

**SUFFOLK COUNTY LEGISLATURE
GENERAL MEETING
EIGHTH DAY
MAY 21, 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 AND ALISON MAHONEY, COURT REPORTERS

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[THE MEETING WAS CALLED TO ORDER AT 9:05 A.M.]

P.O. TONNA:
Henry, roll call.

{ ROLL CALLED BY MR. BARTON }

LEG. CARACCIOLO:
Here.

LEG. GULDI:
(Not present).

LEG. TOWLE:
(Not present).

LEG. CARACAPPA:
(Not present).

LEG. FISHER:
(Not present).

LEG. HALEY:
(Not present).

LEG. FOLEY:
(Not present).

LEG. LINDSAY:
Here.

LEG. FIELDS:
Here.

LEG. ALDEN:
Here.

LEG. CARPENTER:
Here.

LEG. CRECCA:
Here.

LEG. HALEY:
I was here.

LEG. NOWICK:
Here.

LEG. BISHOP:
(Not present).

LEG. BINDER:
(Not present).

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LEG. COOPER:
Here.

LEG. POSTAL:
Here.

P.O. TONNA:
Here.

LEG. FOLEY:
Henry.

P.O. TONNA:
Here, I'm somewhere.

MR. BARTON:
11 Legislators present.

P.O. TONNA:
Great. Thank you, Henry. We're going to all rise for a salute to the flag, led by our Clerk of the Legislature, Henry Barton.

(SALUTATION)

P.O. TONNA:
Please be seated. You guys keep standing, everybody else -- no everyone stand, I'm sorry. I'd like to introduce Legislator Cooper for the purposes of our clergy introduction today.

LEG. COOPER:
Thank you, good morning. It's my great pleasure to introduce the Reverend Peter Sandborne, who has been pastor for the past nine years of the Huntington Baptist Church, which was founded in 1868. Reverend Sandborne is a graduate of Northeastern University and Gordon Conwell Seminary. He's been active in clergy events, extremely active in affordable housing issues in the Town of Huntington and has also worked very hard on economic development issues with the Huntington Chamber of Commerce. Reverend Sandborne.

REVEREND SANDBORNE:
On this week that we who worship in Christ celebrate Pentecost, it occurred to me as I read the paper this week that -- and saw the cost of transporting people to and from emergency housing, how much we need wisdom. And shall we pray as we -- as we seek the wisdom and touch of the Lord. Father, as we come together this morning, we pray that by your spirit you would help these Legislators and all who they represent. Would you give them strength of character to make all the decisions necessary. Would you give them wisdom to not -- to know not only the right from wrong, but the best from the better. Would you

give them the heart to do right even when recommended by someone from another party, and the humility to receive others to their place. In a time that we remember that there are some who would destroy, would you give them the eyes to see the outcomes that are probable, and the problems that they're going to face? And the ears to hear not only the spoken words, but the implied words not spoken. Would you give them the humility to seek advice from others and especially to ask

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your counsel? Would you work in and through them? That Suffolk County might benefit from their leadership. Father, will you grant correction to them and to all of us in Suffolk County where we're wrong, strength where we're right, and unity in facing the future. Thank you in advance, Father, for all your blessings, and your presence, spirit. Come holy spirit and touch this body and all who they represent. Amen.

P.O. TONNA:

I'd like to recognize Legislator Crecca for the purposes of a moment of silence.

LEG. CRECCA:

I would ask my fellow Legislators, the audience and all the members who are here today to join me in a moment of silence. This week we lost a very dedicated public servant, a District Court Judge Ed Sperzel. Ed was a dedicated father and an ideal citizen and his passion for justice and his job as a District Court Judge, I haven't seen in really in a longtime on the bench. So we lost him rather suddenly this week, and I would ask everyone to join me in a moment of silence and recognize his service to this county.

(MOMENT OF SILENCE)

LEG. CRECCA:

Thank you.

P.O. TONNA:

Okay. One more thing. Just for those of us who know, I'd ask to keep in prayers Jimmy Tsunis' wife, Emily, who's right now just finished surgery over at Sloane-Kettering and has a bad prognosis. So if you could just keep Emily Tsunis in your prayers. Okay. Thank you very much. I'm going to recognize now Lynne Nowick for the purposes of introducing our group today. Oh, everybody could sit down. Thank you.

LEG. NOWICK:

Good morning. Memorial Day is traditionally a day we remember our veterans, the wars and the people who gave their lives for this country. This year I didn't want this day to go by, I didn't want to forget the feeling that I had three days after September 11th, as I rode down my block in St. James, in my little town in St. James, and I watched all my neighbors young and old at seven, eight o'clock at night when it was dark, and I rode through that town, and I watched them all with a candle vigil, and I remembered the tears as I drove through. I did not want to forget that this Memorial Day. This year, those who have lost their lives include our friends and our neighbors and our co-workers. Together, I wanted to remember those that gave their lives and those that continue to serve. Let us remember what it means to be an American. Let us rejoice in what we have in our

freedom and our nation and ourselves. This year, we don't want to forget. This Legislative meeting is a special meeting because we are celebrating Memorial Day this weekend. I didn't want it to go by without this choir to come and to sing for us. I want to thank Tom Fassano, the principal, is he here, is Tom here? Of Kings Park. Where are you, Tom? Stand up, of Kings Park High School.

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(APPLAUSE)

LEG. NOWICK:

Mark Kimes, the choral director of this wonderful, these chamber singers from Kings Park High School. Rose Gargiulo, the music assistant. Rose, where are you? Thank you, Rose. And thank you, the chamber singers.

(APPLAUSE)

(PRESENTATION BY CHAMBER SINGERS)

D.P.O. POSTAL:

As these very gifted young ladies and gentlemen are leaving the auditorium, I would just take this moment to remind everyone that today is school budget voting day, so that if you have not voted already, please make sure that you vote before the polls close tonight. We have a number of presentations from Legislators. Legislator Alden for the purpose of a proclamation for the volunteer of the year.

LEG. ALDEN:

Thank you Deputy Presiding Officer Postal. I'd ask Tony Felicio to come up and join me for a just a minute. While he coming up here, it's very appropriate that this young man would be honored today. Even before he fought for this country in the Korean War, he was involved in all kinds of civic and community service. Actually, the list goes on so long that I would stand here all day long if I wanted to tell you what this man has been doing over the past couple of years, but if anybody ever thinks of Brentwood and education in Brentwood, the Brentwood School System, right now, this man's name comes to mind. Not even just because of that, it's because all of the things, all of the give backs to the community, all of the amount of time he took away from his family, away from the other things that he wanted to do to actually give to the community. He's been giving back to the community all his life. So as far as a Volunteer of the Year, if you looked it up in the dictionary, this man's name would be right there as far as the definition of it. Congratulations.

(APPLAUSE)

MR. FELICIO:

Thank you. Thank you, Cameron. I appreciate the honor of being recognized as a Volunteer of the Year. I want to thank you and the County Legislature for awarding me this honor. You know, volunteering for a civic job is -- it is a rewarding part of life. And I tell you that being on a school board, and we all understand that although there is no salary with serving on the Board of Education, the rewards that you receive is what you see here this morning with this choir from Kings Park. That's what it's all about. There's the education of our children. And that's what I've always maintained throughout

the years ever 35 years of serving on the Board of Education. So I'm honored to be here. I will continue to do the very best that I can through whatever years I have left in serving on the Board of

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Education, and I don't know how long that will be --

LEG. ALDEN:

Hopefully, a long time.

MR. FELICIO:

Thanks, Cameron. But I just want to say thank you once again. I'm deeply honored. I know my family is honored also that I'm here this morning. So thank you very much, and keep up the good work.

(APPLAUSE)

D.P.O. POSTAL:

Legislator Ginny Fields for the purpose of presenting proclamations.

LEG. FIELDS:

Good morning. Each year I have a contest in my district with all the schools, and it's called an I Want To Make a Difference Law, where I go into the classrooms and talk to the children about what it takes to make a law and how we in the Legislature get involved in making changes and making a difference in making laws. So after we go through that, I ask them all to write something to me, and then we analyze them, tried to find out if there already is and possibly it's not being enforced, or if we have jurisdictions, or if it should become a Sense Resolutions, if we don't have jurisdiction. And it ended up that we had four winners this year, and I'd like to call each one of them up and tell you a little bit about them. And I will present them with a proclamation for attempting to try to make a difference in their community and in their life. Alex Neubauer, who is from the Timber Point Elementary School in East Islip in the 5th Grade in Mr. Blackford's class.

(APPLAUSE)

LEG. FIELDS:

Lindsay Mast, who is also from the Timber Point Elementary School in East Islip in the 5th Grade in Ms. Behar's class.

(APPLAUSE)

LEG. FIELDS:

Joey Franza, who is from the Bosti Elementary School in Bohemia. He's in the 6th Grade, and he's in {Ms. Colucci's} class.

(APPLAUSE)

LEG. FIELDS:

And Kieran Mahmud from the Reed Junior High School in Central Islip. She's in the 7th Grade in Mr. Chorzempa's class.

(APPLAUSE)

LEG. FIELDS:

I'll just give you a little -- a very quick analysis. Alex put in a bill to ban the sale of inhalants to minors. Lindsay Mast put in a

bill to ban the sale of inhalants to minors. Joey Franza put in a

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bill to restrict smoking in bowling alleys, no smoking unless in the bar area all the time, and it turned out that he submitted his idea right before Legislator Fisher put her bill in, and we will be voting on that one. Kieran put in a bill to create anti-gang education bureau in the County. They were all innovative excellent suggestions. We are -- as I talked to you when I was in your school, we will be laying them on the table today, except for the one in the bowling alley, that will be voted on, and hopefully, they will pass and you will have made a difference. And we thank you for your participation in the program and for your great ideas. And we look forward to seeing you do more. Thank you.

(APPLAUSE)

D.P.O. POSTAL:

Before we continue, will all Legislators please report to the auditorium? Will everyone please return to the horseshoe. There is going to be a presentation made to each of the Legislators, and it would be nice if you were at your seat so that you could receive the presentation.

P.O. TONNA:

All Legislators please come to the horseshoe.

LEG. HALEY:

Just so you kids know every month, another Legislator is charged with the duty of providing some breakfast or something, so what happens is Legislators try to take advantage of that before bagels get stale or coffee gets cold. So that's what we're waiting for.

LEG. GULDI:

Before Marty eats it all.

LEG. HALEY:

Excuse me.

LEG. GULDI:

Before Marty eats it all.

LEG. HALEY:

Before I eat it all. They always pick on me. I don't know why.

P.O. TONNA:

I could give you -- I'll tell you why.

LEG. HALEY:

I'm very young. You're picking on me because of my age, I know.

P.O. TONNA:

Yeah right.

LEG. HALEY:

Thank you very much, Mr. Chairman. As you know, it was quite a number of years ago -- I think, what was it, four or five years ago, Chris, we -- this Legislature made May as ALS Awareness Month in Suffolk County. ALS stands for amyotrophic lateral sclerosis. That is commonly referred to as Lou Gehrig's. As you all recall, number four

is Lou Gehrig's number. It's amazing to note that Lou Gehrig died quite a number of years ago from disease that was named after him, yet to this day, we have no idea which causes Lou Gehrig's Disease. We know -- all we do know is that it's fatal. There's nothing genetic about it, there's nothing that's predisposed -- whether it's male or female, it's a terrible disease. And I want to take this opportunity in May again of this year to make you again all aware of what's happening with amyotrophic lateral sclerosis or Lou Gehrig's Disease. Chris Pendergast, who you've seen before, has probably put thousands of miles on his motorized bike going down to Washington DC, and, of course, stretching across Long Island. And I'm sure he'll give you a quick briefing on that. But before we talk to Chris, I first of all I'd like to introduce the entire class -- I shouldn't say class, the members of the Student Government of the Dickerson Avenue Elementary School in Northport. Kids, why don't you stand up. They all came to see you today.

(APPLAUSE)

LEG. HALEY:

And we're going to have three of them say a few words, but before we do so, you guys can go on up and find a Legislator to stand in front of. Is that our routine, Chris?

MR. PENDERGAST:

Sure.

P.O. TONNA:

I would ask all Legislators please come to the horseshoe.

LEG. HALEY:

Go ahead guys. You could all stand right in front the signs, how's that? Thanks for coming. The significant battle -- this is Legal Counsel, yeah, don't give him anything. Okay. If you guys turn around just for a second, we want to listen to this young lady who came from Commack, and I think it's very significant to understand her age. She presently has a parent, her father, who has been stricken with Lou Gehrig's Disease. Ladies and Gentlemen, I'd like to introduce from Commack, Christina Raia. Christina, come on up.

MS. RAIA:

Thank you. You've been diagnosed with ALS. For many of us this is something we would never have thought about. However, for so many all over the world, as in my own family, this thought has become a reality. My father was diagnosed with amyotrophic lateral sclerosis three years ago at the age of 43 while raising five young children. In of the past three years, I, myself, have seen the wrath of this insidious disease. There's no more horrible feeling than the helplessness felt when watching an ALS patient struggle with the disease. You want to do everything in your power to help that person and reach out to them and take the disease away.

But deep down inside, you know that the only thing you can do is pray and hope a cure will be found. However, recently I have realized that speaking out about the disease and raising awareness is one of the easiest and most important ways a person can help. Taking a stance

has definitely made my life more meaningful and worth while. It has come to my knowledge that not many people have ever heard about ALS, let alone know how it affects your body. If you ask a random person if they knew what cancer or AIDS was, you would receive a much different response than if you asked them if they knew what ALS was. None of my friends or classmates had ever heard of the disease until I brought it to their attention. When I began writing articles this September for my school newspaper, I realized I had an opportunity to raise awareness of ALS. I took this opportunity and shared my knowledge of this disease with the Commack High School community.

This one small step has brought me to where I am today, before you asking that ALS be brought to your attention at a much higher level. ALS is considered by the government as an orphan disease, because it's constituency is not as large as that of AIDS, cancer, or Alzheimers. Who is to say that one disease is more important than another. People with ALS need a cure just as much is those with AIDS or cancer, yet the disease is not given the acknowledgment it deserves. Increased government spending is desperately needed. The current ALS budget is 15 million compared to the 520 million gives to Alzheimer's. ALS needs to be brought to the forefront, and the only way in which to do that is improve methods of ALS awareness and advocacy. The more people who know be ALS, the more people will begin to participate in fund raisers, donate money and play active roles in the fight against this disease. ALS awareness would bring nationwide attention to ALS and those effected by the disease. The purpose would be to educate the public about the disease, raise awareness about the issues and the concerns of those effected by ALS, advocate for ALS specific legislation, advance ALS research to find a cure and attract new supporters in the fight to fight ALS.

We are all here today for the same reason. We would all like to see ALS more widely known. I believe that together we can make a difference by getting involved and reaching out within each community to help those effected by ALS and educating the public about what ALS is and devastating effects on members of communities across the country. I thank Legislator Martin Haley and the other Legislators for their support of the ALS community and stand behind them one 100% in their decision to recognize ALS and further awareness. I truly feel that this will bring us one step closer to finding a cure for this dreaded disease. Thank you.

(APPLAUSE)

LEG. HALEY:

Thank you, Christina. I'm sure that your mom and dad are very proud of what you you've done. Okay. Now, we have three -- three students from the Student Government are going to come up and say a few words. Okay. First, we're going talk to -- Chris is going to speak. Where's Chris? Come on up, Chris.

MR. MORTIMERO:

Good morning my name is Chris Mortimer. Ever since Mr. P was diagnosed with ALS, people have been looking up to him as a hero. The Student Government under Ms. Holbreich's supervision has held many fund-raising activities to support Mr. P and his quest to raise money

for ALS, but we also wanted the students to come up with an idea that would make Mr. P feel proud and loved. We wanted him and others to know that he is a very special man. Ms. Holbreich and her students liked the idea of creating a playground that would allow challenged people such as Mr. P to be able to play on. They would call it the Boundless Playground and dedicate it to Mr. P. Finally, after three years, a vision will become reality thanks to our Student Government and Student Governments of past years.

LEG. HALEY:

Thank you, Chris. Okay. Alex. Chris, can we have that? Thank you. Hi. How are you? You want me to hold that for you? Does that help? Go ahead.

MS. MANFREDO:

Good morning, ladies and gentlemen. My name is Alexander Manfredo. I am from the Student Government at Dickinson Avenue School in East Northport. The Student Government tries to raise money for our teacher, Mr. Pendergast. He has a terrible disease called ALS or amyotrophic lateral sclerosis. This is a month called ALS Awareness Month. I think it is a great idea, because we want to find a cure for our teacher.

LEG. HALEY:

Thank you. We've got Patrick. Hi, Patrick.

MR VAN DYKE:

Hi. My name is Patrick VanDyke. I am the historian in the Student Government. It is an honor to speak in front of the all of the Legislators of Suffolk County. This is such an honor, because we would like to spread the word about our teacher and others who have ALS. I hope that you can help us. Thank you for your time.

LEG. HALEY:

Thank you, Patrick. Good job. You got this down to 45 seconds a piece. Okay. And naturally, the person who approached me many years ago and asked that we start this awareness in Suffolk County, it's a gentleman who's not only doing it in New York, but also nationally. Ladies and Gentlemen, I'd like to introduce Chris Pendergast.

(APPLAUSE)

MR. PENDERGAST:

Thank you, Legislator Haley. In the four years that I have been coming here preaching about ALS, 24,000 fellow Americans, men, women, young and old, white and black, have died waiting for a cure. We in New York will never forget the tragedy of 9/11, nor should we. On that day, 3,000 innocent people on their way to work, on their way to meetings, perhaps on the way to meet a friend, had their lives cut short by a horrible act. Three thousand friends, families, neighbors died. In the ALS community, Legislators, a tragedy that the mention of the World Trade Center strikes us every six months. Three thousand Americans die innocently struck down by ALS. Our disease is not a disease of life-style. We don't engage in behaviors that bring illness upon us, we don't engage in poor diet or sedentary life-style,

And as you may remember, ALS takes no prisoners. No one survives the disease. Where is the outcry for us? Where is our memorial? Where is the accolades for our valiant struggle to survive? The answer is no where. Day in and day out, we die waiting for the government, both local, state and federal, to give a damn. I have been here four years. I don't think I have four years left, and I am still optimistic. This year, the Stony Brook University Hospital has opened up an ALS clinic, which the Ride For Life will fund -- will fund with \$25,000 from the monies we raised on this year's ride.

Rather than think of the bleak future, I am an eternal optimist and hope that days like today with the eloquent words of a young woman like Christina who watches this devastating disease rob her father of even the ability to breathe. While I listen to these young student passionate and concerned, I have hope. As I look into your eyes, maybe as you wonder when I'm going to finish so you can start the people's business, even on your faces, I see hope. And the day that I will be coming here, I wish will end, and ALS will join all of the other diseases as something that is manageable and ultimately curable. I thank you for your time, I thank you for your attention, and I thank the Legislature, especially Mr. Haley and Mr. Cooper, for their support. God bless you and keep you healthy.

LEG. HALEY:

Thank you very much, Mr. Pendergast. Mr. Chairman, thank you very much.

(APPLAUSE)

LEG. HALEY:

Come on guys, we'll go outside. Thank you.

P.O. TONNA:

Thank you, guys. You did a great job.

LEG. HALEY:

If the Legislator isn't there, you can leave that there for him or her. So just leave that wherever you need to. We'll make sure they get around.

P.O. TONNA:

I'm going to recognize Legislator Bishop, right?

LEG. BISHOP:

Yes.

P.O. TONNA:

Is there anyone else that needs to be recognized before we begin? Legislator Binder? Okay. Legislator Binder. I think -- are you here with Legislator Bishop for proclamation? No? Yes?

LEG. BISHOP:

Are you? For Chris?

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P.O. TONNA:

No. Okay. Sorry.

LEG. BISHOP:

Good morning, Presiding Officer, members of the Legislature, ladies and gentlemen. Today is school budget vote day and that's why I was late arriving, and it's something that my award recipient for Volunteer of the Year would have insisted upon. Christopher Wittenhaben is President of the Lindenhurst Board of Education. He has spent his life dedicated to improving schools in Lindenhurst. He was President of the Lindenhurst PTA, now President of the Lindenhurst Board of Education. But those titles don't tell the story. When Chris Wittenhaben came on the scene in elected office, the Lindenhurst district was in complete strife. The generational conflict seemed to have no end. Children were not being served by it, and it just seemed like it wasn't going to get any better. But Chris Wittenhaben has presided over the board, served on the board in a period of great change and great progress. And for that alone, he deserves recognition.

But in addition, he has volunteered with Long Island AIDS care, he's volunteered with LIGALY, he's volunteered as a catechist OLP Church in Lindenhurst. He is the personification of a Suffolk County volunteer, and that's why I thought it was appropriate that he received the Volunteer of the Year Award for the 14th Legislative District. Chris is also, I guess it's a bitter sweet day, because you're not on the ballot today, you're stepping down as President of the Board, and I'm sorry to see that. But I am happy to recognize you for all you've done and thank you on behalf of the entire County Legislature. Congratulations, Chris.

P.O. TONNA:

Okay. We're going to go to the public portion. David Sanders.

MR. SANDERS:

Yes.

P.O. TONNA:

Please, come right up.

MR. SANDERS:

Certainly.

D.P.O. POSTAL:

Will Legislators please return to the horseshoe. As we're waiting for Legislators to return to the horseshoe, I would just point out that it was brought to my attention that, I believe it's Rule 10 (B) of the Rules of the Legislature on page 23, states that when a quorum is not present, the person Chairing a Legislative meeting -- no, no, you're here, I'm -- I'm not -- you know, I'm not directing this to you, I'm directing it to those Legislators who are not here. The person Chairing the meeting has the ability to by a majority vote of the Legislators present have a deputy sheriff bring those Legislators who are not present to the horseshoe, and they may be find a fine up to \$50. So I thought that was unnecessary, because I know that Legislators returned to the horseshoe --

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LEG. GULDI:

Round them up.

D.P.O. POSTAL:

-- when they're asked to do that.

LEG. FIELDS:

Now they have something to do.

D.P.O. POSTAL:

But I think we have deputy sheriffs right here.

LEG. CARACAPPA:

Where does the 50 bucks go?

LEG. CRECCA:

That's what I was just going to ask. Legislative Slush Fund?

D.P.O. POSTAL:

I don't know. The rules do not say.

LEG. GULDI:

How many of them got \$50?

D.P.O. POSTAL:

Well, it doesn't say what happens if they can't pay the fine either.

P.O. TONNA:

All right. We've got ten.

D.P.O. POSTAL:

Okay. Please, proceed.

MR. SANDERS:

Thank you. Good morning. My name is David Sanders. I am the President of South Bay Water Taxi, Incorporated. I am proud to say that my company has been servicing Fire Island for the last 19 years. To my knowledge, there has never been a complaint to this Legislature.

I would like to apologize now to this Legislature for not personally appearing before the Public Works Committee last week. I was involved with Coast Guard inspections that are very difficult to schedule. I sent my operations manager and my counsel, who were prepared to answer any questions of this Legislature.

I would like to assure this Legislature that I have been in touch with Mr. Kevin Duffy in the Budget Review Office in regards to cash control issues. We have developed a ticketing system that has satisfied -- excuse me. We have developed a ticketing system that he is satisfied with. He told my operations manager it was exactly what he was looking for.

I am prepared to answer any questions this Legislature may have concerning the conduct of my business.

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P.O. TONNA:

Thank you, sir.

LEG. CARACAPPA:

Mr. Chairman.

P.O. TONNA:

Yeah.

LEG. CARACAPPA:

Mr. Sanders, thanks for coming down today. As Chairman of the Public Works Committee, I asked your attorney to have you present at the last Public Works meeting. I appreciate the apology.

Were you aware that you, personally, were to appear before the Public Works Committee last week? Were you informed by your counsel that we asked that of you the prior meeting?

MR. SANDERS:

No, I was not. I was informed that my company was -- should have been represented here and I had my operations manager here with my counsel.

LEG. CARACAPPA:

Another question is, there has been accusations with relation to price gouging in your company, South Bay Water Taxi, by several individuals. That basically was borne out of an article in the Fire Island news last year. Since that time, there have been more and more accusations of price gouging by your company over the year. How do you respond to that, all these -- those accusations and -- because the phone calls I've been getting, they seem exceptionally valid. Can you respond?

MR. SANDERS:

Certainly. I believe that the charges in the Fire Island News were absolutely untrue and they were totally exaggerated. We're not involved in any kind of price gouging. We have rate schedules on our boats. All of our captains are trained to charge these rates. And I don't think that we've had any problems like this on our boats.

LEG. CARACAPPA:

Why would you assume people have called my office and other Legislators' offices saying that there has been price gouging by South Bay Water Taxi during the summer months? Do you feel that this is just a -- your competition or just people just trying to make things up? What's your understanding of these complaints? They're coming from individuals into my office, and they seem to have nothing to do with the competition, they just seem to be tourists on Fire Island last summer who apparently are being contacted by each other to speak up on this issue.

MR. SANDERS:

I was not aware of any of these complaints. No Legislator has ever called my office to say that there's been complaints to my company.

LEG. BISHOP:

May I ask?

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LEG. ALDEN:

On that note, too.

D.P.O. POSTAL:

Well, if you want, I can put you on the list. You were on the list, because the next -- next Legislator is Legislator Crecca.

LEG. CRECCA:

Yeah. If you could just explain, what, if any -- obviously, I would assume that your -- the fleet and its operation has not been

problem-free in the sense of either at least some complaints or captains reporting back to you about problems. And, I guess, could you tell us what, if any, problems have been reported back to you as owner of the company from people who are sort of out in the field, you know, whether it's your captains or somebody else in the sense of either complaints about pricing or complaints about -- they had, you know, or whatever?

MR. SANDERS:

Certainly. My company has received its fair share of complaints over the years. We try to handle any of these complaints. My office manager, Bridgette Lynch, handles those complaints for me from time to time. Once in awhile, we will get a complaint on price charging, and we have several different fares, and there's large groups of people on our boats sometimes, and once in awhile, yes, somebody could be overcharged. But, if they are over charged, they will be compensated for it, if they do make a complaint. It's never actually happened, but we respond accordingly.

LEG. CRECCA:

Have you -- have you ever had a respond to improper conduct from a captain? And has the company addressed that, if it's been brought to their attention, or has that not been a problem at all?

MR. SANDERS:

It has not been a problem, to my knowledge.

LEG. CRECCA:

Oh, I'll yield for now, Legislator Postal, and listen to the rest of the debate.

D.P.O. POSTAL:

Legislator Bishop?

LEG. BISHOP:

Yes. Hi. Good morning. For Legislators who are not on the Public Works Committee, just by -- briefly, by way of background, apparently, under the County Charter -- Paul what is it? What gives -- provides us the obligation to serve as a -- what you would call a mini Public Service Commission with regard to water taxis?

MR. SABATINO:

It's under State law, which we then codified into procedures, as you just indicated, at the County level.

LEG. BISHOP:

So we have the obligation, when complaints are brought forward, to investigate them. Now, we don't have an investigative arm to the County Legislature, so, in essence, it is us who has to conduct the hearing, because we don't have an intermediary step like the Public Service Commission would have, where they have staff that would, you know, presumably go out and evaluate whether the complaints are valid or not. So, just so you understand the position that we're in, we're charged by State law to look at these complaints. So I don't think there's anything, really, that you could say at this point that would in my mind stop us from going to the next step. That's not to say that going to the next step condemns your on company to guilt, and it doesn't mean that we believe that --

LEG. CRECCA:
Just ask questions.

LEG. BISHOP:
-- the complaints are necessarily valid. So I just want you to understand that, Andrew.

D.P.O. POSTAL:
Question. Question.

LEG. BISHOP:
And maybe you understood that because you read the minutes. I don't know how anybody else would who wasn't on the Public Service Committee
--

D.P.O. POSTAL:
David, just question, please.

LEG. BISHOP:
-- Public Works Committee would understand that. No, no question.

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

LEG. ALDEN:
Was there an article that appeared in some kind of magazine that criticized your operation?

MR. SANDERS:
Yes, there was. There were actually three separate articles at the very end of the last summer season when I really could not respond to these articles. They happened to come out in the very three last issues of the Fire Island News. And I'm not sure if this Legislature knows the history behind the Fire Island News and my company. The present publisher, Shawn Beqaj, his father was here last week to complain about me, he has been involved in -- he actually ran boats for me 15 years ago. He tried to buy out one of my competitors, Mako Water Taxi. When that failed, I stepped in and bought Mako Water Taxi out. Several years later, Shawn went to journalism school. He bought out the Fire Island News, and then he became involved last season with the Maple Avenue Marina and Ned Hurley, and they were out to build water taxis to compete against my service. When they were not able to

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secure their County franchise license, they were not able to get the three boats that they had built Coast Guard certified, they were not able to secure docks over there. That's when these issues came out in the Fire Island News.

LEG. ALDEN:
As a Legislator who represents Bay Shore and Islip, which are both waterfront communities, and Bay Shore especially is a very commercial area that goes to and from the beach, the only -- the only record I have or the only complaint that I've ever had is the one that I've read in that Fire Island News, and I did remember that that person had come before us as, you know, an applicant and was denied, I believe, and that's close to two years ago. All right. Thanks.

MR. SANDERS:

Thank you, Cameron.

D.P.O. POSTAL:

Thank you. Thank you.

MR. SANDERS:

Thank you very much.

D.P.O. POSTAL:

Before we continue with the public portion, Legislator Foley is recognized for the purpose of presenting a proclamation.

LEG. FOLEY:

Thank you Madam Chair, and good morning, ladies and gentlemen. It is my pleasure this morning to present a proclamation to a constituent who has so distinguished himself within the field of -- as a correction officer that he was named by the International Association of Correctional Officers, the International Correction Officer of the Year for the Year 2002. Erec Burgess had gone down to Washington to receive an award, also up in Albany as well. And he's a fine person who has so distinguished himself that he received the rarest of honors within his chosen profession. So I here today wanted to join our colleagues in Albany and Washington by giving Eric a proclamation from the County Legislature hereby proclaiming him as Officer of the Year here for his fine work. For many years he's worked in the state system, and I -- he's a credit to his profession and certainly is a credit to we who live here in Suffolk County. So Eric, congratulations and best of luck in the years ahead.

(APPLAUSE)

LEG. FOLEY:

Now we've always said that here in Suffolk County, and no doubt in other parts of the state, that it's one of the most difficult jobs to work in the correction field, but without your fine work, the streets of this state and streets of this County wouldn't be as safe as they otherwise are.

MR. BURGESS:

Thank you very much.

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LEG. FOLEY:

Congratulations.

MR. BURGESS:

Thank you.

D.P.O. POSTAL:

Mr. Sanders, can I just ask you to please come back to the podium? I didn't realize that Legislator Crecca had another question.

MR. SANDERS:

Certainly.

LEG. CRECCA:

My only question is in case you're not here when we debate this bill later on today, in the event you were invited back, and I'm not saying that will happen, but would you be willing to come back to the Public Works Committee and speak before that committee and answer any

questions and bring any necessary staff should we require that? And again, don't take this as an endorsement, I'm saying in case you're not here later when we debate this.

MR. SANDERS:

Absolutely. I have no problem with that.

LEG. CRECCA:

That's the only question I had, in case he's not here later.

D.P.O. POSTAL:

Thank you, Mr. Sanders.

D.P.O. POSTAL:

Our next speaker is Scott McMillan.

MR. MCMILLAN:

Thank you very much. Jim Casio and myself now run the Ocean View Hotel, which Shawn Beqaj and his father had run last year. Certainly, I don't think it's any stretch to see that there's a slight conflict of interest in a gentleman that tried to get permits for his own water taxi company and is now writing negative articles against the South Bay Water Taxi.

Having been a person that's not only used the water taxi, but having a lot of patrons and customers using it also, not only I've never received any negative comments, but nothing but positive comments, certainly no price gouging, but also the efficiency in which I've seen the company run. We have no ferry service to our island, being on Robins Rest, and within minutes of a phone call, we always have a water taxi there.

And, again, living in Bay Shore my whole life, I've taken the water taxi quite a few times, and several hundred of my friends -- excuse me, I'm a little -- a little nervous. Several hundred of my friends, never having any problems. I just wanted to be here, feeling as though he was getting no support, when in my mind it's obvious that

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there is a conflict of interest from the Fire Island News and Mr. Beqaj, and just my personal experience with the South Bay Ferry, having nothing but great things to say, and all friends and family having the same.

We had our grand opening last week, and I must have called on the South Bay Water Taxi 35 to 40 times, going to the mainland, Kismet, Ocean Beach, what have you, and never having a problem.

And I just wanted to say again that I support the South Bay Water Taxi, and hope that you see the articles in the Fire Island News for what they are. Thank you very much.

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D.P.O. POSTAL:

Thank you. Next speaker is Claire Millman.

MS. MILLMAN:

Good morning. I am Claire Millman, President for the Alliance for Smoke Free Air. And to add to our testimony of April 30th and May 15th, in strong support of total ban on smoking in bowling alleys at all times, we submit the following information. The entire state of Delaware will go smoke free in all public places, including all restaurants and taverns, bowling alleys, Bingo and gaming facilities. Delaware now joins California in eliminating tobacco smoke in public places statewide in recognition of the necessity of protecting our people from the most hazardous indoor air contaminant, second hand smoke. They are eight Class A carcinogens, second hand smoke with its death toll of 53,000 nonsmokers every year of this country takes more lives than all the other seven Class A carcinogens combined. Establishing totally smoke free public places protects against suffering, disease and death, and costs nothing. The new CDC study states that smoking costs our nation \$150 billion, that's billion with a B in health care costs and lost productivity. And that toll is born by all of us, including nonsmokers in addition to the toll on our health. So we look forward to Suffolk joining the more than 100 and -- 300, I'm sorry, 390 localities in this county which already have laws banning smoking in bowling alleys. And we're hoping that it will be part of the ongoing efforts to eliminate from all public places secondhand smoke which causes cancer, heart disease, respiratory diseases and is our number three cause of preventable death. Thank you.

D.P.O. POSTAL:

Thank you Claire. Next speaker is Phyllis Garbarino. And Phyllis is not here. Yes, she is.

MS. GARBARINO:

A little lower than usual. Good morning.

D.P.O. POSTAL:

Good morning.

MS. GARBARINO:

I'm here this morning in support of two issues. Introductory Resolution 1193, which is right now in Budget Committee, and I'm anticipating support for that at 12:30 today at the meeting, which is allocating the money to Public Works for purchase of cars for the Probation Department. I know all of you have heard this for a longtime. The Probation Department right now is the department, you know, there we're targeting. The need for cars is absolutely critical because of what's happening there and what people have to go through with their own cars. So I'm asking for full support. Hopefully, it will come to you for a vote this afternoon after Budget Committee discharges it with approval.

The other part as I'm sure all of you have heard, our office is inundated with hundreds of calls a week, the early retirement incentive, which came through yesterday. We're anticipating it possibly as a late starter to be laid on the table this afternoon.

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Then you will -- I know it will go through committee process and public hearings and all. The number of people interested in this, it's not only for those retiring, but the promotional opportunities that happens for those coming on, in the last incentive it was tremendous, the turnover. We need people to be able to move in their

careers also. And, of course, everybody saves some money by the people moving through and the higher pay people leaving. So we're going to be talking to you more about that, but I thought I'd take this opportunity to speak about it and ask for all of you to look at that in a very favorable eye. Thank you very much.

D.P.O. POSTAL:

Thank you, Phyllis. Next speaker is Paul Morgan.

MR. MORGAN:

My name is Paul Morgan, and this is my partner, Hal Wilson. Together we're part of a canine search and rescue team here on Long Island, and we also started the War Dog Committee, which I understand there's a bill right now before you, about \$50,000 for the War Dog Memorial. And the reason we're in uniform today is because this is what we wear when we work, and we also stay pretty clean, because the dogs make our clothes quite dirty. We would like to see a War Dog Memorial go up as soon as possible, possibly by September 11th, possibly by November 11th. And the purpose of this, of course, is to honor the dogs which served this country in the last century, about 25 to 30,000 dogs. They've served in all capacities, and a lot of people don't even understand what they do, but search and rescue is a big job. Guard duty is a second job. We'd like to see them honored here in Suffolk County, because there's no War Dog Memorial, and we'd like to see it at the Armed Forces Plaza. The model for the animal will be Tsunami, the black shepard here with me. And the other -- if we could have two, it would be lovely. I'd like to have my golden retriever, also.

But I want to let you know that it's very timely for us to have a War Dog Memorial for a couple of reasons. Number one, we don't have one, and number two, the World Trade Center proved beyond a reasonable doubt that the dogs do make a big difference. When those dogs go out and search, using their olfactory senses, their God given senses, they do find remains. Unfortunately, all we found was, you know, remains at the World Trade Center. The dogs also were a great comfort to the firefighters and to the police officers who worked that miserable job for eight months.

Our War Dog Memorial Committee has come up with a sketch, which Hal Wilson will show to the people here on the horseshoe. It's based upon Tsunami's likeness, and it shows the -- it shows the war dog in its predator position, in other words, out searching, either looking for dead persons, missing persons, or enemy soldiers in ambush. I think it would be very appropriate, even though we don't have an Armed Forces Committee at the present time in Suffolk County, to pass this legislation now and to provide us with this War Dog Memorial.

And if you have any questions about the war dogs, what they do, I've written two books about them. I'm not here selling them today, of course, but I do have a lot of knowledge. I've been doing this for about 35 years. One of my books is called "Canine Soldiers Vietnam

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and After", and the other book is about patrol in Cambodia called {The Parent To Be}, which is a chunk of Cambodia that protrudes into Vietnam, where we lost a lot of pilots.

D.P.O. POSTAL:

Mr. Morgan.

MR. MORGAN:
Yes.

D.P.O. POSTAL:
Your time is up, but there are some questions.

MR. MORGAN:
Yes.

D.P.O. POSTAL:
The first question from Legislator Haley.

LEG. HALEY:
Hi. How are you? Could you tell us about, the two of you anyway, could tell us about your experience at the World Trade Center, the treatment that your dogs received, and the relationship with the SPCA in Manhattan?

MR. MORGAN:
Absolutely. Tsunami, the black shepherd, was -- it was her first time out. She's a year-and-a-half old. She almost died of heat exhaustion. Cody -- this is difficult. Cody was injured finding a body. He was crawling into an I beam where there was a body located and I had to pull him out, because he was running out of lead. I only keep him on a six-foot lead. Firefighters and the steelfitters, they did cut the beam open and they did find the body. Cody found three, three bodies altogether. Tsunami refused to leave the scene, and at the scene she refused to leave was a three-truck, three-rig location, and three days later, or two days later, a smaller dog, an Australian shepherd, went down into those trucks. We were at the roof level when Hal and I were there on the 12th. Two days later, on the 14th, 18 bodies were recovered by where this dog had the scent of them. I'm sorry I'm emotional about this, but it's very difficult for me to talk about.

LEG. HALEY:
And you received services from the van?

MR. MORGAN:
Absolutely.

LEG. HALEY:
This is the van that this Legislature gave to the Suffolk County SPCA; went into the City, and they treated hundreds of dogs; is that correct

MR. MORGAN:
Three hundred and fifteen.

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LEG. HALEY:
Three hundred and fifteen dogs.

MR. WILSON:
Saved her life.

MR. MORGAN:
Saved her life, absolutely.

LEG. HALEY:

Saved her life. All right? So --

MR. WILSON:
Directly saved her life.

LEG. HALEY:
So it's good to know that the Suffolk County Legislature was able to participate in what was a tremendous effort.

MR. MORGAN:
And this guy was treated for his right foreleg cut, and it was infected very badly, and Dr. Greenfield from the Family Pet T.V. show on Saturdays treated him. He was very swollen, very much infected from the World Trade.

LEG. HALEY:
Gentlemen, we thank you for your effort, and, certainly, the dogs, too.

MR. MORGAN:
Thank you for your time.

D.P.O. POSTAL:
Legislator Alden.

LEG. ALDEN:
Hi. I appreciate your presentation today. I also saw it in the committee. Are you going to be able to come back to the committee? Because, basically, from my notes in the committee, it wasn't clear that you wanted to honor the -- you know, like the dogs that had done the rescue and the search on September 11th.

MR. MORGAN:
All war dogs, sir, all war dogs.

LEG. ALDEN:
Even if they're domestic and they've never seen action, then --

MR. MORGAN:
That was --

MR. WILSON:
That was an act of war.

MR. MORGAN:
That was an act of war. The war started the 11th of September and

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these are officially declared as war dogs, all 315 dogs, which came from all over the country.

LEG. ALDEN:
Okay. So any time a dog goes into a rescue scene like that, or not even that type of scene, even the search and rescues out here?

MR. MORGAN:
Well, the search and rescues out here are civilian wrecks and aircraft accidents and so on. That would not be considered a war dog. But the war dogs are those who go into a combat zone, which is what we had in southern New York City on September 11th, and they do risk their

lives. They -- as a matter of fact, I saw two years in Vietnam, but I never saw animals perform better than they did at the World Trade Center. Again, I apologize for being emotional.

LEG. ALDEN:

That's all right. And you said you're going to come down to the committee, because there are some things that are being discussed in committee, like, for instance, did you know that 347, we've got a semi solid plan that's going to eat into Armed Forces Plaza? It would take a number of feet from Armed Forces Plaza, so we have to be very careful where we place any type of memorials in there, and that information surfaced last -- whatever it was, a week ago at the committee meeting.

MR. MORGAN:

Well, it is a horseshoe out there, and what we could do -- I'd be glad to go out there and show you the way it's set up in other states. They generally have the War Dog Memorial in other states, and they have them in many, many states, they have them in a horseshoe with World War II, World War I in the center, Korean War on the left, Vietnam War on the right, Canine Memorial on the left, and the Women's Memorial on the right. We have already have World War II started, we have Korea, we have the Women's Memorial, so the way it would be set up here, ideally, would be like it is in so many other states, it would be on the far left.

LEG. ALDEN:

But you're going to come down to the committee again?

MR. MORGAN:

Sure.

LEG. ALDEN:

Thanks.

MR. MORGAN:

Absolutely.

D.P.O. POSTAL:

Thank you, Mr. Morgan. Mr. Morgan, first of all, there's no apology needed. I think every one of us is grateful to you and recognizes what wrenching traumatic experience it was being down at Ground Zero, so we're very grateful to you. We recognize how difficult it is for you to talk about that experience.

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MR. MORGAN:

Oh, yes.

D.P.O. POSTAL:

And we know how strongly you feel about it, so --

MR. MORGAN:

This is why I haven't appeared before, but they said, "You've got to come today." And I didn't want to come today, because I always get choked up. I'm a big rough, tough guy, Airborne, Ranger, Vietnam, all that stuff, Special Forces, but when it comes to working with these dogs and see them lose their lives, it's very upsetting.

D.P.O. POSTAL:

Well, we're grateful to you.

MR. MORGAN:

Thank you.

D.P.O. POSTAL:

I have a card from Mr. Wilson. Mr. Wilson, did you want to address the Legislature?

MR. WILSON:

Very briefly. I really, really -- many of you have seen myself and my wife here prior in the previous committees. I wanted to come here and let you hear from Paul Morgan, who was actually a canine handler in Vietnam. I'm a Vietnam veteran, but I was not a canine handler. Paul and I, as you know, both worked together at Ground Zero. I think he stated the case very clearly. Although he's not here, I do again want to thank Legislator Towle for putting this thing in motion. And if you can let us know, maybe Mr. Doyle can let us know, when and where we have to appear and whatever we have to do to get this thing moving forward, we're more than eager. Thank you all for your time.

LEG. FOLEY:

Thank you.

D.P.O. POSTAL:

Thank you. Our next speaker is Kathy Ayers Lanzillotta.

MS. LANZILLOTTA:

Hi. I'm Kathy Ayers Lanzillotta, the president of the Quality Consortium, representing 24 of the not-for-profit contract agencies providing drug and alcohol prevention and treatment services here in Suffolk County. I've spoken before on the sense resolution that is being introduced today by Legislator Ginny Fields and ask for your support on that legislation.

This resolution would impose a dedicated tax on beer, which could be used to help support a stressed treatment and prevention system that currently exists in our County. Additional funds are more than needed to keep our services going, especially in the wake of 9/11. We have an increase in the demand for services. The young people that were here today that Legislator Fields brought before you, they picked the

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legislation that they would change, and four of them picked legislation, fifth and sixth graders, that was to do with drug and alcohol abuse. That says something.

One-fifth of ninth graders are binge drinking on the weekends. The average age of use has decreased in one generation by four years. The average age of first use of alcohol is 12 years old today. We need services out there to prevent our kids and to help our community. There's only one other county in the country that has such a dedicated tax, that's McKinley County, New Mexico. When they imposed that dedicated tax in 1991, they instituted a service -- a system of crisis center services. They've turned around the fatality rates. They've really used those resources to go back into their service system.

We've had a crisis center in our County since 1976, when we did criminalize public intoxication. Catholic Charities runs that

program. The demand for services is greater than that which we can serve. In February of this past year, we had 550 screening calls come in. Two-hundred and twenty-four of them were told there are no beds available. We operate at over a 90% utilization rate. The demand is there, the need is there.

Eighty percent of the alcohol that's purchased is purchased by 20% of the population. It's a prepaid health plan. It's a way of taking the tax revenue and bringing it back into the service system to help improve our community and save lives. So I strongly ask for your support on this resolution.

D.P.O. POSTAL:

Thank you. Legislator Alden has a question.

LEG. ALDEN:

Hi. Thanks for coming down. There's a ton of taxes right now on alcohol, the production of and the sale, distribution. There's taxes on licenses for people that sell it, even on the wholesale level. Where does all that money go, would you know the answer to that?

MS. LANZILLOTTA:

I'm sorry.

LEG. ALDEN:

Okay.

MS. LANZILLOTTA:

I don't know all of that and I -- but I do know that none of it is dedicated to provide services for drug and alcohol treatment and prevention services.

LEG. ALDEN:

Okay. I just thought if you knew the answer. Thanks.

MS. LANZILLOTTA:

And that's what I'm asking for, is that we dedicate some of that money right back, put it right back to the people that are using it.

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D.P.O. POSTAL:

Thank you.

MS. LANZILLOTTA:

Thank you.

D.P.O. POSTAL:

The next speaker is Phil Goldstein.

MR. GOLDSTEIN:

Good morning, Ladies and Gentlemen. I'm here on my new pet project, PET, Public Energy Tax.

Tip O'Neill, a former Speaker of the House of Representatives said, "All politics is local." I'm calling upon this body as our local representatives to enter into the Profiles of Courage. In the past, you have acted with audacity in promulgating laws that set an example to the State and to the nation. I'm calling upon you to do that again, because our national Legislature is reluctant to set an energy

policy for this nation. In fact, much to my dismay and to the dismay of many others, recently, the Senate of the United States acted on the energy policy of the United States and failed to do anything with regard to our addiction to petroleum.

Gasoline mileage that SUVs and these small trucks create is outside the parameters of the EPA standards. They are gas guzzlers. We are subsidizing terrorism. The American people have not been enlisted in the war on terrorism. Just this past weekend, we were alarmed by the threat that terrorists are bound to strike again in this nation, yet the American people are not being called upon to participate, and in wars, participation means sacrifice.

I realize that taxation is an anathema to most politicians, but this is not an election year for the County Legislature, it's an election year for the New York State Legislature, and so you have an opportunity to set an example between elections where you're not threatened in terms of your retention of your jobs.

A public energy tax, such as 25 cents a gallon on gasoline, would raise the cost of energy and serve as an inducement to reduce our addiction to gasoline. When the Senate acted, they responded to the pressures of the "Big Three" auto manufacturers. They continued to exclude the SUVs and the light trucks from the EPA standards. That is shameful. Nine percent of the petroleum that this nation uses comes from Iraq. It's sold to us indirectly through brokers who buy it from Iraq and then resell it to the United States. We're subsidizing some of the nations that the President has listed as terrorist nations, and we're subsidizing some of the nations who are quote-unquote our allies, yet, when we look at the list of the perpetrators in December -- in the September 11th attack upon New York, many of them come from Saudi Arabia.

We must send a message to the Middle Eastern nations that we will not continue to allow our addiction to gasoline to subvert our own national interests.

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D.P.O. POSTAL:

Thank you, Phil, your time is up. I have no more cards. Is there anyone else who would like to address the Legislature? Please, come up and give your name.

MS. LEWIS:

I'm sorry, I filled out a card. My name is Jill Lewis.

D.P.O. POSTAL:

You did fill out a card?

MS. LEWIS:

Uh-huh.

D.P.O. POSTAL:

I don't have it. Okay. Please, go right ahead.

MS. LEWIS:

Oh, I'm sorry. I'm here to speak for Dick Amper, who was unable to attend today. He asked that I come and read a statement.

"For more than four months, the Long Island Pine Barrens Society has entreated the Legislature to complete its audit of the County's land preservation programs" --

D.P.O. POSTAL:

Can you just speak into the microphone?

MS. LEWIS:

Sure. "In the wake of the Gaffney Administration's land scandal. We have testified at meetings of the Legislature and before Legislative committees, as well as in front of the joint Executive Legislative Commission chaired by County Attorney Robert Cimino. We support the efforts of law enforcement agencies to fully investigate alleged violations and conflicts of interest at the Real Estate Division. Despite all of this and communication of our concerns to every County Legislator, we remain without agreement on how to get Suffolk's programs to protect drinking water and preserve open space back on track.

The most recent obstacle has been the indisposition of some in the Legislature to permit the Executive or the Legislative Branch to negotiate in good faith with owners of land critical to Suffolk's preservation agenda. Despite expert testimony on how New York State, the Nature Conservancy and the Peconic Land Trust establish full market value for land purchases and purchase of development rights, there was reluctance to allow either the Real Estate Division or the Suffolk County Legislature itself to make purchases for plus or minus 10% above or below appraised value. This seemed to prevent approval of the Legislature's omnibus reform package at its last meeting.

There is no legal precedent to prevent Suffolk from paying whatever price represents the value of such land to residents and taxpayers. There can be no gift of land to property owners, as long as the value of that land has an established value and rationale. Moreover, a 10% cap above appraised value would have prevented the excesses alleged in

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all of the controversial transactions involved in the recent Grecco/Gaffney affair, so the Suffolk Legislature can" -- I'm sorry. "So the Suffolk Legislature can assure that its interest in protecting the public purse will be secure. Perhaps most important of all, limiting the Real Estate Division to purchases at strictly appraisal price subordinates the preservation process to the inexact science of appraising, and it would turn Suffolk's vaunted preservation program into a "take it or leave it" process, which has never worked in Suffolk or anywhere else.

We urge you to approve the reform package, permitting the Real Estate Division or reserving the County Legislature itself the capacity to negotiate the fair market value of land important for Suffolk to preserve, and allow this program essential to the public health and welfare to resume." Thank you.

D.P.O. POSTAL:

Thank you. Is there anyone else who would like to address the Legislature? I have a motion from Legislator Foley, seconded by Legislator Fields to move to the agenda. Will all Legislators please return to the auditorium, so that we can address the agenda?

P.O. TONNA:

Okay. Consent Calendar. Motion by myself, seconded by Legislator Postal. All in favor? Opposed?

MR. BARTON:

18.

P.O. TONNA:

Thank you very much.

RESOLUTIONS TABLED TO MAY 21, 2002

Okay. We're on Page 6, resolutions tabled. Number 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). Motion by Legislator Bishop. Is there a motion?

LEG. BISHOP:

To table.

P.O. TONNA:

Table, second by myself. All in favor? Opposed? Tabled.

MR. BARTON:

18.

P.O. TONNA:

Number 2019 (Approving an Amendment to the existing connection contract between Suffolk County Sewer District No. 3 - Southwest and 110 Sand and Gravel Clean Fill Disposal Site). Legislator Postal, motion to table.

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LEG. ALDEN:

Second.

P.O. TONNA:

Second by Legislator Alden. All in favor? Opposed? Tabled.

MR. BARTON:

18.

P.O. TONNA:

Okay. We'll go to Motion 100 (1000-Imposing reverter clause on non-Brookhaven Town PILOT payments pending appeal of Gowan decision). Legislator Haley?

MS. BURKHARDT:

1000.

P.O. TONNA:

Legislator Haley, to approve, seconded by Legislator Caracappa.

LEG. ALDEN:

Motion to table.

P.O. TONNA:

Motion to table by Alden, seconded by myself. All in favor? Opposed? Tabled.

LEG. HALEY:
Opposed.

LEG. CARACAPPA:
Opposed.

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

LEG. BINDER:
Opposed to tabling.

P.O. TONNA:
Yeah, of course.

LEG. TOWLE:
Opposed.

(VOTE: 14 yes, 4 no.)

P.O. TONNA:
Okay. Here we go. All right. Now, I understand that these resolutions have a corrected copy filed and all the appointments are okay to approve now. So we're going to move through these quickly with the same motion, same second, same vote scenario.

1120 (Approving the appointment of Barbara L. Townsend as a member of the Suffolk County Community Mental Health, Mental Retardation & Developmental Disabilities & Alcohol & Substance Abuse Planning &

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Advisory Board). Motion by myself, seconded by Legislator Postal.
All in favor? Opposed?

MR. BARTON:
18.

P.O. TONNA:
1121 (Approving the appointment of Jacqueline Vidal as a member of the Suffolk County Community Mental Health, Mental Retardation & Developmental Disabilities & Alcohol & Substance Abuse Planning & Advisory Board). Same motion, same second, same vote. Henry, you just --

MR. BARTON:
18.

P.O. TONNA:
18.

MR. BARTON:
I just wanted to write it down.

P.O. TONNA:
1122 (Approving the appointment of Doris S. Wagner as a member of the Suffolk County Community Mental Health, Mental Retardation & Developmental Disabilities & Alcohol & Substance Abuse Planning & Advisory Board). Same motion, same second, same vote.

MR. BARTON:
18.

P.O. TONNA:
1123 (Approving the appointment of Kathleen A. Herz as a member of the Suffolk County Community Mental Health, Mental Retardation & Developmental Disabilities & Alcohol & Substance Abuse Planning & Advisory Board). Same motion, same second, same vote.

MR. BARTON:
18.

P.O. TONNA:
1124 (Approving the appointment of Kathleen A. Riddle as a member of the Suffolk County Community Mental Health, Mental Retardation & Developmental Disabilities & Alcohol & Substance Abuse Planning & Advisory Board). Same motion, same second, same vote.

MR. BARTON:
18.

P.O. TONNA:
1126 (Approving the appointment of Marcia Miskell as a member of the Suffolk County Community Mental Health, Mental Retardation & Developmental Disabilities & Alcohol & Substance Abuse Planning & Advisory Board). Same motion, same second, same vote.

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MR. BARTON:
18.

P.O. TONNA:
1127 (Approving the appointment of Alice R. Mills as a member of the Suffolk County Community Mental Health, Mental Retardation & Developmental Disabilities & Alcohol & Substance Abuse Planning & Advisory Board). Same motion, same second, same vote.

MR. BARTON:
18.

P.O. TONNA:
1128 (Approving the appointment of Harold B. Luke as a member of the Suffolk County Community Mental Health, Mental Retardation & Developmental Disabilities & Alcohol & Substance Abuse Planning & Advisory Board). Same motion, same second, same vote.

MR. BARTON:
18.

P.O. TONNA:
1129 (Approving the appointment of Kathleen O. Maul as a member of the Suffolk County Community Mental Health, Mental Retardation & Developmental Disabilities & Alcohol & Substance Abuse Planning & Advisory Board). Same motion, same second, same vote.

MR. BARTON:
18.

P.O. TONNA:
1130 (Approving the appointment of John C. Haley as a member of the

Suffolk County Community Mental Health, Mental Retardation & Developmental Disabilities & Alcohol & Substance Abuse Planning & Advisory Board). Same motion, same second, same vote.

MR. BARTON:
18.

P.O. TONNA:
1132 (Approving the appointment of Miriam Garcia as a member of the Suffolk County Community Mental Health, Mental Retardation & Developmental Disabilities & Alcohol & Substance Abuse Planning & Advisory Board). Same motion, same second, same vote.

MR. BARTON:
18.

P.O. TONNA:
1133 (Approving the appointment of Elaine Economopoulos as a member of the Suffolk County Community Mental Health, Mental Retardation & Developmental Disabilities & Alcohol & Substance Abuse Planning & Advisory Board). Same motion, same second, same vote.

MR. BARTON:
Still 18.

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P.O. TONNA:
Here we go. Phyllis, how are you feeling back there? I just want to know. You're recuperating.

MS. GARBARINO:
Yes.

P.O. TONNA:
All right. Okay. 1275 (To implement Town of Babylon Affordable Housing Plan).

LEG. POSTAL:
Motion to table.

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

MR. BARTON:
18.

MS. BURKHARDT:
1275.

P.O. TONNA:
Twelve -- I'm sorry, that was 1275, all right? That wasn't 1175, it was 1275. I correct myself. Somebody actually corrected me. 1287 (Adopting Local Law No. -2002, A Charter Law to reestablish a Suffolk County Department of Real Estate). Motion by?

LEG. ALDEN:
Table.

P.O. TONNA:

Table by Legislator Alden, seconded by myself. All in favor?
Opposed?

LEG. BISHOP:
I'm opposed.

LEG. CRECCA:
I'm opposed.

P.O. TONNA:
Okay. What is this doing?

LEG. BISHOP:
This is the separate part.

P.O. TONNA:
Oh, yeah. Okay, yeah. All in favor? Opposed?

LEG. CRECCA:
Opposed.

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P.O. TONNA:
Opposed, Legislator Bishop, Legislator --

LEG. FOLEY:
This is the tabling motion?

LEG. CRECCA:
This is a tabling motion, right?

P.O. TONNA:
Yeah. Okay.

LEG. BISHOP:
I don't think it has the support anyway, so --

P.O. TONNA:
Right. Okay.

LEG. BISHOP:
Maybe, Mr. Chairman --

P.O. TONNA:
Yeah. We got the call on that vote.

LEG. BISHOP:
I don't see what's accomplished by tabling it. Why don't we just --
there's probably not enough votes to pass it and just kill.

P.O. TONNA:
All right.

LEG. BISHOP:
I'm for it, by the way.

LEG. CARPENTER:
Can I make a motion?

P.O. TONNA:
To kill it?

LEG. CARPENTER:

No. To table subject to call, and then this could be something that --

LEG. BISHOP:

Yeah, something like -- something definitive.

P.O. TONNA:

Well, we've already tabled it. We'll do it next meeting.

LEG. CARPENTER:

Okay.

P.O. TONNA:

All right? 1288.

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MR. BARTON:

16-2.

P.O. TONNA:

Okay. Linda, just remind me next meeting. Okay. 1288 (Adopting Local Law No. -2002, A Charter Law to transfer the function of selecting Real Property Appraisers to the Division of Real Estate in the County Department of Planning). Motion by?

LEG. FIELDS:

Motion to table.

P.O. TONNA:

Motion to table by Legislator Fields.

LEG. BISHOP:

Wait, wait.

LEG. FIELDS:

No, no, no, no.

LEG. BISHOP:

1288?

LEG. FIELDS:

Not this one. Not this one.

P.O. TONNA:

Okay.

LEG. BISHOP:

This is 1288?

P.O. TONNA:

Yeah.

LEG. BISHOP:

Motion to approve.

LEG. CRECCA:

Second.

P.O. TONNA:

Motion to approve by Legislator Bishop, seconded by Legislator Crecca.

LEG. BISHOP:

I think came out of --

P.O. TONNA:

Okay. On the motion.

LEG. BISHOP:

It would be Carpenter.

P.O. TONNA:

What does this do, Legal Counsel?

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MR. SABATINO:

This just provides that the list of the appraisers to be submitted to the Legislature will come from the Division of Real Estate, not from the County Treasurer.

P.O. TONNA:

Great. Okay. There's a motion and a second.

LEG. BISHOP:

It's always peculiar in the first place that it came from --

P.O. TONNA:

Right. Motion and a second. All in favor? Opposed? Okay, approved.

MR. BARTON:

18.

P.O. TONNA:

1290 (To study use of environmentally sensitive fuel or County fleet).
Legislator Postal?

LEG. POSTAL:

I have to table this --

P.O. TONNA:

Okay. Seconded by myself. All in favor? Opposed? Tabled.

MR. BARTON:

18.

P.O. TONNA:

Okay. 1323 (Appropriating construction funds fr intersection improvements Speonk-Riverhead Road CR 88 and Moriches-Riverhead Road CR 51 (CP3301.345). Legislator Caracciolo -- Guldi, what is your pleasure?

LEG. GULDI:

Counsel, has the corrected copy on the amount been filed?

LEG. FOLEY:

It was requested at the last meeting.

LEG. GULDI:

It was requested at the last meeting. I don't have the file in front of me. Corrected copy correcting the bond amount.

MR. SABATINO:

Okay. The corrected copy was filed on May 1st.

P.O. TONNA:

Great.

LEG. GULDI:

Motion to approve.

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LEG. FOLEY:

Second.

P.O. TONNA:

Okay. All in -- roll call. Roll call.

(Roll Called by Mr. Barton)

LEG. GULDI:

Yes.

LEG. FOLEY:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. TOWLE:

Yes. Cosponsor.

LEG. CARACAPPA:

Yes.

LEG. FISHER:

Yes.

LEG. HALEY:

Yes.

LEG. LINDSAY:

Yes.

LEG. FIELDS:

Yes.

LEG. ALDEN:

Yes.

LEG. CARPENTER:

Yes. Cosponsor.

LEG. CRECCA:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

Yes.

LEG. BINDER:

Yes.

LEG. COOPER:
Yes.

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LEG. POSTAL:
Yes.

P.O. TONNA:
Yes. Same motion --

MR. BARTON:
18.

P.O. TONNA:
Thank you.

MR. BARTON:
On the bond.

P.O. TONNA:
Same motion, same second, same vote. Okay. 1388 (Implement Real Estate Division Reform). Legislator Bishop?

LEG. BISHOP:
Motion to approve.

LEG. CRECCA:
Second.

P.O. TONNA:
Seconded by Legislator Crecca. On the motion. Legislator Bishop, could you just tell me what corrected copy --

LEG. BISHOP:
The change from the previous meeting, and it was an attempt to synthesize what I was hearing in debate, is that in order to go above appraised value now, it will require a statement of need from the County Executive and a two-thirds vote of the County Legislature and cannot exceed more than 10%.

P.O. TONNA:
Ooh, I like that, Legislator Bishop.

LEG. BISHOP:
So it's going to be a very arduous process in order to --

P.O. TONNA:
So it needs a super-majority of the Legislature.

LEG. BISHOP:
A super-majority of the Legislature, a statement of need from the County Executive.

P.O. TONNA:
And it's -- and it's 10% above the medium, right? In other words, there's two appraisals.

LEG. BISHOP:
No, the mean appraisal.

P.O. TONNA:

Yeah, the mean, the mean appraisal. So, in other words, if the building or, I mean, the piece of property is a million dollar piece of property, the Legislature is only authorized, after all of those other things that have to be done, for 1,100,000.

LEG. BISHOP:

Correct.

P.O. TONNA:

Tops, not two million, not one million --

LEG. BISHOP:

That is correct.

P.O. TONNA:

-- one hundred thousand and one.

LEG. HALEY:

On the motion.

P.O. TONNA:

Okay.

LEG. BISHOP:

By the way, the 10% number is the one that's used by -- in the private sector, in Nature Conservancy, and by the State of New York.

P.O. TONNA:

Okay. There's a list, all right, and Legislator Haley, I think you were first.

LEG. HALEY:

Yeah, that was my question.

LEG. LINDSAY:

No, no.

P.O. TONNA:

Oh, Lindsay?

LEG. LINDSAY:

Go ahead. Go ahead.

P.O. TONNA:

I'm sorry, I just --

LEG. HALEY:

I defer to age.

P.O. TONNA:

I knew there was somebody on this side.

LEG. LINDSAY:

No.

P.O. TONNA:

Legislator Lindsay, you're first, and then Haley. And then who?

LEG. CARPENTER:
Carpenter.

P.O. TONNA:
Okay.

LEG. CRECCA:
Crecca.

P.O. TONNA:
Crecca, Guldi.

LEG. ALDEN:
Alden.

P.O. TONNA:
Yep, Alden. Okay.

LEG. LINDSAY:
Are we ready?

P.O. TONNA:
Legislator Lindsay.

LEG. LINDSAY:
Okay. I thank you very much for recognizing me ahead of junior.

LEG. GULDI:
You don't get called that much.

LEG. LINDSAY:
At the last meeting, I was -- voiced my opposition to the bill in its original form. I was very reluctant to have everybody coming here and try to get us to approve the purchase of a piece of property at any value. I can support the corrected copy by Legislator Bishop. I think it makes a lot of sense and I urge my colleagues to support it.

P.O. TONNA:
Okay. Legislator Haley.

LEG. HALEY:
Right now, the State, policy of the State is that if there's a division that's outdoing an acquisition, such as, we'll say, DEC, they have the ability within the Administration or the Executive side to do that -- they have that 10% flexibility.

LEG. BISHOP:
Correct.

LEG. HALEY:
My only concern is, is that I don't see any reason why we can't mirror New York State and why we can't extend that flexibility to the people who operate this program. My concern is, is that even though you have

kind of tightened it up a little bit, when it goes -- when the word gets out there that all you've got to do is hold out, the Leg. will give you another 10%, you're going to have, it seems to me, almost every purchaser, you know, every seller possibly taking that position,

"I'm going to hold out, because I can get another 10%."

P.O. TONNA:

Yeah, but they need a --

LEG. HALEY:

So I inherently have a problem with that entire approach. I'm concerned about a delay in process, bureaucracy, and on top of that, I'm concerned about sellers deciding that they're going to play that card and then we're just going to delay that which we've been -- we do it so well at, by the way. Thanks.

P.O. TONNA:

Just a question to the sponsor. The -- it actually is tougher now to get the 10%. Forget about the money, but when a piece of property that normally would be ten votes, now, basically, so there's a huge risk and reward, gamble that because now to get the piece of property, once you go to that 10%, you need a supermajority of the Legislature. If that fails, it's over.

LEG. BISHOP:

Plus there's a --

P.O. TONNA:

Right?

LEG. BISHOP:

There's a step -- that's correct. There's a step prior to that, which is the County Executive has to submit the bill with a statement of need, so it just can't be the Legislature among itself, takes this upon itself to give 10% above the appraised value, you need, as a first step, the County Executive to submit it with a statement of need, so --

P.O. TONNA:

Right. But even if they did, let's say I'm the seller of the land and I'm say, "Okay, if I hold out, I can get 10% more, if I get the statement of need and everything, the fact is, is that my whole land deal could go down in flames if I don't get a super-majority of the Legislature, which is a huge risk that somebody --

LEG. BISHOP:

Correct.

P.O. TONNA:

-- is willing to take. Okay.

LEG. BISHOP:

Correct. Although, presumably, it could fall back to the appraised.

P.O. TONNA:

Yeah, but then we're back to square one.

LEG. BISHOP:

But, anyway, if I -- if I may respond to Legislator Haley.

P.O. TONNA:

Yeah. No, Guldi.

LEG. BISHOP:
I can't, all right.

P.O. TONNA:
Legislator Guldi.

LEG. BISHOP:
Then put me back on the list and I'll --

P.O. TONNA:
Yeah. Sorry. Legislator Guldi.

LEG. GULDI:
Yeah, if I may. I am going to oppose this legislation and urge you, as my colleagues, to oppose it with me for a following panoply of reasons:

Let's take it from the top. The punitive Grecco scandal had absolutely nothing to do with the County's manner and method of land acquisition. The sole issue, if there is one in the alleged Grecco scandal, is the fact that he had an outside business that was receiving referrals from third parties -- of third party customers from people who were engaged in direct County business. There was no alleged defect in the acquisition process, there was merely an alleged conflict by his continued outside real estate related business that was on notice to the Executive and approved. That's the sole issue.

So what are we trying to fix vis-a-vis County acquisition?
Mr. Grecco's gone. The new Real Estate Director has no outside business or activities. That's fixed the only real or alleged real problem.

What does the rest of this bill do? This bill does really only two things, one of which is it creates the need for a dual appraisal process, an additional expense, an additional bureaucratic step. And let's talk about what appraisals really are. Appraisals are hypothetical models of value of property by looking at other sales and adjusting for comparability. The fact that the County is in the business of acquiring large tracts of open land or developable land, and that's the core of our acquisition and preservation process, means that there are no real comparables. You are not like banks, using appraisers to determine what the three bedroom ranch house across the street from 20 other three bedroom ranch houses is like. There you have real comparability. Here you have fictitious comparability. It is a hypothetical process, so we are adding a second layer to a hypothetical process.

I've been a real estate professional, practicing in the real estate business for more than 20 years. There is -- I do not, as a result,

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have a great deal of faith or confidence in the appraisal process in New York State, particularly as it relates to large tracts of land or unique pieces of land, or land with unique features, which is what we are in the business of buying. So what are we going to do by creating a dual and mean averaging approach? We're going to compound our expense, we're going to compound our information, and we're going to delay the process and create the potential for obscuring and conflicting information, all of which we take to our appraisal review section, where we review it and adjust it anyway.

The next level of change that this bill recommends, which is the Legislative and County Executive approval process for, let's call it the 10% above appraised value kicker, is I think harebrained at best. It will be destructive to the County's acquisition process. I predict we will never, I repeat never, be able to acquire land without the kicker being approved by the Legislature. And what we're going to do by this step and process is we are going to grind the County's acquisition and preservation program to a halt, we are going to subject the County to, let's call it what it is, seller blackmail in that if you don't pay me my 10% kicker, I'm going to subdivide it, pave it, build it and bulldoze it. And we are going to be -- put us political public officials in a position where we will have to face that issue on every single acquisition.

By definition, we buy large tracts of land from people who have them. People who have large tracts of land are by definition wealthy individuals or groups. They, as a result, generally have a level of business sophistication and experience well beyond what your experience as a homeowner. In a negotiation process where you have a political body with a 10% kicker approval process, the political process is going to end up being manipulated and controlled by the business process. That's why I think that this part of the proposal is particularly harebrained, destructive and can yield no good.

Let's go back to what we're trying to fix. What we're alleged -- what we're trying to address is a series of Newsday articles that criticize one acquisition, albeit by giving only half of the information about that acquisition and history, because of the relationship between the former Director of Real Estate and one of the sellers and buyers of real estate with the County, not because of the terms of the transactions vis-a-vis the County, but because of the appearance of a conflict of interest because of an outside business. That outside business having been eliminated, the Real Estate Division, operating under new conflict rules, which we have already adopted, approved and enacted, we have fixed the issue that was real and bona fide. What we have left is a set of ill-conceived damaging changes to law to pander to the newspapers set -- a newspaper's set of articles and editorials, which are not based in fact.

The proposal before you can do no good to improve the County's real estate acquisition operation, because the acquisition operation is not what was flawed. The only thing that can result from approving this resolution is creating mischief, mayhem, and damaging the County's ability to get back into the business of doing acquisitions and land preservation. If you don't want to buy land, you want to enact this law. If you don't want to preserve Long Island from overdevelopment,

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you want to enact this law. If you have any interest in preservation at all, this is not the way to do it. We had a -- we have a blip on the radar scope, it's been addressed. I strongly urge you to vote with me and vote no on this proposal.

P.O. TONNA:
Okay. Legislator Carpenter.

LEG. CARACCILO:
Mr. Chairman, would you add me to the list, please?

P.O. TONNA:
Yes.

LEG. CARPENTER:
I would just like to ask the sponsor if the issue of the dual appraisals, the threshold amount, if that was changed to a million?

LEG. BISHOP:
No, it wasn't. But you can -- you could pick up -- the problem is that we're walking a line between those who say that dual appraisals are arduous, and others who say dual appraisals are always necessary. We use the 300,000 as the threshold. That's what came out of the committee. It's still in the bill at 300,000. And I -- personally, you know, a million is fine as well, but, you know, this thing is so long delayed in coming, we should really just at this point move forward, I believe.

LEG. CARPENTER:
Well, I would just ask the members of the committee that had the input into coming up with the \$300,000 threshold level to reconsider it and leave it or keep it at a million. When Legislator Lindsay and I participated in the Review Panel, and we did for many, many weeks and countless hours, and I would like to put Legislator Guldi's mind at rest, this was not an exercise in pandering on our parts, but, rather, a sincere effort to look at objectively of a particular operation of County government and see how it could be made better, made more efficient. And the recommendation for the dual appraisals to happen concurrently and the threshold level of a million dollars, the recommendation for a million was so that we would not necessarily burden the process. I think in today's real estate market, when you look at -- you know, some modest homes now are selling for \$300,000. I think that \$300,000 mark is really just too onerous. And if this resolution does pass today, I would consider and ask Legislator Lindsay to join me in sponsoring a resolution to amend that amount to that one million dollar threshold level for the dual appraisals.

LEG. FOLEY:
Who's next?

LEG. CRECCA:
Crecca.

P.O. TONNA:
Okay, Legislator Crecca.

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LEG. CRECCA:
Yeah. I served on the committee that worked on this and we did put a lot of hours into it, and I don't think there was, among the committee members -- and there was dispute at times and we argued and actively participated with the Director of Real Estate, with Tom Isles from Planning, and other people in the Real Estate Division. I don't think it was ever a mention of pander. There was never -- you don't do seven hour meetings trying to pander to the press, committee meetings. We were trying to do what I think Legislator Carpenter said, is make the Real Estate Division function better, provide more checks and balances within the system.

I don't agree with every single aspect of 1388, and I actively participated in putting this bill together, but I can say that, overall, this is a good omnibus bill, it provides checks and balances. And while I respect Legislator Guldi's take on the bill, I don't necessarily agree with it. It has the support of the Head of the Land Acquisition Committee, it has the support of the Director of Real Estate, and I don't think she agrees with everything that's in the bill, but overall with the bill. It has the support of Tom Isles, our Commissioner of Planning, it has the support of the County Executive, it has the support of the Pine Barrens Association, it has the support of the Nature Conservancy. I've learned recently, apparently, it has the support of Legislator Lindsay and Legislator Carpenter in moving forward with this concept, I think important people in this process who actively participated in this.

So I say we move forward with this, we move on. And I know Real Estate wants to start implementing this as quickly as possible, so that they can move the process and keep our Land Acquisition Program moving at a quick pace. Thank you.

P.O. TONNA:
Okay. Legislator Alden.

LEG. ALDEN:
I have a question of Counsel. Paul, under the current configuration, does this really meet the -- I guess, there's a prohibition against giving a gift of government property, and that was one of my concerns with the way it was originally configured. Does this eliminate that problem?

MR. SABATINO:
It goes a very long way towards mitigating that problem.

LEG. ALDEN:
Mitigation isn't elimination though, right?

P.O. TONNA:
Not according to Webster.

MR. SABATINO:
Well, I mean, the -- no. The strict, tough standard is you can't go above value. This is a much better version than the previous version, because it does have a limitation and it does have the Director of Real Estate putting something in writing, you know, setting forth the

rationale. But, you know, from a literal strict construction standpoint, it's close, but not 100% there.

LEG. ALDEN:
But we still could be -- if it was a strict construction of the law, we could still be conceived as breaking law, if we pass anything on this.

MR. SABATINO:
The zone of vulnerability has been dramatically reduced, because in the last version, the zone of vulnerability was unlimited. And I had raised those concerns at both the committee, as well as the full Legislature. By coming back to something that has a written document

from the Real Estate Division, as opposed to the Legislature initiating that valuation, and also having this limitation, you've really reduced that zone of vulnerability to something that's manageable, as opposed to where we were two weeks ago or three weeks ago, which was unmanageable.

LEG. ALDEN:

Okay. But it's still -- just so I'm clear on it, you're not changing the construction of an appraisal to go above the 10%, you're just going by other factors to raise it above an --

MR. SABATINO:

Right.

LEG. ALDEN:

-- acceptable appraisal.

MR. SABATINO:

Right. And what I had said at the committee, as well as on the floor, is that you're going to have to be extremely careful, extremely careful as Legislators in how you exercise this power, if, in fact, you grant it, because you've got to be -- you've got to be careful that this doesn't become a question of trading one parcel's approval for another parcel's approval, as opposed to, you know, having some kind of rationale or documentation that's in writing and articulated clearly at the time of the vote. My concern three weeks ago is that you didn't have those things in place, because the way it was structured, it was unlimited, you could just go anyplace. There was nothing in writing coming over from the Director of Real Estate. So this is much better from that perspective, but you still have to exercise that prudence and that due diligence and that care that I outlined a few weeks ago, which is you just can't walk in and say, well, one parcel in one district is going to be approved at 9%, another parcel is being approved in another district at 7%, because there's basically a trade between the two, the two parcels. It's going to have to be each parcel rises or falls on the merits of the documentation within that 10% conflict.

LEG. ALDEN:

Thank you.

P.O. TONNA:

Plus you have a super-majority of the Legislature to vote on it, which

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makes --

MR. SABATINO:

Correct.

P.O. TONNA:

-- it a lot more difficult.

MR. SABATINO:

Correct.

P.O. TONNA:

As we know in budget time how tough it is to get a super-majority. Okay. Legislator Bishop.

LEG. BISHOP:

I'll yield to Legislator Caracciolo, if I may have the last word as the sponsor, but that's --

P.O. TONNA:

Okay. Legislator Foley goes next, though.

LEG. BISHOP:

But I'd like to go back to that.

P.O. TONNA:

I'll -- all right.

LEG. FOLEY:

Thank you.

P.O. TONNA:

So I'll put you back on the list.

LEG. FOLEY:

Thank you, Mr. Chairman.

P.O. TONNA:

Okay.

LEG. FOLEY:

This question.

P.O. TONNA:

Legislator Foley, then Caracciolo --

LEG. FOLEY:

Thank you, Mr. Chairman.

P.O. TONNA:

-- then myself.

LEG. FOLEY:

It's a question for the sponsor of the bill, and afterwards for Legislator Guldi. Legislator Bishop, you heard comments earlier from Legislator Guldi, particularly about issues of reform, that the

reforms in effect have taken place by a removal of the former Director of Planning. So one question.

LEG. CARACCIOLO:

Real Estate.

LEG. FOLEY:

Real Estate, excuse me, I stand corrected. With that said from Legislator Guldi, why do you feel need -- there's a need for this resolution to be approved, number one, and number two, and it's a very important question that many of us are concerned about is whether or not the resolution, and there's a difference of opinion, will in any way harm the process of acquiring properties within any given year? In fact, some of us would like to see an acceleration in the acquisition of properties. But one of the points that Legislator Guldi raised was that this would make it more difficult to acquire

properties. So, number one, they're --

LEG. BISHOP:

Mr. Chairman, may I, through the Chair, as Legislator Foley would say?

LEG. FOLEY:

The reform issue --

P.O. TONNA:

Through the Chair. What would you like to ask --

LEG. FOLEY:

We've heard --

P.O. TONNA:

-- through the Chair, Legislator Foley?

LEG. BISHOP:

I heard the two questions.

LEG. FOLEY:

He's heard the questions.

P.O. TONNA:

Okay.

LEG. FOLEY:

Whether this is needed for reform, or whether simply the removal of the former Director of Real Estate suffices for reform, and number two, whether -- and what's also being proposed here does in any way, shape or form decelerate, if not outright inhibit, prevent land acquisitions from moving forward.

P.O. TONNA:

I'd ask all Legislators, please, come to the horseshoe, too, okay, because there's still people who want to speak and I'm sure this is all germane. Okay, Legislator Bishop.

LEG. BISHOP:

Legislator Guldi maintains that there is no defect in the process, and

he cites that if the allegations were true, then they all respond -- they could all be addressed by removing Mr. Grecco. In essence, it's a Grecco scandal, not a process scandal. It is true that if the allegations were true, that if people of normal integrity were in charge in the process, there wouldn't be a scandal, but it is also true that that scandal could have only existed under the process that we had then, because that process didn't have enough transparency, it was secret, the deals were secret, and especially after they left the Legislature, and two, there was not enough checks and balances in the process. So, in essence, what the work of Legislator Lindsay and Carpenter, what that committee did, and then what the Environment Committee did, was create a process that has much more transparency to it and much tougher checks and balances. So that's the short answer to the question.

The second aspect is will this create delays? This will create delays if the seller wants to go above appraised value, and the County Executive wants to go above appraised value, and the Legislature wants

to go above appraised value. In those -- in those particular cases, it's going to create delay, but that delay is healthy, because it creates an incentive not to go above appraised value in any -- in any circumstance. But, otherwise, this will get the process moving once again.

We have had nil land purchases since this affair, and the reason is because the system is stymied by a lack of Legislative direction on how to move forward. We need to provide that direction. We are the policy-makers, after all. We love to tell the County Executive that. Now is the time to make policy and we should do so today.

D.P.O. POSTAL:
Legislator Foley.

LEG. FOLEY:

Yeah. Just as a follow-up to Legislator Guldi, if I may, considering the fact that you have a number of preservation advocates and groups that support the bill, we heard earlier a number of them, Nature Conservancy and the like, Long Island Pine Barrens, rhetorically speaking, why would they support the bill if, in fact, the concerns that you have seem not to be the concerns of some of these advocacy groups as far as -- as far as impacting the pace or the acceleration of acquisition of properties? Because you felt as though that this would pretty much eviscerate the process and will make it very difficult to acquire properties, when, in fact, a number of advocacy groups support this bill who like to acquire property. So if you could just answer that, please.

LEG. GULDI:

If I may. I think their primary concern is like mine, their primary concern is that since the fall of last year, we've been out of the land preservation business. I don't know if the rest of you really see the pressure of it, but I do because of the nature of my district. I've seen in the last 30 days the value of residential development lots in my district triple, 300% in a month, from 50 to \$150,000. Their concern is that the market is running away and the dollars that we have are becoming diluted, and we have failed to proceed forward

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with acquisitions in the last six months. I think that if there was -- if we -- if any sort of draconian nonsense that we put forward that they believe would get us, government, off the dime and back into the preservation business, they would support it, and I think that's their primary objective. I don't think whether we have two appraisals, six appraisals, whether the Real Estate Department negotiates it or not is germane, I think that the -- you know, the concern is to get us moving again.

I do want to digress from there in that the allegation that our acquisitions haven't been adequately transparent I feel is unfounded, particularly given the level of interest, scrutiny, and participation of groups like the Nature Conservancy, the Peconic Land Trust, and our partnerships in the acquisitions, because so many of our acquisitions are done in partnership with New York State, the environmental groups, the local towns and the County at the table, you've got -- you don't just have transparency, you have four levels of transparency.

P.O. TONNA:

Okay.

LEG. FOLEY:

Paul. Just as a final observation, Mr. Chairman, there's nothing right now or over the last six months that's preventing the Department from moving ahead with acquisitions, so the one thing that --

LEG. BISHOP:

Legal impediment.

LEG. FOLEY:

The one thing that I would say along the lines of responding to Legislator Bishop's point, is that whether or not the Legislature approves this, over the last number of months, the Executive Branch could have moved forward with acquiring properties, that they did not necessarily have to wait for this legislation. So, for those who may be saying that the acquisitions aren't taking place because they're awaiting this resolution to be approved, I'm of the mindset that, certainly, long before now, over the last six to nine months, as outlined by Legislator Guldi, I think the Real Estate Division could have still moved forward to acquire properties and not wait for the outcome of this particular resolution to start acquiring properties again. I thank you.

LEG. FIELDS:

Paul.

P.O. TONNA:

Yeah. Legislator Caracciolo.

LEG. CARACCIOLO:

Just to pick up on the last point made by Legislator Foley, that's exactly right, Brian. And, furthermore, the County has been in the acquisition business since November and December, when news broke of the former Real Estate Director's travails. And we had passed in committee a number of Planning resolutions, probably a dozen or more, so there's plenty on the plate of the Division of Real Estate. There's

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no lack of work product for them to deal with. I could tell you just in farmland acquisitions in my district alone, they have a full plate. So there's plenty of work in the Division of Real Estate. They will come to maturity as we go through the process of having the appraisals go out, come back, and seeing if we have a willing seller, and so forth.

But the issue here, and I do not support the resolution, as Legislator Bishop is aware. We've talked about this, and I share the same concerns that were raised earlier by Legislator Haley and Legislator Guldi. I think we are putting a blueprint out there for every person in -- with real estate holdings. When the County of Suffolk comes along, let's do appraisals, and when the appraisals come back, if you have a piece of land that we know they really want, they will go up to that 10%. And a statement of need is all well and good, but I don't have the confidence that perhaps others have that it will be done strictly on the merits.

I think there are a lot of questions still unanswered about what's transpired in the Division of Real Estate. I would encourage the

Chairman to convene hearings, as I've requested in committee, particularly on two acquisitions.

P.O. TONNA:

Chairman of who, which Chairman?

LEG. CARACCIOLO:

Chairman of --

P.O. TONNA:

Okay. Because I never got any requests.

LEG. CARACCIOLO:

-- Land Acquisition Committee. With respect to the Oak Beach Inn and Shadmoor acquisitions, it's interesting when you look at those. But, furthermore, what are we talking about? So, rather than be rhetorical, let me ask a question of Counsel.

Mr. Sabatino, outside of the issue of Normandy Manor, which was taken up three weeks ago, when, if ever, did the County find itself in a position where it had to consider going above an appraised value in an appraisal to acquire a piece of property or building in property?

MR. SABATINO:

Well, with the exception of Normandy Manor, the Legislature has not engaged in that process. What's been happening administratively is, you know, what you read about. The only one I can think of right now is the one that was reported and the one that you actually identified at the Finance Committee last year, was the Campo property, which the County, not the Legislature, but the County of Suffolk used the seller's appraisal, and in the file that you were given, there was no appraisal from the County. You subsequently learned that there was an appraisal, but as that was reported, that was substantially below what was actually paid. So, in that instance, it took place, but not because the Legislature approved it.

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LEG. CARACCIOLO:

So, Mr. Chairman, let's look at, for example, Shadmoor. There you had a situation where the County had an appraisal in its possession for ten or twelve million dollars. The numbers -- I don't want to recite numbers that I'm not absolute about, because I've looked at so many of these files, that the numbers become a blur after awhile, but it was somewhere in that ten to twelve million dollar range. Subsequently, the appraisal was justified based on an appraisal done by the State. But even using that appraisal, which came in at sixteen-five, and looking and closely examining what the appraisers used at comparables, to get back to George's point, was very interesting. We found properties all over the South Forth, but I dare say if any of them were really comparables. When you look at Oak Beach Inn, you look at a place that was a former nightclub, and the appraiser there, which the appraisal report, the outside appraisal report that the County paid for, was totally completely rejected by the County's review appraiser, but, yet, the County went ahead and made that purchase and increased what it was purchased for.

There's a lot that needs to be examined as far as these practices. I don't know that putting it in this arena is going to alleviate what I think have been abuses in the past. And, again, I'd like to encourage

the committee to look into these, these two and some other recent acquisitions, because they certainly raise a lot of questions. And let's not forget, this isn't our money we're spending, we have a fiduciary responsibility to spend the taxpayers' money legally and appropriately.

P.O. TONNA:

Okay. Thank you, Legislator Caracciolo. Legislator Guldi, I had listened to your concerns earlier, and I just -- I would ask that we enter a bit of a dialogue, just to -- so that I can understand it again, and I thought you were pretty articulate. But, basically, what I heard you saying was that the sum and substance of any alleged improprieties or allegations of scandal, whatever you want to say, has to do basically with Mr. Grecco's outside business relationships and not with the process. And I have a hard time swallowing that when it's the process that allowed in the Campo property to use an outside appraiser's -- you know, an outside -- I mean, the developer's appraisal. That's process. If there was a strict procedure in place that you can't use the outsider's appraisal, then we wouldn't have had -- he wouldn't have had a mechanism to allow for such a scandal. And my concern is, and I -- is that it's by having set procedures, procedures that I think Legislator Bishop and the others who have offered -- authored this bill, are trying to tighten up. That's what needs to be done.

I just -- and I want to just hear a response from you, if you don't mind. You said it's just a blip on the screen. I mean, this is full blown. You know, there -- it seems to me, forget about any impropriety with other business relationships, which in and of itself is tremendous, there are -- if you have somebody who might be -- have an incentive to look differently into something and you have a lax process, that gives them the ability to maneuver. And I think what Legislator Bishop is attempting to do with this -- with legislation is tighten up the process, you know, so that there wouldn't be the

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maneuverability that they've had in the past. And just, could you, please, respond, especially the Campo property.

LEG. GULDI:

All right. Campo property is easy. We have a law in place that says we cannot buy a piece of land unless it's appraised by an appraiser off our approved list. We didn't follow it.

P.O. TONNA:

Okay. So it's not following the procedure.

LEG. GULDI:

We didn't follow the procedure if we used an outside appraiser and it's not off our list, period. We didn't follow the procedure in that property. Yeah, that deal smells. That's a departure from our rules. I mean, let's talk about land acquisitions in Suffolk County. The bill we had before us today that we tabled to create a Department of Real Estate instead of a Division, historically, the Department of Real Estate was dissolved and rolled into a Division because of a land scandal. The former Director years ago of the Department got caught putting the \$50,000 bribe in the closet with the 300,000 other dollars. It happened to be Southwest sewer case. And the reform process was let's make the Department a Division.

P.O. TONNA:

No. No, we made it -- we made it a Division just a few years ago, Legislator Guldi.

LEG. GULDI:

No. There was -- the Department, the former Department was eliminated because of a scandal. That was because of the personnel in place, because of the supervision of those personnel. And, you know, you can create all of the rigmarole and rules you want. If people are not going to -- if people are not going to abide by those rules, it makes very little difference what those rules are. The rules that we have now were for a negotiated process at appraised -- at or below appraised value. The sellers, frankly, have been able to drive the process to a degree, because by definition, they can say no, because they have the wherewithal to say no, they have other opportunities with the property. And, you know, particularly, I mean, my colleague just shared the concern about Shadmoor. Shadmoor, the appraisal process on Shadmoor, there are no comps. There is not another hundred acre parcel of ocean front land on hundred foot bluffs from Maine to North Carolina in the United States. There is no such thing as a comp.

But let's talk about comps. Let's talk about what's going on in the Montauk real estate market. There was a single home sold in Montauk recently for \$10 million. The purpose of the purchaser was to tear it down and build a new home on the foundation and site. That new home sold for \$45 million. The bizarreness of that real estate market is what drove the process on. Yes, so Shadmoor's only going to be for mansions, for estates. It is truly -- yes, the market value -- one of my colleagues just murmured it is insane, but that's the market and the reason we're trying preserve land.

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Okay. So what's really -- what was going on? I mean, Alan Grecco came into the Real Estate Division because we had gone through the early '90's with -- the late '80's, early '90's with a period of lack of cash flow and we had gone out of the business. He was brought in to get us back into the business of making acquisitions. We did, as a result, make acquisitions. We preserved a lot of land. The process was flawed only because the administration said, "Yeah, go ahead and keep your outside business," and the parties who were doing business with the County sent third parties there to ingratiate themselves, no doubt, with the Director in the Division of Real Estate. That was a conflict situation. That was, as we amended our rules -- since it was third parties and not directly the parties with whom the Division was doing business, we amended our rules to expand the appearance of impropriety basis conflict regulations. That is and was the problem.

The dual appraisal process is administratively -- yeah, if you do them simultaneously, it is administratively a fairly invisible and innocuous amendment in and of itself, because it won't cause delay, it will just increase expense. But the problem with it is we're relying on appraisals to give us an estimation of value, and the appraisal models are relying on comparables which are, by necessity, fictions. I mean, at this point, open space acquisition in Suffolk County, the comparables is us. We've been buying land for land preservation with the towns and the State as our partners frequently. We've created the comparables, to the extent there are comparables.

P.O. TONNA:

All right. I think you gave me what I needed.

LEG. GULDI:

Okay.

P.O. TONNA:

All right. Legislator Fields, and then Bishop.

LEG. FIELDS:

I think that, as we've all discussed, there was a process that was flawed, and I think that the meetings that ensued after the Grecco scandal with the committee that Legislator Carpenter and Legislator Lindsay served on, and then the 20 some-odd hours of meetings that the Environment Committee held, was -- in order to try to close those gaps and make it so that the land purchasing of open space would be more opened up, and that public perception, which is very important here, could be remedied, so that they would feel that what we do is correct and legal and honest.

Although I don't agree with everything in the bill, and I will be putting in an amendment, I do think that we should pass it. I'm not sure that New York State goes above the 10% rule, and I have my Aide calling them to find out if that's true. And they do use two appraisals every time that they purchase land. I know that that is a fact. And in addition, Real Estate has been purchasing land. I've been getting lists of land that have been purchased. So it didn't grind to a complete halt, but, you know, we have purchased some.

So, with those in mind, I will support the bill, but I will be putting

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in an amendment that looks at a couple of those points. All right.

LEG. BISHOP:

Thank you, Mr. Chairman.

P.O. TONNA:

Thank you.

LEG. BISHOP:

I want to --

P.O. TONNA:

Legislator Bishop. And, hopefully, this is the last -- you'll have the last word.

LEG. BISHOP:

I've just, and real brief, want to defend the amendment from what Legislator Haley was implying in his remarks, that this would be an easier process to go 10% above the appraised value than what previously existed. If, in the previous model, it was -- it was practice of the County, of the Real Estate Division, to go as much as 10% above, and they did so administratively, basically, on the decision of the Head of the Real Estate Division. That process would now change to where the head of the Real Estate Division would recommend to the County Legislature that we pay above appraised value, make a statement of need, submit the legislation to the County

Legislature and require a two-thirds vote. So in a sense, a very real sense, it is a much more difficult process now to go above appraised value than existed prior to the legislation. I wanted to make that clear.

And then I want to conclude by thanking Legislator Lindsay and Carpenter for -- it was really their work on that committee that is the basis, the foundation and most of this bill, members of the environment committee who worked very long hours, very cooperatively, to create this omnibus. And then I want to say to those who are supporting the bill, but are going to add amendments and make changes, thank you, because, obviously, it's a fluid process. We're going to continue to purchase real estate in this County, because it is something that our constituents demand. It is the largest discretionary expenditure that we engage in, and we want a process that ultimately is open, expedition -- expeditious, but, most of all, is honest. And I think that that's what this bill creates, a transparent honest process.

LEG. CARACCIOLO:

Mr. Chairman, point ever personal privilege.

LEG. BISHOP:

Personal privilege, for what?

P.O. TONNA:

Okay. Or how about just to be recognized?

LEG. CARACCIOLO:

One -- well, I thought you were going to close the debate, so I --

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P.O. TONNA:

Well, no, no. If you have something to say, the debate's not closed.

LEG. CARACCIOLO:

I think in sum and essence, what we're talking about is practice, not process, that needs to be reformed.

P.O. TONNA:

Thank you, Legislator Carraciolo. Okay. Roll call.

(Roll Called by Mr. Barton)

LEG. BISHOP:

Yes.

LEG. CRECCA:

(Not Present)

LEG. CARACCIOLO:

No.

LEG. GULDI:

No.

LEG. TOWLE:

Pass.

LEG. CARACAPPA:

No.

LEG. FISHER:
Yes.

LEG. HALEY:
No.

LEG. FOLEY:
Yes.

LEG. LINDSAY:
Yes.

LEG. FIELDS:
Yes.

LEG. ALDEN:
No.

LEG. CARPENTER:
Yes.

LEG. CRECCA:
Yes.

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LEG. NOWICK:
No.

LEG. BINDER:
Pass.

LEG. COOPER:
Yes.

LEG. POSTAL:
Yes.

P.O. TONNA:
Yes.

LEG. TOWLE:
Yes.

LEG. BINDER:
Yes.

MR. BARTON:
12.

P.O. TONNA:
Thank you. Okay. Let's move on. 1416 (Reappointing member of the Suffolk County Water Authority (James T.B. Tripp). Legislator Foley, what would you like -- oh, that's --

LEG. FOLEY:
Motion.

P.O. TONNA:

No. That's just -- what did we do with this?

LEG. FOLEY:
Table subject to call.

LEG. CARACAPPA:
Second.

P.O. TONNA:
All right. I'll make the motion to table subject to call so your name isn't on that, okay, Brian?

LEG. FOLEY:
All right.

P.O. TONNA:
I'll make the motion to table subject to call, seconded by Legislator Caracappa. All in favor? Opposed? Tabled to subject to call.

MR. BARTON:
18.

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P.O. TONNA:
Okay. 1484 (Authorizing the County Comptroller and the County treasurer to transfer funds in accordance with the reestablishing of the Suffolk County Department of Real Estate).

LEG. FIELDS:
Motion to table.

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

LEG. LINDSAY:
Table subject to call.

LEG. FIELDS:
Yes.

LEG. BISHOP:
The other one was only tabled.

P.O. TONNA:
Okay. All right. Motion to table, seconded by myself. All in favor? Opposed? Tabled. 1490.

MR. BARTON:
18.

P.O. TONNA:
(1490-Approving the acquisition under Suffolk County Multifaceted Land Preservation Program for Stage II Active Parklands (property of Grace Presbyterian Church) Town of Brookhaven). Motion by Legislator Caracappa, seconded by myself. Roll call.

(Roll Called by Mr. Barton)

LEG. CARACAPPA:
Yes.

P.O. TONNA:
Yep.

LEG. CARACCIOLO:
Yes.

LEG. GULDI:
Yes.

LEG. TOWLE:
Yes.

LEG. BISHOP:
Yes.

LEG. HALEY:
Yes.

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LEG. FOLEY:
Yes.

LEG. LINDSAY:
Yes.

LEG. FIELDS:
Yes.

LEG. ALDEN:
Yes.

LEG. CARPENTER:
Yes.

LEG. CRECCA:
Yes.

LEG. NOWICK:
Yes.

LEG. BISHOP:
Yes.

LEG. BINDER:
Yes.

LEG. COOPER:
Yes.

LEG. POSTAL:
Yes.

MR. BARTON:
18 on the bond.

P.O. TONNA:
Great. Same second, same second -- same motion, same second, same vote.

[SUBSTITUTION OF STENOGRAPHER - ALISON MAHONEY]

P.O. TONNA:

Okay, on Procedural Motion No. 3 - To retain independent appraisal review services for County land transactions (Bishop), what are you going to do here?

LEG. BISHOP:

Motion to approve.

LEG. CARACCIOLO:

Second.

P.O. TONNA:

Okay, second. On the motion, how much money is this out of the 456 account?

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LEG. BISHOP:

Yes. Paul? It's not --

LEG. LINDSAY:

Can we have an explanation of what this is?

LEG. BISHOP:

Not hiring somebody at that dollar amount, it's authorizing --

P.O. TONNA:

Up to that amount.

LEG. BISHOP:

-- up to that amount and it's very unlikely that we would go anywhere near there.

LEG. CARPENTER:

For what? Explain.

LEG. BISHOP:

This is a position that used to exist in the County Legislature. When Legislator Carpenter and I arrived for the first couple of years the Legislature had a real estate professional.

P.O. TONNA:

Bob Sqroi.

LEG. BISHOP:

Bob Sqroi on board who would work with the County Legislature on real estate issues. This person would work with the environment committee, it would be somebody who is a licensed appraiser on issues of valuation on the numerous land acquisitions that we have. We could only use it in a discretionary manner on complicated issues; for example, Shadmore, OBI. And we have literally -- in this new process that we just adopted, we're going to be in the situation where we approve something on planning steps and we're doing a lot of planning steps now if you notice, and what that means is that the real estate division is authorized to negotiate and then it's going to come back to us for a second vote. And there will be many circumstances where we would want information, guidance on that second vote.

P.O. TONNA:

This is not going to -- this is not a position, though, right?

LEG. BISHOP:

It's not a position.

P.O. TONNA:

This is going to be funding for an outside group?

LEG. BISHOP:

Yeah, I assume it would be --

P.O. TONNA:

Well, it's a company.

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LEG. BISHOP:

-- one appraiser and if we have complicated things we would say, you know, go out and get us the answers to these questions.

LEG. CARPENTER:

Mr. Chairman?

P.O. TONNA:

Okay, hold it. Legislator Lindsay, then Legislator Carpenter.

LEG. LINDSAY:

What I'm concerned about here is that the Legislative Branch will start interfering with the Executive Branch. You know, if we have certain questions, especially at the committee level, and we need an expert to come in in an as needed basis, I could go along with that. I would just hate to see us have our own appraiser questioning what the Executive Branch is doing. I just think, Dave, it would slow up the process tremendously; maybe I'm wrong.

P.O. TONNA:

Legislator Carpenter?

LEG. BISHOP:

Or it might break logjams where there may be accusations that something is out of whack and this would be somebody who's available to the Legislature to take a look at something and advise us.

P.O. TONNA:

Who makes the --

LEG. BISHOP:

And there's also larger -- it's not just on an individual basis, there might be trend issues that this person can address as well.

P.O. TONNA:

Who makes the decision on what group or who we hire or whatever else?

LEG. BISHOP:

The full Legislature will make the decision on who we hire.

P.O. TONNA:

But it will go through the Environment Committee.

LEG. BISHOP:

The Environment Committee would make the decision on which --

P.O. TONNA:

Similar to what we do with law firms and stuff like that.

LEG. BISHOP:

-- issues to look at. Right, exactly.

P.O. TONNA:

Okay, Legislator Carpenter.

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LEG. CARPENTER:

I agree with Legislator Lindsay. I think the concept of this probably has some merit, but I would feel more comfortable doing it on an as need basis. We have the mechanism in place with the procedural motion, so it's not like we have to file a bill and come up with deadlines. This is something that we have the ability to do at the Legislature and if we're in that situation where we feel it's necessary to hire an independent appraisal review, you know, the Environment Committee can bring that to the next Legislative Session and we can make that decision. But I don't think we need to pass this in its form now with the feeling that maybe we'll need it; when and if we need it we can address it then.

P.O. TONNA:

Okay. There's a motion and a second. Roll call.

LEG. CARPENTER:

I make a motion to table.

LEG. HALEY:

Second.

P.O. TONNA:

Okay, there's a motion to table, seconded by Legislator Haley. Roll call.

LEG. BISHOP:

I will agree to table it for one --

P.O. TONNA:

For one meeting? Okay. All in favor? Opposed? Tabled.

MR. BARTON:

Eighteen.

P.O. TONNA:

Okay.

HUMAN RESOURCES:

1037 - Hiring consultant for audit of County telephone service provider chargers (County Executive). Motion by Legislator Lindsay, seconded by Legislator Alden -- no, Legislator Towle. Motion by Legislator Towle, seconded by Legislator Lindsay. All in favor? Opposed?

LEG. GULDI:

Abstain, Henry.

P.O. TONNA:

Okay.

MR. BARTON:

Seventeen, one abstention (Abstention: Legislator Guldi).

P.O. TONNA:

WAYS & MEANS:

All right, 1354 - Creating Suffolk County Design commission for a memorial to the residents of Suffolk County who died in the Terrorist Attacks on September 11, 2001 (County Executive). Motion by -- table, we need to have a corrected copy. Motion to table by myself, seconded by Legislator Postal. All in favor? Opposed? Tabled.

MR. BARTON:

Eighteen.

P.O. TONNA:

Okay, 1355A, 1355 - Amending the 2002 Capital Budget and Program and appropriating funds in connection with planning for a memorial for the victims of the September 11th Terrorist Attacks (CP 1773) (County Executive). Motion by --

LEG. CARPENTER:

We need to table that also.

P.O. TONNA:

We're going to table that also?

LEG. BINDER:

You should keep them together.

P.O. TONNA:

Okay, motion to table by myself, second by Legislator Postal. All in favor? Opposed? Tabled.

MR. BARTON:

Eighteen.

P.O. TONNA:

1502 - To implement RFP Committee process for equipment management warranty policy (Lindsay). Motion by Legislator Lindsay, seconded by Legislator Foley. All in favor? Opposed?

LEG. CARPENTER:

Explanation.

P.O. TONNA:

Okay, before we get the vote, Legislative Counsel, do you want to explain?

MR. SABATINO:

Yes, this is going to form a five member RFP Committee to look into retaining a firm with a deadline of September 30th for a recommendation to be made to the Executive and Legislature for somebody from the outside world who could evaluate whether or not using umbrella equipment warranties is more cost effective than what we currently have for equipment which is case-by-case, piece-by-piece of equipment.

P.O. TONNA:

Okay. Legislator Lindsay, you're the sponsor, you want to say something?

LEG. LINDSAY:

It's a process that's taken place at different layers of government. New York State General Services have just did it, the Town of Hempstead, Village of Freeport, I think Babylon is about to enter into it. Government, we buy all kinds of equipment and a lot of times accompanying the equipment is extended warranties through the manufacturer. There's a new product on the insurance market now where an insurance company comes in and does a blanket insurance policy for all the equipment within that government entity and the savings is like 25%. And I don't think anybody really knows how much of this we do now, it could really be possibly millions of dollars. If you examine all the equipment that we own and if there's extended warranties on all the equipment think about, you know, everything from, you know, computers to medical equipment to telephones to, you know, everything that the County owns, you could be talking about a lot of money. It doesn't say to enter into this program, it simply suggests that we've formed an RFP committee to hire a consultant to look into it to see if it's worth while; there could be a huge savings to us.

LEG. FISHER:

Paul?

P.O. TONNA:

Okay. Legislator Fisher?

LEG. FISHER:

A question for the sponsor. Bill?

LEG. LINDSAY:

Yes.

LEG. FISHER:

As part of the RFP process, would we be looking at those numbers that you just mentioned, would we see how much we're currently spending to see whether or not it would be in our best interest to enter into an agreement?

LEG. LINDSAY:

I know the State of New York, what they did is they hired a consultant to actually examine the process to see if it's worthwhile putting it out for bid in terms of this umbrella insurance policy.

LEG. FISHER:

So we would see the feasibility first --

LEG. LINDSAY:

Right.

LEG. FISHER:

-- and our financial benefit first.

LEG. LINDSAY:

I mean, obviously if we don't have a whole lot of these it isn't worth entering into this type of program.

LEG. FISHER:

Okay, so that would be the first step.

LEG. LINDSAY:

Right.

LEG. FISHER:

Okay. Thanks, Bill.

P.O. TONNA:

Thank you. Okay, there's a motion and a second. All in favor? Opposed? Approved.

MR. BARTON:

Eighteen.

P.O. TONNA:

Great. 1505 - Authorizing transfer of surplus County Xerox copier to the South Huntington School District (Tonna). Motion by myself, seconded by Legislator Postal. All in favor? Opposed?

MR. BARTON:

Eighteen.

LEG. HALEY:

Abstain on 1505.

P.O. TONNA:

Sure. He's going to abstain on 1505, he might have a contract with Xerox.

MR. BARTON:

17, one abstention (Abstained: Legislator Haley).

P.O. TONNA:

Okay. Anyway, 1533 -- I was joking. 1533 - Authorizing planning steps for acquisition of property under Suffolk County Affordable Housing Opportunities Program (West Wind Court 1000-122-02.00-023.001, Town of Southold) (County Executive). Motion by Southold Legislator --

LEG. CARACCIOLO:

Mr. Chairman, I want to make a motion to table this.

P.O. TONNA:

Okay, seconded by myself. Just on the motion to table --

LEG. CARACCIOLO:

Yes, I'd like some more information.

P.O. TONNA:

Okay. Next meeting?

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LEG. CARACCIOLO:

I would hope I can get the answers, yes.

P.O. TONNA:

Okay. So let's ask that -- this is in Ways & Means Committee, I would ask, George, if you want to, you know, ask the County Executive's people to come down or something. Who's the -- is there a

representative from the County Executive here? I know you guys are in the back room. Just come on up for a second, I just want to make sure that you're complying with Legislator Caracciolo's wish to -- you don't serve on Ways & Means, right, Michael? What opportunity do you want so that they can provide you with information?

LEG. CARACCIOLO:

I will request they meet in my office to discuss this.

P.O. TONNA:

Okay, great. All in favor? Opposed? We'll table for one meeting.

MR. BARTON:

Eighteen.

P.O. TONNA:

1535 - Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law (Town of Brookhaven) (0200-880.00-05.00-071.000) (County Executive). Motion by Legislator Foley, seconded by Legislator Fisher. All in favor? Opposed?

MR. BARTON:

Eighteen.

P.O. TONNA:

1537 - Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law (Town of East Hampton) (0300-006.00-01.00-001.000 et al) (County Executive). Motion by Legislator Guldi, seconded by Legislator Caracciolo. All in favor? Opposed?

MR. BARTON:

Eighteen.

P.O. TONNA:

1538 - Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law (Incorporated Village of Nissequogue) (0802-012.00-01.00-011.000) (County Executive). Motion by Legislator Nowick, seconded by Legislator Crecca. All in favor? Opposed?

MR. BARTON:

Eighteen.

P.O. TONNA:

1539 - Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law (Town of Huntington). Motion by myself, seconded by Legislator Binder. All in favor? Opposed?

66

MR. BARTON:

Eighteen.

P.O. TONNA:

Okay, 1545A, 1545 - Appropriating funds in connection with the renovation and construction of facilities at Francis S. Gabreski Airport (CP5702) (County Executive). Motion by Legislator Guldi, seconded by Legislator Foley. On the motion? Roll call.

(*ROLL CALLED BY MR. BARTON*)

LEG. GULDI:
Yes.

LEG. FOLEY:
Yes.

LEG. CARACCIOLO:
Yes.

LEG. TOWLE:
Yes.

LEG. CARACAPPA:
Yes.

LEG. FISHER:
Yes.

LEG. HALEY:
Yes.

LEG. LINDSAY:
Yes.

LEG. FIELDS:
Yes.

LEG. ALDEN:
Yes.

LEG. CARPENTER:
Yes.

LEG. CRECCA:
Yes.

LEG. NOWICK:
Yes.

LEG. BISHOP:
Yes.

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LEG. BINDER:
Yes.

LEG. COOPER:
Yes.

LEG. POSTAL:
Yes.

P.O. TONNA:
Yeah.

MR. BARTON:
Eighteen on the bond.

P.O. TONNA:

Fine. Same motion, same second, same vote.

1547 - Sale of County-owned real estate pursuant to Local Law 14-1976
Louis Lufker & Dorothy Lufker (0200-684.00-05.00-004.000) (County
Executive). Motion by Legislator Guldi, seconded by Legislator Fisher.
All in favor? Opposed?

MR. BARTON:
Eighteen.

P.O. TONNA:
1548 - Sale of County-owned real estate pursuant to Local Law 13-1976
Bartholomew Spadaro (0200-685.00-01.00-014.000) (County Executive).
Motion by Legislator Guldi, second by Legislator Caracciolo. All in
favor? Opposed?

MR. BARTON:
Eighteen.

P.O. TONNA:
SOCIAL SERVICES:
1421 - Authorizing the County Executive to establish a Unified Child
Placement Committee (Postal). Motion to table by Legislator Postal --

LEG. FOLEY:
Second.

P.O. TONNA:
-- seconded by Legislator Foley. All in favor? Opposed?

LEG. FOLEY:
One meeting.

MR. BARTON:
Eighteen.

P.O. TONNA:
ENVIRONMENT, LAND ACQUISITION & PLANNING:
Okay, 1358 - Approving the modification of Agricultural District No. 3

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in the Town of Babylon, Brookhaven, Huntington, Islip and Smithtown,
subject to the required subsequent approvals of the State of New York
(Tonna). Motion by myself, seconded by Legislator Cooper. All in
favor? Opposed?

LEG. FOLEY:
Just on the motion.

P.O. TONNA:
On the motion. Legal Counsel?

LEG. FOLEY:
Were there properties that were taken off the -- out of the district
or were they added to?

MR. SABATINO:
There was a mistake made when the Planning Department sent over the
initial list that was approved in 1998, this is going to correct the

list to what they actually intended to do.

P.O. TONNA:
Okay. Motion --

LEG. FOLEY:
With that said, does that mean, though, that properties were taken off
or properties added to or they're just simply corrections?

MR. SABATINO:
Properties have to be added to.

P.O. TONNA:
Okay.

MR. SABATINO:
They were left -- something went wrong when the Planning Department
did the list of parcels for Exhibit A in 1998. We approved the list
that they sent over, they uncovered the mistake about two or three
months ago and now we're trying to correct it.

MR. FOLEY:
Okay.

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

MR. BARTON:
Eighteen.

[RETURN OF STENOGRAPHER-LUCIA BRAATEN]

P.O. TONNA:
1409 (Reappointing Joseph Gergela as a member of the Suffolk County
Soil and Water Conservation District). Motion by Legislator Fields,
seconded by Legislator Carpenter. All in favor? Opposed?

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MR. BARTON:
18.

P.O. TONNA:
1414. Motion by Legislator Fields, seconded by Legislator Foley. All
in favor? Opposed?

MR. BARTON:
18.

P.O. TONNA:
1415 (Reappointing member of the Council on Environmental Quality
(Nancy Manfredonia). Motion by Legislator Fields, seconded by
Legislator Fisher. All in favor? Opposed?

MR. BARTON:
18.

P.O. TONNA:
1422 (Adopting Local Law No. -2002, a Local Law require verbatim
minutes for Suffolk County Council on Environmental Quality (CEQ).
Motion by Legislator Fields, seconded by Legislator Bishop. All in
favor? Opposed?

LEG. FOLEY:
Opposed.

LEG. BINDER:
Opposed.

P.O. TONNA:
Okay. Who are the opposed?

LEG. ALDEN:
On the motion.

P.O. TONNA:
Yeah, go ahead.

LEG. CRECCA:
Put me on the motion, too, please.

LEG. ALDEN:
Just a question, I guess, to Legal Counsel. Who's going to pay for the taking of the minutes and how are they going to structure that? Is that going to be done here in the Legislature, or is this meetings that take place outside?

P.O. TONNA:
Is there a financial -- is there a financial --

MR. SABATINO:
It's going to be done in-house, like we do with the other boards and commissions.

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MR. BARTON:
Yes. The sponsor contacted my office and spoke to me directly about it. I'm not excited about taking on the responsibility, but it's certainly something we can do, and it will impact.

P.O. TONNA:
Okay. Did you talk with my office about it? Did you talk to Ralph or anybody?

MR. BARTON:
Yes.

P.O. TONNA:
When requests are made for your office to extend, you know, workers and whatever else, you contact our office, right?

MR. BARTON:
Correct.

P.O. TONNA:
It's just a chain of command thing.

LEG. ALDEN:
Is there a financial impact statement? Henry, did you have a financial impact statement done after you were -- you indicated that there would be a financial impact?

MR. BARTON:

No one from Budget Review contacted us to find out what the impact would be. There certainly is an impact.

LEG. ALDEN:

But you're not sure how much it is.

MR. BARTON:

I have no idea.

LEG. ALDEN:

So, Freddy, Budget Review, do we know how much it's going to cost.

MR. POLLERT:

Because there's the use of existing staff, there's no direct fiscal impact statement. It's not going to incrementally increase the County's operating budget. They're not going to have to hire an additional staff individual, it's just a reassignment of the County workloads.

LEG. ALDEN:

When do these -- when does this committee meet? Does it meet like within a normal nine to five type of hours?

LEG. FISHER:

Yes.

LEG. ALDEN:

So, if they're going to meet on a day that we have committees and

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things like that, we're going to be calling somebody in. If it's during committee week, we're going to be paying OT.

MR. BARTON:

There is the possibility of conflict. What we're doing with Planning and Space and the other committees that you all have required us to do the minutes on is we work with those departments.

P.O. TONNA:

Maybe -- the Vanderbilt, it's all --

P.O. TONNA:

You know what, maybe I need to hear from the sponsor of the bill just why. I'm sorry.

LEG. ALDEN:

No, no.

P.O. TONNA:

Why do we need -- why do we need verbatim minutes?

LEG. FIELDS:

There is a SEQRA review and it has to go through CEQ, and the Chairman and members of CEQ have often stated that if we're ever sued, it would be a terrible situation by not having verbatim minutes, and that sometimes what happens in their deliberations of one of these projects, not everything is reflected accurately in the minutes. So this would be protection for the County and for the committee.

P.O. TONNA:

Has the committee made this request?

LEG. FIELDS:

Yes. They were here.

P.O. TONNA:

Okay.

LEG. FIELDS:

Theresa Elkowitz was here --

P.O. TONNA:

Okay, great.

LEG. FIELDS:

-- and said that she would like it.

P.O. TONNA:

Legislator Crecca.

LEG. ALDEN:

Well, I just had a couple of more questions, but --

P.O. TONNA:

Oh, I'm sorry, Legislator Alden, my apology.

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LEG. ALDEN:

Thanks. Is there anything in the bill, and I guess I'll address this to Paul Sabatino, is there anything in the bill that would address if a conflict arises, how that conflict would be taken care of?

MR. SABATINO:

Conflict in what?

LEG. ALDEN:

If, for instance, you have more than -- like say, for instance, they're going to meet during committee week and all our people are assigned to different committees, how would that conflict be resolved according to the bill?

MR. SABATINO:

Well, I assume it will be handled the way we handle all of the other boards and commissions that we're taking minutes for. We're doing it for -- this is not the first time we've done it. It's -- you know, it's an administrative allocation of resources. It's not -- it's not complicated.

MR. BARTON:

Ideally, we would get CEQ to meet here in this auditorium.

LEG. ALDEN:

Hold it a second, Henry, I can't hear you.

MR. BARTON:

Ideally, we would have CEQ meet here in the auditorium. Unfortunately, when we've been assigned responsibility for things like the Planning Commission, they have been unwilling to meet here.

LEG. ALDEN:

CEQ's agreed to come -- they'll meet here, though.

MR. BARTON:

No. I have not spoken to them, because I wasn't sure what direction I was going to get from the Legislature. If you pass this resolution --

LEG. ALDEN:

Presently --

MR. BARTON:

They presently meet in the Planning Department over at the library on the floor in the Dennison Building. It's not an ideal location. It takes us twice as much time to transcribe minutes that are taken in an open meeting room without a sound system. That's why I have encouraged all of the boards and commissions that we have an obligation to, to meet here in the auditorium. You are absolutely correct, Legislator Alden, if they were to meet during a committee week, they would be unable to use this room.

As far as staff goes, I assign them accordingly. If there was a conflict that every person who could take minutes was not available, because they were doing so many committees, I would have to call CEQ and let them know that we were unable to meet the obligation.

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LEG. ALDEN:

Paul we appoint the people to this committee, right?

MR. SABATINO:

I'm sorry, somebody else was asking me a question. Go ahead. Somebody was asking me another question on another bill.

LEG. ALDEN:

We appoint the people to this committee, and by having that authority, do we also have the authority to dictate to them where we'd like to see them meet, and as far as on what type of schedule?

MR. SABATINO:

We make the appointments, they're all Legislative appointments. In theory, you know, if there's a conflict that is unmanageable, you know, they could be requested to -- you know, to reschedule their meetings. I think they meet on Wednesdays, if I remember correctly.

MR. BARTON:

Yes.

MR. SABATINO:

Okay. I think they -- it's the middle Wednesday -- it's the third Wednesday of every month, I think, so I don't know how that --

MR. BARTON:

First. I believe it's the first.

MR. SABATINO:

I don't know how it translates into, you know, what our schedule is, but, I mean, somebody could look at the calendar and see how many of those coincide with our committee schedule. I suspect on a random basis, maybe it's three times or four.

LEG. ALDEN:

I support this concept, I just don't want to see us get locked into something where we're requiring them to do verbatim minutes, they don't have the facilities over there. If they can come here and meet and if we can dictate that, then I think that's the ideal situation with the bill. But, otherwise we're going to put our staff in positions where they may not be available to us for our meetings right here and/or they might be operating under less than ideal conditions, someplace off site.

MR. SABATINO:

The only thing I can tell you is from experience. I know that it's worked out in the past. There was -- for a couple of years, we were doing Brookhaven National Laboratory Special Op Committee subcommittee meetings that we were driving people out to Yaphank. I know it was difficult, but it worked out, so I know the track record is that it works.

LEG. FIELDS:

May I?

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D.P.O. POSTAL:

Do you want -- Legislator Alden --

LEG. ALDEN:

I'm not.

D.P.O. POSTAL:

You're finished.

LEG. CRECCA:

Legislator Fields, I'm sorry, did you want to --

D.P.O. POSTAL:

Legislator Crecca, would you yield to Legislator Fields?

LEG. CRECCA:

Sure.

LEG. FIELDS:

I spoke to the CEQ committee and asked if it would be difficult for them to come over here. They said they'd prefer over there, but if they had to come here, it would not be a problem. This is not a big deal, and it really is for our protection. And, you know, I would see you only voting against this if you don't want to protect the County in a legal suit.

D.P.O. POSTAL:

Legislator Crecca.

LEG. CRECCA:

Yeah. I support the idea of verbatim minutes for the CEQ, but I share some of the same concerns that Legislator Alden does. And I'm more concerned -- less about this year, because that's a temporary situation, but I don't -- what I don't understand, I guess I would ask Counsel or ask the Clerk, it's Planning -- this is under -- CEQ is part of planning, and I know that they report to us as a CEQ agency, but they're part of Planning. And I guess my question is, is can we put in the Operating Budget next year appropriate -- appropriations, so that we have a reporter for -- that comes out of the Planning

budget, where it should be, and not keep straining on -- I guess the concern is that -- that Legislator Alden raises, I think it's a legitimate concern. We do have our Legislative Stenographers at the same level and we keep putting additional responsibilities on them. And all I'm saying is that next year, maybe we can shift this from a Legislative appropriation or Legislative staff to Planning's staff.

MR. SABATINO:

That would be an option. CEQ is an independent agency, but your point is that the staff people that support CEQ come out of Planning, and that's correct, so you could line item something in the budget. That would also address the Planning Commission requirements that we impose, because we passed a law for the Planning Commission to have verbatim minutes about a year ago. So that would be logic of tying those together. You could do that part in the budget in terms of resources.

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LEG. CRECCA:

And I guess I would ask the sponsor, we can move forward on this now, so we're not not having it, but would you support us addressing it that way next year?

LEG. FIELDS:

Absolutely. And in addition to that -- yes, the answer is yes.

MR. BARTON:

There is also an existing court reporter list, which I've canvassed, and I have a vacancy in the office, and if an affirmative vote is also giving me the authority to fill that vacancy, I'd be happy to do that as well.

D.P.O. POSTAL:

Legislator Haley.

LEG. HALEY:

I had the same concern. Why can't we, under the circumstances, just charge back against someone else's budget, as opposed to Henry's budget? Can we do a chargeback?

LEG. FIELDS:

Do we do that with the Vanderbilt, also, because they're the same as --

MR. BARTON:

Yes, we do.

LEG. HALEY:

Vanderbilt is -- yeah.

MR. BARTON:

The Vanderbilt, yes.

LEG. HALEY:

Yeah.

LEG. FIELDS:

Yeah.

LEG. HALEY:
So we should do a --

LEG. FIELDS:
I don't see why we can't.

LEG. HALEY:
At least a charge-back. And I've got someone for that position, by the way.

D.P.O. POSTAL:
Okay. We have -- is there --

LEG. FIELDS:
Motion.

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LEG. BISHOP:
Motion.

D.P.O. POSTAL:
A motion and a second to approve. Roll call -- all in favor?
Opposed? 1422 is approved.

MR. BARTON:
18.

D.P.O. POSTAL:
1451 (Authorizing the planning steps for implementing Greenways Program in connection with acquisition of open space at Pondview Estates, Middle Island (Town of Brookhaven). Authorizing Planning steps for implement Greenways Program in connection --

LEG. BISHOP:
Motion.

D.P.O. POSTAL:
Motion by Legislator Haley, seconded by Legislator Bishop. All in favor? Opposed?

LEG. TOWLE:
Cosponsor as well.

MR. BARTON:
17, 1 not present. (Not Present: P.O. Tonna)

D.P.O. POSTAL:
1451 is approved. 1536-Accepting and appropriating additional 50% grant funds from the New York State Department of Environmental Conservation to the Department of Health Services, Division of Environmental Quality for the Long Island Sound Study. Motion by Legislator Bishop, second by Legislator Fields. All in favor?
Opposed?

MR. BARTON:
18.

D.P.O. POSTAL:
1536 is approved.

P.O. TONNA:

Okay. 1555 (Authorizing planning steps for the acquisition of land under pay-as-you-go 1/4% Taxpayer Protection Program (Land near Beaverdam Creek, Town of Brookhaven). Motion by Legislator Fields.

LEG. FOLEY:

Second.

P.O. TONNA:

Second by Legislator Foley. All in favor?

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LEG. ALDEN:

Is that a typo there?

P.O. TONNA:

Yes.

LEG. ALDEN:

Beaverdam Creek, isn't that -- that's the division between the Ninth and Tenth Legislative District right now, that's not in Brookhaven.

LEG. FOLEY:

That's another Beaverdam

LEG. ALDEN:

This is a different Beaverdam?

LEG. FOLEY:

It's Brookhaven Hamlet.

LEG. ALDEN:

Which one does this apply to, then?

P.O. TONNA:

It's in Brookhaven. Okay. There's a motion and a second.

LEG. FOLEY:

This one is in Brookhaven.

P.O. TONNA:

All in favor? Opposed?

MR. BARTON:

18.

P.O. TONNA:

Okay. 1556 (Implementing pay-as-you-go 1/4% Taxpayer Protection Plan for Water Quality Protection and Restoration Program for Pilot Project at Beaverdam Creek (Brookhaven Hamlet). Motion by Legislator Towle, seconded by Legislator Fields. All in favor? Opposed?

LEG. FOLEY:

Cosponsor, please.

MR. BARTON:

18.

P.O. TONNA:

Okay. 15 --

LEG. TOWLE:
Wait a minute.

P.O. TONNA:
What?

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LEG. TOWLE:
You need to go back to 1555. I need to abstain on that. I'm sorry.

P.O. TONNA:
1555?

LEG. TOWLE:
Yeah. I'd make a motion to reconsider 1555.

P.O. TONNA:
Okay. I make a motion to reconsider 1555, seconded by Legislator Crecca. All in favor? Opposed? Now it's before us again. There's a motion by Legislator Fields, seconded by Legislator Foley.

LEG. TOWLE:
On the motion.

P.O. TONNA:
All in favor? Opposed? Oh, you just want to --

LEG. TOWLE:
Yeah, I'll state for the record why I'm abstaining, although I support the acquisition, at least so the record's accurate. The individual who owns this property, his son works for me in the Legislative office, so I'm going to abstain on this.

P.O. TONNA:
Okay, great.

MR. BARTON:
So it's now 17, 1 abstention.

P.O. TONNA:
All in favor? Opposed? Okay, great. 1557 (Designating Clean Water Act Day in Suffolk County). Motion by Legislator Fields, seconded by Legislator Foley. All in favor? Opposed?

MR. BARTON:
18.

PUBLIC SAFETY & PUBLIC INFORMATION

P.O. TONNA:
Great. Let's go to 1523 (Amending the 2002 Capital Budget and Program and appropriating funds in connection with improvements to the County Correctional Facilities C-141, Riverhead for the installation of Tamper Proof Security Grills (CP 3014). Motion by Legislator Carpenter, seconded by Legislator Crecca. Roll call.

(Roll Called by Mr. Barton)

LEG. CARPENTER:

Motion. Yes.

LEG. CRECCA:

Yes.

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LEG. CARACCILO:

Yes.

LEG. GULDI:

Yes.

LEG. TOWLE:

Yes.

LEG. CARACAPPA:

Yep.

LEG. FISHER:

Yes.

LEG. HALEY:

Yes.

LEG. FOLEY:

Yes.

LEG. LINDSAY:

Yes.

LEG. FIELDS:

Yes.

LEG. ALDEN:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

Yes.

LEG. BINDER:

Yes.

LEG. COOPER:

Yes.

LEG. POSTAL:

Yes.

P.O. TONNA:

Yeah.

MR. BARTON:

18 on the bond.

P.O. TONNA:

Okay. Same motion, same second, same vote. 1524 (Amending the 2002 Capital Budget and Program and appropriating funds in connection with the improvements to Police Headquarters (CP3122)). Motion by Legislator

Carpenter, seconded by Legislator Bishop. Roll call.

LEG. ALDEN:
How much.

P.O. TONNA:
Oh, wait. How much is this for?

MR. SABATINO:
Eight hundred thousand dollars.

LEG. ALDEN:
And what does this accomplish?

LEG. BISHOP:
Nothing.

MR. SABATINO:
Well, these are improvements. These are the --

LEG. BISHOP:
Backup generator.

MR. SABATINO:
Well, it's improvements for Police Headquarters. Sixty thousand is for planning steps, and the improvements themselves are going to be \$800,000, so the total is 860,000.

LEG. FOLEY:
But what it is for?

MR. SPERO:
It's for a new generator at Police Headquarters.

LEG. FOLEY:
What's the improvements.

LEG. ALDEN:
This is a new generator?

MR. SPERO:
New emergency generator.

LEG. FOLEY:
Haven't we approved the emergency generators over the past couple of years for the Headquarters? And how does this generator differ from others?

MR. SPERO:
There's one for the Special Patrol Bureau out at Islip. That was the one --

LEG. FOLEY:
Sorry?

MR. SPERO:
-- that you approved recently.

LEG. FOLEY:
We can't hear you, Jim.

MR. SPERO:
There's one for Special Patrol that was approved fairly recently.

LEG. FOLEY:
Yes.

MR. SPERO:
Over at Islip.

LEG. FOLEY:
No. But there was also, when we approved for -- I think for
Headquarters about a year ago. There like a --

LEG. FISHER:
I think that was for Information Systems.

LEG. FOLEY:
Okay.

MR. SPERO:
I don't remember that.

LEG. FOLEY:
Yeah.

LEG. ALDEN:
On the motion.

LEG. FISHER:
I had checked on that.

LEG. FOLEY:
Okay. So this is for the whole building, is that what this is for?

MR. SPERO:
(Nodded yes).

LEG. FOLEY:
Yes.

LEG. ALDEN:
On the motion.

P.O. TONNA:
On the motion, Legislator Alden.

LEG. ALDEN:
Jim, correct me if I'm wrong. I haven't been on -- I haven't been on
Public Safety, but I was on Public Works, and right across the street,
they just put in a major generating system, backup generator, and I

think right up the street, they just put a major generating system in
to the tune of a couple of million dollars. Maybe -- maybe the --

MR. SPERO:
Each major facility may have their own generator, emergency generator.

LEG. ALDEN:

These things are -- my point is, and I brought it up in Public Works two years ago or three years ago, the first time we were asked to authorize a million dollars for backup generating, these things are within a couple of hundred yards of each other, and one, even an alternative fuel source type of generator or generating system could have been used as a backup for the entire complex instead of spending a million here, a million there, another million. Now we're going up to \$860,000 or something. There seems to be a lack of planning or coordination on all these type of improvements or backup generating systems in this area, and I'm just wondering why we're spending on a million dollar basis, and this just shy of a million dollars, every time we turn around and get another backup generator.

LEG. CARPENTER:

On the motion.

LEG. FISHER:

Is someone waiting to speak, or may I?

LEG. ALDEN:

Someone should give me an answer on that.

P.O. TONNA:

Okay. Just wait. Legislator Alden --

LEG. BISHOP:

Why don't we table this?

P.O. TONNA:

-- was it a financial question?

LEG. ALDEN:

It's definitely a financial question.

P.O. TONNA:

All right. We're table this, then.

LEG. FISHER:

But it's a question for the Police Department.

LEG. CARPENTER:

No, no, no, we're not.

LEG. LINDSAY:

No.

LEG. CARPENTER:

I'm going to -- on the motion.

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P.O. TONNA:

Okay. Hold it one second.

LEG. FISHER:

Do you have a list?

P.O. TONNA:

It's a financial question. Is Budget Review going to answer this

question that he has?

LEG. FISHER:

I don't think they have the --

MR. SPERO:

I don't know if I -- I can't answer the question.

LEG. FISHER:

They don't have the answer.

MR. SPERO:

I'm not familiar with the systems that Legislator Alden is referring to.

P.O. TONNA:

Is this like what's his name's not -- you know, one of those -- who's that guy?

LEG. FISHER:

Is there is a list, Paul?

P.O. TONNA:

Yes. Legislator Alden still has the floor.

LEG. FISHER:

Okay, but after he speaks.

P.O. TONNA:

After Legislator Alden, it's Carpenter and then yourself.

LEG. LINDSAY:

Put me on the list.

LEG. ALDEN:

I still would like to know what the total sum is of the last four or five generators that are within a couple of hundred yards of each other, and what the necessity is to spend another million dollars or close to a million dollars of the People's money to put another backup generator in within -- and they're all within a quarter of a mile. I want to see the rationale, I want to hear the rationale for that, and I want an explanation of how much we've already spent. I want to see how much we've spent on that. And these are all -- these are all conventional where we're going to use either gasoline or fuel oil, I would imagine, on this one, too, diesel.

P.O. TONNA:

Okay.

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LEG. ALDEN:

Why are we doing that?

P.O. TONNA:

Okay. There's now -- okay. It's a tough nut to -- for Budget Review to answer right now. I'm going to now proceed to the Chairman of that committee, who has the next floor. And, Cameron, when we're all done with all the questions, maybe we could find an answer for you, and if not, then I'm sure you'd make a motion to table, because you don't have the information. Legislator Carpenter.

LEG. CARPENTER:

As was noted earlier, this is for Public Information Systems. And I think, in this time of heightened public security awareness and preparedness, we should not be doing anything to delay making sure that our Police Headquarters has all the necessary equipment and backup generation, should there be some sort of an emergency. The idea of sharing equipment certainly makes a lot of sense, but I don't know if logistically this is a possibility. And for us to go back to the drawing board and try and accomplish that now, given the nature of where we want this generation in place, I'm afraid would compromise the public's safety.

P.O. TONNA:

Okay. Legislator Fisher has the floor. Then, Legislator Alden, if you want to speak again, we'll be glad to.

LEG. FISHER:

I completely concur with Legislator Alden's remarks. I don't believe that this is for Information Systems, number one. And when that resolution had come up asking -- requesting funds for the -- for the backup generator for the Information Systems, at that time, I put on the record my query as to why alternative fuel sources were not being investigated. I did discuss that with Public Works at the Energy -- at the Energy -- not the Legislative Energy Committee, but the energy -- what do we call it, Counsel? Anyway, I was speaking with Public Works about looking at alternative fuels and we had already passed that resolution.

I think that -- I'll withdraw my second on this and support a tabling motion, because I believe that DPW should look at this, look at -- we're asking for energy master plans, we're asking for planning in all energy endeavors, and it's just too expensive to react haphazardly to energy needs and power generation.

P.O. TONNA:

Okay.

LEG. FISHER:

So I will make a motion to table.

P.O. TONNA:

Okay. And seconded by Legislator Alden, I'm sure. But, Ledge Lindsay has the floor. And I just want to remind everybody that it's five to 12:30 right now. We have a page-and-a-half left. If we really are --

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LEG. POSTAL:

Five to twelve.

LEG. LINDSAY:

What are we going to do the rest of the day.

P.O. TONNA:

Five to 12:30.

LEG. POSTAL:

Five to twelve.

P.O. TONNA:

Five to twelve. We have until 12:30. That's what happens when you have a disability. Legislator Lindsay.

LEG. LINDSAY:

Yeah. Just to weigh on this subject a little bit, I probably have more technical expertise than anybody else at the horseshoe on this. Traditionally, UBS systems, or emergency backup systems --

P.O. TONNA:

Hold it one second, Bill. I would ask everybody, please, be quiet. Thank you. Legislator Lindsay.

LEG. LINDSAY:

-- are done on a building-by-building basis. To create an independent distribution system with one central generator to feed multiple buildings very often is more expensive than an individual system per building. Well, it could be less reliable. But it's more expensive, because you have to actually run distribution systems, you know, from building to building, which can become very expensive. I don't know the exact numbers on that, but that's the norm.

The other thing, and I think we discussed it when -- a few months back, when we discussed another backup system for the Police Headquarters, was the whole subject of alternate fuel sources as a backup system, fuel cells and such. It is true that we're right on the verge of using fuel cells extensively. We're not quite there yet. The only fuel cell installation that I know of that's operational is owned by LIPA. In Babylon, there's another whole proposal that's about to come on line for Verizon. Right now, they're very bulky. I'm not sure about the dependability, and I would not want to risk our Police performance to maybe a technology that's not quite there yet, especially not when it comes to emergency power. You've got to remember, our whole 911 system is in that building, and I don't want to risk in an emergency us not having power in that building. That's all I've got to say.

P.O. TONNA:

Okay.

LEG. CARACCILOLO:

Mr. Chairman.

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P.O. TONNA:

Legislator Alden.

LEG. ALDEN:

All good points, except just I would want to take it one step further in the analysis. If we've spent a number of millions of dollars to put backup generation in buildings that are within a couple of hundred yards of each other, why wasn't an analysis done as far as does it cost more to grid it, or does it cost -- or is it less expensive to put it on an individual basis? Right now, there's a backup generator for this building. There's also a backup generator right next door to it, and there's right across the street from it, and one just down the street a little bit more. We spent a couple of million bucks on probably over a million dollars of them. I just don't understand why we haven't looked at and had some kind of policy decision, because

we've been talking about it for years now, on possibly using an alternative fuel source. Storage of the -- of just the fuel for this alone is going to put ground -- and we're very close to -- I guess we're very close to the Pine Barrens in this area. We're going to be storing another thousands and thousands of gallons of diesel fuel to run this backup into -- this backup generator in the event that something breaks down. I'm not sure what we're doing. We have no policy, basically, except to spend a whole bunch of money each time it comes up. But there is a backup generator for this building as we speak.

P.O. TONNA:

Okay. All right. Legislator Caracciolo, then Carpenter, and then let's vote on this, please.

LEG. CARACCIOLO:

I think the members around the horseshoe, both Legislator Lindsay and Alden, as well as Fisher, raise, you know, some interesting comments and with respect to the issue. And I don't think it would be to anyone's detriment to table this resolution, so we can get the answers as to whether or not we have an integrated system. And more importantly, since we are all aware of a heightened terrorism alert, what contingency does the County Police Department have to deal with an attack on its Headquarters and the provision of 9/11 services should something like that happen? I think that's a presentation that should go before the Public Safety Committee, along with other issues dealing with terrorism and how this County would respond, God forbid, to a radiological attack in the metropolitan area, and how we are -- how will we move 1.4 million people out of the County of Suffolk?

P.O. TONNA:

Okay. Legislator Carpenter.

LEG. CARPENTER:

We have had multiple presentations in the Public Safety Committee on the preparedness of this county. In fact, as we speak, there's an Emergency Management Conference going on in Manhattan that members of the Police Department are attending. Tom {Ridge} is speaking there this afternoon, and are members of FRES are there, and, in fact, participated and helped organize it.

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I just have a question for Legislator Lindsay. How practical -- I know it was mentioned that there are generators across, you know, an adjacent building -- well, they're not really adjacent, but down the road and across the road. How practical would it be to utilize a generator across the road or down the road? Would you -- I mean, these things are large and pretty permanent, it's my understanding, and maybe I'm wrong, but it doesn't seem like you could roll it across Yaphank Avenue and, you know, bring it to Police Headquarters if you needed it, or run an extension cord from the Department of Public Works over to Police Headquarters for a generator. It just doesn't seem practical.

And, again, I would just urge my colleagues not to table this. I think the last thing we want to do is compromise the safety of the public of Suffolk.

P.O. TONNA:

Okay. Roll call.

LEG. CARPENTER:

But if you could answer that question about the practicality of --

LEG. LINDSAY:

Well, you -- you can't move the generator. And your analysis of an extension cord, yeah, it's called a distribution system. You would have to trench across the road or under the road and run an electrical distribution system to carry an additional building.

LEG. CARPENTER:

And aren't these generators something that would have to be tested on a regular basis --

LEG. LINDSAY:

Yeah.

LEG. CARPENTER:

-- and run --

LEG. LINDSAY:

Yes.

LEG. CARPENTER:

-- on a regular basis?

LEG. LINDSAY:

Yes.

LEG. CARPENTER:

And the larger they are, the more costly it is to run them, even for testing purposes, so that it almost makes sense to have generators specific to the building that you want to provide the service for.

LEG. LINDSAY:

Usually, in a campus setting, the generator is usually located in the individual building to pick that building up. You know, not to say that it can't be done on a centralized basis, I think it's really a

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matter of economics, you know, and dependability.

LEG. BISHOP:

Okay.

P.O. TONNA:

All right. Could I --

LEG. ALDEN:

One more.

P.O. TONNA:

Can I just --

LEG. BISHOP:

Please, Cameron.

P.O. TONNA:

Legislator Alden.

LEG. BISHOP:

Table this.

P.O. TONNA:

Go ahead. Legislator Alden.

LEG. ALDEN:

Bishop is asking us not to make anymore statements.

P.O. TONNA:

Well, Legislator Bishop isn't your -- you know, your governmental boss, so I would say that you could probably ask the question if you want, although you will get a nonverbal from me that says, "What the heck is going on?" No, I'm teasing. I'm teasing. Come on.

LEG. ALDEN:

Let's just vote on it, go ahead.

P.O. TONNA:

I'm joking, Legislator Alden.

LEG. ALDEN:

Let's just vote.

P.O. TONNA:

All right. Everybody, let's vote on it. Roll call. There's a motion to table by Legislator Fisher and seconded by Legislator Alden.

(Roll Called by Mr. Barton)

LEG. FISHER:

Yes.

LEG. LINDSAY:

This is on the tabling?

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P.O. TONNA:

Table.

LEG. ALDEN:

Yes to table.

LEG. CARACCIOLO:

Yes.

LEG. BISHOP:

George.

P.O. TONNA:

Legislator Guldi, stay focused.

LEG. GULDI:

Yes.

LEG. BISHOP:

Yes, he said yes.

P.O. TONNA:

There we go.

LEG. TOWLE:
Yes.

LEG. CARACAPPA:
No.

LEG. HALEY:
Yes.

LEG. FOLEY:
Yes.

LEG. LINDSAY:
No.

LEG. FIELDS:
Yes.

LEG. CARPENTER:
No.

LEG. CRECCA:
No.

LEG. NOWICK:
Yes.

LEG. BISHOP:
Yes.

LEG. BINDER:
Yes.

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LEG. COOPER:
Yes.

LEG. POSTAL:
Yes.

P.O. TONNA:
Sure. What does it matter now? Okay.

MR. BARTON:
14-4.

P.O. TONNA:
Tabled.

LEG. COOPER:
Mr. Chairman.

P.O. TONNA:
No, no.

LEG. COOPER:
I'd like to make a motion.

P.O. TONNA:

Don't even -- we're getting to the agenda. Come on, let us finish the agenda. What do you want to do?

LEG. COOPER:

I'd like to make a motion to discharge Resolution 1503, lay it on the table and let it age for an hour, please.

P.O. TONNA:

We're not even going to be here for an hour.

LEG. CARACCIOLO:

We're coming back at 2:30.

LEG. BINDER:

We have to come back for the public hearings.

P.O. TONNA:

All right. Motion to discharge 1503, lay it on the table.

MS. BURKHARDT:

It's already laid on the table.

P.O. TONNA:

Just -- okay. This is authorizing use of H. Lee Dennison Executive Office Building by Long Island Growers Market for farmers market. Motion by Legislator Cooper.

LEG. CARACCIOLO:

Mr. Chairman.

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P.O. TONNA:

Seconded by Legislator Caracciolo.

LEG. CARACCIOLO:

If you would, we can waive the rules and vote on it right now. It would take one minute.

P.O. TONNA:

No, no, no, no. All in favor? Opposed? We'll see how we do. All in favor? Opposed? Fine.

LEG. TOWLE:

Mr. Chairman.

P.O. TONNA:

Age for an hour.

MR. BARTON:

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LEG. TOWLE:

Mr. Chairman.

P.O. TONNA:

Okay. Here we go.

LEG. TOWLE:

Mr. Chairman.

P.O. TONNA:

Are you going to do this too?

LEG. TOWLE:

Yes. 1243.

P.O. TONNA:

1243, motion.

LEG. TOWLE:

It's regarding the War Dog Memorial funding.

P.O. TONNA:

Why -- can I ask you something? Is this time sensitive?

LEG. TOWLE:

Yeah, it is. They want to move forward with the plans and designs.

It's gone through Legislator Caracappa's --

P.O. TONNA:

No, this --

LEG. TOWLE:

-- Monument Committee, and I know they've appeared multiple times before Legislator Lindsay's committee.

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P.O. TONNA:

Joe, I hate to ask you, is this time sensitive?

LEG. CARACAPPA:

Well, in my role in this, Mr. Chairman, was just to approve a site in the Siting Committee. You'd have to ask the time sensitiveness of the project to Legislator Towle.

P.O. TONNA:

With all fairness, Fred, there's a motion by Fred Towle. Who's the second, just --

LEG. GULDI:

Me.

LEG. TOWLE:

Yeah, I made a motion, second by --

P.O. TONNA:

Okay. Legislator Guldi. On the motion. This doesn't seem to me to hit the time sensitive criteria.

LEG. TOWLE:

They've been meeting now for almost --

P.O. TONNA:

Yeah, but so was a million other bills and stuff. I mean, how is (sic) this need to be done? Because every -- I have -- I have a list of bills here where we're trying to determine a criteria for time sensitive versus not time sensitive.

LEG. GULDI:

Can I address the question?

P.O. TONNA:

This is not really something that shouldn't go through committee. This should go through committee. Why not.

LEG. GULDI:

Can I address the time --

LEG. TOWLE:

It has --

LEG. GULDI:

-- sensitivity issue?

LEG. TOWLE:

Legislator Guldi, let me finish.

P.O. TONNA:

Oh, wait. I rudely interrupted Legislator Towle.

LEG. TOWLE:

You did. I was going to --

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P.O. TONNA:

Legislator Towle, please finish.

LEG. TOWLE:

I was going to ask for you to be censured, actually, but I figured that since -- I'd try to convince you instead. The reality is it's been through multiple committees, and the reason it's been delayed in committee is it's not on the merits of the project, it was on the confusion of the fact that you had not appointed a committee in compliance with Legislator Postal's law, that we approved sometime in the last year, in reference to approving monuments. The bill would have been before us much quicker and much sooner if it had not been for that delay. So due to governmental bureaucracy, the bill has been delayed. They want to move forward with the plans and designs. And they had made a commitment to the committee, Legislator Caracappa and Legislator Postal, and the other people there, that they would come back with plans and designs by the end of the year. The money allows them to do the planning, design and then construction of the monument. They can't move forward with meeting their commitment if we don't approve the bill, so that's why it's time sensitive.

P.O. TONNA:

All right.

LEG. ALDEN:

There's other questions in committee.

P.O. TONNA:

Yeah, and -- okay. Legislator Postal.

LEG. POSTAL:

Yeah.

P.O. TONNA:

And then, Legislator Guldi, you had something? No.

LEG. POSTAL:

Yeah, thank you. Legislator Caracciolo -- Legislator Caracappa, who chairs that committee, was kind enough to invite me to the meeting of the committee and I did attend it. It seemed to me there was no specific or no special time sensitivity or urgency on this. The questions seemed to be what type of monument and where it would be located, and there are a great many questions involved in that and different points of view. So that it wasn't a matter -- I truly think that if we discharge this today, we're not addressing the differences of opinion, we're just moving ahead without resolving what the decision should be.

P.O. TONNA:

Right. And just in general, that's what we have the committee process for. If something is time sensitive, like, you know, there's a date certain that something has to be done before the next meeting, that's time sensitive. I just -- Fred, with all due respect and on the merits on the whole idea of a War Dog Memorial, I'm with you, but I just feel like we have committees set up, we should go through the committees. And there are committee members who are saying that they

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still have questions. So that's what the committee process is for.

LEG. TOWLE:

If I may, Mr. Chairman.

P.O. TONNA:

All right.

LEG. TOWLE:

Legislator Postal's question is a valid one, and as -- the problem is, you know, which comes first, the chicken or the egg. They can't present the committee a finalized plan if we don't approve the money, and they've committed to do that. They, obviously, appeared here today. They've been to the Veterans Committee and spoke before them. And, as I said, the delays have not been on their part, they've been on our part due to the fact that that committee regarding monuments -- their delay has been, unfortunately, on the part that the committee involving monuments was not in place and has not been in place since August of last year.

P.O. TONNA:

Okay. All right. Let's -- yes, Legislator Caracappa.

LEG. CARACAPPA:

Just if I can respond to -- the Siting Committee, it wasn't put in place, because there was no reason for it to be in place due to the fact that the members of the committee, it constantly changes based on who's sitting in that position at that current point in time. Also, it wasn't convened because there were no sittings of any memorials coming before the County Legislature for sometime. All of a sudden, two came at once, being the County executive's proposal for a September 11th memorial in Freedom Plaza. Also, concurrently, was the War Dog Memorial. I immediately was named chairman by you, Mr. Chairman, for this committee. I immediately called a meeting of that committee, and we met expeditiously and made our recommendations in a report on both of those memorials. So, you know, I, as the Committee Chair for the Siting Committee, came up with my colleagues

that a War Dog Memorial be sited on the grounds of the H. Lee Dennison Building, and that the final location be contingency upon the scope and design of this memorial.

Originally, what the war doing people wanted to do was put it in Armed Forces Plaza. We're still not sure if it belongs in Armed Forces Plaza, because the presentation, which was a very good one, that was presented to me prior to the meeting, they focused on dogs playing a vital role, not only in the armed forces, but in public safety and, also, the tremendous role they played on September 11th, 2001. That's one of the main reasons why we want to see what they have in mind before we move forward with anything with relation to siting it at any specific point on the Dennison Building property.

P.O. TONNA:
Okay.

LEG. CARACAPPA:
So that's it in a nutshell.

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P.O. TONNA:
All right. Legislator Alden.

LEG. ALDEN:
In the Vets and -- in the Vets and Seniors Committee, there was questions raised, also, about what other types of memorials or what other types of plaques or things like that should be situated over there by the Dennison Building in Armed Forces Plaza. It also was brought to our attention that there's a -- and I think it's a semi-soft plan, but it's still a plan, as far as widening 347 that is actually going to cut into "X" number feet into Armed Forces Plaza. So what -- one of the questions that came up was do we have an overall siting plan for any future memorials, and how do these two that have been brought up, how do they fit into it, and where would they be, and, also, how would we handle, because I got -- even at that meeting, I got buttonholed by a couple of Vietnam veterans and said that we do not have at Armed Forces Plaza a Vietnam veterans memorial. We do they have the one at Bald Hill, but they were interested, some of them were interested in possibly siting something like that there. We also had some conflicts that took place after, and the conflict that's going on right now that we probably would want to eventually put up a memorial up for.

So, without an overall plan to the whole Plaza, and without the knowledge of how far in New York State is going to come and knock down -- one of the plans was they're going to come in inside the row of trees that's there. So would we want to replace -- would we want to replace trees or some kind of plantings along there? So I think that we need an overall plan for the future development of that before we even go forward with one or two or any of these.

LEG. TOWLE:
Mr. Chairman.

P.O. TONNA:
Okay. Could I --

LEG. TOWLE:
Mr. Chairman.

LEG. CARACAPPA:

That's why we said on the grounds of the Dennison Building. That's why we did not say in Armed Forces Plaza, because of the unknown problems that are facing us in the future with the road widening. That has nothing to do with this bill. Right now, this is just planning money for the War Dog Memorial, so that it can move forward with its place on the grounds at the Dennison Building, whether it be Armed Forces Plaza in the future, or someplace in Freedom Plaza, or any other place on the Dennison property.

LEG. ALDEN:

Two gentlemen that came here today said that they have a specific place in mind, like to the left of, and I believe it was the World War II monument. You know, they think it belongs in a line there. And, also, I raised the question that I hope that they can answer in

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committee. I know that September 11th was and is treated as an act of war, but they also want to -- they want the recognition, because their dogs are used on a daily basis by police departments and by other people in other civilian actions. So I don't want to just see -- if it's a War Dog Memorial, then we can actually honor some of the civilian use of those of those -- of the animals, too.

LEG. TOWLE:

Mr. Chairman.

LEG. ALDEN:

That's an appropriate thing to do.

LEG. TOWLE:

Mr. Chairman.

P.O. TONNA:

Okay. Just -- yes, I'll recognize you in a second, Legislator Towle. My problem right now is a problem of process, and the process is you have a committee, it's been tabled once or twice in committee. The sponsor of this bill has not been at the committee; am I right, Fred, you have not addressed this issue at the committee?

LEG. TOWLE:

No. I went to the Monument -- I went to the Monument Committee.

LEG. CARACAPPA:

You were deciding --

LEG. TOWLE:

I went to the Monument Committee.

P.O. TONNA:

No, to the --

LEG. TOWLE:

And my staff was at the Veterans Committee --

P.O. TONNA:

No.

LEG. TOWLE:

-- with the group that appeared.

P.O. TONNA:
Okay.

LEG. TOWLE:
And I spoke to Legislator Lindsay, the Chairman of the Committee,
personally.

P.O. TONNA:
All right. And so -- and you've spoken to him and told him you wanted
it discharged.

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LEG. TOWLE:
Correct. That's why I distributed the bill. I would not have
distributed the bill this afternoon --

P.O. TONNA:
Well, at least the process.

LEG. TOWLE:
-- if the Committee Chairman did not support the bill due to your
unwritten rule that the Chairman, you know, doesn't support it, you
don't.

P.O. TONNA:
Then I ask this. Fine. The bill -- if there are questions in the
committee, then those have to be addressed. We're dealing with
committee issues.

LEG. TOWLE:
It was a misunderstanding, Mr. Chairman, it's not -- was not a
question. The question that Legislator Alden put up is a valid
question and that we've answered that at the Monument Committee in
that they did not specifically say it had to go here or there. They
were more than willing, as the resolution, Legislator -- Legislator --
let me just finish, if I could. They're two people of the whole
group. I can't speak for every person in the group as I can speak for
the full body. But the committee did a resolution that authorized the
placement at one of two locations within and around the Dennison
Building, and that is more than acceptable to the group, but they
cannot prepare the plans and designs if we do not approve the money.
We have one more meeting before the summer break. If we don't approve
this, we're going to lose the whole summer of them working on the
plans and designs. Two meetings, excuse me. And that is my concern.

P.O. TONNA:
Okay.

LEG. TOWLE:
And that's why I'm trying to move the bill today.

LEG. CARACAPPA:
Mr. Chairman.

P.O. TONNA:
Okay. Legislator Lindsay.

LEG. CARACAPPA:

Okay. Sorry.

P.O. TONNA:
Legislator Lindsay.

LEG. LINDSAY:
Yeah. The only thing that I wanted to say is this has been tabled twice in committee. The first time it was tabled because -- it was probably my fault. I was under the impression there was a sitting committee that would approve the planning for Armed Forces Plaza and

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we deferred that to that committee, then we found out that committee doesn't exist anymore, and your committee, Joe, has replaced that committee. So that was my mistake the first time around. The second time it came up, there were some valid questions about -- nobody wants to offend anybody.

LEG. TOWLE:
Right.

LEG. LINDSAY:
Nobody wants to offend the Vietnam Vets. I talked to the Vietnam Vets group last Saturday and they asked them how they felt, you know, did they plan on eventually plan on having a monument at Armed Forces Plaza. They're undecided, really. They were going to come in and talk about it, which -- we just don't want to offend anybody, it's as simple as that. And then there some logistical questions on we didn't know where it was going to go. You know, we weren't aware there was two different locations. You know, today, they were talking about having it at Armed Forces Plaza. We just -- we just want to know where we're going with the whole -- that whole Armed Forces Plaza area, that's all.

LEG. TOWLE:
And I think, Legislator Lindsay, if I may, if they're in agreement, the only issue is they can't come back to the Site Committee and give them a plan or design if we don't approve the money. It's like which comes first, the chicken or the egg, and in this instance, we need to approve the egg in order to be able to present the chicken, if you will.

P.O. TONNA:
Roll call on the discharge.

(Roll Called by Mr. Barton)

LEG. TOWLE:
Yes .

LEG. GULDI:
Yes.

LEG. CARACCIOLO:
Yes.

LEG. CARACAPPA:
Discharge? Yes.

LEG. FISHER:
No.

LEG. HALEY:
Yes.

LEG. FOLEY:
Yes.

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LEG. LINDSAY:
Yes.

LEG. FIELDS:
Pass.

LEG. ALDEN:
No to discharge.

LEG. CARPENTER:
Yes.

LEG. CRECCA:
(Not Present)

LEG. NOWICK:
No.

LEG. BISHOP:
No.

LEG. BINDER:
Yes.

LEG. COOPER:
No.

LEG. POSTAL:
No.

P.O. TONNA:
No.

LEG. FIELDS:
No.

MR. BARTON:
Legislator Crecca.

P.O. TONNA:
Eddie, could you get out of his seat, so I just know that it's not
Legislator Crecca with his back turned.

MR. BARTON:
Nine.

P.O. TONNA:
Okay, great. Okay, next. Do we have one more here?

MS. BURKHARDT:
No.

LEG. CARACCIOLO:
Yes.

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PUBLIC WORKS & TRANSPORTATION

P.O. TONNA:
Great. We're going to Public Works. 1202 (Authorizing a public hearing to amend the Crossbay & Lateral Ferry License granted to South Bay Water Tax Incorporated. Motion by Legislator Towle.

LEG. CARPENTER:
Motion to table.

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

LEG. ALDEN:
Motion to table subject to call.

P.O. TONNA:
Motion to table subject to call by Legislator Alden. Who's seconding that? Is there a second for legislation tabled subject to call, is there a second? No. There's a motion to table by Legislator Carpenter. Is there a second for that?

LEG. POSTAL:
I'll second that.

P.O. TONNA:
Okay, Legislator Postal. All in favor? Opposed?

LEG. TOWLE:
On the motion to table.

P.O. TONNA:
On the motion to table.

LEG. TOWLE:
What is the reason to table this? Why are the two of you opposed to allowing the public to have an opportunity to address some concerns that have been published about this company?

LEG. CARPENTER:
There was some discussion in the Public Works Committee about the company coming down, whether the principal was going to come down or not. There seemed to be some sort of a conflict. And I would like to table this and give them the opportunity to come before the Public Works Committee.

LEG. TOWLE:
I've had conversations with Legislator Caracappa, the Chairman of the committee, and he appears to differ in the version of their refusal to come down to the committee. The bill has been now since the beginning of January, we're into May. I cannot imagine that in five months, the owner of this company could not have found time to come down to the Public Works Committee. But I'll let the Chairman address that at the committee, because I'm not on the committee, and I don't know what his staff did in reference to contacting this group, but there appears to

be a different version of this story.

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P.O. TONNA:

All right. Legislator Alden.

LEG. ALDEN:

In answer to Legislator Towle's question as to why I think this should be tabled, I would be more than happy to hold a public hearing in my Consumer Protection Committee in this, because it seems like a consumer protection type of issue. It also seems like a -- because it's a franchise issue, it's more than appropriate to have it in Public Works. But due to the lack of input from the public as far as complaints and things like that, I didn't schedule any hearings on this, because the only thing that really was brought to my attention was the article in a Fire Island newspaper, which, upon a little bit of an investigation, you find out that it's a person that is a competitor and was spurned by us as far as granting of a license. So as far as how much credence to put on that or how much credence not to put on that, I think the question is open. But I would be more than happy to hold a public hearing. We don't need a resolution to do, I'll just -- if you feel that you've got it, I'll hold it in public -- in the Consumer Protection, if you want.

LEG. TOWLE:

If Legislator Caracappa would let me go first, I do want him to go for the record for the rest of the Legislators, but, unfortunately, Legislator Alden, you're absolutely wrong, it's the law that requires us to do this by resolution. I could have very easily, as a Legislator, just said, you know, "I want to hold a public hearing," or I could have asked last year Legislator Foley, who is the Chairman, to do it on his own independently, but, unfortunately, we don't have that luxury, because the law requires us, A, to do it by a resolution, it also required it by law to send it to Public Works and Transportation, not Consumer Affairs. That was not my choice either. I don't care what committee it's before, as long as it's a public hearing.

I don't know if the article has credence or not. I also did some research on it. I think there is some validity to some of the complaints that were in that article. And I think the best way to air that subject, as you pointed out, was before a Legislative committee. And I cannot understand for the life of me why Legislators for the last five months have opposed doing a public hearing on allegations that have been made against a company that we provide a license to, and that's all this bill does.

LEG. ALDEN:

As I stated before, and I think you're partially correct, but I think you're partially incorrect, it depends on where you want to go with what you -- what the information that was provided to you was. If you want to go to the full Legislative hearing, as far as revoking a franchise, that's fine, yes, the law does require that. But if you want to get to the point or if you want to get to the bottom of allegations that appeared in a newspaper article by a competitor, or a hopeful competitor, who was denied a license, then I think that it would be prudent upon us to take some kind of a -- or create a forum where people would be able to come forward in a less formal hearing setting, as far as the public hearing that could be held in either my

committee or in Legislator Caracappa's committee. It doesn't have to be a formal authorized by a resolution hearing, just to entertain complaints by the public. Because, quite frankly, the public's not breaking down my doors to actually complain about this guy, and I'm the guy that represents the Bay Shore area, and that's a hub of the commercial water taxi and the ferry service that goes over to the beach, and it actually serves about -- probably 70% of the beach comes out of Bay Shore.

LEG. CARACAPPA:

Legislator Alden, if you would, if I can jump in here, you're absolutely right. Let me first say that, you are absolutely correct, where we should have just did something in committee cycle to let the operators of this business come down and talk about the allegations as it pertain to the price gouging and other things that have been brought up against them, not only in the article, but certain people who have called numerous Legislators. I feel the same exact way. Unfortunately, though, I looked their counsel right in the eye two Public Works meeting ago and I said, "Do yourself a favor, bring your client down here next Public Works meeting and we'll have a nice discussion here in the sanctity of the committee cycle, where we can air this out, and, possibly, we can just avoid this whole process of going for a public hearing to revoke your license altogether." And what happened at the next Public Works meeting last week?

LEG. ALDEN:

Yeah, his representative showed up.

LEG. CARACAPPA:

He showed up and said, "You never asked me." No. First, he said, "My client can't come because he has a Coast Guard inspection." Valid in my mind, fine, okay. But then, 15 minutes later, he said, "No, you never did tell me to bring him." One thing one second, 15 minutes later, he's saying the complete opposite. We went and pulled the minutes right there and then. I looked at him twice, twice, right in the eyes on the minutes and I asked him, "Bring your client, so we can -- so we can do this now and not have it moved forward." We don't need it to move forward, we could handle it now. They told my committee and this Legislature, "You don't matter," your compromising your committee doesn't matter, and you, Mr. Chairman, and the members of this Public Works Committee do not matter. And then the audacity of their counsel just to say one thing, and then 15 minutes later, say completely something other, that was it for me. And I think we should move forward now, because we gave them the opportunity and they threw that opportunity out the window.

LEG. ALDEN:

In that opportunity that you afforded them so graciously, as I understand it, did you ask the legal representative of that company any questions that were on your mind and weighing heavily, as I see they are?

LEG. CARACAPPA:

The prior committee, we all asked questions.

LEG. ALDEN:

The one where you got mad, the one you, obviously --

LEG. CARACAPPA:

Nothing. No, absolutely not, because I --

LEG. ALDEN:

-- felt snubbed and insulted.

LEG. CARACAPPA:

We requested the owner to be there, not the counsel. And for the counsel to show up with an employee of the company, a dispatcher, you know, no disrespect to the dispatcher, but that wasn't the request. And for the attorney to say that, "Okay, you did ask me to bring him, but he couldn't," and then 15 minutes later said, "You never asked me," I think it's a bunch of B.S. and that's why it moved out of my committee, and that's why we should move forward, because, again, they had a golden opportunity never to get this to this point and they threw it out the window.

LEG. ALDEN:

So you feel snubbed because the owner didn't come, he sent his legal representative and he also sent a manager to answer your questions, so that's why this is a punishment type of thing, is that why you moved it out --

LEG. CARACAPPA:

It's not a punishment.

LEG. ALDEN:

-- not for good government type of --

LEG. CARACAPPA:

It's not a punishment, Legislator Alden.

D.P.O. POSTAL:

I think the two of you are really debating, and I think that Legislator Caracappa has attempted to respond to the -- no. But, you know, it's a kind of colloquy that really is not -- is not proper. If you want to go through the Chair, if you want to have the opportunity to have the floor, but the floor is now Legislator Carpenter's.

LEG. CARPENTER:

Thank you.

D.P.O. POSTAL:

And then Legislator Towle.

LEG. CARPENTER:

I'm a member of the Public Works Committee and I, personally, did not feel that the people involved were snubbing the committee. And I was there, and I do understand that the Chairman feels that way. And, certainly, we can't control how we feel and everyone has a right to their own feelings. However, I do not feel that we should be penalizing the owner of the ferry company without giving them an -- giving him the opportunity to come to the Public Works Committee.

I am sorry that I had to step out briefly this morning and was not here to listen to the testimony that was given by the ferry company, but it's my understanding that the request was made, or would they be willing to or would they come to the Public Works Committee and have a

full discussion, and I feel comfortable with that. I'm not suggesting that we defeat this resolution. The resolution is on the floor, it's live, it's out of committee, but I think that we should table this here now, not set the precedent. Let them have an opportunity to come before the Public Works Committee. It's a more appropriate venue to have this kind of discussion.

And just to answer one other thing and to reinforce what Legislator Alden said, he represents the Bay Shore area where the ferry departs from, and I represent the entire Islip Town portion of Fire Island, where the major majority of the ferries go into. And I also saw the article in the paper that seems to have precipitated this resolution. Legislator -- one of the Legislators made some comment about the fact that the resolution's been live for five months. I don't believe it's been that long. But, in any case, as the representative of the Fire Island community, I would have thought that if any Legislator feels that there's a burning issue, that they may have contacted me on it, and I certainly would have been happy to discuss it or share the information that I had received in my office on the issue. And, quite frankly, as Legislator Alden said, they weren't tearing down his door, nor were they ringing the phone off the hook in my office. And, believe me, they contact me about all sorts of issues and problems, and this was not one that I got any kind of major input on.

But, again, I would just ask my colleagues to allow the ferry company the opportunity to come to committee and we can discuss this again at the next meeting.

LEG. TOWLE:
Legislator Postal.

D.P.O. POSTAL:
Legislator Towle.

LEG. TOWLE:
You know, first of all, the article was an article from last year. When I saw the article, I spoke to Budget Review and I also spoke to Counsel, who had informed me that Legislator Foley originally had introduced a bill to do what this very bill does now. And I did have the bill refiled immediately into the new year, attaching the article. The bill has floated around for almost five months now, and for five months -- in fact, as I read through the minutes, Legislator Carpenter, at one meeting of the Public Works Committee, you were -- your statements on the record was that, you know, this was in your district and that you'd have to speak to the sponsor to find out what's going on. You and I have not had a conversation about this, because this is a public hearing, and I think that's what exactly should take place. And if the charges are accurate, then we need to take action. If the charges are inaccurate, then the hearing will determine that and that will be the end of the issue, and that's what this process is. I didn't pick the process, this is the law, this is

the process.

And I think, at this point, we've beat this issue to death. It's been floating around for eight months. The bill was passed out of the committee. They have refused the Chairman's request on multiple occasions to appear, the owner of the company, who is the person who

the license is issued to, and that's the person that needs to be held accountable, bottom line. And this resolution will, basically, force them to appear and testify on these issues and these allegations. It also will give the general public an opportunity, if anybody has any complaints or problems, to appear. If they choose not to, then we know these charges were unfounded. If they choose to, then we then need to investigate and make some determinations, and that's what this bill does, plain and simple.

D.P.O. POSTAL:

Legislator Crecca, and then Legislator Alden, and then we're going to go to a roll call on this.

LEG. CRECCA:

Yeah, I'll be brief. I just -- you know, I sit on the Public Works Committee, too, and I understand where Legislator Caracappa's coming from. And I read the minutes, too, Legislator Caracappa. I do think there was some room for a misunderstanding here. I know you don't agree with me, Joe, but I would suggest that there's no harm in having the owner come back and address the committee at the next committee meeting, and tell us -- give us his side of the story. We didn't have that opportunity last time, through no fault of the Chair, but that doesn't mean that we still can't go forward with a public hearing at the next meeting. We have a meeting on June 4th, I think is the next meeting.

LEG. CARACAPPA:

Of Public Works.

LEG. CRECCA:

The Public Works meeting, yeah. And so that's what I would recommend. Again, I don't -- I understand a little bit of the problem here and the history, but I think that we should just sort of start with a clean slate, get the information on the table, and we can still go forward with a public hearing, if we think that's warranted, but I'd like to do the work in committee first. And, again, no fault through of the Chair, I just think that's a better way to handle it. So we should either defer to committee or table it, so.

D.P.O. POSTAL:

Legislator Alden.

LEG. ALDEN:

One quick legal question to Paul Sabatino. Legislative Counsel, can you just walk us through the procedure if -- if we hold this public hearing, then what are we empowered to do after that, or what are we not empowered to do?

MR. SABATINO:

Well, after the hearing is conducted and testimony is taken, evidence

is introduced, if any, the Legislature would have to close the hearing, and then you would have to weigh, you know, the relative weight of the evidence and the testimony on each side, and you could do an array of things ranging all the way from a suspension to a revocation, to a termination, to the imposition of penalties, or nothing. So you have a full array. But the ultimate would -- the ultimate sanction would be you could -- you could revoke the license.

LEG. ALDEN:

And would that be on resolution, anything, any further action that we took after the public hearing?

MR. SABATINO:

Yeah, that would require -- you see, the reason for the public hearing is that's to meet the due process, you know, statutory and constitutional requirements we have, and then anything you would want to do would have to be by resolution. The precedent is, once before, there was an issue with regard to I think it was Davis Ferry, if I remember correctly, but there was an issue about not complying with a COLA provision, and we went through the process and the Legislature opted to do whatever it did at the time. But there is a due process aspect to it, and you're right, it would take a resolution to formally do something.

P.O. TONNA:

Okay. All right. Roll call.

LEG. POSTAL:

Just do all in favor, opposed.

P.O. TONNA:

All in favor of tabling? How about that? I'm not --

LEG. TOWLE:

No, no. Roll call. Roll call.

P.O. TONNA:

Roll call.

(Roll Called by Mr. Barton)

LEG. CARPENTER:

Yes to table.

LEG. POSTAL:

No.

LEG. CARACCIOLO:

No.

LEG. GULDI:

No.

LEG. TOWLE:

No.

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LEG. CARACAPPA:

No.

LEG. FISHER:

No.

LEG. HALEY:

No.

LEG. FOLEY:

No.

LEG. LINDSAY:
Yes.

LEG. FIELDS:
No.

LEG. ALDEN:
Pass.

LEG. CRECCA:
Pass.

LEG. NOWICK:
Yes to table.

LEG. BISHOP:
No.

LEG. BINDER:
Yes.

LEG. COOPER:
Yes.

P.O. TONNA:
Yes to table one meeting.

LEG. ALDEN:
Yes to table.

LEG. CRECCA:
Yes to table.

MR. BARTON:
Eight.

P.O. TONNA:
Okay. Meeting recessed to next -- we'll finish it at 2:30. Yeah, but wait. We're doing a photo first, then you have -- we have a Budget Review -- a Budget --

LEG. CRECCA:
Committee.

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LEG. TOWLE:
There was a motion to approve.

LEG. CRECCA:
There was a motion to approve.

P.O. TONNA:
All right, go ahead. You know what --

LEG. CRECCA:
There was a pending motion on the floor.

LEG. CARPENTER:
He recessed the meeting.

LEG. BISHOP:

He recessed the meeting.

P.O. TONNA:

I recessed the meeting. We'll take it up right when we go.

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

D.P.O. POSTAL:

Mr. Clerk, have the affidavits of publication been published in proper order?

MR. BARTON:

Yes, the legal notices have been published, and I have the affidavits of publication.

D.P.O. POSTAL:

Thank you. Our first public hearing is regarding Introductory Resolution Number 1244F, which is authorization and approval of Seacoast Transportation Service, Inc., petition for cross bay freight/baggage and passenger water taxi and ferry service over the Great South Bay from Sayville, Suffolk County. I have no cards for this public hearing. Is there anyone who would like to address the Legislature on this matter? Hearing no one, motion --

LEG. LINDSAY:

I make a motion.

D.P.O. POSTAL:

Motion to close, Legislator Lindsay, seconded by Legislator Bishop. 1244 F is closed.

LEG. LINDSAY:

I think Legislator Bishop wanted to keep it open. He wanted to wait a little longer.

D.P.O. POSTAL:

You mean, he wanted to wait to see if anybody showed up to address us. Well, I guess we could reopen it. He could make a motion to reconsider.

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Public Hearing regarding Introductory Resolution Number 1504, a local law to reform the process for Public Works change orders. I have the first speaker, Joseph P. Hogan.

MR. HOGAN:

Good afternoon. My name is Joe Hogan. I'm with the General Building Contractors of New York State. We're an association of approximately 200 general contractors and construction managers who perform the lion's share of commercial, industrial, and institutional building construction throughout New York State. My two primary duties as an Association Executive, first of all, are to review the bidding documents or how they square with industry standards, will rules of equity and rules of law. And the other duty that I have is something called partnering, where I visit job sites on a monthly basis and look to build team work on the projects and help them work smoothly through the various processes. The most contentious and most difficult

process on any construction job is that of change orders and how they're managed, particularly on public work.

What we see is that, continually, with large state agencies and large city agencies is a stone-walling, not by direct act, but, rather, by the process that is engaged in by the public authority. What that runs into is a basic problem of contractors and subcontractors not being paid for work that they've already put in place. The frustration builds, the project delays. And as you go down the road, we find that there are continually problems of good competition, attracting good quality contractors to the project, and getting the best prices that you possibly can.

Frankly, as we look at the legislative intent for this piece of legislation, what we find is a statement that you're looking to control things, you're looking for accountability, and, as we read it, you're looking to control costs. It's a little bit like closing the barn door after the horse has left.

There are three basic reasons for change orders. First is unforeseen conditions, conditions under the ground, rock, water, whatever it may be, things that are unforeseen and unforeseeable. The second are design errors and omissions. Perhaps you're not paying the designer enough, perhaps the designer that you have is not up to the task. And, perhaps, it's just basic problems that we run into. In every job, there are certain expectations that change orders will occur. And the third reason for change orders are program changes, that is the owner changes his or her mind, wants something different on the project. And to pull things back and tighten up the noose of the contractors and subcontractors after they've been asked to do the work is simply not fair, not equitable and not good business.

There are a variety of other ways that you can -- you can put in place other mechanisms that you can put in place to help control costs, whether you put a contingency on the job at the very beginning of the project, and have the project come back to the Legislature only when that contingency has been used up, would be helpful, and there are certain percentages that could be put in place in this regard. Or, frankly, you can make sure that you're hiring the best and the brightest designers through qualifications based selection, making

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sure that you're paying your designers well enough, make sure you're doing the optimum number of investigations under the ground that you possibly can prior to bidding the jobs. But, again, squeezing the contractors after the fact is not the way to control costs and create accountability. All that does in our view is raise costs, increase the time on the project, and cause a lot greater difficulties than you're looking to solve. And, most importantly, you're turning away the good quality contractors that you would like to do Suffolk County's work. Thank you.

D.P.O. POSTAL:
Legislator Lindsay has a question, Mr. Hogan.

LEG. LINDSAY:
Mr. Hogan, have you read the proposed legislation?

MR. HOGAN:

Yes.

LEG. LINDSAY:

And it isn't quite clear. Your organization is opposed to it?

MR. HOGAN:

Yes.

LEG. LINDSAY:

Okay. Why specifically?

MR. HOGAN:

Specifically because --

LEG. LINDSAY:

You think it's an effort by us to not pay the change orders, is that it?

MR. HOGAN:

No, no, no, no. What we think is that it's effort -- certainly, the effort is valid in trying to control costs, frustration over change orders occurring. What we fear, though, is that the basic process that you're putting in place will continue to slow the process of change orders and payments to contractors and subcontractors and that will create a great deal of hardship. Contractors and subcontractors are not banks, and in some cases, we see where things like this occur, we see them having to hold off being paid for sometimes one to two years. We see a contractor in Upstate New York who is at the moment out \$1.2 million, and he's been owed that for almost two years. That's about to put the contractor out of business, and it's purely because of bureaucratic mechanisms that are put in place to control costs, delaying the entire process, and that's what we fear.

D.P.O. POSTAL:

Legislator Foley.

LEG. FOLEY:

Just on that very point, bureaucratic costs, I think what you mention are bureaucratic costs on the Executive Branch side. And, in fact, to

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speak of -- to use your argument, so to speak, if it's one or two years down the line before a contractor is being paid, if that's brought to the attention early in the process to the Legislative Branch, whether it's in that particular municipality or here, and we've done this in other -- for other vendors who have received their payments very late in the process, we can actually help expedite those situations where there is a very late payment. So, in fact, I mean this sincerely, the example you're giving, in fact, would argue to move ahead with this kind of process, because we would then be able to keep tabs on -- we order the -- approve a change order, question it perhaps, then it's approved, and then if, over a period of time, the change order -- the payment isn't made, well, then the vendor has every right, not just in the contract, has every right not just to appeal to the department in question, which would be Public Works or perhaps the Comptroller, but, also, to appeal to the Legislative Branch.

And what I find in the past, that the biggest delays have not been on

the part of the Legislature, the biggest delays in these kinds of contractual situations has always been the Executive Branch of any administration, whether it has to be in the County Attorney's Office with developing the contracts, or whether it has to do with the execution of the contract, or whether it has to do with the payment of the contract, and that has --

D.P.O. POSTAL:
Question, Brian.

LEG. FOLEY:
And that has -- this is an important point to raise.

D.P.O. POSTAL:
I know it is, it needs to be --

LEG. FOLEY:
Now, the questions -- questions are in the morning. Right now, this time --

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

LEG. FOLEY:
-- we could make our points and I want to --

D.P.O. POSTAL:
That's absolutely not right.

LEG. FOLEY:
I want to have his response to it.

D.P.O. POSTAL:
No, Brian, I'm sorry. This is the public hearing. If you have a question, you can ask it of a member of the public.

LEG. FOLEY:
All right. Well, also, you know, with his discussion here, I'm trying

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to lend a little light into the debate by illustrating the fact that when there -- there's issue of delays, the delays that he's concerned about. My point is that the delays have happened on the Executive side in this particular municipality or other municipalities. So the argument that I'm making is that the very fact that to have the Legislative Branch involved in this process may, in fact, help to expedite certain things.

D.P.O. POSTAL:
And you're absolutely right.

LEG. FOLEY:
Then let me ask a question, then, if I have --

D.P.O. POSTAL:
Thank you.

LEG. FOLEY:
If we, you know, reduce it, simply asking questions. All right. To ask some questions on this, sir, when you look at the resolution, when

you look at the resolution, can you tell me specifically where you feel that there's going to be a long delay in the process of approving change orders?

MR. HOGAN:

My perception or my belief is simply looking at the idea that it's having to go to one more body, adding one more layer to the process. With all due respect, I think that the Legislature certainly maintains control, and, certainly, if contractors are delayed in being paid, I would hope that they would come to this body anyway, and that's always your option to step in and intercede in that regard. The worry is just adding one more layer in the process, a layer that, frankly, can be politicized, a layer that can be delayed, a layer that, you know, we can always table issues, we can hold things up. There are a variety of issues that can happen at this layer that concerns us a great deal. And so that's where we see the delay.

And, frankly, again, on that last -- the other point that I tried to make before is that I think that -- that the way you're attacking this is at the wrong end. The attack should be on the front end before you get to that point to control costs, and there are -- and there are some ways to do that.

LEG. FOLEY:

What would your suggestion be?

MR. HOGAN:

Well, one suggestion might be to look at what are the ranges of contingency that we -- that we normally should allow on a project, whether it be a new piece of construction or renovation, and there are ranges to look at that, and then to perhaps put that contingency in the -- in the bid process in the first instance, and have the Legislative body, if you need to, add to that contingency, have them in front of this Legislative body to add to that contingency at that point in time when they run out, and, frankly, then you can beat them about the head and shoulders, whether it be the designer or whether it

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be Executive staff. And so that's one way. And, certainly, another way is to engage in, you know, when you're hiring designers, engage in good quality based selection and hire the best and the brightest that you can. As one County official in the State of Washington said at a convention a few years ago in this regard, he says -- he said, "We decide that we pay good money up front for design so that we don't pay bad money in the back end in disputes, delays, claims and change orders."

LEG. FOLEY:

There was a time -- through the Chair, there was -- are you aware, since I have to ask in a question, are you aware that there was a time in this Legislative -- well, history of this County, that going back maybe ten or -- well, 15 years ago, when, at that time, the Chair of the Public Works Committee had review of and the committee had approval of change orders, there was a time.

MR. HOGAN:

Okay. I was not aware of that. I'm from Upstate, New York.

LEG. FOLEY:

It was changed, it was changed, but there was a time period. And it's my recollection at that time that there really weren't complaints made about any unnecessary delays. There were some delays by the department, thinking that have perhaps the Legislature was micromanaging, but there weren't any issues at that time of delay. So just to bring that to your attention. Thank you, Madam Chair.

D.P.O. POSTAL:
Legislator Lindsay.

LEG. LINDSAY:
Mr. Hogan, I agree with you; okay?

MR. HOGAN:
Thank you.

LEG. LINDSAY:
The way the bill is currently constructed, it doesn't have any levels on the approval of the Public Works Committee, so the slightest change order would have to go through Public Works, which I believe is onerous.

MR. HOGAN:
For you and for the contractors.

LEG. LINDSAY:
Yeah, and in the whole process of things. My question to you, would your organization go along with this concept if there was some kind of monetary level established, you know, if -- I mean, we've all seen instances, and I can't think of anything in particular in Suffolk County, but where a job went out for bid, and, for whatever reason, the change orders became huge, and became, you know, like almost equal to the original cost, or a large percentage of the cost. And I think that's what the objective is of this legislation, to prevent this type of practice. And I do agree with you, proper engineering done up

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front would eliminate almost all change orders, but we know, in the real world, that doesn't happen.

MR. HOGAN:
That's right.

LEG. LINDSAY:
So, again, my question to you is would your organization go along long with a similar bill if there was some modifications and thresholds put into it?

MR. HOGAN:
Sure. I think that that would allay our fears. I think the contingency, frankly, goes a long way toward doing that, if you were to attack it in that regard, if you're looking for the global, looking at project-wide change orders. But another fashion that we have seen are change orders over a certain amount, depending on the size of the project, but sometimes over \$50,000. I've seen -- I've seen somebody say they have to go back to the governing -- to the governing board when it's over 100,000 or even over \$200,000. There are a variety of ways I think that you can put in place to certainly lessen the concerns for this. I think, frankly, the contingency is the best idea, because it would give you a greater degree of control I think

over the project in setting some guidelines and some parameters and some expectations at the beginning of the project.

And, by the way, one other thought that I had forgotten to mention. One other item that you ought to control and perhaps should always come before this body, before it even gets out to the project site, are program changes. That is wish lists by County officials or what have you to make program changes in the project that have nothing to do with errors and omissions, have nothing to do with unforeseen conditions, but somebody decides, "I want another bathroom in this wing of the building," and it is not for code reasons.

LEG. LINDSAY:

Just one last question. In your experience, do you find that type of change to be the largest in terms of cost of the letting agency?

MR. HOGAN:

No, I don't think it's -- I don't think it's the largest. I think it's sometimes the most troublesome, simply because you've got a lot of rumors, a lot of innuendoes. Somebody decides they want to do something, and no one's making a decision, it's being -- it's holding up the project, just because everyone's afraid of moving forward and going too far down the road, because it's going to add to the cost of the project if we go down that way and you have to rip something out, because somebody, a judge or a doctor, or what have you, depending on where you're at, has decided they want to -- they want to do something a little bit different. And so there's a little bit of an undercurrent that -- of problems.

LEG. LINDSAY:

But, in your experience, again, don't you find it's typical that in order to bring a project in within budget before it's bid, you know, a lot of things are cut out of the project only to see them added back

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after the job is awarded as change orders?

MR. HOGAN:

Well, be careful there, because if you're adding -- you got an idea that you want something in the project and you don't remove it by alternate, in other words, you have an alternate that allows it to be added in before you award the contract, if you award the contract with the contemplation that you're going to add this piece of work later on, you may run into some trouble from a competitive bidding standpoint in that the contractor, the second bidder, had that been a part of his contract, he may have been considered himself the low bidder, and there are some nuances and some difficulties that you run into in that regard.

LEG. LINDSAY:

But, Mr. Hogan, you know that's done frequently.

MR. HOGAN:

Well, sometime it's honored in the breach, sometimes it's a matter of we decide this after the fact. It's not contemplated going in, except for in somebody's dream land. It depends on what's contemplated when you award the contract.

D.P.O. POSTAL:

Yeah. There are other questions for you, but I would like to ask if the Budget Review Office could come to the auditorium. Fred Pollert , Jim Spero, please come to the auditorium. Legislator Towle.

LEG. TOWLE:

Thank you, Legislator Postal. I walked in in the middle of your presentation, so I apologize that I was late, but I thought you heard you say that you felt that this bill was going to cost us more.

MR. HOGAN:

Yes.

LEG. TOWLE:

Could you just recap that for a second.

MR. HOGAN:

When contractors look at -- at an owner, look at a project and make a determination of how they are going to bid the job and whether they're going to bid the job, there are a lot of factors that come into play, one of which is the marketplace. And if it's a good solid marketplace in the private sector, as well as the public sector, at least in the building side, contractors are going to tend toward the private sector. When they're bidding a job and they see a problem with -- a systemic problem with an owner that change orders are held up, takes time to get my money, it becomes a real nightmare of managing the job, then I'm going to put a contingency on the bid, if I'm even going to bid the job at all.

LEG. TOWLE:

Okay. Let me -- let me just stop you at that point. Are you wear of how many people sign off on a project now in the County of Suffolk?

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MR. HOGAN:

No, I'm not.

LEG. TOWLE:

Okay. So how could you come here today and tell us or expect us to believe that because the Legislature would oversee, or the Public Works Committee would sign off on a change order, that it possibly could add to the project? Are you aware that the Legislature used to sign off on projects?

MR. HOGAN:

I was informed of that, yes.

LEG. TOWLE:

Okay. It didn't add any cost to the projects back then anymore or any less than what we're paying for projects now. And, in fact, every project that this County does at some point is approved by the County Legislature, with the exception of change orders.

MR. HOGAN:

I understand that.

LEG. TOWLE:

Are you aware of how much money we spent on change orders last year?

MR. HOGAN:

No, I'm not.

LEG. TOWLE:

Don't you think that might have been a nice idea before you came down here to speak out against a bill to find out a little more information --

MR. HOGAN:

No, I don't.

LEG. TOWLE:

-- about it?

MR. HOGAN:

No, I don't.

LEG. TOWLE:

Okay.

MR. HOGAN:

I don't --

LEG. TOWLE:

Well, you know, when one claims to be an authority to speak on an issue and represents an industry, one would think that you came here prepared, and, clearly, you did not. We spent over 2 million dollars on change orders last year that this Legislature had no oversight on, 2 million dollars. And I think, as elected officials who represent the County of Suffolk, it is our obligation, particularly during tough fiscal times, to make sure that our money is spent wisely and

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appropriately.

D.P.O. POSTAL:

Fred, question, please.

LEG. TOWLE:

We are having a whole series of --

D.P.O. POSTAL:

I know. You're having a discussion.

LEG. TOWLE:

Yeah.

D.P.O. POSTAL:

I need you to ask questions.

LEG. TOWLE:

I'm curious why you think that that number would have been higher if the Public Works Committee had to sign off on change orders as opposed to the opposite. That maybe we would not have paid for some of those change orders, contractors would have done what they should have done originally, instead of charging us a second time.

MR. HOGAN:

Well, first of all, I have to take great offense at the suggestion that contractors are getting paid for something that they have not done, or getting paid twice for something they've done only once. As I said before, there are three reasons for change orders. One are

program changes, the other is unforeseen conditions, and the third is errors and omissions. Now, which one of those three would be the fault of the contractor? The fact of the matter is --

LEG. TOWLE:

Are you asking me a question, because I'll answer it, but --

MR. HOGAN:

I am asking you the question.

LEG. TOWLE:

It's number three, of course.

MR. HOGAN:

Which one?

LEG. TOWLE:

Error and omissions, something that you should have included in your estimate that you didn't do, because you didn't have a good understanding of the job, and you low-balled the bid, possibly, or you bid on a project that didn't include that information.

D.P.O. POSTAL:

Fred, are you asking a question.

MR. HOGAN:

That is not --

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D.P.O. POSTAL:

This is not a time to debate the speaker.

MR. HOGAN:

That's not the reason, that's not what errors and omissions are. Errors and omissions are errors and omissions by the designer, the designer who you have hired. Okay?

Now, when you asked me the question about whether I had any knowledge of the amounts, the amounts don't matter, to be honest with you. The amounts don't -- now, let me finish. You asked me a question, let me finish.

LEG. TOWLE:

I'm not interrupting you.

MR. HOGAN:

The amounts are simply relative to the amount of work that you've got out there, the amounts are relative to the size of the project, the amounts are relative to the nature of the project and quality of the designer that you have hired. Okay? There are certain trends, there are certain things. I don't know how many times you've sat in on job meetings and sat in to watch what happens on construction projects, but I sit in on four or five multi-million dollar jobs at least once a month with the New York City School Construction Authority, with Triboro Bridge and Tunnel Authority, with public schools and public owners throughout the State of New York, as well as private owners, and we watch how the change order process is that one process that causes the most consternation, the most delay, the most problem with any project. And when we talk to contractors, we know, we know what influences them and the way that they bid the job. The number of

contractors that are bidding the job has little bearing on what price you are ultimately paying. It has a great deal of bearing on the size of the project, has a great deal of bearing on the quality of the contractors that you're attracting to your work. Okay? And if you are having concerns over the quality of the contractors that are coming and bidding on your work, this is certainly not the way to change that perception. In fact, this is going to do just the opposite, and this is based on what we see throughout the State and what we see throughout the nation.

LEG. TOWLE:

I have a question of Budget Review, actually.

D.P.O. POSTAL:

Continue, Legislator Towle.

LEG. TOWLE:

Yeah, thank you. Fred, I know at my request, your department did a review of the change order process. For the clarification of the Legislators, particularly since this is the public hearing process, how many people oversee change orders now or have to sign off on them? I didn't have the memo in front of me and I assumed that you would have a better handle on that.

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MR. POLLERT:

I know that we sent you a memo. I don't recall offhand. Years ago, the head of the Public Works Committee did have to sign off on them and that was no longer the case. It was changed a number of years ago. We had requested a number of change orders, which is rather extensive. John, I think, has a copy of them.

LEG. TOWLE:

Perfect timing, John. How many people sign off on the change orders? I think it was five or six, if my memory serves me correct.

MR. POLLERT:

There have been 23 change orders this year to date, which total in excess of \$440,000 and --

LEG. TOWLE:

So now we're at 2 1/2 million with last year and this year.

MR. POLLERT:

Yeah.

LEG. TOWLE:

I think the second page of the memo had a listing of the individuals who signed off on it. There we go.

MR. POLLERT:

Okay. John.

LEG. TOWLE:

Hi, John. How are you?

MR. ORTIZ:

Good. It includes the County Executive Budget Office designee, the County Attorney, the Commissioner of DPW, the Chief Deputy County Executive. That's for buildings. It's --

LEG. TOWLE:

Stop on that one, John. Just stop for a second.

MR. ORTIZ:

Sure.

LEG. TOWLE:

Is there any Legislative oversight on that? Does the Budget Review sign off -- Budget Review have to sign off on any of those?

MR. ORTIZ:

No.

LEG. TOWLE:

The Public Works Committee, the Presiding Officer?

MR. ORTIZ:

No.

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LEG. TOWLE:

Okay. Move to the second category, if you wouldn't mind.

MR. ORTIZ:

Sanitation has to have the approval of the contractor. The DPW Project Manager, the Division Section Head, the Division Head, the Commissioner of Public Works, the County Attorney, county Executive Budget Office, and the Chief Deputy County Executive.

LEG. TOWLE:

Same question, John, anything from Budget Review, the P.O., or the Public Works Committee?

MR. ORTIZ:

No.

LEG. TOWLE:

Okay.

MR. ORTIZ:

And then in the Highways Division, it's the contractor approval, DPW Project Manager, the Division Head, the Division and Section Head, the Commissioner of Public Works, the County Attorney, and the Chief Deputy County Executive.

LEG. TOWLE:

The same question, Budget Review, Presiding Officer, Public Works Committee?

MR. ORTIZ:

No.

LEG. TOWLE:

Okay.

D.P.O. POSTAL:

Thank you. Thank you, Mr. Hogan.

MR. HOGAN:

Thank you.

D.P.O. POSTAL:

I have no other cards for this public hearing. Is there anyone else who would like to address the Legislature on this hearing?

LEG. FOLEY:

Can I ask BRO a question now?

D.P.O. POSTAL:

Sure, go ahead.

LEG. FOLEY:

John. Before John makes a copy of that page, does the memo also outline the time frame in which, you know, the five to eight signatories review the proposed change order?

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MR. ORTIZ:

No.

LEG. FOLEY:

And have you been able to find out whether it's anywhere from a matter of weeks to a matter of months?

MR. ORTIZ:

I could find out for you.

LEG. FOLEY:

I think that would be important, through -- just through the Chair, if I may, to ascertain, or find out, figure out what the time line is, because let's say, for argument's sake, if it's a month or two months, then the question becomes, Madam Chair, is whether or not contemporaneous, not after the fact, whether contemporaneous with Executive Branch reviewing these change orders, whether at the same time there should be some kind of review and/or approval. I think, at the very least, there should be some kind of notification given to this Legislature. We can debate whether or not there needs to be approval by us, but I think, at the very least, there needs to be a mechanism by which there would be a review of -- by us or through the Budget Review Office getting a copy of these change order requests. So the time line would be interesting to see. Thank you. Thank you.

LEG. LINDSAY:

I have another question for Budget Review.

D.P.O. POSTAL:

Legislator Lindsay.

LEG. LINDSAY:

Yeah. Legislator Towle said there was about 2 million dollars in change orders last year; is that correct?

MR. ORTIZ:

Just over 2 million, yes.

LEG. LINDSAY:

Okay. On roughly 75 million of capital construction?

MR. POLLERT:

Last year, we issued roughly 70 million dollars worth of bonds, but a variety of that was for land acquisitions. We would actually have to break out what the building modifications and --

LEG. LINDSAY:

Okay. So --

MR. POLLERT:

-- sewers and highways were.

LEG. LINDSAY:

So there was less than 75 --

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MR. POLLERT:

So it would be less than that, yes.

LEG. LINDSAY:

-- million worth of construction.

MR. POLLERT:

Yes, that would be correct.

LEG. LINDSAY:

Yeah. You know, if we could come up with what we actually spent on capital construction, it would be helpful, if nothing else, to measure, you know, what we're talking about. Are we talking about a 5%, a 10% increase, 2% over what we were initially approved? The other thing that I would be interested in, fellas, and I'm sure you probably don't have it at hand, somebody mentioned there was 23 change orders. Of what size, you know, if we could.

MR. POLLERT:

That's being photocopied. That will be out shortly.

LEG. LINDSAY:

Great. Thank you.

D.P.O. POSTAL:

Okay.

LEG. TOWLE:

Legislator Postal, just a question of Budget Review, if I could.

D.P.O. POSTAL:

Sure.

LEG. TOWLE:

Fred, obviously, you may have some inherent knowledge here that would be helpful, and maybe I'd ask Counsel the same question. One of the comments that was made today was that this would slow the process down. Having worked in the County Legislature back in the late '80's as a Legislative Aide, and having, at that point, been assigned to the Public Works Committee, I don't recollect the fact that Legislative oversight ever held or slowed any of these projects down, and I'm curious if either Budget Review or Counsel has any memory to that effect?

MR. POLLERT:

I'm not aware of any complaints that the Department had with respect

to slowing the process.

MR. SABATINO:

No. My recollection is that they would aggregate piles of documents and then the Chairman would sign on one day. So you'd literally see a stack like this and it seemed to flow. I mean, I'd be asked to take quick look at them. But I can't recall a specific project that got jammed up because of that signature.

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D.P.O. POSTAL:

Okay. Motion, Legislator Towle, on this public --

LEG. TOWLE:

Close the hearing.

D.P.O. POSTAL:

To close.

LEG. FOLEY:

Second.

D.P.O. POSTAL:

Seconded by Legislator Foley. 1504 is closed.

Public Hearing regarding Introductory Resolution 1541, a local law to facilitate full public disclosure of County election campaign finances through the internet. The first speaker on this public hearing is Phil Goldstein.

MR. GOLDSTEIN:

While it's commendable that Mr. Binder has added electronic filing to campaign finance reform, extending the revision in 1391 that Mr. Cooper had originally submitted, calling for the concurrent filing with both the Campaign Finance Board, as well as the Election Board, I am somewhat dismayed by this bill. The County Election Board is a bipartisan patronage-ridden, highly politicized body. The Campaign Finance Board is a nonpartisan body, with a legal mandate to establish a computer data base for the purpose of prompt disclosure. Its Director is ahead of the Election Board on the learning curve, having acquired the software to commence meeting the legal obligation that the Campaign Finance Board has under the law that created it.

In addition, the Campaign Finance Board requires certain information above and beyond that which the Election Board currently collects in its paper files. The Election Board has taken no steps to prepare for assuming the responsibility for maintaining such electronic data base. If such responsibility were assigned to them, it would not be at a savings, since the employment of the necessary personnel requires the patronage redundant practice of having both Republicans and Democrats appointed to maintain that balance of control, which, if I may remind you, the Republicrat duopoly does not own the government, we, the people, do. But, in any event, it undermines the whole intent of campaign finance reform.

And with all due respect to Mr. Binder, who has been out spoken against the campaign finance bill from its origins, before it was passed, by removing the responsibility from a nonpartisan board and placing it in a -- questionable hands of a highly partisan body.

Placing such responsibility in such an agency severely compromises the integrity of an already questionable disclosure method for reforming campaign finance practices. Not that I wish to impugn the integrity of the Election Board or its employees, but the potential for editing would be greater in a partisan body, where each party looks after the interests of their own, than if in the nonpartisan Campaign Finance Board hands.

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And just, if I may remind you, I referred previously, when I've appeared before this body, to a book called "Day After Reform", which points out the fact that disclosure in and of itself is not campaign reform, and disclosure can be obfuscated. This book clearly points that out and illustrates it. And so it is highly questionable, to say the least, to make the move that this law is seeking to accomplish to place that data base in the hands of the County Board of Elections. And so, therefore, I would urge you to kill this bill, or at least to table the bill and return it to committee for necessary revisions.

And one further fact at that I'd like to call to your attention, a fault within this bill, is that there is a need to include in the legislation a solution of the signing certification of the electronically submitted reports provision for which it is lacking. If they file these reports electronically, we have no way of ascertaining -- of ascertaining the validity of that. There's no signed affidavit, notarized statement on the electronic filing. The paper filing does, of course, accomplish that. And there are various means by which it can be accomplished, and so the Committee ought to reconsider this bill at least and make that inclusion. Thank you.

D.P.O. POSTAL:

Thank you. Next speaker on this hearing is Lee Lutz.

MR. LUTZ:

Good afternoon. Lee Lutz, Executive Director, Suffolk County Campaign Finance Board.

New York State law requires public disclosure of candidate campaign financial activity. Providing public access to this information is a mandate of the Board of Elections, as per State law. Creating a computer data base containing this information is a mandate of the Campaign Finance Board, as per Suffolk County law. Prompt and easy access to this information is a right of the residents of Suffolk County.

Both Legislator Coopers original resolution, that is I.R. 1391, which was filed with this Legislature in March, and Legislator Binder's resolution, 1541, which was filed last month and the subject of this public hearing, address these realities. Both aid in the implementation of the law and promote at least one goal of disclosure to provide valuable information to the electorate in the process of choosing to support one candidate or another for public office.

The Campaign Finance Board urges the Legislature to require County candidates and political committees supporting them to file their State-mandated campaign financial disclosure reports simultaneously with the Campaign Finance Board, as well as the Board of Elections, as I.R. 1391 and I.R. 1541 would do. It also urges the Legislature to require the filing to be done by electronic means, as I.R. 1541 would

also do. Both these bills seem intended to achieve positive advancements in serving the residents of Suffolk. I.R. 1391, for which this Board has previously urged your support, would provide immediate and reliable access to this vital public disclosure information. I.R. 1541 would also provide this same data to the

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Board, but may not accomplish it for sometime. This is because I.R. 1541 also seeks to achieve the second laudable goal of requiring electronic filing of campaign financial reports. This significant technological advance, which has been implemented by states, cities and the federal government to facilitate the public's ability to access this public information, would once again demonstrate Suffolk's willingness to be in the forefront of government service to its residents. New York State is one of at least 21 states that have enacted mandatory electronic filing of some or all of their campaign financial reporting. However, within New York State, only New York City and Westchester County, to the best of my knowledge, have taken the important step of implementing a local electronic filing system. Suffolk can once again be a leader in New York State.

The Board's reservation regarding I.R. 1541 is that the computer data base should be created and administered by the Campaign Finance Board, not the Board of Elections. Suffolk County Charter Law Section 41 already mandates that this task is the responsibility of the Campaign Finance Board, so directing the Board of Elections to duplicate it is unnecessary and potentially more costly to Suffolk's taxpayers. The cost to the County is likely to be the same no matter which agency creates the data base, so cost should not be a factor in determining which should be responsible for it.

For your information, New York State's electronic disclosure program has been recognized as one of the best in the country. It is also both compatible with Suffolk's existing data base software and available to the County at virtually no cost. In working towards the goal of the computer data base and electronic filing for over 18 months already, the Campaign Finance Board has acquired a great deal of knowledge regarding the various aspects of this technology. The Board is anxious to share it with the Legislature and the Board of Elections in order to facilitate the most cost efficient, user friendly and mutually useful system possible.

Another matter which all parties should keep in mind in the process of implementing such a system, which we hope will be the outcome of this Legislative initiative, is the issue of compatibility across the State. Eventually, all municipalities will implement electronic filing, so it's important to consider the desirability of creating a system compatible with others across the State.

Once again, the Board urges the approval of I.R. 1391, which would provide immediate and reliable access to the data it requires in order to fulfill its mandate under the law. The Campaign Finance Board also states it's support for the additional goal of I.R. 1541 to mandate an electronic filing system of campaign financial reporting for the benefit of the citizens of Suffolk County.

That is my presentation. If you have any questions, I'd be happy to answer.

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

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MR. LUTZ:
Thank you.

LEG. COOPER:
I do have one question.

D.P.O. POSTAL:
Jon, go ahead.

LEG. COOPER:
Lee, are you aware that I.R. 1391 is in the process of being revised as we speak, and will mandate electronic filing, but would assign the task of overseeing that process to the Campaign Finance Board?

MR. LUTZ:
I'm very pleased to hear that, and the Board will be very pleased to hear that, I'm sure.

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

MR. LUTZ:
Thank you.

D.P.O. POSTAL:
I have no other cards for this public hearing. Is there anyone else who would like to address the Legislature with regard to Introductory Resolution 1541? Hearing no one, Legislator Binder, recess, close?

LEG. BINDER:
Motion to close.

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

LEG. FISHER:
Second.

D.P.O. POSTAL:
Second by Legislator Fisher. Public hearing on I.R. 1541 is closed. Public Hearing regarding Introductory Resolution Number 1542, a Charter Law to change the Legislative term of office. And I have a card filled out by Phil Goldstein.

MR. GOLDSTEIN:
Thank you once again. Regrettably, I must again speak in opposition. The Independence Party prefers that those elected to the Legislative bodies be responsive and accountable, and extending the term of office is contrary to both of those concepts. While it is eases the burden on those candidates who have to run, your choice to dial for dollars, which imposes a burden upon you, having just been elected, you're already thinking ahead towards your subsequent election two years down the road, that's a choice that you make philosophically. To our mind, the way to run for election is not dialing for dollars, the way to run for election is fulfilling the obligations of your office, doing the job in such a manner that you win the approval of your constituents

and that they, in turn, will reelect you to office, and that the constant re-election process keeps you accountable.

You have to be more responsive to the electorate. Otherwise, you become insulated and perhaps even insulant. I mean, if we look at the stats, sadly to speak, and I'm generalizing here, but 98% of Legislative incumbents return to office, and in many cases, 40% are not even in competitive races. There's nobody challenging them. And of the remainder 50 some-odd percent who are challenged, quite often they're challenged by sacrificial lambs.

Sadly to say, the whole electoral process in this country makes a mockery, which is perhaps part of the reason why so many voters don't bother to vote. I mean, look at what we're doing, we're going through redistricting now, and while I don't condemn the redistricting process as such for the County Legislature, which I have viewed, but when we look at for the State Legislature, we're creating incumbent insurance. All of the districts are designed in such a way as to create that 98% return rate. So adding to incumbency insurance and making it easier for you guys, that's not what the independence party is about, and I'm sure it's not in the public interest. That's not what the people want.

LEG. BISHOP:

Let me ask you about the Independence Party --

D.P.O. POSTAL:

Phil, excuse me.

LEG. BISHOP:

-- because I'm curious about something.

D.P.O. POSTAL:

Would you like to try to be recognized, Legislator Bishop?

LEG. BISHOP:

Yes, I am.

D.P.O. POSTAL:

As soon as I finish asking my questions. Phil. Phil, you know, I recognize that you're here representing the Independence Party and the point of view of the Independence Party.

MR. GOLDSTEIN:

I must respectfully adjust my statement in that regard. We have not made a policy decision per say on this particular bill. We haven't addressed this particular bill. However, based upon the philosophy of the party, which I am reflecting as the Issues Chairman for Suffolk County, it is my belief that I am speaking in accordance with the philosophy and principles of the party when I say that we are opposed to increasing your term of office.

LEG. FOLEY:

This isn't a --

D.P.O. POSTAL:

Then -- wait, wait, wait.

LEG. FOLEY:

This is not a candidate review --

D.P.O. POSTAL:

Wait.

LEG. FOLEY:

-- going on here, is there?

D.P.O. POSTAL:

Legislator Foley, I assume that was not your question, because I do have you down on a list. But in view of your --

LEG. BISHOP:

No. Remove me from the list.

D.P.O. POSTAL:

Oh, okay.

LEG. BISHOP:

Do not give my space to him, because he'll take more.

D.P.O. POSTAL:

In view of your presenting us with the point of view of the Independence Party with regard to this issue, is it not the point of view of the Independence Party that there should be increased opportunity for initiative and referendum, so that the public can have their voice heard?

MR. GOLDSTEIN:

Absolutely. If you have reading the newspapers and --

D.P.O. POSTAL:

Yeah, I have.

MR. GOLDSTEIN:

-- I'm sure you have, okay, this is a major issue which the party has pressed. And on the State level, of course, you know that Governor Pataki has come out in favor of initiative and referendum. He did so years back, but expended no political capital in it. Now the bill has passed the Senate, and the members of the Assembly are now faced with the problem of having to deal with this issue in terms of their re-election this year. So I and R is certainly a major proposal of the Independence Party.

D.P.O. POSTAL:

Then I'm sure that you're aware that this bill calls for a referendum, gives the public the opportunity to vote on whether they would like to extend the term of a Legislator from two years to four years, are you not?

MR. GOLDSTEIN:

Yes, I understand the principle of referendums, yes.

D.P.O. POSTAL:

So that would be my question is if the position of the Independence Party supports the right of the public to be heard through an

initiative and referendum procedure. And if this bill calls for that procedure to give the public the right to have their voice be heard on this issue, then how can you take a position with regard to the issue, if you want -- to us. You know, you should maybe -- don't you think you should be telling the public how you think they should vote on this --

MR. GOLDSTEIN:

Well, in a sense --

D.P.O. POSTAL:

-- initiative and referendum?

MR. GOLDSTEIN:

In a sense, that's what I'm trying to do, I'm trying to say to you that I believe that the public is as opposed as the Independence Party is, and that we shouldn't go forward and waste time and put an issue on the ballot that doesn't really reflect the public's views in the matter. But, to take it a step further, I don't believe, I mean, that, in all cases, everything ought to be put on the ballot in terms of a referendum. There are serious questions raised with regard to the extent -- this is my personal view, now, I'm not reflecting the Party views. The Constitution guarantees a Republican form of government, small "R", which means representative government. You are our elected representatives. Under most ordinary circumstances, it would be the responsibility of our elected representatives to deal with legislation. Now, granted in this particular area, this involves determining the length of a term of office and could be construed to be appropriate to be under the purview of the public at large, but I am merely expressing a dissatisfaction with the idea that members of the County Legislature are looking to accomplish something.

I mean, I could point to examples where Legislative bodies trick the public or pull scams in terms of raising their salaries and things that the public finds reprehensible, and, yet, they're forced to swallow it. Here, in a sense, you're doing the, quote-unquote, right thing by saying, "Well, okay, we're going to give you the opportunity to choose whether or not you would like on us to have a four-year term of office as opposed to a two-year term of office. But I'm saying that I don't think, really, the public is interested in engaging in that debate, because I think the public really feels that they like accountability and they like repeated elections, rather than long terms which insulate Legislative members. This is the opinion that I believe the Independence Party holds.

Now, if you want to go ahead and make the referendum, then we could subsequently, as you say, argue the case that we oppose the idea itself again. But I'm saying I don't think you should waste the public's time and incorporate that into the ballot, because I don't think the public really buys it, but that's, you know, my personal opinion.

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D.P.O. POSTAL:

I'm very disturbed by something that you said about issues on which the public should have a voice through initiative and referendum and those in which you think the public should not have a voice and should rely on its representatives. How would you determine what issues are appropriate for initiative and referendum, and who would make that

decision?

MR. GOLDSTEIN:

Okay. If you're asking for my personal opinion, my personal opinion is that constitutional matters which embody the rules and regulations that govern the conduct of government and that determine the structure of government and so on, we, the people, are the sovereigns of the nation and we should, therefore, have the sovereign power to structure the government and to create the rules that control the conduct of government in the performance of its duties. But when it comes to the day-to-day legislation, and, again, I repeat, this is my personal view, I think we may be going too far, because we're violating that constitutional segment which states that the governments of the states of the United States shall be Republican governments, which means elected representatives. There are some states where we have constant of I and are as a result of the fact that various interest groups are able, by virtue of existing law, to bring issues to the ballot, and so on, and some feel that I and R may be carried to excess by virtue of that fact. So I'm giving you my personal view. I don't think we should be legislating through I and R, but that's my personal view.

Now, the law that was promulgated by the Governor and the New York State Senate expands I and R from the State level down through the various jurisdictions, making every jurisdiction able to conduct initiative and referendum and doesn't impose any restricts. But to my mind, quite frankly, that's kind of pie in the sky, because I wonder if we'll ever see that constitutional amendment come to fruition. So --

D.P.O. POSTAL:

Well, again, just very quick, one -- you know, you can give me a one-word answer. Come back.

LEG. COOPER:

No, he can't.

LEG. CARACAPPA:

I give you ten to one odds.

MR. GOLDSTEIN:

Never happens.

D.P.O. POSTAL:

You spoke about constitutional issues.

MR. GOLDSTEIN:

Yes.

D.P.O. POSTAL:

And, you know, I'm sorry, I was paying attention to something else at

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that moment, and I didn't get whether you said that constitutional issues were particularly appropriate for I and R or particularly inappropriate for I and R?

MR. GOLDSTEIN:

Oh, definitely appropriate.

D.P.O. POSTAL:

Okay. Would you consider the issue of civil rights protection an issue for I and R? That's a constitutional issue.

MR. GOLDSTEIN:

Yes. Yes, I would agree with you there.

D.P.O. POSTAL:

You would consider it appropriate. So, for example, if there was a question, a referendum, saying that it was permissible to discriminate against people because of their race, that was a referendum, would you think that was an acceptable I and R?

MR. GOLDSTEIN:

I'm not a lawyer. Off the top of my head, I would say it violates constitutional -- preexisting constitutional principles, and so, therefore, I wouldn't think that you could submit to the people, because there is a potential in democracy called the tyranny of the majority, and merely because a majority of the people vote in favor of a referendum, which would impinge upon the rights of a minority within society, I don't think that such a referendum should be held. This is -- you're getting into very complicated kinds of things here.

D.P.O. POSTAL:

And that's exactly my point, that there are some issues that are very complex and probably should not be the subject of I and R. And I think that your saying that constitutional issues are particularly appropriate for I and R is probably directly in opposition. I would ask our attorney, because I think that there are -- there are constitutional attorneys who probably spend a great deal of time and I guess face a great deal of difficulty in making determinations of constitutionality with regard to law and now we're going to put these issues before the public. So, you know, I'm not going to pursue that anymore. I think that there are some inconsistencies, Phil. But I would --

MR. GOLDSTEIN:

My only answer is that as sovereigns, we should be able to determine how government is structured and the rules under which government functions.

D.P.O. POSTAL:

So, in other words --

MR. GOLDSTEIN:

But those are constitutional matters.

D.P.O. POSTAL:

I do have one more question about that, then. Then does I and R take

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precedence over a constitutional amendment? What happens if there's a constitutional issue that's put up for I and R and the public votes for it and it's unconstitutional? You know, we have a process where we can amend the constitution. Does this supercede the need to --

LEG. BINDER:

No.

D.P.O. POSTAL:

I know it doesn't. I'm making a point that we're getting to --

MR. GOLDSTEIN:

I understand and appreciate your concern, Maxine. The point is right. There may come a crises whereby, as a result of I and R, some provision may be voted upon by a majority of the people as a result of I and R, and that it may place that particular referendum in conflict with the Constitution, and the question would then have to be resolved as to whether or not the people have the power to revise the Constitution through I and R. It would appear, from the law that is promulgated at the present time, that this is the case, that we're going to make I and R a constitutional right in the State of New York by virtue of passing it in two state Legislatures with an intervening state election and then having a referendum. And if the people so move, then I and R becomes part of the Constitution of New York State, and, thus, the people can, through I and R, revise the Constitution of the United States -- I mean, of New York State.

D.P.O. POSTAL:

Well, I'm just going to ask you one more question, it's going to get back to term limits, because there are other people who have questions they'd like to ask you. Now -- so that you're saying that the -- it's not the I and R that you object to in this -- in this resolution --

MR. GOLDSTEIN:

I just think it's a bad idea.

D.P.O. POSTAL:

-- it's the extension or the change of terms.

MR. GOLDSTEIN:

Right.

D.P.O. POSTAL:

And I don't understand whether it's the change of terms, the extension of terms, or both that you object to. For example, a number of years ago, there were referenda to extend the terms of Supervisors of some of our towns from two years to four years. I would like to know whether you object to that and whether you feel that should be reversed. And there are also County officials who currently have a four-year term. Do you feel that there should be an initiative and referendum on making all County elected officials serve a consistent two-year term of office, in other words, the County Executive, the County Clerk, the County Comptroller, the County Treasurer? Should we give people the opportunity to vote on whether they should have two-year terms, or would you object to that as well?

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MR. GOLDSTEIN:

I would not off the top of my head venture a response to a highly complicated question like that. With Legislative positions, I feel it is more imperative that members of the Legislature be more responsive to the public and more accountable to the public on a short-term basis, and so that's why I hold this to be unwise, because I don't think it's really in the public interest, it may be in your interest, but I think I would like to hope that the public would respond negatively if it did become a referendum. But I'm saying it shouldn't even go to that point. I think that you should recognize the fact that the public would prefer that you have shorter terms which make you more immediately accountable to them and their interests.

D.P.O. POSTAL:

I'm going to move to the other Legislators. I'll just say that I think one of the reasons that you probably feel that way is this is probably the only governmental body and the only level of government at which you have the same -- this level of accessibility and this level of input. So, you know, I think that's kind of ironic that we're hoist by our own petard, but I will --

MR. GOLDSTEIN:

Members of the House run every two years.

D.P.O. POSTAL:

That's true, they certainly do. And, you know, I think that you could say exactly the same issues. And I wonder if you've been to Washington to speak to Congress about that issue?

MR. GOLDSTEIN:

There isn't a need at the --

D.P.O. POSTAL:

Or about their pay raise. Remember when they raised their pay a couple of years ago?

MR. GOLDSTEIN:

Well, unfortunately, as you point out, they're more insulated. Trying to go to speak --

D.P.O. POSTAL:

That's my point.

MR. GOLDSTEIN:

Okay.

D.P.O. POSTAL:

Legislator Foley.

LEG. BISHOP:

We're the victims

D.P.O. POSTAL:

I know, that's what I said.

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LEG. FOLEY:

You've asked all my questions and then some.

D.P.O. POSTAL:

I'm sorry, I couldn't help myself.

LEG. CARPENTER:

Prerogative of the Chair. Very good. I was waiting for you to make a comment so I'd say, "Questions only."

LEG. CARPENTER:

She asked a lot of question.

D.P.O. POSTAL:

Legislator Fisher.

LEG. FISHER:

Thanks. It's okay. Phil, when Legislator Cooper was putting this bill together, he suggested that his experience was that his constituents had expressed dismay that he had to run every two years, and I have that same kind of anecdotal data in my district, where there are many constituents who have displayed a level of surprise and wondered why we needed to run so often. Would you consider that kind of anecdotal evidence a justification for putting this question out to the public?

MR. GOLDSTEIN:

Not really. I'll tell you why. I mean, first of all, generally speaking, you come in contact with people who are either seeking favors from you, or you associate yourself by speaking before groups that either seek to flatter you, or like you, or -- the end result is you're not really getting a true reflection of the public. The public, I think in general, is more cynical, and they view the actions all too often of government as self-serving. And so, therefore --

LEG. FISHER:

Do you think that those are the people who would go out and vote at this referendum, or would it be the people who would attend those public meetings where we find all this adulation?

MR. GOLDSTEIN:

Well, I mean, you're the politicians, see, I'm not the politician in that respect. You may be right, you may succeed in getting a four-year term. Okay? I think it's a sad commentary on American democracy. I mean, we can barely get 50% of the eligible voters to turn out in a presidential election and only about one-third to turn out in local elections. In the recent French first election, when {LaPenn} stunned the public, they had a 70% turnout and they were wringing their hands with dismay over the low turnout that had occurred in that election. So, I mean --

LEG. FISHER:

I think they were wringing their hands over the turnout.

MR. GOLDSTEIN:

Well, both the turnout and the results. But the point, very simply,

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is, yes, what you will do is add to the cynicism of the public, of those people who say, "What's the point in going out on Election Day?" You know, "The system is rigged against me," and so on. I think we're contributing to the downfall of our own democracy. And while I respect, you know, your self interests and try to make it easier on yourselves by running only, you know, once every four years instead of once every two years, I don't think it's in the best interest of Suffolk County or of the broader society in general. I think keeping Legislative representatives accountable every two years is in the long-term best interest of trying to preserve this democracy.

LEG. FISHER:

Phil, unfortunately I have another question.

MR. GOLDSTEIN:

Okay.

LEG. FISHER:

And I know that you're a proponent of campaign finance reform. And it

would seem to me that a Legislator who is always running is a Legislator who is always having to raise money.

MR. GOLDSTEIN:

I think I addressed that already. That's --

LEG. FISHER:

Can you address it briefly again, because I may have missed it.

MR. GOLDSTEIN:

Okay. I said that's a he choice you make. If you want to spend your time dialing for dollars, I don't think that that's the best thing for you to do. I think that the best thing for you to do, because you are close to the people, as was pointed out here, that by just doing your job, and I think that this Legislative body is highly commendable, it's a well recognized body in terms of manner in which you've been able to work out this kind of bipartisan functioning, and so on, which leads me to believe that perhaps unicameralism should not be merely in Suffolk County, maybe New York State's Legislature ought to think about unicameralism, which I have been a proponent of also. So the point, very simply, is --

LEG. FISHER:

Okay. Thank you.

MR. GOLDSTEIN:

-- dialing for dollars is not to my mind necessary. Doing your job is necessary, and the reward of reelection will come to you without the dialing for dollars. There is already -- the scale is already too heavily balanced in favor of the incumbency and all you're doing is seeking incumbency for further insurance protection.

D.P.O. POSTAL:

Legislator Cooper.

MR. GOLDSTEIN:

Yes, Mr. Guldi?

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LEG. GULDI:

No.

MR. GOLDSTEIN:

Oh.

D.P.O. POSTAL:

No, Cooper.

MR. GOLDSTEIN:

Oh.

LEG. COOPER:

Cooper sounds like Guldi.

LEG. GULDI:

I'll get to -- I'm here.

D.P.O. POSTAL:

You want to be on the list, George?

LEG. GULDI:

Oh, please.

LEG. COOPER:

Phil, I was wondering whether you are aware that before I came up with the idea for drafting this bill, I took the opportunity during the last election campaign to -- whether I was at a coffee, whether it was at a "Meet the Candidates" debate, whether it was at some other public forum, for about six or seven months I posed this question as to whether my constituents would prefer a four-year term over two-year term. Are you aware that not one person, not one person, and I must have asked five, six, seven hundred, not one person was opposed to the four-year term? They all thought it was a great idea, which is why I decided to introduce the bill.

MR. GOLDSTEIN:

But, again, it has nothing to do with you personally as individuals, I'm talking now in terms of principle. And the point is, hey, they make like you. All right? They may want to keep you there. But, fine, give them the opportunity to choose every two years, whether they still like you and they want to keep you there, or whether it's time for you to take a walk. As it is, you know, term limits is also one of the principles of the Independence Party, because we don't want people to grow too comfortable in the perks of power that they enjoy being a part of the government. And so, therefore, making you more responsive by having you run more frequently and limiting your ability to sink your roots down too deeply I think is in the public interest.

LEG. COOPER:

Are you also aware that the main impetus for me introducing the bill is an attempt to insulate elected officials at the County level from special interest influence and the need to pander to political contributors and --

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MR. GOLDSTEIN:

I don't think longer terms is the solution to the problem.

LEG. COOPER:

Well, I absolutely do, and I can recount either -- I'd prefer not publicly --

MR. GOLDSTEIN:

Okay.

LEG. COOPER:

-- but privately enumerable instances where elected officials have tailored their votes, because an election was coming up and they were concerned over either losing votes or losing campaign contributions. And it's my sincere belief that if we extend the term to four years, it will allow a greater opportunity for these elected officials to act as true public servants and sometimes make a hard decision --

MR. GOLDSTEIN:

With all due respect --

LEG. COOPER:

Phil.

MR. GOLDSTEIN:

I think it's shameful if you allow the monetary interests that you fear may impact upon your retention of your position to determine the judgments that you make when acting in the public interest. I find that, Jon --

LEG. COOPER:
Phil, are you saying --

MR. GOLDSTEIN:
-- somewhat reprehensible.

LEG. COOPER:
Phil, are you saying that you don't believe that any elected official is influenced by either --

MR. GOLDSTEIN:
Oh, I realize the reality of the situation.

LEG. COOPER:
Well, that's -- but I'm dealing with reality here. I'm trying -- since we don't have campaign finance reform, since we don't have public campaign financing, I'm trying to make --

MR. GOLDSTEIN:
And that's the solution, move in that direction.

LEG. COOPER:
Okay.

MR. GOLDSTEIN:
Don't move in longer terms.

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LEG. COOPER:
Do you think that we'll see real campaign finance reform at the local level here in Suffolk County within the next two years, five years, ten years, twenty years? So I'm trying to do something now that will have a concrete result. It's not perfect, but I really do think that this is good government and --

D.P.O. POSTAL:
Question, Jon.

LEG. COOPER:
So, in this --

MR. GOLDSTEIN:
I will not take a short-term solution --

LEG. COOPER:
That was a question.

MR. GOLDSTEIN:
-- to a long-term problem. To my mind, campaign finance reform and public financing of campaigns to create real competition is the answer, not insulating you further by extending your term in office.

LEG. COOPER:
Phil, to your knowledge, is there any precedent in New York State for County Legislatures to have four-year terms?

MR. GOLDSTEIN:

I can't answer that. Possibly. I would assume that, you know, there is a probability that it may exist in some of the other counties.

LEG. COOPER:

Are you aware that, in reality, nearly half, I recall 34 County Legislatures, of those 34, 14 already switched to or always had four-year terms, two have three-year terms, and 18 have two-year terms? So almost half of the County Legislatures already throughout New York State have four-year term and they seem to be working very satisfactorily. Also, most -- many, if not most, of the town boards, supervisors or town board members, have four-year terms. In my political universe in Huntington, it's all four years. And if you asked anyone in Huntington whether they'd like to change it from four years to two years, do you think the answer would be yes or no?

MR. GOLDSTEIN:

I would hope yes.

LEG. COOPER:

I will bet you 20 bucks it's no. And, as a matter of fact, I'll extend that, a standing offer to anyone in this room, 20 bucks, that if this is on the ballot as a referendum, and I believe it will be, that it will pass by the voters.

MR. GOLDSTEIN:

The Independence Party --

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LEG. COOPER:

Twenty bucks.

MR. GOLDSTEIN:

-- came into existence because of the growing dissatisfaction with the conduct of government and with the way in which the institutions were structured. It goes back to what I said. The Republicrat duopoly behaves as though they own the government, and as a result of which you have so imposed your power in such an arrogant way for so long that you've come to believe that you have the right answers to everything, as a result of which you have probably beaten down the people of this nation to the point that we have the sad results where half the population doesn't even bother voting anymore, and say, "Hey, what difference does it make? You own city hall, you run it the way you want to run it." So, I mean, there's nothing we can do about it. Why bother to even vote? I mean, if I'm a -- if I'm a voter of "Party B" in an "A Party" redistricted district, I might as well stay home on Election Day, because, all intents and purposes, it's a foregone conclusion as to what the results of the election will be. Given a situation like that, I think it's shameful.

I think more has to be done to revitalize our democracy. I think we are on the downslope of the decline and fall of the American Empire. I think there are a lot of -- there's a lot of evidence that we could use to compare how Rome fell, how the British Empire fell, and if we look at what we're doing and the manner in which we're doing it, I think we're on the downslope. And I will not go quietly into that dark night.

LEG. COOPER:

Wait. One final question. I'm really depressed now. Phil, are you saying that if this bill passes, I'm going to contribute to the decline of the American Empire? Because, if so, I'll withdraw the bill.

MR. GOLDSTEIN:

Democracy embodies the right of the people to be wrong. I only speak on behalf of myself and I express what I believe are the views of the Independence Party. All right? It may be that the American public may decide that you're right, Jon, and the people that you've been speaking to may be the view that, you know, is the prevalent view and you may wind up with your four terms as a result of this referendum, but I say we're heading down the wrong road. That's the views that I'm trying to get you to believe, to accept. Whether or not you will accept them and believe them, that's a matter for you to decide. I mean, I realize it's a rather dire prediction to say that, you know, we're heading downhill. I don't know necessarily that yours will be the straw that breaks the camel's back, but I think it's a grim foreboding. Mr. Guldi, do you have anything?

LEG. GULDI:

Well, I think I have to wait for her to say. I have to wait for her, Phil. You know, you're not running the meeting yet.

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D.P.O. POSTAL:

Phil, I will recognize Legislator Guldi.

LEG. GULDI:

Thank you.

D.P.O. POSTAL:

Phil, I recognize your ability, but you're not omnipotent, omnipotent.

LEG. GULDI:

Omnipotent.

MR. GOLDSTEIN:

That's obvious.

D.P.O. POSTAL:

He is omnipotent.

MR. GOLDSTEIN:

If I were omnipotent --

LEG. CARPENTER:

Omnipresent.

D.P.O. POSTAL:

That's right.

MR. GOLDSTEIN:

--it would be a hell of a different situation.

D.P.O. POSTAL:

And I will with point out, by the way, that while you've been very upset about the time limit, I think you've had the floor for an hour. Legislator Guldi.

MR. GOLDSTEIN:
That's at your behest.

LEG. GULDI:
So far. Phil, I'm glad to see that you've -- now we've established and clarified the fact that you are not omnipotent. That I was concerned about for a minute.

MR. GOLDSTEIN:
I'm just omniscient.

LEG. GULDI:
The question I -- and, Phil, usually, usually, I don't -- I refrain from interfering in your presentations, or, as they're sometimes referred to --

MR. GOLDSTEIN:
I'm glad I can amuse you.

LEG. GULDI:
-- rants. But your presentation today has --

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MR. GOLDSTEIN:
Surpassed?

LEG. GULDI:
Literally, I can't restrain myself from rising to the debate, because I have never seen you accomplish the dazzling circularity that you have demonstrated here today. In all of the --

MR. GOLDSTEIN:
That's not my fete.

LEG. GULDI:
In all the presentations you've made.

LEG. FIELDS:
Dazzling circularity, that's good.

LEG. GULDI:
I think that in your dialogue with Maxine, you'll -- and what I want you to do is correct me if this does not state your possession -- your position. Not possession, position. I don't want to know about your possessions. You, you, Phil Goldstein, or was it the Independence Party, support initiative and referendum?

MR. GOLDSTEIN:
Absolutely.

LEG. GULDI:
But only in those instances and cases where the referendum is for issues you support.

MR. GOLDSTEIN:
No.

LEG. GULDI:
Is that right?

MR. GOLDSTEIN:
No, no, no, no, no.

LEG. GULDI:
Well, hold on. You oppose -- you have clearly said that you oppose four-year terms in Legislative bodies, except for town boards.

MR. GOLDSTEIN:
No, I don't agree with it for town boards either.

LEG. GULDI:
But have you -- you haven't articulated that anywhere, have you?

MR. GOLDSTEIN:
The issue hasn't come to the floor, as far as I was concerned.

LEG. GULDI:
Oh, okay. But you oppose four-year terms for Legislative bodies --

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MR. GOLDSTEIN:
Right.

LEG. GULDI:
-- and, therefore, you oppose letting the voters have a right to decide whether or not there should be four-year terms.

MR. GOLDSTEIN:
No, I don't oppose their right to decide. What I am --

LEG. GULDI:
That's what this bill is about, isn't it?

MR. GOLDSTEIN:
No. What -- yes, this bill is about -- what I'm saying is I think it is wrong-minded of the Legislature to make this proposal and to put it before the public, because I don't believe it is in the public interest.

LEG. GULDI:
Well, hold on. I understand you --

MR. GOLDSTEIN:
You may wind up right.

LEG. GULDI:
Hold on. Hold on.

MR. GOLDSTEIN:
Okay.

LEG. GULDI:
I understand you don't believe it's in the public interest.

MR. GOLDSTEIN:
Yes.

LEG. GULDI:
But do you or do you not believe the public should have the right to decide it?

MR. GOLDSTEIN:

Yes, I believe that they have the right to decide.

LEG. GULDI:

All right. If the public should have the right to decide it, how can you oppose letting them have that decision?

MR. GOLDSTEIN:

Because, as I said to you, I don't think it's in the public interest. And you may succeed in duping the public into believing -- I mean, given the low voter turnout, you may have enough supporters to get the necessary vote to pass this bill and to impose a four-year term upon the people of Suffolk County.

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LEG. GULDI:

Well, except, Phil, you jumped over two hurdles there. You're connecting dots that aren't next to each other. What -- I don't think I've articulated whether or not I support four-year terms. I'm only talking --

MR. GOLDSTEIN:

When I say "you", I'm using the generic in terms of the Legislature, if it passed the bill.

LEG. GULDI:

I'm only talking about supporting a bill to let the public decide about four-year terms. I haven't said anything about a personal position on it. And I haven't -- certainly, haven't talked about any supporters for it.

MR. GOLDSTEIN:

I don't think this is such a grave issue of concern to the public that it warrants the extent of the time that was wasted here in discussing this matter to bring it before the public.

D.P.O. POSTAL:

Phil, are suggesting listening to you is a waste of time?

D.P.O. POSTAL:

Phil, there are members of the Legislature who agree with you 100%.

MR. GOLDSTEIN:

I mean, I'm glad you find -- I'm glad you find it amusing and so on, but I'm serious.

LEG. FOLEY:

We're extending the courtesy of time to you and you're criticizing the amount of time that we've spent on this when we're extending ourselves to allow you the time to --

MR. GOLDSTEIN:

I appreciate it.

LEG. FOLEY:

-- debate this, but then you're criticizing us for giving you the time.

LEG. GULDI:

Okay.

MR. GOLDSTEIN:

Because I think it's a waste of --

LEG. FOLEY:

That's another example of circularity.

LEG. GULDI:

It's consistent with what he's achieved earlier. It's really kind of -- let's go for a hat trick, Phil. Okay. We got two, let's go for three, and that is -- I only have three more questions, I promise.

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D.P.O. POSTAL:

That's good.

LEG. GULDI:

Okay? You know about election year budgets and their impact on government, right?

MR. GOLDSTEIN:

Yes.

LEG. GULDI:

Are they a good thing or a bad thing?

MR. GOLDSTEIN:

They're a necessary evil. I mean, budgets have to be enacted in order to determine how the monies of the government shall be utilized, all right, but the point, very simply, is the process itself, you know --

LEG. GULDI:

You are aware, however, that for the bulk of the members of this body who have been here for a substantial amount of time, we're up against term limits anyway, and whether or not there are four-year terms, and will have virtually no or minimal impact on whether -- on our careers, lives, political professions, whether or not we run for re-election? You are aware that it's --

MR. GOLDSTEIN:

Okay.

LEG. GULDI:

-- virtually irrelevant to all of us?

MR. GOLDSTEIN:

Yes.

LEG. GULDI:

Okay. Now, you did talk about accountability.

LEG. BISHOP:

Come on.

LEG. GULDI:

It's my last -- it's my last one.

LEG. BISHOP:

What is this, Meet the Press?

LEG. FOLEY:
He's got a right.

D.P.O. POSTAL:
He has the perfect right to ask.

MR. GOLDSTEIN:
The people's business, right.

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D.P.O. POSTAL:
But, David, you're not the editor of everybody hear.

LEG. BISHOP:
We've spent an hour on this.

D.P.O. POSTAL:
Go ahead, George.

[SUBSTITUTION OF STENOGRAPHER - ALISON MAHONEY]

LEG. GULDI:
Do I have the floor? Why thank you.

LEG. BISHOP:
Give him a phone call if you're so desperate for his opinion on every law.

LEG. COOPER:
Oh, Go ahead, George.

LEG. GULDI:
Pay attention, you'll enjoy this, Mr. Bishop. Now that I've got you warmed up, at least you're not in a coma that half of the audience is. You did, Phil, and I got -- you know, you talked about accountability and accountability to the Legislative bodies and you talked about your role as a representative of the Independence Party. And you talked a great deal about the, your words, "principals and ideals of the Independence Party." I've got to call you to task; other than trading endorsements for jobs and perks, what are those principals and ideals? Because I've seen --

LEG. COOPER:
Oh, my God.

LEG. GULDI:
-- far little cries of evidence of them in the last two years.

LEG. COOPER:
Let me guess, he was not endorsed by the Independence Party.

MR. GOLDSTEIN:
Are you asking for my opinion, because I'll tell you quite frankly. There are things that happen within the Independence Party that I find as reprehensible as things that happen elsewhere. I don't necessarily go down the line in terms of, you know, my party right or wrong as far as that's concerned, George.

It is a sad fact of American politics that most third parties start

out by idealistic people who are dissatisfied with the status quo and who cannot get the two major parties to be responsive, and so they create a third party movement. Unfortunately, if that third party movement begins to become successful, it suffers the consequences of its success by being submerged by political opportunists who jump on board and who change the intent of the party for their own agenda and

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use it for patronage, as you point out and so on.

If you look at every party, look at the Liberal Party which started out idealistically, the Conservatives who are unhappy with the Rockefeller Republicans, etcetera and so forth, the Independence Party is unhappy with the existence of the duopoly and the fact that it ignores what they consider to be the best interest of the nation because they're too busy fighting one another for power and perks. But unfortunately our party has been invaded by those same kinds of individuals who are looking to take advantage of the growing importance of the Independence Party as a result of which we do things which I find distasteful. But I'm only one person, I don't control the party, I merely speak my mind. And as a matter of fact, at this convention that we just ended this past weekend, I was commended by some of the members of the State Committee for speaking in the manner in which I speak as Mr. Tonna refers to me, and I don't think it's a matter of derision when he refers to me as Jimminy Cricket, I like to think that I fulfill that role within the ranks of the Independence Party as well. I can't answer for the faults of my party, okay.

LEG. GULDI:
Okay.

MR. GOLDSTEIN:
I can only try to reflect what I believe are the high-minded principals that the party came into existence to uphold.

LEG. FISHER:
You have gone far afield though, George.

LEG. GULDI:
Thank you. No further questions.

LEG. FISHER:
Thank you.

D.P.O. POSTAL:
Legislator Bishop

LEG. FISHER:
Oh, no.

LEG. BISHOP:
Everybody has taken a shot at Phil and I think in my questions -- and I want you to remember this one day. I'm going to try to reform your tarnished reputation; you know, not actually tarnished, it's fine.

Initiative and Referendum exists because there needs to be an alternative path for democratic decision making that is not corrupted by the current duopoly as you call it, or by the current political process. It provides a direct path for the public to make a decision; is that correct?

MR. GOLDSTEIN:
Correct.

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LEG. BISHOP:
Okay. One of the things that you're trying to avoid or promote with Initiative and Referendum is a way to temper Legislative excess, self-serving type of decision making; correct?

MR. GOLDSTEIN:
Correct.

LEG. BISHOP:
Okay. Support for Initiative and Referendum does not mean support for every issue going to Initiative and Referendum; correct?

MR. GOLDSTEIN:
Correct.

LEG. BISHOP:
When the public wants Initiative and Referendum on any issue, the public should have it, correct, when the public wants it?

MR. GOLDSTEIN:
Well, no, I would have to --

LEG. BISHOP:
When the public wants it, when the public goes out and petitions.

LEG. COOPER:
No.

MR. GOLDSTEIN:
Oh, oh.

LEG. BISHOP:
The public wants it, right?

MR. GOLDSTEIN:
Well, you're entering into difficult ground there because unfortunately the Supreme Court of the United States has said that it's okay to hire people to go out and carry petitions and gather signatures and I think that's part of an example of what is wrong with the system in heading us down the road towards perdition, okay. Money is too dominant, money dominates everything, money dominates the campaigns and so on. I don't think --

LEG. BISHOP:
But as --

MR. GOLDSTEIN:
I think that the will of the people is best expressed if those people pick up those petitions and go out because this is something that they really believe in and they gather the signatures not because they're paid but because --

LEG. BISHOP:
You're on a big tangent now. But as a general proposition, I&R exists so that when the public wants to vote on an issue it can; correct?

MR. GOLDSTEIN:

I don't always think it should.

LEG. BISHOP:

Right.

MR. GOLDSTEIN:

That's my personal view.

LEG. BISHOP:

But when a Legislative body wants I&R for extended term, you believe they should reject the temptation because it's self-serving.

MR. GOLDSTEIN:

Correct.

LEG. BISHOP:

And to argue that opposition to bringing this to I&R is against the public is to pervert I&R in the first place because I&R is to temper Legislative excess.

MR. GOLDSTEIN:

Yes.

LEG. BISHOP:

Okay. Nobody is here to listen to that.

MR. GOLDSTEIN:

Thank you, David, you --

LEG. FISHER:

We're listening to you.

MR. GOLDSTEIN:

You finally summed it up very neatly.

D.P.O. POSTAL:

Thank you, Phil.

MR. GOLDSTEIN:

I'm sorry I wasted so much of your time, I had no intention of doing that.

D.P.O. POSTAL:

Well, you know, Phil, I'm sorry that you also considered that you're the person who can decide what's important to be heard before this Legislature and what's not.

MR. GOLDSTEIN:

I'm not the person, I didn't say that.

D.P.O. POSTAL:

But you make that judgement all the time and, you know, there are times you come before us and you object to a time limit because what you have to say is extremely important, by the same token you object

hearing when, you know, obviously you don't consider it worth while enough to have spent this much time on. You know, I'm sorry but, you know, you're very subjective about these issues.

MR. GOLDSTEIN:

But you're the ones who chose to drag this out. I made a simple statement expressing my thoughts that I didn't think it was right for the Legislature --

D.P.O. POSTAL:

You could have answered our questions with a yes or no answer, Phil, but I'm not going to debate it with you.

LEG. BISHOP:

That's true also.

LEG. HALEY:

Is it my turn?

D.P.O. POSTAL:

I'm going to --

MR. GOLDSTEIN:

Never happen.

D.P.O. POSTAL:

Did you have a question? Legislator Haley has a question.

LEG. HALEY:

Phil, I just want you to know, I'm with you.

LEG. COOPER:

Wait, Madam Chairperson?

D.P.O. POSTAL:

Yes. Legislator Cooper?

LEG. COOPER:

I don't know whether I can do this, but for the members of the public in the audience, for the past hour you've heard all the arguments on both sides --

D.P.O. POSTAL:

You know, I don't think you can do this.

LEG. ALDEN:

No, Monty Hall does it all the time.

LEG. COOPER:

Are you afraid of hearing the voice of the people?

D.P.O. POSTAL:

I think we've made clear that we have a resolution that we will vote on that gives the people the opportunity to voice their opinion and the first issue is whether that will pass this Legislature; this is

not the time to discuss that.

I have no other cards for public -- we are in the public hearing -- regarding Introductory Resolution No. 1541, I have no other cards. Is

there anyone who would like to address the Legislature on this public hearing?

LEG. HALEY:
That was 1542.

D.P.O. POSTAL:
Oh, I'm sorry, you're right, that was on 1542. I have no other cards. Anyone who would like to address the Legislature?

LEG. BISHOP:
We can subject them to an hour of questioning.

D.P.O. POSTAL:
Do I have a motion?

LEG. ALDEN:
Motion to close.

D.P.O. POSTAL:
Motion to close, Legislator Alden. Seconded by Legislator Fisher. Public Hearing on 1542 is closed.

I have a motion from Legislator Carpenter, seconded by Legislator Fisher setting the date of June 11th, 2002, at 2:30 P.M. at the William H. Rogers Legislature Building, Hauppauge, New York, for the following Public Hearings: Introductory Resolution 1506, 1507, 1567, 1586, 1640, 1643, 1644 and 1681. All in favor? Any opposed? Date of the public -- did I hear a vote in opposition? No. The date of the Public Hearings is set.

We're going to return to the agenda.

MS. BURKHARDT:
Page nine.

D.P.O. POSTAL:
Yes?

LEG. BISHOP:
May I be recognized on the issue that's before us on the agenda?

D.P.O. POSTAL:
On page nine?

LEG. BISHOP:
Yes, because I have a suggestion for a compromise.

D.P.O. POSTAL:
Okay.

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LEG. BISHOP:
When we broke for lunch the issue was whether we should have a public hearing on this taxi service and there was a motion to table which failed I think 8-8 or 9-9; 9-9. So now the issue is before us. But what I would suggest is if we sent it to committee but we had some -- I don't know if this is possible -- and Counsel, you can tell me -- some published notice that the committee will hear and evaluate whether complaints are worth while.

LEG. CARPENTER:

That's a good idea.

LEG. BISHOP:

Then you would have the type of hearing in the Public Works Committee, not in the full Legislature so we wouldn't have to take up 18 members time, and we can have the public have sufficient notice so that if there are complaints they can bring it down and we wouldn't jeopardize the license status of the taxi service until we heard sufficient complaints. The problem is we don't have an intermediary step under the process and this, in effect, would be the creation of an intermediary step; is that legal, can we do that?

MR. SABATINO:

Yes, as long as you understand that the public hearing will always be necessary if you in fact wish to take some kind of action.

LEG. BISHOP:

Right. So if five, ten people come down to Public Works and say this taxi service is bad, bad, bad, we can take it to the next step then. If my colleagues agree with that and we, you know -- how about publishing, Counsel, can we -- how do we publish this hearing notice?

MR. SABATINO:

Ordinarily you would publish in the official County newspapers which is a joke because --

LEG. BISHOP:

Right.

MR. SABATINO:

-- there's two people who know who they are and one of them actually reads it.

LEG. BISHOP:

Counsel, that's tremendous.

LEG. TOWLE:

Who are the two? I want them investigated.

LEG. BISHOP:

That will be used in future litigation, I'm sure. But, I mean --

MR. SABATINO:

If you're willing to expend some money, I would think you'd want to use --

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LEG. BISHOP:

The Fire Island newspapers, right, or Newsday, Suffolk Life.

MR. SABATINO:

I'm not sure you want to go there only because of some comments a couple of Legislators have made which I was not aware of with regard to who some of the principals are. I mean, I think --

LEG. BISHOP:

But I want the community that's served by the taxis to know that there's an opportunity. So I think that, you know, maybe that one

paper has to be out of it but the other papers that serve Fire Island, I don't know how many there are.

MR. SABATINO:

I mean, as long as -- I don't know who all those different papers are, but I think I feel a little bit more comfortable -- you've got two problems. One is a lot of the people who --

LEG. BISHOP:

They're in the city.

MR. SABATINO:

-- use this don't necessarily live in Suffolk County.

LEG. BISHOP:

Right.

MR. SABATINO:

So, I mean, I'd feel a little bit better if we used media that's a little bit more widespread.

LEG. CARPENTER:

Can I make a suggestion? If I could interrupt.

D.P.O. POSTAL:

Well, let's start with Legislator Alden. I think there are a whole bunch of us who have suggestions.

LEG. BISHOP:

I mean, I don't want to go forward if you guys are going to object. If you think I'm on the right track then we'll pursue it.

LEG. ALDEN:

No, no, no, you're on the right track.

D.P.O. POSTAL:

No, no, I think that there are suggestions which relate to the goal you want to accomplish. Legislator Alden, Legislator Carpenter?

LEG. ALDEN:

Two places you could put notice that would really affect almost everybody that -- the ferry terminal in Sayville, the ferry terminal in Bay Shore, or terminals in Bay Shore.

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D.P.O. POSTAL:

Legislator Carpenter.

LEG. CARPENTER:

Actually, that was what I was going to suggest.

D.P.O. POSTAL:

Legislator Towle.

LEG. BISHOP:

Will they refuse; what if they refuse to post?

LEG. ALDEN:

Put them on telephone poles.

LEG. TOWLE:

Legislator Bishop, I mean, you know, I don't know if Legislator Alden's comments are true or not true, but let's go on the assumption

for a second that they are of this newspaper. I mean, are we all suggesting that every person that reads that newspaper is then controlled by the people who own it and may not come to the hearing and speak their mind in favor or opposed to an application? I mean, you know, the bottom line is this is the process. Why are we trying to reinvent the wheel? Allow the process to work, that's why it's there. Allow the public, allow the owner to have the ability to appear before the Legislature and to answer these allegations. If they are untrue, the hearing will end and there will be no further procedure. If the allegations turn out to be true, then we have to consider what actions we're going to take. I mean, it's like let's make it up as we go along. I mean, I didn't invent the process, this apparently is the process. This isn't Fred Towle's version of the way things should be done, this is the law and the mechanisms that we have in regards to these people's licenses. And if we subvert the process for this individual or this company, right wrong or indifferent, what precedent does it set for the rest of the people that appear before us? Because the company is in your district now, Legislator Bishop, we should, you know, do a district-wide mailing, and then if there's one in Legislator Binder's district now we're going to public -- where is there equity here? This is the law, this is the process, follow the process.

LEG. BISHOP:

I think I started by asking Counsel if it were legal and it is.

LEG. TOWLE:

You know, we're all makers, we can make whatever we want legal.

D.P.O. POSTAL:

I think what's being discussed is not -- I think it's obviously legal. What Legislator Towle is suggesting is that it's unnecessary, that there's a process.

MR. SABATINO:

It's legal, but that's why I prefaced --

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LEG. FISHER:

I concur with Legislator Towle.

MR. SABATINO:

-- my remarks by saying as long as you understand at the end of the day you still wind up at the hearing process. The key to the whole legal argument is the due process public hearing aspect. How you get from here to there you have some discretion, whether it's wise or unwise is up to you to decide.

D.P.O. POSTAL:

Legislator Fisher?

LEG. BISHOP:

Okay. I only offer it up as a way to expedite this.

LEG. FISHER:

What I was beginning to say to Legislator Bishop actually was that he suggested that we publish the meeting, that we invite the public, that we set a date; well, if it looks like a duck and it quacks like a duck, it's a public hearing. That's what constitutes a public hearing.

LEG. BISHOP:

Yeah, but you wouldn't have 18 people.

LEG. FISHER:

So why not just -- it's your choice whether or not you're attending, Legislator Bishop.

LEG. BISHOP:

I'm on Public Works, I would be attending either way.

LEG. FISHER:

Okay. So you hold the public hearing.

LEG. BISHOP:

I'm just trying to help.

D.P.O. POSTAL:

Oh, so you're making the sacrifice; I got it. Legislator Carpenter.

LEG. BISHOP:

That's exactly right, I was making a sacrifice.

LEG. CARPENTER:

Thank you.

LEG. BISHOP:

But no good deed goes unpunished by the 5th District.

LEG. CARPENTER:

I would like to thank Legislator Bishop for his good deed, yes. I think that certainly is a fair compromise. And I certainly, being the person who made the motion to table, was not looking to subvert the process, I wasn't looking to kill the resolution for this public hearing, but rather give the owner of the ferry company the

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opportunity to come before the Public Works Committee. There seemed to be some misunderstanding between him and his attorney and I understand he was here earlier this morning, so I say give him the opportunity to come to the Public Works Committee, this still would be live on the floor we would only be tabling it, but at least allow him to come forward before the committee and answer the questions. And I do know that they have met with the Budget Review Office to address a lot of the issues that have been raised and I think, again, this is the work of the committee and something that we could do at depth at the committee meeting and then come back at our next meeting. And I think Legislators -- Legislator Bishop's compromise certainly is appropriate for us to consider.

LEG. BINDER:

Mr. Chairman -- Madam Chair?

D.P.O. POSTAL:

I'll put you on the list. Legislator Foley.

LEG. FOLEY:

I think the concern that some have is that when you read the title of the resolution, it's simply not a public hearing to hear what the public has to say about any complaints they may have on the taxi service, but when you read at least the title of the resolution,

that's what gives people pause. "Authorize the public hearing to amend the Cross Bay License granted to South Bay", so it's -- embodied in the title of the resolution is the spector, if you will, of amending, changing, revoking, however you want to say it, the license. I know that's not the intent of the sponsor of the bill.

I voted against the tabling motion because I'm -- let's say I'm looking at this resolution simply as the opportunity to get a full hearing on the issue, to me it's not a hearing on whether to grant an amendment or whether to revoke it. To my way of thinking, what this is about and as a person who has been consistent particularly on the issue of process and transparency within the Legislature, that this is to hold a public hearing on the issue of whether or not there were allegations -- -- well, a public hearing on the allegations of any wrongdoing or problems with the water taxi and it gives everyone the opportunity to speak on it. This is not -- even though the title says something differently, to my way of thinking this is not a public hearing to make the case about why it needs to amend or change the license, to me it's a public hearing giving the public who have made allegations of problems, giving them the chance once and for all to make those allegations, then we can clear the air and then move forward one way or the other on the resolution.

LEG. FISHER:

So can we have a vote.

LEG. FOLEY:

So I think the concern is it seems as though it is a public hearing to change the ferry license or the taxi license; to my way of thinking, it's not to change it, it's to give the public a chance to speak on it. That's the only reason why I'm supporting it. I'm keeping a very open mind on this, Madam Chair, I have not come to any conclusions on

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this one way or the other.

D.P.O. POSTAL:

I have list. The next person is Legislator Alden.

LEG. ALDEN:

My first question is directed at Paul Sabatino, Legislative Counsel. Paul, what's the threshold for holding this type of public hearing and how many times have we done this in the past?

MR. SABATINO:

As I had stated before, there was one other situation, I think it was Davis Ferry, I know it was -- the issue was over COLA provisions that were, in fact, violated under previous license, so there's one precedent that I can recall specifically.

With regard to the threshold, it's up to the Legislature to assess and evaluate and determine what level of degree they want to go to. But you have to listen to what the allegations are and you have to listen to what the complaints are, then you make a decision if you think there's, you know, a likelihood or a probability of something occurring.

LEG. ALDEN:

Was the other one that we held, the public hearing, was that triggered by Budget Review's assessment of either some kind of non-compliance

with some of the provisions that we had in their license agreement?

MR. SABATINO:

What happened on that one was we determined that there was a specific provision that had to be complied with in order to get the benefit of a COLA increase; budget Review, in conjunction with myself, uncovered that they had not, in fact, complied with those provisions and we moved it to the next level.

LEG. ALDEN:

Okay. Now --

MR. SABATINO:

That came internally, we actually raised the question internally.

LEG. ALDEN:

Now if one Legislator just wants to have a hearing on ferry provision of service or on water taxi provision of service, they don't really need any -- they don't need any backup type of information like complaints or anything like that, you can just -- a Legislator can just put that in there kind of without backup.

MR. SABATINO:

The way it works is the Legislator has received complaints or has been given information that leads him or her to believe that there's a problem with regard to a particular ferry license or a ferry rate that's in place, what the Legislator has the ability to do is to use this vehicle as opposed to just going out on his own or her own and saying that something is going to actually be done; for example, filing a resolution saying, you know, I hereby revoke a license. So

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you have to go through the hearing process. The only way you can get from here to there, because individual Legislators don't have the power to unilaterally do those things, is to file a resolution. That's why the County Code provisions that we established years ago to implement the State Authority provides for a hearing process which makes sense because that's the old due process, both sides get a chance to discuss it.

LEG. ALDEN:

I think it would be very, very beneficial and helpful to anybody that's going to vote on this, whether we do grant the authorization to hold a public hearing or whether we don't, I would like to see a list of anybody that did make a complaint on this and what the basis is for going forward with something of this nature. Because then I can evaluate when we do come time -- if we approve this, when we have a public hearing, whether everybody has been afforded a chance to come forward and say, you know, whether it's right or whether it's wrong, I would like to understand going into it how many complaints we're talking about, whether there are individuals, whether there are other corporations, whether it's based on a newspaper article or what the basis is for this, and I don't recall seeing that in the backup. So was it -- and I don't have it in front of me.

LEG. TOWLE:

Legislator Postal, if Legislator Alden would suffer --

D.P.O. POSTAL:

If you can respond --

LEG. TOWLE:

Yeah, suffer an interruption. I did forward the article --

LEG. ALDEN:

I would suffer an interruption, yeah, sure.

D.P.O. POSTAL:

Legislator Towle.

LEG. TOWLE:

I did forward the article for the purpose of attaching it as backup; if it hasn't gotten there then -- I did forward the article for the purpose of being attached for backup, the news article that appeared. That's the article I received, I received the article from the Budget Review Office when I went in to ask about the process, how water taxi licenses work. During that process, Budget Review explained, you know, the ABC's if you will, and during that process they mentioned to me that there had been a complaint, an article that appeared about one of the companies that did business with us, we had licensed them. I asked the question, okay, well what have we done about it, at which point they explained to me that Legislator Foley was contemplating introducing a resolution at the end of the year, the end of the year came, we obviously broke in December, we don't hold meetings until the very end of January, he was no longer the Public Works Chairman, I imagine he had other things that were on his plate, he didn't recall that. As I pursued the issue a little further for the purpose of understanding how we go about licensing, I filed the bill at that

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point back in January or February.

As far as I'm concerned, that's what took place. There's no ulterior motive.

LEG. ALDEN:

No, no, no.

LEG. TOWLE:

It was an allegation and all I'm doing is complying with our procedure. If we don't like the procedure, which appears to be some people's sentiment here today, then they should file a bill to change the procedure. But to change the procedure as we go along and we kind of just make it up as we go along because that's what we're talking about I don't think is the right way to handle this.

LEG. ALDEN:

It was important for me to understand your backup is a newspaper article, not personal complaints that you heard from a citizen that they rode on the boat --

LEG. TOWLE:

An article I read.

LEG. ALDEN:

-- and had a bad experience that were ripped off, this is based on a newspaper article.

LEG. TOWLE:

The article quoted, not that that necessarily is accurate or inaccurate, a multitude of citizens who had problems. I mean, it

wasn't like an editorial.

LEG. ALDEN:

No, that's what I wanted to understand, whether it's personal complaints that you took or whether it's based on that newspaper article. And now I understand --

LEG. TOWLE:

You never invited me to take a water taxi in your district, so I don't have any personal knowledge of good or bad service.

LEG. ALDEN:

You were down in my district, and they --

LEG. TOWLE:

That was for the ferry, not for the water taxi.

LEG. ALDEN:

But they have the same type of --

LEG. TOWLE:

Oh, okay.

LEG. ALDEN:

-- franchising. All right.

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D.P.O. POSTAL:

Legislator Binder.

LEG. BINDER:

Thank you, Madam Chair. Legislator Towle talks of not wanting to start a precedent and not wanting to change a procedure that exists; well, the bottom line is that we can decide the procedure and I think that going down this road actually sets a precedent. What we're looking at is precedential. Why? Because our institutional memory, Counsel, gives us one case in where we have done this before, where they uncovered, so they had a high degree of reasonable cause for us going down the road of some serious investigation and putting at risk someone's license. I think we have to be careful as a government entity, particularly a Legislative body with oversight and the power to threaten people's businesses, before we put in resolutions that threaten someone's livelihood, their business, people's jobs, this puts it at risk. There is an alternative.

Now, I understand Legislator Towle said, "Well, this is a procedure," well that's one procedure. Another procedure is when we read Newsday articles that we think are -- point a finger at someone or something, our committees have oversight, just call hearings, and that's in a sense what Legislator Bishop proposes as a compromise. What he's saying is the appropriate committee, if there's a concern at this Legislative body because of an article written for -- maybe it was written for a purpose, maybe it was defamatory and that would be a question for the company and they have legal rights in that. But in any event, if there's concern at this Legislature about the operation of a business that we do business with, then an appropriate committee in this Legislature has the ability and the Chair of that committee has the ability to call a hearing and look at this as best that they can look at it. And at the point after that hearing if we think that there's still a problem and something we should look further into and

we think it rises to the level of reasonable cause, not to the level of a newspaper article, a local newspaper article, not that Newsday is any better, but a local newspaper article, if we think it rises to a higher level, then at that point then we should put in resolutions that put people at risk. But I think it's precedential, it's a bad precedent in this Legislature to go forward with legislation threatening a business and its workers, it is the wrong thing to do to hold a hearing under that cloud.

So I think we should do what we've done. I'm here twelve-and-a-half years, a lot of times we have seen stuff in all kinds of newspapers, all kinds of accusations, chairs of committees have called hearings to do oversight and overview to look at it separate from a resolution threatening a company or an individual or anyone else.

My suggestion, I would support very strongly committing this to the appropriate committee, whoever should be holding a hearing. I don't care what committee that is, it doesn't have to be recommitted to the particular committee it came from, it can be committed to a committee that a Chair is ready to do a hearing based on an article to air the question and to see if there's -- it rises to a reasonable level wherein we should then hold a hearing under the cloud or specter of

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possible changing the license. So I would strongly urge my colleagues to support Legislator Bishop's compromise. Let's recommit this to whatever committee is willing to do or if it's Public Works that's great, whatever committee, let's get this -- let's get it done that way.

D.P.O. POSTAL:

I would like to make a just a couple of suggestions. Whether the public hearing on this matter is held in a committee format or before the whole Legislature, I suspect that there have been people over the years who have been over charged, who may have been threatened in a way that we would like to know about who have not come forward, they didn't know who to complain to or where to go. And I would suggest that -- as our Counsel says, very few people read the legals, if we don't want to spend money on actually taking advertisements in newspapers and TV stations and radio stations, we have a Public Information Officer. I would suggest that at the very least we have that person put out a press release announcing a public hearing on this issue and urging people to come forward to testify in this hearing; and again, this could be within the committee or before the full Legislature.

The other thing that I would like to see is perhaps the Presiding Officer's staff could contact the Department of Consumer Affairs. I know that may be a big stretch as to where somebody might complain, but I would think that if somebody were going to complain they would complain to either the Police Department or the Department of Consumer Affairs. And obviously, I don't know that either of those would keep a record of it, but anecdotally someone in one of those departments might recall that, "Yes, we have had complaints," or, "No, we have never had a complaint." So it might add clarity to this whole issue. Legislator Towle.

LEG. TOWLE:

I'll tell you, I sat here today and I'm just speechless, which is the

first time in my life I can actually --

D.P.O. POSTAL:

You're the only one.

LEG. TOWLE:

I can attest to -- we've sat here and we have argued this for well in excess of an hour. This is not the Fred Towle inquisition or the Fred Towle hearing process, this is the process that this Legislature has when there is a concern about a license that we issue. I'm not the Chairman of Public Works, that's Legislator Caracappa. He on multiple instances has asked the owner of this company to appear and the bottom line has been drop dead, they haven't appeared. They haven't appeared before this committee, the bill has been before this Legislature or filed with this Legislature for five months; we're not talking five hours or five days or five weeks, we're talking five months. From my perspective, we have followed the procedure, we have followed the mechanisms that are in place to deal with this issue. The mechanism was to appear before the Public Works Committee to address these allegations and to address what would happen if these allegations turned out to be true and that obviously nothing would happen if these

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allegations turn out not to be true; they failed to do that, the owner of the company has failed to appear despite Legislator Caracappa's attempts to ask them to appear. Now, I'm not the Chairman so I don't have any firsthand knowledge of that, I've only had a discussion --

LEG. CARACAPPA:

No, you're right.

LEG. TOWLE:

And I have only had discussions with Legislator Caracappa I have no reason to question him or his staff in doing that; he is the Chairman of the committee, as many of us, and we know how that process works. But I'll take it a step further. If, in fact, we approve the resolution, nothing happens except allowing the public and the company, the owners of the company, to appear before the Legislature and address this issue. If it turns out to be true, then we still have to, as Legislators, introduce some type of legislation to deal with this problem. If it turns out not to be true, then this issue dies a slow death and it goes away. Nothing happens unless a Legislator takes action.

It's almost like the impression would be that if this resolution is approved this company is going to be out of business, and that's nonsense. If this resolution is approved, this company will be required to appear and the public will have an opportunity to appear. Unfortunately, despite the fact that the committee agenda is published in our local, you know, legal, it does not address every issue that's going to be covered at that committee. However, this would be a public hearing which would provide a public notice. And it's clear, from the direction of the Legislators, those for and those against, that we would urge the Clerk's Office to particularly try to pick newspapers in the areas that this issue affects so that the general public would have some knowledge.

[RETURN OF STENOGRAPHER-LUCIA BRAATEN]

I imagine the media, those that are influenced and those that are not,

would cover this issue. And I would imagine the two Legislators who represent that area, if they'd like to, can send out notices to the appropriate villages or community leaders. And if they're not interested to do it, maybe the Public Works Chairman would do it. And if he's not interested to do it, I'd do it. But the fact of the matter is this does nothing more than continue the process to try to resolve these questions.

I don't disagree with Legislator Binder, that if we don't like the process, we should change it. But to change it as we go along, or to change it on the fly, or to change it tonight is not the way to do it. To change it in the committee process is the way to do it. No one's complained about the process in the committee. What we're trying to do is to avert holding a public hearing, that's what we're trying to do. And it appears that everybody's trying to do -- that's trying to do that is saying, "No, we should hold a public hearing in the committee." Well, guess what, we tried that already and it didn't work, so now we've moved to the next step in the process, and that's all it is, the process. And to vote against this tonight votes

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against the process. It votes against the very system that we have to police the people that we give licenses to. And you will start a very bad precedent. You can't hold one company different and not accountable than you do other companies, and that's the process here tonight, that's what we're voting on. We're not voting on whether this is a good or bad company. I don't know if they are or aren't. I've never ridden on their water taxis, to the best of my knowledge.

From my perspective, it's about the process tonight, this vote, that's all it's about. And the process will give this company and the public a fair opportunity to address these allegations, because Legislator Alden may be right, maybe they are politically motivated or from another competitor. I don't know. I don't know that to be factual or not factual. I find it hard to believe that citizens would be quoted in a paper, multiple citizens for the purpose of benefiting one company or the other, but I guess it's possible, and those people will have the opportunity to appear, if they choose to, and they could be asked questions, "Are you involved or have any relationship with any of these companies," and we can get to the bottom of this. That's what this resolution does.

D.P.O. POSTAL:

I'm going to recognize Legislator Alden, and then we're going to go to a motion and a vote.

LEG. ALDEN:

I'd like to just put it in perspective also, as far as this process, which we do have -- we have a fiduciary duty and we have another type of duty, because this is a franchise, so we do have a duty to look into allegations. What we're proposing today and what we're voting on right now is a very formal type of public hearing to look into those allegations. My suggestion, and it would be more to agree with Legislator Bishop, is I think we also have a duty not to just go and jump to a conclusion one way or the other, but we also have a duty to verify. If we're going to base our charges and holding a public hearing on a newspaper article, I think the least that we should have done or could have done was to verify that charge. So as far as having people down to a committee, I don't know of any time that those

people that were supposedly quoted in that newspaper article were invited to a committee and whether they testified or not, because I didn't get the committee meeting minutes yet, but, to the best of my knowledge, those people did not appear before either this Legislative body or before a committee.

On another note, yes, the owner of that company did not appear before the committee, but at least on one occasion, his legal representative and a manager did appear before that committee. So just to make the record clear on -- well, that was the -- the final point is the owner of the company is down here today, also, his legal representative is here today.

D.P.O. POSTAL:
Are you finished?

LEG. ALDEN:
Yeah. You know, I think I'll just leave it at that.

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D.P.O. POSTAL:
Well, why don't we start with a motion and then, you know, on the issue. Is there -- I don't believe that we have a motion.

MR. BARTON:
There's a motion by Legislator Towle.

LEG. TOWLE:
And there was a second by Legislator --

D.P.O. POSTAL:
I'm sorry. Henry, I didn't hear you, because everybody's talking.

MR. BARTON:
Motion by Legislator Towle.

D.P.O. POSTAL:
There's a motion to approve by Legislator Towle, second by Legislator Caracappa. Okay. So we have a motion and a second.

LEG. BINDER:
Motion to --

D.P.O. POSTAL:
There's a question from -- motion, Legislator --

LEG. BINDER:
To recommit.

D.P.O. POSTAL:
-- Binder.

LEG. BINDER:
Motion to recommit.

D.P.O. POSTAL:
To recommit to committee. Is there a second?

LEG. ALDEN:
Second.

D.P.O. POSTAL:

Second by Legislator Alden. Mr. Sabatino, does the recommit take precedence?

MR. SABATINO:

Recommit takes precedence.

D.P.O. POSTAL:

Okay.

LEG. BISHOP:

Madam Chair.

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D.P.O. POSTAL:

On the -- on the motion to recommit, I know Legislator Caracappa had a question, but I don't know if it's relevant to that motion.

LEG. CARACAPPA:

No.

D.P.O. POSTAL:

Legislator Binder -- Legislator Bishop, did you have a comment relevant to that motion?

LEG. BISHOP:

I seem to be, by the counting, as it was before, pivotal vote, and I will vote to recommit if we get the commitment of the Chairman of Public Works that will do the publishing and have the hearing -- I see he's shaking his head no, so --

LEG. CARACAPPA:

Absolutely not.

LEG. BINDER:

Madam Chair, let me change my --

D.P.O. POSTAL:

Wait, wait, wait.

MR. BARTON:

Please, use your microphones.

LEG. BINDER:

-- motion to commit it to the Consumer Affairs Committee.

D.P.O. POSTAL:

Can we --

LEG. ALDEN:

Consumer Protection.

D.P.O. POSTAL:

Was that --

LEG. BINDER:

Consumer Protection and Government affairs.

LEG. TOWLE:

All right. Add me to the list on this one.

D.P.O. POSTAL:
Counsel.

LEG. CARACAPPA:
Let's change everything.

D.P.O. POSTAL:
Can I ask, was that -- can -- is that proper? Is that a proper motion?

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MR. SABATINO:
Well, I think there's a misunderstanding. The reason it's in Public Works is because Public Works is really known as the Public Works and Transportation Committee, the jurisdiction of which specifically includes ferries, as it has for 20 some-odd years. The Presiding Officer establishes the jurisdiction. I mean, you'd have to pass a resolution stripping that power from the Presiding Officer and then taking the power back to yourselves with regard to what the jurisdiction of committees is.

LEG. BINDER:
Excuse me. Parliamentary inquiry. Isn't it -- aren't those the rules? And so my motion can be to waive the rules and to commit this to a committee other than that which the Presiding Officer --

LEG. TOWLE:
Do we have the votes to kill it?

LEG. BINDER:
-- would want to commit it to.

LEG. TOWLE:
Unbelievable.

MR. SABATINO:
Maybe I wasn't clear. Okay. The reason it's in the Transportation Committee -- this question came up before that somehow it's in the wrong committee. It's in the correct committee. The jurisdiction for ferry license applications is in the Transportation Committee. That jurisdiction is established by the Presiding Officer. If you want to -- if you want to go in another direction, you've got to take back that power from the Presiding Officer, give it to yourselves, change the jurisdiction, and then send the resolution over.

LEG. BINDER:
I can -- you can do that by motion in resolution. The motion --

LEG. ALDEN:
Legislator Binder, will you suffer one interruption quickly? One

LEG. BINDER:
Sure

LEG. ALDEN:
This isn't -- this isn't an application for a license, this is an -- this seems to be a hearing about complaints, so I'm not 100% sure that the jurisdiction might not be proper in another venue.

MR. SABATINO:

The bill is properly in front of the Transportation Committee. I think it may even be written that way in Chapter 287 of the County Code. I'll go pull Chapter 287 of the County Code just to reinforce it. But, if you want to take it away from the Presiding Officer, and the Presiding Officer is in concurrence, you could put bills anywhere. You could take all of the bills and reassign them all, but --

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LEG. BINDER:

Mr. Chairman, let me -- let me --

MR. SABATINO:

The jurisdiction is written.

LEG. BINDER:

I'm going to amend my motion one more time.

LEG. BISHOP:

Reclaim your time.

MR. SABATINO:

The jurisdiction is written to have, you know, some order and some logic to where the bills are going.

LEG. BISHOP:

Maxine.

LEG. BINDER:

Let me reclaim my time.

MR. SABATINO:

You could change it.

LEG. BINDER:

Madam Chair.

D.P.O. POSTAL:

I'm sorry, Legislator Binder.

LEG. BINDER:

Yeah, let me --

LEG. BISHOP:

Paul.

D.P.O. POSTAL:

I didn't hear what you said.

LEG. BISHOP:

Paul, don't leave, because he's going to --

P.O. TONNA:

Somebody asked about the Presiding Officer.

LEG. BISHOP:

Paul, we have a -- we're changing the motion.

MR. SABATINO:

I'm going to get the County Code, so I can check the section.

LEG. BISHOP:
It doesn't matter.

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LEG. BINDER:
I'm going to re -- I'm going to amend the motion.

LEG. TOWLE:
Let's continue to make it up as we go along.

LEG. BINDER:
The motion --

P.O. TONNA:
I'm with our Legal Counsel.

LEG. BINDER:
The motion will be to recommit it to Public Works, directing the Chair of Public Works to send out a notice and --

LEG. CARACAPPA:
You send out the notice.

LEG. BINDER:
And have a hearing on this matter.

P.O. TONNA:
Can I -- can I just --

LEG. BINDER:
That's my motion.

P.O. TONNA:
Hold it one second. We're still on this bill?

LEG. FIELDS:
Yes.

P.O. TONNA:
Yes? All right.

LEG. CARPENTER:
On the motion.

P.O. TONNA:
Now, let me ask you, Robert -- I mean Rules -- I mean order. What --

LEG. BINDER:
Actually, it's the Rules of the Legislature. Robert has nothing to do with it.

P.O. TONNA:
Okay. What are you -- what is your motion?

LEG. BINDER:
Motion is to recommit to committee and direct -- directing the Chair to hold a hearing on the matter, and to advertise that.

LEG. BISHOP:
Advertise the hearing --

LEG. BINDER:

The hearing.

LEG. BISHOP:

Rather than have the full Legislature do the hearing.

LEG. BINDER:

-- in -- right. So rather than the Legislature having the hearing.

P.O. TONNA:

Well, I have the power, as the Presiding Officer, to call for hearings, I guess? All right.

LEG. BISHOP:

Here's the situation, because you'll need a recap, since you were out of the room on busy important County business.

LEG. BINDER:

Important business, right.

P.O. TONNA:

It was very important to you a little while ago, if you want to go into that important business.

LEG. HALEY:

Yeah, let's hear it.

P.O. TONNA:

I mean, you live by the sword, you die by the sword. If you want, I'd be glad to talk about what was so important, you know.

LEG. BISHOP:

Yeah, I just got a bottle of water.

P.O. TONNA:

Yeah, just a bottle of water.

LEG. TOWLE:

In fact --

P.O. TONNA:

Yeah, just a bottle of water.

LEG. TOWLE:

Mr. Chairman, I just want to advise you, too, by the way, they were attempting to strip you of your powers to assign bills to the committee.

P.O. TONNA:

That's fine.

LEG. TOWLE:

You were out of the room. I just want to set out to --

P.O. TONNA:

Listen, I saw Spiderman. I have no problem being stripped of my powers. All right. Go ahead.

LEG. BISHOP:

The situation is that perhaps --

P.O. TONNA:

Perhaps.

LEG. BISHOP:

-- we'll find out. Perhaps a majority of Legislators want to send this to the Public Works Committee to act as an intermediary step before having a full Legislative hearing, but have the Public Works Committee conduct a hearing, open to the public and advertised, on this water taxi service. That's where we're at.

P.O. TONNA:

Right.

LEG. BISHOP:

And so Legislator Binder is looking for a mechanism to do that, but part of the problem is that the Chairman of Public Works opposes that, so that's why we're considering trying to craft motions --

P.O. TONNA:

A resolution that's going to bind him --

LEG. BISHOP:

Right. That's the problem.

P.O. TONNA:

-- to do that. Okay.

LEG. BISHOP:

Or perhaps you could solve the --

LEG. CARACAPPA:

What would be my fine, Maxine, if I refused to have a public hearing? Is that it, Rule 50? Would it be 50 bucks?

LEG. POSTAL:

No.

P.O. TONNA:

Bring on -- bring on the Sheriffs.

LEG. POSTAL:

As long as you're in here, you could do whatever you want.

P.O. TONNA:

Okay. This is what I would suggest.

LEG. CARPENTER:

Mr. Chairman.

P.O. TONNA:

You know what I would suggest?

LEG. BISHOP:

Please. I would suggest just a little clarity --

LEG. BISHOP:

We want your learned counsel on this.

P.O. TONNA:

-- which is this. How about this. How about we just vote this up and down and figure that out first? And then after we vote that up and down, why don't some sane minds get together and say, "What is the next step?"

LEG. BISHOP:

Well, I'm voting for it, then.

P.O. TONNA:

Either -- either we -- why don't we just do that instead of trying -- okay. Now, Legislator Binder, don't worry. That was just an idea. I am still going to recognize your motion to make six motions in a motion, no problem. And I have -- I have a lawyer, a bona fide attorney who is looking up the County Code to make sure you could make six motions in one motion.

LEG. BISHOP:

Bona fide.

P.O. TONNA:

But all I would say is, isn't that the best way to do it? All right. So you have a motion.

LEG. HALEY:

I have a suggestion.

P.O. TONNA:

Your motion is to recommit to committee, and to have some type of evidentiary hearing from the Presiding Officer asking for a special hearing.

LEG. BINDER:

That would be fine.

P.O. TONNA:

Okay. Now, can you bind the Presiding Officer? I don't think you can bind me to do that, can you?

LEG. TOWLE:

Tie you up.

LEG. CARPENTER:

You want to be a Binder?

P.O. TONNA:

Listen, I don't want hear about -- no. Forget it. I'm not bringing --

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I'm not bringing -- somebody's talking to my wife. No, I'm joking.

LEG. TOWLE:

Photos.

LEG. BINDER:

Mr. Chairman. Mr. Chairman, on --

P.O. TONNA:

Wait, wait.

LEG. BINDER:

No. I want to speak to the -- to the --

P.O. TONNA:

Do you have a second?

LEG. BINDER:

To the motion, yeah.

P.O. TONNA:

Is there a second?

LEG. ALDEN:

Second.

LEG. BINDER:

Okay.

LEG. CARPENTER:

On the motion.

LEG. BINDER:

So let me -- I want to speak to the motion.

P.O. TONNA:

I thought we would have fixed that one right away. Okay.

LEG. BINDER:

Let me speak to this.

P.O. TONNA:

On the motion, Legislator Binder.

LEG. TOWLE:

Add me to the list, please.

LEG. CARPENTER:

I want to be on the list.

LEG. BINDER:

I would be willing --

LEG. BISHOP:

Oh, come on, Angie, you don't have to go on the list.

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LEG. BINDER:

I would be willing just to leave it as an amendment, just to make it as a straight recommit motion, if the Presiding Officer would --

P.O. TONNA:

Indicate.

LEG. BINDER:

-- let us know that he would, in the event that the committee doesn't hold this kind of hearing, that the Presiding Officer would take care of that, to make sure that the hearing was held, even if it's under his auspices. That would be fine with me. All that we're looking to do is to -- let me -- what we're trying to do is to have a hearing

that wouldn't be under the cloud of legislation that proposes to --

P.O. TONNA:
Have a hearing.

LEG. BINDER:
-- strip a license from a County contractor because of one newspaper article. That's a bad precedent to set here.

LEG. BISHOP:
You can't argue with that.

P.O. TONNA:
Okay.

LEG. BINDER:
And I -- what I'd like to do is do what we would normally do, is just take a look at it. Now, it's been said here that the owners didn't come down. Well, the owner's here. They sent down somebody. Supposedly, the dispatcher wasn't a dispatchers, it was the Operations Director. They called him the dispatcher, but this person is their Operations Director, but that wasn't good enough, and that's fine. If the Committee doesn't want to hold the hearing anymore, for whatever reason, as long as the Presiding Officer's willing to make sure that it gets held even under your auspices, then that's fine with me, and I would just amend the motion to a straight recommit with that assurance from the Chair.

P.O. TONNA:
Okay.

LEG. HALEY:
I've got a suggestion.

P.O. TONNA:
Wait. There's a motion.

LEG. BINDER:
And I'm asking.

LEG. CARPENTER:
On the motion.

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P.O. TONNA:
No, I'm not -- I'm not making -- to tell you quite honestly --

LEG. HALEY:
On the motion.

P.O. TONNA:
-- I haven't thought about this enough. You know, we've only spent four hours talking about it. I need some time to think about this and weight these considerations.

LEG. BINDER:
It's complicated, I know.

P.O. TONNA:
Yes.

LEG. HALEY:

I have a suggestion, Mr. Chairman.

P.O. TONNA:

But while we're doing that, let me think about what the -- how this thing shakes down.

LEG. HALEY:

On the motion.

P.O. TONNA:

Legislator Carpenter has the --

LEG. CARPENTER:

Thank you.

P.O. TONNA:

-- has the floor, then Towle, then Caracappa, then Alden, Then Crecca. And, by the way, if anybody really wants to get to see their families tonight, you can forget about that.

LEG. FISHER:

How about voting on school budgets?

P.O. TONNA:

Yeah, right.

LEG. CARPENTER:

I made the motion to table this and I felt very comfortable doing that, that leave the resolution live on the floor, and it would give the owner of the ferry company the opportunity to come to the committee and have his opportunity to -- his day in court, if you would. I don't feel comfortable with a resolution to recommit to committee, directing the Chairman of the committee to do something. I don't feel that that's a road we want to go down. I don't think that is necessarily appropriate, although I appreciate, you know, what Legislator Binder is trying to do. I would just ask, since Legislator Bishop came up with the idea for the compromise, to have the discussion in the Public Works Committee and Transportation, and

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advertise the fact that this is going to be discussed. We certainly have a mechanism to do that. Anyone who checks, you know, our website knows that, on a regular basis, the Public Information Officer for the Legislature will highlight certain topics that are going to be discussed in the various committees, and, certainly, he can do a full court press on this issue. But I would just ask Legislator Bishop if he would, since he was on the prevailing side, make a motion to reconsider and table this resolution with the understanding that the owner of the ferry company would be directed to come to the Public Works Committee, answer all of the questions that have been raised, and that the hearing or his appearance would be something that would be advertised.

P.O. TONNA:

Okay. All right. Legislator Towle.

LEG. CARPENTER:

Can you do that?

P.O. TONNA:

But before, just -- Joe, just to get a clarification of this. This is prime in your committee. I'm happy -- or it was prime in your committee, I'm happy that it was prime in your committee. It deals with transportation issues. This is a transportation issue. Even though it should be probably secondary in Consumer Affairs, because the allegations are a Consumer Affairs issue with regard to fees and stuff like that, it's still a transportation issue. The concern that I have is that, basically, you have already asked to come. They didn't show.

LEG. CARACAPPA:

Correct.

P.O. TONNA:

So, out of frustration.

LEG. ALDEN:

Finally did show up.

P.O. TONNA:

Okay. I don't know.

LEG. BINDER:

Find out how the request was made.

P.O. TONNA:

That's just what I'm just listening to.

LEG. BINDER:

Find out what the request was.

P.O. TONNA:

Okay. Was there -- there was a request of having the owner, the --

LEG. CARACAPPA:

Yes. Mr. Rudner showed up two meetings ago, which is the counsel for

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South Bay Water Taxi. I looked him dead in the eye twice, according to the minutes, which I went back to, at the last Public Works meeting and said, "Make sure" --

P.O. TONNA:

You had your eyes on him.

LEG. CARACAPPA:

Yes, I had my eyes on him. And made sure that I said, "Make sure your client is here." And it was Legislator Carpenter's compromise, it was her idea. So I said, "Great compromise," according to the minutes, looked at Mr. Rudner and said, "Make sure your client is here." I went on to say it one more time, "Make sure your client is here at the next Public Works meeting, so that we can air this out here," as opposed to taking the step with the public hearing.

LEG. BISHOP:

Wrap it up.

LEG. CARACAPPA:

That meeting came and went, and who showed up? Mr. Rudner, first saying, "My client can't make it, because he has Coast Guard inspections," which I can understand.

P.O. TONNA:

Understand.

LEG. CARACAPPA:

Then 15 minutes later, I'm sorry for being redundant colleagues, I said this earlier, 15 minutes later, he said, "Well, you never did ask me."

P.O. TONNA:

And that's what set you off.

LEG. CARACAPPA:

Wouldn't it set anyone off?

P.O. TONNA:

Who, who, who, bells and whistles. All right. So now we got to the -- we're getting to the bottom of this.

LEG. ALDEN:

The Operations Manager was there.

P.O. TONNA:

Okay.

LEG. CARACAPPA:

It wasn't requested.

P.O. TONNA:

Right. And the -- okay. So now, what your suggestion is, send it back to committee, okay -- no. Table it, send it back to committee, and let's try again with Legislator Caracappa. And Legislator Caracappa is saying, as Chairman of that Committee, "I already tried that, I'm

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not doing that."

LEG. BISHOP:

But you're missing -- you're missing one point.

P.O. TONNA:

What is the point?

LEG. BISHOP:

Legislator Carpenter also, unfortunately, misses this point also. Everybody's focusing on whether the owner's going to be there. That's not the issue. The question is whether the public will be there.

LEG. CARPENTER:

Yeah, I know that.

LEG. BISHOP:

Whether the public will know that they have an opportunity, if they have a grievance with this water taxi company, to come to a forum and air the grievance.

P.O. TONNA:

Okay.

LEG. BISHOP:

That's the point of the hearing. Either we're going to do that with the full Legislature, that's what Towle wants, or what I'm suggesting is we could do that with the Public Works Committee, but there has to be a publishing, you know, some -- in some way, shape or form, that the people who use the water taxi, the Fire Island community, knows that there's this hearing.

P.O. TONNA:

Well, I'm sure that local newspaper, whoever they are, they'll publish it for free. Okay.

LEG. BISHOP:

Yeah. That we also went down that path also.

P.O. TONNA:

Okay. So --

LEG. TOWLE:

Okeydokey.

P.O. TONNA:

All right. Legislator Towle has the floor.

LEG. TOWLE:

Thank you. First of all, it's not what Towle wants.

LEG. BISHOP:

It's not a question of whether the owner's here.

LEG. TOWLE:

So let's clarify that, Legislator Bishop, it's not what I want. It's

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not what I want, that's the process. I didn't make it up as I went along. I didn't get up today and say, "You know what, having it in the Public Works Committee is not a good idea, because it got out, so let's transfer it to the blah, blah, blah committee where it could die, and maybe the public will never get the opportunity to speak." The bottom line is that we hold the public hearing. As you know, we're required to put out public hearing notices. And, clearly, after the fact that we've wasted half an afternoon debating the issue and trying to reinvent the wheel, if you don't like the process, take the next couple of days and figure out which the process should be, how it should be, and how you want it to work and file a bill and we can vote on the merits of that. But the way the law stands now, as we sit here tonight, this is the process. This isn't my process, this is our process. This is the County law, this is how things are done.

The bill sat there for five months. Bottom line, five months. The owners had an opportunity. The committee must meet at least once or twice a month, which is ten committee meetings that the owner could have appeared, maybe eight, maybe six. The bill was filed in January. I checked with Counsel. In fact, Legislator Carpenter, the bill was filed last year, but died in committee, because the committee didn't recognize the bill. So the bill has been floating around, if you want to be technical, for eight months.

LEG. BISHOP:
You know --

LEG. TOWLE:
All right?

LEG. BISHOP:
If I could respond to --

P.O. TONNA:
Wait, wait, wait. No, you can't respond.

LEG. BISHOP:
He's talking to me, he's speaking --

P.O. TONNA:
He's still go the -- Towle.

LEG. TOWLE:
No, I'm talking generically to all --

P.O. TONNA:
No, no, no. He's on the list.

LEG. TOWLE:
I'm talking to that side of the horseshoe --

P.O. TONNA:
Not everyone's talking to you.

LEG. TOWLE:
-- because I'm kind of concerned where you all are. We've debated

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these points all day. The fact of the matter is this is a public hearing. It's exactly what you want, a public hearing. Give the owner an opportunity to respond to these charges. Give the public an opportunity to make whatever other charges they may or may not have. If nobody shows up, then the issue dies. If somebody does show up and there are some issues that are brought out publicly that we need to address, then a Legislator needs to sponsor a resolution to address that. Nothing happens from that point forward. Now, that's what Counsel explained to us I think some five hours ago, you know, and that's the process. I didn't make it up. It's not Legislator Alden's process or my process, it's the process. And we're just trying to table it. And we're continuing to subvert the licensing process and the review of licenses. I think it's a very bad precedent, I think it sends a very bad message, and I think it sends the message as to why are we trying to bend over so backwards to accommodate one individual, one company? And I think it sends the wrong message. And, in fact, if we defeat this tonight, if we defeat this resolution, it sends a message to the owners of these companies that they can do whatever the hell they want to do and that's wrong.

LEG. BISHOP:
Roll call.

P.O. TONNA:
Okay. No, there's not a roll call yet. Legislator Alden.

LEG. ALDEN:

I think we've totally missed the point here. There are no charges against these people.

LEG. TOWLE:

You're right, you have.

LEG. ALDEN:

There are no charges against these people. And I would appreciate the same respect I showed you. I didn't shout out and try to shout you down, Legislator Towle, so I would appreciate it if you just sit there and you're going to have to take and listen to what I have to say, or you can leave, whichever way you want to choose to do it, but don't try to shout me down, because I won't be hushed up like that either. The point has been missed. There are no charges against this or any other company. We have a newspaper article and that's it. No one has come forward. No living human individual has come forward to your committee meeting, and you have testimony.

LEG. BISHOP:

That's not true.

LEG. ALDEN:

Okay. The son of the article -- the son of the person --

P.O. TONNA:

All right.

LEG. ALDEN:

-- who wrote the article has come forward.

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LEG. BINDER:

Son of the article.

P.O. TONNA:

Okay. Hold it, guys.

LEG. ALDEN:

No, no, no. All right. All right.

P.O. TONNA:

Wait. Legislator Alden, you have the floor.

LEG. ALDEN:

Right.

P.O. TONNA:

Don't respond to the Peanut Gallery, just finish up your comments.

LEG. TOWLE:

Hey, hey, hey, watch the comments.

P.O. TONNA:

Go ahead.

LEG. ALDEN:

So, basically, we have --

P.O. TONNA:

Are you shouting me down?

LEG. ALDEN:

Not basically. All we have, at best, one person that came forward, but we have a newspaper article. We don't have any charges. So I don't feel that the onus is on the owner of the company or on the company's legal representative to disprove or prove anything. Nobody's proven a case as far as what is or is not improper type of action here. So, basically, we're going at this all backwards. We keep focusing on and keep hearing this -- the owner of the company has to come forward, the owner of the company has to respond to this. I don't see where the owner has to respond to anything. The owner of the company does not have to respond to a newspaper article.

And as far as voting this up or down, maybe this doesn't, in some Legislators' mind, even rise to a level that we should even be concerned with, because there is no -- there's no charges here, as far as what I see. I haven't heard any charges that are even reputable or that can be believed. All I here is -- and it sounds like somebody's got a little vendetta and somebody's nose got out of joint because of maybe a miscommunication with the legal representative who didn't go back and communicate to the owner of the company that they wanted him to come before a committee meeting. So because of some kind of a personal problem, now the entire Legislature has to be involved in something that really doesn't -- the evidence does not rise to a level that we should even hold this type of a hearing.

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LEG. CARACAPPA:

Excuse me. Legislator Alden, what was your quote about --

P.O. TONNA:

Wait, wait, wait, wait. Through the Chair.

LEG. CARACAPPA:

-- Cablevision when they didn't show up to your hearing?

LEG. ALDEN:

They didn't.

P.O. TONNA:

Josey, Josey. Joe. Legislator Caracappa.

LEG. CARACAPPA:

I just wanted to --

P.O. TONNA:

Through the Chair. You have to ask your questions through the Chair. But we do have Legislator Crecca next, and I will recognize you. Legislator Haley, I see your hand. And as -- you're on the list, but you're after Legislator Binder, which I know you always like to follow Legislator Binder. Legislator Crecca, you have the floor.

LEG. CRECCA:

I think it's all been said already.

P.O. TONNA:

Great. Then why add your name on the list?

LEG. CRECCA:

I'll yield to Legislator Caracappa.

P.O. TONNA:

Wait, wait. No, no, no, you can't yield your time. This isn't U.S. Congress. You could -- you stopped speaking. Now, Legislator Binder.

LEG. CRECCA:

I'll pass. I'll go back on the list if I want to.

P.O. TONNA:

We've got Binder, and then Haley. Go ahead.

LEG. BINDER:

The question is what message we're going to send, and I think it's pretty clear, we're going to send a message that --

P.O. TONNA:

That we're very confused.

LEG. BINDER:

-- one newspaper article shouldn't be something that rises to the level of putting people's livelihood at jeopardy. We shouldn't act precipitously. I agree with Legislator Alden, we probably shouldn't be even having a huge public hearing because of one local newspaper

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article. I think this is absolutely ridiculous. And I think that the message we're actually sending right now to our contract vendees and around the County, those who would do business with us, is that if someone is able to get an article in a local newspaper against you, you are at risk, and you are at grave risk of losing your contract with the County. And I think that's right now the most unfortunate thing that's happening.

P.O. TONNA:

Okay. Legislator Haley.

(Applause by Legislator Towle)

LEG. HALEY:

Listen, I have a couple of thoughts.

P.O. TONNA:

Nice to see the Brookhaven team together again.

LEG. HALEY:

You know what I think you should do?

LEG. TOWLE:

I'm on your side.

LEG. HALEY:

Listen, this is what I think you should do. First of all, by a show of hands, how many Legislators want to contribute to the "Towle for Assembly" and "Binder for Congress" campaigns?

LEG. BISHOP:

Get them out of here by any means necessary.

LEG. HALEY:

Secondly, if you create a Water Tax Committee, then you could finally give me a chair.

P.O. TONNA:

Oh, fine, yes.

LEG. HALEY:

Right? And we'll recommit it to the Water Tax Committee and we could resolve that.

P.O. TONNA:

And I'll make you Chair.

LEG. HALEY:

No. But all joking aside, Mr. Chairman, this is very serious. We've been on this a long time, and I really think, from a professional perspective, Legislators should try to keep it to new issues or new items, because everybody's starting to get to a point now they've been extremely redundant, and I'm getting tired of hearing all of it over and over and over again.

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P.O. TONNA:

All right.

LEG. BISHOP:

Here-here.

P.O. TONNA:

Okay. We're going to call a vote. All Legislators, please come to the horseshoe. There's a -- yes. While people are coming in, all I can suggest is this. This seems to be a breakdown in communication once again. First of all, I don't like the idea of having a public hearing based on a news story, there is no doubt in my mind about that. I also don't like the idea, though, that there are Legislators who are trying to get some things done, okay, through their committee process, it's been in there for a long time to ask legitimate questions, and they basically feel that they've been thwarted. And this is where the problems lies. On one hand, we want to be able to ask questions and be dealt with respectfully about those questions when there are legitimate questions that Legislators might have. And secondly, on the other hand, though, we don't want to raise to the level of a mountain what might really amount to a mole hill. And so there you have it. Okay.

LEG. GULDI:

Let's call the question.

P.O. TONNA:

So vote as you will. Roll call. The motion is -- it is a very tricky motion. This is the -- this is the Binder motion, to recommit to committee, to force the Presiding Officer's hand to having a --

LEG. BINDER:

No. I'm requesting you to ensure --

P.O. TONNA:

Oh, request. It's only a request?

LEG. BINDER:

Requesting you to ensure that there will be --

P.O. TONNA:

Well, how could you request -- how could -- wait. Point of order.

LEG. BINDER:

I'm requesting that the Legislature, in this motion --

P.O. TONNA:

How can you -- you can request me to do something.

LEG. BINDER:

-- requests you to make sure. We are, through the motion, requesting the Presiding Officer to ensure that there's a hearing.

P.O. TONNA:

The only way to ensure that is for me to call it.

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LEG. BINDER:

I'm -- we're requesting you to do it. If you don't do it, it can't force you. We're not -- it's not directing you --

P.O. TONNA:

But you have to get the word "ensure" out of there.

LEG. BINDER:

Okay, requesting.

P.O. TONNA:

You're requesting the Presiding Officer.

LEG. BINDER:

Requesting the Presiding Officer to, in the event there's no hearing in Public Works, to find a way to get the hearing. We're requesting you to do it. Again, we're not forcing you or directing you.

P.O. TONNA:

Right. But you can't request me to ensure that I can -- I'm doing it, because --

LEG. BINDER:

I can, because you cannot ensure it, because you can violate the request, because it's only a direct and not directing. So we can request you to ensure something.

P.O. TONNA:

Was this -- was circularity a course at law school? I just want to know. All right. Let's vote on it. Everyone Guldi probably couldn't vote for this one. All right. Here we go. There is a motion and a second. Roll call.

MR. BARTON:

Legislator Binder.

LEG. ALDEN:

Motion to do what?

P.O. TONNA:

No, there is no way I can repeat that. He can't even repeat it. How could I repeat it?

LEG. GULDI:

Call the question.

P.O. TONNA:

The Binder motion --

LEG. BINDER:

Recommitting to committee.

P.O. TONNA:

-- to basically recommit it to committee and ask me very nicely to ensure that I will be requested to hold a public hearing.

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LEG. BINDER:

Something like that.

P.O. TONNA:

There you go.

(Roll Called by Mr. Barton)

LEG. BINDER:

Yes.

LEG. ALDEN:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. GULDI:

No. You're right.

LEG. TOWLE:

No.

LEG. CARACAPPA:

No.

LEG. FISHER:

No.

LEG. HALEY:

No.

LEG. FOLEY:

Pass.

LEG. LINDSAY:

No.

LEG. FIELDS:

No.

LEG. CARPENTER:

Pass.

LEG. CRECCA:
No.

LEG. NOWICK:
Yes.

LEG. BISHOP:
Yes.

LEG. COOPER:
Yes.

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LEG. POSTAL:
No.

P.O. TONNA:
The Binder resolution? We're still there? No.

LEG. CARACCIOLO:
Henry, change my vote to a no.

LEG. FOLEY:
No.

LEG. CARPENTER:
No.

MR. BARTON:
Five.

LEG. TOWLE:
I had a motion to approve, and I believe Legislator Haley seconded it.

LEG. GULDI:
Call the question.

LEG. TOWLE:
Unless we want to invent something else.

P.O. TONNA:
Now, the next motion -- just wait, wait, wait. We have the next motion. We've debated the issue ad nauseam, so let's now -- you have a motion and a second for this hearing.

LEG. TOWLE:
To approve.

LEG. CARPENTER:
Excuse me.

P.O. TONNA:
Roll call.

LEG. CARPENTER:
I would like to make a motion to recommit, just a plain straight motion to recommit.

P.O. TONNA:

Is there a second?

LEG. BINDER:
Second.

P.O. TONNA:
Second, okay.

LEG. GULDI:
Point of order.

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P.O. TONNA:
That has --

LEG. GULDI:
Didn't we have that motion before the -- before the luncheon recess?

P.O. TONNA:
No. That was one to table. All right? Please, I have a photographic memory of these things. Okay. Roll -- no. Just all in favor of recommitting? Opposed?

[Opposed Said in Unison by Legislators]

P.O. TONNA:
Okay. We got -- we have Legislator Caracciolo --

LEG. TOWLE:
Do a roll call. I want a roll call.

P.O. TONNA:
Roll call.

(Roll Called by Mr. Barton)

LEG. CARPENTER:
Yes.

LEG. BINDER:
Yes.

LEG. CARACCIOLO:
No.

LEG. GULDI:
No.

LEG. TOWLE:
No.

LEG. CARACAPPA:
No.

LEG. FISHER:
No.

LEG. HALEY:
No.

LEG. FOLEY:
No.

LEG. LINDSAY:
No.

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LEG. FIELDS:
No.

LEG. ALDEN:
Yes.

LEG. CRECCA:
Pass.

LEG. NOWICK:
Yes.

LEG. BISHOP:
No.

LEG. COOPER:
No.

LEG. POSTAL:
No.

P.O. TONNA:
No.

LEG. CRECCA:
Abstain.

MR. BARTON:
That one got four.

P.O. TONNA:
All right.

LEG. TOWLE:
Profiles in Courage.

P.O. TONNA:
There you go. There you go. Just for the Brookhaven E.D.'s, you've got to save them all.

LEG. TOWLE:
Now, I'll make one last offer. I'll make one last offer. I'd make a motion that we adjourn until December, and that would be the only motion I would support. Otherwise, I made a motion to approve this.

P.O. TONNA:
Okay. And there's a second by Legislator Caracappa. Forget on the motion, please.

LEG. CARACAPPA:
No, it was Haley.

P.O. TONNA:
Right? Oh, Haley. I apologize. Roll call.

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This is only to hold a public hearing; correct?

P.O. TONNA:
Roll call. Yes.

LEG. FOLEY:
It's only to hold the public --

P.O. TONNA:
This is on the merits of this wonderful bill.

LEG. FOLEY:
It's not --

LEG. GULDI:
To hold the public hearing?

P.O. TONNA:
To hold the public hearing, that's correct.

(Roll Called by Mr. Barton)

LEG. TOWLE:
Yes.

LEG. HALEY:
Yes.

LEG. CARACCIOLO:
Yes.

LEG. GULDI:
Yes.

LEG. CARACAPPA:
Yes.

LEG. FISHER:
Yes.

LEG. FOLEY:
Yes.

LEG. LINDSAY:
Yes.

LEG. FIELDS:
Yes.

LEG. ALDEN:
Pass.

LEG. CARPENTER:
Pass.

LEG. CRECCA:
No.

LEG. NOWICK:
Pass.

LEG. BISHOP:
Yes.

LEG. BINDER:
No.

LEG. COOPER:
Yes.

LEG. POSTAL:
Yes.

P.O. TONNA:
No, no.

LEG. ALDEN:
Nope.

LEG. CARPENTER:
Abstain.

P.O. TONNA:
God forbid anybody has an article written against them.

LEG. NOWICK:
No.

P.O. TONNA:
I want a hearing.

LEG. GULDI:
The hearing would probably only take 15 minutes.

MR. BARTON:
12.

P.O. TONNA:
Okay, there we go. Look at that. Isn't that wonderful? We're moving right along.

MR. BARTON:
12-5-1.

P.O. TONNA:
Okay.

LEG. FISHER:
Paul, can I --

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P.O. TONNA:
No, not yet, no. Legislator Fisher, I just want to clarify --

LEG. GULDI:
Let's do the agenda.

P.O. TONNA:
-- I would prefer that we try an intermediate move before we put in a piece of legislation, if you don't mind; okay?

LEG. CARACCILO:
Mr. Chairman.

LEG. FISHER:
Well, Mr. Chairman, the reason I wanted to lay this on the table is because I did have a public hearing and invited the College to come, and not one administrator, or president, or board member attended.

P.O. TONNA:
Well, I think that next time, all I do -- all you need to do is give me a call and I will call them personally and ask them and we'll see.

LEG. FISHER:
I have informed --

P.O. TONNA:
I don't like the idea that we have a Chairman of a committee that requests administration to show up when they have enough administration over there and they didn't. But I would ask you, I would beg your indulgence to, before you put in a piece of legislation requiring them to do that or requesting them to do that, that you give me one shot at -- one bite at the apple.

LEG. FISHER:
Okay. And I'll expect them before the full Legislature, then.

P.O. TONNA:
Right. Okay?

LEG. TOWLE:
Mr. Chairman.

P.O. TONNA:
Thank you.

LEG. TOWLE:
Mr. Chairman.

P.O. TONNA:
Yes.

LEG. TOWLE:
On that note.

LEG. CARPENTER:
On the issue, Mr. Chairman.

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P.O. TONNA:
Wait. Let's not talk about that anymore. I got settled that one. There's nothing --

LEG. TOWLE:
On that --

P.O. TONNA:
There's nothing in front of us. I just settled a piece of legislation.

LEG. TOWLE:

On that note.

P.O. TONNA:
Yeah.

LEG. TOWLE:
You can also mention to them that they've been asked repeatedly for the last three months to appear before the Human Resources Committee. A former employee of the College came down and made some accusations. There was apparently a lawsuit. We've asked them to come down and speak in executive session and they have refused for the last three months.

P.O. TONNA:
Okay.

LEG. TOWLE:
So you can add that to the --

P.O. TONNA:
I wasn't aware of that either.

LEG. TOWLE:
Yeah. You could add that to the list.

P.O. TONNA:
Okay. And that would be fine. Do you have something, also, you want to add to the list?

LEG. CARACCIOLO:
1503, where there was a request by the Chair of Education -- I mean, of -- yeah, the Education Committee.

P.O. TONNA:
Oh, Michael, let us just pick up some rhythm here.

LEG. CARACCIOLO:
I'm.

P.O. TONNA:
Can we just pick up some rhythm? You'll get there.

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LEG. CARACCIOLO:
Well, we have -- it's aged.

P.O. TONNA:
I know it was. I'm just saying --

LEG. CARACCIOLO:
It's more than an hour. Let's just vote on it. Time is of the essence. Motion to approve 1503.

LEG. GULDI:
Second.

LEG. CARPENTER:
Second.

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

LEG. FIELDS:

Wait, wait. What's 1503?

P.O. TONNA:

1503 was discharged by Legislator Cooper. This is the farmers market bill. All right? Okay. You ready? 1503 (Authorizing use of H. Lee Dennison Executive Office Building by Long Island Growers market (Association) for Farmers Market). There's a motion by Legislator Cooper -- or Legislator Caracciolo, seconded by Legislator Cooper. All in favor? Opposed?

LEG. CARACCILO:

Thank you.

MR. BARTON:

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P.O. TONNA:

Great. Thank you. 1499 (Amending the 2002 Capital Program and Budget and appropriating funds for construction of repair equipment storage garage at County Farm in Yaphank).

LEG. TOWLE:

Motion.

P.O. TONNA:

By Legislator Towle, second by Legislator Caracappa.

LEG. GULDI:

It's already done.

P.O. TONNA:

No. 1499?

LEG. GULDI:

Yeah, we did 14 -- we did 1506, too.

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MS. FARRELL:

No.

LEG. CARPENTER:

No, we didn't.

P.O. TONNA:

We stopped at Towle's bill. All right. There's a motion and a second.

MR. BARTON:

Roll call.

P.O. TONNA:

Roll call on the bond.

(Roll Called by Mr. Barton)

LEG. TOWLE:

Yes.

LEG. CARACAPPA:
Yes.

LEG. CARACCIOLO:
Yes.

LEG. GULDI:
Yes.

LEG. FISHER:
Yes.

LEG. HALEY:
Yes.

LEG. FOLEY:
Yes.

LEG. LINDSAY:
Yes.

LEG. FIELDS:
Yes.

LEG. ALDEN:
Yes.

LEG. CARPENTER:
Yes.

LEG. CRECCA:
Yep.

LEG. NOWICK:
Yes.

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LEG. BISHOP:
Yes.

LEG. BINDER:
Yes.

LEG. COOPER:
Yes.

LEG. POSTAL:
Yes.

P.O. TONNA:
Yeah.

MR. BARTON:
18 on the bond.

P.O. TONNA:
Thank you. Okay. Same motion, same second, same vote. 1506
(Authorizing public hearing for authorization of the establishment of
rates of Bay Shore Ferry, Inc.)

LEG. TOWLE:
Mr. Chairman.

P.O. TONNA:
Motion by? Motion by?

LEG. BISHOP:
Come on, Paul, move the meeting.

P.O. TONNA:
Well, do you want to make the motion? Nobody's willing to make a motion for the Bay Shore Ferry.

LEG. BISHOP:
Yes, motion.

P.O. TONNA:
Okay. Let's wake up. Motion by Legislator Alden, second by Legislator --

LEG. TOWLE:
Mr. Chairman.

P.O. TONNA:
-- Carpenter.

LEG. TOWLE:
I have some concerns that we're going to be holding public hearings on these rates.

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

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MR. BARTON:
18.

P.O. TONNA:
Thank you. 1507 (Authorizing public hearing for authorization and approval of Bay Shore Ferry Inc.'s petition for passenger, baggage and freight ferry service over the Great South Bay from Bay Shore, Suffolk County as proposed in the verified petition of Bay Shore Ferry, Inc. Dated March 22, 2002). Motion by Legislator Alden, seconded by Legislator Carpenter. All in favor? Opposed?

MR. BARTON:
18.

P.O. TONNA:
Great. 1519 (Appropriating funds in connection with the reconstruction of various buildings at BOMARC, improvements to record storage facility (CP 1705). Motion by Legislator Caracappa -- Guldi, seconded by Legislator Caracappa. Roll call.

MR. BARTON:
Legislator Guldi.

LEG. BISHOP:
Motion to table --

LEG. GULDI:
Yes.

LEG. BISHOP:
-- Mr. Chairman.

P.O. TONNA:
Motion to table by Legislator Bishop, second by --

LEG. GULDI:
Why table this

P.O. TONNA:
Seconded by? Seconded by?

LEG. GULDI:
This is repairs to --

P.O. TONNA:
Is there anybody who will second?

LEG. POSTAL:
Second.

P.O. TONNA:
Legislator Postal will second it, there you go.

LEG. GULDI:
Why? On the --

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LEG. BISHOP:
I have concerns that the County Clerk has been left out of the process on this, and I feel that he has a lot to offer on this, and I don't think that this is the right way to do it.

LEG. TOWLE:
Who?

LEG. BISHOP:
The Clerk, your friend.

P.O. TONNA:
The Clerk.

LEG. BISHOP:
Your buddy.

LEG. TOWLE:
He was left out of this?

P.O. TONNA:
Yes, that's my understanding.

P.O. TONNA:
He stopped talking to you?

LEG. TOWLE:
I guess.

LEG. GULDI:

This is to fix roofs and things that are leaking?

P.O. TONNA:
What's up with that?

LEG. TOWLE:
I guess.

P.O. TONNA:
Don't you have an -- don't you have an employee in your household that has access at all times?

LEG. TOWLE:
He's the godfather of my son.

P.O. TONNA:
Yes, there you go. No, no.

LEG. BISHOP:
Yes.

P.O. TONNA:
The mother of your son --

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LEG. BISHOP:
But he's not managing the project.

P.O. TONNA:
-- I think is the one that we're really concerned about. We just voted on her last week.

LEG. TOWLE:
She's not in that building, she's in Riverhead.

P.O. TONNA:
Yeah, but isn't she like number two or something like that there?

LEG. TOWLE:
I think five, actually, but --

P.O. TONNA:
Number five.

LEG. TOWLE:
-- she's working on moving up.

P.O. TONNA:
But don't worry about it. We'll have a resolution in the next week.

LEG. TOWLE:
She might be Clerk in five years, you never know.

P.O. TONNA:
Okay. So --

LEG. GULDI:
On the tabling motion.

P.O. TONNA:

Yeah.

LEG. GULDI:

Yeah. This isn't a full renovation of this facility. This facility is in extreme disrepair. The fact is that if we don't -- if we don't do work there, the building's going to collapse. This by no means completes the process. It's a question of fixing leaking roofs and providing basic infrastructure.

LEG. TOWLE:

Mr. Chairman.

P.O. TONNA:

Can I ask you, Legislator Bishop, just --

LEG. BISHOP:

Withdraw it.

P.O. TONNA:

Is the Clerk --

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LEG. TOWLE:

Mr. Chairman.

LEG. POSTAL:

He withdraws it.

P.O. TONNA:

Oh, you -- but is the Clerk reaching out to the Minority a little more? He might want to run for something and he's trying to -- you now, he's just --

LEG. TOWLE:

Mr. Chairman.

P.O. TONNA:

All right.

LEG. CARPENTER:

Go, go, motion and second.

LEG. TOWLE:

You know --

LEG. POSTAL:

The motion has been withdrawn.

P.O. TONNA:

The motion to approve and second. All in favor? Opposed?

LEG. GULDI:

Roll call on the bond.

P.O. TONNA:

Roll call.

(Roll Called by Mr. Barton)

LEG. GULDI:

Yes.

LEG. CARACAPPA:
Yep.

LEG. CARACCIOLO:
Yes.

LEG. TOWLE:
Yes.

LEG. FISHER:
Yes.

LEG. HALEY:
Yes.

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LEG. FOLEY:
Yes.

LEG. LINDSAY:
Yes.

LEG. FIELDS:
Yes.

LEG. ALDEN:
Yes.

LEG. CARPENTER:
Yes.

LEG. CRECCA:
Yes.

LEG. NOWICK:
Yes.

LEG. BISHOP:
No.

LEG. BINDER:
Yes.

LEG. COOPER:
Yes.

LEG. POSTAL:
Yes.

P.O. TONNA:
Yep.

MR. BARTON:
17, 1 on the bond.

P.O. TONNA:
Okay. Same motion, same second, same vote. 520, motion by --

MS. BURKHARDT:
1520.

P.O. TONNA:

1520 (Amending the 2002 Capital Budget and Program and appropriating funds in connection with replacement/cleanup of fossil fuel, toxic and hazardous material storage tanks (CP 1706). Motion by Legislator Fisher, seconded by Legislator Postal. Roll call.

(Roll Called by Mr. Barton)

LEG. FISHER:

Yes.

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LEG. POSTAL:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. GULDI:

Yes.

LEG. TOWLE:

Yes.

LEG. CARACAPPA:

Yes.

LEG. HALEY:

Yes.

LEG. FOLEY:

Yes.

LEG. LINDSAY:

Yes.

LEG. FIELDS:

Yes.

LEG. ALDEN:

Yes.

LEG. CARPENTER:

Yes.

LEG. CRECCA:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

No.

LEG. BINDER:

Yes.

LEG. COOPER:

Yes.

P.O. TONNA:

Yes.

LEG. BISHOP:

You won't be voting for anything either after you read the Budget Review Report.

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P.O. TONNA:

Same motion, same second, same vote.

MR. BARTON:

17-1 on the bond.

P.O. TONNA:

Thank you. 1521 (Amending the 2002 Capital Budget and Program and appropriating funds in connection with removal of toxic and hazardous building materials and components at various County facilities (CP 17320. Motion by Legislator Foley, seconded by Legislator Bishop. Roll call.

LEG. BISHOP:

Me?

P.O. TONNA:

You're a big toxic guy.

(Roll Called by Mr. Barton)

LEG. FOLEY:

Yes.

LEG. BISHOP:

No.

LEG. CARACCIOLO:

Yes.

LEG. GULDI:

Yes.

LEG. TOWLE:

Yes.

LEG. CARACAPPA:

Pass.

LEG. FISHER:

Yes.

LEG. HALEY:

Yes.

LEG. LINDSAY:

Yes.

LEG. FIELDS:

Brownfields?

P.O. TONNA:

I don't know. But you can't ask the question now, you've got to vote.

LEG. FIELDS:
Yes.

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LEG. ALDEN:
Yes.

LEG. CARPENTER:
Yes.

LEG. CRECCA:
Yes.

LEG. NOWICK:
Yes.

LEG. BINDER:
Yes.

LEG. COOPER:
Yes.

LEG. POSTAL:
Yes.

P.O. TONNA:
Okay. 1520 --

MR. BARTON:
Legislator Tonna.

P.O. TONNA:
Excuse me.

MR. BARTON:
What was your vote?

P.O. TONNA:
Same motion, same second, same vote of --

MR. BARTON:
What was your vote?

P.O. TONNA:
Yes, yes.

LEG. CARACAPPA:
Yes.

MR. BARTON:
Yes. 17-1.

P.O. TONNA:
Fine. Same motion, same second, same vote on 17 -- 15, yeah, whatever. All right. 1522 (Amending the 2002 Capital Budget and Program and appropriating funds in connection with replacement of major building operations equipment at various County facilities (CP 1737). Motion by Legislator Towle, seconded by Legislator Caracappa. Roll call.

(Roll Called by Mr. Barton)

LEG. TOWLE:
Yes.

LEG. CARACAPPA:
Yes.

LEG. CARACCIOLO:
Yes.

LEG. GULDI:
Yes.

LEG. FISHER:
Yes.

LEG. HALEY:
Yes.

LEG. FOLEY:
Yeah.

LEG. LINDSAY:
Yeah.

LEG. FIELDS:
Yes.

LEG. ALDEN:
Abstain.

LEG. CARPENTER:
Yes.

LEG. CRECCA:
Yes.

LEG. NOWICK:
Yes.

LEG. BISHOP:
No.

LEG. BINDER:
Yes.

LEG. COOPER:
Yes.

LEG. POSTAL:
Yes.

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

MR. BARTON:

16-1, 1 abstention on the bond.

LEG. CARACAPPA:

Can I ask a question of Budget Review?

P.O. TONNA:

Yeah. Well, let me get a bill in front of us and then ask a question. 1525 (Amending the 2002 Capital Budget and Program and appropriating funds in connection with the improvements to water supply systems (Capital Program Number 1724). Motion by myself, because I care about water, seconded by Legislator Foley. All right. On the motion?

LEG. BISHOP:

Well, don't think that voting yes is going to do anything about it --

LEG. CARACAPPA:

Thank you, Mr. Chairman.

LEG. BISHOP:

-- they just -- they won't do the project, that's what the report says.

LEG. CARACAPPA:

Yeah. Legislator Bishop takes the question directly out of my mouth I was going to ask Budget Review. As I see all of these amending resolutions to the 2002 Capital Budget, I'm starting and reading the forward of the program -- the Capital Budget Program report --

LEG. BISHOP:

That's why I'm voting on --

LEG. CARACAPPA:

-- from the Review -- Budget Review Office. Fred, could you tell us how this impacts the problem we're facing with authorized issuance of bonds, but the bond's not moving forward, not -- well, the authorized project, but the nonissuing of the debt or the -- I know we're getting backlogged in a big way, according to your report, and it's going to be one of the major obstacles that we as a Legislature will have to decide with regard to policy in the upcoming Capital Program. Could you just give us -- I know that this is premature, but, as we see all of these amending resolutions, how is it affecting us?

MR. POLLERT:

Basically, what would happen is when the funds are going to be appropriated, it's going to be up to the Department of Public Works to try to prioritize them. Clearly, if they decide to move this project, to progress this project, it's going to slow some other project. We're backlogged in excess of three years worth of normal expenditures in capital projects. The Department of Public Works, even though they started to contract out project management, can't keep ahead of the amount of projects being authorized by the County Executive and by the Legislature. So, just like with all the other projects, you can approve it, but it's going to go into the backlog of projects that the Department of Public Works has to try to address. I can't tell you

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exactly what the impact is going to be on the other projects, but, clearly, going through our review, we reviewed in excess of 340 capital projects that the Department is responsible for, many of which could have 10 or 15 subcomponents to the projects.

P.O. TONNA:

Okay. There's a motion and a second. Legislator Alden.

LEG. ALDEN:

Fred, just one other quick thing, and I know I've asked this question for probably three or four years now, but does the unauthorized -- I mean, it's authorized unissued debt. Does that impact on our ratings?

MR. POLLERT:

Yes, it does. When we go to the rating agencies, they want to know both what our short-term plans are, as well as what our long-term plans are. The long-term plans reflected both in the Capital Program, as well as this large amount of debt, which has been authorized, but not yet issued. It's currently in excess of about 250 million dollars. So, clearly, if the Comptroller went out to issue all the debt, it would be about three times what we normally issue in any one year.

LEG. ALDEN:

And just one quick follow-up. It's basically out of our hands at this point. Once we approve it, the Comptroller can go out and he can issue all that tomorrow, if he so chooses.

MR. POLLERT:

That's absolutely correct. But under the federal tax reform, he would not be issuing the debt until the department said that they were ready to move ahead and that they had a requirement for the cash. So one of the difficulties is he could do it, but the departments can't even progress the projects.

P.O. TONNA:

Okay.

LEG. BISHOP:

Mr. Chairman.

P.O. TONNA:

Legislator Bishop.

LEG. BISHOP:

Yeah. The reason that I've been voting against these capital expenditures today is just this very issue, and I'm glad it's coming out in debate now. I would think it's analogous to how we were dealing with land preservation and oversubscription. If you just keep authorizing and authorizing, then you're ceding your Legislative authority to the Executive Branch, because then they pick and choose which ones they want to do. And so there are priorities that this Legislature has that are being ignored, and there is a lack of prioritization that is publicly revealed by the Executive Branch, and that's what you're doing when you keep authorizing without a prioritization.

So I think that it would be time to take a prudent pause in this process and to hold these items in abeyance until we have a plan on how they're going to -- which projects they're going to move forward with in the short term, and then the intermediary term, and then the long-term, so we know exactly where we're at and where we want it, and we're the ones who set the policy on where we want to go.

LEG. FOLEY:
Mr. Chairman.

P.O. TONNA:
Yes.

LEG. FOLEY:
The point's well taken, but I think we need to discuss this in committee, particularly in next week's or a couple of week's time, the Capital Program week. I would hope that we don't table this particular resolution. This resolution is extremely important to the health and safety of our County workers. When we had discussed this resolution in committee, I had asked the department, because they didn't have copies at the time, but to give the committee, as well as myself, the locations where they intend to improve the water supply systems. I had asked the question whether or not there was contaminated water supplies, or whether it was simply a case of outdated wells, what kind of Health Department testing were done on these private wells. None of that information was forthcoming from the Commission. However, given the importance of the resolution, I had still supported the resolution with the expectation that before the end of this month, that the Commissioner of Public Works would be forwarding to the Public Works Committee and to the Health Committee the exact locations of these water supply systems with all the backup information that's required. But we do need to move forward with the resolution in order to get the process in place --

LEG. BISHOP:
An assurance that the --

LEG. FOLEY:
-- because this does have a high priority.

LEG. BISHOP:
You have an assurance that if we pass this, it's going to happen this year?

LEG. FOLEY:
This is --

LEG. BISHOP:
You're putting that on the record. I just want to make sure --

LEG. FOLEY:
I didn't -- I didn't ask the --

LEG. BISHOP:
-- because I'll take that assurance and go forth.

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LEG. FOLEY:
I didn't ask that question quite that way, but given the -- given the importance of the project, they wanted to move as quickly as they could with it. That's the answer they had given me. They want to move on this issue, on this project very quickly, because you're dealing with water supplies.

P.O. TONNA:

So what we're basically saying is we have a -- we're approving capital projects that have no real future for getting done within the near future. And so --

LEG. BISHOP:
It seems that way.

P.O. TONNA:
-- if we take a year off and do no capital projects whatsoever, because of our backlog of over a hundred million dollars worth of capital projects, or whatever the amount it is, that, basically, the Public Works Department would be extremely busy.

LEG. BISHOP:
Yeah, you could put it that way, but that's not what I'm urging. What I'm advocating --

P.O. TONNA:
Well, why not?

LEG. BISHOP:
-- is that I want an aggressive capital program --

LEG. FOLEY:
But we have that.

LEG. BISHOP:
-- but I want to know that what we're directing to occur is actually happening.

P.O. TONNA:
Well --

LEG. BISHOP:
And I think when you just open the floodgates and you're leaving all the prioritization to the other branch of government and it's not a public process, you don't know what they're going to pick and choose. We should be the ones who are directing which projects are important, we're the policy-makers.

P.O. TONNA:
But the concern is, is we have established. One year it was the Finlay, something, one year even Bishop's name got in it.

LEG. BISHOP:
No, that was a ranking --

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P.O. TONNA:
Yeah, for capital projects.

LEG. BISHOP:
For capital projects.

P.O. TONNA:
But they're not following the ranking.

LEG. BISHOP:
But many of those projects haven't happened.

P.O. TONNA:

Well, they're not following the ranking.

LEG. CARACAPPA:

No. The ranking system is flawed. Oh, I'm sorry.

LEG. FISHER:

Okay.

P.O. TONNA:

Okay.

LEG. BISHOP:

It was a ranking for approval for authorizations.

P.O. TONNA:

Well, if the ranking was flawed, then the next capital program we reverse the criteria, redo it based on new ideas, or something. But the concern is, is, basically, if we're okaying appropriation -- appropriating tons of money for Public Works that can't get to it and they have already a backlog on things that we already said were a priority -- when we vote on this, we say, "Get it done," right, so why are we approving any capital projects until they get the ones that they were supposed to get done done?

LEG. FISHER:

Mr. Chair, I have a question.

LEG. BISHOP:

That's kind of what -- I mean, I wouldn't make it that --

P.O. TONNA:

Well, why don't -- we have a capital budget. Why don't we say, "Hey, you can't get it done, we'll take a year off? Save some money, you get nothing?"

LEG. ALDEN:

I tried that, Paul.

P.O. TONNA:

Well, we have -- we had Crecca put a bill in, right, that takes the money back?

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LEG. BISHOP:

Because I think there's lot of -- there's probably an awful lot of capital investment that we want to get done next year, for example, that we haven't previously authorized. The point I'm making is that we need --

P.O. TONNA:

But we have already authorized, let's say, 100 million dollars worth of work that we thought was a priority, right?

LEG. BISHOP:

Some of that maybe you want to put out for two years or three years. That's not the -- but the issue is that they're not -- there's so much authorization that they're not following through, and you don't have any idea what they're going to pick and choose to do.

P.O. TONNA:

So we don't do anything?

LEG. BISHOP:

So it's not that we have to stop --

LEG. FOLEY:

Well, actually, you do. You do. There are the monthly status reports that the Commissioner of Public Works gives to the committee members to the Department of Public -- to the committee members of the Public Works and Transportation Committee.

LEG. BISHOP:

Right.

LEG. FOLEY:

That monthly status report itemizes in quite -- in quite some detail on all the various projects that they --

LEG. BISHOP:

Right.

LEG. FOLEY:

That they're undertaking.

LEG. BISHOP:

You know what, actually, that is a good tool.

LEG. FOLEY:

It is.

LEG. BISHOP:

And what would be helpful is, also --

LEG. FOLEY:

It should go to everybody.

LEG. BISHOP:

-- a list of everything else that we're not doing that we -- you know, we previously authorized and when they plan to do it.

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LEG. FOLEY:

Right.

LEG. BISHOP:

So then you have the complete picture.

P.O. TONNA:

So I have a road to build. Let's say in my district I have a road to build.

LEG. BISHOP:

Right.

P.O. TONNA:

And we make it a priority, we put in a capital plan and everything, then we appropriate it, we have it all done, that road has a possibility of never being done?

LEG. BISHOP:

Yeah. Maybe it will get done five years from now. That's very

likely, in fact, it's happened to me.

LEG. CARACAPPA:
Mr. Chairman.

P.O. TONNA:
But that's not following our policy, right? I mean --

LEG. BISHOP:
Yeah. I mean --

P.O. TONNA:
Let me ask you, is there any other business in the world that would operate this way?

LEG. BISHOP:
That's rhetorical.

P.O. TONNA:
Legislator Caracappa.

LEG. BISHOP:
That's rhetorical.

LEG. CARACAPPA:
Is Legislator Bishop done? I think, again, I use the word premature. This will be -- we'll have to discuss this in the Capital Budget cycle. I mean, this isn't just going to be a regular Capital Budget cycle for us. There's many, many issues we need to deal with. And I'll read right from the report, if it -- whether it's first instance funding, the pay-as-you-go policy, if we're going to exempt it -- suspend it for another year, sewer assessment stabilization money as pay -- using it as pay-as-you-go money, how the backlog of capital projects for which funding has been appropriated can be reduced, and, also, the restructuring of our ranking system. All of these are going

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to be new policy decisions for us as we deal with capital funding in the upcoming year or two. So I suggest to all of my colleagues to read the report, which I know you will, and start taking into consideration the problems that Legislator Alden brought up with relation to the authorized unissued debt problem we're backing up against.

P.O. TONNA:
Okay. All right. With all that said --

LEG. FISHER:
Okay. Mr. Chair.

P.O. TONNA:
-- now let's contradict ourselves and vote for this resolution.

LEG. FISHER:
Mr. Chair.

P.O. TONNA:
Oh, Legislator Fisher.

LEG. FISHER:

Through the Chair, I have a question for -- I think Legislator Crecca had sponsored a resolution.

LEG. CRECCA:

Yes.

LEG. FISHER:

-- and we approved that a capital project must be well on its way within --

LEG. CRECCA:

It has to be an expenditure within five years, otherwise the project falls off the rolls, unless this Legislature reauthorizes it. I cosponsored the bill with Legislator Fields.

LEG. FISHER:

Okay. So, to an extent, I believe that that safeguards us somewhat with regards to the prioritization and the use of capital funds and prioritization. And I have a second question for Budget Review. When we look at the ranking of this project, Fred, it was ranked as 59. Now, how has the County been proceeding in terms of rankings? Have -- is there any rhyme or reason to the order in which these projects are executed?

MR. POLLERT:

No.

LEG. FISHER:

Short answer.

MR. POLLERT:

What happens is the County Executive ranks the projects, Budget Review Office ranks the projects, they're approved by the Legislature with a

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ranking, however, the first ones out of the box are, you know, just appropriated by the Legislature irrespective of the ranking system. Legislator Caracciolo had a resolution awhile ago that was never adopted that would have provided for appropriation in rank order, so the highest projects had to be appropriated first. Likewise, once a project is appropriated, the ranks go by the boards. It's up to the Department of Public Works to prioritize their workload and assign the project to staff, so that they can move the project forward.

There is, you know, one additional wild card as well, which is the Department of Public Works is a relatively mature department. They will have a large impact, potentially, if an early retirement incentive program is adopted. So, in the Department of Public Works -- hold on a second -- roughly one-third of the workforce is eligible for the Early Retirement Incentive Program.

LEG. FISHER:

Well, then you're presenting a really big problem, because the Department of Public Works has been indicating to us for as long as I've been in the Legislature that they've had a difficult time filling their senior positions, their engineer positions. And if they're going to lose that professional staffing, then they'll be decimated.

MR. POLLERT:

Well, clearly there are alternatives, including contracting out some of the functions that the Department of Public Works normally does.

LEG. FISHER:

But that's been a real problem. Contracting out has been very expensive.

MR. POLLERT:

Roughly two-and-a-half times the cost of hiring an employee.

LEG. FISHER:

Two-and-a-half times the cost of hiring engineers when we contract out.

LEG. CARACCIOLO:

This is deja vu sitting in this seat.

P.O. TONNA:

All right. I think this is a good --

LEG. FISHER:

Okay.

P.O. TONNA:

This is a good discussion, because before --

LEG. FISHER:

Well, it's really important --

P.O. TONNA:

Yeah, I do.

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LEG. FISHER:

-- because that's a tremendous amount of money that we're spending on contracting. And, actually, I had made -- set up a meeting between Yacov Shamash from the University Department of Engineering and Charlie Bartha, because the University is looking at the possibility of certifying a school of civil engineering. And so we were trying to provide for the State a need in Suffolk County for having a civil engineering degree. And so Yacov was speaking about that because of this very problem, because we have a problem filling in the civil engineering positions in the Department of Public Works. And those are the people that you're saying would have -- would be retiring ?

MR. POLLERT:

Not necessarily that they would retire, it's just the number of employees that would be eligible to participate in the Early Retirement Incentive Program. Basically, the backlog you have now is about as good as it's going to get. There is a tremendous backlog of projects. It's not just being impacted just by the Department of Public Works. Public Works sometimes can't move ahead with road projects, because the Law Department is backlogged and doing the rights of way and the condemnations, and whatever else is required with the land-takings. Likewise, the Community College is backlogged, because they have to wait for the Department of Public Works to move projects, and the same thing is true with the Vanderbilt. There is going to be in excess of 25 million dollars that has been appropriated for the Vanderbilt, but they have spent less than a third of that just because they can't progress the projects. A lot of that's going to

happen relatively quickly with the sea wall, so on and so forth. But, nevertheless, we have this huge mound of backlog projects.

LEG. FISHER:

Thank you, Fred.

LEG. CARACCIOLO:

Mr. Chairman, question for Budget Review.

P.O. TONNA:

All right.

LEG. CARACCIOLO:

Fred, what is the principal reason for the backlogs?

MR. POLLERT:

The principal -- well, the County has had a very aggressive capital program on infrastructure improvements, as well as on new projects. Likewise, there have been a variety of new projects which were not contemplated by the Department of Public Works, which are appropriated by the Legislature, depending on what the priorities are.

P.O. TONNA:

So we're giving them --

LEG. CARACCIOLO:

Now, as you pointed out in your cover letter of this analysis for the next three-year plan, the last item that Legislator Caracappa referred to, the Legislature taking up and developing some type of

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prioritization list. That being said, to what extent will you be able to assist us in a couple of weeks when we start these hearings in actually accomplishing that goal? Because we don't have much time to really undertake the work that's before us to come up with a program for the next three years that's going to fall within the financial parameters that we can afford. And, as you and I were discussing earlier today, and I know a number of Legislators at the County level have been speaking with State representatives, the State is just barely, based on the latest budgetary projections at the State level, going to survive 2002. But next year, a lot of the assumptions that are built into the new, newly adopted State budget are very soft. That said, we know at the -- as a mid level government at the County level, we will undoubtedly feel that result in the way of State aid shortfalls. So I think we have to start developing a program for capital program as we do with our Operating Budget, to take into account not only near term, but mid and long-term implications that are beyond our control, and debt service, which we have done really an admirable job of bringing down from when I arrived here ten years ago at about 11 cents on the dollar. We're down to about six, seven cent range. Fred, I think we're -- is it --

MR. POLLERT:

I don't know offhand.

LEG. CARACCIOLO:

Yeah, it's down substantially. It will creep up. So we really have to put together a comprehensive program and priority list, Madam Chair. Madam Chair.

D.P.O. POSTAL:

I'm sorry.

LEG. CARACCIOLO:

That's okay. Because we don't have a lot of time to do it.

D.P.O. POSTAL:

That's true.

LEG. CARACCIOLO:

So, you know, I think the point raised by Legislator Bishop, Legislator Caracappa, Budget Review, is really something that we can't just give lip service to, we really have to put our heads together and come up with a program that's going to meet those objectives.

D.P.O. POSTAL:

Legislator Haley.

LEG. HALEY:

When we originally did the prioritization, the whole idea was, if they asked for a dollar worth of a capital program, we were only going to approve 50 cents. We prioritized it based on the list and we took -- and we went down that list until we hit a certain cutoff point. All right. And then what we would do is we'd tune it. So, if we found something that fell below that line, we'd move it up, or vice versa, trying to keep it at a cap, and that was the purpose of the priority ranking. Now, the Executive priority ranks as well, and I guess the

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whole idea is to give us a sense of what capital projects should be approved and what shouldn't be approved. All right. So now we've got a sense of what should be approved. And that priority ranking system isn't a bad system, but it gives us a good idea of how we -- what we should approve. If we've approved 50 cents worth of capital improvements, the question you now have is that what order should the 50 cents be now expended, even though we already have ranked it once, because you feel like you've lost some control on the Executive side to be -- because the Executive side may be just pick and choose.

But the system is so complicated, I think it's very difficult, because while you have a very high priority item, which could be a high priority because it relates to public health and safety, because it relates to there's a lot of federal monies involved, there's a lot of State monies involved, and that gets a very high priority. Well, you may find out a lot of things. And I'm not a member of Public Works, but I'm sure Legislator Foley will probably bear me out on this, but you'll find out there's so many variables that can usurp that process, that priority, that prioritization, one being, you mentioned it, the State next year, boom, all right, and holds up a project. Any other things could happen.

You takes the system, and my suspicion is, is the Department of Public Works is doing a good job, but I think they get a lot of things that are held up in the County Attorney's Office, things that sit there for months and months on end. So that's another part of the system.

So, by simply establishing -- I think it's going to be very difficult to take the appropriate look at everything that's failing in the Capital Program and try to resolve that within a two-week period of

time.

LEG. FOLEY:
Just --

D.P.O. POSTAL:
Legislator Foley.

LEG. FOLEY:
I know we want to get moving, but let me just add to that. Plus, a lot of things are, not to defend the department, but many of the projects that receive Federal and State aid, particularly transportation road projects, many times those are held up literally for years because of some paperwork bottleneaking at the State or Federal level.

D.P.O. POSTAL:
Can we have some order here? It's very difficult to hear. Go ahead.

LEG. FOLEY:
So, you know, there's a lot of different reasons why there are delays in projects. A number of times it's not because of the department per se, but because of the -- where the reimbursable monies are coming from, the State or the Feds. They require a really burdensome amount of paperwork that can delay projects literally by years. So that's a -- so there's a whole host of issues why things don't move along as quickly as we'd like, and we're not going to answer those tonight,

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but, certainly, we can use the upcoming Capital Program season, if you will, to continue to address the issue. Madam Chair, I'd like to move the question, so we an --

D.P.O. POSTAL:
Yeah. I believe we have a motion to approve and a second.

LEG. FOLEY:
Yes. Motion by --

D.P.O. POSTAL:
Will all Legislators please return to the auditorium? Roll call.

(Roll Called by Mr. Barton)

P.O. TONNA:
(Not Present)

LEG. FOLEY:
Yes.

LEG. CARACCIOLO:
Yes .

LEG. GULDI:
Yes.

LEG. TOWLE:
Yes.

LEG. CARACAPPA:
No.

LEG. FISHER:
Yes.

LEG. HALEY:
(Not Present)

P.O. TONNA:
Roll call.

LEG. LINDSAY:
Yes.

LEG. FIELDS:
Yes.

LEG. ALDEN:
Yes.

LEG. CARPENTER:
Yes.

LEG. CRECCA:
(Not Present)

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LEG. NOWICK:
Yes.

LEG. BISHOP:
Yes.

LEG. BINDER:
Yes.

LEG. COOPER:
Yes.

LEG. POSTAL:
Yes.

P.O. TONNA:
Yes.

LEG. HALEY:
(Not Present)

LEG. CRECCA:
(Not Present)

MR. BARTON:
15 on the last bond.

P.O. TONNA:
Okay. Same motion, same second, same vote. 1526 (Amending Resolution No. 1188 of 1997 for participation in engineering in connection with the construction of CR 67, Long Island Motor Parkway (CP 5172.111)). Motion by Legislator Alden, seconded by Legislator Carpenter. All in favor? Opposed?

MR. BARTON:

18.

P.O. TONNA:

1527 (Amending Resolution No. 494 of 1999 for participation in construction and construction inspection for pavement rehabilitation and preservation of various County roads (Capital Program Number 5551.310). Motion by --

LEG. FOLEY:

Motion.

P.O. TONNA:

-- Legislator Foley, seconded by Legislator Fields. All in favor?
Opposed?

MR. BARTON:

18.

LEG. FOLEY:

1528.

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P.O. TONNA:

1528 (Amending Resolution No. 839 of 2001 for participation in the rehabilitation of Smith Point Bridge, Town of Brookhaven (CP 5838.312). Motion by Legislator Foley, seconded by Legislator Towle. All in favor? Opposed?

LEG. FOLEY:

Fred has half the bridge, I have the other half.

MR. BARTON:

18.

P.O. TONNA:

1529 (Amending Resolution 880 of 1996, amending the 2002 Capital Budget and Program, appropriating funds and approving aid for participation in engineering for the reconstruction/widening of CR 3, Wellwood Avenue Bridge, Town of Babylon (CP 5851). Motion by Legislator Postal, seconded by Legislator Bishop. All in favor?
Opposed?

MR. BARTON:

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P.O. TONNA:

1530 (Amending Resolution No. 787 f 2000 participation in engineering in connection with the replacement of the Bridge carrying Mill Dam Road over Centerport Harbor, Town of Huntington (CP 5854.110). Motion by Legislator Cooper, seconded by Legislator Binder. All in favor? Opposed?

MR. BARTON:

18.

HEALTH

P.O. TONNA:

Health. 1131 (Approving the appointment of Marisol Getchius as a member of the Suffolk County Community Mental Health, Mental

Retardation & Developmental Disabilities & Alcohol & Substance Abuse Planning & Advisory Board). Motion by --

LEG. FOLEY:
Motion.

P.O. TONNA:
-- Legislator Foley, seconded by Legislator Fields. All in favor?
Opposed?

MR. BARTON:
18.

P.O. TONNA:
1395 (Initiating procedure for environmental impact statement (EIS) for 2003 Vector Control Plan of work).

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LEG. FIELDS:
Motion to table.

P.O. TONNA:
Motion by Legislator Fields to table, seconded by myself. All in favor? Opposed?

MR. BARTON:
18.

P.O. TONNA:
1399 (Adopting Local Law No. -2002, a Local Law to strengthen smoking prohibition in bowling alleys).

LEG. FISHER:
Motion.

D.P.O. POSTAL:
Second.

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

LEG. TOWLE:
Explanation please.

P.O. TONNA:
Who's -- explanation of this? By the way, I'm seconding on that. I love this bill.

LEG. FISHER:
Okay. What this law does, it strengthens the smoking prohibition, which right now allows smoking in bowling alleys after 6 p.m. And this restricts smoking to the bar area, it prohibits smoking in the -- what's called the settee area or the play area in the bowling alleys, no matter what time of day it is.

P.O. TONNA:
On the motion. Just it's amazing how far we've come in a certain sense.

LEG. HALEY:

It's scary.

P.O. TONNA:

Just a few years ago in 1994, '95, this was a non-negotiable when we passed the other piece of legislation. We had to take the bowling alleys out just to be able to get this --

LEG. FISHER:

There hasn't been one complaint from one bowling alley, yeah.

P.O. TONNA:

Right. I'm just saying it's amazing how, really, when it comes right down to it, you know, things have changed for the good. So, Legislator Fisher, I just want to compliment you on this.

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LEG. FISHER:

Thank you.

P.O. TONNA:

And -- yes.

D.P.O. POSTAL:

Nice shirt.

P.O. TONNA:

Thank you. Anyway, all in favor? Opposed?

LEG. HALEY:

Opposed.

P.O. TONNA:

Opposed, Legislator --

MR. BARTON:

17.

P.O. TONNA:

Okay. 1544 (Reconstituting the Community Mental Health, Mental Retardation and Developmental Disabilities and Alcohol and Substance Abuse Services Planning and Advisory Board).

LEG. FOLEY:

Motion.

P.O. TONNA:

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

MR. BARTON:

18.

CONSUMER PROTECTION & GOVERNMENT OPERATIONS

P.O. TONNA:

1187 (Adopting Local Law No. -2002, a Local Law to ensure scanner pricing accuracy within Suffolk County). Motion by Legislator Lindsay, seconded by myself. All in favor? Opposed?

LEG. FISHER:

Cosponsor.

LEG. CARACAPPA:

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

P.O. TONNA:

On the motion.

LEG. TOWLE:

Explanation.

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LEG. FOLEY:

Cosponsor.

LEG. CARACAPPA:

If I could ask Counsel, Counsel, how does this compare or contrast to I believe it's the late '80's law that was passed by the County with relation to price accuracy?

LEG. BINDER:

You should explain the provisions.

MR. SABATINO:

Well, what this legislation does is it says that anyplace where you have a laser scanning device, or similar piece of equipment for item pricing, the equipment itself is going to have to have, at the checkout point, disclosure of what the actual price is, so it's going to be -- it's not going to change item pricing, it's just going to enhance the capability of your recognizing the actual amount.

LEG. ALDEN:

On the motion. Just, Joe, mainly what it's going to apply to is like Macy's, those type of department stores. Right now, you get a receipt, but they don't actually flash the price here, whereas the grocery stores, they actually flash the price as they ring up each individual item.

LEG. CARACAPPA:

I just didn't want the item pricing to change the way it was --

LEG. LINDSAY:

We tried to change the name, but it's an adaption of that law.

LEG. CARACAPPA:

Very good.

P.O. TONNA:

It's actually an enhancement rather than --

LEG. CARACAPPA:

Thank you.

P.O. TONNA:

Okay.

LEG. CARACAPPA:

That's I need to know.

P.O. TONNA:

All in favor? Opposed?

MR. BARTON:
18.

LEG. TOWLE:
Cosponsor.

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LEG. NOWICK:
Henry, cosponsor.

LEG. ALDEN:
Cosponsor.

PARKS, SPORTS & CULTURAL AFFAIRS

P.O. TONNA:
Great. 1417 (To reappoint Ronan Mulvey as a member of the Suffolk County Citizens Advisory Board for the Arts). Motion by Legislator Caracappa, seconded by Legislator Fisher. All in favor? Opposed?

LEG. TOWLE:
Mr. Chairman.

P.O. TONNA:
Okay. We have two --

MR. BARTON:
18.

LEG. TOWLE:
Mr. Chairman.

P.O. TONNA:
Yes.

LEG. TOWLE:
Apparently, on resolution 1556, there was a problem in that SEQRA required an environmental impact statement, I believe, to be done and that hasn't been done. I believe the County Executive's Office spoke to Counsel. Maybe he could address that.

LEG. POSTAL:
What page is that, Fred?

LEG. TOWLE:
Resolution 1556.

LEG. BISHOP:
Page 9.

LEG. TOWLE:
Page 9. Counsel, maybe you can address that. And I think we need a motion to reconsider, waiting for that.

MR. SABATINO:
No. The issue was raised was whether -- there was a concern as to whether or not we had the SEQRA determination in the resolution, but we do, and the language in the SEQRA determination talked about it being unlisted, which is also the recommendation that was made by CEQ, so it does have the SEQRA determination in it. The only other issue

that was raised was Jim Bagg was looking for an EAF, you know, a completed Environmental Assessment Form, and, apparently, that's what was not completed.

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LEG. TOWLE:

Okay. I guess, basically, not having that, I would make a motion to reconsider just to table it to give them an opportunity to get that to us with this resolution.

LEG. FOLEY:

Second.

LEG. ALDEN:

Second.

P.O. TONNA:

Okay. There's a motion and a second. All in favor? Opposed to reconsider?

MR. BARTON:

18.

P.O. TONNA:

Fine, it's in front of us. Okay. There's a motion to what?

LEG. TOWLE:

To table for a meeting.

P.O. TONNA:

Table, Legislator Towle, seconded by Legislator Alden. All in favor? Opposed? Tabled.

MR. BARTON:

18.

P.O. TONNA:

Okay.

LEG. LINDSAY:

Mr. Chairman.

P.O. TONNA:

We have two budget -- just wait. We have two budget resolutions that came out of Budget Committee this afternoon.

LEG. CARACCIOLO:

One.

P.O. TONNA:

One. Oh, we did the home -- we did the farmers market. Okay. 1193, and this I'll read it to you, so that while you were doing it -- Amending the 2002 operating budget funds to the Department of Public Works for the purchase of vehicles for the Probation Department. I'll make a motion to --

LEG. CARPENTER:

Second.

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P.O. TONNA:

Let -- Legislator Binder, this was your resolution?

LEG. LINDSAY:

We don't have --

LEG. CARPENTER:

Second.

LEG. LINDSAY:

We don't have copies, though? We don't have copies?

P.O. TONNA:

I think those copies have been distributed. There's a motion by Legislator Binder, seconded --

LEG. CARPENTER:

Second.

P.O. TONNA:

-- by Legislator --

LEG. CARPENTER:

Carpenter.

P.O. TONNA:

Carpenter.

LEG. ALDEN:

On the motion.

P.O. TONNA:

On the motion. Just wait. On the motion.

LEG. TOWLE:

Cosponsor.

P.O. TONNA:

Okay. Legislator Alden.

LEG. ALDEN:

Just if we can get an explanation as far as what the offset is.

MR. SABATINO:

The new offset is the -- the offset was converted from Social Security to the pay-as-you-go 5-25-5 account.

LEG. ALDEN:

Does that pretty much -- Freddy, from Budget Review, does that pretty much close out the 5-25-5, then?

MR. POLLERT:

No. I believe there's some extra money left in that.

LEG. ALDEN:

Good. The other question I have is, is there anything in this

resolution that would direct that these vehicles are distributed to people that are actually out in the field? Because there was some testimony that I remember from last year that stated that supervisory

personnel were using most of the vehicles on a regular basis. So is there anything in this that would direct it to be actually assigned to people that are out in the field?

LEG. FOLEY:
Good question.

LEG. ALDEN:
And is there any way that we can control that?

LEG. FOLEY:
Micromanage, I like that.

P.O. TONNA:
Okay. Hold it a second.

LEG. FOLEY:
I do, I agree with you.

P.O. TONNA:
Okay. Fred, is there an answer you can give to Legislator Alden?

MR. POLLERT:
It's the prerogative of the County Executive to assign the vehicles. That's one of his administrative capabilities.

LEG. ALDEN:
How can we micromange this, then?

LEG. FOLEY:
Get Todd. You want to get the --

P.O. TONNA:
I would mention this, Legislator Alden.

LEG. FOLEY:
Get David Grier here.

P.O. TONNA:
If you want to -- if you want some past experience on micromanaging vehicles, there's an Assemblyman in Islip, his name is Legislator Levy, and he probably -- he probably has got boxes loads of --

LEG. ALDEN:
Actually, I just had a conversation with him the past couple of days and he's thinking about coming back here. He misses us so much, so --

P.O. TONNA:
Yeah.

LEG. BINDER:
Mr. Chairman.

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P.O. TONNA:
Yeah. I'm sure Legislator Postal will second that one. Anyway --

LEG. BINDER:
Mr. Chairman.

LEG. ALDEN:

Is there some way we can ensure that these vehicles are not used by management and they're actually used by --

LEG. FOLEY:

Out in the field.

LEG. BINDER:

Mr. Chairman.

LEG. ALDEN:

-- the people that are out in the field?

LEG. BINDER:

Mr. Chairman.

P.O. TONNA:

Yeah. Just wait. Legislator Alden, your questions --

LEG. BINDER:

On the question.

LEG. FOLEY:

He's posed a question, let's get an answer.

P.O. TONNA:

Yeah, that's a question. Who are you directing to answer that question?

LEG. ALDEN:

You, Mr. Presiding Officer. Everything goes through the Chair here.

P.O. TONNA:

Okay. I would say that I have to call Legislator Levy to find out the answer to that. But in the interim, maybe Legislator Binder could offer some trenchant sages words.

LEG. BINDER:

It would be my suggestion that we allow the cars to go to what I understand to be pool, they're going to all be pool cars. If they're -- I think we could keep track of them and talk to the Probation Officers. If they are not being used all as pool cars and they go to management, it will not take long for me and I think other Legislators to put in legislation directing Probation to particularly put those cars and keep them in pool.

P.O. TONNA:

Also, Legislator Alden --

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LEG. BINDER:

But I wouldn't want to slow it down --

P.O. TONNA:

Right.

LEG. BINDER:

-- to get that language.

P.O. TONNA:
The other thing, I just --

LEG. ALDEN:
Well, I'm not looking to --

P.O. TONNA:
Legislator Alden, because we're looking at checks and balances --

LEG. ALDEN:
Sorry, Mr. Presiding Officer.

P.O. TONNA:
-- I had a very extensive discussion with the President of AME, who is very concerned with that issue, and by that, also the passage of the bill, and she assures me, you know, that she's going to watch this very closely to make sure that it gets to the members, so that it doesn't -- you know, it's not going to go to whatever, so --

LEG. ALDEN:
So, basically, the answer to my question is your personal assurance?

P.O. TONNA:
No.

LEG. ALDEN:
Presiding Officer?

P.O. TONNA:
No. You'll have to pass a resolution to get my personal assurance.

LEG. LINDSAY:
Mr. Chairman.

P.O. TONNA:
Legislator Lindsay.

LEG. LINDSAY:
Yeah. I'd maybe suggest, to carry Legislator Alden's suggestion a bit further, maybe we can put it on our agenda for the Safety Committee to talk to the Head of Probation to get some assurances that these funds would be -- would be spent and --

P.O. TONNA:
Legislator Binder, you know how a budget resolution coming out of committee with your name on it is not one of my top priorities, but in this circumstance, based on the Union's concerns and based on

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Probation's concerns that we're doing this. So I'm breaking --

LEG. BINDER:
I knew you'd give in eventually.

P.O. TONNA:
I'm breaking my basic rule.

LEG. BINDER:
I knew you'd give in eventually.

P.O. TONNA:

Yeah, you got me. Okay. All in favor? Opposed?

LEG. BISHOP:

Opposed.

P.O. TONNA:

Opposed, Legislator -- okay.

LEG. BISHOP:

Actually, I want to abstain.

P.O. TONNA:

You want to abstain, okay, Legislator Bishop.

MR. BARTON:

16.

P.O. TONNA:

Okay. Two CN's. (1569-Authorizing appropriations for Memorial Day observance at Pinelawn National Cemetery). There is one -- this is authorizing the appropriation for Memorial Day observance at Pine Lawn National Cemetery.

LEG. CARACCIOLO:

Mr. Chairman.

P.O. TONNA:

Yeah. Just let me finish and then I'll -- this is a CN that has been requested, I think, of the Committee, of Veterans Committee, that Legislator Lindsay was made aware of, and this is something that's been done in the past, so I think that's what's being requested. And there's a motion by Legislator Lindsay.

LEG. CARACCIOLO:

Second.

P.O. TONNA:

Seconded by myself. Okay.

LEG. CARACCIOLO:

The question I have is --

P.O. TONNA:

Yes. How about Calverton?

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LEG. CARACCIOLO:

Yes.

P.O. TONNA:

Okay.

LEG. BINDER:

What's the motion on --

LEG. CARACCIOLO:

They're alternated, Joe?

LEG. CARACAPPA:

I've sponsored Calverton.

MR. SABATINO:

The reason -- under the law we're only authorized to do \$300 and it's got to be at the National Cemetery in Pinelawn. That's the authority that we have under the --

LEG. CARACCIOLO:

Okay. So then maybe for next year, we could put a resolution in to have observances at both of our national cemeteries.

P.O. TONNA:

Sure, next year we'll work something out.

LEG. CARACCIOLO:

Okay.

P.O. TONNA:

Okay. All in favor? Opposed?

MR. BARTON:

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

P.O. TONNA:

Great. CN, this is 1691 (Approving the appointment of summer employees to various positions pursuant to Section 6 -3 of the Suffolk County Code.) This is approving the appointment of summer employees to various positions pursuant to -- this is a nepotism deal?

LEG. CARPENTER:

Yes.

P.O. TONNA:

Okay. This is -- just so that -- I think this is Janet DeMarzo's son. Oh, it's a lot of sons and daughters?

LEG. POSTAL:

Yeah. I have question.

P.O. TONNA:

Anyway, Pete Scully, Jeff Tempera, Janet DeMarzo, Alan Schneider and Alan Schneider. Okay.

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LEG. FOLEY:

Sounds like a law firm.

P.O. TONNA:

By the way if -- just I'll make motion to approve, seconded by Legislator Postal. Just --

LEG. POSTAL:

I have -- on the question.

P.O. TONNA:

Oh, on the question. Just one thing. By the way, I'm told that, and I know that's a common practice in my district office, that if there are some people who come to your district offices, you know, looking for summer employment through one of the various job programs, you know, usually it's kids coming home from school or, you know, kids who need summer employment, that there is -- you know, that there's

courtesy extended to try to facilitate those jobs for your offices. I've never polled other Legislators, I just assumed that I've never heard any -- you know, anything to the other side, but if any Legislators are having problems, you know, if somebody has come and said they can't get them a summer job, or something like that, or, you don't, that you don't get a return call, I would be very interested in finding that out. And I say that as a preamble to this, because I think that, basically, you know, this is a Jobs Program that should be open to everybody. And so --

LEG. CARACCIOLO:

How many summer jobs do we have?

P.O. TONNA:

Excuse me?

LEG. CARACCIOLO:

How many summer jobs do we have?

P.O. TONNA:

Wait, let me think. Let me put on my Labor Commissioner hat. Guess what, I bet he doesn't even know. How do I know? I don't know. Yeah.

LEG. CRECCA:

Could I get Frank Tassone a job this summer?

LEG. CARACCIOLO:

Fred, do you know?

P.O. TONNA:

No. It's all federally funded, I know that.

LEG. POSTAL:

Yeah, but if I could --

P.O. TONNA:

Yeah.

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LEG. POSTAL:

-- comment on this. I really -- I certainly don't think that somebody should be in any way penalized because that person is the relative of a County employee. But, on the other hand, I really resent getting this resolution as a Certificate of Necessity now, when we have no opportunity to get answers to the questions like the one Legislator Caracciolo just asked. I would like to know how many people applied for these summer jobs, and how many people we have hired along with these people who are on resolution, because, frankly, people do call my office. Young people call my office who are looking for summer jobs all the time and we do direct them to where they can fill out these applications, but I don't know whether they get the summer jobs or they don't get the summer jobs. I don't know whether a young person who calls my office is one of a thousand people who applied for -- I don't know how many jobs are available. I would like to have answers to these questions. If the people who are on this nepotism resolution applied for jobs out of, for example, 25 summer jobs, it would be a remarkable coincidence if we had 200 applications for those 25 summer jobs and these people all got their jobs. I think that would be, you know, beyond the coincidence.

Now, I know that these jobs are starting before our next meeting, which is why I feel we're pressured into approving this resolution, but I just want to go on record as saying that I think that there's something very wrong, if not actually manipulative, in bringing this to us at this late date. And I don't know that I remember this for sure, but I seem to recall that this happens year after year after year. We get this as a Certificate of Necessity while we don't have time to truly look into this, and it makes a sham of our nepotism legislation.

P.O. TONNA:

Maxine, the only question I have --

LEG. CARACCIOLO:

Mr. Chairman, could we request at our next meeting --

P.O. TONNA:

Just wait, let me --

LEG. CARACCIOLO:

At our next meeting --

P.O. TONNA:

Right.

LEG. CARACCIOLO:

-- someone from the Labor Department to answer these questions?

P.O. TONNA:

Labor Department to come and talk about the summer jobs program?

Well, that should go through Human Resources Committee, to tell you quite honestly. It's a Human Resource issue. We don't have a --

LEG. TOWLE:

The Chairman refuses.

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P.O. TONNA:

What?

LEG. TOWLE:

The Chairman refuses.

P.O. TONNA:

No.

LEG. FISHER:

Okay.

P.O. TONNA:

Anyway, but -- and I think we can do that.

LEG. CARACCIOLO:

Just a one-page --

P.O. TONNA:

The question I have --

LEG. CARACCIOLO:

-- memo from the Commissioner --

P.O. TONNA:
Right.

LEG. CARACCIOLO:
-- would be fine.

P.O. TONNA:
The one -- the question I have, has anybody -- has anybody ever had a situation in their district office where somebody or something talks about a summer job program and you've made a call and you have not -- they have said, "No, we don't have any jobs left"?

LEG. ALDEN:
I tried to Warren a summer job and they turned me down.

LEG. FISHER:
Actually, Mr. Chair, I just wanted to make a comment regarding -- I agree with Legislator Postal --

P.O. TONNA:
Yeah, I do, too, in a way.

LEG. FISHER:
-- that we should have warning. However, in years past, the Parks Department has said that they have not been able to find enough people --

P.O. TONNA:
Yeah, right.

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LEG. FISHER:
-- to fill their jobs. And so -- and so, you know, it's fine, I agree with you, that we should have more warning, but, probably, there weren't people turned away and other people hired, it would be my assumption.

LEG. POSTAL:
Yeah. No, I don't make personal calls for every young person who comes to my office who wants to fill out an application. And, in fact, I would be very upset to know that if ten young people got applications and I made a call on one, that only that one got the job, that would really bother me. But what I would like to ask, and I think it's just supporting what Legislator Caracciolo is saying, is if, in fact, Legislator Fields is correct and we have --

LEG. FIELDS:
Fisher, Fisher.

LEG. POSTAL:
Sorry. Oh, I'm back to last year. Legislator Fisher is correct and we don't have enough people to fill the jobs, all I would like is to receive a memo from the Department of Labor telling me and all of us that we had a hundred summer jobs and we had a hundred applicants and we filled every one of those summer jobs, or we had 80 applicants who we couldn't fill the summer jobs, we're still looking for people, that's all I want to know.

LEG. FOLEY:

That's what they should do.

P.O. TONNA:
Okay. Right.

LEG. FOLEY:
If there's more openings than there are people --

P.O. TONNA:
And, obviously --

LEG. FOLEY:
-- then they should go to the local schools and try to get people.

P.O. TONNA:
Right. And, obviously, if we didn't have a CN this went through, you could ask through the committee process. Okay.

LEG. POSTAL:
Right.

P.O. TONNA:
All right. Roll call.

LEG. CARACCILO:
Are we going to get the information?

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LEG. FOLEY:
No, no, no roll call, just let's go.

LEG. CARACCILO:
I guess I'll have to send a letter, because -- are you going to get the information?

P.O. TONNA:
Am I going to get the information right now?

LEG. CARACCILO:
No, I don't want it right now.

P.O. TONNA:
Yeah, definitely. I think it's -- those are really good questions.

LEG. TOWLE:
Mr. Chairman.

LEG. CARACCILO:
Okay.

P.O. TONNA:
You know, the only thing is I honestly think that we should have the Committee Chairperson --

LEG. TOWLE:
I will.

P.O. TONNA:
-- all right, ask those questions.

LEG. TOWLE:

All kidding aside, I'll reach out --

P.O. TONNA:

But since the Commissioner of Labor I'm known to talk to every once in awhile, you know --

LEG. TOWLE:

I'll reach out --

P.O. TONNA:

-- I will make sure that there's a full report sent to everybody.

LEG. TOWLE:

I'll reach out to the Commissioner and also to the County Executive's Office, because I don't know if they all fall under the Department of Labor.

P.O. TONNA:

Right.

LEG. TOWLE:

And we'll find out how many positions they are.

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P.O. TONNA:

Most of them are Department of Labor.

LEG. TOWLE:

What the titles are, what they pay, how many fillings we've had and what have you. We'll get that done between now and the next meeting.

LEG. BISHOP:

Mr. Chairman.

P.O. TONNA:

Most summer jobs are Department of Labor of jobs, that's how I understand it.

LEG. BISHOP:

Mr. Chairman, I think there's confusion on the Summer Youth Employment Program.

P.O. TONNA:

Right.

P.O. TONNA:

That's the need-based summer jobs program, and there are other jobs like in the departments --

LEG. CARPENTER:

Excuse me.

LEG. BISHOP:

-- or for the Executive Branch. That's what I think these people are working under. They're not in the Summer Youth Employment Program, they're in -- I think one's working for Todd, right? Todd, one of them is going to be assigned to you?

MR. JOHNSON:

(Nodded yes).

LEG. BISHOP:

They're like paid interns, that's really what the point is. Now, I don't have a paid internship in my office. I don't think any Legislator has a paid internship in their office. So that's -- that's, you know, one of the questions I would have.

LEG. LINDSAY:

Did we vote on this yet?

P.O. TONNA:

All right. No.

LEG. CARPENTER:

Mr. Chairman.

P.O. TONNA:

It's a roll call. Wait, wait.

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LEG. CARPENTER:

Before we do, I just want to make some suggestions.

P.O. TONNA:

Yes, Legislator Carpenter, then Legislator Postal.

LEG. CARPENTER:

In the last budget process, where we created the Division of Human Resources, it seems to me that this would be an appropriate venue, Mr. Chairman, because I know you were very supportive --

P.O. TONNA:

Sorry.

LEG. CARPENTER:

-- of the initiative of our Division of Human Resources. This certainly would be very appropriate for them to be advertising these positions, letting us have that information. So maybe someone from your office could check and see if that, in fact, is what has been happening.

P.O. TONNA:

Okay. Let me delegate that to the Chairman.

LEG. BISHOP:

How many student intern ones do we have?

P.O. TONNA:

Let me delegate that to the Chairman of Human Resources. That's what the Committee Chair is supposed to do. I will help facilitate that, Legislator Carpenter, to make sure that that's actually done.

LEG. TOWLE:

Mr. Chairman.

P.O. TONNA:

Legislator Postal has one more.

LEG. POSTAL:

Yeah.

P.O. TONNA:
Wants to be recognized.

LEG. POSTAL:
In just -- in looking at the positions, there are a few Park Attendant positions, which I think are part of the Summer Job Corps Program. I know an Assistant Labor Crew Leader is part of the Summer Job Corps Program.

P.O. TONNA:
I don't know what the clerk is.

LEG. POSTAL:
But I do think that Legislator Bishop brings up an important point, which has to do with the student intern, because, if we have any paid

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positions --

P.O. TONNA:
Right.

LEG. POSTAL:
-- you know, I'd like to know how many we have, and I'd like to know whether the others were filled and who's filling them. I mean, even if they're not filled by relatives of County employees, I'd like know how one goes about getting one of these positions, because I'm not aware of opportunities for young people in my district, as well as that clerks position in the County Executive's Office. But I'm also concerned, because, again, if we fill all of these positions, every single young person's position that's available, whether it's a clerk, whether it's a student intern, a park attendant, a labor crew leader, then I would feel more comfortable about the fact that I notice there are two members of the Scully Family who have jobs and two members of the Schneider Family who have jobs. Now, again, maybe that's because we hire everybody who makes application. But if we didn't, I would be very concerned about hiring two members of one family when maybe there were children -- young people who just were not accepted, were not given jobs who were equally qualified.

P.O. TONNA:
Fred wants this would be a full-blown hearing.

LEG. TOWLE:
I need extra staff and subpoena power.

P.O. TONNA:
All right. Let's roll call. Let's roll call on this.

LEG. GULDI:
You can't have any interns, you're not Democrat.

MR. BARTON:
Legislator Tonna.

P.O. TONNA:
You might need an extra intern just to handle the amount of paperwork.

LEG. TOWLE:

Full-time Aide.

P.O. TONNA:

Full-time, oh, I'm sure. Pass.

P.O. TONNA:

Pass.

LEG. POSTAL:

Yes.

LEG. CARACCIOLO:

Yes.

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LEG. GULDI:

Abstain.

LEG. TOWLE:

Yes.

LEG. CARACAPPA:

Yes, to approve.

LEG. FISHER:

Yes.

LEG. HALEY:

(Not Present)

LEG. FOLEY:

Yes.

LEG. LINDSAY:

Yes.

LEG. FIELDS:

Yes.

LEG. ALDEN:

Yes.

LEG. CARPENTER:

Pass. No, I'm only kidding. Yes.

LEG. CRECCA:

All right, yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

Yes.

LEG. BINDER:

Yes.

LEG. COOPER:

Yes.

P.O. TONNA:

Yes. And that's 18, right?

MR. BARTON:

No, it's 15.

P.O. TONNA:

Okay. I would ask the County Executive's representatives to understand, and I have my institutional memory here, we will not -- next year, we will not entertain a CN for these type of positions, and that --

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LEG. GULDI:

Didn't you say that last year?

P.O. TONNA:

No. This is the first I ever -- no, I did not. I never said that last year. I was not aware of this last year. But I would say --

LEG. BISHOP:

Paul, what going to happen when all your kids become 15, 16, 17?

P.O. TONNA:

Can I say something? Hopefully, they'll be able to have -- you know, they'll be able to go out and make their own application somewhere and get a job.

LEG. LINDSAY:

Mr. Chairman.

P.O. TONNA:

Yeah. That's what the Towns are for. No, I'm joking. Anyway, go ahead, Legislator Lindsay.

LEG. LINDSAY:

Yeah. I'd like to make a motion to waive the rules to consider Home Rule 4. It's before you.

P.O. TONNA:

Wait, wait. Can we -- can we do the late-starters first?

LEG. LINDSAY:

All right.

P.O. TONNA:

All right. Late-starter. And does this meet the immediate criteria type of thing?

MS. BURKHARDT:

Yes, it does.

P.O. TONNA:

Okay. Resolution 1692 (Amending the Suffolk County Temporary Classification and Salary Plan in connection with a new title within the Department of Public Works (Vector Control Supervisor), to lay on the table and bring it to Human Resources and Public Works.

LEG. ALDEN:

Is it an emergency?

P.O. TONNA:

Yeah.

MS. BURKHARDT:

It's a Vector Control position.

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P.O. TONNA:

Yeah. That's the Fishers Island one? Okay. Actually, it saves money. Okay. 1693 (Adopting Local Law No. -2002, a Local Law electing a Retirement Incentive for eligible employees of Suffolk County), a motion to lay it on the table and assign it to Finance, and plus a public hearing, setting the public hearing on --

LEG. CARACAPPA:

Mr. Chairman.

P.O. TONNA:

-- 6/11 at 2:30.

LEG. CARACAPPA:

Could you back up to Sense Number 4, please?

LEG. BISHOP:

We didn't do it yet.

LEG. BINDER:

We didn't do it yet.

LEG. CARACAPPA:

Oh, okay.

LEG. LINDSAY:

He asked me to wait.

P.O. TONNA:

We're doing the late-starters.

LEG. CARACAPPA:

Okay.

P.O. TONNA:

Okay. A motion to lay on the table and approve -- I'm doing them all at once, right?

LEG. FIELDS:

You're going to do them all?

P.O. TONNA:

Yeah. Oh, no. Those are the late-starters. Okay. These are the late-starters. There's a motion to approve by myself, second by Legislator Postal. All in favor? Opposed?

LEG. LINDSAY:

Which one? What are you doing?

MR. BARTON:

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

P.O. TONNA:

1692 and 1693, just to lay them on the table. I'm sorry. I used -- and set the public hearings. I already assigned them.

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LEG. FISHER:

1693, where is that assigned?

P.O. TONNA:

That's assigned to Finance. Finance.

LEG. FOLEY:

No.

P.O. TONNA:

Finance. Okay. Now we have Sense 45. This is the Sense of the Legislature resolution designating June as the Pool Safety Awareness Month. This is time sensitive. Okay. So there's a motion to lay on the table and approve by Legislator Towle.

LEG. TOWLE:

And waive the -- and waive the rules.

P.O. TONNA:

Seconded by Legislator Foley. All in favor? Opposed?

(Cosponsor Said in Unison by Legislators)

P.O. TONNA:

Great. Cosponsor everybody. All right. Put us all down, except Legislator Bishop, he doesn't cosponsor those things.

MR. BARTON:

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

P.O. TONNA:

Okay. Home Rule Message Number 7 (Home Rule Message Requesting New York State Legislature to amend Section 224(18) of the County Law to authorize Suffolk County to establish a Foreign Trade Sub-one in Nassau County.) Make a motion to lay on the table and assign it to Economic Development. All in favor? Opposed?

MR. BARTON:

17. (Not Present: Leg. Haley)

P.O. TONNA:

Great.

LEG. FOLEY:

Can we vote on it today?

P.O. TONNA:

No.

LEG. FOLEY:

Is there any time?

P.O. TONNA:

No.

MS. BURKHARDT:

No, it's not time sensitive.

LEG. FOLEY:

It's not time sensitive?

P.O. TONNA:

Home Rule Number 5 (Home Rule Message requesting New York State Legislature to include Suffolk County Park Rangers with Suffolk County Park Police for purposes of determining creditable service). There's a motion to waive the rules, lay on the table, and approve, Legislator Fields. This is a Home Rule Message requesting New York State Legislature to include Suffolk County Park Rangers with Suffolk County Park Police for purpose of determining creditable -- creditable service. Okay?

LEG. TOWLE:

Second.

P.O. TONNA:

Motion and a second. All in favor? Opposed? Fine.

LEG. TOWLE:

Cosponsor.

P.O. TONNA:

Okay. There is a motion --

MR. BARTON:

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

P.O. TONNA:

-- to lay on the table and approve Home Rule Message Number 4, which is requesting New York State Legislature to allow Suffolk County to install and operate Red Light Camera Program. Motion by Legislator Lindsay, seconded by Legislator Foley. All in favor? Opposed?

LEG. CARACCIOLO:

On the motion.

P.O. TONNA:

On the motion?

LEG. CARACCIOLO:

Has this been -- yeah, to lay it on the table.

P.O. TONNA:

Yeah, and approve.

LEG. CARACCIOLO:

This was to approve?

LEG. LINDSAY:

Yeah.

P.O. TONNA:

Uh-huh.

LEG. CARACCIOLO:

Abstain.

LEG. GULDI:

Abstain.

LEG. TOWLE:

Cosponsor.

P.O. TONNA:

All right. Now --

LEG. BINDER:

I'm a no.

P.O. TONNA:

We have the senseless resolutions. Here we go. Sense Number 30 (Memorializing resolution requesting State of New York to authorize Drug and Alcohol Rehabilitation Program through Suffolk County dedicated fund).

MR. BARTON:

14 on Home Rule 4.

P.O. TONNA:

Motion by Legislator Fields, seconded by Legislator Postal. All in favor? Opposed?

LEG. BINDER:

Opposed.

LEG. TOWLE:

Abstain.

LEG. BINDER:

Opposed.

P.O. TONNA:

Okay. There's an abstention by Legislator Towle, and there was a heated --

LEG. BISHOP:

On the motion. Motion to table, please. And I thought the sponsor was going to table it. I don't know what happened.

LEG. BINDER:

Second. Second.

P.O. TONNA:

Okay.

LEG. FIELDS:

Decided not to.

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LEG. BISHOP:

Oh, okay. You didn't inform me, though.

P.O. TONNA:

Okay. There's a motion to table by Legislator --

LEG. BISHOP:

And I would ask that before we --

P.O. TONNA:

-- Bishop, seconded by Legislator Binder.

LEG. BISHOP:

Before we send up a message to the State Legislature asking for the authority to tax, which they may very well take seriously, I hope they would take our messages seriously, I think we should find out how much we want to generate from the tax and have a plan on how we want to expend it. I certainly support the purpose of the resolution, which is to dedicate more resources to drug and alcohol prevention programs. We need to do that. A dedicated tax might be the way to do it, to accomplish it, but we should have a plan, and we should also know how much we expect to generate from it.

P.O. TONNA:

Okay.

LEG. BISHOP:

And so I would just table it.

LEG. FIELDS:

All right. I --

LEG. BISHOP:

I think Budget Review Office will get us that information, if we --

P.O. TONNA:

Okay. So you --

LEG. FIELDS:

All right. I will second the tabling, then.

P.O. TONNA:

We already have that, but all in favor? Opposed? Tabled.

MR. BARTON:

17. (Not Present: Leg. Haley)

P.O. TONNA:

Okay. Sense 35 (Memorializing resolution requesting State of New York to implement Rail Road Car Artificial Reef Program). Motion by Legislator Towle, seconded by Legislator Caracappa. Great coalition there. All in favor? Opposed? Fine.

MR. BARTON:

17. (Not Present: Leg. Haley)

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P.O. TONNA:

Sense 36 (Memorializing resolution requesting State of New York to adopt changes in the funding mechanism for charter schools in New York State). Motion by Legislator Fisher, seconded by Legislator Fields. All in favor? Opposed?

LEG. TOWLE:

Abstain.

MR. BARTON:

16. (Not Present: Leg. Haley).

P.O. TONNA:

Abstain, Legislator Towle.

LEG. CRECCA:

Explanation. All right. Just give me a second. Relax.

P.O. TONNA:

All right. This is to adopt changes in the funding mechanism for charter schools in New York State.

LEG. FISHER:

Okay. I could give you a brief explanation, and perhaps Counsel could help. When charter schools are funded, there is money allocated per student, but there's also money that's allocated for administrative costs and other costs. What this is looking at is reformulating the payback to the charter schools to only include the per student funding, because these funds draw money away from the public school districts.

LEG. CRECCA:

Okay, I got.

P.O. TONNA:

Great. All in favor? Opposed?

MR. BARTON:

16, 1 abstention. (Not Present: Leg. Haley)

P.O. TONNA:

Sense 37 (Memorializing resolution requesting United States Coast Guard to place US Coast Guard Helicopter at Gabreski Airport). Motion by Legislator Carpenter.

LEG. FOLEY:

Second.

P.O. TONNA:

Seconded by Legislator Foley. All in favor? Opposed?

LEG. GULDI:

Cosponsor.

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LEG. TOWLE:

Cosponsor.

MR. BARTON:

17. (Not Present: Leg. Haley)

P.O. TONNA:

It's been wonderful being with everybody, and I would say meeting adjourned.

[THE MEETING WAS ADJOURNED AT 6:00 P.M.]

{ } Indicates Spelled Phonetically

