

**SUFFOLK COUNTY LEGISLATURE
GENERAL MEETING
ELEVENTH DAY
AUGUST 6, 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 9:15 A.M.]

P.O. Tonna
Roll call, Henry.

(Roll Called by Mr. Barton)

LEG. CARACCIOLO:
Here.

LEG. GULDI:
Here.

LEG. TOWLE:
(Not Present)

LEG. CARACAPPA:
Here.

LEG. FISHER:
Here.

LEG. HALEY:
(Not Present).

LEG. FOLEY:
(Not Present)

LEG. LINDSAY:
(Not Present).

LEG. FIELDS:
Here.

LEG. ALDEN:

Here.

LEG. CARPENTER:

Oh, I'm sorry, yes, here.

LEG. CRECCA:

Yes.

LEG. NOWICK:

Yes, yes.

LEG. BISHOP:

(Not Present)

LEG. BINDER:

Yes, here.

LEG. COOPER:

(Not Present)

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D.P.O. POSTAL:

Here.

P.O. TONNA:

Here.

(Legislators Foley, Bishop and Cooper entered the Auditorium)

LEG. ALDEN:

Henry.

P.O. TONNA:

Okay. We're all set?

MR. BARTON:

Fifteen present. (Not Present: Legs. Towle, Haley and Lindsay)

P.O. TONNA:

All right. And -- no, no, Vivian Fisher's here. Okay.

MR. BARTON:

Fifteen.

P.O. TONNA:

All right. Well, let's all rise for the Pledge of Allegiance led by Legislator Joe Caracappa.

(* SALUTATON*)

Thank you. If you could all remain standing, I would like to have a moment of silence for three persons. First of all, for Bob Weimer, the Newsday editorial writer, who recently retired and who had passed away. A moment of silence for Sally Slacke Junor, who served on the Suffolk County Community College Board, former Chair and Board Member for 18 years, and for Norman DeMott, former Islip Councilman.

(* MOMENT OF SILENCE*)

Thank you. Okay. You can be seated. I'd like to call upon Legislator Angie Carpenter, who, as you all know, has led the way with regard to -- anyway, Legislator Carpenter, I just want to recognize you, if you could stand right here. Thank you. And I'd like to just -- as Angie's coming up, I want to remind all Legislators that we are going to be in executive session at 4:30 for an update on the Weitz and Luxenburg MTBE litigation, and then the Community College budget votes will begin at the conclusion of the public portion and public hearing today. Thank you.

LEG. CARPENTER:

Thank you, Presiding Officer Tonna. Last year, for the first time, we established August as Volunteer Firefighter and EMS Worker Month in Suffolk County, where we would honor an outstanding volunteer in the fire service or emergency medical service from each of the Legislative districts. Little did we know that a month later the whole nation was going to be pausing to recognize the efforts of these brave volunteers, these heroes, who are heroes every day of the year, in our

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County especially. So we're going to begin. I would just ask the Legislator to come forward, present the proclamation in front, the photographer will take the photo, and then I'll read a brief little bio. And we're going to start with Legislator Guldi and his special volunteer, Paul Massey of the Eastport Fire Department. Paul's a third generation firefighter who joined Eastport Fire Department in 1979 and in one year was named Fireman of the Year. He is presently the Eastport Fire Department's Commissioner, a member of the Department's Dive Team, and was among those who spearheaded the effort to recreate the Bay Area Maritime Search and Rescue Unit. Congratulations Firefighter Paul Massey.

(Applause)

Thank you.

LEG. GULDI:

I've got something.

LEG. CARPENTER:

Don't start.

LEG. GULDI:

Yeah, I'm going to start. I wanted to -- because one of the problems you have when you represent the East End is we have this great tradition of presenting one proclamation to a firefighter. When you have 32 departments in your district, this could be problematic, because how do you do it without annoying 31 of the departments? Paul Massey made that job easy. Four generations of his family are volunteers leading the Dive Team, and a very distinguished career. Thank you, Paul.

MR. MASSEY:

Thank you.

LEG. CARPENTER:

Thank you, Legislator Guldi. I'm sure that --

(Applause)

I'm sure that each of us can embellish this little bio that we were given, but in the interest of time and the business that we have to perform today, let us just keep going.

Legislator Caracappa and his outstanding Firefighter is William Xikis from the Selden Fire Department. And William has been a member --

(Applause)

-- of the Selden Fire Department for 17 years, and is the Second Assistant Chief of training. He is well-known for working with the various community groups in different levels of government, and in his professional life, not that his Firefighter service isn't professional, I'm sure it's well beyond professional, but he is a Correction Officer in this great County of Suffolk. So we thank you doubly for all of your efforts.

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(Applause)

Next, Legislator Vivian Fisher and her outstanding Firefighter, Walter Bihajlo, from the Terryville Fire Department. Walter is the Ex-Chief of the Terryville Fire Department. He was a Charter Member of the Department since its inception in 1950. He is the only Charter Member that is still active and has been so for 52 years. Is that incredible?

(Applause)

Over the years, he has served as Chief and Commissioner of the Terryville Fire District, and has shared much of the original history of the Department, as well as the history of the community, with newer members of the Fire Department, one of the original mentors. Thank you.

(Applause)

LEG. CARPENTER:

Next, we have Legislator Brian Foley, and Bruce Bastianse from the Blue Point Fire Department. Bruce, if you would come forward.

LEG. FOLEY:

Thank you, Madam Chair. He was unable to attend this morning, but I did want to just state on the record, about two months ago, I had Bruce and his wife, Janet, here to receive a proclamation. At that time, I had explained to those who were in attendance that the Blue Point Fire Department was given the high responsibility of fund-raising for the families and children of those firefighters who passed away in 9/11. And during that time, many of the sweatshirts and T-shirts you see now throughout Suffolk County were sold at the Blue Point Fire Department, and both Bruce and Janet and Janet's family, the Hambley Family, in Blue Point have a long history in the Blue Point Fire Department as well. Well, they were able to raise over \$200,000 here in Suffolk County to go towards that fund. So, for that very purpose, the fact also that he's a past Chief of the Fire Department and still an active member of the Fire Department, I thought it was very timely that we once again honor Bruce as the Volunteer Firefighter of the year in the Seventh District. Thank you.

LEG. CARPENTER:

Thank you very much, Legislator Foley. I'm sure we all agree.

(Applause)

Next, I'd ask Legislator Ginny Fields to come forward, and as she recognizes Timothy McCarthy from the Islip Terrace Fire Department.

(Applause)

During a recent fire at Connetquot State Park Preserve, Lieutenant McCarthy took immediate action when their fire truck broke down while they were trying to put the fire out. He quickly put together a plan that proved to be a life-saving measure for all seven members of the

(Applause)

AUDIENCE MEMBER:

Smile.

LEG. CARPENTER:

See, firefighters, that family of fire fighters, always looking out for one another and reminding him to smile, so do smile for the photos. Next, we have Legislator Cameron Alden and his very special firefighter, James Cummings, from the Bay Shore Fire Department. Jim?

(Applause)

James Cummings is the First Assistant Chief of the Bay Shore Fire Department. He made a daring attempt to rescue three children from a burning building on Second Avenue earlier this year. Despite his valiant efforts, however, the three subsequently died. His story and his efforts strongly qualify him as a true American hero. Thank you so much, Jim.

(Applause)

Legislator Andrew Crecca is recognizing Robert Munro from the Hauppauge Fire Department. Mr. Munro?

(Applause)

I know you're going to find this hard to believe, but Robert Munro has served with the Hauppauge Fire Department for over 50 years. During that time, he has served as Captain and President of the Department's Benevolent Association. Thank you very much, Mr. Munro.

(Applause)

Thank you to the Hauppauge Fire Department for bringing the fire truck down here today.

Next, we have Legislator Lynne Nowick and her Firefighter, Stephen G. Butler, from the Kings Park Fire Department. Mr. Butler?

(Applause)

Stephen Butler is the Third Assistant Chief of the Kings Park Fire Department, and is also a Sergeant in the New York City Port Authority. So he's doing public service 24 hours a day, literally.

(Applause)

Thank you very much. Next, we have Legislator Allan Binder and his

special volunteer, Benjamin Krakauer from the Dix Hills Fire Department. Benjamin? Benjamin is a member of the Dix Hills Volunteer Fire Department for four years now, joining the Department as a junior member when he was 14 years old. He rose to the rank of Junior Captain and started the first ever Dix Hills Fire Department

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Junior Ride-Along Program. He has responded to more than a thousand alarms and achieved the state level of Emergency Medical Technician. Congratulations, Benjamin.

(Applause)

Next, we have Presiding Officer, Paul Tonna and his volunteer, John Vigiano, who is a retired firefighter from Deer Park. John?

(Applause)

LEG. TONNA:

We'll have to do it another time. John's not here, I don't think.

LEG. CARPENTER:

Okay. Do you want me to --

P.O. TONNA:

Go ahead. You want to read it?

LEG. CARPENTER:

We will. He's a retired firefighter, John Vigiano. He lost two sons during the September 11th terrorist attack. He has embraced the Vranick Family, and I think we read about it in Newsday, as though it was his own, and has helped the family in countless ways to deal with the illness of their ten month old infant. To assist in helping the family cope, John has recruited other retired firefighters and built the Vranick's a ramp to help transport Tyler. He has also organized another project to build a handicapped accessible deck on the couple's backyard, so he is moving on with giving, in spite of his very grievous loss. So I think John Vigiano really deserves a round of applause from all of us.

(Applause)

next, we have Legislator Jonathan Cooper and his special volunteer from the Northport Fire Department, James Mahoney. James has volunteered with the Northport Fire Department since 1973. The Fireman's Association of the State of New York recently presented Mr. Mahoney with his prestigious 2002 Fire Service Achievement Award, and he's been selected to be a recipient of the 2002 NVFC/Scott Health and Safety Volunteer Firefighter of the Year Award by the National

Volunteer Fire Council. Congratulations, Mr. Mahoney.

(Applause)

Legislator Bill Lindsay will be next, and he is recognizing Jim McIntosh from the Holbrook Fire Department. Jim? Chief James McIntosh --

(Applause)

-- of the Holbrook Fire Department is a thirteen-year member and a 2001 Fireman of the Year. He made historical record by his quick rise through the officer ranks. He cooperatively manned the Holbrook Fire Houses during the 9/11 crisis and performed a recent heroic Holbrook

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drain basin rescue of a 15 year old girl, thus qualifying him as this particular Legislator's district's fireman hero.

LEG. LINDSAY:

And Holbrook is 75 years old this week.

LEG. CARPENTER:

That's right, I read that in the paper. They're celebrating their 75th anniversary, the Holbrook Fire Department. Congratulations to everyone.

(Applause)

Next, we have Legislator Maxine Postal, and her firefighter is John Michael DeVito from the East Farmingdale Fire Department, and William Waldron from the Wyandanch Fire Department. Gentlemen, if you would come forward.

(Applause)

Mr. DeVito and Mr. Waldron have risked their own lives going into a house fully engulfed in flames and dense smoke to save the life of a disabled Vietnam veteran. Thank you so very much, gentlemen.

(Applause)

Thank you. Next, we have the honoree from the Eleventh Legislative District, which is my Legislative District, and her name is Beverly DeSerio. Beverly, what is so very extraordinary about her story, Beverly chose to become a volunteer when she was a little bit more seasoned. She was -- her children were -- she had four -- has four daughters, and even though she was working as a full-time dental assistant, chose to give of herself to the department. And, you know,

they say the apple doesn't fall far from the tree, and she certainly is a wonderful role model, because two of her daughters now are volunteers for the Department. So we're really very, very proud of her, even though she had a full-time position, four daughters, she's a Dental Assistant, she chose to give back to her community, not only as a volunteer, but she's taken on a leadership role within the Department, so we're very, very proud of Beverly, thank you so much, as we are of all of our volunteers.

(Applause)

P.O. TONNA:

I'd just like to thank Legislative staff who worked hard to identify these people. I'd like to thank my staff for helping facilitate this, and, of course, Legislator Carpenter, who is really the driving inspiration. Thank you. Okay.

(Applause)

all right. Let's go to the cards. Also, I'd like to remind Legislators, today has the potential, has the potentiality.

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LEG. LINDSAY:

Don't say it.

P.O. TONNA:

-- of being a day with seven cards. Discipline and focus today and we might be able to see the sunset outside. All right? I can see the -- I can see the Legislative Clerk's Office as a hopeful look. Okay. Yes. Okay. Janet? Janet Walerstein. Janet? Going once, going twice. We'll get her back. Jeff Frank. Good morning, Jeff.

MR. FRANK:

Good morning. My name is Jeff Frank. I have a school called The Nature Lyceum. It's the only school in the country that teaches organics. I'm here to show my concern about the law that you passed last year with Dave Bishop about the -- with the Consumer Affairs to give organically trained certificates for licensed landscapers in Suffolk County. I think it was a good idea, but I think the training program and the law seemed to have good intentions, but they are not serving the purpose of encouraging licensed chemical applications that work in Suffolk County to use organic alternatives. Unfortunately, it is entirely possible that this is having an unintended and conflicting effect, allowing contractors who rely primarily on synthetic pesticides, to advertise themselves as certified organically trained. I trained all the superintendents the Suffolk County parks. They all came through my school. The former Commissioner, Mike Frank, came to my school, Bill Sickles came through my school. I started a school

down in Philadelphia.

I've been doing this for eight years, and Cornell University and the Cornell Cooperative Extension cannot do this, because they're not trained organically. When people come into the class, they ask them, "What do you know about organic fertilizers?" They say, "Nothing." "What do you know about weed controls?" "Nothing. All we know is compost and you can use that, plus chemicals." And it's given -- these people are organically certified and they're not trained organically, there's nothing that they know about organically. Three hours is just a nice start, but the course that I give is an 18-hour straight course. And I've been doing this for a long time, and I know that there are -- there are better ways of doing this.

So my concerns are that the law is -- the certified organic should not be in the law, and organically trained three hours is not enough. I think there are better ways to do this, and I think there are better teachers out there, rather than Cornell Cooperative Extension, which has never trained any of their people in organic matters. And I think this should be addressed by the Legislature.

P.O. TONNA:

Okay. Thank you. I know the --

LEG. BISHOP:

I have a question.

P.O. TONNA:

Okay. Legislator Bishop, and then Legislator Fisher.

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LEG. BISHOP:

I appreciate you coming down and I appreciate the concern that you're raising. I'm looking for some suggestions as to where we can find standards for organics, which is the problem. You have an approach, which I'll call the pure approach, and we'll call Cornell's the compromised approach. Who's the arbiter of what the correct approach is? Where do we look to find --

MR. FRANK:

The standards have been set by NOFA and also LIOHA, the Long Island Organic Horticulture Association. They've already set the standards. There are people that are in these organizations that have passed tests and signed affidavits and are checked out by an independent company, which certifies that these people are organic and they do organic methods.

LEG. BISHOP:

Okay. So you'll get me that information?

MR. FRANK:

Sure. Neal Lewis has all this kind of information.

LEG. BISHOP:

Because what is -- what is -- I mean, is the -- the independence of the arbiter is what? Are they a government agency or are they --

MR. FRANK:

No. They're a NOFA, Northeast Organic Farmers Association, certified. He's been doing it all his life, a consultant who is hired to come in and check out each one of these companies, check out their background, their education, and then they certify -- then they have to come in and take class. In other words, they all have to go through like a school to do it, my school or and one down in Philadelphia.

LEG. BISHOP:

Where do we -- where do you think we get -- there are no government standards that are out there?

MR. FRANK:

None whatsoever.

LEG. BISHOP:

Right, because we're in a fledgling area.

MR. FRANK:

I have the only school in the country that teaches organics. Now, if that not scary, I can't tell you what is. There's no other schools in the country teaching, except for the one I founded in Philadelphia and the Lyceum in Westhampton Beach. There is no -- there is no State school that you can go to, whether it's Rutgers or UMASS or Cornell that they even teach an organic class in, none whatsoever. They don't even teach biology to these people. They don't want them to know about the biology of the soil. This is why we're using all these pesticides on Long Island. We use 4 1/2 million pounds of it on Suffolk County and Nassau County last year, and we're on our drinking water. This is the most important thing in the whole -- that we have

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in the whole country is our drinking water and we're screwing it up.

LEG. BISHOP:

Yeah. No, I understand the issue. I'm just looking for the guidance from --

MR. FRANK:

It's already been set.

LEG. BISHOP:

-- something that's --

MR. FRANK:

It's already been set. We've been doing it for five years. We had -- the organization has been in for five years, and there are at least 30 members of LIOHA, and NOFA has been doing it for 20 years and they're already set. And so they've already made the guidelines, they've already made the -- worked on it, and also Massachusetts came out with the whole standards on this.

LEG. BISHOP:

Now, the second thing, second question is, do you have a tape or anything, a document from the Cornell course where you could point to where you and Cornell have severe disagreement on approach?

MR. FRANK:

Not a tape, but I have -- when you graduate from my school, you become a Green Gorilla, and I had a bunch of Green Gorillas go to the classes, and they said the questions that they asked, they asked them, "Do you" -- "What about organic products?" And they said, "We know nothing about organic products." "What about organic programs?" "We know nothing about organic programs." There was nothing that they taught these guys for three hours, except how to use chemicals.

LEG. BISHOP:

But what I'm looking for is for you to create something for me to bring to them to say, "Please, address the following issues," and see if we can work towards some consensus on them.

MR. FRANK:

I could work with LIOHA and --

LEG. BISHOP:

I'm a very big fan of consensus.

MR. FRANK:

-- Long Island Neighborhood Network and develop something like that.

LEG. BISHOP:

Okay, great. I mean, I want to solve the problem, and I think the Legislature does as well.

D.P.O. POSTAL:

Thank you. Our next speaker is Janet --

LEG. FISHER:

Actually --

LEG. BISHOP:

I think Fisher.

D.P.O. POSTAL:

Oh, I'm sorry. Did you have a question?

LEG. FISHER:

I did have a question.

D.P.O. POSTAL:

Legislator Fisher has a question.

LEG. FISHER:

Actually, I had a question similar to that of Legislator Bishop, but my follow-up is, if you could forward some written material about the schools that you're mentioning and the standards, if you have any written material, that would be helpful.

MR. FRANK:

Oh, sure. We even have a website you could go to also.

LEG. FISHER:

Okay. I would appreciate that.

MR. FRANK:

Where would you like it sent to?

LEG. FISHER:

You could send it to the Clerk or to the individual Legislators, you could send it to me, to my Legislative office.

MR. FRANK:

Could you tell me what that is?

LEG. FISHER:

Oh, it's -- we'll give you a card. One of my Aides will give you a card.

MR. FRANK:

Okay.

LEG. FISHER:

Thank you.

MR. FRANK:

Via condios.

D.P.O. POSTAL:

Any other questions?

P.O. TONNA:
Okay. Janet Walerstein.

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MS. WALERSTEIN:

Good morning. My name is Janet Walerstein, and I'm the Executive Director of the Child Care Council of Suffolk, and I'm here again today to speak on the issue of professional development in child care. And I'm asking you to override a veto and to pass Resolution 671, which supports child care professional development.

The Child Care Council has held a contract to administer the funds in September 2001. We are at this point not taking any administrative dollars. It is an entitlement that the -- it is entitled the EARNS Program, Educational Advancement Rewards Now in Suffolk. This is a program to retain qualified staff in child care, so that we have the skill level to be able to work with young children. This is not about salary, per se, but a recognition of professional skill level attained, and ensuring a career ladder to stop the flow of teachers leaving child care for the financial gains and respect in other fields.

One of the worst situations that a young child can experience is constantly having a new person caring for them every other week, day, month. This is what is happening in child care. The turnover rate is about 45%, creating an insecure world for infants, toddlers and preschoolers. Not only that, the lost time for these youngsters cannot be recouped. What we now know about brain development, this is a critical time for learning to occur and readiness for school. We have approximately 500 teachers. We have given stipends to -- for professional development. Only five have left their place of employment, one for another center, two moved out of state, one on disability, and one on maternity. This is a great testament to the program working. Sixty percent of these professionals have a BA or a BS or higher, 40% accredited in early childhood. Forty-nine percent of participants are making less than \$12 per hour, Seventy percent less than \$15. So this is a working program. This needs a little help to get through for a commitment that was promised by this body. We are so pleased that the Suffolk County Legislature saw fit to provide support to an urgent situation, our children of working families here in Suffolk. Please don't turn your back now. We are in a critical juncture and need you to override the veto for Resolution 671 and support this great program. Thank you.

LEG. FISHER:
Thank you, Janet.

P.O. TONNA:

Thank you, Janet.

LEG. BISHOP:
I have a question.

D.P.O. POSTAL:
Legislator Bishop.

LEG. BISHOP:
Yes. Janet, this, of course, is a pilot program. How are we to judge the effectiveness of the pilot program when it concludes?

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MS. WALERSTEIN:
Well, what we are doing now, we're taking what the data shows, is that we are retaining these people who have gotten the stipends. So from a 45% turnover rate, we have seen that all but five of the five hundred teachers that we have helped for their professional development have remained. I mean, we will be able to have further data as we go along.

LEG. BISHOP:
Right. So we'll be able at the end --

MS. WALERSTEIN:
Yes.

LEG. BISHOP:
-- of 2002 to compare 2002 retention --

MS. WALERSTEIN:
Right

LEG. BISHOP:
-- to 2001.

MS. WALERSTEIN:
Right, right.

LEG. BISHOP:
And it's your opinion that we're going to see a difference.

MS. WALERSTEIN:
Right.

LEG. BISHOP:
Right. And I hope that's true, and I would --

MS. WALERSTEIN:

Right.

LEG. BISHOP:

-- certainly say, and I'll argue later, that if you want to have a pilot program mean anything, you have to let it run its course --

MS. WALERSTEIN:

Right.

LEG. BISHOP:

-- so you can compare one year to the next, not cut it off midstream.

MS. WALERSTEIN:

That's it. We have not been able to fulfill the full breadth of what this program means.

LEG. BISHOP:

Right. Thank you.

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MS. WALERSTEIN:

Thank you.

D.P.O. POSTAL:

Thank you, Janet. Next speaker is Joseph Zito.

MR. ZITO:

Good morning. This here is something that has happened in the past five or six years.

D.P.O. POSTAL:

Mr. Zito, can you just pull the microphone toward you, or speak into the microphone?

MR. ZITO:

Yes, certainly.

D.P.O. POSTAL:

Thank you.

MR. ZITO:

Can you hear me better now?

D.P.O. POSTAL:

Much.

MR. ZITO:

Okay. This is something that has happened in the past five or six years. It's in reference to the reconstruction of Little East Neck

Road. At the time of reconstruction of Little East Neck Road, I had opposed it, and I didn't want it, because head-in parking was to be taken away from us, and that is the livelihood of all the merchants on Little East Neck Road. Well, we kept -- we finally came to an agreement, which we had a meeting in Rick Lazio's office at the time when he was a Legislator. Him and Legislator Richard Schaffer were both present. They told me that if I would donate my 2,000 square feet of sidewalk, which I had refused to do so, that they would buy the rear of my stores and buy the property and construct a parking area. I have been trying to reach -- I have tried to speak to Mr. Lazio and Mr. Schaffer, and I have spoken to Rick Lazio's Aide more than once, and they tell me that I never get an answer or nobody ever gets back to me. Then I also spoke to Mister --

LEG. CARPENTER:
Bishop?

MR. ZITO:
Mr. Davis Bishop and also the Aide of -- Mr. Tonna's Aide. And the reason why this is, we are -- this is so that you could understand the financial loss that I have suffered, continue to suffer, and the hardship endured by the merchants that conduct business on Little East Neck Road in West Babylon. The loss has amounted to countless thousands of dollars, because my stores had most of the parking eliminated. Prior to Little East Neck Road construction, I had a meeting with Rick Lazio on Higbee Lane office. I was promised then by Legislator Rick Lazio and Rick Schaffer that they will let the County

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buy the property in back of my store. This property was to be used for much needed public parking, because head-in parking was eliminated. I was told to have the parcel appraised, which I at my own cost. They submitted the appraisal to the County and nothing ever came to fruition (sic) as to the County purchasing the County (sic) again at no cost to the County. In other words, I gave them 2,000 square feet, which the only reason that because they told me that they were going to cause parking in the rear.

And now I have photos where they have spent hundreds of thousands of dollars for parking for four cars, and I have also photos that where they have spent more than half a million dollars to satisfy four stores.

D.P.O. POSTAL:
Mr. Zito.

MR. ZITO:
But nothing has ever been done for the other merchants of Little East Neck Road.

D.P.O. POSTAL:

Mr. Zito, I'm sorry. I'm over here. Your time is up, but I don't know, did you get anything -- at the time that you met with former Congressman Lazio and former Supervisor Schaffer --

LEG. BISHOP:

They were then Legislators.

D.P.O. POSTAL:

-- and they were -- I know that they were County Legislators at the time, and if I understood what you said, they indicated that if you were willing to donate property in the front, that the County would purchase property -- would purchase the rest of the property for a parking area.

MR. ZITO:

Exactly.

D.P.O. POSTAL:

Did you ever speak with anyone else in the County following that?

MR. ZITO:

Not in the County.

D.P.O. POSTAL:

That was -- I can tell you right away how many years that was. It was prior to 1992; am I right?

MR. ZITO:

Exactly, yes.

D.P.O. POSTAL:

Yeah, because Rick Schaffer was a Legislator prior to 1992, and I think that Rick Lazio was a Legislator until the 1992 election, as I recall, so --

LEG. BISHOP:

'92.

MR. ZITO:

Yes. Well, the Legislator had set aside \$20,000 towards that project, but I refused it, because, as you know, that it isn't enough to buy property and make a parking area out of it. That's why I'm here today, to get more funds towards that project. And I would appreciate it if you'd take that into consideration.

LEG. BISHOP:

Joe, I don't know what -- you know, unfortunately, I don't know what was said in that office ten years ago, but Legislator Tonna and myself, who represent Little East Neck Road, that area, thought that a parking lot would be helpful to the commercial area, and we budgeted \$20,000. You turned it down because you wanted the County -- am I correct, because you wanted the County to buy two lots, not a single lot, is that --

MR. ZITO:

There's only one lot.

LEG. BISHOP:

There's only one lot at issue?

MR. ZITO:

One lot at issue, which is --

LEG. BISHOP:

And what's the appraisal that you got on it?

MR. ZITO:

The appraisal, I have it on two there, two lots.

LEG. BISHOP:

Yeah, I knew there was two lots in this.

MR. ZITO:

Two lots. But the one I'm really interested is on the western side of Little East Neck Road, which has about seven or eight stores. They have no parking whatsoever, except for the front. They have eliminated, and I'll tell you --

LEG. BISHOP:

Right, okay.

MR. ZITO:

I have had -- excuse me. I have had four or five merchants rent from me, and then they couldn't make out, and they left the stores also. Not only that, did they leave the stores, but I also have the tax bills, which sanitation that I have to pay, which I can't see why I have to pay it.

LEG. BISHOP:

What was the appraisal on that lot?

MR. ZITO:

I have no idea who the appraisal was, but --

LEG. BISHOP:
No, your appraisal.

MR. ZITO:
Huh?

LEG. BISHOP:
Didn't you -- you said at your expense, you got an appraisal.

MR. ZITO:
Right, yes.

LEG. BISHOP:
What was the amount it was appraised at?

MR. ZITO:
At that time, it was \$20,000 on each -- on each plot.

LEG. BISHOP:
Right.

MR. ZITO:
Right, but --

LEG. BISHOP:
That's where we got the 20,000.

MR. ZITO:
Yeah. But you know what, this time, what the property is, the man -- the property that I was supposed to purchase, now he wants 80,000, I don't think it's worth 80,000.

LEG. BISHOP:
Who wants 80,000?

MR. ZITO:
The man who we have to buy the purchase -- the property for -- from. It's not my property that I'm asking.

D.P.O. POSTAL:
Mr. Zito, Legislator Bishop, could I suggest that at some time other than right now during the public portion, that you -- somebody from your office, Legislator Tonna, somebody from his office attempt to resolve this with Mr. Zito?

LEG. BISHOP:
We have.

D.P.O. POSTAL:
Or at least discuss it.

LEG. BISHOP:

We have attempted to resolve it.

D.P.O. POSTAL:

Oh, you have. Well, I don't think he knows it, unless it was just resolved.

MR. ZITO:

No.

D.P.O. POSTAL:

See, I just think that it needs --

LEG. BISHOP:

He doesn't like the outcome.

D.P.O. POSTAL:

Well, I think it needs to be pursued at another time, because --

LEG. BISHOP:

Yes. Well, I mean, I'm not --

D.P.O. POSTAL:

If you would.

MR. ZITO:

Okay.

D.P.O. POSTAL:

Thank you. Thank you, Mr. Zito.

MR. ZITO:

Thank you. You'll want the photos.

LEG. BISHOP:

Yes, I'll take them. I'll meet you.

D.P.O. POSTAL:

Next speaker is Helen McEntire.

MS. MC ENTIRE:

My name is Helen McEntire. I'm a Chief Auditor at the Department of Audit and Control. And Mr. Caputo called me yesterday and asked me to speak as his representative, because he's ill and couldn't attend this meeting. He asked me to speak about the College expenditures, and he is very concerned about the College waste and overexpenditures. I had

last year been in charge of one of the auditors doing preaudits at the College and we wrote a series of reports, especially reports on cell phones. He was -- he would like to have his letter to me, his response about the cell phones read into the record. Now, I have given my reports to Fred Pollert, so he can give them to the head of the Education Committee, Angie Carpenter.

Anyway, Mr. Caputo wrote to me on June 26th concerning Suffolk Community College. "I have your memo of June 18th and hasten to advise you, and you can forward this information on to the people at

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the College, that they are quite correct, that they are a Plan C college. And as the County Comptroller, I am the Chief Fiscal Officer of the College, as well as the County. If they are interested in interpreting the Administrative Code of the County. They will find that this office, the County Comptroller's Office, has the authorization to perform both post-audits and pre-audits. Finally, I shall appreciate finding out why we need three wireless phone companies and six different accounts, and why some people are granted two phone numbers with separate service phone companies. It appears rather duplicatus and a waste of money at the County's expense."

Mr. Caputo asked me to emphasize that he is the Chief Fiscal Officer of both the County and the College, and he wanted me to convey to the Legislature his concern about needless expenditures at the College, and his view that the College budget should be cut and that waste should be eliminated. I think he's really looking for the biggest bang for the buck.

And if anybody is interested, I have extra copies of the reports that I have done. This is my first time, I'm really nervous. So if anybody has any --

MR. POERIO:
You should pass them out.

MS. MC ENTIRE:
Okay. If anybody has any questions. I only made one copy.

MS. JULIUS:
I'll make more copies.

LEG. CRECCA:
Madam Chairman -- Chairwoman.

D.P.O. POSTAL:
Legislator Crecca.

LEG. CRECCA:
Right, Chairperson.

D.P.O. POSTAL:
No problem.

LEG. CRECCA:
I think -- I just wanted to tell you that you did a fine job.

MS. MC ENTIRE:
Thank you.

LEG. CRECCA:
And also, Miss McEntire, I would also -- I'd ask the Clerk to make copies for the entire Legislature. Does the report indicate specific -- sorry, I'm all tangled up -- specific areas for cuts and recommendations on that regard?

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MS. MC ENTIRE:
Well, I had --

LEG. CRECCA:
Or is he just stating generally? No. There -- it's a series of memos from March to May, and I had specific areas such as petty cash, which they brought under control. They're County purchasing procedures, which they had to bring into line with the County. They're following the Faculty Association contract for tuition reimburses and for dependents reimbursements, which they themselves weren't following. I know I had met with Faculty Association members and they said to me, "Where are you getting these numbers?" And I said -- or "What are you auditing against?" I said, "Well, we looked up your website and we downloaded the Faculty Association contract and we're just following the contract. And I think they hadn't realized that they weren't following their own contract.

Purchasing, petty cash, there were a number of things dealing with vendors where we could get ten percent discounts that they never took advantage of. And we were noting some discrepancies between what was billed to us and the hours that were actually performed on the job. I think that's all I remember right now, but we were -- we were going through all the standard payment vouchers and we were just checking to make sure that they followed County procedures.

LEG. CRECCA:
Was there a net dollar amount at the end, or not really?

MS. MC ENTIRE:
I didn't have a net dollar amount. I was looking at procedures

specifically, because I wanted them to come into line and have good internal controls on what was -- what they were doing. I know we did look at telephones, and I think, when I talked to Dr. Harris, he thought just on the telephone savings, they might add up to 15 or \$20,000.

LEG. CRECCA:

Because you said that -- I think you said that the position is, is that we should not adopt the budget the way it is, but look to make cuts. Where would you --

MS. MC ENTIRE:

Well, this is -- I'm quoting Mr. Caputo.

LEG. CRECCA:

Right. No, I realize that.

MS. MC ENTIRE:

And I think that was part of Friday's reporting paper, because he sounded very perturbed on the phone yesterday, and he felt that the College budge should be cut, which I think was quoted in the paper, and that the waste should be eliminated. Those are his exact words.

LEG. CRECCA:

No, I understand that. But it's one thing to make those general statements in a newspaper, it's another thing, as the Chief Financial

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Officer, to be here and tell us what we're -- if he's making those statements, is there any document or indication of where those cuts should specifically be made?

MS. MC ENTIRE:

At this point, I couldn't tell you. Well, he was calling from -- he's home now. He's been in the hospital for a week and he's home now, and he called from home to ask me to come here.

LEG. CRECCA:

I'm not -- and, please, it's not --

MS. MC ENTIRE:

No, no.

LEG. CRECCA:

-- directed at you, it's just it's -- you know, obviously, we welcome the fact for -- to find ways to cut the College budget or save the taxpayers money, but to come here and just make a blanket statement that we shouldn't cut the budget and get rid of wasteful spending without specifics is not -- you know, is not -- I appreciate those

other areas that you pointed us to us.

MS. MC ENTIRE:

Well, I think some of my reports would show specific areas and -- oh. What I did forget was cell phones, because we did look at cell phones, and I have one report just on cell phones. Now, they may have corrected some of these problems, but we found sometimes people had two cell phones. The cell phone charges seemed to be -- there were a number of areas where I think they were overpaying.

LEG. CRECCA:

Okay.

MS. MC ENTIRE:

They were paying late charges, the reinstallation charges. The procedures on forwarding the bills to be paid were needed to be improved, because we were -- they were paying an awful lot of late charges. They were paying an awful lot of -- to have the phones reinstalled, and that was happening every month, because the Telecommunications was not forwarding the bills in a timely manner to the Business Office. Once the Business Office got it, they put it into the computer and our office got it within a week, and then we were -- we were there twice a week approving them.

LEG. CRECCA:

We'll take a look at the report. I do appreciate your comments this morning --

MS. MC ENTIRE:

Okay.

LEG. CRECCA:

-- for coming down. I don't know if anybody tell us -- I'll turn it back over to you.

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LEG. CARACCILO:

Madam Chair.

D.P.O. POSTAL:

Yes. Legislator Fields, and then Legislator Caracciolo.

LEG. FIELDS:

Di you -- the report -- I don't know how many reports you brought with you. Did you bring the cell phone report and all the others?

MS. MC ENTIRE:

Right, I did.

LEG. FIELDS:

So we will have copies of those?

MS. MC ENTIRE:

Yes.

LEG. FIELDS:

Is it possible, before this afternoon, to get some numbers, if you were to go back and compute some of the numbers that you were able to derive from those reports?

MS. MC ENTIRE:

Probably not, because this -- this took place a year ago, and the person who was working under me that I was supervising got transferred somewhere else and a new person was put there to preaudit and she's reporting to another person. So, at this point, I myself do not have any total numbers. I was really looking at specific areas that needed to be tightened up. And so I can't give you specific numbers.

LEG. FIELDS:

Has that audit been --

MS. MC ENTIRE:

It hasn't been released, because it's not -- it's not a formal audit. I'm not in the Field Audit staff, I'm in the accounting services, and so we were doing preaudits before -- as the bills came to us, we were auditing them and, at that point, we noticed areas that really needed to be tightened up. And I did work very closely in 2001 with Dr. Harris and I know he put out a number of procedures. Now, the last time I was at the College was in September of 2001, so that's almost a year ago. So my information goes up to September of 2001, or really August of 2001. They may have improved their procedures, because once you -- once you follow good accounting principles and you do follow them, you will save money, because I've been in several different -- I've worked in several different County departments, and I've just gotten out my principles of accounting book and followed them. They're very practical, and they save money and they cut out a lot of problem areas.

LEG. FIELDS:

Well, perhaps you can also speak to the Chairman of the Education Committee and discuss some of these problems with her also, so that she can bring it up in the committee process also.

MS. MC ENTIRE:

I would be available at any time.

LEG. FIELDS:

Thank you.

MS. MC ENTIRE:
Okay.

D.P.O. POSTAL:
Legislator Caracciolo.

LEG. CARACCIOLO:
Thank you, Madam Chair.

MS. MC ENTIRE:
I've sorry.

LEG. CARACCIOLO:
Mrs. McEntire, what is the frequency in which these types of audits take place?

MS. MC ENTIRE:
The preaudits take place every week that the --

LEG. CARACCIOLO:
No. What I'm getting at in terms of the College or other County departments or agencies, what is the frequency in the Comptroller's Office that items such as you've described are look at, is it every three years, every five years, annually?

MS. MC ENTIRE:
What we were looking at, we were looking at then twice a week. I got a new employee, or at some --

LEG. CARACCIOLO:
Well, you were directed to look at this information; correct?

MS. MC ENTIRE:
Well, it had --

LEG. CARACCIOLO:
No. Answer my question.

MS. MC ENTIRE:
Yes, we had been directed --

LEG. CARACCIOLO:
Okay. When were you directed, by whom were you directed, and why were you directed to look specifically at a particular area. Was there information that came forward that indicated there might be a problem in this area?

MS. MC ENTIRE:

No, we were just -- I got a new person assigned to me, and I also got

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the responsibility for looking at the -- at the College payment vouchers. The new person was familiar with regular Audit and Control practices, and when she started reviewing these -- these had been reviewed prior to this by other people, but when this -- the new -- she's not a new employee, but she was new to me. What she started looking at them, she was coming to me and saying, "Helen, there are a number of problems here."

LEG. CARACCIOLO:

I understand that. I guess what I'm trying to get at here, is this something that's routine, happens every week?

MS. MC ENTIRE:

Yes.

LEG. CARACCIOLO:

So the previous individuals in the office that were looking at the same information --

MS. MC ENTIRE:

Right. They may not have --

LEG. CARACCIOLO:

They did not detect discrepancies that the new employee uncovered.

MS. MC ENTIRE:

Right.

LEG. CARACCIOLO:

And why is that?

MS. MC ENTIRE:

I think part of it was that the person that I got had already worked with it in the Dennison Building and she was familiar with the routines. The other people were instructed to review, but they didn't have specific guidelines.

LEG. CARACCIOLO:

Why not? How could you assign a task and not provide the individuals who are doing the task with the information they need to do it?

MS. MC ENTIRE:

Well, I think that's what we're discovering, and that in Audit and Control, too, we are also tightening our own procedures, and we're preparing a number of manuals, so that the procedures are standard throughout Audit and Control, and it isn't just because one person has

a great deal of knowledge and the other person doesn't. We want to and we are providing guidelines. But I don't know if you've ever written anything. I found that -- I always thought writing something was very easy. The first draft is, and then making it understood to everybody usually takes three or four months, and we're in the process of that.

LEG. CARACCIOLO:

Are there standard operating procedures in place to deal with these types of preaudits?

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MS. MC ENTIRE:

I'm not sure, because I'm an internal auditor attached to Social Services, so we look at standard vouchers. We also look at travel vouchers. The travel vouchers, I worked on procedures for travel voucher -- for travel vouchers. That took over a year, and that is now out on the website and that has been standardized. In Social Services, I also worked on procedures for auditing petty cash, and I prepared them for Social Services on a test basis and we would like to roll them out to the entire County. I'm looking at standardized procedures for contracts, so that my staff can have something, a definite that they can go on.

LEG. CARACCIOLO:

Okay. I guess what I'm trying to get at is the function of Audit and Control is not a new one. The Department's been in existence for a long time. There should be standard operating procedures, irrespective of the employee that's assigned to the task, that should be followed. It seems a little bit disturbing to me that we have employees who are not either properly train or qualified undertaking these routine tasks, and it's only recently as a result of a new employee uncovering some discrepancies that may be widespread, it might be in other departments. We may have people in the Comptroller's Office that have not been aware of practices, not only at the College, but elsewhere, that this -- this is just symbolic of. So that's a real cause for concern.

I see Mr. Poerio here, so maybe, Joe, you can up and help shed some light on this.

MR. POERIO:

That's the reason why I'm here, Mr. Caracciolo, thank you, because Helen is unfamiliar with this format. And Mr. Caputo asked her to come here today, which, you know, I was a little surprised at, but you know.

LEG. CARACCIOLO:

So am I.

MR. POERIO:

But let me just assure you that --

LEG. CARACCIOLO:

You are the Chief Deputy County Comptroller. Okay.

MR. POERIO:

He's been ill and he gets into those kind of swings that, you know, he wants -- he's got something on his mind and he's, you know, just -- and he wanted to be here today and he couldn't be here today, so he wanted to send the person that was most familiar with this.

But let me just get back to what Helen was talking about. You know, just like in any other business, Mike, you have individuals who are excellent at their job, and then you have other individuals who are good, but not as excellent as the others. Now, this person that discovered these cell phone things, cell phones are a relatively new

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thing, it's not something that people have had for years and years and years. People just started obtaining them, and in some cases, when we found out about this report, we had one individual, for example, who was -- who just retired from the County, had two cell phones, but there was a very, very good reason for that. His County cell phone had broken down and was in the state of disrepair, so he was using his own cell phone. So, obviously, there were two bills for the month, which was a legitimate expenditure as we tracked it down.

So an individual who is this one person that worked for Helen, just started working for Helen, is a very diligent, very investigative type individual, and she -- you know, she can smell something's wrong, and she did this in many, many other areas. She's just an excellent, excellent employee when it comes to that stuff. Not to say that the other employees aren't excellent, but this one may find, just like a good detective, may find something that another -- you know, that a group of other detectives don't really see initially. So we are looking at these things that Helen has turned up at the College.

To be honest with you, the cell phone stuff didn't amount to very, very much money, really, and -- but we are looking at their procedures. I don't, frankly, quite know whether or not at this particular time we're ready to recommend that the County slash the College's budget in certain areas. We don't have that information at the present time. I just think that Mr. Caputo wanted to present to the Legislature that there are some problems, we are looking at them. We do have some very capable people looking at those things, and that we will in the future report to you and give you full information as to what's going on over there.

LEG. CARACCIOLO:

I very much appreciate those comments and the clarification.

MR. POERIO:

Thank you.

LEG. CARACCIOLO:

And I think it underscores maybe what the presentation should have been about. The final question is what is the frequency in which the College would be audited in this context?

MR. POERIO:

Completely?

LEG. CARACCIOLO:

Yes.

MR. POERIO:

Well, there are so many levels, like we just recently did a capital audit of the College, which we found many problems that I think you're familiar with. And I would say that the College, various parts of the College are audited every couple of years.

LEG. CARACCIOLO:

And how does that compare with other County departments?

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MR. POERIO:

Probably more so in frequency than any other department.

LEG. CARACCIOLO:

Okay.

MR. POERIO:

Because of the largeness of the College, the amount of money that's passing through there, and sometimes the independence that the College thinks that they have from the County and likes to do things on there own. So we were very cognizant of that and we're watching those things, especially in the capital area.

LEG. CARACCIOLO:

But, if my recollection is correct, the College receives about a 30 to 35 million dollar a year annual --

MR. POERIO:

Contribution.

LEG. CARACCIOLO:

-- contribution from the County versus let's say DSS or other large County departments that receive hundreds of millions of dollars. So I'm just trying to get a context of the schedule. I could think of other departments that probably should be looked at more frequently and on a regular basis.

MR. POERIO:

Well, those large -- those large departments are looked at with the same frequency and even more, such as Social Services. Again, not the entire department, but various parts of it.

LEG. CARACCIOLO:

But one of the areas of Social Services that's I'm sure we're going to take a very good look at --

MR. POERIO:

Is the spending on these new -- on these various programs.

LEG. CARACCIOLO:

Well, especially contract agency --

MR. POERIO:

Right.

LEG. CARACCIOLO:

-- funding.

MR. POERIO:

And we're doing that, and Angie's not here, we're doing that. I think we've worked out a solution to that, along with Fred and others. We're using some new forms that the agencies, the contract agencies are going to have to disclose their salaries, the individuals that -- you know, what they're making, and so forth, so that we can sort of get a thumbnail sketch of what it is that they're doing and then make it -- the department will make a determination whether or not they

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should be funded, or cut in funding, or whatever. So I think that is being implemented and it should be in the process in --

LEG. CARACCIOLO:

Will it be in place for the next budget cycle?

MR. POERIO:

Yes, it will be, it should be.

LEG. CARACCIOLO:

Okay.

MR. POERIO:

In fact, I think the Budget -- the Budget Office is sending out those forms with every -- to every contract agency within the Department to make sure they get that back before they give them the funding.

LEG. CARACCIOLO:

Thank you.

MR. POERIO:

Okay.

D.P.O. POSTAL:

Thank you, Joe.

MR. POERIO:

Maxine.

D.P.O. POSTAL:

Next speaker is Cesar Malaga.

MR. MALAGA:

Good morning. My name is Cesar Malaga. My address is 11 Maplewood Road, West Babylon. I'm here for two items, is the transportation and housing.

I was a few months ago here concerning, you know, the transportation. I pleaded with you guys, you know, not -- to do something about not to increase the fare, you know, for the buses. Anyway, it didn't help me. I was with Mr. Caracappa, Mr. Bishop at a meeting. You did not increase -- you did -- you didn't do anything, but I did mention to you guys that Senator Trunzo was working very hard to get the funds necessary to provide the necessary funds for transportation, but it was transportation. And, of course, you know, Mr. Gaffney's Office says -- said to me that, "Look, I don't have the monies, I'm going to increase the fare and he did it. You guys didn't help me. But, anyway, Senator Trunzo came out with the money, as all of you know it. He provided that one million dollars for the shortfall in 2001 and give you what, you know, 11.3 million dollars, plus, also, give you, you know, about 800,000 to the County for the year 2003, which is a terrific thing.

Any budget, you know, you should be looking, you know, towards the future. We should not be working like, you know, budget for 2002 and we don't have enough money in 2003, we are, you know, trying to

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compile the money. We should be working towards the future. I think this -- the type of money that he's doing, providing, you know, for 2003, I think it's terrific. You know how much you're going to get,

the State already that money, so it's something that's coming. And so come 2004, 2005, 2006, we should be working. The County should be working to work with Senator Trunzo to make sure that we have the money for transportation for those years.

Another thing I would like to ask you is, actually, what we need Mr. Caracappa and anyone in Transportation, we need bus transportation on Sundays. There is no bus transportation. We need, you might say, some kind of transportation, public transportation Sundays. Senior citizens need transportation, low-income players need transportation to go to work. Many of them are taking, you know, taxis to go to work, taxis to go shopping, which cost a lot money, so we need transportation Sundays.

The other thing I would like to mention, I hope you give me enough time, is housing. I sometime last year, or I read in the County budget that we're spending millions of dollars in providing housing to the displaced, you know, families to house them in motels and hotels. As all of you know, maybe you read in the papers anywhere, big corporations, what they do is they rent apartments, they rent co-ops or they buy co-ops for their workers, so when a worker comes from another state, another country, they house them in those, you know, homes that are owned, apartments that are owned by the companies.

Now, the County's continuously giving houses to the Towns to provide this affordable housing. The County owns those homes. Those homes should be provided to provide enough housing for displaced. So rather than giving to the towns, you should be providing those homes for displaced homeowners, families, so this way they can live there and save millions of dollars to the County. So I -- you know, I do not know whether any of you are aware of what these companies do, these companies save millions of dollars, you know, in housing. Likewise, the County should be saving money. It should be -- and stop giving away the houses to the Towns to provide affordable housing, which the people who, you know, buy those homes, five years later they sell and they make a lot of money. As a matter of fact, I think you read yesterday's papers --

D.P.O. POSTAL:

Mr. Malaga, I'm sorry, but your time is up.

MR. MALAGA:

Just give me one second, please. Yesterday's newspaper, you saw that --

D.P.O. POSTAL:

I'm sorry, Mr. Malaga.

MR. MALAGA:

Yes.

D.P.O. POSTAL:

I think you've made it very clear, and I know, speaking for myself, I

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can understand exactly what you're saying. I would very much welcome you to call my office, because I would be very happy to discuss affordable housing with you and what the County is doing. So, if you would call my office --

MR. MALAGA:

Well, I'll call your office and hope you have a good answer, because right now it's the Legislature that has to work, not one person. We have to work together to provide -- you know, save money for the County.

D.P.O. POSTAL:

And we do understand. And if you would call me, I would be happy to discuss this further with you. Thank you.

MR. MALAGA:

All right. Thank you. Bye-bye.

D.P.O. POSTAL:

Next speaker is Laura Ahearn.

LEG. BISHOP:

Thank you, Cesar.

MS. AHEARN:

Good morning. My name is Laura Ahearn. I'm the Executive Director of Parents for Megan's Law. I'm usually here to ask you for funding or for a problem, but I'm actually here today to just help you to understand the services that Parents for Megan's Law provides to the community.

Parents for Megan's Law is a not-for-profit agency, as you know. We do prevention education for children, preschool, meaning from three years old all the way up through 12th grade. We do adult prevention education as well, to prevent childhood sexual abuse. We also have started doing counseling for children. We started that a year ago. It's primarily for children who have been sexually abused. We have a special program designed for the younger children, that is for children as young as three who have been sexually abused. It's a special intervention called Sand Play Therapy. And we're doing that now for three year olds up until about preadolescence, and if an adolescent still wants to do Sand Play Therapy, we'll do that. We also do individual counseling for adolescents who have been sexually abused. We do group counseling for adolescents, boys and girls,

separate groups.

We also, because we have a very comprehensive approach to preventing the victimization of children, we also provide group counseling for parents of sexually abused children. We bring them together, and if -- there are a lot of commonalities in families whose children have been sexually abused, so it's a therapeutic intervention, and it's also an opportunity for people to come together to learn about the criminal justice and Family Court system that they're engaged in.

We also provide parent education for children who have been sexually abused, a special parenting skills workshop. It's a seven-step --

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seven-series workshop that helps parents to deal with, not only the fact that their child was sexually victimized, but, also, there are special needs that parents have after their children were victimized, because they have issues with discipline, and they have to get back on track to providing the necessary boundaries and limits, even in circumstances where they are crises, in fact, most especially when there's a crisis.

So we're doing prevention education, preschool through 12th, we're doing counseling services for three year olds up until 17 and then their parents as well. We're now doing an innovative program, the first time in New York State, it's called "Court School," and that's "Court School" for children who might have to go to court. This is not just for sexually victimized children, it's open to any child who might have to go to court. So, what we have to do is a three workshop series. We have cooperation with the Suffolk County District Attorney's Office, the County Attorney's Office, and the Administrative Judge to help us to provide a judge at the third session. Children learn to have the courtroom experience demystified by going to this workshop, learning about the sights and sounds in a courtroom. The objective is, when a child has been victimized, whether it's sexual abuse or any kind of abuse, and might have to testify, we want to make sure that the system is not revictimizing them.

D.P.O. POSTAL:
Laura.

MS. AHEARN:
So we're familiarizing --

D.P.O. POSTAL:
Laura.

MS. AHEARN:

-- them with the system.

D.P.O. POSTAL:

Your time is up, but Legislator Caracappa has a question.

LEG. CARACAPPA:

Laura, what else does Parents for Megan's Law provide with relation to education and programs?

MS. AHEARN:

We also are doing advocacy and victim assistance, so when a child has been sexually victimized, we help them with Crime Victim Board paperwork and help them to get reimbursements on what is allowable under State law. We also have a hotline, as many of you know. Your constituents are often calling us. The hotline was originally designed to answer questions about Megan's Law, but has become basically the clearing house for all the services that we provide, anything related to childhood sexual abuse and Court School for kids. We also do policy and Legislative support services, as many of you know, and something else, too.

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I've put together a committee of professionals in criminal justice who can explore the viability of doing a part here in Suffolk County dedicated to sexual offenses only. And the reason why that is being explored is because of the success with dedicated parts related to domestic violence, and now, as I understand, Drug Court as well. We have a very serious problem, as all of you know, with the sexual victimization of children, but most especially in how to deal with those kids in the criminal justice system, and how to make sure services are provided, and how to make sure that when we have a predator, a real sexual predator, that the court has an opportunity to evaluate carefully what kind of predator we're dealing with. So a dedicated part could potentially help us to identify the predators and provide services to victims. This is being explored. There's a meeting, upcoming meeting with Justice Oshrin to assign two Justices to that committee.

We're also -- as many of you know, we provide services related to sex offender notifications and sex offender registration. So, if there's anything going on in a community related to Megan's Law, we provide advocacy to those community members, meaning, if there's a placement that may not be so appropriate, a sexual predator that targets young children is maybe near a school, or maybe near a place where children congregate, we'll work with Parole, we'll work with Probation, we work -- in fact, when it comes to criminal justice referrals, we help to put a bridge from the community to those professionals who might need a lead, meaning there may be a case where a family is really afraid to call the police, we will help to bridge that gap, and we'll

talk to law enforcement and bring them together, or it could be Federal law enforcement, or it could be Federal Probation or Parole, or Joe Connolly in the U.S. Attorney's Office. So part of our function now is to help to facilitate the community to those people in criminal justice who may need to investigate.

D.P.O. POSTAL:

Thank you.

MS. AHEARN:

Thank you very much. And I -- you know, I would like to add that our organization is a full service organization, and I'm here today not to ask you for something, but to let you know that we're here for the community, and if anybody in your community needs our assistance, please, feel free to send them to us.

D.P.O. POSTAL:

Thank you, Laura.

MS. AHEARN:

Thank you very much.

D.P.O. POSTAL:

The next speaker is Joyce Rosenthal.

MS. ROSENTHAL:

Good morning. First, I would like to thank Legislator Cooper for sponsoring a local law to facilitate full public disclosure of County election campaign finances.

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I am Joyce Rosenthal, and I'm here to say that the Suffolk County League of Women Voters fully supports your legislation that will facilitate full public disclosure of County election campaign finances by posting contributions to and expenditures by candidates on a County website.

The League continues to work to better inform voters, I think you all know that. This easily accessible information is a very good first step in restoring integrity to the American political system. We'd like to thank you this morning.

LEG. COOPER:

Thank you.

D.P.O. POSTAL:

Thank you. The next speaker is Philip Goldstein.

MR. GOLDSTEIN:

Good morning, Ladies and Gentlemen. I'm here to appeal to your consciences. The people of Suffolk County in a referendum, by about a two-to-one vote, expressed their desire for campaign finance reform. And I'm here to ask you to take a step forward in that regard, because campaign finance reform has been stagnating. And one of the reasons why it has been stagnating is because there is not in place the procedures necessary to provide for full disclosure of the information that the public deserves to have in order to understand who is financing election campaigns and how the money is being expended. The original law placed the responsibility for the establishment of that data base in the hands of the Campaign Finance Board.

Now, I must commend Mr. Binder in that, in an effort to expand upon full public disclosure, he brought forward a bill calling for electronic filing. However, his bill is flawed. The bill that I would advise all of you to please vote upon is the Cooper bill, 1391, and the reasons for this are as follows:

Number one, the Campaign Finance Board has been diligent in the pursuit of its obligations. Mr. Lee Lutz, the acting current Director, has acquired the software and has established a relationship with the County government in terms of the employment of their hardware to fulfill that obligation under the law. Mr. Binder's bill calls for placing that obligation in the hands of the County Board of Elections. That is an anathema to the Independence Party.

The County of Board of Elections is a bipartisan organization in the hands of the two major parties. The Independence Party feels that this would be wrong. It's putting control of the chicken coop in the hands of the foxes, so to speak, with all due respect to the fact that you are members of those two political parties. But the point, very simply, is to ensure the integrity of the process and to allay the concerns of the public. It is the correct thing to do, to fulfill the mandate of the law and give the Campaign Finance Board the tools that it needs to fulfill its obligation to the public.

In the past, this body has set an example as a Legislative body of

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being able to work in a bipartisan manner, unlike our State Legislature, which is extremely partisan by virtue of its bicameral nature. You, because you are unicameral, are called upon to resolve the differences.

D.P.O. POSTAL:
Phil.

MR. GOLDSTEIN:
There should be no differences in this regard.

D.P.O. POSTAL:

Phil.

MR. GOLDSTEIN:

Both the Republicans and the Democrats are in favor of full disclosure, and so, therefore --

D.P.O. POSTAL:

Phil, your time is up, but there are some questions for you.

MR. GOLDSTEIN:

Okay.

D.P.O. POSTAL:

Legislator Binder, followed by Legislator Crecca?

LEG. CRECCA:

No.

D.P.O. POSTAL:

No?

LEG. CRECCA:

I was going to let Phil keep going.

D.P.O. POSTAL:

Legislator Binder.

LEG. BINDER:

Phil.

MR. GOLDSTEIN:

Yes.

LEG. BINDER:

Can I ask you a question? You said that my bill, by going to the BOE, is the -- is the equivalent of the fox watching the chicken coop. What exactly do you think the BOE is going to do with an electronic filing from a candidate of financial disclosure, do you think they're going to change the numbers, they're going to change the --

MR. GOLDSTEIN:

No, no, but I'll give you an answer.

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LEG. BINDER:

Sure.

MR. GOLDSTEIN:

And that's very simple.

LEG. BINDER:

Sure.

MR. GOLDSTEIN:

As the Deputy Presiding Officer has reminded me on past occasions when I have spoken, this County passed a law calling for the establishment of a website and placed the burden of responsibility on the Board of Elections, and they have failed to fulfill that obligation. There is no such establishment to provide the information to the public. They are negligent. Furthermore, information has come to me which says that they are reticent, they don't want the burden of responsibility to fulfill that obligation placed upon their shoulders. They have done nothing to move forward that process, whereas, as I said, the Campaign Finance Board has been diligent in the pursuit of its mandate which established them, and they have moved forward, they have the software necessary, they have engaged in establishing a coordination and relationship with the County to provide the hardware services to which they can link their software and provide immediate response in terms of fulfilling their mandate, whereas the County Board of Elections could very easily drag its feet.

As it is, one of the reasons why this whole thing came to the floor is that the County Board of Elections is using an antiquated system of filing cabinets and paper filings, and they have been unable to fulfill the legal requirements that exist now under State Election Law. You can't get information out of them promptly to have impact upon current campaigns. And so, therefore, it seems to me that since the people expressed the desire to create the Campaign Finance Board, and since the law does establish the responsibility for maintaining that data base in the hands of a nonpartisan organization, I don't want to impugn the integrity of the Board of Elections, all I'm saying is let's do the right thing and in the mind of the Independence Party and I believe in the mind, as expressed by the representative of the League of Women Voters. The interest of the people of Suffolk County would be best served if 1391 were approved.

LEG. BINDER:

Okay. So what we're now saying is that it's not really the fox watching the chicken coop, because they're not going to do anything with the information, your concern is that BOE will drag their feet and not implement. My question then goes, since the software exists as you say, the hardware exists, okay, so it's in the Campaign Finance Board, they have the ability to do that, or have the software. Could we not direct them to give it to the BOE, direct the BOE, which we have the purse strings over, and couldn't we just get them to do it? So now it's just a question of us as a body doing -- isn't this true that it's us as a body getting them to do the job that they should do

as BOE, rather than bloated bureaucracy and soak the taxpayers for some additional bureaucracy? Is that what you're really asking for, Phil? Don't you really just want to soak the taxpayers and ask for a

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new bloated bureaucracy; is that what you want, Phil?

MR. GOLDSTEIN:

That's a rather loaded question, but I'll give you a very simple -- a very simple answer.

LEG. BINDER:

I wouldn't load questions here, Phil.

MR. GOLDSTEIN:

Okay. Take a look at the Presidential elections in the United States. Under the Constitution, we, the people, are the sovereigns, yet the two major parties --

LEG. BISHOP:

Except for the last election.

MR. GOLDSTEIN:

-- have taken away from the people the right to determine who shall be the candidates and how they shall have the opportunity to express themselves in public debate. A special body was set up by the Republicans and the Democrats to take control of the Presidential elections and to exclude third party candidates. Now, with all due respect, as I said, I don't want to impugn the integrity of the County Board of Elections, but we, the people, not you, the political parties, own this government and the system under which it operates. And if we feel that the integrity of the system is best served by a nonpartisan board, rather than by the County Board of Elections, then I think that is the route which you, our representatives, ought to follow.

LEG. BINDER:

Okay. So now you're saying that there's some kind of vote, that the people should actually do this particular function, which I would argue with. They may have voted for some kind of Campaign Finance Board on a voluntary system to reform the system, but they didn't vote for a website, so now I would take issue with that. They never spoke on that. We're talking about a simple thing, filing -- do we understand that we're just talking about filing financial disclosures? Is that -- that's all we're saying here, and we just want public disclosure.

MR. GOLDSTEIN:

It's never simple in politics.

LEG. BINDER:

How could -- let me ask you, how can you put together a question of Federal Presidential politics excluding third parties, having nothing to do, nothing to do, Phil --

MR. GOLDSTEIN:

All politics is local.

LEG. BINDER:

Well, let me finish. How could you put together.

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MR. GOLDSTEIN:

It starts right down at the bottom.

LEG. BINDER:

Yeah, but sometimes we'll go -- analogy Phil. How could you put those -- how could you put that together.

D.P.O. POSTAL:

Legislator Binder --

LEG. BINDER:

Don't you know --

D.P.O. POSTAL:

-- and Mr. Goldstein, can we just --

MR. GOLDSTEIN:

Corruption is pervasive.

D.P.O. POSTAL:

Can we --

LEG. BINDER:

Don't you know there's no way --

MR. GOLDSTEIN:

And I'd rather be safe than sorry.

LEG. BINDER:

Don't you know there's no way corrupt financial disclosures --

D.P.O. POSTAL:

I'm going to call a recess unless you both confine yourself to question and answer rather than --

LEG. BINDER:

So I'm trying to answer and asking questions.

D.P.O. POSTAL:
I know.

MR. GOLDSTEIN:
That's what I'm trying to do, I'm responding.

D.P.O. POSTAL:
But you're both speaking at the same time.

LEG. BINDER:
I'm trying to ask a question.

D.P.O. POSTAL:
If you would asking a question and --

MR. GOLDSTEIN:
He's making a speech, not asking a question.

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D.P.O. POSTAL:
-- if Mr. Goldstein would answer.

LEG. BINDER:
Isn't it true it's just a -- it's a very simple process of filing
campaign disclosures and then posting them? And the only question --
isn't it true, the only question you have is whether the BOE will do
it, not corrupt it, not change it --

MR. GOLDSTEIN:
Due diligence.

LEG. BINDER:
Just let me finish. Let me finish.

MR. GOLDSTEIN:
How diligent --

LEG. BINDER:
No. Let me finish, Phil.

MR. GOLDSTEIN:
-- will the Board of Elections --

LEG. BINDER:
Let me finish.

D.P.O. POSTAL:

Phil. Phil, he's asking a question. Let him finish, and then you'll get the opportunity.

LEG. BINDER:

Isn't it true that the only question here that you've even posed is whether they'll actually do it, not corrupt the system, because they can't, it's just filing what's been on the website, what's been filed? So isn't it only a question of who's going to do the filing? And in essence, that comes down to you want to expand another bureaucracy and soak the taxpayers; isn't that true?

MR. GOLDSTEIN:

I do not want to expand anything. The people of Suffolk County have spoken in a referendum in which they enacted a law and established a Campaign Finance Board, and assigned to that Campaign Finance Board the responsibility for maintaining a data base, whereby the dissemination of that contribution and expenditure information would be publicly available. The Board of Elections has not been diligent in the pursuit of its obligations, as was exemplified by their failure to establish the web base, plus the fact that in the filings in the past, they have not been diligent in the pursuit of getting these filings in a timely manner, okay, so that they can be examined and they can have impact on the electoral process, which is the whole point of disclosure. And so, therefore, once again, I defer to my fellow citizens of Suffolk County who express there will in a public referendum, and I call upon you in your obligation as the representatives of those people to fulfill that obligation that the law created and place the power where it rightfully belongs, in a

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nonpartisan body.

LEG. BINDER:

I've just got one more question.

D.P.O. POSTAL:

Legislator Binder.

LEG. BINDER:

Didn't they also, because you talk about --

D.P.O. POSTAL:

Last question.

LEG. BINDER:

This is my last question. Because you also led office talking about the vote of the people. Didn't the people also vote twice not to use taxpayer funds to do this particular thing?

MR. GOLDSTEIN:
That's irrelevant.

LEG. BINDER:
And what you would then advocate --

MR. GOLDSTEIN:
That is irrelevant.

LEG. BINDER:
-- using taxpayer funds to --

MR. GOLDSTEIN:
It has nothing to do with this issue on disclosure.

D.P.O. POSTAL:
Phil, wait. Phil, let him as him question.

LEG. BINDER:
Because isn't it true that this --

D.P.O. POSTAL:
And then you can give your answer.

LEG. BINDER:
-- this Board, then, would require taxpayer funds in violation of two votes, 63% votes of the people, the people, not the politics, the people, isn't that where they voted, and you now advocate violating the people's vote; isn't that true?

MR. GOLDSTEIN:
I do nothing of the kind.

LEG. BINDER:
Yes, you do.

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MR. GOLDSTEIN:
My focus is a very narrow focus. It deals with fulfilling the mandate of the law that calls for disclosure, which happens to be in accord with Republican philosophy; all right? The point, very simply, is that you are grasping at straws in trying to change the mind of your fellow Legislators by raising a stalking horse of public financing. Yes, there is an issue of public financing and there is dispute, it is a matter of contention, but that is totally aside from this issue. This issue is to end the stagnation and to move forward the process for full public disclosure, and that is what I am asking this Legislature to do, to set aside any concerns you may have over other aspects of the law, and to deal very narrowly with this one aspect of

the law, which is implementing public disclosure as promptly as possible. Thank you.

D.P.O. POSTAL:

Thank you, Phil. Next speaker is Henry Tyte.

MR. TYTE:

Hi. My name is Henry Tyte. I'm here -- I had put a deposit down on a piece of property that was auctioned at the Suffolk County Suffolk County auction back in May. I'm just going to read a prepared statement that I have.

D.P.O. POSTAL:

Can you just speak into the microphone?

MR. TYTE:

Sure. My name is Henry Tyte and I'm here to ask that Parcel Number 131 be removed from I.R. 1801-2002 due to the following reasons:

In speaking to the Town, the Southampton Town Zoning Department before the auction, I was told that the parcel was owned half acre in single and separate. After the auction, a preliminary title search revealed that the parcel was not single and separate. The tax map lots, I guess it would be District 0900, Section 339, Block 1, Lots 21, 22 and 23 were deeded as one parcel on February 6th in 1987. I have a Deed Number L10472CP220, recorded November 17th, 1987, combining Tax Map Lots 21, 22 and 23.

Now, the upset price of 38,000 for the -- you know, for the property was established by the County, and based on the appraisal, was erroneous. If the appraisal -- appraiser had researched the parcel, it would have been established that the parcel had been merged and was, therefore, no longer single and separate, and useless at the time of the auction. This information is critical in establishing the value and upset price at the -- and the lack of the consideration of this essential fact represents a governmental error. Due to at least one governmental error, I now have the burden and expense of trying to have my deposit refunded, because the parcel was useless to me.

I'm not a lawyer, I'm not a real estate agent or builder, I'm just an average constituent looking to make a better life for my family. I thought by purchasing the parcel at the auction, it would enable me the opportunity to help my family. Now, after using all my savings for the downpayment on a parcel that is not useful to me, I'm asking

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for your help in refunding my deposit.

D.P.O. POSTAL:

I think Legislator Guldi has a question.

LEG. GULDI:

Yeah, I have a couple of questions. The concern I have -- you know, I understand the technical nature of your concern. The first question is the -- I don't necessarily follow the conclusion that the prior deed as one parcel eliminates the building right. What -- did they change the zoning in the zone? Is the zone now --

MR. TYTE:

Yeah. What I found out is that its a one-acre zone.

LEG. GULDI:

It's a one-acre zone and this is a former half acre lot?

MR. TYTE:

Right

LEG. GULDI:

Okay. So that pretty conclusively demonstrates the taking issue. Have you been in communication with our Real Estate Division with respect to the refunding of your deposit?

MR. TYTE:

They have.

LEG. GULDI:

And what is their position? What have they said to you?

MR. TYTE:

So far, they told me that they're not -- they can't give me my refund back, that they are looking into it still.

LEG. GULDI:

Who did you speak to over there?

MR. TYTE:

I spoke to a woman named Agnes Miele, and then yesterday, what was her name, Christine -- I can't her last name.

LEG. GULDI:

Costigan?

MR. TYTE:

Yes. She called me yesterday afternoon saying that they couldn't refund the money to me, but the process was -- she was looking into it. I had wrote a letter to her and I gave it to her, and she's said that they're still reviewing that, but that they couldn't take it off today's --

LEG. GULDI:

Yeah. The problem -- the logistical problem of taking that -- if it all resolves the way you say and that it's not buildable and there was

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a mistake, you're going to get your deposit back, that's clear. It's not the only time it's happened where the County auction has subsequently determined that there are title problems with respect to what it is we took for taxes and what we are in turn able to quick claim back. So the prompt resolution of that issue, because it's something that's in everyone's interest, because if we resolve that this lot is, in fact, buildable, do you still want it at the price?

MR. TYTE:

Yeah, if I could build on it.

LEG. GULDI:

Okay. So what we need do is, then, is promptly resolve that. If we were to amend this resolution right now to pull that parcel out without a Certificate of Necessity, we would not be able to approve the resolution today, but have to wait a month. All of the buyers on the other parcels would have to wait a month, some of whom have been clamoring to close, because they have their financing in place, and the County would have to wait a month for the, what, two million dollars that's in the resolution for the other parcel. So the approval of the resolution before us today with your parcel in it is not going to have any bearing on your right to a refund if we resolve that everything your title company is telling you is correct. You may be surprised to discover that that's not always the case, they're not always right the first time they write something up.

What I can do is I will work with Miss Costigan in the Real Estate Division to make sure that you get a very prompt resolution to this question, and that in the event that the title is clouded, or that there'll be a substantial delay in clearing a cloud on the title, I'll urge them. At that point, we can, by separate resolution, even direct them to refund your deposit.

MR. TYTE:

Okay. Thank you very much.

D.P.O. POSTAL:

Legislator Alden, did you have a question?

LEG. ALDEN:

No.

D.P.O. POSTAL:

No? Thank you, Mr. Tyte.

LEG. GULDI:

Thank you.

D.P.O. POSTAL:

The next speaker is Erica Ryan.

MS. RYAN:

Good morning. My name is Erica Ryan. I would like to comment on the importance of the override of Resolution 671. I am here today as a concerned parent. As a single mother, my first concern for the last four years is to give my two sons stability, consistency, and a

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quality program I can feel confident in when I must be at work. Even with paying 54% of my salary each year, I could not give them that. My then two year old son had a total of 14 providers in two years.

The child care system was failing our children in Suffolk County until the -- this program was launched. This program gives hope to parents not to face the problems I still face today in regard to my children's sense of trust. I have heard the question, "What part does government have in supporting private sector business?" My answer is what part doesn't government have in ensuring the future of our children? This program recognizes the importance of stability, consistency and quality, and does its part to ensure a good future for Suffolk's children.

Please, override the veto of Resolution 671, ensuring professional development and retention of skilled early childhood educators. Thank you.

D.P.O. POSTAL:

Thank you.

LEG. FISHER:

Thank you, Erica.

D.P.O. POSTAL:

The next -- are all the microphones the same way here?

MR. BARTON:

No, just yours.

D.P.O. POSTAL:

Could we change mine at some future point and give it to one of you, or something? Thank you. Next speaker is Audrey VanDeusen.

MS. VAN DEUSEN:

Good morning. My name is Audrey Van Deusen, and I'm currently serving on the Board of Directors of the Child Care Council of Suffolk. I'm also here to address the issue of Resolution 671 and asking you to override the veto. Having served as the Director of a preschool for 25 years and a child care center in Suffolk County, I know firsthand the crisis that is facing the field in Suffolk County, which is, in a nutshell, parents can't afford to pay, teachers can't afford to stay. With the money that I received from parents, there was no way I could pay anything close to professional salaries to hold onto my professional staff.

The staff turnover a few years ago was said to be 40%. This impacts a young child's security in an unbelievable way. I personally think the staff turnover is higher than that. I know for a fact that even though there's more of a demand for child care, some centers are closing down classrooms, because they're unable to find staff to serve the children in their care. We don't need warm bodies in there, we need professional people who know child development, who can impact these children in their care 50 hours a week in their formative years, the years that brain development is taking place, that's so important to their future.

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The EARNS Program addressed these issues and we were delighted when this body recognized the need for such a program. It rewards people for completing educational milestones. And although it may seem like a pittance to someone making a really high salary, to a poorly paid professional early childhood educator, it's the difference between staying in the field and leaving. It may help them pay the premiums on their health insurance, or just meet their expenses and allow them to stay in a field that they are capable in and doing well in.

This isn't a women's issue or a family issue, it's an economic issue. A parent without their needed child care is a parent who cannot work. We thank you for your past support of children and families in Suffolk and we ask you to override this veto. The families in Suffolk County need your support. Thank you.

D.P.O. POSTAL:

Thank you very much. I have no additional cards. Is there anyone else who would like to address the Legislature at this time? Hearing no one, five minute recess before we go to the agenda.

[THE MEETING WAS RECESSED AT 10:55 A.M. AND RESUMED AT 11:35 A.M.]

P.O. TONNA:

I'd ask all Legislators, please come to the horseshoe, and roll call.

(Roll Called by Mr. Barton)

LEG. CARACCIOLO:
(Not Present)

LEG. GULDI:
Here.

LEG. TOWLE:
(Not Present)

LEG. CARACAPPA:
Still here.

LEG. FISHER:
(Not Present)

LEG. HALEY:
Here.

LEG. FOLEY:
Present.

LEG. LINDSAY:
Here.

LEG. CARACCIOLO:
Here, Henry.

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LEG. FIELDS:
(Not Present).

LEG. ALDEN:
Here.

LEG. CARPENTER:
Here.

LEG. CRECCA:
(Not Present).

LEG. NOWICK:
(Not Present)

LEG. BISHOP:
(Not Present)

LEG. BINDER:
(Not Present)

LEG. COOPER:
(Not Present)

D.P.O. POSTAL:
Here.

P.O. TONNA:
(Not Present)

(P.O Tonna and Legislators Binder and Crecca Entered the Auditorium)

LEG. CRECCA:
Here.

P.O. TONNA:
Here.

LEG. CRECCA:
I'm here, Henry.

LEG. CARACCIOLO:
Henry.

MR. BARTON:
Yes.

D.P.O. POSTAL:
Okay. We have another card for the public portion --

MR. BARTON:
Eleven.

D.P.O. POSTAL:
-- and that is Steve Restmeyer. Mr. Restmeyer, you have three minutes.

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MR. RESTMEYER:

Thank you. Thank you for the opportunity to speak today. I would like to speak on behalf of the Long Island Organic Horticulture Association. The Organic Landscapers, who have been operating for the last few years under the umbrella of that organization, feel that with the Cornell Cooperative Extension three-hour certification, it's creating a little bit -- well, more than just a little bit of confusion in the -- for the consumer who, quite frankly, is not getting a qualified organic landscaper with the certified landscapers who are taking the three-hour course.

I called Cornell Cooperative Extension hotline this morning to see what they would offer me as an alternative to grub control. They really had no viable alternatives, but they did recommend three chemicals that I would not use on my property, because I have dogs and I have a well. Now, Cornell Cooperative Extension is very closely related to the petrochemical industry, and they are experts in hortichemistry and agrichemistry, but they really are not experts in organic horticulture and they'll say that, if you call the hotline. Just this morning, as I said, I called. They really did not offer me any viable alternatives.

So I would ask the Legislative body to reconsider the certification and take that back, if you would, if we can, and create a different system that does not create confusion in the consumer arena. And that's about all I have to say. I want to make it short and sweet and basically point out that Cornell Cooperative Extension is an expert in hortichemistry, not in organics. Thank you.

D.P.O. POSTAL:

Mr. Restmeyer, Legislator Foley has a question.

LEG. FOLEY:

Yeah, yeah. Thank you for sharing your thoughts with us. If not Cornell Cooperative Extension, what other reputable organization could, in fact, teach that particular course --

MR. RESTMEYER:

Well, the Long Island --

LEG. FOLEY:

-- or, you know, certify teachers, certified classes in that particular area.

MR. RESTMEYER:

Well, I would -- I would have to really think hard about the certification.

LEG. FOLEY:

I think that's what we need to do. I mean --

MR. RESTMEYER:

Right.

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LEG. FOLEY:

-- you raised an excellent point, and about the orientation of that -- of Cornell, but then us, as policy-makers, and whatnot, and the like, rather, then we need to find an alternative and who would -- what alternative organization would have the wherewithal to offer that certified program? That's what we need --

MR. RESTMEYER:

Well, the Long Island Organic Horticulture Association has given classes at the annual trade show and we are -- we do have access to the professionals in the industry who are out there doing it.

LEG. FOLEY:

Okay.

MR. RESTMEYER:

And the stuff that we're getting from the individuals who are out there doing it is not in any textbook as of yet. So it's all cutting edge type stuff that we're actually doing out there and making it work.

LEG. FOLEY:

Okay.

MR. RESTMEYER:

And they're simple strategies, methods of culture, cultural practices that eliminate weeds from lawns, and so forth.

LEG. FOLEY:

Okay. I'd like to follow up with you on that.

MR. RESTMEYER:

Yeah. I would love to --

LEG. FOLEY:

Good.

MR. RESTMEYER:

-- come in and sit down and talk about how we could do that.

LEG. FOLEY:

Very good. Okay. Thank you.

MR. RESTMEYER:

Thank you.

LEG. FOLEY:

Thank you.

D.P.O. POSTAL:

We're turning to the agenda.

LEG. GULDI:

Whoa.

D.P.O. POSTAL:

There's a motion to approve the Consent Calendar by Legislator Alden, seconded by Legislator Fisher. All in favor? Any opposed? Consent Calendar is approved.

LEG. CRECCA:

Excellent.

D.P.O. POSTAL:

We're turning to resolutions tabled to --

MR. BARTON:

Thirteen. (Not Present: P.O. Tonna, Legs. Towle, Nowick, Bishop and Cooper).

D.P.O. POSTAL:

Okay. We're turning to resolutions tabled to August 6th on Page 7.

RESOLUTIONS TABLED TO AUGUST 6, 2002

P.O. TONNA:

Okay. Tabled resolutions, Page 7. One thing that I would ask, and I've noticed this with Legislators, if you have a tabled resolution and you keep on tabling it, I would ask, if it's something that you, you know, are still undecided, either withdraw the bill, make the changes, get your votes, do whatever you've got to do, but why are we going over the same resolutions, you know, ad infinitum? Okay. With that said --

LEG. CRECCA:

It's fun.

P.O. TONNA:

Yeah. Okay. 1957 (Dedicating certain lands 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). Legislator Bishop?

LEG. BISHOP:

Motion to table.

P.O. TONNA:

Motion to --

LEG. FOLEY:

I'll second that.

P.O. TONNA:

All in favor? Opposed? Tabled.

LEG. BISHOP:

Mr. Chairman, though, we are --

MR. BARTON:

Sixteen. (Not Present: Legs. Nowick and Cooper)

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P.O. TONNA:

We're close. We're close.

LEG. BISHOP:

We're close.

P.O. TONNA:

We're close.

LEG. BISHOP:

We're waiting for an agreement between the Parks Department and the operator of the course.

P.O. TONNA:

Okay.

LEG. BISHOP:

And that's tied into this larger issue of the rest of the property.

P.O. TONNA:

Okay.

LEG. BISHOP:

That's why it's being tabled.

P.O. TONNA:

2019 (Approving an amendment to the existing connection contraction between Suffolk County Sewer District No. 3 - Southwest and 110 Sand & Gravel Clean Fill Disposal Site.) We've tabled --

D.P.O. POSTAL:

Motion to table.

LEG. BISHOP:

I know you wanted an explanation.

P.O. TONNA:

Wait, wait, we've -- can we just make a motion to approve for the purposes of defeating, I mean, if you want?

LEG. ALDEN:

Table subject to call.

P.O. TONNA:
Why don't you just --

D.P.O. POSTAL:
Second.

P.O. TONNA:
Okay. There's a motion to table subject to call, seconded by
Legislator Postal. Roll call. Let's get these off the agenda.

LEG. FOLEY:
No roll call.

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

LEG. BINDER:
Opposed.

P.O. TONNA:
Okay, opposed.

MR. BARTON:
16.

P.O. TONNA:
I'm opposed. Two opposed.

(Vote: 15 yes, 2 no, 1 not present-Leg. Cooper)

Okay, great. There we go, see? Okay. 2002, Number 1000 (Imposing
reverter clause on non-Brookhaven Town PILOT payments pending appeal
of Gowan decision). Legislator Haley.

LEG. HALEY:
Motion to approve.

LEG. BINDER:
Second.

P.O. TONNA:
Okay.

LEG. ALDEN:
Motion to table.

P.O. TONNA:

Motion to table, second. All in favor? Opposed? Opposed to tabling.

(Opposed Said in Unison by Legislators)

LEG. BINDER:

Roll call.

LEG. TOWLE:

You said you wanted to clean up the calendar.

P.O. TONNA:

All right. This one has, you know this is a bigger issue, so -- yeah, one, two, three -- oh, right. We have three Brookhaven Legislators.

D.P.O. POSTAL:

He's in Brookhaven.

P.O. TONNA:

Four Brookhaven. I'm sorry. A Brookhaven Legislator right over there and --

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LEG. TOWLE:

And a Brookhaven wannabe.

P.O. TONNA:

And a Brookhaven wannabe. There we go. Okay. There's consistency. Okay.

(Vote: 13 yes, 5 no)

1050 (Authorizing retrofitting of traffic lights and LED fixtures).
Motion by Legislator Cooper. What are we doing with the LED fixtures?
Okay. I'm going to make a motion to table, seconded by Legislator Postal. All in favor? Opposed? Tabled. 1275, is there a motion?

MR. BARTON:

18.

(1275-To implement Town of Babylon Affordable Housing Plan)

D.P.O. POSTAL:

Motion to table. And we are working on --

P.O. TONNA:

Seconded by myself.

D.P.O. POSTAL:
-- a corrected copy.

P.O. TONNA:
Okay. All in favor? Opposed? Tabled. 1395 (Initiating procedure for environmental impact statement (EIS) for 2003 Vector Control Plan of work). Legislator Fields?

LEG. FIELDS:
Motion to approve.

P.O. TONNA:
Motion to approve.

LEG. FOLEY:
Second.

P.O. TONNA:
Seconded by Legislator --

LEG. BINDER:
Second.

P.O. TONNA:
Foley. On the motion.

LEG. BISHOP:
On the motion. I have a question of Counsel.

LEG. BINDER:
Motion to table.

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LEG. HALEY:
I second that.

P.O. TONNA:
Yeah, sure. Legislator Bishop.

LEG. BISHOP:
There's a --

P.O. TONNA:
Oh, there's a motion to table by Legislator Binder, seconded by --

LEG. BINDER:
Okay.

P.O. TONNA:

Legislator Haley. Okay.

LEG. BISHOP:

There is a resolution that was released from the Environment Committee at our last meeting that's on today's agenda also on this Vector Control plan, right?

LEG. BINDER:

Really?

LEG. BISHOP:

No, I don't see it. Okay. Is this the only resolution?

MR. SABATINO:

I'm looking. I do recall --

LEG. BISHOP:

I don't see it. Maybe I'm wrong.

LEG. CRECCA:

I thought that was a SEQRA determination.

LEG. BISHOP:

A SEQRA determination.

MR. SABATINO:

There was another bill in the other committee. I'm not sure if it's identical. Hold on.

LEG. FOLEY:

That's for this year, that's not for next year.

LEG. BISHOP:

That's what I'm trying to find out, are the resolutions in accord? That's simply my question.

LEG. FOLEY:

Different years.

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LEG. BISHOP:

Are they reconciled?

LEG. CRECCA:

There you go.

MR. SABATINO:

I don't -- I'm looking at the --

LEG. BISHOP:

I think it's in the SEQRA resolutions, Paul.

MR. SABATINO:

I don't see in -- on Page 10, I don't see any -- we've got an appointment, a grant, an Operating Budget amendment.

LEG. BISHOP:

No. I looked at those, it's not there. But I believe we voted one out on a SEQRA. Would SEQRA be there?

MR. SABATINO:

Yeah, that's where SEQRA would be, but I don't --

LEG. FISHER:

Page 8.

LEG. BISHOP:

Page 8.

LEG. FOLEY:

Page 8.

LEG. BISHOP:

Page 8. I don't see it. Oh, there it is. 1732 on Page 8, which is making a SEQRA determination in connection with the proposed Vector Control and wetlands management --

LEG. FOLEY:

That's for the current year.

LEG. BISHOP:

-- long-term plan county-wide.

MR. SABATINO:

Oh, okay, that's the one they tabled. Okay.

LEG. BISHOP:

Now, I just want to make sure that that resolution does not conflict in any way with 1395.

MR. SABATINO:

Okay. Let me go back and check.

LEG. BISHOP:

And maybe we should skip over this, Mr. Chairman --

LEG. FIELDS:

Yeah, do that.

P.O. TONNA:
Okay.

LEG. BISHOP:
-- and come back when he has an answer.

MR. SABATINO:
They do, they do conflict, yes.

LEG. FOLEY:
They do?

LEG. BISHOP:
They do conflict, okay.

P.O. TONNA:
Okay. So do you want to make a motion to table?

LEG. FOLEY:
No. But one's for 2003 and the other's for 2002.

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

P.O. TONNA:
Okay. There is a motion to table and a second. All in favor?
Opposed? Tabled. Thank you.

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

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

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

P.O. TONNA:
Second --

D.P.O. POSTAL:
I will say Legislator Haley is working on this with me and with Judge
Oshrin and Judge Freundlich, and we do have a meeting scheduled.

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

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

P.O. TONNA:
1533 (Authorizing planning steps for acquisition of property under

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Suffolk County Affordable Housing Opportunities Program (West Wind Court 1000-122-02.00-023.001; Town of Southold). Legislator Caracciolo?

LEG. CARACCIOLO:
Motion to tabled subject to call. We had a meeting, Tom Isles and myself, with Supervisor yesterday. He indicates that in no time soon will the Town consider this proposal. Tom informed him that this is a finite amount of County funding available, he understands that. I don't think the Town is prepared to move forward.

P.O. TONNA:
Great.

LEG. CARACCIOLO:
So table subject to call.

P.O. TONNA:
There's a motion and a second by Legislator Guldi. All in favor? Opposed? Tabled subject to all.

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

P.O. TONNA:
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.

LEG. TOWLE:
Yeah, to table one more meeting, Mr. Chairman.

LEG. FOLEY:
Second to table.

P.O. TONNA:
Second to table. All in favor? Opposed? Tabled.

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

P.O. TONNA:

1633 (Amending the 2002 Capital Program and Budget and appropriating funds for the construction of sidewalks on various County roads (CP 5497.325). Motion by Legislator Foley. Motion to approve.

LEG. BISHOP:
What's the offset.

P.O. TONNA:
Is there a second?

LEG. LINDSAY:
Yeah, second.

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P.O. TONNA:
Second by Legislator Lindsay. On the motion. What -- Fred, just a question. We're utilizing funds, or whatever else, and just where are we?

LEG. FOLEY:
As the sponsor, I'll be happy -- this is out of the sidewalk -- this is out of the Capital Budget Account that's been earmarked, if you will, for sidewalk improvements, so it's out of the right fund and the resolution is ready to go. It's for fifty --

P.O. TONNA:
Public Works indicated that they're --

LEG. FOLEY:
They're supportive of it. There's a pedestrian safety issue along County Road 19, and this would take -- this would take care of that particular safety issue.

P.O. TONNA:
Why have we tabled it in the past?

LEG. FOLEY:
Tabled it in the past. We had to make some modifications to the bill. Originally, it was for a hundred thousand. We didn't need that much and it was -- he reduced it to 50,000.

P.O. TONNA:
Oh, you did? Okay.

LEG. FOLEY:
Yes, so --

P.O. TONNA:
All right. Legislator Towle?

LEG. TOWLE:

Mr. Chairman, I think one of the other questions on this bill and a couple of other bills regarding Capital Programs were -- was the information that Legislator Caracappa had provided to us about the backlog on Capital Programs, and we were, hopefully, going to try to address that?

LEG. FOLEY:

Yeah. I had spoken -- to answer Legislator Towle's question, I had spoken with the Department, and given, again, the pedestrian safety issues involved, that once we approve this resolution, they will go out forthwith with whatever they need to do to do the work, because they realize the importance of the project. They're not going to wait until next year or the year after that. They want to get on it --

LEG. TOWLE:

Mr. Chairman.

LEG. FOLEY:

-- get to it as quickly as they can.

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LEG. TOWLE:

Mr. Chairman.

P.O. TONNA:

Okay, great.

LEG. TOWLE:

It's actually --

P.O. TONNA:

Yeah. Legislator Towle still has the floor.

LEG. TOWLE:

It's far from great, with all due respect to Legislator Foley. I had approved a resolution I believe last Fall for sidewalks that are a safety issue along William Floyd Parkway and Montauk Highway, and I've been hearing for the last eight months that that project is going to go out to bid. Yeah. And I guess --

LEG. FOLEY:

Well, I seem to think --

LEG. TOWLE:

I guess that's forthwith.

LEG. FOLEY:

Well, the difference -- I can you, the difference is in the magnitude. Here we're talking about a few hundred linear feet. I believe in William Floyd Parkway, it's a much, much larger project. I'm not --

LEG. TOWLE:

Yeah, it --

LEG. FOLEY:

I'm not giving excuses for the Department. The difference here is because it's a much smaller area that we're talking about. That's why they can go out and get it done in a rather --

LEG. TOWLE:

I'd like --

LEG. FOLEY:

They really should do both at the same time, but I would not want to table this because of some other project that's been waiting eight months.

LEG. TOWLE:

We're not even talking about tabling the project, we're talking about the fact that why are they not putting these projects out to bid in a more expeditious manner. Why are we not getting people on board to do his work, and why are we not moving forward with projects that we approve here? And that's what it's all about. It's not that this project is not worthy of approval, by why add it to an already overburdened camel that is not moving? And that's the question I want to know before I approve other Capital Programs, and I want to know

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what we're doing about getting that camel to move.

P.O. TONNA:

Okay. Just one thing. Joe, just -- I put myself on the list. Joe, did you request or somebody requested that --

LEG. TOWLE:

I did.

P.O. TONNA:

-- Public Works be here, right? Okay. And it went through the Chairman of Public Works also?

LEG. CARACAPPA:

No.

MS. BURKHARDT:

It went to you.

P.O. TONNA:

Oh, it went to me? And I made the request?

MS. BURKHARDT:

Yeah, you made the request.

P.O. TONNA:

Okay. That's good enough for me. And nobody showed? Nobody showed?

LEG. CARACAPPA:

There's people from Public Works.

P.O. TONNA:

Are there people from Public Works here? Going once, going twice, sold.

LEG. CARACAPPA:

Mr. Chairman.

P.O. TONNA:

Okay. I just -- I just want to say that I've heard individual Legislative Chairs and members of the Legislature talk about the need, when requested, to have department heads and commissioners present at meetings. I've written to the County Executive, I've made that very clear. I've had personal conversations with him and his staff with regard to that, and specifically raised a number of issues that were brought to the forefront from different Legislators. I am surprised, to tell you quite honestly, that they're not here then.

LEG. TOWLE:

Shocked and dismayed.

P.O. TONNA:

Shocked and dismayed. And, therefore, I would -- I would rather just hold off on this.

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LEG. FOLEY:

No, no.

P.O. TONNA:

Okay.

LEG. TOWLE:

After lunch.

LEG. BISHOP:

This is not their initiative.

P.O. TONNA:

I mean, we could wait until after lunch, but I think there needs to be some answers that are given. So, anyway, okay. That's all right, that's my opinion. Joe Caracappa, Crecca and then Lindsay. Go ahead, Joe.

LEG. CARACAPPA:

First and foremost --

P.O. TONNA:

How much is it, for 50?

LEG. CARACAPPA:

Yeah.

LEG. BISHOP:

We're going to have three speakers on sidewalks.

LEG. CARACAPPA:

It's a small project, I think it's worthy, but there was EAF all of a sudden need on this, Legislator Foley. That was all taken care of?

LEG. FOLEY:

Yes, that was taken care of. We spoke with Mr. Shannon and, in fact, it's a -- well, it was -- that was taken care of after speaking with the Department of Public Works about the -- whether or not it was a Type II or an unlisted action. So we made the amendment to it to reflect the usual language that the Department uses for sidewalk jobs.

LEG. CARACAPPA:

Okay.

LEG. FOLEY:

So that's no longer an issue.

LEG. CARACAPPA:

Okay. And with regard to Legislator Towle's question with relation to the backlog of Capital Projects, I have met extensively since the Capital Budget process with the Department of Public Works over the July break to work on the problems of the backlogs. They are going to be here presenting to the Public Works committee, either at the end of this month or early September basically a new system to keep the Legislators in the loop of projects from the time we authorize the bonding to the point where it goes out to bid, the whole time line

chart and the like. So, in the next couple of weeks, we should have a -- maybe a smoother transition with relation from step one here to

step five, and that is actual construction, with relation to Capital Projects. And to the credit of the Department of Public Works, they're actually aggressively working on solutions, both on their end and ones -- the questions that we had during the budget process.

P.O. TONNA:

Yes, Legislator Crecca and then Lindsay.

LEG. CRECCA:

I'll waive my time.

LEG. LINDSAY:

Yeah, the only --

P.O. TONNA:

Yes, Legislator --

LEG. LINDSAY:

What I wanted to say simply is I understand what Legislator Towle is talking about, the frustration of getting projects in the loop actually done, but I don't agree with the rationale that because a project isn't being -- moving forward in one district, that we shouldn't approve a worthwhile project in another way. I mean, certainly, it would be a great way for Public Works to get through the backlog if we didn't approve anymore Public Works projects, but what are we doing? I mean, I just don't agree with this rationale. I think we should continue to do our job and approve worthy projects in Public Works and keep pressuring them to eliminate the backlog.

LEG. TOWLE:

Mr. Chairman.

P.O. TONNA:

Yes, Legislator Towle.

LEG. TOWLE:

You know, as I said, I'm not suggesting that this project is not worthwhile. I think, though, to continue to improve more bonding or more operating dollars for more projects in whatever district it is, when you look at the list that Legislator Caracappa and the his committee presented to the Legislature two meetings ago, when the Department of Public Works refused and didn't even show up to the Capital Budget hearing, and for the last three meetings, I've continued to make the same request, and for the third time now, I guess, after speaking to the Chairman's staff, who called my office on -- at the end of last week to verify that we did want somebody here from the Department of Public Works, once again, they're still not here.

And I appreciate the fact that Legislator Caracappa's committee and

the Department of Public Works are delving into this issue, but it would seem to me that, you know, they need to understand what the problem is internally, and they need to communicate that to us, so that we could try to resolve that if it's an issue budgetarily. I

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don't know if it is an issue budgetarily, I don't know what the problem is. And, unfortunately, it is just frustrating when you continue to approve program after program and it sits on someone's desk for eight months and doesn't move forward.

[SUBSTITUTION OF STENOGRAPHER - ALISON MAHONEY]

P.O. TONNA:

The only rationale that I would say, just on one thing, is that -- and I think Legislator Lindsay said it to me about stop approving bills. This is a bill, by the way, that's one of our own colleague's in the Legislature who thought it was a priority, it's not a County Executive bill. And therefore, I would say -- my argument will be I will work hard still to get Public Works, you know, at meetings to answer questions to Legislators, but this project does have a lot of, you know, worth, we've I think scaled down the project. If this was a County Executive bill I'd probably be more apt to say if you don't have representatives to argue for your own bills, but considering that this is one of our own colleagues, you know, bills, I'm going to vote in the affirmative.

LEG. FOLEY:

Thank you.

LEG. CARACCIOLO:

Mr. Chairman?

P.O. TONNA:

Yes.

LEG. CARACCIOLO:

Most of us have been around the block once or twice and I don't understand what the problem is. If there's a reason why the department cannot carry out a mandate of the Legislative body, then it should come forward and address that issue. So I think both parties in this debate are right and it's really a question of are we going to exercise the authority bestowed on us by the residents of this County and bring to a halt, if necessary, other priorities other people have if they're not going to cooperate. This is really about intergovernmental cooperation. So I'd like to hear from Legislative Counsel ways we could apply some leverage, if you will. I mean, you have at your disposal certain things you can do and I don't think individual Legislators or individual Legislative Districts needs

should be ignored. Maybe there's a good reason why the department can't do what we are requesting them to do.

P.O. TONNA:

Yeah, let's have some dialogue.

LEG. CARACCIOLO:

Right. So before the day is out, I am requesting that through your office you make an attempt to notify Commissioner Bartha to be present or his Chief Deputy or some other knowledgeable individual from that department to address this Legislative body because I for one do not appreciate my colleagues being ignored.

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P.O. TONNA:

Okay, two things. One is I've done some research in the old Suffolk County Charter and there is a tar and feathering provision. Anyway --

LEG. TOWLE:

Put me on as a cosponsor.

P.O. TONNA:

And that's what we really have to do sometimes. On the other hand, I think we have made the request, Legislator Caracciolo. I hear that the Commissioner is on his way, okay? And --

LEG. BISHOP:

All right, so let's move on.

P.O. TONNA:

But I think this is something that we've been discussing not just with Public Works. Legislator Postal.

D.P.O. POSTAL:

Yeah, in response to Legislator --

LEG. CARACCIOLO:

Would you suffer just a quick interruption on that? Because we're talking about an individual I personally have very high respect and admiration for, Charlie Bartha. I don't know of a reason why the Commissioner would not be capable of addressing the concerns raised by other Legislators. So I think giving him that opportunity, I'm glad to hear he's responding, maybe we can get to the bottom of this.

D.P.O. POSTAL:

Okay, and now to respond. First of all, I would like to thank the Clerk's Office because my microphone is just terrific now.

LEG. HALEY:

That means I have the bum one.

D.P.O. POSTAL:

That's what they told me they were going to do, Marty. But just in response to Legislator Caracciolo's question about how the decisions are made. At one of the past few meetings of the Finance Committee the Deputy Commissioner was present and I guess was addressing this issue of projects which the department has not moved forward on and I asked him a question about what the rationale was within the department when the Legislature made a policy decision about moving forward on Capital Projects and the Department of Public Works had not started on those projects and, in fact, moved forward on other ones, and we were told in the Finance Committee that that was the decision. That the decision making was the Department of Public Works that the actions of the Legislature really had no bearing on which projects moved forward and which moved forward second and which never moved forward. So, you know, I think we really need to clarify this whole issue because the Department of public Works is under the impression that DPW is the branch of County government that makes that decision as opposed to the Legislature which adopts the Capital Budget and then

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makes the appropriations.

P.O. TONNA:

Okay. All right, roll call. This is a motion to approve, okay? Oh, forget the roll call. All in favor? Opposed? Oh, there's a bond? It doesn't have a bond to it.

LEG. LINDSAY:

That's the next one, 1633.

LEG. FOLEY:

If Counsel could explain why there's no bond.

P.O. TONNA:

Oh, no, we don't need a --

LEG. FOLEY:

There's no reason for a bond.

LEG. CRECCA:

No explanation necessary.

MR. SABATINO:

There's a bond.

P.O. TONNA:

There's a bond, Legal Counsel says there's a bond.

MR. SABATINO:

There's a bond. You're appropriating \$50,000.

LEG. FOLEY:

1633 there's a bond?

MR. SABATINO:

There's a bond present.

P.O. TONNA:

Shaken, not stirred.

LEG. FOLEY:

We've had this for a number of -- we've had this for a couple of -- maybe I'll ask Fred, why is there not a bond on this one? It's been on the agenda for a couple -- well over a month.

P.O. TONNA:

This is bond week.

MR. POLLERT:

Probably -- there's a bond, it's probably at \$100,000, we just have to adjust a hundred thousand to 50, it's not a big deal.

LEG. FOLEY:

Fred?

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MR. POLLERT:

It's up to the County Executive's Office to request the bonding resolution. It is the County --

LEG. FOLEY:

Well, this is my resolution.

MR. POLLERT:

-- Executive's Office that deals with Bond Counsel. It doesn't make any difference, even if we draft a Legislative resolution it's the County Executive's Office who makes a request for the bonding resolution.

LEG. FOLEY:

Is there a requirement for a bond for this particular one, 1633? We're amending the 2002 Capital Program.

MS. PASTORE:

We have a bond.

LEG. FOLEY:

Is this pay-as-you-go monies or is this --

MR. SABATINO:

There's a bond. The bond is \$100,000, it just has to be adjusted to 50, that's all.

LEG. FOLEY:

Motion on the bond.

LEG. BISHOP:

Okay, so let's just do the vote.

LEG. FOLEY:

Motion on the bond.

(*Roll Called by Mr. Barton, Clerk*)

LEG. FOLEY:

Yes on the bond.

LEG. LINDSAY:

Yes.

LEG. COOPER:

Pass.

LEG. BINDER:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

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LEG. CRECCA:

Yes.

LEG. CARPENTER:

Yes.

LEG. ALDEN:

Yes.

LEG. FIELDS:

Yes.

LEG. HALEY:

Yes.

LEG. FISHER:

Yes.

LEG. CARACAPPA:

Yes.

LEG. TOWLE:

Yes.

LEG. GULDI:

Yes.

LEG. CARACCIOLO:

Yes.

D.P.O. POSTAL:

Yes.

P.O. TONNA:

Yes.

LEG. COOPER:

Yes.

MR. BARTON:

18 on the bond.

P.O. TONNA:

Okay. Same motion, same second, same vote for the resolution.

LEG. FOLEY:

Thank you.

P.O. TONNA:

Okay, let's go to 1660, 1660A - Amending the 2002 Capital Budget and program and appropriating funds in connection with the Mental Health Information System (CP 4063) (County Executive). Is there a motion?

LEG. CRECCA:

Motion to table.

P.O. TONNA:

Second by myself. All in favor? Opposed? Tabled.

LEG. FOLEY:

On the motion. On the motion to table.

LEG. BISHOP:

It's tabled, it was called.

LEG. FOLEY:

On the motion. We had extensive debate, a discussion at our last meeting of how important this is for the Division of Mental Health Services. Fred, there was going to be an amendment prepared to find an offset within the pay-as-you-go; do you know whether or not there was an amendment made to this bill?

MR. POLLERT:

No, I don't believe that we had enough money left in the pay-as-you-go to be able to accommodate this.

LEG. FOLEY:

We didn't have enough.

MR. POLLERT:

No.

LEG. FOLEY:

All right. How much are we talking about, Mr. Chairman, on this, is it about 150,000, 168,000?

MR. SABATINO:

One hundred and sixty-one thousand, two hundred.

LEG. FOLEY:

All right. Again, I'll make the same point as last time and I'm going to oppose the tabling. If you look at the backup of this resolution, originally in February of this year is when Tom MacGilvray had sent over to the County Executive a memo in support of appropriating funds for the Mental Health Information Systems. Why this is so important is that because -- again, one of the negative consequences of deinstitutionalization in this County is the number of Mental Health patients, clients if you will, that are no longer under the best of supervised conditions. And what they need this new technology that this information system will provide is for better communication between departments, between mental health centers. It's also a way of tracking, if you will, and also providing better services to these clients who otherwise don't have the kind of services that they otherwise would have in a more institutionalized setting.

So this will help the Mental Health Division to be able to serve this population that is chronically underserved and that this is one area where the information services will make a real difference. If you read the language of the memo that Mr. MacGilvray had sent, he maybe

doesn't plead but he makes a very strong case as to how important this new information system will be to the delivery of services to this

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very vulnerable population within our County. So I would ask that we defeat the tabling motion, go forward and approve this so that we can offer better services to this group that we all well know is underserved.

LEG. BISHOP:

Paul?

LEG. FOLEY:

I'll make the motion to approve.

P.O. TONNA:

Okay. There's a motion to table and a motion to approve. The motion to table takes precedence.

LEG. FOLEY:

Opposed. Opposed to tabling.

P.O. TONNA:

Let's do a roll call on the tabling motion. All in favor? No, we don't need to. All in favor? Opposed?

LEG. LINDSAY:

Opposed.

LEG. FIELDS:

Opposed.

P.O. TONNA:

Okay, Legislator Foley, Lindsay and Fields and Postal. Tabling motion is --

MR. BARTON:

14.

P.O. TONNA:

Thank you. Okay, we move to 1661 - Amending the 2002 Capital Budget and Program and appropriating funds in connection with Traffic Signal Improvements on various County Roads (CP 5054) (County Executive). Is there a motion?

LEG. BISHOP:

Motion to table.

LEG. CRECCA:

Motion to table.

P.O. TONNA:

Okay, motion to table by Legislator Crecca, seconded by his double mint twin, Legislator Bishop.

LEG. FOLEY:

Motion to approve.

P.O. TONNA:

All in favor? Opposed?

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LEG. CARACCIOLO:

Hold it. Motion to approve, second.

P.O. TONNA:

Okay, great. The motion to table, all in favor? Opposed?

LEG. FOLEY:

I'm opposed to -- on the motion to table. I would hope that we would defeat the motion to table. These are traffic signals. We know that there's a backup of some other similar locations, we understand that. However, again, that should not stop us from moving forward with other locations where there's a need for these traffic signals. We live in an ever busier County, there are accidents that are occurring at an increasing rate at different locations throughout the County; this resolution will address that concern.

So while there may be an issue from the problem of a backlog on the administrative side, the management side of government, I would not want to see a corresponding backlog on the Legislative side. We should do our business. We're making the case that there's a need to move forward with these projects, we should approve it so that our Legislative intent is heard, then the challenge becomes on the management side of government to follow through. But we shouldn't use their backlog on the management side to create a backlog on the Legislative side.

P.O. TONNA:

There's a motion and a second to table. All in favor? Opposed?

LEG. CARACCIOLO:

Roll call.

P.O. TONNA:

Roll call. Roll call on the tabling motion.

(*Roll Called by Mr. Barton*)

LEG. CRECCA:
On what, to table? Yes to table.

LEG. BISHOP:
Yes.

LEG. COOPER:
Yes.

LEG. BINDER:
Yes.

LEG. NOWICK:
Yes.

LEG. CARPENTER:
No.

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LEG. ALDEN:
Pass.

LEG. FIELDS:
No.

LEG. LINDSAY:
No.

LEG. FOLEY:
No.

LEG. HALEY:
Pass.

LEG. FISHER:
No to table.

LEG. CARACAPPA:
Yes.

LEG. TOWLE:
Yes.

LEG. GULDI:
No.

LEG. CARACCIOLO:

No.

D.P.O. POSTAL:

Yes.

P.O. TONNA:

Yep.

LEG. ALDEN:

No to table.

LEG. HALEY:

Yes.

MR. BARTON:

10.

P.O. TONNA:

Okay. That motion is tabled.

We're going to 1664 - Amending the 2002 Capital Budget and program and appropriating funds in connection with the painting of bridges at various locations in Suffolk County (CP 5815) (County Executive).
A motion -- is there a motion?

LEG. CRECCA:

Motion to table.

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P.O. TONNA:

Motion to table by Crecca, seconded by Legislator Caracappa. All in favor? Opposed? Tabled.

LEG. CARACCIOLO:

Opposed.

LEG. FOLEY:

Opposed.

LEG. GULDI:

Opposed.

P.O. TONNA:

Okay, opposed, Guldi, Foley, Caracciolo, Lindsay.

MR. BARTON:

14.

P.O. TONNA:

All right, 1671 - Amending the 2002 Operating Budget in connection

with the addition of six security guards for County buildings (County Executive).

LEG. CARPENTER:

On the motion, Mr. Chairman. There were some questions about these positions, someone is here from DPW to address this.

P.O. TONNA:

All right, but before we do that we need a motion.

LEG. CARPENTER:

Motion to approve.

P.O. TONNA:

You have a motion to approve 1671. And is there a second?

LEG. TOWLE:

And I'm going to make a motion to table.

LEG. LINDSAY:

Second.

P.O. TONNA:

Wait, first is there a second on the approval motion?

LEG. CARACCIOLO:

I'll second it.

P.O. TONNA:

Second by Legislator Caracciolo. Okay, and there's a motion to table by Legislator Towle. Is there a second?

LEG. ALDEN:

Second.

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P.O. TONNA:

Second by Legislator Alden. Okay, there's somebody from DPW?

LEG. CARPENTER:

Yes, and there's also a memo that --

P.O. TONNA:

Do we have a specific question? Do you have specific questions to ask?

LEG. CARPENTER:

Well, the question I think -- they're not my questions but questions were raised, which is why this was tabled, about the need for these

guards and the process that took place. There's a memo from the County Executive's Office from Ann Arthur explaining that and someone is here from the department to answer any questions.

P.O. TONNA:

Okay, great. How are you? Name, rank and serial number for the record.

MR. CALDERONE:

Louis Calderone, Director of Buildings, Department of Public Works.

P.O. TONNA:

Great. So how are you, Lou?

MR. CALDERONE:

Fine, Paul. How are you?

P.O. TONNA:

Good. Lou, what do you think, do we really need these guys, or men and women? Are they packing a piece? No, I'm joking.

MR. CALDERONE:

No, they are not.

P.O. TONNA:

Go ahead, please, talk to us.

MR. CALDERONE:

It's basically self-explanatory. We're providing security at both County Center and the H. Lee Dennison Building. We're asking for three guards, three security guards at both facilities. The three guards basically will encompass an overlapping 13, 14 hour shift with room for calling in sick, lunch breaks, you know, bathroom breaks, etcetera. And of course, the schedule will be modified depending on needs. If we have an event on a Saturday we'll have someone there on a Saturday, if there's an event on Sunday, which as you know sometimes happens, they'll also be there on Sundays.

The buildings -- I'll give you just a brief overview. The buildings will be locked down, they'll be card accessed to both buildings, of course on an as-needed basis. The security guards will -- there will be one way in, one way out, the security guards will issue visitors passes, check ID's, you know, where you're going, etcetera. Basically

simple and straightforward, we used to be in the security business, I think most people remember that. The Director of Custodial Security Services is already trained, by law New York State requires a certification program now and we're -- as soon as we can hire the

guards we will get into that process

P.O. TONNA:

Do they serve as peace officers?

MR. CALDERONE:

No, they do not.

P.O. TONNA:

Okay. Legislator Alden then Towle.

LEG. ALDEN:

Hi. How many security guards do we have currently employed in Suffolk County?

MR. CALDERONE:

None, except if you consider contract guards at the Cohalan Court Complex.

LEG. ALDEN:

Okay.

LEG. TOWLE:

That's not true.

LEG. ALDEN:

Are these guards going to be --

LEG. TOWLE:

That's not true.

P.O. TONNA:

Okay, just wait.

MR. CALDERONE:

This is the Department of Public Works. Legislator Towle is correct, Social Services and the Health Department have security guards.

LEG. TOWLE:

Parks.

LEG. ALDEN:

Okay. Security guards are going to be armed or unarmed?

MR. CALDERONE:

Unarmed, in uniform.

LEG. ALDEN:

Now, who did an -- I guess there had to be an analysis done on where

to put the entry points that are going to be supervised and you're going to use a magnetometer, or what are you going to use on that?

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MR. CALDERONE:

No, no magnetometer, but the survey was done in conjunction of DPW in conjunction with the Police Department.

LEG. ALDEN:

Okay. Then what is actually a function then of a security guard? Are they going to pat people down, they're going to look through --

LEG. BISHOP:

The eyes and ears, they're the eyes and ears.

MR. CALDERONE:

Correct. First of all, we're limiting access. There will be -- as most people know, public access buildings, it's tough to really stop people from coming into a building but they will ask for proper ID, where you're going, issue a visitor's pass, have a sign-in log and ensure that that same person, in fact, does leave the building, so you'll have that kind of monitoring.

LEG. ALDEN:

How are they going to be monitor that?

MR. CALDERONE:

Because you'll be signing in and signing out, so you'll know if the person -- he has to come back out the same way.

LEG. ALDEN:

Okay. The County Center has approximately how many people from the public that enter there every day?

MR. CALDERONE:

I'm really not sure about that number, but a lot.

LEG. TOWLE:

Over 600.

LEG. ALDEN:

And how many entrance points are there going to be?

MR. CALDERONE:

Well, the county Center is a little peculiar because it's broken into three basic areas, the Health Department, I'll call it the general public and the County Clerk. The County Clerk will still monitor,

will be responsible for securing the title searches, they will be let in and out through their own entry and exit. The Health Department will be also segregated from the rest of the building and they will monitor their clients coming and going. We as in DPW will monitor the front entrance meaning the general public.

LEG. ALDEN:

How many entrances and exits to that building are there?

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MR. CALDERONE:

Off the top of my head?

LEG. ALDEN:

A lot, I mean --

MR. CALDERONE:

Twelve, probably a dozen or so.

LEG. ALDEN:

Now, none of them --

MR. CALDERONE:

But they'll be locked.

LEG. ALDEN:

Well, none of them are secure now, they're not alarmed.

MR. CALDERONE:

Today -- well, they are but it's not activated until we get the guards.

LEG. ALDEN:

Oh, so --

MR. CALDERONE:

Oh, yes.

LEG. ALDEN:

-- all that work was done then.

MR. CALDERONE:

That's correct.

LEG. ALDEN:

And when was that done?

MR. CALDERONE:

Probably completed it two, three weeks ago on completion of the County Center.

LEG. LINDSAY:
Maxine?

D.P.O. POSTAL:
Okay, I'll put you on the list, Bill. I have some questions.

LEG. TOWLE:
Hey, hey, hey, don't cut. Put yourself on the list.

D.P.O. POSTAL:
No, I am on the list actually.

LEG. TOWLE:
I thought I was next.

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D.P.O. POSTAL:
No. As a matter of fact, the Presiding Officer made a mistake, I should have been on the list first, but I am on the list.

LEG. BISHOP:
That's a matter of fact.

LEG. TOWLE:
It's nice when you run the meeting, isn't it?

D.P.O. POSTAL:
George, you want to --

LEG. GULDI:
Did he put me on?

D.P.O. POSTAL:
No, he didn't put you on the list, but I will, you'll be not immediately next. But anyway, you know, it just seems to me that there's very little logic in the security plan. For example, if somebody came to the Dennison Building under this plan to get an application to redeem property from the Division of Real Estate, they would sign in, right.

MR. CALDERONE:
That's correct.

D.P.O. POSTAL:
They'd show whatever, they'd sign in.

MR. CALDERONE:
Be issued a visitor's pass.

D.P.O. POSTAL:

They'd get a visitor's pass.

MR. CALDERONE:

Correct.

D.P.O. POSTAL:

Then they could do whatever they wanted to do in the building before they were expected to sign out, true?

MR. CALDERONE:

Yes and no.

D.P.O. POSTAL:

What's the no, tell me the no.

MR. CALDERONE:

First of all, the third guard would be roaming the building.

D.P.O. POSTAL:

And what if that guard encountered this person in the hall on the way to the Division of Real Estate, would he question that person?

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MR. CALDERONE:

He wouldn't question them but he'd make sure that that person wasn't doing anything that he shouldn't be doing.

D.P.O. POSTAL:

How would he do that?

MR. CALDERONE:

You mean how would he stop you?

D.P.O. POSTAL:

How would he make sure the person -- I mean just by visually seeing --

MR. CALDERONE:

Visually, absolutely.

D.P.O. POSTAL:

Now, let's assume that the person now goes inside the Division of Real Estate and is armed and starts shooting; how would the security guards prevent something like that from even beginning to take place?

MR. CALDERONE:

I can't guarantee that they would stop it but they would -- there would definitely be a deterrent. You would hope that by the fact that they're at the front door and monitoring people's comings and goings,

it won't be like it is now where the doors are open and anyone can come and go and there's no control over the situation.

D.P.O. POSTAL:

Well, just let me suggest to you that the people for whom they would be deterrents are the people who wouldn't be doing that kind of thing in the first place. And the people who are bounded to do something that's violent are either emotionally disturbed and irrational or they're focused on what they're going to do and the presence of a security guard is hardly going to deter them. I have some other questions, though. How did we decide, for example, that this building didn't need security guards?

MR. CALDERONE:

I can't answer that question, I was not on that --

D.P.O. POSTAL:

I mean, the public comes in here all the time. Certainly we've each seen that there are very volatile issues and there are people who become very emotional over these issues. I mean, I just would like to know how we made a decision that we need to take this action with regard to the County Center in Riverhead at the Griffing Center and the Dennison Building and we decided that the William Rogers Legislative building wasn't worth securing or protecting.

MR. CALDERONE:

I don't think that was the case. I mean, again, the Police Department had a large say, you know, in the priority order of what should be secured first. The program is set up room where there is room for expansion and I would assume in the future it could be expanded.

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D.P.O. POSTAL:

Okay. I just -- you know, whoever made the recommendation, I'm a little puzzled that the building which probably has a larger number of members of the public visiting within any two week period, you know, seems to me to need protection. But I have another question, this is my last question. At one point after September 11th, there was a police officer stationed at each entrance to the Dennison Building who stopped every visitor and asked to see the visitor's identification or if you were a County employee your identification tag before letting you into the building, and that continued for a period of I think a few months as I recall coming in and out of the building and then stopped. What made us feel that it was unnecessary to provide that kind of security for that period of months and then what made us feel that if it was not necessary for that period of months it was now necessary to have these security guards?

MR. CALDERONE:

I really can't answer that because I was not part of the decision making at the time.

D.P.O. POSTAL:

I think Todd may be able to.

MR. JOHNSON:

Yeah, I'm not sure if that's a question for Lou.

D.P.O. POSTAL:

Okay.

MR. JOHNSON:

Okay. I think that the decision was made there that we had a plan in place to place security guards at these buildings and the reason we started with these buildings is because they are the most regularly trafficked buildings for the public. Whereas the Legislature you do have access cards here that limits access for the public into the building and also during the days of your heavy usage you do obviously have security here in the form of the Deputy Sheriffs. With regards to the Police Department --

LEG. TOWLE:

Where are they?

MR. JOHNSON:

You normally do have Deputy Sheriffs here.

LEG. TOWLE:

Is there something we should know about today?

D.P.O. POSTAL:

Except when we have committees; we're all here, the public is here and there's no Deputy Sheriff.

MR. JOHNSON:

Right, let me finish responding to your question. The other part of the answer is that yeah, we did feel that -- especially in light of September 11th, that it was prudent to have police presence there. As

time passed and other priorities developed, the Police Commissioner requested that these people be redeployed to cover more urgent areas. And we were confident that moving forward with our plan for the security guards that we would have something in place to take the place, certainly not to the level of the presence that the police would be as a deterrent but the idea here is to have security guards as a deterrent. These buildings are heavily populated, they are the most populous areas as far as the traffic goes as far as the public is

concerned, but this is only the first phase of a full deployment. Somebody had asked earlier about the -- I believe about the Social Service Centers, you know, those are also -- guards are also present at all of those centers. So this is not just -- this is not the end of a plan, this is a beginning of a plan.

D.P.O. POSTAL:

Can you tell me how long a period went by between the time that the police personnel were removed and the time that the resolution with regard to the security guards was laid on the table?

MR. JOHNSON:

Well, let's see. September, I would be guessing but I would say it was maybe a couple of months, maybe a couple of cycles.

D.P.O. POSTAL:

I would be really curious because I think it was longer than that. I've been in and out of the Dennison Building and it's been quite a few months since I saw a police officer there.

MR. JOHNSON:

Okay. And if the time was longer then what would be your concern? If it was longer than a couple of months. What I'm saying is we're trying to move forward with a plan right now which we think would be protecting both the public who visits those buildings and the employees, the many employees who work in those buildings. We think it's a sensible plan to have security at these buildings in light of the environment that we're in right now. We do have elected officials there who are -- you know, these are areas that could be targeted. It is the largest County building as far as floors go and, you know, this is a concern. We would like to make sure that we can have professional security there in place, people who are trained to observe and to watch and to protect the people who are in the buildings.

D.P.O. POSTAL:

Legislator Towle.

LEG. TOWLE:

Thank you, Legislator Postal. I think what Lou has been talking about, the plan, is an important thing for the County Center and for the Dennison Building. However, where I disagree with Lou is I don't think the plan is in full place at this point. The Presiding Officer had asked me to serve on a committee last year that's been meeting pretty regularly for the last four or five months to design that plan, the plan includes the new security type booth as you walk into the County Center in Riverhead, I don't know if any of you noticed it the last time we were there. Lou talked about the locks, there's also an

issue of video surveillance and card key access, there's also an issue of public access to the building, there's also an issue of coordinating the security between the Clerk's Office and the health center and the Department of Public Works people. There's also an issue of radio communications, you know, the person roaming the building, if that person needs to be called needs a radio, there are no radios in place now with the security staff that's in the building in the Clerk's office or in the health center now, there's no way for those two groups to communicate. There's a whole host of things that still have not been worked out as far as I'm concerned sitting on the committee, along with the other questions that have been asked today. And although I'm supportive of the six positions, I think it's a little premature in the fact that we have not finished all the other things that need to be done in the building yet, and that's why I'd ask for it to be tabled.

D.P.O. POSTAL:
Legislator Lindsay.

LEG. LINDSAY:
Much of what Legislator Towle said I agree with but I take the total opposite view, I would urge that this motion be approved. Although I think that the overall security plan at best seems to be lacking, it seems that we went from a real tight security system with police officers in the Dennison Building to no security at all, now we're going to put unarmed guards at the entrances. Somebody mentioned before, we had Deputy Sheriffs, now we don't see them any more. It doesn't seem to me that we have a comprehensive plan, or if there is one there nobody is making it available to us. And I for one would like to see that plan. I know we had testimony about the six guards at the Safety Committee meeting but there was no revelation about an overall plan, unless I missed it. So I would like to see that.

I urge that we go forward with this because evidently there's been systems put in place as far as card access in that's really worthless until we have man personnel in the building. But I think this is just a first step and I think that we have to develop a more comprehensive plan than evidently we have now or else reveal what that comprehensive plan is to this body.

D.P.O. POSTAL:
Legislator --

LEG. LINDSAY:
And I think that this building should be included in some form, if we're going to have Deputy Sheriffs here they should be here all the time; if they're not going to be here all the time then maybe this should be put on the list for some kind of additional security.

D.P.O. POSTAL:
Legislator Guldi?

LEG. GULDI:

Lou, the main problem I have with trying to implement this absent the plan is you can't do it in Riverhead with three guards. Court actions are in a separate annex, in order to file court actions you frequently

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have to go to Real Property.

MR. CALDERONE:
I can answer that.

LEG. GULDI:

If you're going to close the main entrance, the walk from court actions to the main entrance is virtually halfway around the building.

MR. CALDERONE:

You're talking about Surrogates Court, right, down that end of the building?

LEG. GULDI:

You've got to buy your index numbers in the annex, you've got to have your list pendance checks in Real Property.

MR. CALDERONE:

Well, the Surrogates Court are --

LEG. GULDI:

Surrogate's Court is completely unrelated to this. In order to do a standard function in that building, you must be in the annex and in the main building, you have to go between the two, sometimes repeatedly. And with your main entrance concept, the walk between those two points is something in the order of three quarters of a mile. And I don't see how you possibly can implement -- begin hiring personnel to implement a plan when you haven't got the plan and you haven't got basic feasibility with the kind of personnel allocation you're making. If we're going to start hiring personnel, I want to know how many we're really going to need to really do this.

MR. CALDERONE:

Well, keep in mind, as I said at the beginning, County Center, we're working in conjunction with the County Clerk who already have three guards. So in essence, the County Center is being protected by sixth guards, not three. And because of the marriage which I have discussed with Judy Pascale out in the County Center that we will work together. We should be able to cover the building with six people. So in

essence, it's six guards, not three; three for the County Clerk, three for DPW.

LEG. GULDI:

Providing, therefore -- with your shift work you're providing what, three guards on duty at one time?

MR. CALDERONE:

On DPW? Correct.

LEG. GULDI:

Three guards on duty at one time.

MR. CALDERONE:

Correct, with the County Clerk's guards.

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LEG. GULDI:

With the County Clerk's guards to cover the 12 entrances.

MR. CALDERONE:

No, you're still limited -- you're still limited -- the entrances will still be locked. You're limited to basically three entrances; the Health Department side, the County Clerk side and the front entrance, so that's three entrances.

LEG. GULDI:

And the Surrogate's Court which is covered with its own security.

MR. CALDERONE:

That's separate because they have their own guards, correct.

LEG. GULDI:

On two entrances. So there's four entrances, correct.

LEG. GULDI:

I'd like to see the whole plan before I can support this. I can't start supporting personnel until I see the plan. It doesn't make sense to me based on what we've got.

D.P.O. POSTAL:

Legislator Carpenter --

LEG. BISHOP:

Okay. Ready to table it?

D.P.O. POSTAL:

Well, we have a few people who have asked for the floor. And I think

we had a motion to table it; am I right, Mr. Clerk?

MR. BARTON:

Yes.

D.P.O. POSTAL:

Legislator Carpenter, then Legislator Caracciolo and then Legislator Fields.

LEG. CARPENTER:

I would like to respond to one thing Legislator Postal said about security for this building. I do know that the police were in here and had a number of meetings with the Chief of Staff and I believe also Tom Donovan of this building reviewing the security procedures for the building, so attention has been paid to this very public building also.

I agree with Legislator Lindsay. I think that we all agree that we need to do something. And certainly us approving this resolution today doesn't mean that there are going to be six people ready to start work on Monday, we all know that the process takes time. And any of the kinks that have to be ironed out, any of the final details that have to be put together on a plan certainly will be done in conjunction with the hiring of the personnel. I think that we need to

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protect our employees, first of all, they need to know that we care enough about their safety and security to put these security guards in place. And I also think that it's a very safe and secure feeling for the public to come into a public building and know that there is security in place, that they do have to sign in, that they do have to sign out, that they just can't come wandering into a building and be roaming around at will without any accountability. So I think it's very imperative that we move this forward today rather than tabling it.

LEG. CARACCIOLO:

Lou, are you on the committee that Legislator Towle was on?

MR. CALDERONE:

No, I was not.

LEG. CARACCIOLO:

Unfortunately he just stepped out, so I guess some of the questions I have relate to what are other municipal jurisdictions of Suffolk County's size, how are they dealing with this issue? What comes to mind is the City of New York, Westchester, Nassau, Monroe, Erie Counties, counties of comparable, slightly larger, slightly smaller size in terms of population and the like. Was a survey conducted?

MR. CALDERONE:

Well, some of those answers are addressed to Legislator Carpenter's memo from the Assistant Deputy County Executive to Mrs. Carpenter and they address issues like what they did I think in Westchester, and I have it in front of me, but there are -- some of your answers to those questions are in that memo.

LEG. CARACCIOLO:

Could you share with us what information you have?

MR. CALDERONE:

You want me to read it? Sure, hold on a second.

LEG. CARACCIOLO:

For example, I am familiar with Nassau County and I believe in Nassau County at 1 West Street which is the County Office Building there, there are two police officers full-time, one in the lobby and one elsewhere in the building at all times. So the question I have is twofold; what is the experience elsewhere and why are we considering unarmed security guards when I know in other jurisdictions they're using uniformed police officers?

MR. CALDERONE:

Well, I could read the part of that answer. "We contacted Westchester and Nassau Counties, Westchester has a very aggressive security policy. Before the terrorist attacks they had two entrances, one for employees and one for visitors; they are now using only one entrance. They also have a card swipe system for employees and all visitors must sign in and show identification to the two sworn police officers assigned to" --

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LEG. CARACCIOLO:

And this is Westchester.

MR. CALDERONE:

That's correct.

LEG. CARACCIOLO:

So they also have sworn police officers.

MR. CALDERONE:

"Assigned to the security detail at the building. Additionally, they have security guards who patrol the building and grounds."

LEG. CARACCIOLO:

Do we know how many?

MR. CALDERONE:

No, I do not, it just says guards. "Nassau County has a sworn uniformed police officer at the entrance to the parking lot to the building where the County Executive has his main office."

LEG. CARACCIOLO:

That's really their main -- that would be like our Dennison Building.

MR. CALDERONE:

Correct. "They also have a sworn police officer and a private security guard stationed at the entrance to the building. All visitors are cleared to this point."

LEG. CARACCIOLO:

Right. So they limit access to one central point.

MR. CALDERONE:

Correct.

LEG. CARACCIOLO:

I think what I heard earlier some of my colleagues say that at the Riverhead County center that may not be practical in terms of just the one.

MR. CALDERONE:

Well, that's correct. There will be three, actually four County Surrogate's Court access points to County Center, but all controlled.

LEG. CARACCIOLO:

With the entrance that presently is on the south side of the building that comes into the Health Department clinic --

MR. CALDERONE:

Correct.

LEG. CARACCIOLO:

Would that be sealed off from the rest of the building?

MR. CALDERONE:

That's correct, it would be sealed off; correct.

LEG. CARACCIOLO:

Okay. When is the plan, the security plan if you will expected to be fully operational?

MR. CALDERONE:

When we hire the guards.

LEG. CARACCIOLO:

Well, no, that's one phase of the plan. I'm talking about the security, the video cameras, surveillance cameras if you will, security locks.

MR. CALDERONE:

Okay. At County -- at the H. Lee Dennison it's actually ready now, County Center it will be any day now, we're finishing up punch list items.

LEG. CARACCIOLO:

Well, the County Center is also being scheduled for renovation.

MR. CALDERONE:

That's correct.

LEG. CARACCIOLO:

So not all of those security measures will be completed until the renovation is complete, that's my understanding.

MR. CALDERONE:

Correct, there will be different ones put in place at that time.

LEG. CARACCIOLO:

But they would be comparable, even on a temporary basis?

MR. CALDERONE:

Oh, absolutely, absolutely.

LEG. CARACCIOLO:

Okay. So there would be limited access to the building.

MR. CALDERONE:

Correct.

LEG. CARACCIOLO:

There would be security, unarmed officers as opposed to the other jurisdictions that are using sworn personnel.

MR. CALDERONE:

Correct.

LEG. CARACCIOLO:

Okay. Why was the decision here to go with unarmed personnel?

MR. CALDERONE:

We felt in this climate we really didn't feel that we should arm

security guards, we just felt that it was a liability at this point because they're not sworn police officers.

LEG. CARACCIOLO:

I don't follow you, I don't follow the logic.

MR. CALDERONE:

We didn't see, we just didn't feel the need for an armed guard. We felt at this point -- and keeping in mind, this could all be changed at a moment's notice. Go ahead.

MR. JOHNSON:

We worked together with the Police Department in coming up with this plan and together we had -- together we came to the determination that this would be the best plan to start off with. But, you know, I can see that there are still a lot of questions here. What I might suggest, with the consent of the Chair, is possibly recommit this resolution back to committee and allow for some more of these questions to be answered under that form, maybe working in conjunction with Legislator Towle and the committee that he is working on and possibly work together in developing a response to these questions that more fully answers the concerns that you're indicating you have today.

LEG. CARACCIOLO:

Well, I --

LEG. TOWLE:

Legislator Postal?

LEG. CARACCIOLO:

Excuse me.

LEG. TOWLE:

Can I just interrupt for one second?

LEG. CARACCIOLO:

Go ahead.

LEG. TOWLE:

Todd, just --

D.P.O. POSTAL:

Legislator Towle, is Legislator Caracciolo going to yield to you?

LEG. CARACCIOLO:

I will just yield him for a question.

LEG. TOWLE:

Yeah. Joe Michaels from your office is on the committee and Lou Calderone is sitting on the committee. It's not my committee, it's your committee, I just happen to have been appointed or asked to sit on the committee by the Presiding Officer.

MR. JOHNSON:

Well, just because the questions are coming from the Legislature I

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just thought we might --

LEG. CARACCIOLO:

It would be my preference to see that we hire these six individuals, but I don't think that is really sufficient. I think you need to have a sworn Police or Sheriff's Department's presence in Dennison and the County Center. Since the county Center is outside the Police District, my recommendation would be to have one uniformed Sheriff, Deputy Sheriff in that facility. At Dennison I think one sworn uniformed police officer.

MR. JOHNSON:

As Mr. Calderone said, we did look at exactly those types of options in looking at Westchester and Nassau County and what they were doing. We did meet with the Police Department and we discussed what our needs were, what their situation was versus our scenario at our buildings and we came up with this as the best initial plan.

LEG. CARACCIOLO:

That's a suggestion I would like to make. Do we still have anyone in the Dennison Building, any sworn police officers in that building?

MR. JOHNSON:

No. As Legislator Postal had indicated --

LEG. CARACCIOLO:

They're all out now?

MR. JOHNSON:

-- we had at the time request of the Commissioner --

LEG. CARACCIOLO:

I don't mean security type people, I'm talking about -- not that detail that was there after 9/11.

MR. JOHNSON:

Okay.

LEG. CARACCIOLO:

There used to be some police personnel in that building when the courts were there, for example.

MR. JOHNSON:
Right.

LEG. CARACCIOLO:
And shortly thereafter.

MR. JOHNSON:
No. Yeah, it was based --

LEG. CARACCIOLO:
They're all out.

MR. JOHNSON:
Yes. Yes, sir.

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LEG. CARACCIOLO:
Okay. All right, thank you.

MR. JOHNSON:
Okay.

D.P.O. POSTAL:
Legislator Fields.

LEG. FIELDS:
I think to approve this today is almost like putting the cart before the horse. If we don't have a plan to look at and to review and to evaluate whether or not we think it's going to be effective, it's like approving a budget without seeing the numbers. So I would urge that we table it so that we can look and see if it's what we all concur with.

D.P.O. POSTAL:
Legislator Lindsay.

LEG. LINDSAY:
Yeah, rather than table it, I'd like to take the suggestion of the County Executive's Office and recommit it to committee to take a look at the whole plan, maybe we can get together with this other committee and take a look at the whole thing, where we're going with it.

LEG. BINDER:
That's probably smart

LEG. GULDI:

If I may?

D.P.O. POSTAL:

Legislator Guldi.

LEG. GULDI:

Yeah. I'm actually going 180 degrees the other way, I'd rather -- not being a member of either committee, I'd rather keep the bill here. The County Exec's Office is talking about implementing a plan, show me the plan, I want to see the plan before I vote on this bill. I want to hear the discussion and I don't --

LEG. BISHOP:

You could see the plan but the bill could still be sent to committee.

LEG. GULDI:

And I'd rather do it here than do it in committee.

D.P.O. POSTAL:

Could we restrain ourselves? There are people who have asked for the floor.

LEG. BISHOP:

I can't restrain myself.

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D.P.O. POSTAL:

I know, it's difficult. Legislator Carpenter?

LEG. CARPENTER:

I think that we should just go ahead and table it here on the floor. We can have the discussion in committee, I don't see any need for sending the bill back to committee. The bill was voted out of committee, obviously the committee approved the concept of hiring the security guards. And we can have this discussion in committee but I think also the County Executive and DPW would need to be at the next meeting also to answer any final questions from the rest of the Legislators, not just the committee members.

P.O. TONNA:

Just in general, I just think that I should recess the meeting, we'll come back at 2:30 and we'll take care of things.

LEG. BISHOP:

Why don't -- because if we don't take the vote now we're going to start chatting again.

P.O. TONNA:

Okay. Do we have a vote?

LEG. BISHOP:
We have a vote.

P.O. TONNA:
Are we ready to vote?

LEG. TOWLE:
Motion to table.

LEG. CARPENTER:
We have to have a live resolution on the --

P.O. TONNA:
Okay, there's a motion to table and a second. Roll call.

LEG. BINDER:
Wait, wait, Mr. Chairman. On this bill, do you have a motion?

LEG. LINDSAY:
I had made a motion to recommit.

LEG. BINDER:
I'll second it.

P.O. TONNA:
Okay, recommit; what takes precedence?

MR. SABATINO:
Recommit.

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P.O. TONNA:
Recommit takes precedent. There's a motion and a second to recommit.

LEG. CARPENTER:
On the recommit.

LEG. BISHOP:
Roll call.

LEG. CARPENTER:
On the recommit. As the Chair of the committee, I would ask that we not recommit it.

LEG. TOWLE:
I agree.

LEG. CARPENTER:

We can still have the discussion in committee but I think we should just table this.

P.O. TONNA:
Fine. Roll call.

(*Roll Called by Mr. Barton, Clerk*)

LEG. LINDSAY:
Yes.

LEG. BINDER:
Yes.

LEG. COOPER:
No.

LEG. BISHOP:
Yes.

LEG. NOWICK:
No.

LEG. CRECCA:
Pass.

LEG. CARPENTER:
No.

LEG. ALDEN:
No.

LEG. FIELDS:
No.

LEG. FOLEY:
Yes.

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LEG. HALEY:
(Not Present).

LEG. FISHER:
No.

LEG. CARACAPPA:
(Not Present).

LEG. TOWLE:
No.

LEG. GULDI:
No.

LEG. CARACCIOLO:
No.

D.P.O. POSTAL:
Yes.

P.O. TONNA:
No.

LEG. CRECCA:
No.

LEG. BISHOP:
Okay, five.

MR. BARTON:
Five.

P.O. TONNA:
Okay. Now, motion to table. All in favor? Opposed?
There you go, tabled.

MR. BARTON:
16, 2 not present (Not Present: Legislators Haley & Caracappa).

P.O. TONNA:
Okay, we recessed for lunch. See you at 2:30.

[THE MEETING WAS RECESSED AT 12:38 P.M. and RESUMED AT 2:38]

[RETURN OF COURT STENOGRAPHER-LUCIA BRAATEN]

D.P.O. POSTAL:
Mr. Clerk, have the affidavits of publication been properly filed?

MR. BARTON:
Yes, they are in order and they are filed here in the Clerk's Office.

D.P.O. POSTAL:
First public hearing, public hearing regarding Introductory Resolution

Number 1735, a local law to reform capital project implementation process.) I have no cards on this public hearing. Is there anyone who would like to address the Legislature on this hearing? Hearing no one, Legislator Bishop?

LEG. BISHOP:

Motion to close. Which? This is on what?

D.P.O. POSTAL:

This is 1735, reforming capital project implementation process.

LEG. LINDSAY:

Can we ask what this bill does?

D.P.O. POSTAL:

Not during the public hearing.

LEG. BISHOP:

It requires --

LEG. FISHER:

Second.

LEG. BISHOP:

It requires a second is an appropriate answer. It requires a second vote on the Cap Program. However, what Legislator Caracappa spoke about earlier, that Public Works is developing a new system whereby Legislators are going to be provided a list of every capital project that's been approved and you can see exactly where it's at in the process. This -- if that's true, if that -- and I've met with them, but I haven't seen the final product, but if it's true, that they do have such a schematic, then I think that this resolution will not need to be adopted. So I will make a motion to close.

LEG. FISHER:

Second.

D.P.O. POSTAL:

All in favor? Any opposed? Public hearing on 1735 is closed.

Public Hearing regarding Introductory Resolution Number 1770, a local law to update the County Financial Disclosure Statement Form. I have no cards on this public hearing. Is there anyone who would like to address the Legislature on this hearing? Hearing no one, motion to close by Legislator Lindsay, seconded by Legislator Cooper. All in favor? Any opposed? 1770 is closed.

Public hearing regarding Introductory Resolution Number 1776, a local law to rename and reorganize the Handicapped Advisory Board. And I have a card from our first speaker, Bruce Blower, the Director of the

Suffolk County Office of Handicapped Services. Bruce, you have five minutes.

MR. BLOWER:

Thank you, Legislator. I'll try and be faster than that. This resolution was suggested by the Suffolk County Handicapped Advisory

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Board that took about a year-and-a-half of meeting, setting up a committee to discuss the reorganization, and then finally voted on it, and the reason is that the original local law was passed in 1975 that created the Suffolk County Handicapped Advisory Board, which started meeting in 1976. That's over 25 years ago, and there's been a lot of major changes in everything to do with people with disabilities over the last twenty-six years. And it was the feeling of the Handicapped Advisory Board that in order to better address those issues, we should become a slightly larger Board. This resolution would increase the Board from its current 23 members up to a total of 30 members, and it would do that by adding one department of County government, namely Community Development, which is not now -- does not now have a seat on the Handicapped Advisory Board, so we could look at some of the housing issues, and that would be very helpful in today's climate. And the other reason was to put more people with disabilities as a wider representation of different type of disabilities, and that would be done by adding an additional six members of the public who would be appointed to the Board.

So both the Suffolk County Handicapped Advisory Board, which asks that this resolution be introduced, and the Office of Handicapped Services, which provides technical assistance to that board, recommend that this resolution be approved and that it move forward. My understanding is, since it does amend local laws, that it goes back to committee after this public hearing for further action. And we would favor that it would be approved -- be approved, sent back to committee, so that we can have it reenacted this year. I'll be glad to answer any questions, if anybody has them.

D.P.O. POSTAL:

Thank you, Bruce. I would imagine that the committee would -- I don't want to speak for the committee, but that the committee would be approving it and it would be approved within the next meeting, or certainly the next couple of meetings. Motion -- I'll make a motion to close, seconded by --

LEG. CARACCIOLO:

Second.

D.P.O. POSTAL:

-- Legislator Foley. All in favor? Any opposed. 1776 is closed.

Good year.

MR. BLOWER:

Thank you.

D.P.O. POSTAL:

And thank you, Bruce. Next public hearing is regarding Introductory Resolution Number 1784, a local law to rename -- excuse me. A local law to include Gabreski Airport facility use as Ethics Law exception. I have no cards on this public hearing. Is there anyone who would like to address the Legislature on this hearing? Hearing no one, a motion by Legislator Caracciolo to?

LEG. CARACCIOLO:

Close.

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D.P.O. POSTAL:

Seconded by Legislator Cooper. All in favor? Any opposed? 1784 is closed.

LEG. CARACCIOLO:

Madam Chair, would you cast my vote with the majority on Public Hearing 1735 and 1770?

D.P.O. POSTAL:

Certainly.

LEG. FOLEY:

Madam Chair, may I ask the same?

D.P.O. POSTAL:

And Legislator Foley as well. I have a motion by Legislator Foley, seconded by Legislator Bishop, setting the date of August 22nd, 2002 at 7 p.m. in Riverhead, New York, for the following public hearings: Public hearings regarding Introductory Resolution Number 1802, 1829, 1830, 1832, 1838 and 1903. All in favor? Any opposed? The public hearings are set. Fifteen minute recess.

[THE MEETING WAS RECESSED AT 2:43 P.M. AND RESUMED AT 2:56 P.M.]

P.O. TONNA:

Okay. Could we have a roll call, please? Can everybody pull out their College budget?

(Roll Called by Mr. Barton)

LEG. CARACCIOLO:

Here.

LEG. GULDI:
Here.

LEG. TOWLE:
(Not Present)

LEG. CARACAPPA:
(Not Present)

LEG. FISHER:
Here.

LEG. HALEY:
Here.

LEG. FOLEY:
(Present)

LEG. LINDSAY:
Here.

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LEG. FIELDS:
Here.

LEG. ALDEN:
Here.

LEG. CARPENTER:
Yes, here.

LEG. CRECCA:
Yes.

LEG. NOWICK:
Yes.

MR. BARTON:
Thank you.

LEG. BISHOP:
Here.

LEG. BINDER:
Here.

LEG. COOPER:
Here.

D.P.O. POSTAL:

Here.

P.O. TONNA:

Yeah.

MR. BARTON:

Sixteen present. (Not Present: Legs. Towle and Caracappa)

P.O. TONNA:

Okay. I'd like to -- Paul, just we're at the Community College Operating Budget amendments, and I would just like to -- if you can, just give us a quick review of them, so Legislators know what we're voting on, and then from there, just a format on how we proceed.

MR. SABATINO:

Okay. There are four, four amendments. One of them would be in conflict with another one, which is Two would be in conflict with One, but One, Three and Four would not, not be conflicted. So the first one, just to do the summary, is really -- is just taking all of the Budget Review recommendations that are contained in the report and implementing those recommendations.

LEG. BISHOP:

Okay.

MR. SABATINO:

If you want to go through the list of them --

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LEG. BISHOP:

No.

LEG. FOLEY:

No.

MR. SABATINO:

No, okay.

P.O. TONNA:

Okay, let's go. The first one, Legislator Fisher, you're making a motion?

LEG. FOLEY:

Go through all three.

P.O. TONNA:

Well, we go through one at a time, right? That's how we have to vote.

MR. SABATINO:

You've got to go one at a time. One is the Budget Review recommendations. If you adopt that, then --

P.O. TONNA:

Two is moot.

MR. SABATINO:

-- Two falls by the wayside.

LEG. FOLEY:

Two also adopts all the recommendations and has an added proviso to it, and Three is a stand-alone.

P.O. TONNA:

Yeah, Three and Four, stand-alones.

LEG. FOLEY:

Right.

P.O. TONNA:

Okay. I think I get what I think Legislator --

LEG. FISHER:

Okay.

P.O. TONNA:

Wait.

LEG. FISHER:

The first one is -- the first resolution goes along with the recommendations of the Budget Review Office and their analysis, so there's a zero contribution increase from the County.

P.O. TONNA:

Right.

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LEG. FISHER:

There's a zero increase in the County's contribution.

LEG. CRECCA:

Tax levy stays the same.

LEG. FISHER:

The second -- yes. The second one --

P.O. TONNA:

Legislator Foley's.

LEG. FISHER:

-- is Legislator Foley's, and I believe that that's the one where you have the tuition where you don't go along with the increase in student tuition.

LEG. FOLEY:

It rolls back the tuition and has a corresponding increase, a like amount increase.

P.O. TONNA:

To the County.

LEG. FOLEY:

In the County's contribution.

P.O. TONNA:

By?

LEG. FISHER:

So that increases the County contribution by --

LEG. FOLEY:

By the amount of the reduction of the student tuition increase. It's about 660,000.

P.O. TONNA:

Right.

LEG. FOLEY:

And it also includes all of Budget Review Office's other recommendations.

P.O. TONNA:

So we have -- and I think that's what Legislator Foley's point, if you're going to hear one, you might as well hear both, because one is -- so, basically, what we're saying is, number one, basically, no County increase --

LEG. FISHER:

No increase in County contribution.

P.O. TONNA:

Right. All the Budget Review recommendations.

LEG. FISHER:

Actually, yes.

P.O. TONNA:

Number Two is we roll back the tuition increase and put it into the County portion. Okay.

LEG. FISHER:

Correct.

P.O. TONNA:

All right. Legislator Fisher. There is a motion by Legislator Fisher. Is there a second?

LEG. FIELDS:

Second.

P.O. TONNA:

Okay. Legislator Fields seconds that. All in favor? Opposed?

(Opposed Said in Unison by Legislators)

Opposed, Legislator Guldi, Haley and Lindsay.

LEG. BINDER:

Roll call. Roll call.

P.O. TONNA:

And Carpenter?

LEG. CARPENTER:

Uh-huh.

P.O. TONNA:

Okay. So --

MR. BARTON:

Twelve. (Not Present: Legs. Towle and Caracappa)

P.O. TONNA:

Twelve. So Budge Amendment 2 is out. Okay. Now we move to Budget Amendment 3. Budge Amendment 3 is -- excuse me?

LEG. FOLEY:

Motion to approve.

P.O. TONNA:

Okay. A motion by Legislator Foley to --

LEG. FOLEY:

I'll talk about it.

P.O. TONNA:
On Budge Amendment 3. This increases the County's --

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LEG. CRECCA:
On the motion.

P.O. TONNA:
-- contribution to the Community College --

LEG. FOLEY:
Well, I had the floor.

P.O. TONNA:
-- by \$689,000, and decreases the State -- the student tuition revenue
by the same amount.

LEG. FOLEY:
Motion to approve. I need a second.

LEG. HALEY:
Second.

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

LEG. FOLEY:
For purposes of discussion.

P.O. TONNA:
Sure.

LEG. FOLEY:
Thank you, Mr. Chairman. Two was a hybrid of One and Three, so we can
approve One and we can also approve Three. By approving Three, we
would eliminate -- we would request of the Board of Trustees that in
return for eliminating the proposed increase in tuition, the College
would enjoy a corresponding increase in the County's contribution.
What's important, what I think what's important about this resolution
is that it places into the budget an increase that will be an -- that
will be embedded in the budget from this point forward, it's not a
one-shot. So on the one hand, it will helping out the students by
eliminating the increase --

LEG. FISHER:
On the motion.

LEG. FOLEY:
-- of the tuition, and, secondly, we'd be approaching what we're

trying to do, which is to increase in the overall pie, increase the percentage of the County's contribution among the three major contributors to the College, being the State, student tuition, and the County's contribution. So we get -- by approving this resolution, we get a little bit closer to that one-third that we've discussed in the past, and we also would lift a small burden from the students' shoulders of having to shoulder this other -- this tuition increase otherwise.

D.P.O. POSTAL:
Legislator Fisher?

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LEG. FISHER:
Fred, Budget Review.

MR. POLLERT:
Yes.

LEG. FISHER:
What is the amount of the student tuition increase?

MR. SPERO:
\$689,000.

LEG. FISHER:
No, no, no. The individual cost to individual students per year.

MR. SPERO:
Oh. For the coming year, it would be \$2,500 a year.

LEG. FISHER:
That's not the increase, that's what --

MR. SPERO:
The increase is \$70.

LEG. FISHER:
The increase is \$70 a year. Okay. With a \$70 increase, or twenty-five hundred dollars a year, how does the Suffolk County Community College tuition compare with the tuition at other community colleges, for example, Nassau County Community College?

MR. SPERO:
Nassau will be at twenty-five-twenty-five for next year, if they get SUNY approval for the increase above the twenty-five hundred dollar ceiling.

LEG. FISHER:

So they're twenty-five more than we are.

MR. SPERO:

Correct.

LEG. FISHER:

Is that what you said?

MR. SPERO:

This would be the first time in sometime that Nassau would be higher than us.

LEG. FISHER:

Okay. So Nassau County Community College would still be higher tuition.

MR. SPERO:

That's right.

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LEG. FISHER:

As far as the breakdown in community colleges, what percent -- the percentage that Suffolk County pays in comparison with other counties, are we a particularly low contributing county, are we somewhere in the middle, or are we generally high -- do we generally contribute a higher percentage than other counties?

MR. SPERO:

They generally were higher than the SUNY average for community colleges, and we're looking for the exact percentage in our report now.

LEG. FISHER:

Okay. So with the tuition increase, we are still lower than Nassau Community College in tuition, and the County contribution is one of the highest in the state, if I recall your analysis.

MR. SPERO:

For the current school year, Suffolk's county contribution was 29.5% of revenues, the SUNY average is 22.2%.

LEG. FISHER:

Okay. So we're comfortably above most other college -- well, certainly above the average.

MR. SPERO:

That's correct.

LEG. FISHER:

Okay, thank you. I think we should consider this when we consider Resolution Number 3. A \$70 a year increase is not a lot of money, and a \$689,000 increase to our County budget is a considerable amount of money. Suffolk County's contribution is higher by 7% than the average county contribution throughout the state. Therefore, I would be voting against Resolution Number 3.

LEG. FOLEY:
I have a question.

P.O. TONNA:
Legislator Foley.

LEG. FOLEY:
Question. Is this a ten-vote resolution or a fourteen?

LEG. CARACCIOLO:
Ten.

LEG. FISHER:
Ten.

LEG. FOLEY:
Okay, it's a ten vote. Just through the Chair and to Budget Review Office. In the past, we've mentioned how we would like to try to get to the one-third, one-third, one-third, which means that each of the major contributors to the College, the State would try to get to

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one-third of the overall revenue pie, the County one-third, and then reduce the student revenues to only one-third, where now I think it's in the high thirties. So this would go along that route that many of us are trying to accomplish.

But I want to ask you this question, to the Budget Review Office. In terms of looking at this on a tax levy or warrant, the six hundred and some-odd thousand dollar -- six hundred and sixty thousand dollar -- \$689,000 increase in the County's contribution, what would that -- what would that result in the -- that figure alone result in the per household? I think it's less than a penny a house; is that not correct, pennies to a house?

MR. POLLERT:
There are actually two ways to calculate that. The --

LEG. FOLEY:
How did I know you were going to give us that answer?

MR. POLLERT:

The County Legislature adopted a resolution that says that we have to take into account the receipt of sales tax in the mix of revenues that go to the Community College.

LEG. FOLEY:
Right.

MR. POLLERT:
So the illustrative tax rate would go up by \$82,000, even though the total contribution would increase in the amount of more than \$600,000.

LEG. FOLEY:
So when we look at this -- when we look at the percentage breakdown of revenues flowing, the predominant revenue source is sales tax, but then when we look at property tax, you're saying of the 689,000, property tax portion is about 82,000?

MR. POLLERT:
That would be correct. But if the sales tax doesn't come in because --

LEG. FOLEY:
I understand, right.

MR. POLLERT:
Right.

LEG. FOLEY:
Now say 2,000, then what are we looking at that impact per household?

MR. POLLERT:
It's roughly seven cents.

LEG. FOLEY:
Seven cents a household. Okay. Thank you. Motion to approve.

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LEG. HALEY:
Second.

P.O. TONNA:
There's a motion to approve and a second by Legislator Haley for the purposes -- I'm going to ask for a roll call.

(Roll Called by Mr. Barton)

LEG. FOLEY:
Yes.

LEG. HALEY:

Yes.

LEG. COOPER:

Yes.

LEG. BINDER:

Pass.

LEG. BISHOP:

Pass.

LEG. NOWICK:

Pass.

LEG. CRECCA:

No.

LEG. CARPENTER:

Yes.

LEG. ALDEN:

No.

LEG. FIELDS:

No.

LEG. LINDSAY:

Yes.

LEG. FISHER:

No.

LEG. CARACAPPA:

Yes.

LEG. TOWLE:

Yes.

LEG. GULDI:

Yes.

LEG. CARACCIOLO:

Yes.

D.P.O. POSTAL:

Pass.

P.O. TONNA:

No. No

LEG. BINDER:

No.

LEG. BISHOP:

Yes.

LEG. NOWICK:

No.

D.P.O. POSTAL:

No.

MR. BARTON:

Ten.

LEG. FOLEY:

Thank you.

P.O. TONNA:

Okay. We have Budget Amendment Number 4.

LEG. GULDI:

Motion.

P.O. TONNA:

Okay. There's a motion to approve Budget Amendment Number 4.

LEG. FOLEY:

Second.

P.O. TONNA:

Second by Legislator Foley.

LEG. CARACAPPA:

Explanation.

P.O. TONNA:

Explanation, please.

LEG. GULDI:

You want me to -- Paul, do you want me, or do you --

LEG. CRECCA:

Why don't we let Budget Review do it?

LEG. GULDI:

I'm the sponsor of the resolution. I'll let Budget Review supplement

my comments. This takes us back to the -- let's call it the school catalog fiasco. We heard a lot about -- a lot of talk about the

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College's request that they restrict the bidding or an awarding of the contract for printing to a -- within drive distance printers, so they could examine galleys and/or production of the catalog, that the Purchasing, Personnel and the Legal Department did what they called policy decision-making that that was a policy decision that they didn't feel was appropriate. I, frankly, think that, at least to my understanding of the Charter, the policy decision-making in this County is made not by the Law Department in any sense, but is made by the County Legislature. For that reason, I have put in this resolution the policy determination to take the printing cost item and put it into a category where the College, at its option, could restrict the award of printing to bidders within the geographical confines that they had originally requested. I think that the policy of doing that is something that we, as policy-makers, must grapple with and decide, and it is an abdication of our responsibility to defer that to either our Purchasing Division or our Law Department.

LEG. FISHER:
Paul.

LEG. GULDI:
This resolution would approve it.

P.O. TONNA:
Okay. Henry, just on one thing, and then I'll recognize Legislator -- the last vote, what was the last vote on --

LEG. FISHER:
Ten.

P.O. TONNA:
-- Budge Amendment Number 3?

MR. BARTON:
Budget Amendment 3 was 10-8.

P.O. TONNA:
Thank you. Okay. Legislator Fisher.

MR. SABATINO:
Mr. Chairman, just to interject, there's a technical glitch, which is that there's now a conflict in the -- there's a conflict in the line item provision in Four with what was done in Number 1, so -- because One was adopted, this one can't be considered.

LEG. GULDI:

What was done in Four? What was done in Four that causes the conflict, and why am I hearing about this for the first time now?

MR. SABATINO:

The conflict is the line item provision of the \$322,600 for the course catalog is the same money that was, under Resolution Number 1, put into the reserve account. So it's in the reserve account under Resolution Number 1. You can't now line item it in the submitted budget. The other provision that you were looking for was with regard to the competitive bidding process allowing a geographic restriction.

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LEG. GULDI:

That was actually the only part I was looking for.

MR. SABATINO:

I know. The problem is they -- you had to -- to get it into the Operating Budget process, there had to -- it had to be linked to something in the -- you know, the budget. The only thing I can think of is to change that line to the reserve account line, and then what you're really seeking to achieve, which is the discretion to impose geographic restrictions.

LEG. GULDI:

The policy -- what I'm seeking to achieve is not where the money is stacked.

MR. SABATINO:

Right, okay. So my --

LEG. GULDI:

It's merely the policy. So if --

MR. SABATINO:

Right.

LEG. GULDI:

If the bill requested can be changed to reflect the --

MR. SABATINO:

Right.

LEG. GULDI:

The same line item --

MR. SABATINO:

That's why I just want to get cleaned up on the record that the 322 reference should just be converted to the reserve fund, and then you

can vote on your bill for the substance, which is you're trying to achieve on the geographic restriction.

What happened was this bill was drafted before there was a Budget Amendment Number 1, 2 or 3. This was the first request to come in, but it wasn't an omnibus style resolution. So the line item that this would have related to was the College course catalog. At that time, it was in the submitted Operating Budget for 322,653. Since that now has been put in the reserve fund under Resolution Number 1, the only way to get to the heart of what Legislator Guldi is trying to achieve, which is to allow discretion on the geographic restrictions is to just convert this line item back to the reserve line, so it will mesh with Budget Amendment Number 1.

LEG. GULDI:

And we can do that now as a technical correction, because we're -- you're changing the account number.

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MR. SABATINO:

Just on the record, I'm laying it out that that's part of the approval, then Budget Review will make the technical adjustment.

LEG. CRECCA:

Again, I apologize, but what are you moving from where?

MR. SABATINO:

If you go to the last page --

LEG. GULDI:

The first page of the bill, changing the appropriation line 818SCC22803040 to the reserve fund, which account number is -- Jim, what is the account number?

MR. SPERO:

There's no --

LEG. GULDI:

To the reserve fund. So that technical correction is the only correction in the bill, the rest stays the same.

LEG. BISHOP:

It's eligible, his resolution, which you're moving, right?

LEG. GULDI:

Which I have made a motion on and which I have a second on.

LEG. BISHOP:

Okay. So call the vote, please.

P.O. TONNA:
Excuse me?

LEG. BISHOP:
Vote.

P.O. TONNA:
Okay. Could we call the vote?

LEG. FISHER:
No. There was a question that I had for Counsel.

P.O. TONNA:
Oh, I'm sorry. Legislator Fisher, I apologize.

LEG. FISHER:
Paul, you were present at the public hearing that was held on the course catalog where we did have quite a bit of testimony from the Purchasing Department and the Department of Law, and I believe that what they represented was not -- was that this was not a policy decision, but, rather, that it was an interpretation of Municipal Law that was in question. And according to the Purchasing Department, Municipal Law prohibited having the geographic restrictions that had been placed on this bid by the College. Can you comment on that?

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MR. SABATINO:

What the Law Department and Purchasing said at the hearing was that the reason they could not go along with what the College was proposing was that they couldn't see what the rational basis or determination was for imposing the geographic restrictions. So, in the absence of something directing them to have that discretion or directing them to actually impose the restriction, the Law Department and the Purchasing Division did the right thing. They gave the right advice, they gave the correct recommendation. What Legislator Guldi said, after that process was concluded, he had asked for a resolution that would eliminate that as an issue by granting that discretion specifically, so there would be no statutory question about the ability of the College to exercise that power in the future. So what this legislation would do, if it was adopted, is it would allow the College to exercise the discretion they otherwise could not exercise, as correctly advised by Purchasing and the Law Department sometime last year.

LEG. FISHER:
Yes. Because, if I recall, what they indicated was that the Municipal Law allowed for discretion based on certain criteria, if there was a need to --

MR. SABATINO:

Right.

LEG. FISHER:

-- inspect the proofs before the printing.

MR. SABATINO:

Right. What they said, and they were right, they said that, you know, when they looked at it and they listened to the explanation or the rationale that was described to them by the College, they didn't believe that that, you know, formed the basis for doing what was proposed. And because there was no place that you could point to or turn to to say it's okay to do that, there was a problem. Legislator is saying, in light of everything that took place --

LEG. FISHER:

I understand what he's saying.

MR. SABATINO:

Right.

LEG. FISHER:

I wanted to clarify for the record that neither Purchasing, nor the Department of Law, had stated for the record that they were creating policy. What they did say was that they were interpreting Municipal Law as they understood it.

MR. SABATINO:

That's absolutely correct.

LEG. FISHER:

Okay. So this clarifies the discretionary portion of the issue, but it -- I just disagreed with what Legislator Guldi had said his statement,

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that they had tried to set policy. Thank you.

LEG. GULDI:

I'll rely on the record for what they said.

LEG. CARACCIOLO:

Mr. Chairman, this resolution goes a long way in keeping Suffolk County funding in Suffolk County for Suffolk County residents and employees. I urge its adoption. All right. Roll call. We have a motion and a second, right? Motion by Legislator Guldi, seconded by Legislator Foley. Roll call.

(Roll Called by Mr. Barton)

LEG. GULDI:

Yes.

LEG. FOLEY:

Yes.

LEG. COOPER:

Yes.

LEG. BINDER:

Pass.

LEG. BISHOP:

Yes.

LEG. NOWICK:

No.

LEG. CRECCA:

Pass.

LEG. CARPENTER:

Yes.

LEG. ALDEN:

Yes.

LEG. FIELDS:

Pass.

LEG. LINDSAY:

Yes.

LEG. HALEY:

Yes.

LEG. FISHER:

Pass.

LEG. CARACAPPA:

Yes.

LEG. TOWLE:

Yes.

LEG. CARACCILO:

Yes.

D.P.O. POSTAL:

Pass.

P.O. TONNA:

No.

LEG. BINDER:

Yes.

LEG. CRECCA:

Yes.

LEG. FIELDS:

No.

LEG. FISHER:

No.

D.P.O. POSTAL:

No.

LEG. NOWICK:

Clerk, I want to change my vote.

MR. BARTON:

Okay.

LEG. BISHOP:

To what.

MR. BARTON:

You want to make it a yes?

LEG. NOWICK:

Yes.

LEG. BISHOP:

Mr. Chairman, is that vote called?

MR. BARTON:

14.

LEG. BISHOP:

Mr. Chairman, I'd make a motion to reconsider Budget Amendment Number 2, which I voted in --

LEG. BINDER:

You mean 3.

LEG. BISHOP:

Three, Two? Three. Two was conflicted out, right?

LEG. CRECCA:

Three.

LEG. BISHOP:

Three.

LEG. FOLEY:

You weren't on the prevailing side.

LEG. BISHOP:

I was on the prevailing side, and I was deeply confused.

LEG. BINDER:

Second.

P.O. TONNA:

Okay. All in favor? Opposed?

LEG. FOLEY:

Opposed. On the motion.

LEG. CARACCIOLO:

Opposed.

LEG. FOLEY:

On the motion. On the motion. On the motion.

LEG. GULDI:

Opposed.

P.O. TONNA:

Hold it one second. Just --

LEG. FOLEY:

On the motion to reconsider.

P.O. TONNA:

Okay. Do you want to -- you want to -- is this a debatable motion.

LEG. BISHOP:

I was out of the room with Legislator Towle when the vote was made.

LEG. FOLEY:

That's why I want to ask.

P.O. TONNA:
Wait. No. I'm asking Legal Counsel.

LEG. FOLEY:
I don't know whether we can reconsider.

P.O. TONNA:
Is this a debatable -- no, you can reconsider it.

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LEG. FOLEY:
I never heard of a reconsideration for a Budget Amendment to the College before. We've never done it in all the years that I've been here and I don't know whether we can or we can't.

LEG. BISHOP:
Oh, come one.

P.O. TONNA:
We're blazing new ground.

LEG. BISHOP:
Pushing it, just like anything else.

P.O. TONNA:
But, first of all, is a reconsideration vote a debatable motion?

MR. SABATINO:
Yes.

LEG. BINDER:
Yes.

P.O. TONNA:
Okay. So, now, Legislator Foley has the floor.

LEG. FOLEY:
Thank you, Mr. Chairman. Before I ask Legislator Bishop, why he's doing this, let's first ask Counsel, can we reconsider a budget amendment vote? Because it's different --

MR. SABATINO:
Yes.

LEG. FOLEY:
We can.

MR. SABATINO:
Yes.

LEG. FOLEY:

Okay. Legislator Bishop.

LEG. BISHOP:

Mr. Chairman, I'm doing it, because I was -- during the debate portion, I was outside with Legislator Towle having a conference. When I came back in, I didn't understand the substance of the amendment, I didn't understand which one we were voting on.

LEG. FOLEY:

What concern do you have about it.

LEG. BISHOP:

I cast -- I passed the first time around in an effort to gain time to understand, and I -- by the time it came back to me, I still didn't

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understand. I've had time to review it. I disagree with the vote that I cast and I'd like the opportunity to change that vote.

LEG. FOLEY:

On the motion, through the Chair. What's your concern about the resolution, Legislator Bishop?

LEG. BISHOP:

Legislator Foley, I don't think I have to answer that. I will answer it, however.

LEG. FOLEY:

Well, I'm asking.

LEG. BISHOP:

My concern is that it puts a greater burden on Suffolk County taxpayers at a time when we should be looking for ways to make cuts, not additions, and it's that simple.

LEG. FOLEY:

Well, I think, when we get to the Operating Budget this Fall, and this happens every year that we've increased the County contribution in the past for the College, the same argument has been made in the past. And every year, when we get to October to put together the following year's budget, invariably, invariably we either hold the line on the property taxes, or we have a decrease in the County property tax rate. That's happened every -- virtually every year that we have adopted our budgets over the last number years, and it also includes those years when we've increased the County's contribution. Plus, as was mentioned earlier by Freddy Pollert, when you look at the blended revenue sources for the College, meaning -- from the County, meaning

predominantly the sales tax, but also property tax, we're looking at pennies on the -- pennies on the dollar.

Now, when you consider the fact that -- when you consider the fact that the Community College has educated hundreds of thousands of County residents over the years, or in this past year over 20,000 residents, when you have property taxpayers who are used to 150, \$200 increases in their local school district taxes, compare that to a seven cent or less increase for your Community College tax, I think -- I would bet you that most residents would be willing to do that, especially in light of the fact that by increasing the County's contribution, we're lessening the burden on the student tuition end. So it's not an increase in both areas, it's saying to the College, "If you reduce or eliminate the tuition increase, we'll give an increase in the County's contribution. When you compare six or seven cents per household of an increase, compare that to school district increases of 50, 100, 200, \$300, at least the residents that I've spoken to in my district, they're willing to pay that kind of nominal increase in order to approve the Community College, which has educated so many people throughout the County. So I would ask my colleagues to please support the resolution.

P.O. TONNA:
Okay. There is a motion --

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LEG. BISHOP:
If I can just respond.

P.O. TONNA:
Sure.

LEG. BISHOP:
I appreciate your remarks and I'll take them under advisement. The problem is that this is a very difficult budget year, not only in terms of where we're going, but where we're at. It's very hard to get a handle exactly what the situation is with -- in terms of how we're going to end the year and what level of deficit or deficit at all that we're going to be encountering. So I don't think at this point -- I understand what you're arguing, and I think my record on the -- on the belief that the County contribution should be robust is a good record, I just don't know if, at this time, I can do that. So I'm going to ask for a reconsideration, and I know that you'll provide me the courtesy, Brian, to cast my vote as I see fit. Thank you.

P.O. TONNA:
Roll call.

LEG. HALEY:

Wait a minute. Wait a minute.

P.O. TONNA:
Oh, Marty. Sorry.

LEG. HALEY:
I'd like to say something, yeah.

LEG. BISHOP:
You have to have a roll call on the reconsideration.

LEG. HALEY:
Roll call, yeah, right. I've maintained this, and I know I really do believe that one of our best assets is what we do for our children at Suffolk County Community College. I honestly think it's our responsibility to come up with a third of the monies that are necessary to operate that College, and I will continue to support any effort that's going to go that. And we have to provide an affordable way, not only for kids, but for parents and a lot of adults now that now attend Suffolk Community College. It's a great asset, and I think it behooves us to do whatever we can to carry our fair share. And at seven cents, I don't think it's too much to ask.

I'm really surprised, because this Legislature in the past has been very capable of coming up with the monies necessary to do the right thing by the College, and I was surprised that we only got ten votes on this particular one. But I would hope that, should this reconsideration pass, that somebody would consider doing the right thing and, in fact, voting yes for this. And in the meantime, I will not vote for reconsideration.

P.O. TONNA:
Okay. All right. Forget the roll call. Just all in favor? Opposed?

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(Opposed Said in Unison by Legislators)

Who's opposed? Okay, Legislator Caracciolo, Guldi, Caracappa, Haley, Foley, Carpenter. Lindsay. Sorry, Billy. I can't . . .

LEG. TOWLE:
That peripheral vision.

P.O. TONNA:
Yeah.

MR. BARTON:
11.

P.O. TONNA:

All right, great. Thank you. Now there is a motion -- there's a motion to approve still, right? Legislator Foley, you still want to make a motion to approve?

LEG. HALEY:

It's still here. It's reconsidered, it's on the table.

P.O. TONNA:

Okay. But now there's -- now there has to be -- okay. There's a motion to approve and a second.

LEG. BISHOP:

You have to have a vote on the underlying bill.

P.O. TONNA:

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

(Roll Called by Mr. Barton)

LEG. FOLEY:

Yes.

LEG. HALEY:

Yes.

LEG. COOPER:

Pass.

LEG. BINDER:

No.

LEG. BISHOP:

No.

LEG. NOWICK:

No.

LEG. CRECCA:

No.

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LEG. CARPENTER:

Yes.

LEG. ALDEN:

Nope.

LEG. FIELDS:

No.

LEG. LINDSAY:

Yes.

LEG. FISHER:

No.

LEG. CARACAPPA:

Yes.

LEG. TOWLE:

Yes.

LEG. GULDI:

Yes.

LEG. CARACCIOLO:

Yes.

D.P.O. POSTAL:

No.

P.O. TONNA:

No.

LEG. COOPER:

Yes.

MR. BARTON:

9-9.

P.O. TONNA:

Okay, great. Now we're done with the Community College. Let's go back to the agenda. We're on the bottom of page seven. Legislator Cooper, you had a motion? Might as well get this out of the way.

LEG. COOPER:

Thank you. I'd like to make a motion to discharge 1391.

P.O. TONNA:

Okay. There is a motion to discharge Legislation 1391. Is there a second?

LEG. FIELDS:

Second.

P.O. TONNA:

Seconded by Legislator Fields. Okay, roll call.

LEG. BINDER:
On the motion.

P.O. TONNA:
Just --

LEG. BINDER:
Oh, okay.

(Roll Called by Mr. Barton)

LEG. COOPER:
Yes.

P.O. TONNA:
This is to discharge out of committee.

LEG. FIELDS:
Yes.

LEG. BINDER:
No.

LEG. BISHOP:
Pass.

LEG. NOWICK:
No.

LEG. CRECCA:
No.

LEG. CARPENTER:
No.

LEG. ALDEN:
Pass.

LEG. LINDSAY:
No.

LEG. FOLEY:
No.

LEG. HALEY:
No.

LEG. FISHER:

Yes.

LEG. CARACAPPA:

Yes.

LEG. TOWLE:

No.

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LEG. GULDI:

Yes.

LEG. CARACCIOLO:

Nope.

D.P.O. POSTAL:

Yes.

P.O. TONNA:

No.

LEG. BISHOP:

Yes.

LEG. ALDEN:

Yes.

MR. BARTON:

Eight.

P.O. TONNA:

Okay, great. That stays -- that remains in committee, right? And I think that there was -- okay, great. All right, that's eight. Okay. Let's get to 7, bottom of Page 7. We're at -- on 1671? All right.

LEG. TOWLE:

Yeah, I had a motion to table.

P.O. TONNA:

We tabled that already?

LEG. GULDI:

Yes.

MR. BARTON:

Yes. We didn't, Paul? You have --

LEG. CRECCA:

I don't have it.

MR. SABATINO:

I have no vote before we --

P.O. TONNA:

All right. Henry, did we vote?

MR. BARTON:

Yes.

P.O. TONNA:

Yes, we did, I think.

MR. SABATINO:

Okay. Then I was --

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P.O. TONNA:

Okay, no problem. As long as the Clerk's Office has that recorded.

MR. BARTON:

It's tabled.

P.O. TONNA:

1676 (Amending the 2002 Capital Budget and program and appropriating funds in connection with the dredging of County waters (CP 5200). Is there a motion?

LEG. FOLEY:

Motion.

P.O. TONNA:

Motion to approve.

MR. SABATINO:

No. You have to hold off on that. There's not enough money left in that --

LEG. BISHOP:

Motion to table.

MR. SABATINO:

-- 5-25-5 account to pay for it.

LEG. BISHOP:

Motion to table subject to call.

P.O. TONNA:

Second it.

LEG. FOLEY:

On the motion. On the motion.

P.O. TONNA:

Just wait, wait. Hold it. There is a motion to table subject to call, and there's a motion to table. Okay.

LEG. GULDI:

Second the motion to table.

P.O. TONNA:

Do you just want to make it a motion -- ?

LEG. BISHOP:

I'll withdraw the motion.

P.O. TONNA:

Okay, great. Motion to table.

LEG. BISHOP:

Anything to expedite it.

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P.O. TONNA:

Jon. Jon, even if she voted, you're still at nine. Okay.

LEG. COOPER:

Excuse me. That was because there were two Legislators who made a commitment to support it.

P.O. TONNA:

Okay. Wait, wait, wait. I'm not -- I'm not -- I'm just saying, so you're missing some votes here. That's -- I just wanted to -- okay. Just we have a motion to table and a second. All in favor? Opposed? Tabled.

MR. BARTON:

Mr. Chairman, the motion and second, who were they?

P.O. TONNA:

The motion to table was Legislator, I think, Towle, seconded by Legislator Guldi.

MR. BARTON:

Thank you. (Vote: 18)

P.O. TONNA:

1698 (Authorizing the erection of a monument at the Armed Forces Plaza

at the H. Lee Dennison Executive Office Building by "The Chosin Few").
Motion by Legislator Caracappa.

LEG. CARACCIOLO:
Second.

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

MR. BARTON:
18.

P.O. TONNA:
1732 (Making a SEQRA determination in connection with the proposed
Vector Control and Wetlands Management Long Term Plan County-wide).
Motion by Legislator --

LEG. CARACCIOLO:
Motion.

LEG. GULDI:
No.

LEG. BISHOP:
No.

P.O. TONNA:
Okay. Hold it.

LEG. BISHOP:
Mr. Chairman.

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P.O. TONNA:
Wait. Just wait, wait, wait.

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

P.O. TONNA:
I need a motion and a second and then I'll recognize people.

LEG. BISHOP:
I'll make a motion to recommit --

P.O. TONNA:
Okay.

LEG. BISHOP:

-- both 1732 and 1395. They're on the Vector Control issue.

LEG. GULDI:
Second.

LEG. BISHOP:
We were told by Counsel --

P.O. TONNA:
Well, do one at a time. Do one at a time. 1732, there's a motion.

LEG. BISHOP:
But I just want to let the Body know where I want to go with this.

P.O. TONNA:
Let me get you on -- first, let's get a motion and a second.

LEG. BISHOP:
Let's do 1732.

P.O. TONNA:
There's 1732. There's a motion to recommit to committee, seconded by Legislator -- myself. And you, as Chairperson of that Committee, please.

LEG. BISHOP:
Well, the reason I would ask for a recommit on both of these is that they apparently are in conflict, so that the Committee needs to explore what the policy that the County wants to adopt is. I thought we had a consensus earlier in this year that we were going to go forward with Vector Control operations as planned for this year, but there would be an extensive study as to its implications on the environment. And if these two resolutions are in conflict, I am concerned that one of these policies undermines that agreement, so that's what I want to reconcile in committee.

LEG. FIELDS:
I tabled the other one.

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LEG. BISHOP:
Right. I would send that one back to committee, also, and we can hash it out there.

LEG. TOWLE:
Mr. Chairman.

P.O. TONNA:
Okay. Legislator Lindsay, then Towle.

LEG. CRECCA:
And then Crecca.

P.O. TONNA:
Then Crecca.

LEG. LINDSAY:
Yeah. I'd like an explanation. I know we tabled 1395, which appears to be similar in nature and --

LEG. BISHOP:
Right, that's --

LEG. LINDSAY:
-- I'd like to know what the differences are and if any.

LEG. BISHOP:
Well, I think you'd want that done in committee, otherwise we're going to spend an hour-and-a-half debating vector control here, which is a nightmare.

LEG. LINDSAY:
No, I'm not looking to debate anything, I'm just asking for an explanation of exactly what this bill does.

D.P.O. POSTAL:
Legislator Crecca.

LEG. HALEY:
Could someone define the difference?

LEG. BISHOP:
No. Counsel ,he asked a question.

D.P.O. POSTAL:
Oh, I'm sorry. I'm sorry. I was reading something. I apologize.

MR. SABATINO:
1732 would begin the process for the 2003 Vector Control Plan by establishing Suffolk County as the lead agency in coordination with seven other departments, and then it basically lays out a preliminary procedure for preparing a draft Environmental Impact Statement. The alternative version, which was the earlier one, has RFP Committees established, with specific deadlines to be met with regard to when the -- when the SEQRA process would be completed. So the first bill is more comprehensive and detailed in nature, the second, 1732, is

just the first stage or first step in the process.

LEG. BISHOP:

But they're mutually exclusive. What I want to know is, if you --

MR. SABATINO:

That's correct, they're mutually exclusive.

LEG. BISHOP:

They're mutually exclusive. Which one codifies the agreement that I thought we had reached that I laid out earlier?

MR. SABATINO:

Well, 1732 represents what the CEQ recommended two meetings ago, which would have been early June. I don't know if that was -- I didn't know that to be an agreement, I just know that to be what the Council on Environmental Quality had suggested or recommended.

LEG. BISHOP:

When we voted on -- there was a vote I guess in the spring, which was represented to us as, if we didn't vote for it, Vector Control couldn't move forward. Do we recall that?

MR. SABATINO:

That was something -- that was a different bill, that wasn't this.

LEG. BISHOP:

At that time, it was stated, on the record I'm sure, that we would go forward this year and there would be an extensive study done while we went forward. That's what I'm trying --

MR. SABATINO:

That's correct.

LEG. BISHOP:

I want to make sure that we're following that path.

MR. SABATINO:

Yeah. What you're referring to is the Vector Control Plan that was adopted back in I think the first meeting in February, if I remember correctly, that was the Vector Control Plan for this year. That was adopted, and you're right, there was -- there was a representation that we would go forward for 2003. How you go forward --

LEG. BISHOP:

2002 you mean.

MR. SABATINO:

-- is the issue. I mean, there's no agreement on how you go forward, it's how you want to go forward.

LEG. BISHOP:

Yeah. But at that time -- again, at that time, we said, "Yeah, we're going to go forward this year, but we're going to have this extensive study and we'll have a lot more information next year when you vote on this." And, again, what I'm trying to make sure is that whatever

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bills we pass regarding Vector Control, reaffirm that commitment and don't undermine it. So do they both do that? And that's my --

MR. SABATINO:

They both do. The problem you have now is, I mean, so much time has elapsed, is that the deadlines in the first bill would have to be --

LEG. BISHOP:

In 1395 are moot, right, they're not --

MR. SABATINO:

Well, they have to be changed, because, like for example, August 15th was the deadline -- was the first deadline. If the bill had been adopted when it was --

LEG. BISHOP:

But here's my real concern. If we did 1732 now, we would be undermining that agreement that we made in February. We wouldn't be, so then --

MR. SABATINO:

No, you would not, you would not.

LEG. BISHOP:

Okay.

MR. SABATINO:

No, you would not.

LEG. BISHOP:

Good. All right. That's for the work I wanted to do in committee and I just did it here. Thank you.

D.P.O. POSTAL:

So, Legislator Crecca.

LEG. CRECCA:

I was going to make a motion to approve, then, if there's not one on the table already; is there ?

D.P.O. POSTAL:

Okay. There was a motion to recommit 17 --

LEG. BISHOP:
I'll withdraw that.

D.P.O. POSTAL:
Which now has been withdrawn, so there's a motion to approve, seconded by Legislator Bishop?

LEG. BISHOP:
Sure.

D.P.O. POSTAL:
Okay. Legislator Towle, you wanted the floor?

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LEG. CRECCA:
Fred, the motion to recommit was withdrawn.

LEG. TOWLE:
It was withdrawn?

D.P.O. POSTAL:
Yeah. There's now a motion to approve and a second.

LEG. TOWLE:
Then, fine, I'll withdraw the motion.

D.P.O. POSTAL:
Okay. There's a motion to approve 1732 and a second. All in favor?
Any opposed?

LEG. CARACCIOLO:
Abstain.

D.P.O. POSTAL:
One abstention, Legislator Caracciolo.

LEG. GULDI:
Get my abstention, too.

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

MR. BARTON:
13, 2 abstentions, 3 not present. (Not Present: P.O. Tonna, Legs. Nowick and Binder).

D.P.O. POSTAL:

That was on Introductory Resolution 1732 on Page 8. 1734, designating contract agency for education component of Universal Child Sexual Abuse Reporting Policy for Suffolk County.

LEG. CARACAPPA:
Motion to table.

LEG. BISHOP:
Second.

D.P.O. POSTAL:
Motion to table by Legislator Caracappa, seconded by Legislator Bishop. All in favor? Any opposed? 1734 is tabled.

LEG. FISHER:
Madam Chair.

MR. BARTON:
18.

LEG. FISHER:
I would like to make a motion to override Introductory Resolution Number 1593, or I.R. 671. It had been vetoed.

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LEG. FIELDS:
I'll second it.

D.P.O. POSTAL:
Motion to override by Legislator Fisher seconded by Legislator Fields.

LEG. FISHER:
Copies will be distributed.

D.P.O. POSTAL:
Legislator Fisher, on the question.

LEG. FISHER:
Nanette's distributing copies. The argument in support of the veto was that it was not the purview of government to provide these types of funds to private entities. However, the program that we have introduced here in the Child Care Enhancement replicates a program that's already in place on the State level. It's a program that has been also funded in some areas on the federal level, so, certainly, it is not out of place for government to take on this type of program. And so I urge my colleagues to override the veto. We had certainly passed this resolution comfortably at this Legislature. And I hope that we can keep the promise that we made to those child care providers who have applied and have been granted a grant through this

legislation and have not been able to get their money.

The Child Care Council has already seen the fruits of our labor and the positive effects of this legislation, in as much as retention levels are much higher in child care agencies that have taken advantage of this program. So I do hope that we can override this veto today and keep our promise to the people of Suffolk County.

D.P.O. POSTAL:
Legislator Lindsay.

LEG. LINDSAY:
Yeah. Could I ask the sponsor where the offsets are coming from?

LEG. FISHER:
It says, "welfare Fund contribution," and I can ask Budget Review to explain that further. Fred.

MR. POLLERT:
Yes. The County is required to make a Welfare Fund contribution to the Benefit Fund of County employees. Because of the Early Retirement Incentive Program, those contributions are made on a monthly basis. It's anticipated, because the employees have to be off the payroll by August 31st, that we will have surplus appropriations, because we don't have to make the contribution for September, October, November and December of this year. Those contributions savings will exceed the amount which is used as an offset.

D.P.O. POSTAL:
Legislator Crecca?

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LEG. CRECCA:
Yeah. Fred, but with the offset, though, it does go to -- this is part of what we would call the savings from the early retirement? Would this be, or is this --

MR. POLLERT:
Yes, it was calculated as part of an associated savings of the Early Retirement Incentive Program. Part of what we had calculated were savings this year that were associated with the Benefit Fund.

LEG. CRECCA:
My -- the follow-up question to that is I thought that -- I know we don't know the numbers yet, but for 2002, I thought the Early Retirement Program was going to be fairly revenue neutral, that there would not be saving in 2002 because of termination pay.

MR. POLLERT:

When we had done the forecast, we had assumed everyone would be off the payroll by August 31st. A few individuals have already left, therefore, it appears that we will have some modest savings this year.

LEG. CRECCA:

What type of savings overall are you looking at? I know it's a guesstimate at this point for 2002's Operating Budget.

MR. POLLERT:

Currently, at this point in time with the budget model, we're just assuming that it's going to be revenue neutral, that we will be able to cover the termination pay with the salary savings.

LEG. CRECCA:

So then where is this 200,000 coming from that if it's revenue neutral? That's what I don't understand.

MR. POLLERT:

You're going to have a budget surplus in this line item, which is associated with the Early Retirement Incentive Program, because individuals are going to be leaving. You're not going to be striking the appropriations, they're going to be offsetting --

LEG. CRECCA:

I'm sorry. Guys, I really can't hear. I apologize.

MR. POLLERT:

What they would do is just accrue to the overall savings of the Early Retirement Incentive Program.

LEG. CRECCA:

And I apologize, Fred, because I caught -- on the last part of it, I only caught about half of what you said. But, in other words, we're going to save money in the welfare fund, I understand why.

MR. POLLERT:

Right.

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LEG. CRECCA:

That funds going to have -- because we're not going to be paying into it. But are we going to -- when you balance that out with the savings, the money that we have to lay out for termination pay and all that, it all comes out to zero at the end?

MR. POLLERT:

Currently, we're not sure exactly what the County's liability is with respect to terminal, vacation, leave, and sick leave payments. Both Ken Weiss and myself were assuming this year that we are going to be

in a break-even point of view. It now appears that we could be slightly ahead of break-even, because a number of individuals have left before August 31st, but I can't quantify how much of a savings we're going to realize this year.

LEG. CRECCA:

Okay.

D.P.O. POSTAL:

Okay?

LEG. CARACCIOLO:

Madam chair.

D.P.O. POSTAL:

Legislator Caracciolo.

LEG. CARACCIOLO:

I have consistently voted against this resolution. And I think, given what we've learned in the last 30 days about a projected hole in County finances of 73 million dollars or more, even with the Early Retirement Incentive, which will generate about 25 million dollars in costs savings next year, we still will be facing a very significant County budgetary issue come September. I think, and this is an example of trying to do something good, but not doing it in a financially responsible way.

As the County Executive concludes in his veto message, he says we cannot continue to expand or fund new programs by transferring money from areas in the budget that are necessary to cover projected shortfalls. In other words, you can't borrow from Peter to pay Paul, A. B, I have no seen any empirical evidence that this \$200,000 supplementation to child care providers has resulted in any significant retention of the very people that it is supposed to help. Show me the evidence and maybe I'll reconsider, rethink it. I haven't seen that. And, finally, as the Chair of the Finance Committee was quoted in the paper recently, Andrew, Mr. Crecca --

D.P.O. POSTAL:

Can we please have some order? It's very difficult to hear. Please, if you're engaged in a conversation, take it outside.

LEG. CARACCIOLO:

As the Chairman of the Finance Committee was recently quoted in the paper in response to the 73 million dollar budget deficit, he wants to take a very hard look at contract agencies. Child care providers are

Because this bill got out of committee over my objections, it's now before us. It was only approved 13-4. And I would hope there would be some members who previously supported it before we became aware of the budgetary problems facing us, will rethink their positions and begin to address what we have to address, and that's financial responsibility.

D.P.O. POSTAL:

Last year, in the budget process, and I assume this year, too, we're all going to have to make choices. I mean, that just became clear. It was certainly a factor in our votes on the Community College budget amendments. So that there is always going to be a conflict between those expenditures that some of us support and those expenditures that others don't. What concerns me specifically about this appropriation and the veto of this appropriation, if I'm -- and I may be wrong, maybe I'm misunderstanding something, but if I remember correctly, this was an expenditure which was included in the 2001 budget, as I recall. And because there was such a delay on actually --

LEG. FISHER:

This is additional to that.

D.P.O. POSTAL:

Excuse me --

LEG. FISHER:

This is additional to that.

D.P.O. POSTAL:

This is additional. But, you know, there was a delay on appropriating that money. Now, you know, I don't know, because I don't remember anymore, whether that total amount was ever appropriated. But, you know, I think that, and I certainly will defer to Legislator Fisher, because I can't remember at that point if the entire amount ever was appropriated, but I think that there's a danger here with, and it goes back to the same issue as DPW, where the Legislature's responsibility in being a policy-making body is being usurped. I guess that's the best word I can think of. And that when the Legislature makes a decision, I think that it's important that the policies adopted by the Legislature are those pursued by the County. Now, you know, again, there were people who supported this resolution at the time that it was approved initially. I would hope that those people see the value of appropriating this money. There are those people who didn't see the value of it at the time, and, certainly, they have a right to be consistent. But, again, I think that if you make an assumption that the projected 73 million dollar deficit should prevent us from spending any money, then I would hope that you're consistent right down the line. I would hope that you're consistent when it comes to any other expenditure of money and any other amendment in the budget, or even appropriation for the rest of this fiscal year. Legislator

Fisher.

LEG. BISHOP:

Madam Chair, I'd like to be recognized, too.

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LEG. FISHER:

Yes. There are three points that I would like to make in response to Legislator Caracciolo's comments, the first being his comment that we would not be funding any new programs. This, indeed, is not a new program. We are looking for the \$200,000 that's listed in this resolution in order to complete the program that we had begun last year. That's the first point.

Number two, this was a pilot program. It has not yet been completed. The empirical data that we have gathered to this point, at this point in time, is very positive. But because it hasn't been completed, we cannot give you all of the data. But, as was indicated this morning during the public portion of this meeting by Janet Walerstein, the data that she has gathered so far is very positive, it's very strong and very compelling.

[SUBSTITUTION OF STENOGRAPHER - ALISON MAHONEY]

LEG. FISHER:

Number three, the individuals who will be getting this money are not contract agencies, they are child care providers, they are individual people who are working very hard to try to make ends meet during difficult economic times and are encouraged to stay at their jobs because they can look forward to some small grant that we can provide for them if they stay in their job. These are generally women who are just coming back into the work force, they're people who are sometimes coming off the welfare rolls and this is the first type of job that they can get when they have young children and they're able to work the hours out with their -- with the demands of a young family. So I don't think we should be penny-wise and pound-foolish. The people for whom we are caring here are young children during a very critical point in their development.

We just spoke about the Community College budget. Rather than just look at education and our commitment to education, at the end of the spectrum when people have already gone through 12 years or more of the educational system, we have to begin looking at educational preparedness and the development of the brain of a young child. It's very important to have consistent and quality child care so that those children who are entering kindergarten are entering prepared to learn, are entering on a level playing field with all the other children. This is not an enormous amount of money but it's necessary in order for us to complete the program that we started last year. I hope that

you can support it.

LEG. CARACCIOLO:
Madam Chair?

D.P.O. POSTAL:
Legislator Caracciolo.

LEG. BISHOP:
I thought I was next.

D.P.O. POSTAL:
Oh, I'm sorry, Legislator Bishop then Legislator Caracciolo; you're

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right, I apologize.

LEG. BISHOP:
I look forward to Legislator Caracciolo's remarks because once upon a time I used to write veto messages, and I really enjoyed this veto message because it makes a startling assertion; "It is not the County's roll to provide subsidies for private sector child care or any other private sector industry." Now, when you go to the Long Island Duck's Game, I guess we have purchased a Minor League Baseball Team, they're no longer in the private sector, or all the other IDA loans and deals that we do are all in the private sector. We do private sector subsidies all the time, but I guess when we've inverted the old notion that women and children come first.

Here we have an industry which is professionalized by women who are paid subprofessional wages, as a result they don't have retention and children suffer. So we engaged in an experiment, I would argue, a noble experiment and we said we're going to subsidize that industry directly. We know that that money will go into the pockets of employees who live and work in Suffolk County so it will come back into our economy and we'll see if we can make that industry work better for all of Suffolk County. We started down that path and now when we're halfway home we're going to cut the program off, and that's what this is about. If you want to find out if the experiment works you have to at least let the program run for the full course of one year, then we can make an informed decision whether it's worth County taxpayer dollars. So I would argue that we need to override this veto, continue the experiment, get the results and then evaluate with knowledge.

D.P.O. POSTAL:
Legislator Caracciolo.

LEG. CARACCIOLO:

I don't take issue with the goals of the program, I take issue with the fact that I don't think it's County government responsibility to fund these programs. I think that responsibility falls on the private sector first and foremost, and if there are governmental subsidies it should be the State government because it's State government that has the responsibility to fund education, not the County. We fund the Community College by State law, not by choice.

Let me point out, and I go back to the data, how long will it take to get the data? The program started last year, we should have more than 12 months experience, it shouldn't be that difficult. How many individuals are involved, what's the average amount of subsidy that is enabling those who are in this field to stay in this field and to stay with the same employer? Simple question, it shouldn't be hard to find out. What is the average amount of supplementation? If I do some simple arithmetic, and no one has provided me with this information, maybe Budget Review knows; Fred, has any information been submitted to you to suggest how many individuals are benefitting from the \$200,000 appropriation?

MR. POLLERT:

The agency does have a number of individuals that they have made

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grants to, I can't --

LEG. CARACCIOLO:

Do we know the average grant?

MR. POLLERT:

-- give you the number of individuals that had been retained as a consequence, I'm not sure that they have collected the data or that even it would be possible to collect the data to find out the number of individuals that were retained because of the grant, it would be really speculative. I don't know what those numbers are.

LEG. CARACCIOLO:

But it also should be very simple. I mean, how many child care providers -- I'll address the question to the sponsor, if you know,

Vivian. How many child care providers are there in Suffolk County, agencies now?

LEG. FISHER:

The funds that we're providing don't go to agencies, they go to individuals.

LEG. CARACCIOLO:

Okay.

LEG. FISHER:

The Child Care Council has kept data on the number of individuals who have received grants. The Child Care Council has to complete the program, compare the data for this year when the program has been completed with the control which would have been how many providers were there the year before and what kind of retention rate were there, there been historically?

LEG. CARACCIOLO:

I understand.

LEG. FISHER:

As was stated this morning by Janet Walerstein, the number of people that have received these grants, and I think she just mentioned 500 this morning, but I think overall there will be more when the program is completed. But of the 500, only five have left their place of employment; one because of pregnancy, I think there were two who left the state, and I don't remember what the other two were, but that's a negligible number. And it wasn't people who left their position in order to go flip burgers at Burger King and that's the level, the economic level with which we're competing. And we need to retain quality, consistent child care for our children.

LEG. CARACCIOLO:

Well, as I said, I look forward to the data when it arrives. I won't support the attempt to override this veto. The County Executive is right on as far as I'm concerned. And again, I would just caution everybody, we're only about five weeks away from the submission of next year's budget and when this issue comes up again, because now it's slowly progressing from a pilot program to something that's going

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to become a fixture in County expenditures. Be careful when you go down that road because when I look around the horseshoe, besides the chair right now, Maxine Postal and Legislator Binder, I don't remember any other Legislator here back when we had \$100 million County deficit in 1991 and the measures we had to take to deal with that. So we're talking 73 million, the number could go up, the number could down, but you're going to find out by October, the choices are not going to be easy.

D.P.O. POSTAL:

We have a motion to override and a second. Roll call.

MR. BARTON:

Who was the second, please?

LEG. FIELDS:

Me.

D.P.O. POSTAL:

I think Legislator Fields.

(*Roll Called by Mr. Barton, Clerk*)

LEG. FISHER:

Yes.

LEG. FIELDS:

Yes.

LEG. COOPER:

Yes.

LEG. BINDER:

No.

LEG. BISHOP:

(Not Present).

LEG. NOWICK:

Pass.

LEG. CRECCA:

This is to override, right? No to override.

LEG. CARPENTER:

Yes.

LEG. ALDEN:

No to override.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

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LEG. HALEY:

No.

LEG. CARACAPPA:

Yes.

LEG. TOWLE:

Yes to override.

LEG. GULDI:

Yes.

LEG. CARACCIOLO:

No.

D.P.O. POSTAL:

Yes.

P.O. TONNA:

Yes to override.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

MR. BARTON:

13-5.

P.O. TONNA:

Maxine, on with the agenda.

D.P.O. POSTAL:

Yeah, no problem.

LEG. NOWICK:

Maxine?

D.P.O. POSTAL:

Legislator Nowick?

LEG. NOWICK:

I want to make a motion to reconsider the motion to discharge 1391.

D.P.O. POSTAL:

Okay. Motion to reconsider the discharge of IR 1391 by Legislator Nowick and I'll second that. Roll call.

(*Roll Called by Mr. Barton, Clerk*)

LEG. NOWICK:

Yes.

D.P.O. POSTAL:

Yes.

LEG. COOPER:

Yes.

LEG. BINDER:

No.

LEG. BISHOP:

(Not Present).

LEG. CRECCA:

No to discharge.

LEG. CARPENTER:

No.

LEG. ALDEN:

No to reconsider.

LEG. FIELDS:

Yes.

LEG. LINDSAY:

No.

LEG. FOLEY:

No.

LEG. HALEY:

No.

LEG. FISHER:

Pass.

LEG. BISHOP:

I'm a yes to reconsider.

LEG. CARACAPPA:

Yes.

LEG. TOWLE:

No to reconsider.

LEG. GULDI:

Yes.

LEG. CARACCILOLO:

Yes.

P.O. TONNA:

(Not Present).

LEG. BISHOP:
Yes.

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LEG. FISHER:
Yes.

MR. BARTON:
9.

D.P.O. POSTAL:
Legislator Bishop, we're still on page eight of the agenda. What are your wishes with regard to Procedural Motion No. 3 - To retain independent appraisal review services for County land transactions (Bishop).

LEG. BISHOP:
Table subject to call.

LEG. HALEY:
Second.

D.P.O. POSTAL:
Motion to table subject to call, seconded by -- was that Legislator Haley? All in favor? Any opposed? Procedural Motion 3 is tabled subject to call. We're moving to Introductory --

MR. BARTON:
17, one not present (Not Present: Presiding Officer Tonna).

D.P.O. POSTAL:
Introductory Resolutions on page nine, Human Resources:

1294 - Granting paid leave to exempt employees who are organ donors (Cooper).

LEG. TOWLE:
Motion.

D.P.O. POSTAL:
Motion by -- who was that?

LEG. TOWLE:
Me.

D.P.O. POSTAL:
Legislator Towle.

LEG. GULDI:
Second.

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

LEG. CRECCA:
Henry, list me as a cosponsor on this.

D.P.O. POSTAL:
Cosponsor, Legislator Crecca. All in favor?

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LEG. LINDSAY:
I have a question.

D.P.O. POSTAL:
I'm sorry. On the question, Legislator Lindsay.

LEG. LINDSAY:
Yeah, for BRO. Did we assess the financial impact of this; what is it?

MR. SABATINO:
I have it if you want. The projected cost was \$29,212, but that was based on the original version which covered all County employees. The corrected copy now is limited to exempt, so it would be less than 29,000.

D.P.O. POSTAL:
Okay? Any other questions? Okay, all in favor?

LEG. CARACCIOLO:
On the motion, just a quick question.

D.P.O. POSTAL:
I'm sorry. Legislator Caracciolo?

LEG. CARACCIOLO:
Yes, I see this is a benefit for exempt County employees; is there a similar benefit for union members? And if I missed that, I apologize.

MR. SABATINO:
The original bill under State law provided for everyone in the County including members of the collective bargaining organizations to receive the benefit. However, at the Human Resources Committee on two occasions the Director of Personnel and Labor Relations came forward and testified that the unions were opposed to the legislation. So as a result, it was converted into a --

LEG. CARACCIOLO:
Another benefit?

MR. SABATINO:
It was converted into a corrected copy that wouldn't deal with the representatives of collective bargaining, but not because of Legislative intent, because the unions oppose it.

LEG. CARACCIOLO:
They want to negotiate it, Joe?

LEG. CARACAPPA:
Yeah.

LEG. CARACCIOLO:
Okay. That's reasonable.

D.P.O. POSTAL:
All right, all in favor? Opposed?

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MR. BARTON:
14, four not present (Not Present: Legislators Fisher, Bishop, Tonna and).

1325, 1325A - Amending the 2002 Capital Budget and Program and appropriating funds in connection with the purchase of a Xerox Docutech printer for County print shop (CP 1700) (County Executive).
Motion by Legislator Haley.

LEG. CARACAPPA:
Second.

D.P.O. POSTAL:
Seconded by Legislator Caracappa. Roll call on the bond.

(*Roll Called by Mr. Barton, Clerk*)

LEG. HALEY:
Yes.

LEG. CARACAPPA:
Yep.

LEG. COOPER:
Pass.

LEG. BINDER:

Yes.

LEG. BISHOP:
(Not Present).

LEG. NOWICK:
Pass.

LEG. CRECCA:
Yes.

LEG. CARPENTER:
Yes.

LEG. ALDEN:
No.

LEG. FIELDS:
Yes.

LEG. LINDSAY:
Yes.

LEG. FOLEY:
Yes.

LEG. FISHER:
(Not Present).

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LEG. TOWLE:
(Not Present).

LEG. GULDI:
Yes.

LEG. CARACCIOLO:
Yes

D.P.O. POSTAL:
Yes.

P.O. TONNA:
(Not Present).

LEG. COOPER:
Yes.

LEG. BISHOP:
I'm a yes.

LEG. NOWICK:

Yes.

LEG. FISHER:

(Not Present).

LEG. TOWLE:

(Not Present).

LEG. ALDEN:

Xerox won't be in business for five or six years.

MR. BARTON:

14, 1 and 3 not present (Opposed: Legislator Alden -
Not Present: Legislators Fisher, Towle & Tonna).

LEG. CARACCIOLO:

Madam Chair?

D.P.O. POSTAL:

Same motion, same second, same vote. Legislator Caracciolo.

LEG. CARACCIOLO:

Could you make inquiry of the Presiding Officer as to the ETA of
Commissioner Bartha or his designee?

LEG. FOLEY:

It depends whether he's traveling on a County Road or a State road?

D.P.O. POSTAL:

I will ask him to check that.

LEG. FOLEY:

Or a town road.

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D.P.O. POSTAL:

1771 - Authorizing certain technical corrections to Adopted Resolution
No. 524-2002 (Guldi).

LEG. LINDSAY:

He's on his way.

LEG. GULDI:

Motion.

LEG. CARACAPPA:

Second.

D.P.O. POSTAL:

Motion by Legislator Guldi, seconded by Legislator Lindsay. All in favor? Opposed? Bishop is in favor.

MR. BARTON:

16 two not present (Not Present: Legislators Towle & Tonna).

D.P.O. POSTAL:

1771 is approved.

Economic Development & Energy:

1795 - Accepting and appropriating Clean Cities Coalition Grant for Downtown Revitalization. Motion by --

LEG. HALEY:

I'll make that motion but just for --

LEG. FOLEY:

Second.

D.P.O. POSTAL:

Legislator Haley, seconded by Legislator Foley.

LEG. HALEY:

Yes, if we could get a quick explanation of what those monies are for? Are they typically targeted to certain geographic areas or is it just -- I'm talking reference to your 1795.

LEG. FISHER:

Actually this refers to a grant -- can you hear me, is it on?

D.P.O. POSTAL:

Yes.

LEG. FISHER:

Okay. I applied on behalf of the Chambers of Commerce who have been recipients of Downtown Revitalization Grants for the four cycles that we've had of Downtown Revitalization, I applied for a Clean Cities Coalition Grant to help us get an alternative fuel vehicle that would provide a shuttle service between the Hamlets of Stony Brook, Setauket and the Village of Port Jefferson so that we can connect those three

areas. And we did get the grant and we want to be able to accept the grant. We can't use it unless the entire program is developed and we're able to move forward with it, but we can't go any further with

the program until we're able to accept the grant. So I'm asking for your support just so that we can move to the next step. This is accepting, as I said, the grant for an alternative fuel vehicle to be part of our program.

LEG. FOLEY:

Take the money, let's go.

D.P.O. POSTAL:

Okay. There's a motion and a second. All in favor? Opposed?

MR. BARTON:

17, one not present (Not Present: Presiding Officer Tonna).

D.P.O. POSTAL:

1795 is approved.

Ways & Means:

1393 - To authorize a lease for relocation of the Coram Health Center from 3600 Route 112, Coram, New York, to Coram Equities, LLC, for the Suffolk County Department of Health Services and the Suffolk County Department of Social Services (Foley). Motion to approve by Legislator Foley, seconded by Legislator Fields.

LEG. CARACCIOLO:

On the motion.

D.P.O. POSTAL:

On the motion.

LEG. CARACCIOLO:

Exhibit B was not attached to my copy of 1795 -- I'm sorry, 1793, so could Counsel or BRO provide us with a brief --

LEG. FOLEY:

It's 1393.

LEG. CARACCIOLO:

1393. A brief summary of what are the terms and conditions. It's a 30 year lease, how many square foot, is it build-to-suit, who owns the land and what is the square foot price, per square foot?

LEG. GULDI:

You want me to take a stab at that?

LEG. CARACCIOLO:

You have the facts.

LEG. FOLEY:

And there are some people from the Executive's Office --

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D.P.O. POSTAL:

Well, as the -- well, I was going to say, maybe as the Chair of Ways and Means, George, do you want to respond?

LEG. GULDI:

I have some of those -- some of that information. Mr. Martorano, the landlord of this build-to-suit facility, is in the audience and can help me. I believe we're at 50,000 square feet?

MR. MARTORANO:

(Inaudible).

D.P.O. POSTAL:

You know something, George?

LEG. GULDI:

I want the assist.

D.P.O. POSTAL:

It's impossible for the stenographer to hear him when he responds.

LEG. GULDI:

So could he --

D.P.O. POSTAL:

So I would suggest that --

LEG. FOLEY:

Come to the podium.

D.P.O. POSTAL:

He can come up to the podium and respond to questions.

LEG. GULDI:

Yeah, I've got to sit here and -- yeah, please. I mean, the lease term -- I want to say that Basia Bars --

LEG. CARACAPPA:

Braddish.

LEG. GULDI:

Braddish -- I keep doing that to her -- has done an exemplary job on this lease. This lease -- just come to the podium so you can use the microphone, please. This lease will be a new model for going forward. The 30 year lease term, Fred, Jim, the numbers were -- the savings

over the 30 year life of the building assuming that the County's never going to go out of the health and social services business is huge, it's tens of millions of dollars over a shorter time period. The -- do you have the dollar per square foot figures and stuff with you, Jim Spero?

MR. SPERO:

I have to go back to the office.

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LEG. FOLEY:

Terry Allar is here.

LEG. GULDI:

Is Terry Allar in the room?

LEG. FOLEY:

Yes.

LEG. GULDI:

Where's Terry? It's out of committee, specific questions were requested.

D.P.O. POSTAL:

It was discharged --

LEG. FOLEY:

Terry Allar is --

D.P.O. POSTAL:

Could I just ask a question?

LEG. FOLEY:

She's here.

D.P.O. POSTAL:

There was not a quorum at Ways and Means, if I understand correctly.

LEG. GULDI:

That's correct, everything's discharged by petition.

D.P.O. POSTAL:

And so that these resolutions were discharged by petition. So there was not the opportunity to put --

LEG. GULDI:

Here's Terry. Terry, give us -- the questions that remain outstanding are square footage, dollars per square foot and basic lease terms.

Mr. Martorano is here, you have the file folder so nobody has to rely on recollection.

MS. ALLAR:

Okay, good afternoon. The square footage --

D.P.O. POSTAL:

Let me just say that this is an extremely important issue. The Coram Health Center has had -- and Social Services Center has had terrible trouble for a very prolonged period of time. This has been a project that's been worked on for quite some time and it's finally come to fruition. And those of us who have been aware of this, those of us whose constituents are served by this center are very, very anxious to see this resolution approved, not only because it will provide good quality service but because as Legislator Guldi said, it's a model lease. Go ahead, please

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LEG. CARACCIOLO:

So can we hear about the lease, Terry? That was my question, just tell me what the terms and conditions.

LEG. GULDI:

Dollars and cents, square feet.

MS. ALLAR:

The square footage, it's 53,000 square feet, it's a 30 year lease. It is 3% increase every two years by --

LEG. CARACCIOLO:

I had heard 2% so I'm glad you clarified the three, that's why you have to --

LEG. GULDI:

Every two years, so it's one and a half.

LEG. CARACCIOLO:

Every two years.

LEG. GULDI:

Right.

MS. ALLAR:

Every two years, so it actually works out to one and a half percent per annum.

LEG. CARACCIOLO:

Okay.

LEG. GULDI:

Base rent, square footage.

MS. ALLAR:

The base rent is 13.41 per square foot.

LEG. CARACCIOLO:

How does that compare with the surrounding or the going --

MS. ALLAR:

It's an excellent rate.

LEG. GULDI:

It's a great rate.

LEG. CARACCIOLO:

I seem to know that but I just want for the record to reflect that because the Martorano's have been involved with a number, as I understand, at least two that I'm aware of, County facilities, one is in Riverhead.

MS. ALLAR:

Yes.

LEG. CARACCIOLO:

In fact, I think both are in Riverhead, and they have an exemplary

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track record.

MS. ALLAR:

Correct.

LEG. CARACCIOLO:

So I don't have any reservations about them, but I still want to know the terms and conditions of the lease agreement because that is something that's our purview and we should note for the record what those terms and conditions are. So if you can continue, it's a build-to-suit.

MS. ALLAR:

Build-to-suit.

LEG. CARACCIOLO:

The County owns the land?

MS. ALLAR:

No.

LEG. CARACCIOLO:

No. So we're purchasing land.

MS. ALLAR:

You're strictly leasing the building.

LEG. CARACCIOLO:

Oh, okay, so he owns the land, he's building the building.

MS. ALLAR:

Correct.

LEG. CARACCIOLO:

And it's build-to-suit to the specifications of the Health Department --

MS. ALLAR:

And DSS --

LEG. CARACCIOLO:

And DSS.

MS. ALLAR:

-- with the direction of the Suffolk County Architect's office and DPW.

LEG. CARACCIOLO:

With what, George?

LEG. GULDI:

With maintenance and restoration riders and conditions that are also very favorable to the County.

MS. ALLAR:

Oh, definitely, and that was done by the Department of Law.

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LEG. CARACCIOLO:

Okay. It's not subject of this resolution but the resolution does make reference to the fact that the current landlord of the current facility is somewhere in that 450 day time period of addressing or redressing all of the discrepancies. Are we going to take that landlord to court? It's a separate issue, but Counsel, BRO --

D.P.O. POSTAL:

Can we ask our Counsel?

LEG. CARACCIOLO:

Well, what do we know about the status of that?

MR. SABATINO:

About who?

LEG. CARACCIOLO:

About the current least agreement with the current landlord.

MR. SABATINO:

You mean the existing facility.

LEG. CARACCIOLO:

Existing, right.

MR. SABATINO:

That we had several executive sessions on the litigation. The litigation was brought by the other side, if you recall, and we -- this Legislature in executive session gave instructions to our lawyers on what to do. I don't want to say it on the record, but --

D.P.O. POSTAL:

Which we are going to go into an executive session later, at some point later today.

LEG. GULDI:

That's different.

D.P.O. POSTAL:

I know that's on a different issue, but I'm saying that if there are questions at that time --

LEG. CARACCIOLO:

Well, not being a member of the Ways and Means Committee I didn't know that, or the Health Committee.

MR. SABATINO:

No, no, in front of the full -- we've had at least two full Legislative executive sessions, the attorneys came in and asked you for instruction and direction on what strategies to follow, we laid out a whole series of strategies. So the only point I'm trying to make is that --

LEG. CARACCIOLO:

Laid out strategies but I was never informed as to what the outcome

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was.

MR. SABATINO:

Well, there is no outcome. I mean, that's --

LEG. CARACCILO:

Thank you very much, okay.

LEG. FOLEY:

It's still in court.

D.P.O. POSTAL:

Okay, we have a motion and a second to approve 1393.

LEG. GULDI:

Roll call.

D.P.O. POSTAL:

Roll call.

(*Roll Called by Mr. Barton, Clerk*)

LEG. FOLEY:

Yes.

LEG. FIELDS:

Yes.

LEG. COOPER:

Yes.

LEG. BINDER:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

(Not Present).

LEG. CRECCA:

Yes.

LEG. CARPENTER:

Yes.

LEG. ALDEN:

Yes.

LEG. LINDSAY:

Yes.

LEG. HALEY:

Yes.

LEG. FISHER:

Yes.

LEG. CARACAPPA:

Yes.

LEG. TOWLE:

(Not in room).

LEG. GULDI:

Yes.

LEG. CARACCIOLO:

Yes.

D.P.O. POSTAL:

Yes.

P.O. TONNA:

Yeah.

LEG. NOWICK:

Yes.

LEG. TOWLE:

Yes.

MR. BARTON:

18.

D.P.O. POSTAL:

1393 is approved

1640 - Adopting Local Law No. 2002, A Local Law to implement Living Wage Policy for County of Suffolk (Bishop). Legislator Bishop?

LEG. BISHOP:

Motion to approve.

D.P.O. POSTAL:

Motion to approve by Legislator Bishop, seconded by myself.

LEG. BISHOP:

This adopts the recommendation of the -- many of the recommendations of the task force that was formed by the executive and which included Legislative membership as well as membership of union and service providers. All these recommendations can be boiled down to their simplifying the paperwork.

D.P.O. POSTAL:
Roll call.

LEG. ALDEN:
Question.

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D.P.O. POSTAL:
Question, Legislator Alden then Legislator Nowick.

LEG. ALDEN:
Legislator Bishop, wasn't this Local Law -- this was adopted already.

LEG. BISHOP:
No, we adopted --

LEG. ALDEN:
So these are changes to an adopted resolution, right?

LEG. BISHOP:
Right.

LEG. ALDEN:
Okay.

LEG. BISHOP:
It went into effect on July 1st, it's now what, the first week of August, these are changes to simplify some of the reporting requirements.

D.P.O. POSTAL:
Legislator Nowick?

LEG. NOWICK:
This just changes reporting, this didn't take anybody out of the fold?

LEG. BISHOP:
Nobody is in or out or any different.

LEG. NOWICK:
So it stays the way it was?

LEG. BISHOP:
Yes.

LEG. NOWICK:
And that's all that was discussed at the task force, that's all it was was paperwork?

LEG. BISHOP:

At the end of it, those were the recommendations --

LEG. NOWICK:

By everybody on the task force?

LEG. BISHOP:

Right, exactly.

D.P.O. POSTAL:

Legislator Binder?

LEG. BINDER:

Thank you, Madam Chair. This is just -- basically it boils down to what they can agree on. But the problems that are stemming from this

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piece of legislation are -- go well beyond this and I think it's pretty clear that when we passed it it wasn't ready for passage, the fact that they needed to have the task force. It's going to cost a lot more than we put into the budget to cover the cost and we're going to have to do a lot more next year, so as we're looking down the barrel of whether it being discussed is possibly \$70 million in deficits, we might have to put in a lot more than three-and-a-half million dollars, find new monies for this.

Also, the task force report showed that there were a number of people who by getting more will now in net be getting less because they're not going to be qualified for government programs. So there are a lot of things this task force did to show that there are a number of problems, but what happens when you have such a diverse task force with different interests, it comes down to the only thing you can get consensus on is a few things that are easy, this is easy. You know, reporting requirements, "Oh, we changed it from quarterly to yearly, we take out zip code numbers because of some people's concerns," but there are much, much deeper concerns by a lot of the service providers.

In fact, ACLD, along with other reasons for stopping the respite care because this wasn't the only reason, but they cited a number of problems they had in providing respite care in Suffolk County, 53 kids and families from the respite care, they stopped providing it and one of the main reasons that they cited in their letters to the Health Department when they pulled out of the program was the living wage bill. I think we should have taken a much closer look at this, we shouldn't have passed this as a discharged resolution that didn't get full committee consideration and then had to run to a task force to try to make changes. And the task force, its composition dictated that

in the end we would get this really milk-toast type amendments that we're getting here. And I think it's unfortunate and I don't know what's going to flow from this but I think there are going to still be many more problems that flow from this legislation.

D.P.O. D.P.O. POSTAL:
Roll call.

(*Roll Called by Mr. Barton, Clerk*)

LEG. BISHOP:
Yes.

D.P.O. POSTAL:
Yes.

LEG. COOPER:
Yes.

LEG. BINDER:
No.

LEG. NOWICK:
Pass.

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LEG. CRECCA:
Yes.

LEG. CARPENTER:
Yes.

LEG. ALDEN:
Yes.

LEG. FIELDS:
Yes.

LEG. LINDSAY:
Yes.

LEG. FOLEY:
Yes.

LEG. HALEY:
(Not Present).

LEG. FISHER:
Yes.

LEG. CARACAPPA:
Yes.

LEG. TOWLE:
Yes.

LEG. GULDI:
Pass.

LEG. CARACCIOLO:
Yes.

LEG. TONNA:
Yes.

LEG. NOWICK:
Yes.

LEG. CARPENTER:
Yes I said.

MR. BARTON:
Oh, I'm sorry, I thought you passed.

LEG. HALEY:
(Not Present).

LEG. GULDI:
Yes.

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MR. BARTON:
16-1 and one not present (Not Present: Legislator Haley). 16.

[RETURN OF COURT STENOGRAPHER-LUCIA BRAATEN]

D.P.O. POSTAL:
I didn't hear the --

MR. BARTON:
16.

D.P.O. POSTAL:

Thank you. 1640 is approved. 1750, Appropriating funds in connection with the Civil Court renovation). Motion by Legislator Caracciolo, seconded by Legislator Guldi. Roll call.

LEG. CARACCIOLO:

Yes.

LEG. GULDI:

Yes.

LEG. COOPER:

Yes.

LEG. BINDER:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Yeah.

LEG. CARPENTER:

Yes.

LEG. ALDEN:

Yes.

LEG. FIELDS:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. HALEY:

(Not Present)

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LEG. FISHER:

Yes.

LEG. CARACAPPA:

Yes.

LEG. TOWLE:
(Not Present)

D.P.O. POSTAL:
Yes.

P.O. TONNA:
(Not Present).

LEG. TOWLE:
Yes.

MR. BARTON:
Legislator Haley? 16-2 on the bond -- two not present. I'm sorry.
(Not Present: P.O. Tonna and Leg. Haley)

D.P.O. POSTAL:
Same motion, same second, same vote. 1777, Authorizing sale pursuant to Local Law 16-1976 of real property acquired under Section 46 of the Suffolk County (Tax Act (Latoyia Hassell and Myrtle Hassell, as Tenants in Common).

LEG. GULDI:
Can I suggest that these were matters that were customarily put on the Consent Calendar?

D.P.O. POSTAL:
Consent Calendar.

LEG. GULDI:
So I'll make a motion, but let's do same motion, same second, same votes on these, huh?

D.P.O. POSTAL:
Okay.

LEG. FISHER:
I'll second that.

D.P.O. POSTAL:
Is there -- are you making a motion to approve?

LEG. GULDI:
Motion on -- motion to approve 1777.

D.P.O. POSTAL:
On 1777, seconded by Legislator Fisher. All in favor? Opposed?

MR. BARTON:

17, 1 not present.

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LEG. GULDI:

Same motion.

D.P.O. POSTAL:

1777, same motion, same second, same vote.

MR. BARTON:

17, 1 not present.

D.P.O. POSTAL:

Seventy-eight. Excuse me, 1778 (Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act (Joseph Licata).

LEG. GULDI:

Same motion. On 1779.

D.P.O. POSTAL:

I can't hear. Henry, I can't hear you.

MR. BARTON:

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

D.P.O. POSTAL:

1779 (Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act (Loretta Bell, Surviving Tenant by Entirety). Same motion, same second, same vote.

MR. BARTON:

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

D.P.O. POSTAL:

1780 (Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act (Gerard Eberhard). Same motion, same second, same vote.

MR. BARTON:

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

D.P.O. POSTAL:

1781 (Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act (Property VII LLC).

LEG. GULDI:

Same, same motion.

MR. BARTON:

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

D.P.O. POSTAL:

Same motion, same second, same vote. Sorry. 1782 (Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act (James P. Dae, Jr.).

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LEG. GULDI:

One more time.

D.P.O. POSTAL:

Same motion, same second, same vote.

MR. BARTON:

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

LEG. GULDI:

Keep going. 1783, same motion.

D.P.O. POSTAL:

No. 1783 (Sale of County-owned real estate pursuant to Local Law 13-1976 (Leonard E. Seaston and Lynne C. Seaston, his wife).

LEG. GULDI:

It's a Local Law 3.

D.P.O. POSTAL:

There's a Local Law 13. Motion by Legislator Guldi, seconded by Legislator Fisher. All in favor? Opposed? Door.

MR. BARTON:

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

D.P.O. POSTAL:

1783 is approved. (1790) - Authorizing the sale of surplus cars to the Sachem School District. Motion, Legislator Caracappa, second by Legislator Fisher. All in favor? Opposed?

MR. BARTON:

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

D.P.O. POSTAL:

1791 - Authorizing the sale of surplus County cars to Bellport Against Drugs Community. Motion by Legislator Towle.

LEG. FOLEY:
Second.

D.P.O. POSTAL:
Seconded by Legislator Foley. All in favor? Opposed?

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

D.P.O. POSTAL:
1791 is approved. (1792) - Authorizing the sale of surplus County cars to Huntington School District. Motion, Legislator Cooper, seconded by Legislator Binder. All in favor? Opposed?

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

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D.P.O. POSTAL:
1792 is approved.

LEG. HALEY:
Madam Chair.

D.P.O. POSTAL:
Yes, Legislator Haley.

LEG. HALEY:
I'm sorry for the interruption. Could you reflect my vote in the affirmative for 1640.

D.P.O. POSTAL:
Mr. Clerk.

LEG. TOWLE:
Motion.

D.P.O. POSTAL:
Are you talking about 1793?

LEG. BISHOP:
1640.

D.P.O. POSTAL:
Oh, you're talking --

LEG. TOWLE:
No. We have to do that or --

D.P.O. POSTAL:

Oh, okay.

LEG. HALEY:

I want my vote reflected on 1640.

LEG. GULDI:

Motion to reconsider and include Mr. Haley with the majority.

D.P.O. POSTAL:

Okay. Motion by Legislator Guldi, seconded by Legislator Towle. All in favor? Opposed? The resolution is reconsidered, and Mr. Haley's vote has been recorded with the majority.

LEG. HALEY:

Thank you.

D.P.O. POSTAL:

Moving along to 1793.

LEG. CARACCIOLO:

Motion.

D.P.O. POSTAL:

Authorizing the sale of County car (to Cornell Cooperative Extension).

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LEG. CARACCIOLO:

Second.

D.P.O. POSTAL:

Motion by Legislator Haley, seconded by Legislator Caracciolo.

LEG. FOLEY:

Just on the motion.

D.P.O. POSTAL:

On the motion.

LEG. FOLEY:

We're on 93 or 94, 93?

D.P.O. POSTAL:

93. All in favor? Opposed?

MR. BARTON:

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

D.P.O. POSTAL:

1794 - Authorizing sale of surplus County cars to the Village of Patchogue.

LEG. FOLEY:
Motion.

D.P.O. POSTAL:
Motion, Legislator Foley, seconded by Legislator Towle.

LEG. FOLEY:
Just on the motion. Counsel, did you get the amended copy, the amended resolution of 1794? It reduced the overall -- reduced the --

LEG. BISHOP:
Go back to that one.

LEG. FOLEY:
-- the cost, the estimate. We received it in the middle of July. 1794.

MR. SABATINO:
No, there's no corrected copy.

LEG. FOLEY:
All right. A motion to table.

D.P.O. POSTAL:
Motion to table, Legislator Foley, seconded by Legislator Towle. All in favor? Opposed?

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

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D.P.O. POSTAL:
1794 is tabled. 1801 - Authorizing sales of surplus property sold at the May 15th and May 16th, 2002 auction, pursuant to Local Law 13-1976.

LEG. GULDI:
Motion.

D.P.O. POSTAL:
Motion, Legislator Guldi, seconded by Legislator Caracappa.

LEG. FOLEY:
Explanation.

D.P.O. POSTAL:

Explanation.

LEG. GULDI:

Yeah. This is a -- this is part of most of the parcels that were knocked down at the auction. Those parcels with respect to which there has been any question raised by any Legislator or concern are contained in a different resolution, 1800 I believe is the number, which is still pending in the Ways and Means Committee until such time as those questions are resolved as to that. The only two -- there are actually two parcels that are included on this in which there are title questions. I've been assured by the Real Estate Division that those title questions will be resolved promptly. If there is a cloud on title that is not promptly clearable, that those purchase will have their deposits refunded. I only remember one of them. One of them was the speaker here earlier today, Mr. Tyte. The other one was -- there is a -- and yeah, and -- yes. So I urge the County needs the revenue. And, also, there are people who have been sitting here in the audience anxious to close on their parcels, so they can get into their properties that they one at the auction.

LEG. HALEY:

Second. Let's go.

D.P.O. POSTAL:

Okay. There's a motion and a second. All in favor? Opposed?

LEG. CARACCIOLO:

Abstain.

D.P.O. POSTAL:

Abstain. But was that Legislator Guldi? Legislator Caracciolo.

LEG. BISHOP:

Caracciolo.

D.P.O. POSTAL:

Abstained.

LEG. BISHOP:

Yeah.

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D.P.O. POSTAL:

Yeah.

MR. BARTON:

14, 1 abstention, 3 not present. (Not Present: P.O.Tonna, Legs. Towle and Carpenter)

ENVIRONMENT, LAND ACQUISITION & PLANNING

D.P.O. POSTAL:

Environment, Land -- Environment, Land Acquisition and Planning.
1450 - A local law to ban mass release of balloons within the County
of Suffolk.

LEG. HALEY:

Second.

LEG. COOPER:

Second.

D.P.O. POSTAL:

Motion to approve, Legislator Nowick.

LEG. FISHER:

Second.

D.P.O. POSTAL:

Seconded by Legislator Haley. Roll call.

P.O. TONNA:

I'm here.

(Roll Called by Mr. Barton).

LEG. NOWICK:

Yes.

LEG. HALEY:

I'm going to allow Legislator Fisher to be the second on it.

LEG. FISHER:

Yes.

LEG. COOPER:

Yes.

LEG. BINDER:

No.

LEG. BISHOP:

Yes.

LEG. CRECCA:

Yes.

LEG. CARPENTER:
(Not Present)

LEG. ALDEN:
Yes.

LEG. FIELDS:
Yes.

LEG. LINDSAY:
Yes.

LEG. FOLEY:
Yes.

LEG. HALEY:
Yes.

LEG. CARACAPPA:
Yes.

LEG. TOWLE:
(Not Present)

LEG. GULDI:
Yes.

LEG. CARACCIOLO:
Yes.

D.P.O. POSTAL:
Yes.

P.O. TONNA:
Absolutely.

MR. BARTON:
Legislator Carpenter? Legislator Towle?

MR. BARTON:
15, 1, 2 not present. (Not Present: Leg. Towle and Carpenter)

D.P.O. POSTAL:
1450 is approved.

(Applause)

1571 - Implementing pay-as-you-go quarter cent Taxpayer Protection Plan for Water Quality Protection and Restoration Program on Champlin Creek in Town of Islip). Motion to approve, Legislator Alden?

LEG. BISHOP:

Second.

D.P.O. POSTAL:

Where is he? No?

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LEG. BISHOP:

All and I'll second.

D.P.O. POSTAL:

Yeah. Oh, seconded by Legislator Bishop. All in favor? Opposed?

MR. BARTON:

16, 2 not present. (Not Present: Legs. Towle and Carpenter)

D.P.O. POSTAL:

1571 is approved. 1702 - Appointing (Thomas J. McMahon as a member of the Lower Hudson-Long Island Resource Conservation and Development Area Council).

LEG. BISHOP:

Motion.

D.P.O. POSTAL:

Motion by Legislator Bishop? Seconded by --

LEG. FIELDS:

Me, Fields.

D.P.O. POSTAL:

Legislator Foley. All in favor? Opposed?

MR. BARTON:

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

D.P.O. POSTAL:

1702 is approved. 1774 (Accepting and appropriating an additional 100% grant funds from the New York State Department of Health to the Department of Health Services, Division of Environmental Quality for the Drinking Water Enhancement Program).

LEG. FOLEY:

Motion.

D.P.O. POSTAL:

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

MR. BARTON:

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

D.P.O. POSTAL:

1774 is approved.

LEG. CARACCIOLO:

Motion.

D.P.O. POSTAL:

Motion by Legislator Caracciolo on 1775 (Amending the 2002 Operating Budget to transfer funds from County Water Protection Fund (477) Reserve Fund to the Department of Parks, Recreation and Conservation

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for the implementation of an Organic Maintenance Program and creating positions in the Department of Parks, Recreation and Conservation) to approve.

LEG. ALDEN:

Second.

D.P.O. POSTAL:

Second by Legislator Alden. All in favor? Opposed?

MR. BARTON:

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

D.P.O. POSTAL:

1775 is approved. We're going to come back to the agenda later. We have an --

LEG. BISHOP:

Madam Chair, why do we have to have executive session now. We're almost done with the agenda. Let's finish the agenda.

LEG. CRECCA:

Yeah, why don't we --

D.P.O. POSTAL:

Well, because it was set.

LEG. CRECCA:

Can we just go for about another ten minutes? We could finish the agenda.

LEG. BISHOP:

Can we just -- I make a motion to extend the meeting for 15 minutes.

We'll be done.

LEG. CARACAPPA:
Extend, yeah.

LEG. GULDI:
Second the motion.

D.P.O. POSTAL:
You have a whole bunch in Public Works.

LEG. CARACAPPA:
Yeah, second that, third it, fourth it.

LEG. FISHER:
Second the motion.

LEG. GULDI:
Keep going, get it done.

LEG. ALDEN:
We've got an hour to go on the agenda.

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LEG. GULDI:
Come on. We've got a good pace going, don't stop us now.

LEG. BISHOP:
Yeah, keep going.

P.O. TONNA:
Well, I would ask my colleagues then to, you know, to make sure you read the resolution beforehand, know what we're voting on and get it --

LEG. CRECCA:
Yeah, okay, we'll do that.

P.O. TONNA:
You know what I'm saying.

LEG. FOLEY:
We're following your lead, Paul.

P.O. TONNA:
You know what I'm saying.

LEG. CRECCA:
We've all done that already.

D.P.O. POSTAL:

I'm trying to say it very nicely, let's move it, not to debate.

LEG. GULDI:

Give the mike back to Maxine and we'll be -- we'll be much more efficient.

PUBLIC SAFETY & PUBLIC INFORMATION

P.O. TONNA:

Okay. 1754 (Approving the appointment of Joseph Arcuri as a member of the Suffolk County Fire Rescue and Emergency Services Commission).

LEG. CARACCIOLO:

Motion.

LEG. BISHOP:

Motion.

P.O. TONNA:

Motion by Legislator Bishop, seconded by Legislator Binder. All in favor? Opposed?

MR. BARTON:

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

P.O. TONNA:

Thank you. 1755 (Approving the reappointment of Richard McGowin as a member of the Suffolk County Fire, Rescue and Emergency Services Commission).

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LEG. CARACCIOLO:

Same motion.

D.P.O. POSTAL:

No. Motion by --

LEG. BISHOP:

Oh, come on.

P.O. TONNA:

Oh, same motion, same second, same vote. I thought these were -- okay.

MR. BARTON:

17. (Not Present: Leg. Towle)

P.O. TONNA:

1756 (Approving the reappointment of Charles Hoffman as a member of the Suffolk County Fire, Rescue and Emergency Services Commission). Same motion, same second, same vote. (Vote: 17-1 - Not Present: Leg. Towle)

P.O. TONNA:

1757 (Approving the reappointment of Frank Thornhill as a member of the Suffolk County Fire, Rescue and Emergency Services Commission). Same motion, same second, same vote. (Vote: 17-1 - Not Present: Leg. Towle).

P.O. TONNA:

1758 (Approving the reappointment of Jay Egan as a member of the Suffolk County Fire, Rescue and Emergency Services Commission). Same motion, same second, same vote. (Vote: 17-1 - Not Present: Leg. Towle) .

P.O. TONNA:

1759 (Approving the reappointment of Ralph Martin, Jr. as a member of the Suffolk County Fire, Rescue and Emergency Services Commission). Same motion, same second, same vote. (Vote: 17-1 - Not Present: Leg. Towle)

LEG. CRECCA:

Why don't you let him call the vote?

P.O. TONNA:

I heard it. 1760 (Approving the reappointment of Robert K. Knight as a member of the Suffolk County Fire, Rescue and Emergency Services Commission). Same motion, same second, same vote.

MR. BARTON:

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

D.P.O. POSTAL:

1761 (Approving the reappointment of Joseph Birbiglia as a member of the Suffolk County Fire, Rescue and Emergency Services Commission). Same motion, same second, same vote.

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MR. BARTON:

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

D.P.O. POSTAL:

1773 (Approving the reappointment of Rabbi Steven A. Moss as a Chair of the Suffolk County Human Rights Commission).

D.P.O. POSTAL:

Motion.

LEG. CRECCA:
Motion.

P.O. TONNA:
Motion by Legislator Tonna, seconded by Legislator Postal. All in favor? Opposed?

LEG. CARACAPPA:
Opposed.

P.O. TONNA:
Opposed? Okay.

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

P.O. TONNA:
**1799 (Designating certain contract agencies for education component of Universal Child Sexual Abuse Reporting Policy for Suffolk County).
Motion by Legislator Nowick, seconded by Legislator --**

D.P.O. POSTAL:
She said she wants to table it.

LEG. BISHOP:
Second the motion to table.

P.O. TONNA:
**Oh, table. Second by Legislator Bishop to table. All in favor?
Opposed? Tabled. She's the sponsor of the bill.**

LEG. CARACAPPA:
I'm opposed to tabling.

LEG. GULDI:
Opposed.

P.O. TONNA:
Okay. All right now we go to 1745.

LEG. CARACCIOLO:
Motion.

MR. BARTON:
15-2. (Not Present: Leg. Towle)

P.O. TONNA:

(1745-Amending the 2002 Capital Program and Budget and appropriating funds to develop a master plan for the North County Complex, Hauppauge and the Yaphank County Complex). And a motion -- I'm going to -- motion by Legislator Foley, seconded by Legislator Caracciolo. All in favor? Opposed? No, roll call.

LEG. BINDER:

No, roll call.

P.O. TONNA:

I'll let you do the roll call.

LEG. BISHOP:

We got two bonds.

D.P.O. POSTAL:

Okay. Roll call, Mr. Clerk.

(Roll Called by Mr. Barton)

LEG. FOLEY:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. COOPER:

Yes.

LEG. BINDER:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Yes.

LEG. CARPENTER:

Yes.

LEG. ALDEN:

No.

D.P.O. POSTAL:

Just do the last names, please.

MR. BARTON:
Sure. Legislators Fields.

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LEG. FIELDS:
(Not Present)

D.P.O. POSTAL:
You can actually just call them by their last names. We'll excuse you if you leave off the Legislator.

MR. BARTON:
Okay. But she's not here.

LEG. LINDSAY:
Yes.

LEG. HALEY:
Yes.

LEG. FISHER:
Yes.

LEG. CARACAPPA:
Yes.

LEG. TOWLE:
(Not Present)

LEG. GULDI:
Yes.

D.P.O. POSTAL:
Yes.

P.O. TONNA:
(Not Present)

MR. BARTON:
14-1, 3 not present on the bond. (Not Present: P.O. Tonna, Legs. Fields and Towle)

D.P.O. POSTAL:
Same motion, same second, same vote.

LEG. FOLEY:
Thank you.

D.P.O. POSTAL:

1751 (Amending the 2002 Capital Budget and Program, appropriating funds and approving federal aid for participation in engineering for the reconstruction of CR 57, Bay Shore Road, from NYS Rt. 27 to NYS Rt. 231, Town of Babylon and Islip (CP 5523).

LEG. CARPENTER:

Motion.

D.P.O. POSTAL:

Motion by --

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LEG. BINDER:

I'll make the motion.

D.P.O. POSTAL:

Legislator Binder, seconded by Legislator Carpenter. Roll call.

(Roll Called by Mr. Barton)

LEG. BINDER:

Yes.

LEG. CARPENTER:

Yes.

LEG. COOPER:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Yeah.

LEG. ALDEN:

Yes.

LEG. FIELDS:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Pass.

LEG. HALEY:
Yes.

LEG. FISHER:
Yes.

LEG. CARACAPPA:
Yes.

LEG. TOWLE:
(Not Present).

LEG. GULDI:
Yes.

LEG. CARACCIOLO:
Yes.

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D.P.O. POSTAL:
I'm sorry, yes.

P.O. TONNA:
(Not Present)

LEG. FOLEY:
Yes.

MR. BARTON:
16, 2 not present on the bond. (Not Present: P.O. Tonna and Leg. Towle)

D.P.O. POSTAL:
Same motion, same second, same vote. 1763, Authorizing an execution of an agreement by the Administrative Head of Suffolk County Southwest -- Sewer District No. 3 - Southwest.

LEG. BINDER:
Motion.

D.P.O. POSTAL:
Motion by Legislator Binder, second by Legislator Caracappa. All in favor?

LEG. ALDEN:
Roll call.

D.P.O. POSTAL:
Roll call.

(Roll Called by Mr. Barton)

LEG. BINDER:
Yes.

LEG. CARACAPPA:
Yes.

LEG. COOPER:
Yes.

LEG. BISHOP:
Yes.

LEG. NOWICK:
Yes.

LEG. CRECCA:
Yes.

LEG. CARPENTER:
Yes.

LEG. ALDEN:
No.

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LEG. FIELDS:
Yes.

LEG. LINDSAY:
Yes.

LEG. FOLEY:
Yes.

LEG. HALEY:
Yes.

LEG. FISHER:
Yes.

LEG. TOWLE:
(Not Present)

LEG. GULDI:

No.

LEG. CARACCIOLO:

No.

D.P.O. POSTAL:

No.

P.O. TONNA:

(Not Present)

LEG. ALDEN:

Ms. Presiding Officer.

D.P.O. POSTAL:

Yes, Legislator Alden.

MR. BARTON:

12-4, and 2 not present. (Not Present: P.O. Tonna and Leg. Towle).

LEG. ALDEN:

Just as a reminder ,all these hookups that we're doing to the Southwest Sewer District No. 3, there's a possibility that we have already run out of -- out of capacity, so, you know, as a reminder, next time we're considering any of these.

LEG. CARACCIOLO:

Madam Chair, while we're on the Public Works agenda --

D.P.O. POSTAL:

Wait one minute. You know, first of all, do you want the floor, Legislator Bishop?

LEG. BISHOP:

No.

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D.P.O. POSTAL:

No.

LEG. BISHOP:

Because we voted. Let's go.

D.P.O. POSTAL:

Okay.

LEG. GULDI:

We voted. Let's do the agenda.

LEG. BISHOP:
Do the agenda.

D.P.O. POSTAL:
Legislator Caracappa (sic), are you talking about the next resolution?

LEG. CARACCIOLO:
No. I wanted to bring to your attention --

LEG. FISHER:
Caracciolo.

LEG. CARACCIOLO:
-- that Commissioner Bartha is present, so we can go back to those two tabled resolutions.

D.P.O. POSTAL:
Yeah. If -- we're going to continue. If people have questions for Commissioner Bartha --

LEG. CARACCIOLO:
No, he's here, he's in the building.

D.P.O. POSTAL:
-- then we can come back at that point.

LEG. BISHOP:
You're doing well.

D.P.O. POSTAL:
1766 (Transferring escrow account revenues to the Capital Fund, transferring assessment stabilization reserve funds to the Capital Fund, amending the 2002 Operating Budget, amending the 2002 Capital Budget and Program, appropriating additional design funds for upgrading WWTP facilities, authorizing funds for a Project labor Agreement Feasibility Report, and appropriating construction funds for pump station improvements to Suffolk County Sewer District No. 1 - Port Jefferson (CP 8169). Is there a motion?

LEG. BISHOP:
Approve, motion to approve.

D.P.O. POSTAL:
Motion to approve by Legislator Bishop, seconded by Legislator Haley.

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All in favor? Opposed?

MR. BARTON:

16, 2 not present. (Not Present: P.O. Tonna and Leg. Towle)

D.P.O. POSTAL:

1766 is approved. 1767 (Transferring Assessment Stabilization Reserve Funds to the Capital Fund, amending the 2002 Operating Budget, amending the 2002 Capital Budget and Program, and appropriating design funds for reconstruction of the sludge treatment and disposal facilities in Suffolk County Sewer District No. 3 - Southwest (CP 8180). Motion by Legislator Bishop, seconded by myself. All in favor? Opposed?

MR. BARTON:

16, 2 not present. (Not Present: P.O. Tonna and Leg. Towle)

D.P.O. POSTAL:

1767 is approved.

PARKS, SPORTS & CULTURAL AFFAIRS

Parks, Sports and Cultural Affairs. 1768 (Appointing Deborah A. Gray as a member of the Suffolk County Vanderbilt Museum Commission (Trustee No. 14). Let's see. Motion to approve by Legislator Binder, seconded by Legislator Cooper. All in favor? Opposed?

MR. BARTON:

16, 2 not present. (Not Present: P.O. Tonna and Leg. Towle)

D.P.O. POSTAL:

17 --

LEG. LINDSAY:

Madam Chair.

D.P.O. POSTAL:

Yes.

LEG. LINDSAY:

Before we get to the next motions, I'm requesting a caucus.

LEG. BISHOP:

No. Wait, wait.

D.P.O. POSTAL:

Just let me -- 1768 is approved. Okay. Why don't we have a five-minute recess.

LEG. FISHER:

Literally, five minutes.

D.P.O. POSTAL:
Literally, five minutes.

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[THE MEETING WAS RECESSED AT 4:38 P.M. AND RESUMED AT 4:41 P.M.]

LEG. BISHOP:
Call the vote, Mr. Chairman.

P.O. TONNA:
Call the vote. All right. I'd ask all Legislators, please come back to the horseshoe. Okay. We're on -- I'd ask all Legislators, please come to the horseshoe.

LEG. CARACCIOLO:
Mr. Chairman, I'd like to bring to your attention --

P.O. TONNA:
Yeah.

LEG. CARACCIOLO:
-- that Mr. Bartha has arrived to answer our questions about those two resolutions.

P.O. TONNA:
Right after these -- the three bills, and then the senseless resolutions -- sense resolutions. I'm sorry. Where is Charlie? Charlie, where are you?

LEG. CARACCIOLO:
Well, he's in the back. If you'd --

P.O. TONNA:
He's a short guy, I know. Sometimes I miss him.

LEG. CARACAPPA:
He'll be in.

P.O. TONNA:
Okay.

LEG. BISHOP:
Ready?

P.O. TONNA:
All right. Yeah. I mean, do we have everybody?

MS. BURKHARDT:
Yes.

P.O. TONNA:
Yeah. Most of the people. Okay.

LEG. BISHOP:
1783.

P.O. TONNA:
17 --

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LEG. FISHER:
1283.

P.O. TONNA:
1283.

LEG. BISHOP:
1283. 1283.

P.O. TONNA:
It's a different year.

LEG. CARPENTER:
Motion to approve.

P.O. TONNA:
Okay. Motion to approve Jim Morgo?

LEG. FISHER:
Motion to table.

P.O. TONNA:
Motion to table.

LEG. BISHOP:
Second the motion to table.

P.O. TONNA:
Second the motion to table. All in favor? Opposed?

LEG. BINDER:
Roll call.

LEG. CARPENTER:
Opposed.

P.O. TONNA:
Okay, roll call.

MR. BARTON:
On the motion to table.

(Roll Called by Mr. Barton)

LEG. FISHER:
Yes.

LEG. BISHOP:
Yes.

LEG. COOPER:
Yes.

LEG. BINDER:
Yes.

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LEG. NOWICK:
(Not Present)

LEG. CRECCA:
It's a motion to table? Yes, to table.

LEG. CARPENTER:
No.

LEG. ALDEN:
Yes to table.

LEG. FIELDS:
Yes.

LEG. LINDSAY:
Yes.

LEG. FOLEY:
Yes.

LEG. HALEY:
(Not Present).

LEG. CARACAPPA:
Yes to table.

LEG. TOWLE:
Yes.

LEG. GULDI:

Yes.

LEG. CARACCIOLO:

No.

D.P.O. POSTAL:

Yes.

P.O. TONNA:

No.

LEG. NOWICK:

No.

MR. BARTON:

Haley. Thirteen.

P.O. TONNA:

Thirteen to table.

MR. BARTON:

Four, one not present. (Not Present: Leg. Nowick)

P.O. TONNA:

Okay. Now there's 1598, to name the Official County Book.

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LEG. GULDI:

What?

P.O. TONNA:

What the heck is the Official County Book?

LEG. BISHOP:

Robert's Tall Friend.

P.O. TONNA:

What are we talking about? Is that official photo album? What is this?

LEG. BINDER:

I'll make a motion.

P.O. TONNA:

Yeah. But, Allan, what is this?

LEG. BINDER:

I'll explain.

P.O. TONNA:

Is it --

LEG. GULDI:

This better be good.

LEG. BINDER:

I'll explain.

P.O. TONNA:

Is it the Wizard of Oz this week, I mean --

LEG. BINDER:

I'll explain.

LEG. BISHOP:

It has a term, though.

LEG. BINDER:

Let me -- right. It's only one year. Let me explain after I get a second.

LEG. FISHER:

Motion, for purposes of discussion.

P.O. TONNA:

I've never -- I've never heard this in my whole life.

LEG. CARPENTER:

I will second it, since Robert's Tall Friend is the Fire Island Lighthouse and resides in my district.

LEG. BINDER:

Yes.

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LEG. BISHOP:

Right.

LEG. BINDER:

Yes, right. Mr. Chairman, on the motion.

LEG. BISHOP:

Just go ahead.

LEG. BINDER:

On the motion. What this is, it's "Robert Tall Friend", by Vivian Farrell of Suffolk County. This is only one year, this is not forever that it's Suffolk County's book. But a school in my district,

Parliament Place Elementary School, Second Grade, they voted using, using the actual real voting booths, and they voted from a number of books that were submitted, and this book about the Fire Island Lighthouse and the befriending of that lighthouse by a child.

LEG. GULDI:

Can you read it to us? Do you have a copy?

LEG. BINDER:

Well, no, it was handed out to all the committee members and I think they were --

LEG. BISHOP:

He would, but you've been bad today.

LEG. TOWLE:

We're sorry we asked.

LEG. BINDER:

If you'd like, you could sit on my lap and we can read and I can put you to sleep. No.

LEG. CARACAPPA:

No, thanks.

LEG. BINDER:

It's for one year.

P.O. TONNA:

Okay.

LEG. BINDER:

It's only for one year. It's not, the book -- but it is a very good book, it's about Long Island. It captures --

LEG. BISHOP:

It's an excellent choice.

LEG. BINDER:

Yes. And the Committee --

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P.O. TONNA:

Okay. Can we -- for all of those who are overly sentimental, I know I'm wearing a pink shirt today, but I'm not that overly sentimental. I just --

LEG. BINDER:

This is a children thing.

P.O. TONNA:

Okay. Can we, please, can we just vote?

(Affirmative Response From Legislators)

All right.

LEG. BISHOP:

Well, you're the one that brought it up.

P.O. TONNA:

What?

LEG. BISHOP:

You're the one who demanded explanations.

P.O. TONNA:

Well, I demand a -- just I can't believe this. Anyway --

LEG. BINDER:

I thought I'd bring in the second grade class, but I thought maybe not, if --

LEG. GULDI:

The explanation was longer than the book.

P.O. TONNA:

Yeah, right, it probably was. I thought we might have Leaves of Grass, or something by Walt Whitman, but all in favor? Opposed?

LEG. BISHOP:

You're opposed?

P.O. TONNA:

I'm opposed.

LEG. BISHOP:

Put that hand down.

LEG. CARPENTER:

It's the Fire Island Lighthouse.

LEG. ALDEN:

Henry, abstain.

P.O. TONNA:

It's a bad precedent to set.

LEG. GULDI:

Abstention. Make mine abstention.

P.O. TONNA:

We're going to be fighting over the next year's Official County Book, I could just see it. It'll take up at least a meeting and a half. All right? Fred Towle will be promising things and I'll be promising things for the Official County Book.

LEG. HALEY:

Next year's is going to be The Portrait of a Conservative.

P.O. TONNA:

It might be --

LEG. TOWLE:

Wait a second.

P.O. TONNA:

The Party Leader's Memoirs. Anyway --

LEG. GULDI:

What are you promising?

LEG. TOWLE:

I was already given the Official Book as part of deal earlier. Somebody went back on that deal already?

P.O. TONNA:

See, it's the Party Leader's Memoirs. All right.

LEG. BINDER:

It's called Giving It Away.

P.O. TONNA:

Anyway, here we go.

MR. BARTON:

15-1, 2 abstentions.

P.O. TONNA:

This might be the shortest book ever written. I can have -- I have a couple of one-liners about the shortest book ever written. Okay. Lets go on.

1695 (Reappointing Michael J. Sacca to the Suffolk County Community College Board of Trustees). I'll make a motion to approve, seconded by.

LEG. CARPENTER:
Second.

P.O. TONNA:
-- Legislator Carpenter

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LEG. FOLEY:
Motion to table.

LEG. BISHOP:
Motion to table.

LEG. TOWLE:
Second.

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

LEG. FOLEY:
Motion to table.

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

(Opposed Said in Unison by Legislators)

P.O. TONNA:
Okay.

LEG. CARPENTER:
Roll call.

P.O. TONNA:
Roll call.

(Roll Called by Mr. Barton)

LEG. FOLEY:
Yes to table.

D.P.O. POSTAL:
Yes.

LEG. COOPER:
Yes.

LEG. BINDER:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

No.

LEG. CRECCA:

No.

LEG. CARPENTER:

No.

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LEG. ALDEN:

Nope.

LEG. FIELDS:

Yes.

LEG. LINDSAY:

Yes.

LEG. HALEY:

Pass.

LEG. FISHER:

Pass.

LEG. CARACAPPA:

No.

LEG. TOWLE:

Yes.

LEG. GULDI:

Pass.

LEG. CARACCIOLO:

No.

P.O. TONNA:

Nope.

LEG. HALEY:

Yes.

LEG. FISHER:

Yes.

LEG. GULDI:

Yes.

MR. BARTON:

11.

P.O. TONNA:

Okay, tabled.

SENSE RESOLUTIONS

All right. Sense Resolution Number 30 (Memorializing resolution requesting State of New York to authorize Drug and Alcohol Rehabilitation Program through Suffolk County dedicated fund), Legislator Fields, seconded by Legislator Postal. All in favor? Opposed?

MR. BARTON:

18.

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LEG. FIELDS:

Motion to table.

P.O. TONNA:

Oh, motion to table by Legislator Fields, seconded by myself. All in favor? Opposed? Tabled.

MR. BARTON:

18.

P.O. TONNA:

Sense 40 (Memorializing resolution requesting State of New York to adopt official New York State Book). Motion by Legislator Binder?

LEG. BINDER:

Yes.

P.O. TONNA:

Seconded by --

LEG. COOPER:

Second.

P.O. TONNA:

Seconded by myself. I think this is deeming of a State issue. I'm joking. I'm joking.

LEG. GULDI:

What is it you're running for?

P.O. TONNA:

Second -- seconded by Legislator Guldi. All in favor? Opposed?

LEG. BISHOP:

I think you're letting the power get to their head.

LEG. GULDI:

Abstain.

P.O. TONNA:

Oh, you're an abstention? All right Legislator Carpenter is going to second this. All in favor opposed? I'm opposed.

LEG. ALDEN:

Abstain.

LEG. GULDI:

I'm abstaining.

P.O. TONNA:

All right.

LEG. CRECCA:

I'm abstaining also.

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P.O. TONNA:

Here we go. All right. Sense 51 (Memorializing resolution requesting State of New York to repeal municipal liability for medical malpractice). Motion by Legislator --

MR. BARTON:

14-1, 3 abstentions (Sense 40).

LEG. BISHOP:

On 51, I have a question.

D.P.O. POSTAL:

I have a question on that.

LEG. FOLEY:

Can I have an explanation on this, please?

P.O. TONNA:

Okay.

LEG. BISHOP:
On 51, Counsel --

LEG. COOPER:
Abstain.

D.P.O. POSTAL:
Do we have a motion?

LEG. BISHOP:
Paul, run the meeting before you --

P.O. TONNA:
I said go ahead.

LEG. BISHOP:
Okay.

D.P.O. POSTAL:
But we need a motion and a second.

LEG. BISHOP:
Is there a motion?

LEG. BINDER:
Motion.

D.P.O. POSTAL:
Motion by Legislator Binder.

P.O. TONNA:
Yeah, there's a motion to approve, seconded by myself.

LEG. BISHOP:
Okay. On 51. Is -- Counsel, does this mean that if somebody is harmed by a doctor who works for a municipality, they have no

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recourse? Is that --

MR. SABATINO:
No. What it means -- the current law, under Section 50(D) of the State Municipal Law, is that the municipality is responsible for the malpractice of its doctors, dentists, podiatrists, whatever. This says that if the repeal takes effect, then the individual doctor, dentist or podiatrist would be responsible.

LEG. BINDER:

No, no. Mr. Chairman.

D.P.O. POSTAL:

Yes.

LEG. BINDER:

Madam Chair, can --

D.P.O. POSTAL:

Legislator Binder.

LEG. BINDER:

Thank you. Let me add to that. The problem is we have a number of contract hospitals. We have different -- as you know, we own some of the hospitals, we run our -- centers we run ourselves and we have contracts. In those that we have contracts for, doctors are actually attached to hospitals. We don't have the choice to -- whether we're going to take the liability for medical malpractice or have the hospital take it out. I'm not -- because we're not talking really about individual doctors as much as hospitals covering their doctors that when we contract with them. I think, and I think it would be right for the County, to have the hospitals covering their doctors, since we're paying everything. They give us a voucher, they give us a bill, we cover it, that's how it works. They should be covering the medical malpractice. Otherwise, everything keeps coming back to the County with their doctors that we have very little supervision over. And when you're in Ways and Means sitting there in executive session and listening to some of what the contract doctors we don't have supervision over and we're liable, and the numbers that we're coming up with, I think that this is not the way we should be having to take care of the insurance medical malpractice insurance for these particular doctors. So I'm hoping that we can change State law, get them to start thinking about it, to let us decide between us and the hospital who's going to cover the doctor.

LEG. CARACCIOLO:

So, Madam Chair.

D.P.O. POSTAL:

Legislator Caracciolo.

LEG. CARACCIOLO:

A resolution would require the State --

LEG. BINDER:

Ask.

LEG. CARACCIOLO:

Request the State --

LEG. BINDER:
Right.

LEG. CARACCIOLO:
-- to require the hospital provider --

LEG. BINDER:
No, no. It would ask the State to withdraw or repeal that section of the law that requires us to be the insurer. It would then allow us to negotiate, because somebody is going to have to insure it. You know, you can't put doctors out there --

LEG. CARACCIOLO:
But let me ask you.

LEG. BINDER:
Sure.

LEG. CARACCIOLO:
If a doctor is working for a private hospital as a contractor, independent contractor for the County, the individual involved still has a right to sue that doctor and the County. I mean, you're not really, you know, eliminating -- you're not removing the County's exposure.

LEG. BINDER:
They do, but the -- yes, but the first insurance that would be attacked would be, let's say, a hospital's insurance.

LEG. CARACCIOLO:
I mean, so we understand it --

LEG. BINDER:
We might save a lot of money.

LEG. CARACCIOLO:
I understand what you're saying, but --

LEG. BINDER:
We'd only be last resort.

LEG. CARACCIOLO:
But I don't think you will, because the fact of the matter is whenever you have a governmental agent involved, the person that's been, you know, at the other end of this will sue both that individual and the municipality involved, so --

LEG. BINDER:

But at least the first money that comes down is theirs.

LEG. CARACCIOLO:

I think you have a well-intended proposal, but at the end of the day,

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I don't think it's going to do very much. Okay.

D.P.O. POSTAL:

Legislator Foley.

LEG. FOLEY:

Yeah. Given that explanation, and considering that the Health Committee, we interact quite often with community losses that have contracts with our health centers, perhaps, on the face of it, they would be opposed to the resolution, but, at the same time, I would still like to get their sense of things before moving ahead. So at least today, as one Legislator, I won't be able to support the resolution. And considering the fact that the State won't be going into session until next year, that I don't think there's a great haste to pass this today anyway.

D.P.O. POSTAL:

Well, I will just, having put myself on the list, say that this just gives us some options in terms of negotiating. And I would, without being critical of the contract hospitals, I would assume that the contract hospitals would be in strong opposition to this, because, you know, but -- so I'm going to support this, because it doesn't prevent us from providing malpractice insurance when it's to our advantage, when it enables us to employ a physician that, for example, Tri-Community or Riverhead, specifically because we're going to be doing that, but it gives us the ability not to do that when it's not in our best advantage to do so. I think we have a motion by Legislator Binder.

LEG. CARACCIOLO:

Well, wait, Madam Chair.

D.P.O. POSTAL:

Legislator Caracciolo.

LEG. CARACCIOLO:

Legislator Binder made reference to, apparently, if you sit on the Ways and Means Committee's -- Committee, there have been a number of these settlements or judgments against County physicians. You mentioned an important aspect of that. We contract out with private physicians for our health centers. What is the context of your remarks?

D.P.O. POSTAL:
I'm saying that --

LEG. CARACCIOLO:
Not yours, his, where Allan made the reference to the County being subject to lawsuits on behalf of contract -- contractors. Are we talking about those working in the health clinics, or are we talking about those working in a hospital.

D.P.O. POSTAL:
I assume we're talking about both, that we have -- this would free us from mandatory --

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LEG. CARACCIOLO:
I understand that. I understand that.

D.P.O. POSTAL:
-- coverage, so it could be either one.

LEG. CARACCIOLO:
My question to Legislator Binder was, the judgments that you have been subject to in the Ways and Means Committee --

LEG. BINDER:
Health.

LEG. CARACCIOLO:
The majority of them are in which context?

LEG. BINDER:
The context is health centers.

LEG. CARACCIOLO:
Okay.

LEG. BINDER:
In our centers, we have -- we use doctors from hospitals and they treat County patients going to the County. But I could tell you, in the case of Huntington Hospital, in that case, they're actually covered by Huntington Hospital. So, if there was a lawsuit, it might not -- never get to Suffolk County, because their medical malpractice would cover something that would happen in the Dolan Health Center.

LEG. CARACCIOLO:
But, as an attorney, is there anything to preclude the victim of that doctor's misdeed of suing the doctor and the County?

LEG. BINDER:

No. It's fine, they can bring the County in, but if one party has the malpractice insurance, and if the lawsuit was settled at \$100,000, and the coverage was for a half a million, it would never see -- we would never see any liability, because --

LEG. CARACCIOLO:

But, conversely, if you had a judgement for a million and the policy was only for a half a million, who picks up the tab?

LEG. BINDER:

We just saved a half a million. The point is that at least there's other money that comes before us, so we're still saving money. If the hospital's malpractice covered up to a half a million and it was a million dollar coverage, then --

LEG. CARACCIOLO:

Judgement, judgement.

LEG. BINDER:

Well, or a settlement, excuse me, we'd cover only half a million. If there's no cover -- if we cover the whole thing, we're on the hook for

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the whole million. So there's --

LEG. CARACCIOLO:

But my -- your experience in the committee has been which instance?

LEG. BINDER:

At a health center level, because that's where we provide patient care through contract hospitals. I'm not saying that we would turn to them and put it on them immediately, I don't know if we can, but as Legislator Postal said, this is about having a negotiating tool. We should have that tool to talk to the hospitals about in the whole package of how we relate to the hospital, whether that's something we should look at to protect the County.

LEG. CARACCIOLO:

I understand what you're trying to achieve.

LEG. BINDER:

County taxpayers.

LEG. CARACCIOLO:

I don't know that you can achieve it. Legislative Counsel.

LEG. BINDER:

Well, that will be counted, the savings.

LEG. CARACCIOLO:

If a victim of a malpractice suit in a County health clinic came to you, who would you pursue, as far as trying to seek damages and retribution -- not retribution, but, you know, relief?

MR. SABATINO:

You pursue everyone. But what Legislator Binder's proposal would do is make it a little bit more difficult for the plaintiff's attorney, because, right now, the State law, as currently written, creates an automatic presumption that if you, as a county, as a municipality, engaged the services of any kind of a doctor, optometrist, whatever the case is, podiatrist, regular doctor, surgeon, there's a presumption under the statute that that person or individual is an employee, and, therefore, you take on liability. If this were to be repealed, you would still have the ability to sue all of those parties, but at least the County at out of the box wouldn't be in as disadvantage a position, because they could try to make the argument that independent contractor, we weren't supervising, you know, we're not responsible --

LEG. CARACCIOLO:

Okay.

MR. SABATINO:

-- and you try to shift the liability. It's not a hundred percent panacea, but it would make it more difficult for the plaintiff's attorneys.

D.P.O. POSTAL:

Okay. All in favor? Opposed?

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LEG. GULDI:

Abstention.

LEG. FOLEY:

Opposed.

D.P.O. POSTAL:

Abstention, Legislator Guldi.

LEG. BISHOP:

Behind you.

D.P.O. POSTAL:

Are you abstaining, Legislator Caracappa -- Caracciolo. And abstention by Legislator Bishop? You're opposed?

LEG. FOLEY:

Abstention.

D.P.O. POSTAL:
Abstention, Legislator Foley.

P.O. TONNA:
I have to abstain. I think I may have to abstain.

D.P.O. POSTAL:
Abstention, Legislator Tonna, Presiding Officer Tonna.

P.O. TONNA:
Okay. We have in front of us --

MR. BARTON:
Nine. (Not Present: Legs. Fisher, Haley, Carpenter, Crecca and Cooper)

LEG. BISHOP:
It fails.

D.P.O. POSTAL:
It failed? Okay.

P.O. TONNA:
Home Rule 7.

MR. BARTON:
So many people were out of the room.

P.O. TONNA:
Okay. Home Rule 7, is anybody pushing this? Okay.

LEG. ALDEN:
I'll make the motion to approve it.

P.O. TONNA:
To approve?

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D.P.O. POSTAL:
Why?

P.O. TONNA:
I'll make a motion to table.

LEG. BINDER:
I'll second it.

LEG. BISHOP:

Second the motion to table.

LEG. CRECCA:

Second the motion to table.

LEG. BINDER:

Opposed to tabling.

LEG. ALDEN:

Opposed.

P.O. TONNA:

All in favor? Opposed? We have CN's, and we have motions to lay on the table.

LEG. GULDI:

Motion.

P.O. TONNA:

Yeah, I got two CN's. CN Number 1850 (To Change date use of picnic area at Lakeland County park by Daphne's Divine Dance and 3 -D Studios Creative Arts Foundation for festival and fund drive).

LEG. GULDI:

Motion.

P.O. TONNA:

Motion by --

LEG. FOLEY:

I don't see it. What is it.

LEG. CRECCA:

Excuse me. I don't have any CN's. Oh, I do, I do.

P.O. TONNA:

Okay. A motion. Motion to approve by Legislator Guldi, seconded by -- oh, a motion to approve by Legislator Fields, seconded by Legislator Guldi. All in favor? Opposed? (Vote: 18)

LEG. CRECCA:

Whoa, whoa, what is it? I'm sorry.

LEG. CARPENTER:

Wait a minute.

LEG. CRECCA:

Give us a minute.

P.O. TONNA:
3-D Studios, or something.

LEG. ALDEN:
Picnic area change. Change the day for a picnic area.

P.O. TONNA:
They're deadlines for using parks. Number 1891 (Authorizing use of Maritime Museum in West Sayville County Park Property by the Rotary Club of Sayville for Fund-raising Barbeque Fund-raiser) is a motion by Legislator -- I guess by myself, seconded by Legislator Fields. All in favor? Opposed? Great. (Vote: 18)

Okay. There's a motion to lay on the table 1907, 1908, 1909 and 1910.

LEG. ALDEN:
Every one an emergency.

LEG. GULDI:
Second.

P.O. TONNA:
Motion, seconded by Legislator Guldi. The motion to -- 1907 is going to lay on the table, waive the rules and assign to Environment. 1908 is to assign to Environment and then Finance. 1909, Ways and Means. And 1910, Public Safety and Finance. All in favor?

LEG. FOLEY:
Mr. Chairman, can we have 1908 go to the Health Committee, since it is a grant from the --

P.O. TONNA:
1908?

LEG. FOLEY:
-- from the Health Department? It's public health.

P.O. TONNA:
Okay. The reason why -- our Legal Counsel has told me the reason why we made that determination is because it's the Division of Environmental Quality.

LEG. FOLEY:
It's Environmental Quality, but -- all right. But those who do the work, it's really for health, public health purposes that they do -- but it's a State grant. All right, fine. Fine.

P.O. TONNA:
Okay. You want it as a subcommittee?

LEG. FOLEY:

No, that's all right.

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P.O. TONNA:

Okay. All in favor? Opposed? Great. Now, Charlie Bartha is here. Charlie? How are you, Charlie. Okay. Charlie, come on up here if a second. I know, Legislator Caracciolo, you had a couple of questions and stuff. Okay. And then after that, we're going to go to executive session. All right?

LEG. CARACCIOLO:

Thank you, Charlie, for making yourself available. Two resolutions, 1661 and 1664 have been on our agenda as tabled resolutions for sometime. I think part of the reason has been that the full Legislature hasn't had the benefit of the information you could provide to, hopefully, encourage a resolution to approve. So, if you could just summarize both resolutions and the importance of their approval, I think we might be able to do that today. I would hope we could do that today.

MR. BARTHA:

The Resolution 1661, with respect to traffic signal improvements, that's how we fund new traffic signal installations, as well as improvements to existing traffic signals, to make them more modern, to -- when left turn requirements are determined. Typically, these are initiated when we get requests from the general public. We get petitions, we get contacted by Legislators that there's a -- they believe there's a problem in a particular area, and we'll do a traffic study with our own staff. Then we proceed with the -- with the design and we hire a contractor to do the installation, provided we find it to be warranted.

LEG. CARACCIOLO:

The failure of the Legislature to consider and approve these resolutions in a timely manner, what effect does that have on the motoring public?

MS. BARTHA:

Well, virtually every signal that we are installing or making an improvement to, the intention is to promote traffic safety and pedestrian safety, so it would have a negative impact by not proceeding with it.

LEG. CARACCIOLO:

I mean, we could, in fact, be derelict in not fulfilling our responsibilities to provide these improvements in a timely manner by not adopting this resolution.

MS. BARTHA:

I would be loathe to say that.

LEG. CARACCIOLO:

Well, I'm sure you would be, but I would think that's -- if someone at one of these intersections were involved in an accident and they were aware that the County had plans to make an improvement and that improvement was being withheld -- and I'm not sure why it's been tabled this long, and some of the people who have voted to table this time and time again I think have left the room already, so I'd like to make a motion at this time to approve 1661.

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P.O. TONNA:

Okay. Charlie, this is our major concern, I think. And you hate to paraphrase or try to speak for other Legislators, because you always miss something in the translation. We still have a major concern with regard to approving Capital Budget items, bonding for them, and then knowing that five years down the line, four years down the line, they're still not done. We understand that there's -- I mean, you know, it's huge resources with regard to Public Works. The concern that we want, we want some dialogue. We see that there are still County Executive resolutions coming to approve capital projects when we know that it might be three, four, five years until we get to those projects. And I guess there are some Legislators that feel frustrated, that we're not getting clear answers to either why this is -- I mean, I for one would say, if we need more resources in the Department of Public Works, let's get more resources in the Department of Public Works, if we're going to expedite certain capital projects, or whatever else.

So the availability is an issue to answer these questions and to find out what are the priorities, what aren't priorities. And I think, in a certain sense, Legislators generally like to approve capital projects, but three, four years down the line, when people say, "Well, we approved that four years ago, how come it hasn't been done," or anything else like that, there's some marked frustration. So that's where we are. Is that -- I mean --

LEG. CARACCIOLO:

Mr. Chairman, I thank you for that clarification, but I would make the point that not to approve a resolution like this, that is going to assist all of our constituents, those who drive automobiles and those who are involved in commerce, is dereliction on the part of the Legislature.

P.O. TONNA:

Well, it is if the Department of Public Works is going to get to it.

LEG. CARACCIOLO:

Well, that's another issue. We should do our job and they should do theirs.

MR. BARTHA:

If I could answer the Chairman's question.

P.O. TONNA:

All right, yeah. And then Billy had some questions and some other people. But thanks, Charlie.

MR. BARTHA:

I do want to address this issue, and we have -- we understand the Legislature's concern. We've been -- we've had some dialogue with the Presiding Officer's staff, as well as the Chairman of Public Works' staff and Legislator Bishop. We are making a uniform reporting mechanism, which I think you'll find much more clearer than the way we've reported to you in the past.

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When you look at the projects, you find it's really very few projects that are actually money was appropriated three to four years ago and no work has been done on them. There are reasons that projects reach a certain stage and then appear to be stalled. There's the public participation process, there's the SEQRA process, there are permit processes that we go through. So I believe that we do have a very good handle on the Capital Program. I think this tool that we will be presenting you with will convince you that we have a good handle on it. And this particular resolution, which addresses traffic signals, we have staff that this is what they're committed to, doing the traffic studies and doing the designs for the installation. So this is part of an ongoing continuing program that we've had for years.

LEG. CARACCIOLO:

Charlie to date, have there been any delays in the Traffic Safety Division and others involved in the design and installation of these devices, any back logs? I mean, we hear about backlogs in other areas, but specifically in this area, are there any current backlogs.

MR. BARTHA:

Yes, there is a backlog, but the backlog will be a result of not having funding to go ahead with the work.

LEG. CARACCIOLO:

Okay. So it's not because of staffing, it's not because of contracting out the installation of the traffic signal devices, it's simply because, right now, you're waiting for appropriations.

MR. BARTHA:

Right.

LEG. CARACCIOLO:

Right. So, Madam Chair, I urge my colleagues that we should not be those responsible for keeping from the public that they pay with good tax monies, improvements in our road and traffic safety systems.

D.P.O. POSTAL:

Legislator Lindsay.

LEG. LINDSAY:

Yeah, Charlie, I'm sorry the rest of my colleagues aren't here, because this has been a subject around the horseshoe that's prevailed for the last couple of meetings. And the feeling is that the Department goes ahead and only does the projects that they want to do and shuffles the ones that they don't want to do on the side for whatever reason, almost like a de facto veto by the Department, and, as a result, the feeling here and what we're seeing here is they're not approving a lot of worthwhile Public Works projects not to add to the backlog.

MR. BARTHA:

Well --

LEG. LINDSAY:

And I would love to hear your comments on that -- on those feelings.

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MR. BARTHA:

That's certainly not the case. In fact, there have been traffic signal installations that we've opposed, the Legislature's approved. We've gone ahead with those installations. One has recently been completed in Center Moriches. There have been other projects that come up and we certainly don't always agree with what is adopted or considered, but we give our opinion, but we understand that the Legislature is the policy-makers and we proceed to do the work. We can't get everything done at once, as I've been telling people with respect to this backlog concept. Any large company, particularly engineering or an architectural company, you have to operate with some sort of backlog, because, if you don't, what happens to your staff? You have to have a stable staff in order to be able to do the work.

LEG. LINDSAY:

If we stopped -- if we stopped approving new Public Works projects, would that help you?

MR. BARTHA:

No, it would not help us.

LEG. LINDSAY:

Is there any plans afoot to catch up on the backlog?

MR. BARTHA:

Well, right now, we certainly -- this isn't the direction that you're going, but we're going to be impacted by the -- by the retirement incentive. We're losing --

D.P.O. POSTAL:

Charlie, can I just interrupt you for a minute. And can I ask all members of the Legislature, we've waited for I don't know how many meetings to get answers to some of these questions, and now it's really important that everybody be attentive, both for your own sake and for the sake of your colleagues who can't hear Mr. Bartha's answers. So, please, be attentive. Go ahead, Charlie.

MR. BARTHA:

Okay. I was saying that the retirement incentive will impact us. It will have a negative impact on being able to get capital projects out. We're trying to develop a plan to minimize that impact and present to you -- present to the Exec's Office and yourselves how we can best deal with that. But to stop funding capital projects I don't think is the answer. I believe, when you see this tracking tool that we have discussed with Legislator Caracappa and Legislator Bishop and Presiding Officer Tonna's staff, you will recognize that we don't have the backlog that by some, frankly, I consider an accounting machination that showed a 3.4 year backlog.

There's a lot of projects that are well underway, they're very large projects. These large engineering projects are anticipated to take four years through the public participation process, the design, the SEQRA process, the approval by State DOT. That's how long they're scheduled for under the best of circumstances. Some of the major construction projects that we have under design are -- take a good two years to be designed and longer, when you have some of the problems

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you have to work out with the user groups to make it a good project. When we put out the Court project for construction, that will be a two-year construction project. All the money has to be appropriated up front in order for us to enter into a contract. So you'll be, hopefully, authorizing a 30 some-odd million dollar project and we will be spending that money over a two-year period. So that's going to show as this big spike in monies that are appropriated, and it will look like, when you add up all the numbers, that there's this backlog. But I think, when you look at this tracking tool that we'll be providing you, you'll see the stage that these different projects are at with respect to percent completion.

LEG. LINDSAY:

When will we be able to see this tracking?

MR. BARTHA:

In September.

LEG. LINDSAY:

In September.

MR. BARTHA:

And one thing, you know, I'm -- we are, I believe, responsive to Legislators, any projects that Legislators are interested in, and no specific projects have been brought up that there's the perception that Public Works is intentionally delaying.

LEG. LINDSAY:

We had two items tabled today, 1661, which Legislator Caracciolo is -- presented a motion for reconsidering on that, Mike?

LEG. CARACCIOLO:

No, it has to be Fred Towle, he's on the prevailing side.

LEG. TOWLE:

I'll make a motion.

LEG. LINDSAY:

Okay, okay. And 1664, which had to do with the painting of bridges. Could you tell us what the net effect of not moving forward on those projects would be?

MR. BARTHA:

Well, not moving forward with the traffic signal improvements, 1661, will have -- will result in more traffic congestion and less traffic safety. The resolution with respect to painting of bridges, this is a bridge that goes over a portion of the Bay in Westhampton. It's a severe environment. The bridge needs to be painted. Without painting, you get deterioration of the steel, which leads to much more costly rehabilitation in the long run. Several years ago, we were in that kind of position. We've managed to have sufficient funds appropriated in the last several years to be able to properly maintain the County's infrastructure, and I urge you to do that.

LEG. CARACCIOLO:

Madam Chair.

D.P.O. POSTAL:

Hold on, there's a list.

LEG. CARACCIOLO:

Just a quick follow-up to the last statement made by the Commissioner.

D.P.O. POSTAL:

You know, there is a list. If Legislator Haley, who's next on the list, will yield to you, that's fine, but he's next.

LEG. HALEY:

Just a quicky?

LEG. CARACCIOLO:

Just a quick follow-up question.

LEG. HALEY:

Quicky, yeah. Then I don't have a --

LEG. CARACCIOLO:

Thanks, Marty. Charlie, I remember in the early '90's when the County was financially strapped, and the reference you made to -- I remember back then, you used to come and report as the Deputy Commissioner how we were on the hit list of the State for having a number of our bridge structures being cited for being insufficiently and possibly in structural danger. So I think we all should appreciate that by providing the funding on a regular basis. The Department has been able to keep up and keep these structures not only in better condition, but more cost effectively dealing with the issues that, you know, a harsh environment imposes on those bridges.

MR. BARTHA:

Absolutely. And it's very easy to backslide and you backslide rapidly and it's difficult to catch up.

D.P.O. POSTAL:

Legislator Haley.

LEG. HALEY:

So, Charlie, the answer is there is no conscious effort by anyone in the Department of Public Works to slow down or to not do capital projects.

MR. BARTHA:

Absolutely. I've been involved in government with the County way too long to try something like that.

LEG. HALEY:

Okay. The other thing is, is what's very interesting, and I know that DPW and other departments in this County want to be team players, but there's no doubt in my mind, what's going to happen when you get this tracking system and you start to answer specific questions about

specific projects, because that's when you find out the answers -- it's easy to try to paint some sort of a global picture or to put some sort of a spin, but when you ask specific questions about specific

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projects, what you'll find out with this tracking system is where the delays are, and you'll find that the delays are typically outside of the Department of Public Works. They may be in the County Attorney's Office, they may be with New York State, or they may be with some other -- some other entity. And I think that's important to note, because once we do that, that will give them the opportunity to show us where the delays are and then we could react accordingly.

I don't think that the Commissioner is going to stand there right now and attempt to cast dispersions in any one particular direction until such time as he has all of that tracking information, and then there's going to be a black and white. When something's delayed, you could say, "You know what, it's been sitting over there for four months and we're waiting for a response." Is that a characterization, Charlie, of --

MR. BARTHA:
Yes.

LEG. HALEY:
-- what you're hoping to do?

MR. BARTHA:
Yes.

LEG. FOLEY:
Motion to reconsider.

D.P.O. POSTAL:
Legislator Towle.

LEG. TOWLE:
Yeah. I'll make the motion to reconsider, since I was on the prevailing side.

LEG. FOLEY:
Second.

LEG. TOWLE:
Commissioner, I just had one question. You went over with the issue of the fact that you've been working with the Public Works Committee, and that's great, and I appreciate that. What do you think is the time frame for you to be looking at a game plan to catch up with some of the backlog that Legislator Caracappa, I guess, presented to us

about two or three meetings ago in regards to some capital programs? There appeared to be a pretty good size list of projects in a whole host of different categories that were just behind. What do you think the time line is to give us some idea of when we're going to have a plan in place to deal with that?

MR. BARTHA:

I think we -- I think we and yourselves really have to see this -- see the list of projects and see whether there is something that, indeed, can be done about it on our behalf, on our part. As Legislator Haley said, this may be part of the environmental review process, may be part of DOT's review, may be part of things that are outside our

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control. Indeed, there may be some that would relate to some staff issues, particularly with this retirement incentive that is in our highway engineering area. We're going to be losing nine or ten people this year. And then there's a -- there's this 20% provision, that we can, you know, fill only 20% of that. I mean, that's certainly going to have an impact on us.

LEG. TOWLE:

Have you seen the list that Legislator Caracappa -- I don't have it with me today, because we've been talking about this for two or three meetings, so I didn't happen to have the list with me this morning. But, I mean, have you seen the list that he had of projects that were behind, or so he said that were behind, I guess?

MR. BARTHA:

That may be a list, and I'm not sure what list -- it's possibly a list that I provided him with that shows what --

LEG. TOWLE:

I think he got it from Budget Review. Fred. Fred, your office produced that list for Legislator Caracappa, didn't it?

MR. POLLERT:

Yes. Actually, we distributed it to all the Legislators.

LEG. TOWLE:

Right.

MR. POLLERT:

That was your request.

LEG. TOWLE:

Right.

MR. POLLERT:

And we also sent a copy to all the Legislators.

LEG. TOWLE:
Right.

MR. POLLERT:
That's the list that comes off the IFMS System on the status of capital projects.

MR. POLLERT:
If you could send a copy to Commissioner Bartha, that would be helpful. And then maybe, Commissioner, you could look at the projects and determine whether or not it's your department that's behind with them. Or if you looked at the list. If you didn't see it, then I don't know.

MR. BARTHA:
Right. I --

LEG. TOWLE:
Yeah.

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MR. BARTHA:
I have seen --

MR. POLLERT:
We could send them a list.

MR. BARTHA:
I have seen that list, I believe, and we've integrated that into our -- into our reporting mechanism, we'll include that. And I believe we have -- that's the list that we used and added a column or columns that show the percent completion, as well as if there's any particular holdup in the comments column.

LEG. TOWLE:
One of the resolutions -- this will be my last question. One of the resolutions dealt with sidewalks, if I'm not mistaken, this afternoon, and it reminded me of the resolution that we had approved some -- it's got to be now six to eight months ago for sidewalks north of Sunrise Highway along William Floyd Parkway. Do you know the status of that by any chance, not that I would --

MR. BARTHA:
Yes. Yes.

LEG. TOWLE:
-- expect you to have all those details, but --

MR. BARTHA:

That particular project we integrated into our Capital Program when it was approved by the Legislature last year. We did the design in-house over the course of the winter. We advertised for bids in late spring, I believe it was in June. We received bids. The bids were within our estimate, and they appropriated funds. The contract has been awarded and we expect construction to start the end of this month and progress, depending on weather, be completed either early -- sometime, we hope, early spring of next year.

LEG. TOWLE:

Okay. Thank you.

D.P.O. POSTAL:

There's a motion to reconsider and a second.

LEG. GULDI:

Second.

D.P.O. POSTAL:

Okay. All in favor? Opposed? Okay.

LEG. TOWLE:

Motion to approve.

D.P.O. POSTAL:

There's a motion to approve.

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LEG. HALEY:

Second.

D.P.O. POSTAL:

And a second by Legislator Haley.

LEG. HALEY:

Which bill?

D.P.O. POSTAL:

Roll -- it's 1661.

LEG. BISHOP:

Is there a bond?

D.P.O. POSTAL:

There's a bond, so we're going to have to roll call. Will all Legislators please come to the auditorium for a roll call vote?

LEG. HALEY:
Charlie, thanks for coming down.

LEG. FOLEY:
Thank you, Charlie.

LEG. GULDI:
Nice to see you, Charlie.

LEG. TOWLE:
Stop by any time.

LEG. GULDI:
Don't go too far.

(Roll Called by Mr. Barton)

LEG. CARACCIOLO:
Yes.

LEG. HALEY:
Yes.

LEG. COOPER:
Pass.

LEG. BINDER:
Yes.

LEG. BISHOP:
Yes.

LEG. NOWICK:
Pass.

LEG. CRECCA:
(Not Present)

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LEG. CARPENTER:
Yes.

LEG. ALDEN:
No to reconsider.

MR. BARTON:
We've already done that.

D.P.O. POSTAL:

No, this is on the bond.

MR. BARTON:
This is on the bond.

D.P.O. POSTAL:
This is on the actual --

LEG. ALDEN:
No on the bond.

LEG. FIELDS:
Pass.

LEG. LINDSAY:
Yes.

LEG. FOLEY:
Yes.

LEG. FISHER:
Yes.

LEG. CARACAPPA:
(Not Present)

LEG. TOWLE:
Yes.

LEG. GULDI:
Yes.

D.P.O. POSTAL:
Yes.

P.O. TONNA:
Yep.

LEG. COOPER:
Yes.

LEG. NOWICK:
Yes

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LEG. CRECCA:
Yes.

LEG. FIELDS:

Yes.

MR. BARTON:

Legislator Caracappa? 16-1 and 1 not present. (Not Present: Leg. Caracappa)

LEG. CARACCIOLO:

Same motion on 1664.

D.P.O. POSTAL:

Same motion, same second, same vote. Is there another motion?

P.O. TONNA:

1664.

LEG. TOWLE:

Motion to reconsider.

LEG. CARACCIOLO:

Second.

D.P.O. POSTAL:

Motion to reconsider on I.R. 1664, Legislator Towle, seconded by Legislator Caracciolo.

LEG. FOLEY:

Is there a bond for this one?

D.P.O. POSTAL:

There is no bond. All in favor?

LEG. ALDEN:

No to reconsider.

D.P.O. POSTAL:

Opposed to reconsideration, Legislator Alden.

LEG. TOWLE:

Motion to approve.

D.P.O. POSTAL:

Okay. Motion to approve, Legislator Foley, seconded by Legislator Towle. All in favor? Opposed?

LEG. ALDEN:

Opposed.

MR. BARTON:

16-1, 1 not present. (Not Present: Leg. Caracappa)

LEG. FOLEY:
Very good.

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D.P.O. POSTAL:
1664 is approved.

P.O. TONNA:
Okay.

LEG. FOLEY:
Good job, Mike.

D.P.O. POSTAL:
Now we're going to move into executive session. Thank you very much. Okay. I'd ask all Legislators, we don't think that this is going to be a long executive session, so I would ask that Legislators please just stay to hear, you know, what's going on.

LEG. GULDI:
Point of -- point of order.

P.O. TONNA:
No microphones.

LEG. GULDI:
Point of order, Mr. Chairman.

P.O. TONNA:
The following people can stay: The law firm of Weitz and Luxenburg, any Budget Review representative.

LEG. GULDI:
Legislative staff. I don't want my Aides to be able to go home.

P.O. TONNA:
A representative from the County Executive and --

LEG. GULDI:
Mr. Chairman, I'd like my staff to stay as well. I don't want them to go home early, I want them to stay.

P.O. TONNA:
All right. And George Guldi's staff. And I'll leave a staff person of mine. Who do I want to put in? Yeah, Ellen. Ellen Martin in my Office.

[EXECUTIVE SESSION WAS HELD FROM 5:30 P.M. TO 5:43 P.M.]

MR. SABATINO:

Resolved, that the law firm of Weitz and Luxenburg is hereby authorized to bring a separate stand-alone action in the New York State Supreme Court in connection with the MTBE litigation against one defendant.

LEG. GULDI:

Motion.

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D.P.O. POSTAL:

Motion by Legislator Guldi, seconded by Legislator Alden. All in favor? Opposed? Motion is approved.

[THE MEETING WAS ADJOURNED AT 5:43 P.M.]

{ } Indicates Spelled Phonetically

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