hear them from the back, so I apologize that I didn't ask the question then. Joe, my question is for you, though. If we're going to go forward and do an audit, and let's just say it's going to takes six months to do the audit.

MR. POERIO:
Yes.

LEG. CRECCA:

Is that like, you know, a ballpark figure?

MR. POERIO:

It's a ballpark figure. It may even take a little longer, depending on the field work.

LEG. CRECCA:

My understanding is, is that we're going to be implementing new procedures in that department prior to the completion of the audit. So we're going to audit something, we're going to come up with a list of things that should be changed or recommendations from an audit which are going to be irrelevant by the time the audit is done, because there are going to be new procedures in place. It would seem to me that if we're going to -- we have a committee that's working to put in new procedures in place, wouldn't we want the audit done soon after these new procedures are in place to take a look at them and see how they're working, you know, maybe a year or nine months after they're in place? I'm asking you from, well --

MR. POERIO:

For an opinion?

LEG. CRECCA:

We're not -- none of us here are auditors. You come from the -- a department that does this, that's your area of expertise. So I'm saying what good is an audit going to be to us if it's on old procedures that we're not using anymore?

MR. POLLERT:

I understand your point. You have to understand that audits are always post situation. It's -- I think Legislator Fields was asking '99 through 2001. And sometimes there are new procedures in place, and a perfect example was the Parks, the Parks audit that we did. And so some of the -- and something from the College as well, the capital audit that we did of the college, and some of the criticisms are ancient as you say. There are new procedures in place. And when we do that, we try to point out in the audit that there are currently new regulations and they seem to be following the new regulations and the new things. But if probably would be better to do it once the new

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procedures are in place. But, again, it's the will of the Legislature, we'll do what you ask us.

LEG. CRECCA:

Yeah. And I'm not -- you know, if we weren't making -- I understand what you're saying, every department changes procedures now and then,

but what they're talking about, and I would ask Legislator Lindsay or Legislator Carpenter, but I assume we're talking about some very significant changes that are going to be take place procedurally, or at least that's the expectation, in the Real Estate Division; would that be accurate, guys?

LEG. LINDSAY:

Yeah.

LEG. CARPENTER:

Yeah.

LEG. CRECCA:

So that's why I'm saying we actually know that these are going to take place.

MR. POERIO:

I don't disagree with you, Legislator Crecca.

LEG. CRECCA:

So then my thing is let's wait six months. You know, let's wait until they're in place, then we can make a determination, you can come back to us and say, "You should let it work for a couple of months," then let us look at it, or we can look at it right away, but that seems to make a lot more sense and be a lot more --

MR. SABATINO:

That's absurd.

LEG. CRECCA:

No?

P.O. TONNA:

Wait. Okay. Legislator Guldi is next, he's not here. Legislator Fields.

LEG. FIELDS:

First of all, the bill that was put in was put in initially because a former employee of Suffolk County who used to work in that Department told me that there was an audit done approximately ten years ago, and that person felt that it was a very efficient operation that helped all of them work better, and it was done while they were doing their jobs. It, obviously, helped the Department in some ways, and in other ways, it was either that they started initiating recommendations and they've fallen by the wayside, or whatever has happened from that point to this point. But my legislation is calling for an audit of the whole department, and it's for the books, the records, the accounts, the transactions, the documents of the entire Suffolk County Division of Real Estate, not just land acquisition. We're talking about renting of lands, we're talking about auctions, we're talking

about there are all kinds of things that that department does. And so I don't think it's premature for them to do an audit of the whole department for all of the procedures that they -- that they assume each and every day, but I think that this is an overall full audit of the Department, unlike what it is I think that this -- the County Executive's group of -- committee --

P.O. TONNA:
They're not conducting an audit.

LEG. FIELDS:
No, no, no.

P.O. TONNA:
You know, that's not an audit.

LEG. FIELDS:
No, it's not an audit. In other words, you are looking at one section of the whole Real Estate -- you're talking at auctions, too?

LEG. CARPENTER:
We are.

LEG. FIELDS:
Okay.

LEG. CRECCA:
The first phase, though -- the first phase, though, is looking at the land acquisitions, right?

MR. POERIO:
Let me just caution you. Once again, when you're asking for something as comprehensive as that --

LEG. FIELDS:
You need more time.

MR. POERIO:
-- all records, all procedures, and you're asking us to not only to do the field work, but to do the write-up, to do, you know, the whole thing within a four-month period, I can tell you right now, you're looking at at least a year, right, John? At least a year, by the time --

LEG. FIELDS:

Okay, I understand that. You made that point.

MR. POERIO:

-- by the time it's completed, that type of audit is completed.

LEG. FIELDS:

You made that point. That's fine, but that's what an audit usually is --

MR. POERIO:

It's generally -- it generally takes about a year, right.

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LEG. FIELDS:

-- that you do a comprehensive audit, and that's what I'm asking for --

MR. POERIO:

We have no problem with that.

LEG. FIELDS:

-- a comprehensive audit.

MR. POERIO:

We have no problem.

P.O. TONNA:

So, then, what I would suggest --

LEG. FIELDS:

And just one more thing --

P.O. TONNA:

Sure.

LEG. FIELDS:

-- while I have the floor. Before I put this bill, in I did speak to Tom Isles, who is the Director of that Department, and he welcomed an audit and thought it would be a very fruitful experience for his department, and thought it would make them work in a much more efficient way. So, if this requires that it is tabled for a month or so until the recommendations are put in, I would be I think willing to do that. But I do believe that it should be a priority and that's why the bill was put in, that that Department, you know --

P.O. TONNA:

All right. Just let's do this.

LEG. ALDEN:
Go ahead. Go ahead.

P.O. TONNA:
Can I say something? We've spoken for an hour about it. I think -- I don't think there is anybody opposed to the idea of making sure that the Audit and Control function is involved in looking at the Division of Real Estate; right?

LEG. ALDEN:
Paul.

P.O. TONNA:
Right.

P.O. TONNA:
Just let me finish.

LEG. ALDEN:
But with the backup, maybe Arthur Anderson could help out a little bit

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here.

P.O. TONNA:
Yeah. I know there's a guy taking the Fifth, we could have a guy come. He'll do it in two weeks, he'll just take the Fifth on everything. Anyway --

MR. POERIO:
He's got to bring a shredder with him, though.

P.O. TONNA:
Yeah, right. That's right, yeah. What I would ask this of the sponsor. I don't think anybody is opposed to the idea and principle. We have two major issues, one is that we hear from the Comptroller's Office and Chief Deputy that we're going to need more time, especially when you -- when we keep on reiterating the word "comprehensive". Secondly is the issue with regard to the committee that is meeting right now. It seems to me that in one more meeting --

LEG. FIELDS:
Okay. So I'll make a motion to table.

P.O. TONNA:
Great. Second.

LEG. GULDI:

On the motion.

P.O. TONNA:

Okay. On the motion to table.

LEG. GULDI:

Yeah, on the motion to table. I think that the concerns about timing and resources and the scope of the audit is something that, obviously, is inherent in every audit, and that if you -- as you start the process, you find you need more time, it should be addressed and we can amend the schedule as we have in many other situations in order to accommodate that. I don't think that tabling is in the interest of going forward. The concern I have is that the brouhaha that has been created around the Real Estate Division needs to be cleared and we are working to clear that. The Committee's -- I anxiously await the Committee's report. We've discussed a number of planning steps resolutions that we were looking at and there was some articulation about delaying that because of the concerns about Real Estate. I think it's imperative that we do not shut down our operations while we evaluate them. I think that it's imperative that we go forward with both the planning steps on our acquisitions and with the audit apace, and I don't see that tabling the resolution to define the scope of the audit is in the interest of either of those. I think that we should go forward with not only our planning steps and keeping our acquisition program healthy, particularly in the economically uncertain times, when there are opportunities to acquire properties that will be lost, and when there are properties that are subject to development pressure that will be developed and lost forever for preservation.

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P.O. TONNA:

George.

LEG. GULDI:

So I urge the sponsor to reconsider the tabling motion.

P.O. TONNA:

Well, the --

LEG. GULDI:

I think we should move forward with both the audit and continue --

P.O. TONNA:

George.

LEG. GULDI:

-- our acquisition program while we evaluate our management steps and

procedures to make sure that they are all as strong and as correct as they can be.

P.O. TONNA:

George, if I understand the sponsor's motion to table, it's one to figure out a reasonable time line. If the bill passes as it is without a corrected copy, then you're going to have -- you're not going to have an extensive audit, because the Comptroller's Office told you they cannot conduct an extensive audit within the 120-day period that is outlined in the legislation. So what they're asking for is I think twofold. One is that there are some people who would like to support this legislation, but would like to support it in the light of the committee's recommendations, whatever else, okay? You say that's not really as important. I understand that. But the second one is there are people who would like this bill to pass when there is a discussion with the Comptroller's Office to say what is the reasonable time to expect that a comprehensive audit be done.

LEG. GULDI:

Okay. If -- I'll have to repeat myself, but maybe this time you'll hear it.

P.O. TONNA:

Okay. Maybe, maybe not.

LEG. GULDI:

Inherent in every audit, as you begin the process, is evaluation of the scope of work, the scope of documents, and analysis of the time line. By adjourning this, the only thing we can do is delay the commencement of that. To ask the Comptroller to establish a time line before they commence the audit is to ask them to decide how long it's going to -- how long it's going to take to conduct the project in a vacuum. And what I urged as an alternative is approve the bill in its existing form, knowing that the time line is going to be difficult to impossible to meet, let the Comptroller get started, and within the time period of the four months provided for in the existing bill, come back to us and tell us what kind of time enlargement they need to complete the work.

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P.O. TONNA:

Okay.

LEG. GULDI:

And, therefore, I urge the sponsor to reconsider the tabling motion. I think we should approve this today. An audit is simply get information.

P.O. TONNA:
Right.

LEG. GULDI:
And I don't think the information -- we're going to find, you know --

P.O. TONNA:
Makes sense.

LEG. GULDI:
I don't think we're going to find witches when we go to perform an audit, but we should begin the process of looking for them immediately.

P.O. TONNA:
Okay, great. All right. There's a motion. Legislator Fields, you're undecided now.

LEG. FIELDS:
Well --

P.O. TONNA:
The great erudite argument that Legislator Guldi has put forth has -- have left you in a quandary.

LEG. CARACAPPA:
Motion to table.

P.O. TONNA:
So I would ask, what are you going to do? What is there a motion right now? What is the motion right now, Henry?

LEG. CARACAPPA:
Motion to table.

P.O. TONNA:
Motion to table by --

MR. BARTON:
And to approve. Both are made by Legislator Fields.

LEG. CARACAPPA:
I'll make a motion.

P.O. TONNA:
Okay. There's a motion to table by Legislator Caracappa, seconded by Legislator Fisher. All in favor?

LEG. CARACCIOLO:
Roll call.

P.O. TONNA:
Opposed? Roll call.

(Roll Called by Mr. Barton)

LEG. CARACAPPA:
Yes.

LEG. FISHER:
Yes.

LEG. CARACCIOLO:
Nope.

LEG. GULDI:
No.

LEG. TOWLE:
No.

LEG. HALEY:
Yes.

LEG. FOLEY:
No.

LEG. LINDSAY:
Yes.

LEG. FIELDS:
Pass.

LEG. ALDEN:
No to table.

LEG. CARPENTER:
Yes.

LEG. CRECCA:
Yes.

LEG. NOWICK:
(Not Present)

LEG. BISHOP:
What do you want?

P.O. TONNA:
She doesn't know, she passed.

LEG. BISHOP:
No.

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Yes.

LEG. COOPER:
Yes.

D.P.O. POSTAL:
No.

P.O. TONNA:
This is to table? Yes to table.

LEG. FIELDS:
No.

LEG. CRECCA:
Can you hold calling the --

LEG. ALDEN:
You can't.

P.O. TONNA:
No, no.

LEG. CRECCA:
Well, if --

LEG. ALDEN:
You can't.

P.O. TONNA:
Legislator's responsibility to be here.

LEG. CRECCA:
Well, she had a death in the family, she's just on the phone. She asked me to call her.

P.O. TONNA:
There she is. Hold it.

LEG. CRECCA:

Thank you.

P.O. TONNA:

Legislator Nowick? It's either a yes to table the bill or a no to table the bill?

LEG. NOWICK:

Yes to table the bill.

P.O. TONNA:

Yes to table.

MR. BARTON:

Ten.

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P.O. TONNA:

Okay. Okay.

LEG. BISHOP:

Henry, you were not -- it took you a long time to count to ten.

P.O. TONNA:

And we'll get it out next time. We'll get it out. Okay. 1070
(Amending the 2002 Operating Budget and appropriating funds from Fund 477 (Suffolk County Environmental Programs Trust Fund) to the Department of Health Services for a Peconic River Study). 1070.

LEG. FOLEY:

Motion.

LEG. CARACAPPA:

Second.

P.O. TONNA:

Motion by Legislator --

LEG. GULDI:

Second.

P.O. TONNA:

Motion by Legislator Foley, seconded by Legislator Guldi. All in favor? Opposed? Approved.

MR. BARTON:

18.

LEG. GULDI:

Motion.

P.O. TONNA:

1071 (Authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program (Peconic River Properties) town of Southampton). Motion by Legislator Guldi, seconded by --

LEG. FOLEY:

Second.

P.O. TONNA:

Who? By Legislator Foley. All in favor? Opposed? Approved.

MR. BARTON:

18.

PUBLIC SAFETY & PUBLIC INFORMATION

P.O. TONNA:

Okay, great. Legislator Carpenter.

LEG. CARPENTER:

Yes.

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P.O. TONNA:

This is your committee now, public Safety. 1009 (To renew authorization for Medevac helicopter serves from Suffolk County Gabreski Airport for 2002). Motion by Legislator Carpenter --

LEG. CARPENTER:

Yes, definitely.

P.O. TONNA:

-- seconded by myself. All in favor? Opposed?

LEG. FISHER:

Henry, cosponsor.

LEG. ALDEN:

On the motion.

P.O. TONNA:

Okay. On the motion. Legislator Fisher is the second on that bill, okay? Don't put in as a second.

LEG. ALDEN:

Just a quick question of the Committee Chairman. Is this for a full

year or is this just --

LEG. CARPENTER:

No. This is to authorize the service from May 1st through September 30th.

LEG. ALDEN:

So then, at a later date, we'll be considering what people came, the speakers --

LEG. CARPENTER:

Right. In the meantime, we're exploring it.

LEG. ALDEN:

Okay. Thank you.

P.O. TONNA:

Great. All in favor? Opposed?

MR. BARTON:

18.

ECONOMIC DEVELOPMENT & ENERGY

P.O. TONNA:

18, great. Number 1000 (Imposing reverter clause on non-Brookhaven Town PILOT payments pending appeal of Gowan decision.)

LEG. ALDEN:

Motion to table.

P.O. TONNA:

Legislator Haley?

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LEG. BISHOP:

Motion to table, please.

P.O. TONNA:

Okay. Motion to table by Legislator --

LEG. HALEY:

Wait. You didn't give me a chance.

P.O. TONNA:

-- Alden, seconded by Legislator Bishop. All in favor? Opposed?

Tabled.

MR. BARTON:
18.

P.O. TONNA:
Okay.

LEG. CRECCA:
Opposed.

P.O. TONNA:
Okay. Opposed? Legislator Crecca, and Legislator Caracappa, Fisher and Haley. Okay. Ways and Means.

MR. BARTON:
14-4.

WAYS & MEANS

P.O. TONNA:
1008 (Authorizing the sale of surplus County cars to South Huntington School District). Motion by myself, seconded by Legislator Binder. All in favor?

LEG. ALDEN:
On the motion.

P.O. TONNA:
Yes.

LEG. ALDEN:
A quick question on the next --

P.O. TONNA:
This adheres to the \$200 deal.

LEG. ALDEN:
No. There's six or eight cars.

P.O. TONNA:
Yes.

LEG. ALDEN:

Six or eight resolutions on cars. This came out of Ways and Means. But do we know for a fact that these cars are no good at all, because I'm going to bring up one quick point. The Probation Department came to us at the end of the year and asked for any type of car, any type

of relief we could give them. If these things are viable, and I don't mean to oppose these resolutions today --

P.O. TONNA:

Boy, I hope they are viable. I mean, I wouldn't give them the car.

LEG. ALDEN:

Let's go through with it. But they asked for any type of car to give relief, so that they wouldn't have to go out into the neighborhood with their own vehicles, and they were sustaining damage and things like that, so -- and I don't mean in any way to try to kill these resolutions today, but have we looked at the fact that --

P.O. TONNA:

It's a good question.

LEG. ALDEN:

-- maybe we can extend the life or the use of some of these vehicles in the County?

LEG. GULDI:

Well, Legislator Alden, I would -- if I may --

P.O. TONNA:

Yeah, Committee Chairman.

LEG. GULDI:

-- Mr. Chairman. I'd be glad to support your legislation to require the next list of surplus cars to be referred to the Probation Department for their utilization before they're declared surplus for us -- for other -- and available for non-County agencies.

LEG. ALDEN:

Pending any other, you know, permanent type of resolution that we want to do to that.

P.O. TONNA:

Okay. Hold it. Legislator Caracappa, and then Legislator Binder. But just, Committee Chairman Guldi, did this issue come up in Committee? George, did this issue come up in Committee?

LEG. GULDI:

Which issue?

P.O. TONNA:

The issue in Ways and Means about the cars with Probation.

LEG. GULDI:

No, they -- not in connection with these resolutions at the last meeting, it did not.

P.O. TONNA:

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Okay. All right.

LEG. GULDI:

It has been an ongoing concern, obviously, and it's something we need to address Legislatively.

P.O. TONNA:

Okay. I would say that maybe in the future, then, let's not get -- let any of these get out until that question is answered. But, Legislator Caracappa.

LEG. CARACAPPA:

Thank you. Just for a point of reference for my colleagues, keep in mind, in the last budget cycle during the Omnibus, we listened closely to the needs of the Probation Department, and we took care of the needs with regard to funding for vehicles in the upcoming budget year, the Fiscal Year 2002. So the money is in the budget for close to -- how many? How many, Freddy?

MR. POLLERT:

In total, 15, I believe.

LEG. CARACAPPA:

Fifteen cars for the Probation Department, new cars for which they can use better than broken down, run-of-the-mill surplus cars. Because, believe me, we don't want Probation Officers getting stuck in some of the neighborhoods that they're patrolling or going into, and we know what shape some of these surplus cars are in.

LEG. BINDER:

Mr. Chairman.

P.O. TONNA:

Okay. Legislator Binder, then I think Legislator Postal, and then Legislator Lindsay.

LEG. BINDER:

While I appreciate the fact that there were 15 cars put into the budget, it's wholly inadequate. The Probation -- the people from Probation asked for 25 cars, and that is even inadequate, but they'll take the 25. The ratio still is very small compared to the number of people there. They at least need 25. I've just put in legislation, it should be in this packet, to add another ten. It won't be in this packet, I'm sorry, because it has to go in to February window for the

Davis Law for a budget amendment. And so I'm going to try to add another 10 to that to get them to 25 and get them in the first window for purchases.

I have to agree with Legislator Caracappa, that we should be getting new vehicles, we should not be looking at surplus cars. I don't think that our Probation people should be getting whatever is left over. As he says, we shouldn't have them stuck in neighborhoods that we don't want to -- that we wouldn't want to be, or in situations we wouldn't want to be in.

P.O. TONNA:

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Okay. Legislator Postal, Lindsay, then Alden.

D.P.O. POSTAL:

Mr. Chairman. Through the Chair, if I could ask the Budget Review Office, just very briefly, what's the procedure by which a car is determined to be surplus and unusable? I mean, it's got to be --

MR. POLLERT:

Generally, the Department of Public Works reviews the case history of the car. If the car has excessive mileage, or if the car is facing excessive repairs, they make a decision whether or not to surplus out the vehicles. The rule of thumb is we try to replace the cars when they have about 100,000 miles on them. That is a rule which we can waive if the car is in relatively good shape. But we do look at the repair record of the cars and determine whether or not we're spending more money than it would cost to replace the car.

D.P.O. POSTAL:

So that there's an evaluation procedure. And I think that that's important that we be aware of that, that these are not -- we as the County are surplusng them, because we've determined that they're not useful and usable cars. So, you know, that seems to be something we need to keep in mind.

The other thing is the list that we get, when we get information about surplus vehicles, is that list circulated throughout all the County departments? Well, maybe it needs to be. Maybe that would -- you know, the same way we make that available to school districts or other possibly interested parties, maybe we should follow that same procedure.

P.O. TONNA:

Can I ask you, why don't we just table all of these for one meeting, okay, and just -- and ask the Probation Department if they want the

cars and we'll start that way?

LEG. GULDI:

Mr. Chairman, does that include reconsidering 1008 that you sponsored that we already approved?

P.O. TONNA:

Yeah, absolutely. I would not -- you know, I would not -- I don't think we passed mine, yet. I have a --

LEG. CRECCA:

On the motion.

LEG. TOWLE:

Mr. Chairman.

P.O. TONNA:

Okay. All right. Wait, wait, wait, wait.

D.P.O. POSTAL:

Could I just continue?

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P.O. TONNA:

Yeah. I'm sorry.

LEG. HALEY:

Let's do an audit.

D.P.O. POSTAL:

I just wanted to continue. I know that Fred wanted to respond to my suggestion. I was not suggesting that we do that with regard to the resolutions which currently address surplus cars, I was suggesting that we establish some kind of procedure for the future when cars are surplus. I know --

MR. POLLERT:

Just with respect to the current list of cars, departments always try to hold onto the cars, so they don't make economic types of decisions, they don't want to lose a car. So if they have a car that is facing a transmission job that has 120,000 miles on it, they wouldn't make the decision to replace the transmission for fear of losing the car. This is a new objective criteria we had put in after we used to recycle the old blue and white cars that didn't work out well, so that the Department of Public Works is now making the decision, not the department, whether or not they want to hold a car or not irrespective of what the costs are. So this list of surplus cars, it's really not economically feasible to maintain the cars in the County fleet.

D.P.O. POSTAL:

Okay. I take it back.

LEG. TOWLE:

Mr. Chairman.

P.O. TONNA:

Okay.

LEG. CRECCA:

Mr. Chairman.

P.O. TONNA:

No. Legislator Lindsay, then Legislator Alden, then Legislator Crecca. Legislator Lindsay? Okay. Legislator Alden.

LEG. ALDEN:

And I didn't mean to start this debate to actually table these resolutions, what I meant was to revisit a County policy. And I know that in troubled times, like if you're in private industry and you have a fleet of vehicles, sometimes you will put the new transmission or even put a new motor, or redo the brakes a little bit more than you would normally, because, basically, you're trying to stretch your precious dollars. And I think that the County is in a situation right now where we might want to revisit that and stretch it out a little bit more.

And just secondarily, and I'll throw it out as a suggestion, if these cars aren't suitable for like going out and being beat on every day, then maybe the people that are going back and forth to work should

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have those type of cars.

P.O. TONNA:

Okay. Who's next? Legislator Crecca.

LEG. CRECCA:

Yeah. I'm just going to reiterate that the solution is not to table these. We've just heard reason from Budget Review not to do that. We've also made commitment in this regard somewhat, so I think --

P.O. TONNA:

Let's pass them.

LEG. CRECCA:

But we should -- yeah, we should pass these. We should -- I think

Legislator Alden and Legislator Postal's comments are very poignant, and I would, you know, suggest to them that they move forward on that and look at the procedures, because, you're right, we should see if we can reuse those. But --

P.O. TONNA:
Okay.

LEG. CRECCA:
So let's -- that's it.

P.O. TONNA:
All right. I'd ask Legislator Alden and Postal, maybe you could look into the situation and maybe we'd draft some legislation, you know, in the future, so that --

LEG. ALDEN:
Do I have subpoena power?

P.O. TONNA:
No, no. That's usually Legislator Caracciolo's request. Okay. All in -- okay. So this is --

LEG. TOWLE:
Mr. Chairman.

P.O. TONNA:
-- a motion and a second. All in favor? Opposed?

LEG. TOWLE:
Mr. Chairman.

LEG. FOLEY:
Which resolution?

P.O. TONNA:
1008.

LEG. FOLEY:
We did that already.

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P.O. TONNA:
Okay. All in favor? Opposed? Great. Henry.

MR. BARTON:
16, 2 not present. (Not Present: Legs. Caracciolo and Fields)

LEG. ALDEN:

Now table the rest, right, Paul?

P.O. TONNA:

Yeah, right. Okay. Just before we -- let's go to 1013 (Authorizing the sale of surplus County cars to Hauppauge School District). Okay. I know we have 1012. Just let's just get all the car things done before we go on. Okay.

LEG. FOLEY:

Motion.

P.O. TONNA:

No. Every Legislator would like to sponsor their own. Legislator Crecca. Motion by Legislator Crecca, second by Legislator Nowick. All in favor? Opposed? Great.

MR. BARTON:

17. (Not Present: Leg. Caracciolo)

P.O. TONNA:

1014 (Authorizing the sale of surplus County cars to Sachem School District). Legislator -- motion by Legislator Lindsay, seconded by Legislator --

LEG. FOLEY:

Second.

P.O. TONNA:

Alden. Is that close?

LEG. FOLEY:

No.

D.P.O. POSTAL:

Foley.

P.O. TONNA:

No? You, Foley? All right. All in favor? Opposed? I don't know where Sachem is. Okay.

MR. BARTON:

17, 1 not present. (Not Present: Leg. Caracciolo)

P.O. TONNA:

Motion by Legislator Crecca on 1016 (Authorizing the sale of surplus County cars to Huntington School District), seconded by --

LEG. BINDER:

No.

P.O. TONNA:

Cooper. Cooper, seconded by myself. All in favor? Opposed?

MR. BARTON:

17, 1 not present. (Not Present: Leg. Caracciolo)

P.O. TONNA:

Okay. 1017 (Authorizing the sale of surplus County cars to East Islip School District). Motion by Legislator Fields.

LEG. ALDEN:

Second.

P.O. TONNA:

Seconded by Legislator Alden. All in favor? Opposed?

LEG. HALEY:

On the motion. Just kidding. Just kidding.

MR. BARTON:

17, 1 not present. (Not Present: Leg. Caracciolo)

P.O. TONNA:

1018 (Authorizing the sale of surplus County cars to Commack School District). Motion by Legislator Crecca, seconded by Legislator Binder. All in favor? Opposed?

MR. BARTON:

17, 1 not present. (Not Present: Leg. Caracciolo)

P.O. TONNA:

Okay. 1019 (Authorizing the sale of surplus County cars to West Babylon School District). Motion by Legislator Bishop, seconded by Legislator Postal. All in favor? Opposed?

MR. BARTON:

17, 1 not present. (Not Present: Leg. Caracciolo)

P.O. TONNA:

1020 (Authorizing the sale of surplus County cars to Elwood School District). Motion by Legislator Binder, seconded by myself. All in favor? Opposed?

MR. BARTON:

17, 1 not present. (Not Present: Leg. Caracciolo)

P.O. TONNA:

Okay. 1026 (Authorizing waiver of interest and penalties for property tax for Lawrence Paolotti). Motion by Legislator Alden, seconded by myself. Does this meet all of the criteria and stuff?

MR. SABATINO:

No, it does not.

P.O. TONNA:

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Withdraw my second.

LEG. ALDEN:

No, no, no. On the motion.

P.O. TONNA:

Wait, wait. There's got to be a second. Let's get somebody to second it.

LEG. BINDER:

Second.

D.P.O. POSTAL:

I'll second it.

P.O. TONNA:

Okay. Legislator Postal seconded it. Okay. Legislator Alden?

LEG. ALDEN:

Okay. On the motion.

P.O. TONNA:

Yes.

LEG. ALDEN:

This actually involves two districts. And I spoke to Legislator Towle, because I believe that the property might be in his district. This involves somebody that owned property, they passed away, and the daughter was -- and the daughter, as the sole survivor, was called on to come in, and it was a matter of maybe a couple of months before the tax was due. The daughter came in, the estate was in disrepair and disarray. She had trouble finding like even the bills and things like that to pay them. She was late with the payment. This would include her paying the penalties and interest on it, so -- I mean, waiving the penalties and interests because of that reason, that there was the death in the family and she was called on to come in and try to straighten up all these -- really, and it was a problem that was

created by the death. So that's why I would ask that --

LEG. HALEY:
On the motion.

P.O. TONNA:
What are you asking actually, you're asking --

LEG. ALDEN:
We're asking that we waive the penalties and interest because -- because of the death in the family, the daughter coming in and trying to take care of the affairs, and made the payment as soon as she realized it was due, but didn't make it in a timely fashion.

P.O. TONNA:
How much are we talking about?

LEG. HALEY:
Mr. Chairman.

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LEG. ALDEN:
Not very --

P.O. TONNA:
Paul, how much are we talking about.

MR. SABATINO:
The waiver is \$273.24.

P.O. TONNA:
All right. Okay.

LEG. HALEY:
Mr. Chairman.

P.O. TONNA:
Let's just.

LEG. HALEY:
Mr. Chairman.

P.O. TONNA:
Okay. Can we just vote on this, please?

LEG. FIELDS:
Can I ask?

P.O. TONNA:
No. Legislator --

LEG. HALEY:
But, Mr. Chairman --

P.O. TONNA:
Yes, Legislator Fields.

LEG. FIELDS:
Can I just ask, if that is the case, then why isn't death part of the criteria?

LEG. ALDEN:
We just never thought of putting it in there.

P.O. TONNA:
Okay. Somebody is in violation of cell phone. Hurry up. Okay. Let's vote.

LEG. CRECCA:
I think it's the Minority Leader, not that I want to say anything.

P.O. TONNA:
Yeah, right.

LEG. CARPENTER:
Yeah, and it's not the first time.

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P.O. TONNA:
That's what I thought, I thought it was probably the Minority Leader. Okay. Here we go.

LEG. HALEY:
On the motion. On the motion. On the motion.

P.O. TONNA:
Are we going to really "on the motion" here?

LEG. HALEY:
No.

P.O. TONNA:
Let's just vote on this thing.

LEG. HALEY:
No, I just want to on the -- I don't know if the question was asked.

It doesn't meet the criteria, does it?

P.O. TONNA:
No.

MR. SABATINO:
It does not.

LEG. HALEY:
Thank you.

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

LEG. FIELDS:
Opposed.

P.O. TONNA:
Opposed, Legislator Fields.

MR. BARTON:
16.

LEG. ALDEN:
And Haley.

P.O. TONNA:
And Haley.

LEG. ALDEN:
He's opposed.

P.O. TONNA:
Okay, and Haley. That's what I like. There we go, a new coalition.
All right. 1033 (Confirming the appointment of C. Stephen Hackeling
District Court Judge for and of the Third District Court to fill a
term ending December 31, 2002). Old 1033. Okay. I'll make a motion,

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seconded by Legislator Binder.

LEG. CARACCILOLO:
On the motion.

P.O. TONNA:
Roll call.

LEG. BISHOP:

Motion to table.

LEG. CARACCIOLO:
Motion to table.

P.O. TONNA:
Okay. Motion to table by Legislator Caracciolo, 1033. Is there a second to table?

D.P.O. POSTAL:
Second.

P.O. TONNA:
Second.

P.O. TONNA:
You want to table it?

LEG. BISHOP:
Two weeks.

P.O. TONNA:
Let it ride.

LEG. BISHOP:
Two weeks.

P.O. TONNA:
Okay. Here we go. There's a motion to table by Legislator Caracciolo, seconded by Legislator Postal. All in favor? Opposed?

LEG. FOLEY:
Two weeks.

LEG. GULDI:
Roll call.

P.O. TONNA:
Yeah, two weeks, until the next meeting.

(Roll Called by Mr. Barton)

LEG. CARACCIOLO:
Yes.

P.O. TONNA:
Okay, go ahead.

D.P.O. POSTAL:

Yes.

LEG. GULDI:

Pass.

LEG. TOWLE:

No.

LEG. CARACAPPA:

Pass.

LEG. FISHER:

Pass.

LEG. HALEY:

No.

LEG. FOLEY:

This is tabling?

D.P.O. POSTAL:

Yes.

LEG. FOLEY:

Yes.

LEG. LINDSAY:

Yes.

LEG. FIELDS:

Yes.

LEG. ALDEN:

Pass.

LEG. CARPENTER:

Yes.

LEG. CRECCA:

Pass.

LEG. NOWICK:

Yes to table.

LEG. BISHOP:

Yes.

LEG. BINDER:

Pass.

P.O. TONNA:
What was that?

LEG. COOPER:

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Yes.

P.O. TONNA:
Yeah.

LEG. GULDI:
No.

LEG. CARACAPPA:
Sure.

LEG. FISHER:
Yes.

LEG. ALDEN:
Yes.

LEG. CRECCA:
Yes.

LEG. BINDER:
No.

P.O. TONNA:
All right. We have a motion, 1012 (Authorizing the sale of County-owned real estate pursuant to Section 215, New York County Law to Sandra Tedesco).

MR. BARTON:
14.

P.O. TONNA:
All right. That was taken off the Consent Calendar. Motion by Legislator Towle. Seconded by?

LEG. LINDSAY:
Me.

P.O. TONNA:
It's actually on the Consent Calendar. It's Resolution Number 1012.

It's a 215.

MS. BURKHARDT:

It's on Page 6.

P.O. TONNA:

Page 6? Okay. Is there a second? Legislator Caracappa?

LEG. CARACAPPA:

Yes.

P.O. TONNA:

Okay.

LEG. FOLEY:

What's the number, please?

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P.O. TONNA:

Okay. 1012. Motion by Legislator Towle, seconded by Legislator Caracappa. All in favor? Opposed?

LEG. CRECCA:

Opposed.

LEG. CARPENTER:

Abstain.

MR. BARTON:

17.

P.O. TONNA:

Okay, great.

LEG. CARPENTER:

Abstain.

P.O. TONNA:

Abstain, Legislator Carpenter.

MR. BARTON:

16.

P.O. TONNA:

Okay. We have -- just wait. We're going to go -- excuse me. Hold it, guys, just wait. Okay. We have a couple of senseless resolutions -- Sense Resolutions, here we go. Okay.

SENSE RESOLUTIONS

Sense Number 2 (Memorializing resolution requesting State of New York to establish "Marine and Coastal District" Distinctive License Plate Program"). A motion by Legislator Fields, seconded by --

LEG. FOLEY:
Second.

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

MR. BARTON:
18.

P.O. TONNA:
Okay. Motion by -- Sense 3 (Memorializing resolution requesting Federal government to reinstate Regional Occupational Health and Safety Administration (OSHA) office for Long Island). Motion by Legislator Lindsay, seconded by myself. All in favor? Opposed?

LEG. BISHOP:
Cosponsor, please.

LEG. FOLEY:

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Cosponsor, please. Cosponsor.

P.O. TONNA:
Okay. Put us all cosponsors.

LEG. BINDER:
Cosponsor.

LEG. BISHOP:
I cannot believe we don't have an OSHA office on Long Island.

LEG. FOLEY:
We did, it was closed.

P.O. TONNA:
Okay.

LEG. LINDSAY:
Comment on it. We did. We had one in Westbury for the Nassau/Suffolk region. It was closed because it didn't meet the fire codes, and it's been this way for well over a year now. So if someone wants to file a

complaint, they've got to go to Queens, which is ridiculous.

P.O. TONNA:

The other thing is, just I mentioned on our Organizational Day that I would put together a work group for those who would like to look at the rules. I just want to take volunteers right now and then we'll sign -- I know Legislator Alden, Legislator Crecca said that he wanted to be part of that.

LEG. LINDSAY:

I want to be on.

P.O. TONNA:

Right. Legislator Fisher, Legislator Haley.

LEG. LINDSAY:

Me.

P.O. TONNA:

And Lindsay. Okay. Do you want to be on that?

LEG. CARACCIOLO:

Sure.

P.O. TONNA:

Okay. And Legislator Caracciolo. That's the committee.

LEG. GULDI:

Just criticize whatever they do.

P.O. TONNA:

Not the committee, the work group. That's the work group.

LEG. BINDER:

Mr. Chairman.

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P.O. TONNA:

Yeah, that's that work group.

LEG. BISHOP:

Mr. Chairman.

LEG. BINDER:

Mr. Chairman.

LEG. BISHOP:

Mr. Chairman.

P.O. TONNA:
We'll have a roving work group chair. Yes.

LEG. BISHOP:
Mr. Chairman, I'd like to --

P.O. TONNA:
I have some late-starters.

LEG. HALEY:
Do you mean I have a chance?

LEG. BISHOP:
I want to waive the rules, lay on the table and approve Sense Resolution Number 10.

P.O. TONNA:
Yeah, just -- let me get to it. Okay. Let's do that one. Where is it?

LEG. GULDI:
What's 10?

P.O. TONNA:
Okay. That's Sense Resolution Number 10.

LEG. ALDEN:
Where is it?

P.O. TONNA:
That's a Memorializing Resolution requesting the Governor to veto legislation legalizing fireworks. I want to second that. And, also, put me down as a cosponsor.

LEG. BISHOP:
It's certain fireworks, by the way.

P.O. TONNA:
Okay.

LEG. BISHOP:
Everybody --

LEG. CRECCA:
I don't have a copy.

P.O. TONNA:
I'm reading it as it is.

LEG. BISHOP:
Yes, you have a copy of it, just keep digging.

LEG. ALDEN:
Is this the legislation that puts fireworks --

LEG. BISHOP:
It's impossible to deal with.

LEG. ALDEN:
-- by Grucci out of the business, is that the one there?

LEG. CARACAPPA:
No, it actually keeps them in business.

LEG. FISHER:
No, it actually helps them.

LEG. GULDI:
It protects his monopoly.

LEG. BISHOP:
May I?

P.O. TONNA:
All in -- listen. Wait a minute.

LEG. CARPENTER:
Henry, cosponsor.

LEG. BISHOP:
Legislator Carpenter should be a cosponsor, a listed cosponsor. I worked with her on the issue. You've received letters from the PTA regarding this.

LEG. LINDSAY:
I want to cosponsor, too, Henry.

P.O. TONNA:
Yeah, put us all on as --

LEG. BINDER:
Cosponsor.

P.O. TONNA:
Anybody not want to be cosponsor?

LEG. BISHOP:

Is there anybody --

LEG. HALEY:

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Not me.

LEG. BISHOP:

Are there any questions? No?

P.O. TONNA:

All right. Legislator Haley doesn't want to be on it.

LEG. CRECCA:

I don't want to be a cosponsor either.

P.O. TONNA:

Okay. All in favor? Opposed? Great. Next.

MR. BARTON:

18.

P.O. TONNA:

Sense 11 (Memorializing resolution requesting Brookhaven Zoning Board of Appeals to reject variance). This is just to lay on the table. Legislator Fisher. A motion by Legislator Fisher, seconded by myself. It's assigned to Ways and Means. Okay. Lay 1181 on the table. Motion by Legislator Foley, seconded by myself. All in favor? Opposed? And assigned to Land Acquisition, Environment and Planning.

LEG. FOLEY:

Thank you.

P.O. TONNA:

Okay we have one CN. Resolution Number 1180 (Authorizing certain technical correction to adopted Resolution Number 698-01). I'll make a motion by myself.

LEG. FOLEY:

What is this?

P.O. TONNA:

It's a technical correction. Okay. It's a motion by myself.

LEG. ALDEN:

Second.

P.O. TONNA:

Seconded by Legislator Alden. 1180. 1180. All in favor? Opposed?
Great.

LEG. BINDER:
Mr. Chairman.

P.O. TONNA:
Now I want you to know --

LEG. BINDER:
Mr. Chairman.

P.O. TONNA:

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Yes, just wait. Not only is this a record --

MR. POERIO:
A world record.

P.O. TONNA:
A world record, but I want everyone to remember that we still have at
2:30 our public hearings, our two public hearings, and I would ask
that -- I hope to see everybody there.

LEG. BINDER:
Mr. Chairman.

LEG. BINDER:
Mr. Chairman.

P.O. TONNA:
The important public input.

LEG. BINDER:
Mr. Chairman.

P.O. TONNA:
Yes, Legislator Binder.

LEG. FOLEY:
Mr. Chairman, are we not required?

LEG. BINDER:
In that regard, I want members --

LEG. FOLEY:
We're required to be back here.

LEG. BINDER:

I want members to know that at 2:30 -- at the close of that, I'm going to be looking to close the hearing on the legislation for the waiver for first time home buyers for taxes and I need 12 to close it, so we can pass it, and I'm going to move to waive the rules on the one-hour rule so we can vote on it. So I would hope you'd all come back so we can vote on that particular legislation. The reason for the speed is that March 1st is the first deadline that's coming, so we can beat that deadline by getting it passed, getting it to the County Executive, him having hearings, and people could actually apply who have bought houses in the last few months, they can apply for this waiver. That's why I'm trying to do this quickly.

P.O. TONNA:

Thank you. And, also, I think Legislator -- okay. Thank you very much. We'll see everybody at 2:30.

[THE MEETING WAS RECESSED AT 12:00 P.M. AND RESUMED AT 2:35 P.M.]

D.P.O. POSTAL:

Will the meeting please come to order. Mr. Clerk, have the public hearings been advertised?

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MR. BARTON:

Yes, they have.

D.P.O. POSTAL:

Thank you. Our first public hearing is regarding Introductory Resolution Number 1048, a local law implementing first time homeowner County property tax exemption. And the first speaker on this public hearing is Robert Wieboldt. You have five minutes.

MR. WIEBOLDT:

I don't think I need five minutes. This is a good idea. I represent the Long Island Builders Institute. We have about 400 members that work in Suffolk County. Many of us have our offices here and we employ tens of thousands of people in building homes and apartments and commercial structures.

Affordable housing is a big issue in the County. I was a lobbyist for the New York State Builders Association for many years and proposed this kind of a building, enabling legislation, and we finally got it through and the Governor signed it after it had been on his desk once before. It is an enabling bill only and it allows each taxing jurisdiction in Suffolk County to provide a tax abatement that's graduated for improvements to existing buildings and to the

construction of new one-family houses. It can also include two-family houses. It is an abatement that costs the local governments nothing. You still get whatever tax you're now collecting on the lots or the houses.

What happens is the value of the improvements comes on 50% the first year, and the rest of it comes on over a five-year period where it's graduated. But what it does is a miraculous thing, it allows the individual homeowner to buy more house with less income, or to buy an affordable house and qualify for it with less income, and where it might lead to two-family houses, it leads to a very fine form of housing, which is owner-occupied two family. It's needed I think for young families, it's needed for seniors who want a single family house and can't afford it in their own areas. It will largely benefit, we think, Suffolk County residents.

Now, your share of the tax load is obviously very small, and there's a number of groups around that are trying to convince towns and villages and even school districts to look favorably on this type of legislation. It's a small tax expenditure, which I don't think would really affect your budget, unless it's wildly successful, and we haven't seen that much housing production. But it will have, clearly, a very good impact, and it sets an example. You'd be the first county in the State of New York to implement this new legislation, which I think is good. It has to be implemented sort of with track shoes, because by March 1st, it has to be in place if it's going to work in this tax year, otherwise it flows out until next. We think it's going to help a lot of people. It will not create an undue burden anywhere. And it's for a family that can afford a house up to the SONYMAE limits, so it's not your rock bottom, you know, housing partnership house, it goes up into the early 200,000's, I think. In terms of its impact, I think it's 212, or something like that, in certain areas.

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The family -- the income are governed by SONYMAE also. So the person will probably have a SONYMAE mortgage, which can bring down their interest rate, little help on taxation. That helps a lot of people to qualify for housing, it leads to stable neighborhoods. It's a very important bill we think, and we urge you to enact it, and if possible, move today to take action on the bill, so it can take effect by March 1st.

D.P.O. POSTAL:

Thank you. Legislator Fields has a question.

MR. WIEBOLDT:

Sure.

LEG. FIELDS:

Bob, either if you can answer it, or maybe Counsel. Is there a stipulation that the homeowner who purchased -- first time homeowner has lived in Suffolk County prior to the purchase of this house? Because I'm a little concerned that if a resident who lives in Nassau County, with the situation that they have in Nassau, let's say their taxes are raised and they would like to purchase a home and they can't afford one in Nassau, and now Suffolk County enables this legislation, then we're going to have a whole slew of people come from another area and then we will not have answered or responded to our own seniors and young families an Suffolk County residents by opening it up to anyone who can come to our County, and I would rather see that this legislation is beneficial to Suffolk County residents. So I don't know --

MR. WIEBOLDT:

Right. There's no specific prohibition in the statute, you know, or even a first preference to Suffolk County residents. I think that that could be worked on subsequently.

LEG. FIELDS:

Would it --

MR. WIEBOLDT:

What one could do is look at the market. Most of these houses would be sold to people here by market.

LEG. FIELDS:

Well, how do you determine that, though? I mean, do you say, "Where do you live, where have you lived, have you lived here for a certain amounts of years"? Paul, do you --

MR. SABATINO:

I think the protection is that there's a three-year clause which says that you cannot have owned a primary residential dwelling for three prior years.

LEG. FIELDS:

But what if it's a renter from Nassau County that now wants to be a first-time homeowner?

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MR. SABATINO:

Well, then you can't -- under State Law, okay, the only --

LEG. BISHOP:

Why would we exclude that person?

LEG. FIELDS:

Because we don't have housing for Suffolk.

D.P.O. POSTAL:

Please, through the Chair.

MR. WIEBOLDT:

One of the problems is you can't draw a line around the County boundary line. The State Law applied State-wide and allowed local governments to do it. It didn't specifically give you authority to restrict it to County occupants. That's something that maybe Ken LaValle or somebody could work on at the State level. But it shouldn't, I think, interfere with trying to build and putting it into place, because it does sunset, too, in a couple of years.

D.P.O. POSTAL:

Are there any other questions? Legislator Foley, and then Legislator Carpenter. Legislator Nowick, did you --

LEG. NOWICK:

Yes.

D.P.O. POSTAL:

And then Legislator Nowick.

LEG. FOLEY:

Thank you, Madam Chair. Mr. Wieboldt, it's great to have you here to get your thoughts on this. Just parenthetically, your name has been offered to be a member of the Smart Growth Committee, so we've had discussions about the need to look at ways of revitalizing downtowns as a means by which to preserve downtowns, and as a way to limit the development of areas that otherwise would be open space. So, I certainly would be supporting that particular resolution.

When we read the backup of the bill of 1048, and if you could just, let's say, give us the benefit of your knowledge, it mentions here that this exemption is for a period not to exceed five years for first time home buyers of newly constructed homes. Is this only for newly constructed homes or is it --

MR. WIEBOLDT:

No. The definition of newly constructed also allows somebody who buys an older beat up house to put in an addition, you know, or restoration, and that portion of the purchase price of the house or the amount of money he spends on it can be isolate as new construction.

LEG. FOLEY:

All right. So just walk me through it. If a person buys an older home, okay, if they intend to do any renovation of it or only if they

do an addition to it, that they would --

MR. WIEBOLDT:

Either one, any improvement to the real property.

LEG. FOLEY:

Any improvement to the real property.

MR. WIEBOLDT:

Now that may parallel some of the Towns, like Brookhaven has a provision in the law right now where under Town law, you can put a home improvement and not be taxed for a period of years.

LEG. FOLEY:

Yes.

MR. WIEBOLDT:

In those towns, that wouldn't really help, because it just duplicates what's there for remodeling improvements.

LEG. FOLEY:

Right. Because we all know folks, young families who have purchased older homes and who would otherwise qualify, because it's, you know, for a certain amount of money and it's their first time. It's a moderately priced house and I just wouldn't want -- I don't know how the State legislation reads, but I wouldn't want that potential homeowner to be -- wouldn't qualify under this -- under this law if it's only for new homes.

MR. WIEBOLDT:

No, he would, and as long as it's been -- as long as he's putting an addition. It might be a little hard to prove it all, but, I mean, they'd have to have a dollar contract. If they worked with a contractor, it would be simple if they did sweat equity --

LEG. FOLEY:

Okay.

MR. WIEBOLDT:

-- and homeowners that have to save a lot of bills.

LEG. FOLEY:

Yeah.

MR. WIEBOLDT:

But they can establish that proportion and that's subject to the

exemption.

MR. SABATINO:

It has to be at least \$3,000.

MR. WIEBOLDT:

Yeah.

MR. SABATINO:

That's the threshold. And then a portion above that triggers an

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exemption.

D.P.O. POSTAL:

Okay. Legislator Nowick.

LEG. NOWICK:

Yes. Just bear with me, because --

LEG. BINDER:

Pull your microphone over, or else they can't hear you.

MR. WIEBOLDT:

Sure.

LEG. NOWICK:

I might have missed what you said before. Just a few questions.

MR. WIEBOLDT:

Sure.

LEG. NOWICK:

-- questions and you might have answered it. What is moderate income?
How much is moderate income?

MR. WIEBOLDT:

They talk about percentage of the -- hang on a minute, it's in here.

LEG. BINDER:

Seventy-three thousand?

MR. WIEBOLDT:

Yeah, I believe it will --

LEG. NOWICK:

"Homeownership by persons of moderate income."

MR. WIEBOLDT:

It will probably come in in the 70's in Suffolk County.

LEG. BINDER:

Seventy-three thousand.

LEG. NOWICK:

Seventy-three thousand?

MR. WIEBOLDT:

Yeah, it's a percentage of the median, and I don't know exactly what that would be, it changes year by year.

LEG. NOWICK:

Okay.

MR. WIEBOLDT:

It's basically not a very wealthy person. It's good for --

LEG. NOWICK:

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Seventy-five thousand combined income, is that what it is?

MR. WIEBOLDT:

Yeah.

LEG. NOWICK:

And, also, what I wanted to know is, if it is on an existing structure and the person is putting in a new addition, can the Assessor actually separate that? Do they only assess -- do they only give them the tax break on the new addition or is it on the --

MR. WIEBOLDT:

Well, typically, the Town of Huntington --

LEG. NOWICK:

The can't separate that, can they?

MR. WIEBOLDT:

-- Islip, Brookhaven, that I'm familiar with, already have laws just like this that say that if you put an addition on your home or make a substantial improvement that requires a building permit, the Building Department gives the assessor that record. A homeowner will pay more, because the house is worth more. What they will do is graduate that impact. They can establish it.

LEG. NOWICK:

So the Assessor has to separate it and give you the discount on the --

MR. WIEBOLDT:

It would be by the amount probably specified in the building permit for the addition.

LEG. NOWICK:

So this will take new homes, then -- just as I understand it, and you have to bear with me, because I'm a former Tax Receiver. This will take new homes that --

MR. WIEBOLDT:

Newly constructed.

LEG. NOWICK:

Newly constructed homes that might have gotten a different -- been in a different tax bracket. Did we do any type of fiscal impact statement on this?

MR. WIEBOLDT:

No. It all depends upon what your number of building permits would be. In Smithtown, for example, I don't think it would -- it might add thirty --

LEG. NOWICK:

Would we have any idea how this would affect the County? The seniors and the rest of us would then make up the difference, is that how it's working?

MR. WIEBOLDT:

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There probably --

LEG. NOWICK:

And I'm only playing devil's advocate.

MR. WIEBOLDT:

And this is off the top of my head, but I don't think there's 500 houses in Suffolk County right now being built that would qualify for this, there's probably only a few hundred. So, I mean, it's the tax rate on a typical house that would sell for under 200,000, if you have it, and it's a very small.

LEG. NOWICK:

Go ahead, Allan.

LEG. BINDER:

Just also, if I may answer --

MR. WIEBOLDT:

It's in the thousands.

LEG. BINDER:

-- that's one of the reasons I think they specified new construction, because old construction basically would have been you're taking off the tax rolls half of it --

LEG. NOWICK:

Right.

LEG. BINDER:

-- and then graduating it in. Since it's new construction, it's money that you don't have and then you just in a sense are deferring part of the taxes and you'll get more over time, but it's a deferral, so it's not money you're having and then all of a sudden you're losing.

MR. WIEBOLDT:

There's no loss. And if you encourage somebody to build a house that he couldn't build otherwise because of this, you're actually gaining --

LEG. NOWICK:

No, I understand that. I was just wondering if there was any statement done on any fiscal impact. Okay.

MR. WIEBOLDT:

Ballparking, it's tens of thousands.

D.P.O. POSTAL:

Legislator Lindsay?

LEG. LINDSAY:

Just so I understand it correctly, the existing tax base won't go down?

MR. WIEBOLDT:

Correct.

LEG. LINDSAY:

If you're paying taxes on a vacant lot, under this provision, if you put a new house on that lot, you won't pay it on the house, but you'll still pay taxes on the vacant lot.

MR. WIEBOLDT:

No. You'll still get 50% on the house.

LEG. HALEY:

That's the improvement.

MR. WIEBOLDT:

On the improvement.

LEG. LINDSAY:

On the improvement, but you'll still pay full value on the vacant lot. Or another example, if you took a summer cottage, and expanded it to a two-story colonial, you'll still pay the same -- the same tax on the summer cottage --

MR. WIEBOLDT:

Correct.

LEG. LINDSAY:

-- on the original structure, so our tax revenue won't drop, it just won't go up on the improvements as much.

MR. WIEBOLDT:

In five years, you're getting a full tax --

LEG. BISHOP:

Am I on the list?

D.P.O. POSTAL:

You're actually next, Legislator Bishop. You're finished?

LEG. LINDSAY:

Yep.

D.P.O. POSTAL:

Legislator Bishop.

LEG. BISHOP:

Thank you. If you, as you're well aware, took a poll of Suffolk County residents and you asked them generally about government policy, they would tell you overwhelmingly that they want government to focus on redevelopment of properties and not have policies that encourage construction on virgin land. And we spend an awful lot of time and resources to pursue policies that don't encourage development on virgin land. One of the notions that's come out of that over the years is the idea of smart growth, that we should designate in advance which areas we're going to permit to be developed and hold to it and construct policies that encourage that. Is there any room in this for smart growth, or is this -- or we have to do this in a take-it-or-leave-it approach and provide this incentive throughout the

County for development of virgin land?

MR. WIEBOLDT:

Okay. There's a difference in my mind between virgin and vacant, or virgin or underutilized.

LEG. BISHOP:

Okay. So this is not -- when I'm reading "vacant", that's not --

MR. WIEBOLDT:

This can apply to new houses that are in-fill, they can apply to condominiums on commercial sites that are abandoned, or, you know, you can use it anywhere, so it has the smart growth impact. It was so hard to get the Governor to sign this bill, I mean, it took a long time and Kenny LaValle really had to work on it, that it is a new concept. You know, it's working in the City of New York very well and very refined to keep a middle class homeowner population in the City. What's happening here is that you will get smart growth, because that's where the affordable housing will tend to go. Those are the kind of sites you'll look at. I think the bill ought to be amended at the State Legislature, and I've had some conversations already with some of them, for all our communities to target it, where you enhance the benefits for smart growth type situations.

LEG. BISHOP:

Right.

MR. WIEBOLDT:

I think that will emerge over the years. It's an important addition.

LEG. BISHOP:

All right. So, at this point, it's a take-it-or-leave-it proposition. And even the, I guess they call it memorandum of support or explanation that's attached to it, indicates that, generally, this would apply to properties that are already improved -- that are unimproved.

MR. WIEBOLDT:

Unimproved and that you're buying that has a house that you're improving.

LEG. BISHOP:

Which I call virgin.

MR. WIEBOLDT:

You also have a situation where a lot of communities like Huntington

has now had a tax -- well, it's an affordable housing incentive program, where if you're getting zoned for more density, 20% has to go to affordable housing.

D.P.O. POSTAL:
Mr. Wieboldt, can you --

MR. WIEBOLDT:
You'll apply there, too.

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D.P.O. POSTAL:
Sorry. Can you either -- can you lift the microphone up?

MR. WIEBOLDT:
Oh, sure, okay.

D.P.O. POSTAL:
Many of us can't hear you.

MR. WIEBOLDT:
All right.

LEG. BISHOP:
I think that.

LEG. FIELDS:
Hold it, take it out.

D.P.O. POSTAL:
It's not tall enough for you.

MR. WIEBOLDT:
Any other questions?

LEG. BISHOP:
I think that providing tax relief and incentives to encourage improving, or making, or bringing back lots that have been, or housing stock that's been neglected is an excellent policy. I'm not sure that, as this is written, it's one that's appropriate for a County that's spending tens of millions of dollars to preserve open space and to encourage a smart growth approach to development. It's too general and a blanket approach. We need really -- what we talk about around here is targeting everything and this is the exact opposite.

LEG. ALDEN:
Let's wait until we debate it.

D.P.O. POSTAL:

Do you have a question?

LEG. BISHOP:

How do you feel about that?

MR. WIEBOLDT:

Your Open Space Acquisition Program is laudable, I mean, you know, you've done a lot of it, but it has a consequence, and that consequence is it does drive up the prices of land tremendously, because you've got, you know, an 800 pound gorilla out there in the housing market with deep pockets willing to pay a lot of money, in some cases more than maybe the property is worth.

LEG. HALEY:

Uh-oh.

MR. WIEBOLDT:

But what I want to say is that with that type of expanse in the

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housing program, you've got another issue and the other issue is what happens to an ordinary subdivision? If the houses have to be very expensive, like in Southampton right now, we're facing this. You know, when you buy a lot, the lot's hundreds of thousands of dollars, that's more than affordable house just for the land. They're talking about having the builders try to put more affordable housing in. So what this does is it will encourage a mix, because it will allow people to qualify for more affordable housing, even in that area. I mean, I agree with you, but you can't say that all the housing to be built is going to be in just smart growth areas. Some of it is as of right that's going to happening all over the County, and this will help people to afford it and be in and get a population mix that I think is important, too.

D.P.O. POSTAL:

Legislator Guldi.

LEG. GULDI:

Bob, over here. A couple of questions. My first reaction to this was, "This is a great idea," but I've had some concerns raised since then. The primary problem we have, we have an affordable housing crisis in Suffolk County, there's no doubt about it. We estimate we're 50,000 units short. We may quibble about the number, but that's a lot of housing need that's not being addressed. The reality is that your members who are in the building and construction businesses aren't building the house, that housing, because they're building more profitable product, profits -- if affordable housing were profitable,

or more profitable than other product, we'd be awash in affordable housing.

MR. WIEBOLDT:

I will say this, that even in the last few years, when we've been booming, the builders have been standing in line for affordable housing construction opportunities through the partnership and other groups. We do like to build affordable housing, it's quick, it's an in-fill, it pays overhead. It's not an issue where we're building more expensive housing because we'd like to. We'd like to keep as many people that can afford a house in a house, and the way do that is to reduce costs. And when you buy a house, the sales price is affected by things like land value and construction costs. Construction costs have been relatively stable for the last ten years. Land costs have shot up.

LEG. GULDI:

It's only doubled.

MR. WIEBOLDT:

You know, your acquisition policies I think have helped do that, even as it preserves open space, and you may want to debate that with me. But the other big element of carrying a house for -- is your monthly payment.

LEG. GULDI:

Right. Well, that's the next place that my thought went to as well.

MR. WIEBOLDT:

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That's where this tax thing can work.

LEG. GULDI:

Well, except for one problem I have with that. The tax thing is going to reduce the tax portion of the typical affordable house. And you used the \$200,000 example. Let's assume that a lender -- that a first-time home-buyer was going to go for a no purchase money mortgage and put down 20% and carry a \$160,000 mortgage. Putting \$40,000 down, plus the closing costs, they'd be looking at about a \$1,500 a month incurred market interest payment for mortgage only. About \$100 a month will cover the insurance costs on that. And instead of a typical for the County, \$6,000 a year tax bill first year, or \$500 a month, they'd be looking at 250 the first year, knocking their monthlies down to 1,850 instead of 2,100.

We have a problem with supply, not demand. What in this program prevents the builder from raising the price, because the buyer can

afford the \$2,100 a month and taking in the first three years? Since the supply doesn't meet the demand, I submit that if you do this, you're just going to raise the price.

MR. WIEBOLDT:

You were right if there's only one builder.

LEG. GULDI:

If f the -- even in a market where you've got 50,000 units short and you're talking about building 500 units a year, it doesn't matter whether you have one builder or 500 builders, you're still -- you're still 40 -- you're still 39,500 units short. So what's going to prevent the tax cut from being reflected in a dollar-for-dollar price increase?

MR. WIEBOLDT:

George, if you drove home today down William Floyd --

LEG. FIELDS:

Use the microphone, Bob.

MR. WIEBOLDT:

If you drove home down William Floyd Parkway and you see all those builders lined up, they're competitive as hell. They are not going to let somebody take a housing job that they might make \$15,000, \$20,000 on and lose it because they want to increase the prices and somebody else --

LEG. GULDI:

Yeah, but they're not going to lose it, they got plenty of -- plenty of buyers. They're going to get the -- they're going to get the price from the next buyer, the one who will meet the price.

MR. WIEBOLDT:

Believe me, there's little or no collusion between those guys.

LEG. GULDI:

Well, I know, there's no --

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MR. WIEBOLDT:

I know them all and they're not going to all take the same policy, they're going to go for what's real and they can sell.

LEG. GULDI:

There's no collusion, but how do you get past the supply versus demand paradigm that drives price?

MR. WIEBOLDT:

Because in places where this has worked, like Staten Island, many parts of Brooklyn, the parts of the Bronx, there as been -- that hasn't happened. I mean, what you're trying to do is reach out and get people to take your house. You've got to qualify buyers. Sometimes you through five or six before they can qualify for this program. There's also -- it will be used in conjunction with SONYMAE financing, and, you know, the Construction Incentive Program, there's limited amounts of that out there. I think it will work. The market is very fluid in housing.

LEG. GULDI:

All right. So the -- I'm not sure I got the answer. You think --

MR. WIEBOLDT:

If I'm the only builder in town, yeah, I might do that, but not if I have 15 competitors who want the same sale.

LEG. GULDI:

Well, except that the -- well, let's face it, the buyer is going to -- the buyer is not shopping to the builder, the buyer is shopping the finished product.

D.P.O. POSTAL:

George, are you questioning or debating?

MR. WIEBOLDT:

Not so. In --

LEG. GULDI:

How much -- what percentage of this market is being custom built?

MR. WIEBOLDT:

It depends on where you are, but in -- largely, this particular market, except for condo projects, but let's put them aside, single family detached, most of it is built on the lots that a builder finds for a customer and puts them on a lot.

LEG. GULDI:

Let me address the question --

MR. WIEBOLDT:

There aren't any subdivisions I can point to right now with houses under 200,000, they tend to be in-fill.

LEG. BINDER:

Can I just --

LEG. GULDI:

Yeah, to the bill's sponsor, is there --

LEG. BINDER:

There's a cap.

D.P.O. POSTAL:

Wait, wait, wait.

LEG. BINDER:

The answer --

D.P.O. POSTAL:

Wait, wait, wait. I would suggest that during the public hearing --

LEG. BINDER:

No, it's not a debate, it --

D.P.O. POSTAL:

We can discuss the bill a little later.

LEG. BINDER:

No. But he's asking a question. I'm trying to help him with the answer to a specific question during a hearing.

LEG. ALDEN:

So it's debate.

D.P.O. POSTAL:

But is it --

LEG. BINDER:

I'm not debating it, I'm answering a question.

D.P.O. POSTAL:

I understand you are, but I'm suggesting that if he has questions of this speaker, he ask them, and if he has questions for the sponsor or our Counsel, or the Budget Review Office, he wait until after the public hearings and the public portion.

LEG. BINDER:

Put me on the list. I'll do an "isn't it true" question.

D.P.O. POSTAL:

Okay. Okay. Were you finished, George?

LEG. HALEY:

Yeah.

D.P.O. POSTAL:
Legislator Haley.

LEG. GULDI:
I gave Legislator Haley a headache.

LEG. HALEY:

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Yes, you did, George.

LEG. GULDI:
That's only because you listened.

LEG. HALEY:
Mr. Wieboldt, do you think this is just a tool of many tools, whether it's smart growth, whether -- or Long Island Housing Partnership doing their schtick, or some of the other housing authorities. Would you agree that this is just one of many tools that we use for the benefit of affordable housing in a climate such as this?

MR. WIEBOLDT:
Yes. I could see this used in conjunction with the County's Land Acquisition for Affordable Housing Program, tied to a SONYMAE mortgage, maybe even affordable housing grant. You know, it's just one of the -- what we call a tool bag or a kit that one can produce affordable housing with. What I like about this it goes up a little higher than the grant programs, like with the Housing Partnership. And there's an awful lot of people out there would, you know, call us all the time. I have a website, you know, you want a house in Suffolk County, and a lot of people would like to live in places like Huntington under 200,000. There aren't too many options we can give them, it's sort of a sad thing. So to get them up a little bit more so they can qualify I think is a very important thing.

LEG. HALEY:
And when you talk about demand, I understand Legislator Bishop's approach, but it would be difficult for us to attempt to push people to areas they don't want to go. For instance, you know, somebody may not want to live in Patchogue, or -- no offense, Henry. But I think that the purpose of your affordable housing, and I'm wondering whether you agree, is that there's a distinct demand for that typical "I want to have my own free standing house on my own piece of property."

MR. WIEBOLDT:
That's true. And there's also a demand, we think, for condominium projects, townhouse projects. Homeownership I think is what's at the

bottom of it. People like to own their own home rather than rent. This is a great program for that.

LEG. HALEY:

And do you think that this program is necessary as quickly as possible because the economy has done so well, and because of what you allege has been our acquisitions in the County and we've actually reduced the number of properties available to develop upon that we've actually had an -- the economy, plus our actions, have actually had the impact of increasing the cost of developable lands?

MR. WIEBOLDT:

About two-and-a-half years ago, Lee Koppelman projected out an open space plan for the Bi-County planning that would have brought our housing stocks from 6,000 down to 600, if all the land the County would like to buy was bought. That's a big difference, and I think it does have an impact. You know, right now, it's survivable. But I think what we have to get is a mixed income. People have to be able

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to afford a house. Young families have to get into communities, too, and the only way to do that is with something like this to reduce their costs.

LEG. HALEY:

Thank you.

D.P.O. POSTAL:

Legislator Nowick.

LEG. NOWICK:

Okay. In reference to this bill, and I might have missed this also, the --

D.P.O. POSTAL:

Lynne, I can't hear you.

LEG. NOWICK:

You can't hear me?

D.P.O. POSTAL:

Now I can.

LEG. NOWICK:

Okay. What was the cap on the price of the house?

MR. WIEBOLDT:

It's the SONYMAE cap --

LEG. NOWICK:
Yeah, what was that.

MR. WIEBOLDT:
-- and I think it's in the early 200,000's.

LEG. BINDER:
Two-fifty.

LEG. NOWICK:
Two-fifty?

MR. WIEBOLDT:
Is it up to 250? Yeah, okay, depending on the area.

LEG. NOWICK:
Okay. Can somebody buy a house for 350 and get the discount on -- get the lesser rate on the 250?

MR. WIEBOLDT:
No.

LEG. NOWICK:
No.

MR. WIEBOLDT:
Not unless you specifically -- you know, you can go higher than that
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by a percentage, but you're not doing it in this bill.

LEG. BINDER:
No. Two-fifty is the percentage higher. That includes the percentage.

MR. WIEBOLDT:
Yeah, right.

LEG. NOWICK:
So you can buy a house for 250,000 --

MR. WIEBOLDT:
Correct.

LEG. NOWICK:
-- and get a break on that? And it's only on the County portion, is that right, it's not on the school --

MR. WIEBOLDT:

Right. You're --

LEG. NOWICK:

The break is not on the school?

MR. WIEBOLDT:

We have to go to the Town and the County and the Villages and have them individually do this.

LEG. NOWICK:

But this one is just --

MR. WIEBOLDT:

Just for the County.

LEG. NOWICK:

Allan, this is just for the County portion, right?

D.P.O. POSTAL:

Legislator Fields?

LEG. FIELDS:

When I first put the bill in for smart growth, one of the components of fighting for smart growth was to prevent sprawl. To build new housing to me is more sprawl. But would it not be better to offer houses that have already been built with a tax break for first time homeowners, to allow for smart growth for first time home -- and more affordable housing? And I think I agree with supply and demand. If you build it, they're going to come, and I just -- to me this doesn't seem like smart growth.

MR. WIEBOLDT:

To the extent that a unit benefits from this is in a smart growth area, it is smart growth, but it does have a broader impact. The issue I think is that the housing stock itself is not large enough. Some economic studies done for the Housing Partnership, which will be

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published later this year, indicate as many as 30% of the families in many of our Suffolk County towns are paying now more than 40% of their income for housing. Thirty is the -- what's considered too much level. It's the level at which a bank doesn't want to give you a mortgage.

What I'm trying to say, I think, is that you have to expand your stock of lower priced housing at all times to meet the demand we've got,

just births, seniors, things like that, where seniors want to move out and take a house like this. A lot of it going on out there. There's a tremendous demand for housing. We need young people coming into the market. Mitch will talk to this I think in a few minutes, but our business community requires an influx of new technical people and we don't have places for them to live. So if you don't expand the housing stock continually, and you just can't do it with four bedroom, five bedroom colonial houses selling for \$500,000 and up. That's not healthy for society, although it's good for our profits, I'll admit.

LEG. FIELDS:

How many seniors are first time homebuyers?

MR. WIEBOLDT:

There's quite a few that have been renting all their lives and maybe want to invest in a house.

LEG. FIELDS:

And the percentage --

MR. WIEBOLDT:

There's also people who haven't owned, because their kids have owned the house, or -- you know, there's a lot of people out there in the market.

LEG. FIELDS:

Percentage-wise, do you think that that's a --

MR. WIEBOLDT:

This is basically a young people's program, but it's eligible for anybody who meets those income limits and hasn't owned in three years.

LEG. FIELDS:

So it's not really -- it's not really to be advertised as a --

MR. WIEBOLDT:

Separated woman or a separated husband.

LEG. FIELDS:

Excuse me?

MR. WIEBOLDT:

The separated person for three years have been renting because of a divorce agreement. Major, major, you know, what you call single parent households. It's a demand item that's very strong out there in the market.

LEG. FIELDS:

But would a widow and widower come under this program if they owned a house when they were married and both alive.

LEG. ALDEN:
Three years.

MR. WIEBOLDT:
It's three years.

LEG. FIELDS:
Well, let's say two years ago --

MR. WIEBOLDT:
There has to be three years of rental, but that has happened to an awful lot of families in our County.

D.P.O. POSTAL:
Legislator Lindsay.

LEG. LINDSAY:
Mr. Wieboldt, you have a lot of experience in affordable housing. Has it been your experience that most of the affordable housing that's been developed in our community is for seniors or for young families?

MR. WIEBOLDT:
Little of both. You've had very few subsidized units built that you call affordable, like the Partnership. I don't think it's done a thousand units over the course of their ten years in existence in a market that produces 6,000 in a year, in a good year. The general lower end of the market, you know, 200 and 250,000 the last few years, tends to be either young people, seniors, or to some extent small families, new families, but we haven't really had a strong family housing program, and one of the reasons is the school district resistance to children.

LEG. LINDSAY:
So, therefore, you'd probably say most of it has been concentrated with the seniors.

MR. WIEBOLDT:
Yeah, or move-up buyers over 40 buying their final big house, you know. We're going to be glutted with four bedroom, five bedroom houses that we don't have a population for anymore.

LEG. LINDSAY:
The second question that I had goes back to Legislator Guldi's train of thought. This program really is something that the individual home-buyer would apply for with the Town. Really, how is the builder

involved in this process?

MR. WIEBOLDT:

Not at all, other than to tell the homeowner about it.

LEG. LINDSAY:

So how would the -- how would the builder know whether the homeowner is applying for a subsidy here or not?

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MR. WIEBOLDT:

Well, in effect, he doesn't apply for a subsidy, because he reaches a qualification, like he meets the sales prices under the SONYMAE guidelines, and the income of the buyer he knows from his mortgage applications. He's low enough, he would tell the buyer that you can get this, or you would, or some brochure you'd have in the hallway out here. But thing I think, and I didn't answer Mr. Guldi properly, does any builder charge \$250 more because of the STAR exemption? You know, it's not that kind of a thing where you're basically --

LEG. LINDSAY:

Well, my point is how would the builder even know that the potential buyer is applying for an exemption?

MR. WIEBOLDT:

They probably wouldn't.

LEG. LINDSAY:

Thank you.

MR. WIEBOLDT:

Thank you.

D.P.O. POSTAL:

Legislator Carpenter.

LEG. CARPENTER:

No. That was just -- it was just answered with Legislator Lindsay.

D.P.O. POSTAL:

Legislator Cooper?

LEG. COOPER:

Bob, I just wanted to get -- try to get a better idea as to what the average tax savings would be to the typical home-buyer. Is it about 200, \$300 a year?

MR. WIEBOLDT:

The tax savings in year one would --

LEG. COOPER:

For the County portion.

MR. WIEBOLDT:

In just the County portion?

LEG. COOPER:

Right.

MR. WIEBOLDT:

Very small, you know, in the hundreds of dollars. You're just a starting place here for this. But it should be that the County adopt it as the least cost, then we can take it down to the local governments, and ultimately, the school district is two-thirds of the amount.

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LEG. COOPER:

Right. Because my only concern is that if the school districts don't do the same thing, I don't think that \$200 savings is going to induce anyone to build a home or add onto their home that they would not have already have done, and, therefore, all it will lead to would be a drop-off in property tax revenues for the County. And if we're talking let's say \$300 times 500 homes, that's \$150,000. So if there's -- if it doesn't lead to any new construction, and if it just loses revenue for the County, what's the benefit?

MR. WIEBOLDT:

Well, I think if it was just a County program, none, but without the County I think stepping forward and adopting it, you don't have the precedent. I'd like to have Huntington adopt it and Brookhaven and all the other Towns. That moves it into at least the third or more of the tax burden, and, ultimately, we have to figure out a way the school districts will buy into it.

D.P.O. POSTAL:

Legislator -- I'm sorry. Legislator Cooper, are you finished?

LEG. COOPER:

Yes.

D.P.O. POSTAL:

Legislator Binder.

LEG. BINDER:

Just getting towards Legislator Guldi's question, isn't it true that

since there is a cap on the amount, it can't drive up the price too much, because it can only drive it up to the price where this is applicable? At that point, once you drive it over, then it's driven up, having nothing to do with this program.

MR. WIEBOLDT:
Right.

LEG. BINDER:
But if you drive it up over 250, it doesn't matter anymore, does it?

MR. WIEBOLDT:
Correct.

LEG. BINDER:
The other question, I was outside, but I had heard there was a question about preferences, local preferences, isn't it true that there's no cap on the number of people who can apply for this in Suffolk County? So wouldn't it be true that we would welcome people from California, Arizona, Westchester, or Nassau County to come here and apply for the program? If this would be helpful, we would want them here, because we want people at this particular income level in our economy.

MR. WIEBOLDT:
That's true, and they're all voters.

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LEG. BINDER:
Thanks.

D.P.O. POSTAL:
Thank you. The next speaker is Mitch Pally.

MR. PALLY:
I hope that means Bob answered all the questions, or whatever.

LEG. BINDER:
Can we get some cheap electric with this?

MR. PALLY:
Not here on that. We'll talk about that at some other time. Good afternoon. My name is Mitch Pally. I'm Vice President of the Long Island Association, and we want to also strongly endorse this legislation.

This legislation is a symbol. It's a signal to the young people in

Suffolk County and on Long Island that Suffolk County welcomes them, welcomes them to own a home here, welcomes them to get a job here, welcomes them to raise a family here. That is the segment of the population we are losing. We're losing our young people. Our employees see it, our employers see it, you see it in your communities. This is a signal to them that you welcome them back. I understand that it's not a lot of money, Jon, we understand that, but it is a signal. It's a signal from the State of New York and we hope it's a signal from Suffolk County, which we hope will be the first county in the nation to adopt and implement the program. And I had a conversation with Judy Jacobs today at lunch and she's hopeful that Nassau County will also get to the point of doing it shortly, because it's important to the people of Nassau and Suffolk County, for the people of Long Island, especially our young people, our young families, our college graduates, to show them that we care about them.

I have a feeling that if we built affordable housing -- Legislator Lindsay and I were having a conversation earlier. If we built affordable housing anyplace in Suffolk County, within -- if we built 50 units, within two miles of those units, you could fill it up with people who live in mom and dad's basement, because that's where the kids are living, because we do not provide them with a housing option first for them to be part of the Long Island community. All of us started in rental housing, all of us started in starter homes. Some of us have been lucky enough now to be able to build and buy a home that is more expensive than that. But this is a signal, a signal to the young people that we care about, that we care about them enough to say, "We're going to help you finance your home, not forever, but for a couple of years, so you can get started, so you can buy that home, so you could raise a family there, and for five years that's all we're going to do. After that, you're going to pay the full taxes like everybody else does, except for those other people who we subsidize with our real from the taxes," and there's a long list of people who all of us subsidize. And we're saying to these young people, "We think you're as important as they are. We think you're important to our economy, we think you're important to our community, we think

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you're important to Suffolk County, and here is a way we can help you do that, by allowing you, when you're going to buy your first home, to give you a little break in allowing you to make sure that you can finance that house." We made sure in the legislation.

The LIA has been working on this legislation for 11 years. It's been vetoed twice. Senator LaValle and former Assemblyman Harenberg were the original sponsors. Then, when Assemblyman Harenberg retired, Assemblyman Sweeney the bill took over, and they fought, and fought, and fought in Albany for the sake of being able to do this, because

they understood the necessity of doing this for the young people in Suffolk County. That's why this bill is so important. Not only is it a signal that Suffolk County cares, I think it's a signal that everybody cares that our young people can stay here. We all know young families, we all know, probably all of us have friends who have young children who are in college or just graduated college and they don't want to live on Long Island, not because the Island isn't a great place to live, but they cannot afford to do so. We're helping them afford to be able to carry the monthly charges to do that. That's why this piece of legislation is so important, and that's why we urge you to pass it as soon as possible.

I thank you very much, and I'll be happy --

D.P.O. POSTAL:

Thank you.

MR. PALLY:

-- to answer any question you didn't already ask Bob.

D.P.O. POSTAL:

Yes, there are some questions. Legislator Foley.

LEG. FOLEY:

Less a question, more just an observation. First, Mitch, thank you for your comments. And secondly, please extend to Mr. Crosson at least my thanks for his very perceptive comments on the State of the State address. Okay?

MR. PALLY:

I will do so.

D.P.O. POSTAL:

Thank you, Mitch.

MR. PALLY:

Thank you very much.

D.P.O. POSTAL:

I have no other cards on this public hearing. Is there anyone who would like to address the Legislature on this hearing? Hearing none, Legislator Binder?

LEG. BINDER:

Madam chair, I'd ask that we have members come back here. I think we need 12 to close and we only have 10 sitting here, if we want to vote

on this today.

D.P.O. POSTAL:

We only need 10 to close the hearing.

LEG. BINDER:

I just want to make sure with Counsel, if I can ask a parliamentary inquiry, the --

MR. SABATINO:

It's 10 votes to close, but if you want to discharge it today, you need --

LEG. BINDER:

To discharge it, it's 12 votes.

MR. SABATINO:

-- twelve votes to discharge on the same day.

LEG. BINDER:

Okay. Then I'd just make a motion to close.

D.P.O. POSTAL:

I'm sorry. I'll second --

LEG. BINDER:

I would just make a motion to close, then.

D.P.O. POSTAL:

Okay. All in favor? Any opposed? 1048 is closed. Public Hearing regarding Introductory Resolution Number 1054, a local law to amend the Suffolk County Code of Ethics. I have no card on this hearing. Is there anyone who would like to address the Legislature on this public hearing? Hearing no one --

LEG. ALDEN:

Motion to close.

D.P.O. POSTAL:

Motion to close, Legislator Alden, seconded by myself. All in favor? Any opposed? 1054 is closed.

Public Hearing regarding Introductory Resolution Number 1073, a local law to authorize Tobacco Securitization Program as a replacement for energy revenues. I have no cards. Is there anyone who would like to address the Legislature on this hearing?

LEG. ALDEN:

Motion to close.

D.P.O. POSTAL:

No, no, no. Hearing none, I have a motion from Legislator Alden, seconded by Legislator Lindsay, to set the date of a public hearing for Introductory Resolution Number 1073 for Thursday, February 7th, at 12 noon, because of invoking Rule 7(L), which requires a separate hearing for any measure which would have an impact of more than

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\$1 million. So --

LEG. BINDER:

Can I?

LEG. ALDEN:

Motion.

LEG. BINDER:

Madam chair, on that, can I just ask a question, since it's a new rule and I wanted to ask Counsel?

D.P.O. POSTAL:

Can I just --

P.O. TONNA:

Let her finish.

D.P.O. POSTAL:

Is that going to be --

P.O. TONNA:

She's just reading it. Let her finish and then --

D.P.O. POSTAL:

Is that going to be here?

MS. BURKHARDT:

Yes.

D.P.O. POSTAL:

Okay. That would be in the William Rogers Building. Okay. Go ahead.

LEG. BINDER:

Counsel, on the new rule, is it a question of a tax impact, a revenue impact, or any impact over a million dollars? I'm not exactly sure what that million represents?

MR. SABATINO:

Revenue.

P.O. TONNA:
Revenue.

MR. SABATINO:
Revenue.

P.O. TONNA:
It's -- in other words, it's --

MR. SABATINO:
It's revenue. The word "revenue" is used. The instructions for that change?

LEG. BINDER:
But this wouldn't -- this bill wouldn't bring in revenue of over a
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million dollars by doing it. In other words, it -- or are you saying it would, because it might bring in a securitization, which would bring in the revenue that way, even though it's not a tax?

LEG. CRECCA:
Well, it would bring in --

LEG. BINDER:
So it would be any kind of revenue.

MR. SABATINO:
The rule is not about taxes, the rule says revenue. So, for example, if you wanted to impose a fee, which is not a tax --

LEG. BINDER:
Okay.

MR. SABATINO:
-- that would be more than a million dollars. This is a revenue of more than a million dollars, because it's the securitization.

LEG. BINDER:
The last question on that. This doesn't say how much securitization. Let's say we decided to securitize under -- all this does is create the mechanism to do securitization?

MR. SABATINO:
No. It says up to --

LEG. BINDER:

Well, could be up to the full.

MR. SABATINO:

Right.

LEG. BINDER:

But this wouldn't actually do it, it would be another piece of legislation that would be the legislation that would -- that would create the revenue. This would only creates the mechanism to do the revenue, so that's -- I just -- and that's my concern on -- maybe I'm splitting hairs, but this is a -- that's kind of a difference.

MR. SABATINO:

Without this law, you can't -- I know what you're saying. In effect, you're going to have two hearings, because you're going to have --

LEG. BINDER:

Right.

MR. SABATINO:

-- a hearing on this.

LEG. BINDER:

And then the one that actually does it.

MR. SABATINO:

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Because this is the necessary prerequisite to get to the point of generating the revenue and then when --

P.O. TONNA:

Look.

LEG. BINDER:

Okay.

P.O. TONNA:

The spirit of the law --

LEG. BINDER:

I understand.

P.O. TONNA:

I mean, in general, the spirit of the law is one that whenever we're looking at a revenue producing item, we want the public to hear about it and we want at least 24 hours.

LEG. BINDER:

That's fine.

P.O. TONNA:

And I think that's -- in general, I think, you know, it's a good thing.

LEG. BINDER:

That's fine.

P.O. TONNA:

Okay. We need to set two more public hearings, for February 11th --

LEG. FIELDS:

What is the date of that hearing?

LEG. BINDER:

First, you have to make a vote on the last one.

P.O. TONNA:

Oh.

D.P.O. POSTAL:

February 7th.

P.O. TONNA:

Oh, we didn't have a vote on this?

LEG. ALDEN:

You have a motion and second to close.

P.O. TONNA:

Motion and second. All in favor? Opposed? Okay, great. Thank you.

LEG. ALDEN:

What was that date again?

P.O. TONNA:

Henry?

D.P.O. POSTAL:

February 7th.

MR. BARTON:

February 7, yes, it's set.

P.O. TONNA:

Okay, great. The next one is to set February 11th, 2002, at 2:30, the William Rogers Legislature Building, public hearing for Introductory Resolution Number 1085 and 1090. Motion by myself, seconded by Legislator Postal. All in favor? Opposed? Great.

LEG. BINDER:

Mr. Chairman.

P.O. TONNA:

Okay. I have -- and this is it, right, then we're done?

LEG. BINDER:

Mr. Chairman.

D.P.O. POSTAL:

Public portion.

P.O. TONNA:

Okay, I have three.

LEG. BINDER:

Mr. Chairman.

P.O. TONNA:

Okay. Excuse me?

LEG. BINDER:

I just want to make sure I can make a motion to discharge 1048, law implementing first time home-buyer tax exemption.

P.O. TONNA:

Okay. Wait. There's just -- welcome back to, Dave. It's nice to see you. I have --

LEG. BINDER:

I wondered if we can do that before -- if we can just discharge it before anyone speaks.

P.O. TONNA:

Any reason for this -- Dave, euphoria? Is there any -- just anything about -- just a euphoric mood.

LEG. BISHOP:

Spring, spring fever.

P.O. TONNA:
Spring fever. I don't blame you.

D.P.O. POSTAL:
He and your Doberman feel frolicsome.

P.O. TONNA:
Yeah, both my Doberman and Dave feel -- they're both pit bulls, really, when it comes right down to it. Okay. I have three people who have made a request to speak. The public portion is over. I mean, the public hearings are over. The public portion is over, it's closed, but I would just -- I know there are some people who have come pretty far. I have a Cesar Malaga. Where are you, Cesar? Okay. Hold it one second. I have Estefana Olivares. Okay. Hold it one second. And a Peter Iannone. Iannone?

LEG. BISHOP:
He's in the back.

P.O. TONNA:
Okay. I would just ask Legal Counsel, how do I deal with this. I mean, I'm sure all Legislators here would like to listen to these people. I don't want to break a rule, I don't want to start a new precedent. What would I need to do?

LEG. CARACCIOLO:
You don't want to do that.

P.O. TONNA:
What? I know that. Of course, I don't want to start new precedents, you know that. How do I do this today? And if not, how do I apologize to them and ask them to come at a time when, you know, we can actually do this?

MR. SABATINO:
Well, there's no problem, because it's not yet 6 p.m., so it's not until 6 p.m. that, you know, you cut off the public portion, so they're eligible to speak, as long as we don't go to six.

P.O. TONNA:
Okay.

LEG. BINDER:
Public portion has started after we've done public hearings.

P.O. TONNA:
Okay, great. So --

LEG. BINDER:

After we've done public hearings.

P.O. TONNA:
All right.

LEG. TOWLE:
Mr. Chairman.

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LEG. BINDER:
We've continued.

P.O. TONNA:
So, when all is said and done --

LEG. TOWLE:
Mr. Chairman.

P.O. TONNA:
Yes. Hold it.

LEG. TOWLE:
Just before you do that.

P.O. TONNA:
I have three speakers.

LEG. TOWLE:
Yeah, that's fine. I just wanted to -- we approved 1012, which is my resolution. I want to recall that resolution and just table it, if I could. All right? So I want to make a motion --

P.O. TONNA:
You're killing me, Fred.

LEG. TOWLE:
Sorry. I make a motion to reconsider 1012.

P.O. TONNA:
Okay. There's a motion by Fred Towle to -- you know what, if we don't mind -- okay. There's a motion by Fred Towle to reconsider --

LEG. TOWLE:
1012.

P.O. TONNA:
-- 1012, seconded by myself. All in favor? Opposed? Now it's in front of us again.

LEG. TOWLE:
Motion to table.

P.O. TONNA:
Motion to table, second by myself.

LEG. TOWLE:
It's a 215.

P.O. TONNA:
All in favor? Opposed? Tabled. Okay. I'm going to ask Legislator
Postal --

MR. BARTON:
17, 1 not present. (Not Present: Leg. Guldi)
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P.O. TONNA:
We have our first speaker for the afternoon, Cesar. And then after
those three speakers, we're going to entertain Legislator Binder's
discharge petition or motion, and then we're going home.

LEG. FISHER:
Mr. Chairman, I'd like to --

D.P.O. POSTAL:
Legislator Fisher.

LEG. FISHER:
I'd like to be put on the prevailing side on the votes on the public
hearings that I missed while I was out.

LEG. BISHOP:
Me, too.

P.O. TONNA:
Guys, fine. That's why he's the Clerk.

LEG. BISHOP:
That's why he's the Clerk.

D.P.O. POSTAL:
All right. Mr. Malaga, you have three minutes. Go right ahead.

MR. MALAGA:
My name is Cesar Malaga. I'm a member of the Long Island Railroad
Commuters Council. I'm also representing the Hispanic/American

Association here in Suffolk County. My job with the Long Island Railroad Commuters Council is to make sure that we do everything possible for the residents of Suffolk County to get good transportation with affordable ways, work with everyone we can to get the monies necessary to -- you know, to get the funds necessary, so the fare will not increase.

All of have -- you have passed in November the resolution to increase the fare. I don't think many of you, you know, have done the homework, your homework to make sure that we do not increase the fare. Last year, Suffolk County had a problem with the buses. They were going to decrease the bus service, they were going to eliminate some routes, and what they did, the State come up with the money, so they can have -- they will not increase the fares, neither will decrease the bus service, so they continue with the bus service. Here in Suffolk County, you know, you're planning to increase the bus service -- the bus fare from \$1.50 to \$1.75. I know last year, when you guys -- when the Legislators, you know, when they -- when the Police Department went into the binding arbitration, we had the highest paid police force in the whole entire world, while, you know, the crime is not that much here in Suffolk County. And we are not going to have here in Suffolk County the highest paid bus fare in the State of York.

Now, I had spoken with Senator Trunzo's Office, that he's trying to

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get the money for the bus, you know, to eliminate this fare increase. Now, I have also spoken with the County Legislator's Office. Now what they told me at the County Legislator's Office is that if he does not have the money in his hand, he's going to increase the fare by February 11th. I am asking you, since you have made the resolution back in November to increase the fare, to rescind that increase . Let's keep the fare to a \$1.50 until such time Senator Trunzo comes up with the money. He's working very hard to get the money and we cannot have, you know, Suffolk County Legislature saying, "I want the money now." It doesn't come that way. When you, any of you, when you go to the store to buy something, you don't say, "Look, you know, I have to have the money in my hands before I buy this," all of you use your credit cards to buy something, and when you get the bill, you pay that month, you know, little by little sometimes, or sometimes you can't pay the whole amount once you get the bill. We're having the same situation here. Senator Trunzo is coming, he's working very hard to come up with the funds necessary.

And I don't see here Suffolk County that asking only for \$200,000, I think that's the shortfall of the, you know, budget. I think it should be asking for more than 200,000, because we need bus service on

Sundays. Many of our senior citizens and many of the minorities people who do not have cars, they want bus service on Sundays, and we should be getting improving transportation right on decreased service.

Please rescind your resolution. Let's keep the fare \$1.50 and not -- let's not increase the fare, and let's wait for Senator Trunzo to come up with the money, that he's going to come up with the money, I know that. Thank you.

D.P.O. POSTAL:

Thank you. Legislator Foley has a question, Mr. Malaga.

LEG. FOLEY:

Mr. Malaga, thank you for coming down here today and giving us your comments. Transportation is something that's very important to this Legislature. And just to set the record straight, and through the Chair, in this latest budget, it was this Legislature, it was this Legislature in a bipartisan basis that restored over \$2 million worth of cuts that were in the proposed County Executive budget. If we had not restored \$2 million in this year's budget, there would have been cuts, lines, bus lines would have been eliminated this year. So it wasn't last year, it was this year that this Legislature in a bipartisan fashion put over \$2 million of monies back into mass transportation that was not in the proposed budget. So it was this body that did that, number one.

Number two, I'd be happy to say on the record, and many others would as well, is that we'd be willing to rescind this tax if and when the State lives up to its responsibilities. Why do I say it in that particular way? Last year, this County was promised a \$10 million appropriation of STOA funds, which is State Transportation Operating Aid, \$10 million; 7.3 base funding, and about another \$3 million in addition to that. The State didn't come up with the full 10 million, they came up with slightly less than 7.3 million. So over \$3 million that was promised to this County the State did not come through with.

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So with that as our immediate past track record, if you will, of the State, when they tell us now that they're going to come forward with the money so we don't have to increase, you know, the bus rate, well, last year they didn't come up with \$3 million. What we're saying now is come up with the money to make sure that you live up to your promise that you made to us even last year, and now they're making us new promises that they'll come up with monies to rescind, in effect, so we can rescind this increase. But as the Division of Transportation Director Shinnick has mentioned, you know, we were burned last year by the State, we don't want to be burned this year. And the fact of the matter is, because we had deficits also going into

this year, we first want to make sure that the State lives up to its promises by bringing us the money, then we can revisit this and rescind this, because all of us around this horseshoe over the last several years have really been sensitized to the issue of mass transit needs, both North Shore, South Shore and the central parts of the Town.

And, again, it was this Legislature, not only restored the \$2 million, through the Chair, but what we also had done, and it was our initiative, where we had extended bus routes, where we extended hours, where for the first time there's a new bus route in the Township of Brookhaven, for instance. So there's a number of things that we have done in this Legislature to try to help mass transit. So we're the first to want to reduce the fares. And I think, and the Chair, correct me if I'm wrong, rather, Counsel, is it not the Division Director of Transportation is the one that actually increases or decreases the fares? What -- how does the County Charter work in that particular fashion? Because it's my understanding that regardless of what we do, it's really the Transit Director that has the final say in this particular matter of, rates, increases or decreases.

MR. SABATINO:

The public hearing that he held is a necessary prerequisite, as well as his final determination after that hearing has concluded.

LEG. FOLEY:

His final determination, correct. Okay. So it's a long rambling point I'm making, but the primary point is this, two points. We have restored \$2 million in buses this past year that otherwise would have resulted in cuts. Many of us are ready, willing and able to direct the Director to rescind that, but we want the State this time to live up to its responsibilities, which they didn't do last year. Okay? Thank you.

MR. MALAGA:

Legislator Foley, I work -- you know, like many of you heard about the East Side Access. All right? It's not only the State money that we should -- we'd be looking from the State to get the money, we had the federal also that we should be looking to get the federal grants. Now, here in Suffolk, what we're trying to do, as a matter of fact, throughout, you know, Nassau and Suffolk, we're trying to get people to use mass transit. I am trying to get, you know, more trains out east, because, you know, people need transportation.

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But when you talk about Legislators, I had sent letters to all the Town Supervisors out east and also to our County Executive to make

sure that all of you are aware to push the MTA, Long Island Railroad, to provide more Long Island Railroad service out east, but not too many of you are helping me to get more railroad service. So the things that we have to look also are federal grants to get federal money to subsidize our mass transit here in Suffolk County.

D.P.O. POSTAL:

Mr. Malaga, there's another question from Legislator Alden.

LEG. ALDEN:

Just so, you know, we don't leave this, you know, in limbo or anything like that, I believe that Senator Trunzo is doing a very good job in trying to get us these grants, but I think things get tied up in the Assembly, and sometimes they'll come down. So I just want to make sure that we have the record clear on that.

MR. MALAGA:

Mr. Sweeney is working on that, too. He's working on mass transit, so he's working.

LEG. FOLEY:

Very good.

D.P.O. POSTAL:

Mr. Malaga, thank you. I think that comment is best left alone. And we thank you very much. Our next speaker --

LEG. CRECCA:

Thank you for coming down.

D.P.O. POSTAL:

-- is Estefana Olivares.

MS. OLIVARES:

Good afternoon.

LEG. FOLEY:

Good afternoon.

MS. OIVARES:

My name is Estefana Olivares. I am a citizen and living in West Islip. My transportation is by bus.

D.P.O. POSTAL:

Can you step closer to the microphone?

MS. OIVARES:

Okay. My transportation is by bus. I have low income. Raising the fare will make it very difficult for me and for many other seniors. I'm asking you not to raise the fares. Thank you for hearing me.

LEG. HALEY:

Thank you.

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D.P.O. POSTAL:

Thank you very much.

LEG. CARPENTER:

Thank you.

D.P.O. POSTAL:

Our next speaker is Peter Iannone.

MR. IANNONE:

Mr. Tonna, Presiding Officer, Members of the Legislature, Ladies and Gentlemen, my name -- can you hear me?

P.O. TONNA:

Yes, we can, Peter.

MR. IANNONE:

My name is Peter Iannone, I live in Commack, and I come here for your help, either as a group singularly, or as a body. What you should all know that in Suffolk County, particularly Commack, segregation and discrimination is alive and well. It's been alive and well, segregation, for 18 years. And, apparently, this has been in the papers. There have been many articles about it. You speak before the Town Board, which I have, lawyers on the Board have said that it violates the First Amendment, freedom of speech, but actually of the written word, books. Also of equal protection under the law, the Fourteenth Amendment. What I'm asking for you today is find a way, because the waiver is in the hands of Dr. Mills, the Commissioner of Education, ready to be renewed for the third year. And if this takes place, it means 115,000 people in the entire Smithtown Township have been alienated, have been segregated. They cannot walk into the Commack Public Library and take a book or anything out, as well as 80% of the school children in Commack, of the Smithtown Township cannot go into that library and take a book out.

And what I'm pleading here for you today is to do just a simple letter, tonight or tomorrow, to the Commissioner and explain that it is -- with your legal minds, it's against the First Amendment, it's against of the Fourteenth. It's segregation at its best and we've been living with it for 18 years.

There was a court case in New Jersey in Morristown where a homeless man was deprived, and the case was Kramer versus Morristown, deprived

of his privileges of going into the library, and it was found out after the case that he won, that he had the right under the Amendments that I've been speaking of, the First and the Fourteenth. There was another case, Brown versus United States, and the Judge said a state may regulate the use of their libraries, but it must do so in a reasonable and nondiscriminatory manner, equally acceptable to all, and administered with equality to all. It may not do so as to some and not as to all.

P.O. TONNA:
Sir.

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MR. IANNONE:
Okay. In --

P.O. TONNA:
Your three minutes are up. I would ask, if you have one more sentence --

MR. IANNONE:
In closing, they for 18 years, it's our a Commissioner's regulation, 90.3, they've been violating it, meaning that you can go into any library in Suffolk County, but the Commack Library is getting away with it for 18 years.

P.O. TONNA:
Thank you.

MR. IANNONE:
Please, help.

P.O. TONNA:
Sir, could I ask you just quickly, who is your Legislator?

LEG. CRECCA:
Me.

P.O. TONNA:
Legislator Crecca?

LEG. CRECCA:
Yeah.

P.O. TONNA:
I would --

MS. IANNONE:

Crecca and Nowick.

LEG. CRECCA:

No. Mr. Iannone and I have met before on this issue.

P.O. TONNA:

Okay.

LEG. CRECCA:

And I just have one question for him.

P.O. TONNA:

Sure.

LEG. CRECCA:

Is there any other library in --

MR. IANNONE:

Commack Public Library, Huntington Township is the only library in the entire nation, New York State, and Suffolk County allowed to get away with this for 18 years.

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P.O. TONNA:

Okay. So --

LEG. TOWLE:

Mr. Chairman.

LEG. CRECCA:

Stick around, I'm going to have one of my Aides --

P.O. TONNA:

Yeah.

LEG. CRECCA:

-- speak with you again after --

P.O. TONNA:

Yeah. I'm sure we could put --

LEG. TOWLE:

Mr. Chairman.

P.O. TONNA:

-- some type of memorializing resolution or something.

LEG. TOWLE:

Could we do a procedural motion directing Legislator Crecca to go over there and resolve this problem or --

P.O. TONNA:

Yeah. Okay. Sir, Peter, thank you very much for bringing this to our attention. And as you are aware, more than probably most, this is not an issue that we have de facto power, but on the other hand, I'm sure that we could unify our voices to say to the State of New York and the Department of Education that something has to be done.

MR. IANNONE:

That would be tremendous.

P.O. TONNA:

Thank you so very much, sir.

MR. IANNONE:

Thank you.

P.O. TONNA:

Thank you. Okay. All right. Legislator Binder, you have a motion and then we're --

LEG. BINDER:

Mr. Chairman, I would like to make a motion to discharge from committee and waive the rule, the one-hour rule on Intro Resolution 1048, a local law implementing first time homeowner County property tax exemption.

P.O. TONNA:

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Allan --

D.P.O. POSTAL:

Second.

P.O. TONNA:

Okay. And there's a second. Just on the motion. Just in general, and I feel that it this -- we don't have to necessarily act on this legislation from a time standpoint until March 14th; am I correct?

LEG. BINDER:

No. Actually, March 1st is the first deadline, so you can actually apply for this, but you have to apply, as actually Legislator Alden knows, the tax deadline is March 1st. So we also have to get this to the County Executive, he has to hold a hearing, he has -- so he has to go through his --

P.O. TONNA:

Well, we have February 12th is our meeting, right?

LEG. BINDER:

Right.

P.O. TONNA:

Eleventh?

LEG. BINDER:

But we have to give the County Executive enough time to move forward, because he has to set a hearing on this.

P.O. TONNA:

The County Exec's people, who I know are very out to, you know, cooperate with this, I just -- can someone come on up? Somebody, I know somebody sitting in that audience is a representative of the County Executive's.

LEG. FOLEY:

Come on, Todd.

P.O. TONNA:

Come on, Todd, come on up.

LEG. FISHER:

Come on down.

P.O. TONNA:

All right. Todd, this is how it works.

MR. JOHNSON:

What is your question?

P.O. TONNA:

The question -- the question is -- Todd, he's already loaded the bear. Todd, Legislator Binder has a resolution that he would like to discharge, waive the rules, do all of this type of stuff, you know, so that we can vote on it now to get it to you. What I'm asking is,

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because I still that things need to go through their committees when it is not absolutely time sensitive -- by the way, which committee would this be put in, Finance?

MS. BURKHARDT:

Finance.

P.O. TONNA:
Finance or Ways and Means?

MS. BURKHARDT:
Assigned to Finance.

P.O. TONNA:
Assigned to finance.

LEG. BINDER:
It's in Finance.

LEG. TOWLE:
Human Resources.

P.O. TONNA:
From February 12th --

LEG. HALEY:
Now that's an oxymoron.

P.O. TONNA:
February 11th is our next Legislative meeting. Would the County Executive have enough time between February 11th and March 1st to hold a public hearing and do all of the due diligence that's needed, sign a bill, and send it over to Albany?

LEG. BINDER:
Well, there's one other thing. The question is, and I'm not sure what mechanisms need to be put in place between the time that it's signed by the County Executive and we can start accepting applications at Assessor's offices. That's -- and there's a number of things that have to happen if we want to make sure that they can accept, and actually --

P.O. TONNA:
I'll recognize --

LEG. BINDER:
-- Legislator Nowick probably knows it, anyway.

P.O. TONNA:
I'll let Lynne Nowick to comment on this.

LEG. BINDER:
Nowack, Nowick.

LEG. CRECCA:
Nowick.

P.O. TONNA:

Nowick. Nowick, like, you know, here's a candle, but there's no wick. There you go, that's how I'm remembering it.

LEG. NOWICK:

Allan, there's no way, and my belief is there's no way. Even if you did it today, I bet that the local Assessor's never going to get that on the books, never going to get it from the data processing. But if you know better, you really think that they'll --

LEG. BINDER:

Well, my understanding is that the forms have already been created, so they're going to be able to get it to the local Assessors. So the quicker that the County Executive gets it to them, the quicker they're going to be able to take the application.

LEG. NOWICK:

Does your local Assessor in your Town tell you that if you got this done, if you got it passed within the next month and a half, that he could get this on the Town tax rolls for next December?

LEG. BINDER:

She and --

LEG. NOWICK:

She.

LEG. BINDER:

No, I haven't asked whether that could happen, but --

LEG. NOWICK:

Who's your Assessor.

LEG. BINDER:

That would be Ester Bivona.

LEG. NOWICK:

No, she's your Tax Receiver.

LEG. BINDER:

Oh, I'm sorry.

LEG. NOWICK:

Your Assessor is the one that has to --

LEG. BINDER:

Oh, Brian Monaghan. I'm sorry.

LEG. NOWICK:
Because, hey --

LEG. BINDER:
Brian -- well, I know that --

LEG. NOWICK:

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-- I mean, I'm working with them, they never do it.

LEG. BINDER:
-- Huntington is moving -- Huntington -- let me -- yeah, I got a letter --

LEG. NOWICK:
I don't see it. If you got promise from them, you're lucky.

LEG. BINDER:
I've got a letter from -- from Brian Monaghan, from the Assessor in Huntington.

P.O. TONNA:
Wait. Legislator Nowick has the floor, answering --

LEG. BINDER:
I'm trying to answer.

P.O. TONNA:
And then Legislator Postal.

LEG. BINDER:
From the Town of Huntington, from Brian Monaghan, the Town Assessor. They're moving so they can do it themselves. They're trying to put it -- Huntington is trying to move fast enough so they can do it, so they can have the County and they'll be able to do the Town. So they're moving forward for themselves, so they can meet the March 1st deadline. They're already saying they can.

LEG. NOWICK:
Is that for their portion or for the County portion?

LEG. BINDER:
Well, they can do either portion. Once they do -- once they put into effect their portion, they can be able to do ours also.

LEG. NOWICK:

You know what, maybe I'm misunderstanding you. Just let me backup. Your Tax Assessor in Smithtown -- Huntington has already passed it for his --

LEG. BINDER:

No, they haven't -- Huntington has not passed it, but they're moving to pass it, so that they can meet the March 1st deadline. They're explaining the deadline is March 1st. In order to be applicable for the first time of the year of eligibility, December of '02 to November '03 property tax bills. So what they're saying is they're going to be able to do it, and not only for us, they'll be able to do it for them, but the key is getting this done quickly.

LEG. NOWICK:

Yeah. It's not that I'm opposed to it.

LEG. BINDER:

Yeah.

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LEG. NOWICK:

I'm just thinking more --

LEG. BINDER:

They haven't done it yet.

LEG. NOWICK:

-- in reality, that I don't know that you're going to get a commitment from every one of them.

LEG. BINDER:

Well, Huntington thinks they can and I'm hoping that we can move forward with it. I don't know if everyone can. I'm hoping that --

LEG. NOWICK:

Right. And just quickly as an aside, is this on the portion of just the County general tax, it's not on the County Police or the County District Court?

LEG. BINDER:

It would be on -- my understanding, it would be on the whole County tax, everything, all parts of the County tax. It would include the Police.

LEG. NOWICK:

That would be on the County Police as well?

LEG. BINDER:

Right. It would include all parts of County tax.

LEG. NOWICK:

And the County District Court.

LEG. BINDER:

All property taxes levied by the County.

P.O. TONNA:

Okay. Now that I'm thoroughly confused, Legislator Postal.

D.P.O. POSTAL:

Yes. I would like to address Legislator Nowick's question about whether, if we pass this, it could actually be implemented with regard to people's assessment for December for their tax bills.

LEG. NOWICK:

I don't see it.

D.P.O. POSTAL:

It's my understanding that Grievance Day, Tax Grievance day, which is in May, affects the assessment rolls for December's new tax year. So based on that assumption, that if I file a grievance and I'm successful with my tax grievance, and that is going to affect my assessment for December, the new December tax year, that the same thing would happen with this program.

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Furthermore, I think that what Mr. Wieboldt said is really important. Everyone though we only have jurisdiction over the County portion of the tax bill, by taking this action, I think we set a standard. We've done this with senior citizen exemptions over the years when we raised the ceiling for income. By acting on this and approving it, I think we set the stage for Towns to grant -- to buy into the program, for school districts to buy into the program. And if the deadline is coming up very shortly, then we really have to move quickly on this. We don't have the time to wait. I would also suggest that if we wait until February 11th, there is that Presidents week, there are two holidays with regard to the County Executive and his ability to schedule a public hearing on this. You've got Lincoln's Birthday, Washington's Birthday. But more importantly, I think we really preclude the ability of the other taxing jurisdictions to opt in in time to have an impact for the new tax year.

P.O. TONNA:

Okay. Just one glitch. I haven't had time really to read this bill and review it the way that I think a bill needs the scrutiny. But

more importantly, I understand there is no fiscal impact statement, because the State has not given us that yet? And, you know, this is something that needs the scrutiny and would normally go through a committee process and everything else. I mean, you know, we laid it on the table last time so that we could make sure there was a public hearing, so that we made sure that it would go by February 12th. There is not a Legislator that I know who has spoken about this bill, both publicly and privately, who is against it, but I think that there is a general consensus among some Legislators that say, you know, "Give us time to read the bill, give us time to, you know, let it go through the committee process. I just don't like the idea of rushing something through when, you know, by the 11th, yeah, the County Executive's going to have to move on it. But guess what, the County Executive's going to have to move on it, that's all.

LEG. BINDER:

Well, It's not just the County Executive.

P.O. TONNA:

You know, let me just -- Fred do we have a fiscal impact statement?

MR. POLLERT:

No, but we can speak to the fiscal impact statement. We had requested information from the State of New York approximately ten days ago. Robert just got off the phone with one of the individuals up there and they have not yet provided us with the information which we have requested. They were supposed to be sending it to us by E-mail, but they have not yet done so. We had prepared what an analysis would look like if there were 200 homes or if there were 500 homes, but we're not sure what the exact number of homes will be, because we have not gotten that data from the State of New York. So I could tell you, if it's 200 homes, what the impact would be, and if it's 500 homes, what the impact is going to be, but I can't tell you the exact number of homes that may be impacted. Robert has been working on the fiscal impact statement and he can go through it in detail, if you'd like.

P.O. TONNA:

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I don't want to go through the details right now. Just we're doing the merits of whether this thing should be discharged, waive the rules on the One-Hour Rule, waive this, waive that. I just -- you know, my sense is -- I mean, do I have --

LEG. BINDER:

Mr. Chairman.

P.O. TONNA:

By the way, how many Legislators do I have here? Okay. Legislator Binder, have you -- do you have ten? Did you get 10 people and say, or 12 people and say, "We're going to discharge this"? You got 12 people?

LEG. BINDER:

I'm seeing if we have the votes to discharge it.

LEG. FOLEY:

You have to wait an hour.

P.O. TONNA:

All right.

LEG. BINDER:

No.

P.O. TONNA:

Let's make the motion.

LEG. BINDER:

It's also to waive the One-Hour Rule.

P.O. TONNA:

Can we not debate this any more? I think everyone feels pretty strongly one way or the other. I don't think anybody has indicated that they're not for the bill.

LEG. BINDER:

No. Let me just -- the point --

P.O. TONNA:

One more thing and then I'm going to ask for a vote.

LEG. BINDER:

A point about the fiscal -- of a fiscal impact, it's based on potential revenue. We don't know how many are going to be built. As they said, it's not -- it's for new construction. We're not talking about taking current construction and cutting taxes, so we're not losing the revenue stream, and that's important. And the second is I would hope you can all keep in mind that the March 1st deadline is coming. I think there are a number of people who could apply who will not be able to apply if we push it to February 11th. Those two weeks I think are going to be critical.

P.O. TONNA:

Well, it's too bad we didn't -- I mean, it's too bad we didn't have

this bill last year.

LEG. BINDER:

This is as quick as I could do it.

P.O. TONNA:

I know.

LEG. BINDER:

This is literally -- right. But this is -- once it passed with LaValle, I asked for it to be written. It was put in at Organizational Meeting.

P.O. TONNA:

And we waived the rules. I mean, we waived the rules and we laid it

--

LEG. BINDER:

No. I put it in the Organizational Meeting.

P.O. TONNA:

We laid it on the table that day. I mean, we've done everything we can, too.

LEG. BINDER:

Organizational Meeting, it's first -- it was the first meeting to be laid on the table. It was put on the very first opportunity.

P.O. TONNA:

I just --

LEG. BINDER:

I couldn't do it any faster.

P.O. TONNA:

All right. Let's call the vote. We know the issues that are in front of us, I think.

LEG. BISHOP:

Tabling at this time?

P.O. TONNA:

No. This is a -- this is a motion to approve.

LEG. BINDER:

No, no, no. This is to discharge --

P.O. TONNA:

Okay. Discharge, waive the rules.

LEG. BINDER:
And waive the One-Hour Rule.

P.O. TONNA:
Okay. Discharge --

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LEG. BISHOP:
Requires ten votes?

P.O. TONNA:
No, 12.

LEG. BINDER:
Twelve votes.

P.O. TONNA:
Okay. Let's roll call.

(Roll Called by Mr. Barton)

LEG. BINDER:
Yes.

D.P.O. POSTAL:
Yes.

P.O. TONNA:
To discharge it.

LEG. CARACCIOLO:
Yes.

LEG. GULDI:
(Not Present)

LEG. TOWLE:
(Not Present)

P.O. TONNA:
Get Legislator Towle in here.

LEG. CARACAPPA:
Pass.

LEG. FISHER:
Yes.

LEG. HALEY:

Yes.

LEG. FOLEY:

Yes.

LEG. LINDSAY:

No.

LEG. FIELDS:

No.

LEG. ALDEN:

Pass.

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LEG. CARPENTER:

Pass.

LEG. CRECCA:

(Not Present)

P.O. TONNA:

Get Legislator Crecca in here. He's got to show up for one vote.

LEG. NOWICK:

Can I just make --

LEG. BISHOP:

No, you can't.

P.O. TONNA:

No, you can't.

LEG. NOWICK:

I don't understand what I'm voting on.

P.O. TONNA:

It's to discharge it, to take it out -- to take it out of and discharge from committee, and actually be able to vote on it today.

LEG. NOWICK:

I don't to do that.

P.O. TONNA:

Okay, so no.

LEG. BISHOP:
No.

LEG. COOPER:
I'll pass.

LEG. TONNA:
No.

LEG. GULDI:
(Not Present)

LEG. TOWLE:
Pass.

MR. BARTON:
You already have.

LEG. TOWLE:
Yes.

LEG. FOLEY:
Teamwork.

LEG. CARACAPPA:

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Yes.

LEG. ALDEN:
Yeah.

LEG. CARPENTER:
Abstain.

LEG. CRECCA:
This is to what, discharge?

P.O. TONNA:
Discharge.

LEG. CRECCA:
Yes.

P.O. TONNA:
You have an option, yes, no or abstain.

LEG. CRECCA:

Yes.

P.O. TONNA:
There's three options.

LEG. COOPER:
Yes.

MR. BARTON:
11.

P.O. TONNA:
Okay. So it goes to committee, and let's go from there. And then I would ask Legislator Binder, in deference to the hard work that you've done and everything else, Brenda, I would ask that the County Executive could anticipate that this bill is going to pass next meeting, if it gets -- I mean, after the due diligence in the committee and everything else, so why don't you start getting the mechanism ready to have you're public hearing and everything else, okay?

MS. ROSENBERG:
We were ready to do it this time --

P.O. TONNA:
There you go.

MS. ROSENBERG:
-- so we're ready also.

P.O. TONNA:
There you go. Allan, there you go, they're on it. They're hot on the trail.

LEG. BINDER:

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I know, I understand.

P.O. TONNA:
I know. All right. Thank you very much. Have a good day.

LEG. BISHOP:
Motion to adjourn.

P.O. TONNA:
Motion to -- just I adjourn.

[THE MEETING WAS ADJOURNED AT 4:55 P.M.]

{ } Denotes Spelled Phonetically.